

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPM-2019-6
645-681 Elizabeth Street, Melbourne**

3 September 2019

Presenter: Evan Counsel, Acting Manager Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Application for a Planning Permit seeking approval for the use and development of land located at 645-681 Elizabeth Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The application proposes demolition of the existing buildings and the construction of a multi-storey mixed use development comprising a 17 storey (86.5m) building with retail and office uses at the ground and mezzanine levels, use of land for a Research and Development Centre (tenanted by CSL Limited) for the remaining levels of the building, with associated car parking and loading and unloading areas (refer Attachment 3 – Selected Plans). It is noted that the proposal represents ‘Stage 2’ of the wider three-staged development of 611-691 Elizabeth Street, Melbourne.
3. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has informally referred the application to the City of Melbourne for comment.
4. The applicant is PDG Corporation Pty Ltd C/- Urbis Pty Ltd, the owner of the land is Toyota Motor Corporation Australia Limited and the architect is Cox Architecture.
5. The land is located within the Capital City Zone Schedule 5 (CCZ5) and is affected by the Design and Development Overlay Schedules 61 (City North) (DDO61) and Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (PO1).

Key issues

6. The key issues relate to the proposed land use, including the strategic justification for the land use as a ‘Research and Development Centre’ (for CSL Limited) and its appropriateness in this location; and built form, including compliance with the relevant provisions and objectives of DDO61 including height, setbacks, shadows, wind impacts, detailed design, and building separation.
7. The proposed land use and development will make a significant contribution to the ongoing establishment of City North as a central city precinct characterised by university, research and medical buildings, and will significantly contribute to the realisation of the Haymarket area as the gateway to both the central city and the Parkville National Employment and Innovation Cluster.
8. The development does not strictly comply with the preferred height and setback requirements of DDO61. On balance, having given careful consideration to specific operational requirements and strong strategic policy support for the proposed land use as detailed within the delegate report, it is considered that the proposal will result in a net community benefit and represents an acceptable response to the relevant policies and provisions of the Melbourne Planning Scheme.
9. Conditions are recommended to bind the Research and Development Centre land use to the development, and to ensure that a façade strategy is provided to ensure that ground level interfaces, including the publicly accessible lane and the design detail of the tower element, are well resolved.

Recommendation from management

10. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to conditions outlined in the delegate report (refer to Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 96)
2. Locality Plan (Page 3 of 96)
3. Selected Plans (Page 4 of 96)
4. Delegate Report (Page 38 of 96)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application. The application is exempt from the notice of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*. Melbourne City Council therefore has no formal status under the *Planning and Environment Act 1987* in relation to the application.

Finance

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

Conflict of interest

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

Health and Safety

4. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

5. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of the DELWP acting on behalf of the Minister for Planning.

Relation to Council policy

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

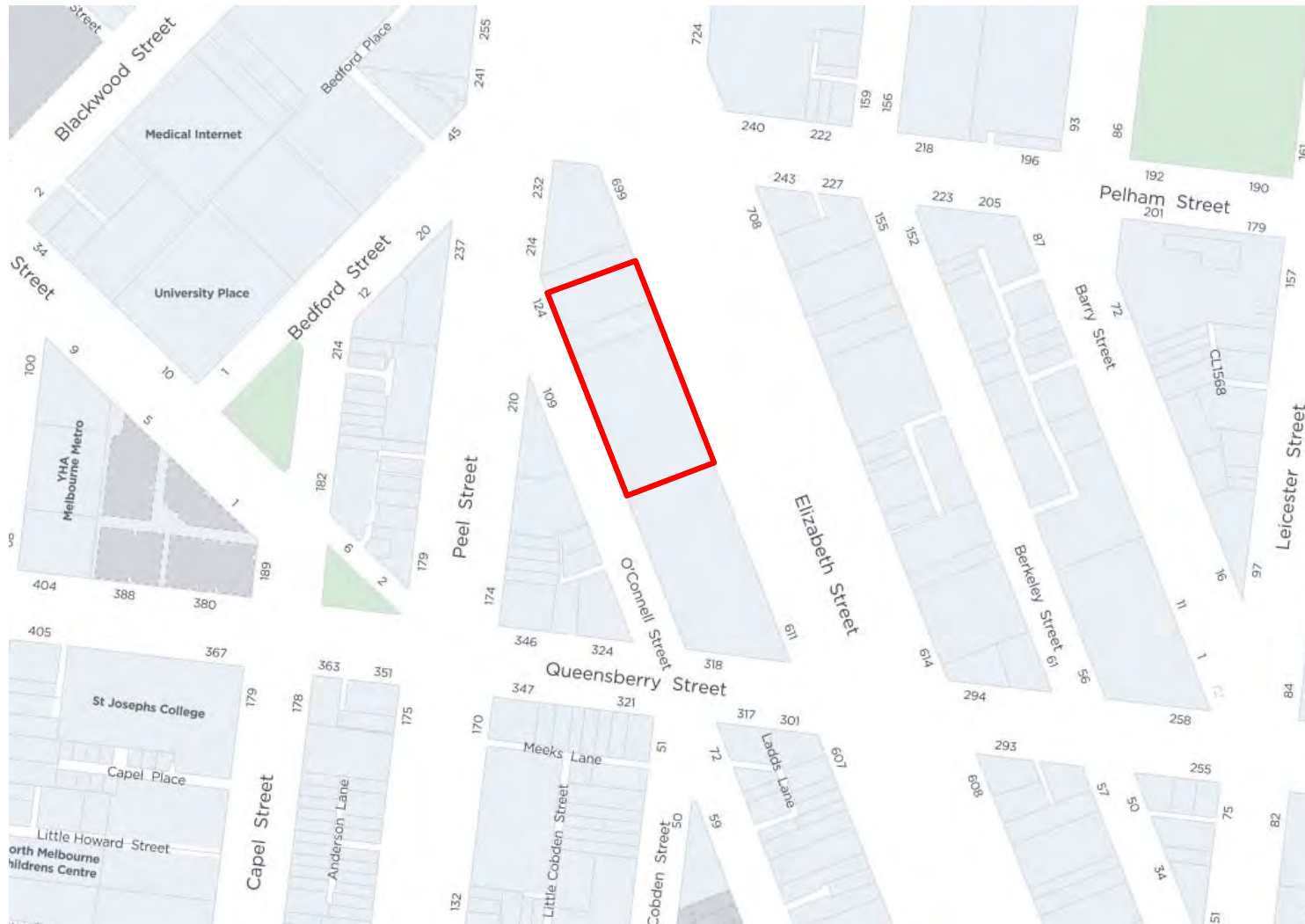
Environmental sustainability

7. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
8. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
3 September 2019

645-681 Elizabeth Street, Melbourne



ELIZABETH NORTH STAGE 2

645-699 ELIZABETH ST, MELBOURNE

JULY 2019

TOWN PLANNING DRAWINGS REV 3

| DRAWING LIST | | |
|--------------|--------------------------------|------------------|
| SHEET No. | SHEET NAME | CURRENT REVISION |
| TP-00-000 | COVER | 3 |
| TP-01-010 | DEVELOPMENT SUMMARY | 3 |
| TP-10-100 | EXISTING CONDITIONS PLAN | 3 |
| TP-15-200 | PROPOSED DEMOLITION PLAN | 3 |
| TP-20-000 | MASTERPLAN | 3 |
| TP-20-010 | SITE PLAN | 3 |
| TP-21-020 | BASEMENT 03 | 3 |
| TP-21-030 | BASEMENT 02 | 3 |
| TP-21-040 | BASEMENT 01 | 3 |
| TP-21-050 | GROUND LEVEL | 3 |
| TP-21-060 | MEZZANINE | 3 |
| TP-21-070 | LEVEL 01 | 3 |
| TP-21-080 | LEVEL 02 | 3 |
| TP-21-090 | LEVEL 03 | 3 |
| TP-21-100 | LEVEL 04 | 3 |
| TP-21-110 | LEVELS 05 | 3 |
| TP-21-130 | LEVELS 06-10 | 3 |
| TP-21-160 | LEVELS 11-15 | 3 |
| TP-21-170 | LEVEL 16 | 3 |
| TP-21-180 | PLANT LEVEL - LOWER | 3 |
| TP-21-190 | PLANT LEVEL - UPPER | 3 |
| TP-21-250 | ROOF PLAN | 3 |
| TP-30-050 | STREETSCAPE ELEVATIONS | 3 |
| TP-30-100 | EAST ELEVATION | 3 |
| TP-30-200 | WEST ELEVATION | 3 |
| TP-30-300 | NORTH & SOUTH ELEVATIONS | 3 |
| TP-35-010 | FACADE ELEVATION - LOBBY ENTRY | 3 |
| TP-35-020 | FACADE ELEVATIONS - RETAIL | 3 |
| TP-40-100 | NORTH/SOUTH SECTION | 3 |
| TP-40-200 | EAST/WEST SECTIONS | 3 |
| TP-40-300 | STAGE 2 - BASEMENT SECTIONS | 3 |
| TP-40-500 | STAGE 2 - LOADING BAY SECTIONS | 3 |
| TP-45-000 | PODIUM FACADE - TYPICAL | 3 |
| TP-45-010 | TOWER FACADE - TYPICAL | 3 |



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

Project:

ELIZABETH NORTH STAGE 2

Drawing Title:

COVER

Drawing Number:

TP-00-000

Revision:

3

Date:

05/07/19

Scale:

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COX

| CAR PARKING SCHEDULE - STAGE 2 | | |
|-------------------------------------|------------------|--|
| CAR PARK TYPE | NUMBER OF SPACES | |
| BASEMENT 2 | | |
| CAR PARK - 2.6m W x 4.9m L | 50 | |
| DISABLED CAR PARK - 2.4m W x 5.4m L | 2 | |
| BASEMENT 3 | | |
| CAR PARK - 2.6m W x 4.9m L | 61 | |
| CAR PARK - 2.8m W x 4.9m L | 7 | |
| TOTAL | 120 | |

| MOTORCYCLE PARKING SCHEDULE - STAGE 2 | | |
|---------------------------------------|------------------|--|
| CAR PARK TYPE | NUMBER OF SPACES | |
| BASEMENT 2 | | |
| MOTORCYCLE PARK - 1.2m W x 2.5m L | 2 | |
| BASEMENT 3 | | |
| MOTORCYCLE PARK - 1.2m W x 2.5m L | 1 | |
| TOTAL | 3 | |

AREA SCHEDULE

| | |
|--------------------------------------|-------------|
| CORPORATE WORKPLACE NLA (L11-L16) | 11,574 SQM |
| LAB / R&D NLA (L2-L10) | 18,756 SQM |
| TRAINING / MEETINGS / BOARD NLA (L1) | 2,425 SQM |
| COMMERCIAL NLA (GF-MEZZ) | 425 SQM |
| RETAIL GLAR: | 986 SQM |
| | |
| SITE AREA: | 3,373.6 SQM |
| PROPOSED GFA ABOVE GROUND: | 43,930 SQM |
| PLOT RATIO: | 1:13 |

| AREA SCHEDULE GFA | |
|---------------------|---------------------|
| NAME | AREA |
| S2 BASEMENT 1 | |
| BASEMENT ACCESS | 166 m ² |
| CORE | 193 m ² |
| EOT | 725 m ² |
| SERVICES | 1615 m ² |
| | 2699 m ² |
| S2 BASEMENT 2 | |
| BASEMENT ACCESS | 81 m ² |
| BASEMENT RAMP | 113 m ² |
| CARPARK | 2151 m ² |
| CORE | 182 m ² |
| SERVICES | 736 m ² |
| | 3264 m ² |
| S2 BASEMENT 3 | |
| BASEMENT RAMP | 113 m ² |
| CARPARK | 2464 m ² |
| CORE | 205 m ² |
| SERVICES | 481 m ² |
| | 3264 m ² |
| S2 GROUND FLOOR | |
| BASEMENT ACCESS | 178 m ² |
| BOH | 1100 m ² |
| CORE | 205 m ² |
| LOBBY | 548 m ² |
| RETAIL | 986 m ² |
| | 3018 m ² |
| S2 LEVEL 1 | |
| CORE | 464 m ² |
| MEETING | 2436 m ² |
| | 2900 m ² |
| S2 LEVEL 2 | |
| CORE | 483 m ² |
| CPS | 2550 m ² |
| | 3033 m ² |
| S2 LEVEL 3 | |
| CORE | 377 m ² |
| PLANT | 1085 m ² |
| TRAFFICABLE CEILING | 1608 m ² |
| | 3071 m ² |
| S2 LEVEL 4 | |
| CORE | 470 m ² |
| GMP | 833 m ² |
| MEDIA PREP | 916 m ² |
| | 2218 m ² |
| S2 LEVEL 5 | |
| CORE | 470 m ² |
| GMP | 1520 m ² |
| TRAFFICABLE CEILING | 466 m ² |
| | 2457 m ² |
| S2 LEVEL 6 | |
| CELL CULTURE | 1987 m ² |
| CORE | 470 m ² |
| | 2457 m ² |
| S2 LEVEL 7 | |
| CELL LINE | 1039 m ² |

| AREA SCHEDULE GFA | |
|---------------------------|----------------------|
| NAME | AREA |
| CORE | 469 m ² |
| PURIFICATION | 948 m ² |
| | 2457 m ² |
| S2 LEVEL 8 | |
| CORE | 470 m ² |
| FORMULATION | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 9 | |
| CORE | 470 m ² |
| FUTURE LAB | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 10 | |
| CORE | 470 m ² |
| FUTURE LAB | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 11 | |
| CORE | 470 m ² |
| FUTURE OFFICE | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 12 | |
| CORE | 470 m ² |
| OFFICE | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 13 | |
| CORE | 470 m ² |
| OFFICE | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 14 | |
| CORE | 470 m ² |
| OFFICE | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 15 | |
| CORE | 470 m ² |
| OFFICE | 1987 m ² |
| | 2457 m ² |
| S2 LEVEL 16 | |
| CORE | 470 m ² |
| OFFICE | 1736 m ² |
| | 2206 m ² |
| S2 MEZZANINE | |
| CORE | 83 m ² |
| OFFICE | 380 m ² |
| | 463 m ² |
| TOTAL GFA (EXCL. TERRACE) | 53157 m ² |

Project:

ELIZABETH NORTH STAGE 2

Drawing Title:

DEVELOPMENT SUMMARY

Drawing Number:

TP-01-010

Revision:

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Date:

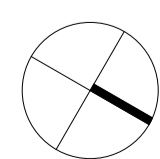
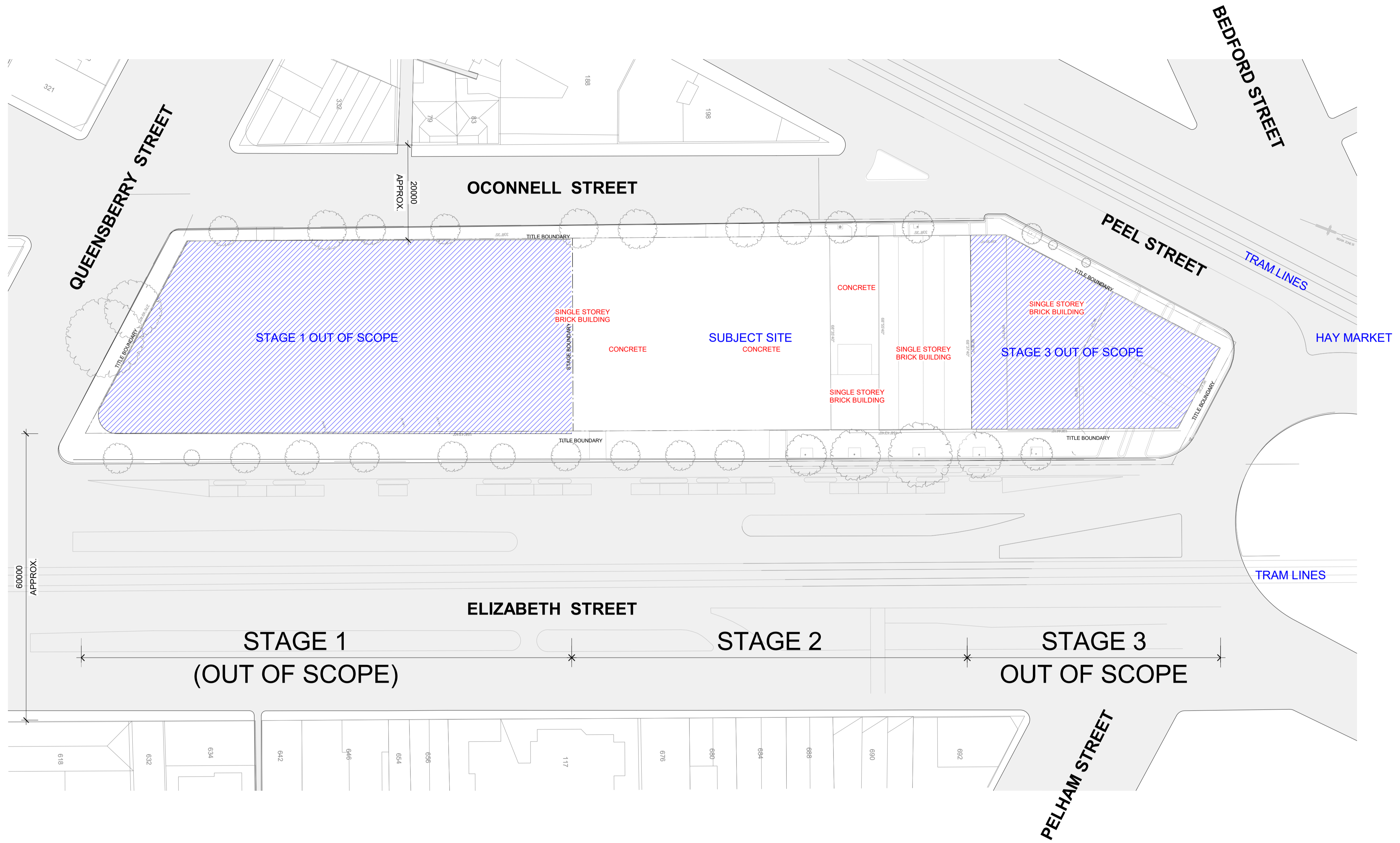
05/07/19

Scale:

@ A1

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Project: **ELIZABETH NORTH STAGE 2**

Drawing Title: **EXISTING CONDITIONS PLAN**

Drawing Number: **TP-10-100**

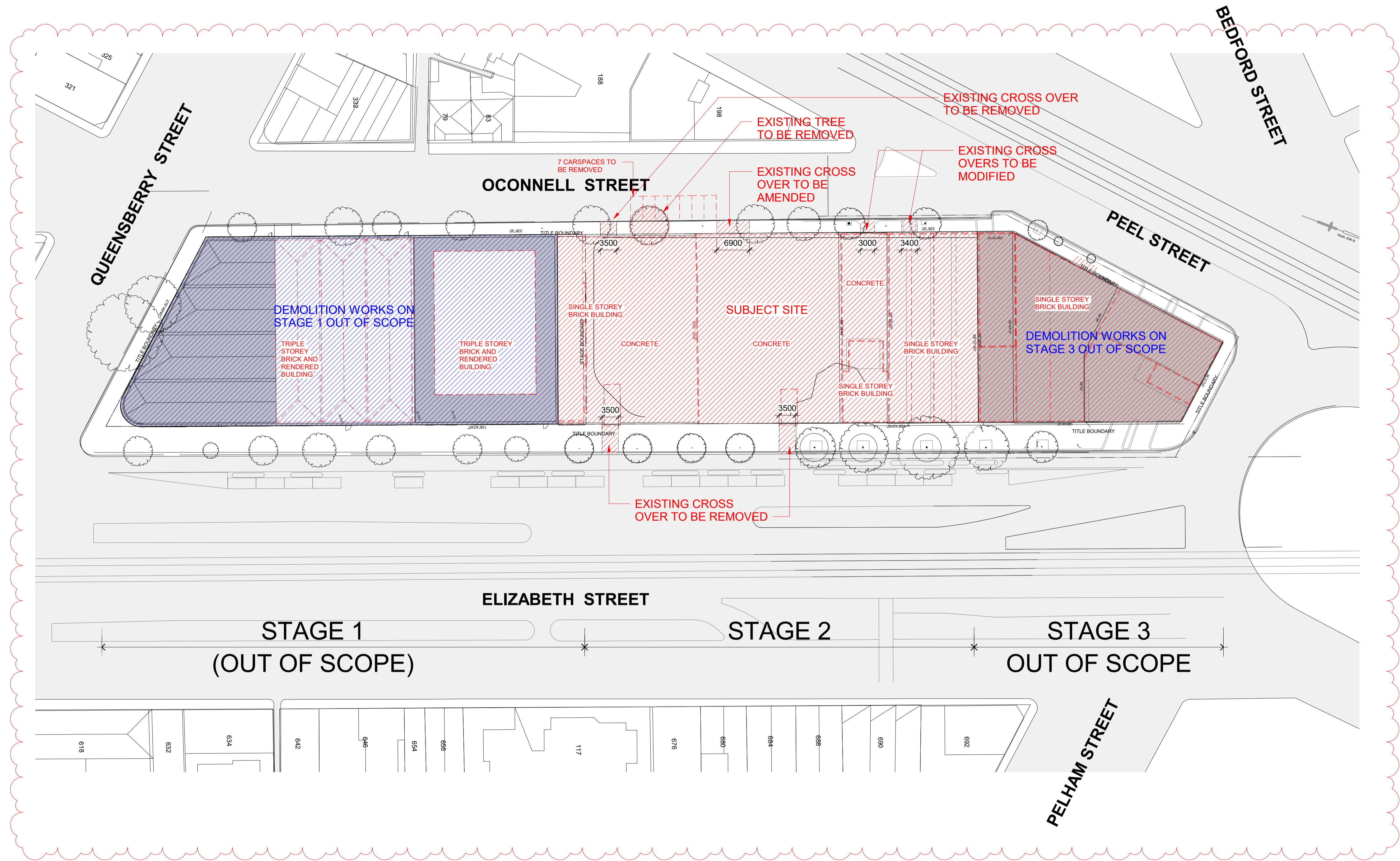
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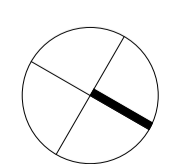
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NOTES:

- RED HATCH DENOTES EXTENT OF DEMOLITION WORKS.
- BUILDER TO ENSURE PROTECTION TO ALL EXISTING ADJOINING STRUCTURES DURING DEMOLITION WORKS AND NEW CONSTRUCTION WORKS. ALL DAMAGES OCCURED TO BE REDIFIED.
- BUILDER TO DISENGAGE ALL EXISTING SERVICES CONNECTED TO SUBJECT SITE PRIOR TO ANY DEMOLITION WORKS.



Project: **ELIZABETH NORTH STAGE 2**

Drawing Title: **PROPOSED DEMOLITION PLAN**

Drawing Number: **TP-15-200**

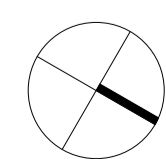
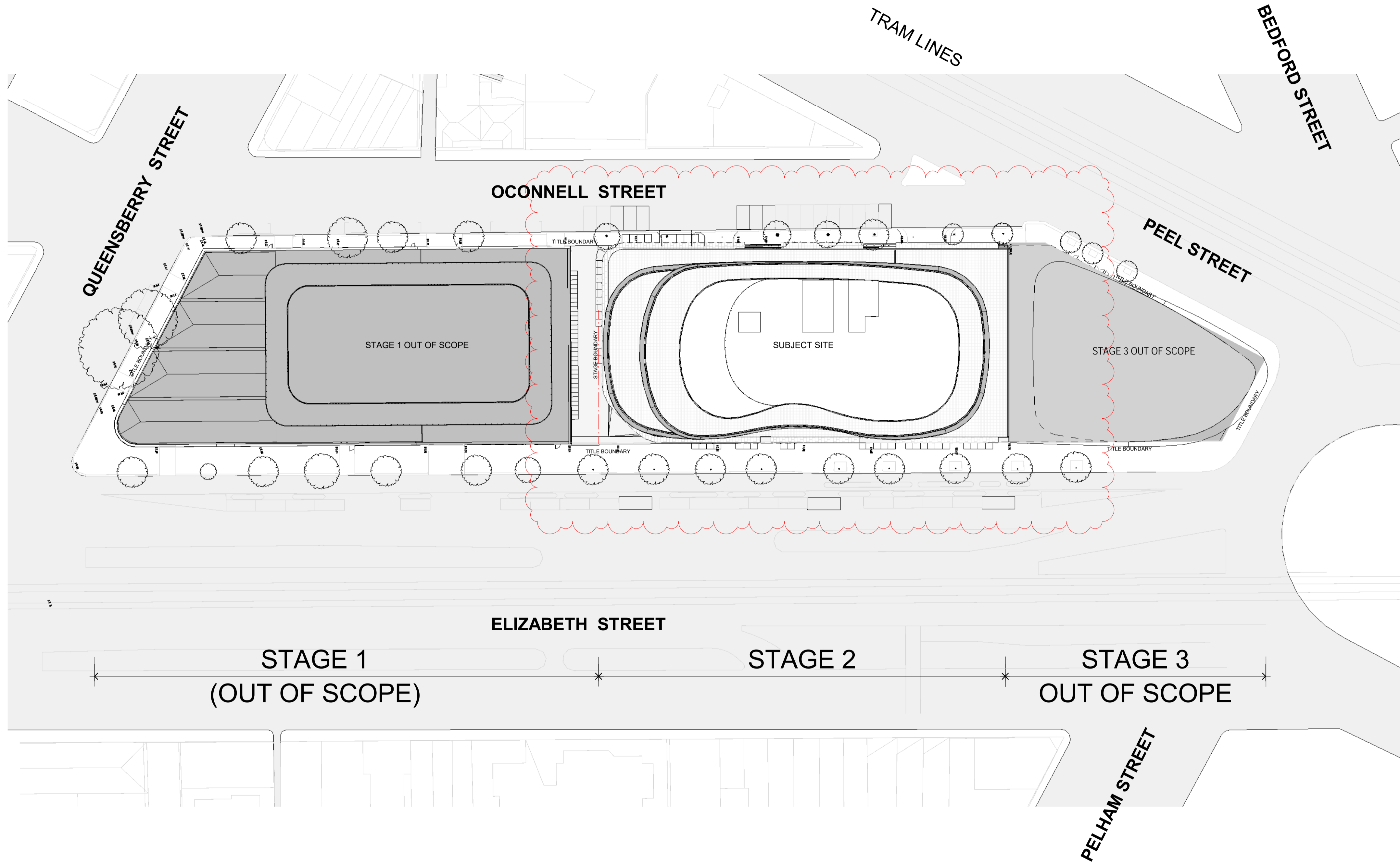
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Date: **05/07/19**

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ELIZABETH NORTH STAGE 2

Drawing Title:
MASTERPLAN

Drawing Number:
TP-20-000

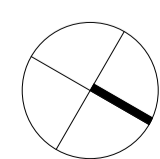
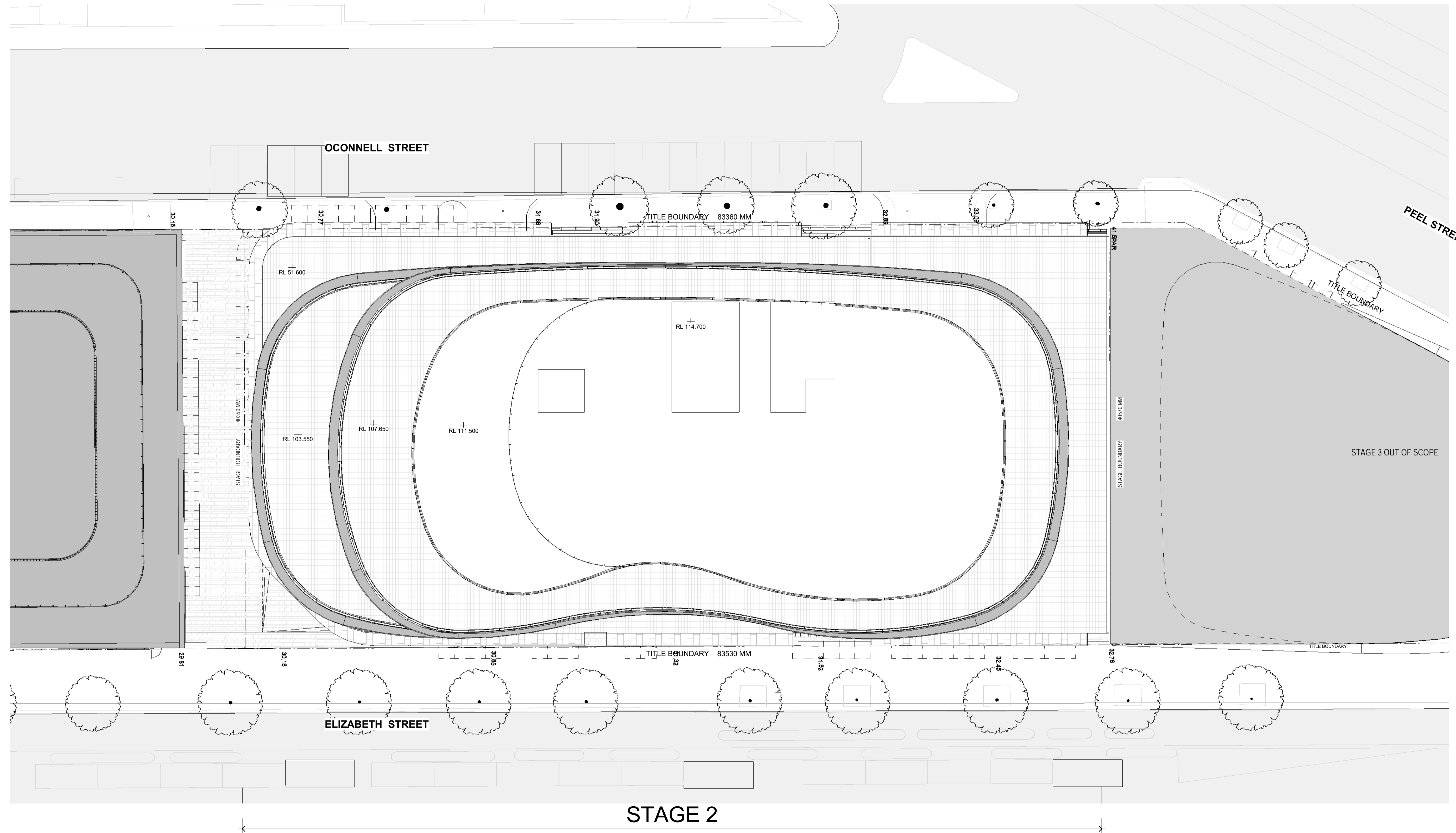
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Drawing Title: **SITE PLAN**

Drawing Number: **TP-20-010**

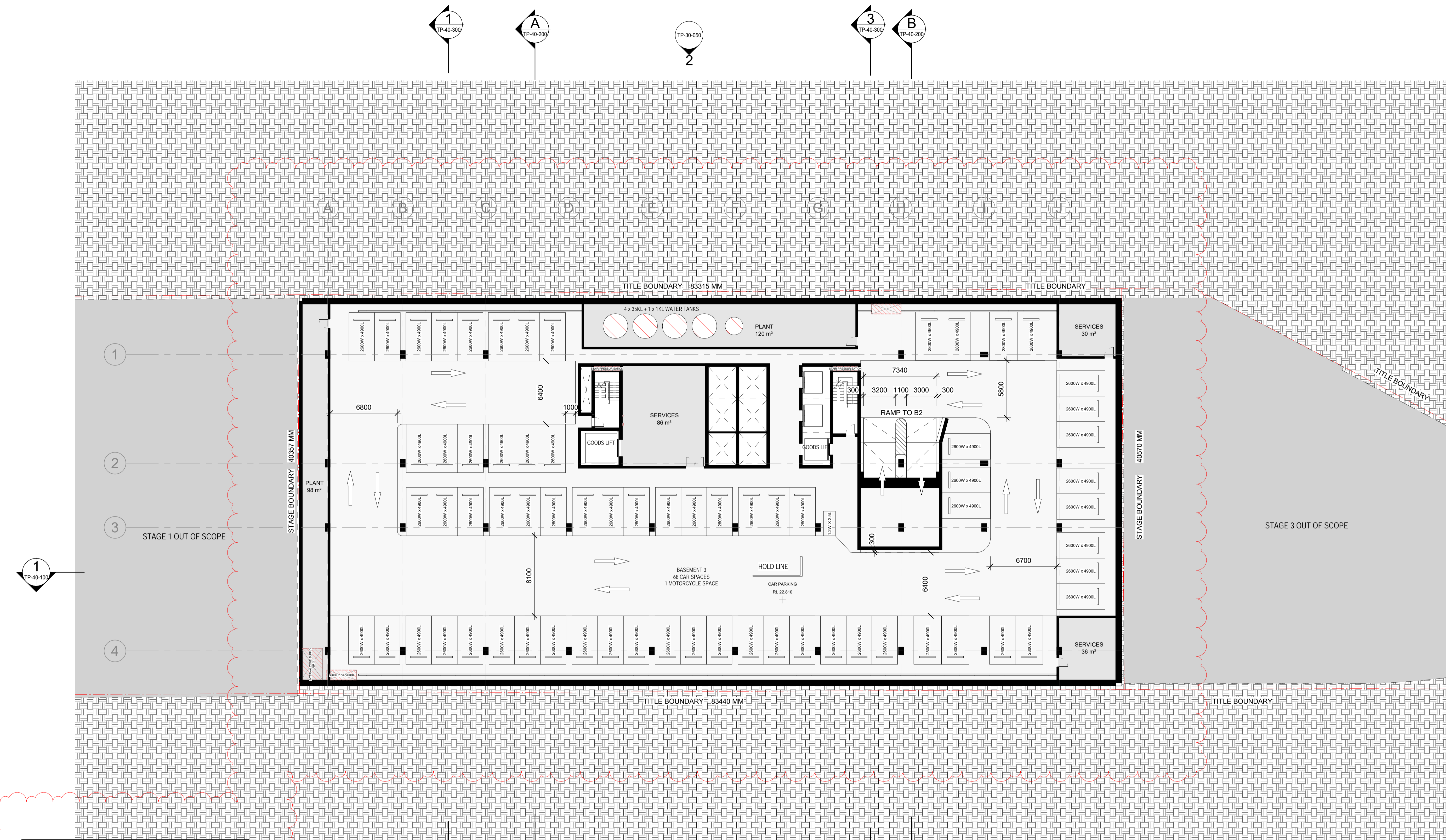
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Date: **05/07/19**

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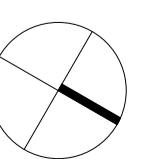


