



**Town Planning Report  
Former Peter MacCallum  
Cancer Centre site**

2 St Andrews Place  
East Melbourne

April 2017

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# 1 Introduction

The land at 2 St Andrews Place, East Melbourne (the site) has until recently accommodated the Peter MacCallum Cancer Centre. In June 2016, the Peter MacCallum Cancer Centre relocated to the new Victorian Comprehensive Cancer Centre in Parkville.

The registered proprietor of the site is Peter MacCallum Cancer Institute, a registered funded agency under the Health Services Act 1988, accountable to the Minister for Health.

The Department of Health and Human Services (DHHS) has now declared the site surplus to its requirements. The Department of Treasury and Finance (DTF) is managing the sale of the property which comprises the site and all existing buildings on it. Management of the site remains the responsibility of Peter MacCallum Cancer Institute until it is sold.

This report has been prepared by Message Consultants Australia Pty Ltd on behalf of DTF and provides a review of the physical and policy context as a means of determining the most appropriate future planning provisions for the site.

The new planning provisions are proposed to be given effect by an amendment to the Melbourne Planning Scheme. The site will be sold with the benefit of these changed planning controls.

The site is contained in a freehold Title more particularly described as Volume 09333 Folio 501. There are no covenants that affect the land although there are two caveats in relation to easements and unregistered leases in favour of Citipower and Telstra.

The development of the future planning provisions for the former Peter MacCallum Cancer Centre was informed by the investigations and analysis contained in the reports listed below. These investigations were commissioned by the DTF to assist in formulating the new planning provisions.

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



## 2 Surplus Government Land and Government Policy

The Victorian Government is a major land holder in the State and the Victorian Government Landholding Policy and Guidelines, August 2015 requires Government departments and agencies to regularly review their land assets. Any land that surplus must be offered for sale.

The site is now surplus to the Department of Health and Human Services (DHHS) requirements following the opening of the new Victorian Comprehensive Cancer Centre in Parkville. Surplus sites are offered for sale to Victorian Government agencies, local government and the Commonwealth Government via a First Right of Refusal (FROR) process. In this case the FROR occurred from 11/08/2015 to the 10/10/2015 with no other government authority or agency offering to purchase the site. Where no other government authorities or agencies submit an expression of interest to purchase the site or the terms of sale cannot be agreed, it may be sold by public process<sup>1</sup>.

The site is currently zoned Public Use Zone Schedule 3 - Health and Community (PUZ3) and to accord with government policy it cannot be sold to a private purchaser until it is rezoned to an appropriate zone<sup>2</sup>. It is proposed to use the Fast Track Government Land Service to facilitate the rezoning of the land to an appropriate zone.



**Figure 1 – View of the site, looking north west from Lansdowne Street**

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<sup>1</sup> Victorian Government Landholding Policy and Guidelines, DTF, August 2015 - section 3 of the Guidelines

<sup>2</sup> Victorian Government Land Transactions Policy and Guidelines, DELWP, April 2016- section 3.4

### 3 Site Details

<b>Address:</b>	2 St Andrews Place, East Melbourne
<b>Municipality:</b>	The City of Melbourne
<b>Size:</b>	8,200sq.m
<b>Site abutments:</b>	North: 81m frontage to Cathedral Place South: 81m to St Andrews Place East: 100.77m to Lansdowne Street West: 100.77m common boundary to the Park Hyatt Melbourne Hotel and 10 St Andrews Place
<b>Certificate of Title:</b>	Volume 093333, Folio 235
<b>Covenants/Easements:</b>	Caveat as to part AH800700D 22/02/2011, Unregistered Lease and easements in favour of Citipower Pty Caveat AL114519E 28/05/2014, Unregistered lease in favour of: Telstra Corporation LTD
<b>Current Zoning:</b>	Public Use Zone – Schedule 3 (Health and Community) (PUZ3)
<b>Current Overlays:</b>	Design and Development Overlay – Schedule 13 Parliament Area (DDO13) Parking Overlay – Schedule 12 'Residential Development in Specific Inner City Areas' (PO12)

A Melway map extract is included below as **Figure 2** and depicts the site.



**Figure 2 – Melway Map extract**

**The Site**





## 4 The site and its context

### 4.1 The site

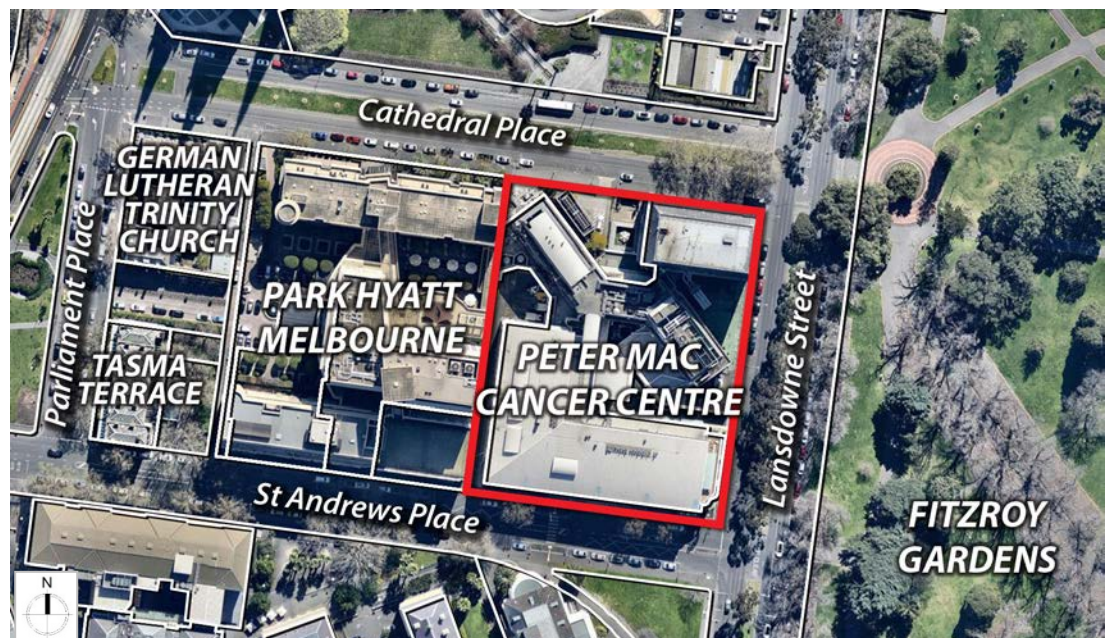
The site is located at the eastern end of the block bounded by Cathedral Place, Parliament Place, St Andrews Place and Lansdowne Street, East Melbourne. The site has an area of 8,200sqm, is rectangular in shape and has a frontage of 100.77m to Lansdowne Street and an 81m frontage to St Andrews Place as well as to Cathedral Place.

There is an 8m fall across the land sloping from the north-west corner on Cathedral Place to the south east corner at the intersection of Lansdowne Street and St Andrews Place.

A number of buildings of between 6 storeys to 10 storeys in height are located on the site. Vehicle access and egress is achieved via crossovers on each of the street frontages.

Prior to the occupation of the site by the Peter MacCallum Cancer Centre, the site hosted the St Andrews Hospital from 1925 until the 1990's. Parts of the former St Andrews Hospital complex remain on the land and have been incorporated into recent redevelopments.

An aerial map depicting the site and its context is provided at **Figure 3**.



**Figure 3 – The site and its context**

**The Site**



### 4.2 Context

The site is located to the east of the central city Hoddle Grid within an area containing the Parliamentary precinct, the Treasury Reserve precinct and other state government buildings, St Patrick's Cathedral, St Peter's Eastern Hill and the German Lutheran Church as well as the Victorian terrace buildings known as Tasma Terrace.

These buildings are framed by public gardens comprising Parliament Gardens, Treasury Gardens and the Fitzroy Gardens. This area is strategically important and contains a number of buildings and gardens that are of State heritage significance.

The immediate context of the land is summarised below:

- **To the east**, the site abuts Lansdowne Street beyond which are the Fitzroy Gardens.
- **To the north**, the site abuts Cathedral Place beyond which is St Patrick's Cathedral and its grounds which include administrative buildings, an at grade carpark for Cathedral use and Cathedral gardens. The spire of St Patrick's Cathedral terminates the visual axis along Brunswick Street to the north. The highest point of the Cathedral spire is approximately 100m.
- **To the south**, the site abuts St Andrews Place, beyond which are the State Government Offices and Treasury Gardens. Immediately opposite the site is a 5 storey building located on Commonwealth land, known as 4 Treasury Place.
- **To the west**, the site shares a common boundary with the Park Hyatt Hotel Melbourne property as well as land known as 10 St Andrews Place. The main Park Hyatt Hotel building is approximately 44m in height (AHD77.06). The 10 St Andrews Place building is 7 storeys, or approximately 24m in height (AHD59.69). This building is occupied by mixed uses, with commercial uses predominating. The tallest point of the Peter MacCallum buildings is 45.9m (AHD79.25)

An aerial map depicting the context of the site is at **Figure 4**.



**Figure 4 – The site and its wider context**

**The Site**



## 5 Zone and Overlays

The site is located within the City of Melbourne and is affected by the provisions of the Melbourne Planning Scheme (the Planning Scheme). The existing zone and overlay controls that apply to the site and surrounding area are described in the following sections.

### 5.1 Site

#### 5.1.1 Current Zone

The site is located within the Public Use Zone – Schedule 3 (Health and Community) (PUZ3) pursuant to Clause 36.01 of the Planning Scheme.

A planning permit for use and buildings and works within a PUZ3 is not required provided the use is for a health and community purpose. The use must be carried out by or on behalf of the public landowner.

A use other than for health and community purposes is a Section 2 – permit required use. Any buildings and works associated with a Section 2 use also requires a planning permit.

A zone map extract has been provided at **Figure 5**.

