

Redevelopment Controls for the former Peter MacCallum Cancer Centre

Prepared by
Message Consultants

in association with;
Lovell Chen
Tessellate
Traffix Group

for the **Department of Treasury and Finance**

February 2017



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1. Introduction

This report has been prepared to provide a detailed description of the studies and analyses that have informed the proposed planning scheme amendment provisions for the former Peter MacCallum Cancer Centre in East Melbourne.

1.1 Purpose of the Study

The primary purpose of the study has been to establish a new zone and built form framework for the former hospital site in East Melbourne now that the Victorian Comprehensive Cancer Centre has been established at Parkville and the East Melbourne site is deemed surplus to government requirements.

The rezoning of the East Melbourne site from Public Purpose Zone will allow it to be sold on the open market with the resultant funds used to offset the cost of the new Centre.

1.2 Statutory Approach and Methodology

The study investigation has been led from four (4) principal fields of interest:

- Planning and urban design
- Heritage
- Built form and architectural massing
- Traffic

Informing this report are four (4) sub-consultant reports:

- *Heritage Context Report by Lovell Chen – Heritage Consultants, August 2016*
- *Yield and Development Potential Report by Tessellate Architects, February 2017*
- *Traffic Assessment by Traffix Group– Traffic Engineers, October 2016*

- *Preliminary Environmental Site Assessment by Compass Environmental Pty Ltd, 10 May 2016*

The Study methodology has been iterative; exploring alternative outcomes and scenarios which can be broadly summarized as follows:

- Establish the existing statutory planning and policy framework for the site and wider context.
- Understand the influences of the site context and heritage on and off the site.
- Define the parameters that will beneficially manage the redevelopment of the site with particular reference to the following areas:
 - Future use and development
 - Heritage
 - Streetscape (height and built form)
 - Views and vistas
 - Shadow impact on the public realm, especially Fitzroy Gardens
 - Connectivity
- Investigate and articulate the effect of these parameters on the site in the form of a clear set of site planning and design principles
- Indicate how they can be included in a planning control that will lead the redevelopment of the site to a solution displaying ‘net community benefit’.

In proceeding through this investigation there have been a series of meetings with the Department of Treasury and Finance, DELWP and Melbourne City Council. Comments and feedback from those meetings have informed the study process, methodology and the form of the proposed amendment.

The diagram at Figure 1 illustrates the principal steps in the study program.

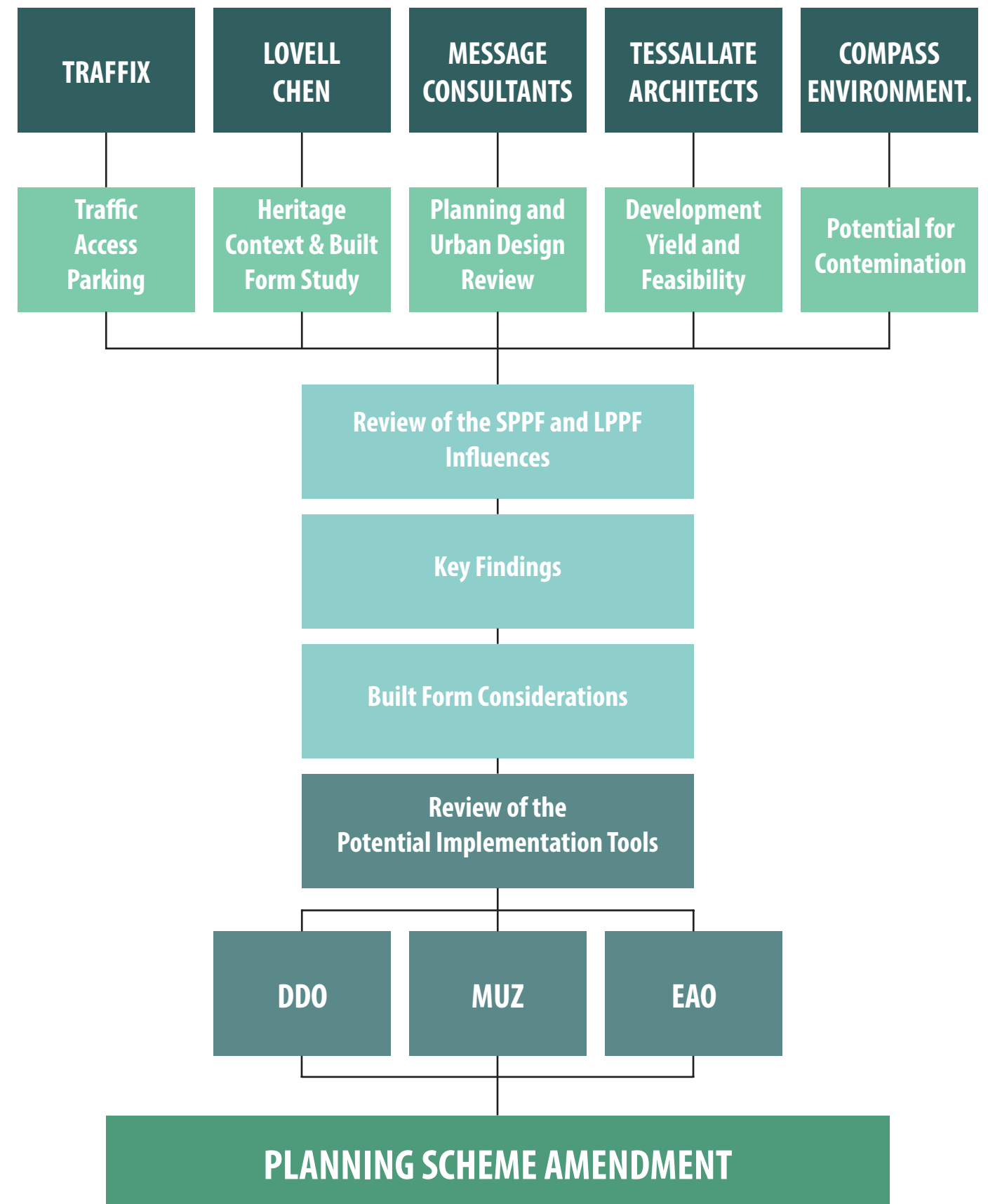


Figure 1: Principal steps in the study program

1. Introduction (cont.)

1.3 How is this report structured?

There are two primary components to this report:

- 1. The analysis of key **influences** and their **consequences** upon the composition and nature of the amendment
- 2. A series of Appendices which set out the detailed background information about the study investigations. This includes maps, diagrams and explanation of the analyses that have led to the proposed amendment format.

The report proceeds on the basis that the primary determinants of the proposed controls are illustrated “in principle” and often in abstracted diagrammatic format. Where appropriate, they are more forensically described and displayed in the appendices.

The foundation principles for built form are discussed and analysed in Section 4 and 5 of this report which then leads to the rationale for the proposed amendment in Section 6.

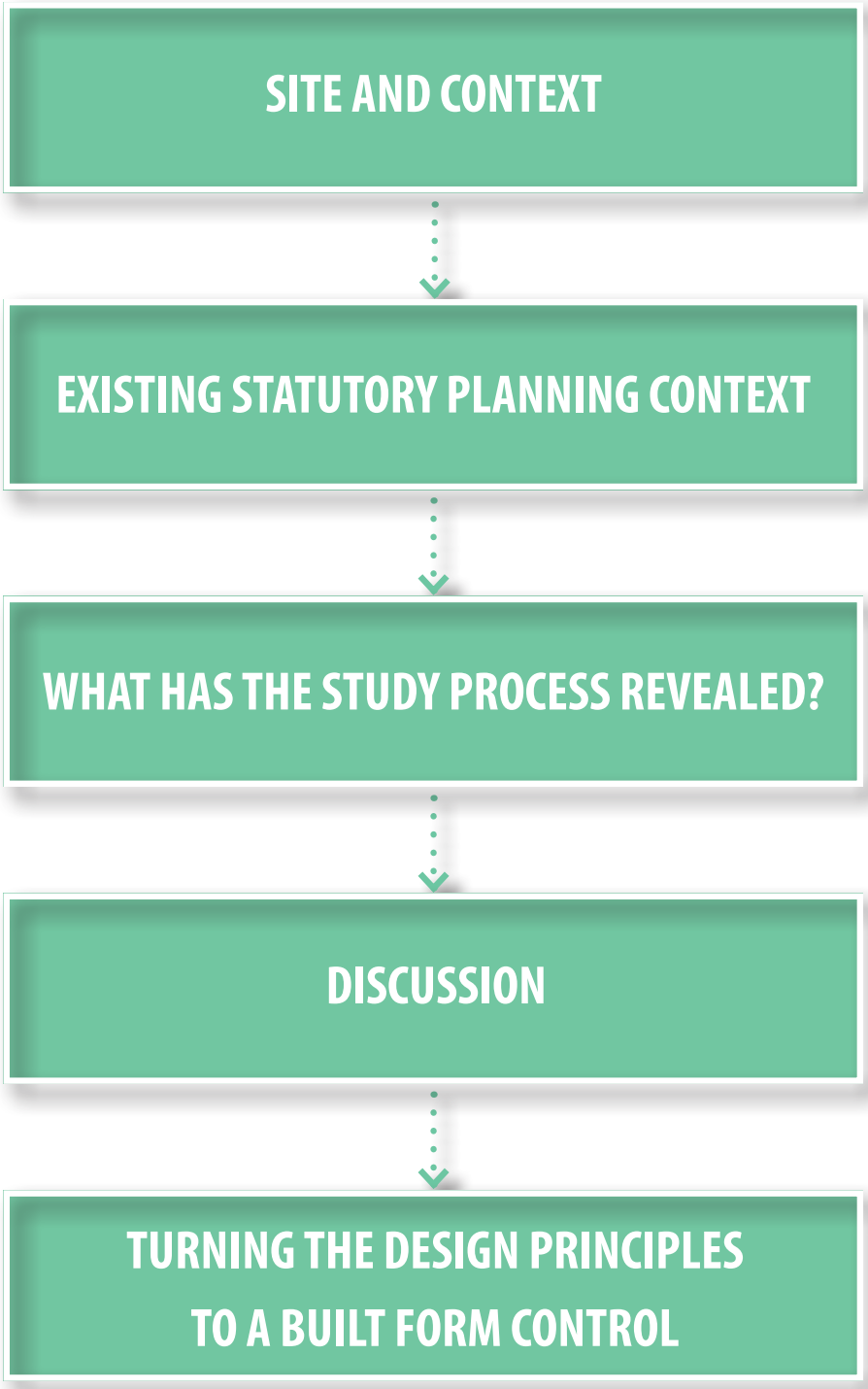


Figure 2: Report structure

2. Site and Context

2.1 The Wider Context

2.1.1 Influences

The former Peter MacCallum Cancer Centre (the site) has an interesting and valuable site context. Sitting on the eastern edge of the Hoddle Grid it forms part of a wider precinct developed with ecclesiastical and Government buildings in a setting of formal Victorian era public gardens¹ (Refer Figure 3).

It was initially the location of the Former Scotch College (1853) and then St Andrews Hospital (1925) before becoming the Peter MacCallum Cancer Centre in the 1990's.

The form of buildings to the north and east are relatively low in scale compared to the taller buildings of the Melbourne CBD.

The extensive parklands extending to the east and south-east are located on a topographic condition that falls gently to the Yarra River.

These parklands provide a treed foreground setting to the buildings that make up East Melbourne and the central city skyline.

It is a gracious setting well regarded by Melbournians and visitors to the city.

(Appendices: Diagram 1 & 2 illustrate building height in storeys and metres in the wider context)

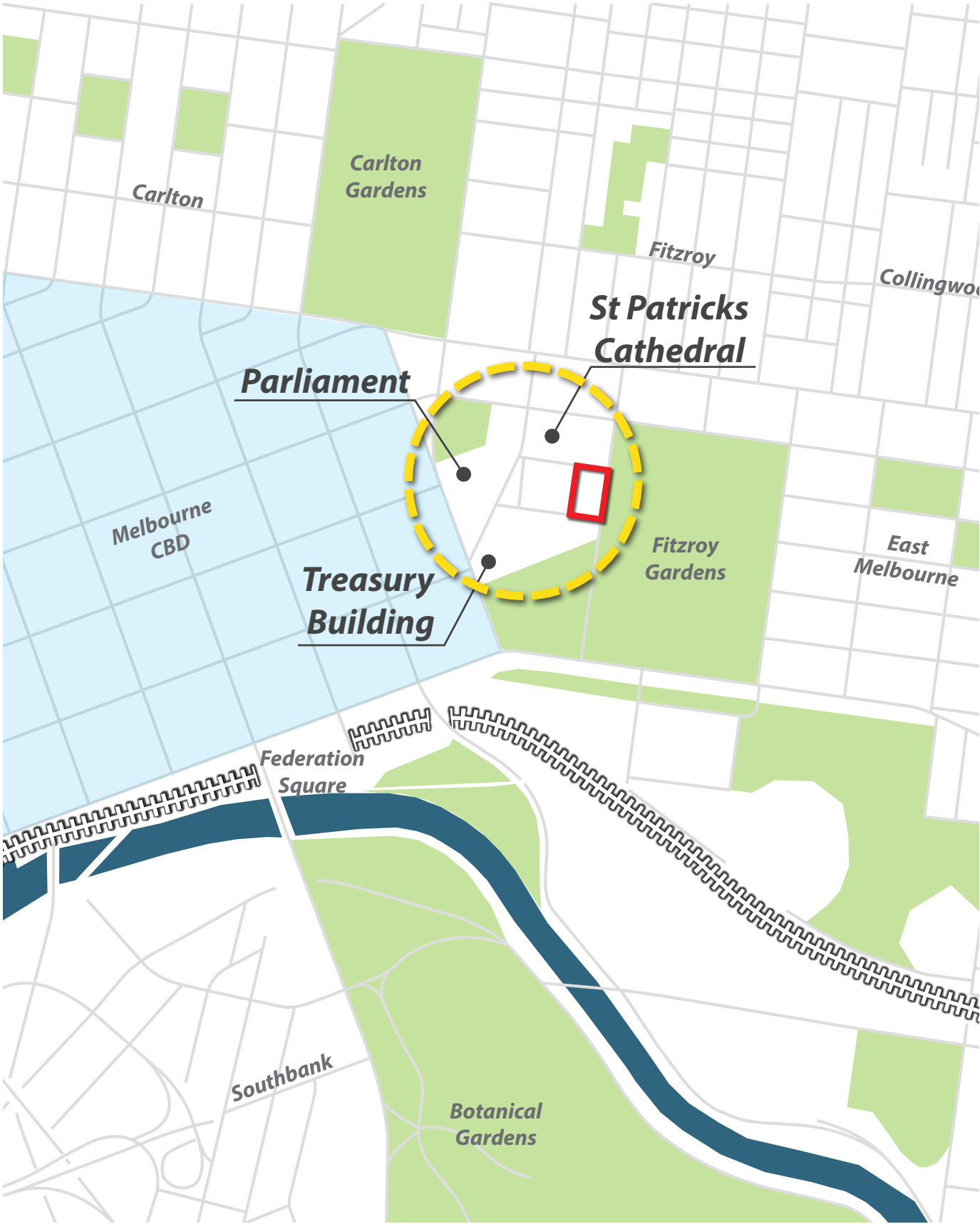


Figure 3: The wider site context

¹ Lovell Chen, p23

2. Site and Context (cont.)

2.2 The Immediate Context

2.2.1 Influences

The immediate context of the land is summarised as follows:

- **To the east**, it abuts Lansdowne Street beyond which are the Fitzroy Gardens.
- **To the north**, it 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**, it 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 as well as land known as 10 St Andrews Place. The main Park Hyatt Hotel building is approximately 44m in height. The 10 St Andrews Place building is 7 storeys, or approximately 24m in height. This building is occupied by mixed uses, with commercial uses predominating. The tallest point of the Peter MacCallum collection of buildings is 45.9m.

(Appendices: Diagrams 3 & 4 show an analysis on the abutting streetscapes and the nature of the street address of buildings fronting these streets.)

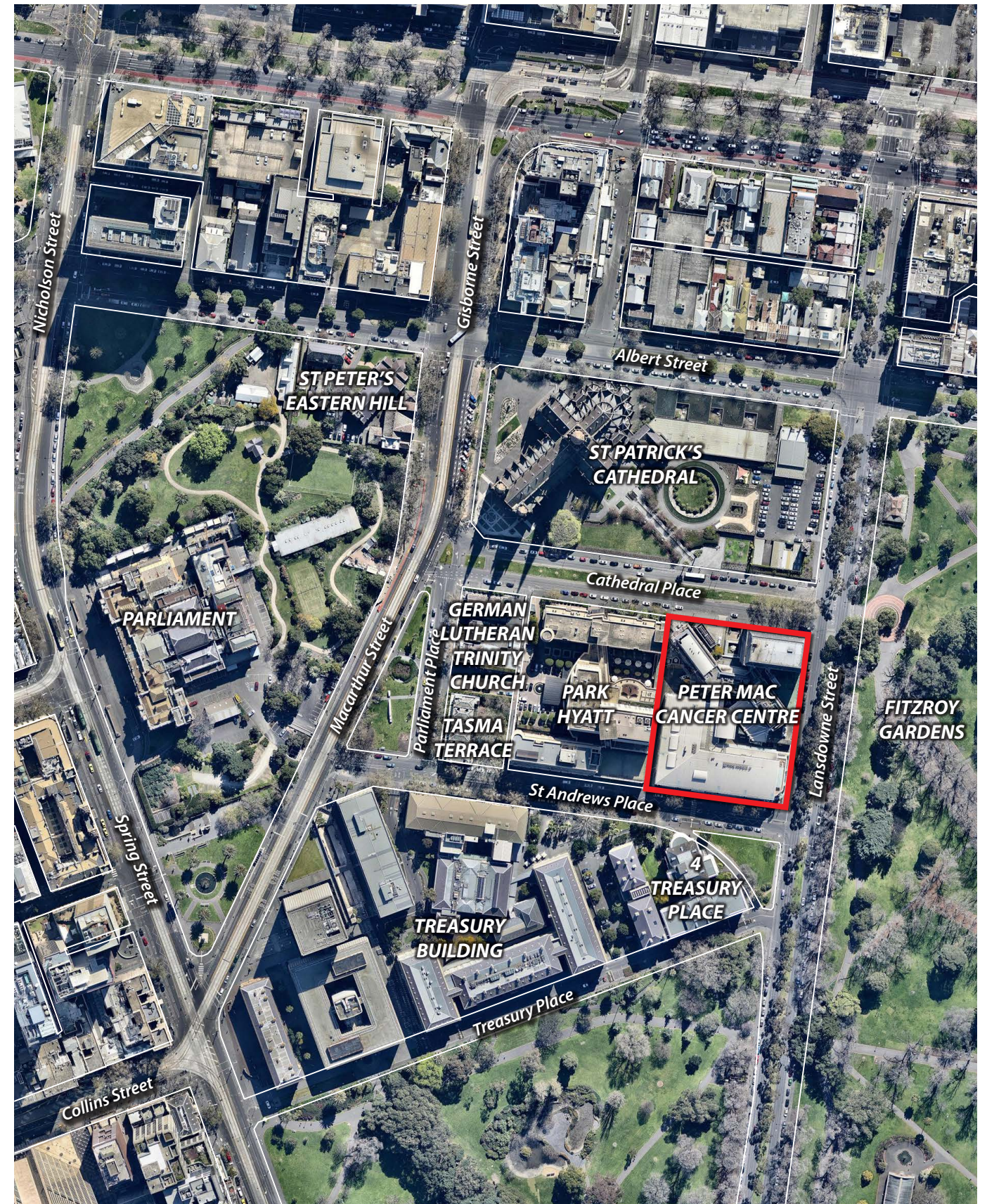


Figure 4: Location of the subject site in its immediate context

2. Site and Context (cont.)

2.3 The Site

2.3.1 Influences

The site has the following survey characteristics;

- Lansdowne frontage: 100m
- Cathedral Place frontage: 81m
- St Andrews Place frontage: 81m
- Site area: 8,100m²
- There is a slope across the site from north-west to south-east of approximately 10m.

The buildings on the site include;

- Smorgon Family Building which is a 1990's five level structure on the corner of Lansdowne and St Andrew's Place.
- 'Loti and Victor Smorgon Wing' which is a 1970's tower of 10 levels on the corner of Lansdowne Street and Cathedral Place.
- "Crank Building" on the north-west corner fronting Cathedral Place which is a three sectioned building up to eight stories constructed in stages from circa 1933 to the 1960's.

2.4 Consequences

- This is a substantial site area in a valued and attractive setting.
- The gently falling topographic condition has an influence on the way buildings relate to one another and the street.
- The extensive parkland gives a strongly treed and landscape setting to the collection of buildings forming the CBD and East Melbourne.
- The nature of buildings, government and ecclesiastical in particular, establishes a quite unique precinct on the edge of the CBD.

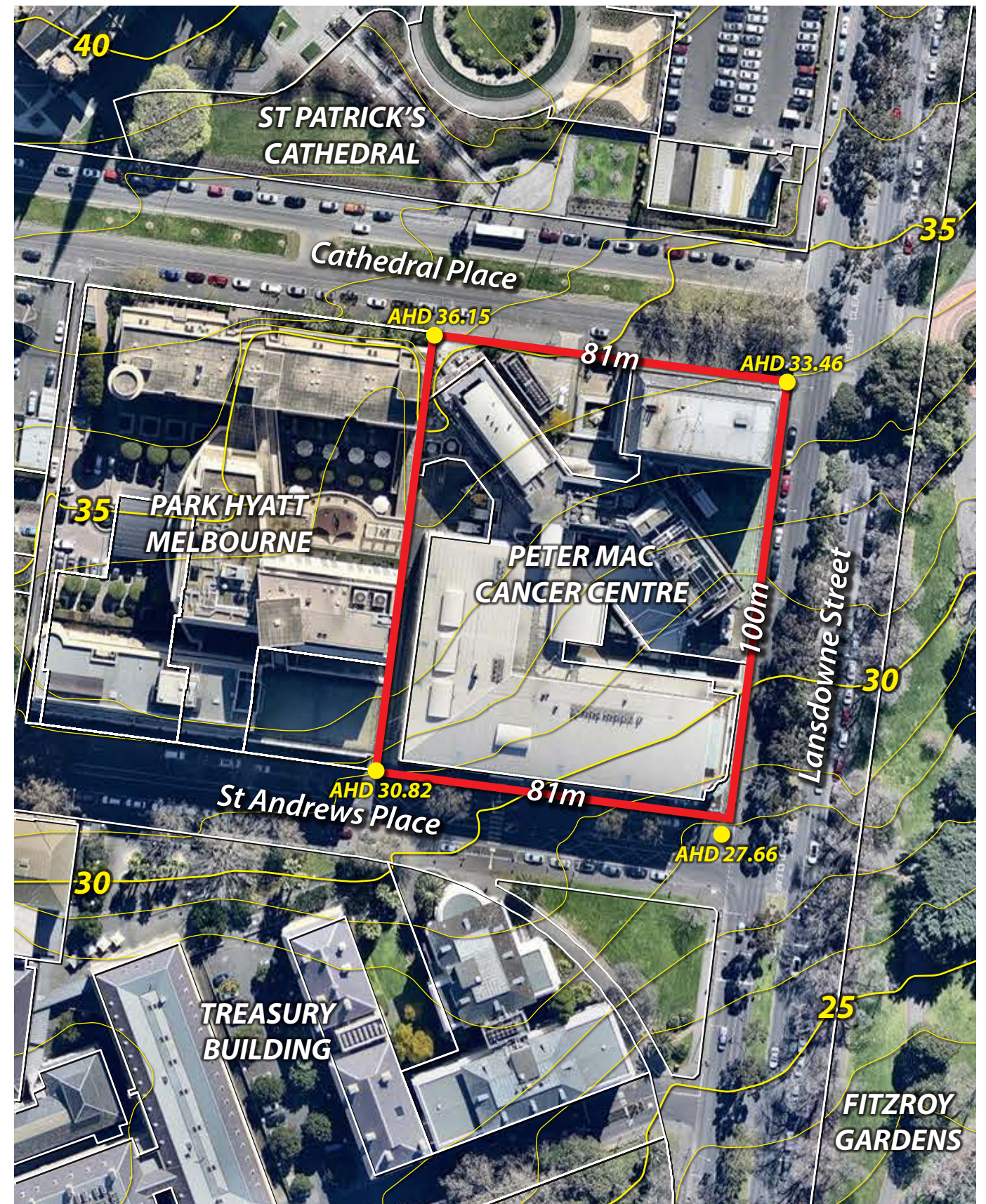


Figure 5: Site dimensions and topography

3. Existing Statutory Planning Context

3.1 The Site

3.1.1 Influences

Zone

- Public Use Zone – Schedule 3 (Health and Community) (PUZ3) is only appropriate for hospital uses.

