

**582-590, 592, 594-598 and 600-608
Elizabeth Street and 277-283
Queensberry Street, MELBOURNE**

Planning Permit Application No. PA2000766



Officer Assessment Report
Development Approvals & Design



Environment,
Land, Water
and Planning

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Summary

Key information	Details		
Application No.:	PA2000766		
Received:	6 January 2020		
Applicant:	Worths Pty Ltd C/- Urbis		
Planning Scheme:	Melbourne Planning Scheme		
Land Address:	582-590, 592, 594-598 and 600-608 Elizabeth Street and 277-283 Queensberry Street, Melbourne		
Proposal:	Part demolition of existing buildings, construction of a building, and alter access to a Road Zone Category 1		
Total site area:	2,081 m ²		
Gross Floor Area:	25,007 m ²		
Floor Area Ratio:	9.6:1 (20,054 m ² floor area above ground level / 2,081 m ² site area)		
Development value:	\$65 million		
Height:	14	Storeys excluding plant	
	52.25	Metres excluding plant (measured from the centre of the Elizabeth Street frontage)	
	79	Metres (highest point to Australian Height Datum for PANS OPS)	
Setbacks above the street wall:	Tower		
	Elizabeth Street	South Tower: 2m North-West Tower: 4.2m (5.1m at Level 2)	
	Queensberry Street	North-West Tower: 4.8m–7m (6.3 - 8.57m at Level 2) North-East Tower: 4.2m	
	Berkeley Street	North-East Tower: 2m South Tower: 2m	
	South	0 metres	
Office:	15,257 m ²		
Retail:	1,086 m ²		
Supermarket:	952 m ²		
Parking:	Cars	Motorcycles	Bicycles
	60	10	150
Zone:	Capital City Zone – Schedule 5 (City North)		
Overlays:	Heritage Overlay – Schedule 1124 (Elizabeth Street North (Boulevard) Precinct – 518-708 and 527-608 and 647-651 Elizabeth Street, 60 O’Connell Street, 309-317 Queensberry Street and 222-238 Victoria Street) Design and Development Overlay – Schedule 61 (City North) – Area 4.1 Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core)		

Key information	Details
Particular Provisions:	52.06 – Car Parking 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road 52.34 – Bicycle Facilities
Why is a permit required?	A permit is required to construct a building or construct or carry out works under the Capital City Zone. A permit is required to demolish or remove a building or works under the Capital City Zone. A permit is required to demolish or remove a building or works under the Heritage Overlay. A permit is required to construct a building or construct or carry out works under the Heritage Overlay. A permit is required to construct a building or construct or carry out works under the Design and Development Overlay. A permit is required to create or alter access to a road in a Road Zone, Category 1.
Referral authorities/ Notice	VicRoads (formal Section 55 – determining authority) Transport for Victoria (formal Section 55 – determining authority) Melbourne City Council (notice Section 52(1)(b))
Public Notification	The application is not exempt from notice and review provisions of the <i>Planning and Environment Act 1987</i> under the Heritage Overlay.

Background

1. In accordance with the schedule to Clause 72.01 of the Melbourne Planning Scheme, the Minister for Planning is the Responsible Authority for this application as it has a gross floor area exceeding 25,000 square metres.
2. On 6 January 2020, Planning Permit Application No. PA2000766 was received for part demolition, construction of a building and alter access to a Road Zone, Category 1. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting (Department and Melbourne City Council)	N/A
Application lodgement	6 January 2020
Further information requested	23 January 2020
Further information received	6 March 2020 Plans prepared by Jackson Clements Burrows Architects dated 12 February 2020 Revision D (with the exception of drawings TP 2-112 and TP 3-201 that are Revision A)
Further informally substituted plans submitted	18 November 2020 Plans prepared by Jackson Clements Burrows Architects and known as: <ul style="list-style-type: none"> • Drawings TP 0-000 – TP 1-100 Rev F (dated 9 November 2020); • Drawings TP 1-101 – TP104 Rev H (dated 9 November 2020); • Drawing TP 1-105 Rev F (dated 12 August 2020); • Drawing TP 1-106 Rev G (dated 9 November 2020); • Drawing TP 1-107 Rev E (dated 9 November 2020); • Drawings TP 1-108 – TP 1-111 Rev H (dated 9 November 2020); • Drawing TP 1-112 Rev B (dated 9 November 2020); • Drawing TP 1-113 Rev G (dated 9 November 2020); • Drawings TP 2-101 – TP 2-111 Rev F (dated 9 November 2020); • Drawing TP 2-112 Rev C (dated 9 November 2020); • Drawings TP 2-210 – TP 3-102 Rev F (dated 9 November 2020); • Drawing TP 3-201 Rev C (dated 9 November 2020); and • Drawings TP 4-100 – TP 9-101 Rev F (dated 9 November 2020). These plans show: <ul style="list-style-type: none"> • A reduction in the overall height of the building; • Various changes to the street wall heights and upper level setbacks; • Design detail changes to materials and finishes; • Full demolition of 277-283 Queensberry Street (previously retained façade); • A reduction of two retail tenancies (from 15 to 13); • A separate supermarket entry off Elizabeth Street; and • A wider pedestrian entry off Queensberry Street.
Further informally substituted sketch submitted	30 March 2021 Sketch prepared by Jackson Clements Burrows Architects dated 29 March 2021, which shows retained façade of 592 Elizabeth

Street.

Decision Plans

Discussion plans prepared by Jackson Clements Burrows Architects and received 18 November 2020.

3. The subject of this report is the informally substituted plans received on 18 November 2020 (the discussion plans) and the informally substituted sketch plan received on 30 March 2021 (sketch plan) and any permit issued will reference the RFI plans with a condition requiring the amendments as shown in the discussion and sketch plans.

Melbourne City Council Planning Permit Application TP-2018-1125

4. On 13 December 2018, the Melbourne City Council received an application for the construction of an 11 storey building comprising office (15,938 m²) and retail (2,494 m²). The proposed development had a gross floor area of 24,542 m².



Figure 1: 3D image of original proposal (Source: Application)

5. Following notice of the application and the receipt of internal and external referral comments, the applicant decided to amend the application via section 50 of the Act.
6. The proposed amendments to the application resulted in a gross floor area exceeding 25,000 m² and as such, the amended application was lodged with the Department of Environment, Land, Water and Planning (DELWP) with the Minister for Planning being the responsible authority for the application.

Subject Site and Surrounds

Site Description

7. The subject site is located on the south east corner of Elizabeth and Queensberry Streets, Melbourne. The site is irregular in shape with a frontage to Elizabeth Street of 62.2 metres, a frontage to Queensberry Street of 45.73 metres, a frontage to Berkeley Street of 40.74 metres and an overall site area of 2,081 m².
8. The site comprises five lots described as follows:
 - 582-590 Elizabeth Street: formally known as Lot 2 on Plan of Subdivision 318687M, Volume 10125 Folio 168. A party wall easement is located along the northern boundary. This site is occupied by a two storey brick showroom and office and the rear of the building is categorised as a contributory heritage place;
 - 592 Elizabeth Street: formally known as Lot 1 on Plan of Subdivision 318687M, Volume 10125 Folio 167. Party wall easements are located along the southern boundary and the northern boundary (adjacent to 277-283 Queensberry Street). This site is occupied by a two storey brick Edwardian building, formerly a warehouse and store, currently used as a shop and office and categorised as a contributory heritage place;
 - 594 Elizabeth Street: formally known as Lot 1 on Title Plan 374580B, Volume 06345 Folio 934. This site is occupied by a two storey brick Edwardian building, formerly a warehouse and store, currently used as a shop and office and categorised as a significant heritage place;
 - 600-608 Elizabeth Street: formally known as Lot 1 on Title Plan 132092S, Volume 09053 Folio 472. This site is occupied by a two storey brick interwar building, formerly a showroom, currently used as a supermarket and is graded C in a level 2 streetscape;
 - 277-283 Queensberry Street: formally known as Lot 1 on Title Plan 107509C, Volume 10090 Folio 174. Drainage and party wall easements are located along the southern boundary. This site is occupied by a two storey brick office building; and
 - 277-283 Queensberry Street Laneway: formally known as Lot 1 on Title Plan 968210B, Volume 12160 Folio 269. This is the former laneway known as CL1145, which has been acquired by the owners of the adjoining land and the road discontinued.
9. There are four crossovers to Elizabeth Street (only one provides vehicle access, the other three have car parking spaces adjacent to them), two crossovers to Queensberry Street (including one to the laneway) and three crossovers to Berkeley Street. There is a significant fall in the land from the north west to the south east of approximately 2.5 metres.

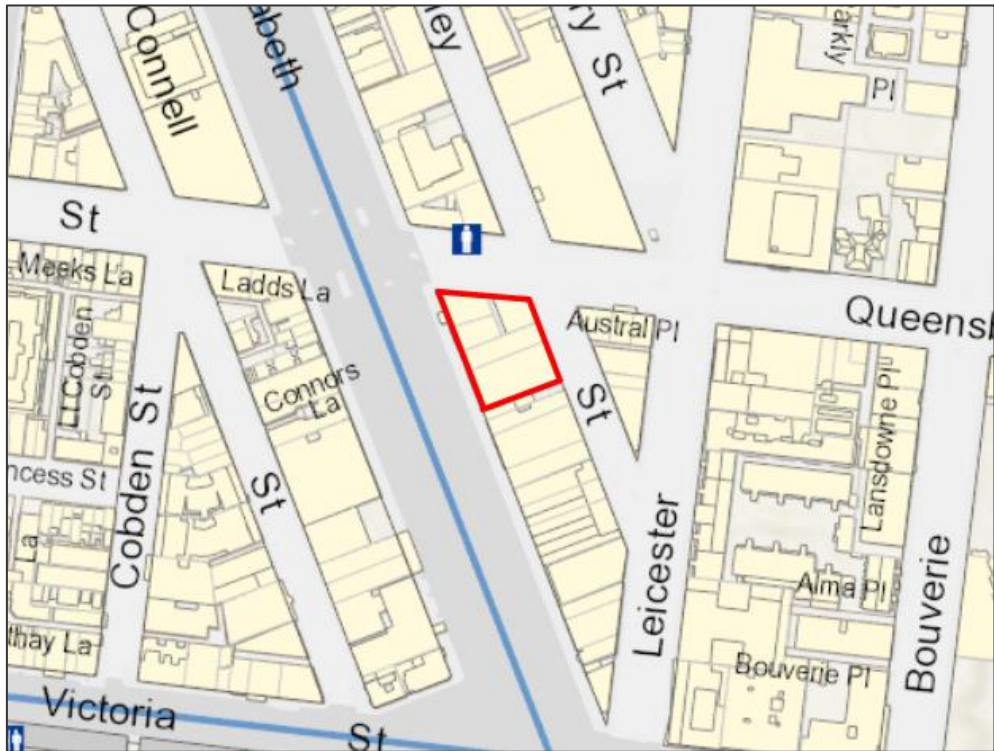


Figure 2: Site Plan (Source: Melbourne City Council Maps <http://maps.melbourne.vic.gov.au/>)



Figure 3: Aerial of subject site and immediate context (Source: Melbourne City Council Maps <http://maps.melbourne.vic.gov.au/>)



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



Figure 5: Subject site from Elizabeth Street (Source: Google Maps)



Figure 6: Subject site from corner of Queensberry and Berkeley Streets (Source: Google Maps)



Figure 7: Subject site from Berkeley Street (Source: Google Maps)

Site Surrounds

10. The site is located within the Parkville National Employment and Innovation Cluster (NEIC). This is an internationally known education, health and biomedical employment hub. Parkville is one of seven NEICs in Melbourne that are to be developed as places with a concentration of linked businesses and institutions providing a major contribution to the Victorian economy.
11. The site is also in close proximity to the Queen Victoria Market, Royal Melbourne and Royal Women's Hospitals, Peter McCallum, Royal Childrens' Hospital, Melbourne University and the future Parkville Metro Railway Station on Grattan Street. The subject site is easily accessed by public transport with tram services along Elizabeth Street, bus routes along Elizabeth Street and Victoria Parade and the Melbourne Central Railway Station is a short tram ride to the south.
12. The surrounding development consists mainly of mixed use developments of a range of heights exhibiting characteristics typical of a CBD fringe location undergoing renewal.
13. Development surrounding the site can be described as follows:
 - To the **north** of the site is Queensberry Street, a four-lane street with single bike lanes in each direction. The street is lined with trees in the median strip and footpaths. On the north east corner of Queensberry and Elizabeth Streets, at 614-616 Elizabeth Street, is a three-storey rendered brick hotel formerly known as the Royal Artillery Hotel built around 1859. It is still being used as a hotel, known as 'The Last Jar'. On the north west corner of Queensberry and Berkeley Streets, at 278-284 Queensberry Street, is a two storey brick factory and warehouse. On the north east corner of Queensberry and Berkeley Streets, at 11 Barry Street, is a four storey brick former warehouse, currently used as office. Further north, on the eastern side of Elizabeth Street, are several mixed use buildings ranging in height from single storey commercial buildings to 11 storey residential buildings with ground floor commercial uses.
 - To the **east** of the site is Berkeley Street, a 15 metre wide road with a single vehicle lane in either direction, parallel parking on both sides and mature trees in the footpaths. On the south east corner of Queensberry and Berkeley Streets, at 265-271 Queensberry Street, is a single storey brick motor vehicle workshop. To the south of this site, at 32 Berkeley Street, is a four-storey brick former warehouse, currently used as dwellings. Further south, at 51 and 63 Leicester Street, are two, two storey brick warehouse buildings, currently used as warehouse and offices.
 - To the **south** of the site, at 580 Elizabeth Street, is a two storey rendered brick shop, currently used as an office and an open car park at the rear. Further south is a mixture of single and two storey brick former warehouse buildings, currently used as office, retail and showrooms. At 540 Elizabeth Street is an eight storey brick office building built in 1989. This part of Elizabeth Street is also within Heritage Overlay 1124.

