

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Planning Scheme Amendment C173 Carlton Connect

14 July 2015

Presenter: Leanne Hodyl, Acting Manager Urban Strategy

Purpose and background

1. The purpose of this report is to present the recommendations of the independent panel which reviewed Melbourne Planning Scheme Amendment C173 Carlton Connect (the Amendment) and to seek the Future Melbourne Committee's support for the adoption of the Amendment.
2. The Amendment applies to the former Royal Women's Hospital site in Carlton, which is proposed by the University of Melbourne for redevelopment into an 'innovation hub' with a mix of commercial, research and development, community and residential uses. The independent panel, appointed by the Minister for Planning to review the Amendment and the submissions from Amendment's exhibition, held its hearing on 7 and 8 April 2015 and provided its recommendations to Council on 8 May 2015 (refer Attachment 2).

Key issues

3. The panel supports the Amendment and recommends its adoption subject to some modifications:
 - 3.1. The panel was satisfied that the Capital City Zone (CCZ) is the most appropriate new zone for this site and recommends adopting Schedule 6 to the Capital City Zone (CCZ6) with some revisions which include: amending the purpose of the CCZ6 to reflect the insertion of the Carlton Connect vision; deleting some permit exemptions; and removing a permit requirement for demolition.
 - 3.2. The panel found that the Development Plan Overlay (DPO) is a suitable planning tool for the site and recommends adopting Schedule 10 (DPO10) with some revisions which include: inserting additional wording into the site description; lowering the preferred maximum street wall height from 40 metres to 25 metres at the corner of Swanston and Grattan Streets (refer Attachment 4 for visual representation of this change); and, including a definition of building height.
 - 3.3. The panel recommends applying Clause 22.01 Urban Design within the Capital City Zone (rather than Clause 22.17 Urban Design outside the Capital City Zone) to the site and amending it to include a reference to the CCZ6 and the Development Plan.
4. Management supports all of the panel's suggested revisions and has advised the University of Melbourne of the recommended changes. See Attachment 3 for the full details of the recommended changes to the exhibited version of the amendment.
5. The University of Melbourne supports the adoption of the amendment with changes as per the panel's recommendations/report.

Recommendation from management

6. That the Future Melbourne Committee recommends Council:
 - 6.1. Adopts Melbourne Planning Scheme Amendment C173 Carlton Connect as shown in Attachment 5, pursuant to Section 29 of the *Planning and Environment Act 1987*.
 - 6.2. Submits the amendment to the Minister for Planning for approval.

Attachments:

1. Supporting attachment
2. Panel report
3. Amendment documents showing recommended changes
4. Building envelope
5. Amendment documents for adoption

Supporting Attachment

Legal

1. Section 29(1) of the *Planning and Environment Act 1987* provides that after complying with Divisions 1 and 2 of the Act in respect of a planning scheme amendment, the planning authority may adopt the amendment with or without change.
2. The decision to adopt the Amendment cannot be made under delegation.

Finance

3. Under Section 6 of the *Planning and Environment (Fees) Interim Regulations 2014* a fee is to be paid when requesting the Minister approve an amendment and give notice in the Government Gazette of approval of an amendment. Once the planning scheme amendment is approved, a notice will also be required to be placed in a newspaper circulating in the local area. These costs will be met by the University of Melbourne as the proponent for this Amendment.

Conflict of interest

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

Stakeholder consultation

5. The exhibition of Amendment C173 took place from 16 October to 24 November 2014 and was undertaken in accordance with the requirements of the *Planning and Environment Act 1987* and included:
 - 5.1. a brochure combining a letter, factsheet and notice mailed out on 13 October to surrounding property owners, stakeholders and prescribed Ministers
 - 5.2. a notice in *The Age*, *Weekly Review*, *Melbourne Times* and *Melbourne Leader* during the week starting Monday 13 October;
 - 5.3. a notice in the *Government Gazette* on Thursday 16 October
 - 5.4. six posters placed on the site's street frontages
 - 5.5. messages posted on social media platforms
 - 5.6. information, including the draft amendment documentation, the Development Plan, the brochure and frequently asked questions available on the Participate Melbourne
 - 5.7. a printed copy of the draft documentation available for viewing at Council's offices.
6. Nine submissions were received in response to the exhibition of the Amendment, three were in support and six objected to the Amendment. An assessment of the submission was reported to the 3 February 2015 Future Melbourne Committee.
7. The panel invited all submitters to exhibition of Amendment C173 to attend and present at its hearing. The University of Melbourne, the Carlton Residents association and three individual submitters presented at the hearing.

Relation to Council policy

8. 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.

Environmental sustainability

9. The Amendment will have positive environmental effects. The new Schedule to the Development Plan Overlay requires the preparation of an Environmentally Sustainable Development report identifying the environmental features to be included in the development, in order to achieve a leading sustainability hub. The future use and development of the site is also required to achieve a number of objectives and strategies pertaining to environmental sustainable design.

Planning and Environment Act 1987

Panel Report

Melbourne Planning Scheme Amendment C173

Carlton Connect



7 May 2015

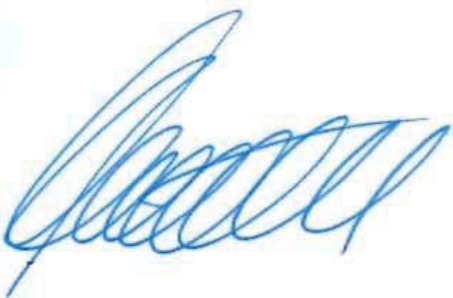
Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Melbourne Planning Scheme Amendment C173

Carlton Connect

7 May 2015

A handwritten signature in blue ink, appearing to read 'Kathy Mitchell', with a large, sweeping initial 'K'.

Kathy Mitchell, Chair

A handwritten signature in blue ink, appearing to read 'Brett Davis', with a large, stylized initial 'B'.

Brett Davis, Member

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Overview

Amendment Summary

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

The Panel	Kathy Mitchell (Chair) and Brett Davis
Directions Hearing	2 March 2015 at Planning Panels Victoria
Panel Hearing	7 and 8 April 2015 at Planning Panels Victoria
Site Inspections	30 March 2015 (unaccompanied) and 8 April 2015 (accompanied)
Date of this Report	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: <ul style="list-style-type: none"> - 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.

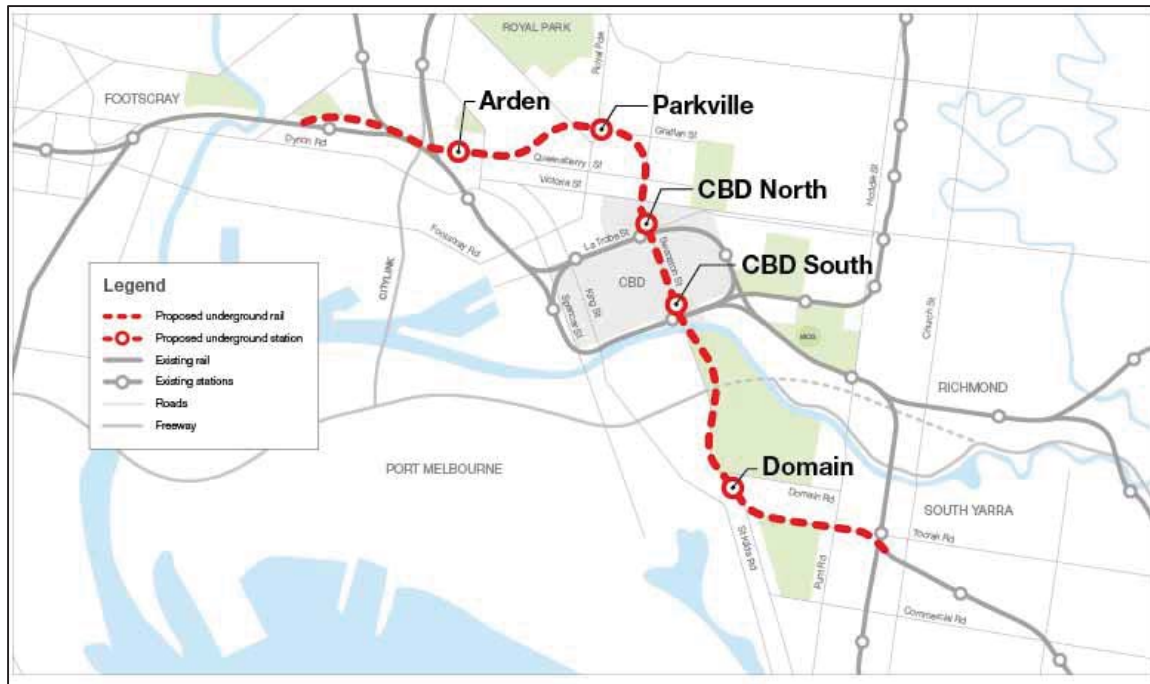
In response to the Panel’s questions relating to how an innovation hub could be defined, Professor McCluskey outlined that *Carlton Connect* envisages that the University can work in close partnership with industry so that co-location would be the enabler. That is, other industries, government and academics 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 abutments. 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
Dwelling 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.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Child care centre Education centre Home occupation Informal outdoor recreation Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation Office Place of assembly (other than Function centre, Amusement parlour and Nightclub) Railway Railway station Research and Development Centre Residential building (other than Residential hotel)	

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⁻¹).
- 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⁻¹). 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⁻¹).
- 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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C173

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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C--

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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C173

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.

