

Ministerial Planning Referral: TPM-2020-18
582-590, 592, 594-598, 600-608 Elizabeth Street and 277-283 Queensberry Street, Melbourne

2 March 2021

Presenter: Larry Parsons, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for partial demolition and construction of a multi storey building with basement levels for use as retail and office at 582-590, 592, 594-598, 600-608 Elizabeth Street and 277-283 Queensberry Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Worths Pty Ltd (c/- Urbis); the owners are Afterwards Pty Ltd, DLF Finance Pty Ltd, Highlass Investments Pty Ltd, Protect Parking Pty Ltd and Worth's Pty Ltd; and Jackson Clements Burrows Architects designed the building.
3. The site is located in Capital City Zone Schedule 5 (City North), Heritage Overlay (HO1124 Elizabeth Street North (Boulevard) Precinct), Design and Development Overlay Schedule 61-A4.1 (City North) and Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core). Elizabeth Street also forms part of a Road Zone, Category 1 (RDZ1).
4. The application proposes a mix of part and full demolition of the existing buildings on-site, with the frontage retention of 594-598 and 600-608 Elizabeth Street (significant and contributory heritage grading respectively) with two contributory facades to the south to be demolished to make way for new access.
5. The proposed multi-storey development comprises three joined building elements above three basement levels. The south building measures 53m (14 storeys), the north-west building measures 42m (11 storeys) and the north-east building measures 34m (9 storeys). The development includes a mix of office and retail, including a basement supermarket.
6. The application has been referred to the City of Melbourne, by the Minister for Planning who is responsible for giving notice of the application, pursuant to section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* (the Act). The Department of Environment, Land, Water and Planning (DELWP) has advised that no objections have been received.
7. This is an amended application lodged under s.57A of the Act, superseding a previous application (TP-2018-1125) lodged with Council on 11 December 2018. The amendment increased the gross floor area, changing the responsible authority from Council to DELWP. One objection was received under the previous application.

Key issues

8. The key issues relate to built form, including height and setbacks, design detail and heritage.
9. Since its original referral, the application has undergone significant changes following discussions with Council and the submission of amended Discussion Plans. Changes include a reduction in the overall building height; various changes to street wall heights; a separate supermarket entry off Elizabeth Street; and a wider pedestrian entry off Queensberry Street.
10. Further amendments are being sought through conditions, including additional setbacks behind street walls, most importantly behind the retained north-west corner heritage façade. These amendments will ensure an appropriate balance between the strategic intensification sought along Elizabeth Street and the retention of heritage form and fabric of the buildings on-site, having regard to the complexities in adapting existing buildings in this instance.
11. A positive mix of uses is proposed on-site, including lower level retail, supermarket and pedestrian through-links and upper level office. All car parking is underground with access via Berkeley Street only.

Recommendation from management

12. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council does not object to the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management)

Attachments:

1. Supporting Attachment (Page 2 of 95)
2. Locality Plan (Page 3 of 95)
3. Selected Plans (Page 4 of 95)
4. Delegate Report (Page 46 of 95)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has formally notified the Council of the application under Section 52(1)(c) of the Act.

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, 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. No other Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

6. 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.
7. The Minister for Planning is responsible for giving notice of the application, pursuant to section 52(1)(a), (b) and (d) of the Act.

Relation to Council policy

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

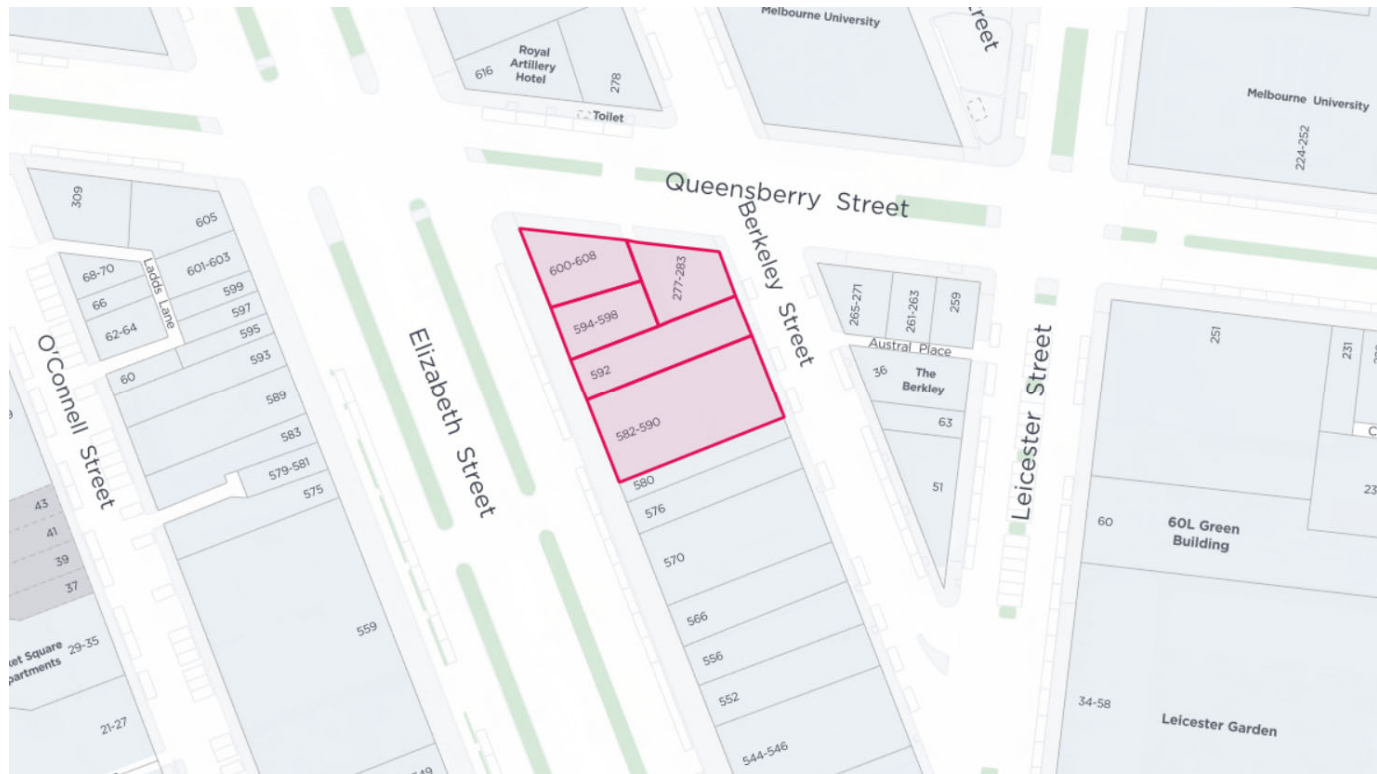
Environmental sustainability

9. The Environmentally Sustainable Design (ESD) report submitted with the application confirms the proposed development will generally achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
2 March 2021

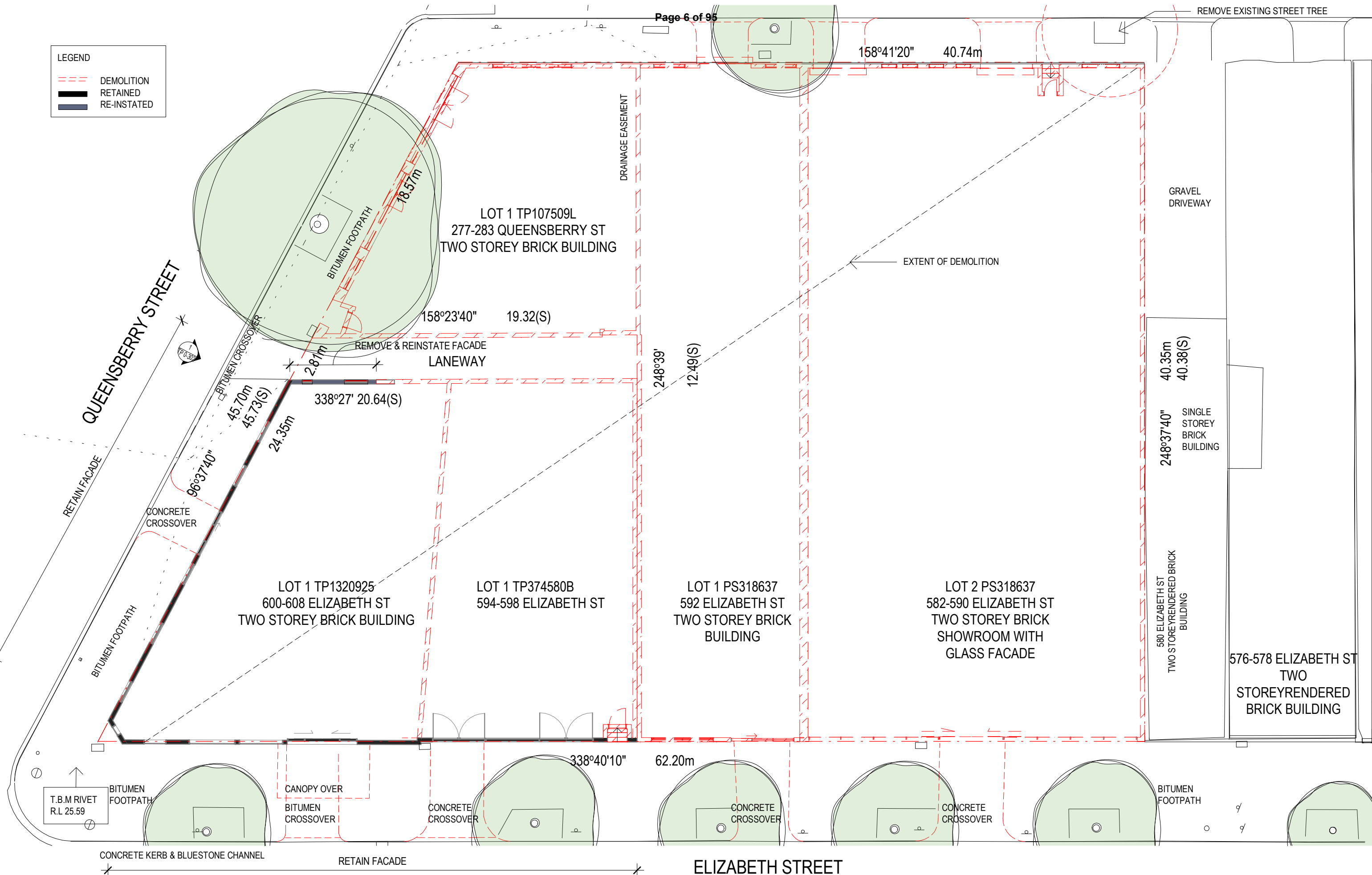
582-590, 592, 594-598 600-608 Elizabeth Street
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LEGEND

- DEMOLITION
- RETAINED
- RE-INSTATED



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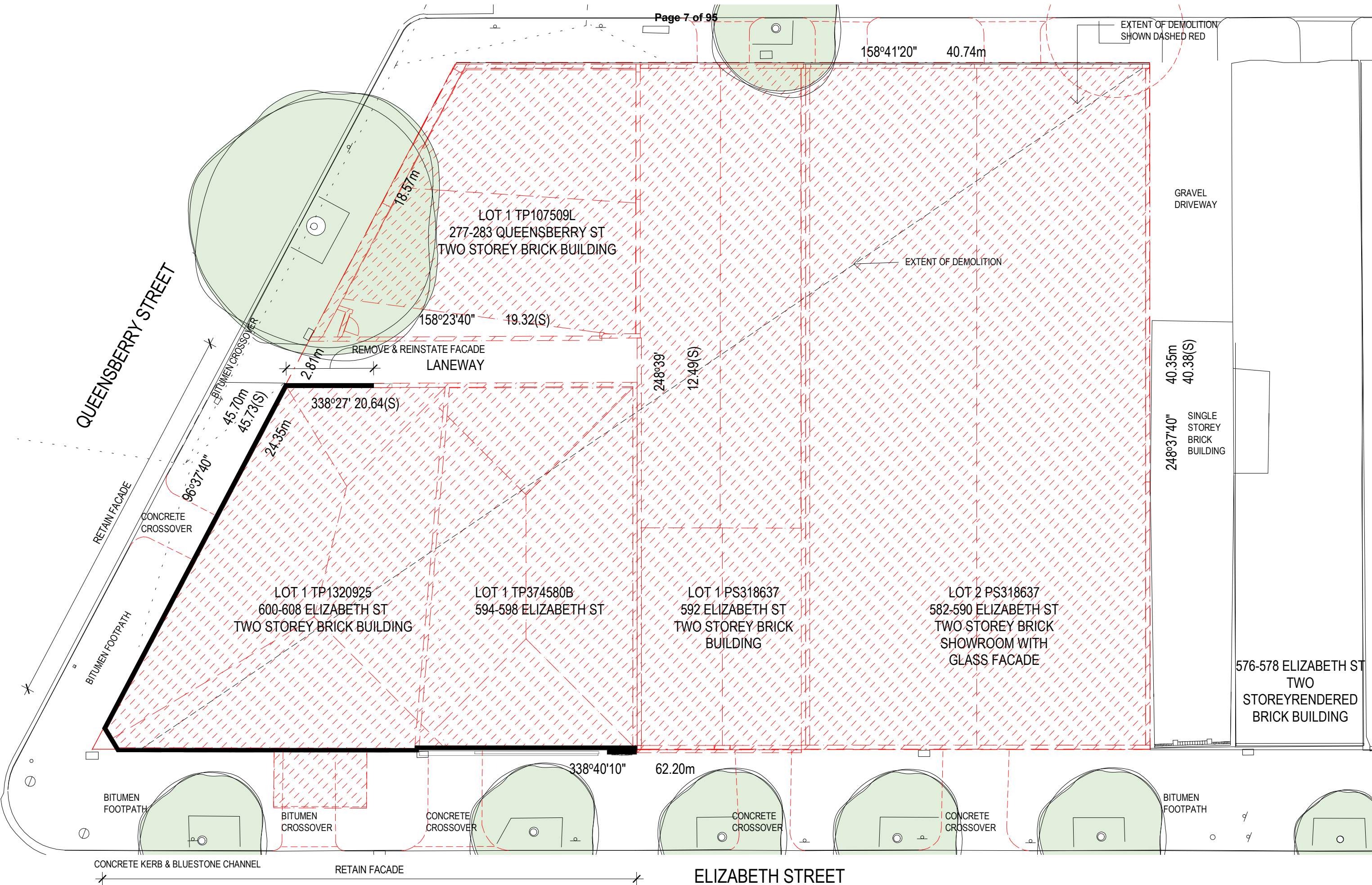
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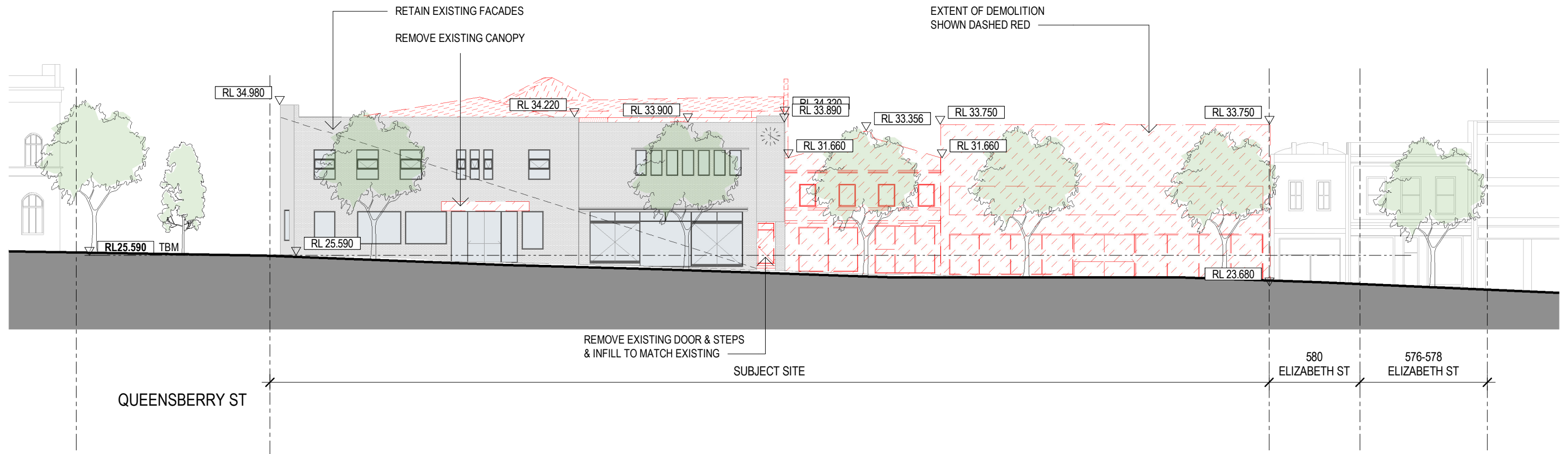
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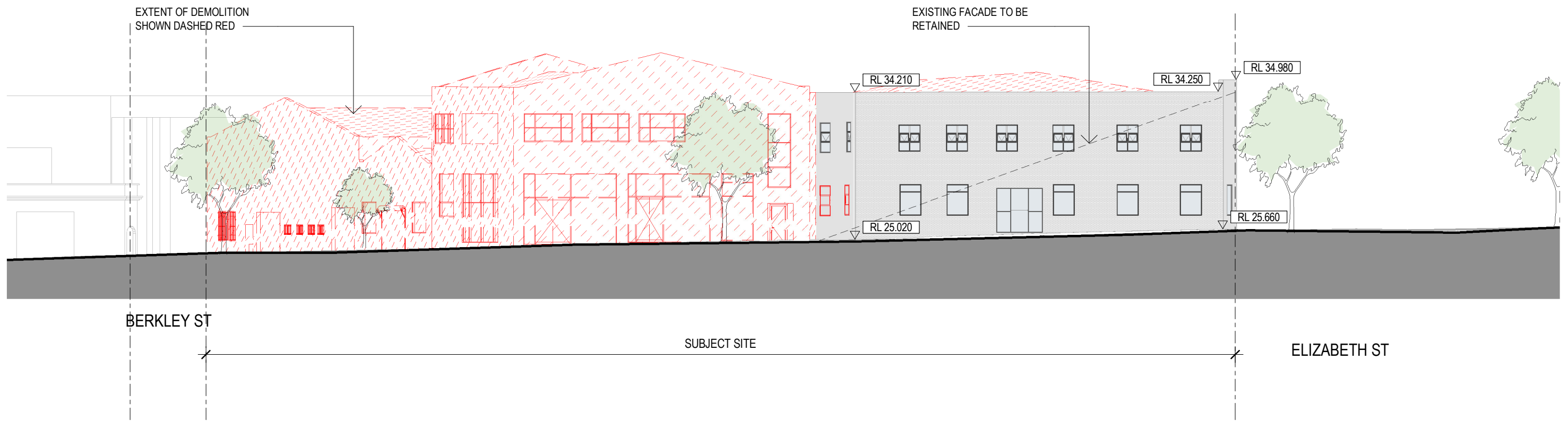
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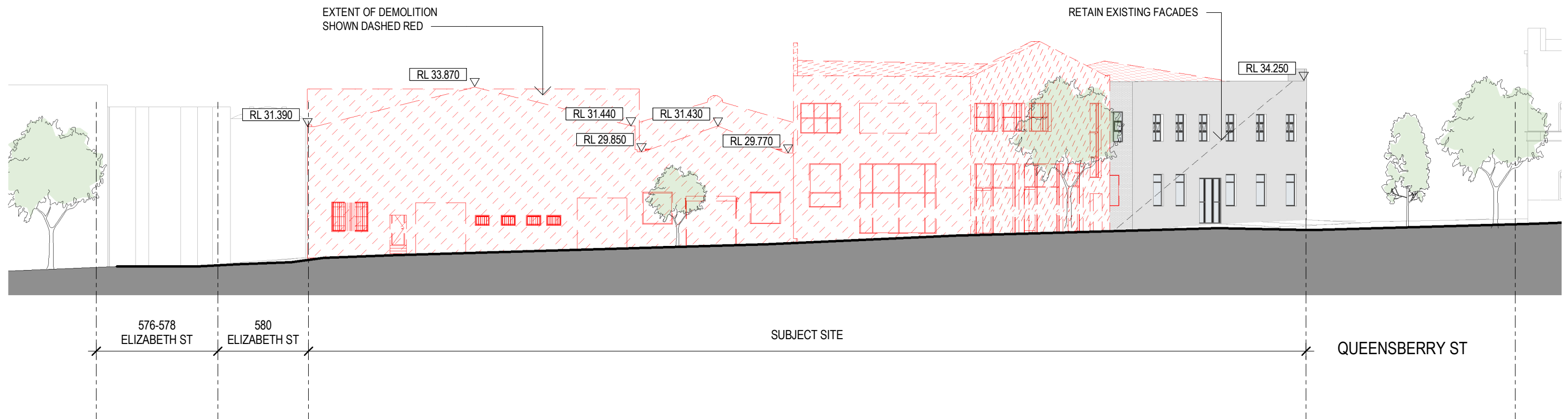
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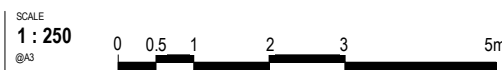
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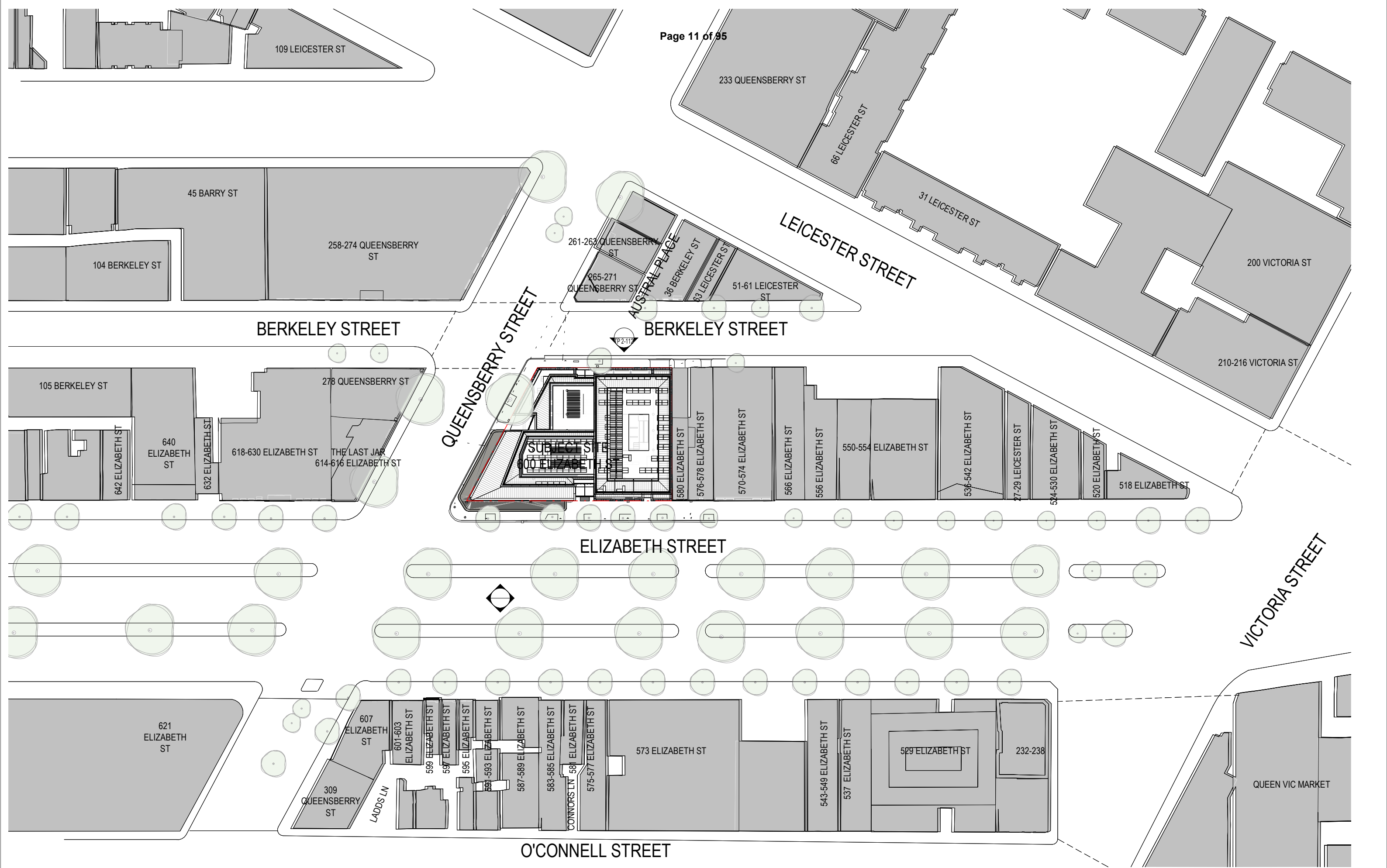


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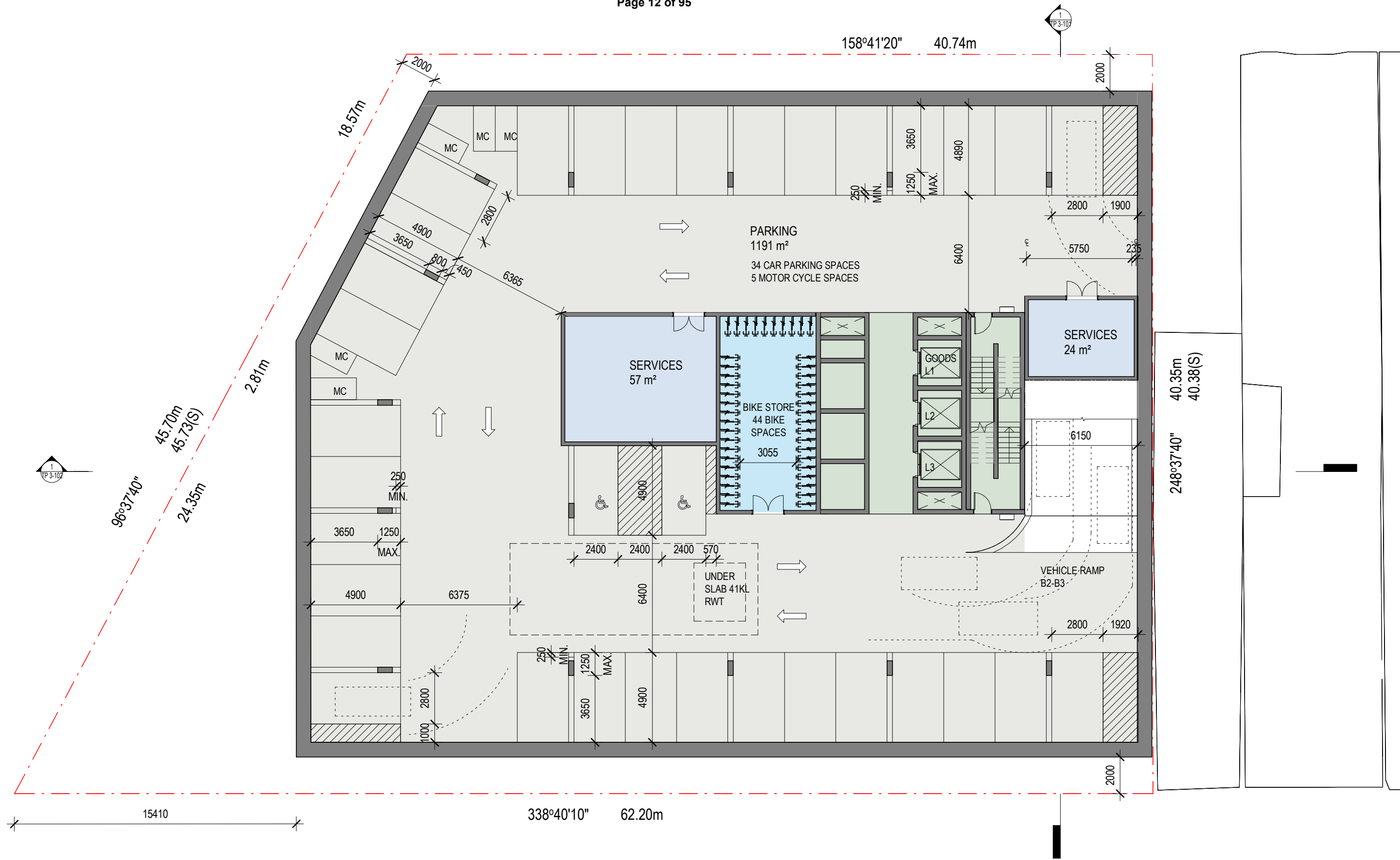
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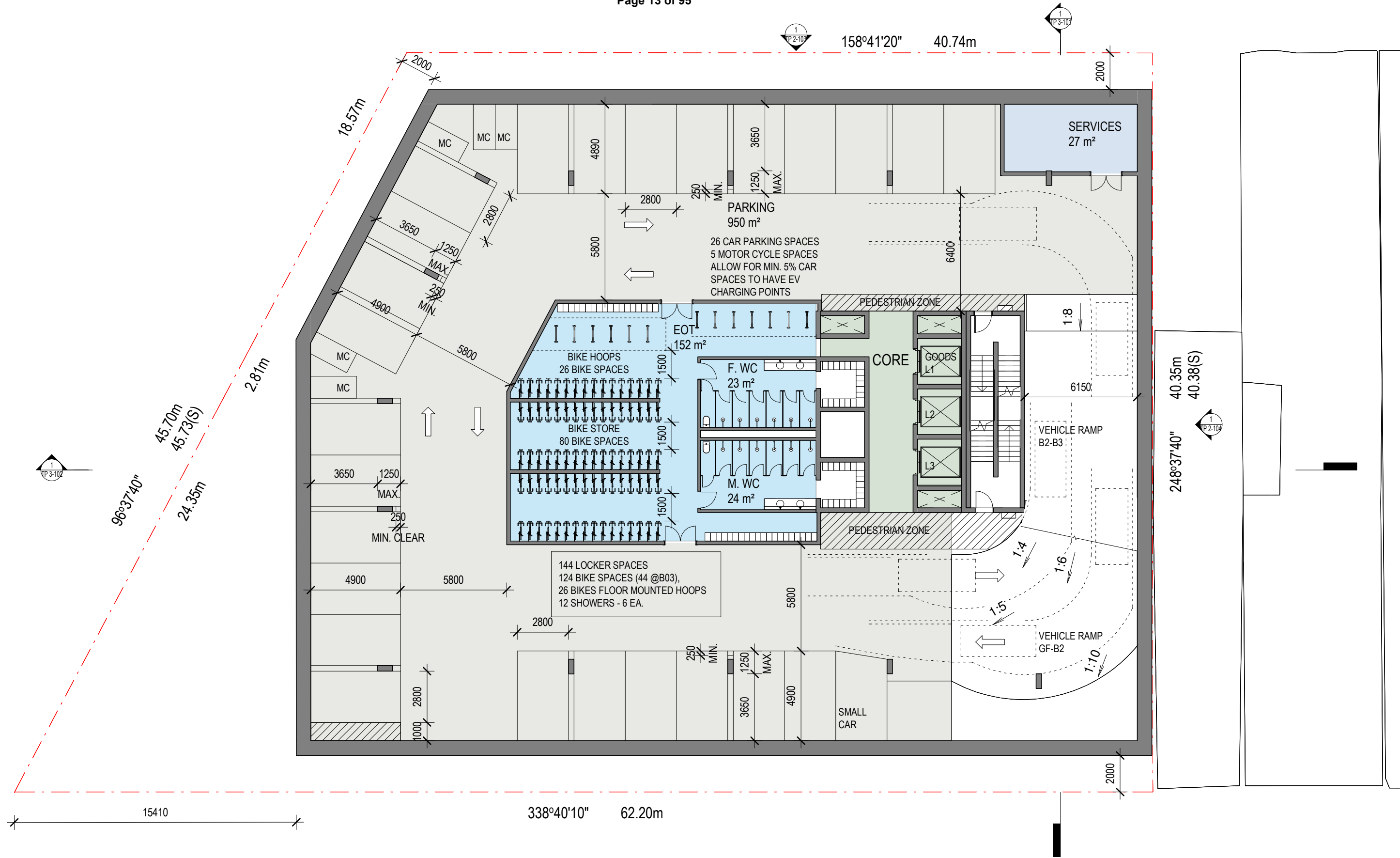
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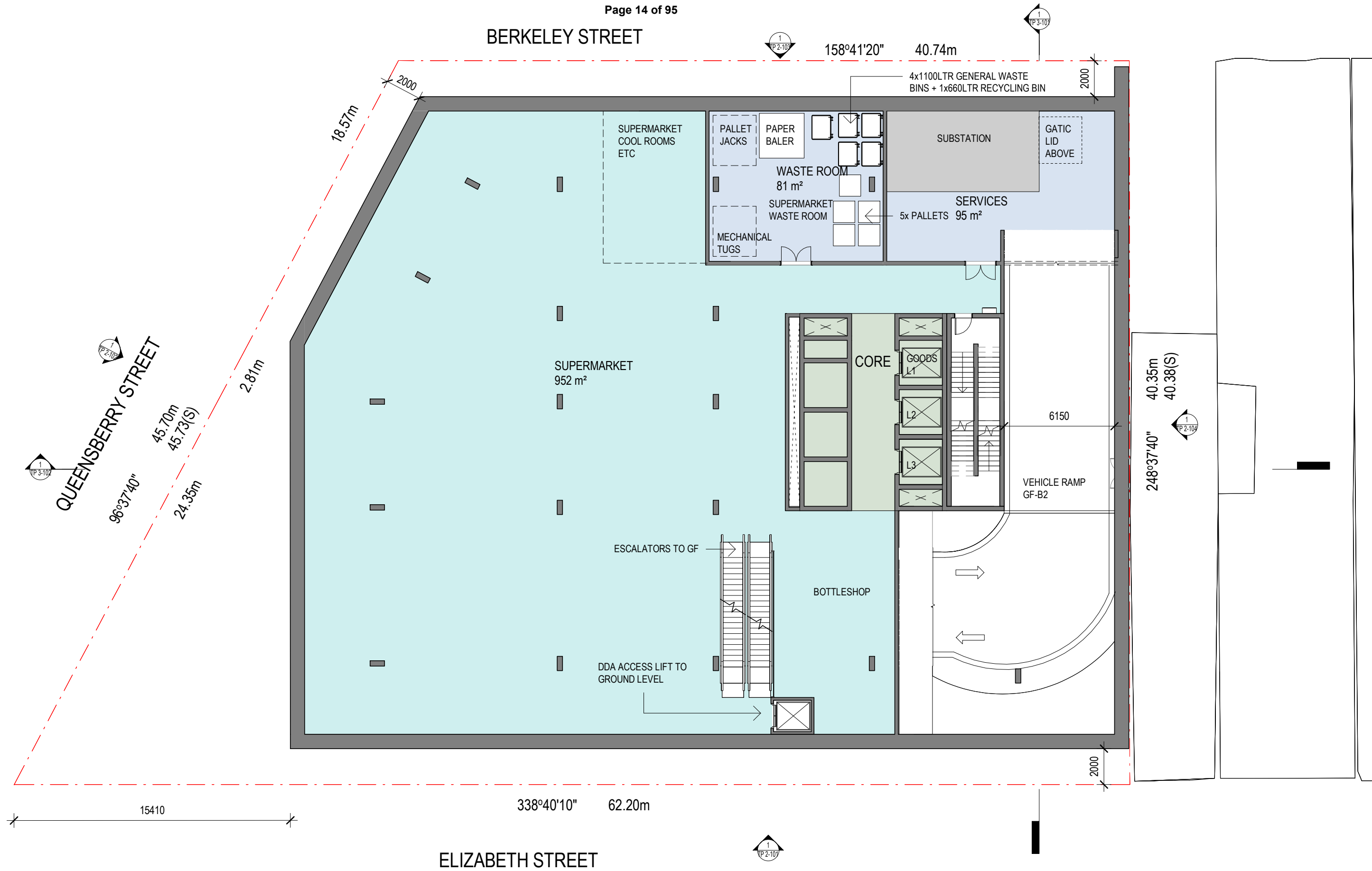
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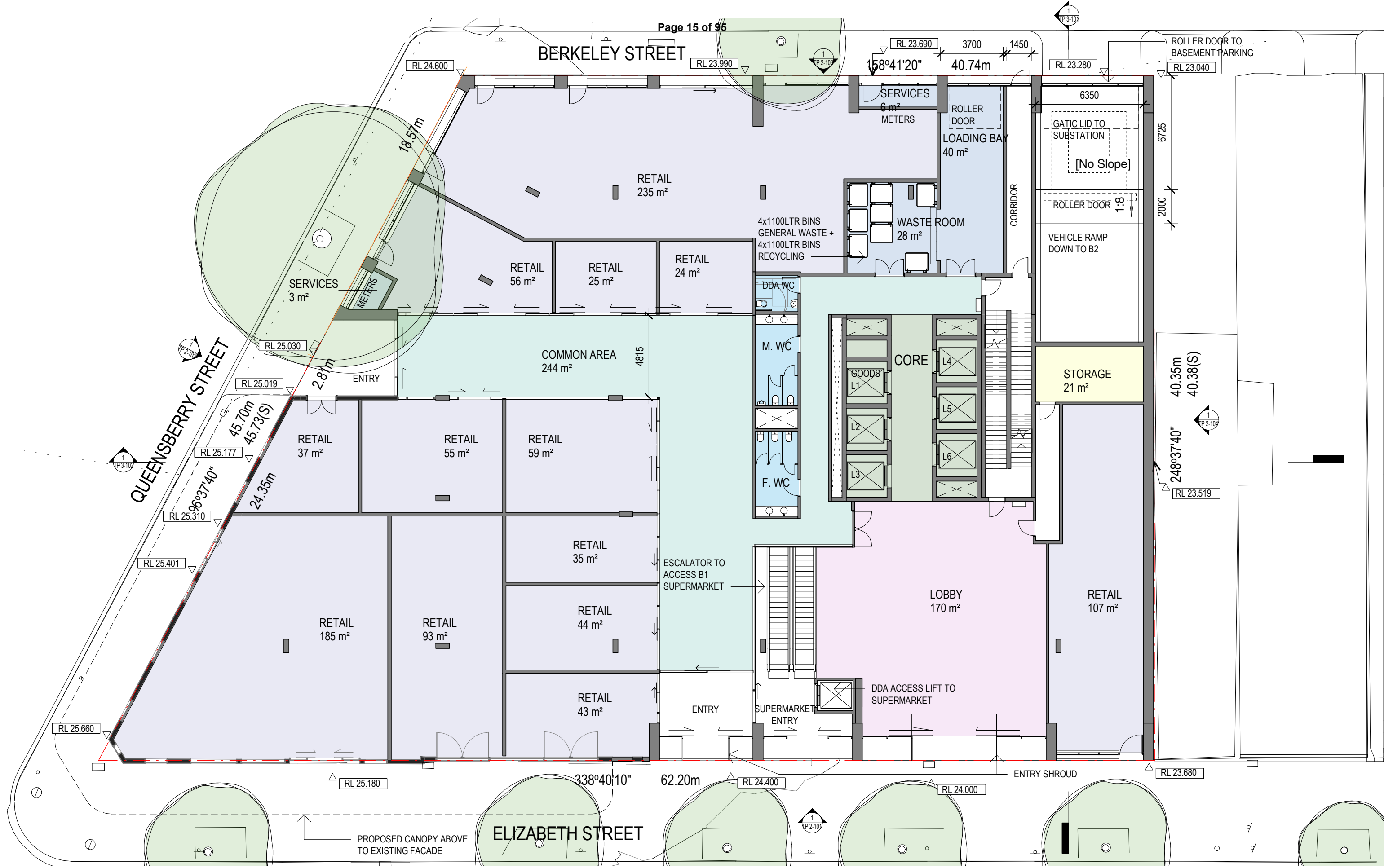
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BERKELEY STREET



