

## Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

### Ministerial Planning Referral: TPM-2020-63 2-50 Elizabeth Street, Kensington (Younghusband Stage 2)

7 September 2021

**Presenter:** Larry Parsons, Head of Statutory Planning

#### Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for the development of land located at 2-50 Elizabeth Street, Kensington (refer Attachment 2 – Locality Plan).
2. The application proposes part demolition of the Tallow Store (Store No.3) and full demolition of 1950s Store No.5 of the Younghusband Wool and Grain Warehouses (Younghusband) heritage place, with development of a six-storey addition (26.9m) to the Tallow Store and eight-storey new building (43.2m) to the rear (Store 5). The proposed land use is generally offices, with a two-level basement for parking and loading areas.
3. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has given formal notice of the application to the City of Melbourne.
4. The applicant is Impact Funds Management Pty Ltd c-/ Metropol Planning Solutions, the owner of the land is Impact Funds Management Pty Ltd and the architect is Woods Bagot.
5. The land is located within the Commercial 2 Zone(C2Z) and is affected by the Design and Development Overlay Schedule 63 (Arden Macaulay) (DDO63), Heritage Overlay Schedule HO1162 and the Development Contributions Plan Overlay Schedule 2 (Arden Macaulay) (DCPO2).

#### Key issues

6. The key issues relate to the extent of proposed demolition, built form, including compliance with Council's Heritage Policy and the relevant built form requirements and outcomes of DDO63 including height, setbacks, pedestrian connections and detailed design.
7. The proposed development does not comply with the Council's Heritage Policy for demolition, due to the extent of the Tallow Store demolition where the front and side facades are rebuilt internally. However, when the loss of this fabric is weighed against the overwhelming conservation of original fabric achieved in Stage 1 (same land title and same heritage overlay), the overall heritage outcome for the site is considered to be highly positive, and the extent of demolition has been supported for this reason.
8. The height of the proposed rear development exceeds the preferred height requirement in DDO63 (eight storeys rather than six), therefore requiring provision of a demonstrable benefit to the broader community. On the basis of the overall conservation effort for Younghusband achieved in Stage 1 of the masterplan, the sophisticated design response achieved in this Stage 2, and subject to improved pedestrian connections, it is considered that a demonstrable benefit has been provided and the additional height can be supported. It is further noted that the proposed rear building height is contextually appropriate in proximity to the tall Allied Mills silos, and being set back will not visually dominate Younghusband.
9. Conditions are recommended to require a S.173 agreement to be entered into, identifying that the extent of demolition supported under this application is associated with the extent of retention achieved across Younghusband, and to require further resolution of the key railway interface pedestrian/bicycle thoroughfare, protecting its potential further extension to the south.

**Recommendation from management**

10. That the Future Melbourne Committee resolves that the Department of Environment, Land, Water and Planning be advised 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 3 of 132)
2. Locality Plan (Page 4 of 132)
3. Selected Plans (Page 5 of 132)
4. Delegate Report (Page 52 of 132)

## Supporting Attachment

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### Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The application is not 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 formal status under the *Planning and Environment Act 1987* in relation to the application.

### Finance

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

### Conflict of interest

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

### Health and Safety

5. 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

6. 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

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

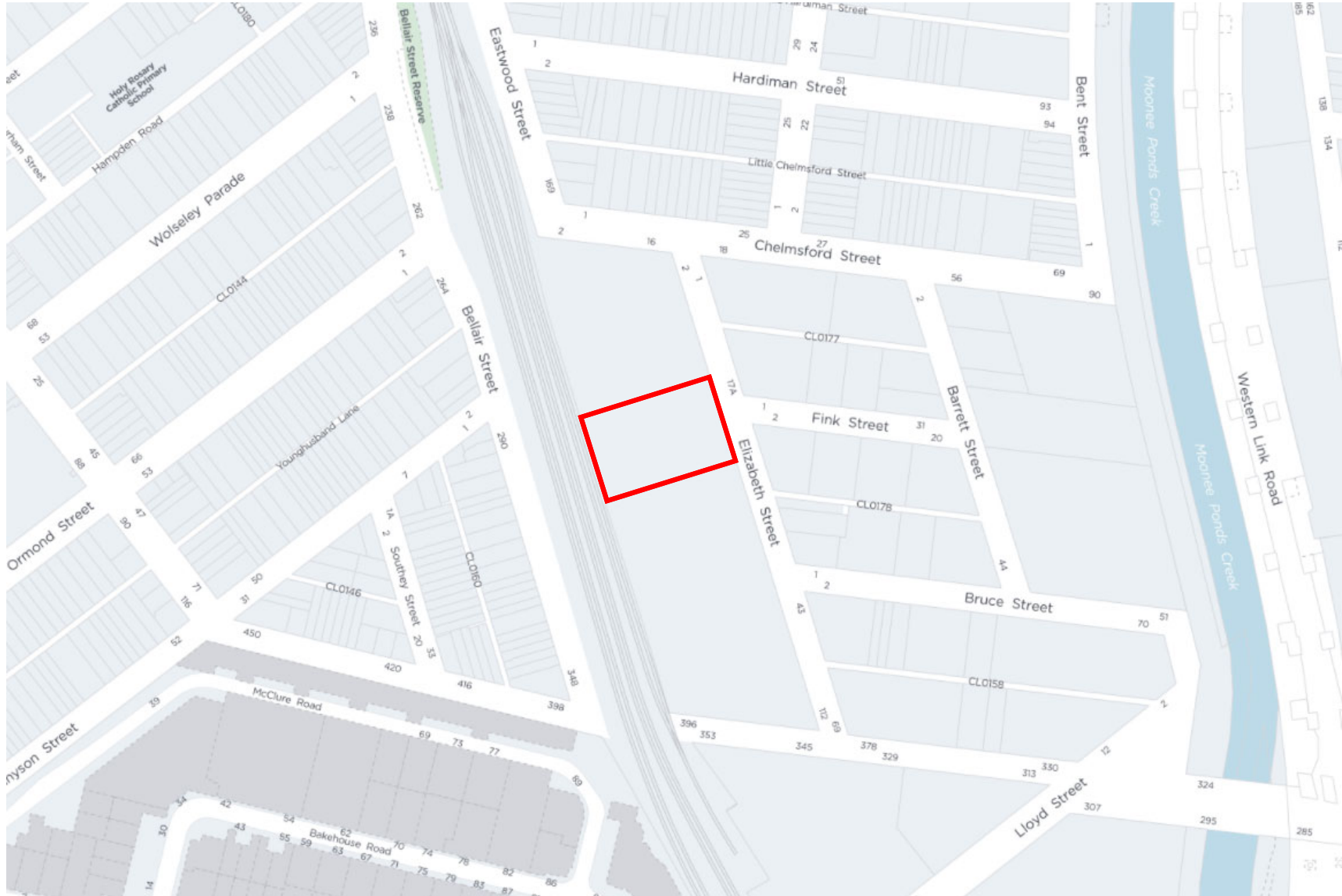
### Environmental sustainability

8. 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).
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

# Locality Plan

Attachment 2  
Agenda item 6.1  
Future Melbourne Committee  
7 September 2021

## 2-50 Elizabeth Street, Kensington



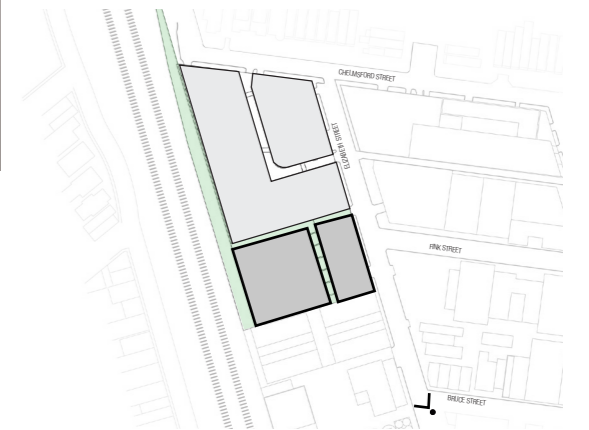




# Perspective View - Previous Proposal View looking North along Elizabeth Street



01 View looking North along Elizabeth Street

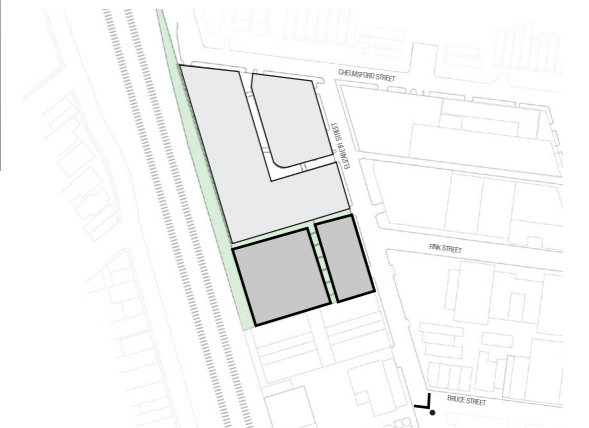


# Perspective View

## View looking North along Elizabeth Street



01 View looking North along Elizabeth Street





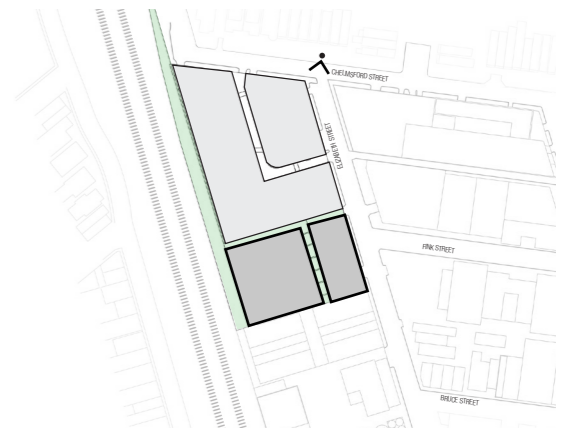


# Perspective View

## View looking South from the Corner of Elizabeth And Chelmsford



03 View looking South along Elizabeth Street



# Perspective View

## View looking South from Eastwood



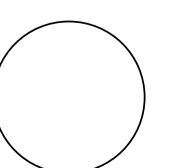
04 View on Approach from Eastwood Street/ Kensington Station



# YOUNGHUSBAND WOOLSTORE 2-50 ELIZABETH STREET KENSINGTON STAGE 2

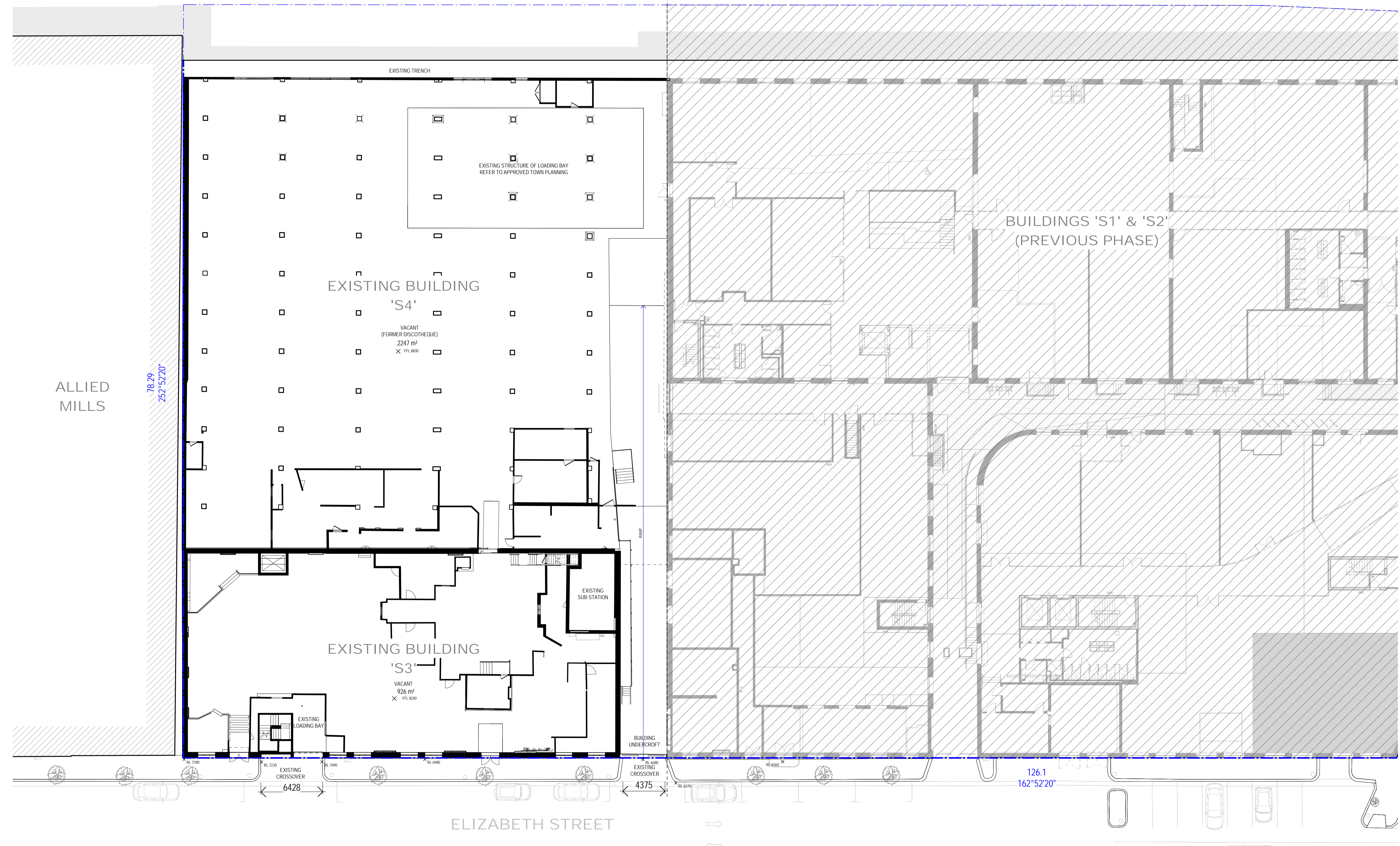


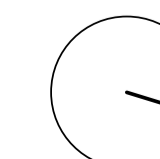
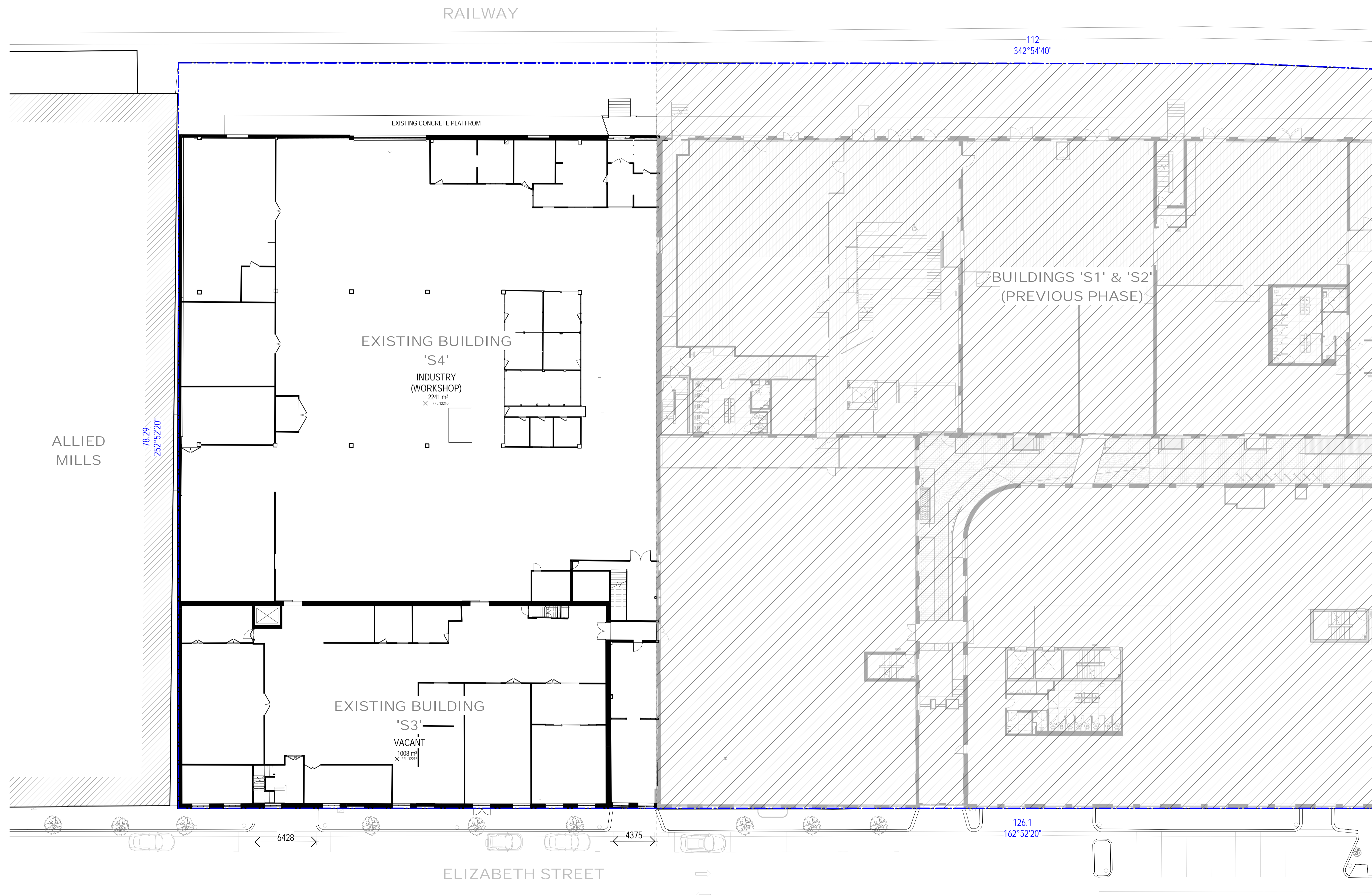
|    | Revision | Drawing Number | Sheet Name                                     |
|----|----------|----------------|--|
| SK | B        | 2 0000         | Drawing List                                   |
| SK | B        | 2 1100         | Site Plan - Existing                           |
| SK | B        | 2 210LG        | Existing - Lower Ground                        |
| SK | B        | 2 210G         | Existing - Ground                              |
| SK | B        | 2 2101         | Existing - Level 01                            |
| SK | B        | 2 2102         | Existing - Roof                                |
| SK | B        | 2 3100         | Existing - Elevation East - Elizabeth Street   |
| SK | B        | 2 3102         | Existing - Elevation West                      |
| SK | B        | 2 1200         | Site Plan - Demolition                         |
| SK | B        | 2 220LG        | Demolition - Lower Ground                      |
| SK | B        | 2 220G         | Demolition - Ground                            |
| SK | B        | 2 2201         | Demolition - Level 01                          |
| SK | B        | 2 2202         | Demolition - Roof                              |
| SK | B        | 2 3200         | Demolition - Elevation East - Elizabeth Street |
| SK | B        | 2 3202         | Demolition - Elevation West                    |
| SK | B        | 2 1300         | Site Plan - Proposed                           |
| SK | B        | 2 230B2        | Basement 02                                    |
| SK | B        | 2 230B1        | Basement 01                                    |
| SK | B        | 2 230LG        | Lower Ground                                   |
| SK | B        | 2 230G         | Ground   |
| SK | B        | 2 2301         | Level 01                                       |
| SK | B        | 2 2302         | Level 02                                       |
| SK | B        | 2 2303         | Level 03                                       |
| SK | B        | 2 2305         | Level 05                                       |
| SK | B        | 2 2306         | Level 06                                       |
| SK | B        | 2 2307         | Level 07                                       |
| SK | B        | 2 2308         | Level Roof Plan                                |
| SK | B        | 2 2309         | Roof Plan                                      |
| SK | B        | 2 2310         | Area Schedule                                  |
| SK | B        | 2 3300         | Elevation East - Elizabeth Street              |
| SK | B        | 2 3301         | Elevation East - Internal Building 'S4'        |
| SK | B        | 2 3302         | Elevation West                                 |
| SK | B        | 2 3303         | Elevation West - Internal Building 'S3'        |
| SK | B        | 2 3304         | Elevation South                                |
| SK | B        | 2 3350         | Section - East to West 01                      |
| SK | B        | 2 3352         | Section - South to North                       |
| SK | B        | 2 3351         | Section - East to West 02                      |
| SK | A        | 2 3360         | Ground Plane Elevations                        |
| SK | A        | 2 3362         | Ground Plane Sections                          |

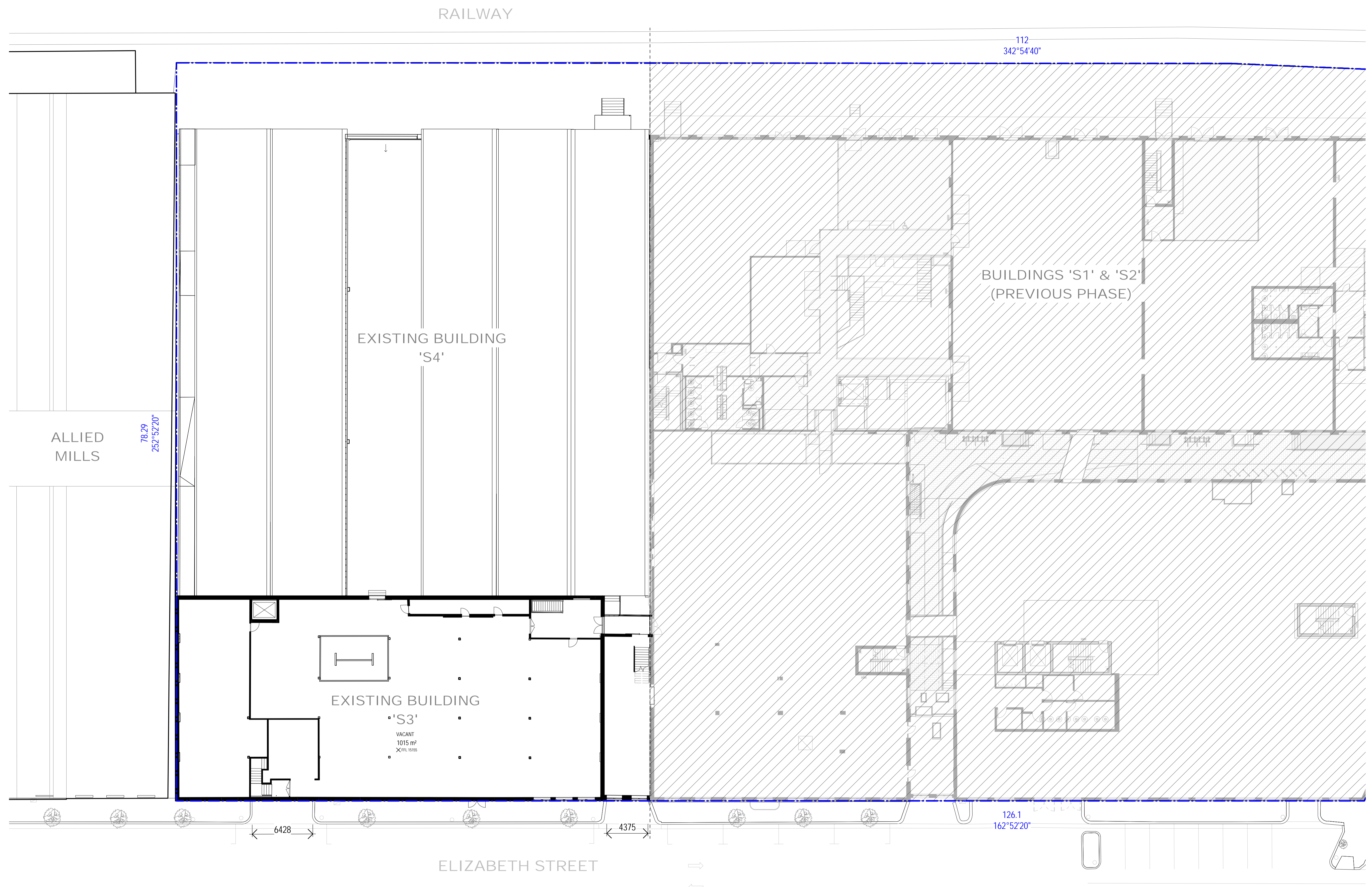




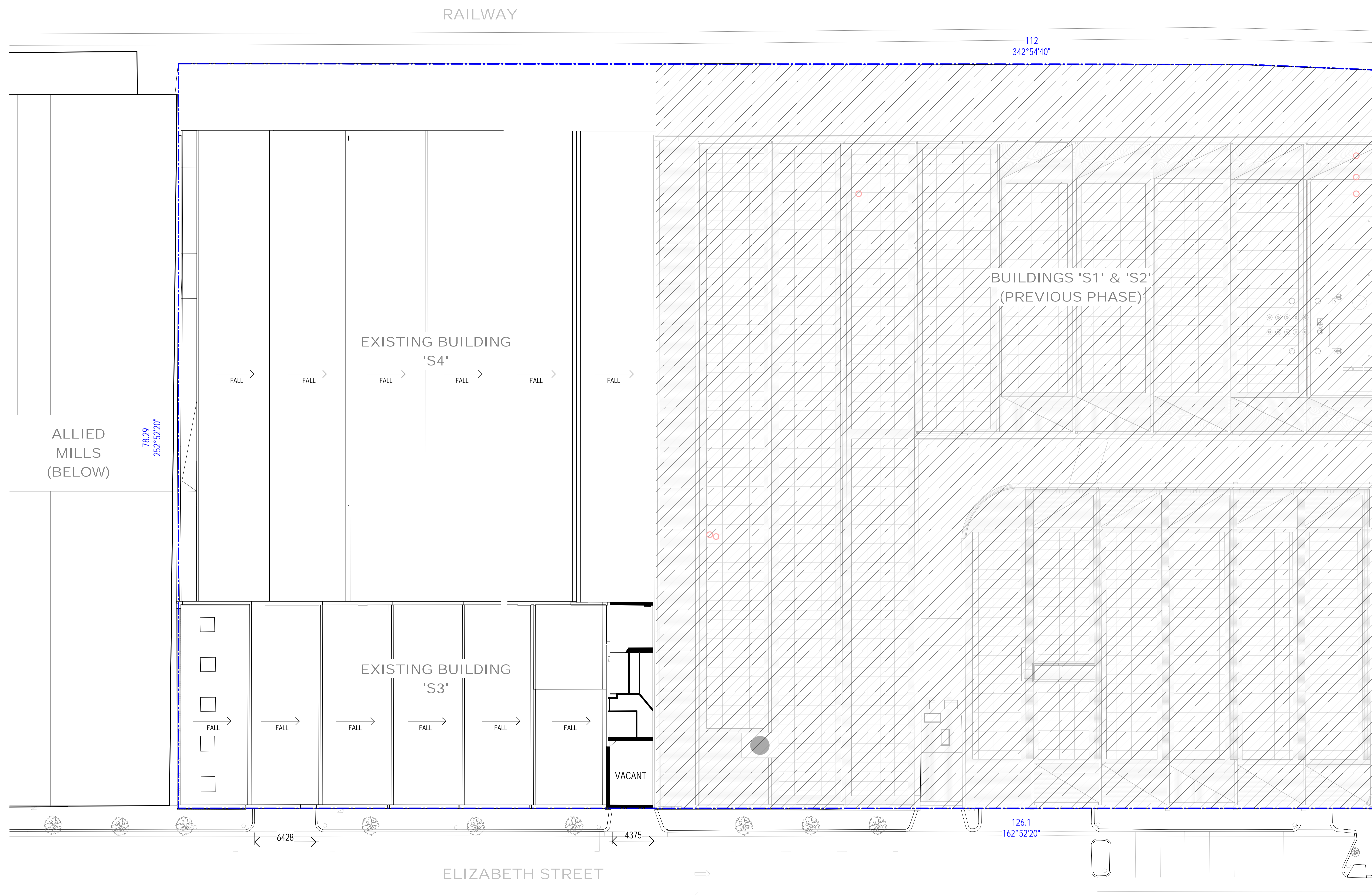
112  
342'54'40"











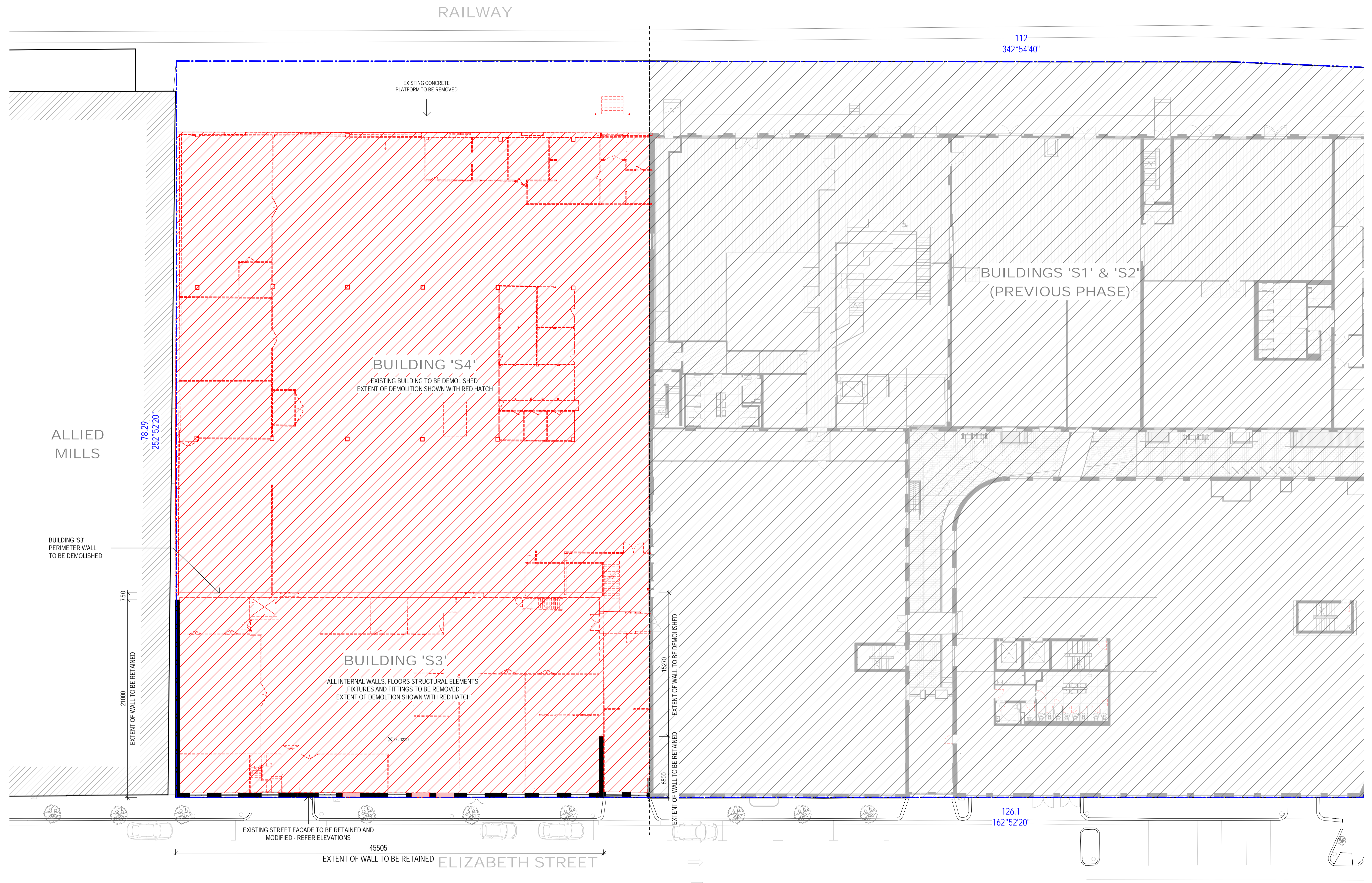






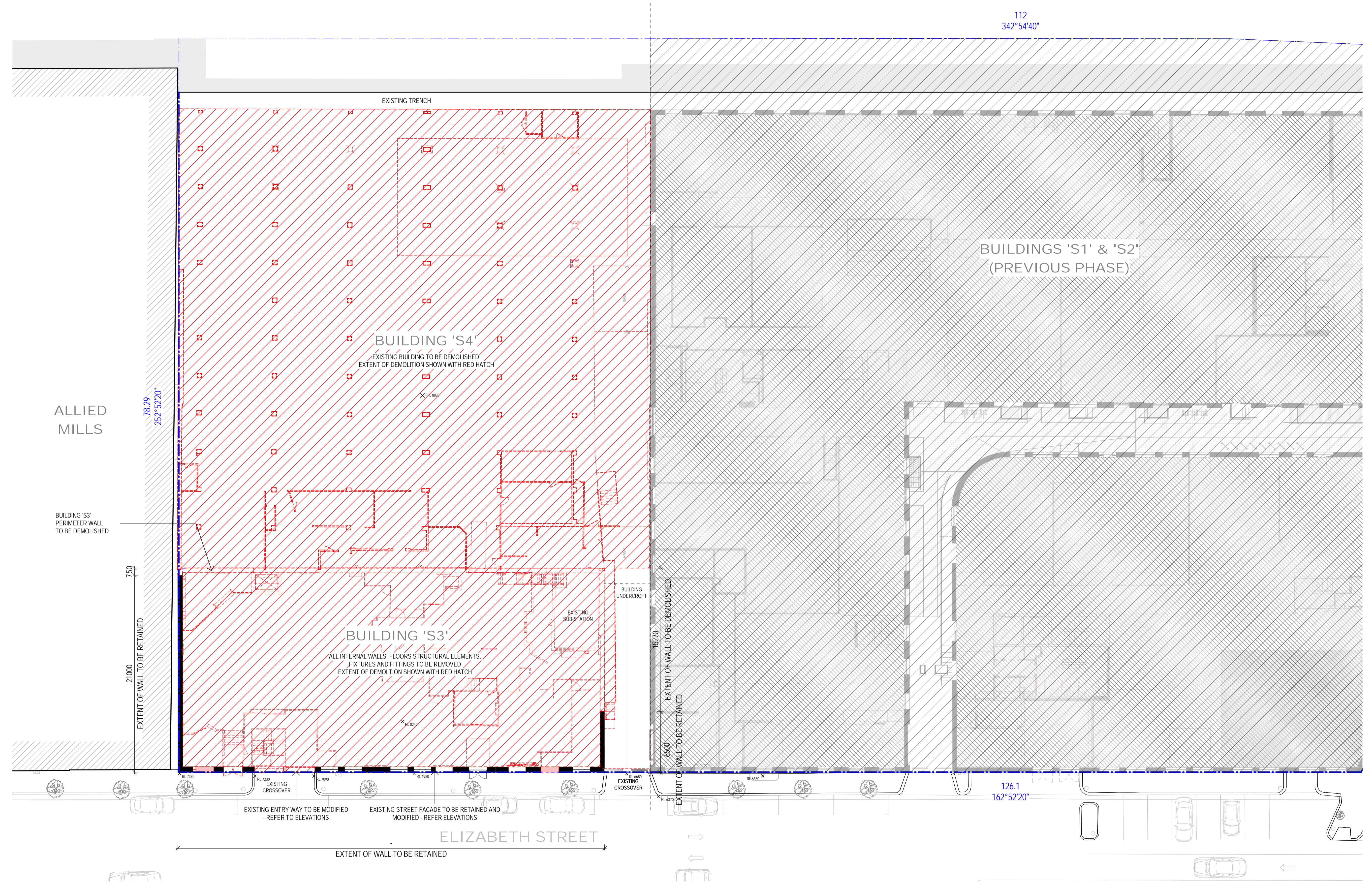
LEGEND

- ▨ EXTENT OF DEMOLITION
- ▧ DEMOLITION OF NEW OPENINGS INTO EXISTING FACADE
- EXTENT OF BUILDING RETAINED



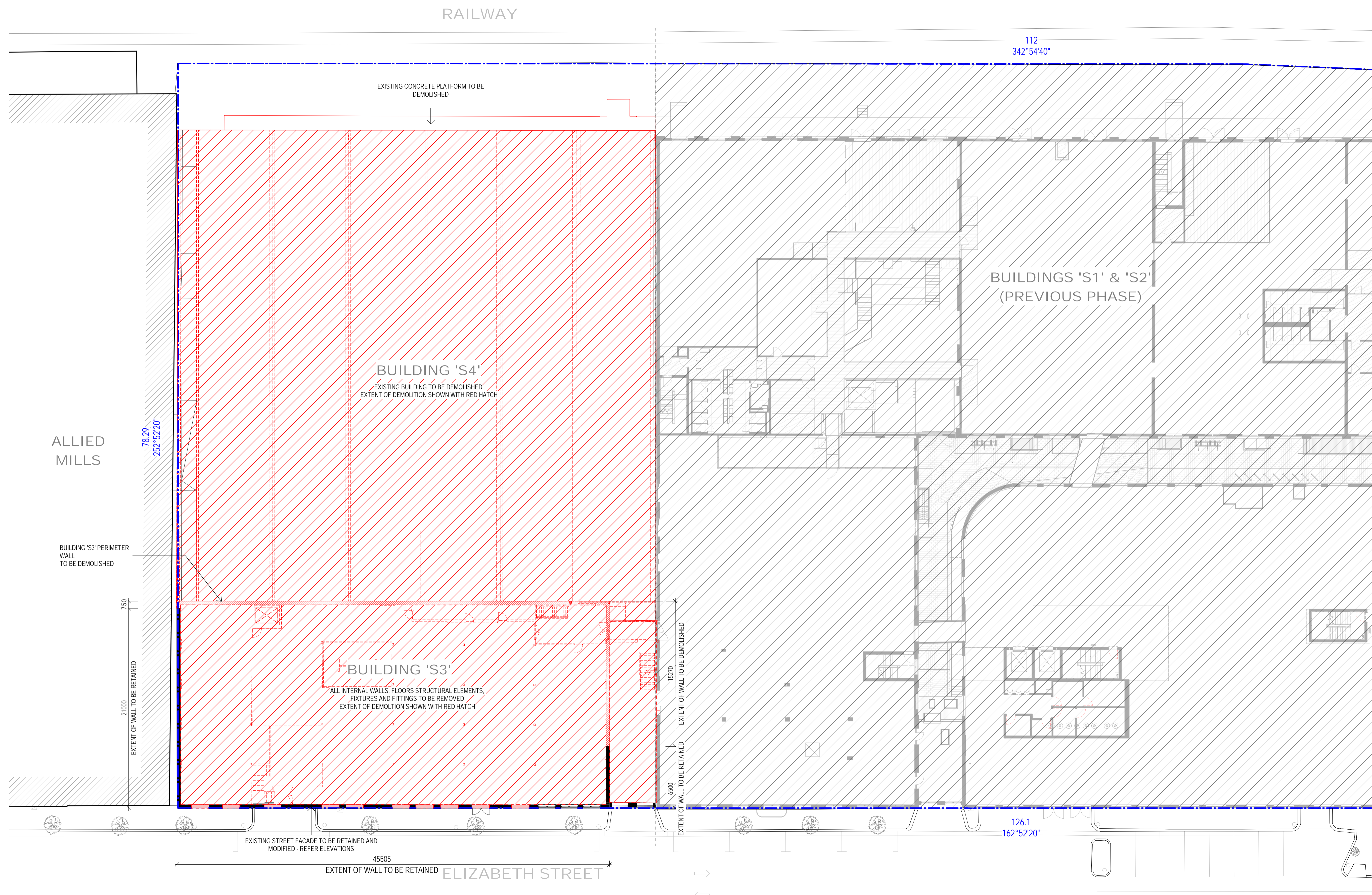
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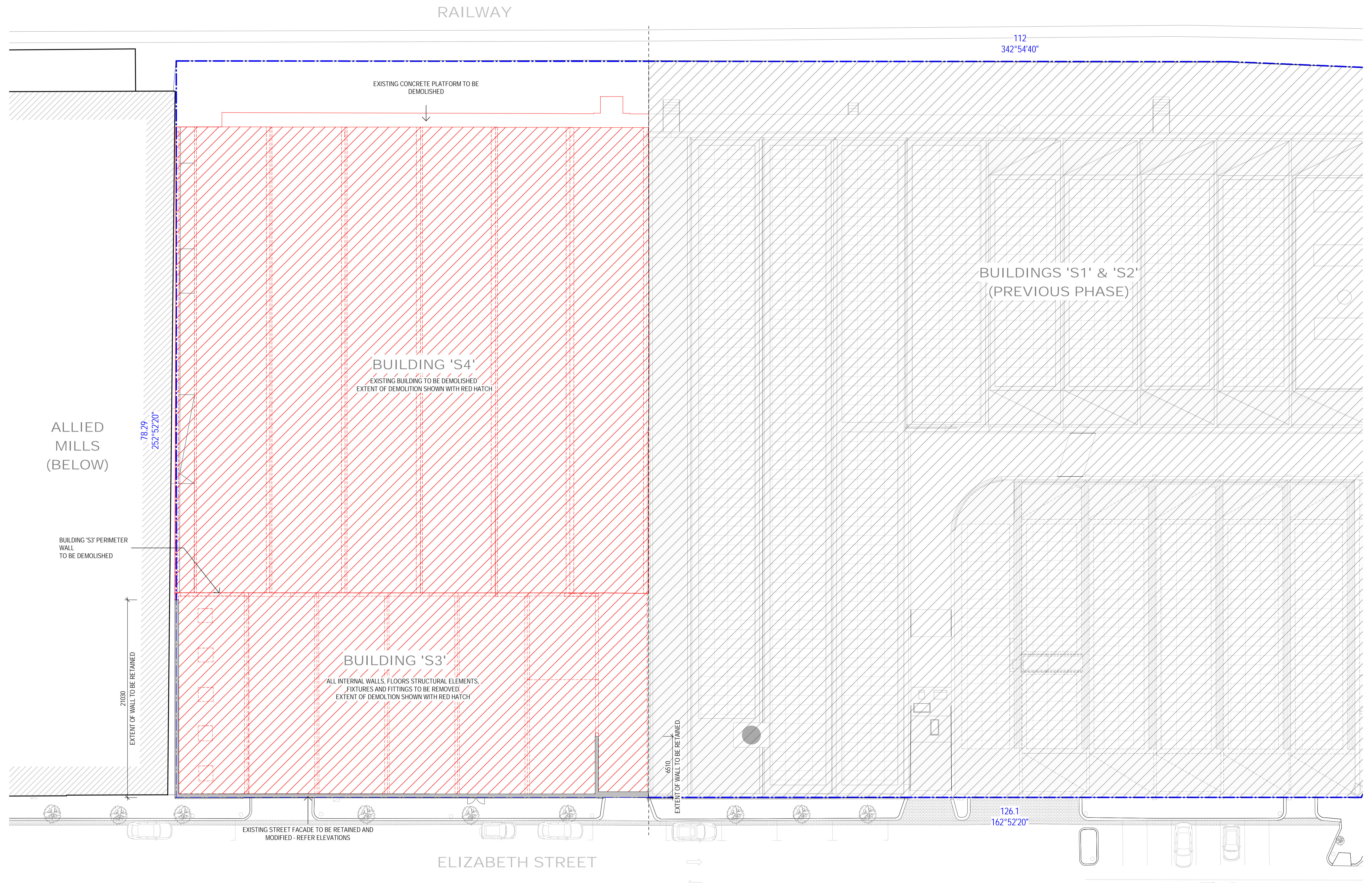
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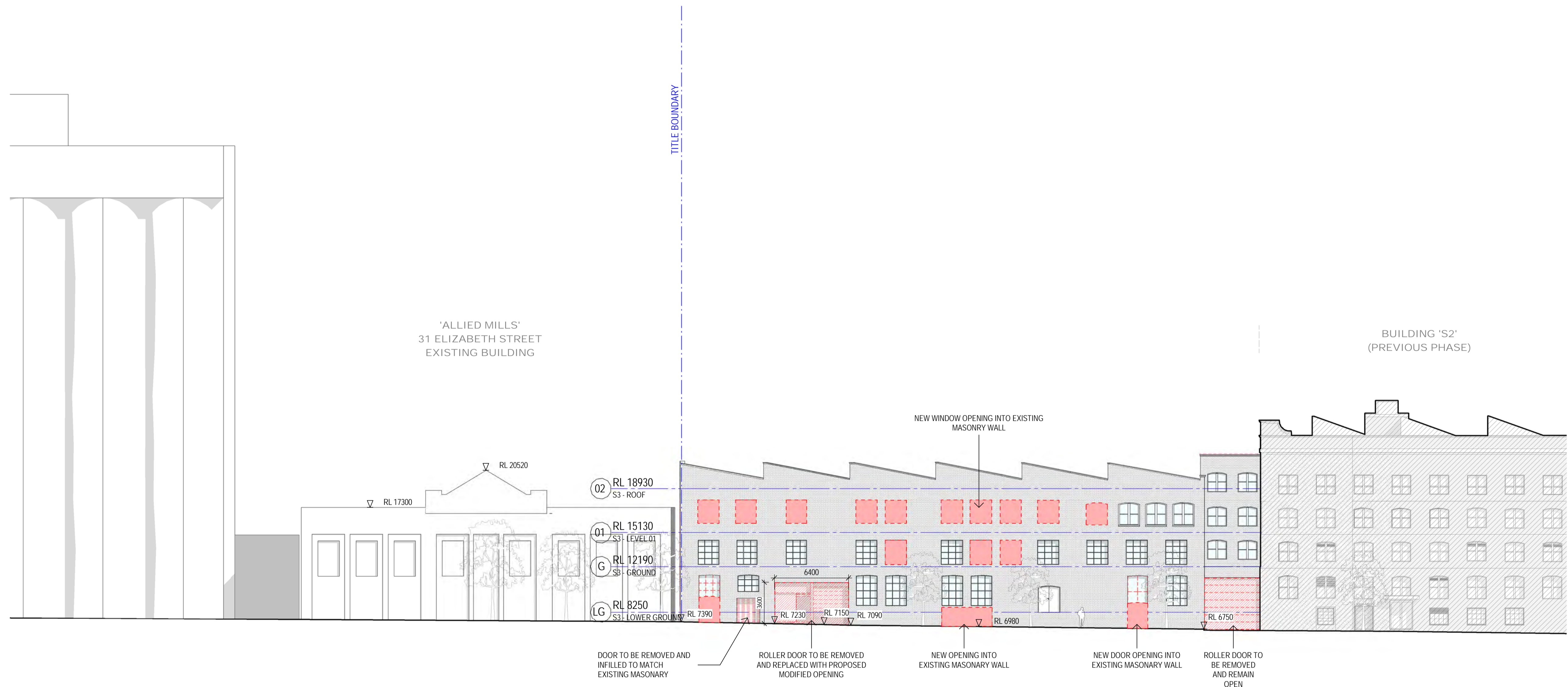


