

*Planning and Environment Act 1987*

**Panel Report**

**Melbourne Planning Scheme Amendment C173**

**Carlton Connect**



**7 May 2015**

*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act  
Melbourne Planning Scheme Amendment C173  
Carlton Connect

7 May 2015



Kathy Mitchell, Chair



Brett Davis, Member

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## Overview

### Amendment Summary

<b>The Amendment</b>	Melbourne Planning Scheme Amendment C173
<b>Common Name</b>	Carlton Connect
<b>Subject Site</b>	114-152 Grattan Street, Carlton
<b>The Proponent</b>	Tract Consultants Pty Ltd on behalf of The University of Melbourne
<b>Planning Authority</b>	City of Melbourne
<b>Authorisation</b>	Automatic due to lapsing of time period
<b>Exhibition</b>	16 October – 24 November 2014
<b>Submissions</b>	Nine Submissions, six of which oppose the Amendment <ol style="list-style-type: none"> <li>1. Caroline Gonzalez</li> <li>2. Leslie Thiess</li> <li>3. Carlton Residents Association</li> <li>4. Lynette Cracknell</li> <li>5. Helen Macnamara</li> <li>6. Ian and Greta Bird</li> <li>7. Wayne Fitzgerald</li> <li>8. Colin Macnamara</li> <li>9. The University of Melbourne</li> </ol>

<b>The Panel</b>	Kathy Mitchell (Chair) and Brett Davis
<b>Directions Hearing</b>	2 March 2015 at Planning Panels Victoria
<b>Panel Hearing</b>	7 and 8 April 2015 at Planning Panels Victoria
<b>Site Inspections</b>	30 March 2015 (unaccompanied) and 8 April 2015 (accompanied)
<b>Date of this Report</b>	7 May 2015

## Executive Summary

### (i) Summary

Amendment C173 to the Melbourne Planning Scheme seeks to rezone the former Royal Women's Hospital Site in Carlton site from a Public Use Zone to a Capital City Zone and insert a new Schedule 6 to the Zone, and apply a Development Plan Overlay to the site and insert a new Schedule 10 to the Overlay. Other policy, overlay and consequential changes to the Melbourne Planning Scheme apply as a result.

The Amendment is required to enable significant redevelopment of the site to facilitate the *Carlton Connect* initiative, an 'Innovation hub' involving a mix of commercial, research and development, community and residential uses on the site.

The Panel considered the written submissions along with presentations made to the public Hearing on 7 and 8 April 2015. Council received nine submissions, six of which opposed the Amendment. The key concerns related to:

- The use of Capital City Zone and Development Plan Overlay
- Built form and heights
- Environmentally Sustainable Design issues
- Third party appeal rights.

The Panel concludes that the application of the Capital City Zone and the Development Plan Overlay are suitable planning tools for the site. The Capital City Zone is used in the City North precinct and the Development Plan Overlay provides for flexibility in the final form of development, albeit in accordance with an Indicative Framework Plan and a Building Envelope Plan. The Amendment is supported, subject to changes to a number of zone and overlay provisions. In this regard, the revised schedules to both the Capital City Zone and the Development Plan Overlay proposed by the University have been used as the base documents for final consideration.

The Panel found the significance of the project and the nomination of the site in Plan Melbourne as the Parkville Employment Cluster, one of six nationally recognised clusters to be compelling. The Panel considers that the Amendment will make a significant economic, social and environmental contribution to Melbourne, as well as diversifying the research and development knowledge cluster of the University for the State. It is well supported by State and local planning policy and will complement the strategic intent of the wider City North precinct. The Amendment will result in an appropriate new use on the site of the former Hospital, commensurate with its location in the wider knowledge precinct.

Additionally, the subject land is well placed to derive significant benefit from the proposed Melbourne Metro Rail Link, recently announced by Government.

Resident submitters raised concerns about the potential height and bulk of the proposed buildings. Given that there is already a strong and dominating built form presence on the land, and that abutting development has no heritage significance the Panel concludes that the proposed building heights and built form can be supported. However the Panel considers that a reduced building envelope at the corner of Swanston and Grattan Streets of 25 metres for the podium is warranted, compared with the exhibited height of 40 metres.

This change will enable a stronger interface to the street and a more uniform building envelope, reducing the potential for bulk on this important corner.

Apart from minor modifications to the planning tools proposed, the Panel supports the Amendment and recommends that it be adopted.

**(ii) Recommendations**

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Amendment C173 to the Melbourne Planning Scheme as exhibited, subject to further modifications.**
- 2. Insert the following under the heading ‘building design’ at Clause 22.01:**
  - a) Where Schedule 6 of the Capital City Zone applies, it is policy that the design of buildings is assessed against the provisions of Schedule 6 to the Capital City Zone and any relevant approved development plan.**
- 3. Delete reference to the site at Clause 22.17 - Urban Design Outside the Capital City Zone.**
- 4. Modify Schedule 6 to the Capital City Zone as provided in Appendix B.**
- 5. Modify Schedule 10 to the Development Plan Overlay as provided in Appendix C.**
- 6. Modify Schedule 10 to the Development Plan Overlay as follows:**
  - a) Reduce the preferred podium building height from 40 metres to 25 metres along the length of the Swanston Street and Grattan Street frontage in Figure 2 – Building Envelopes Plan.**
  - b) Insert additional wording into the Site Description as outlined in Appendix C.**

# 1 Introduction

## 1.1 Exhibition and Hearings

Melbourne Planning Scheme Amendment C173 (the Amendment) was prepared by the City of Melbourne as Planning Authority.

As exhibited, the Amendment proposes to:

- Rezone the site from a Public Use Zone to a Capital City Zone and insert a new Schedule 6 to the Zone
- Apply a Development Plan Overlay to the site and insert a new Schedule 10 to the Overlay
- Amend the Design and Development Overlay to exclude the site from the provisions of Design and Development Overlay 45
- Exclude the site from the provisions of the Parking Overlay – Precinct 12 Schedule and apply the Parking Overlay – Precinct 1 Schedule to the site
- Amend Clause 22.01 of the Local Planning Policy Framework to exclude the application of the policy to the site
- Amend Clause 22.17 of the Local Planning Policy Framework to include the application of the policy to the site.

While not part of the formal consideration of the Amendment, the *Carlton Connect* Development Plan was also exhibited which provided information on how the future development of the site might be realised taking into account the proposed planning controls for the site.

The Amendment was prepared at the request of The University of Melbourne (the proponent) and exhibited between 16 October and 24 November 2014.

The proposal has been badged as the *Carlton Connect* initiative, and as outlined in the Explanatory Report:

*The amendment is required to facilitate the future use and redevelopment of the site to accommodate the Carlton Connect Initiative, Australia's first "Innovation Hub", involving a mix of research and development, commercial, community and residential uses in close proximity to the CBD. The Carlton Connect Initiative will assist in building key capabilities such as establishing linkages between researchers and industry, business, venture capital, global partnerships and entrepreneurial skills.*

At its meeting of 3 February 2014, Council resolved to refer the submissions received during exhibition to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 12 February 2015 and comprised Ms Kathy Mitchell (Chair) and Mr Brett Davis.

A Directions Hearing at Planning Panels Victoria was held on Monday 2 March 2015. The Panel then met in the offices of Planning Panels Victoria on 7 and 8 April 2015 to hear submissions and evidence about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.



Table 1 Parties to the Panel Hearing

Submitter	Represented by
City of Melbourne	Gisele Pratt, Senior Strategic Planner Robyn Hellman, Coordinator Strategic Planning
University of Melbourne	Chris Townshend QC and Jennifer Trehwella of Counsel instructed Minter Ellison who called the following expert witnesses: - Andrew Biacsi of Contour Consultants (Town Planning) - Deputy Vice-Chancellor (Research) Professor Jim McCluskey, of the University of Melbourne
The Carlton Residents Association Inc	Ewan Ogilvy and Warren Green
Lynette Cracknell	
Ian and Greta Bird	
Wayne Fitzgerald	