40350
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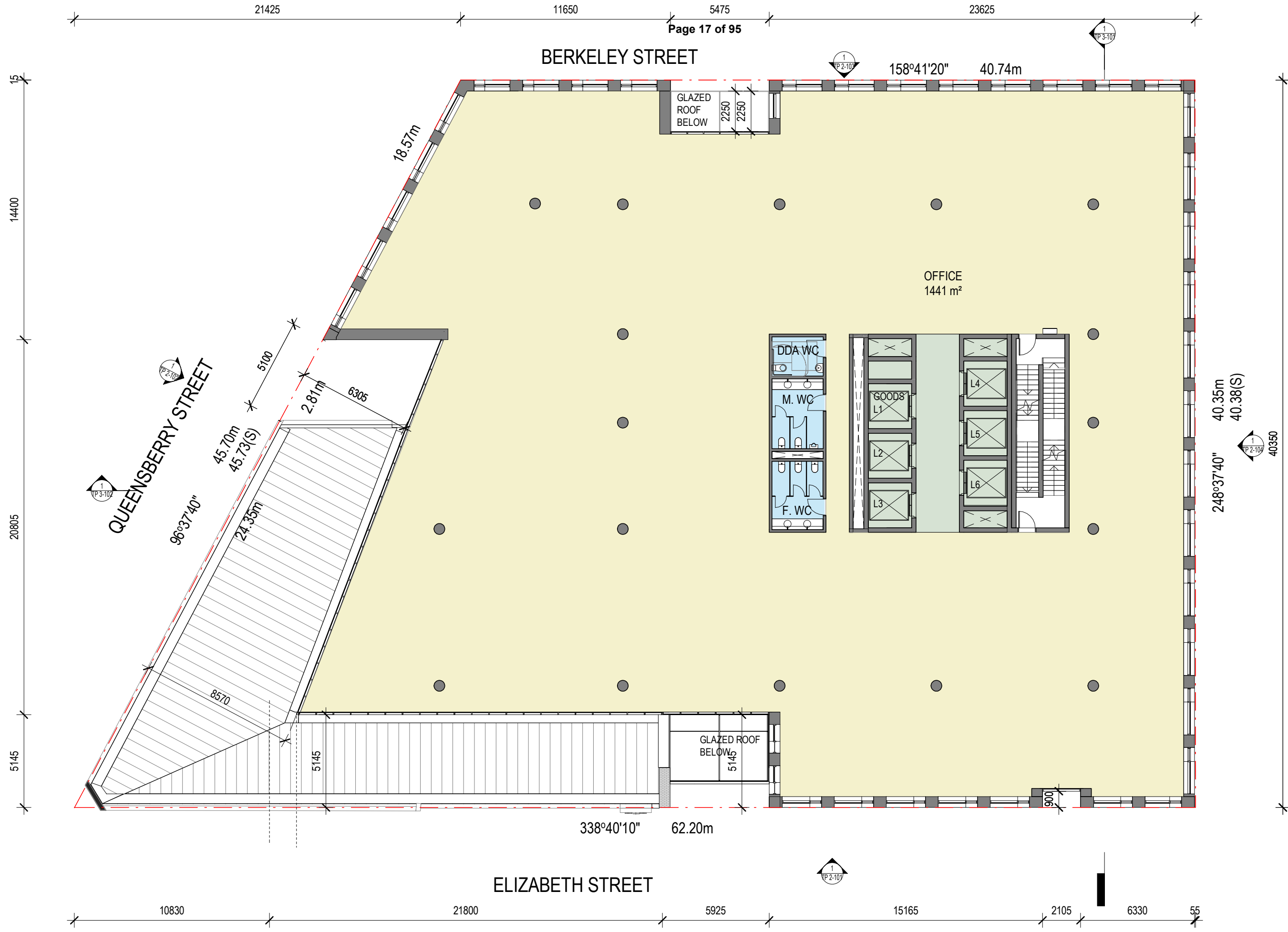
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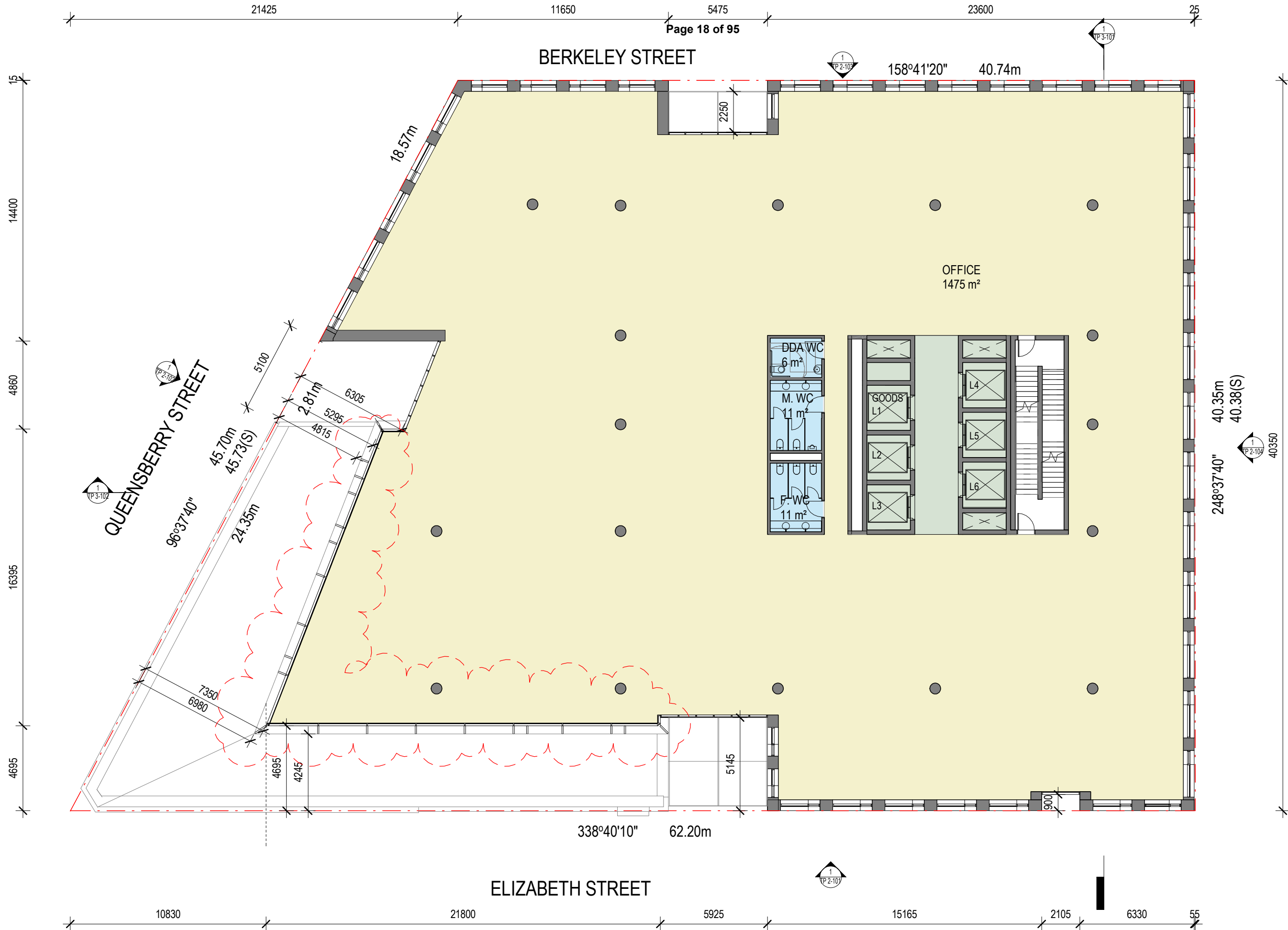
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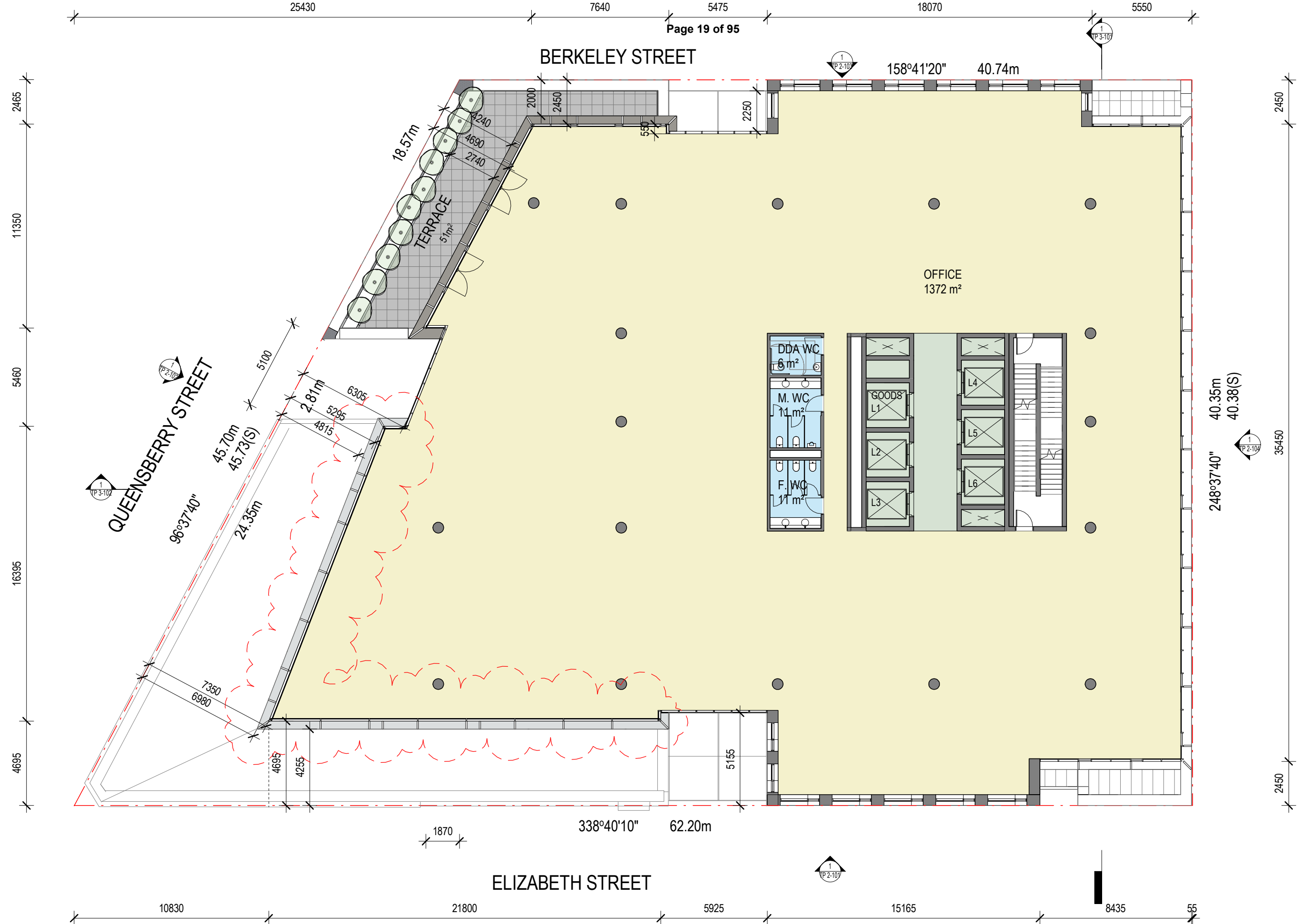
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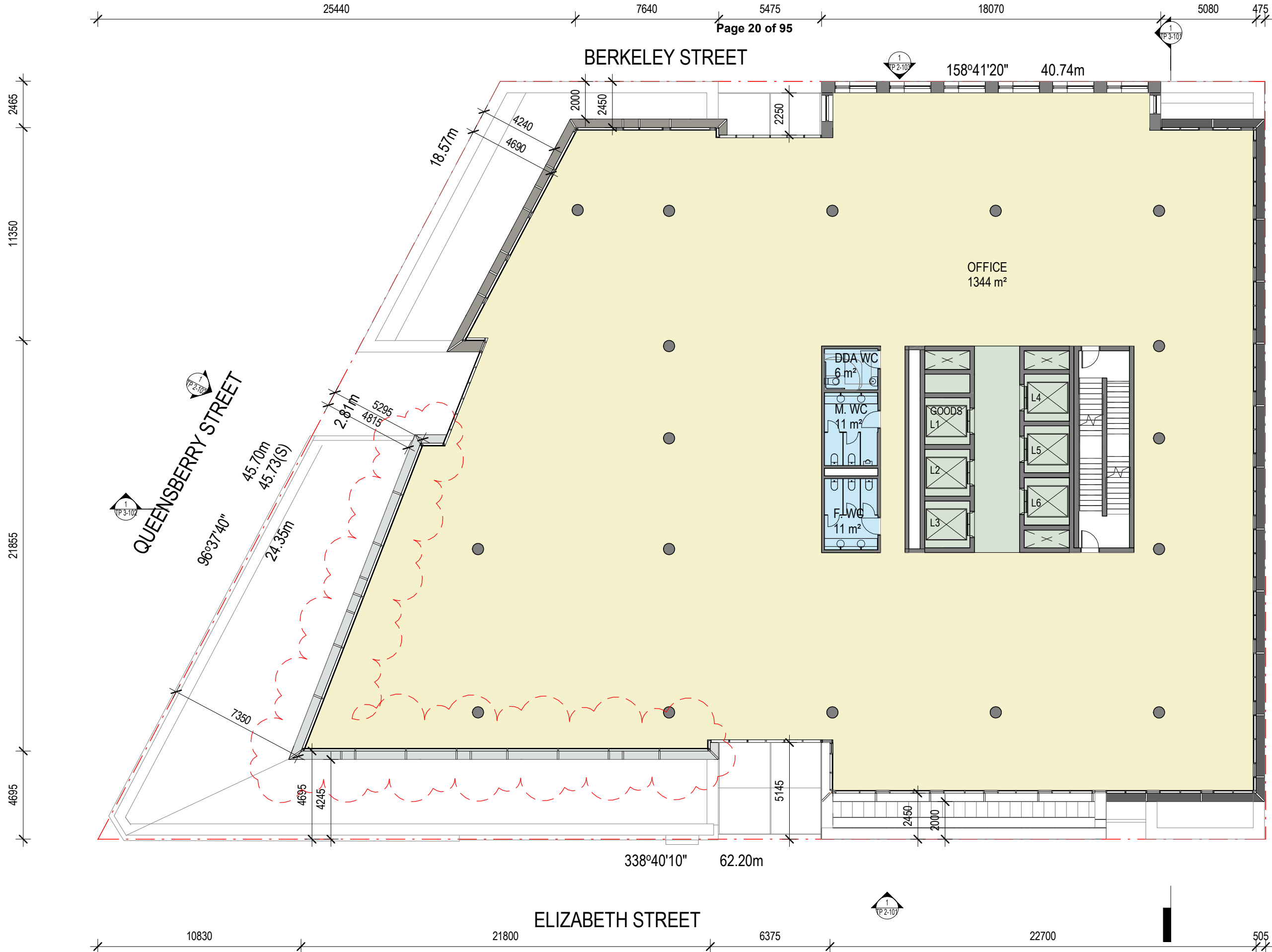
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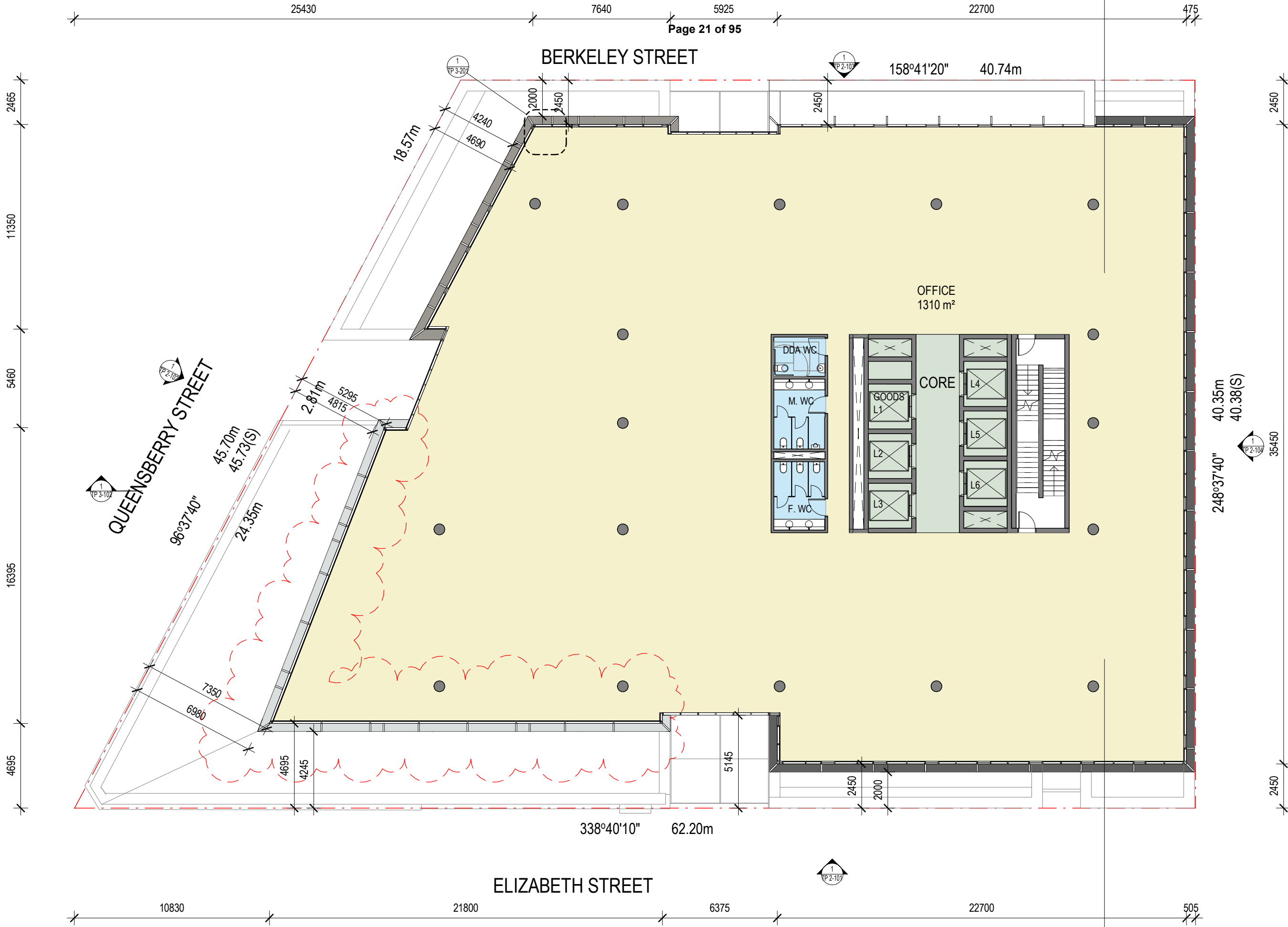
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BERKELEY STREET

158°41'20" 40.74m

2465

33205

4695

QUEENSBERRY STREET

96°37'40"

45.70m
45.73(S)

24.35m

7350

6980

2.81m

5295

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18.57m

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338°40'10" 62.20m

ELIZABETH STREET

6375

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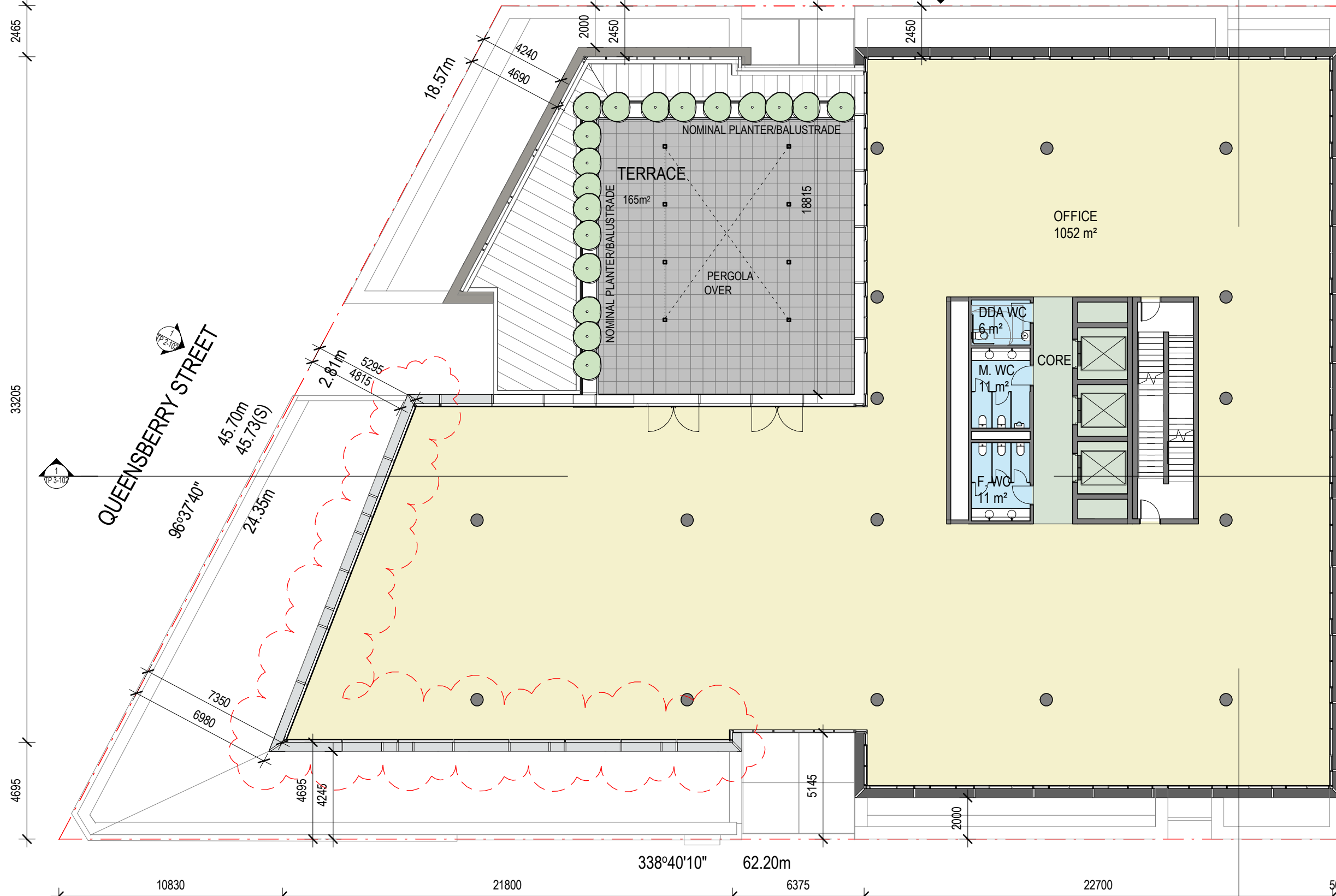
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PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000

STATUS

DRAWING TITLE
PROPOSED LEVEL 09-10 TYP. PLAN

DRAWING NUMBER
TP 1-111

REVISION
H

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BERKELEY STREET

158°41'20" 40.74m

2465

33205

4695

QUEENSBERRY STREET

96°37'40" 45.70m 45.73(S) 24.35m

7350 6980

10830

21800

338°40'10" 62.20m

6375

22700

505

ELIZABETH STREET

2000

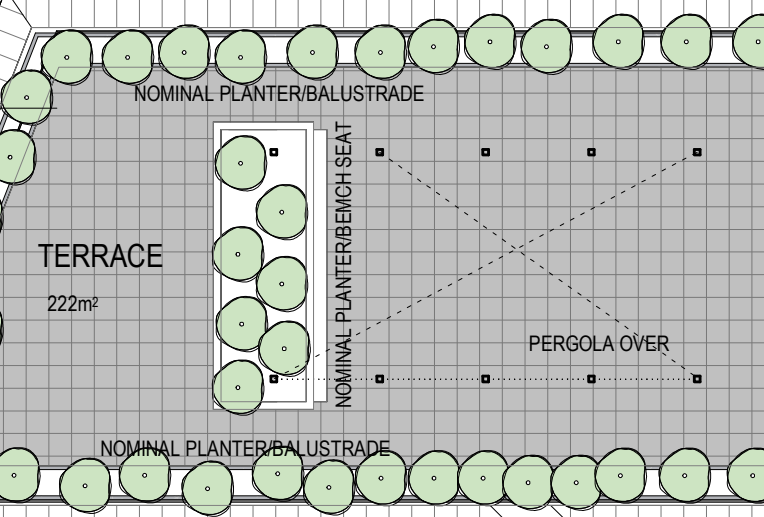
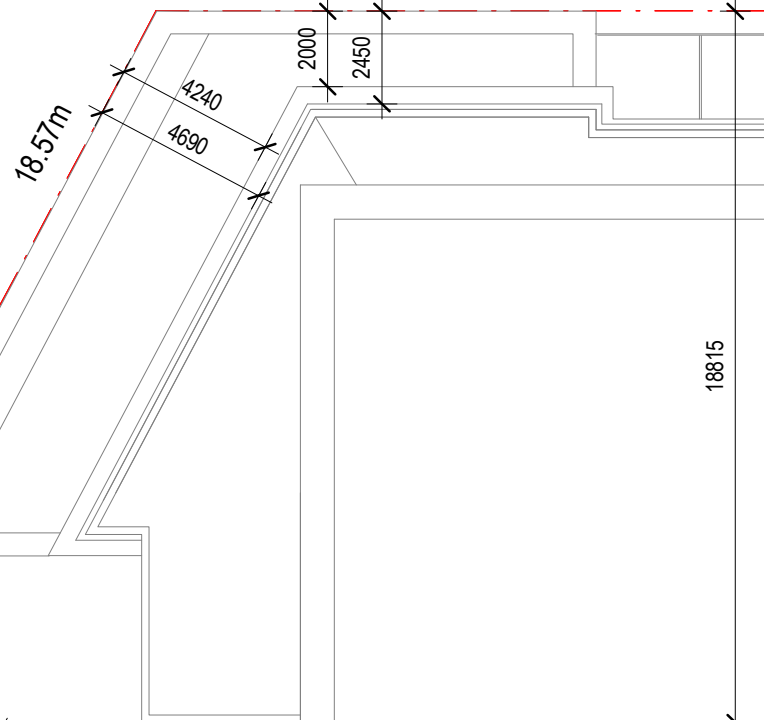
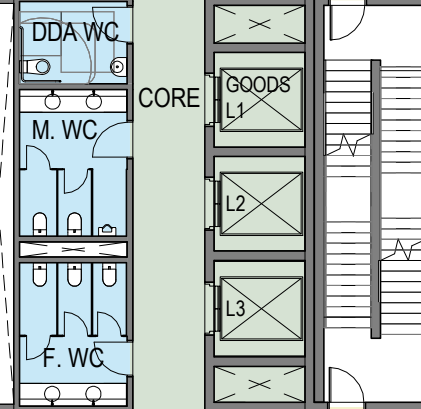
5145

