

Assessment Officer Report

PA2302581, Queen Victoria
Market Precinct, Tower 3



Officer Assessment Report
Development Approvals & Design

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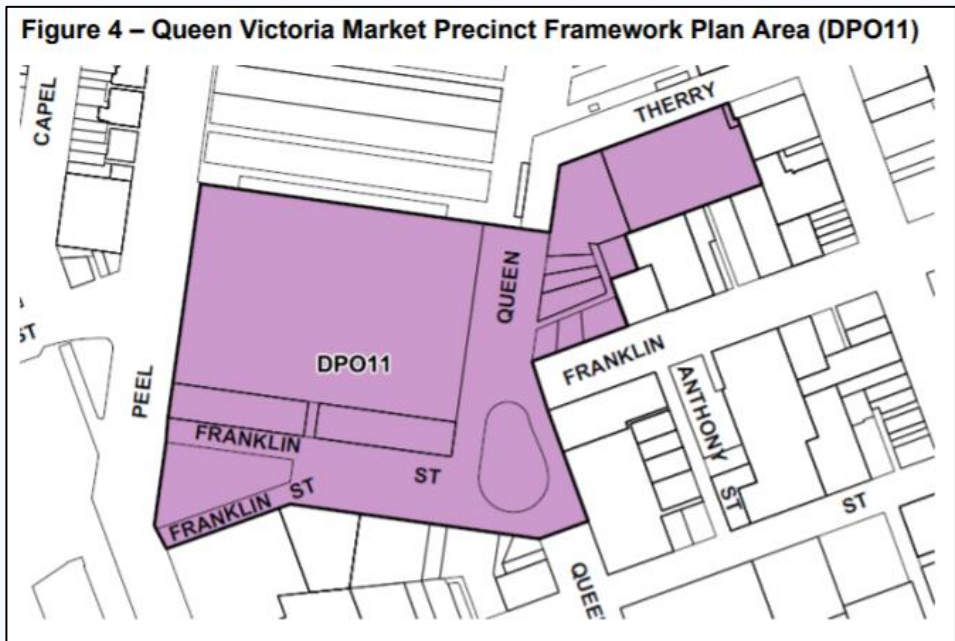
Executive Summary



| Key Information | Details |
|--|---|
| Application No: | PA2302581 |
| Received: | 13 November 2023 (lodged 24 November 2023) |
| Statutory Days: | 109 days (to 16 August 2024) |
| Applicant: | Scape Australia Management Pty Ltd C/- Urbis |
| Planning Scheme: | Melbourne |
| Land Address: | Part Crown Allotment 2057 at West Melbourne City of Melbourne Parish of Melbourne North |
| Development Plan (DP) approval: | 28 June 2024 <ul style="list-style-type: none"> Development Plan titled 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (the DP); Planning Report prepared by Urbis and dated 17 June 2024; Heritage Impact Assessment prepared by Lovell Chen and dated 9 May 2024; and Transport Management Plan prepared by WSP and dated 13 May 2024. |
| Proposal: | Construction of a student accommodation building |
| Development Value: | \$202,400,000.00 |

Why is the Minister responsible? In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application as it is:

- Land included in the Development Plan Overlay, Schedule 11 – Queen Victoria Market Precinct Framework Plan Area (Figure 4 of this Schedule).



| Why is a permit required? | Clause | Control | Trigger |
|---------------------------|--------------|--|--|
| Zone: | Clause 37.04 | Capital City Zone – Schedule 1 (Outside the Retail Core) | Construct a building or construct or carry out works. Demolish or remove a building or works. Erect an advertising sign. |
| Overlays: | Clause | Heritage Overlay – Schedule 7 | Demolish or remove a building. |



| | | | |
|--|---|---|---|
| | 43.01 | (Queen Victoria Market Precinct) | Construct a building or construct or carry out works. Construct or display a sign. |
| | Clause 43.02 | Design and Development Overlay – Schedule 1 (Urban Design in Central Melbourne) | Construct a building or construct or carry out works. |
| | Clause 43.04 | Development Plan Overlay – Schedule 11 (Queen Victoria Market Precinct) | Any permit issued for the use, subdivision or development of the land must be generally in accordance with: <ul style="list-style-type: none"> The approved Development Plan (ie ‘Queen Victoria Market Southern Precinct Development Plan, June 2024’); The Queen Victoria Market Precinct Framework Plan 2017 at Figure 1; and The Vision in Clause 3.0. Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1. A permit must not be granted for a development that does not meet the mandatory requirements in Table 1. |
| | Clause 45.09 | Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core) | N/A – no permit required as no car parking spaces are proposed. |
| Particular Provisions: | Clause 52.05 | Signs | Sign requirements are at Clause 52.05. |
| | Clause 52.34 | Bicycle Facilities | A new use must not commence until the required bicycle facilities and associated signage has been approved on the land. N/A – no permit required as the required number of bicycle spaces has been provided. |
| | Clause 53.18 | Stormwater Management in Urban Development | An application to construct a building or construct or carry out works: <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 |
| Cultural Heritage: | Cultural Heritage Management Plans exist for the DP site: <ul style="list-style-type: none"> CHMP 14125 (Old Melbourne Cemetery) – approved on 15 May 2018 CHMP 17098 (outside of Old Melbourne Cemetery) – approved on 12 May 2020 | | |
| Total Site Area: | 1,611 m ² | | |
| Gross Floor Area: | 44,590 m ² 43,072 m ² (above ground, as per definition in DPO11) | | |
| Floor Area Ratio: | 26.73:1 (GFA above ground level 43,072 m ² / site area 1,611 m ²) | | |
| Total Site Area for Parcel D: | 11,892 m ² | | |
| Gross Floor Area (above ground) for Parcel D: | Tower 1: 57,730 m ² Tower 2: 55,975 m ² Tower 3: 43,072 m ² | | |



Franklin Street Stores: 3,208 m²
Total: 159,985 m²

| Floor Area Ratio for Parcel D: | 13.45:1 | | | | | | | | | | | | | | | |
|---------------------------------------|---|-----------------------------------|-------------|-----------------|------------------------|--------------------|---------------------------------|-----------------------------|--|---------------------------------|----------------------------|--|-----------------------------------|--------------------------|--|--|
| Height: | 54 storeys, excluding plant 176 metres, excluding plant (183 metres, including plant) 201m AHD, excluding plant 208m AHD to the top of plant | | | | | | | | | | | | | | | |
| Land Uses: | <table border="1"><thead><tr><th>Student Accommodation</th><th>Retail</th><th>Communal spaces</th></tr></thead><tbody><tr><td>Single bed units – 904</td><td>229 m²</td><td>2,958 m² (internal)</td></tr><tr><td>2 bed units – 80 (160 beds)</td><td></td><td>1,140 m² (external)</td></tr><tr><td>5 bed units – 18 (90 beds)</td><td></td><td>Total: 4,098 m²</td></tr><tr><td>Total: 1,154 beds</td><td></td><td></td></tr></tbody></table> | Student Accommodation | Retail | Communal spaces | Single bed units – 904 | 229 m ² | 2,958 m ² (internal) | 2 bed units – 80 (160 beds) | | 1,140 m ² (external) | 5 bed units – 18 (90 beds) | | Total: 4,098 m² | Total: 1,154 beds | | |
| Student Accommodation | Retail | Communal spaces | | | | | | | | | | | | | | |
| Single bed units – 904 | 229 m ² | 2,958 m ² (internal) | | | | | | | | | | | | | | |
| 2 bed units – 80 (160 beds) | | 1,140 m ² (external) | | | | | | | | | | | | | | |
| 5 bed units – 18 (90 beds) | | Total: 4,098 m² | | | | | | | | | | | | | | |
| Total: 1,154 beds | | | | | | | | | | | | | | | | |
| Parking: | <table border="1"><thead><tr><th>Cars</th><th>Motorcycles</th><th>Bicycles</th></tr></thead><tbody><tr><td>0</td><td>0</td><td>230</td></tr></tbody></table> | Cars | Motorcycles | Bicycles | 0 | 0 | 230 | | | | | | | | | |
| Cars | Motorcycles | Bicycles | | | | | | | | | | | | | | |
| 0 | 0 | 230 | | | | | | | | | | | | | | |
| Referral Authorities: | Melbourne City Council (recommending) Head, Transport for Victoria (determining) | | | | | | | | | | | | | | | |
| Advice sought: | Heritage Victoria (informal) Office of the Victorian Government Architect (OVGA) (informal) | | | | | | | | | | | | | | | |
| Public Notice: | Pursuant to the Development Plan Overlay, if a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme 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. The DP was endorsed on 28 June 2024 and as such the application is exempt from the notice requirements. | | | | | | | | | | | | | | | |
| Delegates List: | Approval to determine under delegation received on 12 August 2024. | | | | | | | | | | | | | | | |



Application Process

1. The key milestones in the application process were as follows:

| Milestone | Date |
|--|---|
| Pre-application meetings (DTP, Melbourne City Council, HV (various meetings) & applicant) | 15 December 2022; 31 January 2023; 14 February 2023 (Site Visit); 2 March 2023; 19 April 2023; 26 April 2023; 11 May 2023; 23 May 2023; and 30 May 2023. DTP officers also attended multiple Heritage Victoria pre-application meetings. In addition, there were multiple meetings on specific matters; relating to Tower 3, e.g. wind, etc |
| OVGA Design Review Workshops (DTP, Melbourne City Council and HV (at various meetings) & applicant) | 29 March 2023; 19 April 2023; 10 May 2023; 11 October 2023; and 15 November 2023. |
| Application lodgement | 24 November 2023 |
| Further information requested | 6 December 2023 |
| Further information received | 8 March 2024 |
| Further plans submitted formally under s50 of the Act | 29 April 2024 |
| Decision Plans | <p>Architectural plans prepared by Kerstin Thompson Architects (KTA), titled 'QVM Southern Precinct – Tower 3', dated various dates (received 29 April 2024) and known as drawings:</p> <ul style="list-style-type: none"> • KTA-OA-A-P-00-99-00 – Cover Sheet (Rev TP-7); • KTA-OA-A-P-10-99-03 – Overall Site Plan – Existing Conditions – Current (Rev TP-5); • KTA-OA-A-P-10-99-04 – Overall Site Plan – Existing Conditions – Site Handover (Rev TP-5); • KTA-OA-A-P-20-00-00 – Overall Site Plan – Ground Plan (Rev TP-5); • KTA-OA-A-P-20-94-00 – Overall Site Plan – Basement Plan (Rev TP-5); • KTA-OA-A-P-22-99-01 – OA North South Section (Rev TP-7); • KTA-OA-A-P-40-99-01 – OA North Elevation (Rev TP-7); • KTA-OA-A-P-40-99-02 – OA East Elevation (Rev TP-7); • KTA-OA-A-P-40-99-03 – OA South Elevation (Rev TP-7); • KTA-OA-A-P-40-99-04 – OA West Elevation (Rev TP-7); • KTA-T3-A-P-21-00-00 – GA Plan – Level 00 – Ground Floor (Rev TP-7); • KTA-T3-A-P-21-01-00 – GA Plan – Level 01 – Podium Communal (Rev TP-7); • KTA-T3-A-P-21-02-00 – GA Plan – Level 02 – Podium Residential (Rev TP-7); • KTA-T3-A-P-21-03-00 – GA Plan – Level 03 – Podium Residential (Rev TP-7); • KTA-T3-A-P-21-04-00 – GA Plan – Level 04 – Podium Residential (Rev TP-7); • KTA-T3-A-P-21-05-00 – GA Plan – Level 05 – Low Rise Communal (Rev TP-7); • KTA-T3-A-P-21-06-00 – GA Plan – Level 06 – Low Rise Plant (Rev TP-7); |



- KTA-T3-A-P-21-07-00 – GA Plan – Level 07-08 – Low Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-09-00 – GA Plan – Level 09 – Low Rise Residential (Rev TP-2);
- KTA-T3-A-P-21-12-00 – GA Plan – Level 10-12 – Low Rise Residential (Rev TP-3);
- KTA-T3-A-P-21-16-00 – GA Plan – Level 13-20 – Low Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-21-00 – GA Plan – Level 21 – Mid Rise Communal (Rev TP-7);
- KTA-T3-A-P-21-22-00 – GA Plan – Level 22 – Mid Rise Residential + Plant (Rev TP-7);
- KTA-T3-A-P-21-23-00 – GA Plan – Level 23-34 – Mid Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-35-00 – GA Plan – Level 35-36 – Mid Rise Residential (Rev TP-2);
- KTA-T3-A-P-21-37-00 – GA Plan – Level 37 – High Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-38-00 – GA Plan – Level 38 – High Rise Plant (Rev TP-6);
- KTA-T3-A-P-21-39-00 – GA Plan – Level 39 – High Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-40-00 – GA Plan – Level 40-48 – High Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-49-00 – GA Plan – Level 49 – High Rise Residential (Rev TP-5);
- KTA-T3-A-P-21-50-00 – GA Plan – Level 50, 51 – High Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-52-00 – GA Plan – Level 52 – High Rise Residential (Rev TP-7);
- KTA-T3-A-P-21-53-00 – GA Plan – Level 53 – High Rise Residential (Rev TP-6);
- KTA-T3-A-P-21-54-00 – GA Plan – Level 54 – Roof Plant (Rev TP-6);
- KTA-T3-A-P-21-55-00 – GA Plan – Level 55 – Roof Plant (Rev TP-6);
- KTA-T3-A-P-21-56-00 – GA Plan – Level 55 – Roof (Rev TP-1);
- KTA-T3-A-P-21-94-00 – GA Plan – Level B1 – Basement (Rev TP-7);
- KTA-T3-A-P-23-99-01 – 5 Bed Apartment – Type 5A – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-02 – 5 Bed Apartment – Type 5B – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-03 – 5 Bed Apartment – Type 5C – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-04 – 5 Bed Apartment – Type 5D – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-05 – 5 Bed Apartment – Type 5E – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-06 – 5 Bed Apartment – Type 5F – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-20 – 2 Bed Apartment – Types 2A-2B – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-30 – Accessible Studio – Type AM – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-31 – Accessible Studio – Types AV & AH – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-40 – Studio – Types 1A & 1B – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-41 – Studio – Types 1C & 1D – Plan (Rev TP-2);

- KTA-T3-A-P-23-99-42 – Studio – Types 1E & 1F – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-43 – Studio – Types 1G, 1H & 1J – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-44 – Studio – Types 1K, 1L & 1M – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-45 – Studio – Types 1N, 1P & 1Q – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-46 – Studio – Types 1R, 1S & 1T – Plan (Rev TP-2);
- KTA-T3-A-P-23-99-47 – Studio – Types 1U, 1W & 1X – Plan (Rev TP-2);
- KTA-T3-A-P-42-99-01 – Podium – North Elevation (Rev TP-7);
- KTA-T3-A-P-42-99-02 – Podium – East Elevation (Rev TP-7);
- KTA-T3-A-P-42-99-03 – Podium – South Elevation (Rev TP-7);
- KTA-T3-A-P-42-99-04 – Podium – West Elevation (Rev TP-7);
- KTA-T3-A-P-42-99-06 – Shopfront – North + West Elevations (Rev TP-6);
- KTA-T3-A-P-42-99-07 – Shopfront – East Elevation (Rev TP-6);
- KTA-T3-A-P-42-99-08 – Shopfront – South Elevation (Rev TP-6);
- KTA-T3-A-P-43-99-22 – Podium Section – North South (Rev TP-4);
- KTA-T3-A-P-43-99-23 – Podium Section – East West FSS (Rev TP-4);
- KTA-T3-A-P-43-99-24 – Podium Section – East West T2 (Rev TP-4);
- KTA-T3-A-P-43-99-25 – Podium Section – East West True T2 (Rev TP-3); and
- KTA-T3-A-P-SCH-99-01 – Materials & Finishes Schedule (Rev TP-7).

Other Assessment Documents

Planning Report prepared by Urbis and dated March 2024;

SDS Tower 3 Design Report prepared by Scape, KTA, Openwork and McGregor Coxall and dated 18 April 2024;

Traffic Engineering Report prepared by WSP and dated 26 March 2024;

ESD Report prepared by Aurecon and dated 25 October 2023;

MUSIC Modelling Report prepared by Robert Bird Group and dated 22 September 2023;

Waste Management Plan prepared by WSP and dated 23 May 2024;

Pedestrian Wind Environment Study prepared by Windtech and dated 3 June 2024;

Landscape Report prepared by Scape, KTA, Openwork and McGregor Coxall and dated February 2024;

Heritage Impact Statement prepared by Lovell Chen and dated 23 October 2023;

Green Travel Plan prepared by WSP and dated 26 March 2024;

Arboricultural Assessment prepared by Arbor Survey and dated 4 May 2023;

Acoustic Report prepared by Acoustic Logic and dated 23 October 2023;

FAR Calculations prepared by WT Partnership and dated 30 April 2024;

Overshadowing Analysis prepared by Vipac and dated 3 October 2023;

Accessibility Memo prepared by Architecture & Access and dated 7 February 2024;

Tenancy and Furniture Guidelines for Laneway Elements / Guidelines for Management and Maintenance of Laneways prepared by Lendlease and Scape received 29 May 2024;

Summary of Environmental Assessments prepared by Senversa Pty Ltd and dated 18 July 2023; and

Construction Management Plan prepared by Scape and dated 19 December 2023.