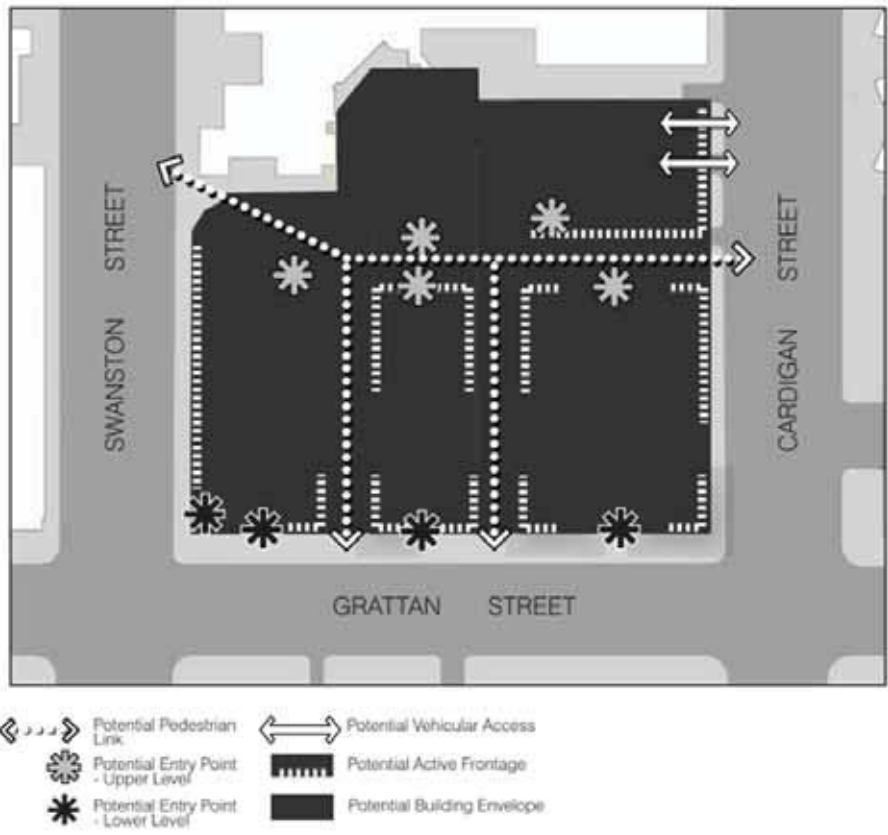


Figure 1 Indicative Framework Plan

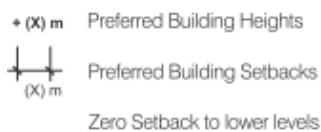
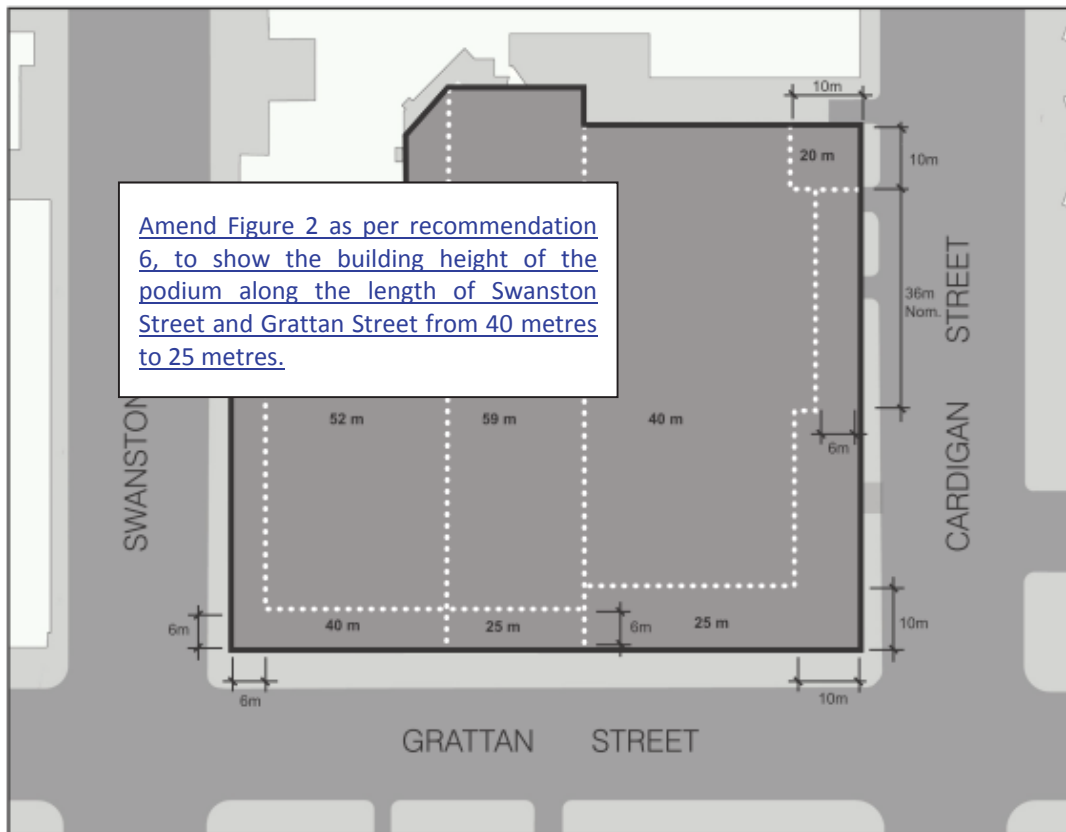


Figure 2 Building Envelopes

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

Panel recommended addition
~~Panel recommended deletion~~

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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 to achieve an exemplary and integrated mixed use precinct that includes 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 commensurate with the designation and significance of the site as the headquarters for Carlton Connect.

~~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.~~

1.0

Table of uses

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C173

Section 1 - Permit not required

Use	Condition
Dwelling 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.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Child care centre Education centre Home occupation Informal outdoor recreation Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation Office Place of assembly (other than Function centre, Amusement parlour and Nightclub) Railway Railway station Research and Development Centre Residential building (other than Residential hotel) Retail premises (other than Adult sex bookshop, Hotel, and Tavern) Road	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	

Panel recommended addition

~~Panel recommended deletion~~**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**Use of land**--/20--
C173**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:

Panel recommended addition

~~Panel recommended deletion~~

- 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

~~3.0~~
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.

34.0 Buildings and works

~~34.0~~
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.
- ~~Buildings and works associated with the 3AW building, including: Demolition of the façade wall.~~
- ~~Installation of a new curtain wall.~~
- ~~Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.~~
- 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 required for public purposes by or for the Crown, a public authority or the City of Melbourne.~~
 - ~~Street furniture.~~
 - A work of art, statue, fountain or similar civic works ~~required for public purposes by or for the Crown, a public authority or the City of Melbourne.~~
 - The erection of information booths and kiosks ~~required for public purposes by or for the Crown, a public authority or the City of Melbourne.~~
 - Traffic control works ~~required by or for the Crown, a public authority or the City of Melbourne.~~
- Street Furniture.
- Temporary installations and associated works by or on behalf of the University of Melbourne.

Panel recommended addition

~~Panel recommended deletion~~

- 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 ~~must~~ should show how the proposal meets the following requirements:

- Developments fronting Swanston Street or internal lanesways 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-1).
- 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-1). 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 16ms1).
- 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 ~~must~~ should show how the proposal meets the following requirements:

Panel recommended addition

~~Panel recommended deletion~~

- 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 “~~easing~~” 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.

4.0 ~~Demolition or Removal of Buildings~~

~~—/—/20—
C173~~

~~A permit is required to demolish or remove a building or works.~~

~~This does not include:~~

- ~~Demolition or removal of temporary structures.~~
- ~~Demolition ordered or undertaken by the responsible authority in accordance with the~~

Panel recommended addition

~~Panel recommended deletion~~~~relevant legislation and/or local law.~~~~Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:~~

- ~~▪ Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.~~
- ~~▪ Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.~~
- ~~▪ Temporary works must be constructed to the satisfaction of the responsible authority. Temporary works may include:~~
- ~~▪ The construction of temporary buildings for short term retail or commercial use. Such structures shall include the provision of an active street frontage.~~
- ~~▪ Landscaping of the site for the purpose of public recreation and open space.~~

~~Exemption from notice and review~~~~An application to demolish or remove a building or works 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 for demolition or removal of buildings, in addition to the decision guidelines in Clause 65, 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.~~
- ~~▪ Whether the demolition or removal of buildings gives effect to a permit or prior approval for the redevelopment of land.~~
- ~~▪ Whether the demolition or removal of buildings is required for environmental remediation of contaminated land.~~
- ~~▪ The provision of temporary works or landscaping to avoid vacant sites in perpetuity~~

5.0

Advertising signs

~~—/—20—
C173~~

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.

Panel recommended addition

~~Panel recommended deletion~~

- 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.

Panel recommended addition

~~Panel recommended deletion~~~~---/20--
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 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~~---/20--
C173~~

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~~---/20--
C--~~

Except for a permit granted before a ~~D~~development ~~P~~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 ~~D~~development ~~P~~plan.

A permit must also contain the following permit conditions, 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 ~~may-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~~---/20--
C173~~

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

~~The development plan must be consistent with the following vision for the site:~~

Panel recommended addition

~~Panel recommended deletion~~

~~An exemplary mixed use and environmentally sustainable precinct, including 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.~~

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 ~~and strategies~~ 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.

Panel recommended addition

~~Panel recommended deletion~~

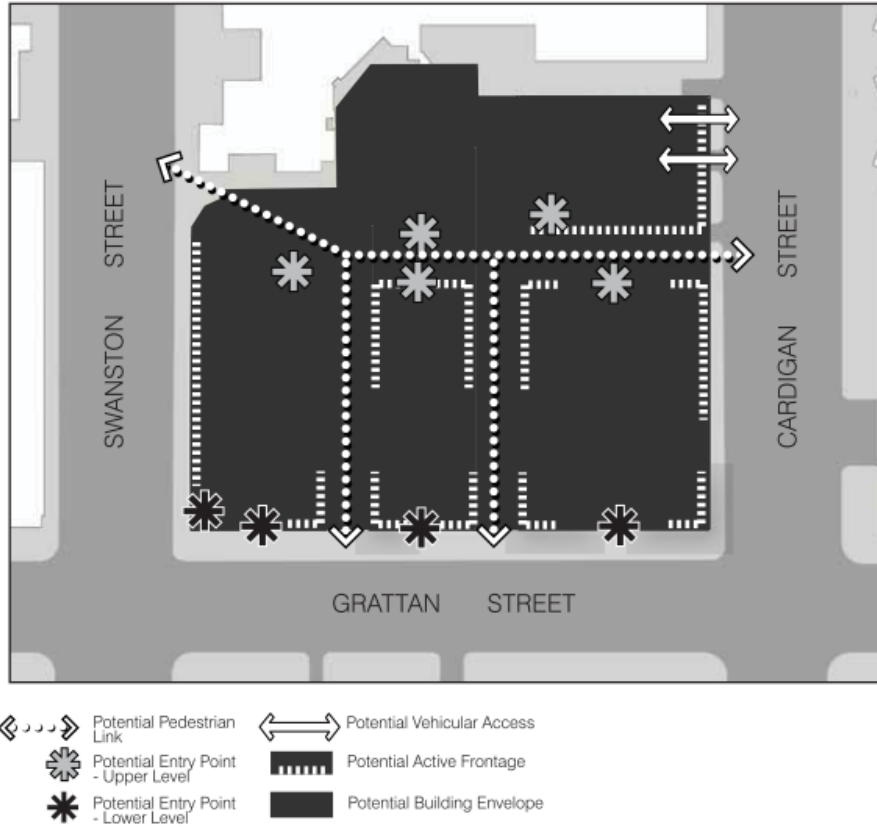


Figure 1 Indicative Framework Plan

Panel recommended addition

Panel recommended deletion

Amend Figure 2 to show the building height of the podium along the length of Swanston Street and Grattan Street from 40 metres to 25 metres.

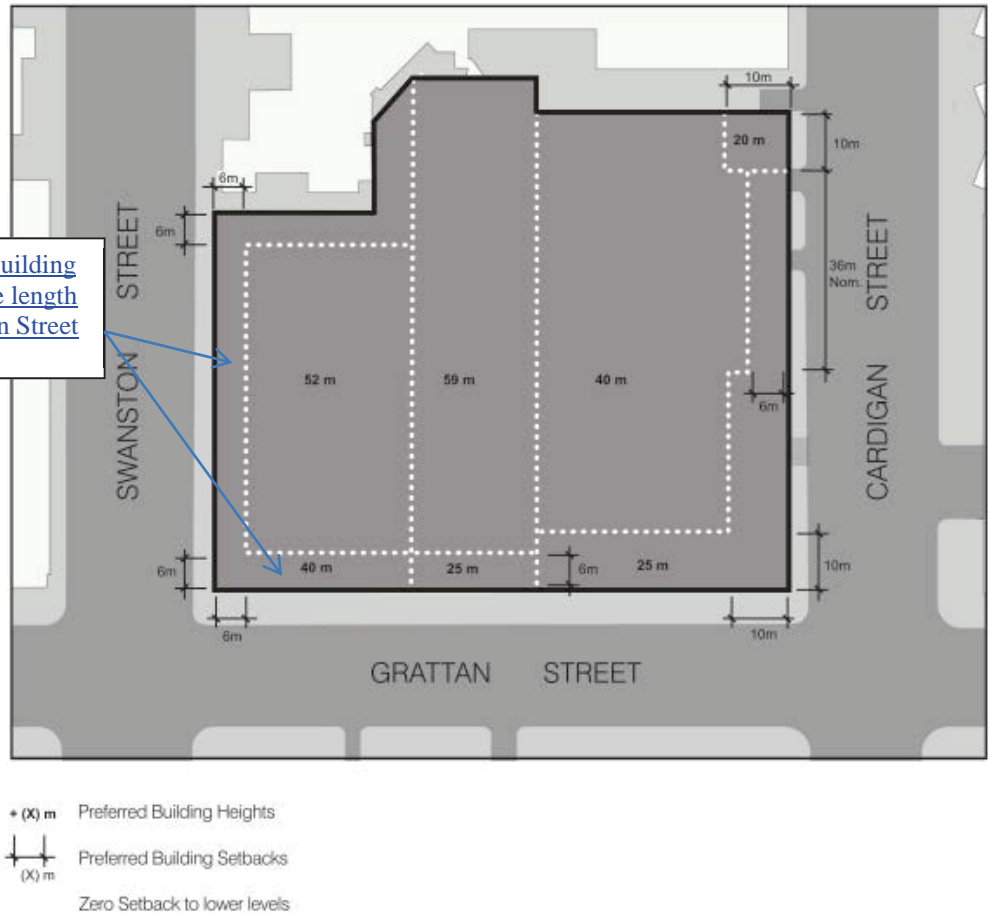


Figure 2 Building Envelopes

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. ~~In order to manage wind, the full extent of the building envelope shown in this schedule may not be able to be achieved.~~
- 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.

Panel recommended addition

~~Panel recommended deletion~~**4.0 Objectives and strategies for the new dDevelopment Plan**~~---/20---
C177~~

The ~~D~~development ~~P~~plan should demonstrate how the future use and development of the land advances the Carlton Connect vision and responds to ~~will generally achieve and achieves~~ the following objectives ~~and strategies~~:

LAND USES

~~The Development Plan should provide:~~

- An integrated mixed-use development of the site that relates to environmental sustainability research, design and education; to create a leading sustainability hub. ~~Such a mix of uses includes but is not limited to research and development, office, education, exhibition and/or function centre, and multi dwelling housing.~~
- 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 ~~affordable~~ accommodation.
- ~~The “easing” of the first five levels~~Activation of buildings at the street edge with ~~active uses so that that achieve~~ a visual relationship between occupants of upper floors and pedestrians, ~~is able to be established~~ and better surveillance of the street ~~is achieved~~.

