

Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

**Ministerial Planning Referral: TPM-2019-5
683-699 Elizabeth Street, Melbourne**

5 May 2020

Presenter: Jane Birmingham, Practice Leader Land Use and Development

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 development of land located at 683-699 Elizabeth Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The application proposes the demolition of the existing buildings and the construction of a multi-storey mixed use development comprising a 19 storey (86.4m) building with retail and office uses, with associated car parking and loading and unloading areas in a three-level basement. It is noted that the proposal represents 'Stage 3' of the wider three-staged development of 611-699 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 Mogprop Management Pty Ltd c-/ Urbis Pty Ltd, the owner of the land is Bob Jane Southern Motors Properties Pty Ltd 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 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 development will 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 comply with the preferred height requirements of DDO61. However, a combination of factors, including the site's physical and strategic context, and relationship to the wider Elizabeth Street site, support the adopted height of the proposed tower. The height to the top of the street wall (generally how the tower will be read from the public realm) is generally consistent with recent approvals surrounding the Haymarket roundabout, including at the nearby Jobs Australia Pty Ltd site (696-708 Elizabeth Street, Melbourne).
9. Conditions are recommended to lock-in the non-accommodation uses proposed by the application in service of the important strategic location of the site, which ties to the development scale, and to provide a façade strategy that ensures ground level interfaces, including the publicly accessible arcade 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 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 90)
2. Locality Plan (Page 3 of 90)
3. Selected Plans (Page 4 of 90)
4. Delegate Report (Page 38 of 90)

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

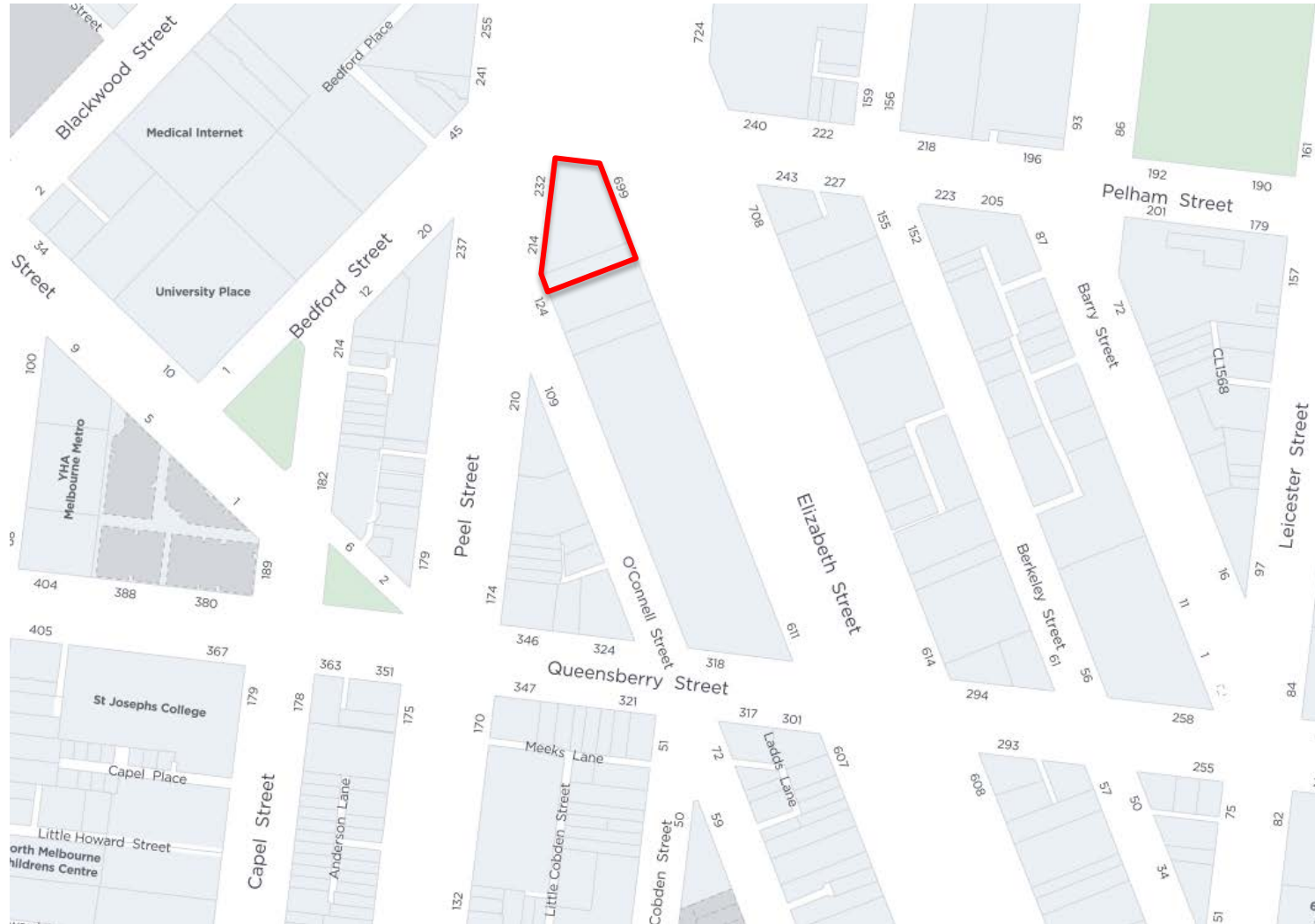
6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

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

683-699 Elizabeth Street, Melbourne



ELIZABETH NORTH STAGE 3

645-699 ELIZABETH ST, MELBOURNE

JULY 2019

TOWN PLANNING DRAWINGS

DRAWING LIST		
SHEET No.	SHEET NAME	CURRENT REVISION
TP-00-000	COVER	2
TP-01-010	DEVELOPMENT SUMMARY	2
TP-10-100	EXISTING CONDITIONS PLAN	2
TP-15-200	PROPOSED DEMOLITION PLAN	2
TP-20-000	MASTERPLAN	2
TP-20-010	SITE PLAN	2
TP-21-020	BASEMENT 03	2
TP-21-030	BASEMENT 02	2
TP-21-040	BASEMENT 01	2
TP-21-050	GROUND LEVEL	2
TP-21-060	MEZZANINE LEVEL	2
TP-21-070	LEVEL 01	2
TP-21-080	LEVEL 02	2
TP-21-090	LEVEL 03	2
TP-21-100	LEVEL 04	2
TP-21-110	LEVELS 05-18	2
TP-21-190	PLANT LEVEL	2
TP-21-250	ROOF PLAN	2
TP-30-050	STREETSCAPE ELEVATIONS	2
TP-30-100	EAST ELEVATION	2
TP-30-200	WEST ELEVATION	2
TP-30-300	NORTH/SOUTH ELEVATION	2
TP-35-010	EAST ELEVATION - GROUND FLOOR	2
TP-35-020	WEST ELEVATION - GROUND FLOOR	2
TP-35-030	NORTH ELEVATION - GROUND FLOOR	2
TP-35-040	ELEVATION - GROUND FLOOR LANEWAY	2
TP-40-100	NORTH/SOUTH SECTION	2
TP-40-200	EAST/WEST SECTION	2
TP-40-400	BASEMENT SECTIONS	2
TP-45-000	PODIUM FACADE - TYPICAL	2
TP-45-010	TOWER FACADE - TYPICAL	2
TP-45-015	FACADE - LEVEL 3 TERRACE	2
TP-50-010	RENDERED ELEVATIONS	2



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

Project:

ELIZABETH NORTH STAGE 3

Drawing Title:

COVER

Drawing Number:

TP-00-000

Revision:

2

Date:

18/07/19

Scale:

NTS

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COX

CARPARKING LEGEND - STAGE 3	
CAR PARK TYPE	NUMBER OF SPACES
S3 BASEMENT 1	
CAR PARK - 2800W x 4900L	2
DISABLED CAR PARK - 2.4m W x 5.4m L	1
S3 BASEMENT 2	
CAR PARK - 2600W x 4900L	5
CAR PARK - 2700W x 4900L	6
CAR PARK - 2800W x 4900L	2
CAR PARK - 3000W x 4900L	3
S3 BASEMENT 3	
CAR PARK - 2600W x 4900L	18
CAR PARK - 3200W x 4900L	4
TOTAL	41

MOTORCYCLE PARKING LEGEND - STAGE 3	
MOTORCYCLE PARK TYPE	NUMBER OF SPACES
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MOTORCYCLE PARK - 1.2m W x 2.5m L	2
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MOTORCYCLE PARK - 1.2m W x 2.5m L	1
S3 BASEMENT 3	
MOTORCYCLE PARK - 1.2m W x 2.5m L	3
TOTAL	6

BICYCLE PARKING LEGEND - STAGE 3	
BIKE PARK TYPE	NUMBER OF SPACES
S3 BASEMENT 1	
DOUBLE MOUNT	134
VERTICAL MOUNT	23
TOTAL	157

AREA SCHEDULE:

OFFICE NLA 16,980 SQM

RETAIL GLAR 434 SQM

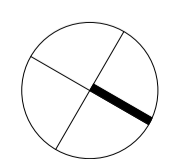
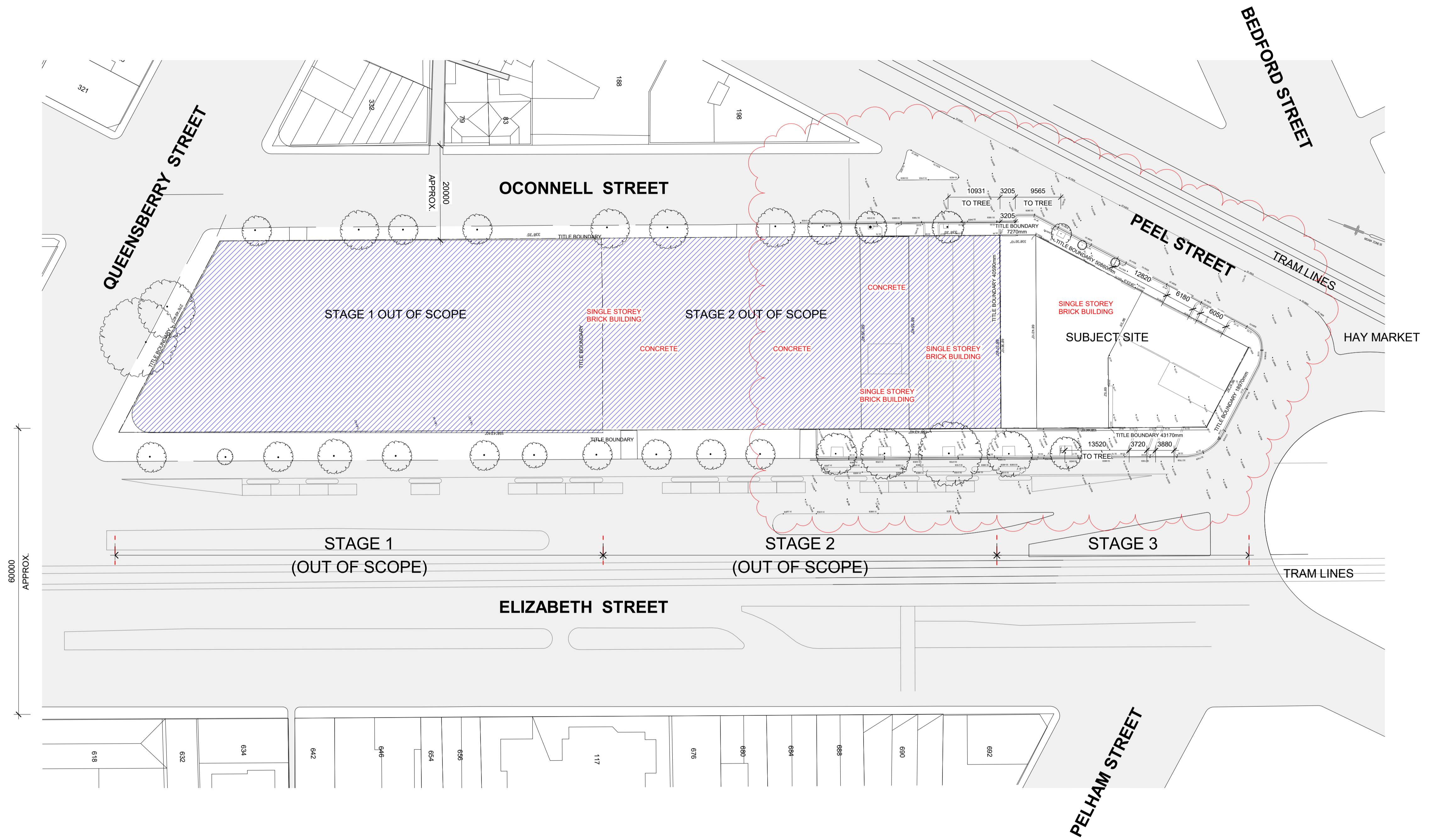
SITE AREA: 1,506 SQM

PROPOSED GFA ABOVE GROUND: 24,502 SQM

PLOT RATIO: 1:16.2

AREA SCHEDULE GFA	
ML	AREA
S3 BASEMENT 1	
CARPARK	701 m ²
CORE	182 m ²
EOT	223 m ²
LOADING BAY	42 m ²
SERVICES	213 m ²
WASTE	97 m ²
	1457 m ²
S3 BASEMENT 2	
CARPARK	1010 m ²
CORE	190 m ²
SERVICES	257 m ²
	1457 m ²
S3 BASEMENT 3	
CARPARK	1074 m ²
CORE	166 m ²
SERVICES	217 m ²
	1457 m ²
S3 GROUND FLOOR	
BASEMENT ACCESS	214 m ²
CORE	173 m ²
EOT	27 m ²
EOT LOBBY	69 m ²
INTERNAL ARCADE	161 m ²
LOBBY	107 m ²
RETAIL	434 m ²
SERVICES	164 m ²
WASTE	8 m ²
	1357 m ²
S3 GROUND FLOOR MEZZANINE	
CORE	166 m ²
EOT	170 m ²
EOT LOBBY	97 m ²
SERVICES	62 m ²
	495 m ²
S3 LEVEL 1	
CORE	246 m ²
OFFICE	1162 m ²
	1409 m ²
S3 LEVEL 2	
CORE	246 m ²
OFFICE	1162 m ²
	1409 m ²
S3 LEVEL 3	
CORE	251 m ²
OFFICE	834 m ²
	1085 m ²
S3 LEVEL 4	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 5	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 6	
CORE	251 m ²

AREA SCHEDULE GFA	
ML	AREA
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 7	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 8	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 9	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 10	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 11	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 12	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 13	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 14	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 15	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 16	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 17	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 LEVEL 18	
CORE	251 m ²
OFFICE	946 m ²
	1197 m ²
S3 PLANT 1	
CORE	76 m ²
PLANT	716 m ²
	792 m ²
TOTAL GFA	28873 m ²



Project: **ELIZABETH NORTH STAGE 3**

Drawing Title: **EXISTING CONDITIONS PLAN**

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

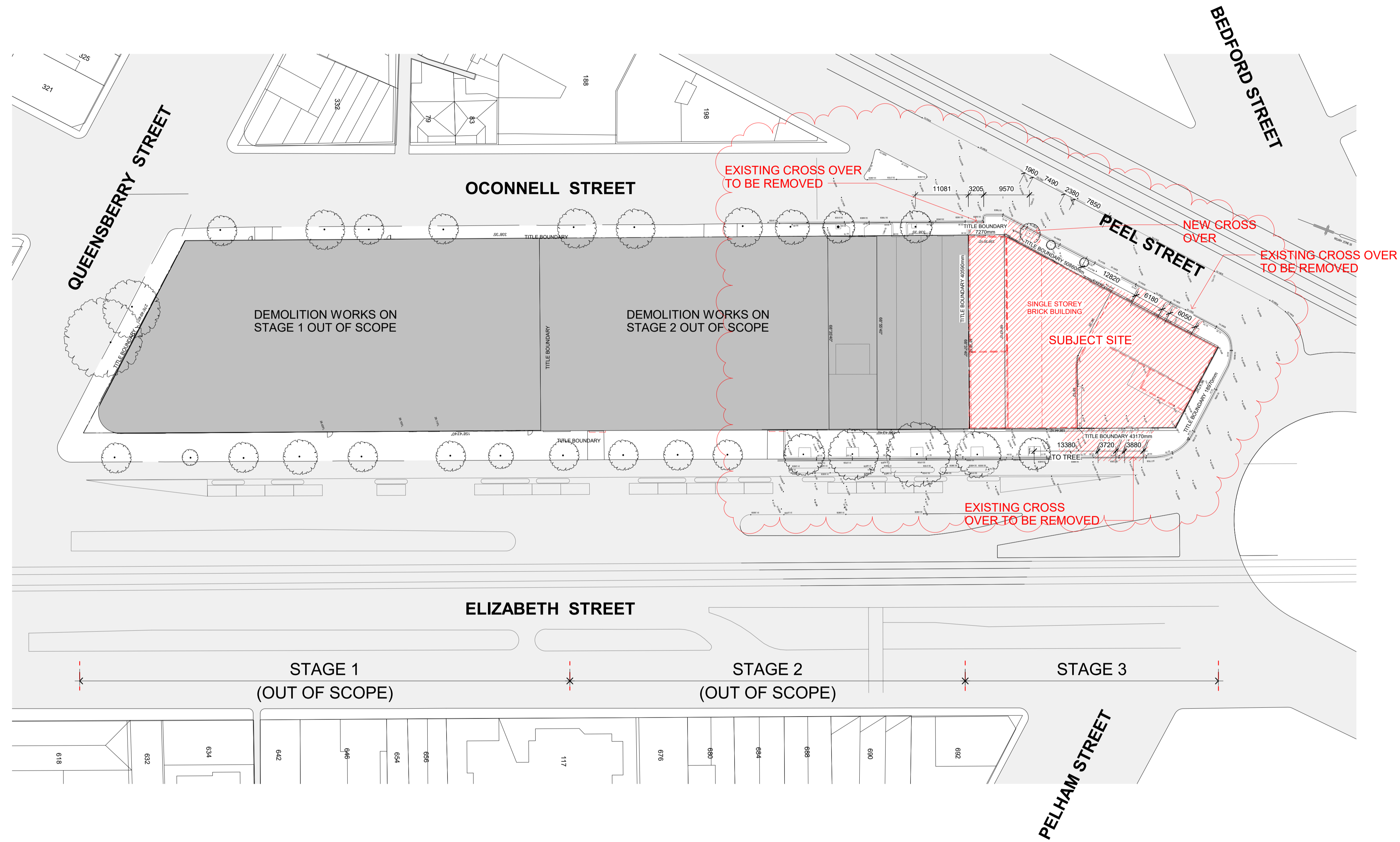
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Date: **18/07/19**

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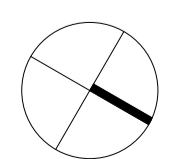
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NOTES:

- 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 3**

Drawing Title: **PROPOSED DEMOLITION PLAN**

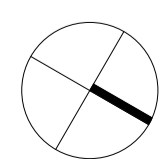
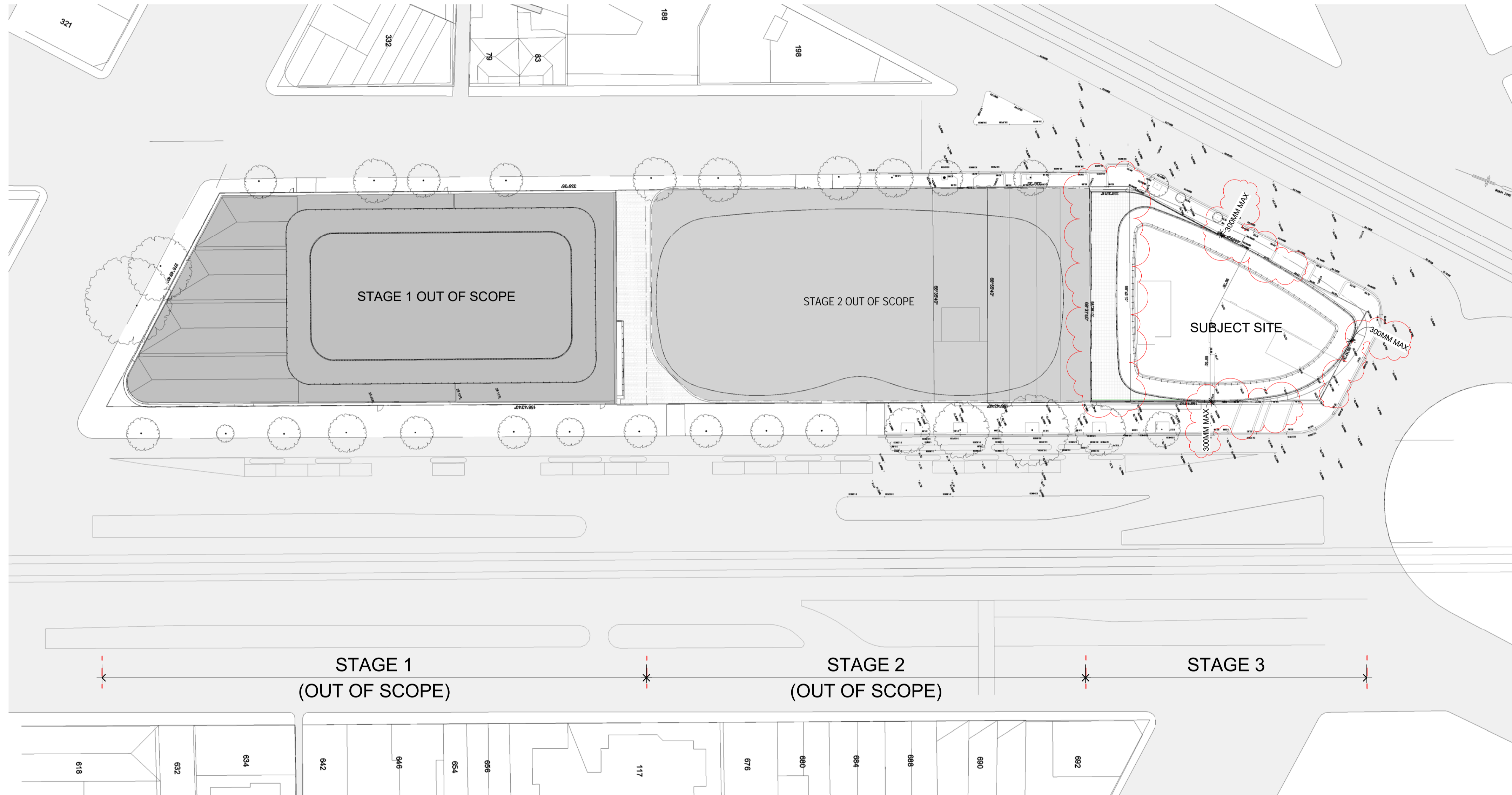
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Project: **ELIZABETH NORTH STAGE 3**

