

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1a

**Planning Application: TP-2014-274
529-533 and 535-541 Elizabeth Street, Melbourne**

10 February 2014

Presenter: Daniel Soussan, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for planning permit TP-2014-274 at 529-533 and 535-541 Elizabeth Street, Melbourne (refer Attachment 2 – Locality Plan). The permit applicant is NSE Property Pty Ltd (Australian Nursing and Midwifery Federation).
2. The application proposes demolition of one building and the partial demolition of another to construct a multi-level mixed use building to contain retail, office, education centre and place of assembly, a reduction in the standard car parking requirements and a waiver of loading bay requirements.
3. The site is located within the Mixed Use Zone and is affected by a Heritage Overlay (HO3), Design and Development Overlay (DDO44) and Parking Overlay (PO12).
4. The subject site sits within the City North Structure Plan Area (Amendment C196) and both properties are also proposed to be C Graded in a Level 2 Streetscape pursuant to the City North Heritage Review (C198).
5. The application was advertised and has received 22 written objections of which 16 are non-identical objections.
6. Amended plans were submitted following the original public notification. These plans were formally re-advertised to all of the objectors, owners and occupiers of the adjoining properties in November 2014.

Key issues

7. The key considerations associated with the proposal are the height, massing and building design, the proposed demolition and partial demolition of heritage buildings, the use of the land as an education centre, place of assembly, retail premises and office, potential amenity impacts, car parking and access.
8. Subject to conditions the proposed design response and built form is considered to be appropriate having regard to the nature of the site and the existing and proposed policy objectives and decision guidelines.
9. The demolition of the currently ungraded heritage building and partial demolition of the existing D graded heritage building will not have a significant impact on the heritage significance of the place or precinct and, balanced against the proposed replacement building and the net community benefit of establishing the ANMF headquarters and training centre in this location, is supported.
10. The uses of the land are considered to be consistent with existing and proposed policy and are encouraged within this area.
11. Subject to conditions, Engineering Services are satisfied with respect to car parking and access related matters.

Recommendation from management

12. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit in accordance with the conditions set out in the delegate report (refer Attachment 4 – Delegate's Report).

Attachments:

1. Supporting Attachment
2. Locality Plan
3. Plans
4. Delegate Report

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

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

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in preparing this report

Stakeholder consultation

5. Formal notification of the application was carried out in June 2014 by notices to the owners and occupiers of adjoining land and via a series of signs on the site. Concerns raised by objectors and City of Melbourne Planning officers were taken into consideration by the applicant who provided amended plans. Notification of the amended application was undertaken in November 2014 by posting letters to all objectors and making the plans available for viewing on the Council website.

Relation to Council policy

6. Relevant Council policies are discussed in attached delegate report (refer Attachment 4).

Environmental sustainability

7. An Environmentally Sustainable Design (ESD) report was provided with the application indicating that the proposal will achieve a five star green star rating. Further details of ESD measures are set out in the attached delegate report (refer Attachment 4).

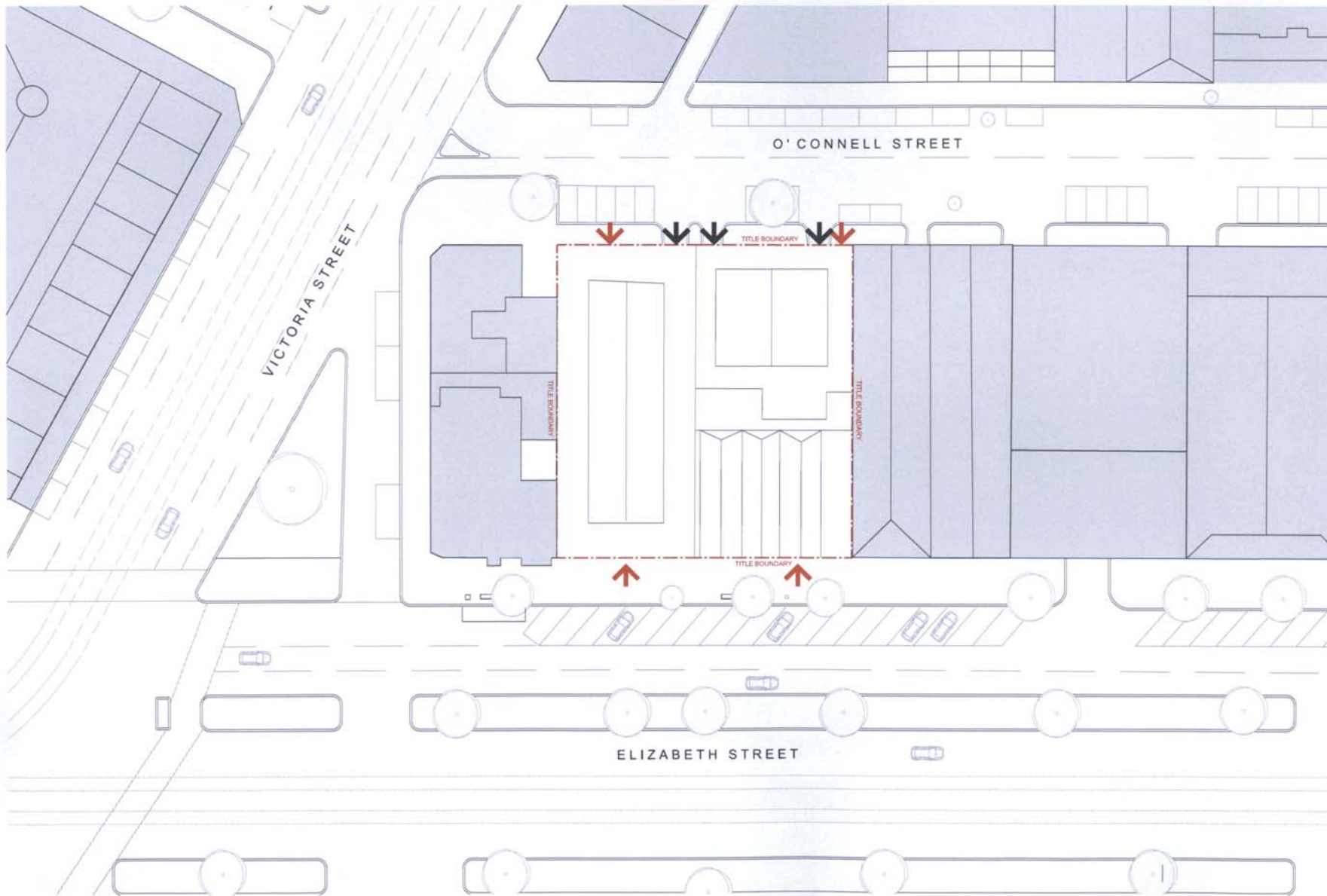
Locality Plan

Planning Permit Application TP-2014-274

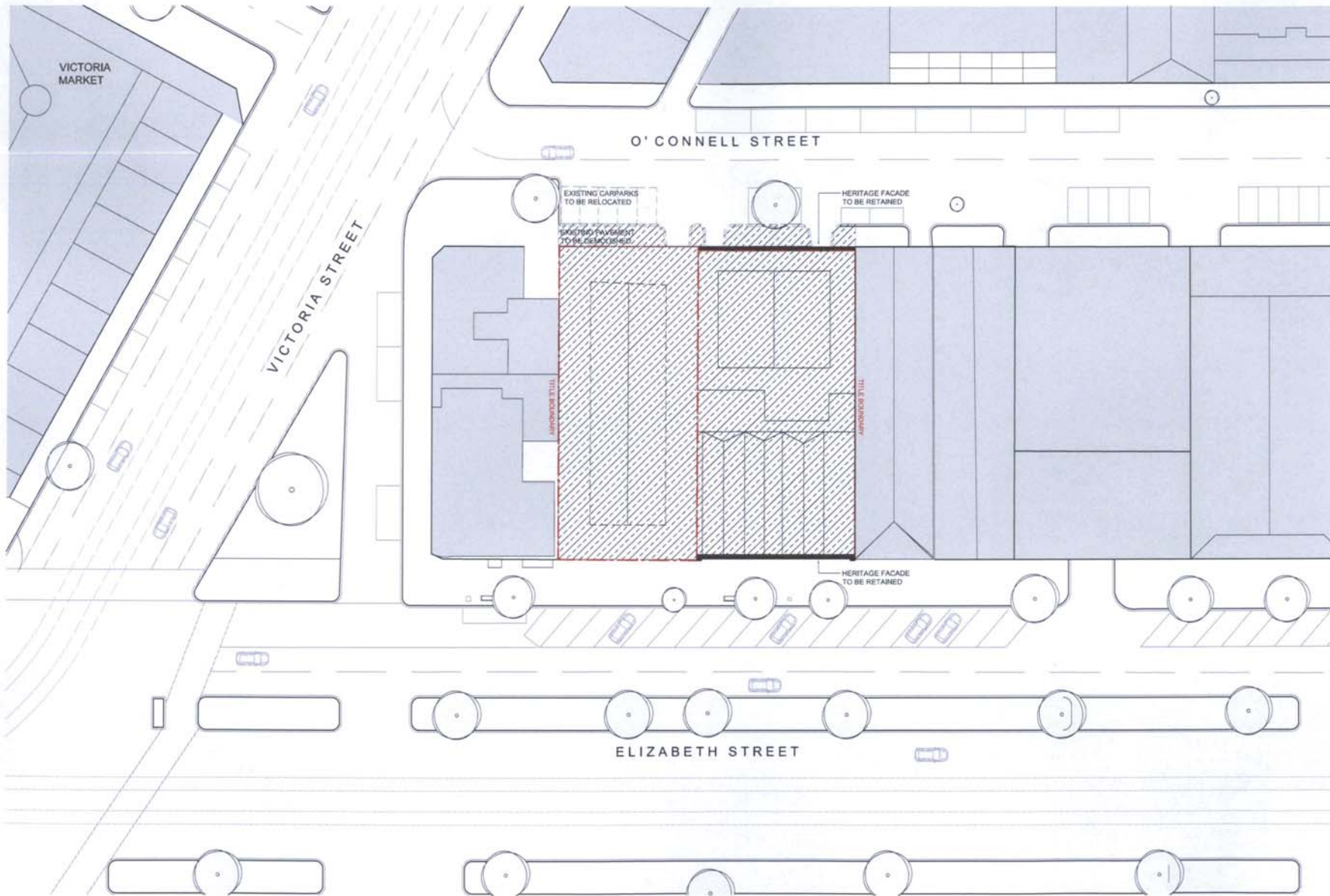
529-533 & 535-541 Elizabeth Street, Melbourne

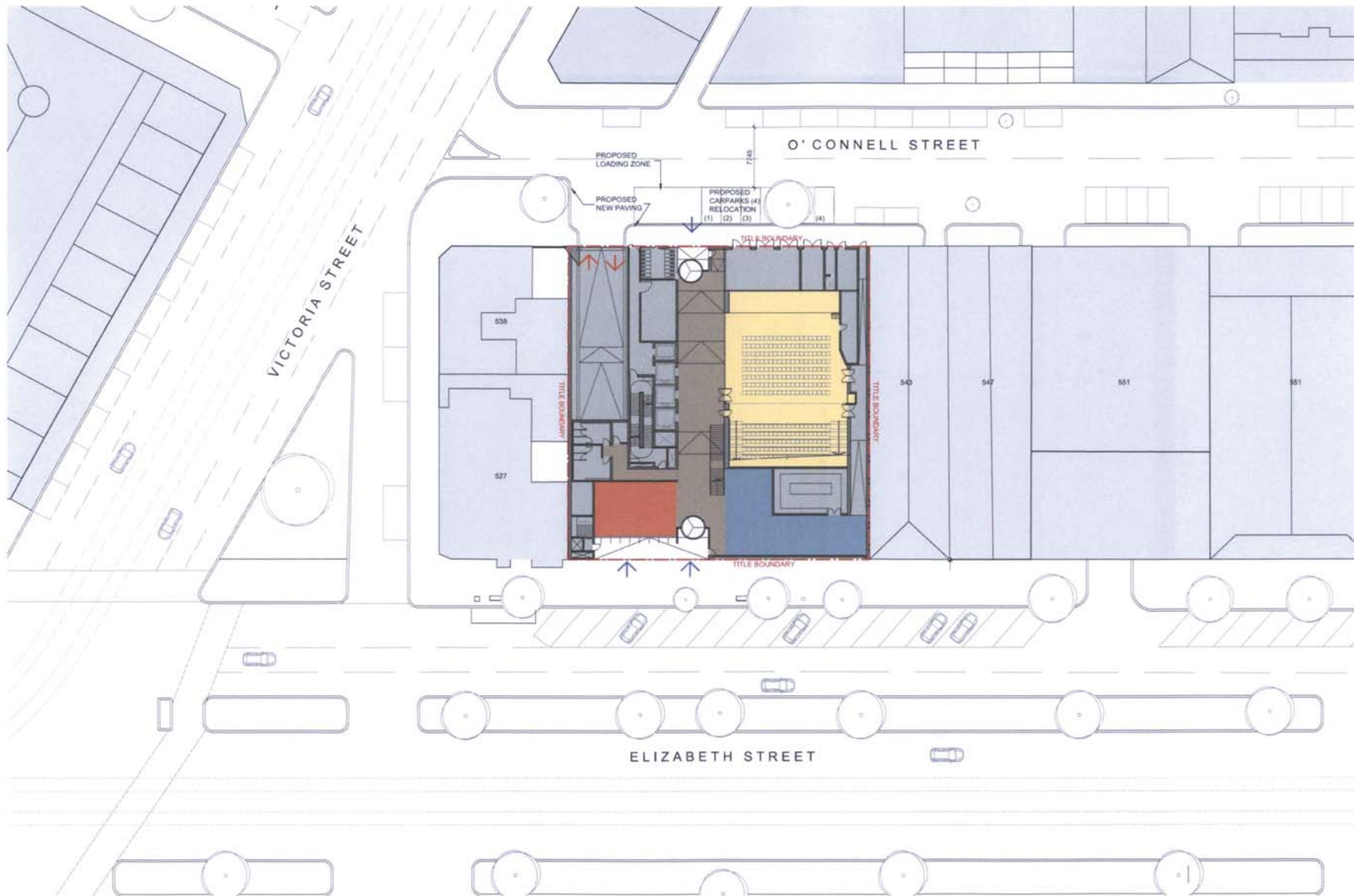


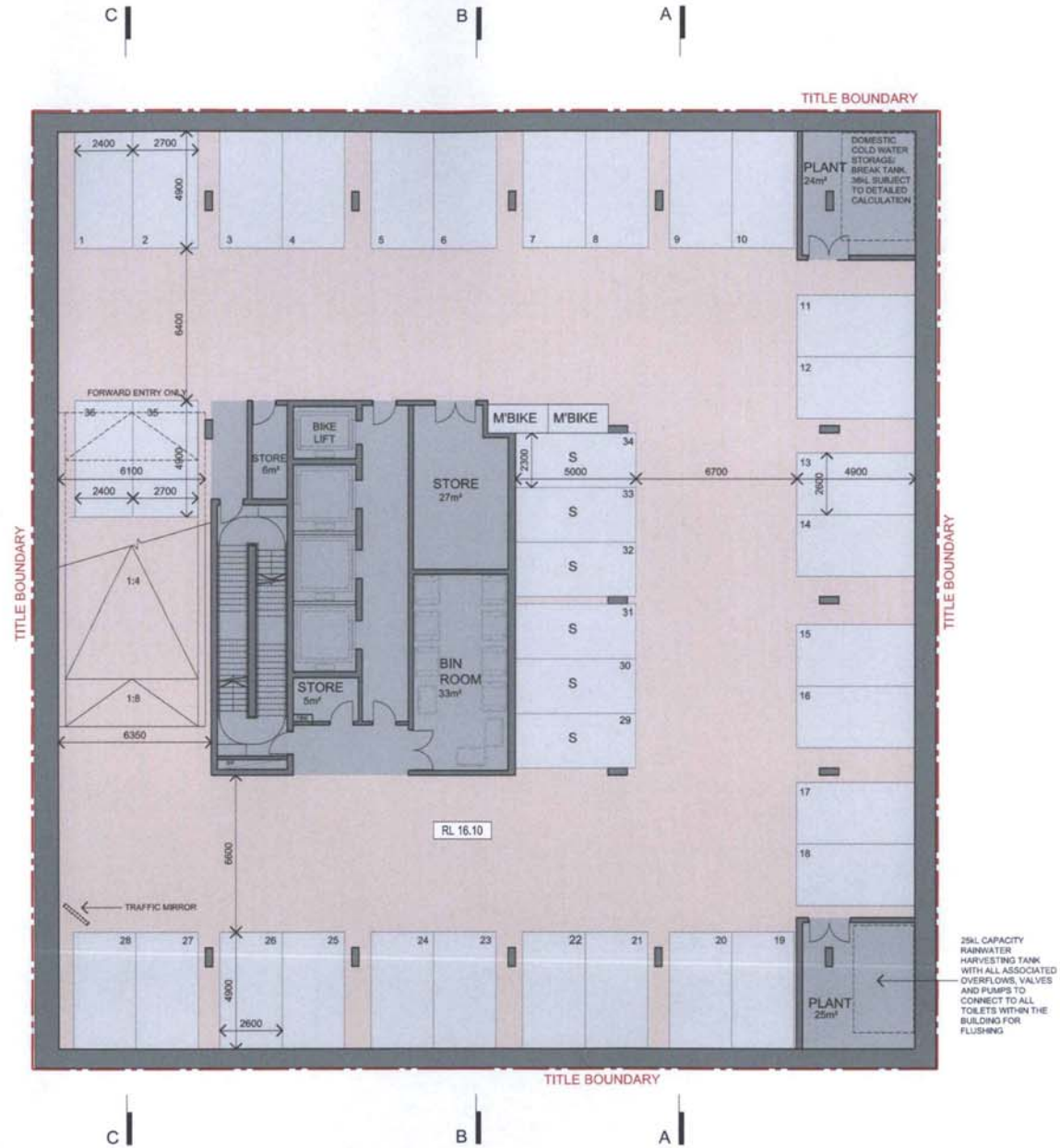


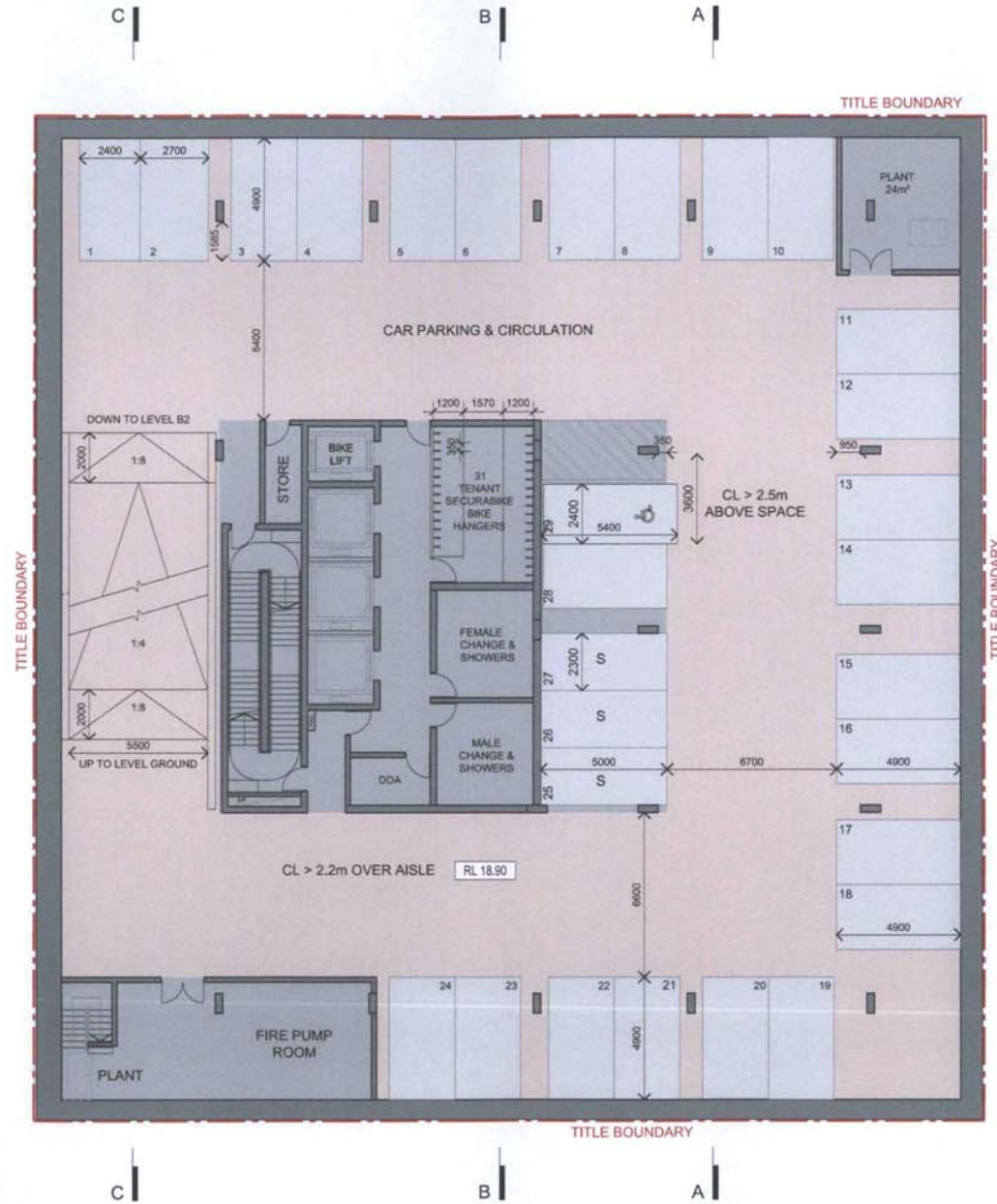


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- SITE BOUNDARY
- ADJOINING PROPERTIES

