

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Referral: TPM-2014-40
441-451 Elizabeth Street and 139-141 Franklin Street, Melbourne**

14 April 2015

Presenter: Daniel Soussan, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial referral of a Planning Application at 441-451 Elizabeth Street and 139-141 Franklin Street, Melbourne (refer Attachment 2 – Locality Plan). The application was referred on 6 October 2014, with further information provided on 29 December 2014. The applicant and owner are Goodyear Properties Pty Ltd and the architect is Peddle Thorp Architects.
2. The subject site is located within the Capital City Zone – Schedule 1 and is affected by Design and Development Overlays Schedule's 1, 4, and 14, by a Special Building Overlay and by Parking Overlay Schedule 1. DDO14 sets a height control of 30m for the subject site.
3. The subject application seeks approval for the construction of a 49 storey tower (157m) above a 14 storey podium (46m), comprising 445 dwellings with 1367sqm of retail space over the first three levels (predominantly within the existing heritage building). The Gross Floor Area (GFA) for the proposed development is 46,010sqm.
4. The Melbourne City Council has been given notice of the application by virtue of the heritage overlay, but the application is otherwise exempt from third party notice and appeal rights.
5. Council's delegate objected to an application for a 49 storey tower on this site (refer Attachment 4), which was subsequently refused by the former Minister for Planning on 29 October 2013 (refer Attachment 5).

Key issues

6. Key issues to consider in this application are: the appropriateness of the built form and height having regard to the existing heritage buildings on the site and the DDO control; building setbacks and the impact on amenity of future residents and on the amenity and development potential of adjoining land.
7. The proposal is a gross overdevelopment of the site that fails to respond to the policy provisions of the Melbourne Planning Scheme. It will overwhelm the existing heritage buildings on the site and represents a significant departure from the height controls set out under the DDO. The proposal provides for poor internal amenity and will significantly inhibit the development potential of adjoining sites.

Recommendation from management

8. That the Future Melbourne Committee resolves that a letter be sent to the Department of Environment, Land, Water and Planning indicating that the Melbourne City Council objects to the application on the grounds set out in the delegate report (refer Attachment 6).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Plans
4. City of Melbourne response to previous application
5. Ministers Refusal of previous application
6. Delegate Report

Supporting Attachment

Legal

1. The Minister for Planning is the responsible authority for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

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. Council officers have not advertised the application or referred this to any other referral authorities. This is the responsibility of the Department Environment, Land, Water and Planning acting on behalf of the Minister for Planning who is the responsible authority.

Relation to Council policy

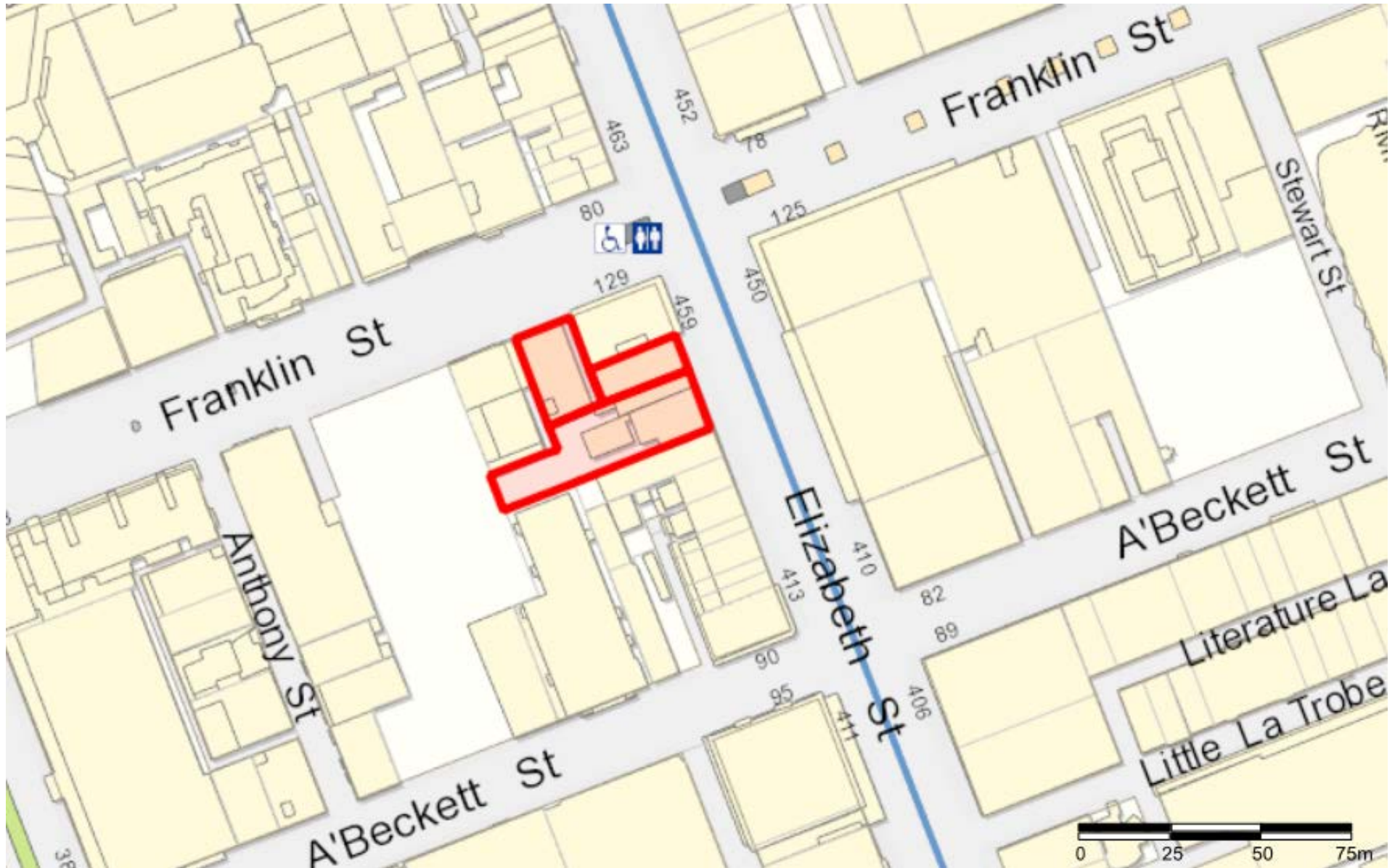
5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 6).

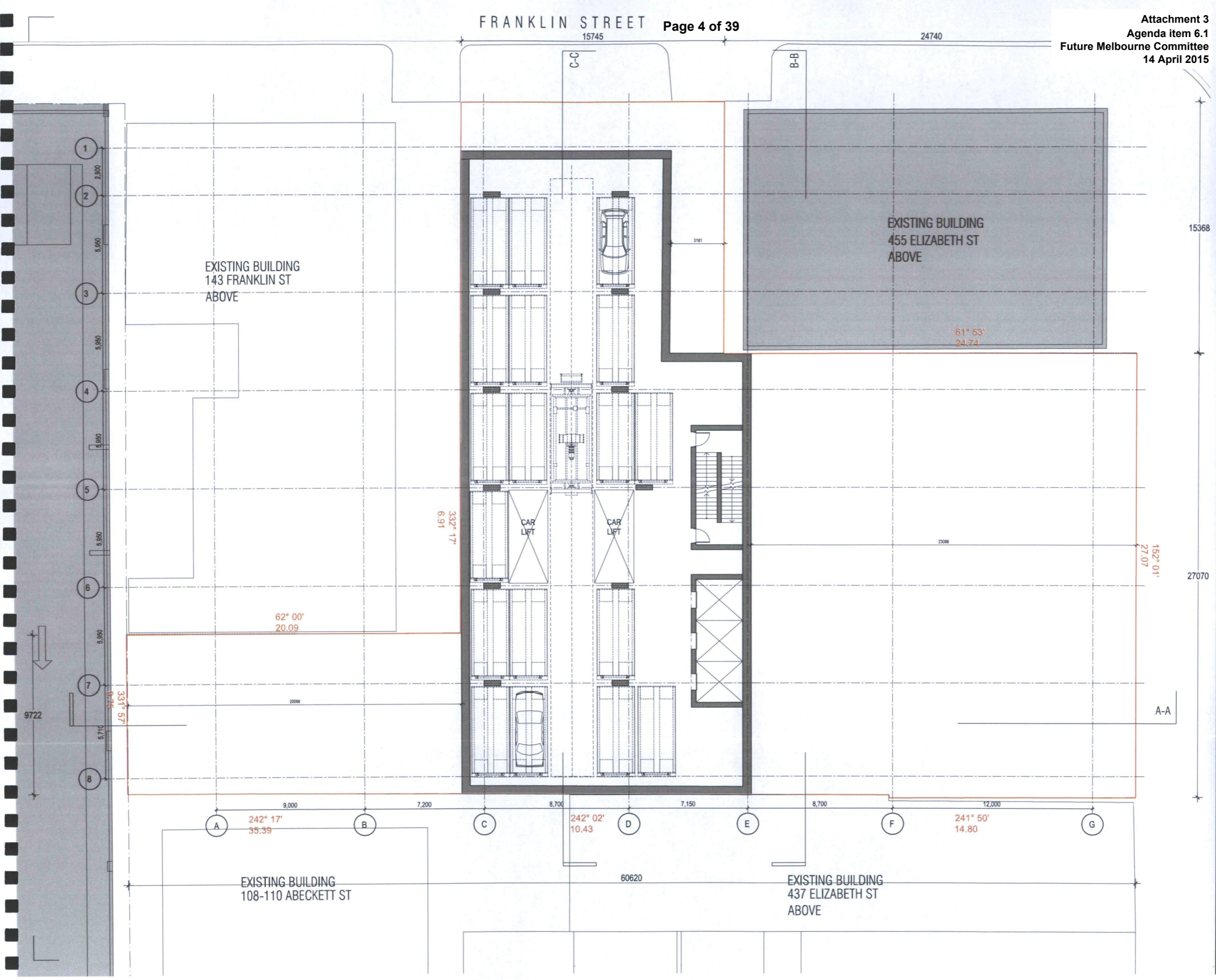
Environmental sustainability

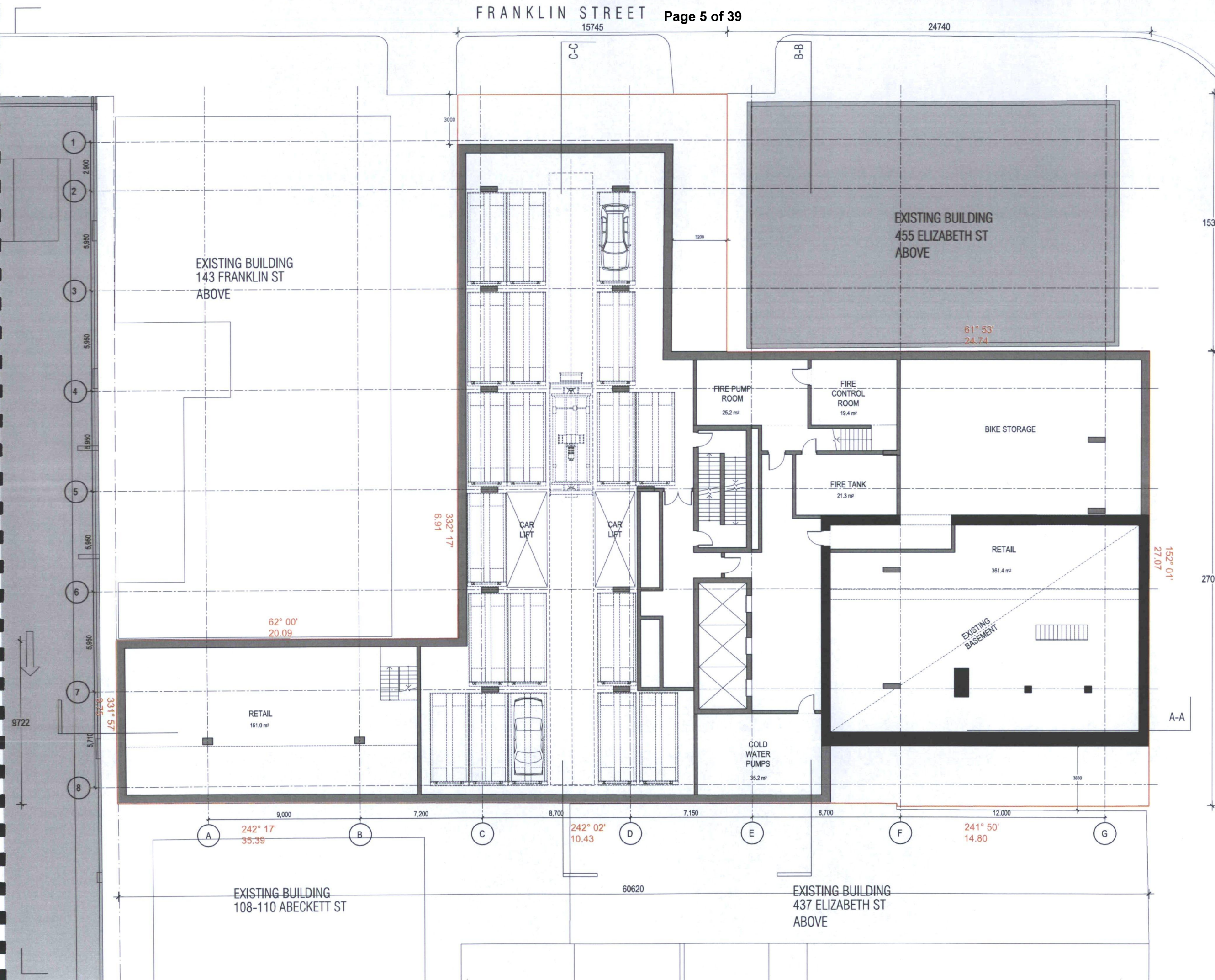
6. Pursuant to Clause 22.19 of the Melbourne Planning Scheme, an environmentally sustainable design statement was submitted with the application. This appears to suggest that the development has the preliminary design potential to achieve a Five Star Green Star Rating.