Drawing Title: **MASTERPLAN**

Drawing Number: **TP-20-000**

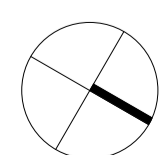
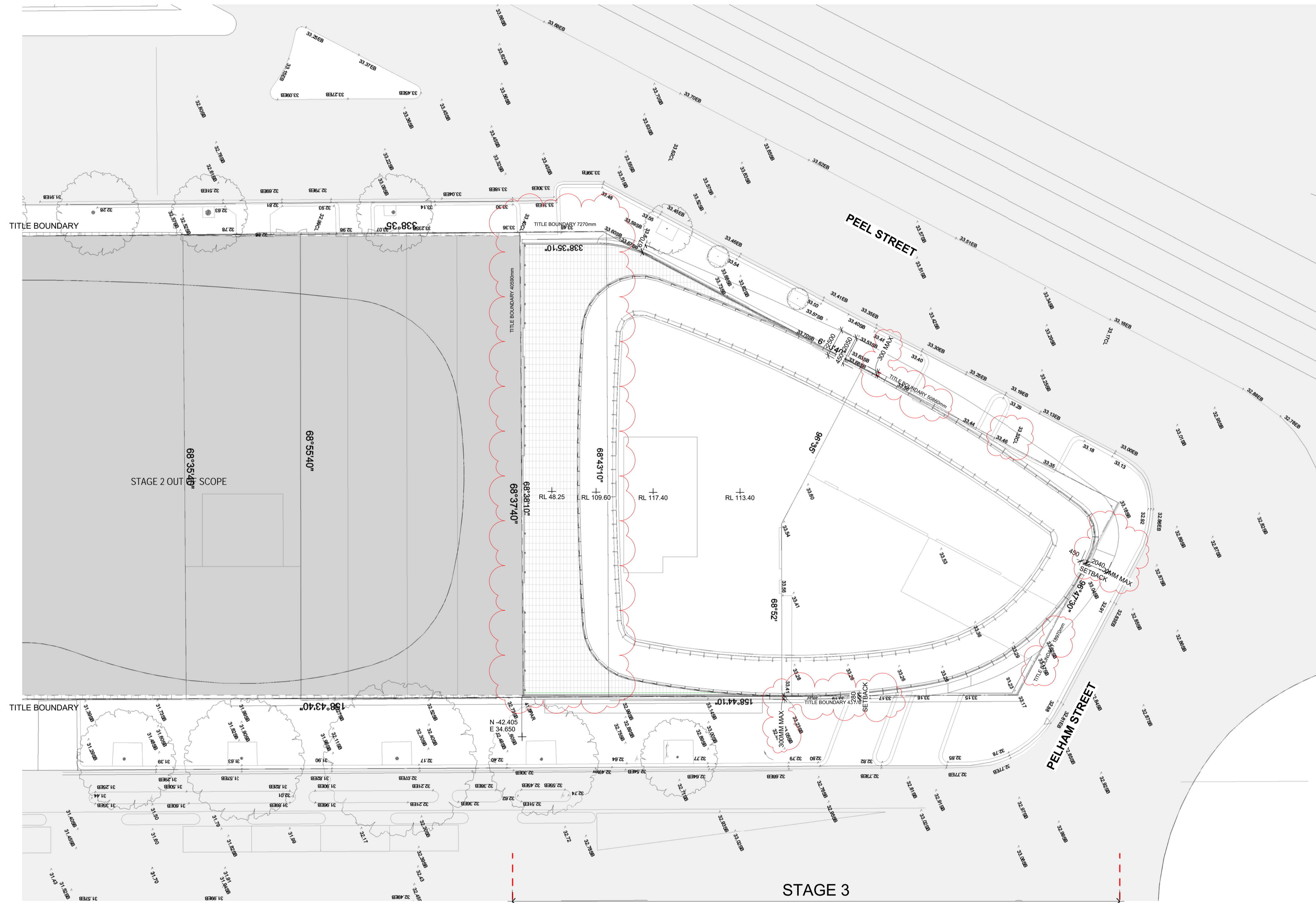
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Date: **18/07/19**

Scale: **1 : 500 @ A1**

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Project: **ELIZABETH NORTH STAGE 3**

Drawing Title: **SITE PLAN**

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

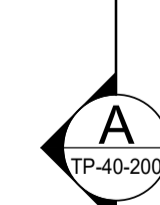
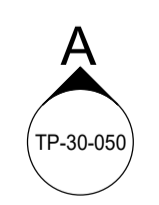
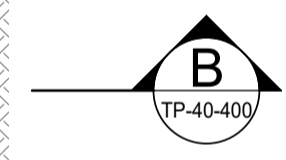
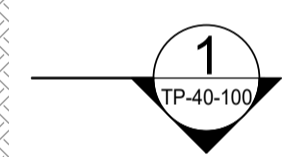
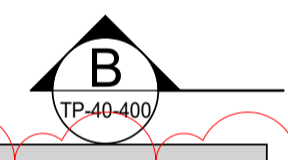
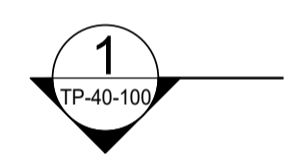
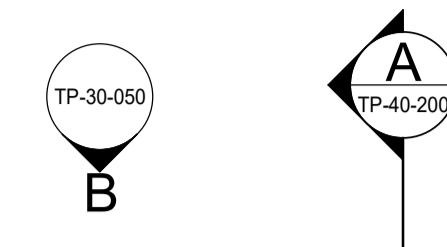
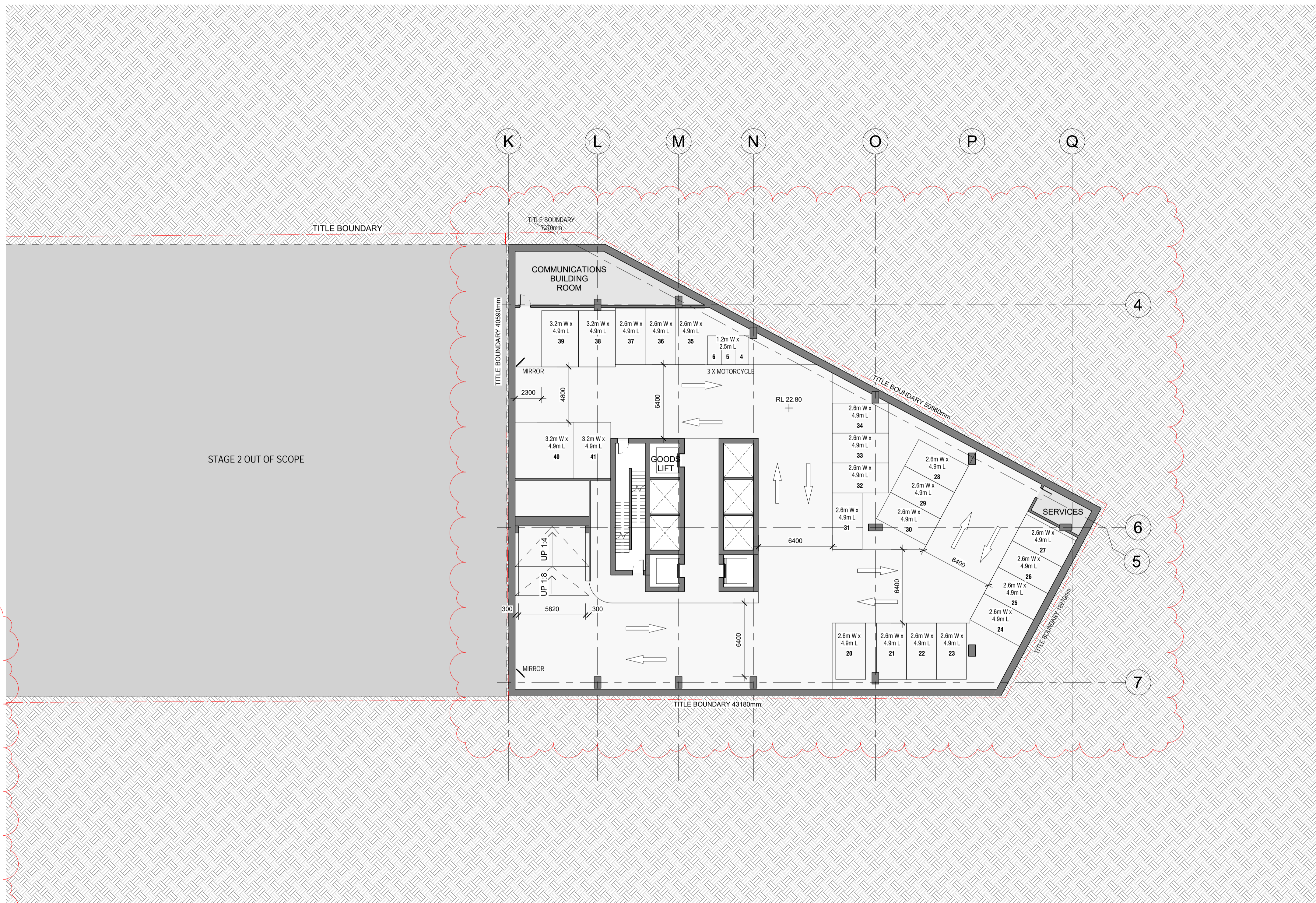
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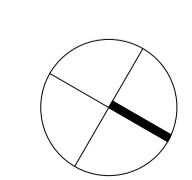


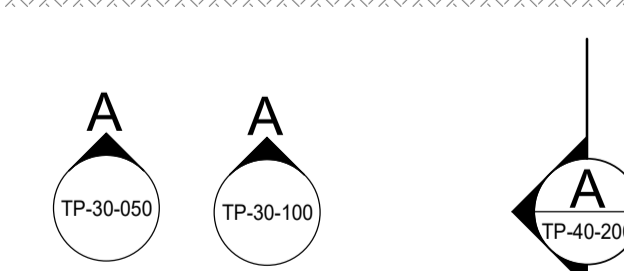
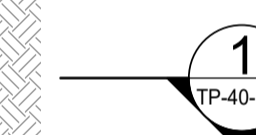
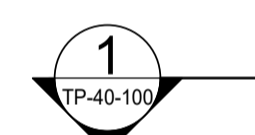
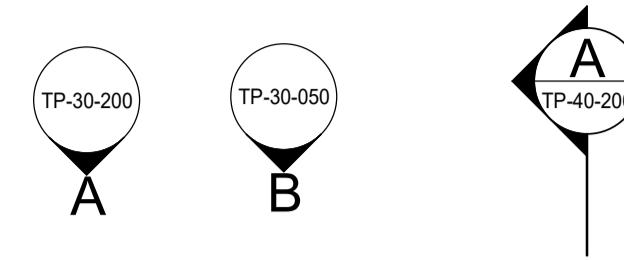


CARPARKING LEGEND - STAGE 3	
CAR PARK TYPE	NUMBER OF SPACES
S3 BASEMENT 1	
CAR PARK - 2800W x 4900L	2
DISABLED CAR PARK - 2.4m W x 5.4m L	1
S3 BASEMENT 2	
CAR PARK - 2600W x 4900L	5
CAR PARK - 2700W x 4900L	6
CAR PARK - 2800W x 4900L	2
CAR PARK - 3000W x 4900L	3
S3 BASEMENT 3	
CAR PARK - 2600W x 4900L	18
CAR PARK - 3200W x 4900L	4
TOTAL	41

MOTORCYCLE PARKING LEGEND - STAGE 3	
MOTORCYCLE PARK TYPE	NUMBER OF SPACES
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MOTORCYCLE PARK - 1.2m W x 2.5m L	2
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MOTORCYCLE PARK - 1.2m W x 2.5m L	1
S3 BASEMENT 3	
MOTORCYCLE PARK - 1.2m W x 2.5m L	3
TOTAL	6

BICYCLE PARKING LEGEND - STAGE 3	
BIKE PARK TYPE	NUMBER OF SPACES
S3 BASEMENT 1	
DOUBLE MOUNT	134
VERTICAL MOUNT	23
TOTAL	157

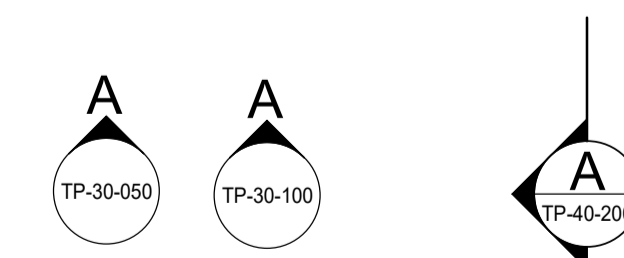
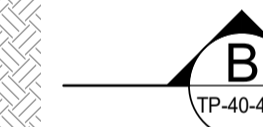
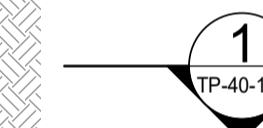
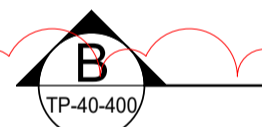
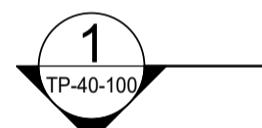
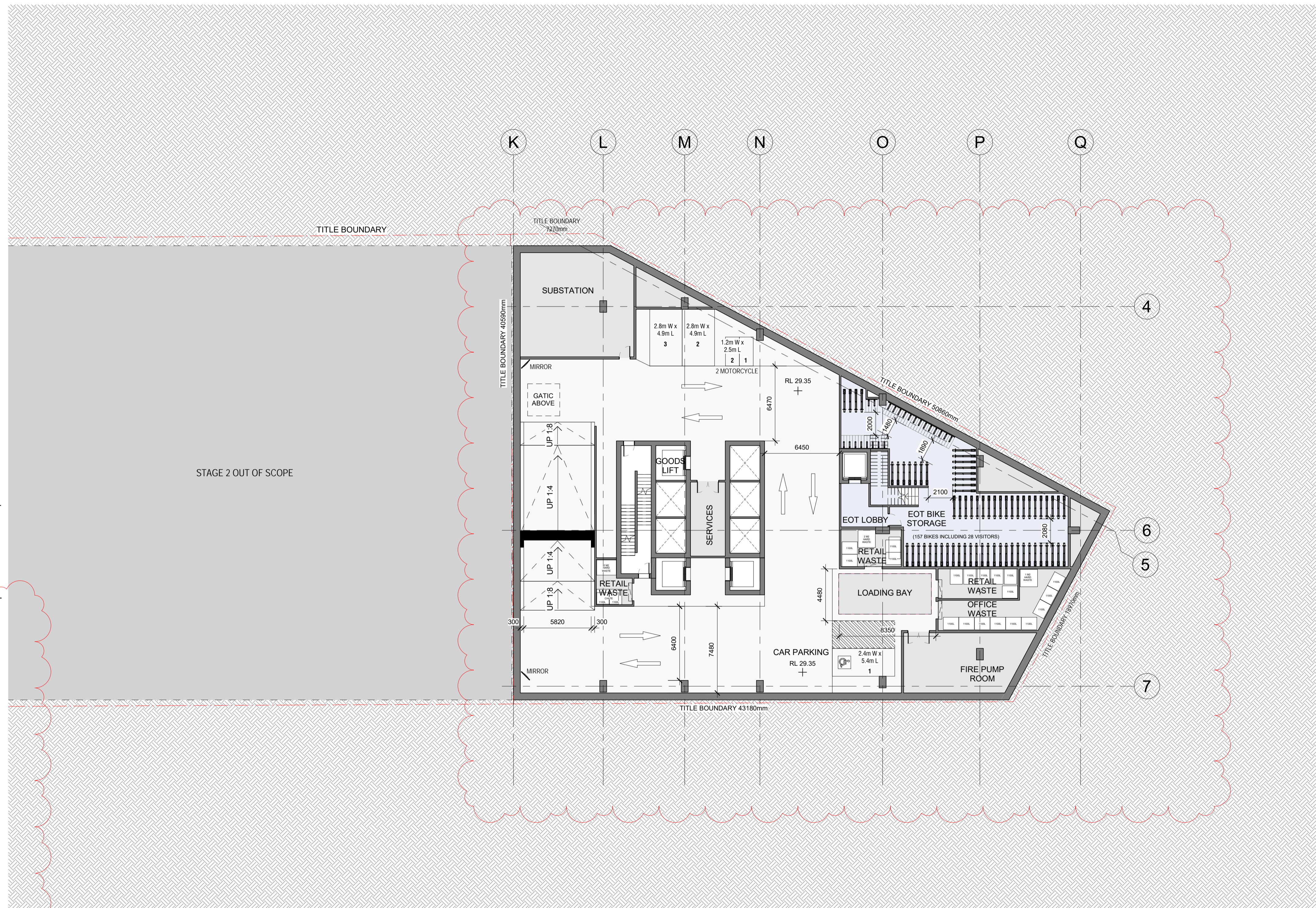
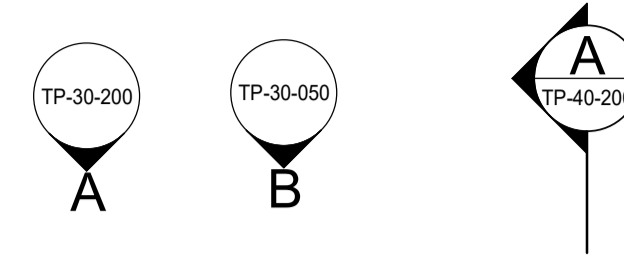




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TOTAL	6

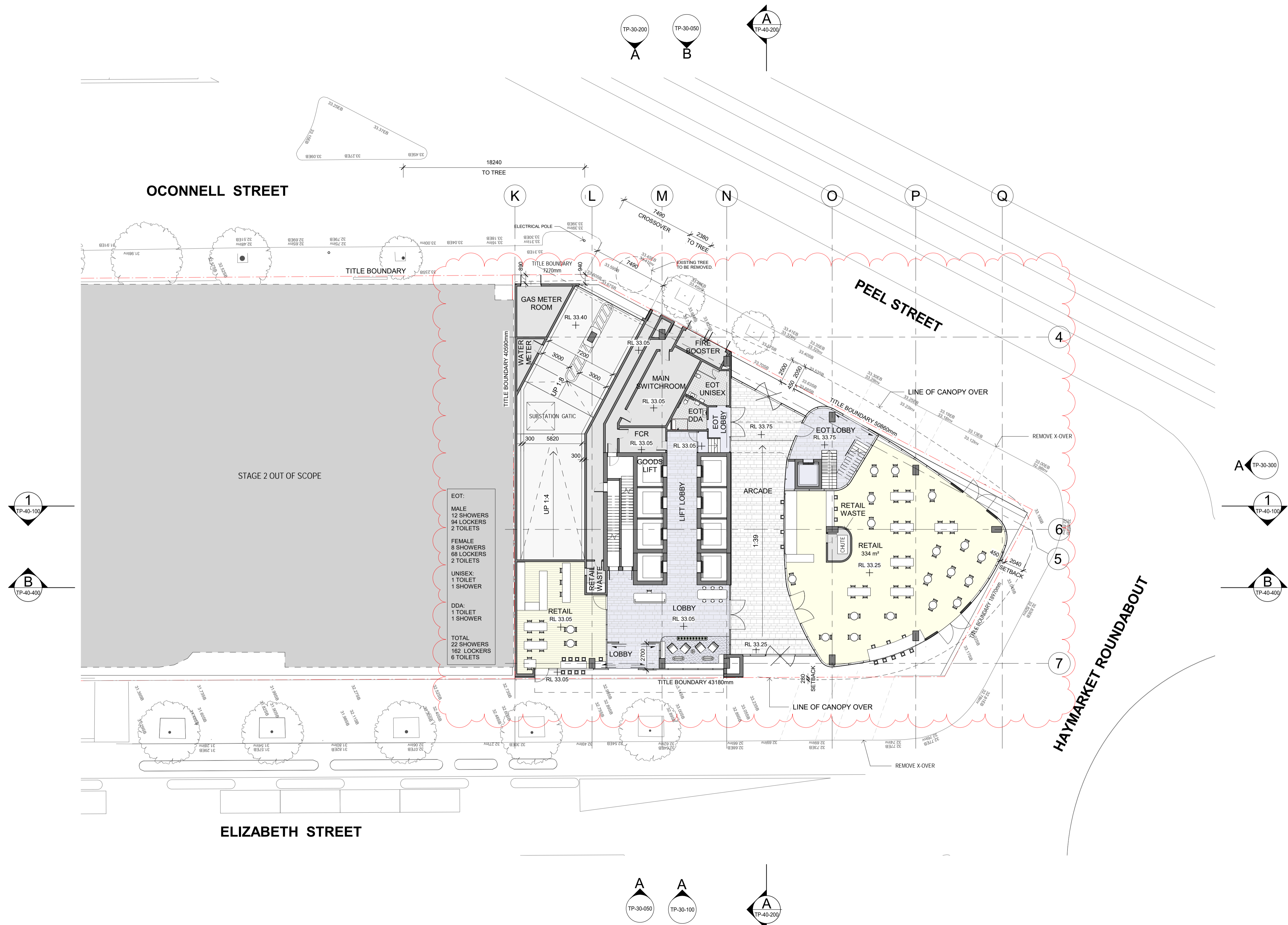
BICYCLE PARKING LEGEND - STAGE 3	
BIKE PARK TYPE	NUMBER OF SPACES
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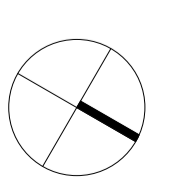
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 MALE
 12 SHOWERS
 94 LOCKERS
 2 TOILETS
 FEMALE
 8 SHOWERS
 88 LOCKERS
 2 TOILETS
 UNISEX:
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 1 SHOWER
 DDA:
 1 TOILET
 1 SHOWER
 TOTAL
 22 SHOWERS
 182 LOCKERS
 6 TOILETS

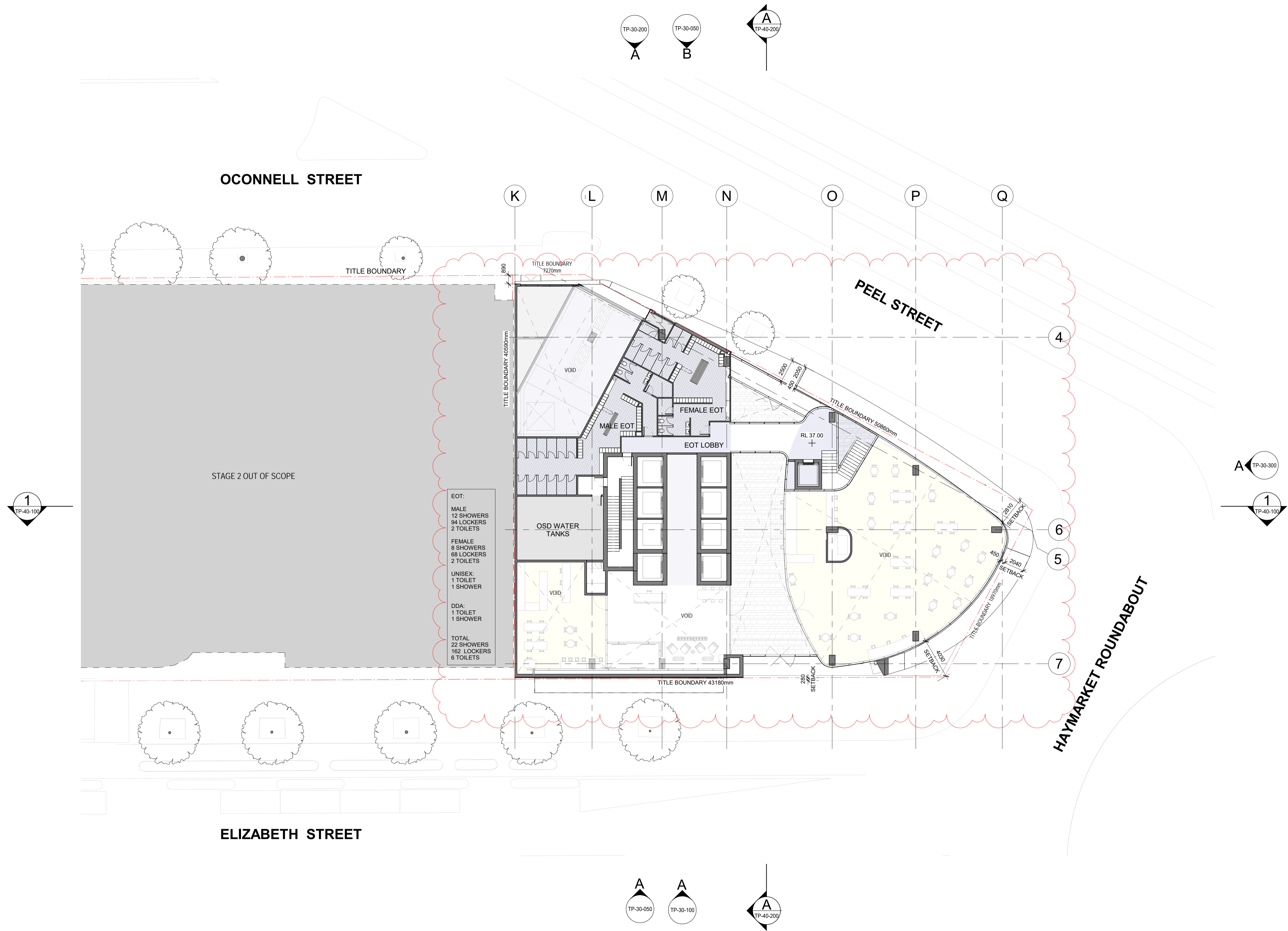
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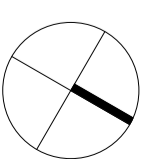
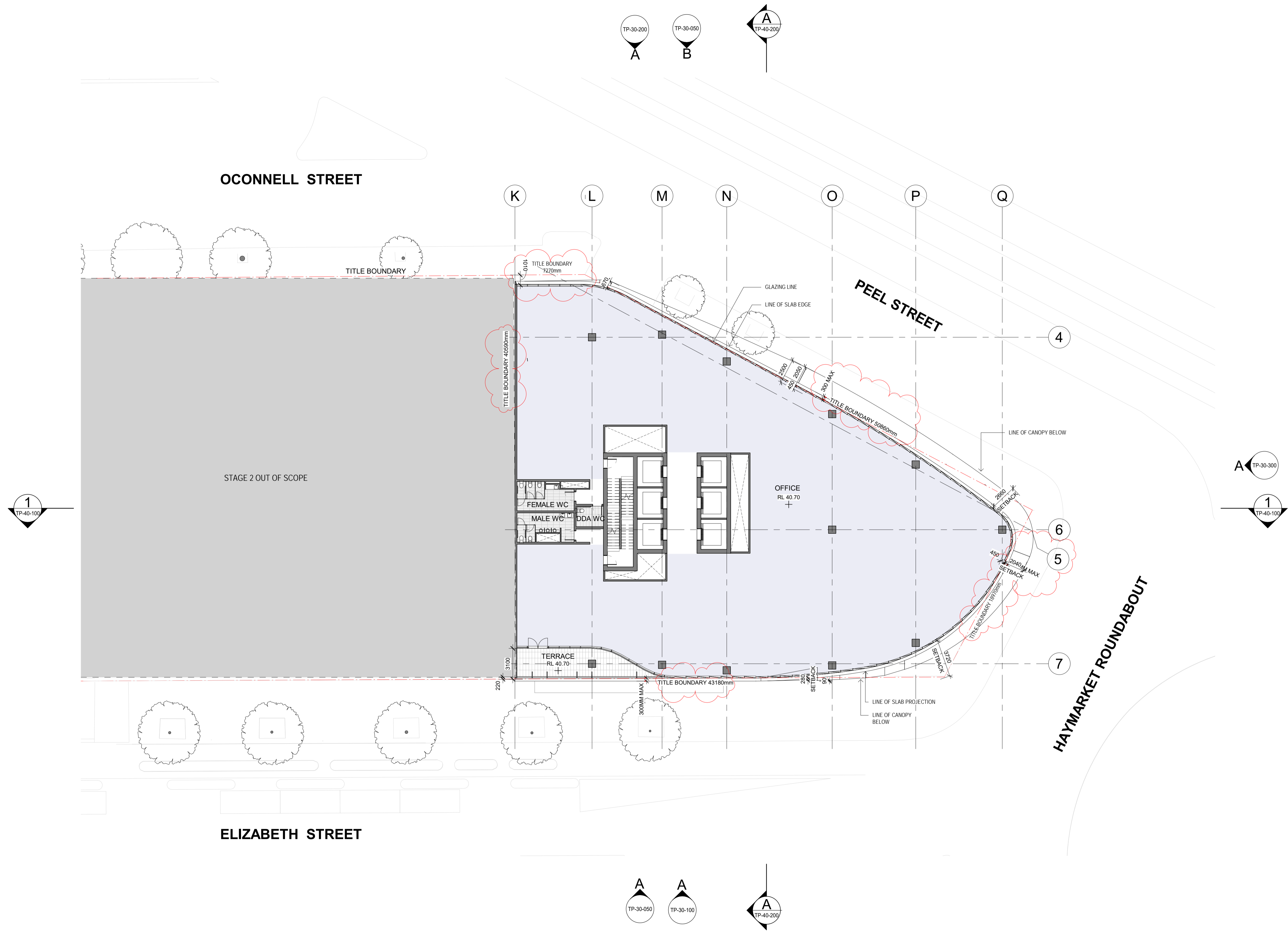
PEEL STREET