Overlays

- Design and Development Overlay – Schedule 13 (Parliament Area) (DDO13) seeks new development to be compatible with the surrounding scale and minimise visual impact to the Fitzroy Gardens and public spaces. Preferred maximum height 15m and no additional shadow to the park between 11am-2pm on 22 September.
- Parking Overlay – Schedule 12 'Residential Development in Specific Inner City Areas' (PO12).

3.1.2 Consequences

Zone

- Need to change the zone from PU23 to a new zone that allows more flexible land use options.

Overlays

- The preferred maximum height of 15m expressed in the DDO is considered obsolete, particularly given the height of the existing tower on the site of over 40m and the abuttal to the Park Hyatt at 44m.
- The 'test' of shadow between 11-2pm on 22 September on Fitzroy Gardens is still considered to be an important requirement.
- The parking overlay should be reviewed in the context of any future, more intense development of the site.

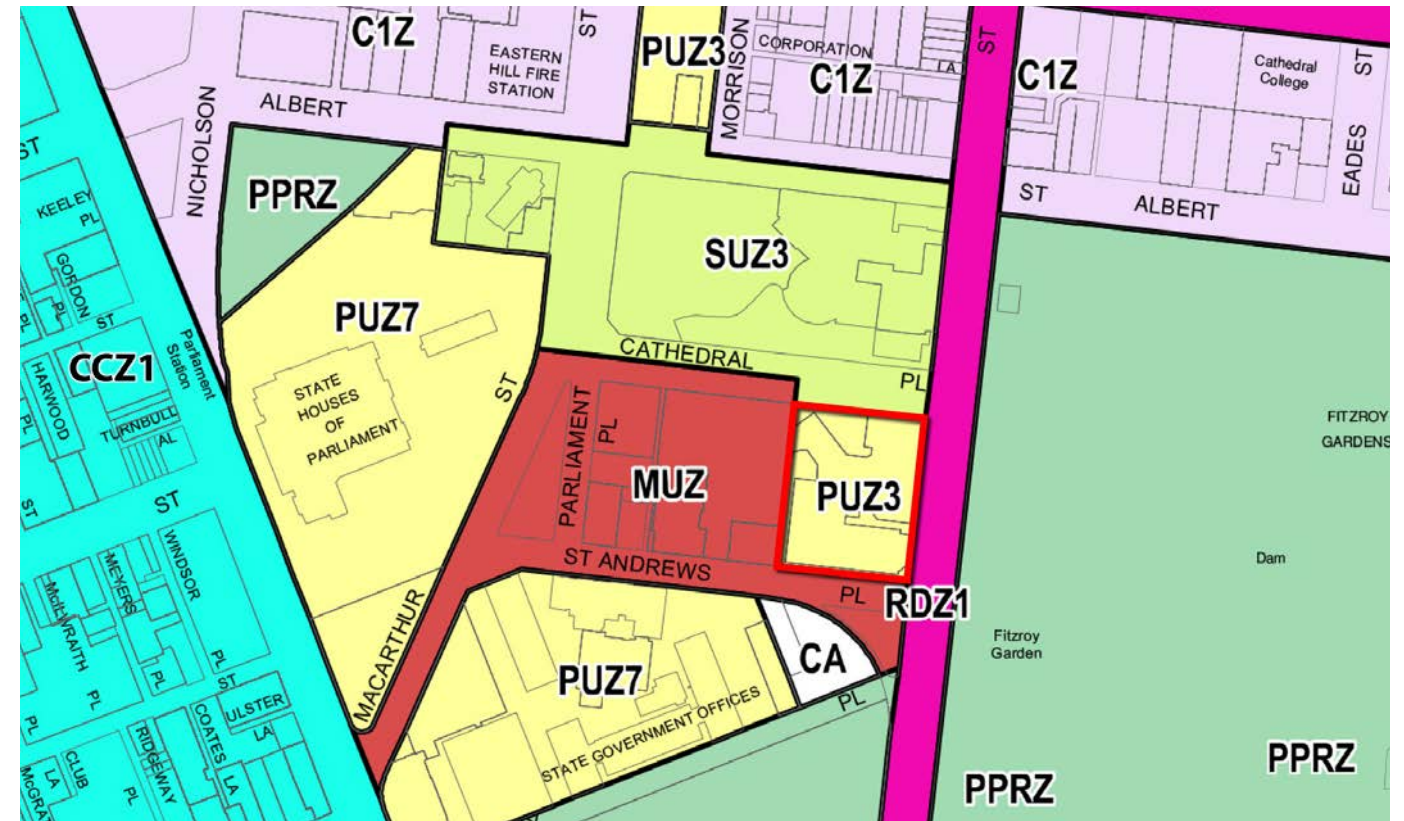


Figure 6: Zones

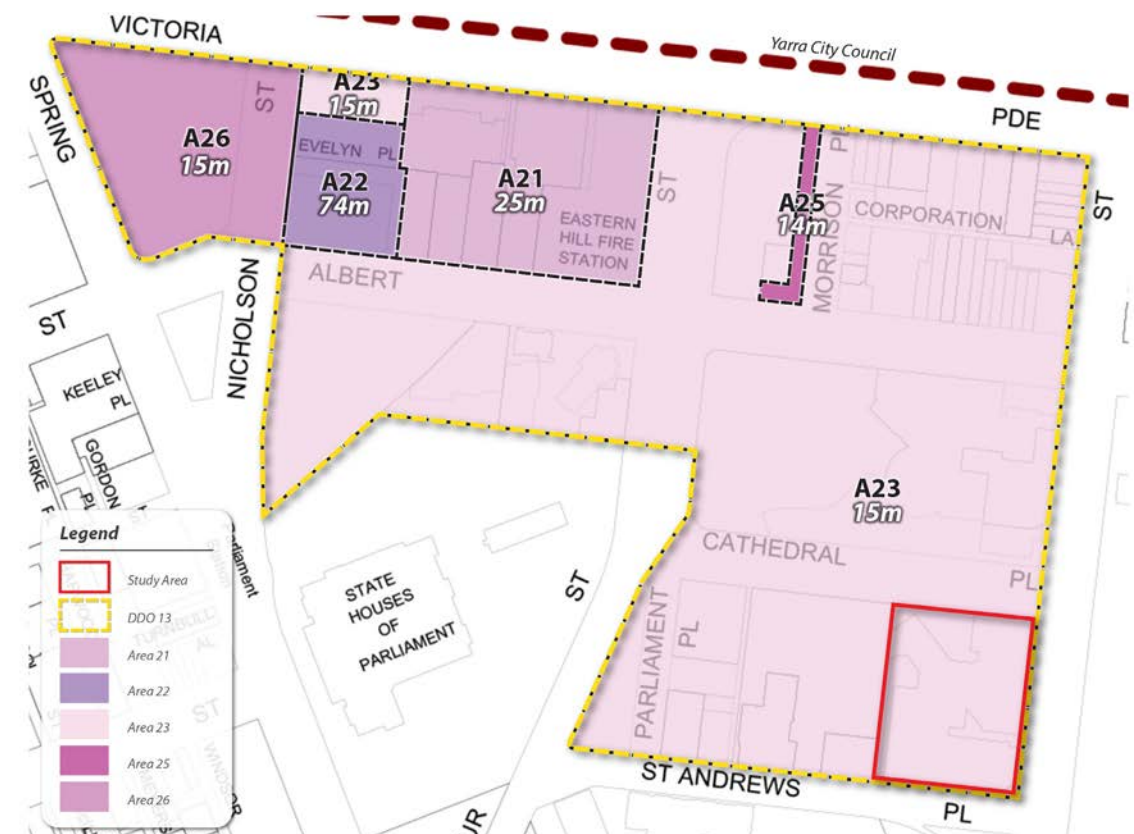


Figure 7: Overlays

3. Existing Statutory Planning Context (cont.)

3.2 The Wider Context

3.2.1 Influences

Zones

- Support a range of governmental/civic (PUZ), recreational (PPRZ) and religious uses (SUZ).
- The MUZ supports residential and mixed uses.
- The CBD land use mix is zoned CCZ1 and the commercial use corridor along Victoria Parade is C1Z.

Overlays

- The DDO's surrounding the site seek a range of different development outcomes and building heights.
- They seek to protect the Fitzroy Gardens from overshadowing between 11am -2pm on 22 September.
- Heritage Overlays (HO) include a range of significant heritage sites and precincts (Refer Figure 8).

State Planning Policy Framework (SPPF) seeks:

- Net community benefit.
- High quality urban design and built form.
- Urban consolidation and density with a good locational context.

- Protection for local amenity and important public and pedestrian spaces.
- To preserve and protect sites and features of cultural, heritage and landscape value.

Local Planning Policy Framework (LPPF) seeks to:

- Support good urban design.
- Protect iconic views, including views to Parliament House along Bourke Street and the Old Treasury Building along Collins Street.
- Maintain the visual prominence of heritage buildings and landmarks.
- Protect the City's parks, gardens and open spaces.
- Have a scale that respects the surrounding heritage, built form and gardens context.
- Maintain the amenity of public spaces by not casting additional shadows between 11am and 2 pm on 22 September.

Plan Melbourne

- Supports the relocation of the Peter MacCallum Cancer Centre to the Parkville Employment Cluster.

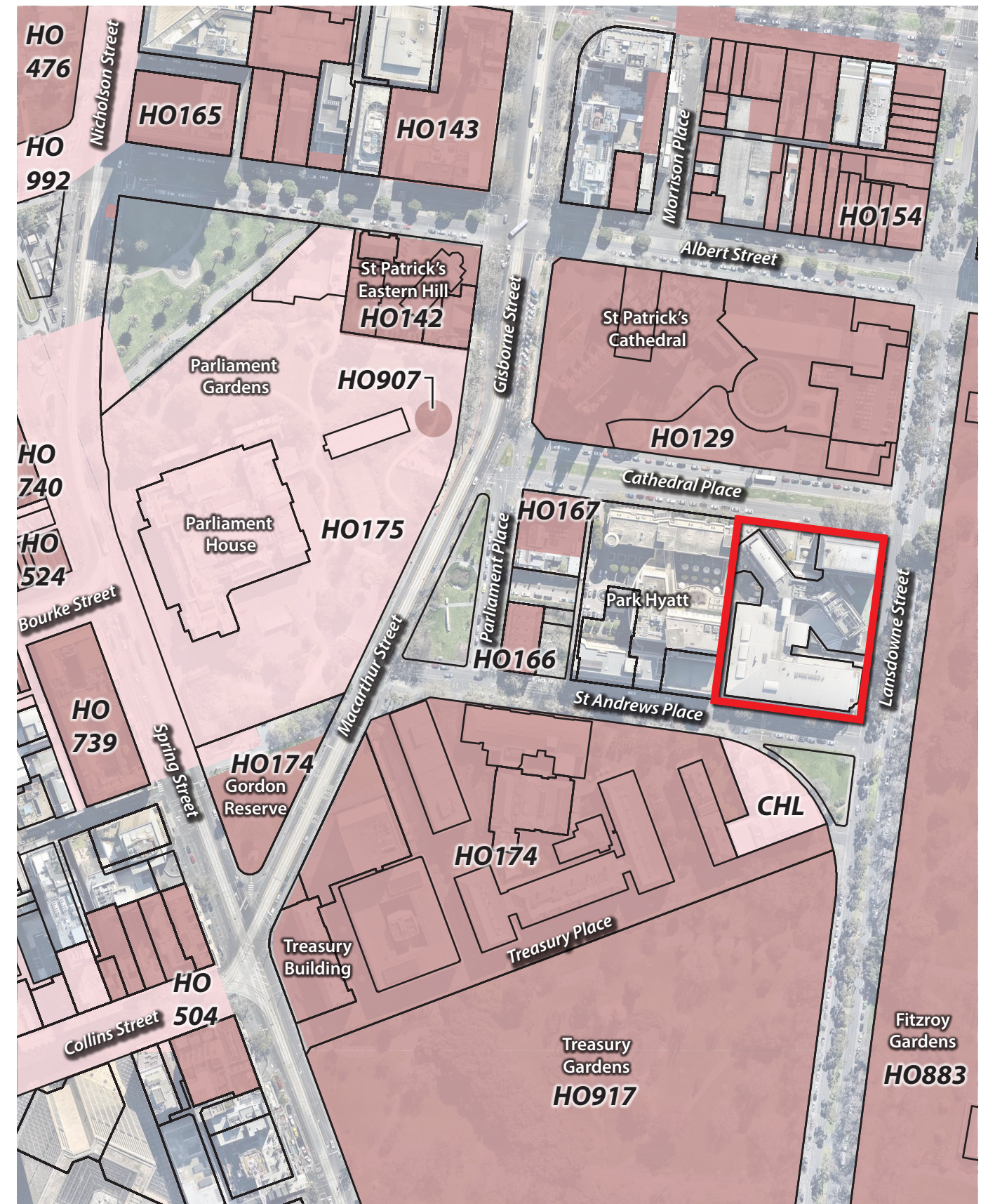


Figure 8: Heritage context

3. Existing Statutory Planning Context (cont.)

3.2.2 Consequences

The suite of zone, overlay and policy controls in the wider context of the Peter MacCallum site can be distilled to the following planning framework consequences;

- A generally low rise built form in comparison to the CBD, set amongst buildings and public gardens considered to have significant heritage and aesthetic value.
- Policy encourages a continuing need to respect the context of this neighbourhood and the elements that contribute to its character.
- Parks are to be protected from increased shadow from new buildings.
- Important views and vistas to and from the precinct are to be acknowledged and respected.
- New development is encouraged to achieve architecture that is responsive to this context.

4. What has the study process revealed?

The investigation process has been influenced by the existing statutory and strategic planning framework and most particularly by a series of studies by the consultant team.

These studies can be conveniently explained under the following headings:

- 1

HERITAGE
- 2

VIEWS AND VISTAS
- 3

SHADOW
- 4

STREETSCAPE
(HEIGHT & BUILT FORM)
- 5

CONNECTIONS

The findings of this analysis work are presented in the following pages in written and graphical form.

Where appropriate the relevant page number in a particular sub-consultant report is cited in this document but the reader should refer to that report for a more comprehensive description of the issues.

In addition, details of the nature of the investigations under each of the headings are shown in Appendices.



Figure 9: Views to the site from Lansdowne Street

4. What has the study process revealed: HERITAGE

4.1 Heritage

4.1.1 Influences

- The Peter MacCallum site sits within a context of individually significant heritage places rather than within a heritage overlay precinct.
- The Peter MacCallum Cancer Centre is not subject to any heritage controls, and as such the demolition of buildings and redevelopment of the site is acceptable and can be contemplated from a heritage perspective¹.
- The site itself does not warrant a heritage overlay.
- There is a strong nineteenth and early twentieth century built form character, and generally low scale built form to the surrounding context.
- The individual and collective heritage value of buildings within this precinct makes it an area of significance.
- Although there is no policy framework within the planning scheme, there are sensitivities in terms of views of these heritage places, and it is recommended that the proposed new development respond to the scale of existing built form, particularly on Lansdowne Street and St Andrews Place².
- The interwar 'Crank Building' (on the site) has been identified as a D grade building in the Heritage Place Inventory October 2014. It is unlikely that the City of Melbourne would seek to impose a heritage control on this building, as a consequence of a proposal to demolish³.

4.1.2 Consequences

The following consequences should be considered in any new planning amendment:

Views & Vistas:

- Of Parliament House, nearby heritage buildings and landmarks
- Along abutting streets and from nearby parkland where there are different levels of sensitivity

Scale:

- To limit the impact on sensitive views new development on the site should be lower on the perimeter and taller in the centre.

Materiality:

- New buildings should relate to buildings in Treasury Place referencing render and solid masonry forms.

Interpretation:

- Interpretation of the site's history should form part of any redevelopment.

¹ Lovell Chen, p31

² Lovell Chen, p32

³ Lovell Chen, p28



Figure 10: Subject site shown in the 1945 aerial of Melbourne (Lovell Chen, p.6)

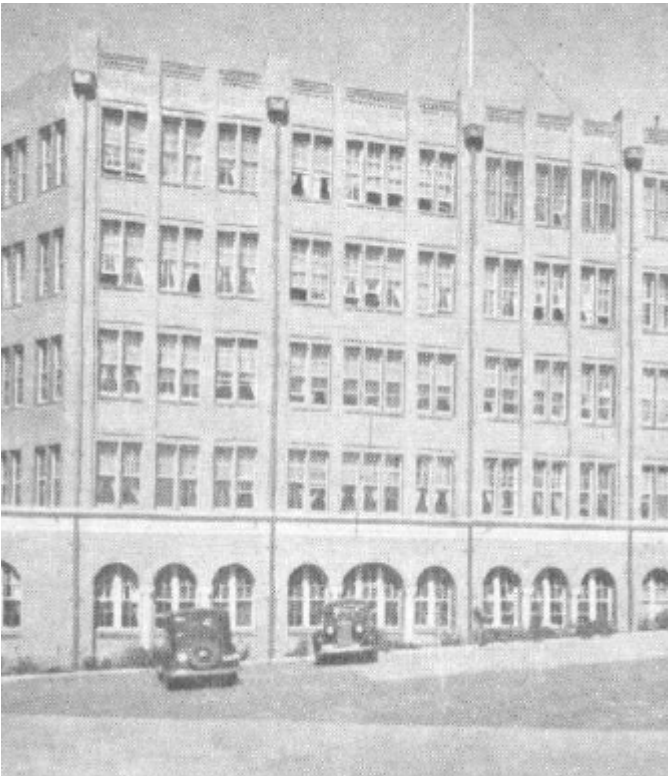


Figure 11: Crank Building, 1933 (Lovell Chen, p.6)



Figure 12: St Andrews Hospital, 1970 (Lovell Chen, p.8)

4. What has the study process revealed: VISTAS

4.2 Vistas and Views

4.2.1 Influences: Vistas

There are 3 vistas¹ of relevance in the planning scheme and in the recommendations of Lovell Chen:

- Along Bourke Street to Parliament House
- Along Collins Street to the former Treasury Building
- Along Brunswick Street to the St Patricks Cathedral spire

Buildings line either side of the vista and foreclose the horizontal extent of each of them in varying ways depending on the point at which the view is taken within the street.

4.2.2 Consequences: Vistas

Because the location of the Peter MacCallum site is principally outside the viewshed of each of these three vistas it has no impact upon them.

The exception is a view of the south east corner of the site that can potentially be seen near the intersection of Collins and Spring Streets.

There is an effect on the periphery of the left hand side of the vista looking up Collins Street towards the Old Treasury Building. The plane trees lining the north side of Collins Street, in summer and winter, tend to mask this effect on the edge of the vista. Distance of the view point to the subject site also plays its part in reducing the visual impact of any new development on the subject site.

As one moves closer to the Collins and Spring Street intersection, the perspective view changes due to the rising topographic alignment, so that the height of any new development above 66m on the subject site is hidden by the foreground view of the Old Treasury Building (see Appendices: Diagram 10). Measures are employed in the proposed DDO to ensure this peripheral encroachment, seen mainly between Russell Street and east of Exhibition Street, does not affect the vista.

¹ Each of these vistas is analysed in detail at Appendices: Diagrams 7, 8 and 9

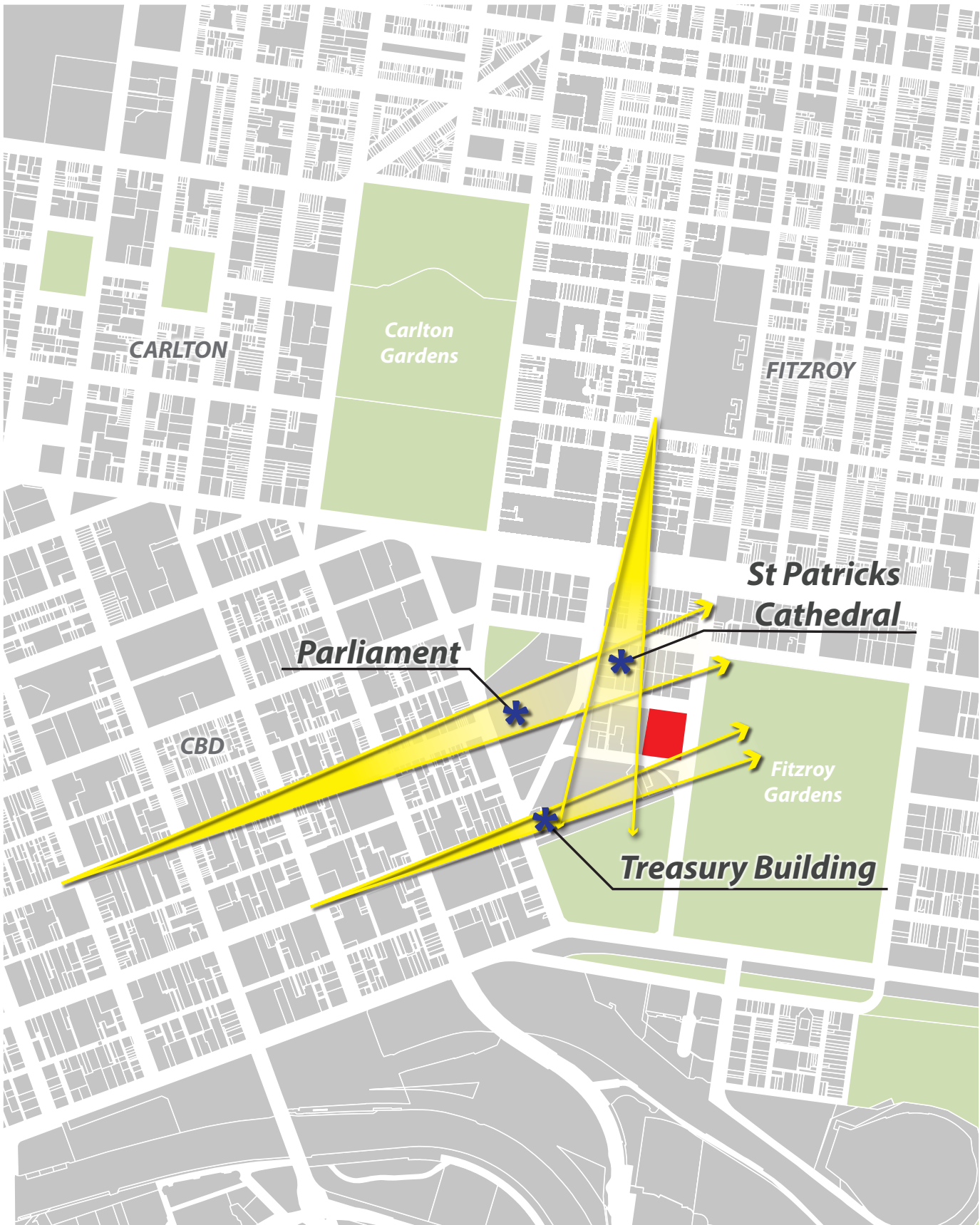


Figure 13: Key vistas

4. What has the study process revealed: VIEWS

4.2 Vistas and Views

4.2.3 Influences: Views

In terms of the planning controls currently in place, there are 5 principal views of relevance:

1. The north west corner of Albert and Gisborne looking to St Patricks Cathedral
2. The forecourt to Parliament House on the intersection of Spring and Bourke Streets.
3. Intersection of Collins and Spring Streets.
4. Views from the adjacent streets: Lansdowne, Cathedral and St Andrews Place.
5. Views from within Fitzroy Gardens.

These are shown in blue in Figure 14.

