

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Ministerial Planning Referral: TPM-2018-21
611-669 Elizabeth Street, Melbourne**

2 April 2019

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial Planning Application seeking approval for the development of 611 - 669 Elizabeth Street, Melbourne (refer Attachment 2 – Locality Plan). The application proposes partial demolition of the existing building and the construction of a multi-storey mixed use development comprising a car dealership, showroom and service centre, retail, offices and education centre with associated car parking (refer attachment 3 – Selected Plans). The proposed tower is 39.3 metres (nine storeys) in height and is proposed to be constructed above the retained Melford Motors heritage building.
2. The Department of Environment, Land, Water and Planning (DELWP) has given notice of the application to Council under Section 52(1)(b) of the *Planning and Environment Act 1987* (the Act).
3. The applicant is 611 Elizabeth Street Pty Ltd (PDG) C/- Urbis Pty Ltd, the owner of the land is Toyota Motor Sales Australia Ltd and the architect is Gray Puksand.
4. The land is located within the Capital City Zone 5 and is covered by Heritage Overlay (HO1124 Elizabeth Street North (Boulevard) Precinct), Design and Development Overlay Schedules 61 (City North) and Parking Overlay Schedule 1 (Capital City Zone – Outside the Retail Core).
5. The former Melford Motors building is on the Victorian Heritage Register (H2306). On 11 February 2019, notification was received from Heritage Victoria that a Heritage Permit had been granted for the proposed works and tower above the former Melford Motors building.

Key issues

6. The key issues relate to impact on the existing C graded heritage building and compliance with the relevant objectives and built form objectives of the Design and Development Overlay Schedule 61 including setbacks, visual bulk, shadows and residential amenity for future occupants.
7. Broadly, subject to conditions, the proposed development exhibits a design that will successfully integrate with the height and design detail of adjacent historic buildings in addition to balancing the provision of an appropriate built form that successfully reinforces Elizabeth Street as a civic spine. Further stages to develop the remainder of the site are expected to be lodged via separate applications in the near future.
8. A proposed 24/7 publicly accessible through block link in the form of a new lane will be delivered as part of the proposal, introducing an important mid-block connection through this large site.
9. A number of permit conditions have been recommended to ensure the tower is appropriately articulated and ensure it results in a positive addition to the area.

Recommendation from management

10. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to conditions outlined in the delegate report (refer to Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 75)
2. Locality Plan (Page 3 of 75)
3. Selected Plans (Page 4 of 75)
4. Delegate Report (Page 33 of 75)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application. Section 52(1) of the Act requires the Responsible Authority give notice of an application to the municipal council if the application applies to or may materially affect land in its municipal district.

Finance

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

Conflict of interest

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

Health and Safety

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

Stakeholder consultation

5. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of the Department of Environment, Land, Water and Planning acting on behalf of the Minister for Planning.

Relation to Council policy

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

Environmental sustainability

7. The Environmentally Sustainable Design (ESD) Report submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
8. Permit conditions requiring implementation of the ESD initiatives are recommended.

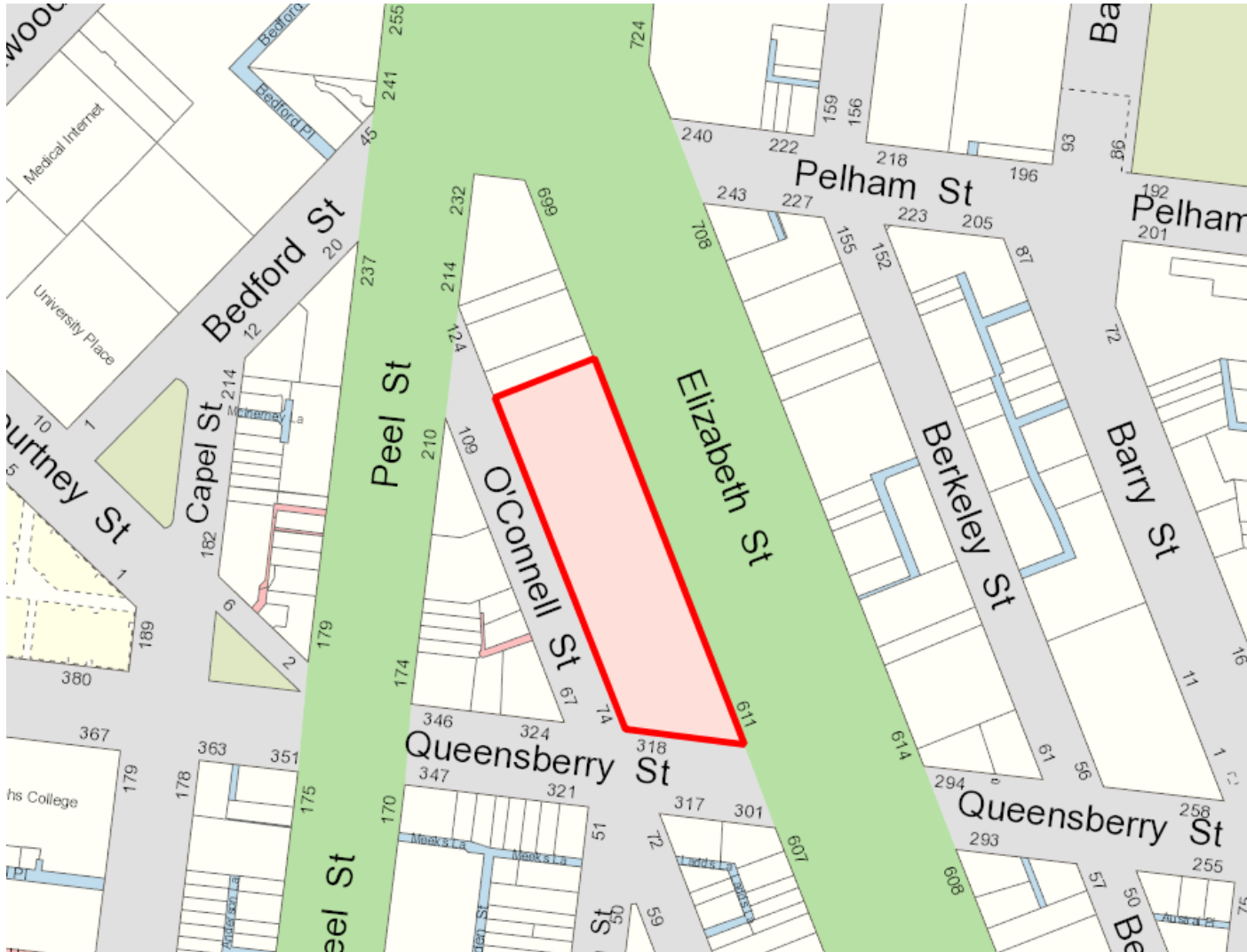
Attachments:

1. Supporting Attachment
2. Locality Plan
3. Selected Plans
4. Delegate Report

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
2 April 2019

611-669 Elizabeth Street, Melbourne



COMMERCIAL DEVELOPMENT

611 Elizabeth Street, Melbourne

DRAWING LIST - TOWN PLANNING

TP000	COVER SHEET
TP001	SITE CONTEXT
TP002	SITE PLAN
TP003	DEVELOPMENT SUMMARY
TP010	EXISTING/DEMOLITION GROUND FLOOR PLAN
TP011	EXISTING/DEMOLITION LEVEL 1 PLAN
TP012	EXISTING/DEMOLITION LEVEL 2 FLOOR PLAN
TP013	EXISTING/DEMOLITION ROOF FLOOR PLAN
TP030	EXISTING/DEMOLITION ELEVATIONS
TP031	EXISTING/DEMOLITION ELEVATIONS
TP110	BASEMENT 2 FLOOR PLAN
TP111	BASEMENT 1 FLOOR PLAN
TP112	BASEMENT 1 MEZZ. LEVEL PLAN
TP113	GROUND FLOOR PLAN
TP114	LEVEL 1 FLOOR PLAN
TP115	LEVEL 2 FLOOR PLAN
TP116	LEVEL 3-PODIUM FLOOR PLAN
TP118	ROOF PLAN
TP310	ELIZABETH STREET ELEVATION
TP311	QUEENSBERRY STREET ELEVATION
TP312	O'CONNELL STREET ELEVATION
TP313	LANEWAY ELEVATION
TP410	SECTION-A
TP411	SECTION-B
TP500	ARTIST'S IMPRESSION
TP501	ARTIST'S IMPRESSION
TP503	ARTIST'S IMPRESSION
TP600	MATERIALS SUMMARY



TOWN PLANNING APPLICATION

RECYCLING NOTE

A minimum of 90% (by weight) of material leaving site shall be recycled. Documentary evidence of recycled and waste materials and recycling methods shall be retained by the contractor and provided to the superindendant as a condition of practical completion. The provision of pro-rata documentary evidence confirming the achievement of this condition shall be submitted on a pro-rata basis throughout the project and shall form a precondition of the certificate of each progress payment.

Updates of environmental performance shall be provided within each site meeting and documented within the contractors monthly report.



PROJECT NO 116176

DRAWING NO TP000

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18

REVISION	TP1
PROJECT NO	116176
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CHECKED	PG
APPROVED	RP

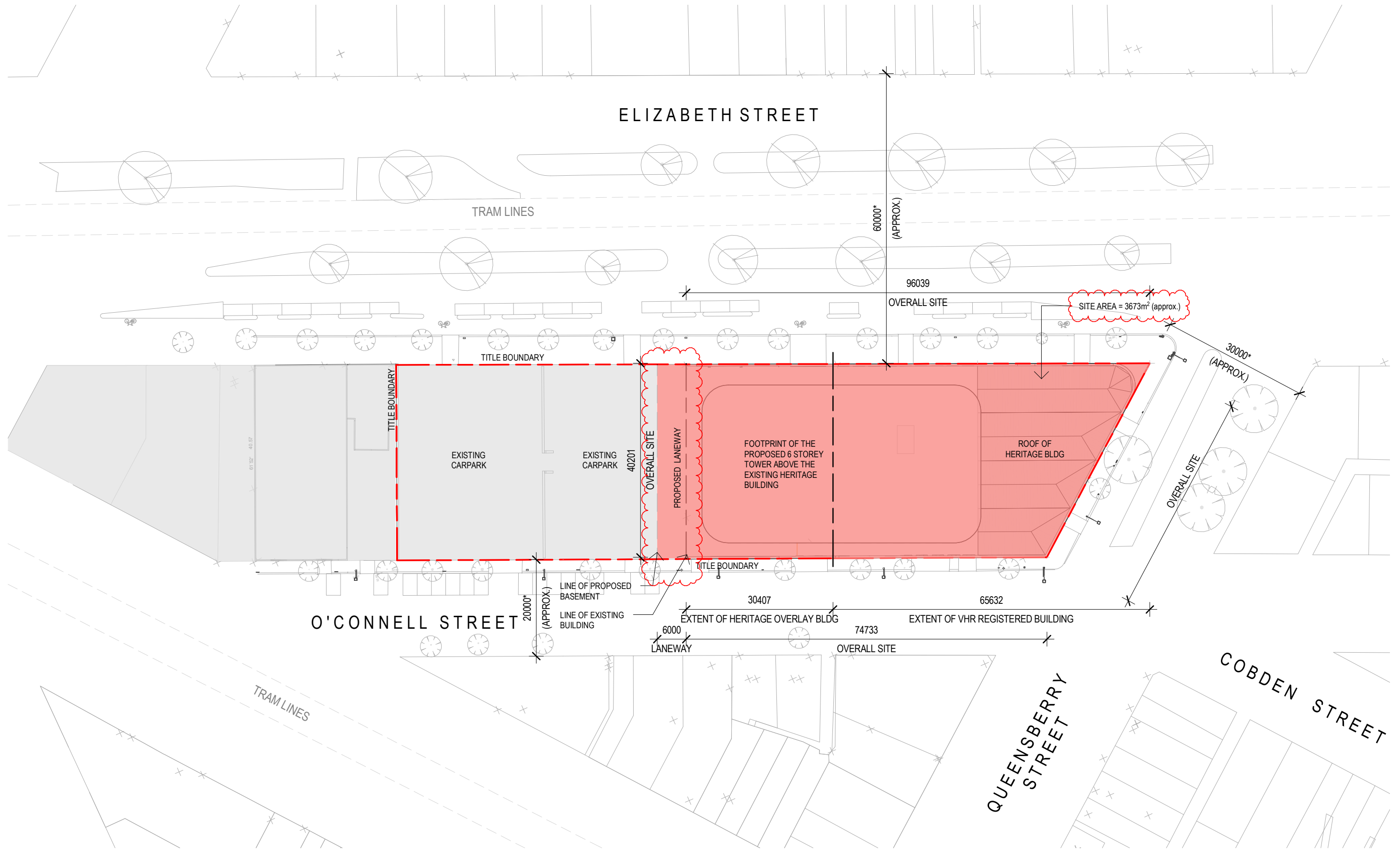
SITE CONTEXT

DRAWING NO. **TP001**

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
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TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	1 : 750
DRAWN	MC
CHECKED	PG
APPROVED	RP

SITE PLAN

DRAWING NO. **TP002**

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DEVELOPMENT SUMMARY

FOR COMPLETE SITE

TOTAL SITE AREA 3673 m²

FLOOR LEVEL	NLA (m ²)	GFA (m ²)
BASEMENT 2 PARKING	-	3426
BASEMENT 1 USED CAR SHOWROOM	1846	3426
BASEMENT 1 MEZZ. EOT/SERVICES	-	1264
GROUND LEVEL SHOWROOM RETAIL FOYER	1360 944 172	3391
LEVEL - 1 SHOWROOM	2370	3391
LEVEL - 2 WORKSHOP	3013	3391
LEVEL - 3 EDUCATION	1411	1645
LEVEL - 4 EDUCATION	1614	1764
LEVEL - 5 EDUCATION	1614	1764
LEVEL - 6 EDUCATION	1614	1764
LEVEL - 7 EDUCATION	1614	1764
LEVEL - 8 EDUCATION	1614	1764
GRAND TOTAL	19,186	28,754

PARKING PROVISIONS

FLOOR LEVEL	CAR	BIKE	MOTORCYCLE
BASEMENT LEVEL		126	2
TENANT PARKING	25		
DEALERSHIP VEHICLE STORAGE	63		
CUSTOMER PARKING	10		
GROUND		12	
LEVEL 1			
CUSTOMER PARKING	6		
TOTAL	104	138	2

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
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APPROVED	RP

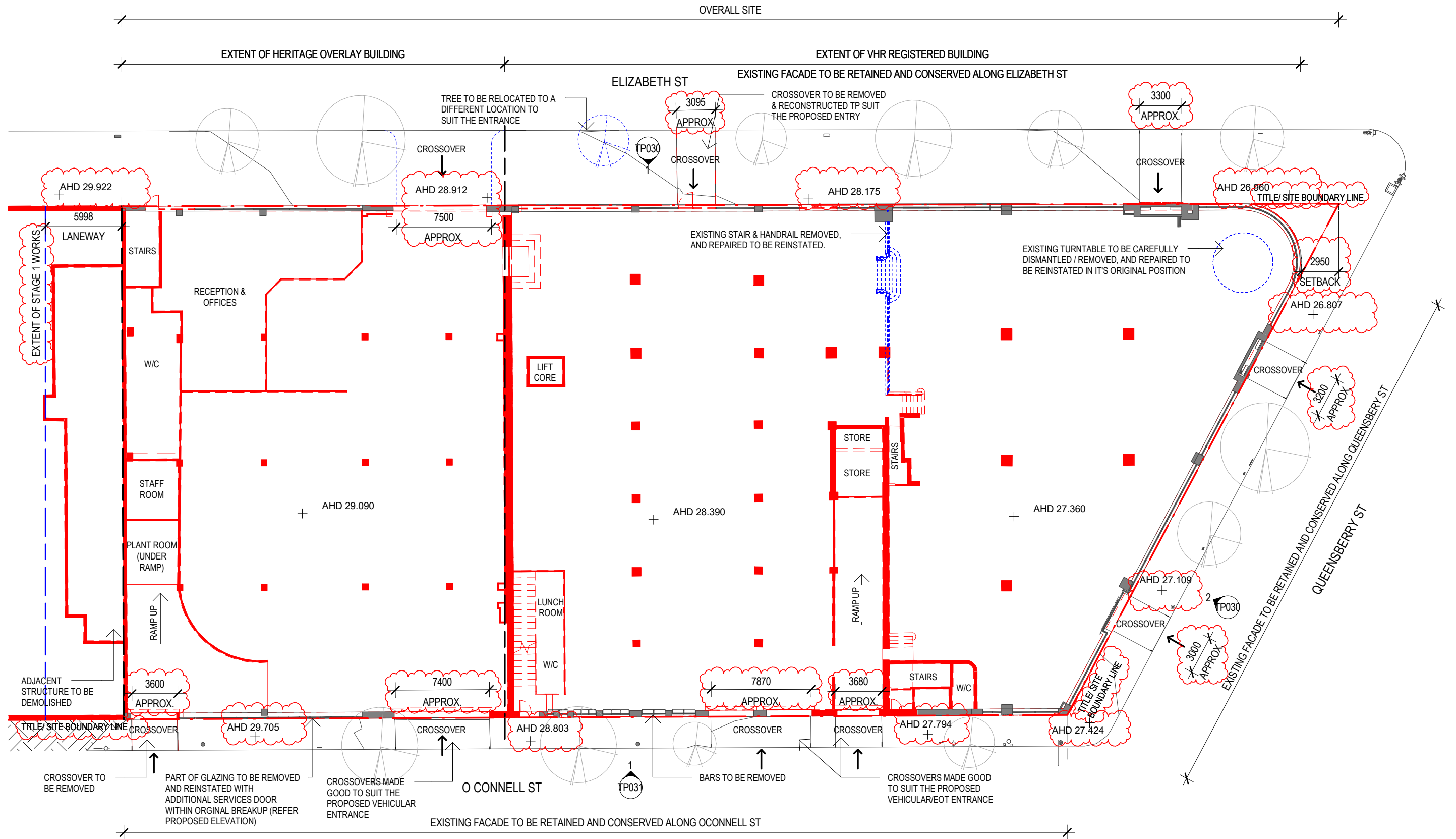
DEVELOPMENT SUMMARY

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
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TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
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CHECKED	PG
APPROVED	RP

**EXISTING/DEMOLITION
GROUND FLOOR
PLAN**

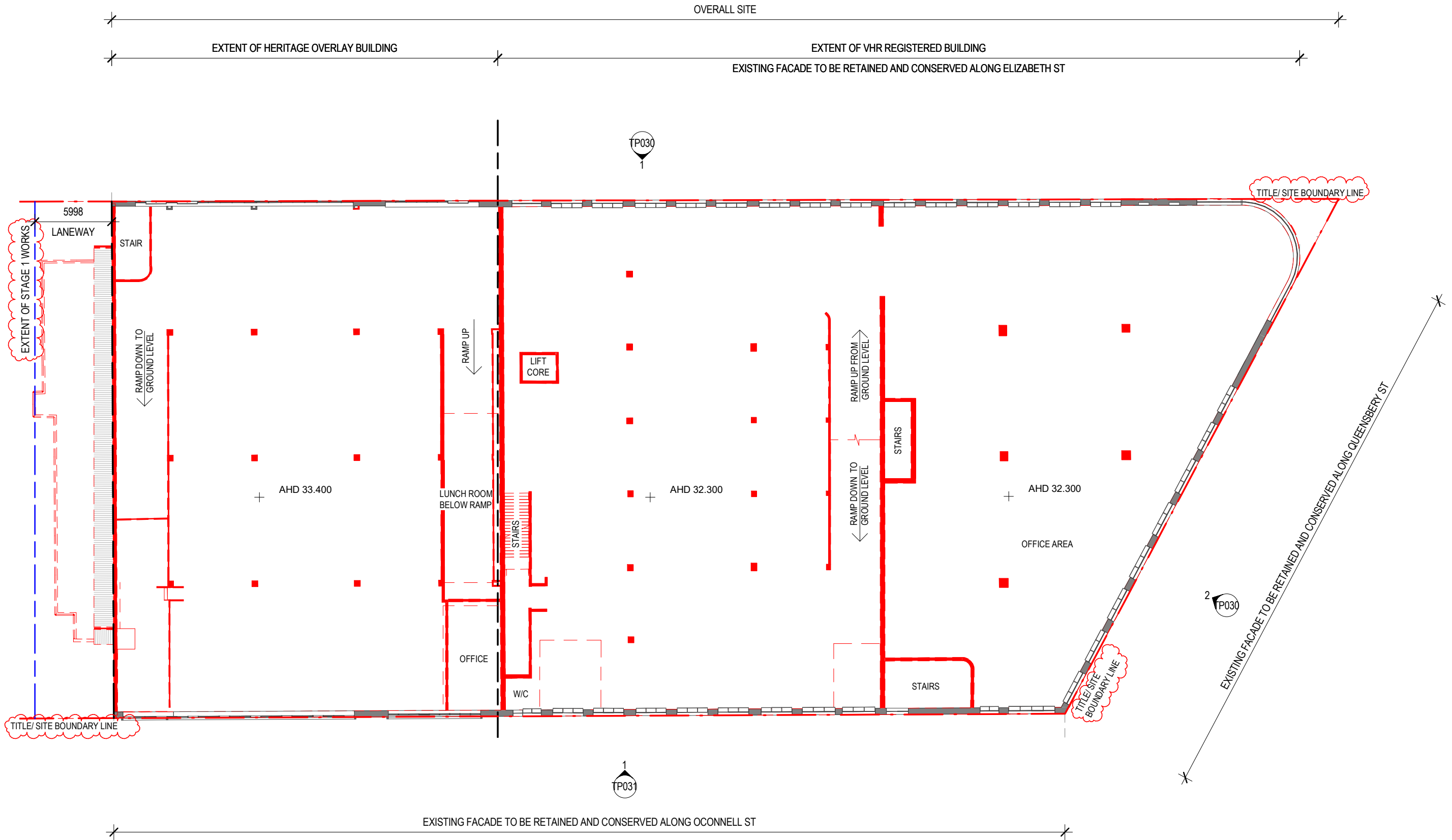
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TOWN PLANNING APPLICATION



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TP2	Town Planning Updates	23/11/18

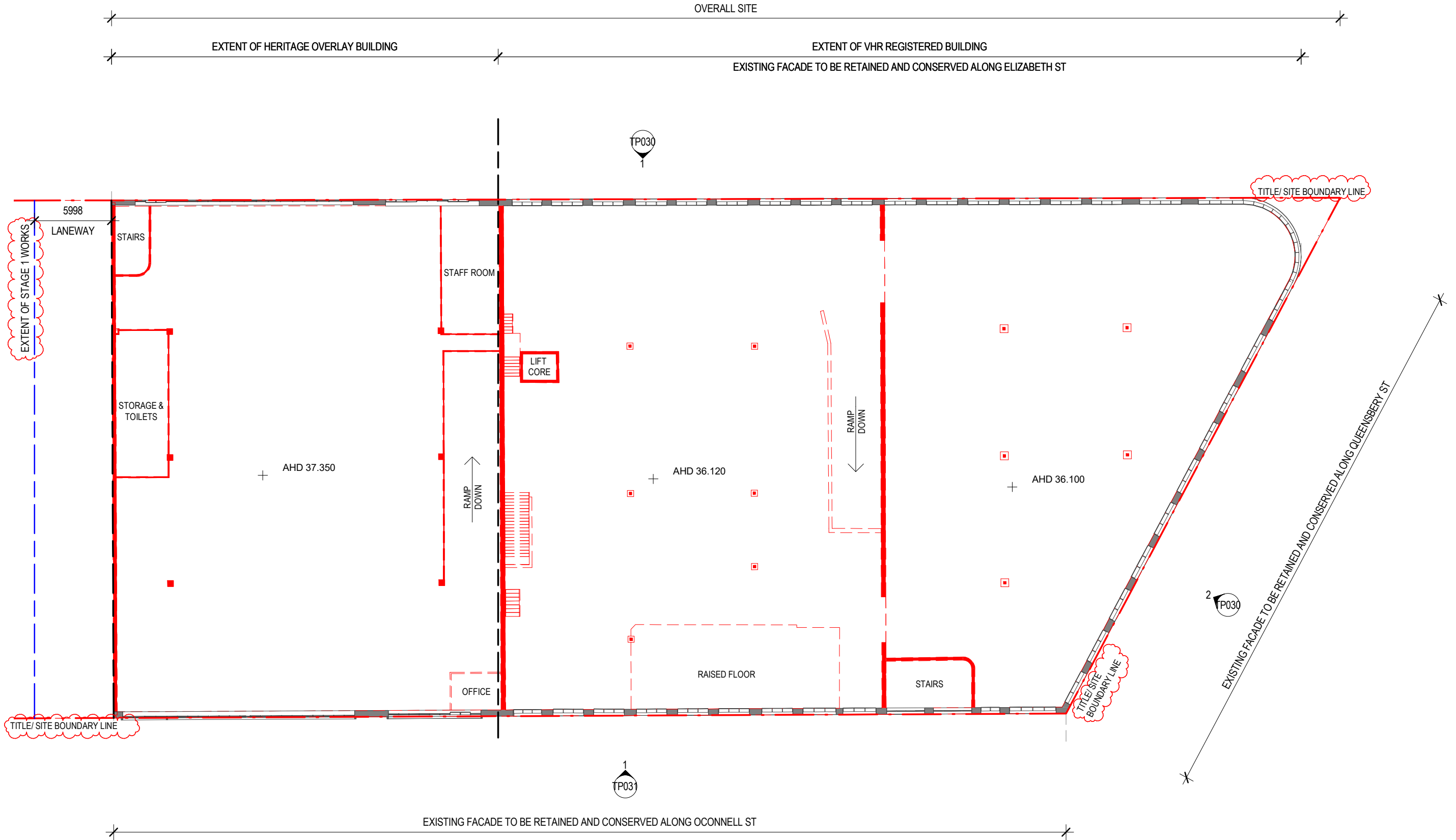
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PROJECT NO	116176
SCALE @ A3	1 : 300
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APPROVED	RP