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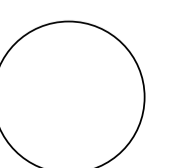


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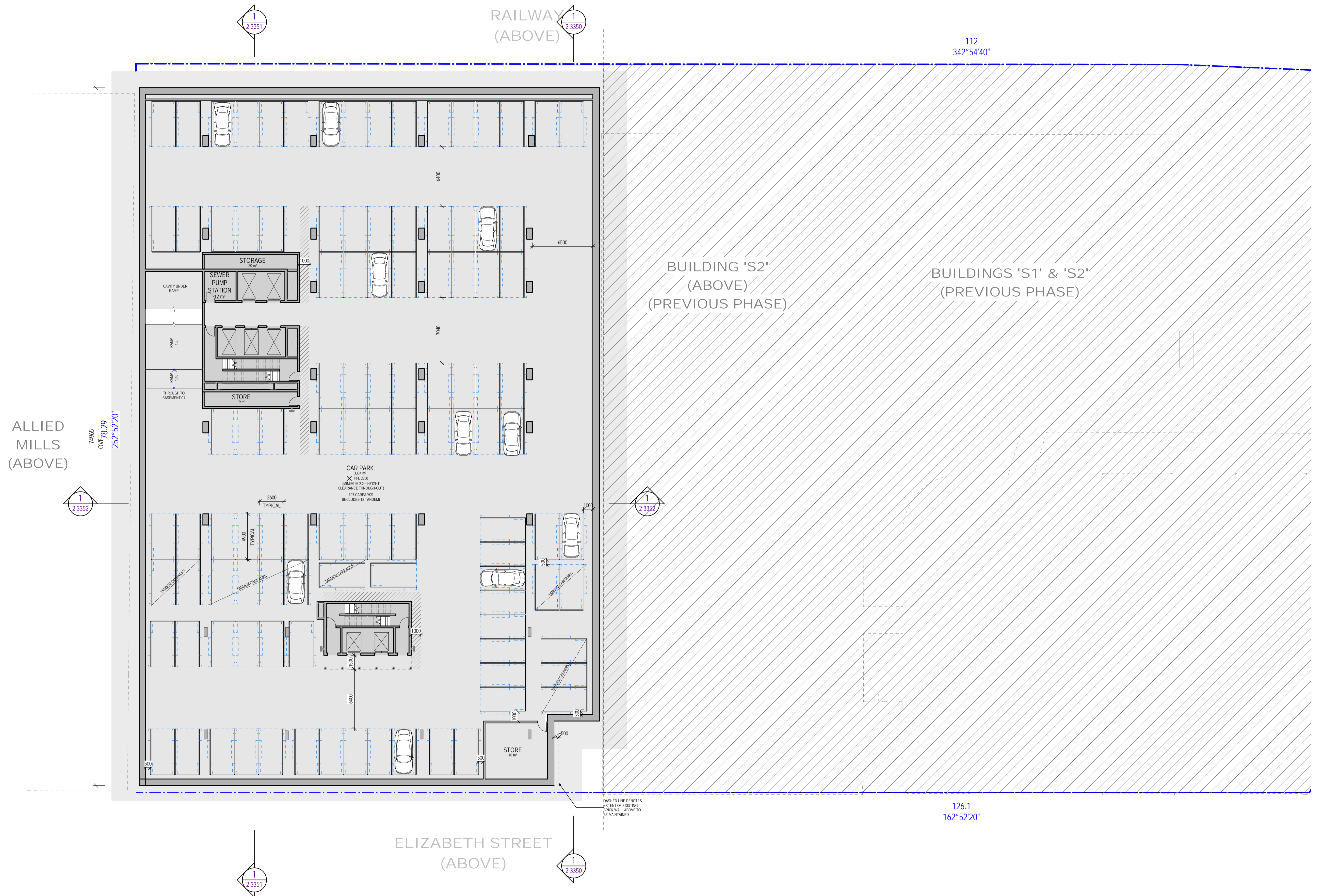


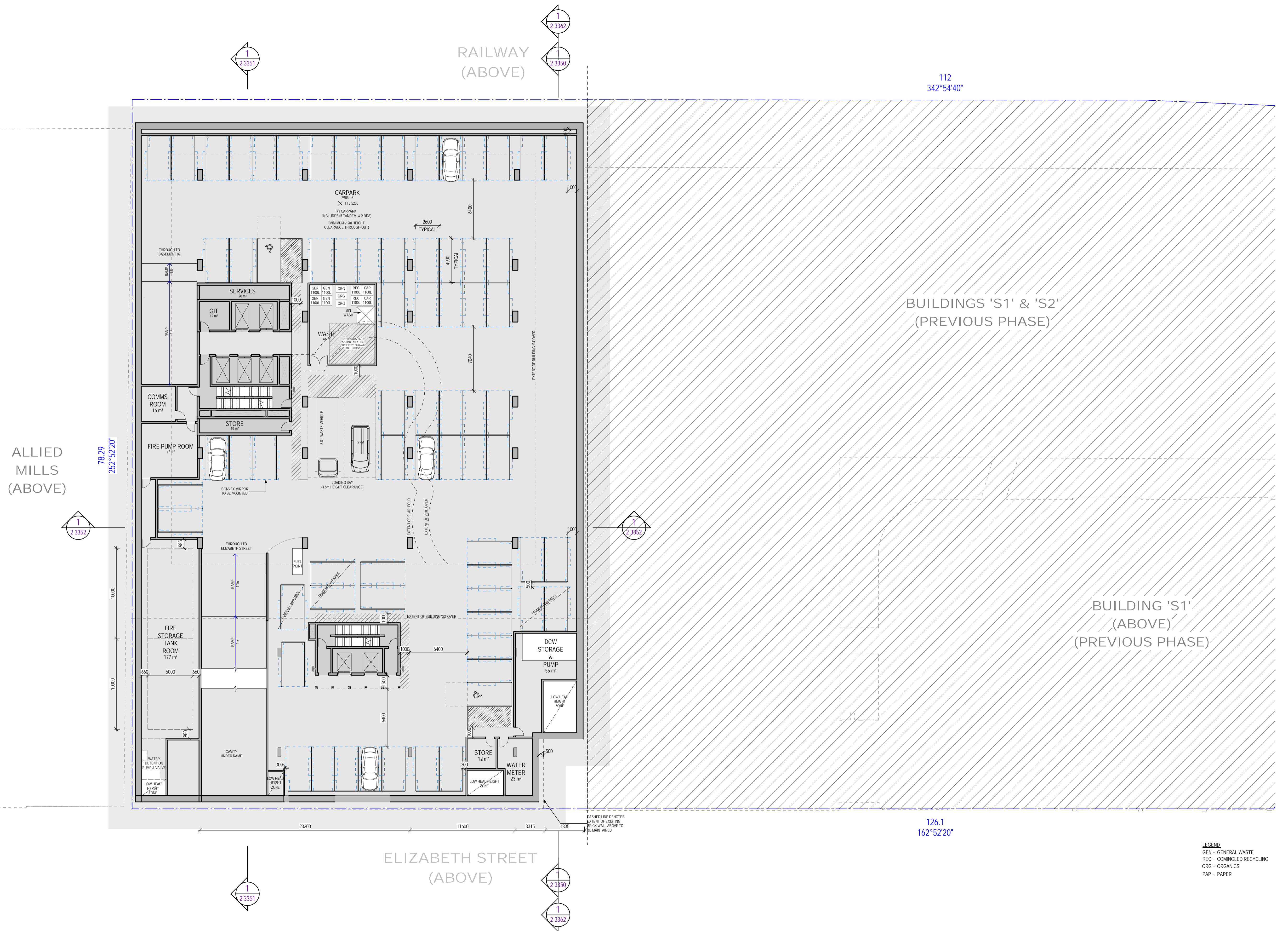
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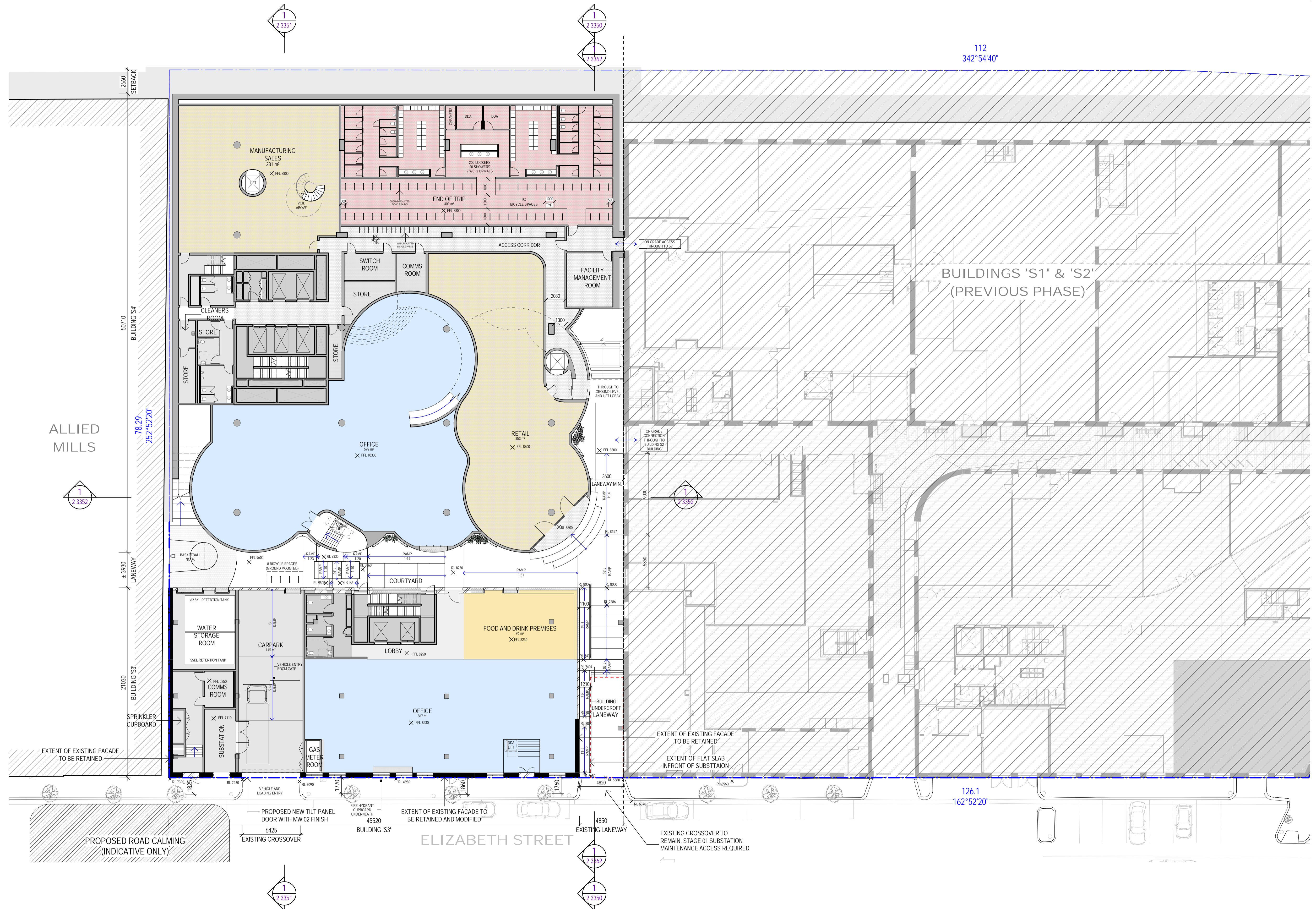


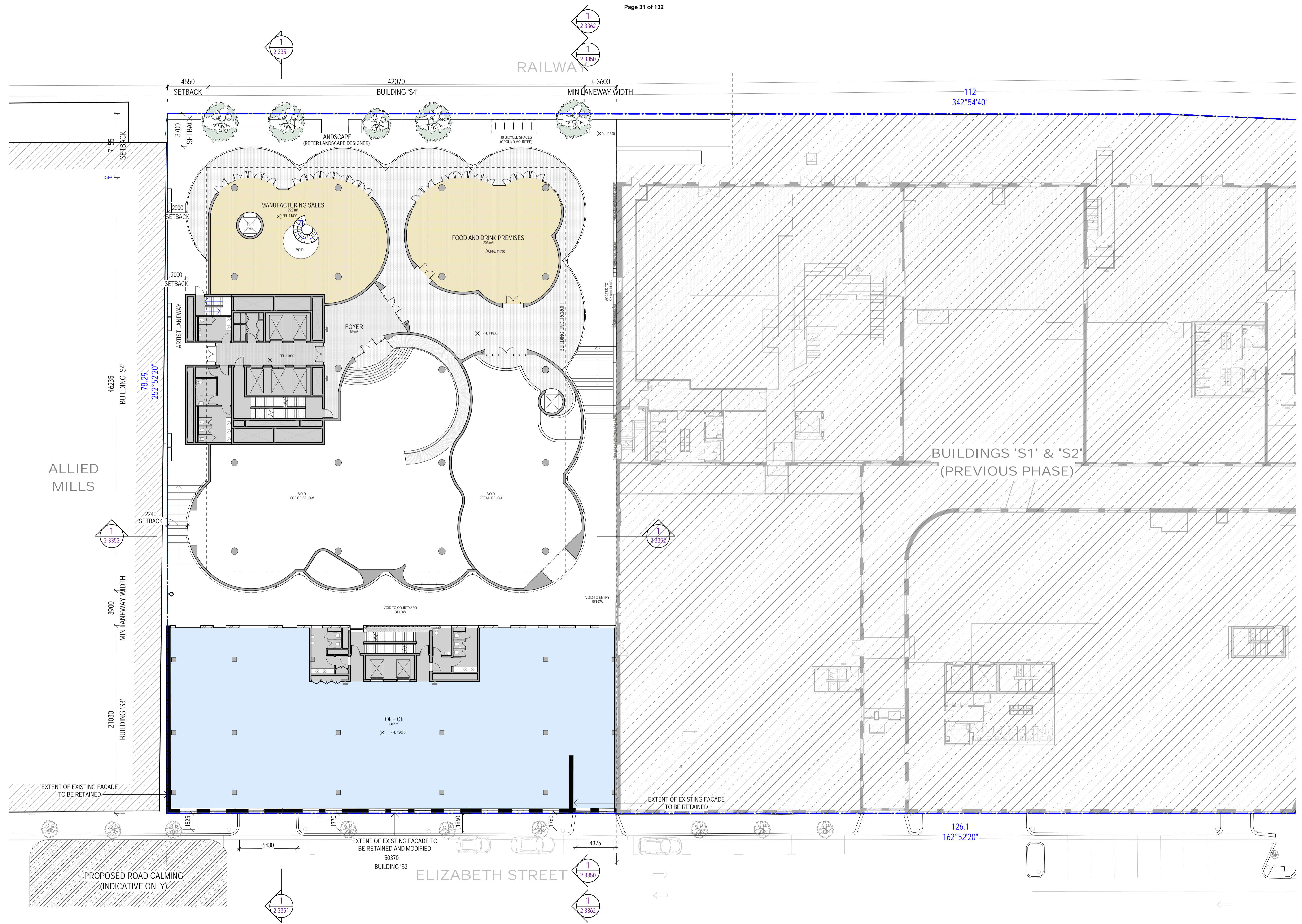


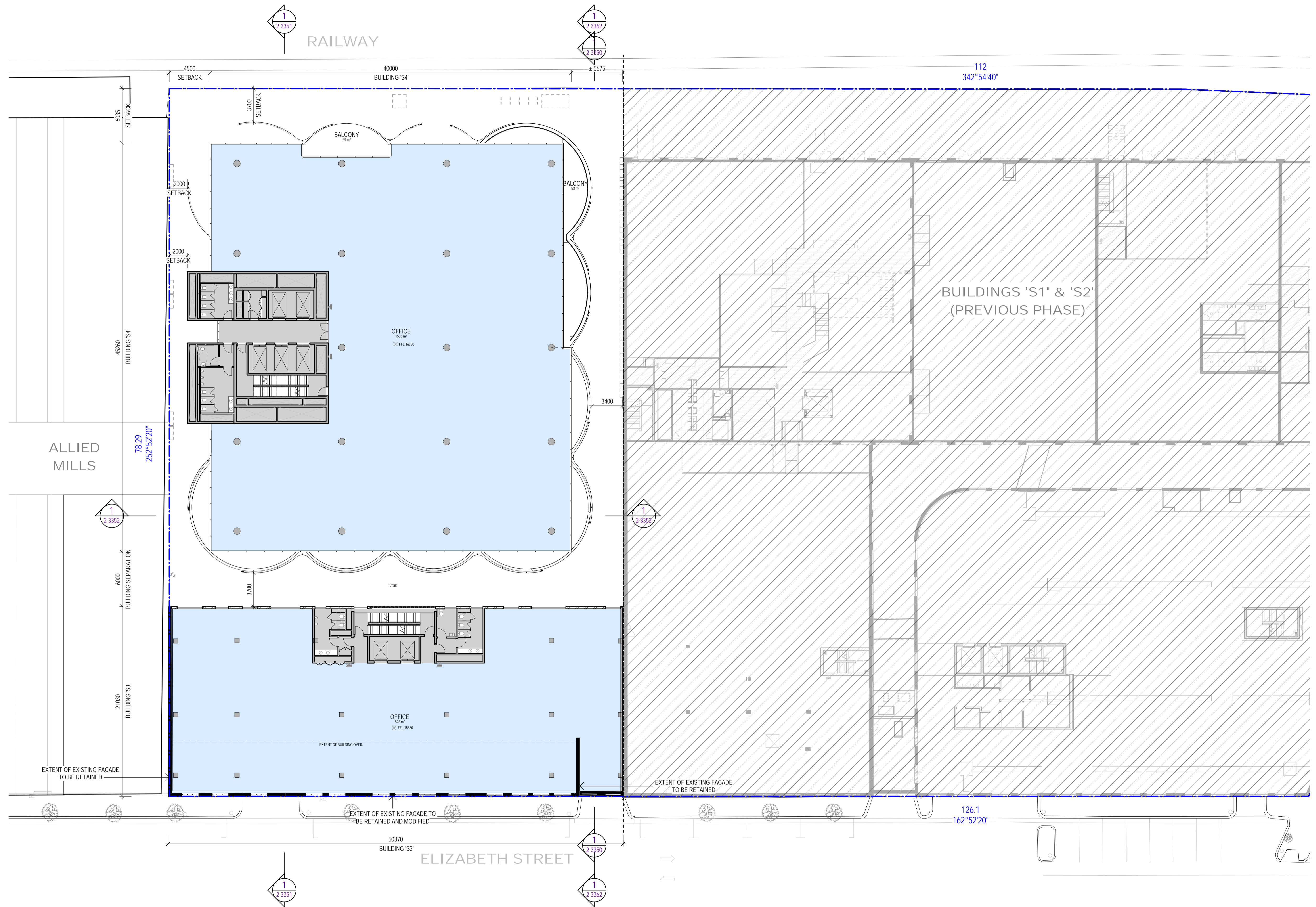




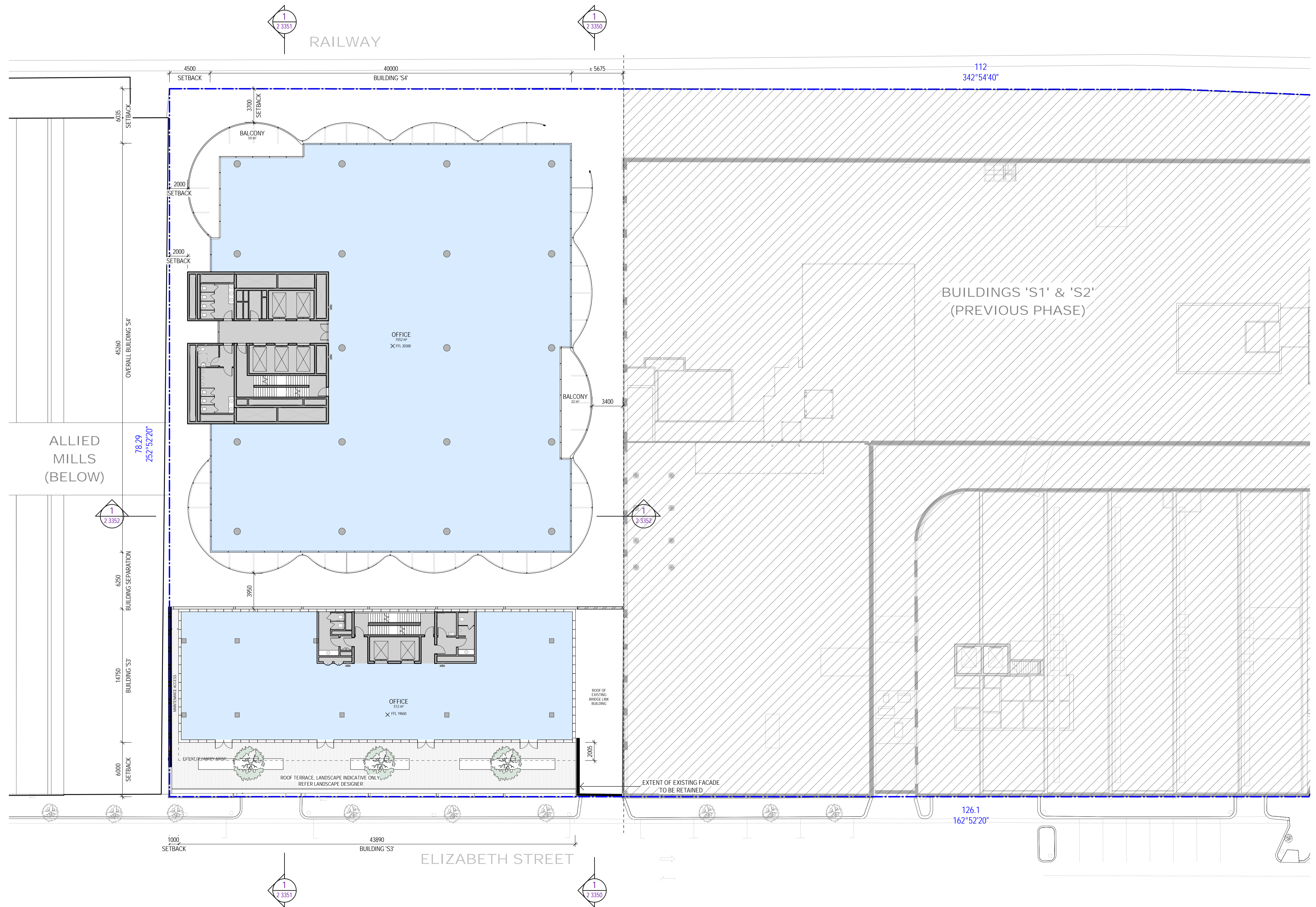
**LEGEND**  
 GEN - GENERAL WASTE  
 REC - COMINGLED RECYCLING  
 ORG - ORGANICS  
 PAP - PAPER