2450

35450

2450

OFFICE 653 m²



TERRACE 222m²

NOMINAL PLANTER/BALUSTRADE

NOMINAL PLANTER/BENCH SEAT

PERGOLA OVER

NOMINAL PLANTER/BALUSTRADE



39005

22700

475

BERKELEY STREET

158°41'20" 40.74m

2465

2450

33205

35450

QUEENSBERRY STREET

TP 2-107

TP 3-107

96°37'40"

45.70m
45.73(S)

24.35m

2.81m

5295

4840

18.57m

4240

4690

18815

TERRACE

CORE

LIFT OVERRUN

LIFT MOTOR ROOM

PV ARRAY ABOVE SERVICES. HEIGHT NOT TO EXCEED PLANT ENCLOSURE HEIGHT. PV 1.6m x 1.0m WITH A TOTAL PEAK CAPACITY WILL BE AT LEAST 15kW

DCW STORAGE TANK - 15 KL CAPACITY

TREATED RAIN WATER STORAGE TANK

248°37'40" 40.35m
40.38(S)

TP 2-107

4695

2450

10830

21800

338°40'10" 62.20m

6375

22700

505

ELIZABETH STREET

TP 2-107

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F	12.08.2020	ISSUED FOR RFI
G	09.11.2020	ISSUED FOR DEWLP CLARIFICATION

PROJECT #
19-094
DATE
14.10.19

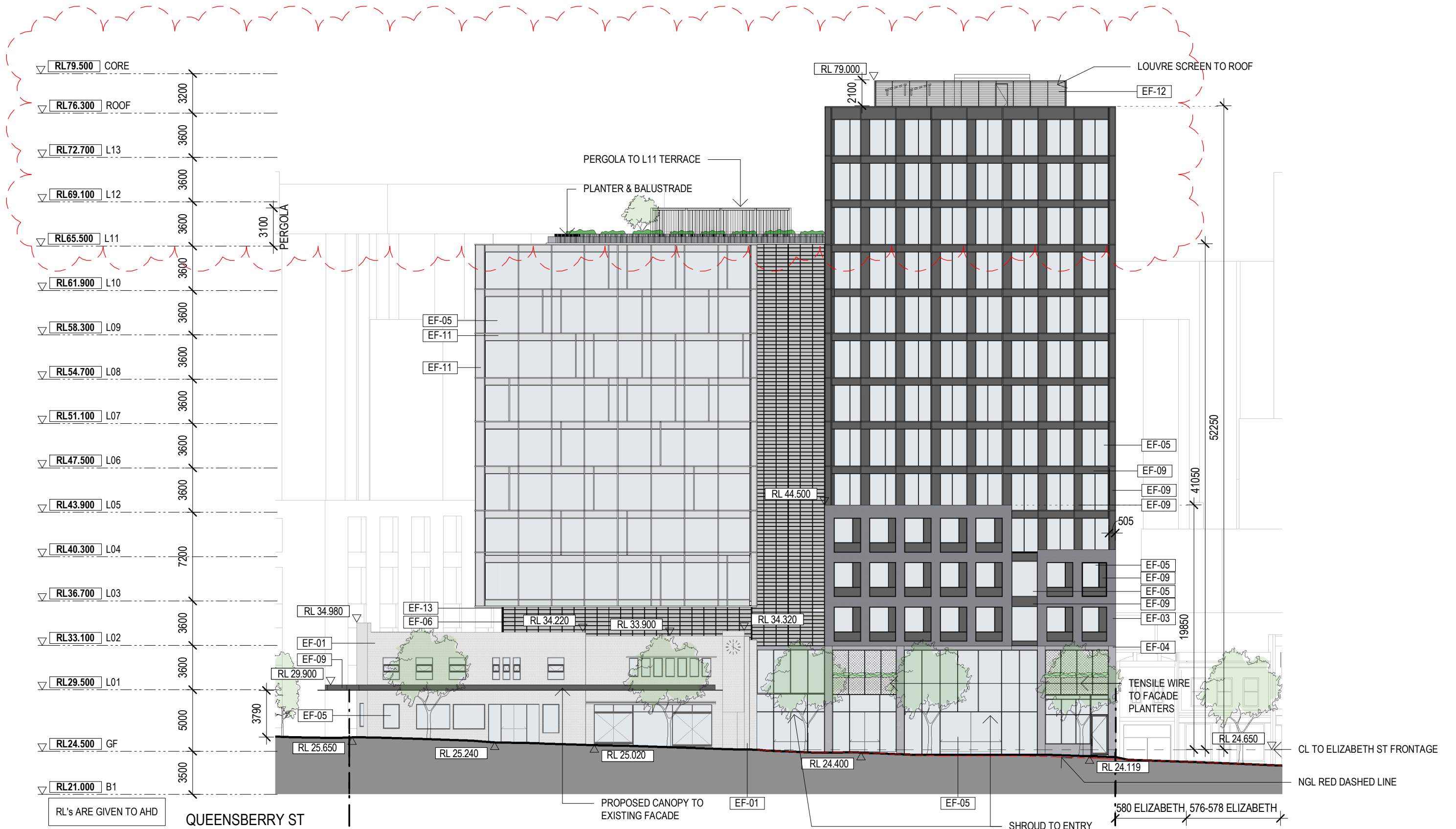


PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000
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DRAWING TITLE
PROPOSED ROOF & PLANT
DRAWING NUMBER
TP 1-113
REVISION
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F	09.11.2020	ISSUED FOR DEWLP CLARIFICATION

PROJECT #
19-094

DATE
07/10/19



PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000

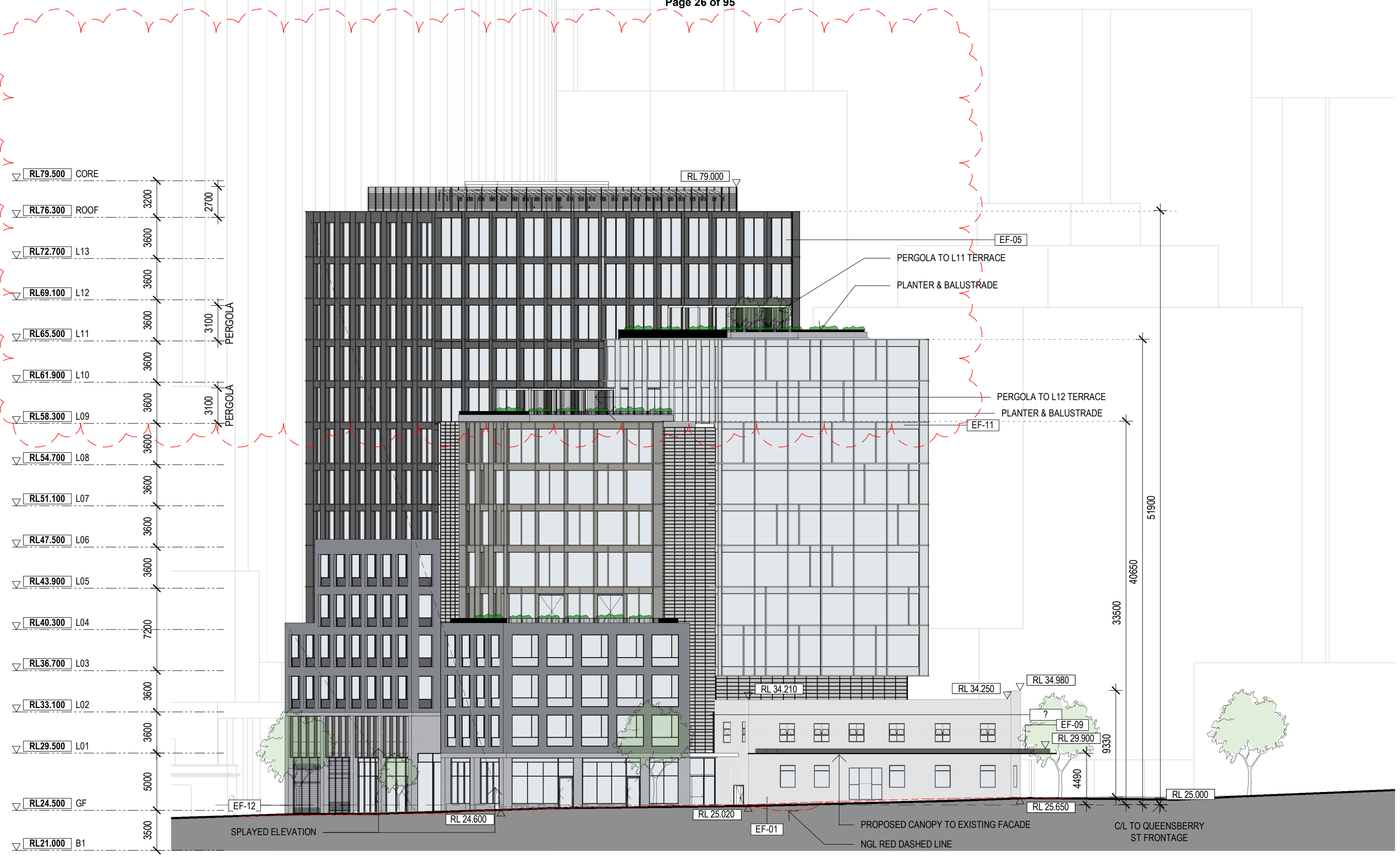
STATUS

DRAWING TITLE
PROPOSED WEST ELEVATION

DRAWING NUMBER
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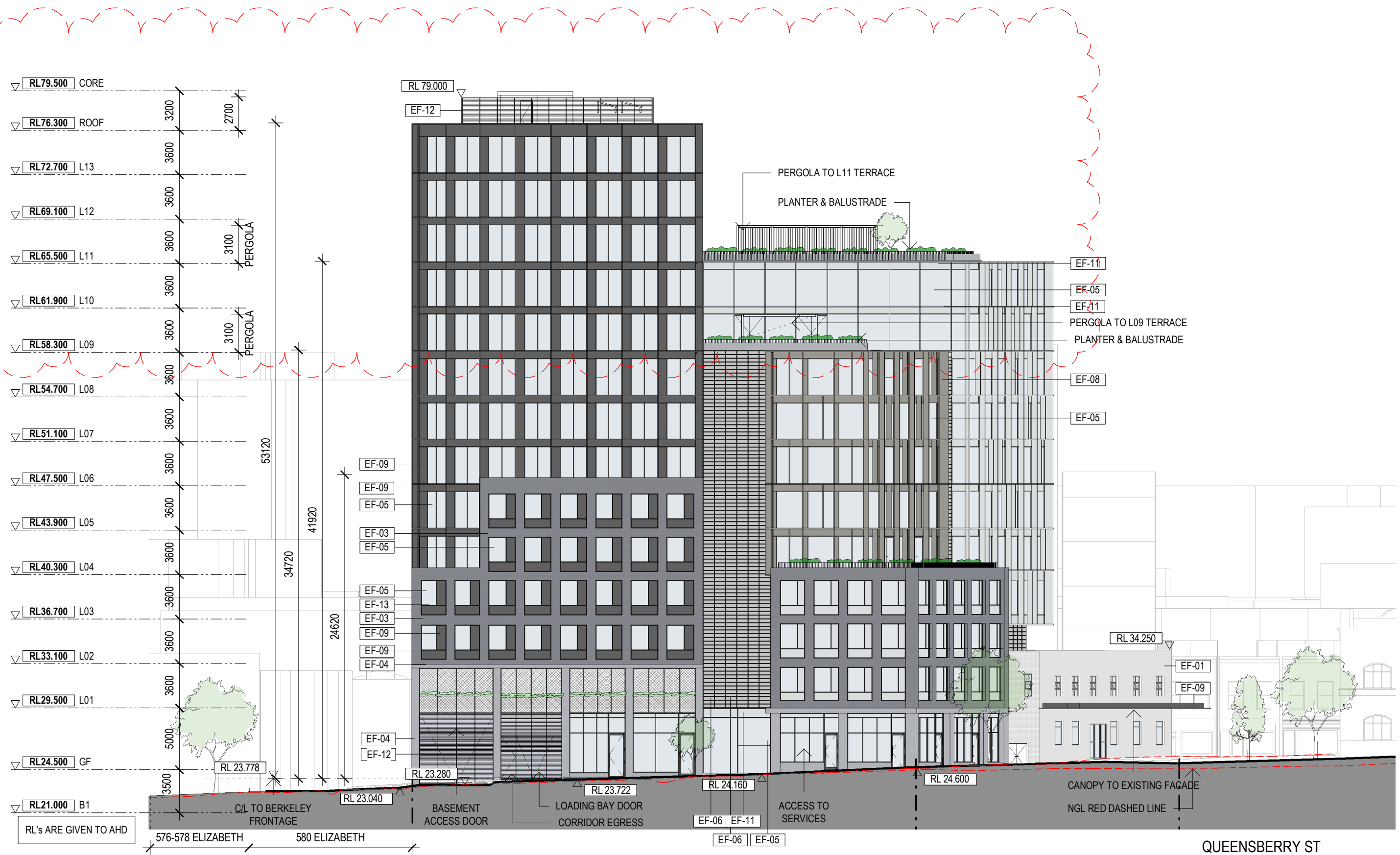
PROJECT #
19-094
 DATE
10/14/19



PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000
 STATUS

DRAWING TITLE
PROPOSED NORTH ELEVATION
 DRAWING NUMBER
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PROJECT #
19-094
 DATE
10/14/19

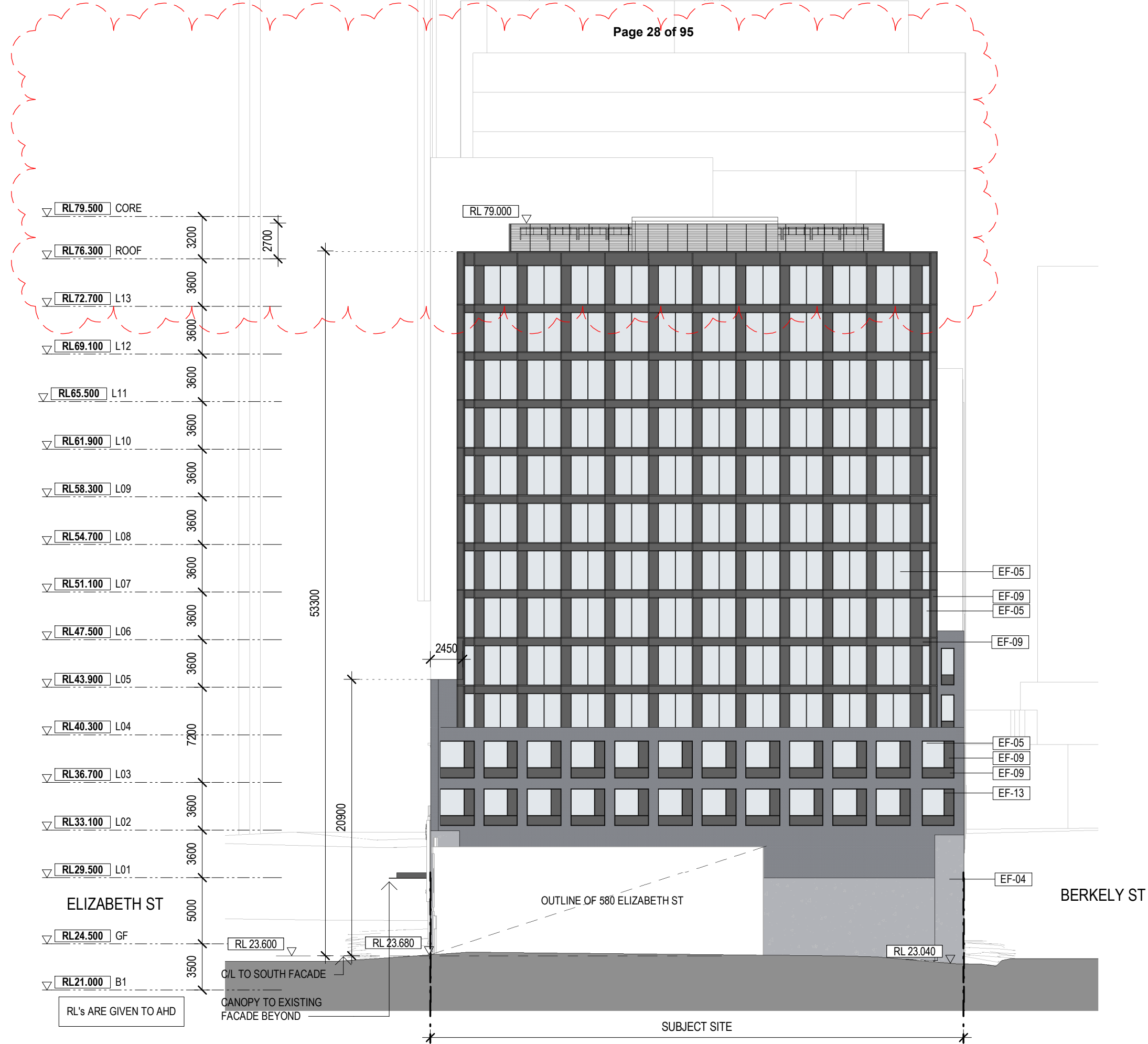
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PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000
 STATUS

DRAWING TITLE
PROPOSED EAST ELEVATION
 DRAWING NUMBER
TP 2-103
 REVISION
F

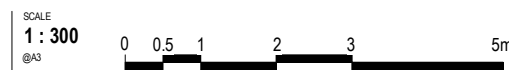
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 DATE
10/14/19

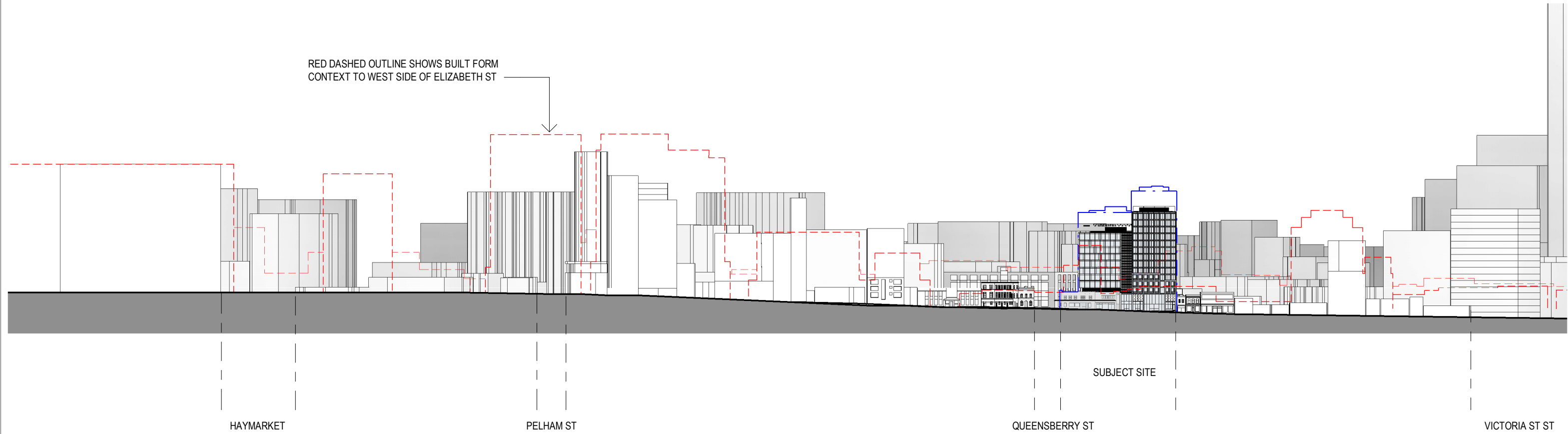


PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000
 STATUS

DRAWING TITLE
PROPOSED SOUTH ELEVATION
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RED DASHED OUTLINE SHOWS BUILT FORM
CONTEXT TO WEST SIDE OF ELIZABETH ST



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19-094
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12/03/19

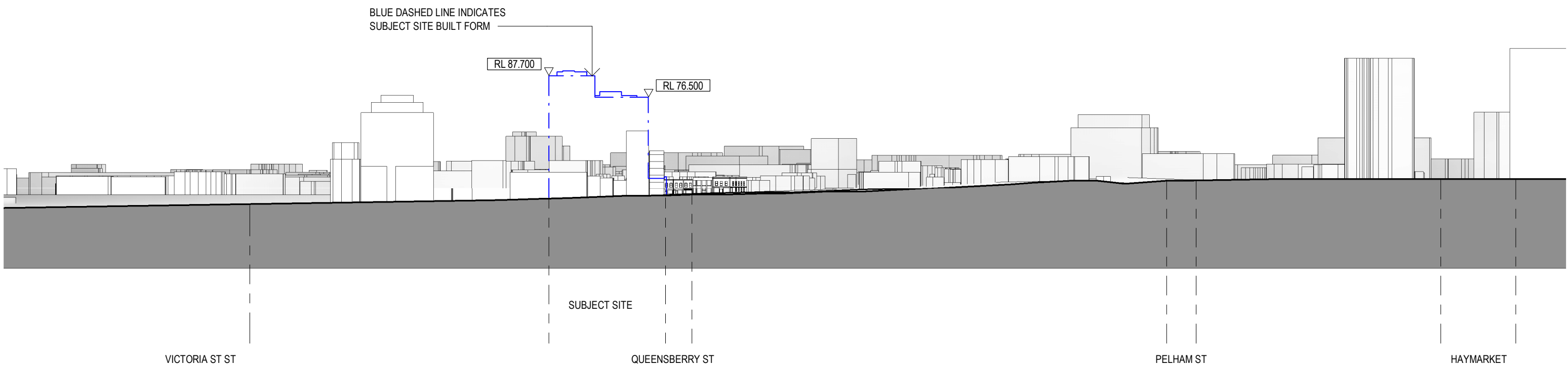


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600 ELIZABETH ST
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 STATUS

DRAWING TITLE
ELIZABETH STREETSCAPE 01
 DRAWING NUMBER
TP 2-110
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The logo consists of the letters 'JCB' in a stylized, green, blocky font.



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19-094

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SCALE
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PROJECT
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STATUS

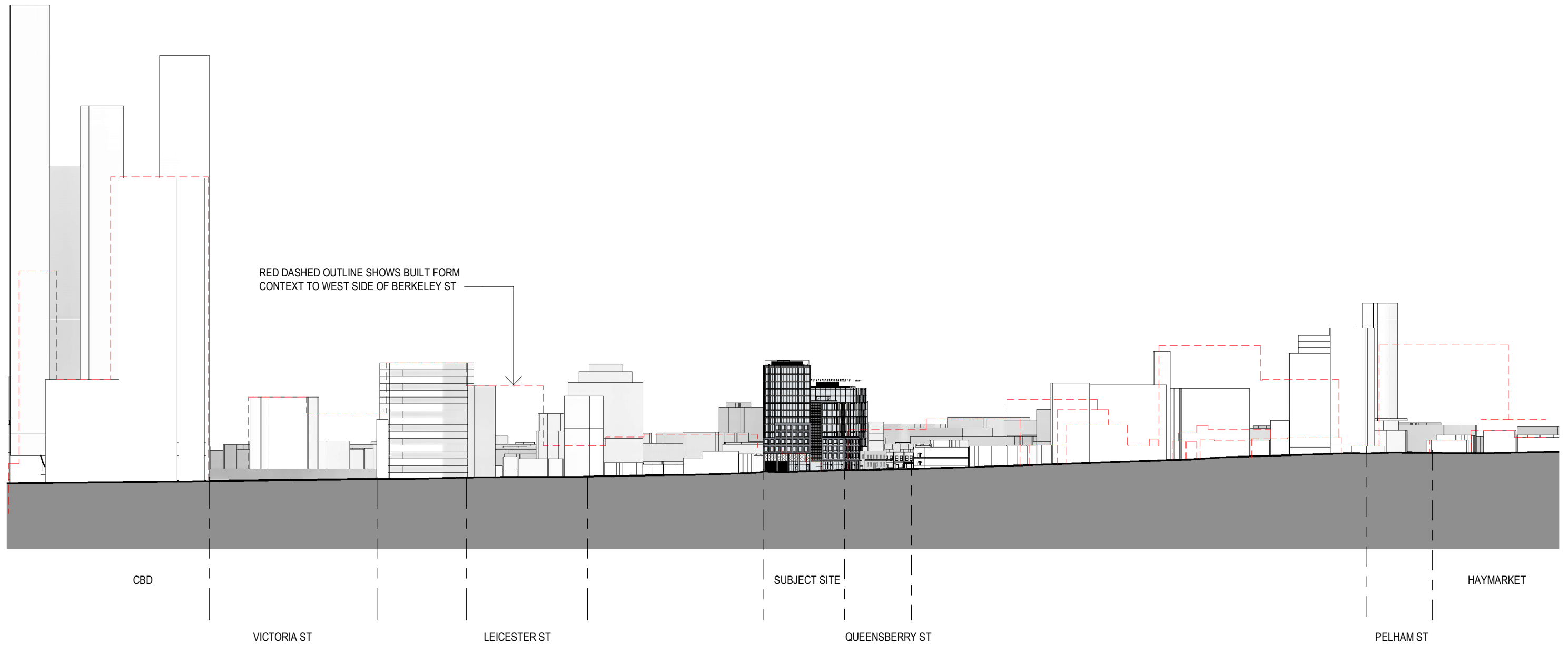
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TP 2-111

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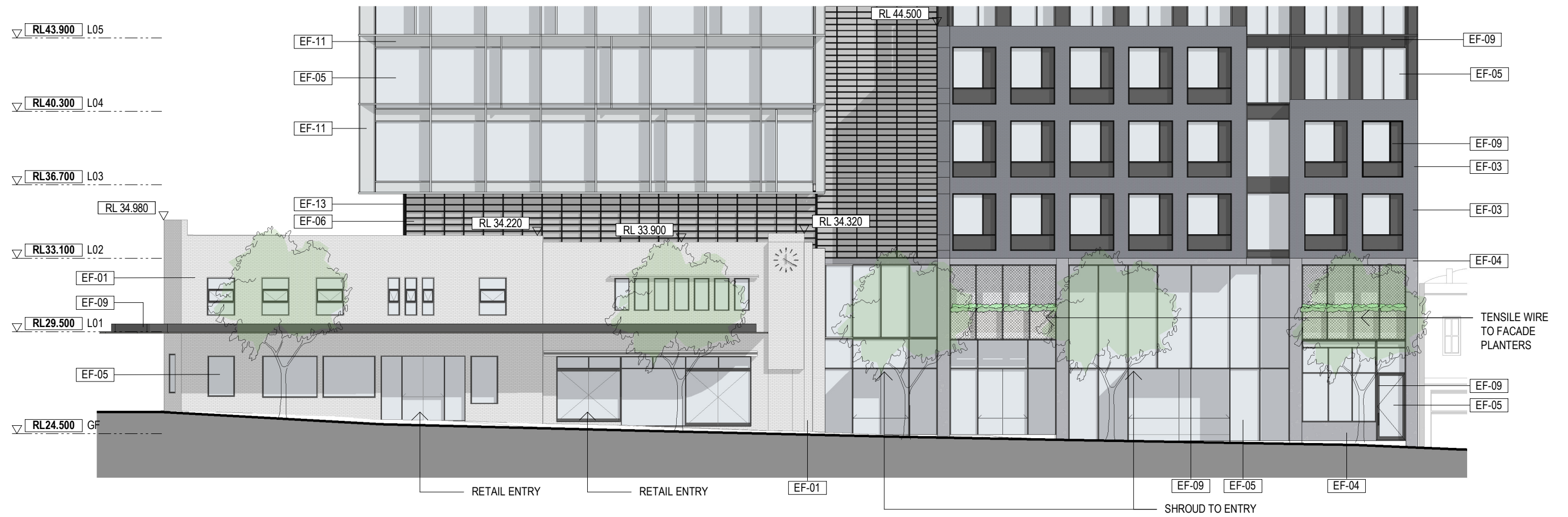
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PROJECT
600 ELIZABETH ST
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19-094
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PROJECT
600 ELIZABETH ST
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DRAWING TITLE
WEST PODIUM ELEVATION
 DRAWING NUMBER
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PROJECT #
19-094
 DATE
12/05/19



PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000
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DRAWING TITLE
NORTH PODIUM ELEVATION
 DRAWING NUMBER
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PROJECT #
19-094

DATE
12/05/19



PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000

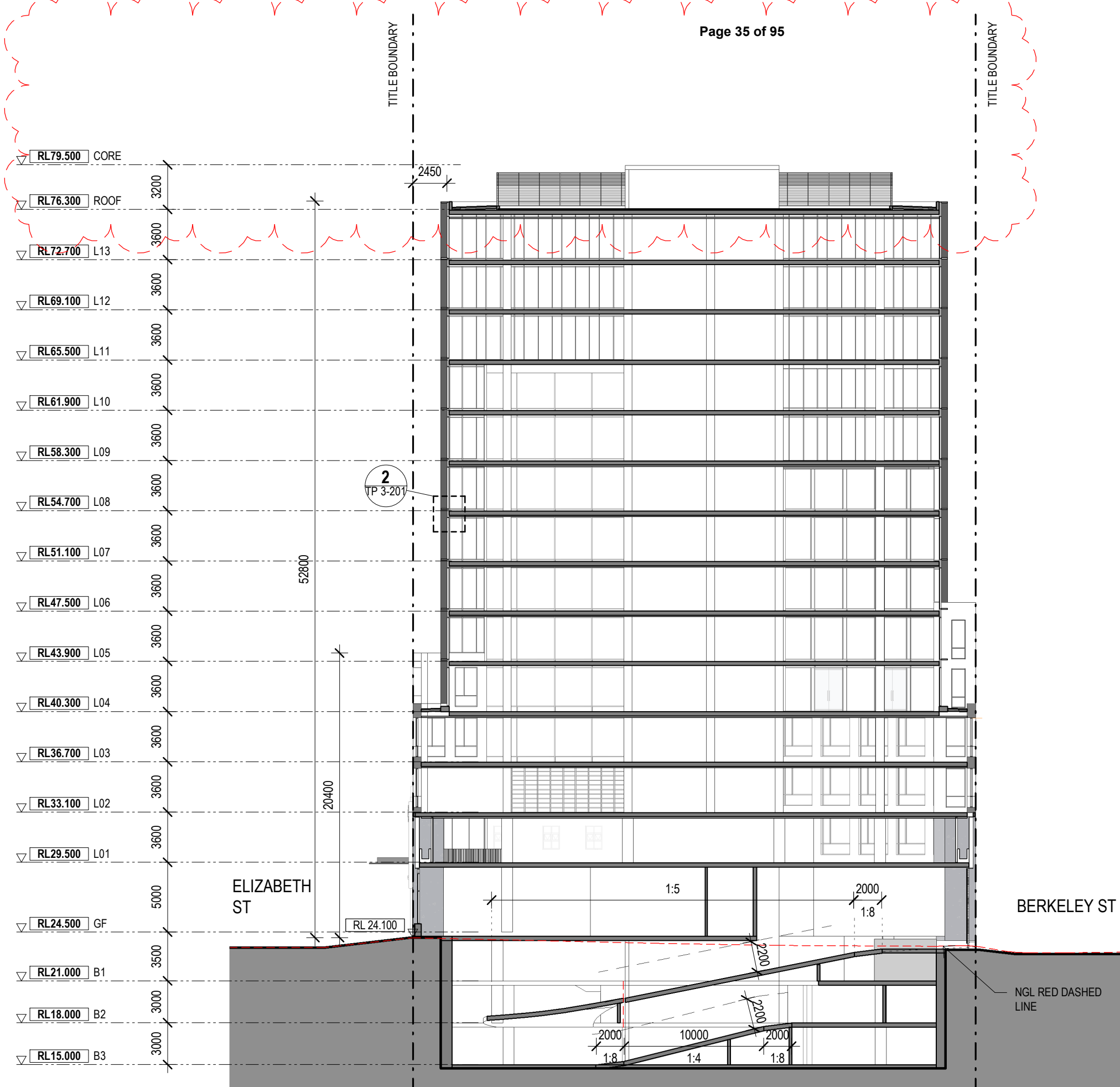
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DRAWING NUMBER
TP 2-212