- To the **west** of the site is Elizabeth Street, a 48 metre wide boulevard with a central tramway, six vehicle lanes, single bike lanes in each direction, central medians with mature trees and parallel parking in each direction. On the south west corner of Queensberry and Elizabeth Streets, at 605-607 Queensberry Street, is a two storey late Victorian rendered brick building, currently used as a medical centre. To the south of this site, at 595, 597, 599 and 601-603 Elizabeth Street, are two building from the 1800s and from the 1980, currently used for retail premises. Further south, at 591-593 and 587-589 Elizabeth Street are eight and 10 storey buildings, respectively. On the north west corner of Queensberry and Elizabeth Streets, at 611-669 Elizabeth Street, is the Stage 1 redevelopment of the former Toyota site, which is currently under construction for a nine storey building for use as retail, motor vehicle sales and education centre. To the north of that site and currently under construction is Stage 2 of the Toyota site, an 18 storey building for use as a research and development centre with ground floor retail.

14. There are a number of developments existing, approved or proposed in the surrounding area as illustrated in the figure below:

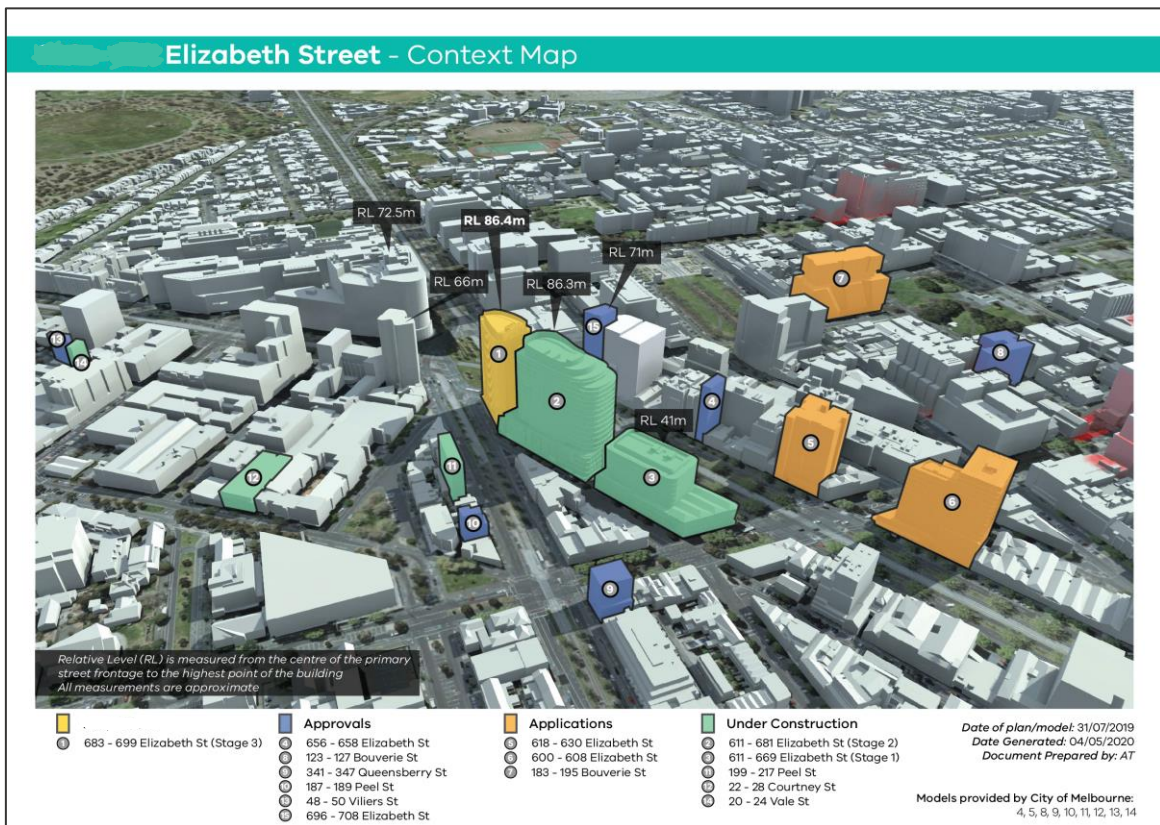


Figure 8: Proposal and approved buildings in the vicinity of the site (Source: DELWP 3D model)

Proposal

Application Plans

15. The application proposes to:
 - partially demolish 594-598 Elizabeth Street with retention of the Elizabeth Street façade;
 - partially demolish 600-608 Elizabeth Street with retention of the Elizabeth Street and Queensberry Street façades, as well as a portion of the eastern return adjacent to the existing laneway.
 - partially demolish 277-283 Queensberry Street with retention of the Queensberry Street and Berkeley Street façades, as well as a portion of the western return wall adjacent to the existing laneway;
 - demolish 582-588 Elizabeth Street;
 - demolish 590-592 Elizabeth Street;
 - construct a three tower form building of 12, 14 and 17 storeys;
 - use the land for retail, supermarket and office (no planning permit required for the uses); and
 - alter access to a Road Zone, Category 1.
16. The applicant has provided a concept image of the proposal:



Figure 9: Concept image of proposal from the north west corner of Elizabeth and Queensberry Streets (Source: Application)



Figure 10: Concept image of proposal from the north east corner of Queensberry and Berkeley Streets (Source: Application)

17. Specific details of the application include:

- Retail (1,084 m² GLRA);
- Supermarket (1,065 m² GLRA);
- Office (18,963 m² NLA);
- 60 car spaces and 10 motorcycle spaces;
- 164 bicycle spaces; and
- Total GFA of 30,270 m².

18. A detailed description of the building envelope is as follows:

- Basement Levels 1-3 are built to the southern boundary, setback from Elizabeth Street 2 metres, setback from Queensberry Street between 2 and 15.41 metres and setback from Berkeley Street 2 metres.
- The Ground Level and Level 1 are generally built to all boundaries with the exception of voids inserted along each of the street frontages, including an indent to the Queensberry Street frontage in place of the current laneway.

- Levels 2-5 are setback 4.27 metres to the edge of the architectural features above the retained heritage buildings along Elizabeth Street, 1.98 metres along the northern half of the Berkeley Street frontage and between 1.98 and 7 metres from the Queensberry Street frontage.
 - Levels 6-11 are setback similar to the levels below, however, increased setbacks are introduced to the southern half of the site with 2 metre setbacks to the edge of the architectural features from the Elizabeth and Berkeley Street frontages.
 - Levels 12-13 are setback similar to the levels below, however, in the north east corner of the site a terrace with pergola over is proposed for Level 12.
 - Levels 14-16 are setback similar to the levels below, with an increased setback from Berkeley Street of 18.3 metres and between 17.54 and 28.15 metres from Queensberry Street. In the north west corner of the site a terrace with pergola over is proposed for Level 14, with Levels 15-16 setback between 28.15 and 38.98 metres from Queensberry Street.
 - The Plant Level is setback 3.5 metres from Level 16 below. The façade materials for the plant level are different to the materials of the tower itself.
 - The building is built to the entire southern boundary with clear glazing.
19. Basement Levels 1-3 include a supermarket, 60 car spaces, 10 motorcycle spaces, 164 bicycle spaces, end of trip facilities, waste storage areas, substation and plant and services.
 20. The Ground Level includes 15 retail tenancies, an 'L' shaped arcade from Elizabeth Street to Queensberry Street, office lobby, access to the basement supermarket, bathrooms, an office, loading bay, waste storage area, vehicle access to basement levels and plant and services. It is proposed to remove all six crossovers to the site and create a new double width crossover to Berkeley Street.
 21. Levels 1-16 are for the office use.
 22. Along Elizabeth Street the podium will have a height of between 9.33 and 9.67 metres (the retained heritage façade) and 19.85 metres (the southern portion of the site). Along Queensberry Street the podium will have a height of between 9.19 and 9.33 metres (the retained heritage façade) and between 9.5 and 9.92 metres (the retained façade of 277-283 Queensberry Street). Along Berkeley Street the podium will have a height of between 9.33 and 10.41 metres (the retained façade of 277-283 Queensberry Street) and 20.72 metres (the southern portion of the site).
 23. A canopy is proposed to wrap around the corner of the retained facades at 594-598 Elizabeth Street and 600-608 Elizabeth Street.
 24. The three tower forms will have a height of 45.52 metres (69.33 m AHD) in the north east corner, with the pergola above, a height of 51.85 metres (76.5 m AHD) in the north west corner, with the pergola above and a height of 63.92 metres (87.7 m AHD) in the southern portion, excluding the plant. The plant has a maximum height of 3.2 metres, measuring 66.52 metres (90.3 m AHD).
 25. Detailed design:
 - The southern tower is constructed with face brickwork, punched clear glazed windows with galvanised spandrels and frames to the street walls (with ground level exposed concrete and glazing as well as vehicle roller doors to Berkeley Street); off-white LouvreClad and clear glazed windows to the tower form; and mesh plant screening.
 - The central break between the southern tower and the north-west tower is constructed with grey tinted glazing.
 - The north-west tower retains the two storey heritage façade and the tower form is constructed with grey LouvreClad and clear glazed windows. Planters, balustrades and a pergola are located at roof level.
 - The central break between the north-west and north-east towers is constructed with grey tinted glazing.

- The north-east tower retains its two storey façade and the tower form is constructed with bronze LouvreClad and clear glazed windows. Planters, balustrades and a pergola are located at roof level.
 - The central break between the north-east and southern towers is constructed with grey tinted glazing.
26. The application is supported by consultant reports including a planning report, urban context report, heritage report, landscape plans, wind tunnel assessment, traffic report, waste management report and a sustainability management plan.

Discussion Plans

27. Discussion plans were received on 18 November 2020 and include the following amendments from the application plans:
- A reduction in the overall height of the building;
 - Various changes to the street wall heights and upper level setbacks;
 - Design detail changes to materials and finishes;
 - Full demolition of 277-283 Queensberry Street (previously retained façade);
 - A reduction of two retail tenancies (from 15 to 13) and with a slight increase in overall retail floor area;
 - A separate supermarket entry off Elizabeth Street; and
 - A wider pedestrian entry off Queensberry Street.
28. A comparison between the application and discussion plans is as follows:

	Application Plans	Discussion Plans
Gross Floor Area (GFA)	30,0270 m ²	25,007 m ²
Retail	1,084 m ² (GLRA)	1,086 m ² (GLRA)
Office	18,963 m ² (NLA)	15,257 m ² (NLA)
Supermarket	1,065 m ² (GLRA)	952 m ² (GLRA)
Car parking spaces	60	60
Motorcycle spaces	10	10
Bicycle spaces	164	150
Total building height	South Tower (17 storeys) Elizabeth Street: 63.05m Berkeley Street: 63.92m North-West Tower (14 Storeys) Elizabeth Street: 51.85m North-East Tower (12 storeys) Berkeley Street: 45.52m	South Tower (14 storeys) Elizabeth Street: 52.25m Berkeley Street: 53.12m North-West Tower (11 Storeys) Elizabeth Street: 41.05m North-East Tower (9 storeys) Berkeley Street: 34.72m
Street wall height	Elizabeth Street South Tower: 19.85m North-West Tower: 9.2m (retained façade) Queensberry Street	Elizabeth Street South Tower: 19.85m North-West Tower: 9.2m (retained façade) Queensberry Street

	North-West Tower: 9.2m (retained façade)	North-West Tower: 9.2m (retained façade)
	North-East Tower: 12.1m (retained façade)	North-East Tower: 16.7m (new façade)
	Berkeley Street	Berkeley Street
	North-East Tower: 10.4m (retained façade)	North-East Tower: 17.1m (new façade)
	South Tower: 20.72m	South Tower: 24.6m
Setbacks above street wall	Elizabeth Street	Elizabeth Street
	South Tower: 2m	South Tower: 2m
	North-West Tower: 4.2m	North-West Tower: 4.2m
	Queensberry Street	(5.1m at Level 2)
	North-West Tower: 4.8m–7m	Queensberry Street
	North-East Tower: 2m–10m	North-West Tower: 4.8m–7m
	Berkeley Street	(6.3 - 8.57m at Level 2)
	North-East Tower: 2m	North-East Tower: 4.2m
	South Tower: 2m	Berkeley Street
		North-East Tower: 2m
		South Tower: 2m

29. The proposal under consideration in this report is based on the discussion plans prepared by Jackson Clements Burrows received on 18 November 2021 with various dates (as detailed above in the background section of the report).