EXISTING/DEMOLITION
LEVEL 1 PLAN
DRAWING NO. TP011

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TOWN PLANNING APPLICATION



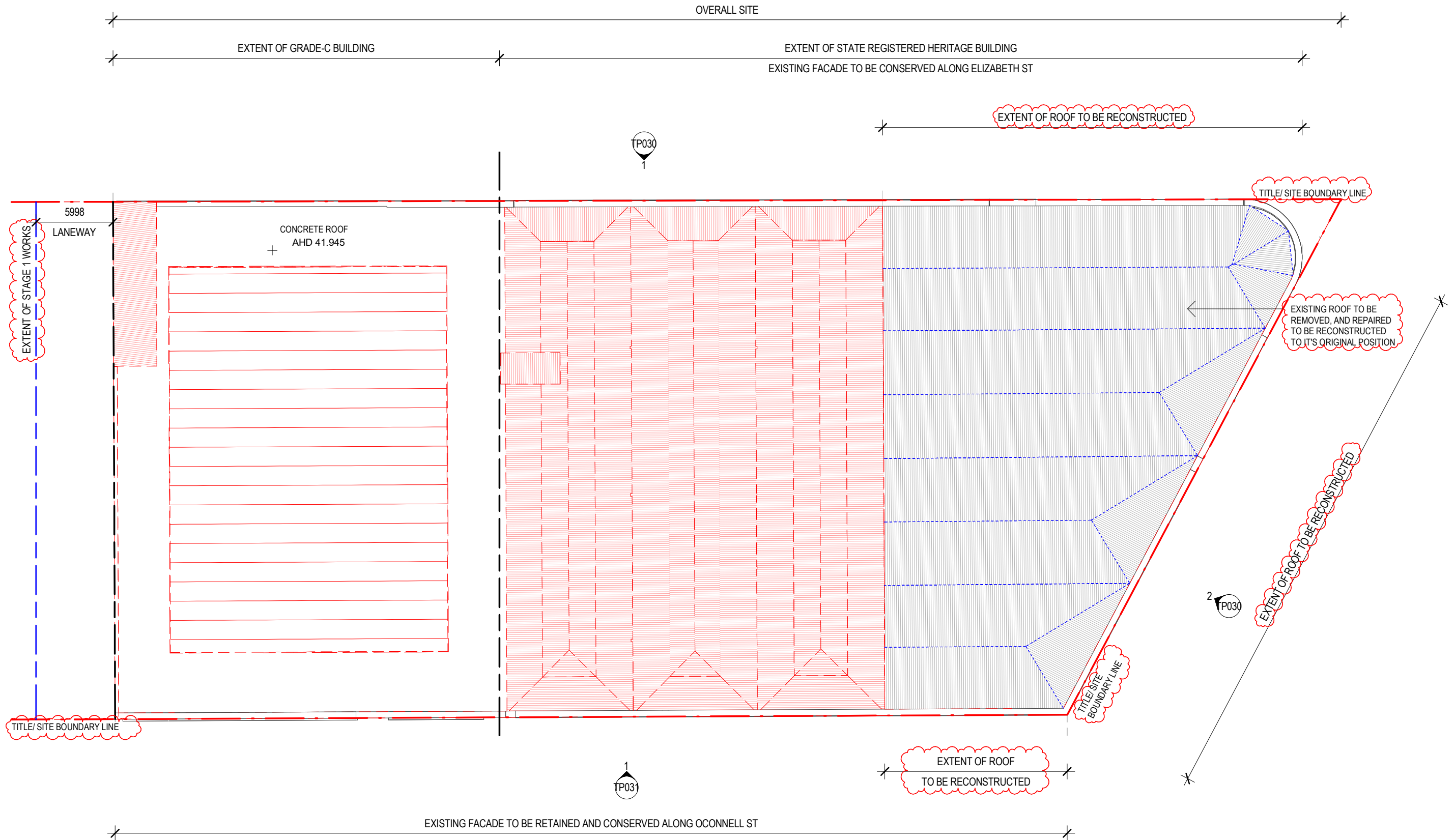
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TP2	Town Planning Updates	23/11/18	SCALE @ A3	1 : 300
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			CHECKED	PG
			APPROVED	RP

**EXISTING/DEMOLITION
LEVEL 2 FLOOR
PLAN**
DRAWING NO. **TP012**

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE	REVISION	TP2
TP1	Town Planning Issue	18/09/18	PROJECT NO	116176
TP2	Town Planning Updates	23/11/18	SCALE @ A3	1 : 300
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			CHECKED	PG
			APPROVED	RP

**EXISTING/DEMOLITION
ROOF FLOOR PLAN**

**COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne**

DRAWING NO. **TP013**

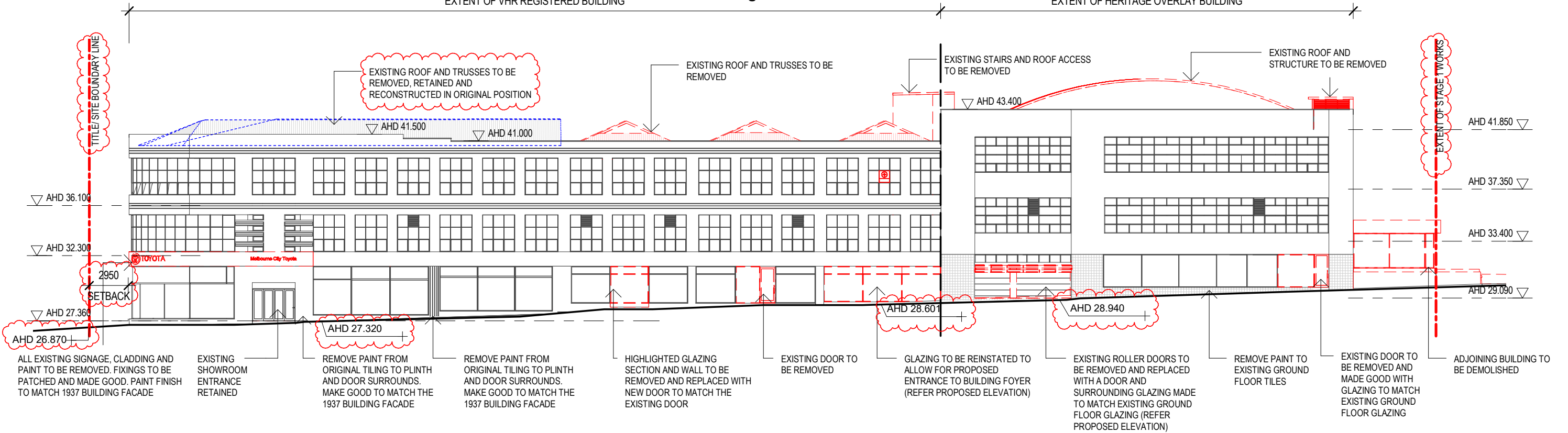
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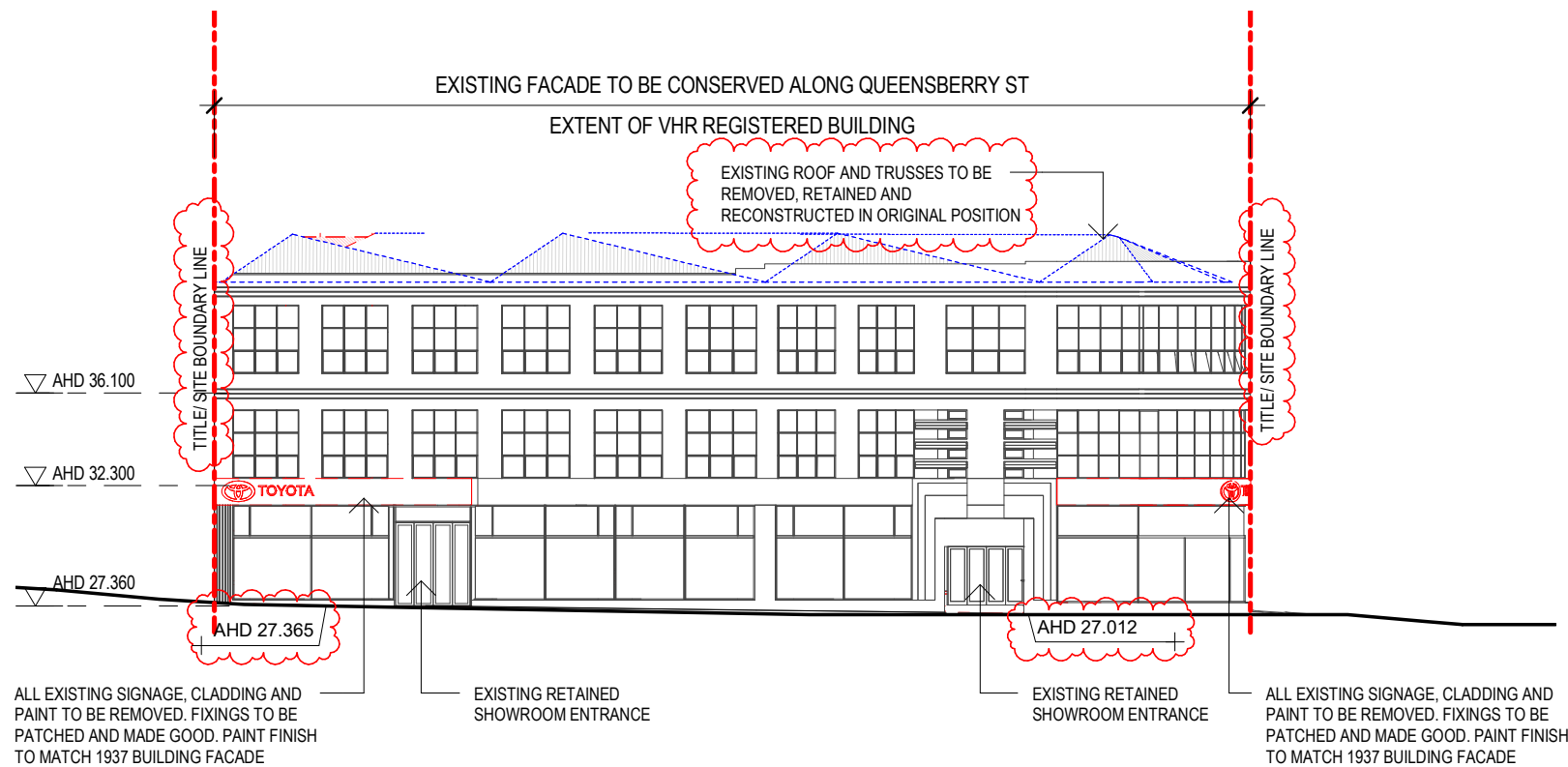
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EXTENT OF VHR REGISTERED BUILDING

EXTENT OF HERITAGE OVERLAY BUILDING



1 ELIZABETH ST ELEVATION
1 : 300



2 QUEENSBERRY ST ELEVATION
1 : 300

TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

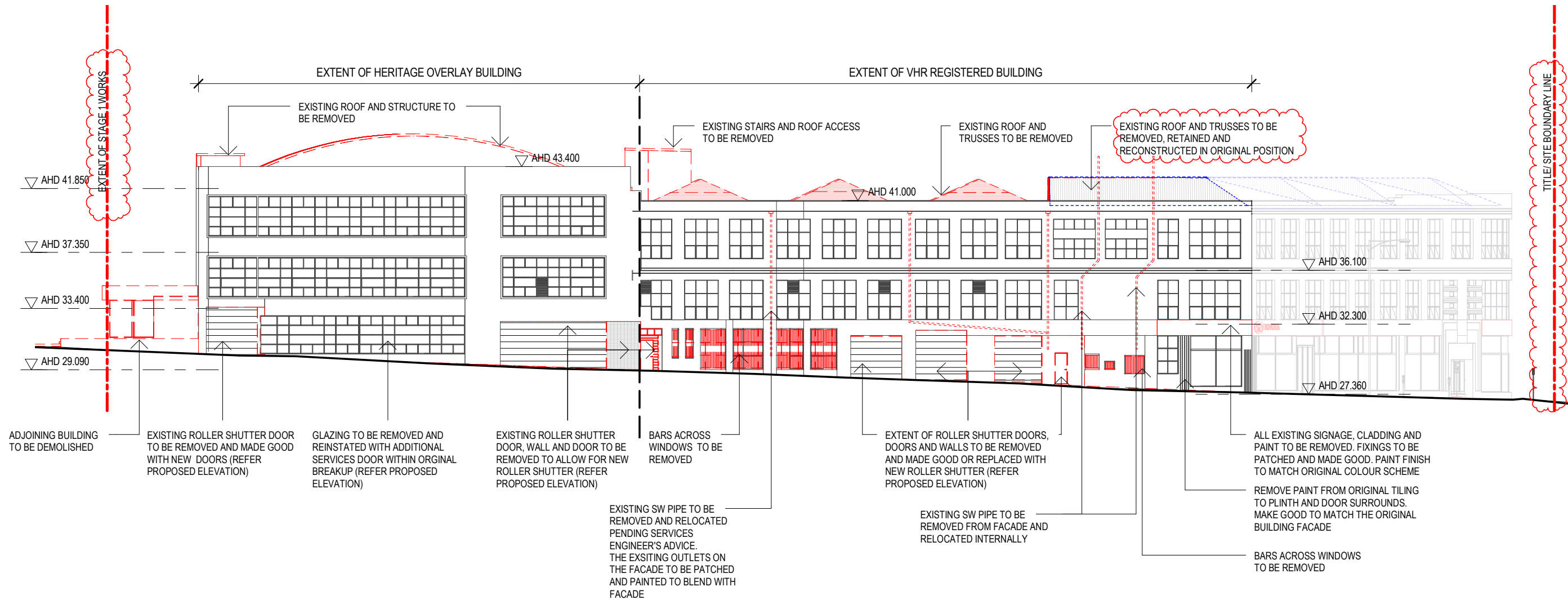
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PROJECT NO	116176
SCALE @ A3	1 : 300
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APPROVED	RP

EXISTING/DEMOLITION ELEVATIONS
DRAWING NO. TP030

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1 OCONNELL ST ELEVATION
1 : 300

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TOWN PLANNING APPLICATION



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TP2	Town Planning Updates	23/11/18

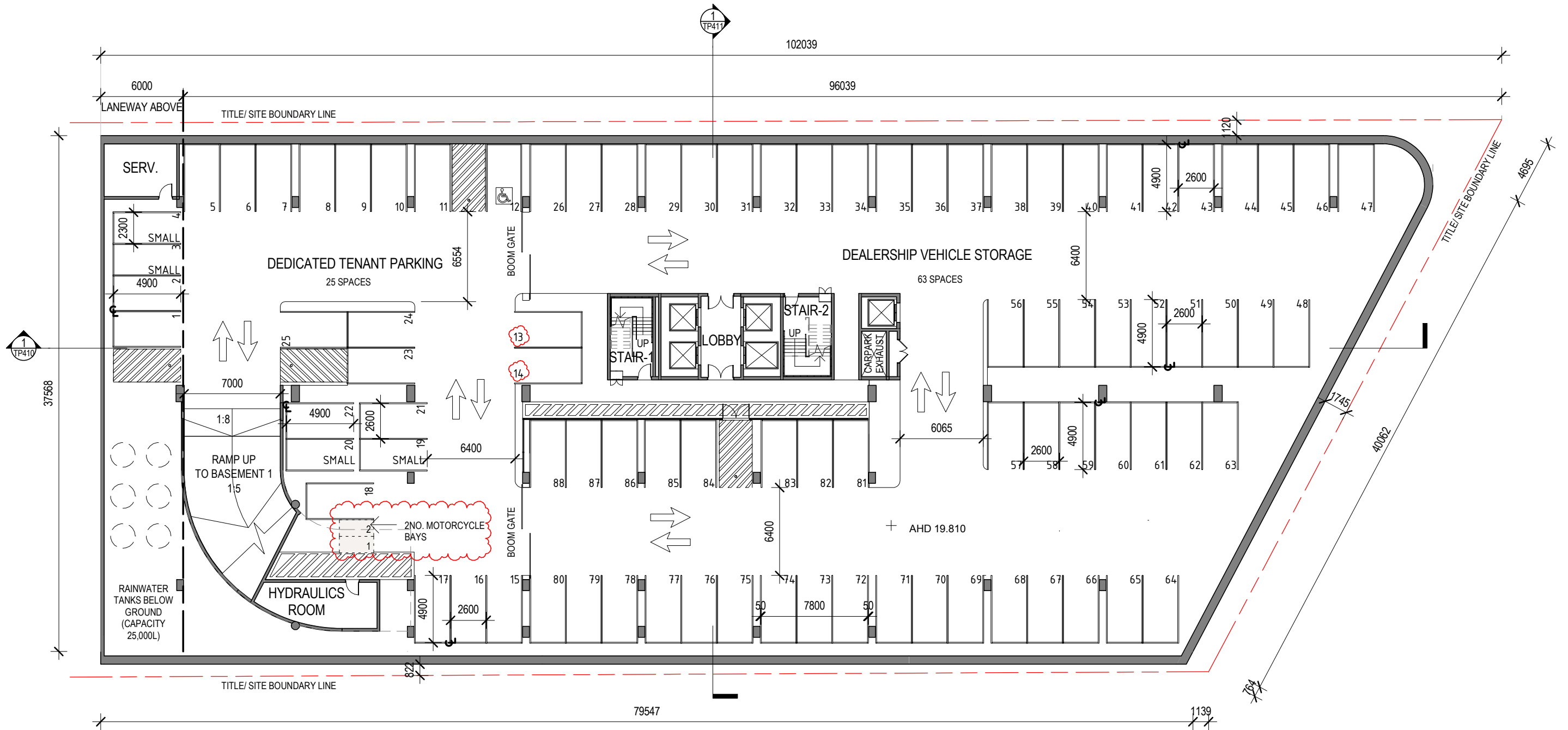
REVISION	TP2
PROJECT NO	116176
SCALE @ A3	1 : 300
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CHECKED	PG
APPROVED	Approver

EXISTING/DEMOLITION ELEVATIONS
DRAWING NO. TP031

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
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APPROVED	RP

BASEMENT 2 FLOOR PLAN

DRAWING NO. **TP110**

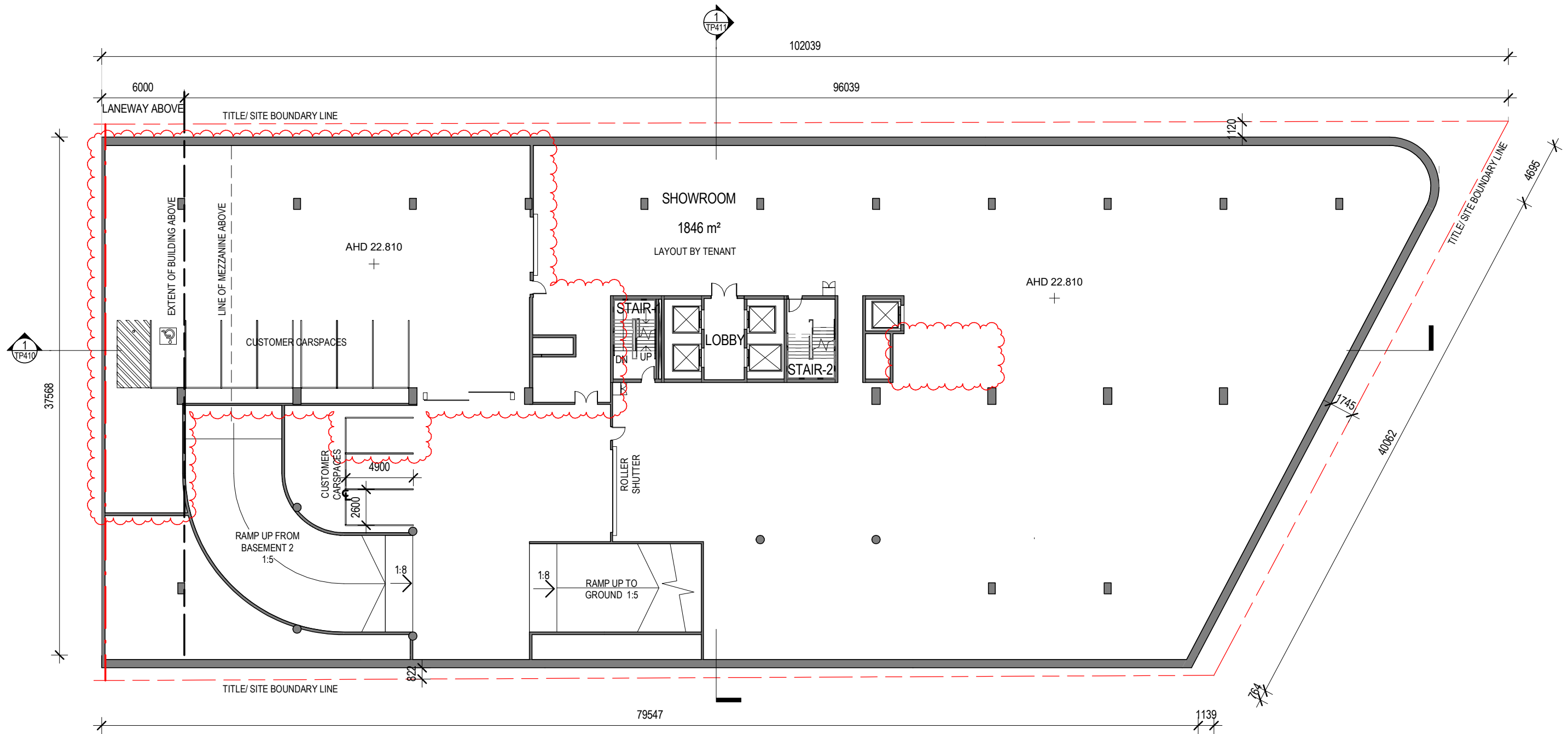
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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	1 : 300
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APPROVED	RP