## 1.2 Subject Site and Surrounds

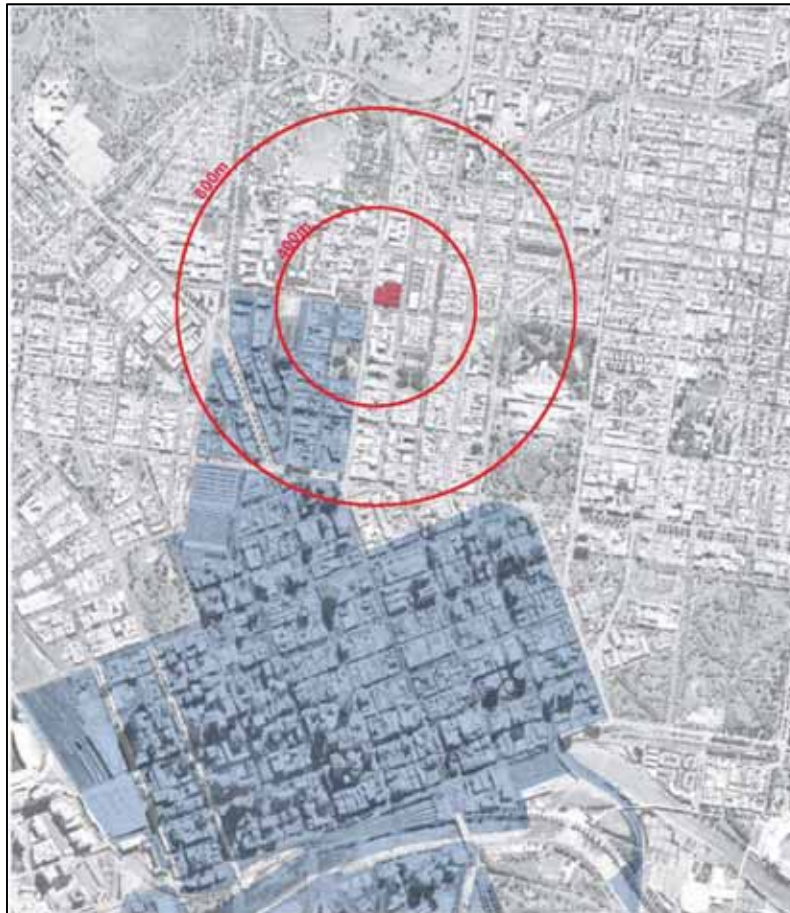
The land affected by the Amendment is described as 114-152 Grattan Street, Carlton and is bound by Swanston Street to the west, Grattan Street to the South, Cardigan Street to the east and the Royal Dental Hospital of Melbourne building to the north. The site was formerly occupied by the Royal Women’s Hospital and has been vacant for seven years. The subject site is illustrated in Figure 1.

Figure 1 Subject Site



The site is located in the City North Precinct of Melbourne and is part of the nationally recognised Parkville Employment Cluster, noted for universities (including the University of Melbourne and RMIT), hospitals (Royal Melbourne, Royal Children's and Royal Women's, the Royal Dental), the CSIRO and a host of other research facilities. It is also part of the historically significant Carlton, which is noted for its heritage listed residences and buildings, and streets such as Lygon and Rathdowne Streets. The wider context of the subject site is illustrated in Figure 2.

Figure 2 Site Context



### 1.3 Site Inspections

The Panel undertook an unaccompanied inspection of the subject land and its surrounds on Monday 30 March 2015. This was followed by an accompanied inspection of the site as part of the hearing program on Day 2, 8 April 2015.

Those in attendance at the accompanied inspection included the Panel, and representatives of the City of Melbourne, the University of Melbourne, the Carlton Residents Association (CRA) and local submitters. As part of these inspections, the Panel and other parties were able to visit various floors in the interior of the former Royal Women's Hospital, including former wards and operating theatres and part of the roof top. This allowed the Panel and other parties to view the context of the subject land and its surrounds from within the building, and provided an understanding of street interfaces to the north, east and south.

## 1.4 Issues dealt with in this Report

The Panel has considered all written submissions, as well as submissions and evidence presented to it during the Hearing. In addressing the issues raised in submissions and evidence, the Panel has been assisted by its inspections of the subject land and its surrounds.

Council's report on 3 February 2015, summarised the six opposing submissions as follows:

- *the proposed built form would be an overdevelopment of the site, would not provide a transition to surrounding building heights and would cause increased wind and overshadowing to the public realm, in particular Grattan Street.*
- *student housing, commercial and retail uses should not be part of the proposal.*
- *the proposed rezoning to the Capital City Zone (CCZ) and associated removal of third party rights is inappropriate.*

This report deals with the issues under the following headings:

- Planning context
- Parkville Employment Cluster
- Proposed zones and overlays
- Built form and heights
- Other matters (third party appeal rights and environmentally sustainable development (ESD)).

## 2 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy Framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework:

- Clause 11: Settlement
- Clause 13: Environmental Risks
- Clause 14: Natural Resource Management
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

The Amendment facilitates a mixed use development (residential and commercial uses) in an existing urban setting which includes a range of services, facilities, employment opportunities. The site is in close proximity to the Melbourne Central Business District (CBD) and located on the Principal Public Transport Network.

The subject land is noted in Plan Melbourne as a site of State strategic significance (Parkville Employment Cluster) and this is further discussed in Chapter 3.

The Panel agrees with and accepts the Council's assessment against the State Planning Policy Framework.

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.02: Municipal Profile
- Clause 21.03: Vision
- Clause 21.04: Settlement
- Clause 21.06: Built Environment and Heritage
- Clause 21.07: Housing
- Clause 21.08: Economic Development
- Clause 21.09: Public Transport
- Clause 21.10: Infrastructure
- Clause 21.16-3: Carlton Local Area

The following Local Planning Policies are relevant to the Amendment:

- Clause 22.01: Urban Design within the Capital City Zone

- Clause 22.15: Lygon and Elgin Street Shopping Centre
- Clause 22.17: Urban Design Outside the Capital City Zone
- Clause 22.19: Energy, Water and Waste Efficiency
- Clause 22.24: Student Housing Policy

Council submitted that:

*The LPPF recognises the potential of significant redevelopment in the municipality, particularly on key redevelopment sites. The city's valued neighbourhood character will be complemented by the re-use and development of the site for the purposes of the Carlton Connect sustainability initiative.*

The Panel agrees with and accepts the Council's assessment against the Local Planning Policy Framework.

## 2.2 Planning Scheme Provisions

### (i) Zones

The site is currently zoned Public Use Zone 3 – Health and Community. The purposes of the Public Use Zone 3 is:

- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

As the site is no longer required for public purposes, the Amendment proposes to rezone the site to Capital City Zone Schedule 6 as illustrated in Figure 3. The purpose of the Capital City Zone 6 is:

- *To provide for a range of uses including research and development, commercial, community, education, residential, and other uses that complement the Carlton Connect sustainability initiative and the capital city function of the locality.*

Figure 3 Proposed Zoning



## (ii) Overlays

The site is covered by Design and Development Overlay Schedule 45 and Parking Overlay Schedule 12. The Amendment proposes to exclude the site from Design and Development Overlay 45 and include Development Plan Overlay 10 on the site.

In addition, it proposes to replace Parking Overlay Schedule 12 which currently applies to the land with Schedule 1. Parking Overlay 1 applies to land in the Capital City Zone outside the retail core.

## 2.3 Planning Scheme Amendment C196 – City North

Amendment C196 to the Melbourne Planning Scheme (Amendment C196) sought to implement the land use and development directions of the City North Structure Plan 2012 into the Melbourne Planning Scheme. Amendment C196 relates to what is termed as the 'City North' precinct which comprises land in the general vicinity of Grattan Street, Swanston Street, Victoria Street, Peel Street and Royal Parade. In summary, the Amendment rezones land north of Victoria Street and bounded by Peel Street, Grattan Street and Swanston Street to the Capital City Zone to encourage a mix of central city uses in accordance with the City North Structure Plan adopted in 2012.

A Panel Hearing was held in August 2013 to hear submissions in relation to Amendment C196. The Panel supported Amendment C196 subject to further modifications as it "*will assist to achieve a good outcome for this diverse and important part of Melbourne*".

Melbourne City Council adopted Amendment C196 in April 2014 and at the time of this Panel Hearing, is currently awaiting its approval.

If approved, the area south west of Grattan and Swanston Streets will be rezoned to Capital City Zone 5 and will be part of Area 4 in the new Schedule 61 to the Design and Development Overlay. It provides for the following key imperatives in relation to Area 4 which abuts the subject land:

*The built form controls for Area 4 include the following discretionary controls affecting development along Swanston and Grattan Streets:*

- *an overall building height limit of 40 metres*
- *a street edge height along Grattan Street of 24 metres, with a 6 metre setback for any part of the building above 24 metres*
- *a street edge height along Swanston Street of 32 metres, with a 6 metre setback for any part of the building above 32 metres.*

Council submitted that this Amendment supports the key directions of the *City North Structure Plan* by:

- *Expanding and diversifying the State significant knowledge precinct in the central city.*
- *Enhancing the use and viability of transport infrastructure.*
- *Creating a distinct new working, living and learning precinct that builds on the existing urban features.*
- *Reinforcing Swanston Street as a major civic spine and pedestrian route.*

- *Enhancing the role of the area as an energy, water and waste efficient precinct.*
- *The site, being adjacent the City North area at the corner of Swanston and Grattan Streets, supports Swanston Street as the gateway to City North and the CBD.*

## **2.4 Ministerial Directions and Practice Notes**

The Panel is satisfied that the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and Ministerial Direction No 11 *Strategic Assessment of Amendments*.

Council submitted that the Amendment complies with Ministerial Direction No 9 *Metropolitan Strategy* as outlined in its Explanatory Report. The Panel agrees.

## **2.5 Conclusion and Recommendation**

The Panel concludes that the Amendment is supported by, and implements relevant State and Local Planning Policy, especially in relation to the City North Precinct and the Parkville Employment Cluster.

