

PLANNING SCHEME AMENDMENT C196 CITY NORTH

9 April 2013

Presenter: David Mayes, Manager Strategic Planning

Purpose and background

1. The purpose of this report is to present the outcomes of the public exhibition of Melbourne Planning Scheme Amendment C196 (City North) and to request the Minister for Planning appoint a panel to consider the submissions.
2. Amendment C196 was exhibited from 1 November to 14 December 2012 and 33 submissions were received. Management's response to each submission is in Attachment 2.

Key issues

3. Amendment C196 proposes to implement the land use and development controls recommended in the Council's City North Structure Plan 2012. The main concerns/issues raised by submissions were:
 - 3.1. Proposed mandatory controls (podium heights and setbacks) are too restrictive.
 - 3.2. Increased densities and building heights proposed for Area 2 will reduce the amenity of adjacent existing dwellings. More design guidance is needed in this area. Maintain amenity protection for residential sites abutting existing and proposed lanes and narrow streets in Area 2.
 - 3.3. New development on all existing and proposed laneways should be subject to specific height controls as specified in Area 4 rather than only applying development controls to land in Area 4,
 - 3.4. The change of zoning in Capel Street North Melbourne from Residential 1 to Mixed Use Zone (MUZ) will allow uses incompatible with existing residential uses to operate in the area;
 - 3.5. The zoning change from MUZ to Capital City Zone (CCZ) in South Carlton will compromise residential amenity by allowing "as of right" non-residential uses and exemption from third party appeal rights; and
 - 3.6. Changes in height controls will lead to a loss of character in the area.
4. Management has revised the Amendment (at Attachment 3) in response with the following changes:
 - 4.1. clarify where mandatory and discretionary heights apply;
 - 4.2. maintain amenity protection for sites abutting major development sites and laneways;
 - 4.3. clarify decision guidelines for additional height above preferred maximum heights;
 - 4.4. amend the CCZ Schedule 5 to introduce a permit requirement for a Function Centre; and
 - 4.5. amend Clause 22.12 Gaming Premises so that the policy continues to apply to the area to be rezoned to CCZ.
5. As Amendment C162 MSS, has not yet been approved, it is not possible to introduce a City North section to the Municipal Strategic Statement. A draft of what will be introduced at panel is at Attachment 4.

Recommendation from management

6. That the Future Melbourne Committee resolve to:
 - 6.1. note management's assessment of the submissions as set out in Attachments 3;

- 6.2. request the Minister for Planning appoint an Independent Panel to consider submissions to the Melbourne Planning Scheme Amendment C196; and
- 6.3. note that the version of the Amendment to be presented to the Independent Panel will be presented in accordance with Attachment 3.

Attachments:

1. Supporting Attachment
2. Summary of submissions and response table
3. C196 amendment documents to be presented to Panel
4. MSS Draft City North Section

SUPPORTING ATTACHMENT

Legal

1. Division 1 and 2 and part 3 of the *Planning and Environment Act 1987* deal with Planning Scheme Amendments, setting out provisions in relation to the exhibition and notification of proposed planning scheme amendments and the consideration of submissions. Specifically, sub-section 23(1) of the Act provides that:

“After considering a submission which requests a change to the amendment, the planning authority must-

(a) *change the amendment in the manner requested; or*

(b) *refer the submission to a panel appointed under Part 8; or*

(c) *abandon the amendment or part of the amendment.”*

The recommendation made in the report is therefore consistent with the Act.

Finance

2. The cost associated with the recommendation to proceed to an Independent Panel is estimated to amount to \$40,000 which can be met within the Strategic Planning Branch's operating budget.

Conflict of interest

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

Stakeholder consultation

4. Amendment C196 (City North) was exhibited in accordance with the Planning and Environment Act 1987 between 1 November 2012 and 14 December 2012. Public notices were placed in the Government Gazette (1 November 2012), Melbourne Times (31 October 2012) and Melbourne Leader (29 October 2012)
5. The amendment and supporting information were available at the City of Melbourne Planning Counter (Council House 2), and on the City of Melbourne and Department of Planning and Community Development websites;
6. Notices of the Amendment were sent by direct mail to all property owners within the precinct (approximately 5,500 properties); to the prescribed Ministers, relevant authorities, relevant stakeholders and resident community associations; and all those who had previously made a submission to the City North Structure Plan 2012.
7. An information session (open to all interested parties) was held on 21 November 2012.

Relation to Council Policy

8. The Amendment is consistent with the City North Structure Plan 2012.

Environmental sustainability

9. The Amendment provides a framework and controls for the future sustainable development of the City North Precinct as described in the City North Structure Plan 2012.

**Amendment C196-City North
 Summary of submissions & Management response**

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Submitter	Summary of Submission	Management's Response
<p>1. Stuart Carroll</p>	<p>Agrees with the intent of the change but considers insufficient evaluation of the impacts of increased heights on residential amenity.</p> <p>Mr Carroll lives in Mary Street and is concerned that the increased development potential of the Red Cross site to the north will result in loss of light and privacy to the living areas and decreased property values. The Red Cross site is in Area 2-proposed increased height limit from 14 metres to 24 metres.</p> <p>Requests that the current height limit of 14 metres on the Red Cross site be retained.</p> <p>Agrees with the retention of the existing height controls along Courtney Street to maintain this area as low scale residential.</p>	<p>A key direction of the amendment is to change building heights where appropriate to facilitate intensified development whilst providing for an appropriate transition in scale to existing low scale areas. Between Courtney Street and Flemington Road, a height transition is proposed. The existing 14 metre mandatory height in DDO 32 maintains the mainly low scale of the area directly north of Courtney Street.</p> <p>In Area 2, the increase from 14 metres mandatory to 24 metre discretionary provides transition to the 40m at Flemington Road. The proposed built form controls in Area 2 need to be moderated at the boundaries with the adjacent low scale residential buildings located in Mary Street in order to protect their amenity.</p> <p>Recommendation: In DDO Schedule 61, amend the design objectives and design requirements to ensure that appropriate building scale on the boundaries of new buildings and works respects the scale of existing adjoining buildings.</p>
<p>2. Julienne Chong</p>	<p>Agrees with the intent of the change but considers insufficient work has been done to evaluate the impacts resulting from increased heights on residential amenity.</p> <p>Lives in Mary Street and is concerned with the increased development potential of the Red Cross site to the north in regard to loss of light, loss of privacy to the living areas and decreased property values. The Red Cross site is Area 2-proposed increased height limit from 14 metres to 24 metres.</p> <p>Requests that the current height limit of 14 metres on the Red Cross site be retained.</p> <p>Agrees with the retention of the existing height controls along Courtney Street to maintain this area as low scale residential.</p>	<p>Between Courtney Street and Flemington Road, a height transitional is proposed.</p> <p>The existing 14m mandatory height in DDO 32 maintains the mainly low scale of the area directly north of Courtney Street.</p> <p>In Area 2, the increase from 14 metres mandatory to 24m discretionary provides transition to the 40m at Flemington Road.</p> <p>The proposed built form controls in Area 2 need to be moderated at the boundaries with the adjacent low scale residential buildings located in Mary Street.</p> <p>Recommendation: In DDO Schedule 61, amend the design objectives and design requirements to ensure that appropriate building scale on the boundaries of new buildings and works respects the scale of existing adjoining buildings</p>

