

**Government Land Standing
Advisory Committee -
Tranche 8
Former Peter MacCallum
Cancer Centre - 2 St
Andrews Place, East
Melbourne**

Planning and Urban Design
Evidence Prepared by Tim
Biles BA DipTRP FPIA

Prepared for Department of
Treasury and Finance
Instructed by Clayton Utz

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Contents

1 Introduction	1
1.1 Summary of the proposed amendment	1
1.2 Request for Report	2
1.3 Summary of issues from Submissions	2
1.4 Key considerations in this report	2
1.5 Summary of conclusions	3
2 Response to issues	4
2.1 Is a DDO or DPO the appropriate built form overlay?	4
2.2 Are the proposed built form controls adequate to guide the future development of the site?	4
2.3 Are there any unreasonable potential amenity consequences to neighbouring sites?	9
2.4 Issues relating to policy	10
3 Conclusion	11
Appendix A: Summary of planning policy which would apply to any development proposal	12
Appendix B: Response to Melbourne City Council conclusions and recommendations	15
Appendix C: Witness statement	18

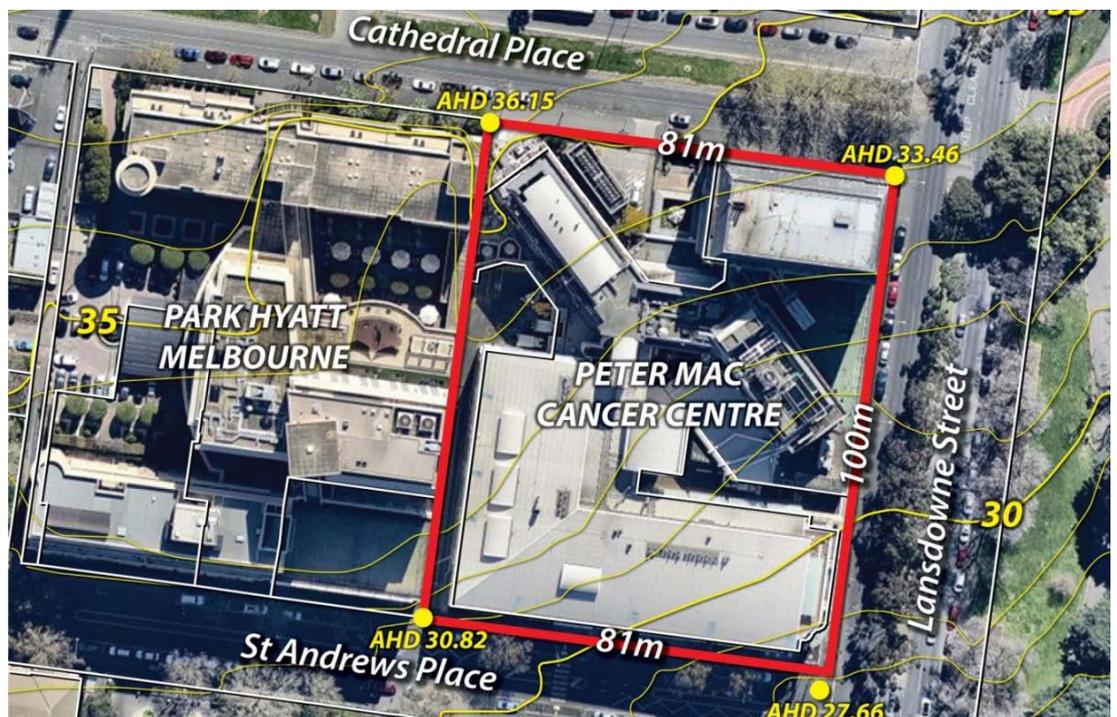


Figure 1- The site and its context

1 Introduction

The former Peter MacCallum Cancer Centre site at 2 St Andrews Place, East Melbourne, **Figure 1**, has been deemed surplus to government use and as a consequence is to be made available for purchase on the open market.

The Public Use Zone (PUZ3) over this land is unsuitable and requires a set of planning provisions to enable the land to be sold for its “highest and best use”.

The Department of Treasury and Finance (DTF) engaged Message Consultants to undertake a review of the physical and policy context and, in consultation with others, determine the most appropriate planning provisions for the site.

The results of this work are now before the Government Land Standing Advisory Committee (GLSAC) for review.

1.1 Summary of the proposed amendment

In summary, it is proposed that the former Peter MacCallum Cancer Centre site planning controls be amended as follows;

- **Rezoned to Mixed Use Zone (MUZ)** from Public Use Zone (PUZ3).
- Remove the existing Design and Development Overlay (DDO) Schedule 13 and **apply a new DDO** which specifies the following built form controls :
 - A mandatory maximum overall building height of AHD91 which is further constrained by limiting shadow impacts on the Fitzroy Gardens.
 - Discretionary street wall height in Cathedral and St Andrews Place of 20m.
 - Mandatory street wall height on Lansdowne Street of 36m which is further constrained by shadow requirements.
 - Discretionary building setbacks above street wall heights.
 - A Floor Area Ratio (FAR) of 9:1.

- A number of Design Features and Design Outcomes for the future development of the site.
- Add an **Environmental Audit overlay (EAO)** due to the sites previous history which has the potential for contamination.

These are discussed in detail in the town planning and built form control reports prepared to support the amendment and where relevant later in this report.

