

Management report to Council

Agenda item 6.3

Planning Permit Application: TP-2019-916 Elizabeth Street between Flinders Street and Flinders Lane, Melbourne

Council

Presenter: Jane Birmingham, Practice Leader Land Use and Development

28 April 2020

Purpose and background

1. The purpose of this report is to advise Council of a planning permit application seeking approval for roadworks on the east side of Elizabeth Street between Flinders Street and Flinders Lane, Melbourne (refer to Attachment 2 – Locality Plan).
2. The applicant is Melbourne City Council and the land is a road managed by Melbourne City Council. The plans have been prepared by Melbourne City Council (Design Studio).
3. The land is located within the Capital City Zone Schedule 2 (CCZ2) and is affected by the Heritage Overlay (HO505 – Flinders Gate Precinct, HO506 – Flinders Lane Precinct and HO649 - Flinders Street Railway Station Complex), Design and Development Overlay Schedule 1 (Active Street Frontage), Schedule 2 (Special Character Areas – Built Form [Hoddle Grid]), Schedule 3 (Traffic Conflict – Capital City Zone), Schedule 4 (Weather Protection – Capital City Zone), Schedule 10 (General Development Area – Built Form) the Special Building Overlay (SBO) and the Parking Overlay Schedule 2 (PO2).
4. The application proposes partial demolition of the existing footpath, kerb and channel to the eastern side of Elizabeth Street and the construction of an extended footpath in sawn bluestone and feature grit-blasted pavers with a new custom strip drain. A planning permit is required for these works under the provisions of the SBO and HO.
5. New tree planting, street furniture, bicycle hoops, drinking fountains and relocated infrastructure are also proposed, however these works do not require a planning permit. The works are Stage 1 of the City of Melbourne's Elizabeth Street Streetscape Improvements.
6. Public notice of this application has been undertaken and no objections were received. One letter of support was received.

Key issues

7. The key issues for consideration are limited to heritage and land subject to inundation (flooding) requirements.
8. The proposal will result in enhanced and increased public space to meet the growing needs of residents, workers and visitors to the central city.
9. Flood modelling demonstrates that the proposal would result in a reduction in flood risk in the area. Melbourne Water is a determining referral authority and the relevant flood plain manager does not object to the proposal, subject to conditions and advice being included on any permit issued.
10. The proposed roadworks do not have an adverse impact on the significance and key attributes of the Flinders Gate and Flinders Lane Heritage Precincts. No original fabric is sought to be removed, and the detailed design of the proposal is consistent with the environs of the Hoddle Grid.

Recommendation from management

11. That Council resolves that a Planning Permit be issued subject to the conditions set out in the Delegate Report (refer Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 22)
2. Locality Plan (Page 3 of 22)
3. Plans (Page 4 of 22)
4. Delegate Report (Page 8 of 22)

Supporting Attachment

Legal

1. Pursuant to section 96(1) of the Planning and Environment Act 1987 (Act), 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority, unless the planning scheme gives an exemption'.
2. Clause 67.01 of the Melbourne Planning Scheme provides an exemption from the provisions of Section 96 of the Act for the proposed development.
3. Pursuant to Clause 67.02 of the Melbourne Planning Scheme, notice was given in accordance with section 52(1)(c) of the Act to the owners and occupiers of the adjoining land and the Nation Trust (Victoria).

Finance

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

Conflict of interest

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

Health and Safety

5. Relevant planning considerations such as potential flood risk that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public Notice of the application has been undertaken pursuant to Clause 67.02 of the Melbourne Planning Scheme and Section 52 of the Act.

Relation to Council policy

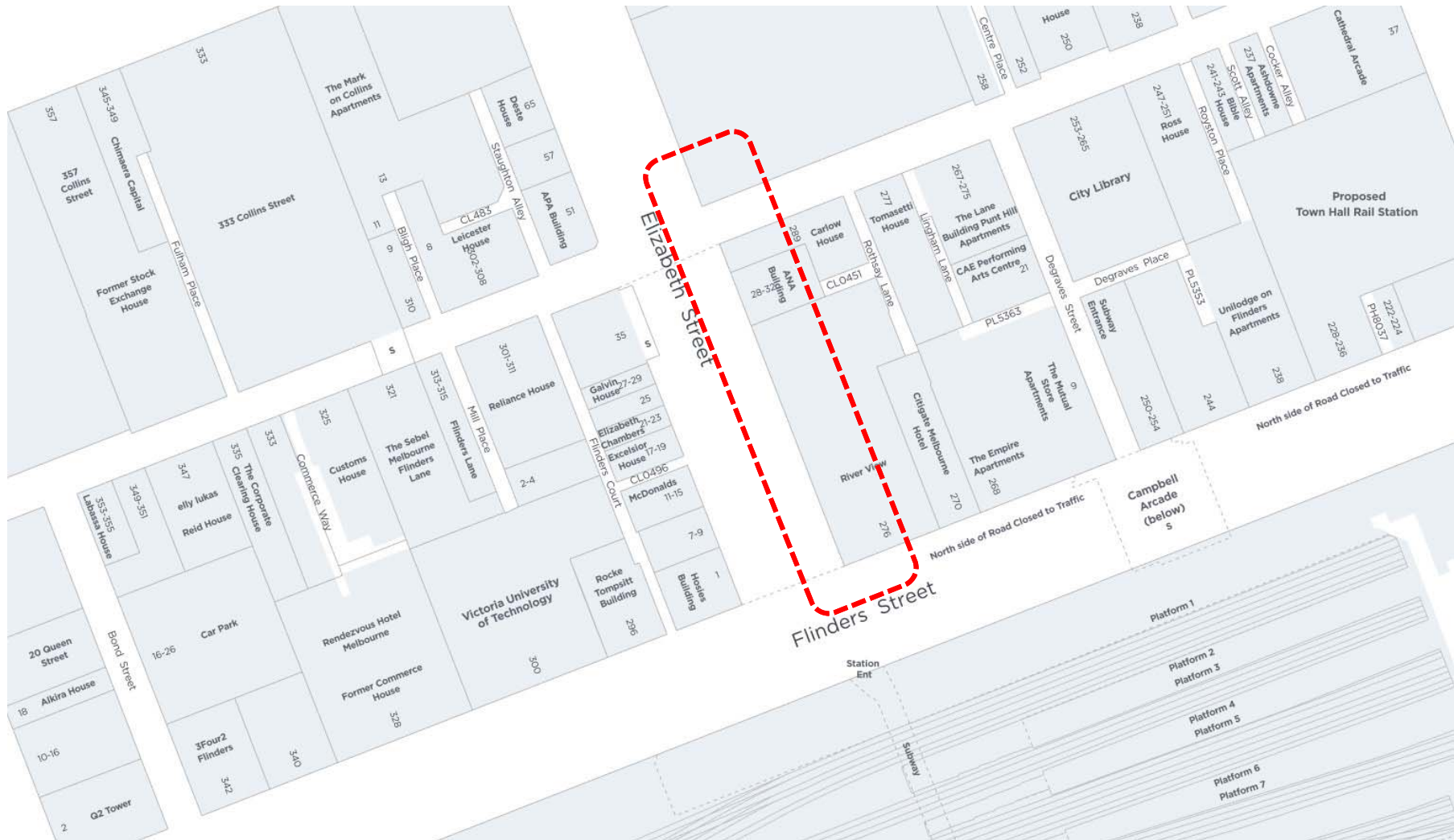
7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