BASEMENT 1 FLOOR PLAN

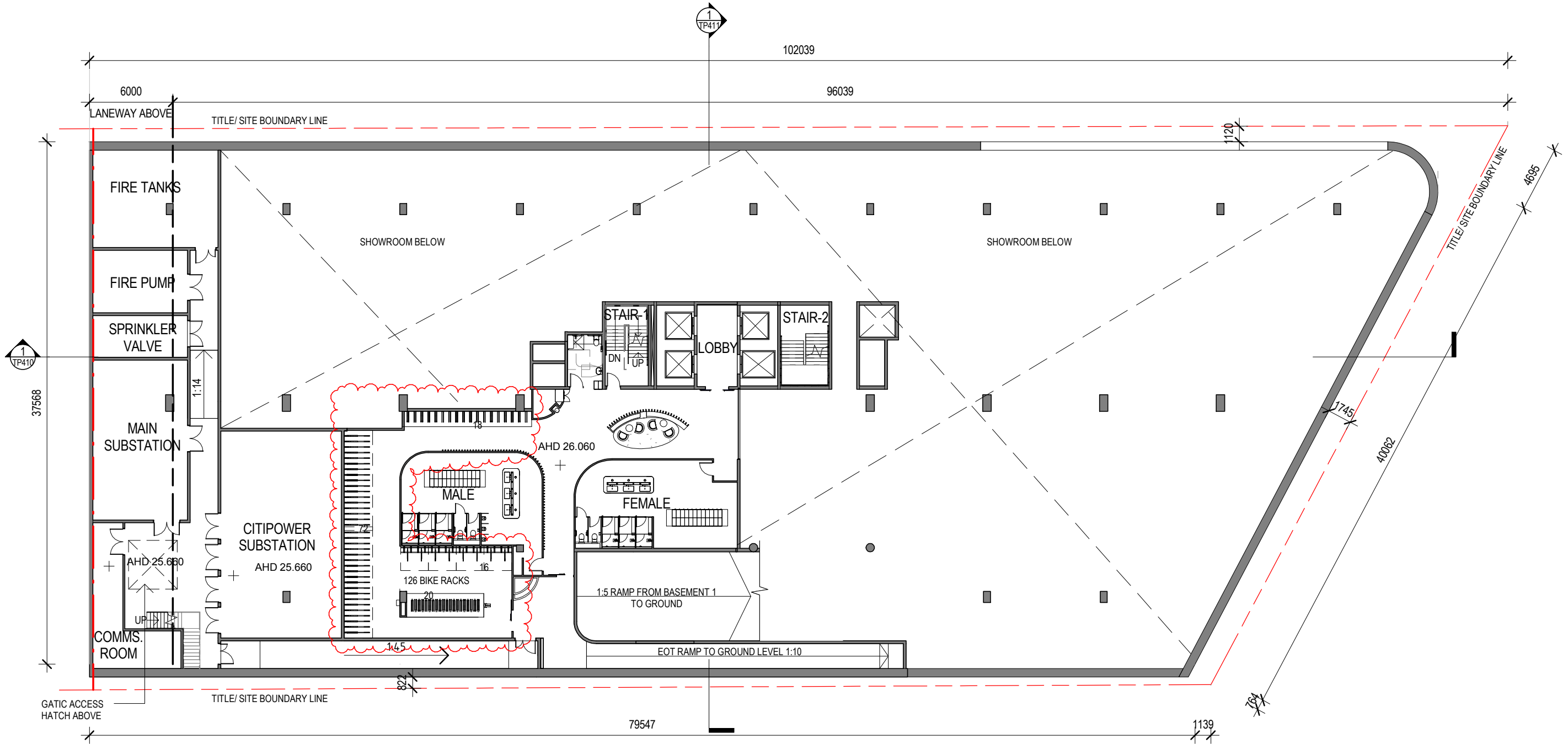
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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
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APPROVED	RP

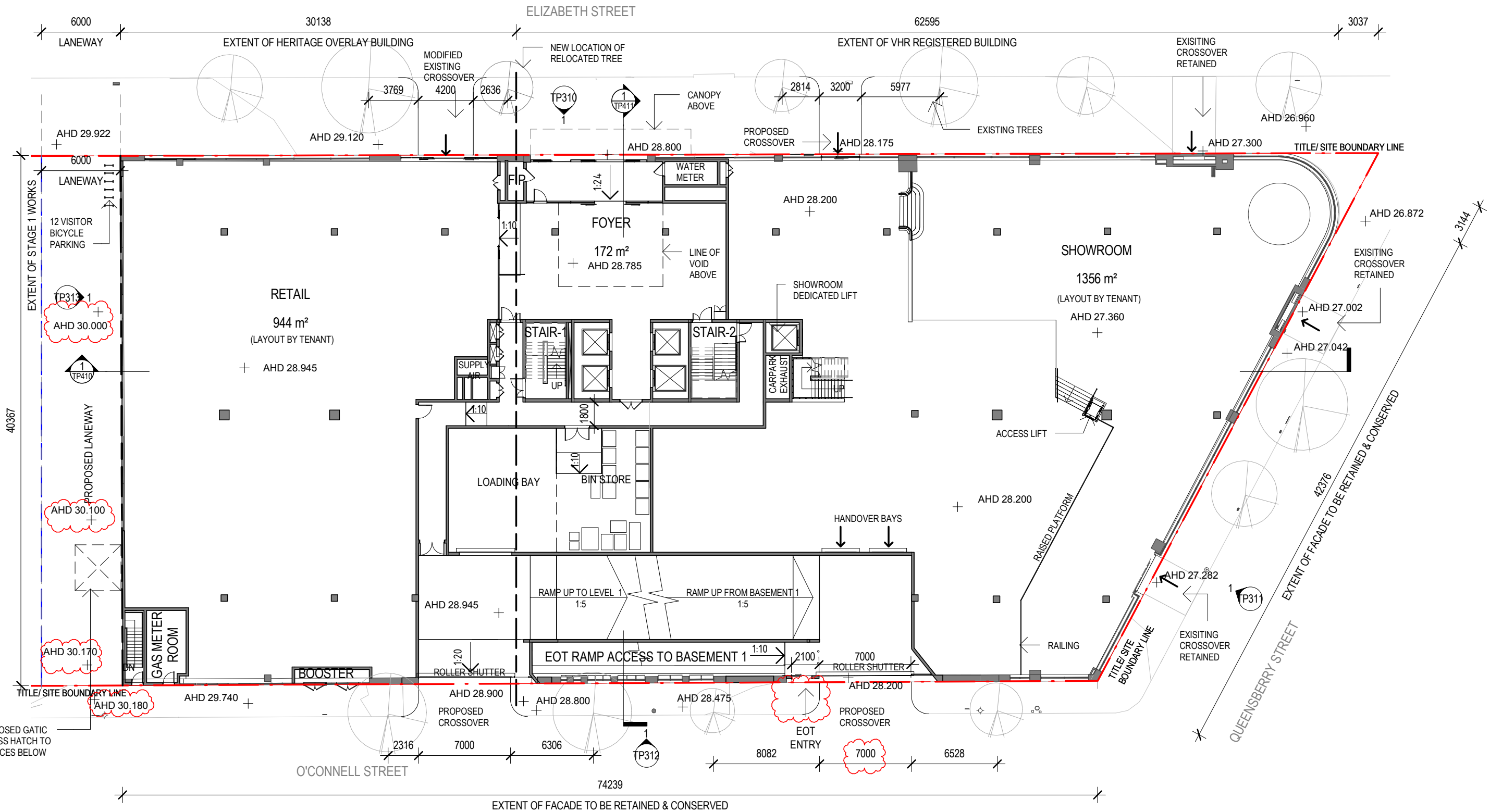
**BASEMENT 1 MEZZ.
LEVEL PLAN**

DRAWING NO. **TP112**

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
SCALE @ A3	1 : 300
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APPROVED	RP

GROUND FLOOR PLAN

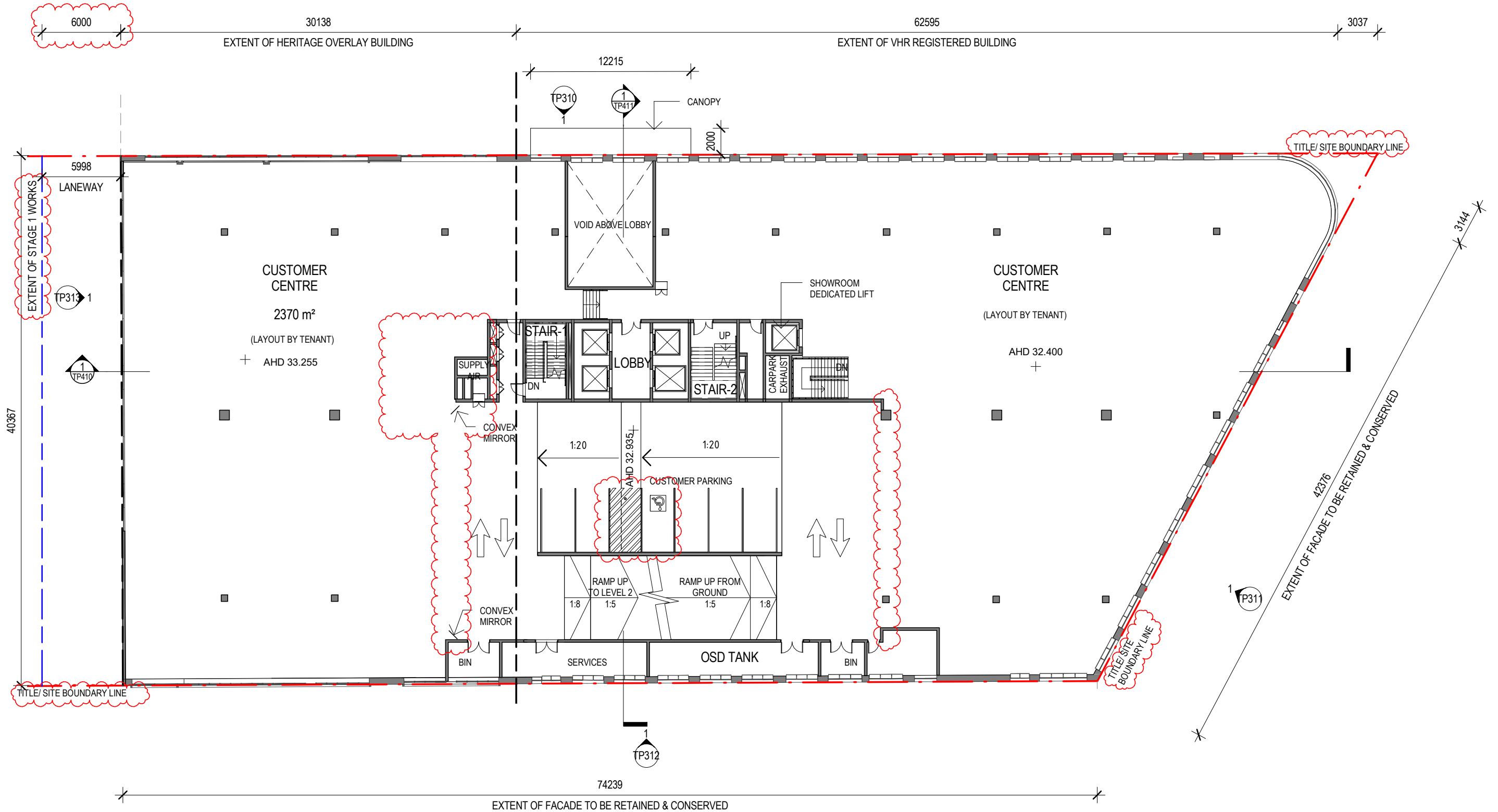
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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE	REVISION	TP2
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			APPROVED	RP

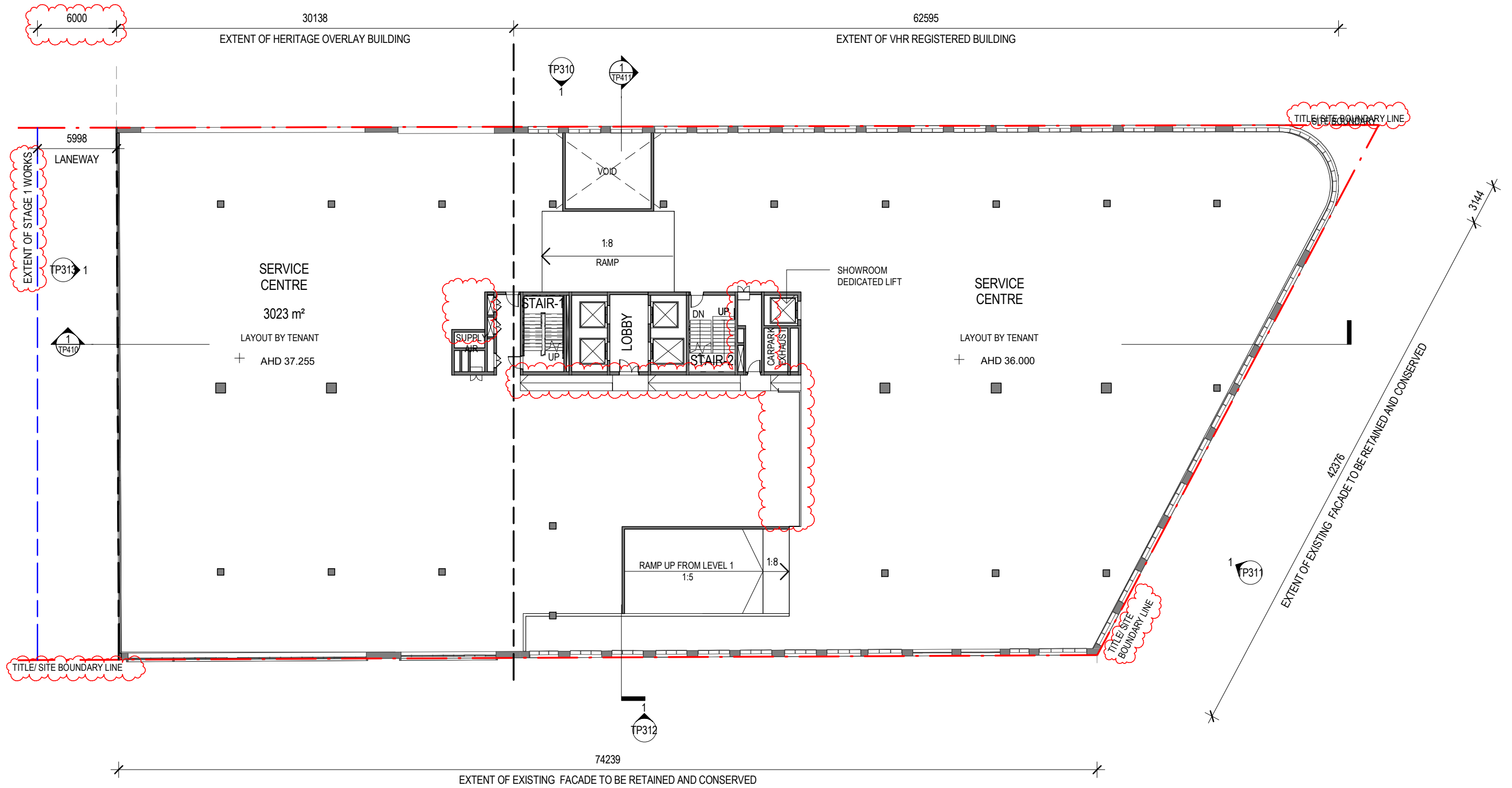
LEVEL 1 FLOOR PLAN

DRAWING NO. **TP114**

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
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SCALE @ A3	1 : 300
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APPROVED	RP

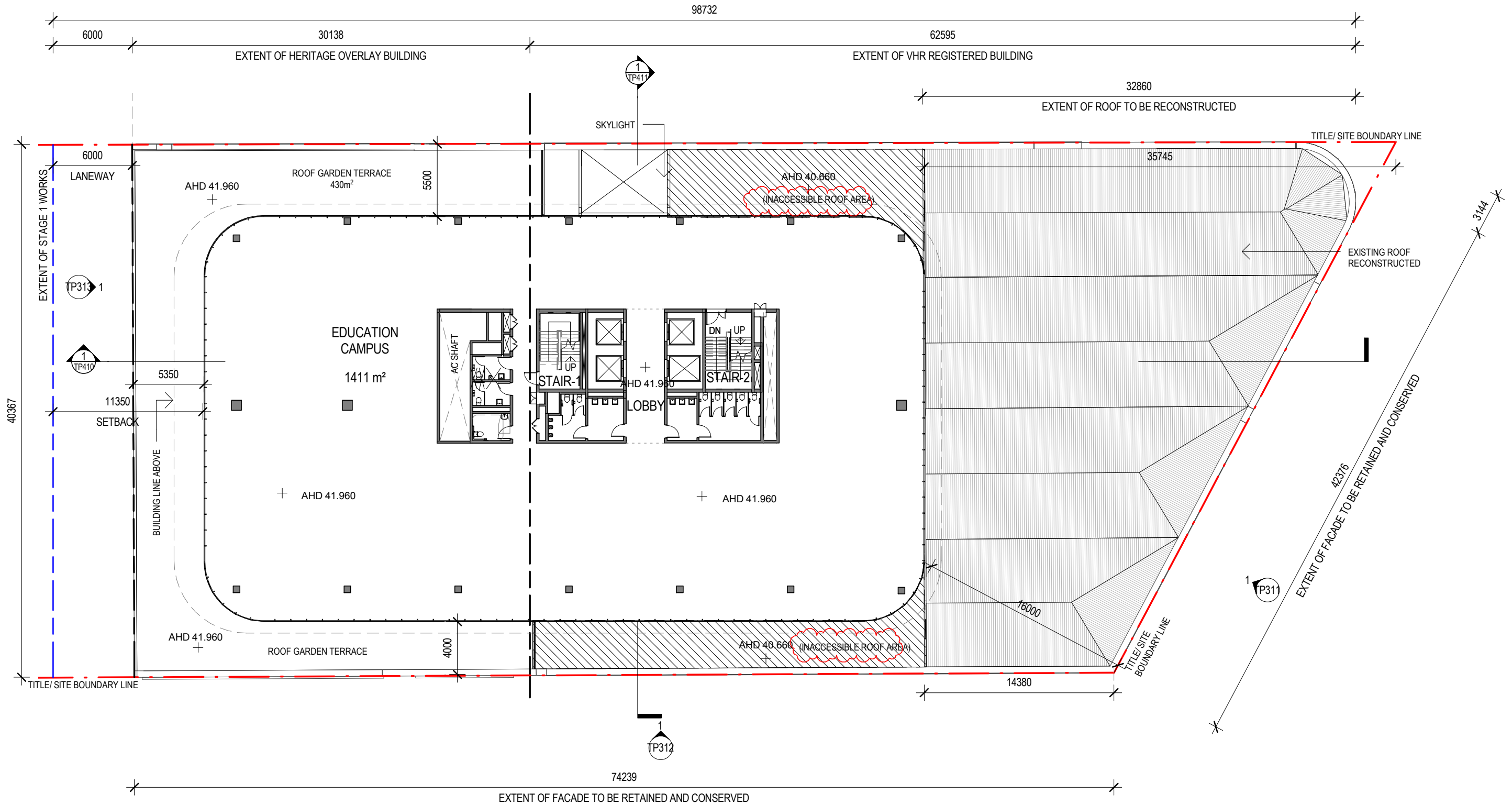
LEVEL 2 FLOOR PLAN

DRAWING NO. **TP115**

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
SCALE @ A3	1 : 300
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CHECKED	PG
APPROVED	RP

LEVEL 3-PODIUM FLOOR PLAN

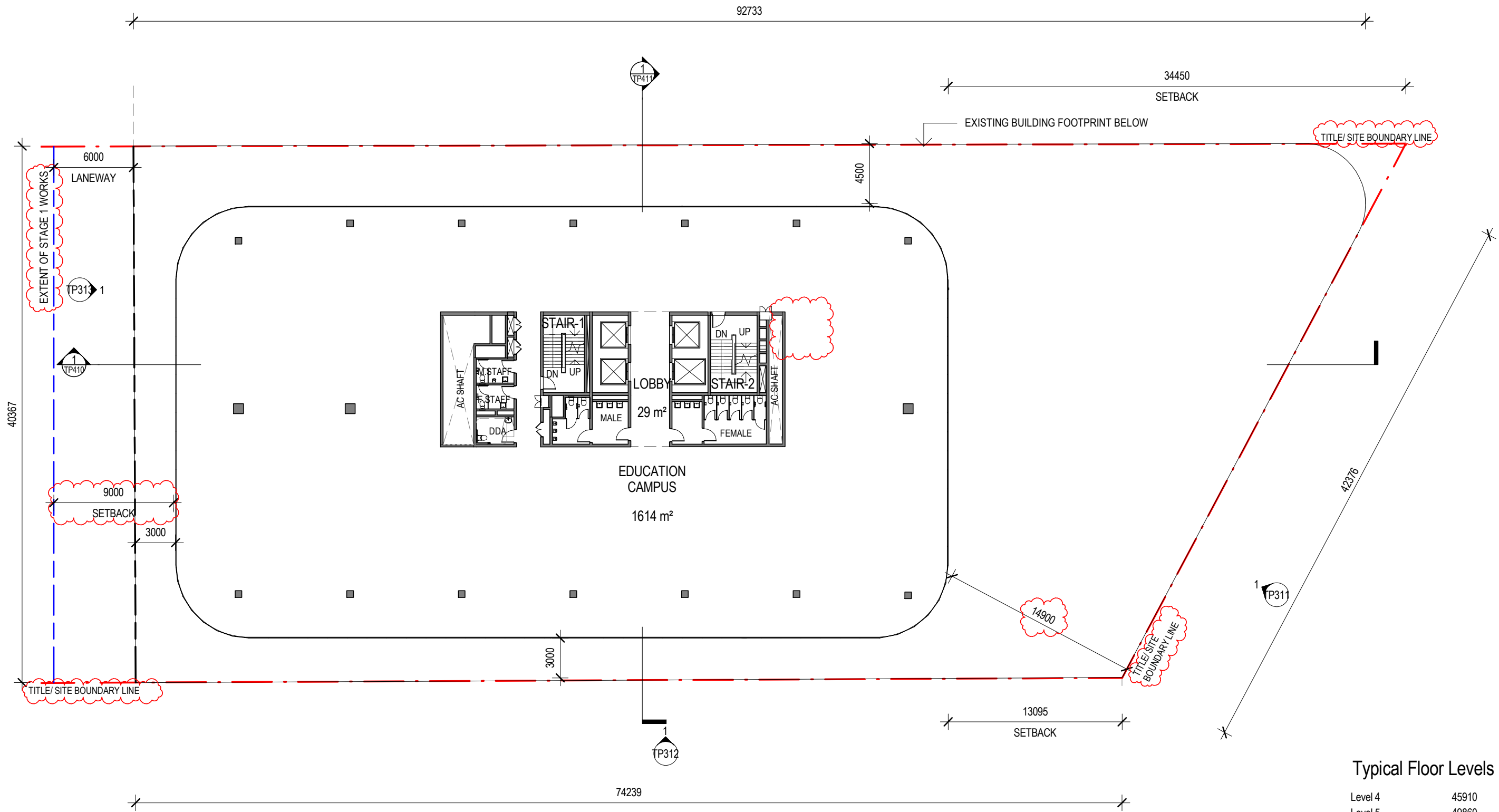
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Typical Floor Levels

Level 4	45910
Level 5	49860
Level 6	53810
Level 7	57760
Level 8	61710

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TOWN PLANNING APPLICATION



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TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
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CHECKED	PG
APPROVED	RP