REVISION
F

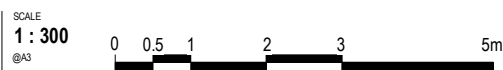
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 DATE
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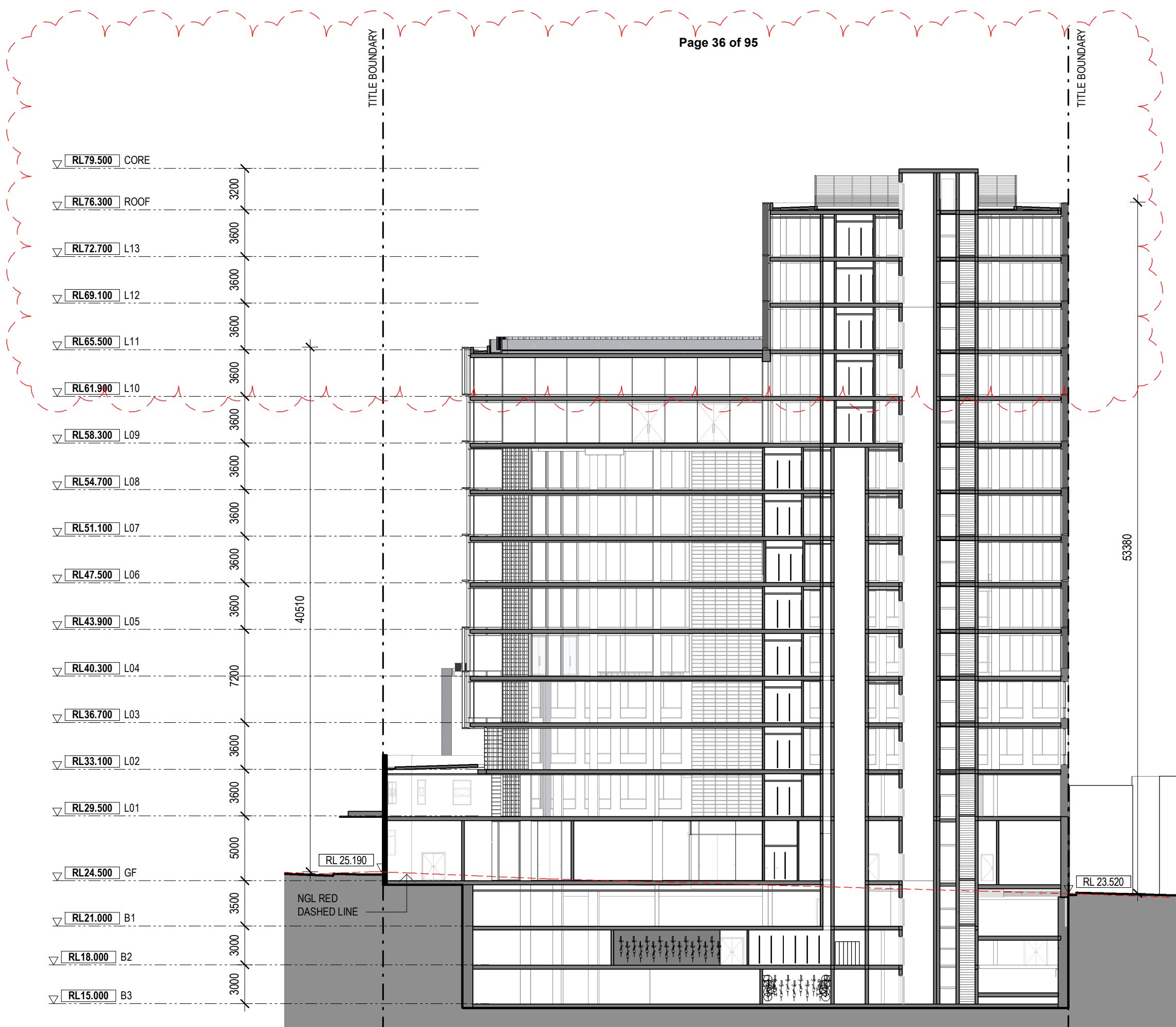


PROJECT
 600 ELIZABETH ST
 600 ELIZABETH ST, MELBOURNE 3000
 STATUS

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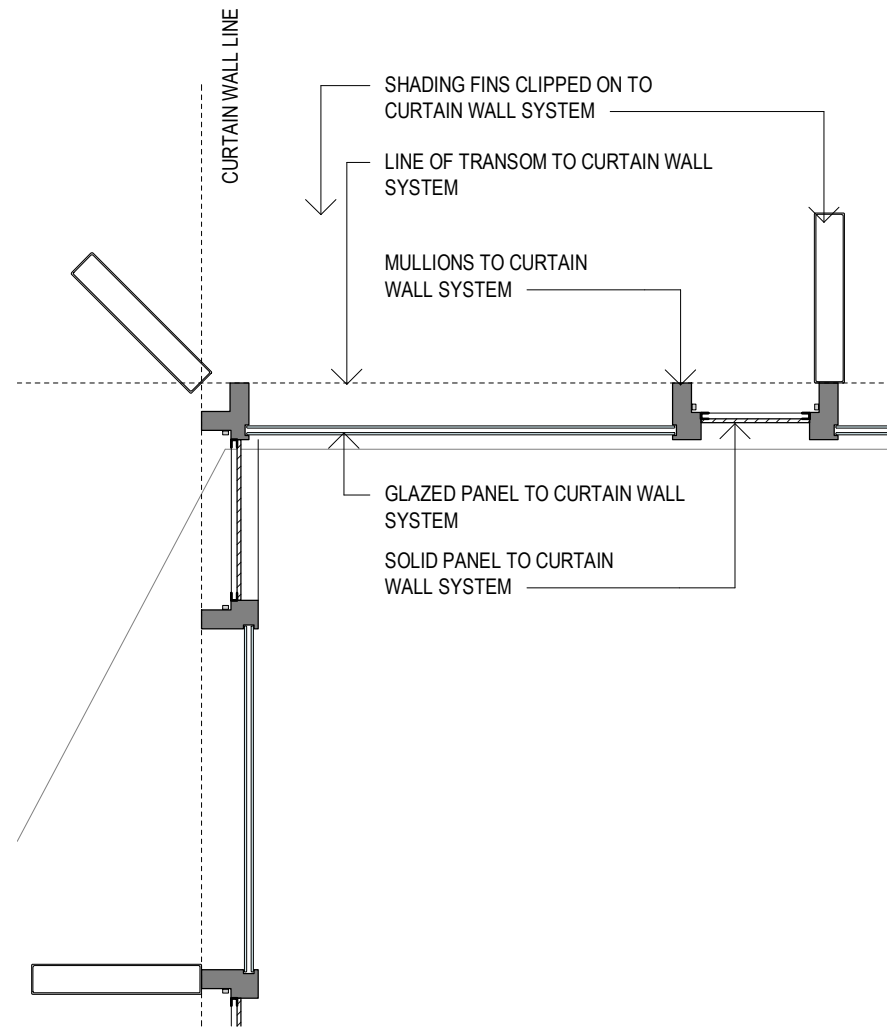
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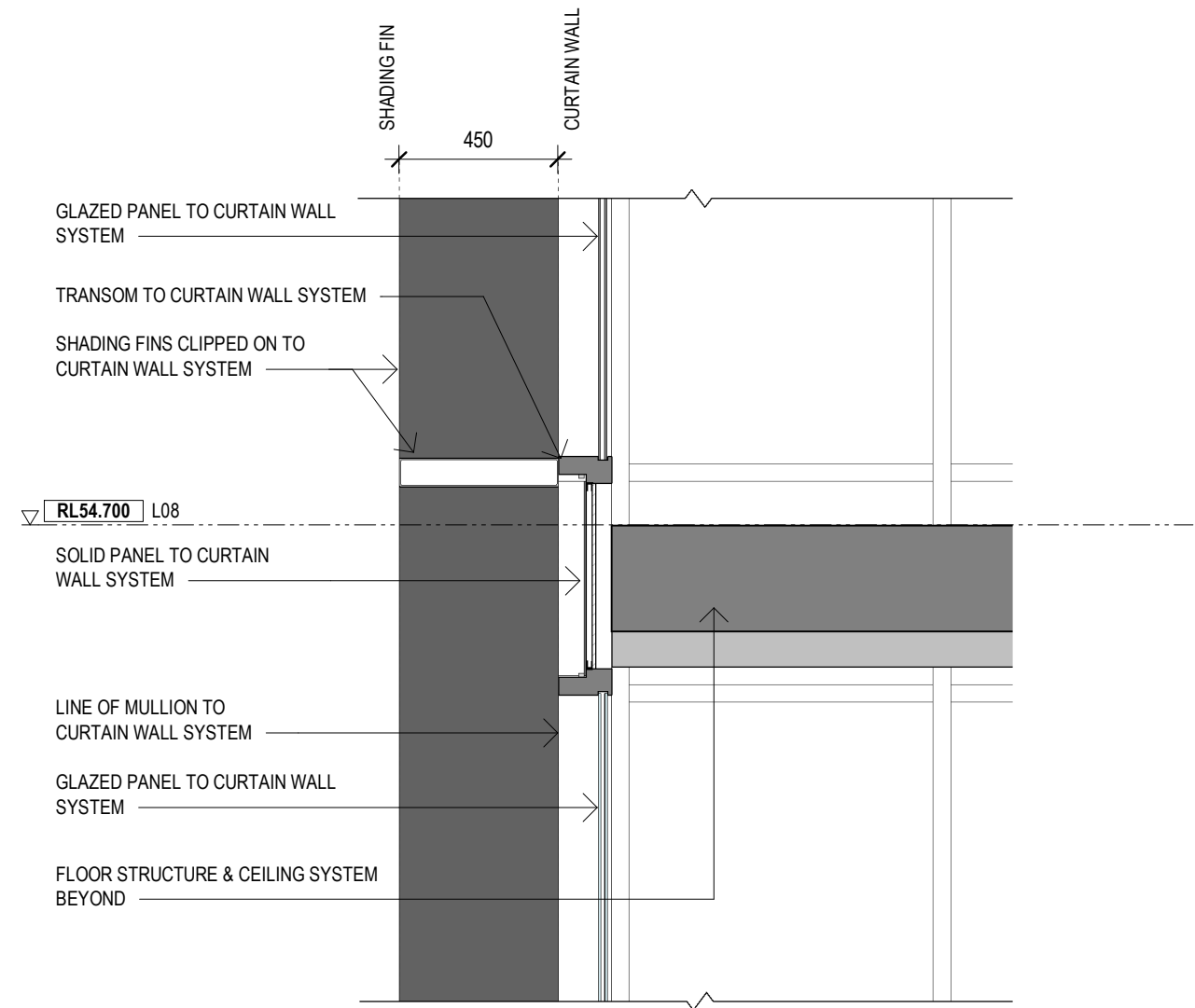


PROJECT
 600 ELIZABETH ST
 600 ELIZABETH ST, MELBOURNE 3000
 STATUS

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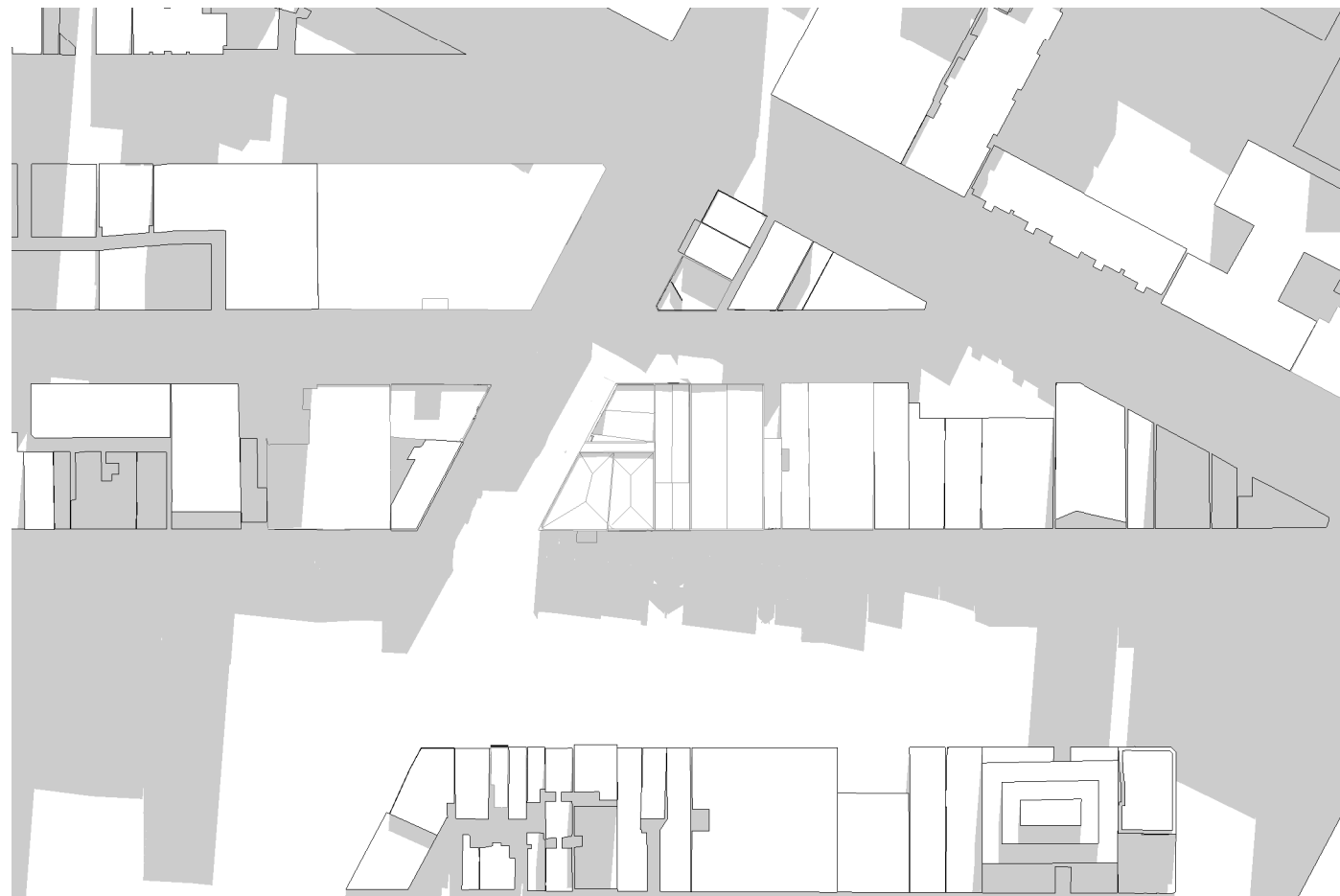


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TP 3-201 1 : 20

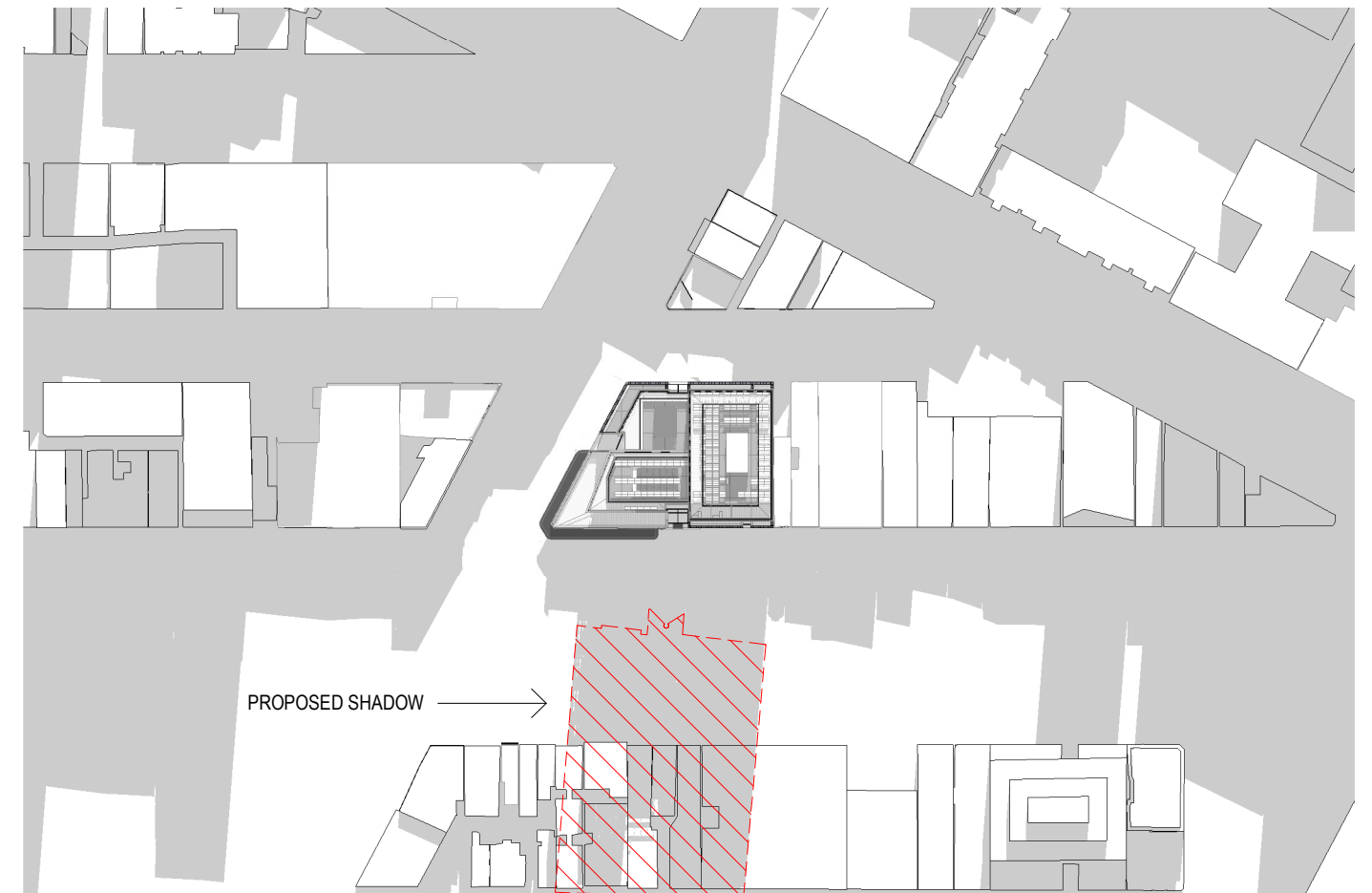


2 GLAZING FIN SECTION DETAIL
TP 3-201 1 : 20





1 SHADOWS SEPT 23 - 9AM EXISTING
TP 4-100



2 SHADOWS SEPT 23 - 9AM PROPOSED
TP 4-100

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19-094

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SCALE
1 : 2000
@A3



PROJECT
**600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000**

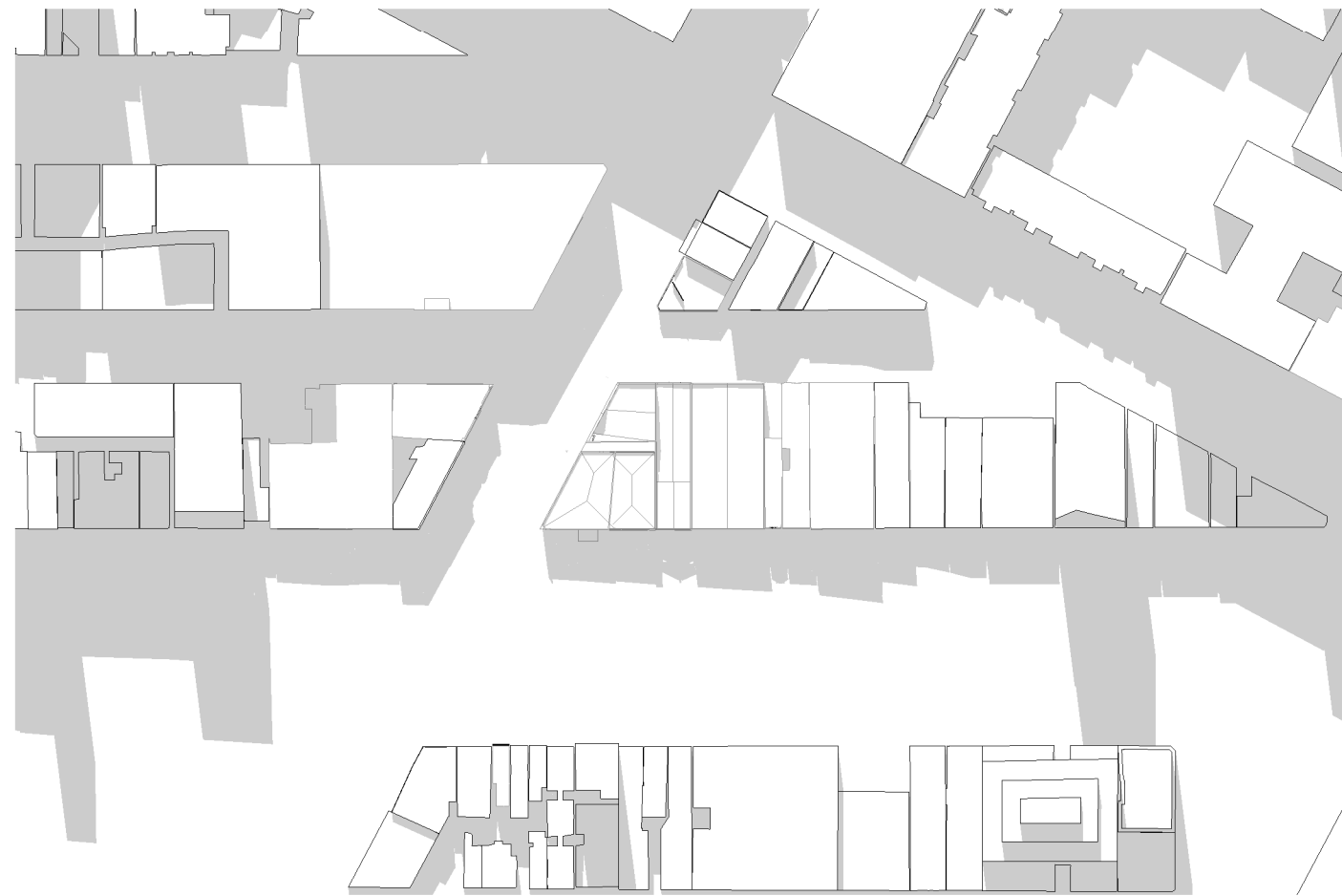
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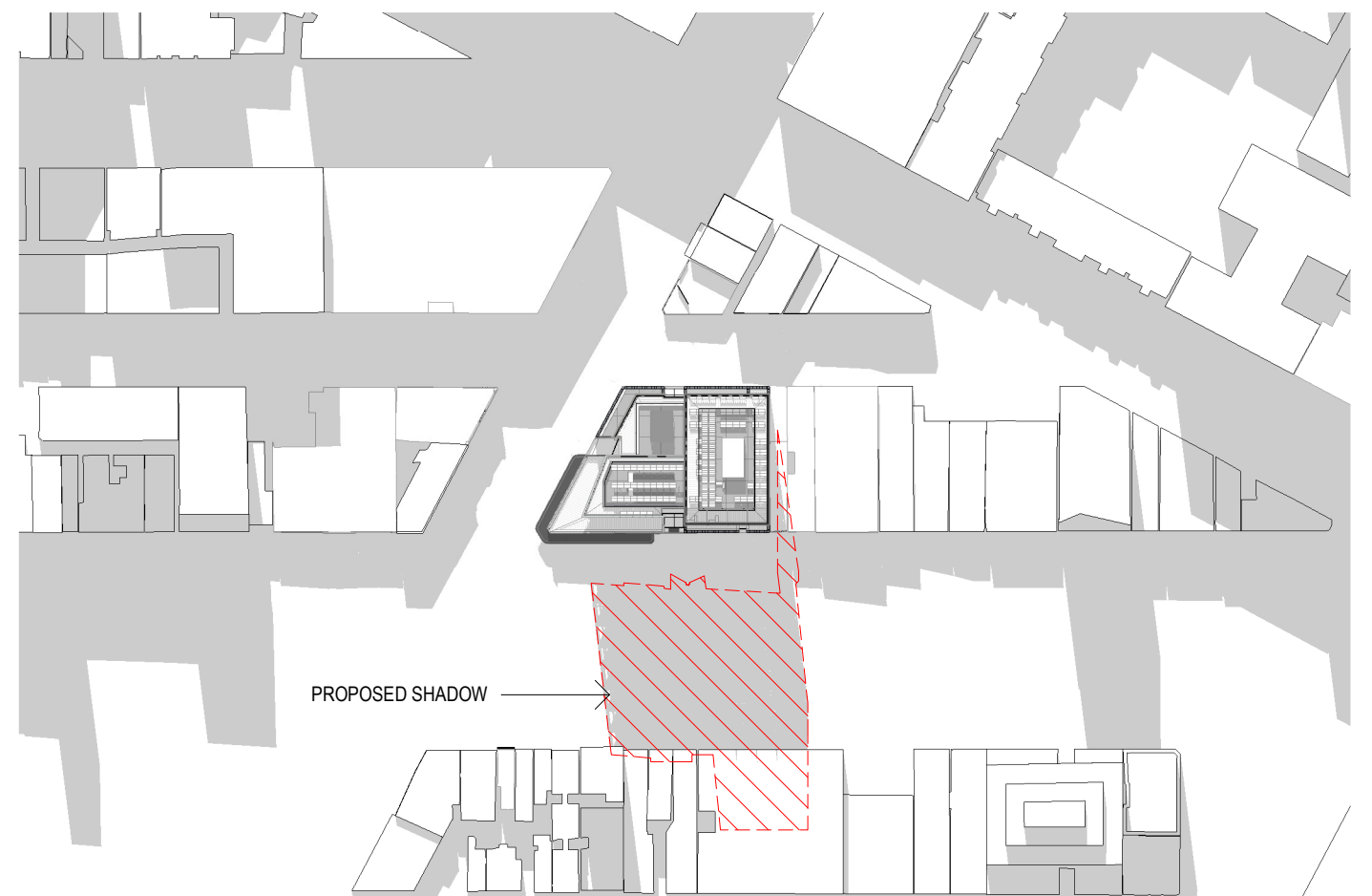
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REVISION
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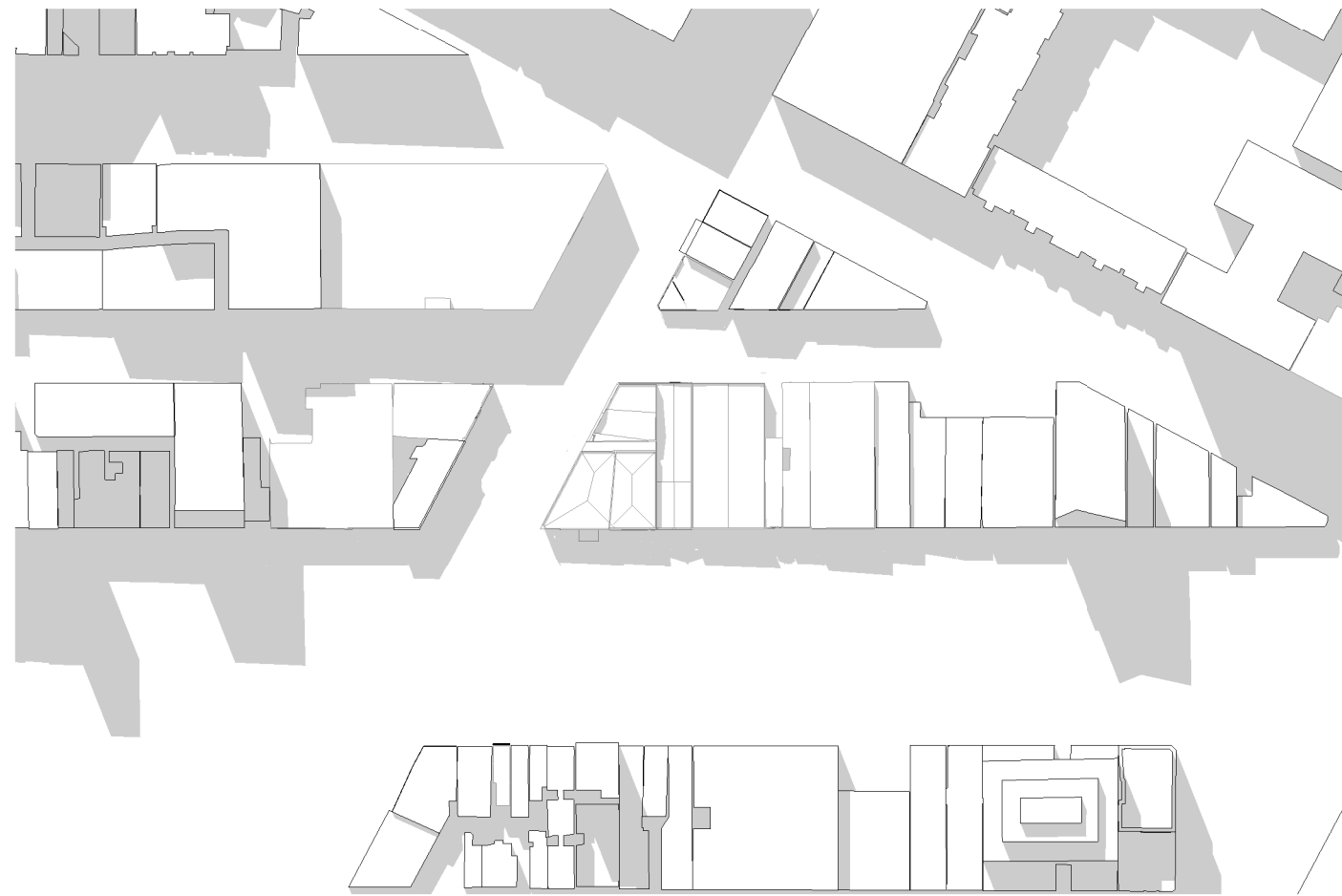


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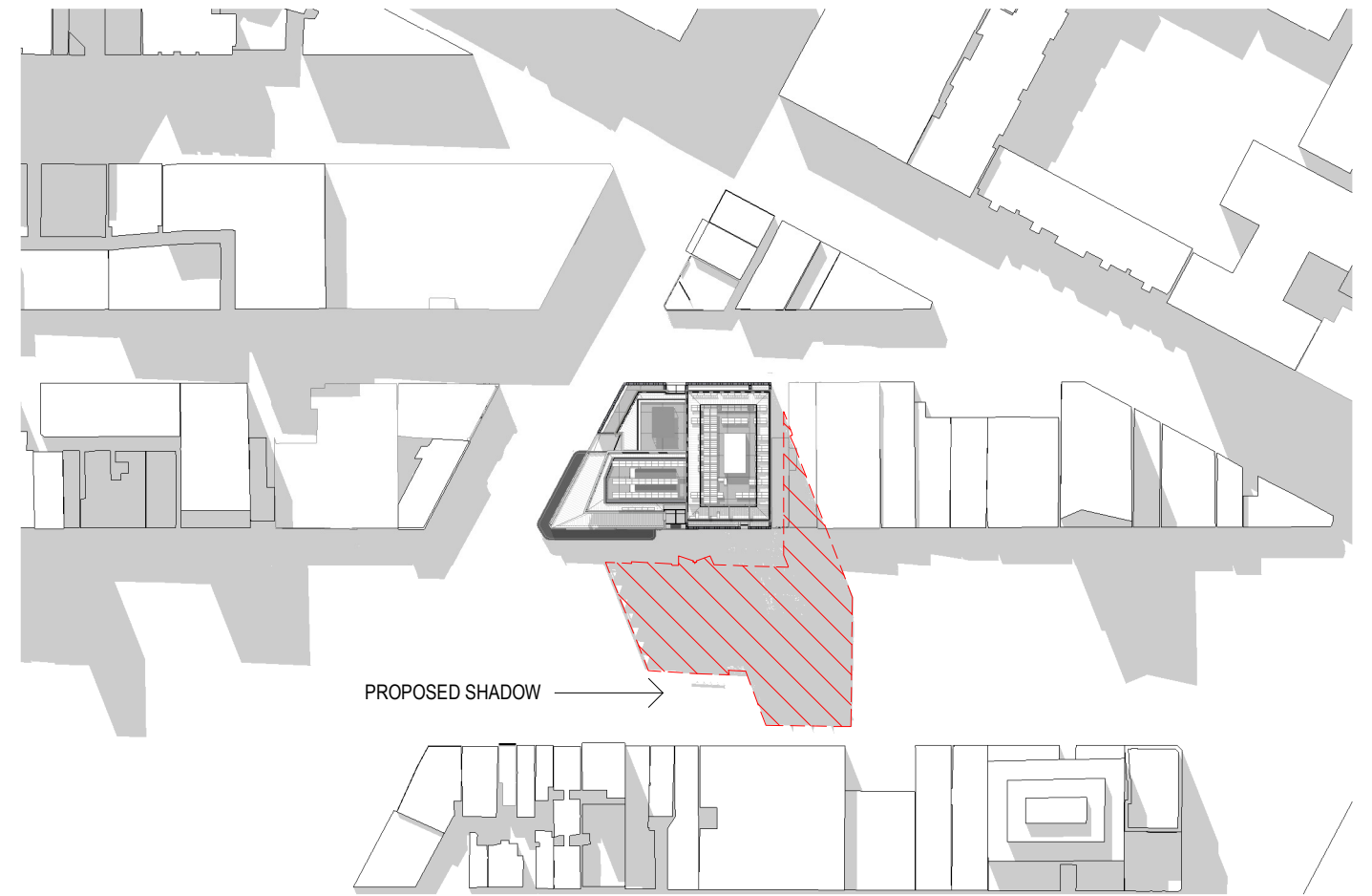