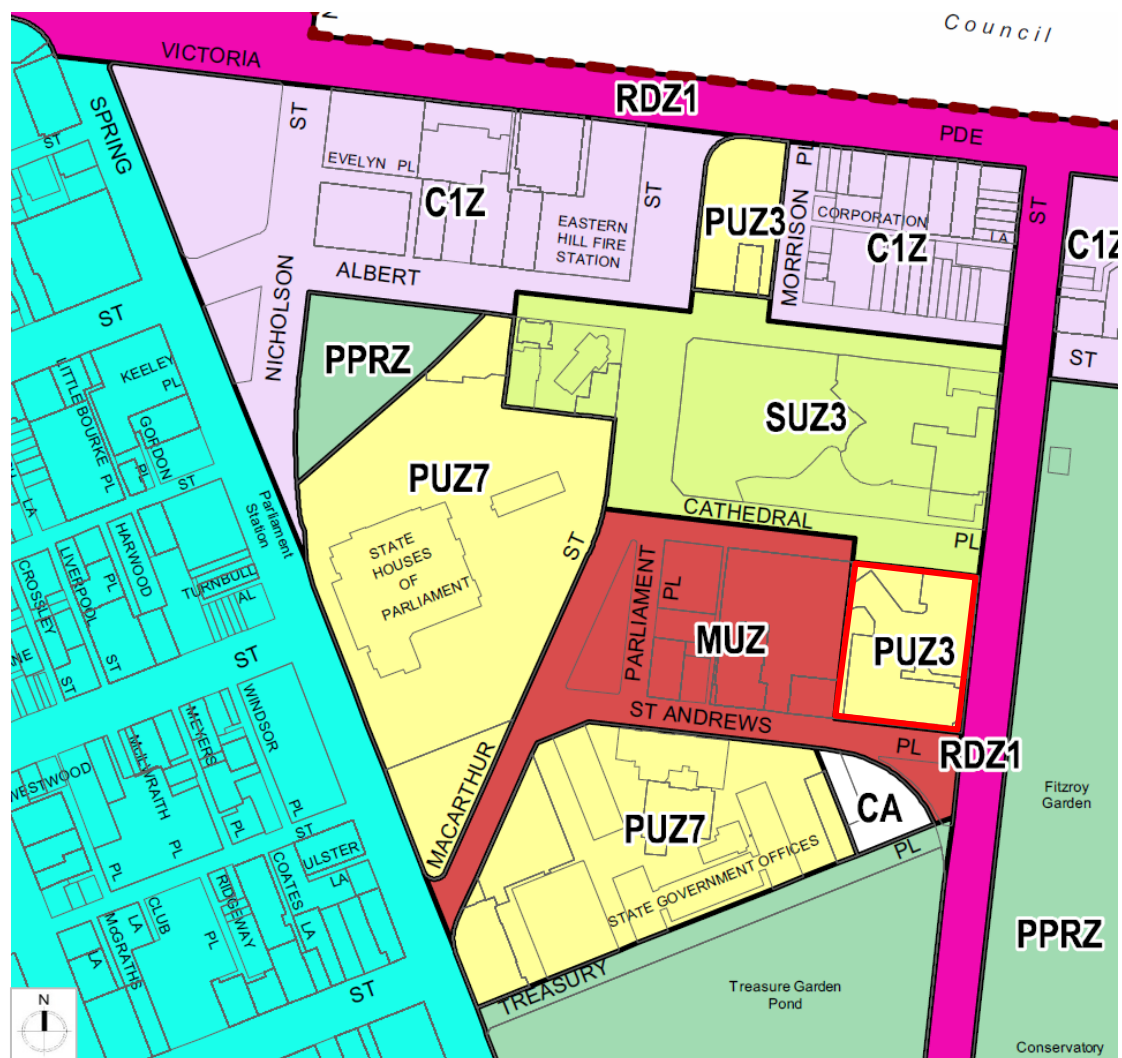


Figure 5 – Zone map extract

The Site 



### 5.1.2 Current overlays

#### Design and Development Overlay – Schedule 13 (Parliament Area) (DDO13)

The site is affected by the provisions of Design and Development Overlay – Schedule 13 (Parliament Area) (DDO13) pursuant to Clause 43.02 of the Planning Scheme.

The design objectives for DDO13 are;

- *“To encourage development to be compatible with the Victorian character and scale of the area;*
- *To minimise the visual impact of new buildings and works within the vicinity of the Fitzroy Gardens and the surrounding public spaces.”*

The DDO13 provisions are divided into a number of building height areas where different preferred maximum building heights apply. The site is included in Area 23 which has a preferred maximum building height of 15m.

The specific outcome sought as a consequence of this building height is that:

*“The amenity of the Fitzroy Gardens is protected from additional overshadowing between 11:00am and 2:00pm on 22 March and 22 September.”*

A permit application to exceed the 15m preferred maximum building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

A DDO13 map extract illustrating preferred maximum heights is indicated in **Figure 6**.

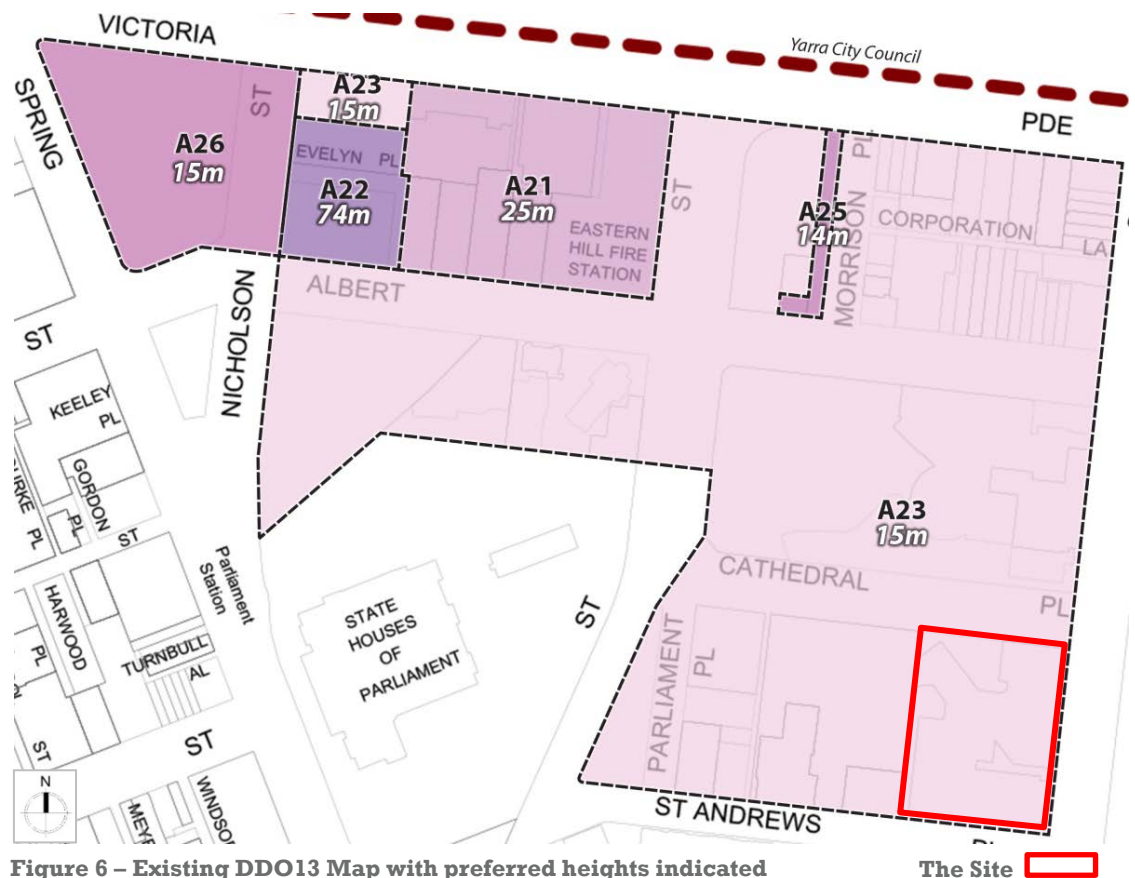


Figure 6 – Existing DDO13 Map with preferred heights indicated

The Site

### Parking Overlay – Schedule 12 ‘Residential Development in Specific Inner City Areas’ (PO12)

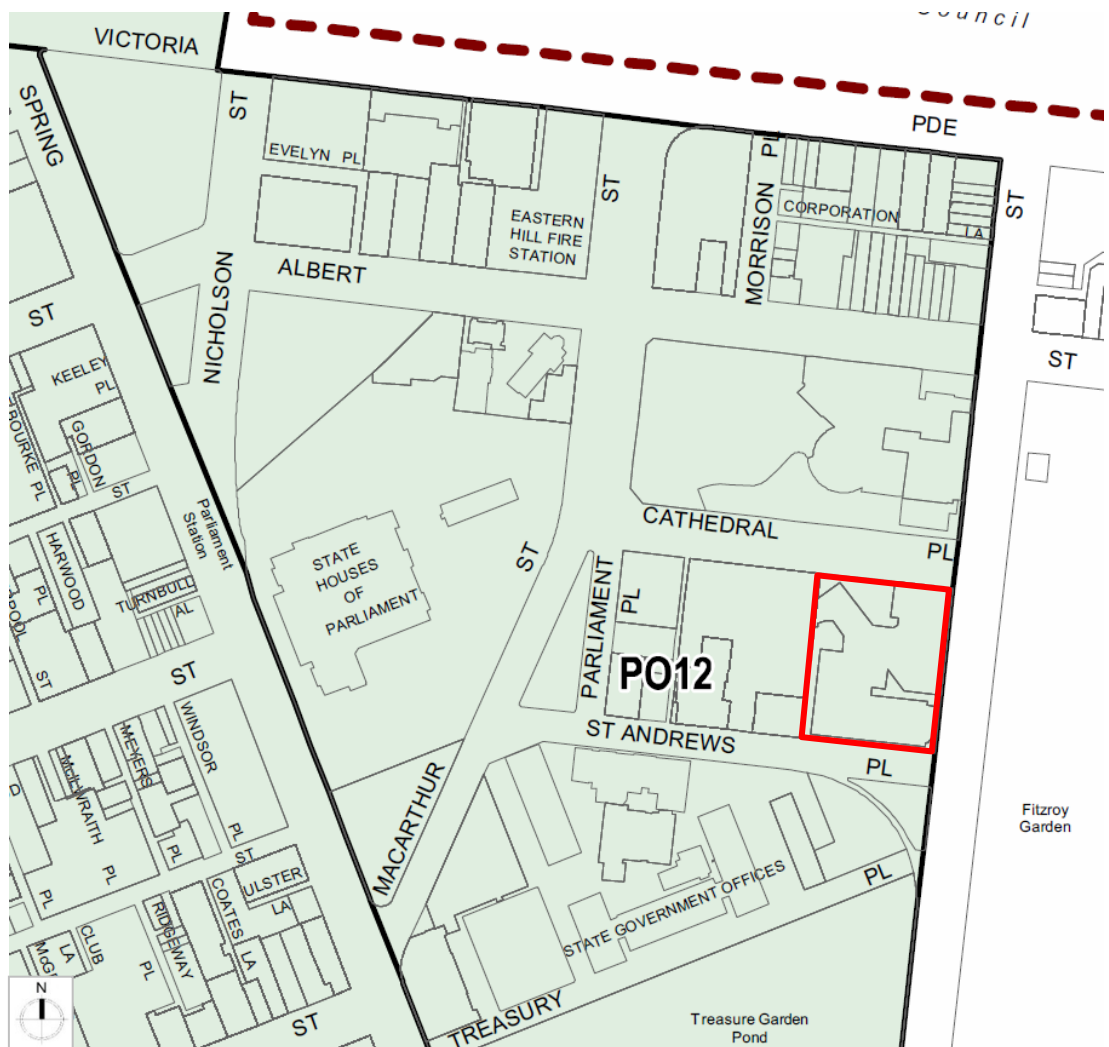
The site is affected by the provisions of Parking Overlay – Schedule 12 ‘Residential Development in Specific Inner City Areas’ (PO12) pursuant to Clause 45.09 of the Planning Scheme.