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<p>3. Ray Cowling</p>	<p>Postcode 3000 aimed to increase residential development in central Melbourne and Council required S173 agreements with the property owner of each of the buildings in Capel Street (16-38, 62-64 and 80-86) to ensure their continued residential use.</p> <p>An attraction of the area is that it is residential and not Mixed Use and the Section 173 indicated that the Council had a commitment to keeping it that way - "We have kept our part of the promise and expect council to do likewise for the whole zone". He wants to keep the character and create liveable spaces for many years.</p> <p>Considers the Residential zoning will preserve the character of heritage buildings by making commercial uses more difficult.</p> <p>He cites the example of the Drunken Poet in Peel Street to illustrate the incompatibility of residential and non-residential uses.</p> <p>The area lacks housing choices. Student housing dominating. Mixed use zone won't attract residents because of non-residential uses and fail to deliver land use diversity.</p> <p>Concerned over ever-changing planning controls and lack of certainty for the area. Requests a mandatory height control of fourteen metres.</p>	<p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street that have the potential to provide for other uses complementary to the market and the central City. The land is currently zoned Residential 1 which limits the use primarily to dwellings.</p> <p>Land at 16-86 and 120-162 Capel is proposed to be rezoned to a Mixed use Zone. It accepted that some of these properties are subject to a 173 agreement which ties the use of the building to a residence. The use of these buildings as dwellings will not be impacted as the propose Mixed Use Zone is a residential zone in that it allows residential as an "as of right use".</p> <p>Under the Mixed Use Zone, non-residential uses including uses which have the potential to be a source of noise and nuisance such as a nightclub are Section 2 permit required use and third parties can appeal against applications for these uses. Clause 22.22 "Policy for Licensed Premises that require a Planning Permit" provides guidance for planning permit applications for new licensed premises and where existing licensed premises change their operation.</p> <p>No change is proposed to the height controls in Peel Street, except for the pocket north of Courtney Street. The proposed increase in height controls from 14 metres mandatory to 24m discretionary provides a transition to the 40m at Flemington Road.</p> <p>No change recommended.</p>
<p>4 Jean & Richard Ely</p>	<p>Highlights the history and purpose of Postcode 3000 which was aimed at increasing residential development in central Melbourne. As part of this policy, S172 agreements were required by Council to be entered into by the property owner of each of the buildings in Capel Street to ensure their continued residential use.</p> <p>Considers that one of the attractions of the area is that it is</p>	<p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street that have the potential to provide for other uses complementary to the market and the central City. The land is currently zoned Residential 1 which limits the use primarily to dwellings.</p> <p>Land at 16-86 and 120-162 Capel is proposed to be rezoned</p>

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	<p>Residential and not Mixed Use and the Section 173 indicated that the Council had a serious commitment to keeping it that way. States that "We have kept our part of the promise and expect council to do likewise for the whole zone".</p> <p>Along with others in Capel Street, has struggled to save the character and create liveable spaces for many years. Considers the Residential zoning is appropriate where the need to preserve the character of heritage buildings make commercial uses more difficult.</p> <p>Highlights the importance of zoning using the example of the Drunken Poet in Peel Street to illustrate the incompatibility of residential and non-residential uses.</p> <p>Considers the area lacks housing choices with student housing dominating the area and concerned that a Mixed Use Zone will fail to attract residents due to concerns of non –residential uses and fail to deliver land use diversity.</p> <p>Concerned over ever changing planning controls which result in a lack of certainty for the area. Considers that if Council is concerned that the two storey height of the current buildings in Capel and Peel St is a wasted opportunity so close to the CBD and the market, then we agree and strongly request a new overlay specifying a mandatory height of fourteen metres.</p> <p>Particularly concerned that the Amendment maps incorrectly identifies their property at No 16 Capel Street as the last residence in the row. Given that there are housing commission town houses to the south, believes that the Residential Zone should be extended over these townhouses to prevent the potential for overshadowing from future tall buildings.</p>	<p>to a Mixed use Zone. Currently these properties are zoned Residential 1 and are adjacent to a large area of land zoned Mixed Use Zone. It accepted that some of these properties are subject to a 173 agreement which ties the use of the building to a residence. The use of these buildings as dwellings will not be impacted as the propose Mixed Use Zone is a residential zone in that it allows residential as an "as of right use".</p> <p>Under the Mixed Use Zone, non-residential uses including uses which have the potential to be a source of noise and nuisance such as a nightclub are Section 2 permit required use and third parties can appeal against applications for these uses. Clause 22.22 "Policy for Licensed Premises that require a Planning Permit" provides guidance for planning permit applications for new licensed premises and where existing licensed premises change their operation.</p> <p>No change is proposed to the height controls in Peel Street, except for the pocket north of Courtney Street. The proposed increase in height controls from 14 metres mandatory to 24m discretionary provides a transition to the 40m at Flemington Road.</p> <p>No change recommended.</p>

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<p>5. Ben & Christine Field</p>	<p>Concerned that the proposed building heights for the sites bounded by Flemington Rd (40 metres) and Harcourt/Little George Street (24 metres) are excessive based on the following:</p> <ul style="list-style-type: none"> • Flemington Road already has enough tall buildings. • Scenic views and natural sunlight will be lost to existing buildings. • Devaluation of property • Diminished privacy for the North Melbourne primary school and nearby private residents. • Lost opportunity to develop Little George Street to be developed as a great laneway with cafes. • Limited community support <p>Requests that the proposed heights be amended to 24 metres along Flemington Road and 12 metres along Harcourt/Little George Street.</p>	<p>Flemington Road is one of the major boulevards into the central city and an important civic space. This is evident in the 60 metre width of the street and the street design.</p> <p>The lower scale of buildings on the southern side of Flemington Road (Elizabeth Street) have contributed to a poorly defined street edge. To accommodate additional residential and employment growth, to reinforce the role of these streets as civic spines, and to improve the pedestrian experience, an increased height limit of 40m is proposed, with zero setbacks. A 40m height limit will create a stronger definition to the streetscape, a greater intensity of activity, respect the scale of the existing heritage buildings and will not dominate the important landscape qualities of these boulevards.</p> <p>No change recommended</p>
<p>6. Peter Markey</p>	<p>Highlights the need to understand the impact of a new train line on properties in the vicinity ie noise, vibrations, structural damage.</p> <p>Concerned about the impact of underground drilling below the nearby properties in North Melbourne given the recent collapse of Royal Parade with the VCCC.</p>	<p>The City of Melbourne is working with the State Government in the planning and design of the Melbourne Metropolitan rail line linking South Kensington to South Yarra.</p> <p>This comment does not relate to Amendment C196. No change recommended</p>
<p>7. Jennifer Newman</p>	<p>Concerned that the City of Melbourne is not supporting residents who have moved into the area by keeping the current residential zone.</p> <p>States that Peel Street from Victoria Street to Flemington Road is predominantly residential and a change to a Mixed Use Zone would not enhance the area for the residents but create more noise and traffic. The areas designated for rezoning to Mixed Use are the most intact Victorian terraces in the area.</p> <p>Requests that Peel Street remain residential to enhance it as one</p>	<p>The City North Structure Plan 2012 identifies Peel Street as having potential to provide for other uses complementary to the market and the central City. The current Residential 1 zoning limits the use of land primarily to dwellings.</p> <p>Most of Peel Street although residential in character is predominantly in the Mixed Use Zone. The Mixed Use zone is a residential zone in that dwellings are “as-of-right” whereas other uses are “permit required”.</p> <p>On the western side of Peel Street existing mandatory 14m</p>

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	<p>of Melbourne's gateways to the city.</p> <p>If Council sees Peel Street and Capel Street as an opportunity for higher density housing, requests a 14 metre mandatory height limit to protect the heritage characteristics of the area.</p>	<p>height control south of Queensberry Street will remain.</p> <p>The current design and development overlay height for land on the eastern side of Peel Street of 14m is considered inappropriate taking into account the location of this area on the fringe of the central City. It is recommended that the height within this precinct (Area 1) be increased to 24m to increase the intensification of activity in the area and to provide a transition in scale from the 14m Peel Street/North Melbourne height control to the 40m height limit of Elizabeth Street and the higher development in the Hoddle Grid.</p> <p>No change recommended.</p>