The Panel recommends:

- 1. Adopt Amendment C173 to the Melbourne Planning Scheme as exhibited, subject to further modifications.**

### 3 Parkville Employment Cluster

#### 3.1 The Issue

Plan Melbourne has seven key outcomes and objectives, the first being “*Delivering Jobs and Investment*”, where it aims to:

*Create a city structure that drives productivity, supports investment through certainty and creates more jobs.*

This is realised through six Directions, where under Direction 1.6, it is proposed to “*Identify new development and investment opportunities on the planned transport network*”. This has led to the identification of six National Employment Clusters, of which the Parkville Employment Cluster is one. Within this employment cluster, the *Carlton Connect* site is identified as a research and commercial node in Plan Melbourne, as shown in Figure 4.

Figure 4 Parkville Employment Cluster





### 3.2 Evidence and Submissions

Both the University of Melbourne and Council outlined the State strategic significance of this site. Council submitted that the Amendment would facilitate the emergence of *Carlton Connect* as a centre of employment within the identified Parkville Employment Cluster. Mr Townshend outlined:

*The Land is of considerable strategic importance. Plan Melbourne specifically identifies the Land for Carlton Connect within the Parkville National Employment Cluster. The Amendment recognises this and seeks to treat the Land appropriately.*

Mr Townshend referred to the expert witness statement of Mr Biacsi, which provided a summary of the Parkville Employment Cluster as it relates to the *Carlton Connect* site, including:

- Designation as research and commercial node located opposite the City North urban renewal area and University of Melbourne Education node
- An internationally acclaimed cluster close to the city with opportunities to facilitate the continued supply of land for commercial, housing and knowledge based enterprises
- The University of Melbourne is a key partner for the future of this cluster
- The cluster has excellent access to public transport.

Mr Townshend called evidence from Deputy Vice-Chancellor (Research) Professor Jim McCluskey, whose expert statement outlined:

*The University has considered how it can best contribute to and support Plan Melbourne, the Parkville employment cluster (in which universities are a key contributor) and City North to help deliver economic benefit and “prosperity through innovation”. The Carlton Connect Initiative (CCI) is the University’s response to the challenge. CCI provides an opportunity for Victoria to build on its competitive advantage in higher education, further underpinning the University’s value to the State and to Australia. CCI will play a role in fostering a culture of innovation and aligns closely with Victoria’s strategic and economic growth priorities.*

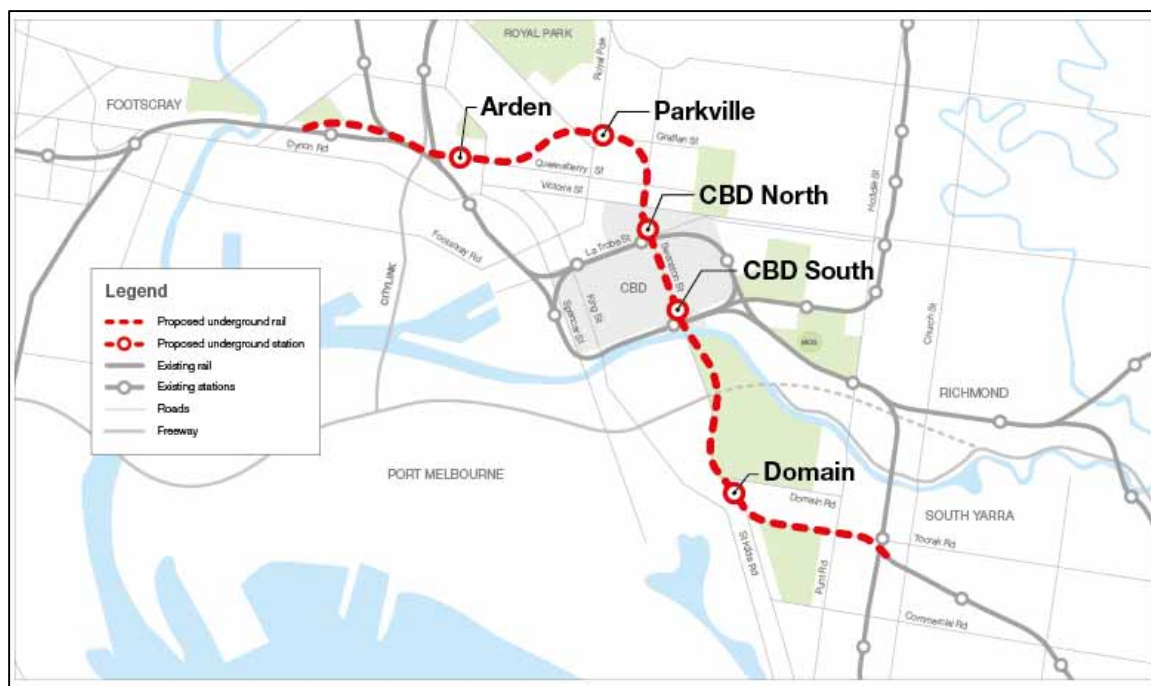
In response to the Panel’s questions relating to how an innovation hub could be defined, Professor McCluskey outlined that *Carlton Connect* envisages that the University can work in close partnership with industry so that co-location would be the enabler. That is, other industries, government and academics talking to each other in the same space. The Professor raised similar global initiatives such as a former hospital site in Toronto known as *MaRS Discovery District*, one of the world’s largest innovation hubs. Hubs such as these bring together an extensive network of private and public sector partners to help entrepreneurs launch and grow innovative companies. Professor McCluskey submitted that the former hospital location was critical to the University, and the very nature of innovation meant that there would be various tenancies at various times.

In addition to the significance of the Parkville Employment Cluster, Council advised that on 16 February 2015 the Victorian State Government announced the commencement of work on the Melbourne Metro Rail Project. The project will be planned by a special purpose

authority, the Melbourne Metro Rail Authority. As shown in Figure 5, the Melbourne Metro Rail Project includes:

- Two nine-kilometre rail tunnels from South Kensington to South Yarra as part of a new Sunbury to Cranbourne/Pakenham line
- New underground stations at Arden, Parkville, CBD North, CBD South and Domain
- Train/tram interchanges at Parkville and Domain
- Rail tunnel entrances at South Kensington and South Yarra.

Figure 5 Melbourne Metro Project (indicative)



The new Melbourne Metro Rail Project is very similar to the original Melbourne Metro concept proposed by the 2008 East West Link Needs Assessment led by Sir Rod Eddington, and is included in Council's Transport Strategy, Municipal Strategic Statement, and the City North and Arden Macaulay Structure Plans. At its 27 May 2014 meeting, Council reaffirmed its strong support for the Melbourne Metro Rail Project as proposed in the East West Link Needs Assessment. Whilst the end effect of this work was yet to be finalised, it reaffirms the strategic importance of the Parkville Employment Cluster.

### 3.3 Discussion and Conclusions

The Panel considers that there is clear justification for the site's State strategic importance as one of only six designated National Employment Clusters. The Panel shares Council's view that the Amendment will support the efficient use and redevelopment of a degraded and underutilised site in the City of Melbourne and provide new facilities that offer a mix of research, commercial, education and residential activities designed to improve the public realm, in accordance with the key directions and strategies contained in the Municipal Strategic Statement. In addition, the Melbourne Metro Rail Project lifts the status of the Parkville Employment Cluster even higher in terms of future use and connectivity

The Panel agrees with Mr Townshend that the Amendment is supported by and gives effect to the policy contained in relevant parts of the State Planning Policy Framework. As such, the Panel considers that the change of planning controls and policy affecting the subject land will allow the development optimisation of the subject land and facilitates its use and development for a broad range of uses, including research and development, education, housing, office, retail and other commercial activities.

## 4 Proposed Zones and Overlays

### 4.1 The Issue

The key issue to be addressed is whether the use of the Capital City Zone and Development Plan Overlay is appropriate for this site.

At its meeting of 3 February 2015 where it resolved to refer the submissions to a Panel for consideration, the Future Melbourne Committee resolved at 1.4:

*Requests the Independent Panel to consider whether the purpose and objectives of the new development can be fully achieved utilising a land use zone other than the Capital City Zone.*

Some submissions considered there to be a more appropriate zone than that exhibited, these being the Comprehensive Development Zone and the Mixed Use Zone.

### 4.2 Evidence and Submissions

#### (i) Capital City Zone

Council and the University of Melbourne both submitted that the Capital City Zone was the most appropriate zone for the site, because it enabled a tailored and flexible schedule.

The Capital City Zone currently applies to the CBD extending south and west through Southbank and Fisherman's Bend and north to Victoria Street. In his evidence, Mr Biacsi noted that in consideration of other zoning and overlay controls, the Capital City Zone in combination with the Development Plan Overlay is most appropriate for this site. He argued that this combination provides certainty with respect to the preferred land use and built form outcomes for the land, whilst allowing for development to respond to innovation and changing circumstances over time.

The Panel questioned the term 'innovation hub' and the way vision was expressed in the Schedule.

With regard to Schedule 6 as exhibited, Mr Biacsi agreed with most of the drafted controls however he argued that it could be "trimmed". He submitted that key changes to strengthen the schedule to more clearly express the *Carlton Connect* vision were required. He suggested the purpose be re-written as follows:

*To implement the vision for the Carlton Connect site which is to achieve an exemplary and integrated mixed use precinct that includes but is not limited to research and development, education, office, exhibition facilities, community, retail and other employment generating activities, and multi-dwelling housing. High quality design and development is promoted commensurate with the designation and significance of the site as the headquarters for Carlton Connect.*

Mr Townshend reiterated that the vision was required to ensure the Amendment outcomes could be achieved. He argued this was consistent with the aspirations of the University and

Council in dealing with an ‘innovation hub’ that required some flexibility as some, if not most, of the potential future uses had not been contemplated as yet.