The PO12 identifies car parking rates for residential development in inner city areas of Melbourne. The schedule states that a dwelling is to have up to one car parking space each, a permit is required to vary this requirement.

A PO12 map extract has been provided in **Figure 7**.

### Heritage Overlay (HO)

The site is not affected by a Heritage Overlay although the surrounding land including the public gardens are affected by site specific as well as precinct based Heritage Overlays. This is discussed at Section 5.2.2 of this report.



**Figure 7 – Parking Overlay 12 map extract**

**The Site**

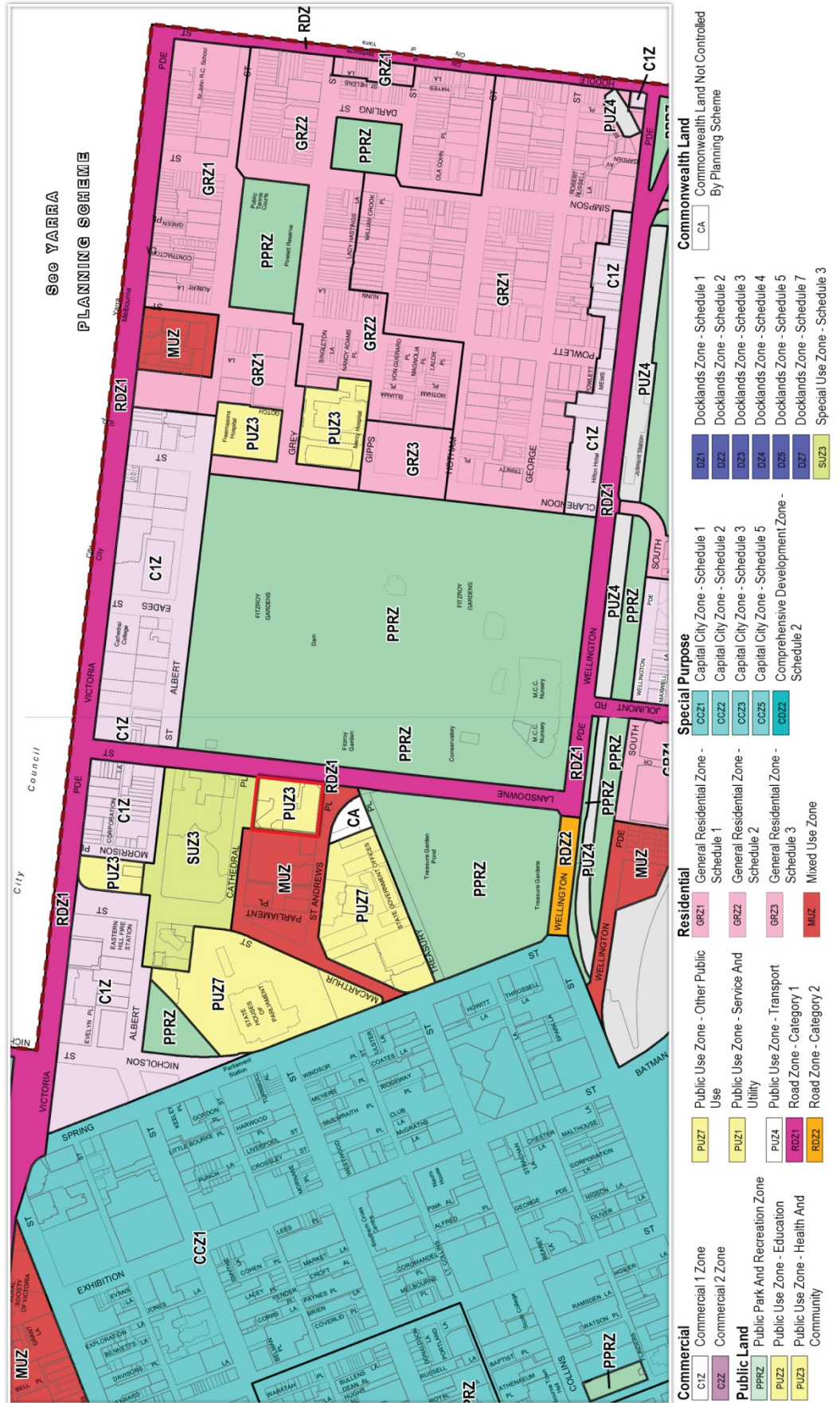
## 5.2 Surrounding Area

### 5.2.1 Current Zones

The area surrounding the site is affected by a range of zones, as illustrated in **Figure 8** overleaf and discussed below:

- The Mixed Use Zone (MUZ) applies to land immediately to the west of the site and includes the Park Hyatt Hotel Melbourne and the 7 storey commercial building at 10 St Andrews Place, Tasma Terrace and the German Lutheran Church.
- The Special Use Zone - Schedule 3 'Private Sports Grounds and Religious and Educational Institutions' (SUZ3) applies to the St Patrick's Cathedral and St Peter's Eastern Hill located to the north of the site.
- The Commercial 1 Zone (C1Z) applies to the corridor of land located on the south side of Victoria Parade extending to Albert Street. Land zoned C1Z accommodates a range of mid-rise buildings.
- The Public Park and Recreation Zone (PPRZ) applies to the Fitzroy Gardens, Treasury Gardens and the publicly available Parliament Gardens.
- The Public Use Zone (PUZ) applies to the Parliament Precinct, Treasury Building, other state government offices, and the Eye and Ear Hospital.
- A small parcel of land located on the south side of St Andrews Place, opposite the site, is Commonwealth Land (CA) and is not controlled by the Planning Scheme.
- The Capital City Zone 1 Schedule 1 'Outside the Retail Core' (CCZ1) applies to the central city and Hoddle Grid located west of Spring Street.
- The General Residential Zone Schedule 1, 2 and 3 (GRZ1, GRZ2, and GRZ3) located east of the Fitzroy Gardens.





**Figure 8 – The existing zones that surround the site and generally east of the Fitzroy Gardens**

## 5.2.2 Current Overlays

### Design and Development Overlay (DDO)

The DDO applies to properties located north, west and east of the site.

A variety of schedules to the DDO seek a range of different development outcomes and building heights. However, all the DDO schedules applying to land that surrounds the Fitzroy Gardens seek to protect the gardens from overshadowing between the hours of 11am and 2pm at the September equinox.

A plan depicting the DDOs and the preferred maximum building heights around the site and generally around the Fitzroy Gardens is included as **Figure 9** overleaf, and comprise;

- Schedule 2 'Height Controls-Capital City Zone' (DDO2)
- Schedule 10 'Central City Built Form Controls' (DDO10)
- Schedule 13 'Parliament Area' (DDO13)
- Schedule 20 'Victoria Parade and Albert Street Area' (DDO21)
- Schedule 21 'Wellington Parade and Clarendon Street' (DDO21)
- Schedule 62 'Bourke Hill' (DDO62)

The DDO10 'Central City Built Form Controls' were recently introduced via Amendment C270 (Am C270). AM C270 also updated DDO62 which applies to the Bourke Hill precinct.



**Figure 9 – The existing DDOs and the preferred maximum building heights around the site and generally around the Fitzroy Gardens**



### Heritage Overlay (HO)

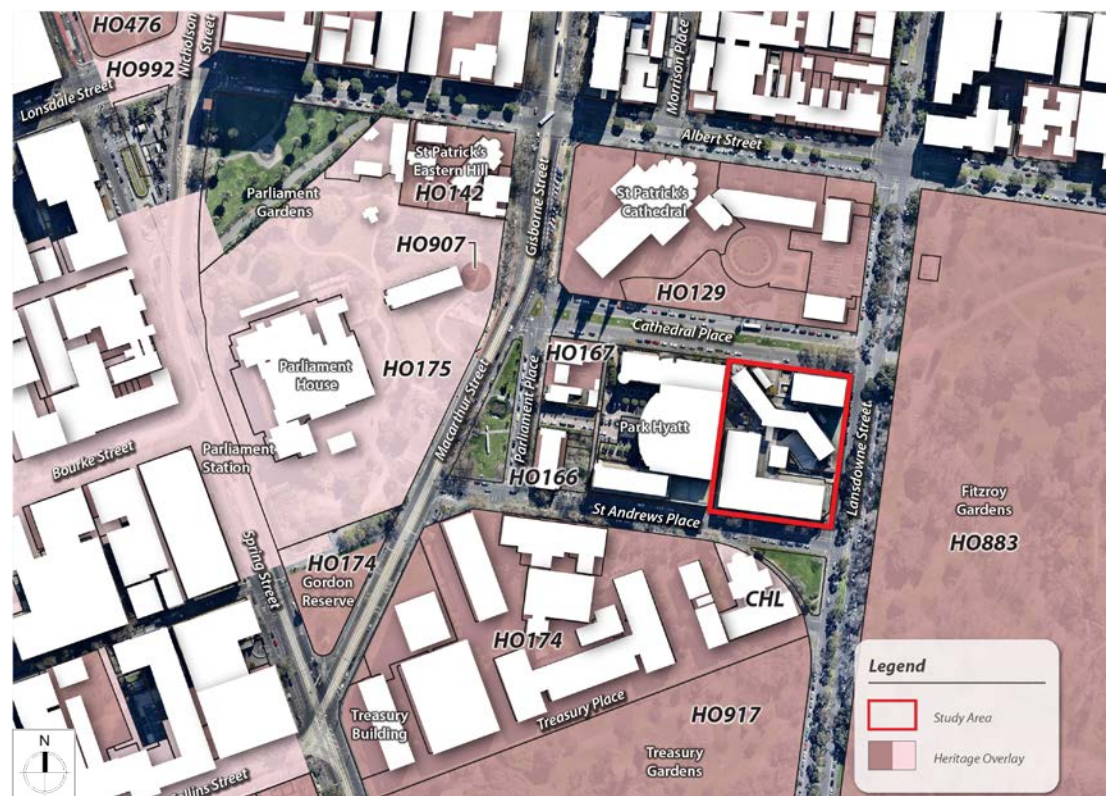
The site is not contained within a Heritage Overlay. However, HO controls apply to a number of properties in proximity to the site. These HO's are either precinct based or individual sites of identified heritage value;

These HOs are:

- Fitzroy Gardens (HO883)
- Treasury Reserve Precinct (HO174)
- Treasury Gardens (HO917)
- St Patrick's Cathedral Precinct (HO129)
- Tasma Terrace (HO166)
- Lutheran Church (HO167)
- Parliament House (HO175)

In addition, the Commonwealth offices building at 4 Treasury Place is included on the Commonwealth Heritage List (CHL).

The Heritage Overlays within the vicinity of the site are identified in **Figure 10**.



**Figure 10 – Heritage Overlay**

**The Site**

## 6 Strategic Planning Policy Framework

### 6.1 State Planning Policy Framework (SPPF)

Key themes and policies in the SPPF influencing this proposed planning scheme amendment are contained in Clauses 11 'Settlement', 15 'Built environment and heritage', 16 'Housing', 17 'Economic development' and 13 'Environmental risk'.