In terms of heritage values, the Lovell Chen report 2016 identifies street and park views in two categories:

- Sensitive views (shown in red) and
- Less sensitive views (shown in yellow).

These are also shown in Figure 14 and analysed in more detail in Appendices: Diagrams 11-15.

4.2.4 Consequences: Views

Parliament House¹: Any building on the Peter MacCallum site would need to exceed 120m in height to break the parapet height of Parliament House.

Albert and Gisborne north west corner: Any building on the Peter MacCallum site would need to exceed 55m (AHD 91) in height to be seen above the ridgeline of St Patricks Cathedral.

Fitzroy Gardens: Most viewing points within Fitzroy Gardens, especially its eastern precincts are masked by the mature formal plantings of trees within the Gardens.

There is a 'sensitive' view identified by Lovell Chen at the intersection point of pathways in Fitzroy Gardens near Lansdowne Street.

Abutting Streets: Close views within Lansdowne and St Andrews Place are seen as "sensitive" (Lovell Chen) and have an effect upon how the streetwall and upper level building structure is massed and composed. Views along Cathedral Place are seen as "less sensitive" (Lovell Chen) because this streetscape is largely twentieth century architecture and provides a very wide roadway².

Collins and Spring Streets: There is a view at the intersection of Collins and Spring Streets across the Old Treasury Building. Any building on the subject site would need to be over 102m tall to be seen above the parapet of the Old Treasury Building. This is not a height recommended in the proposed DDO.

¹ See Appendices: Diagrams 11-15

² Lovell Chen, p29 -30

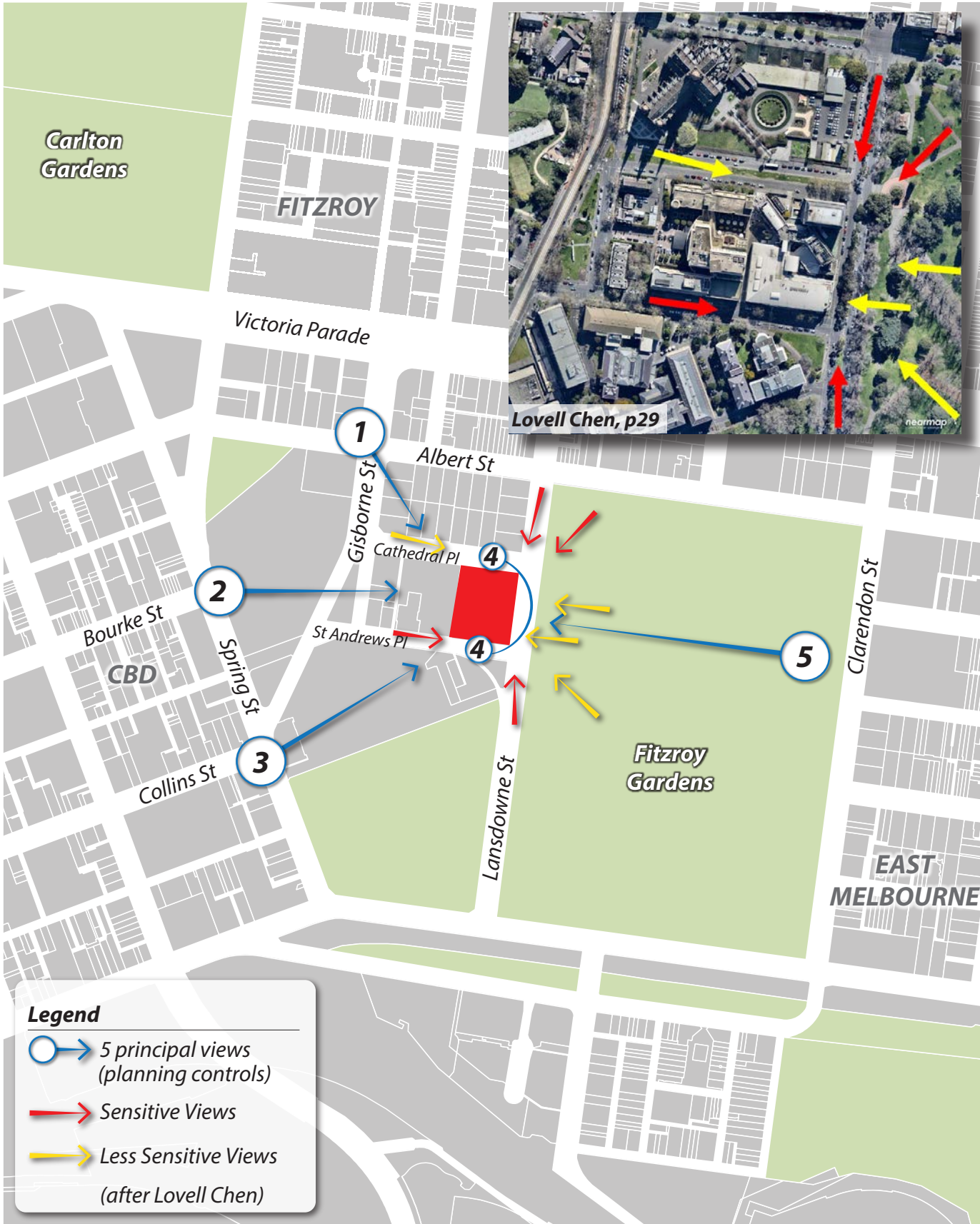


Figure 14: Key views

4. What has the study process revealed: SHADOW

4.3 Shadow

4.3.1 Influences

Planning policy in DDO13 and in Clause 22.02 'Sunlight to public spaces' requires that the amenity of Fitzroy Gardens be protected from shadowing between 11am and 2pm on 22 March and 22 September.

Because the location of the subject site is to the west of Fitzroy Gardens, any shadow impact is limited to the afternoon.

The existing Peter MacCallum 1990's tower places shadow just within the boundary (3m) of Fitzroy Gardens at 2pm on 22 September.

Though not policy applying to the site, Melbourne Planning Policy places importance on limiting the effect of winter shadow between 11am-2pm on 22 June on public parks and spaces.

The orientation of the site in relation to the Fitzroy Gardens means that winter shadow from the existing structures on the site do not affect the park before 1.30pm on 22 June.

4.3.2 Consequences

Any new building on the site will need to set back from Lansdowne Street at a point just below the height of the existing 1990's tower on the corner of Lansdowne and Cathedral Place to avoid overshadowing the Park.

As Figure 15 demonstrates, a 36m street wall to Lansdowne Street will have no shadow impact upon the Fitzroy Gardens between 11am and 2pm on 22 September.

With appropriate setbacks a taller building form can be located in the centre of the site with no additional shadow consequences between 11am and 2pm on 22 September.

(Appendices: Diagrams 5 & 6 provide a detailed analysis of shadow consequences)

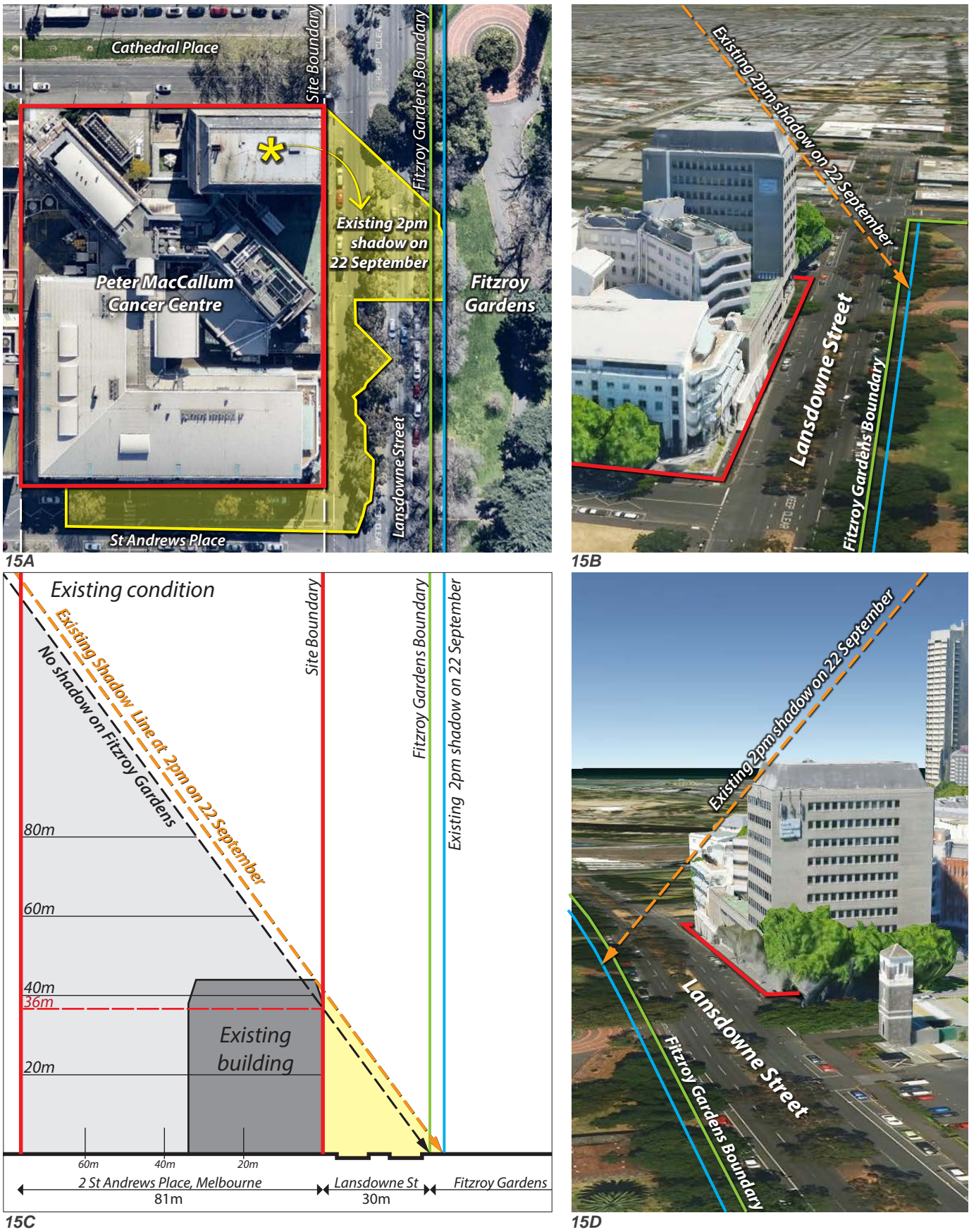


Figure 15: Shadow consequences

4. What has the study process revealed: STREETSCAPE

4.4 Streetscape

4.4.1 Influences

There are two distinct experiences of the subject site¹:

- At street level and
- Cityscape views both of which have been analysed at Section 4.2.

At street level there are 'sensitive' and 'less sensitive' views (after Lovell Chen).

The existing built form, street carriageway width and location and nature of the viewing point all have an influence on how new building form can impact the experience of the abutting streetscapes.

The principal influences are;

- Street wall height and length,
- Setbacks from boundaries,
- Landscaping,
- Width of the abutting street,
- Level of activation,
- Architecture of the street wall, and
- Public realm viewing opportunities.

What can be observed is that within the block containing the site there are:

- Strong street walls of 4-6 storeys
- Limited setbacks
- Long inactive street walls
- Limited landscaping

4.4.2 Consequences

The scale of new built form and its massing in relation to the street needs to be carefully considered.

Lovell Chen recommend:

- Lower scale at the perimeter with taller form in the centre.
- Fixed setbacks above the street wall of 8-10m on St Andrews and Cathedral Place and 5m on Lansdowne Street.

The purpose is:

- To reduce visual impact on views along Cathedral and St Andrews Places and from the north/south along Lansdowne Street and the less densely planted area of Fitzroy Gardens and
- To respond to the scale of the buildings in the Treasury Precinct.

¹ Lovell Chen, p28

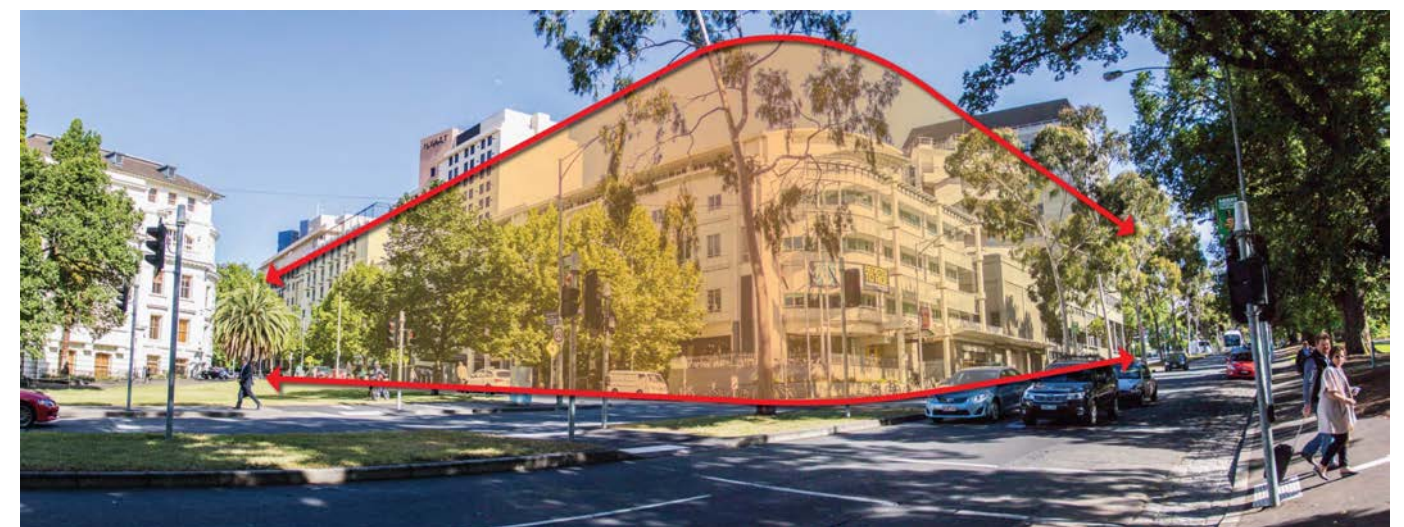


Figure 16: Continuous street wall along Lansdowne Street

4. What has the study process revealed: CONNECTIONS

4.5 Connections

4.5.1 Influences

- The site is surrounded by wide roads particularly on Lansdowne Street and Cathedral Place.
- There is a potential connection between Cathedral Place and St Andrews Place behind Tasma Terrace.
- Its 3 frontages offer multiple entry points for vehicles.
- A natural vehicle entry to a basement is from St Andrews Place (lower side).
- Lansdowne Street is an important thoroughfare for the peak am and pm commute (Traffix Group, p9).
- The City of Melbourne has, over the years, turned road reserves no longer deemed useful for their zoned purpose into public open space.
- In preparing this investigation the study team noted that:
 - Cathedral Place was a wide dual carriageway carrying limited volumes of vehicular traffic (Traffix Group, p19 & 20).
 - Closure of the south side of Cathedral Place adjacent to the Park Hyatt and the subject site would serve to link Fitzroy Gardens at a pedestrian 'nodal point' in those Gardens to small open space reserves fronting MacArthur Street and the CBD.
- Discussions with Melbourne City Council confirmed that it was potentially an opportunity for creating an open space 'link'.

4.5.2 Consequences

- The site offers multiple entry points.
- To preserve the option for part of Cathedral Place to become an open space link, future planning should seek to minimize the volume of traffic on this road and minimize new cross overs on the southern side carriageway.

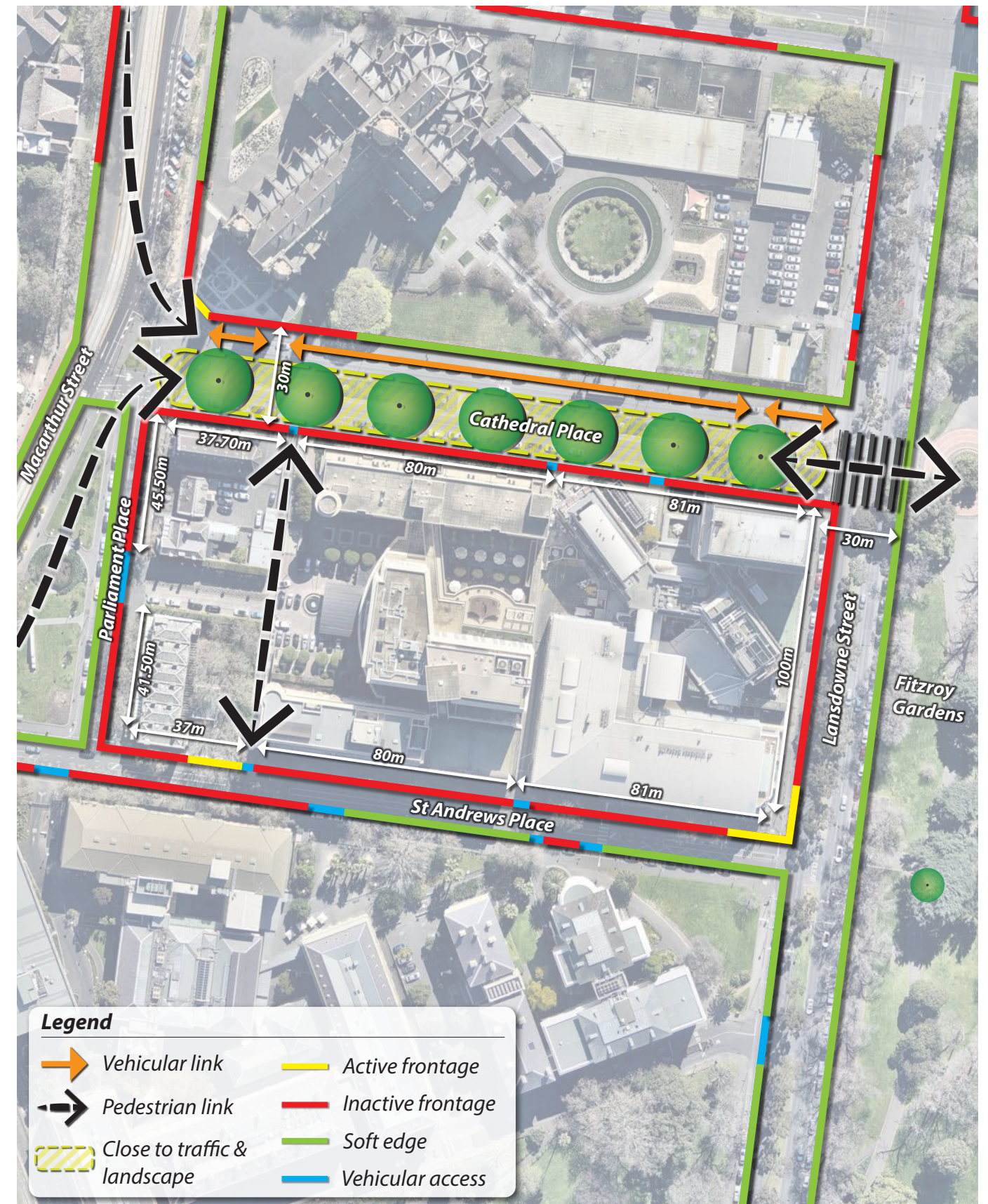


Figure 17: Connections

5. Discussion

In arriving at a new zone and a set of built form provisions a number of issues were explored and debated by the study team.

Principal among these matters were:

- The expected future use of the site.
- The potential floor area yield that would be accommodated on the site.
- The existing use rights particularly in relation to building height.
- The structural quality of the tower building.
- The degree of streetscape activation.
- Contamination.

The following is a summary of the nature of these investigations.

5.1 Future Potential Uses of the Site

Tessellate Architects examined a range of alternative “footprints” for different forms of land use. They did this because the potential footprint for an office building is different from that of an apartment building which in turn could be different for an hotel. These uses, in varying degrees, were considered candidate activities for the site.

Given the strategic and attractive location of the site overlooking Fitzroy Gardens, across to Treasury Gardens, the edge of Parliament Gardens and St Patricks Cathedral it was considered unlikely that the site would be developed as an office. Nevertheless this consequence was examined.

There seemed a greater likelihood of the obvious assets of the site and location being

used for apartments or an hotel or a mix of both. At over 8,000sqm, it is a site that could readily be composed of several buildings.

Tessellate identified a variety of building footprints that could be accommodated on the site. This included an atrium style form around which hotel rooms would be massed. In other words a hollow core, with building form facing the parkland, possibly skewed at an angle to Lansdowne Street to afford views to Treasury Gardens. A further alternative consisted of lower rise townhouse style apartments facing the abutting streets with a taller, central tower accommodating apartments. Consideration was also given to the potential to connect to the central courtyard space of the Park Hyatt and provide a more open and permeable entrance from Cathedral Place.

In some of these various configurations, it was assumed that the 1970's tower on the site would be retained and redeveloped in a manner similar to the redevelopment of the Mercy Hospital on Clarendon Street at the eastern edge of Fitzroy Gardens.

From each of these arrangements, broad floor space analysis was used to identify the likely appeal of the site to redevelopment interests.

5.2 Floor Area Yield

Based upon the design principles for the site a proposed DDO building envelope was established (see discussion at Section 6 of this report).

The proposed DDO building envelope has the potential to deliver a gross floor area (GFA) of approx. 120,000sqm for the site, which when expressed against the site area represents a floor area ratio of approximately 15:1.

Clearly, this quantum of development expressed in the proposed DDO building envelope is not envisaged for the site, so the question becomes, what is a reasonable level of development for the site.

Again, Tessellate prepared a series of indicative developments for the site based upon alternative use options.

The indicative development generated approximately 73,000sqm of floor space for the site (see Pg 7 of the Yield and Development Potential Report by Tessellate Architects, February 2017), which equates to a floor area ratio of approximately 9:1.

When compared to the preferred floor area ratio of 18:1 for the central city, a floor area ratio of 9:1 represents a clear transition from the built form intensity of the central city to the lower scaled development found in the hinterland of East Melbourne.

A mandatory floor area ratio of 9:1 for the site, which in combination with the proposed DDO building envelope will ensure that;

- Sufficient space remains within the envelope to provide a realistic floor plate for alternative uses in buildings where there is adequate spacing between structures and for circulating open space at ground level and between buildings.
- Provide a built form ‘cap’ for the site ensuring it is not developed to the full site coverage potential contained within the proposed DDO envelope. This ensures there would be no overdevelopment of the site in this East Melbourne context.

- If the site is subdivided into smaller lots in the future, the scale of development is also capped for smaller sites. If a building on a subdivided portion of the site wants to reach the maximum height for the site, it would need to provide boundary setbacks and open space in a manner that ensures it complies with the floor area ratio of 9:1.

5.3 Retention of the 1970's Tower

The retention of the 1970's tower was considered an attractive option by any development interest in the future. While its structural integrity has not been examined in detail in this study, the form and height of this structure make this a distinct possibility.

Consideration was given to developing means by which a new zone and policy framework might encourage the demolition and replacement of this building. The conclusion to this investigation was that it would be difficult to establish a ‘bonus’ of sufficient value within the planning framework to achieve the objective.

In any event, discussions with Council and DELWP Officers suggested that the height and form of the tower was not necessarily problematic in its context, particularly if the building façade was redesigned for a residential use.

The tower enjoys existing use rights and these are likely to be preserved by future owners.

5. Discussion (cont.)

5.4 Street Activation

The opportunity to improve the activation of the street interfaces of the subject site was observed in an analysis of the existing conditions in the precinct. Because most of the buildings are institutional in nature; hospital, government or ecclesiastical, the interface of these buildings to their street environment tends to be quite inactive.

Cathedral Place enjoys a wide road reserve and a quiet sense of respite provided by the gardens to the Cathedral, which is enclosed in part in St Andrews Place by the Commonwealth buildings. These softer, planted edges give space and a 'landscaped' setting to the buildings they serve as a forecourt.

The opportunity to provide a more 'lively' street interface, with 'threaded' landscaped entries to the site is acknowledged in this study investigation.