Environmental sustainability

8. Clause 22.19 Energy, Water and Waste Efficiency of the Melbourne Planning Scheme does not apply to roadworks.

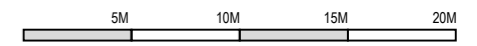
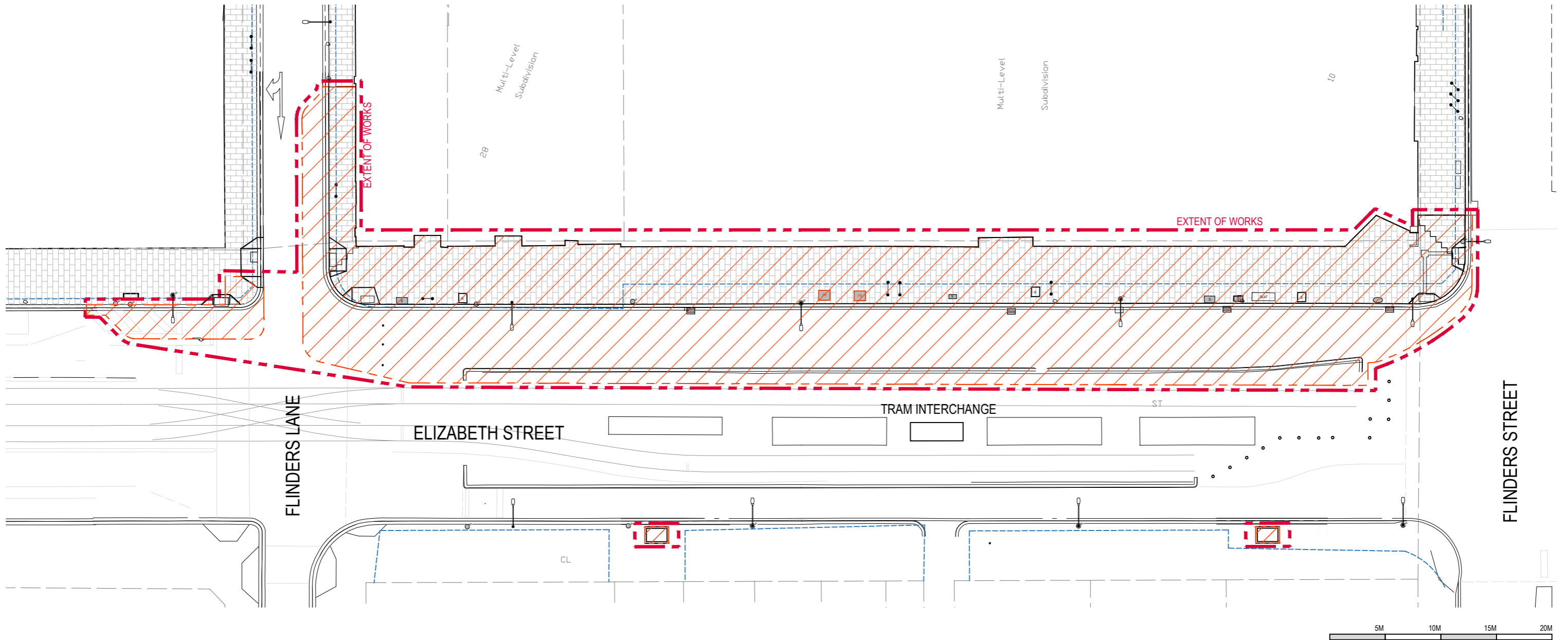
Locality Plan