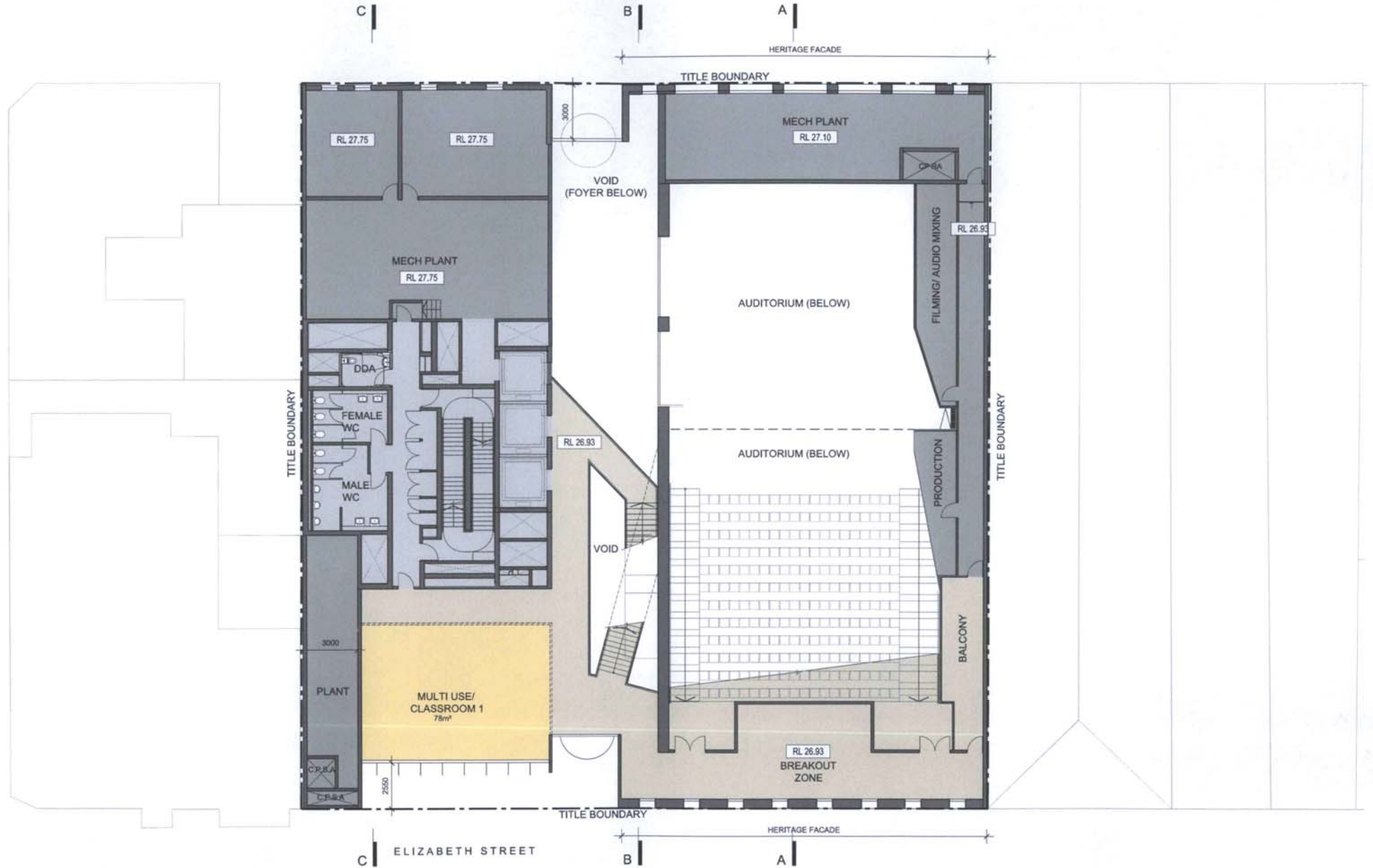


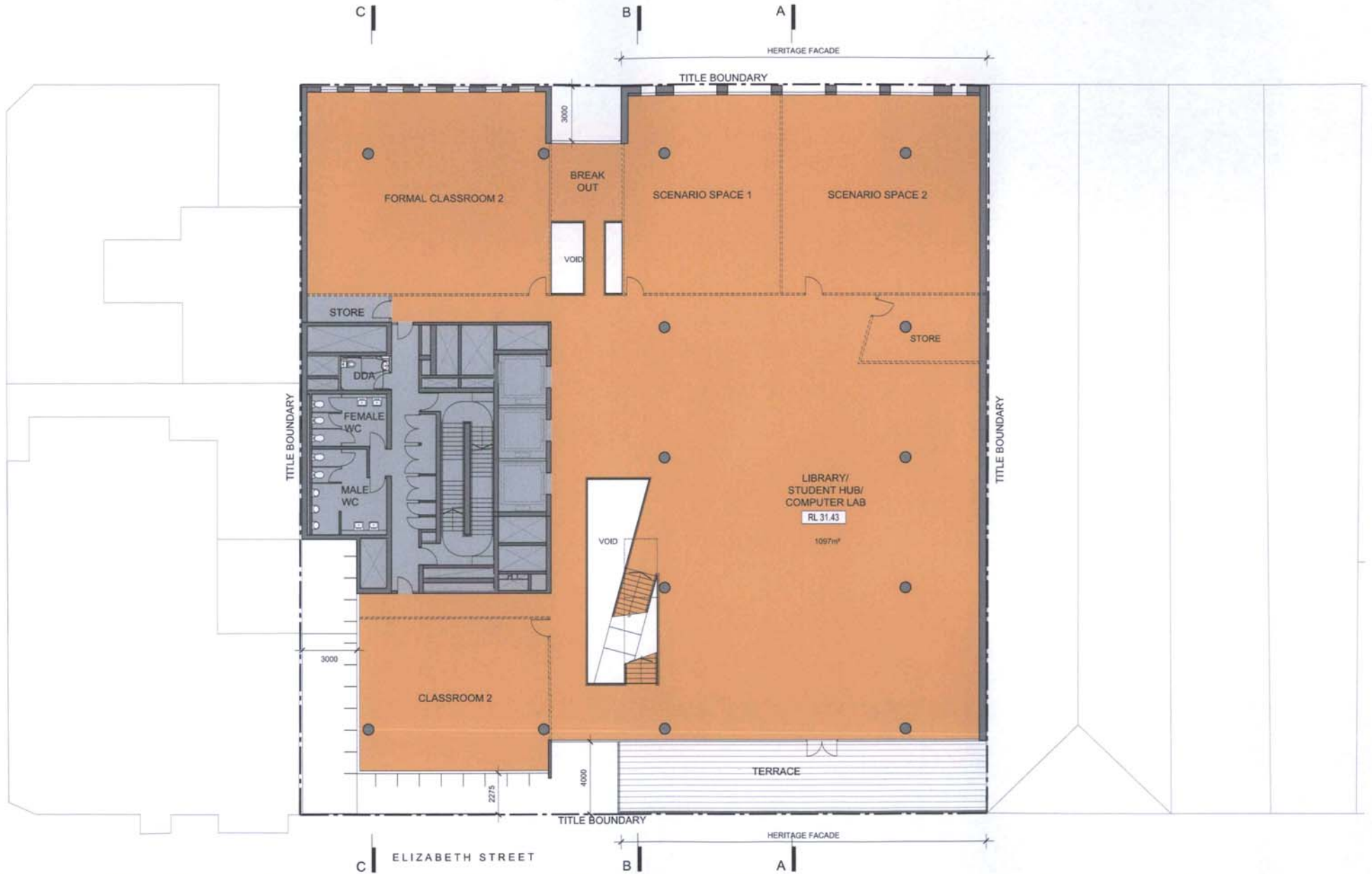




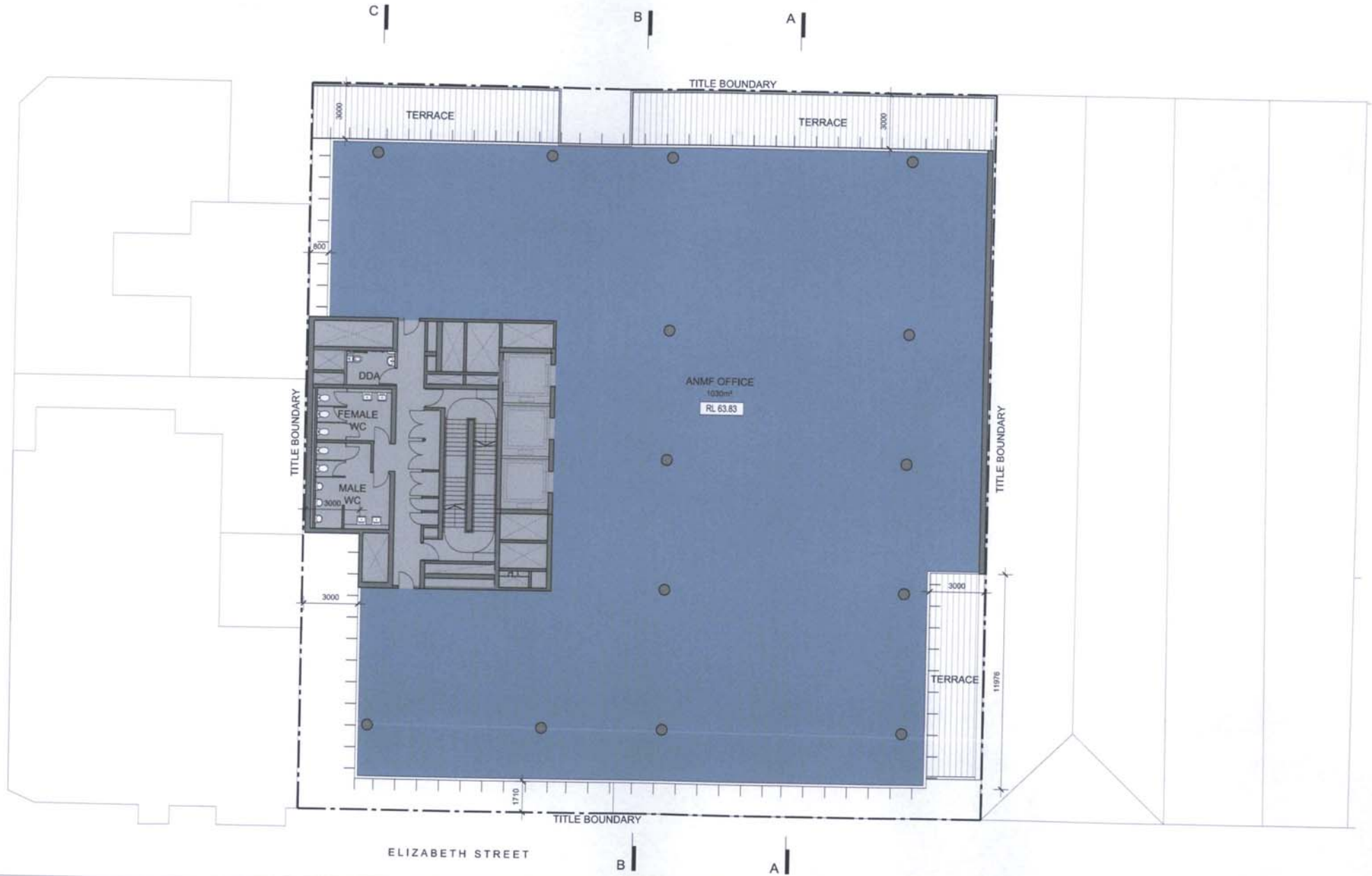


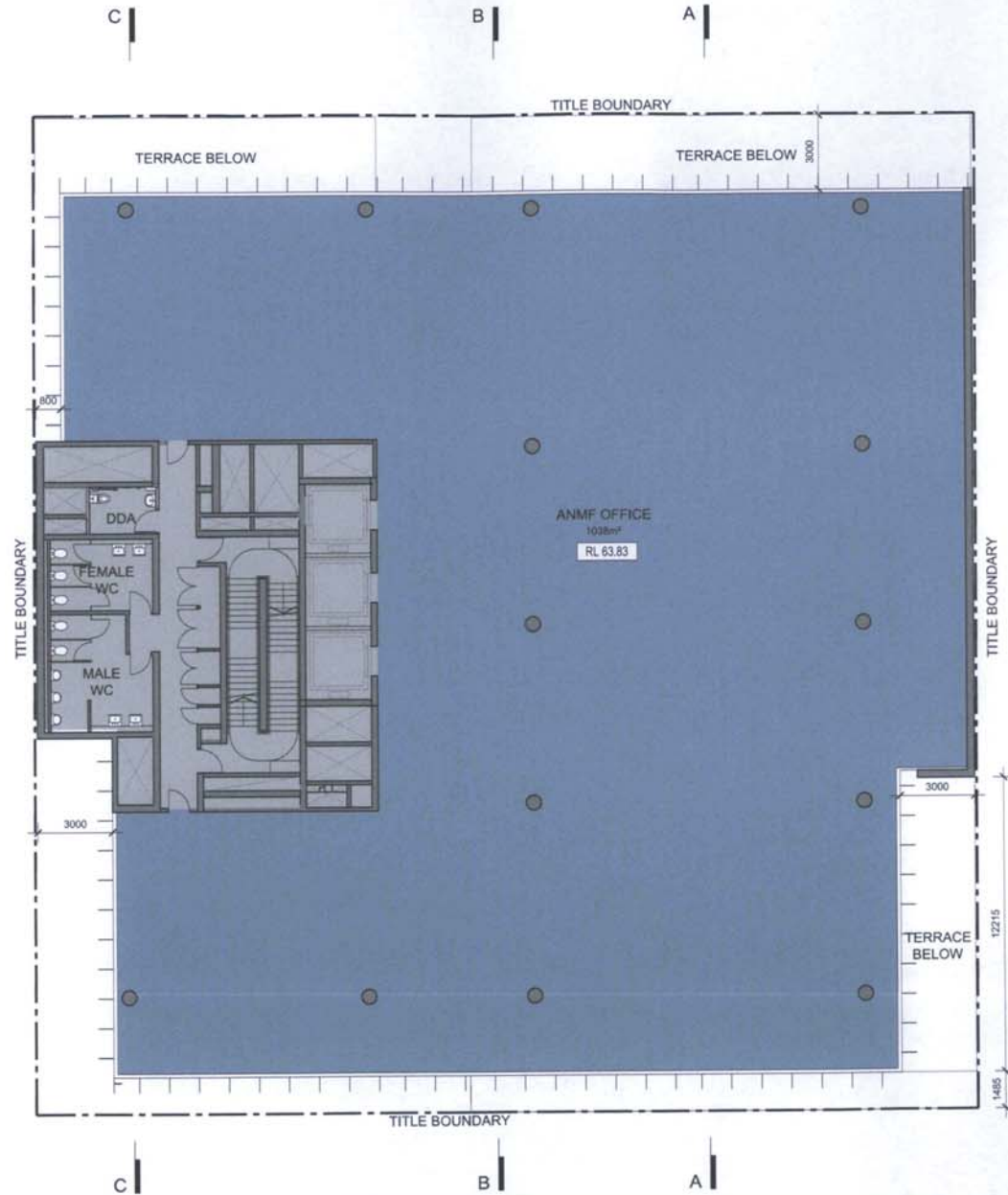


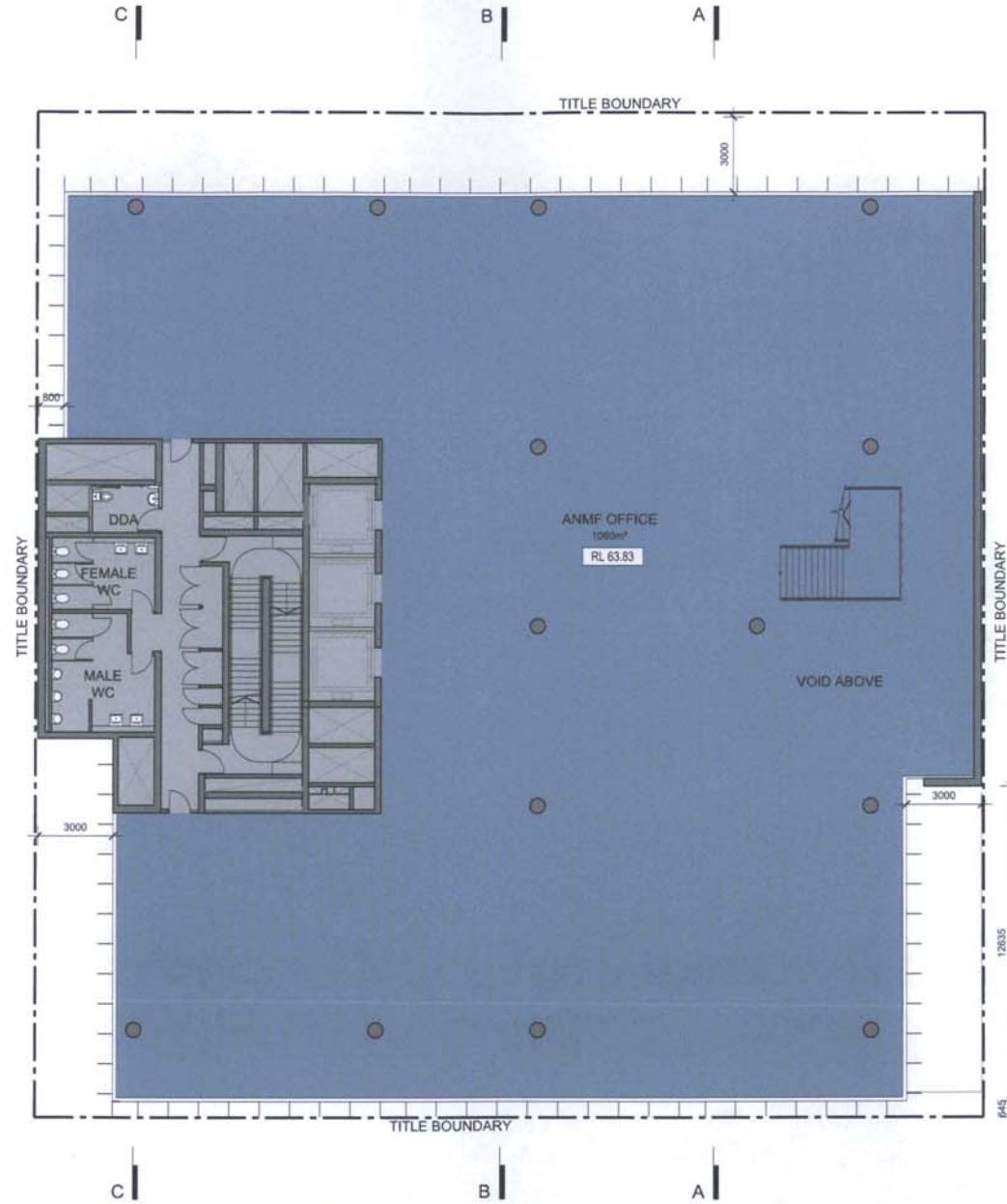


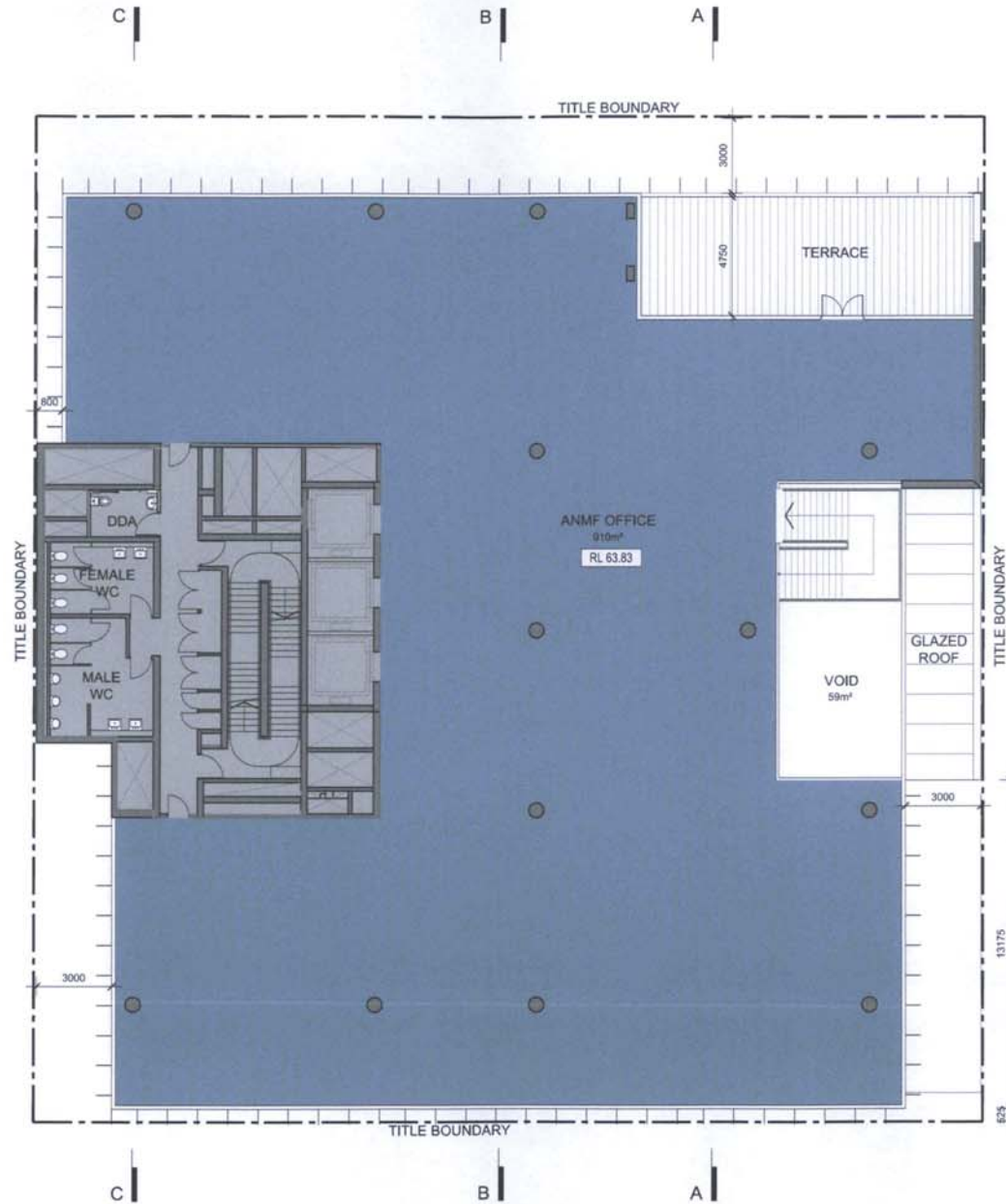


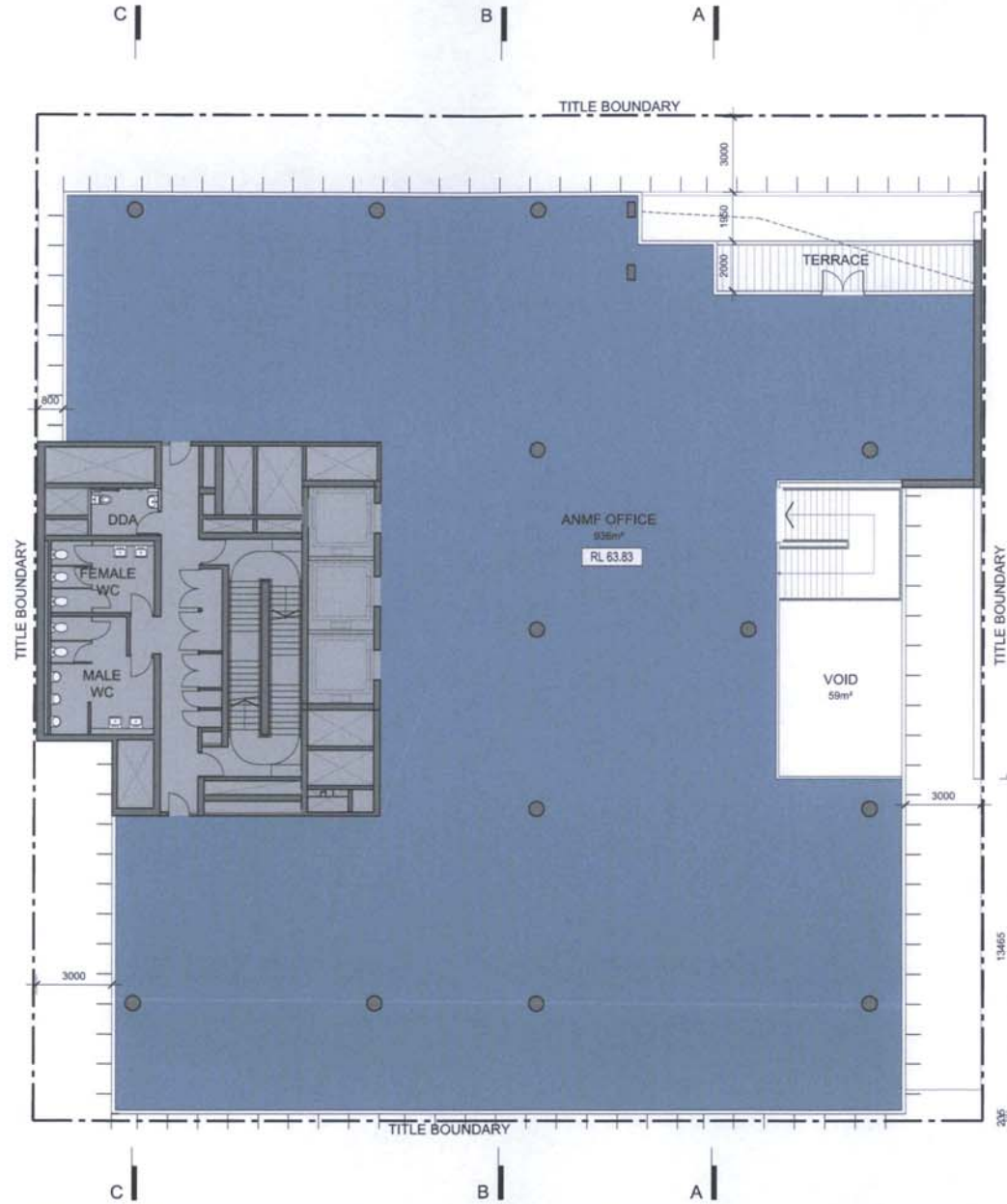


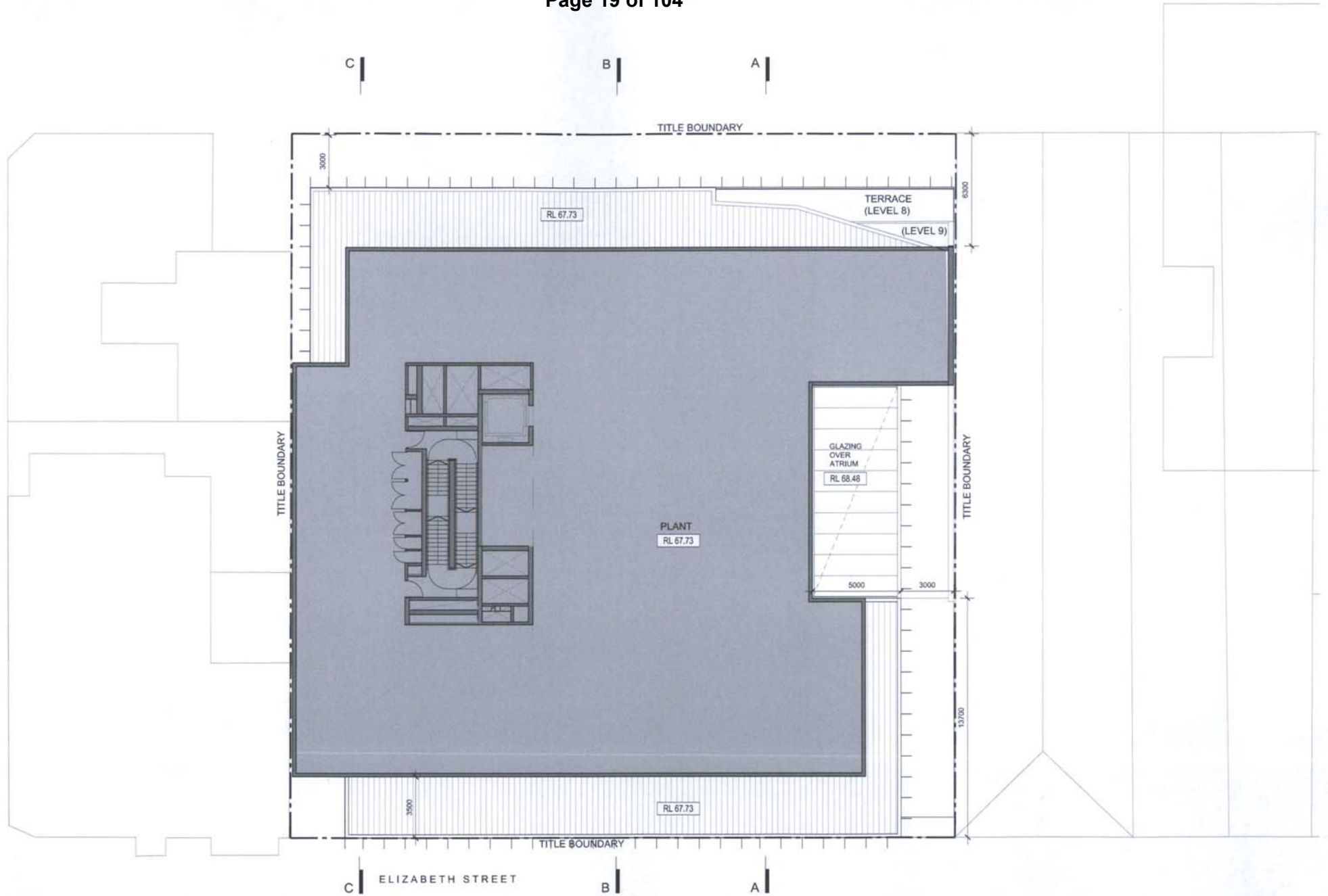


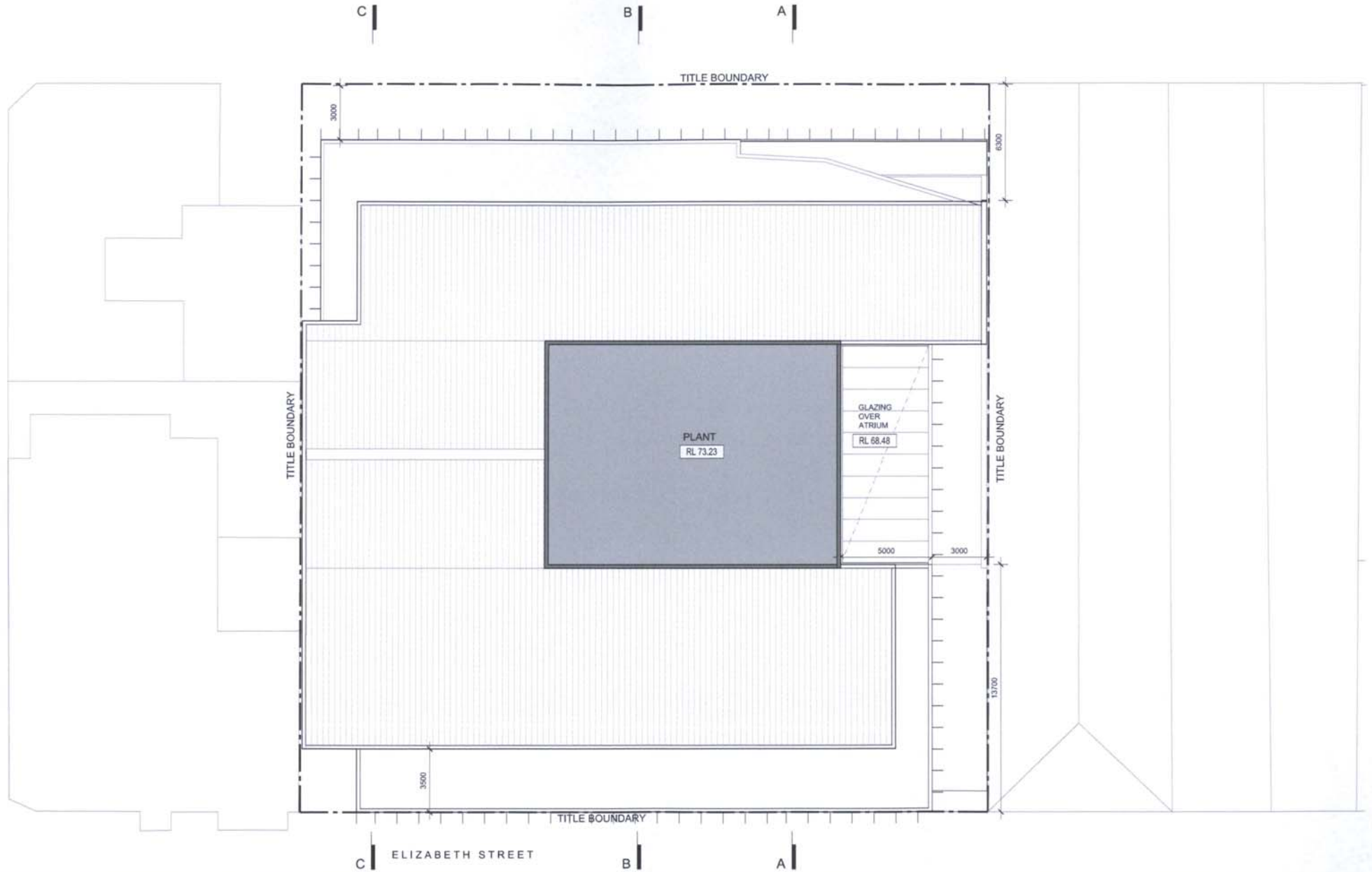


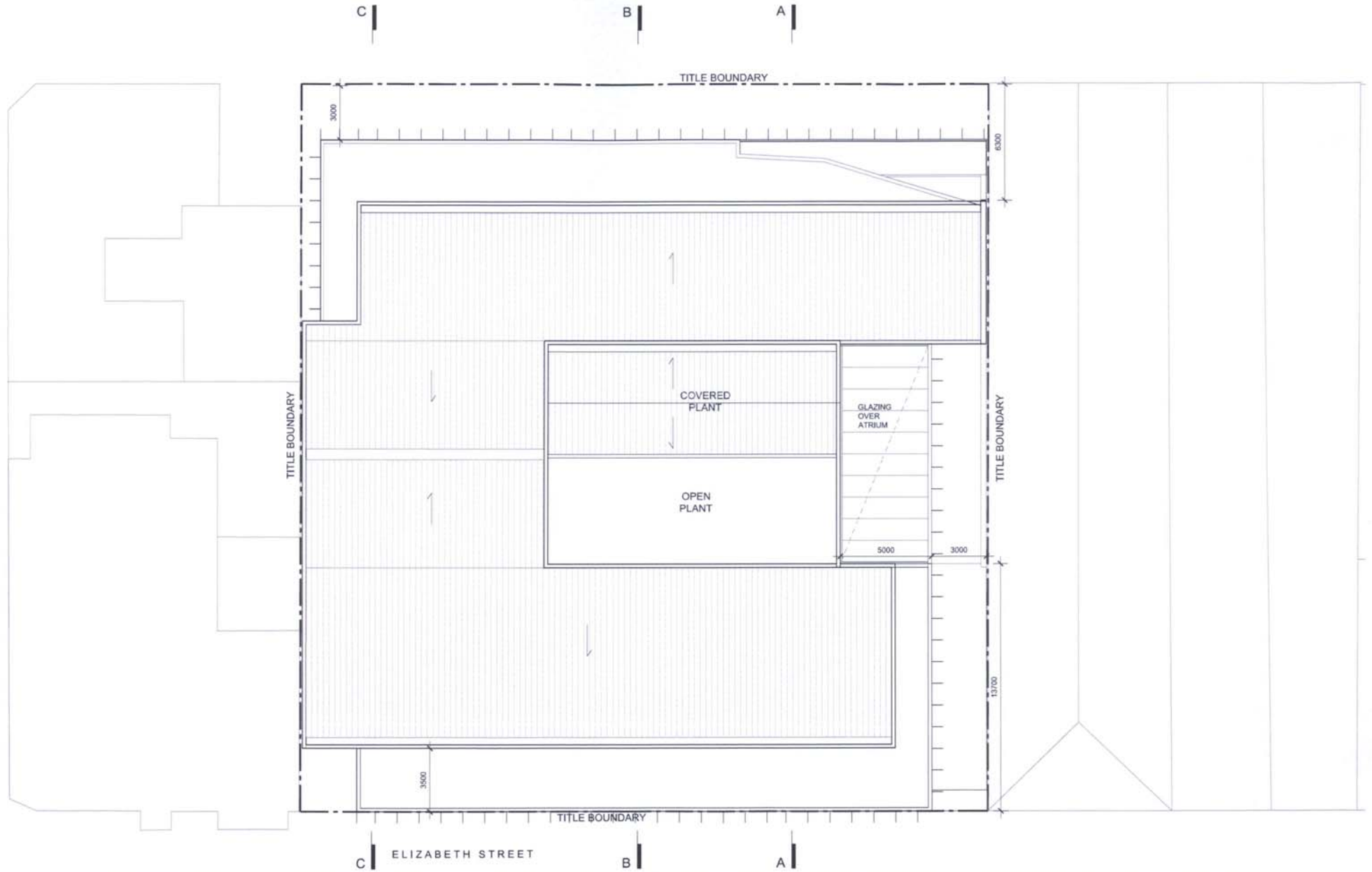




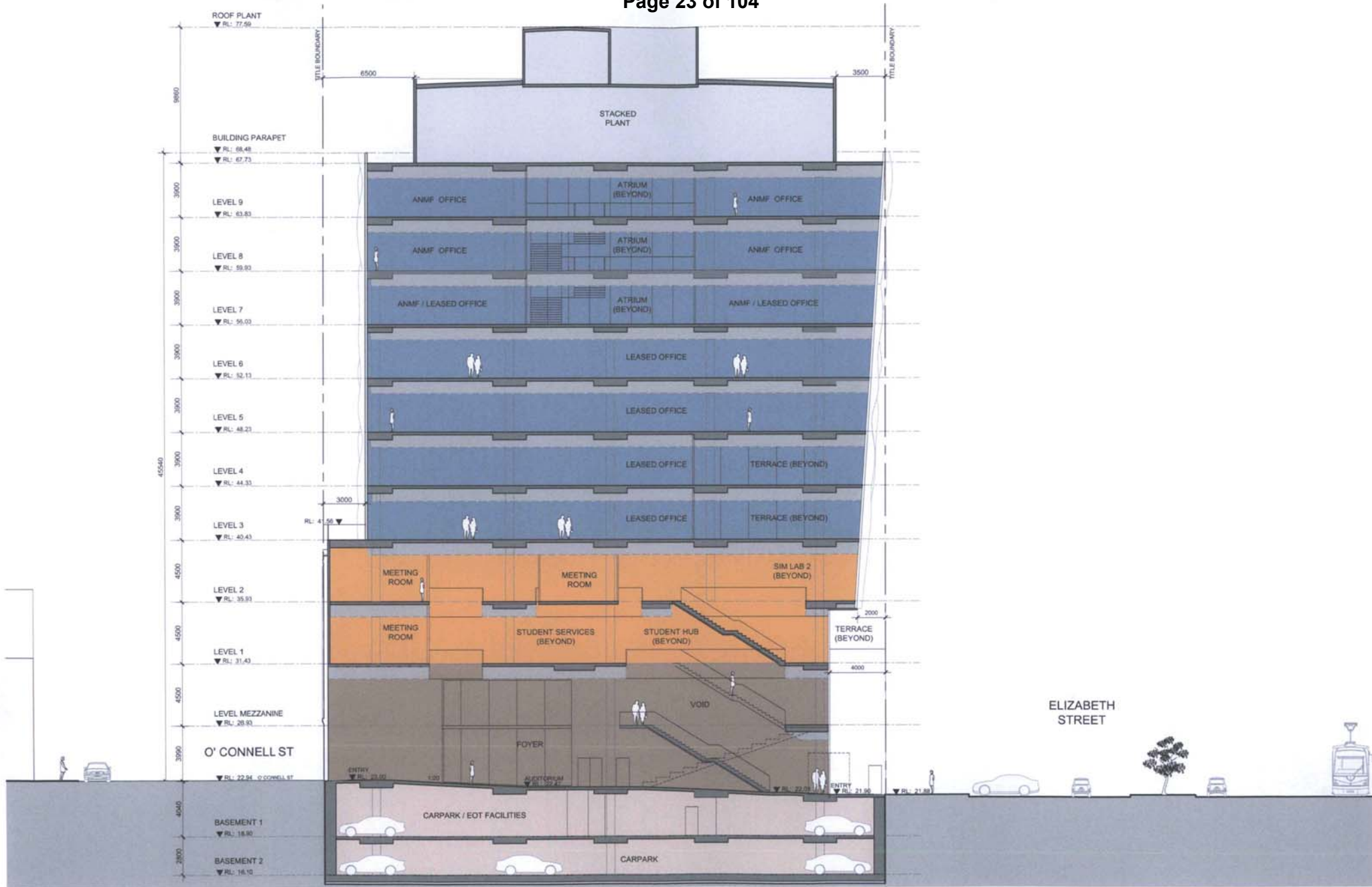




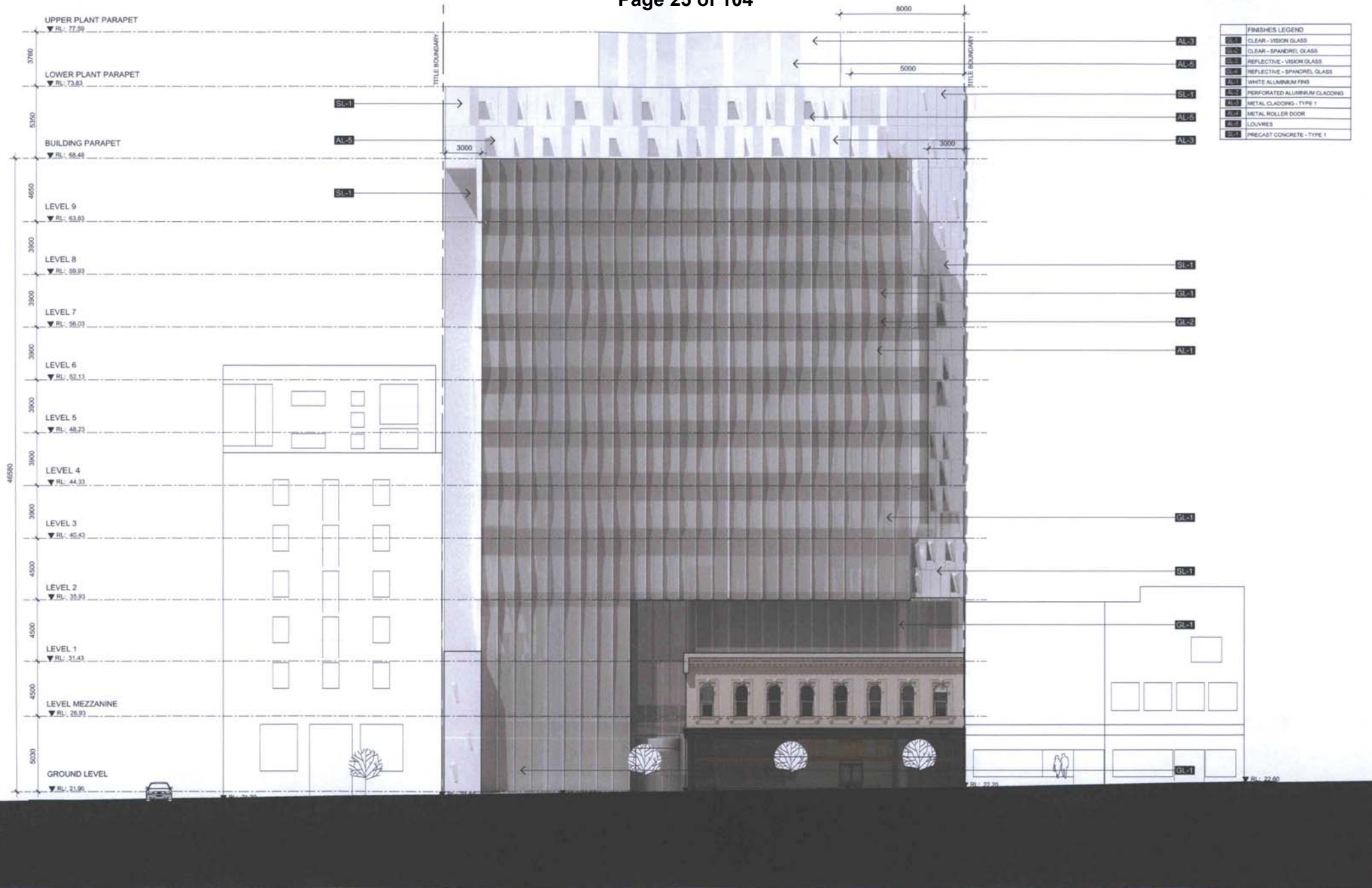