2. The subject of this report is the decision plans/reports (as described above).

Proposal Summary

3. The application proposes to construct a 54 storey building to be used for student accommodation.



Figure 1: Concept image of the proposed building viewed from the north-west (Source: Application)



Figure 2: Concept image of the proposed building podium viewed from the north-east (Source: Application)



Figure 3: Concept image of the proposed building viewed from the south-east (Source: Application)

4. Specific details of the application include:

- 1,154 beds (904 x single bed units; 80 x 2 bed units (160 beds); and 18 x 5 bed units (90 beds);
- 229 m² of retail area;
- 4,098 m² of communal spaces;



- 230 bicycle spaces (220 in the basement and 10 on the ground level);
 - 54 storey building; 176 metres, excluding plant;
 - Total GFA of 44,509 m².
5. A detailed description of the building envelope is as follows:
- The basement level is built to all boundaries and also extends in the south-west corner into and below the north-south pedestrian link between Towers 2 and 3. This additional area is approximately 65 m² to the regular floorplate of the ground and upper levels of the podium. This is to allow for the substation gatic, providing access to the substation located in the basement.
 - The Ground Level is setback from all boundaries, allowing for a colonnade to be built to the east, west and south boundaries. The glazing line is setback a minimum 3.45 metres from the east boundary, a minimum 1.341 metres from the west boundary and 2.5 metres from the south boundary. Along the north boundary with the shared zone, the glazing line is setback between 9.1 and 17.5 metres (measured perpendicular to the northern title boundary). The colonnade is setback between 1.5 and 6.34 metres from the north boundary (angled in the centre).
 - Level 01 includes similar setbacks to the glazing line of the Ground Level.
 - Levels 02-04 are built to the east, west and south boundary, which include the framing façade elements of 700 mm deep along the south and east elevations and 530 mm deep along the west elevation. Along the north elevation, the building is setback between 1.5 and 6.34 metres from the north boundary (angled in the centre) and includes the framing façade element of 700 mm deep.
 - Level 05 is setback 10.34 metres from the north boundary, 11.28 metres from the east boundary, 1.48 metres from the west boundary and 7.63 metres from the south boundary. The outdoor communal area occupies this podium level.
 - Levels 06-53 are setback 5.84 metres from the north boundary, 10 metres from the east boundary and 6 metres from the south boundary, which includes the framing facade element. It is noted that these dimensions include the top of podium that projects 500 mm beyond the east boundary, 200 mm beyond the west boundary and 200 mm beyond the south boundary. These levels are also generally built to the west boundary.
 - Levels 21 and 37 are further setback from the levels above and below to create a shadow line. The glazing line for these levels are setback 7.77 metres from the north boundary, 11.63 metres from the east boundary, 7.63 metres from the south boundary and 1.55 metres from the west boundary.
 - The Plant Levels are setback a minimum of 3 metres from the building parapet.
6. The basement level includes 220 bicycle spaces, waste rooms, substation, plant and services.
7. The Ground Level includes three separate café / retail areas, lobby / reception area ('work lounge' and 'welcome home' areas), 10 bicycle spaces, lift lobby, loading bay, office, reception, mail room, plant and services and landscaped areas.
8. Level 01 includes part of the communal indoor area comprising lounge areas, study spaces, meeting rooms and gym.
9. Levels 02-04 include student accommodation units and communal indoor areas, comprising games hub, lounge areas and other spaces.
10. Level 05 includes communal indoor and outdoor areas, comprising kitchen / dining area, lounge areas, games area, communal laundry and an outdoor terrace and seating areas.
11. Levels 06, 22, 38, 54 and 55 are plant levels.



12. Levels 07-53 includes student accommodation units.
13. Level 21 includes communal indoor and outdoor areas, comprising library /study, lounge, maker space, music room, media creation room and outdoor / wintergarden terraces.
14. Level 37 includes communal indoor and outdoor areas, comprising kitchen, dining, lounge and study areas and outdoor / wintergarden terraces.
15. Levels 7, 8, 35, 36, 39, 52 and 53 includes communal indoor and outdoor areas.
16. Signage is proposed on the building as follows:
 - 2 x internally illuminated business identification high wall signs measuring 4.1 metres high x 13.85 metres long x 250 mm deep located on the plant screen on the east and west elevations (Signs 1 and 2);
 - 1 x internally illuminated business identification sign measuring 1.2 metres high x 2.835 metres long x 200 mm deep located above the ground level main pedestrian entrance along the Queen Street frontage (Sign 3);
 - 3 x internally illuminated business identification signs measuring 1 metre high x 650 mm long x 200 mm deep and a minimum 3 metres above ground level located along the ground level for the café / retail tenancies (Signs 4, 5 and 6); and
 - 2 x internally illuminated business identification signs measuring 830mm high x 220 mm long located at the bicycle entry point and the main pedestrian entry along Queen Street (Signs 7 and 8).
17. The podium will have a height of 20 metres, as measured from the centre of the Queen Street frontage (24.475m AHD) and the tower will have a height of 176 metres (201m AHD), as measured from the highest point of the site frontage (25m AHD) (definitions as per DPO11). The plant has an overall height of 183 metres (208m AHD).
18. The materials and finishes include various 'earth' colours of metal cladding, concrete, stone, tiles, glazing and timber.
19. The application is supported by consultant reports including a planning report, design report, traffic engineering report, ESD report, stormwater report, waste management plan, wind assessment, landscape report, heritage impact assessment, green travel plan, arborist report, acoustic report, FAR report, overshadowing analysis, accessibility memo, tenancy and furniture guidelines and construction management plan.
20. The proposal under consideration in this report is based on the architectural plans prepared by Kerstin Thompson Architects, titled 'QVM Southern Precinct – Tower 3' and dated various dates (received 29 April 2024).



Site Description

21. The subject site is located within the south-east portion of the broader Queen Victoria Market (QVM) precinct and generally bound by Franklin Street to the south, Queen Street to the east, the new shared zone to the north and the future Tower 2 to the west. The site has recently been created via a change to the road network with the removal of the roundabout intersection at Queen and Franklin Streets.
22. The site has a frontage to Franklin Street of 39.78 metres, a frontage to Queen Street of 59.52 metres (including the splay at the intersection of Franklin and Queen Streets), a frontage to the new shared zone of 17.03 metres, a depth along the west boundary of 52.48 and an overall site area of approximately 1,611 m².
23. It is noted that the permit boundary extends in the south-west corner at the basement level only. This adds an additional area of approximately 65 m² to the GFA.



Figure 4: Subject site (Source: VicPlan)

24. The site:

- occupies part of Parcel D identified in Development Plan Overlay – Schedule 11 (DPO11). Parcel D is an irregular shaped parcel of land, approximately 11,890 m² located at the southern end of the market and includes the Franklin Street Stores (FSS).
- comprises the former road space and a roundabout intersection between Queen Street and Franklin Street.



- includes tree planting on part of the former roundabout site.
 - interfaces with the FSS, which are listed on the Victorian Heritage Register.
 - is Crown land, formally known as part Crown Allotment 2057 at West Melbourne City of Melbourne Parish of Melbourne North. There are no easements, restrictions or reserves on the site.
25. To support the QVM Precinct Renewal Program, the Victorian Government and the Melbourne City Council (the council) entered into a formal agreement in 2014 to transfer Crown land south of the FSS to the council subject to delivery of a range of obligations across the QVM Market Precinct. Freehold land is being created as a result of the land transfer, being Parcel D, Southern Development Site, providing opportunities for mixed-use development, as well as the relocation of existing at-grade public car parking underground.

Recent Site History

26. In September 2014, the council entered into an agreement with the Victorian State Government to support the QVM Precinct Renewal, seeking to create opportunities for commercial and residential development to add to the vibrancy and sustainability of the QVM precinct.
27. In August 2017, Planning Scheme Amendment C245 was gazetted to facilitate the Queen Victoria Market Precinct Renewal. The amendment (specific to the site):
- rezoned the existing at-grade car park between Shed M and the FSS from Capital City Zone – Schedule 1 to Public Park and Recreation Zone;
 - applied the Development Plan Overlay – Schedule 11, which incorporates a vision and design requirements for the development of land within and adjacent to the QVM;
 - amended the local policy to include the QVM Renewal Built Form Review and Recommendations (April 2015) and QVM Precinct Renewal Master Plan (July 2015) as reference documents;
 - amended the local policy to include a provision that development should not overshadow Flagstaff Gardens between 11am and 2pm on 22 June; and
 - amended the scheme to make the Minister for Planning the responsible authority for approval of any Development Plan or planning permit application under DPO11 and the land within the area covered by DPO11.
28. The council's QVM Precinct Renewal Program seeks to boost visitation to the QVM Precinct, accelerate the market's recovery, return QVM to profitability from 2025, and generate significant benefits for the community.
29. To support the Program, the Victorian Government and the council entered into an agreement in 2014 to transfer Crown land south of the FSS to the council subject to delivery of a range of obligations across the QVM Precinct.
30. Freehold land is being created as a result of the land transfer, being Parcel D of the Southern Development Site.
31. Funds secured through development of Parcel D will be reinvested into the QVM.
32. The council went out to tender for the QVM Southern Development Site in June 2021. Lend Lease Development Pty Ltd were announced as the preferred developer on 28 June 2023.

National Heritage Place

33. On 23 July 2028, the Queen Victoria Market was included on the National Heritage List and is protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).
34. On 21 June 2024, a delegate of the Commonwealth Minister for the Environment and Water decided that the proposed action (the proposal) is a controlled action under the EPBC Act 1999 and that it will be assessed by a Public Environment Report.



35. This process is currently underway by the Commonwealth Government. The assessment required under the EPBC Act 1999 is separate to the considerations under the *Planning and Environment Act 1987*.

Site Surrounds

36. The site is located within the QVM Precinct, on the northern edge of Melbourne's CBD. To the north and west of the site are the QVM sheds, the City North precinct, which includes the Parkville National Employment and Innovation Cluster, and the lower scale mixed use neighbourhood of West Melbourne. To the south and east of the site, is the CBD which includes a mix of tower developments and heritage buildings of various scales and a variety of uses. To the south-west of the site is Flagstaff Gardens.
37. The site is positioned in close proximity to multiple public transport options (trains, trams and buses) and public open spaces. Flagstaff Train Station is located 350 metres to the south and Melbourne Central Train Station is located 700 metres to the south-east. Tram routes are located along Peel Street / William Street (No. 58), La Trobe Street (No. 30 and No. 35) and Elizabeth Street (No. 19, No. 57 and No.59). Multiple bus routes are located within close proximity (No. 220, No. 232, No. 234, No. 235, No. 236, No. 237, No. 546, No. 605 and No. 959).
38. Development surrounding the site can be described as follows:

- To the **north** of the site is the existing at-grade car park and the balance of the QVM, consisting of Trading Sheds A – L, the Dairy and Meat Halls, the centre laneway, as well as shops fronting Victoria Street and Elizabeth Street to the north and east. This forms the northern portion of the QVM precinct area. The built form is low scale, reflecting the historic market buildings of the area.

Further north of the QVM is Victoria Street, which includes two lanes of traffic in each direction, car parking parallel to both footpaths and a central tramway. North of Victoria Street is the City North precinct that consists of medium scale development given its location as an area of transition between the CBD and Carlton.

- To the **east** of the site is Queen Street, the location of the former roundabout intersection at Queen and Franklin Streets. The road network has been recently altered, consistent with the DP, creating one way traffic in a westerly direction along Franklin Street to the south of the site, and two way traffic along Queen Street between Franklin Street to the south of the site and Franklin Street to the east of the site.

On the south-east corner of Queen Street and Franklin Street, at 410 Queen Street, are the Melbourne Terrace Apartments. This is a 6 – 8 storey residential building, with lower level retail and office uses.

To the south of this site is 400 Queen Street, a 6 storey car park with ground and mezzanine offices.

To the south-east of the site are other recently completed towers, including Queens Place (at 249 metres), EQ Tower (at 203 metres), Uno Melbourne (at 210 metres), 183-189 A'Beckett Street (at 178 metres) and Paragon (at 155 metres). To the east along Elizabeth Street, taller towers range in height from MY80 (at 173 metres) to Victoria One (at 247 metres).

On the corner of Queen Street and Therry Street is the QVM Munro development, which was recently constructed. It is a mixed use development comprising a hotel, dwellings (including Build to Rent and affordable housing dwellings), community uses including a council library, retail and a public car park. The development varies in height from 40 metres to 125 metres.

To the south of this site is 432-438, 440 and 446-450 Queen Street, which includes single and double storey buildings. The site is known as Parcel B – Stage 1 and a Development Plan (DP2000876) and Planning Permit (PA2000875) have been approved for a 67 metre (21 storey) high mixed use building, comprising retail and dwellings (including affordable rental housing). Works have yet to commence on site. To the south of this site are properties 422-428 Queen Street, 142-146 Franklin Street and 132 Franklin Street, which include a single and double storey building and a vacant site. This site is known as Stage 2 of Parcel B and to date, no planning approvals have been issued for the redevelopment of this site.



- To the **south** of the site is Franklin Street, which directs traffic one-way in a west direction between Queen Street and William Street. The southern side of the street includes parallel parking.

On the south-west corner of Franklin Street and Queen Street, at 211-213 Franklin Street and 375 Queen Street, are two, 2 storey buildings, one occupied by a restaurant. To the west at 215-223 and 225 Franklin Street are 2 and 3 storey office and warehouse buildings. To the west of this site, at 229-241 Franklin Street, is a 10 storey student accommodation building. To the west of this site, at 243-263 Franklin Street is a part 10 and part 12 storey residential building with a covered pedestrian link (Frederick Way) along its eastern boundary.

On the south-east corner of Franklin Street and William Street, at 386-412 William Street, is the remainder of the existing heritage facades along William Street and Franklin Street and the shell of a single storey building in the north-west corner of the site. Planning Permit 2013009182-4 (issued on 8 June 2015 and most recently amended on 13 July 2023) allows for the construction of a 16-36 storey mixed-use building comprising, office, residential hotel and retail.

- To the **west** of the site is the area for the proposed Parcel D Towers 1 (124.57 metres) and 2 (161.35 metres). Beyond this is Peel Street / William Street, a major north-south thoroughfare that connects the CBD to the inner northern suburbs. The streets include both single and double carriageways, bicycle lanes, a part bus lane and a central tramway for tram route No. 58. The roundabout intersection of Peel Street and Dudley Street is also located to the west of the site.

On the western side of Peel Street / William Street is the heritage listed Flagstaff Gardens. To the north of the Gardens, on the west side of Peel Street are a mixture of 1, 2 and 3 storey residential and retail buildings.

39. There are several developments existing and approved in the surrounding area, as illustrated below:



Figure 5: Subject site and surrounding context (Source: DTP 3D model)



Development Plan: 'Queen Victoria Market Southern Precinct Development Plan, 2024'

40. The DP was approved under delegation on 26 March 2024, subject to amendments.
41. The DP provides an overarching planning framework to lead the transformation of the QVM Southern Precinct Development site and includes:
- A new 'Market Square', replacing the existing at-grade public car park with a landscaped public open space of 1.8 hectares. This includes a new shared path north of the Franklin Street Stores (FSS) to provide a pedestrian and bicycle connection to the surrounding streets and Flagstaff Gardens and deliveries to the FSS.
 - The 'Queens Corner Building' (QCB) on Parcel C (maximum height 13 metres), a cultural and civic building incorporating public amenities, visitor centre and market and civic uses.
 - Retail tenancies within the restored and revitalised FSS.
 - Three buildings on Parcel D, including and to the south of the FSS – Tower 1 commercial building (125 metres), Tower 2 Build to Rent building (141 metres to 162 metres) and Tower 3 student housing building (176 metres), connected by new laneways activated with ground level retail, food and drink premises and building entries.
 - Affordable housing – 15% of net area of Tower 2.
 - An underground car park in the basement of Towers 1 and 2 and accessed from Franklin Street, primarily for market customers and traders, comprising 389 spaces, including 200 public car spaces, 20 trader van spaces, 80 commercial car spaces (to be accessible to market customers / general public on weekends), 87 residential car spaces and 2 loading bay spaces.
 - Parcel D Gross Floor Area (GFA) of 159,948 m² (excluding basements, but including FSS area of 3,208 m²) and Floor Area Ratio (FAR) of 13.45:1.
 - Sustainability outcomes including Green Factor; WELL Gold (Office); NABERS 5.5; Passive House (student housing); 100% renewables in operation; and Green Star 6 (office) and 5 (residential).
 - A Staging Plan for the development.
 - Various consultant reports inform and are part of the DP including:
 - Planning Report (to be endorsed as part of the DP);
 - Heritage Impact Assessment (to be endorsed as part of the DP);
 - Transport Management Report (to be endorsed as part of the DP);
 - Landscape Design Report;
 - Waste Management Plan;
 - Sustainability Strategy;
 - Stormwater Management Plan; and
 - Wind Report.
42. On 28 June 2024 the following documents were endorsed for the Queen Victoria Market Southern Precinct:
- Development Plan titled 'Queen Victoria Market Southern Precinct Development Plan, June 2024';
 - Planning Report prepared by Urbis and dated 17 June 2024;
 - Heritage Impact Assessment prepared by Lovell Chen and dated 9 May 2024; and
 - Transport Management Plan prepared by WSP and dated 13 May 2024.