Locality Plan

441-451 Elizabeth Street and 139-141 Franklin Street, Melbourne







15368

27070

152° 01' 27.07

A-A

EXISTING BUILDING
143 FRANKLIN ST
ABOVE

EXISTING BUILDING
455 ELIZABETH ST
ABOVE

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST
ABOVE

RETAIL
151.0 m²

RETAIL
361.4 m²

FIRE PUMP
ROOM
25.2 m²

FIRE CONTROL
ROOM
19.4 m²

FIRE TANK
21.3 m²

GOLD
WATER
PUMPS
35.2 m²

CAR
LIFT

CAR
LIFT

EXISTING
BASEMENT

BIKE STORAGE

60620

242° 17' 35.39

242° 02' 10.43

241° 50' 14.80

332° 17' 6.91

62° 00' 20.09

331° 57' 9.75

9722

1

2

3

4

5

6

7

8

A

B

C

D

E

F

G

C-C

B-B

15745

2,900

5,950

5,950

5,950

5,950

5,950

5,950

5,950

3000

3200

3850



441-451
Elizabeth
Street
Apartment development

PEDDLETHORPARCHITECTS

Level 1: 525 Flinders Street
Melbourne, Victoria, Australia, 3000
Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
Email: info@pta.com.au http://www.pta.com.au
ACN: 006 975 668

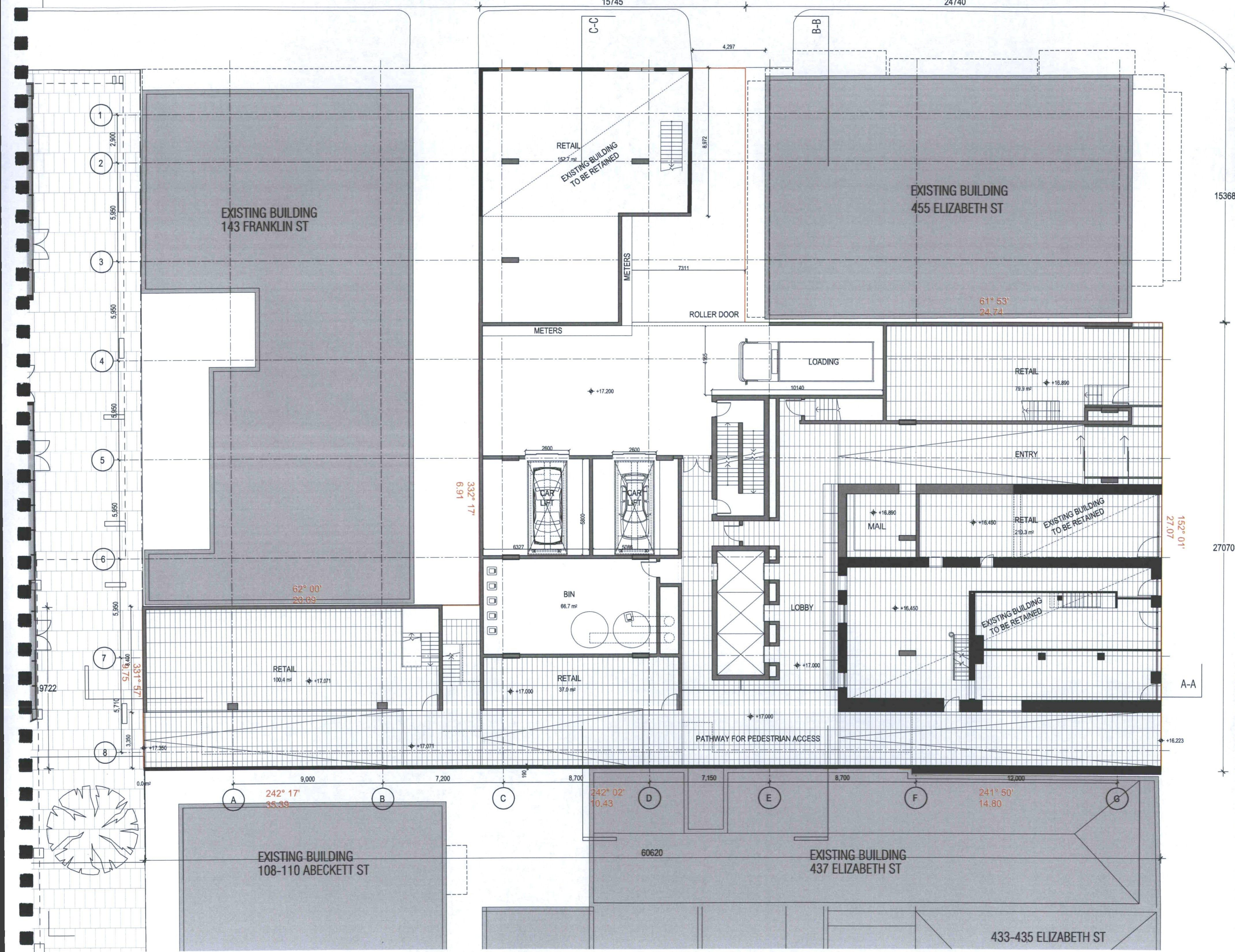
Project No: 30-0499
Issue: TP
Revision: JUN 2014
Design Date: JUN 2014

8.0.4

The Proposal
Ground Floor Plan

1-100

LEGEND



15368

27070

A-A

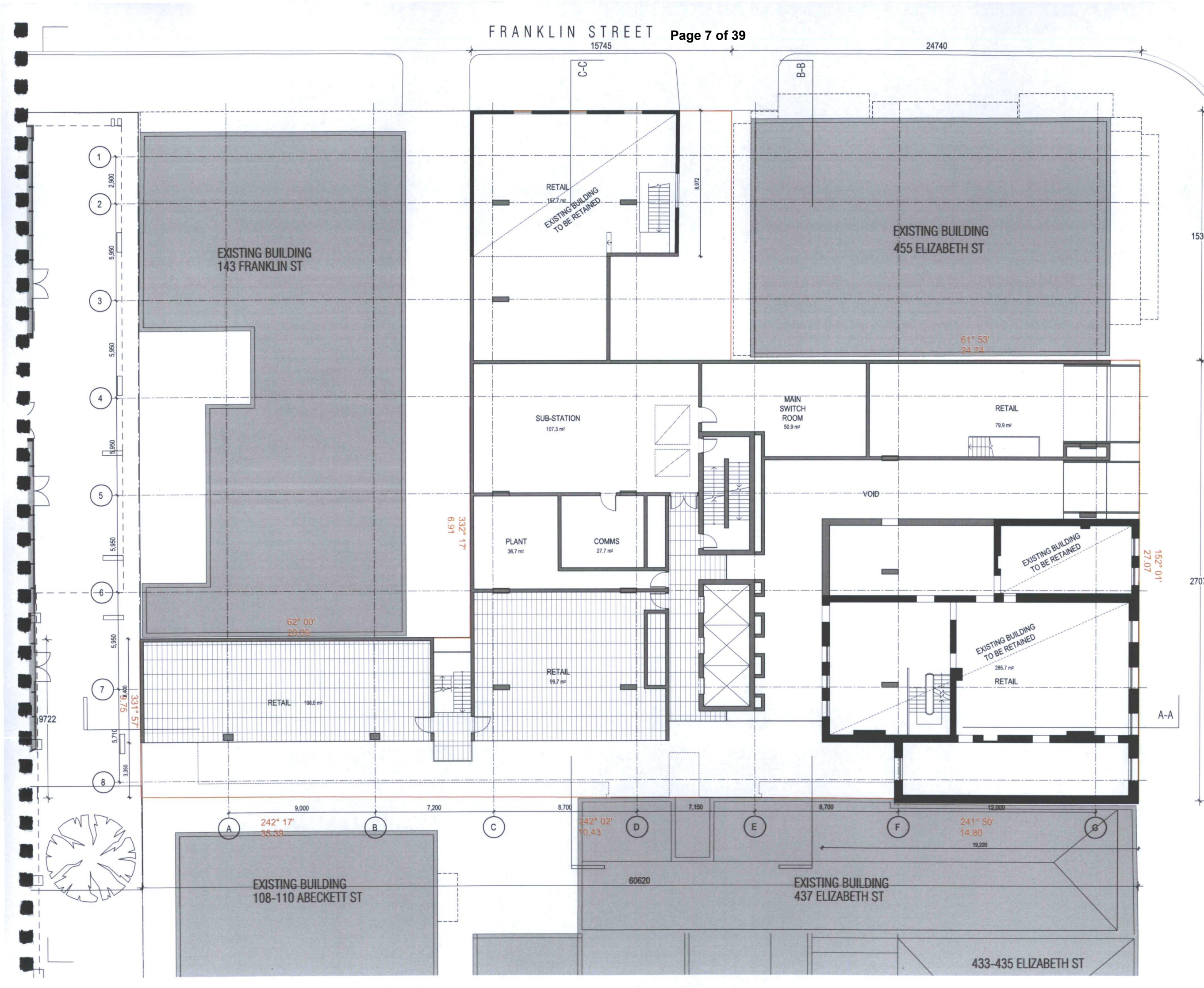
60620

433-435 ELIZABETH ST

8.0.5
The Proposal
Level 1 Plan

1:100

LEGEND



15368

27070

152° 01'
27.07

A-A

61° 53'
24.74

62° 00'
28.89

242° 17'
35.39

242° 02'
10.43

241° 50'
14.80

433-435 ELIZABETH ST

EXISTING BUILDING
437 ELIZABETH ST

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
143 FRANKLIN ST

RETAIL
152.7 m²
EXISTING BUILDING
TO BE RETAINED

SUB-STATION
107.3 m²

MAIN
SWITCH
ROOM
50.9 m²

RETAIL
79.9 m²

PLANT
36.7 m²

COMMS
27.7 m²

RETAIL
99.7 m²

EXISTING BUILDING
TO BE RETAINED
285.7 m²
RETAIL

EXISTING BUILDING
TO BE RETAINED

332° 17'
8.91

1

2

3

4

5

6

7

8

A

B

C

D

E

F

G

60620

15745

24740

8.700

7.200

9.000

7.150

8.700

12.000

2.900

5.950

5.950

5.950

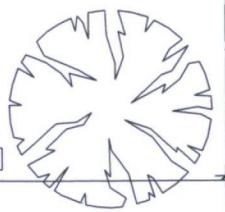
5.950

5.950

0.715

3.350

9722



441-451
Elizabeth
Street
Apartment development

PEDDLETHORPARCHITECTS

Level 1: 525 Flinders Street
Melbourne Victoria Australia 3000
Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
Email: info@pia.com.au http://www.pia.com.au
ACN: 006 975 668

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8.0.6
The Proposal
Level 2 Plan

1:100

LEGEND

15368

27070

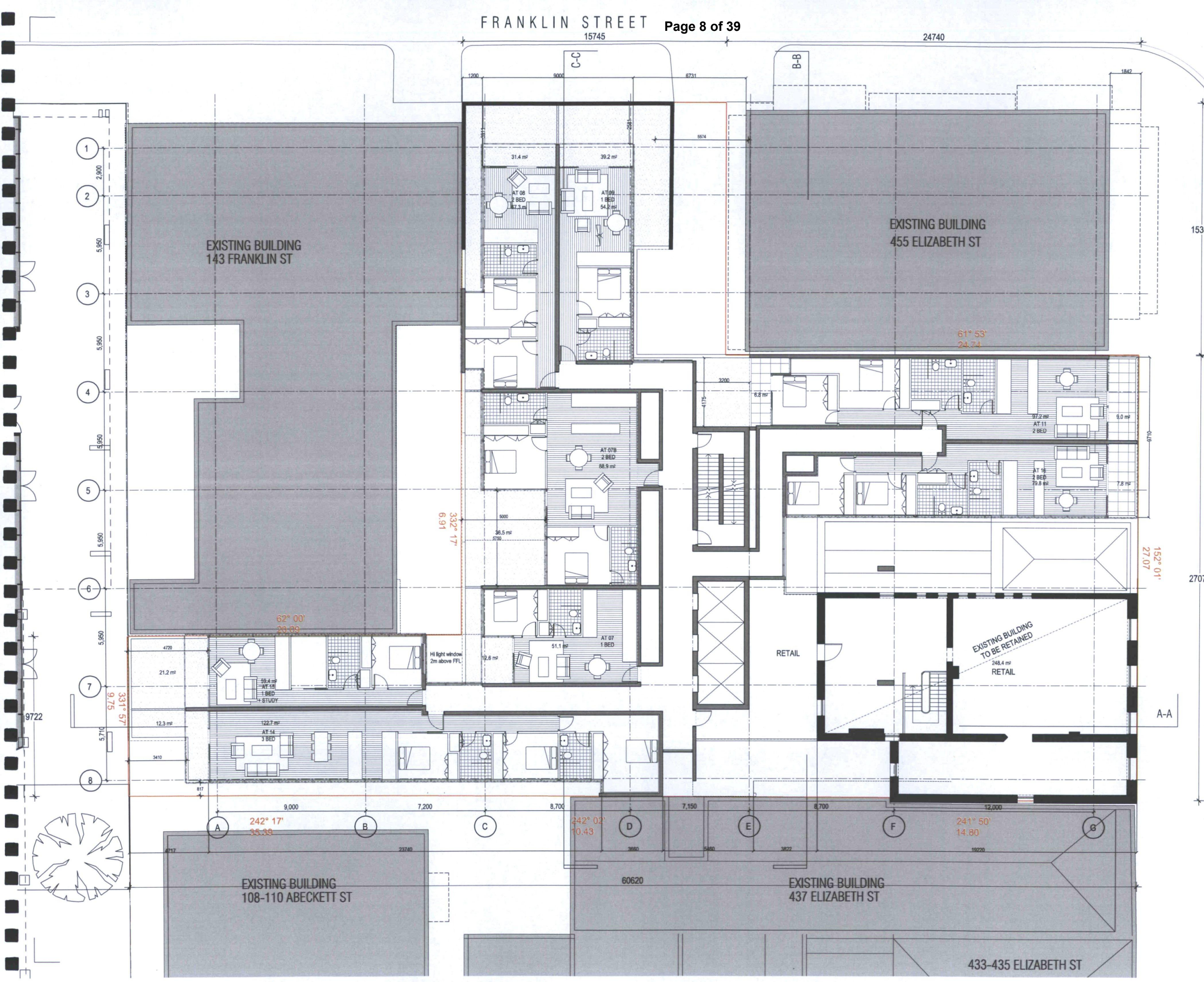
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143 FRANKLIN ST

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST

433-435 ELIZABETH ST



441-451
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Street
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Level 1: 525 Flinders Street
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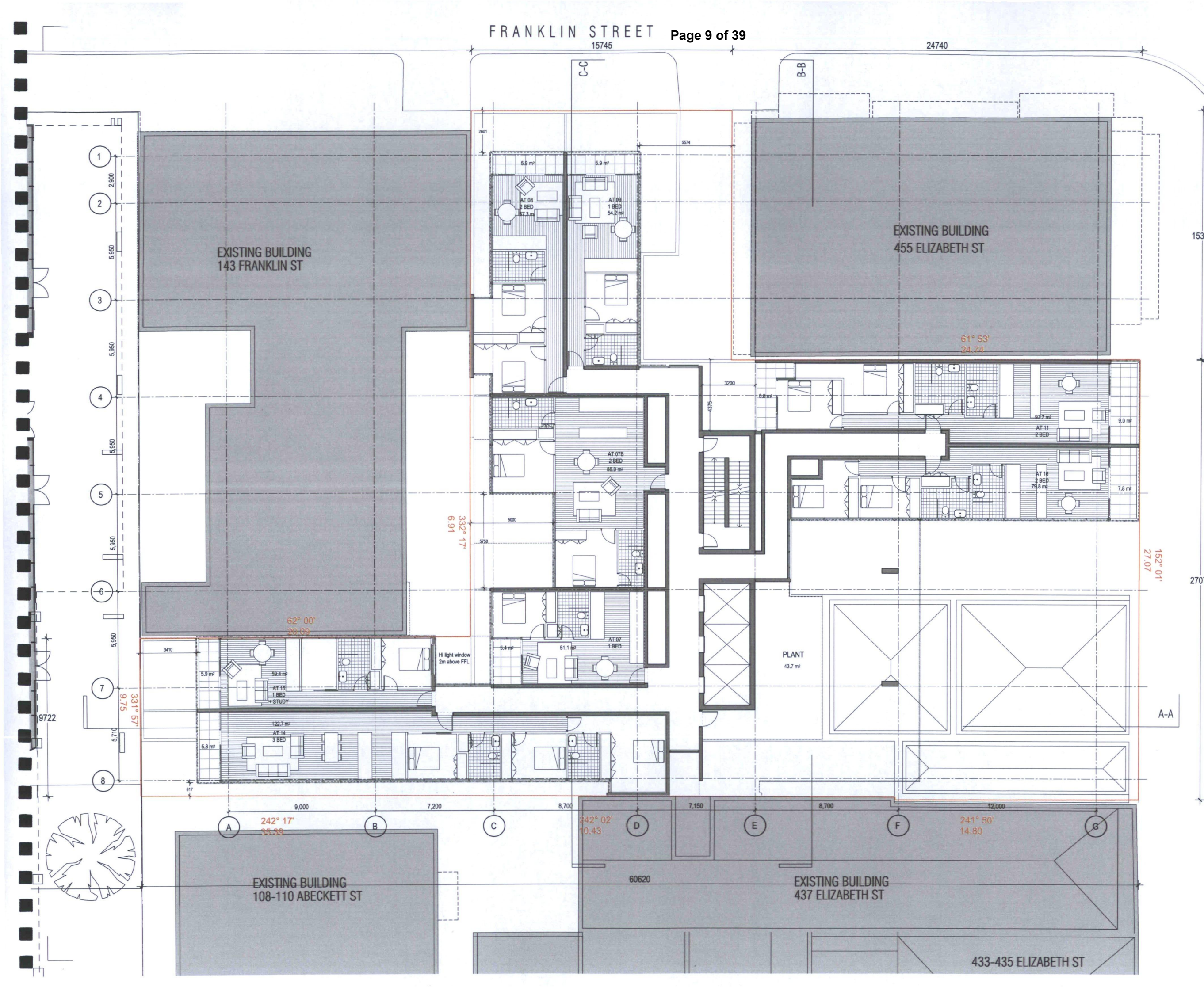
8.0.7
The Proposal
Levels 3 Plan