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<p>8. Glenn Schmidt</p>	<p>Believes the current height restrictions on Cobden Street/O'Connell Street areas are appropriate given the width of the streets (under 20 metres wide), and the built form protection they provide for the area in terms of history, space, aesthetics and available light.</p> <p>Raises that traffic and parking are already a nightmare and higher density will only make it worse.</p> <p>Considers that all lanes, even those under 6 metres wide should have a setback for light and space. 3 metres lanes like Cathy Lane should have greater setbacks,</p>	<p>The current design and development overlay height of 14m is considered inappropriate taking into account taking into account the location of this area on the fringe of the central City. It is recommended that the height within this precinct (Area 1) be increased to 24m to increase the intensification of activity in the area and to provide a transition in scale from the 14m Peel Street/North Melbourne height control to the 40m height limit of Elizabeth Street and the higher development of the Hoddle Grid.</p> <p>Agree that built form controls should apply to development on all laneways to ensure that adequate natural light penetrates to the lower levels of developments.</p> <p>Recommendation: In DDO Schedule 61, amend Area1, 2, 3, 5 and 6 requirements to include the specific provisions for development on laneway provisions to protect to ensure appropriate levels</p>
<p>9. Dept of Sustainability</p>	<p>Offers no objection.</p>	<p>No change recommended.</p>
<p>10. SJB on behalf of UAG</p>	<p>Acting on behalf of UAG Group who is the purchaser under contract for 19-35 Flemington Rd and 23-35 Blackwood Street North Melbourne. (approx 4,000sqm2).</p> <p>Land subject to application for Planning Permit TPM 2012-37 (application supported by the City of Melbourne).</p> <p>Offers support for the general intentions of the amendment.</p> <p>Concerned with the proposition of applying mandatory maximum and minimum setback requirements via DDO 61. Considers mandatory controls will unnecessarily constrain site responsive design and will in turn limit the ability to provide housing, commercial and community services in appropriate locations.</p> <p>The comments of the Panel considering the Southbank</p>	<p>Notice of Decision issued by the Minister for Planning on 6/2/2013.</p> <p>Land is subject to Design and Development Overlay 61 (Area 2- 24 metre height requirement) and (Area 3 -40 meter height requirement). The preferred maximum building height requirements are not mandatory and can be varied by a permit. The building street edge height and building street edge setback are mandatory requirements (applies only to Area 2)</p> <p>The proposed built form controls introduce higher built form whilst protecting character, context and immediate amenity. The fundamental built form principle in the City North Structure Plan is that streets must have adequate sunlight and that they</p>

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	<p>Amendment C171 should be considered in regard to mandatory controls”</p> <p>Considers that the City North Precinct does not present exceptional circumstances and insufficient strategic basis has been established to justify mandatory controls.</p> <p>The site is affected by two mandatory controls, DDO61 Area 2 and Area 3. This may create a situation where an inconsistent building edge is produced.</p> <p>Specific concerns with DDO 61:</p> <p>Pursuant to Table 1 within Area 2, a built form outcome is to "maintain the level of amenity with regard to overshadowing, overlooking, visual bulk and outlook for existing adjacent low scale residential development. In our view the benchmark of "maintain" is inappropriate and moreover, all but impossible given the height outcomes sought for the area.</p> <p>Flemington Road does not exhibit a consistent verticality of design and accordingly, an appropriate design response should not be constrained to a vertical rhythm, as sought for Building Facades and Street Frontages pursuant to the Design Objectives and Design Response.</p> <p>The test with regard to Sunlight to Public Places is unnecessarily onerous in that it requires that overshadowing "will not" prejudice the amenity of public spaces, which includes streets and lanes. In our view, different public spaces require a different degree of protection and it would not be appropriate to curtail development of a site on the basis it may result in overshadowing of a laneway such as Oxford Street, which acts almost exclusively as a thoroughfare.</p> <p>Further oppose the minimum floor heights set out in the City North Structure Plan of 4 metres at the ground level and 3.2 metres (floor to ceiling) above.</p>	<p>must relate well to their immediate context. The controls are area specific to ensure that development can occur while existing residents continue to enjoy the amenity of their surrounds.</p> <p>The City North precinct does present an exceptional circumstance in that the area is substantially developed with low rise heritage buildings.</p> <p>The outcomes sought from the application of the “Sunlight to Public Places” provisions seek to ensure the streets receive adequate levels of daylight and sunlight to establish a high quality public realm.</p> <p>The City North Structure Plan provisions in relation to minimum floor heights have not been included in DDO Schedule 61.</p> <p>No change recommended.</p>

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<p>11. Mark Moran & Joy Hussain</p>	<p>Concerned that it would be possible for a neighbouring development to be built to a height of 24 metres on their northern boundary which would overshadow their property.</p> <p>Requests that the height limits for Area 2 remains at the current level of 14 metres.</p> <p>If this is not possible, then requests a setback requirement which will ensure that no part of their property is in shade as a result of a neighbouring development. They requests a similar provisions to the proposed 4metres setback requirements and streetscape design provisions for properties fronting O'Connell, Cobden and Princess Streets (Area 1).</p> <p>Highlights that there has been no regard for the Mary Street properties that adjoin the proposed DDO61.</p> <p>Objects to the general change in the character of the area proposed by C196, in particular the change from residential to Mixed Use.</p>	<p>In Area 2, an increase from 14 metres mandatory to a 24 metre discretionary height control is proposed to provide a transition from the existing 14 metre height limit for North Melbourne to the proposed 40 metres along Flemington Road.</p> <p>The proposed built form controls in Area 2 will be tightened to protect amenity for the adjacent low scale residential buildings located in Mary Street.</p> <p>Recommendation: In DDO Schedule 61, amend the design objectives and design requirements to ensure that the building scale on the boundaries of new buildings and works respects the scale of existing adjoining buildings.</p> <p>Most of this area is currently in the Mixed Use Zone. Only the property at the corner of Harcourt and Courtney Street is to be rezoned.</p>
<p>12. ERM on behalf of Piccolo Investments</p>	<p>Acting on behalf of Michael Piccolo Investments and Mima Piccolo investments, the owners of land at 199, 201, 205-217 Peel Street North Melbourne.</p> <p>Client's site is located in Area 2 of the proposed Design and Development Overlay 61 (DD061). Supports the general thrust of the strategic policy direction to increase densities and to create a new vibrant and mixed use extension of the Central City.</p> <p>Objects to the proposed mandatory height controls and details in the DDO control.</p> <p>The proposed controls contained in DD061 seek to introduce a 'mandatory height limit of 24 metre for Area 2. Considers that mandatory height controls are too restrictive to allow for creative designs that respond to the context of individual sites</p> <p>Requests that the DDO should include discretionary building height limits and the "active frontage" controls be changed from</p>	<p>The proposed built form controls introduce suitable building scale and height whilst protecting existing amenity by taking into account character, context and immediate amenity. This approach is consistent with the fundamental built form principle in the City North Structure Plan.</p> <p>No mandatory height controls or mandatory active frontage controls are proposed in this Amendment.</p> <p>The Urban Design outside the Capital City Zone (Clause 22.01) and the Sunlight to Public Spaces Policy (Clause 22.02) have been subsumed into DDO 61 in order to simplify the planning scheme.</p> <p>The proposed built form controls introduce higher built form whilst protecting character, context and immediate amenity. The fundamental built form principle in the City North Structure Plan is that streets must have adequate sunlight and that they must relate well to their immediate context. The controls are</p>

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	<p>mandatory to discretionary as it may be an impossible control to meet on small site.</p> <p>Considers the built form outcomes in Area 2 to be contradictory. It is questioned how the level of amenity of existing adjacent low scale residential development can be 'maintained' when there is an expectation of building heights of up to 24 metres (6 storeys) and a requirement to achieve a 'transition in scale' from the lower scale built form in Courtney Street.</p> <p>Increasing densities and building heights in an area is likely to have some impact on the amenity of adjacent existing dwellings. Considers the test should be whether this impact is 'reasonable', rather than seeking to maintain amenity at existing levels. To 'maintain' the existing level of amenity of existing adjacent development is an unachievable built form outcome for areas where change is envisaged.</p> <p>Requests that the wording of this built form outcome be amended to 'not result in any unreasonable amenity impacts on existing adjacent low scale residential development', rather than maintaining the existing level of amenity.</p> <p>Makes the following observations on the design requirements to Table 2:</p> <ul style="list-style-type: none"> • Design objectives generally duplicate the Urban Design Policy Outside Capital City Zone. • In a precinct with a wide variety of built form and where change is envisaged it is unnecessary for building to 'step down' in height to adjoining lower scale heritage buildings. • The vertical street frontage width 'sections' are too prescriptive. • The shadowing controls duplicate the requirements of the local policy at Clause 22.02 and elevates the status of 'street and lanes' to be equivalent to public spaces and gardens and is inappropriate, confusing and contradictory. 	<p>area specific to ensure that development can occur while existing residents continue to enjoy the amenity of their surrounds.</p> <p>No change recommended</p>