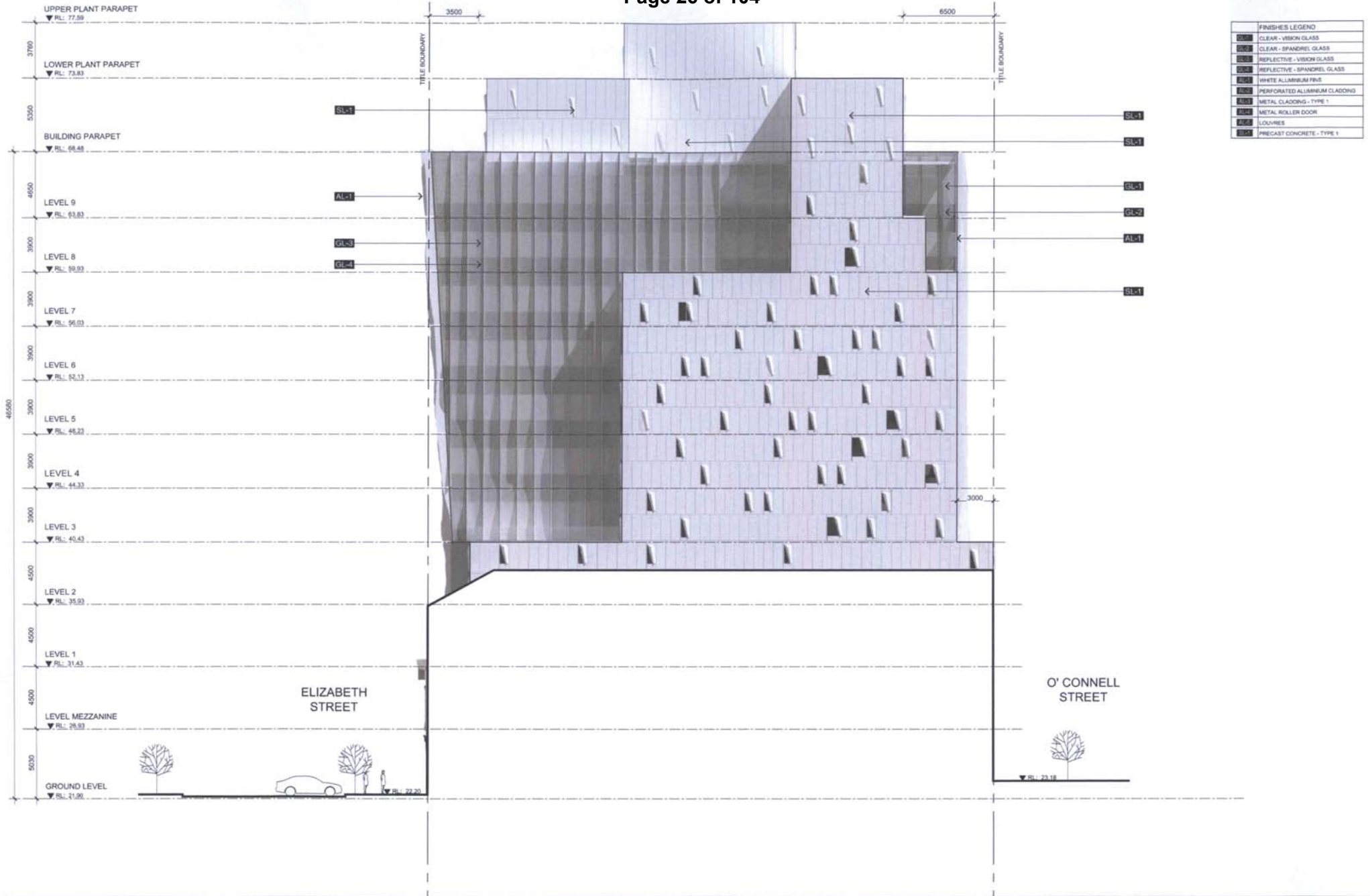


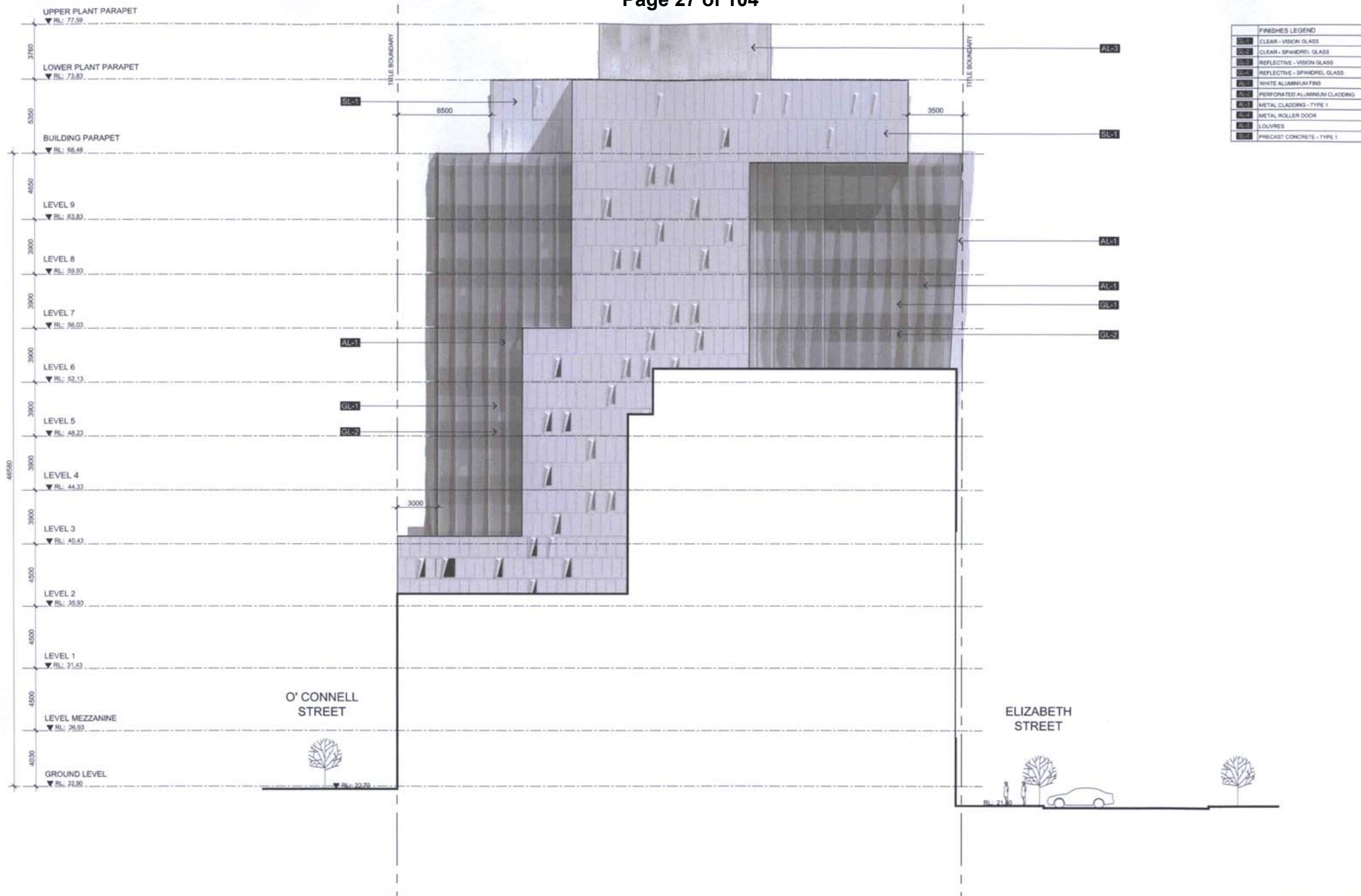


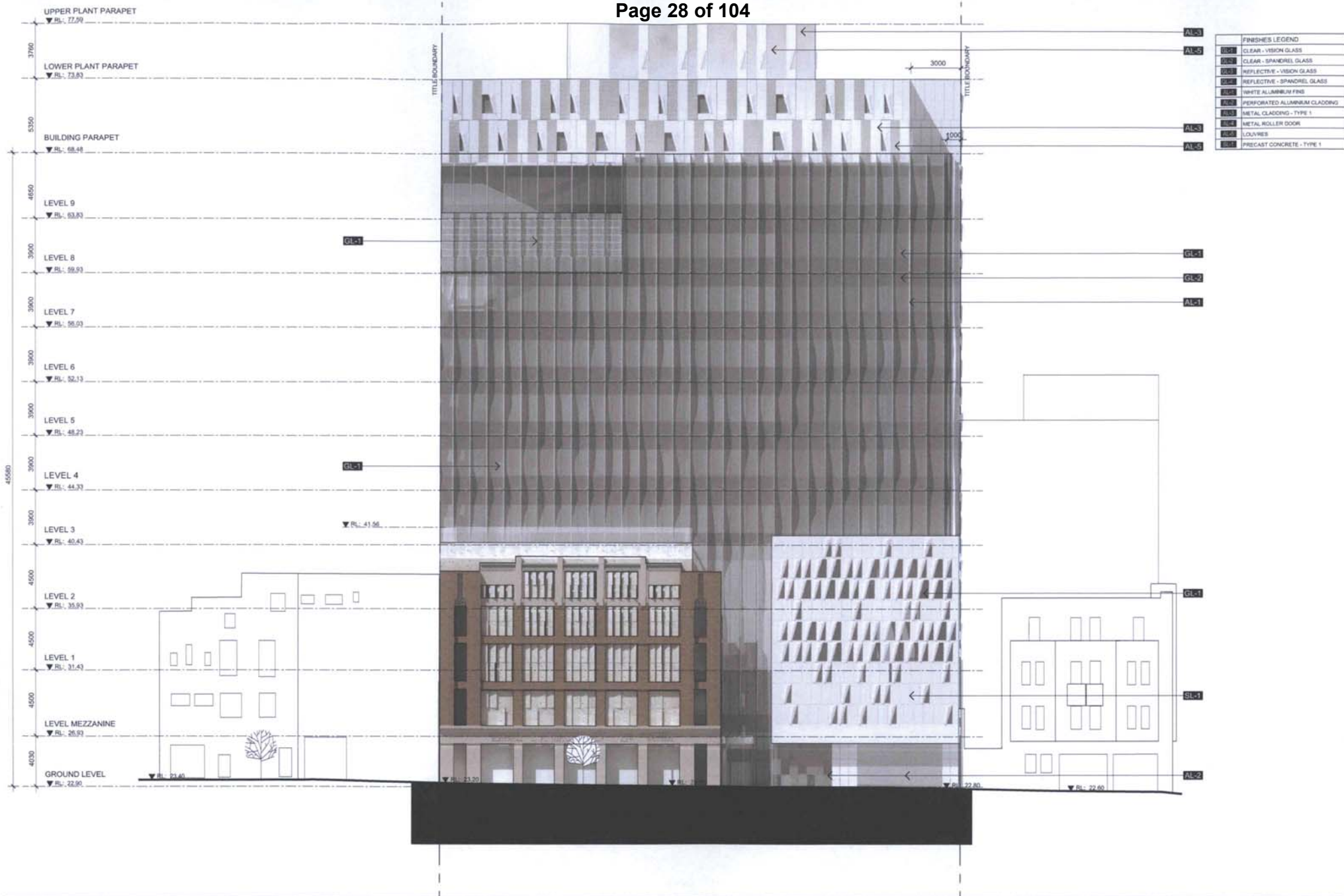














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street perspective - elizabeth street montage DA 400

535 Elizabeth Street rev B

27/10/14 / CM 3155

















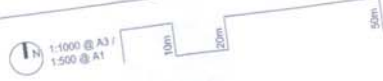


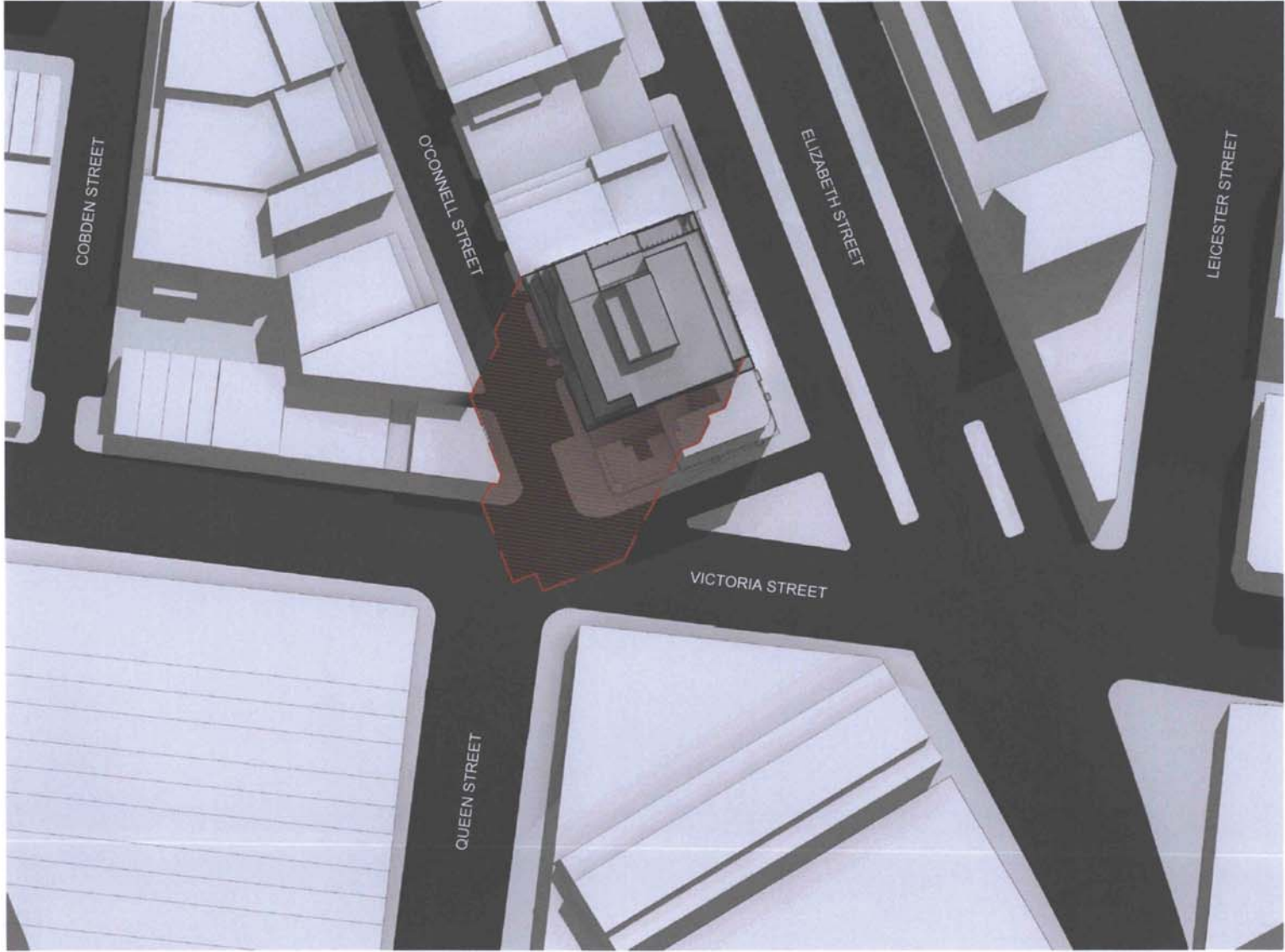
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- BUILDING OUTLINE
- ▨ PROPOSED SHADOWS