Mr Ogilvy of the CRA, Dr Fitzgerald and Mr Bird all objected to the use of the Capital City Zone, and argued that similar functions to those of *Carlton Connect* were successfully conducted under other zoning regimes. Dr Fitzgerald raised the concern of the Capital City Zone creeping further north and suggested it may be detrimental to the area as valued heritage buildings become endangered and isolated.

In cross examining Mr Biacsi, Mr Ogilvie asked why the Comprehensive Development Zone could not be used, and listed a number of sites where that zone is in use, including the former CUB Brewery site. Mr Biacsi told the Panel that the Comprehensive Development Zone’s day had “*come and gone. It was in vogue in 1999 and no longer in vogue now. Certain zones such as the Activity Centre Zone had come in its place*”.

## **(ii) Development Plan Overlay**

Council and the University submitted that it proposed to apply Development Plan Overlay 10 to ensure that the land is developed in a systematic, orderly and considered manner.

This will require that prior to development commencing pursuant to a planning permit, a development plan must be prepared and approved by Council, in accordance with the requirements and objectives of the Schedule.

The Development Plan Overlay 10 sets:

- *the potential extent of the building footprint, vehicular access, pedestrian links and areas of activation through the Indicative Framework Plan; and*
- *the proposed building heights (ranging from a preferred maximum height of 40m to 59m) and setbacks for each of the proposed buildings on the Land through the Building Envelopes plan.*

While not part of the formal exhibition documents, a draft Development Plan was exhibited to demonstrate how the site might be developed, taking into account indicative heights and setbacks. This was a comprehensive document that clearly demonstrated the potential of the site to be developed to maximum height and setback. One could express it as the ‘worst case scenario’, ie the maximum extent of development.

Mr Biacsi supported the use of the Development Plan Overlay however suggested that some refinement was required to Schedule 10. This included realigning the order of the Schedule and drafting anomalies. In particular, Mr Biacsi noted:

*The current reference to figure 2 (Building Envelopes) as an objective/strategy under Clause 4.0 of the proposed Schedule is poor drafting and that this plan should be brought forward as a requirement of the development plan under Clause 3.0.*

Mr Biacsi submitted that Clause 4.0 of the Schedule should be amended to avoid confusion by referencing the objectives and strategies as objectives.

Opposed to the Development Plan Overlay, the CRA objected to deleting the existing Design and Development Overlay. It argued that the current Design and Development Overlay,

having a preferred maximum height of nine storeys, would translate to 36 metres of non-residential use. In addition, it was argued by the CRA that a development of that proposed by the Amendment would not be approved in the retail core of the CBD.

Council, in its reply submission noted that the main thrust of the Amendment is to facilitate:

*The Carlton Connect project while appropriately managing any future development. It is necessary that built form and amenity impacts are well managed and this provides for the way the DPO10 was written.*

Council submitted that the extent of detail within Development Plan Overlay 10 along with the informally exhibited Development Plan, provided the community with a good understanding of what can be developed on the site.

### (iii) Parking Overlay – Schedule 1

Council submitted that given the proposed rezoning to Capital City Zone, the Amendment proposes to exclude the land from the provisions of Schedule 12 to the Parking Overlay (Clause 45.09) 'Residential Development in Specific Inner City Areas' (Parking Overlay 12) and to apply the provisions of Schedule 1 'Capital City Zone – Outside the Retail Core' (Parking Overlay 1), as shown in Figure 6.

Figure 6 Parking Overlay for subject land



Mr Townshend submitted that it is necessary to change the relevant Parking Overlay Schedule to more appropriately align with its proposed future use and development. He added:

*Schedule 1 is appropriate for the Land as it sets maximum car parking rates and requires that permission be sought to increase parking. This accords with sustainable transport and land use strategies in relevant planning policy and with the Carlton Connect vision.*

Parking was generally not raised by submitters as an issue.

**(iv) Demolition of buildings**

Council argued for the retention of a permit requirement for demolition as proposed in the Capital City Zone. Mr Biacsi argued that neither the current Public Use Zone nor surrounding Mixed Use Zone requires a planning permit for demolition. When questioned regarding why the control was applied in this instance, Council advised that this was in line with similar wording in other approved Capital City Zone areas.

Mr Townshend argued that buildings on the land are already somewhat derelict. In the absence of a Heritage Overlay, Mr Townshend held that having the permit requirement will result in additional delay for the revitalisation of the land without any benefit. Mr Townshend outlined the history of the demolition control and how in his view, it related to CBD retail sites. Such a control was in place in other zones to avoid long standing vacant sites, referred to by Mr Townshend as “*bombsites*”. Mr Townshend observed that the control for demolition was “*not a situation that arises outside the Hoddle Grid, and nor should it*”. This site is not a retail site, not in the core of the CBD, and part of it is already used for *Carlton Connect* purposes.

Mr Townshend stated that as a point of principle, the fact the demolition control is in another schedule should be the “*last reason*” why it is included. He asked whether the starting point for tailoring schedules must be whether the control is necessary, and argued that such a control would significantly add to the cost of development. Mr Townshend advised that the demolition control generally dated back to issues relating to the former Southern Cross site and that it was not a typical CBD control. He contended that the *Carlton Connect* site does not have same pressing requirement, there are no heritage issues and the demolition control would not serve any public benefit.

**(v) Clause 22.01 (proposed Amendment)**

In his evidence, Mr Biacsi noted that the Amendment proposed to amend Clause 22.01 to exclude the *Carlton Connect* site from this policy to include the land subject to the Urban Design Outside the Capital City Zone at Clause 22.17. He noted that this appeared to be “*convoluted in its execution*”. He asked why the site was not referenced under the existing Clause 22.01 with a reference under the heading of ‘building design’. As such, the remainder of the policy at Clause 22.01 would continue to apply as appropriate.

**(vi) Other potential zones**

The purpose of the Public Use Zone 3, which currently applies to the site, is to recognise public land used for public health services and facilities. Council and the proponent both submitted that this zone is no longer appropriate given that the land is no longer used as the Royal Women’s Hospital.

Council submitted that:

*Unlike other University developments, this site is proposed to be developed for a complex mix of uses including research, education, commercial, retail and residential and parts of it are unlikely to remain in public ownership.*

Mr Townshend argued that the rezoning of the land to the Capital City Zone 6 was a more appropriate outcome given the University's vision for the land its strategic importance.

Council submitted that under the Victoria Planning Provisions the only zone which recognises and supports the proposed uses is the Capital City Zone which can be tailored to provide for research and development, commercial, education, residential and other uses adjacent the Melbourne CBD.

The CRA argued that other zones may be more applicable, such as the Comprehensive Development Zone or the Mixed Use Zone. Mr Townshend argued that unlike other zones, such as the Mixed Use Zone, the schedule to the Capital City Zone is a tailored schedule, intended to provide flexibility. The list of Section 1 uses can be crafted to facilitate the proposed use of the land and appropriate notice exemptions can be incorporated for both some uses and development. Mr Townshend added that specifically, the Capital City Zone 6 as exhibited includes all of the proposed uses of the land in Section 1:

*... this is appropriate given the vision for the Land and the aim of the Amendment.*

The University of Melbourne and the Panel questioned the use of the term 'casing' to ensure that building frontages are activated. Mr Townshend submitted that having to include a reference in quotation marks admits it being an idea, rather than using clear direct language. Council explained that the use of the term came from Jan Gehl's *Cities for People* and it was used in other schedules. Council responded in its closing statement advising:

*Whether or not the word "casing" or some other term is used to ensure building frontages are activated, it is important that in accordance with established good urban design principles, that active uses are provided on all street frontages at least for the first five levels.*

The Panel agrees with the principles espoused by Council and supports activation of building frontages.

### **4.3 Discussion**

The Panel supports the application of the Capital City Zone and the Development Plan Overlay to the site. Both are fit for purpose and are relevant to achieve the outcomes sought.

The Panel agrees that the revised zone purpose provides clarity and designation to the *Carlton Connect* vision, by clearly recognising the strategic significance of the site.

Council rejected the suggestion by the University of Melbourne to remove the planning permit requirement for the demolition of buildings on site. It argued that this is a departure from the version of the Amendment endorsed by Council and from the approach taken in all other Schedules to the Capital City Zone. Mr Biacsi contended the site is not affected by any constraints that would require a planning permit for demolition. As such, he said a permit for demolition is unwarranted given the site is "*shovel ready*" and provides an unnecessary layer of control.

The Panel is not convinced by Council's argument to retain a permit trigger for demolition, simply because it exists in other similar zones. Just because it sits in other Capital City Zone



Schedules is not a relevant consideration for the Panel. There was conjecture as to the considerations required for demolition and whether controls were warranted given the fact that demolition in the existing zone is not currently a permit trigger.