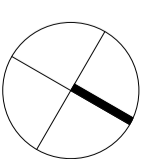
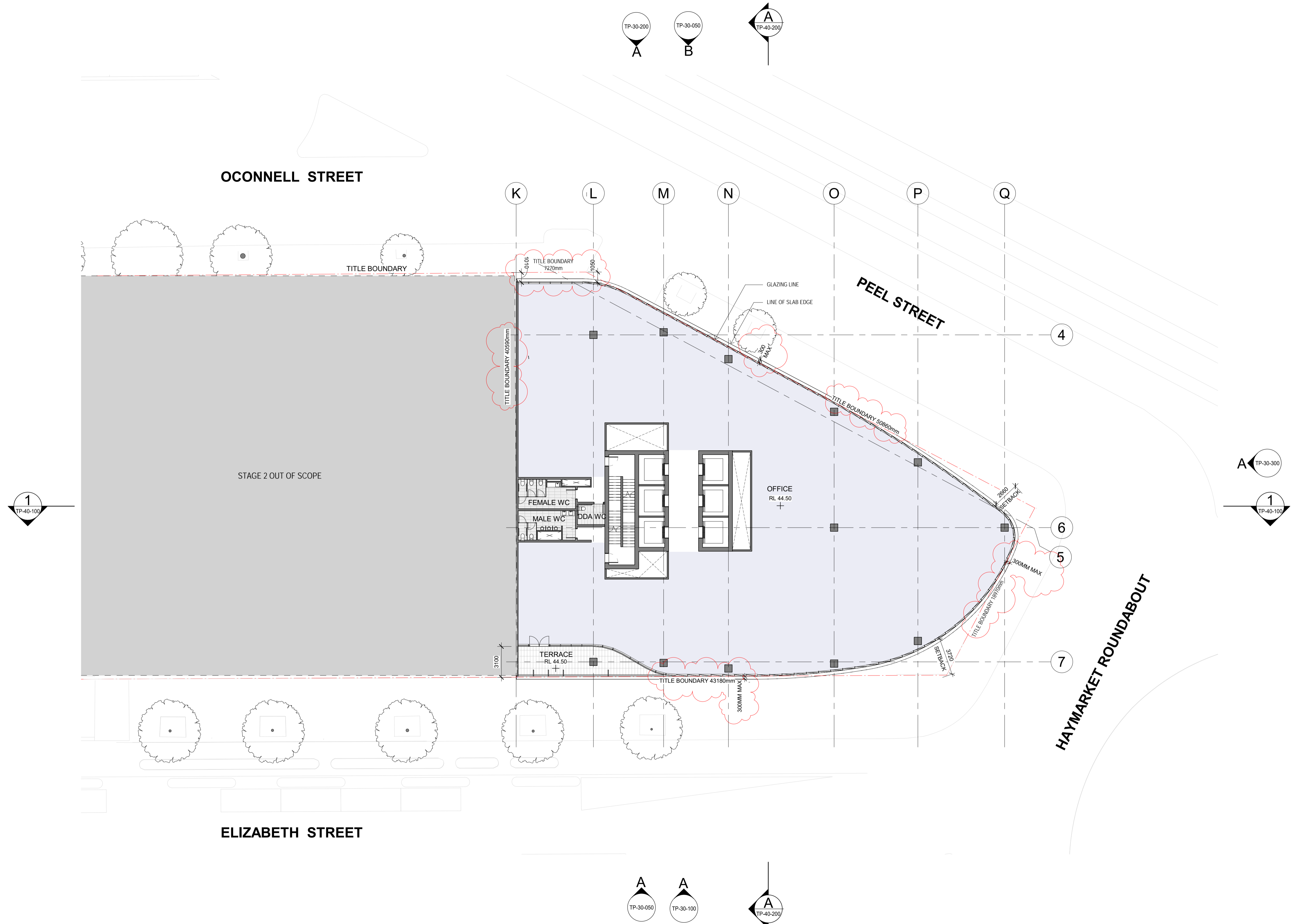
ELIZABETH STREET

HAYMARKET ROUNDABOUT









Project: **ELIZABETH NORTH STAGE 3**

Drawing Title: **LEVEL 02**

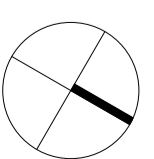
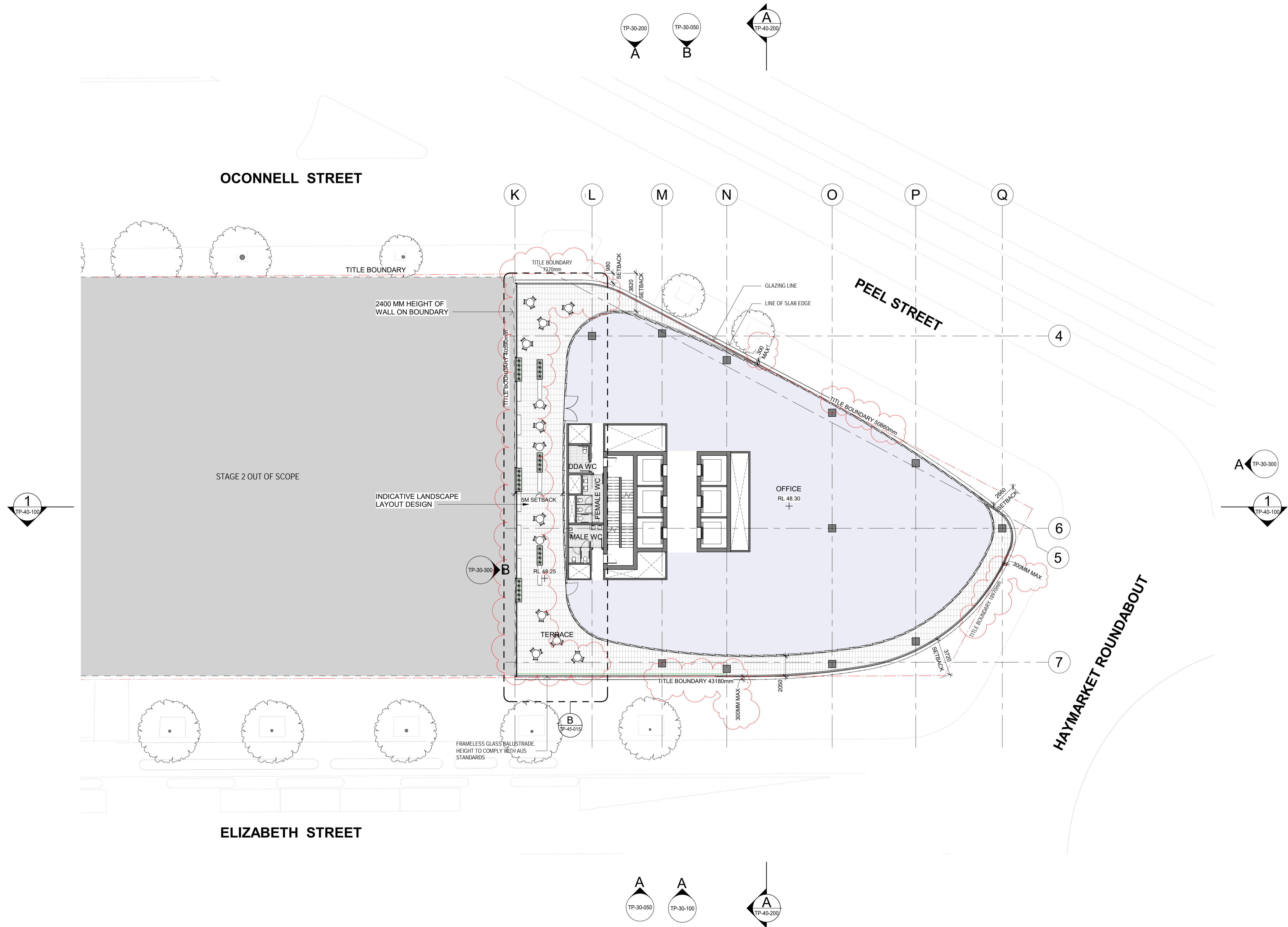
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Revision: **2** Date: **18/07/19**

Scale: **1 : 200 @ A1**

Cox Architecture
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Melbourne, VIC 3000, Australia
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www.coxarchitecture.com.au





Project: **ELIZABETH NORTH STAGE 3**

Drawing Title: **LEVEL 03**

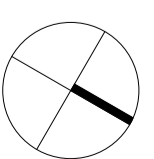
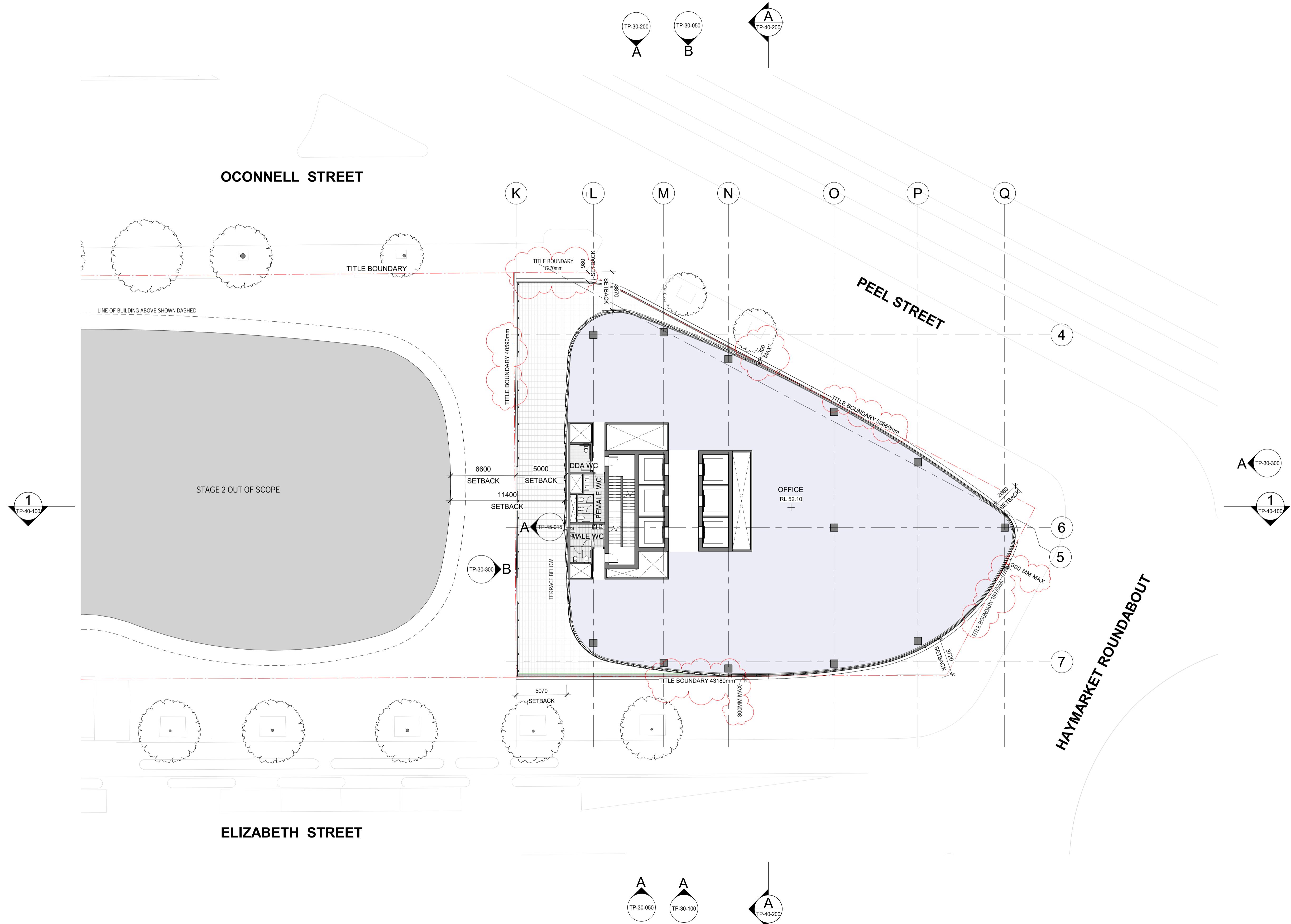
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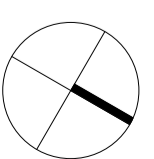
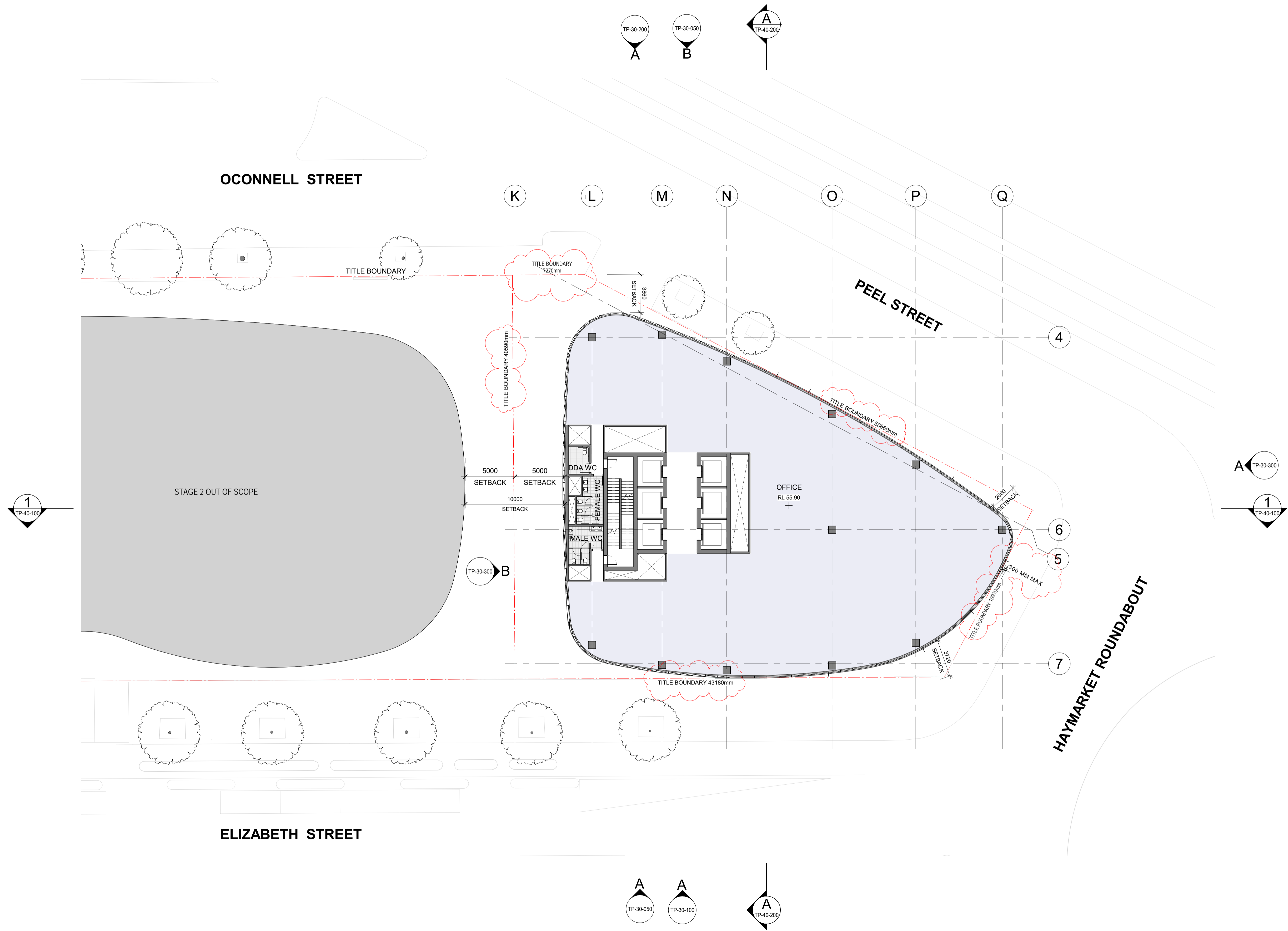
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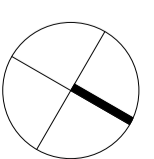
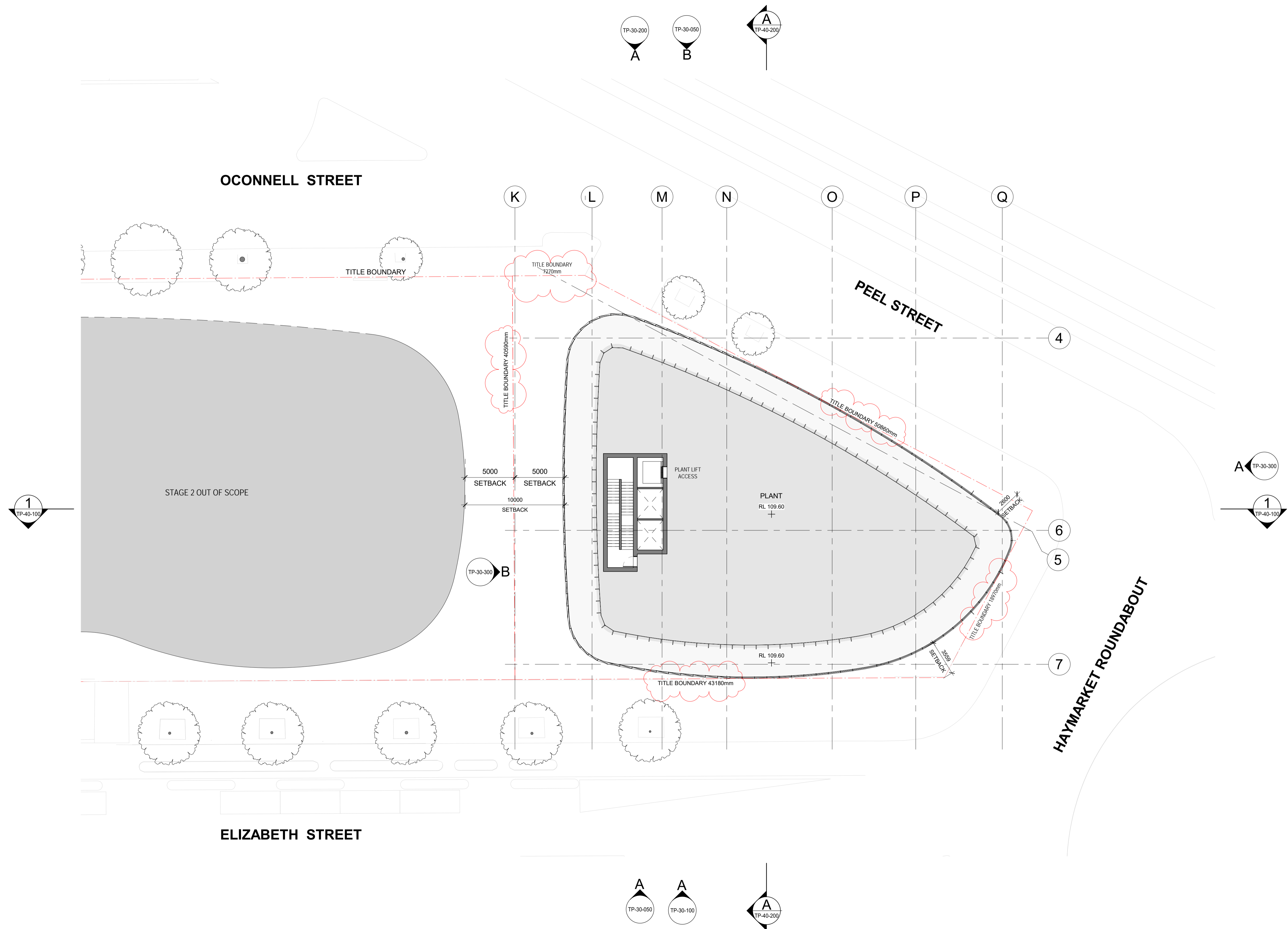
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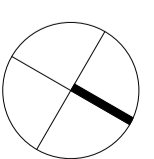
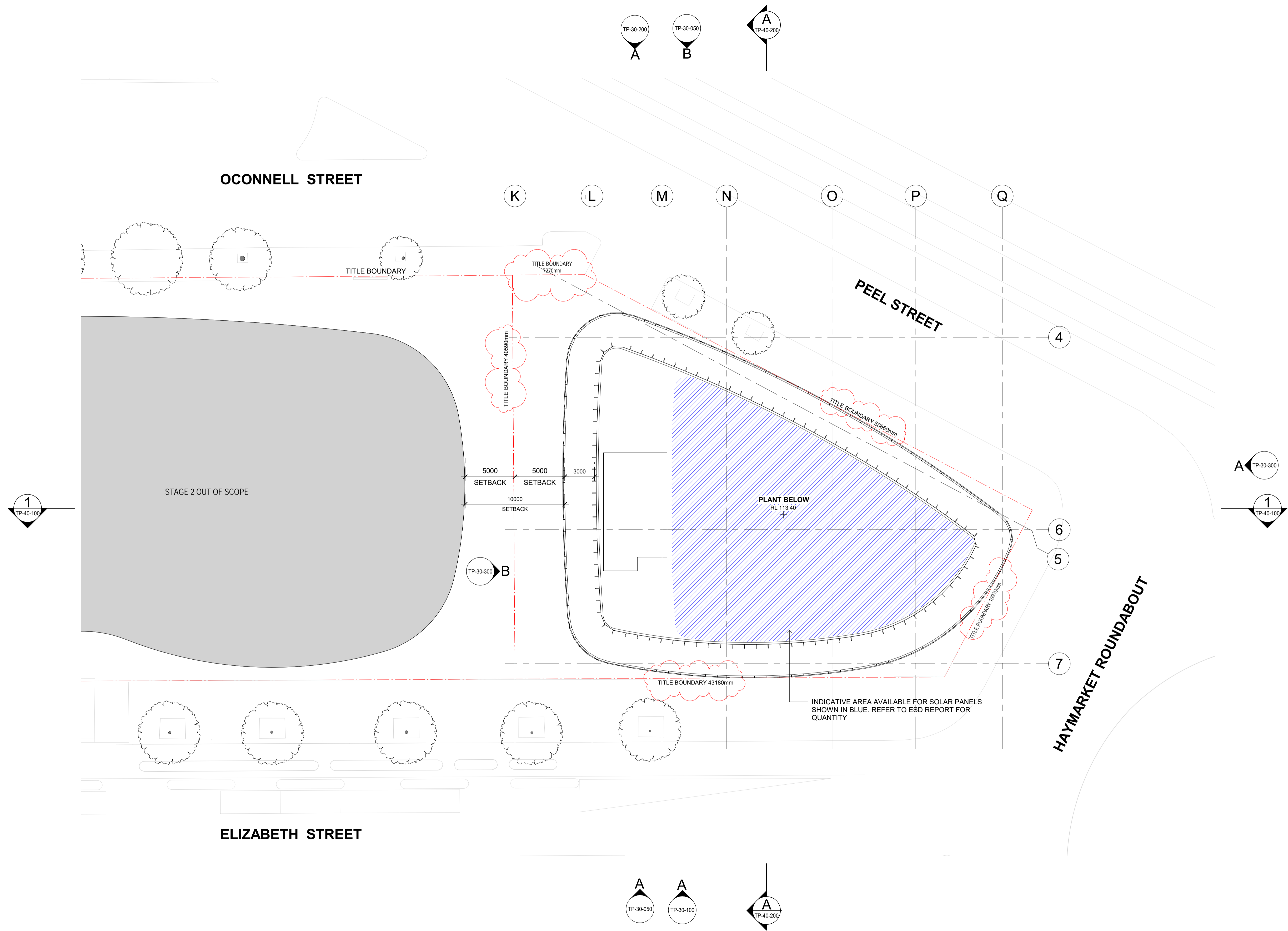
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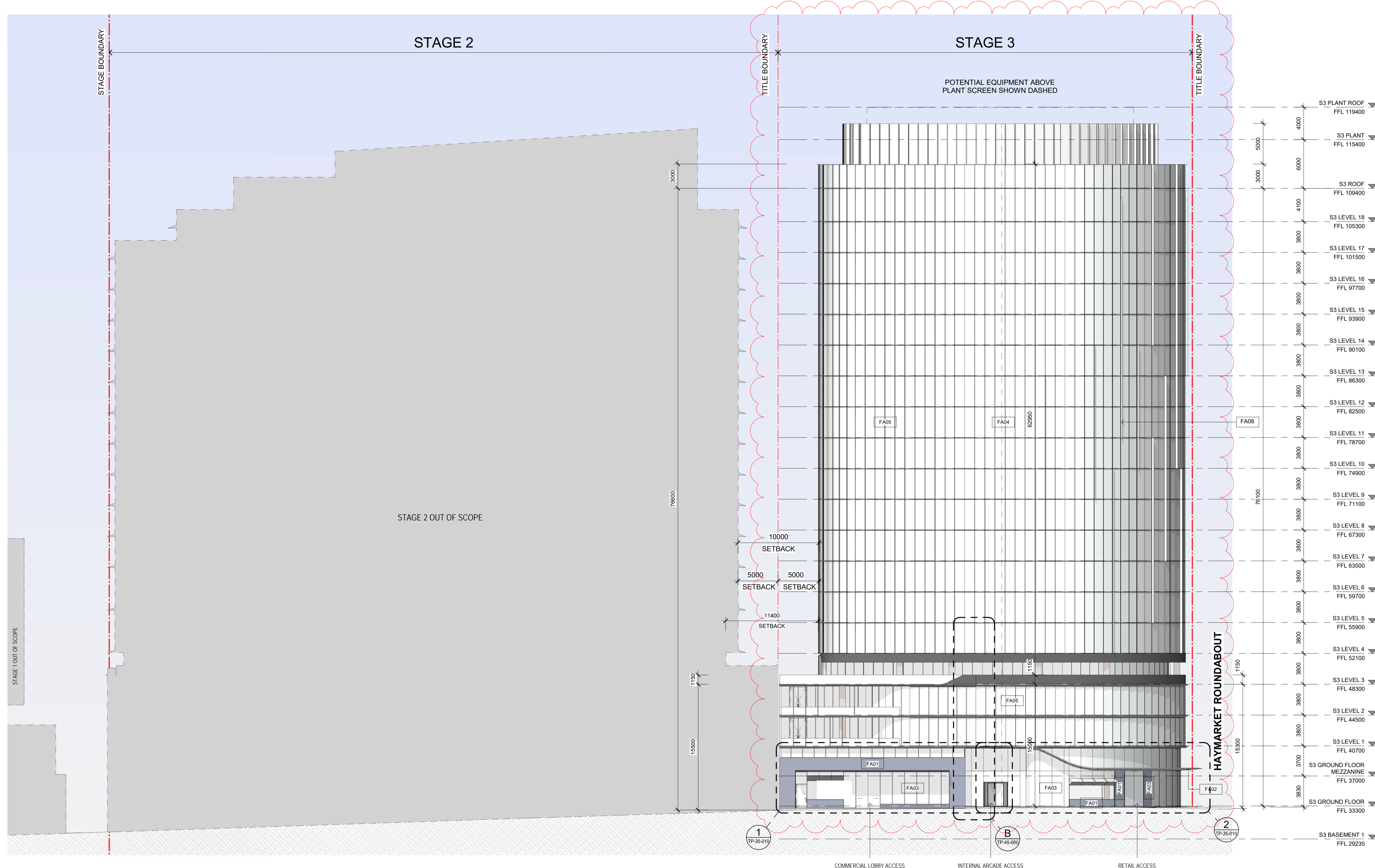