0
1:100

LEGEND

15368

27070



EXISTING BUILDING
143 FRANKLIN ST

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST

433-435 ELIZABETH ST

PLANT
43.7 m²

332° 17'
6.91

61° 53'
24.74

62° 00'
28.89

242° 17'
35.39

242° 02'
10.43

241° 50'
14.80

152° 01'
27.07

A-A

B-B

C-C

1

2

3

4

5

6

7

8

A

B

C

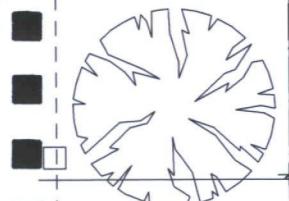
D

E

F

G

9722



441-451
Elizabeth
Street
Apartment development

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Level 1: 525 Flinders Street
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Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
Email: info@pra.com.au http://www.pra.com.au
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8.0.8

The Proposal
Levels 4-13 Plan

1:100

LEGEND

15368

27070

152° 01'
27.07'

A-A

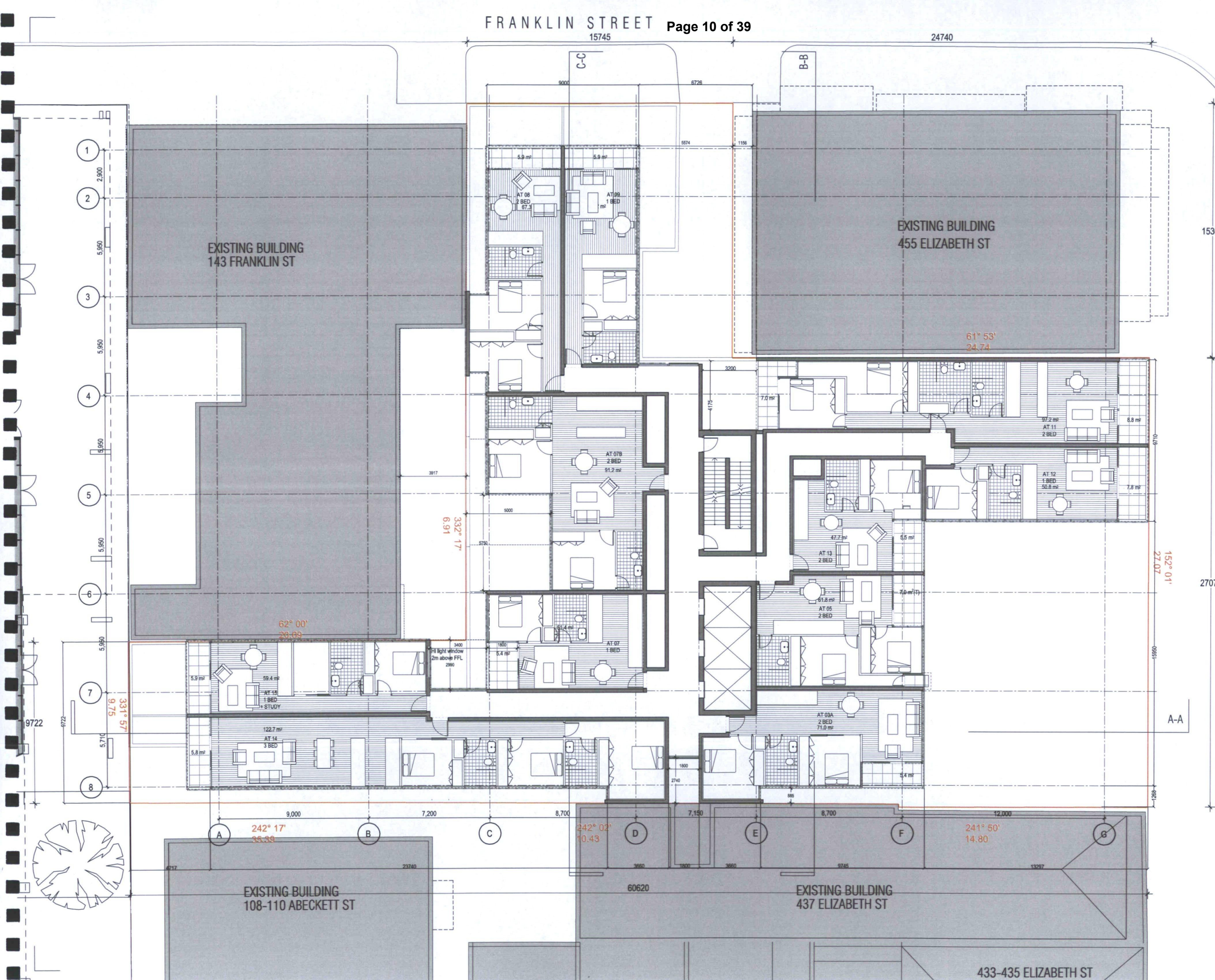
EXISTING BUILDING
143 FRANKLIN ST

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST

433-435 ELIZABETH ST



24740

441-451 Elizabeth Street
Apartment development

PEDDLETHORPARCHITECTS

Level 1: 525 Flinders Street
Melbourne, Victoria, Australia 3000
Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
Email: info@pta.com.au http://www.pta.com.au
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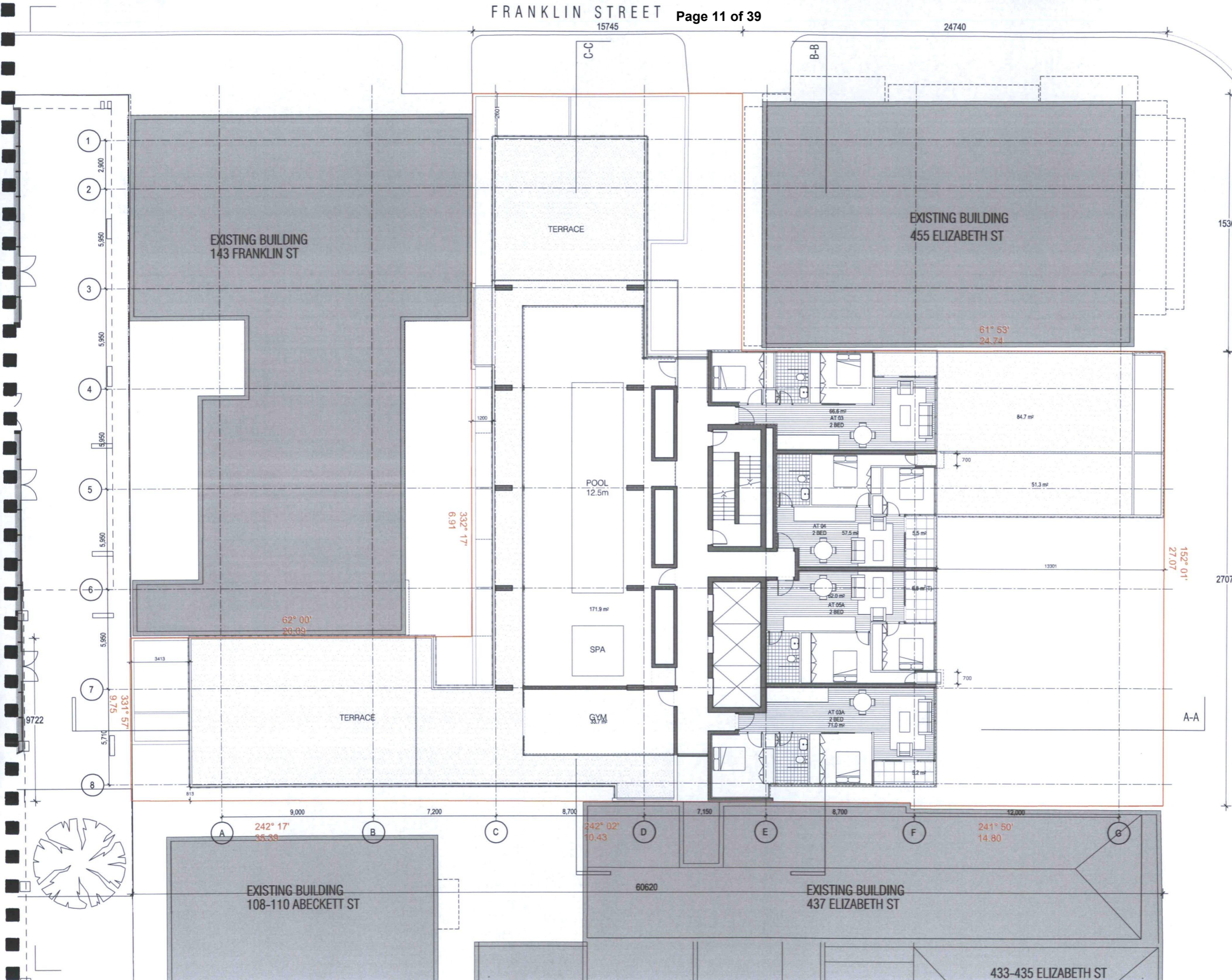
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Revision: JUN 2014
Design Date: JUN 2014

8.0.9

The Proposal
Level 14 Plan

1:100

LEGEND



15368

27070

152° 01'
27.07

A-A

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
143 FRANKLIN ST

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST

433-435 ELIZABETH ST

TERRACE

POOL
12.5m

SPA

GYM
33.7m

86.6 m²
AT 03
2 BED

57.5 m²
AT 04
2 BED

62.0 m²
AT 05A
2 BED

71.8 m²
AT 03A
2 BED

64.7 m²

51.3 m²

5.5 m²

6.8 m²

5.2 m²

62° 00'
29.89

332° 17'
6.91

242° 17'
35.39

242° 02'
10.43

241° 50'
14.80

15745

60620

1

2

3

4

5

6

7

8

A

B

C

D

E

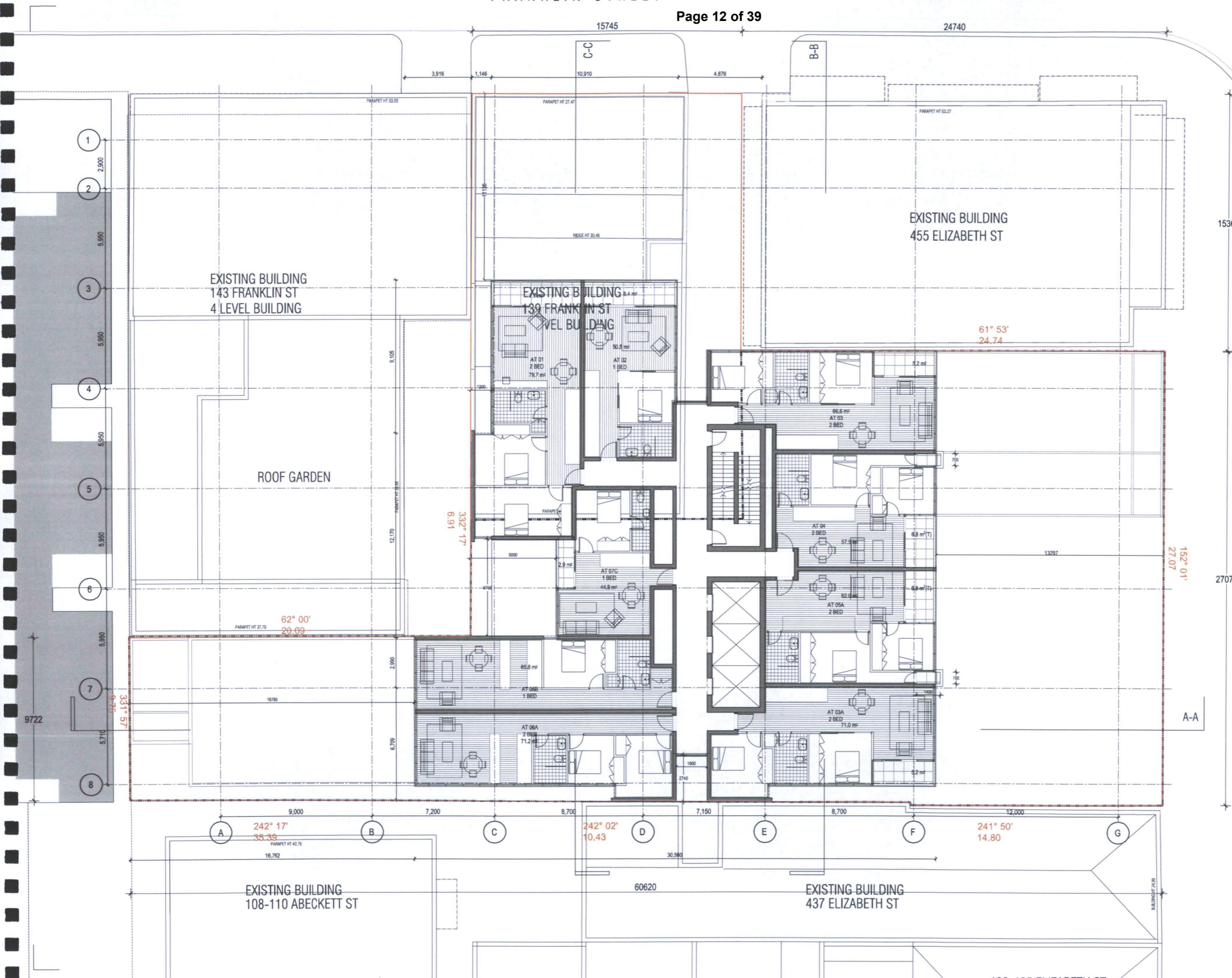
F

G

C-C

B-B





15368

27070

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
143 FRANKLIN ST
4 LEVEL BUILDING