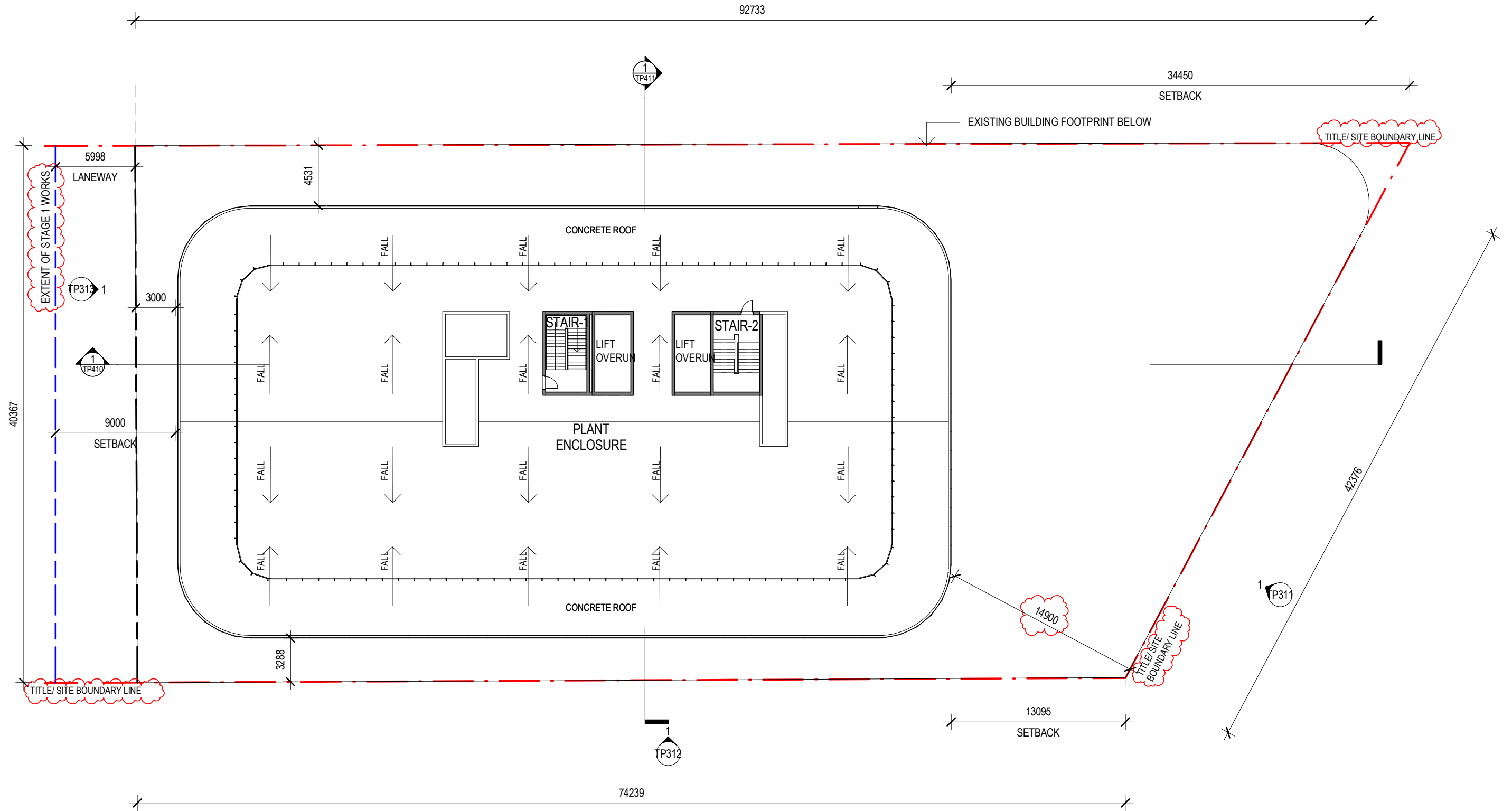
LEVEL 4-8 TYPICAL FLOOR PLAN

DRAWING NO. TP117

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE	REVISION	TP2
TP1	Town Planning Issue	18/09/18	PROJECT NO	116176
TP2	Town Planning Updates	23/11/18	SCALE @ A3	1 : 300
			DRAWN	MC
			CHECKED	PG
			APPROVED	RP

REVISION TP2
 PROJECT NO 116176
 SCALE @ A3 1 : 300
 DRAWN MC
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ROOF PLAN

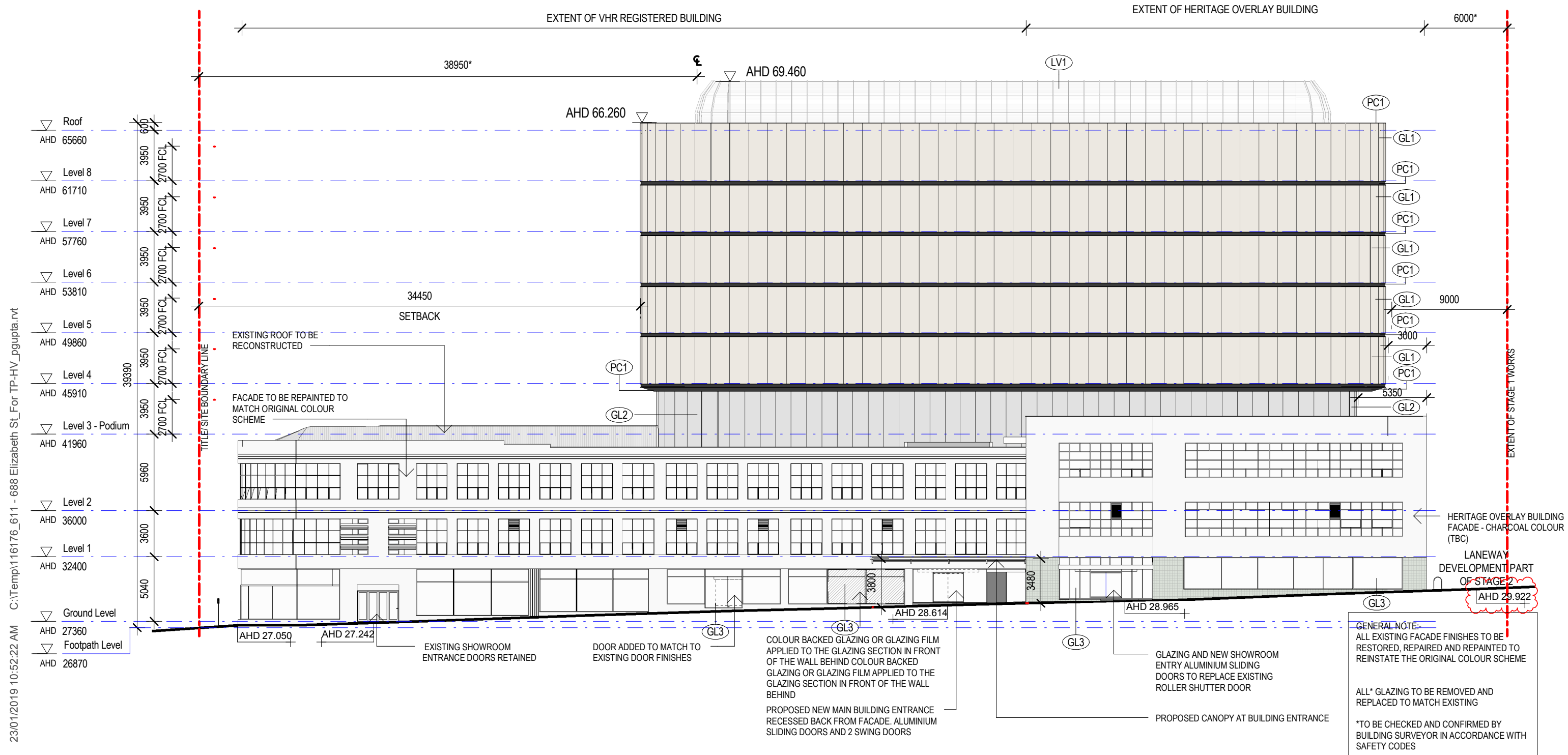
DRAWING NO. **TP118**

COMMERCIAL DEVELOPMENT
 611 Elizabeth Street, Melbourne

Brisbane 2/172 Robertson Street Fortitude Valley Brisbane QLD 4006
 Melbourne 3/577 Little Bourke Street Melbourne VIC 3000
 Sydney 1/156 Clarence Street Sydney NSW 2000
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- (PC1) POWDERCOATED ALUMINIUM. COLOUR CHARCOAL (TBC)
- (GL1) VISION GLASS COLOUR LIGHT BRONZE (TBC)
- (GL2) VISION GLASS COLOUR GREY (TBC)
- (GL3) VISION GLASS CLEAR (TBC)
- (LV1) LOUVRE PLANT SCREEN COLOUR LIGHT GREY
- (CN1) PRECAST WITH RENDER FINISH. COLOUR CHARCOAL (TBC)
- (M1) PERFORATED MESH SCREEN COLOUR CHARCOAL (TBC)



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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE	REVISION	TP3
TP1	Town Planning Issue	18/09/18	PROJECT NO	116176
TP2	Town Planning Updates	23/11/18	SCALE @ A3	1 : 300
TP3	Town Planning Updates	24/01/19	DRAWN	JC
			CHECKED	PG
			APPROVED	RP

ELIZABETH STREET ELEVATION

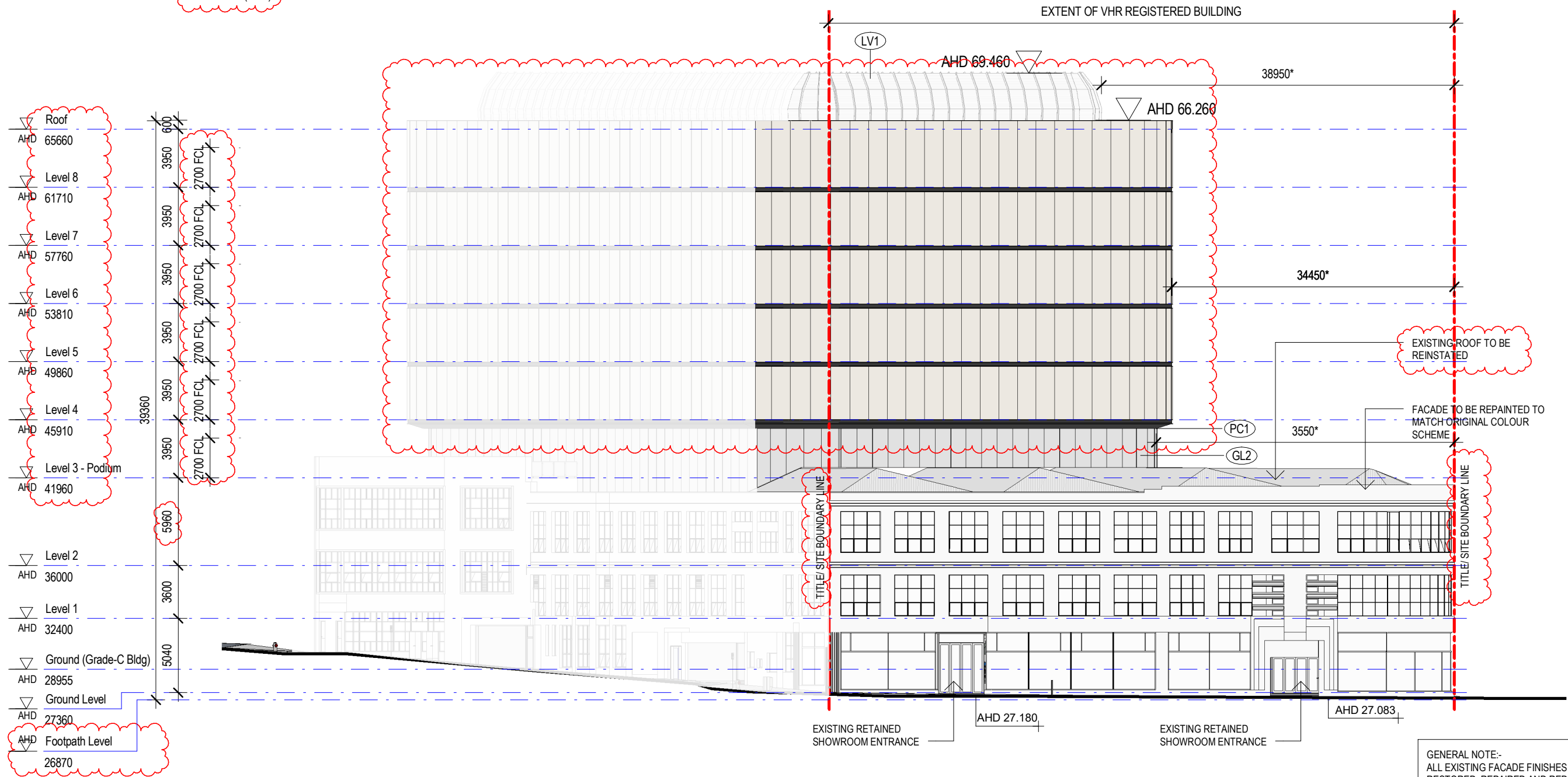
**COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne**

DRAWING NO. **TP310**

Brisbane Melbourne Sydney
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- Ⓟ PC1 POWDERCOATED ALUMINIUM. COLOUR CHARCOAL (TBC)
- Ⓟ GL1 VISION GLASS COLOUR LIGHT BRONZE (TBC)
- Ⓟ GL2 VISION GLASS COLOUR GREY (TBC)
- Ⓟ GL3 VISION GLASS CLEAR (TBC)
- Ⓟ LV1 LOUVRE PLANT SCREEN COLOUR LIGHT GREY
- Ⓟ CN1 PRECAST WITH RENDER FINISH. COLOUR CHARCOAL (TBC)
- Ⓟ M1 PERFORATED MESH SCREEN COLOUR CHARCOAL (TBC)



GENERAL NOTE:-
 ALL EXISTING FACADE FINISHES TO BE RESTORED, REPAIRED AND REPAINTED TO REINSTATE THE ORIGINAL COLOUR SCHEME

ALL* GLAZING TO BE REMOVED AND REPLACED TO MATCH EXISTING

*TO BE CHECKED AND CONFIRMED BY BUILDING SURVEYOR IN ACCORDANCE WITH SAFETY CODES

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE	REVISION	TP2
TP1	Town Planning Issue	18/09/18	PROJECT NO	116176
TP2	Town Planning Updates	23/11/18	SCALE @ A3	1 : 300
			DRAWN	JC
			CHECKED	PG
			APPROVED	RP

QUEENSBERRY STREET ELEVATION

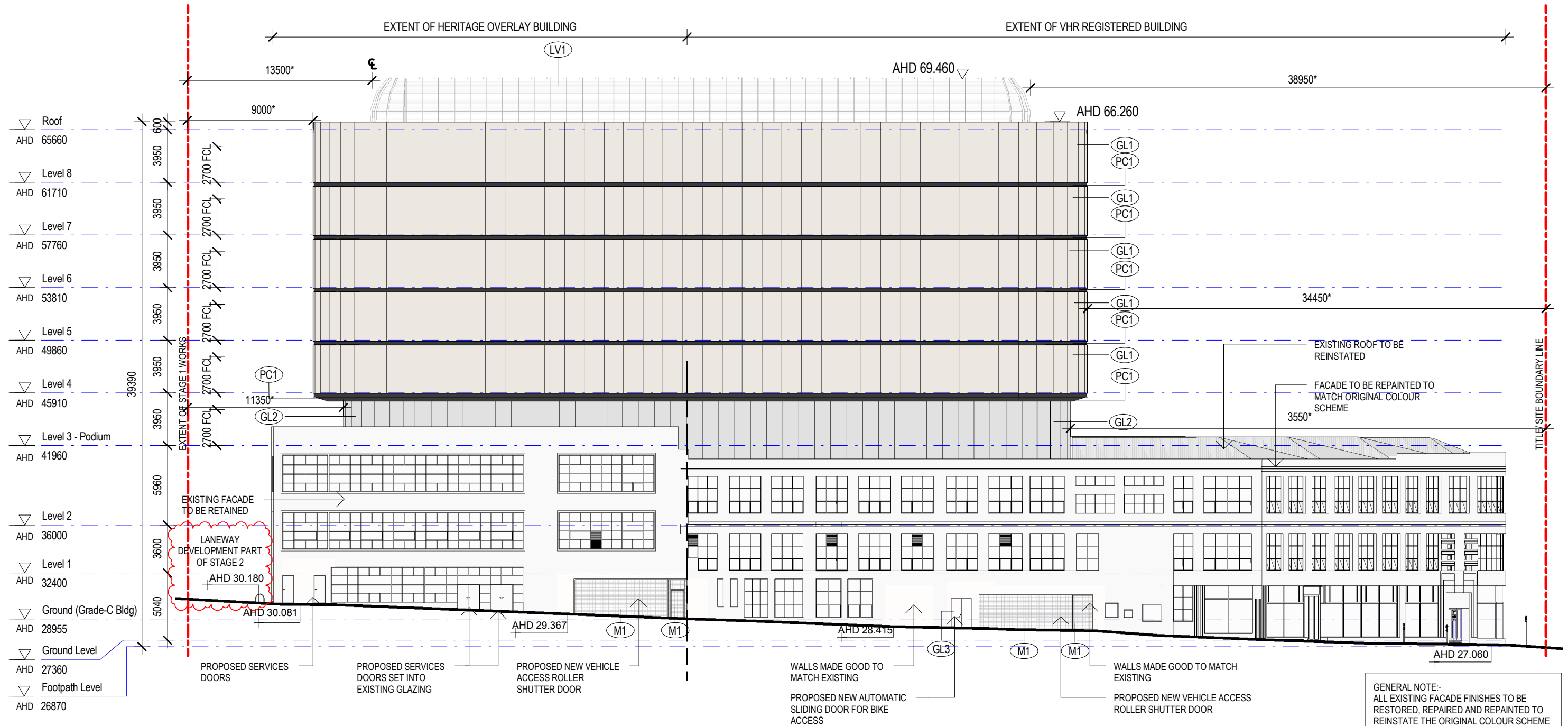
COMMERCIAL DEVELOPMENT
 611 Elizabeth Street, Melbourne

Brisbane Melbourne Sydney 2/172 Robertson Street Fortitude Valley Brisbane QLD 4006 3/577 Little Bourke Street Melbourne VIC 3000 1/156 Clarence Street Sydney NSW 2000 graypuksand.com.au



DRAWING NO. TP311

- (PC1) POWDERCOATED ALUMINIUM. COLOUR CHARCOAL (TBC)
- (GL1) VISION GLASS COLOUR LIGHT BRONZE (TBC)
- (GL2) VISION GLASS COLOUR GREY (TBC)
- (GL3) VISION GLASS CLEAR (TBC)
- (LV1) LOUVRE PLANT SCREEN COLOUR LIGHT GREY
- (CN1) PRECAST WITH RENDER FINISH. COLOUR CHARCOAL (TBC)
- (M1) PERFORATED MESH SCREEN COLOUR CHARCOAL (TBC)



GENERAL NOTE:-
 ALL EXISTING FACADE FINISHES TO BE RESTORED, REPAIRED AND REPAINTED TO REINSTATE THE ORIGINAL COLOUR SCHEME

ALL* GLAZING TO BE REMOVED AND REPLACED TO MATCH EXISTING

*TO BE CHECKED AND CONFIRMED BY BUILDING SURVEYOR IN ACCORDANCE WITH SAFETY CODES

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
SCALE @ A3	1 : 300
DRAWN	JC
CHECKED	PG
APPROVED	RP

O'CONNELL STREET ELEVATION

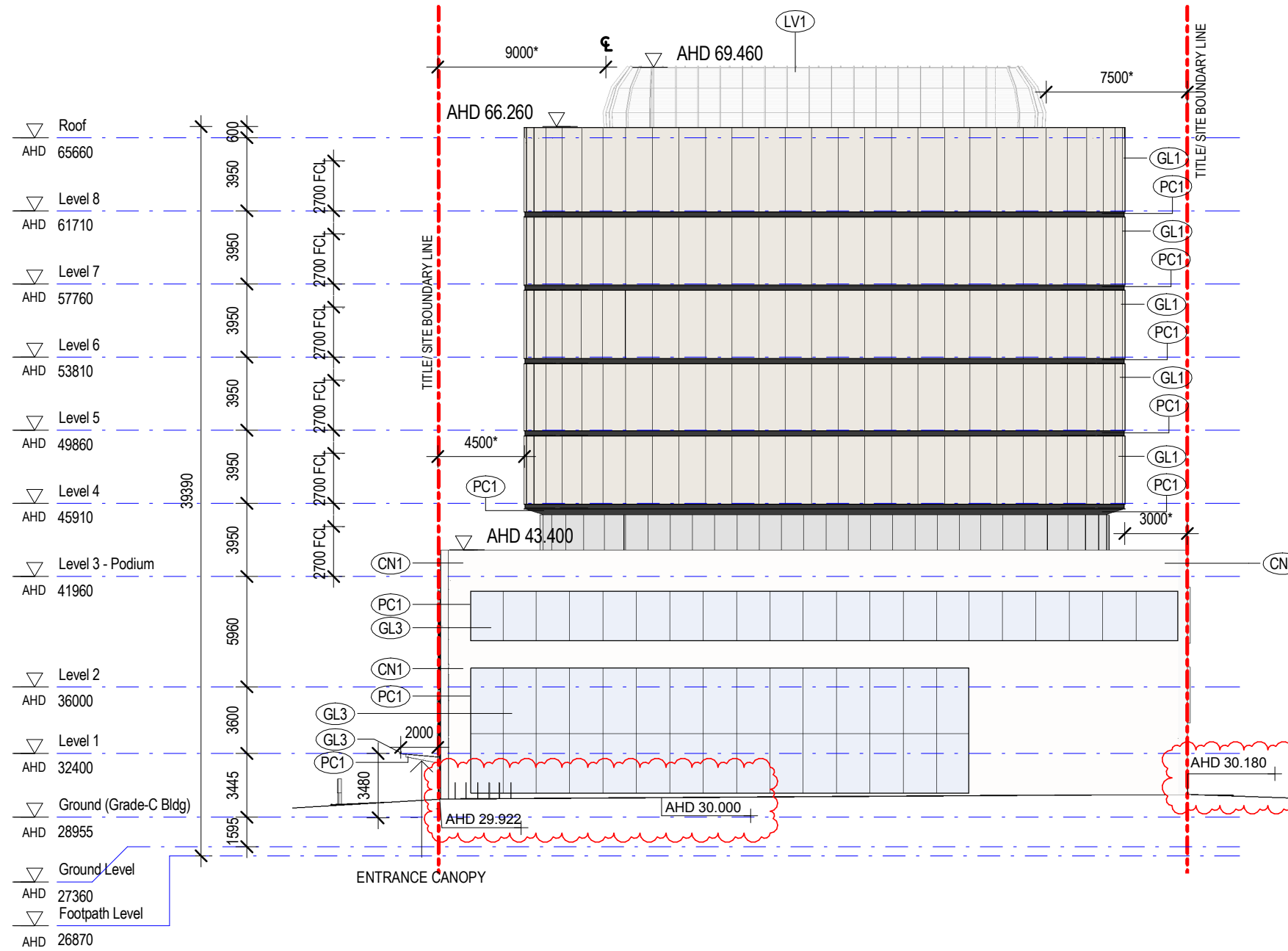
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COMMERCIAL DEVELOPMENT
 611 Elizabeth Street, Melbourne

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- (PC1) POWDERCOATED ALUMINIUM. COLOUR CHARCOAL (TBC)
- (GL1) VISION GLASS COLOUR LIGHT BRONZE (TBC)
- (GL2) VISION GLASS COLOUR GREY (TBC)
- (GL3) VISION GLASS CLEAR (TBC)
- (LV1) LOUVRE PLANT SCREEN COLOUR LIGHT GREY
- (CN1) PRECAST WITH RENDER FINISH. COLOUR CHARCOAL (TBC)
- (M1) PERFORATED MESH SCREEN COLOUR CHARCOAL (TBC)



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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
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TP2	Town Planning Updates	23/11/18
TP3	Town Planning Updates	24/01/19

REVISION	TP3
PROJECT NO	116176
SCALE @ A3	1 : 300
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APPROVED	RP