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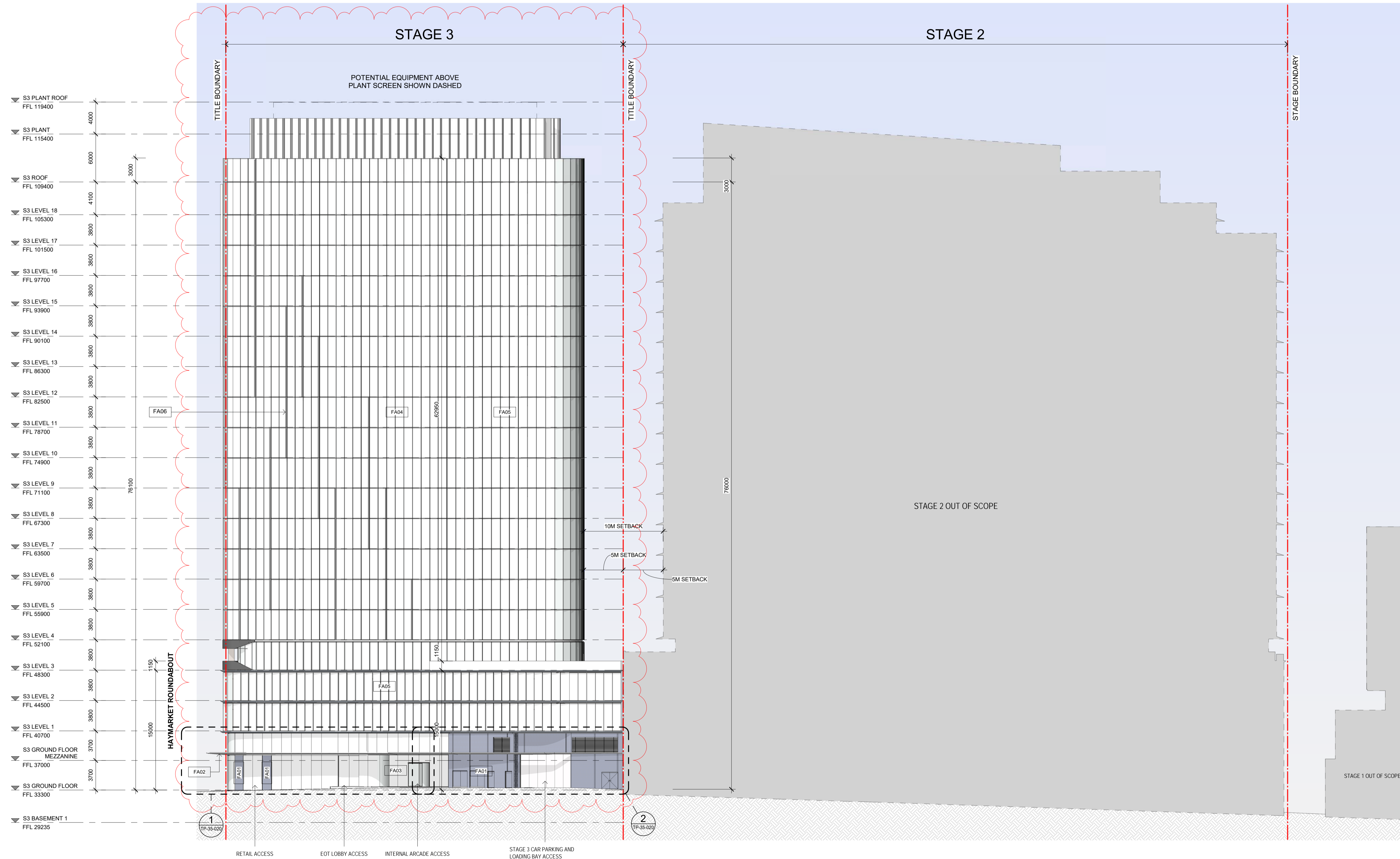








B STREETScape WEST ELEVATION
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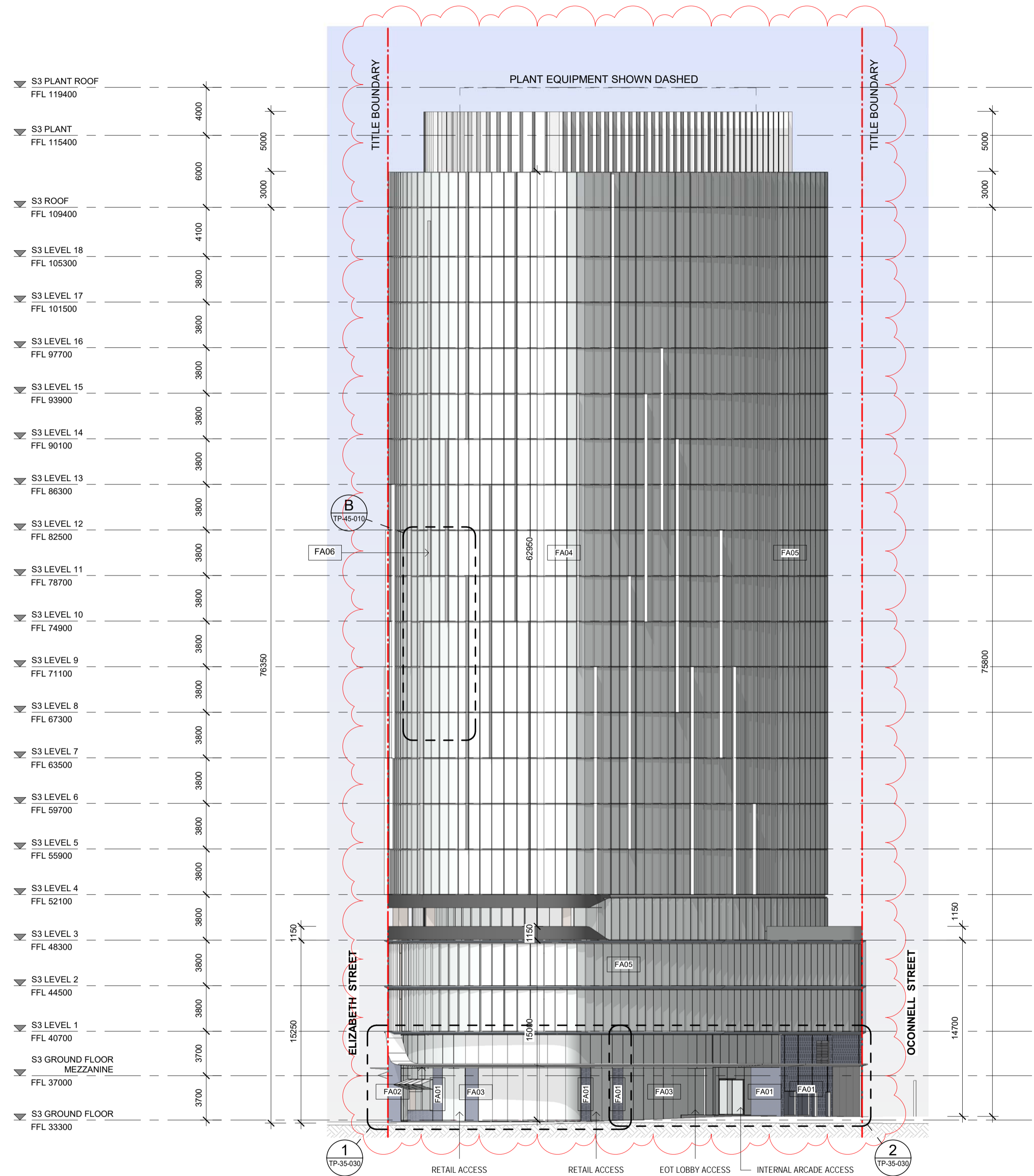
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	FA04 CURTAIN WALL FACADE - SILVER / GREY / BLUE
	FA05 CURTAIN WALL SYSTEM - SHINGLE GLASS
	FA06 ALUMINIUM PERFORATED VERTICAL FINIS

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

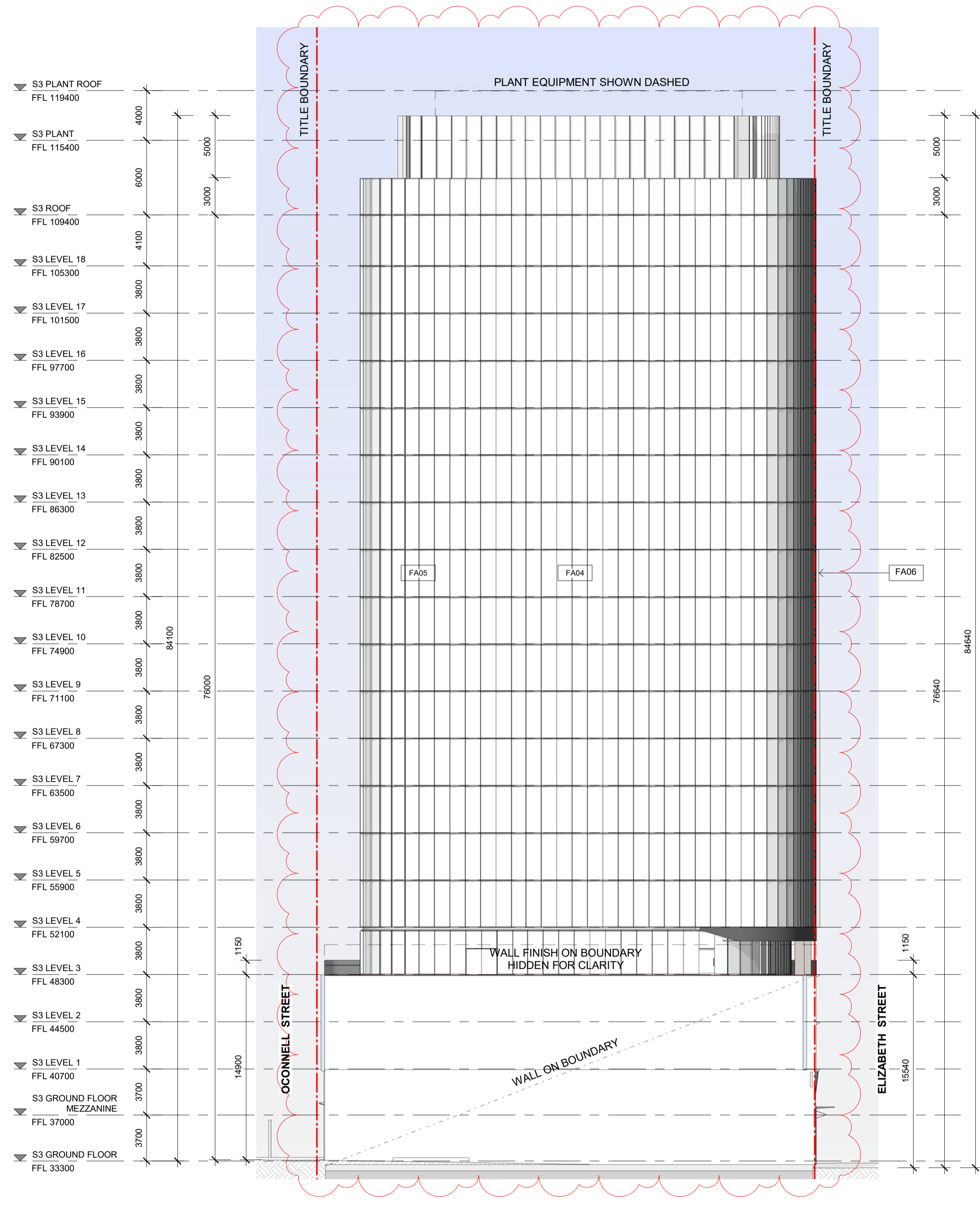


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A WEST ELEVATION
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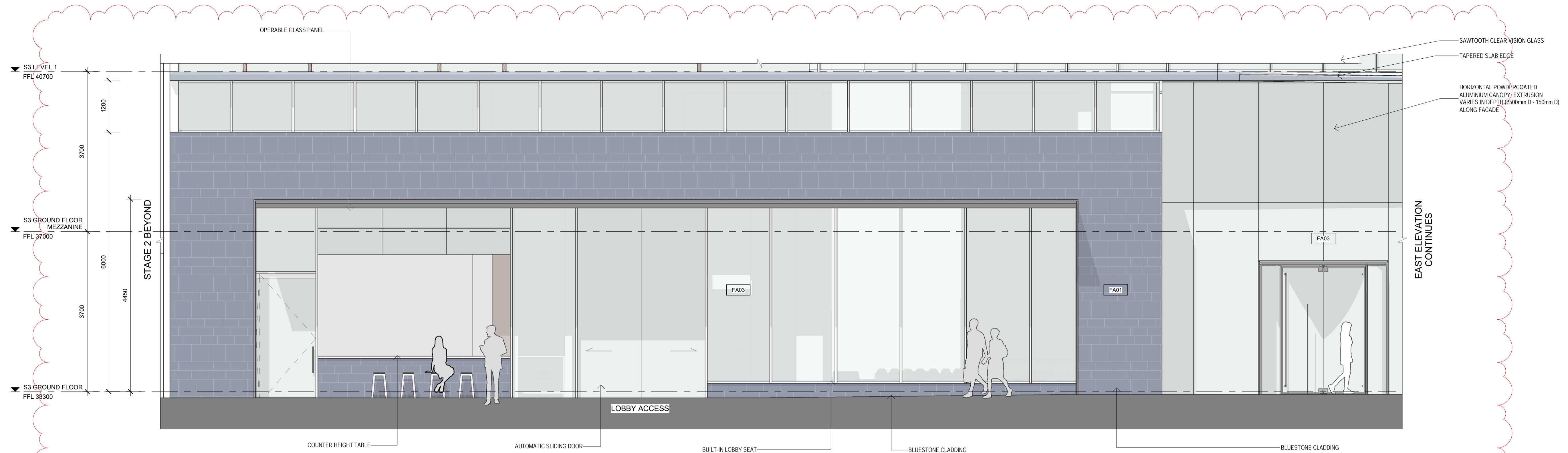


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 TP-21-050 SCALE 1 : 250

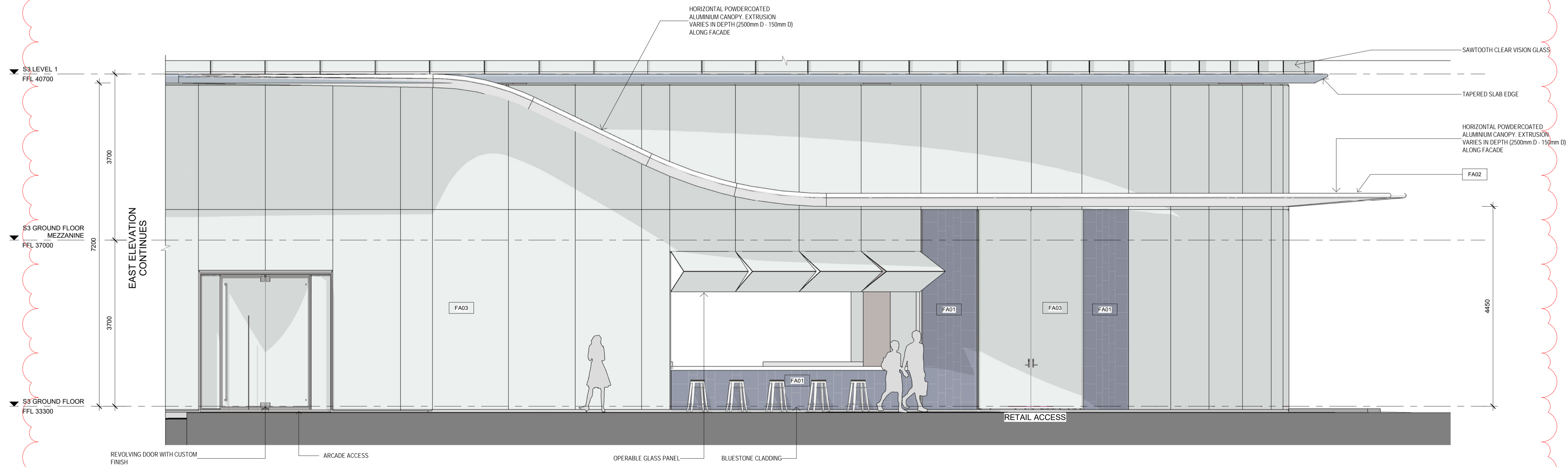


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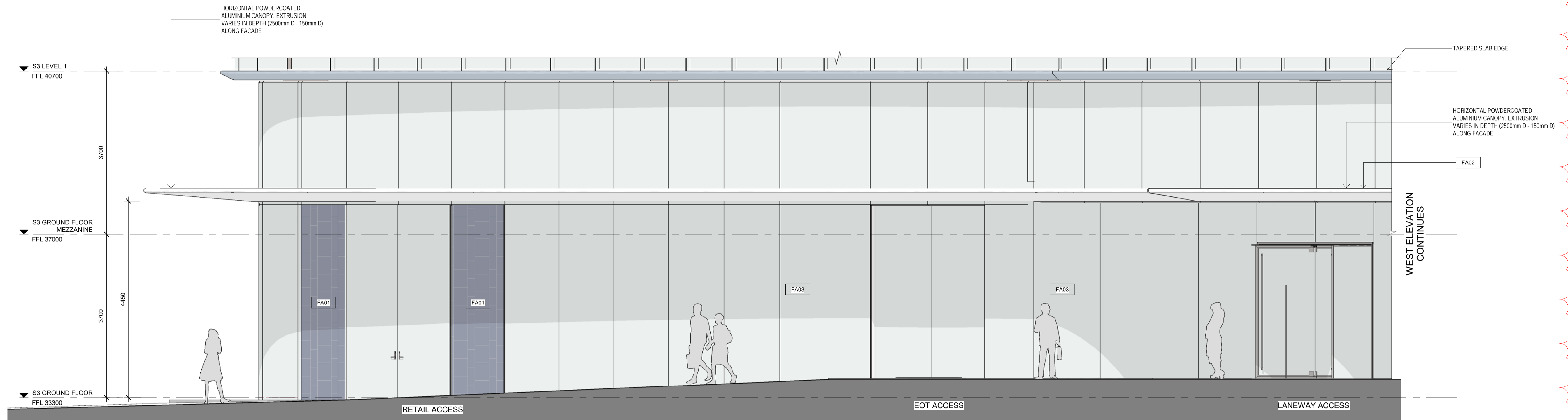
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	FA05 CURTAIN WALL SYSTEM - SHINGLE GLASS
	FA06 ALUMINIUM PERFORATED VERTICAL FINIS