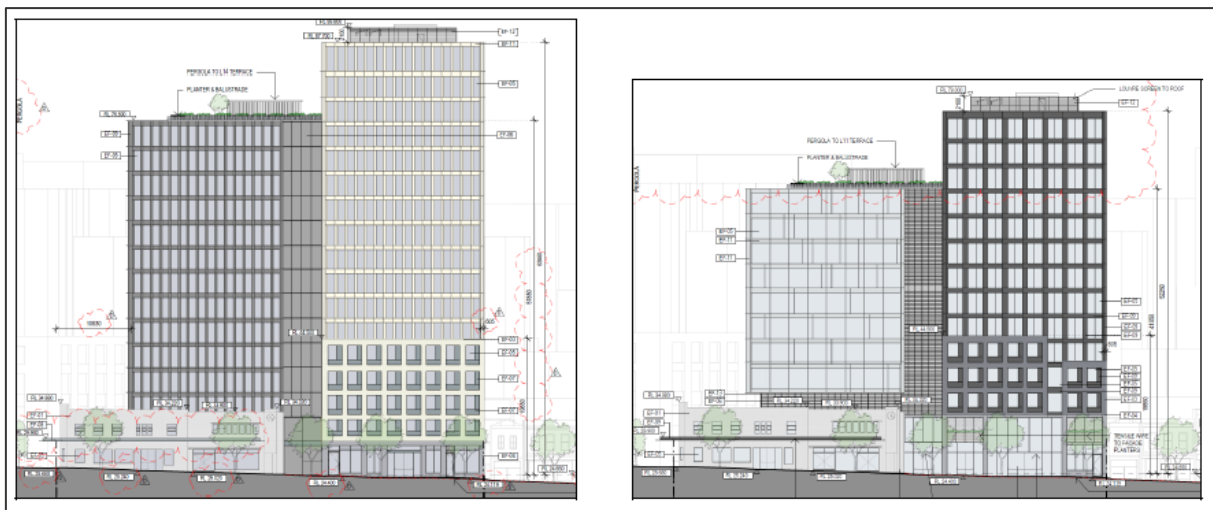


Figure 11: Elizabeth Street (west) Elevation - Application Plans (left) Discussion Plans (right)

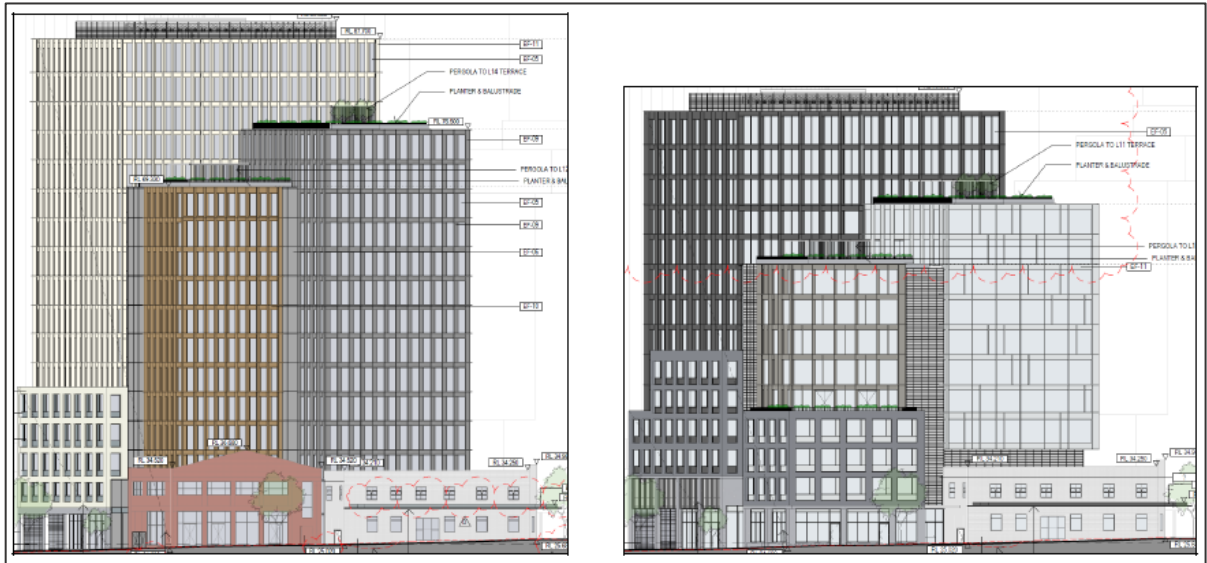


Figure 12: Queensberry Street (north) Elevation - Application Plans (left) Discussion Plans (right)

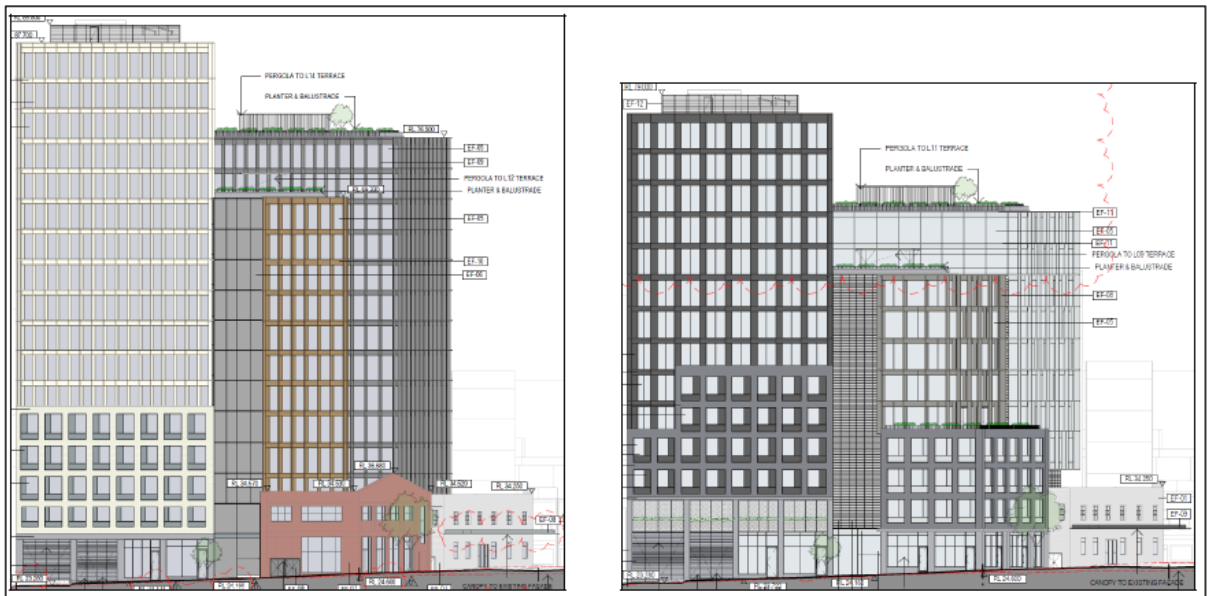


Figure 13: Berkeley Street (east) Elevation - Application Plans (left) Discussion Plans (right)

Planning Policies and Controls

Planning Policy Framework

30. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:
- Clause 11 – Settlement
 - Clause 11.01-1S – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.03-1S – Activity Centres
 - Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
 - Clause 15 – Built Environment and Heritage
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4S – Healthy Neighbourhoods
 - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.02-1S – Energy and Resource Efficiency
 - Clause 15.03-1S – Heritage Conservation
 - Clause 17 – Economic Development
 - Clause 17.01-1S – Diversified Economy
 - Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
 - Clause 17.02-1S – Business
 - Clause 18 – Transport
 - Clause 18.02-1S – Sustainable Personal Transport
 - Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne
 - Clause 18.02-2S – Public Transport
 - Clause 18.02-2R – Principal Public Transport Network
 - Clause 18.02-4S – Car Parking
 - Clause 19 – Infrastructure
 - Clause 19.03-5S – Waste and Resource Recovery
31. For a full outline of the relevant state planning policy for the proposal see Appendix 1.

Local Planning Policy Framework

32. The Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) within Planning Schemes across Victoria outline principal characteristics of a given municipality (municipal profile) and provide specific visions, goals, objectives, strategies and implementation plans.
33. The MSS within the Melbourne Planning Scheme identifies the objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

34. The following clauses are relevant:
- Clause 21.03 (Vision)
 - Clause 21.04 (Settlement)
 - Clause 21.06 (Built Environment and Heritage)
 - Clause 21.08 (Economic Development)
 - Clause 21.09 (Transport)
 - Clause 21.11 (Local Areas)
 - Clause 21.14 (Proposed Urban Renewal Areas)
35. Relevant local planning policies include:
- Clause 22.01 (Urban Design within the Capital City Zone)
 - Clause 22.04 (Heritage Places in the Capital City Zone)
 - Clause 22.19 (Energy, Water and Waste Efficiency)
 - Clause 22.23 (Stormwater Management)
36. For a full outline of the relevant local planning policy for the proposal see Appendix 1.

Statutory Planning Controls

37. A planning permit is triggered for the proposal pursuant to the following:

Capital City Zone – Schedule 5 (Clause 37.04)

38. Pursuant to Clause 37.04-1 a permit is not required to use the land for retail and office.
39. Pursuant to Clause 37.04-4 a permit is required to demolish or remove a building and to construct a building or construct or carry out works.

Heritage Overlay 1124 (Clause 43.01)

40. Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building and to construct a building or construct or carry out works.

Design and Development Overlay – Schedule 61 (Clause 43.02)

41. Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works.
42. Schedule 61 to the overlay includes a number of design requirements which are detailed at Appendix 2.

Parking Overlay - Schedule 1 (Clause 45.09)

43. Pursuant to Clause 45.09-3 a permit is required to provide more than the maximum parking provision specified in the schedule.
44. The Parking Overlay requires a maximum of 87 car spaces and the proposal provides 60 car spaces. Accordingly, a permit is not required under this overlay.
45. Pursuant to Clause 3.0 of Schedule 1 to the overlay, all buildings that provide car parking must provide motorcycle parking at a minimum rate of 1 motorcycle parking space for every 100 car parking spaces. The proposal provides 10 motorcycle spaces, which exceeds the minimum requirement.

Car Parking (Clause 52.06)

46. Pursuant to Clause 52.06-3 a permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. The Parking Overlay requires a maximum of 87 car

spaces and the proposal provides 60 car spaces. Accordingly, a permit is not required under this overlay.

47. Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road (Clause 52.29)

48. Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Road Zone, Category 1.

Bicycle Parking (Clause 52.34)

49. Pursuant to Clause 52.34-2 a permit may be granted to vary, reduce or waive the bicycle requirements. The proposal triggers a requirement for a minimum of 72 bicycle spaces. The proposal provides 150 bicycle parking spaces and therefore does not require a permit under Clause 52.34.
50. For a full description of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal see Appendix 2.

Plan Melbourne

51. Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017) outlines the long term plan to manage growth in the city and suburbs to the year 2050. It seeks to integrate long term land use, infrastructure and transport planning, and in doing so, meet the city's future environmental, population, housing and employment needs. The following are relevant:
- Direction 1.1: Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.
 - Policy 1.1.1: Support the central city to become Australia's largest commercial and residential center by 2050.
 - Policy 1.1.2: Plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.
 - Policy 1.1.3: Facilitate the development of national employment and innovation clusters.
 - Direction 4.3: Achieve and promote design excellence.
 - Policy 4.3.1: Promote urban design excellence in every aspect of the built environment.
 - Direction 4.4: Respect Melbourne's heritage as we build for the future.
 - Policy 4.4.1: Recognise the value of heritage when managing growth and change.
 - Policy 4.4.3: Stimulate economic growth through heritage conservation. Promote urban design excellence in every aspect of the built environment.
 - Direction 6.1: Transition to a low-carbon city to enable Victoria to achieve its target of new zero greenhouse gas emission by 2050.
 - Policy 6.1.1: Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.

Referrals and Notice

52. The application was referred to the following groups:

Referral/ Notice	Provision/ Clause	Organisation	Response Received (date)
<i>Section 55 Referral – Determining</i>	52.29 66.02-11	VicRoads/Department of Transport Transport for Victoria/Department of Transport	No response No response
<i>Section 52 Notice</i>	52(1)(b)	Melbourne City Council	4 March 2021
<i>Internal Referral</i>	N/A	DELWP Design	21 April 2020

VicRoads/Department of Transport

53. No response was received from VicRoads/Department of Transport regarding this application (letter sent to VicRoads/Department of Transport dated 6 April 2020).
54. It is noted that VicRoads/Department of Transport did provide a response to the council when they referred their application and they advised that they did not object to the application, subject to conditions regarding entering into an agreement for the projections over Elizabeth Street and that all disused and redundant crossings along Elizabeth Street must be removed (letter to the council dated 31 May 2019). In the absence of any further comments from VicRoads/Department of Transport regarding the current application, the conditions included in their letter dated 31 May 2019 will be included on any permit to issue.

Transport for Victoria/Department of Transport

55. No response was received from Transport for Victoria regarding this application (letter sent to Transport for Victoria dated 6 April 2020).
56. It is noted that Transport for Victoria did provide a response to the council when they referred their application and they advised that they did not object to the application (letter to the council dated 4 March 2019).

Melbourne City Council

57. The Melbourne City Council considered the application at their Future Melbourne Committee on 2 March 2021 and resolved to not object to the application, subject to conditions detailed in their officer report, with the following additional requirements:
- 1.1 *Retention of the Elizabeth street frontage of the contributory graded heritage building at 592 Elizabeth St, with the corresponding ground floor restructuring and an increased upper level setback including retention of the corresponding southern return wall to 594-598 Elizabeth St so as to avoid 'facadism'.*
 - 1.2 *Submission and approval of a Façade Strategy, to confirm and further emphasise the articulation of the upper levels as separate volumes of distinct architectural character.*
58. A number of the council's conditions have been amended, deleted and/or strengthened at the request of the applicant and further refined by DELWP officers.

DELWP Design

59. DELWP Design reviewed the application (RFI plans and documents) and provided the following comments (summarised):
- The proposed overall height of the building is challenging given the existing and potential future context. The overall height at 22 metres above the 40 metre discretionary height is inappropriate for its context.