The analysis and justification for the form and detail of the proposed amendment is contained in the following reports by:

- **Message Consultants:**

- *Redevelopment Controls for the Former Peter MacCallum Cancer Centre* by Message Consultants Australia Pty Ltd February 2017
- *Town Planning Report, Former Peter MacCallum Site* March 2017 by Message Consultants
- **Other Consultants:**
- *Heritage Context Report* by Lovell Chen - Heritage Consultants, August 2016
- *Traffic Engineering Assessment* by Traffix Group - Traffic Engineers, November 2016
- *Peter MacCallum Cancer Centre : Potential uses and associated yields* by Tessellate Architects, February 2017
- *Preliminary Environmental Site Assessment* by Compass Environmental Pty Ltd, 10 May 2016
- *Survey Plans* by Madigan Surveying, (Peter MacCallum site - November 2015 and Surrounds- December 2016

I will refer to these reports, in particular those prepared by Message Consultants, where relevant to this review.

1.2 Request for Report

I have been requested by Clayton Utz, lawyers to:

- Review the draft controls and supporting information;
- Review the public submissions;
- Review the reports prepared to inform the new controls and identify any changes I would recommend that are a consequence of that review;
- Prepare an opinion as to the planning and urban design merits of the draft amendment; and
- Present this work to the Government Land Standing Advisory Committee at its hearing.

The following responds to this request.

1.3 Summary of issues from Submissions

The following is a summary of the issues raised by the 15 submissions (S01-S15) to the exhibition of this Amendment.

Land Use

- The site should be converted into a public park.
- The buildings should be repurposed for community uses.
- The site is not identified for urban renewal in the LPPF
- Future residential uses should include the provision of social housing of 6% to 10 % of the site yield.

Built form

- Use a DPO rather than DDO to manage the development of the land.
- The DDO encourages an overdevelopment of the site.
- Make changes to the format and content of the DDO.
- Replace the 3D massing diagram with sectional diagrams of the DDO built form controls.
- A proportion of the site should be provided for “public good” and “public access”.
- Retain the heritage buildings on the site.
- Closure of Cathedral Place will impact on the

functioning of St Patricks Cathedral.

- The proposed DDO creates an “anomalous situation” in relation to those sites remaining in the DDO13 Area 23.
- Remove the mandatory height control to a discretionary height control.
- Reduction of the FAR;
 - From 9:1 to 6:1 (S06) or
 - From a mandatory 9:1 to a discretionary 8:1 with a set of performance based design objectives to exceed the FAR (S12).
- There will be unreasonable shadow consequences to neighbouring sites.
- The OVGA Victorian Design Review Panel (VDRP) should review the DDO proposition and any subsequent development application.
- The provisions of car parking should be required to be below ground.

Clarification in relation to:

- Closure of the Cathedral Place.
- Shadow consequences to residential properties to the west (ie: 30 St Andrews Place).
- Shadow consequences to the wedge of land located to the southwest of St Andrews Place and Lansdowne Street and the Treasury Gardens.

Matters outside the scope of the amendment

- CoM to review the existing built form controls on St Patricks Cathedral grounds.

1.4 Key considerations in this report

In general there is consensus that the proposed rezoning from the PUZ 3 to a MUZ and application of the EAO are appropriate changes to controls for the site. In relation to these matters I defer to the discussions outlined in the exhibited reports where relevant.

The principal considerations, stemming from my review of submissions, are criticisms of the built form outcomes that may result from the proposed DDO.

My assessment of these matters is addressed by answering the following questions;

- **Is a DDO or DPO the appropriate built form overlay?**
- **Are the proposed built form controls adequate to guide the future development of the site?**
- **Are there any potential unreasonable amenity consequences to neighbouring sites stemming from the amendment provisions?**

I also address other issues raised by submissions relating to policy.

In relation to the heritage issues raised by submitters, I defer to the evidence of Mr P. Lovell of Lovell Chen.

1.5 Summary of conclusions

In relation to the proposed DDO built form control recommended as part of this planning scheme amendment, I conclude that;

- A DDO is the most appropriate tool to deliver mandatory and discretionary built form controls.
- The DDO will work in concert with the other provisions in the Melbourne Planning Scheme in relation to many of the matters raised by submitters.
- The FAR of 9:1, coupled with the other controls and provisions, will ensure the site is not overdeveloped.
- The 36m maximum street wall height on Lansdowne Street, working with the other controls and provisions, will not detrimentally impact on the public realm of the Fitzroy Gardens.
- The DDO and its provisions, working with the 9:1 FAR, will produce a series of buildings that layer and transition their heights between each other and their neighbours. It is unlikely to lead to a collection of building forms that are configured in a 'wedding cake' model.
- Public movement through the site does not need to be specified in the DDO and can be negotiated if deemed appropriate at the time of the permit application.

- The proposed height at 91 AHD is satisfactory and sympathetic to its context.
- Car parking is adequately addressed in the DDO.
- The DDO, working in conjunction with other planning provisions, adequately addresses any neighbouring site amenity considerations.
- The DDO only seeks to keep the 'option open' to create a new green link by limiting vehicular access from Cathedral Place, should Council see it as a project to pursue.
- Any future development of the site will need to consider the amenity consequences to public spaces and parks, in response to existing Melbourne Planning Scheme provisions.
- There was no imperative nor is it appropriate to include a provision for social housing as part of the DDO.