43. The DP is generally in accordance with the Development Plan Overlay - Schedule 11 (Queen Victoria Market Precinct) of the Melbourne Planning Scheme, which includes built form requirements in relation to matters such as building heights and setbacks, FAR and through block links.

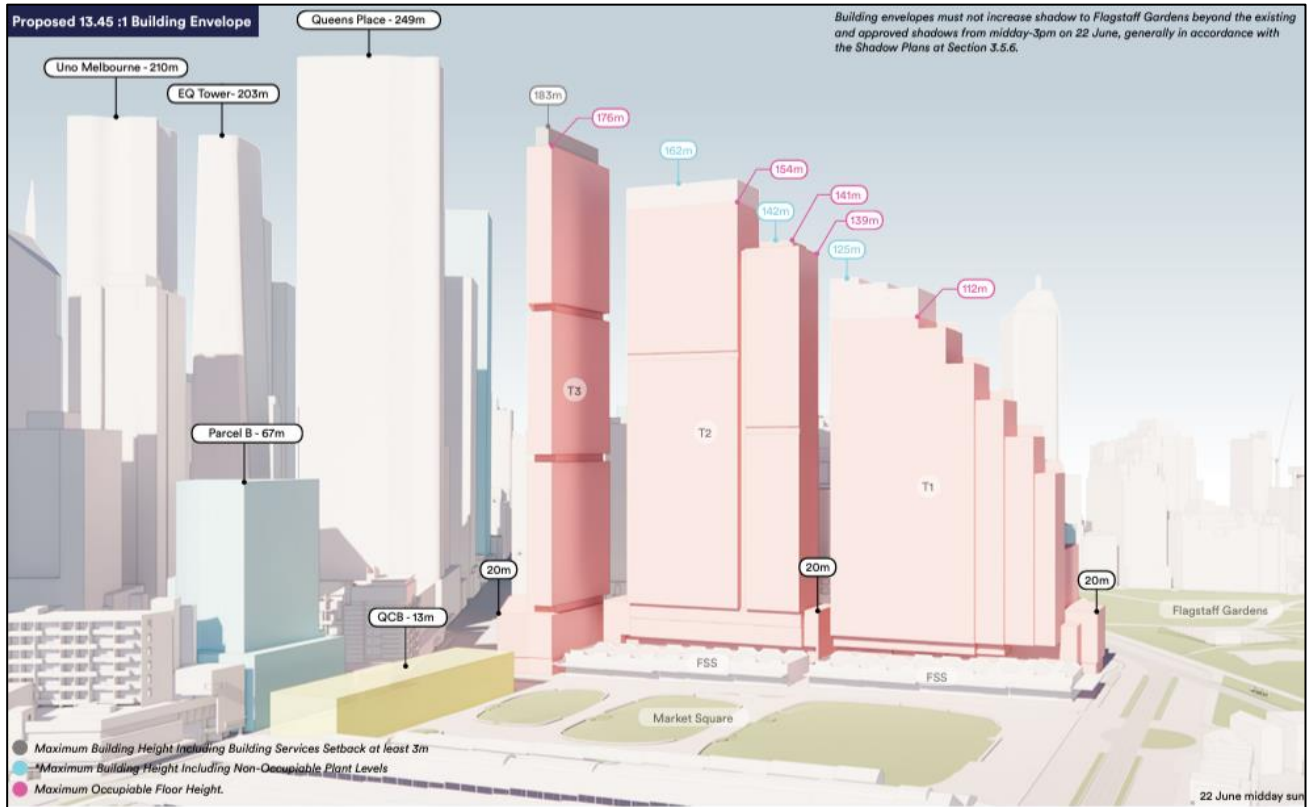


Figure 6: Proposed building envelopes in approved Development Plan (Source: DP Application)



Municipal Planning Strategy

44. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

| Clause | Description |
|----------|--------------------------------|
| 02.01 | Context |
| 02.02 | Vision |
| 02.03-4 | Built environment and heritage |
| 02.03-5 | Housing |
| 02.03-6 | Economic development |
| 02.03-7 | Transport |
| 02.03.08 | Infrastructure |
| 02.04 | Strategic Framework Plans |

Planning Policy Framework

45. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

| | |
|------------------|---|
| Clause 11 | Settlement |
| 11.01-1S | Settlement |
| 11.01-1R | Settlement – Metropolitan Melbourne |
| 11.03-1S | Activity centres |
| 11.03-1R | Activity centres – Metropolitan Melbourne |
| 11.03-6L-09 | Hoddle Grid |
| Clause 15 | Built Environment and Heritage |
| 15.01-1S | Urban design |
| 15.01-1R | Urban design – Metropolitan Melbourne |
| 15.01-1L-01 | CBD Lanes |
| 15.01-1L-02 | Signs |
| 15.01-1L-03 | Sunlight to public spaces |
| 15.01-1L-04 | Urban design |
| 15.01-2S | Building design |
| 15.01-2L-01 | Energy and resource efficiency |
| 15.01-4S | Healthy neighbourhoods |
| 15.01-4R | Healthy neighbourhoods – Metropolitan Melbourne |
| 15.03-1S | Heritage conservation |
| 15.03-1L-02 | Heritage |
| 15.03-2S | Aboriginal cultural heritage |
| Clause 16 | Housing |
| 16.01-1S | Housing supply |



| | |
|------------------|--|
| 16.01-1R | Housing supply – Metropolitan Melbourne |
| 16.01-1L | Student housing |
| Clause 17 | Economic Development |
| 17.01-1S | Diversified economy |
| 17.01-1R | Diversified economy – Metropolitan Melbourne |
| 17.02-1S | Business |
| Clause 18 | Transport |
| 18.01-1S | Land use and transport integration |
| 18.01-1L | Land use and transport planning |
| 18.02-3S | Public transport |
| Clause 19 | Infrastructure |
| 19.03-3L | Stormwater management (Water sensitive urban design) |
| 19.03-5S | Waste and resource recovery |

46. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Applicable Zones

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

47. Pursuant to Clause 1.0 of Schedule 1, a permit is not required for accommodation and retail premises.
48. Pursuant to Clause 37.04-4, a permit is required to:
- Construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.
 - Demolish or remove a building or works if specified in the schedule to this zone.
49. Pursuant to Clause 37.04-5, a permit is required to construct or put up for display a sign unless the schedule to this zone specifies otherwise.
50. Pursuant to Clause 3.0 of Schedule 1, a permit is required to construct a building or construct or carry out works.
51. Pursuant to Clause 4.0 of Schedule 1, a permit and prior approval for the redevelopment of the site is required to demolish or remove a building or works.
52. Pursuant to Clause 5.0 of Schedule 1, a permit is required to erect an advertising sign. Sign requirements are at Clause 52.05. This zone is not in a sign category at Clauses 52.05-11 to 52.05-14.

Applicable Overlays

Heritage Overlay – Schedule 7 (Queen Victoria Market Precinct) – covers northern part of the site

53. Pursuant to Clause 43.01-1, a permit is required to:
- Demolish or remove a building.
 - Construct a building or construct or carry out works.

- Construct or display a sign.

Design and Development Overlay – Schedule 1 (Urban Design in Central Melbourne)

54. Pursuant to Clause 43.02-1, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
55. Pursuant to Clause 2.3 of Schedule 1, buildings and works:
- Must meet the Design objectives specified in this schedule.
 - Must satisfy the Design outcomes specified for each relevant Design element.

A permit may be granted to vary a discretionary Design requirement expressed with the term 'should'.

A permit cannot be granted to vary a Design requirement expressed with the term 'must'.

A permit cannot be amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet a Design requirement expressed with the term 'must'.

An application that does not meet a Design requirement must demonstrate how the development will achieve the relevant Design outcomes.

Development Plan Overlay – Schedule 11 (Queen Victoria Market Precinct)

56. Pursuant to Clause 43.04-2, a permit must not be granted to use, subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.
57. A permit granted must:
- Be generally in accordance with the development plan.
 - Include any conditions or requirements specified in a schedule to this overlay.
58. Pursuant to Clause 1.0 of Schedule 11, a permit may be granted to use, subdivide land or for minor buildings and works to an existing development before a development plan has been prepared to the satisfaction of the responsible authority. The responsible authority must be satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.
59. Pursuant to Clause 2.0 of Schedule 11, any permit issued for the use, subdivision or development of the land must be generally in accordance with:
- The approved Development Plan;
 - The *Queen Victoria Market Precinct Framework Plan 2017* at Figure 1; and
 - The Vision in Clause 3.0.

Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1.

A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.

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

60. Pursuant to Clause 2.0 of Schedule 1, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.
61. As no car parking spaces are proposed, this overlay is not applicable.



Particular Provisions

62. The following particular provisions apply:

- Clause 52.05 – Signs
 - Pursuant to Clause 52.05-1, this clause applies to the development of land for all signs.
- Clause 52.34 – Bicycle Facilities
 - Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been approved on the land.
- Clause 53.18 – Stormwater Management in Urban Development
 - Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:
 - 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.



Referrals

63. The application was referred to the following groups:

| Provision / Clause | Organisation | Date received |
|--|--|---|
| Capital City Zone – Schedule 1 (Section 55 Referral – Recommending) | Melbourne City Council | Various dates with final response received 13 August 2024 |
| Clause 66.02-11 (Section 55 Referral – Determining) | Head, Transport for Victoria | 11 April 2024 |
| Informal | Heritage Victoria | No response received. Note: The application was referred as a courtesy, given it is within the DP site but not included within a Victorian Heritage Register site. |
| Internal | DTP – 3D Visualisation | 19 June 2024 3D model checked and shadow analysis and context map provided. |
| Internal | Office of the Victorian Government Architect | 8 December 2023 8 January 2024 28 March 2024 |

Melbourne City Council

64. The Melbourne City Council (the council) considered the application at their Future Melbourne Committee (FMC) meeting on 6 August 2024. At the meeting, and as advised on 13 August 2024, the council resolved:

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


65. In addition to 'standard' conditions, the council recommended conditions to require alterations to improve the ground level activation for the area associated with the termination of the east-west pedestrian link and modifications to the loading arrangements.

66. These conditions, with some inconsequential modifications to the wording, will be included on any permit to issue.

Head, Transport for Victoria

67. Head, Transport for Victoria advised on 14 December 2023 that it does not object to the application, subject to the following conditions:

1. *Unless otherwise agreed in writing with the Head, Transport for Victoria, before development starts a Construction Management Plan must be submitted and approved to the satisfaction of Head, Transport for Victoria. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to public transport assets and operations during construction and must set out:*
 - a) *how public transport operations, bus stops, traffic, walking and cycling movements will be managed during construction*
 - b) *how traffic impacts to bus operations and associated infrastructure will be mitigated.*



All construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to the Head, Transport for Victoria to the satisfaction of the Head, Transport for Victoria.

2. *Any request for written consent to disrupt bus operations during the construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption as set out in the approved Construction Management Plan.*
3. *Unless otherwise agreed in with the Head Transport for Victoria, before the development is occupied the Green Travel Plan prepared by WSP dated February 2024 must implemented as shown on the approved plan to the satisfaction of the Responsible Authority.*

Office of the Victorian Government Architect

68. The Office of the Victorian Government Architect (OVGA) led Design Review Workshops, attended further meetings and provided comment throughout the Development Plan and Tower 1/Tower 2 and Tower 3 application processes. OVGA comments about this Tower 3 application generally related to the design and integration of the wind mitigation measures, the design of the colonnades, façade systems/treatment (in particular, for the southern façade of the tower) and the site interfaces.
69. A condition will be included on any permit to issue requiring that there is an integrated design response that provides a holistic urban solution for wind mitigation measures for the subject site and the Southern Development Site.
70. During the application process various design discussions were held with all stakeholders to address the design and articulation of the building's facades and in particular, the southern façade. Throughout the process the southern façade was amended from a flat façade to one with depth and articulation. The OVGA advised on 28 March 2024, that the design had progressed to a satisfactory outcome with the inclusion of fins to ensure that the building can be read in the round. These changes were included in the s50 amendment application received on 29 April 2024.

Notice

71. Pursuant to Clause 43.04-3 of the Development Plan Overlay, if a DP has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirement 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.
72. The application is considered to be generally in accordance with the DP and is therefore exempt from the notice provisions of the Act.
73. It is noted that had the site not been included in DPO11, the application would be exempt from the notice and review requirements of the *Planning and Environment Act 1987* with regard to the permit triggers, with the exception of the Heritage Overlay.



Permit application requirements under DPO11

75. Pursuant to DPO11, the following conditions and requirements are required for permits:

- Any permit issued for the use, subdivision or development of the land must be generally in accordance with:
 - The approved Development Plan;
 - The *Queen Victoria Market Precinct Framework Plan 2017* at Figure 1; and
 - The Vision in Clause 3.0.
- Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1.
- A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.

76. A permit application must provide the following requirements, noting that only those requirements relevant to the proposed early works have been included in the table below:

| Requirement | Assessment |
|---|--|
| <p>Elevations and Cross-Section Plans that address and meet (as a minimum) the following design requirements:</p> | <p>Plans and cross-sections have been provided in the architectural set of plans prepared by Kerstin Thompson Architects (KTA), titled 'QVM Southern Precinct – Tower 3' and received on 29 April 2024 (see drawing list above).</p> |
| <ul style="list-style-type: none"> • Where consistent with the heritage significance of existing buildings, continuous weather protection should be provided to the footpaths of Therry Street, Queen Street, Peel Street and to the southern side of the New Franklin Street to promote pedestrian amenity and provide protection from rain, wind and sun. | <p>The colonnade and canopies along the Queen Street frontage will promote pedestrian amenity and protection from rain, wind and sun.</p> |
| <ul style="list-style-type: none"> • An active frontage to the ground level of buildings fronting Therry Street, Queen Street, the southern side of New Franklin Street and Peel Street, comprising: <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, or ○ At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction. | <p>Active frontages are proposed along Queen Street to the east, to the north forecourt fronting the future Shared Zone, and in part to Franklin Street to the south. There is limited activation to the west frontage which accommodates the lift core and stairs. Given the irregular site shape, the exposure of the four frontages and building and operational requirements (including the building core, fire boosters, and loading areas), the ground level provides an active frontage to 73.1% of the total frontage.</p> <p>This results in the northern elevation providing 100% activation; the east elevation providing 83% activation; the south elevation providing 76% activation; and the west elevation providing 44% activation.</p> <p>The active frontages are generally entries and windows to the ground level lobby, the internal bicycle parking area and the café and retail spaces.</p> |



Figure 7: Active frontage (Source: Application)

- New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.

Given the location of the proposal on the eastern area of Parcel D, Tower 3 will not cast a shadow across the Flagstaff Gardens or the future public open space (Market Square) between 11.00 am and 2.00 pm on 22 June.

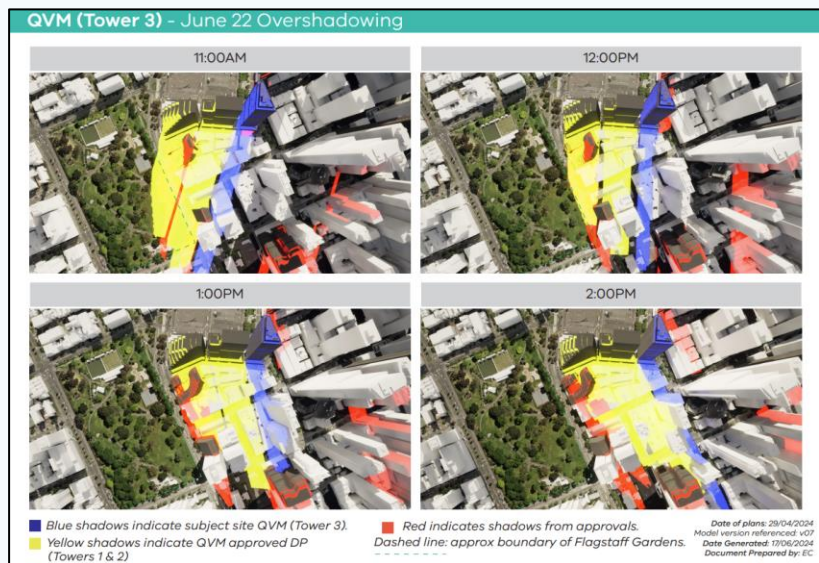


Figure 8: Shadow studies June 22 - 11:00am - 2:00pm (Source: DTP 3D model)

Site Layout Plans that address and meet (as a minimum) the following design requirements:

Plans and cross-sections have been provided in the architectural set of plans prepared by Kerstin Thompson Architects (KTA), titled 'QVM Southern Precinct – Tower 3' and received on 29 April 2024 (see drawing list above).