URBAN DESIGN AND PUBLIC/PRIVATE REALM

~~The development of the site should:~~

- 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.~~
- ~~Integrate indoor and outdoor development.~~
- ~~Create a built form character that complements existing development and the City North precinct to the south west, and steps down at the interface to the lower scale surrounding established neighbourhoods~~
- 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.
- ~~Provide for new ways of using and designing open space.~~
- ~~The development of the site should be generally consistent with the building envelope (preferred maximum building heights and preferred minimum setbacks) specified in Figure 2.~~

Panel recommended addition

~~Panel recommended deletion~~

PEDESTRIAN PERMEABILITY, TRAFFIC MANAGEMENT AND BICYCLE & CAR PARKING

~~The development should make provision for:~~

- 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 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

~~Development on the site should:~~

- 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

~~Development on the site should:~~

- 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 ~~provided in the neighbourhood.~~

PANEL RECOMMENDED ADDITION

22.01

—/—/2015
C173

URBAN DESIGN WITHIN THE CAPITAL CITY ZONE

This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).

Policy Basis

Melbourne's buildings, streets, open spaces and landscape features combine to give the Central City its unique appearance and feeling.

These elements have created a complex and attractive urban environment, giving Melbourne a grand and dignified city centre filled with diverse activities and possessing unique charm, character and a pleasant street level environment.

This policy has eight sections addressing:

- Building Design
- Facades
- City and Roof Profiles
- Projections
- Wind and Weather Protection
- Public Spaces
- Access and Safety in public spaces
- Policy implementation

Objectives

- To ensure that new development responds to the underlying framework and fundamental characteristics of the Capital City Zone while establishing its own identity.
- To enhance the physical quality and character of Melbourne's streets, lanes and Capital City Zone form through sensitive and innovative design.
- To improve the experience of the area for pedestrians.
- To create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.
- To ensure that the design of public spaces, buildings and circulation spaces meets high quality design standards.

Objectives for Schedule 3 to the Capital City Zone

- To connect and integrate Southbank with the central City and the Yarra River.
- To provide easy and attractive access to, and across the Yarra River from the central and southern parts of Southbank.
- To develop pedestrian and cycling connections so that Southbank has a fine grain network.
- To encourage the redevelopment of the area bounded by City Road, Kings Way, Haig Street/Lane and the Westgate Freeway into a vibrant, mixed use area that includes smaller premises and establishes a distinct fine grained urban character.
- To encourage buildings to be designed so that car parking can be converted to alternative uses in the future.

PANEL RECOMMENDED ADDITION

- To ensure developments contribute to a high quality public realm and to passive surveillance of the public domain.
- To incorporate laneways and other means of achieving building permeability.
- To encourage the incorporation of art work into building design to enhance the arts and cultural character of Southbank.

Policy

Building Design

It is policy to:

- Encourage buildings, including towers to align to the street pattern and to respect the continuity of street facades.
- Retain views into and out of the Capital City Zone and vistas to important civic landmarks.
- Maintain the traditional and characteristic vertical rhythm of Melbourne streetscapes.
- Encourage buildings with wide street frontages to be broken into smaller vertical sections.
- Encourage buildings on street junctions to emphasise the street corner.
- When adjoining heritage buildings are located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.

Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that the design of buildings is assessed against the following design standards, as appropriate:

- The maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1, unless it can be demonstrated that the development is consistent with the function, form and infrastructure capacity of the city block, including the capacity of footpaths, roads, public transport and services. The existing plot ratio for each city block is shown on Map 1.
- Towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm.
- Towers above the podium should be setback at least 10 metres from street frontages.
- Towers should be well spaced to equitably distribute access to an outlook and sunlight between towers and ensure adequate sun penetration at street level as follows:
- Development above 45 metres be set back 24 metres from any surrounding podium–tower development.
- Tower separation setbacks may be reduced where it can be demonstrated that towers are offset and habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining lots
- Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.

Where Schedule 3 of the Capital City Zone applies, it is policy that the design of buildings is assessed against the following design standards, as appropriate:

PANEL RECOMMENDED ADDITION

- Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.
- Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200m in length, at least two connections should be provided.
- Connections should be located toward the centre of the street block, no more than 70m from the next intersection or pedestrian connection.
- Where a development site is suitably located for a pedestrian connection, but does not extend the full depth of the block, the development should include a connection which will be completed when a connection is provided through the adjoining site.
- Where a development site has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the new development must provide for the completion of the through-block connection.
- Developments should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through Southbank);
- Developments should provide pedestrian connections which are:
 - Safe, direct, attractive and which provide a line of sight from one end of the connection to the other;
 - Publicly accessible;
 - At least 3-6 metres wide;
 - Open to the sky or, if enclosed, at least 7.6 metres high; and
 - Flanked by active frontages
- In the area bounded by City Road, Kings Way, Haig Street/Lane and the Westgate Freeway the development that reflects the traditional fine-grained nature of this part of Southbank is encouraged.

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.

Facades

It is policy to:

- Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Discourage replication of adjoining buildings.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.

It is policy that the design of facades is assessed against the following design standards, as appropriate:

- All visible sides of a building should be fully designed.
- Blank building walls that are visible from streets and public spaces should be avoided.
- In traditional streetscape environments, taller buildings should respond to dominant divisions in datum heights.
- Buildings should address both street frontages on corner sites.

PANEL RECOMMENDED ADDITION

- Visible service areas (and other utility requirements) should be treated as an integral part of the overall design and fully screened from public areas.
- Signs should be integrated with the architecture of the building.
- Facades should make provision for location of external lighting for public safety purposes and to give interest to streetscapes at night.
- Areas that might attract graffiti should be treated with graffiti proofing measures.
- Solid roller shutters should not be used on shopfronts. Open mesh security or transparent grills may be used and should be mounted internal to the shopfront.

City and Roof Profiles

It is policy to:

- Encourage roof profiles to contribute to the architectural quality of the city skyline.
- Encourage roof profiles to be considered as part of the overall building form.

It is policy that the design of roof profiles are assessed against the following design standards, as appropriate:

- Plant, exhaust and intake vents and other technical equipment should be integrated into the building design.
- In addition to views from the street, the views from higher surrounding buildings should be taken into account.
- Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.
- Where they cannot be screened, attachments should be designed to complement the building.

Projections

Where a development includes projections over public space or into a laneway it is policy that the design is assessed against the following design standards, as appropriate:

- Projections should not adversely affect the service functions of the lane.
- Enclosed floor space and balcony projections should provide a clearance of at least 5 metres from any public space.
- Building material should be durable and as transparent as possible to reduce visual impact and to maximise sunlight penetration.
- Floor space should only be for movement purposes and not be used for retail, commercial or other purposes.
- Open balconies, canopies, projecting cornices or other building elements should not overhang the lane unless they:
 - Follow a local pattern.
 - Contribute positively to the character and safety of public spaces.
 - Are discreet rather than prevailing elements of a building's design
 - Provide evidence of the building's occupation.

PANEL RECOMMENDED ADDITION

Wind and Weather Protection

It is policy that wind and weather protection measures are assessed against the following design standards as appropriate:

- Landscaping within the public realm should not be relied on to mitigate wind effects.
- Towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level.
- Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.
- Areas designated in Schedule 4 of the Design and Development Overlay should be protected from rain.
- The design, height, scale and detail of canopies, verandahs and awnings should be compatible to nearby buildings, streetscape and precinct character.
- Canopies, verandahs and awnings may be partly or fully transparent to allow light penetration to the footpath and views back up the building facade.
- Weather protection should be setback to accommodate existing street trees.
- Verandah support posts should be located at least 2 metres from tree pits.
- Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

Public Spaces

The provision of high quality, readily accessible internal and external spaces form an integral part of the public domain. Public spaces include public and privately owned land for public use and may be covered or open to the sky.

It is policy to:

- Encourage the provision of high quality new public spaces.
- Encourage new public spaces to cater for the needs of the City's diverse communities.
- Discourage public space at street intersections to reinforce the form of the city grid.
- Discourage small narrow spaces fronting streets.
- Encourage atria where they link different elements of building complexes, link new additions to historic buildings or improve the energy efficiency of the building.

It is policy that the design of public spaces is assessed against the following design standards, as appropriate:

- Facades adjoining public spaces should be designed to maintain the continuity of the streetscape.
- Atria and arcades should be publicly accessible during normal business hours. However longer hours are encouraged. Other public space should be publicly accessible 24 hours a day.
- Clear views should be provided through to the other end of a covered public space to encourage pedestrian use.
- Natural lighting should be maximised in covered public spaces.
- Public open space should have a northerly aspect.
- The design and finishes in arcades and atria should provide a high level of noise absorption.

PANEL RECOMMENDED ADDITION

- Shopfronts fronting public spaces should be attractive and secure when that shop is closed. Roller shutters should not be used.
- Development of new or upgrading of existing open space should comply with the City of Melbourne's design standards.
- Provision should be made for facilities such as seating, litter bins, tables, drinking fountains and public telephones where appropriate.

Access and Safety

It is policy that access and safety issues in public space design are assessed against the following standards as appropriate:

- Access to car parking and service areas should minimise impact on street frontages.
- The storage of refuse and recyclable material should be provided off-street and be fully screened from public areas.
- Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.
- On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.
- Lighting should be provided to improve safety.
- Alcoves and spaces that cannot be observed by pedestrians are not supported.

Policy Implementation

A comprehensive site analysis and urban context report is the starting point of the design process for any development proposal. The urban context report should document the key influences on the proposed development, how it responds to the strategies, policies and requirements of the planning scheme, and how it relates to the social, built and historic character of the City and the surrounding area. The report will form the basis for the consideration of height, scale, massing and detail.

Policy References

Grids and Greenery – The character of inner Melbourne (1987)

Places for People (1994)

Vision for the Yarra Corridor (1998)

Central City Planning and Design Guidelines (1991)

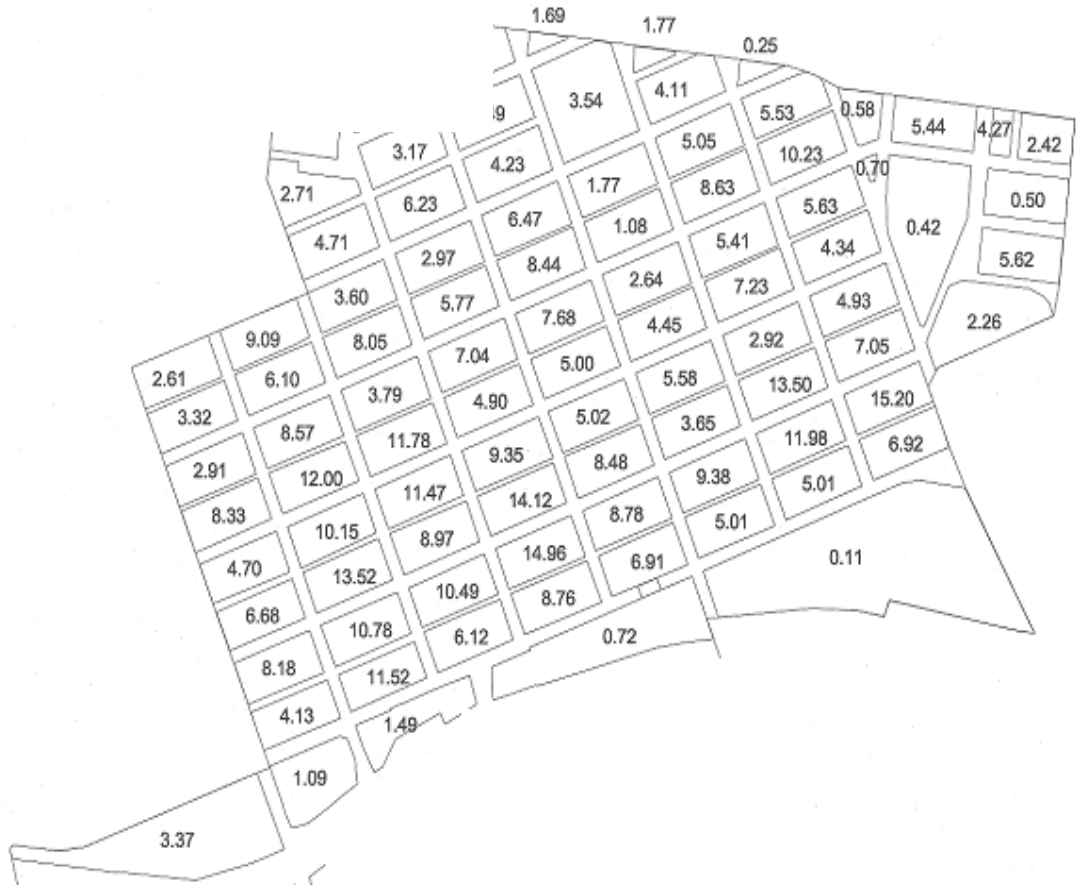
Strategy for a Safe City 2000-2002 (2000)

The Southbank Structure Plan 2010

PANEL RECOMMENDED ADDITION

MAP 1 Existing Plot Ratio

By Block (2000)



Visual representation of the exhibited and post-panel proposed building envelope



Representation of the exhibited building envelope - Elevated view from the corner of Grattan and Cardigan Streets



Representation of the post-panel recommended building envelope (lowered podium height along Swanson Street and Grattan Street corner) - Elevated view from the corner of Grattan and Cardigan Streets

*Planning and Environment Act 1987***MELBOURNE PLANNING SCHEME****AMENDMENT C173****EXPLANATORY REPORT****Who is the planning authority?**

This amendment has been prepared by the City of Melbourne which is the planning authority for this amendment.