Elizabeth Street between Flinders Street and Flinders Lane, Melbourne



ELIZABETH STREET STREETScape IMPROVEMENTS - STAGE 1 WORKS

EXISTING CONDITIONS AND DEMOLITION PLAN



LEGEND

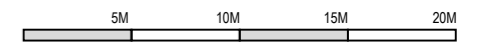
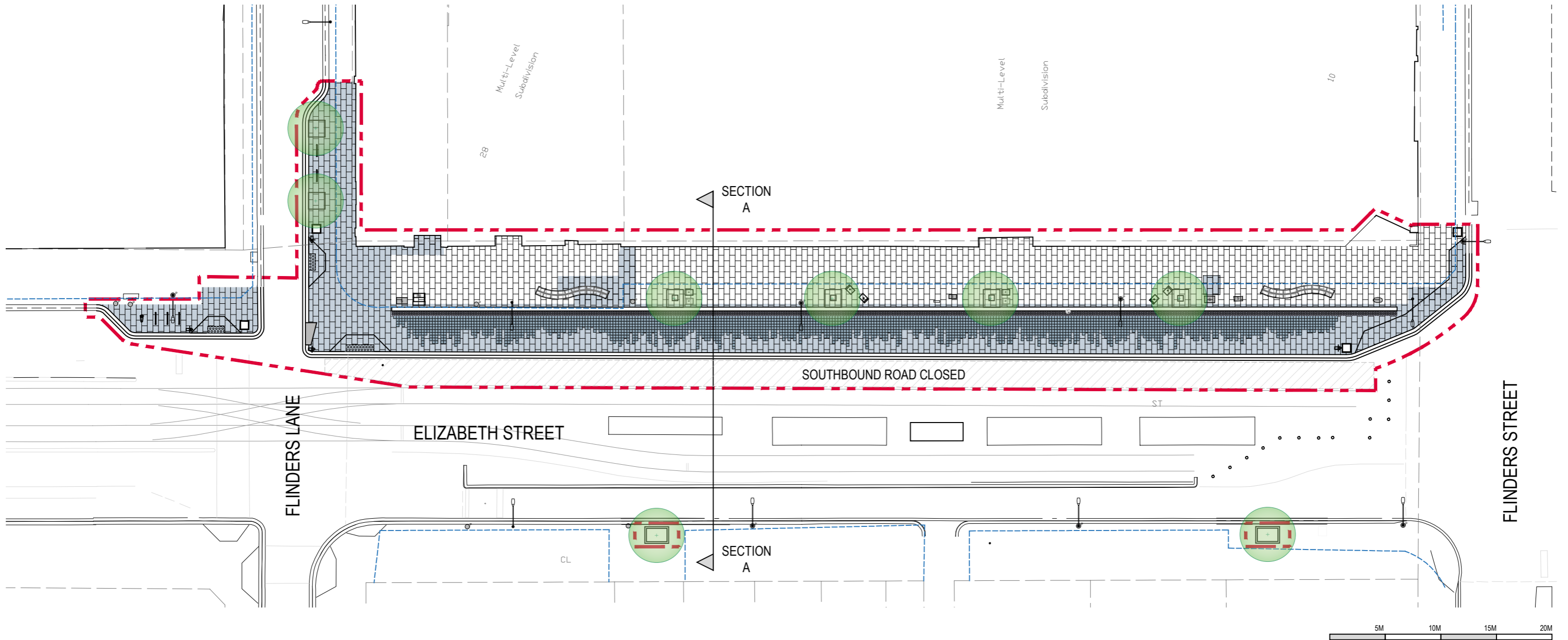
- | | | | | | |
|--|---|--|--------------------------|--|-------------|
| | GENERAL EXTENT OF WORKS | | EXISTING AWNING | | RUBBISH BIN |
| | EXTENT OF DEMOLITION | | EXISTING SERVICES PILLAR | | BENCH SEAT |
| | EXISTING CITY OF MELBOURNE STANDARD SAWN BLUESTONE PAVERS | | TELSTRA PHONE BOOTH | | |
| | EXISTING TRAM CATENARY POLE | | BIKE HOOPS | | |
| | EXISTING STREET LIGHT. LUMINARIES TO BE UPGRADED. | | STREET SIGN | | |



CITY OF MELBOURNE

ELIZABETH STREET STREETScape IMPROVEMENTS - STAGE 1 WORKS

PROPOSED LANDSCAPE PLAN



LEGEND

	GENERAL EXTENT OF WORKS		NOM. 400-500mm THICK FREESTANDING BLUESTONE WALL. 450mm HIGH.		CUSTOM TREE PIT & GRATE		EXISTING STREET LIGHT. LUMINARIES TO BE UPGRADED.
	NEW TREE		CITY OF MELBOURNE STAINLESS STEEL SEATING		CITY OF MELBOURNE STANDARD TREE PIT		LINE OF EXISTING AWNING ABOVE
	EXISTING CITY OF MELBOURNE STANDARD SAWN BLUESTONE PAVERS		CITY OF MELBOURNE STAINLESS STEEL SWIVEL SEATS		RE-LOCATED/NEW RUBBISH BIN		EXISTING SERVICES PILLAR
	NEW CITY OF MELBOURNE STANDARD SAWN BLUESTONE PAVERS		CUSTOM STRIP DRAIN		RELOCATED/NEW TRAFFIC LIGHT		REFER PAGE 8 FOR TYPICAL SECTION
	GRIT BLASTED FEATURE PAVERS		CITY OF MELBOURNE STANDARD BICYCLE HOOPS		RELOCATED TELSTRA PHONE BOOTH		
	TACTILE GROUND SURFACE INDICATORS		CITY OF MELBOURNE STANDARD DRINKING FOUNTAIN				

The scope of Stage 1 works includes:

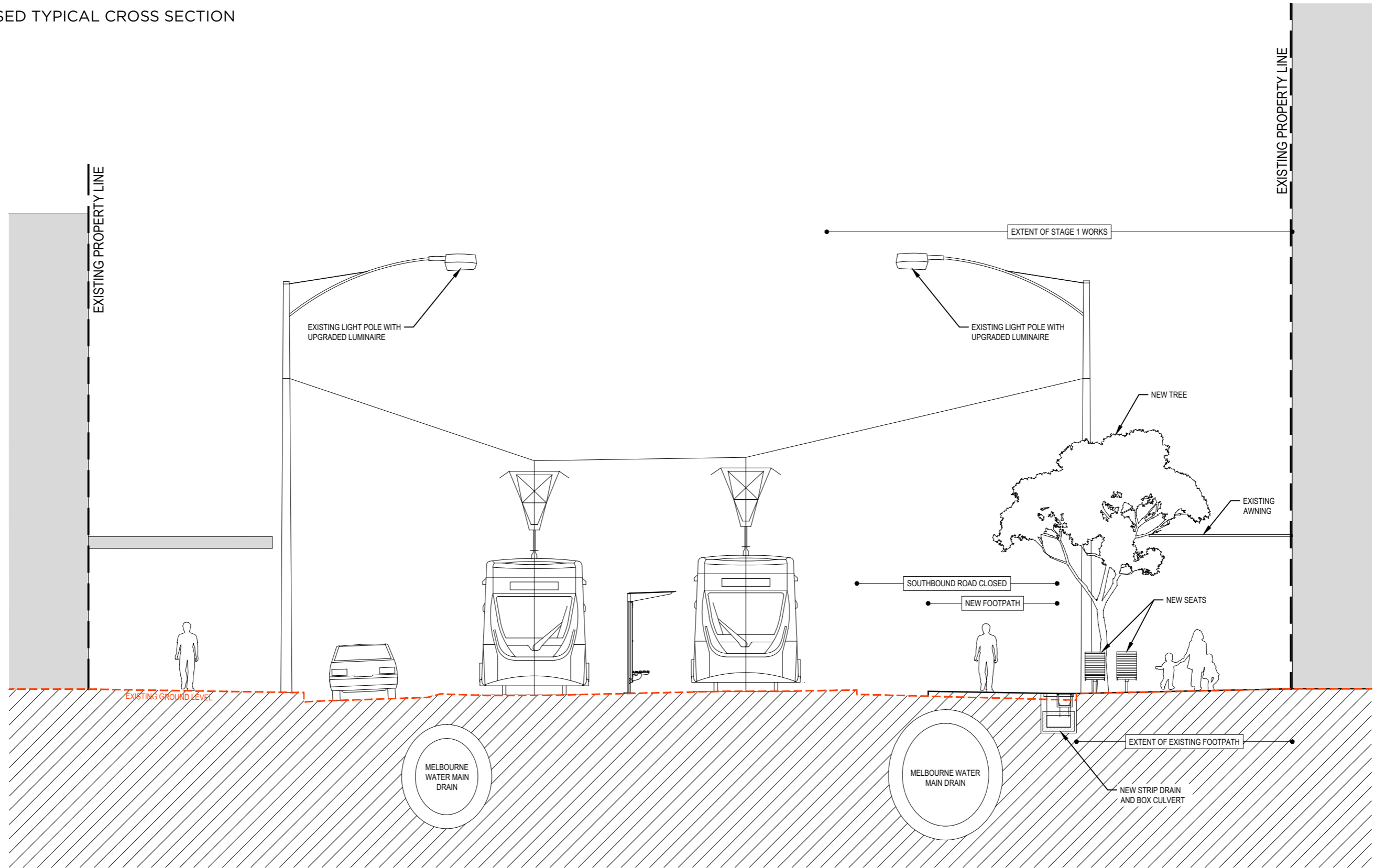
- new street trees
- expanded pedestrian access and pavement upgrades
- new seating, bins and bicycle hoops
- drainage upgrades