- The 20 metre podium to Elizabeth and Berkeley Street façade of the new section of the building is out of scale with the predominant parapet heights of the adjacent buildings. The upper level setbacks at 2 metres, does not give the sense of a podium/tower, differentiate the forms, or provide an appropriate response to the fabric below.
 - The angular setbacks to the existing buildings on-site feel jarring and stilted, and non-responsive to the existing fabric below.
 - The building façades could be made visually lighter and potentially differentiated in language, in addition to having increased setbacks.
 - The Queensberry St entry is narrow, blank-sided and has little visual prominence as one of two major entry points into the development. It is potentially not wide enough to create an inviting and welcoming space.
 - The main entry to the corridor and supermarket below lacks a sense of identity.
 - The L-shaped corridor at ground floor is not supported. Clear viewlines through the building should be provided, rather than views terminating in either a blank wall or a retail pod.
 - The entry to one of the retail units on Elizabeth St appears to fail the wind comfort criteria.
60. These matters, where applicable, are addressed in the assessment section of this report.

Notification

61. The application **is exempt** from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- a. Pursuant to Schedule 5 of the Capital City Zone: an application to construct a building or construct or carry out works and demolish or remove a building or works.
 - b. Pursuant to Schedule 61 of the Design and Development Overlay: construct a building or construct or carry out works.
 - c. Pursuant to Clause 52.29-5: any application.
62. The application **is not exempt** from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provision:
- a. Pursuant to the Heritage Overlay: demolish or remove a building and construct a building or construct and carry out works.
63. As such, notice of the application was given in accordance with Section 52 of the Act. Notice was given by the display of signs on the site and letters to adjoining owners and occupiers. This was carried out by the applicant in April and May 2020 for 28 days and a statutory declaration returned on 18 June 2020.
64. One objection was received during this notice period from the hotel on the northern side of Queensberry Street. The objection was in relation to use of any part of the site for liquor sales.
65. This objector was advised that their concerns cannot be considered as an objection under Section 57 (2A) and (2B) of the *Planning and Environment Act 1987*, which states:
- (2A) The responsible authority may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.*
- (2B) If an objection has been rejected under subsection (2A) this Act applies as if the objection had not been made.*
66. Further, as the application was only advertised due to the Heritage Overlay and as the bottle shop shown on the plans is a section 1 use – no permit required, this objection is not valid.

67. In addition, one objection was received when the council application was advertised (and will be considered as part of this transferred application to DELWP). This objection was from the adjoining owner of the building to the south and is summarised as follows:
- The proposal includes a southern wall built to the common boundary, which could affect the potential redevelopment of the adjoining land.
68. As the council was also given notice of the application and not all of their conditions will be included on any permit to issue, they will also be considered an objector.

Assessment

Key Policy Issues

Planning Policies

69. The proposal is considered to respond appropriately to the relevant planning policies by providing a commercial (employment) use on the land close to public transport and the Parkville National Employment and Innovation Cluster (NEIC).
70. The proposal will:
- introduce an office use that will support the strategic location of the site;
 - retain and reuse part of most of the existing heritage buildings on the site;
 - introduce a new built form into the streetscape that has a height, scale and massing that responds to its emerging urban context; and
 - provide a pleasant pedestrian experience, including a through block arcade, with active frontages that will provide surveillance and safety for pedestrians.
71. In addition, the proposal is considered to respond to the PFF as it provides visually interesting, good quality architecture and urban design which will contribute to the emerging character of the City North urban renewal area and make a positive contribution to the public realm.

Municipal Strategic Statement (MSS)

72. Clause 21.02 recognises that the City of Melbourne is the premiere location for many of the State's economic, infrastructure and cultural facilities in the Central City.
73. Clause 21.03 recognises the diverse roles of the city and local areas and their important contribution to the economic prosperity of the state. The proposed development responds to this by facilitating a mixed use development with a significant office offering with excellent access to public transport.
74. The proposal responds to Clause 21.14-1 (City North) through:
- providing an office use in a location that is strategically located between the CBD, key universities in the knowledge precinct in the south area of Parkville and the Parkville NEIC.

Local Policies

75. The proposal is considered to respond appropriately to a number of relevant local planning policies as follows:
- The proposal is sited and designed to respond to the physical constraints of the site and is responsive to its urban context which includes mid rise tower developments in the vicinity of Elizabeth Street (Clause 22.01).
 - The proposal responds appropriately to Clause 22.05, Heritage Places outside the Capital City Zone, by conserving and reusing parts of most of the existing heritage buildings on the site. The extent of demolition and alterations to existing buildings within the heritage precinct overlay (HO1124) is considered to be complementary to the heritage character of the area.
 - The proposal responds appropriately to Clause 22.19, Energy, Water and Waste Efficiency with the submitted Sustainability Management Plan prepared by WRAP Engineering and dated 19 December 2019. Some minor amendments are required to the SMP to respond to modifications required by conditions.
 - The proposal responds appropriately to Clause 22.23, Stormwater Management (Water Sensitive Urban Design) with the submitted Sustainability Management Plan prepared by WRAP Engineering and dated 19 December 2019.

Land Use and Built Form Issues

Land Use

76. A permit is not required for use of the site for retail and office.
77. The purpose of the zone has been considered and it is noted that the proposed uses are consistent with the mixed use activity encouraged in the City North precinct. Furthermore, the office use is consistent with the site's location in proximity to the NEIC, including the Melbourne Biomedical Precinct which extends from East Melbourne, Parkville, Carlton, North Melbourne and Royal Park and is made up of over 40 institutions including hospitals, medical research institutes, biotechnology organisations and universities.
78. The land uses and the redevelopment of the site are not in contention. The key issues in this application relate to the response to the heritage buildings on site, the design and built form of the tower and ground level activation. These matters are discussed further below.

Heritage

79. Clause 22.04 (Heritage Places in the Capital City Zone) is divided into two parts. Part A applies to properties categorized significant, contributory or non-contributory in an incorporated document to the Melbourne Planning Scheme. Part B applies to properties graded A to D within the *Heritage Places Inventory February 2020 Part B*, and those properties within the municipality of Melbourne that are referred to in the *Central City Heritage Study Review, 1993* and not categorised significant or contributory by an incorporated document to the Planning Scheme.
80. Part A applies to 582-588 Elizabeth Street, Melbourne (rear) and 590-592 Elizabeth Street, Melbourne that are identified as 'contributory' buildings and 594-598 Elizabeth Street, Melbourne that is identified as a 'significant' building in the Incorporated Document titled '*Heritage Places Inventory February 2020 Part A (Amended July 2020)*'.
81. Part B applies to 600-608 Elizabeth Street, Melbourne that is identified as a 'C graded' building in the Incorporated Document titled '*Heritage Places Inventory February 2020 Part B*'.
82. Clause 22.04 and Clause 43.01 (Heritage Overlay) seek to conserve and enhance all heritage places, ensure new development is respectful of heritage places, discourage facadism and encourage adaptive reuse of heritage places.

Demolition

83. The proposal seeks to demolish the two contributory buildings at 582-588 Elizabeth Street and 590-592 Elizabeth Street, noting that the contributory grading of 582-588 Elizabeth Street is the Berkeley Street portion of the building. The council officers support the demolition of these contributory buildings given the overarching strategic vision for City North, which seeks to encourage and deliver increased density, the existing unsympathetic presentation of these buildings to both streets, and the ground floor programming of the proposed development.
84. At the Future Melbourne Committee meeting, the council recommended the following additional requirements:
 - 1.1 *Retention of the Elizabeth street frontage of the contributory graded heritage building at 592 Elizabeth St, with the corresponding ground floor restructuring and an increased upper level setback including retention of the corresponding southern return wall to 594-598 Elizabeth St so as to avoid 'facadism'.*
 - 1.2 *Submission and approval of a Façade Strategy, to confirm and further emphasise the articulation of the upper levels as separate volumes of distinct architectural character.*
85. To address point 1.1, the applicant submitted a sketch to show how the retention of the façade of 592 Elizabeth Street could be integrated with the overall design (see Figure below).

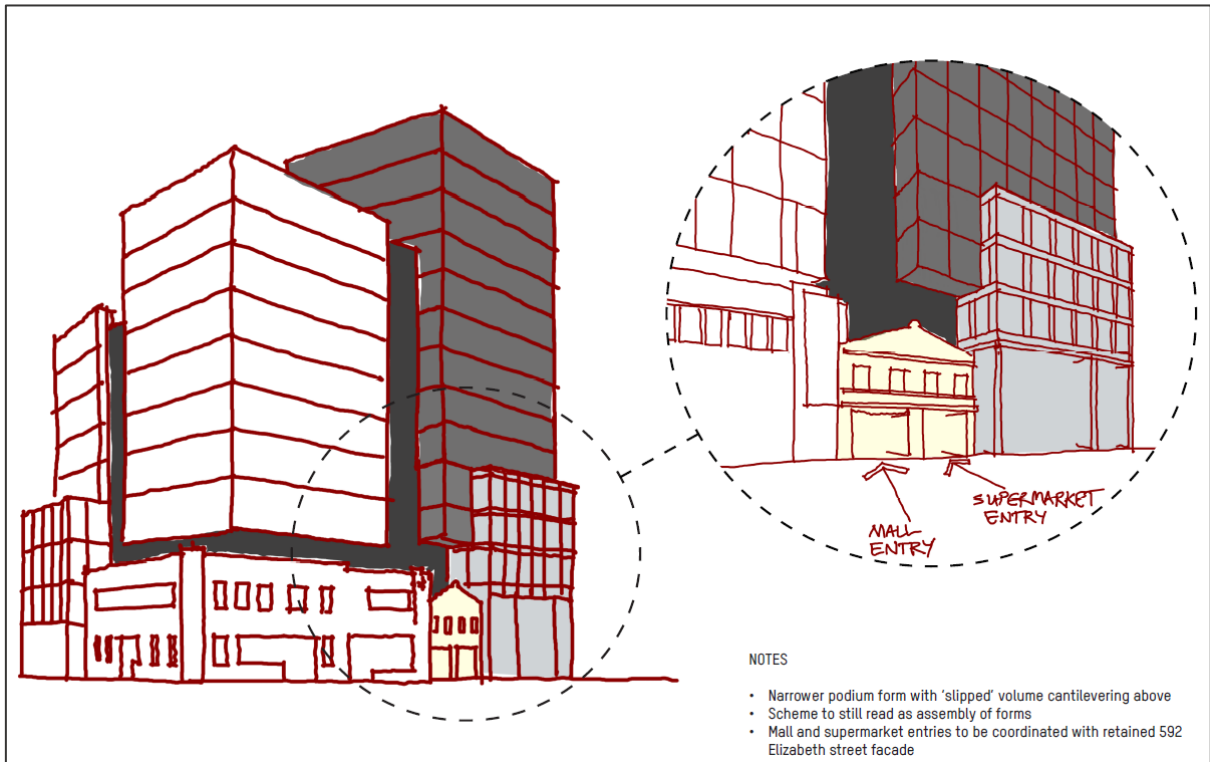


Figure 14: Sketch to show retention of facade of 592 Elizabeth Street (Source: Applicant)

It is considered that the retention of the façade of the contributory building at 592 Elizabeth Street can be integrated into the design and programming of the proposal and will retain the Elizabeth Street heritage facades. A condition will be included on any permit to issue requiring the proposal to retain the façade and setback the upper levels generally in accordance with this sketch, including the retention of the southern return wall and to provide details of the soffit of the overhanging element.

86. The proposal also seeks partial demolition of 594-598 Elizabeth Street and 600-608 Elizabeth Street. The facades of these buildings, including the return wall along the north of 600-608 Elizabeth Street, are proposed to be retained. The council supports the extent of demolition of these buildings as the tower forms behind are setback further from the facades, the design detail is of high quality and the building program offers a net benefit and a balanced outcome on the site, consistent with heritage policy.
87. Full demolition is also proposed for 277-283 Queensberry Street. The council supports demolition of this building as it is not covered by a Heritage Overlay and the building has no heritage value.
88. It is considered that the extent of proposed demolition of buildings on the site is justified given the gradings of the buildings, the extent of retention, and balancing this with the envisaged development growth in the City North renewal precinct.

