

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPM-2019-28
59-101 Alfred Street, North Melbourne**

23 June 2020

Presenter: Evan Counsel, Director Planning and Building**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for construction of three multi-storey buildings, to be used as dwellings, retirement village, residential hotel, secondary school, theatre and exhibition space, office (other than medical centre), shops (other than adult sex bookshop), food and drink premises, and minor sports and recreation facility, a reduction of car parking requirements, and alterations to a road in a Road Zone, Category 1 at 59-101 Alfred Street, North Melbourne (refer Attachment 2 – Locality Plan).
2. The Minister for Planning has formally notified Melbourne City Council of the application under section 52(1)(a) of the *Planning and Environment Act 1987* (Act).
3. The applicant is The Share Project Pty Ltd c/o Orb Property Partners, the owner is The Share Project Pty Ltd, and the architect is Fender Katsalidis (Aust) Pty Ltd.
4. The land is located within the Mixed Use Zone (MUZ) and is affected by the Heritage Overlay (HO1105), Design and Development Overlay Schedules 26 (DDO26), 63 Area 7 (DDO63) and 66 (DDO66), Development Contributions Plan Overlay Schedule 2 (DPO2), CityLink Project Overlay (CLPO) and Environmental Audit Overlay (EAO).
5. The applicant has lodged an application for review under section 79 of the Act (failure to determine) with the Victorian Civil and Administrative Tribunal (VCAT). Given concerns raised throughout the process and relevant statutory timeframes, management has lodged a Statement of Grounds with VCAT in order to maintain Council's ability to be included as a party to the VCAT proceeding.
6. The delegate report provides an assessment of the original submission shown on the drawings by Fender Katsalidis (Aust) Pty Ltd dated 22 November 2019 (Revision 2). VCAT amended plans prepared by Fender Katsalidis (Aust) Pty Ltd dated 22 May 2020 (Revision 3) were received by Council on 23 May 2020. The addendum to the delegate report identifies the key changes between the original submission and the VCAT amended plans; the further information required to assess the VCAT amended plans; and an officer recommendation, including reasons for refusal that are conceded, amended, maintained and added.

Key issues

7. The key issues relevant to this proposal relate to the Section 2 (permit required) land uses and development; urban structure, movement network and built form; heritage impacts; equitable development; Better Apartment Design Standards (Clause 58 - BADS) and internal amenity; parking, loading, traffic and waste; and environmentally sustainable design.
8. The site is a large, strategic site within the Arden-Macaulay Urban Renewal Area. While it is positive to see the site come forward for redevelopment and the ambitious land use program being proposed, there are a number of fundamental concerns with the master planning and urban structure proposed by the original submission and the VCAT amended plans.
9. Matters considered unacceptable include the lack of a fine grain, permeable development with direct, legible and clear-to-sky streets and through block links; the lack of integration with the wider precinct and adjacent developments; the built form and land uses do not respond to a hierarchy of streets and movement networks or the CityLink interface; the non-compliance with the mandatory built form controls; the overall massing strategy and adverse effects on the public realm and internal amenity; whether the public open space is useable, functional, human scale and receives adequate sunlight; the adverse effects on the heritage significance of Farrell's Stables; and the car and bicycle parking provision.
10. Detailed recommendations have been provided in the delegate report (refer Attachment 4) to assist the applicant where possible. However, some matters are significant and not able to be dealt with by permit conditions.

Recommendation from management

11. That the Future Melbourne Committee:
 - 11.1. Resolves to advise the Department of Environment, Land, Water and Planning (DELWP) that Melbourne City Council objects to the proposal on the grounds outlined in the delegate report (refer to Attachment 4 of the report from management).
 - 11.2. Requests that management prepare an addendum to Council's Statement of Grounds outlining Council's reasons for contesting the Victorian Civil and Administrative Tribunal (VCAT) application, consistent with the delegate report (refer Attachment 4), and submit it to VCAT and all parties to the proceeding.

Attachments:

1. Supporting Attachment (Page 3 of 344)
2. Locality Plan (Page 4 of 344)
3. Original Plans (Page 5 of 344)
4. Amended Plans (Page 146 of 344)
5. Delegate Report (Page 275 of 344)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally notified Melbourne City Council of the application under Section 52(1)(a) of the Act.
3. The applicant has lodged an application for review under Section 79 of the Act (failure to determine) with the VCAT.
4. Management has lodged a Statement of Grounds with VCAT and Council is a party to the proceeding.

Finance

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

Conflict of interest

6. 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

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

Stakeholder consultation

8. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.
9. It is the responsibility of Department of Environment, Land, Water and Planning on behalf of the Minister for Planning to administer public notice where required.

Relation to Council policy

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

Environmental sustainability

11. The original submission has acceptable ESD targets to satisfy the minimum requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
12. An amended Environmentally Sustainable Design Statement and Water Sensitive Urban Design Response are required for the VCAT amended plans. The reports submitted with the original application cannot be relied upon for the VCAT amended plans due to the nature of the changes.

Locality Plan

59-101 Alfred Street, North Melbourne