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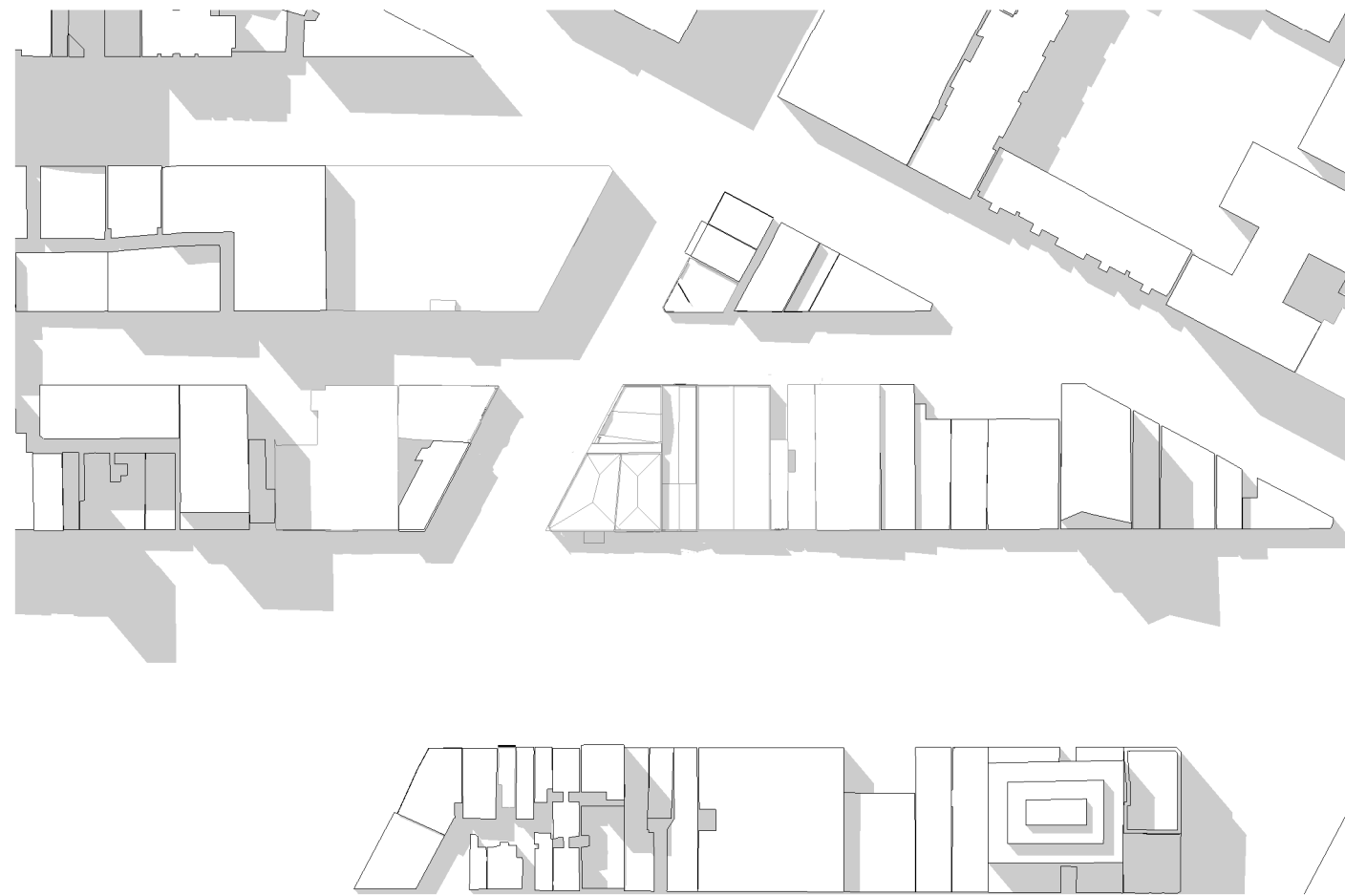
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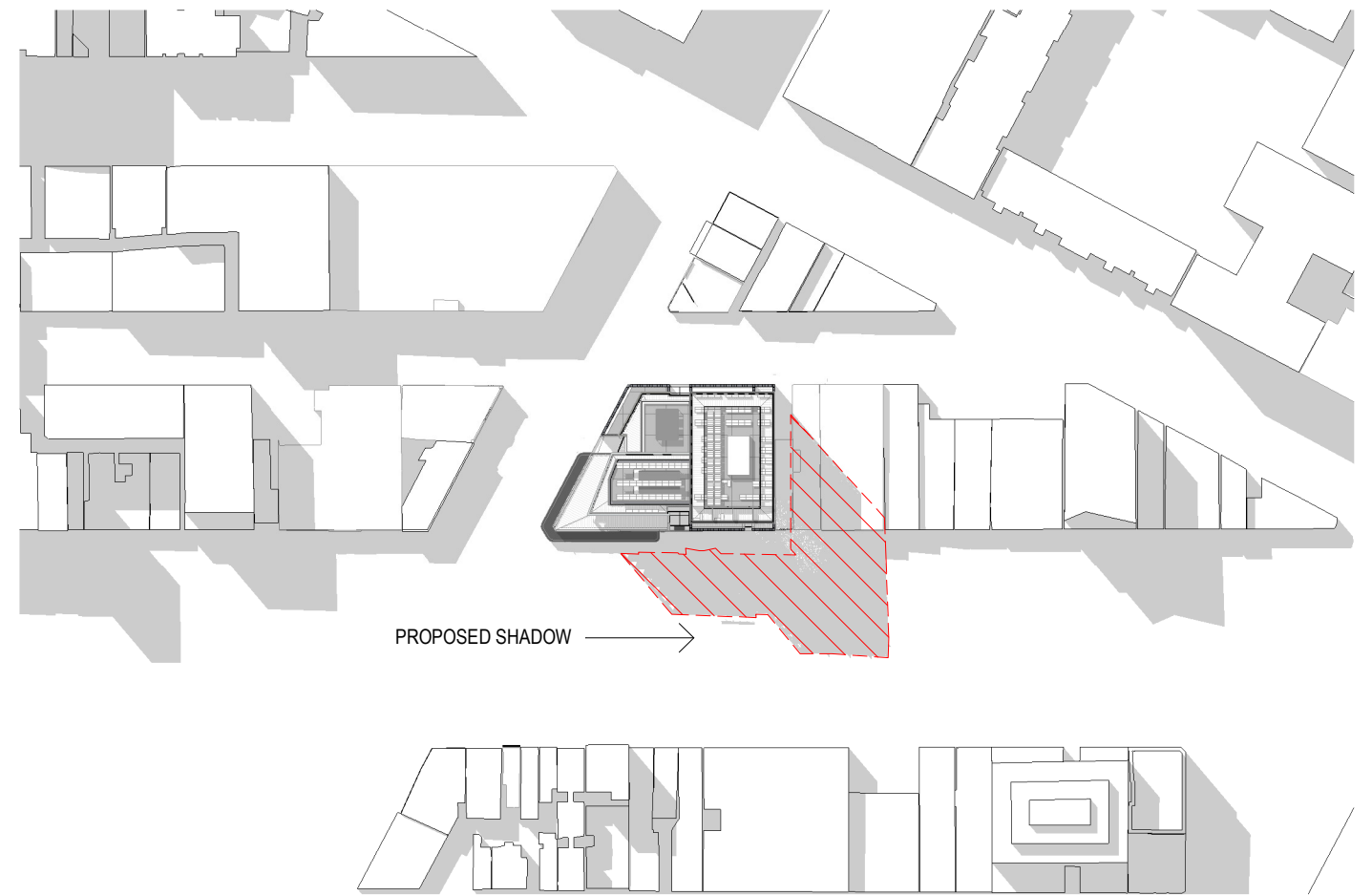
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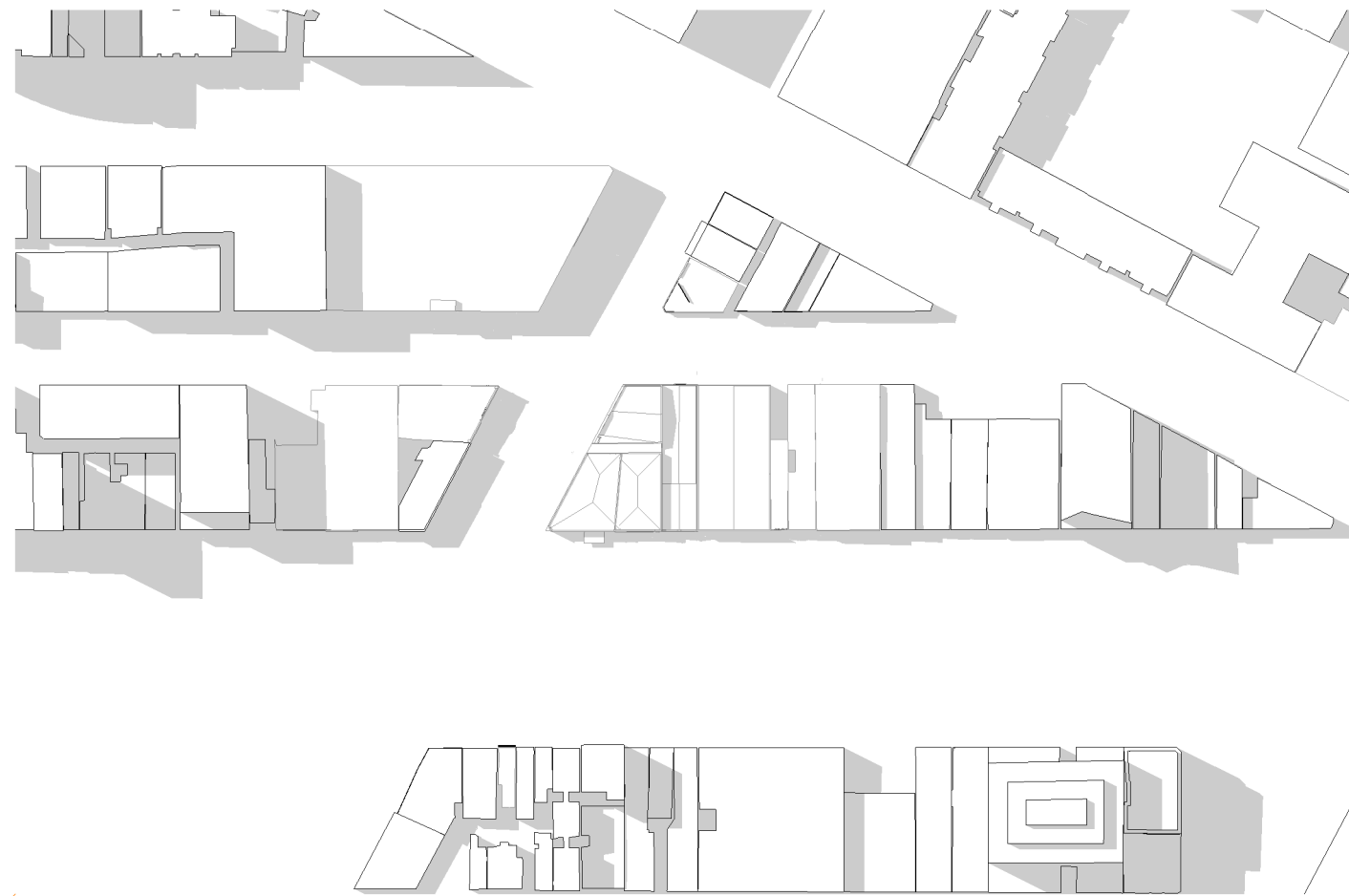
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TP 4-103



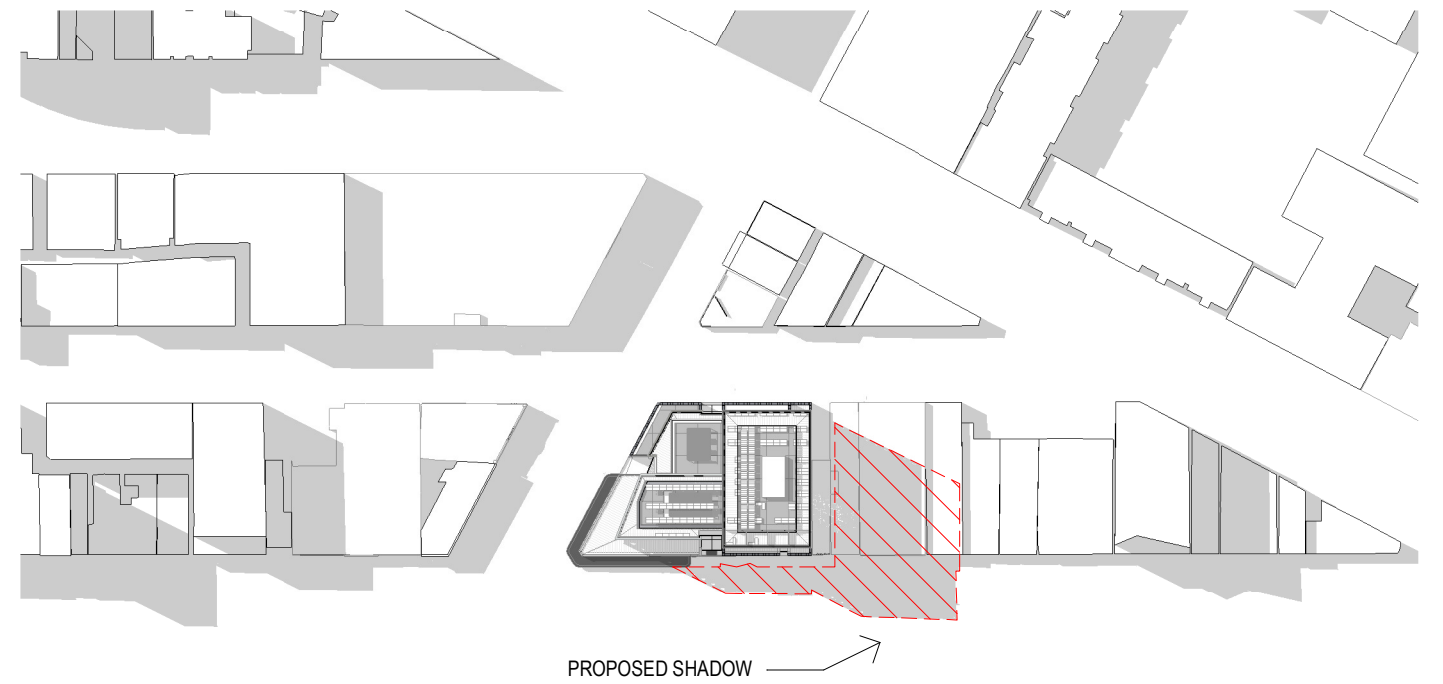
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TP 4-103

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1 SHADOWS SEPT 23 - 1PM EXISTING
TP 4-104



2 SHADOWS SEPT 23 - 1PM PROPOSED
TP 4-104

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PROJECT #
19-094

DATE
12/05/19

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PROJECT
**600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000**

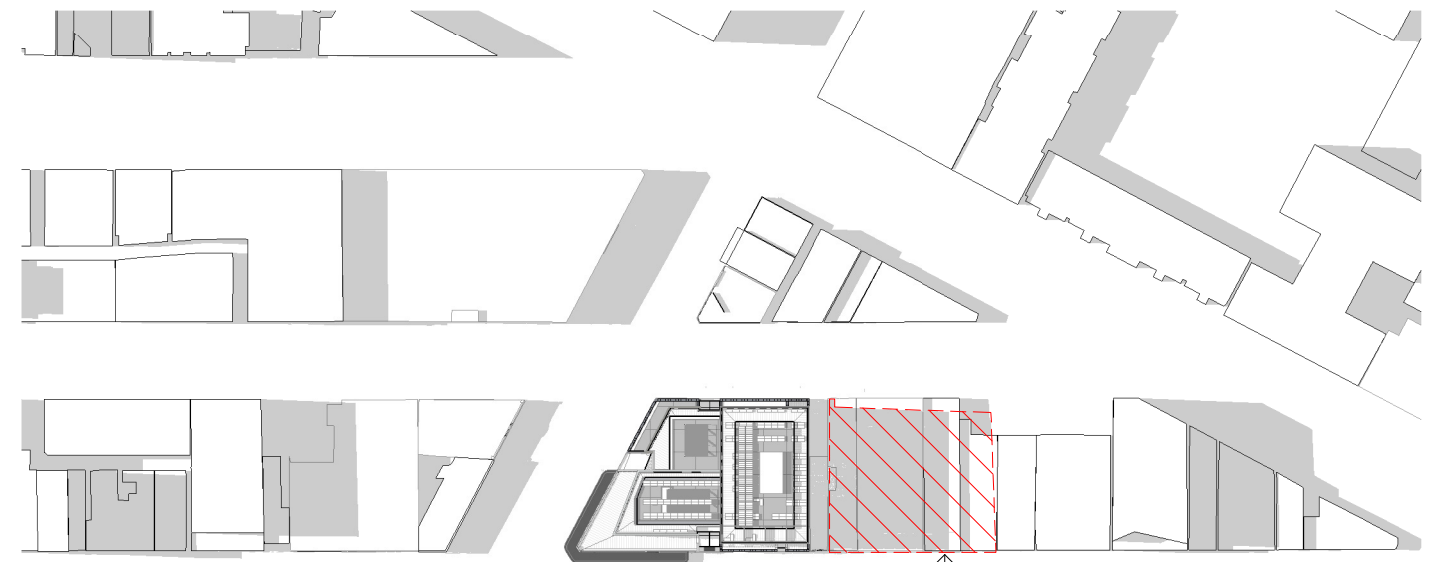
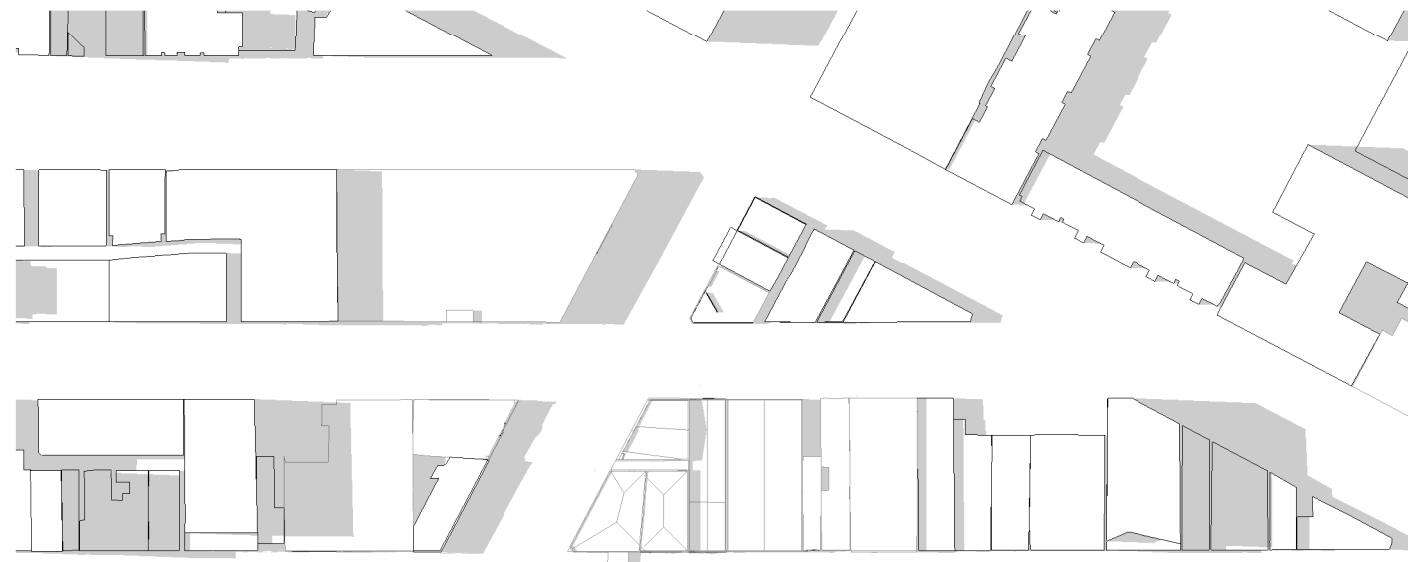
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DRAWING TITLE
1PM SHADOW DIAGRAMS

DRAWING NUMBER
TP 4-104

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PROPOSED SHADOW

1 SHADOWS SEPT 23 - 2PM EXISTING
TP 4-105

2 SHADOWS SEPT 23 - 2PM PROPOSED
TP 4-105

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PROJECT #
19-094

DATE
12/05/19

SCALE
1 : 2000
@A3
0 0.5 1 2 3 5m



PROJECT
600 ELIZABETH ST
600 ELIZABETH ST, MELBOURNE 3000

STATUS

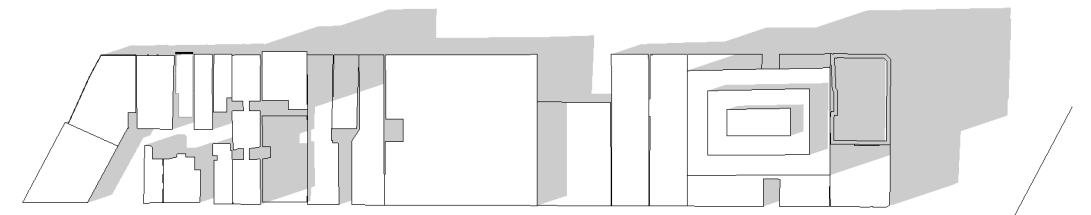
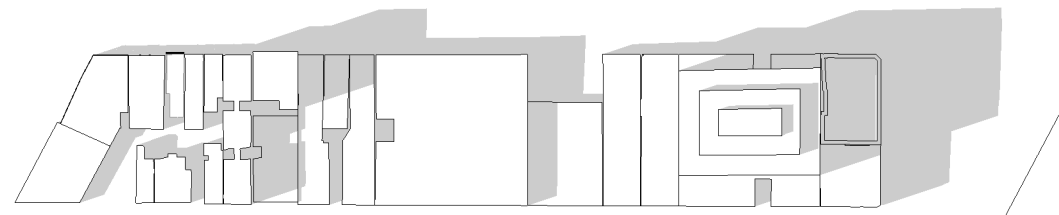
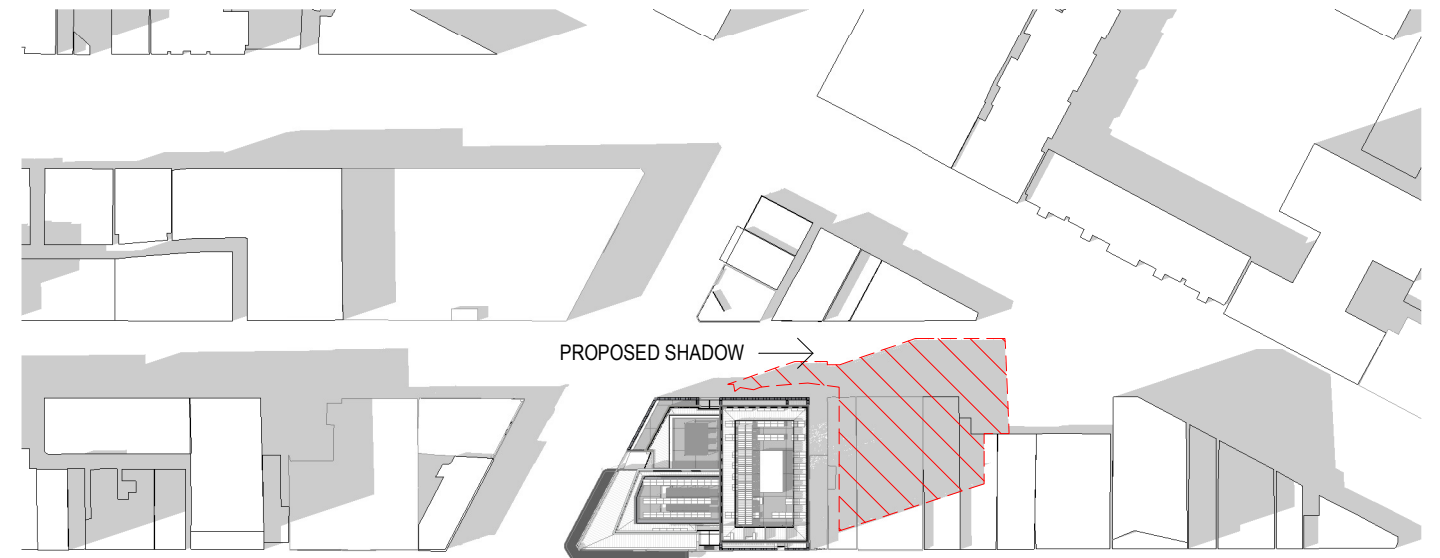
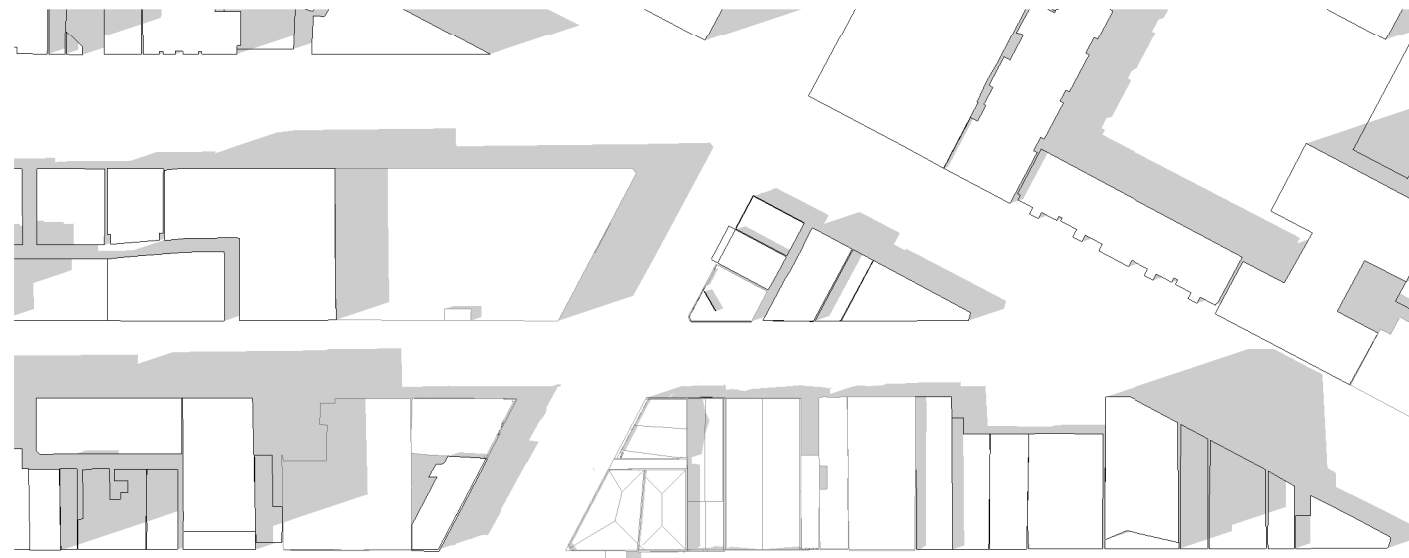
DRAWING TITLE
2 PM SHADOW DIAGRAMS

DRAWING NUMBER
TP 4-105

REVISION
F

Jackson
Clements
Burrows
Architects



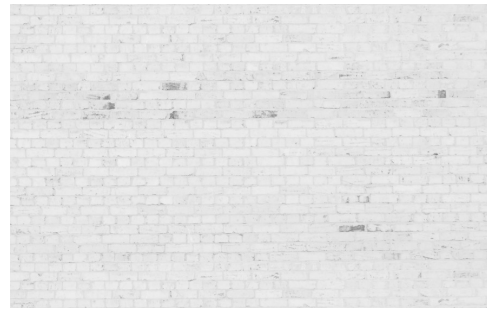


1 SHADOWS SEPT 23 - 3PM EXISTING
TP 4-106

2 SHADOWS SEPT 23 - 3PM PROPOSED
TP 4-106

REV	DATE	DESCRIPTION
A	06.12.2019	DRAFT TP
B	13.12.2019	DRAFT TP
C	18.12.2019	ISSUED FOR CONSULTANTS
D	12.02.2020	ISSUED FOR INFORMATION
E	12.08.2020	ISSUED FOR RFI
F	09.11.2020	ISSUED FOR DEWLP CLARIFICATION





EF-01



EF-02



EF-03



EF-04



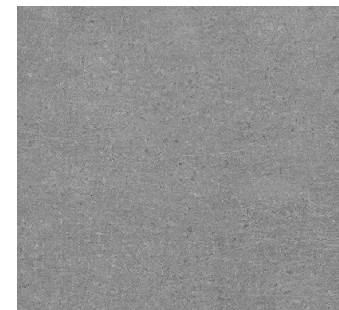
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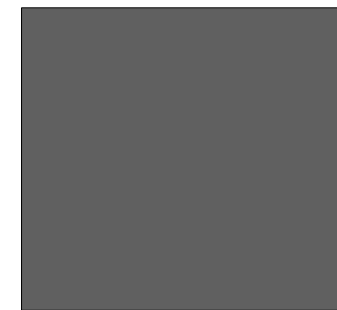
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EF-07



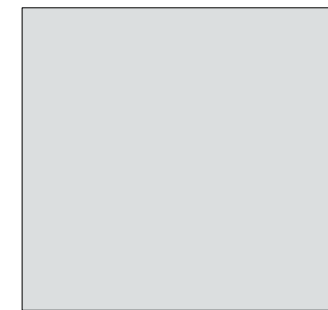
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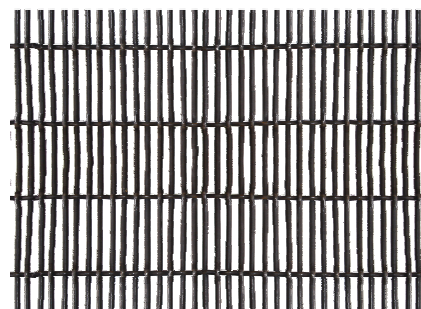
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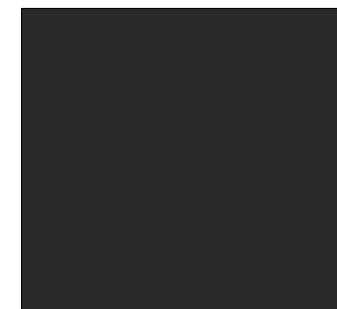
EF-10



EF-11



EF-12



EF-13

EXTERNAL FINISHES LEGEND

- EF-01 EXISTING BRICKWORK WHITE BAGGED RENDER FINISH. HERITAGE ARCHITECT TO CONFIRM COLOUR & SPEC.
- EF-02 **DELETED**
- EF-03 FACE BRICKWORK ADBRI ARCHITECTURAL SERIES - STEEL OR SIMILAR
- EF-04 EXPOSED CONCRETE
- EF-05 CLEAR GLAZING
- EF-06 GREY TINTED GLAZING
- EF-07 GALVANISED SPANDRELS & FRAMES
- EF-08 NATURAL ANNODIZED ALUMINIUM
- EF-09 "LOUVRECLAD CAPRICE" SERIES OR SIMILAR ANNODIZED - DARK GREY
- EF-10 "LOUVRECLAD CAPRICE" SERIES OR SIMILAR ANNODIZED - MID GREY
- EF-11 "LOUVRECLAD CAPRICE" SERIES OR SIMILAR ANNODIZED - LIGHT GREY
- EF-12 SCREEN - MESH WITH EF-08 FINISH
- EF-13 BLACK POWDERCOAT



MINISTERIAL PLANNING REFERRAL

DELEGATE REPORT

Application Number:	TPM-2020-18
DELWP Application Number:	PA2000766
Applicant:	Worths Pty Ltd c/ Urbis
Owners:	Afterwards Pty Ltd; DLF Finance Pty Ltd; Highlass Investments Pty Ltd; Protect Parking Pty Ltd; and Worth's Pty Ltd
Architect:	Jackson Clements Burrows Architects
Address:	582-590, 592, 594-598, 600-608 Elizabeth Street and 277-283 Queensberry Street, Melbourne
Proposal:	Partial demolition and construction of a multi storey building with basement levels for use as retail and office
Cost of Works:	\$65 million
Date Application Received by CoM:	6 April 2020
Responsible Officer:	Richard Cherry, Principal Urban Planner

1. SUBJECT SITE AND SURROUNDS

1.1. Site

The application site is made up of five properties, being:

- 582-588 Elizabeth Street, which is currently developed with a two storey building previously used as a showroom and office. The rear of the building (facing Berkeley Street) is graded Contributory.
- 590-592 Elizabeth Street, which is currently developed with a two storey building used as Chemist Warehouse. The building is graded Contributory.
- 594-598 Elizabeth Street, which is currently developed with a two storey building used as a shop (supermarket). The building is graded Significant.
- 600-608 Elizabeth Street, which is currently developed with a two storey building used as a shop (supermarket). The building is C graded in a Level 2 Streetscape (retaining its existing grading under Amendment C258 heritage review).
- 277-283 Queensberry Street, which is currently developed with a two storey building used as an office. The building is ungraded.

The site also includes a right of carriageway road off Queensberry Street, which has been discontinued.

Combined, the site is bound by Elizabeth Street to the west (62m frontage), Queensberry Street to the north (45m frontage) and Berkeley Street to the east (40m frontage) and has an overall area of approximately 2,050m².

1.2. Surrounds

Built form to the south, along Elizabeth Street, is predominantly of single and two storey scale, developed with a mix of graded and non-graded buildings. This low-scale form extends to the Berkeley Street elevation.

To the west, on the opposite side of Elizabeth Street, are buildings of predominantly two storeys in scale with the exception of 587-589 Elizabeth Street (ten storeys) and 591-593 Elizabeth Street (seven storeys).

Diagonally opposite the site on the north-west corner of Elizabeth Street and Queensberry Street is a current staged development site for a nine storey building, an 18 storey building and a 20 storey building.