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<p>13. Gino Ianno</p>	<p>Concerned that the amendment provides little planning guidance for new developments that abut and directly affect single storey dwellings.</p> <p>States that the rear of his property backs onto a 3metre lane, which is accessed via Leicester Street. If a new 40m building is approved, it would be directly behind his property (within Leicester Street) which would significantly visually overpower his dwelling and impact on the amenity due to a reduction of sky views and sunlight.</p> <p>Requests changes to the amendment to include a mandatory setback for new developments on laneways.</p>	<p>Leicester Street is located within Area 4 of DDO Schedule 61 which includes the following mandatory setback requirements to protect the network of laneways and the better integration of new developments into existing low scale streetscapes.</p> <p>“On the street edge of laneway frontages, any part of the building above 10.5 metres (up to the 40 metres height limit) must be set back 4 metres”</p> <p>No change recommended.</p>
<p>14 Meera Freeman</p>	<p>Concerned that the amendment would allow a Place of Assembly (other than an Amusement parlour and Nightclub) to trade at night without a permit.</p> <p>States that she has been affected by the granting of a Food and Drink Premises and retail sales associated with an industrial use to a business located less than 4 metres from her residence.</p> <p>Concerned that the new amendment would afford the business a loophole to extend their trading hours from 5pm to 11pm as a "Place of Assembly" in spite of the current objections of neighbours and the council's refusal to grant their request.</p> <p>To safeguard the amenity of this largely residential pocket within the nominated zone, requests that a "Place of Assembly" be excluded from Section 1 of the Schedule and/ or Function Centre should be added to the Businesses listed under this category as requiring a permit (as mentioned above).</p>	<p>The Decision Guidelines for the proposed CCZ5 include acoustic design measures to attenuate new and refurbished residential developments and other sensitive uses against noise from the operation of businesses and activities.</p> <p>Under the Melbourne Planning Scheme Place of Assembly includes a range of uses, some of which are unlikely to locate in City North, such as Carnival or Circus and others such as Library, which would not impact on amenity. Under the proposed CCZ5, uses which can be a source of noise such as 'Hotel', 'Tavern' and 'Nightclub' are Section 2, permit required uses. It is recommended that function centres (which include conference centres and reception centres) also be section 2 as these uses also have potential to be cause disturbances which are difficult to manage.</p> <p>Clause 22.22 "Policy for Licensed Premises that require a Planning Permit" provides guidance for planning permit applications for new licensed premises and where existing licensed premises change their operation. The Policy requires the proposed venues to manage noise and has been found to be effective where a permit is required.</p> <p>The Environmental Protection Authority (EPA) requires the operator of any music venue to control music noise (not patron noise) through State Environment Protection Policy No. 2 – Control of Music Noise from Public Premises (SEPP N-2). The</p>

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		<p>SEPPN-2 has no agent-of-change principle and it is the responsibility of the operator of the venue generating the music noise to take steps to reduce emissions.</p> <p>Change Schedule 5 to the Capital City Zone to make a Function Centre a section 2 use.</p>

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<p>15. Dr Lucy Firth</p>	<p>While the previous Council should be congratulated in developing fine principles in the Structure Plan, considers that these principles are not captured in the draft Amendment (C196), and that Amendment must itself be amended before progressing to the Minister.</p> <p>Specific concerns:</p> <p>Protection of lane and narrow streets in Zone 2. The Structure Plan calls for the protection of narrow streets by a height limit of double their width, with setbacks to greater heights. Requests that the principles and intended built form outcomes of the Structure Plan be applied to zone 2 through the application of the illustrated height limit and setback principles.</p> <p>Location density as well as overall density. Amendment C196 must ensure that already extremely densely populated areas in Zone 6, Zone 1 and abutting Zone 2 are not further developed with increased density without adequate attention to amenity for such high density. Requests that the controls be amended to protect the quality of life in the super dense locations by requiring compliance with all the principles for all developments.</p> <p>Social and public amenity to proceed development – Considers that it should be a standard requirement that social and public amenity including schools, open space and transport services be in place before developments that will require them go ahead. Requests an amendment to the Planning Scheme to require that appropriate and adequate social and public amenity be in place before any development is approved in the super high density locations.</p> <p>Rezoning of R1Z to MUZ in Capel and Peel Streets. Considers that no purpose has been given to rezone the remnant R1Z in Capel and Pell Streets to MUZ.</p> <p>Solar access is promised as a priority in the Structure Plan but is not ensured by C196. Request the Council amend the Planning Scheme to ensure solar access during winter in particular.</p>	<p>In Area 2, an increase from 14 metres mandatory to a 24 metre discretionary height control is proposed to provide a transition from the existing 14 metre height limit for North Melbourne to the proposed 40 metres along Flemington Road. Area 2 built form requirements provide only for a maximum building height of 24 metres and do not include specific provisions for development fronting onto laneways or narrow streets.</p> <p>The proposed built form requirement should be amended to ensure amenity protection for narrow streets and laneways in Area 2.</p> <p>Recommend that the requirements of Area 2 be amended to include specific requirements on the street edge of laneway frontages.</p> <p>The proposed built form requirement in Area 2 should be amended to ensure amenity protection for the adjacent low scale residential buildings.</p> <p>Recommendation: In DDO Schedule 61, amend the design objectives and design requirements to ensure that appropriate building scale on the boundaries of new buildings and works respects the scale of existing adjoining buildings</p> <p>The City North Structure Plan 2012 highlights the importance of social infrastructure and community facilities to support the health and wellbeing of the growing community</p> <p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street to have potential to provide for other uses complementary to the market and the central City. The current Residential 1 zoning limits the use of land primarily to dwellings.</p> <p>A key principle in the City North Structure Plan is to “create great streets for people”. (Principle 6). To achieve this principle, design performance criteria have been included within the DDO61.</p>

Submitter	Summary of Submission	Management's Response
	<p>Open space within developments is promised by the Structure Plan but is not included in the built form controls in C196. Requests the Council amend the Planning Scheme to ensure that developments provide open space internally.</p>	<p>The Sunlight to Public Spaces Policy (Clause 22.02) has been subsumed into DDO. The requirements of this policy apply to new developments and ensure that these new works do not result in a significant loss of sunlight to public spaces between 11.00am and 2.00pm on 22 March and 22 September.</p> <p>The City North Structure Plan 2012 identifies the importance of open space within the precinct and acknowledges that the growing community in City North will require additional and a more diverse range of open spaces. Opportunities to meet this need exist at the Queen Victoria Market, at the Haymarket and within streets. Under the provisions of the DDO61, the opportunity for the inclusion of public spaces is encouraged through a general provision.</p> <p>Under a separate process, the City of Melbourne, through the Open Space Contributions Framework, is proposing to introduce a requirement for development contributions which will go towards the cost of developing new open spaces and improving existing open spaces. It is intended that this new contributions plan will be introduced via Melbourne Planning Scheme Amendment C209 which is currently in a public exhibition phase.</p> <p>No change recommended.</p>