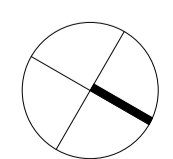


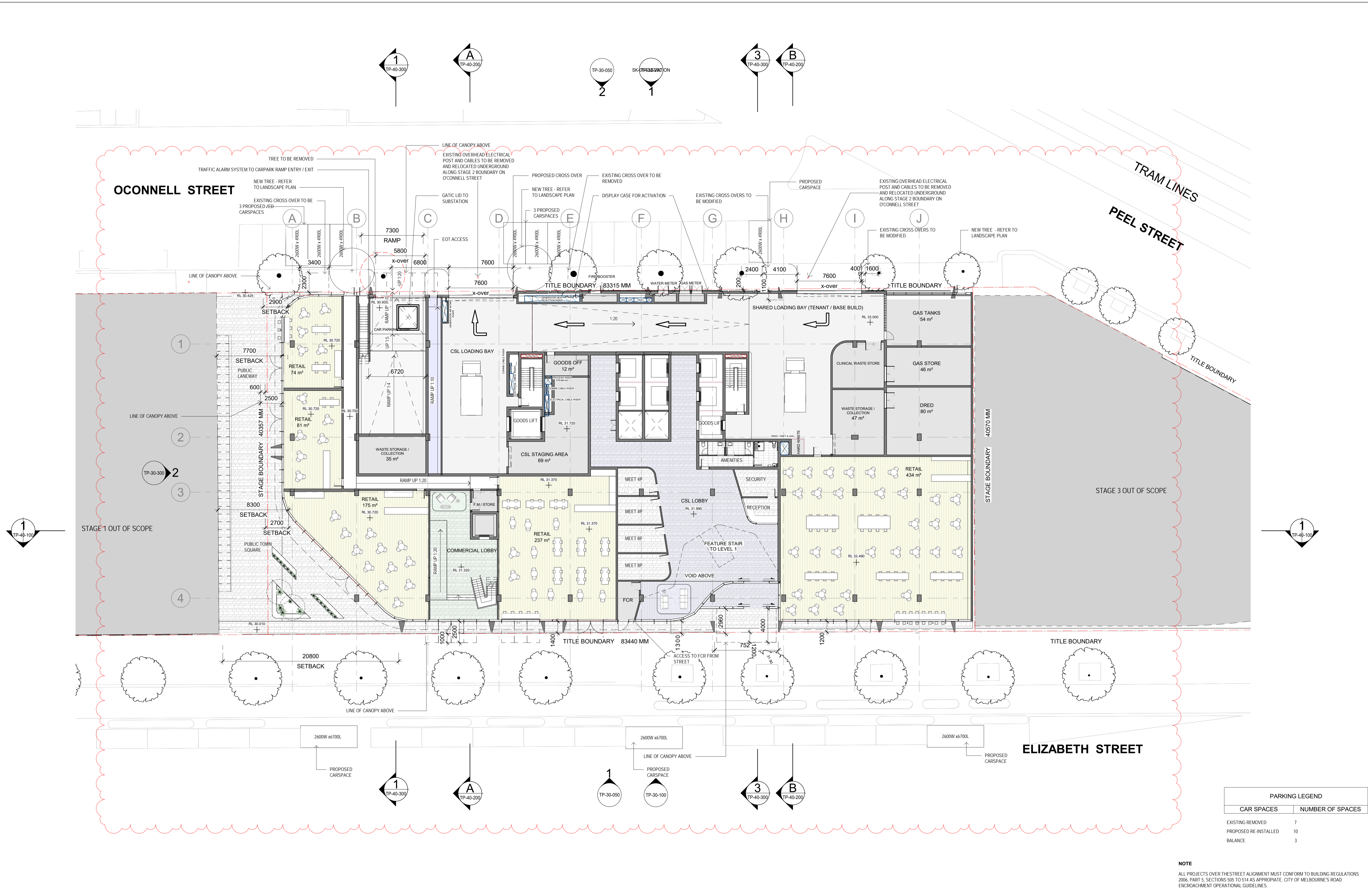
| PARKING LEGEND - STAGE 2 | |
|-------------------------------------|------------------|
| CAR PARK TYPE | NUMBER OF SPACES |
| CAR PARK - 2.6m W x 4.9m L | 50 |
| DISABLED CAR PARK - 2.4m W x 5.4m L | 2 |
| CAR PARK - 2.6m W x 4.9m L | 61 |
| CAR PARK - 2.8m W x 4.9m L | 7 |
| CAR PARK - 2.6m W x 4.9m L | 10 |
| TOTAL | 130 |



| PARKING LEGEND - STAGE 2 | |
|-------------------------------------|------------------|
| CAR PARK TYPE | NUMBER OF SPACES |
| CAR PARK - 2.6m W x 4.9m L | 50 |
| DISABLED CAR PARK - 2.4m W x 5.4m L | 2 |
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| TOTAL | 130 |

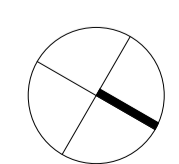
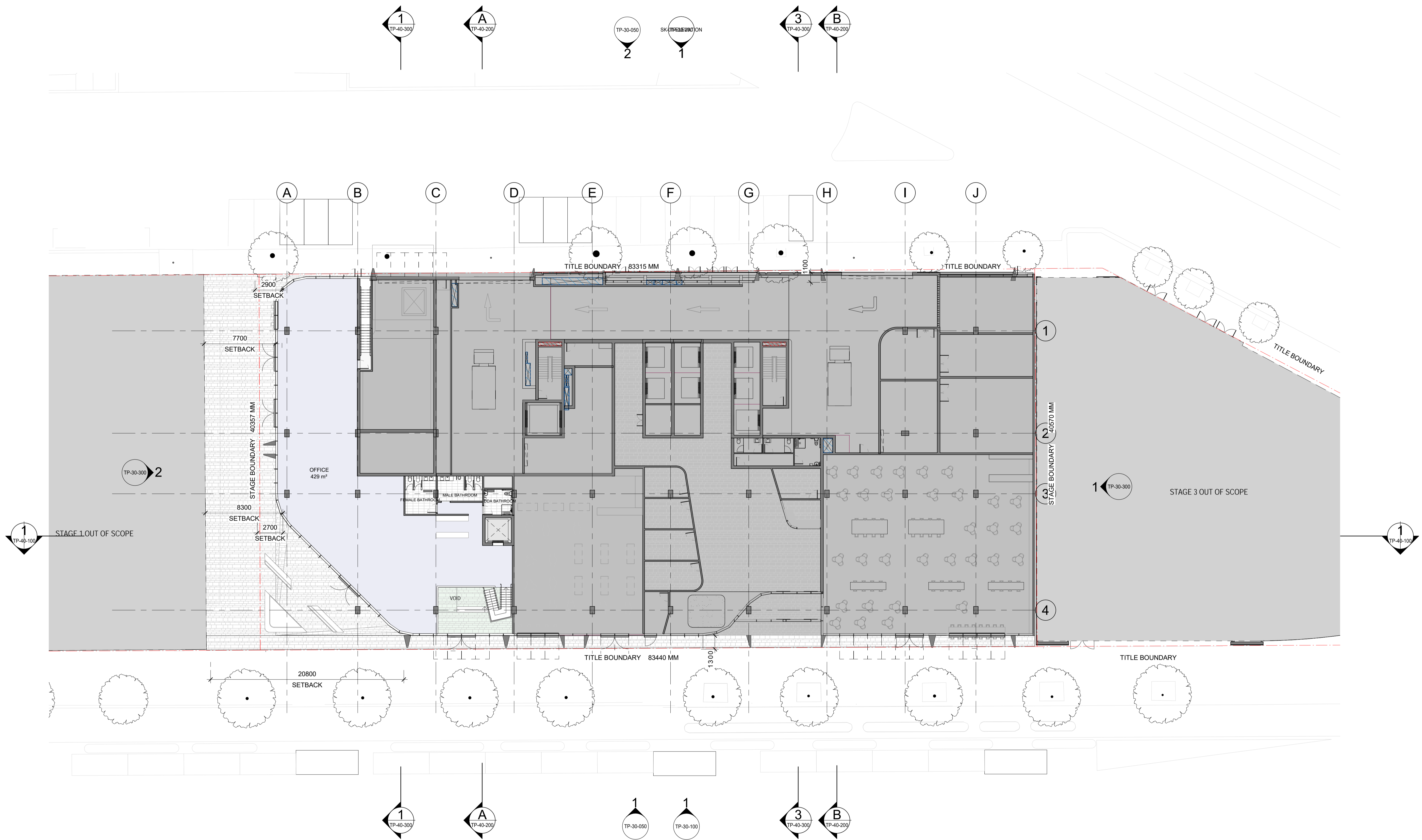






| PARKING LEGEND | |
|-----------------------|------------------|
| CAR SPACES | NUMBER OF SPACES |
| EXISTING REMOVED | 7 |
| PROPOSED RE-INSTALLED | 10 |
| BALANCE | 3 |

NOTE
 ALL PROJECTS OVER THE STREET ALIGNMENT MUST CONFORM TO BUILDING REGULATIONS 2006, PART 5, SECTIONS 505 TO 514 AS APPROPRIATE, CITY OF MELBOURNE'S ROAD ENCROACHMENT OPERATIONAL GUIDELINES.



Project:
ELIZABETH NORTH STAGE 2

Drawing Title:
MEZZANINE

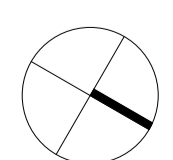
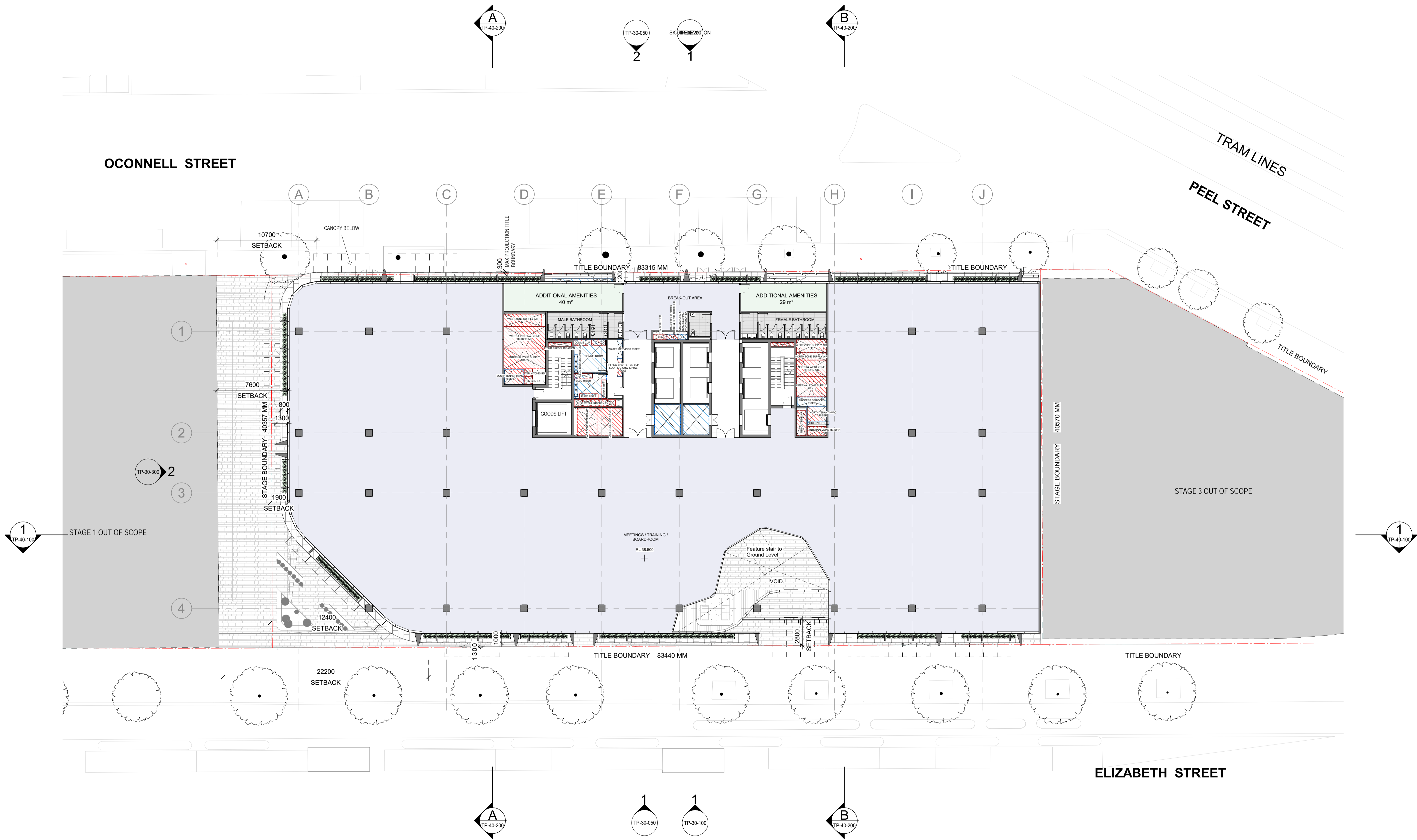
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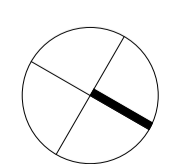
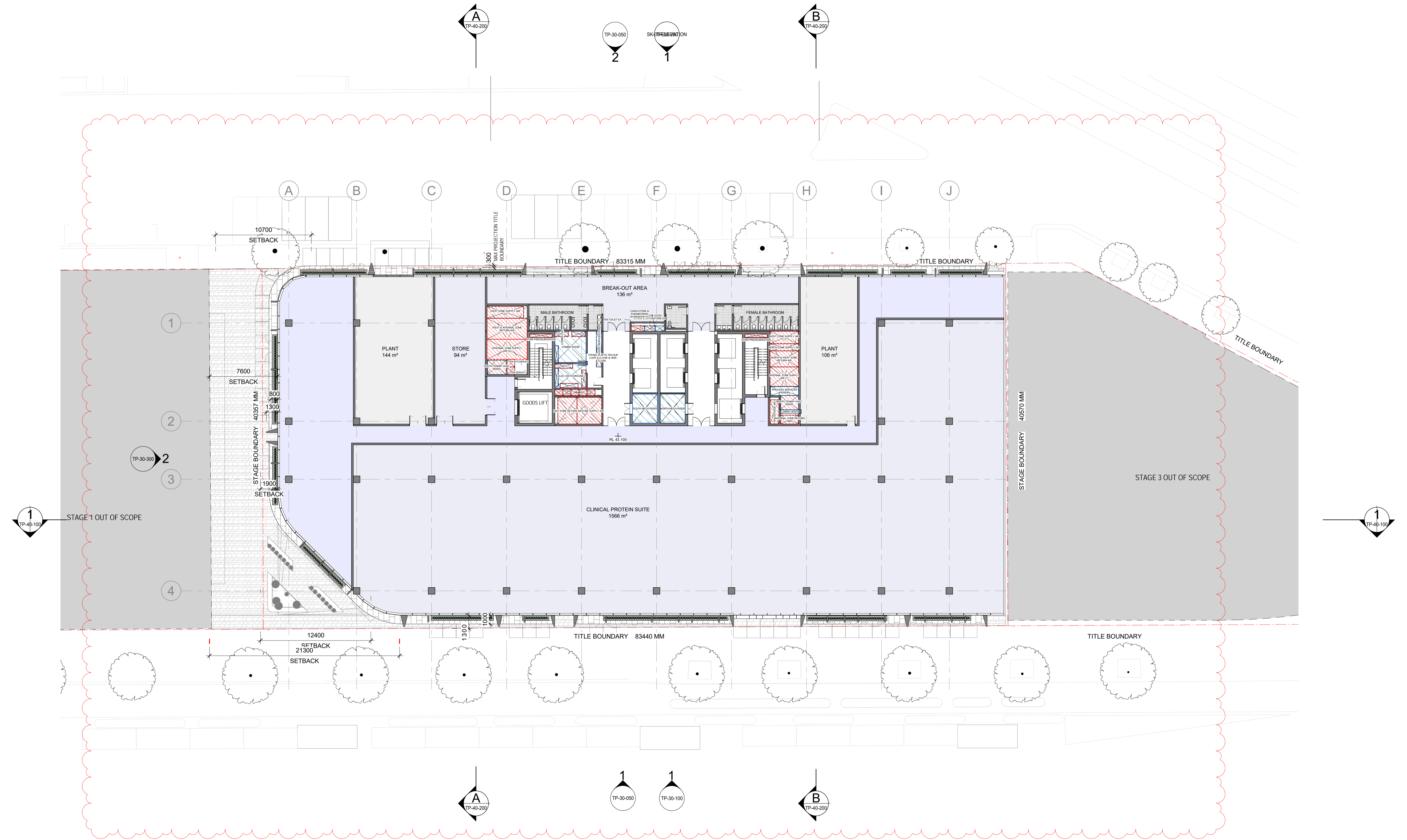
Revision: **3** Date: **05/07/19**

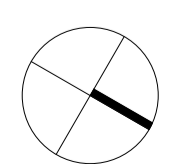
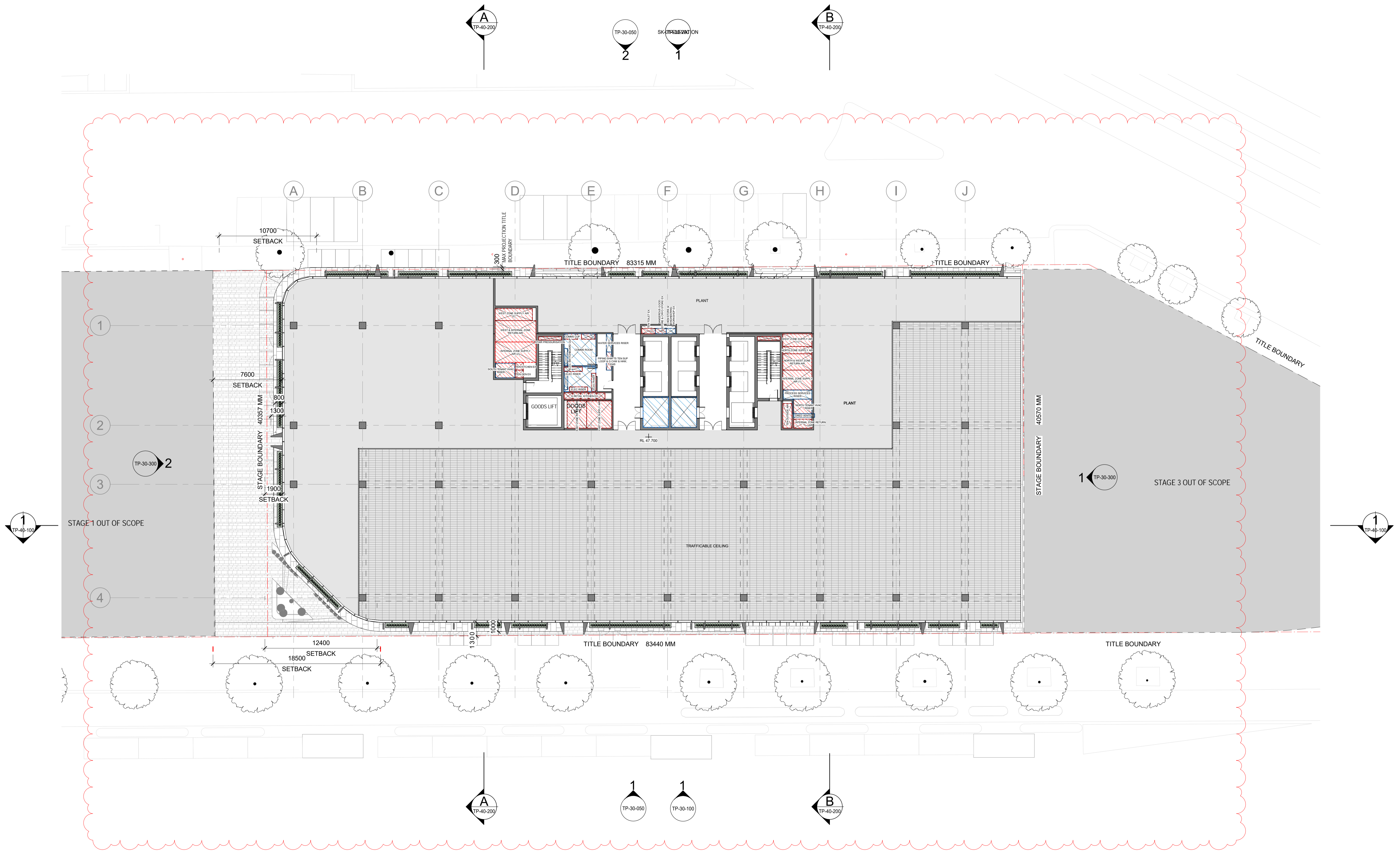
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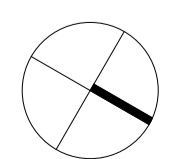
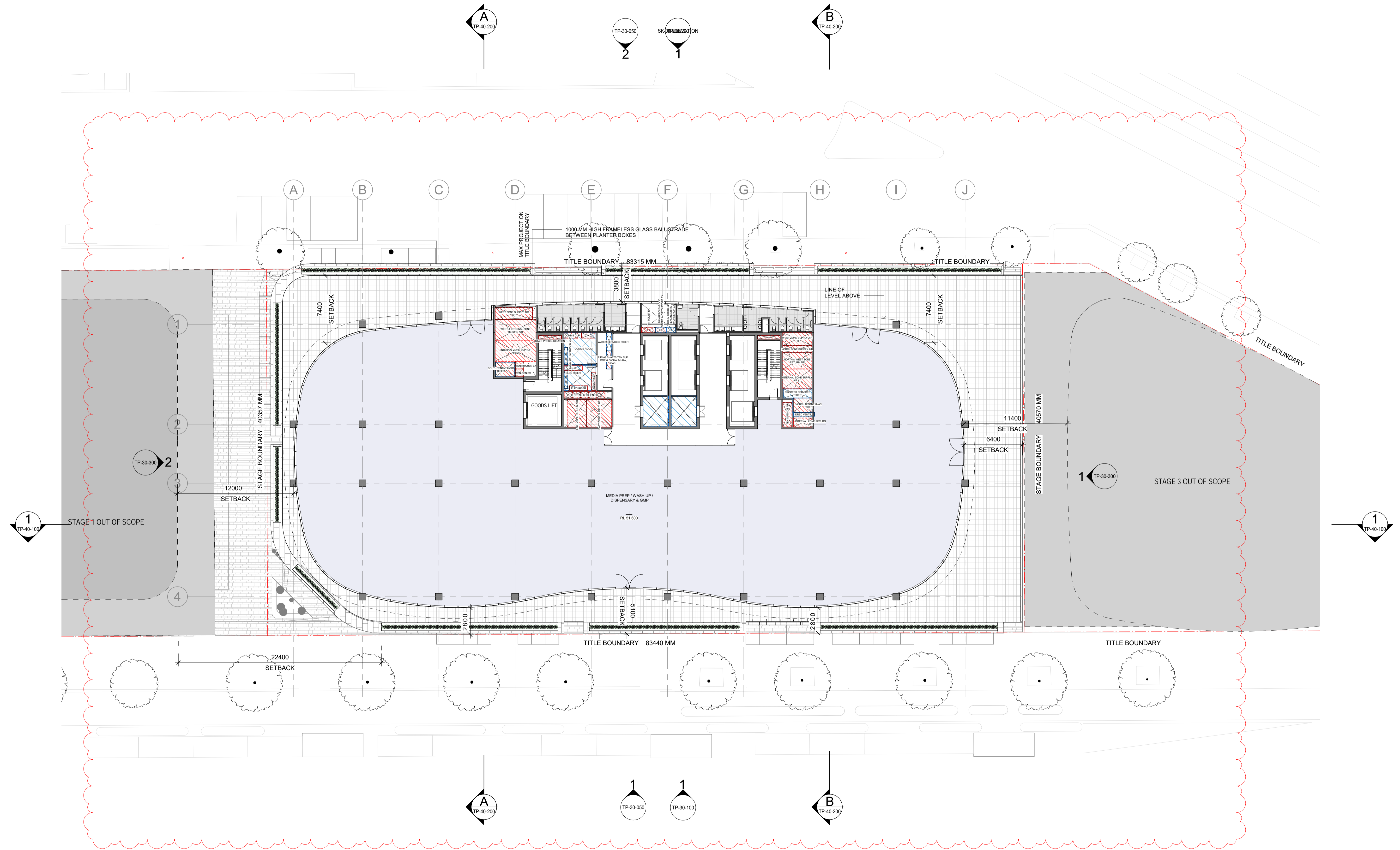
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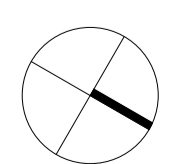
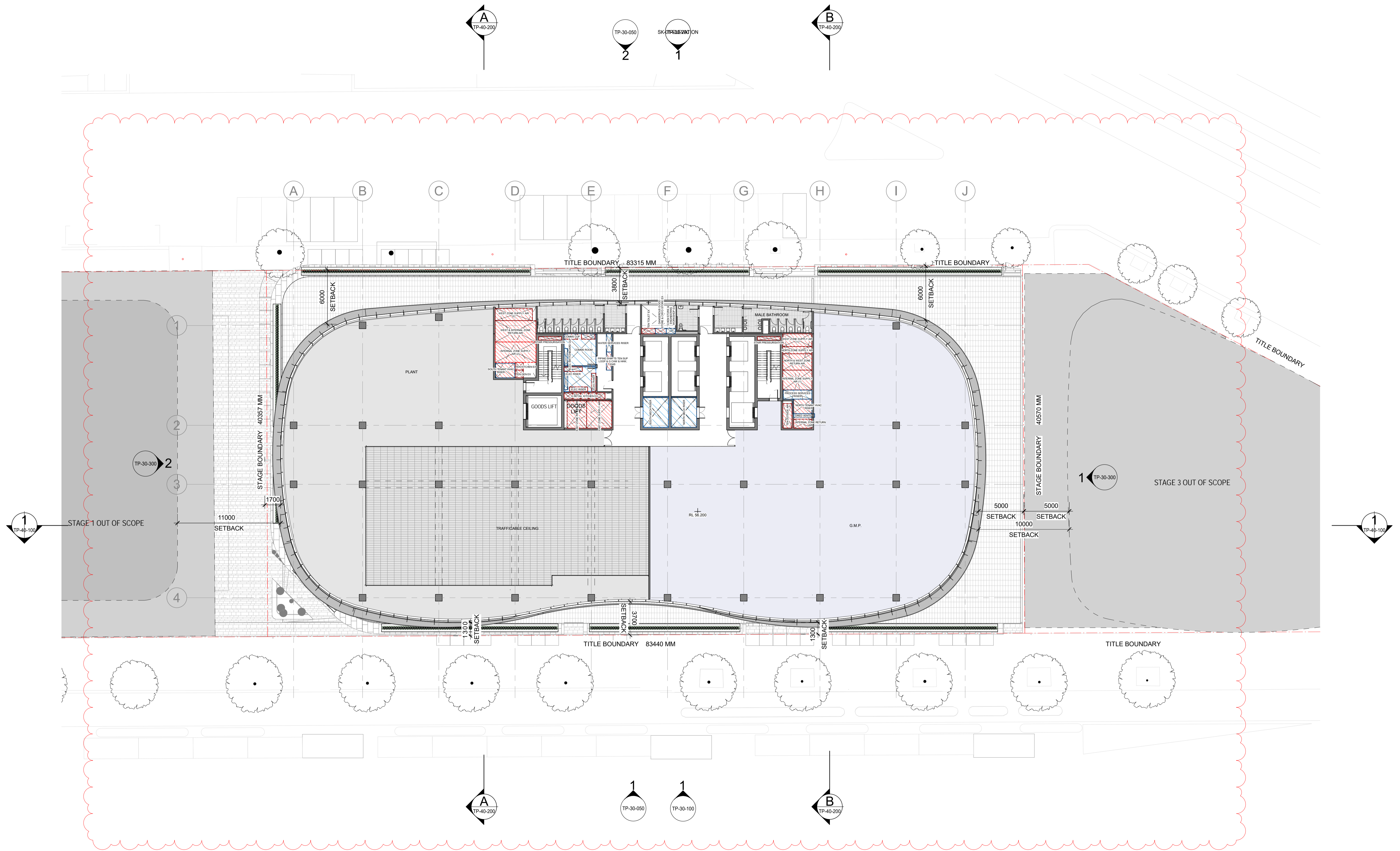


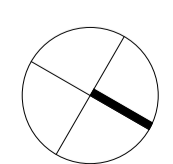
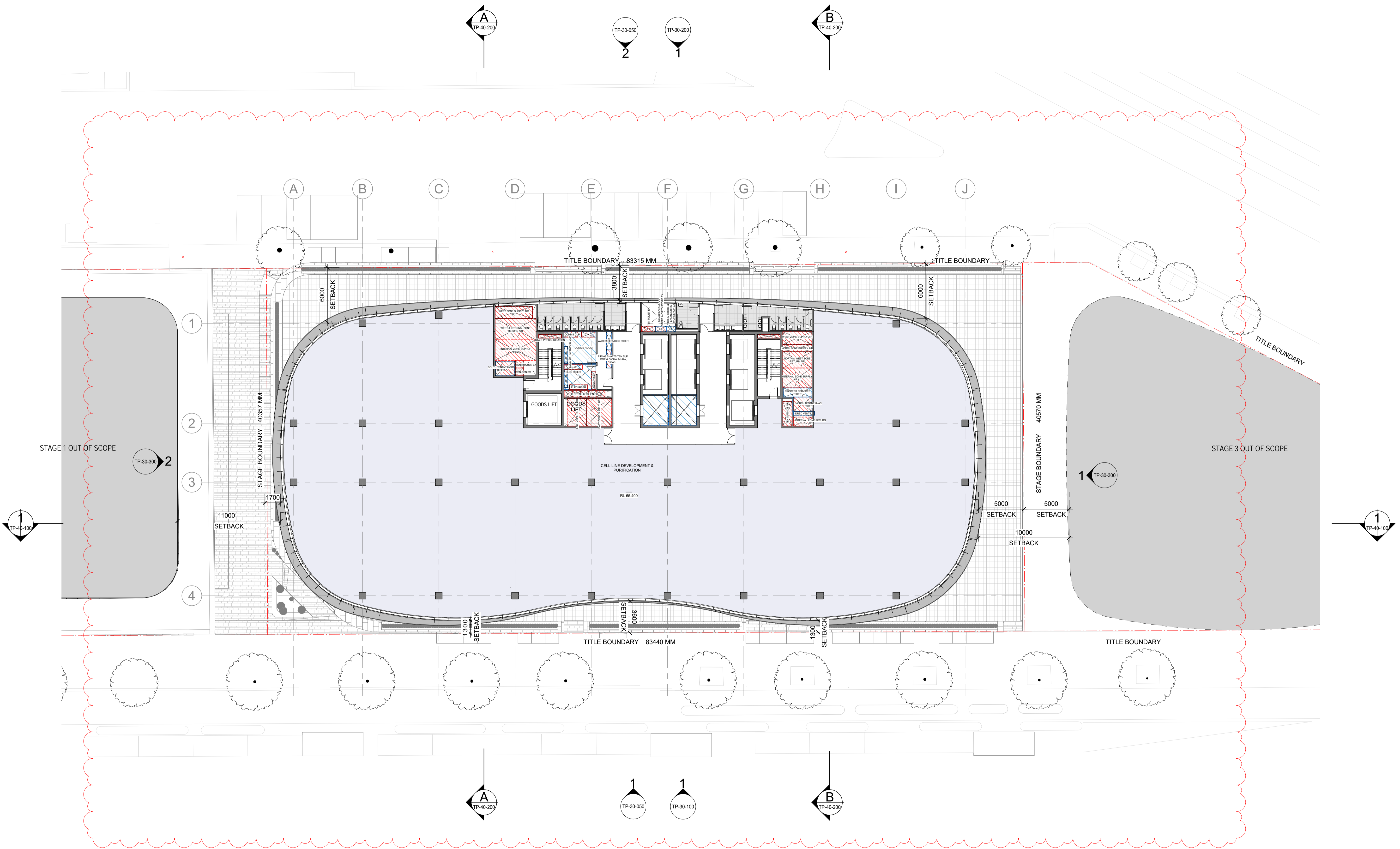


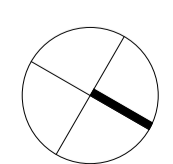
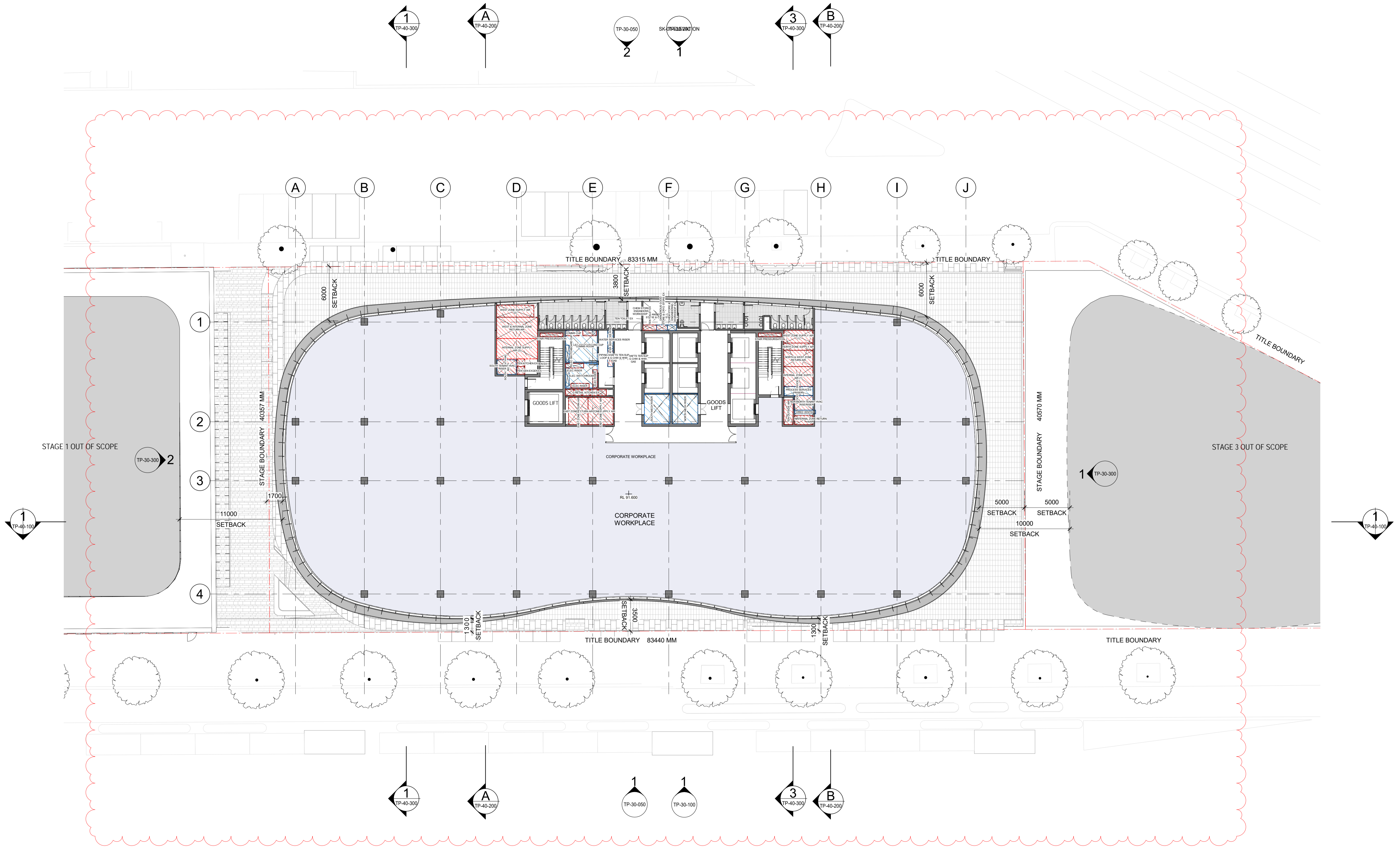