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ELIZABETH STREET STREETScape IMPROVEMENTS - STAGE 1 WORKS

PROPOSED TYPICAL CROSS SECTION



SECTION A SCALE 1:100 @A3



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ELIZABETH STREET STREETScape IMPROVEMENTS – STAGE 1 WORKS

PROPOSED MATERIALS AND FINISHES

SURFACES



Diamond sawn bluestone pavers



Grit blasted feature pavers



Hazard and directional tactile indicators



Customised tree grates
Indicative image only. Subject to detailed design.



Customised strip drain
Indicative image only. Subject to detailed design.

FURNITURE



Conversation seats



Swivel seats



Drinking fountain



Rubbish bins



Bicycle hoops

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2019-916
Applicant:	Melbourne City Council
Owner:	Melbourne City Council
Architect:	Melbourne City Council (Design Studio)
Address:	Elizabeth Street between Flinders Street and Flinders Lane, MELBOURNE
Proposal:	Roadworks in land subject to the Special Building Overlay and Heritage Overlay (HO505 - Flinders Gate Precinct and HO506 - Flinders Lane Precinct)
Cost of works:	\$2.7 million
Date of application:	14 November 2019
Responsible officer:	Adam Birch

1 SITE AND SURROUNDS

The location of the proposal is the east side of Elizabeth Street between Flinders Street and Flinders Lane (see Figure 1).

The southern end of Elizabeth Street has the following characteristics and features:

- A tram-stop terminus located in the centre of the road
- A vista towards the Flinders Street Station Clock tower
- Bluestone paving, kerbs and channels
- Footpaths approximately 5.5 metres wide
- On-street car parking spaces
- No street trees.

Elizabeth Street is prone to flooding due to being the lowest geographic point of the Hoddle Grid and built over a historic creek. An existing Melbourne Water drain is located under the road.

On the east side of Elizabeth Street are the following affected properties:

- 276 Flinders Street, Melbourne, also known as Riverview House, which contains a 16 storey building constructed in 1972 and a recently constructed addition.
- ANA Building at 28 Elizabeth Street, which is a nine storey office building constructed in 1939.
- Carlow House at 34-36 Elizabeth Street, which is a 10 storey office building constructed in 1939.

Figure 1: Location of proposed roadworks

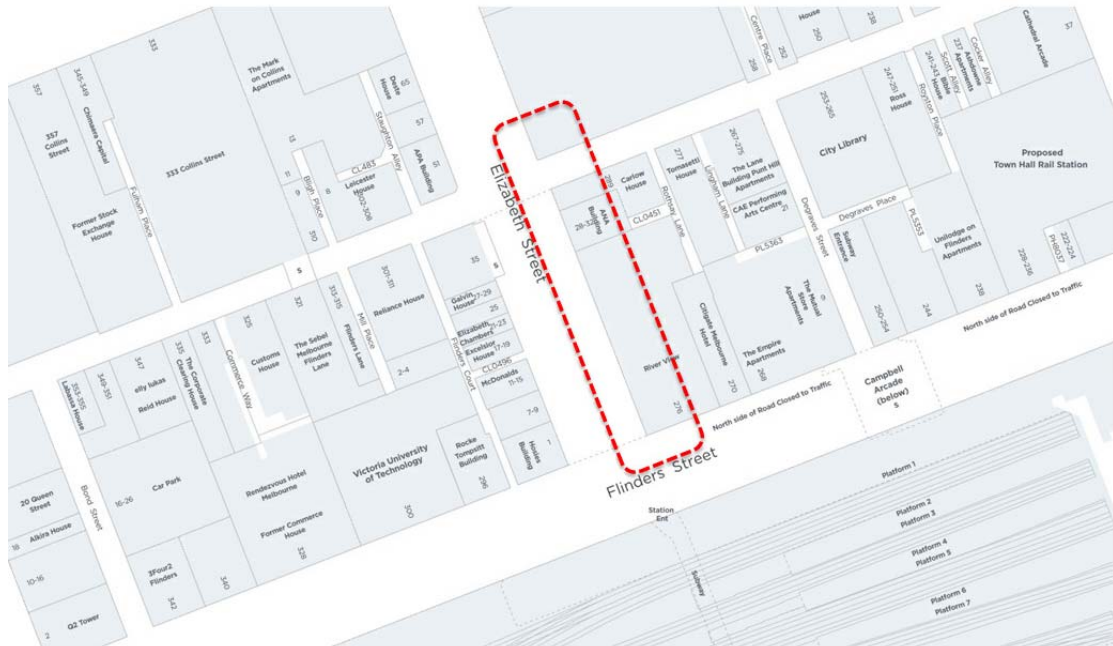


Figure 2: Elizabeth Street (view north from the intersection of Flinders and Elizabeth Streets)



2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Council’s Capital Works Team met with Planning officers prior to the lodgement of the application to discuss the proposal and the referral requirements for the application.