Submitter	Summary of Submission	Management's Response
<p>16 Tibor & Smika Jakobi</p>	<p>Strongly object to the changes to land in Villiers Street affected by Amendment C196 on the following grounds:</p> <p>Further large scale residential development of multi- story buildings within this area will cause an oversupply of rental accommodation, increasing vacancy rates with net affect, decreasing the value of existing apartments.</p> <p>Concerned that potentially a high rise development or tall building that goes up adjacent to the Villiers Uni Lodge on Flemington Road will impact significantly on loss of light to our unit. Drastically reduced light coming through the window will impact liveability as there is no access to natural light other than a very small window in the unit.</p>	<p>A key direction of the amendment is to change building heights where appropriate to facilitate intensified development whilst providing for an appropriate transition in scale to existing low scale areas.</p> <p>Between Courtney Street and Flemington Road (which includes Villiers Street), a height transition is proposed. The existing 14 metre mandatory height in DDO 32 maintains the mainly low scale of the area directly north of Courtney Street.</p> <p>In Area 2, the increase from 14 metres mandatory to 24 metre discretionary provides transition to the 40m at Flemington Road.</p> <p>The area specific height controls and setbacks and the DDO design objectives and design requirements provide adequate direction for appropriate building height, scale and setbacks.</p> <p>No change recommended.</p>
<p>17 Roz Hansen</p>	<p>Apartment owner and resident in Swanston Street, Carlton.</p> <p>Concern relates primarily to the western side of Swanston Street being the interface to her apartment and also the interface to other existing medium rise apartment buildings that align the east side of Swanston Street in South Carlton.</p> <p>Highlights that the western side of Swanston Street is in the same zone as the eastern side, namely the Mixed Use Zone (MUZ). The MUZ does not exempt buildings and work from advertising or third party rights unlike the proposed CCZ5 which seeks to exempt buildings and works related to a Section 1 use in this zone from notice requirements and review rights. Uses such as Accommodation (other than Corrective Institution), Education centre, Office, Place of Assembly (other than Amusement parlour, and Nightclub) are uses in which their buildings and works will be exempt from being advertised or challenged at VCAT by a third party. This is a marked change to the current rights of residents within a mixed use zone.</p>	<p>The existing Mixed use Zone does not support the land use development trends and potential of the City North precinct. It has been unsuccessful in delivering land use diversity as it is predominantly a residential zone.</p> <p>The area is characterised by a strong mix of heritage and contemporary buildings set within generous wide streets and intimate laneways. A current 32m height control is in place. This height limit is significantly higher than most of the heritage buildings, which are typically one to three storeys. Many of these are not included in the current heritage overlay. In order to allow for growth but preserve the existing heritage character a revised street edge height control of 24m is proposed. This will allow for better integration of new development into existing heritage streetscapes and maintain the existing character of openness and charm. Behind this street edge height limit a 40m height limit is proposed. This will allow for increased development capacity (above the existing 32m control), improve opportunities for expansion of the</p>

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	<p>Given that under DDO45 Swanston Street is recognised as 'a major tree-lined civic spine fronted by buildings of consistent scale' and, as a spine, it has two sides and not just the eastern side, the built form controls and land use zoning should be the same.</p> <p>Requests that the strip of existing allotments which immediately abut Swanston Street (western side) remain in the MUZ and be included in DDO45 being the overlay which applies to the east side of Swanston Street.</p> <p>Considers that the proposed Area 4 40 metres height is not consistent with the 9 storeys (equates to 32m) height allowed on the east side of Swanston Street and hence does not meet the above stated built form outcome under the proposed DDO61 for Area 4.</p> <p>As is the case with the proposed CCZ5, the proposed DDO61 exempts an interested party from being able to object to an application and exercise third party rights at VCAT. However DDO45 does not have such exemption provisions. Hence the amendment will basically prevent an existing resident to object to anything that happens directly opposite in terms of buildings and works. Considers this to be a substantial change in rights to protect residential amenity.</p> <p>Highlights that the CCZ5 purpose makes no mention of the need for new uses to complement the mixed use higher density residential function of Swanston Street (east side).</p> <p>The amendment effectively treats the role and function of one side of this major boulevard different to the other side. This has significant potential for land use conflicts such as the establishment of hotels and taverns, night clubs and other late night noisy venues to locate along the western side of Swanston Street directly opposite established higher density housing – higher density housing which Council has encouraged over the last 10 years or more.</p> <p>Notes that Place of Assembly is 'as of right' in the CCZ5 and yet this would include uses such as cinema, exhibition centre, function centre, hall, place of worship and restricted place of assembly –</p>	<p>universities, reinforce the existing urban structure (fine grained streets and laneway network and small sites with multiple owners), and ensure that City North maintains a distinctly different character and feel to the Hoddle Grid. It will be important that the redevelopment of this area does not erode these qualities through the consolidation of site ownership and the development of larger footprint buildings. A height limit of 24m will apply to development on new laneways. Above 24m a setback of 4m to the 40m height limit is proposed. This will ensure that adequate natural light penetrates to the lower levels of development.</p> <p>Under the Melbourne Planning Scheme Place of Assembly includes a range of uses, some of which are unlikely to locate in City North, such as Carnival or Circus and others such as Library, which would not impact on amenity. Under the proposed CCZ5, uses which can be a source of noise such as 'Hotel', 'Tavern' and 'Nightclub' are Section 2, permit required uses. It is recommended that function centres (which include conference centres and reception centres) also be section 2 as these uses also have potential to be cause disturbances which are difficult to manage.</p> <p>In addition, The Environmental Protection Authority (EPA)</p>

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	<p>uses which are Section 1 uses which can operate late at night and attract large volumes of people. If no planning permit is required, questions how the Council will control the impact on amenity.</p> <p>If the land directly on the west side of Swanston Street is to be rezoned (even though it could remain as MUZ and still fulfil a capital city function in terms of higher density residential development) then requests the Schedule to the CCZ be tailor made to reflect the nature of existing uses opposite and the rights of existing residents to protect and have protected their current level of amenity.</p> <p>Decision Guideline states: 'The incorporation of design measures to attenuate against noise associated with the operation of other businesses and activities, including limiting internal noise levels of new habitable rooms to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control, for new and refurbished residential developments and other sensitive uses.' Again, if the use does not need a permit then how will Council apply this decision guideline?</p> <p>States that the prospect of more noise associated with the CCZ5 status is extremely concerning to established residents of this part of Carlton.</p>	<p>requires the operator of any music venue to control music noise (not patron noise) through State Environment Protection Policy No. 2 – Control of Music Noise from Public Premises (SEPP N-2). The SEPPN-2 has no agent-of-change principle and it is the responsibility of the operator of the venue generating the music noise to take steps to reduce emissions.</p> <p>Recommendation: Change Schedule 5 to the Capital City Zone to make a Function Centre a section 2 use.</p>

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<p>18. CBR Town Planning on behalf of Bob Jane Corporation</p>	<p>Acting on behalf of Bob Jane Southern Motors and Bob Jane Corporation, owners and tenant of 683-685 and 687-699 Elizabeth Street, Melbourne. Supports the proposed rezoning of the site from Mixed Use Zone to Capital City Zone Schedule 5 and supports the proposed exemption from both notice and review for all Section 1 uses.</p> <p>Supports the sites inclusion within A6 of the DDO61, the discretionary nature of maximum building heights and the nominated maximum building height of 60m but request that the defined precinct for A6 of the DDO61 be extended to include the whole of Bob Jane T Marts site (i.e. 683-685 Elizabeth Street also). This would allow a consistent height provision to the whole of the subject site to prevent a discord for future development.</p> <p>Objects to the proposed minimum mandatory 10m setback requirement from Elizabeth Street and Peel Street under the DDO61(A6) and requests that this requirement be deleted, or alternatively made to be discretionary.</p> <p>Considers the narrow width of some lots located within Area 6 will not be able to be developed to their full potential. With particular reference to the Bob Jane site, the width of the site from the Elizabeth Street frontage to the Peel Street frontage is approximately 28 metres. Concludes that a 10 metre setback from both streets will leave a distance of 8 metres, therefore constraining any future development on the site to 40 metres and resulting in a podium without a tower.</p> <p>Objects to the proposed maximum mandatory podium height of 40m as prescribed under the new DDO61(A6), and requests that this requirements be deleted, or alternatively made to be "discretionary". Objects to the proposed requirements under DDO61 for 80% active street frontage as this is not achievable everywhere and flexibility in development should therefore remain.</p>	<p>The area around the Haymarket has the potential to be an iconic gateway to the Central City. The scale and design of buildings in this precinct should complement the future function and amenity of the Haymarket area as an active, vibrant precinct located on a major transport hub and interchange. To achieve these objectives, a 60 metre height limit has been proposed. A zero setback will apply up to 40 metres, with a 10 metres setback up to 60 metres. This setback will provide articulation to the façade on Haymarket and create a building form that integrates with the proposed 40 metre height limit on Flemington Road and Elizabeth Street. The mandatory controls with regard to street frontage height and setback is necessary to ensure that the aims of the Structure Plan are achieved.</p> <p>The depth of the precinct was determined as one block back from the intersection except where there were roads in close proximity. The intention is for the built form around the Haymarket to create a gateway and not for the higher built form to extend further into City North.</p> <p>The Bob Jane site is subject to the active street frontage requirements for activity nodes (60 metre height area) and major pedestrian areas (40 metres height area). To ensure that Elizabeth Street and to a lesser extent Peel Street are vibrant, the land uses along these routes must have active ground floor uses and uses that establish passive surveillance from upper floors. However these provisions are not mandatory.</p>