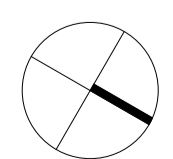
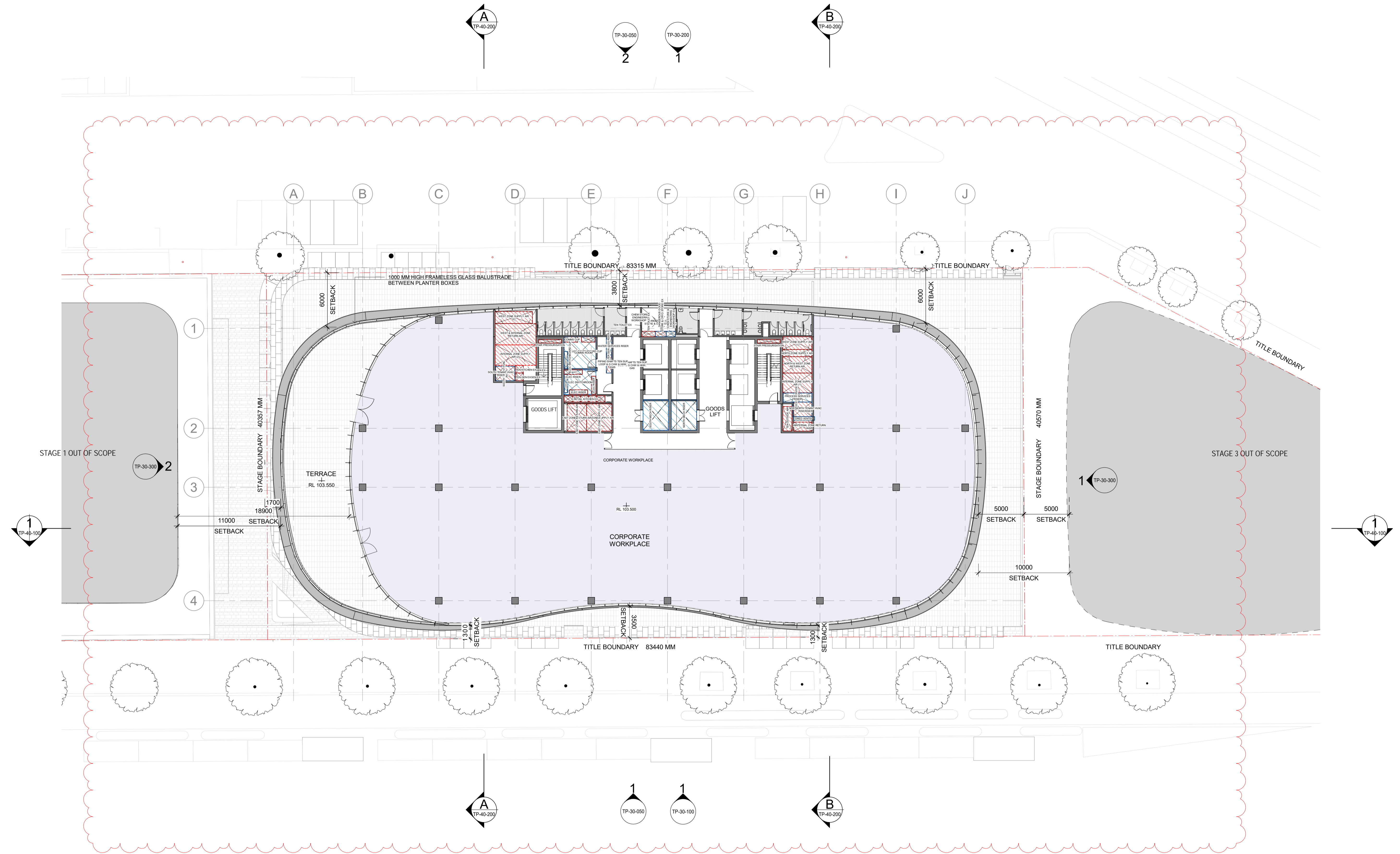












Project: **ELIZABETH NORTH STAGE 2**

Drawing Title: **LEVEL 16**

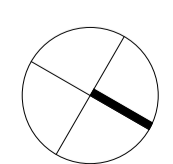
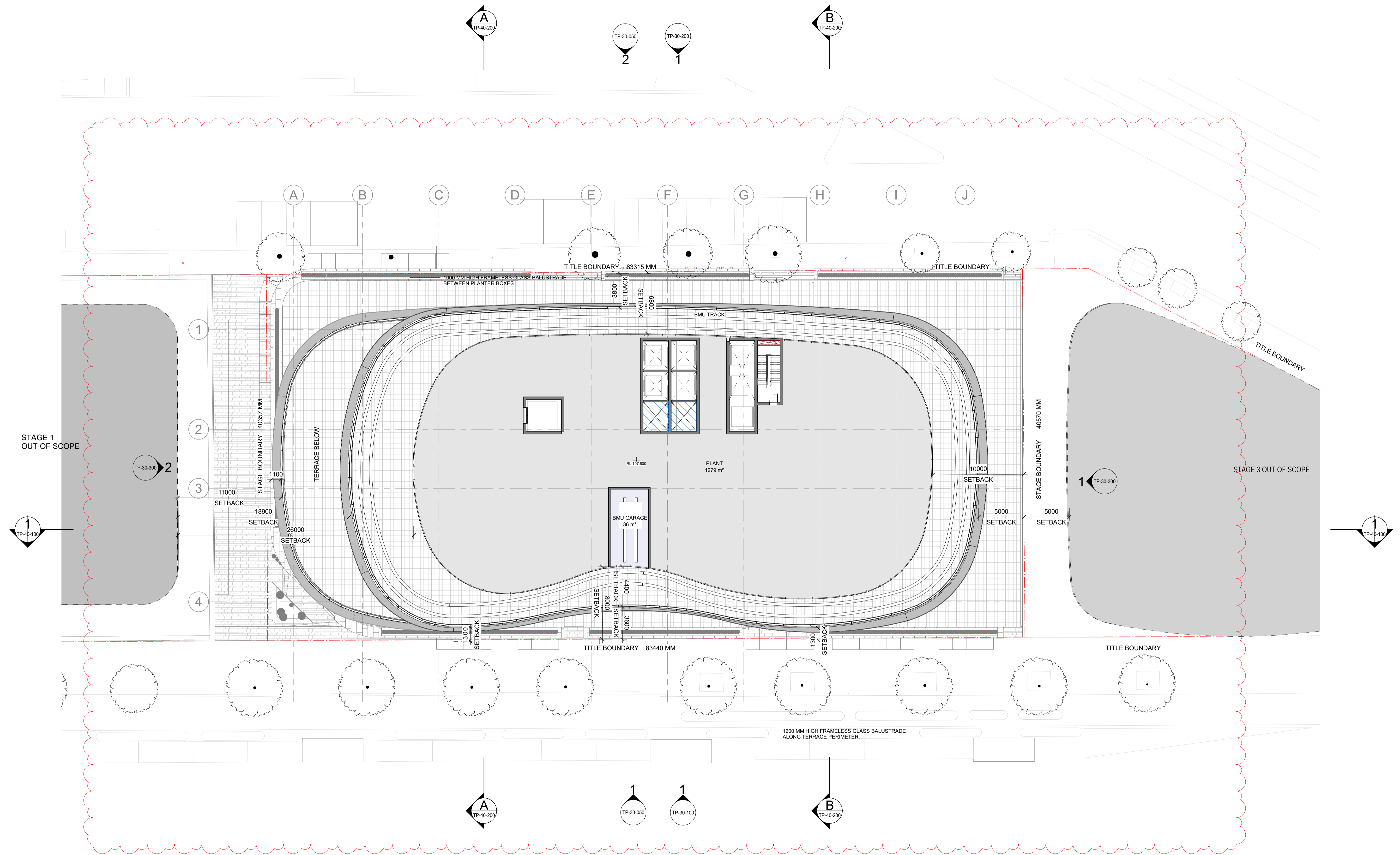
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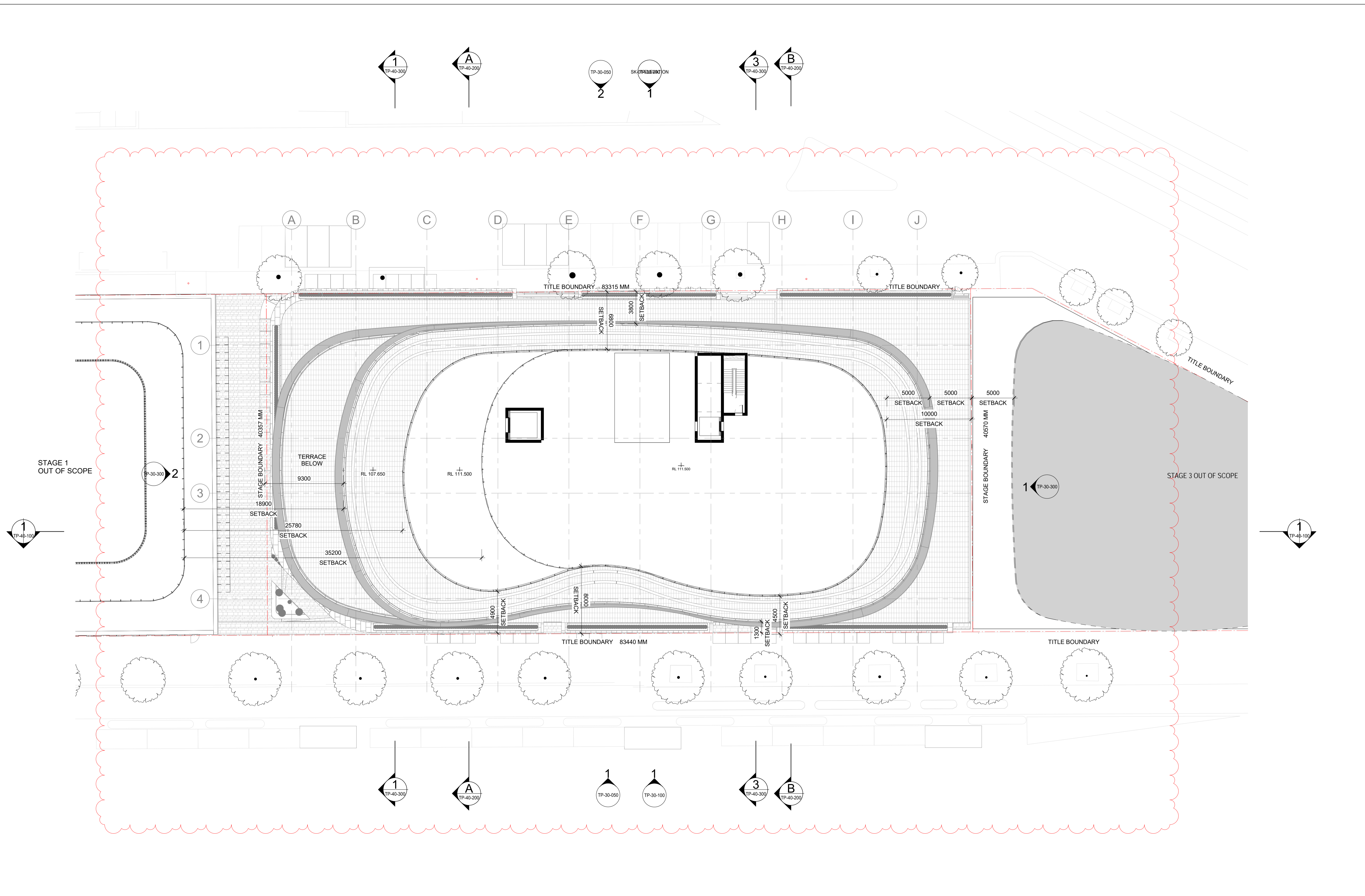
Revision: **3** Date: **05/07/19**

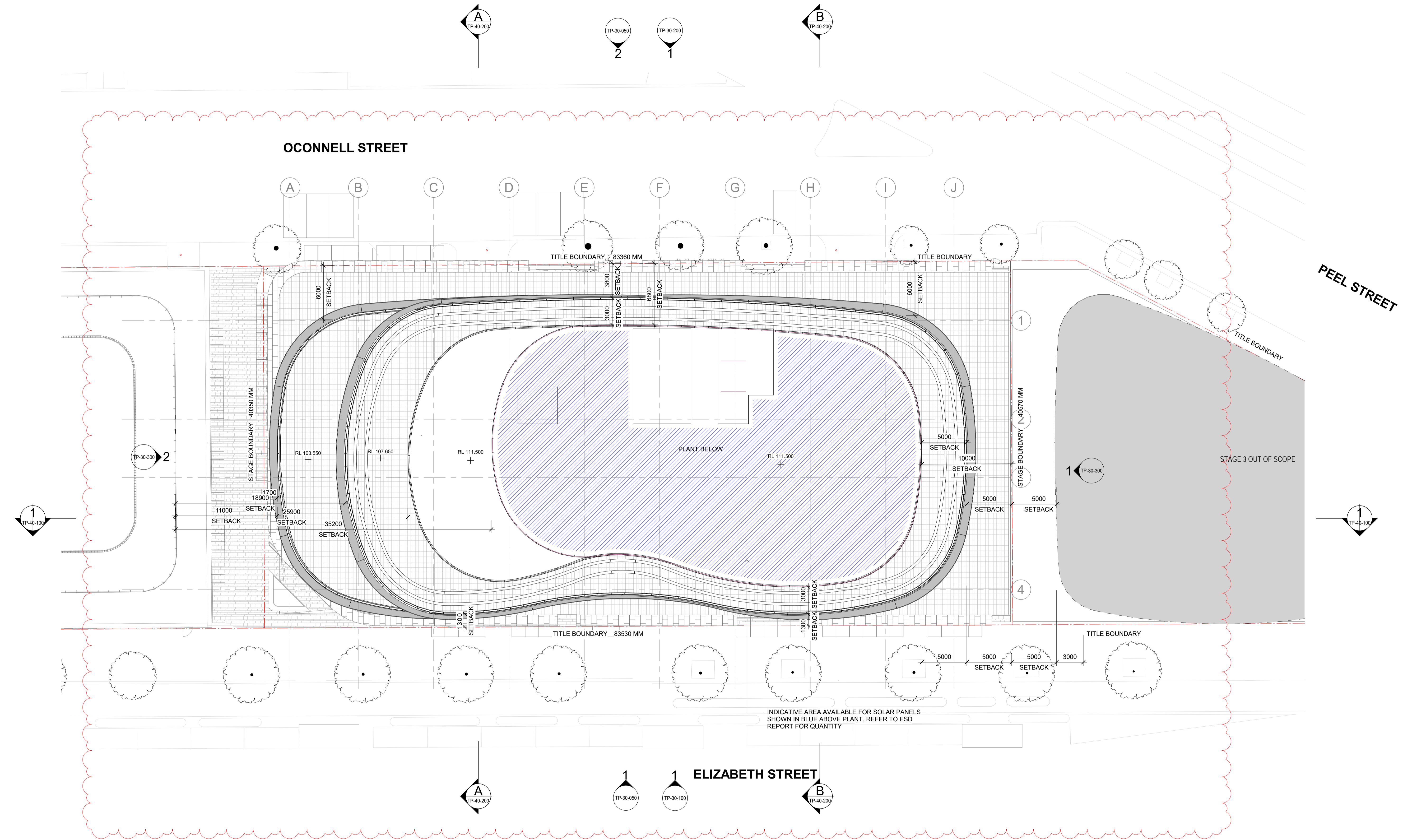
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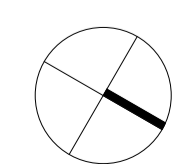








INDICATIVE AREA AVAILABLE FOR SOLAR PANELS
SHOWN IN BLUE ABOVE PLANT. REFER TO ESD
REPORT FOR QUANTITY



Project:
ELIZABETH NORTH STAGE 2

Drawing Title:
ROOF PLAN

Drawing Number:
TP-21-250

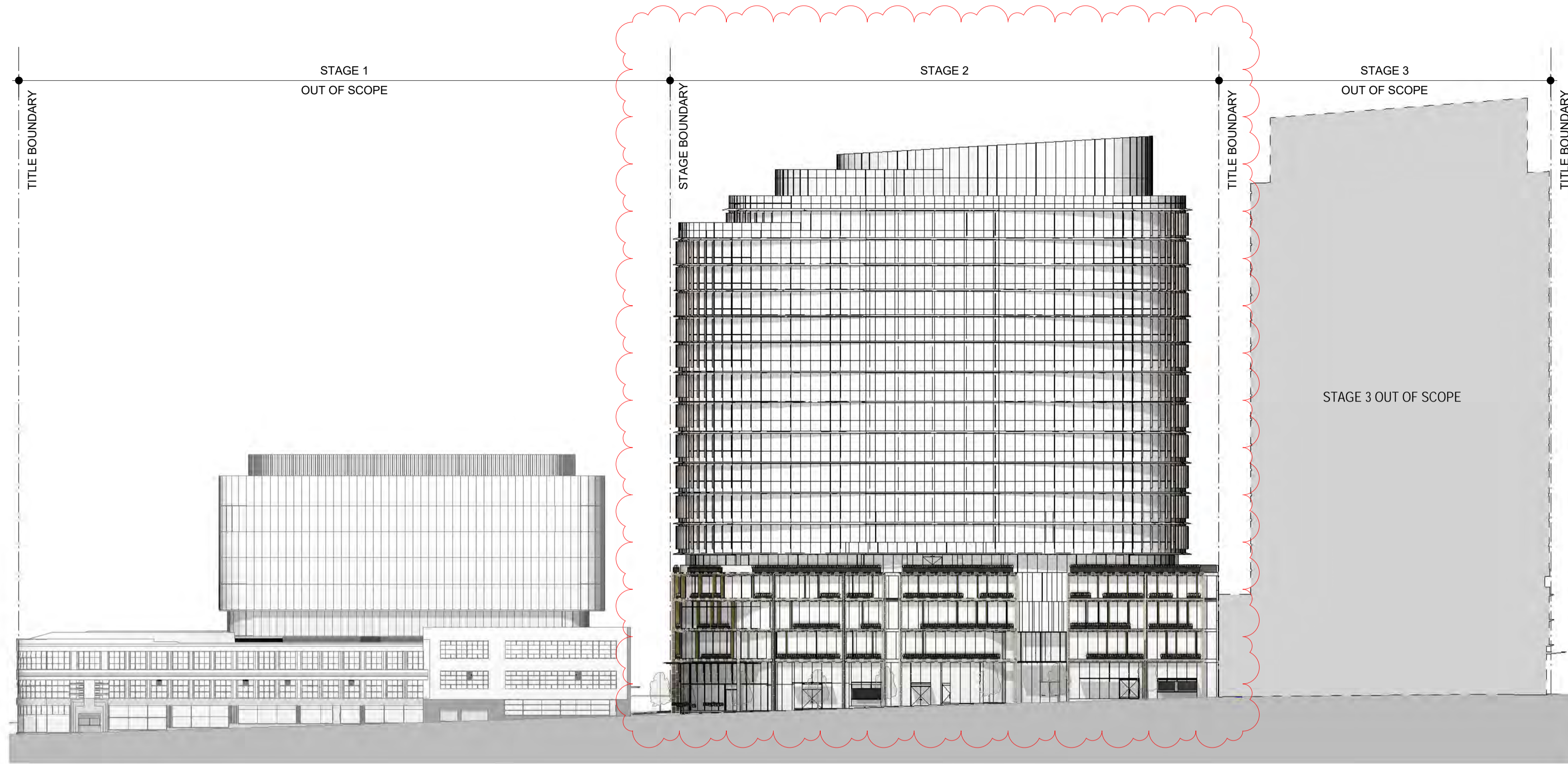
Revision:
3

Date:
05/07/19

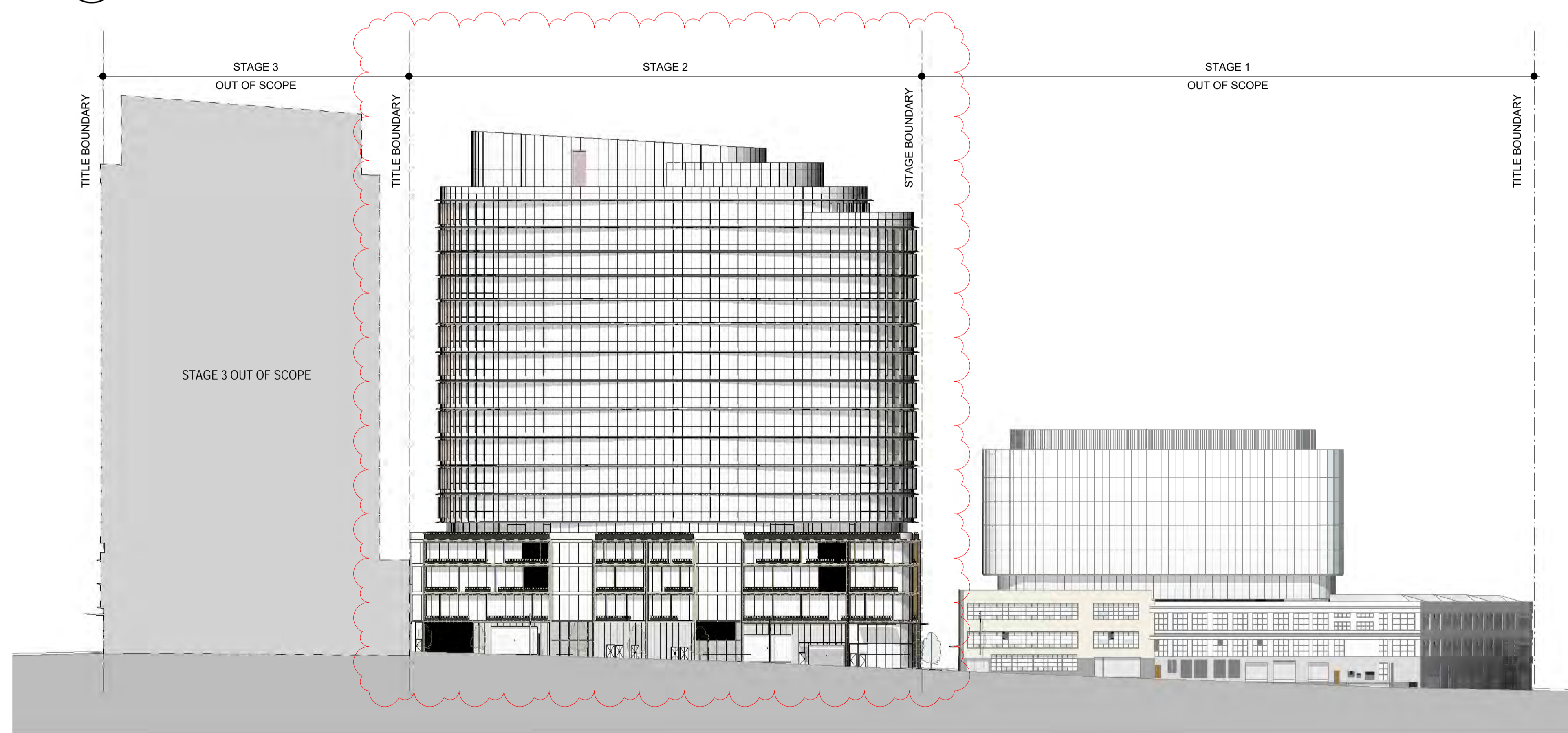
Scale:
1 : 200 @ A1

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Melbourne, VIC 3000, Australia
T + 61 3 9650 3288
F + 61 3 9650 2747
www.coxarchitecture.com.au

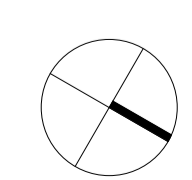


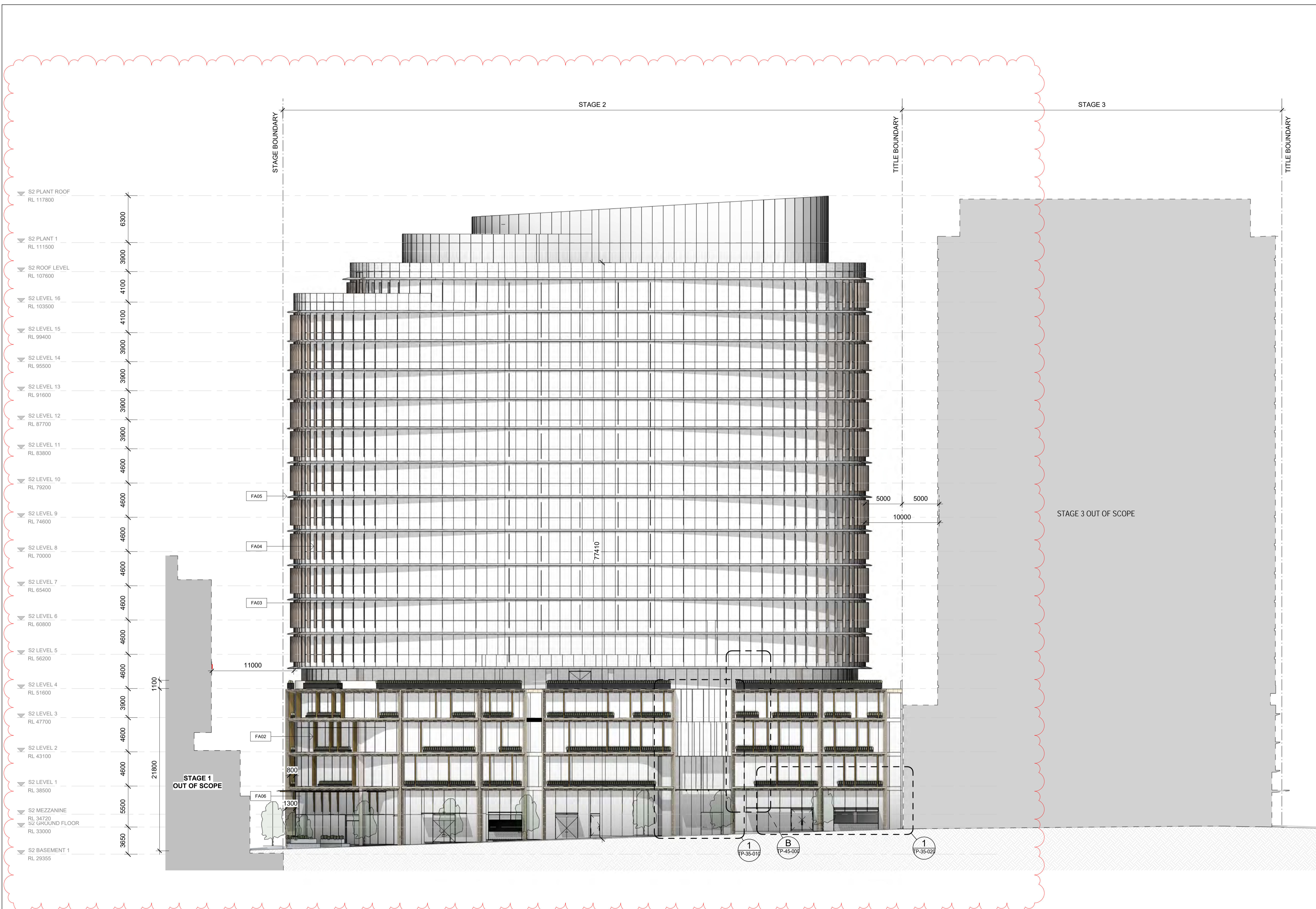


1 EAST ELEVATION.
 TP-21-020 SCALE 1 : 500



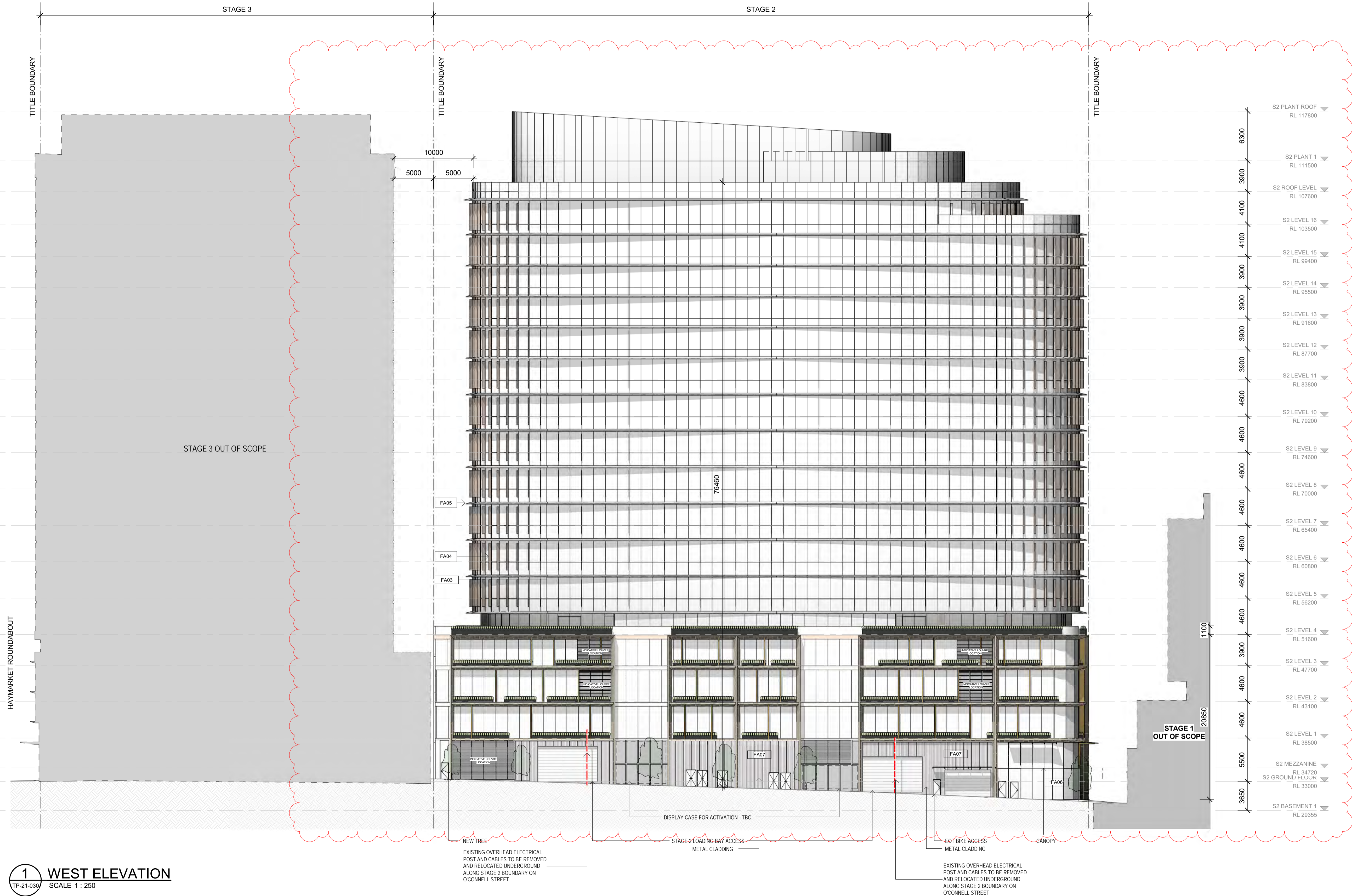
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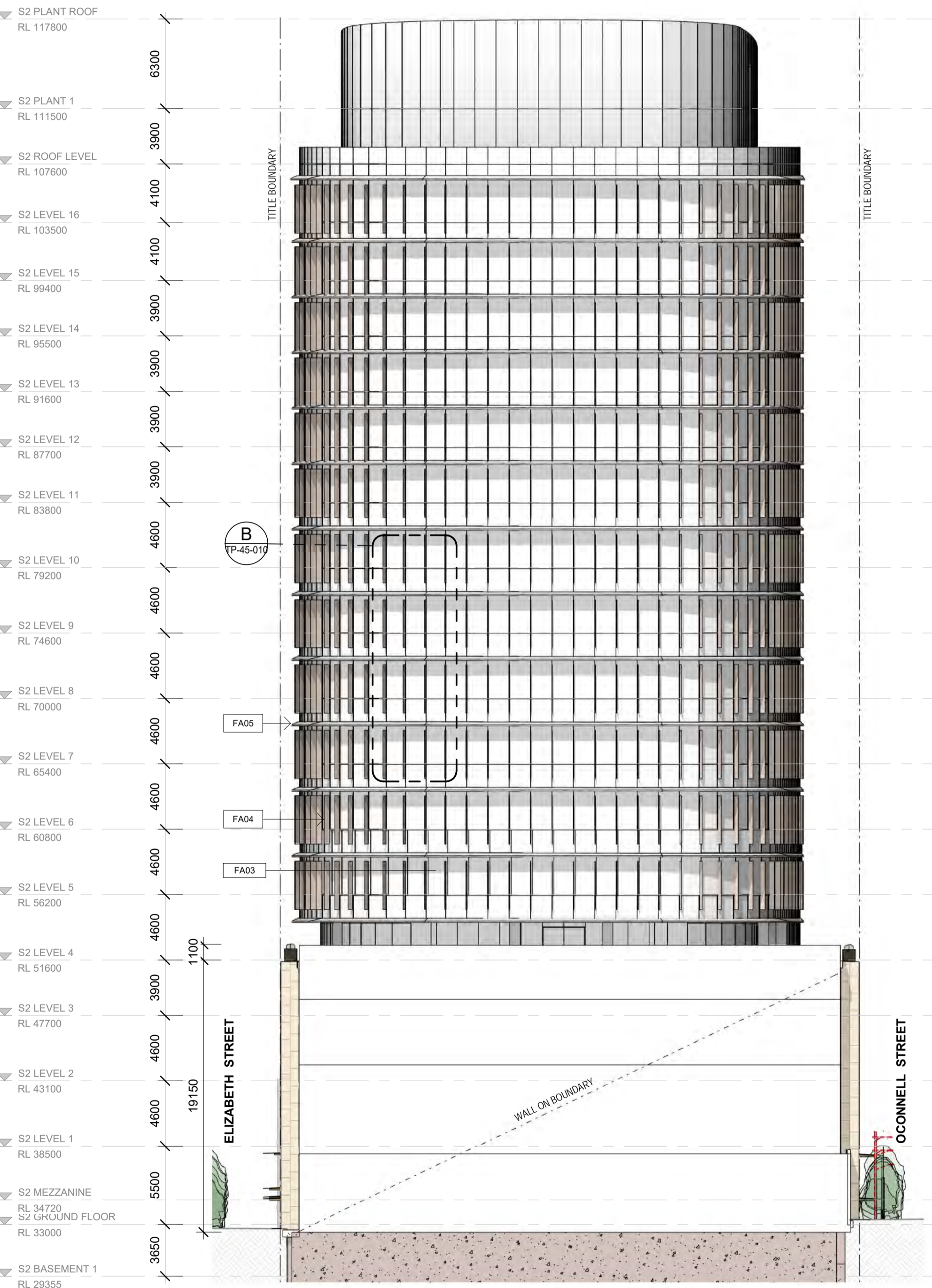
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| | FA02 Solid Bronze Cladding expression or similar |
| | FA03 Curtain Wall Facade - Light Bronze / Grey |
| | FA04 Perforated Aluminium |
| | FA05 Bronze Powdercoated Aluminium |
| | FA06 Clear glazing |
| | FA07 Metal cladding |