Directly north of the site, on the north side of Queensberry Street, is a three storey hotel at 616 Elizabeth Street known as The Last Jar and a two storey warehouse / store at 278-284 Queensberry Street. Behind these properties at 618-630 Elizabeth Street is a two storey building with recent planning approval to construct a 17 storey building for use as student accommodation.

Diagonally north-east of the site at 11 Barry Street is a four storey office building.

The wider surrounding area is developed with a mix of low and high-rise buildings, including recently approved taller developments either under construction or yet to commence. Albeit it a mixed character, it generally retains its lower scale form as a step-down from the skyscrapers to the south in the CBD.

Elizabeth Street is a main road (Category 1 Road Zone) that connects the CBD with Royal Parade and Flemington Road.

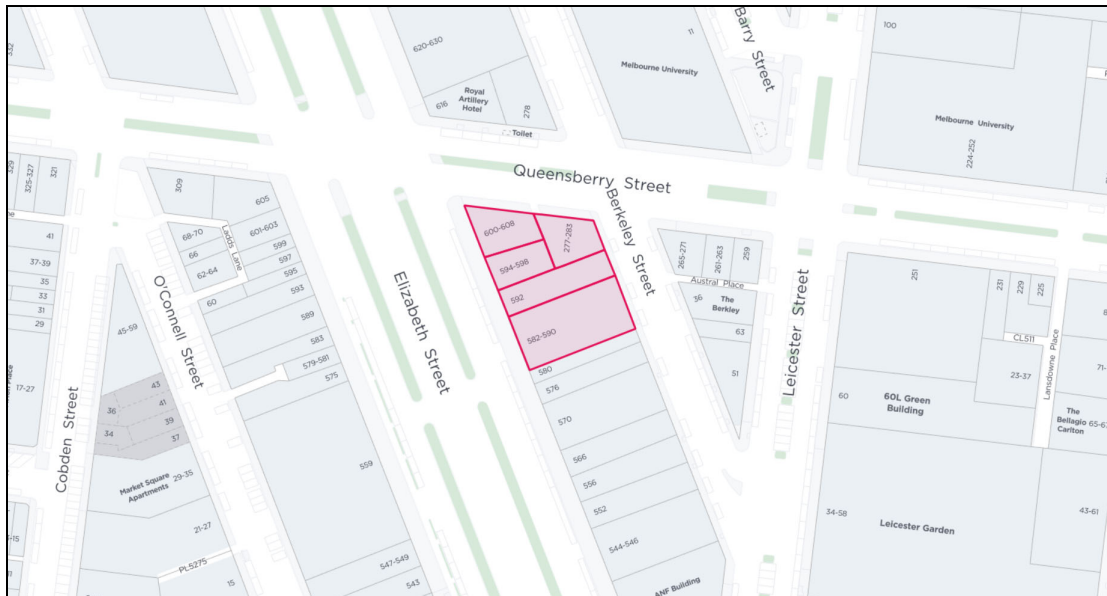


Figure 1: Map of subject site and surrounds



Figure 2: Aerial of subject site and surrounds (6 September 2020)

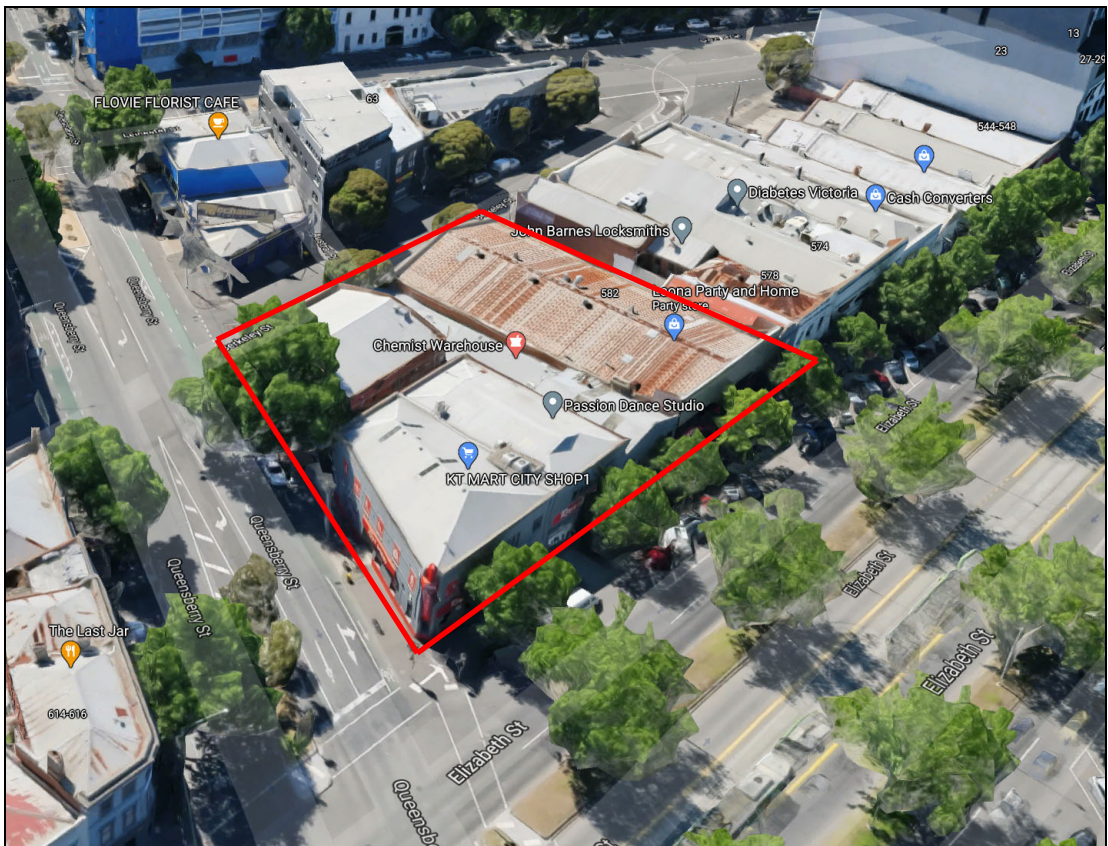


Figure 3: 3D aerial of subject site's immediate built form context (Google Maps)



Figure 4: Subject site from corner of Elizabeth Street and Queensberry Street (Google Street View)



Figure 5: Subject site from Elizabeth Street (Google Street View)



Figure 6: Subject site from corner of Queensberry Street and Berkeley Street (Google Street View)



Figure 7: Subject site from Berkeley Street (Google Street View)

2. BACKGROUND AND HISTORY

2.1. Original Application (TP-2018-1125)

Planning Application TP-2018-1125 was lodged with Council on 11 December 2018. The proposal sought approval for partial demolition and construction of a multi storey building with basement levels for retail (including supermarket) and office use.



Figure 8: Render of original proposed development under Planning Application TP-2018-1125

2.2. Section 57A Amendment Application (TPM-2020-18)

The applicant determined to amend the plans via Section 57A of the *Planning and Environment Act 1987*. In doing so, the changes to the plans resulted in the Gross Floor Area exceeding 25,000m²; therefore, becoming the responsibility of the Minister for Planning. The Section 57A application was subsequently referred to Council for review and advice (TPM-2020-18). Note that Council has not been provided with a revised estimated cost of development.

2.3. Discussion Plans (TPM-2020-18)

Following receipt of the s.57A proposal, a preliminary assessment was undertaken by Council and referral comments provided to the applicant (and DELWP). Concerns were raised with the development, which is discussed in detail at Section 6 of this report. On 25 June 2020 a meeting was held between the applicant, DELWP and Council and on 25 November 2020, a set of discussion plans were submitted. The s.57A plans and discussion plans are detailed at Section 3 of this report.

3. PROPOSAL

3.1. Application Plans

The application proposes:

- Partial demolition of 594-598 Elizabeth Street with retention of the Elizabeth Street façade.
- Partial demolition of 600-608 Elizabeth Street with retention of the Elizabeth Street and Queensberry Street façades, as well as a portion of the eastern return adjacent the existing laneway.
- Partial demolition of 277-283 Queensberry Street with retention of the Queensberry Street and Berkeley Street façades, as well as a portion of the western return wall adjacent the existing laneway.
- Full demolition of 582-588 Elizabeth Street.
- Full demolition of 590-592 Elizabeth Street.
- Construction of three tower forms above a three level basement for use as a supermarket, retail and offices.
 - Basement Level 3 comprises car, motorcycle and bicycle parking, and services.
 - Basement Level 2 comprises car, motorcycle and bicycle parking, end-of-trip facilities and services.
 - Basement Level 1 comprises a 948.8m² supermarket (including a bottle shop), supermarket waste room, and services.
 - Ground Level includes 15 retail tenancies, with a retail and supermarket entry off Elizabeth Street and Queensberry Street, a lobby entry to the office off Elizabeth Street, a corridor entry off Berkeley Street, vehicular entry ramp and separate loading bay off Berkeley Street, back-of-house office room, waste room and bathroom facilities.
 - Level 1 comprises 1,747.4m² of office floor space.
 - Levels 2-5 comprise 1,351.5m² of office floor space. The joined towers have setbacks of 4.27m from Elizabeth Street, between 2.59m and 7m from Queensberry Street and 1.99m from Berkeley Street. The southern portion of the site is constructed to the Elizabeth Street and Berkeley Street boundaries.
 - Levels 6-11 comprise 1,271.4m² of office floor space. The joined towers have setbacks of between 2m and 4.25m from Elizabeth Street, between 1.99m and 6.95m from Queensberry Street and between 1.99m and 2.96m from Berkeley Street.
 - Levels 12-13 comprise 1,077.4m² of office floor space. The joined towers have setbacks of between 2m and 4.25m from Elizabeth Street, between 4.81m and 6.98m from Queensberry Street and 2m from Berkeley Street. The north-east tower form facing the Queensberry Street and Berkeley

Street corner comprises a roof terrace accessed via Level 12 of the remaining two towers.

- Levels 14-16 comprise 682.3m² of office floor space. The highest, southern tower has setbacks of 2m from Elizabeth Street and 2m from Berkeley Street. The north-west tower form facing the Elizabeth Street and Queensberry Street corner comprises a roof terrace accessed via Level 14 of the remaining tower.
- Plant services are located at roof level of the southern tower.
- Construction of a 2.99m deep canopy along part of the Elizabeth Street and Queensberry Street elevations.
- Detailed design:
 - The southern tower is constructed with face brickwork, punched clear glazed windows with galvanised spandrels and frames to the street walls (with ground level exposed concrete and glazing as well as vehicle roller doors to Berkeley Street); off-white LouvreClad and clear glazed windows to the tower form; and mesh plant screening.
 - The central break between the southern tower and the north-west tower is constructed with grey tinted glazing.
 - The north-west tower retains the two storey heritage façade and the tower form is constructed with grey LouvreClad and clear glazed windows. Planters, balustrades and a pergola are located at roof level.
 - The central break between the north-west and north-east towers is constructed with grey tinted glazing.
 - The north-east tower retains its two storey façade and the tower form is constructed with bronze LouvreClad and clear glazed windows. Planters, balustrades and a pergola are located at roof level.
 - The central break between the north-east and southern towers is constructed with grey tinted glazing.
- Specific details of the proposal are as follows:

Office	18,963m ²
Retail	1,084m ²
Supermarket	948.8m ²
Total Building Height	<p>South Tower (17 storeys) Elizabeth Street: 63.5m Berkeley Street: 64.4m</p> <p>North-West Tower (14 storeys) Elizabeth Street: 52.1m</p> <p>North-East Tower (12 storeys) Berkeley Street: 44.7m</p>
Street Wall Height	<p>Elizabeth Street South Tower: 20.4m North-West Tower: 9.2m (retained façade)</p> <p>Queensberry Street North-West Tower: 9.2m (retained façade) North-East Tower: 12.1m (retained façade)</p>

	<p>Berkeley Street North-East Tower: 10.4m (retained façade) South Tower: 21.4m</p>
Setbacks (above street wall)	<p>Elizabeth Street South Tower: 2m North-West Tower: 4.2m</p> <p>Queensberry Street North-West Tower: 4.8m–7m North-East Tower: 2m–10m</p> <p>Berkeley Street North-East Tower: 2m South Tower: 2m</p>
Gross Floor Area (GFA)	30,270m ²
Car Parking Spaces	60 car spaces
Motorcycle Spaces	10 motorcycle spaces
Bicycle Spaces	135 bicycle spaces



Figure 9: Proposed building from Elizabeth Street and Queensberry Street corner



Figure 10: Proposed building from Elizabeth Street



Figure 11: Proposed building from Queensberry Street and Berkeley Street corner



Figure 12: Elizabeth Street entry



Figure 13: Queensberry Street entry

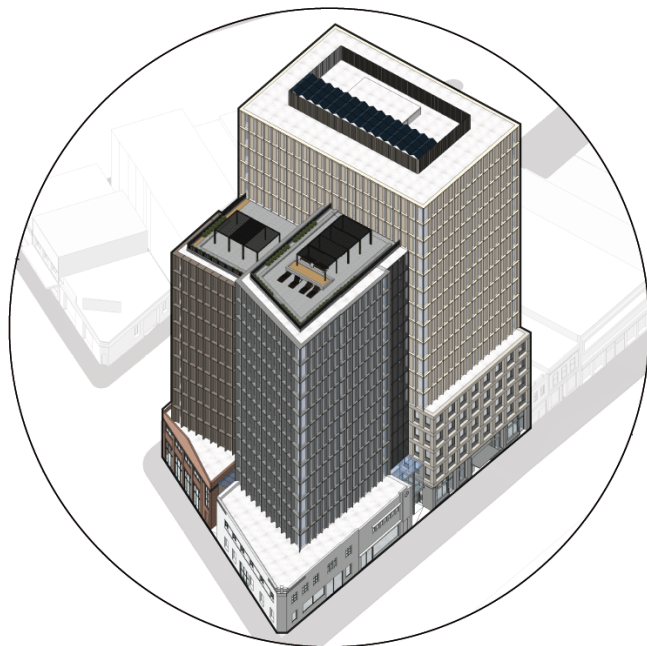


Figure 14: Massing strategy

3.2. Discussion Plans

The discussion plans referred to Council on 25 November 2020 were submitted to respond to previous referral comments. The changes include:

- A reduction in the overall building height
- Various changes to street wall heights and upper level setbacks
- Design detail changes to materials and finishes
- Full demolition of 277-283 Queensberry Street (previously retained façade)
- A reduction of two retail tenancies (from 15 to 13)
- A separate supermarket entry off Elizabeth Street
- A wider pedestrian entry off Queensberry Street.

A comparison between the application and discussion plans is as follows:

	Application Plans	Discussion Plans
Office	18,963m ²	15,257m ²
Retail	1,084m ²	1,086m ²
Supermarket	948.8m ²	952m ²
Total Building Height	<p>South Tower (17 storeys) Elizabeth Street: 63.5m Berkeley Street: 64.4m</p> <p>North-West Tower (14 storeys) Elizabeth Street: 52.1m</p> <p>North-East Tower (12 storeys) Berkeley Street: 44.7m</p>	<p>South Tower (14 storeys) Elizabeth Street: 52.8m Berkeley Street: 53.6m</p> <p>North-West Tower (11 storeys) Elizabeth Street: 42m</p> <p>North-East Tower (9 storeys) Berkeley Street: 34.7m</p>
Street Wall Height	<p>Elizabeth Street South Tower: 20.4m North-West Tower: 9.2m (retained façade)</p> <p>Queensberry Street North-West Tower: 9.2m (retained façade) North-East Tower: 12.1m (retained façade)</p> <p>Berkeley Street North-East Tower: 10.4m (retained façade) South Tower: 21.4m</p>	<p>Elizabeth Street South Tower: 20.4m North-West Tower: 9.2m (retained façade)</p> <p>Queensberry Street North-West Tower: 9.2m (retained façade) North-East Tower: 16.3m (new façade)</p> <p>Berkeley Street North-East Tower: 16.7m (new façade) South Tower: 24.7m</p>
Setbacks (above street wall)	<p>Elizabeth Street South Tower: 2m North-West Tower: 4.2m</p> <p>Queensberry Street North-West Tower: 4.8m–7m North-East Tower: 2m–10m</p> <p>Berkeley Street North-East Tower: 2m South Tower: 2m</p>	<p>Elizabeth Street South Tower: 2m North-West Tower: 4.2m (4.7m at Level 2)</p> <p>Queensberry Street North-West Tower: 4.8m–7m (5.9m–8.2m at Level 2)</p> <p>North-East Tower: 4.2m</p> <p>Berkeley Street</p>

		North-East Tower: 2m South Tower: 2m
Gross Floor Area (GFA)	30,270m ²	25,007m ²
Car Parking Spaces	60 car spaces	60 car spaces
Motorcycle Spaces	10 motorcycle spaces	10 motorcycle spaces
Bicycle Spaces	136 bicycle spaces	150 bicycle spaces

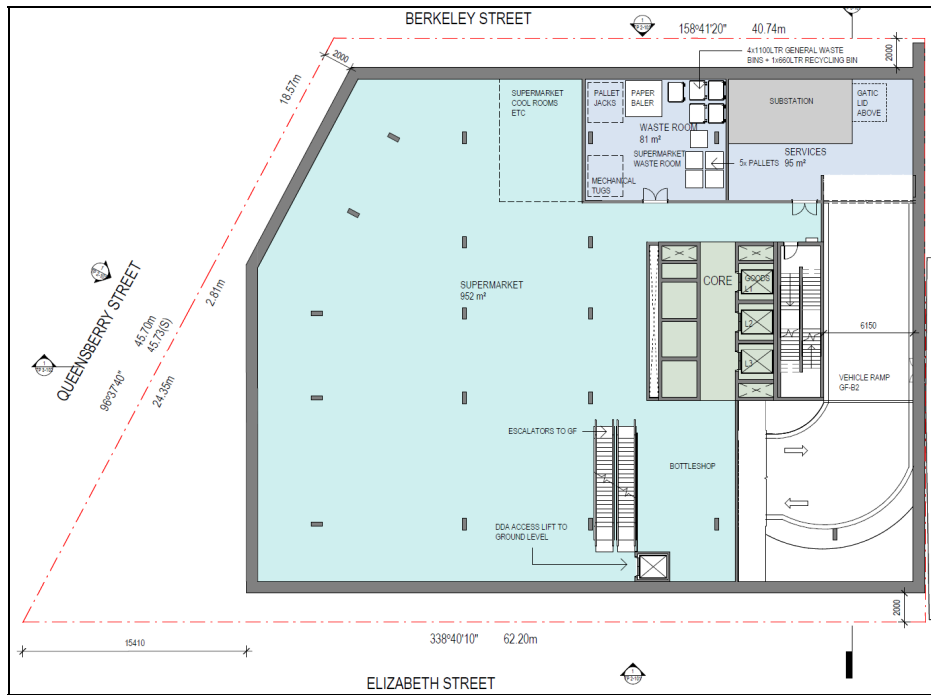


Figure 15: Discussion Plans – Basement Level 1

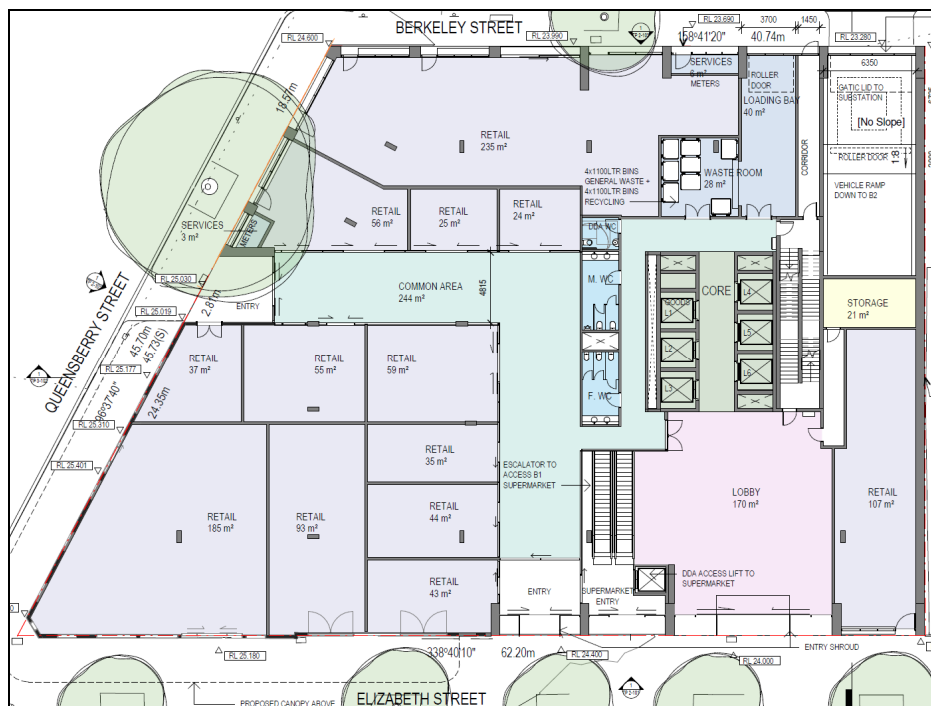


Figure 16: Discussion Plans – Ground Level

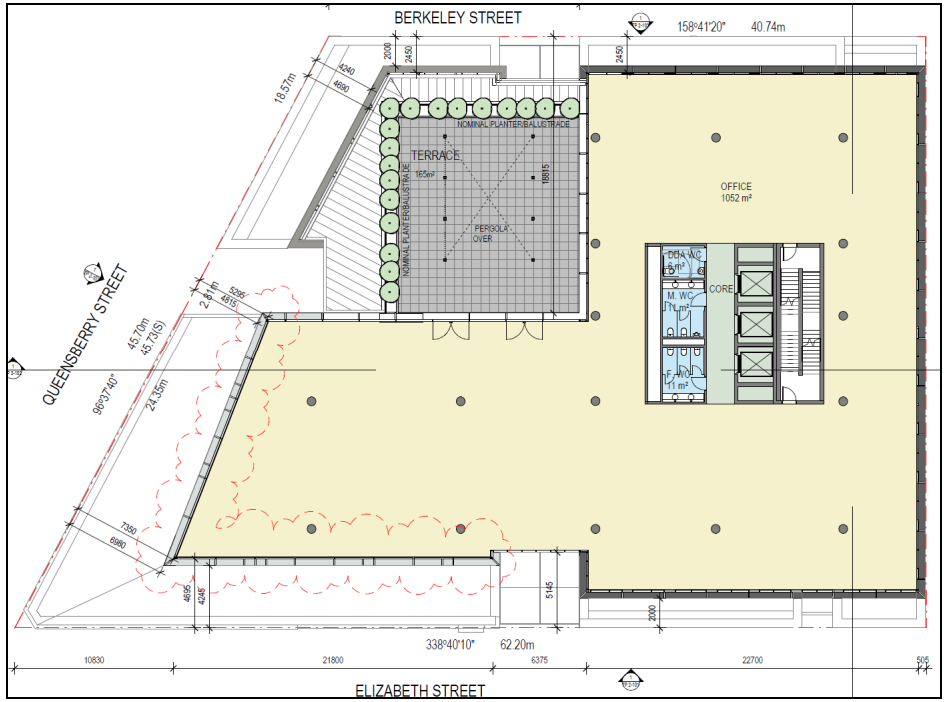


Figure 17: Discussion Plans – Levels 9-10

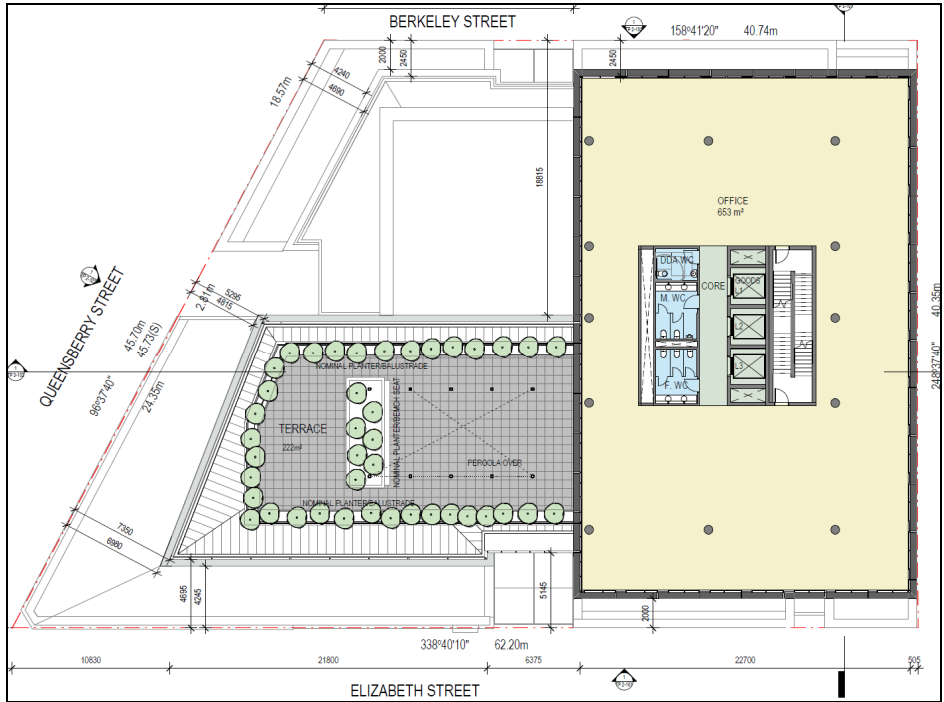
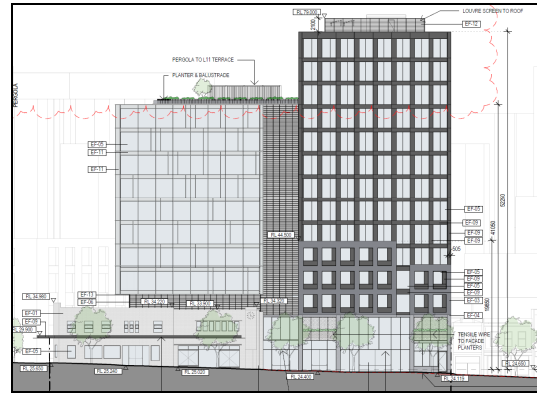
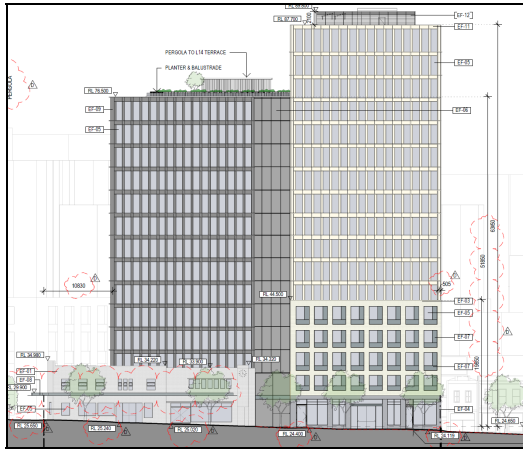
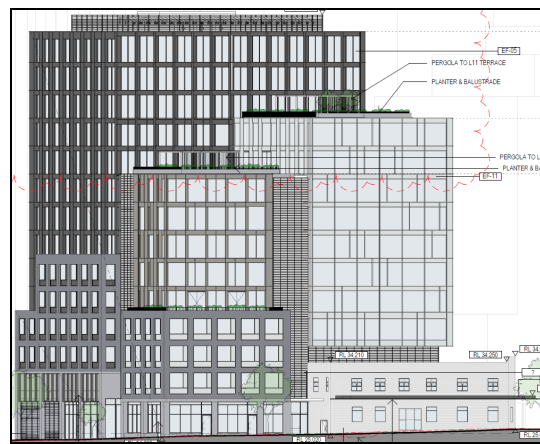
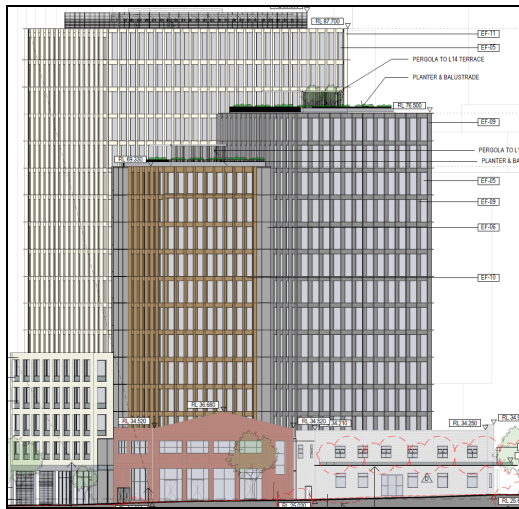


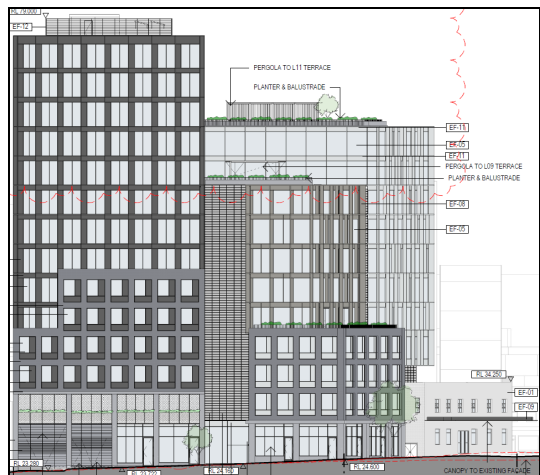
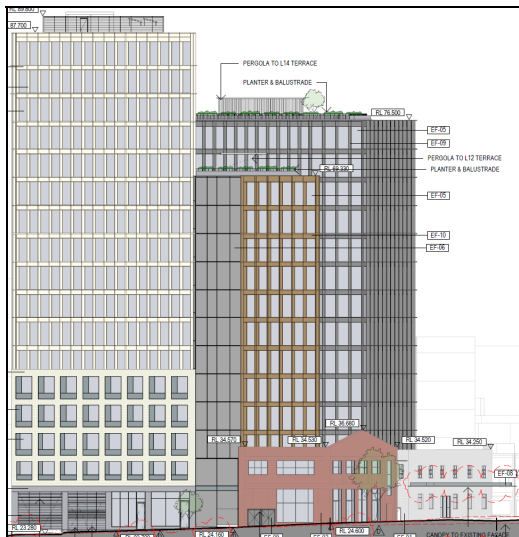
Figure 18: Discussion Plans – Level 11-13



Figures 19 & 20: Elizabeth Street (west) Elevation – Application Plans (left) Discussion Plans (right)



Figures 21 & 22: Queensberry Street (north) Elevation – Application Plans (left) Discussion Plans (right)



Figures 23 & 24: Berkeley Street (east) Elevation – Application Plans (left) Discussion Plans (right)

4. PLANNING SCHEME PROVISIONS

Section	Policy
Planning Policy Framework	Clause 11.03-1S – Activity Centres Clause 15.01-1S – Urban Design

	<p>Clause 15.01-2S – Building Design</p> <p>Clause 15.02-1S – Energy and Resource Efficiency</p> <p>Clause 15.03-1S – Heritage Conservation</p> <p>Clause 17.01-1S – Diversified Economy</p> <p>Clause 17.02-1S – Business</p> <p>Clause 18.02-1S – Sustainable Personal Transport</p> <p>Clause 18.02-4S – Car Parking</p>
Local Planning Policy Framework	<p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.08 – Economic Development</p> <p>Clause 21.14-1 – City North (Proposed Urban Renewal Areas)</p> <p>Clause 22.04 – Heritage Places in the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management (WSUD)</p>

Statutory Controls	
<p>Clause 37.04 Capital City Zone 5</p>	<p><u>Use</u></p> <p>Pursuant to Schedule 5 of Clause 37.04-1, Office and Retail Premises (including Supermarket) are Section 1 (As-of-Right) uses and a permit is not required.</p> <p><u>Development</u></p> <p>Pursuant to Schedule 5 of Clause 37.04-4, a permit is required to construct a building or construct or carry out works; and a permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.</p>
<p>Clause 43.01 Heritage Overlay 1124</p>	<p>Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building; construct a building or construct or carry out works; and to externally alter a building.</p>
<p>Clause 43.02 Design and Development Overlay 61-A4.1</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p>
<p>Clause 45.09 Parking Overlay 1</p>	<p>Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.</p> <p>Car Parking Rates:</p> <ul style="list-style-type: none"> • 5 x net floor area of buildings on the site in sq m / 1,000 sq m; or • 12 x site area in sq m / 1,000 sq m.