The amendment has been made at the request of Tract Consultants Pty Ltd on behalf of The University of Melbourne.

Land affected by the amendment.

The site is described as 114-152 Grattan Street, Carlton and is 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. The site was formerly occupied by the Royal Women's Hospital.

What the amendment does.

The amendment proposes the following changes to the Melbourne Planning Scheme:

- Rezones the site from a Public Use Zone to a Capital City Zone and inserts a new Schedule to the Zone (CCZ6);
- Applies a Development Plan Overlay to the site and inserts a new Schedule to the Overlay (DPO10);
- Amends the Design and Development Overlay (DDO45) to exclude the site from the provisions of DDO45;
- Excludes the site from the provisions of the Parking Overlay – Precinct 12 Schedule and applies the Parking Overlay – Precinct 1 Schedule to the site; and,
- Amends Clause 22.01 of the Local Planning Policy Framework to include a reference to the CCZ6 and the Development Plan that apply to the site.

Strategic assessment of the amendment**• Why is the amendment required?**

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.

The site comprises a number of redundant buildings formerly used for the purposes of the Royal Women's Hospital. The site has frontage to Swanston, Grattan and Cardigan Streets

and is 700m from the facilities and services within the retail core of the Central Business District, and 100m from the Lygon Street Activity Centre and public transport.

The proposed rezoning to a Capital City Zone and application of a Development Plan Overlay (DPO10) will provide an appropriate transition between the mixed use and residential areas of Carlton and the capital city functions of the CBD. The amendment responds to the surrounding education and knowledge precinct, transport infrastructure, and activity nodes. It will provide a research and community focus that the area presently lacks.

The removal of the Design and Development Overlay (DDO45) and introduction of a new Schedule to the Development Plan Overlay (DPO10) will facilitate development of the land in a coordinated and orderly manner with a high degree of certainty for the landowner, Council and the public alike.

The application of Schedule 1 to the Parking Overlay (PO1), in lieu of the existing Schedule 12 (PO12), will ensure that the same maximum car parking rates and minimum car parking rates which apply to the Capital City Zone (outside the retail core) will apply to the site.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria, contained in Section 4 of the *Planning and Environment Act 1987*, in the following ways:

Objective A: the amendment provides for the fair, orderly, economic and sustainable use and development of land as it facilitates the provision of a range of land uses including research and development, commercial, community, education, and residential, that complement the Carlton Connect sustainability initiative and the capital city function of the locality. It facilitates the provision of these uses through the appropriate use of planning zone and overlay tools.

Objective B: the amendment provides for the protection of natural resources and the maintenance of ecological processes and genetic diversity through sustainable building designs and initiatives, and the implementation of a range of Environmentally Sensitive Design (ESD) and water and waste management techniques.

Objective C: the amendment provides a pleasant, efficient and safe working, recreational and living environment for all Victorians and visitors to Victoria through the development of a high quality precinct which provides short and long term employment opportunities as well as direct linkages with regional movement and open space networks.

Objective F: the amendment facilitates development in accordance with the above objectives through the application of the Development Plan Overlay. The Development Plan Overlay will ensure that the development is sustainable and occurs in an integrated manner.

Objective G: the amendment seeks to balance the present and future interests of all Victorians by providing substantial capital investment in the Melbourne region and facilitating a high quality, sustainable development which includes research, education, commercial, residential and community uses.

- **How does the amendment address any environmental effects and any relevant social and economic effects?**

Environmental Effects

The amendment will enable the re-use and development of the site which will achieve many objectives pertaining to environmental sustainability contained within the State Planning Policy Framework and the Plan Melbourne.

The research component of the Carlton Connect Initiative will focus on issues such as energy, food security, water, urban futures, social equity, climate change, resilient communities, innovation and entrepreneurship, and pervasive information.

In particular, the development of a large, strategic site for re-use and development adjacent to the public transport network and central and major activity centres will advance urban consolidation in an appropriate location. Schedule 1 to the Parking Overlay (PO1) will provide for maximum rates of car parking provision consistent with the uses which will be allowed on the site upon application of the Capital City Zone.

At a local level, Schedule 10 to the Development Plan Overlay will guide the development of the site in a manner that takes into account local environmental considerations, including:

- The provision of an integrated mixed-use development of the site.
- The requirement for an Environmental Sustainable Development (ESD) report, Traffic Management Plan, Green Traffic Plan and Wind Assessment Report to be prepared by suitably qualified consultants.
- The development of the site to incorporate ESD principles including carbon emission, water and waste minimisation.

The amendment will have positive environmental effects. The redevelopment of the site, containing the former hospital buildings, which are no longer being utilised for their original, intended purpose, will improve the visual and physical amenity of this neighbourhood and create the opportunity for a new neighbourhood character to be established.

Social and Economic Effects

The proposed amendment accords with the Victoria Planning Provisions and as such is expected to have positive economic and social effects on the area.

The proposed amendment is expected to have a number of positive social impacts including:

- Creating an easily accessible precinct with a range of employment-generating, education, commercial and accommodation uses that cater for a variety of workers, visitors and residents.
- Providing floorspace for a range of new commercial and community facilities as well as student housing in an appropriate location adjacent the public transport network, The University of Melbourne main campus and in close proximity to the CBD.
- Enhancing the sense of place through the provision of a well-designed development that increases security, engages the landscape and creates opportunities to increase well-being.
- Locating commercial, education and community facilities within easy walking distance of public transport and existing and future dwellings.

- Establishing an important social and physical focus for the surrounding residential neighbourhood (and future residents on the site) through development of the site for social and education facilities.
- Integrating with the existing community and neighbourhood through the provision of new connections to the existing movement network and greater permeability of the site.
- Creating significant new employment opportunities both directly and indirectly through the short term construction phase and the longer term activities.

The proposed uses are consistent with existing surrounding development and will have the following economic effects:

- Significantly increasing employment opportunities and education uses within walking distance to new and existing residents and public transport.
- Creating greater revenue to be distributed across the community through the provision of additional services and facilities.

- **Does the amendment address relevant bushfire risk?**

The site is not subject to a Wildfire Management Overlay and is not located on land designated as a 'Bushfire Prone Area' under the Victorian Planning Provisions. A local policy for bushfire risk management is not required to support this amendment.

- **Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?**

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* as reflected in this report.

The amendment also complies with Ministerial Direction No. 9 *Metropolitan Strategy* as follows:

Ministerial Direction 9 requires planning scheme amendments to:

- Have regard to the Metropolitan Planning Strategy (which means *Plan Melbourne*, released in May 2014 by the Department of Transport, Planning and Local Infrastructure).
- Include in the explanatory report discussion of how the amendment addresses specified matters.

The amendment has been prepared having regard to the Metropolitan Planning Strategy, addressing these specified matters:

- *What aspects, if any, of the Metropolitan Planning Strategy are relevant?*

The amendment will contribute to realising the Vision articulated in Plan Melbourne for Melbourne as a global city of opportunity and choice, as it will facilitate the development of a globally significant innovation precinct.

It will also contribute towards initiatives to strengthen the Parkville Employment Cluster and encourage the expansion of Melbourne's Central City.

The amendment is directed towards realisation of the Carlton Connect Initiative. Carlton Connect is specifically recognised in Map 14 of the Metropolitan Planning Strategy as a research and commercial node within the Parkville Employment Cluster.

- *How does the Metropolitan Planning Strategy affect the amendment?*

Plan Melbourne expressly supports the amendment by recognising Carlton Connect as a research and commercial node within the Parkville Employment Cluster.

- *Is the amendment consistent with any directions and policies in the Metropolitan Planning Strategy?*

The amendment is consistent with directions and policies in the Metropolitan Planning Strategy which provide for Melbourne as a global city of opportunity and choice; for the expansion of Melbourne's Central City; and for the development of the Parkville Employment Cluster featuring Carlton Connect as a research and commercial node.

- *Does the amendment support, give effect to or assist the implementation of the Metropolitan Planning Strategy or can it be reasonably modified to do so?*

The amendment supports and gives effect to the Metropolitan Planning Strategy, including by allowing for the establishment of Carlton Connect at its designated location within the Parkville Employment Cluster.

- *Will the amendment compromise the implementation of the Metropolitan Planning Strategy?*

No.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports the following relevant clauses of the State Planning Policy Framework:

Clause 11 – Settlement

The amendment will facilitate urban consolidation and the concentration of development, including higher density housing and employment-generating uses, in close proximity to the Melbourne CBD with a high level of access to established services and facilities. It will contribute to an expanded Melbourne Central City with jobs readily accessible using the Principal Public Transport Network.

Clause 13 – Environmental Risks

The amendment is proposed to facilitate the redevelopment of the site to accommodate the Carlton Connect initiative, Australia's first "Innovation hub". The Innovation hub will assist in building key capabilities such as establishing linkages between researchers and industry, business, venture capital, global partnerships and entrepreneurial skills.

The proposed Development Plan Overlay requires future development on the site to be environmentally sensitive, minimising carbon, water and waste emissions. The amendment will facilitate development with good transport accessibility and connections, therefore encouraging sustainable modes of transport such as walking and cycling.

Clause 14 – Natural Resource Management

An Environmentally Sustainable Development report prepared by a suitably qualified consultant identifying the environmental features to be included in the development is required under the proposed Schedule 10 to the Development Plan Overlay. The amendment will therefore ensure that natural resource usage is managed in a sustainable way.

Clause 15 – Built Environment and Heritage

The amendment promotes high quality, energy efficient urban design, exemplary architecture, enhanced permeability and connections through the site, and active uses at ground level, to facilitate a built environment that integrates and contributes positively to the local urban character.

Clause 16 – Housing

The amendment facilitates the development of higher density housing in an existing urban area and in proximity to a wide range of established and proposed services, facilities, employment opportunities. The site is strategically located in close proximity to the CBD to accommodate new residents.

Clause 17 – Economic Development

The introduction of new housing and commercial activity on the site will strengthen the economic base of the location which will add to the prosperity of the surrounding activity centres.

The amendment will facilitate opportunities for innovation and the knowledge economy within existing and emerging industries, research and education. It will support the development of business clusters; promote a physical environment that is conducive to innovation and to creative activities; and, will encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in a location which is close to existing services and facilities and is exceptionally well served by public transport.

The amendment will increase employment and education opportunities within walking distance of new and existing residents and public transport.

Clause 18 – Transport

The amendment encourages the integration of land use and transport through higher land use densities and mixed use developments adjacent to public transport routes, including by locating key trip generating-activities close to the public transport network. The amendment facilitates development which includes enhanced connections across the site and promotes walking and cycling.

Clause 19 – Infrastructure

The amendment will facilitate the use of existing infrastructure within proximity to the site including the public transport network, road and bicycle network, public open spaces and community facilities. It will assist in the integration of education facilities with local and regional communities.

It is not expected that the use of water, sewerage, drainage, waste, and telecommunications infrastructure will be compromised as a consequence of the proposed redevelopment of the site enable by this amendment.