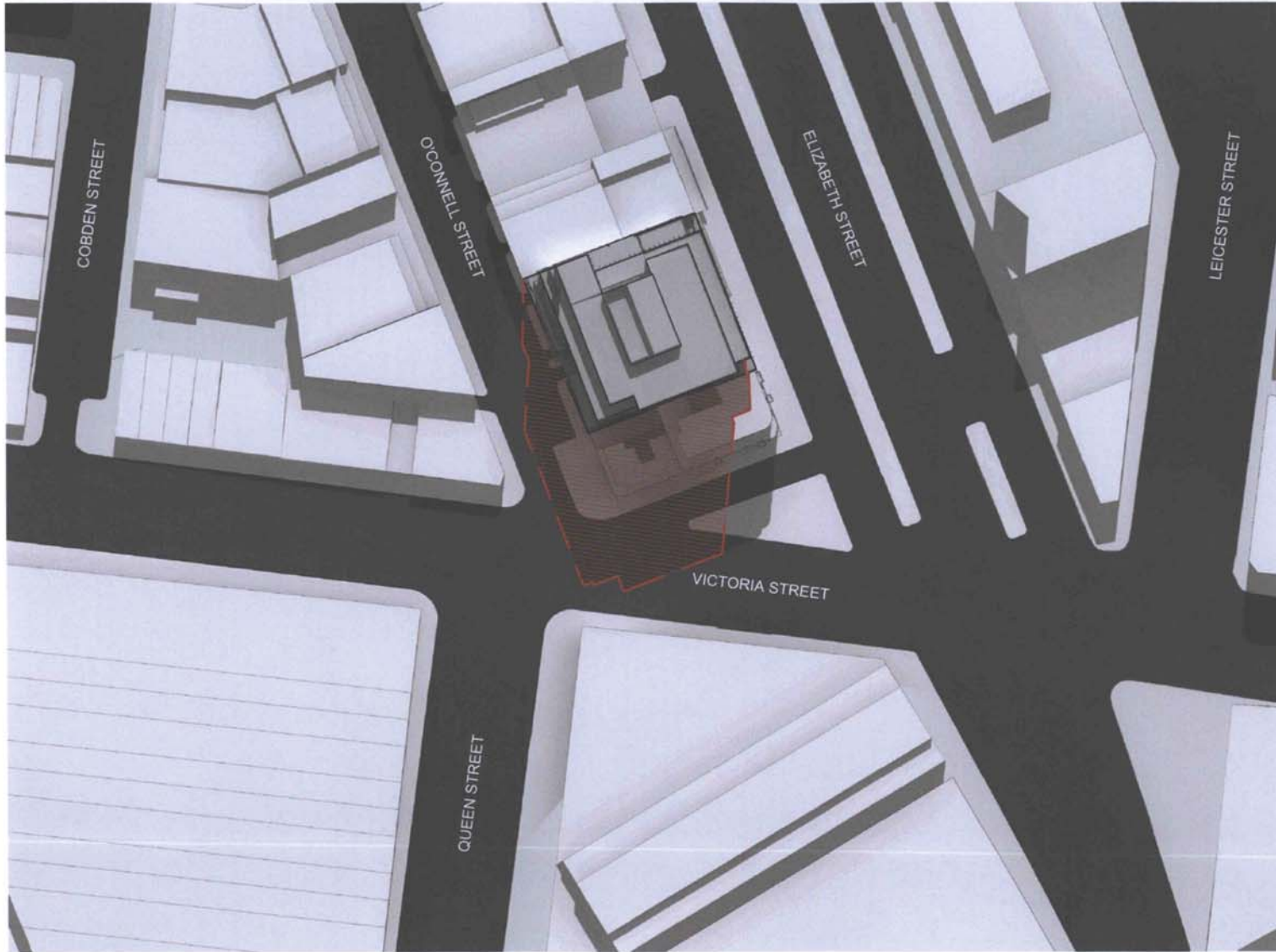
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shadow studies for 22nd September at 10am DA 501
535 Elizabeth Street rev A
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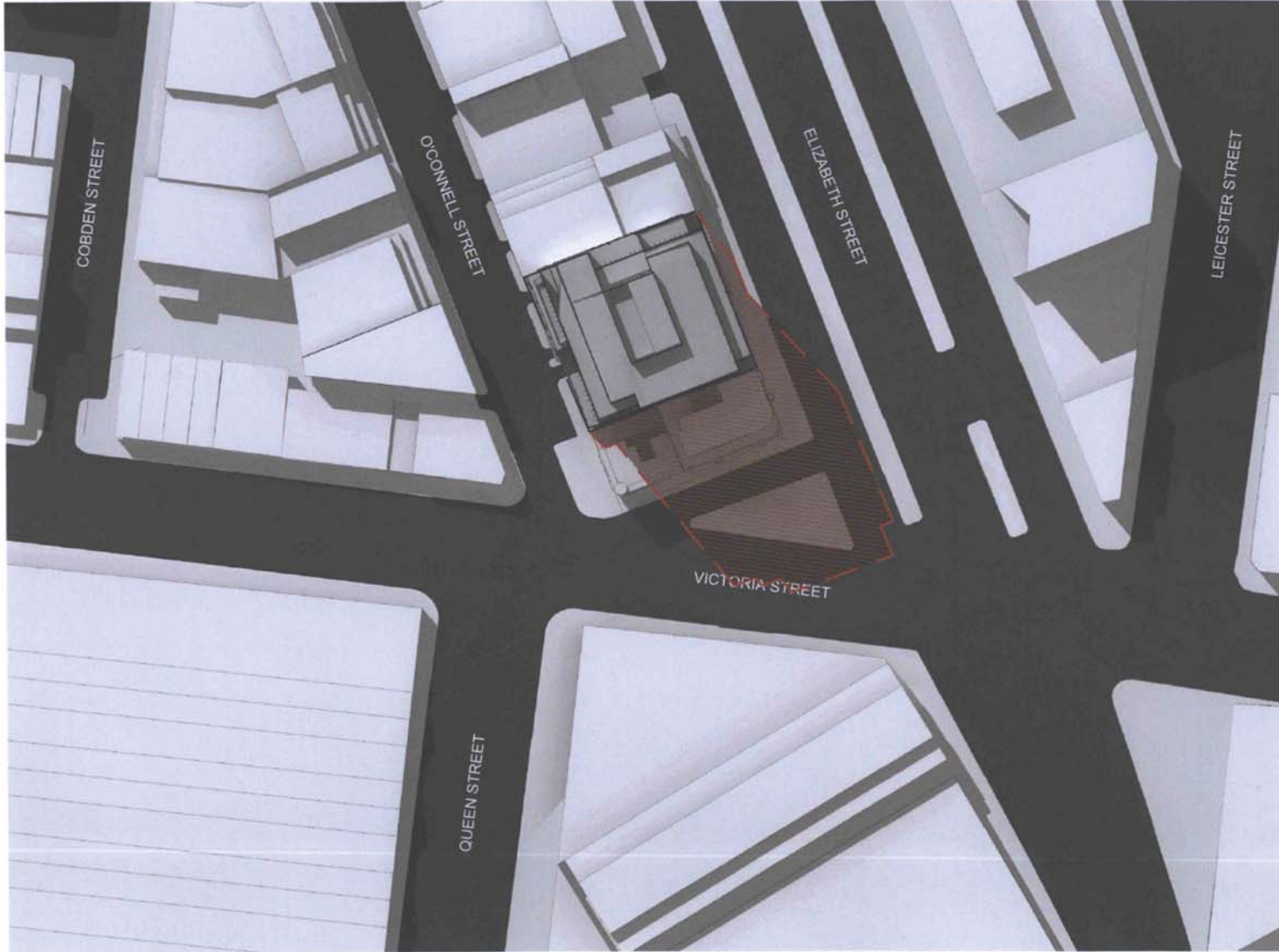
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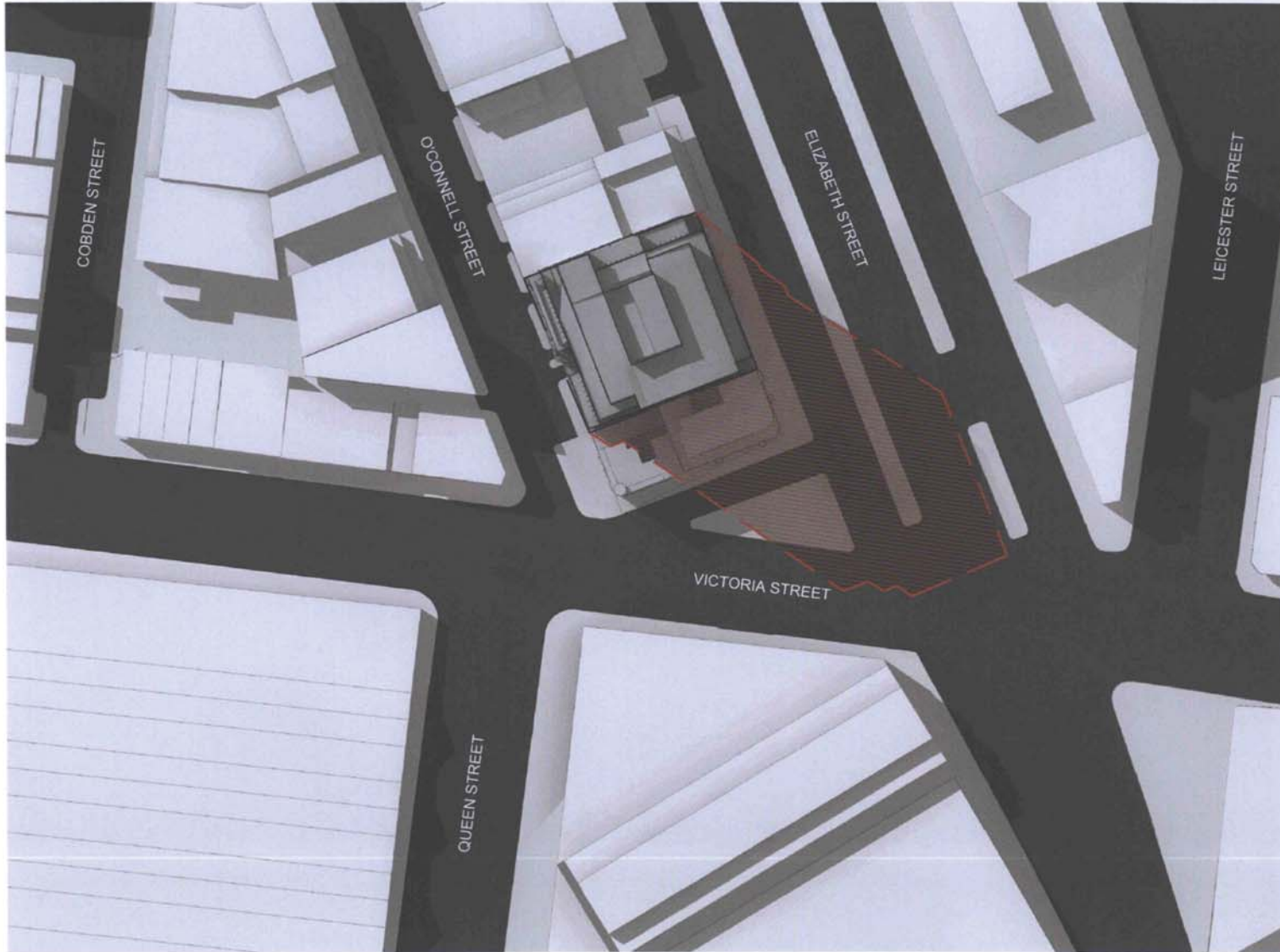
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- SITE BOUNDARY
- BUILDING OUTLINE
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DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2014-274
Applicant:	NSE Property Pty Ltd (Australian Nursing and Midwifery Federation)
Address:	529-533 Elizabeth Street, MELBOURNE VIC 3000, 535-541 Elizabeth Street, MELBOURNE VIC 3000
Proposal:	Construction of a multi storey building including the demolition of existing buildings on site; the use of the building for retail, office, education centre and place of assembly, a reduction in the standard car parking requirements and a waiver of loading bay requirements
Date of application:	16 April 2014
Responsible officer:	Nicholas McLennan

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the north western side of Elizabeth Street and run through to O'Connell Street to the west. The site is located approximately 40 metres to the north-west of the Elizabeth and Victoria Street intersection. The subject site comprises two separate lots and is known as 529-533 Elizabeth Street, Melbourne.

The site has a frontage of approximately 37.63 metres to Elizabeth Street, 37.65 metres to O'Connell Street and a depth of approximately 40 metres resulting in an overall site area of approximately 1517 square metres.

The site is currently occupied by two buildings including a currently ungraded two storey building in use as an 'Autobarn' garage at 529-533 Elizabeth Street and a four storey brick building at 535-541 Elizabeth Street which is 'D' graded in a level 3 streetscape pursuant to the City of Melbourne's Heritage Places Inventory 2008. It is noted that 535-541 Elizabeth Street is currently in use as a hairdressing academy and presents a two storey form to Elizabeth Street and a four storey form to O'Connell Street while the 'Autobarn' site presents a two storey form to O'Connell Street and Elizabeth Street.

To the north of the subject site at 543-549 Elizabeth Street is a four storey building which presents as three storeys from Elizabeth Street. This building is currently occupied by 'Cash Converters' and is built to all boundaries. Further to the north along Elizabeth Street there is a varying scale of built form with predominately two storey commercial buildings and an 8 and 10 storey residential buildings at 591 Elizabeth Street and 587-589 Elizabeth Street respectively.

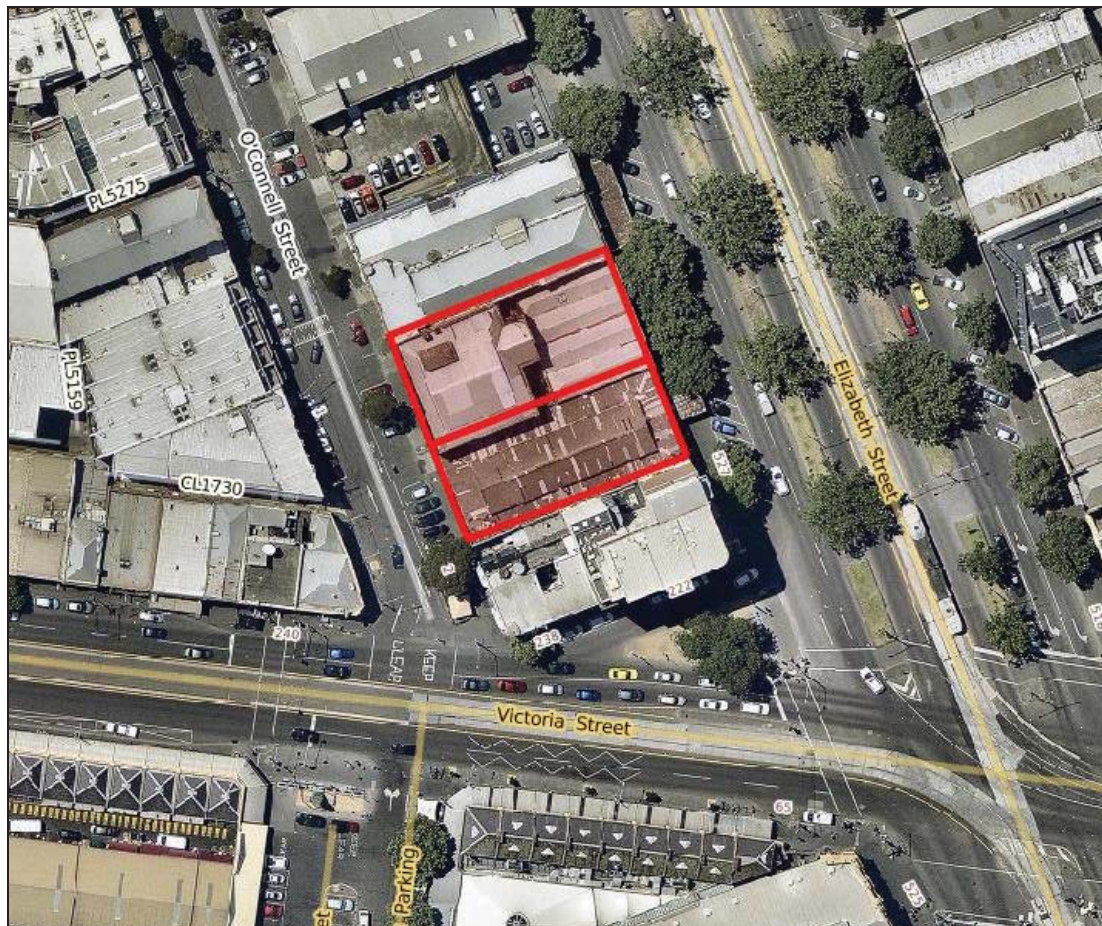
To the south of the subject site are two separate buildings that immediately adjoin the site. 222-230 Victoria Street is occupied by an eight storey residential building with retail uses at the ground floor. This building is located on the corner of Elizabeth and Victoria Streets. 238 Victoria Street is located on the corner of Victoria and O'Connell

Streets and is occupied by a four storey building with a tavern at ground floor and backpacker's accommodation at the upper levels. Both buildings are 'C' graded in a level 3 streetscape pursuant to the City of Melbourne's Heritage Places Inventory 2008. Further to the south of the subject site on the opposite side of Victoria Street is the Queen Victoria Market.

To the east of the subject site across Elizabeth Street there is a range of built form including single and double storey commercial buildings and an eight storey building directly opposite at 540 Elizabeth Street. To the west of the subject site across O'Connell Street is also a range of commercial and accommodation buildings ranging from two to five levels. Directly opposite the subject site to the west is a two storey tavern at 240-248 Victoria Street and to the north is a four and five storey residential building at 1 and 11 O'Connell Street.

The tree-lined Elizabeth Street, and its duplicated service lanes, immediately abuts the eastern boundary of the site. Elizabeth Street is a major distributor road, forming a boulevard with a wide cross section comprising two service lanes and a central tram reserve. There is angled parking along Elizabeth Street service lane immediately out the front of the subject site.

Aerial Photo / Locality Plan



Aerial photo - Source - CoMPASS



Subject site – Source – Pictometry 2012

The subject site is well located in relation to a wide range of services and facilities. The site enjoys convenient access to tertiary educational institutions, The Royal Melbourne Hospital, The Queen Victoria Market and the various services within the Capital City. Further the site is well serviced by public transport.

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Pre-application discussions were held with City of Melbourne Planning Officers prior to the lodgement of the application.

2.2 Planning Application History

There is no directly relevant history or background for this application.

The application was lodged on 15 April 2014. On 6 May 2014 the applicant sought to formally amend the planning application under Section 57A of the *Planning and Environment Act 1987*. The changes were in response to refined design concept which led to an alteration to the façade detailing.

On 30 October 2014 the applicant again sought to formally amend the planning application under Section 57A of the *Planning and Environment Act 1987*.

The main changes to the plans were:

- Retention of the heritage facades of 535-541 Elizabeth Street.
- Internal modifications as a result of the retention of the heritage facades and other design modifications.
- At Mezzanine level a 2.5 metre setback from the Elizabeth Street frontage.
- At first floor a setback of between 2.2m and 4m proposed from the Elizabeth Street frontage.

- At second floor a 2 metre setback from the Elizabeth Street boundary.
- At third floor level a 1.7 metre setback from the Elizabeth Street boundary (varies vertically).
- At levels 4-6 a 1.4 metre setback from the Elizabeth Street boundary (varies vertically).
- At level 7 a 645mm setback from the Elizabeth Street boundary (varies vertically).
- At level 8 a 525mm setback from the Elizabeth Street boundary (varies vertically).
- At level 9 a 235mm setback from the Elizabeth Street boundary (varies vertically).
- From the first floor to the top of the building a 3 metre setback from the southern boundary adjacent to the adjoining light well up to the Elizabeth Street.
- Reduction in the area and height of the proposed plant space.
- Architectural language modified.

The amended plans also proposed changes to the areas of the proposed retail tenancy, lounge area, number of car parking spaces.

The applicant also submitted an amended Traffic report, Waste Management Plan and Heritage report.

The applicant has submitted that these changes occurred as a result of officer comments on the proposal, relevant matters raised in objections and as a result of design refinement.

3 PROPOSAL

The plans which have been considered in this planning assessment are the formally amended plans prepared by Crone Partners dated as received on 31 October 2014.

It is proposed to demolish one of the existing buildings on the site, to partially demolish the other and to construct a multi-level mixed use building.

The applicant has submitted that this is a purpose built building to accommodate the Australian Nursing and Midwifery Federation (ANMF) offices and training facilities.

Details of the proposal are as follows:

- Demolish the existing building at 529-533 Elizabeth Street (Autobarn Site).
- Partially demolish the existing building at 535-541 Elizabeth Street retaining the facades to Elizabeth Street and O'Connell Street.
- Construct a new 10 storey (12 storeys including plant) level mixed use building comprising office space, retail (food and drink premises), Education Centre (200 students) and an Auditorium (400 seats).
- Two basement levels accessed via O'Connell Street will comprise car, motorbike and bicycle parking, storage, waste facilities and services.
- Ground floor to include a retail tenancy, waiting lounge, auditorium split over the ground and mezzanine level and services. The retail tenancy is located to the east of the site with a frontage to Elizabeth Street and has a total floor area of 127sqm. The lounge area is also located to the east of the building with a

frontage to Elizabeth Street and has a total floor area of 72sqm. The auditorium proposes to provide 400 seats with a total floor area of 538sqm.

- Along O'Connell Street to the west at ground floor vehicle access to the basement levels is provided with services being provided further to the north. A pedestrian thoroughfare is proposed to run east west through the site from Elizabeth Street to O'Connell Street.
- A breakout zone and classroom is provided on the Mezzanine level.
- Classrooms, library, student hub and computer lab located on the first level.
- Classrooms and simulation labs on the second level. Both the first and second levels are provided with bathroom facilities.
- Office space provided from level 3 to 9 with bathroom facilities provided on each level.
- Terraces provided on levels 1, 3, 8 and 9.
- A total of 65 car parking spaces across the two basement levels including one disabled space, two motorbike spaces and 51 bicycle spaces.
- A maximum building height of 46.58 metres (excluding plant) 55.69 metres including plant.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
<p>Clause 32.04 Mixed Use Zone</p> <p>Amendment C196 Capital City Zone</p>	<p>Pursuant to Clause 32.04-9 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.</p> <p>A permit is required for the proposed office (as it exceeds 250sqm), for a retail premises and for a place of assembly and education centre.</p> <p>Amendment C196 proposes to rezone the land to Capital City Zone Schedule 5. Pursuant to this zone a permit would still be required for the proposed buildings and works, but no permit would be required for use of the site as an office, education centre, retail premises or place of assembly (other than Amusement parlour, Function Centre and Nightclub).</p>
<p>Clause 43.01 Heritage Overlay</p>	<p>Pursuant to Clause 43.01 a permit is required to demolish or remove a building and to construct a building or construct or carry out works.</p>
<p>Clause 43.02 Design and Development Overlay 44</p>	<p>Pursuant to Clause 43.02, a permit is required to construct a building or construct or carry out works.</p> <p>Amendment C196 is the implementation of land use and built</p>

Amendment C196 Design and Development Overlay Schedule 61	form controls for the City North area. Amongst other matters this proposes a new Design and Development Overlay Schedule 61 that will affect the subject site.
Clause 45.09 Parking Overlay Schedule 12	Pursuant to Clause 45.09 a permit is required to provide parking in excess of a rate of 1 space to each dwelling. It is not proposed to provide any dwellings within the development and therefore no permit is required pursuant to this clause.
Clause 52.06 Car Parking	Pursuant to Clause 52.06 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay. A reduction in the car parking requirement is required with regards to the proposed uses.
Clause 52.07 Loading and Unloading of Vehicles	Pursuant to Clause 52.07 no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for loading and unloading vehicles. A permit is required to reduce or waive these requirements.
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34 a permit is required to reduce or waive the bicycle facilities required. It is proposed to provide bicycle parking in excess of the requirements and such no permit is required.
Clause 52.36 Integrated Public Transport Planning	Pursuant to Clause 52.36-1, an application for an education centre must be referred in accordance with section 55 of the Act to public Transport Victoria.

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 10 – Operation of the State Planning Policy Framework
- Clause 11 – Settlement
- Clause 11.01 - Activity Centres
- Clause 11.04 – Metropolitan Melbourne
- Clause 15.01 - Urban Design
- Clause 15.02 - Sustainable Development
- Clause 16 – Housing
- Clause 17 – Economic Development
- Clause 18 - Transport

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.02 - Municipal Profile
- Clause 21.03 - Vision and Approach
- Clause 21.04 - Settlement
- Clause 21.06 - Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.14-1 - City North

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.02 – Sunlight to Public Places Policy
- Clause 22.05 – Heritage Places Outside the Capital City Zone
- Clause 22.17 - Urban Design outside the Capital City Zone
- Clause 22.19 - Energy Waste and Water Efficiency
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

6 ZONE

The subject site is located within the Mixed Use Zone. The purpose of the Mixed Use Zone is:

‘To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.’

Amendment C196 proposes to rezone the land to Capital City Zone Schedule 5. The purpose of this zone is:

‘To develop City North as a mixed use extension of the Central City.

To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.

To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.’

7 OVERLAY(S)

The subject site is affected by the following overlays:

- Heritage Overlay Schedule 3 North and West Melbourne Precinct.
- Proposed Heritage Overlay 1124 is a precinct wide overlay for ‘Elizabeth Street North’. This overlay forms part of Amendment C198.
- Design and Development Overlay Schedule 44 which recommends a discretionary height control of eight storeys.

- Parking Overlay Schedule 12 seeks to minimise car ownership associated with residential land use by specifying a maximum parking rate rather than a minimum rate.

8 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.07, Loading and Unloading of Vehicles
- Clause 52.34, Bicycle Facilities
- Clause 52.36, Integrated Public Transport Planning

9 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66, Referral and Notice Provisions

10 AMENDMENT C196 - CITY NORTH STRUCTURE PLAN

Proposed Amendment C196 seeks to modify the Melbourne Planning Scheme to set out a framework for future land use and development in the City North precinct.

Capital City Zone – Schedule 5

The Amendment includes the rezoning of land principally to the Capital City Zone (CCZ), various minor changes to local policy, changes to existing Design and Development Amendment C196 proposes to rezone the land to Capital City Zone Schedule 5. The purpose of this zone is:

- To develop City North as a mixed use extension of the Central City.
- To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.
- To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.

Proposed Design and Development Overlay - Schedule 61.

The Amendment is includes the application of a new Schedule to the Design and Development Overlay (DDO61) to implement the built form outcomes of the City North Structure Plan.

The currently adopted version of this DDO proposes the site to be located within Area 4, which recommends a discretionary maximum building height of 40 metres, and that any part of the building above 20 metres fronting O'Connell Street should be setback six metres from the street edge.

The Panel generally supports Amendment C196 subject to modifications to various planning scheme and site specific provisions. No significant changes are recommended in relation to the subject site other than minor administrative changes.

Amendment C196 was recently reviewed by Planning Panels Victoria. The Panel generally supported the amendment subject to modifications to various planning scheme and site specific provisions including the deletion of reference to

consideration of a further 30%, and decision guidelines for considering heights above the preferred maximum.

Current Status of Amendment C196

At the Future Melbourne Committee Meeting of 1 April 2014, and subsequently at the Council Meeting of 29 April 2014, Council's response to the recommendations of the Panel was formalised and a formal request to the Minister for Planning for approval was made.

11 AMENDMENT C198- CITY NORTH HERITAGE REVIEW

The City North Structure Plan was endorsed by Council's Future Melbourne Planning Committee on 7 February 2012. A review of local heritage is one action outlined in the plan.

The City North Heritage Review 2012 is an independent assessment of the heritage significance of buildings and precincts in the Structure Plan area, including parts of Carlton, Melbourne, North Melbourne and West Melbourne. The review makes recommendations for planning scheme heritage controls. Amendment C198 is generally based on the review's recommendations.

Amendment C198 implements many of the findings of the review by changing the Melbourne Planning Scheme to:

- Introduce new individual heritage overlays and heritage precincts.
- Remove individual places from the heritage overlay.
- Modify existing heritage overlays (such as adding or deleting properties from a precinct).
- Change the existing heritage grading of places.

Amendment C198 was recently reviewed by Planning Panels Victoria. The Panel generally supported the amendment subject to modifications.

For the subject site the Panel recommended that both buildings be graded C in a level 2 streetscape.

Current Status of Amendment C196

It is understood that Council's local policy team are currently reviewing the Panel Report and will provide a recommendation to the Future Melbourne Committee in February 2015. As such the amendment is considered a seriously entertained planning document.

12 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting four notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

Following advertising the applicant amended the application pursuant to Section 57a of the *Planning and Environment Act 1987* on 30 October 2014.

The revised application was re-advertised to all objectors and owners and occupiers of adjoining properties by ordinary mail only.

13 OBJECTIONS

The application received 22 written objections following both rounds of advertising. A detailed analysis of the objections indicates that:

- Two of the objections that were identical were withdrawn following the advertising of the revised plans.
- Two of the identical objections were lodged by the same planning consultant on behalf of two separate properties.
- Three identical objections generated by three separate objectors and one non identical objection from the same address as one of the pro former objections.
- Two identical objections received from the same owner of an adjoining lot who do not currently reside at the dwelling.
- Two of the original objectors wrote to reiterate their concerns or to raise new concerns in further submissions following the advertising of the amended plans.
- 13 of the objections were non identical objections.

Given the above there is considered to be a total of 16 non-identical objections.

The objections have all been reviewed and the following concerns were raised with the application:

- Demolition of heritage buildings inappropriate.
- Proposed built form is contrary to heritage policy.
- Proposal is inconsistent with heritage review.
- Proposal will diminish the heritage and social value of the Queen Victoria Market.
- Out of context with the area / neighbourhood character.
- Inappropriate overall height.
- Unreasonable visual bulk / inappropriate scale.
- Lack of setbacks.
- Unreasonable overshadowing / loss of sunlight to adjoining properties only windows and source of light.
- Shadowing of public open space.
- Reflective materials proposed may cause glare.
- Loss of amenity.
- Lack of car parking / traffic implications to the area.
- Loading and Waste Management issues.
- Lack of additions to the public realm.
- Lack of activation to O'Connell Street.
- Construction management concerns.
- Overdevelopment of the site.
- Noise concerns from proposed building services.
- Loss of property value.

- Loss of views.

14 CONSULTATION

In response to concerns raised by objectors and City of Melbourne Planning Officers the applicant formally amended the application and provided a written response to the objections. The amended plans were re-advertised to all the objectors and owners and occupiers of adjoining properties.

Two objections were withdrawn following the readvertising period.

15 REFERRALS

15.1 Internal

The application was referred internally to the following departments for comment:

Urban Design

The original application was referred to City of Melbourne's Urban Design team who made the following comments:

Whilst the street address of the subject site is located on Elizabeth Street, the proposed development also fronts onto O'Connell Street which is a pedestrian route to the nearby Queen Victoria Market. The existing building is located in the North & West Melbourne Heritage Overlay.