The Development Plan Overlay is a flexible overlay that can be used to implement a Development Plan to guide and set the parameters for the future development. It thus provides certainty about the nature of the proposed use and development. It rightfully includes exemptions from notice and review provisions, provided the development proposed is in accordance with a Development Plan approved for the land. Whilst this was not accepted by the CRA, the Panel is satisfied that the information exhibited with the Amendment provides sufficient detail about the future form and function of the site and its potential for development.

The Development Plan Overlay requires that a Development Plan first be prepared generally in accordance with the Schedule and approved by the responsible authority, then a planning permit must be sought (and granted) for the development of the land before works can commence.

Given Mr Biacsi acknowledged in cross examination the importance of development 'stepping down' at the street interfaces, the proposed change to remove the term 'step down at' and replace with 'have regard for' is not necessary. The Panel considers that the exhibited words are appropriate to achieve the outcome both Council and Mr Biacsi agree on.

The Panel is unsure why Mr Biacsi had proposed to delete the requirement to integrate indoor and outdoor development from the *Urban Design and Public/Private Realm* controls in section 4.0.

The University of Melbourne recommended a number of other changes to the exhibited controls in both the Capital City Zone and Development Plan Overlay schedules. Council submitted that most of the changes were acceptable.

Council rejected that the suggested wording change from 'must' to 'should' in relation to the Capital City Zone 6 application requirements relating to the Wind Analysis and the Acoustic Assessment present a significant departure from the version of the Amendment endorsed by Council, and from the approach taken in other Schedules to the Capital City Zone. Mr Townshend put forward that 'must' should be used when it's a requirement, not when it's a guideline, and in this regard noted:

*It's a 'must' you have a wind analysis. It's a 'should' to show how the proposal meets requirements. The requirements are not mandatory.*

#### **4.4 Conclusions**

The Panel is satisfied that the retention of the Public Use Zone 3 is not appropriate. Nor is the use of the Comprehensive Development Zone or the Mixed Use Zone. The Panel agrees with the University's position that the opposition to the Capital City Zone appears to be premised on precedent rather than fault with this site. It is an important distinction that the Capital City Zone ought to be understood by not its title but to the tool itself. The Panel considers that an issue raised by submitters was to the very nature of the zone being

entitled 'Capital City'. When reviewing the tailored schedules, the Panel is generally satisfied that it is in fact the most appropriate tool to be applied to this site.

The use of both the Capital City Zone and Development Plan Overlay are appropriate tools for the site. The combination of these tools provide appropriate control and guidance for the use and development of the land. The combination of these controls is not unusual. In this case, because the land the subject of the Amendment is a single holding, proposed to be developed in a comprehensive and coordinated manner by the University, the Development Plan Overlay 10 is the tool that provides appropriate certainty for the built form outcome of the land.

The Panel was supplied with a track change version of both schedules at the completion of the Hearing. These contained agreed changes, and the remaining points of contention between the Council and the University. The Panel has accepted the majority of the changes put forward from this version by Mr Biacsi and the University.

The Panel agrees with the use of the word 'should' instead of 'must' as this was confused with certain objectives in the proposed schedule. This is particularly so in relation to the discussion on the Wind Analysis requirement. The Panel agrees that the use of the term '*must*' should be used when it's a requirement and not a guideline.

The Panel accepts the submissions and evidence put forward by the University that in this instance, the demolition clause as proposed is redundant. It agrees with Mr Biacsi's argument that the site is not currently affected by a Heritage Overlay or other built form constraint that would require a planning permit for demolition. As such, imposing a demolition control now is not warranted.

On the matter regarding the use of the term 'casing' to describe how to develop the first five levels of a building, the Panel is satisfied with the amended wording put forward by Mr Biacsi and agrees that the deletion of the term still clearly expresses Council's desire for activation at the street level. As such, the Panel agrees that the use of the term '*casing*' is not ideal, and has suggested clearer language be used in its preferred schedules.

The Panel disagrees with removing the requirement to integrate indoor and outdoor development and as such, has reinstated it. With such a high profile site, the need to provide this integration only strengthens its overall public realm outcome.

The Panel has no issue with excluding the site from the provisions of the Parking Overlay – Precinct 12 Schedule and applying the Parking Overlay – Precinct 1 Schedule to the site.

With regard to the local policy at Clause 22.01, the Panel agrees with Mr Biacsi that this is confusing for the lay reader. As such, reference to the *Carlton Connect* site under the existing Clause 22.01 with a reference under the heading of 'building design' is the more logical outcome. Having to go to Clause 22.17 (Urban Design Outside the Capital City Zone) for land zoned Capital City Zone is not a logical outcome. Over time, Council may wish to revisit this policy mechanism to better account for sites that have the Capital City Zone applied in the future.

The proposed changes clarify a number of anomalies and clarify the logic behind the controls. With regard to proposed heights, this is discussed in Chapter 5 and the suggested changes form part of the Panel's preferred zone schedules at Appendices B and C.

## **4.5 Recommendations**

The Panel recommends:

- 2. Insert the following under the heading 'building design' at Clause 22.01:
  - a) Where Schedule 6 of the Capital City Zone applies, it is policy that the design of buildings is assessed against the provisions of Schedule 6 to the Capital City Zone and any relevant approved development plan.****
- 3. Delete reference to the site at Clause 22.17 - Urban Design Outside the Capital City Zone.**
- 4. Modify Schedule 6 to the Capital City Zone as provided in Appendix B.**
- 5. Modify Schedule 10 to the Development Plan Overlay as provided in Appendix C.**

## 5 Built Form and Heights

### 5.1 The Issue

A number of submissions expressed concern at the increase of height, bulk and scale of the proposed building envelopes for the *Carlton Connect* site. This was primarily in relation to the 3AW building, the tallest building on the site, and proposed heights in the building envelope plan.

### 5.2 Evidence and Submissions

The Amendment outlines a proposed maximum building height of 59 metres centrally located on existing 3AW building that represents approximately a 12 metre height increase. It was outlined that currently, Design and Development Overlay 45 as it applies to the site affects a broader area along the Swanston Street corridor between Faraday Street, just north of the Land and Victoria Street to the south. The purpose of Design and Development Overlay 45 is to guide development along Swanston Street. Although a preferred building height of nine storeys is specified in the Schedule, the 3AW building is taller than this at 13 storeys (47 metres at the parapet and 50 metres from the top of the lift machine room).

Figure 7 provides the visual representation of the indicative built form which is expressed as *Figure 2 Building Envelopes* in the schedule to the Development Plan Overlay and further expressed in the draft Development Plan.

Figure 7 Indicative Built Form



Mr Townshend argued while Design and Development Overlay 45 provides some guidance for development more generally on the land, it will not facilitate the achievement of the *Carlton Connect* vision. He said in this regard “*It is not an overlay that enables the timely*

*coordinated development of the Land*". Hence his client supported the application of the new Development Plan Overlay.

**(i) 3AW Building**

The '3AW building as it came to be known for the Hearing, is currently the tallest building on the former hospital site. Mr Townshend submitted that the existing buildings on the land, particularly the 3AW building, in combination with the surrounding built form set a clear expectation for the future built form on the land. He said:

*Given the strategic significance of the proposed University use, future development should not be unreasonably constrained. This particularly so given the increase in height proposed is relatively modest when considered in the surrounding existing context as well as the future built form context of City North.*

Ms Cracknell argued that the 3AW building is already higher than others in the area, and this should not mean *"that it is appropriate or sensible to repeat this mistake and go even higher"*.

**(ii) Swanston Street Interface**

Mr Biacsi submitted that the proposed change to the Swanston Street interface was *"significant"*. The proposed Development Plan Overlay schedule allows for a maximum setback of 52 metres behind a 40 metre street wall. Whilst heights of this scale at street edge are not foreign to Swanston Street, the existing Design and Development Overlay 45 applicable to the site provides for up to 36 metres preferred maximum building height for commercial buildings that may be varied by planning permit. The Panel questioned the derivation of these heights, and Mr Biacsi reiterated that Amendment C196 provides for the overall maximum building height of 40 metres fronting Swanston Street on the corner of Grattan Street.

**(iii) Adjacent heights**

With regard to heights, it was submitted that if Amendment C196 was approved, the area south west of Grattan and Swanston Streets will be rezoned to Capital City Zone 5 and will be part of Area 4 in the new Schedule 61 to the Design and Development Overlay. The built form controls for Area 4 include the following discretionary controls affecting development along Swanston and Grattan Streets:

- an overall building height limit of 40 metres
- a street edge height along Grattan Street of 24 metres, with a 6 metre setback for any part of the building above 24 metres
- a street edge height along Swanston Street of 32 metres, with a 6 metre setback for any part of the building above 32 metres.

The Swanston Street provisions were included in the adopted version of the Amendment, in line with that Panel's recommendations.