Particular / General Provisions	
<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1</p>	<p>Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Road Zone, Category 1.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Bicycle Parking Rates:</p> <p><u>Office</u></p> <ul style="list-style-type: none"> • 1 to each 300m² of net floor area for employees;

	<ul style="list-style-type: none"> 1 to each 1,000m² of net floor area for visitors. <p><u>Shop (Supermarket)</u></p> <ul style="list-style-type: none"> 1 to each 600m² of leasable floor area if the floor area exceeds 1,000m² for employees; 1 to each 500m² of leasable floor area if the floor area exceeds 1,000m² for shoppers. <p><u>Retail Premises</u></p> <ul style="list-style-type: none"> 1 to each 300m² of leasable floor area for employees; 1 to each 500m² of leasable floor area for shoppers.
Clause 66.02-11 Use and Development Referrals	<p>Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for an office development of 10,000 or more square metres of leasable floor area must be referred to Head, Transport for Victoria (Department of Transport) as a determining referral authority.</p> <p>Referral to Department of Transport is the responsibility of the Minister for Planning.</p>
Clause 66.03 Referral of Permit Applications Under Other State Standard Provisions	<p>Pursuant to Clause 66.03, an application to create or alter access to, Roads Corporation or to subdivide land adjacent to, a road declared as a freeway or an arterial road Clause 52.29 under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause must be referred to Roads Corporation (VicRoads) as a determining referral authority.</p> <p>Referral to VicRoads is the responsibility of the Minister for Planning.</p>

Operational Provisions	
Clause 72.01 Responsible Authority for this Planning Scheme	Pursuant to the Schedule to Clause 72.01, the Minister for Planning is the Responsible Authority for this planning permit application as the gross floor area for the development exceeds 25,000m ² .

5. PUBLIC NOTIFICATION

The Minister for Planning is the Responsible Authority for development applications that exceed 25,000m² in gross floor area. The Department of Environment, Land, Water and Planning (DELWP) has referred the application to the City of Melbourne for comment and advice.

It is noted that the Heritage Overlay does not exempt the application from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

DELWP has advised that they have not received any objections to the application.

6. INTERNAL REFERRALS

6.1. Urban Design

6.1.1. Comments in response to Application Plans

A. Advice outline

Thank you for referring the drawings packaged by JCB Architects dated December 12 2019 for a commercial/office development on 600-608 Elizabeth Street, Melbourne.

We note that this is an amended scheme to a previous application (11/12/2018), for which we have provided advice. This newly submitted scheme by JCB represents a much improved urban design outcome, particularly as it relates to the overall massing response.

Urban Design was present at the pre-app meeting in November 2019, during which the following issues were briefly discussed:

- Overall massing strategy
- Overall height as it relates to DDO61 and the context of City North
- Setbacks above the retained heritage
- Extent of heritage retention

In the meeting, Urban Design had expressed broad support for the overall massing strategy, and discussed the potential for a marginally taller overall height above the preferred 40m (DDO61) in acknowledgement of the evolving character of the area.

However, upon detailed review of the submitted drawings, we express our concerns regarding the extent to which the overall height exceeds the preferred height (approx. 30%), and the insufficient level of setbacks above the street wall.

Notwithstanding the positive aspects of the proposal, it is critical that these two issues relating to visual bulk are adequately addressed before Urban Design can extend support to this application.

We provide the following discussion on the submitted drawings:

B. Discussion

1. Urban Structure & Site Layout

1.1 East-west through block link

- We note that the previous schemes have proposed a direct arcade connection between Berkeley Street and Elizabeth Street. The current proposal no longer provides this connection, and instead provides an 'L-shaped' arcade connection between Queensberry Street and Elizabeth Street.
- We acknowledge that having a direct east-west connection at this location is not a high-priority issue given its proximity to the block corner and Queensberry Street.
- We also do not object to an arcade entry off Queensberry Street given its visual cues to pedestrians approaching along Queensberry Street, and its alignment with the existing laneway. This outcome provides separation between the two retained facades and expressing the return walls within this recessed entry.
- However, we note that the removal of this east-west alignment, and more importantly the lack of retention of the return walls on the existing façade of 277-283 Queensberry Street (current KTA office), weakens the case for replacing the existing façade of 592 Elizabeth Street (we provide further commentary on this façade below).
- Our strong preference would be for a greater retention of the southern boundary wall for 277-283 Queensberry Street, or a tactile reinterpretation of this building alignment expressed as columns to reinforce the three-dimensional integrity of the retained facade.

- *We also encourage an approach that enables some pedestrian connection through this retail tenancy and into the main arcade during operational hours for the tenancy. Depending on the proposed retail use, this could be a shared zone between retail and circulation.*

2. Massing

2.1 'Village of forms' and overall massing strategy

- *We broadly support the strategy of adopting three distinct massing components with varied heights above the heritage street wall.*
- *We also support the principle of establishing a strong massing relationship between the contemporary upper form and its corresponding street wall component.*

2.2 Fine grain street wall and heritage retention

2.2a Retention of façade to 277-283 Queensberry Street (current KTA office)

- *We strongly support the proposed retention of this façade. This façade has frontages to two streets, and its retention reinforces the perception of fine grain along the Queensberry Street elevation and its prominent street corners.*
- *This approach also ensures a contextual scale and character to complement the adjacent heritage façade immediately to the south (600-608 Elizabeth Street, 594-598 Elizabeth Street).*

2.2b Demolition of façade to 592 Elizabeth Street (current Chemist Warehouse)

- *We defer to Council's Heritage Advisor on comments regarding the heritage value of this building/façade.*
- *We provide the following comments strictly from an urban design perspective:*
 - *We note that the applicant team is contending that the demolition of this building enables a better overall urban design outcome.*
 - *We are able to see some urban design merit in this approach. The potential benefits include: a more legible arcade entry from Elizabeth Street, an opportunity to retain a greater extent of the 'return walls' for the heritage facades on the corner (277-283 Queensberry Street, 594-598 Elizabeth Street), and a better massing separation between the heritage façade on the northwest corner (594-598 Elizabeth Street) and the contemporary infill streetwall on the southwest corner.*
 - *However, the current level of documentation in the drawings package is insufficient to assess these potential strengths. The demolition plans indicate no retention of return walls to the retained facades (594-598 Elizabeth Street and 277-283 Queensberry Street) along the east-west axis (in alignment with arcade). The rendered drawings do not sufficiently demonstrate material quality or detail for the vertical break between the heritage façade and infill on both street frontages.*
 - *A strong case for this approach would require further demonstration of substantial investment in material quality and detail to ensure a contextual infill that is complementary to the retained heritage façades.*
 - *The renders allude to the use of some exposed steel beams/mullions between glazed panels. While we broadly support the incorporation of thick steel elements, we encourage further design exploration to*

demonstrate a greater level of detailing within this elevation. The entrance to the Old Clare Hotel in Sydney is a positive example of a balance between glazing and fine detail.

- *We require a 1:20 elevation of both street frontages to understand the material detailing of these elements and how they relate to the retained heritage façade.*

2.2c Contemporary infill along southern boundary

- *While we once again defer to Council's Heritage Advisor for heritage assessment, we reiterate our previous comments regarding material quality and detail resolution for this contemporary infill. We expect high quality material selection and detailing in order to adequately address the loss of grain from the demolition of adjacent heritage façade.*
- *We broadly support the approach of establishing a masonry street wall with punched openings and the use of brick cladding.*
- *However, we note that there remains further opportunity for this 20m street wall form to establish a stronger relationship with adjacent heritage to the south. At present, this infill adopts a singular brick mass above the ground floor which adopts a largely concrete expression. We encourage an approach that establishes a singular expression for the lower three levels (to relate to the height datum of adjacent heritage) with variations in openings and façade on the top two levels of the street wall.*

2.3 Overall building height

- *The site is located on a prominent street corner fronting a 45m+ boulevard and a 20m wide street. Some additional height above 40m on this location would provide a transition between 60m control to the north in the Haymarket area and the lower scale built form to the south towards QVM.*
- *Further, we acknowledge that the massing strategy of adopting varied heights does impact the alleviation of visual bulk to an extent. While this is much preferable to a singular massing approach, this alone does not fully address the issue of height and bulk, which we believe is excessive and unacceptable within this context.*
- *We note that the three massing 'towers' adopt a height of 45m, 53m, and 64m respectively. All three exceed the 40m preferred height stipulated in DDO61-A4.1.*
- *The tallest, at approximately 64m, is in excess of the 40m preferred height control by over 30%, and is greater than the preferred building height within the Haymarket area (DDO61-A5).*
- *While we support, in principle, the massing strategy of three distinct vertical volumes and acknowledge the scope for marginally taller forms, we do not see the justification for all three vertical volumes to exceed 40m, and for the tallest to exceed 60m.*
- *While we ultimately defer to Planning for further guidance and discussion on height, our recommendation would include an overall reduction in height for all three vertical volumes. We support the variation and difference in height between the taller forms and encourage the applicants to retain the ratio of height difference between the three.*

2.4 Setbacks above street wall

- *The proposal adopts a setback of approx. 7m from Queensberry Street at the corner with a reduced setback of approx. 5m towards the centre of the*

Queensberry Street elevation. The setback at the corner from Elizabeth Street is approx. 4.3m to the façade line.

- *These figures, especially the setback from Elizabeth Street, is concerning given that it is less than the 6m stipulated in the DDO above 24m on Queensberry Street and above 40m on Elizabeth Street.*
- *The retained heritage façade at the corner adopts a prominent corner expression. A reduced setback of 4.3m from Elizabeth Street at this corner, from an urban design perspective, does not ensure adequate separation between this corner façade and the contemporary upper form. This is exacerbated by the proposed height of the upper form which stands at 51.5m.*
- *A greater setback would be required to ensure the predominance of the corner street wall, and to allow for adequate separation from an upper form. We defer to Council's Heritage Advisor and Planning for further commentary on setbacks above the retained heritage façade and street wall.*
- *We also note that the setback for the tallest tower at the south adopts a reduced setback of 2m from both Elizabeth Street and Berkeley Street. At present, we do not believe that this varied setback achieves adequate separation between the street wall and the upper form. We require further information on how this outcome achieves the design objectives of the DDO. We defer to Planning on this issue.*

2.5 Vertical breaks within upper form

- *The key to a successful breaking up of the three vertical upper forms is the separation achieved between these elements. This separation relies most heavily on the depth and shadow created by the increased setback of these vertical breaks which separate the three primary massing forms.*
- *The current extent of setbacks above level 2 for these vertical elements is insufficient to create the sense of separation, depth and shadow. The lack of meaningful setbacks results in an appearance of a 'conjoined' and continuous tower form above the street wall.*
- *We require an increased setback for the vertical breaks on all three elevations to achieve a genuine 'village of forms'.*

3. Building Program

3.1 Fine grain tenancies facing the streets

- *In principle, we recommend the smaller retail tenancies to front the streets, as opposed to the arcade, to reinforce the fine grain along street elevations. In this stance, we acknowledge that there are some constraints associated with the existing openings in the retained façades.*
- *However, we note that there remains opportunity to establish a finer grain of smaller tenancies within the façade of the retained building on the corner of Berkeley Street and Queensberry Street. We recommend further design thinking for ground floor retail and circulation to enable a more fine-grained presentation to the streets.*

3.2 Basement tenancy and loading access

- *We support the basement supermarket and its sleeved escalator access from ground.*
- *We also support the distribution of services on ground and the gatic access to substation below.*

- *We strongly encourage the consolidation of the loading bay and waste collection within basement parking levels to enable greater activation on ground.*

4. Public Interface & Design Detail

4.1 Greater differentiation between the three vertical forms

- *We note that the three vertical forms adopt differences in tone and material to reinforce the sense of verticality and alleviate the perception of bulk.*
- *We strongly encourage further differentiation in the proportions of openings to aid with this objective.*

C. Recommendations

Notwithstanding the many positive aspects, we are currently unable to support the proposal due to fundamental concerns regarding height, setbacks, and insufficient level of documentation.

We provide the following summary of key urban design recommendations to guide further design development:

- *Re-assess height and setbacks to better respond to DDO requirements and context;*
- *Increase setback for vertical breaks between the three upper forms;*
- *Stronger retention of the return walls to retained facades to align with arcade;*
- *Adoption of fine detail and high quality material selection for the arcade entry;*
- *Further design exploration of contemporary street wall infill to relate to adjacent heritage;*
- *Consolidation of loading in the basement levels;*
- *Further differentiation in façade expression between the three upper forms.*

6.1.2. Comments in response to Discussion Plans

Urban Design has previously provided comments on 25.05.2020, in which we have strongly supported the retention of the two-storey brick building on the corner of Queensberry and Berkley Street and the proposed overall massing strategy. In terms of recommendations for further design development, we had recommended a more contextual approach to building heights, increased setback above heritage form, and the incorporation of greater diversity within the tower façade expression.

The current set of discussion drawings depict a number of significant design changes, including:

- *Reduction in building height by three storeys across the ‘tower’ forms;*
- *Demolition of two-storey brick building on the corner of Queensberry and Berkley Street (former KTA office);*
- *Introduction of a new 34m high contemporary infill to the corner of Queensberry and Berkley Street;*
- *An overall shift in the massing strategy which no longer demonstrates a ‘village of forms’ approach.*

While the reduction in overall height is positive, the loss of fine grain resulting from the proposed demolition of the two-storey brick building is highly regrettable.

Further, it is unclear as to why a reduction in building height has seemingly necessitated a significant departure from an otherwise successful massing strategy from the previous iteration.

Given the limited set of drawings (and the lack of 3D representations), we are unable to provide a detailed assessment of materials and façade detailing.

However, we provide the following high-level discussion on the overall massing strategy:

Massing Strategy

- The previous iteration had featured three distinct street wall elements with a strong vertical integration with its corresponding ‘tower’ components. There was a clear expression of the upper forms ‘belonging’ to its respective street wall and a strong sense of solidity within the street wall to ground the development as a whole.*
- The revised approach more closely resembles a patchwork of different façade expressions with no clear sense of visual cohesion between the lower and upper components.*
- The contemporary street wall mass on the Elizabeth Street façade no longer appears ‘grounded’ and over-emphasises the horizontal expression of the height datum of the adjacent heritage façade. This approach results in a ‘floating’ upper podium mass and a predominately glass public interface on the lower two storeys.*
- A similar abrupt transition between the lower podium (first two storeys) and the upper podium occurs in the street wall infill on Berkley Street. The vertical expressions of the columns/pilasters do not appear to align, while there appears to be little relationship between the proportions and rhythm of openings on the upper and lower podium.*
- The mesh expression of the vertical gaps between the tower volumes appear unconvincing at this stage and appears to visually compete with the façade expression of the towers.*

6.1.3. Planner’s Response

Refer discussion at Section 7.3 of this report.

6.2. Heritage

6.2.1. Comments in response to Application Plans

Proposal

The Heritage Assessment of Proposed Works by Peter Barrett prepared in December 2019, provides the following description of the proposal:

It is proposed to retain the facades of three of the existing buildings on the site, and to incorporate the retained facades into the podium of a sixteen-level (plus three basement levels) retail and office development. The remainder of the buildings on the site will be removed, and the site redeveloped. Both of the buildings at 582-590 and 592 Elizabeth Street, including their facades, will be removed. On this portion of the site, extending along the Elizabeth Street frontage will be a four-level podium containing an entrance to the common area of the complex, two retail spaces and the lobby of the towers. The retained facades of the existing buildings on the site will form the remainder of the podium of the complex in Elizabeth, Queensberry and Berkeley Streets.

The upper levels of the development are proposed to be three interconnecting towers, which are expressed with different façade treatments in order to break up

their overall mass. The towers are set back adjacent to the corner of Elizabeth and Queensberry Streets, with these setbacks ranging from 4.2 metres to 7.0 metres. Lesser setbacks are used for the Berkeley Street frontage, and zero setbacks on the south portions of the Elizabeth Street and Berkeley Street frontages where existing buildings are to be removed. The height of the tallest tower will be 65 metres.

The proposal has new building form rising from behind the heritage facades at only a domestic rooms' depth from Elizabeth and from just under 7 meters reducing at an angle down to 4.8 metres from the Queensberry Street frontage. This prominent new building presence will be an evident statement that only the shells of the heritage buildings have been retained. The approach of the development to the heritage building is that of Facadism where only the external shell of some of the buildings is presented as being retained.

In perspective views the tower forms will present as some 3.5 times the height of the heritage façade and with the whole of the interior of the heritage buildings evidently demolished to make way for the new structure.

Background

The Heritage Assessment of Proposed Works by Peter Barrett prepared in December 2019, states that:

In view of the low level of heritage value of the buildings on this site, the retention of two facades in Elizabeth Street and incorporating them into the podium of the development is a generous gesture. This approach is, though, consistent with the development of other redundant commercial buildings within the City of Melbourne, where facades of low and modest heritage values are retained in this manner as podiums to higher built form.

These include the former Gadsden site in Abbotsford Street, North Melbourne; and the Dominion Can Company site at the northeast corner of William and Franklin Streets, Melbourne.

The assessment continues:

The existing buildings on the site are of a low-level of heritage value to the HO1124 Elizabeth Street North (Boulevard) Precinct. Despite this, it is proposed to retain the facades of two of the four buildings on the Elizabeth Street frontage, and the facades of the building at the southwest corner of Queensberry and Berkeley Streets (outside the heritage overlay), and incorporate these into the podium of the new development. The remainder of the buildings are of no heritage value, and their removal will have no appreciable impacts upon the significance of HO1124 Elizabeth Street North (Boulevard) Precinct. The proposed towers adopt appropriate setbacks, so as not to detract from heritage fabric on the subject site and on adjacent sites. The scale, character and use of the development is in tune with the vision for the City North area, and consistent with other contemporary development of this area.

And

The buildings on the subject site are of a low-level of heritage value, and their value to the HO1124 Elizabeth Street North (Boulevard) Precinct is limited to their graded facades, two of which are to be retained as part of the development's Elizabeth Street frontage.

The application submission and section 6.2. RESPONSE TO HERITAGE CONTEXT, includes the following statement:

The site is affected by the Heritage Overlay (HO1124), which relates to the Elizabeth Street North (Boulevard) Precinct. Within this Precinct, external paint controls apply. The proposed development has been designed to provide an

appropriate transition between the heritage significance of the site and the contemporary nature of development within this extension of the central city, as sought by the 'City North Structure Plan'. A heritage assessment of the proposed works which responds to Clauses 21.06 (Built Environment and Heritage) and Clause 22.05 (Heritage Places Outside the Capital City Zone) has been prepared by Peter Andrew Barrett, refer to Appendix F for further details. The report supports the development response in this location and concludes the following:

- The proposed works are designed in a responsive manner. They are consistent with the vision for the City North area, as outlined in the 'City North Structure Plan', which aims to revitalise this previously underutilised part of Melbourne, and lift its urban character to be an attractive and dynamic boulevard gateway to the Central City.
- The buildings on the subject site are of a low-level of heritage value, and their value to the HO1124 Elizabeth Street North (Boulevard) Precinct is limited to their graded facades, two of which are to be retained as part of the development's Elizabeth Street frontage.
- Proposed conservation works to these retained facades, removing overpainting and reinstating lost detailing, may enhance their contribution to the character of this precinct.
- The proposed towers respond to the retained façades, adopting setbacks that will not dominate the retained portions of the buildings on this site, or the heritage buildings on neighbouring sites.
- The towers are consistent with the scale emerging in this part of Elizabeth Street in developments currently underway.
- The proposed works are consistent with the intent of the heritage overlay, as defined by Clause 43.01 Heritage Overlay of the Melbourne Planning Scheme, which is to conserve and enhance heritage places, and to ensure that new works do not adversely affect them.
- The proposed works are responsive to the recognised heritage values of the HO1124 Elizabeth Street North (Boulevard) precinct. It is on this basis that I believe that this development proposal is supportable from a heritage perspective.

Gradings

The gradings of the heritage buildings on the site are set out in the Heritage Places Inventory 2020 Part A and Part B which is an incorporated document in the Melbourne Planning Scheme. The Part A of the Inventory addresses those properties that have been graded by category with the Part B retaining those properties still graded with an alphabet grading. On page 15 of the Part B inventory the properties at 580 (the southern neighbour) and 600-608 are listed, both C graded in a level 2 streetscape. The second neighbour to the south at 578 is also C graded. On page 112 of the Part A inventory are the following gradings:

582-588 (rear) = Contributory;

590-592 = Contributory;

594-598 = Significant

Given the modernist expression of the Elizabeth Street frontage at no. 582 it seems correct that this frontage is not considered to contribute to the heritage character of the streetscape. The rear of this property has been subject to some confusion regarding the application of the grading. The building is relatively simple form as a large gable fronted shed. The nature of the brickwork however demonstrates that a part of the building was early, exhibiting Flemish bond brickwork and arched opening

on the south side. The early side and street walls appear to have been incorporated into the larger gable form. The street front to the rear of 590 Elizabeth Street is also a relatively simple gabled building and also exhibits Flemish bond brickwork indicative of early origin. Given the early Berkeley Street frontage of 582 Elizabeth Street is explicitly graded 'Contributory' it is also reasonable to consider that the 'Contributory' grading of 582 Elizabeth Street also extends to its Berkeley Street frontage. Although constructed as a separate building to that at 578 Elizabeth Street the Berkeley Street frontage of that property has distinctive heritage character and can also be considered a 'Contributory' frontage. These brick frontages in Berkeley Street, south of Queensberry Street continue the character of this west side of Berkeley Street found north of Queensberry Street extending around the corner to 85 Berkeley as the one building form, although separate properties.

Applicable heritage policy

Under the now "seriously entertained" C258 the graded building listed on Heritage Places Inventory 2020 Part A are subject to the amended Clause 22.04 Heritage Places in the Capital City Zone, Part A which was presented in the FMC2 Agenda Item 6.2 Part 3A, 20th February 2020.

The building at the rear of 582 - 590 Elizabeth Street (the Berkeley Street frontage), that at 592 Elizabeth Street (also with a Berkeley Street frontage), and at 594 - 598 Elisabeth Street (with no second frontage) are all identified on the Heritage Places Inventory 2020 Part A. The buildings are graded 'Contributory' other than 594 - 598 Elisabeth Street which is 'Significant'.

The seriously considered heritage policy at Clause 22.04-7 Part A, Demolition, includes policy at the third dot point that:

- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.

The plain English reading of the policy is that the whole of the front and principal part of the former warehouses, including those frontages to Berkeley Street are generally expected to be retained.

The definition of the Front or principal part of a building at Clause 22.04-2 Part A, Definitions, includes the following with those parts addressing roofs underlined:

The front or principal part of a building is generally considered to be the front two rooms in depth, complete with the structure and cladding to the roof; or that part of the building associated with the primary roof form, whichever is the greater.

For most non-residential buildings, the front or principal part is generally considered to be one full structural bay in depth complete with the structure and cladding to the roof or generally 8-10 metres in depth.

For corner sites, the front or principal part of a building includes the side street elevation.

For sites with more than one street frontage, the front or principal part of a building may relate to each street frontage.

Also with relevance to the demolition of fabric that is not visible to the street is the policy that before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate:

- The significance of the fabric or part of the building, and the degree to which it contributes to its three-dimensional form, regardless of whether it is visible.

In my assessment the Objectives and Guidelines of the Heritage Overlay at Clause 43.01 and of the Policy Objective at Clause 22.04-4 Part A would be met with the extent of demolition proposed if there was no perception of facadism presented by

the location and expression of the proposed new building form. The location of the new tower form, for which the roof is to be demolished, will however present that much of the building below has also been destroyed to make way for the new.

The most relevant objectives with regard to demolition, linked to new expression, are:

- To retain fabric, which contributes to the significance, character or appearance of heritage places and precincts.*
- To ensure new development is respectful of the assessed significance of heritage places.*
- To ensure new development is respectful of the character and appearance of heritage places.*
- To encourage retention of the three dimensional fabric and form of a building.*
- To discourage facadism.*

With regard to the location and form of the proposed additions, which would rise out of the roof of the heritage building, at 22.04-9 Part A Additions, the most relevant policy points are that additions to significant (or contributory) buildings:

- are respectful of the building's character and appearance, scale, materials, style and architectural expression.*
- do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.*
- do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.*
- retain significant roof form within the setback from the building façade together with roof elements of original fabric.*

The proposal is to evidently intrude into heritage buildings. It will intrude into the air space directly above the front and principal part of the building. At the scale and with the extent of intrusion proposed the host building will be seen as dominated by the new much larger physical presence and with the heritage presence diminished in its prominence. It will be evident that the original roof forms have not have been retained and it will appear the much of the interiors have also be displaced by the new building. With the new building seen as leaving less than 5 metres of the original buildings intact the new will be visually and physically dominating of the host building and will not respect the character, appearance and architectural expression of the retained heritage buildings as more than just façades. The street presentation of the heritage buildings will be visually disrupted by the new imposing form. The notion that there is compliance with the amended policy is unsupportable.

The Permit Application Requirements at Clause 22.04-5 Part A include:

- A comprehensive explanation as to how the proposed development achieves the policy objectives.*

It is clear that in a plain English reading the proposal of the tower forms with setback less than those indicated to be standard, is not in compliance with the seriously considered heritage policy. A 'comprehensive explanation' must be expected to directly address where there is noncompliance.

Policy is not mandatory however if it is to summarily ignored, without recognition, it will rapidly have no effect. It is also fundamental that explanation, rather than

assertion, is provided as to what mitigating, specific and particular circumstance of the site or design response might be considered to differentiate the subject proposal from the other sites where the same policy applies and would be applied in accordance with a plain English reading of its intent.

The proposal cannot reasonably be accepted as compliant with the seriously entertained new heritage policy, with the 'addition' evidently dominant in physical scale and intruding into the front and principal part of the heritage buildings and into the airspace above them.

Without comprehensive explanation of how, in these particular set of circumstance, it would be appropriate to dismiss the clear expectation of the heritage policy, the new heritage policy should be upheld.

Applicable heritage policy 600 – 608 Elizabeth Street

The building at 600 - 608 Elizabeth Street is identified as a C grade place in a level 2 streetscape on the Heritage Places Inventory 2020 Part B.

Under the now "seriously entertained" C258 graded building listed on Part B of the Heritage Inventory are subject to Part B of the amended Clause 22.04, Heritage Places In The Capital City Zone. The policy basis, objectives and policy of this clause remain unaltered from the existing 22.04, although presently that Clause applies only to the Capital City Zone, excluding land within Schedule 5 to the Capital City Zone (City North).

Critically this policy, whilst reliant on first principles rather than being prescriptive and less than definitive, makes its rejection of facadism clear in under Policy Basis: "... its older building ... should be retained in their three dimensional form, not as two dimensional facades ...".

The policy requires a conservation analysis and which should address the objectives including adherence to accepted conservation standards regarding any proposed approach to development and explain how the proposed works would conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.

The Heritage Assessment of Proposed Works by Peter Barrett does not address the problem of facadism that is a clear risk of presenting a tower rising from the interior of a heritage building, at limited distance behind the front façade. The Heritage Assessment of Proposed Works fails to address, or acknowledge, the core heritage concern presented by this project, and so fail to achieve the threshold of acceptance of the Application Requirements. The Heritage Assessment of Proposed Works dismisses the expectation that older buildings (those graded as having heritage significance) are expected to be retained and avoids addressing 'facadism'; or the proposed loss of any presentation that the heritage building retain any integrity and authenticity as a heritage entities beyond the shell wall.

Compatible adaptation in accordance with the Burra Charter must retain the building entity as more than a shell or husk. This is a matter that has been raised from the first pre-application discussions and continues to be avoided but should not be dismissed on the assertion that the buildings have low gradings.

As well as policy expecting comprehensive explanation as to how the proposed development achieves the policy objectives, are the following policy points under Clause 22.04, relative to the expected relationship between the proposed new building presence and the host heritage building streetscape:

- All development affecting a heritage precinct should enhance the character of the precinct as described by the following statements of significance.

- *Regard shall be given to buildings listed A, B, C and D or significant and/or contributory in the individual conservation studies, and their significance as described by their individual Building Identification Sheet.*

It is evident that the proposed conservation works to the façades of the Elizabeth and Queensberry Street frontage will enhance the contribution of the building itself to the heritage precinct.

This enhancement might be argued as compensating for the loss of the integrity that will be present to the public domain by having the tower element rise out of the heritage building leaving less than a nominal depth of the original building as an apron to the tower form. Such an argument has however not been advanced. Rather it is asserted in the heritage advice supporting the application that because of the low grading [it should be noted that the grading is C rather than D] that the retention of any of the facades in the development should be seen as “generous”. The statement in the applicants heritage advice that, other than two facades in Elizabeth Street proposed to be retained, “The remainder of the buildings are of no heritage value” is assertion rather than being supported by explanation of accepted conservation practice. Whilst there are references provided to other cases where facadism has been approved in recent decades those precedent cases do not obviate the policy position or accepted standards.

This proposal both in Elizabeth Street and Queensberry Street is on the spectrum that is facadism. The proposed setback of only 4 and 7 metres does not conform with accepted conservation practice even though in a finite number of approvals of similarly limited set back have occurred.

6.2.2. Comments in response to Discussion Plans

Upon review of the submitted discussion plans, Council’s Heritage Advisor reiterates earlier comments insofar as the proposal remains unacceptable on heritage grounds due to the extent of demolition and the lack of sufficient setbacks above retained fabric, which has not substantially changed.

6.2.3. Planner’s Response

Refer discussion at Section 7.2 of this report.

Note that the heritage advice in relation to the original plans preceded gazettal of Planning Scheme Amendment C258.

6.3. Traffic Engineering

6.3.1. Comments in response to Application Plans

All bicycle parking within the public realm surrounding the site should be removed, the applicant is to provide all bicycle parking within the site in accordance with the Planning Scheme. Pedestrian footpath traffic is significantly increasing along Elizabeth Street.

The traffic report does not explain how the resident parking beneath the building is secured? There is a garage door on the drawings/plans. No information on this was provided.

Note – the position of doors which access the waste bins room is 6.75m from the building line, this means a waste truck which maybe too long would encroach into the public realm (footpath). Comments to be sought from Waste Services team.

6.3.2. Comments in response to Discussion Plans

The operation of the garage door really doesn't matter all that much, given its access point is not located off Queensberry Street and instead Berkeley Street (which has less traffic flow and wouldn't cause any significant concerns).

I have no comments to make as items have been addressed.

6.3.3. Planner's Response

Refer Section 7.6 of this report for a traffic and parking assessment.

6.4. Waste Services

6.4.1. Comments in response to Application Plans

We have reviewed the WMP by MGA dated 19th December 2019 for this proposed development and found it to be unacceptable.

The following items need to be addressed:

- The generation rate for used for **garbage** for the supermarket is significantly less than the recommended rate provided by CoM. In order for a reduced rate to be accepted, it must be based on cased studies and/or other appropriate data – source details to be provided.*
- The path of travel for all ground floor tenants to the bin storage area are needs to be shown, noting all tenants are required to have internal access within the development to the bin store room to mitigate OH&S risks.*
- Application documents state that there is over 1000 square meters of retail space primarily intended for food and beverage at Ground Level across 16 retail tenancies. Accordingly, please use the appropriate waste generation rates, as the rates that have been used (for non-food retail) are far too low.*
- Separation and management of organic waste is highly recommended.*
- The loading bay looks quite tight – there needs to be adequate room around the truck for the driver and a passenger to exit the vehicle, as well as adequate room at the rear for emptying of bins. Please clarify the clearances between the truck and side and rear walls.*
- The loading bay, as shown, does not allow for direct access to the waste room. To access the waste room, the truck would have to sit partially outside the property boundary, which is not allowed. Please clarify how the bins will get to the loading bay from the waste storage area.*

6.4.2. Comments in response to Discussion Plans

We have reviewed the response to referral comments and updated plans by Urbis dated 10th November for this proposed development and found them to be unacceptable.

The following items need to be addressed:

- We request internal access to the waste storage area for all tenants to reduce risks and provide a safe work environment. Whilst reconfiguring the ground floor layout may impact on other design requirements, it appears that internal access for the large retail outlet (235m²) adjacent to Berkeley Street could be provided to the common area with very little change to the floor plan. Additionally, there appears to be scope for the 107m² outlet (adjacent to the lobby) to have internal access to the waste room via the lobby.*

- *Application documents state that there is over 1000 square meters of retail space primarily intended for food and beverage at Ground Level across 16 retail tenancies. Accordingly, please use the appropriate waste generation rates, as the rates that have been used (for non-food retail) are far too low. Even if the intention (initially) is for all outlets to be non-food, in the interest of future proofing the development, café waste generation rates are to be applied, which are mid-range generation rates. Please revise rates and bin numbers accordingly.*
- *As per previously commented on, the loading bay is too small. There needs to be at least 1m clearance to each side of the truck to allow for safe entry/exit for the occupants of the cabin. Please include these clearance dimensions in the revised layout.*

6.4.3. Planner's Response

- Internal access for the 235m² and 107m² retail tenancies could be introduced by way of condition in any permit granted – **refer recommended Condition 1i.**
- Updated waste generation rates could be provided in an amended Waste Management Plan, required by way of condition in any permit granted – **refer recommended Condition 6.**
- A revised loading bay with required minimum clearances could be introduced by way of condition in any permit granted – **refer recommended Condition 1j.**

6.5. Civil Design

6.5.1. Comments in response to Application Plans

Pursuant to the Road Management Act 2004 (the Act) any works within the road reserve of Elizabeth Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne's control. Subsequently our conditions for works on footpaths, nature strips and medians of arterial and municipal roads are listed below.

We object to the outward opening door projecting into Berkeley Street. The door shall be redesigned such that it does not project beyond the street alignment when open, when closed or when being opened or closed.

All projections over the street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can 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.

The architectural drawing shall include the provision of a minimum of 2.0 metres long pedestrian refuge island between the proposed and existing vehicle crossings in Berkeley Street.

The proposed crossing is located within an existing street tree in the road reserve. This matter should be referred to the Urban Forest and Ecology Team for comment.