In deciding whether the proposed planning scheme amendment is appropriate, Clause 10.04 says that: "Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations."

State policy requires that planning contributes to; a diversity of choice, a high standard of urban design and amenity; safety, and accessibility (Clauses 15.01 & 16.01-4). It encourages opportunities for consolidation, redevelopment and intensification where appropriate. Policy supports a mix of uses and higher densities in and around principal activity centres and on "strategic redevelopment sites" which are close to services, public transport and employment opportunities (Clauses 11.01, 17.01 & 16.01-3).

At the same time, policy seeks to protect the existing amenity, maintain and protect important public and pedestrian spaces, and preserve and protect sites and features of cultural, heritage and landscape value (Clauses 11.03-2 & 15.03). It also seeks to ensure that potentially contaminated land is suitable for its intended use (Clause 13.03-1).

### 6.2 Local Planning Policy Framework (LPPF)

The City of Melbourne's LPPF establishes a clear urban structure whereby new development is directed to specified renewal areas identified as "Existing, Proposed and Potential Urban Renewal Areas" (Clause 21.04 'Settlement'). At the same time, the Planning Scheme also protects what it terms "Stable Residential Areas" such as the "sensitive" East Melbourne residential areas identified east of the Fitzroy Gardens. However, the scheme is silent in relation to the site, which is not located in either category.

The LPPF provides broad planning objectives for East Melbourne (Clause 21.16-2 'East Melbourne and Jolimont'). It acknowledges the important role of the Government facilities, medical services and Central City edge business uses and supports a range of land uses and development (Clause 21.08 'Economic development').

Clause 22.17 'Urban design outside the Capital City Zone' is a comprehensive policy which builds on state urban design policy. In relation to the site this policy seeks to:

- Achieve a high standard of design for development on large and prominent sites.
- Create an active and engaging street edge.
- Minimise amenity impacts from wind and weather.
- Ensure all visible facades provide a positive contribution to the public realm.
- Create a high quality landscaped setting.
- Ensure the height, mass and scale of development responds appropriately to the policy and site context.

The Melbourne LPPF is clear in its policy of maintaining the amenity of important public spaces, places, gardens and the Yarra River. Particular matters of interest are related to 'iconic views' and vistas, scale of development and the effects of unreasonable overshadowing.

Specifically, the Melbourne LPPF policy requirements relevant to the site are:

### **Key views and vistas**

- *Protect iconic views, including views to the: Shrine of Remembrance along Swanston Street from the State Library, Parliament House along Bourke Street, The Old Treasury Building along Collins Street.* (Clause 21.06 – 1 Urban Design Strategy 3.1)
- *Maintain the visual prominence of heritage buildings and landmarks.* (Clause 21.06 – 2 Heritage, Strategy 1.3)
- *Protect the significant landscape and cultural heritage features of the City's parks, gardens, waterways and other open spaces.* (Clause 21.06 – 2 Heritage, Strategy 1.5)
- *Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places, including the Shrine of Remembrance, Parliament House and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.* (Clause 21.06 – 2 Heritage Strategy 1.7)

### **Scale**

- *Ensure any redevelopment of the sites respects the scale of the surrounding residential area, heritage buildings and Fitzroy Gardens.* (Clause 21.16–2 'East Melbourne and Jolimont' - Built Environment and Heritage)

### **Overshadowing**

- *Ensure that development does not adversely affect Fitzroy Gardens, Treasury Gardens or Yarra Park by minimising the visual impact of buildings and overshadowing of the parks.* (Clause 21.16–2 'East Melbourne and Jolimont' - Built Environment and Heritage)
- *Development should not reduce the amenity of public spaces by casting any additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned public spaces accessible to the public.* (Clause 22.02 'Sunlight to Public Spaces' – Other Public Spaces)
- The Clause 22.02 'Sunlight to Public Spaces' policy reinforces a more rigid set of overshadowing requirements for certain sites at key dates and times which are outlined in other sections in the Melbourne Planning Scheme policies and relevant DDO's. These are:
  - “Key Public Places” (Federation Square, City Square, State Library forecourt, Yarra River Corridor, Bourke Street Mall, Shrine of Remembrance and Boyd Park. The planning scheme provisions prohibit additional shadow “*between 11.00 am and 2.00 pm from 22 March to 22 September*” ie: includes the winter solstice shadows at June 22 (DDO10).
  - “*Development should not cast additional shadow across the following spaces at key times and dates*” to the Parliament Gardens, Treasury Gardens, Parliament Steps and Forecourt and Old Treasury Steps (amongst others). The planning scheme provisions detail no additional shadow between 11am to 3pm on the 22 April to 22 September, i.e. includes the winter solstice shadow consequences, “*unless the shadow will not prejudice the amenity of the space*” <sup>3</sup>

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<sup>3</sup> Melbourne Planning Scheme DDO10 & 62



- Other sections of the Melbourne Planning Scheme policy, within a number of DDO, generally seek no additional shadow to “*Any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned public spaces accessible to the public*” in the hours between 11.00am and 2.00pm on the 22 September<sup>4</sup>.

This overshadowing requirement applies to the Fitzroy Gardens, being considered a “public park and garden”.

The effect of these shadow provisions upon the Fitzroy Gardens and the Treasury Gardens should be included in the consideration of shadow impacts in the proposed DDO for the site.

In summary, any new development for the site, while encouraged, must also have consideration for the following identified elements for this part of the East Melbourne Area:

- Protect the key view lines along the main roads to the Parliament Building, Treasury Building and St Patricks Cathedral.
- Ensure its interface to the public gardens has a scale that minimises the visual impact of buildings and particularly overshadowing (between 11.00 am and 2.00 pm on 22 September) of both the Fitzroy Gardens and Treasury Gardens.
- Respect for the low scale nature of heritage streetscapes and buildings such as the Treasury Precinct, Parliament Precinct and St Patricks Cathedral precincts.
- Ensures infill redevelopment complements the architecture, scale and character of East Melbourne.
- Be sensitively designed to maintain residential amenity.

### **6.3 Plan Melbourne 2017 -2050**

*Plan Melbourne 2017-2050 Metropolitan Planning Strategy* (DELWP 2017) underpins the State and local policy outlined in the preceding sections of this report. More particularly, this recently updated strategy acknowledges the importance of the Parkville National Employment and Innovation Cluster (NEIC) to the State in supporting technology and knowledge-based industries such as medical research, biotechnology, advanced manufacturing and pharmaceuticals.

The relocation of the Peter MacCullum Cancer Centre to the Parkville NEIC is consistent with the Plan Melbourne 2017-2050 objectives.

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<sup>4</sup> Melbourne Planning Scheme DDO2 & 10

## 7 Analysis

This section of the report will detail the analysis undertaken to determine the appropriate planning controls for the site

### 7.1 Is the current zone appropriate?

The existing PUZ3 is no longer an appropriate zone for the site as it is surplus to Government requirements and will be sold to the private sector. The site will cease to function for public use where the primary purpose is for Health and Community activities.

A review of all the zones available, Residential, Commercial and Special Purpose Zones, concluded that given the site context and that at this stage it is not known what the proposed future uses and development for the site might be, the following Special Purpose Zones were deemed not relevant for the following reasons:

- Special Use Zone - unsuitable because it is designed for a use of land for a specific purpose. At this stage the preferred use for the site has not been established.
- Comprehensive Development Zone - designed to allow more complex developments in accordance with a comprehensive development plan incorporated in the planning scheme. It is not proposed to prepare a development plan for the site.
- Priority Development Zone - This is a specialised zone designed to implement approved strategies and developments of state or regional significance at specific locations. The zone facilitates the approval and management of complex projects where agreement on the desired form of development has been reached between the responsible authority and the developer. Again the future redevelopment of the site is not known at this stage.

From the remaining Residential and Commercial Zones only 2 zones we considered to offer the flexibility of supporting a mix of uses which could include residential, hotel, office and retail, namely:

- Commercial Zone 1 (C1Z), or
- Mixed Use Zone (MUZ).

A summary of the purposes and features and a comparative analysis of these two zones is included at Appendix A. What this analysis concluded is that the application of the MUZ is considered a preferable zoning outcome for the following reasons:

- Land to the immediate west of the former Peter MacCallum Cancer Centre is zoned MUZ. The application of the MUZ to the site means that the block bounded by Lansdowne Street, St Andrews Place, Parliament Place and Cathedral Place is wholly contained in a single zone rather than be subject to a fractured statutory planning management tool.
- The MUZ table of uses envisages a wider range of 'as of right' and 'permit required' uses that reflects the existing variety of uses within the block bounded by Lansdowne Street, St Andrews Place, Parliament Place and Cathedral Place.
- The MUZ, which is a 'residential zone' will serve to protect the residential amenity of the neighbouring sites and any future residents on the site.

It is considered that the application of a C1Z to the site is less appropriate because the Victoria Parade commercial corridor and the Capital City Zone to the west of the site already provide a focus for private sector investment in commercial development including office uses. Whilst there are offices within the immediate precinct surrounding the site these uses are primarily for a public purpose.

The introduction of the C1Z in the context of the abutting zones would effectively be a 'spot zoning' whereas the application of a MUZ serves to 'integrate' the site with the immediate surrounds.

## **7.2 Are the current overlays appropriate?**

### **7.2.1 Is the current DDO13 appropriate?**

The DDO13 control which applies to the site was initially implemented as a consequence of Amendment 151 to the former Melbourne Metropolitan Planning Scheme gazetted in 1981. The building height control was subsequently incorporated into the new format Melbourne Planning Scheme as a statutory neutral translation. The urban design rationale underpinning DDO13 has not been reviewed since that time and much has changed over the ensuing 35 years, including:

- The demolition of much of the former St Andrews Hospital buildings and the construction of the now former Peter MacCallum Cancer Centre in the 1970's through to the 1990's; and
- The development of the Park Hyatt Hotel in the late 1990's.

A number of buildings on the site as well as the main Park Hyatt building significantly exceed the DDO13 preferred maximum building height of 15m or 4-5 storeys. In this context, the relevance of retaining the preferred 15m building height in any new built form control for the site is questionable.

From the analyses by the consultants to this review it is clear that there is scope for new development on the site to be higher than 15m.

In addition, the exiting DDO13 provides limited guidance in relation to other built form considerations, such as street wall and upper level setbacks for such a large site in this prominent location.

In reviewing the DDO13 Area 23 provisions, as well as those DDO's that apply to land surrounding the Fitzroy Gardens, the one consistent test utilised to ensure an acceptable built form outcome is that *"the amenity of the Fitzroy Gardens [should be] protected from additional overshadowing between 11am and 2pm on 22 March and 22 September"*.