The primary frontage fronting on to Elizabeth Street facilitates the activation of the street and the safety of the public realm. We support the exclusion of above ground car parking as this also facilitates the activation of the street by providing opportunities for habitation above ground.

We have concerns with the design of the western elevation. The O'Connell Street frontage includes an entrance yet the ground and first level of the façade presents as a blank wall to the street. The façade is approximately 80% impermeable on the ground level and 100% impermeable at first level. This results in built form outcomes that undermines the opportunity for active frontages and the associated benefits of a safe and engaging pedestrian realm. We are also concerned with the loss of heritage fabric, particularly as this will result in the loss of cultural and built heritage in close proximity to the Queen Victoria Market and within the heritage overlay.

We strongly recommend amending the design to ensure that the ground level of the O'Connor Street façade has a minimum of 50% permeability. We recommend that the substation and plant are located in the basement and that windows are included into the façade to accommodate future uses and needs. To achieve this we suggest retaining the heritage fabric. The advantages of which include: maintaining continuity with the cultural heritage of the precinct, facilitating active frontages, and providing a fine grained façade.

The height and mass of the building presents as visually domineering in the context of the streetscape. The proposed 11 storey mass with an additional 2 storeys of plant in combination with the width and depth of the building results in excessive visual bulk. We are of the opinion that the proposed is not an appropriate addition to the context.

We strongly recommend that the height and bulk is reduced to achieve a maximum height of 40m (including the plant equipment) as stipulated in the proposed DDO 61 as part of the City North Amendment and that the majority of the plant equipment proposed on the roof is relocated to the basement.

We note that the amendment has not yet been incorporated into the planning scheme and in order to respond to the existing built form ranging between 2 and 8 storeys and the current DDO, the proposed height should be in the vicinity of 8-11 storeys.

In summary, we do not support this application due to the reasons stated above.

Revised plans were submitted addressing several concerns raised by City of Melbourne Urban Designers.

Engineering Services

The City of Melbourne Engineering Services raised no objections to the application on traffic or parking grounds subject to conditions.

The Waste Management Plan (WMP) submitted identifies that waste collection is to be undertaken by Council utilising a 9.8m garbage truck, and that garbage bins will be transferred to kerbside by a private contractor. Confirmation is sought as to whether a 9.8m length truck is required for the site. A condition of permit is required for a revised WMP to be submitted.

A number of conditions are recommended by Civil Engineering should a permit be issued.

A full copy of the memorandum is provided at Appendix 1 to this report.

Heritage

The original and revised applications were referred to the City of Melbourne's Heritage Advisor.

In summary the heritage advisor does not support the demolition of the currently ungraded 'Autobarn' building or the proposed built form and has suggested that any development should retain both existing buildings for a depth of 8 metres from Elizabeth Street with a reduction in the overall built form.

A full copy of the heritage assessment is provided at Appendix 2 to this report.

Land Survey

Land survey had no objection to the application, but suggested a note ensuring the projections meet the Road Encroachment Guidelines and suggested that a condition be included on any permit requiring the consolidation of the two titles.

External

The application was referred externally to Public Transport Victoria (PTV) in accordance with Clause 52.36 as the proposal is for an education centre.

No formal response has been received from PTV.

16 ASSESSMENT

The application seeks approval to demolish one of the existing buildings and to partially demolish the other. The application also seeks approval to construct a new mixed use multi-level building which would primarily serve the Australian Nursing and Midwifery Federation (ANMF), a reduction in the standard car parking requirements and a waiver of loading bay requirements.

The application has been advertised and has received a number of objections raising a variety of issues.

The key issues for consideration in the assessment of this application are:

- Heritage and proposed demolition
- Height, massing and building design
- Appropriateness of Section 2 uses in the Mixed Use Zone.
- Potential amenity impacts
- Car parking, traffic and waste management
- Concerns raised by objectors

16.1 Heritage and proposed demolition

16.1.1 Demolition

The proposal seeks to demolish the currently ungraded building at 529-533 Elizabeth Street, Melbourne. It is also proposed to partially demolish the existing D graded building at 535-541 Elizabeth Street, Melbourne. The City North Heritage Review recommends both buildings be C graded.

Clause 22.05 – Heritage Places outside of the Capital City Zone currently applies to the application. As part of C198 it is proposed to alter wording within Clause 22.05 which will make the policy applicable to the City North area. Clause 22.05 would continue to apply even though the area would become part of the Capital City Zone.

With respect to demolition Clause 22.05 of the Melbourne Planning Scheme states that:

Demolishing or removing original parts of buildings, as well as complete buildings, will not normally be permitted in the case of ‘A’ and ‘B’, the front part of ‘C’ and many ‘D’ graded buildings. The front part of a building is generally considered to be the front two rooms in depth.

Before deciding on an application for demolition of a graded building the responsible authority must consider a number of decision guidelines, as outlined below.

The degree of its significance.

The City of Melbourne’s heritage advisor made the following comments with respect to the significance of buildings on the subject site:

The site is within the precinct HO1124 Elizabeth Street North (Boulevard) Precinct, in the Post-exhibition version of the Statement of Significance (S.o.S.) in Amendment C196.

The Statement of Significance indicates that “the fabric from the Victorian, Federation, Interwar and Post-war periods all contributes to the significance of the precinct. Individually significant buildings are graded A to C and are listed in the schedule.”

The schedule includes both numbers 529-533 and 535-541 Elizabeth Street as individually significant, graded C in a level 2 streetscape. For number 535-541, the Schedule of significant building includes reference to the O’Connell Street frontage and to the 4-storey, 1927/interwar building on this part of the site.

The proposal is for a building within a heritage precinct proposed under C198. It would affect two sites and three buildings which have been determined to be of “individual significance” in Schedule to the HO1124 Precinct. The particular Design Objective under the proposed DDO61 is for the building within the heritage precinct “to respect the character, form, massing and scale of the heritage buildings” and Design Requirements for

buildings to “step down in height to adjoining lower scale heritage buildings” and to “retain the traditional heritage street wall height (as opposed to defining a higher street wall height) where appropriate.”

From this assessment the heritage advisor concluded that:

Assessed as defined in C198, the quantity of the individually significant buildings which would be retained in the scheme is inadequate. It would not satisfy provisions in Clause 22.05...the following particular recommendations are made for these two sites:

- Retain both existing buildings for a depth of 8 metres in depth from Elizabeth Street.
- In O’Connell Street, retain one structural bay in depth of the building designed by the architect Arthur Plaisted. (“O’Connell Street number unknown – building is at the rear of the 535-541 Elizabeth Street site.) Existing conditions drawings are not available to enable precise assessment of the retention depth. At least 4 metres is anticipated.
- The O’Connell Street elevation of the building at 529-533 has lesser value and could be removed in an appropriate scheme. This would be an optimal location for the primary entry to the redeveloped site.
- Any portion of new building set behind the retained elements should be set back at least 8 metres from Elizabeth Street and at least 3 metres from O’Connell Street.

Importantly both the heritage advisor and the Panel commented specifically on the social significance of 529-533 Elizabeth Street and its ‘scale and mass’ in supporting the C grading, rather than focussing on the architectural merit of the building itself.

Currently the building at 535-541 Elizabeth Street, Melbourne is D graded in a level 3 streetscape. The policy defines D graded buildings as follows:

‘D’ buildings are representative of the historical, scientific, architectural or social development of the local area. They are often reasonably intact representatives of particular periods, styles or building types. In many instances alterations will be reversible. They may also be altered examples which stand within a group of similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the value of the individual buildings.

The policy defines level 3 streetscapes as follows:

Level 3 streetscapes may contain significant buildings, but they will be from diverse periods or styles, and of low individual significance or integrity.

As stated above Amendment C198 it is proposed to grade both buildings C and to change the streetscape to level 2. To this end the policy defines C graded buildings as follows:

‘C’ buildings. Demonstrate the historical or social development of the local area and /or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.

The policy defines level 2 streetscapes as follows:

Level 2 streetscapes are of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.

In this instance the existing building at 535-541 Elizabeth Street, Melbourne is considered to be of the greatest significance to the area and the retention of the important elements (both to Elizabeth Street and O'Connell Street) of this building is considered to be necessary.

The building at 529-533 Elizabeth Street is considered to be less significant and when balancing the degree of significance and the wider benefits to be gained from the proposed development, including the provision of a purpose built education and training facility for nurses in close proximity to the medical precinct, the demolition of this building may be warranted.

The character and appearance of the building or works and its contribution to the architectural, social or historic character and appearance of the streetscape and the area.

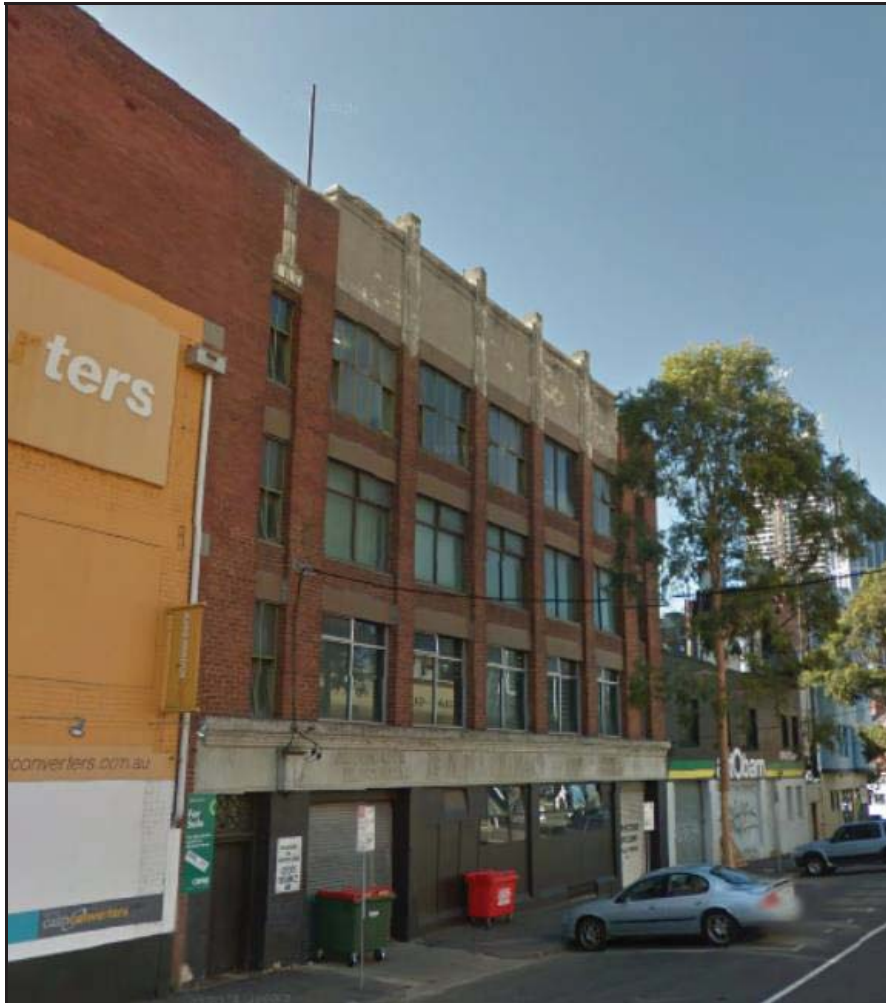
The building at 535-541 Elizabeth Street (and the rear façade to O'Connell Street) is considered to be an attractive piece of architecture that contributes to the character and appearance of both street frontages (see photos below).

The original proposal sought to demolish both facades of this building and was not considered appropriate.

The proposal is now to retain the facades, but to cantilever built form over this. Whilst the retention of the facades is supported, the cantilevering is considered to diminish the significance of the heritage building. This is discussed further below.



View of 535-541 Elizabeth Street – Source - Google Streetview June 2014).

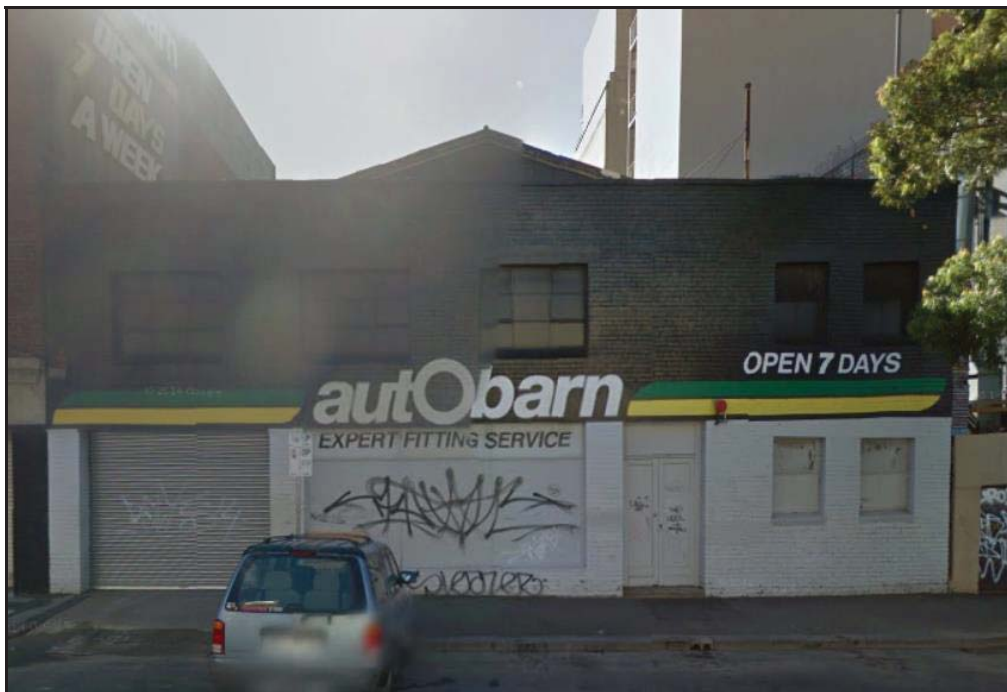


View of 535-541 Elizabeth Street – from O'Connell Street -Source - Google Streetview June 2014.

The building at 529-533 Elizabeth Street (and its rear façade to O'Connell Street) has been altered and is not currently making a particularly positive contribution to either streetscape (see images below). In a character sense, it is not considered that the loss of this building would diminish the character or appearance of the Elizabeth Street boulevard or O'Connell Street.



View of 529-533 Elizabeth Street – from Elizabeth Street – Source - Google Streetview June 2014).



View of 529-533 Elizabeth Street – from O'Connell Street – Source - Google Streetview June 2014).

Whether the demolition or removal of any part of the building contributes to the long term conservation of the significant fabric of that building.

The proposal seeks partial retention of the street facades to 535-541 Elizabeth Street and the wholesale demolition of the 529-533 Elizabeth Street.

The partial demolition of 535-541 Elizabeth Street will allow for the construction of an addition that, subject to conditions, will enable the significant fabric (in this instance being the front and rear sections of 535-541 Elizabeth Street) of the building to be enhanced and conserved.

The demolition of 529-533 Elizabeth Street will not contribute to the long term conservation of the building. Whether the demolition or removal is justified for the development of land or the alteration of, or addition to, a building.

The proposed development involves the construction of a new purpose built facility for the Australian Nurses and Midwifery Federation (ANMF). The building will provide a new location for the headquarters of the ANMF which will provide office space and an education and training centre for 200 students.

The proposed uses are consistent with the future vision for the area.

Further, the issue of demolition of C graded buildings within urban renewal areas has been previously addressed in the case of *Rush v Melbourne CC [2009] VCAT (19 October 2009)*, in which the Tribunal was considering the demolition of a two storey C graded interwar hotel on Flemington Road. In responding to this the Tribunal made the following comments:

7 'I have concluded that the demolition of the building will not adversely affect the significance of the heritage place. I have also concluded that, notwithstanding the existence of a heritage overlay, the site is located within an area in which the planning scheme encourages consistent, higher built forms and the development of a new built form character. A new building on this site is required to be consistent with the achievement of those objectives.

Clause 10.04 (Integrated Decision Making) of the Melbourne Planning Scheme requires that

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

There is considered to be a community benefit with respect to the proposed land use (as the headquarters of the ANMF and as an education and training centre for nurses in close proximity to the medical precinct) and subject to an appropriate replacement building, the demolition of 529-533 and the partial demolition of 535-541 Elizabeth Street, may be appropriate.

The concept of redeveloping the site with some height is considered to be consistent with the extent of change anticipated by the City North amendment and the strategic directions for higher-density development and urban renewal envisaged for this area.

Proposed Replacement Building

Clause 22.05 states that:

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

The heritage advisor did not oppose the replacement building, nor indeed the design philosophy.

The following comments were made with respect to the height of the replacement building.

The proposed height is excessive, exceeding the 40 metre maximum at street alignment in Elizabeth Street. While the height at street alignment in O'Connell Street is within the 20 metres set out in DDO61, the proposed height in the setback section exceeds the maximum 40 metres and at 3 metres is setback only half the 6 metres specified in the DDO.

The heritage advisor recommended that a development would be possible on the site subject to conditions requiring the existing buildings being retained, appropriate setbacks being provided from both street frontages and the overall height being reduced.

The proposed building incorporates a sloping façade above the break in built form between the original heritage façade and new building in an attempt to create a built form 'edge' to the site. The 3D perspective provided in the application documentation below illustrates the proposed form and extent of retention of the Elizabeth Street and O'Connell Street heritage facades.



Proposed building perspective facing west from Elizabeth Street Source – Application documentation



Proposed building perspective from corner of Victoria and Elizabeth Streets – Source – Application documentation



Proposed building perspective from corner of Victoria and O'Connell Streets – Source – Application documentation



Proposed building perspective facing east from O'Connell Street Source – Application documentation

As proposed the replacement building is considered to dominate and detract from the heritage façades which are proposed to be retained at 535-541 Elizabeth Street.

The City of Melbourne's heritage advisor has commented that a setback of eight metres from Elizabeth Street behind the heritage façade would be appropriate to ensure the heritage building is appropriately preserved.

The heritage advisor has also suggested that a three metre setback from O'Connell Street could be considered sufficient.

With respect it is considered that an eight metre setback to the higher built form is not appropriate in this instance given the intent of the DDO to provide for a hard edged boulevard treatment to Elizabeth Street. It is considered that a reasonable compromise would be to require a minimum four metre setback for any built form above the existing retained façade (as has been proposed at the first floor level) . In weighing up the competing policy objectives of C196 and C198 it is considered that a four metre setback will result in a clear separation between the heritage façade and proposed built form and the design of the building will provide a clear delineation between old and new.

The proposed three metre setback above the O'Connell Street heritage façade is considered to be appropriate.

The current height of the proposed building is however considered to be excessive and not in accordance with the clear policy direction of C196. Should a permit issue a

condition requiring a reduction in the height is considered appropriate and would further assist in ensuring the proposed built form does not dominate the existing heritage façade at 535-541 Elizabeth Street.

With respect to the replacement building at 529-533 Elizabeth Street, there are two matters to consider, the presentation to Elizabeth Street and the presentation to O'Connell Street. To Elizabeth Street it is considered that subject to a four metre setback (aligning with the setback of the building over the retained façade) would provide a more appropriate relationship to the adjoining heritage building. With respect to O'Connell Street the proposed built form of the lower level 'podium' is considered to be interpretive of the existing heritage building at 535-541 Elizabeth Street, mimicking the form and proportions of the adjoining heritage façade but utilising modern materials. This is assisted by the central vertical 'break' afforded by the pedestrian entry at the lower level. The three metre setback from O'Connell Street for the levels above is considered appropriate given its consistency with the setback of the building above the retained heritage façade.

Matters relating to height, massing and building design are discussed in further detail below.

16.2 Height, massing and building design

One of the key issues raised by resident objectors, and one of the principal issues for consideration in this application, relates to the size and scale of the proposed building.

The proposed building comprises a retail premises at ground floor, AMNF headquarters with office and education facilities and separate office space to a height of 46.58 metres with a plant room setback from the front and rear boundaries to a height of 55.69 metres.

Amendment C196 which has been adopted by Council and sent to the Minister of Planning for approval recommends a preferred maximum building height of 40 metres with any part of the building above 20 metres fronting O'Connell Street to be setback six metres from the street edge.

In applying these controls, the proposed Design and Development Overlay 61 seeks to increase the existing, preferred height established by DDO44 (Elizabeth Street and South Carlton) which currently affects the subject site, in recognition of the role which Elizabeth Street has in providing a defining entry point to the Melbourne CBD.

To this end it has been acknowledged that City North is already undergoing renewal, with catalysts for change including the redevelopment of the former Carlton and United Brewery site, the hospitals, universities and scientific research institutions. The area is transitioning to a high intensity mixed use area based around health, education and research, with residential, commercial, and retail activities.

The City of Melbourne at its Future Melbourne Committee Meeting on 1 April 2014 and subsequently at Council's Meeting on 29 April 2014 formalised its response to the recommendations of PPV and ultimately supported the recommendations for this site as one where the preferred maximum building height of 40 metres would apply.

The subject site sits within Area 4 of the proposed DDO61, which recommends a discretionary maximum building height of 40 metres, and that any part of the building above 20 metres fronting O'Connell Street should be setback six metres from the street edge.

The proposed height and setbacks do not strictly meet the recommendations within the proposed DDO61. It is considered that the building, as proposed, does not

provide an appropriate scale or height having regard to existing buildings and the preferred built form outcomes for the area.

The site is considered to have a significant relationship with the southern end of Elizabeth Street and the Queen Victoria Market precinct.

City of Melbourne Urban Design team have commented on the height of the building, noting:

The height and mass of the building presents as visually domineering in the context of the streetscape. The proposed 11 storey mass with an additional 2 storeys of plant in combination with the width and depth of the building results in excessive visual bulk. We are of the opinion that the proposed is not an appropriate addition to the context.

We strongly recommend that the height and bulk is reduced to achieve a maximum height of 40m (including the plant equipment) as stipulated in the proposed DDO 61 as part of the City North Amendment and that the majority of the plant equipment proposed on the roof is relocated to the basement.

Given the Urban Design comments, the design objectives of the proposed DDO61 and the Council's position on the proposed amendment, it is considered that the current proposed height of 55.69m (including plant) and 46.58m to both streets is considered excessive. The reduction in the building footprint above the partially retained heritage building by virtue of the greater street setback to Elizabeth Street, is not considered sufficient justification for an increase in height above what is anticipated under C196. To O'Connell Street the setback is less than what the DDO would require.

It is noted that the proposed height controls have been formed following extensive investigation and consultation, and that these have been recently scrutinised by Planning Panels Victoria (who supported the controls as drafted).

Should a permit issue it is recommended that a condition be included requiring a reduction in height of the building proper to a maximum RL of 63.83 and a commensurate reduction in the height of plant and services (that is a maximum of RL73.69m to the top of the roof plant with the same form in terms of setbacks and configuration as currently proposed).

This would constitute a 'building' height of around 40 metres when viewed from O'Connell Street, and around 42m from Elizabeth Street. Given the setbacks to Elizabeth Street this is considered appropriate.

The applicant has submitted that they require the significant plant and equipment on the roof in order to achieve appropriate ESD for the building.

Plant and services are typically excluded from calculations of height under DDO provisions – however in this case the plant is significantly higher (9.86m). It is considered that if a permit is to issue that in addition to the reduction in height of the building outlined above, that there should also be increased setbacks to Elizabeth Street in order to reduce the visual prominence of the plant from the Boulevard (particularly given the proposal to increase the setback of the office space below). To this end it is considered that the plant should be set back a minimum of seven metres from the Elizabeth Street boundary.

16.2.1 Urban Design outside the Capital City Zone assessment

Clause 22.17 provides guidance in relation to the design and built form of development in areas where built form change and a new built form character is sought.

An assessment of the proposal against the relevant policy statements contained in Clause 22.17 is provided below. Many of these elements also address the requirements of Clause 15.01 Urban Design Principles

Scale

In this area identified for built form change, the scale of the emerging built form character is defined by the existing adjacent development at 222-230 Victoria Street immediately to the south, 591 Elizabeth Street and 587-589 Elizabeth Street further to the north and 634-640 Elizabeth Street, 660-674 Elizabeth Street and 540 Elizabeth Street to the north east and east which are eight storeys, eight storeys, 10 storeys, 12 storeys and 11 storeys respectively.

As previously discussed C196 anticipates an increase in existing built form outcomes to a height of 40 metres. Given the proposed development does not contain any residential component it is proposed to have higher floor to ceiling levels than what might be normally expected in a residential development and as such even though the proposal only reaches 10 storeys (12 including the plant), the overall height is well in excess of the preferred height for the area.

Given the built form is not considered appropriate conditions are proposed to lower the height and increase the setback from Elizabeth Street as previously discussed. It is considered that subject to these changes the proposed development will sit comfortably within the existing and emerging built form character of the streetscape.

Building height

It is considered that should a permit issue a condition be included requiring the reduction in the overall height of the building as outlined above.

Building bulk

The proposed built form attempts to protect existing heritage fabric whilst also trying to respond to the design guidelines of DDO61 which seeks (amongst others):

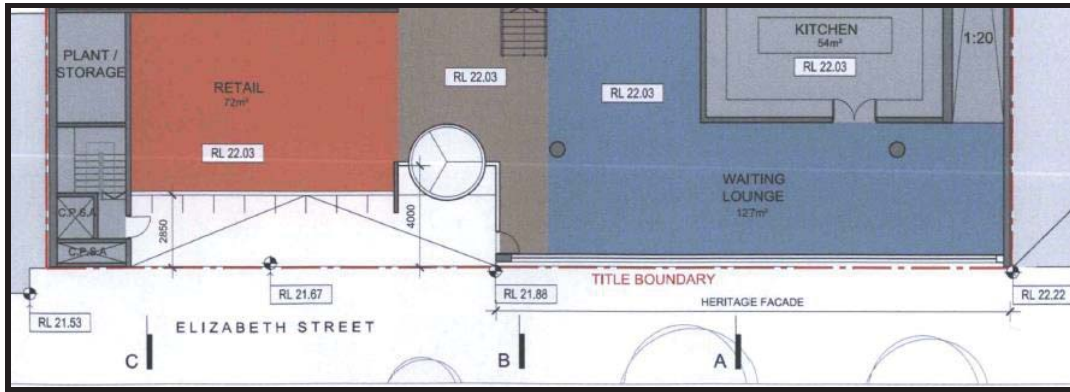
- To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne.

- To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.

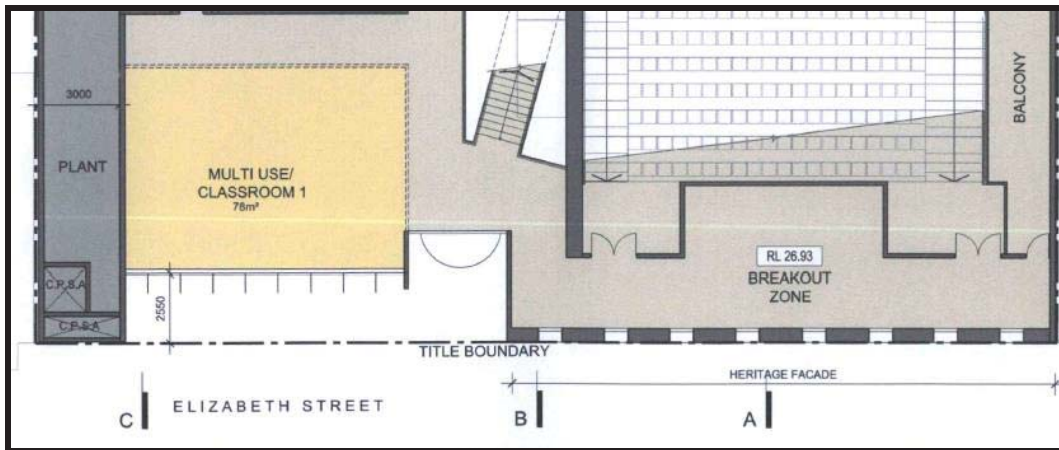
- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.

- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.