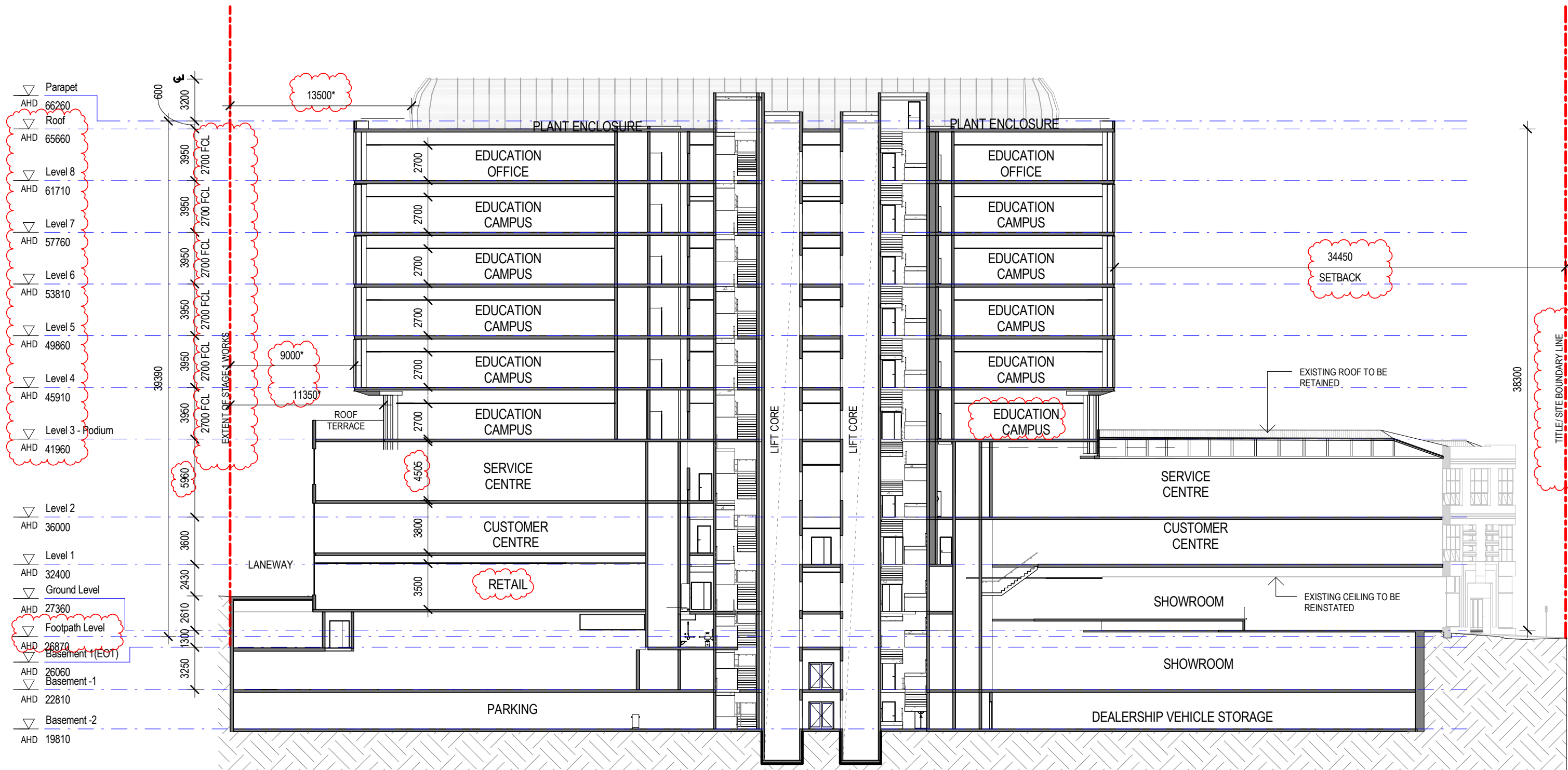
LANEWAY ELEVATION

DRAWING NO. **TP313**

COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	1 : 300
DRAWN	MC
CHECKED	PG
APPROVED	RP

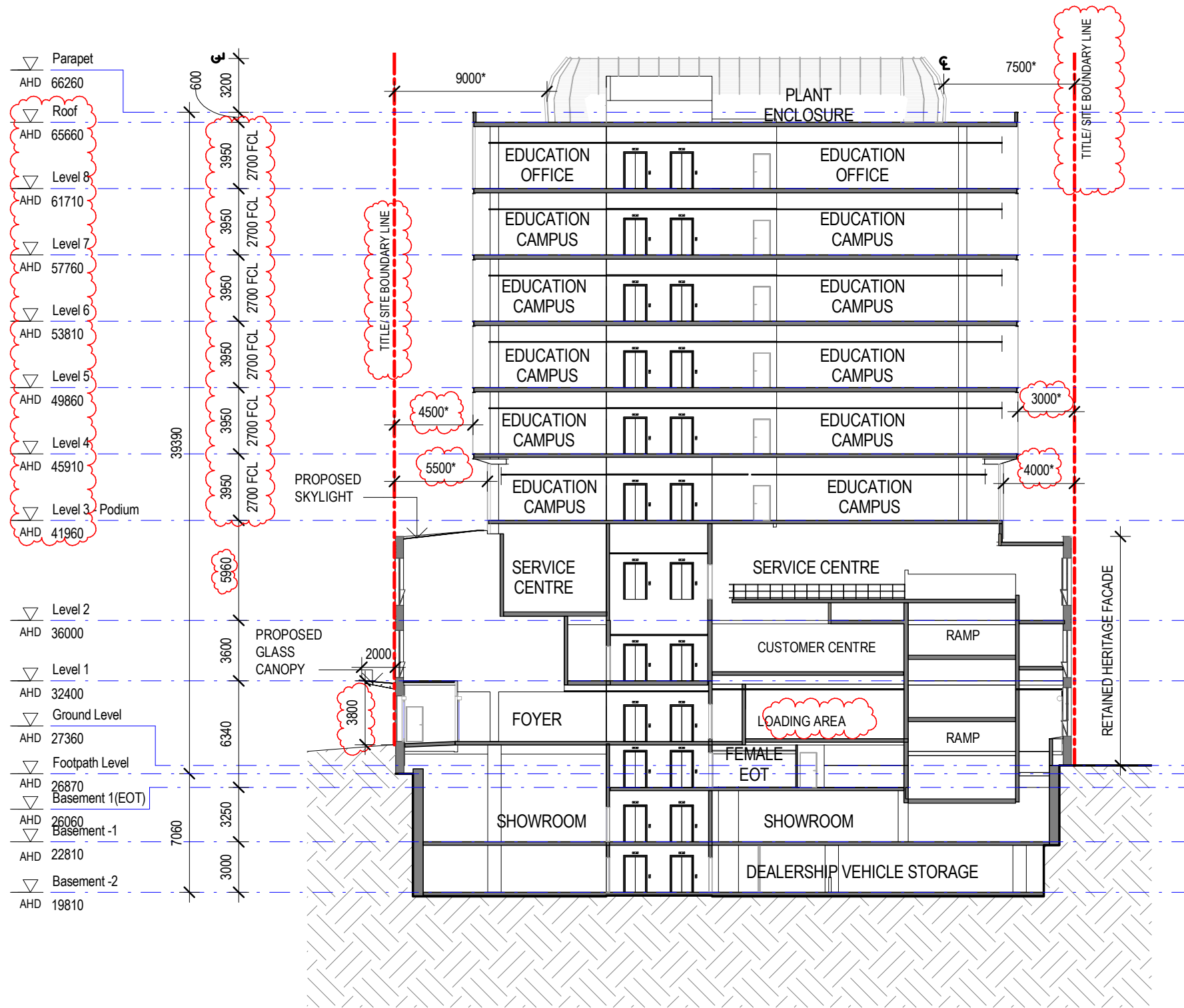
SECTION-A

COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

DRAWING NO. TP410

Brisbane Melbourne Sydney 2/172 Robertson Street Fortitude Valley Brisbane QLD 4006 3/577 Little Bourke Street Melbourne VIC 3000 1/156 Clarence Street Sydney NSW 2000 graypuksand.com.au





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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	1 : 300
DRAWN	MC
CHECKED	PG
APPROVED	RP

SECTION-B

COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

DRAWING NO. TP411

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	
DRAWN	PG
CHECKED	PG
APPROVED	RP

ARTIST'S IMPRESSION

DRAWING NO. **TP500**

COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
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TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	
DRAWN	PG
CHECKED	PG
APPROVED	RP

ARTIST'S IMPRESSION

DRAWING NO. **TP501**

COMMERCIAL DEVELOPMENT
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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	
DRAWN	PG
CHECKED	PG
APPROVED	RP

ARTIST'S IMPRESSION

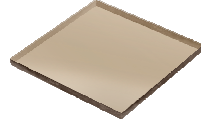
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COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

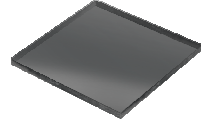
Brisbane 2/172 Robertson Street Fortitude Valley Brisbane QLD 4006
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Sydney 1/156 Clarence Street Sydney NSW 2000 graypuksand.com.au



GL1
VISION GLASS
COLOUR LIGHT BRONZE (TBC)



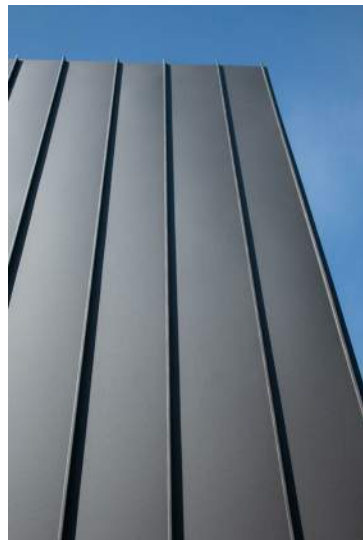
GL2
VISION GLASS
COLOUR GREY (TBC)



GL3
VISION GLASS CLEAR



PC1
POWDERCOATED ALUMINIUM.
CHARCOAL GREY



M1
PERFORATED MESH SCREEN
CHARCOAL COLOUR



CN1
PRECAST WITH RENDER FINISH
COLOUR CHARCOAL



LV1
LOUVRE PLANT SCREEN
COLOUR LIGHT GREY



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TOWN PLANNING APPLICATION



REV	DESCRIPTION	DATE
TP1	Town Planning Issue	18/09/18
TP2	Town Planning Updates	23/11/18

REVISION	TP2
PROJECT NO	116176
SCALE @ A3	
DRAWN	JC
CHECKED	PG
APPROVED	RP

MATERIALS SUMMARY

DRAWING NO. **TP600**

COMMERCIAL DEVELOPMENT
611 Elizabeth Street, Melbourne

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PLANNING REPORT

MINISTERIAL REFERRAL

Application number:	TPM-2018-21
DELWP Application number:	PA1800432
Applicant / Owner / Architect:	611 Elizabeth Street Pty Ltd (PDG) c/o Urbis / Toyota Motor Sales Australia Ltd / Gray Puksand
Address:	611-669 Elizabeth Street, MELBOURNE VIC 3000
Proposal:	Partial demolition and development of the land with a mixed use development comprising a car dealership, showroom and service centre, retail, offices and education centre, the provision of car parking in excess of the specified rates and to create or alter access to a road in a Road Zone Category 1
Cost of works:	\$80,000,000
Date received by City of Melbourne:	1 November 2018
Responsible officer:	Nicholas McLennan

1. SUBJECT SITE AND SURROUNDS

The subject site is located on the western side of Elizabeth Street approximately 70 metres to the south of the Haymarket intersection. The site is primarily utilised as a Toyota car dealership and service centre.

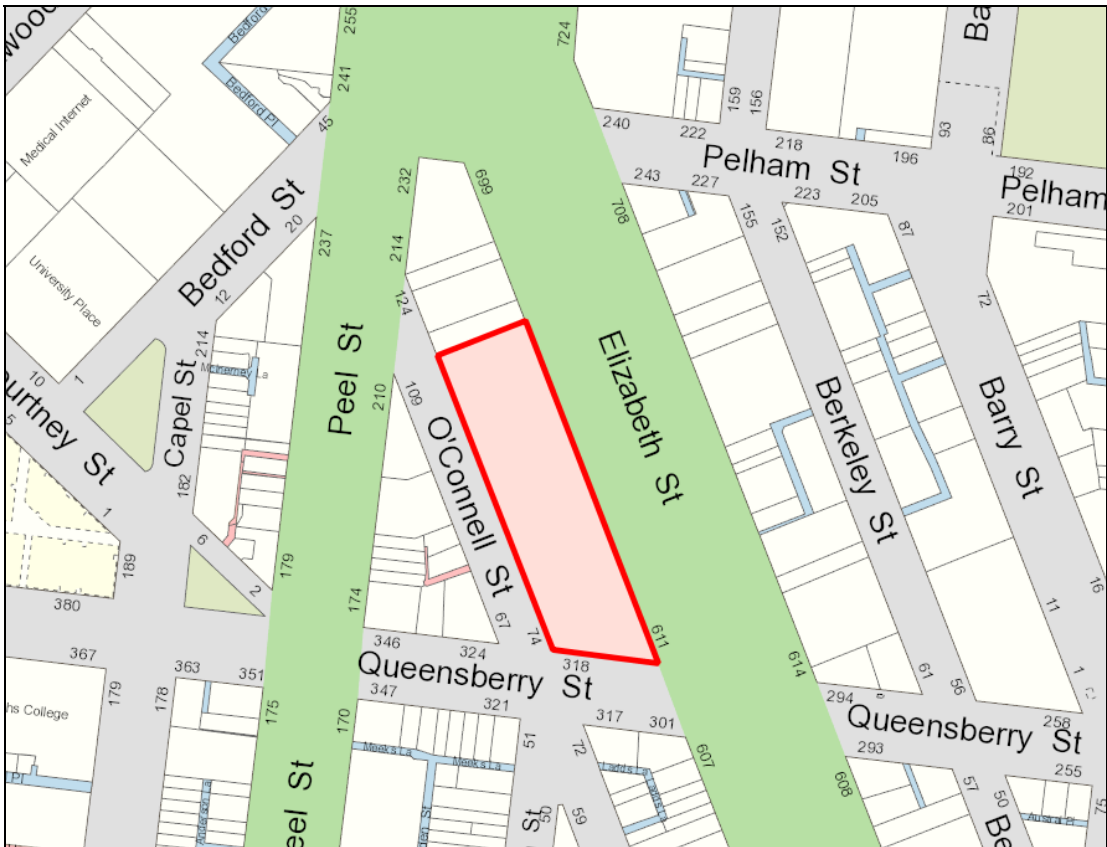
The site runs along the western side of the Elizabeth Street spine, is generally rectangular in shape and has a frontage to Elizabeth Street to the east of 95.78 metres, Queensberry Street to the south of 42.16 metres and O'Connell Street to the west of 74.26 metres resulting in an overall area of approximately 3,433 square metres. The application area is located within the southern portion of the site.

The subject site accommodates the 1928 Melford Motors building which is a three storey building on the corner of Queensberry and Elizabeth Streets and is on the Victorian Heritage Register and a three storey building at 625-635 Elizabeth Street which is not on the Victorian Heritage Register but sits within a Heritage Overlay and is individually graded. The remainder of the site accommodates an at grade car sales yard.



Existing site and surrounding context, Source: Application Documentation

Aerial Photo / Locality Plan



Aerial Map, Source: CoMPASS



Aerial Map, Source: NearMap

Surrounds

This section of Elizabeth Street is noteworthy for its row of London Plane Trees. Elizabeth Street itself caters for six lanes of traffic, with two north-bound lanes adjacent to the subject site accompanied by parallel car parking. A landscaped strip and an additional north-bound lane are separated from the south bound lanes via a central tram reservation.

The key interfaces to the site include:

The remainder of the Toyota site and further to the north the Bob Jane T-Marts site at 697 Elizabeth Street which contains a single storey commercial building that has a direct frontage to the Haymarket roundabout, Peel Street and Elizabeth Street.

To the east of the site is Elizabeth Street with several mixed use buildings ranging in height from single storey commercial buildings to 19 storey mixed use / residential developments.

To the south of the site is Queensberry Street with a number of double storey commercial buildings located on the opposite side and higher density development further to the south.

To the west of the site is O'Connell Street which intersects with Queensberry Street to the south of the site and Peel Street to the north of the site. Along O'Connell Street there is a range of built form from single storey terrace dwellings to five storey apartment buildings.

2. HISTORY

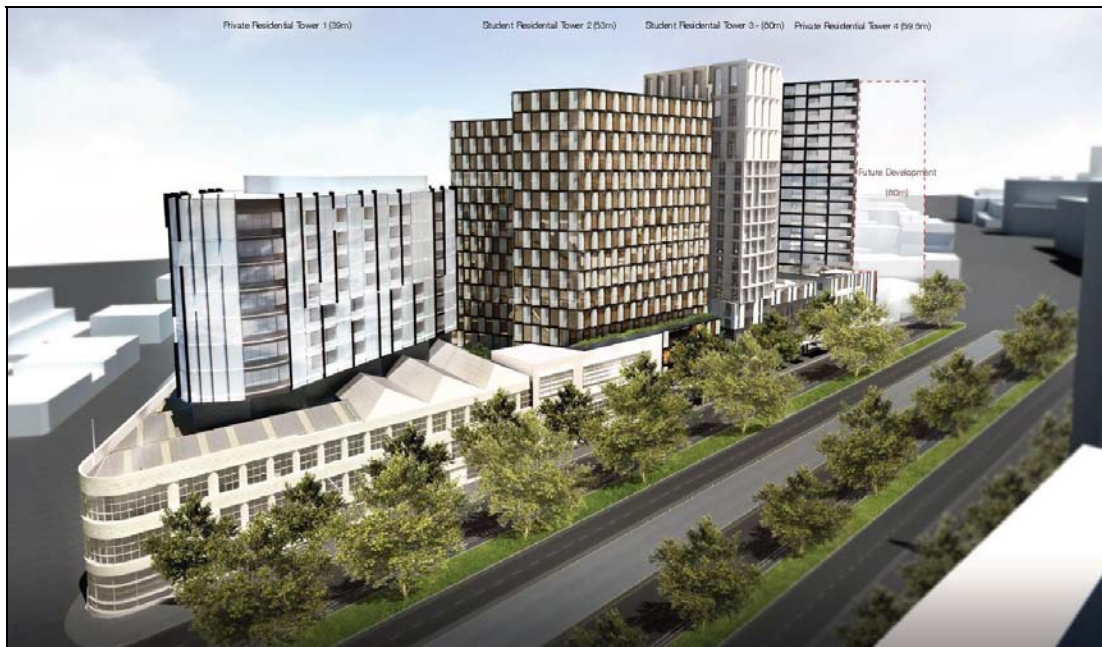
Planning permit 201470674 was issued by the Minister for Planning for 611-681 Elizabeth Street, Melbourne on 3 August 2017. The permit allowed for:

Part demolition of a heritage building, demolition of buildings in a Heritage Overlay Precinct, and construction of four mixed use multi-storey buildings comprising dwellings, accommodation (student accommodation), restricted recreation facility, retail and food and drink premises, use of land for a commercial display area and alter to access to a road in a Road Zone, Category 1 in accordance with the endorsed plans.

The approved development allows for four multi storey mixed use towers with associated car parking for the larger site (611-681 Elizabeth Street, Melbourne).

Given the Former Melford Motors building is on the Victorian Heritage Register, a permit was also granted for the site by Heritage Victoria (Permit No. P21342).

The previous development considered and approved by the Minister is highlighted in the below render:



Render of previously approved development scheme, Source: Application Documentation

In regard to the current application, Heritage Victoria wrote to Council in accordance with Section s.100 of the Heritage Act 2017 and requested comments regarding the extent to which the proposal (amongst other things), if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is included in the Heritage Register or subject to a heritage requirement or control in the relevant planning scheme.

The application was referred internally to the City of Melbourne's Heritage Advisor for comment. These comments were forwarded to Heritage Victoria on the 7 January 2019 outlining general support subject to conditions.

On 11 February 2019 the City of Melbourne received notification from Heritage Victoria that a permit had been issued subject to conditions.

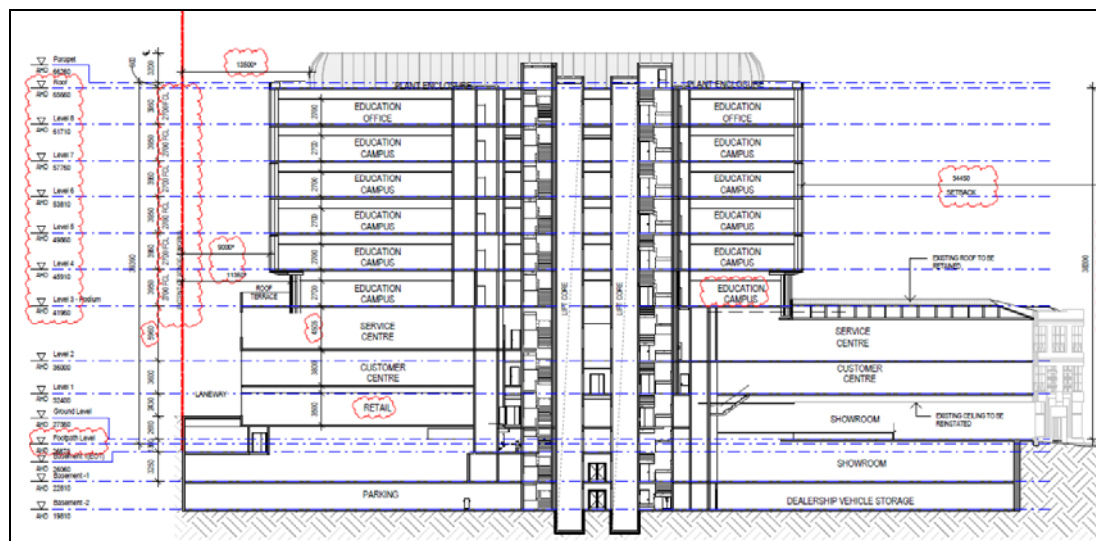
3. THE PROPOSAL

The application proposes partial demolition of an existing building (retention of all facades) and the development of the land for a nine storey mixed use building with an associated through block link to be provided to the north of the proposed development.

The application proposes the following uses:

Car showroom	5576sq.m
Car workshop	3013sq.m
Retail	944sq.m
Education	<p>9481sq.m</p> <p>Staff: 50</p> <p>Students: 1200</p> <p>Trinity College will seek to relocate from five separate properties / facilities to form a new additional consolidated campus.</p> <p>Trinity College is a 'foundation studies' provider that provides pathways into degree programs at the University of Melbourne for international students. These studies include a core curriculum based around the English language that are intended to prepare international students for Australian based academic programs.</p>

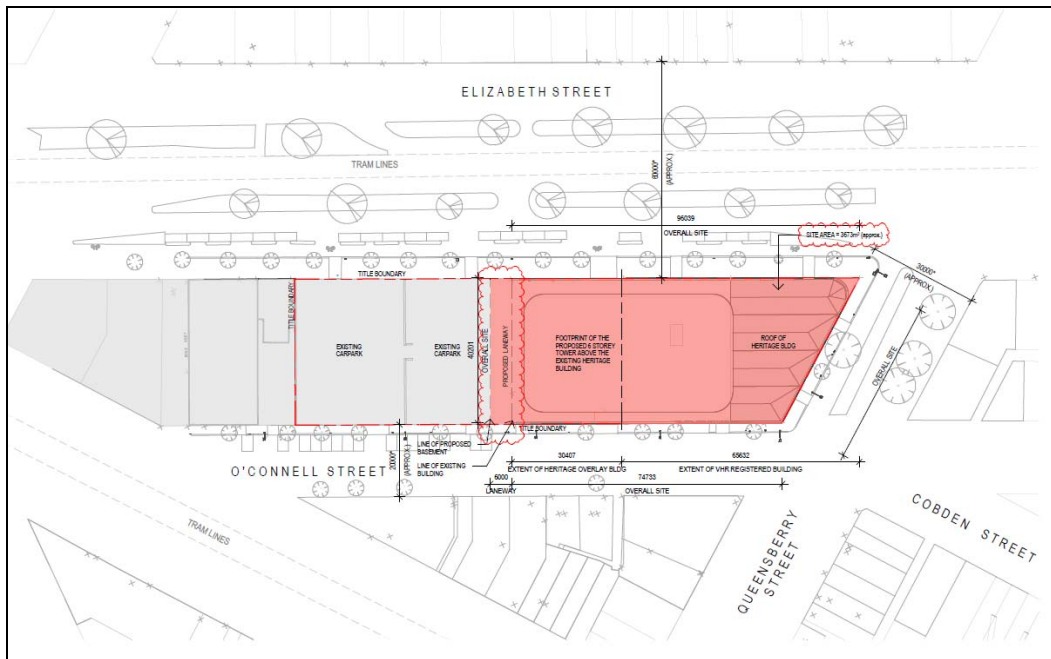
Proposed Uses



Section of proposed uses, Source: Application Documentation

The specific details of the proposal are:

Building height	39.30 metres (nine storeys)
Podium height	14 metres (heritage building retained)
Front, side and rear setbacks	North - Internal South – 13 metres – 34.4 metres East – 4.5 metres – 5.5 metres West – 3 metres – 4 metres
Gross floor area (GFA)	28,754sq.m
Car parking spaces	104 spaces
Motorcycle spaces	2 spaces
Bicycle facilities and spaces	138 spaces End of Trip (EOT) Facilities on Basement 1 Mezzanine
Loading/unloading	6.4m x 2.1m and on street
Vehicle access	O'Connell Street



Extent of proposed works on site and of VHR and Heritage building, Source: Application Documentation



Render of proposed tower looking west across Elizabeth Street, Source: Application Documentation

4. PLANNING SCHEME PROVISIONS

The following provisions of the Melbourne Planning Scheme apply:

State Planning Policies	<ul style="list-style-type: none"> • Clause 11, Settlement • Clause 15, Built Environment and Heritage • Clause 17, Economic Development • Clause 18, Transport • Clause 19, Infrastructure
Municipal Strategic Statement	<ul style="list-style-type: none"> • Clause 21.02, Municipal Profile • Clause 21.03, Vision • Clause 21.04, Settlement • Clause 21.05, City Structure and Built Form • Clause 21.06, Built Environment and Heritage • Clause 21.08, Economic Development • Clause 21.09, Transport • Clause 21.10, Infrastructure • Clause 21.14-1, City North
Local Planning Policies	<ul style="list-style-type: none"> • Clause 22.02, Sunlight to Public Spaces • Clause 22.05, Heritage Places outside the Capital City Zone • Clause 22.17, Urban Design Outside of the Capital City Zone • Clause 22.19, Energy, Water and Waste Efficiency • Clause 22.23, Stormwater Management (Water Sensitive Urban Design)

Statutory Controls	
Clause 37.04 Capital City Zone, Schedule 5 (CCZ5) (City North)	Pursuant to Clause 37.04-4: <ul style="list-style-type: none"> • A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. • A permit is required to demolish or remove a building or works if specified in the schedule to this zone.