**(iv) Height Concerns from Submitters**

Submitters Mr Ogilvie from the CRA, Ms Cracknell, Ms Macnamara, Mr and Ms Bird, Dr Fitzgerald and Mr Macnamara all raised issues relating to the built form and heights proposed by the new controls. The CRA did not support the exclusion of the site from the current provisions of Design and Development Overlay 45 that specifies a preferred maximum building height of nine storeys. The CRA submitted through photographs that the existing 3AW block casts significant shadow over Grattan Street six months of the year. In addition the CRA voiced concerns regarding wind impacts and the exclusion of the site from the current restrictions outlined by Design and Development Overlay 45. Ms Cracknell added:

*I am not arguing against the redevelopment of the site, in fact the proposed use is exciting and commendable and hopefully will come to fruition. I am however arguing that the above does not mean that Carlton should be compromised by a building development that is out of character and of excessive height.*

The CRA and Ms Cracknell argued that no other buildings in the area are of the proposed height of 59 metres and even the Capital City Zone in the Amendment C196 area adjacent to this area does not support developments of this height. Ms Cracknell tabled photographs in her submission to highlight the height concerns.

Mr Townshend argued that the proposed heights and building envelopes are appropriate in the context of the existing buildings on the land, the surrounding built form, proposed surrounding future built form and strategic significance of the land.

The CRA questioned both Mr Biacsi and Professor McCluskey on heights, zoning, future uses and locational attributes of the site. The CRA also questioned Professor McCluskey on the University's 'appetite or not' for selling off parts of the site. Professor McCluskey refuted this proposition.

The question of possible contamination was raised given the site's previous use. Mr Townshend stated that as the rezoning would result in a less intense use, there should not be a requirement. He cited the recent Dallas Brookes Hall redevelopment case where there was no contamination requirement.

The CRA tabled photos illustrating an increase in shadow as a result of the proposed building envelopes. Mr Biacsi stated that the current control contemplates 36 metres straight up and that this would yield a similar impact to the higher setback result of the higher 3AW building. As such, there was no concern regarding additional shadowing.

Council put forward additional wording to Development Plan Overlay 10 to better explain heights and overall vision in its site description.

*A precinct which includes a number of individual yet visually integrated buildings ranging generally from 25 metres to 59 metres in height, which activate and enhance the frontages along Swanston, Grattan and Cardigan Streets and provide pedestrian links through the site.*

### 5.3 Discussion and Conclusions

The Panel finds that the site, whilst ambitious in its building envelopes, predominately sits well given its surrounds, and the potential for further development should Amendment C196 ultimately be approved. The land is a large site that is relatively unconstrained and does not have direct residential or other sensitive abuttals. It has a strong built form presence. Amendment C196 already sets a precedent immediately adjacent the site. The Panel is not concerned with the shadowing potential given that existing heights of the 3AW building and those of the currently approved Design and Development Overlay 45 would cast a very similar shadow. The impact of additional height in this instance is negligible.

The Panel empathises with submitters opposing the scale of the development proposed, and if this was being proposed as a vacant site and a completely new build, it may have held a different view. The fact that the site is in single ownership, includes significant existing buildings (3AW) in terms of height and is identified as a State significant site that forms part of the Parkville Employment Cluster through Plan Melbourne, weighed in its favour. In addition, the surrounding scale of the University, future Amendment C196 land and the car park immediately east of the site generally supports the exhibited envelopes.

The Panel was intrigued about the lack of specific urban design evidence put forward by the University. It was not convinced from evidence presented during the Hearing that the Swanston Street interface could not be dealt with more sympathetically. It agrees with Mr Biacsi that the proposed change to the Swanston Street interface is significant.

The proposed Development Plan Overlay Schedule allows for a maximum setback of 52 metres behind a 40 metre street wall at the corner of Swanston Street and Grattan Street, whereas the remainder of the building envelopes proposed the rest of the site carried with it a 25 metre height limit for street walls before rising to in excess of 50 metres. Whilst acknowledging existing (and proposed future heights), it is the Panel's view that proposing a 40 metre street wall height with a 52 metre maximum behind it would present a far too bulky outcome for this key intersection and interface.

It is the Panel's view that amending the Building Envelopes Plan contained within Development Plan Overlay 10 to reduce the preferred building height from 40 metres to 25 metres on the Swanston Street and Grattan Street frontage presents a more appropriate and consistent urban design and built form outcome.

The Panel forms the view that subject to the changes as explained, the site specific approach is warranted and the amended building envelopes are supported. This was in line with additional wording to Development Plan Overlay 10 submitted by Council.

### 5.4 Recommendations

#### 6. Modify Schedule 10 to the Development Plan Overlay as follows:

- a) **Reduce the preferred podium building height from 40 metres to 25 metres along the length of the Swanston Street and Grattan Street frontage in Figure 2 – Building Envelopes Plan.**
- b) **Insert additional wording into the Site Description as outlined in Appendix C.**

## 6 Other Matters

### 6.1 Third Party Appeal Rights

The use of the Development Plan Overlay requires a plan to be prepared to coordinate use and development on the site it applies to and guides the content of the plan by specifying certain provisions and requirements. It was outlined by Council that rezoning to the Capital City Zone will exempt permit applications from third parties. The exhibition of the Amendment and the Development Plan (of which any development must generally accord) provides affected parties with the equivalent of these rights through the planning panels amendment process.

The CRA argued that the introduction of the Capital City Zone would effectively exclude the community on any further say over the detailed use and development matters. They argued if the University had seriously wanted to engage with the community, this zoning and overlay choice would not have been selected.

Dr Fitzgerald argued that the exclusion of third party rights in relation to future planning permit applications was not “*democratic behaviour – it is dictatorial*”.

Mr and Ms Bird argued that the loss of third party appeal rights was unacceptable, given that this current Panel process was going to be their only opportunity to engage in the process, and that plans were yet to be finalised. In this regard, Mr Bird said:

*We have only the vaguest idea what the ultimate outcome might be for the former RWH site and will have no third party rights of appeal. The appalling off-campus history of MU suggests the outcome will not be good for Carlton.*

Council submitted that whilst the rezoning to Capital City Zone will exempt planning permit applications from third party rights, the exhibition of the Amendment and Development Plan (with which the development must generally accord) provides affected parties with the opportunity to make a submission and have this assessed by an independent Panel.

Mr Ogilvie pressed Mr Biacsi on the lack of third party appeal rights for the site given the ‘lack’ of details. Mr Biacsi supported the inclusion of exemptions from the notice and review requirements of the *Planning and Environment Act 1987* on the basis that the vision for the site coupled with an approved development plan provides sufficient certainty in relation to outcomes envisaged for the land.

Whilst there was some angst amongst the opposing submissions in relation to third party appeal rights, it was demonstrated by the Council an extensive public consultation process had taken place. With this was sufficient detail for the community to ascertain what was likely to take place into the future within defined building envelopes and a prescriptive Design and Development Overlay 10 and Capital City Zone 6. The Panel observes that only six opposing submissions have been received in relation to this Amendment, which on any basis is low.

The Panel is satisfied that opportunity had been afforded to the community to make comment and agreed with Mr Townshend’s proposition that it was “*entirely appropriate*



*that a site such as this, removed from direct sensitive interfaces, be exempt from third party notice in appropriate circumstances”.*

## **6.2 ESD Issues**

Submitters raised concerns regarding sustainability measures with the proposed development.

Council submitted that the development of the site will need to address Council’s Energy Water and Waste Efficiency policy at Clause 22.19 of the Melbourne Planning Scheme.

The CRA questioned the use of the tool and its credentials. It noted that *“point scoring tools will not ensure Carlton Connect will generate all or most of its own energy with renewable resources or capture and treat all its water”*. It called on the Development Plan Overlay to include measurable benchmarks for both on-site renewable energy generation and the capture and treatment of its water.

It noted that the proposed Development Plan Overlay includes environmentally sustainable design objectives and strategies over and above Clause 22.19. Council outlined that:

*In its development of the Carlton Connect site, the University of Melbourne is proposing to adopt a precinct wide approach to Environmentally Sustainable Development which will also include building-specific measures relating to both energy generation (e.g. solar power/photovoltaic, wind power, cogeneration, heat storage/heat pumps etc.) and water capture and treatment (e.g. water sensitive urban design techniques, recycled water etc.).*

*The development will also contribute demonstration projects, advancing knowledge and establishing new benchmarks in sustainable development and will address all six categories of the Green Star Communities pilot tool.*

The matter of ESD and what can and will be delivered is one of conjecture and was not tested via expert evidence. The Council has introduced measures that are in alignment with its existing policy and this was not questioned or challenged during the Hearing. In general, the Panel’s consideration of this matter was restricted by any detailed submission on the matter. Given that Council and the University were not questioning the controls, the submissions made by the CRA were untested, the Panel did not identify major ESD issues with the proposal. The controls before it are considered acceptable and in line with current best practice for ESD.