My detailed reasons for these conclusions are set down in the following sections of this report.

My witness statement is included at **Appendix C**.

Also circulated along with this evidence are a series of survey spot levels, which were used to verify the sightlines and shadow modelling. These were prepared by Madigan Surveying, Sheets 1-6 dated 15/12/2016.

2 Response to issues

2.1 Is a DDO or DPO the appropriate built form overlay?

Melbourne City Council (MCC) says in its executive summary;

“A master planning mechanism such as a Development Plan Overlay (DPO) is the most appropriate planning control to achieve an integrated development on the site over time. If a Design and Development Overlay (DDO) is to be utilised, it should provide further detail and prescription to achieve a high-quality redevelopment of this significant site.”

Extensive consideration has been given to this matter by the consultant team and by officers at the DELWP.

The issue resolved in this manner:

- The site is large (8200sqm) and likely to be redeveloped as several buildings.
- The nature of the use of those buildings is unknown. Their use will be determinative of the footprint and built form proposed on the site.
- A DPO generally requires an indicative Development Plan and 3D building envelope which is a response to the proposed land use.
- A change in use can then occasion a need to change the envelope, which in the case of a DPO requires a further planning scheme amendment.
- This is cumbersome, time consuming and costly.

For these reasons a DPO was considered an unsatisfactory 'planning tool'.

This issue is set out in Section 7.2.2 in the Message Consultants *Town Planning* report.

A DDO by contrast can establish a built form framework and a set of design objectives that allows flexibility around issues of land use.

- The DDO is not the sole instrument of control over the site. Council has a suite of provisions, including the zone provisions and policy in Clauses 21 and 22 that will work in concert with the DDO to manage development, requiring a site analysis and

explanation of the rationale to any design response. A summary of these policies is set out at **Appendix A** and discussed later in this report.

- In addition, 3rd party appeal rights are preserved allowing submissions from interested parties unlike the common practice in a DPO where compliance with the development plan obviates the need for notice to 3rd parties.
- Melbourne City Council and DELWP have a well-resourced planning and urban design officer corps. I consider they should be able to negotiate a suitable design response in the context of the proposed DDO.

Conclusion 1

A DDO is the most appropriate tool to deliver mandatory and discretionary built form controls (Planning Practice Note 59).

2.2 Are the proposed built form controls adequate to guide the future development of the site?

2.2.1 Overview

The built form controls derive from an extensive testing of the effect different development options would have on the site and its neighbourhood.

This has included an analysis of;

- Potential future use and development,
- Heritage,
- Streetscapes,
- Views and vistas to and from significant places,
- Shadow impacts, particularly on the Fitzroy Gardens, and
- Connectivity.

This is clearly an important precinct where MCC says in its submission that any planning controls for the site need to be responsive to the character of the area and should;

“1. Minimise shadow impacts, particularly to the Fitzroy Gardens;

2. Ensure appropriate height and built form to respond to the 'buildings in a landscape setting' which characterises the precinct;
3. Protect key view lines and vistas, including views toward Parliament House and St Patricks Cathedral; and
4. Create opportunities for pedestrian connections and movement through the site.
5. Preference a number of buildings within the site that hold together as a civic composition, in line with the site's significant context." (p.5)

All these matters have been addressed in the Amendment and are analysed in the *Town Planning and Redevelopment Controls* reports by Message Consultants and the *Heritage Context Report* by Lovell Chen.

I consider that the proposed DDO has responded effectively to these objectives.

The MCC criticism of the DDO says;

"The proposed DDO will allow development which does not align with the character or vision for the area. Instead, the proposed changes will likely result in a uniform tower/podium, bulky built form and high site coverage which is out of character with, and will detrimentally affect, the amenity of Fitzroy Gardens and surrounding area and potentially dominate key vantage points throughout the area. Specifically:

- *The proposed Floor Area Ratio of 9:1 is excessive.*
- *The proposed 36m street wall height along Lansdowne Street would have an unacceptable visual impact when viewed from Lansdowne Street and the Victorian Heritage Registered Fitzroy Gardens.*
- *The proposed 'wedding cake' indicative massing envelope is not an appropriate response to the context.*
- *The proposed DDO does not provide for public movement through the site.*
- *The proposed height and the location of the higher built form on the site is out of context."*(p.1)

MCC also detailed in its Conclusions and Recommendations (p.9) a series of recommended modifications numbered a) to l), which I have addressed at **Appendix B** and in the following sections of this report where relevant.

The structure of the DDO is designed to allow flexibility in the design of buildings but within a built form framework that is respectful of the influences and context of the site.

The DDO uses 3 principal mechanisms to control and influence a design response. These are;

- Management of height on the site through mandatory and non-mandatory controls,
- Mandatory floor space yield expressed through a FAR of 9:1, and
- Performance based objectives to ensure shadow, key view and vistas of St Patricks Cathedral, Parliament House and the Treasury Building are not intruded upon.