5.5 Choice of Zone & Control Framework

In considering the merits of the amendment it is acknowledged that the Melbourne Planning Scheme has a policy framework that brings other matters to a consideration of the suitability of any redevelopment of the site. This policy framework includes:

- Clause 15.01 Built Environment and Heritage
- Clause 21.16-2 East Melbourne and Jolimont

- Clause 21.06 Built Environment and Heritage
- Clause 22.17 Urban Design outside the Capital City Zone
- Clause 22.02 Sunlight to Public Spaces

These provisions will all, in various ways, act in concert with the proposed amendment provisions to shape and manage any redevelopment proposal for the site.

In nominating a preferred zone for the subject site there were two options examined by the study team: Mixed Use Zone and Commercial 1 Zone.

When the zone objectives of each of these two zones are compared there is a similarity of intent. Both support increased densities, especially for housing, and both provide for a range of commercial and residential activities.

The matters to be considered in determining a permit application, and the application requirements, vary between each of these zones in their expression. However, the information required of an applicant in both zones remains sufficiently extensive for the responsible authority to assess any proposal or request further information in relation to key issues.

When the zone provisions are read in context with the provisions of the proposed DDO, it was considered that any properly formulated permit application could be readily assessed by the responsible authority.

The study team resolved that because the Hyatt Hotel and adjacent land was zoned Mixed Use that it would be better to maintain the geographical continuity of the zone across

the Peter MacCallum site rather than in effect 'spot zone' it to Commercial 1.

Turning to the overlay control mechanism, there are several ways in which a built form control can be expressed in the circumstances affecting the Peter MacCallum site. One alternative canvassed was to establish a DPO, however this was discounted on the basis that an envelope would be required that reflected a particular land use. The site is to be sold with an ability to seek permission for a variety of uses.

A DDO was the tool considered most effective, which, coupled with supporting provisions within the Melbourne Planning Scheme, could ensure that any proposal for redevelopment of the subject site could be managed sensitively by Council (Town Planning Report, Message Consultants, 2017).

5.6 Contamination

State policy seeks to protect the community from potentially contaminated land. Specifically, Ministerial Direction No.1 Potentially Contaminated Land¹ 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"*.

The sites current and history of building use as a hospital suggests that there is the potential for the site to be contaminated.

A Preliminary Environmental Site Assessment, dated 10 May 2016, was prepared by Compass Environmental Pty Ltd. This 'desktop' report identified that the site included the use and storage of radiation materials, chemicals and liquid fuel which identifies the site as having the potential to be contaminated. It noted that further testing is required to determine the level of contamination if any. However, further testing of the site is prohibitive at this stage due to the existing built form conditions on the site.

Ministerial Direction No.1 provides for this further 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."

To ensure that the appropriate investigations are undertaken at a later date, the application of an Environmental Audit Overlay (EAO) to the site will ensure that if a sensitive use is proposed then further testing of the site will occur.

Sensitive land uses are considered to be;

- residential use,
- a child care centre,
- a pre-school centre
- a primary school.

5. Discussion (cont.)

If a sensitive use, public open space or agriculture was proposed for the site then further testing, possibly an audit and remediation works will either be undertaken at the time of the application for the uses and development or, prior to the use or development occurring on the site. If a sensitive use is not ultimately contemplated for the site then an audit may not be required.

Therefore, it is recommended that an Environmental Audit Overlay (EAO) be applied to the site.

¹Clause 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.

6. Turning the Design Principles to a Built Form Control

Requirements

The elements of the DDO controls were established as follows:

- Street wall height in Cathedral and St Andrews Place to be the equivalent of 6-7 storeys (i.e 20m) (Refer Figure 18).
- No additional shadow on Fitzroy Gardens between 11am-2pm on 22 September (Refer Figure 19).
- Above the street wall, taller building elements should be set back 10m with 10% of the street wall length allowed to encroach into this space to allow articulation of the street façade (Refer Figure 20).
- The tallest component of building structure above the street wall should not exceed 60m (AHD 96.2) above ground to ensure it does not project above the ridgeline of St Patrick's Cathedral, seen from the north-west corner of Gisborne and Albert Streets (Refer Figure 21).

The DDO contains a maximum gross floor area limit which has two purposes:

- To ensure the building envelope defined by the numeric setbacks and heights is not entirely “filled out”; and
- To ensure that the economic value of the site as purchased is not ‘uplifted’ by seeking to overdevelop the land.

The appropriate gross floor area for the site is considered to be 73,000sqm which is expressed as a floor area ratio of 9:1 (refer to Yield and Development Potential Report, Tessellate Architects, December 2016).

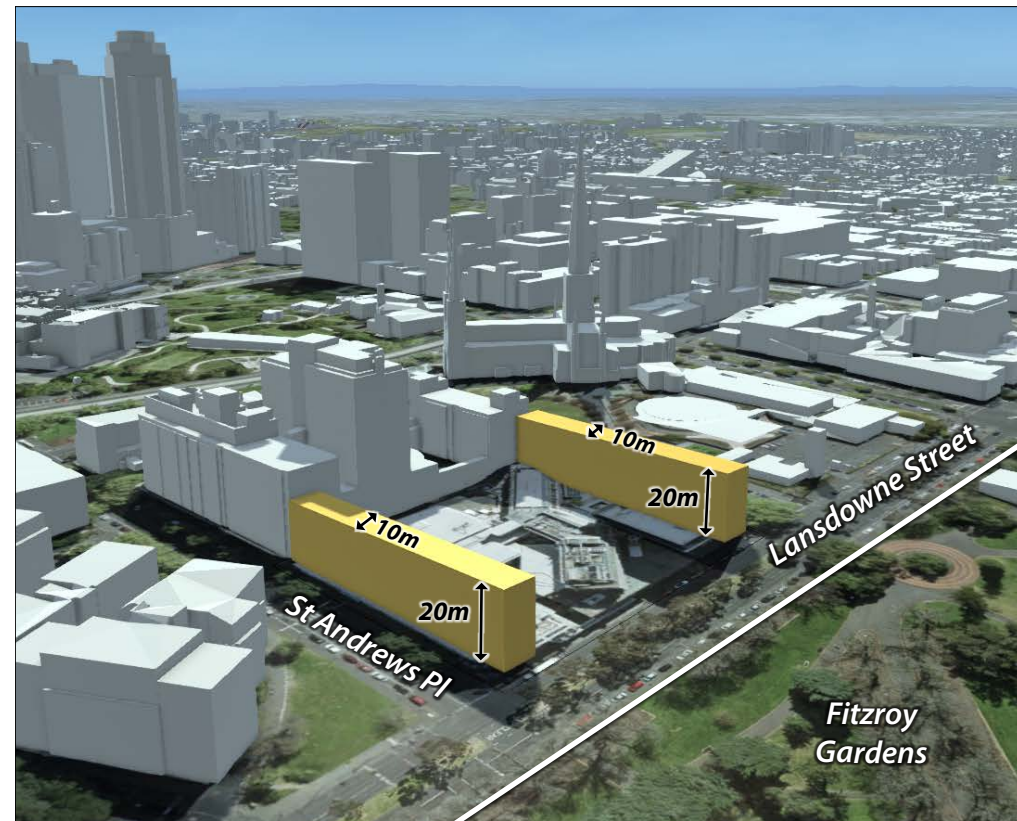


Figure 18: Street wall height in Cathedral and St Andrews Place

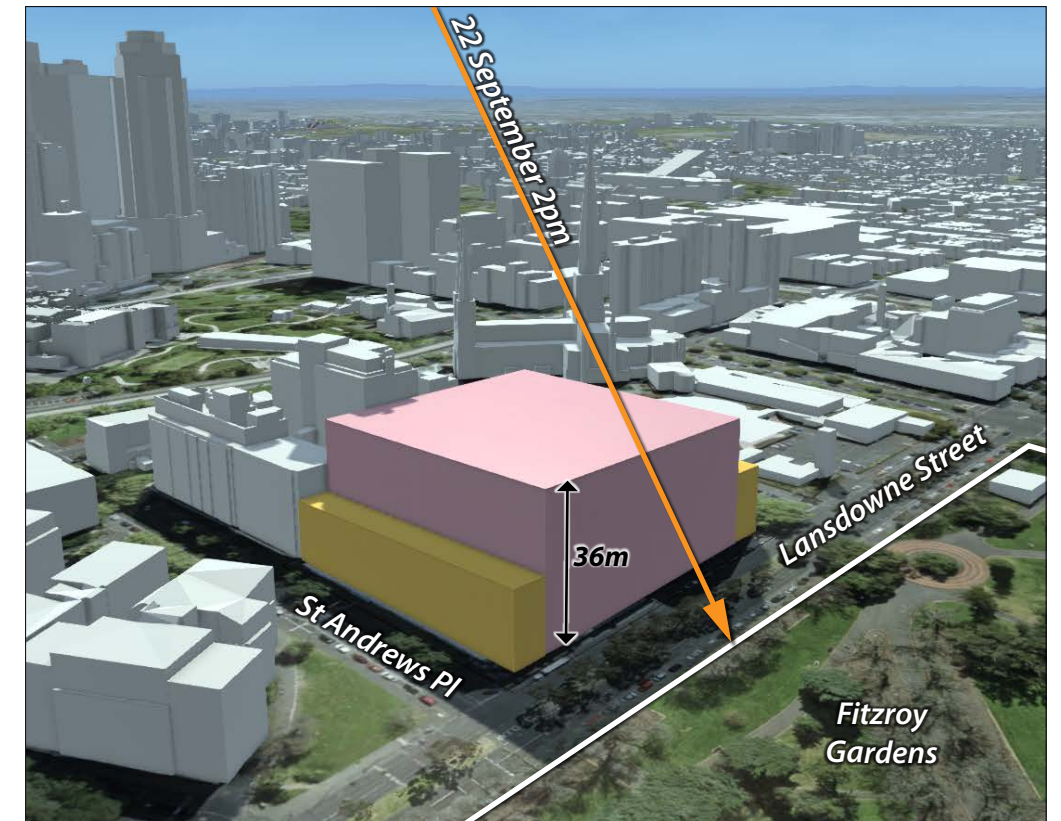


Figure 19: No shadow on Fitzroy Gardens

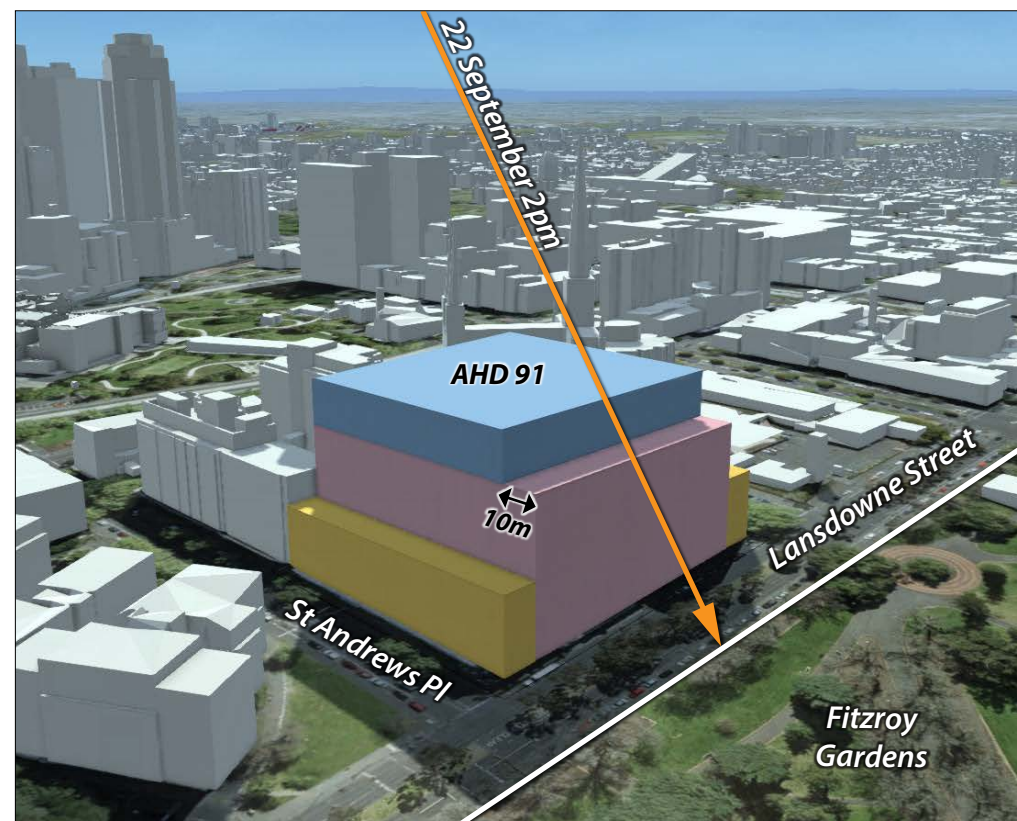


Figure 20: Taller building elements to be set back 10m with 10% of the street wall length allowed to encroach into this space

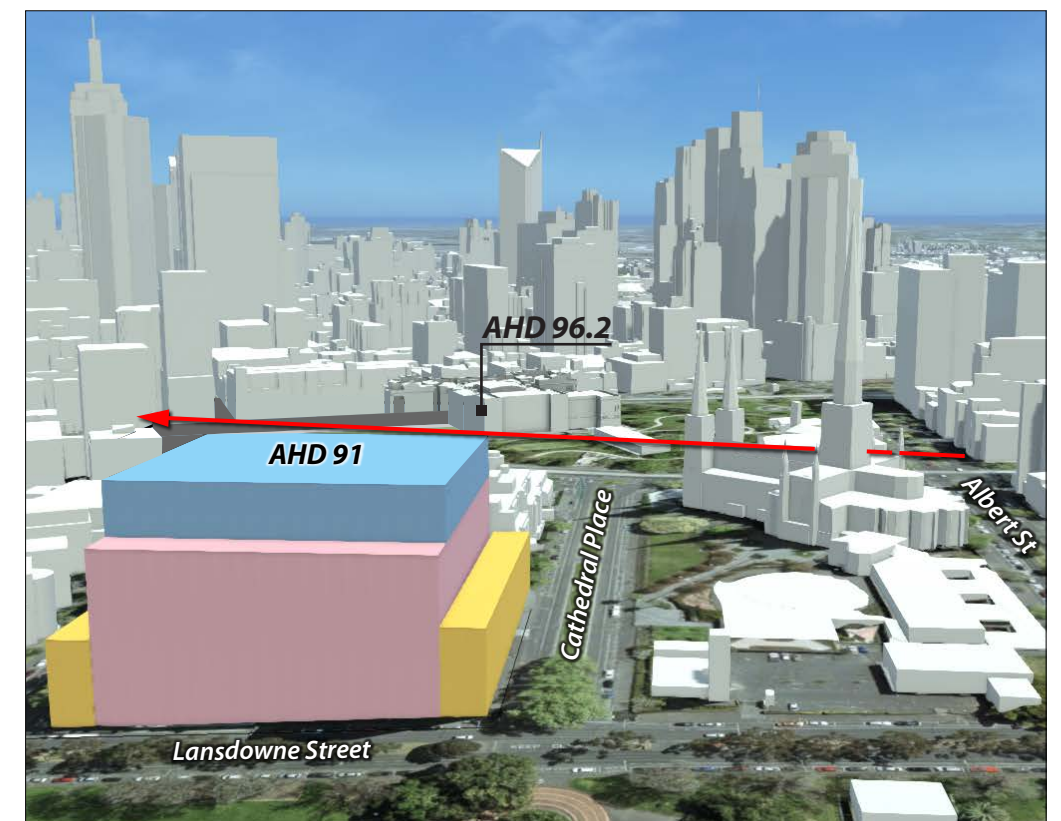


Figure 21: Tallest component does not project above the ridgeline of St Patrick's Cathedral

6. Turning the Design Principles to a Built Form (cont.)

In addition to these built form requirements, a series of design objectives and outcomes seek to achieve the following from any design response on the site;

- An exemplar design response;
- Responsive to the sensitivities of context;
- Respectful to the heritage significance of the wider precinct;
- Differential in its visual prominence in relation to Parliament House, St Patricks Cathedral and Fitzroy Gardens;
- Visually engaging with the streetscape;
- Without negative shadow effects on the Fitzroy Gardens; and
- Providing a high level of amenity for future occupants.

The design outcomes cover:

- Architectural quality;
- Open space;
- Active frontages;
- Building separation;
- Building articulation;
- Landscaping;
- Vehicular access; and
- Car parking.

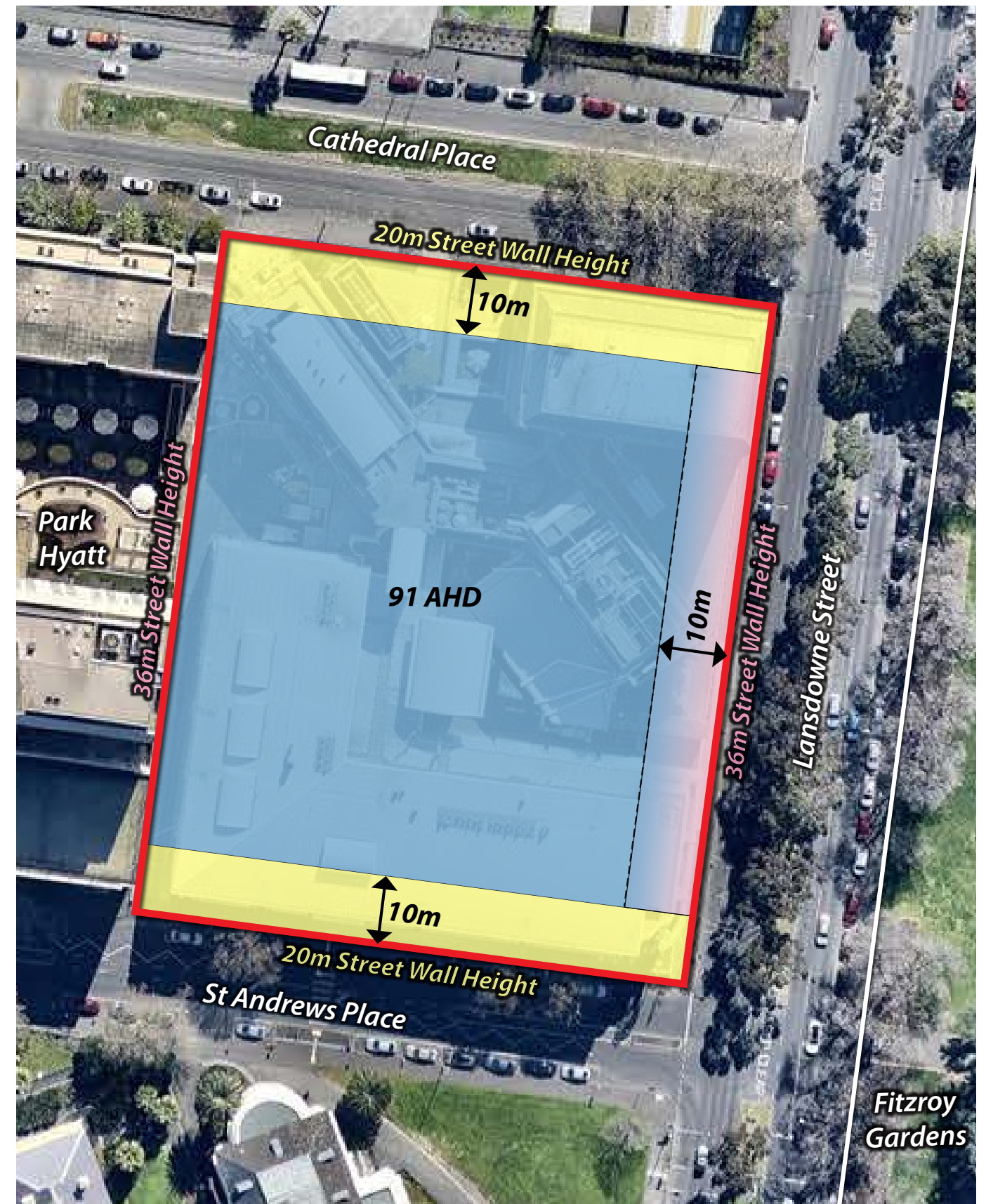


Figure 22: Proposed street wall heights and upper level setbacks

Appendices

- 1. Building Height (storeys)
- 2. Building Height (approximate metres)
- 3. Streetscape and Public Appearance
- 4. Address and Activation
- 5. Shadowing Tests on 22 September
- 6. Shadowing Tests on 21 June
- 7. Key Map for Vista Studies
- 8. Vistas: Bourke Street
- 9. Vistas: Brunswick Street
- 10. Vistas: Collins Street
- 11. Views: Parliament Forecourt
- 12. Views: Gisborne and Albert
- 13. Sightline Study from Gisborne and Albert Street Intersection
- 14. Views: Fitzroy Gardens
- 15. Views: adjacent streets
- 16. Views: Collins and Spring Streets
- 17. Connections
- 18. Opportunities
- 19. Constraints

Diagram 1: Building Height (storeys)

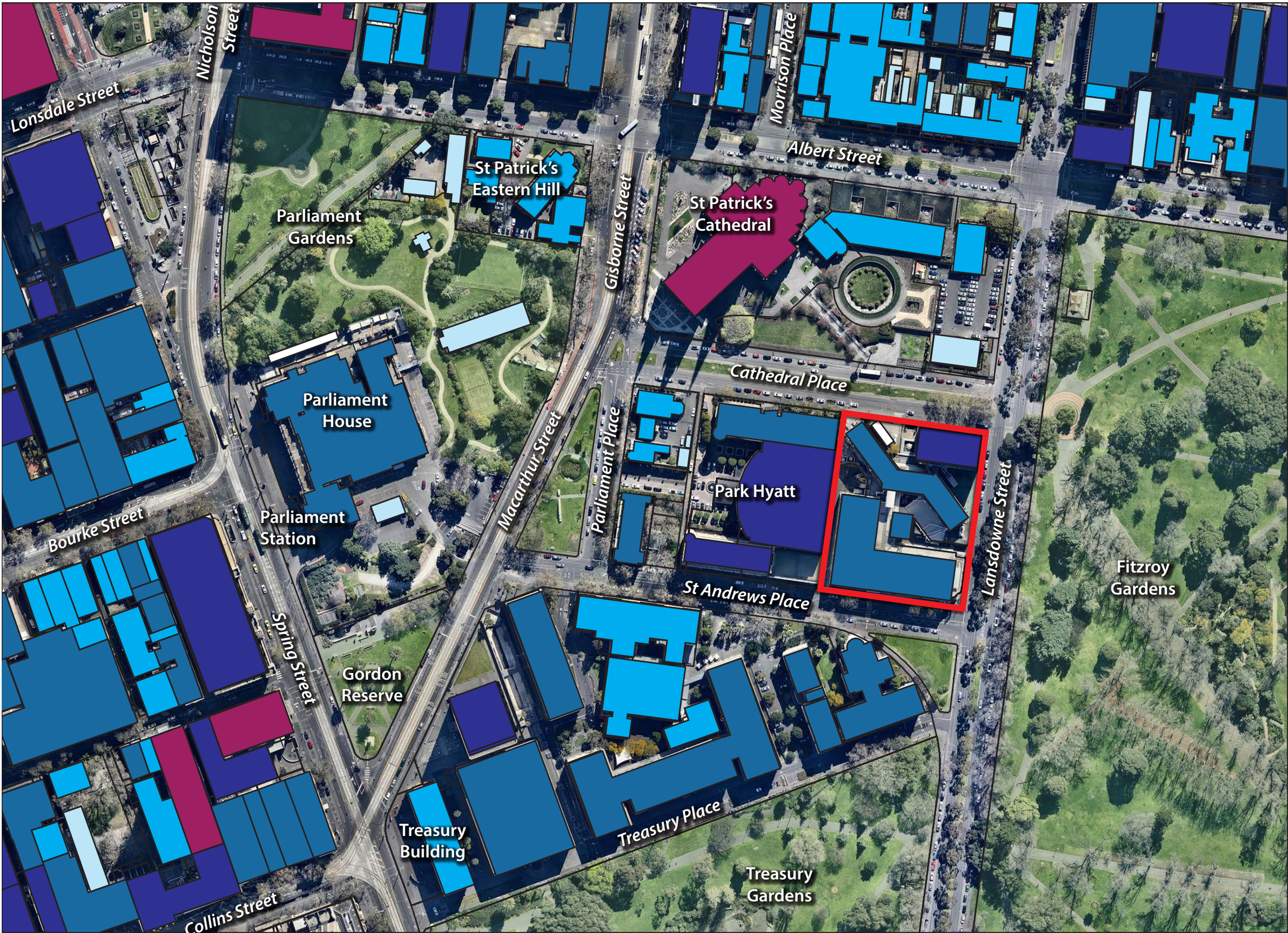


Legend

- Study Area
- 1-2 storeys
- 3-4 storeys
- 5-9 storeys
- 10-19 storeys
- 20+ storeys