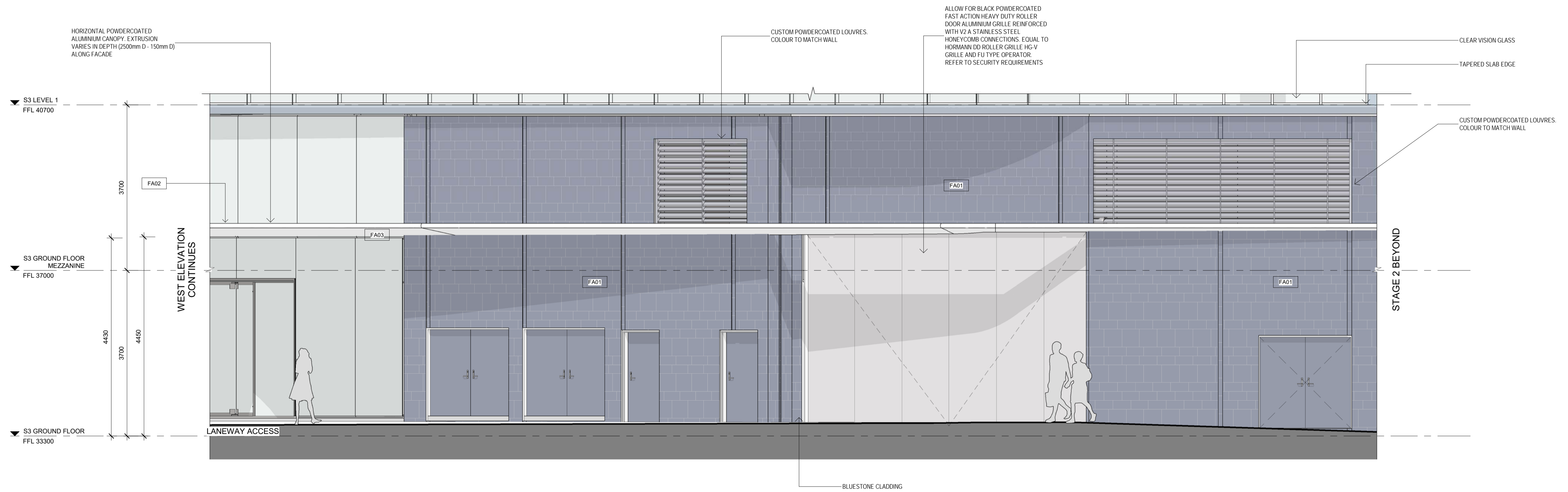
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 TP-30-100 SCALE 1 : 50



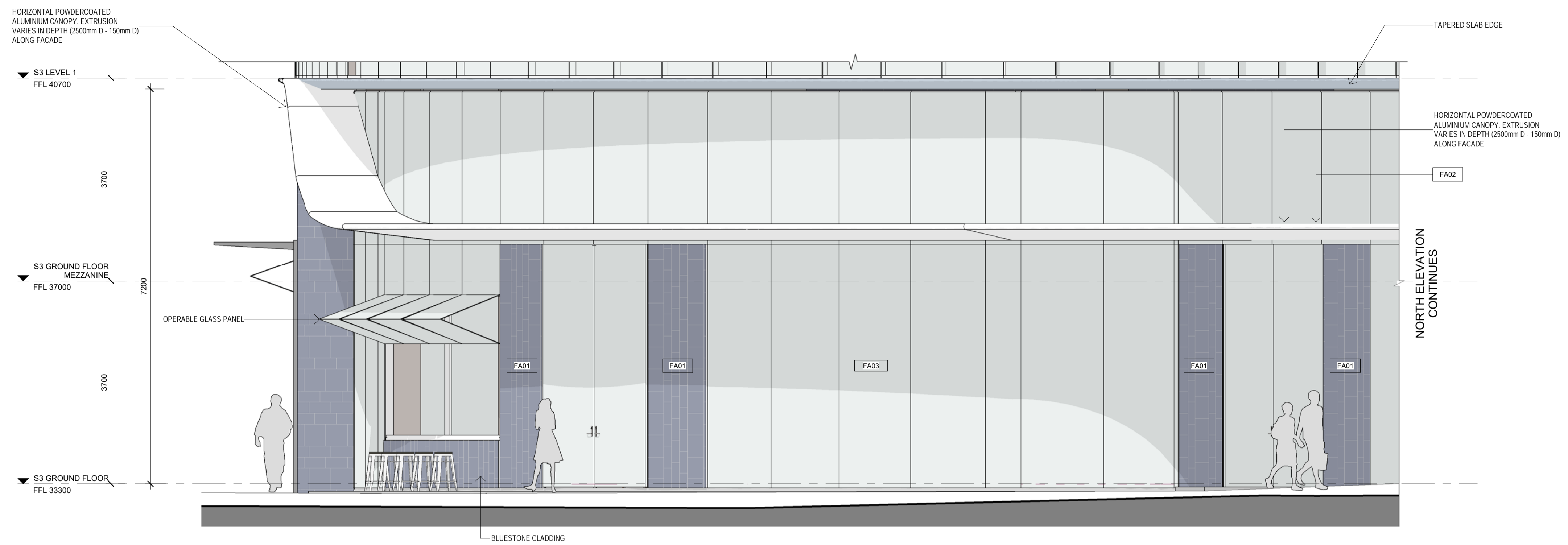
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 TP-30-100 SCALE 1 : 50



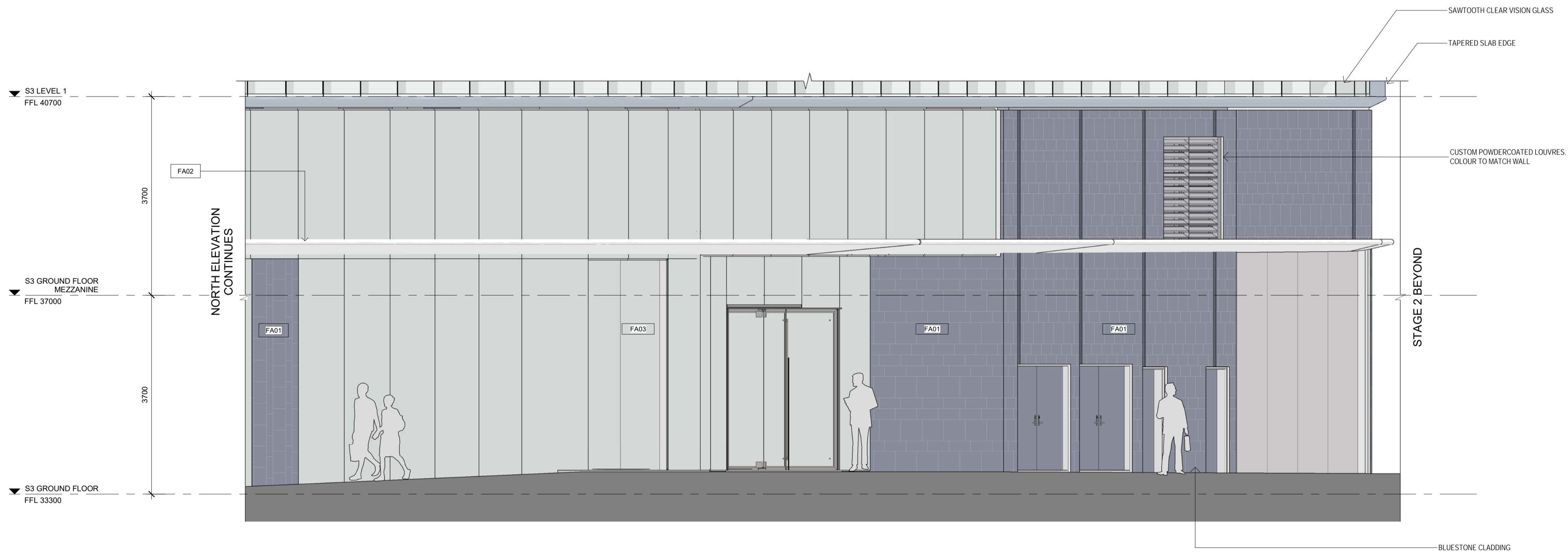
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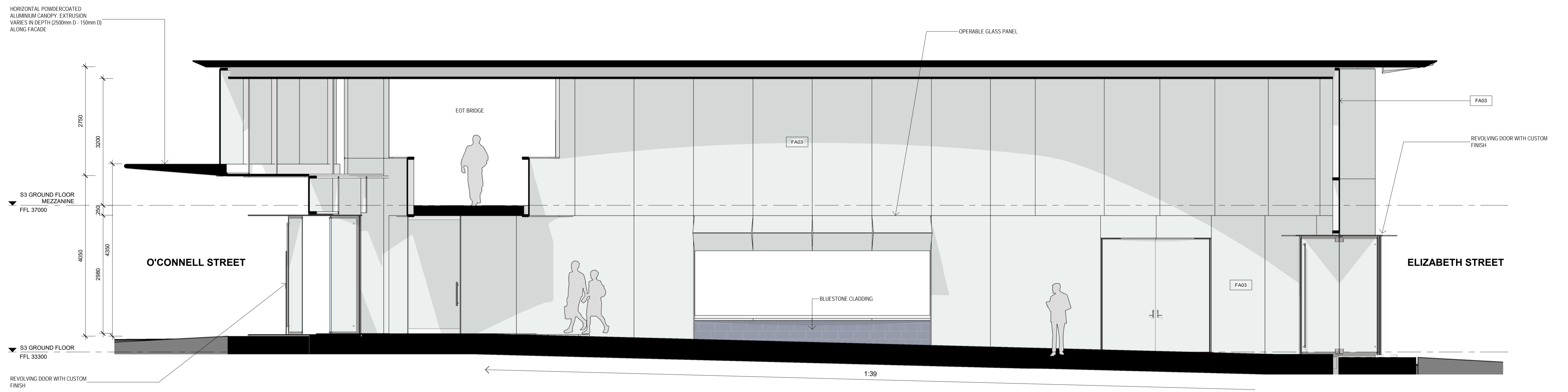
2 WEST ELEVATION 2 - GROUND FLOOR FACADE
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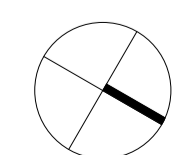
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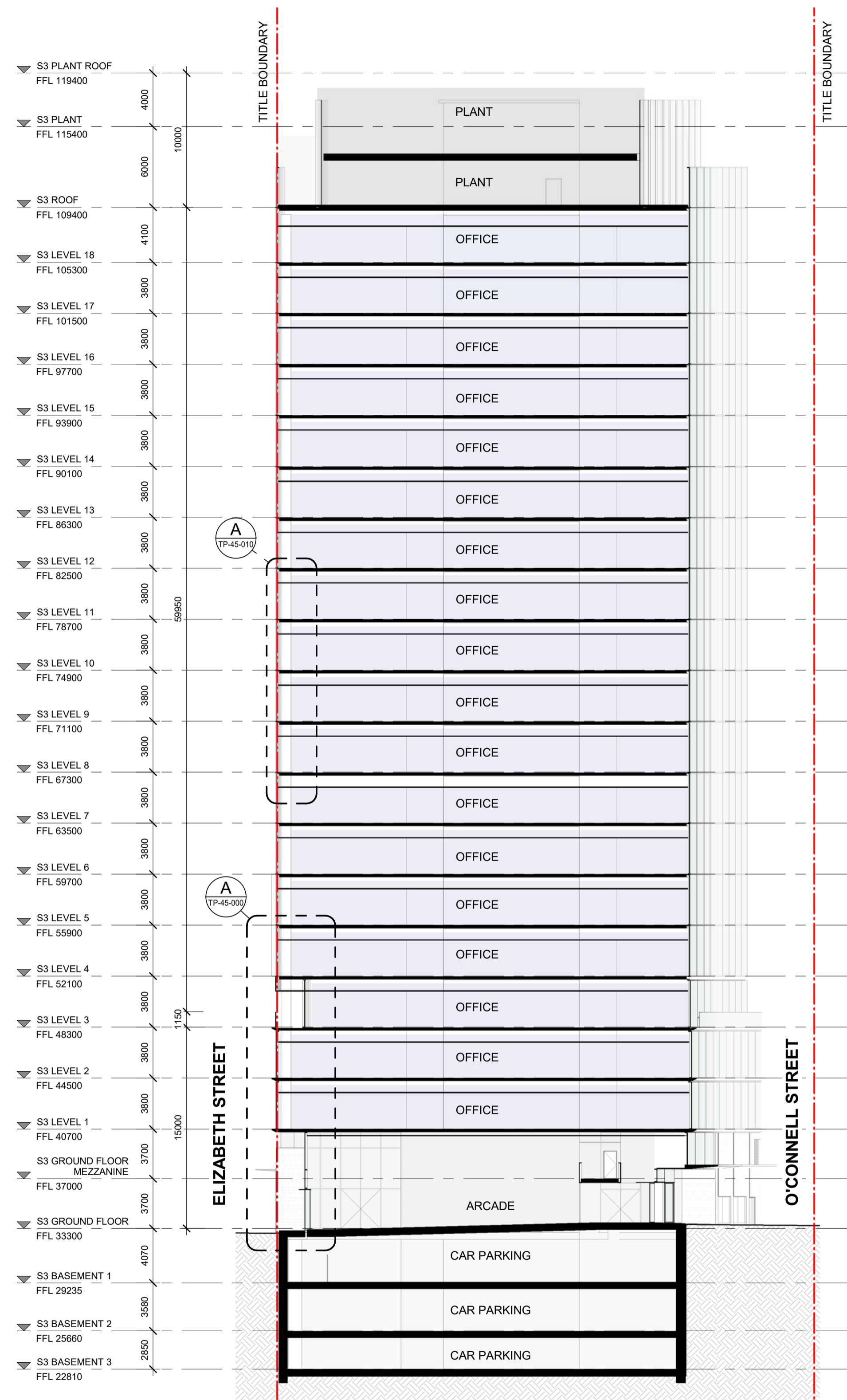


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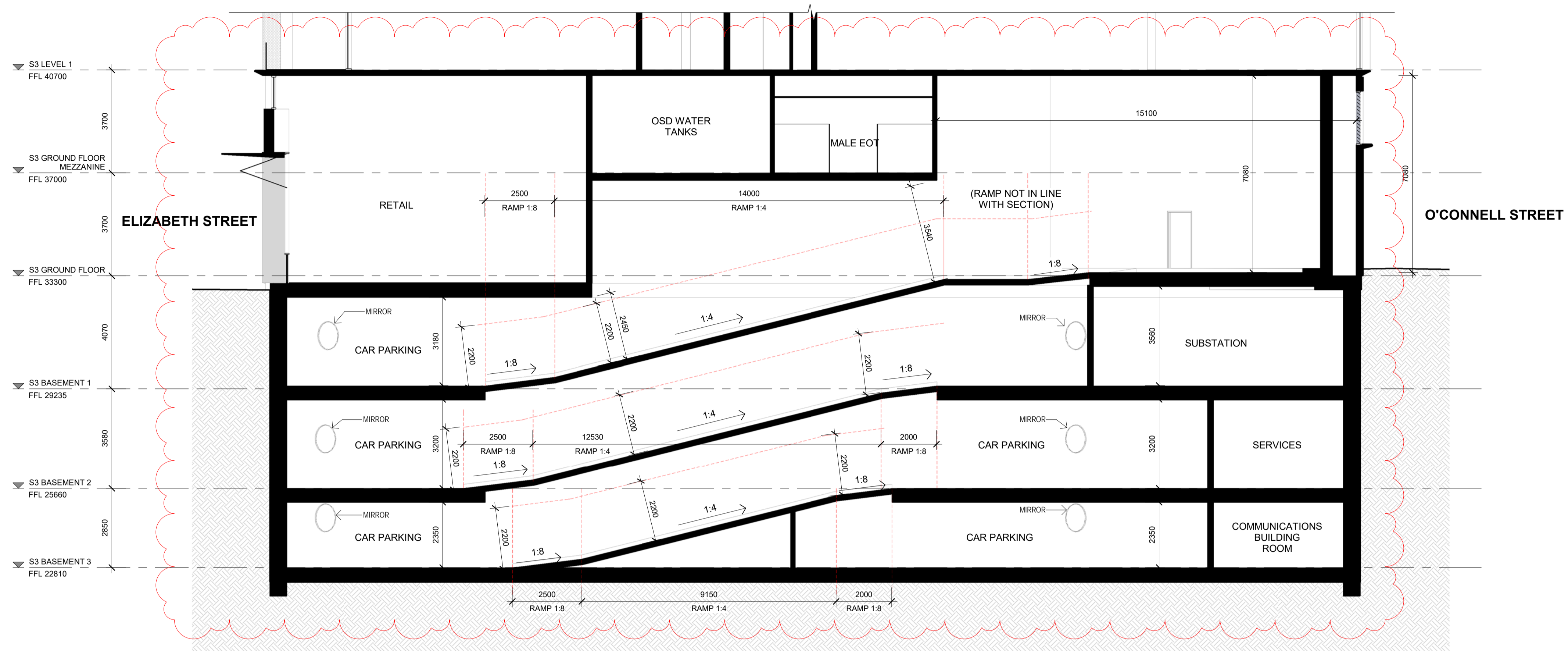


1 INTERNAL LANE ELEVATION - GROUND FLOOR
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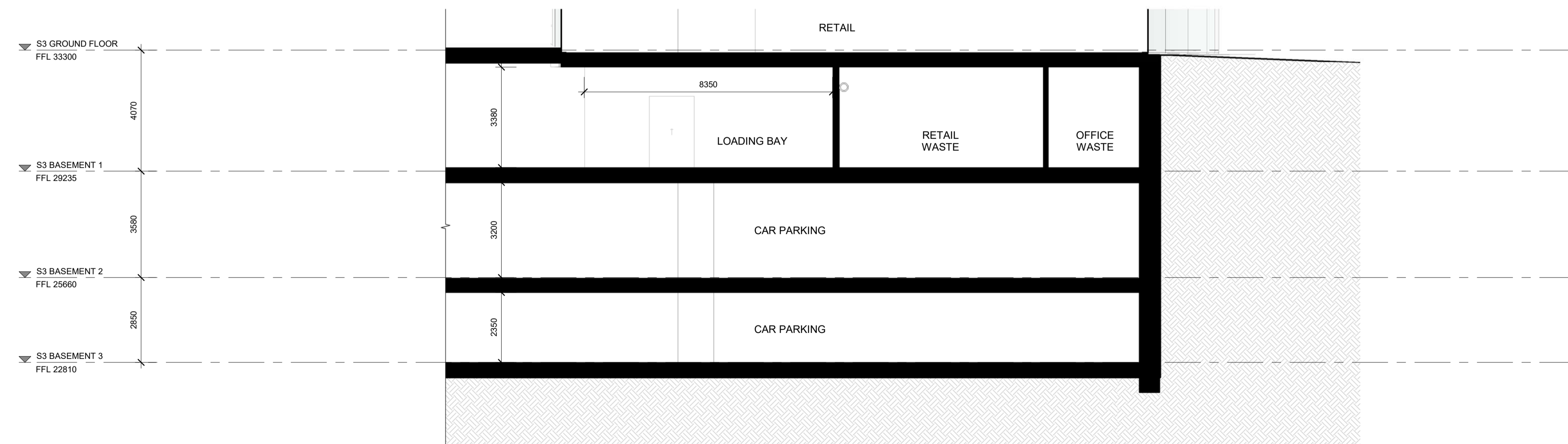