## Appendix A: Document List

No	Date	Description	Presented by
1	7/04/15	City of Melbourne, Part B Panel Submission	Gisele Pratt
2	“	Schedule 3, Capital City Zone, Melbourne Planning Scheme	“
3	“	Submission on behalf of the University of Melbourne	Chris Townshend QC
4	“	Tracked changes version – Melbourne Planning Scheme Schedule 10 to the Development Plan Overlay	“
5	“	Tracked changes version – Melbourne Planning Scheme Schedule 6 to the Capital City Zone	“
6	“	Feature Survey of former Royal Women’s Hospital Site	“
7	“	Cross section of 3AW Building, former Royal Women’s Hospital Site	“
8	“	Existing Conditions and Design and Development Overlay	Ewan Ogilvy (CRA)
9	“	Shadow Studies (extract) from Carlton Connect Background Report, prepared by Architectus	“
10	“	Extract from University of Melbourne Masterplan (2008)	Chris Townshend Q
11	8/04/15	Heritage Overlay extract 11.06am (print time)	Gisele Pratt
12	“	Heritage Overlay extract 11.08 am (print time)	“
13	“	Submission	Lynette Cracknell
14	“	<i>VCAT Decision Forza Capital Pty Ltd v Melbourne CC [2014] (extract)</i>	“
15	“	Submission	Ewan Ogilvy
16	“	Submission	Warren Green (CRA)
17	“	Submission	Ian and Greta Bird
18	“	Submission	Wayne Fitzgerald
19	“	Council closing submission	Gisele Pratt
20	“	University of Melbourne closing submission	Chris Townshend
21	“	DTPLI Authorisation (email form)	Gisele Pratt

## Appendix B: Schedule 6 to the Capital City Zone

(Panel recommended version of Schedule 6 to the Capital City Zone, based on the final version provided by the University of Melbourne at the conclusion of the Hearing.)

[Track added](#)

~~Track deleted~~

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C173

### SCHEDULE 6 TO THE CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ6**.

#### CARLTON CONNECT SITE – FORMER ROYAL WOMEN'S HOSPITAL SITE

##### Purpose

To recognise the strategic importance of Carlton Connect and the capital city function of the site.

To implement the vision for the Carlton Connect site ~~which is~~ to achieve an exemplary and integrated mixed use precinct that includes ~~but is not limited to~~ research and development, education, office, exhibition facilities, community, retail and other employment generating activities, and multi-dwelling housing. High quality design and development ~~will be is promoted~~ commensurate with the designation and significance of the site as the headquarters for Carlton Connect.

### 1.0

#### Table of uses

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C173

##### Section 1 - Permit not required

Use	Condition
<b>Dwelling</b> Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.	The ground floor of the building has a floor to ceiling height of at least 4 metres.
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Child care centre</b> <b>Education centre</b> <b>Home occupation</b> <b>Informal outdoor recreation</b> <b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b> <b>Office</b> <b>Place of assembly (other than Function centre, Amusement parlour and Nightclub)</b> <b>Railway</b> <b>Railway station</b> <b>Research and Development Centre</b> <b>Residential building (other than Residential hotel)</b>	

Retail premises (other than Adult sex bookshop, Hotel, and Tavern)

Road

Search for stone

Must not be costeaning or bulk sampling.

Tramway

## Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling and Residential Building) Amusement parlour	
Car park	Must meet the requirements of Clause 52.06. Must not be an open lot car park.
Function Centre Hotel	
Industry (other than Research and Development Centre)	Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)
Leisure and recreation (other than Informal outdoor recreation) Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone) Nightclub Tavern Utility installation (other than Minor utility installation) Warehouse (other than Freezing and cool storage, and Liquid fuel depot)	
Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Adult sex bookshop
Brothel
Cold store
Extractive industry
Freezing and cool storage
Liquid fuel depot

## 2.0

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C173

### Use of land

#### Exemption from notice and review

An application to use land 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.

This exemption does not apply to an application to use land for a Function Centre, Nightclub, Tavern, Amusement Parlour or Hotel.

### Decision Guidelines

Before deciding on a permit application under this schedule the responsible authority must consider as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework.
- The comments and requirements of relevant authorities.
- The existing and future use and amenity of the land and the locality.
- The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites including noise emissions and how this impact is to be minimised.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.
- The effect that existing uses may have on the proposed use.
- Any relevant approved development plan for the land.

### 3.0

#### Subdivision

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C173

#### Exemption from notice and review

An application to subdivide land 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.

### 4.0

#### Buildings and works

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C173

#### Permit Requirement

A permit is not required for:

- Buildings or works carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- [Buildings or works for Railway purposes.](#)
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- The following works required for public purposes by or for the Crown, a public authority or the City of Melbourne:
  - Decorations, gardens and planting.
  - A work of art, statue, fountain or similar civic works.
  - The erection of information booths and kiosks.
  - Traffic control works.
- Street Furniture.
- Temporary installations and associated works by or on behalf of the University of Melbourne.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A flagpole.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the

satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

#### **Application Requirements**

An application for permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- State Planning Policy Framework and the Local Planning Policy Framework, zone and overlay objectives.
- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.
- Energy efficiency and waste management.
- Ground floor street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.
- Vistas.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An Application to construct a building or to construct or carry out works must be accompanied by a Wind Analysis which should show how the proposal meets the following requirements:

- Developments fronting Swanston Street or internal laneways should be designed to be generally acceptable for stationary long term 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 10 ms<sup>-1</sup>).
- All other areas should be designed to be generally acceptable for short term 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<sup>-1</sup>). However, if it can be demonstrated that the street frontage or trafficable area is only likely to be used as a thoroughfare for the life of the development, the building interface 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 16ms<sup>-1</sup>).
- Developments should not rely on street trees for wind protection.

An application to construct a building or to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which should show how the proposal meets the following requirements:

- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

### Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

### Decision guidelines

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of pedestrian, cycling and vehicular entrances to and egress from the site.
- The impact on the existing and future use and amenity of the land, adjacent sites and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The effect of the proposed works on solar access to existing open spaces and public places.
- The pedestrian comfort and the amenity of public places in terms of the potential for ground-level wind.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The development potential of adjacent sites and whether this will cause an unreasonable loss of amenity to the subject site.
- The design of buildings to provide for solar access, energy efficiency and waste management.
- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of active uses or other design mechanisms.
- The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building.
- Any relevant approved development plan for the land.

## 5.0

### Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05.4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the

- building facade; and
- It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and review**

An application to erect or construct or carry out works for an advertising sign, 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.



## Appendix C: Schedule 10 to the Development Plan Overlay

(Panel recommended version of Schedule 10 to the Development Plan Overlay, based on the final version provided by the University of Melbourne at the conclusion of the Hearing.)

[Track added](#)

~~Track deleted~~

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C173

### SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO10**.

#### CARLTON CONNECT SITE

##### Site description

The site is described as 114-152 Grattan Street, Carlton and comprises land bounded by Swanston Street to the west, Grattan Street to the South, Cardigan Street to the east and The Royal Dental Hospital of Melbourne building to the north.

A precinct which includes a number of individual ~~yet~~ visually integrated buildings ranging generally from 25 metres to 59 metres in height, which activate and enhance the frontages along Swanston, Grattan and Cardigan Streets and provide pedestrian links through the site.

#### 1.0 Requirement before a permit is granted

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A permit may be granted to use, subdivide or construct or carry out works on the land before a development plan has been prepared to the satisfaction of the responsible authority.

Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision for the site.

The land may be developed in stages.

#### 2.0 Conditions and requirements for permits

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Except for a permit granted before a development plan has been approved in accordance with Clause 1.0 of this Schedule, a permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

A permit must also contain the following permit condition, as appropriate:

- A construction management plan, which is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
  - construction vehicles not to access the site from Swanston Street.
  - traffic management and in particular the need to maintain unimpeded access to Melbourne University tram terminus and adjacent sites and to maintain the provision of safe bicycle and motor vehicle access along Swanston Street.
  - public safety, amenity and site security.
  - operating hours, noise and vibration controls.
  - air and dust management.
  - stormwater and sediment control.
  - waste and materials reuse.

### 3.0 Requirements for a Development Plan

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A development plan should be generally in accordance with the Indicative Framework Plan (Figure 1) and the Building Envelopes Plan (Figure 2) to the satisfaction of the responsible authority.

The development plan must include the following:

- An urban context and existing conditions analysis describing the surrounding and on-site land uses, built form, buildings, noise sources, access points, adjoining roads, and public transport.
- A summary of the site’s key land use and development opportunities and constraints.
- Urban design principles, **which are in line** consistent with the objectives for the Development Plan listed at section 4.0 of this schedule, and which contribute to a leading sustainability hub that demonstrates a high quality architectural response, implements innovative environmentally efficient design features, provides opportunity for best practice environmental management and provides a high level of internal amenity and pedestrian permeability.
- Indicative Built Form Concept Plans which show:
  - Building locations and the mix of land uses;
  - Building envelopes including preferred heights and setbacks;
  - Plans or diagrams of the existing buildings or portions of buildings which are proposed to be retained or demolished (if any);
  - Vehicle access, car parking, pedestrian access, disabled access and movement;
  - On-site communal open spaces and the public realm;
  - Landscape concepts;
  - Overshadowing diagrams; and
  - Staging/sequence of development.