Diagram 2: Building Height (approximate metres)



Legend

- Study Area
- Up to 7m
- 8m to 13m
- 14m to 28m
- 29m to 58m
- 59m +



Diagram 3: Streetscape and Public Appearance

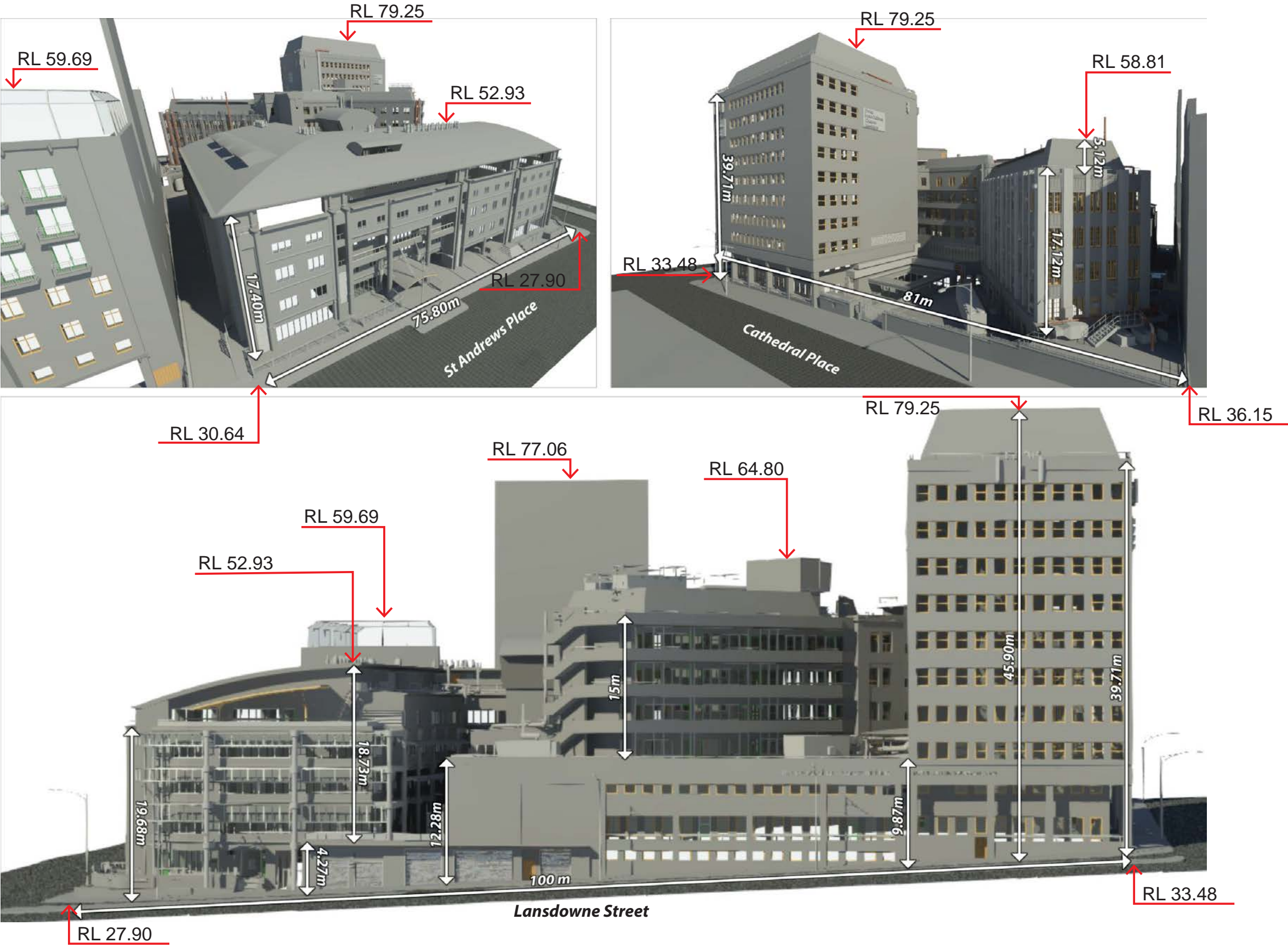
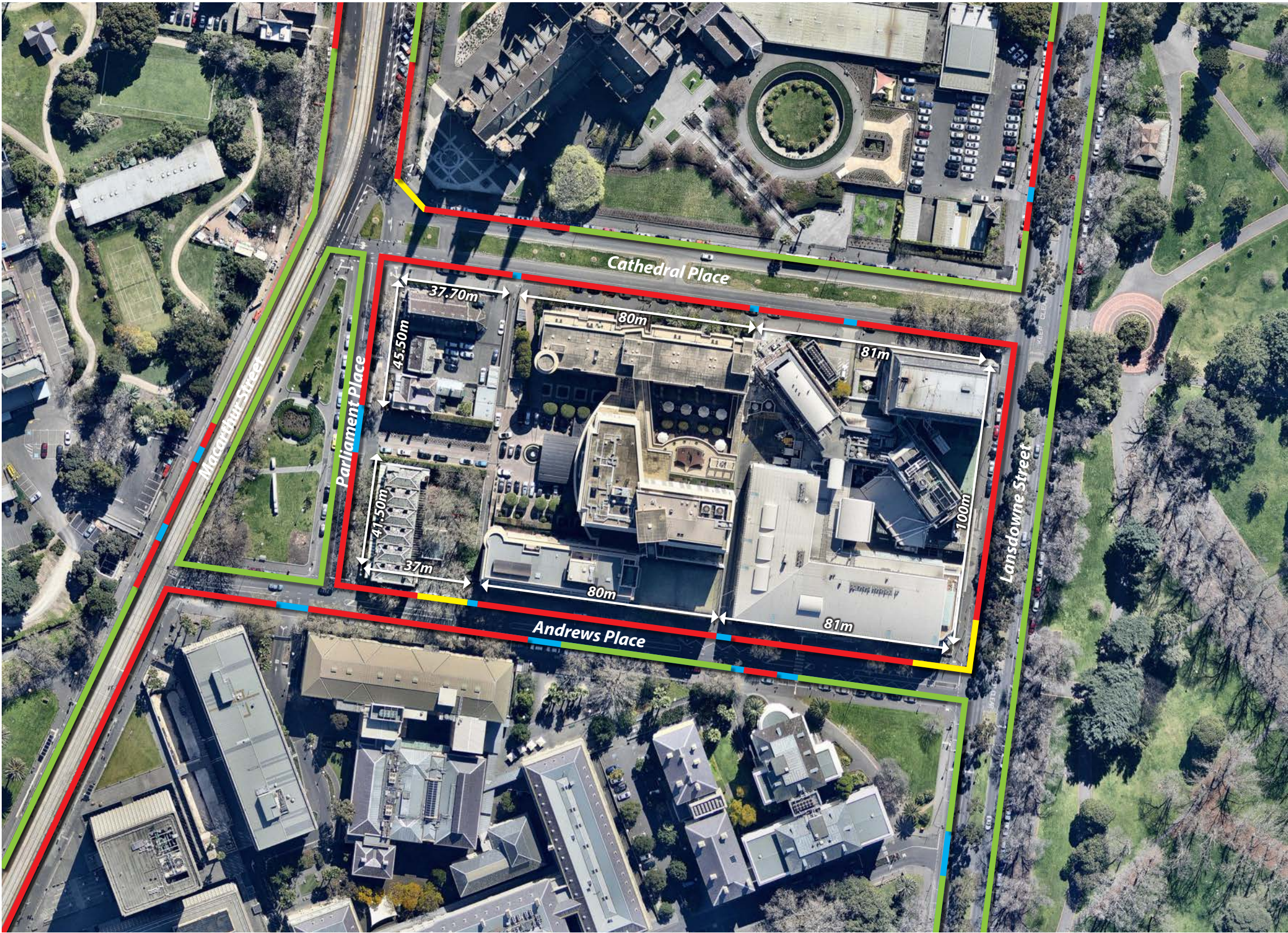


Diagram 4: Address and Activation



Legend

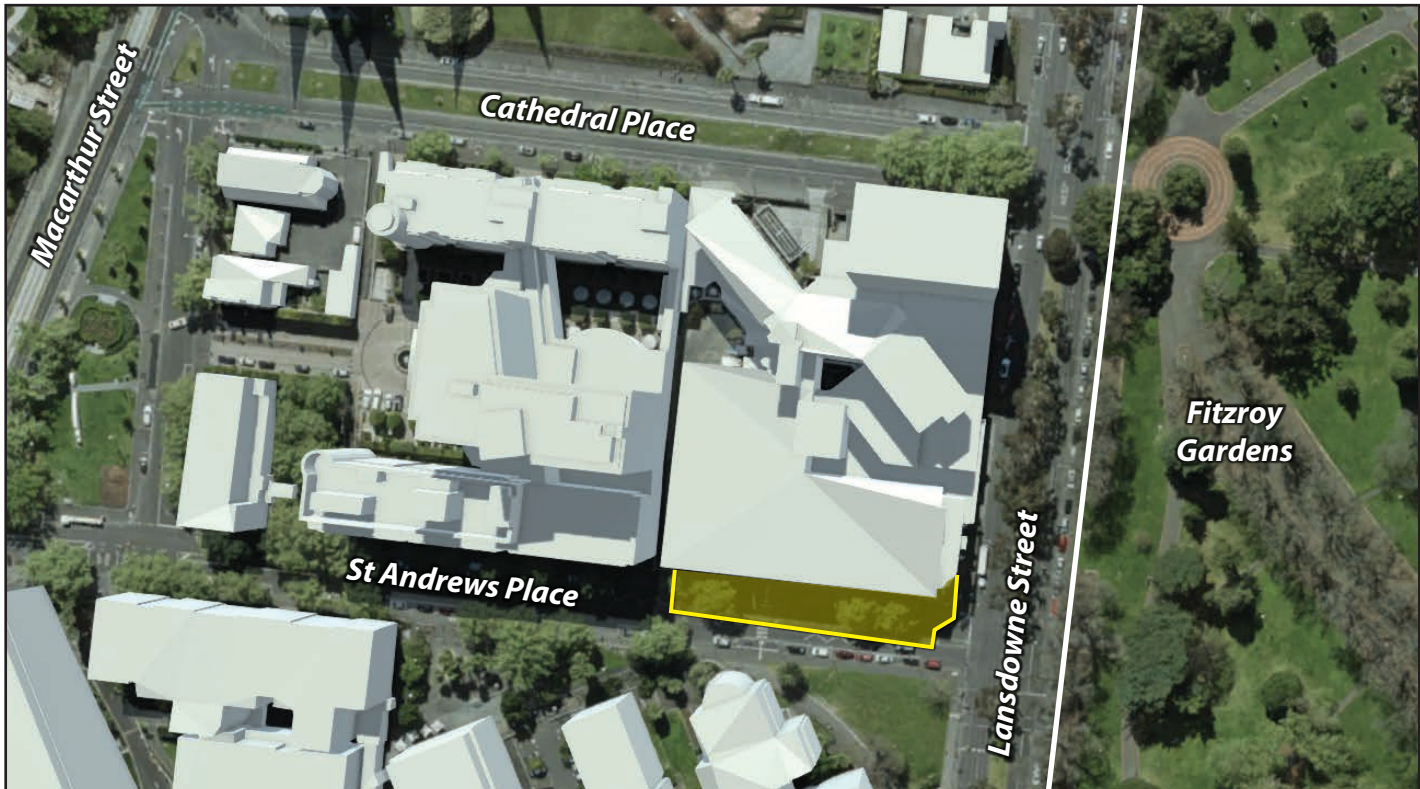
- Active frontage
- Inactive frontage
- Soft edge
- Vehicular access



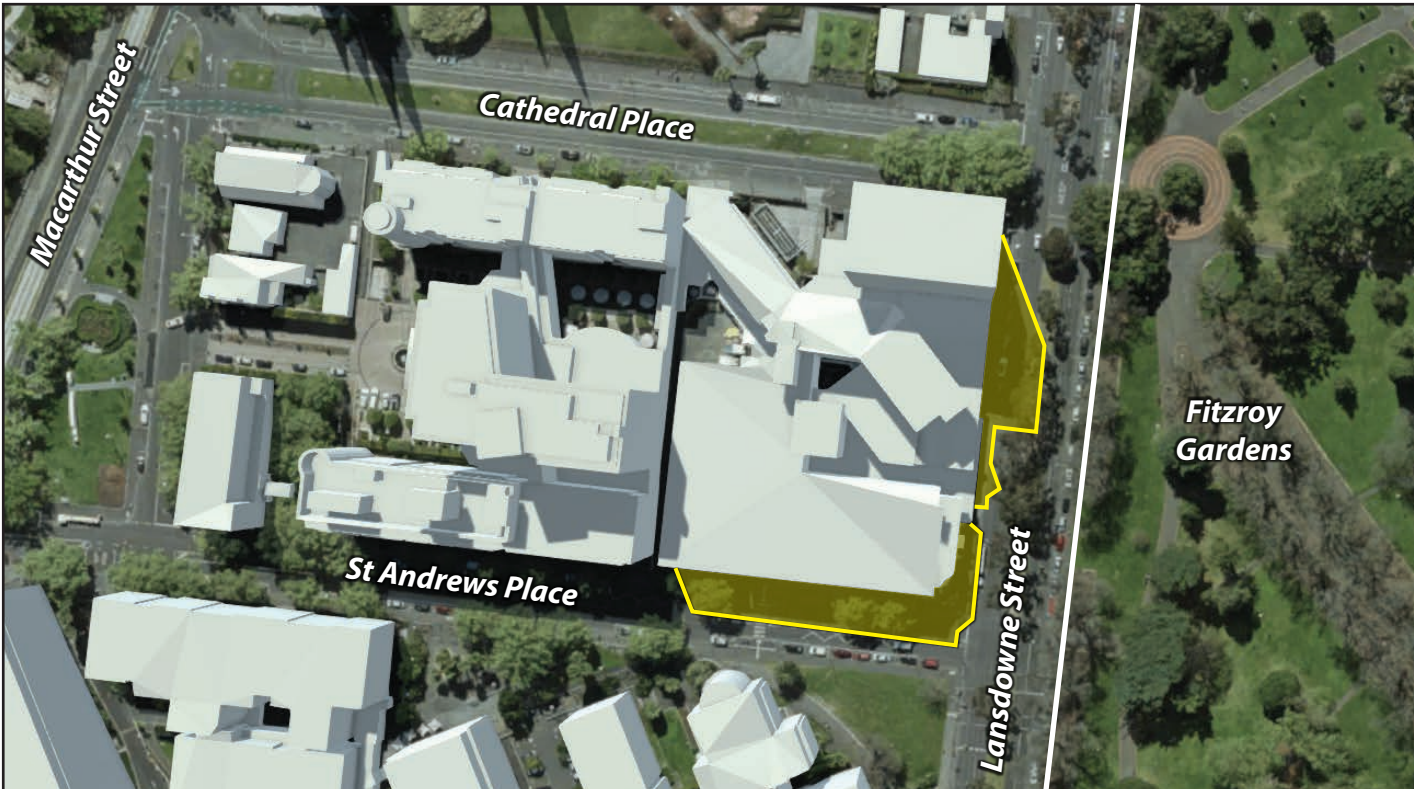
Diagram 5: Shadow on 22 September: Existing Condition



22 September 11am



22 September 12pm



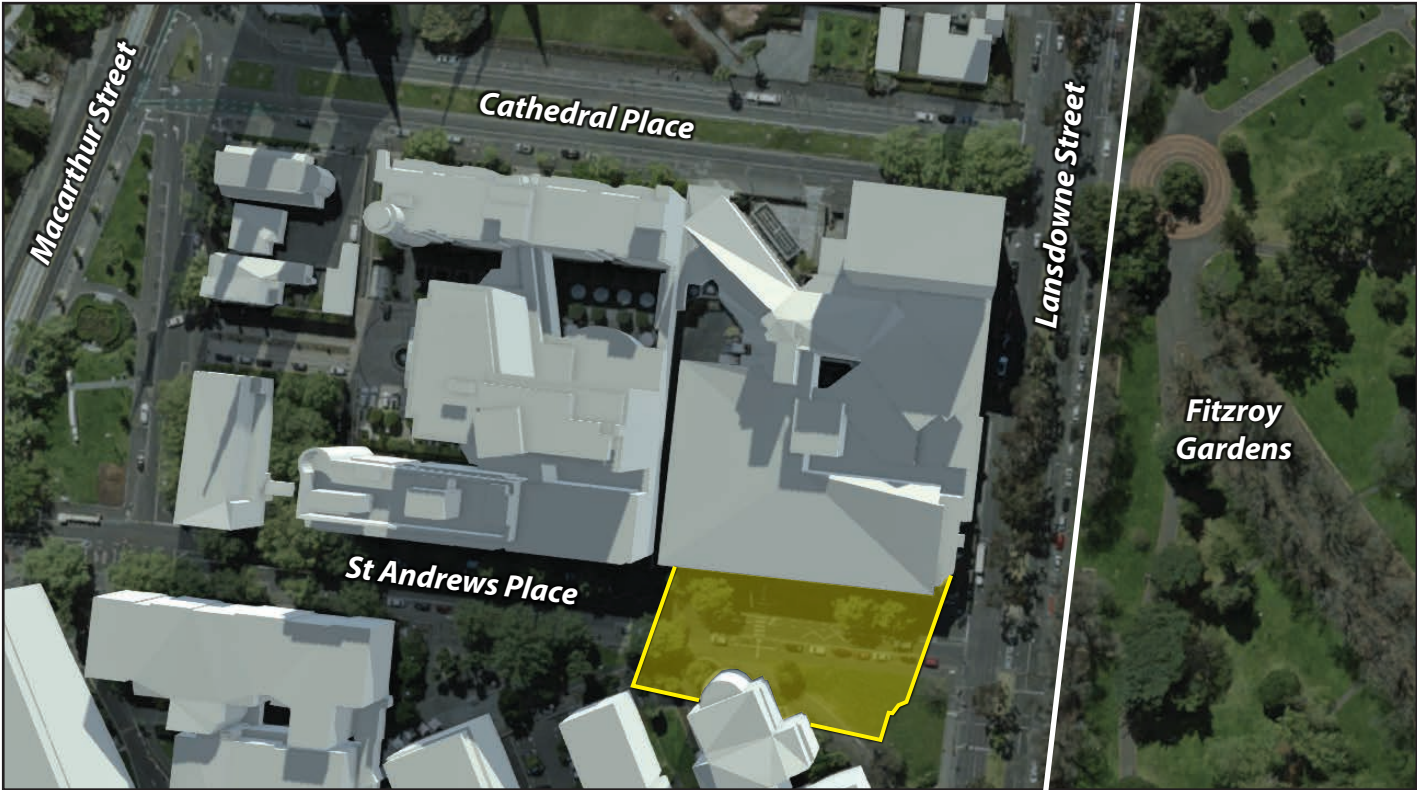
22 September 1pm



22 September 2pm



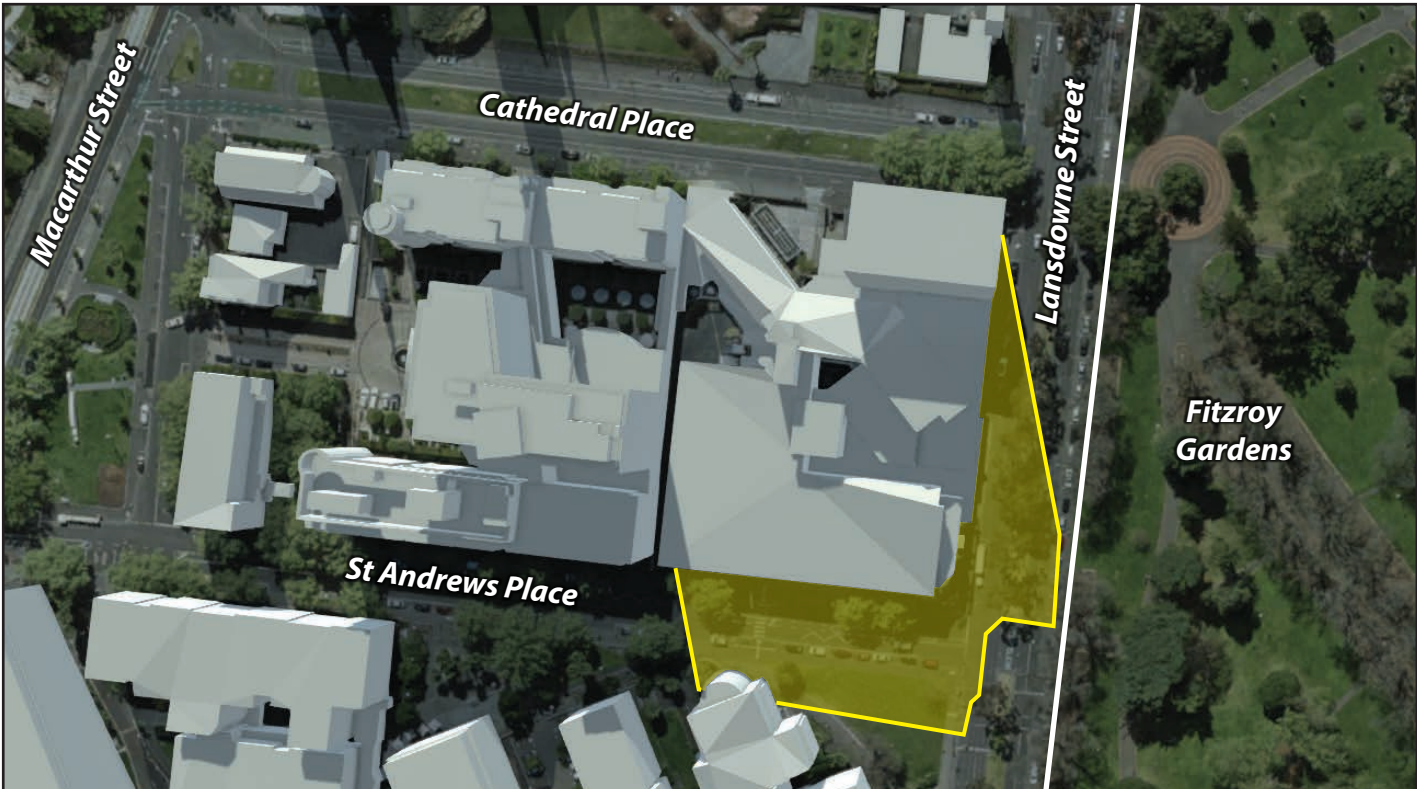
Diagram 6: Shadow on 21 June: Existing Condition