1 EAST ELEVATION
 TP-21-030 SCALE 1 : 250

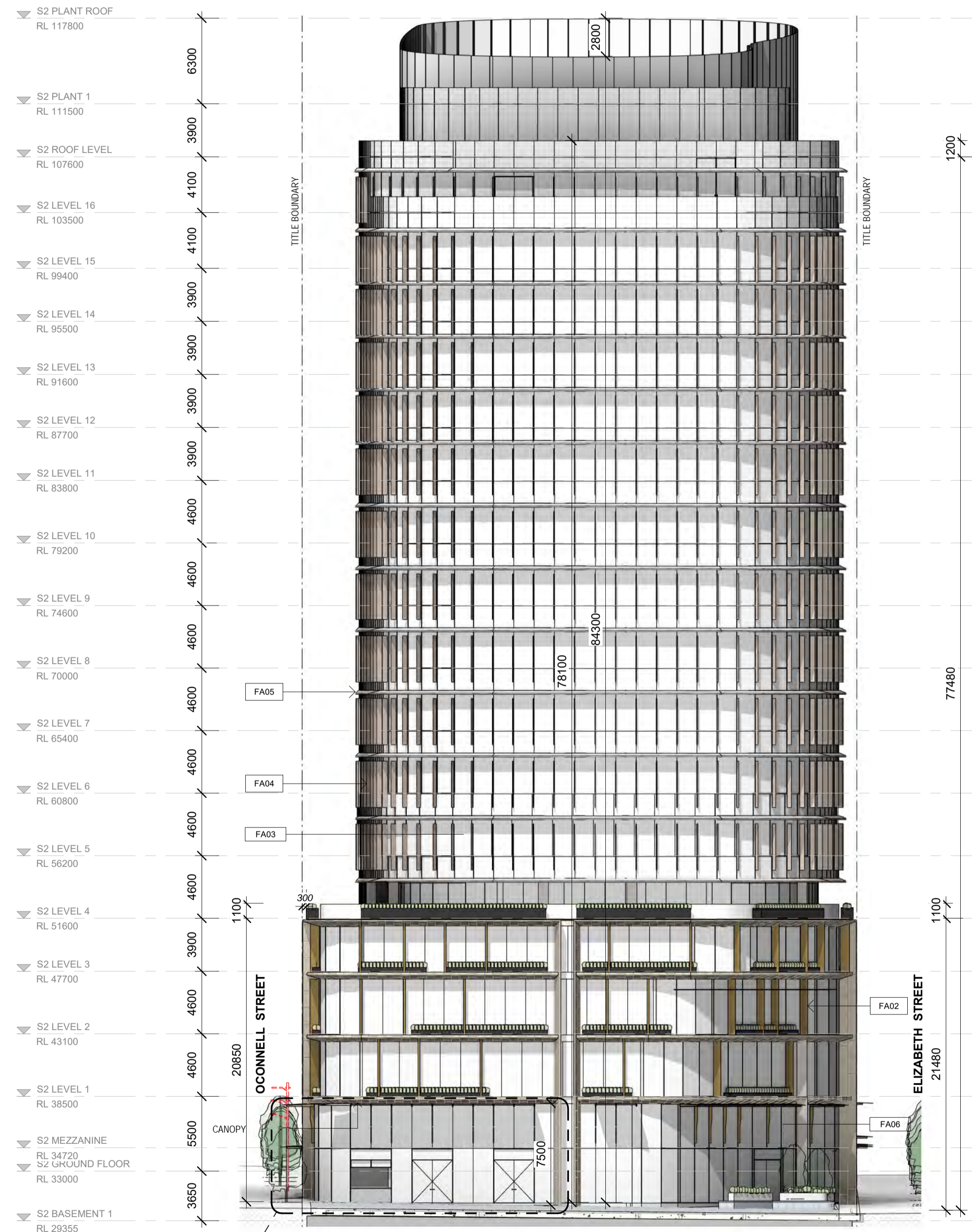


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| FA03 | Curtain Wall Facade - Light Bronze / Grey |
| FA04 | Perforated Aluminium |
| FA05 | Bronze Powdercoated Aluminium |
| FA06 | Clear glazing |
| FA07 | Metal cladding |

1 WEST ELEVATION
TP-21-030 SCALE 1 : 250

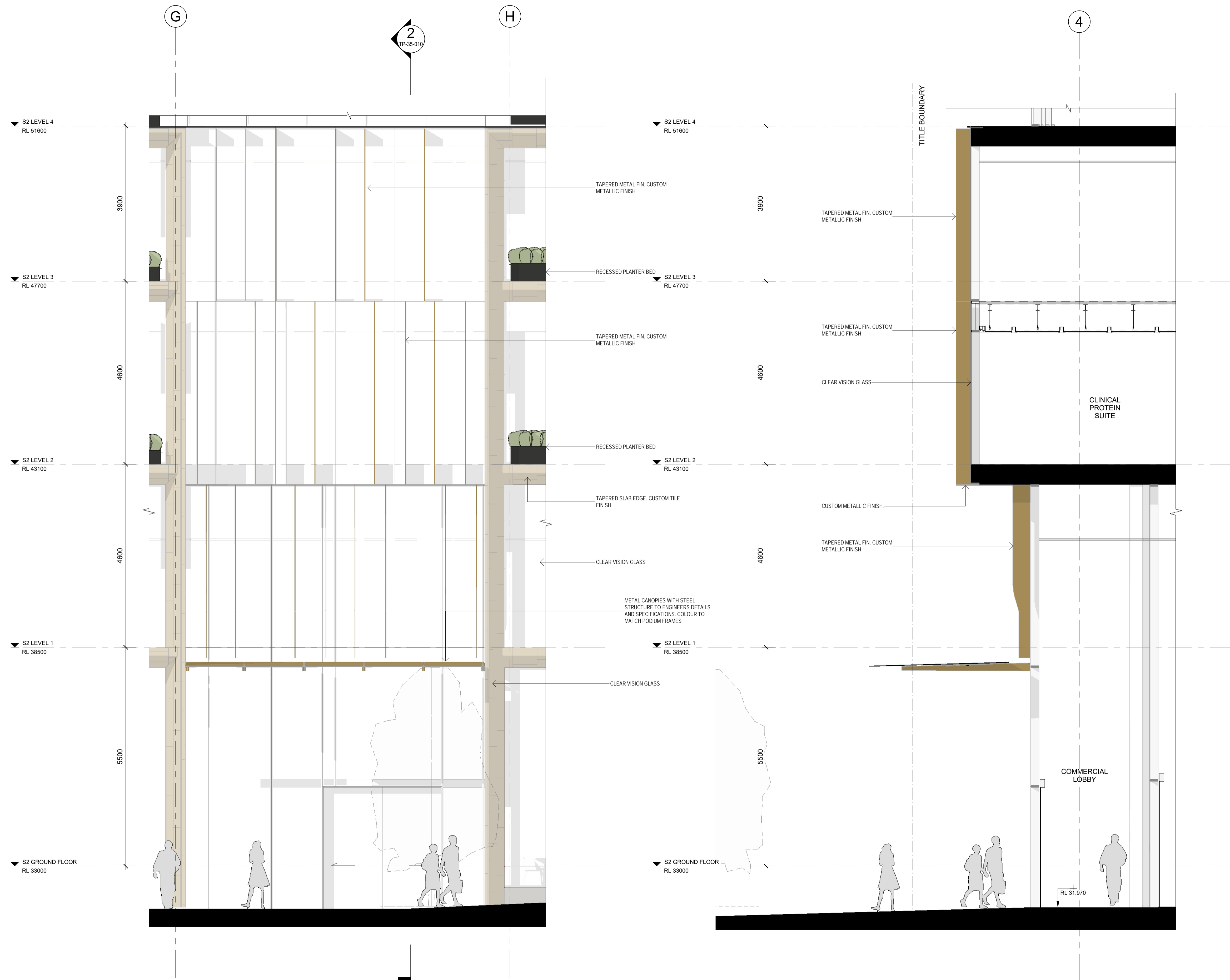


1 NORTH ELEVATION - STAGE 2
SCALE 1 : 250



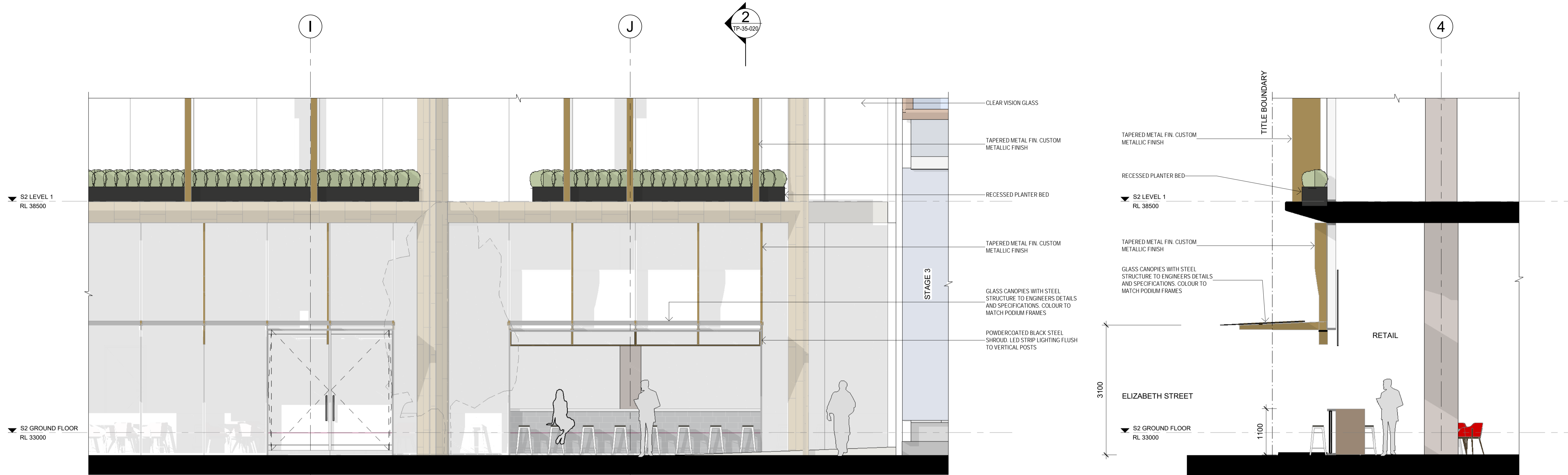
2 SOUTH ELEVATION - STAGE 2
SCALE 1 : 250

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| FA02 | Solid Bronze Cladding expression or similar |
| FA03 | Curtain Wall Facade - Light Bronze / Grey |
| FA04 | Perforated Aluminium |
| FA05 | Bronze Powdercoated Aluminium |
| FA06 | Clear glazing |
| FA07 | Metal cladding |



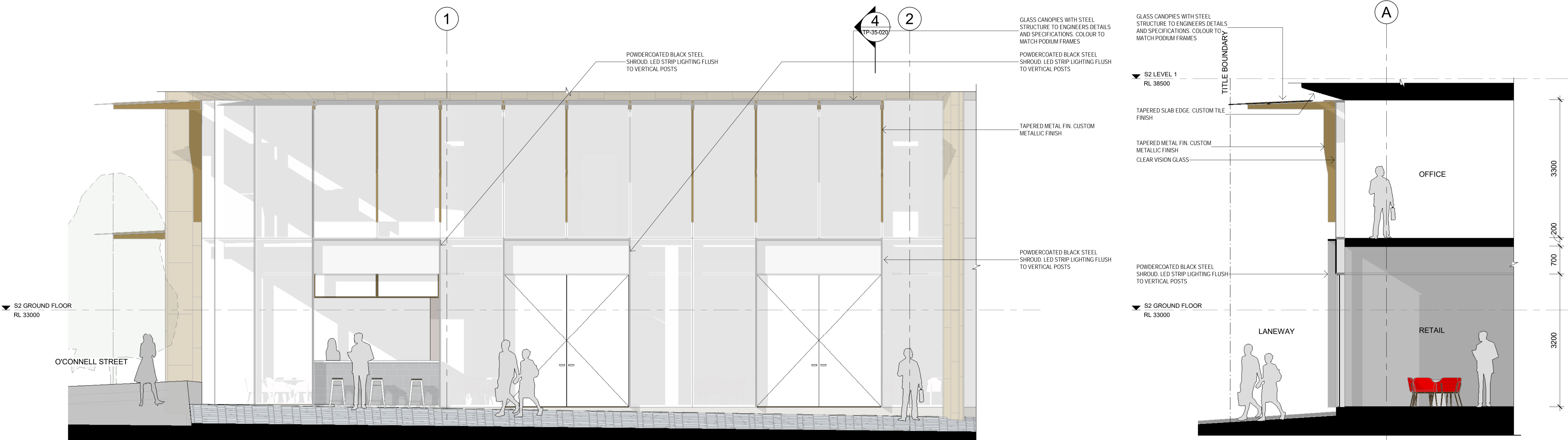
1 EAST ELEVATION - GROUND FLOOR FACADE 1
TP-30-100 SCALE 1:50

2 EAST SECTION - GROUND FLOOR FACADE 1
TP-35-010 SCALE 1:50



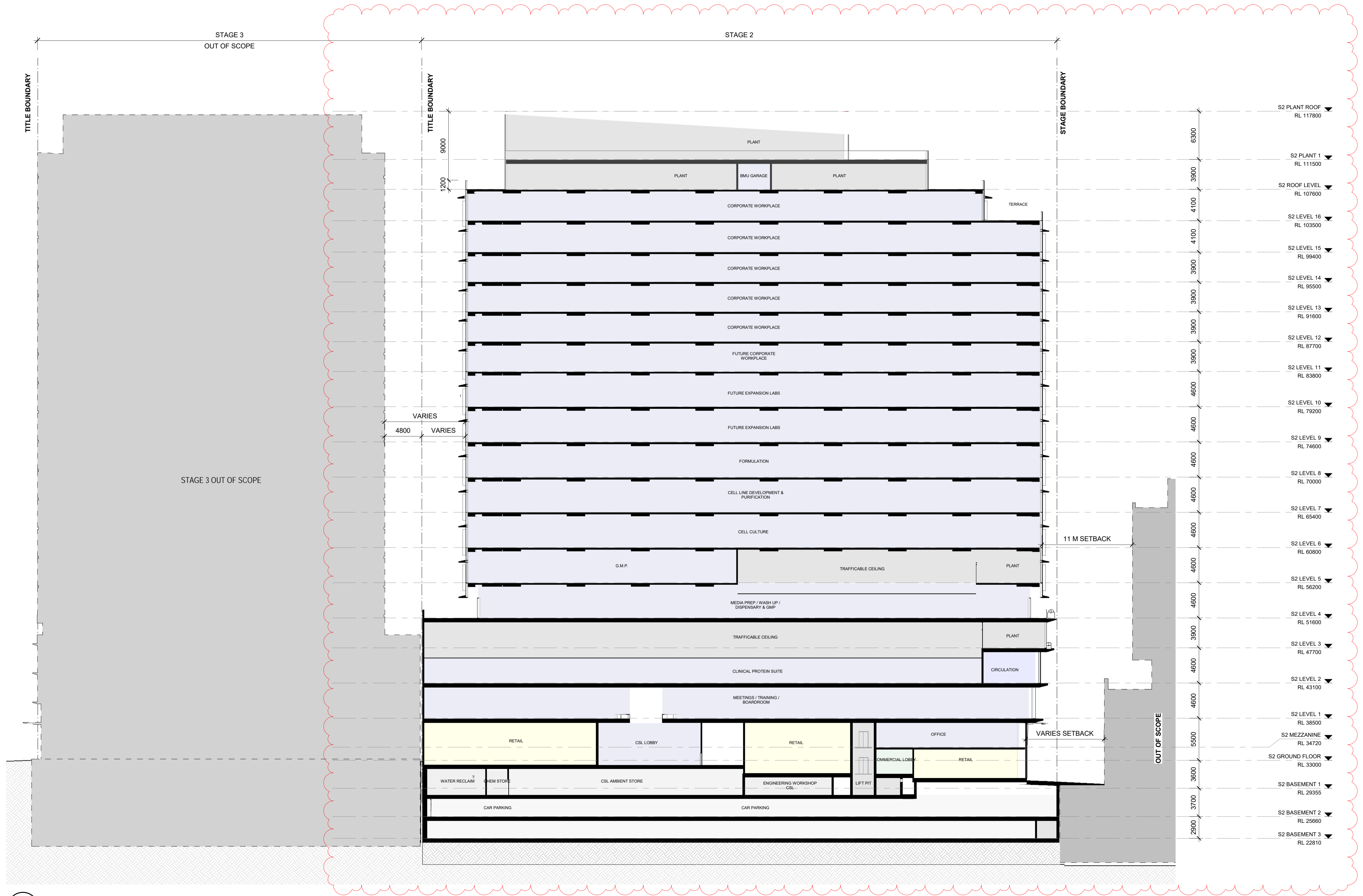
1 EAST ELEVATION - GROUND FLOOR FACADE 2
TP-30-100 SCALE 1 : 50

2 EAST SECTION - GROUND FLOOR FACADE 2
TP-35-020 SCALE 1 : 50

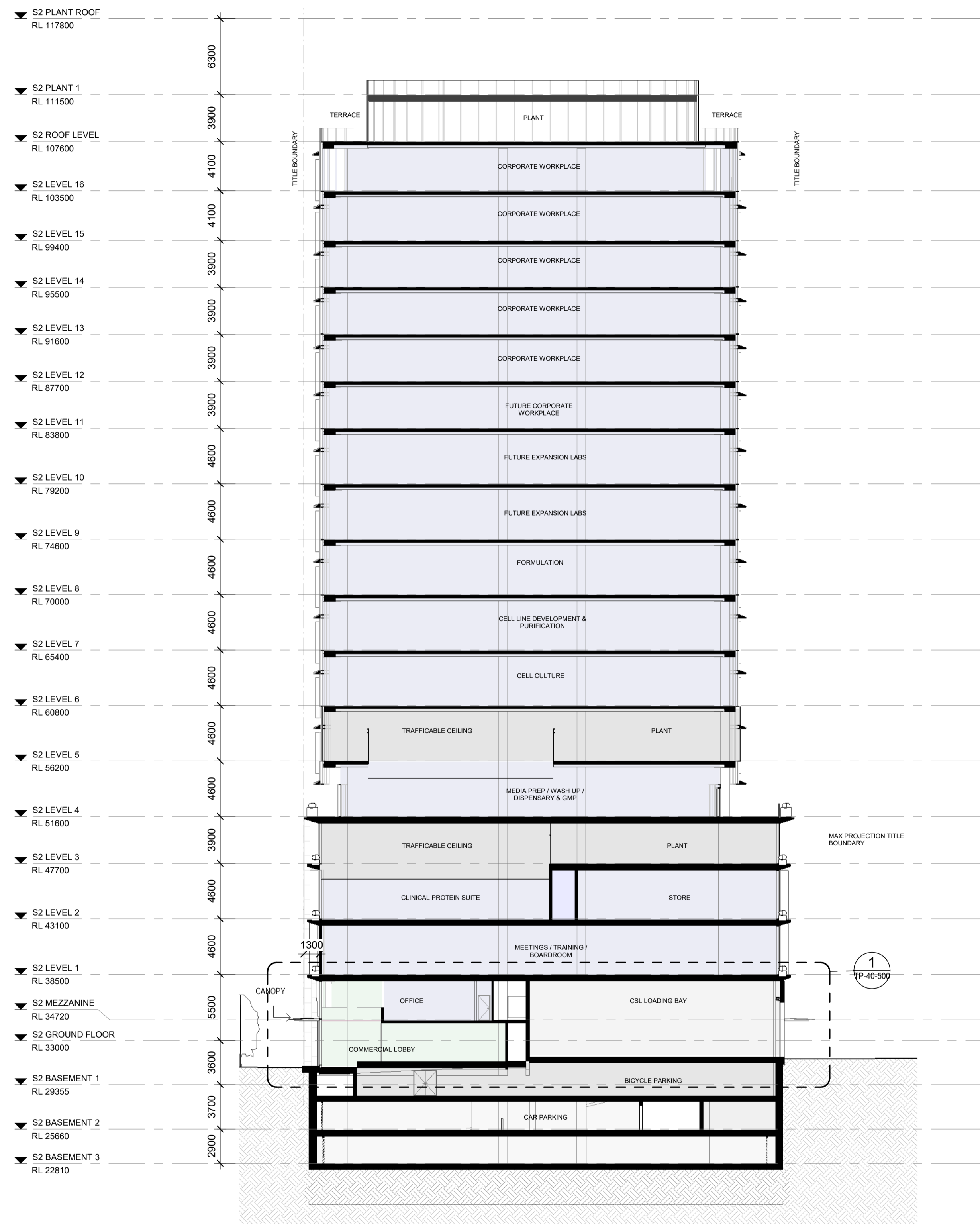


3 SOUTH ELEVATION - GROUND FLOOR FACADE 1
TP-30-300 SCALE 1 : 50

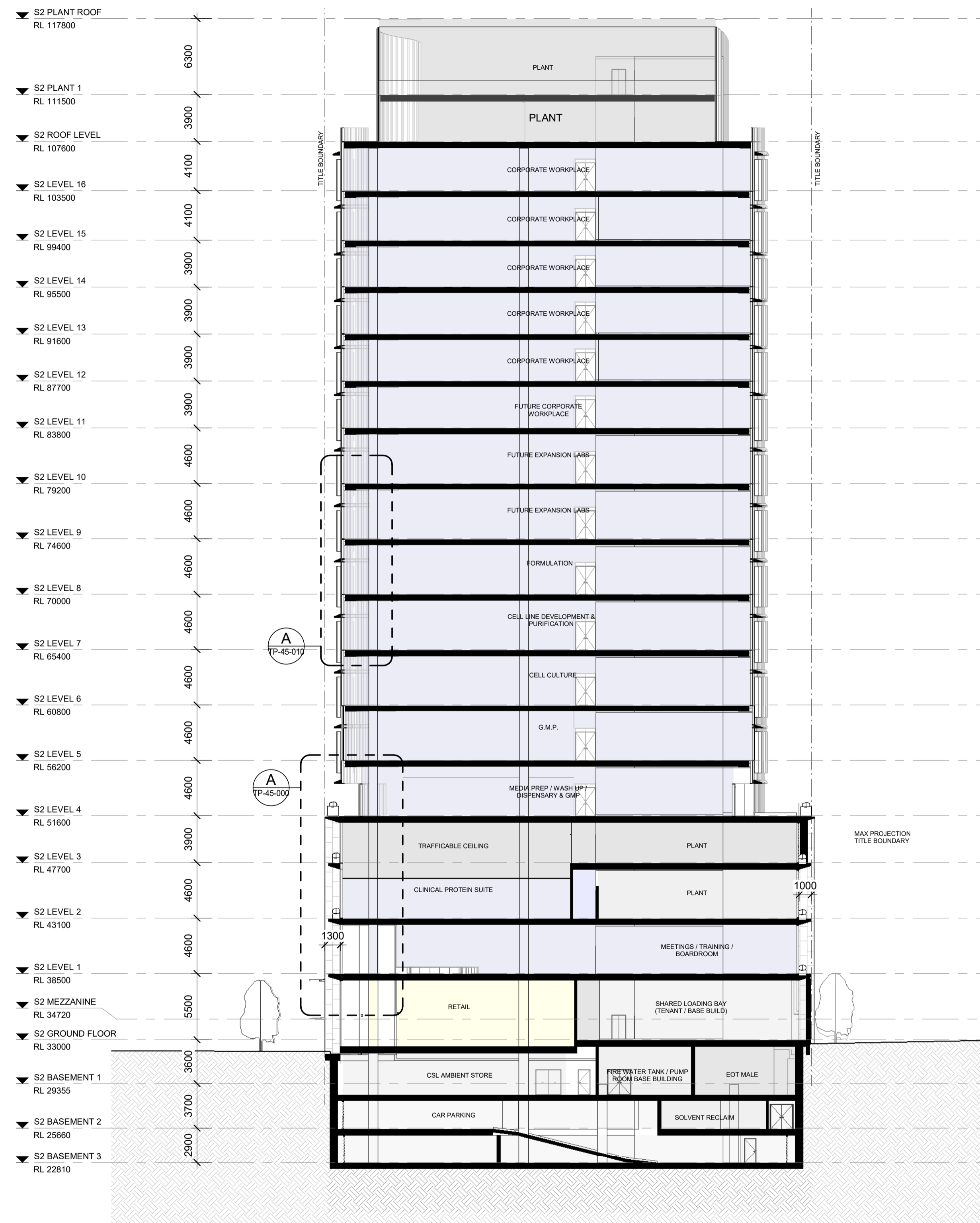
4 SOUTH SECTION - GROUND FLOOR FACADE 1
TP-35-020 SCALE 1 : 50



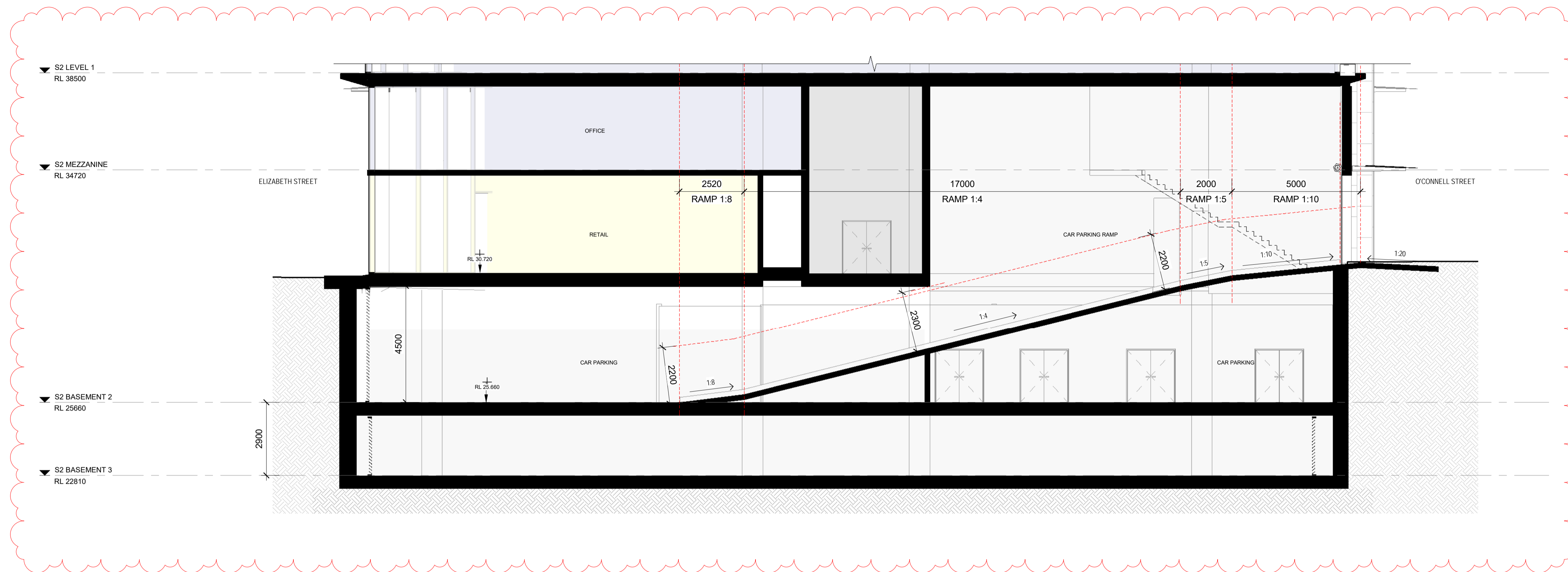
1 NORTH / SOUTH SECTION
TP-21-020 SCALE 1 : 250



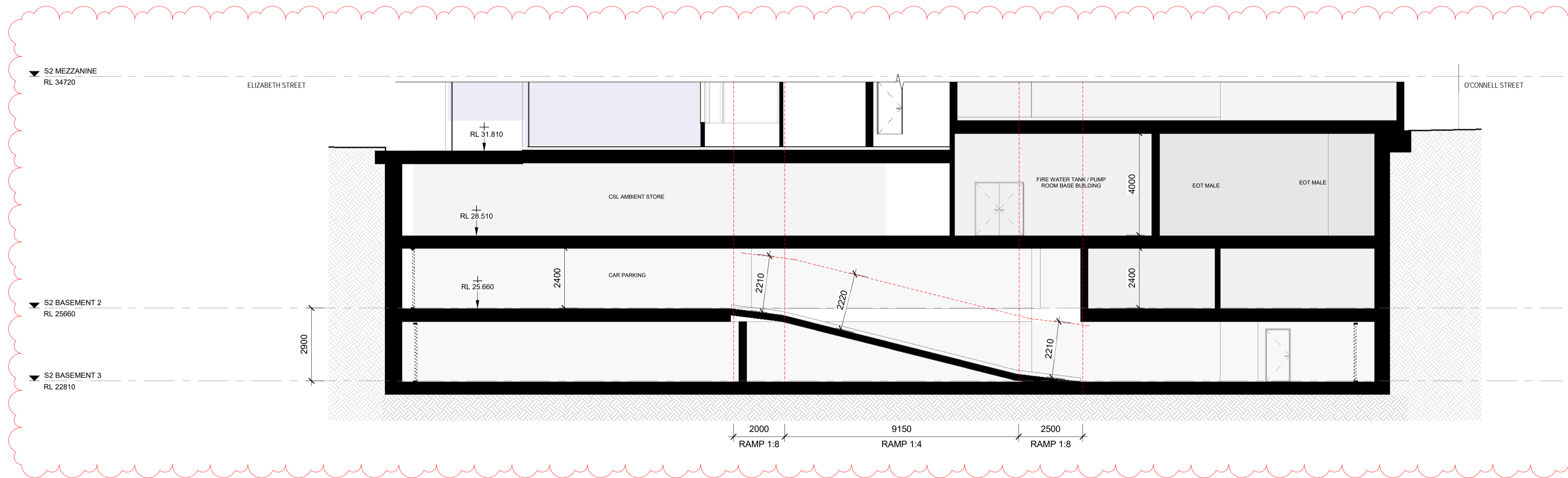
A SECTION A - STAGE 2
TP-21-020 SCALE 1 : 250



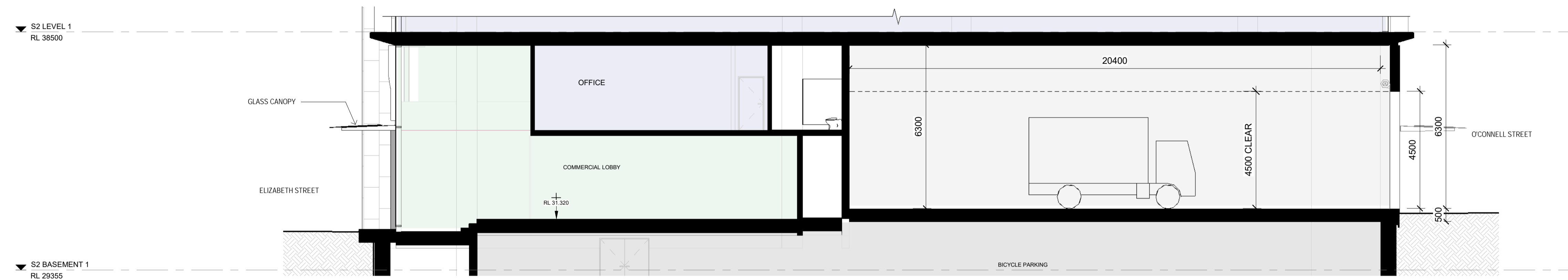
B SECTION B - STAGE 2
TP-21-020 SCALE 1 : 250



1 SECTION - STAGE 2 CARPARK ENTRY RAMP
 TP-21-020 SCALE 1 : 100



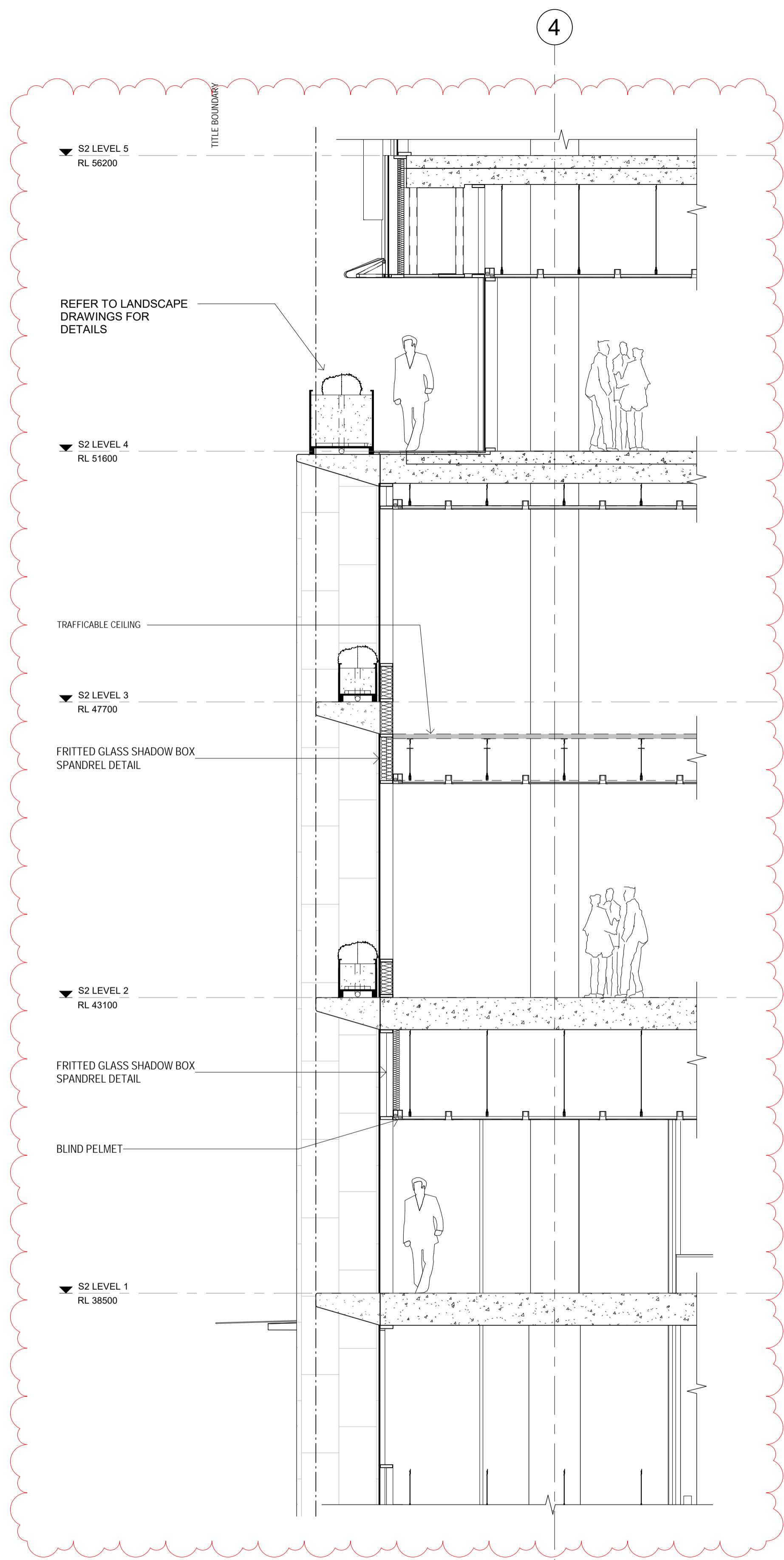
3 SECTION - STAGE 2 BASEMENT CARPARK RAMP
 TP-21-020 SCALE 1 : 100