Building Height and Setbacks

Height

89. The application seeks approval for the construction of a 14 storey building to a height of 52.25 metres (76.9m AHD), excluding the plant and 55.1 metres (79m AHD) including the plant. The height of the building is measured from the centre of the Elizabeth Street frontage at 24.65m AHD. The Design and Development Overlay, Schedule 61 (DDO61) provides the preferred built form outcomes for this site. The site is located within Area 4.1.
90. In accordance with DDO61, all buildings and works requiring a permit should:

- *be constructed in accordance with the 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; and*
 - *meet the Design Objectives and Design Requirements as set out in Table 2 of this Schedule.*
91. For Area 4.1, Table 1 identifies a preferred maximum building height of 40 metres and a preferred street edge height to buildings fronting Queensberry and Berkeley Streets of 24 metres, with any part of the building above 20 metres to be setback 6 metres from the street. For Elizabeth Street, a 40 metre street edge height is preferred, with any part of the building above 40 metres setback 6 metres.
92. For any application that exceeds the preferred maximum building height, the following built form outcomes should be achieved:
- *Development that:*
 - *Reinforces Elizabeth Street as a civic spine and facilitates the enhancement of its landscape character.*
 - *Creates stronger definition to the streetscape.*
 - *Complements the existing character established by the university, research and medical buildings.*
 - *Ensures sunlight reaches the lower floors of new developments.*
 - *Facilitates an integrated built form on both sides of the 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.*
93. The overall height of 53 metres does not comply with the preferred building height of 40 metres for this site. The original application proposed three building forms measuring 64 metres (17 storeys), 52 metres (14 storeys) and 45 metres (12 storeys). The discussion plans have reduced the height of the building by three storeys to now show three forms that measure 53 metres (14 storeys), 41 metres (11 storeys) and 35 metres (9 storeys).
94. The proposed height of the building is guided by the site's context and reinforces Elizabeth Street as a civic spine. The proposed non-accommodation use is highly desirable in this strategic location within the CCZ5 and the Parkville NEIC. This cluster seeks a concentration of educational, research and medical uses as part of an internationally renowned knowledge precinct, which the office use will contribute to.
95. While the height of the building (in part) exceeds the preferred height by 13 metres, the three-sided corner location of the site allows for a varied response to each street. The three tower forms average slightly greater than 40 metres (43 metre average), respond to the design objectives that encourage mid-scale of 6-15 storeys, and support increased density and diversity of development along Elizabeth Street.
96. The council supports the massing strategy, being the adoption of three distinct massing components, and acknowledges that some additional height above 40 metres can be accommodated at this location as it provides a transition between the 60 metre preferred height to the north in the Haymarket precinct and the lower scale built form to the south towards the Queen Victoria Market.
97. The proposed height is also considered reasonable given the recently constructed and approved buildings in the surrounding area. These include the landmark 13 storey Victoria Comprehensive Cancer Centre (72.5m) at 301-327 Grattan Street, the 22 storey student accommodation building (66m) at 1-3 Flemington Road, the 20 storey residential building (71m) at 696-708 Elizabeth Street, the nine storey mixed use building (40m) at 611-669 Elizabeth Street (north west corner of Elizabeth

and Queensberry Streets) and the 18 storey CSL building (86.3m) at 611-681 Elizabeth Street. The proposed building height supports the objectives of DDO61 which encourage increased densities and a diversity of uses along the tram corridors.

98. The increase in height above the preferred height is considered acceptable as shadows cast by a compliant lower building of 40 metres would still overshadow the adjoining footpath along Elizabeth Street, albeit the shadows would be for a reduced area but would still extend over the footpaths between 11am and 1pm at the equinox.
99. For the reasons set out above, it is considered that the proposed modulated height of the tower can be supported having regard to the emerging urban context and its corner location within the City North urban renewal precinct.

Street edge and setbacks

Elizabeth Street

100. Under DDO61, Elizabeth Street has a preferred 40 metre street edge with any part of the building above 40 metres to be setback 6 metres.
101. The proposed street edge along Elizabeth Street is 19.85 metres (the southern building) and 9.2 metres (the retained heritage façade on the corner of Queensberry Street). The setbacks above the proposed street edge are 2 metres (above the southern building) and 4.2 metres (above the retained heritage façade), noting that Level 2 is setback 5.2 metres.
102. The 2 metre setback to the southern tower along Elizabeth Street is a 4 metre departure from the DDO control (6 metres). However, the street edge is well below the preferred 40 metres (proposed 20.4 metres). The proposed street edge is considered an appropriate response to the retained heritage façade to the north and the low scale buildings to the south of the site. The varied architectural expression between the street edge and the 'tower' above assists in the distinction between the two forms.
103. The 4.2 metre setback to the north-west tower along Elizabeth Street is less than the discretionary 6 metre DDO control (6 metres). However, as the heritage buildings are to be retained as the low scale street edge, it is considered that a more appropriate heritage response is required to the tower setback. The council has suggested a minimum 5 metre setback is more appropriate and would allow a greater appreciation of a 3D form at this corner interface and a graduation from the 2 metres setback to the tower to the south. Further, it would also be more consistent with the 5.1 metre setback to 'break' between the north-west and south building forms. The council's additional setback requirements for the north-west tower is considered acceptable and should be included as a condition on any permit to issue.

Queensberry Street

104. Under DDO61, Queensberry Street has a preferred 24 metre street edge, with any part of the building above 20 metres to be setback 6 metres.
105. The proposed street edge along Queensberry Street is 9.2 metres (the retained heritage façade on the corner of Elizabeth Street) and 16.7 metres (the north-east building). The setbacks above the proposed street edge are between 4.8 – 7 metres (above the retained heritage façade), noting that Level 2 is setback between 6.3 – 8.57 metres, and 4.2 metres (above the north-east building).
106. The 4.2 metre setback to the north-east tower is considered a reasonable response to the streetscape having regard to the low street edge height (16.7 metres) and the lower overall building height (34.72 metres), which is less than the preferred maximum building height for the site (40 metres).
107. The 4.8 – 7 metre setback to the north-west tower is considered reasonable, especially given that the DDO61 discretionary setback of 6 metres is exceeded at the corner of Queensberry and Elizabeth Street, allowing for the heritage building to be retained in a 3D form. Given the width of Queensberry Street, the relationship with the retained heritage building and the setback to the adjoining north-east tower, the 4.8 – 7 metre setback is considered acceptable.

Berkeley Street

108. Under DDO61, Berkeley Street has a preferred 24 metre street edge, with any part of the building above 20 metres to be setback 6 metres.
109. The proposed street edge along Berkeley Street is 17.1 metres (the north-east building) and 24.6 metres (the south building). The setbacks above the proposed street edge are 2 metres to both of the towers.
110. The 2 metre setback to the north-east tower is considered a reasonable response to the streetscape having regard to the low street edge height (17.1 metres) and the lower overall building height (34.72 metres), which is less than the preferred maximum building height for the site (40 metres).
111. The 2 metre setback to the southern tower along Berkeley Street is a 4 metre departure from the DDO control (6 metres). However, the street edge is well below the preferred 40 metres (proposed 24.6 metres). The council recommends that this setback be increased to 5 metres given that the building behind measures 53 metres in height (13 metres above the preferred DDO height), that Berkeley Street has a low-scale character and that a two storey contributory building is proposed to be demolished from this part of the site.
112. It is considered that the proposed 2 metre setback is appropriate for this part of the site. The setback will be consistent with the north-east tower and will be separated by a 'break' in the elevation. The setback is consistent with similar approvals along Berkeley Street, north of Queensberry Street which include high street edges with minimal upper level setbacks. The varied architectural expression between the street edge and the 'tower' above will assist in providing a distinction between the two forms. In addition, the reduced setback will not impact on any overshadowing of the public realm or building opposite Berkeley Street, given that the 2.00 pm equinox shadows fall to the property directly to the south.

Interface with southern boundary

113. The proposed southern building is built to the boundary for the street edge and the tower. The southern boundary wall is 52.25 metres in height and includes a mix of glazing and solid framing to provide interest and avoid a blank wall. It is noted that the office floor plates do not rely solely on daylight from the south and as such, the windows could be blocked up should the site(s) to the south be developed in the future. The council has recommended, and it is agreed, that a condition be included on any permit to issue requiring a section 173 agreement be entered into between the applicant and the council to ensure that the windows are removed if and when the adjoining property is potentially developed. This should also address the objector's concerns.

Architectural expression

114. The development incorporates a traditional podium tower typology, with the retained heritage buildings setting the podium height and new podiums informed by the preferred 40 metre street wall height for Elizabeth Street and the preferred 24 metre street wall for the other two streets. The three distinct massing components of the tower above is considered an appropriate design response to the corner location within a varied scale of streetscape and urban context.
115. While the council supports the reduction in height of the building from the application plans to the discussion plans, they note that there is also a loss of cohesion between building forms. The council's urban design team states that: *'the previous iteration had featured three distinct street wall elements with a strong vertical integration with its corresponding 'tower' components. There was a clear expression of the upper forms 'belonging' to its respective street wall and a strong sense of solidity within the street wall to ground the development as a whole. The revised approach more closely resembles a patchwork of different façade expressions with no clear sense of visual cohesion between the lower and upper components'*.

116. The council has suggested, and it is agreed, that a Façade Strategy should be submitted via a condition on any permit to issue to improve on the architectural expression of the building by providing stronger solid framing elements, including street level solid framing of all openings, to reflect the degree of solidity and framing of all upper levels and maintain differentiation of volumes of the upper and lower levels.
117. In addition, the council sought to refine the requirements of the Façade Strategy by seeking confirmation and further emphasis of the articulation of the upper levels as separate volumes of distinct architectural character.
118. It is considered that these modifications will be an improvement to the proposal and elevate the design response. These conditions are considered reasonable and will be included on any permit to issue.

DDO61 – Table 2

119. Table 2 of DDO61 sets out design requirements for building heights, scale and setbacks; building facades and street frontage; active and safe street frontages; provision of public spaces; sunlight to public spaces; pedestrian links; and weather protection. An assessment against these requirements is provided below.

Design Objective	Design Requirement	Assessment
<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 to exposed 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 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</p>	<p>Deliver a scale of development at the street edge in accordance with Table 1 in 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>On corner sites where two different street edge heights are nominated, buildings should "turn the corner" and apply the higher street edge and transition to the lower nominated street edge height.</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><i>The proposed building height is considered acceptable on this corner location, within the streetscape and the surrounding urban context. The building height provides an acceptable transition between the 60 metre preferred height to the north in the Haymarket precinct and the lower scale built form to the south towards the Queen Victoria Market and responds to a large extent to the discretionary 40m height for the site.</i></p> <p><i>The lower levels of the proposed building are constructed to the street boundaries of the site.</i></p> <p><i>The varying setbacks of upper levels above the proposed street wall heights, coupled with the distinction in architectural expression, will provide an appropriate massing response.</i></p> <p><i>The site is located on the corner of Elizabeth and Queensberry Streets where there are two different street edge heights. Given that the existing heritage building will be retained, this sets the street edge height for the corner.</i></p> <p><i>All of the ground floor retail tenancies and lobbies</i></p>

Design Objective	Design Requirement	Assessment
range of alternate uses.		<i>provide floor to floor heights of 5.0 metres. The floor to floor heights of the levels above are 3.6 metres. These internal heights/levels are considered acceptable.</i>
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>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 buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.</p>	<p><i>The proposed development respects the character, height, scale, rhythm and proportions of the retained heritage buildings on site.</i></p> <p><i>The new street edge along Elizabeth Street provides an acceptable transition in scale down to the heritage buildings to the south of the site. The street edge is double the height of the existing two storey building to the south, which is considered to be a more appropriate relationship, rather than 40 metres, which is the preferred built form outcome.</i></p> <p><i>The proposed development retains the low scale heritage street walls along Elizabeth Street (with the exception of 582-590 Elizabeth Street) and along Queensberry Street, rather than the 40 and 24 metre street wall heights applicable to the site.</i></p>
Building Facades and Street Frontages		
<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><i>The proposed development retains part (largely facades and some return walls) of the existing heritage buildings on site. The council has requested further resolution of the building's façade design through the submission of a Façade Strategy to ensure that façade details are enhanced and strengthened.</i></p> <p><i>The proposed development includes multiple entrances to the various retail tenancies on all street frontages, the through block arcade, the supermarket entry and the office lobby, which will improve the activation of all street frontages.</i></p> <p><i>The southern wall on the boundary will include glazing</i></p>

Design Objective	Design Requirement	Assessment
	<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><i>and solid framing to provide visual interest and avoid a blank wall. As the office floor plates do not rely solely on daylight from the south elevation, the windows could be blocked up as required should the site to the south be developed.</i></p> <p><i>Plant and services have been appropriately located along the Queensberry Street and Berkeley Street frontages to maximise the activation of all streets.</i></p> <p><i>A canopy is proposed to wrap around the corner of the retained façades at 594-598 Elizabeth Street and 600-608 Elizabeth Street. As per Council's Road Encroachment Guidelines, the canopy provides a clearance in excess of 2.7 metres from the footpath surface (minimum 3.79 metres), however, the setback from the edge of the kerb should be confirmed at a minimum 750mm and included as a condition on any permit to issue.</i></p>
Active and Safe Street Frontages		
<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><i>The ground floor frontages will contribute to pedestrian safety by providing lighting and activity to all street frontages.</i></p> <p><i>All levels will provide windows to the three street frontages, including some levels with terraces fronting all streets.</i></p> <p><i>Access to car parking and service areas, including the loading bay and bicycle parking, will be via Berkeley Street, which is the less trafficked pedestrian frontage.</i></p> <p><i>Car parking is provided within the three basement levels, with access from Berkeley Street, and does not occupy more than 20% of the length of the street frontage. However, it is noted that the loading bay and other services are located adjacent</i></p>

Design Objective	Design Requirement	Assessment
		<p>to the car park entry.</p> <p>The façades at ground level do not include any alcove or spaces that cannot be observed by pedestrians.</p>
<p>To provide continuity of ground floor shops and food and drink premises in proposed activity nodes.</p>	<p>Buildings with ground-level street frontages along Royal Parade at the Haymarket area and Victoria Street as shown on Map 1 should contribute to the appearance and support the proposed retail function of the area 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 frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises. ▪ Clear glazing (security grilles should be transparent) 	<p>Not applicable.</p> <p>The Elizabeth Street and Queensberry Street frontages are identified as 'major pedestrian areas' rather than 'proposed activity nodes'.</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 activities, which provide pedestrian interest or interaction. ▪ Clear glazing (security grilles must be transparent). 	<p>The ground level frontage to Elizabeth Street and Queensberry Street presents an attractive pedestrian orientated frontage with retail tenancies, through block arcade, supermarket entry and office lobby. Along the entire Elizabeth Street frontage is either an entry or display window. Along the Queensberry Street frontage, with the exception of the meter cupboards, is either an entry or display window.</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>The proposal includes a publicly accessible 4.8 metre wide covered through block arcade that is also accessible via the retail tenancies adjoining it and the office lobby.</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>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</p>	<p>The orientation of the site ensures that the proposed shadowing to Elizabeth Street (major pedestrian route) will not unreasonably impact on its use as a major</p>