- **Does the amendment support or implement the Local Planning Policy Framework (LPPF)? If not, how is the LPPF proposed to change?**

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 amendment supports the following relevant clauses of the Local Planning Policy Framework:

Municipal Strategic Statement (MSS)

Clause 21.02 – Municipal Profile and Clause 21.03 - Vision

The amendment will contribute to achieving goals identified within the Vision for Melbourne as a “bold, inspirational and sustainable city”:

- Melbourne's Growth (Clause 21.02-2) – the amendment will contribute to accommodating the continued intensive growth within the municipality, by providing for new residents and new facilities for workers, students and visitors. It will provide for intensive growth beyond the existing Central City.
- People City (Clause 21.02-3) – as an innovation hub within an already-recognised centre of teaching and research, Carlton Connect will strengthen linkages between Melbourne and other national and global centres, and contribute to the diversity of the municipality.
- Prosperous City (Clause 21.02-5) – the amendment will facilitate the emergence of Carlton Connect as a centre of employment in advanced, high-value sectors within the identified Parkville Employment Cluster.
- Knowledge City (Clause 21.02-6) – Carlton Connect will provide facilities which strengthen existing linkages, and foster new linkages, between the University of Melbourne and industry, business and commerce.
- Eco-City (Clause 21.02-7) – a key element of the Carlton Connect initiative is to accelerate a successful shift to a sustainable future.
- Connected City (Clause 21.02-8) – by concentrating employment, research, new dwellings and other activities in an area with high levels of access via the public transport network, and by pedestrians and cyclists, Carlton Connect will contribute to effective and efficient mobility within the municipality and metropolitan Melbourne as a whole.

Clause 21.04 – Settlement

The proposed amendment facilitates a land use change from a public use to a capital city function and promotes the development of a high quality working, learning and living environment.

While the amendment may facilitate development that differs from the low-scale, fine grain pattern of development in residential areas of Carlton, the MSS supports in-fill development fitting in with the existing valued character. Given the strategic location of the subject site, its immediate context and existing buildings that set significant building height precedents, the planning approach which the amendment facilitates is appropriate.

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 MSS.

Clause 21.06 – Built Environment and Heritage

The amendment proposes to apply Development Plan Overlay (DPO10) to the site, which will require a Development Plan to be approved that provides for a high level of amenity for future occupants of the site and design that responds to existing interfaces. This will ensure that development within the Carlton Connect precinct will meet the stated objectives of Clause 21.06, including by adding positively to Melbourne’s public realm and contributing to the safety and engagement of users.

Clause 21.07 – Housing

The amendment will support the anticipated growth of the City of Melbourne’s residential population by providing for student housing with high standards of on-site amenity and limited adverse amenity impacts on established areas. The new built form character that the amendment will allow will add to the vitality, amenity, comfort and safety of the site and adjoining areas.

Clause 21.08 – Economic Development

By contributing to the dense co-location of business, education and research at the Carlton Connect site, the amendment will strengthen Melbourne’s competitive and innovative capacity and its role as a globally competitive centre of knowledge, innovation and research.

Clause 21.09 – Public Transport

The amendment will meet specified objectives and strategies within this clause, including by:

- allowing for development in a location which will maximise the potential use of public transport;
- consolidating development with a mix of uses along the key north-south tram corridor;
- allowing new development which will provide bicycle access and high quality, safe and secure end-of-trip cycle facilities; and,
- through the application of Schedule 1 to the Parking Overlay, supporting the reduction of car parking for new use and development which will have good access to public transport.

Clause 21.10 – Infrastructure

The amendment supports a key stated objective in relation to education facilities by supporting interaction and collaboration between Melbourne University and business and industry by promoting co-location which is compatible with the amenity of existing residential uses and areas of heritage significance.

Clause 21.16-3 – Carlton Local Area

The amendment seeks to change the zoning of the site to a Capital City Zone to accommodate research and development, commercial, residential, education and other uses and exemplary design as part of the Carlton Connect Initiative. This will support the recognised character of Carlton as a dynamic and diverse local area with a wide range of uses.

The amendment therefore supports the vision, objectives and strategies for the Carlton local area by:

- Accommodating a mix of retail, commercial, educational and residential uses of different scales
- Providing opportunities for student housing on land adjacent to Swanston Street
- Increasing accessibility to services and facilities and permeability of the neighbourhood.

Local Planning Policies

Clause 22.01 – Urban Design within the Capital City Zone

The amendment seeks to rezone the site to a Capital City Zone and therefore, the provisions of Clause 22.01 – Urban Design within the Capital City Zone would apply to the site. It is however proposed to include a reference under ‘Building design’ to ensure that where Schedule 6 of the Capital City Zone applies, the design of buildings is assessed against the provisions of Schedule 6 to the Capital City Zone and any relevant approved development plan.

Clause 22.15 – Lygon and Elgin Street Shopping Centre

The site is identified on Map 1 of Clause 22.15, being in close proximity to the Lygon and Elgin Street Shopping Centre.

The amendment supports Clause 22.15 by providing opportunities for residential development on site, and in particular student housing. The amendment seeks to expand and diversify research and development, education and commercial activity in the City of Melbourne, and the mix of retail uses that the amendment facilitates on site are intended to complement and not reduce the competitiveness of surrounding activity centres, such as the Lygon and Elgin Street Shopping Centre.

Clause 22.19 – Energy, Water and Waste Efficiency

The amendment promotes high quality, energy efficient urban design to complement the Carlton Connect sustainability initiative. It advances the key objectives of Clause 22.19 by requiring future development to minimise greenhouse gas emissions, water use and waste going to landfill and by supporting more efficient use of existing infrastructure.

Clause 22.24 – Student Housing Policy

The amendment provides opportunities for student housing adjacent to Swanston Street in close proximity to a range of existing public transport services, educational institutions, retail services and public spaces, as well as proposed educational, retail and community uses.

The amendment furthers the objectives and strategies of Clause 22.24 by promoting the development of safe, well designed and managed affordable accommodation with good access to services and a high level of amenity for future occupants of the site.

Planning Scheme Amendment C196 – City North

Melbourne City Council has adopted Planning Scheme Amendment C196, which 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.

The 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.

• **Does the amendment make proper use of the Victorian Planning Provisions?**

The proposed amendment makes appropriate use of the Victoria Planning Provisions through the implementation of the Capital City Zone and the Development Plan Overlay, the removal of the Design and Development Overlay from the site and application of an appropriate schedule to the Parking Overlay.

The Capital City Zone (CCZ) is the most appropriate tool to encourage research and development, commercial, education, residential and other uses on the site in close proximity to the Melbourne CBD.

Planning Scheme Amendment C196 proposes to rezone land up to Grattan Street to the Capital City Zone in order to facilitate the re-development and use of land in accordance with the City North Structure Plan 2012. The site, on the corner of Grattan and Swanston Streets, is an appropriate, minor extension of this zone.

The proposed application of the Development Plan Overlay ensures that development will occur in an integrated, sustainable manner to the satisfaction of the responsible authority before a permit can be granted and to exempt a planning permit application from notice and review if it is in accordance with an approved plan.

The purpose of the Schedule to the DPO (DPO10) is to establish specific provisions for the future development of the site such as establishing the need for an Environmentally Sustainable Development report, a Traffic Management Plan, a Green Traffic Plan and a Wind Assessment Report to be prepared.

Application of the Schedule 1 to the Parking Overlay (PO1), in lieu of the existing Schedule 12 (PO12), will ensure that the same maximum car parking rates and minimum car parking rates which apply to the Capital City Zone (outside the retail core) will apply to the site.

The removal of the Design and Development Overlay (DDO45) will avoid duplication in built form requirements and will provide the opportunity for development of a transitional nature between the Carlton neighbourhood and the retail core.

• **How does the amendment address the views of any relevant agency?**

The views of relevant agencies will be sought as part of the public notification of the amendment.

- **How does the amendment address the requirements of the Transport Integration Act 2010?**

The *Transport Integration Act 2010* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Act provides for a system in which all transport activities and modes work together and recognises the interdependency of transport and land use.

The amendment will facilitate development which integrates with and promotes a sustainable transport system to better address transport accessibility, housing affordability and sustainable communities. This integration will ensure that the transport system is able to support the land use outcomes proposed by this amendment and similarly that the proposed land use patterns support the use of an integrated transport system.

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not expected that the amendment will give rise to any unreasonable resource or administrative costs for the responsible authority. The amendment will provide the appropriate planning framework for the responsible authority to efficiently plan for this site.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the City of Melbourne, Planning Counter, Level 3, 240 Little Collins Street, Melbourne.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection .

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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 to achieve an exemplary and integrated mixed use precinct that includes 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 commensurate with the designation and significance of the site as the headquarters for Carlton Connect.

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Table of uses

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C173

Section 1 - Permit not required

Use	Condition
Dwelling 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.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Child care centre Education centre Home occupation Informal outdoor recreation Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation Office Place of assembly (other than Function centre, Amusement parlour and Nightclub) Railway Railway station Research and Development Centre Residential building (other than Residential hotel) 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

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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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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 lanesways 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-1).
- 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-1). 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-1).
- 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 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

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C173

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.

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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 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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C173

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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C173

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, 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.

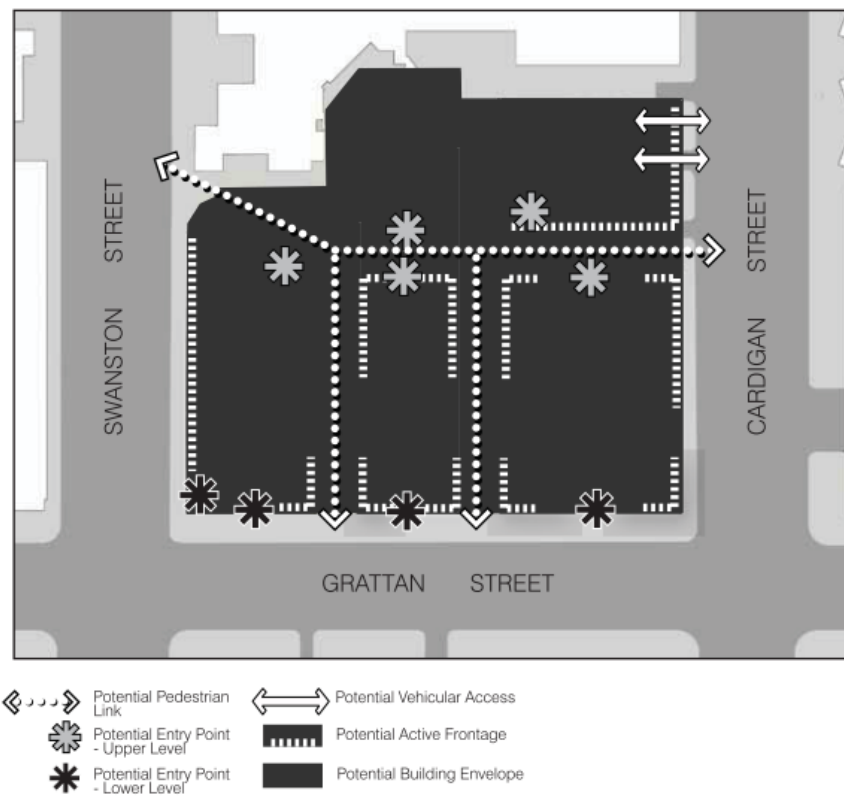


Figure 1 Indicative Framework Plan

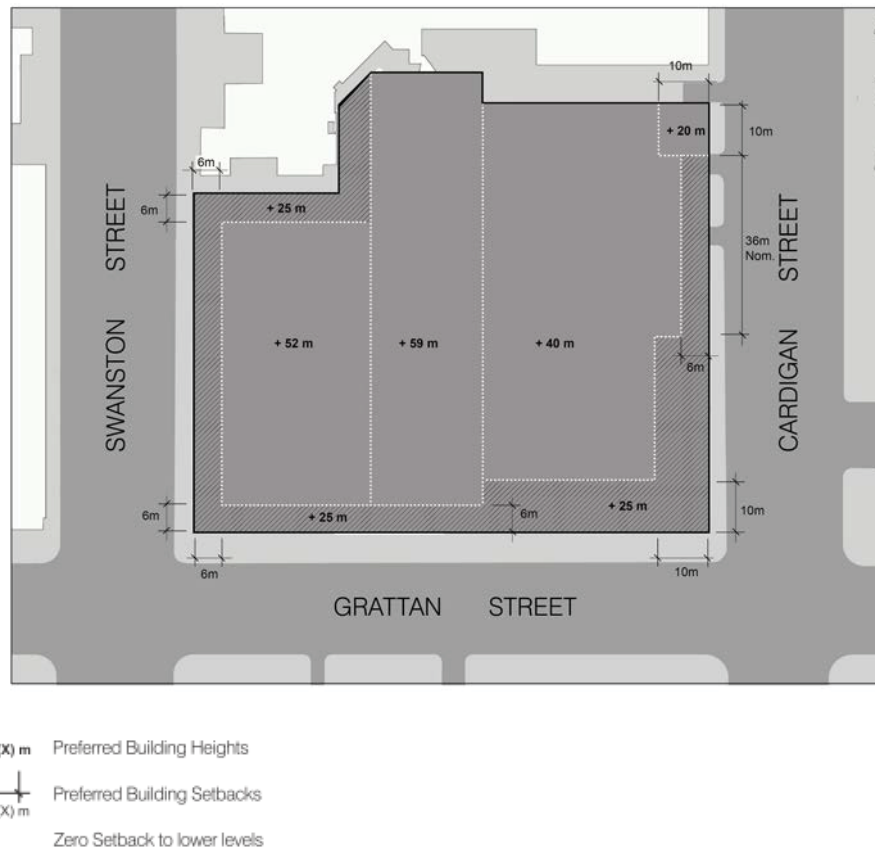


Figure 2 Building Envelopes

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 the Development Plan

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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 established activities on adjoining and nearby sites.
- Safe, well designed and managed accommodation.
- Activation of buildings at the street edge with uses that achieve a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street.