EXISTING BUILDING
139 FRANKLIN ST
4 LEVEL BUILDING

ROOF GARDEN

62° 00'
20.09

242° 17'
35.39

242° 02'
10.43

241° 50'
14.80

EXISTING BUILDING
108-110 ABECKETT ST

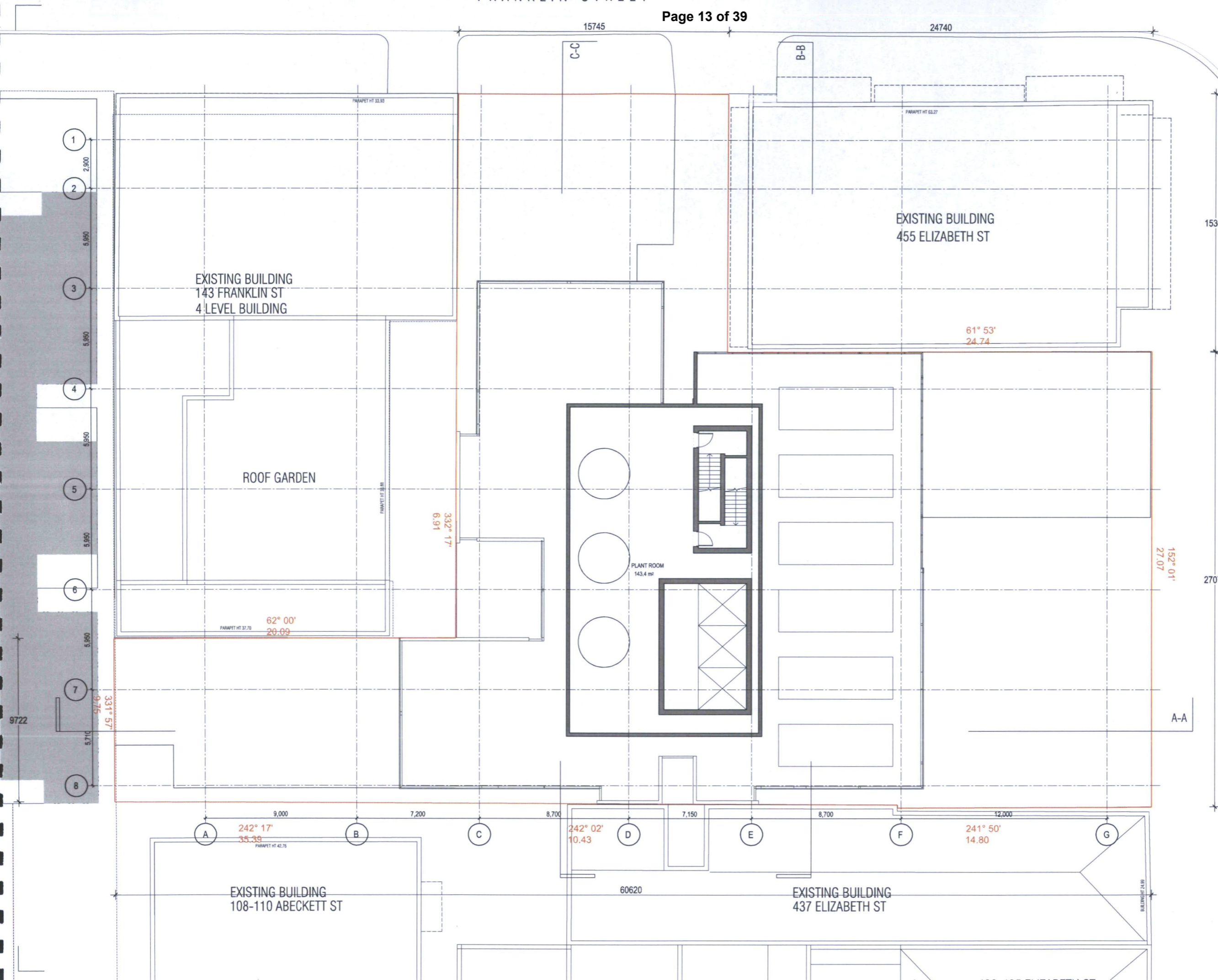
EXISTING BUILDING
437 ELIZABETH ST

433-435 FRANKLIN ST

8.1.1
The Proposal
Plant Level

1:100

LEGEND



15368

27070

EXISTING BUILDING
455 ELIZABETH ST

EXISTING BUILDING
143 FRANKLIN ST
4 LEVEL BUILDING

ROOF GARDEN

PLANT ROOM
143.4 m²

62° 00'
20.09

332° 17'
6.91

61° 53'
24.74

152° 01'
27.07

242° 17'
35.39

242° 02'
10.43

241° 50'
14.80

EXISTING BUILDING
108-110 ABECKETT ST

EXISTING BUILDING
437 ELIZABETH ST

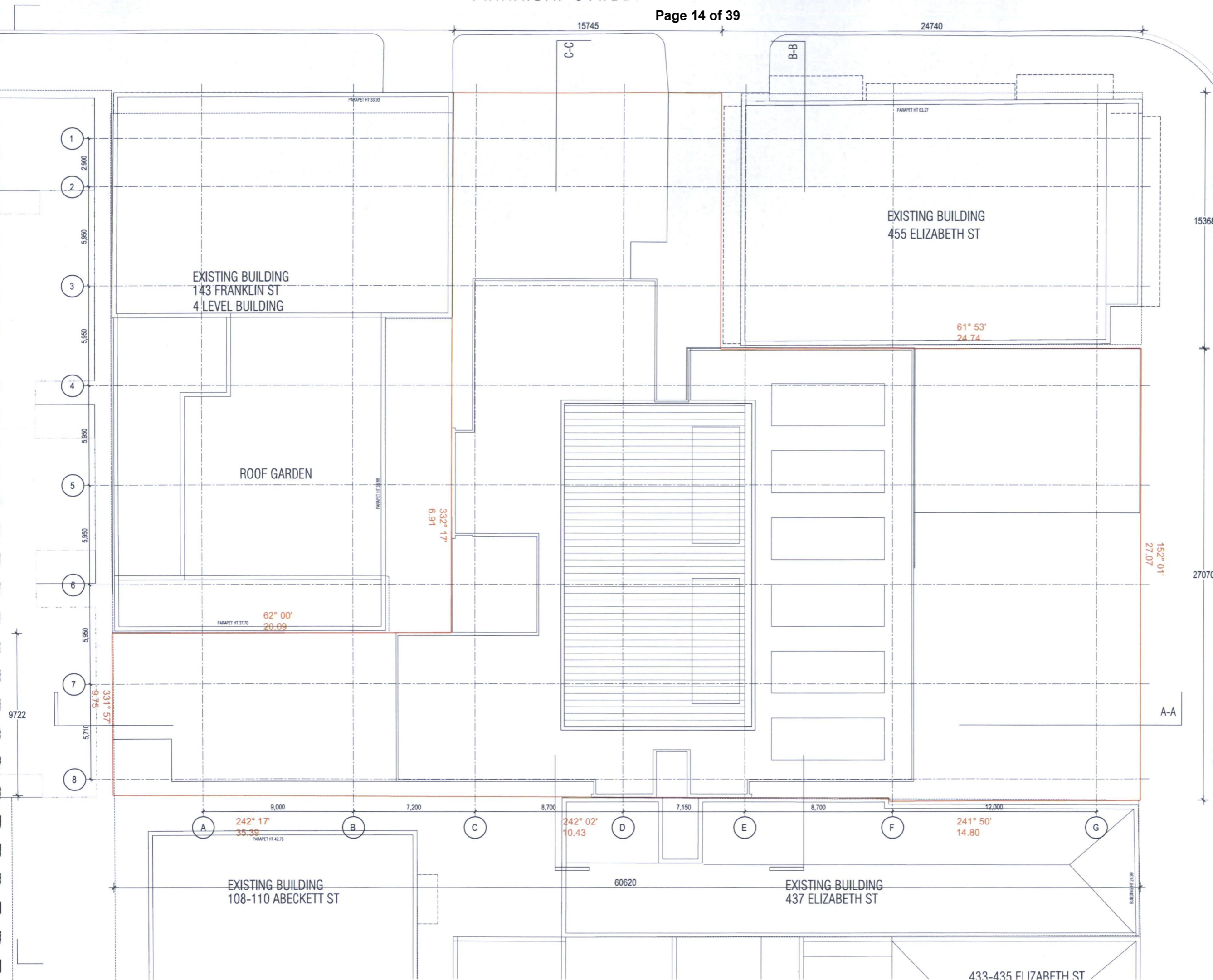
433-435 ELIZABETH ST

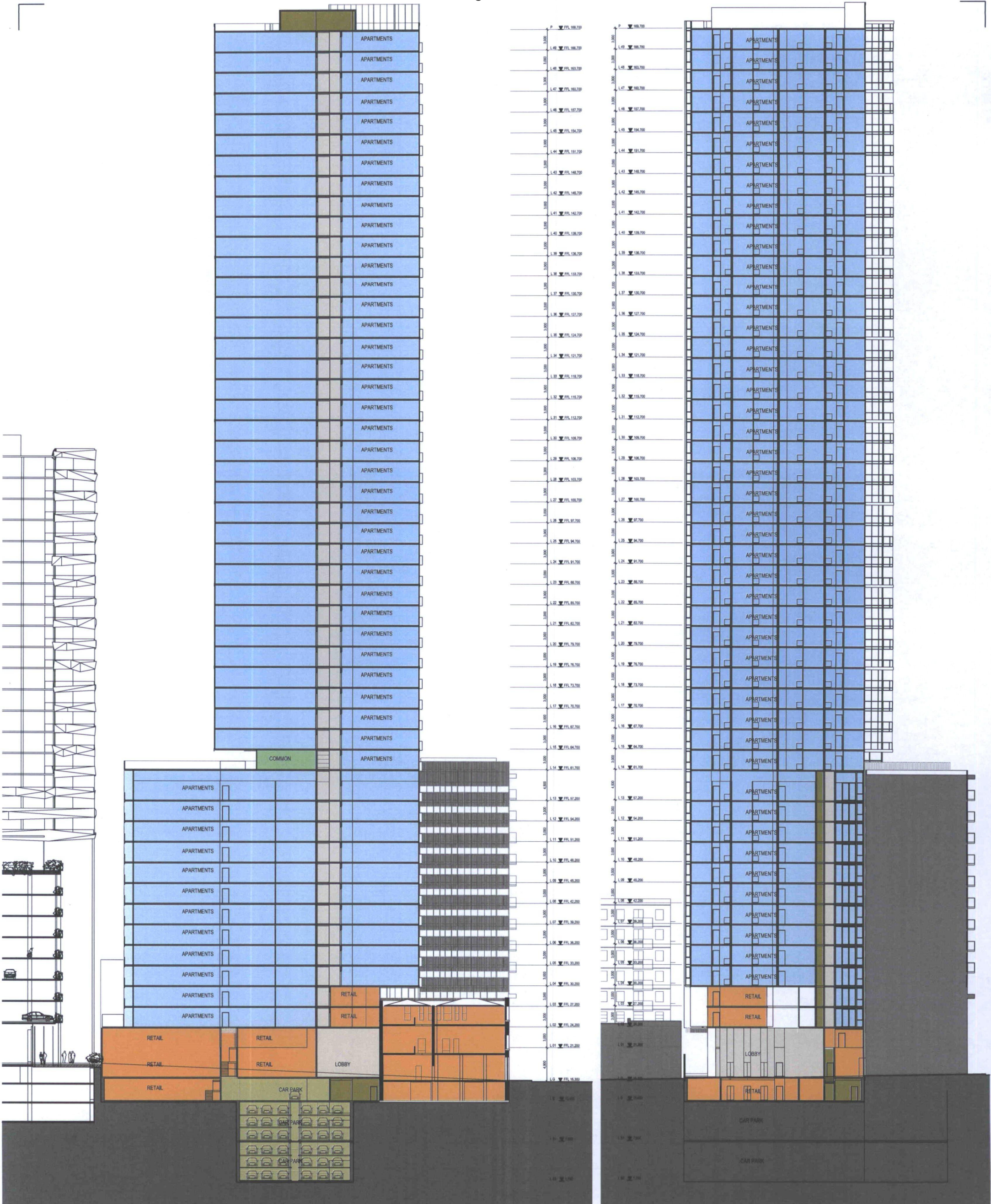
8.1.2

The Proposal Roof Plan

1:100

LEGEND





441-451
Elizabeth
Street
Apartment development

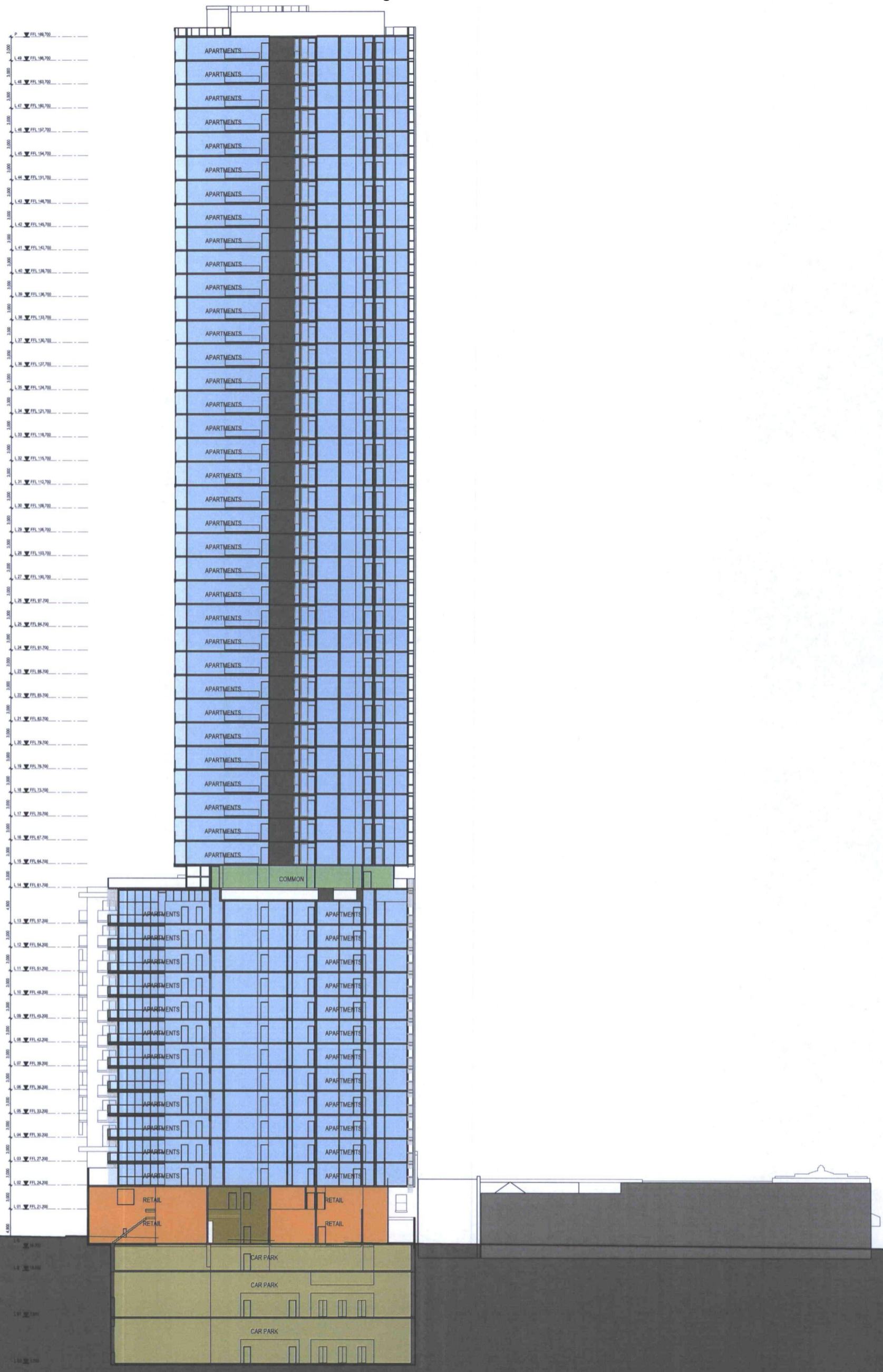
PEDDLETHORP ARCHITECTS

Level 1, 8/9 Flinders Street
Melbourne, Victoria, Australia 3000
Tel: +61 03 9623 2222 Fax: +61 03 9623 2223
Email: info@peddlethorp.com.au <http://www.peddlethorp.com.au>
A.C.N. 609 975 698

Project No: 804-000
Issue: TP
Revision: MARCH 12
Design Date: MARCH 12

8.1.3
The Proposal
Section AA, Section BB

1:250 © A1
LEGEND



441-451
 Elizabeth
 Street
 Apartment development

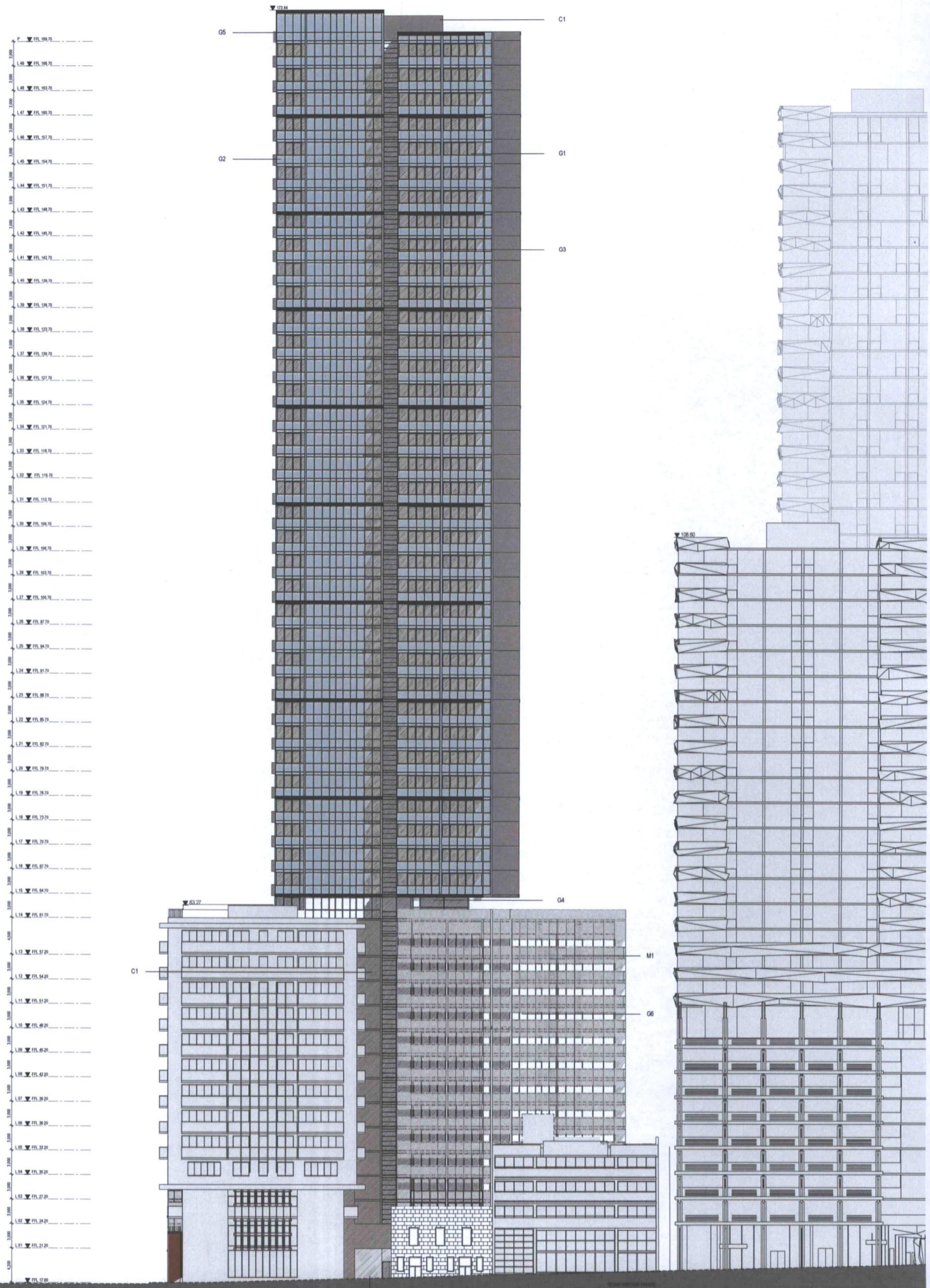
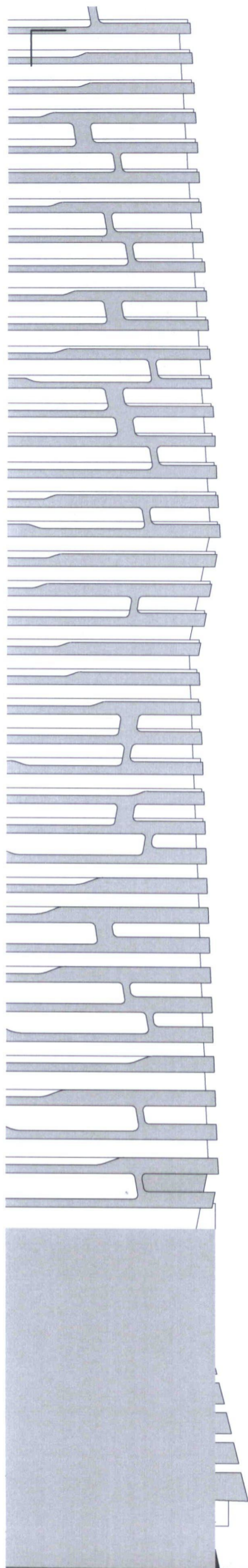
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Level 1, 525 Flinders Street
 Melbourne, Victoria, Australia 3000
 Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
 Email: info@pda.com.au http://www.pda.com.au
 ACN: 009 975 658