A SECTION C - STAGE 3
 TP-21-020 SCALE 1 : 250

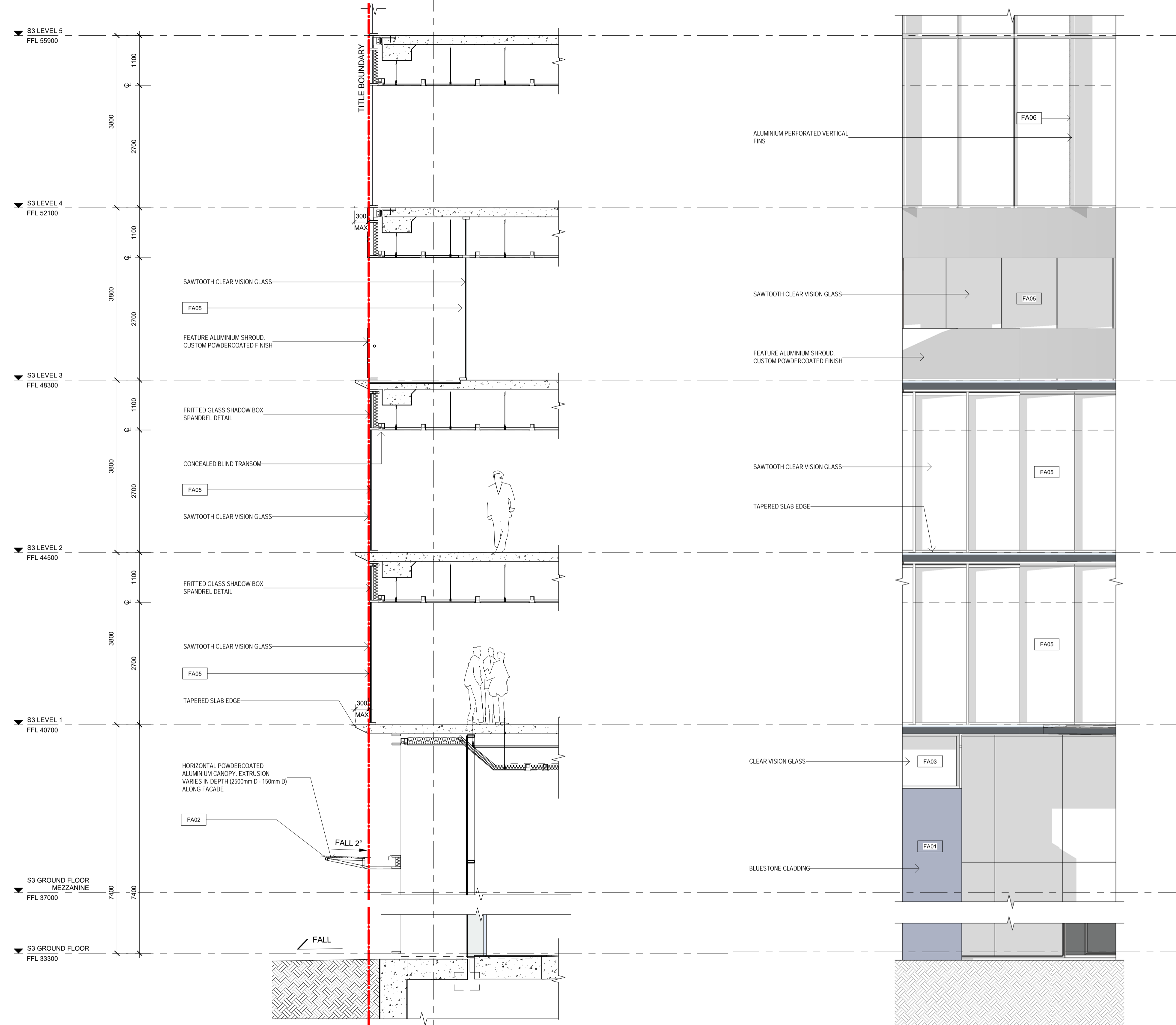







A SECTION - STAGE 3 BASEMENT CARPARK RAMPS
SCALE 1 : 100



B LOADING BAY
TP-21-020 SCALE 1 : 100

7









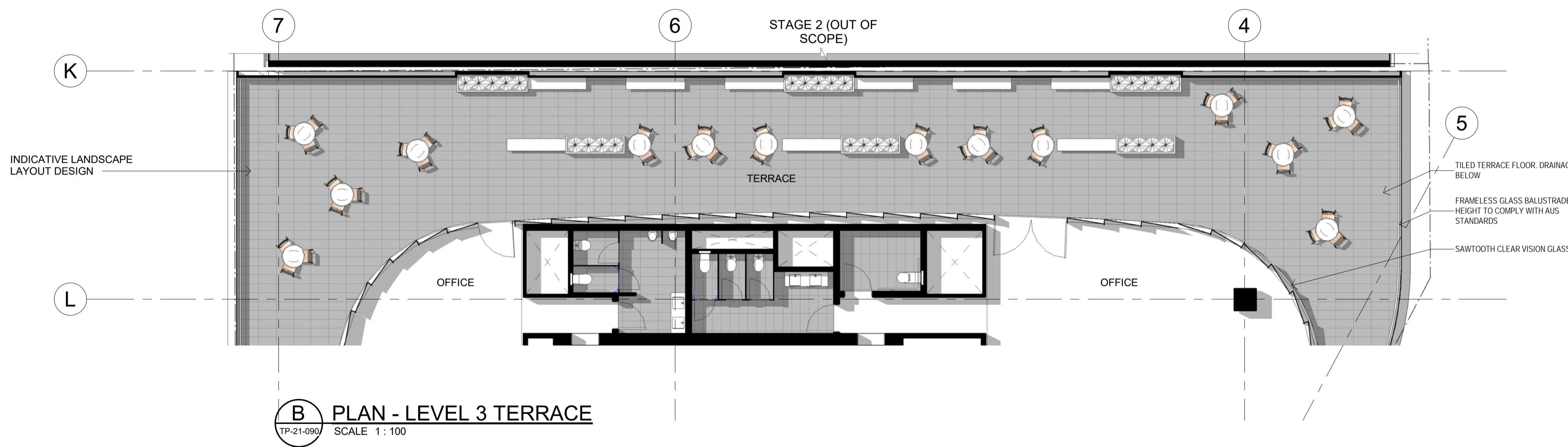
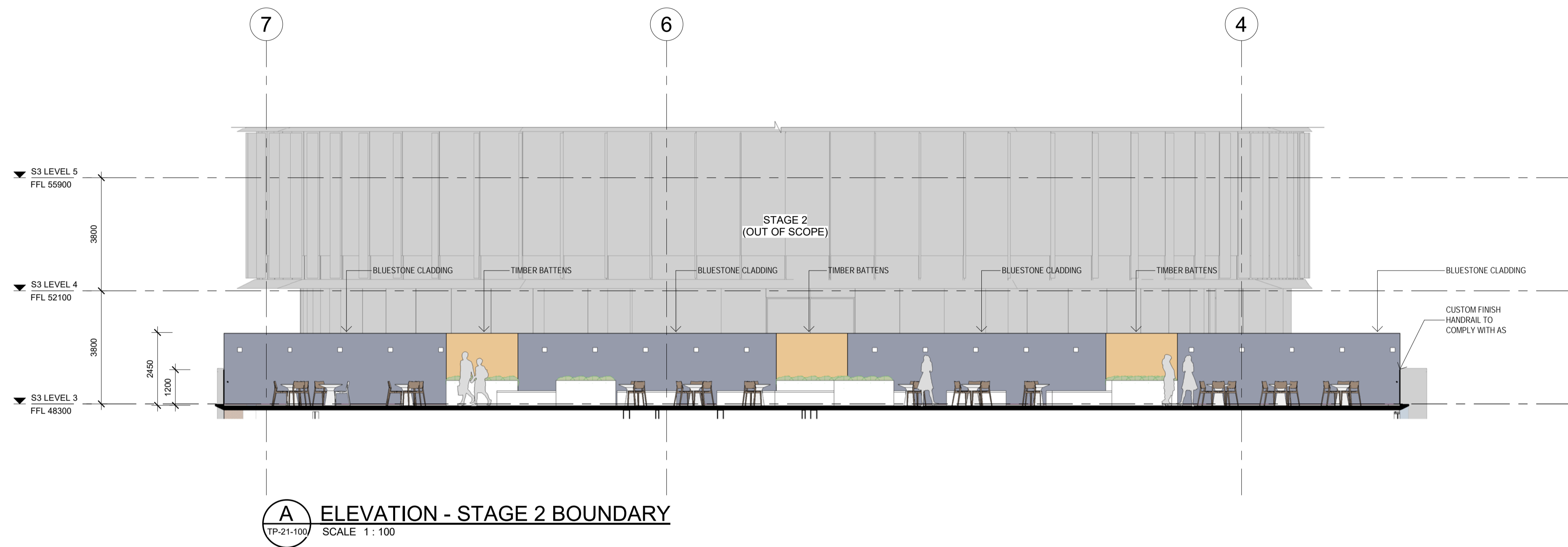
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	FA05 CURTAIN WALL SYSTEM - SHINGLE GLASS
	FA06 ALUMINIUM PERFORATED VERTICAL FINIS

A PODIUM SECTION STAGE 3
TP-45-200 SCALE 1:50

B FACADE ELEVATION EAST- STAGE 3
TP-30-100 SCALE 1:50



MATERIAL CODES	
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	FA04 CURTAIN WALL FACADE - SILVER / GREY / BLUE
	FA05 CURTAIN WALL SYSTEM - SHINGLE GLASS
	FA06 ALUMINIUM PERFORATED VERTICAL FINES



NOTE:
INDICATIVE LAYOUT.
REFER TO LANDSCAPE
REPORT FOR DETAIL.



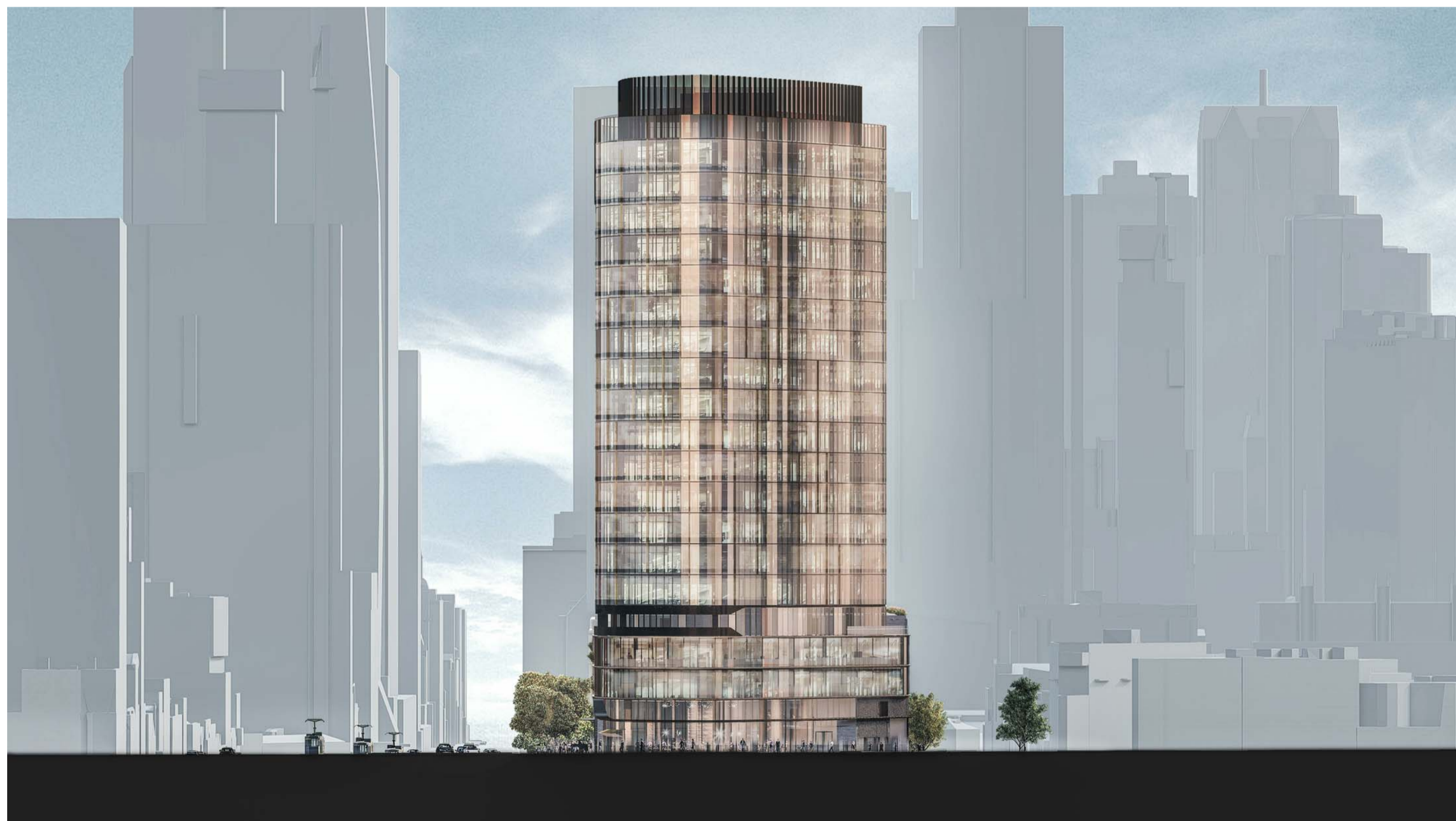
NOTE: INDICATIVE ARTIST IMPRESSION ONLY

RENDERED ELEVATION - EAST



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

RENDERED ELEVATION - WEST



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

RENDERED ELEVATION - NORTH



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

RENDERED ELEVATION - SOUTH

DELEGATE REPORT

MINISTERIAL PLANNING REFERRAL

City of Melbourne application number:	TPM-2019-5
DELWP application number:	PA1900538
Applicant:	Mogprop Management Pty Ltd c-/ Urbis Pty Ltd
Owner:	Bob Jane Southern Motors Properties Pty Ltd
Architect:	Cox Architecture
Address:	683-699 Elizabeth Street, Melbourne
Proposal summary:	<p>The proposal comprises Stage 3 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; and ▪ Alter access to a Road Zone, Category 1.
Cost of works:	\$60 million
Date received by DELWP	Original Application: 14 March 2019 S.50 Amended Application: 31 July 2019
Date received by City of Melbourne:	Original Application: 2 April 2019 S.50 Amended Application: 31 July 2019
City of Melbourne Status	Consultee (informal referral)
Responsible officer:	Colin Charman, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

Ministerial Application PA1900538 concerns the site known as 683-699 Elizabeth Street, Melbourne, comprising the following parcels of land:

- **683-685 Elizabeth Street, Melbourne, being Lot 1 on Title Plan 110422W (Vol. 10116, Fol. 670)**, occupied by a bricked-up two-storey late Victorian era shop, with a single-storey rear extension, which has been painted to form an extension of the garage / motor repairs business at 687-699 Elizabeth Street.
- **687-699 Elizabeth Street Melbourne, being Crown Allotment 1 (Title Plan 422819C, Vol. 08814, Fol. 462) and Crown Allotment 2 (Title Plan 543741N, Vol. 07506, Fol. 035) on**

Section 67 at North Melbourne Parish of Jika Jika, occupied by a bricked-up single-storey garage / motor repairs business with car parking access via Elizabeth Street.

The above allotments combine to form an irregularly shaped arrow-head site at 683-699 Elizabeth Street, which narrows toward the intersection of Elizabeth Street, Peel Street and Pelham Street.

683-699 Elizabeth Street forms 'Stage 3' of a three-staged development (discussed in greater detail later in this report) of a wider site at 611-699 Elizabeth Street, Melbourne.

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:	43.18 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. Two existing vehicle crossings are present to this street frontage. 58.13 metres to Peel Street, a wide boulevard style street 40 metres in width, with four street tree lined reserves dividing the road formation. The pavement abutting the subject site is occupied by several small Maple trees. Two existing vehicle crossings are present to this street frontage.
Site Depth:	40.59 metres
Site Area:	1,506m ²
Topography:	The slope of the land falls by approximately 0.5 metres (west to east).
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 611-699 Elizabeth Street, Melbourne

The subject site is located at the north (Haymarket) end 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).

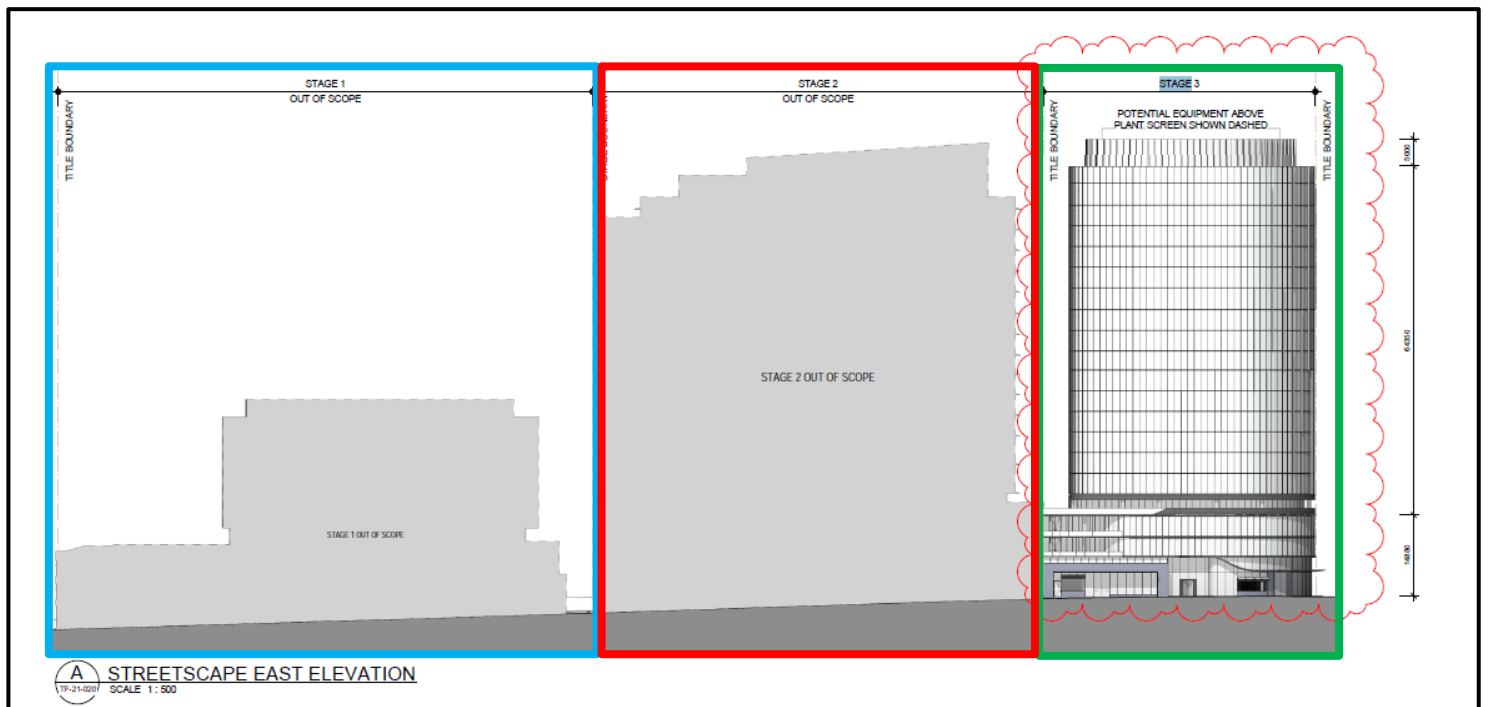
This wider site is the subject of a three-stage development, with each 'stage' of the development being progressed under separate planning permit applications / planning permits.

Ministerial Application PA1900538 (the application under consideration in this report), relates to 'Stage 3' of this three-stage development project.

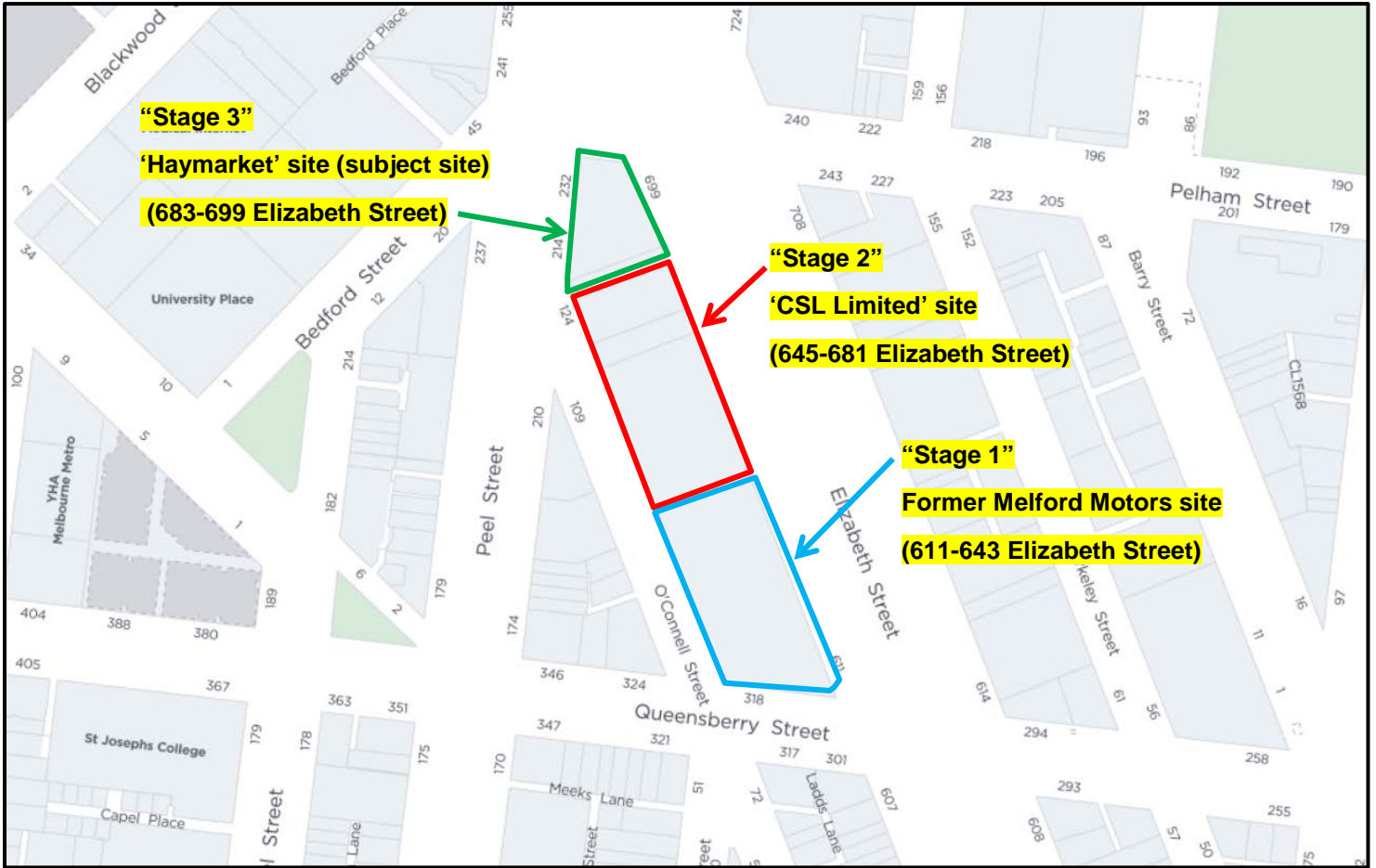
1.2.1 Site plan showing three-staged development of 611-699 Elizabeth Street, Melbourne



1.2.2 Elevation plans showing approved and indicative built form of three-staged development of 611-699 Elizabeth Street, Melbourne



1.2.3 CoMPASS base plan of surrounding cadastre



1.2.4 CoMPASS aerial photograph (captured: 17 February 2020)



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 authorises:

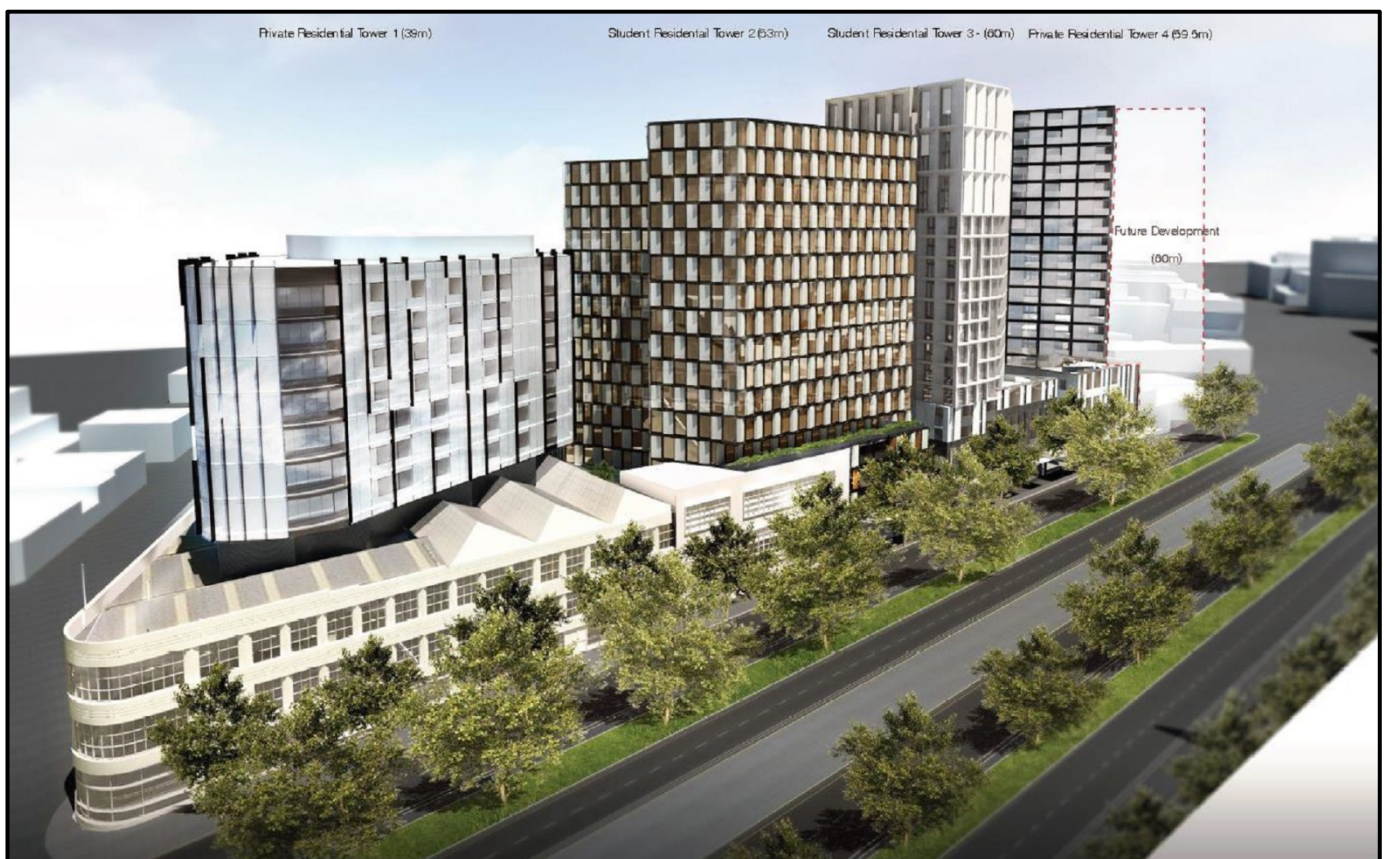
Partial demolition of a heritage building, demolition of buildings in a Heritage Overlay Precinct, and construction of four mixed-use multi-storey buildings comprising dwellings, accommodation (student accommodation), restricted recreation facility, retail and food and drink premises, use of the land 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 611-699 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 authorises:

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’) includes:

- 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.

Construction of Stage 1 commenced in late 2019.

‘Stage 1’ does not share an interface with ‘Stage 3’.



1.2.7 Planning Permit PA1900572: Stage 2 – ‘CSL Limited’ Site (611-681 Elizabeth Street, Melbourne)

Planning Permit PA1900572 was granted by the Minister for Planning on 15 September 2019, and authorises:

Demolition of existing buildings, construction of a building and construct and carry out works, use of the site as Research and Development Centre and alter access to a Road Zone, Category 1 in accordance with the endorsed plans.

The development authorised by Planning Permit PA1900572 (aka ‘Stage 2’) includes:

- The demolition of all existing buildings on the site (commencing to the north of the former Melford Motors showroom, which formed part of ‘Stage 1’).
- Construction of a 16-17 storey (including the ground level) podium / tower development, with three levels of basement, and use of this building for retail and (predominantly) a Research and Development Centre with an overall height of 76.3 metres (top of parapet excluding plant levels) and 86.5 metres (top of plant roof).
- Creation of an open-air publicly accessible laneway abutting the interface with ‘Stage 1’ with a minimum width of 7.7 metres.