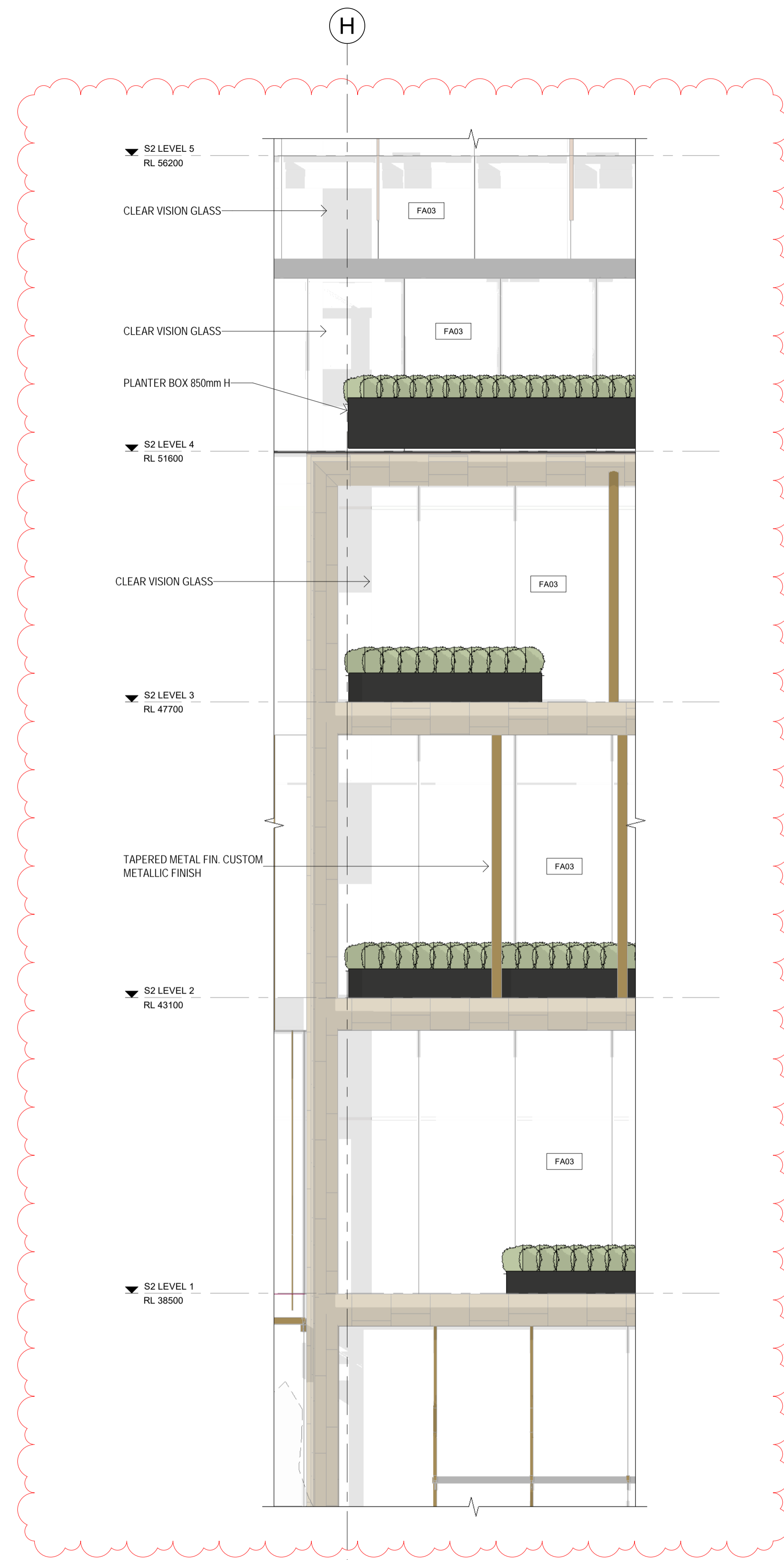
1 SECTION - STAGE 2 LOADING BAY 1
 TP-40-200 SCALE 1 : 100



2 SECTION - STAGE 2 LOADING BAY 2
 SCALE 1 : 100



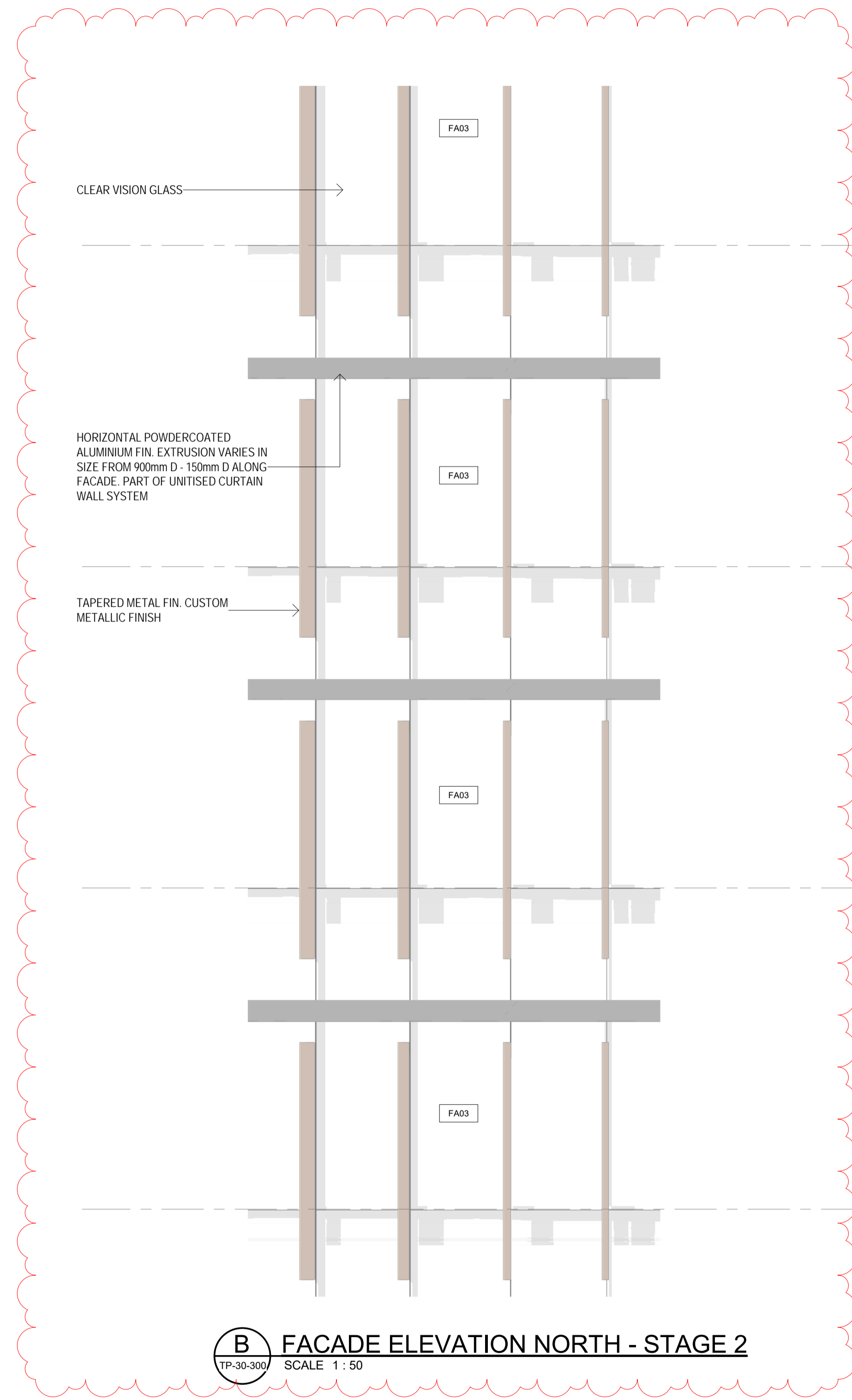
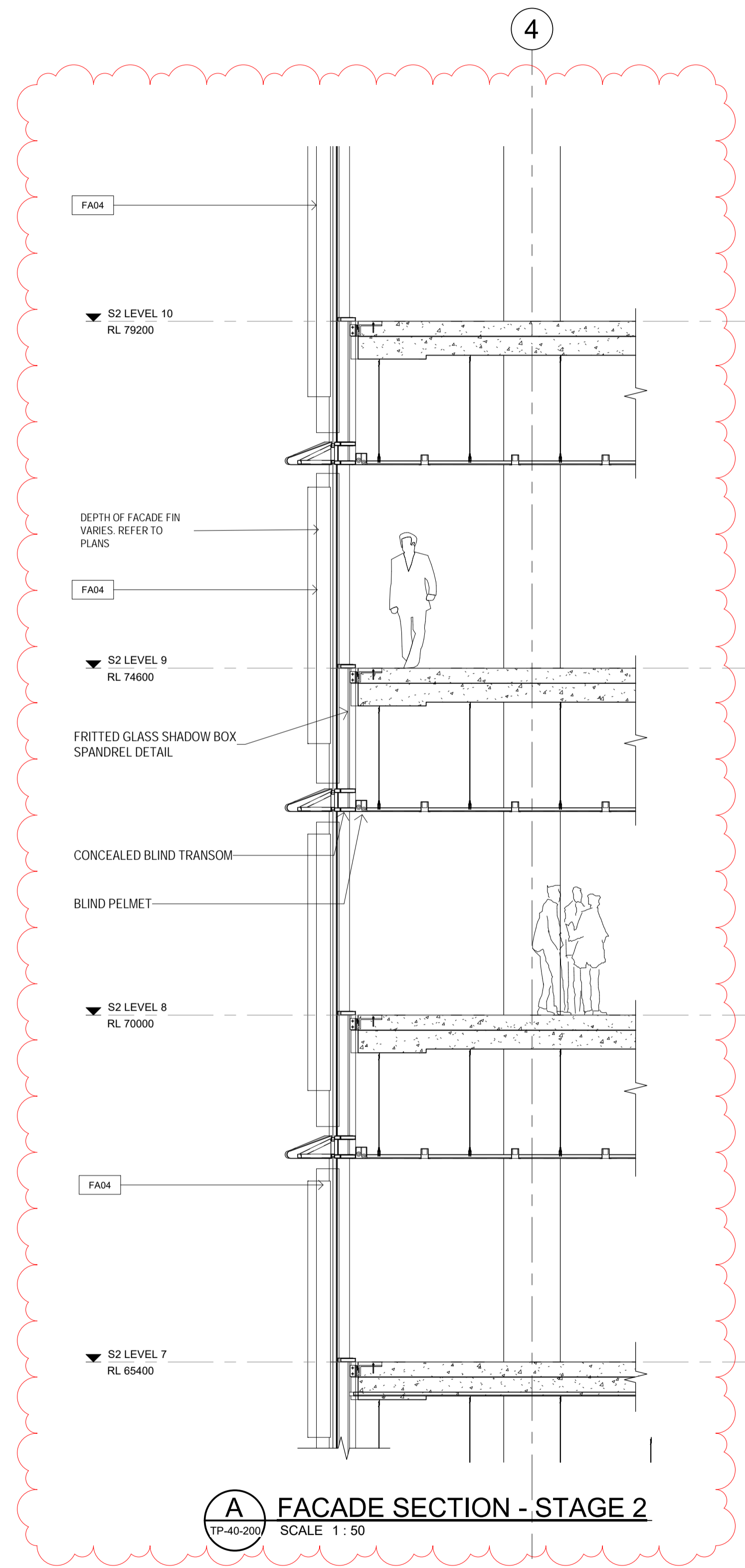
A SECTION - PODIUM STAGE 2
 TP-40-200 SCALE 1 : 50




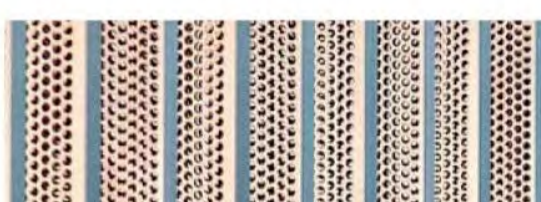

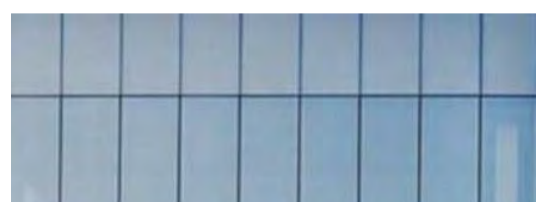



B FACADE ELEVATION EAST - STAGE 2
 TP-30-100 SCALE 1 : 50

MATERIAL CODES

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- FA02 Solid Bronze Cladding expression or similar
- FA03 Curtain Wall Facade - Light Bronze / Grey
- FA04 Perforated Aluminium
- FA05 Bronze Powdercoated Aluminium
- FA06 Clear glazing
- FA07 Metal cladding



| MATERIAL CODES | |
|--|--|
|  | FA01 Limestone Cladding expression or similar |
|  | FA02 Solid Bronze Cladding expression or similar |
|  | FA03 Curtain Wall Facade - Light Bronze / Grey |
|  | FA04 Perforated Aluminium |
|  | FA05 Bronze Powdercoated Aluminium |
|  | FA06 Clear glazing |
|  | FA07 Metal cladding |

DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

| | |
|--|--|
| City of Melbourne application number: | TPM-2019-6 |
| DELWP application number: | PA1900537 |
| Applicant: | PDG Corporation Pty Ltd C/- Urbis |
| Owner: | Toyota Motor Corporation Australia Limited |
| Architect: | Cox Architecture |
| Address: | 645-681 Elizabeth Street, Melbourne |
| Proposal summary: | <p>The proposal comprises Stage 2 of a three-stage development of the land known as 611-699 Elizabeth Street, Melbourne, and includes:</p> <ul style="list-style-type: none"> ▪ Demolition of existing buildings; ▪ Construction of a multi-storey mixed use building and associated works; ▪ Use of the site as a Research and Development Centre; and ▪ Alter access to a Road Zone, Category 1. |
| Cost of works: | \$140 million |
| Date received by DELWP | <p>Original Application: 19 March 2019</p> <p>S.50 Amended Application: 5 July 2019</p> |
| Date received by City of Melbourne: | <p>Original Application: 2 April 2019</p> <p>S.50 Amended Application: 10 July 2019</p> |
| City of Melbourne Status | Consultee (informal referral) |
| Responsible officer: | Colin Charman, Acting Principal Urban Planner |

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

Ministerial Application P1900537 concerns the site known as 645-681 Elizabeth Street, Melbourne, comprising the following parcels of land:

- **645-669 Elizabeth Street, Melbourne, being part of the land in Plan of Consolidation 151687 (Vol. 09413, Fol. 558)**, occupied by two open air car parking lots used in association with motor sales;
- **671-673 Elizabeth Street Melbourne, being Lot 1 on Title Plan 600665M (Vol. 00592, Fol. 285)**, occupied by a bricked-up single-storey late Victorian era shop with rear car parking, which forms an extension of the garage / motor repairs warehouse at 697 Elizabeth Street;
- **675-681 Elizabeth Street, Melbourne, being Lot 1 & 2 on Title Plan 385274W (Vol. 08646, Fol. 379)**, a pair of single-storey Federation era red brick former warehouses with a bricked-up interwar period Elizabeth Street facing addition, which forms an extension of the garage / motor repairs warehouse at 697 Elizabeth Street.

645-681 Elizabeth Street forms part of a wider site at 611-691 Elizabeth Street, Melbourne, which is the subject of a three-staged development (discussed in greater detail later in this report).

The wider site is occupied by a series of open air car lots, former and current industrial buildings and office buildings, and includes (to the south) the historically significant former Melford Motors showroom.

Relevant details regarding the existing conditions and dimensions of the subject site are provided below.

| Table: Subject Site Details/Dimensions | |
|---|--|
| Street Frontage: | 88 metres to Elizabeth Street (east), a wide boulevard style street 60 metres in width, with four street tree lined reserves dividing the road formation. The pavement abutting the subject site is occupied by several significant London Plane street trees. 88 metres to O'Connell Street (west), a 20 metre wide street primarily serving as a service frontage for existing uses. The pavement abutting the subject site is occupied by several mature Melaleuca street trees. |
| Site Depth: | 40 metres |
| Site Area: | 3,387m ² |
| Topography: | The slope of the land falls by approximately 1 metre (east to west), and approximately 3 metres (north to south). |
| Heritage Status: | The subject site is not affected by a Heritage Overlay. |

1.1.1 Elizabeth Street frontage (facing north-west)



1.1.2 O'Connell Street Frontage (facing south-east)



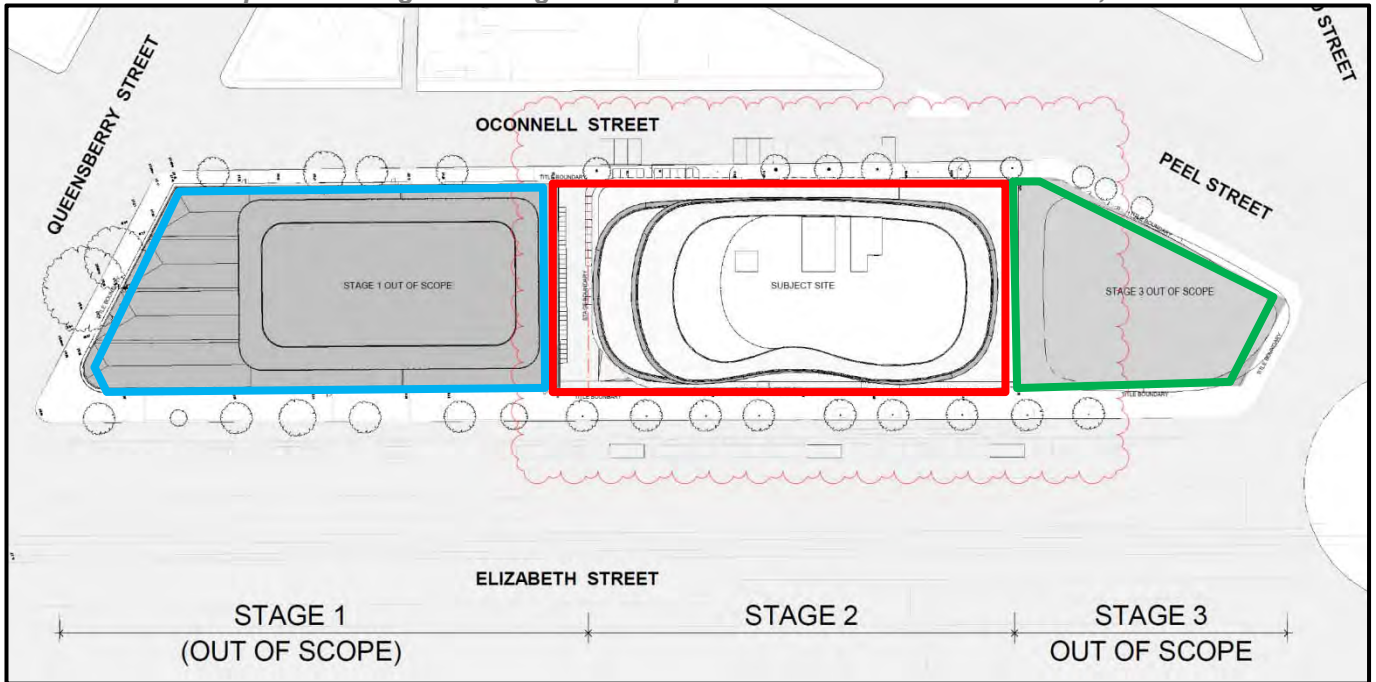
1.2 Staged development of wider site 611-691 Elizabeth Street, Melbourne

The subject site is located toward the centre of a wider trapezium shaped island site bounded by street-tree lined Elizabeth Street (east), Queensberry Street (south), O’Connell Street (west) and the intersection of several major roads at the Haymarket Roundabout (north).

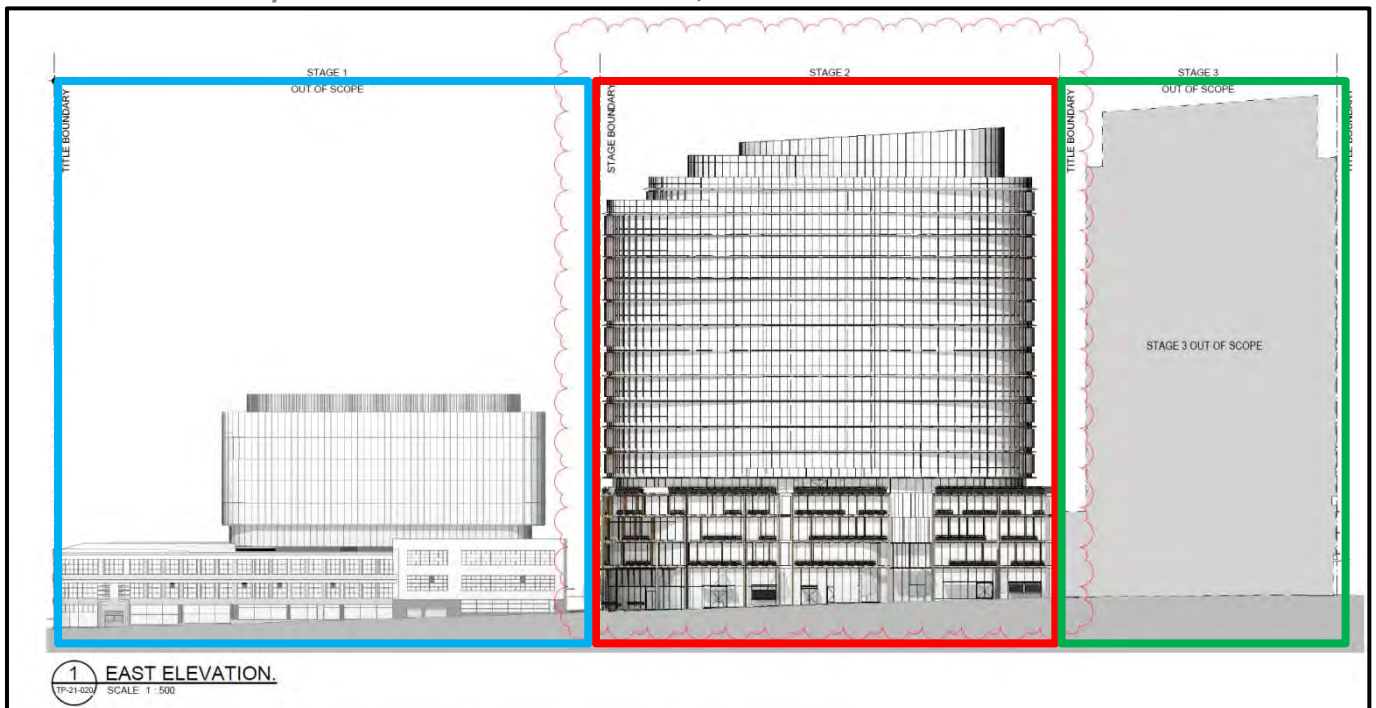
This wider site is the subject of a three-stage development, with each ‘stage’ of the development being progressed under separate planning permit applications / planning permits.

Ministerial Application P1900537 (the application under consideration in this report), relates to ‘Stage 2’ of this three-stage development project.

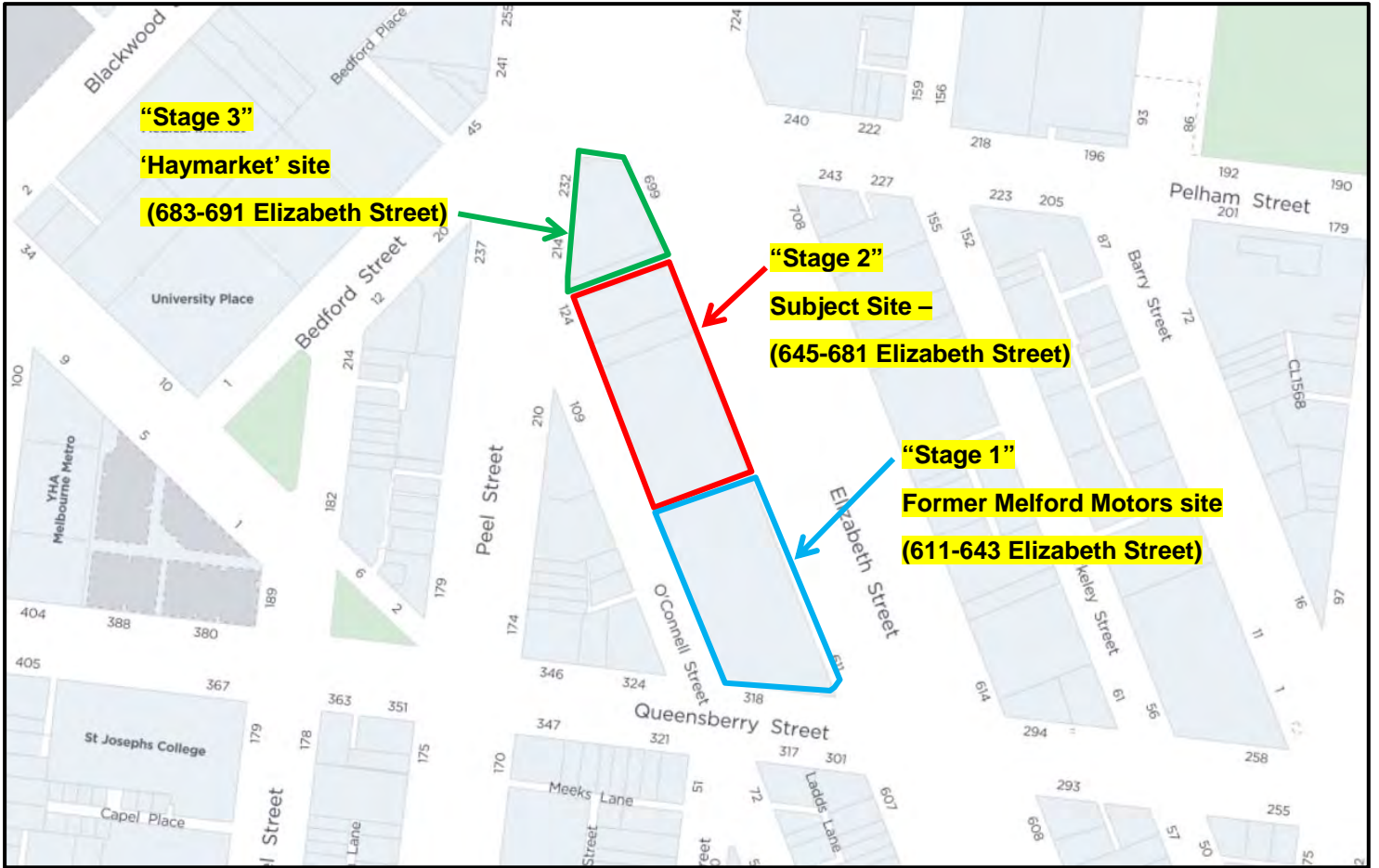
1.2.1 Site plan showing three-staged development of 611-691 Elizabeth Street, Melbourne



1.2.2 Elevation plans showing approved and indicative built form of three-staged development of 611-691 Elizabeth Street, Melbourne



1.2.3 CoMPASS base plan of surrounding cadastre



1.2.4 CoMPASS aerial photograph (captured: 7 April 2019)



1.2.5 Planning Permit 201470674: 611-681 Elizabeth Street, Melbourne

Planning Permit 201470674 was granted by the Minister for Planning on 2 August 2017, and authorised:

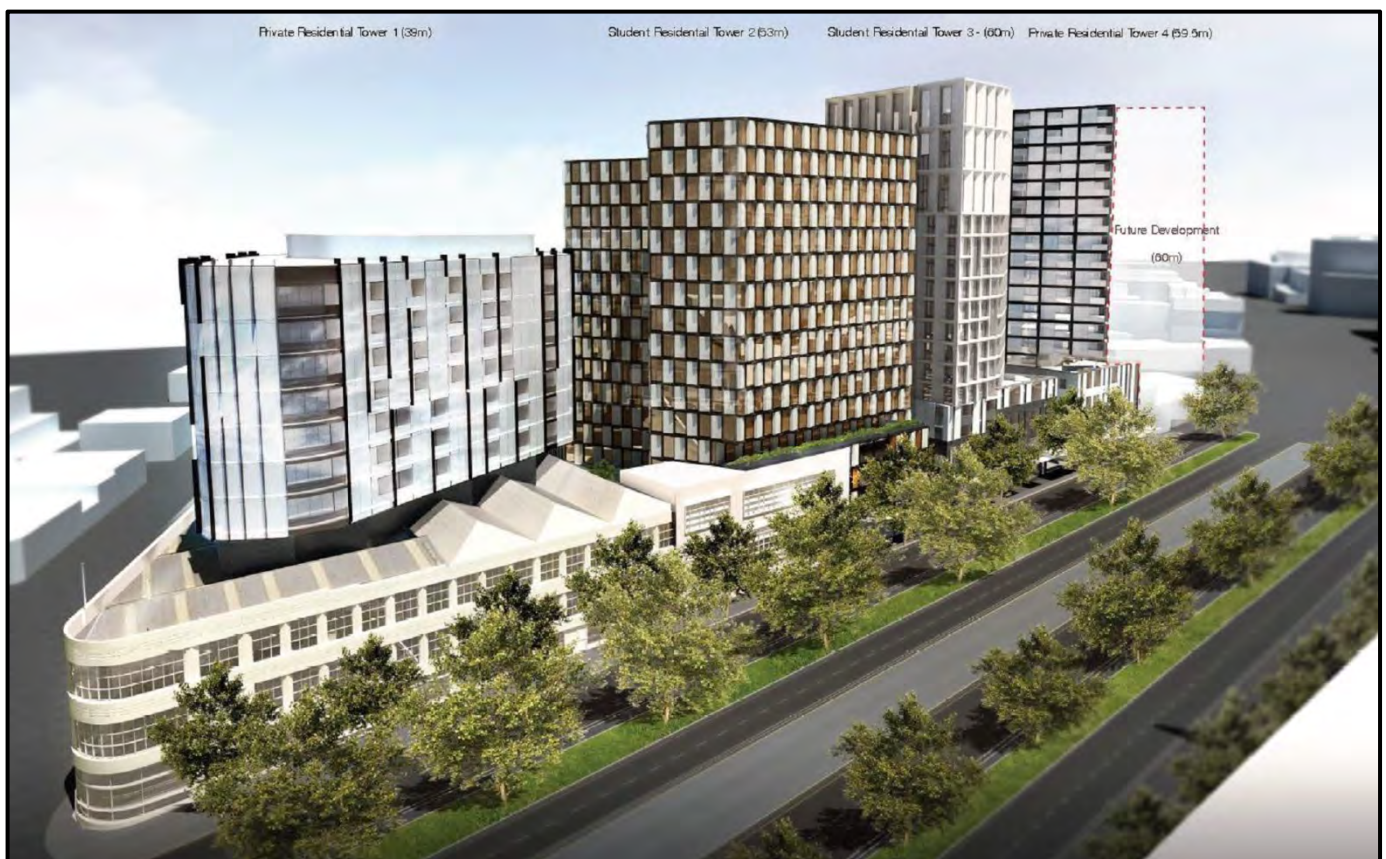
Partial demolition of a heritage building, demolition of buildings in a Heritage Overlay Precinct, and construction of four mixed-use multi-storey buildings comprising dwellings, accommodation (student accommodation), restricted recreation facility, retail and food and drink premises, use of the land for a commercial display area and to alter access to a road in a Road Zone, Category 1 in accordance with the endorsed plans.

Plans have yet to be endorsed in accordance with Condition 1 of the permit, and it is considered unlikely that this permit will be further acted on.

This permit preceded the current three-staged approach to the development of the wider site at 611-691 Elizabeth Street, Melbourne, authorising the development of 611-681 Elizabeth Street, Melbourne, comprising both 'Stage 1' and 'Stage 2' sites.

The development authorised by Planning Permit 201470674 (aka 'Stage 1' and 'Stage 2') included:

- The retention and refurbishment of the visible exterior form of the former Melford Motors showroom, comprising a 1937 Interwar 3-storey streamline moderne wing (fronting Queensberry Street), which is included on the Victorian Heritage Register, and a later 1955 Post-war three-storey addition of local heritage significance;
- Construction of an eight storey tower addition above the former Melford Motors showroom buildings to the north of the site (setback 8 metres from the Queensberry Street façade of the 1937 Interwar building included on the Victorian Heritage Register), reading as an eleven-storey building together with the podium.
- Construction of three towers, separated by two through-block links across the remaining northern part of the site, stepping up in height on the approach to the Haymarket, with a maximum height of approximately 60 metres for Tower 3 and Tower 4.
- An internal layout supporting residential uses.



1.2.6 Planning Permit PA1800432: Stage 1 – Former Melford Motors Site (611-643 Elizabeth Street, Melbourne)

Planning Permit PA1800432 was granted by the Minister for Planning on 15 May 2019, and authorised:

Partial demolition of existing buildings, construction of a building and to alter access to a Road Zone, Category 1.

The permit was later amended on 10 July 2019 pursuant to Section 72 of the *Planning and Environment Act 1987* to make a minor change to the permit conditions.

Plans were endorsed in accordance with Condition 1 of the permit on 22 July 2019.

The development authorised by Planning Permit PA1800432 (aka ‘Stage 1’) included:

- The retention and refurbishment of the visible exterior form of the former Melford Motors showroom, comprising a 1937 Interwar 3-storey streamline moderne wing (fronting Queensberry Street), which is included on the Victorian Heritage Register, and a later 1955 Post-war three-storey addition of local heritage significance;
- Construction of a six storey tower addition above the former Melford Motors showroom buildings to the north of the site (setback 14-32 metres from the Queensberry Street façade of the 1937 Interwar building included on the Victorian Heritage Register), reading as a nine-storey building together with the podium.
- An internal layout supporting commercial uses, with retail and car showroom areas at lower levels and education facilities within the tower addition.

‘Stage 1’s’ interface with the boundary to ‘Stage 2’ (the subject site) is characterised by:

- A three-storey building constructed to the ‘Stage 2’ boundary, with ground level retail and openings at the first and second floor facing onto the ‘Stage 2’ site.
- Above the three-storey building, a six storey tower addition (to be occupied by education facilities), setback approximately 5 metres from the ‘Stage 2’ boundary.