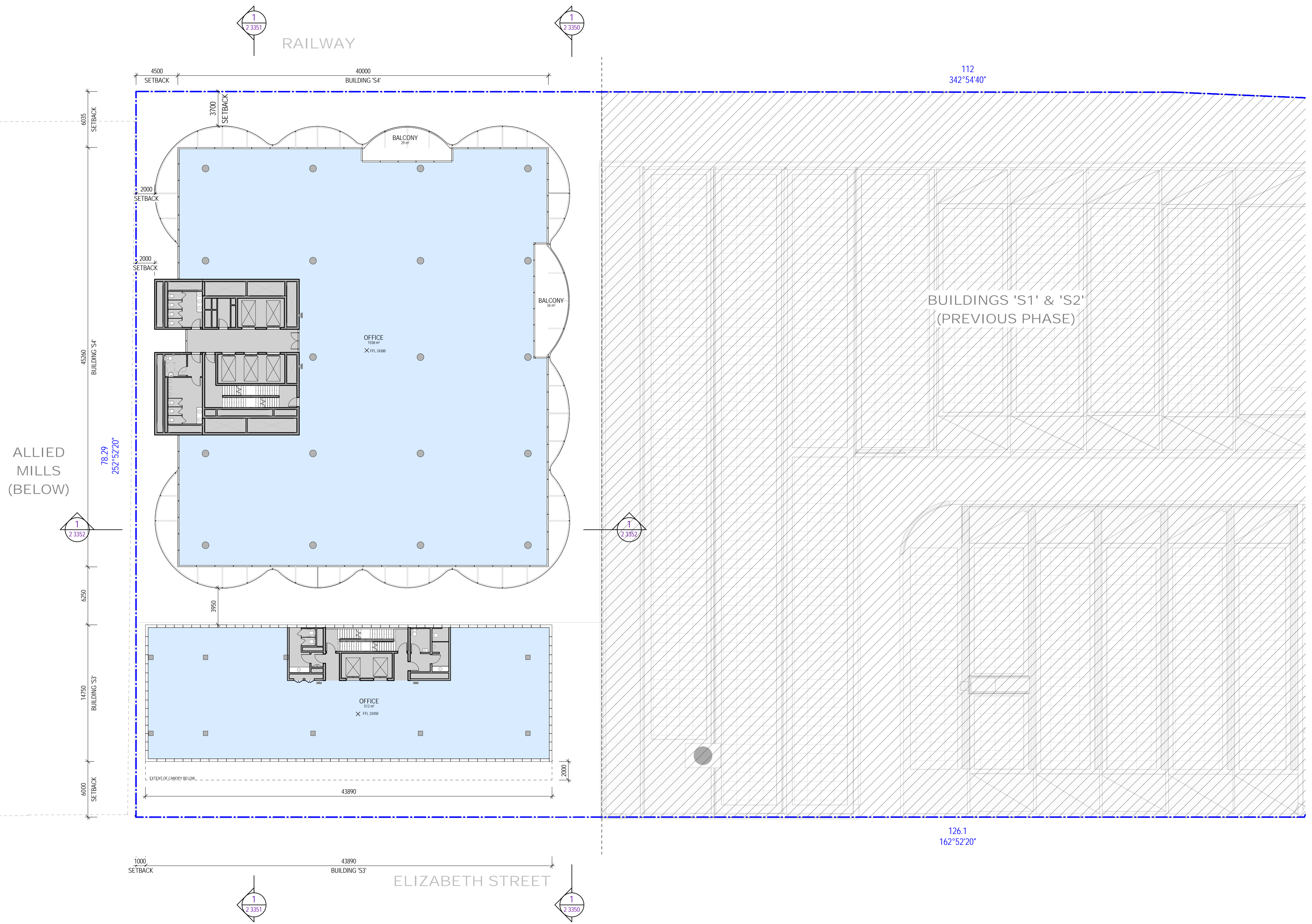


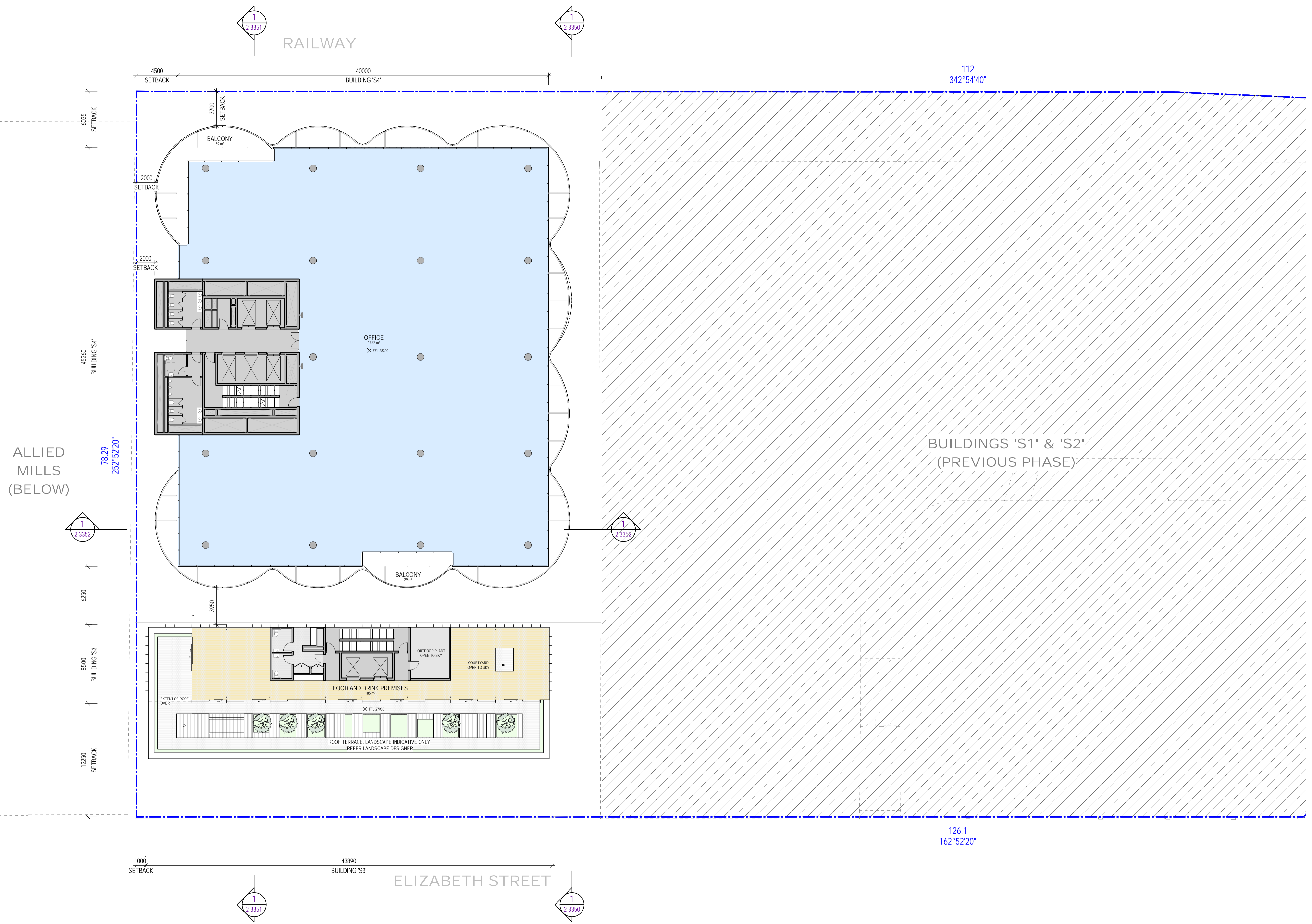


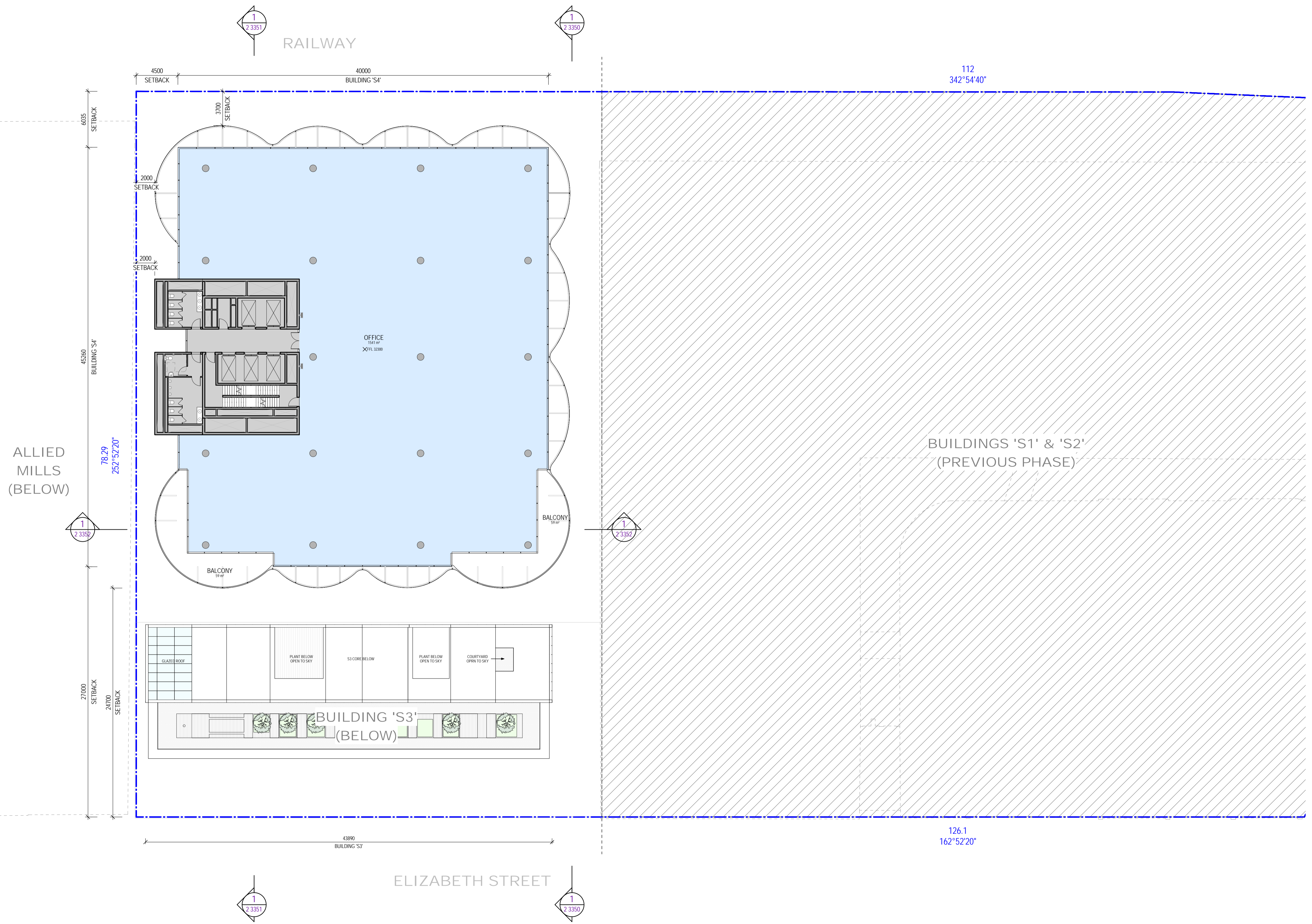


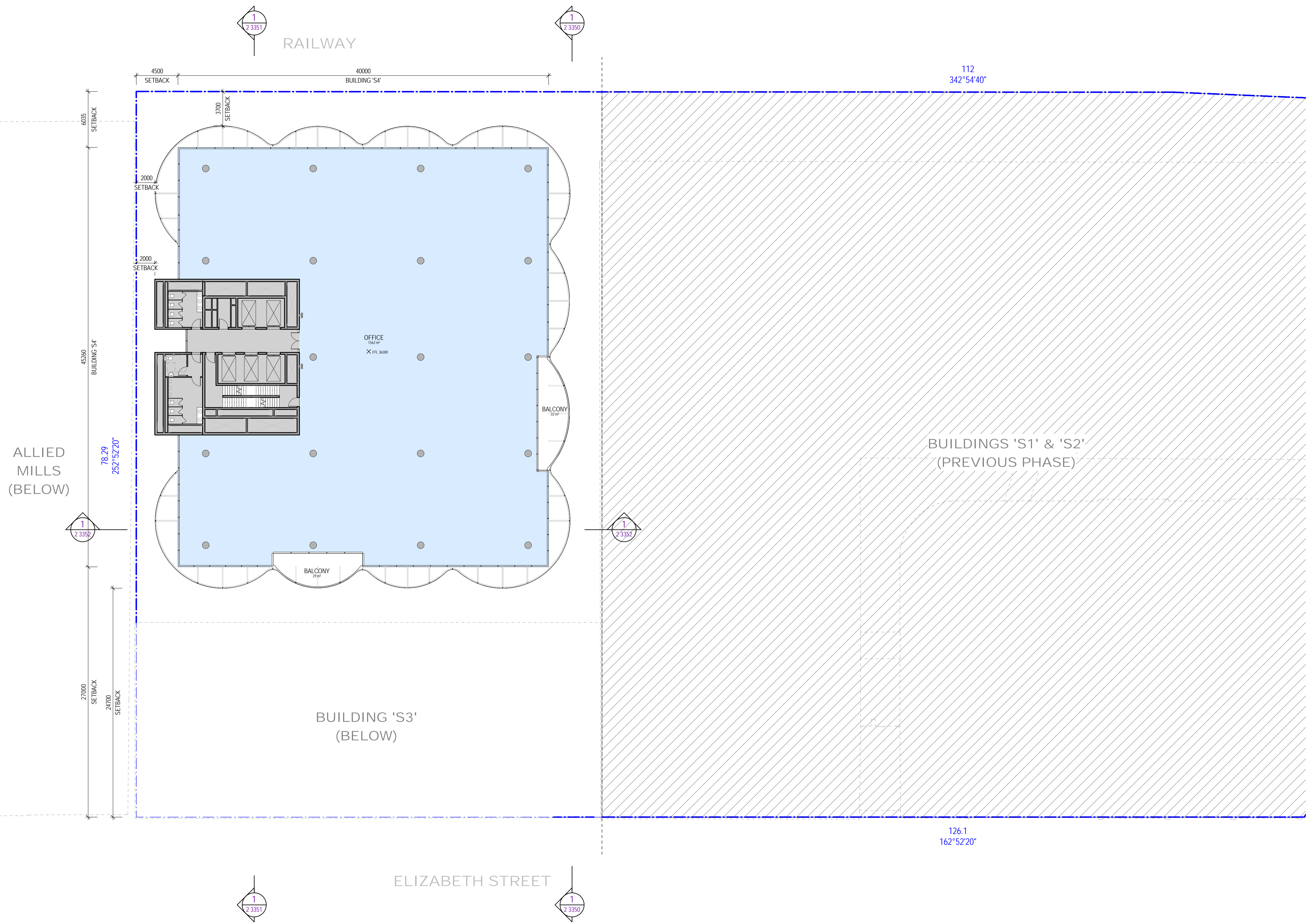


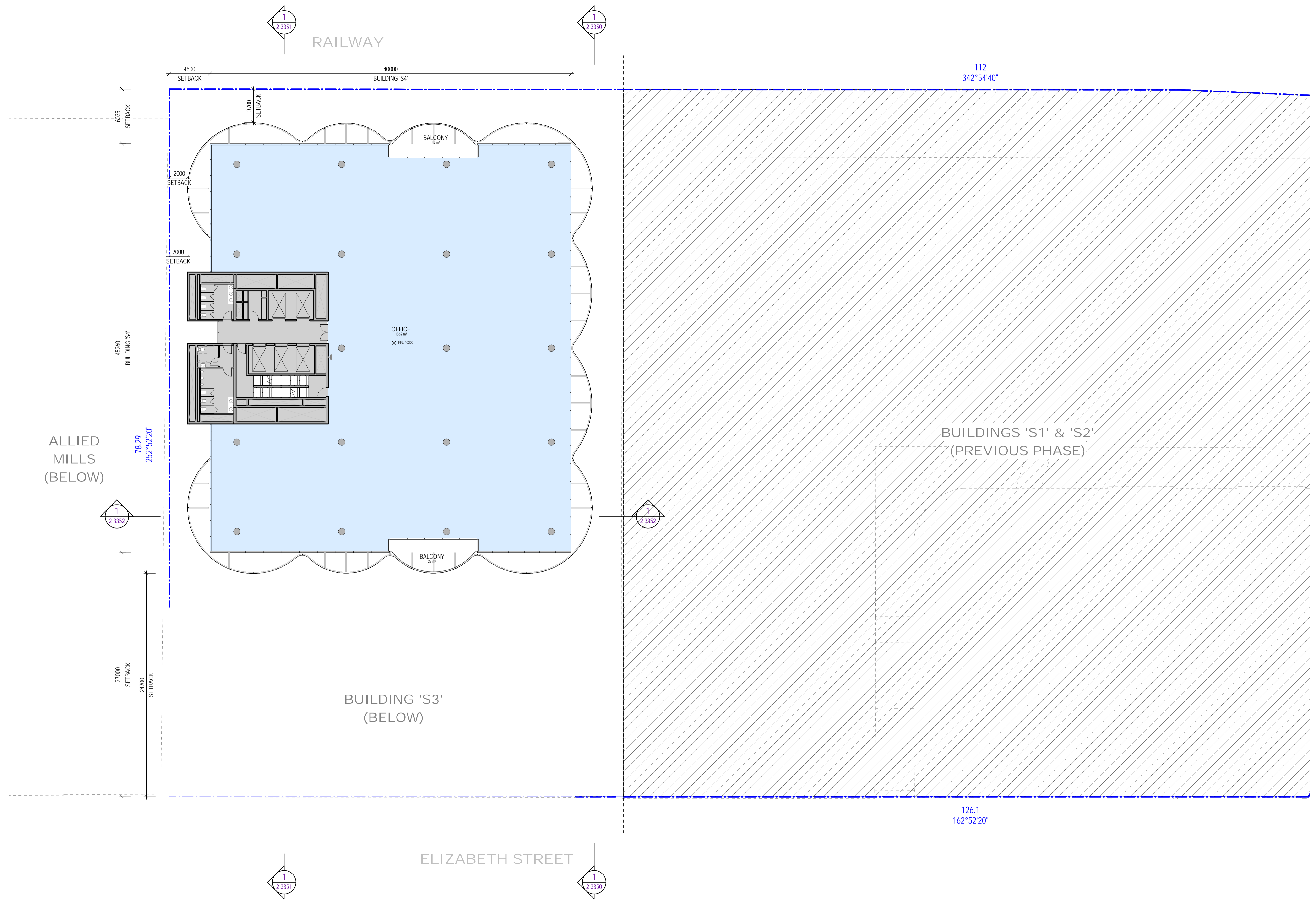


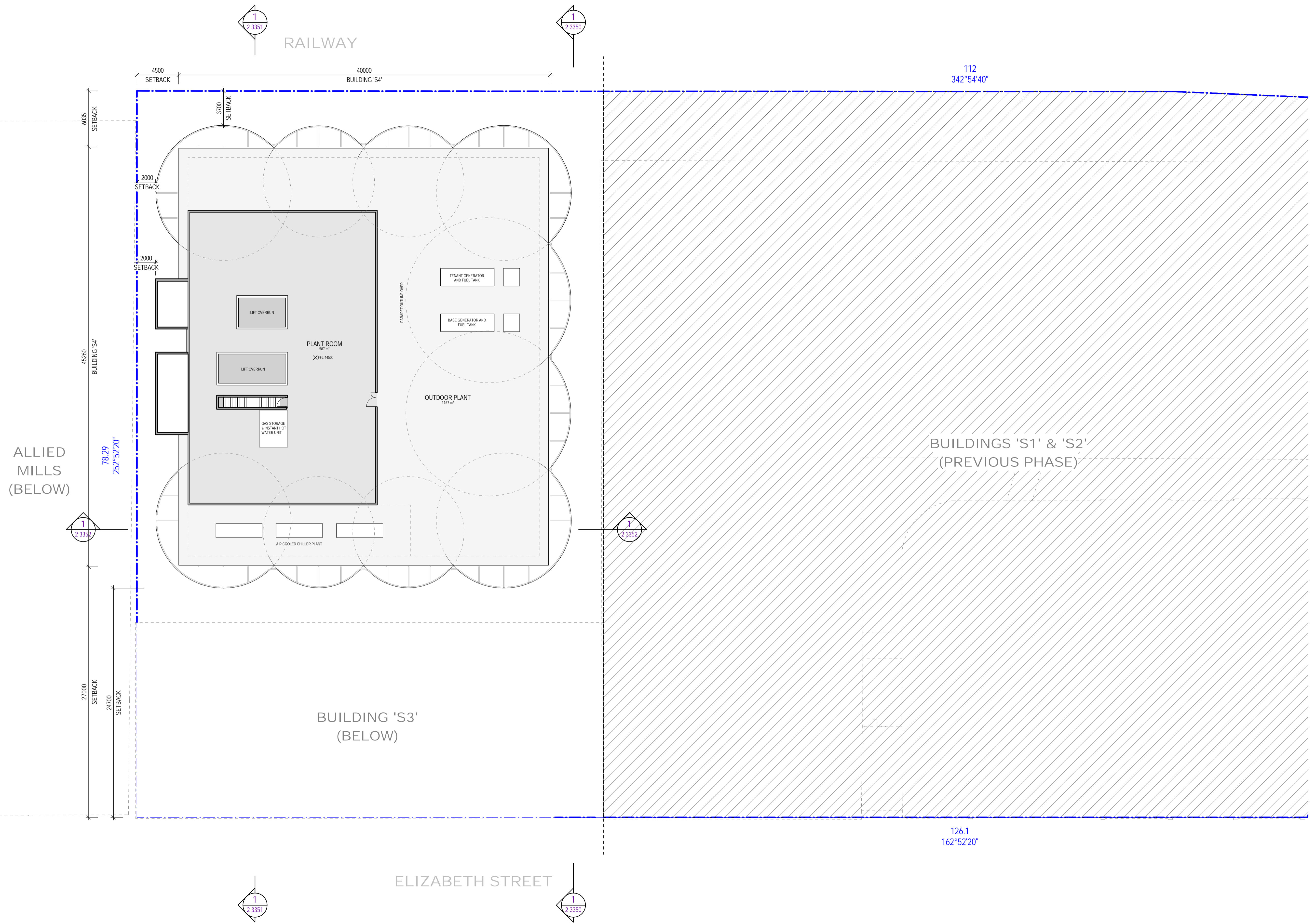


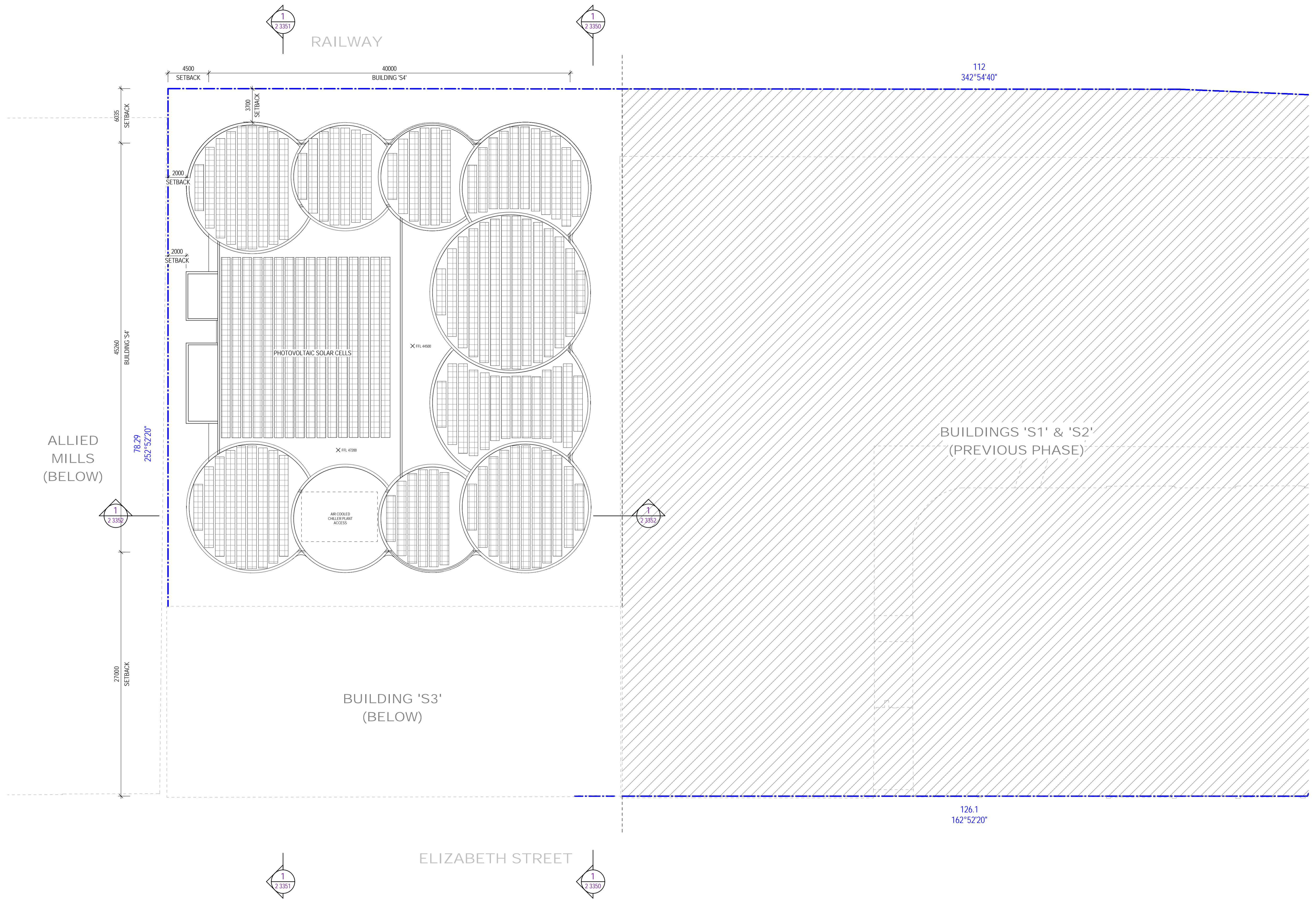














**YOUNG HUSBAND - STAGE 02**



TOWN PLANNING - AREA SCHEDULE  
Rev B  
March 2021

| Site Area                                       |                    | 3931sqm       |                         |                     |              |             |              |             |            |   |                    |              |                      |                    |            |                |            |
|---|--------------------|---------------|-------------------------|---------------------|--------------|-------------|--------------|-------------|------------|---|--------------------|--------------|----------------------|--------------------|------------|----------------|------------|
| LEVEL   | OFFICE             | SHOP (RETAIL) | FOOD AND DRINK PREMISES | MANUFACTURING SALES | NLA          | BALCONY     | LOBBY/FOYER  | END OF TRIP | LANDSCAPE  | CORE/ CIRC/SERVICES/CARPARK AND HARDSCAPE | GFA (includes NLA) | CAR PARKS    | ACCESSIBLE CAR PARKS | BIKE PARKS visitor | BIKE PARKS |                |            |
| BUILDING S3                                     | LOWER GROUND LEVEL | 367           |                         | 36                  |              | 463         |              |             |            | 436                                       | 899                |              |                      |                    |            |                |            |
|   | GROUND LEVEL       | 889           |                         |                     |              | 889         |              |             |            | 114                                       | 1003               |              |                      |                    |            |                |            |
|   | LEVEL 01           | 898           |                         |                     |              | 898         |              |             |            | 114                                       | 1012               |              |                      |                    |            |                |            |
|   | LEVEL 02           | 512           |                         |                     |              | 512         |              |             | 299        | 101                                       | 852                |              |                      |                    |            |                |            |
|   | LEVEL 03           | 512           |                         |                     |              | 512         |              |             |            | 101                                       | 613                |              |                      |                    |            |                |            |
|   | ROOF               |               |                         | 185                 |              | 185         |              |             | 243        | 112                                       | 540                |              |                      |                    |            |                |            |
|   | <b>TOTAL</b>       | <b>3178</b>   | <b>0</b>                | <b>281</b>          | <b>0</b>     | <b>3459</b> | <b>0</b>     | <b>0</b>    | <b>0</b>   | <b>482</b>                                | <b>978</b>         | <b>4919</b>  | <b>0</b>             | <b>0</b>           | <b>0</b>   | <b>0</b>       |            |
| BUILDING S4                                     | BASEMENT 02        |               |                         |                     |              | 0           |              |             |            | 3465                                      | 3465               | 107          |                      |                    |            |                |            |
|   | BASEMENT 01        |               |                         |                     |              | 0           |              |             |            | 3465                                      | 3465               | 69           | 2                    |                    |            |                |            |
|   | LOWER GROUND LEVEL | 599           | 353                     |                     | 281          | 1233        |              | 409         | 494        | 536                                       | 2672               |              |                      | 8                  | 152        |                |            |
|   | GROUND LEVEL       |               |                         | 208                 | 223          | 431         |              |             | 461        | 612                                       | 1563               |              |                      | 10                 | 0          |                |            |
|   | LEVEL 01           | 1556          |                         |                     |              | 1556        | 52           | 59          |            | 254                                       | 1892               |              |                      |                    |            |                |            |
|   | LEVEL 02           | 1552          |                         |                     |              | 1552        | 91           |             |            | 254                                       | 1897               |              |                      |                    |            |                |            |
|   | LEVEL 03           | 1558          |                         |                     |              | 1558        | 65           |             |            | 254                                       | 1877               |              |                      |                    |            |                |            |
|   | LEVEL 04           | 1552          |                         |                     |              | 1552        | 69           |             |            | 254                                       | 1894               |              |                      |                    |            |                |            |
|   | LEVEL 05           | 1541          |                         |                     |              | 1541        | 110          |             |            | 254                                       | 1913               |              |                      |                    |            |                |            |
|   | LEVEL 06           | 1562          |                         |                     |              | 1562        | 61           |             |            | 254                                       | 1877               |              |                      |                    |            |                |            |
| LEVEL 07  | 1562               |               |                         |                     | 1562         | 58          |              |             | 254        | 1874                                      |                    |              |                      |                    |            |                |            |
| ROOF  |                    |               |                         |                     | 0            |             |              |             | 644        | 644                                       |                    |              |                      |                    |            |                |            |
| <b>TOTAL</b>                                    | <b>11482</b>       | <b>353</b>    | <b>208</b>              | <b>504</b>          | <b>12547</b> | <b>563</b>  | <b>59</b>    | <b>409</b>  | <b>955</b> | <b>10500</b>                              | <b>25033</b>       | <b>176</b>   | <b>2</b>             | <b>18</b>          | <b>152</b> |                |            |
| <b>STAGE 02 (BUILDING S3 &amp; S4 COMBINED)</b> |                    | <b>TOTAL</b>  | <b>14660</b>            | <b>353</b>          | <b>489</b>   | <b>504</b>  | <b>16006</b> | <b>563</b>  | <b>59</b>  | <b>409</b>                                | <b>1437</b>        | <b>11478</b> | <b>29952</b>         | <b>TOTAL =</b>     | <b>178</b> | <b>TOTAL =</b> | <b>170</b> |

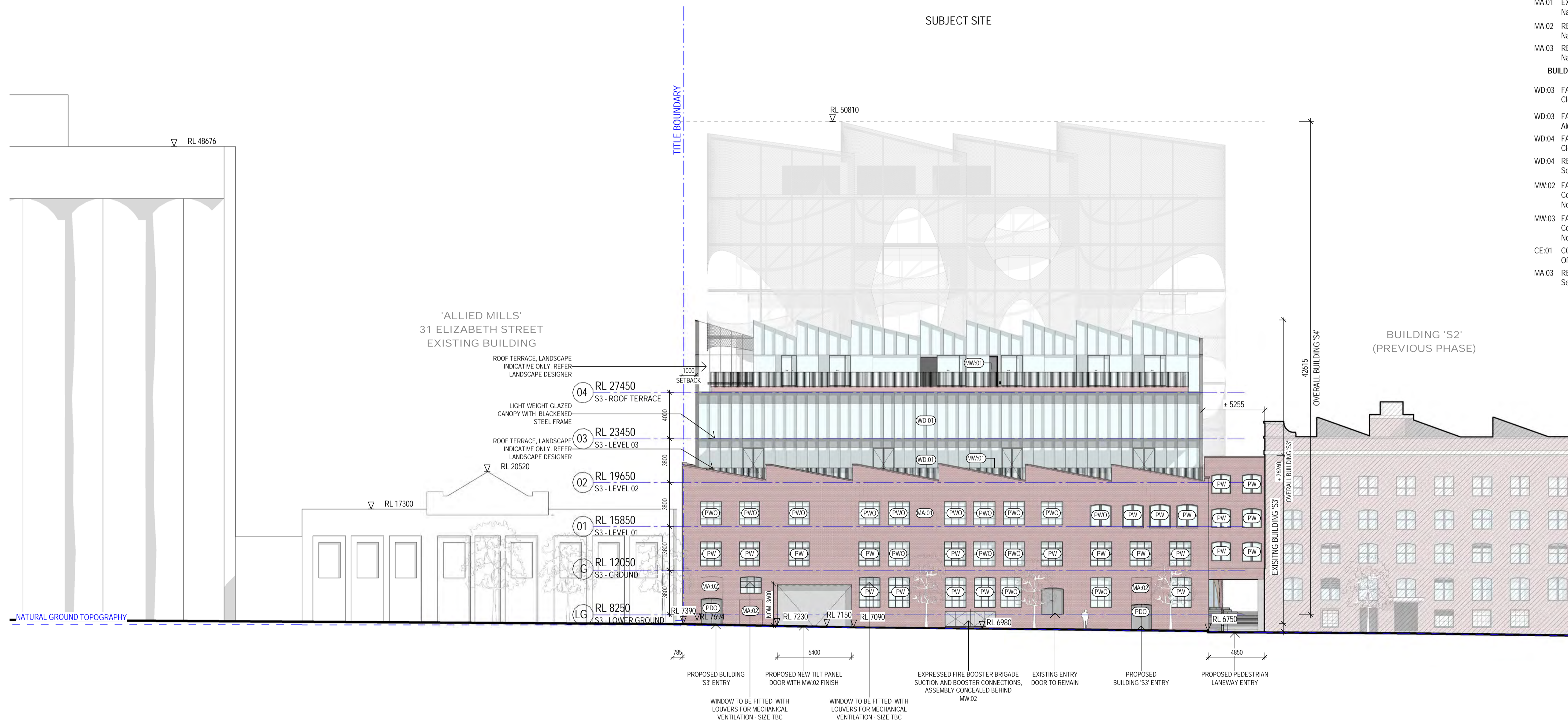
WINDOWS AND DOORS

- EXISTING (DOORS AND WINDOWS WITHOUT TAGS)  
EXISTING WINDOW OR DOOR IN EXISTING OPENING IN EXISTING MASONRY WALLS
- NEW (DOORS AND WINDOWS WITH TAGS)  
NEW WINDOW OR DOOR IN NEW OR ALTERED OPENINGS IN EXISTING MASONRY WALLS
- (PDD) PROPOSED DOOR IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PWO) PROPOSED WINDOW IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PW) PROPOSED WINDOW - USING EXISTING OPENING IN MASONRY WALL
- (PD) PROPOSED DOOR - USING EXISTING OPENING IN MASONRY WALL

NOTE:  
 1. EXISTING WINDOW FRAMES ARE INTENDED TO BE RETAINED AND REPAIRED. (An audit of the condition of existing external windows and doors will be conducted by a Heritage Architect prior to the commencement of the Design Development stage)  
 2. EXISTING WINDOW FRAMES THAT CAN NOT BE REPAIRED WILL BE REPLACED WITH A TIMBER WINDOW FRAME TO MATCH EXISTING AND WILL BE DESIGNED TO BE OPENABLE. (refer supporting Architectural Design Report for a description)  
 3. WINDOW GLAZING IS TO BE REPLACED THROUGHOUT WITH LOW-E GLAZING AND IS TO COMPLY WITH CURRENT ICC IMPACT STANDARDS  
 4. NEW WINDOW FRAMES ARE TO BE TIMBER (except where noted on drawings) TO MATCH EXISTING AND WILL BE DESIGNED TO BE OPENABLE. (refer supporting Architectural Design Report for a description)

MATERIAL LEGEND

- BUILDING 'S3'**
- WD-01 FACADE GLAZING  
Clear Low-E Glass  
FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish  
FACADE FIN  
Steel fin with blackened finish
- WD-02 WINDOW GLAZING (into new brickwork facade)  
Clear Low-E Glass  
WINDOW FRAME (into new brickwork facade)  
Blackened steel window frame
- CD-01 FACADE CLADDING  
Perforated steel with blackened finish
- MW-01 BALUSTRADE RAILING  
Expressed vertical with blackened steel finish
- MW-04 METAL PLATE  
Blackened steel finish
- MA-01 EXISTING MASONRY (to be retained)  
Natural brick finish
- MA-02 RECYCLED MASONRY  
Natural finish brick to match MA-01
- MA-03 RECYCLED MASONRY  
Natural finish brick to match MA-01 - Hit and miss
- BUILDING 'S4'**
- WD-03 FACADE GLAZING  
Clear Low-E Glass
- WD-03 FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish
- WD-04 FACADE GLAZING  
Clear Low-E Glass
- WD-04 RETAIL WINDOW FRAME  
Solid hardwood timber with select finish
- MW-02 FACADE SCREEN - TYPE 01  
Corrugated and perforated metal with galvanised steel finish  
Nominal 40% transparency
- MW-03 FACADE SCREEN - TYPE 02  
Corrugated and perforated metal with galvanised steel finish  
Nominal 60% transparency
- CE-01 CONCRETE  
Off-form concrete finish
- MA-03 RECYCLED BRICK  
Select brick finish



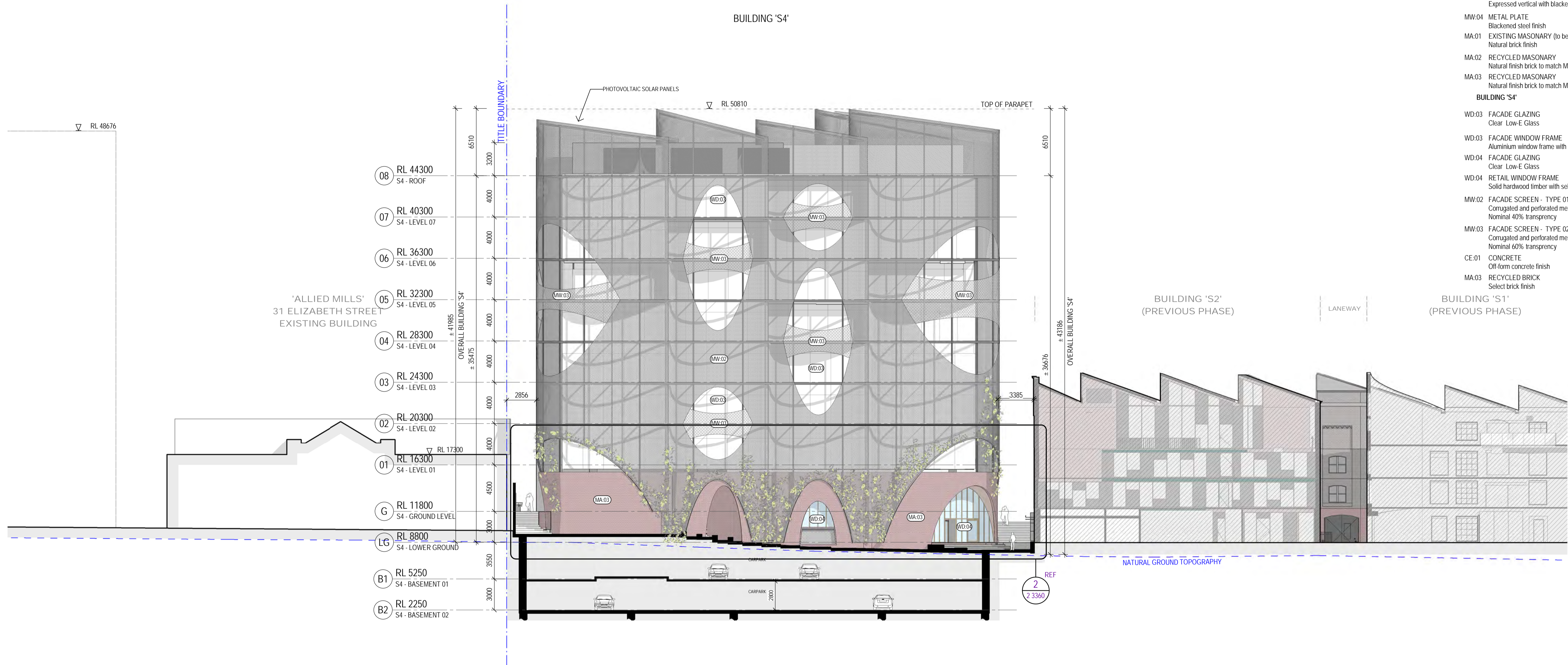
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NEW WINDOW OR DOOR IN NEW OR ALTERED OPENINGS IN EXISTING MASONRY WALLS
- (FDD) PROPOSED DOOR IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PWO) PROPOSED WINDOW IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PW) PROPOSED WINDOW - USING EXISTING OPENING IN MASONRY WALL
- (PD) PROPOSED DOOR - USING EXISTING OPENING IN MASONRY WALL

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 4. NEW WINDOW FRAMES ARE TO BE TIMBER (except where noted on drawings) TO MATCH EXISTING AND WILL BE DESIGNED TO BE OPENABLE. (refer supporting Architectural Design Report for a description)

MATERIAL LEGEND

- BUILDING 'S3'**
- WD-01 FACADE GLAZING  
Clear Low-E Glass  
FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish  
FACADE FIN  
Steel fin with blackened finish
- WD-02 WINDOW GLAZING (into new brickwork facade)  
Clear Low-E Glass  
WINDOW FRAME (into new brickwork facade)  
Blackened steel window frame
- CD-01 FACADE CLADDING  
Perforated steel with blackened finish
- MW-01 BALUSTRADE RAILING  
Expressed vertical with blackened steel finish
- MW-04 METAL PLATE  
Blackened steel finish
- MA-01 EXISTING MASONRY (to be retained)  
Natural brick finish
- MA-02 RECYCLED MASONRY  
Natural finish brick to match MA-01
- MA-03 RECYCLED MASONRY  
Natural finish brick to match MA-01 - Hit and miss
- BUILDING 'S4'**
- WD-03 FACADE GLAZING  
Clear Low-E Glass
- WD-03 FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish
- WD-04 FACADE GLAZING  
Clear Low-E Glass
- WD-04 RETAIL WINDOW FRAME  
Solid hardwood timber with select finish
- MW-02 FACADE SCREEN - TYPE 01  
Corrugated and perforated metal with galvanised steel finish  
Nominal 40% transparency
- MW-03 FACADE SCREEN - TYPE 02  
Corrugated and perforated metal with galvanised steel finish  
Nominal 60% transparency
- CE-01 CONCRETE  
Off-form concrete finish
- MA-03 RECYCLED BRICK  
Select brick finish



NATIONAL TOPOGRAPHY LINE IS DETERMINED BY SURVEY  
 PROVIDED FROM TERRAIN CONSULTING GROUP.  
 DRAWING NUMBER 19136D03S

WINDOWS AND DOORS

|          |  |
|----------|--|
| EXISTING | (DOORS AND WINDOWS WITHOUT TAGS)<br>EXISTING WINDOW OR DOOR IN EXISTING MASONRY WALLS                    |
| NEW      | (DOORS AND WINDOWS WITH TAGS)<br>NEW WINDOW OR DOOR IN NEW OR ALTERED OPENINGS IN EXISTING MASONRY WALLS |
| (PDD)    | PROPOSED DOOR IN NEW OR MODIFIED OPENING IN MASONRY WALL   |
| (PWO)    | PROPOSED WINDOW IN NEW OR MODIFIED OPENING IN MASONRY WALL   |
| (PW)     | PROPOSED WINDOW - USING EXISTING OPENING IN MASONRY WALL   |
| (PD)     | PROPOSED DOOR - USING EXISTING OPENING IN MASONRY WALL   |

NOTE:  
 1. EXISTING WINDOW FRAMES ARE INTENDED TO BE RETAINED AND REPAIRED.  
 (An audit of the condition of existing external windows and doors will be conducted by a Heritage Architect prior to the commencement of the Design Development stage)  
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 (refer supporting Architectural Design Report for a description)  
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 4. NEW WINDOW FRAMES ARE TO BE TIMBER (except where noted on drawings) TO MATCH EXISTING AND WILL BE DESIGNED TO BE OPENABLE.  
 (refer supporting Architectural Design Report for a description)

MATERIAL LEGEND

|                      |   |
|----------------------|---|
| <b>BUILDING 'S3'</b> |   |
| WD.01                | FAÇADE GLAZING<br>Clear Low-E Glass<br>FAÇADE WINDOW FRAME<br>Aluminium window frame with select powdercoat finish<br>FAÇADE FIN<br>Steel fin with blackened finish |
| WD.02                | WINDOW GLAZING (into new brickwork facade)<br>Clear Low-E Glass<br>WINDOW FRAME (into new brickwork facade)<br>Blackened steel window frame                         |
| CD.01                | FAÇADE CLADDING<br>Perforated steel with blackened finish   |
| MW.01                | BALUSTRADE RAILING<br>Expressed vertical with blackened steel finish  |
| MW.04                | METAL PLATE<br>Blackened steel finish   |
| MA.01                | EXISTING MASONRY (to be retained)<br>Natural brick finish   |
| MA.02                | RECYCLED MASONRY<br>Natural finish brick to match MA.01   |
| MA.03                | RECYCLED MASONRY<br>Natural finish brick to match MA.01 - Hit and miss  |
| <b>BUILDING 'S4'</b> |   |
| WD.03                | FAÇADE GLAZING<br>Clear Low-E Glass   |
| WD.03                | FAÇADE WINDOW FRAME<br>Aluminium window frame with select powdercoat finish   |
| WD.04                | FAÇADE GLAZING<br>Clear Low-E Glass   |
| WD.04                | RETAIL WINDOW FRAME<br>Solid hardwood timber with select finish   |
| MW.02                | FAÇADE SCREEN - TYPE 01<br>Corrugated and perforated metal with galvanised steel finish<br>Nominal 40% transparency   |
| MW.03                | FAÇADE SCREEN - TYPE 02<br>Corrugated and perforated metal with galvanised steel finish<br>Nominal 60% transparency   |
| CE.01                | CONCRETE<br>Off-form concrete finish  |
| MA.03                | RECYCLED BRICK<br>Select brick finish   |



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 DRAWING NUMBER 19136D03S

**WINDOWS AND DOORS**

- EXISTING (DOORS AND WINDOWS WITHOUT TAGS)  
EXISTING WINDOW OR DOOR IN EXISTING OPENING IN EXISTING MASONRY WALLS
- NEW (DOORS AND WINDOWS WITH TAGS)  
NEW WINDOW OR DOOR IN NEW OR ALTERED OPENINGS IN EXISTING MASONRY WALLS
- (PDO) PROPOSED DOOR IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PWD) PROPOSED WINDOW IN NEW OR MODIFIED OPENING IN MASONRY WALL
- (PW) PROPOSED WINDOW - USING EXISTING OPENING IN MASONRY WALL
- (PD) PROPOSED DOOR - USING EXISTING OPENING IN MASONRY WALL

NOTE:  
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(refer supporting Architectural Design Report for a description)

**MATERIAL LEGEND**

**BUILDING 'S3'**

- WD:01 FACADE GLAZING  
Clear Low-E Glass  
FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish  
FACADE FIN  
Steel fin with blackened finish
- WD:02 WINDOW GLAZING (into new brickwork facade)  
Clear Low-E Glass  
WINDOW FRAME (into new brickwork facade)  
Blackened steel window frame
- CD:01 FACADE CLADDING  
Perforated steel with blackened finish
- MW:01 BALUSTRADE RAILING  
Expressed vertical with blackened steel finish
- MW:04 METAL PLATE  
Blackened steel finish
- MA:01 EXISTING MASONRY (to be retained)  
Natural brick finish
- MA:02 RECYCLED MASONRY  
Natural finish brick to match MA:01
- MA:03 RECYCLED MASONRY  
Natural finish brick to match MA:01 - Hit and miss

**BUILDING 'S4'**

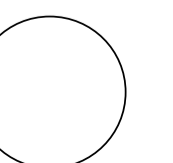
- WD:03 FACADE GLAZING  
Clear Low-E Glass
- WD:03 FACADE WINDOW FRAME  
Aluminium window frame with select powdercoat finish
- WD:04 FACADE GLAZING  
Clear Low-E Glass
- WD:04 RETAIL WINDOW FRAME  
Solid hardwood timber with select finish
- MW:02 FACADE SCREEN - TYPE 01  
Corrugated and perforated metal with galvanised steel finish  
Nominal 40% transparency
- MW:03 FACADE SCREEN - TYPE 02  
Corrugated and perforated metal with galvanised steel finish  
Nominal 60% transparency
- CE:01 CONCRETE  
Off-form concrete finish
- MA:03 RECYCLED BRICK  
Select brick finish



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DRAWING NUMBER 19136D03S

Revision Schedule

| Date       | Description   | Revision |
|------------|---------------|----------|
| 05/03/2021 | Town Planning | B        |
| 30/11/2020 | Town Planning | A        |



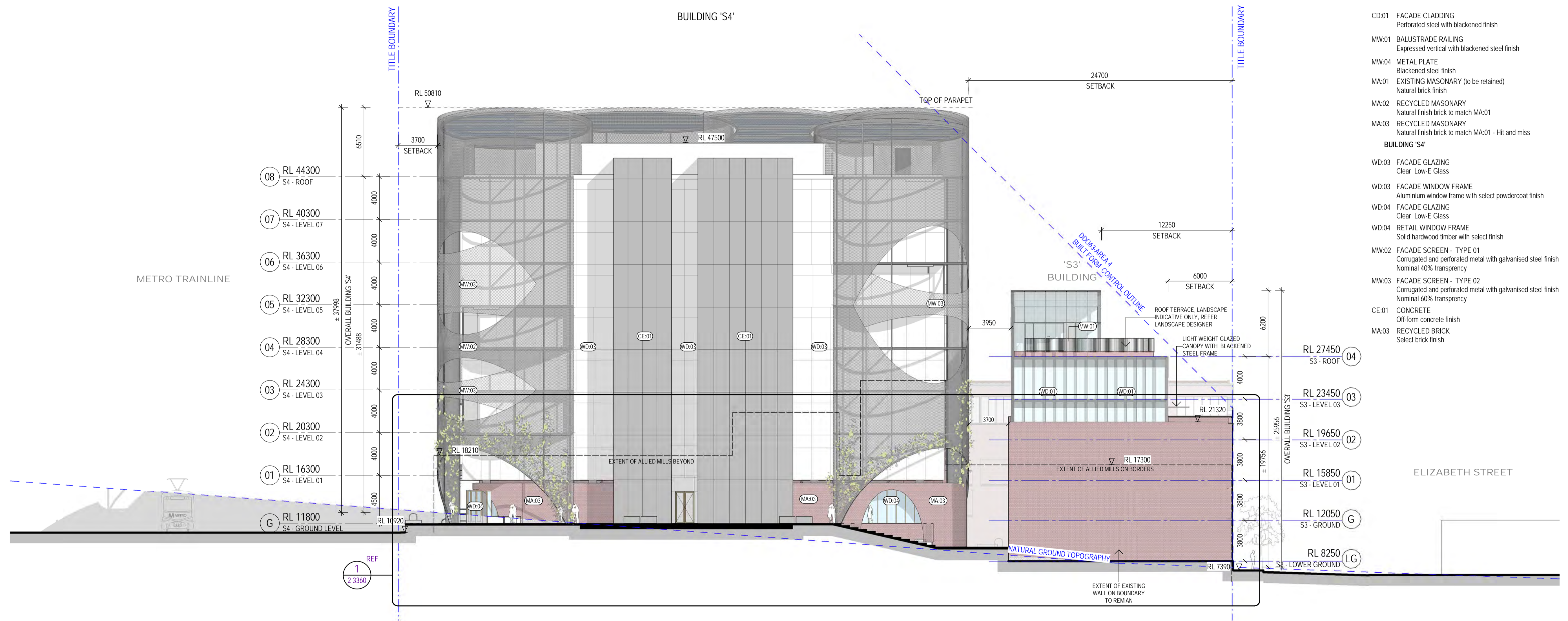
WINDOWS AND DOORS

|          |  |
|----------|--|
| EXISTING | (DOORS AND WINDOWS WITHOUT TAGS)<br>EXISTING WINDOW OR DOOR IN EXISTING MASONRY WALLS                    |
| NEW      | (DOORS AND WINDOWS WITH TAGS)<br>NEW WINDOW OR DOOR IN NEW OR ALTERED OPENINGS IN EXISTING MASONRY WALLS |
| (PDD)    | PROPOSED DOOR IN NEW OR MODIFIED OPENING IN MASONRY WALL   |
| (PWD)    | PROPOSED WINDOW IN NEW OR MODIFIED OPENING IN MASONRY WALL   |
| (PW)     | PROPOSED WINDOW - USING EXISTING OPENING IN MASONRY WALL   |
| (PD)     | PROPOSED DOOR - USING EXISTING OPENING IN MASONRY WALL   |

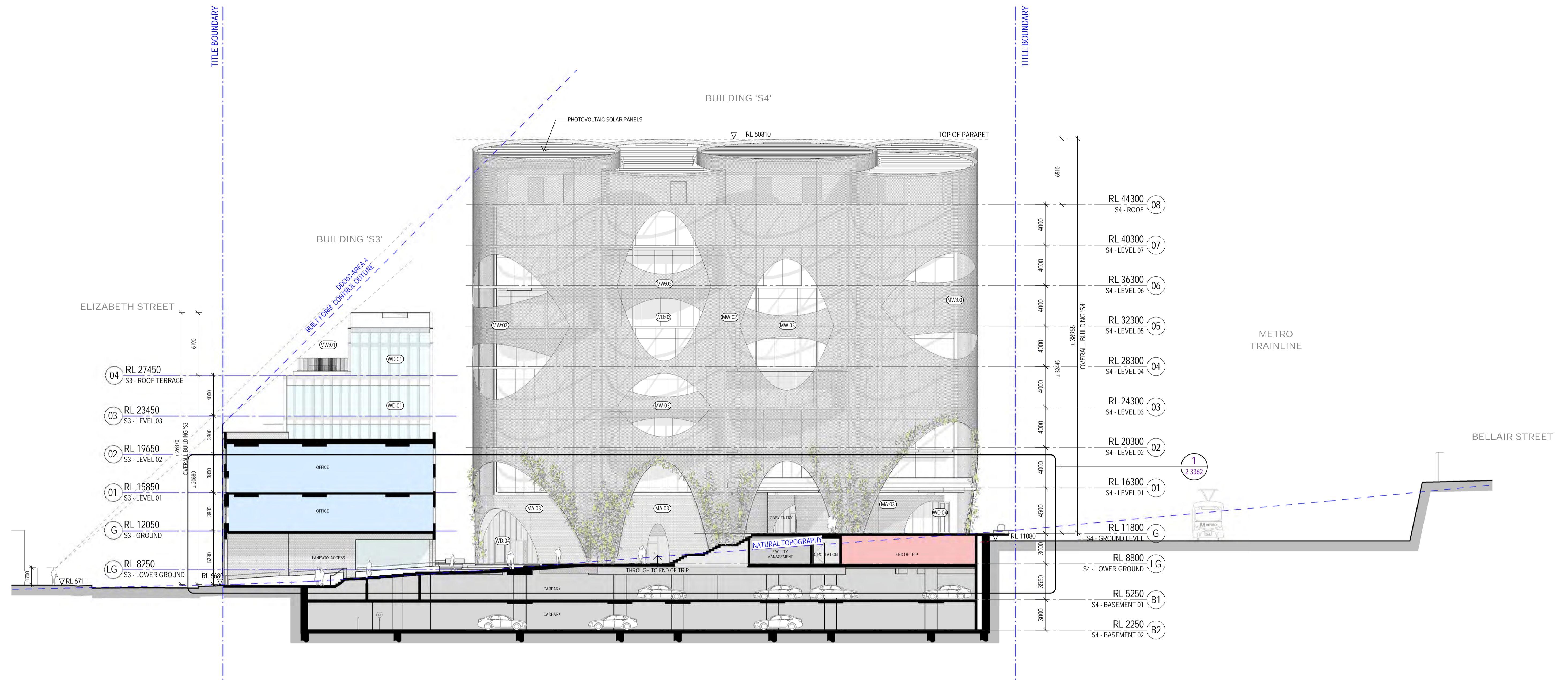
NOTE:  
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MATERIAL LEGEND

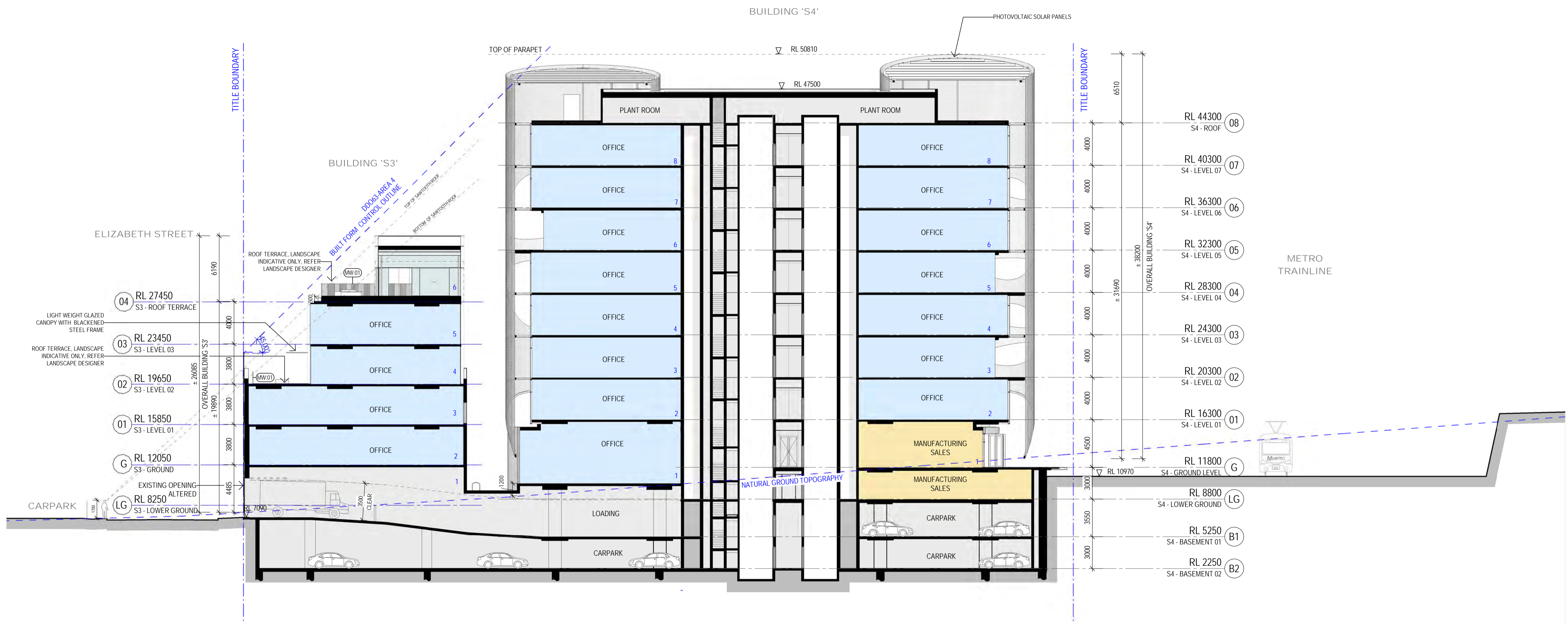
|                      |   |
|----------------------|---|
| <b>BUILDING 'S3'</b> |   |
| WD-01                | FACADE GLAZING<br>Clear Low-E Glass<br>FACADE WINDOW FRAME<br>Aluminium window frame with select powdercoat finish<br>FACADE FIN<br>Steel fin with blackened finish |
| WD-02                | WINDOW GLAZING (into new brickwork facade)<br>Clear Low-E Glass<br>WINDOW FRAME (into new brickwork facade)<br>Blackened steel window frame                         |
| CD-01                | FACADE CLADDING<br>Perforated steel with blackened finish   |
| MW-01                | BALUSTRADE RAILING<br>Expressed vertical with blackened steel finish  |
| MW-04                | METAL PLATE<br>Blackened steel finish   |
| MA-01                | EXISTING MASONRY (to be retained)<br>Natural brick finish   |
| MA-02                | RECYCLED MASONRY<br>Natural finish brick to match MA-01   |
| MA-03                | RECYCLED MASONRY<br>Natural finish brick to match MA-01 - Hit and miss  |
| <b>BUILDING 'S4'</b> |   |
| WD-03                | FACADE GLAZING<br>Clear Low-E Glass   |
| WD-03                | FACADE WINDOW FRAME<br>Aluminium window frame with select powdercoat finish   |
| WD-04                | FACADE GLAZING<br>Clear Low-E Glass   |
| WD-04                | RETAIL WINDOW FRAME<br>Solid hardwood timber with select finish   |
| MW-02                | FACADE SCREEN - TYPE 01<br>Corrugated and perforated metal with galvanised steel finish<br>Nominal 40% transparency   |
| MW-03                | FACADE SCREEN - TYPE 02<br>Corrugated and perforated metal with galvanised steel finish<br>Nominal 60% transparency   |
| CE-01                | CONCRETE<br>Off-form concrete finish  |
| MA-03                | RECYCLED BRICK<br>Select brick finish   |