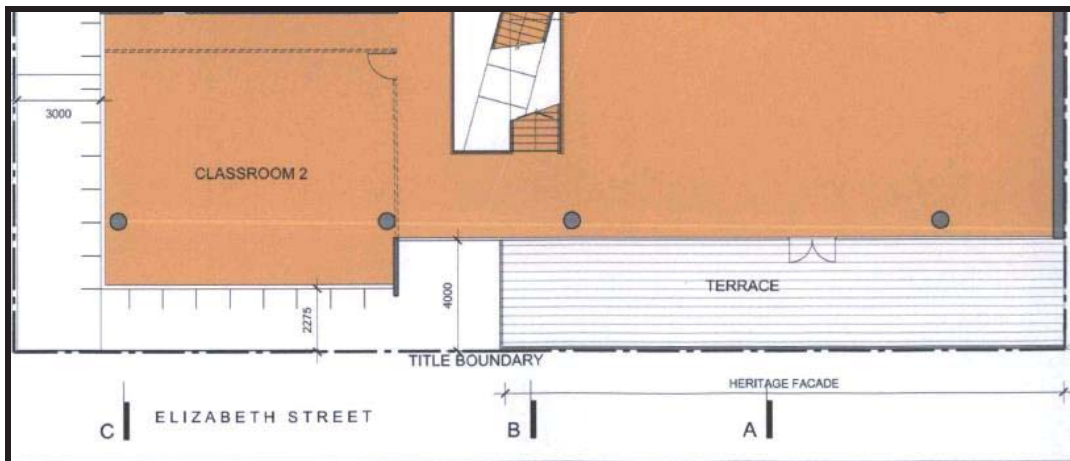
The proposal is to demolish the existing Autobarn building and retain part of the heritage building at 535-541 Elizabeth Street. The built form is proposed to be partially built on the eastern boundary to the south of the site then setback 2.85 metres to the Retail premises and main entrance with the existing heritage façade of 535 Elizabeth retained hard on the street edge. The plans below show the proposed setback arrangement at ground, mezzanine, first and second floor levels to Elizabeth Street.



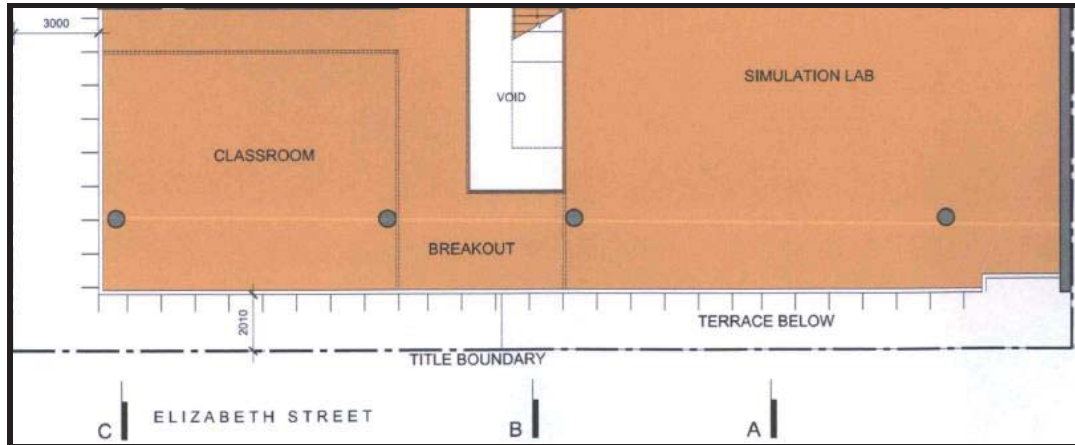
Ground floor plan (eastern section) – Source: Application documentation



Mezzanine floor plan (eastern section) – Source: Application documentation



First floor plan (eastern section) – Source: Application documentation

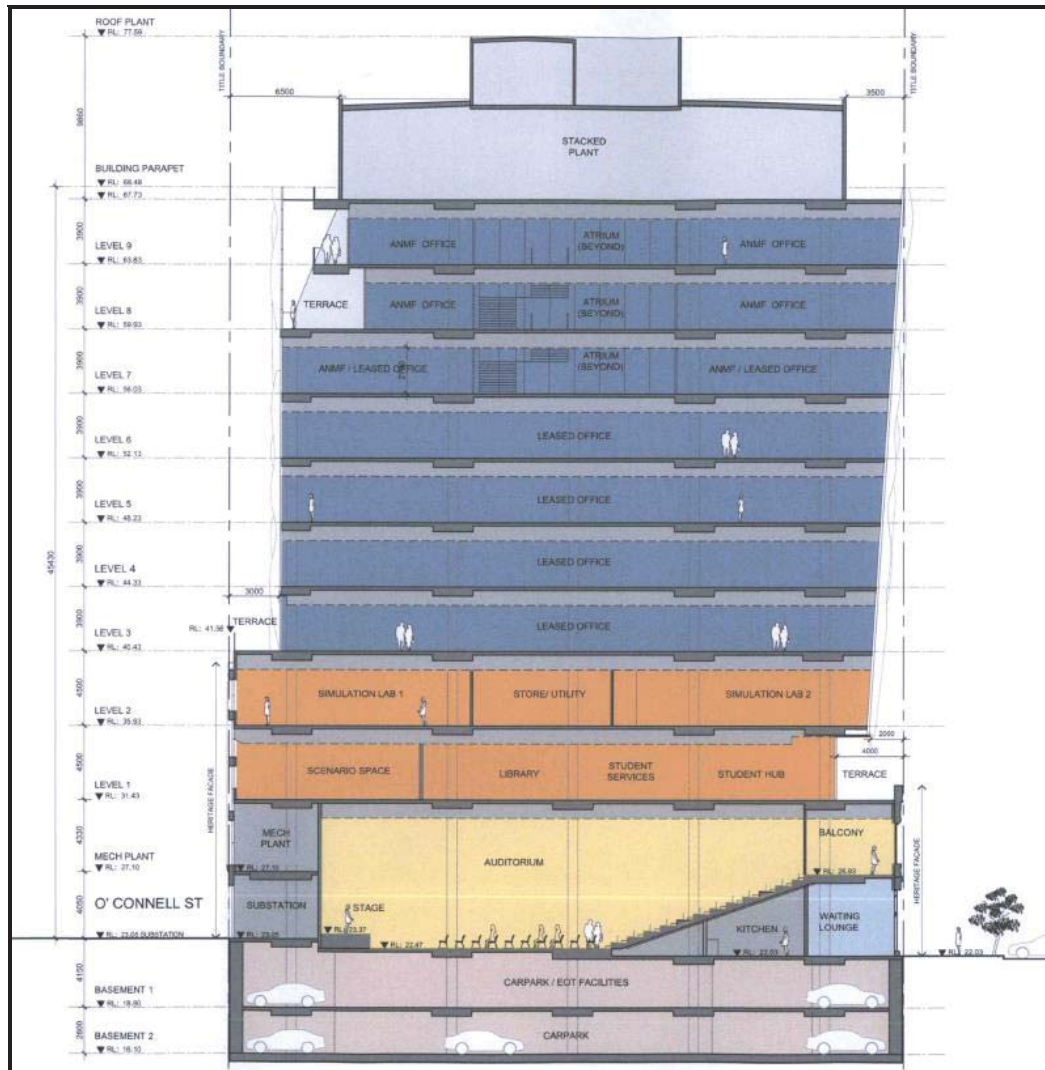


Second floor plan (eastern section) – Source: Application documentation

As can be seen, above the heritage façade it is proposed to set the building back four metres from the front of the existing building to Elizabeth Street with a clearance of approximately 1.8 metres provided above this façade.

Above this height, the building has been designed with a sloping facade that extends closer to the Elizabeth boundary as it goes up eventually extending back to the Elizabeth Street boundary at its highest point.

The sloping facade also maintains a minimum 2.8 metre setback at the ground level adjacent to the existing building. The first floor of plant is proposed to be setback 3.5 metres from the Elizabeth Street façade and 6.3 metres from the O'Connell Street boundary with the second floor of plant setback 13.7 metres from the Elizabeth Street boundary and approximately 14 metres from O'Connell Street. The section below highlights the proposed built form described.



Section A – Source: Application documentation

It is acknowledged that the sloping of the façade attempts to result in a treatment that provides an built form ‘edge’ to the site however as previously discussed this should not be to the detriment of the heritage building in which the application is trying to preserve. As such it is considered appropriate to require the building be setback a minimum of four metres from the Elizabeth Street facade for each floor above the first floor. It is also considered appropriate to require a further three metre setback for the plant and equipment level above to reduce the visual prominence of this from Elizabeth Street and on oblique views from the south.

The increased setback and reduction in overall height will ensure the proposed building does not dominate the existing or preferred character of the area.

The development height along the O’Connell Street edge varies from 17.43 metres to 17.63 metres. Above this height the building is proposed to be setback three metres from the street frontage where the DDO61 specifies a preferred setback of six metres. The heritage façade along the O’Connell Street façade to 535-541 Elizabeth Street is proposed to be retained. Although not compliant with the six metre setback sought by the DDO, given the physical context of the site it is considered that the proposed setback coupled with a reduction in overall height will provide an appropriate level of articulation to O’Connell Street without dominating the streetscape.

The proposed façade treatment to both Elizabeth and O'Connell Streets incorporates a variety of high quality materials with glass vertical elements and fins adding visual interest to the design. It is considered that the façade treatment proposed is appropriate for the site and that a similar treatment with a reduced overall height would ensure the building does not present as overly bulky in the streetscape.

Large and prominent sites

The subject site comprises two separate lots and is considered to be a 'large' site in this context. The redevelopment of the site is closely aligned with the objectives of C196 in that it provides a highly intensive built form for the implementation of a purpose built training and education centre as well as space for office and retail uses.

The proposal incorporates a pedestrian thoroughfare through the building between Elizabeth Street and O'Connell Street which will improve the walkability of the precinct and provide improved pedestrian connections.

The proposed design of the building is considered to be of high quality and subject to an increased front setback and reduction in height the building is considered to contribute positively to the area.

Street level frontages

The Elizabeth Street façade will continue to remain well activated with the retention of the heritage façade at 535 Elizabeth Street with a high level of glazing provided to the street. The proposed building in place of the Autobarn provides an entrance to the building as well as a space for a food and drink premises which is fully glazed. Although this part of the building is setback 2.85 metres this space will receive excellent passive surveillance and will help to activate the front of the building.

Concerns were raised by City of Melbourne Urban Design team and objectors about the lack of activation along the O'Connell Street façade. Specifically the Urban Designers noted:

We strongly recommend amending the design to ensure that the ground level of the O'Connor Street façade has a minimum of 50% permeability. We recommend that the substation and plant are located in the basement and that windows are included into the façade to accommodate future uses and needs. To achieve this we suggest retaining the heritage fabric. The advantages of which include: maintaining continuity with the cultural heritage of the precinct, facilitating active frontages, and providing a fine grained façade.

The amended application retains the heritage façade of 535 Elizabeth Street along O'Connell Street and places the substation and plant uses behind this façade. This is considered to be an appropriate outcome for the site. Further a system of aluminium panels, louvres and vision glazing will be provided to the existing facade to accommodate screening of the services at mezzanine level, while providing daylight and views for the teaching spaces on levels 1 and 2.

To the south of this façade the pedestrian through link entrance/exit is provided which will encourage activation into the building and out onto O'Connell Street. To the south of the pedestrian entrance is the proposed vehicle entrance. The loading bay originally proposed has been removed from ground level to allow for greater activation including the provision of visitor bicycle parking with a glazed facade accessed directly from the street. These are all substantial improvements on the original scheme and are supported.

Front and backs of Buildings/ Visible facades and blank walls

The proposed design response to the Elizabeth Street and O'Connell Street facades is considered acceptable as previously discussed.

The proposed development includes a blank wall along the northern boundary. However, this wall has been designed to provide visual interest whilst the site to the north remains low scale.

The building incorporates a setback of three metres from the northern property boundary from Level 3 up as well as setbacks on the southern property boundary to allow for light into adjoining residential properties. The proposed setbacks on the northern and southern boundaries, which are provided with glazing and fins are considered appropriate and help to add visual interest to these facades.

The visible blank walls located on the southern boundary have been treated in patterned precast concrete to provide visual interest and will be substantially less visible with a reduction in the overall height of the building.

Building Tops

The reduction in the scale of the plant and equipment has been addressed above.

Pedestrian Connection and Vehicle Access

The proposal includes pedestrian access from the Elizabeth Street and O'Connell Street frontages and vehicle access from the rear of the site also via O'Connell Street.

The pedestrian entrances allow for a through link between Elizabeth and O'Connell Streets. The vehicle access has been rationalised via a new double width crossover at the southwest corner of the site at O'Connell Street. City of Melbourne's Engineering Services have viewed the application and have no objection to the proposed vehicle access and movements subject to conditions.

Protection from Wind and Rain

Existing and emerging development in this location is not characterised by provision of weather protection canopies or verandas. The proposal reflects this pattern. It is noted that a wind report was provided which confirms that the amenity of the public realm is preserved and the wind impacts at entrance areas of the building are adequately addressed.

Landscape

The proposal does not contemplate the removal of any mature trees or street planting. An objection was raised in regard to the proposed impact of the development on an existing street tree that sits on the corner of Elizabeth and Victoria Streets directly to the south of 222-230 Victoria Street. The concern relates to potential loss of light and eventual death of the specific tree due to the height of the proposed development. Given the tree sits to the south east of the existing 8 storey building at 222-230 it is not considered that the proposed building will have any further impact on this tree than would currently be experienced.

If a permit is to issue conditions will be placed on the permit to ensure no existing street trees are removed and that if required the appropriate permits are obtained.

Access and Safety in Public Spaces

The pedestrian thoroughfare provided is able to be accessed via the public. The nature of the proposed use of the site as an education facility, offices and a retail space will mean that there is significant use of the thoroughfare. It is noted that there are excellent opportunities for passive surveillance within this space. The City of Melbourne Engineers have requested that the pedestrian thoroughfare is to remain

the responsibility of the land owner(s) in perpetuity and that the City of Melbourne is unlikely to agree to the pedestrian thoroughfare being made public and in the care of City of Melbourne.

16.3 Appropriateness of Section 2 Uses in the Mixed Use Zone

There are a three land uses proposed in this application that are 'section 2' (permit required) uses within the Mixed Use Zone. A permit is required for the proposed office (as it exceeds 250sqm), for a retail premises, for a place of assembly and education centre.

Amendment C196 proposes to rezone the land to Capital City Zone Schedule 5. Pursuant to this zone a permit would still be required for the proposed buildings and works, but no permit would be required for use of the site as an office, education centre, retail premises or place of assembly (other than Amusement parlour, Function Centre and Nightclub – none of which are proposed here).

A summary of each of the proposed uses is provided below:

Office

A total of 7,104sqm of office is proposed throughout the building. This is to be utilised by the Australian Nursing and Midwifery Federation as well as office space being offered for external parties.

Retail premises

The proposed retail premises is anticipated to be used as a Food and Drink premises. The premises is 72sqm in total floor area. The retail premises is appropriately located fronting Elizabeth Street and is in keeping with the commercial nature of land uses along Elizabeth Street.

Education Centre

The proposed education centre is to be provided for ANMF members and will serve to provide training and education facilities including classrooms, meeting rooms, labs and a library. The education centre has a total of 1,901sqm and will service 200 students. The applicant has suggested that the education centre is ancillary to the office use of the building. It is considered that given the scale of the proposed facility that the use as an education centre is permit trigger in itself in the Mixed Use Zone.

Place of Assembly

The proposed building incorporates an auditorium to be used as a place of assembly in association with the education centre. The place of assembly measures 538sqm and will provide 400 seats.

The proposed uses on the site are considered to be entirely consistent with the existing and proposed vision for the area. The proposed uses will further contribute to the future development of the City North area which is identified as a proposed urban renewal area at Clause 21.14 and which is expected to accommodate a mix of commercial uses to support Melbourne's economic vitality and innovative capacity.

The proposed uses are considered particularly appropriate having regard to the purpose set out in the proposed schedule to Capital City Zone which seeks (inter alia):

To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.

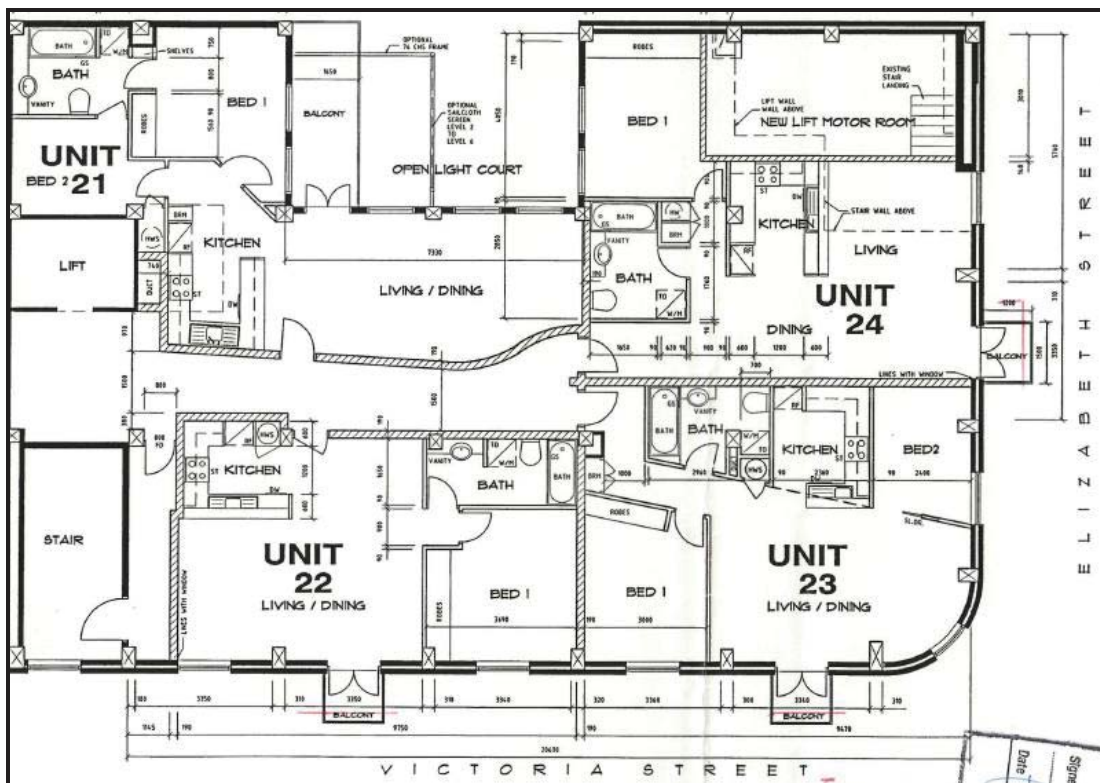
Amendment C196 envisages the City North area as an expansion to the existing Central City which will provide a greater mix of land uses, including office and education and research facilities. The proposed uses will cater for the demand for

office space, as well as training and research facilities in the area. The site has excellent access to public transport and is located in close proximity to similar commercial uses and as such the uses are considered entirely appropriate for the site.

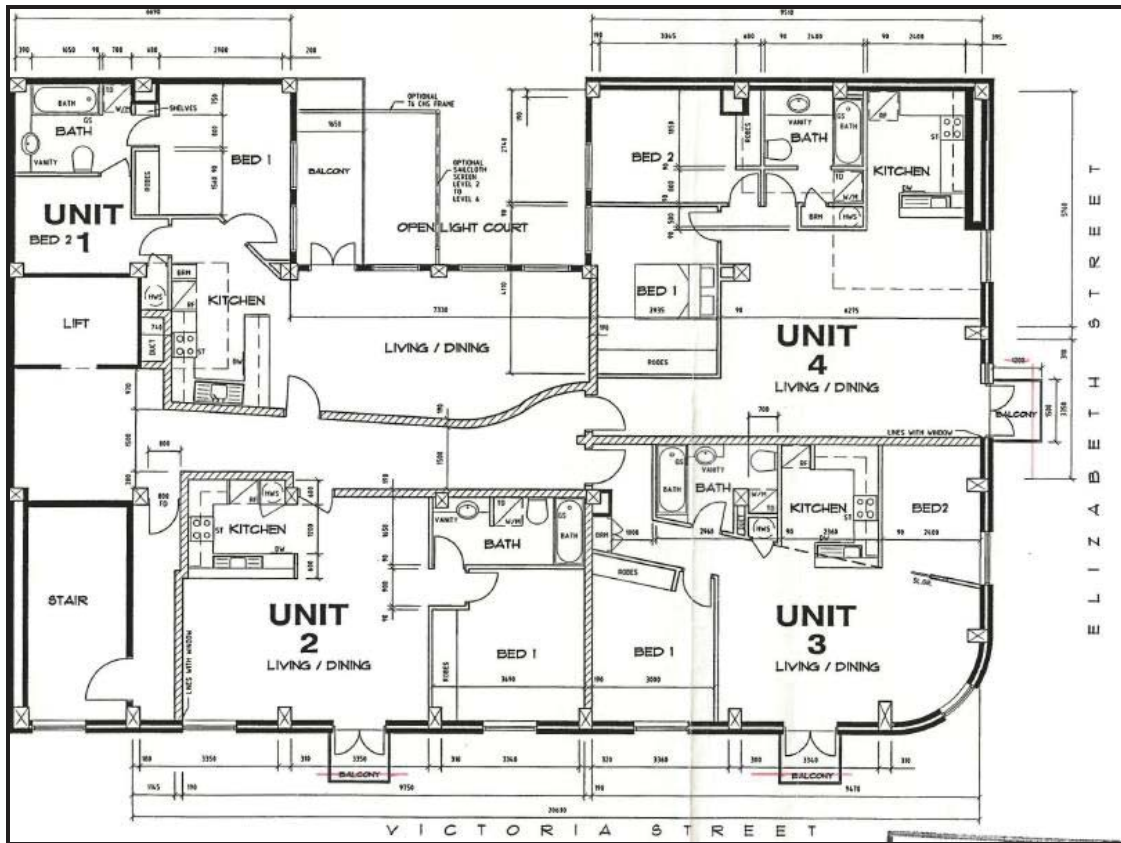
16.4 Potential amenity impacts

Several concerns have been raised in regard to potential amenity impacts of the proposed building. The majority of the concerns have come from the adjoining eight storey residential building at 222-230 Victoria Street.

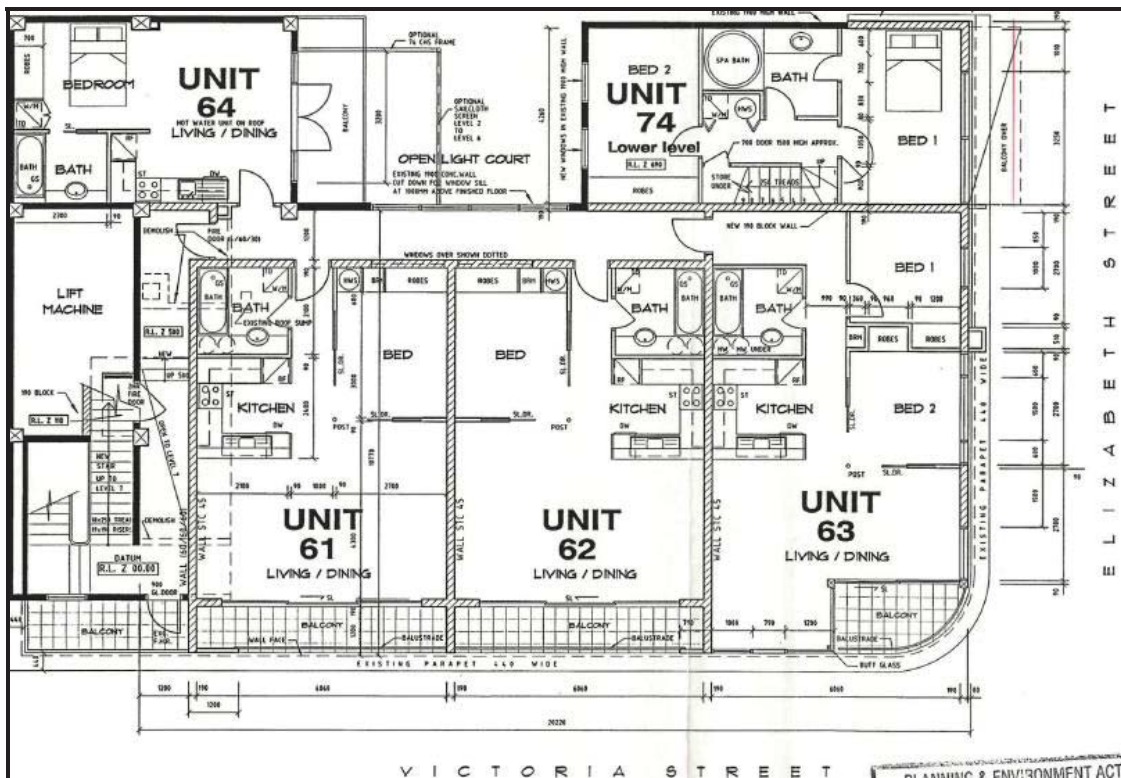
The apartment building at 222-230 Victoria Street is partially built to the northern property boundary that adjoins the subject site at the eastern and western ends and is provided with a 7.33 metre wide by 4.26 metre deep light court which provides the only access to daylight to ten dwellings within the building. Floor plans showing the existing conditions of 222-230 Victoria Street are shown below



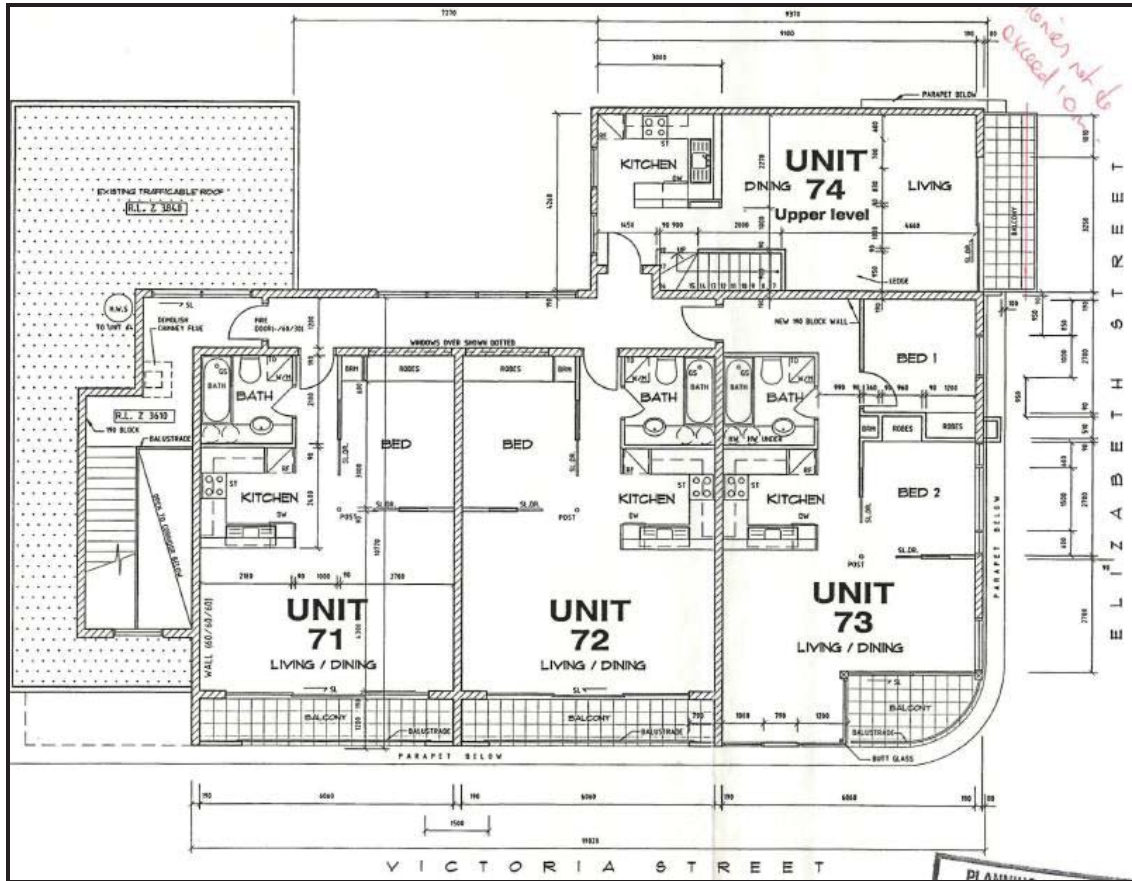
Second level layout 222-230 Victoria Street. Source – TP-1997/367 City of Melbourne records