What the analysis of the DDO13 concluded is that the application of a new site specific built form overlay is considered appropriate in order to provide for an increase in height, but also provide clear built form conditions for any redevelopment of the site. It was also considered important that the same shadow outcome for the Fitzroy Gardens expressed in the existing DDO and other Melbourne planning policy is utilised in the proposed built form controls for the site.

### **7.2.2 What is the appropriate built form overlay for the site?**

There are 3 built form overlays available within the planning policy framework to guide the future development of the site:

- Design and Development Overlay (DDO)
- Development Plan Overlay (DPO)
- Incorporated Plan Overlay (IPO)

A summary and analysis of the 3 built form overlays are provided at Appendix D.

The comparative analysis of the 3 overlays revealed that the appropriate statutory tool available in the Victorian Planning Provisions was a DDO. Rather than pre-empt what a prospective purchaser may want to achieve on this site, the beneficial attribute of a DDO was that it allowed the following:



- A preferred built form 3D envelope to be described with performance outcomes based on mandatory and discretionary provisions. This provides some built form certainty for the site without unreasonably restricting its development potential.
- Does not exempt the development proposal from review. This allows for the community to have a say about the future development of the site.

The application of an IPO was discounted because the requirement for the development plan to be incorporated into the planning scheme means it would require an amendment to the Scheme every time changes were proposed.

This planning tool was seen as too prescriptive given the unknown future development of the site.

Early consideration was given to the potential of applying a Development Plan Overlay (DPO) to the site because the DPO schedule can detail similar built form outcomes for the site to that of a DDO. However, because the future use and development of the site is not known at this stage, a Development Plan could fetter design flexibility for the site. The proposed use and development and approval of the Development Plan prepared by the future developer of the site would be assessed by the Responsible Authority. A DPO removes the review rights of others in relation to any future proposed development plan. It was considered unreasonable in this instance to remove the right for review, given the site's importance and sensitive interfaces.

It is for these reasons that a DDO was elected as the most appropriate built form overlay control.

The proposed DDO overlay for the site is discussed at Section 8.2.1 of this report.

### **7.2.3 Is the current Parking Overlay appropriate?**

The retention of the existing Parking Overlay Schedule 12 (PO12) is supported and considered appropriate by the Traffic Engineering Assessment prepared by Traffix Group, see Section 4 p.16. Moreover, PO12 will not be affected by the proposed planning scheme amendment.

### **7.2.4 What other overlays may need to be applied to the site?**

#### **Is a Heritage Overlay necessary?**

The *Heritage Context Report* August 2016 prepared by Lovell Chen for the site concluded that:

- The site is not subject to any heritage controls nor is a site specific heritage overlay required given the non-contributory nature of the buildings on the subject site.
- There are sensitivities to the surrounding individually heritage listed sites, and so any future redevelopment should respond to the scale of existing built form, particularly on Lansdowne Street and St Andrews Place.
- The demolition of buildings and redevelopment of the site is acceptable.
- The appropriate built form response recommended for any future redevelopment of the site;
  - Comprise of a podium element of a lower height with taller built form set back from the street.
  - Provide a setback of 8-10 metres on St Andrews Place and Cathedral Place and 5 metres from Lansdowne Street.
- A taller built form could be accommodated towards the centre of the site

Therefore a heritage overlay is not proposed for the site.

### **Is an Environmental Audit Overlay necessary?**

The former use of the site as a hospital included the use and storage of radiation materials, chemicals and liquid fuel. These uses suggest that there is the potential for the site to be contaminated.

Ministerial Direction No.1 Potentially Contaminated Land<sup>5</sup> requires that *“In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use”*

A *Preliminary Environmental Site Assessment*, dated 10 May 2016, was prepared by Compass Environmental Pty Ltd. This report concluded that the site has the potential to be contaminated and further testing is required to determine the level of contamination. The site is currently undergoing further testing.

Ministerial Direction No.1 provides for this testing to be deferred *“If testing of land before a notice or copy of the amendment is given is difficult or inappropriate, a planning authority may alternatively require a certificate or an auditor’s statement at a later date. Under this option, the requirement for a certificate or statement to be issued before a sensitive use commences or buildings or works associated with a sensitive use commences must be included in the amendment.”*

Applying an Environmental Audit Overlay (EAO) to the site will ensure that appropriate investigations are undertaken consistent with the proposed end use.

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<sup>5</sup> Clause 13.03-1 Use of contaminated and potentially contaminated land seeks to ensure that land which could be potentially contaminated is suitable for its intended future use and development, it is here where the Ministerial Direction 1 No. Potentially Contaminated Land is referenced as a policy guideline which must be considered.

## 8 Recommendations

### 8.1 Proposed Planning Scheme Amendment

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

- Rezoned to MUZ from PUZ3
- Remove the existing DDO13
- Apply a new DDO
- Apply a new EAO

This is detailed in the following sections.

### 8.2 Proposed Zone

It is recommended that the land be rezoned from PUZ3 to MUZ.

There is capacity for built form control to be achieved by utilising the schedule to the MUZ to specify a maximum height. However it is considered that this is unnecessary and that a DDO provides a better way to manage the “design and built form”, including height, of new development and in this instance is the preferable Victorian Planning Provision tool.

The proposed MUZ map is included at **Appendix C**.

### 8.3 Proposed Overlays

#### 8.3.1 Proposed Design and Development Overlay (DDO)

The proposed DDO schedule for the site is included at **Appendix D**.

The proposed DDO map is included at **Appendix E**.

The analysis and justification for the form and detail of the proposed DDO control is contained in the following reports;

- *Redevelopment Controls for the Former Peter MacCallum Cancer Centre* by Message Consultants Australia Pty Ltd February 2017
- *Heritage Context Report* by Lovell Chen – Heritage Consultants August 2016
- *Yield and Development Potential Report* by Tessellate Architects February 2017

The Practice Note 59 regarding the *Role of Mandatory Provisions in Planning Schemes*, June 2015 describes the circumstances and criteria to be applied in justifying mandatory rather than discretionary provisions. It is considered that a mix of mandatory and discretionary provisions is strategically justified in these particular circumstances.

*Redevelopment Controls for the Former Peter MacCallum Cancer Centre* prepared by Message Consultants Australia Pty Ltd, dated February 2017 details the analysis undertaken for the site, along with the Heritage advice discussed previously, and other consultant advice which ultimately lead to the development of a set of design principles for the site which then informed the proposed DDO.

In formulating the built form controls, the approach adopted specifies:

- A mandatory maximum overall building height.
- Discretionary street wall height in Cathedral and St Andrews Place.
- Mandatory street wall height on Lansdowne Street.

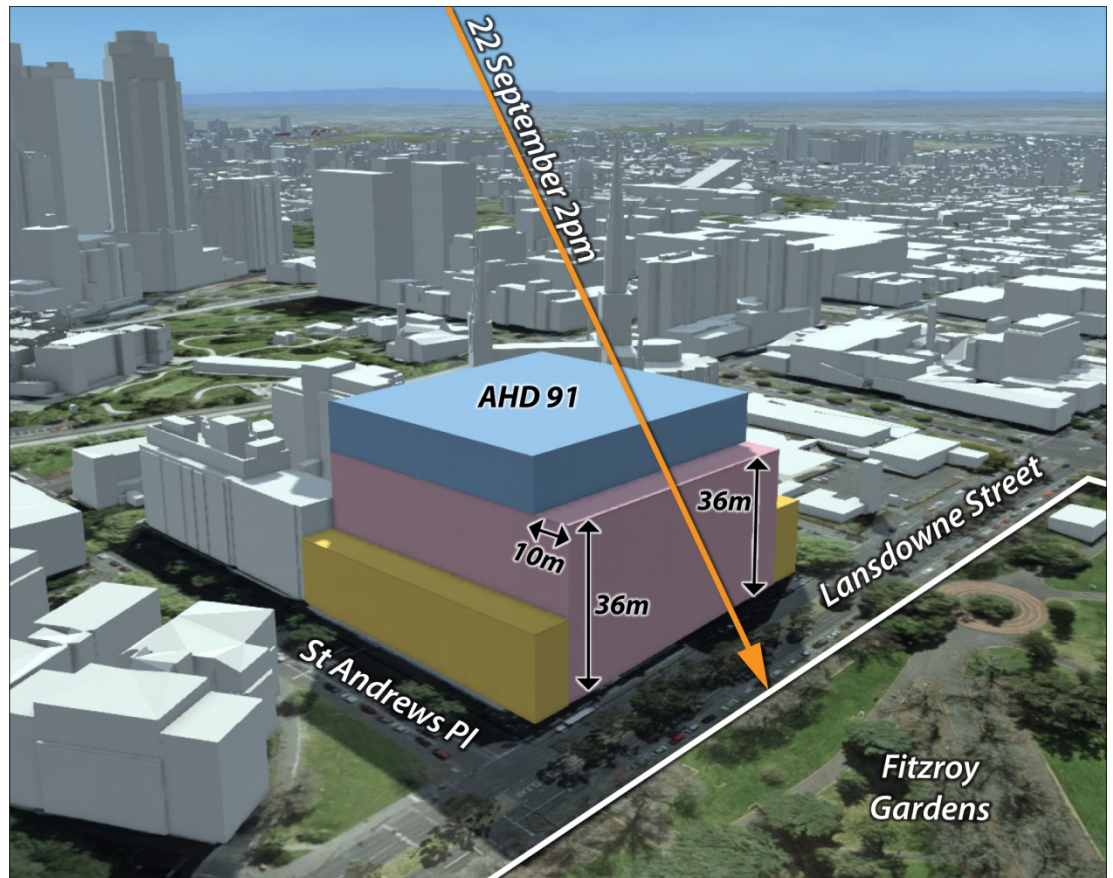


- Discretionary building setbacks above street wall heights.
- Gross floor area (GFA) limitation.

Specific design outcomes are established for the discretionary provisions.

The key built form elements of the proposed DDO are visually represented at Figure 8.1 and are outlined overleaf in relation to the mandatory and discretionary provisions with a reference to the relevant section of the analysis from the Message Consultants 2017 *Redevelopment Controls for the Former Peter MacCallum Cancer Centre* report.

The indicative DDO massing diagram is illustrated at **Figure 11** and in the proposed DDO.



**Figure 11 – Proposed Built form massing diagram, extracted from Figure 20 in the Redevelopment Controls for the Former Peter MacCallum Cancer Centre report**

## Mandatory provisions

Maximum building height: A mandatory maximum height for the site of AHD 91 which is 55m above the highest point of natural ground level at AHD36.15 (north west corner of site) see views and vistas analysis at Section 4.2.

The height of any development on the site is also limited by ensuring new structure does not sit above the roof ridge of St Patrick's Cathedral from a sightline at the junction of Albert and Gisborne Street.

This height is further moderated by the prohibition of additional overshadowing to the Fitzroy Gardens at the 22 September Equinox between the hours of 11am and 2pm (see shadow analysis at Section 4.4).