- For street length blocks that exceed 100 metres in length the provision of at least one mid-block publicly accessible pedestrian link.
- For street length blocks that exceed 200 metres in length the provision of at least two mid-block publicly accessible pedestrian links.

DPO11 requires Parcel D to include 2 north-south publicly accessible pedestrian links, noting that the southern frontage of Parcel D exceeds 200 metres. The location of the 2 north-south links, one adjacent (western interface) to Tower 3, is consistent with Figure 1 in DPO11.

As above.



| | |
|---|--|
| <ul style="list-style-type: none">New publicly accessible pedestrian links should be located to connect to the area's pedestrian network and enhance the pedestrian permeability of the public realm, generally as shown on Figure 1. | The location of the pedestrian link to the west of Tower 3 is consistent with Figure 1 in DPO11, connecting to the area's pedestrian network. |
| <ul style="list-style-type: none">Vehicular ingress and egress to new development (excluding loading and unloading facilities) should not be constructed within a frontage to Therry Street, Queen Street, Peel Street or the southern side of the New Franklin Street, where vehicle access via an alternative frontage is possible. | N/A – as there are no car parking spaces proposed as part of this application. |
| Floor Area Ratio assessment and report by an independent quantity surveyor. | A FAR Assessment prepared by WTP and dated 30 April 2024 was submitted with the application, which identifies that the FAR for Tower 3 is 26.73:1. However, the proposed development for the whole of Parcel D (Towers 1 and 2 and the FSS) must comply with the DP that included a FAR of 13.4:1. The site area of Parcel D is 11,892 m ² . The total GFA for Towers 1 (57,730 m ²), 2 (55,975 m ²) and 3 (43,072 m ²) and the FSS (3,208 m ²) is 159,985 m ² , equating to an FAR for Parcel D of 13.45:1. |
| Materials and Finishes Schedule that outline the specifications of the proposed building materials and finishes. | The architectural set of plans include a detailed materials and finishes schedule, which include various types of glazing, metal cladding, concrete stones, wall tile cladding and timber framing. |
| Wind Tunnel Model Study that addresses and meets (as a minimum) the following design requirements: | A Pedestrian Wind Environment Study prepared by Windtech and dated 3 June 2024 forms part of the application documents. |
| <ul style="list-style-type: none">Demonstrates that new development will not adversely affect the amenity of the public realm.New development adjoining the proposed public open space shown on Figure 1 and the frontages of Therry Street, Queen Street, the southern side of the New Franklin Street and Peel Street should be designed to be generally acceptable for short term stationary wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 13ms-1).New development adjoining all other public spaces should be designed to be generally acceptable for walking (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 16ms1). | The report demonstrates that with wind mitigation measures, the amenity of the public realm will not be adversely affected. Conditions will be included on any permit to issue requiring further testing be undertaken and that mitigation measures within the public realm are implemented as part of this approval (see discussion below). |



| | |
|--|---|
| Acoustic Assessment Report that addresses and meets (as a minimum) the following design requirements: | An Acoustic Report prepared by Acoustic Logic and dated 23 October 2023 was submitted with the application. |
| <ul style="list-style-type: none">How noise sensitive uses will be protected from impacts from noise generating uses in the area. | The report predicts that the traffic noise levels will be between 64 and 65 dB(A) Leq 1hr. To address the traffic noise, the windows associated with the student bedrooms and living rooms will require minimal glazing construction requirements, performance requirements and acoustic seals. Further, recommendations for minimum lightweight wall constructions have also been provided. Different requirements are recommended for the podium levels and the tower levels, given their relative proximity from the noise source. |
| <ul style="list-style-type: none">Buildings to be occupied by a residential use should be designed to limit internal noise levels in habitable rooms to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control. | The report recommends the above requirements be implemented into the building construction to ensure that the internal noise levels in habitable rooms do not exceed 45dB(A) Leq 1hr. |
| Environmental Sustainable Design and Water Sensitive Urban Design Assessment that outlines the initiatives that are to be included in the proposal. | An ESD Report prepared by Aurecon and dated 25 October 2023 was submitted with the application. The report commits to a high level of sustainability for the building. However, the council has recommended that a condition be included on any permit to issue requiring the submission of an updated ESD report to demonstrate a firm commitment to each of the nominated credits and show evidence where practical that the design team can resolve and demonstrate. |
| Demolition and Construction Management Plan that addresses (as a minimum) the following design requirements: | A Construction Management Plan prepared by Scape and dated 19 December 2023 was submitted with the application and generally addresses the relevant requirements. The council has recommended a standard condition for the approval and endorsement of a Construction Management and Tree Protection Plan, which will be included on any permit to issue. |
| <ul style="list-style-type: none">Compliance with the City of Melbourne Construction Management Plan Guidelines. | As above. |
| <ul style="list-style-type: none">Construction vehicle access and traffic management that ensures that the ongoing activities of the Queen Victoria Market are not adversely affected. | As above. |
| <ul style="list-style-type: none">Public safety and amenity. | As above. |
| <ul style="list-style-type: none">Air and dust management. | As above. |

Assessment against DPO11

Development Plan

77. The application is generally in accordance with the approved DP for the QVM Southern Precinct Development Site and is therefore supported. The proposed building form generally aligns with the podium height (20 metres), overall height (176 metres) and tower setbacks in the approved DP.

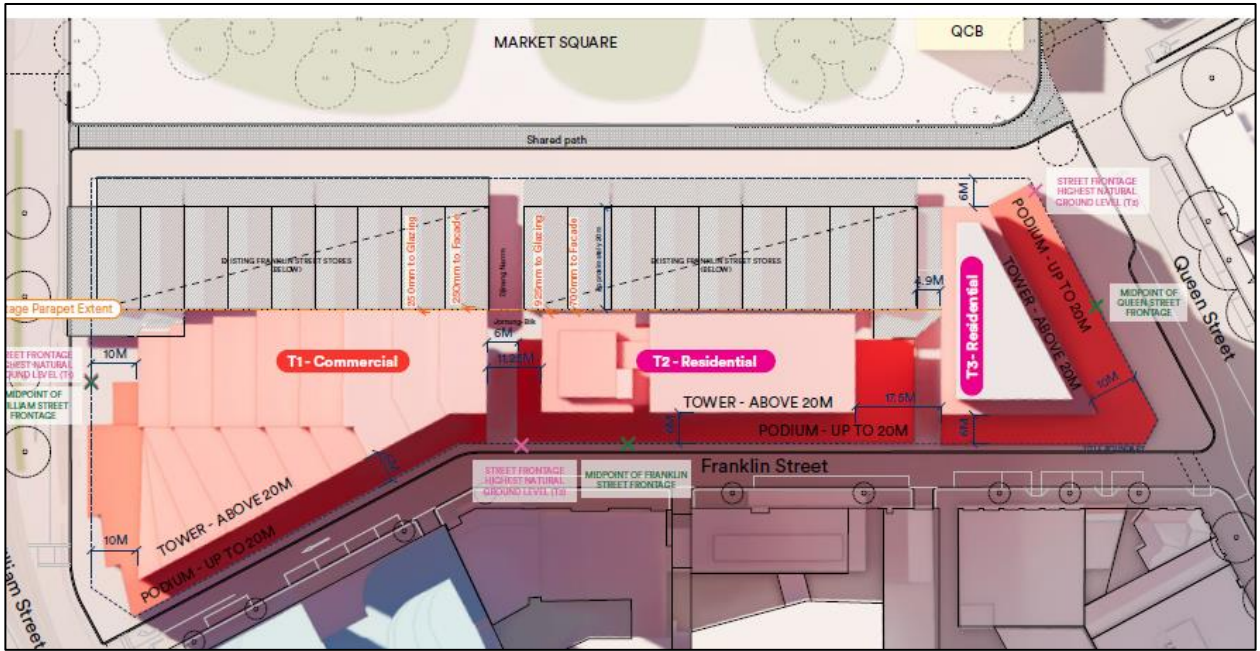


Figure 9: Page 52 of the endorsed Development Plan dated June 2024

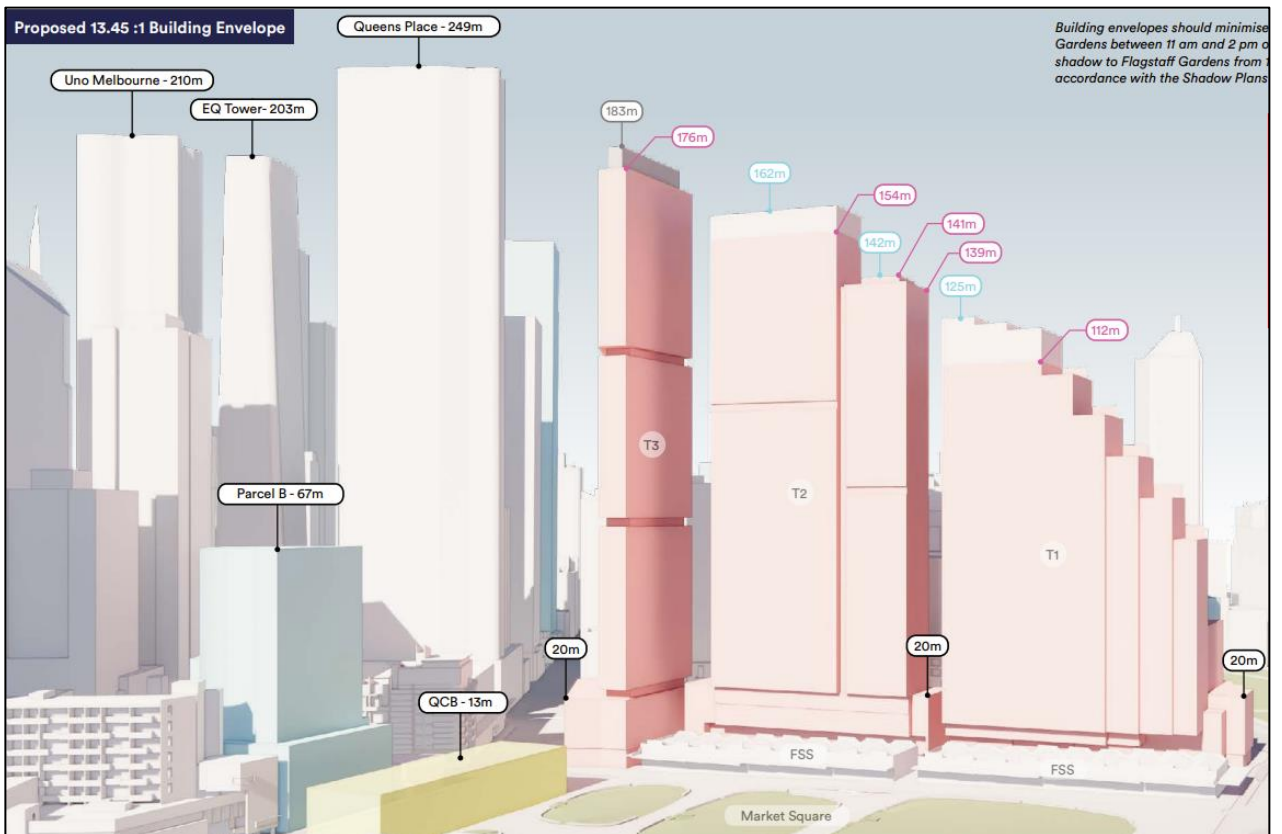


Figure 10: Page 55 of the endorsed Development Plan dated June 2024

78. The endorsed DP provides indicative podium and tower heights, tower setbacks, tower separation and Floor Area Ratio requirements. This application is assessed against the DP as follows:



| | Queen Victoria Market Southern Precinct Development Pan, June 2024 | Proposal |
|--|---|---|
| Podium height | 20 metres | Tower 3: 20 metres |
| Tower setbacks | Tower 3: <ul style="list-style-type: none"> 6 metres from the Shared Zone 6 metres from Franklin Street 10 metres from Queen Street | Tower 3: <ul style="list-style-type: none"> 6 metres from the Shared Zone 6 metres from Franklin Street 10 metres from Queen Street |
| Tower separation | Between Towers 2 and 3: 17.5 metres | Between Towers 2 and 3: 17.385 metres <i>*noting that the glazing line for Tower 3 is setback a further 355mm from the title boundary, which is consistent with the endorsed DP</i> |
| Building height | Tower 3: 176 metres | Tower 3: 176 metres |
| Floor Area Ratio | Parcel D: 13.45:1 | 26.73:1 (as it applies to Tower 3 area) 3.62:1 (as it applies to Parcel D); leaving 9.83:1 or 116,898 m ² for Towers 1 and 2 |
| Gross Floor Area (above ground) | Tower 1: 57,757 m ² Tower 2: 55,911 m ² Tower 3: 43,072 m ² Franklin Street Stores: 3,208 m ² <u>Total: 159,948 m²</u> | Tower 1: 57,730 m ² Tower 2: 55,975 m ² Tower 3: 43,072 m ² Franklin Street Stores: 3,208 m ² <u>Total: 159,985 m² (+37 m²)</u> |

79. The only variation to the DP numerical requirements is the GFA as detailed above. It is considered that this minor variation will not adversely impact the overall design of the development and is generally in accordance with the DP.

Response to Design Objectives in DP

80. An assessment against the relevant Design Principles within the DP is as follows:

| Design Principle | Assessment |
|---|---|
| Parcel D Southern Development Site | |
| Design Principle 1 Reinforce the distinctive relationship of the precinct's location where the Hoddle Street Grid, the Queen Victoria Market and the Franklin Street Stores intersect. | The layout of the tower and the through block link align with the site layout included in the DP and will reinforce the relationship of Tower 3 to QVM, the Hoddle Grid and FSS. |
| Design Principle 2 The built form should step up in height from west to east, from the low point at Flagstaff Gardens through to a high point, landmark building at the corner of Queen and Franklin Street. The heights should be differentiated between the towers incorporate soft landscape through the towers, as well as at the ground plane. | The building height is consistent with the height in the DP and steps up from Tower 1 (maximum height 124.57 metres) to Tower 2 (maximum height 161.35 metres) and Tower 3 'landmark building' (maximum height 176 metres). The buildings provide an appropriate graduation and differentiation in height from Flagstaff Gardens to the taller buildings in the Central City. Landscaping is provided on the ground plane and terraces. |
| Design Principle 3 | The proposed towers achieve a highly resolved |



To ensure the towers do not appear as a continuous wall when viewed from the surrounding streets and public realm, buildings must be designed with differentiation of design expression, diversification of the facade between towers, and implement strategies to provide layering, articulation and depth to facades, such as variation in facade framing, facade techniques to break up the massing and facade projections to all tower elevations. Each tower's identity should be read in the round, to ensure there is no front and back reading, demonstrating this identity from different vantage points.

Design Principle 4

Provide diversity of facade and architectural language between Towers 1, 2 and 3, while including unifying elements. Diversity of design and architectural practices are required to bring a different design hand to the building language.

architectural response on all elevations ensuring they are read in the round and appropriately articulated from key vantage points.

Each tower has a legible identity through its massing, façade expression and detailed design elements.

Importantly, the towers will not appear as a continuous wall when viewed from street level due to these design elements. The tower setbacks and separation between each of the towers is consistent with the built form requirements in the DP.

Each of the towers is designed by a different architect and has a unique design language, providing the diversity of design and architecture sought for the precinct. Unifying elements are included such as the use of masonry at lower levels, complementary palette of materials and finishes, active frontages, laneway treatments and landscaping.

Design Principle 5

Deliver high quality materials to facades and finishes, which include textured, robust and finely detailed materials at podium level. Use of brick, masonry, metal and other solid materials should be used to bring the building to ground.

The podium features masonry finishes that successfully bring the building 'to ground', particularly around the northern plaza and the interface with the FSS. The metal cladding applied to the tower integrates well with the materials in the podium and achieves a legible built form when viewed in the round, with a high level of articulation and depth.

Design Principle 6

The colour palette of materials and finishes should explore the elements of earth and sky, with generally a gradient of colours that have richer tones from east, becoming lighter towards the west, and darker colours towards the base of buildings.