Project No: 300409
 Issue: TP
 Revision: JUN 2014
 Designer Date: JUN 2014

8.1.4
 The Proposal
 Section CC

NTS
 LEGEND



441-451
Elizabeth
Street
Apartment development

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Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
Email: info@pta.com.au http://www.pta.com.au
ACN: 006 975 668

Project No: 30-0499
Issue: TP
Revision: JUNE 2014
Design Date: JUNE 2014

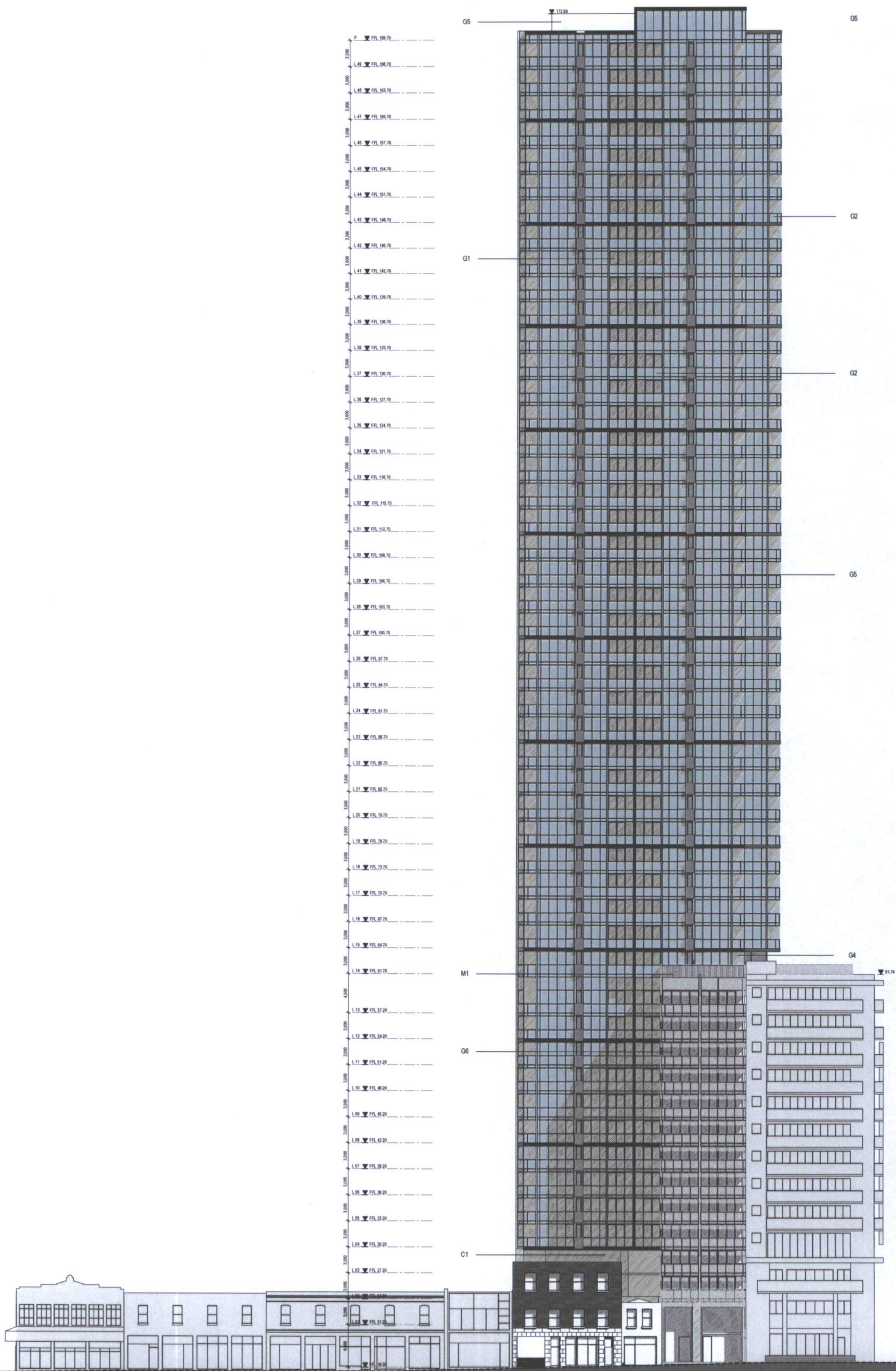
8.1.5

The Proposal
NORTH ELEVATION

1:100 @ A1

LEGEND

- G1 Glass 1st high performance glazing with anodised aluminium (black) framing with required safety edge
- G2 Clear glazing to balcony
- G3 Vertical view glass screens to outdoor areas
- G4 High performance clear glazing to pool and gym with anodised aluminium framing
- G5 Glass tinted entrance glass to main G1
- G6 Glass tinted high performance glazing with anodised aluminium framing (black)
- C1 Tinted (neutral) coloured panels with structural colour
- M1 Vertical bronze aluminium system windows above floor
- RCD Anodised bronze required to hold down to cast panel coating



441-451
Elizabeth
Street
Apartment development

PEDDLETHORPARCHITECTS

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Email: info@pda.com.au http://www.pda.com.au
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Issue: TP
Revision: JUN 2014
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8.1.6

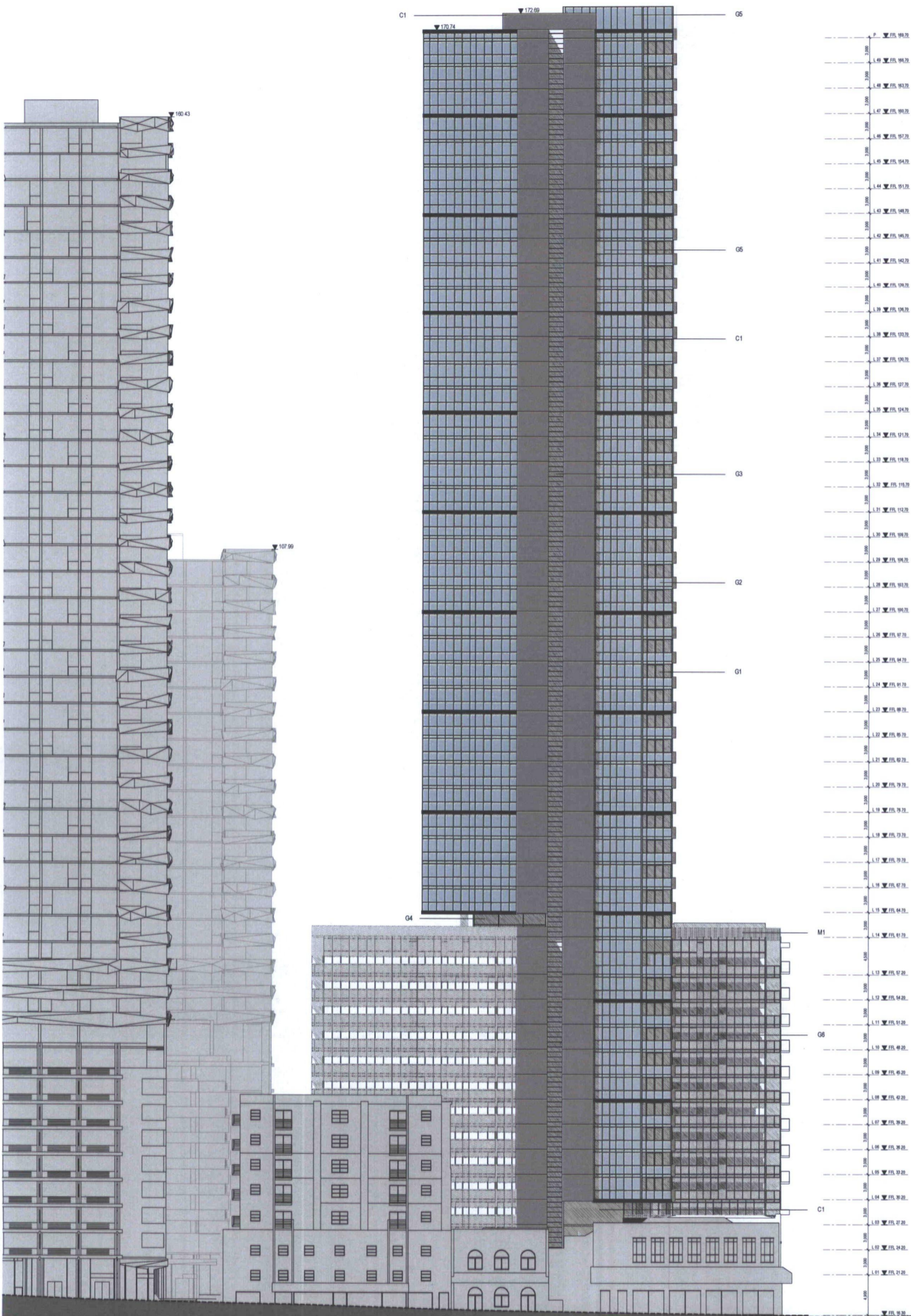
The Proposal
EAST ELEVATION

1:250 @ A1

LEGEND

- G1 Glass high performance glazing with reinforced aluminium frame having self-cleaning glass with 10% solar control
- G2 Clear glazing to balcony
- G3 Vertical slat glass louvers to provide shade
- G4 High performance clear glazing to pool and gym with reinforced aluminium frame
- G5 Open port louvre glass to match G1
- G6 Glass high performance glazing with reinforced aluminium frame blocks
- C1 Tinted powder coated glass with reinforced concrete
- M1 100% triple glazing system reinforced frame from aluminium blocks coated to suit glass tinting
- R2

441-451 Elizabeth Street Apartment development



| | |
|-------|---------|
| 10.74 | 107.74 |
| 10.69 | 106.69 |
| 10.64 | 105.64 |
| 10.59 | 104.59 |
| 10.54 | 103.54 |
| 10.49 | 102.49 |
| 10.44 | 101.44 |
| 10.39 | 100.39 |
| 10.34 | 99.34 |
| 10.29 | 98.29 |
| 10.24 | 97.24 |
| 10.19 | 96.19 |
| 10.14 | 95.14 |
| 10.09 | 94.09 |
| 10.04 | 93.04 |
| 9.99 | 91.99 |
| 9.94 | 90.94 |
| 9.89 | 89.89 |
| 9.84 | 88.84 |
| 9.79 | 87.79 |
| 9.74 | 86.74 |
| 9.69 | 85.69 |
| 9.64 | 84.64 |
| 9.59 | 83.59 |
| 9.54 | 82.54 |
| 9.49 | 81.49 |
| 9.44 | 80.44 |
| 9.39 | 79.39 |
| 9.34 | 78.34 |
| 9.29 | 77.29 |
| 9.24 | 76.24 |
| 9.19 | 75.19 |
| 9.14 | 74.14 |
| 9.09 | 73.09 |
| 9.04 | 72.04 |
| 8.99 | 70.99 |
| 8.94 | 69.94 |
| 8.89 | 68.89 |
| 8.84 | 67.84 |
| 8.79 | 66.79 |
| 8.74 | 65.74 |
| 8.69 | 64.69 |
| 8.64 | 63.64 |
| 8.59 | 62.59 |
| 8.54 | 61.54 |
| 8.49 | 60.49 |
| 8.44 | 59.44 |
| 8.39 | 58.39 |
| 8.34 | 57.34 |
| 8.29 | 56.29 |
| 8.24 | 55.24 |
| 8.19 | 54.19 |
| 8.14 | 53.14 |
| 8.09 | 52.09 |
| 8.04 | 51.04 |
| 7.99 | 50.99 |
| 7.94 | 49.94 |
| 7.89 | 48.89 |
| 7.84 | 47.84 |
| 7.79 | 46.79 |
| 7.74 | 45.74 |
| 7.69 | 44.69 |
| 7.64 | 43.64 |
| 7.59 | 42.59 |
| 7.54 | 41.54 |
| 7.49 | 40.49 |
| 7.44 | 39.44 |
| 7.39 | 38.39 |
| 7.34 | 37.34 |
| 7.29 | 36.29 |
| 7.24 | 35.24 |
| 7.19 | 34.19 |
| 7.14 | 33.14 |
| 7.09 | 32.09 |
| 7.04 | 31.04 |
| 6.99 | 30.99 |
| 6.94 | 29.94 |
| 6.89 | 28.89 |
| 6.84 | 27.84 |
| 6.79 | 26.79 |
| 6.74 | 25.74 |
| 6.69 | 24.69 |
| 6.64 | 23.64 |
| 6.59 | 22.59 |
| 6.54 | 21.54 |
| 6.49 | 20.49 |
| 6.44 | 19.44 |
| 6.39 | 18.39 |
| 6.34 | 17.34 |
| 6.29 | 16.29 |
| 6.24 | 15.24 |
| 6.19 | 14.19 |
| 6.14 | 13.14 |
| 6.09 | 12.09 |
| 6.04 | 11.04 |
| 5.99 | 10.99 |
| 5.94 | 9.94 |
| 5.89 | 8.89 |
| 5.84 | 7.84 |
| 5.79 | 6.79 |
| 5.74 | 5.74 |
| 5.69 | 4.69 |
| 5.64 | 3.64 |
| 5.59 | 2.59 |
| 5.54 | 1.54 |
| 5.49 | 0.49 |
| 5.44 | -0.56 |
| 5.39 | -1.61 |
| 5.34 | -2.66 |
| 5.29 | -3.71 |
| 5.24 | -4.76 |
| 5.19 | -5.81 |
| 5.14 | -6.86 |
| 5.09 | -7.91 |
| 5.04 | -8.96 |
| 4.99 | -10.01 |
| 4.94 | -11.06 |
| 4.89 | -12.11 |
| 4.84 | -13.16 |
| 4.79 | -14.21 |
| 4.74 | -15.26 |
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| 4.44 | -21.56 |
| 4.39 | -22.61 |
| 4.34 | -23.66 |
| 4.29 | -24.71 |
| 4.24 | -25.76 |
| 4.19 | -26.81 |
| 4.14 | -27.86 |
| 4.09 | -28.91 |
| 4.04 | -29.96 |
| 3.99 | -31.01 |
| 3.94 | -32.06 |
| 3.89 | -33.11 |
| 3.84 | -34.16 |
| 3.79 | -35.21 |
| 3.74 | -36.26 |
| 3.69 | -37.31 |
| 3.64 | -38.36 |
| 3.59 | -39.41 |
| 3.54 | -40.46 |
| 3.49 | -41.51 |
| 3.44 | -42.56 |
| 3.39 | -43.61 |
| 3.34 | -44.66 |
| 3.29 | -45.71 |
| 3.24 | -46.76 |
| 3.19 | -47.81 |
| 3.14 | -48.86 |
| 3.09 | -49.91 |
| 3.04 | -50.96 |
| 2.99 | -52.01 |
| 2.94 | -53.06 |
| 2.89 | -54.11 |
| 2.84 | -55.16 |
| 2.79 | -56.21 |
| 2.74 | -57.26 |
| 2.69 | -58.31 |
| 2.64 | -59.36 |
| 2.59 | -60.41 |
| 2.54 | -61.46 |
| 2.49 | -62.51 |
| 2.44 | -63.56 |
| 2.39 | -64.61 |
| 2.34 | -65.66 |
| 2.29 | -66.71 |
| 2.24 | -67.76 |
| 2.19 | -68.81 |
| 2.14 | -69.86 |
| 2.09 | -70.91 |
| 2.04 | -71.96 |
| 1.99 | -73.01 |
| 1.94 | -74.06 |
| 1.89 | -75.11 |
| 1.84 | -76.16 |
| 1.79 | -77.21 |
| 1.74 | -78.26 |
| 1.69 | -79.31 |
| 1.64 | -80.36 |
| 1.59 | -81.41 |
| 1.54 | -82.46 |
| 1.49 | -83.51 |
| 1.44 | -84.56 |
| 1.39 | -85.61 |
| 1.34 | -86.66 |
| 1.29 | -87.71 |
| 1.24 | -88.76 |
| 1.19 | -89.81 |
| 1.14 | -90.86 |
| 1.09 | -91.91 |
| 1.04 | -92.96 |
| 0.99 | -94.01 |
| 0.94 | -95.06 |
| 0.89 | -96.11 |
| 0.84 | -97.16 |
| 0.79 | -98.21 |
| 0.74 | -99.26 |
| 0.69 | -100.31 |
| 0.64 | -101.36 |
| 0.59 | -102.41 |
| 0.54 | -103.46 |
| 0.49 | -104.51 |
| 0.44 | -105.56 |
| 0.39 | -106.61 |
| 0.34 | -107.66 |
| 0.29 | -108.71 |
| 0.24 | -109.76 |
| 0.19 | -110.81 |
| 0.14 | -111.86 |
| 0.09 | -112.91 |
| 0.04 | -113.96 |
| 0.00 | -115.01 |