- Street wall: Up to a 36m (8-10 storey) street wall to Lansdowne Street. This height is limited by prohibiting additional shadowing to the park at the 22 September Equinox between the hours of 11am and 2pm (see shadow analysis at Section 4.3).
- Gross Floor Area (GFA) maximum of 73,000sqm to limit the development density on the site. The 73,000sqm equates to a site plot ratio of approximately 9:1 (see discussion on floor area yield for the site at Section 5).
- No subdivision of the site where the subdivision results in any portion of land exceeding the site plot ratio 9:1.

## Discretionary

- Street wall: A Street wall maximum height of 20m (5-6 storeys) to Cathedral Place and St Andrews Place responds to the existing street wall height context and is of a scale that is respectful of surrounding heritage sites (see streetscape analysis at Section 4.4).
- Setback above the street wall:  
A 10m setback above the street wall to Cathedral Place and St Andrews Place.  
A 10m setback above the street wall to Lansdowne Street.  
The setbacks above the street wall are designed to create a distinction between the street wall and the taller built form that may be located centrally within the site (see streetscape analysis at Section 4.4).
- Encourage vehicle entry from St Andrews Place in order to support the future facilitation of a proposed green pedestrian link along Cathedral Place<sup>6</sup> from the Parliament Gardens to Fitzroy Gardens (see connections at Section 4.5).
- A series of design outcomes sought for the site in relation to architectural quality, heritage context, open space, active frontages, building separation, building articulation, landscaping, vehicular access and car parking (see Section 6).

It is considered that the proposed DDO will provide sufficient design flexibility to support an exemplar design response for the site, and ensure a respectful response to the surrounding site and heritage context.

## 8.3.2 Environmental Audit overlay EAO

It is recommended that an Environmental Audit Overlay (EAO) placed over the site.

A copy of the proposed EAO map is included at **Appendix F**.

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<sup>6</sup> This proposed link does not form part of the proposed planning scheme amendment, but has emerged from the site context analysis, and has been identified as a future green link that the City of Melbourne is interested in pursuing.

## 9 Conclusion

The Peter MacCallum site displays a series of excellent locational attributes at the eastern edge of the Melbourne CAD. Its interface to significant historic buildings and the Fitzroy and Treasury Gardens, along with its access to fixed rail and trams and a range of services and facilities means that the site is ideally located for redevelopment to a range of uses.

Based on the review and analysis of the existing planning controls and policies applying to the site and locality it is recommended that a planning scheme amendment include:

- Rezoning the site to a Mixed Use Zone (MUZ)
- Applying a site specific Design and Development Overlay (DDO)
- Applying an Environmental Audit Overlay (EAO)

### Message Consultants

April 2017



## Appendix A: comparative analysis of the C1Z and MUZ

Element	C1Z	MUZ	Comment
<b>Purpose of the zone</b>	<p>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>To provide for residential uses at densities complementary to the role and scale of the commercial centre.</p>	<p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p>	<p>Both zones allow for a mix of uses.</p> <p>The site is not located in a commercial centre.</p> <p>Though it is near the CCZ it is not an area which is identified in the SPPF or LPPF as a commercial centre. However the land surrounding the site does support a range of mixed uses.</p> <p>Both zones support increased residential densities.</p> <p>The MUZ specifically encourages development that responds to the existing character of the area, a principal aspiration for this site</p>
<b>Likely application of the zone</b>	<p>In mixed use commercial centres for retail, office, business, residential, entertainment and community uses.</p> <p>It allows a wide range of commercial and accommodation activities without a permit, including a supermarket or shop.</p>	<p>In areas with;</p> <ul style="list-style-type: none"> <li>A mix of residential and non-residential development;</li> <li>In local neighbourhood centres undergoing renewal; and</li> <li>Around train stations.</li> </ul> <p>This zone provides for a range of residential, commercial, industrial and other uses and is suitable for areas with a mixed use character.</p>	<p>The C1Z is applied to support commercial uses with the residential amenity expectations being 'lower' in this zone than would be expected in the MUZ. The proposed residential uses should not unreasonably impact on the commercial uses and function.</p> <p>The MUZ offers increased residential densities but requires new development to maintain an appropriate level of residential amenity, which is not unreasonably impacted by the proposed commercial uses.</p>
<b>Key features of the zone</b>	<p>Removes the permit requirements for;</p> <ul style="list-style-type: none"> <li>all accommodation uses (other than a corrective institution) subject to satisfying a 2 metre frontage condition.</li> <li>All retail uses (except for adult sex bookshop)</li> <li>An education centre.</li> <li>An exhibition centre</li> </ul> <p>Allows limitations to be placed by councils in rural and regional Victoria on the combined leasable floor area for office and shop in a schedule to the zone</p> <p>Requires a permit for buildings and works and subdivision applications.</p> <p><b>Supermarkets:</b> allowing a supermarket in the Commercial 1 Zone without a permit</p> <p><b>Shops and offices:</b> removing restrictions on floor space caps in most instances in commercial zones</p> <p>allowing floor space caps to be specified in rural and regional</p>	<ul style="list-style-type: none"> <li>Allows local objectives, application requirements and decision guidelines to be specified.</li> <li>Retains third party notice, objection and review rights for section 2 use and buildings and works applications unless exempted by a council.</li> <li>Retains the planning permit threshold to construct or extend one dwelling on a lot of 300 square metres (N/A in this case)</li> <li>Retains a discretionary height limit of nine metres (unless a maximum building height is specified in a schedule to the zone). The preferred height can be 'superceded' by a height specification outlined in a development overlay or other policy.</li> <li>Allows a local maximum building height to be specified that cannot be exceeded via the schedule.</li> <li>Allows key residential siting and design requirements to be varied for different neighbourhoods. This is only relevant in the context of ResCode/Clause 55 when applied to being of up to 4 storeys.</li> <li>Removes or reduces restrictions on non residential land uses such as a place of worship, medical centre and convenience shop.</li> </ul>	<p>In the zone application of either zone, the schedule can specify limitations.</p> <p>However given that a new development overlay is to be applied to the site a schedule to modify the built form or limit office floor space to the zone is unlikely to be necessary.</p>

	Victoria in the schedule to the Commercial 1 Zone protect sensitive uses by including a 30 metre buffer from industry and warehouses that do not require a permit.	<ul style="list-style-type: none"> <li>Additional amenity requirements for buildings on lots abutting land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone or Township Zone.</li> <li>Removes the floorspace area restrictions from the schedule to the zone for office, shop and trade supplies.</li> </ul>	
<b>What is the role of the zone?</b>	Promotes vibrant, mixed use commercial centres for retail, office, business, entertainment and community uses, as well as residential uses at densities complementary to the role and scale of the commercial centre.	<p>Enables new housing and jobs growth in mixed use areas.</p> <p>Enables a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality, Providing housing at higher densities which responds to the existing or preferred character of an area.</p>	Both zones support a mix of uses The MUZ supports the consideration of the preferred or existing character of the area more than the C1Z
<b>Where will it be used?</b>	In areas where commercial uses are supported/ appropriate.	<p>In areas with a mix of residential and non-residential development.</p> <p>In local neighbourhood centres undergoing renewal and around train stations, where appropriate.</p>	The subject site is surrounded by a range of mixed uses- but these uses are not highly commercial with some offices and limited food services and no retail. The surrounding uses are mainly institutional, secular and residential and are best served to have their amenity and aesthetic considerations protected. This is best achieved from the application of the MUZ.
<b>Does rescode apply?</b>	No	Yes (up to and including 4 storeys)	In relation to this site many of the ResCode/Clause 55 provisions are not applicable or relevant and are generally addressed in the Guidelines for Higher Density Residential Development
<b>What sort of housing can be expected?</b>	High and medium density housing above the ground level	High and medium density housing A mixture of townhouses and apartment style housing up to three storeys, and higher where appropriate.	Both support higher density development.
<b>Does the zone set a maximum building height for housing?</b>	No	No But a maximum building height can be specified.	Neither zones set a maximum height. The proposed DDO will establish the preferred height for the site
<b>Can a permit be granted to exceed the maximum building height?</b>	N/A	Yes When approved by a council.	
<b>Is a structure plan or design framework required for the zone to be applied?</b>	No	No The preferred future use of land and built form may be specified if necessary.	Both zones can be applied without the need for a Structure plan or other framework.
<b>Reference</b>	<a href="https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reformed-zones-for-victoria/reformed-residential-zones">https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reformed-zones-for-victoria/reformed-residential-zones</a>  Using Victoria's Planning System, 6 May 2015, 1.8.12 Summary of the zones	<a href="https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reformed-zones-for-victoria/reformed-residential-zones">https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reformed-zones-for-victoria/reformed-residential-zones</a>  Using Victoria's Planning System, 6 May 2015, 1.8.12 Summary of the zones  Practice note 78: Applying the residential zones, July 2013	