1.3 Strategic location within City North

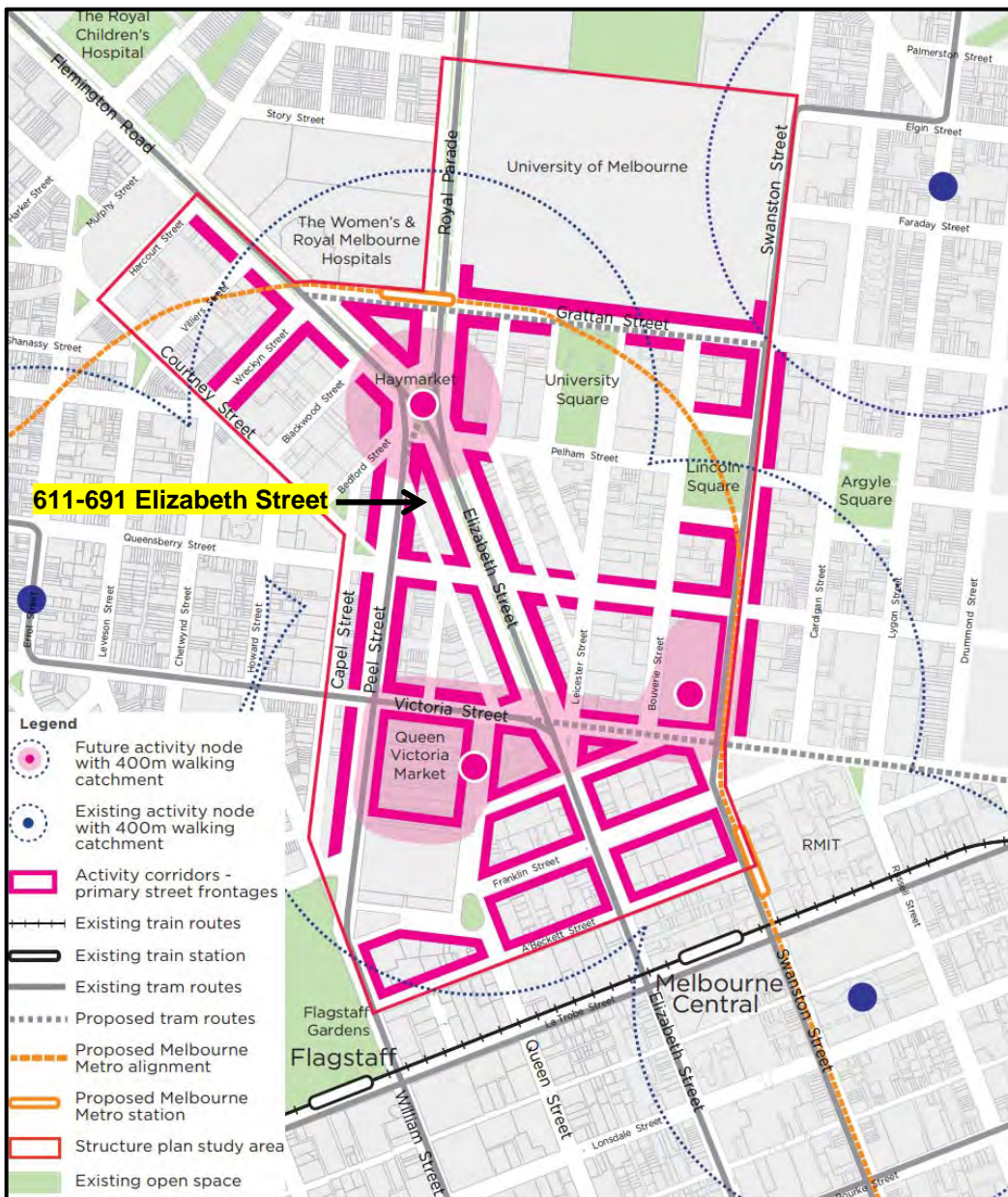
Toward the mid to late 20th century, Melbourne was a city of manufacturing. Today, Melbourne is a leading city in the knowledge economy.

The City North Structure Plan 2012 (the **Structure Plan**), adopted by Council on 7 February 2012, identifies City North as the nexus at the centre of Melbourne’s knowledge cluster, serving to integrate a vast consortium of knowledge-based economy uses with the Central City, including the University of Melbourne and RMIT’s campuses, the Royal Melbourne and Women’s hospitals, the Victorian Comprehensive Cancer Centre, and many other innovation, research and biomedical businesses.

Planning Scheme Amendment C196, prepared by Melbourne City Council and gazetted on 15 October 2015, implemented changes to the Melbourne Planning Scheme to facilitate the intensification of City North as an expanded area of the Central City as envisioned by the Structure Plan.

611-691 Elizabeth Street, Melbourne (the wider development site) is located within the ‘Haymarket Gateway’ to the Central City identified in the Structure Plan, an area which has been specifically identified for intensification opportunities in service of the leading strategic vision for City North; to develop as a central city precinct characterised by university, research and medical buildings.

1.3.1 Map identifying location of 611-691 Elizabeth Street, Melbourne and ‘Haymarket Gateway’ to Central City in City North Structure Plan 2012



1.4 Restrictions / Easements

The register search statement for the Certificates of Title listed below identify that the subject site is not burdened by any restrictive covenant or Section 173 Agreement, and is not encumbered by any easements:

- Land in Plan of Consolidation 151687 (Vol. 09413, Fol. 558)
- Lot 1 on Title Plan 600665M (Vol. 00592, Fol. 285)
- Lot 1 & 2 on Title Plan 385274W (Vol. 08646, Fol. 379)

1.5 Archaeology and Heritage Inventory

The subject site is not included in the [Victorian Heritage Inventory](#).

1.6 Aboriginal Cultural Heritage

The subject site is not included in an area of legislated cultural heritage sensitivity.

2 BACKGROUND AND HISTORY

2.1 Pre-Application Meetings

There have been several pre-application meetings between DELWP, Melbourne City Council and the permit applicant prior to lodgement of Application PA1900537.

These pre-application meetings broadly focussed on the relationship between the 'Stage 2' development and Stages 1 & 3, to ensure that the layout, design and massing of the development was responsive to a broader narrative of design for the wider site (i.e. height stepping up toward Haymarket, with a break between each 'Stage' to facilitate a diverse podium design with opportunities for through-block connections).

2.2 Original Application

On 19 March 2019, Application PA1900537 was received by DELWP, seeking planning permission for the following:

- *Construct a building or construct or carry out works within the CCZ5 (Clause 37.04-4);*
- *Demolish or remove a building or works within the CCZ5 (Clause 37.04-4);*
- *Use of the land for a Research and Development Centre within the CCZ5 (37.04s5-1);*
- *Construct a building or construct or carry out works within DDO61 (Clause 43.02-1).*

DELWP informally referred Application PA1900537 to Melbourne City Council on 2 April 2019.

2.3 Amended Application

Application PA1900537 was formally amended under S.50 of the *Planning and Environment Act 1987* on 5 July 2019.

Five key changes were made to the application as part of this request, including:

1. Removal of an internal through-block link / arcade, to achieve an internal layout that accommodates back of house operational requirements;
2. Expanded services frontage to O'Connell Street, associated with changes to the internal layout to accommodate back of house operational requirements;

3. Reduction in the no. of floors to 17 levels (previously 19), with no reduction in the overall height of the development, associated with increased laboratory floor-to-floor heights;
4. Removal of basement level 4, reducing the number of car parking spaces within the development to 120 (previously 180);
5. Reduction in the commercial floor area assigned to retail tenancies at the ground floor, associated with changes to the internal layout to accommodate back of house operational requirements.

It is noted that several sets of updated drawings and technical reports have been circulated for discussion in the intervening period between when the application was formally amended, and the date of this report. These reports and plans have informed consideration of Application PA1900537, although it should be noted that the plans and reports submitted with the applicant's request to amend the application under S.50 of the *Planning and Environment Act 1987* represent the documents formally considered under the application.

3 PROPOSAL

3.1 Plans / Reports Considered in Assessment

| Table: Plans / Reports considered in assessment | | |
|--|---------------------------|-------------------------|
| Plan / Report Title | Plan/Report Author | Plan/Report Date |
| Planning Report | Urbis Pty Ltd | # May 2019 |
| Letter accompanying S.50 Amendment | Urbis Pty Ltd | 5 July 2019 |
| Letter setting out back of house assumptions | Urbis Pty Ltd | 12 July 2019 |
| Letter responding to CoM Referrals | Urbis Pty Ltd | 6 August 2019 |
| Architectural Drawings (S.50 Amendment) | Cox Architecture | 7 July 2019 |
| Architectural Drawings (Discussion) | Cox Architecture | 7 August 2019 |
| Drawing No. TP-01-010 (Discussion) | Cox Architecture | 14 August 2019 |
| Development Summary (S.50 Amendment) | Cox Architecture | 7 July 2019 |
| Development Summary (Discussion) | Cox Architecture | 14 August 2019 |
| Urban Context & Design Response (S.50 Amendment) | Cox Architecture | 7 July 2019 |
| Sustainability Management Report (S.50 Amendment) | Simpson Kotzman | 5 July 2019 |
| Traffic Impact Assessment Report (S.50 Amendment, includes swept-path diagrams) | Cardno | 5 July 2019 |
| Waste Management Plan (S.50 Amendment) | Irwin Consult | 5 July 2019 |

| | | |
|---|-----------------------------|----------------|
| Waste Management Plan (Discussion) | Irwin Consult | 2 August 2019 |
| Landscape Concept Plan (S.50 Amendment) | FORMium Pty Ltd | 5 July 2019 |
| Landscape Concept Plan (Discussion) | FORMium Pty Ltd | # August 2019 |
| Wind Assessment (S.50 Amendment) | Mel Consultants | 5 July 2019 |
| Addendum to Wind Assessment (Discussion) | Mel Consultants | 7 August 2019 |
| Airspace Impact Assessment (S.50 Amendment) | Thompson GCS Pty Ltd | 5 July 2019 |
| CHMP Test | Urbis Pty Ltd | 17 April 2019 |
| Letter of commitment from CSL Project Director | Seqirus (Australia) Pty Ltd | 13 August 2019 |
| DDA Compliance Report | Cox Architecture Pty Ltd | 17 May 2019 |

3.2 Summary of Proposed Development / Land Use & Plan Excerpts

3.2.1 Summary of proposed development / use

Broadly, the proposed development / use involves the demolition of all of the existing buildings on-site, and the construction of a 16-17 storey (including the ground level) podium / tower development, with three levels of basement. The development will have a maximum height (including plant) of 86.5 metres¹.

The development seeks to create an open-air publicly accessible laneway abutting the interface with 'Stage 1', with a minimum width of 7.7 metres.

The building will be occupied by retail and lobby areas (configured to activate Elizabeth Street and the proposed publicly accessible laneway) and operational uses (configured toward O'Connell Street) at the ground level, with upper levels occupied predominantly by commercial floor space associated with the proposed use of land for a Research and Development Centre.

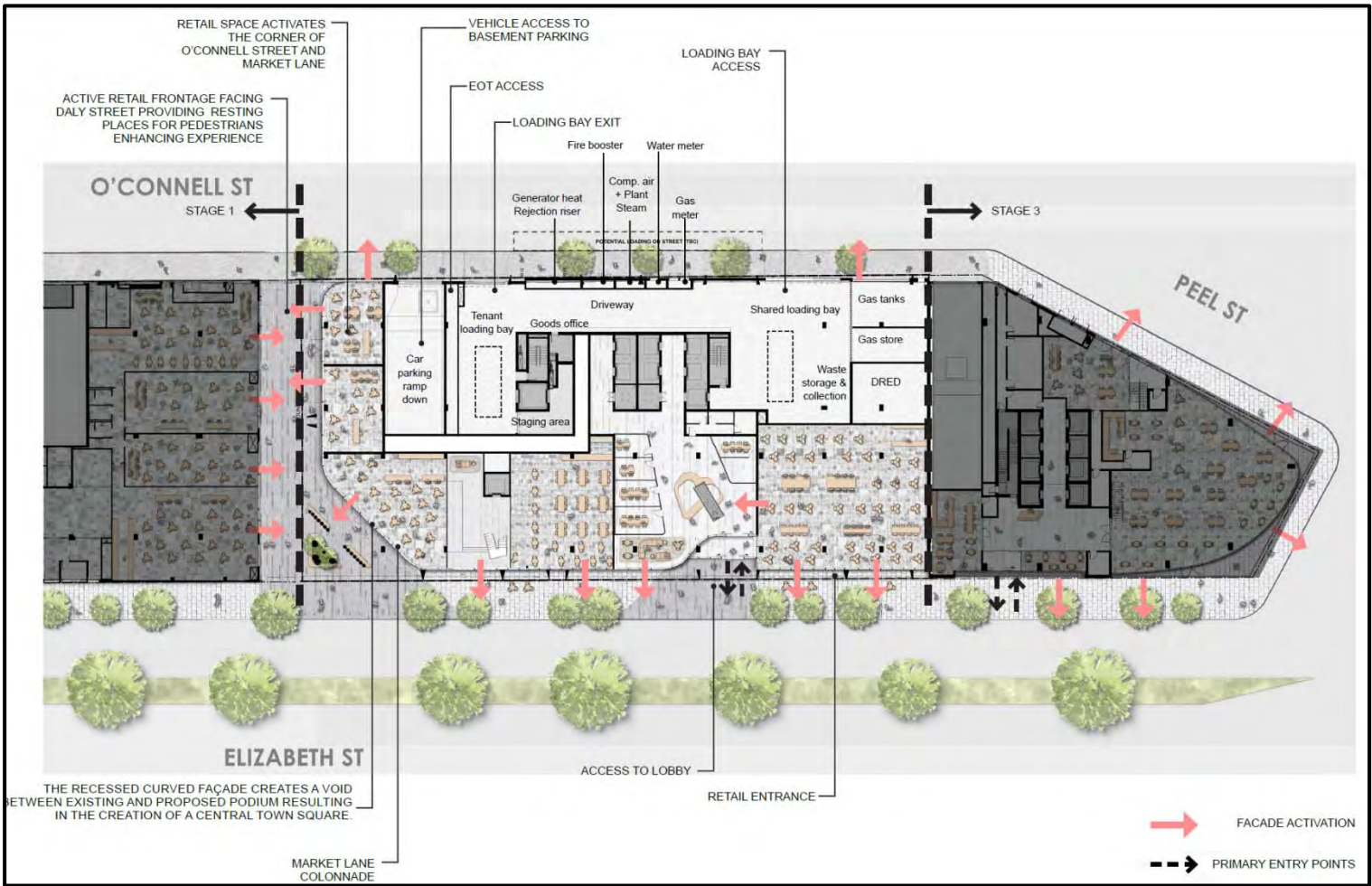
The identified tenant for the Research and Development Centre is CSL Limited, a global specialty biotechnology company that researches, develops, manufactures and markets products to treat and prevent serious human medical conditions. It is understood that the layout of the development, including the intended use of each floor, has been purposively designed to cater to CSL Limited's operational requirements.

The application accordingly seeks planning permission for the following:

- Construct a building or construct or carry out works in the Capital City Zone (Schedule 5);
- Demolish or remove a building or works in the Capital City Zone (Schedule 5);
- Use of the land for a Research and Development Centre in the Capital City Zone (Schedule 5);
- Construct a building or construct or carry out works under the Design and Development Overlay Schedule 61 (City North) ;
- Alter access to a Road Zone Category 1.

¹ Inclusive of plant. RL 31.3 has been adopted as ground surface level, representing the centre point of the Elizabeth Street frontage

3.2.2 Ground plane (Urban Context Report, 7 July 2019)



3.2.3 Elizabeth Street presentation (Urban Context Report, 7 July 2019)



3.2.4 Elizabeth Street entrance to CSL lobby (Urban Context Report, 7 July 2019)



3.2.5 Open-air publicly accessible laneway (Urban Context Report, 7 July 2019)



3.3 Detailed Information: Built Form (per latest 'Discussion' drawings)

3.3.1 Site layout and GFA

| | | | |
|---|-----------------------|--|---------------------------------------|
| Site Area: | 3,373.6m ² | Site Coverage: | 3,018m ² |
| Landscaped Area: | Nil. | Permeable Area: | Nil. |
| Floor Area Ratio (excluding basement areas): | 13:1 | Floor area uplift sought: | N/A – No applicable uplift mechanism. |
| Retail GLAR (gross lettable area retail): | 986m ² | Office NLA: | 425m ² |
| Research & Development NLA: | 32,755m ² | Total GFA (excluding basement areas): | 43,930sq.m *34,166 NFA |

3.3.2 Building Height and Setbacks

| | | | |
|---|--|--|--|
| Number of storeys above ground level (excluding mezzanines): | 16-17 | Number of basement levels: | 3 |
| Maximum Building Height: *Note – RL 31.3 has been adopted as ground surface level, representing the centre point of the Elizabeth Street frontage | Including plant: <i>RL117.8 – RL 31.3</i> = 86.5 metres Excluding plant: <i>RL107.6 – RL 31.3</i> = 76.3 metres | Street Wall Height: *Note – RL 31.3 has been adopted as ground surface level, representing the centre point of the Elizabeth Street frontage | <i>RL51.6 – RL 31.3</i> = 20.3 metres |
| Minimum Tower Setbacks (above podium): *Note – Façade strategy includes spandrel skirting which projects >300mm (approximately 0.9m) from the façade. | North ('Stage 3') | 4.2 metres (to skirt) 5 metres (to façade) | East (Elizabeth) 0.9 metres (to skirt) 1.3 metres (to façade) |
| | South ('Stage 1') | 6.5 metres (to skirt) 7.4 metres (to façade) | West (O'Connell) 3.8 metres (to façade) |
| Minimum Building Separation (above podium): *Note – Façade strategy includes spandrel skirting which projects >300mm (approximately 0.9m) from the façade | North ('Stage 3') | 9.2 metres (to skirt) 10 metres (to façade) | East (Elizabeth) N/A |
| | South ('Stage 1') | 10.1 metres (to skirt) 11 metres (to façade) | West (O'Connell) N/A |

3.3.3 Access, car parking, bicycle facilities and loading / unloading

| Car parking, bicycle facilities and loading and unloading | | | |
|---|---|----------------------------|---|
| Car parking spaces: | 120 | Bicycle spaces: | 251 |
| Motorcycle spaces: | 3 | Bicycle facilities: | 82m ² (female, including bathrooms, changing rooms and showers) 127m ² (male, including bathrooms, changing rooms and showers) |
| Parking access: | Car parking access will be via a ramp (7.6 metres wide) to O'Connell Street | | |
| Loading/unloading: | CSL operations and loading areas will be accessed via two at-grade entry points (7.6 meters wide) to O'Connell Street | | |

3.3.4 Building Programme

| Table: Programme |
|--|
| Basement 03 |
| Services: water tanks, plant, services. |
| Car parking spaces: 68 |
| Motorcycle parking spaces: 1 |
| Basement 02 |
| Services: substation, back-up generator, switch room, fuel, UPS, compressed air, steam, solvent reclaim, services. |
| Car parking spaces: 52 (incl. 2x DDA spaces) |
| Motorcycle parking spaces: 2 |
| Basement 03 |
| Services: substation, switch room, fire water tank / pump room |
| Bicycle facilities: 251 spaces & end of trip facilities |
| Research and Development Centre: Staging area, engineering workshop, ambient store, cold store, cryo store, misc. CSL areas, |
| Ground Floor |

| |
|---|
| Retail: 5 x retail tenancies (GLAR: 986m ²) |
| Office: Lobby |
| Research and Development Centre: Loading and unloading and back of house operations, CSL lobby. |
| Mezzanine |
| Office: 1 x office tenancy (NLA: 425m ²) |
| Level 1 |
| Research and Development Centre: Meetings, training, boardroom, amenities |
| Level 2 |
| Research and Development Centre: Clinical protein suite, plant, store, break-out area |
| Level 3 |
| Research and Development Centre: Plant, trafficable ceiling over Level 2. |
| Level 4 |
| Research and Development Centre: Media preparation, wash-up, dispensary & GMP |
| Level 5 |
| Research and Development Centre: GMP, trafficable ceiling over Level 4. |
| Levels 6-10 |
| Research and Development Centre: Cell line development & purification. |
| Levels 11-15 |
| Research and Development Centre: Corporate offices |
| Level 16 |
| Research and Development Centre: Corporate offices, terrace |
| Plant Level – Lower & Upper |
| Research and Development Centre: Plant |
| Roof |

3.4 Detailed Information: Land Uses

3.4.1 Retail

The ground level includes five retail tenancies with a gross lettable area (retail) of 986m².

These tenancies are configured to front the publicly accessible laneway abutting 'Stage 1', and Elizabeth Street, contributing to a cumulative activated frontage of 92 metres.

3.4.2 Office

An office tenancy with a net lettable floor area of 425m² is proposed within the mezzanine of the development, accessed via a ground level lobby with frontage of approximately 8 metres to Elizabeth Street.

3.4.3 Research and Development Centre

The predominant use within the proposed development is the Research and Development Centre, which will occupy the majority of net lettable floor area across all levels of the development.

The key components of this land use include:

1. Manufacturing of medicinal products on a small scale (i.e. commercial scale production to occur off-site) for the purposes of in vivo testing and stability studies and research of development activities, including:
 - a. Process development;
 - b. Analytical method development;
 - c. Product characterisation;
 - d. Formulation;
 - e. Cell line development.

All of the above terms are broadly without meaning in the planning context; however the applicant has confirmed that no commercial scale production of chemicals or pharmaceuticals will be undertaken on the site in association with the above research and development activities.

Furthermore, bulk storage of chemicals, materials testing, sampling and quality control of products etc. will not take place on the site.

2. Loading and unloading activities associated with the operation of the Research and Development Centre.

This component of the use is viewed as having the greatest potential to contribute to negative off-site amenity impacts.

The applicant has advised the applicant of its back of house requirements in relation to loading and unloading, summarised below:

- a. CSL would be expecting 20 pallets / week to be delivered, resulting in approximately one rigid truck delivery per day;
 - b. Collection of waste generated by Research and Development Centre use approximately twice per week;
 - c. Ad hoc deliveries at sporadic times by van.
3. Corporate offices for staff and associated amenities.

4 STATUTORY CONTROLS

Application PA1900537 requires the following planning permissions under the Melbourne Planning Scheme:

- Capital City Zone (Schedule 5: City North) (**CCZ5**):
 - Use of land for a 'Research and Development Centre'.
 - Demolition or removal of a building or works.
 - Construct a building or construct or carry out works.
- Design and Development Overlay (Schedule 61: City North) (**DDO61**):
 - Construct a building or construct or carry out works.
- Create or alter access to a road in a Road Zone, Category 1, under *Clause 52.29 – Land Adjacent to a Road in a Road Zone, Category 1*.

4.1 Zone

The subject site is located in the Capital City Zone (Schedule 5: City North) (**CCZ5**).

4.1.1 Use of land

A planning permit is required for the use of land for 'Research and Development Centre' in CCZ5.

Application PA1900537 includes the following land uses:

- **Retail premises:** a 'Section 1 – Permit not required' land use in CCZ5, provided the premises is not used for Adult sex bookshop, Hotel or Bar (formerly Tavern). It is recommended that a note be included on any permit being granted identifying that further permission is to be obtained in the event that these alternative uses are proposed within the retail premises.
- **Office:** a 'Section 1 – Permit not required' land use in CCZ5.
- **Research and Development Centre**

'Research and Development Centre' is nested under 'Industry', which is a 'Section 2 – Permit required' land use in CCZ5, provided the use is not for a purpose listed in the table to *Clause 53.10 Uses with Adverse Amenity Potential*.

The definition of 'Research and Development Centre' under *Clause 73.03 Land Use Terms* is:

Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.

It is noted that were the proposed 'Research and Development Centre' land use to be for a purpose listed in *Clause 53.10 Uses with Adverse Amenity Potential* it would be rendered prohibited under the Melbourne Planning Scheme.

The applicant has confirmed that the manner in which the site is intended to be used by CSL is not for a purpose listed in the table to *Clause 53.10 Uses with Adverse Amenity Potential*. It is recommended that a note be included on any permit being granted to identify that the site must not be used for a purpose listed in the table to *Clause 53.10 Uses with Adverse Amenity Potential*.

4.1.2 Demolition

A planning permit is required to demolish or remove a building or works in CCZ5.

4.1.3 Buildings and Works

A planning permit is required to construct a building or construct or carry out works in CCZ5.

4.1.4 Advertising Signs

Application PA1900537 has not sought permission to erect an advertising sign (despite some of the application material appearing to show Business Identification Signage for the future tenant, CSL Limited).

Furthermore, the Architectural Drawings prepared by Cox Architecture do not show the location (indicative or otherwise) of any proposed advertising signage.

It is considered that permission can be sought separately for the erection / display of advertising signage under a future planning permit application.

4.2 Overlays

4.2.1 Design and Development Overlay (Schedule 61: City North – Area 5)

A planning permit is required to construct a building or construct or carry out works under DDO61.

The entirety of the subject site is affected by Design and Development Overlay (Schedule 61: City North) (**DDO61**) and located in Area 5 of the DDO.

DDO61 states that all buildings or works requiring a permit should:

- be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule
- meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.

An application to exceed the preferred maximum building height should demonstrate achievement of the relevant the Design objectives and Built Form Outcomes as identified in Part 1.0 and Table 1 of this Schedule.

The street wall height is measured at the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

4.2.2 Parking Overlay (Schedule 1: Capital City Zone – Outside the Retail Core)

Application PA1900537 complies with the maximum car parking requirement and minimum motorcycle parking space requirement of Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core) (**PO1**).

A planning permit is therefore not required under PO1.

Maximum car parking requirement

PO1 sets out the following maximum car parking requirement:

$$\frac{5 \times \text{net floor area of buildings on the site in sqm}}{1,000\text{sqm}}$$

The net floor area of the proposed development associated with commercial uses is 34,166m². The applicable maximum car parking requirement is therefore:

$$\frac{5 \times 34,166\text{sqm}}{1,000\text{sqm}} = 170.83 \text{ (170 car parking spaces)}$$

Application PA1900537 includes 120 car parking spaces and therefore complies with the maximum car parking requirement under PO1.

Motorcycle parking requirement

PO1 provides that a minimum rate of one motorcycle parking space be provided for every 100 car parking spaces.

Application PA1900537 includes 120 car parking spaces, and a minimum of 1 motorcycle parking space is therefore required.

Application PA1900537 includes 3 motorcycle parking spaces and therefore complies with the maximum car parking requirement under PO1.

4.3 Particular Provisions

4.3.1 Clause 52.05 Signs

As identified in Section 4.1.4 of this report, Application PA1900537 has not sought permission to erect an advertising sign under *Clause 52.05 Signs*.

4.3.2 Clause 52.06 Car Parking

As identified in Section 4.2.2 of this report, the subject site is affected by PO1 and is therefore subject to a maximum car parking requirement (as opposed to a minimum parking requirement under Clause 52.06).

Application PA1900537 complies with the maximum car parking requirement and minimum motorcycle parking space requirement under PO1 and therefore does not require a planning permit under *Clause 52.06 Car Parking*.

4.3.3 Clause 52.27 Licensed Premises

Under the Schedule to *Clause 52.27 Licensed Premises*, a permit is not required to use land for the sale or consumption of liquor if a licence is required under the *Liquor Control Reform Act 1998* on any land in the Capital City Zone.

The proposed retail premises may therefore be used in association with the sale or consumption of liquor without requiring a planning permit. It is noted that a planning permit would be required to use the retail tenancies for a Bar (formerly Tavern) or Hotel in the CCZ5.

4.3.4 Clause 52.29 Land Adjacent to a Road Zone Category 1

A planning permit is required to create or alter access to a road in a Road Zone, Category 1.

The subject site fronts Elizabeth Street, which is include in the Road Zone, Category 1.

Application PA1900537 seeks to alter access to Elizabeth Street by removing two crossings to the existing open air car parking lots on the subject site.

VicRoads is a Determining Referral Authority for an application for a planning permit under *Clause 52.29 Land Adjacent to a Road Zone Category 1*.

4.3.5 Clause 52.34 Bicycle Facilities

Application PA1900537 complies with the following requirements of *Clause 52.34 Bicycle Facilities*:

- The minimum bicycle parking spaces requirement;
- The shower requirements for end of trip facilities where bicycle parking is provided;
- The change room requirements for end of trip facilities where bicycle parking is provided.

A planning permit is therefore not required under *Clause 52.34 Bicycle Facilities*.

Minimum bicycle parking spaces requirement:

Clause 52.34 Bicycle Facilities sets out the following bicycle parking rate as bearing on the proposed use / development under Application PA1900537:

| Use | Employee/Resident | Visitor/Shopper/Student |
|---|---|--|
| Office other than specified in this table | 1 to each 300 sq m net floor area if the net floor area exceeds 1000 sq m | 1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m. |
| Retail premises other than specified in this table | 1 to each 300 sq m of leasable floor area | 1 to each 500 sq m of leasable floor area |

Accordingly the required number of bicycle spaces for:

- the 'Office other than specified in this table' uses within the development (includes the 'Research and Development Centre' and 'Office') is:

$$1\left(\frac{33,180sqm}{300}\right) + 1\left(\frac{33,180sqm}{1000}\right) = 143.78 \text{ bicycle spaces}$$

- the 'Retail premises other than specified in this table' uses within the development (includes the five ground level retail tenancies) is:

$$1\left(\frac{986sqm}{300}\right) + 1\left(\frac{986sqm}{500}\right) = 5.26 \text{ bicycle spaces}$$

The total required number of bicycle spaces is therefore:

$$143.78 + 5.26 = 149.03 \text{ bicycle spaces}$$

Application PA1900537 includes 251 bicycle spaces and therefore complies with the minimum bicycle spaces requirement under *Clause 52.34 Bicycle Facilities*.

Shower requirement:

Clause 52.34 Bicycle Facilities sets out the following shower requirement as bearing on the proposed use / development under Application PA1900537:

| Use | Employee/Resident | Visitor/Shopper/Student |
|----------------------------------|--|-------------------------|
| Any use listed in Table 1 | If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. | None |

Accordingly, the required number of shower facilities is:

$$1 + \frac{(114 - 5)}{10} = 11 \text{ showers}$$

Application PA1900537 includes provision for 32 showering facilities and therefore complies with the minimum shower requirement under *Clause 52.34 Bicycle Facilities*.

Changing room requirement:

Clause 52.34 Bicycle Facilities sets out the following changing room requirement as bearing on the proposed use / development under Application PA1900537:

| Use | Employee/Resident | Visitor/Shopper/Student |
|----------------------------------|---|-------------------------|
| Any use listed in Table 1 | 1 change room or direct access to a communal change room to each shower. The change room may be | None |

| | | |
|--|------------------------------------|--|
| | a combined shower and change room. | |
|--|------------------------------------|--|

Application PA1900537 includes communal changing rooms which are directly accessible by all showering facilities, and therefore complies with the change room requirement under *Clause 52.34 Bicycle Facilities*.

4.3.6 *Clause 53.18 Stormwater Management in Urban Development*

Clause 53.18 Stormwater Management in Urban Development applies to Application PA1900537.

The Sustainability Management Plan prepared by Simpson Kotzman (dated 5 July 2019) addresses how the proposed development will meet both the objectives of *Clause 53.18 Stormwater Management in Urban Development* and the requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

The assessment provided in the Sustainability Management Plan is supported by computer modelling undertaken by Simpson Kotzman using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC), and a Stormwater Management Plan prepared by SPEL Environmental.

Subject to a condition being included on any permit being granted requiring a stormwater drainage system for the development incorporating best practice integrated water management design principles to be submitted to Melbourne City Council's Drainage Engineer for approval, with reference to the Sustainability Management Plan prepared by Simpson Kotzman (dated 5 July 2019), it is considered that the objectives of *Clause 53.18 Stormwater Management in Urban Development* will be met.

4.4 General Provisions

4.4.1 *Clause 65 Decision Guidelines*

Before deciding on an application or approval of a plan, the responsible authority must consider the matters set out in *Clause 65 Decision Guidelines*, as appropriate.

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework

The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.

The PPF provides broad support for the proposed use / development of 645-681 Elizabeth Street, Melbourne, under Application PA1900537.

The following PPF clauses are considered relevant to Application PA1900537:

- Clause 11 – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.03-1S – Activity Centres
 - Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.01 – Climate Change Impacts
 - Clause 13.01-1S – Natural hazards and climate change
 - Clause 13.04 – Soil Degradation

- Clause 13.04-1S – Contaminated and potentially contaminated land
- Clause 13.05 – Noise
 - Clause 13.05-1S – Noise Abatement
- Clause 13.06 – Air Quality
 - Clause 13.06-1S – Air Quality Management
- Clause 13.07 – Amenity and Safety
 - Clause 13.07-1S – Land Use Compatibility
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.02 – Sustainable Development
 - Clause 15.02-1S Energy and Resource Efficiency
- Clause 17 – Economic Development
 - Clause 17.01 - Employment
 - Clause 17.01-1S – Diversified Economy
 - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
 - Clause 17.01-2S – Innovation and Research
 - Clause 17.02 - Commercial
 - Clause 17.02-1S – Business
 - Clause 17.03 - Industry
 - Clause 17.03-2S – Industrial Development Siting
- Clause 18 – Transport
 - Clause 18.01 – Integrated Transport
 - Clause 18.01-1S – Land Use and Transport Planning
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1S – Sustainable Personal Transport
 - Clause 18.02-2S – Public Transport
 - Clause 18.02-4S – Car Parking
- Clause 19 - Infrastructure
 - Clause 19.03 – Development Infrastructure
 - Clause 19.03-3S Integrated Water Management

5.2 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives.

The MSS furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues, and provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The following clauses of the MSS in the Melbourne Planning Scheme are considered relevant to Application PA1900537:

- Clause 22.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.14 – Proposed Urban Renewal Areas

5.3 Local Planning Policy Framework

A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. LPP's provide the responsible authority an opportunity to state its view of a planning issue and its intentions for an area, and provides guidance to decision making on a day to day basis.

The following LPP's in the Melbourne Planning Scheme are considered relevant to Application PA1900537:

- Clause 22.01 – Urban Design within the Capital City Zone²
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management

6 PUBLIC NOTIFICATION

All of the planning permissions required by Application PA1900537 under the Melbourne Planning Scheme are exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

² It is noted that whilst Clause 22.01 specifically refers to Schedules 1, 2 and 3 to the Capital City Zone, given the established strategic context of land in Schedule 5 to the Capital City Zone as forming part of the Central City, the requirements of this policy are considered to be relevant.

7 REFERRALS

7.1 External Referrals

7.1.1 VicRoads (Determining Referral Authority)

Application PA1900537 seeks planning permission to create or alter access to a road in a Road Zone, Category 1.

The Roads Corporation (VicRoads) therefore represents a Determining Referral Authority for the application under *Clause 66.03 Referral of Permit Applications under Other State Standard Provisions*.

As the Minister for Planning is the responsible authority for Application PA1900537, Council has not had oversight of any recommended conditions or requirements sought by VicRoads.

A placeholder for VicRoads conditions will be included in Council's recommended conditions list.

7.1.2 EPA (Status Unknown)

It is unclear whether any type of works approval under the *Environment Protection Act 1970* may be required in relation to the storage or transportation of waste products generated by the 'Research and Development Centre' use.

It is noted that where works are associated with a research or demonstration project of limited scale and duration, and with minimal potential environmental impact rather than a full commercial operation, it may qualify for a research, development and demonstration approval, rather than a works approval under the *Environment Protection Act 1970*³.