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NATIONAL TOPOGRAPHY LINE IS DETERMINED BY SURVEY PROVIDED FROM TERRAIN CONSULTING GROUP. DRAWING NUMBER 19136003S



NATIONAL TOPOGRAPHY LINE IS DETERMINED BY SURVEY PROVIDED FROM TERRAIN CONSULTING GROUP. DRAWING NUMBER 19136003S



Client  
**Impact Investment Group**

Project  
**Young Husband Stage 02**

Sheet title  
**Section - East to West 02**

| Revision Schedule |               |          |
|-------------------|---------------|----------|
| Date              | Description   | Revision |
| 05/03/2021        | Town Planning | B        |
| 30/11/2020        | Town Planning | A        |

Project number  
**130430**

Sheet number  
**SK 2 3351**

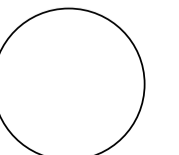
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Revision  
**B**

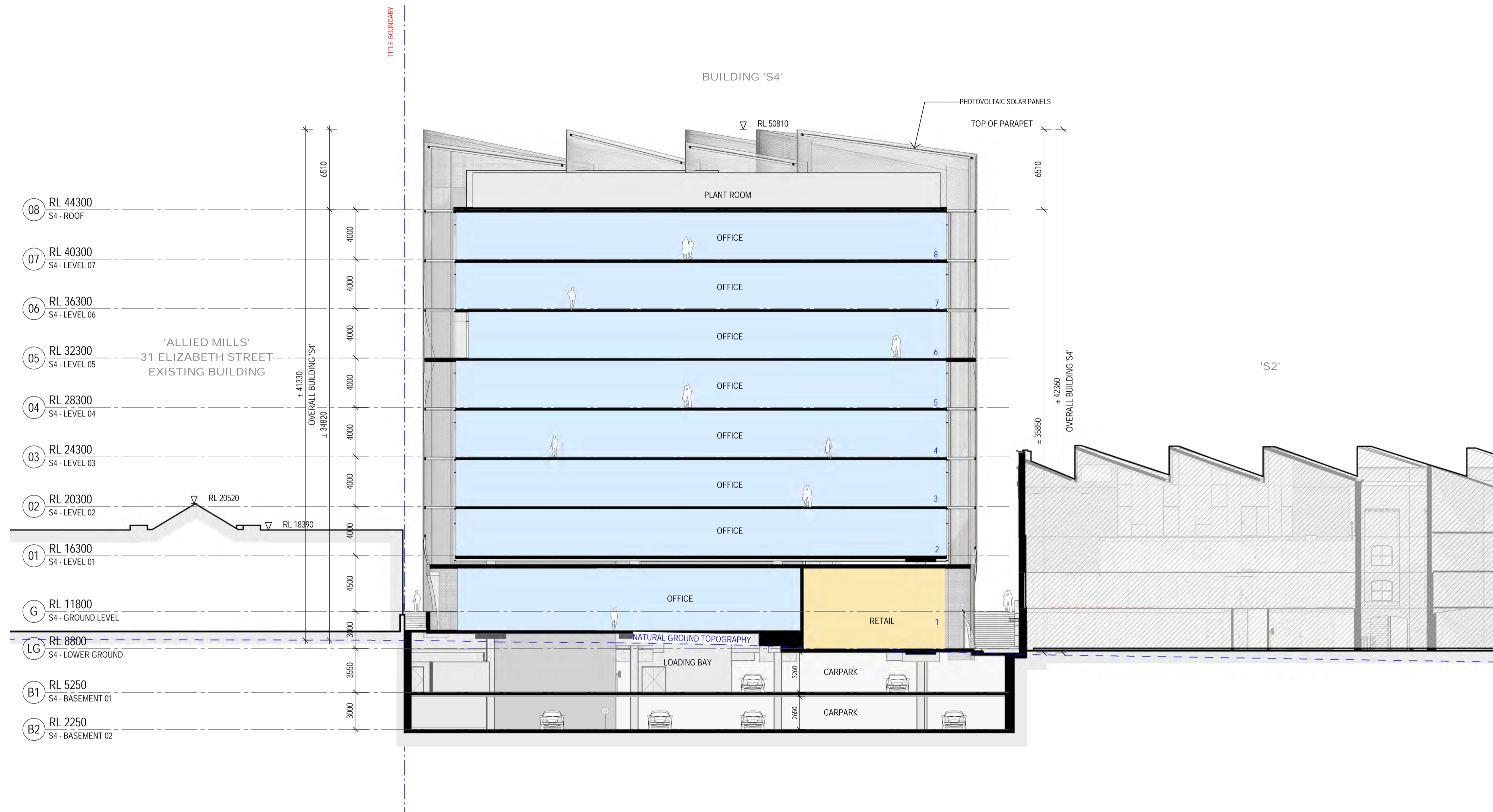
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Date  
**05/03/2021**

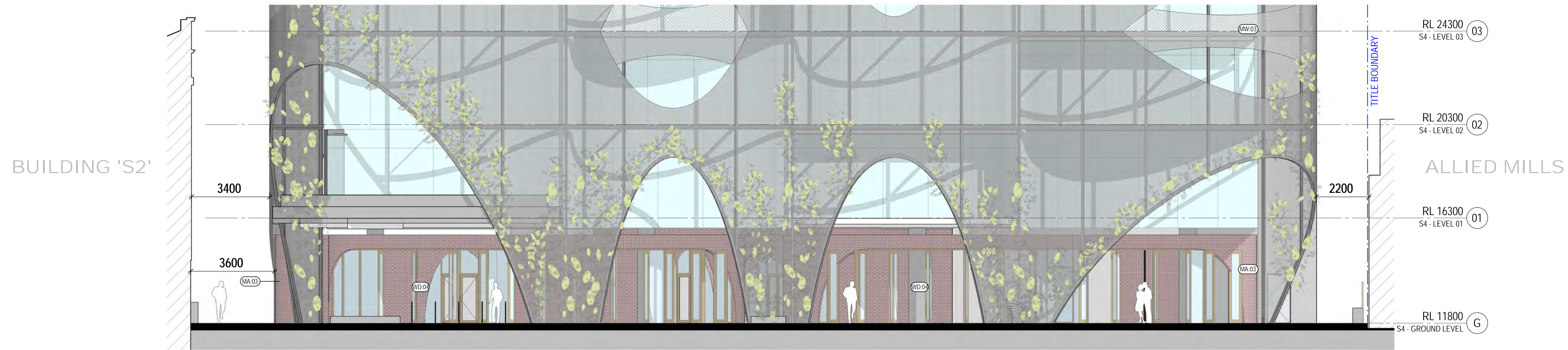
© Woods Bagot



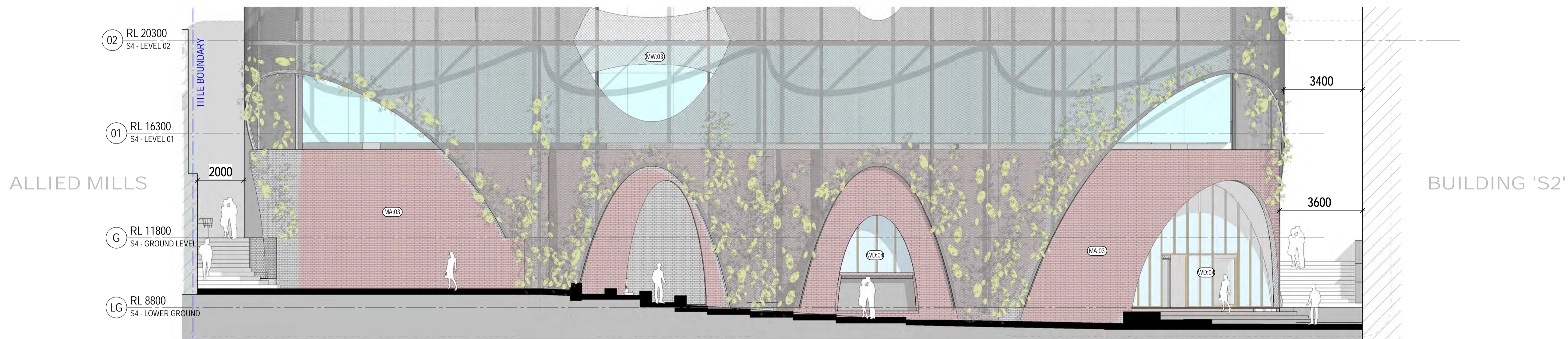




NATIONAL TOPOGRAPHY LINE IS DETERMINED BY SURVEY PROVIDED FROM TERRAIN CONSULTING GROUP. DRAWING NUMBER 19136D03S



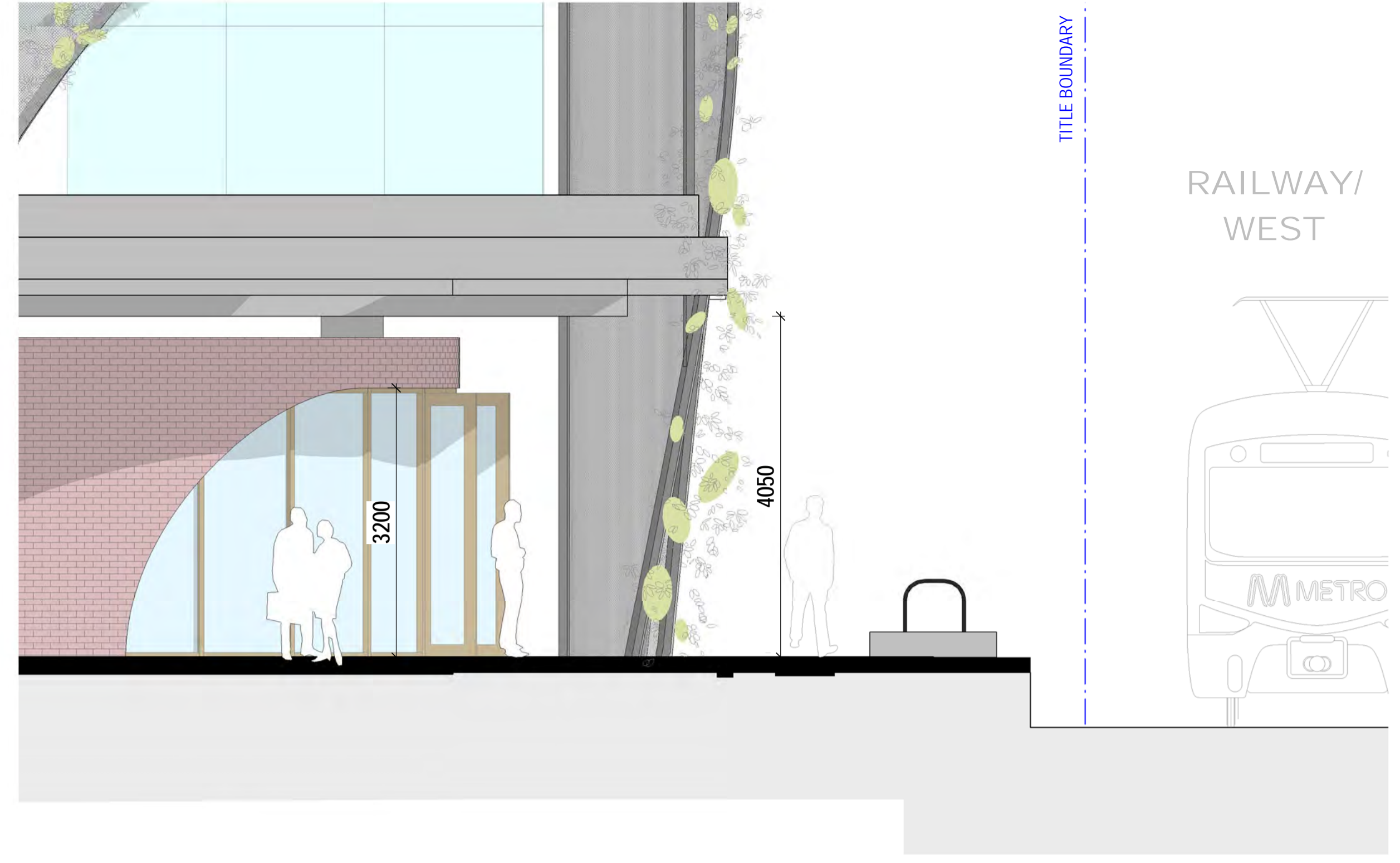
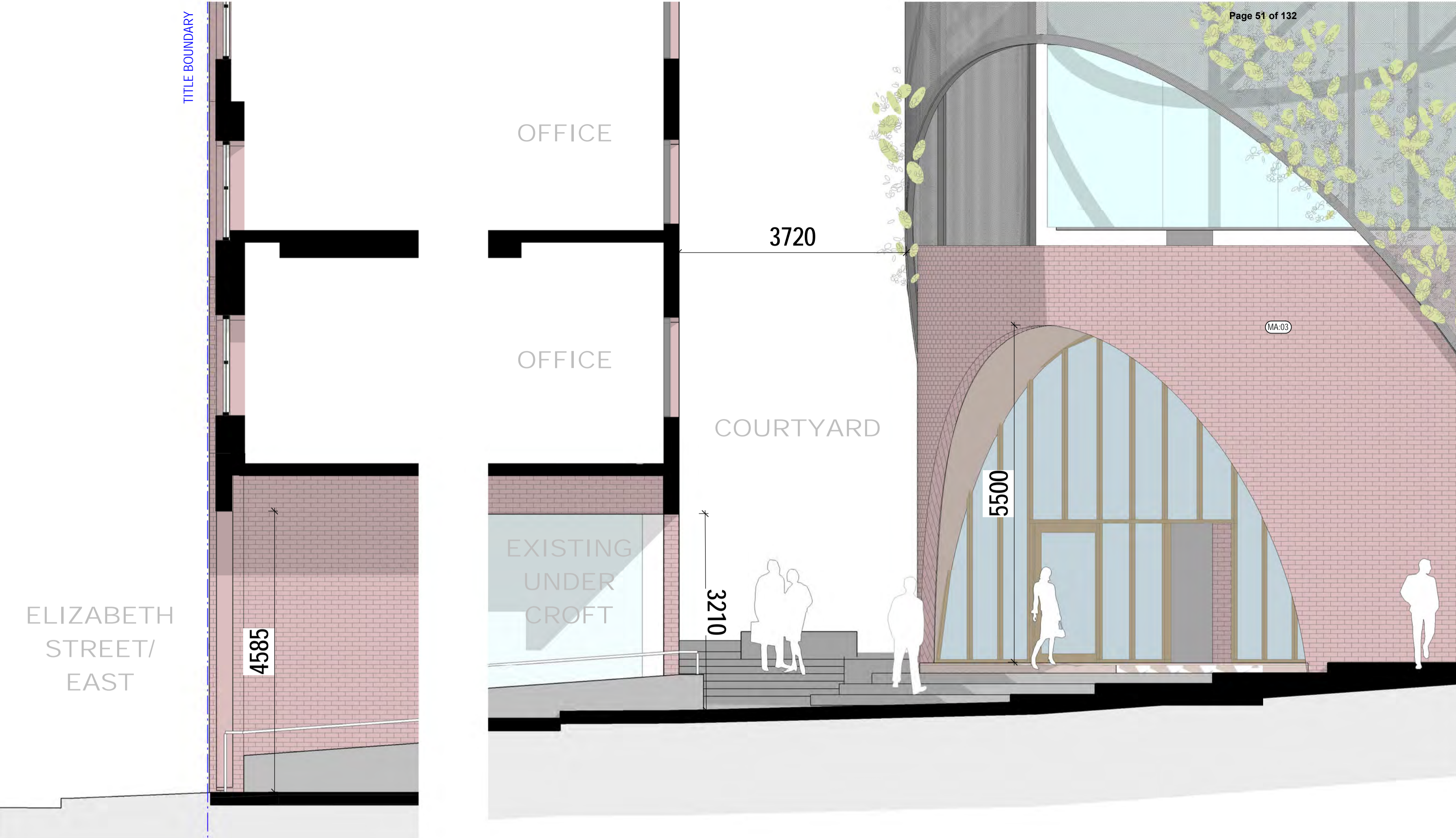
1 Ground Plane - West Interface



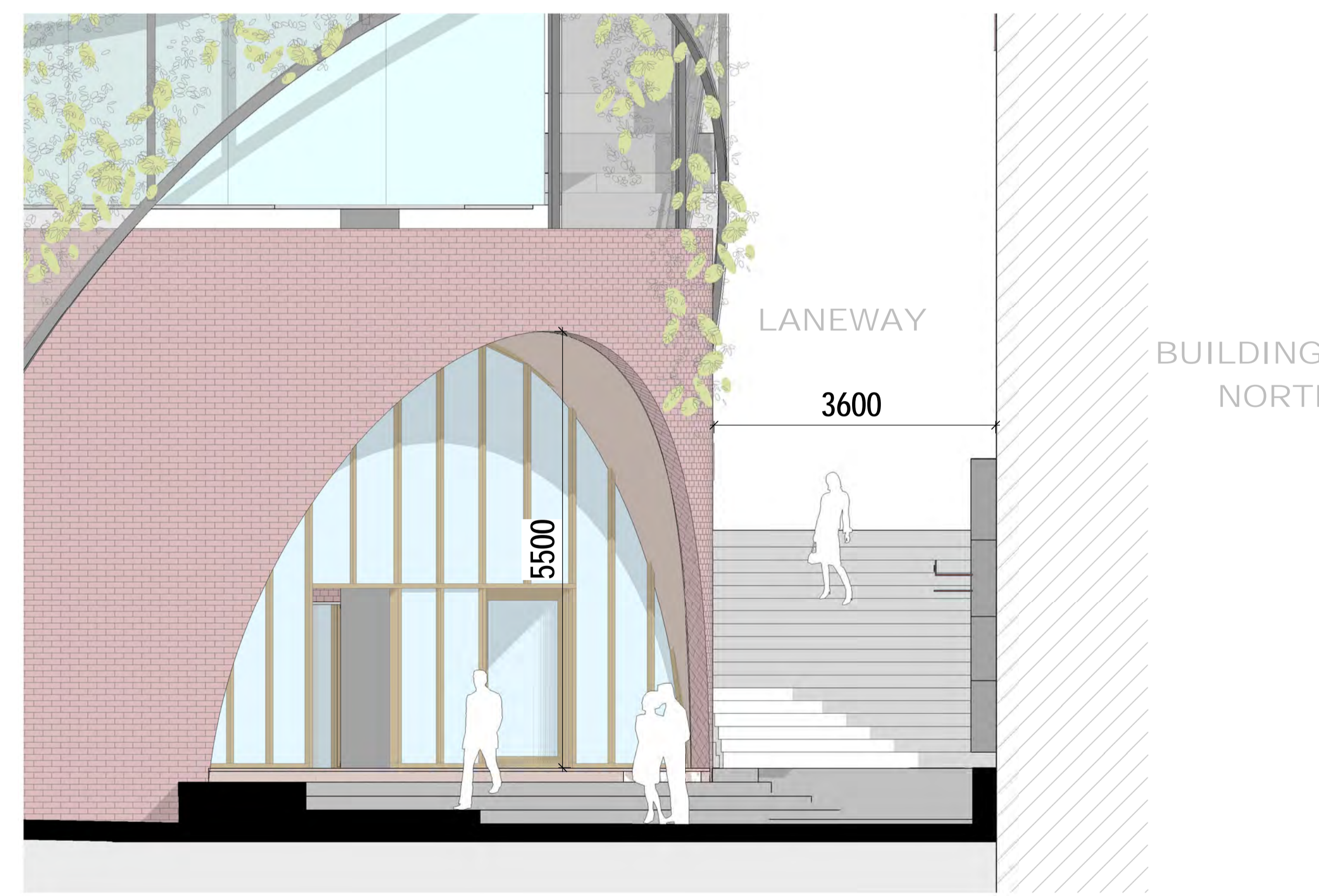
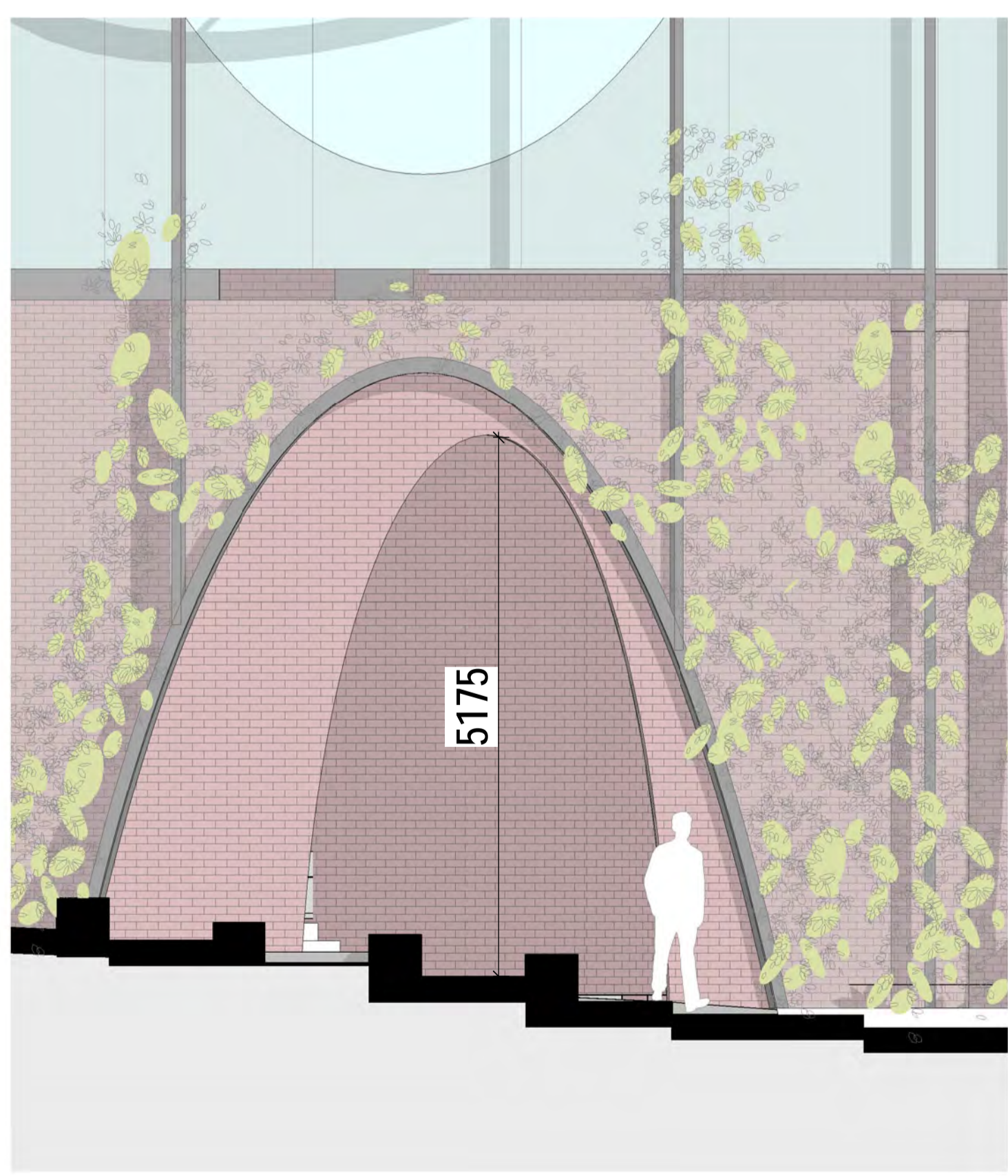
2 Ground Plane - Courtyard



3 Ground Plane - Artist Laneway



1 Ground Plane - Interface Sections 01



2 Ground Plane - Interface Sections 02

## DELEGATE REPORT

### MINISTERIAL PLANNING REFERRAL

|  |  |
|--|--|
| <b>City of Melbourne application number:</b> | <b>TPM-2020-63</b>   |
| <b>DELWP application number:</b>             | PA2001041  |
| <b>Applicant:</b>                            | Impact Funds Management Pty Ltd c-/ Metropol Planning Solutions  |
| <b>Owner:</b>                                | Impact Funds Management Pty Ltd  |
| <b>Architect:</b>                            | Woods Bagot  |
| <b>Address:</b>                              | 2-50 Elizabeth Street, Kensington ('Stage 2' of Younghusband Redevelopment Project)  |
| <b>Proposal summary:</b>                     | <ul style="list-style-type: none"> <li>• Demolition of 'Wool Store No.5' and part demolition of the 'Tallow Store' (Store No.3);</li> <li>• Development of an eight-storey building and six-storey building with two-level basement;</li> <li>• Use of the land for predominantly Office (as-of-right) and Shop, Food and Drink Premises and Manufacturing Sales; and</li> <li>• A reduction of the car parking requirements.</li> </ul> |
| <b>Cost of works:</b>                        | \$87 million   |
| <b>Date received by DELWP</b>                | Original Application: 8 December 2020  |
| <b>Date received by City of Melbourne:</b>   | Original Application: 18 December 2020   |
| <b>City of Melbourne Status</b>              | Consultee (notice received under S.52(1)(b) of the <i>Planning and Environment Act 1987</i> )  |
| <b>Responsible officer:</b>                  | Colin Charman, Principal Urban Planner   |

## 1 SUBJECT SITE AND SURROUNDS

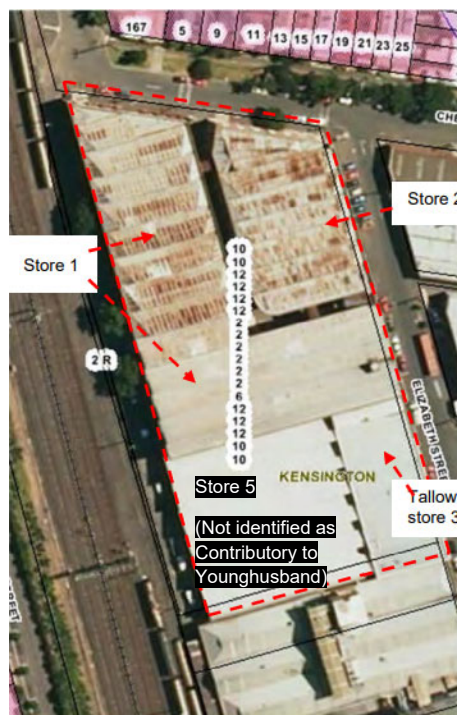
### 1.1 Subject Site

Ministerial Application PA2001041 concerns part of the land known as 2-50 Elizabeth Street, Kensington (also known as the Younghusband Wool and Grain Warehouses) formally described as the land in Plan of Consolidation 359143N (Vol. 10676, Fol. 123).

The part of the land engaged by Application PA2001041 includes the Tallow Store (Store No.3) and Wool Store No.5 located in the southern part of the Younghusband Wool and Grain Warehouses complex, in addition to a narrow strip of land to the rear of this building abutting the rail reserve (**the subject site**).

The development of this land represents 'Stage 2' of the broader redevelopment of the Younghusband Wool and Grain Warehouses site (**Younghusband**). The relationship of Application PA2001041 to the broader staging of the project is discussed later in this report.

| Table: Subject Site (Younghusband Stage 2) Details/Dimensions |  |
|---|--|
| <p><b>Street Frontage:</b></p>                                | <p><b>Elizabeth Street (East) – Tallow Store Frontage</b><br/>                     50.37 metres to Elizabeth Street (East) a 15 metre wide dual carriageway with parallel parking available either side of the main reserve.<br/>                     The east side of the road reserve abutting Younghusband includes regularly spaced Firewheel Tree street tree plots. Four of these street tree plots are located on the road reserve adjacent to the Tallow Store, and include the following tree assets (north to south):</p> <ul style="list-style-type: none"> <li>• Asset ID: 1069385</li> <li>• Asset ID: 1069384</li> <li>• Asset ID: 1357433</li> <li>• Asset ID: 1069382</li> </ul> <p>The Planning Report prepared by Metropol for Application PA2001041 indicates that no street trees will be impacted by the proposed development.<br/>                     Two existing vehicle crossings are present to this street frontage.</p> <p><b>Craigieburn Line Railway Reserve (West) – Wool Store No. 5 Frontage</b><br/>                     50.22 metres to the Craigieburn Line Railway Reserve (West), representing the frontage to Wool Store No.5. A chain wire mesh fence extends along this boundary.<br/>                     Wool Store No.5 is setback approximately 7.5 metres from the boundary with the rail reserve land.</p> |
| <p><b>Site Depth:</b></p>                                     | <p>78.3m</p>   |
| <p><b>Site Area:</b></p>                                      | <p>3,931m<sup>2</sup></p>  |
| <p><b>Topography:</b></p>                                     | <p>The slope of the land falls by approximately 4 metres from west (railway reserve) to east (Elizabeth Street).</p>   |
| <p><b>Heritage Status:</b></p>                                | <p>The subject site is affected by Individual Heritage Overlay HO1162 Goldsbrough Row and Co. later Younghusband P/L Wool and Grain warehouses, 2-50 Elizabeth Street, Kensington.</p> <p>The heritage place (listed as 2-50 Elizabeth Street 'Younghusband Ltd') is classified as a 'B' graded heritage building in a 'Level 1' graded streetscape in the Incorporated Document, <i>Heritage Places Inventory February 2020 Part B</i>.</p> <p>An excerpt from the Incorporated Document, <i>Arden Macaulay Heritage Review 2012 Statements of Significance June 2016</i> is provided (right)<sup>1</sup> which labels the stores comprising the Younghusband Wool and Grain Warehouses heritage place.</p> <p>The Statement of Significance for the Younghusband Wool and Grain Warehouses does <b>not</b> identify Store No.5 (separately annotated with black highlighted text above) as being contributory to the heritage significance of the Younghusband Wool and Grain Warehouses heritage place.</p>   |



<sup>1</sup> [Incorporated Document: Arden Macaulay Heritage Review 2012 Statements of Significance June 2016 \(p.48\)](#)



*Elizabeth Street frontage (facing west), Source: Google Dec-2020*



*Elizabeth Street frontage (facing south toward Allied Mills), Source: Google Dec-2020*



*Elizabeth Street frontage (facing north toward Store 2 / Younghusband Stage 1),  
Source: Google Dec-2020*



*Photographs of Rail Interface (left: facing south toward Allied Mills, right: facing north toward Eastwood Street), Source: Younghusband Kensington Landscape Report December 2020*



**CoMPASS Aerial Photograph (captured: 4 April 2021)**

## 1.2 Younghusband Staged Development

The Younghusband Wool and Grain Warehouses are a series of saw-tooth red brick warehouses that are significant historically and aesthetically to Kensington, the City of Melbourne and Victoria. The warehouses identified as being of historical significance to the Younghusband Wool and Grain Warehouses heritage place are Wool Store no.1, 2 and the Tallow Store (Store No.3), and were constructed in the early 1900's.

Wool Store No.5, which is sought to be demolished under Application PA2001041 was constructed in 1957 and is not identified as being of heritage significance in the Statement of Significance for the Younghusband Wool and Grain Warehouses provided in the Incorporated Document, *Arden Macaulay Heritage Review 2012 Statements of Significance June 2016*

The planned redevelopment of Younghusband comprises three stages, identified in the below excerpt from the Context Analysis & Design Response package, including the subject site; 2-50 Elizabeth Street, Kensington (Stage 1 & 2), and a separate trapezium shaped site at 1-7 Elizabeth Street & 2-12 Barnett Street, Kensington (Stage 3).



## 7 MASTERPLAN VISION - STAGING

- 1 STAGE 1  
Industry (Artisan Manufacturing) Technology, The Arts,  
Co-Working, Food, Laneway and Public Space
- 2 STAGE 2  
Workshops and office space
- 3 STAGE 3  
Publicly Accessible Park  
Childcare, Education and office space



***Elizabeth Street Kensington Context Analysis & Design Response package  
prepared by Woods Bagot (March 2021) (edited for accuracy)***

### **1.2.1 Stage 1 – Redevelopment of Store 1 and Store 2 of the Younghusband Wool and Grain Warehouses complex at 2-50 Elizabeth Street, Kensington**

Planning Permit TP-2017-606 was issued on 17 January 2018 by Melbourne City Council and authorised:

*Proposed buildings and works including partial demolition within a Heritage Overlay, carrying out of works within Land Subject to Inundation Overlay, the change of use to office, art and craft centre, education centre, restaurant, food and drink premises, industry (including manufacturing sales), car park and a reduction in the standard car parking requirements in accordance with the endorsed plans.*

The permit was later amended on 23 August 2019 and on 30 October 2020 pursuant to Section 72 of the *Planning and Environment Act 1987* by making changes to the plans and conditions of the permit. The current revision of the permit is TP-2017-606/C.

To-date, plans have not been endorsed under Condition 1 of Permit TP-2017-606/C.

The development authorised by Planning Permit TP-2017-606/C broadly includes:

- The partial demolition, restoration and alterations and minor additions to the Store No.1 & 2 of the Younghusband Wool and Grain Warehouses complex at 2-50 Elizabeth Street, Kensington, associated with the expansion of existing uses on-site and introduction of new uses, including (amongst others); food and drink premises, manufacturing sales, offices and arts and craft centre.
- Clearing the site at 2-12 Barnett Street, Kensington for the temporary use of this land as a store / car park associated with the construction of Stage 1 and 2 of the Younghusband redevelopment project.

Construction of Stage 1 commenced in early 2020.

The development authorised under Stage 1 of Permit TP-2017-606/C is noteworthy for the scale of heritage conservation enshrined in this approval, with interventions into the original fabric largely being confined to:

- Alterations to facades to create new openings to provide light for a rearranged interior floor layout.
- Removal of existing saw-tooth corrugated roofing, and replacement with new saw-tooth corrugated roofing (to match the existing profile).

To outward appearances, the renovated Store No.1 and Store No.2 will largely present as unaltered, with highly sophisticated changes to modernise the building and support its adaptive reuse.

The level of conservation achieved in Planning Permit TP-2017-606/C has directly informed assessment of Application PA2001041 against Council's Heritage Policy, which relates to land included in the Masterplan Vision and on the same Title as Stage 1.

### **1.2.2 Stage 2 – Redevelopment of the Tallow Store (Store No.3) and Store No.5 of the Younghusband Wool and Grain Warehouses complex at 2-50 Elizabeth Street, Kensington**

Application PA2001041 (the application under consideration in this report), relates to 'Stage 2' of the Younghusband redevelopment project.

A detailed summary of the proposal is provided in Section 3 of this report.

### **1.2.3 Stage 3 – Redevelopment 1-7 Elizabeth Street & 2-12 Barnett Street, Kensington**

2-12 Barnett Street has been temporarily redeveloped by demolishing the existing buildings at this property and converting it into a temporary car park / storage area associated with the construction of Stages 1 and 2 of the Younghusband redevelopment project.

To-date no planning permit application has been received by City of Melbourne relating to the planned publicly accessible park, childcare, education and office space development at this site identified in Stage 3 of the Masterplan Vision.

## **1.3 Strategic location within Arden-Macaulay**

Arden-Macaulay is an area in transition. Since the 1880's, Arden-Macaulay has been primarily an industrial area supporting the city's economy through manufacturing and production. The profile of business activity in the area has been changing with some degree of land underutilisation given its potential in relation to its proximity to the Central City.

The Goldsbrough Row and Co., later Younghusband, Row & Company Pty Ltd. Complex (the subject site) played a significant role in the industrial history of the area, and is currently located on Commercial 2 Zoned land that forms a buffer between the more intensive industrial uses to the south, including; Allied Mills, the National Electricity Substation and the former site of the Four n Twenty Pie Factory at 50-60 Lloyd Street, Kensington, and residential areas to the north.

The zoning of the land and planning framework were introduced by Planning Scheme Amendment C190, gazetted on 23 October 2017 (Part 1), and 5 July 2018 (Part 2), which implemented the Arden-Macaulay Structure Plan's<sup>2</sup> Stage 1 land use and development recommendations. The changes to the Melbourne Planning Scheme introduced by Amendment C190 broadly resulted in the rezoning of large areas of land in Kensington and North Melbourne to the north of the subject site to facilitate the de-intensification of industrial land uses, urban renewal and the intensification of residential and commercial uses.

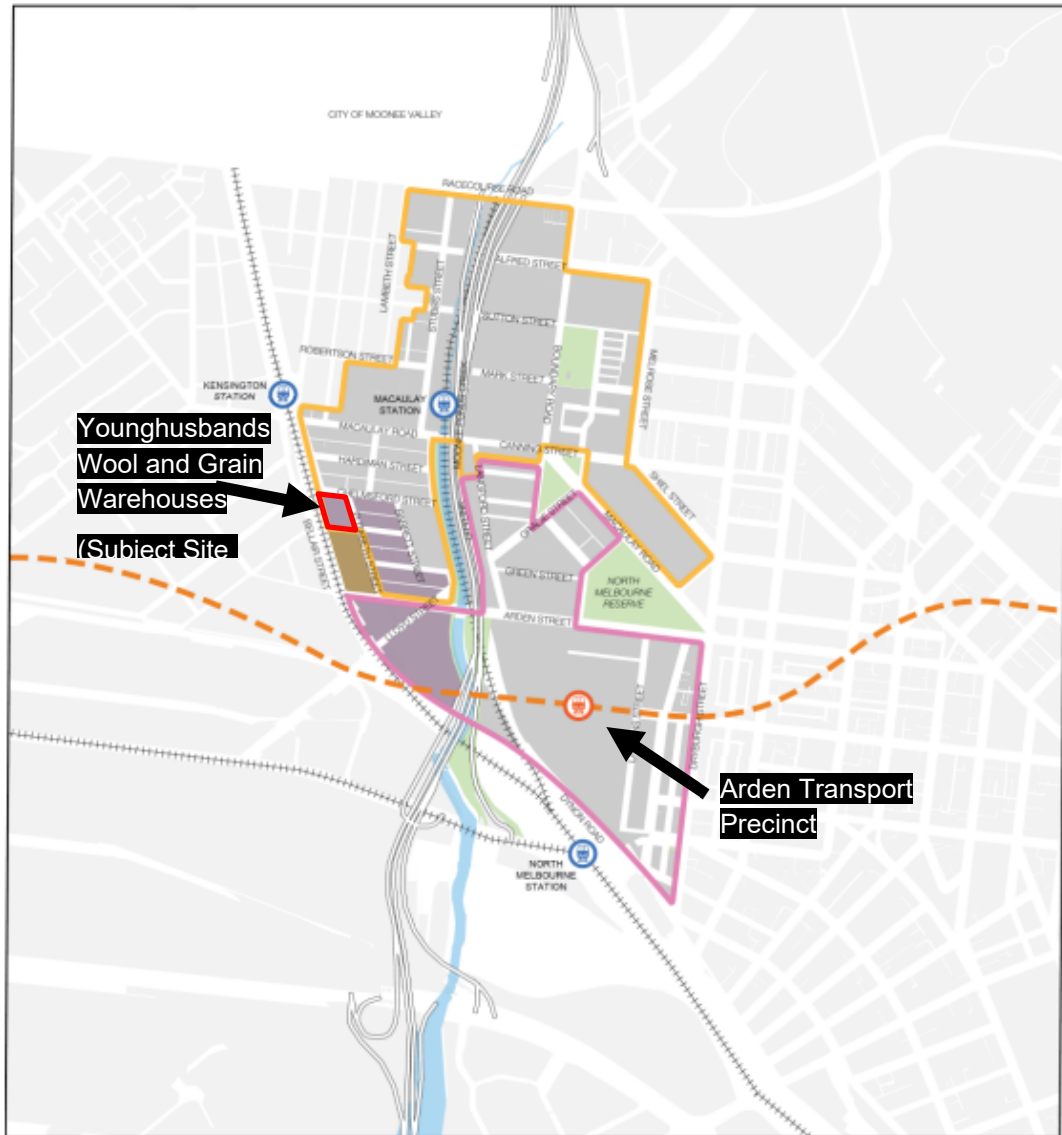
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<sup>2</sup> The Arden-Macaulay Structure Plan 2012 was adopted by Melbourne City Council in February 2012.

The land originally planned for land use transition in Stage 2 of the Arden-Macaulay Structure Plan has largely been absorbed into the 'Arden Transport Precinct' falling within the Arden Structure Plan area, located to the east of Younghusband across Moonee Ponds Creek.

Figure 11 from *Clause 21.14 Proposed Urban Renewal Areas* is provided below, with the location of the subject site annotated.

**Figure 11: Arden-Macaulay**



- Local Area Boundary
- Rail Station
- Rail Network
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Freeway
- Public Open Space
- Waterways
- Stage 1 of Land Use Transition
- Stage 2 of Land Use Transition
- Large Manufacturing Industry subject to Melbourne Metro Project proceeding
- Commercial and Industrial Buffer



**Excerpt from Clause 21.14-2 Arden-Macaulay of the Municipal Strategic Statement**

**1.4 Restrictions / Easements**

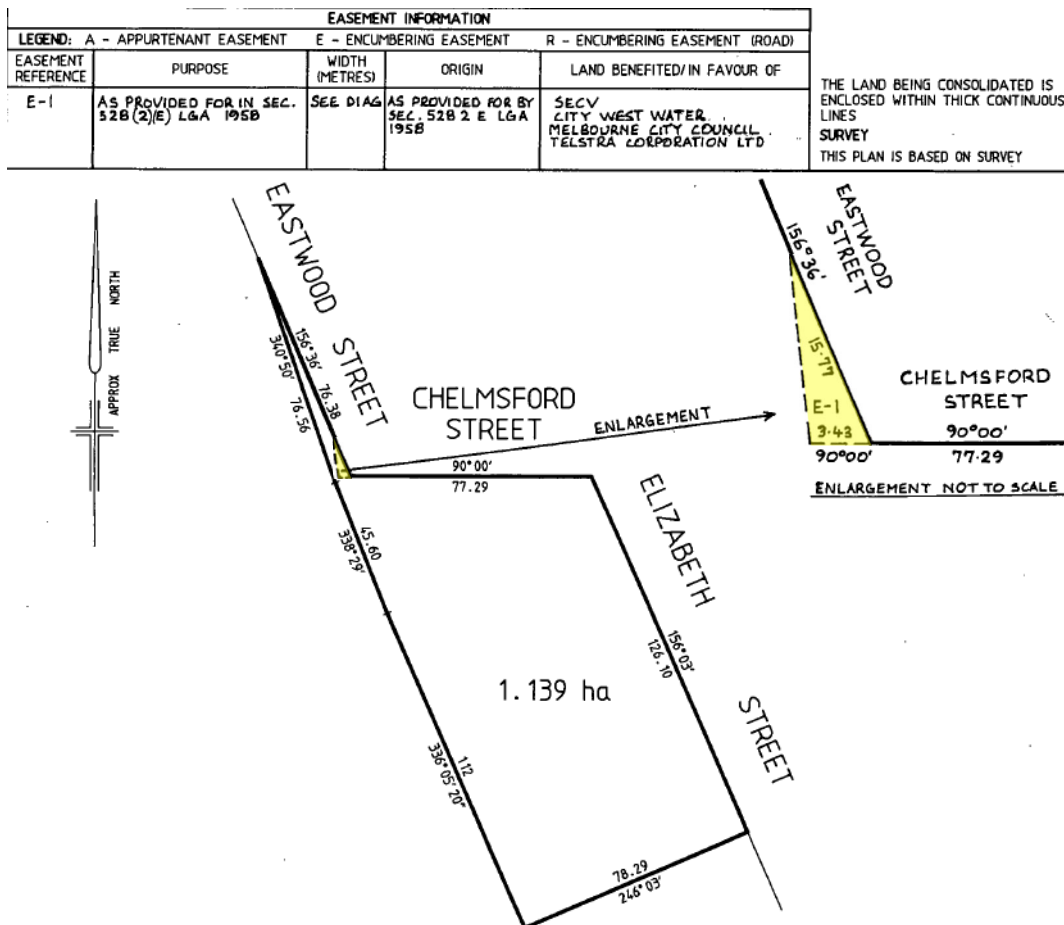
The register search statement for the land in Plan of Consolidation 359143N (Vol.10676, Fol.123) does not identify that the Title is affected by any restrictive covenants.