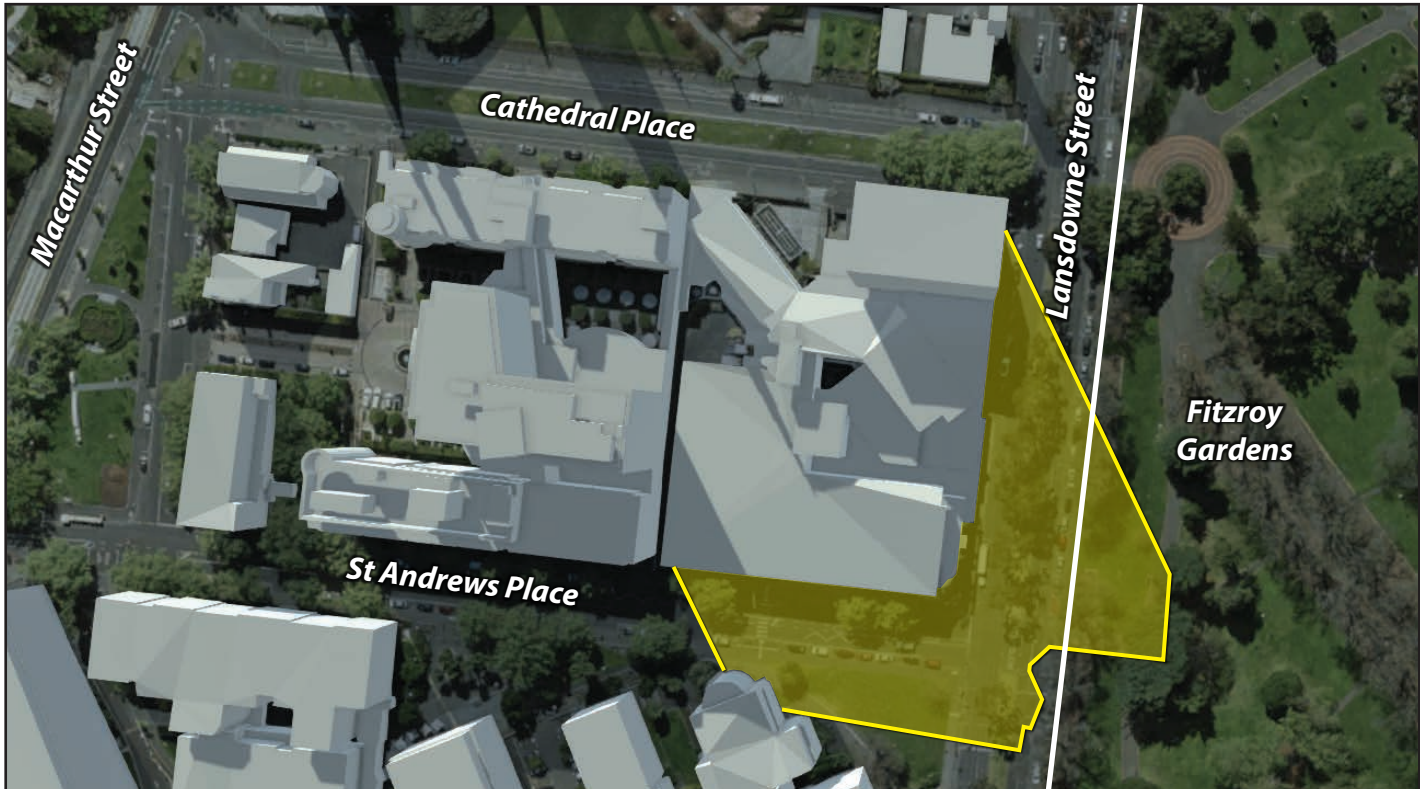
21 June 11am



21 June 12pm



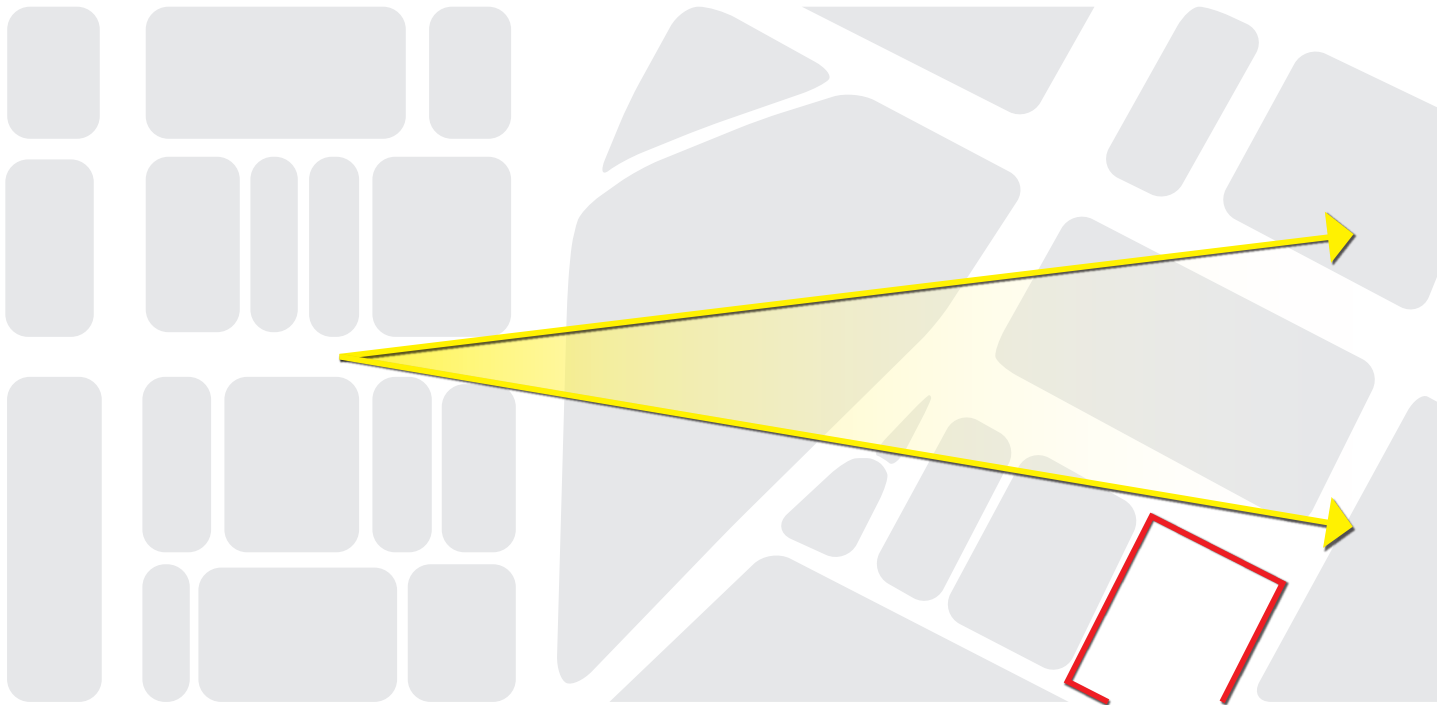
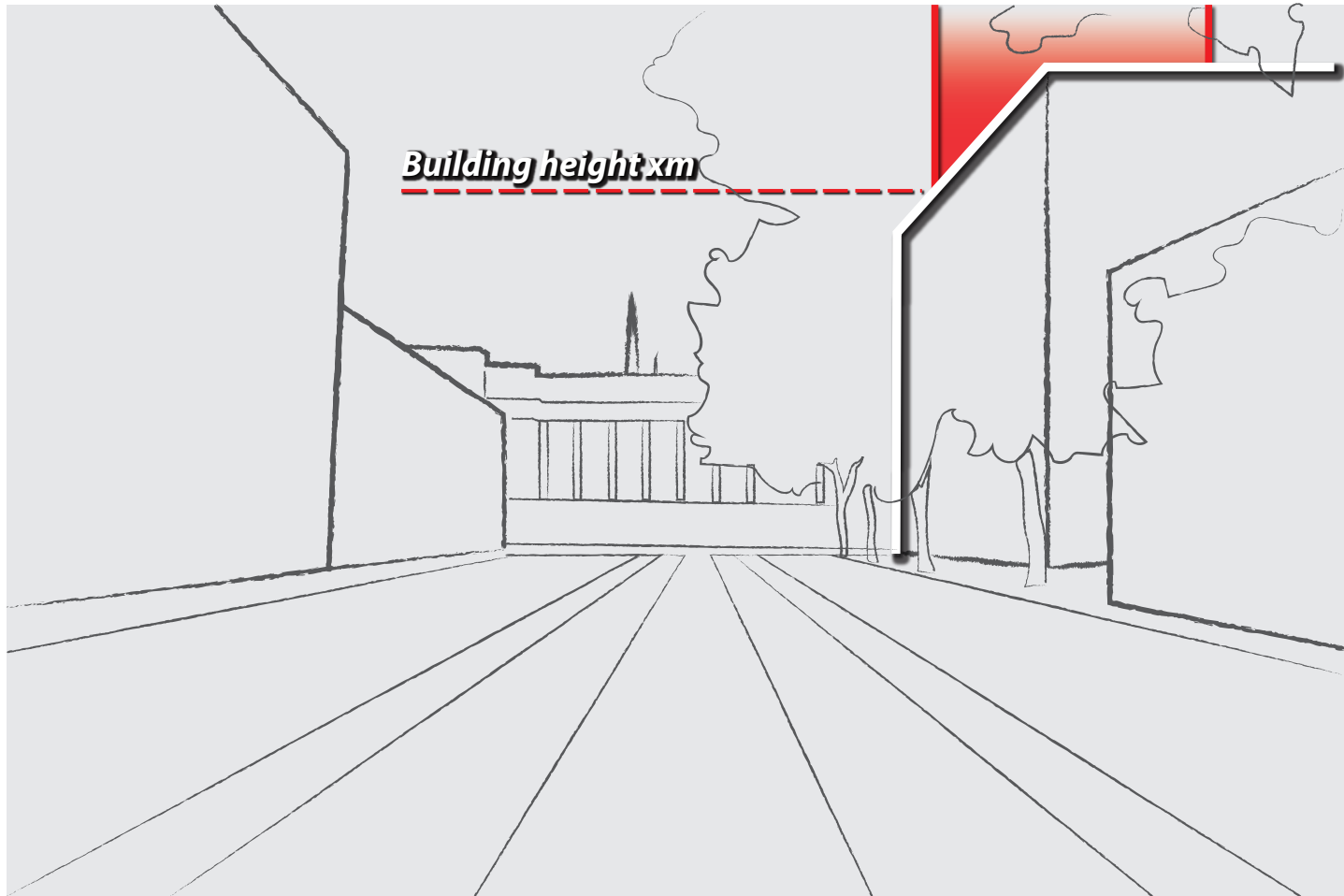
21 June 1pm




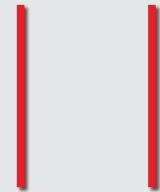


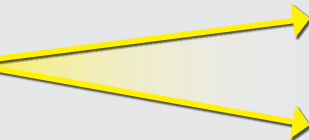

21 June 2pm



Diagram 7: Key Map for Vista Studies



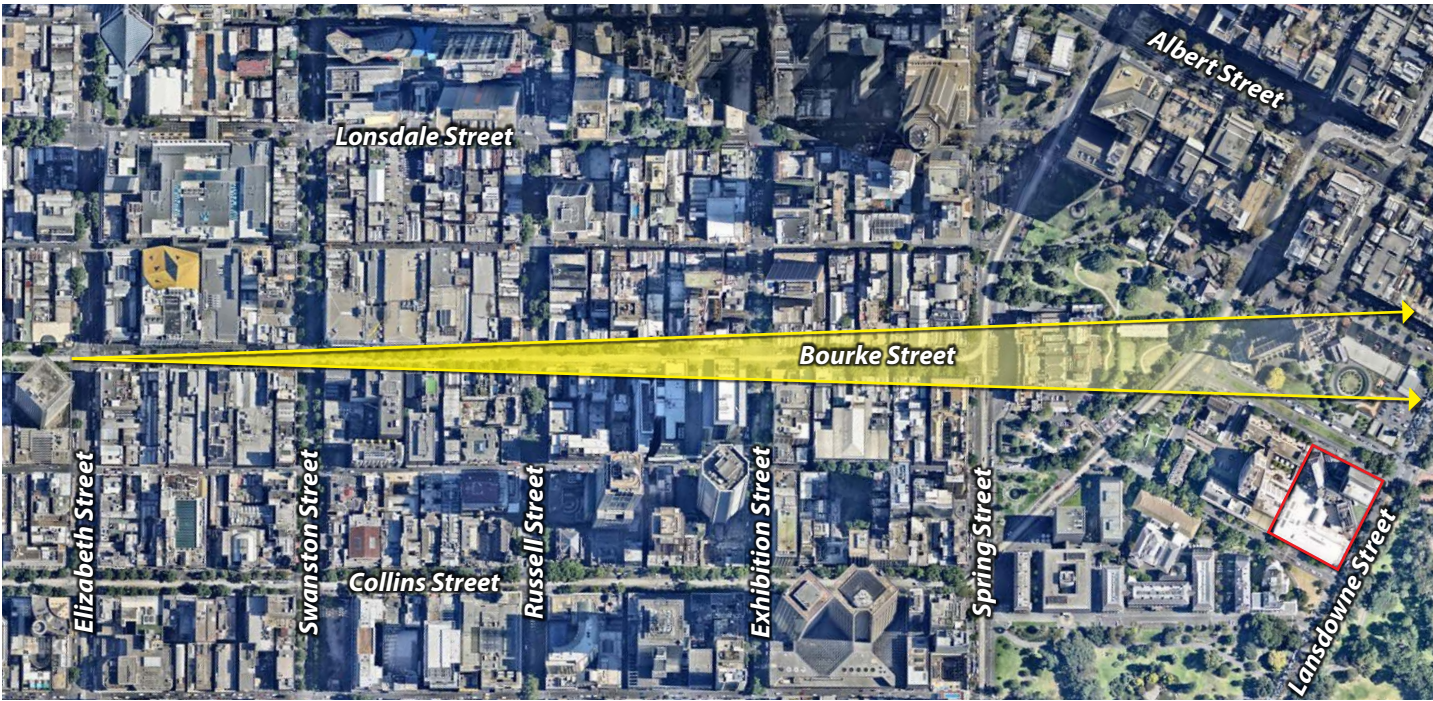
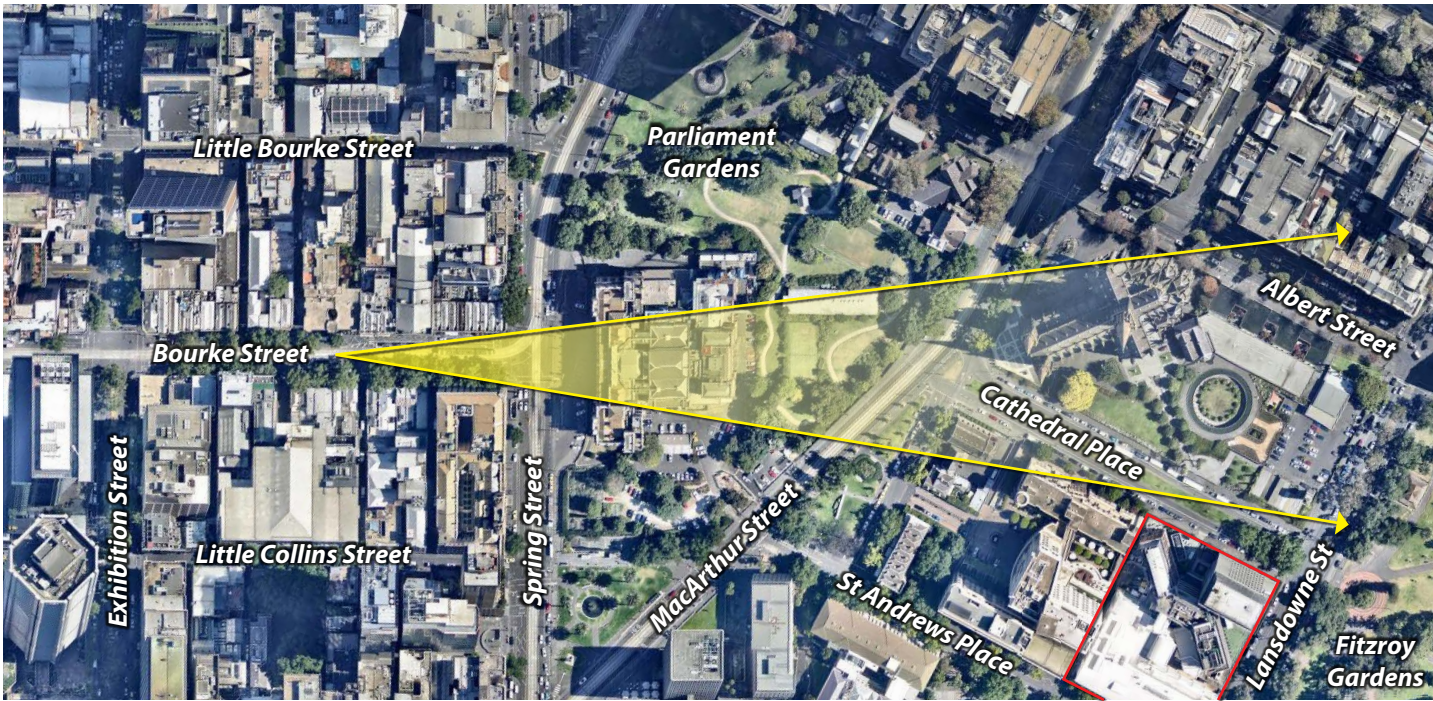
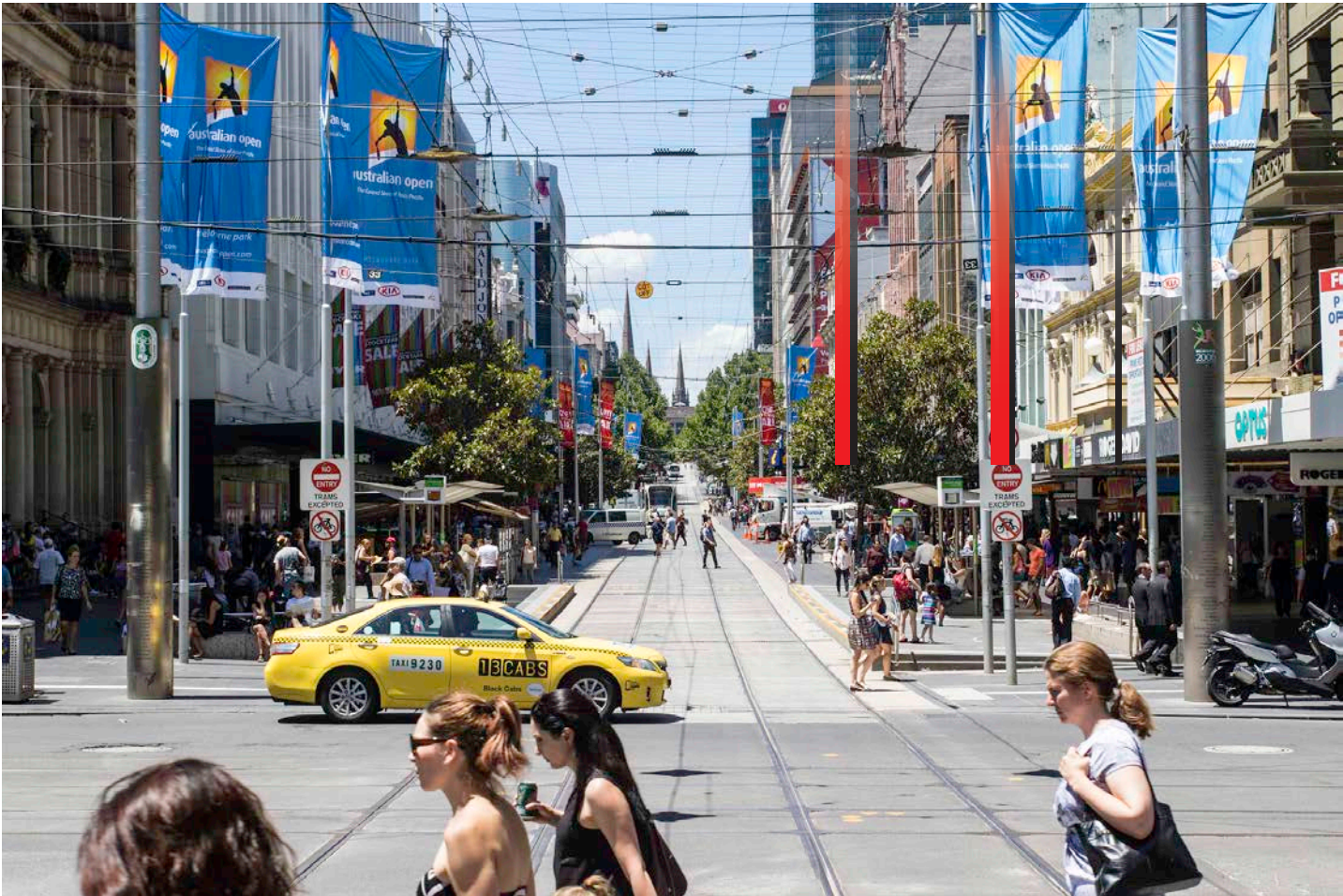
Legend

-  Outline of the existing structures located between the view point and the subject site, blocking views towards the site
-  Full width of the subject site boundaries
-  Full coverage of the subject site (does not represent the proposed building envelope)
-  Building height at which a future building on the Peter MacCallum site becomes visible from the vantage point
-  Location of the vantage point and view cone on plan view
-  Subject site

The building height and locational information used in the vista and view studies are based on Urban Circus data (2016).