The colour palette of the tower incorporates rich red earthy tones at the lower levels that lighten as the tower rises above the podium, from the earth to the sky. Importantly, the colours for the podium extend partly up the tower to reference the height of Melbourne Terrace Apartments opposite the site. The design team has consulted with First Nations representatives to develop their colour/tonal palette.

Design Principle 7

Lower podium forms should contribute to and activate the streets and support new pedestrian links. Podium forms should enable pedestrian interaction, activation and contribute to the broader Queen Victoria Market Precinct.

The design and layout of the podium contributes to activation and passive surveillance of the public realm, through the positioning of active uses at ground level, the plaza to the north, the colonnade to the east and open glazing to rooms on the upper podium levels. Notwithstanding the above, the council has raised the proposed presentation of the western elevation of the ground level of Tower 3 to the termination of the east-west pedestrian link (which has only 44% activation) and considers that alterations should be incorporated into this elevation to improve activation. This is considered reasonable, and a condition will be included on any permit to issue.

Design Principle 8

Materials, finishes and cladding should avoid glare, with requirements for all materials, finishes and cladding to have reflectivity of no more than 15%.

Conditions will be included on any permit to issue requiring the submission and endorsement of a Façade Strategy and a Reflective Glare Assessment, which will ensure the maximum reflectivity for all materials, finishes and cladding of 15% is achieved.

Design Principle 9

High quality materials, finishes, and detailing should be provided to soffits, including integrated lighting and services. Comprehensive material palettes are to be provided at the permit application stage.

The plans show that soffits are appropriately designed, and lighting is capable of being incorporated into the overall architectural language of the building. Conditions will be included on any permit to issue requiring the submission and endorsement of a Façade



| | |
|---|---|
| | <p>Strategy and Lighting Strategy, which will ensure these detailed elements are appropriately designed and integrated.</p> |
| <p>Design Principle 10</p> <p>Services and louvres are integrated into main podium facade design (such as air intake, service cupboards, car park doors) are part of the design approach. Louvres on towers are integrated into overarching architectural design to minimise visual impact to the main tower facade.</p> | <p>The tower includes services and louvres that are suitably integrated into the podium levels, primarily around the loading bay to Franklin Street.</p> <p>A condition will be included on any permit to issue requiring the submission and endorsement of a Façade Strategy, which will ensure these detailed elements are appropriately designed.</p> |
| <p>Design Principle 11</p> <p>Provide soft landscaping to towers such as podium balconies, roof terraces, and vertical building breaks, and the west-facing terraces of T1. Landscaping provision is to be low maintenance, with appropriate site-specific plant selection for longevity, and include watering systems that enable their success.</p> | <p>Adequate landscaping has been provided at the podium level communal open space area, as well as planters around the edge of the communal tower levels at Levels 21 and 37.</p> <p>A condition will be included on any permit to issue requiring the submission and endorsement of a detailed Landscape Plan and Maintenance Plan, which will ensure these detailed elements are appropriately designed.</p> |
| <p>Design Principle 14</p> <p>For Tower 3, the building should be designed to respond to the following principles:</p> <ul style="list-style-type: none">• With consideration that podium facade elements may be permitted to extend beyond the title boundaries; a highly textured facade (of up to 600mm depth in facade) should include more solid materials to the base (such as concrete and steel) with lighter weight materials as it extends up the tower.• The tower should be split into 3 elements, forming a base, middle and top.• A rich colour palette for the building should respond to the red brick of the Franklin Street Stores, and diminish in shade and hue as the tower raises. | <p>With the refinements made through the OVGA workshops and subsequent meetings, all elevations of the tower façade achieve a suitable level of depth ranging from 100 mm on the southern façade to 600 mm on the northern façade.</p> <p>The tower is cohesively arranged into three elements which are distinct in their colour hue, which lightens in hue as the tower rises, as sought by this principle.</p> |
| <p>Design Principle 15</p> <p>The design for Tower 3 should ensure that the expressed structure runs to ground and sets the rhythm for the podium colonnade. The colonnade should form a relationship with the heritage context of the adjoining Franklin Street Stores to create a layering of materials in scale and weight.</p> <p>The approach should further reference the market's language of components and layer these through the colonnade, to add a second layer of finer grain experience for pedestrians.</p> | <p>The proportions and materiality of the colonnade establish an appropriate rhythm and layering of materials and on the north and west elevations, provides an appropriate contextual response to the FSS and site context.</p> |
| <p>Design Principle 16</p> <p>The termination of the east-west pedestrian link at the eastern end of the link should provide an attractive interface with high quality, tactile materials and human scale detailing. Desire lines should be unobstructed to ensure visual permeability along the east-west pedestrian link.</p> | <p>The junction of the east-west pedestrian link and the north-south pedestrian link to the west of Tower 3 requires further resolution.</p> <p>The area presents as the rear of Tower 3 with limited activation and human scale elements. While there is a central window providing some activation and views into the lift lobby, further design detail should be provided to address this design principle.</p> <p>The council has recommended a condition to require further design and landscaping measures to improve activation and human scale of the area. The condition, with some modifications to the wording, will be included</p> |



on any permit to issue.

Design Principle 17

Future wind studies should aim to achieve sitting comfort criteria in outdoor seating and dining areas, and standing comfort criteria at main building entrances, where mitigation measures do not impact on the quality of the public realm and are acceptable to Heritage Victoria for mitigation measures on land within the Heritage Registration.

The submitted wind assessment demonstrates that Tower 3 will achieve the relevant comfort criteria anticipated by the DP. The report also identifies the location and type of wind mitigation measures required to achieve the relevant comfort criteria, which will be the subject of further design and approval processes.

Franklin Street Stores

Design Principle 3

Balance daylight and amenity to the new pedestrian links, through the partial removal of the southern canopy of the Franklin Street Stores, should be consistent with the Heritage Victoria permit.

The proposed tower will provide an appropriate level of daylight to the new pedestrian links through setbacks, clearance heights and building separation which accords with the built form requirements in the DP. It is noted that the partial removal of the southern canopy of the FSS has been approved by Heritage Victoria.

Design Principle 4

Provide for enhanced views of the Franklin Street Stores, through the eroding of the north-western podium edge to Tower 1, to allow views of the south-western facades of the Franklin Street Stores. Setback the northern edge of the Tower 3 building to provide for views to the eastern facade of the Franklin Street Stores.

The northern edge of the proposed building is setback 6 metres from the northern boundary, which provides enhanced views to the retained FSS.



Figure 11: North elevation of Tower 3 (Source: Application)

Public Realm – Ground Plane

Design Principle 1

Deliver a connected and continuous ground plane, with laneway connections that provide for two north-south mid-block pedestrian links, and an east-west pedestrian link to the southern side of the Franklin Street Stores. The through block links should strategically connect to the broader surrounding precincts to connect the site to the broader surrounding precinct and ensure a seamless integration between existing and new places.

The proposal will deliver a continuous and connected ground plane, with pedestrian through block links located and designed in accordance with the DP.

Design Principle 3

Create a rhythm of expressed structure of new development where it meets the ground plane.

The design of the building at the ground level, with the colonnade expression, has a direct spatial relationship to the structural rhythm of the adjacent FSS and will establish a highly articulated and fine-grained presentation to the future pedestrian links.

Design Principle 4

Provide for a high-quality materiality of ground plane that reflects the Melbourne-ness of materials, including City of Melbourne materials standards of bluestone at the edges and public spaces, with variation and modification of materials and patterns within the private laneways.

The indicative materiality shown on the plans, particularly the submitted landscape plans, show appropriate surface treatments of pedestrian areas as well as the materiality of structures (e.g. seating) within the public realm. The council has recommended a condition requiring the final detail of these surface treatments and structures to align with their standards



for public realm treatments. This is considered reasonable, and a condition will be included on any permit to issue.

Design Principle 5

Use demarcation of materials within the public realm and paving treatments to assist wayfinding and identification. The use of material changes to assist in legibility and wayfinding will be present at key nodal areas such as access to the basement carpark, on the edge of the Franklin Street Stores and at key building entries.

The indicative surface treatments shown on the plans and landscape plans suitably demarcate the public realm.

Design Principle 6

Provide robust and fit-for-purpose materiality including paving with bluestone and granite, with exploration of patterning and change in levels while remaining a visual calmness.

The materials shown on the plans include bluestone and granite finishes, the details of which will be specified through a permit condition.

Design Principle 8

The laneway should expand the public realm at the eastern and western ends, including a northern setback of tower 3 to the shared path and a wider western opening to the east-west pedestrian link.

The greater northern setback is provided to the podium levels, which visually emphasises the pedestrian link as viewed from the Shared Zone and Queen Street.

Design Principle 10

Specialist lighting will be provided throughout the public realm, which will provide a range of lighting settings to suit different requirements, and provide atmospheric and functional requirements.

While the council has recommended a condition be included on any permit requiring public lighting in the surrounding streets, the condition will also be amended to include lighting details for the building and the subject site. This will ensure appropriate lighting arrangements are delivered for the public and private spaces within the subject site.

Design Principle 12

Consider opportunities for occupiable furniture within the laneways and within the public realm, while maintaining required clearance heights and minimum space unencumbered for pedestrian pathways. As part of the detailed permit application, a tenancy and furniture guidelines for laneway elements would be prepared; these must be consistent with any Heritage Victoria permit conditions.

The council has recommended conditions to address the objectives of these principles as they relate to access, security, street furniture, as well as operational management and maintenance arrangements within the public realm.

Further, a condition has also been recommended for an amended Landscape Plan and Maintenance Plan that seeks to ensure the landscaping is high quality, embedded in the development, integrated with the broader public realm works for the precinct and considers the council's Design and Construction Standards.

These conditions will be included on any permit to issue.

Design Principle 13

As part of the planning permit application, guidelines for management and maintenance of laneways in private ownership would be prepared, including tenancy guidelines around furniture and identifying what furniture items are portable; these must be consistent with any Heritage Victoria permit conditions.

Design Principle 14

Where required, security cameras, loud speakers, telecommunication posts, etc, will be incorporated into a holistic design solution within the public realm.

Design Principle 15

Tactile indicators, contrast nosing strips, handrails, bollard, and other hazard / assistance elements within the public realm will be considered as part of a holistic design approach and not as independent elements.

Design Principle 17

Public realm spaces should be well lit to provide for safe and inviting spaces, during the day and night.

All spaces within the public realm will be provided with adequate lighting, noting that conditions will be included on any permit to issue for the provision of a lighting plan



| | |
|---|---|
| | for the subject site and surrounding public spaces. |
| Design Principle 18 Services should be minimised where possible at ground and lower podium levels. Any service cupboards or elements must be designed to integrate with the architecture. | Services to the tower are appropriately integrated into the architectural language along the street edge to Franklin Street and the north-south pedestrian link to the west. |
| Signage and Wayfinding Approach | |
| Design Principle 1 Minimise signage to north building elevations, while providing consideration for one business identification signage for the T1 commercial building and minor tenancy signage for the Franklin Street Stores, subject to approval under the Heritage Act 2017. | The proposal includes two high wall signs on the east and west elevation respectively. These will have limited oblique views from the north however, this is not considered unreasonable particularly given the signs will not be directly visible when viewed from the future 'Market Square'. |
| Design Principle 3 High wall signage should have a moderate level of illumination and be integrated within the facade and compatible with architecture of the building. | The proposed high wall signs are suitably integrated with the rooftop plant structure and do not detract from the appearance of the building. Conditions will be included on any permit to issue requiring further details of the high wall signage, hours of operation for the illumination and ongoing compliance with standard lighting and illumination requirements. |
| Design Principle 4 High wall signage to be a maximum of two signs per building. | The proposal includes two high wall signs for Tower 3. |
| Design Principle 5 Avoid visual clutter of signage on facades. | The proposed signage does not result in visual clutter. |
| Design Principle 7 Design guidance should be prepared around signage for pedestrian level and ground level signage, including details of illumination and scale. | Further signage plans will be required via a condition on any permit to issue. |

Queen Victoria Market Precinct Framework Plan 2017

81. The application area relates to the eastern part of the land within Parcel D as shown on the Queen Victoria Market Framework Plan 2017 contained in DPO11 (see figure below). The proposal is generally in accordance with the plan, as it includes the following:

- a podium height of 20 metres (measured from the centre of the Queen Street frontage);
- a north-south through block pedestrian link to its west;
- tower setbacks of 10 metres from Queen Street; 6 metres from Franklin Street; and 6 metres from the shared zone;
- an overall height of 176 metres;
- an FAR of 26.73:1, with an overall FAR for Parcel D of 13.45:1; and
- a 'landmark tower' which has three distinct elements from the base to the top of the tower and being the highest tower in Parcel D.

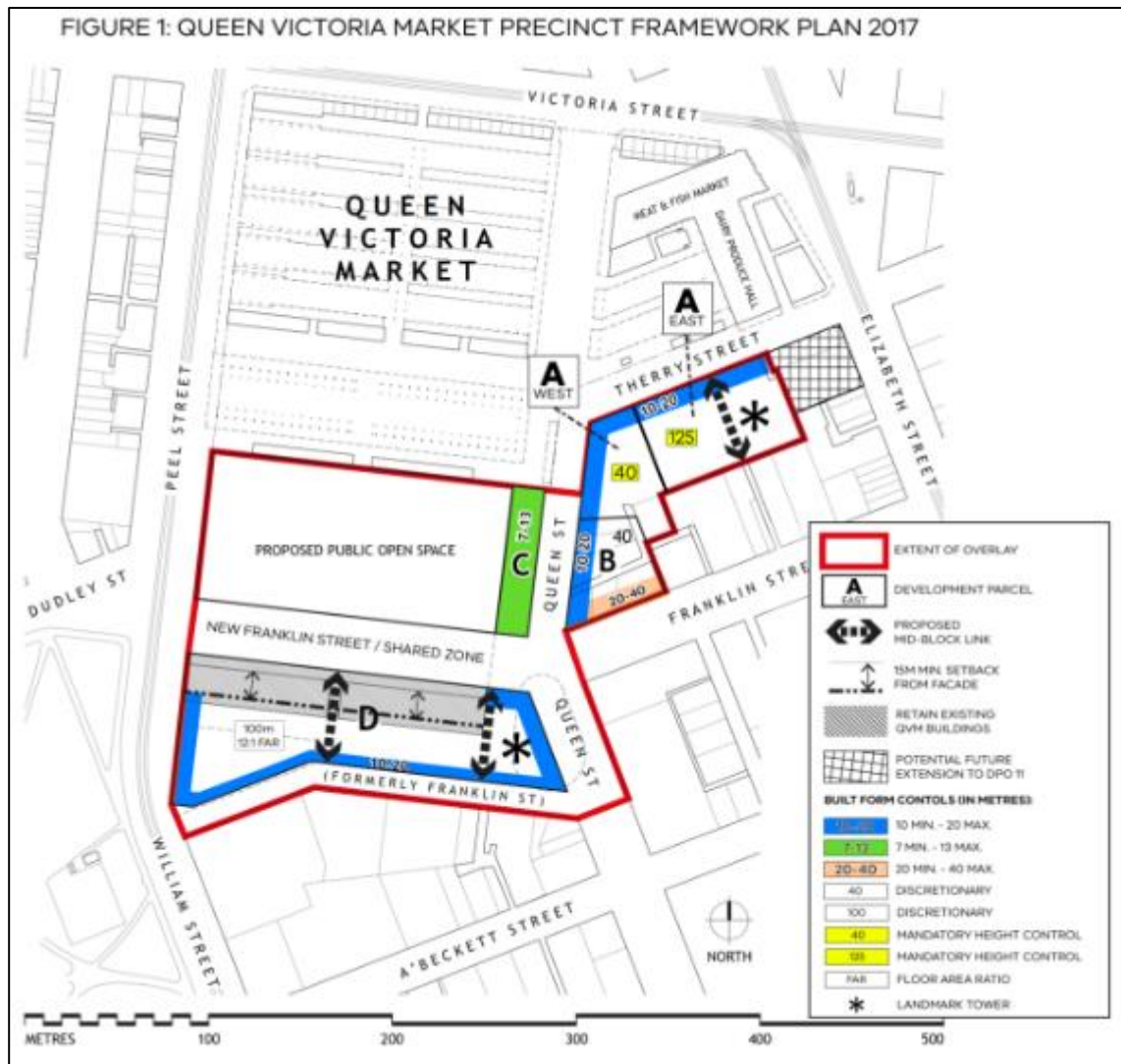


Figure 12: Queen Victoria Market Precinct Framework Plan 2017 at Figure 1 at Clause 3.0 of Schedule 11 of the Development Plan Overlay (Source: Melbourne Planning Scheme)

Vision Statements

82. The application is consistent with the following relevant Vision statements contained in DPO11:

- The proposed built form integrates with the surrounding built form scale and character of the site's immediate context in the CBD, which is defined by numerous substantial tower developments of considerable or greater height.
- The proposed built form massing is respectful of the heritage FSS and the QVM precinct more broadly, through the setting back of the built form. The north-south pedestrian link to the west of the building will allow for the FSS to remain as a detached from that can be appreciated in the round. This link, and the east-west pedestrian link will enhance pedestrian connections within the broader QVM precinct.
- The proposal will contribute to activating streets and public places. The podium has been appropriately scaled and incorporates ground floor entry / lobby, retail and cafe uses along all four frontages. These uses will foster interaction with the street and upper level accommodation uses will also provide passive surveillance of public spaces.