	<p>1.0, Table of uses, of CCZ5 includes Retail Premises (includes motor vehicle sales), education centre, as a Section 1 – no permit required uses. It is noted no proposed uses on the site trigger the requirement for a planning permit.</p> <p>4.0, Buildings and works, of CCZ5 states that a planning permit is required to construct a building or construct or carry out works. Decision guidelines are at 4.0 of CCZ5.</p> <p>5.0, Demolition or removal of a building, of CCZ5 states that a planning permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works. Decision guidelines are at 5.0 of CCZ5.</p>
<p>Clause 43.01 Heritage Overlay (HO1124)</p>	<p>Schedule 1124 relates to the Elizabeth Street North (Boulevard) Precinct. External paint controls apply. Pursuant to Clause 43.01-1, a permit is required for demolition and to construct buildings and works.</p> <p>The applicant has noted that the former Melford Motors building is subject to a site specific Heritage Overlay HO294 which mirrors the extent of the VHR registration however the current Planning Scheme map does not show HO294 and is in error.</p> <p>Nonetheless pursuant to Clause 43.01-2 a heritage place which is included in the Victorian Heritage Register is subject to the requirements of the <i>Heritage Act 2017</i> and pursuant to Clause 43.01-3 no permit is required under the Heritage Overlay to develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 61 (DDO61) (City North) A4.1 and A5</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. Schedule 61 does not exempt the buildings and works from requiring a permit.</p> <p>Schedule 61 states that all buildings or works requiring a permit should:</p> <ul style="list-style-type: none"> • 'be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule • meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.' <p>Table 1 identifies a preferred maximum building height of 40 metres for Area 4.1. The preferred street edge height to buildings fronting O'Connell Street is 20 metres with any part of the building above 20 metres setback 6 metres from the street. For buildings fronting Elizabeth Street the preferred street edge height is 40 metres with any part of the building setback 6 metres from the street.</p> <p>The built form outcomes for Area 4.1 are for 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.

	<ul style="list-style-type: none"> • 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. <p>Table 1 identifies a preferred maximum building height of 60 metres for Area 5. The preferred street edge height to buildings fronting O’Connell Street is 20 metres with any part of the building above 20 metres setback 6 metres from the street. There is no preferred street edge height for buildings fronting Elizabeth Street.</p> <p>The built form outcomes for Area 5 are for development that:</p> <ul style="list-style-type: none"> • Supports the gateway role of the Haymarket. • Has a scale of development that is complementary to the proposed medium level built form of its surrounds. • Has a consistent streetscape built form that integrates Elizabeth Street with Flemington Road. <p>Table 1 for areas 1-5 identifies that on the street edge of a laneway frontage, any part of the building above 10.5 metres should be setback 4 metres.</p> <p>Table 2 sets out design requirements for all areas relating to Building Heights, Scale and Setbacks, Building Facades and Street Frontages, Active and Safe Street Frontages, Provision of Public Places, Sunlight to Public Places, Pedestrian Links and Weather Protection.</p> <p>All buildings and works should comply with the design objectives and built form outcomes outlined in the schedule. This will be further discussed below.</p>
<p>Clause 45.09 Parking Overlay, Schedule 1 (PO1) (Capital City Zone – Outside the Retail Core)</p>	<p>Pursuant to Clause 52.06-2, ‘before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority’.</p> <p>2.0, Permit requirements, of PO1 states that a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0.</p> <p>3.0, Number of car spaces required, of PO1 states that, ‘Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:</p> <ul style="list-style-type: none"> • for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling. • for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas: <p>5 x net floor area of buildings on that part of the site in sq.m / 1000sq.m</p>

	<p>Or 12 x that part of the site in sq.m / 1000 sq.m</p> <p>The proposal seeks to exceed the parking rates above therefore a planning permit is required pursuant to PO1.</p>
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Particular Provisions	
<p>Clause 52.06 Car parking</p>	<p>Pursuant to Clause 52.06-3, a permit is required to provide more than the maximum car parking provision specified in the Schedule to the Parking Overlay.</p> <p>As noted above, the proposal provides car parking above the rates set out in the Parking Overlay – Schedule 1.</p> <p>Therefore, a planning permit is required pursuant to PO1.</p>
<p>Clause 52.29 Land Adjacent to Road Zone, Category 1</p>	<p>Pursuant to Clause 52.29 a planning permit is required to create or alter access to a Road Zone Category 1 and subdivide land adjacent to a Road Zone Category 1.</p> <p>Given alterations will be made to the vehicle access along Elizabeth Street a planning permit is required to alter access to a RDZ1.</p>
<p>Clause 52.34 Bicycle facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>The proposal includes 97 bicycle parking spaces which in excess of the requirements of Clause 52.34. Six showers will be provided adjacent to the bicycle parking facilities.</p>

General Provisions	
<p>Clause 65 Decision Guidelines</p>	<p>Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines of Clause 65.</p>
<p>Clause 66.02-11 Integrated Public Transport</p>	<p>Pursuant to Clause 66.02.11 an application to construct a building or to construct or carry out works for an education centre is required to be referred to Head, Transport for Victoria.</p>
<p>Clause 72.01 – Administration and enforcement of this scheme</p>	<p>The Minister for Planning is the responsible authority for this planning permit application as the total floor area of the development exceeds 25,000 square metres.</p>

5. PUBLIC NOTIFICATION

The application is not exempt from notice requirements pursuant to clause 43.02-1 therefore, notice of the proposal was given by DELWP in accordance with Section 52(1)(b) of the *Planning and Environment Act 1987*.

The City of Melbourne has been given formal notice of the application from DELWP.

6. REFERRALS

The application was referred to the following internal departments with comments provided below (summarised):

Urban Design

The Urban Design team raised concerns with aspects of the proposal and recommended refinements to the overall design. A response to the Urban Design teams concerns was provided by the applicant. The Urban Design team's final comments on the proposal are provided below:

Thank you for forwarding the response to internal referrals regarding the Toyota Block Redevelopment at 611-669 Elizabeth Street, Melbourne. We note that the provided package follows a previous round of urban design comments (dated 24 January 2019). Our primary concerns were regarding the massing and character of the form atop of the heritage building, the towers presentation to the public realm and matters relating to the ground plane and public interfaces.

We note the following comments have been further explained by the applicant:

- Treatment of the podium terrace
- Exploration of options regarding the tower form expression
- Laneway, tenancy breakup and activation to the north
- Buffer between heritage base and tower form

We appreciate that some of the concerns have been further explained, however the fundamental issue of massing and character of the tower form still remains. We acknowledge that Heritage Victoria have provided support regarding the application and have subsequently issued a permit, however we do not believe the proposal provides a satisfactory outcome for the host building, the streetscape nor the broader precinct of which the building is a part. We note that Gray Puksand have undertaken some design testing regarding the expression of the upper form, however we believe the resultant form does not reflect the expected level of design quality for a tower of this prominence and significance. We recommend further design exploration of the tower form, articulation and expression prior to recommending approval, noting that previous iterations explored by Gray Puksand were ill-favoured by Heritage Victoria.

Our prior comments on the pertinent issue of **massing and character** still remain:

As the building is highly exposed to broad streets and is viewed in the round, we are concerned about the lack of a clear architectural identity. While we understand the general principle of a 'neutral backdrop' for well recessed 'lantern' elements atop of heritage, the proposal is more than double the height of the base and has a significant urban presence. The proposed flat curtain wall approach tower does not thoughtfully respond to cues such as rhythm, depth and detail within the Harry Norris building, or the broader context. The curtain wall facade lacks the depth, shadow or articulation we would expect in such a prominent building form.

We encourage an iterative design process to evolve a textured, modulated upper form, however as a starting point recommend the following be investigated:

- *Meaningful articulation of the tower form that relate to the scale and 'order' of the Harry Norris building. We suggest this may be achieved through providing expression of slab edges and inclusion of projecting mullion elements relative to the proportions of windows / openings of the heritage base (see figure 01). This could project beyond the current building envelope as an 'architectural projection'.*
- *Development of the language of the 'joint' with expression of the columns through the glazing to provide a visible connection between the base and the tower form, and to avoid the appearance of a 'floating' form.*
- *The use of balconies, or break out spaces within the floorplate to provide deliberate openings or 'moments' to break down the scale of the form and provide a more open appearance, connected to the streetscape (as distinct from a sealed, internalised form).*

Additionally, we believe the following fundamental concerns raised in our previous urban design comments (DM 12219344) are outstanding:

- **Expression of the tower** - prior comments remain. Provide meaningful articulation of the tower that relates to the scale of the Harry Norris building. Utilise balconies or breakout spaces to create deliberate openings or moments to connect the tower to the streetscape. Explore expression of the columns through the glazing to avoid the appearance of a 'floating' form atop of the host building.
- **Building cap and plant** - prior comments remain. We do not believe that a setback of 4.5 metres from the edge of the roof parapet is sufficient in terms of mitigating the visual impact of the building cap due to the relative width of Elizabeth Street, Queensberry Street and the building prominence in the round.
- **Retention of crossovers** - prior comments remain. We do not support retaining the unused crossovers to Queensberry and Elizabeth Streets. We do not believe their retention creates a consistent, legible pedestrian-oriented environment. As the use of the crossovers are redundant, we see this element as superfluous in the context of Elizabeth and Queensberry Streets.
- **Public interfaces** - prior comments remain. An additional building entry to the O'Connell Street interface will be necessary noting the importance of connecting with the ambition of Stage 2 to the north with its active uses at ground floor. We note that the applicant has provided a ground floor plan (page 65 of the Response Package) which denotes a tenancy breakup of the northern interface of the proposal. However, we note this tenancy breakup is not reflected in the architectural drawing package of proposed works. The ground floor to the northern interface needs to be further explained through

elevations and an updated plan of the northern interface which reflects a breakup of tenancies.

- 'Laneway interface sketch' prepared by Gray Puksand has not been included in the drawing package.

Green Infrastructure and ESD

The Green Infrastructure and ESD team has noted that the development generally has acceptable ESD targets. In response to comments provided the ESD report was updated by the applicant and deemed to be acceptable.

General

The following items were identified in the previous response as requiring attention:

- *The Green Star pathway is heavily reliant on Innovation category points.*
- *The energy efficiency performance is reflective of acceptable practice and is below what is considered to be best industry practice for similar buildings.*
- *The Solar PV system requires confirmation of location and capacity.*
- *The landscaping and green infrastructure response is also poor, with no documentation for the garden terrace.*
- *Bicycle parking space provision is low for the size and location of the development.*
- *STORM report requires annotated catchment map.*

These items are still outstanding and require addressing:

- Location and capacity of 75kW Solar PV system on architectural plans.
- Green Star Greenhouse Gas (GHG) Emissions calculator demonstrating 22% reduction in GHG emissions.

Response Review

Green Star Pathway

The ESD report's proposed Green Star pathway targets 60 points for a 5 Star rating (equivalent). Of this a total of 7 points are claimed for the Innovation category.

This approach would not be considered sufficiently conservative to achieve a 5 Star Green Star rating in practice, as there is no buffer for points that may not be achieved due to design constraints, and Green Star projects typically do not achieve all targeted points.

It is recommended that additional points are targeted in other categories to offset the reliance on Innovation category points.

Response: ESD Report amended to provide more comprehensive energy modelling and additional points to increase points buffer.

Energy

The ESD report and Green Star pathway includes a 16% reduction in greenhouse gas emissions from a NCC reference building. While this is an acceptable minimum target it is not considered to be best practice energy efficiency for a building of this class and location.

Response: ESD report updated to include commitment to achieve 22% GHG emissions reduction. No calculations of Green Star GHG Emissions calculator have been provided to support this figure.

Renewable Energy

The ESD report includes a proposed “75kW (size TBC)” solar PV system. This would require 215 350W panels to be used to achieve this system size. The report should be updated to make a commitment to a specific minimum system capacity and plans updated to show indicative layout on roof including minimum capacity of system. If the total 75kW is to be staged across Stages 1, 2 and 3 of the project this should be made clear in the report and on plans, with the Stage 1 PV system location and capacity shown on plans.

Response: ESD report updated to include confirmation of 75kW Solar PV system installed as part of Stage 1 of the proposal. Architectural plans have not been updated to show the proposed system location and capacity.

Green Infrastructure and Landscaping

The proposal currently does not contain sufficient information to determine the long-term efficacy of the landscaping elements on the Level 3 podium annotated on plan TP116 as roof garden terrace for trees. It is recommended that a complete Landscape Plan, Landscape Maintenance Plan and Irrigation Performance Specification to be submitted to the satisfaction of Council.

The detailed landscape plans should include detailed schedules of species with specific consideration given to the suitability of selected species for the volume of planter or growing medium proposed. The Landscape Maintenance Plan should provide further detail with respect to ongoing maintenance of on-structure planters, including provision for maintenance beyond the fifty two week period following Practical Completion.

Response: Noted by applicant.

Transport

The development includes 85 bicycle spaces in line with minimum statutory requirements, of which 68 are for visitors. Given the location of the building additional focus should be given to bicycle transport facilities, particularly for visitors and students.

Response: Architectural plans and ESD report updated to include 138 total bicycle spaces. 126 for occupants and 12 for visitors.

Waste

The ESD report includes a target of 90% recycling of construction and demolition waste. Drawing No. TP000 contains a note referring to minimum 80% by weight to be recycled. The annotation is to be updated to be consistent with the ESD report.

Response: TP000 updated to include higher target.

Stormwater Management

The STORM assessment report contained in Appendix C of the ESD report requires an accompanying plan with the catchments used in the assessment clearly annotated.

The ESD report must demonstrate that the rainwater collection volume is in addition to any stormwater detention requirements that must be achieved.

Response: Catchment plans provided and WSUD strategy updated to MUSIC model.

Engineering

Engineering Services has suggested several conditions to be included on any permit that may issue including the requirement for a Loading Management Plan, Road Safety Audit, all car parking to comply with relevant standards and a requirement for specification of the access arrangements into the site during peak periods.

Heritage

Council's Heritage Advisor has reviewed the application and has raised concern with the form and materials proposed for the tower. Modifications to the proposal have been recommended as follows:

- Clarify the inconsistent annotations on the drawings in relation works to the existing roof and retention of steel-framed windows. Retain and conserve these elements insitu.
- Provide additional details for the materials and articulation of form for the proposed tower. Adopt materials and forms which will be recessive.

Waste

The Waste Services team has reviewed the Waste Management Plans provided with the application and considers it to be acceptable. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by irwinconsult dated 14 September 2018.

Civil Design

Council's Civil Engineers have viewed the proposal and are generally supportive of the application subject to conditions. The applicant has requested modifications to some standard conditions. The City of Melbourne's Civil Engineers have noted:

The subject land is located within City North urban renewal area. We object to any changes to the wording of the standard conditions relating to Council's infrastructure.

Land Survey

The Land Survey team has viewed the application and the applicant has advised that the proposed laneway will continue to be privately owned and not vested in Council.

Urban Forest and Ecology

The Urban Sustainability team has noted that replacement tree plots for removed or relocated trees need to be appropriately located away from access points and have recommended standard conditions should a permit be issued.

7. ASSESSMENT

The key issues in the consideration of this application are:

- Heritage
- Built form
- Use
- ESD

- Engineering matters
- Staging

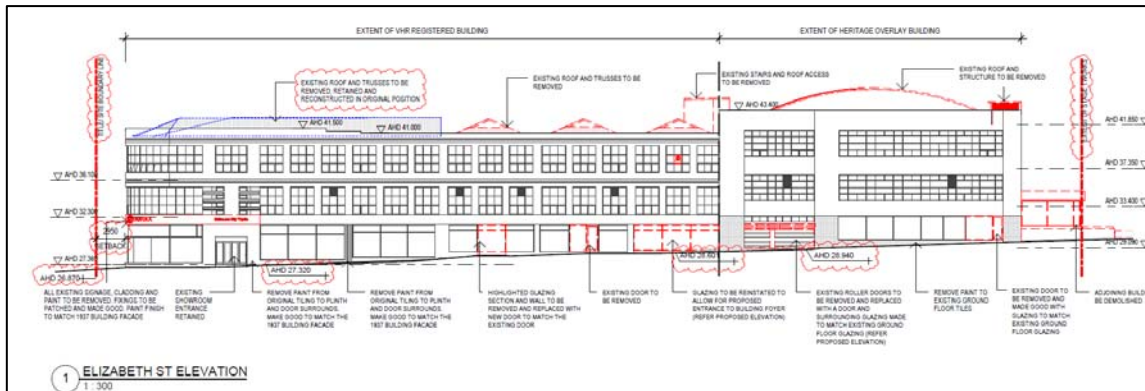
Heritage

The former Melford Motors building forms part of the larger site at 611-669 Elizabeth Street, Melbourne. The former Melford Motors building is located at the southern end of the site and the extent of the 1928/1937 showroom, is included on the VHR (designated H2306). The portion of the site affected by Heritage Overlay Schedule 1124 only is referred to as 635-645 Elizabeth Street.

The buildings have been afforded the following gradings:

- 611 – 633 Elizabeth Street, Graded A, level 2 streetscape, also included in the Victorian Heritage Register. This building also has a frontage to Queensberry Street and O’Connell Street.
- 635-645 Elizabeth Street, graded C, level 2 streetscape. This building also has a frontage to O’Connell Street.

The extent of the VHR portion and Heritage Overlay portion of the site is depicted in the Elizabeth Street demolition elevation as below:



Elizabeth Street Elevation indicating extent of VHR and Heritage Overlay building, Source: Application Documentation

On 11 February 2019 the City of Melbourne received notification from Heritage Victoria that a permit was to be issued subject to conditions in regard to the works affecting the heritage place at 615-645 Elizabeth Street.

It is noted that, as Heritage Victoria has granted a Heritage Permit for the former Melford Motors building (615-645 Elizabeth Street) aspect of the proposal, pursuant to the Heritage Overlay a permit is not required.

The precinct Statement of Significance particularly notes the contribution made to significance through buildings associated with the motor vehicle trade:

“The precinct contains good examples from four key periods (Victorian, Federation, Interwar and Post-war), however the many Interwar and Post-war period buildings, especially those purpose built for the car trade (showrooms and the like), probably define the precinct more so than buildings of the earlier periods. These later buildings are typically illustrative of the Moderne or Functionalist styles, as was appropriate for the new modernity epitomised by the motor car, the finest example being the former Melford Motors (Harry Norris, 1937) with other good examples at the diagonally opposite corner (nos 594-598 and 600-608).” (HO1124 Statement of Significance)

The Incorporated Document City North Heritage Review 2013 Statements of Significance (Revised June 2015) includes listings for the sites which contribute to heritage significance within HO1014. For this development, the following are listed:

Former Toyota (Former 653-669 Elizabeth Street Melford Motors)	A2	1937/ Interwar	<p>For the Statement of Significance for the Former Melford Motors Building, please refer to the Victorian Heritage Register (VHR) listing H2306. Distinctive 3 storey, Streamlined Moderne style, prominent curved corner, rendered façades extend to three street elevations. Large multi-paned, steel-framed windows separated in the most part by curved piers, extensive use of speed lines.</p> <p>Replaced an earlier, single storey showroom (1921). Had been A. G. Healing cycle works during mid-1920s.</p> <p>Replaced an earlier, single storey showroom (1921). Had been A. G. Healing cycle works during mid-1920s.</p> <p>Northern part (nos 635-45), designed by the Office of Harry Norris. Also intact three storey. Modernist influenced also with banks of multi-paned, steel-framed windows including hoppers. Rendered to Elizabeth St and cream brick to upper levels of O'Connell St/rear elevation.</p>
	C2	1955/Post-war	

City North Heritage Review 2013 p.56

The proposal seeks to partially demolish the existing building at 635-645 Elizabeth Street. A permit is required under the Heritage Overlay for demolition and works to this building.

Clause 22.05 – Heritage Places outside of the Capital City Zone currently applies to the application.

With respect to demolition Clause 22.05 of the Melbourne Planning Scheme states that:

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

The proposal involves partial demolition of the building at 635-645 Elizabeth Street with the Elizabeth Street facade being retained, albeit with some modifications to facilitate new entries and roller doors.

As noted the building at 635-645 Elizabeth Street is 'C' graded and sits within a 'level 2 streetscape'. To this end the policy defines 'C' graded buildings as follows:

'C' buildings. Demonstrate the historical or social development of the local area and / or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.

The policy defines 'level 2 streetscapes' as follows:

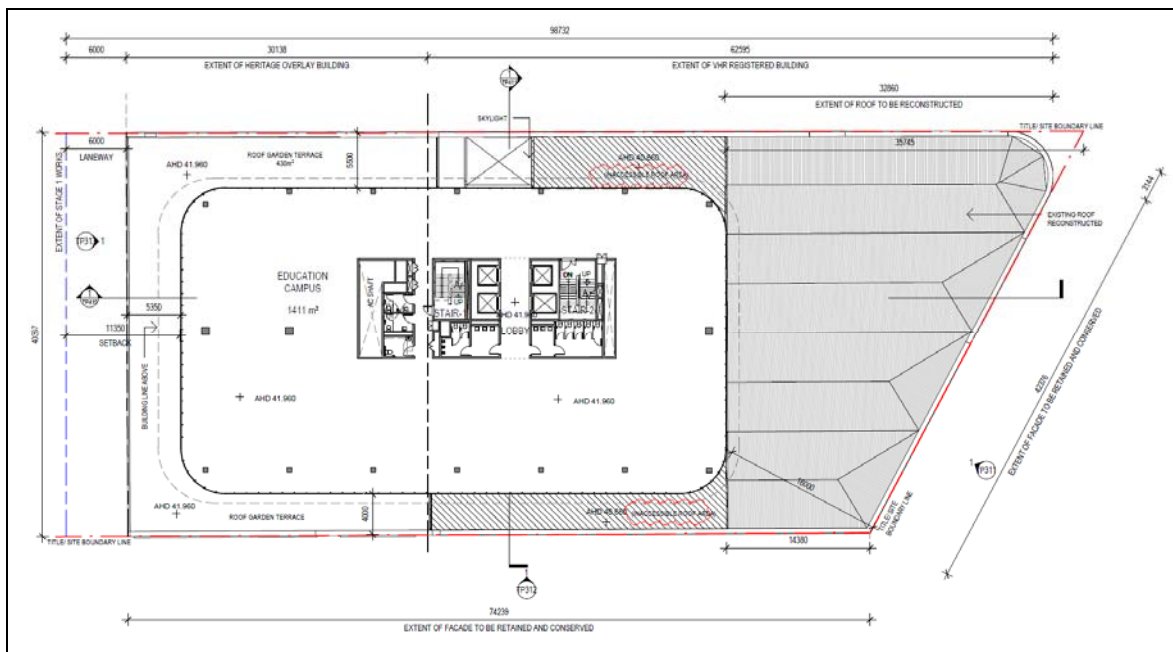
Level 2 streetscapes are of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.