Design Objective	Design Requirement	Assessment
<p>To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.</p>	<p>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><i>pedestrian route.</i></p> <p><i>Shadow diagrams are assessed later in the report.</i></p>
Pedestrian Links		
<p>To encourage the creation of new lanes and connections, particularly in locations where block lengths exceed 100m.</p> <p>To ensure new laneways are aligned to respect the street pattern;</p> <p>To ensure new laneways integrate with the pattern of development of adjacent areas,</p> <p>To accommodate vehicular and service access to developments.</p>	<p>Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200metres in length at least two connections should be provided.</p> <p>Connections should be located towards the centre of the street block, no more than 70 metres from the next intersection or pedestrian connection.</p> <p>Where a development site is suitably located for a pedestrian connection but does not exceed the full depth of the block, the development should include a connection which would be completed when a connection is provided through the adjoining site.</p> <p>Where a development site has the potential to achieve a through block connection by extending an existing or proposed connection on an adjoining site, the new development should provide for the completion of the through block connection.</p> <p>Development should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through City North.</p> <p>Bluestone lanes, kerbs and guttering within heritage precincts must be retained, and should also be retained outside heritage precincts.</p> <p>Laneway design and character</p> <p>Developments should provide pedestrian connections which are:</p> <ul style="list-style-type: none"> ▪ Safe, direct, attractive and which provide a line of sight from one end of the connection to another. 	<p><i>A new minimum 4.8 metre wide covered through block arcade is proposed in a L shape from Elizabeth Street through to Queensberry Street. The arcade is proposed 35 metres south of Queensberry Street, along the Elizabeth Street frontage.</i></p> <p><i>The covered through block arcade aligns with the existing bluestone laneway that extends south from Queensberry Street.</i></p> <p><i>The covered through block arcade will be flanked by active uses.</i></p>

Design Objective	Design Requirement	Assessment
	<ul style="list-style-type: none"> ▪ Publicly accessible. ▪ At least 3-6 metres wide. ▪ Open to the sky or if enclosed at 7.6 metres. ▪ Flanked by active frontages. <p>Existing lanes should not be covered.</p> <p>The pedestrian amenity of lanes which are primarily used for servicing and car parking, should be improved through the use of materials, lighting and designated areas for pedestrians and vehicles.</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>	
Weather Protection		
<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; 	<p><i>The Elizabeth Street and Queensberry Street frontages are identified as 'major pedestrian areas' and the Berkeley Street frontage is identified as 'all other streets' on Map 1.</i></p> <p><i>A wind report prepared by Windtech dated 18 February 2020 accompanied the application and notes that at two locations (on the corner of Elizabeth Street / Queensberry Street and along Elizabeth Street), the safety and comfort criteria would not be met. However, with the inclusion of a canopy as proposed on both the original plans and discussion plans, it is expected that the wind conditions would ensure that pedestrian safety and comfort would be met.</i></p> <p><i>It is noted, although the discussion plans propose a lower building height and limited ground level changes,</i></p>

Design Objective	Design Requirement	Assessment
	<ul style="list-style-type: none"> ▪ 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><i>an amended wind report should be submitted, demonstrating that no further wind mitigation strategies are needed, and included as a condition on any permit to issue.</i></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; and ▪ 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><i>A canopy is proposed to wrap around the corner of the retained façades at 594-598 Elizabeth Street and 600-608 Elizabeth Street to primarily provide weather protection to pedestrians and people accessing the building and this is considered acceptable.</i></p>

Microclimate (Wind, Overshadowing and Landscaping)

Wind

120. DDO61 includes design objectives and requirements to ensure new buildings do not increase the level of wind at ground level and to minimise any adverse effect on pedestrian comfort. It requires:

- *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 (Elizabeth Street and Queensberry Street frontages) 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 (Berkeley Street) 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.*
 - *Landscaping within the public realm should not be relied on to mitigate wind.*
121. The application is supported by a Pedestrian Wind Environment Study, prepared by Windtech and dated 18 February 2020. The Elizabeth Street and Queensberry Street frontages are identified as major pedestrian areas and Berkeley Street is identified as 'all other streets' on Map 1 of DDO61.
122. In this case, the applicant has relied upon the wind effects formula within DDO10 to determine whether pedestrian comfort and safety is achieved, rather than the formula within DDO61. This method was agreed to by the applicant, the council and DELWP as the applicant's wind consultant determined that the DDO10 formula is a 'stricter' assessment and therefore as long as the wind report and plans demonstrate that pedestrian comfort / safety is achieved and maintained, the formula used is of no consequence.
123. The report notes that at two locations (on the corner of Elizabeth Street / Queensberry Street and along Elizabeth Street), the safety and comfort criteria would not be met. However, with the inclusion of a canopy as proposed on both the original plans and discussion plans, it is expected that the wind conditions would ensure that pedestrian safety and comfort would be met.
124. It is noted, although the discussion plans propose a lower building height and limited ground level changes, an amended wind report should be submitted, demonstrating that no further wind mitigation strategies are needed. This will be addressed via a condition on any permit to issue.

Overshadowing

125. DDO61 states that development 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.
126. Shadow diagrams for 22 September (similar to 22 March) were provided with the discussion plans and show shadows of the proposed development:

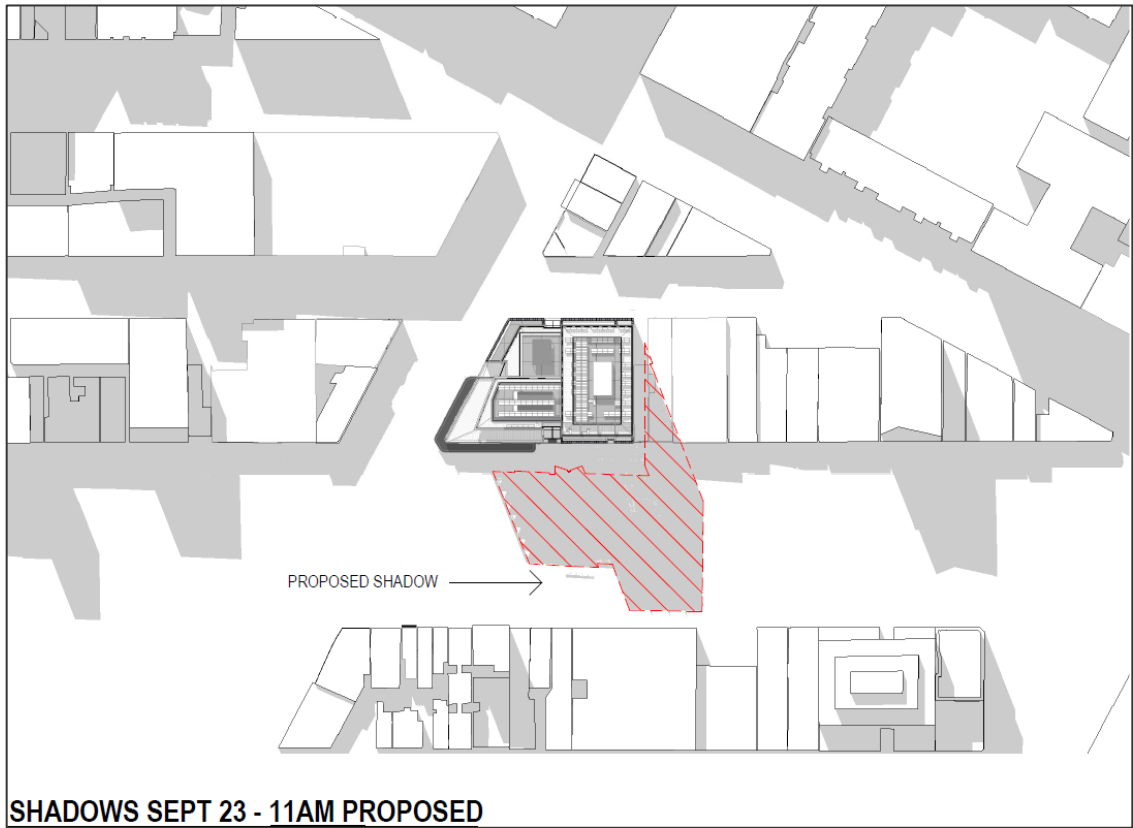


Figure 15: 22 September Shadow Study - 11am (Source: Application)

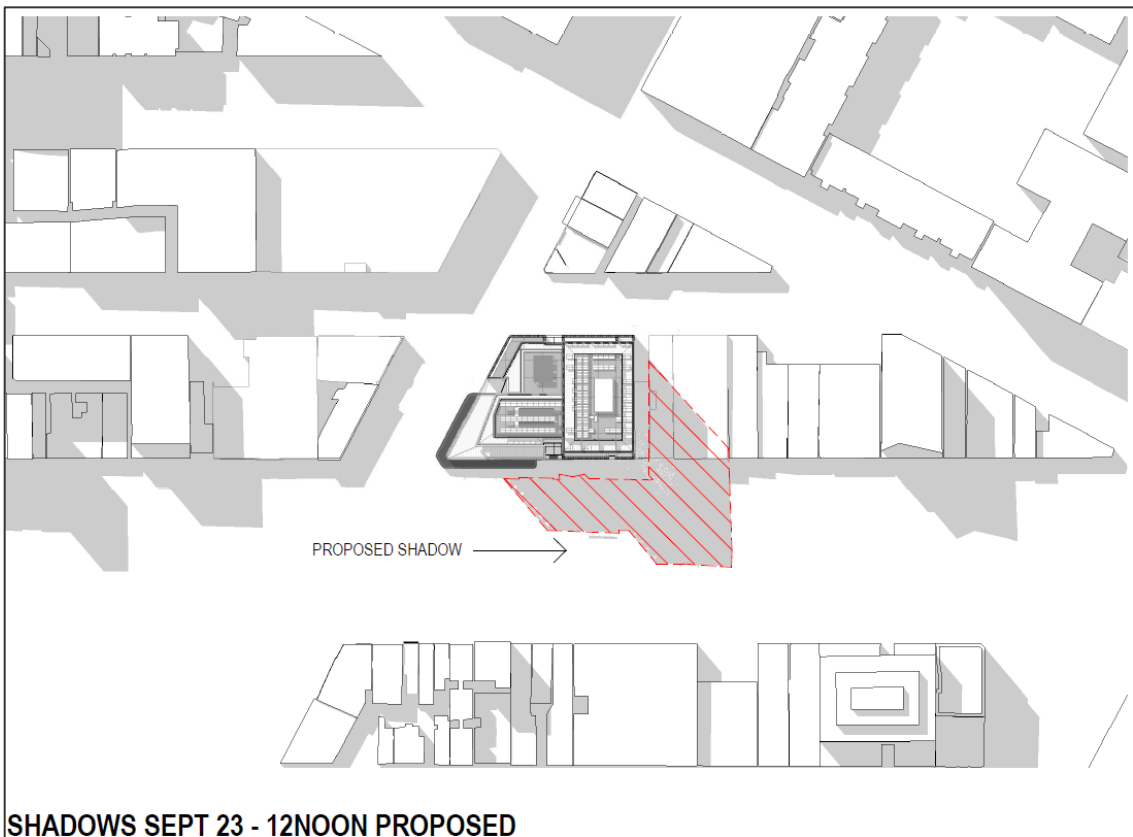


Figure 16: 22 September Shadow Study - 12 noon (Source: Application)

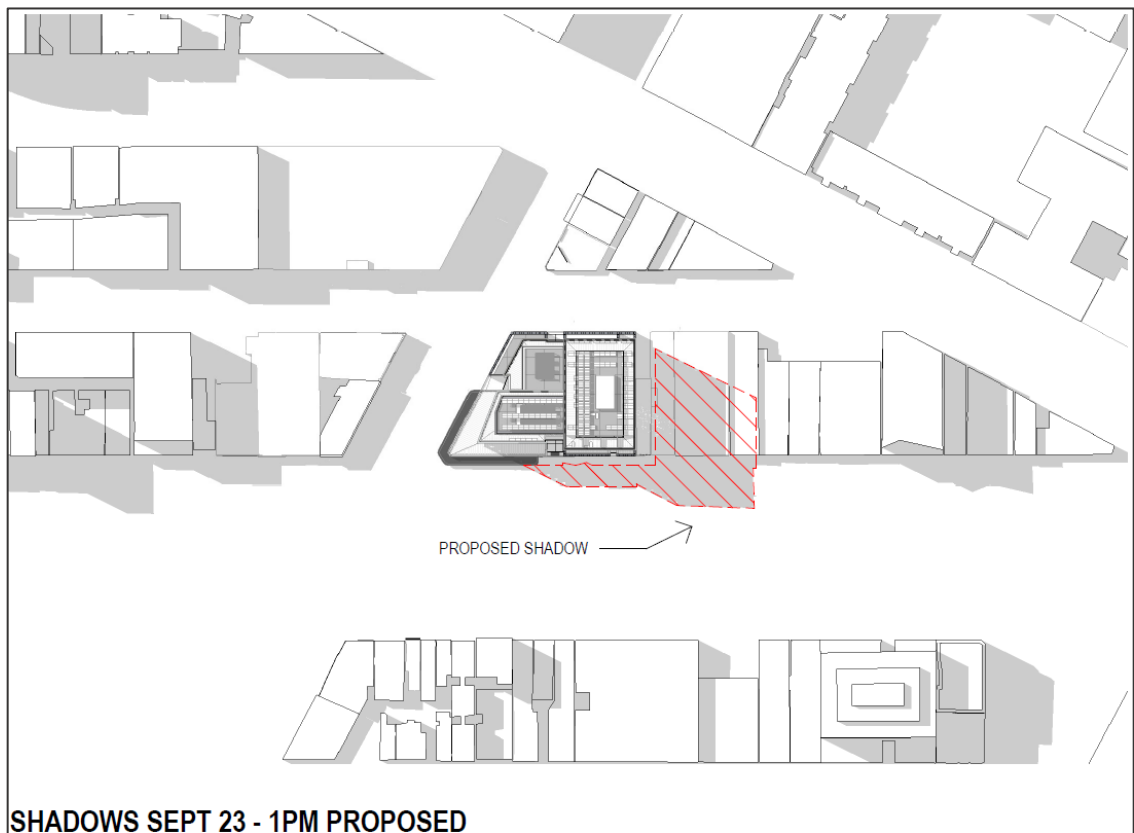


Figure 17: 22 September Shadow Study - 1pm (Source: Application)