The land in Plan of Consolidation 359143N is however encumbered by an easement in favour of the State Electricity Commission of Victoria, City West Water, Melbourne City Council and Telstra Corporation Pty Ltd, and is burdened by a Section 173 Agreement (Instrument

**1.4.1 Easement E-1 on land in Plan of Consolidation 359143N**

Easement E-1 is highlighted yellow in the below excerpt from Title Plan PC359143N. No permanent structures are proposed over this land under Application PA2001041, noting that this land was included in 'Stage 1' of the Younghusband project and landscape plans have separately been prepared to address the development of this land as part of Permit TP-2017-606/C.

Notwithstanding the above, it is noted that the intended development of this land is for it to be resurfaced for pedestrian and serviced vehicle access with seating and new planting and it is considered unlikely that the permit holder would face difficulties obtaining consent from relevant easement beneficiaries to carry out these works.



**Excerpt from Title Plan PC359143N with Easement E-1 highlighted yellow**

**1.4.2 Instrument AS774794K**

Instrument AS774794K broadly relates to the obligations of the owner to pay a development contribution, arising from Condition 31 of Planning Permit TP-2017-606/C (the authorising permit for the development of Stage 1 of the Younghusband redevelopment project).

Condition 31 was included on the Planning Permit to ensure compliance with the requirements of *Schedule 2 to Clause 45.06 Development Contributions Plan Overlay*, which affects land in the Macaulay Urban Renewal Area.

## 1.5 Archaeology and Heritage Inventory

Younghusband 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

A pre-application meeting was held between the Department of Environment, Land, Water and Planning (DELWP), City of Melbourne and the permit applicant prior to lodgement of Application PA2001041.

Feedback given by City of Melbourne at this pre-application meeting broadly focussed on the extent of demolition proposed to the Tallow Store and the level of concealment, scale, massing and setbacks of the proposed addition to the Tallow Store and new tower to the rear (railway interface) of the site.

Advice was also given in relation to the 'silo' shaped perforated galvanised metal screen cladding to the proposed rear tower.

### 2.1.2 Original Application

On 8 December 2020, Application PA2001041 was received by DELWP, seeking planning permission for:

*"Buildings and works including demolition within a Heritage Overlay, the change of use to a shop, food and drink premises and industry (including manufacturing sales) and a reduction in the standard car parking requirements."*

### 2.1.3 Additional Information

On 6 January 2021, DELWP requested additional information from the applicant. The following concerns were raised in this request for additional information for the applicant's consideration and response:

- *Heritage protection and conservation: As per the pre-application advice provided, the proposed extent of demolition to building S3 is of concern, as the proposed development seeks to demolish most of the building retaining the façade and a section of the side walls only. Clause 22.05 - Heritage Places Outside the Capital City Zone (recently updated under amendment C258) to the Melbourne Planning Scheme recommends the retention of one full structural bay (or 8-10m) in depth at the front/principal part of a heritage building. Therefore, it is recommended that further consideration be given to options that would be more consistent with this policy.*
- *Mix of uses: The department requires further clarification to ensure that the proposed land uses will not result in a conflict with the adjoining Allied Mills operations. The submission of an acoustic report detailing proposed acoustic mitigation measures may assist with resolving any potential future conflict.*
- *Compliance with Schedule 63 to Clause 43.02 Design and Development Overlay (DDO63-A4) Height: DDO63-A4 Area 4 specifies a preferred maximum building*

*height of 6 storeys and an absolute maximum building height of 8 storeys, subject to achieving specified built form outcomes and a demonstrable benefit to the broader community. Specifically, when new developments adjoin heritage buildings located in a Heritage Overlay, DD063 requires the design of new buildings to have regard to the height, scale, rhythm of and proportions of the heritage buildings.*

*As per the pre-application advice provided, the overall height (building S4 appears 9 storeys from the western elevation), levels of concealment of the higher rear parts of the proposed buildings, and the separation of the proposed buildings may not be appropriate within the surrounding context. Further details should be provided on the demonstrable benefits to the community and high quality design of the buildings including: additional sightlines along Elizabeth Street, whether the proposed pedestrian links provide a high level of pedestrian amenity and accessibility through the site, whether the building setbacks are sufficient to allow for equitable development of adjoining sites and whether the separation between buildings S3 and S4 is sufficient to ensure appropriate levels of amenity for future occupants.*

- *Detailed matters: There are concealment areas along the proposed Artist Lane that may have an impact on pedestrian amenity and the usage of the lane. A detailed elevation and section drawing at a minimum of 1:50 scale of this interface should be submitted to ensure that this space is of a high quality, of a sufficient width, that provides for disabled access, and will provide a desirable pedestrian experience through the site.*

On 9 April 2021, City of Melbourne received a copy of the further information filed with DELWP in response to its request for additional information. This response included a further planning submission prepared by Metropool addressing in detail the concerns raised by the Department.

This response, together with additional correspondence occurring over the course of Application PA2001041's assessment, has been considered in Planning's assessment of the proposed development.

## **2.2 Planning Scheme Amendments**

In the intervening period between when Application PA2001041 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 Melbourne Planning Scheme Amendment C396: Finalisation of the Heritage Places Inventory (**Amendment C396**), prepared by Melbourne City Council, seeks to convert the remaining heritage places listed in the Incorporated Document, *Heritage Places Inventory February 2020 Part B* using the former letter-grading heritage category system to the contemporary contributory/significant/non-contributory heritage category system.

The subject site; 2-50 Elizabeth Street, Kensington, the Younghusband Wool and Grain Warehouses, is included in Amendment C396.

Amendment C396 seeks to convert the current 'B' building grading and 'Level 1' streetscape grading for the heritage place to a 'Significant' building category and 'Significant' streetscape category. The Heritage Overlay No. is also proposed to be altered from HO1162 to HO1385.

The Statement of Significance for Younghusband Wool and Grain Warehouses included in the Incorporated Document, *Arden Macaulay Heritage Review 2012 Statements of Significance June 2016*, is not proposed to be altered as part of this Amendment.

Amendment C396 recently completed public exhibition, and as such is not considered to be a 'seriously entertained' planning scheme amendment.

### 3 PROPOSAL

#### 3.1 Plans / Reports Considered in Assessment

| <b>Table: Assessed Application Documents</b>            |   |   |                         |
|---|---|---|-------------------------|
| <b>#</b>  | <b>Plan / Report Title</b>                                | <b>Plan/Report Author</b>   | <b>Plan/Report Date</b> |
| 1A  | <b>Covering Letter</b>                                    | Metropol Planning Solutions   | 8 December 2020         |
| 1B  | <b>Response to DELWP Concerns</b>                         | Metropol Planning Solutions   | 16 March 2021           |
| 2   | <b>Planning Permit Application</b>                        | Metropol Planning Solutions   | -                       |
| 3   | <b>Metropolitan Planning Levy</b>                         | Impact Funds Management Pty Ltd & ATF IIG Kensington Property Trust | 7 December 2020         |
| 4A  | <b>Register Search Statement</b>                          | -   | 2 December 2020         |
| 4B  | <b>Instrument No. AS774794K</b>                           | -   | 2 December 2020         |
| 4C  | <b>Plan of Consolidation PC359143N</b>                    | -   | 2 December 2020         |
| 4D  | <b>Title Re-Establishment and Feature Survey</b>          | Realserve Pty Ltd   | 26 September 2016       |
| 4E  | <b>Title Re-Establishment and Feature Survey</b>          | Realserve Pty Ltd   | 18 February 2021        |
| 5   | <b>Letter confirming Gross Floor Area (GFA)</b>           | Rider Levett Bucknall Victoria Pty Ltd                              | 11 February 2021        |
| 6   | <b>Planning Report</b>                                    | Metropol Planning Solutions   | March 2021              |
| 7   | <b>Context Analysis &amp; Design Response, Revision B</b> | Woods Bagot   | March 2021              |
| 8   | <b>Architectural Drawings, Revision B</b>                 | Woods Bagot   | 5 March 2021            |
| 9   | <b>Heritage Impact Statement</b>                          | Michael Taylor Architecture & Heritage                              | 5 March 2021            |
| 10  | <b>Landscape Report</b>                                   | Oculus  | December 2020           |
| 11  | <b>Traffic Impact Assessment, Revision D</b>              | GTA Consultants   | 11 March 2021           |
| 12  | <b>Air Quality Assessment</b>                             | CETEC Pty Ltd   | July 2017               |
| 13  | <b>Wind Assessment Report</b>                             | Mel Consultants Pty Ltd   | March 2021              |
| 14  | <b>Waste Management Plan</b>                              | Rawtec  | 2 February 2020         |
| 15  | <b>Affordable Rent Scheme</b>                             | Impact Investment Group   | 1 July 2019             |
| 16  | <b>Universal Design, DDA, Accessibility Report</b>        | Morris Goding Access Consulting                                     | 24 February 2021        |
| 17  | <b>ESD Statement, Revision C</b>                          | Cundall Johnston & Partners Pty Ltd                                 | 25 February 2021        |
| <b>Table: Discussion Plans Considered in Assessment</b> |   |   |                         |
| 18A   | <b>Response to CoM Referral Advice</b>                    | Metropol Planning Solutions   | 9 July 2021             |
| 18B   | <b>Response to CoM Urban Design Feedback</b>              | Metropol Planning Solutions   | 14 July 2021            |

### 3.2 Summary of Proposed Development

Application PA2001041 broadly proposes the following development and land uses:

- Part demolition of the Tallow Store (Store No.3) including the removal of all building fabric with the exception of the eastern (Elizabeth Street) façade and part of the southern (Allied-Mills boundary) façade and development of the former site of the Tallow Store with a six-storey building with upper-levels recessed behind the retained Elizabeth Street façade.

The proposed six-storey building (infilling behind the façade of the Tallow Store), will adopt a box design with clear glazing cladding, and feature a maximum height of approximately 26.87 metres (top of parapet). The recessed upper-levels will be setback approximately 6 metres from the retained Elizabeth Street façade, achieving partial concealment from views at street level.

**This building is labelled 'S3' on the plans.**

- Demolition of Wool Store No.5 and development of this site with an eight-story tower above.

The proposed eight-storey building (replacing Store No.5) is articulated with an undulating 'silo-inspired' façade design, featuring a maximum height of approximately 43.19 metres (top of parapet) and minimum setback of approximately 24.7 metres to the Elizabeth Street façade of the Tallow Store, achieving partial concealment from views at street level.

**This building is labelled 'S4' on the plans.**

- Development of a two-level basement car park accommodating 178 car parking spaces and 170 bicycle spaces. 60 of the 178 car parking spaces provided within the proposed basement are intended to be allocated for use by Stage 1 of the Younghusband redevelopment project.
- Development of the southern segment of a pedestrian and cycling thoroughfare extending along the western interface of Younghusband Stage 1 and Stage 2 with the railway reserve. The intention is for this land to be publicly accessibly but privately owned.
- Use of the new buildings predominantly for offices, in addition to a lesser footprint of retail and food and drink premises uses (including a food and drink premises located on the roof terrace of the six-storey building infilling behind the Tallow Store).

The application accordingly requires planning permission for the following:

- Use of land for Shop, Food and Drink Premises, and Manufacturing Sales, in the Commercial 2 Zone.
- Construct a building or construct or carry out works in the Commercial 2 Zone.
- Demolish or remove a building, and construct a building or construct or carry out works under the Heritage Overlay Schedule HO1162.
- Construct a building or construct or carry out works under the Design and Development Overlay Schedule 63 (Macaulay Urban Renewal Area).
- A reduction of the car parking requirement.

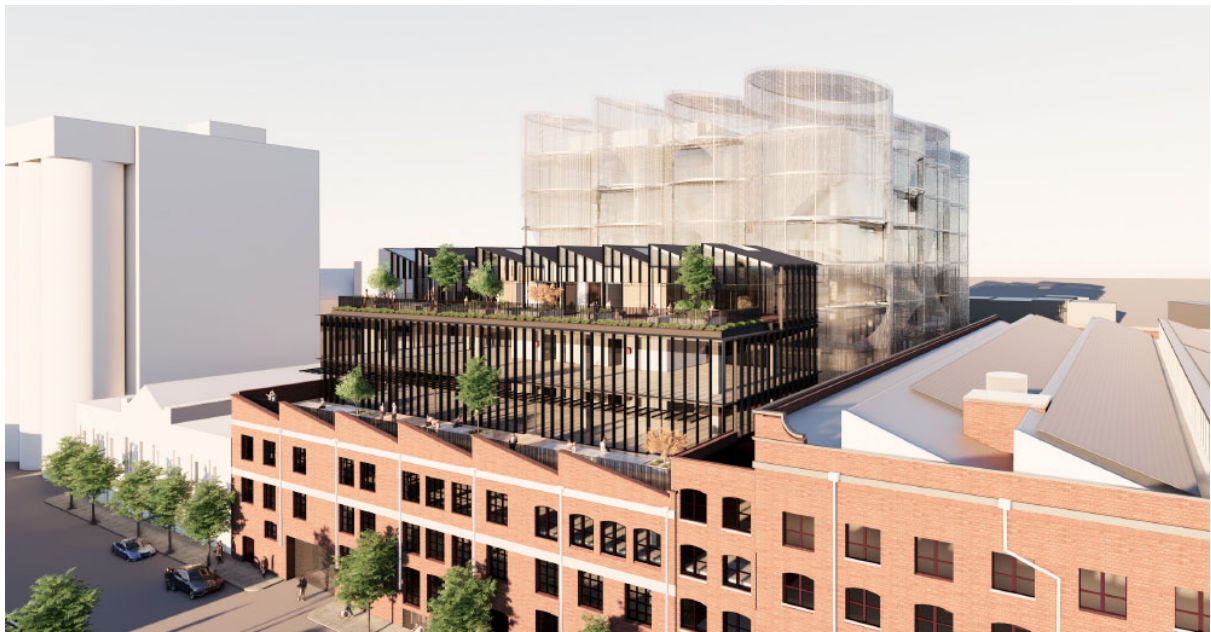
A development contribution requirement also applies under Schedule 2: Macaulay Urban Renewal Area to *Clause 45.06 Development Contributions Plan Overlay*.



### 3.3 Excerpts from plans: 3D Renders



***Excerpt from Plans: 'Design Response Built Form – Building 'S3'' (p.55 of Context Analysis & Design Response, Revision B)***



***Excerpt from Plans: 'Design Response Built Form – Building 'S4'' (p.58 of Context Analysis & Design Response, Revision B)***

### 3.4 Excerpts from plans: Ground Plane & Streetscape



01 Public realm and open space plan



02 Public realm - Social and active spaces



03 Public realm - Active entries



04 Public realm - Pause and Entry moments

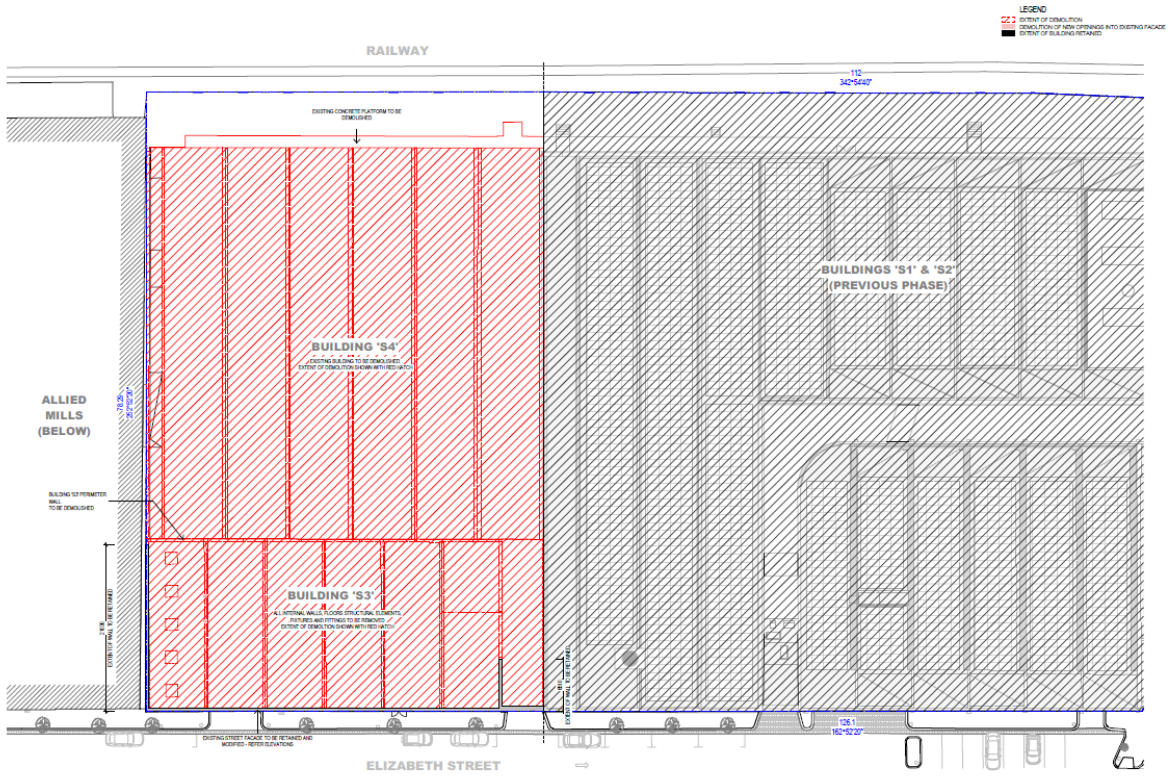
***Excerpt from Plans: 'Design Response Public Realm – Ground Plan' (p.62 of Context Analysis & Design Response, Revision B)***



M1 Elizabeth Street Elevation Droneview

***Excerpt from Plans: 'Design Response Proposed Streetscape' (p.52 of Context Analysis & Design Response, Revision B)***

### 3.5 Excerpts from plans: Proposed Demolition

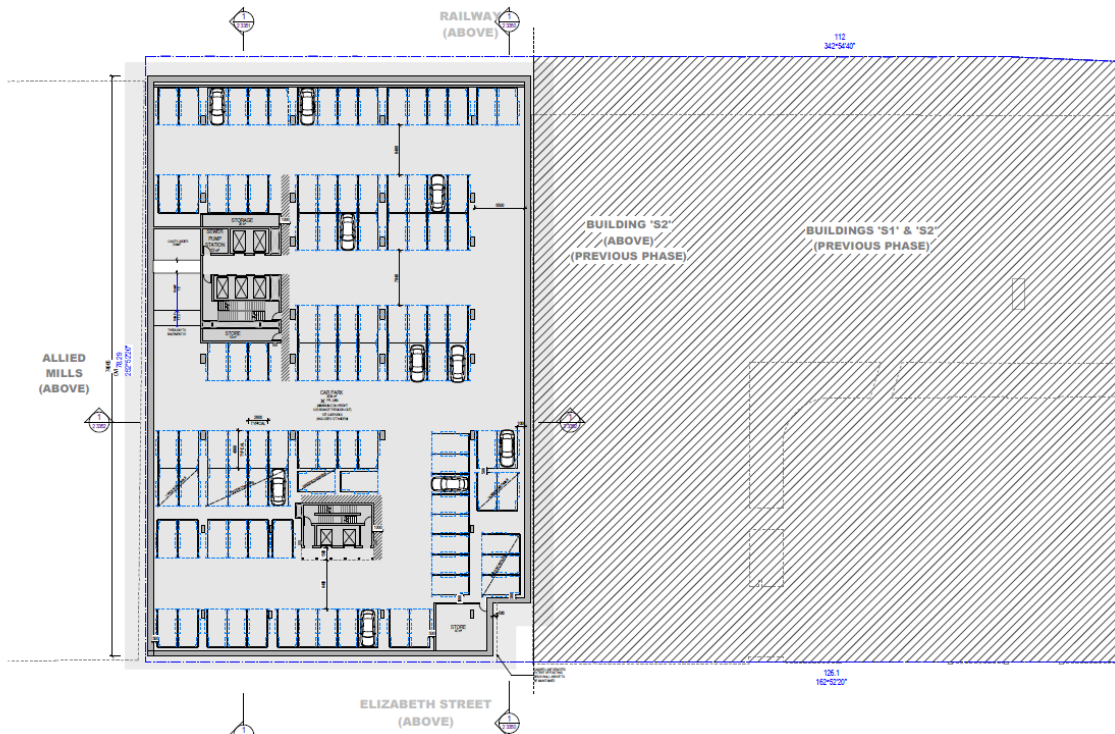


Excerpt from 'Demolition – Lower Ground', Drawing No. SK 2 220LG, Rev B

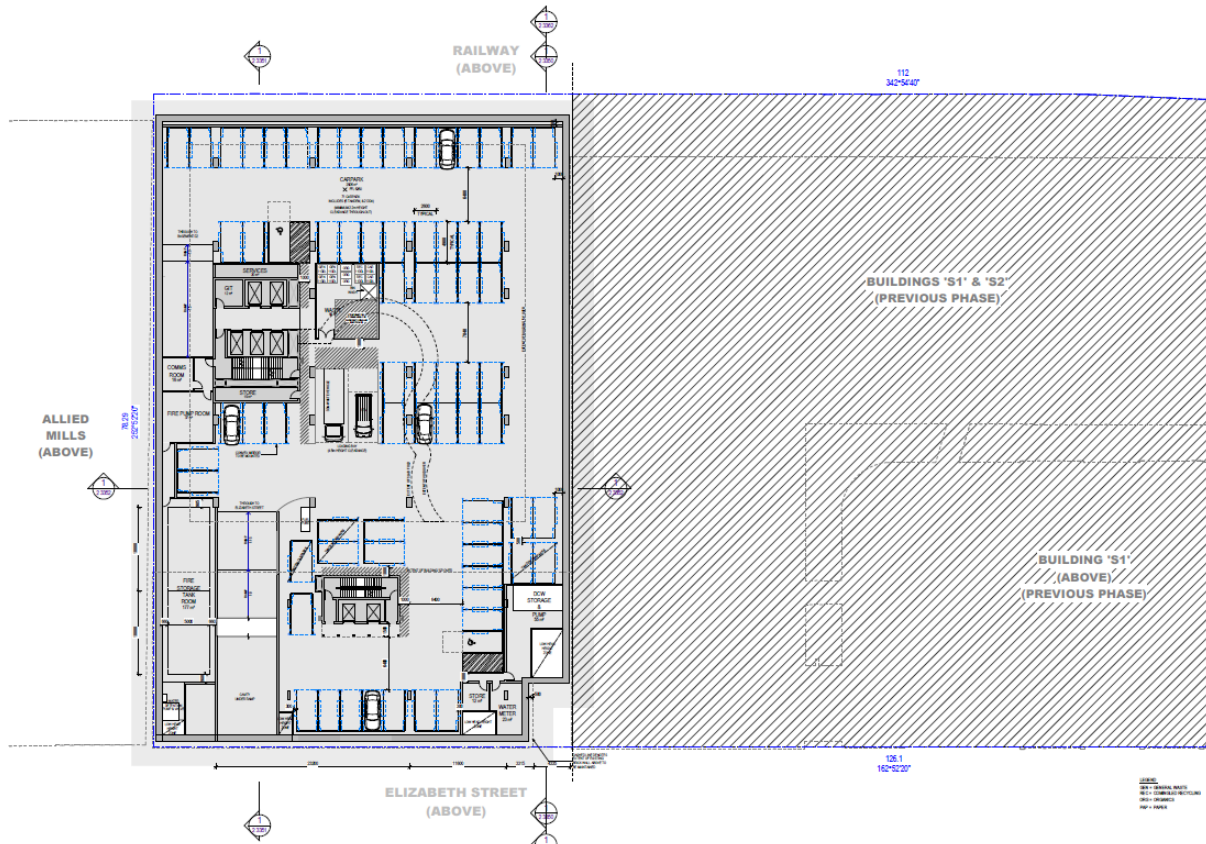


Excerpt from 'Demolition – Elevation East – Elizabeth Street', Drawing No. SK 2 3200, Rev B

### 3.6 Excerpts from Plans: Basement Floor Plans

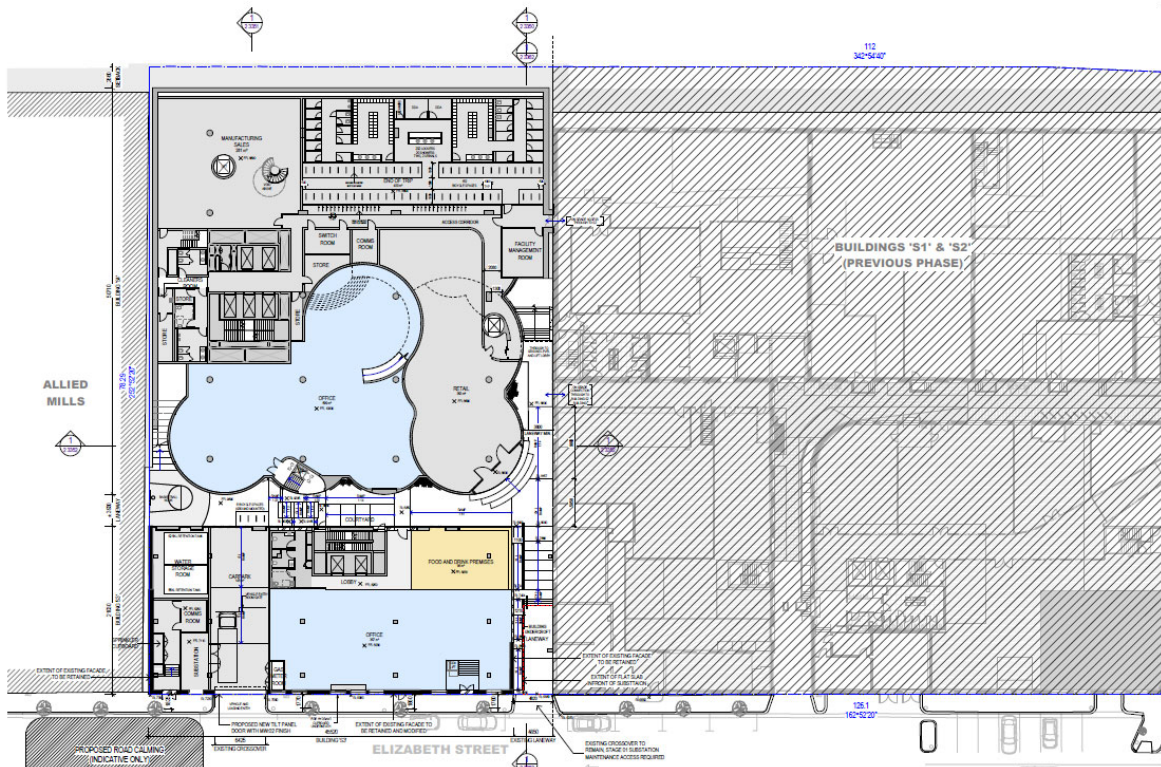


**Excerpt from 'Basement 02', Drawing No. SK 2 230B2, Revision B**

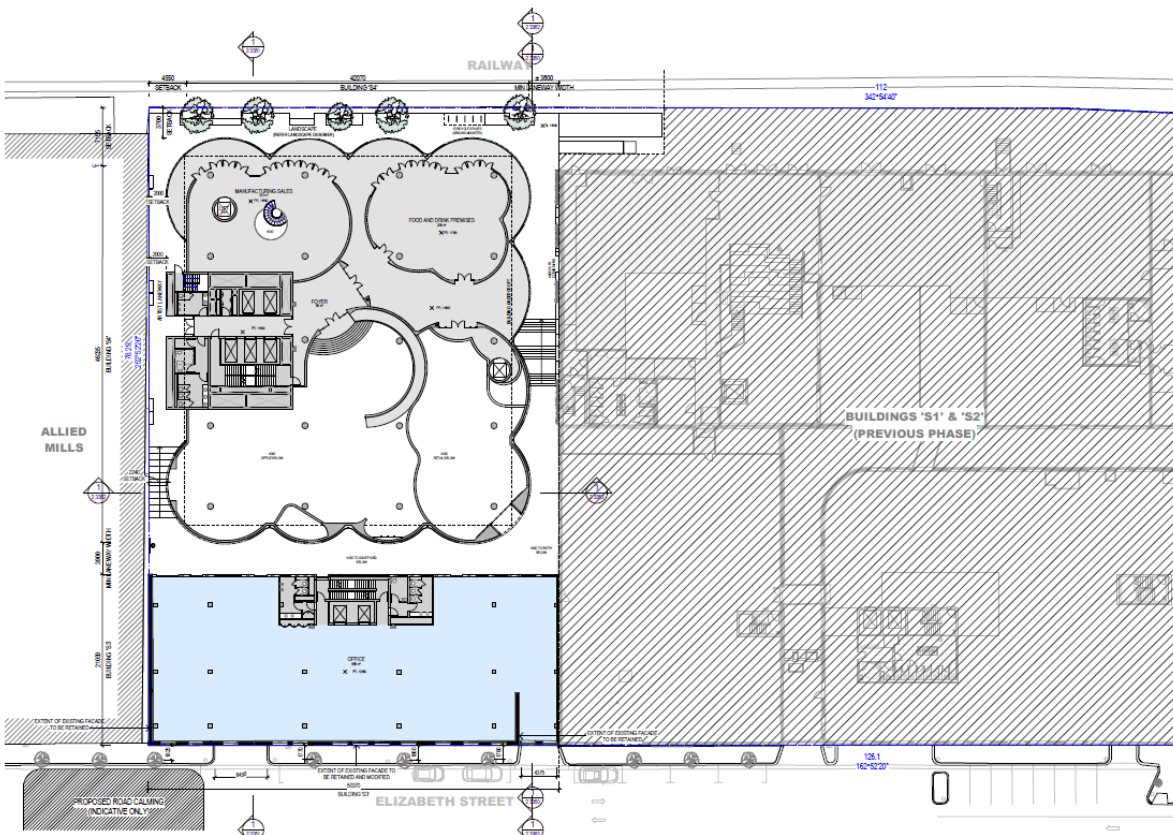


**Excerpt from 'Basement 01', Drawing No. SK 2 230B1, Revision B**

### 3.7 Excerpts from Plans: Ground Floor Plans

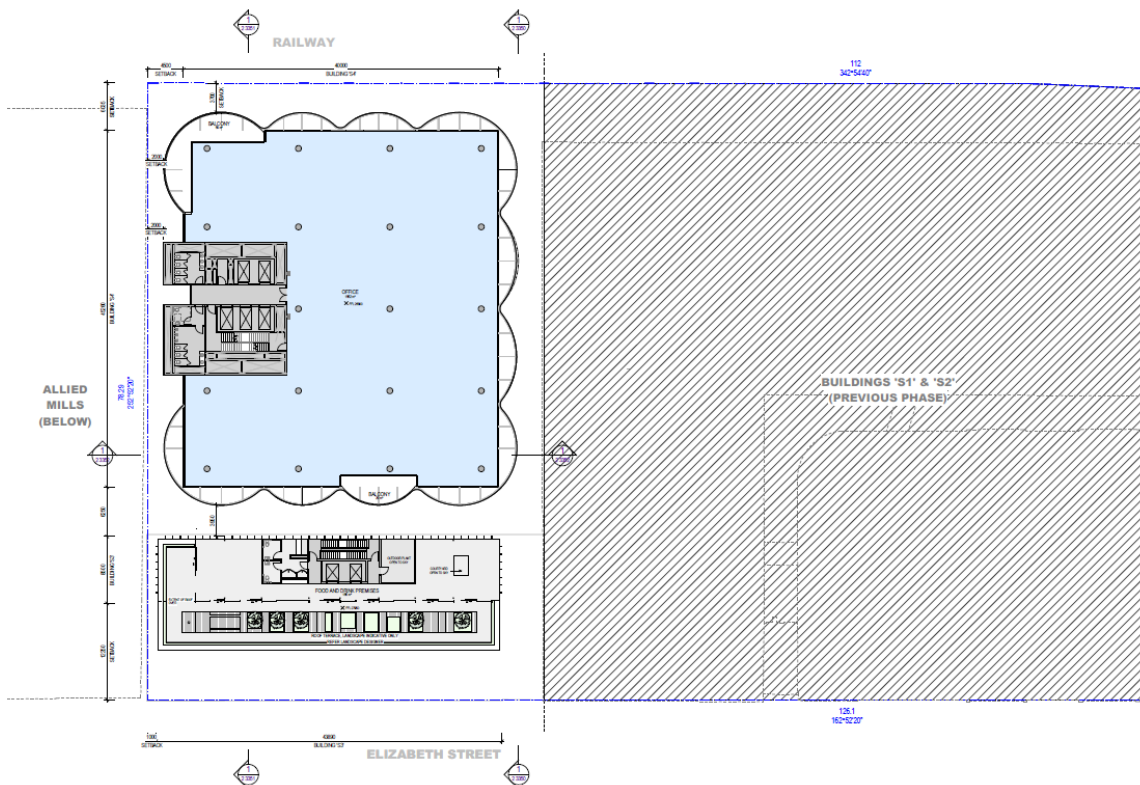


**Excerpt from 'Lower Ground', Drawing No. SK 2 230LG, Revision B**

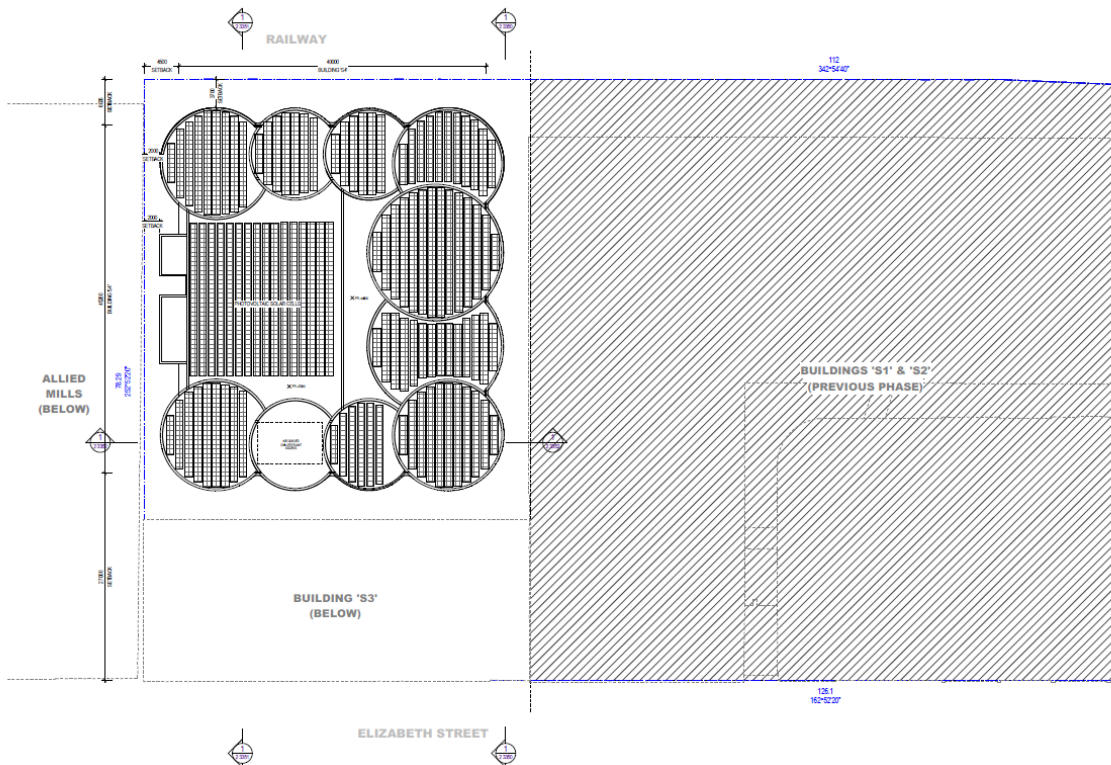


**Excerpt from 'Ground', Drawing No. SK 2 230G, Revision B**

### 3.8 Excerpts from Plans: Typical Floor and Roof Plan

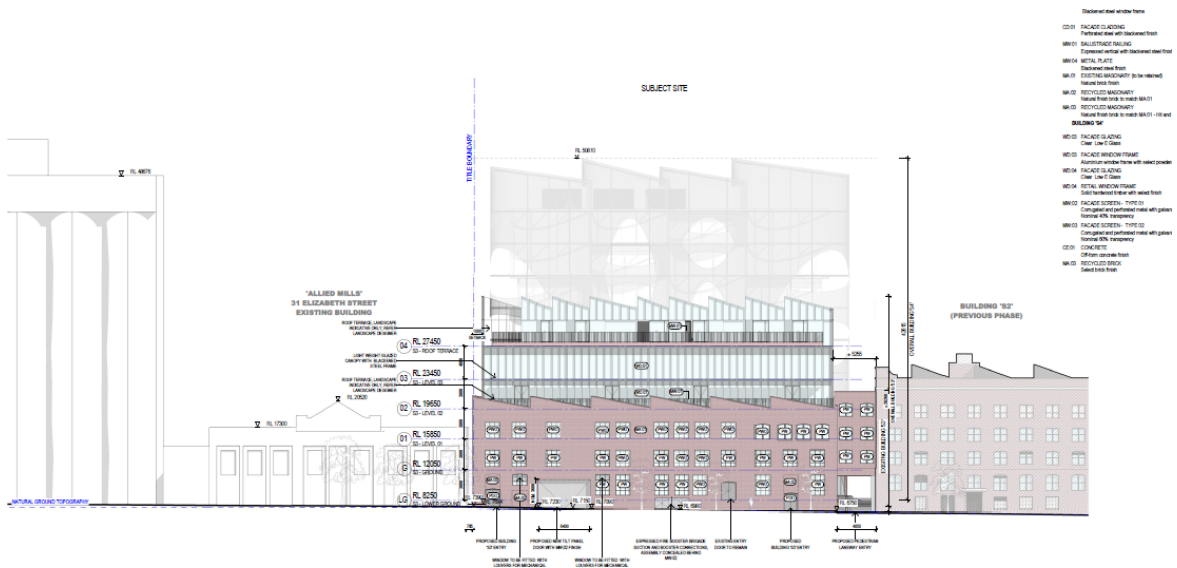


*Excerpt from 'Level 04', Drawing No. SK 2 2304, Revision B*

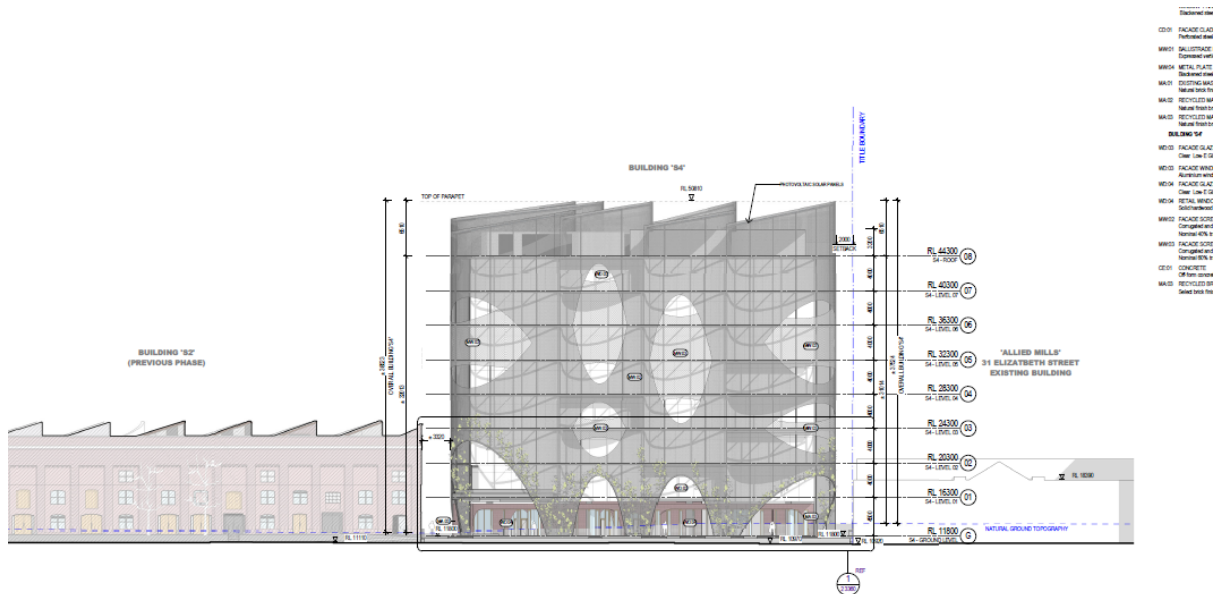


*Excerpt from 'Roof Plan', Drawing No. SK 2 2309, Revision B*

3.9 Excerpts from Plans: Elevations

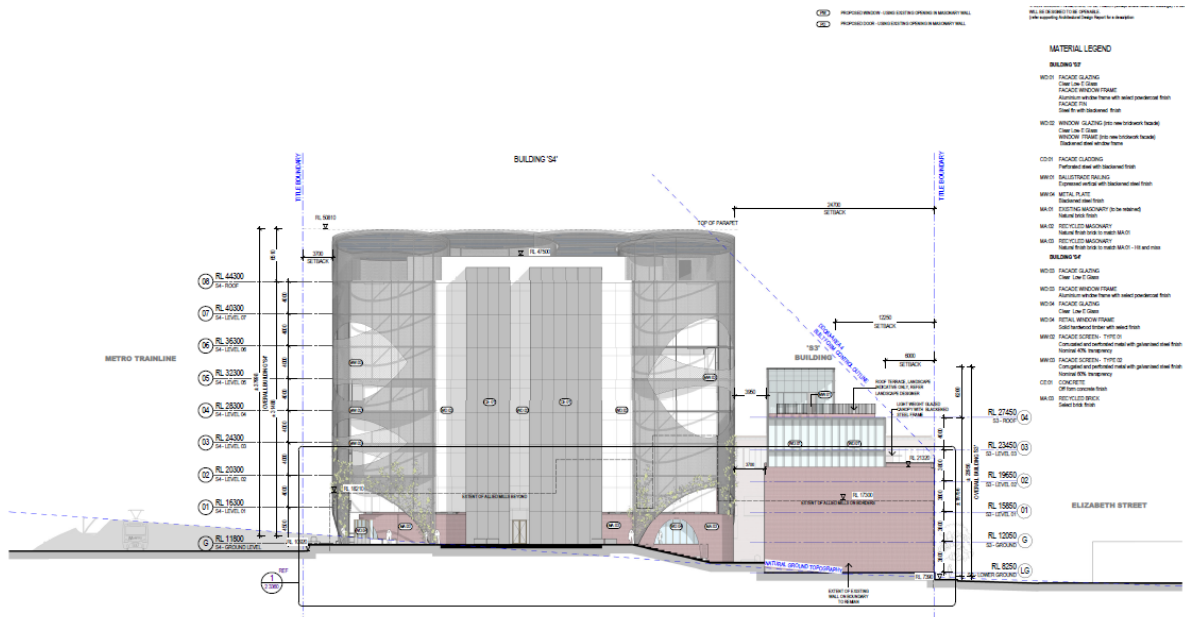


Excerpt from 'Elevation East - Elizabeth Street', Drawing No. SK 2 3300, Revision B

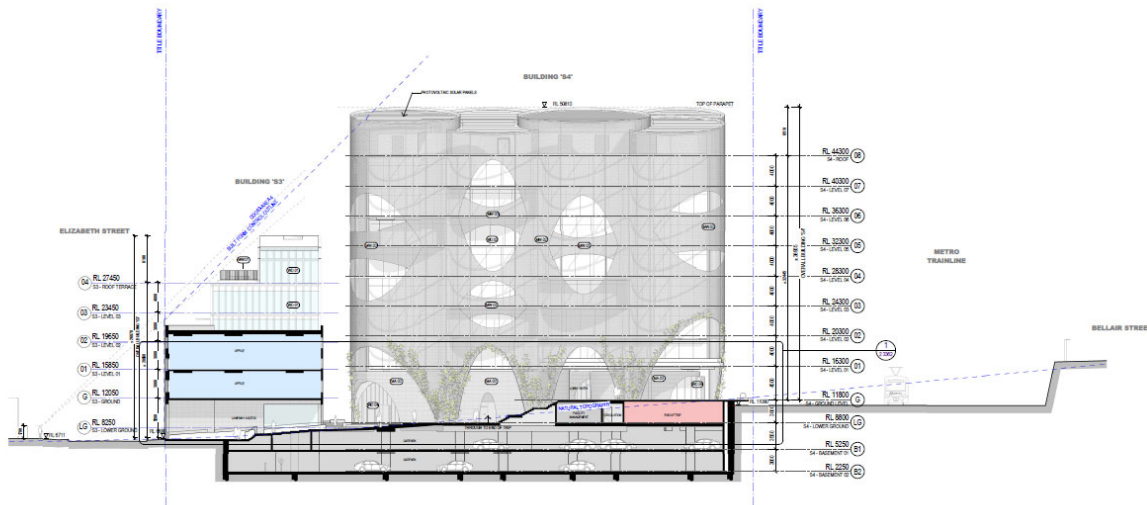


Excerpt from 'Elevation West' (Railway Interface), Drawing No. SK 2 3302, Revision B

3.10 Excerpts from Plans: Sections



Excerpt from 'Elevation South', Drawing No. SK 2 3304, Revision B



Excerpt from 'Section - East to West 01', Drawing No. SK 2 3350, Revision B



### 3.11 Detailed Information: Built Form

#### 3.11.1 Site layout and GFA

|   |                      |  |                          |
|---|----------------------|--|--------------------------|
| <b>Site Area:</b>                                   | 3,931m <sup>2</sup>  | <b>Site Coverage:</b>                        | 100%                     |
| <b>Landscaped Area:</b>                             | Nil.                 | <b>Permeable Area:</b>                       | Nil.                     |
| <b>Floor Area Ratio (excluding basement areas):</b> | 5.86:1               | <b>Floor area uplift sought:</b>             | Two storeys <sup>3</sup> |
| <b>Retail NLA:</b>                                  | 353m <sup>2</sup>    | <b>Food and drink premises NLA:</b>          | 489m <sup>2</sup>        |
| <b>Office NLA:</b>                                  | 14,660m <sup>2</sup> | <b>Typical Office FL to FL height:</b>       | 4 metres                 |
| <b>Manufacturing sales NLA:</b>                     | 504m <sup>2</sup>    | <b>Total GFA (excluding basement areas):</b> | 29,952m <sup>2</sup>     |

#### 3.11.2 Building Height and Setbacks

|   |   |  |   |
|---|---|--|---|
| <b>Maximum number of storeys above ground level</b>   | 8 storeys   | <b>Maximum number of basement levels:</b>  | 2   |
| <b>Maximum Building Height:</b><br>(All heights measured from the top of the parapet, including plant levels) | <p><b>Building 'S4'</b><br/><b>8-storey tower:</b><br/>RL50.81, or 43.186 metres above the lowest anticipated point at NGL<sup>4</sup></p> <p><b>Building 'S3'</b><br/><b>6-storey tower:</b><br/>RL33.65, or 26.87 metres above the lowest anticipated point at NGL.</p> | <b>Street Wall Height:</b><br><br>*Note – RL 6.7 has been adopted as the lowest ground surface level adjacent to the street wall provided in the Title Re-Establishment and Feature Survey Plan. | <b>Top of saw-tooth parapet to retained Tallow Store façade:</b><br><br>RL21.2, or 14.5 metres above a pavement spot level of 6.7 metres. |

<sup>3</sup> The proposed development exceeds the preferred maximum height requirement of DDO63 (Area 4) by two storeys. Where a development exceeds the preferred maximum height requirement of DDO63, the development must demonstrate:

*A demonstrable benefit to the broader community that includes among others:*

- *Exceptional quality of design*
- *A positive contribution to the quality of the public realm.*
- *High quality pedestrian links where needed.*
- *Good solar access to the public realm.*

<sup>4</sup> As the site is developed with existing buildings, and the topography of the land slopes upward from east to west by approximately 4 metres, the project architect has estimated natural ground level across the site.