In addition to these DDO specific provisions, there are the further provisions to the Melbourne Planning Scheme which would apply to any future development of the site, namely:

- **Built Form Policy**
 - Clause 15.01 Urban design principles
 - Clause 21.06 Built Environment and Heritage
 - Clause 22.17 Urban Design Outside The Capital City Zone
 - Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys
 - Clause 58 Apartment Developments
 - Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).
- **Open Space Policy**
 - Clause 22.26 Public Open Space Contributions
 - Clause 52.01 Public Open Space Contribution and Subdivision

- **Traffic and Access Policy**

- Clause 52.06 Car Parking
- Clause 52.07 Loading And Unloading Of Vehicles
- Clause 52.29 Land Adjacent To A Road Zone, Category 1, Or A Public Acquisition Overlay For A Category 1 Road
- Clause 52.34 Bicycle Facilities

- **Shadow to Public Places**

- Clause 22.02 Sunlight to Public Spaces

A summary of these policies is set out at **Appendix A**.

Conclusion 2

The DDO will work successfully in concert with the other provisions in the Melbourne Planning Scheme.

2.2.2 Will the proposed 9:1 FAR result in an overdevelopment of the site?

I have re-examined the proposed FAR of 9:1 as part of this review.

I do not consider the 9:1 FAR will result in an overdevelopment of the site for the following reasons;

- There is a limit on the amount of floor space yield to approximately 60% of the building envelope capacity, which is achieved by adopting a FAR of 9:1, thus equating to a maximum floor space yield of 73,000sqm out of a potential 120,000sqm within the building envelope.
- The height of buildings around the edges of the site are contained to a 'comfortable' street wall height. The taller form is required to sit away from the street edges and the park interfaces, preventing shadow falling on the Fitzroy Gardens.
- While the DDO does not expressly provide for public movement through the site, it is considered that adequate spacing between buildings can be provided to accommodate this should it be seen as desirable as part of any permit application.

- Modelling by Message Consultants and Tessellate Architects demonstrates that this combination of controls allows buildings to be constructed in a manner that can make a 'civic composition' on this site.
- A FAR of 9:1 ensures that buildings composed on the site will be seen as lower than those in the neighbouring city grid, where a base FAR is 18:1. This will provide a clearly taller backdrop to views of the site from the east and north in particular.
- The existing FAR on the site is 4.3:1 (35,138sqm). A 6:1 FAR equates to 49,200sqm, which is only 14,062sqm more than currently exists on the site.

While MCC suggest its modelling reveals overdevelopment at a FAR of 9:1, and suggests this be reduced to 6:1, our analyses do not support this conclusion.

I should note that at the time of writing this report I did not have access to the modelling referred to by Council in its submissions.

Conclusion 3

The FAR 9:1, coupled with the other controls and provisions of the DDO, will ensure the site is not overdeveloped.

2.2.3 Will the 36m maximum street wall to Lansdowne Street detrimentally impact on the public realm and Fitzroy Gardens?

The street wall height on Lansdowne Street was resolved in response to a number of influences; primary amongst them was the impact of shadow on the Fitzroy Gardens.

This street wall has to accommodate a fall from Cathedral Place to St Andrews Place of approximately 6m or 2 storeys.

At either end of the street wall where it intersects Cathedral Place and St Andrews Place the height must integrate with the 20m height on each of these frontages.

Complicating this circumstance is the presence of the existing tall tower on the corner of Cathedral Place and Lansdowne Street, which is considered sufficiently sound to support conversion to a new use within the existing shell. This building is 44m high (AHD79.25). It would have existing use rights and like the former Mercy Hospital on the other side of Fitzroy Gardens could be converted to apartments.

In the case of the Mercy Hospital conversion this structure has 13 storeys and is considered to sit in its relationship to Clarendon Street and the Fitzroy Gardens in a quite acceptable manner. It forms a clear built form edge to the Gardens, as illustrated in **Figure 2**.

By contrast, the primary views to the former Peter MacCallum Cancer Centre site are from the Fitzroy Gardens against a CBD skyline of taller buildings.

A street wall of 11 to 12 storeys is considered a comfortable edge to the gardens and carefully designed, will offer a streetscape condition that is likely to be extensively fractured by windows and balconies.

There is a real prospect that the parapet will be stepped and possibly have a series of openings to accommodate views from structures behind to the Fitzroy Gardens.

Finally, our modelling demonstrates that a height of 36m will not cast shadow to the edge of the gardens. This is also prohibited by the controls.

Conclusion 4

The 36m maximum street wall height on Lansdowne Street, working with the other controls and provisions, will not detrimentally impact on the public realm of the Fitzroy Gardens.

2.2.4 Does the DDO encourage a ‘wedding cake’ design response?

The effect of the DDO is unlikely to produce a ‘wedding cake’ design response.

The proposed street wall and setbacks coupled with the FAR of 9:1 create a street wall of varying heights, particularly on Lansdowne Street, to manage the fall across the site and the shadow consequences to the Fitzroy Gardens.

The taller mass is likely to be separated from the street wall mass, depending on the nature of use.

A hotel will have a different footprint to apartments which will be different to offices or commercial spaces.



Figure 2– Street view looking south along Clarendon Street towards the former Mercy Hospital residential redevelopment

There may be breaks in the street wall to give the mass (tower) behind views to the parklands.

I consider the massing in the DDO is appropriate to its context. It will establish a street wall on Cathedral Place that is similar to the Hyatt Hotel to the west, while on St Andrews Place the street wall will also be lower than some of its neighbours to the west.