441-451 Elizabeth Street Apartment development

PEDDLER THORPARCHITECTS

Level 1, 525 Flinders Street
 Melbourne Victoria Australia 3000
 Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
 Email: info@ptpa.com.au http://www.ptpa.com.au
 ACN: 006 975 668

Project No: 30-0499
 Issue: TP
 Revision: JUN 2014
 Design Date: JUN 2014

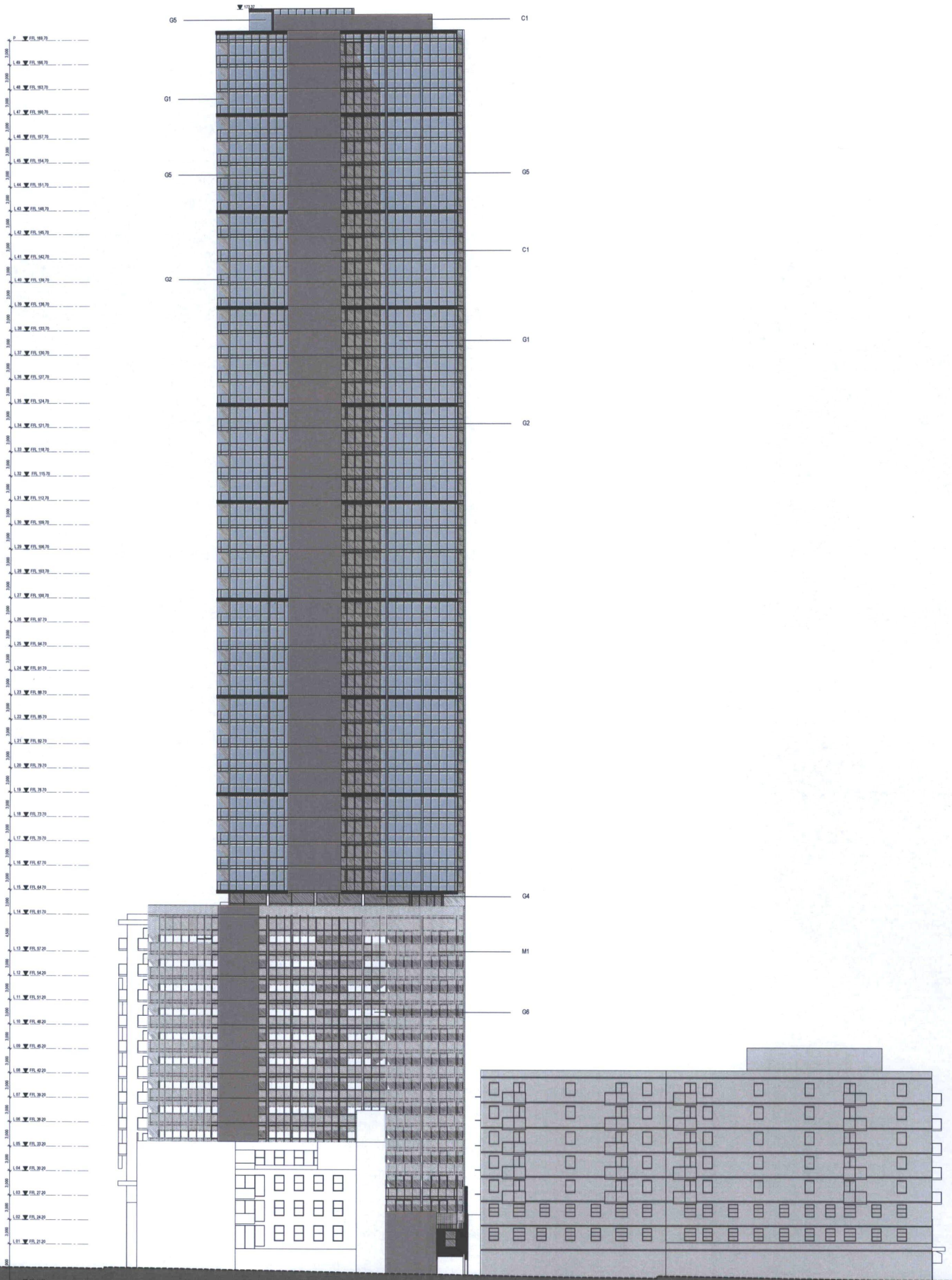
8.1.7

The Proposal SOUTH ELEVATION

1:250 @ A1

LEGEND

- G1 Green-Tint high performance glazing with anodised aluminium finish; framing with anodised stainless steel; clear glazing to balcony
- G2 Vertical slat glass louvers to common areas
- G3 High performance clear glazing to pool and gym with anodised aluminium frames
- G4 Green-Tint anodised glass to match G1
- G5 Clear-Tint high performance glazing with anodised aluminium frames (slat)
- G6 Faintly tinted concrete slat; light structural column
- M1 Wide strip solarstatic system anodised silver finish
- R1 Anodised stainless steel to pool cover; car park canopy



441-451
Elizabeth
Street
Apartment development

PEDDLETHORPARCHITECTS

Level 1, 525 Flinders Street
Melbourne Victoria Australia 3000
Tel: 61 03 9923 2222 Fax: 61 03 9923 2223
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ACN: 006 975 669

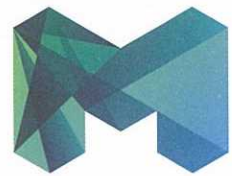
Project No: 30-0499
Issue: TP
Revision: JUN 2014
Design Date: JUN 2014

8.1.8
The Proposal
WEST ELEVATION

1:250 @ A1

LETTERS

- G1 Glass Tint high performance glazing with anodised aluminium (black) framing with exposed metal edge
- G2 Clear glazing to balcony
- G3 Vertical clear glass louvers to corner entry
- G4 High performance clear glazing to pool area gym with anodised aluminium frame
- G5 Glass tint high performance glazing with anodised aluminium frame (black)
- C1 Textured neutral concrete panel with dramatic colour
- M1 100% triple insulated system windows double frame
- R/D Anodised black concrete to floor down to car park lowering



CITY OF MELBOURNE

26 October 2012

The Hon. Matthew Guy, MLC
Minister for Planning
GPO Box 2392
Melbourne Vic 3001

GPO Box 1603
Melbourne VIC 3001

Phone 61 3 9658 9658
Fax 61 3 9654 4854
www.melbourne.vic.gov.au

DX210487
ABN 55 370 219 287

Dear Minister Guy

441- 451 ELIZABETH STREET, MELBOURNE

I refer to the above property for which an Application for Planning Permit has been lodged with the Department of Planning and Community Development (DPCD).

The application proposes the demolition of a significant proportion of the building which is proposed for heritage protection, and the construction of a 160 metre high building (located in a discretionary 30 metre height zone), without setbacks from the northern and southern property boundaries.

It is disappointing that whilst the City of Melbourne (CoM) and DPCD planning officers engaged in pre-application discussions with the applicant, that none of the advice provided by officers has been heeded by the applicant.

Should a planning permit be issued for this proposal a significant building will be lost to the Elizabeth Street streetscape which in this section has a uniform built form, set against what is to become a higher built form backdrop to the rear.

Officers of CoM consider the proposal to be an overdevelopment which is disrespectful and far exceeds the vision and objectives as set out in the Melbourne Planning Scheme, having particular regard to increased building height; minimal or no side and rear setbacks; inadequate private open space; poor amenity and future liveability for future occupants; and amenity impacts for adjoining developments.

It is considered that the proposal does not meet the objectives of Clause 22.01 – Urban Design within the Capital City Zone or the objectives of the *Guidelines for Higher Density Development*. The proposal does not have an appropriate scale to surrounding and adjacent streets and buildings. The front and side setbacks will not meet the desired distances in the local policy and will prejudice the future development of surrounding sites. Should adjacent sites be developed the amenity afforded to apartments in this proposal will be significantly reduced.

The proposal casts a shadow over the pedestrian realm of Elizabeth Street and will be clearly visible from the Queen Victoria Market. The proposal does not meet the height specifications within Design and Development Overlay (DDO14) nor does it meet the design objectives of providing a development of compatible scale and character to the Market, surrounding residential developments and adjacent precincts.

DPCD and City of Melbourne officers expend a significant amount of time working with permit applications in order to bring development proposals to an acceptable outcome. In this instance, the City of Melbourne considers that any such negotiation would not be fruitful. It is therefore recommended that you refuse the application.

Yours Sincerely

Dr Kathy Alexander
Chief Executive Officer

Planning and Environment Regulations 2005
Form 7

Section 65

**REFUSAL TO
GRANT A
PERMIT**

Application No.: 2012004292

Planning Scheme: Melbourne

**Responsible Authority: Minister for
Planning**

ADDRESS OF THE LAND: 441 - 451 Elizabeth Street, Melbourne

WHAT HAS BEEN REFUSED?: Demolition of 449 -451 Elizabeth St & partial demolition 441-447 Elizabeth St; development of a multi- level building with apartments, ground and level 1 retail, associated car parking and a variation of loading requirements.

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The development by virtue of its form, scale and design outcome will adversely affect the character, appearance and significance of a heritage place as outlined in Clause 15, Clause 21.06, Clause 22.04, Clause 43.01 and the Central City Heritage Review Incorporated Document June 2013.
2. The proposal, in terms of its mass and form does not adequately respond to its context and will have an adverse impact on the character of the surrounding locale including Elizabeth Street and does not respond to the objectives and design and built form policies of Clause 15, Clause 21.06, Clause 21.12, Clause 22.01 and the decision guidelines of Capital City Zone (CCZ1) and built form outcomes and objectives of Design and Development Overlay (DDO14).

3. The proposed building separation to adjacent sites is insufficient and does not provide suitable amenity for existing and future uses of the land and the locality and does not accord with the built form principles outlined in Clause 21.06 and Clause 22.01.

Date Issued:

Signature for the Responsible Authority:

| | |
|----------|---|
| 29/10/13 |  |
|----------|---|

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED

- * The responsible authority has decided to refuse to grant a permit.

(Note: This is not a refusal under Division 5 of Part 4 of the *Planning and Environment Act 1987*.)

- * This notice sets out the reasons for the refusal.
 - * The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.
-

WHAT ABOUT APPEALS?

- * The person who applied for the permit may apply for a review of the refusal.
- * The application for review must be lodged within 60 days of the giving of this notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on the Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged.
- * An applicant who applies for a review must give notice to all objectors.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector -

- * If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an application for review is lodged. Objectors will be invited to any application for review hearing.

PLANNING REPORT**MINISTERIAL REFERRAL**

| | |
|--|---|
| Application number: | TPM-2014-40 |
| DELWP Application number: | 2014/003537 |
| Applicant / Owner / Architect: | Goodyear Properties Pty Ltd / Goodyear Properties Pty Ltd / Peddle Thorpe Architects |
| Address: | 441-451 Elizabeth Street and 139-141 Franklin Street, MELBOURNE VIC 3000 |
| Proposal: | Partial demolition and buildings and works for the construction of a mixed use development comprising of residential apartments, retail tenancies and associated car parking in a Heritage Overlay and Special Building Overlay |
| Date received by City of Melbourne: | 6 October 2014 |
| Responsible officer: | Evan Counsel |
| Report Date: | 30 March 2015 |
| (DM# 9082321) | |

1. SUBJECT SITE AND SURROUNDS**1.1. The site**

The subject site includes three land parcels known as 441-447, 449-451 Elizabeth Street and 139-141 Franklin Street, Melbourne and is located on the western side of Elizabeth Street, approximately 15 meters south of the intersection of Elizabeth and Franklin Streets.

The site has a frontage to Elizabeth Street of approximately 36 metres and a frontage to Franklin Street of 12.53 metres. The site abuts a carriage way, sewerage, drainage and light and air easement on the east connected to Franklin Street.

The land is currently occupied by the former Royal Saxon Hotel at 441-447 Elizabeth Street (Individual Heritage Overlay HO1022 and B graded in the Central Activities District Conservation Study, 1984); a two storey rendered brick building at 449-451 Elizabeth Street; and a 3 storey commercial building identified as 'Menzies International' at 139-141 Franklin Street (No heritage overlay and E graded in the Central Activities District Conservation Study, 1984).

Locality Plan



Site Photos



Former Royal Saxon Hotel, (B Graded),
441-445 Elizabeth Street, Melbourne



139-141 Franklin Street, Melbourne (C Graded)

1.2. Planning Scheme Amendment C198

The subject site is affected by Melbourne Planning Scheme Amendment C198. Planning Scheme Amendment C198 – City North Heritage Review is part of the implementing the City North Structure Plan 2012.

Melbourne Planning Scheme Amendment C198 was considered by an independent planning panel during 2014. The Future Melbourne Committee, at its meeting of 3 March 2015, resolved (subject to management’s assessment of the Panel’s recommendations and the revisions to Amendment C198) to adopt and submit Amendment C198 to the Minister for Planning for approval. The Minister is yet to make a decision on this matter.

Given the above, Melbourne Planning Scheme Amendment C198 is considered a seriously entertained document that should be given significant weight in the assessment of any relevant application for planning permit.

Relevant to this application, Amendment C198 proposes the following changes to planning scheme controls and identified heritage significance as follows:

- 441-447 and 449-451 Elizabeth Street are proposed to be included in HO1125 Elizabeth Street (CBD) Precinct (413-503 Elizabeth Street).

441-445 Elizabeth Street, known as the former Royal Saxon Hotel forms part of this precinct and is proposed to continue being identified as a 'B' graded heritage building.