Advice should be sought from the applicant in consultation with the Environment Protection Authority to clarify if this is the case. If this is unable to be clarified prior to any permit being granted, a condition should be included on the permit limiting activities associated with the 'Research and Development Centre' to use / development, which does not require any of the following:

- Works approval in accordance with Section 19A of the *Environment Protection Act 1970*.
- A licence to discharge or emit waste in accordance with Section 20 of the *Environment Protection Act 1970*.
- Amendment of a licence under Section 20A of the *Environment Protection Act 1970*.

7.1.3 Head, Transport for Victoria (Determining Referral Authority)

Application PA1900537 seeks planning permission to construct a building or construct or carry out works associated with an office development of 10,000 or more square metres of leasable floor area.

Transport for Victoria therefore represents a Determining Referral Authority for the application under *Clause 66.02-11 Integrated Public Transport Planning*.

As the Minister for Planning is the responsible authority for Application PA1900537, Council has not had oversight of any recommended conditions or requirements sought by Transport for Victoria.

A placeholder for Transport for Victoria conditions will be included in Council's recommended conditions list.

7.2 Internal Referrals

7.2.1 Urban Designer

³ [Research, development and demonstration \(RD&D\) approvals - EPA](#)

Council's Urban Designer provided detailed comments on the original application on 31 May 2019. These comments included consideration of the proposed façade strategy and curvilinear floorplate of the development, which have not changed as a result of the S.50 Amended Application.

Key advice provided by Council's Urban Designer in relation to the façade strategy of the proposed development included:

- *The fins and apron treatment at the slab edge to the upper form is a positive way to provide depth and integrated shading to the façade. We strongly support this approach over a continuous flat curtain wall, which provides distinction from stage 1. This effect appears most successful on oblique views, where the form appears as two conjoined cylindrical forms - any opportunity to further enhance this appearance in flatter views across the street would be encouraged.*
- *The use of limestone cladding to the podium is a good implementation of natural textures and creation of solid elements to the facade – however, a further break down of materiality and detail is required at the ground level interface, nested within this overarching language. We particularly note the locations where the stone blades appear to disconnect with the glass façade and appear thin as a result. We encourage the embedding of the stone language to appear more strongly connected to the architecture.*
- *The planters to the podium are a positive from a habitat and building occupant amenity perspective, as well as adding visual interest from the street – provided that they have a maintenance strategy and proper consideration of detailing to ensure that the planters are retained in the future. Access from within the building would be preferable.*
- *Additional landscape detail for planters to both buildings, as well as landscape design strategy to terraces is required.*

It is noted that the S.50 Amended Application was accompanied by a concept landscape plan prepared by FORMium Pty Ltd which identifies how the planters within the podium will be maintained.

Council's Urban Designer provided comments on the S.50 Amended Application on 17 July 2019.

Council's Urban Designer advised that the S.50 Amended Application addressed the following two key items raised in their advice regarding the original application:

- Introduction of canopies to most retail / commercial entries.
- Inclusion of detailed streetscape elevations in the drawing package.

Council's Urban Designer advised that concerns in relation to the following items raised in their advice regarding the original advice had not been addressed in the S.50 Amended Application:

- The overall height of the building, which has increased to approximately 85 metres, exceeds the 60 metre height requirement specified in DDO61.
- The setback of 3.8 metres to the western tower façade from O'Connell Street does not meet the 6 metre setback requirement specified in DDO61.

Council's Urban Designer has provided the following new recommendations (paraphrased) in relation to the S.50 Amended Application:

- The expanded back of house fronting O'Connell Street under the amended application has resulted in a façade primarily flanked with services, with no visual permeability or passive surveillance to the street. This outcome is not supported. If the identified level of services is to be accommodated to O'Connell Street in this pedestrian priority area, it is expected that these elements be sleeved by active uses or repositioned within a basement level.
- The entry to the primary tenant entrance has been reduced from a triple height glazed entrance (providing access to the former internal arcade) to a double-height entry under the

amended application. The triple height 'recessed joint' provided relief across the podium mass and would be preferential to the revised design, subject to filigree detail within the glazing system being resolved to contrast the detail of adjoining street wall elements.

- The streetscape façade elevations provided with the amended application depict some façade articulation in the form of awning windows and integrated bar furniture, however, the elevations still primarily depict flat glass. The streetscape elevations should be further resolved to include detail of window and door framing materiality and incorporation of a plinth.

Council's Urban Designer offered the following concluding comments:

As noted in our previous advice, we cannot support a proposal that exceeds the preferred height control to the degree proposed, having regard to precedent for building heights established in the surrounding Haymarket context. Additionally, we are disappointed in the reduction of quality of the ground plane and street interfaces in comparison to the previously submitted Stage 2 drawing package, namely the relegation of O'Connell Street to a purely service function and deletion of a critical public arcade connection through the lobby. Matters of detailed design as contained in this and the previous report can assist in refinement once the matters of height, setback and streetscape interfaces have been addressed.

The applicant has provided a response to Council's Urban Designer's comments, which have informed the assessment of the application in Section 8 of this report and the conditions recommended below addressing the new concerns raised by Council's Urban Designer in relation to the amended application.

In order to entertain changes that would satisfy Council's Urban Designer's outstanding concerns in relation to the original application (i.e. a reduction in the height of the tower to comply with the requirement of DDO61, and revisions to the tower floorplate), significant changes in the scale and floor plate of the proposed development would be required.

For the reasons set out in the assessment of Application PA1900537 in Section 8 of this report, it is considered that the proposed use / development can be supported without requiring these significant changes.

Conditions have been recommended for inclusion on any permit being granted to ensure:

- With respect to the O'Connell Street frontage:
 - Services to the O'Connell Street are demonstrably limited to the minimum extent necessary in order to meet the operational requirements of the 'Research and Development Centre', and are relocated below ground where possible.
 - Retail 'sleeving' opportunities are integrated into the O'Connell Street façade where possible.
 - Where retail 'sleeving' opportunities are not capable of being integrated into the O'Connell Street façade, a sophisticated façade strategy is employed to assist with breaking up the services and ensure a human scale level of detail is applied across the entire frontage. The façade strategy is to include measures to introduce visual interest in the form of materials, articulation and softer landscaping, including street trees and planters throughout the podium, and increase visual permeability where possible.
- The design of the entry to the primary tenant (Elizabeth Street frontage) revised to incorporate filigree detail within the glazing system to contrast this element with the adjoining street wall elements.

As 'Stage 2' and 'Stage 3' relate to independent projects that are separately titled, a condition cannot be lawfully imposed on any permit being granted for 'Stage 2' that requires specific works to be carried out in 'Stage 3' (e.g. the introduction of an internal arcade).

Accordingly, it is recommended that the Department be formally advised of Council's expectation that an internal arcade is achieved in Stage 3, in lieu of Stage 2, to ensure that the permeability of the wider site is not compromised by the removal of the internal arcade originally proposed in Application PA1900537.

Subject to conditions being included on any permit being granted requiring resolution of the above items, and Council formally advising the Department of its expectations in relation to 'Stage 3', it is considered that the proposed development will achieve an acceptable urban design outcome, broadly meeting the requirements of *Clause 22.01 Urban Design within the Capital City Zone* and relevant design objectives and built form outcomes (with the exception of building height and setbacks, discussed separately), under the Design and Development Overlay (Schedule 61: City North).

7.2.2 Environmentally Sustainable Design & Green Infrastructure

Council's ESD Officer provided advice on the S.50 Amended Application on 22 August 2019 and confirmed that the updated Sustainability Management Plan prepared by Simpson Kotzman dated 5 July 2019, together with a Concept Landscape Plan prepared by FORMium Pty Ltd are broadly satisfactory.

Conditions have been recommended for inclusion on any permit being granted to require the Sustainability Management Plan prepared by Simpson Kotzman to be updated to record changes made to the internal layout of the development in resolution of the final design, and to provide Council's ESD Officer a further opportunity to review this updated SMP and ensure it complies with the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*, and *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

7.2.3 Urban Forestry

Council's Urban Forester provided advice on the S.50 Amended Application on 23 July 2019, recommending the inclusion of a series of conditions on any permit being granted to ensure that a Tree Protection Management Plan is prepared, and endorsed to form part of the permit, to protect public trees during the construction of any authorised development.

Conditions have been recommended for inclusion on any permit being granted to ensure Council's Urban Forester's requirements are implemented.

7.2.4 Traffic Engineering

Council's Traffic Engineer provided advice on the S.50 Amended Application on 24 July 2019 and did not object to a permit being granted in relation to Application PA1900537, subject to a number of recommendations being addressed through conditions and permit notes.

These recommendations have been paraphrased below.

Car Parking Provision and Access

- The car parking provision (120 parking spaces) is acceptable, and the applicant may consider providing even less parking if possibly (ideally <85 parking spaces).
- The car parking layout, including all spaces, access ways, grades, transitions, head clearances etc. should generally comply with relevant Australian Standards and the requirements of the Melbourne Planning Scheme.
- A note should be included on any permit being granted identifying that:

Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development. Council reserves the right to change / introduce restrictions to on-street parking in the future.

- In order to ensure vehicles entering the site do not stop in the street and obstruct pedestrians / bicycles / traffic while waiting for the entry door to open, the door at the site boundary should be left open during the AM peak and closed-off peak.
- Pedestrian sight triangles of 2 x 2.5m must be provided at the exits from both the car park and loading bay, as required by the Melbourne Planning Scheme (which may be achieved via 'see through' walls / etc., as noted in the Traffic Impact Assessment).
- On-street parking spaces should be relocated / rearranged to accommodate the removal of disused crossings and installation of new crossings (which will involve any necessary extensions to the Copenhagen-style bicycle lane in Elizabeth St). These changes will ultimately require the approval of the Manager of Engineering Services, and are to be undertaken at no cost to Council. Comments on the detailed design plans will ultimately be provided by Council's Civil Engineering team as part of the formal approval process for the works within the public realm.

Bicycle and motorcycle parking

- The motorcycle parking provision is supported.
- The bicycle parking provision is supported (noting that it significantly exceeds the requirements under the Melbourne Planning Scheme).
- The design / dimensions of the bicycle parking spaces should comply with the relevant Australian Standards or Bicycle Network guidelines.

Loading and unloading

- The loading area / bays should accommodate all vehicle types expected to service the site, including small trucks / vans (and possibly vehicles larger than 8.8m MRV, if required by CSL). Engineering Services will not change the on-street parking restrictions to provide Loading Zones for vehicles servicing the site. Amended Swept Path Diagrams (SPDs) should be provided, showing appropriate design vehicles accessing the site, turning around and egressing in a forward direction (the SPDs provided show vehicles 'going through' walls, which is unacceptable). A Loading Management Plan (LMP) must be prepared, specifying how the access / egress of loading vehicles is managed. A Dock Manager should ideally be employed, responsible for controlling the operation of the loading bay and unloading of goods. The loading bay should be designed as per Clause 52.07⁴.

Road Safety Audit

- A formal independent desktop Road Safety Audit of the proposed development should be undertaken prior to construction, at the developer's expense, which should include the vehicular / bicycle / pedestrian / access arrangements, loading arrangements and internal circulation / layout. The findings of the Audit should be incorporated into the detailed design at the developer's expense.

Conditions and notes have been recommended for inclusion on any permit being granted to ensure that all of the requirements and recommendations of Council's Traffic Engineer will be resolved in the final development.

7.2.5 Civil Engineering

Council's Principal Engineer (Infrastructure) provided advice on the S.50 Amended Application on 23 July 2019 and did not object to a permit being granted in relation to Application PA1900537, subject to

⁴ It is noted that *Clause 52.07 Loading and Unloading* no longer exists in the Melbourne Planning Scheme. The Applicant has identified that the loading bays will be designed to meet relevant standards instead, which is appropriate.

a number of recommendations being addressed through conditions and permit notes, and subject to the inclusion of standard Civil Engineering conditions.

Council's Principal Engineer's (Infrastructure) recommendations have been paraphrased below:

Works to Elizabeth Street

- Under the *Road Management Act 2004*, any works within the road reserve of Elizabeth Street require the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control although the Act specifically states that the Coordinating Road authority gives conditions for works on these roads and the "road" is the reserve from building line to building line. Subsequently our conditions for non-road works on footpaths, nature strips and medians of arterial roads are listed below.

Vehicle crossings to O'Connell Street

- The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres should include pedestrian refuges a minimum of 2.0 metres in length at 7.6 metre maximum clear spacing.

Overhead cables along O'Connell Street

- The overhead cables along the O'Connell Street frontage should be relocated below ground at the applicant's cost.

Publicly accessible private laneway

- The internal road / laneways should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads / laneways being made public.

Projections over the street alignment

- All projections over the street alignment must conform to the relevant requirements under the *Building Regulations 2018*. Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

Conditions and notes have been recommended for inclusion on any permit being granted to ensure that all of the requirements and recommendations of Council's Principal Engineer (Infrastructure) will be resolved in the final development.

7.2.6 Urban Services Engineering

Council's Performance Management Engineer provided advice on the S.50 Amended Application on 31 July 2019, and confirmed that the Waste Management Plan (WMP) prepared by Irwin Consult dated 5 July 2019 was acceptable.

It is noted that in the intervening period between when this advice was provided and the date of this report, an updated WMP prepared by Irwin Consult dated 2 August 2019 has been provided by the applicant.

Council's Performance Management Engineer has not had an opportunity to review this further Waste Management Plan.

A condition has been recommended for inclusion on any permit being granted to allow the WMP to be updated to record changes made to the internal layout of the development in resolution of the final design, and to provide Council's Performance Management Engineer a further opportunity to review this updated WMP and ensure it complies with City of Melbourne's Waste Management Guidelines.

8 ASSESSMENT

8.1 Key Issues

The key issues for consideration in the assessment of Application PA1900537 include:

- Whether the proposed use of land for 'Research and Development Centre' is acceptable, having regard to the purpose and relevant decision guidelines of the Capital City Zone Schedule 5: City North.
- Whether the proposed development is acceptable, having regard to the purpose and relevant decision guidelines of the Capital City Zone Schedule 5: City North.
- Whether the proposed development is acceptable, having regard to the built form requirements, built form outcomes and design objectives of the Design and Development Overlay Schedule 61: City North.
- Whether the proposed use / development satisfactorily integrates with the staged development of the wider site at 611-691 Elizabeth Street, Melbourne.
- Whether the alteration of access sought to a road in a Road Zone, Category 1, under *Clause 52.29 – Land Adjacent to a Road in a Road Zone, Category 1* is appropriate.

Other relevant matters that have been considered below include the traffic impacts of the proposed use / development, contaminated land, sustainability and aviation requirements.

8.2 Land Use

8.2.1 Alignment with purpose of the Capital City Zone (Schedule 5: City North)

The purpose of the Capital City Zone Schedule 5: City North (CCZ5) 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.

The proposed land use, 'Research and Development Centre', which will occupy the predominant share of commercial floor space within the building, will directly serve the purpose of the CCZ5.

Strategically, it is acknowledged that the scale and purpose of the proposed 'Research and Development Centre' land use will significantly contribute to City North's role within the municipality, and Victoria more broadly, as the centre of Melbourne's knowledge economy.

8.2.2 Consideration of decision guidelines of the Capital City Zone Schedule 5: City North

Relevant decision guidelines for a 'Section 2 – Permit required' land use in the CCZ5 include:

- *The State Planning Policy Framework and the Local Planning Policy Framework.*
- *The comments and requirements of relevant authorities.*
- *The existing and future use and amenity of the land and the locality.*
- *The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites including noise emissions and how this impact is to be minimised.*

Planning Policy Framework and Municipal Strategic Statement

As articulated in Section 8.2.1 above, the proposed land use aligns with the purpose of the CCZ5, beyond this, it also finds broad support in the Planning Policy Framework and Municipal Strategic Statement.

Notably, the proposed 'Research and Development Centre' land use and development will directly contribute to Outcome 1 'Melbourne is a productive city that attracts investment, supports innovation and creates jobs', of Plan Melbourne 2017-2050 (DELWP), which seeks (via Policy 1.1.3 of Direction 1.1) to facilitate the development of national employment and innovation clusters, which includes the Parkville National Employment and Innovation Cluster (within which the subject site is located).

Comments and requirements of relevant authorities

It is Council's expectation that DELWP will ensure that the comments and requirements of all relevant authorities are incorporated into its decision-making regarding the proposed land use. Several relevant authorities have been identified in this report, including VicRoads, Transport for Victoria, and possibly the Environment Protection Authority.

Amenity

Odour /Dust

It is understood that the 'industrial' components of the 'Research and Development Centre' land use (i.e. manufacturing) will be limited to the development of medicinal products on a small scale, for the purpose of research and development activities, and that the commercial scale production of these medicinal products will occur off-site at a primary production centre.

Subject to conditions being included on any permit being granted limiting the operation of the use to confirm that:

- The use, including associated works, do not require:
 - Works approval in accordance with Section 19A of the Environment Protection Act 1970.
 - A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970.
 - Amendment of a licence under Section 20A of the Environment Protection Act 1970.

...it is not considered that the proposed land use is likely to unreasonably affect the amenity of surrounding land uses by virtue of industrial residual air emissions (e.g. odour or dust emitted by plant associated with manufacturing processes).

Noise

Subject to a condition being included on any permit being granted requiring the use / development to at all times comply with:

- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1); and
- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2),

...it is considered that noise emanating from the proposed land use will be appropriately managed so as not to unreasonably affect the amenity of surrounding land uses.

Vehicle Movements

To ensure that loading activities undertaken in association with the proposed land use do not unreasonably affect the amenity of nearby sensitive uses fronting O'Connell Street, it is

recommended that a condition be included on any permit being granted requiring any Loading Management Plan (LMP) to identify the times for deliveries by trucks that, insofar as possible, limit the potential for amenity impacts on nearby existing dwellings (e.g. by limiting vehicle deliveries to standard business hours).

8.3 Built Form

The Design and Development Overlay Schedule 61: City North (DDO61) represents the primary planning control that sets expectations in terms of built form for the subject site.

Broadly, if development satisfies the design objectives of DDO61, it is considered that the development will address relevant policy settings for urban design and built form in the Planning Policy Framework, Local Planning Policy Framework, and the CCZ5.

A comprehensive assessment of the proposed development against the built form requirements, built form outcomes and design objectives of DDO61 has been undertaken below.

8.3.1 Table 1 to DDO61 – Preferred Built Form Outcomes for Specific Areas

The proposed development has been assessed against the relevant built form requirements and built form outcomes expressed in Table 1 to DDO61, as deemed relevant to the subject site and proposed development, in the below table.

| DDO Area | Building Height | Street edge height and upper level setback | Built Form Outcome |
|--|-----------------|---|--|
| Area 5 | 60 metres | <p>Buildings fronting O’Connell Street</p> <p>20 metre street edge height.</p> <p>Any part of the building above 20 metres setback 6 metres from the street.</p> | <p>Development that:</p> <ul style="list-style-type: none"> ▪ Supports the gateway role of the Haymarket. ▪ Has a scale of development that is complementary to the proposed medium level built form of its surrounds. ▪ Has a consistent streetscape built form that integrates Elizabeth Street with Flemington Road. ▪ Does not overshadow the proposed civic space within the Haymarket. ▪ Delivers a scale of development that provides an appropriate transition to the lower scale built form in Berkeley and Pelham Street. ▪ Provides a high level of pedestrian amenity, including access to sunlight to ground floor and sky views. |
| <p>Assessment: Does not comply</p> | | | |
| <p>Building Height:</p> <p>A definition of building height, including how it is measured, is not given in DDO61. Building height therefore has its ordinary meaning provided in <i>Clause 73.01 General Terms</i>, being:</p> | | | |

The vertical distance from natural ground level to the roof or parapet at any point.

Adopting RL31.3 as ground level (being the pavement surface level on the Elizabeth Street frontage at the centre of the site), the proposed development has been identified as having an overall building height of 86.5 metres (measured to the top of the plant roof level).

The building height requirement for Area 5 in DDO61 is 60 metres.

Some level of variation from the building height requirement of DDO61 can generally be contemplated, provided it is satisfactorily demonstrated that the built form outcomes are capable of being met, and the extent of the variation is associated with visually recessive design elements or plant.

The proposed development goes beyond what would ordinarily be considered an acceptable 'variation' of the building height requirement. The height of the proposed development does not comply with the preferred building height requirement.

Whilst several of the relevant built form outcomes will be satisfied by virtue of the location of the subject site (i.e. it is located south of the Haymarket and will not contribute to overshadowing over the proposed civic space in this area), the proposed development will not comply with the balance of the built form outcomes, which broadly seek a scale of development that is complementary to the medium level built form of surrounding properties, and appropriately transitions to lower scale built form.

Significant revisions to the proposed development would be necessary to achieve compliance with the building height requirement and built form outcomes of DDO61. It would therefore not be appropriate to recommend conditions that address this aspect of the development.

Noting the strong strategic support for the proposed 'Research and Development Centre' land use in the policy context for the subject site, the principles of integrated decision making have been applied in a more detailed assessment of the application in section 8.3.3 (Built Form Conclusion) of this report, having regard to its non-compliance with DDO61.

Street edge height and upper level setback:

Adopting RL31.3 as ground level (being the pavement surface level on the Elizabeth Street frontage at the centre of the site), the proposed development has been identified as having a street edge height to O'Connell Street in the order of 20 metres.

The development therefore complies with the street edge height requirement of DDO61.

The tower element has a variable setback to the O'Connell Street façade of between 3.8 metres and 6.0 metres. Primarily due to the height of the proposed development, it is considered that the variation sought to the upper level setback requirement toward the centre of the site's frontage to O'Connell Street does not comply with the relevant built form outcomes.

Significant revisions to the proposed development would be necessary to achieve compliance with the upper level setback requirement and built form outcomes of DDO61. It would therefore not be appropriate to recommend conditions that address this aspect of the development.

Noting the strong strategic support for the proposed 'Research and Development Centre' land use in the policy context for the subject site, the principles of integrated decision making have been applied in a more detailed assessment of the application in section 8.3.3 (Built Form Conclusion) of this report, having regard to its non-compliance with DDO61.

| | | | |
|-----|--|--|---|
| 1-5 | | On the street edge of laneway frontages any part of the building above 10 metres should be setback 4 metres. | Development that ensures laneways have appropriate access to daylight and sunlight. |
|-----|--|--|---|

Assessment: Does not comply

The proposed development seeks to create a ~7.7 metre wide publicly accessible private laneway along the boundary shared with 'Stage 1'.

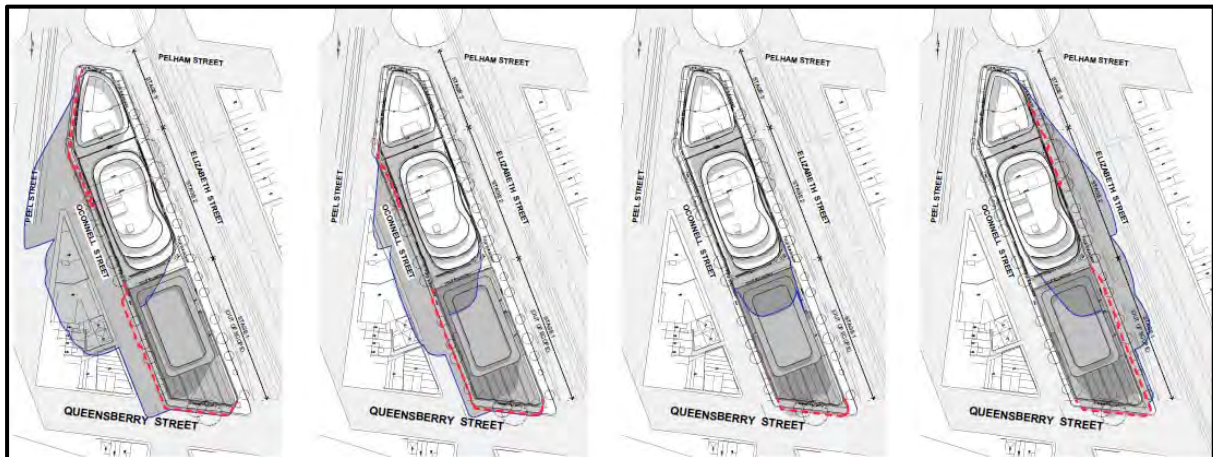
The plans referred to in Planning Permit PA1800432 identify that the development for the neighbouring 'Stage 1' site achieves setbacks to the lane of between 3 metres (levels 4 and above) and 5.35 metres at level 3 (resulting in a setback from the opposite side of the lane of 9 – 11.35

metres).

The proposed development under Application PA1900537 achieves a varied setback to the proposed laneway commencing above the street wall (20 metres), which is primarily driven by the curvilinear floorplate. The minimum setback to the laneway (excluding architectural features) is 1.7 metres, increasing as the floorplate turns the corner toward its alignment with O’Connell Street and Elizabeth Street.

Notwithstanding the curvilinear floorplate design, the development achieves less than half the desired setback of 4 metres from the proposed laneway, which is introduced at double the maximum required height.

As the proposed development is located north of the lane, this will contribute to a reduction in daylight and sunlight to the proposed laneway, which is borne out in the submitted shadow diagrams for 22 September (the equinox), excerpt below.



It is noted that it would be very challenging to achieve sunlight access to the laneway even were the building envelope compliant with the building height and laneway setback requirements under DDO61, given the southern orientation of the laneway relative to the subject site.

Significant revisions to the proposed development would be necessary to achieve compliance with the upper level setback requirement and built form outcomes of DDO61. It would therefore not be appropriate to recommend conditions that address this aspect of the development.

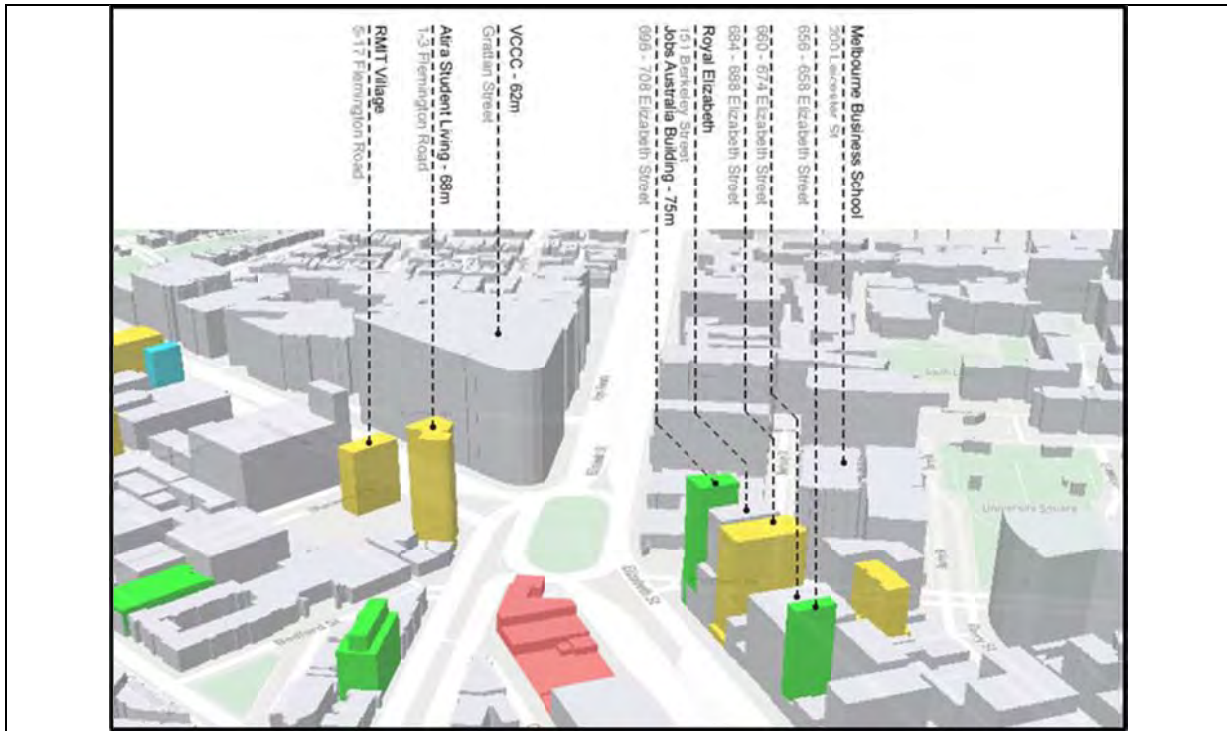
Noting the strong strategic support for the proposed ‘Research and Development Centre’ land use in the policy context for the subject site, the principles of integrated decision making have been applied in a more detailed assessment of the application in section 8.3.3 (Built Form Conclusion) of this report, having regard to its non-compliance with DDO61.

8.3.2 Table 2 to DDO61 – Design Requirements for all DDO Areas

The proposed development has been assessed against the relevant design objectives and built form outcomes expressed in Table 2 to DDO61, as deemed relevant to the subject site and proposed development, in the below table.

| Design Objective | Design Requirement |
|---|---|
| <p>Building Heights, Scale and Setbacks</p> <p>To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule.</p> <p>To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity.</p> <p>To ensure appropriate building scale on the side and rear boundaries of new buildings</p> | <p>Deliver a scale of development at the street edge in accordance with Table 1 of this Schedule.</p> <p>Buildings should be constructed to the street boundary of the site.</p> <p>Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building’s base.</p> <p>On corner sites where two different street edge heights are nominated, buildings should “turn the corner” and apply the higher street edge and</p> |

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| <p>and works that respects the scale of existing adjoining buildings.</p> <p>To avoid exposure to blank walls.</p> <p>To assist in limiting visual impact and adverse amenity on adjacent development sites.</p> <p>To promote articulated rooflines with architectural interest and variation.</p> <p>To establish a generally consistent built form to the street edge that creates a strong sense of definition and place.</p> <p>To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians.</p> <p>To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places.</p> <p>To ensure that new development is adaptable over the long term to a range of alternate uses.</p> | <p>transition to the lower nominated street edge height.</p> <p>Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor.</p> |
| <p>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.</p> | <p>The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.</p> <p>New buildings should step down in height to adjoining lower scale heritage buildings.</p> <p>New building should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.</p> |
| <p>Assessment: Does not comply</p> | |
| <p>Subject to conditions being included on any permit being granted requiring further details regarding the façade strategy, it is considered that the proposed development will be broadly successful at avoiding exposure of blank walls, achieving articulated rooflines, a well-defined street edge.</p> <p>It is further noted that the development will achieve a high degree of adaptability over the long term to a range of alternate uses, as it has been designed with exceptionally generous floor to ceiling heights driven by the identified tenant’s operational requirements.</p> <p>With respect to the height of the proposed development, including with respect to its relationship to the adjacent former Melford Motors Showroom heritage place, as identified in the assessment of the proposed development against Table 1 to DDO61 the proposed development exceeds the building height requirement by approximately 25 metres.</p> <p>This presents a significant challenge to the preferred built form character for Area 5 identified in Table 1 to DDO61. It is noted that several buildings within the Haymarket area have been approved with heights in excess of 60 metres, as documented in the application’s urban context report (excerpt below).</p> | |



Building Facades and Street Frontages

To ensure that buildings are well designed and enhance the amenity of City North.

To deliver a fine grain built form with architectural variety and interest.

To encourage high quality facade and architectural detailing.

Addressing the Street

The articulation of building facades should express a fine grain. Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages.

Multiple doors / entrances to buildings and windows should be provided off the street to improve activation of the street.

The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.

All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.

Blank building walls that are visible from streets and public spaces should be avoided.

Buildings on corner sites should address both street frontages.

Service areas

Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.

Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.

Building Projections

Building projections outside the property boundary should accord with Council’s Road Encroachment Guidelines.

Assessment: Complies

The advice provided by Council’s Urban Designer in relation to the original application, regarding the design detail of the façade, remains relevant for the S.50 Amended Application.

Broadly, the fins and apron treatment within the tower element, combined with the curvilinear floorplate, and the use of limestone cladding to the podium with landscaping treatment, were supported.

Subject to a condition being included on any permit being granted requiring a façade strategy for the development, with attention to the matters requiring further resolution articulated in Section 7.2.1 of this report, and a condition requiring the formalisation of the concept landscape plan prepared by FORMium Pty Ltd, it is considered that the proposed development will comply with the Building Facades and Street Frontages requirement of DDO61.

Active and Safe Street Frontages

To create safe streets.

To ensure all streets are pedestrian oriented and contribute to pedestrian safety.

To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys.

To ensure development contributes to passive surveillance of the public domain.

Ground floor frontages should contribute to city safety by providing lighting and activity.

At least the first five levels of a building should provide windows and balconies, fronting the street or lane.

Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.

Car parking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor.

Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.

To ensure ground floor frontages to major pedestrian area add interest and vitality.

Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on **Map 1** should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority by providing:

- At least 5 metres or 80% of the street frontages (whichever is the greater) as:
 - An entry or display window to a shop and / or a food and drink premises; or
 - As any other uses, customer service areas and facilities, which provide pedestrian interest or interaction.
 - Clear glazing (security grilles must be transparent).

Assessment: Complies subject to conditions

As discussed in the consideration of the advice received from Council's Urban Designer in relation to the application in Section 7.2.1 of this report, Council's Urban Designer has raised significant concerns in relation to the expansive services frontage associated with the proposed development to O'Connell Street.

It is noted that O'Connell Street is not identified as an activity corridor in the City North Structure Plan 2012, and is not identified as a proposed activity node or major pedestrian corridor in Map 1 – Street frontages to DDO61.

Furthermore, it must be recognised that Application PA1900537 is ultimately seeking permission for an industrial type use / development in a highly constrained urban context, where off-site loading (which would mitigate the need for on-site loading) is not achievable. The proposed use / development will also attract requirements for truck and rigid vehicle deliveries. Submerging loading areas is therefore not practical (noting minimum head clearances and ramp grades for vehicles of this scale).

The applicant has submitted that the service frontage has been limited to the minimum extent necessary in order for the use to operate, with virtually the entire frontage to Elizabeth Street and the internal laneway comprising active uses.

Subject to a condition being included on any permit being granted requiring a façade strategy for the development, with attention to the matters requiring further resolution articulated in Section 7.2.1 of this report, it is considered that the proposed development will comply with the Active and Safe Street Frontages requirement of DDO61.

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|--|---|
| <p>Provision of Public Places To encourage the provision of well-designed and publicly accessible spaces.</p> | <p>The opportunity for the inclusion of public spaces should be promoted.</p> |
|--|---|

Assessment: Complies subject to conditions

The proposed development includes a ~7.6 metre wide publicly accessible private laneway adjacent to the shared boundary with 'Stage 1'.