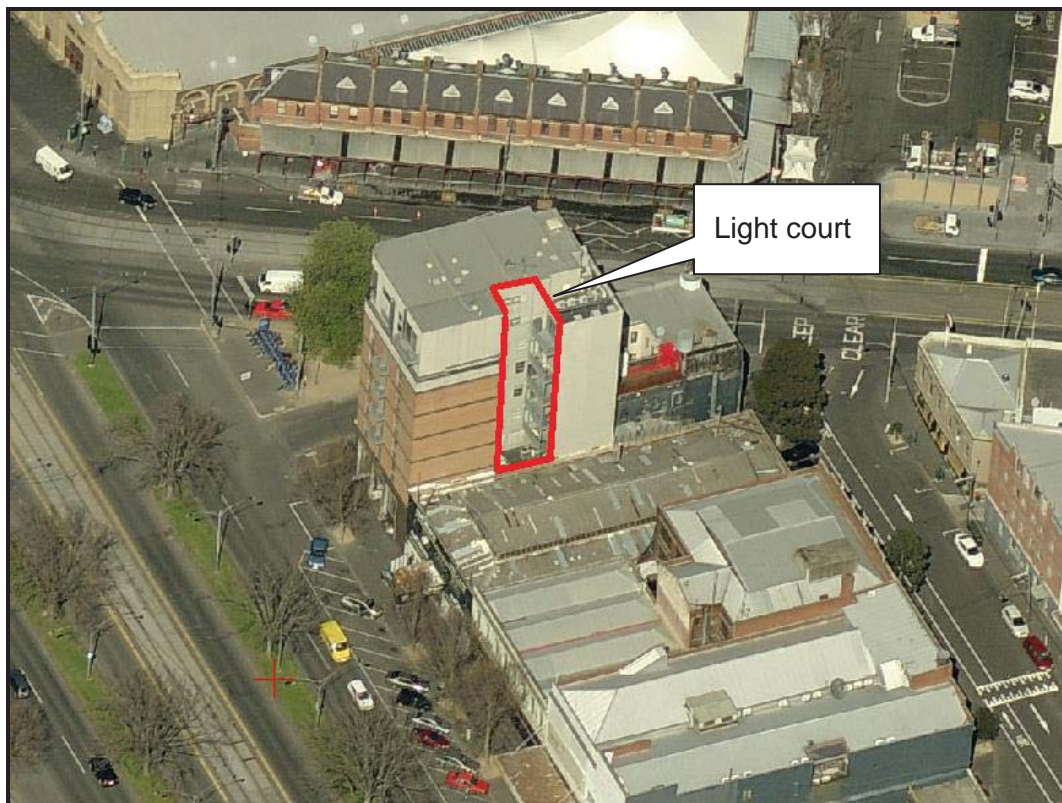
Levels 3, 4 and 5 layout 222-230 Victoria Street. Source – TP-1997/367 City of Melbourne records



Level 6 layout 222-230 Victoria Street. Source – TP-1997/367 City of Melbourne records

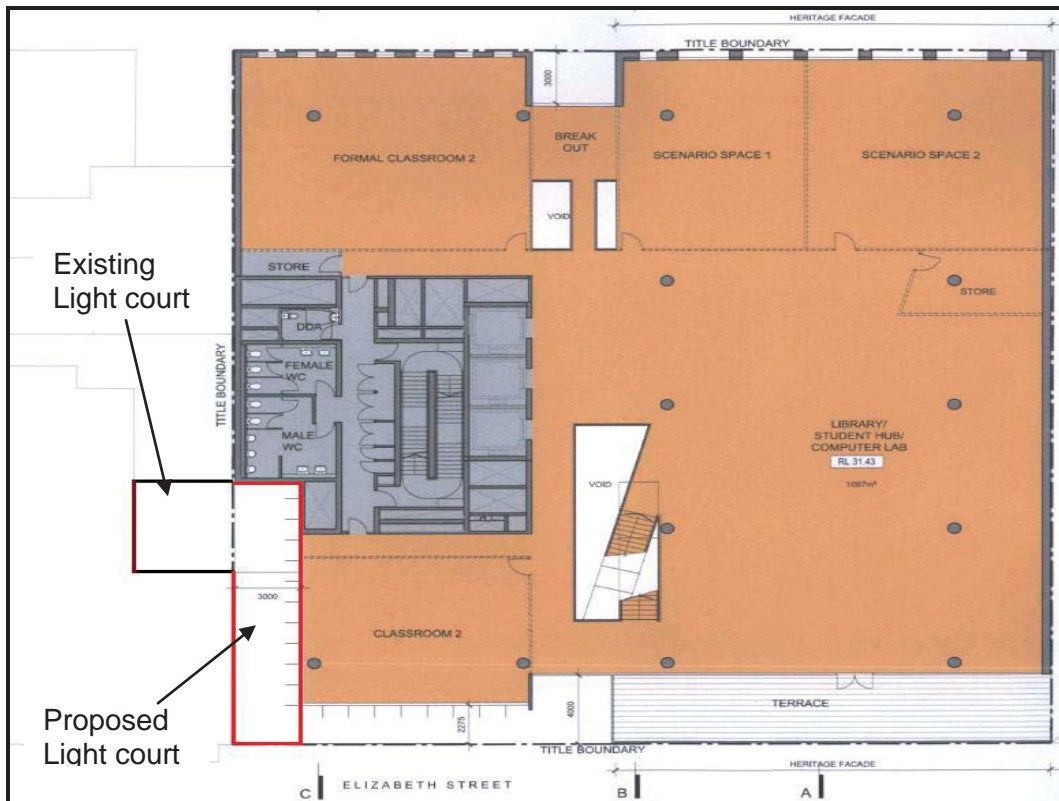


Level 7 layout 222-230 Victoria Street. Source – TP-1997/367 City of Melbourne records



Existing light court 222-230 Victoria Street – Source – Pictometry 2012

In response to the concerns raised in regard to the amenity of the adjoining residential building the applicant provided revised plans incorporating a three metre setback from the neighbouring light well for a length of 14.5 metres for levels 1 to 9.



Existing and proposed light courts Level 1 – Source – Application documentation

Although not relevant to the proposed building (as there is no residential component to the application) the Guidelines for Higher Density Residential Development provide useful guidance when considering the amenity of the adjoining property, and in terms of assessing the adequacy of light courts for buildings of this scale.

Amongst other matters the guidelines include Objective 5.4 which seeks:

“To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces”.

Design suggestion 5.4.2 seeks to “Design light-wells that are adequately sized for their intended purpose”. The suggestion notes:

“Light wells need to be sufficiently generous to ensure that they provide adequate light and ventilation at their lowest level. Consider engaging expert advice to ensure light-wells provide adequate access to natural light and ventilation for habitable rooms facing the light-well.”

- Emphasis added

Having regard to the above, and particularly the term ‘sufficiently generous’, simply achieving compliance with the relevant building regulations does not necessarily mean a proposal will achieve the objectives sought by the guidelines, particularly for higher buildings (with deeper light courts) and in areas where there is a need to consider the development on adjoining sites. Indeed, suggesting that compliance with building regulations would provide for an appropriate outcome would make the application of the guidelines somewhat meaningless.

The proposed light court is considered to be an appropriate response in this instance and can be considered to be 'sufficiently generous' in this context. The additional separation provided will allow for an appropriate outlook and natural light to the apartments as could be expected in this inner city

The use of extensive glazing will also serve to provide appropriate daylight exposure to all levels of the building and the proposed vertical elements will allow for articulated roof lines to add further interest and variety to the proposed built form.

Relationships to adjoining buildings

The Guidelines for Higher Density Residential Development can also be used as a guide to the appropriateness of the relationship between the subject site and adjoining residential apartment building.

Objective 2.5 - To ensure building separation supports private amenity and reinforces neighbourhood character

The proposed and existing light courts provided on each site ensure there is appropriate separation between the proposed building and the sensitive interface of the building to the south. It is anticipated that the site to the north of the subject site will be developed in the future in accordance with C196.

There is a small section (approximately two metres) of clear glazing which faces the internal light court of the adjoining residential building. It is considered appropriate to require this section of the office to be screened to minimise views to the residential apartments.

Objective 2.6 - To ensure areas can develop with an equitable access to outlook and sunlight

The residential building to the south currently enjoys an outlook to the north over the subject site and beyond from the second floor. The proposed built form to the north provides a light court of three metres deep by 14.5 metres long. It is considered that this will allow for an appropriate amount of sun and outlook from the residential building as could reasonably be expected in this inner city location.

The proposed built form on the northern property boundary will allow for the future development of this site without unreasonably relying on this property for light.

The proposed building has been oriented to optimise sunlight while maintaining the amenity for the adjoining dwellings,

Objective 2.7 - To ensure visual impacts to dwellings at the rear are appropriate to the context

The existing dwellings to the south will be faced with built form as a result of the proposal. It is considered that the proposed building has been setback and treated appropriately and the visual impacts are considered acceptable in this context where higher density built form is clearly encouraged.

Views to and from residential units

Objection 2.8 – To maximise informal or passive surveillance of streets and other public open spaces

The proposal provides passive surveillance opportunities to Elizabeth and O'Connell Streets. The proposal will not result in an unreasonable amount of overlooking to the adjoining residential properties in this inner urban context.

Objective 2.9 – To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties

The proposed development will allow passive surveillance and activation of the ground floors addressing the streets. The proposed retail premises and waiting lounge will address the Elizabeth Street frontage providing an active street frontage and allowing for passive surveillance opportunities. The incorporation of a pedestrian thoroughfare through the building between Elizabeth Street and O’Connell Street serves to improve the walkability of the precinct and provide improved pedestrian connections.

16.4.1 Overshadowing

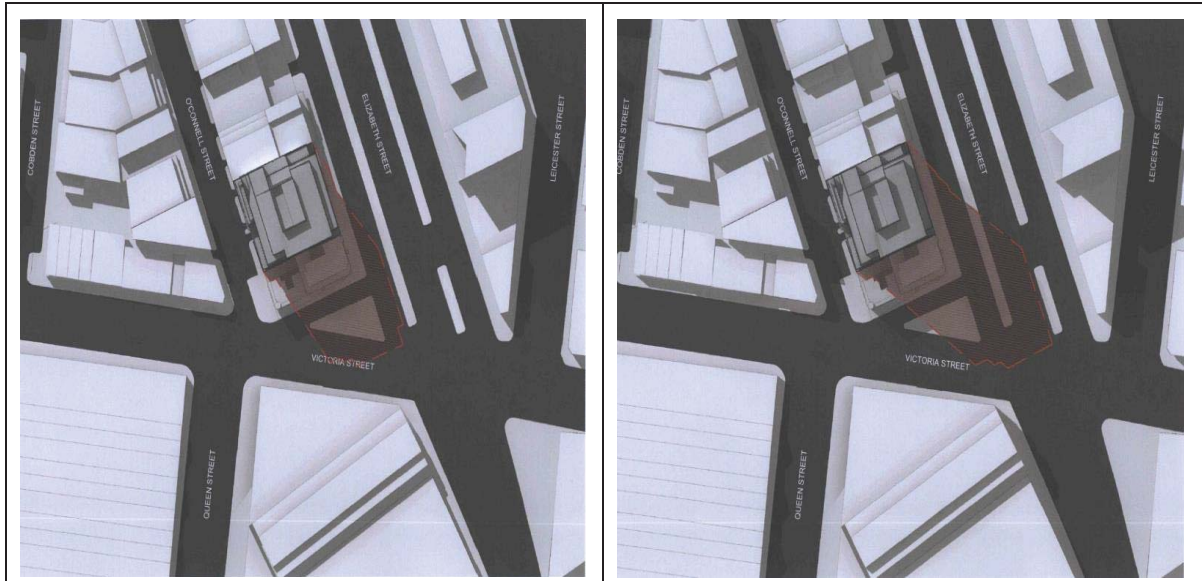
The proposed development will result in high walls built on part of the northern and southern property boundaries with high built form set back from the majority of the eastern and western boundaries. The proposed building results in overshadowing to the west across O’Connell Street throughout the morning, to the southwest across O’Connell Street and onto Victoria Street from 11am, to the south from midday and south east onto Victoria Street and over Elizabeth Street from 2pm.

The southern boundary wall has been designed with detail and recesses including a light court in order to provide a visually interesting built form, and is will be significantly hidden by the existing development to the south. The proposed height controls of the area anticipate a large wall on boundary in this location.

The proposal, as discussed will be required to be reduced in overall height which will result in overshadowing of neighbouring properties to the south being reduced slightly from that currently proposed.

The shadows cast throughout the day can be seen in the shadow diagrams below:





Shadow diagrams – Source – Application documentation

The proposed height and heritage controls for this location anticipate a building of up to 40m in this location, therefore some additional overshadowing of the public realm must be expected.

As can be seen in the shadow diagrams the proposed shadow mostly affects the public realm, rooftops and car parks, the proposed extent of overshadowing is not considered to prejudice the amenity of the area.

Clause 22.02 – Sunlight to Public Spaces Policy of the Melbourne Planning Scheme seeks to ensure that new buildings allow for good sun penetration to public spaces and to ensure that overshadowing from new buildings does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians. It is noted that the proposed building will not unduly overshadow any significant public open space areas (importantly it does not overshadow the entrance to the market on 22 September between 11am and 2pm) and will not result in shadows that would not be expected in this inner city location.

16.4.2 Noise/ Construction Management

Concerns have been raised in regard to unreasonable noise impacts on adjoining residential properties.

Matters that relate to noise, vibration and disturbance during construction would require special consideration as part of a construction management plan. Should a permit issue a condition will require the applicant to provide a Construction Management Plan in the City of Melbourne - Construction Management Plan Guidelines.

Further concerns have been raised in regard to noise created from building services. It is noted that the proposed building services are either located at ground floor level or within the plant rooms provided on the upper levels. Even with a reduction in height as required by the proposed conditions, the services are considered to be appropriately screened to ensure they do not result in unreasonable noise impacts to adjoining properties.

The site is located within a Mixed Use Zone and is proposed to be rezoned to the Capital City Zone. Noise created from the use of the site as offices, an education facility, retail premises and auditorium will need to comply with the relevant EPA standards. Should a permit issue a condition requiring this can be included.

16.5 Parking, Traffic and Access

16.5.1 Loading and Unloading

The application proposes to waive the requirements for a loading bay on the site. Whilst the office, education and place of assembly uses are not considered to generate a requirement under Clause 52.076, the proposed retail space in the mixed use development would generate a requirement for a loading area of 27.4sqm.

It is proposed to modify the existing on-street car parking on O'Connell Street to provide a kerbside loading area. The application has been referred to the City of Melbourne's Traffic Engineers who have concerns with the loading taking place from designated on street loading zones given there is no guarantee that these would remain in place. Further the engineers are concerned with the loading and unloading of waste. Waste is further discussed below.

The Traffic Engineers specifically note:

The GTA traffic report suggests that suitable on-street car parking restrictions could be utilised in this area, such that the space could be used for loading outside of peak periods, and used for additional on-street car parking when loading is not required. Engineering Services considers this a suitable solution. It is noted that all on-street parking restrictions will ultimately be to the satisfaction of Council's Engineering Services.

In regard to the waiver of loading for the retail premises it is considered that on street access for loading will be sufficient in this instance. The site of the retail premises (72m²) is small compared with the range of other sites within the proposed buildings and it is not anticipated that there will be regular deliveries of any significance that could not be done by a small van who could utilise existing on street parking and loading zones.

16.5.2 Waste Management

The application has been referred to the City of Melbourne's Waste Services and Traffic Engineers who have raised the following concerns with the proposed Waste Management Plan:

It is now proposed for loading and garbage collection to take place via a parallel parking on-street loading area. The loading zone is provided with approximate dimensions 8.5m length and 4.9m width. It is Engineering Services preference that an on-site loading bay be provided as it noted that there can be no guarantee that the proposed on-street Loading Zone, if approved, would be retained in future, i.e. bicycle projects and streetscape upgrades undertaken throughout the municipality have seen the rationalisation of on-street parking.

Notwithstanding this, it is noted the waste management plan prepared states a Council 9.8m length truck will be used for the site, and GTA Consultants has prepared swept paths for a 9.8m length vehicle. However, it is noted that Council Guidelines for preparing a Waste Management Plan 2014 state that a 8.8m length vehicle is to be designed for. Clarification is sought as to the maximum size truck to be used for garbage collection of the site.

If the site requires access by a 9.8m length garbage truck, the proposed garbage collection arrangement is less than ideal. The GTA swept paths demonstrate that a B85 could exit the site while a 9.8m truck is in the loading position however it appears that when the loading takes place at the rear of the vehicle, that this would potentially restrict access to the site car

park. From a practicality perspective, in order for the Loading Zone to operate effectively and to minimise conflict between reversing trucks and cars accessing the on-site car park, the loading zone would need to be lengthened resulting in the loss of a further on-street car space.

Concerns with the loading of garbage are further discussed by Waste Services who note:

The Wastech report identifies that waste collection is to be undertaken by Council utilising a 9.8m garbage truck, and that garbage bins will be transferred to kerbside by a private contractor. Again, confirmation is sought as to whether a 9.8m length truck is required for the site.

Should the development receive a permit, prior to the commencement of development, the proposed Waste Management Plan (WMP) must be submitted to the City of Melbourne - Engineering Services and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014.

Should a permit issue a condition will be included as noted above.

16.5.3 Car and Bicycle Parking

The following table outlines the car parking rates as required by Clause 52.06-5 of the Melbourne Planning Scheme:

Component	Size	Rate	Req.
Office	7,104 m ²	3.5 to each 100 sq m of net floor area	248
Food and Drink Premises	72 m ²	4 to each 100 sq m of leasable floor area	2
Education Centre	1,901 m ² (200 students)	0.4 to each student that is part of the maximum number of students on the site at any time	80
Place of Assembly	400 seats (538 m ²)	0.3 to each patron permitted	120
Total			450

A total of 65 on-site car parking spaces (including 1 disabled space and 9 small car bays) are included over two basement levels. Access to the basement car park is to be provided via a new double width crossover located in the southwest corner of the site at O'Connell Street.

Based on the adoption of the above rates, a requirement to provide 450 spaces is indicated.

Clause 52.06-6 of the Melbourne Planning Scheme states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment. In undertaking this assessment, the following factors should be considered:

- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.

The Scheme further states that a permit may be granted to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, giving consideration to the following particular factors:

- Any relevant local planning policy or incorporated plan.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Access to or provision of alternative transport modes to and from the land.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

The application has been referred to the City of Melbourne Traffic Engineers who made the following comments in regard to the proposed car parking:

Whilst the Car Parking Demand Assessment provided within the GTA report does not include assessment that quantifies the likely parking demands, it includes discussion of a number of items related to the above decision guidelines.

In particular they have identified the following:

- The subject site is provided with close proximity to numerous trams services and is located approximately 700m from Melbourne Central Railway Station;
- The site has very good access to existing cycling facilities and the proposal includes 31 employee bicycle parking spaces and 20 visitor bicycle racks;
- On-street parking within the vicinity of the subject site was surveyed by GTA which indicated an availability of 42 short term parking spaces during a surveyed peak period.
- The GTA report identified limited long-term on-street parking opportunities within the vicinity of the site - and in fact limited short term opportunities which would be suitable for use by students of the proposal, suggesting that any car parking demands which in normal circumstances might be generated by the proposal (over and above that accommodated on the site) would in fact not be generated to the area because of the difficulties in finding publicly available, long term parking on-street.

Having consideration of the above, particularly the restricted nature of on-street parking in the area, and the location of the site (and access to multiple alternative transport modes), it is considered that the proposed provision of 65 car parking spaces is acceptable.

The following table outlines the car parking rates as required by Clause 52.34 of the Melbourne Planning Scheme:

Component	Size	Rate	Requirement
Office	7,104 m ²	1 space per 300m ² for employees 1 space per 1000m ² for visitors	24 spaces 7 spaces
Food and Drink Premises (Retail)	72 m ²	1 space per 300m ² for employees 1 space per 500m ² for visitors	0 spaces 0 spaces
Education Centre	1,901 m ² (200 students)	1 space per 20 employees 1 space per 20 full-time students	1 space 10 spaces
Place of Assembly	400 seats (528 m ²)	1 space per 1500m ² for employees 2 plus 1 space per 1500m ² for visitors	0 spaces 2 spaces
Total		Employee Visitor	25 spaces 19 spaces

Based on the above, the proposal generates a requirement to provide a minimum of 44 bicycle spaces, inclusive of 25 employee bicycle spaces and 19 visitor spaces.

It is proposed that 51 bicycle parking spaces will be provided consisting of 31 employee bicycle parking to be located within the level 1 basement and a further 20 bicycle parking spaces for visitors within a dedicated area on the ground floor.

The provision of bicycle parking spaces in excess of the requirements of the planning scheme will supplement the lack of car parking on site. Furthermore, the site is well located close to public transport.

It is noted that the architectural drawings detail the provision of a female and a male changing room on the first level of the basement. GTA Consultants within the application documentation has confirmed as part of their letter response that 3 showers for employee cyclists are to be provided on basement level 1. A condition of any permit that may issue will require the location of the showers to be shown on the plans.

Subject to conditions, the proposed car and bicycle parking provision is supported.

16.5.4 Car Park Design

The City of Melbourne Engineers have viewed the design of the proposed car park and are generally supportive subject to modifications which will be included as conditions to any permit that may issue.

16.6 Environmentally Sustainable Design (ESD)

The applicant submitted an ESD report with application.

The applicable measures for the project as required by Clause 22.19 are as follows:

Office component:

- Target a 5 Star NABERS office rating.
- Target 3 points for the WAT-1 credit under the applicable Green Star rating tool
Provide a waste management plan in accordance with current City of Melbourne guidelines.
- As the office space exceeds the 5,000m² trigger the project is to target a 5 Star Green Star office rating

Retail component:

- Target 5 points for the WAT-1 credit under the applicable Green Star rating tool.
- Provide a waste management plan in accordance with current City of Melbourne guidelines.

Education component:

- Target 5 points for the ENE-1 credit under the applicable Green Star rating tool.
- Target 3 points for the WAT-1 credit under the applicable Green Star rating tool.
- Provide a waste management plan in accordance with current City of Melbourne guidelines.

The report states that the development is targeting a 5 star green star rating as built for the project. The Green Star scorecard provided with the application shows that credits currently being worked into the design total 67 points which is well above the required 60 points for 5 Star Green Star.

It is noted within the report that an ESD consultant has been engaged and the project is planning on being registered under the Green Building Council - Office V3 - As Built rating tool.

A Water Sensitive Urban Design report with attached STORM Rating report has also been provided with the application. The minimum STORM rating for an effective WSUD is 100% using the STORM rating calculator. The STORM rating for the proposed development is 109%.

The proposed building is considered to adequately achieve the performance measures as required by Clause 22.19 of the Melbourne Planning Scheme.

16.7 Site Contamination

The applicant has submitted a Soil Contamination Assessment (SCA) for the site prepared by Prensa and dated March 2014. Within the statement it is noted:

‘The objective of this SCA was to investigate the potential for fill to exist beneath the Site and to provide an indication of the classification of the soil for off-site disposal.

The SCA included a site inspection and the establishment of eight (8) boreholes in areas near the perimeter of the Site in order to limit disruption to current operations. As a result no boreholes were able to be established in the centre of the Site.

The site inspection noted the presence of an underground fuel storage system (i.e. underground storage tank) may be present due to the identification of what appeared to be a cut off vent pipe within the south west corner of 535-541 Elizabeth Street (northern portion of the Site).’

The report concludes:

‘Statistical analysis was undertaken on the analytical results for samples of fill classified greater than Fill Material, using the 95% upper confidence limit (UCL) approach. The statistical analysis indicated that the fill present at the Site would be classified as Category C (Contaminated Soil).

However, it was considered that additional Investigations would be required to assess the fill present in the central portion of the Site and Australian Standard Leaching Procedure (ASLP) analysis would need to be conducted in order to classify the fill for off-site disposal in accordance with the relevant Victorian EPA guidelines.

The analytical results for soil samples collected from natural soil reported total concentrations of contaminants less than the maximum allowable concentration for Fill Material. Therefore, it was considered likely that natural soil present at the Site would be classified as Fill Material for off-site disposal.’

Should a permit issue it is recommended that a condition be included requiring further investigation on contamination.

16.8 Other objections

Concerns have been raised that the proposed development is inconsistent with the built form outcomes and design objectives of the DDO44 and DDO61. The design merit and principles have been discussed above and the proposed tower, subject to conditions, is considered to meet the built form outcomes and design objectives of the existing and proposed DDO's.

To this end the proposed built form (subject to the proposed conditions) is considered to:

- Reinforce Elizabeth Street as a civic spine and help facilitate the enhancement of its existing and future character.

- Create a stronger definition to the streetscape.
- Result in a development that complements the existing and preferred future character of the area.
- Ensure sunlight reaches the lower floors of the development.
- Deliver a scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, sky views and a pedestrian friendly scale and provides a street edge height and setback that will appropriately integrate the development with lower scale heritage buildings within the area.

Given the identified strategic direction of the subject site and its surrounds, and subject to the changes outlined above, it is not considered that the proposed development is an overdevelopment of the site.

A concern has been raised that the proposed development is contrary to the proper and orderly planning of the area. As discussed The City North Structure Plan and Amendment C196 proposes to rezone the subject land to Capital City Zone 5 and to apply the Design and Development Overlay – Schedule 61, Area 4. This proposed DDO would impose a preferred height of 40 metres with street edge setback of six metres to any part of the building above 24 metres fronting O'Connell Street. In applying these controls, the Structure Plan seeks to increase the existing, preferred height established by DDO44 (Elizabeth Street and South Carlton) which currently affects the subject site, in recognition of the role which Elizabeth Street has in providing a defining entry point to the Melbourne CBD. This amendment has been scrutinised by an independent panel, adopted by the City of Melbourne and is before the Minister for approval. It is therefore a seriously entertained planning policy and should be given weight. Approving a scheme that is broadly consistent with the stated policy objectives of this amendment is not contrary to the proper and orderly planning of the area.

Concerns have been raised in regard to loss of views and the proposed building resulting in a loss of property values. It is noted that there is no protection of, nor right to, a view under the Melbourne Planning Scheme. Property values are not a planning concern.

A specific concern has also been raised in regard to the reflectivity of the proposed materials of the building. Should a permit issue it is recommended that a condition be included requiring Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority. This is consistent with existing best practice.

16.9 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to conditions.

17 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Prior to the commencement of the development hereby approved, including demolition, the applicant must submit to the responsible authority three

copies of plans drawn to scale generally in accordance with the plans received on 31 October 2014 but further amended to show:

- a. A reduction in height of the building proper to a maximum RL of 63.83 and a commensurate reduction in the height of plant and services to a maximum of RL73.69m to the top of the roof plant.
- b. The proposed building to be setback a minimum of four metres from the Elizabeth Street property boundary for each floor above the first floor and any subsequent design changes.
- c. The roof plant to be setback a minimum of seven metres from the Elizabeth Street property boundary.
- d. The section of clear glazing (approximately two metres) which faces the internal light court of the adjoining residential building to the south to be screened to minimise views to the residential apartments.
- e. Provision of three showers for employee cyclists (as set out in the GTA report Issue B dated 29 October 2014).
- f. Designation of small car spaces for use by small vehicles using signage and line marking.
- g. Provision of swept paths to demonstrate that car parking space 1 and 36 on basement level 2 can be adequately accessed or repositioning of spaces to achieve a 1 metre aisle extension.
- h. Provision of a pedestrian warning device to address the sight triangles and increase pedestrian amenity.
- i. Adoption of mechanisms to manage car spaces 35 and 36 on basement level 2. Signage should be provided to indicate the low height clearance and the underside of any intrusions should be painted to highlight this restriction.
- j. Confirmation that car space 10 on level B1 and spaces 10 and 19 on level B2 can be provided in accordance with the Australian Standard which indicates a minimum width of 2.7 metres adjacent an obstruction (2.4m + 0.3m) for User Class 1A (staff).
- k. Any changes to the plans as required by the revised Waste Management Plan at condition 18.

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

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving, (including car park surfacing), outbuildings and structures.
4. Except with the consent of the Responsible Authority, Crone Partners must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

5. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.
6. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.
7. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.

Construction Management Plan

9. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider, but not be limited to, the following:
 - a) public safety, amenity and site security;
 - b) operating hours, noise and vibration controls;
 - c) air and dust management;
 - d) stormwater and sediment control;
 - e) waste and materials reuse; and
 - f) traffic management.
 - g) staging of development.