Any taller building above the street wall will need to meet the maximum mandatory height, the setback from the top of the street wall and the shadow consequences on the Fitzroy Gardens.

In addition, it will need to respond to the context of its immediate abutments.

In this circumstance I do not consider the DDO will encourage a wedding cake design response.

Conclusion 5

The DDO and its provisions, working with the 9:1 FAR, is unlikely to lead to a collection of building forms that are configured in a 'wedding cake' model.

Rather it will produce a series of buildings that layer and transition their heights between each other and their neighbours.

2.2.5 Public movement through the site

There is nothing to prevent the inclusion of public movement through the site at the time a permit application is prepared.

In part however, this depends upon the nature of land use and the degree to which access can be provided, as well as its location through the site.

There is enough flexibility in the DDO provisions and site context for detailed planning to provide for Public movement through the site.

In addition, the following clauses give opportunities to negotiate public movement and public open space in any permit approval:

- 15.01 'Urban Design Principles'
- 21.06 'Built Environment and Heritage'
- 22.17 'Urban Design outside the Capital City Zone'
- 22.26 and 52.01 Public Open Space Contribution and Subdivision.

Conclusion 6

Public movement through the site does not need to be specified in the DDO, and can be negotiated if deemed appropriate at the time of the permit application.

2.2.6 Is the height of the taller built form out of context?

The height of the taller built form has been configured in response to the following influences;

- Views to the site across St Patricks Cathedral, Parliament House, the former Treasury Building and from the Fitzroy Gardens.
- Presence of higher built form in relation to the adjacent streets
- Relationship to neighbouring buildings.

At AHD 91 the building would sit approximately 8m higher than the tallest part of the Hyatt Hotel to the west at AHD 83.8.

The Lote and Victor Smorgen building on the site at present is at AHD 79.25 at its tallest point.

A tower building on the site is likely to comprise of 20 conventional storeys (3m floor to ceiling heights).

Set largely against a backdrop of taller buildings when seen from most distant vantage points, and set behind a lower street wall at closer vantage points, this height is considered quite satisfactory in this context.

Any tower on the site will not break the ridge of St Patricks Cathedral nor Parliament House from the identified viewing points in the DDO. The location of a tower(s) on the site will be influenced by its shadow impacts on the Fitzroy gardens, and to a certain degree Treasury Gardens, which pushes it to the centre of the site.

Conclusion 7

The proposed height at 91 AHD is satisfactory and sympathetic to its context.

2.2.7 Does the DDO adequately deal with car parking?

It is likely that any car parking on the site will be placed in the basement(s).

The FAR floor space definition counts any car parking provided above natural ground as part of the FAR. However, if car parking is located in a basement it is excluded from the FAR calculation. Given the commercial value of the site this will encourage any development to place car parking in the basement.

In addition, the slope of the land and the encouragement expressed in the DDO to avoid taking access from Cathedral Place will again make basement parking, with access from the lower points on the site, functionally desirable.

For these reasons I consider the DDO and the other provisions in the planning scheme will also serve to manage car parking on the site.

Conclusion 8

Car parking is adequately addressed in the DDO.

2.3 Are there any unreasonable potential amenity consequences to neighbouring sites?

The following matters are raised in the submissions;

- Shadow consequences to the courtyards of the Hyatt or other residences
- Closing part of Cathedral Place.
- The effect of the proposal on Treasury Gardens and the open space on the corner of St Andrews Place and Lansdowne Street.

2.3.1 Shadow consequences to the courtyards of the Hyatt or other residences

There are courtyards to the Hyatt that mediate the spaces between accommodation and dining facilities. One courtyard abuts the review site.

There is a common boundary wall of about 4m -5m along the courtyard interface, see **Figure 3**.

This courtyard is private space and may in time be removed or redeveloped. If this does not occur there are a number of existing provisions in the planning policy (e.g. Clause 58 and the *Design Guidelines for Higher Density Residential Development*, DSE 2004) which require any permit application to respond to the sensitivities of this site context.

As part of the proposed DDO, Section 3.0 Application Requirements and the MUZ, there is a requirement for a detailed site analysis and urban context report as well as a 3D digital model to show how the permit application meets the provisions of the planning scheme. This process also includes 3rd party appeal rights.



Figure 3– View from a Park Hyatt Room down to the courtyard and review site source: <https://melbourne.park.hyatt.com/en/hotel/social-gallery.html#opi2380660618>

Collectively, these policy requirements will protect the interests of the Hyatt Hotel and other residences in relation to shadow.

Conclusion 9

The DDO, working in conjunction with other planning provisions, adequately addresses any neighbouring site amenity considerations.

2.3.2 Closing part of Cathedral Place

St Patricks raise concerns about closing the southern leg of the Cathedral Place road reserve in order to create a green pedestrian link between MacArthur Street and the Fitzroy Gardens.

The effect of the DDO is to minimise car access from this side of the carriageway. The implementation of a partial road closure and creation of a public open space is a separate issue that would need to be facilitated by MCC.

Conclusion 10

The DDO only seeks to keep the ‘option open’ for a new green, link by limiting vehicular access from Cathedral Place, should Council see it as a project to pursue.

2.3.3 Protecting Treasury Gardens and open space on St Andrews Place/ Lansdowne Street intersection

It was considered that the height and massing control of the DDO, along with the existing planning provisions, were sufficient to protect the value of the Treasury Gardens.