Subject to conditions that ensure appropriate wind amelioration of this area is achieved providing comfortable wind speed conditions in accordance with the requirements of DDO61, human-scale design features and landscaping is implemented to improve the civic experience for laneway users, and appropriate agreements are entered into to ensure the laneway is maintained appropriately in perpetuity, it is considered that the proposed development will comply with the provision of public places requirement of DDO61.

| | |
|---|---|
| <p>Sunlight to Public Places To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year. To protect sunlight to public spaces. To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.</p> | <p>Buildings and works should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas. Maximise the extent of the northerly aspect of public open spaces. Ensures sunlight reaches the lower floors of new developments.</p> |
|---|---|

Assessment: Complies

The orientation of the site ensures no shadowing will be cast on the Haymarket.
Furthermore, the orientation of the site ensures overshadowing to Elizabeth Street will be limited, and will not unreasonably impact on the enjoyment or use of this street as a major pedestrian route.
The proposed development complies with the Sunlight to Public Places requirement of DDO61.

| | |
|---|---|
| <p>Pedestrian Links To accommodate vehicular and service</p> | <p>Buildings and works adjoining lanes The design and management of access and loading</p> |
|---|---|

| | |
|---|---|
| <p>access to developments.</p> | <p>areas along lanes should not impede pedestrian movement.</p> <p>New development should respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the lane way character.</p> <p>New development along lanes should provide highly articulated and well detailed facades that create visual interest particularly at the lower levels.</p> |
| <p>Assessment: Complies subject to conditions</p> | |
| <p>The proposed development includes a ~7.6 metre wide publicly accessible private laneway adjacent to the shared boundary with 'Stage 1', which will be flanked by active frontages within the proposed development (fine grain design to be further finessed via a façade strategy).</p> <p>As noted above, subject to conditions that ensure appropriate wind amelioration of this area is achieved providing comfortable wind speed conditions in accordance with the requirements of DDO61, human-scale design features and landscaping is implemented to improve the civic experience for laneway users, and appropriate agreements are entered into to ensure the laneway is maintained appropriately in perpetuity, it is considered that the proposed development will comply with the Pedestrian Links requirement of DDO61.</p> <p>Noting concerns raised by Council's Urban Designer in relation to the subtraction of the internal arcade in the S.50 Amended Application, it is recommended that Council formally advise DELWP of its expectation an internal arcade is achieved in 'Stage 3' in lieu of 'Stage 2' to ensure that the permeability of the wider site is not compromised by the removal of the internal arcade originally proposed in Application PA1900537.</p> | |
| <p>Weather Protection</p> <p>To promote pedestrian amenity.</p> <p>To ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort.</p> | <p>The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows:</p> <ul style="list-style-type: none"> • In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 10 ms-1. This speed is generally acceptable for stationary, long term exposure (>15 minutes); for instance, outdoor restaurants / cafes, theatres. • Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 13 ms-1. This speed is generally acceptable for stationary, short term exposure (<15 minutes); for instance, window shopping, standing or sitting in plazas. • Along all other streets the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust) which is generally acceptable for walking in urban and suburban areas. <p>Landscaping within the public realm should not be relied on to mitigate wind.</p> |
| <p>To protect pedestrians from the elements by providing shelter from the rain and sun,</p> | <p>Buildings should include protection from the weather in the form of canopies, verandahs and awnings.</p> |

| | |
|--|--|
| <p>without causing detriment to building or streetscape integrity.</p> | <p>The design, height, scale and detail of canopies, verandas and awnings:</p> <ul style="list-style-type: none"> • Should be compatible with nearby buildings, streetscape and precinct character. • may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade. • should be setback to accommodate existing street trees. • should be located so that verandah support posts are at least 2 metres from tree pits. <p>Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.</p> |
|--|--|

Assessment: Does not comply

The Wind Impact Assessment prepared by MEL Consultants on the basis of the S.50 Amended Application (dated 5 July 2019), and a further addendum to this report (dated 7 August 2019) identify that at the ground level of all test locations surrounding the development, with the exception of the proposed publicly accessible private laneway, have been shown to achieve the walking comfort criterion.

It is noted that the findings reported in the Wind Impact Assessment prepared for Application PA1900537 differ substantially from the findings reported in the Wind Impact Assessment prepared for 'Stage 1', reflecting the contribution to adverse wind conditions made by the proposed development at the subject site and the neighbouring development at 'Stage 3'.

The addendum to the Wind Impact Assessment prepared by MEL Consultants dated 7 August 2019 identifies that in various wind amelioration device scenarios, wind speeds within the publicly accessible private laneway will exceed the walking comfort criterion under DDO61 (with the exception of an 'extensive canopy' scenario, where a canopy is employed for the full width of the O'Connell Street pavement and across the publicly accessible private laneway).

The 'extensive canopy' option is highly undesirable for several reasons. Namely:

- It would completely compromise the open air quality of the proposed publicly accessible private laneway, which contributes to its value and amenity as a pedestrian link (in terms of both outlook and daylight / sunlight access); and
- It would require many existing public street trees, and any proposed canopy trees within the publicly accessible private laneway, to be removed.

It is uncertain whether there are architectural solutions beyond use of an 'extensive canopy' that would enable walking comfort criterion to be generally achieved, and it is recommended that a condition be included on any permit being granted requiring these solutions to be explored further.

If architectural solutions are unable to be identified that obviate the need for an 'extensive canopy' solution to achieve walking comfort criterion for the publicly accessible laneway, wind amelioration should be implemented to the extent possible without compromising the open air quality of the laneway, to minimise the probability of exceedance of walking comfort criterion under DDO61.

It is noted that MEL Consultants addendum dated 7 August 2019 identifies that were existing public trees to be relied on for the purpose of testing wind speed exceedance probabilities, walking comfort criterion would be achieved across the entire wider site.

However, it is not appropriate to rely on landscaping within the public realm for the purpose of wind impact analysis, particularly as it will be unknown as to how many of the street trees will be fatally impacted or require replacement by the construction works for the broader site.

The proposed development therefore does not comply with the Weather Protection requirements of DDO61.

KEY:

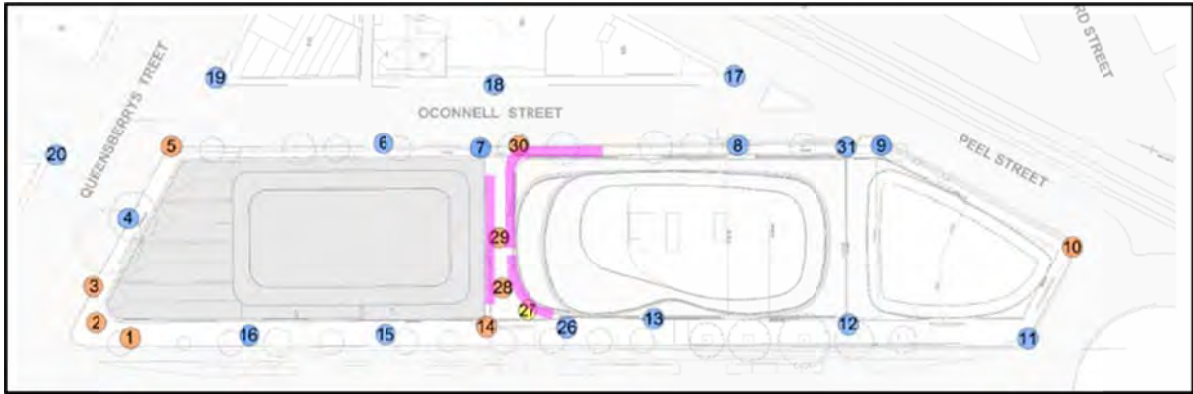
Green circles = Sitting comfort criterion achieved (best)

Yellow circles = standing comfort criterion achieved (good)

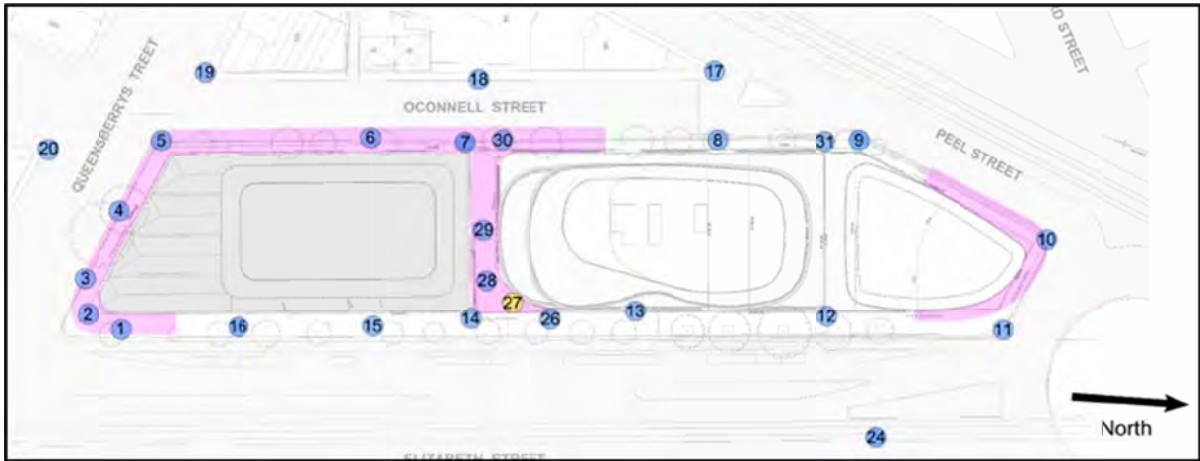
Blue circles = walking comfort criterion achieved (acceptable)

Orange circles = above walking comfort criterion (poor)

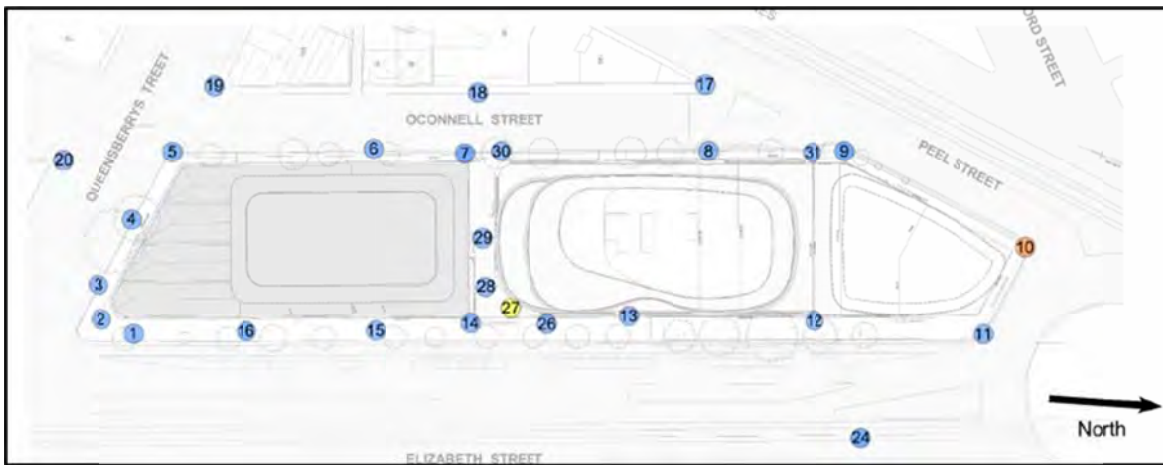
Limited canopy scenario:



Extensive canopy scenario:



Relying on public trees scenario:



8.3.3 Built Form Assessment Conclusion

As documented in the above assessment, Application PA1900537 does not comply with the following built form requirements and design objectives of DDO61, which are unable to be resolved via condition:

- Building height requirement (Table 1);
- Street edge upper level setback to O'Connell Street requirement (Table 1);
- Street edge upper level setback to proposed laneway requirement (Table 1);
- Building heights, scale and setbacks Design Objective (Table 2).

The applicant has submitted that the height of the proposed development, in addition to the floorplate layout, are led by the operational needs of the identified building tenant, CSL Limited, and the proposed use for 'Research and Development Centre'.

The proposed use for a 'Research and Development Centre' and occupation by the identified tenant, CSL Limited, represents a highly desirable and significant strategic use in the CCZ5 and Parkville National Employment and Innovation Cluster, where a range of educational, research and medical uses are sought as part of an internationally renowned knowledge district.

There is therefore tension between the support for the 'Research and Development Centre' use found in Plan Melbourne 2017-2050, the Planning Policy Framework, Municipal Strategic Statement and the Capital City Zone (Schedule 5: City North), and the development's non-compliance with the building height and upper level setback requirements of DDO61.

Where planning and responsible authorities are presented with conflicting objectives between two or more planning policies, we must be guided by the principles of integrated decision-making, which are set out in *Clause 71.02-3 Integrated decision making* as follows:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning 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. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The overarching Design Objectives in Clause 1.0 of Design and Development Overlay (Schedule 61: City North) assist in this regard, including the most promoted design objective:

- *To encourage City North to develop as a central city precinct characterised by university, research and medical buildings.*

The following further overarching Design Objectives provide further assistance:

- *To develop the Haymarket area as a central city gateway precinct and public transport interchange.*

The proposed use / development under Application PA1900537 will make a significant contribution to the development of City North as a central city precinct characterised by university, research and medical buildings, and will significantly contribute to the realisation of the Haymarket area as a central city gateway precinct,

On balance, net community benefit for present and future generations is considered to be best served by facilitating the proposed use / development under Application PA1900537, on the basis that it is

used as a 'Research and Development Centre' in the manner proposed, and tenanted by 'CSL Limited', noting the overwhelming strategic support for this type of use in this location, and the need to ensure that the practical operational requirements for the use are capable of being realised in the completed development.

In arriving at this position, it is important to note the following:

- The proposed development is only considered acceptable by virtue of its relationship to the proposed 'Research and Development Centre' land use, representing the predominant tenant across all floors of the building except the ground level.
- The non-compliance of the proposed development with the built form requirements of DDO61 does not serve as a precedent for any other development within the area affected by the control. In particular, it would not be appropriate for the height of 'Stage 3' to leverage the height of any approved development under Application PA1900537, and it is recommended that Council clearly communicate this expectation to DELWP.

To further cement the direct relationship between the proposed land use and the development, a condition will be recommended for inclusion on any permit being granted requiring the owner of the land to enter into a legally binding agreement with the Responsible Authority and Melbourne City Council pursuant to section 173 of the *Planning and Environment Act 1987* providing for the following (in the event that the Minister for Planning is predisposed to grant a permit for the use / development):

- Unless agreed otherwise by the Responsible Authority and Melbourne City Council, with the exception of levels below Level 1 (including basement levels), use of the development the subject of this permit is restricted to the 'Research and Development Centre' use authorised by the permit.

8.4 Integration with the Staged Development of the Wider Site

8.4.1 Interface with 'Stage 1' Former Melford Motors Site (611-643 Elizabeth Street, Melbourne)

As identified in Section 1.2.6 of this report, 'Stage 1' has been authorised under Planning Permit PA1800432.

The ground level interface between 'Stage 1' and 'Stage 2' is primarily informed by the publicly accessible private laneway proposed in Application PA1900537.

'Stage 1' has been deliberately designed to present an active frontage this laneway.

Adequate separation between the tower elements of both 'Stage 1' and 'Stage 2' (11 metres) is also generally achieved.

Subject to conditions being included on any permit being granted addressing the façade strategy for the proposed development, in addition to the resolution of appropriate wind amelioration devices and agreements to secure the maintenance of the publicly accessible private laneway in perpetuity, it is considered that the interface between 'Stage 1' and 'Stage 2' will be satisfactorily resolved.

8.4.2 Interface with 'Stage 3' Haymarket Site (681-699 Elizabeth Street, Melbourne)

As identified in Section 7.2.1 of this report addressing Council's Urban Designer's advice on the application, the primary challenge for the interface between 'Stage 2' and 'Stage 3', is that these stages relate to independent projects that are separately titled. A condition cannot be lawfully imposed on any permit being granted for 'Stage 2' that requires specific works to be carried out in 'Stage 3' (e.g. the introduction of an internal arcade).

It is essential, however, that in order to ensure that the permeability of the wider site is not compromised by the removal of the internal arcade originally proposed in Application PA1900537, an appropriate through-link is achieved in 'Stage 3'.

This expectation will inform Council's consideration of the planning permit application for 'Stage 3'.

Beyond the above issue, it is noted that adequate separation between the tower elements of both 'Stage 1' and 'Stage 2' (10 metres) has generally been achieved.

8.5 Traffic

Subject to Council's Traffic Engineer's recommendations being implemented by including the recommended Traffic conditions on any permit being granted, it is considered that the parking provision, traffic generation, car park design and access layout for the proposed development will be suitably designed to meet the relevant requirements of Schedule 1 to the Parking Overlay and *Clause 52.06 Car Parking*.

8.6 Contaminated Land

Clause 13.04-1S provides objectives, strategies and policy guidelines that direct the Responsible Authority to require investigation into potentially contaminated land (in addition to requiring remediation of this land so that the land is fit for the proposed future land use –if the land is found to be contaminated).

The subject site has a documented history of being used for automotive related uses, and it is entirely possible that underground storage tanks exist on the site, which should be sensitively managed as part of any authorised redevelopment of the site, to ensure that the land is suitable for the intended use/development under Application PA1900537.

Conditions have been recommended for inclusion on any permit being granted to ensure that appropriate investigation and testing of potential contamination sources is conducted, and remediation carried out (if required), prior to the commencement of the development.

8.7 Sustainability

8.7.1 Energy, Water and Waste Efficiency

Clause 22.19 Energy, Water and Waste Efficiency provides that it is policy to encourage buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*
- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

The Sustainability Management Plan (SMP) prepared by Simpson Kotzman (dated 5 July 2019) identifies that the proposed development in Application PA1900537 incorporates sustainable design features to reduce the environmental impact of the building both in operation and construction.

The assessment carried out in the submitted SMP demonstrates that the development will achieve:

- A 5 star Green Star equivalent rating when assessed with the Green Star Design and As-Built v.1.2 tool; and
- A5 star NABERS Office Energy Equivalent rating.

Subject to the conditions recommended by Council's ESD Officer being included on any permit being granted, a further opportunity will be provided to the applicant's sustainability consultant, Simpson Kotzman, to update the submitted SMP to ensure that the technical details and modelling underpinning the assumptions that have informed the targets identified in the SMP are robust.

Further, conditions have been recommended for inclusion on any permit being granted to ensure that the submitted Waste Management Plan reflects the approved internal layout of the development, and is consistent with City of Melbourne's applicable Guidelines for preparing a Waste Management Plan.

It is therefore considered that the proposed development will meet the relevant requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

8.7.2 Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 Stormwater Management (Water Sensitive Urban Design) sets out the following objectives:

- *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.*

Subject to the conditions recommended by Council's ESD Officer and Principal Engineer (Infrastructure) being included on any permit being granted, it is considered that the proposed development will meet the relevant requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

8.8 Aviation

Given the proximity of the subject site to the Royal Melbourne Hospital, an Airspace Impact Assessment prepared by Thompson GCS Pty Ltd (dated 27 June 2019) has been submitted with the S.50 Amended Application.

The report concludes:

...we conclude that that proposed 645-699 Elizabeth Street buildings and cranes will not impact helicopter operations at the Royal Melbourne Hospital helipad and associated flight paths.

9 OFFICER RECOMMENDATION

That, for the reasons discussed within this report, the proposal is supported subject to:

9.1 Permit Preamble

The recommended form of the description of what the permit allows is:

The development of the land for a multi-storey mixed use building, including use of land for a 'Research and Development Centre', and alteration of access to a road in a Road Zone, Category 1, in accordance with the endorsed plans.

9.2 Conditions & Notes

Amended Plans

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic set of plans, drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by Cox Architecture Pty Ltd received 7 August 2019 (including Drawing No. TP-01-010 received 14 August 2019), but amended to show:
 - a. Dimensions of the maximum width of all vehicle crossovers without a pedestrian refuge, which must not exceed 7.6 metres.
 - b. Deletion of any reference to advertising signage (to be addressed via separate permission).
 - c. Indicative public tree replacement plots.
 - d. Services to the O'Connell Street frontage are demonstrably limited to the minimum extent necessary in order to meet the operational requirements of the 'Research and Development Centre' land use, and are relocated below ground where possible.

- e. Retail 'sleeving' opportunities are integrated into the O'Connell Street services frontage where possible. Where retail 'sleeving' opportunities are not capable of being integrated into the O'Connell Street façade, the relevant requirements referred to in the Condition 10 (Façade Strategy) apply.
- f. Any changes as required as a result of the Façade Strategy.
- g. Any changes as required as a result of the Detailed Laneway Plans.
- h. Any changes as required as a result of the Loading Management Plan.
- i. Any changes as required as a result of the Road Safety Audit.
- j. Any changes as required as a result of the revised Wind report.

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

- 2. The development and land uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
- 5. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

External materials, colours and finishes

- 6. Prior to the commencement of the development (excluding demolition), a schedule of all external materials, colours and finishes including a colour rendered and notated set of elevations must be submitted to the Responsible Authority. When provided to the satisfaction of the Responsible Authority, the schedule of materials will be endorsed by the Responsible Authority to form part of this permit.

Staging

- 7. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority and Melbourne City Council. This Staging Plan must include, but is not limited to, plans and information detailing any public realm works, proposed temporary treatment and use of vacant land. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Demolition

- 8. The demolition, buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage fabric on the 'Stage 1' site (611-643 Elizabeth Street, Melbourne).
- 9. Prior to the commencement of the development, including demolition and bulk excavation, the permit holder must provide evidence to the Responsible Authority that progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder is actively procuring the construction services for the development, or otherwise agreed with the Responsible Authority.

Façade Strategy

10. Prior to the commencement of the development (excluding demolition), a facade strategy and material and finishes must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Façade Strategy must be generally in accordance with the development plans and must detail:
- a. Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate:
 - i. The Finished floor levels and ceiling levels.
 - ii. Use of limestone cladding to the podium, including natural textures and creation of solid elements to the façade, with further details of the breakdown of materiality and the detail required at the ground level interface.
 - iii. Further strengthening of the connection between the stone language and podium architecture.
 - iv. Enhancements to the fin and apron treatment at the slab edge to the upper tower form in flatter views of the tower profile.
 - v. The design of the entry to the primary tenant (Elizabeth Street frontage) revised to incorporate filigree detail within the glazing system to provide contrast with the adjoining street wall elements.
 - vi. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.
 - b. In the event that retail 'sleeving' opportunities are not capable of being integrated into the O'Connell Street façade, how a sophisticate façade strategy will be employed to the length of this façade at ground level, to assist with breaking up the services and ensure a human scale level of detail is applied across the entire frontage. The façade strategy is to include measures to introduce visual interest in the form of materials, articulation and softer landscaping, including street trees and planters throughout the podium, and increase visual permeability where possible.

Laneway Design Detail

11. Prior to the commencement of development a detailed laneway plan showing the proposed design, detailing and the quality, durability and type of materials and finishes to all elevations of the laneways, including the ceiling / roof elevations and lighting details, must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The plans must:
- a. Provide plan and elevation details of the buildings fronting the proposed laneway at no greater scale than 1:50.
 - b. Highlight the proposed breakup of the tenancies and details of the presentation of the proposed building to the proposed laneway.

The extent of activation of the ground level of all laneways and arcades must be optimised and be to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council.

Environmentally Sustainable Design (ESD)

12. Prior to the commencement of the development (excluding demolition), an amended Sustainability Management Plan (SMP), generally in accordance with the Sustainability

Management Plan prepared by Simpson Kotzman dated 5 July 2019 must be submitted to the Responsible Authority. The amended SMP must be prepared by Simpson Kotzman or a similarly qualified person / company and provide further details on the targets included in the SMP dated 5 July 2019 (including all calculations, modelling reports, specification extracts, architectural drawing excerpts etc. that have been produced to demonstrate compliance with the targets identified in the SMP dated 5 July 2019) to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority the amended SMP will be endorsed to form part of this permit.

13. Prior to the occupation of the development, a report from the author of the endorsed SMP, or similarly qualified persons or companies, outlining how the performance outcomes specified in the endorsed SMP have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the endorsed SMP have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed SMP.

Landscaping Maintenance

14. Prior to commencement of the development (excluding demolition), a scheme for landscaping and planting in connection with the development, generally in accordance with the Landscape Concept prepared by FORMium Pty Ltd dated 5 July 2019, must be submitted to the Responsible Authority. The landscaping scheme must provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion, and include an Irrigation Performance Specification. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

15. Prior to the commencement of the development (including demolition and bulk excavation), a detailed construction and demolition management plan must be submitted to and be approved by Melbourne City Council – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a. public safety, amenity and site security.
 - b. operating hours, noise and vibration controls.
 - c. air and dust management.
 - d. stormwater and sediment control.
 - e. waste and materials reuse.
 - f. traffic management.
 - g. protection of street trees.
16. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of, and approved by, Melbourne City Council – Urban Forestry & Ecology.

Protection of Public Trees and Public Realm Civil Works (Tree Plots)

Tree Protection Plan (TPP)

17. Prior to the commencement of the development (including demolition and any excavation), a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology. When provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology, the TPP will be endorsed to form part of this permit. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b. Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to publicly owned trees.
 - f. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.
18. All works (including demolition), within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
19. Following the endorsement of the TPP, a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Public Realm Civil Works (Tree Plots)

20. Prior to the commencement of the development (excluding demolition) Public Realm Civil Works (Tree Plots) Engineering Plans must be provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology detailing all proposed replacement public tree plots. When provided to the satisfaction of Melbourne City Council – Urban Forestry & Ecology the Public Realm Civil Works (Tree Plots) Engineering Plans will be endorsed to form part of this permit.
21. Prior to the occupation of the development, the civil works shown on the Public Realm Civil Works (Tree Plots) Engineering Plans must be carried out at no cost to, and completed to the satisfaction of, Melbourne City Council.

S.173 Agreement (Laneway)

22. Prior to the commencement of the development (excluding demolition), the owner of the land must enter into an agreement with the City of Melbourne pursuant to Section 173 of the Planning

and Environment Act 1987 regarding the east west through block links between Elizabeth Street and O'Connell Streets (Link). The Agreement must:

- a. Provide that the Link will remain privately owned and controlled.
- b. Require the Owner to maintain 24-hour unobstructed public access (7 days a week) to the Link.
- c. Provide that the Owner is solely responsible for the care and maintenance of the Link at the Owners cost and to the satisfaction of Council.
- d. Be to the satisfaction of the Melbourne City Council.

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

S.173 Agreement (Strategic Land Use)

23. Prior to the commencement of the development (excluding demolition), the owner of the land must enter into an agreement with the Responsible Authority and Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:
- a. provide that unless agreed otherwise by the Responsible Authority and the Melbourne City Council, with the exception of levels below Level 1 (including basement levels), use of the development the subject of this permit is restricted to the 'Research and Development Centre' use authorised by this Permit;
 - b. be to the satisfaction of the Responsible Authority and the Melbourne City Council; and
 - c. provide that the owner must pay the Responsible Authority's and the Minister for Planning's reasonable costs associated with the preparation and registration of this Section 173 Agreement.

Land Use (Research and Development Centre)

24. The use of the land for 'Research and Development Centre' must not include activities that require:
- a. Works approval in accordance with Section 19A of the Environment Protection Act 1970.
 - b. A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970.
 - c. Amendment of a licence under Section 20A of the Environment Protection Act 1970.

Land Use (General)

25. The noise generated by all premises within the development must at all times comply with the requirements of 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, to the satisfaction of the Responsible Authority.

Wind Test Modelling

26. Prior to the commencement of the development (excluding demolition and bulk excavation), an updated Wind Tunnel Test and Wind Analysis Report of the development must be submitted.

The updated report must generally be in accordance with the Wind Study prepared by MEL Consultants dated 5 July 2019 (including the addendum dated 7 August 2019), but must explore whether there are architectural solutions other than the 'extensive canopy' solution that would enable walking comfort criterion to be generally achieved within the publicly accessible private laneway, in accordance with the requirements of Table 2 to Design and Development Overlay Schedule 61 (City North) of the Melbourne Planning Scheme.

The updated Wind Tunnel Test and Wind Analysis Report must set out any recommended design revisions necessary to achieve the walking comfort criterion (if possible), and must not rely on existing or proposed vegetation for this purpose.

When provided to the satisfaction of the Responsible Authority, the Wind Tunnel Test and Wind Analysis Report submitted in accordance with this condition will be endorsed to form part of this permit.

Traffic Engineering

Bicycle facilities to comply with relevant Australian Standards

27. The design / dimensions of the bicycle parking spaces must generally comply with the relevant Australian Standards or Bicycle Network guidelines.

Car parking layout & access to comply with relevant Australian & NZ Standards

28. The car parking layout, including all spaces, access ways, grades, head clearances etc. must generally comply with the relevant Australian and New Zealand Standards or the requirement of the Melbourne Planning Scheme.

Car parking layout & access to be constructed and maintained in accordance with endorsed plans

29. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly line-marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

Road Safety Audit

30. Prior to the commencement of the development (excluding demolition), a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority in consultation with Melbourne City Council – Engineering Services. The Road Safety Audit must address the following matters:

- a. Vehicular / bicycle / pedestrian access arrangements;
- b. Loading arrangements;
- c. Internal circulation / layout;
- d. The need to ensure vehicles entering the site do not stop in the street and obstruct pedestrians / bicycles / traffic while waiting for the entry door(s) to open (i.e. the entry door(s) for vehicle access should be left open during the AM peak and closed off-peak).
- e. The provision of pedestrian sight triangles of 2 x 2.5 metres at the exits from both the car park and loading bay, or, whether suitable alternative options exist that will ensure appropriate protection is achieved for pedestrians / vehicles.

When provided to the satisfaction of the Responsible Authority the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

31. Prior to the commencement of the development a comprehensive Loading Management Plan (LMP) is to be prepared, specifying how the access / egress of loading vehicles is to be managed and ensuring that:

- a. All vehicle types expected to service the site, including small trucks / vans (and possibly vehicles larger than 8.8m medium rigid vehicle, if required) are capable of being accommodated within the loading area / bays. Compliance with this requirement is to be

demonstrated by the submission of appropriate swept path diagrams accompanying the LMP.

- b. Loading bays are designed in accordance with relevant Australian and New Zealand Standards or other relevant standards as determined by a suitably qualified Traffic Engineer.
- c. The delivery needs of the various components of the development can be accommodated.
- d. Vehicles do not queue on-street.
- e. Vehicles are able to both access / egress the site in a forward direction; and
- f. Any potential conflicts between various vehicles (& other road users) are satisfactorily addressed.
- g. To minimise the likelihood of conflict, the loading bay should ideally not be utilised between 7-9am and 4-7pm Mon-Fri.
- h. Deliveries by 8.8m medium rigid vehicles (or larger) do not occur at night (between 10.00pm and 7.00am the following day) to limit the potential for amenity impacts on nearby existing dwellings fronting O'Connell Street.

The LMP is to be approved by Melbourne City Council – Engineering Services. The owner must reimburse Melbourne City Council for all costs associated with any parking changes.

- 32. Prior to the occupation of the development, appropriate signage prohibiting through traffic, including delivery trucks, at the entry / exit point of the publicly accessible private laneway extending between Elizabeth Street and O'Connell Street is to be erected.

Urban Services

- 33. Prior to the commencement of the development (excluding demolition), an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Irwin Consult dated 5 July 2019, but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans), Condition 33 (Loading Management Plan) and Condition 32 (Road Safety Audit). The WMP must be in accordance with Melbourne City Council's Guidelines for Preparing a Waste Management Plan to the satisfaction of Melbourne City Council – Engineering Services. When provided to the satisfaction of Melbourne City Council – Engineering Services, the WMP will be endorsed to form part of this permit.
- 34. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.
- 35. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Civil Engineering

Relocation of overhead cables along O'Connell Street frontage below ground

- 36. Overhead cables along the O'Connell Street frontage are to be relocated underground in consultation with the relevant service authority at no cost to Melbourne City Council.

Drainage

- 37. 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 Melbourne City Council – Engineering Services.

38. Prior to the commencement of the development (excluding demolition), a stormwater drainage system, incorporating best practice integrated water management design principles to the satisfaction of the Melbourne City Council – Engineering Services, must be submitted to and approved by the Melbourne City Council – 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 underground stormwater drainage system.

Demolish and construct access

39. Prior to the 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 Melbourne City Council – Engineering Services.

Reconstruction of roads/footpaths

40. The roads adjoining the site impacted by the building related activities must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.
41. The footpaths adjoining the site along Elizabeth Street must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.
42. The footpaths adjoining the site along O’Connell Street must be reconstructed together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – Engineering Services.

Street levels not to be altered

43. 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 Melbourne City Council – Engineering Services.

Street lighting

44. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the writing approval of the Melbourne City Council – Engineering Services.

Street furniture

45. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
46. 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 Melbourne City Council – Engineering Services.

Public lighting

47. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with Melbourne City Council, a lighting plan must be prepared to the satisfaction of Melbourne City Council. The lighting plan should be generally consistent with Melbourne City Council’s Lighting Strategy. The lighting works must be

undertaken prior to the occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

3D Digital Model

48. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Responsible Authority.
49. Prior to the commencement of the development (including demolition and bulk excavation, or otherwise agreed to by the Responsible Authority), a 3D digital model of the development and its immediate surrounds, as appropriate must be submitted to the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

Building Appurtenances and Services

50. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
51. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
52. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Potentially Contaminated Land and Remediation

53. Prior to the commencement of the development (excluding demolition and including bulk excavation), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
 - A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
 - Identification of the likelihood of the site being potentially contaminated.
54. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development (excluding demolition and any works necessary to undertake the assessment), the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA 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. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
- Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).

55. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.

Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

56. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the applicant must provide either:

- a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;
- 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).

Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied 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 regarding the verification of remedial 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.

VicRoads

57. <Placeholder for VicRoads conditions>

Transport for Victoria

58. <Placeholder for Transport for Victoria conditions>

Environment Protection Authority (if applicable)

59. <Placeholder for Environment Protection Authority conditions (if applicable)>

Permit expiry

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

- a. The development is not started within three years of the date of this permit.
- b. The development is not completed within five years of the date of this permit.
- c. The use has not commenced within two years of the completion of the development.
- d. The use is discontinued for a period of two years.

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.

9.3 Notes

Uses

- A. The development hereby approved must not be used for a purpose listed in the Table to *Clause 53.10 Uses with Adverse Amenity Potential*, as this would be prohibited under the zone.
- B. Retail premises within the development must not be used for Adult sex bookshop, Hotel or Bar (formerly Tavern), except with a further permit from the Responsible Authority.

Building

- C. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Other approvals may be required

- D. This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Traffic Engineering

- E. Council will not change the on-street parking restrictions to accommodate the access, servicing, delivery or parking needs of this development. Council reserves the right to change/introduce restrictions to on-street parking in the future
- F. On-street parking spaces should be relocated / rearranged to accommodate the removal of disused crossings and installation of new crossings (which will involve any necessary extensions to the Copenhagen-style bicycle lane in Elizabeth St). These changes will ultimately require the

approval of the Manager of Engineering Services, and are to be undertaken at no cost to Council. Comments on the detailed design plans will ultimately be provided by Council's Civil Engineering team as part of the formal approval process for the works within the public realm.

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

Civil Engineering

- H. All necessary approvals and permits are to be first obtained from Melbourne City Council – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services Branch and VicRoads.
- I. All projections over the street alignment must conform to the requirements of the *Building Regulations 2018*, as appropriate, unless with the report and consent of the Municipal Building Surveyor.

Reference may be made to the [City of Melbourne's Road Encroachment Operational Guidelines](#) with respect to projections impacting on street trees and clearances from face/back of kerb.

Urban Forestry & Ecology

- J. Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to a decision by Council or a Committee of Council.
- K. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.

L. Urban Forestry – Bank Guarantee Execution

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

- Issued to City of Melbourne, ABN: 55 370 219 287
- From a recognised Australian bank
- Unconditional (i.e. no end date)
- Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

- M. Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

- N. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council removes the subject tree.