2.2 Planning Application History

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

3 PROPOSAL

The plans which have been considered in this planning assessment are the ‘Elizabeth Street Streetscape Improvements – Stage 1 Works’ dated 18 December 2019. The application seeks approval for roadworks in land subject to the Special Building Overlay and Heritage Overlay (HO505 - Flinders Gate Precinct and HO506 - Flinders Lane Precinct). The roadworks include (see Figure 2 and 3):

- Partial demolition of the existing footpath, kerb and channel to the eastern side of Elizabeth Street.
- Construction of an extended footpath in sawn bluestone and feature grit-blasted pavers with new custom strip drain.

New tree planting, street furniture, bicycle hoops, drinking fountains and relocated infrastructure are also proposed which do not require a planning permit.

As a result of the proposed roadworks, southbound traffic will be permanently closed to through-traffic.

In support of the application a Flood Impact Assessment by Water Technology dated 28 February 2020 was provided to Melbourne Water.

Figure 3: Proposed Landscape Plan

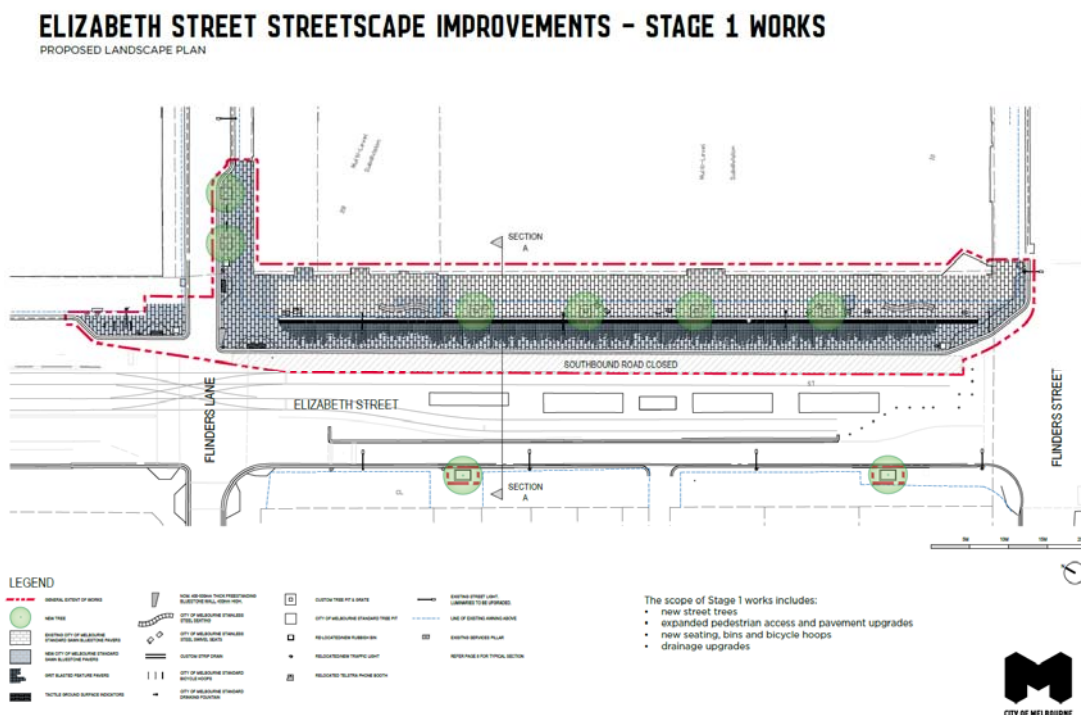
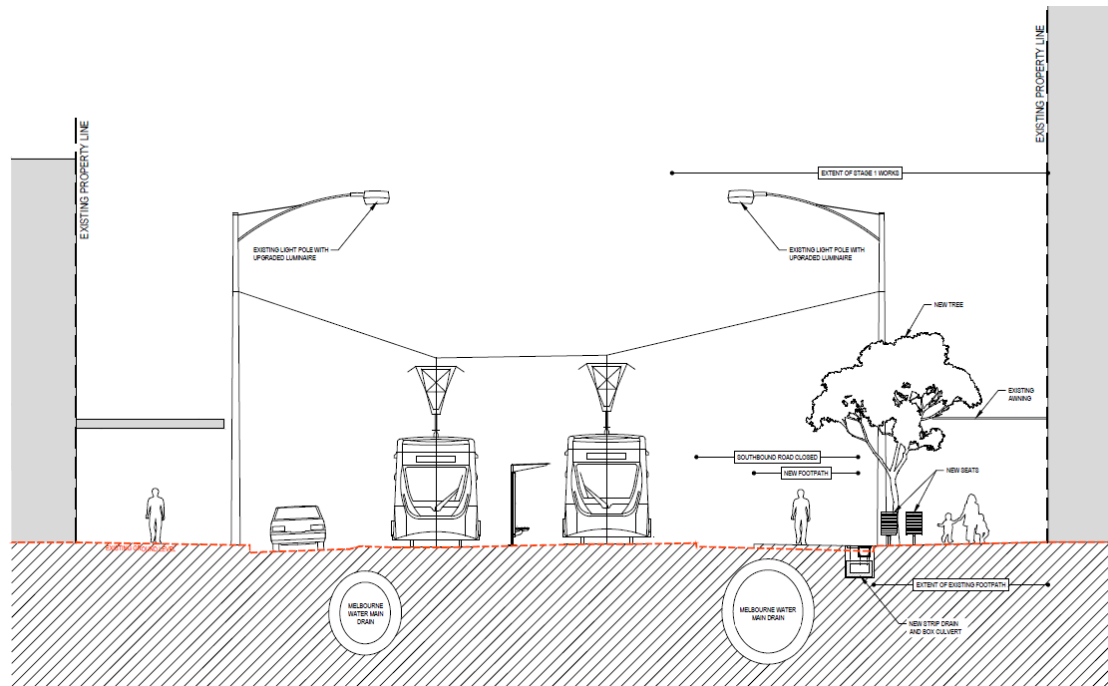