The northern boundary of ‘Stage 2’ interfaces with the southern boundary of ‘Stage 3’ in the following manner:

- The podium (street wall) of ‘Stage 2’ is built to the north boundary to a height of approximately 20 metres, with the tower component above the podium setback approximately 5 metres.



1.3 Strategic location within City North

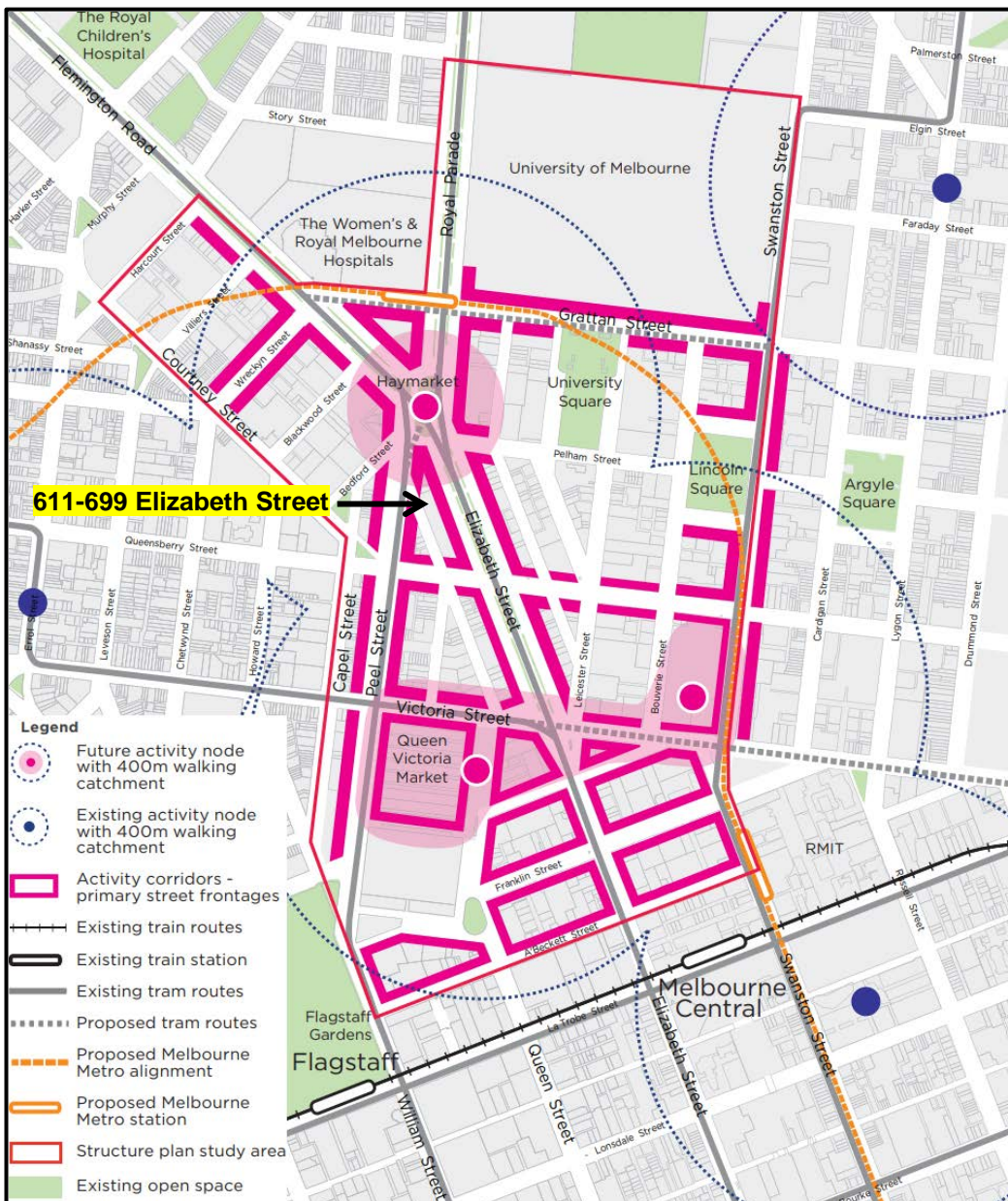
Toward the mid to late 20th century, Melbourne was a city of manufacturing. Today, Melbourne is a leading city in the knowledge economy.

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.

611-697 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 611-699 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, and is not encumbered by any easements:

- **Lot 1 on Title Plan 110422W (Vol. 10116, Fol. 670);**
- **Crown Allotment 1 on Title Plan 422819C (Vol. 08814, Fol. 462);**
- **Crown Allotment 2 on Title Plan 543741N (Vol. 07506, Fol. 035).**

Crown Allotments 1 & 2 above are however burdened by a Section 173 Agreement (Instrument S157765Q), which covenants the owners of these lots as follows:

That RFJ and Jane jointly and severally covenant and agree that in the event of either the property at 697 Elizabeth Street or 689-691 Elizabeth Street being sold then the openings constructed in the northern wall of the subject premises at 689-691 Elizabeth Street will be made to conform with the Victoria Building Regulations 1983 or any amendments thereto from time to time enforceable at that time and that the costs of such alterations or rectifications shall be at the cost of Jane and RFJ jointly and severally.

There is no sunset clause outlined in Instrument S157765Q. This Agreement therefore continues to have force and effect.

Noting that all land burdened by Instrument S157765Q is included in Application PA1900538, and that the intention is to demolish the existing buildings and develop the land as a consolidated planning unit, it is not considered that this S.173 Agreement poses an obstacle to any permit being granted for the development.

In the event a permit is granted for Application PA1900538, Instrument S157765Q can be removed from the title as part of, or concurrent with, the future re-subdivision of the subject site in accordance with the approved development.

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 Planning Application History

2.1.1 Pre-Application Meetings

There have been several pre-application meetings between the Department of Environment, Land, Water and Planning (DELWP), Melbourne City Council and the permit applicant prior to lodgement of Application PA1900538.

These pre-application meetings broadly focussed on the relationship between the 'Stage 3' development and Stages 1 & 2, 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).

2.1.2 Original Application

On 14 March 2019, Application PA1900538 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)
- Construct a building or construct or carry out works within DDO61 (Clause 43.02-1)
- Alter access to a Road Zone Category 1 (Clause 52.29)

DELWP referred Application PA1900538 to City of Melbourne as a ministerial consultee on 2 April 2019.

2.1.3 Amended Application

Application PA1900538 was formally amended under S.50 of the *Planning and Environment Act 1987* on 31 July 2019.

The following key changes were made to the application as part of this request:

1. Revising the façade strategy from banding elements (wrapping around each floorplate) to vertical elements extending down across the tower and integrating the parapet with the tower façade glazing (rather than distinguishing the parapet with a separate treatment). This change was intended to increase the perceived slenderness of the tower form by de-emphasising the horizontal elements / circumference of the tower.
2. Introduction of bluestone as a building material to the north and west facades of the ground floor, to break-up glazing and introduce a finer-grain.
3. Introduction of an internal publicly accessible private arcade to provide an additional connection between Elizabeth Street and O'Connell Street within the wider site.
4. Revision of the canopy to the northern frontage of the site to provide improved weather protection.
5. Other minor changes to address detailed feedback from Council's experts and external stakeholders (including VicRoads).

The updated drawings and technical reports accompanying the request to amend Application PA1900538 under S.50 of the *Planning and Environment Act 1987* represent the assessed application documents under Application PA1900538.

2.2 Planning Scheme Amendments

In the intervening period between when Application PA1900538 was first received by the Department, and the date of this report, no Planning Scheme Amendments have been adopted by Melbourne City Council or gazetted by the Minister for Planning that would have any bearing on the subject site and proposed development.

It is noted that that the subject site does not fall within the scope of Planning Scheme Amendment C258 (West Melbourne Heritage Review and Heritage Policies Review) or Planning Scheme Amendment C308 (Urban Design in the Central City and Southbank), recently adopted by Melbourne City Council and therefore seriously entertained planning scheme amendments.

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	31 July 2019
Letter accompanying S.50 Amendment	Urbis Pty Ltd	31 July 2019
Architectural Drawings (S.50 Amendment)	Cox Architecture	30 July 2019
Development Summary (S.50 Amendment)	Cox Architecture	30 July 2019
Urban Context & Design Response (S.50 Amendment)	Cox Architecture	30 July 2019
Sustainability Management Report (S.50 Amendment)	Simpson Kotzman	30 July 2019
Traffic Impact Assessment Report (S.50 Amendment, includes swept-path diagrams)	Cardno	29 July 2019
Waste Management Plan (S.50 Amendment)	Irwin Consult	30 July 2019
Landscape Maintenance Plan (S.50 Amendment)	John Patrick	30 July 2019
Landscape Plan Ground Floor (S.50 Amendment)	John Patrick	30 July 2019
Landscape Plan Level 3 Terrace (S.50 Amendment)	John Patrick	30 July 2019
Wind Assessment (Original Application)	Mel Consultants	15 July 2019
CHMP Test	Urbis Pty Ltd	17 April 2019
DDA Compliance Report	Cox Architecture Pty Ltd	3 June 2019
Airspace Impact Assessment	Thompson GSC	27 June 2019

3.2 Summary of Proposed Development & Plan Excerpts

3.2.1 Summary of proposed development

The proposed development seeks permission to demolish all existing buildings occupying the subject site, and construction of a 19-storey building above a three-level basement.

The building adopts a point tower typology (as opposed to a podium / tower typology), by incorporating a recessed waist element above the first three-storeys to distinguish a lower street-wall

from an upper street-wall / tower form, extending to the Peel Street, Elizabeth Street and Haymarket title boundaries.

The lower street wall (below the waist) features a height of approximately 15.3 metres (three-storeys, excluding mezzanine areas), with the remaining balance of the upper street (above the waist) featuring a height of 79.4 metres (top of parapet excluding plant levels) (19 storeys). The overall height of the development is 86.4 metres¹ (top of plant roof).

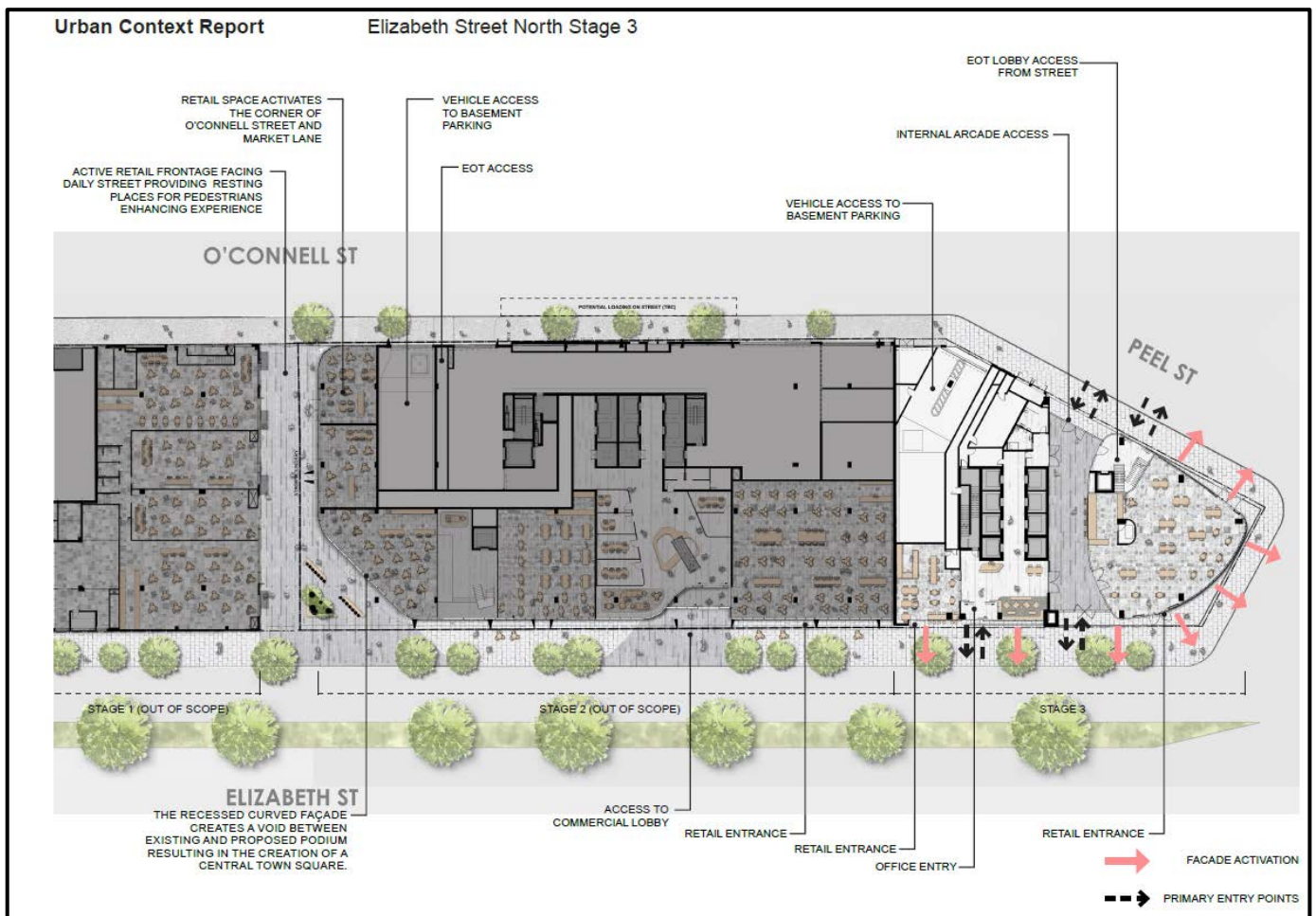
The development seeks to create an internal publicly accessible arcade, bisecting the tower podium, with a minimum width of 5 metres.

The building will be occupied by retail and lobby areas (configured to activate Elizabeth Street and the proposed publicly accessible arcade) and operational uses (configured toward O'Connell Street and Peel Street) at the ground level, with upper levels occupied by office floor space.

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)
- Construct a building or construct or carry out works under the Design and Development Overlay Schedule 61 (City North)
- Alter access to a road in the Road Zone Category 1.

3.2.2 Ground plane (Urban Context Report, 30 July 2019)



¹RL 33.0 has been adopted as ground surface level for the purpose of measuring the maximum building height, taken from a spot level generally at the centre point of the Elizabeth Street frontage

3.2.3 Elizabeth Street presentation (Urban Context Report, 30 July 2019)



3.2.4 Presentation toward Haymarket (Urban Context Report, 30 July 2019)



3.2.5 Internal publicly accessible arcade (Urban Context Report, 30 July 2019)

Arcade



NOTE: INDICATIVE ARTIST IMPRESSION ONLY

3.3 Detailed Information: Built Form

3.3.1 Site layout and GFA

Site Area:	1,506m ²	Site Coverage:	1,450m ² Approx.
Landscaped Area:	Nil.	Permeable Area:	Nil.
Floor Area Ratio (excluding basement areas):	16.3:1	Floor area uplift sought:	N/A – No applicable uplift mechanism.
Retail GLAR (gross lettable area retail):	434m ²	Office NLA:	16,980m ²
Typical Office FL to CL height	3.8 metres	Total GFA (excluding basement areas):	24,502m ²

3.3.2 Building Height and Setbacks

Number of storeys above ground level	19 storeys* *excludes mezzanine	Number of basement levels:	3	
Maximum Building Height: *Note – RL 33.0 has been adopted as ground surface level, representing the centre point of the Elizabeth Street frontage	Including plant: $RL119.4 - RL 33.0$ = 86.4 metres Top of parapet (excluding plant levels) $RL112.4 - RL 33.0$ = 79.4 metres	Street Wall Height: *Note – RL 33.0 has been adopted as ground surface level, representing the centre point of the Elizabeth Street frontage	Lower street wall (below waist): $RL48.3 - RL 33.0$ = 15.3 metres Upper street wall (above waist): $RL112.4 - RL 33.0$ = 79.4 metres	
Minimum Tower Setbacks (above podium):	North Haymarket	0 metres	East Elizabeth	0 metres
	South 'Stage 2'	5 metres	West Peel Street	0 metres
Minimum Building Separation (above podium):	North Haymarket	N/A	East Elizabeth	N/A
	South 'Stage 2'	9.2 metres (to skirt of Stage 2) 10 metres (to façade of Stage 2)	West Peel Street	N/A

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

Car parking, bicycle facilities and loading and unloading			
Car parking spaces:	41	Bicycle spaces:	157
Motorcycle spaces:	6	Bicycle (EOT) facilities:	74m ² (female, including bathrooms, changing rooms and showers) 90m ² (male, including bathrooms, changing rooms and showers)
Vehicle access:	Vehicle access will be via a ramp (7.49 metres wide) to Peel Street.		
Loading/unloading:	Loading bay provision will be provided on the uppermost level of the basement (level 1).		

3.3.4 Building Programme

Table: Programme
Basement 03
Services
Car parking spaces: 22
Motorcycle parking spaces: 3
Basement 02
Services
Car parking spaces: 16
Motorcycle parking spaces: 1
Basement 03
Services (including loading and unloading and waste storage facilities)
Car parking spaces: 3
Motorcycle parking spaces: 2
Bicycle spaces: 157
Ground Floor
Services (including gas meter room and fire booster, primarily consolidated adjacent to vehicle access along O'Connell Street / Peel Street frontage)
Retail: 2 x retail tenancies (GLAR: 434m ²)
Office lobby (accessed via Elizabeth Street)
EOT lobby (accessed via Peel Street)
Internal public arcade (connects Elizabeth Street to Peel Street)
Mezzanine
Services
Male and female EOT facilities
Level 1-18
Office floor space

Plant Level
Roof

3.4 Detailed Information: Land Uses

3.4.1 Retail

The ground level includes two retail tenancies with a gross lettable area (retail) of 434m².

These tenancies are configured to front the internal publicly accessible arcade, Peel Street, Elizabeth Street, and the Haymarket, contributing to a cumulative activated exterior frontage of 53 metres and interior frontage (to the internal arcade) of 17 metres.

3.4.2 Office

The remaining balance of the building above the ground floor level and mezzanine will be occupied by office floor space.

4 STATUTORY CONTROLS

Application PA1900538 requires the following planning permissions pursuant to the Melbourne Planning Scheme:

- Capital City Zone (Schedule 5: City North) (**CCZ5**):
 - 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 Capital City Zone (Schedule 5: City North)

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 not required for the use of land for 'Retail premises' and 'Office' in CCZ5.

Application PA1900538 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.

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 PA1900538 has not sought permission to erect an advertising sign.

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 PA1900538 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 17,414m². The applicable maximum car parking requirement is therefore:

$$\frac{5 \times 17,414\text{sqm}}{1,000\text{sqm}} = 87.07 \text{ (87 car parking spaces)}$$

Application PA1900538 includes 41 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 PA1900538 includes 41 car parking spaces, no motorcycle parking space are therefore required.

Application PA1900538 includes 6 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 PA1900538 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 PA1900538 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, Peel Street and the Haymarket, which are included in the Road Zone, Category 1.

Application PA1900538 seeks to alter access to RDZ1 zoned roads in the following manner:

- Removal of a vehicle crossing to Elizabeth Street.
- Removal of a vehicle crossing to Peel Street / Haymarket.
- Creation of a vehicle crossing to Peel Street.

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 PA1900538 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 PA1900538:

Use	Employee / Resident	Visitor / Shopper / Student
Office other than specified in this table	1 to each 300 m ² net floor area if the net floor area exceeds 1000 m ²	1 to each 1000 m ² of net floor area if the net floor area exceeds 1000 m ² .
Retail premises other than specified in this table	1 to each 300 m ² of leasable floor area	1 to each 500 m ² 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:

$$1 \left(\frac{16,980sqm}{300} \right) + 1 \left(\frac{16,980sqm}{1000} \right) = 73.58 \text{ bicycle spaces}$$

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

$$1 \left(\frac{434sqm}{300} \right) + 1 \left(\frac{434sqm}{500} \right) = 2.31 \text{ bicycle spaces}$$

The total required number of bicycle spaces is therefore:

$$73.58 + 2.31 = 75.89 \text{ bicycle spaces}$$

Application PA1900538 includes 157 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 PA1900538:

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:

$$1 + \frac{(58 - 5)}{10} = 6 \text{ showers}$$

Application PA1900538 includes provision for 22 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 PA1900538:

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 a combined shower and change room.	None

Application PA1900538 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 PA1900538.

The Sustainability Management Plan prepared by Simpson Kotzman (dated 30 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 30 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

A list of the relevant policies in the Planning Policy Framework (PPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the proposed development under Application PA1900538 in Section 8 of this report.

6 PUBLIC NOTIFICATION

All of the planning permissions required by Application PA1900538 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*.

7 REFERRALS

7.1 External Referrals

7.1.1 VicRoads (Determining Referral Authority)

Application PA1900538 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 PA1900538, 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 Head, Transport for Victoria (Determining Referral Authority)

Application PA1900538 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 PA1900538, 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

Council's Urban Designer provided detailed comments on the original application on 31 May 2019.

The following (paraphrased) specific recommendations contained in Council's Urban Designer's advice of 31 May 2019 have largely been addressed in the revised drawing package accompanying the S.50 Amended Application received on 31 July 2019:

- Progression of the ground plane design to include through-block permeability, by incorporating a new internal publicly accessible arcade.
- Increased definition of the ground plane, including by providing detailed shopfront elevations to showcase human-scale design initiatives.
- Further evolution of the façade strategy from banding elements (wrapping around each floorplate) to vertical elements extending down across the tower and integrating the parapet with the tower façade glazing (rather than distinguishing the parapet with a separate treatment).

Council's Urban Designer identified that the following concerns remained outstanding in advice provided on 9 October 2019, addressing the revised drawing package accompanying the S.50 Amended Application:

- *Consolidation of services to Peel Street is still required. This is now crucial given the approx. 70m impermeable Peel Street frontage of adjacent stage 2 development.*
- *While the overall building height has decreased slightly to approx. 86m (from 90m), this still exceeds the maximum height of 60m stipulated in DDO61 by 26m. While the intent of creating*

a 'point tower' form to the Haymarket interface is understood, a tower of 86m in height with limited facade articulation cannot be supported from an urban design perspective.

In addition to the above outstanding concerns, Council's Urban Designer offered the following additional recommendations regarding the revised drawings submitted with the S.50 Amended Application:

Urban structure and site layout

- *An even distribution of multiple though block links though the overall Toyota development site is crucial to maintain permeability though this site; and in consideration of this, it is positive to see the introduction of an east-west arcade to the stage 3 ground floor design. However, the current position of the though block link (approx. 30m south from the Haymarket) provides limited relief to the blocked urban structure of the site (a consequence of removal of though-block link, and introduction of 70m impermeable services frontage to Peel street of the stage 2 development). We recommend reconsideration and consolidation of services fronting Peel Street to the south of site, and the relocation of the arcade further south on the site.*

Public interface

- *Activation of the created though-block link is limited; particularly to the south interface where it is primarily flanked by blank facades (lift core and back-of-house facilities). A though-block link needs to be successfully activated and allow for ample passive surveillance to maintain safety and to be an attractive pedestrian thoroughfare. Further design detail and activation is required to demonstrate that these qualities can be achieved. A potential solution is to merge the arcade and commercial lobby to create a more meaningful and activated though-block link.*
- *We are in support of the introduction of the solid bluestone panels that have been introduced to frame tenancy entrances to the shopfront; and we encourage further consideration of the ground plane façade in detail to alleviate the considerable extent of floor-to-ceiling glass to the remainder of the façade. We recommend a more consistent reduction in floor-to-ceiling glazing to the ground plane, to increase visual interest, perception of human scale and opportunity for interaction with the façade from the pedestrian realm. Consideration of solid elements integrated with glass framing, and an increased break-up of glazing panels to the ground floor façade is a strategy that could be employed to provide a better sense of articulation. In application of this strategy, maintaining the use of high quality, robust and natural materials to the ground plane is imperative.*

Design detail

- *While the use of angled panels is a positive strategy to reinforce a vertical scale and provide a distinction between the tower design language of the stage 2 development; the expression towards the north of the tower (primary Haymarket interface) is primarily flat glass. In consideration of the tower height (26m above the DDO requirements) and lack of any articulation or definition to the tower form when experienced from the north; the mass inherently appear as a singular sheer monolithic form to the Haymarket interface, which will be dominating to the public realm, and is likely to cause significant glare. We require further vertical articulation to the northern end of the tower. This can be introduced in the form of solid shading fins integrated into the façade design or continuing the angled glass expression around the perimeter of the tower form.*

Council's Urban Designer offered the following concluding comments:

While there has been a positive level of design development demonstrated in the updated drawing packages in regard to ground floor articulation, introduction of ground floor arcade and vertical tower expression; 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 Haymarket context. While a 60m point tower to the Haymarket could be supported in consideration of the planning controls, and acknowledging the metropolitan importance of the intersection, a shear form of 86m+ exceeds what could be supported by urban design to the Haymarket intersection interface. In consideration of this, we require a number of key items to be addressed prior to the next phase of design development:

- Reduction of overall building height to better align with DDO requirements
- Consolidation of services to Peel Street
- Alignment and activation of through-block link
- Articulation to northern tower façade
- Other detailed matters as contained in this report.