Diagram 8: Vista Study Along Bourke Street



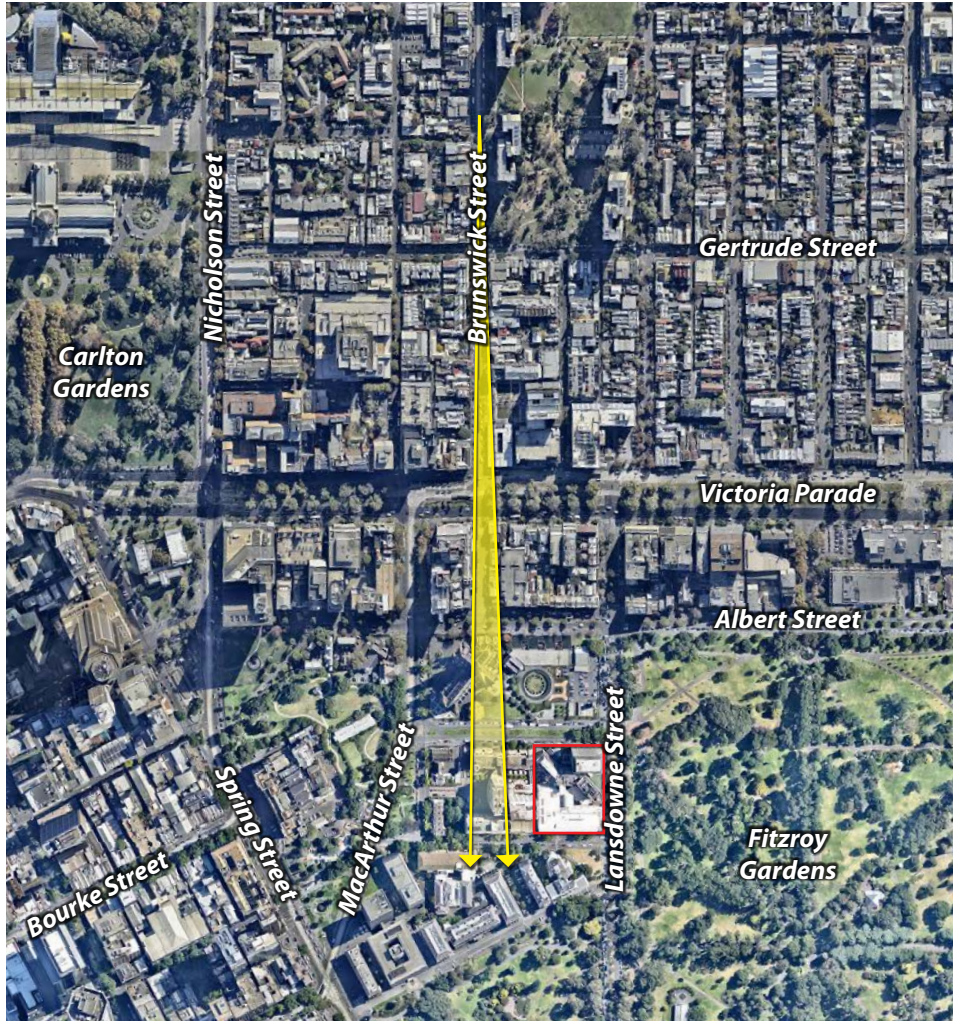
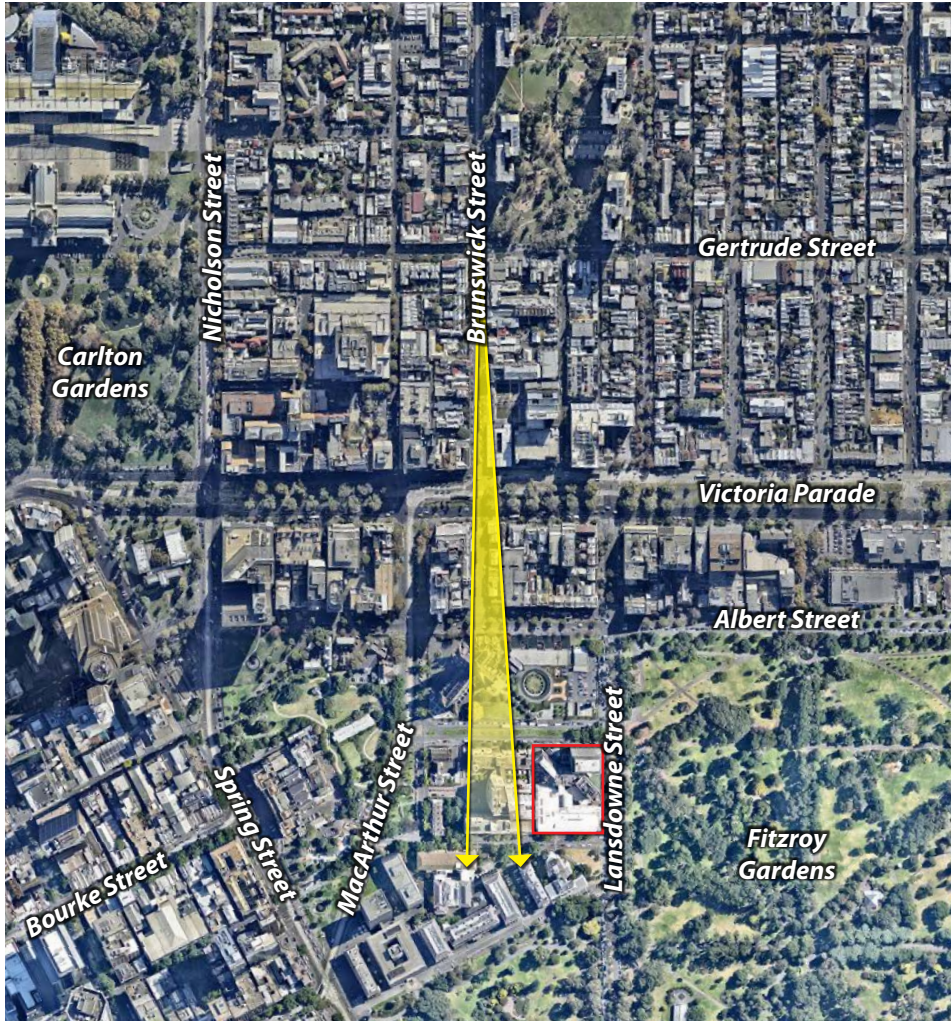
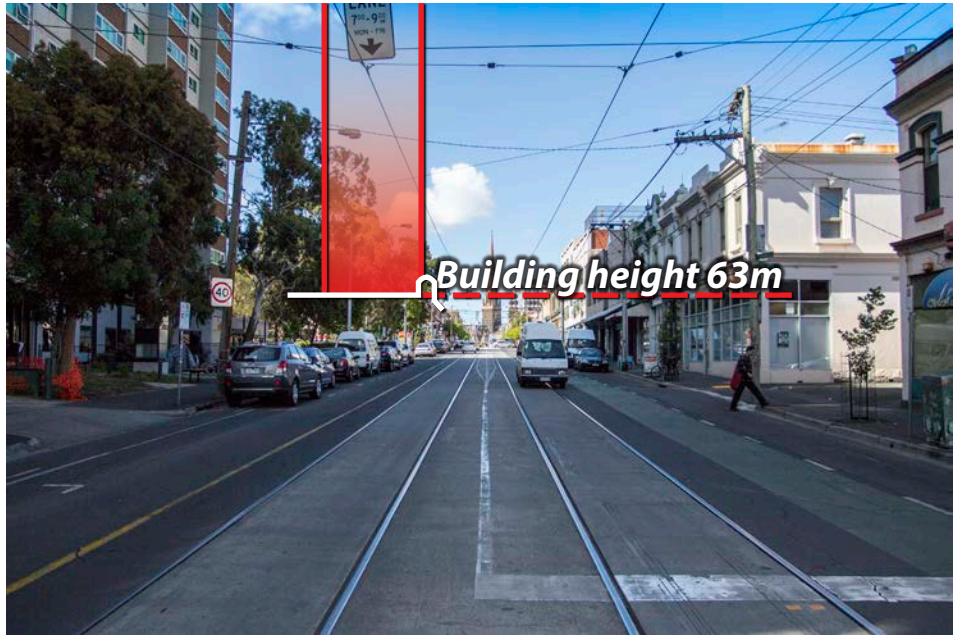
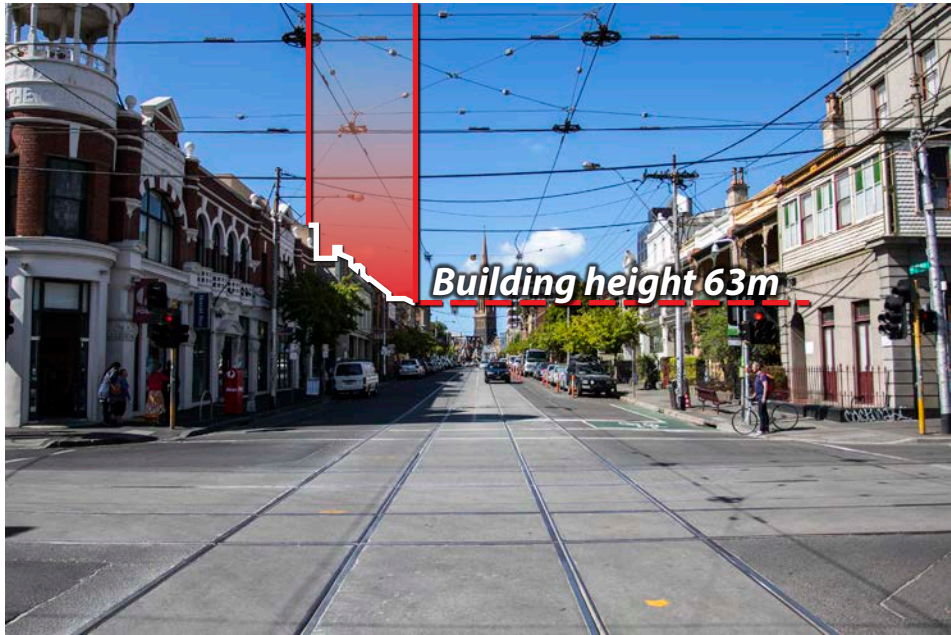
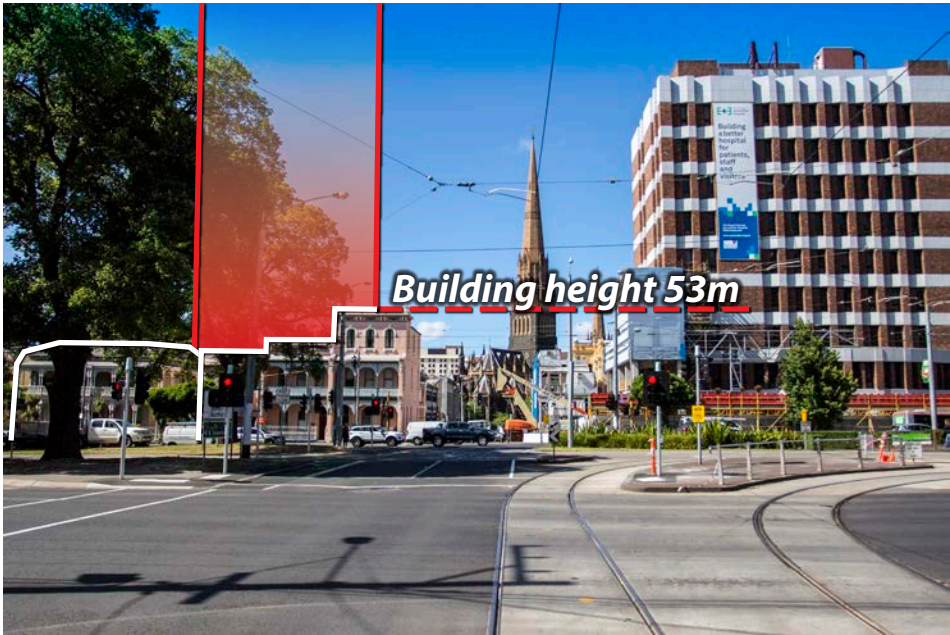
Message Consultants Australia Pty Ltd
ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
www.messageconsultants.com



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Diagram 9: Vista Study Along Brunswick Street



Message Consultants Australia Pty Ltd
ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
www.messageconsultants.com



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Diagram 10: Vista Study Along Collins Street

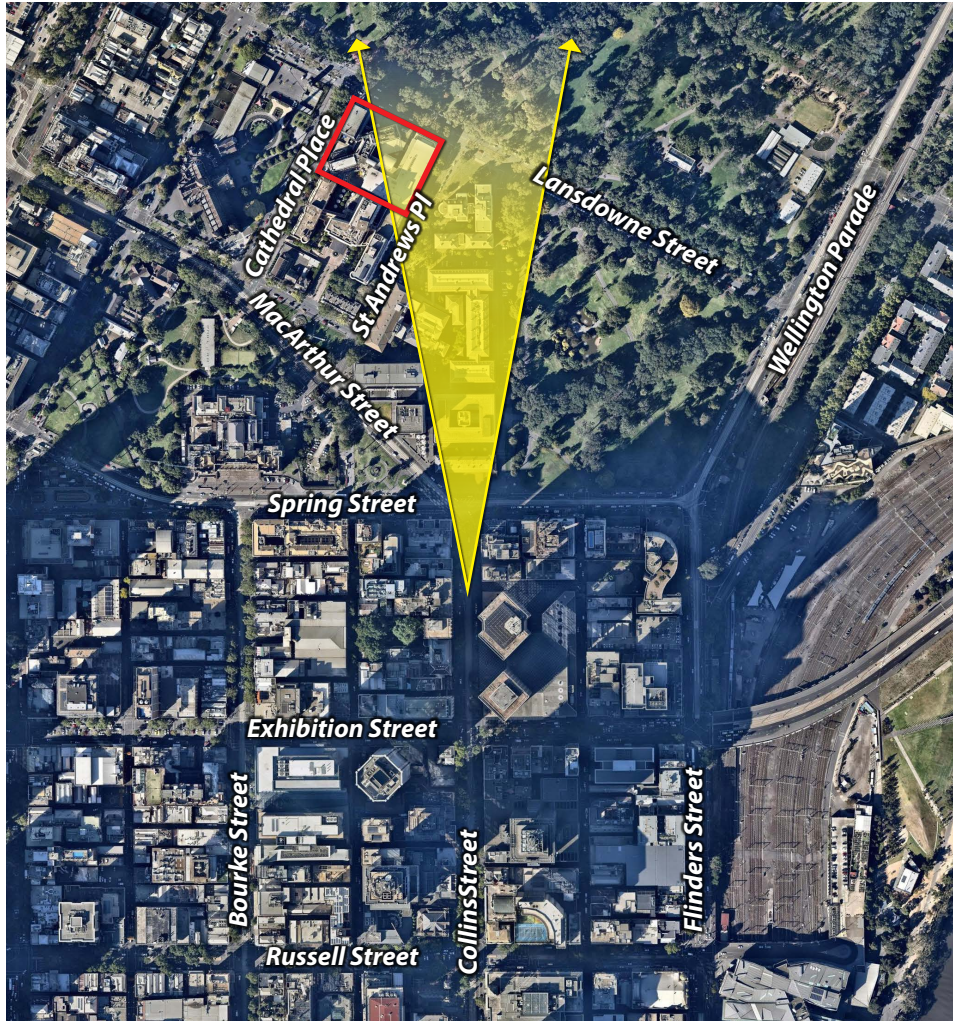
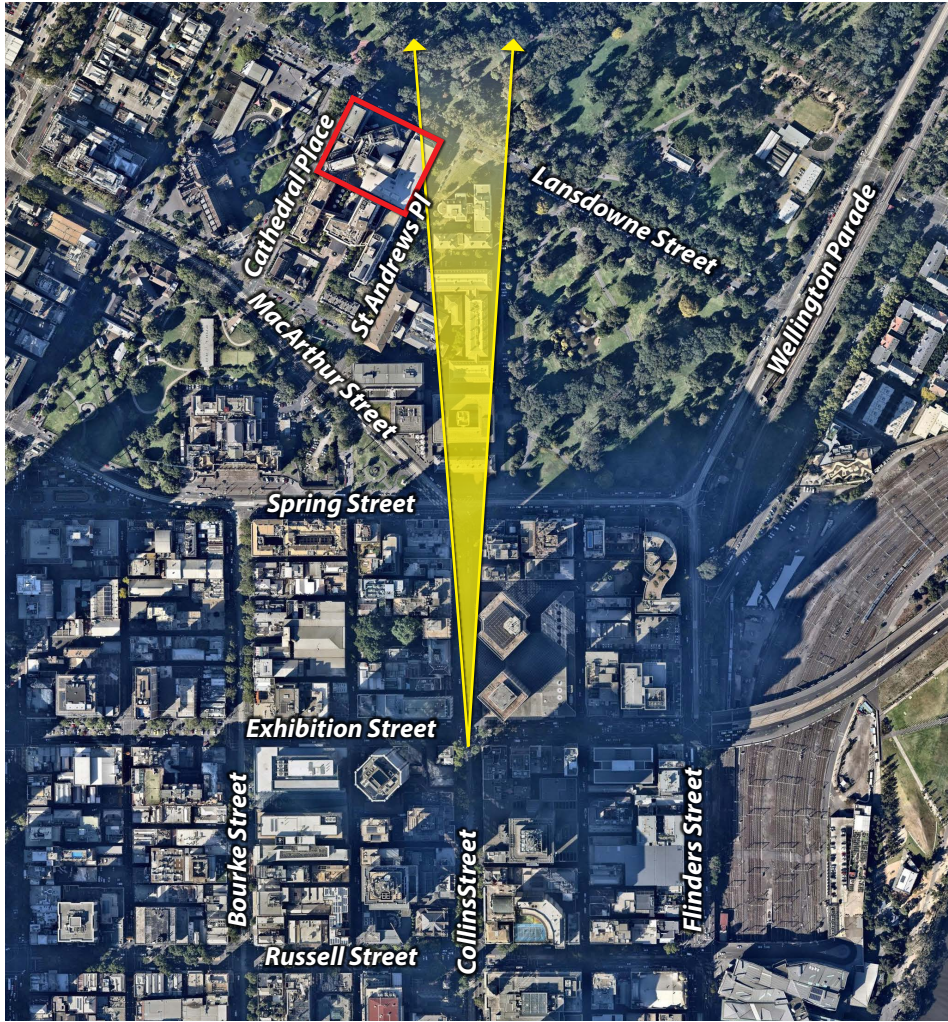
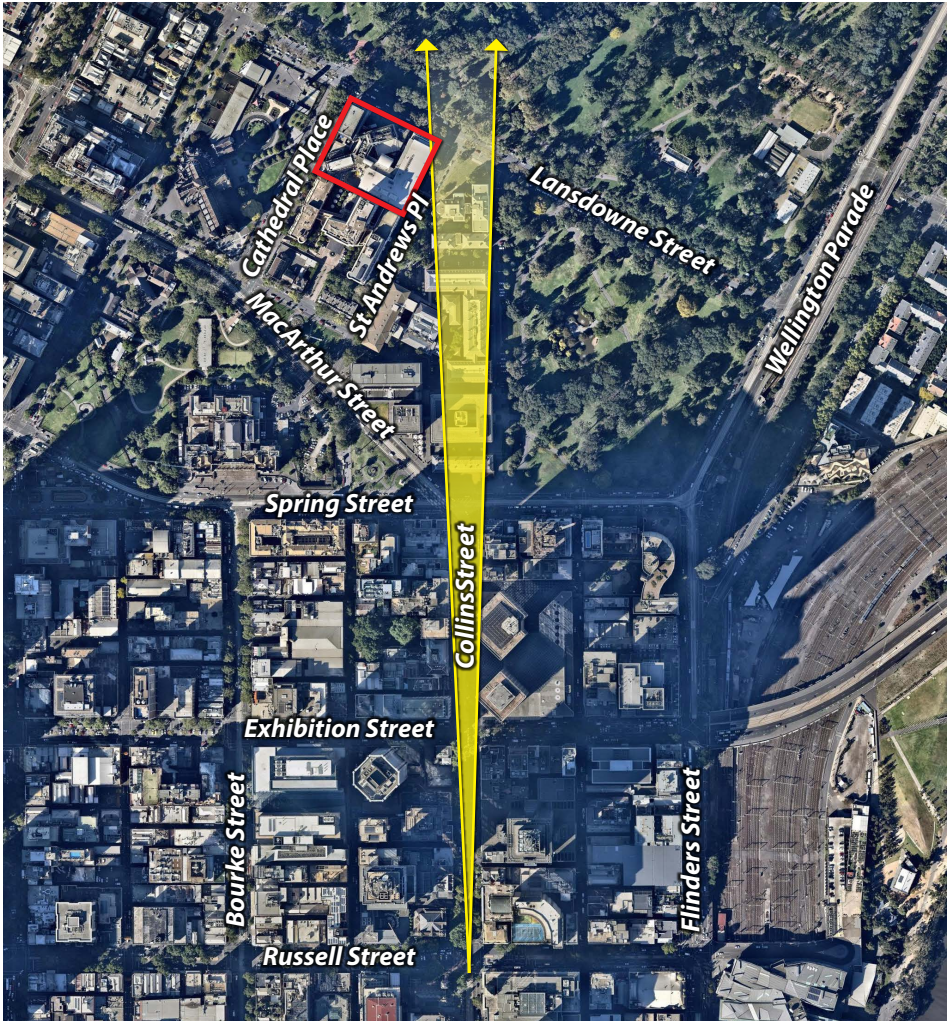
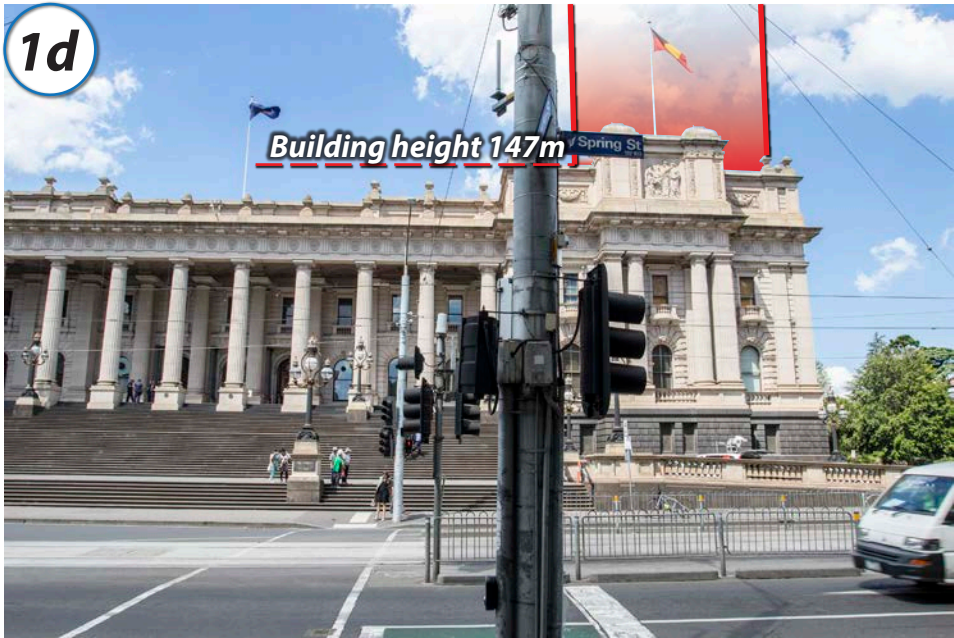


Diagram11: View Study: Parliament Forecourt



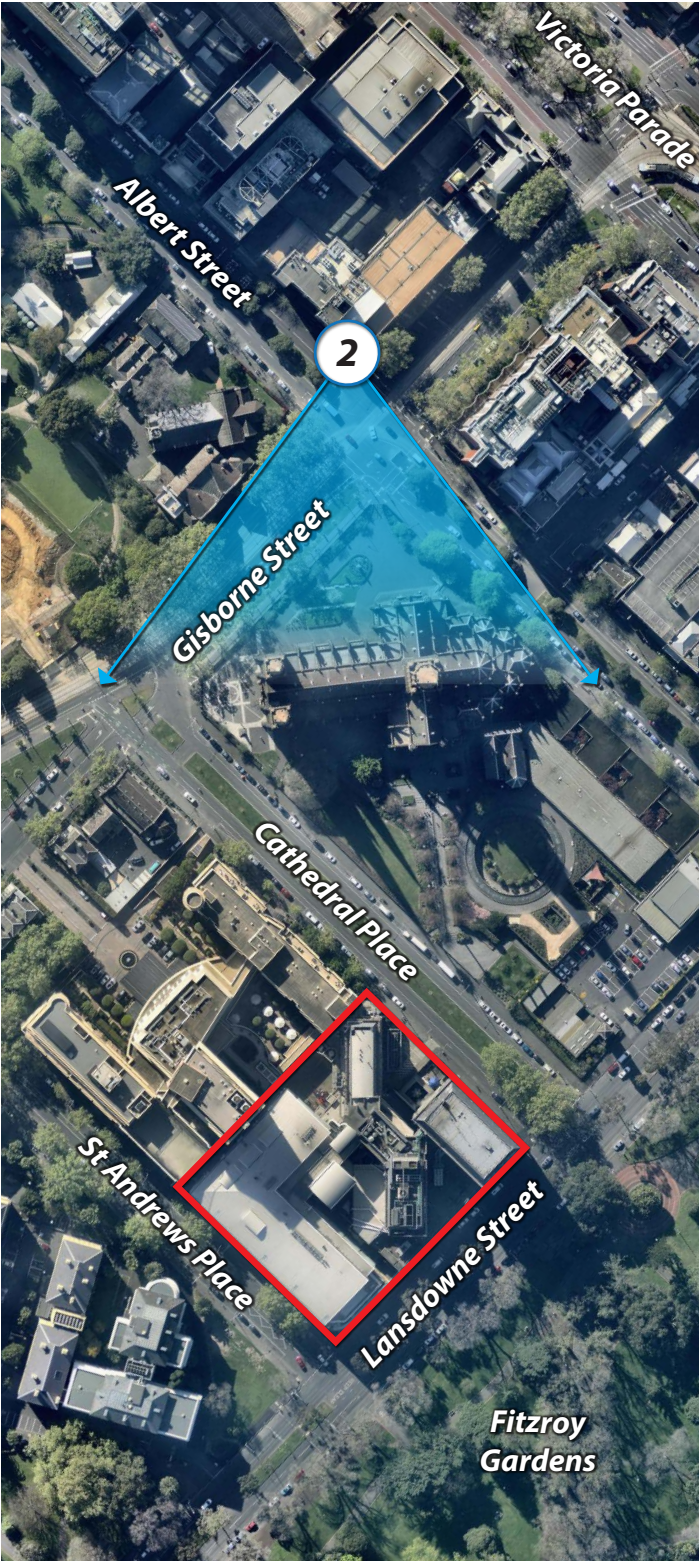
1 Principal views identified in the planning controls

Message Consultants Australia Pty Ltd
ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
www.messageconsultants.com



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Message Consultants Australia Pty Ltd
ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
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Diagram 13: Sightline Study from Gisborne and Albert Street Intersection