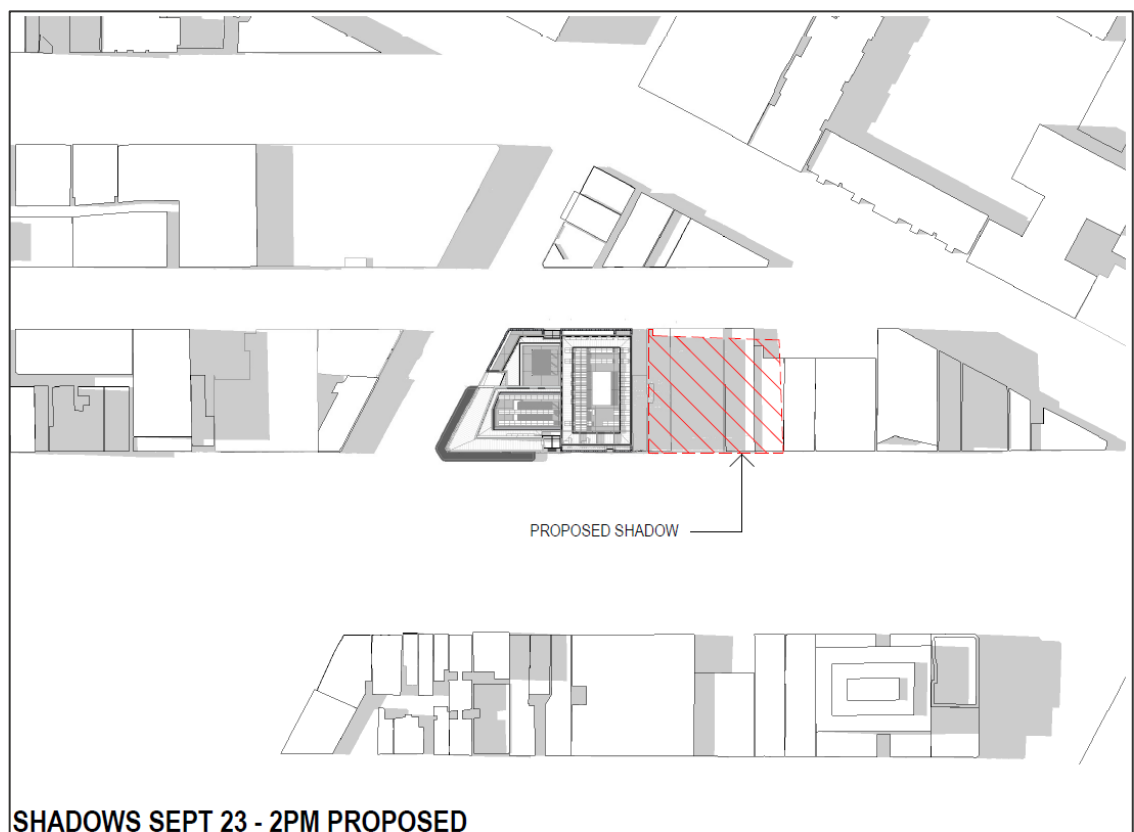


Figure 18: 22 September Shadow Study - 2pm (Source: Application)

127. The proposed development will cast additional shadow at 22 September (less shadowing will occur on 22 March) to the major pedestrian route of Elizabeth Street from 11.00 am to 1.00 pm, with the majority of the new shadow cast over the road and within existing building shadow profiles.
128. The shadows cast by a lower building of 40 metres would still overshadow the adjoining footpath along Elizabeth Street, noting that the shadows would be for a reduced area and they would still extend over these areas between 11.00 am and 1.00 pm
129. The extent of additional shadow is considered acceptable as it would not prejudice the amenity of the surrounding public realm.

Landscaping

130. The application was supported by a Landscape Plan, prepared by John Patrick Landscape Architects, for Levels 12-13 and 14-16. The plans include the design vision, plant species, pergola, bbq facilities and details of the planter box. The council have reviewed the plan and recommended that further amendments be made to the Landscape Plan, including the location of a replacement tree plot, (for the tree proposed for removal along Berkeley Street) and that a Landscape Maintenance Plan be submitted for endorsement.
131. Given the reduction in height of the building, resulting in the terrace areas being relocated to lower levels, and the introduction of the terrace to Level 4, updated Landscape Plans will need to be submitted for endorsement.
132. These landscape matters should be addressed via conditions on any permit to issue.

Parking, Loading, Bicycle Storage and Other Services

133. The site has existing vehicle access from all street frontages, including four crossovers to Elizabeth Street (only one provides vehicle access, the other three have car parking spaces adjacent to them), two crossovers to Queensberry Street (includes one to the laneway) and three crossovers to Berkeley Street, all of which are proposed to be removed, with the exception of the crossover for the laneway from Queensberry Street. A new double width crossover is proposed to Berkeley Street to facilitate access to the basement levels. The ground floor plan does not include a crossover for the loading bay. The council has recommended a condition on any permit to issue that the plans must show all proposed crossovers and a 2m refuge island located between the proposed basement ramp crossover and the existing crossover at the rear of 580 Elizabeth Street.
134. VicRoads (now known as Department of Transport), as the Roads Corporation for the Elizabeth Street arterial road, provided comments on the original application lodged with the council and does not object to the application, subject to a condition being included on any permit that all disused and redundant crossings along Elizabeth Street be removed.
135. These vehicle crossover matters should be addressed via conditions on any permit to issue.

Car Parking

136. The subject site is within the Parking Overlay (PO1), pursuant to Clause 45.09 of the Planning Scheme. The proposal provides car parking as follows:

Use	Rate	Amount permitted:	Amount provided:
Office, Retail and Supermarket (17,295 m ²)	Maximum spaces = 5 x net floor area of buildings on that part of the site in sq m / 1000 sq m	86 spaces	60
Motorcycle parking	Minimum rate of one motor cycle parking space for every 100 car parking spaces.	0	10

137. The proposal is consistent with the maximum car parking requirement for the proposed office, retail and supermarket uses and this is acceptable. The council has no objection to the car parking provided on site and it is therefore considered acceptable.

Design Standards for Car Parking

138. The proposal is considered to be satisfactory as it meets the dimensions and design requirements of Clause 52.06-8 Design standards for car parking. It is noted that the council has not raised any concerns with the layout of the proposed parking spaces and is therefore considered acceptable.

Bicycle Facilities

139. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. Spaces Required	Provided
Office (15,257 m ²)	Employee	1 space / 300m ² of NFA if the NFA exceeds 1,000m ²	51	
	Visitor	1 space / 1,000m ² of NFA if the NFA exceeds 1,000m ²	15	
Retail (1,086 m ²)	Employee	1 space / 300m ² of LFA	4	
	Visitor/ Shopper	1 space / 500m ² of LFA	2	
TOTAL			72	150
Showers	Employee	1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	6 showers	6 female 6 male
Change rooms	Employee	1 change room or direct access to a communal change room to each shower.	1 female 1 male	1 female 1 male

140. The application provides 150 bicycle spaces, which exceeds the requirement by 72 spaces. As such, no permit is required under this clause. However, as no visitor spaces are provided at ground level for easy access, the council has recommended a condition be included on any permit to issue. This is considered satisfactory and should be corrected from council's condition of 19 bicycle spaces to 17 bicycle spaces (as there is no requirement for the separate supermarket (shop) use).
141. Bicycle parking facilities, shower and change facilities are provided in the Basement 3 and Basement 2.
142. The bicycle parking is considered satisfactory, as it exceeds the statutory requirements.

Loading

143. A loading bay measuring 3.7 metres (3.2 metres at its entrance) x 11 metres is proposed on the Ground Floor with access from Berkeley Street. The council's traffic engineers have reviewed the loading bay and considers it inadequate in size for users to exit a truck as well as space for emptying of bins. The council officers have recommended a condition be included on any permit to issue requiring greater clearances either side of the loading bay for safe entry / exit for the truck. This is considered acceptable and will be included as conditions on any permit to issue.

Waste

144. The application is supported by a waste management plan (WMP) prepared by MGA Traffic and dated 19 December 2019. The council's waste team has reviewed the WMP and considers it unsatisfactory. Additional amendments are required to the WMP and plans, which include internal access to the

waste storage area for two of the ground floor tenancies (the 235m² tenancy adjacent to Berkeley Street and the 107m² tenancy adjacent to the Elizabeth Street lobby), an appropriate waste generation rate and bin numbers for the ground floor uses (café waste rather than retail waste) and amendments to the loading bay size as mentioned above. These amendments are considered reasonable and will be included as conditions on any permit to issue.

Environmental

Environmentally Sustainable Design (ESD)

145. The application is supported by a Sustainability Management Plan (SMP) prepared by WRAP Engineering and dated 19 December 2019 in response to Clause 22.19 of the Melbourne Planning Scheme. The report states that the proposal has the potential to achieve a 5-star rating under the current Green Star Design & As Built.
146. The council has requested conditions be included on any permit issued to update the report to ensure that it reflects the changes required under condition 1 and for the plans to be annotated to show the required number of electric vehicle charging spaces to satisfy Green Star requirements. These amendments are considered reasonable and will be included as conditions on any permit to issue.

Water Sensitive Urban Design (WSUD)

147. Clause 22.23 Stormwater Management (Water Sensitive Urban Design) seeks to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). The application was supported by a SMP prepared by WRAP Engineering and dated 19 December 2019. This report details how the required treatment levels to satisfy Clause 22.23 and Green star credit requirements are achieved by rainwater capture and reuse system with a 41,000 litre rainwater tank. The plan identifies that the rainwater tank with connections to toilet flushing, bin room washdown and landscape irrigation and that the STORM rating tool has been used to achieve a rating of 123%. The rainwater tank is shown on Basement Level 3 and is considered satisfactory.

Conclusion

148. The proposed development is consistent with the relevant planning policies of the Melbourne Planning Scheme and will contribute a significant office development in the City North Precinct with a built form response appropriate to the site's emerging urban context and that retains an appropriate extent of heritage fabric. In particular, the proposal is of a design, scale and massing that responds appropriately to the site's three-side corner location, the heritage fabric to be retained on the site, the streetscape and provides a high degree of ground level activation to Elizabeth Street, Queensberry Street and Berkeley Street.
149. The proposal provides a new office use that will positively contribute to the internationally renowned Parkville NEIC and is consistent with policy seeking to transform this City North urban renewal precinct into an educational, research and medical hub.
150. The proposal is supported, subject to conditions, including those recommended by the various referral agencies and most of the conditions recommended by the council, including retention of the façade and of the contributory graded heritage building at 592 Elizabeth Street and retention of the corresponding southern return wall to 594-598 Elizabeth St.
151. It is recommended that **Notice of Decision to Issue a Planning Permit, PA2000766** for part demolition of existing buildings, construction of a building and alter access to a Road Zone, Category 1 be issued, subject to conditions.

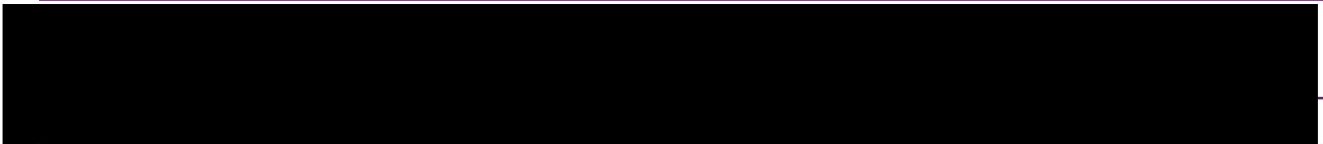
Prepared by:

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the [State Planning Services declaration of Conflict/Interest form](#).
 - Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



Approved by:



Appendix 1: Relevant State & Local Planning Policies

The following state and local planning policies are relevant to the application:

Planning Scheme provision	Key Objectives
Clause 11 <i>Settlement</i>	<ul style="list-style-type: none"> • Settlement: Anticipate and respond to the needs of existing and future communities. • Settlement – Metropolitan Melbourne: Focus growth in the central city. • Activity Centres: To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. • Activity Centres – Metropolitan Melbourne: Support development with a broad range of land uses, appropriate infrastructure, access to public transport, and high levels of amenity.
Clause 15 <i>Built Environment and Heritage</i>	<ul style="list-style-type: none"> • Urban design: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. • Urban Design – Metropolitan Melbourne: To create a distinctive and liveable city with quality design and amenity. • Building Design: To achieve building design outcomes that contribute positively to the local context and enhance the public realm. • Healthy Neighbourhoods: To achieve neighbourhoods that foster healthy and active living and community wellbeing. • Healthy Neighbourhoods – Metropolitan Melbourne: Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home. • Neighbourhood Character: To recognise, support and protect neighbourhood character, cultural identity, and sense of place. • Energy and resource efficiency: To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. • Heritage: To ensure the conservation of places of heritage significance.
Clause 17 <i>Economic Development</i>	<ul style="list-style-type: none"> • Diversified Economy: To strengthen and diversify the economy. • Diversified Economy – Metropolitan Melbourne: Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces. • Business: To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
Clause 18 <i>Transport</i>	<ul style="list-style-type: none"> • Sustainable personal transport: To promote the use of sustainable transport. • Sustainable personal transport – Metropolitan Melbourne: Improve local travel options for walking and cycling to support 20 minute neighbourhoods and develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network. • Public Transport: To facilitate greater use of public transport and promote increased development close to high-quality public transport routes. • Principle Public Transport Network: Maximise the use of existing

infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Car Parking: To ensure an adequate supply of car parking that is appropriately designed and located.