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 provided on site.
- Vehicular access and parking provided on site, should minimise impacts on communal spaces and bicycle and pedestrian movement.
- Management of traffic impacts associated with the new development.
- 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.

22.01

—/—/2015
C173

URBAN DESIGN WITHIN THE CAPITAL CITY ZONE

This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).

Policy Basis

Melbourne's buildings, streets, open spaces and landscape features combine to give the Central City its unique appearance and feeling.

These elements have created a complex and attractive urban environment, giving Melbourne a grand and dignified city centre filled with diverse activities and possessing unique charm, character and a pleasant street level environment.

This policy has eight sections addressing:

- Building Design
- Facades
- City and Roof Profiles
- Projections
- Wind and Weather Protection
- Public Spaces
- Access and Safety in public spaces
- Policy implementation

Objectives

- To ensure that new development responds to the underlying framework and fundamental characteristics of the Capital City Zone while establishing its own identity.
- To enhance the physical quality and character of Melbourne's streets, lanes and Capital City Zone form through sensitive and innovative design.
- To improve the experience of the area for pedestrians.
- To create and enhance public spaces within the Capital City Zone to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.
- To ensure that the design of public spaces, buildings and circulation spaces meets high quality design standards.

Objectives for Schedule 3 to the Capital City Zone

- To connect and integrate Southbank with the central City and the Yarra River.
- To provide easy and attractive access to, and across the Yarra River from the central and southern parts of Southbank.
- To develop pedestrian and cycling connections so that Southbank has a fine grain network.
- To encourage the redevelopment of the area bounded by City Road, Kings Way, Haig Street/Lane and the Westgate Freeway into a vibrant, mixed use area that includes smaller premises and establishes a distinct fine grained urban character.
- To encourage buildings to be designed so that car parking can be converted to alternative uses in the future.

- To ensure developments contribute to a high quality public realm and to passive surveillance of the public domain.
- To incorporate laneways and other means of achieving building permeability.
- To encourage the incorporation of art work into building design to enhance the arts and cultural character of Southbank.

Policy

Building Design

It is policy to:

- Encourage buildings, including towers to align to the street pattern and to respect the continuity of street facades.
- Retain views into and out of the Capital City Zone and vistas to important civic landmarks.
- Maintain the traditional and characteristic vertical rhythm of Melbourne streetscapes.
- Encourage buildings with wide street frontages to be broken into smaller vertical sections.
- Encourage buildings on street junctions to emphasise the street corner.
- When adjoining heritage buildings are located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.

Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that the design of buildings is assessed against the following design standards, as appropriate:

- The maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1, unless it can be demonstrated that the development is consistent with the function, form and infrastructure capacity of the city block, including the capacity of footpaths, roads, public transport and services. The existing plot ratio for each city block is shown on Map 1.
- Towers should have a podium height generally between 35 to 40 metres except where a different parapet height already exists or where the need to provide a context for a heritage building or to emphasise a street corner justifies a variation from this norm.
- Towers above the podium should be setback at least 10 metres from street frontages.
- Towers should be well spaced to equitably distribute access to an outlook and sunlight between towers and ensure adequate sun penetration at street level as follows:
- Development above 45 metres be set back 24 metres from any surrounding podium–tower development.
- Tower separation setbacks may be reduced where it can be demonstrated that towers are offset and habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining lots
- Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.

Where Schedule 3 of the Capital City Zone applies, it is policy that the design of buildings is assessed against the following design standards, as appropriate:

- Developments for new and refurbished residential and other sensitive uses should incorporate design measures to attenuate against noise associated with the operation of other businesses and activities associated with a vital 24-hour capital city.
- Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200m in length, at least two connections should be provided.
- Connections should be located toward the centre of the street block, no more than 70m from the next intersection or pedestrian connection.
- Where a development site is suitably located for a pedestrian connection, but does not extend the full depth of the block, the development should include a connection which will be completed when a connection is provided through the adjoining site.
- Where a development site has the potential to achieve a through-block connection by extending an existing or proposed connection on an adjoining site, the new development must provide for the completion of the through-block connection.
- Developments should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through Southbank);
- Developments should provide pedestrian connections which are:
 - Safe, direct, attractive and which provide a line of sight from one end of the connection to the other;
 - Publicly accessible;
 - At least 3-6 metres wide;
 - Open to the sky or, if enclosed, at least 7.6 metres high; and
 - Flanked by active frontages
- In the area bounded by City Road, Kings Way, Haig Street/Lane and the Westgate Freeway the development that reflects the traditional fine-grained nature of this part of Southbank is encouraged.

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.

Facades

It is policy to:

- Encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Discourage replication of adjoining buildings.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.

It is policy that the design of facades is assessed against the following design standards, as appropriate:

- All visible sides of a building should be fully designed.
- Blank building walls that are visible from streets and public spaces should be avoided.
- In traditional streetscape environments, taller buildings should respond to dominant divisions in datum heights.
- Buildings should address both street frontages on corner sites.

- Visible service areas (and other utility requirements) should be treated as an integral part of the overall design and fully screened from public areas.
- Signs should be integrated with the architecture of the building.
- Facades should make provision for location of external lighting for public safety purposes and to give interest to streetscapes at night.
- Areas that might attract graffiti should be treated with graffiti proofing measures.
- Solid roller shutters should not be used on shopfronts. Open mesh security or transparent grills may be used and should be mounted internal to the shopfront.

City and Roof Profiles

It is policy to:

- Encourage roof profiles to contribute to the architectural quality of the city skyline.
- Encourage roof profiles to be considered as part of the overall building form.

It is policy that the design of roof profiles are assessed against the following design standards, as appropriate:

- Plant, exhaust and intake vents and other technical equipment should be integrated into the building design.
- In addition to views from the street, the views from higher surrounding buildings should be taken into account.
- Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.
- Where they cannot be screened, attachments should be designed to complement the building.

Projections

Where a development includes projections over public space or into a laneway it is policy that the design is assessed against the following design standards, as appropriate:

- Projections should not adversely affect the service functions of the lane.
- Enclosed floor space and balcony projections should provide a clearance of at least 5 metres from any public space.
- Building material should be durable and as transparent as possible to reduce visual impact and to maximise sunlight penetration.
- Floor space should only be for movement purposes and not be used for retail, commercial or other purposes.
- Open balconies, canopies, projecting cornices or other building elements should not overhang the lane unless they:
 - Follow a local pattern.
 - Contribute positively to the character and safety of public spaces.
 - Are discreet rather than prevailing elements of a building's design
 - Provide evidence of the building's occupation.

Wind and Weather Protection

It is policy that wind and weather protection measures are assessed against the following design standards as appropriate:

- Landscaping within the public realm should not be relied on to mitigate wind effects.
- Towers should be appropriately set back from all streets at the podium to assist in deflecting wind downdrafts from penetrating to street level.
- Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.
- Areas designated in Schedule 4 of the Design and Development Overlay should be protected from rain.
- The design, height, scale and detail of canopies, verandahs and awnings should be compatible to nearby buildings, streetscape and precinct character.
- Canopies, verandahs and awnings may be partly or fully transparent to allow light penetration to the footpath and views back up the building facade.
- Weather protection should be setback to accommodate existing street trees.
- Verandah support posts should be located at least 2 metres from tree pits.
- Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

Public Spaces

The provision of high quality, readily accessible internal and external spaces form an integral part of the public domain. Public spaces include public and privately owned land for public use and may be covered or open to the sky.

It is policy to:

- Encourage the provision of high quality new public spaces.
- Encourage new public spaces to cater for the needs of the City's diverse communities.
- Discourage public space at street intersections to reinforce the form of the city grid.
- Discourage small narrow spaces fronting streets.
- Encourage atria where they link different elements of building complexes, link new additions to historic buildings or improve the energy efficiency of the building.

It is policy that the design of public spaces is assessed against the following design standards, as appropriate:

- Facades adjoining public spaces should be designed to maintain the continuity of the streetscape.
- Atria and arcades should be publicly accessible during normal business hours. However longer hours are encouraged. Other public space should be publicly accessible 24 hours a day.
- Clear views should be provided through to the other end of a covered public space to encourage pedestrian use.
- Natural lighting should be maximised in covered public spaces.
- Public open space should have a northerly aspect.
- The design and finishes in arcades and atria should provide a high level of noise absorption.

- Shopfronts fronting public spaces should be attractive and secure when that shop is closed. Roller shutters should not be used.
- Development of new or upgrading of existing open space should comply with the City of Melbourne's design standards.
- Provision should be made for facilities such as seating, litter bins, tables, drinking fountains and public telephones where appropriate.

Access and Safety

It is policy that access and safety issues in public space design are assessed against the following standards as appropriate:

- Access to car parking and service areas should minimise impact on street frontages.
- The storage of refuse and recyclable material should be provided off-street and be fully screened from public areas.
- Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.
- On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.
- Lighting should be provided to improve safety.
- Alcoves and spaces that cannot be observed by pedestrians are not supported.

Policy Implementation

A comprehensive site analysis and urban context report is the starting point of the design process for any development proposal. The urban context report should document the key influences on the proposed development, how it responds to the strategies, policies and requirements of the planning scheme, and how it relates to the social, built and historic character of the City and the surrounding area. The report will form the basis for the consideration of height, scale, massing and detail.

Policy References

Grids and Greenery – The character of inner Melbourne (1987)

Places for People (1994)

Vision for the Yarra Corridor (1998)

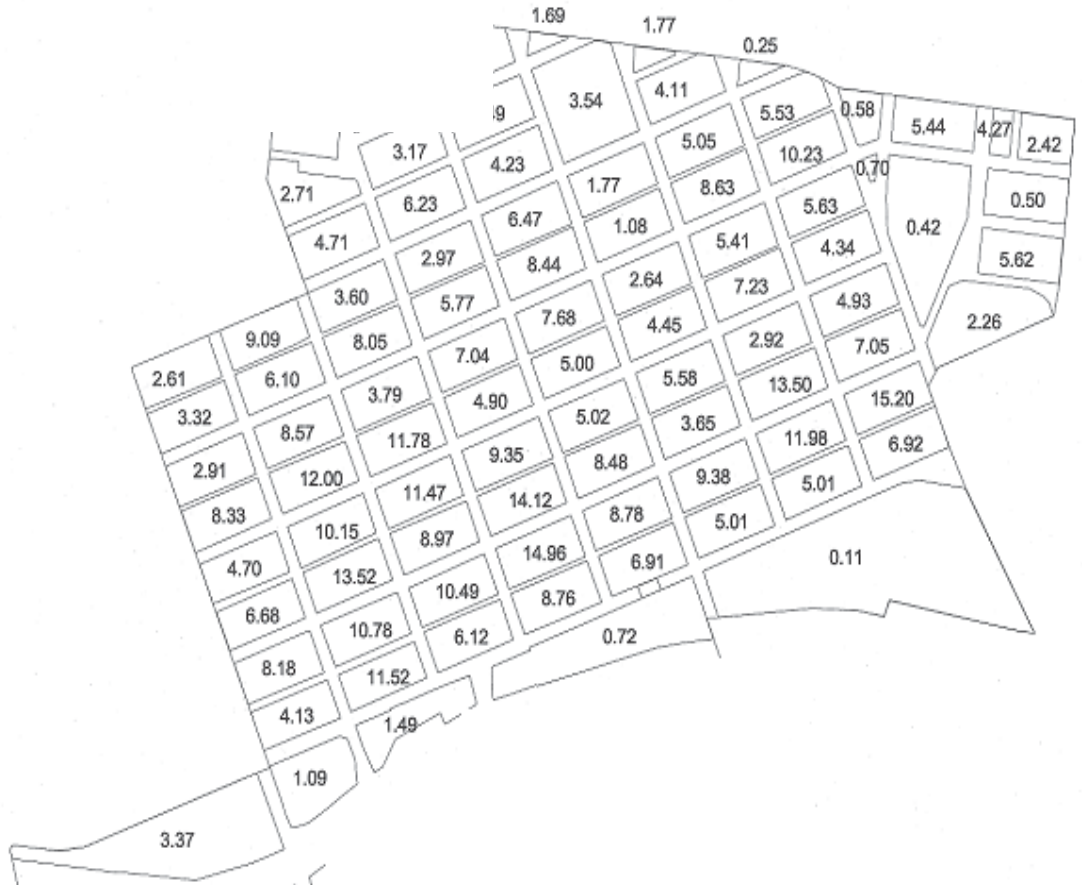
Central City Planning and Design Guidelines (1991)