Education Centre / Place of Assembly / Convenience Shop

10. The maximum noise level emitted from the site must not exceed levels specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
11. The use of the land as an Education Centre, Place of Assembly and Retail Premises must not detrimentally affect the amenity of the area or the amenity of persons living in proximity of the site by reason of the emission of noise. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with State

Environmental Protection Policy N1 and N2. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

12. No loudspeaker, amplifier, relay or other audio equipment may be installed or used outside the Education Centre, Place of Assembly and Retail Premises, at any time.

Environmentally Sustainable Design

13. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by Crone Partners and dated 28 April 2014 for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.
14. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Potentially Contaminated Land – Revised Soil Contamination Assessment

15. Prior to the commencement of the development (excluding demolition), the applicant must carry out further investigations as outlined in the Soil Contamination Assessment prepared by Prensa dated March 2014 to determine if the site is suitable for the intended use(s). This investigation must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. A revised Soil Contamination Assessment outlining the findings must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development (excluding demolition).

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the revised Soil Contamination Assessment.

16. Should the revised Soil Contamination Assessment recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:
 - a. A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - b. A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).
17. Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the

applicant must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Engineering

18. Prior to the commencement of the development, an amended Waste Management Plan (WMP) shall be prepared and submitted to the City of Melbourne - Engineering Services. The WMP should be generally in accordance with the WMP prepared by Waste Tech Services Pty Ltd dated 27 October 2014, but amended to include confirmation as to whether a 9.8 metre length truck is required for the site. The WMP must comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014.
19. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
20. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
21. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the City of Melbourne – Engineering Services.
22. The footpaths adjoining the site along Elizabeth Street and O'Connell Street must be upgraded and reconstructed in sawn bluestone together with associated works including the reconstruction or relocation of kerb and channel and services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority — Engineering Services.
23. Existing street levels in Elizabeth Street and O'Connell Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the City of Melbourne – Engineering Services.
24. Existing public street lighting must not be altered without first obtaining the written approval of the City of Melbourne – Engineering Services.
25. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on Elizabeth Street and O'Connell Street footpaths outside the proposed building to plans and specifications first approved by the City of Melbourne – Engineering Services.
26. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority.

Time Limit

27. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use is not started within four years of the date of this permit.

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

Notes:

Pursuant to the Road Management Act 2004 any works within the road reserve of Elizabeth Street, an Arterial Road, requires the written consent of VicRoads, the Co-ordinating Road Authority. Footpaths and nature strips of such roads fall under the City of Melbourne's control although the Act specifically states that the Co-ordinating Road Authority gives conditions for works on these roads and the "road" is the reserve from the building line to building line.

All projections over the street alignment must conform to the Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference should be made to the City of Melbourne's Road Encroachment guidelines with respect to projections impacting on street trees and clearances from face/back to kerb.

The pedestrian thoroughfare should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the pedestrian thoroughfare being made public.

All necessary approvals and permits are to be first obtained from the City of Melbourne — Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne — Manager Engineering Services Branch and VicRoads.

Council is not obligated to change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development.

Some of the parking spaces within the basement car park do not comply with Standard AS2890.1. The City of Melbourne will not bear any responsibility for this non-compliance should it cause issues following construction. Any issues that might arise from this non-compliance is the responsibility of the applicant / owners corporation.

Appendix 1 – Engineering (Traffic and Waste) Comments**MEMORANDUM**

Date 5 December 2014
To Nicholas McLennan
From Haig Poulson
Principal Engineer – Traffic Engineering



SUBJECT TP-2014-274
Construction of a multi storey building including the demolition of existing buildings on site; the use of the building for retail, office, education centre and a place of assembly, a reduction in the standard car parking requirements and a waiver of loading bay requirements at 529-533 Elizabeth Street, MELBOURNE VIC 3000, 535-541 Elizabeth Street, MELBOURNE VIC 3000

Reference is made to your memorandum dated 7 November 2014 regarding the above application for a planning permit. Engineering Services has reviewed comments provided by its service provider, Consultant Cardno, and the following documents and now provides the following comment.

Document	Reference	Prepared By
Architectural Plans	Dated: 28 October 2014	Crone Partners
Traffic Response Letter	Ref. No: 14M1755000 Dated: 29 October 2014	GTA Consultants
Traffic Impact Assessment	Ref. No: 14M1755000 Dated: 10 April 2014	GTA Consultants
Waste Management Plan	Dated: 27 October 2014	Wastech Services

Background

It is noted that Engineering Services has previously reviewed a town planning application for the proposed development and provided advice with regard to the above application – reference is made to an Internal City of Melbourne Memorandum dated 19 June 2014. The initial application was for a mixed use 10 storey building comprising 7,413m² office, 114m² food and drink, 1,995m² education centre and 400 patron Place of Assembly.

As part of the Engineering Services assessment, dated 19 June 2014, the following key items were raised.

- Car parking provision less than Planning Scheme requirements, but considered acceptable;
- Bicycle parking provision in excess of the Planning Scheme requirements and considered acceptable;
- Clarification sought as to maximum garbage and loading truck size to access on-site loading bay, and corresponding swept paths;
- Confirmation of car parking design and suitable dead end aisle extension;
- Confirmation of sight triangles;
- Confirmation of ramp grades and corresponding RLs;
- Review of the visitor bicycle parking design;
- Traffic generation of the site considered acceptable.

The development scheme has since been revised to incorporate 7,104m² office, 72m² food and drink, 1,901m² education centre and 400 patron Place of Assembly. The provision of car parking has reduced by one space to 65 on-site parking spaces.

General

The subject site is comprised of two separate sites located at 529-533 and 535-541 Elizabeth Street, Melbourne, adjacent the north-west corner of the intersection at Elizabeth Street and Victoria Street. It has frontages of approximately 37m to both O'Connell Street and Elizabeth Street.

The observations on site indicate the southern portion of the site is currently occupied by an auto parts retail store (Autobarn) and it is understood that a hairdressing academy occupies the northern portion of the site.

The Elizabeth Street frontage provides primary pedestrian access for both sites, with secondary access accommodated at the rear via O'Connell Street. Vehicle access is provided via O'Connell Street via two crossovers to the northern site and a single crossover to the southern site.

O'Connell Street operates one-way northbound for vehicles, with an on-road cycling lane provided for cyclists travelling south to Victoria Street. Kerbside parallel parking exists on the western side of O'Connell Street. On the eastern side 90° angled parking exists with 7 car spaces abutting the subject site. These spaces are restricted to 30 minute, unmetered parking Monday-Friday, 7:30AM-6:30PM and 2 hour parking on Saturday and Sunday, 7:30AM-6:30PM.

Elizabeth Street in the vicinity of the subject site operates with two northbound and two southbound carriageways separated by a central dedicated tramway. The outer carriageways provide 60° angled parking. Monday – Friday 7:30AM-6:30PM 1 hour ticket parking restrictions apply whereas on Saturday 7:30AM-12:30PM 2 hour parking restrictions apply.

The site is located within the Mixed Use Zone (MUZ) of the Melbourne Planning Scheme and is also located within the area to which Parking Overlay 12 applies.

Proposal

It is proposed to redevelop the site for the purposes of a 10 storey building for use by the Australian Nursing and Midwifery Federation (ANMF). The proposal is to include educational and administrative uses, a ground floor auditorium and retail tenancy, offices for ANMF and additional leasable offices.

On-site parking is proposed to be provided within a two level basement car park accessed from O'Connell Street. The car park is to include a total of 65 car parking spaces inclusive of 1 disabled car parking space and 9 small car bays.

The proposed development schedule has been amended as follows:

Component	Previous Scheme	Proposed	Change
Office	7,314 m ²	7,104m ²	- 210m ²
Food and Drink Premises	114 m ²	72 m ²	-42m ²
Education Centre	1,995 m ² (200 students)	1,901 m ² (200 students)	-94m ²
Place of Assembly	400 seats (496 m ²)	400 seats (538 m ²)	(+42m ²)
Car parking	66 spaces	65 spaces	- 1 space

It is proposed that access to the basement car park be provided via a new double width crossover at the southwest corner of the site at O'Connell Street.

It is proposed to modify the existing on-street car parking on O'Connell Street to provide a kerbside loading area. On-street parking is to be reinstated as 90 degree

angled parking along the remainder of the sites abuttal to O’Connell Street with the existing crossovers to be demolished and restricted as kerb and channel. As a result of changes to on-street car parking a net reduction of one on-street parking space is proposed.

No on-site loading is proposed as part of the revised development scheme.

Car Parking Requirements

Clause 52.06

It should be noted that since the time of the original application, the site has been included with Parking Overlay 12, which sets out maximum rather than minimum car parking provisions for dwellings under Clause 45.09 of the Planning Scheme.

However, as the proposed development is for non-residential uses, the provision of on-site car parking continues to be prescribed under Clause 52.06-5 of the Melbourne Planning Scheme.

In relation to Table 1 of Clause 52.06-5, the following car parking rates and requirements apply to the proposal:

Component	Size	Rate	Req.
Office	7,104 m ²	3.5 to each 100 sq m of net floor area	248
Food and Drink Premises	72 m ²	4 to each 100 sq m of leasable floor area	2
Education Centre	1,901 m ² (200 students)	0.4 to each student that is part of the maximum number of students on the site at any time	80
Place of Assembly	400 seats (538 m ²)	0.3 to each patron permitted	120
Total			450

Based on the adoption of the above rates, a requirement to provide 450 spaces is indicated.

A total of 65 on-site car parking spaces (including 1 disabled car parking space) are proposed and therefore a permit is required to reduce the parking requirements under Clause 52.06.

Clause 52.06-6 of the Melbourne Planning Scheme states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment. In undertaking this assessment, the following factors should be considered:

- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*

The Scheme further states that a permit may be granted to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, giving consideration to the following particular factors:

- *Any relevant local planning policy or incorporated plan.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *Access to or provision of alternative transport modes to and from the land.*

- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*

Whilst the Car Parking Demand Assessment provided within the GTA report does not include assessment that quantifies the likely parking demands, it includes discussion of a number of items related to the above decision guidelines.

In particular they have identified the following:

- The subject site is provided with close proximity to numerous trams services and is located approximately 700m from Melbourne Central Railway Station;
- The site has very good access to existing cycling facilities and the proposal includes 31 employee bicycle parking spaces and 20 visitor bicycle racks;
- On-street parking within the vicinity of the subject site was surveyed by GTA which indicated an availability of 42 short term parking spaces during a surveyed peak period.
- The GTA report identified limited long-term on-street parking opportunities within the vicinity of the site – and in fact limited short term opportunities which would be suitable for use by students of the proposal, suggesting that any car parking demands which in normal circumstances might be generated by the proposal (over and above that accommodated on the site) would in fact not be generated to the area because of the difficulties in finding publicly available, long term parking on-street.

Having consideration of the above, particularly the restricted nature of on-street parking in the area, and the location of the site (and access to multiple alternative transport modes), it is considered that the proposed provision of 65 car parking spaces is acceptable.

Bicycle Parking Requirements

Clause 52.34 of the Planning Scheme specifies the following bicycle parking rates are applicable to the proposed development.

The GTA report indicates that up to 20 employees will be on-site at any one time and all 200 students are full-time for the requirement of the education centre.

Component	Size	Rate	Requirement
Office	7,104 m ²	1 space per 300m ² for employees 1 space per 1000m ² for visitors	24 spaces 7 spaces
Food and Drink Premises (Retail)	72 m ²	1 space per 300m ² for employees 1 space per 500m ² for visitors	0 spaces 0 spaces
Education Centre	1,901 m ² (200 students)	1 space per 20 employees 1 space per 20 full-time students	1 space 10 spaces
Place of Assembly	400 seats (528 m ²)	1 space per 1500m ² for employees 2 plus 1 space per 1500m ² for visitors	0 spaces 2 spaces
Total		Employee Visitor	25 spaces 19 spaces

Based on the above, the proposal generates a requirement to provide a minimum of 44 bicycle spaces, inclusive of 25 employee bicycle spaces and 19 visitor spaces.

It is proposed that 51 bicycle parking spaces will be provided consisting of 31 employee bicycle parking to be located within the level 1 basement and a further 20 bicycle parking spaces for visitors within a dedicated area on the ground floor.

The proposed provisions exceed the minimum requirements of the Planning Scheme.

Clause 52.34 specifies that if 5 or employee bicycle parking spaces are provided, 1 shower is required for the first 5 spaces plus 1 to each 10 employee bicycle spaces

thereafter. Therefore, 3 showers are required for the 25 employee bicycle parking spaces.

The architectural drawings detail the provision of a female and a male changing room on the first level of the basement. GTA Consultants has confirmed as part of their letter response that 3 showers for employee cyclists are to be provided on basement level 1 and is considered acceptable. This should be reflected on the architectural drawings.

Loading Requirements

Clause 52.07 of the Planning Scheme specifies that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless a space is provided on the land for loading and unloading of vehicles.

Whilst the office, education and place of assembly uses are not considered to generate a requirement under Clause 52.076, the proposed retail space of the mixed use development would generate a requirement for a loading area of 27.4 m².

Notwithstanding, a permit can be granted to reduce or waive this requirement.

It is now proposed for loading and garbage collection to take place via a parallel parking on-street loading area. The loading zone is provided with approximate dimensions 8.5m length and 4.9m width. It is Engineering Services preference that an on-site loading bay be provided as it noted that there can be no guarantee that the proposed on-street Loading Zone, if approved, would be retained in future, i.e. bicycle projects and streetscape upgrades undertaken throughout the municipality have seen the rationalisation of on-street parking.

Notwithstanding this, it is noted the waste management plan prepared states a Council 9.8m length truck will be used for the site, and GTA Consultants has prepared swept paths for a 9.8m length vehicle. However, it is noted that Council Guidelines for preparing a Waste Management Plan 2014 state that a 8.8m length vehicle is to be designed for. Clarification is sought as to the maximum size truck to be used for garbage collection of the site.

If the site requires access by a 9.8m length garbage truck, the proposed garbage collection arrangement is less than ideal. The GTA swept paths demonstrate that a B85 could exit the site while a 9.8m truck is in the loading position however it appears that when the loading takes place at the rear of the vehicle, that this would potentially restrict access to the site car park. From a practicality perspective, in order for the Loading Zone to operate effectively and to minimise conflict between reversing trucks and cars accessing the on-site car park, the loading zone would need to be lengthened resulting in the loss of a further on-street car space.

The GTA traffic report suggests that suitable on-street car parking restrictions could be utilised in this area, such that the space could be used for loading outside of peak periods, and used for additional on-street car parking when loading is not required. Engineering Services considers this a suitable solution. It is noted that all on-street parking restrictions will ultimately be to the satisfaction of Council's Engineering Services.

In summary there is some concern that loading of bins will block the site access, and confirmation is sought as to whether a smaller truck could be utilised for the site.

Waste Collection

The Wastech report identifies that waste collection is to be undertaken by Council utilising a 9.8m garbage truck, and that garbage bins will be transferred to kerbside by

a private contractor. Again, confirmation is sought as to whether a 9.8m length truck is required for the site.

Should the development receive a permit, prior to the commencement of development, the proposed Waste Management Plan (WMP) must be submitted to the City of Melbourne - Engineering Services and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014.

Parking and Access Design

Car Parking Dimensions

A review of the architectural plans indicates that the car parking bays are generally provided with dimensions of 2.6m wide, 4.9m long and accessed from an aisle width of at least 6.4m.

Spaces numbered 26-28 (basement 1) and 29-34 (basement 2) are designated as small car parking spaces and are provided with dimensions of 2.3m wide, 5.0m long and accessed from an aisle width of at least 6.7m.

The spaces for small cars meet the minimum requirements of AS/NZS 2890.1:2004. It is recommended that the spaces be designated as spaces for small cars via signage and linemarking to ensure that larger vehicles do not attempt to park in these spaces.

It is noted that car parking space 1 and 36 on basement 2 are provided with a dimensioned width of 2.4m and an aisle extension of approximately 0.7m, and does not strictly accord with the Australian Standards. It is noted that these spaces were raised as part of the initial referral response, and do not appear to have been addressed within the revised plans. Whilst it is considered that these spaces are tolerable, the applicant should provide swept paths for the end spaces or reposition the spaces to achieve a 1 metre aisle extension in accordance with the Australian Standards, noting that there is scope to reposition the adjacent car spaces.

It is noted that car space 10 on level B1 and spaces 10 and 19 on level B2 are shown to be very close to the adjacent wall which will impact on door opening. Confirmation is sought that these spaces can be provided in accordance with the Australian Standard which indicates a minimum width of 2.7m adjacent an obstruction (2.4m + 0.3m) for User Class IA (staff).

Car Park Access

Access to the basement car park is proposed via a ramp which has a total width of 6.1m between walls (including a pavement width of 5.5m) which is in accordance with the Australian Standards.

Sight Triangles/Lines

It is noted that the exit lane is set approximately 1.0m from the southern boundary wall, and as such a full sight triangle, 2.0m x 2.5m, cannot be achieved strictly in accordance with the Planning Scheme. Roller doors for basement access is now setback approximately 1 metre within the site which will aid in providing a sight triangle (albeit reduced).

The provision of a pedestrian warning device is recommended to address the sight triangles and increase pedestrian amenity.

A mirror is shown to be provided on basement level 2 and is considered appropriate. It is recommended that a similar arrangement be provided on basement level 1 given that traffic volumes around this corner will be higher than that around basement level 2. It

is noted that a mirror on basement level 1 is referred to as part of GTAs letter however this has not been reflected on the drawings submitted.

Ramps and Gradients

The proposed ramp gradients meet the maximum requirements under the Planning Scheme for:

- The first 5m of the ramp from the site boundary not being more than 1:10
- Maximum transitions of 1:8 grade change for 2 metres
- Maximum gradient of 1:4 for private car park use (up to 20m length).

A reduced headroom clearance is provided for car spaces 35 and 36 on basement level 2. The GTA letter response indicates that this clearance ranges between 2.3m down to 1.745m at the front end of the spaces. Given the typical profile of the Australian fleet vehicle, and the reduced clearance required above the bonnet, this is considered acceptable. Signage should be provided to indicate the low height clearance and the underside of any intrusions should be painted to highlight this restriction. Consideration should be given to allocating the spaces to permanent users. In the event that there are any issues arising with the use of the spaces this would be for the developer/building manager to resolve.

Pedestrian Access

A pedestrian thoroughfare is provided at ground level. Over the length of the access three ramp segments of a 1:8 grade for approximately 2.5m are shown on the architectural drawings. It is noted that this does not correlate with the cross-section drawing on drawing DA 201. Confirmation of the proposed ramp at this location and justification for the proposed arrangement is sought.

Bicycle Parking Layout and Access

Bicycle parking for visitors is proposed in a dedicated storage area at ground level, via vertically hung bicycle racks, BR542 F, supplied by SecuraBike. The proposed vertically hung rack are provided with a spacing of 1.0m, which is in excess of the manufacturer's specification of 650mm and is considered acceptable. The visitor bicycle parking is provided with a suitable access aisle of 1.5m to manoeuvre bike in to and out of the space.

Bicycle parking for staff is provided within a dedicated storage area within basement level 1, via vertically hung wall mounted racks, BR66F, supplied by SecuraBike. Racks are proposed to be provided with a separation of 350mm and whilst the manufacturer's specifications indicate this is acceptable for 'medium density' applications, it is noted that this spacing will be quite tight and some spaces may go unused.

It is noted that all bicycle parking is proposed to be wall mounted or vertically hung, which is less than ideal. Consideration should be given to providing a mix of parking styles to cater for different bike users.

A separate bike lift is shown on the architectural plans, which will provide access to the bicycle parking area.

Motorcycle Parking

Motorbike parking is provided with dimensions 2.5m length and 1.2m width, in accordance with the Australian Standard requirements.

Traffic Impact

The GTA report adopts a traffic generation rate of 0.5 movements per space, equal to a total of 33 vehicles generated by the proposal during the peak hours.

This is generally consistent with case study data for office style developments. It is acknowledged that this level of traffic is low in traffic engineering terms and therefore will have minimal impact on the operation of the surrounding road network.

It is noted that all movements to the subject site will occur inbound via Victoria Street and vehicle will proceed outbound to Cobden Street, given the on-way nature of O'Connell Street.

Summary

Engineering Services has no objection to the proposed development on traffic or parking grounds subject to resolution of the outstanding matters:-

- Provision of three showers for employee cyclists (as set out in the GTA report).
- Confirmation regarding the proposed waste management collection vehicle and arrangements.
- Confirmation of the proposed ramp for the pedestrian thoroughfare and justification for the proposed arrangement.
- Provision of a suitable loading facility, noting that there is no guarantee that the proposed on-street Loading Zone would be retained in future.
- Designation of small car spaces for use by small vehicles using signage and linemarking.
- Consideration of a mix of styles of bicycle parking to cater for different users.
- Provision of swept paths to demonstrate that car parking space 1 and 36 on basement level 2 can be adequately accessed or repositioning of spaces to achieve a 1 metre aisle extension.
- Provision of a pedestrian warning device to address the sight triangles and increase pedestrian amenity.
- Adoption of mechanisms to manage car spaces 35 and 36 on basement level 2. Signage should be provided to indicate the low height clearance and the underside of any intrusions should be painted to highlight this restriction. Consideration should be given to allocating spaces to permanent users. In the event that there are any issues arising with the use of the spaces this would be for the developer/building manager to resolve.
- Prior to the commencement of development, the proposed Waste Management Plan (WMP) must be submitted to the City of Melbourne - Engineering Services and comply with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2014.

If you have any queries regarding traffic matters contact Veronica Skrzyniarz on 9658 9848 or for waste related matter contact Maree Marshall on 9658 8673.



Haig Poulson
Principal Engineer – Traffic Engineering

Telephone 9658 8562
Facsimile 9658 8886

Docs#8884550, SR#2806269

Appendix 2 – Heritage Comments

Heritage Assessment 529-541 Elizabeth Street, Melbourne. TP-2014-274 Revised Scheme

This report relates to the scheme stamped “DEVELOPMENT PLANNING 31 OCT 2014”.

Clarification of what is included in the existing heritage grading for number 535-541 Elizabeth Street. The City of Melbourne *Heritage Places Inventory* notes a grading of D and a Level 3 Streetscape. The grading related to the whole site including the O’Connell Street frontage.

The *North and West Melbourne Conservation Study*, Volume 1, lists graded sites (end pages of the Volume), indicating for this building under “Construction Date” “c1885”, and under “Other Prominent Elements”, notes the shop front installed 4 decades later as “SF-c1925(n)”. The definition for “(n)” in this context is a “Qualification of the negative or positive effect of these [other prominent] elements... (n) notable”.

The Building Identification Form for number 531-541 Elizabeth Street in the *North and West Melbourne Conservation Study*, was prepared on 21.1.1985. It notes the period of construction as Victorian and also records within the “Notable Features” portion of the form, “shopfront from 1920’s notable”. Under “Alterations” the 1920s shop fronts are noted as “inappropriate” and “O” meaning a recommendation to “reinstate original design”.

An accurate interpretation of the information contained in the *North and West Melbourne Conservation* is that the Victorian period building has a D grade – this is the primary heritage interest - but that the later shopfront alterations are notable and also add to significance. The streetscape is level 3.

The *North and West Melbourne Conservation Study* is a Policy Reference Document in Clause 22.05.

The City of Melbourne *Iheritage* provides a selection of data related to gradings and streetscapes in a form which can be accessed on line. The data does not present necessarily provide all the information for a site. *Iheritage* is not a Policy Reference Document in Clause 22.05.

The Building Identification Forms for a particular property should be consulted to obtain the most complete information for the existing grading.

The Memorandum from Peter Lovell dated 31 October 2014, does not appear to rely on the full information available in the *North and West Melbourne Conservation* and appears to incorrectly draw the conclusion that “In this particular case the heritage interest in the building is primarily that which is associated with the unusual later shop front treatment as surmounted by the original upper level Victorian façade”.

Proposed heritage grading under C198:

The site is within the precinct HO1124 Elizabeth Street North (Boulevard) Precinct, in the Post-exhibition version of the Statement of Significance (S.o.S.) in Amendment C196.

The Statement of Significance indicates that “the fabric from the Victorian, Federation, Interwar and Post-war periods all contributes to the significance of the precinct. Individually significant buildings area graded A to C and are listed in the schedule.”

The schedule includes both numbers 529-533 and 535-541 Elizabeth Street as individually significant, graded C in a level 2 streetscape. For number 535-541, the Schedule of significant building includes reference to the O'Connell Street frontage and to the 4-storey, 1927/interwar building on this part of the site.

Proposed changes to Local Heritage Policy Clause 22.05 as part of the City North

Amendment C196

The only change proposed to this Clause is the addition of words which make the policy applicable to the City North area. Clause 22.05 would continue to apply even though the area would become part of the Central City Zone.

Proposed DDO61

The proposed Design and Development Overlay encourages more intensive development in this section of the municipality. It has many provisions including several which address the scale and character of existing heritage sites within the new development overlay.

Particularly relevant in this case are the Design Objectives:

- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.
- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.
- To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections,
- To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.

And particularly relevant are the Decision guidelines which the responsible authority must consider as appropriate:

- Whether the proposal achieves the design objectives in Section 1 of this Schedule/
- Whether the proposal achieves the built form outcomes contained in Table 1.
- Whether the proposal achieves the design requirements contained in Table 2.
- Whether the development maintains and enhances the character and amenity of the streetscape.

Proposed Design Objective and Design Requirement specific to heritage area:

Design Objective

To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings.

Design Requirement

The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.

New buildings should step down in height to adjoining lower scale heritage buildings.

New buildings should retain the traditional heritage street wall height (as opposed to defining a higher street wall height) where appropriate.

Proposed maximum heights under DDO61:

In Elizabeth Street, the proposed DDO61 maximum height in Elizabeth Street is 40 metres, with a 6 metre setback for elements over 24 metres.

In O'Connell Street, the proposed DDO61 maximum height in O'Connell Street is 40 metres, with a 6 metre setback for elements over 20 metres.

Assessment of the amended proposal

The proposal is for a building within a heritage precinct proposed under C198. It would affect 2 sites and three buildings which have been determined to be of "individual significance" in Schedule to the HO1124 Precinct. The particular Design Objective under the proposed DDO61 is for the building within the heritage precinct "to respect the character, form, massing and scale of the heritage buildings" and Design Requirements for buildings to "step down in height to adjoining lower scale heritage buildings" and to "retain the traditional heritage street wall height (as opposed to defining a higher street wall height) where appropriate."

The proposed development does not satisfy the heritage provisions within DDO61.

The proposed building would not respect the character, form, massing and scale of the heritage buildings, does not adequately "step down in height" and would not "retain the traditional street wall height".

Assessed as defined in C198, the quantity of the individually significant buildings which would be retained in the scheme is inadequate. It would not satisfy provisions in Clause 22.05.

The proposed height is excessive, exceeding the 40 metre maximum at street alignment in Elizabeth Street. While the height at street alignment in O'Connell Street is within the 20 metres set out in DDO61, the proposed height in the setback section exceeds the maximum 40 metres and at 3 metres is setback only half the 6 metres specified in the DDO.

The building has a tower appearance which is proposed to be carried to the ground on the southern portion of the site in Elizabeth, and in the central section of the site in O'Connell Street.

The proposed building would be much larger than any near neighbours and would appear as a tower with a large footprint. The design does not respond to or respect the character, height, scale, rhythm and proportions of the heritage buildings. It would overwhelm the retained buildings at the site and would dominate the proposed heritage precinct HO1124.

Recommendations

The proposal is not supported.

Taking into account the intention for a greater intensity of development in C196, and the DDO61 heritage provisions which are to be considered concurrently, the following particular recommendations are made for these 2 sites:

- > Retain both existing buildings for a depth of 8 metres in depth from Elizabeth Street.
- > In O'Connell Street, retain one structural bay in depth of the building designed by the architect Arthur Plaisted. ("O'Connell Street number unknown – building is at the rear of the 535-541 Elizabeth Street site.) Existing conditions drawings are

not available to enable precise assessment of the retention depth. At least 4 metres is anticipated.

- > The O'Connell Street elevation of the building at 529-533 has lesser value and could be removed in an appropriate scheme. This would be an optimal location for the primary entry to the redeveloped site.
- > Any portion of new building set behind the retained elements should be set back at least 8 metres from Elizabeth Street and at least 3 metres from O'Connell Street.
- > The height of the proposed building exceeds the maximums in the proposed DDO and is not supported. Comply with the height provisions in DDO61
- > In Elizabeth Street, the retained shop fronts should be incorporated into a scheme and the ground floor of the buildings designed in a manner which allows for conversion to a range of alternative active uses over time.

Meredith Gould

11 December 2014

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