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<p>19 Andrew Caune</p>	<p>Requests that Amendment C196 be modified to ensure that all new developments on ALL laneways, including those on existing laneways and on the new proposed laneways, are subject to the same height controls specified in the Design and Development Overlay Schedule 61 (DDO61), Table 1, Row 4 (Area 4).</p> <p>Considers that the planning controls and zoning for the area marked DDO61-A1 (Area 1), also referred to as Precinct 4 in the City North Structure Plan, which is the O'Connell, Peel and Victoria Street triangle should not be changed to Capital City Zone and should remain as Mixed Use Zone.</p> <p>Considers the loss of character to this area would be significant, given the presence of heritage listed building within Area 1, and also its proximity to the Queen Victoria Market.</p> <p>To change the zoning of Area 1 from MUZ to CCZ would result in new developments of a larger scale which will directly contradict the design objective "To deliver a fine grain built form with architectural variety and interest" (refer DDO61, Design Objectives and Design Requirements, Building Facades and Street Frontages).</p> <p>States that three properties in Area 1 on Victoria Street were sold to overseas developers (280-284,286-290 & 292-298 Victoria Street). Considers that the proposal for development of these three properties into one consolidated larger complex is foreseeable, thus eroding the fine grain of the areas character</p>	<p>In DDO 61, built form requirements do not include specific provisions for development fronting onto laneways or narrow streets except in Area 4.</p> <p>Agree that the proposed built form requirement should be amended to ensure amenity protection for narrow streets and laneways in all areas.</p> <p>Recommendation: That the requirements for all areas (except Area 4) be amended to include specific setback and height controls for building fronting laneways.</p> <p>The precinct encompassed by Victoria Street, Peel Street and O'Connell Street has a strong heritage character with a predominance of industrial/ warehousing buildings. This area is also adjacent to the Victoria Street retail activity, the Queen Victoria Market and within easy walking distance of the Hoddle Grid. It is well-served by public transport, with three tram services within a five minute walk.</p> <p>The City North Structure Plan identifies that the Mixed Use Zone does not support the land use development trends and potential of City North and has been unsuccessful in delivering land use diversity as it is predominantly a residential zone.</p>

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<p>20 PDG Corporation</p>	<p>Concurs with the recommendation to apply a new schedule to the Design and Development Overlay (DD061}, although considers that the area defined as A6 should be expanded to include the sites at No.690-694 and 696-708 Elizabeth Street on the similar locational basis as the sites currently designated within the A6 area, which supports the gateway role of the Haymarket.</p> <p>Considers both sites at No.690-694 and 696-708 Elizabeth Street are equally as prominent, if not more, as part of the Haymarket gateway precinct due to both being the first built form(s) presented on the straight off the Haymarket roundabout approaching south on Elizabeth Street towards the CBD, as well as being on the Flemington Road axis.</p>	<p>These properties have no direct frontage to the Haymarket. A discretionary 40 metre height limit is considered appropriate given the adjacencies of these sites to Berkeley Street, Pelham and Elizabeth Streets where a 40 metre height limit is proposed.</p> <p>In addition the 40 metre height limit will provide a more suitable scale to transition in height to the adjacent A grade building at 708 Elizabeth Street.</p>
<p>21 HWL Ebsworth Lawyers on behalf of Lort Smith Animal Hospital)</p>	<p>Acting on behalf of Lort Smith Animal Hospital who own 24-36 Villiers Street, North Melbourne VIC 3051, currently used for the purposes of a not for profit animal hospital and shelter;15-27 Wreckyn Street, North Melbourne VIC 3051 currently consist of a vacant paved area; and 38 Villiers Street, North Melbourne VIC 3051, currently used for the purposes of a mechanic business.</p> <p>Accepts that the use of the land as an animal hospital has a limited lifespan and therefore the site represents a significant development potential.</p> <p>Considers that this site is an example of a large site which is currently under-utilised and should be earmarked to undergo significant urban renewal at some point in the future as per the identification in the <i>City North Structure Plan</i>.</p> <p>Notes that the land is currently impacted by DD032, the primary purpose of which is to maintain the predominantly low scale nature of the area. Submits that the imposition of a 14m height limit is overly restrictive in a precinct which has been identified as a key strategic location to service the Haymarket, hospitals, Knowledge Precinct and the Queen Victoria Market Precinct. The site</p>	<p>The property is not included in Amendment C196.</p> <p>The transition zone of 24m typically applies to one property depth behind the 40m height limit on properties that front Flemington Road. This was to enable a quick transition from the 40m height down to the existing development that has developed within the current 14m height.</p>

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	<p>represents a key development opportunity which should not be lost.</p> <p>Concerned that there is a real risk that allowing buildings of a height of 24m on this land's north eastern boundary and in proximity to its northern boundary more generally, will have adverse amenity impacts, including overshadowing and loss of access to sunlight. Considers a better outcome would be to extend the application of the DD061 to include this land.</p> <p>Notes that Schedule 61 refers to the laneways located on this land. However, the overlay is not proposed at this stage to apply to this land. Identifies that this is clearly an error that needs to be rectified.</p>	<p>This submission correctly identifies a drafting error on Map 2 (Proposed Laneway through links) in DD061. The map identifies proposed new laneway links through Courtney Place and Hotham Place. An overlay is not proposed over these sites and therefore there is no planning trigger to require the new links.</p> <p>Recommendation: Map 2 be amended to delete the identification of laneway links through Courtney Place and Hotham Place.</p>

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<p>22. Eve Khanh Tran</p>	<p>Requests the following changes to Planning Scheme Amendment C196:</p> <p>Height controls for laneways should apply to ALL areas covered in DDO61, not just Area 4. In particular Area 1 which has significant residential and varied built form should have the amenity of its existing laneways protected.</p> <p>The planning controls and zoning for the area marked DDO61-A1 (Area 1), also referred to as Precinct 4 in the City North Structure Plan, which is the O'Connell, Peel and Victoria Street triangle should not be changed to Capital City Zone and should remain as Mixed Use Zone. The changes in zoning and height controls from MUZ to CCZ will impact Area 1 which is recognised for having "strong heritage character". Considers the loss of character to this area would be significant, given the presence of heritage listed building within Area 1, and also its proximity to the Queen Victoria Market. To change the zoning of Area 1 from MUZ to CCZ would result in new developments of a larger scale which will directly contradict the design objective "To deliver a fine grain built form with architectural variety and interest" (refer DDO61, Design Objectives and Design Requirements, Building Facades and Street Frontages).</p>	<p>In DDO 61, the built form requirements do not include specific provisions for development fronting onto laneways or narrow streets except in Area 4.</p> <p>Agree that the proposed built form requirement should apply to narrow streets and laneways in all areas.</p> <p>The precinct encompassed by Victoria Street, Peel Street and O'Connell Street has a strong heritage character with a predominance of industrial/ warehousing buildings. This area is also adjacent to the Victoria Street retail activity, the Queen Victoria Market and within easy walking distance of the Hoddle Grid. It is well-served by public transport, with three tram services within a five minute walk.</p> <p>The City North Structure Plan identifies that the Mixed Use Zone does not support the land use development trends and potential of City North and has been unsuccessful in delivering land use diversity as it is predominantly a residential zone.</p>
<p>23.Synergy (Flemington) North Melbourne Ltd</p>	<p>Synergy is the permit applicant for TP 2012-924 which proposes a mixed use development on land at 81-85 Flemington Road, Flemington. Supports of the strategic work undertaken by Council in the City North Structure Plan 2012 that plans for growth and urban renewal in the 'City North' area.</p> <p>Supports of the strategic work undertaken in the Structure Plan that aims to diversify activities and land uses to integrate a more diverse mix of activities; to improve transport and access, walking, cycling and public transport; to recommend an urban structure and built form outcomes to guide building heights, form and density; and to improve public realm outcomes.</p>	<p>Planning Permit Application TP 2012/924 not yet determined (as at 18/3/2013).</p>

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	<p>Supports of the recommended building height of 40 metres for Area 3 and the associated Built Form Outcomes in DD061, provided that the building height control remains a discretionary control that: can be varied with a planning permit, and that there are no front or side setback requirements.</p>	