Figure 4: Proposed Typical Cross-section



4 STATUTORY CONTROLS

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

Table 1: Permit Triggers	
Clause	Permit Trigger
General Exemptions (Clause 62)	Pursuant to Clause 62.02-2, a permit is not required for roadwork unless specifically required by the planning scheme:
Clause 37.04 Schedule 2 (Capital City Zone - Retail Core)	No permit required Pursuant to Clause 37.4-4 a permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. A permit is required to demolish or remove a building or works if specified in the schedule to this zone. Under Schedule 2, a permit is not required for roadworks.
Clause 43.01 - Heritage Overlay (HO505 – Flinders Gate Precinct) (HO506 – Flinders Lane Precinct) (HO649 - Flinders Street)	Permit required for roadworks in areas of local significance : (HO505 – Flinders Gate Precinct) (HO506 – Flinders Lane Precinct) Pursuant to Clause 43.01-1, a permit is required for roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials. Permit not required in area of state significance

Railway Station Complex) VHR Reference: H1083)	(HO649 - Flinders Street Railway Station Complex) Pursuant to Clause 43.01-3, a permit is not required to develop a heritage place which is included in the Victorian Heritage Register. A works exemption has been granted by Heritage Victoria on 24 March 2020.
Clause 43.02 Design and Development Overlay Schedule 1 (Active Street Frontage) Schedule 2 (Special Character Areas – Built Form [Hoddle Grid]) Schedule 3 (Traffic Conflict – Capital City Zone) Schedule 4 (Weather Protection – Capital City Zone) Schedule 10 (General Development Area – Built Form)	No permit required Schedules 1, 2, 4 & 10 do not specifically require a planning permit for roadworks. Schedule 3 does not require a permit to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way. The area of the proposed works does not contain any existing crossovers, therefore a permit is not required for the roadworks in the area affected by DDO3. Therefore a permit is not required under DDO1, DDO2, DDO3, DDO4 and DDO10.
Clause 44.05 Special Building Overlay	Permit required Pursuant to Clause 44.05-2 a permit is required to construct a building or to construct or carry out works including roadworks, if the water flow path is redirected or obstructed. Pursuant to Clause 44.05-6, an application must be referred to the relevant floodplain management authority (Melbourne Water) under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.
Parking Overlay Schedule 2 (Capital City Zone – Retail Core)	The overlay relates to the provision of setting out maximum car parking rates. No additional car parking is proposed by the application. Therefore a permit is not required under PO2.

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

The relevant provisions of the PPF are listed as follows:

- Clause 13.05-1S Floodplain Management

- Clause 15 Built Environment and Heritage
- Clause 18 Transport
- Clause 19.02-06S Open Space

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are listed as follows:

- Clause 21.05 Environment and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport
- Clause 21.12 Hoddle Grid

5.2.2 Local Policies

The relevant local policies are listed as follows:

- Clause 22.04 Heritage Places within the Capital City Zone
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

6 PARTICULAR PROVISIONS

There are no relevant particular provisions for this proposal.

7 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66, Referral and Notice Provisions
- Clause 67 (Applications under Section 96 of the Act).

8 PLANNING SCHEME AMENDMENTS

The following planning scheme amendments have been submitted to the Minister for Planning for gazettal:

- *Planning Scheme Amendment C258 - Heritage Policies Review and West Melbourne Heritage Review*
- *C308 Urban Design in Central Melbourne*

These amendments are considered to be seriously entertained.

8.1 C258 Heritage Policies Review and West Melbourne Heritage Review

Planning Scheme Amendment C258 seeks to introduce a new local policy at Clause 22.04 is proposed for Heritage Places within the Capital City Zone. Relevant to this application is the following policy:

Street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, is designed and sited to avoid:

- *impacts on views to significant or contributory places and contributory elements;*
and

- *physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure, lanes and street tree plantings.*
- *For existing historic street / lane fabric and infrastructure, restoration, reconstruction and maintenance be carried out in a way that retains the original fabric, form and appearance.*

8.2 C308 Urban Design in Central Melbourne

Planning Scheme Amendment C308 seeks to introduce a new Design and Development Overlay Schedule 1 (DDO1). The proposed DD01 would not apply to the proposed roadworks.

9 ABORIGINAL HERITAGE REGULATIONS 2018

The land is in an area located within an area of cultural heritage sensitivity that has previously been subject to significant ground disturbance. Although a Cultural Heritage Management Plan (CHMP) is not required under the *Aboriginal Heritage Regulation 2018* for the project, a voluntary CHMP has been approved on 19 February 2020 by Aboriginal Victoria.

10 PUBLIC NOTIFICATION

Because the City of Melbourne is the applicant, pursuant to Clause 67.02 and in accordance with Section 52(1)(c) of the Act, notice was given by ordinary mail to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria).

11 CONSULTATION

The application has not received any objections.

One letter of support has been received for the application, requesting that a number of matters be taken into consideration. These are noted below together with the officer's response:

Table 2: Consultation	
Matters Raises	Response
Tree species selection to minimise leaf litter onto existing glass awning.	<p>Species Selection</p> <p><i>Angophora floribunda</i> - the Rough Barked Apple is the proposed species. The trees are evergreen and can reach a height of over 15m. The height will be limited due to the reduced soil volumes.</p> <p>Maintenance</p> <p>Trees will be visited weekly for the first two years for the establishment. During the first seven years of growth, the trees will be on the 'formative pruning program' which will establish the tree's form into the future. These trees will also be on the annual inspection program where they will be pruned to maintain clearances for</p>

	<p>pedestrians and buildings. This area will be swept daily by street sweepers so tree debris that falls will be removed from the pavement.</p> <p>Safety</p> <p>City of Melbourne undertakes regular tree risk assessments as part of a standard tree maintenance program. The risk assessments take into account site-specific requirements such as target occupancy i.e. the expected number of people that will be under the tree.</p>
<p>Space reserved for Outdoor Café Permits</p>	<p>City of Melbourne will accept applications from traders with proposals for Outdoor Café Permits, however all on-street trading applications will be considered in the context of the heavy pedestrian congestion in this section of Elizabeth Street.</p>
<p>Homelessness (rough sleeping) and anti-social behaviour</p>	<p>City of Melbourne provides support services and programs for rough sleepers.</p> <p>On-street support and compliance and outreach teams monitor the southern block of Elizabeth Street and Victoria Police has recently increased their presence in this area.</p> <p>Further consultation with the adjoining property owners about the management of anti-social behaviour in Rothsay Lane is to be undertaken.</p>
<p>Public lighting to improve safety and to discourage rough sleeping</p>	<p>Any existing lights requiring upgrades will be retrofitted with new luminaires as a short term safety solution while an overall lighting strategy is developed for the length of Elizabeth Street. The project's electrical engineer has noted that the existing and any proposed new luminaires will be compliant with the relevant streetscape lighting codes to ensure safety concerns are addressed.</p>
<p>Clarification on what on-street infrastructure (such as telephone booths) is proposed to be retained, relocated or removed.</p>	<p>An existing conditions plan with utility retention and / or relocation details was provided.</p> <p>Underground electrical conduits will be installed to future proof for further Council and / or State Government streetscape improvements.</p>