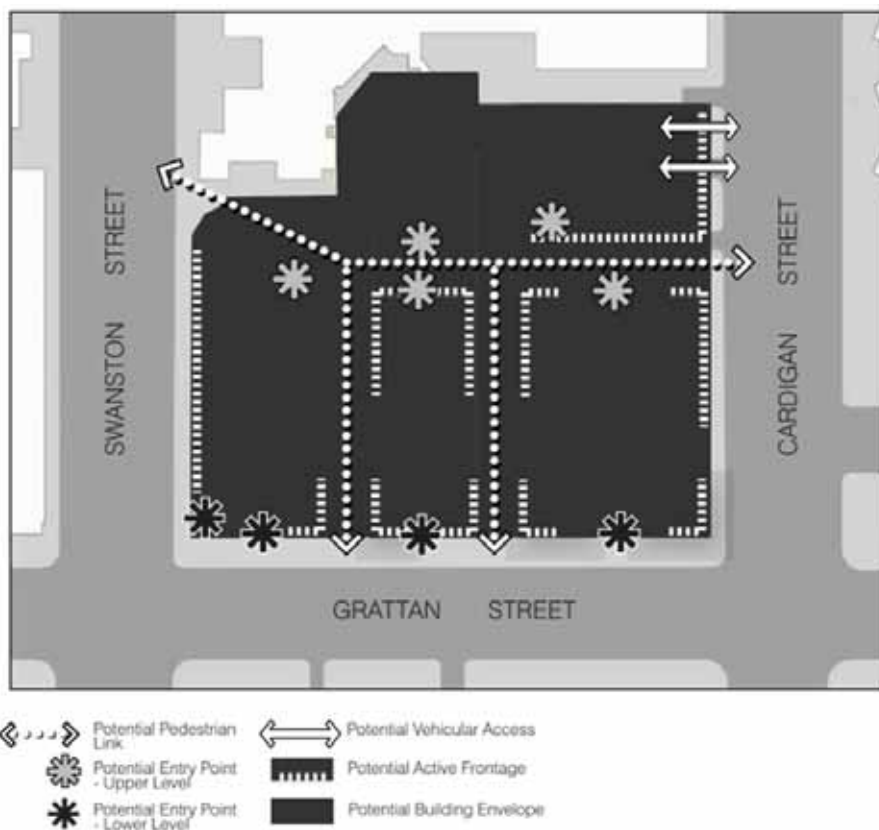
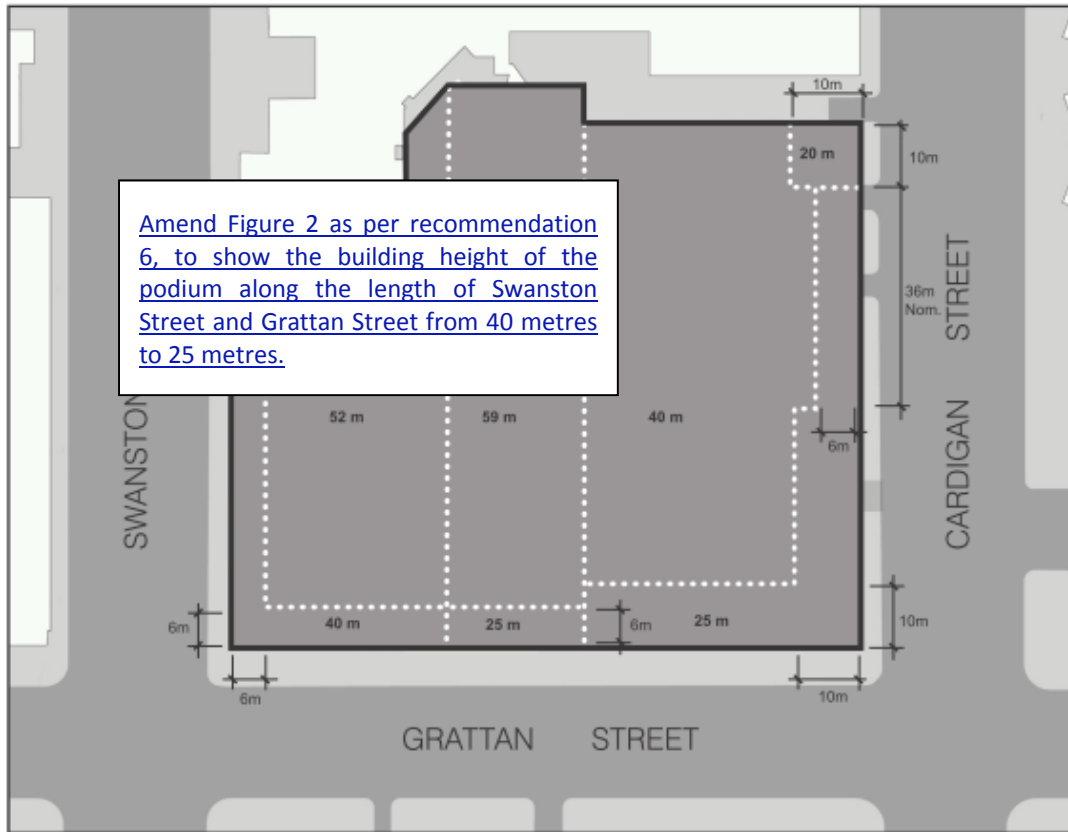


Figure 1 Indicative Framework Plan



+ (X) m Preferred Building Heights  
 + (X) m Preferred Building Setbacks  
 (X) m Zero Setback to lower levels

Figure 2 Building Envelopes

Building height is to be measured at the footpath in the middle of the site at each street frontage. The overall preferred building height does not include architectural features and building services.

The development plan must be accompanied by the following reports to the satisfaction of the responsible authority:

- An Environmentally Sustainable Development report prepared by a suitably qualified consultant identifying the environmental features to be included in the development, in order to be a leading sustainability hub.
- A Wind Assessment Report prepared by a suitably qualified consultant demonstrating that the development has the preliminary design potential to avoid and minimise unreasonable wind impacts, including actions and requirements to ensure the detailed design will do so without reliance on vegetation.
- A Traffic Management Plan prepared by a suitably qualified consultant which includes but is not limited to:
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network.
  - Preferred location for vehicle egress and ingress.
  - A strategy to encourage walking, cycling and public transport use, including a green travel plan.

#### 4.0 Objectives for ~~new development~~ the Development Plan

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C177

The development plan should demonstrate how the future use and development of the land advances the Carlton Connect vision and responds to and achieves the following objectives:

##### LAND USES

- An integrated mixed-use development of the site that relates to environmental sustainability research, design and education, ~~to~~ create a leading sustainability hub.
- Commercial, retail and community uses along key pedestrian corridors.
- Uses and development that complement ~~do not compromise~~ established activities on adjoining and nearby sites.
- Safe, well designed and managed accommodation.
- ~~The~~ Activation of buildings at the street edge with uses ~~so that~~ that achieve a visual relationship between occupants of upper floors and pedestrians, ~~is encouraged~~ and better surveillance of the street ~~is achieved~~.

##### URBAN DESIGN AND PUBLIC/PRIVATE REALM

- Achieve high quality design and exemplary development, including an engaging building interface both above and at street level and high quality landscape treatment.
- Enhance the role of Swanston Street as a civic spine and a major pedestrian and public transport route.
- Create a high level of amenity for occupants of the site.
- Provide design that responds suitably to existing interfaces.
- Provide a range and variety of high quality communal and private outdoor spaces, that integrates indoor and outdoor spaces.
- Create streetscapes defined by a generally consistent plane of building facades that collectively enclose the sides of the streetscapes whilst allowing good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings.
- Contribute to a streetscape which integrates the site with its surrounding context, helping to create a precinct which is safe, appealing and convenient for users at all times of the day and night.
- Incorporate open and enclosed spaces to bring the community together and provide social cohesion.

##### PEDESTRIAN PERMEABILITY, TRAFFIC MANAGEMENT AND BICYCLE & CAR PARKING

- An appropriate level of motorcycle and bicycle parking and related facilities is provided on site.
- ~~Any~~ Vehicular access and parking provided on site should minimise ~~s~~ impacts on communal spaces, ~~and on~~ bicycle and pedestrian movement.
- Management of traffic impacts associated with the new development ~~to the satisfaction of the responsible authority~~.
- Safe access for pedestrians and bicycle users at all times of the day and night.
- Convenient access for disabled persons to, from and within the site.
- Enhanced pedestrian permeability of the site and the provision of convenient and direct pedestrian movements east-west between Swanston and Cardigan Streets as well as north-south links.
- No construction vehicle access from Swanston Street.
- A ground floor splay to reduce pedestrian congestion at the Swanston Street and Grattan Street intersection.
- Vehicle access preferably at the northern end of the site off Cardigan Street and limited to

left-in left-out movements.

**ENVIRONMENTALLY SUSTAINABLE DESIGN**

- Minimise the production of greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water use and encourage the use of alternative water sources.
- Minimise waste going to landfill, maximise the reuse and recycling of materials and provide optimal waste collection efficiency.
- Make optimum use of available technology to contribute to future flexibility in the use of the site including its potential future reconfiguration.
- Contribute demonstration projects, advancing knowledge and establishing new benchmarks in sustainable development.
- Include an assessment of opportunities for district-scale sustainable infrastructure.
- Address all six categories of the Green Star Communities pilot tool.

**COMMUNAL SPACES AND COMMUNITY FACILITIES**

- Enhance the public realm and linkages between public spaces where possible.
- Create places for people to meet, sit and socialise.
- Provide community facilities that complement the existing services and facilities