The adjoining building at 447 Elizabeth Street also forms part of this precinct and is to continue being identified as a 'B' graded heritage building.

449 Elizabeth Street, an existing two-storey shop, also forms part of this precinct and is proposed to remain ungraded.

Although not forming part of this application the heritage grading of the property at 453-457 Elizabeth Street, on the corner of Elizabeth and Franklin Streets, also forms part of this precinct and is proposed to be re-classified from a 'B' to a 'C' graded heritage building due to recent alterations including several storeys having been added and the distinctive banking chamber removed. This property adjoins the subject site at two of its four interfaces along its western and southern boundaries.

- 139-141 Franklin Street is proposed to be included in individual HO1153 Former Store. The building is proposed to be regraded from a 'E' to a 'C' graded heritage building. The City North Heritage Review 2012 acknowledges the buildings heritage significance as follows:

1.3. Surrounds

North

Two properties abut the northern boundaries of the subject site.

Fronting the intersection of Elizabeth and Franklin Streets, immediately to the north of the site is a 14 storey mixed use building known as the Q Apartments. This building is built to the shared property boundary which adjoins 451 Elizabeth Street with no windows orientated to the subject site. This building is also built to its western property boundary, adjoining a private lane and 139 Franklin Street

Abutting the rear of the northern boundary of 441-447 Elizabeth Street is 143 Franklin Street (Vosti House). This property contains a five storey building and comprises commercial and residential uses. The building includes habitable room windows and balconies orientated toward 139 Franklin Street which is separated by a private laneway.

South

Two properties abut the southern boundary of the subject site.

437 Elizabeth Street contains a two level commercial building.

112 A'Beckett Street contains a five storey student accommodation building, with ground floor retail facing A'Beckett Street.

East

Elizabeth Street forms the sites eastern interface.

Directly opposite the site is a four storey commercial buildings and a ten storey educational building, both of which contain retail uses at the ground floor. This block, bounded by Elizabeth, A'Beckett, Stewart and Franklin Streets, includes a number of recently constructed developments or development approvals yet to be constructed of 55-53 storeys. It is worth noting that this area, located to the east of the subject

site, is not affected by any DDO controls specifying maximum building height or setback controls.

West

The western boundary of the site adjoins the recently constructed Fulton Lane Tower and Apartments at 151-165 Franklin Street. The development includes a 9 storey podium with two separate residential towers above of 29 storeys (88 metres) and 45 storeys (143 metres).

The building maintains a 6m setback from the subject site's western boundary up to level 10, where it then provides a 1m setback for the 29 storey (88 metre) northern residential tower located directly adjacent to the subject site.

2. THE PROPOSAL

The plans referred to the City of Melbourne for comment were received on 6 October 2014.

Additional information was provided by the applicant on 29 December 2014 in response to a request from the Department of Environment, Land, Water and Planning (DELWP) for further information.

The proposal seeks to consolidate five allotments over three titles for the purpose of constructing a mixed use development comprising residential apartments and retail tenancies.

The building presents a podium/tower form comprising a 14 storey podium (46m) with three levels of basement parking, and a 35 storey tower above (total of 49 storeys).

The Former Royal Saxon Hotel at 441-447 Elizabeth Street and the Menzies International building at 134-141 Franklin Street are to be retained.

A pedestrian link is proposed along the southern boundary connecting to Fulton Lane.

The application proposes the following uses:

| | |
|-----------------------------------|--|
| Dwelling | Total number of dwellings: 445 One bedroom dwellings/apartments: 173 Two bedroom dwellings/apartments: 260 Three or more bedroom dwellings/apartments: 12 |
| Retail (ground level etc.) | Leasable Floor Area (1367sqm) |

The specific details of the proposal are as follows:

| | |
|--------------------------------------|---|
| Building height | 157m (49 storeys) |
| Podium height | 46m (14 storeys) |
| Front, side and rear setbacks | Sections of built form are generally proposed to all property boundaries, with varying setbacks to street fronts and limited setback to adjoining properties. See section 7 of this report for further detail. |
| Gross floor area (GFA) | 45,010.7sqm |

| | |
|--------------------------------------|--|
| Car parking spaces | 127 spaces |
| Bicycle facilities and spaces | 180 spaces |
| Loading/unloading | Onsite |
| Vehicle access | Via the existing private laneway from Franklin Street. |
| Pedestrian link | The proposal incorporates an enclosed ground floor pedestrian link that would connect with the proposed pedestrian link forming on the adjoining site to the west. |

3. BACKGROUND

3.1. Pre-application discussions

There were no pre-application discussions held with officers from the City of Melbourne in relation to this application.

3.2. Site history

The following planning permits issued for this site and surrounding sites are considered relevant to this application:

| TP number | Land | Description of Proposal | Decision & Date of Decision |
|-------------|---|--|-----------------------------|
| TP-1998-244 | 453-459 Elizabeth Street MELBOURNE (Corner of Elizabeth and Franklin St) | Proposed to redevelop existing building into a new 13 storey apartment building (38 apartments in total and 9 car spaces) | Permit 09/04/1999 |
| TPM-2010-34 | 151-165 Franklin Street MELBOURNE (Adjoining the rear of the site - Fulton Lane Tower and Apartments) | Construction of a residential tower comprising residential apartments with ground floor retail uses and indoor recreation facility | Permit 2011 |
| TPM-2012-16 | 441-447 Elizabeth Street MELBOURNE (Forms part of the subject site) | Part demolition and construction of a 49-storey residential building | Refusal 29/10/2013 |

On 29 October 2012, the Minister for Planning issued a refusal to grant a permit (TPM-2012-16) for demolition of 449-451 Elizabeth St & partial demolition 441-447 Elizabeth St and development of a 49 storey building on the subject site.

The grounds of refusal reflected the issues that were raised by the City of Melbourne and included concerns regarding the height, scale and bulk of the building, inadequate building separation and the impact on the heritage place.

The recently constructed Fulton Lane Tower and Apartments at 151-165 Franklin Street was approved by the Minister for Planning in 2011. The development includes a nine storey podium with two separate residential towers above of 29 storeys (88 metres) and 45 storeys (143 metres).

The City of Melbourne recommended that the towers be reduced in height to a maximum of 36 and 85 metres however the conditions to this affect were not included on the permit that was ultimately issued. At the time of writing this report construction of this building is nearing completion.

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

| | |
|-------------------------------|--|
| State Planning Policies | <p>Clause 11 Settlement</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 17 Economic Development</p> <p>Clause 18 Transport</p> <p>Clause 19 Infrastructure</p> |
| Municipal Strategic Statement | <p>Clause 21.03 Vision</p> <p>Clause 21.04 Settlement</p> <p>Clause 21.06 Built Environment and Heritage</p> <p>Clause 21.07 Housing</p> <p>Clause 21.08 Economic Development</p> <p>Clause 21.09 Transport</p> <p>Clause 21.10 Infrastructure</p> <p>Clause 21.12 Hoddle Grid</p> |
| Local Planning Policies | <p>Clause 22.01 Urban Design within the Capital City Zone</p> <p>Clause 22.02 Sunlight to Public Spaces</p> <p>Clause 22.04 Heritage Places within the Capital City Zone</p> <p>Clause 22.19 Energy, Water and Waste Efficiency</p> <p>Clause 22.23 Stormwater Management (Water Sensitive Urban Design)</p> |

| Statutory Controls | |
|---|--|
| Capital City Zone Schedule 1 | <p>A permit is required to carry out demolition.</p> <p>A permit is required to carry out buildings and works.</p> |
| Design and Development Overlay Schedule 1 – Active Street frontage Area 2 | <p>A permit is required to carry out buildings and works at ground level.</p> <p>Buildings with ground-level street frontages to major pedestrian areas must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:</p> <ul style="list-style-type: none"> • At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or • At least 5 metres or 80% of the street frontage (whichever is the |

| | |
|--|---|
| | <p>greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.</p> <ul style="list-style-type: none"> • Built scale appropriate to the street and pedestrians. • Clear glazing (security grilles must be transparent). |
| Design and Development Overlay Schedule 4 – Weather Protection | <p>A permit is required to carry out buildings and works unless a schedule to this overlay specifically states that a permit is not required.</p> <p>Clause 4.0 of Schedule 4 specifies that a permit is not required to construct a building or construct or carry out works if adequate weather protection to the street frontage is provided to the satisfaction of the responsible authority.</p> |
| Design and Development Overlay Schedule 14 – Queen Victoria Market Area 19 | <p>A permit is required to carry out buildings and works.</p> <p>Schedule 14 to this overlay outlines a maximum building height of 30m (discretionary), and provides the following built form outcome:</p> <p>The scale of development provides an appropriate interface from the low scale built of the Queen Victoria Market towards the medium and high rise towers of the Central Business District</p> |
| Special Building Overlay | <p>A permit is required to carry out buildings and works.</p> <p>The provisions of the overlay relate to flooding and require applications to be referred to the relevant floodplain management authority.</p> |
| Parking Overlay Schedule 1 | <p>A permit is required to provide parking in excess of a rate of:</p> <ul style="list-style-type: none"> • For that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. • For that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <p style="text-align: center;">Maximum spaces =</p> $\frac{5 \times \text{net floor area of buildings on that part of the site in sq m}}{1000 \text{ sq m}}$ <p style="text-align: center;">or</p> $\frac{12 \times \text{that part of the site area in sq m}}{1000 \text{ sq m}}$ <p>All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.</p> <p>A maximum provision of 452 applies and the proposal includes 127 car spaces and 2 motorcycle spaces.</p> <p>No permit is required under the provisions of this overlay.</p> |

| Particular Provisions | |
|---------------------------|--|
| Clause 52.06, Car Parking | Pursuant to this clause a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking |

| | |
|--|---|
| | Overlay. As the proposal seeks to provide less than the maximum requirements no permit is required pursuant to this clause. |
| Clause 52.07, Loading and Unloading of Vehicles | No buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless: The retail component of the proposal, 1367sqm, requires 27.4sqm loading area. The proposal provides this space. |
| Clause 52.34, Bicycle Facilities | A permit may be granted to reduce or waive the bicycle parking requirement. 134 spaces are required and 180 are provided. A reduction is not required |
| Clause 52.35, Urban Context Report and Design Response for Residential Development of Four or More Storeys | An application for a residential development of five or more storeys within the Capital City Zone must be accompanied by: <ul style="list-style-type: none"> • An urban context report. • A design response. DELWP, on behalf of the Minister for Planning, must inform the applicant in writing that the urban context report meets the requirements of Clause 52.35-02 and is satisfactory. |
| Clause 52.36, Integrated Public Transport Planning | An application for an excess of 60 dwellings must be referred to PTV for comment. As the Minister for Planning is the Responsible Authority for this planning application, DELWP is required to refer this matter to the relevant department. |
| Clause 52.43, Live Music and Entertainment Noise | A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any: <ul style="list-style-type: none"> • Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2). • Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes. A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause. |

| General Provisions | |
|--|--|
| Clause 61.01 – Administration and enforcement of this scheme | The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres. |
| Clause 65 – Approval of an application | Pursuant to Clause 65.01 before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate (as |

| | |
|----------------|---|
| <p>or plan</p> | <p>relevant):</p> <ul style="list-style-type: none"> • The matters set out in Section 60 of the Act. • The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. • The purpose of the zone, overlay or other provision. • Any matter required to be considered in the zone, overlay or other provision. • The orderly planning of the area. • The effect on the amenity of the area. • The proximity of the land to any public land. • Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site. |
|----------------|---|

5. PUBLIC NOTIFICATION

In accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*, DELWP has given notice of the application to the City of Melbourne, by virtue of the Heritage Overlay only.

This application is otherwise exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

6. REFERRALS

The application was referred to a number of internal departments, with comments still outstanding. However, given the fundamental planning concerns with the proposal and the site history, it is not considered necessary to wait on the provision of these comments.

7. ASSESSMENT

The proposal is considered to be a gross overdevelopment of the site which far exceeds the vision and objectives as set out in the Melbourne Planning Scheme, having particular regard to:

- Heritage
- Building height and side and rear setbacks
- Amenity impacts for current and future residents and land uses
- Lack of consideration for equitable development of adjoining sites

7.1. Heritage

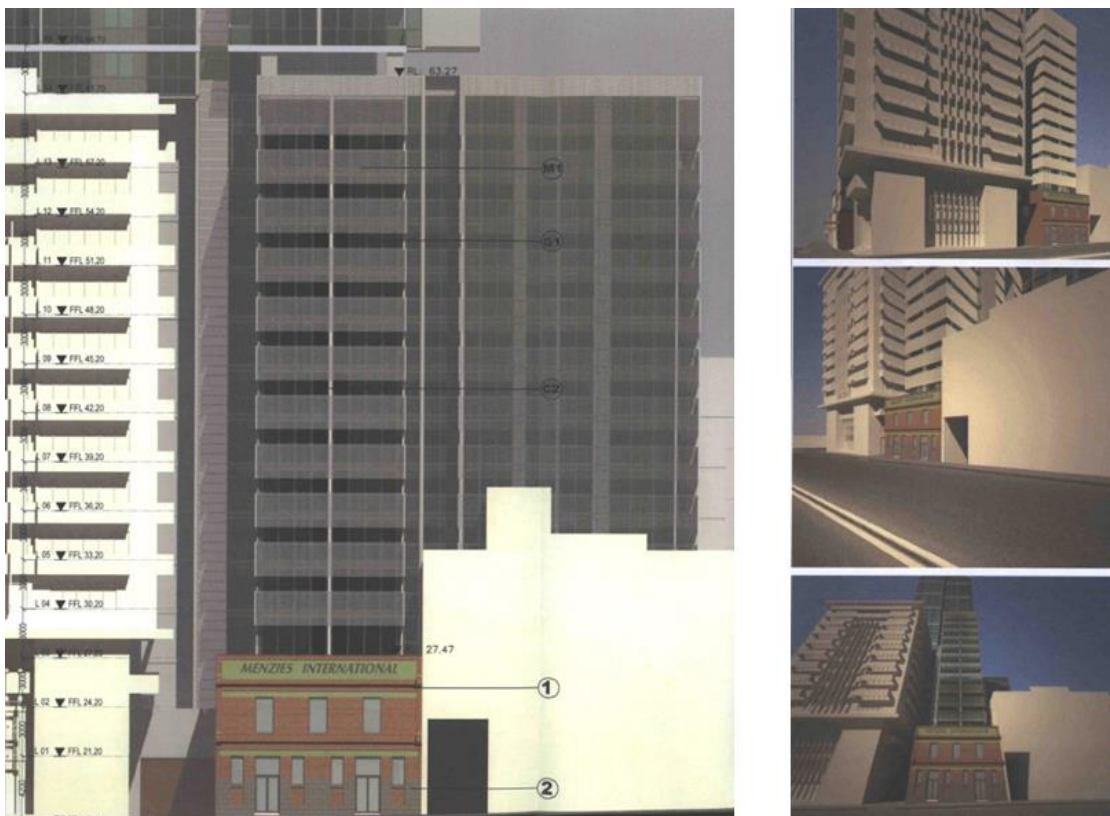
The retention of the B graded heritage building at 441-447 Elizabeth Street and C graded heritage building at 139-141 Franklin Street is supported.

The proposed 13.3m tower setback to Elizabeth Street and 11.1m setback to Franklin Street is also supported.

It is considered that the proposed 14 storey boundary-to-boundary built form at 451 Elizabeth Street fails to achieve an appropriate transition from the existing 14 storey building on the corner of Franklin and Elizabeth Streets, to the 2-3 storey 'B' graded heritage building to the south. This is demonstrated in the figure below.



A 2.6m setback to Franklin Street at levels 2-13 is proposed above the C graded heritage building at 139-141 Franklin Street. This is not sufficient and will result in an overbearing impact upon the heritage building, as seen below.



In terms of heritage considerations, it is considered that the form, scale and design of the proposed development will adversely affect the character, appearance and significance of the heritage place at 441-447 Elizabeth Street and 139 Franklin Street, and wider heritage precinct.

7.2. Building height and side and rear setbacks

The height and scale of the proposed building is considered to be excessive.

The Urban Context Report submitted with the application submits that the area is undergoing transformation and regeneration and references a number of taller development approvals located at:

- 23 Therry Street, Melbourne
- 450 Elizabeth Street, Melbourne
- 500 Elizabeth Street, Melbourne
- 54-64 A'Beckett Street, Melbourne
- 80 A'Beckett Street, Melbourne
- 1-8 Franklin Street, Melbourne
- 151-165 Franklin Street, Melbourne
- 501 Swanston Street, Melbourne

Seven of the eight properties referenced above are located outside of DDO14 and are not affected by any DDO control seeking to restrict maximum building heights.