- The ground level northern edge of the site includes a plaza that will connect with the future ‘Market Square’ open space. The overall siting and massing of development, with the northern setback and the pedestrian link separation to the FSS, will integrate of the new building with the QVM precinct more broadly. The FSS will continue to provide a southern edge to the QVM precinct as part of the ensemble of historic market buildings.
- Built form has been configured and designed to ensure that there is no impact to solar access of the proposed public open space to the north (‘Market Square’) and Flagstaff Gardens between 11am to 2pm on 22 June.
- A Pedestrian Wind Environment Study has been undertaken that demonstrates, that with mitigation measures, the amenity of the public realm will not be adversely affected. Conditions will be included on any permit to issue requiring further testing be undertaken and that mitigation measures within the public realm are implemented as part of this approval (see discussion below).
- The proposed built form has considered the development potential of Tower 2 (concurrent BTR residential permit application) to the west. The building envelope exceeds the minimum 10 metre tower separation to Tower 2, addressing any potential overlooking to habitable room windows. Tower 3 is setback at the upper levels to allow adequate daylight to adjacent land. Within the podium, the student rooms and terraces are screened along the western boundary to reduce overlooking between habitable rooms in Tower 2.
- The building will achieve a high standard of architectural quality in terms of building form, composition and materiality, and will provide for a positive addition to this area of the QVM precinct. All elevations have been articulated, acknowledging that the building will be read in the round. Further, the proposal will provide a high level of amenity for the future students who will occupy the building.
- Tower 3 will contribute to the mixed use offering within Parcel D, providing student housing in close proximity to a range of universities, facilities and services..
- It’s noted that affordable Housing is proposed within Tower 2.

Table 1 of DPO11 (Built Form)

83. An assessment against Table 1 to DPO11 is as follows:

| Built Form Element | Discretionary Requirement | Mandatory Requirement | Built Form Outcomes |
|----------------------|---|---|---|
| Podium Height | 10 metres Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on Figure 1), New Franklin Street (as labelled on Figure 1) and Queen Street | 20 metres Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on Figure 1), New Franklin Street (as labelled on Figure 1) and Queen Street | All building podiums should: <ul style="list-style-type: none"> • Be oriented to complement the street system and constructed to the street edge. • Be of a scale that provides an appropriate level of street enclosure having regard to the width of the street. • Complement adjoining building podiums. • Include high quality treatments to side walls where visible above adjoining buildings. • Be of a height, siting and detailing that does not adversely affect the heritage significance of the Queen Victoria Market or any adjoining heritage building(s). • Be designed to internalise above ground car parking behind active uses such as dwellings or offices to ensure a visual relationship between occupants of upper floors and pedestrians to improve |

surveillance of the public realm.

- Be able to mitigate wind impacts at street level in accordance with the wind amelioration design standards of this schedule.

Assessment

The proposed podium height of 20 metres to Queen Street is consistent with the endorsed DP.

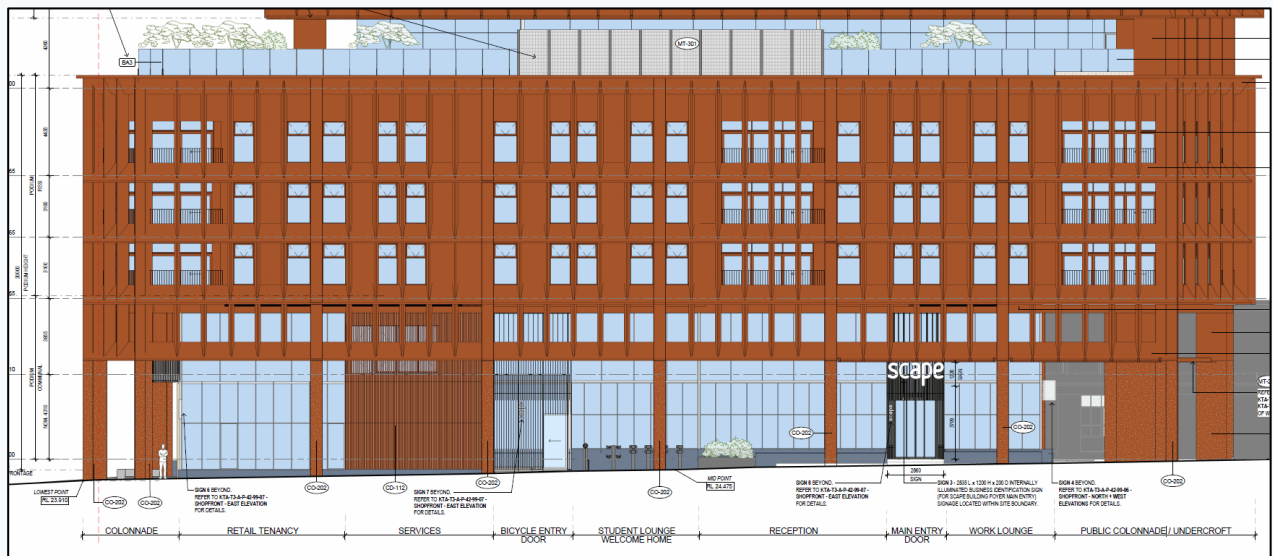


Figure 13: Podium height along Queen Street frontage (Source: Application)

The proposal meets the applicable built form outcomes as follows:

- The building is orientated appropriately to each of the new and existing street frontages and is constructed to the street edge and setback from the shared zone / future Market Square.
- The podium height responds to the width of Franklin Street and Queen Street, which will ensure an appropriate level of street enclosure.
- While the podium is consistent with the mandatory height of 20 metres, the consolidation of the podium and tower base into the same architectural colour palette, complements the height of the Melbourne Terrace apartments across Queen Street (see figure below).
- Most elevations are well articulated and given the central core location (west elevation) and services (south elevation, there are limited blank walls proposed for the podium.
- The podium height will not adversely affect the heritage significance of the QVM Precinct or the FSS.
- No car parking is proposed.
- A Pedestrian Wind Environment Study has been undertaken that demonstrates, that with mitigation measures, the amenity of the public realm will not be adversely affected. Conditions will be included on any permit to issue requiring further testing be undertaken and that mitigation measures within the public realm are implemented as part of this approval (see discussion below).

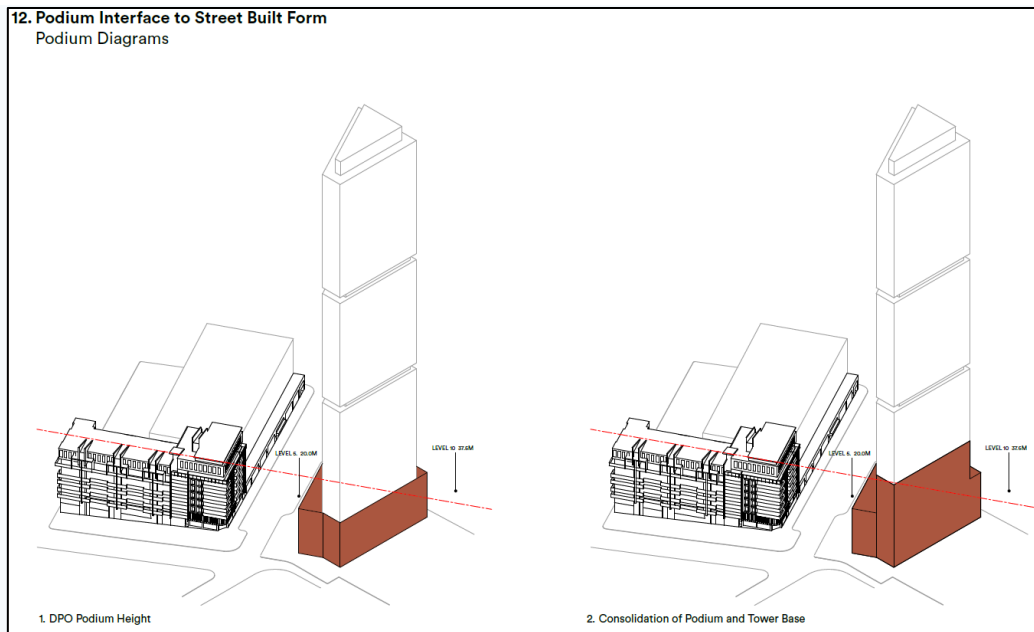


Figure 14: Podium design and relationship (Source: Application)

Tower setbacks

N/A

6 metres

Parcel D (as shown on Figure 1) fronting the former alignment of Franklin Street

5 metres

Mandatory minimum tower setback from side boundaries and rear boundaries (*from the northern boundary of Tower 3 on Parcel D*)

10 metres

All other streets (*Queen Street*)

Towers should be designed and spaced to:

- Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level.
- Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.
- Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.
- Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.
- Ensure towers do not appear as a continuous wall at street level.

Assessment

The proposed tower includes setbacks of 6 metres from Franklin Street, 10 metres from Queen Street, and 6 metres from the northern boundary, which is consistent with the endorsed DP.

The proposal meets the applicable built form outcomes as follows:

- The tower setbacks, allow for equitably distributed access to an outlook, sunlight between towers and ensures adequate sun penetration at street level.
- Screening to habitable room windows is shown along the west elevation of the podium levels, however further annotations should be provided on the floor plans and the west elevation to more clearly show the fritted glass and screens to the habitable rooms and balconies on Levels 3-5 to limit overlooking to Tower 2 podium levels.
- The tower setbacks will provide for reasonable access to sunlight and daylight, privacy and outlook from habitable rooms within the proposed building.
- A Pedestrian Wind Environment Study has been undertaken that demonstrates, that with mitigation measures, the amenity of the public realm will not be adversely affected. Conditions will be included on any permit to issue requiring



further testing be undertaken and that mitigation measures within the public realm are implemented as part of this approval (see discussion below).

- The transition in height of the buildings across Parcel D, together with their form, separation and articulation, ensures that the towers will not appear as a continuous wall at street level.

| | | | |
|-------------------------|--|---|--|
| Tower separation | 24 metres Discretionary minimum tower separation within a site and from existing or approved towers on adjoining sites | 10 metres Mandatory minimum tower separation within a site and from existing or approved towers on adjoining sites. | Towers should be designed and spaced to: <ul style="list-style-type: none"> • Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level. • Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots. • Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided. • Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects. • Ensure towers do not appear as a continuous wall at street level. |
|-------------------------|--|---|--|

Assessment

The proposed tower includes a separation of 17.385 metres between Towers 2 and 3 (noting that the glazing line for Tower 3 is setback a further 355mm from the title boundary), which is consistent with the endorsed DP.

The proposal meets the applicable built form outcomes as follows:

- The tower separation allows for equitably distributed access to an outlook, sunlight between towers and ensures adequate sun penetration at street level.
- The tower separation has been designed to ensure a sufficient minimum 17.5 metre setback is provided to Tower 2 to the west.
- The tower separation will provide for reasonable access to sunlight and daylight, privacy and outlook from habitable rooms within the proposed development and the adjoining Tower 2.
- A Pedestrian Wind Environment Study has been undertaken that demonstrates, that with mitigation measures, the amenity of the public realm will not be adversely affected. Conditions will be included on any permit to issue requiring further testing be undertaken and that mitigation measures within the public realm are implemented as part of this approval.
- The transition in height of the buildings across Parcel D, together with their form, separation and articulation, ensures that the towers will not appear as a continuous wall at street level.

| | | | |
|---|---|-----|--|
| Building heights and Floor Area Ratios | Parcel D 100 metres with a floor area ratio of 12:1 New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority considers the overshadowing will not | N/A | <ul style="list-style-type: none"> • Parcel D: Ensure that development responds appropriately to the new public open space and the Franklin Street stores. |
|---|---|-----|--|

significantly prejudice the amenity of the open space.

**Any application to exceed the discretionary heights must be supported by 3D modelling and an assessment of the visual impact on the proposed public open space shown on Figure 1 to this schedule, Flagstaff Gardens and on the public realm.

Assessment

The proposed tower includes an overall building height of 176 metres, which is consistent with the endorsed DP. The proposed FAR of 26.73:1 is consistent with the endorsed DP. The endorsed DP allows for an overall FAR for Parcel D of 13.45:1, which is consistent with the combined FAR of Towers 1, 2, 3 and the FSS, which together comprise Parcel D.

Student Housing Policy

84. Clause 16.01-1L of the scheme applies to the use or development of land for student housing that is purpose built for students studying at tertiary institutions. The following is a response to the policy:

| Student room layout strategies | Assessment |
|--|---|
| Ensure all rooms are of a size, layout and design that are liveable and functional. | All rooms have been designed to be liveable and functional. Within the building, there are multiple room layouts to allow for an appropriate size, layout and design based on the building form and number of bedrooms provided within each typology. |
| Ensure every room has direct access to daylight, fresh air and an external window. | Every room has direct access to daylight and fresh air via a window. |
| Discourage rooms being unreasonably overlooked by another room. | Every room has direct access to a window looking outwards, preventing overlooking by another room within the building. |
| Design rooms to limit excessive noise and disruption from pedestrian or vehicle traffic. | Student rooms are provided at Level 2 and above, limiting excessive noise and disruption from pedestrian and vehicle traffic. An acoustic report submitted with the application includes recommendations for minimal wall and window acoustic treatments. |
| Provide secure long-term storage. | Each room includes under bed storage, allowing for long-term storage. |
| Shared facilities strategies | Assessment |
| Support shared laundry, cooking and dining facilities that are designed to be conducive to incidental socialising. | The communal areas, including laundry, cooking and dining facilities, have been designed to encourage social interaction. The laundry is located on Level 5 and includes provision for 23 washers and 23 dryers arranged to ensure accessibility to each machine type is maintained – ratio of 1 set of machines for 50 students. A communal kitchen is located on Level 5 and includes |



provision for 4 cooking / clean down zones.

A communal dining area is located on Level 5, adjacent to the communal kitchen and allows for seating for 60-70 people at any one time.

Level 37 includes additional communal kitchen and dining facilities.

The communal facilities are in accordance with Scape's guidelines which are based on surveys of other student housing developments.