In any event any future development would need to consider Clause 22.02 Sunlight to Public Spaces policy which says “*Development should not cast additional shadow across the following spaces at key times and dates identified in the Planning Scheme*” which cites the Treasury Gardens (amongst others).

The planning scheme provisions detail no additional shadow between 11am to 3pm on the 22 April to 22 September, i.e. includes the winter solstice shadow consequences, “*unless the shadow will not prejudice the amenity of the space*”.

Our modelling indicates that there may be small instances of additional shadow to the Gardens , which can be diminished by the form and location of the taller structures on the site and compliance with Clause 22.02.

In relation to the small open space on the south west corner of St Andrews Place and Lansdowne Street, this is not an identified “key public space” and it is zoned MUZ and is not Crown Land.

Shadows during the September Equinox from the current street wall do not fall on this space, nor would a future wall of 20m. Any tower may affect this land depending on its siting. Given the fact that it is not a designated key public space it would be subject to the Clause 22.02 requirements for “*Other Public Spaces within the municipality*” where “*Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.*”

Conclusion 11

Any future development of the site will need to consider the amenity consequences to public spaces and parks, in response to the Melbourne planning provisions.

2.4 Issues relating to policy

There are two matters raised in the submissions relating to policy. The first is the suggestion that the DDO provide for a percentage of social housing and the other is that seeks a comment from the Standing Committee in relation to the development potential to the St Patricks forecourt area fronting Lansdowne Street (S10).

2.4.1 Should the DDO include a provision for social housing?

This is a topical issue. The implementation of broader policy to deal with this is clearly a matter for housing. In the case of the Melbourne Planning Scheme there is no general set of provisions except Clause 22.07-3 which applies to Fishermans Bend, or through negotiation in relation to the FAR 'uplift' benefits in the CCZ, expressed in Clause 22.03.

There is nothing to prevent a permit application including a social housing contribution.

Similarly there is nothing to prevent MCC introducing a city wide policy, as has occurred in Fishermans Bend, to give effect to this matter.

Conclusion 12

In the preparation of this Amendment proposal, notwithstanding the sensitivity of this as a housing affordability issue, there was no imperative nor is it appropriate to include this as part of the DDO.

2.4.2 St Patricks forecourt

The St Patricks submission (S10) suggests that the eastern part of its land has potential for more building height and massing and seeks comment from the Advisory Committee. I consider this is a matter for the Committee and consequently make no comment on it.

3 Conclusion

I recommend that the Advisory Committee support the proposed planning scheme amendment for the Former Peter MacCallum Cancer Centre site.

In relation to the proposed DDO built form control, prepared as part of this planning scheme amendment, I conclude that;

- A DDO is the most appropriate tool to deliver mandatory and discretionary built form controls.
- The DDO is not the only control over built form and site planning. It will work in concert with the other provisions in the Melbourne Planning Scheme.

policy which is largely in the hands of the State.

Planning policy currently addresses this in the State section of the planning scheme at Clause 16.

- The FAR 9:1, coupled with the other controls and provisions, will ensure the site is not overdeveloped.
- The 36m maximum street wall height in Lansdowne Street, working with the other controls and provisions, will not detrimentally impact on the public realm of the Fitzroy Gardens.
- The DDO and its provisions, working with the 9:1 FAR, is unlikely to lead to a collection of building forms that are configured in a 'wedding cake' model.
- Public movement through the site does not need to be specified in the DDO and can be negotiated if deemed appropriate at the time of the permit application.
- The proposed height at 91 AHD is satisfactory and sympathetic to its context.
- Car parking is adequately addressed in the DDO.
- The DDO working in conjunction with other planning provisions adequately addresses any neighbouring site amenity considerations.
- The DDO only seeks to keep the 'option open' for a new green link, by limiting vehicular access from Cathedral Place, should Council see it as a project to pursue.
- Any future development of the site will need to consider the amenity consequences to public spaces and parks, in response to the Melbourne planning provisions.
- There was no imperative nor is it appropriate to include a provision for social housing as part of the DDO or planning scheme amendment.



T W Biles

Appendix A: Summary of planning policy which would apply to any development proposal

Built Form Policy

Clause 15.01 Urban design principles

“Pedestrian spaces:

Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.”

Architectural quality:

New development should achieve high standards in architecture and urban design.

Landscape architecture:

Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

Clause 21.06 Built Environment and Heritage

21.06 – 1 Urban Design

“Objective 4 To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area.

Objective 5 To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.

Objective 6 To improve public realm permeability, legibility, and flexibility.

Strategy 6.3 Ensure that new developments in the Capital City, Docklands, Business and Mixed Use zoned areas provide active street frontages and minimise pedestrian disruption from car access.

Objective 7 To create a safe and comfortable public realm.”

Clause 22.17 Urban Design Outside The Capital City Zone

Provides number of objectives related to urban design outcomes for new development.

Details a range of policies related to:

- Scale

- Context
- Building height
- Building bulk
- Large and Prominent Sites
- Street Level Frontages
- Fronts and Backs of Buildings
- Building Tops
- Pedestrian Connection and Vehicle Access
- Building Projections
- Protection from Wind and Rain
- Landscape
- Access and Safety in Public Spaces

Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys

Purpose

“To ensure that an urban context report is prepared before a residential development of five or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.”