## Appendix B: Comparative analysis of the 3 built form overlays

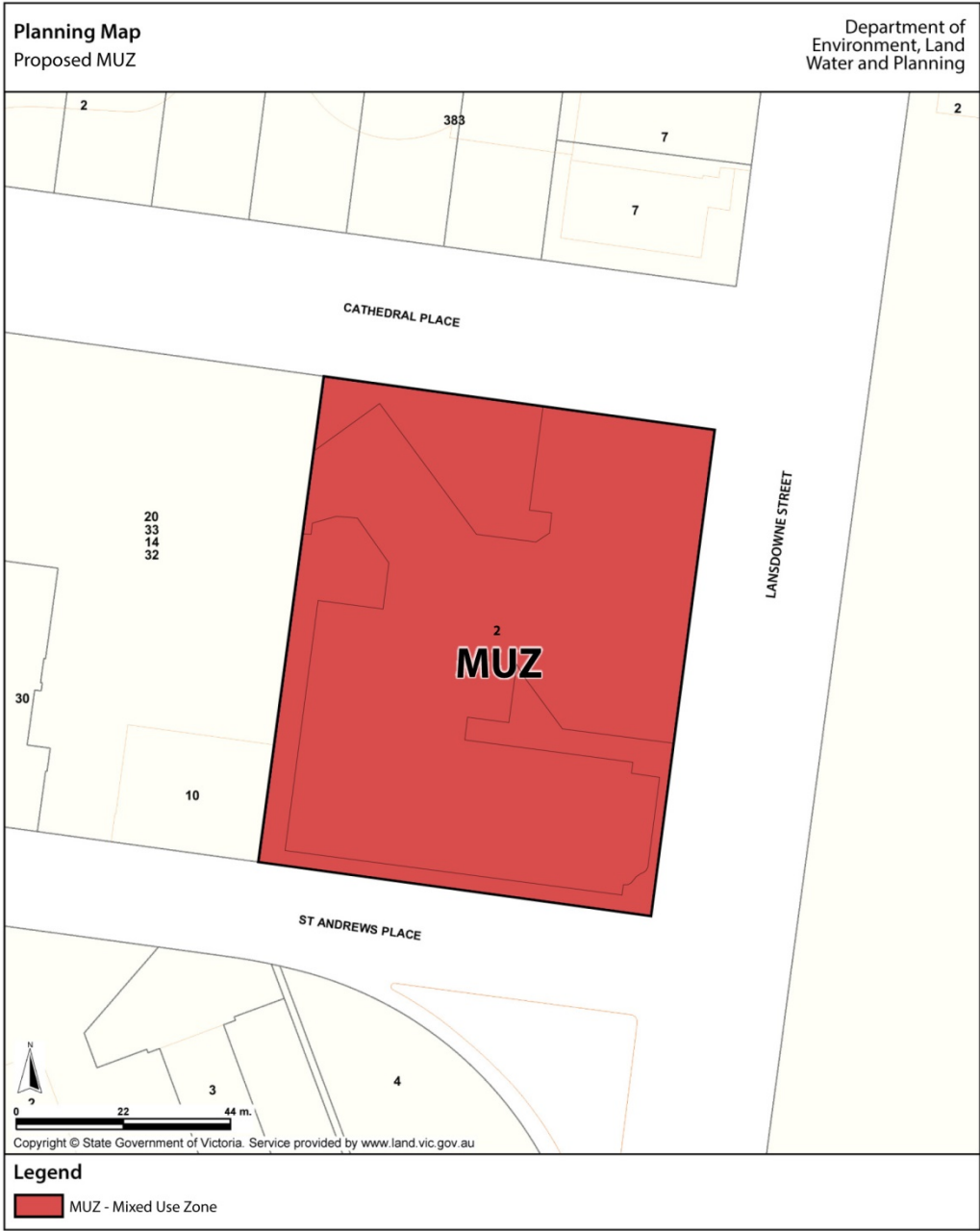
Element	DDO (Clause 43.02)	DPO (Clause 43.04)	IPO (Clause 43.03)
<b>PARENT CONTROL</b>			
<b>Purpose</b>	To identify areas which are affected by specific requirements relating to the design and built form of new development.	<i>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</i> <i>To exempt an application from notice and review if it is generally in accordance with a development plan.</i>	<i>To identify areas which require:</i> <ul style="list-style-type: none"> <li><i>The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.</i></li> <li><i>A planning scheme amendment before the incorporated plan can be changed.</i></li> </ul> <i>To exempt an application from notice and review if it is generally in accordance with an incorporated plan.</i>
<b>Design objectives</b>	A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.	N/A	N/A
<b>Permit requirements</b>	<p><b>Building and works</b></p> <p>A permit is required to:</p> <ul style="list-style-type: none"> <li>Construct a building or construct or carry out works. This does not apply: <ul style="list-style-type: none"> <li>-If a schedule to this overlay specifically states that a permit is not required.</li> <li>-To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.</li> </ul> </li> <li>Construct a fence if specified in a schedule to this overlay.</li> </ul> <p>Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:</p> <ul style="list-style-type: none"> <li>Building setbacks.</li> <li>Building height.</li> <li>Plot ratio.</li> <li>Landscaping.</li> <li>Any other requirements relating to the design or built form of new development.</li> </ul> <p>A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.</p> <p><b>Subdivision</b></p> <p>A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay. A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.</p>	<p>A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>A permit granted must:</p> <ul style="list-style-type: none"> <li>Be generally in accordance with the development plan.</li> <li>Include any conditions or requirements specified in a schedule to this overlay.</li> </ul>	<p>A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme. This does not apply if a schedule to this overlay specifically states that a permit may be granted before an incorporated plan has been incorporated into this scheme.</p> <p>A permit granted must:</p> <ul style="list-style-type: none"> <li>Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.</li> <li>Include any conditions or requirements specified in a schedule to this overlay.</li> </ul>
<b>Exemption from notice and review</b>	No - unless specified in the schedule	Yes – if in accordance with the development plan	Yes- if generally in accordance with the incorporated plan



Element	DDO (Clause 43.02)	DPO (Clause 43.04)	IPO (Clause 43.03)
<b>Decision guidelines</b>	<p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> <li>▪ The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>▪ The design objectives of the relevant schedule to this overlay.</li> <li>▪ The provisions of any relevant policies and urban design guidelines.</li> <li>▪ Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>▪ Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.</li> <li>▪ Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>▪ The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking</li> <li>▪ Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.</li> <li>▪ Any other matters specified in a schedule to this overlay.</li> </ul>	N/A included in the Schedule	<p>Before deciding on an application under any provision of this scheme which is not generally in accordance with the incorporated plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>▪ The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>▪ The incorporated plan.</li> <li>▪ Any other matters specified in a schedule to this overlay.</li> </ul>
<b>Preparation of plan</b>	N/A	<p>The development plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.</p> <p>An development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.</p> <p>The development plan must describe:</p> <ul style="list-style-type: none"> <li>▪ The land to which the plan applies.</li> <li>▪ The proposed use and development of each part of the land.</li> <li>▪ Any other requirements specified for the plan in a schedule to this overlay.</li> </ul>	<p>The incorporated plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.</p> <p>An incorporated plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.</p> <p>The incorporated plan must describe:</p> <ul style="list-style-type: none"> <li>▪ The land to which the plan applies.</li> <li>▪ The proposed use and development of each part of the land.</li> <li>▪ Any other requirements specified for the plan in a schedule to this overlay.</li> </ul>

Element	DDO (Clause 43.02)	DPO (Clause 43.04)	IPO (Clause 43.03)
<b>SCHEDULE</b>			
<b>Likely application of the overlay</b>	<p>This overlay is principally intended to implement requirements based on a demonstrated need to control built form and the built environment.</p> <p>The intended built form outcome must be clearly stated, as must the way in which the imposed requirements will bring this about.</p> <p>Where possible, performance-based requirements should be used rather than prescriptive requirements.</p>	<p>This overlay is used where the form of development is appropriately controlled by a plan that satisfies the responsible authority as there is no public approval process for the plan.</p> <p>A planning scheme amendment is not required to amend a plan established by a Development Plan Overlay.</p>	<p>This overlay is used to:</p> <ul style="list-style-type: none"> <li>▪ prescribe a plan for an area to coordinate proposed use or development before a permit can be granted under the zone</li> <li>▪ exempt from notice and review any permit applications that are in conformity with the plan.</li> </ul> <p>A plan established by the Incorporated Plan Overlay is incorporated in the planning scheme. It can only be introduced or changed by a planning scheme amendment and will normally be publicly exhibited as part of that process, making it appropriate where a plan is likely to affect third-party interests.</p>
<b>Benefits and limitation of this control for the site</b>	<p>Provided some built form certainty for the site without the finalisation of a use and development for the site</p> <p>Allow for a flexible design response.</p> <p>Allows for the community to contribute to the preferred development for the site .</p>	<p>Can have similar built form control mechanisms as the DDO.</p> <p>Requires a development plan to be prepared</p> <p>Removes the right for appeal once a development plan has been established.</p> <p>At this stage the proposed development for the site is not known. The application of this overlay removes the ability of the community to respond to the future development of this site.</p> <p>At this stage the introduction of this overlay will only be guided with a broad building envelope, which the community will be responding too.</p> <p>The future development of the site and preparation of the development plans will be exempt for review.</p> <p>For this site - with its sensitive and historical and residential interfaces and local insignificance – the community should have the right for review.</p>	<p>Similar to the DPO but the plan will be incorporated into the scheme and any changes would require a planning scheme amendment to change.</p> <p>This Overlay does not provide enough flexibility for the future use of the site, which at this stage is unknown.</p>

# Appendix C: Proposed MUZ Map



# Appendix D: Proposed DDO Schedule

## MELBOURNE PLANNING SCHEME

—/—/20—  
C—

### SCHEDULE [NUMBER] TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO[number].

#### FORMER PETER MacCALLUM CANCER CENTRE SITE

1.0  
—/—/20—  
C—

#### Design objectives

- To achieve a site responsive, well-designed and high quality architectural and urban design outcome for the former Peter MacCallum Cancer Centre site.
- To manage the visual impact of new building mass, height and bulk in a manner that is respectful of the site context including the public realm, Fitzroy Gardens, St Patrick's Cathedral Precinct, Parliament House and Treasury Reserve Precinct.
- To maintain the heritage significance, values, character and visual prominence of the adjacent buildings and places including Parliament House and St Patrick's Cathedral.
- To encourage a visually engaging pedestrian experience around the site and where relevant within the site.
- To maintain sunlight access and avoid overshadowing to adjoining properties including Fitzroy Gardens and Treasury Reserve Precinct.
- To provide a high level of internal amenity for building occupants.

2.0  
—/—/20—  
C—

#### Buildings and works

A permit is required to construct a building or construct or carry out works.

##### Height

A permit must not be granted for buildings and works which exceed the Maximum Building Height set down in Table 1 with the exception of;

- architectural features, building services and landscaping, but only provided they cannot be seen; above Parliament House when viewed from Bourke Street, above St Patrick's Cathedral when viewed from the north west corner of the junction of Albert and Gisborne Streets, and above Old Treasury Building when viewed from Collins Street in accordance with the sightline viewpoints identified in Figure 2.

Buildings and works must achieve the Built Form Outcomes provided in Table 1.

##### Street Walls

A permit must not be granted for buildings or works on land with a frontage to Lansdowne Street which exceed the Maximum Street Wall Height and Minimum Upper Level Setback.

A permit may be granted for buildings or works on land with a frontage to Cathedral Place and St Andrews Place which exceed the Maximum Street Wall Height or the Minimum Upper Level Setback if the proposal achieves the Design Objectives, Built Form Outcomes and Design Requirements.

The height of buildings or works is the height measured above natural ground level at the point of the building or works to the highest point of the building.

A permit may be granted to replace a building or works existing at the approval date of the planning scheme amendment which introduces this schedule into the Planning Scheme.

All buildings and works must achieve the Built Form Outcomes provided in Table 2.



### Floor Area Ratio

A permit must not be granted to construct a building or construct or carry out works with a floor area ratio in excess of 9:1 for the whole of the land subject to this Schedule.

The floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

### Building Design

Buildings and works should respond to the Design Features and Design Outcomes identified in Table 3.