Strategy for a Safe City 2000-2002 (2000)

The Southbank Structure Plan 2010

MAP 1 Existing Plot Ratio

By Block (2000)



Amendment C173 List of changes to the Melbourne Planning Scheme

Clause / Map Numbers	Change	Comment
PLANNING SCHEME MAP CHANGES		
Map 5	Amend Planning Scheme Map No. 5 to rezone land known as 114-152 Grattan Street, Carlton from a Public Use Zone to a Capital City Zone.	Rezones the land from a Public Use Zone to a Capital City Zone.
Map 5DDOPT3	Amend Planning Scheme Map No. 5DDOPT3 to remove the Design and Development Overlay – Schedule 45 from land at 114-152 Grattan Street, Carlton.	Removes the Design and Development Overlay – Schedule 45 over the land.
Map 5DPO	Amend Planning Scheme Map No. 5DPO to apply the Development Plan Overlay on land at 114-152 Grattan Street, Carlton.	Applies a Development Plan Overlay to the land.
Map 5PO	Amend Planning Scheme Map No. 5PO to: <ul style="list-style-type: none"> • remove the Parking Overlay – Precinct 12 Schedule from land at 114-152 Grattan Street, Carlton; and • apply the Parking Overlay – Precinct 1 Schedule on land at 114-152 Grattan Street, Carlton. 	Removes the Parking Overlay – Precinct 12 Schedule over the land and applies the Parking Overlay – Precinct 1 Schedule to the land.
LOCAL PLANNING POLICY FRAMEWORK		
Clause 22.01	Amend Clause 22.01 of the Local Planning Policy Framework to include the following under 'Building design': "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".	Include a reference to the CCZ6 and the Development Plan that apply to the land in the provisions of Clause 22.01 – Urban Design within the Capital City Zone.
ZONES		
37.04 schedule	Introduce a new Schedule in accordance with the attached document.	Introduces Schedule 6 to the Capital City Zone.
OVERLAYS		
43.04 schedule	Following Schedule 9 to Clause 43.04, insert a new Schedule 10 in accordance with the attached document.	Introduces a new schedule to the Development Plan Overlay (DPO10).

Clause / Map Numbers	Change	Comment
List of Amendments	<p style="text-align: center;">LIST OF AMENDMENTS</p> <p>Insert the Amendment Number “C173”, in operation from “[date]”, with a brief description: “Rezones the land at 114-152 Grattan Street, Carlton from a Public Use Zone (PUZ3) to a Capital City Zone, introduces a new Schedule 6 to the Capital City Zone, removes the Design and Development Overlay (DDO45) from the land, introduces a new Schedule 10 to the Development Plan Overlay and applies it to the land, removes the Parking Overlay – Precinct 12 Schedule (PO12) from the land and applies the Parking Overlay – Precinct 1 Schedule (PO1) to the land.”</p>	

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C173

INSTRUCTION SHEET

The planning authority for this amendment is the Melbourne City Council.

The Melbourne Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of five attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No 5 in the manner shown on the attached map marked "Melbourne Planning Scheme, Amendment C173".

Overlay Maps

2. Amend Planning Scheme Map Nos. 5DDOPT3, 5DPO, 5PO in the manner shown on the four attached maps marked "Melbourne Planning Scheme, Amendment C173".

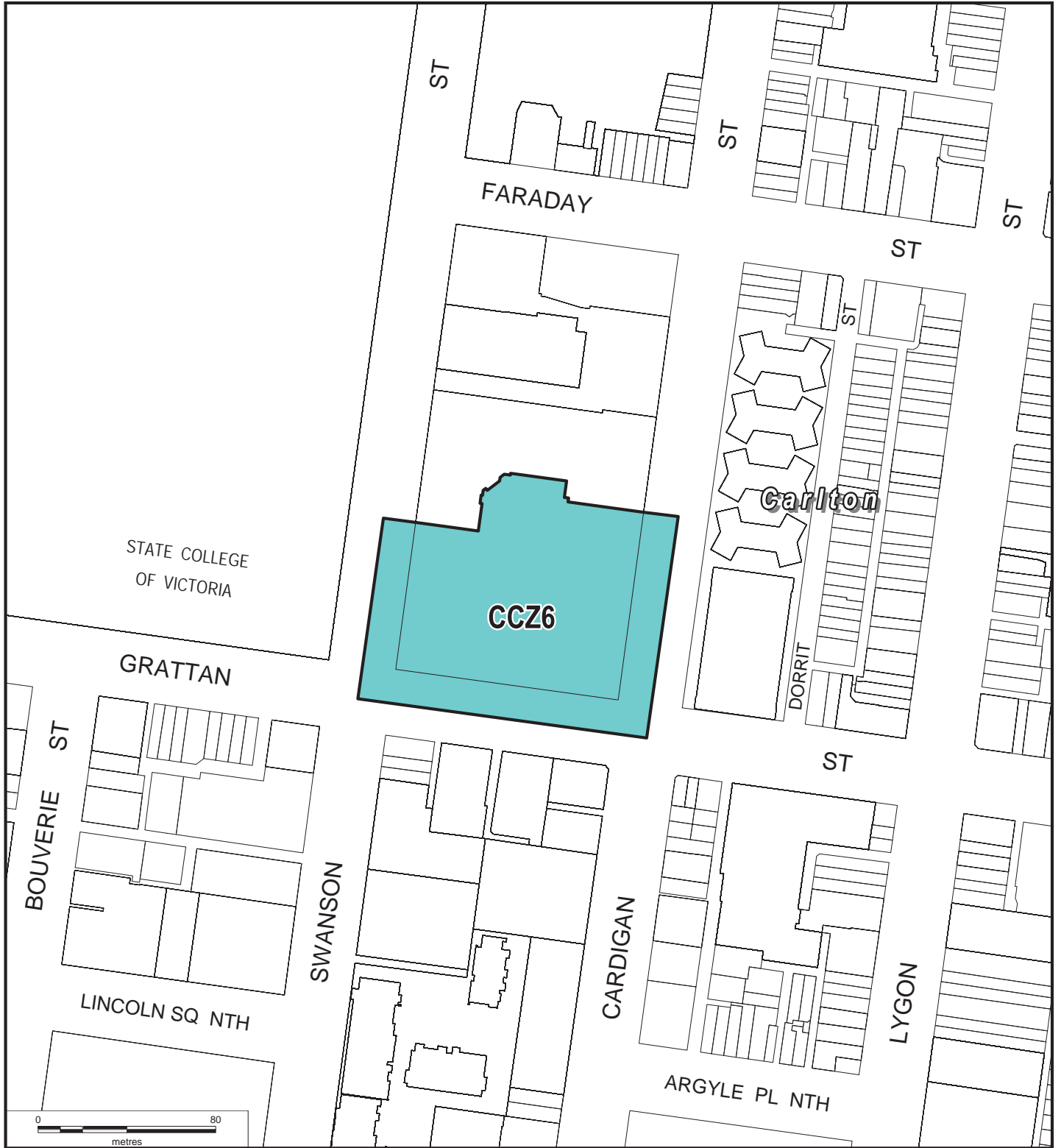
Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 22.01 with a new Clause 22.01 in the form of the attached document.
4. In Zones – following Clause 37.04, insert a new Schedule 6 in the form of the attached document.
5. In Overlays – following Clause 43.04, insert a new Schedule 10 in the form of the attached document.