Clause 58 Apartment Developments

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

Details Developments Standards in relation to;

- D1 – Urban context
- D2 – Residential policy
- D3 – Dwelling diversity
- D4 – Infrastructure
- D5 – Integration with the street

- D6 – Energy efficiency
- D7 – Communal open space
- D8 – Solar access to communal outdoor open space
- D9 – Safety
- D10 – Landscaping
- D11 – Access
- D12 – Parking location
- D13 – Integrated water and stormwater management
- D14 – Building setback
- D15 – Internal views
- D16 – Noise impacts
- D17 – Accessibility
- D18 – Building entry and circulation
- D19 – Private open space
- D20 – Storage
- D21 – Common property
- D22 – Site services
- D23 – Waste and recycling
- D24 – Functional layout
- D25 – Room depth
- D26 – Windows
- D27 – Natural ventilation

Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

The MUZ specifies this policy as a decision guideline for a development of 5 or more storeys.

Open Space Policy

Clause 22.26 Public Open Space Contributions

This policy works in conjunction with **Clause 52.01 Public Open Space Contribution and Subdivision** and allocates a 5% of land or land value contribution at the time of subdivision.

Traffic And Access Policy

Clause 52.06 Car Parking

Purpose

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and

the nature of the locality.

- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.07 Loading And Unloading Of Vehicles

Clause 52.29 Land Adjacent To A Road Zone, Category 1, Or A Public Acquisition Overlay For A Category 1 Road

Clause 52.34 Bicycle Facilities

Shadow To Public Places

Clause 22.02 Sunlight to Public Spaces

Key Public Spaces

Development should not cast additional shadow across the following spaces at key times and dates identified in the planning scheme:

- Parliament Gardens
- Treasury Gardens

The planning scheme provisions (DDO10 &62) detail no additional shadow between 11am to 3pm on the 22 April to 22 September, i.e. includes the winter solstice shadow consequences, “*unless the shadow will not prejudice the amenity of the space*”

Other Public Spaces within the municipality

Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.

Appendix B: Response to Melbourne City Council conclusions and recommendations

Melbourne City Council conclusions and recommendations	Response
<p>a) <i>The maximum height should be limited to the exact same AHD as the highest point of the Park Hyatt building wall adjoining to the west.</i></p>	<p>The reason why the building is required to be limited to the height of the Park Hyatt is not clear. Is it that the Hyatt building demonstrates that only a building that does not exceed 50m can comfortably exist in this locational context?</p> <p>The proposed maximum height of AHD 91 is not significantly higher than the Park Hyatt which has an AHD 83.8 and equates to a maximum building height of approximately 55m up to 63m on the site (up to approximately 20 storeys).</p> <p>The analysis provided in the Message Consultants <i>Redevelopment Controls for the Former Peter MacCallum Cancer Centre</i> report and the further discussion at Section 2 of this report demonstrate that an AHD 91 height for the site is appropriate.</p>
<p>b) <i>The extent of the site where the maximum height can be accommodated must abut the boundary wall on the Park Hyatt Hotel site with a more slender profile and east-west orientation.</i></p>	<p>While the Park Hyatt wall may exist there now, it is possible that in the future this may change.</p> <p>A site analysis, context plan and design response, working in conjunction with the DDO and planning policy provisions in general are likely to achieve this condition.</p> <p>There is no need to prescribe where towers are located on the site, this will be guided by the architectural response to the site context and the DDO control and other Melbourne planning policy considerations. Accordingly any future development on the review site will need to respond to its western context and its relationship to the Park Hyatt.</p>
<p>c) <i>The splayed south eastern visual axis from the St Patricks Cathedral through the subject site should be retained. This will allow a small, well framed north orientated publicly assessable open space fronting Cathedral Place, creating a strong connection to the siting of St Patricks. This should be clearly sought in the Built Form Outcomes of the control.</i></p>	<p>This was not mentioned in the main body of the submission. It is not clear what is being sought from this recommendation.</p>