| Encourage the provision of storage areas for property manager's equipment and building maintenance. | The proposal includes a reception, office and mail room at Ground Level for staff. Service and plant are provided throughout the building to allow for service access and building maintenance. |
|---|--|
| Encourage the provision of waste management facilities. | Bin chutes are provided on each level, sending waste to the storage area at Basement Level. On site waste collection will occur via the loading bay at Ground Level, accessed via Franklin Street. |
| Locate shared facilities in a safe and accessible area. | Shared facilities are located in accessible areas, with communal spaces dispersed throughout the building to enhance access for all residents. |
| Design corridors and stairways to be attractive spaces, with natural lighting and ventilation that is conducive to incidental social interaction. | Corridors are provided with natural light from end of corridor glazing, where possible. |
| Communal areas strategies | |
| Ensure each student has access to communal outdoor space that is well designed, safe and accessible, can be maintained and has adequate solar access. | Communal outdoor areas are provided at Ground Level and Levels 5, 21 and 37. The Ground Level provides a plaza within the northern setback and open space within the colonnade, noting that these spaces are also available to the public. Level 5 provides a communal terrace with seating, landscaping, a covered dining / seating area and BBQ area. Communal terraces are also provided on Levels 21 and 37. |
| Ensure provision of well-located internal common areas that are capable of being used for multiple functions to meet a range of study, social, cultural and religious needs. | Internal communal areas provided throughout the building are capable of being used for multiple functions, including lounge areas, study spaces, meeting rooms, a gym, games hub, communal kitchen / dining, library / study, music / media and observatory. |
| Encourage a direct relationship between communal outdoor spaces and common internal spaces to enhance function and safety. | All outdoor communal areas have a direct relationship with internal communal areas. |
| Provide adequate lighting of internal and external access areas. | Adequate lighting will be provided to internal and external access areas. |
| Transport strategies | |
| Encourage development that provides: <ul style="list-style-type: none"> • Adequate space for bicycle, motorcycle and scooter parking. • Car parking for the management and servicing needs of the building. • Limited or no car parking for students. • Adequate space for loading and unloading vehicles and waste collection. | The proposal provides: <ul style="list-style-type: none"> • 230 bicycle spaces; • no car parking spaces for the management and servicing needs of the building; • no car parking spaces for students; and • a loading bay at Ground Level, accessed via Franklin Street. |
| Policy guidelines | |
| Consider as relevant: | Assessment |



| | |
|--|--|
| <ul style="list-style-type: none"> • Providing a ratio of 2.5 square metres of communal outdoor space per student, in a maximum of two parcels, each parcel with a minimum width of 3 metres. | <p>The proposal provides 1,140 square metres of outdoor communal area (including the ground level spaces available to the public) throughout the development, where the policy requires 2,885 square metres for 1,154 students.</p> <p>Whilst this is less than the 2.5 square metres per student, it is considered acceptable given that overall, the development provides 4,100 square metres of communal areas for students, where the policy requires 4,328 square metres for 1,154 students. Further, the Flagstaff Gardens and future Market Square directly opposite the site will provide open space in close proximity.</p> |
| <ul style="list-style-type: none"> • Providing an internal communal living area with a minimum of 15 square metres in area for every 12 students. | <p>The proposal provides 2,959 m² of internal communal area throughout the development, where the policy requires 1,443 m² for 1,154 students.</p> |
| <ul style="list-style-type: none"> • Providing at least one bicycle parking space per student. | <p>The proposal provides for 230 bicycle parking spaces for 1,154 students.</p> <p>Whilst this is less than the 1,154 bicycle spaces recommended by this policy, the number of spaces provided is considered acceptable given that it is consistent with the requirements of Clause 52.34 (115 spaces for residents and 115 spaces for visitors) of the scheme.</p> <p>220 spaces are provided in the Basement Level, while 10 spaces are provided at Ground Level.</p> |
| <ul style="list-style-type: none"> • Supporting rooms of a size, layout and design that can comfortably accommodate: <ul style="list-style-type: none"> ○ Access to a bed from its side. ○ A study area with a desk and bookshelf. ○ A robe/drawer units with ample storage space for clothing and personal items. ○ Computer and TV. ○ A table or bench to provide a space to eat, separate from that used for study purposes. | <p>The various room configurations provide:</p> <ul style="list-style-type: none"> • access to a bed from its side; • a study area with a desk and bookshelf; • a robe for storage of clothing and personal items; • a TV and a space for a computer; and • a table or bench separate from the study area as an area to eat. <p>A separate table or bench from the study area is provided within the studio rooms. The cluster rooms provide communal eating areas for students within the kitchen areas.</p> |
| <ul style="list-style-type: none"> • Providing private kitchen facilities with adequate room for a microwave, stove top cooker, fridge, clear bench space, sink, storage space for food, crockery, utensils, cleaning equipment and a designated location for garbage and recycling. | <p>Private kitchen facilities are available within all room types within the building. The private kitchen spaces provide space to allow for appliances, bench space and storage.</p> |
| <ul style="list-style-type: none"> • Providing shared laundry facilities with washing machines, clothes dryers, laundry tubs with hot and cold water and clotheslines. | <p>A communal laundry is provided on Level 5 and includes 23 washing machines, 23 dryers, a laundry tub and an ironing zone. Each student room includes a pull-out clothesline within the bathroom.</p> |
| <ul style="list-style-type: none"> • Encouraging shared cooking and dining facilities to include: <ul style="list-style-type: none"> ○ Space for garbage and recycling bins. ○ Stove top cookers, refrigerators and freezers. ○ Sinks with running hot and cold water. ○ Bench space for food preparation. ○ Storage space for dry goods. | <p>Shared cooking and dining facilities have been designed to include:</p> <ul style="list-style-type: none"> • Areas for garbage and recycling bins; • Stove top cookers, refrigerators and freezers; • Sinks with running hot and cold water; and • Bench space for food preparation. |

85. The council has recommended conditions requiring the submission of a Student Housing Operational Management Plan for the building and a section 173 Agreement being entered into to give effect to this Plan. These are considered reasonable and will be included on any permit to issue.

Overshadowing

86. The endorsed DP requires that building envelopes should minimise any shadow impact to Flagstaff Gardens between 11 am and 2 pm on 22 June and must not increase shadows to Flagstaff Gardens from 12 pm on 22 June, generally in accordance with the Shadow Plans at Section 1.3.7.6 (pages 86 – 93 of the DP).
87. The following shadow diagrams show that the proposed Tower 3 would not cast any additional shadows to Flagstaff Gardens between 11.00 am and 2.00 pm on 22 June.
88. Further, shadow diagrams between 11.00 am and 2.00 pm on 22 September show that the proposed Tower 3 would not cast any additional shadows over Flagstaff Gardens at the equinox.

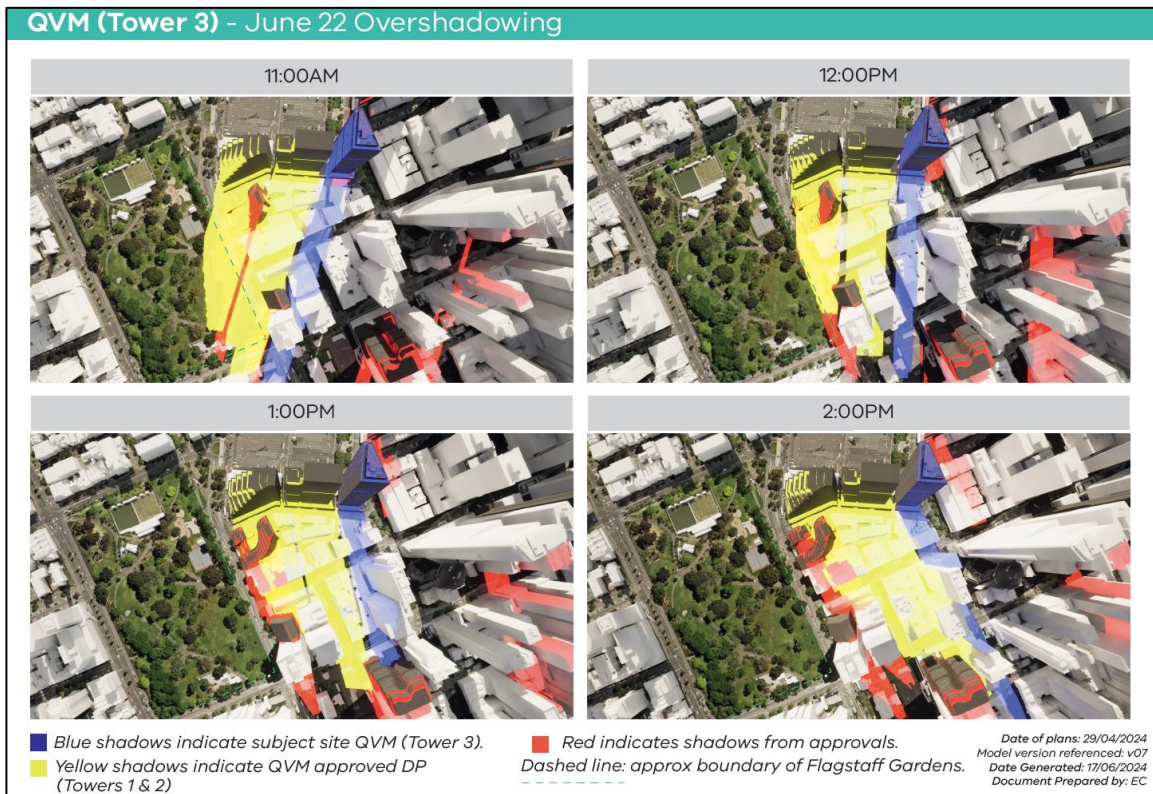


Figure 15: Shadow studies June 22 - 11:00am - 2:00pm (Source: DTP 3D model)

QVM (Tower 3) - September 22 Overshadowing

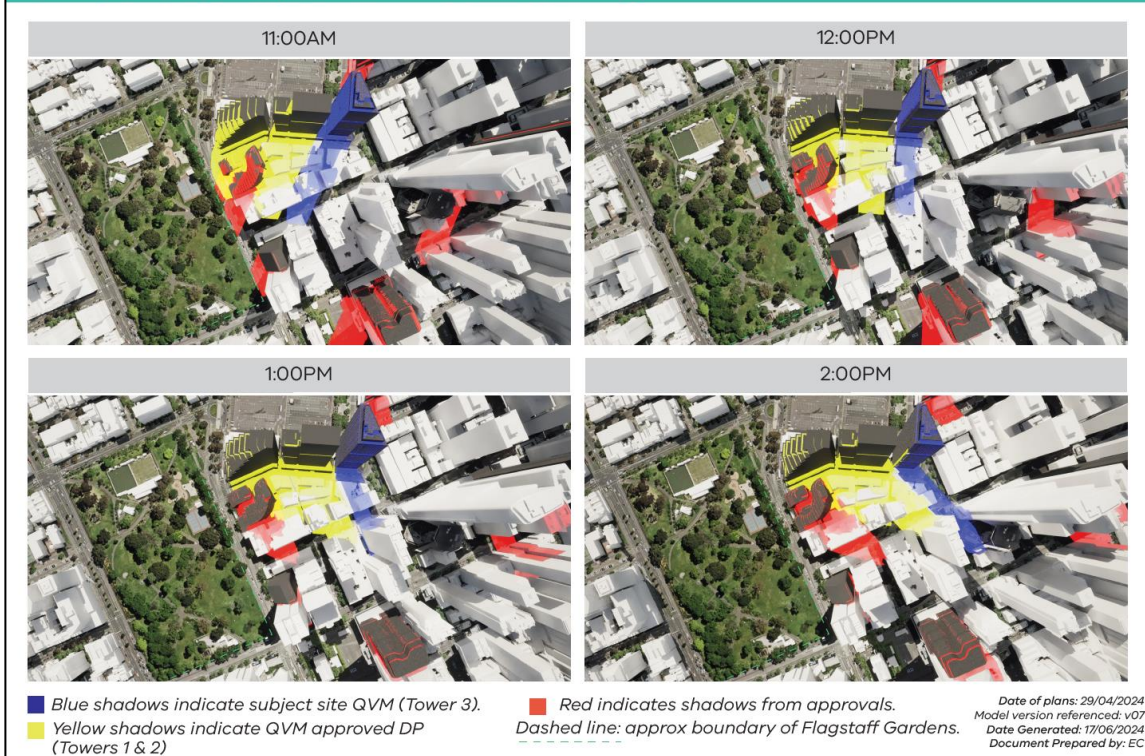


Figure 16: Shadow studies September 22 - 11:00am - 2:00pm (Source: DTP 3D model)

Wind

89. A Pedestrian Wind Environment Study prepared by Windtech and dated 3 June 2024 was submitted with the application. The report requires the following items to be updated (via a condition on any permit to issue):
 - a. In Table 6 of the report:
 - i. Study point 8 should be further tested to comply with the comfort criteria; and
 - ii. Study point 20 should be updated to 'fail' for the safety criteria with the treatment testing.
 - b. Note that for study points 8, 20, 21 and 22 further localised screening / raised planters or tree foliage may be required as a result of the Parcel C detailed design and as required by the section 173 Agreement condition for wind mitigation measures outside the title boundary.
90. The report recommends a number of wind mitigation measures that are generally in accordance with those recommended in the endorsed DP.
91. The recommended wind mitigation measures include canopies, hard landscaping, screens, balustrades, planter boxes and a Level 1 balcony floor slab.
92. A condition will be included on any permit to issue requiring the further testing to reflect any final design changes and to ensure that the proposal continues to achieve the target wind comfort and safety criteria as required by the endorsed DP.
93. The wind report also recommends wind mitigation measures in the public realm, outside the title boundaries for Tower 3. These include retention of existing trees, screens and planter boxes. As such, a condition (following consultation with the applicant and the council) will also be included on any permit to require the owner to enter into a Section 173 Agreement to ensure all wind mitigation measures in the public realm and outside title boundaries are designed, delivered and implemented prior to occupation of the development.



Figure 17: Wind mitigation measures required by the DP

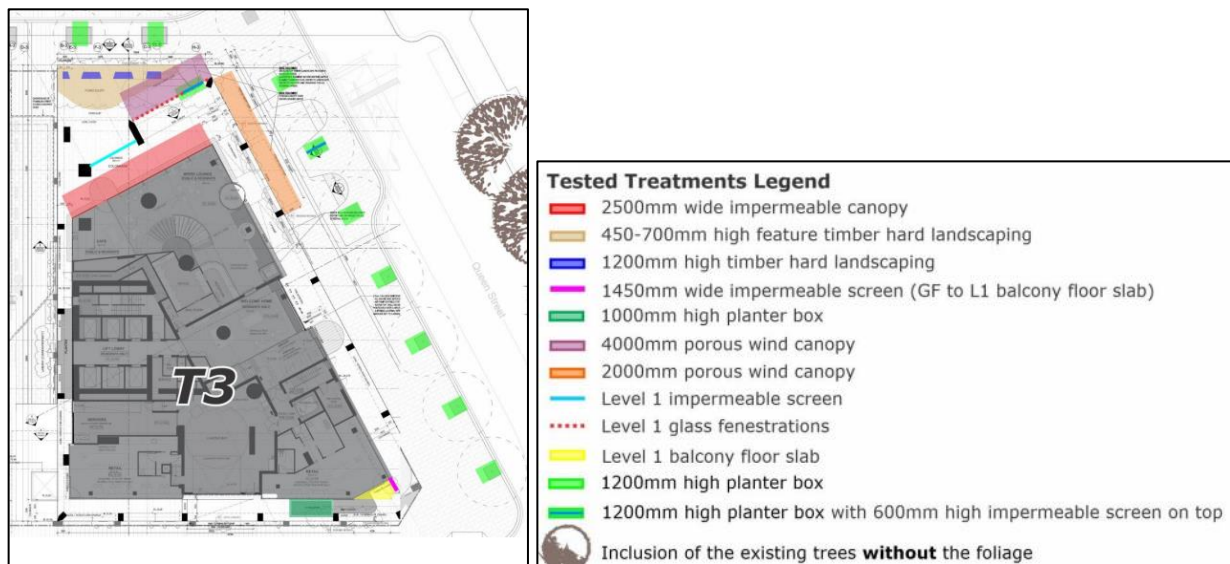


Figure 18: Proposed wind mitigation measures

Design and Development Overlay – Schedule 1

94. Clause 2.3 to Schedule 1 of DDO1 states that buildings and works must meet the design objectives specified in this schedule and must satisfy the design outcomes specified for each relevant design element.

95. The proposal is consistent with the design objectives and outcomes specified under DDO1, as follows:

| Design Outcome | Assessment |
|---|--|
| Urban Structure | |
| An urban block structure that: <ul style="list-style-type: none"> Is sufficiently fine grained to support walking as the primary mode of transport. | Parcel D will have a new east-west pedestrian link between Towers 1 and 2 and the FSS, and two new north-south pedestrian links between Towers 1 and 2 and Towers 2 and 3. |
| A pedestrian network that: <ul style="list-style-type: none"> Reduces walking distances. Completes existing connections and laneways. Retains and improves existing connections. Provides partial connections which can be completed when | As above, the proposal provides for new through block pedestrian links. |



adjacent site development occurs.

| | |
|---|---|
| <p>Pedestrian connections that are:</p> <ul style="list-style-type: none"> • High quality. • Safe and attractive. • Accessible by people of all abilities. • Easily identified and legible. • Designed to enable stationary activities. | <p>The north-south pedestrian link between Towers 2 and 3 will be accessible 24 hours a day and be designed in accordance with this design requirement, noting the width of the links are at least 6 metres wide and open to the sky.</p> |
| <p>Site Layout</p> | |
| <p>Site layout that:</p> <ul style="list-style-type: none"> • Reinforces the valued characteristics of streets and laneways. • Delivers a well-defined public realm. | <p>The proposed Tower 3 is appropriately aligned to each street, providing a legible and safe interface via passive surveillance and activation.</p> |
| <p>Plazas that:</p> <ul style="list-style-type: none"> • Are accessible to people of all abilities. • Are safe and attractive • Deliver opportunities for stationary activity. • Alleviate pedestrian congestion. | <p>The public plaza to the north is open to the sky, accessible to people of all abilities, provides opportunity for stationary activity, is lined with active frontages, incorporates soft and hard landscaping and has direct access to sunlight.</p> |
| <p>Vehicle entries that:</p> <ul style="list-style-type: none"> • Do not create traffic conflict. • Do not undermine the attractiveness or safety of the pedestrian experience | <p>There is no car parking or private vehicle access proposed for Tower 3.</p> <p>Loading and waste access is provided via Franklin Street. This arrangement minimises conflict with the safety of pedestrians around the site, particularly the dedicated pedestrian links around and within the precinct.</p> |
| <p>Colonnades that:</p> <ul style="list-style-type: none"> • Are safe and attractive. • Are accessible to people of all abilities. | <p>The colonnades are appropriately proportioned and of a high design quality. They provide a legible interface to each street, the Shared Zone to the north and the north-south pedestrian link to the west. The colonnades align with pedestrian entry points.</p> |
| <p>Building Mass</p> | |
| <p>Building mass that:</p> <ul style="list-style-type: none"> • Distinguishes between different buildings where a development comprises multiple buildings. • Respects the height, scale and proportions of adjoining heritage places or buildings within a Special Character Area. • Reinforces the fine grain and visual interest of streetscapes. • Maintains a diverse and interesting skyline through the design of roof profiles. | <p>The height, scale and proportions of the building achieve an appropriate built form response to the site and its context. Noting the highly visible location at the northern edge of the central city, the proposal will make a visually engaging contribution to the diversity of the skyline.</p> |
| <p>Street walls that:</p> <ul style="list-style-type: none"> • Adopt a variety of street wall heights to reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes. • Provide aesthetic interest to the public realm. • Frame comfortable and attractive streets. | <p>The street wall height, with a maximum height of 20 metres, is consistent with the approved DP. The street wall is provided with a high level of articulation and material variation. The textured concrete grid exoskeleton adds articulation and depth across the podium.</p> |
| <p>Building Program</p> | |
| <p>A building program that:</p> <ul style="list-style-type: none"> • Delivers safe and high quality interfaces between the public and private realm. • Maximises activation of the public realm. • Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building. • Allows for adaptation to other uses over time. | <p>The development is appropriately designed to address the existing and new public realm.</p> <p>Building entries are proposed along Queen Street, the plaza to the north and the north-south pedestrian link to the west.</p> <p>All levels of the building, including the ground floor, will</p> |



- Delivers internal common areas or podium-rooftop spaces that maximise passive surveillance and interaction with the public realm.
- Promotes a strong physical and visual relationship between any uses provided as part of a public benefit under the provisions of Schedule 1 to the Capital City Zone within the building, and the street.

feature large, glazed windows, to maximise activation to the public realm. Floor to ceiling heights are generally consistent with the design requirements:

- The ground floor of the building will have floor to ceiling heights exceeding 4.0 metres.
- Levels 2 and 3 will have minimum floor to ceiling heights between 3.1 and 3.85 metres.
- Levels above 3 and up to 20m will have minimum floor to ceiling heights of 3.1 to 4.43 metres.