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<p>24. Professor David Mellor</p>	<p>Raises the following specific concerns:</p> <p>Protection of lane and narrow streets in Zone 2. The draft amendment to the Planning Scheme anomalously treats the narrow streets in Zone 2 differently to narrow streets in comparable City North and inconsistently with the Structure Plan. Requests that the principles and intended built form outcomes of the Structure Plan be applied to zone 2 through the application of the illustrated height limit and setback principles.</p> <p>Location density as well as overall density. Amendment C196 must ensure that already extremely densely populated areas in Zone 6, Zone 1 and abutting Zone 2 are not further developed with increased density without adequate attention to amenity for such high density. Requests that the controls be amended to protect the quality of life in the super dense locations by requiring compliance with all the principles for all developments.</p> <p>Social and public amenity to proceed development – Considers that it should be a standard requirement that social and public amenity including schools, open space and transport services be in place before developments that will require them go ahead. Requests an amendment to the Planning Scheme to require that appropriate and adequate social and public amenity be in place before any development is approved in the super high density locations.</p>	<p>A key principle in the City North Structure Plan is to “create great streets for people”. (Principle 6). To achieve this principle, design performance criteria have been included within DDO61.</p> <p>However in DDO 61, the built form requirements do not include specific provisions for development fronting onto laneways or narrow streets except in Area 4.</p> <p>Agree that the proposed built form requirement should be amended to ensure amenity protection for narrow streets and laneways in all areas.</p> <p>Recommend that the requirements of all areas (except Area 4) be amended to include specific setback and height controls for building fronting laneways and narrow streets.</p> <p>A 60 metres height limit and podium controls will apply to land in Area 6, and a 24 metre height limit and podium controls will apply to land in Area 1. The setback requirements in both areas will provide for a building form that integrates with the proposed 24 metre height limit in Area 2.</p> <p>The City North Structure Plan 2012 highlights the importance of social infrastructure and community facilities to support the health and wellbeing of the growing community. The City Of Melbourne is currently working on projects to implement this aspect of the structure plan.</p> <p>The City North Structure Plan 2012 identifies the importance of open space within the precinct and acknowledges that the growing community in City North will require additional and a more diverse range of open spaces. Opportunities to meet this need exist at the Queen Victoria Market, at the Haymarket and within streets. Under the provisions of the DDO61, the opportunity for the inclusion of public spaces is encourages through a general provision.</p> <p>Under a separate process, the City of Melbourne, through the Open Space Contributions Framework, is proposing to introduce a requirement for open space contributions which</p>

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	<p>Solar access is promised as a priority in the Structure Plan but is not ensured by C196. Request the Council amend the Planning Scheme to ensure solar access during winter in particular.</p> <p>Rezoning of R1Z to MUZ in Capel and Peel Streets. Considers that no purpose has been given to rezone the remnant R1Z in Capel and Pell Streets to MUZ.</p>	<p>will go towards the cost of developing new open spaces and improving existing open spaces. Melbourne Planning Scheme Amendment C209 which is currently in a public exhibition phase.</p> <p>The Sunlight to Public Spaces Policy (Clause 22.02) has been subsumed into DDO. The requirements of this policy apply to new developments and ensure that these new works do not result in a significant loss of sunlight to public spaces between 11.00am and 2.00pm on 22 march and 22 September.</p> <p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street to have potential to provide for other uses complementary to the market and the central City. The current Residential 1 zoning limits the use of land primarily to dwellings.</p>

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<p>25. Meredith Withers & Associates</p> <p>(on behalf of Toyota Motor Corporation)</p>	<p>Acting on behalf of Toyota Motor Corporation, owners of 611-669 Elizabeth Street, 671-673 Elizabeth Street and 675-681 Elizabeth Street, Melbourne. The site has frontage to Elizabeth Street, Queensberry Street and O'Connell Street and is subject to a request for inclusion onto the Victorian Heritage Register (awaiting decision)</p> <p>Supports the Capital City Zone Schedule 5 applying to this land.</p> <p>Supports the increase in preferred maximum building height from 8 storeys to 40m but requests that the 40m is a discretionary and not mandatory maximum building height. The setbacks proposed in Area 4 - 6m above 20m on O'Connell Street and 6m above 24m on Queensberry Street, are also requested to be discretionary. Considers that it is not clear from drafting of the schedule 61:</p> <ul style="list-style-type: none"> • If the 40m height is mandatory or discretionary in Area 4 or is a podium height. Table 1 does not refer to a podium height on Elizabeth Street (but suggests a podium height of 20m on O'Connell Street and 24m on Queensberry Street) and therefore the following "controls" extracted from Part 2 under Buildings and Works in DDO61 are unclear; • if the 40m is the maximum height or maximum podium height on Elizabeth Street in Area 4 where no setback (used to define a podium) is nominated. If no podium or setback applies to Elizabeth Street, the DDO should make this clear; • how the "streetscape provisions" diagrams in the DDO as exhibited will be applied in Area 4 which excludes Elizabeth Street. The streetscape provisions apply to O'Connell Street and Queensberry Street frontages and suggest that the preferred 40m height is discretionary and not mandatory because the diagram refers to "30% additional height above preferred maximum height". This adds to the confusion about mandatory or discretionary maximum building heights. <p>Request that the DDO as exhibited is amended to provide greater clarity and certainty around heights and setbacks proposed to affect the subject land and that the maximum height and minimum setbacks are clearly and unambiguously expressed as discretionary and not mandatory provisions.</p>	<p>The mandatory height controls at the street edge will ensure that the principles of high levels of daylight and sunlight to the street are met, along with promoting the integration of new development with the existing lower-scale heritage buildings and character of the area.</p> <p>The setbacks will ensure a delineation of the street edge and reinforce the lower scale character of the street by ensuring upper levels are less visually dominant on the streetscape.</p> <p>The controls are area specific to ensure that development can occur while existing residents continue to enjoy the amenity of their surrounds.</p> <p>The Toyota Motors Corporation is located within Area 4 where a 40 metres discretionary height limit (with podium heights and setbacks along specific streets with the exception of Elizabeth Street) will apply. Elizabeth Street is not subject to podium or setback requirements.</p> <p>Agree that clarity is required in regard to the wording of DDO60 (Clause 2.0 Buildings and Works and Table 1- Maximum Building Heights and Setbacks)) in relation to maximum building heights and podium setbacks and heights. Also agree that decision requirements are required to guide the granting of up to an additional 30% above the preferred maximum height (as illustrated in Figure 1, 2 and 3)</p>

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	<p>Identifies that the land also has frontage to O'Connell Street, where a 6m setback above 20m is proposed to apply, thus providing a podium height of 20m within a maximum building height envelope of 40m. The DDO as exhibited requires a 6m setback above 24m on Queensberry Street. Considers that these provisions should be discretionary and not mandatory, particularly for the subject land, where heritage considerations apply a further layer of complexity that requires more flexible approach to an appropriate design response for the site.</p> <p>Objects to the two "new through connections" that are proposed to connect O'Connell Street and Elizabeth Street through the land. These pedestrian links impose an unreasonable burden on the future development of the subject land; do not correspond to pedestrian desire lines and are unnecessary given the short walking distance north or south to Elizabeth Street from O'Connell Street</p>	<p>Recommendation: that DDO 60 (Clause2- Buildings and Works) be amended to provide greater clarity where mandatory and minimum controls apply and the decision criteria for allowing up to an additional 30% height increase above the preferred maximum building height.</p> <p>The City North Structure Plan includes Principle 8 to create a connected and walkable environment. Block lengths of a maximum of 100 metres are suitable to maximise walkability. This block has a frontage of 230 metres to Elizabeth Street therefore two connections are proposed along this length. The submitter's property is 185 metres in length therefore two proposed connections are required on this site to achieve this objective.</p>