<p>d) A pedestrian movement and desire line diagram should be included within the control showing through links, activation and open space.</p>	<p>The pedestrian movement, desire lines, activation and open space can be established as part of the proposed development. It should respond to the site analysis and to policy already part of the planning scheme.</p>
<p>e) The proposed 20 metre street wall height for the north frontage appears reasonable subject to variation in the built form and facade, breaks (in the form of through pedestrian links) and activation being clearly sought in the Built Form Outcomes of the control.</p>	<p>These elements are identified in the built form outcomes detailed in Table 3 in the proposed DDO. In addition other policy in the Melbourne Planning Scheme calls for this detailing to be applied to buildings and does not need to be expressed in the DDO control.</p>
<p>f) The built form control should ensure that a building at the north-east corner of similar proportions to what exists on the land can be achieved coupled with a lower maximum street wall height extending south down Lansdowne Street.</p> <p>In addition, Built Form Outcomes must require variable street wall heights, building heights and typologies, and building setbacks.</p> <p>Lastly, the Built Form Outcomes must require development to respond positively to the Fitzroy Gardens.</p>	<p>The DDO cannot enforce the removal of the existing building on the north west corner of the site. The DDO is designed to encourage the removal and replacement of that built form in a manner that respects the streetscape and its surrounding heritage context.</p> <p>The street wall height, particularly on Lansdowne Street with its 6m fall, will need to be stepped to meet the street wall height provisions and the shadow requirement to Fitzroy Gardens.</p>
<p>g) The street wall height to St Andrews Place should connect to the existing uniform street wall character to the west, with built form guided by the shadow limitations to St Andrews Place. Again breaks in the form of through links, entries, and forecourts should be explicitly required within the Built Form Outcomes.</p>	<p>The proposed DDO will work in concert with the existing planning policy provisions and site context to present an appropriate street wall condition.</p>
<p>h) The indicative images within the control on page 5 of 6 and the 3D graphic should be deleted and replaced with a series of sectional diagrams with AHD metrics employed throughout and accurate depiction of topography. These sections should clearly correlate with respective Built Form Outcomes around the break-up of the site into a 'village of built form' within a landscape setting.</p>	<p>The use of the 3D diagram to illustrate the proposed built form is an illustrative tool to support and illustrate the written detail in the proposed DDO. The use of a 3D model to explain height and setbacks is used elsewhere in the Melbourne Planning Scheme, ie: DDO10. In my opinion it is often more instructive and visually cohesive than the use of sections.</p> <p>The DDO calls for a site analysis and context plan which always includes level surveys as part of this analysis, to which the DDO controls will be applied.</p> <p>It is important to remember that this is an indicative "envelope" and in no way represents the ultimate</p>

	<p>design response for the site. The built form control purposefully avoids any prescription to the breaking up of the site into a “ <i>village of built form</i>’ within a <i>landscape setting</i>.” This is a matter for the permit application process.</p>
<p><i>i) Above ground car parking should be prohibited, rather than avoided. In addition, the number of vehicle cross-overs should be minimised.</i></p>	<p>The application of the proposed FAR of 9:1 sets a GFA maximum for the site above NGL. This encourages car parking to be located below ground in order to avoid using valuable GFA being consumed by car parking.</p> <p>There is no need to prohibit above ground car parking, depending on the use and design response there may be a need for limited above ground car parking; ie: aged care short term drop off and pick up.</p> <p>Urban design policy (Clause 15 and Clause 58.03-6 Access Objective) manages the number and design of vehicle crossovers and there is no need to duplicate this requirement.</p>
<p><i>j) A formal commitment to the inclusion of affordable housing should be provided. A figure of between 6 and 10% appear to be reflected in emerging proposals in other areas of the city.</i></p>	<p>See discussion at Section 2.4.1</p>
<p><i>k) In the sale of the land, it is recommended that a quality based selection is utilised by the Victorian Government, to secure the highest quality of development on the site, and to provide clarity and certainty about what will be delivered on the site. The engagement of a series of design architects, optimally through an AIA endorsed competitive design process is recommended to secure the requisite quality and diversity demanded by the site.</i></p>	<p>This recommendation is outside the scope of this review.</p>
<p><i>l) It is recommended that the OVGA’s Victorian Design Review Panel (VDRP) review the DDO proposition and any subsequent development application from the earliest possible stage.</i></p>	<p>It is considered that this requirement does not need to be included in the DDO for the site.</p>

Appendix C: Witness statement

Tim Biles
 Message Consultants Australia Pty Ltd
 2/398 Smith Street, Collingwood 3066

Qualifications

- Bachelor of Arts, Flinders University 1969
- Diploma of Town Planning and Regional Planning, Melbourne University 1975
- Fellow, Planning Institute of Australia

Areas of expertise

I have practised in the field of town planning since 1970 and qualified in 1975. My experience includes working in strategic and statutory planning for local government authorities and private consulting dealing with a variety of residential, commercial, industrial and conservation issues.

I give planning and urban design advice to a wide range of commercial and local government clients involved in the preparation of a range of commercial and residential projects.

I have also led a series of townscape plan studies as well as landscape and urban design programs across country Victoria and Melbourne.

Expertise to prepare this report

As a qualified town planner with over 40 years in practice I have had to assess and provide strategic and land use planning advice on a wide range of town planning and urban design issues.

I am the lead consultant in relation to the proposed planning scheme amendment for the Former Peter MacCallum Cancer Centre site at 2 St Andrews Place, East Melbourne.

Introduction

I have been instructed by Clayton Utz to prepare an expert report in relation to the planning and urban design merits of the proposed amendment for the Former Peter MacCallum Cancer Centre site at 2 St Andrews Place, East Melbourne, and should address:

- a review of the exhibited amendment material;

- a review of the public submissions made in respect of the draft amendment;
- a review of Message Consultants Reports; and
- any other matters that you consider relevant your area of expertise.

Investigations and research

In preparing this evidence I have:

- Review the draft planning controls and relevant supporting information.
- Reviewed the Melbourne Planning Scheme for any relevant changes or proposed changes which may impact on the proposed amendment.
- Reviewed the 15 public submissions.
- Reviewed the reports and analyses prepared by Message Consultants.
- Undertaken further analysis of the in relation to the built from recommendations.

Summary of opinions

My conclusions are summarised in the preamble and conclusion of this report.

Declaration

In accordance with the Planning Panels Victoria Guide to Expert Evidence, I declare that I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

I prepared this report with assistance from Susan Mitchell, Senior Planner and Gokhan Karpat, Senior Urban Designer at Message Consultants Australia Pty Ltd.



T W Biles

August 2017