While not strictly adhering to the stipulated heights, the development achieves the design outcomes and is acceptable by improving the safety and activation of the public realm.

Building services that:

- Minimise impacts on the public realm.
- Maximise the quality and activation of the public realm.
- Do not dominate the pedestrian experience and are designed as an integrated design element.
- Provide waste collection facilities as an integrated part of the building design.

The proposal results in a total of 299 square metres, or 15.2%, of the 1,508 square metre combined ground floor area being dedicated to building services, which is less than the mandatory maximum of 40%.

The location and layout of building services are generally designed to minimise their impact on the public realm and are suitably integrated into the building as it presents to Franklin Street and the north-south pedestrian link to the west.

Car parking that:

- Minimises the impact of car parking on the public realm.

The proposal does not include basement car parking.

Public Interfaces

Public interfaces that:

- Contribute to the use, activity, safety and interest of the public realm.
- Provide continuity of ground floor activity along streets and laneways.
- Allow unobstructed views through openings into the ground floor of buildings.

The ground level provides an active frontage to 73.1% of the total frontage.

This results in the northern elevation providing 100% activation; the east elevation provides 83% activation; the south elevation providing 76% activation; and the west elevation providing 44% activation.

Given the irregular site shape, the exposure of the four frontages and building and operational requirements, the level of activation is acceptable.

The active frontages are generally an entry and windows to the ground level lobby, the internal bicycle parking area and the café and retail spaces.

Facade projections and balconies that:

- Do not adversely impact the levels of daylight or views to the sky from a street or laneway.
- Do not obstruct the service functions of a street or laneway through adequate clearance heights.
- Add activity the public realm.
- Form part of a cohesive architectural response to the public realm.

The proposal includes projections of 600 mm beyond the Queen Street title boundary and 300 mm beyond the Franklin Street title boundary, consistent with these requirements.

Weather protection that:

- Delivers pedestrian comfort in the public realm and protection from rain, wind and summer sun.
- Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.

The proposal includes canopies along Queen Street and the northern frontage, promoting pedestrian amenity and protection from rain, wind and summer sun.

Design Detail

Exterior design that:

- Establishes a positive relationship between the appearance

The design detailing further refines many aspects of the original scheme. In particular, the depth and articulation



of new development and the valued characteristics of its context.

- Is visually interesting when viewed up close and from a distance.
- Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.
- Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.
- Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.
- At the ground level interface, provides visual connection between the public realm and interior spaces.

of the southern elevation, which establishes a tower form that is viewed in the round, provides an appropriate and contextual design response.

Public Realm / Landscaping

96. The proposal will contribute to the delivery of a continuous and connected ground plane, with a north plaza and pedestrian accessways that are located, dimensioned and designed in accordance with the DP.
97. The plaza to the north of the building (created with the setback of the building from the future Shared Zone) will provide landscaping, seating opportunities and access through the site. The colonnade along all elevations will also provide landscaping, seating opportunities and pedestrian access around the perimeter of the site. The creation of the north plaza will provide views to the FSS from Queen Street and offer a more expansive entry to the north-south and east-west pedestrian links.
98. A condition will be included on any permit to issue requiring a section 173 Agreement to be entered into to allow 24/7 unimpeded public access to the north plaza and colonnade.
99. The ground plane comprises landscaping to varying extents along all elevations and extends to the communal areas on Levels 5, 21 and 37 at the upper levels. A condition will be included on any permit to issue requiring the submission and endorsement of a detailed Landscape Plan and Maintenance Plan, which will ensure these detailed elements are appropriately designed.



Figure 19: Ground level landscape plan (Source: Application)

Car Parking, Bicycle Parking, Loading / Unloading and Waste

Car Parking

100. The proposal does not include any onsite car parking spaces and as such, the car parking provisions are not applicable.

Bicycle Parking

101. Clause 52.34-1 of the scheme requires bicycle parking facilities as follows:

| Use | Purpose | Bicycle Parking Rate | No. of Spaces Required | No. of Spaces Provided |
|--|----------|---|------------------------|------------------------|
| Residential building (1,154 lodging rooms) | Resident | 1 space / 10 lodging rooms | 115 | |
| | Visitor | 1 space / 10 lodging rooms | 115 | |
| Retail (229 m ²) | Employee | 1 space / 300 m ² of leasable floor area | 0 | |
| | Customer | 1 space / 500 m ² of leasable floor area | 0 | |
| Total | | | 230 | 230 |

102. The proposal includes a total of 230 bicycle spaces, which is equivalent to the requirement. As such, no permit is required under this clause.
103. The council has reviewed the design and location of the bicycle spaces, who have recommended further details on the accessibility of the bicycle spaces, particularly within the basement for visitors. This is considered reasonable, and a condition will be included on any permit to issue.
104. It is considered that the proposal is acceptable and appropriately responds to Clause 52.34 of the scheme.

Loading / Unloading

105. A loading bay is provided on the ground level, with access via Franklin Street to the south. The entrance to the area is via a door measuring 5.5 metres wide and allows for trucks to enter and exit in a forward direction with use of a turntable. The loading bay has been designed to accommodate a vehicle up to a size of 6.4 metres SRV (Small Rigid Vehicle). The council considers that the loading bay size and ability to cater for a 6.4 metre SRV is acceptable for the proposed development. A waste vehicle of this size will be sufficient to service the waste collection on site.
106. However, the council have recommended that the loading bay be amended to accommodate an 8.8 metre MRV (Medium Rigid Vehicle) to future proof the building for adaptive reuse. The applicant advises that an increase to the size of the loading bay will have unnecessary and substantial impacts on the building design. This includes an increase in the turntable size, an increase in the opening width which will reduce the extent of activation along Franklin Street, impacts on structural (column) locations and requiring a structural redesign with subsequent impacts to the level above.
107. On balance, and with the information that has been provided to date, it is considered that the council's technical advice should be accepted, and conditions be included on any permit to issue for amendments to the architectural plans and the Waste Management Plan to demonstrate the ability for an 8.8 metre MRV to access the loading bay.
108. The council has recommended a Loading Management Plan and Road Safety Audit be submitted for approval. It has also requested a condition for a Dock Manager to be responsible for controlling the operation of the loading bay and unloading of goods. These are considered reasonable, with some flexibility in the Dock Manager role, and will be included as conditions on any permit to issue.

Waste

109. The application is supported by a Waste Management Plan (WMP) prepared by WSP and dated 23 May 2024. The council's waste team considers the WMP satisfactory. However, as detailed above, they have recommended a condition requiring an updated WMP to address any changes required by a Loading Management Plan, specifically the ability for an 8.8 metre MRV (Medium Rigid Vehicle) to enter and exit the loading bay onsite in a forwards direction.
110. The council has recommended a condition to be included on any permit to issue to update the WMP to ensure that the above is addressed. This is considered reasonable and will be included as a condition on any permit to issue.

Environmental considerations

Environmentally Sustainable Design (ESD)

111. The application is supported by an ESD Report prepared by Aurecon and dated 25 October 2023 in response to clause 15.01-2L-01 of the scheme. The report states that the proposal has the potential to achieve a certified 5-star Green Star Building rating and adoption of Passive House Principles (high levels of airtightness, thermal bridges reduction, high performance windows and heat recovery ventilation).
112. The council notes that the proposal is capable of achieving an appropriate response when assessed against clause 15.01-2L-01 of the scheme and the Sustainability Strategy and targets approved in the DP.
113. The council has recommended a condition be included on any permit to issue requiring the submission and approval of an updated SMP to provide further detail and evidence that the development can achieve the minimum requirements, preliminary energy modelling for non-residential components, brief scope of the Zero Carbon Action Plan, information on reduction in average annual stormwater discharge and a signed copy of a maintenance contract for the stormwater proprietary products.
114. It is considered that the ESD Report be updated to achieve the commitments and to reflect the proposed amendments to the plans (required by condition 1).
115. Further, a condition has also been recommended by the council for a report to be submitted prior to the occupation of the development to ensure that all ESD commitments are implemented.
116. The ESD requests by the council are considered reasonable, and conditions will be included on any permit to issue to reflect these requirements.

Water Sensitive Urban Design (WSUD)

117. The application is supported by a MUSIC Modelling Report prepared by Robert Bird Group and dated 22 September 2023 in response to clauses 19.03-3L and 53.18 of the scheme. The required treatment levels are achieved by a rainwater capture and reuse system with a 30,000 litre rainwater tank (located on the basement level) to be used for irrigation throughout the site to achieve the best practice performance objectives.

Environmental Audit

118. While the site is not located within an Environmental Audit Overlay, the application is supported by a letter prepared by Senversa Pty Ltd and dated 18 July 2023, which identified a summary of the recent Environmental Investigations undertaken for the site:
- Cardno 2020. QVM Precinct Renewal Program – Preliminary Contamination Site Investigation – Southern Development Site and Queens Corner. (Document Ref: V200049Report01.3)
 - Seversa 2023a. In-situ Waste Soil Categorisation – Queen Victoria Market Southern Development Site Project – Development Area Combined Stage D1 and D2. (Document Ref: M20378_011_LTR_Rev0).

- Seversa 2023b. In-situ Waste Soil Categorisation – Queen Victoria Market Southern Development Site Project – Development Area Queen’s Corner. (Document Ref: M20662_002_LTR_Rev1).

119. The letter concludes:

- *The risks associated with excavation, management and disposal of contaminated soils identified at the Queen Victoria Market Development Project are deemed to be low and manageable provided that applicable industry standards are followed by the contractors conducting the work.*
- *As such Senversa anticipates no further environmental implications to the proposed early works package. If unexpected contamination is encountered during excavation works (e.g. ACM in soil or visual and / or olfactory evidence of contamination such as odour or staining) it is recommended that soils are segregated and further assessed by an experienced environmental practitioner via further sampling and laboratory analysis.*

120. This information is considered acceptable and no further environmental investigations are required.

Noise

121. The application is supported by an Acoustic Report prepared by Acoustic Logic and dated 23 October 2023 in response to the requirements within the DP. Specifically, the DP requires permit applications for sensitive land uses (including student accommodation) to be accompanied by acoustic assessments to address noise associated with vehicles, trams, loading and the market operations.

122. The report predicts that the external noise levels will be between 64 and 65 dB(A) Leq 1hr. To address the traffic noise, the windows associated with the student bedrooms and living rooms will require minimal glazing construction requirements, performance requirements and acoustic seals. Further, recommendations for minimum lightweight wall constructions have also been provided. Different requirements are recommended for the podium levels and the tower levels, given their relative proximity from the noise source.

123. A condition will be included on any permit to issue requiring an updated acoustic report to be submitted to address the amendments required to the architectural plans.

Signage

124. Signage is proposed on the building as follows:

- 2 x internally illuminated business identification high wall signs measuring 4.1 metres high x 13.85 metres long x 250 mm deep located on the plant screen on the east and west elevations (Signs 1 and 2);
- 1 x internally illuminated business identification sign measuring 1.2 metres high x 2.835 metres long x 200 mm deep located above the ground level main pedestrian entrance along the Queen Street frontage (Sign 3);
- 3 x internally illuminated business identification signs measuring 1 metre high x 650 mm long x 200 mm deep and a minimum 3 metres above ground level located along the ground level for the café / retail tenancies (Signs 4, 5 and 6); and
- 2 x internally illuminated business identification signs measuring 830mm high x 220 mm long located at the bicycle entry point and the main pedestrian entry along Queen Street (Signs 7 and 8).

125. The location of the proposed signage is considered reasonable. In particular, there is no signage to the north elevation which will front the future Market Square. The internally illuminated business identification high wall signs are consistent with the endorsed DP that requires integration with the façade of the building and a maximum of 2 high wall signs per building. The Ground Level signage is reasonable in so far as they are appropriately located to identify the student housing provider and retail tenants.

126. While signage locations have been provided, further details are required regarding the material, colour, lettering style and details of illumination. These will be required via a condition on any permit to issue for further signage plans.



127. In addition, the applicant has also requested an expiry date mechanism to be incorporated into the signage condition. This would enable the applicant to apply for an amendment to the planning permit to extend the expiry of the sign as opposed to applying for a new permit. The applicant has made this request noting that Scape are likely to occupy the building for more than 15 years. The flexibility in the condition is considered reasonable and will be included on any permit to issue.

Aboriginal Cultural Heritage

128. The application site is located within 200 metres of an area of Cultural Heritage Sensitivity as shown in the figure below.

129. The proposed works activate the requirement for a Cultural Heritage Management Plan (CHMP).

130. Various CHMPs have been approved for the DP site and the wider QVM precinct. The following recent plans have been approved for the DP area:

- CHMP 14125 (Old Melbourne Cemetery) – approved on 15 May 2018; and
- CHMP 17098 (outside of Old Melbourne Cemetery) – approved on 12 May 2020

131. The works proposed under this application would be required to comply with all conditions contained within the approved CHMPs. A note has been included on any permit to issue to reference this.



Figure 20: Map of Cultural Heritage Sensitivity (Source: CHMP 17098)

Early works

132. The application seeks to undertake early works as part of this approval to facilitate the excavation of the basement. The works would include demolition, excavation, site preparation and retention works. In this instance, early works are considered acceptable for the following reasons:

- Any early works within the site would not comprise the orderly planning for the precinct, occur within the permit boundaries and support the delivery of the broader development.



- The application includes a singular basement level that is built boundary to all boundaries and partly extending under the north-south pedestrian link to the west. Therefore, any early excavation and retention works to facilitate the delivery of the basement is unlikely to conflict with any other potential conditions of a permit.
- Approval for early works was granted for Tower 1 and Tower 2. These works will commence on site separately to the construction of the basement and the towers above.
- Subject to the granting of any permit, the applicant has advised they intend to commence works within 5 months.
- If in the unlikely event construction activity ceases for an aggregate of 6 months after commencement of any early works, limiting any early works to demolition, excavation, site preparation and retention works would not unreasonably constrain the ability for the site to provide temporary works as set out at Clause 4.0 of the Capital City Zone.

133. Noting the above, limiting any early works to demolition, excavation, site preparation and retention works can be considered generally in accordance with the endorsed DP titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024'. The council has recommended a condition be included on any permit to issue for specific details on any early works (demolition, excavation, site preparation and retention works) to be endorsed prior to the commencement of these early works.



134. The proposed development is generally in accordance with the endorsed DP titled 'Queen Victoria Market Southern Precinct Development Plan, June 2024' and is supported by all informal and formal referral agencies, subject to conditions. The proposal (as well as other components of the Queen Victoria Market Southern Development Site overall development, including Towers 1 and 2 and the overarching DP) has undergone rigorous design review which has resulted in a building of design excellence that will integrate well with other components.
135. It is recommended that Planning Permit PA2302581 for demolition, construction of a building for use as student accommodation and erect advertising signs at land known as Part Crown Allotment 2057 at West Melbourne City of Melbourne Parish of Melbourne North be issued, subject to conditions, as outlined in this report.
136. It is recommended that the applicant, the council and Head, TfV be notified of the above in writing. Further, that the OVGA and HV are also advised in writing of the approval.