Request to widen the Flinders Lane footpath further to the east.	A widened footpath at the NE and SE corners of Flinders Lane and Elizabeth Street has been integrated into the plan to reduce pedestrian congestion. Further footpath widening along Flinders Lane is not within the current scope of works and would require extensive flood modelling to obtain Melbourne Water approval.
Construction management impact on existing traders on Elizabeth Street, including clear hoardings, temporary lighting and construction hours.	The City of Melbourne will share the relevant sections of the draft conditions of contract prior to tendering the contract to the adjoining building owners and occupiers to obtain feedback on the proposed retail access and hoarding design during construction.

12 REFERRALS

12.1 Internal

The application was referred to the Infrastructure and Assets branch and the following civil design and transport engineering comments were provided (summarised):

12.1.1 Civil Design Comments

No objection was made to the proposal and it was noted that the proposed drainage system may change if required.

Should the drainage design require modifications, it is considered that this could be undertaken by means of a secondary consent application, should a permit be issued.

12.1.2 Transport Engineering Comments

No objection to the proposal was made, subject to any signal and signage changes required as a result of the road closure by the Department of Transport (VicRoads).

City of Melbourne's Traffic Engineering has submitted the final signal remodelling plans to VicRoads for their final approval.

Should a permit be issued, this advice can be included as a note on permit.

12.2 External

The Melbourne Planning Scheme requires that the application be referred to the Relevant Flood Plain Manager (Melbourne Water). Melbourne Water did not object to the application subject to the following permit conditions and advice:

Conditions

1. *Prior to the endorsement of plans, the exact location of the Elizabeth Street Drain must be shown on the town planning drawings to the satisfaction of Melbourne Water.*
2. *The layout of the streetscape works as shown on the submitted plans must not be altered without prior written consent from Melbourne Water to allow for the conveyance of flood flow.*

3. *The landscaping structures including trees and benches etc must be designed to be structurally independent from the Elizabeth Street Drain to allow access to the drain for maintenance purposes.*
4. *A legal Build Over Agreement for structures / works located within five (5) metres of the Melbourne Water's drain must be entered into with Melbourne Water.*
5. *Prior to a building permit being issued, a separate Build Over application must be made directly to Melbourne Water's Asset Services Team for approval of works / structures within five metres of Melbourne Water's asset. Design plans must be submitted to include the following:*
 - a. *the exact location of the Elizabeth Street Drain*
 - b. *Demolition works*
 - c. *Landscaping including an arborist report detailing the suitability of tree species*
 - d. *Paving*
 - e. *method of works*
 - f. *A CCTV inspection of the drain between Flinders Street and Flinders Lane must be provided to Melbourne Water at the customer's cost before and after the works are being carried out;*
 - g. *Any other structures / works that are within easement or affecting the drain.*
6. *Prior to commencement of construction, a Work Method Statement and a Risk Task Assessment must be submitted outlining the general construction technique to be adopted. The statement must address the following:*
 - a. *cross section plans relating to streetscape works over the Elizabeth Street Drain.*
7. *Melbourne Water must have unrestricted access to the underground drain at all times, during construction and after.*
8. *Any damage caused to Melbourne Water's assets due to the development must be paid for in full by the developer.*

Advice

Asset Protection

Elizabeth Street contains the Elizabeth Street Drain, a Melbourne Water underground stormwater drain.

In this location the drain consists of two drains located along the east and west of Elizabeth Street.

The dimensions of the east drain is approximately 1880mm (h) x 1575mm (w) and the West drain is approximately 2590mm (h) x 2195mm (w). Both drains are an ovoid triple course brickwork drain constructed pre 1900's. The approximate cover to the top of the drain is less than 1.0 metre.

Build Over Agreement

A licensed surveyor must be engaged to locate the exact location of the Elizabeth Street Drain. The survey prepared by the licenced land surveyor must be done to Quality Level A as per Australian Standard AS5488. Melbourne Water Drainage manhole 4401/MH001, 4401/MH002 & 4401/MH011 are located as depicted in the plan attached.

Demolition Works

The streetscape works are located over the Elizabeth Street Drain. Due to the shallow depth of the drain the removal of the existing concrete and asphalt must be carried out in a manner to reduce the impact on the brick drain. A suitably qualified Engineer with experience on brick drains must be engaged to provide advice on vibration and loading limits. Alternative methods for concrete removal (from jack hammering) may have to be implemented accordingly.

Landscaping

The trees must be assessed by a qualified arborist in regards to the impact on the drain and protection measures to be implemented such as size of the holes for planting, and behaviour of the root system etc. The report from the arborist is to be provided to the structural engineer to advise on suitability of the trees and sent to Melbourne Water for further review and approval.

13 ASSESSMENT

The key matters for consideration are:

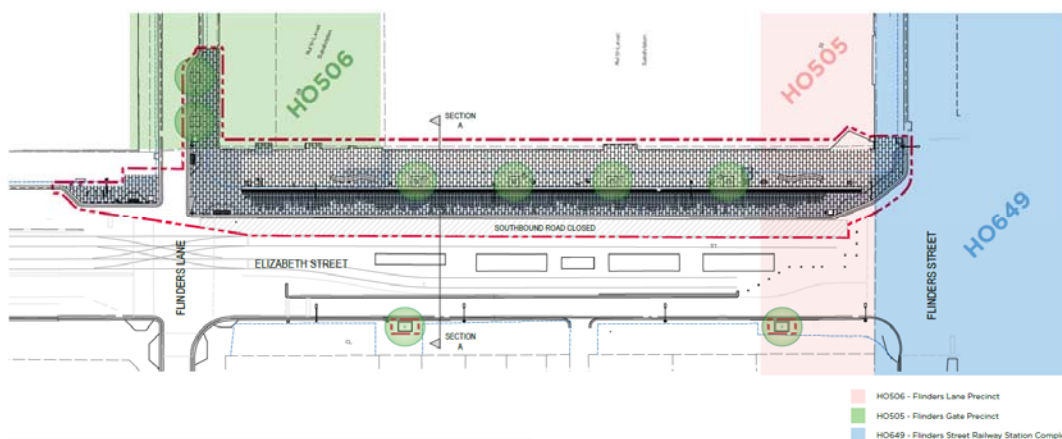
- Heritage
- Land subject to inundation (flooding).