**3.11.3 8-storey building (rear building replacing Wool Store No.5) setbacks**

|  |                                |                      |  |                               |
|--|--------------------------------|----------------------|--|-------------------------------|
| Minimum setbacks (measured from property/ site boundaries) | North<br>'Stage 1' boundary    | 3.5 metres (approx.) | East<br>Elizabeth Street<br><br>West façade of 6-storey building infill building | 24.7 metres<br><br>3.7 metres |
|  | South<br>Allied Mills boundary | 2 metres             | West<br>Railway Reserve boundary   | 3.7 metres                    |

**3.11.4 6-storey building (infill building behind retained façade of Tallow Store) setbacks**

|  |                                |          |   |            |
|--|--------------------------------|----------|---|------------|
| Minimum setbacks (measured from property/ site boundaries) | North<br>'Stage 1'             | 0 metres | East<br>Elizabeth Street                                      | 0 metres   |
|  | South<br>Allied Mills boundary | 0 metres | West<br>East façade of 8-storey building replacing Store No.5 | 3.7 metres |

**3.11.5 Access, car parking, bicycle facilities and loading / unloading**

| Car parking, bicycle facilities and loading and unloading |  |  |  |
|---|--|--|--|
| <b>Car parking spaces:</b>                                | 178 (total)  | <b>Bicycle spaces:</b>                         | 170 (total)  |
| <b>Allocated to Stage 1</b>                               | 60   | <b>Staff</b>                                   | 152  |
| <b>Allocated to Stage 2</b>                               | 118  | <b>Visitor</b>                                 | 18   |
| <b>Motorcycle spaces:</b>                                 | 0  | <b>Bicycle changing room (EOT) facilities:</b> | 88.9m <sup>2</sup> (female, including bathrooms, changing rooms and showers)<br>86.9m <sup>2</sup> (male, including bathrooms, changing rooms and showers)<br>55.4m <sup>2</sup> (shared facilities, including DDA accessible bathrooms) |
| <b>Vehicle access:</b>                                    | Vehicle access to the site is proposed via a modified existing crossover on Elizabeth Street, which leads down a ramp into Basement Level 1. |  |  |

|                                   |  |
|-----------------------------------|--|
| <b>Loading/unloading:</b>         | A loading area is to be provided on Level 1 of the basement. The loading area will be capable of accommodating vehicles up to an 8.8m Medium Rigid Vehicle (MRV).  |
| <b>Pedestrian/cycling access:</b> | Pedestrian and cyclist access is alternatively via a laneway to Elizabeth Street, which extends along the north boundary of the subject site where it interfaces with Stage 1 of the Younghusband redevelopment project, or via the rear thoroughfare extending to the north along the Railway Reserve boundary and connecting with Eastwood Street. |

### 3.12 Detailed Information: Land Uses

It is noted that no detail regarding the expected hours of operation, maximum number of employees or internal layout of the land uses requiring planning permission has been provided as part of Application PA2001041.

#### 3.12.1 Office

The predominant land use proposed to be carried out on the land is for Office, which is an as-of-right land use in the Commercial 2 Zone.

The proposed development has committed a net lettable area of 14,660m<sup>2</sup> to Office land use.

#### 3.12.2 Shop

There is a single proposed retail tenancy with a net lettable area of 353m<sup>2</sup> located on the lower ground of Building 'S4', configured to front the internal accessway connecting Elizabeth Street to the proposed pedestrian/cyclist thoroughfare to the rear of the site along the railway reserve interface.

Details of the proposed operation of this land use have not been provided, and the use has therefore been assessed on the basis that any land use nested under 'Shop' in *Clause 73.04 Nesting Diagrams* of the Melbourne Planning Scheme, for which a permit is required in the Commercial 2 Zone<sup>5</sup>, would be permissible in the event that a permit is granted authorising use of this land for 'Shop'.

The following uses would be excluded from this authorisation:

- Use of the proposed retail premises for an Adult Sex Product Shop, which is a prohibited land use at the subject site, by virtue of the tenancy being located less than 200 metres from a residential zone (measured by the shortest route reasonable accessible on foot); and
- Use of the proposed retail premises for a Bottle Shop, which would require a further permit under *Clause 52.27 Licensed Premises*, as the sale of liquor for consumption off the premises is a primary component of this land use.

#### 3.12.3 Food and Drink Premises

There are three proposed food and drink premises tenancies;

- Building 'S4' is occupied by two tenancies, one on the lower ground floor with a net lettable area of 96m<sup>2</sup> and one on the ground floor with a net lettable area of 208m<sup>2</sup>, configured to front the internal access way connecting Elizabeth Street to the proposed pedestrian/cyclist thoroughfare to the rear of the site along the railway reserve interface.
- Building 'S3' is occupied by one tenancy, located on the top floor (Level 04) with a net lettable area of 185m<sup>2</sup> and a roof-top terrace area, accessible via internal lift.

<sup>5</sup> It is noted that Restricted Retail Premises (nested under 'Shop' in *Clause 73.04 Nesting Diagrams*) is a 'Section 1 – permit not required' land use in the Commercial 2 Zone.

Details of the proposed operation of these land uses have not been provided, and the use has therefore been assessed on the basis that any land use nested under 'Food and Drink Premises' in *Clause 73.04 Nesting Diagrams* of the Melbourne Planning Scheme, for which a permit is required in the Commercial 2 Zone, would be permissible in the event that a permit is granted authorising use of this land for 'Food and Drink Premises'.

The following uses would be excluded from this authorisation:

- Use of the land for a Bar or Hotel, which would require a further permit under *Clause 52.27 Licensed Premises*, as the sale of liquor for consumption on or off the premises is a primary component of these land uses.
- Live Music Entertainment Venue, which would require a further permit under *Clause 53.06 Live Music Entertainment*.

#### **3.12.4 Manufacturing Sales**

There is a single proposed Manufacturing Sales tenancy with a net lettable area of 504m<sup>2</sup> located on the lower ground and ground floor of Building 'S4', configured to front the internal access way connecting Elizabeth Street to the proposed pedestrian/cyclist thoroughfare to the rear of the site along the railway reserve interface.

The land use definition for Manufacturing Sales provided in *Clause 73.03 Land Use Terms* of the Melbourne Planning Scheme is:

*"Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry."*

Use of land for Industry is an as-of-right land use in the Commercial 2 Zone, subject to certain land use conditions being met.

The expectation is therefore that this tenancy could be used for Industry (subject to the land use conditions being met) with a Manufacturing Sales component in the event that a permit is granted authorising use of this land for 'Manufacturing Sales'.

It is recommended that a note be included on any permit being granted outlining the land use conditions applying to use of land for 'Industry' in the Commercial 2 Zone.

## 4 PLANNING SCHEME PROVISIONS

Application PA2001041 requires the following planning permissions pursuant to the Melbourne Planning Scheme:

- Commercial 2 Zone (**C2Z**):
  - Use of land for Shop, Food and Drink Premises, and Manufacturing Sales.
  - Construct a building or construct or carry out works.
- Heritage Overlay (**HO1162**):
  - Demolish or remove a building.
  - Construct a building or construct or carry out works
- Design and Development Overlay (Schedule 63: Macaulay Urban Renewal Area) (**DDO63-A4**):
  - Construct a building or construct or carry out works.
- *Clause 52.06 Car Parking*
  - A reduction of the car parking requirement

### 4.1 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 PA2001041 in Section 8 of this report.

### 4.2 Zones / Overlays

| Zone  | Requirement   |
|---|---|
| <b>Clause 34.02</b><br><b>Commercial 2 Zone</b>   | <p><b><u>Land Use – permit required</u></b></p> <p>The following land uses proposed in Application PA2001041 require planning permission as the relevant land use conditions have not been met for these uses to qualify as ‘Section 1 – permit not required’ in the Commercial 2 Zone:</p> <ul style="list-style-type: none"> <li>• Shop (other than an Adult sex product shop);</li> <li>• Food and drink premises.</li> </ul> <p>The following land use proposed in Application PA2001041 requires planning permission as it is a ‘Section 2 – permit required’ land use in the Commercial 2 Zone:</p> <ul style="list-style-type: none"> <li>• Manufacturing Sales.</li> </ul> <p><b><u>Buildings and Works – permit required</u></b></p> <p>A permit is required to construct a building or construct or carry out works in the Commercial 2 Zone.</p> |
| Overlay   | Requirement   |
| <b>Clause 43.01</b><br><b>Heritage Overlay</b><br><b>Schedule HO1162:</b><br><b>Goldsbrough Row</b> | <p><b><u>Demolition – permit required</u></b></p> <p>A permit is required to demolish or remove a building under the Heritage Overlay.</p>  |

| <p>and Co. later<br/>Younghusband P/L<br/>Wool and Grain<br/>warehouses<br/><br/>2-50 Elizabeth<br/>Street, Kensington</p>  | <p><b><u>Buildings and Works – permit required</u></b></p> <p>A permit is required to construct a building or construct or carry out works under the Heritage Overlay.</p> <p><b><u>Additional controls / requirements:</u></b></p> <p>Schedule HO1162 to the Heritage Overlay provides the following additional controls to the subject site:</p> <table border="1" data-bbox="504 443 1372 913"> <tr> <td><b>External paint controls?</b></td> <td>Yes</td> </tr> <tr> <td><b>Internal alteration controls apply?</b></td> <td>No</td> </tr> <tr> <td><b>Tree controls apply?</b></td> <td>No</td> </tr> <tr> <td><b>Outbuildings or fences not exempt under Clause 43.01-4?</b></td> <td>No</td> </tr> <tr> <td><b>Included on the Victorian Heritage Register under the Heritage Act 2017?</b></td> <td>No</td> </tr> <tr> <td><b>Prohibited uses permitted?</b></td> <td>No</td> </tr> <tr> <td><b>Aboriginal Heritage Place?</b></td> <td>No</td> </tr> </table>  | <b>External paint controls?</b> | Yes                      | <b>Internal alteration controls apply?</b> | No | <b>Tree controls apply?</b> | No        | <b>Outbuildings or fences not exempt under Clause 43.01-4?</b> | No | <b>Included on the Victorian Heritage Register under the Heritage Act 2017?</b> | No | <b>Prohibited uses permitted?</b> | No | <b>Aboriginal Heritage Place?</b> | No |
|---|---|---------------------------------|--------------------------|--|----|-----------------------------|-----------|--|----|---|----|-----------------------------------|----|-----------------------------------|----|
| <b>External paint controls?</b>   | Yes   |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Internal alteration controls apply?</b>  | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Tree controls apply?</b>   | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Outbuildings or fences not exempt under Clause 43.01-4?</b>  | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Included on the Victorian Heritage Register under the Heritage Act 2017?</b>   | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Prohibited uses permitted?</b>   | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <b>Aboriginal Heritage Place?</b>   | No  |                                 |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| <p><b>Clause 43.02</b><br/><b>Design and Development Overlay</b><br/><br/><b>Schedule 63:</b><br/><b>Macaulay Urban Renewal Area, Kensington and North Melbourne</b><br/><br/><b>Area 4</b></p> | <p><b><u>Buildings and Works – permit required</u></b></p> <p>A permit is required to construct a building or construct or carry out works under the Schedule 63 to the Design and Development Overlay (<b>DDO63-A4</b>).</p> <p><b><u>Additional controls / requirements: - mandatory height requirement</u></b></p> <p>DDO63-A4 sets out mandatory building height and street wall height requirements.</p> <p>Noting that the proposed development under Application PA2001041 is built behind the Tallow Store heritage building, which will be retained and provide the Elizabeth Street street wall to the development, the only relevant mandatory requirement provided by DDO63-A4 applicable to the proposed development is the building height requirement:</p> <p>Building height requirement:</p> <table border="1" data-bbox="504 1429 1372 1559"> <thead> <tr> <th>Area</th> <th>Preferred maximum height</th> <th>Absolute maximum height</th> </tr> </thead> <tbody> <tr> <td>A4</td> <td>6 storeys</td> <td>8 storeys</td> </tr> </tbody> </table> <p>The proposed development under Application PA2001041 exceeds the preferred maximum height requirement and does not exceed the absolute maximum height requirement provided by DDO63-A4.</p> <p>DDO63-A4 provides that development that exceeds the preferred maximum height requirement must demonstrate the following:</p> <ul style="list-style-type: none"> <li>• A demonstrable benefit to the broader community that include among others: <ul style="list-style-type: none"> <li>• Exceptional quality of design.</li> <li>• A positive contribution to the quality of the public realm.</li> <li>• High quality pedestrian links where needed.</li> <li>• Good solar access to the public realm.</li> </ul> </li> </ul> | Area                            | Preferred maximum height | Absolute maximum height                    | A4 | 6 storeys                   | 8 storeys |  |    |   |    |                                   |    |                                   |    |
| Area  | Preferred maximum height  | Absolute maximum height         |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |
| A4  | 6 storeys   | 8 storeys                       |                          |  |    |                             |           |  |    |   |    |                                   |    |                                   |    |

|  |  |
|--|--|
| <p><b>Clause 45.06</b></p> <p><b>Development Contributions Plan Overlay</b></p> <p><b>Schedule 2: Macaulay Urban Renewal Area Development Contributions Plan</b></p> | <p><u><i>Development contribution requirement – requirement applies</i></u></p> <p>Schedule 2 to the Development Contributions Plan Overlay provides that a permit may be granted to construct a building or construct or carry out works before a development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> <li>• An agreement under Section 173 of the <i>Planning and Environment Act 1987</i> has been entered into with the responsible authority that makes provision for development contributions.</li> <li>• The permit contains a condition requiring an agreement under Section 173 of the <i>Planning and Environment Act 1987</i> that makes provision for development contributions to be entered into before the commencement of the development.</li> </ul> <p>Instrument No. AS774794K burdens the land, and provides for developer contributions associated with Permit TP-2017-606. This S.173 Agreement will either need to be amended to include reference to Application PA2001041 in the event that a permit is granted, or a new S.173 Agreement will need to be prepared, to ensure that development contributions associated with the proposed development are provided for.</p> |
|--|--|

### 4.3 Particular Provisions

#### 4.3.1 Clause 52.05 Signs

Application PA2001041 has not sought planning permission to construct or put up for display an advertising sign under *Clause 52.05 Signs*.

#### 4.3.2 Clause 52.06 Car Parking

Application PA2001041 attracts the following car parking requirement under Table 1 to *Clause 52.06 Car Parking* (excerpt below):

| Use   | Rate     | Rate                  | Car Parking Measure                     | Requirement  |
|---|----------|-----------------------|---|--|
|   | Column A | Column B <sup>6</sup> |   |  |
| Food and drink premises other than listed in this table | 4        | 3.5                   | To each 100 sq m of leasable floor area | Proposed floor area:<br><b>489sq m</b><br>$\left(\frac{489 \text{ sq m}}{100 \text{ sq m}}\right) \times 3.5 \text{ spaces}$<br>= 17.1       |
| Office other than listed in this table                  | 3.5      | 3                     | To each 100 sq m of net floor area      | Proposed floor area:<br><b>14,660 sq m</b><br>$\left(\frac{14,660 \text{ sq m}}{100 \text{ sq m}}\right) \times 3 \text{ spaces}$<br>= 439.8 |

<sup>6</sup> The car parking rate in Column B applies to the proposed development, as the subject site is located within the Principal Public Transport Network Area.

|                                      |   |     |   |   |
|--------------------------------------|---|-----|---|---|
| Shop other than listed in this table | 4 | 3.5 | To each 100 sq m of leasable floor area | Proposed floor area:<br><b>353 sq m</b><br>$\left(\frac{353 \text{ sq m}}{100 \text{ sq m}}\right) \times 3.5 \text{ spaces}$<br>= 12.3 |
|                                      |   |     | <b>Total Required</b>                   | 17.1 + 439.8 + 12.3<br>= 469.2<br>Rounded down to 469 car parking spaces.   |
|                                      |   |     | <b>Total Provided</b>                   | 178 spaces, of which 60 are not allocated to uses occupying the subject site.<br>118 total.   |
|                                      |   |     | <b>Deficit/Surplus</b>                  | 469 – 118<br>= 351 <i>space deficit</i>   |

Use of the land for Manufacturing Sales is not specified in Table 1 to *Clause 52.06 Car Parking*, and must therefore be provided to the satisfaction of the responsible authority. The applicant’s Traffic Engineer has adopted the anticipated car parking demand for retail uses in calculating the number of car parking spaces likely to be required for this use, which is considered appropriate.

Application PA2001041 therefore **requires a planning permit** under *Clause 52.06 Car Parking* to reduce the number of car parking spaces required by Clause 52.06-5 by 351 spaces.

**4.3.3 Clause 52.27 Licensed Premises**

Application PA2001041 has not sought planning permission to use land for the sale or consumption of liquor.

**4.3.4 Clause 52.34 Bicycle Facilities**

Application PA2001041 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 PA2001041:

| Use  | Employee / Resident   | Visitor / Shopper / Student   | Requirement                                |
|--|---|---|--|
| <b>Office other than specified in this table</b> | 1 to each 300 m <sup>2</sup> net floor area if the net floor area exceeds 1000 m <sup>2</sup> | 1 to each 1000 m <sup>2</sup> of net floor area if the net floor area exceeds 1000 m <sup>2</sup> . | Proposed floor area:<br><b>14,660 sq m</b> |



|   |  |   |  |
|---|--|---|--|
|   |  |   | $\left(\frac{14,660 \text{ sq m}}{300 \text{ sq m}}\right)$ = 48.9 <i>employee spaces</i><br>$\left(\frac{14,660 \text{ sq m}}{1000 \text{ sq m}}\right)$ = 14.6 <i>visitor spaces</i>                                   |
| <b>Retail premises other than specified in this table</b> | 1 to each 300 m <sup>2</sup> of leasable floor area                                    | 1 to each 500 m <sup>2</sup> of leasable floor area                                     | Proposed floor area:<br><b>993 sq m</b><br>$\left(\frac{993 \text{ sq m}}{300 \text{ sq m}}\right)$ = 3.3 <i>employee spaces</i><br>$\left(\frac{993 \text{ sq m}}{500 \text{ sq m}}\right)$ = 2.0 <i>shopper spaces</i> |
| <b>Shop</b>   | 1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq m | 1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq m, | Proposed floor area:<br><b>353 sq m</b><br>N/A – leasable floor area does not exceed 1000 sq m.  |
|   |  | <b>Total Required</b>   | 48.9 + 3.3<br>= 52.2 <i>employee spaces</i><br>Rounded down to 52 employee spaces.<br>14.6 + 2.0<br>= 16.6 <i>visitor spaces</i><br>Rounded up to 17 visitor spaces.   |
|   |  | <b>Total Provided</b>   | 152 employee spaces<br>18 visitor spaces   |
|   |  | <b>Deficit/Surplus</b>  | 152 – 52<br>= 100 <i>employee space surplus</i><br>18 – 17<br>= 1 <i>visitor space surplus</i>   |

Application PA2001041 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 PA2001041:

| Use                              | Employee / Resident  | Visitor / Shopper / Student | Requirement   |
|----------------------------------|--|-----------------------------|---|
| <b>Any use listed in Table 1</b> | If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle | None                        | $1 + \left(\frac{52 - 5}{10}\right)$ = 5.7 <i>showers</i> |

|  |   |                        |                               |
|--|---|------------------------|-------------------------------|
|  | spaces, plus 1 to each 10 employee bicycle spaces thereafter. |                        | Rounded up to 6 showers.      |
|  |   | <b>Total Required</b>  | 6 showers                     |
|  |   | <b>Total Provided</b>  | 20 showers                    |
|  |   | <b>Deficit/Surplus</b> | 20 – 6<br>= 14 shower surplus |

Application PA2001041 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 PA2001041:

| Use                              | Employee / Resident  | Visitor / Shopper / Student |
|----------------------------------|--|-----------------------------|
| <b>Any use listed in Table 1</b> | 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 PA2001041 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*.

#### 4.3.5 *Clause 53.18 Stormwater Management in Urban Development*

*Clause 53.18 Stormwater Management in Urban Development* applies to Application PA2001041.

The Environmentally Sustainable Design (ESD) Statement prepared by Cundall Johnston & Partners Pty Ltd addresses how the proposed development will meet both the objectives of *Clause 53.18 Stormwater Management in Urban Development* and the requirements of Local Planning Policy *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

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 ESD Statement prepared by Cundall Johnston & Partners, 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 PUBLIC NOTIFICATION

Public notice is the responsibility of the Minister for Planning, the responsible authority for Application PA2001041.

Melbourne City Council has received notice of Application PA2001041 under S.52(1)(b) of the *Planning and Environment Act 1987*.

## 6 REFERRALS

### 6.1 Statutory Referrals

Statutory referrals are the responsibility of the Minister for Planning, the responsible authority for Application PA2001041.

Melbourne City Council is not a statutory authority (i.e. a Determining or Recommending Authority) for Application PA2001041 for the purposes of S.55 of the *Planning and Environment Act 1987*.

### 6.2 Internal Referrals

#### 6.2.1 Urban Design

Council's Urban Design provided comments on Application PA2001041 on 13 May 2021.

The following (paraphrased) specific concerns were raised in this advice:

- **Heritage Retention**

Concern regarding the extent of heritage retention, and encouragement for retention of a greater proportion of the existing roof structure and internal walls, including a greater extent of the return brick to the north framing the proposed laneway entry to the site, to strengthen the perception of a three-dimensional retention of the existing heritage fabric. Council's Urban Design advisor indicated they would defer to Council's Heritage Advisor for further commentary regarding heritage concerns.

- **Urban Structure**

Concern regarding the quality of the internal network of pedestrian connections, and the questionable benefit proposition this network may offer the broader community.

Specific concerns were raised with:

- The narrowness of the open-to-sky connections internal to the site (ranging from 2 metres to 4.8 metres in width);
- The function and safety of the 'artist laneway';
- The width of the east-west connection (recommended increased in width to approx. 4.3 metres);
- The degree of connectivity with the laneway connections in Stage 1 of the Younghusband redevelopment project, and activation of these connections within the site.

Further detail was requested with regard to how this internal network would be secured during afterhours.

- **Railway Thoroughfare**

Concern regarding the design vision for the segment of the thoroughfare adjacent to the railway reserve falling within Stage 2 of the Younghusband redevelopment project, which was viewed as presenting as disjointed with the design vision of the movement corridor within the scope of Stage 1.

Resolution of the design vision for the segment of the railway reserve thoroughfare falling within the scope of Stage 2 of the Younghusband redevelopment project was identified as being critical to Council's Urban Design advisor's assessment of the proposed development's contribution to the quality of the public realm, which is a key consideration for Application PA2001041 under DDO63-A4.

- **Building Mass**

Concern regarding the encroachment of Building 'S4' into the minimum setback requirement for buildings above the street wall, and potential non-compliance of the height of Building 'S4' with the maximum building height requirements of DDO63-A4<sup>7</sup>.

Council's Urban Design advisor indicated that they would not have significant concerns regarding the perception of tower mass, subject to the overall height being reduced to comply with DDO guidelines on height and setbacks.

The following additional notes are made with respect to Council's Urban Design advisor's commentary on **Design Detail**:

- The perforated mesh expression used in Building 'S4' was supported.
- The use of contextual materials, including recycled brick, perforated mesh screens and fine metal blade balustrades, were supported.
- An integrated façade system was encouraged with regard to the proposed aluminium fins (i.e. embedding these elements within the primary façade rather than these elements being externally fixed).
- The quality of finishes and material treatment to the façade of Building 'S4' were viewed as critical.

Council's Urban Design advisor made the following recommendations (blue text) in their advice of 13 May 2021:

*DDO63-A4 stipulates that all developments that exceed the preferred maximum height must demonstrate each of the following:*

- *Exceptional quality of design;*
- *A positive contribution to the quality of the public realm;*
- *High quality pedestrian links where needed;*
- *Good solar access to the public realm.*

*We consider the assessment of design quality to encompass an array of design considerations, including (but not limited to) heritage, massing, design detail, and quality of public interfaces.*

*We provide the following recommendations to ensure a high quality built form outcome befitting of this significant renewal area:*

- *Reduce overall building height and/or setbacks to comply with DDO63-A4 guidelines;*
- *Provide a stronger heritage response (in accordance with recommendations from Council's Heritage Advisor);*
- *Ensure an adequate width to the east-west pedestrian connection along the northern boundary;*
- *Ensure a robust and contextual architectural expression of the intermediary form above the heritage façade;*
- *Ensure safe and legible pedestrian connections within site, including a stronger integration with adjacent site and adequate after-hours security measures.*

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<sup>7</sup> Planning's view is that proposed Building 'S4' complies with the mandatory maximum height requirements of DDO63. This assessment is set out in Section 7 of this report.

- *Explore opportunities to provide a stronger public realm integration along the railway corridor interface with the approved stage 1 development, including the incorporation of a direct and legible movement network for pedestrians and cyclists.*

The applicant provided a response to Council's Urban Design advisor's comments on 9 July 2021 and 14 July 2021. This response included:

- Additional perspectives to assist with understanding the building mass of Building 'S4' and the additions to the Tallow Store, and the visibility of these buildings from Elizabeth Street and Eastwood Street to the north;
- Discussion plans identifying a potential reduction in the footprint of the addition (Building 'S3') to the Tallow Store, by removing the southernmost bay of this addition, reducing its visual prominence when viewed from Elizabeth Street.
- Discussion plans identifying potential improvements to the ground floor plane and layout of internal laneways.
- Questions for Council's Urban Design advisor and suggestions regarding further resolution of the thoroughfare adjacent to the railway reserve to improve the connectivity between Stage 1 and Stage 2 of the Younghusband redevelopment project.

Council's Urban Designer provided the following further feedback (blue text) addressing the applicant's response on 15 July 2021:

#### *Ground Floor Plane*

- *The sketch plans indicate a series of curved metal gates to manage after-hours access along the rear GFL interface and the removal of the 'artist laneway' along the southern boundary. These measures effectively manage safety concerns while rationalising the network of internal pedestrian connections.*
- *In principle, the incorporation of the 'plaza' enables pedestrian desire lines between the connection to the Stage 1 development and the entries/lobby areas for the two buildings on the subject site. The removal of the curved façade line at the ground level also allows for a more direct and generous line of sight at ground along the north-south axis of the primary through link.*
- *While we support the concept of the plaza in principle, we recommend further design iteration to ensure that this 'urban nook' provides a meaningful contribution to the ground plane experience. We recommend that generous height clearances (adequate daylight access), legible/functional program, and demonstration of sight lines are achieved in subsequent design drawings. We believe these could be addressed via Conditions.*

#### *Additional Views*

- *We support the revised massing of the intermediate 'saw-tooth roof addition', particularly as it is viewed from the south along Elizabeth Street (page 6). This outcome (a setback upper level along the southern boundary) is much improved from the previous proposal in terms of managing the perception of bulk and scale above the heritage street wall. While Urban Design is comfortable with this revised approach, we defer to Heritage for further comments.*
- *The additional perspectives demonstrate a 'tower' massing that is light-weight in appearance and is sufficiently setback to mitigate any significant visual bulk / height concerns.*

- *The views from within Elizabeth Street demonstrate that this element is either fully concealed or is of a recessive character that is sufficiently setback to provide for adequate separation from the heritage street wall component.*
- *Urban Design is able to support the proposed massing in this specific instance, given that the additional height does not appear to negatively impact visual bulk or the predominance of the street wall.*

The above commentary, in addition to the discussion plans and response provided by the applicant addressing Council's Urban Design advisor's feedback, have informed the assessment of the proposed development against the requirements of *Clause 22.17 Urban Design outside the Capital City Zone* and DDO63-A4.

### **6.2.2 Heritage**

Council's Heritage advisor provided comments on Application PA2001041 on 11 May 2021.

The following (paraphrased) specific concerns were raised in this advice:

- **Extent of demolition of Tallow Store**

Concern regarding the extent of proposed demolition, which would include the entire saw-tooth roof structure above the Tallow Store, and inconsistency with the performance standard for demolition of 'B' graded buildings in Part B of *Clause 22.05 Heritage Places outside the Capital City Zone*.

Council's Heritage advisor identified that the saw-tooth roof forms and their associated highlight glazing to the Tallow Store provide south-facing light to the top floor of the building, contributing aesthetically and functionally to the significance of the heritage place.

Balancing the extensive saw-tooth roof retention to Wool Store No.1 and Wool Store No.2 associated with Stage 1 of the Younghusband redevelopment project, Council's Heritage advisor did indicate that the retention of a lesser extent of the saw-tooth roof and highlight for the Tallow Store could be reasonable, subject to taller additions to this building achieving full concealment.

- **Tallow Store's presentation as facadism**

Concern that the extent of proposed demolition of the Tallow Store, coupled with the proximity of structures to the Elizabeth Street wall parapet (i.e. balustrading associated with the additions to this building) would erode the visual impression of the integrity of the retained building, particularly when wider sightlines are adopted (e.g. from nearby Fink Street) resulting in more of the additions being visible at street level.

- **Visibility of Building 'S4' and additions to the Tallow Store**

Concern that both Building 'S4' and the additions to the Tallow Store would be visible above the retained Elizabeth Street façade of the heritage building. Assessed at a viewing point of 24m (from Fink Street), the upper four storeys + plant room level of Building 'S4' were suggested as being visible, and assessed at a viewing point of 15m in Elizabeth Street, the upper two storeys + plant room level of Building 'S4' were suggested as being visible.

- **Compliance of Building 'S4' with DDO63-A4**

Concern that Building 'S4' failed to comply with the setback requirements above the street wall, and that the maximum number of storeys of Building 'S4' exceeded the absolute maximum height requirement provided in DDO63-A4<sup>8</sup>.

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<sup>8</sup> Planning's view is that proposed Building 'S4' complies with the mandatory maximum height requirements of DDO63. This assessment is set out in Section 7 of this report.

- **Height of Building 'S4' and impact on heritage significance of complex**

Concern that Building 'S4' was of a scale that would potentially impact on the integrity of the 'Level 1' graded Elizabeth Street streetscape, and that a reduction of the height of this tower, equal to the removal of Level 7 and the Roof Level (Plant Room) would achieve full concealment and resolve this concern.

- **Façade works to the Tallow Store, including the historic sign**

Concern that several of the proposed works to the Tallow Store façade would result in the removal of fabric that contributes to the significance of this historic building.

Specific concerns were raised with the following elements of the proposed works:

- Ten new windows are proposed to Level 1 (3rd level above the footpath) along the Elizabeth Street elevation, all of which would result in the removal of parts of the painted historic sign.
- The downpipes which define the box gutters associated with the 6 saw-tooth roof forms are shown removed.
- The extent to which works would be proposed to the existing steel-framed and timber windows is not indicated.
- The head of new windows are aligned a few courses above the peak of the arch to the existing windows, removing more than half the height of the existing sign.
- The historic 'Tallow Store' sign is not shown on the architectural drawings.

Council's Heritage advisor made the following recommendations (blue text) in their advice of 11 May 2021:

*Recommendations*

*The proposal is not consistent with local heritage policy. The proposal could be supported with the following amendments:*

- *Building S3. Retain two bays in depth including the saw-tooth roof forms and associated highlights – approximately 8.5 metres in depth.*
- *Building S3. On the Elizabeth Street elevation retain the rain heads and downpipes emanating from the saw-tooth forms, and lower the proposed Level 1 window head height to enable retention of the whole of the painted sign.*
- *Building S3. Setback the additions 8.5 metres at Level 2 and Level 3. Setback the addition and reduce the height at Level 4 to achieve full concealment of the addition from the opposite side of Elizabeth Street at a 15 m viewing point, 1.7m above the NGL.*
- *Building S3. Provide clarity on works proposed to existing windows.*
- *Tower building. Reduce the height or increase the setback from Elizabeth Street to achieve full concealment from the opposite side of Elizabeth Street at a 15 m viewing point, 1.7m above the NGL.*

Council's Heritage advisor provided further recommendations (blue text) on 1 June 2021:

*Recommendation Item 1: Include a Condition.*

- *Retain sound existing steel and timber window joinery and repair where required. Where new joinery to existing openings is required, replace with materials and form to match existing.*

- *Provide a photograph and detailed condition review for each existing window and door.*

*Recommendation Item 2: Amend the proposal*

- *Show the painted sign at the correct existing location on the elevation. Annotate the elevation to retain the existing painted sign and protect during the construction works.*
- *Reduce the height of proposed windows at level 01. Window head to be at least one brick course below the existing sign.*

The applicant provided a response to Council's Heritage advisor's comments on 9 July 2021, which included the following specific comments (red text) replying to concerns and recommendations raised in Council's Heritage advisor's advice of 11 May and 1 June 2021:

**1. Retention / replacement of existing window joinery (Recommendation Item 1)**

*The intention with respect to the treatment of existing window joinery is much the same as for the Stage 1 application, as follows:*

- *Retain and restore existing steel framed and timber framed windows where they remain in situ.*
- *Reinstate new windows to match original where they have been removed or brick infilled.*
- *New windows on the top level to be steel framed to match existing.*

*We support the proposed conditions specified by Council's Heritage Unit relating to the retention of sound existing steel and timber window joinery and repair where possible and where new joinery is required the materials and form is to match existing. We accept the requirement for a detailed conditions review (audit) to be provided for each window and door as per the approach to Stage 1 of the project (following issue of the permit, once the extent of approved works is known).*

**2. Existing heritage signage to Elizabeth Street elevation (Recommendation Item 2)**

*We support the proposed conditions specified by Council's Heritage officer regarding protection of the existing signage and amendments to the proposed upper level windows to avoid impacts on this signage. Please find enclosed an amended Elizabeth Street elevation (Drawing SK 2 3300 Revision C) which demonstrates a revised approach to these windows and includes the existing heritage signage, with confirmation regarding the retention of rain heads and downpipes. We provide this drawing for information purposes only (we do not seek to formally substitute the plans for those previously submitted with our application).*

**3. Extent of demolition to Building S3**

*We understand based on our recent discussions that the extent of demolition proposed to Building S3 is considered an acceptable outcome to Council staff having regards to the entire outcome for the former Younghusband Wool Store complex.*

*While the roof and a large extent of the building are proposed for demolition, this is mitigated by:*

- *Retention of the entire front façade and a large portion of the south wall.*
- *The low visibility of this east section of roof from the surrounding public realm.*
- *The high degree of roof and building retention on the balance of the site, which was approved under an earlier permit.*



- *On a whole of site basis, a relatively small section of building is undergoing a high degree of demolition and external intervention.*

#### **4. Visibility of additions to Building S3**

*We acknowledge that the street façade is the main part of the building that is proposed to be retained, however, the proposal will not result in a free-standing façade which is blank behind with empty windows (cf. Woolworths Smith Street Fitzroy) and will instead be attached to a new building and new interior with activity and use that relates to the building's interior arrangement.*

*While there will be some visibility of the proposed upper level additions, they are well setback from the front façade, and are not proposed to be constructed immediately behind the front façade (cf. Former Buckley and Nunn (now David Jones), Bourke St, Melbourne).*

*The higher level rear additions will have visibility but will be “read” as neighbouring buildings in a complex three dimensional urban environment. We submit that this is how they will be read even from more distant views such as from along Fink Street.*

*Please find enclosed four perspective views from locations nominated by Council staff which demonstrate the extent to which the proposed upper level additions and taller building to the rear will be visible from the surrounding public realm. We submit that these perspectives demonstrate that the additions will not undermine the prominence of the primary heritage façade (street wall) on the Elizabeth Street frontage of the site.*

*A review of the perspective taken from Elizabeth Street to the south east of the site (in front of the flour mill) does however reveal that the upper most levels of Building S3 presents as a vertical three storey element at its southern end (refer first enclosed perspective), when viewed over the flour mill building fronting Elizabeth Street to the south.*

*The prominence of this element when viewed from Elizabeth Street to the south could be reduced by the removal of the southernmost bay as shown on the second enclosed perspective and on the enclosed amended Elizabeth Street elevation (Drawing SK 2 3300 Revision C) and Level 05 floor plan (Drawing SK 2 2305 Revision C).*

*In light of the concerns expressed by Council's urban design and heritage units regarding the visibility of this upper storey element, our client would be prepared to remove this bay to increase the degree to which this upper storey element is recessive relative to the heritage street wall. We note that the saw-tooth roof profile of the uppermost level should be retained given that it provides for screening of the roof top plant and equipment and references the saw-tooth profile of the heritage buildings on the site.*

#### **5. Visibility of new Building at S4**

*We understand from our recent discussions that the visibility of this building, which is well setback from Elizabeth Street and well removed from other sensitive viewpoints, is not considered of concern from either a heritage or urban design / planning standpoint.*

*We acknowledge that the proposed S4 building is of greater height than the original woolstore complex, and it will be visible in views around the surrounding streets, but it will not be visible from many surrounding locations within the public realm and is sited in a less prominent location in the site's 'back' corner, which ameliorates visual impacts. The proposed building would by no means visually dominate or overwhelm the original buildings and setting (cf. Herald and Weekly Times Building CBUS/PWC tower; also Former Melbourne Regiment Drill Hall Victoria St housing development).*

The above commentary, in addition to the discussion plans and response provided by the applicant addressing Council's Heritage advisor's feedback, have informed the assessment of the proposed development against the requirements of *Clause 22.05 Heritage Places outside the Capital City Zone*.

### 6.2.3 Open Space Planning

Council's Open Space Planner provided the following comments (blue text) on Application PA2001041 on 5 May 2021:

*The areas described as 'open space' in the Design Response Proposed Building Use diagram (page 47 of the Woods Bagot report) are proposed to remain in private ownership. Open Space Planning supports this, as these spaces do not meet the criteria for public open space reserves for vesting in Council. It is suggested that the terminology 'open space' for these linear laneway-type spaces through the development and along the railway reserve is perhaps not the most appropriate description of their form and function.*

Notes have been recommended for inclusion on any permit being granted to ensure that there is clarity that all open space identified in the proposed development is to be maintained in private ownership, and is not to be vested in Council or count toward a public open space contribution.

### 6.2.4 Environmentally Sustainable Design & Green Infrastructure

Council's ESD advisor provided comments on 15 June 2021 and 16 July 2021 on Application PA2001041.