End of document

MELBOURNE PLANNING SCHEME LOCAL PROVISION

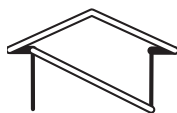


LEGEND

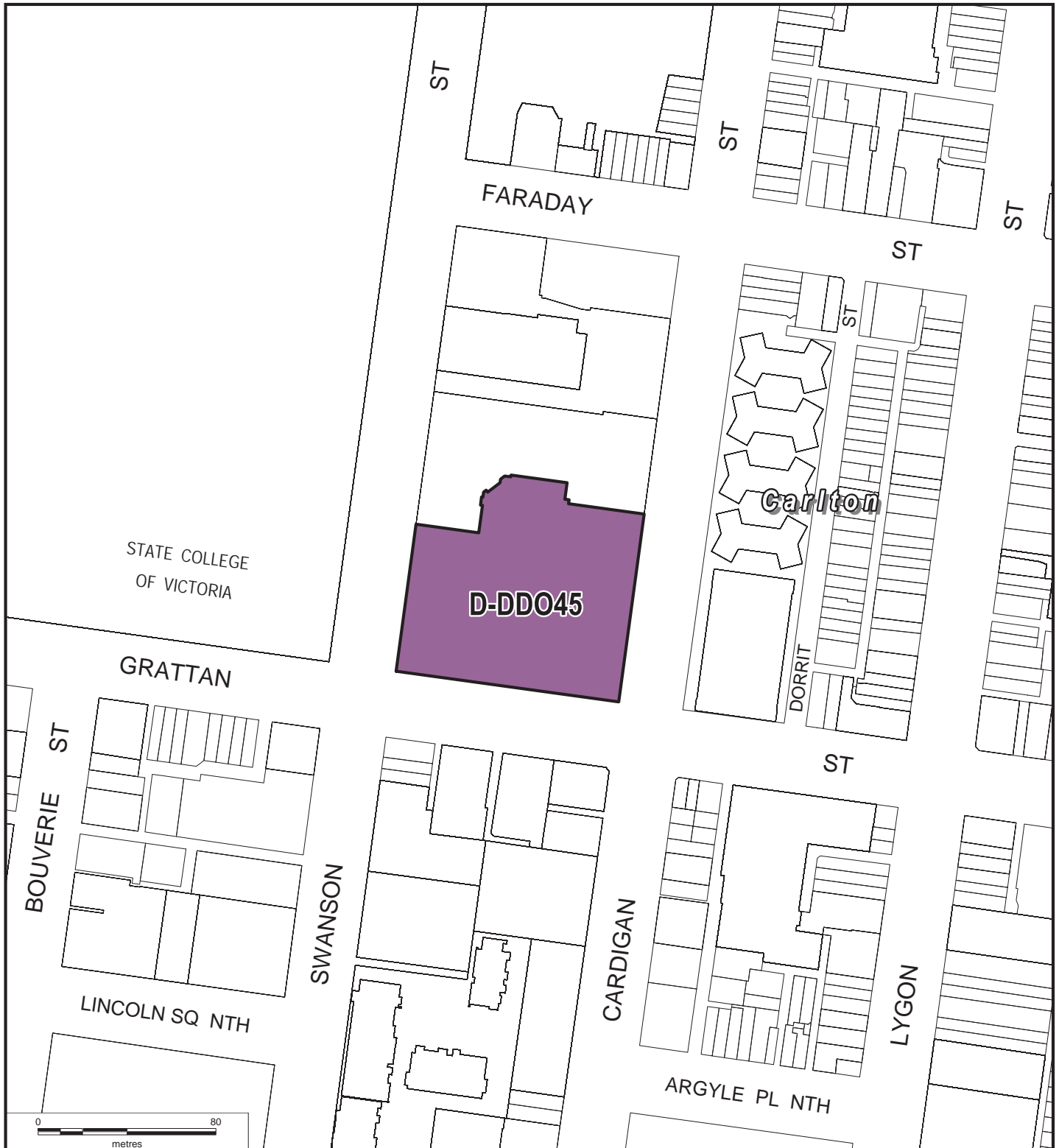
Part of Planning Scheme Map 5

CCZ6	CAPITAL CITY ZONE - SCHEDULE 6
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AMENDMENT C173



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MELBOURNE PLANNING SCHEME
LOCAL PROVISION

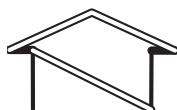


Part of Planning Scheme Map 5DDOpt3

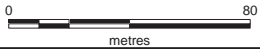
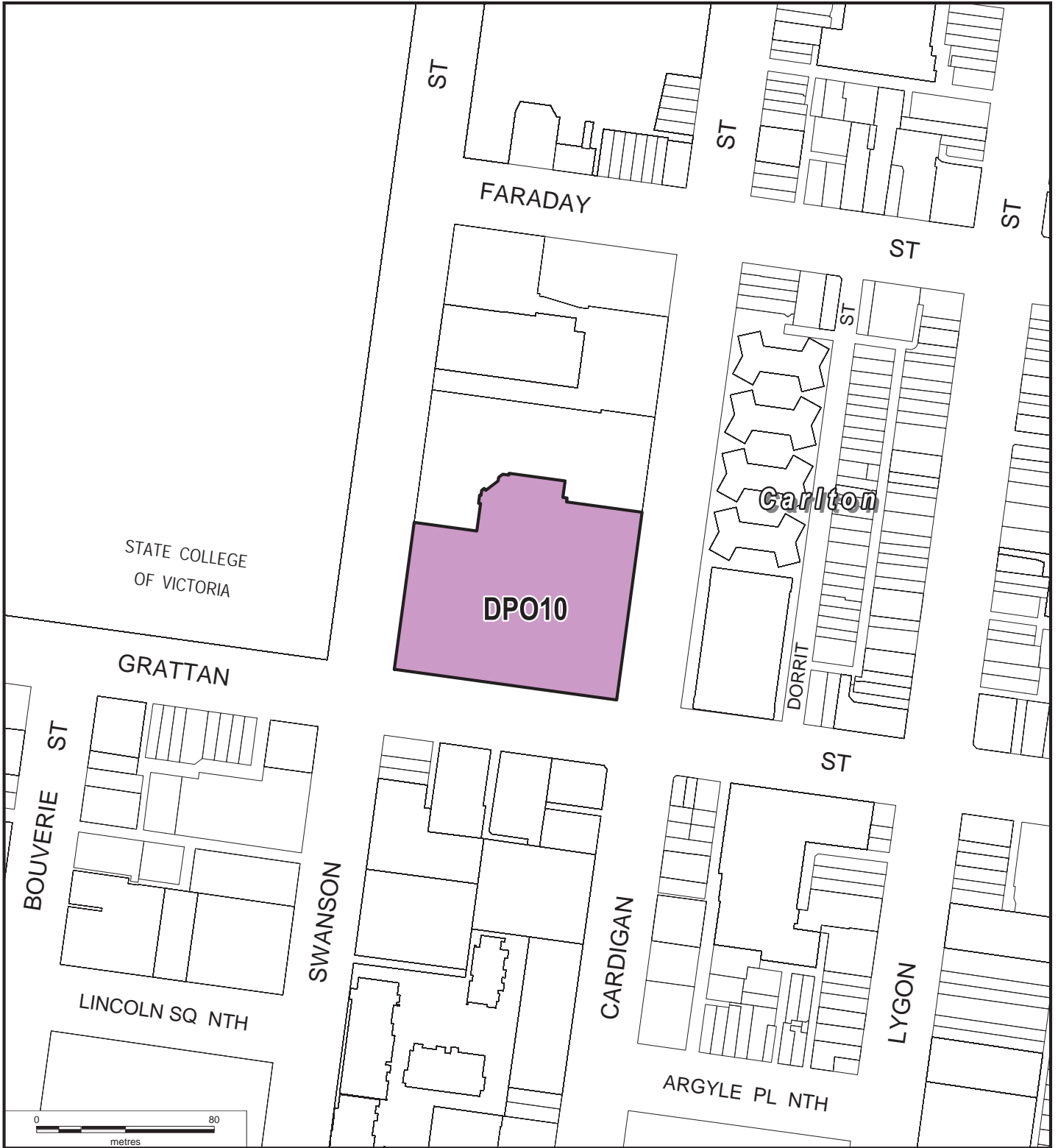
LEGEND

- D-DDO45 AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY (D-DDO45)

AMENDMENT C173



MELBOURNE PLANNING SCHEME LOCAL PROVISION



LEGEND

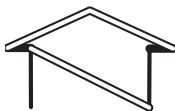
Part of Planning Scheme Map 5DPO



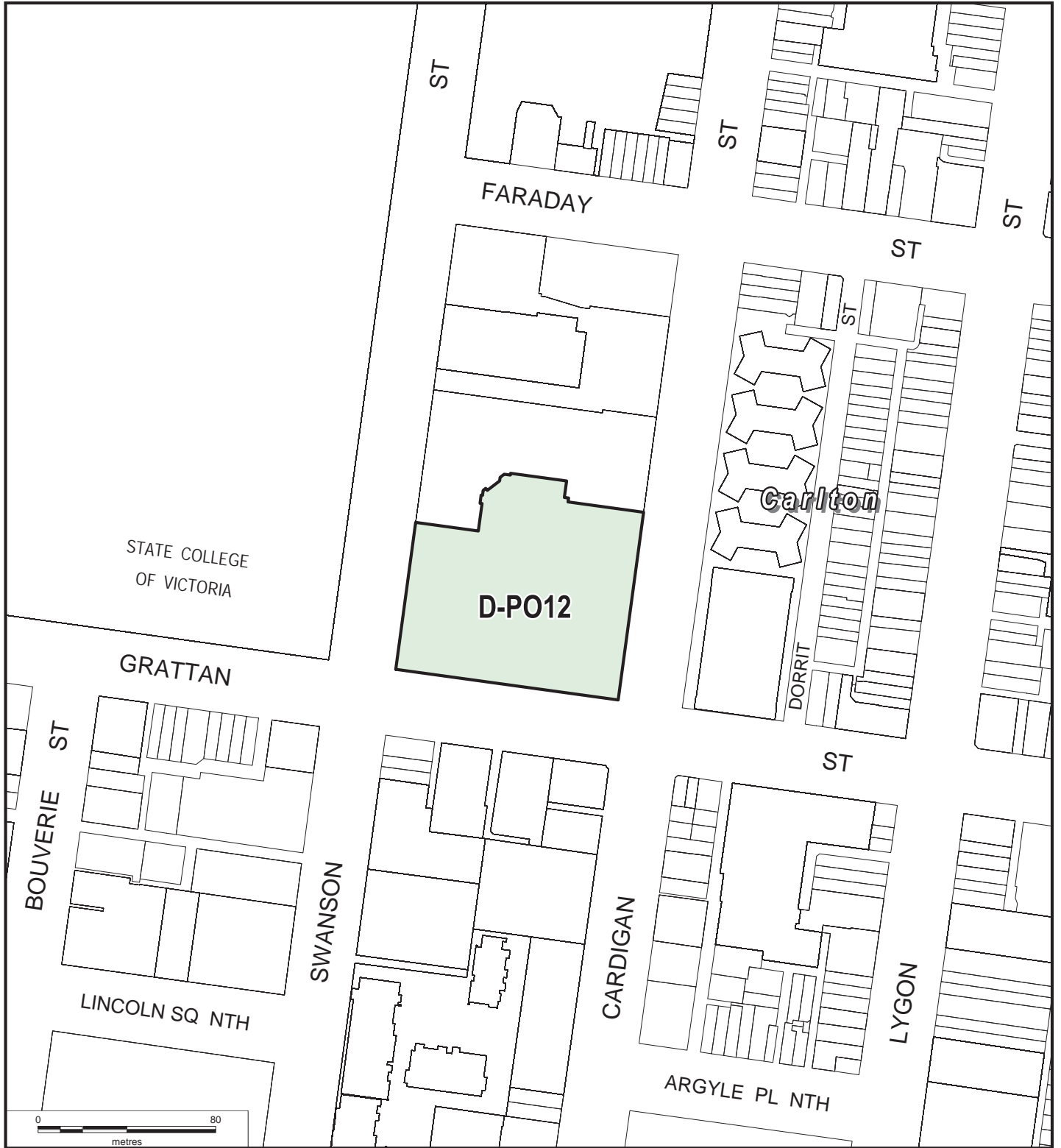
DPO10

DEVELOPMENT PLAN OVERLAY - SCHEDULE 10

AMENDMENT C173

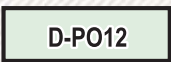


MELBOURNE PLANNING SCHEME LOCAL PROVISION



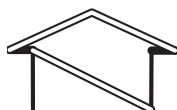
LEGEND

Part of Planning Scheme Map 5PO

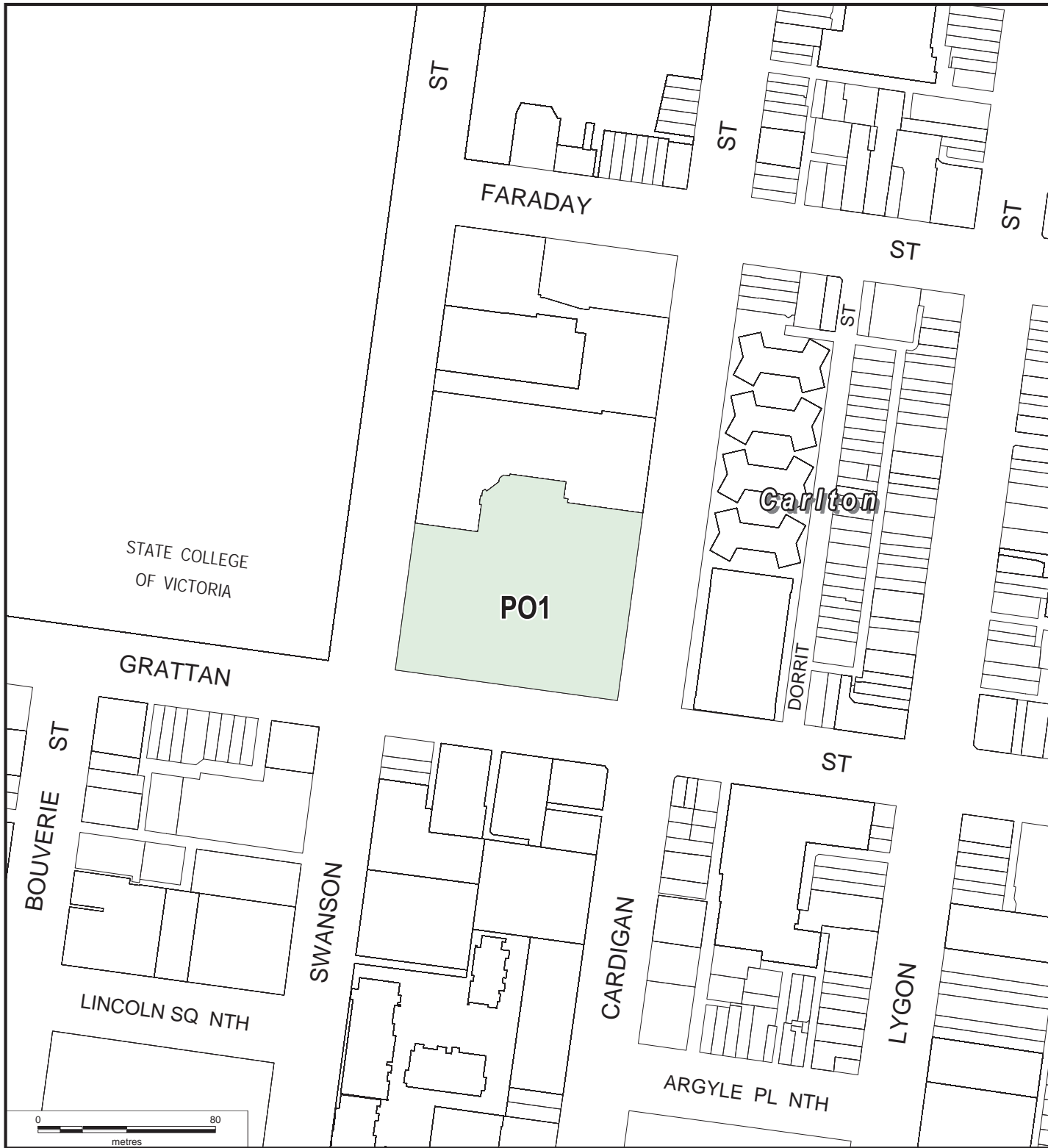


AREA TO BE DELETED FROM A
PARKING OVERLAY (D-PO12)

AMENDMENT C173



MELBOURNE PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Map 5PO

LEGEND

P01	PARKING OVERLAY - SCHEDULE 1
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AMENDMENT C173