The City of Melbourne's Heritage Advisor has made the following comments in regard to the proposed demolition as it relates to the portion of the site known as 635-645 Elizabeth Street:

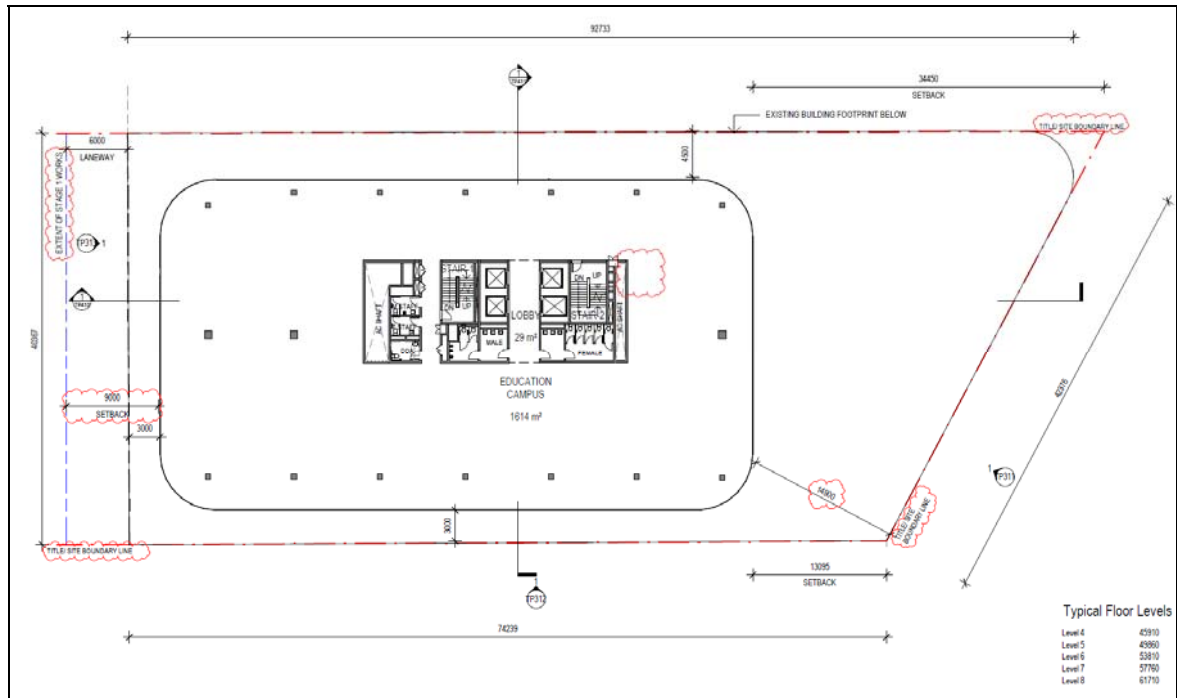
The proposal retains the street facades for the complete suite of Melford Motors buildings, including the 1955 building at 635 – 645 Elizabeth Street. This is a substantially better outcome than the demolition proposed for the 1955 building in the permitted scheme. Similarly, the greater setback of the tower from Queensberry Street provides for an improved context for the southern Melford Motors building on the three-street corner. Retention of the existing steel-framed windows is supported by the provisions of Local heritage policy and the Design and Development Overlay DDO61.

The proposed retention of both the Elizabeth Street and O’Connell Street facades is considered to be a superior heritage outcome compared with the current approved scheme.

In regard to the proposed setbacks above the retained façade the proposal includes a 5.5 metre setback to Elizabeth Street (eastern) at Level 3 which is reduced to 4.5 metres for the remainder of the building and a 4 metre western setback to O’Connell Street at Level 3 which is reduced to 3 metres for the remainder of the building. The southern edge of the tower is setback a minimum of 14.9 metres from the Queensberry Street frontage. The setbacks are demonstrated in the floor plans below:



Level 3 plan, Source: Application Documentation



Typical levels 4-8 plan, Source: Application Documentation

The proposed setbacks to the tower are considered to appropriately allow for the heritage facades to remain dominant to all three street frontages. Having regard to the competing policy objectives of DDO61 (which seeks to support the gateway role of the Haymarket and provide a street edge height that integrates new development with lower scale heritage buildings) and Clause 22.05 of the Melbourne Planning Scheme, it is considered that the proposed setbacks and tower will result in a reasonable separation between the heritage façade and proposed built form above and the design of the building will provide a clear delineation between old and new.

A condition will be included requiring clarity in relation to the retention of the steel-framed windows, noting the windows have been identified as being retained.

In regard to the design of the proposed tower the City of Melbourne’s Heritage Advisor has raised the following concerns:

The form and materials proposed for the tower point to a relatively uniform glazed wall system. If a tinted, reflective glazing similar to the building at 690 Elizabeth Street were to be proposed, this would be discordant with the retained historic Melford Motors structures.

The applicant has highlighted that multiple façade options were explored and presented to Heritage Victoria (HV) by the project architects however the ultimate design of the building was driven by HV’s request that the tower form be minimalistic with little modulation, ornamentation and materiality to ensure it does not detract from the importance or visual appeal of the existing heritage building. Further it has been put by the applicant and the applicant’s Heritage Advisor that:

‘...The sheer glass detailing will allow the solid masonry heritage facades to remain 'visually dominant at a pedestrian level with the tower sitting into the wider cityscape. The tower response is one which in form, materials and detailing is respectful of its streetscape context, albeit in contrast to the traditional low scale built form.’

Having regard to the above and balancing the wider benefits and outcomes to be gained from the proposed development (including the provision of a through block link / lane, including the adaptive reuse of the former Melford Motors building and the

provision of an Education Centre) the proposed façade treatment is considered to be acceptable from a heritage perspective in this instance.



Render of the proposed relationship of the tower and Heritage building facing north east from Queensberry Street, Source: Application Documentation

It is considered that the proposal has been appropriately designed to balance the competing objectives of the HO and DDO61 and is a satisfactory response to the heritage conservation objectives of the Heritage Overlay, Clause 15.03 and Clause 22.05.

Matters relating to height, massing and building design are discussed in further detail below.

Built Form

The proposed development relates to the adaptive re-use of the former Melford Motors building and the inclusion of a tower above. The built form has been largely driven by heritage considerations as well as the requirements of DDO61 and the City North Structure Plan.

The proposed building reaches a height of nine storeys (39.39 metres) and has been purposefully setback from the Elizabeth, Queensberry and O'Connell Street facades of the retained buildings on site.

Clause 5.0 of Schedule 61 to the Design and Development Overlay provides that before deciding on an application, the responsible authority must consider, as appropriate:

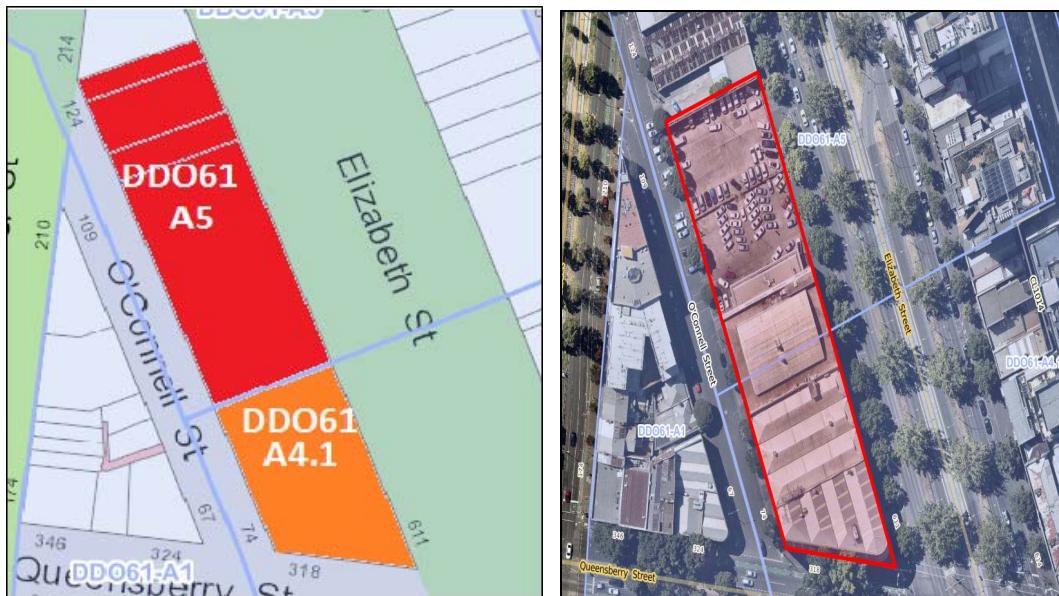
- *Whether the proposal achieves the design objectives in Part 1.0 of this Schedule.*
- *Whether the proposal achieves the built form outcomes contained in Table 1.*
- *Whether the proposal achieves the design requirements contained in Table 2.*
- *Whether the development maintains and enhances the character and amenity of the streetscape.*

- The wind effect at ground level as demonstrated by wind effects studies as necessary.

The application has been assessed against the built form outcomes and the design objectives and design requirements of Schedule 61 to the Design and Development Overlay below.

Built Form Outcomes (Table 1)

Clause 7.0 of Schedule 61 to the Design and Development Overlay sets out the following preferred built form outcomes for Area 4.1 and 5 (as deemed relevant to the proposed development) in Table 1, which the application has been assessed against (noting the subject site sits within two specific areas of DDO61 as shown below:



DDO61 Areas, Source; CoMPASS

DDO Area	Building Height	Street edge height and upper level setback	Built Form Outcome
4.1	40 metres	<p>Buildings fronting Queensberry Street:</p> <ul style="list-style-type: none"> • 24 metre street edge height. • Any part of the building above 24 metres setback 6 metres from the street. <p>Buildings fronting O'Connell Street:</p> <ul style="list-style-type: none"> • 20 metre street edge height. • Any part of the building above 20 metres setback 6 metres from the street. <p>Buildings fronting all other streets:</p> <ul style="list-style-type: none"> • 40 metre street edge height. • Any part of the building above 40 metres setback 6 metres from the street. 	<p>Development that:</p> <ul style="list-style-type: none"> • Creates stronger definition to the streetscape. • Ensures sunlight reaches the lower floors of new developments. • Delivers a scale of development that provides 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 developer with lower scale heritage buildings.

5	60 metres	<p>Buildings fronting O’Connell Street:</p> <ul style="list-style-type: none"> • 20 metre street edge height. • Any part of the building above 20 metres setback 6 metres from the street. <p>Buildings fronting all other streets:</p> <ul style="list-style-type: none"> • 40 metre street edge height. • Any part of the building above 40 metres setback 6 metres from the street. 	<p>Development that:</p> <ul style="list-style-type: none"> • Supports the gateway role of the Haymarket. • Has a scale of development that is complementary to the proposed medium level built form of its surrounds. • Has a consistent streetscape built form that integrates Elizabeth Street with Flemington Road. • Does not overshadow the proposed civic space within the Haymarket. • Delivers a scale of development that provides an appropriate transition to the lower scale built form in Berkeley and Pelham Streets. • Provides a high level of pedestrian amenity, including access to sunlight to ground floor and sky views.
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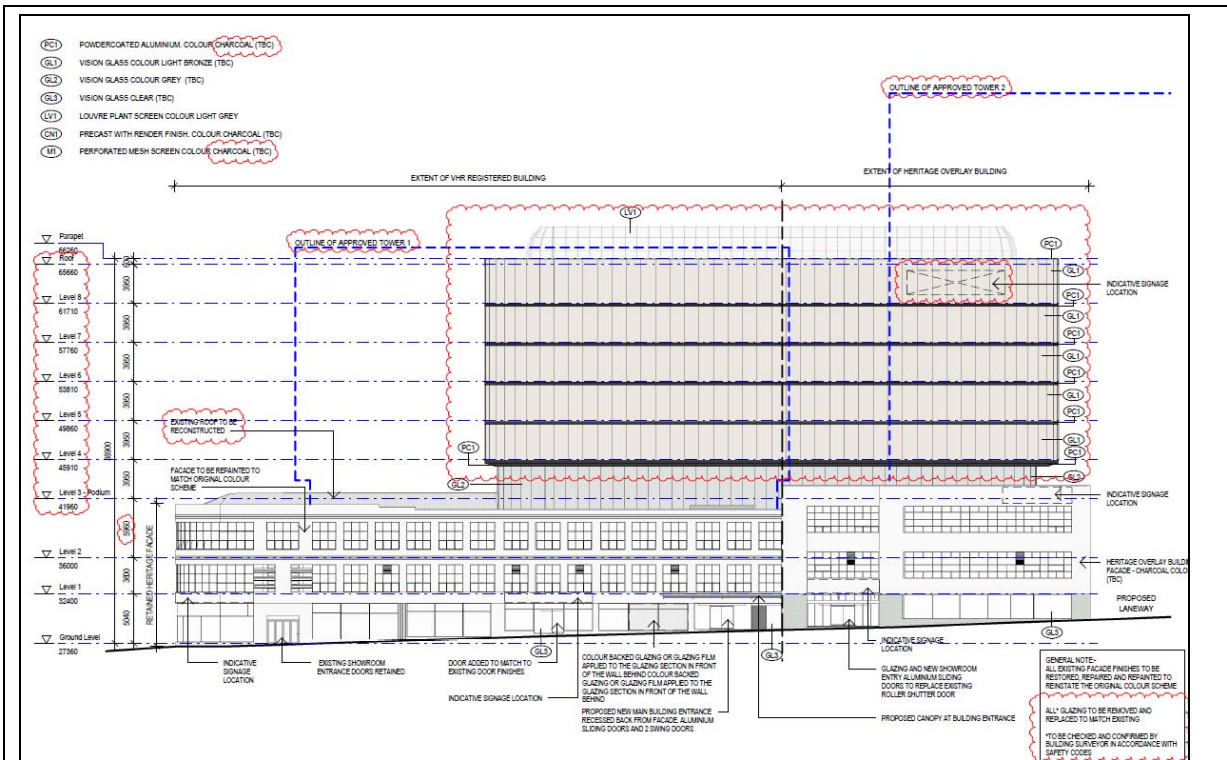
Assessment: Complies

Building Height:

The proposed development has an overall building height of 39.39 metres, which complies with the preferred building heights of 40 metres and 60 metres respectively.

It is considered that the proposed building height will continue to deliver the desired built form outcomes for this area, noting that the development will retain the existing historic buildings on-site, and incorporate adequate setbacks and urban design measures within the contemporary infill component of the development to make a strong contribution to the public realm. It is noted that the site is a corner site with the positioning of the built form well away from the Queensberry Street frontage and appropriately setback from the Elizabeth Street and O’Connell Street frontages.

The following diagram provides a comparison between the proposed height and tower form against the approved height and tower form with the outline of the approved development dotted in blue:



Comparison Elevation – Elizabeth Street, Source; Application documentation

Street Edge Height:

The subject site is located on the corner of Elizabeth, Queensberry and O’Connell Streets where two different street edge heights are nominated within the DDO61. Given the unique nature of this corner site (being a building on the Victorian Heritage Register with part of the building not being included in the citation but included within a Heritage Overlay) the preference in this instance is the preservation and celebration of the important heritage buildings.

On the Elizabeth Street interface the DDO recommends a street edge height of 40 metres with any part of the building above 40 metres setback 6 metres from the street. On Queensberry Street the DDO recommends a street edge of 24 metres with any part of the building above also setback 6 metres and on O’Connell Street (within area 4.1 and 5) the DDO recommends a street interface of 20 metres with any part of the building above also setback 6 metres and in area 5.

The development incorporates setbacks to all street edges having regard to the heritage nature of the retained building. The following setbacks are incorporated above the retained heritage podium:

- 4.5 – 5.5 metres to Elizabeth Street
- 13.0 – 34.4 metres to Queensberry Street
- 3.0 – 4.0 metres to O’Connell Street

Given the nature of the site setbacks above the street wall heights vary and having regard to Elizabeth and O’Connell Streets, do not comply with the preferred setbacks outlined within the DDO.

It is considered that the proposed setbacks will create a development profile that will continue to deliver the desired built form outcome of creating a stronger definition within the streetscape, by virtue of the existing valued Melford Motors historic building providing an anchor to the development on-site, which will be appropriately incorporated and stand proud of the contemporary components of the development setback from street edges. The City of Melbourne’s Urban Design team made the following comments in regard to the setbacks:

We support the increased setbacks of the upper form and see this as a considerable improvement upon the approved scheme. An increased setback to the Queensberry Street corner is positive, ensuring that the heritage form remains the most prominent built form element at this key corner.

The retention and integration of the retained historic buildings on-site contributes to providing an

appropriate street edge for the development.			
DDO Area	Building Height	Street edge height and upper level setback	Built Form Outcome
1-5		On the street edge of laneway frontages, any part of the building above 10.5 metres should be setback 4 metres.	Development that ensure s laneways have appropriate access to daylight and sunlight.
<p>Assessment: Complies</p> <p><i>Setbacks above street edge of laneway</i></p> <p>Having regard to the development of the remainder of the site to the north (see section in regard to staging below) a future proposal will include the creation of a new, 6-metre wide, laneway on the northern boundary of the site, providing a break between the subject site and broader Toyota complex.</p> <p>The proposed development identifies this laneway on the plans and incorporates setbacks to the lane of between 3 metres (levels 4 and above) and 5.35 metres at level 3 (resulting in a setback from the opposite side of the lane of 9 metres – 11.35 metres).</p> <p>Whist it is acknowledged the setbacks provided by the development for levels 4 and above are less than the preferred 4 metre setback requirement, it is considered that the proposed development will continue to deliver the desired built form outcome of maintaining adequate daylight and sunlight access to laneways, noting the minimum 9 metre separation between the proposed tower and any future towers to the north where a setback from the lane would also be expected.</p>			

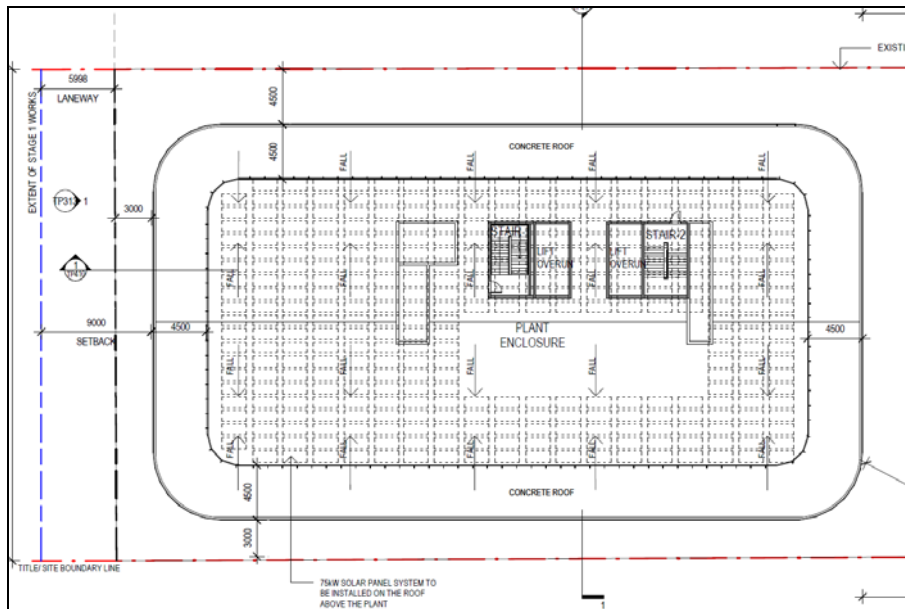
Design Requirements (Table 2)

Clause 7.0 of Schedule 61 to the Design and Development Overlay sets out the following design objectives and design requirements (as deemed relevant to the proposed development) in Table 2, which Application TP-2017-85 has been assessed against:

Design Objective	Design Requirement
<p>Building Heights, Scale and Setbacks</p> <p>To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule.</p> <p>To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity.</p> <p>To ensure appropriate building scale on the side and rear boundaries of new buildings and works that respects the scale of existing adjoining buildings.</p> <p>To avoid exposure to blank walls.</p> <p>To assist in limiting visual impact and adverse amenity on adjacent development sites.</p> <p>To promote articulated rooflines with architectural interest and variation.</p> <p>To establish a generally consistent built form to the street edge that creates a strong sense</p>	<p>Deliver a scale of development at the street edge in accordance with Table 1 of this Schedule.</p> <p>Buildings should be constructed to the street boundary of the site.</p> <p>Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building's base.</p> <p>Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor.</p>

<p>of definition and place.</p> <p>To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians.</p> <p>To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places.</p> <p>To ensure that new development is adaptable over the long term to a range of alternate uses.</p>	
<p>To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings.</p>	<p>The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.</p> <p>New buildings should step down in height to adjoining lower scale heritage buildings.</p> <p>New building should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.</p>
<p>Assessment: Complies.</p> <p>As detailed in the assessment of the proposed development against Local Planning Policy Clause 22.05 (Heritage Places outside the Capital City Zone), and the requirements of Table 1 of Schedule 61 to the Design and Development Overlay, it is considered that the height, massing, setbacks and architectural treatment of the proposed development achieve a balanced outcome, demonstrating proper respect for the retained historic buildings on-site, the vertical rhythm of emerging development along Elizabeth Street and a modified setback to Elizabeth and O'Connell Streets which will assist with strengthening the street edge without being overbearing to the heritage host.</p>	
<p>Building Facades and Street Frontages</p> <p>To ensure that buildings are well designed and enhance the amenity of City North.</p> <p>To deliver a fine grain built form with architectural variety and interest.</p> <p>To encourage high quality facade and architectural detailing.</p>	<p>Addressing the Street</p> <p>The articulation of building facades should express a fine grain. Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages.</p> <p>Multiple doors / entrances to buildings and windows should be provided off the street to improve activation of the street.</p> <p>The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.</p> <p>All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.</p> <p>Blank building walls that are visible from streets and public spaces should be avoided.</p> <p>Buildings on corner sites should address both street frontages.</p> <p>Service areas</p> <p>Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.</p>

	<p>Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.</p> <p>Building Projections</p> <p>Building projections outside the property boundary should accord with Council’s Road Encroachment Guidelines.</p>
<p>Assessment: Complies.</p> <p>The City of Melbourne’s Urban Design team have reviewed the proposal and have raised several issues with the design of the proposed tower. Specifically the following has been noted:</p> <p>...the fundamental issue of massing and character of the tower form still remains. We acknowledge that Heritage Victoria have provided support regarding the application and have subsequently issued a permit, however we do not believe the proposal provides a satisfactory outcome for the host building, the streetscape nor the broader precinct of which the building is a part. We note that Gray Puksand have undertaken some design testing regarding the expression of the upper form, however we believe the resultant form does not reflect the expected level of design quality for a tower of this prominence and significance. We recommend further design exploration of the tower form, articulation and expression prior to recommending approval, noting that previous iterations explored by Gray Puksand were ill-favoured by Heritage Victoria.</p> <p>In regard to the expression of the tower the following comments have been made:</p> <p>As the building is highly exposed to broad streets and is viewed in the round, we are concerned about the lack of a clear architectural identity. While we understand the general principle of a ‘neutral backdrop’ for well recessed ‘lantern’ elements atop of heritage, the proposal is more than double the height of the base and has a significant urban presence. The proposed flat curtain wall approach tower does not thoughtfully respond to cues such as rhythm, depth and detail within the Harry Norris building, or the broader context.</p> <p>... Provide meaningful articulation of the tower that relates to the scale of the Harry Norris building. Utilise balconies or breakout spaces to create deliberate openings or moments to connect the tower to the streetscape. Explore expression of the columns through the glazing to avoid the appearance of a ‘floating’ form atop the host building.</p> <p>While it is acknowledged that the proposed tower may be considered acceptable from a heritage perspective it is also important to ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility as required by relevant Urban Design policy.</p> <p>Having regard to the above, from an Urban Design perspective, the design of the proposed tower is not considered to appropriately meet the design objectives outlined in Table 2 of DDO61 which seeks to (amongst other things) to ‘encourage high quality facade and architectural detailing.’ As such a condition of permit will recommend that further work be undertaken between the applicant, DELWP and City of Melbourne to further evolve the façade design of the tower to ensure the delivery of a textured, modulated upper form that incorporates meaningful articulation and sits comfortably within this important boulevard location.</p> <p>In regard to the services on the roof of the building the proposal has been designed to incorporate plant screening set back from the edge of the parapet (4.5 metres setback to edge of building) in the form of a louvre plant screen as highlighted in the roof plan below.</p> <p>The City of Melbourne’s Urban Design team has raised concern with the current plant screening and recommended the plant enclosure be integrated into the parapet to avoid a secondary massing element on top of the building. The detail of this screen may need to be evolved with any façade update and a condition of permit will be recommended allowing this to occur.</p>	



Roof Plan, Source; Application documentation

<p>Active and Safe Street Frontages</p> <p>To create safe streets.</p> <p>To ensure all streets are pedestrian oriented and contribute to pedestrian safety.</p> <p>To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys.</p> <p>To ensure development contributes to passive surveillance of the public domain.</p>	<p>Ground floor frontages should contribute to city safety by providing lighting and activity.</p> <p>At least the first five levels of a building should provide windows and balconies, fronting the street or lane.</p> <p>Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.</p> <p>Carparking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor.</p> <p>Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.</p>
<p>To ensure ground floor frontages to major pedestrian area add interest and vitality.</p>	<p>Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on Map 1 should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority by providing:</p> <ul style="list-style-type: none"> • At least 5 metres or 80% of the street frontages (whichever is the greater) as: <ul style="list-style-type: none"> • An entry or display window to a shop and / or a food and drink premises; or • As any other uses, customer service areas and facilities, which provide pedestrian interest or interaction. • Clear glazing (security grilles must be transparent).