Clause 19
Infrastructure

- **Waste and resource recovery:** To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

Planning Scheme provision	Key Objectives
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Clause 21.03 (Vision)	Clause 21.03 (Vision) recognises the diverse roles of the city and local areas, with a vision being 'a bold, inspirational and sustainable city'.
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Clause 21.04 (Settlement)	Clause 21.04 (Settlement) recognises the need for the city to grow and develop whilst retaining the valued characteristics of the city. This policy also identifies City North as an area for proposed renewal given its existing role as a specialist activity centre, the Melbourne Metro station and the proximity to the Central City.
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Clause 21.06 (Built Environment and Heritage)	Clause 21.06 (Built Environment and Heritage) identifies Melbourne's character as a 'distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings'. This Clause identifies the need to ensure that the height and scale of development is appropriate to the identified preferred built form character of an area; to increase the vitality, amenity, comfort, safety and distinct City experience of the public realm; to improve public realm permeability, legibility and flexibility; to create a safe and comfortable public realm; to conserve and enhance places and precincts of identified cultural heritage significance; to create an environmentally sustainable urban environment with reduced greenhouse emissions; and to encourage environmentally sustainable building design innovation.
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Clause 21.08 (Economic Development)	Clause 21.08 (Economic Development) seeks to support central city and local retail uses and to reinforce the City's role as Victoria's principal centre for commerce.
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Clause 21.09 (Transport)	Clause 21.09 (Transport) seeks to integrate transport and urban growth; to maximise access to the City; to develop and maintain a comprehensive, safe, comfortable and convenient pedestrian network throughout the municipality; to develop a comprehensive, safe and convenient cycling network throughout the Municipality; and to encourage more efficient use of private motor vehicles.
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Clause 21.11 (Local Areas)	Clause 21.11 (Local Areas) identifies the site as being located within the Proposed Urban Renewal Area of City North to which Clause 21.14-1 applies.
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Clause 21.14 (Proposed Urban Renewal Areas)	Clause 21.14-1 (City North) identifies City North as an area in transition and where change is already underway. The University of Melbourne, RMIT University, hospitals and research institutions are investing in expansions and renewal of their facilities and the redevelopment of the former Carlton United Brewery site has commenced. Further potential for urban renewal exists between the existing Central City and the world renowned knowledge precinct in the south area of Parkville.
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Clause 22.01 Urban Design within the Capital City Zone	Clause 22.01 (Urban Design within Capital City Zone) seeks to create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities. The surrounding area is undergoing regeneration and it is acknowledged that any design must be an exemplar for the area and of outstanding
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Planning Scheme provision	Key Objectives
<p>Clause 22.04 Heritage Places in the Capital City Zone</p>	<p>architectural quality.</p> <p>Clause 22.04 (Heritage Places in the Capital City Zone) is divided into two parts. Part A applies to properties categorized significant, contributory or non-contributory in an incorporated document to this scheme. Part B applies to properties graded A to D within the Heritage Places Inventory February 2020 Part B, and those properties within the suburb of Melbourne that are referred to in the Central City Heritage Study Review, 1993 and not categorised significant or contributory by an incorporated document to this Scheme.</p> <p>Part A applies to 582-588 Elizabeth Street, Melbourne (rear) and 590-592 Elizabeth Street, Melbourne that are identified as 'contributory' buildings and 594-598 Elizabeth Street, Melbourne that is identified as a 'significant' building in the Incorporated Document titled '<i>Heritage Places Inventory February 2020 Part A (Amended July 2020)</i>'.</p> <p>Part B applies to 600-608 Elizabeth Street, Melbourne that is identified as a 'C graded' building in the Incorporated Document titled '<i>Heritage Places Inventory February 2020 Part B</i>'.</p> <p>Part A seeks to conserve and enhance Melbourne's heritage places; to retain fabric, which contributes to the significance, character or appearance of heritage places and precincts; to recognise and conserve the assessed significance of heritage places and streetscapes, as referenced in this policy or incorporated into this planning scheme as the basis for consideration of development and works. Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or council documentation; to ensure new development is respectful of the assessed significance of heritage places; to ensure new development is respectful of the character and appearance of heritage places; to encourage high quality contextual design for new development, which avoids replication of historic forms and details; to encourage retention of the three dimensional fabric and form of a building; to discourage facadism; to encourage the adaptive reuse of heritage places; to ensure new development is consistent with the conservation principles, processes and practices of the Australia ICOMOS Burra Charter; to enhance the presentation and appearance of heritage places through restoration and, where evidence exists, reconstruction of original or contributory fabric; to protect significant views and vistas to heritage places; and to promote the protection of Aboriginal cultural heritage.</p> <p>Part B seeks to conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards; to consider the impact of development on buildings listed in the Central Activities District Conservation Study and the South Melbourne Conservation Study; to promote the identification, protection and management of Aboriginal cultural heritage values; and to conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.</p>
<p>Clause 22.19 Energy, Water and Waste Efficiency</p>	<p>Clause 22.19 (Energy, Water and Waste Efficiency) seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases; to minimise the city's contribution to climate change impacts by reducing greenhouse gas emissions; to improve the water efficiency of buildings and encourage the use of alternative water sources; to minimise the quantity of waste going to landfill and maximise the recycling and reuse of materials; to minimise the impacts of waste on the community; and to encourage the connection</p>

Planning Scheme provision	Key Objectives
	of buildings to available or planned district energy, water and waste systems in urban renewal areas in order to achieve additional energy, water & waste efficiency arising from a precinct-wide approach to infrastructure where appropriate.
Clause 22.23 Stormwater Management (Water Sensitive Urban Design)	Clause 22.23 (Stormwater Management (Water Sensitive Urban Design)) seeks to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended); to promote the use of water sensitive urban design, including stormwater re-use; to mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development; to minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays; and to reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community.

Appendix 2: Statutory Planning Controls

The table below provides a full outline of the zone and overlay controls, planning permit requirements and notice and appeal exemptions for the proposal:

Planning Control	Application requirements
Capital City Zone – Schedule 5 (City North) (CCZ5) Clause 37.04	<p>Purpose of the Zone:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance. To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone. To create through good urban design an attractive, pleasurable, safe and stimulating environment. <p>Purpose of Schedule 5:</p> <ul style="list-style-type: none"> To develop City North as a mixed use extension of the Central City. To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district. To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors. <p>A permit is not required for use of the site for retail or office.</p> <p>A permit is required to construct a building or construct or carry out works and to demolish or remove a building.</p> <p>An application to use land, to construct a building or construct or carry out works and to demolish or remove a building is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.</p>
Heritage Overlay – Schedule 1124 (Elizabeth Street North (Boulevard) Precinct – 518-708 and 527-608 and 647-651 Elizabeth Street, 60 O’Connell Street, 309-317 Queensberry street and 222-238 Victoria Street)	<p>Purpose of the Overlay:</p> <ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To conserve and enhance heritage places of natural or cultural significance. To conserve and enhance those elements which contribute to the significance of heritage places. To ensure that development does not adversely affect the significance of heritage places. To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place. <p>A permit is required to demolish or remove a building and construct a building or construct or carry out works.</p>
(HO) Clause 43.01	<p>There are no exemptions from the notice requirements for this application.</p>
Design and Development Overlay (DDO) Clause 43.02	<p>Purpose of the Overlay:</p> <ul style="list-style-type: none"> To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To identify areas which are affected by specific requirements relating to the design and built form of new development. <p>A permit is required to construct a building or construct or carry out works.</p>

Schedule 61 (City North)

Area 4.1

Design objectives of the schedule:

- *To encourage City North to develop as a central city precinct characterised by university, research and medical buildings.*
- *To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne.*
- *To support increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and CBD North Metro Rail stations.*
- *To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.*
- *To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.*
- *To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.*
- *To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections.*
- *To develop the Haymarket area as a central city gateway precinct and public transport interchange.*
- *To ensure university, research and medical buildings are actively integrated with the surrounding public realm.*
- *To design buildings to provide passive surveillance and activation of ground floors addressing the streets.*
- *To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings.*
- *To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions.*
- *To improve the walkability of the precinct by encouraging new laneways and pedestrian connections.*
- *To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.*

All buildings and works requiring a permit should:

- *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.*

An application to exceed the preferred maximum building height should demonstrate achievement of the relevant the Design objectives and Built Form Outcomes as identified in Part 1.0 and Table 1 of this Schedule.

The street wall height is measured at the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

An application to construct a building or construct or carry out works on land within the Capital City Zone (CCZ5) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Area 4.1 – Building Height 40 metres

- Buildings fronting Grattan, Pelham, Queensberry, Bouverie, Leicester, Barry, Berkeley and Lincoln Square North and South streets:
 - 24 metre street edge height
 - Any part of the building above 20 metres setback 6 metres from the street.
- Buildings facing all other streets:
 - 40 metre street edge height.
 - Any part of the building above 40 metres setback 6 metres from the street.

**Parking Overlay (PO)
Clause 45.09**

Purpose of the Overlay:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To facilitate an appropriate provision of car parking spaces in an area.*
- *To identify areas and uses where local car parking rates apply.*
- *To identify areas where financial contributions are to be made for the provision of shared car parking.*

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay **may specify that a permit must not be granted** to provide more than the maximum parking provision specified in a schedule to this overlay.

A schedule to this overlay **may vary the car parking rate** and measure for any use listed in Table 1 of Clause 52.06-5.

**Schedule 1
(Capital City Zone –
Outside the Retail
Core)**

Purpose of the Overlay:

- *To identify appropriate car parking rates for various uses within the Capital City Zone.*

Schedule 1 specifies that a **permit is required** to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.

- Clause 3.0 specifies that where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:

Maximum spaces =

- $(5 \times \text{net floor area of buildings on the site in sq m}) / 1000 \text{ sq m}$; or
- $(12 \times \text{site area in sq m}) / 1000 \text{ sq m}$.

On this basis, the parking provision is as follows:

- $(5 \times 17,466 \text{ sq m}) / 1000 \text{ sq m} = 87 \text{ parking spaces (maximum)}$;

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

The proposal seeks to provide 60 car parking spaces and as such a planning permit is not required. The proposal provides 10 motorcycle spaces, which is more than the 0 spaces required.

**Car Parking
Clause 52.06**

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.

A permit is required to provide more than the maximum parking provision specified in a schedule to the Parking Overlay. As the proposal provides a rate of car parking less than the maximum requirement, **no permit is required** under this clause.

Planning Control	Application requirements
Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road Clause 52.29	<p>A permit is required to create or alter access to a road in a Road Zone, Category 1.</p> <p>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.</p> <p>An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p> <p>VicRoads/Department of Transport has not provided any comments (letter sent to VicRoads dated 6 April 2020).</p>
Bicycle Facilities Clause 52.34	<p>A new use must not commence until the required bicycle facilities and associated signage has been provided on the land.</p> <p>A permit may be granted to vary, reduce or waive these requirements.</p> <p>Bicycle facilities are required at a rate of:</p> <ul style="list-style-type: none"> • One employee space to each 300 sq m of net floor area if the net floor area exceeds 1,000 sq m for office (51 spaces); • One visitor space to each 1000 sq m of net floor area if the net floor area exceeds 1,000 sq m for office (15 spaces); • One employee space to each 300 sq m of leasable floor area for retail (4 spaces); and • One visitor/shopper space to each 500 sq m of leasable floor space for retail (2 spaces). <p>The application provides for 150 bicycle spaces, which exceeds the requirement for 72 spaces. As such, no permit is required under this clause.</p>
Stormwater Management in Urban Development Clause 53.18	<p>An application to construct a building or construct or carry out works:</p> <ul style="list-style-type: none"> • Must meet all of the objectives of Clauses 53.18-5 and 53.18-6. • Should meet all of the standards of Clauses 53.18-5 and 53.18-6.
Integrated Public Transport Planning Clause 66.02-11	<p>An application must be referred in accordance with Section 55 of the Act to the Head, Transport for Victoria for an office development of 10,000 or more square metres of leasable floor area.</p> <p>Transport for Victoria has not provided any comments (letter sent to Transport for Victoria dated 6 April 2020).</p>
Administration and Enforcement of this Planning Scheme Clause 72.01	<p>As the proposal is greater than 25,000 square metres in Gross Floor Area (GFA) the Minister for Planning is the Responsible Authority under the Melbourne Planning Scheme for determining the permit application.</p>