In order to entertain changes that would satisfy Council's Urban Designer's outstanding concerns in relation to the application (i.e. a reduction in the height of the tower to comply with the requirements of DDO61, and revisions to the tower floorplates to relocate the publicly accessible arcade closer to the southern boundary with 'Stage 2'), 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 PA1900538 in Section 8 of this report, it is considered that the proposed development can be supported at its current height, subject to conditions.

Regarding detailed matters, conditions have been recommended for inclusion on any permit being granted to ensure:

- With respect to the façade strategy:
 - Services to Peel Street are demonstrably limited to the minimum extent necessary in order to meet the operational requirements of the development and are relocated below ground where possible.
 - Use of bluestone cladding to the podium, including further integration of high quality, robust, natural solid elements with glass framing, particularly within the ground plane façade, to break-up glazing panels and increase visual interest.
 - Incorporation of solid shading fins integrated with the façade design treatment and / or use of angled glass expression around the perimeter of the tower form to achieve improved vertical articulation of the tower as viewed from the north (Haymarket).
- With respect to the publicly accessible arcade:
 - The extent of activation of the ground level of the arcade is demonstrably optimised, including through plans highlighting the proposed breakup of the tenancies and details of the presentation of the interior facades facing the proposed arcade.
 - A sophisticated façade strategy to the exterior of the lift core is employed, so that this façade contributes to the activation of the arcade. This façade strategy is to include measures to introduce visual interest in the form of human scale design, public art, or any other measures that will increase visual permeability where possible (e.g. glazing to the lift core).
- With respect to the publicly accessible arcade:

It is acknowledged that by incorporating an internal publicly accessible arcade into the revised drawings submitted with the S.50 Amended Application, the proponent has satisfied Council's expectations documented in management's report to Melbourne City Council's Future Melbourne Committee meeting held on 3 September 2019, addressing 'Stage 2' of the wider site development.

Subject to conditions being included on any permit being granted requiring resolution of the above items, 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, 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 7 November 2019 and confirmed that the updated Sustainability Management Plan prepared by Simpson Kotzman dated 30 July 2019, together with the following landscape plans prepared by John Patrick dated 30 July 2019 were acceptable:

- Landscape Maintenance Plan
- Landscape Plan Ground Floor
- Landscape Plan Level 3 Terrace

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 14 October 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.

Design revisions were also recommended to the location of building canopies, to ensure that future development does not impede the growth of future public trees, or require excessive pruning of existing street trees.

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 23 October 2019 and did not object to a permit being granted in relation to Application PA1900538, 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 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 (MPS).
- Pedestrian sight triangles of 2 x 2.5m must be provided at the exits from both the car park, as required by the Melbourne Planning Scheme.
- All doors should open inwards within the site (not towards the footpath)².

² This recommendation can also generally be addressed by requiring all plans to show the swing path of all outward opening doors, which demonstrate that doors will not project beyond the title boundaries of the site when open.

- 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.

Bicycle and motorcycle parking

- The bicycle parking provision is supported, as it significantly exceeds the MPS requirement for 76 spaces. The design / dimensions of the bicycle parking should comply with relevant Australian Standards or Bicycle Network guidelines.
- The provision of six motorcycle spaces is also supported.

Loading and unloading

- A Loading Management Plan (LMP) must be prepared, specifying how the access / egress of loading vehicles is to be 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 52.07³. While Swept Path Diagrams (SPDs) for the waste collection vehicle appear to be acceptable, comments should be sought from our Waste team regarding the required vehicles, height clearances, etc. SPDs should be provided, showing vehicles turning from the site into O'Connell Street.

Car Share

- In 2015, Council approved a new car share policy that has set a target of 2,000 on-street and off-street car share spaces within the municipality by 2021. Such an ambitious target was approved because car share programs help reduce the number of privately owned cars on the road and in private car parks. Research suggests each car share vehicle reduces the member's private vehicle usage by 50%. In order to meet the likely demand, it is requested that at least one car share space be provided on site.

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 4 October 2019, and advised that the previous comments regarding the width of vehicle crossings and the two retail outward opening doors have been addressed.

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), as outlined in the advice received 9 May 2019 on the original application, will be resolved in the final development.

³ It is noted that *Clause 52.07 Loading and Unloading* no longer exists in the Melbourne Planning Scheme. Requiring the loading bays to be designed to meet relevant standards instead will achieve an acceptable outcome.

7.2.6 Urban Services Engineering

Council's Performance Management Engineer provided advice on the S.50 Amended Application on 30 July 2019, and confirmed that the Waste Management Plan (WMP) prepared by Irwin Consult dated 30 July 2019 was acceptable.

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 PA1900538 include:

- 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 development satisfactorily integrates with the staged development of the wider site at 611-699 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 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.

8.2.1 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	N/A	<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 Streets. ▪ Provides a high level of pedestrian amenity, including access to sunlight to ground floor and sky views.

Assessment: Complies subject to conditions

Building Height:

A definition of building height, including how it is measured, is not given in DDO61.

Building height therefore has its ordinary meaning provided in *Clause 73.01 General Terms*, being:

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

Adopting RL33.0 as ground level (being the pavement surface level on the Elizabeth Street frontage at the centre of the site), the proposed point tower has a street wall height of **79.4 metres** (measured to the top of parapet excluding plant levels, representing how the tower will generally be read from the public realm), and an overall building height of **86.4 metres** (top of plant roof).

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 without strong strategic justification.

For the reasons set out below, it is considered that the proposed tower can be supported at its current height, having had careful regard to the strategic and physical context of the subject site, its role within the staged development of the wider site at 611-699 Elizabeth Street, and its location in City North.

As part of Council's previous decision for 'Stage 2' of the wider site development (which featured a tower height of **76.3 metres** (top of parapet excluding plant levels) and overall height of **86.5 metres** (top of plant roof)) the strong strategic support for the proposed 'Research and Development Centre' land use was acknowledged and formed part of a balanced consideration that ultimately found that

net community benefit would best be served by facilitating this development (ultimately approved under Ministerial Permit No.PA1900572).

The proposed development under Application PA1900538 has not been purposively designed to cater to a strategic land use of the same order as the biomedical Research and Development Centre proposed for the neighbouring 'Stage 2' site. However, the provision of non-accommodation land uses within the development will contribute to Melbourne's knowledge cluster in City North, by providing opportunities for future tenants and other businesses to establish in this location that directly serve the purpose of the Capital City Zone (Schedule 5).

Furthermore, the physical context of the subject site weighs in favour of the design response (and height) of the proposed development. Specifically, in determining whether the height of the proposed tower is acceptable, the following must be noted:

- The overall height (top of plant roof) of the proposed development under Application PA1900538 (**86.4 metres**) has not sought to leverage the approval for the neighbouring property to an excessive degree, and is generally consistent with the overall height (top of plant roof) approved for 'Stage 2' (**86.5 metres**).
- The predominant height at which the point tower will be read, as viewed from the public realm, will be the height of the street wall (**79.4 metres**), noting that the plant levels above the street wall are generally recessive.
- There is an established urban design principle of stepping-up the height of development toward prominent corner sites, including at gateway intersections (which the Haymarket roundabout is). This urban design principle is reflected in many of the built form outcomes set out in DDO61 relevant to the subject site. The height and form of the proposed tower ensures that this outcome is achieved across the wider Elizabeth Street site.
- The Haymarket roundabout provides a generous amount of public space around the subject site, and surrounding approved developments have established a precedent for the future scale and context of this gateway precinct.
- The applicant, in its submission supporting the adopted height for the proposed development, invoked the VCAT decision for the neighbouring site at 696-708 Elizabeth Street, Melbourne, which discussed the need to balance strategic and physical context in considering amenity impacts.

Notably, the location of the subject site is situated to the south of the Haymarket roundabout and therefore poses no amenity impacts on any planned future public open space at this location (i.e. by overshadowing), nor does it pose any additional amenity impacts on sunlight access to the through-block link between Stage 1 and Stage 2 of the wider site development.

In the event that the proposed development did not seek to provide non-accommodation land uses, it is not considered the development would present a suitable response to both the subject site's strategic and physical context, limiting any scope to support a tower at the subject site with an overall height (top of plant roof) exceeding 76 metres (being generally consistent with the VCAT decision for the neighbouring student accommodation development at 696-708 Elizabeth Street).

A condition has been recommended for inclusion on any permit being granted (drafted in a manner similar to that imposed on Stage 2), to lock-in the non-accommodation uses proposed by the development for a minimum period of 10 years.

Street edge height and upper level setback:

DDO61 does not provide street edge height or upper level setback requirements for the subject site (which primarily fronts Peel Street, Elizabeth Street and the Haymarket roundabout).

A 'point tower' typology is therefore considered to be appropriate, and encouraged, by the operation of the built form requirements for the Application PA1900538.

8.2.2 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 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>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 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: Complies subject to conditions</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 and 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 floor to ceiling heights that will cater to commercial / office tenants.</p>	

With respect to the height of the proposed development, 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.

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).

Subject to a condition requiring the non-accommodation land uses within the development to be maintained for a minimum period of 10 years, it is considered that height of the proposed development will present an acceptable response to the built form requirements and built form outcomes relating to Building Heights, Scale and Setbacks.



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,

	<p>and traditional characteristic vertical rhythm of streetscapes.</p> <p>All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.</p> <p>Blank building walls that are visible from streets and public spaces should be avoided.</p> <p>Buildings on corner sites should address both street frontages.</p> <p>Service areas</p> <p>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.</p> <p>Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.</p> <p>Building Projections</p> <p>Building projections outside the property boundary should accord with Council's Road Encroachment Guidelines.</p>
<p>Assessment: Complies</p>	
<p>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.</p> <p>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 landscape plans prepared by John Patrick dated 30 July 2019, it is considered that the proposed development will comply with the Building Facades and Street Frontages requirement of DDO61.</p>	
<p>Active and Safe Street Frontages</p> <p>To create safe streets.</p> <p>To ensure all streets are pedestrian oriented and contribute to pedestrian safety.</p> <p>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.</p> <p>To ensure development contributes to passive surveillance of the public domain.</p>	<p>Ground floor frontages should contribute to city safety by providing lighting and activity.</p> <p>At least the first five levels of a building should provide windows and balconies, fronting the street or lane.</p> <p>Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.</p> <p>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.</p> <p>Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.</p>
<p>To ensure ground floor frontages to major pedestrian area add interest and vitality.</p>	<p>Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Street as shown on Map 1 should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority by providing:</p> <ul style="list-style-type: none"> • At least 5 metres or 80% of the street frontages (whichever is the greater) as: <ul style="list-style-type: none"> • An entry or display window to a shop and / or a food and drink premises; or

	<ul style="list-style-type: none"> • As any other uses, customer service areas and facilities, which provide pedestrian interest or interaction. • Clear glazing (security grilles must be transparent).
<p>Assessment: Complies subject to conditions</p>	
<p>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 concerns in relation to the services frontage to the proposed arcade, and Peel Street.</p> <p>Broadly it is considered that services have been limited to the minimum extent necessary to Peel Street, occupying approximately 11 metres of the site's Peel Street frontage (excluding the vehicle crossing).</p> <p>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.</p>	
<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>
<p>Assessment: Complies subject to conditions</p>	
<p>The proposed development includes a 5 metre wide publicly accessible arcade, which will bisect the tower ground plane.</p> <p>Subject to conditions that ensure appropriate human-scale design features are provided within this arcade (including high levels of activation), to improve the civic experience for arcade users, and appropriate agreements are entered into to ensure the arcade is maintained appropriately in perpetuity, it is considered that the proposed development will comply with the provision of public places requirement of DDO61.</p>	
<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 11am and 2pm 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.</p> <p>Maximise the extent of the northerly aspect of public open spaces.</p> <p>Ensures sunlight reaches the lower floors of new developments.</p>
<p>Assessment: Complies</p>	
<p>The orientation of the site ensures no shadowing will be cast on the Haymarket, and its location within the wider Elizabeth Street site context ensures it will not cast any additional shadow over the through-block link between Stage 1 and Stage 2.</p> <p>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.</p> <p>The proposed development complies with the Sunlight to Public Places requirement of DDO61.</p>	
<p>Pedestrian Links To accommodate vehicular and service access to developments.</p>	<p>Buildings and works adjoining lanes The design and management of access and loading areas along lanes should not impede pedestrian</p>

	<p>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 5 metre wide publicly accessible arcade, which will bisect the tower ground plane.</p> <p>The northern side of this arcade will be flanked by active frontages within the proposed development (fine grain design to be further finessed via a façade strategy), however there are outstanding concerns in relation to the southern side of this arcade (which will abut the lift core for the tower, with potentially limited opportunities to enhancing activation).</p> <p>As per the above assessment against the provision of public places design requirement, subject to conditions that ensure appropriate human-scale design features are provided within this arcade (including high levels of activation), to improve the civic experience for arcade users, and appropriate agreements are entered into to ensure the arcade is maintained appropriately in perpetuity, it is considered that the proposed development will comply with the pedestrian links requirement of DDO61.</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, without causing detriment to building or streetscape integrity.</p>	<p>Buildings should include protection from the weather in the form of canopies, verandahs and awnings.</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.

	<ul style="list-style-type: none"> • 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>
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Assessment: Does not comply

The Wind Impact Assessment prepared by MEL Consultants on the basis of the revised drawings accompanying the S.50 Amended Application (dated 15 July 2019) identify that at the ground level of all test locations surrounding the development, with the exception of a test location at the intersection of Peel Street and the Haymarket roundabout, have been shown to achieve the walking comfort criterion.

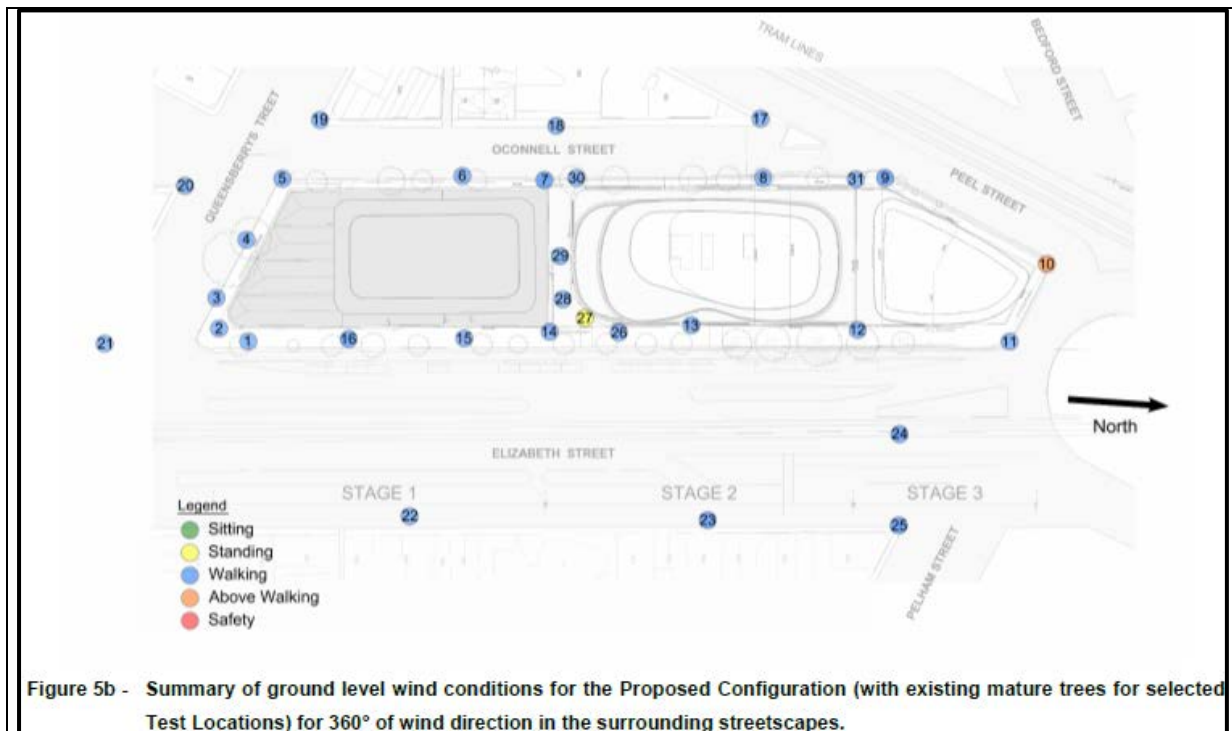
It is noted that MEL Consultants wind model testing has been performed on the basis of existing mature trees being retained in 'selected test locations'. These test locations are not clearly shown on the diagrams provided in the report identifying the tested wind speed comfort levels.

It is not appropriate to rely on landscaping within the public realm for the purpose of wind impact analysis, particularly where existing street trees may need to be pruned and / or removed to facilitate future aspects of the development.

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

It is noted that it will likely to be very challenging to achieve walking wind speed criterion levels for the non-compliant testing location at the corner of Peel Street and Haymarket roundabout, due to the physical context of the subject site, which is located at the corner of several arterial roads and is fully exposed to northerly winds (by far the most frequent and strongest in the Melbourne region) across Haymarket roundabout.

Given this unique physical context the expectation that optimal wind comfort criterion will be met should be tempered. Subject to a condition being included on any permit being granted to require further testing, and consideration of alternative solutions that balance retention of existing mature trees and canopy solutions, it is considered that an acceptable outcome can be achieved acknowledging the exposed context of the site.

**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)

8.3 Integration with the Staged Development of the Wider Site

8.3.1 Interface with 'Stage 2' 'CSL Limited' Site (611-681 Elizabeth Street, Melbourne)

As acknowledged in Section 7.2.1 of this report addressing Council's Urban Designer's advice on the application, by incorporating a publicly accessible arcade in the revised drawings submitted with the S.50 Amended Application, Application PA1900538 has satisfied Council's expectation regarding creating opportunities for permeability within the wider site.

Above the ground plane, it is also noted that adequate separation between the tower elements of both 'Stage 1' and 'Stage 2' (10 metres) has generally been achieved.

8.4 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*.

8.5 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 PA1900538.

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.

8.6 Sustainability

8.6.1 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 30 July 2019) identifies that the proposed development in Application PA1900538 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
- A 5-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 align with the final drawings.

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*.

8.6.2 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)*.

8.7 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 the Future Melbourne Committee resolves to support Application PA1900538, subject to conditions.

Subject to conditions, the proposed tower achieves an acceptable outcome having regard to the physical and strategic context of the site, and context established by nearby developments, and will make a positive contribution to the Haymarket roundabout gateway precinct.

Conditions are recommended for inclusion on any permit being granted to ensure the development achieves a high quality exterior facade design (particularly important given its key location), and to ensure that the development serves the elevated strategic context of the site by supporting future opportunities for non-accommodation land uses for a minimum period of 10 years.

9.1 Draft Permit Preamble

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

Demolition of the existing buildings, construction of a multi-storey mixed use building and construct and carry out works, and alteration of access to a road in a Road Zone, Category 1, in accordance with the endorsed plans.

9.2 Draft 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. The swing path of all outward opening doors, which demonstrate that doors will not project beyond the title boundaries of the site when open.
 - c. The dimensions of all canopies to the building, which are to be designed in a manner that facilitates the retention (and future growth) of existing or replacement public tree plots to the satisfaction of Melbourne City Council – Urban Forestry & Ecology.
 - d. Services to the Peel Street frontage are demonstrably limited to the minimum extent necessary in order to meet the operational requirements of the development and are relocated below ground where possible.
 - e. Any changes as required as a result of the Façade Strategy.
 - f. Any changes as required as a result of the Detailed Arcade Plans.

- g. Any changes as required as a result of the Loading Management Plan.
- h. Any changes as required as a result of the Road Safety Audit.
- i. 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 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. 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

- 9. 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 bluestone cladding to the podium, including further integration of high quality, robust, natural solid elements with glass framing, particularly within the ground plane façade, to break-up glazing panels and increase visual interest.
 - iii. Incorporation of solid shading fins integrated with the façade design treatment and / or use of angled glass expression around the perimeter of the tower form to achieve improved vertical articulation of the tower as viewed from the north (Haymarket).
 - iv. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.

Arcade Design Detail

10. Prior to the commencement of development a detailed arcade plan showing the proposed design, detailing and the quality, durability and type of materials and finishes to all elevations of the arcade, 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 facades 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 interior facades facing the proposed arcade.
 - c. Include details of a sophisticated façade strategy to the exterior of the lift core, to ensure that this façade contributes to the activation of the arcade. The façade strategy is to include measures to introduce visual interest in the form of human scale design, public art, or any other measures that will increase visual permeability where possible (e.g. glazing to the lift core).

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

Environmentally Sustainable Design (ESD)

11. 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 30 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 30 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 30 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.
12. 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

13. 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 plans prepared by John Patrick dated 30 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

14. 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.
15. 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)

16. 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.
17. 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.
18. 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)

19. 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.
20. 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 (Arcade)

21. 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 Peel Street (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 (Non-Accommodation Land Uses)

22. 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:
- Provide that unless agreed otherwise by the Responsible Authority and Melbourne City Council, the initial use of the development (immediately following construction) is for non-accommodation purposes.
 - The use of the development for non-accommodation purposes must be secured for a minimum period of 10 years from the date of issue of a certificate of occupancy for the building; and
 - Be to the satisfaction of the Responsible Authority and the Melbourne City Council.

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

Wind Test Modelling

23. 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 15 July 2019 but identify wind speed conditions on the basis of testing that excludes existing mature street trees or proposed vegetation.

The report must set out recommendations to ameliorate wind conditions, which explore whether there are architectural or canopy solutions that would enable walking comfort criterion to be generally achieved on land surrounding the site, whilst balancing retention of mature street trees where possible, in accordance with the requirements of Table 2 to Design and Development Overlay Schedule 61 (City North) of the Melbourne Planning Scheme.

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

24. 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

25. 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

26. 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

27. 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

28. 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 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. To minimise this likelihood, any doors to the vehicle access should either be offset by 6m from the site boundary or be left open during peak periods & closed off-peak.
 - 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.

The LMP is to be approved by Melbourne City Council – Engineering Services. If a requirement of VicRoads conflicts with the requirements of this condition, the requirements of VicRoads prevail. The owner must reimburse Melbourne City Council for all costs associated with any parking changes.

Urban Services

29. 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 30 July 2019, but amended to ensure consistency with the plans submitted for endorsement under Condition 1 of this permit. 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.

30. 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.
31. 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

Drainage

32. 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.
33. 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

34. 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

35. 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.
36. The footpaths adjoining the site along Elizabeth Street and Peel Street (including adjacent to Haymarket roundabout) 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.
37. 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

38. Existing street levels in Elizabeth Street, Peel 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

39. 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

40. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
41. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Elizabeth Street, Peel Street and O’Connell Street footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council – Engineering Services.

Public lighting

42. 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

43. 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.
44. 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

45. 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.
46. 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.
47. 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

48. 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.

49. 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).

50. 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.

51. 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

52. <Placeholder for VicRoads conditions>

Transport for Victoria

53. <Placeholder for Transport for Victoria conditions>

Permit expiry

54. 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.

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. 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

- B. 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

- C. 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

- D. 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
- E. 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.
- F. Under the Road Management Act 2004, any works within the road reserve of Elizabeth Street, Peel Street or the Haymarket roundabout 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

- G. 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.
- H. 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

- I. 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.
- J. 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.
- K. 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.

- L. 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.
- M. 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.

ATTACHMENT 1: PLANNING POLICY

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 development of 683-699 Elizabeth Street, Melbourne, as proposed under Application PA1900538.

The following PPF clauses are considered relevant to Application PA1900538:

- 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 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 17.02 - 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

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 PA1900538:

- 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

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 PA1900538:

- Clause 22.01 – Urban Design within the Capital City Zone⁴
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management

⁴ 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.