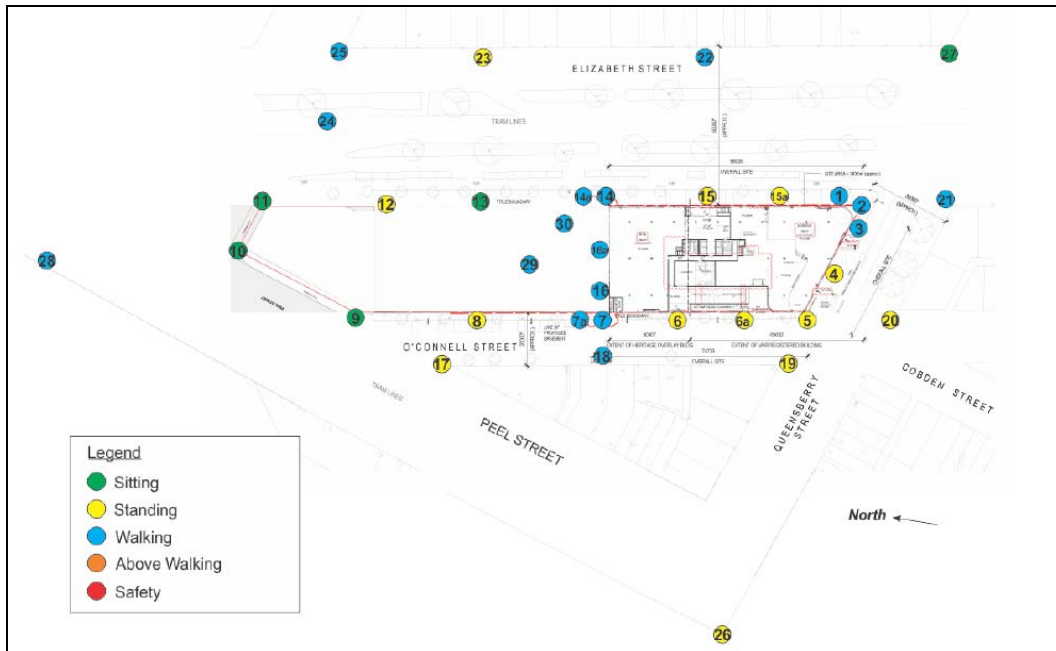
Assessment: Complies subject to conditions

A condition, requiring the submission of façade strategy, will be included on any permit being granted, to ensure that the Elizabeth, O’Connell and Queensberry Street interfaces for the proposed development are suitably resolved:

<p>In regard to Public interfaces the City of Melbourne’s Urban Design team raised the following:</p> <p>We note that commercial tenancy access is provided from Elizabeth Street only. Noting the predicted growth expected within this rapidly developing innovation precinct, an additional building entry to the commercial lobby from O’Connell Street is encouraged. This may also assist in activating O’Connell Street, noting the importance of connecting with the ambition of Stage 2 to the north with its active ground plane.</p> <p>Having regard to the design objectives within the area it is considered appropriate to request further investigation into public entrances on O’Connell Street via permit condition.</p>	
<p>Provision of Public Places</p> <p>To encourage the provision of well-designed and publicly accessible spaces.</p>	<p>The opportunity for the inclusion of public spaces should be promoted.</p>
<p>Assessment: Complies</p> <p>The provision of a future lane to the north of the building will provide for opportunities for break out public spaces in the future.</p>	
<p>Sunlight to Public Places</p> <p>To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year.</p> <p>To protect sunlight to public spaces.</p> <p>To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.</p>	<p>Buildings and works should not cast a shadow between 11.00 am and 2.00 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.</p> <p>Maximise the extent of the northerly aspect of public open spaces.</p> <p>Ensures sunlight reaches the lower floors of new developments.</p>
<p>Assessment: Complies</p> <p>The orientation of the site ensures no shadowing will be cast on the Haymarket.</p> <p>The proposed shadowing to Elizabeth Street will be negligible and the shadowing to Queensberry Street will not unreasonably impact on their use as major pedestrian routes or the amenity of the area.</p>	
<p>Pedestrian Links</p> <p>To accommodate vehicular and service access to developments.</p>	<p>Buildings and works adjoining lanes</p> <p>The design and management of access and loading areas along lanes should not impede pedestrian movement.</p> <p>New development should respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the lane way character.</p> <p>New development along lanes should provide highly articulated and well detailed facades that create visual interest particularly at the lower levels.</p>
<p>Assessment: Complies subject to conditions</p> <p>As a proposed future pedestrian link to the north of the site will be provided as discussed and is supported. Proposed built form has taken into consideration impacts on this future link and has been designed to minimise impact on it in the future.</p> <p>Specifically the site area for the laneway will be 3,763m² and while the area has been included within the Stage 1 application area to facilitate demolition of the existing building all works to create the laneway will be carried out as part of the scope of works associated with Stage 2.</p>	

<p>Weather Protection</p> <p>To promote pedestrian amenity.</p> <p>To ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort.</p>	<p>The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows:</p> <ul style="list-style-type: none"> • In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 10 ms-1. This speed is generally acceptable for stationary, long term exposure (>15 minutes); for instance, outdoor restaurants / cafes, theatres. • Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 13 ms-1. This speed is generally acceptable for stationary, short term exposure (<15 minutes); for instance, window shopping, standing or sitting in plazas. • Along all other streets the peak gust speed during the hourly average with a probability of exceedance of 0.1% in any 22.5° wind direction sector should not exceed 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust) which is generally acceptable for walking in urban and suburban areas. <p>Landscaping within the public realm should not be relied on to mitigate wind.</p>
<p>To protect pedestrians from the elements by providing shelter from the rain and sun, without causing detriment to building or streetscape integrity.</p>	<p>Buildings should include protection from the weather in the form of canopies, verandas and awnings.</p> <p>The design, height, scale and detail of canopies, verandas and awnings:</p> <ul style="list-style-type: none"> • Should be compatible with nearby buildings, streetscape and precinct character. • may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade. • should be setback to accommodate existing street trees. • should be located so that verandah support posts are at least 2 metres from tree pits. <p>Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.</p>
<p>Assessment: Complies subject to conditions.</p> <p>The Wind Impact Assessment prepared by MEL Consultants on the basis of the original design of the proposed development, dated January 2019, identifies that at the ground level of all test locations surrounding the development have been shown to achieve the walking criterion with many test locations satisfying the standing and sitting criteria.</p> <p>Having regard to Elizabeth Street and Queensberry Street being identified as Major Pedestrian areas on Map 1 the DDO requires that the wind direction sector should not exceed 13ms-1 which is generally acceptable for stationary short term exposure.</p>	

The Wind Impact Assessment has identified that three areas at the corner of Elizabeth and Queensberry Streets will only reach Walking Criteria and test points 1, 2 and 3 and at test points 14 and 14a along Elizabeth Street at the entrance to the proposed laneway. While it is acknowledged that test point 2 currently only meets walking criterion it is considered appropriate to recommend a condition on any permit that will require further details to be provided within a revised Wind Impact Assessment to highlight how the Major Pedestrian routes will be treated to ensure compliance with the requirements of DDO61.



Summary of ground level wind conditions for the proposed configuration, Source: MEL Consultants, January 2019

The assessed wind levels for the remaining locations within the development demonstrate compliance with the design requirements of Schedule 61 to the Design and Development Overlay.

In regard to weather protection for the subject site it is noted that a canopy is provided above the proposed foyer entrance on Elizabeth Street however the integrity of the heritage building may be unreasonably impacted by further weather protection. It is considered that greater weather protection could be reasonably expected to be incorporated into the remaining stages of the development.

Use

It is noted that a planning permit is not required to use the land as an education centre, office and retail premises (including motor vehicle sales) as these uses are as of right within the CCZ5.

The proposed educational uses at the upper levels of the building are considered to be a positive response for the site and further responds to the purpose of the CCZ5 and will ensure the proposal complements and contributes to the site's proximity to the nearby university.

In regard to the use of the land for motor repairs and servicing it is noted that these operations have been undertaken in an ancillary nature to the use of the site for motor vehicle sales. The applicant has noted that the Toyota Motor Corporation Australia acquired the site in 1990 and have used it for the repair and servicing of vehicles since then. Prior to Toyota's acquisition of the site the land was owned by Ford who utilised the site as a car dealership (with associated services) dating back to 1928. The retention of these land uses within the repurposed building envelope is considered positive and is supported.

ESD

Clause 22.19 Energy, Water and Waste Efficiency provides that it is policy to encourage buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*
- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

A Sustainability Management Plan has been prepared by Simpson Kotzman dated 23 January 2019 for the proposal and provides an overview of the sustainable design initiatives to meet the relevant performance measures at Clause 22.19 and 22.23 of the Melbourne Planning Scheme.

Clause 22.19 (Energy, Water and Waste Efficiency) requires that applications be accompanied by:

- A Waste Management Plan.
- An ESD Statement demonstrating how the development meets relevant policy objectives and requirements.

In terms of the ESD Statement, Clause 22.19-4 states that:

- 'Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.'

Further Clause 22.23, Stormwater Management (Water Sensitive Urban Design), requires that applications include a Water Sensitive Urban Design (WSUD) Response addressing the details set out in Clause 22.23-4.

The intent of Clause 22.19 is to encourage 'Australian Excellence' for new multi-unit / mixed use developments.

The City of Melbourne's Senior Green Infrastructure and ESD Officer has reviewed the documentation provided and made comment as per section 6 of this report.

Subject to conditions being included on any permit being granted giving force and effect to the performance outcomes for the development set out in the Sustainability Management Plan has been prepared by Simpson Kotzman, dated 23 January 2019, it is considered that the proposed development will achieve compliance with Clause 22.19.

Engineering Matters

Melbourne City Council traffic, civil and waste engineers have viewed the proposal and are all generally supportive subject to conditions.

Having regard to the number of car parking spaces being provided in excess of the statutory requirement the City of Melbourne's traffic team have noted that the majority of the spaces are proposed to store display vehicles for sale, and are therefore not counted as 'normal' parking spaces for customers / staff and as such have no objection to the provision of parking on the site. Further the applicant has

amended the plans to include more bicycle parking and motor bike parking following feedback from the traffic team and this is supported.

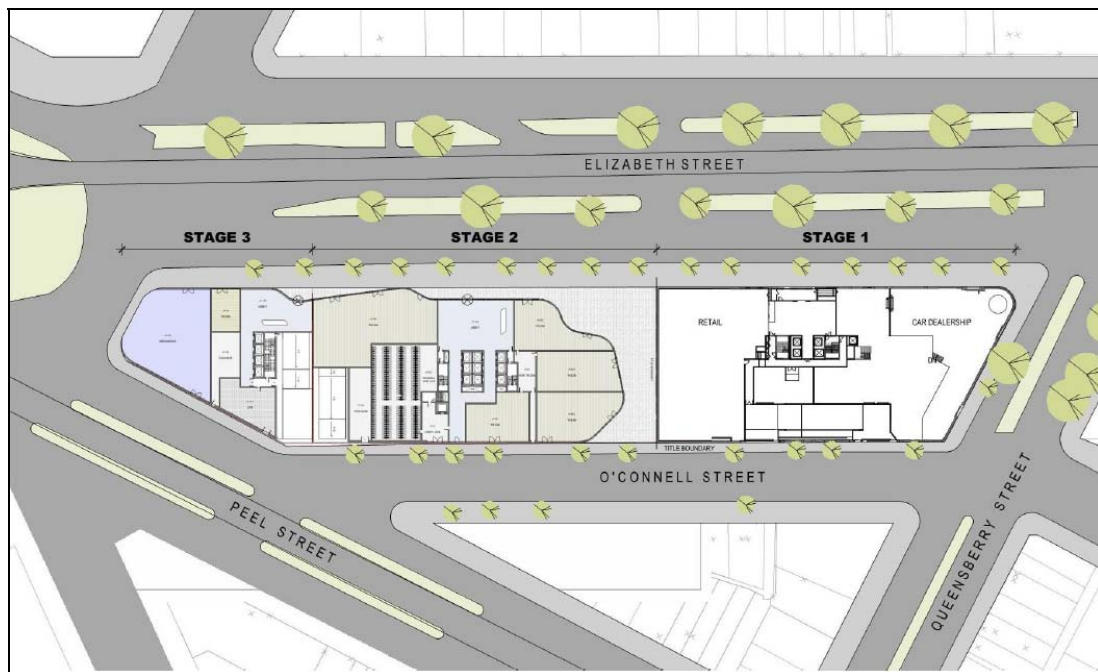
The City of Melbourne's Traffic Engineers have requested the provision of a Loading Management Plan and Road Safety Audit as conditions of permit should one issue.

The Engineers have noted that the traffic volumes proposed to be generated by the proposed development is not expected to compromise the safety / function of the surrounding road network.

Requests for desirable public realm works have been requested by the City of Melbourne's Traffic Engineers and have been provided to DELWP and the applicant for future discussion

Staging

Although the subject application is for the Melford Motors building site, it is proposed to develop the remainder of the Toyota Site and Bob Jane T-Mart site located at 697 Elizabeth Street in subsequent Stages 2 and 3. The applicant has advised Stage 1 is the proposal under consideration as part of this application and has been designed by GrayPukSand, whilst Stage 2 and 3 will be designed by Cox Architecture and will be lodged in 2019. The following staging plan has been provided noting that Stages 2 and 3 have not been finalised at the time of writing this report:



Staging Plan, Source: Application Documentation

Permit conditions and legal agreements regarding staging of development will be required to ensure that the site is developed in an orderly fashion and public infrastructure such as open space and laneways are delivered.

8. OFFICER RECOMMENDATION

That a letter be sent to DELWP advising that the City of Melbourne supports the proposal subject to the following conditions:

1. Prior to the commencement of the development, including demolition and bulk excavation, two copies of plans, which are drawn to scale, must be submitted to

the Responsible Authority generally in accordance with the plans dated 24 January 2019 but amended to show:

- a. The provision of an additional building entry to the O'Connell Street interface as well as updated architectural plans which denote a tenancy breakup of the northern interface of the proposal.
- b. The tree plot shown on Drawing No.2066 LSK01 must be amended to show the new tree plot 2m south of the existing access. The plot must be constructed without cost to the City of Melbourne and exceed the dimensions of existing tree plots on Queensberry Street. The plot must also be filled with City of Melbourne tree specification soil and finished with granitic sand.
- c. Any changes as required as a result of the Façade Strategy.
- d. Any changes as required as a result of the Detailed Laneway Plans.
- e. Any changes as required as a result of the Loading Management Plan.
- f. Any changes as required as a result of the Road Safety Audit.
- g. Any changes as required as a result of the revised Wind report.

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

2. The development and land use as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
5. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Staging

6. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority and Melbourne City Council. This Staging Plan must include, but is not limited to, plans and information detailing any public realm works, proposed temporary treatment and use of vacant land. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

External materials, colours and finishes

7. Prior to the commencement of the development, excluding demolition and including bulk excavation, a schedule of all external materials, colours and finishes including a colour rendered and notated set of elevations must be submitted to the Responsible Authority. When provided to the satisfaction of the Responsible Authority, the schedule of materials will be endorsed by the Responsible Authority to form part of this permit.
8. Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Demolition

9. Prior to the commencement of the development, including demolition, 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 buildings 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.
10. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage fabric to be retained. Where hidden original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made. Where unanticipated original detail is discovered the Responsible Authority is also to be notified prior to re-commencement of the works.
11. Prior to the commencement of the development, including demolition and bulk excavation, the permit holder must provide evidence to the Responsible Authority that progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder is actively procuring the construction services for the development, or otherwise agreed with the Responsible Authority.

Construction Management Plan

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

This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a. public safety, amenity and site security.
 - b. operating hours, noise and vibration controls.
 - c. air and dust management.
 - d. stormwater and sediment control.
 - e. waste and materials reuse.
 - f. traffic management.
 - g. protection of street trees.
13. If a Construction Management Plan or Traffic Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the Tree Protection Management Plan (TPMP) approved under this permit, a revised TPMP must be submitted to and approved by Melbourne City Council (Urban Forestry).

Façade Strategy

14. Prior to the commencement of the development, a facade strategy and material and finishes must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. Unless

otherwise approved by the Responsible Authority, the Facade Strategy must be generally in accordance with the development plans and must detail:

- a. Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate the:
 - i. Finished floor levels and ceiling levels.
 - ii. Further evolution of the façade design of the tower (tower expression) to ensure the delivery of a textured, modulated upper form that incorporates meaningful articulation.
 - iii. Any subsequent modifications to plant screening and plant enclosure as a result of the façade update.
 - iv. Exploration of further activation to O'Connell Street through an additional building entry to the commercial lobby.
 - v. Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.
 - vi. Details of external painting and conservation works to the retained portions of the heritage buildings including the authenticity of any brickwork on the buildings and any corbelling or pattern that is to be employed. Detail in regard to the retention of the steel-framed windows is to be provided noting the windows have been identified as being retained.

Laneway

15. Prior to the commencement of development a detailed laneway plan showing the proposed design, detailing and the quality, durability and type of materials and finishes to all elevations of the laneways, including the ceiling / roof elevations and lighting details, must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with the City of Melbourne. The plans must:
 - a. Provide plan and elevation details of the buildings fronting the proposed laneway at no greater scale than 1:50.
 - b. Highlight the proposed breakup of the tenancies and details of the presentation of the proposed building to the proposed laneway.

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

Legal Agreement

16. Prior to the commencement of the development, the owner of the land must enter into an agreement with the City of Melbourne pursuant to Section 173 of the Planning and Environment Act 1987 regarding the east west through block links between Elizabeth Street and O'Connell Streets (Link). The Agreement must:
 - a. provide that the Link will remain privately owned and controlled.
 - b. require the Owner to maintain 24 -hour unobstructed public access (7 days a week) to the Link.
 - c. provide that the Owner is solely responsible for the care and maintenance of the Link at the Owners cost and to the satisfaction of Council.

d. be to the satisfaction of the Melbourne City Council.

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

Traffic Management

17. The internal design of the car park including all spaces, access ways, grades, head clearances etc. must generally comply with the relevant Australian and New Zealand Standards or the requirement of the Melbourne Planning Scheme.
18. The area set aside for car parking and access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
19. Prior to the commencement of the development (excluding demolition), a desktop Road Safety Audit prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. The Audit is to include the vehicular / bicycle / pedestrian access arrangements, loading arrangements and internal circulation / layout.
20. When provided to the satisfaction of the Responsible Authority, the Road Safety Audit will be endorsed to form part of this permit.
21. Prior to the commencement of the development a comprehensive Loading Management Plan (LMP) is to be prepared, specifying how the access / egress of loading vehicles is to be managed and ensuring that:
 - a) The delivery needs of the various components of the development can be accommodated.
 - b) Vehicles do not queue on-street.
 - c) Vehicles are able to both access / egress the site in a forward direction; and
 - d) Any potential conflicts between various vehicles (& other road users) are satisfactorily addressed.
 - e) To minimise the likelihood of conflict, the loading bay should ideally not be utilised between 7-9am and 4-7pm Mon-Fri.

The LMP is to be approved by Melbourne City Council – Engineering Services. The owner must reimburse Melbourne City Council for all costs associated with any parking changes.

Wind Test Modelling

22. Prior to the commencement of the development, excluding demolition and bulk excavation, an updated Wind Tunnel Test and Wind Analysis report of the development must be submitted.

The updated reports must be generally in accordance with the Wind Study prepared by Mel Consultants, dated January 2019 but must identify that the design of the building minimises the potential for ground-level wind, and any adverse effect on pedestrian comfort, having regard to the parameters specified in Table 2 to Schedule 61 of the Design and Development Overlay.

The Wind Tunnel Test and Wind Analysis report must set out any recommended design revisions (if necessary) to ensure the development does not increase the level of wind at ground level, beyond the parameters specified in Table 2 to Schedule 61 to the Design and Development Overlay.

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

Waste Management

23. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by irwinconsult dated 14 September 2018. Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.
24. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design

25. The performance outcomes specified in the Sustainability Management Plan (Rev. 1) prepared by Simpson Kotzman and dated 23 January 2019 for the development must be implemented prior to occupancy at no cost to the Responsible Authority or the City of Melbourne and be to the satisfaction of the Responsible Authority.
26. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD/ SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD / SMP 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 / SMP report have been implemented in accordance with the relevant approved plans. The report must include all calculations, modelling reports etc. that have been produced to demonstrate compliance with the targets included in the endorsed ESD report.

Landscaping

27. Prior to commencement of development, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. This should include landscape plans with detailed planter sections including soil volumes and schedules of species with soil volume requirements and growing media proposed, and a Landscape Maintenance Plan providing details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.
28. Prior to the occupation of the development, landscape works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

29. Landscape works within all common areas of the development must be maintained to the satisfaction of the Responsible Authority, except with the written consent of the Responsible Authority.

Protection of Street Trees

30. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Management Plan (TPMP) must be submitted to and approved by the Responsible Authority (Urban Forestry). The TPMP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b. Reference to the finalised Construction and Traffic Management Plan , including any public protection gantries.
 - c. Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - d. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e. Full specifications of any pruning required to publicly owned trees.
 - f. Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.
31. All works (including de molition), within the Tre e Protection Zone of public trees must be undertaken in a ccordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
32. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Potentially Contaminated Land and Remediation

33. Prior to the commencement of the development, excluding demolition and including bulk excavation, the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.

- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
 - Identification of the likelihood of the site being potentially contaminated.
34. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
 - A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
 - Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
 - An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
 - Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
 - Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970 to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 is required, to ensure the site is suitable for the intended use(s).
35. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the development.

Prior to the occupation of the development the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

36. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the applicant must provide either:

- a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970;

or

- b. A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

37. Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and / or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

SEPP No. N-1 & No. N-2

38. 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, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

3D Digital Model

39. 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.

Building Appurtenances and Services

40. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
41. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
42. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

Drainage

43. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
44. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by Melbourne City Council – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Civil Works

45. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
46. All portions of roads affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
47. The footpath adjoining the site along Elizabeth and Queensberry Streets must be reconstructed in sawn bluestone together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
48. The footpath adjoining the site along O'Connell Street must be reconstructed together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
49. The roads adjoining the site impacted by the building related activities must be reconstructed together with associated works including the modification of services as necessary at the cost of the developer.
50. Existing street levels in roads adjacent to the subject site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council – Engineering Services.
51. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of Melbourne City Council – Engineering Services.
52. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
53. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Elizabeth Street, Queensberry Street and O'Connell Street footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council – Engineering Services.

54. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

Permit Expiry

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

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

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

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

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.

Projections

All projections over the street alignment must conform to the relevant Building Regulations 2018, as appropriate, unless with the report and consent of the Municipal Building Surveyor.

Reference may be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb, which can be located at the following website:

<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/road-encroachment-guidelines.pdf>

Civil Engineering

All necessary approvals and permits are to be first obtained from Melbourne City Council – Manager Engineering Services Branch and the works performed to the satisfaction of the Melbourne City Council – Manager Engineering Services Branch.

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.

On-Street Parking

Council will not change the on-street parking restrictions to accommodate the access / servicing / delivery / parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements”.

Urban Forestry – Bank Guarantee Execution

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date)
4. Executed (i.e. signed and dated with the bank stamp)

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council’s Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council’s Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

A replacement tree to be planted in the newly constructed plot on Queensberry Street will be planted by the City of Melbourne.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council removes the subject tree.