The exception is the recently constructed Fulton Lane Tower and Apartments at 151-165 Franklin Street which were approved by the Minister for Planning in 2011. The development includes a 9 storey podium with two separate residential towers above of 29 storeys (88 metres) and 45 storeys (143 metres).



The taller 143 metre tall tower is largely located within DDO14-A20 which seeks a maximum building height of 60m. As outlined above at the time the application for this development was made the City of Melbourne recommended the tower be reduced in height to a maximum 85 metres however the conditions were not included on the permit that issued.

The lower 88 metre tall tower is located within DDO14-A19 (as is the subject site) which seeks a maximum building height of 30m. At the time the application was made the City of Melbourne recommended this tower be reduced in height to a maximum 35 metres however the conditions were not included on the permit that issued.

The Design and Development Overlay Schedule 14 seeks to achieve the following design objectives:

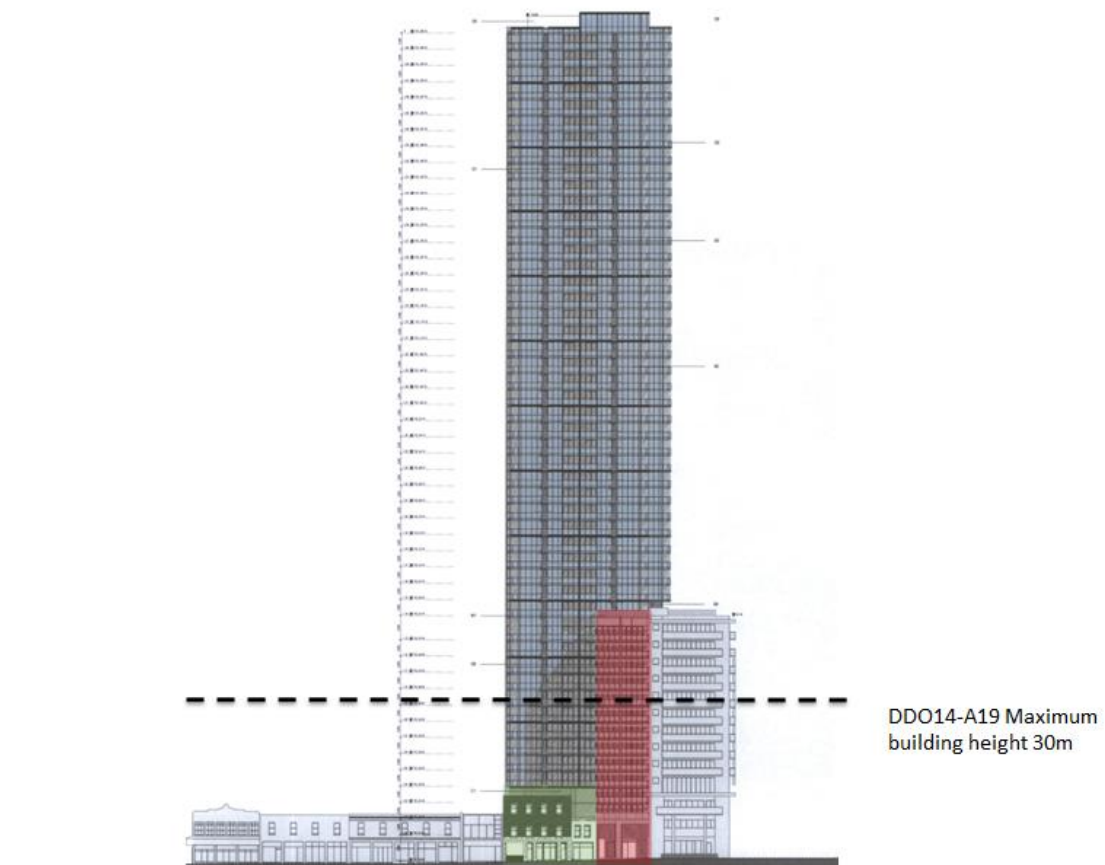
- To ensure that any development within the Queen Victoria Market is consistent with its Victorian character and low-scale.
- To ensure that development around the Market edges and within close proximity to the Market provides an appropriate scale transition from the low scale Market buildings towards the medium and high rise towers in the Central Business District.
- To ensure that any development in close proximity to the Queen Victoria Market is compatible with the scale and character of the Market, surrounding residential developments and adjacent precincts.

The site is located within Area 19 where a maximum building height of 30m applies and the following built form outcome is sought:

‘The scale of development provides an appropriate interface from the low scale built form of the Queen Victoria Market towards the medium and high rise towers of the Central Business District.’

The figure below shows the proposal with a dotted line representing the maximum building height specified by the DDO:

PLAN OF THE PROPOSAL (East Elevation)



Elizabeth Street Elevation

At this scale, the development cannot achieve the design objectives and built form outcomes of DDO14.

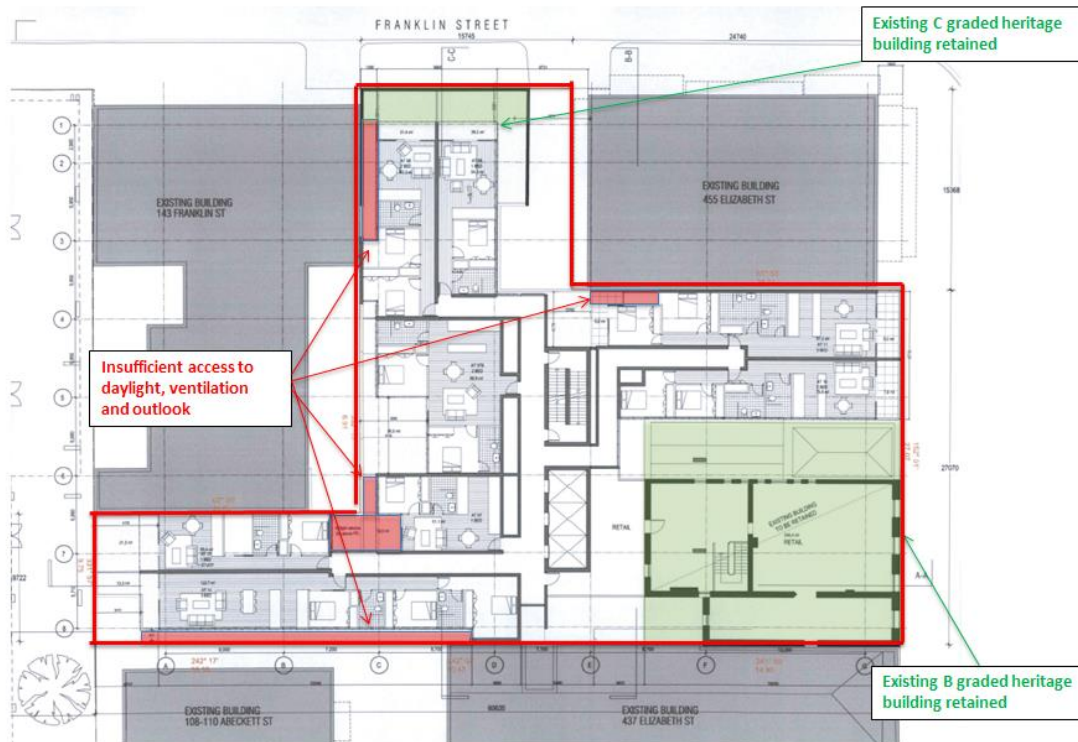
The proposal will also cast a considerable shadow over the pedestrian realm on the east side of Elizabeth Street after 1pm on 22 September. This section of Elizabeth Street does not currently experience overshadowing during this time and the additional shadow cast as a result of the excessive height of this development is not considered an acceptable outcome.

In terms of its height, mass and form the development does not adequately respond to its context and will have an adverse impact on the character of the surrounding locale including Elizabeth and Franklin Streets and does not respond to the objectives and design and built form policies of Clause 15, Clause 21.06, Clause 21.12, Clause 22.01 and the decision guidelines of the Capital City Zone (CCZ1) and built form outcomes and objectives of the Design and Development Overlay Schedule 14.

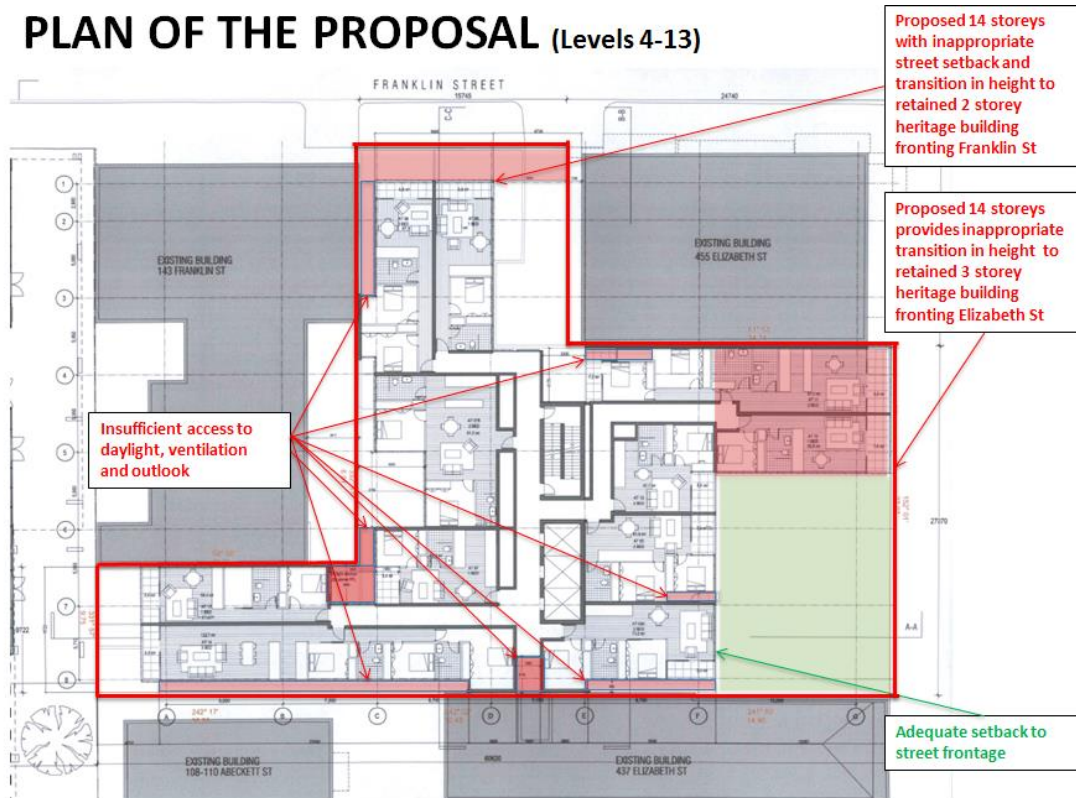
7.3. Amenity impacts for current and future residents and land uses

The plan extracts below demonstrate the significant deficiencies with respect to setbacks to adjoining properties in terms of access to daylight, ventilation and outlook. At the scale and height proposed, the almost non-existent setbacks provide for a completely unacceptable amenity impact, both in terms of internal amenity for future occupants and in terms of the impact on surrounding sites.

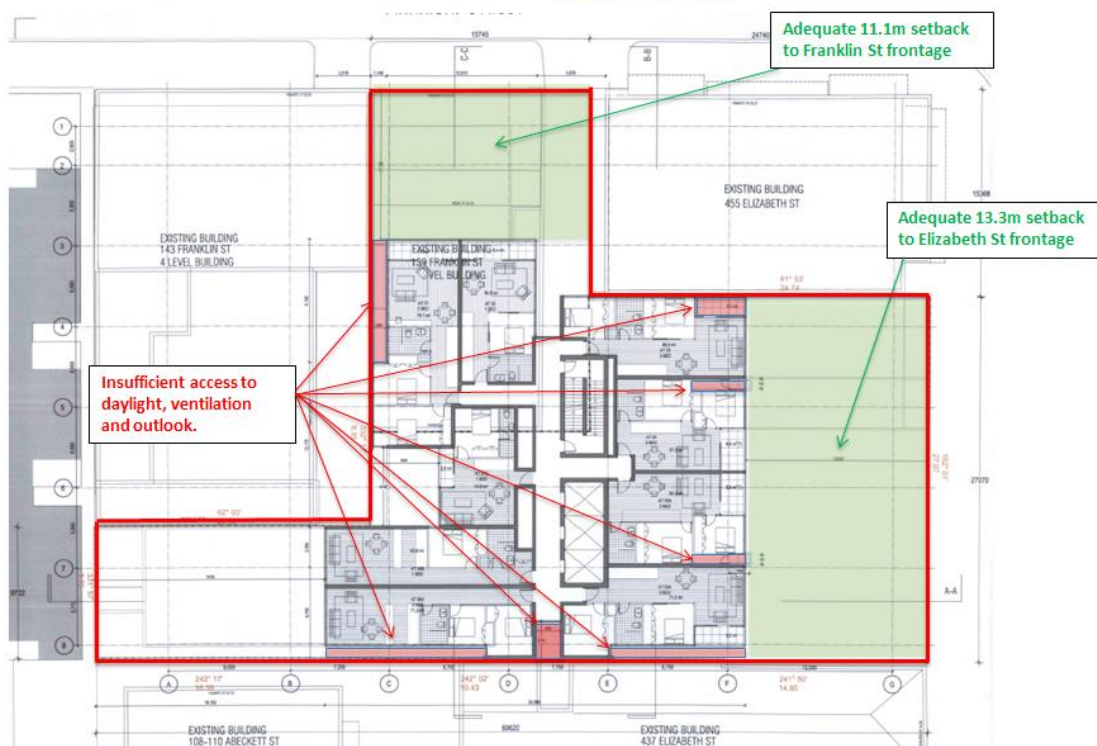
PLAN OF THE PROPOSAL (Level 2)



PLAN OF THE PROPOSAL (Levels 4-13)



PLAN OF THE PROPOSAL (Levels 15-49)



7.4. Lack of consideration for equitable development of adjoining sites

The lack of setback to adjoining properties as explored above is considered to considerably impede the development potential of adjoining sites.

The building to the west at 143-149 Franklin Street contains 12 residential apartments. Should further precedent be set that the development potential of land

within this area significantly exceeds what current guidance provided by the planning scheme foresees for development in this location, it is entirely possible that the owners might agree to sell the site to a third party developer.

Buildings located to the south, whilst individually owned, are not strata subdivided.

Whilst a future development proposal may include any number of land parcels, the combined site area for the two sites to the south (at 437-439 and 433 Elizabeth St) would be 553sqm, with a frontage to Elizabeth Street of around 16m. The site at 433 Elizabeth Street also appears to have laneway access to PL5140 which runs north off A'Beckett Street.

Having regard to the above any suggestion that the adjoining sites to the south and north-west are unlikely to be developed in the future is considered misleading.

Further, if the development were approved in its current form it would set an unacceptable precedent for development in this area that could conceivably be replicated on adjoining sites.

8. OFFICER RECOMMENDATION

That a letter be sent to the Department of Environment, Land, Water and Planning (DELWP) advising that the City of Melbourne objects the proposal on the following grounds:

1. The development by virtue of its form, scale and design outcome will adversely affect the character, appearance and significance of the heritage place at 441-447 Elizabeth Street, 139 Franklin Street, and wider heritage precinct as outlined in Clause 15, Clause 21.06, Clause 22.04, Clause 43.01 and Central City Heritage Review Incorporated Document June 2013.
2. The proposal, in terms of its height, mass and form does not adequately respond to its context and will have an adverse impact on the character of the surrounding locale including Elizabeth and Franklin Streets and does not respond to the objectives and design and built form policies of Clause 15, Clause 21.06, Clause 21.12, Clause 22.01 and the decision guidelines of the Capital City Zone (CCZ1) and built form outcomes and Objectives of the Design and Development Overlay.
3. The proposed building separation to adjacent sites is insufficient and does not provide suitable amenity for existing and future uses of the land and the locality or adequately consider the development potential of adjoining sites and does not accord with the built form principals outlined in Clause 21.06 and Clause 22.01 or the objectives of the Guidelines for Higher Density Development.