Broadly, Council's ESD advisor found that the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (Revision C, dated 25 February 2021) contains excellent targets for the development, exceeding the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

Notably, the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (dated 25 February 2021) makes the following commitments:

- Formal certified One Planet Living (OPL) endorsement as part of overall precinct redevelopment, rather than just benchmarking against Green Star.
- Minimum 5-Star Base Building NABERS Energy Office rating.
- Portable water neutrality by a combination of minimising water demand, substituting portable water with harvested rainwater and offsetting remaining Base Building potable water use through the Odonata Water Offset Program.

The ESD Statement prepared by Cundall Johnston & Partners Pty Ltd also identifies that a solar PV array of approximately 80kW could be achieved on-site when considering access for maintenance and cleaning, as well as services penetrations.

In addition to recommending standard conditions to give force and effect to the commitments contained in the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (Revision C, dated 25 February 2021), Council's ESD advisor made the following additional recommendations:

- The ESD Statement is encouraged to incorporate benchmarking of the buildings' green infrastructure quality by voluntary use of the City of Melbourne's Green Factor Tool.
- The Water Sensitive Urban Design (WSUD) response proposed for the development (included in the ESD Statement), be updated to employ MUSIC modelling in lieu of STORM modelling, given the scale of the development

Permit conditions and notes have been recommended for inclusion on any permit being granted to further refine the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd, verify that the ESD commitments have been implemented in the final design.

Subject to these conditions and notes being included on any permit being granted it is considered that the development will comply with the requirements of *Clause 22.19 Energy, Waste and Water Efficiency*.

### **6.2.5 Urban Forestry**

The advice of Council's Urban Forestry team was not sought during the assessment of Application PA2001041, as the proposed development does not seek to remove any existing street trees, and will not require the removal of any existing street trees to facilitate demolition, buildings and works.

Standard conditions have been recommended for inclusion on any permit being granted to ensure that appropriate protective measures are put in place at all times during the demolition, buildings and works, and to confirm that all street trees are to be retained and protected.

### **6.2.6 Traffic Engineering**

Council's Traffic Engineer provided detailed comments on Application PA2001041 on 23 April 2021, which considered the extent of the reduction to the statutory car parking requirement sought by the proposed development (a shortfall of 351 car parking spaces, where the statutory requirement is for 469 car parking spaces, and 178 spaces are included in the development (of which 118 are allocated to the current Stage 2)).

Council's Traffic Engineer's assessment weighed the impact of this shortfall on future occupants of the proposed development (the Traffic Impact Assessment prepared by GTA Consultants suggested that the development would generate a car parking demand of 73 spaces), the surrounding road network, and having regard to the strategic intent of the Arden-Macaulay structure plan. Council's Traffic Engineer ultimately advised that they had no objections to the proposed parking provision.

Council's Traffic Engineer also advised that the proposed bicycle facilities provision was acceptable.

Council's Traffic Engineer made the following additional recommendations:

#### **Car Parking**

- A note should be placed on any future planning permit, stating: "Council will not change the on-street parking restrictions to accommodate the access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. As per Council's policy, new developments in this area that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the students/staff/visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions."

#### **Bicycle Parking**

- The bicycle parking provisions should comply with AS2890.3:2015 and/or Bicycle Network guidelines.

#### **Parking and Loading Access**

- All spaces, ramps, grades, transitions, access ways & height clearances must be generally designed in accordance with the MPS and/or AS/NZS 2890.1:2004.
- The design of the loading bay, including all space dimensions, grades & height clearances, should comply with relevant standards for Commercial Vehicles (AS2890.2-2002).
- Ramp grade of <1:10 should be provided for the first 5m from site boundary at the access.
- Pedestrian sight triangles of 2 x 2.5m must be provided at the exits from the carpark.
- Columns to be located between 0.25 - 1.25m from the open end, and no more than 1.75m from the closed end of the relevant standard car spaces, as per Clause 52.06 of the MPS.

- 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 and waste arrangements & 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.

### **6.2.7 Civil Engineering**

Council's Principal Engineer (Infrastructure) provided comments on Application PA2001041 on 17 May 2021.

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

### **6.2.8 Waste Engineering**

Council's Performance Management Engineer provided comments on Application PA2001041 on 13 May 2021, and confirmed that the Waste Management Plan prepared by Rawtec (dated 2 December 2020) 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.

Subject to this condition being included on any permit being granted it is considered that the development will comply with the waste management requirements of *Clause 22.19 Energy, Waste and Water Efficiency*.

## **7 ASSESSMENT**

### **7.1 Key Issues**

The key issues for consideration in the assessment of Application PA2001041 include:

- Whether the proposed development and land use is acceptable, having regard to the purpose and relevant decision guidelines of the Commercial 2 Zone.
- Whether the extent of demolition and proposed development is acceptable, having regard to the policies of Part B of *Clause 22.05 Heritage Places outside the Capital City Zone*.
- 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 63: Macaulay Urban Renewal Area, Kensington and North Melbourne.
- Whether the proposed development satisfactorily integrates with Stage 1 of the Youngusband redevelopment project.

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

## 7.2 Commercial 2 Zone

The purpose of the Commercial 2 Zone is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

*To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

### 7.2.1 Land Uses

Application PA2001041 proposes the following land uses requiring planning permission in the Commercial 2 Zone:

- Shop
- Food and Drink Premises
- Manufacturing Sales

Clause 34.02-2 of the Commercial 2 Zone sets out the following requirement applying to the use of land:

#### **Use of land**

*A use must not detrimentally affect the amenity of the neighbourhood, including through the:*

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Clause 34.02-7 of the Commercial 2 Zone provides that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider (as appropriate to the proposed land uses under Application PA2001041):

#### **Use**

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*

### Land Use Assessment

The land uses proposed under Application PA2001041 are consistent with the purpose of the Commercial 2 Zone, are readily capable of complying with the land use requirements for the Commercial 2 Zone, and are appropriate having regard to the decision guidelines of the Commercial 2 Zone, noting the following:

- The land uses proposed under Application PA2001041 are associated with a predominantly office development, which will directly serve the purpose of the Commercial 2 Zone, the Municipal Strategic Statement and Planning Policy Framework. The provision of business and commercial services (via Shops, Food and drink premises and Manufacturing sales) associated with the proposed office development will support the future occupants of the development, nearby commercial uses and neighbouring residential areas.
- The location of the subject site is well separated from sensitive land uses, and the proposed land uses are unlikely to contribute to any unsafe or unreasonable impacts on

the amenity of nearby residential areas. Conditions regulating hours of operation have therefore not been recommended for inclusion on any permit being granted.

- The site is well positioned to serve the future needs of the local area as the strategic landscape changes over time (including through the Arden Structure Plan and any refresh of the Macaulay Structure Plan), and the proposed land uses will directly serve this community.
- It is not considered likely that the operation of Allied Mills on neighbouring land will have a significant effect on the proposal (by virtue of noise, odour, dust or other emissions), noting that the proposed uses are commercial in nature, and that emissions from Allied Mills have previously been investigated in an Air Quality Assessment report prepared by CETEC dated July 2017, which concluded that no odour and minor amounts of flour dust were observable.
- As noted in Section 3.12 of this report, authorisation of the proposed land uses under Application PA2001041 would exclude the following nested land uses, which are either prohibited, or would require an additional planning approval under the Melbourne Planning Scheme:
  - Adult Sex Product Shop (prohibited by virtue of the proximity of the site to nearby residential zoned land)
  - Bar, Hotel, Bottleshop (a further permit to operate these land uses would be required under *Clause 52.27 Licensed Premises* of the Melbourne Planning Scheme).
  - Live Music Entertainment Venue (a further permit would need to be obtained by any future tenant of the Food and drink premises to play live music entertainment under *Clause 53.06 Live Music Entertainment of the Melbourne Planning Scheme*)

The ambit of land uses that could therefore lawfully operate in the event that Shop, Food and drink premises and Manufacturing sales land uses are authorised for the site are entirely appropriate within the Commercial 2 Zone and as part of the proposed development.

- Conditions have been recommended for inclusion on any permit being granted to require a Loading Management Plan (LMP) and to give force and effect to the Waste Management Plan (WMP) prepared by Rawtec dated 2 December 2020, which will ensure that traffic generation and emissions (i.e. waste) from these land uses will be appropriately managed on-site.
- The following standard condition has been recommended for inclusion on any permit being granted to regulate potential impacts for nearby commercial land uses, and clarify that further planning permission will be required in the event that a tenant of the food and drink premises wishes to operate a live music venue:
  1. *Except with a further permit, the development / uses hereby permitted must not include:*
    - *A live music entertainment venue;*
    - *Amplified music or entertainment, which exceeds background music levels;*
    - *Any loudspeaker, amplified, relay or other audio equipment installed outside the building.*
- As of 1 July 2021, the Environment Protection Authority has increased powers to address unreasonable or aggravated noise from commercial, industrial and trade premises, and from entertainment venues or outdoor entertainment events. The changes to the Environment Protection Act 2017 and introduction of the Environment Protection Regulations, with the General Environmental Duty (GED) as a centrepiece of the new laws, largely supersedes the role of the State Environment Protection Policy (SEPP) in assisting the regulation of this noise.

While the EPA have an enhanced role in enforcing the new GED, Council is still responsible for ensuring that land uses requiring planning permission operate in a manner that is consistent with the Planning Scheme and any planning permit issued.

The following condition has been recommended for inclusion on any permit being granted to reflect the update in legislation and Council's role (or the Minister for Planning's role, as the case may be) in regulating the land uses authorised by any permit being granted.

2. *Noise levels emanating from the uses hereby permitted must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.*

### 7.3 Heritage (HO1162)

The subject site is affected by Individual *Heritage Overlay HO1162 Goldsbrough Row and Co. later Younghusband P/L Wool and Grain warehouses, 2-50 Elizabeth Street, Kensington.*

The heritage place (listed as 2-50 Elizabeth Street 'Younghusband Ltd') is classified as a 'B' graded heritage building in a 'Level 1' graded streetscape in the Incorporated Document, *Heritage Places Inventory February 2020 Part B*).

**Part B** of Council's Heritage Policy, *Clause 22.05 Heritage Places outside the Capital City Zone* therefore applies to Application PA2001041, and an assessment of the proposed development against the requirements of this policy has been undertaken below.

#### 7.3.1 Demolition

*Clause 22.05 Heritage Places outside the Capital City Zone* sets out the following assessment criteria for applications seeking to demolish or remove heritage buildings:

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

*Before deciding on an application for demolition of a graded building the responsible authority will consider as appropriate:*

- *The degree of its significance.*
- *The character and appearance of the building or works and its contribution to the architectural social or historic character and appearance of the streetscape and the area.*
- *Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of that building.*
- *Whether the demolition or removal is justified for the development of land or the alteration of, or addition to, a building.*

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

#### Demolition

Assessment: Complies, variation acceptable

Application PA2001041 seeks planning permission for the following demolition:

- Demolition of Wool Store No.5.

- Part demolition of the Tallow Store (Store No.3) including the removal of all building fabric with the exception of the eastern (Elizabeth Street) façade and part of the southern (Allied-Mills boundary) façade.

With regard to the proposed demolition of Wool Store No.5, it is considered that the complete demolition of this building is acceptable and consistent with policy. Wool Store No.5, constructed c1957, is not identified as being contributory to the heritage significance of the Younghusband Wool and Grain Warehouses heritage place in the Statement of Significance.

Furthermore, the proposed eight-storey replacement building 'S4' has been assessed as complying with heritage policy and the requirements of DDO63-A4.

With regard to the proposed part demolition of the Tallow Store (Store No.3), identified as contributing to the 'B' graded 'outstanding' Younghusband Wool and Grain Warehouses complex, Council's Heritage Policy encourages complete retention of original parts of this building.

The extent of demolition sought under Application PA2001041 to the Tallow Store includes the west wall, parts of the north and south walls, and the saw-tooth roofing. The Heritage Impact Statement prepared by Michael Taylor Architecture & Heritage (5 March 2021) acknowledges that the scope of demolition will have, "a high impact on the building's physical integrity".

Ordinarily the extent of proposed demolition to the Tallow Store would provide grounds for refusal, however, weighing significantly in favour of allowing a variation to Council's Heritage Policy for the proposed development are the following considerations:

- Planning Permit TP-2017-606, authorising the redevelopment of Stage 1 of the Younghusband redevelopment project, which included works to Wool Store No.1 and Wool Store No.2, enshrines the retention of the overwhelming majority of original fabric of these saw-tooth factories, a heritage conservation project of considerable scale.
- The extent of intervention into original fabric associated with Stage 1 of the Younghusband redevelopment project was generally limited to the creation of new openings to provide daylight for the internally rearranged floor layout, and the replacement of old or damaged parts of the saw-tooth roof with new saw-tooth roof sheets of matching profile.
- When assessed cumulatively across the site, the extent of original fabric within the Younghusband Wool and Grain Warehouses complex sought to be removed by Application PA2001041 is modest. The integrity of the heritage asset across Stage 1 and Stage 2 of the Younghusband redevelopment project is exceptionally well-maintained.
- Importantly:

- The proposed alterations and additions to the Tallow Store under Application PA2001041 have been designed to integrate with the most visually prominent feature of the Tallow Store, the Elizabeth Street façade.

While new openings will be created to this façade, resulting in the loss of some original brickwork, integration of the addition and adaptation of the Elizabeth Street façade and openings (i.e. by matching floor to ceiling levels), is highly preferential to merely preserving the original form of the façade as a detached 'mask'. This will also contribute to the long-term conservation of the retained significant fabric and provide daylight, amenity and outlook for new uses.

- 21 metres (the full length) of the southern wall of the Tallow Store will be retained, ensuring that at all viewing angles from street-level, the Tallow Store will present as a three-dimensional form.
- As demonstrated in the below photograph, the saw-tooth roof to the Tallow Store, which is proposed to be completely demolished under Application PA2001041, is not visible from street level (including at oblique angles). This is due to the saw-tooth roof being constructed below the parapet-line in a recess. The removal of the saw-tooth roof will therefore not erode the impression of the integrity of the existing building when viewed from street-level.



Conditions have been recommended to ensure that all new permanent structures constructed on Level 02 (the roof-top terrace directly above the Tallow Store) are sufficiently set back from the parapet to ensure that they are not visible from street-level, further reinforcing the impression of the visual integrity of the heritage asset.



***Younghusband Elizabeth Street Façade, Source: Google***

For the reasons discussed above it is considered that the extent of demolition sought by Application PA2001041 can be accepted. Due to the necessary weight in this assessment given to the commendable conservation efforts achieved in Stage 1 of the Younghusband redevelopment project, it is recommended that a further condition be imposed on any permit being granted to bind the approval of Stage 2 (and accepted level of demolition to the Tallow Store), to the retention achieved in Stage 1.

This could be achieved by requiring a Section 173 agreement to be entered into, registered against the land in Plan of Consolidation 359143N (Vol. 10676, Fol. 123), to serve as a reminder should the developer seek to undertake further works to Stage 1 of the Younghusband redevelopment project that the level of retention achieved in Stage 1 are attributable to the approval of Stage 2.

Formal acknowledgement of the conservation efforts achieved in Stage 1 of the Younghusband redevelopment project supports Stage 2 in providing a demonstrable benefit to the community under DDO63-A4. The level of conservation achieved across the site, in tandem with the contextually appropriate design of the proposed additions and new building in Application PA2001041, are considered to demonstrate an exceptional quality of design and make a highly positive contribution to the public realm in Kensington.

### 7.3.2 Renovating Graded Buildings

Clause 22.05 Heritage Places outside the Capital City Zone sets out the following assessment criteria for applications seeking to renovate an existing historic building:

*Intact significant external fabric on any part of an outstanding building, and on any visible part of a contributory building, should be preserved. Guidelines on what should be preserved are included in Urban Conservation in the City of Melbourne.*

*In considering a planning application to remove or alter any fabric, consideration will be given to:*

- *The degree of its significance.*
- *Its contribution to the significance, character and appearance of a building or a streetscape.*
- *Its structural condition.*
- *The character and appearance of proposed replacement materials.*
- *The contribution of the features of the building to its historic or social significance.*

*Where there is evidence of what a building originally looked like, renovation of any part of an outstanding building, or any visible part of a contributory building, should form part of an authentic restoration and reconstruction process, or should not preclude it at a future date. Evidence of what a building used to look like might include other parts of the building or early photographs and plans.*

*Where there is no evidence of what a building originally looked like, renovations should preferably be respectful of an interpretive modern design, rather than “guesswork” reconstruction or any other form of reproduction design.*

**Sandblasting and Painting of Previously Unpainted Surfaces:**

*Sandblasting of render, masonry or timber surfaces and painting of previously unpainted surfaces will not normally be permitted.*

#### Renovation

Assessment: Complies, subject to conditions

Application PA201041 seeks planning permission to undertake the following renovations to the Elizabeth Street façade:

- Physically altering the façade to accommodate new and adapted openings, including partially bricking in two existing windows on the ground floor to alter these windows to doorways and the creation of a new opening for a Fire Booster Cabinet.

It is considered that the proposed renovations and alterations to the Elizabeth Street façade comply with Council’s Heritage Policy, noting the following:

- The proposed new windows will align with the Tallow Store’s structural bays and those already existing on the façade, ensuring that new openings integrate with the industrial structural grid composition of the façade.
- The new openings will contribute to the long-term conservation of the retained significant fabric and provide daylight, amenity and outlook for new uses.
- The new openings will use contemporary window frames, distinguishing new material from preserved original fabric.

- Subject to conditions being included on any permit being granted to implement the recommendations of Council’s Heritage Advisor, it is considered that the renovation of the most visually prominent feature of the Tallow Store, the Elizabeth Street façade, will appropriately conserve original window joinery, and the important ‘YOUNGHUSBAND LIMITED TALLOW STORE’ painted sign.



*Younghusband Limited Tallow Store painted sign, Source: Google*

### 7.3.3 Form, Façade Pattern, Colours, Materials and Details

Clause 22.05 Heritage Places outside the Capital City Zone sets out the following assessment criteria for new buildings and additions, relating to form, façade pattern, colours, materials and details:

#### **Form**

*The external shape of a new building, and of an addition to an existing building, should be respectful in a Level 1 or 2 streetscape, or interpretive in a Level 3 streetscape.*

#### **Façade Pattern and Colours**

*The façade pattern and colours of a new building, and of an addition or alteration to an existing building, should be respectful where visible in a Level 1 streetscape, and interpretive elsewhere.*

#### **Materials**

*The surface materials of a new building, and of an addition or alteration to an existing building, should always be respectful.*

#### **Details**

*The Details (including verandahs, ornaments, windows and doors, fences, shopfronts and advertisements) of a new building, and of an addition or alteration to an existing building, should preferably be interpretive, that is, a simplified modern interpretation of the historic form rather than a direct reproduction.*

#### **Form, Façade Pattern, Colours, Materials and Details**

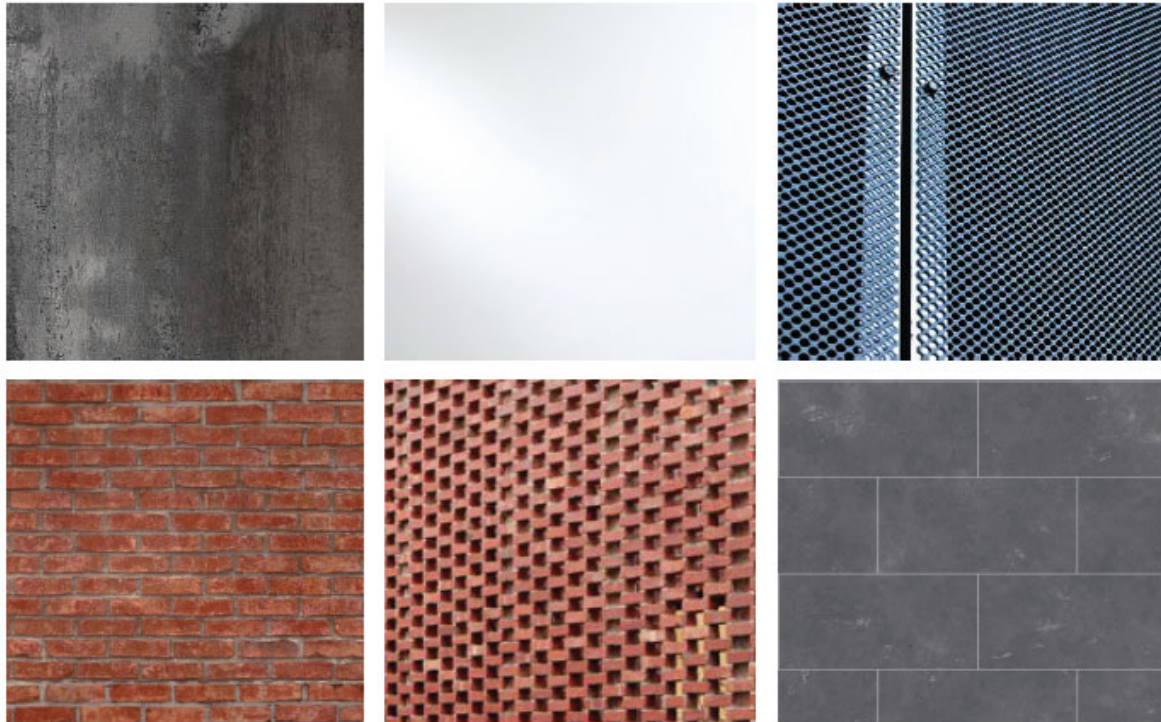
**Assessment: Complies, subject to conditions**

The proposed development under Application PA2001041 adopts an industrial material palette for both the addition to the Tallow Store, and the proposed new eight-storey building ‘S4’.







The industrial material palette and façade design for the proposed Building ‘S4’, located to the south-west corner of the site and well setback from the Elizabeth Street façade of the Tallow Store, will ensure that, where visible from the street, this building will register and blend as a background form, particularly when read against the complex building mass present on the neighbouring Allied Mills site.

The proposed addition to the Tallow Store is considered to present an acceptable form, façade pattern, colours, materials and details, having regard to Council’s Heritage Policy, noting:

- The proposed addition employs use of visually recessive light materials such as glazing and perforated metal screens, to enhance the visual dominance of the retained redbrick Elizabeth Street façade of the Tallow Store.
- Other materials used in the proposed addition include metals and recycled brick, which are in keeping with the strong redbrick material palette of the Younghusband Wool and Grain Warehouses complex.



**LEGEND**

|  |  |  |
|--|--|--|
|  <p><b>WD-01 FACADE FIN</b><br/> <b>WD-02 WINDOW FRAME</b><br/> <b>MW-01 BALUSTRADE RAILING</b><br/> <b>MW-04 METAL PLATE</b><br/>         Blackened Steel Finish</p> |  <p><b>WD-01 FACADE GLAZING</b><br/> <b>WD-02 WINDOW GLAZING</b><br/>         Clear Low-E Glass</p>                 |  <p><b>CD-01 FACADE CLADDING</b><br/>         Perforated Steel with Blackened Finish</p> |
|  <p><b>MA-01 EXISTING MASONRY</b><br/>         Natural finish brick</p> <p><b>MA-02 RECYCLED MASONRY</b></p>  |  <p><b>MA-02 RECYCLED MASONRY</b><br/>         Natural finish brick to match existing<br/>         Hit and miss</p> |  <p><b>PV-01 BLUESTONE PAVER</b><br/>         Natural Finish</p>                         |

**Excerpt from Plans: ‘Design Response Materiality – Building ‘S3’ (p.57 of Context Analysis & Design Response, Revision B)**

**7.3.4 Concealment of Higher Rear Parts (Including Additions)**

Clause 22.05 Heritage Places outside the Capital City Zone sets out the following assessment criteria for the concealment of new buildings and additions:

*Higher rear parts of a new building, and of an addition to an existing graded building, should be concealed in a Level 1 streetscape, and partly concealed in a Level 2 and 3 streetscape. Also, additions to outstanding buildings (‘A’ and ‘B’ graded buildings anywhere in the municipality) should always be concealed. In most instances, setting back a second-storey addition to a single-storey building, at least 8 metres behind the front façade will achieve concealment.*

## Concealment of Higher Rear Parts (Including Additions)

Assessment: Complies, variation acceptable

The level of concealment of the proposed new eight-storey building 'S4', as viewed within Elizabeth Street, is considered appropriate, noting the following:

- Building 'S4' does not encroach into the airspace above the Tallow Store, and is setback 24.7 metres from the Elizabeth Street façade of this building. At this distance, Building 'S4' will register as a separate building to the Tallow Store.
- The cylindrical design of the metallic façade screen to Building 'S4' and light colour of the materials in use will contrast with the redbrick Elizabeth Street façade of the Tallow Store, further distinguishing the two built forms and ensuring that where Building 'S4' is visible behind the additions to the Tallow Store, it will read as a distinct building forming part of the backdrop to the heritage place.
- Given the industrial character of the heritage place and the scale of neighbouring Allied Mills, some expectancy for higher rear built form has been established. The proposed eight-storey building 'S4' is appropriately located on the site to ensure that it achieves a high level of concealment from the immediate road network (by virtue of the screening qualities of the Allied Mills silos and the dominant Younghusbands Wool and Grain Warehouses facades).

The level of concealment of the proposed addition to the Tallow Store, as viewed within Elizabeth Street, is considered appropriate subject to conditions, noting the following:

- The below perspective demonstrates that on approach to the Tallow Store from the north along Elizabeth street, the additions will generally be concealed from view, and will not interfere with the appreciation of the dominant redbrick façade of the Younghusbands complex.

This is considered to be the primary vista from which the Younghusbands Wool and Grain Warehouse complex is appreciated at immediate street level.



03 View looking South along Elizabeth Street

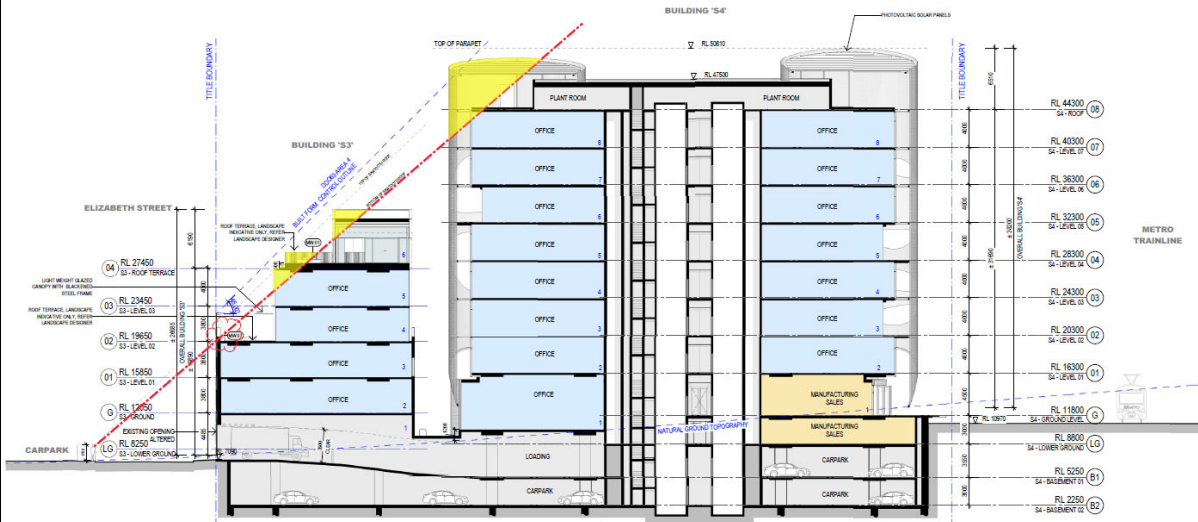


***Excerpt from plans: Perspective View – View looking South from the Corner of Elizabeth Street and Chelmsford Street, p.3 of response to CoM referrals***

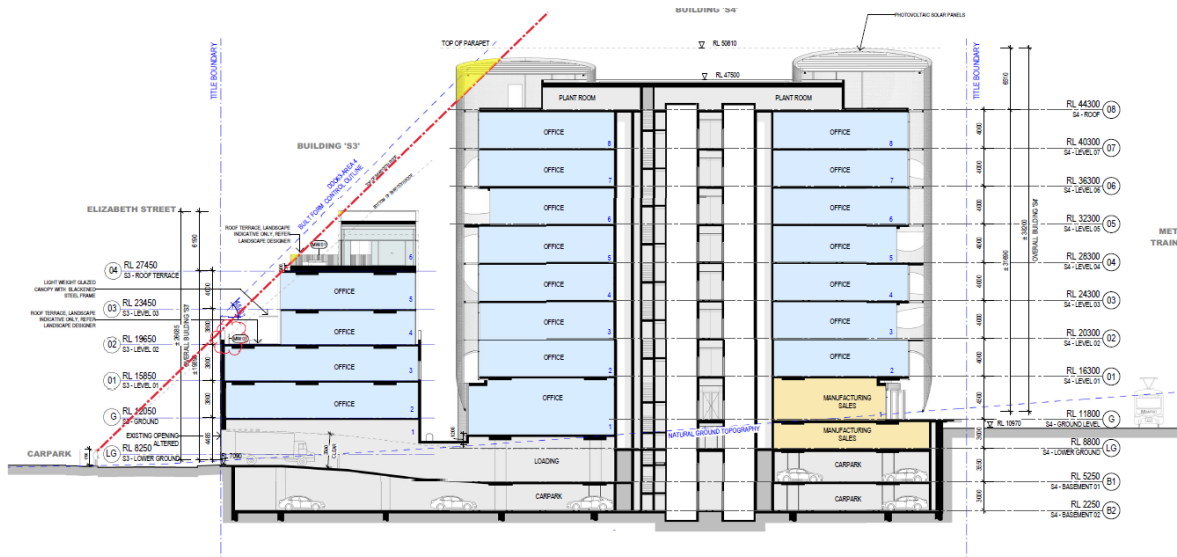
- When viewed from 1.7 metres above the pavement surface level across Elizabeth Street at a right-angle to the site's frontage (approximately 14 metres from the title boundary) a small portion of the addition to the Tallow Store will be visible above the saw-tooth parapet. Due to the wedge-shape of the saw-tooth parapet to the Tallow Store, the level of

visibility of the additions to the Tallow Store and Building 'S4' is variable. This variability is captured in the diagrams provided below (with visible elements highlighted yellow).

Subject to a condition being included on any permit being granted providing a detail (1:50) scale section, which highlights the relationship between the expressed vertical balustrading and saw-tooth parapet (including the distance between these elements, which must be sufficient to conceal the balustrade from view at street level), it is considered that an appropriate level of concealment is achieved from this viewing angle.



**Diagram 1: Level of visibility of additions to Tallow Store and Building 'S4' at saw-tooth nadir, Excerpt from plan: 'Section – East to West 02', Drawing No. SK 2 3351, Revision B**



**Diagram 2: Level of visibility of additions to Tallow Store and Building 'S4' at saw-tooth apex, Excerpt from plan: 'Section – East to West 02', Drawing No. SK 2 3351, Revision B**

- The below perspective demonstrates that on approach to the Tallow Store from the south along Elizabeth Street, the additions will be highly visible above the neighbouring Allied Mills warehouse (particularly the 'glazed roof' and metal framing over the Level 04 roof terrace, which extends toward the southern boundary).

- Some degree of visibility of the addition to the Tallow Store is appropriate when viewed from this angle, as it is not considered to be as sensitive a viewing angle as the approach to the Tallow Store from the north along Elizabeth Street. As proposed, the upper level of the addition registers as visually prominent, when it should read as visually recessive in subservience to the dominant southern wall, Elizabeth Street façade and saw-tooth parapet of the Tallow Store.
- Subject to a condition being included on any permit being granted to require the deletion of the glazed roof form and metal framing over the Level 04 roof terrace (generally in accordance with the additional perspective prepared by the applicant below) it is considered that an appropriate level of concealment is achieved from this viewing angle.



01 View looking North along Elizabeth Street



***Excerpt from plans: Perspective View – Previous Proposal View Looking North along Elizabeth Street, p.1 of response to CoM referrals***



01 View looking North along Elizabeth Street



***Excerpt from plans: Perspective View – View looking South from the Corner of Elizabeth Street and Chelmsford Street, p.6 of response to CoM referrals***

### 7.3.5 Façade Height and Setback (New Buildings)

Clause 22.05 Heritage Places outside the Capital City Zone sets out the following assessment criteria for façade height and setbacks for new buildings:

*The façade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape. Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the façade should not be significantly lower than typical heights in the streetscape. The façade should also not be set back significantly behind typical building lines in the streetscape.*

#### Façade Height and Setback (New Buildings)

Assessment: Not applicable

The proposed development retains the Elizabeth Street façade to the Tallow Store, and does not seek to in-fill part of this façade with a new building, or extend directly above the façade.

The façade, height and setback requirements applying to new buildings under Council's Heritage Policy therefore do not apply to Application PA2001041.

### 7.3.6 Building Height

Clause 22.05 Heritage Places outside the Capital City Zone sets out the following assessment criteria for building height:

*The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.*

#### Building Height

Assessment: Complies

For the reasons set out in the assessment of the proposed development against the concealment requirements of Council's Heritage Policy, subject to conditions, the height and massing of the proposed development, which locates the most intense built form (proposed Building 'S4') to the south-west and least sensitive corner of the Younghusband complex, is considered to respect the character and scale of adjoining buildings in the streetscape.

The Younghusband Wool and Grain Warehouses is a significant industrial landmark in Kensington, and can support development at the maximum height proposed in Application PA2001041.

It is noted that Building 'S4' complies with the absolute maximum height requirements of DDO63-A4, and that its exceedance of the preferred height requirement is considered acceptable, and achieves the demonstrable benefits required by DDO63-A4, for the reasons articulated in Section 7.4.7 of this report below.

## 7.4 Built Form (DDO63-A4)

The Design and Development Overlay Schedule 63: Macaulay Urban Renewal Area, Kensington (DDO63-A4) and North Melbourne sets expectations for future built form in the Macaulay urban renewal area.

Broadly, if development satisfies the built form requirements, built form outcomes and design objectives of DDO63-A4, it is considered that the development will also address relevant policy settings for urban design and built form in the Planning Policy Framework, Local Planning Policy Framework, and the Commercial 2 Zone.



A comprehensive assessment of the proposed development against the built form requirements and built form outcomes of DDO63-A4 (with reference to the design objectives) has been undertaken below.

#### 7.4.1 Building Height

DDO63-A4 provides the following assessment criteria for building height, relevant to the subject site and Application PA2001041:

*Development should not exceed the Preferred maximum height in Table 1.*

*All developments that exceed the Preferred maximum height in Table 1 must demonstrate each of the following:*

- *A demonstrable benefit to the broader community that includes among others:*
  - *Exceptional quality of design.*
  - *A positive contribution to the quality of the public realm.*
  - *High quality pedestrian links where needed.*
  - *Good solar access to the public realm.*

*A permit cannot be granted to exceed the Absolute maximum height in Table 1 except in Area 5...*

#### Excerpt -Table 1: Building heights

| Area   | Preferred maximum height | Absolute maximum height |
|--------|--------------------------|-------------------------|
| A3, A4 | 6 storeys                | 8 storeys               |

#### Excerpt - Table 2: Built form outcomes

| Area      | Built Form Outcomes   |
|-----------|---|
| A4, A5    | <p>Deliver a scale of development that provides street definition and a pedestrian friendly scale.</p> <p>Deliver a scale of development that provides appropriate access to sunlight and daylight.</p> <p>Deliver a scale of development at the interface with established low-scale residential development that provides an appropriate transition in height and minimises the visual impact of upper levels.</p> <p>Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place.</p> <p>Deliver the reintegration of Office of Housing estates into the surrounding urban fabric.</p> |
| All areas | <p>Ensure laneways have appropriate levels of access to daylight and sunlight.</p> <p>Deliver developments that maximise surveillance of public and communal areas and nearby creek environs.</p> <p>Deliver a scale of development setbacks from the Moonee Ponds Creek environs which respond appropriately to creek/public space conditions and provision of public thoroughfares in the public and private domain adjacent to the creek, as appropriate.</p>  |

|  |   |
|--|---|
|  | Where development respond to flood risk by providing ramp structures or other measures flood mitigation measure, high quality urban design outcomes must be provided at the building and public interfaces. |
|--|---|

## Building Height

Assessment: Complies, subject to conditions

### Building Height:

The building height requirement for Area 4 in DDO63-A4 is for a preferred height of 6 storeys, and absolute maximum height of 8 storeys.

Proposed Building 'S4' is 8 storeys in height and includes an additional plant level that is excluded from the calculation of the total number of storeys for the purpose of applying the building height requirement.

As the proposed development exceeds the preferred height requirement, DDO63-A4 requires that the proposed development demonstrate a demonstrable benefit to the broader community including (among others):

- Exceptional quality of design.
- A positive contribution to the quality of the public realm.
- High quality pedestrian links where needed.
- Good solar access to the public realm.

Consideration of whether Application PA2001041 has provided a demonstrable benefit has been addressed separately below.

For the reasons set out below, it is considered that the height of proposed Building 'S4' can be supported, having regard to the strategic and physical context of the subject site and its role within the staged development of the wider site at 2-50 Elizabeth Street, Kensington:

- As discussed in Section 7.3 of this report, the proposed development is generally considered to comply with Council's Heritage Policy related to concealment and building height. On balance, the location of proposed Building 'S4' is contextually appropriate for a building of this scale (noting the height of neighbouring industrial development at Allied Mills), and the massing and setbacks of the building have been sensitively designed to minimise the impact of the building's scale on the heritage place.
- The proposed development complies with the built form outcomes sought for Area 4 of DDO63-A4, noting:
  - The development includes retention of the historic Tallow Store façade to Elizabeth Street, representing the dominant visible presentation of the building at street level, providing excellent street definition.
  - The development, by virtue of the orientation of the site and low-scale height of surrounding buildings, will provide appropriate access to sunlight and daylight.
  - Excellent levels of access to daylight and sunlight will be provided to the primary internal thoroughfare (the railway thoroughfare), by virtue of its location on the north-west boundary of the site.
- Overall, noting that the development forms part of a significant development project intended to restore and facilitate the ongoing adaptively re-use of the Youngusband Wool and Grain Warehouses, the proposed development will achieve an exceptional quality of design and make a strong positive contribution to the quality of the public realm.
- The proposed development will have virtually no impact on solar access to the public realm, by virtue of meaningful setbacks to proposed Building 'S4' intended to minimise the visual impression of this building when viewed from the surrounding street network.

- Subject to conditions requiring further resolution of the railway thoroughfare and internal pedestrian connection layout in line with sketch plans prepared by the applicant (discussed in Section 7.4.5 of this report below), it is considered that the Younghusband redevelopment project will successfully provide high quality pedestrian links.

**7.4.2 Street Wall and Setbacks**

DDO63-A4 provides the following assessment criteria for street wall heights and setbacks, relevant to Application PA2001041 and the subject site:

*A permit cannot be granted to increase the Street Wall Height in Table 3.*

*Development should be setback from all streets identified in Map 1 in accordance with Table 3. This applies even if the site does not have frontage to the identified street.*

*Buildings should be built to street edge at ground level to provide a clearly delineated and fronted public realm.*

*Buildings should be setback from existing low scale residential development in accordance with Table 3.*

**Excerpt – Table 3: Street wall height and setbacks**

| Interface type shown on Map 1 | Street wall height<br>Setback of buildings above street wall  |
|-------------------------------|---|
| 15 metre wide renewal street  | Development at the frontage must not exceed a height of 4 storeys.<br>Development should be set back 1 metre for every metre of height above 15 metres. |

**Street Wall and Setback**

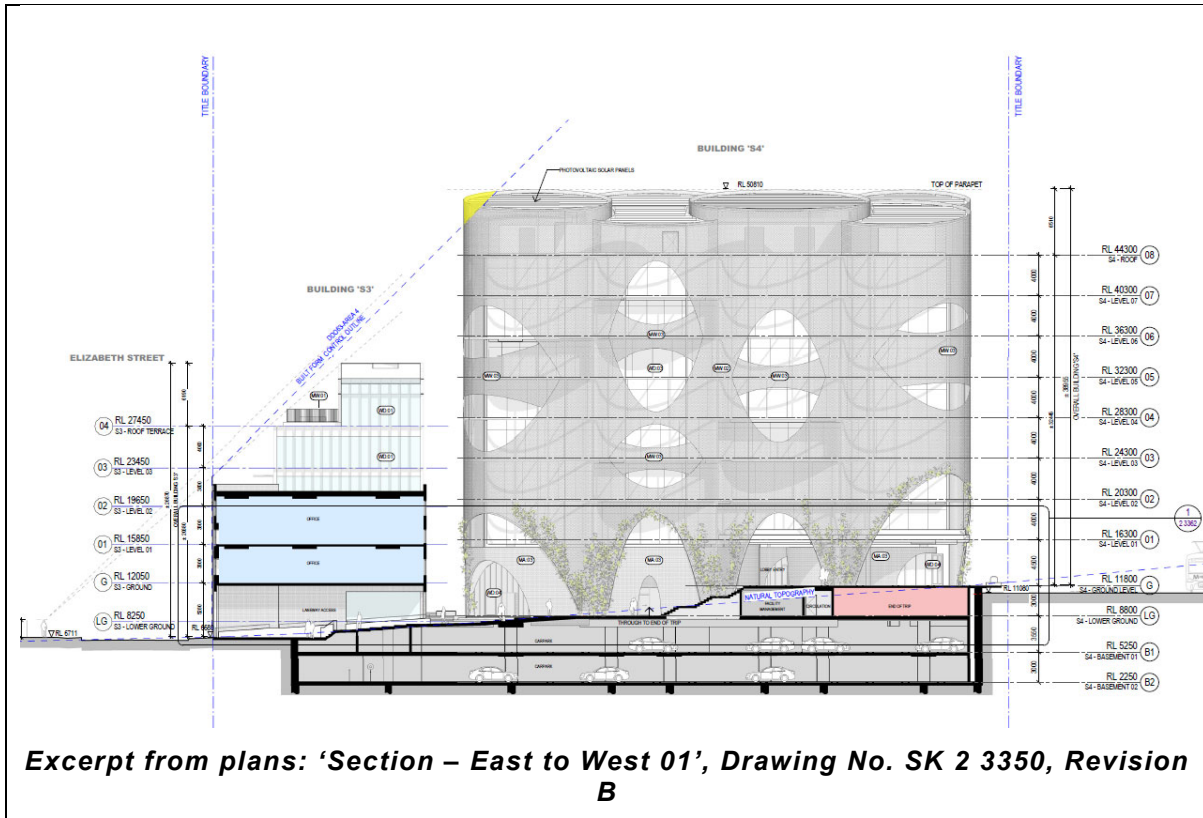
**Assessment: Complies, variation acceptable**

The proposed development retains the historic Tallow Store street wall to Elizabeth Street. The street wall height built form requirement of DDO63-A4 therefore does not apply to this component of the proposed development.

The proposed additions to the Tallow Store, and proposed Building ‘S4’ to the rear, generally comply with the setback of buildings above street wall built form requirement of DDO63-A4, as demonstrated in the below annotated excerpt from the plans, where the minor variation from the setback envelope envisioned by DDO63-A4 has been highlighted yellow.

The minor variation to the setback of buildings above street wall built form requirement of DDO63-A4 sought by Application PA2001041 is supported, as it is associated with well-resolved squared-off massing for proposed Building ‘S4’ that is contextually responsive and design-led (i.e. avoids the adoption of a terraced ‘wedding-cake’ design to ‘max-out’ the permissible built form envelope under DDO63-A4).

Accordingly, it is considered that the proposal achieves compliance with the setback of buildings above street wall built form requirement of DDO63-A4.