6.5.2. Comments in response to Discussion Plans

The Infrastructure team would like to provide the following comments on the updated town planning application for a development at 600-608 Elizabeth Street:

1. *The drawings shall show the provision of a minimum of 750mm setback from the face of kerb to the canopies.*

2. *We have concern in relation to outward opening door projecting into Berkeley Street. The door should be redesigned such that it does not project beyond the street alignment.*
3. *The drawings shall show the provision of a minimum of 2.0 metres wide pedestrian refuge island between the proposed vehicle crossing and 580 Elizabeth Street.*

6.5.3. Planner's Response

The plans could be updated by way of conditions in any permit granted to:

- Ensure all doors facing Berkeley Street do not open over the site boundary – **refer recommended Condition 1e**;
- Ensure all projections comply with Council's Road Encroachment Operational Guidelines – **refer recommended Condition 1f**;
- Include a 2m pedestrian refuge island between the crossovers in Berkeley Street – **refer recommended Condition 1g**;
- Include a dimension demonstrating a minimum 750mm clearance between the canopy and kerb – **refer recommended Condition 1h**.

In addition to the above, standard conditions have been provided and would be included in any permit granted – **refer recommended Conditions 13-21**.

6.6. Land Survey

6.6.1. Comments in response to Application Plans

- *Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority, Team Leader Land Survey.*
- *Land contained within tP107509C is encumbered by a drainage easement. It is unclear who the beneficiaries of the easement are, whether it is land owned by the developer or a service authority. Details of the beneficiary of the easement should be submitted. If the easement is in favour of a service authority then the following condition must be placed on the permit:*
 - *Prior to the commencement of works including demolition, the easement Drainage Easement, E-1 on TP107509C must be removed.*
- *The subject land does not benefit from a light and air right over the abutting title boundary to the south. If the windows are the primary light source to the use, prior to the commencement of works a light and air easement must be created over the abutting title boundary in favour of the subject land.*

OR

- *If the windows are a secondary light source then the applicant should be required to enter into a S173 Agreement in relation to the windows. Refer to Planning standard conditions.*
- *The property includes a splayed portion of public footpath at the corner of Elizabeth Street and Queensberry Street. A strong likelihood exists on numerous grounds that the subject land has over time acquired the status of a public highway. The further use and development of that area is therefore potentially restricted/prevented up to a height in the order of 3 metres above the site, regardless of any other planning and building controls that apply for works. The following condition should be placed on the permit in relation to this splayed corner of public footpath:*

- *Prior to occupation of the development, the splayed corner of public footpath at the corner of Elizabeth Street and Queensberry Street must be vested in council as a Road on a Plan of Subdivision, limited in height and depth.*

6.6.2. Comments in response to Discussion Plans

No further comments required.

6.6.3. Planner's Response

The recommended conditions referred to above could be included in any permit granted – **refer recommended Conditions 28-31.**

It is noted that the proposed canopy is more than 3m above the footpath at the spayed corner and therefore could remain.

6.7. Green Infrastructure

6.7.1. Comments in response to Application Plans

General

The development generally has good ESD targets to satisfy Clause 22.19 of the Melbourne Planning Scheme. It has committed to achieving a minimum 5 Star Green Star Design and As-Built rating.

Recommendations

Green Star Pathway

The project has committed to achieving a 5 Star Green Star Design & As-Built certified rating as stated in the Architect's Statement. The ESD report should be updated to reflect this and outline the approach to achieving a certified 5 Star Green Star rating.

Overall the Green Star approach is well considered and the ESD aspirations of the project are good.

It is recommended that a Green Star Design and As-Built Design Review is undertaken for the project and submitted to demonstrate compliance with the ESD report prior to building occupation.

Renewable Energy

The development includes a proposed 20kW of solar PV on the building, which is a good inclusion. The ESD report refers to a minimum 15kW system, this should be updated to be consistent with the Architectural documentation.

Green Infrastructure and Landscaping

The proposal currently includes two roof terrace gardens. It is recommended that a Landscape Maintenance Plan be submitted to the satisfaction of the Responsible Authority prior to commencement of development.

It is suggested that the planting palette could be modified to include a greater variety of species to enhance the biodiversity benefits provided.

It is also suggested that the application could incorporate benchmarking of the buildings' green infrastructure quality by voluntary use of the City of Melbourne's Green Factor tool.

Transport

The project is targeting the Green Star point for the provision of electric vehicle (EV) charging points for 5% of parking spaces. The Architectural plans should include annotation of the required number of EV charging spaces.

Stormwater Management

The ESD report addresses Clause 22.23 with a compliant STORM report indicating the stormwater treatment requirements will be met via a 41kL rainwater tank for reuse within the building.

Further Information Required

- *Architectural plans updated to include annotation for required number of electric vehicle charging spaces to satisfy Green Star requirements*
- *Amend ESD report to outline commitment to certified 5 Star Green Star rating*
- *Minor updates to the ESD report for consistency with Architectural statements*

6.7.2. Comments in response to Discussion Plans

No further comments required.

6.7.3. Planner's Response

Along with recommended standard conditions, the corrections and updates to the ESD report and plans could be introduced by way of conditions in any permit granted – **refer recommended Conditions 1k and 23-27.**

6.8. Urban Forest and Ecology

6.8.1. Comments in response to Application Plans

Most of the matters required previously have been addressed by this application (TP-2018-1125) and if not can be conditioned (Tree Protection Plan etc). But, the plans still show that a public tree (asset 1022519) is to be removed. As you're aware the Tree Policy prevents support for tree removal unless greening that would otherwise not be possible is provided. I note that the landscape plan is still to be provided. In this instance support could also be provided if a replacement tree plot is provided.

As such, the applicant should show the location of a new tree plot adjacent to the site boundary. Evidence by way of service proofing will be required to demonstrate that no below or above ground services would prevent the plot from being constructed by the applicant or future tree growth impeded. Failing to provide a new tree plot would mean that other greening would need to be provided.

6.8.2. Comments in response to Discussion Plans

No further comments required.

6.8.3. Planner's Response

The location of a replacement tree plot could be shown on an updated ground floor plan with further details provided in a Landscape Plan – **refer recommended Conditions 1a and 26.**

7. ASSESSMENT

7.1. Uses

Referring to Section 3 of this report, the following uses are proposed:

- Office
- Retail Premises (including Supermarket).

Pursuant to Schedule 5 to the Capital City Zone, all uses proposed are as-of-right and do not require a planning permit.

The mix of uses proposed respond to a purpose of CCZ5, which is to encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.

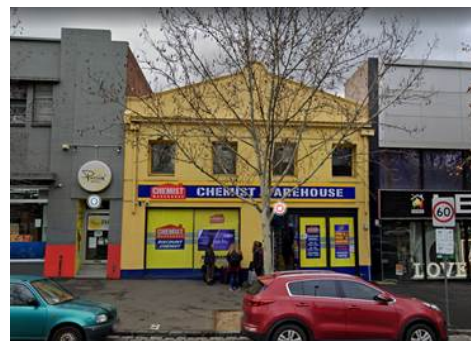
It is noted that the plans show the provision for a bottle shop within the Basement supermarket, which also falls within the land use definition of Shop (Retail Premises) and is a Section 1 Use. Furthermore, the bottle shop is a small offering and may be considered ancillary to the broader supermarket use. In any event, as the site is located in a Capital City Zone, Clause 52.27 (Licensed Premises) does not apply.

7.2. Heritage

Relevant heritage policy is at Clause 22.04 **Part A**, which applies to rear of 582-588 (rear of), 590-592 and 594-598 Elizabeth Street; and Clause 22.04 **Part B**, which applies to 600-608 Elizabeth Street.

7.2.1. Demolition

The proposal seeks to demolish in full two contributory graded buildings, including the rear of 582-588 Elizabeth Street and 590-592 Elizabeth Street, noting that the contributory grading of 582-588 Elizabeth Street is the rear only (facing Berkeley Street). Justification must be provided by the applicant to vary policy and a high quality replacement building must be achieved.



Figures 25 & 26: Rear of 582-588 Elizabeth Street (left) and 590-592 Elizabeth Street (right)

While DDO61 includes design objectives and requirements to retain and respect heritage form and fabric where necessary, the overarching strategic vision for City North is to encourage and deliver increased density, particularly along key roads and tram corridors like Elizabeth Street. The proposal in this instance is to provide a mixed use precinct of offices and retail, including a large supermarket. These uses are strongly supported in this precinct. However, in order to deliver a high quality

public realm offering and connectivity to / through the site, retention of all graded buildings on-site may not be considered the most appropriate outcome.

Along Elizabeth Street, the contributory graded building (Figure 26) which currently includes unsympathetic paint colours, signage and non-original ground level openings, proposes to be replaced with the proposed office and supermarket pedestrian entries. These entries create internal connectivity and a through-link to Queensberry Street. On that basis, demolition of the contributory graded building is accepted.

Along Berkeley Street, the contributory building (Figure 25) which currently includes unsympathetic roller doors and offers a modest contribution to the eclectic streetscape, proposes to be replaced with 'back-of-house' facilities including the basement vehicle ramp, ground level loading bay and services cupboard. While the replacement of a graded building with these facilities in isolation is not a high quality outcome, this location – facing the 'rear' street at the very southern end of the site – is the most appropriate location having regard to the desirable urban design outcomes along all three street frontages. These facilities are essential to the development and the more exposed and pedestrianised Elizabeth Street and Queensberry Street would be a less desirable location in this instance. On that basis, demolition of the contributory graded building is accepted.

Partial demolition of 594-598 and 600-608 Elizabeth Street, including roof for directly behind the retained façade is accepted on the basis that the tower forms behind are set back further from the façades, the design detail is of high quality and the building program offers a net benefit and a balanced outcome on-site. These aspects are discussed below.

Full demolition of 277-283 Queensberry Street (proposed as part of the discussion plans) is supported as this site sits outside the Heritage Overlay and the building is of no heritage value.

7.2.2. Response to Retained Building

The proposal seeks to retain the street wall of 594-598 and 600-608 Elizabeth Street along the Elizabeth Street and Queensberry Street frontages (refer Figure 4 of this report).

Above the street wall, a setback of 4.2m to Elizabeth Street and between 4.8m–7m to Queensberry Street is proposed. Subject to increased setbacks, the proposed development's response to the retained heritage façade would be considered a balanced outcome for the site between the envisaged strategic development growth in City North and retention of the existing mixed heritage character – discussed in greater detail at Section 7.3.2 of this report.

7.3. Design and Development Overlay Schedule 61 (Area 4.1)

The site is affected by Design and Development Overlay Schedule 61-A4.1. Schedule 61 provides the following overarching design objectives, which are relevant to the proposal:

- *To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne.*
- *To support increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and CBD North Metro Rail stations.*

- *To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.*
- *To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.*
- *To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.*
- *To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections.*
- *To design buildings to provide passive surveillance and activation of ground floors addressing the streets.*
- *To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings.*
- *To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions.*
- *To improve the walkability of the precinct by encouraging new laneways and pedestrian connections.*
- *To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.*

The table to DDO61 provides the following preferred built form outcomes, which the proposed development should achieve:

DDO Area	Building Height	Street Edge Height and Upper Level Setback	Built Form Outcome
4.1	40 metres	<p>Buildings fronting Queensberry and Berkeley Streets: 24 metres to street edge height. Any part of the building above 24 metres set back 6 metres from the street.</p> <p>Buildings facing all other streets: 40 metre street edge height. Any part of the building above 40 metres set back 6 metres from the street.</p>	<p>Development that:</p> <ul style="list-style-type: none"> • Reinforces Elizabeth Street as a civic spine and facilitates the enhancement of its landscape character. • Creates stronger definition to the streetscape. • Complements the existing character established by the university, research and medical buildings. • Ensures sunlight reaches the lower floors of new developments. • Facilitates an integrated built form on both sides of Swanston Street. • Delivers a scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, sky views and a pedestrian friendly scale. • Provides a street edge height that integrates new development with lower scale heritage buildings.

Furthermore, DDO61 includes the following Design Requirements which are relevant to the proposal:

- *Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building's base.*
- *Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor.*
- *The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.*
- *New buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.*
- *The articulation of building facades should express a fine grain. Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages.*
- *The façades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.*
- *All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.*
- *Blank building walls that are visible from streets and public spaces should be avoided.*
- *Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.*
- *Ground floor frontages should contribute to city safety by providing lighting and activity.*
- *Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.*
- *Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Street as shown on Map 1 should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:*
- *At least 5 metres or 80 % of the street frontages (whichever is the greater) as:*
 - *an entry or display window to a shop and / or a food and drink premises; or*
 - *as any other uses, customer service areas and activities, which provide pedestrian interest or interaction.*
- *Buildings and works should not cast a shadow between 11 am and 2 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas.*
- *The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort.*
- *Buildings should include protection from the weather in the form of canopies, verandas and awnings.*

7.3.1. Height

DDO61-A4.1 has a discretionary building height control of 40m.

The original plans proposed three building forms measuring 63m (17 storeys), 52m (14 storeys) and 45m (12 storeys).

As outlined at Section 2.3 of this report, concerns were raised in relation to the overall building height and a set of discussion plans were subsequently submitted. The discussion plans propose three building forms measuring 53m (14 storeys), 42m (11 storeys) and 35m (9 storeys) in height.

The height proposed in the discussion plans is a significant improvement in response to the preferred height, the design objectives and the design requirements of the DDO. While the tallest building is 13m higher than the discretionary control, the three building heights average slightly greater than 40m (43m average). Furthermore, the heights respond to the design objectives that encourage mid-rise scale of 6-15 storeys and supports increased density and diversity of uses along Elizabeth Street.

Referring to some of the key comments provided by Urban Design, the massing strategy is generally supported, being the adoption of three distinct massing components. Urban Design also acknowledged that some additional height above 40m could be accommodated at this location as it would provide a transition between the 60m control to the north in the Haymarket precinct and the lower scale built form to the south towards Queen Victoria Market.

In relation to the discussion plans, Urban Design acknowledges that the reduction in overall height is positive; however, a significant departure from an otherwise successful massing strategy from the original plans has resulted. This is discussed at Section 7.3.3 of this report.

7.3.2. Setbacks

DDO61 has a discretionary 6m setback control above the street wall (above a height of 24m to Queensberry Street and Berkeley Street; and above a height of 40m to Elizabeth Street).

Elizabeth Street

In accordance with the discussion plans, the height of the proposed street wall along Elizabeth Street is 20.4m to the southern building and 9.2m to the north-west building (retained heritage façade). The proposed setbacks above the street walls measure 2m (southern building) and 4.2m (north-west building).

The 2m setback along Elizabeth Street is a 4m departure from the DDO control (6m). However, the street wall is well below 40m (proposed 20.4m). This street wall gesture clearly responds better to the retained heritage façade to the north (and low-scale buildings to the south) and for the most part, the south tower is set back greater than required under the DDO.

The 4.2m setback to the north-west building is less than the discretionary 6m DDO control; however, as it sits above a heritage building to be retained as the “street wall”, a minimum 5m setback would be a more appropriate response. A 5m setback would allow a greater appreciation of a 3D form at this corner interface with Queensberry Street; particularly as the corner to Queensberry Street proposes a 7m setback (see below). Furthermore, a 5m setback would provide an acceptable graduation from the 2m setback further south and would be more consistent with the 5.1m setback to the ‘break’ between the north-west and south building forms – **refer recommended Condition 1b**.

Queensberry Street

In accordance with the discussion plans, the height of the proposed street wall along Queensberry Street is 16.3m to the north-east building and 9.2m to the north-west building (retained heritage façade). The proposed setbacks above the street walls measure 4.2m (north-east building) and between 4.8m–7m (north-west building).

The 4.2m setback to the north-east building is considered a reasonable response having regard to the low street wall height; the lower overall building height of 34.7m, which is more than 5m under the discretionary DDO control (40m); and the corner profile, which provides views of the taller buildings behind.

The 4.8m–7m setback to the north-west building is generally accepted; particularly the 7m setback which is greater than the 6m discretionary control and would ensure that the heritage façade is retained in 3D form and will provide an appreciation of space at the corner interface with Elizabeth Street. As with the minimum 5m setbacks required to the Elizabeth Street frontage (see above) and Berkeley Street (see below), a minimum 5m setback should be introduced along Queensberry Street (resulting in a setback of between 5m–7m), which would adequately respond to the retained heritage façade; would result in an average 6m setback in accordance with the DDO control; and would balance growth envisaged in City North by respecting the height, scale, character and proportions of the heritage façade – **refer recommended Condition 1b.**

Berkeley Street

In accordance with the discussion plans, the height of the proposed street wall along Berkeley Street is 16.7m to the north-east building and 24.7m to the south building. The proposed setbacks above both buildings' street walls measure 2m.

The 2m setback above the north-east building's street wall is considered a reasonable response having regard to the lower overall building height of 34.7m, which is more than 5m under the discretionary DDO control (40m). Furthermore, the north-east building is located on a corner and does not interface with any heritage fabric along Berkeley Street. The setback allows the building to hold the corner; creates stronger definition to the streetscape; still ensures sunlight reaches the lower floors; and maintains a high level of pedestrian amenity.

The 2m setback above the south building's street wall does not adequately respond to DDO61 or the existing / prevailing street character. The DDO envisages a 6m setback above 24m. Above the street wall, a 2m setback is a substantial departure from the DDO, particularly as the building behind measures 53m in height, which is 13m above the DDO control. Furthermore, Berkeley Street has a low-scale character and a two storey contributory graded building is proposed to be demolished. Consistent with the minimum setbacks required to the north-west building, a 5m setback above the street wall would result in an improved built form outcome, generally in accordance with the design objectives and requirements of DDO61 and could be formally introduced by way of condition in any permit granted – **refer recommended Condition 1c.**

7.3.3. Design Detail

Key design detail comments from Urban Design in response to the discussion plans is as follows:

- *The previous iteration had featured three distinct street wall elements with a strong vertical integration with its corresponding 'tower' components. There was a clear expression of the upper forms 'belonging' to its respective street wall and a strong sense of solidity within the street wall to ground the development as a whole.*

- *The revised approach more closely resembles a patchwork of different façade expressions with no clear sense of visual cohesion between the lower and upper components.*
- *The contemporary street wall mass on the Elizabeth Street façade no longer appears 'grounded' and over-emphasises the horizontal expression of the height datum of the adjacent heritage façade. This approach results in a 'floating' upper podium mass and a predominately glass public interface on the lower two storeys.*
- *A similar abrupt transition between the lower podium (first two storeys) and the upper podium occurs in the street wall infill on Berkley Street. The vertical expressions of the columns/pilasters do not appear to align, while there appears to be little relationship between the proportions and rhythm of openings on the upper and lower podium.*
- *The mesh expression of the vertical gaps between the tower volumes appear unconvincing at this stage and appears to visually compete with the façade expression of the towers.*

While it is important to introduce a contrasting design response to the street wall and upper levels, the above Urban Design comments are generally accepted in that the discussion plans have resulted in a loss of cohesion between building forms. The original plans resulted in a more unified response, which is demonstrated in Figures 19–24 of this report.

The loss of strong materiality from the original plans is not considered reason to refuse the proposed discussion plans. Rather, it allows the reintroduction of these design qualities into the discussion plans through a Façade Strategy condition.

The Façade Strategy would serve to provide stronger solid framing elements, including street level solid framing of all openings to respect the defined character in lieu of glass walls; to reflect the degree of solidity and framing of all upper buildings; and maintain differentiation of volumes at upper and lower levels – **refer recommended Condition 8.**

The discussion plans demonstrate an appropriate response to other relevant DDO61 design requirements insofar as:

- The floor-to-ceiling heights are approximately 5m at ground level and minimum 3.2m at the upper levels.
- The south boundary wall, albeit 52m in height, would be appropriately articulated through a mix of glazing and solid framing to provide visual interest. It is noted that the office floor plates do not rely solely on daylight from the south elevation and as such, the windows could be blocked up as required should the site(s) to the south be developed – **refer recommended Condition 30.**
- Plant equipment is treated as part of the overall building design and visually screened from public areas.
- Ground floor frontages contribute to city safety by providing lighting and activity.
- Car parking access is limited to a portion of the Berkeley Street frontage only, which minimises its impact on street frontages and pedestrian movement.
- Ground level façades to Elizabeth Street and Queensberry Street would present as an attractive pedestrian response by providing a generous extent of retail frontage and pedestrian access.

7.4. Overshadowing

A design requirement of DDO61 states that buildings and works should not cast a shadow between 11am and 2pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas.

Shadow diagrams (September 23) submitted with the discussion plans demonstrate that new shadow would be cast over Elizabeth Street only, between 9am and 3pm (and Berkeley Street at 3pm only). New shadow would be cast over the southern footpath of Elizabeth Street at 9am and 10am only, with the remainder of new shadow either cast over road or over existing building shadow.

The extent of new shadow would not prejudice the amenity of the surrounding area.

7.5. Wind Effects

A Decision Guideline of DDO61 includes the wind effect at ground level as demonstrated by wind effects studies as necessary. Furthermore, a design objective of Table 2 seeks to ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort. The design requirements provide a formula to assist in determining whether pedestrian comfort is maintained to an acceptable level.

Instead, the applicant has used the wind effects formula within DDO10 to determine whether pedestrian comfort and safety is achieved. It was discussed between the applicant, Council and DELWP as to whether this approach would be accepted. The applicant's wind consultant determined that the DDO10 formula is a 'stricter' assessment and therefore as long as the wind report and plans demonstrate that pedestrian comfort / safety is achieved and maintained, the formula used is of no consequence.

A wind report was provided with the original plans. The report provides the following summary:

The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which exceed the relevant criteria for comfort and/or safety, particularly around the north-western corner of the subject development. With the inclusion of the proposed awning extending around the north-western corner over the ground floor approximately 3m as shown in the architectural drawings (received 17 February, 2020), it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.

At two locations (on the corner of Elizabeth Street / Queensberry Street and along Elizabeth Street), the safety and comfort criteria would not be met. However, with the inclusion of a canopy as proposed on both the original plans and discussion plans, it is expected that the wind conditions would ensure that pedestrian safety and comfort would be met.

It is noted, although the discussion plans propose a lower building height and limited ground level changes, an amended wind report should be submitted, demonstrating that no further wind mitigation strategies are needed – **refer recommended Condition 7.**

7.6. Traffic and Parking

Referring to Section 6.3 of this report, Traffic Engineering has raised no traffic concerns with the proposal. An assessment against statutory car and bicycle requirements follows.

7.6.1 Car Parking

Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule. The car parking rates are:

- 5 x net floor area of buildings on the site in sq. m / 1,000 sq. m; or
- 12 x site area in sq. m / 1,000 sq. m.

The Parking Overlay has a maximum requirement of 87 spaces using the first formula or 25 spaces using the second formula.

The discussion plans propose a total of 60 car spaces on-site, which is less than the maximum specified above, using the first formula. As such, a permit is not required and the number of car parking spaces proposed is accepted.

7.6.2 Motorcycle Parking

Schedule 1 to the Parking Overlay states that all buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

As less than 100 car parking spaces are proposed, no on-site motorcycle spaces are required.

Notwithstanding, 10 motorcycle spaces are proposed, which is accepted.

7.6.3 Bicycle Parking

Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6. In accordance with the discussion plans, bicycle parking rates would be as follows:

Use	Rate	Total Required
Office	1 to each 300 sq. m of net floor area for employees;	51
	1 to each 1,000 sq. m of net floor area for visitors.	15
Retail	1 to each 300 sq. m of leasable floor area for employees;	7
	1 to each 500 sq. m of leasable floor area for visitors.	4

The total number of bicycle spaces required equates to 58 for employees and 19 for visitors – totalling 77 spaces.

The discussion plans proposed 150 on-site bicycle spaces including 44 within Basement 3 and 106 within Basement 2. The statutory requirement is met; however, as no visitor spaces are proposed at ground level for easy access, a condition could be included in any permit granted to provide a minimum 19 spaces accordingly – **refer recommended Condition 1d.**

Sufficient end-of-trip facilities are provided on site within Basement Level 2.

7.7. Waste

Referring to Section 6.4 of this report, further clarification is required before the WMP (and plans) can be accepted.

Internal access to the waste storage area for all tenants has been requested to reduce risks and provide a safe work environment. Whilst reconfiguring the ground floor layout may impact on other design requirements, internal access for the large retail outlet (235m²) adjacent to Berkeley Street could be provided to the common area with very little change to the floor plan. Additionally, there is scope for the 107m² outlet (adjacent to the Elizabeth Street lobby) to have internal access to the waste room via the lobby.

The ground floor tenancies have been labelled "Retail". "Food and Drink Premises" falls within this land use. Original application documents state that there is over 1,000m² of retail space primarily intended for food and beverage. Accordingly, a more appropriate waste generation rate is required, as the rates that have been used (for non-food retail) are far too low. Even if the intention (initially) is for all outlets to be non-food, in the interest of future proofing the development, café waste generation rates should be applied, which are mid-range generation rates. Rates and bin numbers are to be revised accordingly.

As per previous comments, the loading bay is too narrow and there needs to be at least 1m clearance each side of the loading vehicle to allow for safe entry / exit for the occupants of the cabin.

These items could be formalised through conditions if a permit were to issue – **refer recommended Condition 1i, 1j and 6.**

7.8. Environmentally Sustainable Development

Referring to Section 6.7 of this report, the overall sustainability aspirations of the development are acceptable, subject to minor updates and corrections. Conditions have been provided which could be included if a permit were to issue – **refer recommended Conditions 1k and 23-27.**

8. RECOMMENDATION

That the Department of Environment, Land, Water and Planning be advised that the Melbourne City Council does not object to the proposal subject to the following conditions:

1. Amended plans before endorsement

Prior to the commencement of the development on the land, including demolition or bulk excavation, an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the Discussion Plans dated 09.11.2020, but amended to show:

- a) The location of a replacement tree plot for asset 1022519 proposed to be removed.
- b) The north-west building set back a minimum 5 metres above retained façade to Elizabeth Street and Queensberry Street (retaining a 7 metre setback at the north-west corner).
- c) The south building set back a minimum 5 metres above the street wall to Berkeley Street.
- d) The provision of a minimum 19 bicycle spaces located at ground level for access by visitors.
- e) No doors opening externally over the Berkeley Street boundary.

- f) All projections complying with Council's Road Encroachment Operational Guidelines.
- g) All proposed crossovers and their dimensions along Berkeley Street along with a 2 metre pedestrian refuge island located between the proposed basement ramp crossover and the existing crossover at the rear of 580 Elizabeth Street.
- h) Dimensions demonstrating a minimum 750mm clearance between the proposed canopy and kerb.
- i) Internal waste access for the 235m² retail premises fronting Berkeley Street and the 107m² retail premises fronting Elizabeth Street.
- j) A revised loading bay with minimum clearance of at least 1m each side of the applicable loading vehicle to allow for safe entry / exit for the occupants of the cabin.
- k) Annotation for required number of electric vehicle charging spaces to satisfy Green Star requirements.
- l) Any design revisions to the development in accordance with the corresponding Façade Strategy condition.
- m) Any design revisions to the development in accordance with the corresponding Waste Management Plan condition.
- n) Any design revisions to the development in accordance with the corresponding Wind Report condition.
- o) Any design revisions to the development in accordance with the corresponding Environmentally Sustainable Design Statement condition.
- p) Any design revisions to the development in accordance with the corresponding Landscape Plan condition.

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

2. Endorsed plans

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

3. Service above roof

No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

4. Legal Agreement – Demolition in Capital City Zone

Prior to the commencement of the demolition or removal of existing buildings or works (excluding demolition or removal of temporary structures) on the land, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide the following:

- a) if the land remains vacant for 6 months after completion of the demolition;
- b) demolition or construction activity ceases for a period of 6 months; or
- c) construction activity ceases for an aggregate of 6 months after commencement of the construction,

The owner must construct temporary works on the land to the satisfaction of the Responsible Authority.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

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

5. Construction Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – 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.

6. Waste Management Plan

Prior to the commencement of the development, including demolition or bulk excavation, an amended waste management plan must be submitted to and approved by the City of Melbourne – Waste and Recycling Branch. The amended WMP must be generally in accordance with the Waste Management Plan prepared by MGA and dated 19 December 2019, but updated to respond to the following:

- a) Amendments as a result of the design changes in accordance with the Discussion Plans dated 09.11.2020 and associated Condition 1 requirements.
- b) Appropriate waste generation rates are to be used that allow for at least 1,000m² of food and beverage use. In the interest of future proofing the development, café waste generation rates are to be applied, which are mid-range generation rates. Revise rates and bin numbers to be updated accordingly.

These amended WMP must be to the satisfaction of the City of Melbourne and when approved shall be the endorsed plans of this permit.

7. Wind Report

Prior to the commencement of the development, including demolition or bulk excavation, an updated Wind Report must be submitted to and be to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The updated Wind Report must be generally in accordance with the Wind Report prepared by Windtech Consultants dated February 18, 2020, but amended to:

- Reflect the changes required under Condition 1 of this Permit.
- Assess and demonstrate that no further wind mitigation strategies are needed in accordance with the Discussion Plans dated 09.11.2020.

Once approved, the Wind Report will be endorsed to form part of the permit.

8. Façade Strategy

Before the development starts, including demolition, a Façade Strategy must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne. The Façade Strategy for the development must detail a schedule of materials, finishes and details including but not limited to the colour, type of materials (and quality), construction, appearance and sections of the façade system and sufficient detail to denote high quality detailing and finishes. The Façade Strategy must also:

- a. Serve to provide stronger solid framing elements, including street level solid framing of all openings to respect the defined character in lieu of glass walls; to reflect a degree of solidity and framing of all upper buildings; and maintain differentiation of volumes at upper and lower levels – with cues taken from the solidity proposed in the original application plans.
- b. Include elevation details generally at a scale of 1:20 illustrating typical lower level details, balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
- c. Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
- d. Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
- e. Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.

Once approved, the Façade Strategy will be endorsed to form part of this permit.

9. Reflectivity

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.

10. Heritage Retention

Prior to the commencement of the development, including demolition and bulk excavation, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.

11. 3D Digital Model

Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling

environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Responsible Authority.

Civil Design

12. Drainage of projections

All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

13. Drainage system upgraded

Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – the City of Melbourne. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

14. Demolish and construct access

Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

15. Roads

All portions of roads and laneways 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 the Responsible Authority – the City of Melbourne.

16. Sawn bluestone footpaths

The footpaths adjoining the site along Elizabeth Street and Queensberry Street must be reconstructed in sawn bluestone together with associated works including the installation of 300mm wide sawn bluestone kerb, reconstruction of channel, provision of tree pits, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

17. Footpath

The footpath adjoining the site along Berkeley Street must be reconstructed together with associated works including the installation of 300mm wide sawn bluestone kerb, reconstruction of channel, provision of tree pits, street furniture and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – the City of Melbourne.

18. Street levels not to be altered

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 the Responsible Authority – the City of Melbourne.

19. Existing street lighting not altered without approval

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 the Responsible Authority – the City of Melbourne.

20. Existing street furniture

Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – the City of Melbourne.

21. Compliance with SEPP No N-1

The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

22. Environmentally Sustainable Design (ESD) Statement

Prior to the commencement of the development, including demolition or bulk excavation, an amended Environmentally Sustainable Design (ESD) Statement must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The ESD Statement must be generally in accordance with the Sustainability Management Report prepared by WRAP Engineering dated 19 December 2019, but amended to:

- Reflect the changes required under Condition 1 of this Permit.
- Outline a commitment to certified 5 Star Green Star rating.

Once approved, the ESD Statement will be endorsed to form part of the permit.

23. Implementation of Environmentally Sustainable Design (ESD)

Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report 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 report have been implemented in accordance with the relevant approved plans. This may include a GBCA Green Star Design & As Built Design Review Rating to confirm compliance with the stated Green Star targets.

24. Verification of Environmentally Sustainable Design (ESD)

Following final GBCA certification of the project's Green Star Design & As-Built rating, copies of the certificate must be submitted to the Responsible Authority.

25. Landscape Package

Prior to commencement of development, including demolition or bulk excavation, a detailed scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority in consultation with the City of Melbourne. The Landscape Plan must include the location of a replacement tree plot in accordance with Condition 1a. Evidence by way of service proofing will be required to demonstrate that no below or above ground services would prevent the plot from being constructed or future tree growth impeded.

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. Once approved, the landscape package will be endorsed to form part of the permit.

26. Landscape Maintenance Plan

Prior to occupation of the development, a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion must be submitted to, and be approved by the Responsible Authority. 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.

27. Title consolidation

Prior to the commencement of works, including demolition, all the land for the proposed development must be owned by the one entity and consolidated onto the one certificate of title to the satisfaction of the Responsible Authority, Team Leader Land Survey.

28. Easement

Prior to the commencement of works including demolition, the Drainage Easement E-1 on TP107509C, must be removed if the easement is in favour of a service authority.

29. Legal Agreement

Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works) on the land, the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

- a. The windows on the south boundary must be removed when the adjoining property is further developed in a manner that the Responsible Authority considers would affect these windows.

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

30. Corner splay

Prior to occupation of the development, the splayed corner of public footpath at the corner of Elizabeth Street and Queensberry Street must be vested in council as a Road on a Plan of Subdivision, limited in height and depth.

31. Development Time Limit

This permit will expire if one or more of the following circumstances apply:

- a) The development is not started within three years of the date of this permit.
- b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit 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 Approval Required

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.

Building Works to Accord with Planning Permit

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the Responsible Authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

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.

Civil Design

All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

Use of Ground Floor Retail tenancies

The Ground Floor Retail tenancies are not to be used for Adult sex bookshop, Hotel or Tavern, except with a further permit from the Responsible Authority.