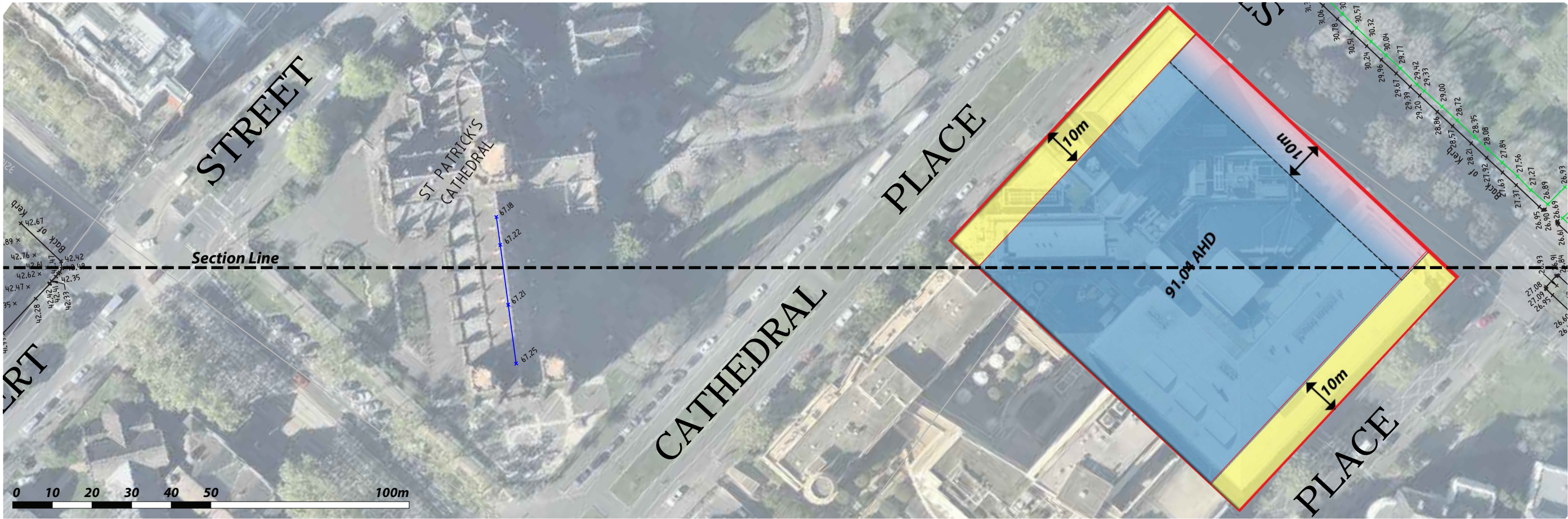
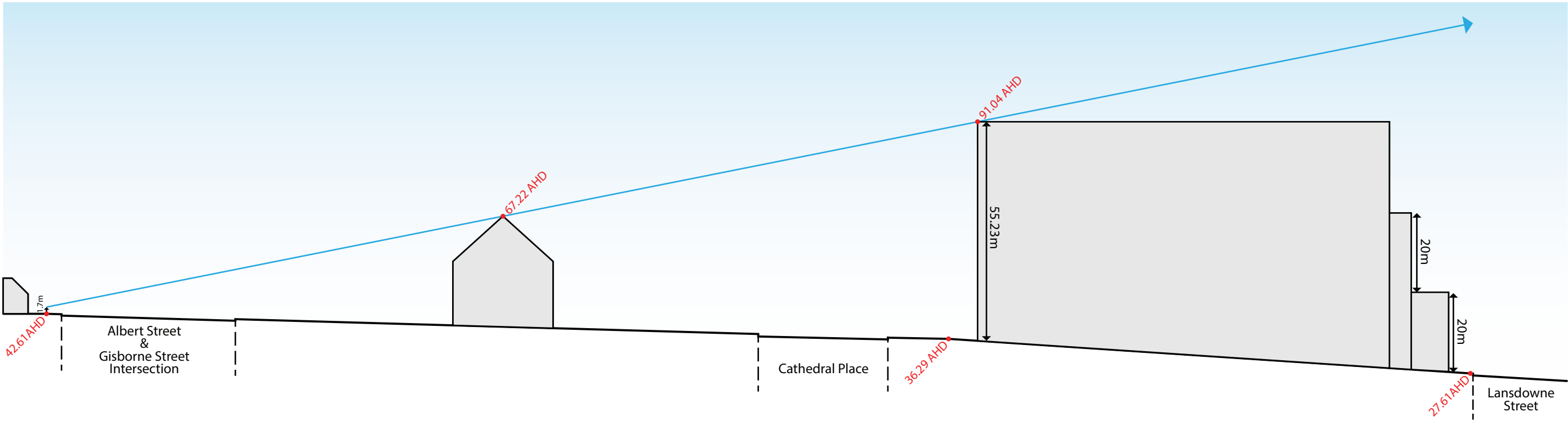
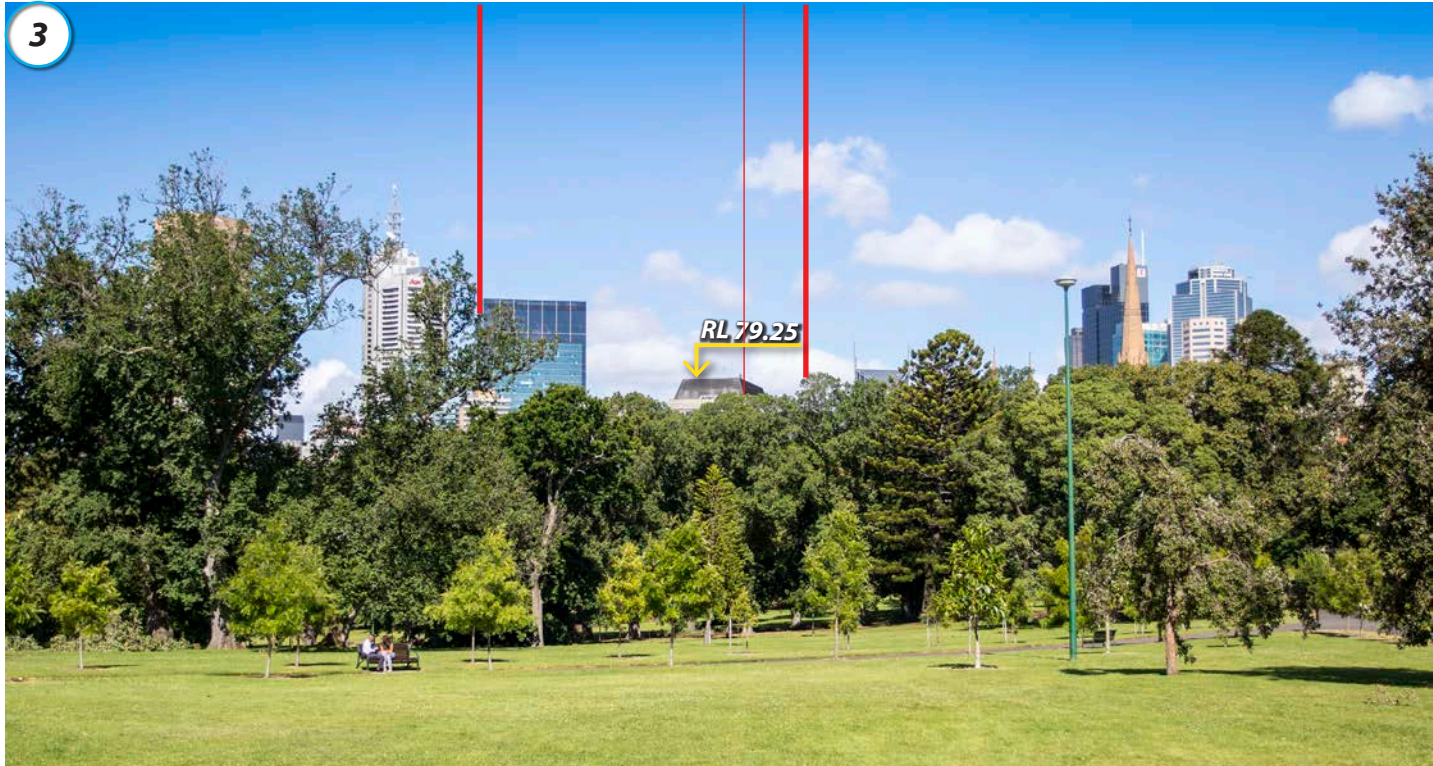
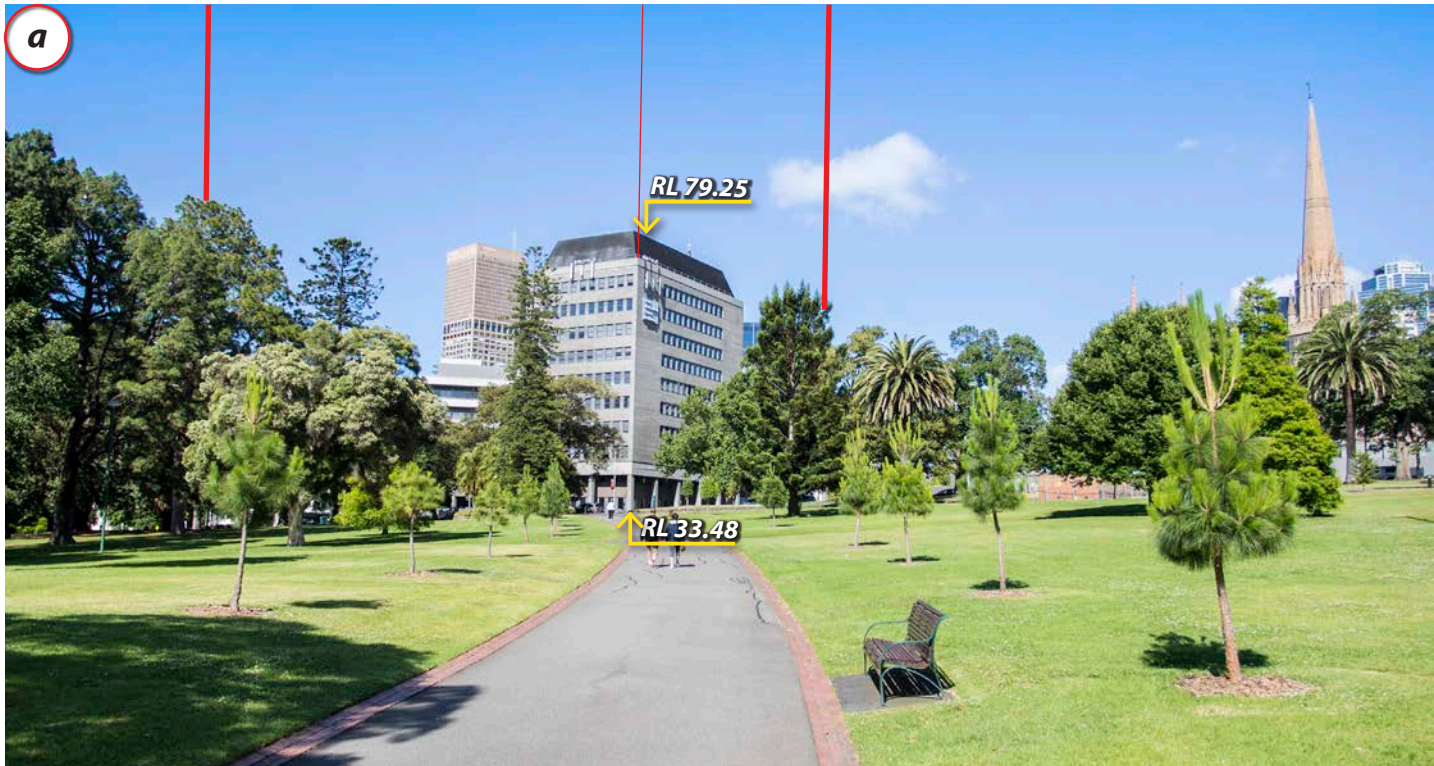


Diagram 14: View Study: Fitzroy Gardens



 Principal views identified in the planning controls  Sensitive views (after Lovell Chen)



Diagram 15: View Study: Adjacent Streets

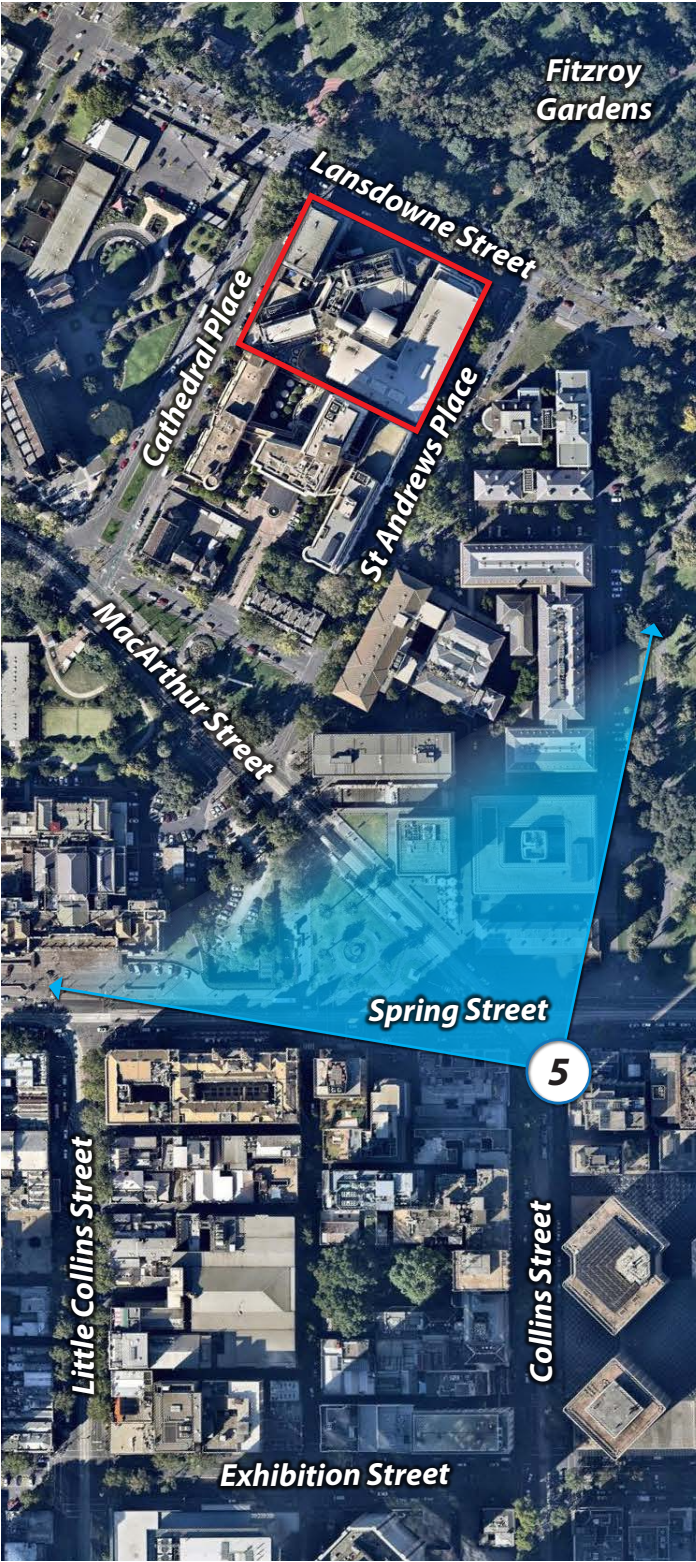


Message Consultants Australia Pty Ltd
ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
www.messageconsultants.com



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ABN 33 530 423 273

2/398 Smith Street, Collingwood, 3066 VIC
PO Box 1222 Collingwood 3066
T: + 61 9934 6500 | F: +61 3 9934 6555
info@messageconsultants.com
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Diagram 17: Connections

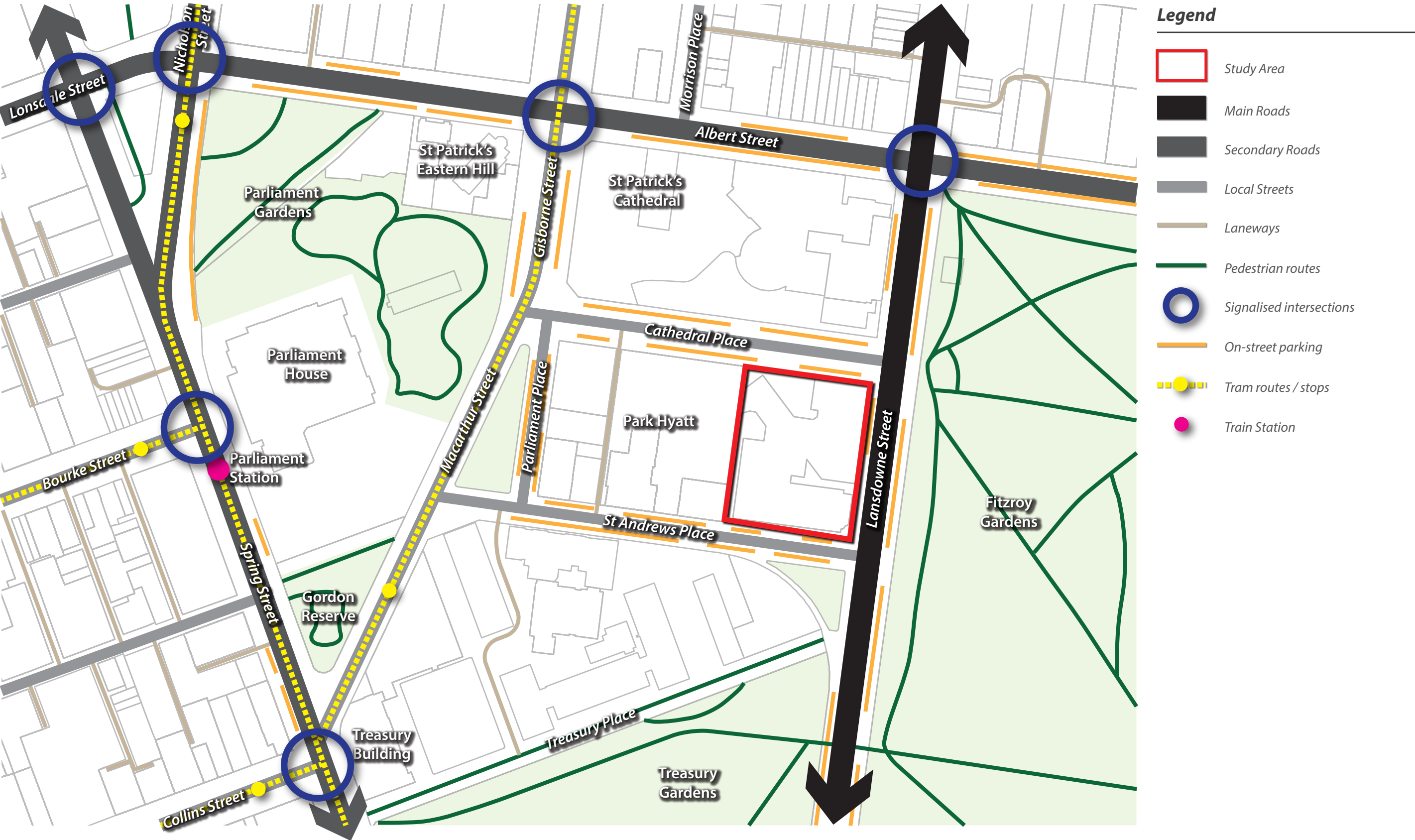


Diagram 18: Opportunities

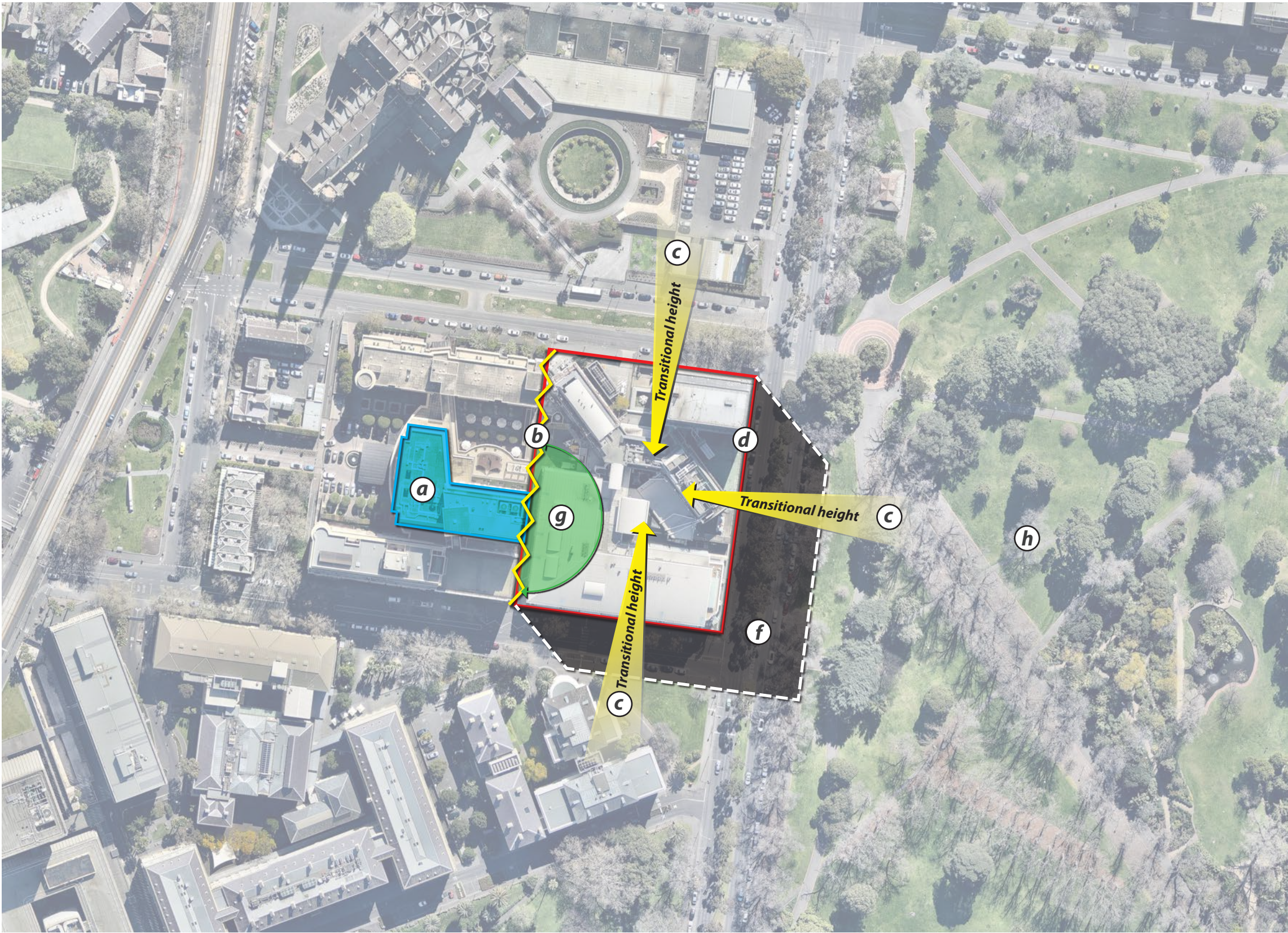


Legend

- a** Discretely located off the critical vistas
- b** Opportunity to extend the existing open space of Park Hyatt through Fitzroy Gardens
- c** Existing 44m high built form located at the corner of Landsdowne Street and Cathedral Place
- d** Opportunity for a taller street edge to Landsdowne Street
- e** Relatively wide road reserves around the subject site providing separation to neighbouring land
- f** Existing vegetation filtering the views to the site
- g** Opportunitt to contain higher form within the centre of the site away from public views
- h** Locational features provide opportunities for a wide range of land uses
- i** Large lot size providing more flexibility
- j** 48m high built form of Park Hyatt, immediately to the west
- k** Recently constructed 13 storey residential building on the eastern edge of Fitzroy Gardens



Diagram 19: Constraints



- Legend**
- a** Amenity impact of the tallest Park Hyatt Hotel building
 - b** Blank facade presentation of the Park Hyatt Hotel buildings and structures along the common boundary
 - c** Transitional height requirement from neighbouring heritage assets including St Patricks Cathedral, Treasury Buildings and Fitzroy Gardens
 - d** Significant site value and need for financial viability
 - e** No other strong street edge along Lansdowne Street
 - f** Shadow impact on equinox between 11am and 2pm
 - g** Potential amenity considerations along western edge adjoining the tallest form of Park Hyatt
 - h** View from Fitzroy Gardens