Table 1 to Schedule (Number)

MAXIMUM BUILDING HEIGHT	BUILT FORM OUTCOMES
AHD 91	<p>Development that:</p> <ul style="list-style-type: none"> <li>protects views of the skylines immediately above the building profiles of Parliament House when viewed from Bourke Street, St Patrick's Cathedral when viewed from the north west corner of the junction of Albert and Gisborne Streets and Old Treasury Building when viewed from Collins Street in accordance with the sightline viewpoints identified in Figure 2.</li> <li>maintains sunlight access and does not overshadow adjoining properties, including Fitzroy Gardens between 11am and 2pm on 22 September.</li> <li>respects and creates an environment with high quality pedestrian amenity.</li> </ul>

Table 2 to Schedule (Number)

STREET	MAXIMUM STREET WALL HEIGHT	MINIMUM UPPER LEVEL SETBACK	BUILT FORM OUTCOMES
Cathedral Place	20m	10 metres with the exception of 10% of the street wall length	<p>Development that:</p> <ul style="list-style-type: none"> <li>protects the existing street wall character in Cathedral Place and St Andrews Place;</li> <li>establishes a consistent and visually engaging street wall;</li> <li>recesses upper levels of the building behind a street wall;</li> <li>encourages articulation in the design of upper levels.</li> </ul>
St Andrews Place			
Lansdowne Street	36m		<p>Development that:</p> <ul style="list-style-type: none"> <li>protects Fitzroy Gardens from additional shadow between 11am and 2pm on 22 September;</li> <li>recesses upper levels of the building behind a street wall.</li> </ul>

Table 3 to Schedule (Number)

DESIGN FEATURE	DESIGN OUTCOMES
Architectural quality	<ul style="list-style-type: none"> <li>A well designed architectural and urban design outcome for the site.</li> <li>The use of high quality, durable and interesting building materials.</li> </ul>
Open space	<ul style="list-style-type: none"> <li>The provision of generous and high quality communal open space(s) at the site.</li> </ul>
Active frontages	<ul style="list-style-type: none"> <li>An engaging and active ground level interface is provided around the perimeter of the site.</li> <li>To encourage a mix of land uses at the site.</li> </ul>
Building separation	<ul style="list-style-type: none"> <li>Adequate building separation between structures on the site to ensure acceptable amenity consequences for future occupants.</li> <li>Respect the amenity and future development potential of adjacent sites to allow for their equitable development.</li> </ul>
Building articulation	<ul style="list-style-type: none"> <li>Articulation of the building's exterior through a variety of design techniques including, for example, stepped and / or separate forms, architectural features, materiality, fenestration and other openings and landscaping.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>Integrate landscaping within the design.</li> </ul>
Vehicular access	<ul style="list-style-type: none"> <li>Limit vehicular access points to the site.</li> <li>Avoid vehicular access in Cathedral Place to protect the potential for this road to become an open space link in the future.</li> </ul>
Car Parking	<ul style="list-style-type: none"> <li>Minimise the visibility of car parking and car parking entrances from the public realm.</li> <li>Discourage the provision of above ground car parking.</li> </ul>

**3.0**-f-20-  
C-**Application requirements**

An application for permit for buildings and works must be accompanied by:

- A site analysis and urban context report which demonstrates how the proposed building or work achieves each of the Design Objectives, Built Form Outcomes and Design Outcomes of this schedule.
- A 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority for assessing overshadowing and visual impacts caused by the proposal.

**4.0**-f-20-  
C-**Subdivision**

A permit cannot be granted to subdivide land which contains buildings which exceed the floor area ratio of 9:1 for the whole of the land subject of this Schedule as per the floor area calculation detailed in Section 2.0.

## 5.0 Decision Guidelines

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C—

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate,

- The Design Objectives in Section 1.0,
- Whether the development complies with the maximum height and floor area ratio.
- The Built Form Outcomes in Tables 1 and 2
- The Design Requirements in Table 3

## 6.0 Reference Document

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C—

*Redevelopment Controls for the Former Peter MacCallum Cancer Centre prepared by Message Consultants (February 2017)*

Figure 1: Height and setback requirements

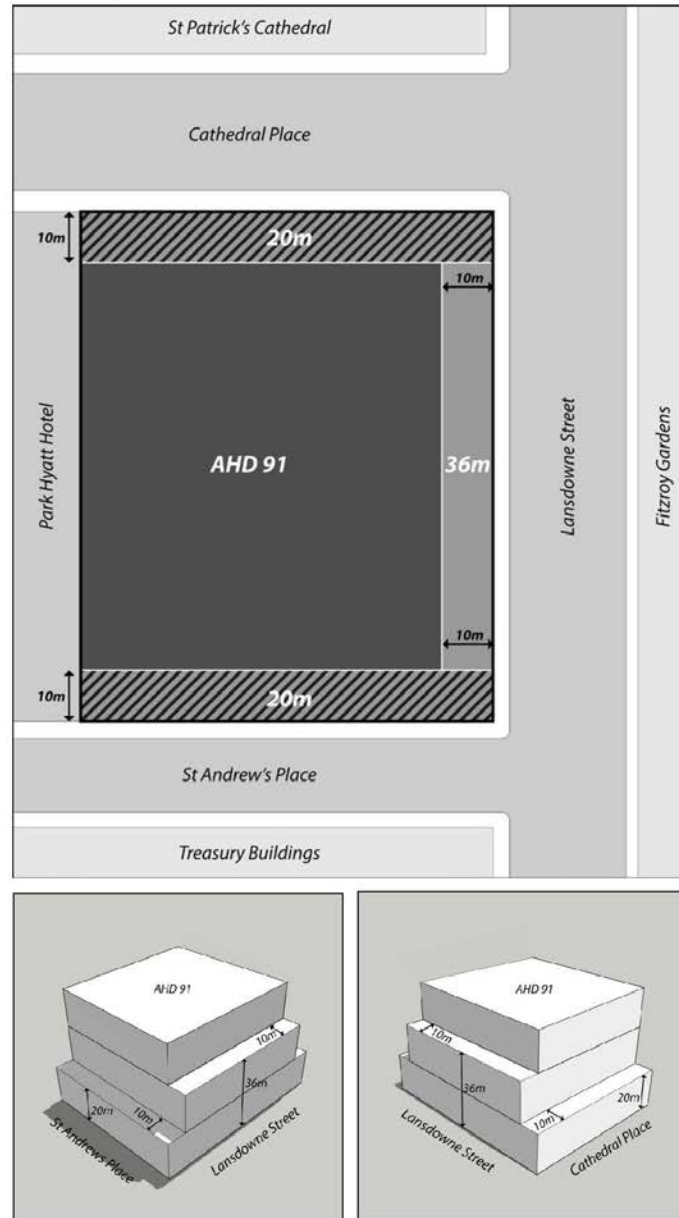
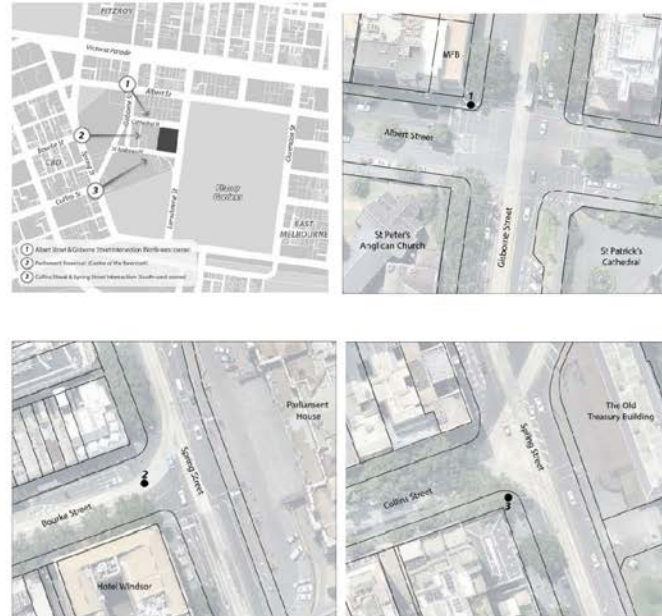
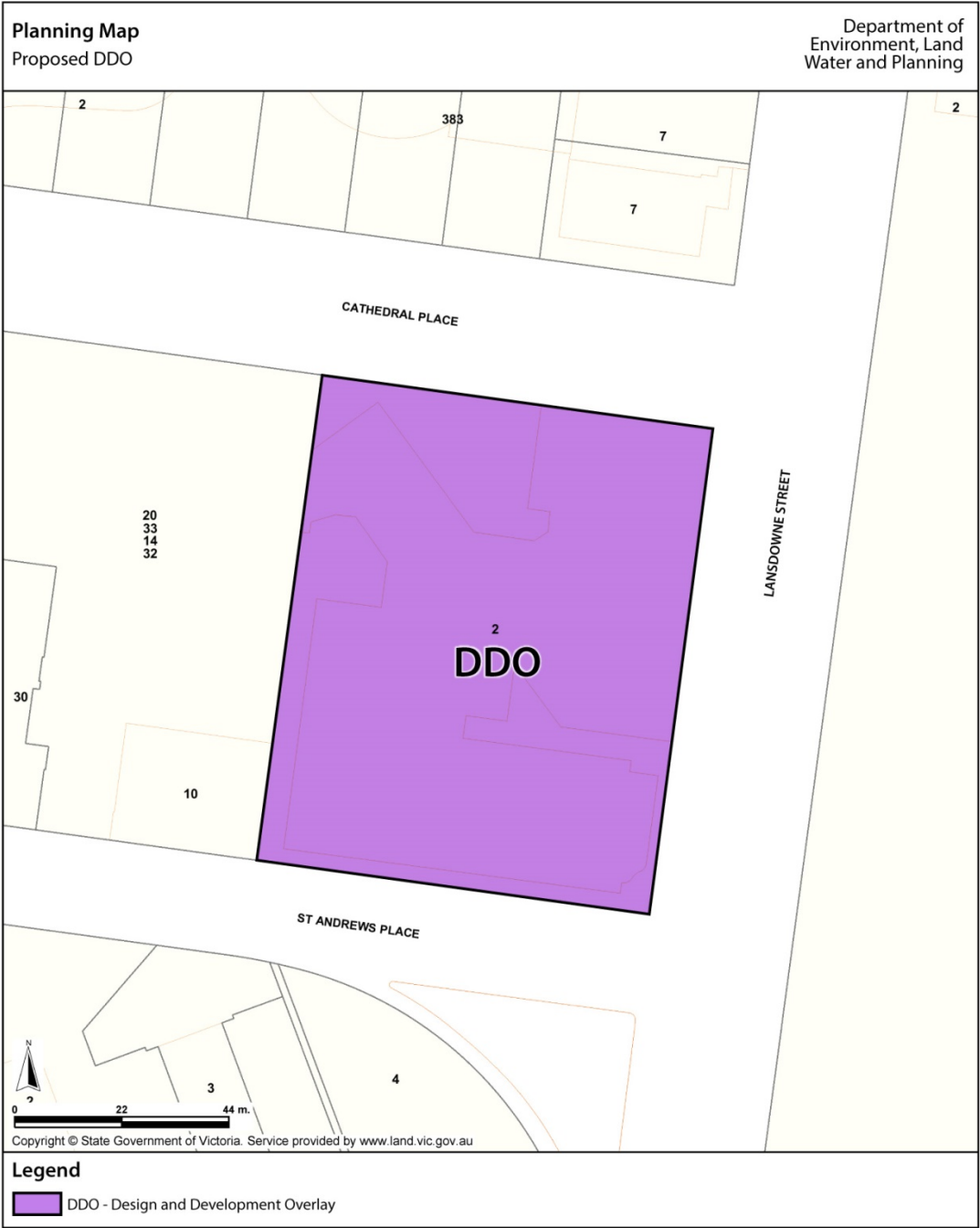




Figure 2: Sightline view points



# Appendix E: Proposed DDO Map



# Appendix F: Proposed EAO Map