13.1 Heritage

A permit is required for roadworks in the Heritage Overlay. Only the areas within the Flinders Gate Precinct (HO505) and the Flinders Lane Precinct (HO506) require a planning permit for roadworks. See Figure 5 for the location of the heritage precincts.

A planning permit is not required for the roadworks in the area affected by HO649 (Flinders Street Railway Station Complex) as this is listed on the Victorian Heritage Register. Heritage Victoria has granted consent for ground disturbance on 17 March 2020 and a Works Exemption has been granted by Heritage Victoria for the roadworks on 23 March 2020.

Figure 5: Location of Heritage Precincts



The proposed roadworks are considered to not have an adverse impact on the significance of the heritage place for the following reasons:

- The existing bluestone kerb and channel is not original fabric.

- The extension of the kerb would not have an adverse impact on the appearance of the heritage precinct.
- The bluestone paving, kerb and channel are consistent with the character and appearance of footpaths in the Hoddle Grid.
- The proposed roadworks would not disrupt views to the Flinders Street Station Clock tower as the works are at ground level.
- The proposed roadworks are of no consequence to the adjoining significant and contributory buildings located within the Flinders Lane and Flinders Gate Precincts.

Given the above, the proposal is considered to be consistent with the purpose of the Heritage Overlay, and the relevant policy considerations of Clause 22.04 of the Melbourne Planning Scheme.

13.2 Land subject to inundation (flooding)

A permit is required for roadworks in the Special Building Overlay (SBO). The purpose of the Special Building Overlay includes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

The application and associated flood modelling was referred to Melbourne Water. Melbourne Water offered no objection to the proposal, subject to conditions which must be included on a permit, should one issue.

The proposal is considered to be consistent with the purpose of the Special Building Overlay because:

- The Flood Modelling provided to Melbourne for a one in 100-year flood event show a reduction in the potential flood risk along Elizabeth Street both north and south of Flinders Lane (see Figure 6)
- The Elizabeth Street Catchment Integrated Water Cycle Management Plan mitigates overflow impacts upstream and minimises flooding risk during heavy rainfall events.
- The existing Elizabeth Street drain is not impacted by the proposal and the conditions provided by Melbourne Water ensure its protection.
- The proposed tree pits and grates increase the permeable surfaces at street level and would increase potential water infiltration.

Figure 6: Flood Hazard Under Existing and Proposed Conditions (Source: Water Technology)

Existing Conditions



Proposed Conditions



14 RECOMMENDATION

That a Planning Permit be issued subject to the following conditions:

1. Prior to the commencement of the development on the land, plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans 'Elizabeth Street Streetscape Improvements – Stage 1 Works' dated 18 December 2019 but amended to show:
 - a. The exact location of the Elizabeth Street Drain to the satisfaction of Melbourne Water.

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

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Melbourne Water Conditions

3. Prior to the endorsement of plans, the exact location of the Elizabeth Street Drain must be shown on the town planning drawings to the satisfaction of Melbourne Water.
4. The layout of the streetscape works as shown on the submitted plans must not be altered without prior written consent from Melbourne Water to allow for the conveyance of flood flow.
5. The landscaping structures including trees and benches etc must be designed to be structurally independent from the Elizabeth Street Drain to allow access to the drain for maintenance purposes.

6. A legal Build Over Agreement for structures/works located within five (5) metres of the Melbourne Water drain must be entered into with Melbourne Water.
7. Prior to a building permit being issued, a separate Build Over application must be made directly to Melbourne Water's Asset Services Team for approval of works / structures within five metres of Melbourne Water's asset. Design plans must be submitted to include the following:
 - a. the exact location of the Elizabeth Street Drain
 - b. Demolition works
 - c. Landscaping including an arborist report detailing the suitability of tree species
 - d. Paving
 - e. method of works
 - f. A CCTV inspection of the drain between Flinders Street and Flinders Lane must be provided to Melbourne Water at the customer's cost before and after the works are being carried out;
 - g. Any other structures/works that are within easement or affecting the drain.
8. Prior to commencement of construction, a Work Method Statement and a Risk Task Assessment must be submitted outlining the general construction technique to be adopted. The statement must address the following:
 - a. cross section plans relating to streetscape works over the Elizabeth Street Drain.
9. Melbourne Water must have unrestricted access to the underground drain at all times, during construction and after.
10. Any damage caused to Melbourne Water's assets due to the development must be paid for in full by the developer.

Time Limits

11. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

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.

Note

Any signal and signage changes require the consent of Department of Transport (VicRoads).

Melbourne Water Advice

Asset Protection

Elizabeth Street contains the Elizabeth Street Drain, a Melbourne Water underground stormwater drain.

In this location the drain consists of two drains located along the east and west of Elizabeth Street.

The dimensions of the east drain is approximately 1880mm (h) x 1575mm (w) and the West drain is approximately 2590mm (h) x 2195mm (w). Both drains are an ovoid triple course brickwork drain constructed pre 1900's. The approximate cover to the top of the drain is less than 1.0 metre.

Build Over Agreement

A licensed surveyor must be engaged to locate the exact location of the Elizabeth Street Drain. The survey prepared by the licenced land surveyor must be done to Quality Level A as per Australian Standard AS5488. Melbourne Water Drainage manhole 4401/MH001, 4401/MH002 & 4401/MH011 are located as depicted in the plan attached.

Demolition Works

The streetscape works are located over the Elizabeth Street Drain. Due to the shallow depth of the drain the removal of the existing concrete and asphalt must be carried out in a manner to reduce the impact on the brick drain. A suitably qualified Engineer with experience on brick drains must be engaged to provide advice on vibration and loading limits. Alternative methods for concrete removal (from jack hammering) may have to be implemented accordingly.

Landscaping

The trees must be assessed by a qualified arborist in regards to the impact on the drain and protection measures to be implemented such as size of the holes for planting, and behaviour of the root system etc. The report from the arborist is to be provided to the structural engineer to advise on suitability of the trees and sent to Melbourne Water for further review and approval.