**7.4.3 Active Street Frontages**

DDO63-A4 provides the following assessment criteria for active street frontages, relevant to Application PA2001041 and the subject site:

*A building in a Commercial Zone, with ground-level frontage should provide:*

- *At least 5 metres or 80 per cent of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or as other uses, customer service areas and activities, which provide pedestrian interest and interaction.*
- *Clear glazing (security grilles must be transparent).*

...

*Buildings with ground-level frontage to all other streets, should provide an active and physically connected street interface, for example by providing multiple entrances off the street.*

**Active Street Frontages**  
**Assessment: Complies**

The proposed development seeks to retain the historic façade of the Tallow Store to Elizabeth Street.

By virtue of retaining and restoring this façade, with moderate adaptation to support the proposed additions to this building and future intended use, it is considered that the proposal will achieve compliance with the active street frontages built form requirement of DDO63-A4.

A condition has been recommended for inclusion on any permit being granted to implement the recommendations of Council’s Urban Design team, to require further enhancement of the activation

of the ground plane interfacing with the connection from Stage 1 of the Younghusband redevelopment project.

#### 7.4.4 Facade treatment

DDO63-A4 provides the following assessment criteria for façade treatment, relevant to Application PA2001041 and the subject site:

*The articulation of a building façade should express a fine grain variety and modulation that assists in reducing the visual dominance of buildings, particularly a wide street frontage. Expressing the vertical elements is encouraged to further minimise the dominance of wide building frontages.*

#### Façade Treatment

Assessment: Complies, subject to conditions

As set out in Section 7.3.3 of this report assessing Application PA2001041 against Council's Heritage Policy, the proposed development adopts an industrial material palette for both the addition to the Tallow Store, and the proposed new eight-storey building 'S4'.

The industrial material palette and façade design for the proposed Building 'S4', located to the south-west corner of the site and well setback from the Elizabeth Street façade of the Tallow Store, will ensure that, where visible from the street, this building will register and blend as a background form, particularly when read against the complex building mass present on the neighbouring Allied Mills site.

The novel perforated and expressed mesh façade design of proposed Building 'S4' was supported by Council's Urban Design team, and will add visual interest to the Younghusband Wool and Grain Warehouse complex without detracting from the historical significance or integrity of the heritage asset.

The retention of the Elizabeth Street façade of the Tallow Store will ensure that the development's dominant presentation at street-level will remain that of a significant historic redbrick industrial building.

Subject to conditions requiring the preparation of a façade strategy, which enshrines the nominated materials and provides an opportunity for additional detail of the facade system for proposed Building 'S4' to be developed (including demonstration that the façade system is sufficiently integrated with the building, as far as possible), it is considered that that the proposal will achieve compliance with the façade treatment built form requirement of DDO63-A4.



**Excerpt from plans: Design Response Built Form – Building ‘S4’, p.59 of Context Analysis & Design Response, Revision B**

#### 7.4.5 Connectivity and laneways

DDO63-A4 provides the following assessment criteria for connectivity and laneways, relevant to Application PA2001041 and the subject site:

*Development should provide for a fine-grained system of laneways and pedestrian connections that are:*

- *Safe, direct and attractive;*
- *Publicly accessible;*
- *Aligned with other lanes or pedestrian connections to provide direct through routes.*

*Development along new and existing laneways and pedestrian connections must comply with the laneway controls in Table 3.*

#### Connectivity and Laneways

Assessment: Complies, subject to conditions

The design of the proposed railway thoroughfare and internal laneway system is viewed as being two of the key remaining areas of the proposed development requiring resolution.

#### Railway thoroughfare

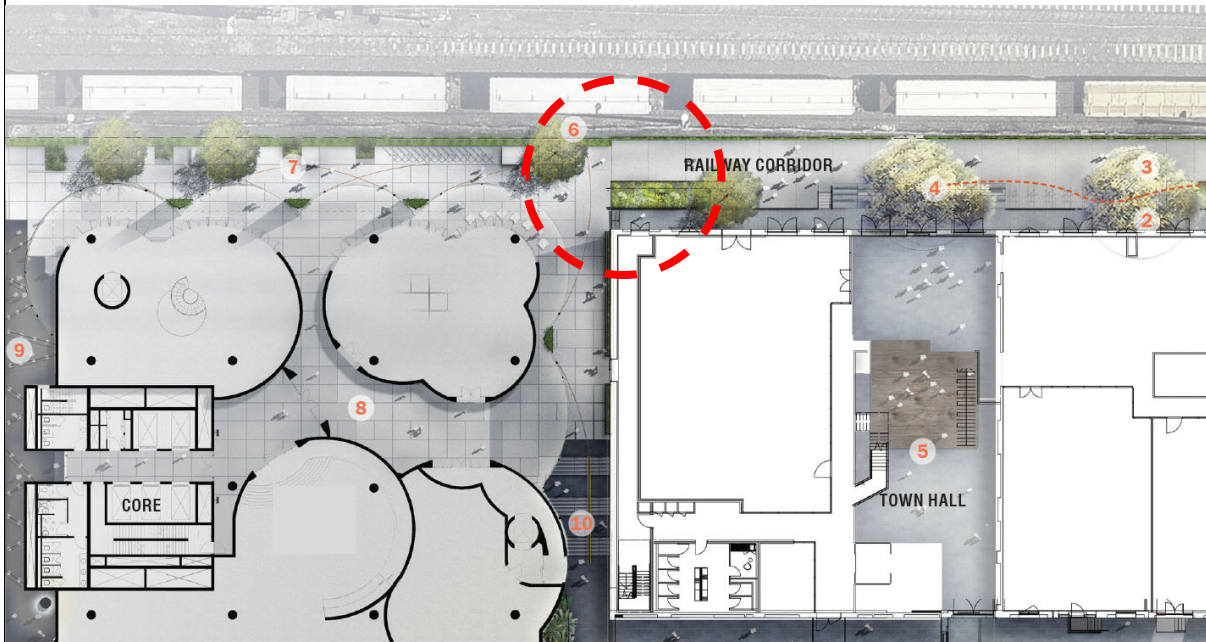
As identified in the advice of Council’s Urban Design team, the design vision for the segment of the thoroughfare adjacent to the railway reserve falling within Stage 2 of the Younghusband redevelopment project is not considered to adequately integrate or provide high quality connectivity with the design vision of the movement corridor within the scope of Stage 1.

The connection between Stage 1 and Stage 2 of the railway thoroughfare currently presents as disjointed, due to what appears to be a level change, inconsistency in landscaping/paving and other feature differences at the border that would obstruct clear, straight, sightlines through this link to the southern boundary with Allied Mills.

An excerpt from the Landscape Report prepared by Oculus (dated December 2020), with the connection between the Railway Thoroughfare for Stage 1 and Stage 2 of the Younghusband redevelopment project circled with a red dashed line is provided below.

Improving this connection and providing a coherent design vision for the entire length of the thoroughfare (which contemplates the possibility for future southern extensions to this thoroughfare for a bicycle path e.g.) will ensure that this pedestrian connection is capable of providing a demonstrable benefit to the community, and is necessary for the additional building height above the preferred height requirement to be supported.

The applicant has agreed to continue to develop this component of the project, and a condition has been recommended for inclusion on any permit being granted to facilitate this. Subject to this being resolved, the railway thoroughfare will provide a high quality pedestrian connection.



**Excerpt from plans: Overall Concept Plan (p.17 of Landscape Report)**

#### Internal pedestrian connections

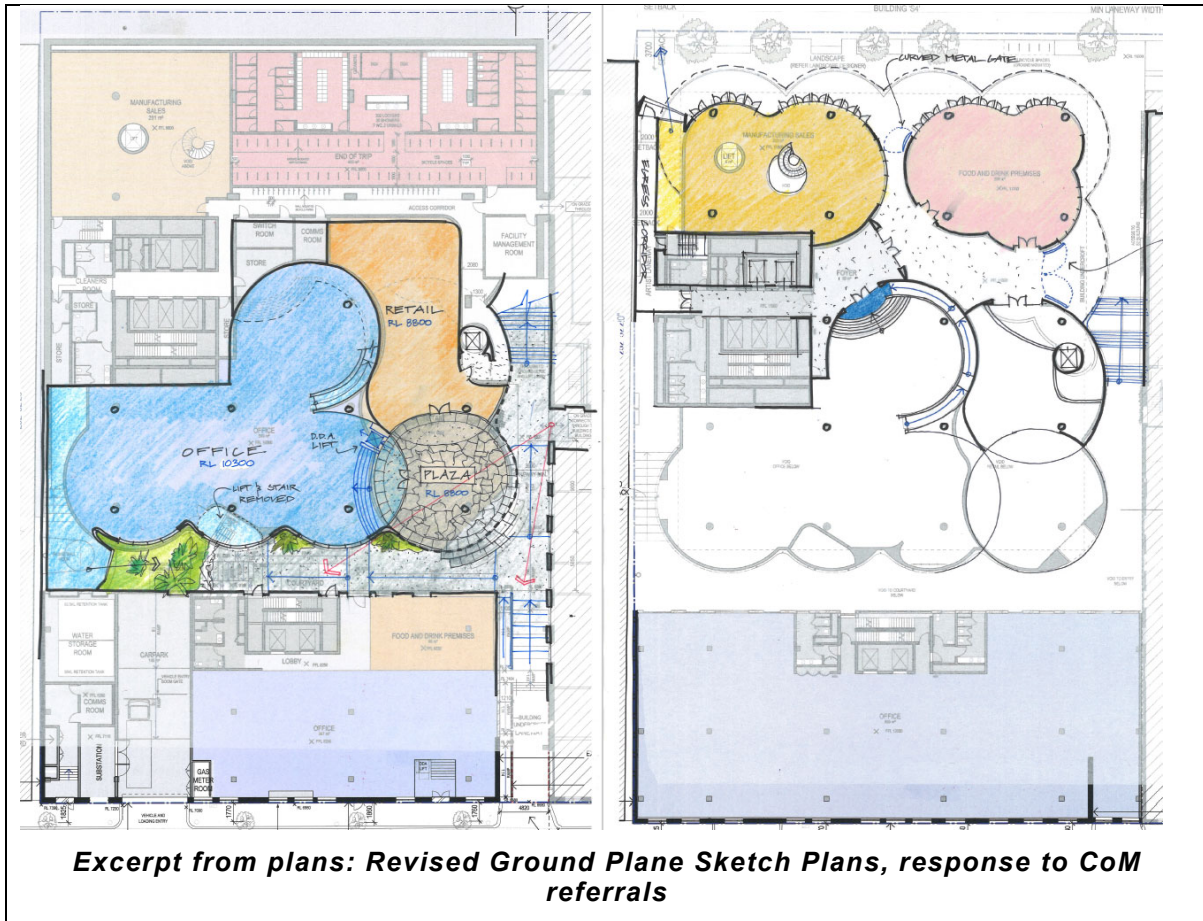
Further refinement of the layout of the internal pedestrian network has been suggested by Council's Urban Design team, and the applicant has prepared additional discussion plans to address concerns relating to the quality and width of the internal connections, in addition to the safety of these areas after-hours.

The sketch plans prepared by the applicant (excerpt below) indicate a series of curved metal gates to manage after-hours access along the rear ground floor level interface and the removal of the 'artist laneway' along the southern boundary. These design changes are considered to effectively manage safety concerns while rationalising the network of internal pedestrian connections.

The sketch plans prepared by the applicant also show the incorporation of a plaza, enabling pedestrian desire lines between the connection to the Stage 1 development and the entries/lobby areas for the two buildings on the subject site. The removal of the curved façade line at the ground level also allows for a more direct and generous line of sight at ground along the north-south axis of the primary through link.

Council's Urban Design team have recommended further iteration of revised approach to the layout of internal connections through the site, and a condition has been recommended for inclusion on any permit being granted to facilitate this.

Subject to both the design of the railway thoroughfare and internal layout of pedestrian connections being resolved, it is considered that the proposed development will comply with the connectivity and laneways built form requirement of DDO63-A4.



**7.4.6 Heritage**

DDO63-A4 includes the following building requirement that specifically acknowledges the relationship between new development and existing heritage buildings:

*When new developments adjoin heritage buildings located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.*

**Heritage**  
 Assessment: See Section 7.3 of this report  
 (See Section 7.3 of this report for an assessment of the proposed development against the Council's Heritage Policy at *Clause 22.05 Heritage Places outside the Capital City Zone*)

**7.4.7 Demonstrable Benefit**

DDO63-A4 sets out the following expectation for a demonstrable benefit, where a proposed development exceeds the preferred maximum height requirement:

*All developments that exceed the Preferred maximum height in Table 1 must demonstrate each of the following:*

- *A demonstrable benefit to the broader community that includes among others:*
  - *Exceptional quality of design.*
  - *A positive contribution to the quality of the public realm.*
  - *High quality pedestrian links where needed.*



- *Good solar access to the public realm.*

#### Demonstrable Benefit

Assessment: Complies, subject to conditions

The proposed development is considered to provide a demonstrable public benefit, as set out below:

- **Exceptional quality of design**

The level of conservation achieved across the entire Younghusband Wool and Grain Warehouses heritage place, in tandem with the contextually appropriate design of the proposed additions and new building in Application PA2001041, are considered to demonstrate an exceptional quality of design.

- **A positive contribution to the public realm**

In addition to contributing to the exceptional quality of design of the proposed development, the overall conservation of the Younghusband Wool and Grain Warehouses heritage place achieved by the redevelopment project will make a highly positive contribution to the public realm.

The magnitude of the Younghusband redevelopment project embarked on in Stage 1 and Stage 2 of the Masterplan, involving the restoration and adaptive re-use of one of (if not the) largest heritage assets in the City of Melbourne will have a demonstrable impact on the surrounding public realm by supporting the ongoing conservation of Kensington's foremost heritage asset and industrial legacy.

A condition has been recommended for inclusion on any permit being granted to formally acknowledge the contribution made by the conservation efforts achieved in Stage 1 of the Younghusband redevelopment project to the demonstrable benefit provided by Application PA2001041.

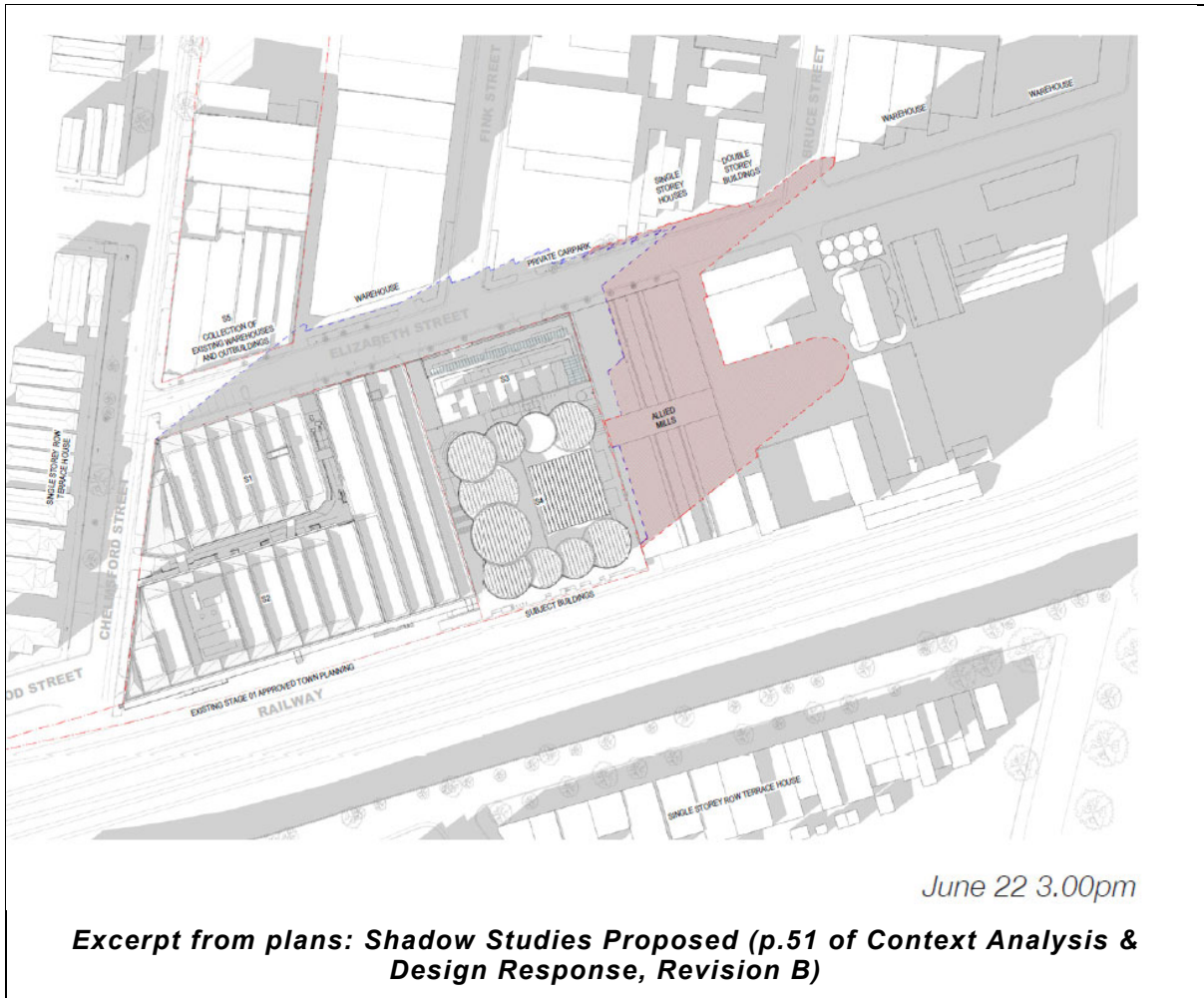
- **High quality pedestrian links where needed**

As discussed in Section 7.4.5 of this report, further refinements to the railway thoroughfare and internal pedestrian connections are necessary to ensure that these connections achieve a high quality of design.

Improvement of the railway thoroughfare pedestrian/bicycle connection is critical to achieving this component of the demonstrable public benefit, and, in addition to the conditions requiring the design of this element to be resolved, a further condition has been recommended requiring an agreement to be entered into to protect future options for extending the railway thoroughfare to the south (in the event that the neighbouring site is developed).

- **Good solar access to the public realm**

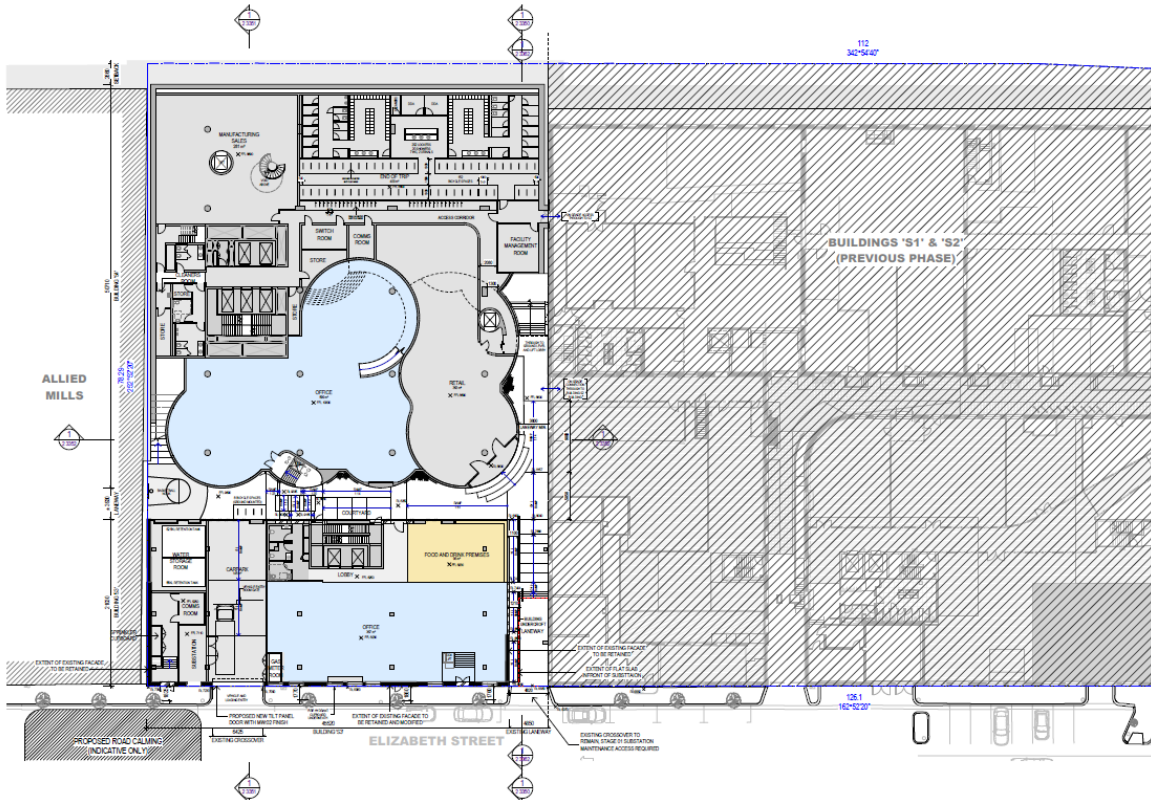
By virtue of the massing of the proposed development to comply with Council's Heritage Policy (to limit the visibility of the taller rear addition) and the orientation of the site and adjacency to the rail reserve, the only (negligible) impact the development will have on solar access to the public realm will be at 3.00pm during the Winter Solstice (22 June), where the development will partially overshadow Elizabeth Street. This is demonstrated in the below shadow diagram.



## 7.5 Integration with Stage 1 of the Younghusband redevelopment project

Application PA2001041 has generally successfully integrated with Stage 1 of the Younghusband redevelopment project, particularly through configuring the proposed layout of privately accessible laneways to match the laneway system approved under Planning Permit TP-2017-606/C, ensuring connectivity between each development.

Conditions have been recommended to require further refinement of the laneway network, as discussed in Section 7.4.5 of this report, and to require detail of the south-facing exposed wall of Stage 1 to be provided in the façade strategy for Stage 2. Subject to these conditions it is considered that adequate integration between Stage 1 and Stage 2 of the Younghusband redevelopment project will be achieved.



**Excerpt from 'Lower Ground', Drawing No. SK 2 230LG, Revision B**

## 7.6 Wind

It is an objective of *Clause 22.17 Urban Design Outside the Capital City Zone* to ensure that development promotes building forms that will minimise the adverse impacts of wind in surrounding public spaces and provide weather protection where appropriate.

The Wind Assessment Report submitted with the application, prepared by Mel Consultants Pty Ltd dated March 2021, identifies that the wind conditions for the proposed development in the streetscapes surrounding the site pass the adopted safety criterion<sup>9</sup>.

It is recommended that a condition be included on any permit being granted to require endorsement of the Wind Assessment Report prepared by Mel Consultants Pty Ltd to form part of the permit, and to facilitate this document being updated in the event that the development is altered to comply with additional requirements under Condition 1 (Amended Plans).

## 7.7 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 *Clause 52.06 Car Parking*.

## 7.8 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

<sup>9</sup> The wind comfort criterion adopted in the Wind Assessment Report prepared by Mel Consultants Pty Ltd are the criteria provided by DELWP for apartment developments in Victoria (the Better Apartment Design Guidelines), which are considered to be suitable for considering the wind impacts of the development proposed under Application PA2001041.

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 industrial land uses, and it is likely that there are contaminants on the land that would present a risk to human health and safety.

While it is acknowledged that the proposed land uses are commercial in nature, the potential contamination of the land must be sensitively managed as part of any authorised redevelopment, to ensure that the site is suitable for the intended use / development under Application PA2001041.

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 development (except to the extent necessary to undertake the investigation).

## **7.9 Sustainability**

### **7.9.1 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.*

As noted in Section 6.2.4 and Section 6.2.8 of this report, both the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (dated 25 February 2021) and the Waste Management Plan prepared by Rawtec (dated 2 December 2020), subject to some minor revision of the ESD Statement, demonstrated compliance with the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

Notably, the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (dated 25 February 2021) makes the following commitments:

- Formal certified One Planet Living (OPL) endorsement as part of overall precinct redevelopment, rather than just benchmarking against Green Star.
- Minimum 5-Star Base Building NABERS Energy Office rating.
- Portable water neutrality by a combination of minimising water demand, substituting portable water with harvested rainwater and offsetting remaining Base Building potable water use through the Odonata Water Offset Program.

The ESD Statement prepared by Cundall Johnston & Partners Pty Ltd also identifies that a solar PV array of approximately 80kW could be achieved on-site when considering access for maintenance and cleaning, as well as services penetrations.

Permit conditions and notes have been recommended for inclusion on any permit being granted to further refine the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd, verify that the ESD commitments have been implemented in the final design, and to endorse the Waste Management Plan prepared by Rawtec.

Subject to these conditions and notes being included on any permit being granted it is considered that the development will comply with the requirements of *Clause 22.19 Energy, Waste and Water Efficiency*.

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

### **7.9.2 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 OFFICER RECOMMENDATION**

That the Future Melbourne Committee resolves to advise the Minister for Planning of its support for Application PA2001041, subject to conditions.

Subject to conditions, the proposed development achieves an acceptable outcome having regard to the primary objective for the overall site of supporting the retention and adaptive reuse of the Younghusband Wool and Grain Warehouses heritage place.

The massing, height and exterior presentation of the addition to the Tallow Store and proposed Building 'S4' is considered to achieve a contextually responsive and appropriate design outcome that will make a positive contribution to the surrounding commercial precinct and long-term conservation of the Younghusband industrial complex.

Conditions are recommended for inclusion on any permit being granted to reduce the bulk of the proposed additions to the Tallow Store, ensuring this addition is sufficiently recessive when viewed from Elizabeth Street, to further refine the internal laneway and pedestrian network, and to require detail necessary to achieve a high quality exterior facade design to proposed Building 'S4'.

### **8.1 Draft Permit Preamble**

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

*Development of additions and associated partial demolition to the Tallow Store (Store No.3) and development of a new building and associated demolition of Store No.5 for use generally as offices, use of the land for Shop, Food and drink premises and Manufacturing sales, and a reduction of the car parking requirement in accordance with the endorsed plans.*

### **8.2 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 Woods Bagot (Revision B, dated 5 March 2021), but amended to show:

#### **Building S3**

- a) Removal of the southernmost bay of Level 04 to reduce the visual prominence of this addition when viewed above the Tallow Store from Elizabeth Street, generally in accordance with the discussion plans received on 9 July 2021, including the Elizabeth Street Elevation (Drawing SK 2 3300, Revision C) and Level 05 Floor Plan (Drawing SK 2 2305, Revision C).

- b) Retention of sound existing steel and timber window joinery, with repairs where required to existing openings to the Elizabeth Street façade. Where new joinery to existing openings is required, replacement with materials and form to match the existing joinery. An audit, including photographs and details of the condition of each modified opening, are to accompany this plan.
- c) Retention of rain heads and downpipes emanating from the saw-tooth forms.
- d) The “YOUNGHUSBAND LIMITED TALLOW STORE” sign shown at the correct existing location on the Elizabeth Street façade, with an annotation confirming that this existing painted sign will be retained and protected during construction works.
- e) Revisions to the height of proposed windows at Level 01 of the addition to the Tallow Store (window head to be at least one brick course below the existing “YOUNGHUSBAND LIMITED TALLOW STORE” sign), generally in accordance with the discussion plans received on 9 July 2021, including the Elizabeth Street Elevation (Drawing SK 2 3300 Revision C).
- f) A 1:50 scale section diagram, which shows the location of any permanent structures (e.g. the expressed vertical balustrading) constructed on Level 02 (the roof-top terrace above the Tallow Store), and demonstrates that these structures will be sufficiently set back from the parapet to ensure that they are not visible from street-level.

#### **Building S4**

- g) Activation of the ground level façade of the building interfacing with the internal connection from Stage 1 of the Younghusband redevelopment project, so that this does not present as a blank façade.

#### **Internal Pedestrian Connections and Railway Pedestrian/Bicycle Corridor**

- h) Further resolution of the connection adjacent to the railway reserve, by providing a coherent design vision that fully integrates with the remaining length of this thoroughfare in Stage 1. The design must be informed by CPTED principles and protect future opportunities to extend this link to the south to provide a pedestrian and bicycle corridor.
- i) Further resolution of the internal pedestrian connections through the site, including removal of the ‘artist’ laneway and provision of interior metal gates and ‘urban nook’ (replacing part of the curved façade line at the ground level) to enhance north-south axis lines of sight, generally in accordance with the ‘Revised Ground Plane’ sketch plan received on 14 July 2021.

#### **General**

- j) Identify the 60 car parking spaces that will be allocated for exclusive use by the occupants/visitors of Stage 1 of the Younghusband redevelopment project.
- k) Any changes as required as a result of the Road Safety Audit.
- l) Any changes as required as a result of the Façade Strategy.
- m) Any changes as required as a result of the Loading Management Plan.
- n) Any changes as required as a result of the revised Wind report.
- o) Any changes as required as a result of the revised Waste Management Plan.

The amended plans must be prepared to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans that form part of this permit.

#### **Secondary Consent Mechanism**

2. The development and land uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

## Staging

5. 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, use of vacant land and include details of how vehicles will access the site via Stage 1 of the Younghusband redevelopment project (if required) and how this access will be managed so as not to impact on the landscaping and design of the pedestrian connection adjacent to the railway reserve. 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.

## Façade Strategy / Schedule of External Materials, Colours, Finishes

6. Prior to the commencement of the development, excluding demolition and bulk excavation, a facade strategy 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 prepared by Woods Bagot (Revision B, dated 5 March 2021) and amended in accordance with condition 1 of this Permit and must detail:
  - a) A schedule of all external materials, colours and finishes, including a colour rendered and notated set of elevations.
  - b) Demonstration that the façade system for Building 'S4' is sufficiently integrated with the building (if practicable).
  - c) The treatment that will be applied to the south-facing exposed wall of Store No.1 and Store No.3 in Stage 1 of the Younghusband redevelopment project.
  - d) Elevations 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 the:
    - i. Finished floor levels and ceiling levels.
    - ii. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.
    - iii. Details of external painting and conservation works to the retained portions of the heritage buildings including the authenticity of any brickwork on the buildings and any corbelling or pattern that is to be employed.

## Heritage Conservation

7. Prior to the commencement of the development, including demolition, a detailed heritage conservation plan must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. The plan must be prepared by a suitably qualified heritage professional and a suitably qualified structural engineer and include detailed recommendations for the protection and integration of the historic buildings across the site, including salvaging and reuse of redbrick to the extent possible, to ensure the heritage integrity of all buildings is protected and demonstrate the means by which the heritage buildings and fabric will be supported during demolition and construction works to ensure their retention.
8. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage buildings and fabric to be retained in accordance with the endorsed heritage conservation plan. Where hidden and original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made.
9. Prior to the commencement of the development, including demolition and bulk excavation, a bank guarantee or bond to the value of \$200,000.00 must be deposited with the Responsible Authority to ensure that retained parts of the Tallow Store (Store No.3), Store No.1 and Store

No.2 are not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.

10. 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 as otherwise agreed with the Responsible Authority.

#### **Construction Management Plan**

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

The 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.
12. If a Construction Management Plan or Traffic and Loading 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) approved under this permit, a revised TPP must be submitted to and approved by, Melbourne City Council - Urban Forestry and Ecology.

#### **Glare**

13. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

#### **Reflectivity**

14. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

#### **Land Use - General**

15. Noise levels emanating from the uses hereby permitted must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.
16. Except with a further permit, the development / uses hereby permitted must not include:
  - a) A live music entertainment venue;
  - b) Amplified music or entertainment, which exceeds background music levels; and
  - c) Any loudspeaker, amplified, relay or other audio equipment installed outside a building.

#### **Traffic Engineering**

##### **Bicycle facilities**



17. The design and dimensions of the bicycle parking spaces must generally comply with the relevant Australian Standards or Bicycle Network Guidelines.

#### **Car parking layout and access**

18. All spaces, ramps, grades, transitions, accessways, height clearances and car lift must be designed in accordance with the Melbourne Planning Scheme and/or AS/NZS 2890.1:2004, to the satisfaction of Melbourne City Council – Engineering Services.
19. Pedestrian sight triangles of 2.0 metres x 2.5 metres must be provided at the exits from the Elizabeth Street car park, as required by the Melbourne Planning Scheme. Columns should be located between 0.25 metres - 1.25 metres from the open end and  $\leq 1.75$  metres from the closed end of the relevant standard car spaces, as required by the Melbourne Planning Scheme, except with the further consent of Melbourne City Council – Engineering Services.
20. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly lined 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**

21. Prior to the commencement of the development, including demolition and bulk excavation, 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 and waste arrangements;
  - c) Internal circulation / layout;
  - d) The need to ensure vehicles entering the site do not queue in Elizabeth Street or obstruct pedestrians / bicycles / traffic;
  - e) Investigation of how appropriate sightlines / protection can be achieved for pedestrians / vehicles while preserving the heritage integrity of the Elizabeth Street façade of the heritage building (if required).

When provided to the satisfaction of Melbourne City Council – Engineering Services, the Road Safety Audit will be endorsed to form part of this permit.

#### **Traffic and Loading Management Plan (“TLMP”)**

22. Prior to the commencement of the development, including demolition and bulk excavation, a comprehensive TLMP must be prepared to the satisfaction of Melbourne City Council – Engineering Services, specifying how the traffic associated with the permitted uses and development including access / egress of loading vehicles is to be managed during construction and operation, ensuring that:
  - a) A ramp grade of  $<1:10$  is provided for the first 5 metres from the site boundary at the access.
  - b) Loading bays, including all space dimensions, grades & height clearances, are designed in accordance with relevant Australian and New Zealand Standards or other relevant standards as determined by a suitably qualified traffic engineer.
  - c) 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 TLMP.
  - d) The delivery needs of the various components of the uses and development can be accommodated.
  - e) Vehicles do not queue on-street.
  - f) Vehicles are able to both access / egress the site in a forward direction.

- g) Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
- h) Vehicles do not stop, park, load or unload at a clearway.

The TLMP is to be submitted to and approved by Melbourne City Council – Engineering Services.

### **Wind Test Modelling**

23. Prior to the commencement of the development, including demolition and bulk excavation, an updated Wind Tunnel Test and Wind Analysis Report of the development must be submitted.

The updated report must be generally in accordance with the Wind Study prepared by Mel Consultants Pty Ltd (dated March 2021), but must be prepared on the basis of updated plans for consideration under condition 1 of this permit. The updated Wind Tunnel Test and Wind Analysis Report must set out any recommended design revisions necessary to achieve the safety criterion identified in the report prepared by Mel Consultants Pty Ltd (dated March 2021), and must not rely on existing or proposed vegetation for this purpose.

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

### **Waste Management**

24. Prior to the commencement of the development, including demolition and bulk excavation, an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Rawtec (dated 2 December 2020), but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans). 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.
25. 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 the prior consent of the Melbourne City Council - Engineering Services.
26. 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 Council.

### **Environmentally Sustainable Design**

27. Prior to the commencement of the development, excluding demolition and bulk excavation, an amended Environmentally Sustainable Design (ESD) Statement, generally in accordance with the ESD Statement prepared by Cundall Johnston & Partners Pty Ltd (Revision C, dated 25 February 2021) must be submitted to and approved by the Responsible Authority. The amended SMP must be prepared by Cundall Johnston & Partners Pty Ltd or a similarly qualified person / company and provide:
- a) Benchmarking of the buildings' green infrastructure quality by use of City of Melbourne's Green Factor Tool, except with the further consent of the Responsible Authority;
  - b) Clarification as to the approximate sizing/capacity of any indicative solar PV system.
  - c) An updated Water Sensitive Urban Design (WSUD) response for the development, which employs MUSIC modelling in lieu of STORM modelling.

When provided to the satisfaction of the Responsible Authority the amended SMP will be endorsed to form part of this permit.

28. Prior to the occupation of the development, a report from the author of the endorsed ESD Statement, or similarly qualified person or company, outlining how the performance outcomes specified in the amended ESD Statement 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 approved ESD Statement report have been implemented in accordance with the relevant approved plans. This may include evidence from the application of the NABERS tool and One Planet Living Framework, detailing how the initiatives have been implemented and will be monitored.

### **One Planet Registration**

29. Prior to the commencement of the development, excluding demolition and bulk excavation, a copy of the project's One Planet registration and Action Plan must be submitted to the Responsible Authority.
30. Following final BioRegional endorsement of the project's One Planet Action Plan, copies of the certificate of endorsement must be submitted to the Responsible Authority.

### **Landscape Package**

31. Prior to commencement of development, excluding demolition and bulk excavation, a complete Landscape package and Landscape Maintenance Plan in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. 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.

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

#### **Tree Protection Plan (TPP)**

32. Prior to the commencement of the development, including demolition and bulk 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 and Ecology. When provided to the satisfaction of Melbourne City Council – Urban Forestry and 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](mailto:trees@melbourne.vic.gov.au).
33. 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 Council.
34. Following the approval of a 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 the Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

#### **Public Realm Civil Works (Tree Plots)**

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

#### **Potentially Contaminated Land and Remediation**

37. Prior to the commencement of the development, excluding demolition and including bulk excavation, the permit holder or owner 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.
38. 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 permit holder or owner 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 current 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).

- A recommendation (yes or no) 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).
39. 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.
40. 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 permit holder or owner must provide either:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
  - b) A Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).

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 permit holder or owner 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.

### 3D Digital Model

41. 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, Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Council may be shared with other government organisations for planning purposes. The 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 Council.
42. Before the development starts, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

### Building Appurtenances and Services

43. 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.
44. 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.
45. All service pipes, apart from roof down pipes and those already on the existing heritage buildings, must be concealed from the view of a person at ground level in Elizabeth Street.

#### **Drainage**

46. Prior to the commencement of the development, excluding demolition and bulk excavation, a stormwater drainage system, incorporating integrated water management design principles must be submitted to and approved by Melbourne City Council – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Council's underground stormwater drainage system.
47. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council – Infrastructure and Assets.
48. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

#### **Demolish and Construct Access**

49. 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 Melbourne City Council – Infrastructure and Assets.

#### **Reconstruction of Roads and Footpaths**

50. All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – Infrastructure and Assets.
51. The footpath(s) adjoining the site along Elizabeth Street must be reconstructed together with associated works including the renewal and reconstruction 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 Melbourne City Council – Infrastructure and Assets.
52. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council – Infrastructure and Assets.

#### **Street Lighting**

53. 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 written approval of Melbourne City Council – Engineering Services.

#### **Street Furniture**

54. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
55. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Spencer Street and Jeffcott Street footpaths outside the proposed

building to plans and specifications first approved by Melbourne City Council – Engineering Services.

### Public Lighting

56. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Melbourne City Council, a lighting plan must be prepared to the satisfaction of the Council. The lighting plan should be generally consistent with the Council's Lighting Strategy and include provision of public lighting in the streets adjacent to the subject land. 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 – Infrastructure and Assets.

### Section 173 Agreement – Developer Contribution

57. Prior to the commencement of works, excluding demolition and bulk excavation, the owner of the land must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* for the following:

- a) The owner/developer to pay a development contribution of:
  - i. \$17,053 per dwelling,
  - ii. \$193 per sqm of gross commercial floor area,
  - iii. \$161 per sqm of gross retail floor area,
  - iv. Or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority, in consultation with Melbourne City Council,
- b) Require that the development contributions are to be indexed quarterly from 1 January 2018 to the Price Index of the Output of the Construction Industries (Vic.) published by the Australian Bureau of Statistics (ABS).
- c) Require registration of the agreement on the titles to the affected lands as applicable.
- d) Confirm that contributions will be payable to the City of Melbourne.
- e) Require that where the planning permit authorises buildings and works and a subdivision of the subject land, full payment of the development contribution must be paid before the issue of a Statement of Compliance in respect of that subdivision or where the planning permit authorises buildings and works but not subdivision, the development contribution must be paid before the issue of either the certificate of occupancy (in the case of a building) or a certificate of completion (in the case of works).
- f) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- g) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

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

### Section 173 Agreement – Community Benefit: Public Access for Railway Connection

58. Prior to the commencement of works, excluding demolition and bulk excavation, the owner of the land must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987*, regarding the planned bicycle and pedestrian connection adjacent to the railway reserve for Stage 1 and Stage 2 of the Younghusband redevelopment project (the Connection), for the following:
- a) Provide that the Connection will remain privately owned and controlled.
  - b) Require the Owner to maintain 24-hour unobstructed public access (7 days a week) to the Connection.

- c) Provide that the Owner will, at its cost, make the necessary physical changes to the Connection in the event that the adjoining land at 52-112 Elizabeth Street, Kensington, is developed in such a way that would permit the Connection to extend through the site to Arden Street.
- d) Require registration of the agreement on the titles to the affected lands as applicable.

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

**Section 173 Agreement – Community Benefit: Heritage Retention**

59. Prior to the commencement of works, including demolition and bulk excavation, the owner of the land must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* for the following:

- a) That the Agreement applies to all land included in Plan of Consolidation 359143N (Vol. 10676, Fol. 123).
- b) That the Agreement relates to the following planning approvals:
  - i. Stage 1 of the Younghusband redevelopment project, authorised by Planning Permit TP-2017-606, issued by Melbourne City Council;
  - ii. Stage 2 of the Younghusband redevelopment project, authorised by Planning Permit PA2001041, issued by the Minister for Planning.
- c) That Schedule 63 (Macaulay Urban Renewal Area, Kensington and North Melbourne) (Area 4) to Clause 43.02 Design and Development Overlay of the Melbourne Planning Scheme (DDO63-A4) applied to the land at the time Planning Permit PA2001041 was granted.
- d) That the development authorised by Planning Permit PA2001041 is required to demonstrate a benefit to the broader community, as provided by DDO63-A4, as the development exceeds the Preferred maximum height requirement.
- e) That the extent of retention of the Younghusband Grain and Wool Warehouses heritage place achieved in Stage 1 of the Younghusband redevelopment project, authorised by Planning Permit TP-2017-606, is considered to provide a demonstrable benefit to the broader community within the meaning provided by DDO63-A4.
- f) That the Agreement attaches:
  - i. the demonstrable benefit to the broader community achieved in Stage 1 of the Younghusband redevelopment project associated with the extent of heritage retention included in the development authorised by Planning Permit TP-2017-606; to
  - ii. the demonstrable benefit to the broader community required by the development authorised by Planning Permit PA2001041, which includes an eight-storey new building and associated six-storey addition above the Tallow Store, under DDO63-A4.
- g) The extent of retention of the Younghusband Grain and Wool Warehouses heritage place as authorised by Planning Permit TP-2017-606 is to be maintained, except with the further permission of the Responsible Authority, as a demonstrable benefit to the broader community required by Planning Permit PA2001041.

- a) Require registration of the agreement on the titles to the affected lands as applicable.

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

<Placeholder for Referral Authority Conditions – if applicable>



## Permit Expiry

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

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

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

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

## Notes

### **Building**

- A. 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**

- B. 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**

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

### **Civil Engineering**

- D. 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.

### **Melbourne City Council Open Space Planning**

- E. The areas described as 'open space' in the Design Response Proposed Building Use diagram (page 47 of the Woods Bagot report) are proposed to remain in private ownership. Open Space Planning supports this, as these spaces do not meet the criteria for public open space reserves for vesting in Council.

### **Urban Forestry & Ecology**

- F. 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.
- G. 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.

#### H. 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](mailto: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.

- 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 significant or controversial tree removals, may be subject to 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 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 2-50 Elizabeth Street, Kensington, as proposed under Application PA2001041.

The following PPF clauses are considered relevant to Application PA2001041:

- 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 15.03 – Heritage
    - Clause 15.03-1S – Heritage Conservation
- 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 PA2001041:

- 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 PA2001041:

- Clause 22.05 – Heritage Places outside the Capital City Zone
- Clause 22.17 – Urban Design outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management