Submitter	Summary of Submission	Management's Response
<p>26 Geoff Leach (on behalf of the North & West Melb. Association)</p>	<p>Requests the points made in the C190 submission regarding consultation, social and civic infrastructure, and open space also apply to C196.</p> <p>Considers that the structure plan excessively caters for population growth, and inadequately addresses corresponding social and civic infrastructure and services.</p> <p>Considers the consultation process unsatisfactory in regard to genuine involvement with the local communities.</p> <p>Requests that the R1Z zones in Capel St not be rezoned MUZ. They are R1Z for good heritage reasons, and there is ample MUZ opportunity. Nor should an explicit 14m height limit be applied to them, which would be in direct tension with their heritage character (which is not to say higher rear development cannot be considered).</p> <p>Requests the R1Z in Courtney St also remain R1Z, and if anything, consideration should be given to rezoning to R1Z other areas which are now wholly residential in character. The use of MUZ as a kind of catchall residential zone seems misuse, particularly when R1Z has a goal the highest level of residential amenity.</p> <p>Considers the north end of Capel St near Bedford St has significant heritage houses. Requests that it should not have a 24m height limit placed on it which simply means demolition is being flagged. It could be taken out of DDO61 altogether, as most of Capel St and Peel St west has.</p> <p>Requests that DDO61A3 be amended to a height limit of 30m commensurate with the recently completed developments on the corners of Villiers St, Harcourt St and Flemington Rd. Both of these buildings at around 10 storeys are considerably higher than the current DDO30 discretionary 6 storey height limit. (and have resulted in demolition of C graded buildings)</p> <p>Requests that Area DD061A1 to the south of DD061A3 be amended to have a reduced intermediate height limit to provide better stepping down to the much lower double and triple storey</p> <p>Notes that recent, some under construction, high buildings in and</p>	<p>The Structure Plan on which this amendment is based considers social and civic infrastructure and services. The City Of Melbourne is currently working on projects to deliver these services.</p> <p>The Structure Plan was extensively consulted on. Amendment C196 has begun the consultation process with the exhibition of the amendment. The next stage will be for Council and a panel to consider comments.</p> <p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street to have potential to provide for other uses complementary to the market and the central City. The current Residential 1 zoning limits the use of land primarily to dwellings. The existing 14 metre mandatory height limit along Peel Street (south of Queensberry Street) will remain to preserve the existing fine grain structure of subdivision and to provide a transition from the Hoddle Grid heights to the low scale North Melbourne Area.</p> <p>The area of land at the north end of Capel Street, near Bedford Street is included within Area 2 which is between Courtney Street and Flemington Road. A transitional increase in height in this area will allow for more people to live and work in close proximity to the existing tram network (Flemington Road) and within walking distance of the hospitals, universities, research institutes and the Hoddle Grid. An increase to a 24m height limit is considered appropriate to provide a transition from the 14m height limit of North Melbourne to the 40m height limit of Flemington Road. A number of existing residential developments have been built at the current 14m height control. A 24m height control will allow for an increase in density while also limiting any impact of the amenity of existing residential buildings in the area.</p> <p>A 40 metre height limit is proposed for Area 3 (along</p>

Submitter	Summary of Submission	Management's Response
	<p>around the Haymarket roundabout are all lower than 60m. For example the Victorian Comprehensive Cancer Centre is (estimated) 13 storeys, or around 52m, and the Peter Doherty Institute appears to be shorter. The 60m+30% proposed for DDO61A6 appears at odds with these flagship developments.</p> <p>Considers that the proposal to include new laneways in the CNSP to increase access needs to have enablers.</p>	<p>Flemington Road) in order to accommodate additional residential and employment growth, to reinforce the role of these streets as civic spines, and to improve the pedestrian experience. A 40 metre height limit will create a stronger definition to the streetscape, a greater intensity of activity, respect the scale of the existing heritage buildings and will not dominate the important landscape qualities of this boulevard.</p> <p>A 24 metre height limit is proposed for Area 1 (Victoria/Peel/O'Connell Streets) to increase the intensification of activity in the area and to provide a transition in scale from the 14m Peel Street/North Melbourne height control to the 40m height limit of Elizabeth Street and the Hoddle Grid.</p> <p>The provision of laneways will be subject to negotiation with developers, based on the provisions of the DDO. The aim of providing new laneways is to ensure that the area is walkable and the test used is that block lengths should be 100m. The whole area has therefore been reviewed and some laneways removed.</p>

Submitter	Summary of Submission	Management's Response
<p>27. Lachlan Rhodes</p>	<p>Requests that C196 be amended to include a replication of the setback provisions for laneways that exist under DD061 in Area 4 so that they also apply to laneways in Area 2.</p> <p>Considers that it seems anomalous that laneways in the Carlton area of City North are afforded protections that are not given to laneways in the North Melbourne area. The City North Structure Plan is commendable for detailing the benefits of laneways to local areas. These stated benefits also provide a strong rationale for extending the provisions to Area 2.</p>	<p>In DDO 61, the built form requirements do not include specific provisions for development fronting onto laneways or narrow streets except in Area 4.</p> <p>The proposed built form requirement should be amended to ensure amenity protection for narrow streets and laneways in all areas except Area 4</p> <p>Recommend that the requirements of all areas (except Area 4) be amended to include specific setback and height controls for building fronting laneways and narrow streets.</p>
<p>28. Vic Roads</p>	<p>Notes that the structure plan is a high level aspirational plan and makes many network assumptions which are dependent upon the delivery of state infrastructure and significant modal shifts.</p> <p>Supports the effort to transform the local road network to accord with this policy, however confirms that Vic Roads has a state declared arterial road network which has competing interests.</p> <p>Raises concerns at the concepts for a reconfigures Haymarket intersection and revised street hierarchy that downgrades the traffic capacity of the VicRoads declared arterial network.</p>	<p>The City Of Melbourne is aware that the development of City North into a more intensive precinct will require the provision of state-funded infrastructure including enhancements to public transport. The structure plan and Council's Transport Strategy 2012 outline the infrastructure improvements that will be required.</p>
<p>29 Angela Williams</p>	<p>Rezoning</p> <p>Considers that some land should be set aside in this amendment for public purposes of providing a future school.</p> <p>Does not support the rezoning from R1Z to MUZ in Courtney St nor in Capel/Peel St. Fails to see what the benefits in these two areas, to the wider community, is of allowing offices, industry and retail, when the sites which are within the boundaries indicated are less than 100m from mixed use zones where these uses could establish, or indeed less than 400m from where these uses are already established.</p>	<p>The provision of schools falls within the jurisdiction of the Department of Education. The City of Melbourne has had discussions and the Department of Education is actively working on the provision of schools for the City's children.</p> <p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street to have potential to provide for other uses complementary to the market and the central City. The current Residential 1 zoning limits the use of land primarily to dwellings.</p>

Submitter	Summary of Submission	Management's Response
	<p>Does not support the rezoning to CCZ5 from MUZ in the blocks bounded by Victoria, Peel and O'Connell, or Queensberry, Peel and O'Connell Streets. The purposes of the zone are to provide for a range of educational, research and medical uses and uses which complement the capital city function of the locality. However this purpose could be detrimental to the development which has occurred in this area in the past 10 or so years which has seen an intensification of residential uses. It is more appropriate for these areas to remain mixed use.</p> <p>The changed zoning to CCZ5 will strip the existing 3rd party notification and appeal rights of residents and property owners for any planning applications. This is not appropriate when acknowledging the long term and established residential uses in the area. There are a series of uses which, with a permit, which would be detrimental to these existing residents which it is unreasonable to impose without proper processes and consultation eg entertainment, hotel, industry, amusement parlour adult sex bookshop etc.</p> <p>Heritage</p> <p>CCZ5 area is proposed to be brought into the Heritage Places Outside the CCZ policy. Considers this is fundamentally flawed as</p>	<p>The precinct encompassed by Victoria Street, Peel Street and O'Connell Street has a strong heritage character with a predominance of industrial/ warehousing buildings. This area is also adjacent to the Victoria Street retail activity, the Queen Victoria Market and within easy walking distance of the Hoddle Grid. It is well-served by public transport, with three tram services within a five minute walk.</p> <p>The City North Structure Plan identifies that the Mixed Use Zone does not support the land use development trends and potential of City North and has been unsuccessful in delivering land use diversity as it is predominantly a residential zone.</p> <p>With the application of the CCZ5, Amendment C196 proposes to align the land use controls in City North more closely with those in the Central City.</p> <p>Under the CCZ the uses listed by the submitter are section 2 uses and therefore would be subject to 3rd party notice and appeal rights.</p> <p>In addition the Decision Guidelines for the proposed CCZ5 include acoustic design measures to attenuate new and refurbished residential developments and other sensitive uses against noise from the operation of businesses and activities. However, it is acknowledged that in the transition from the Mixed Use Zone to the CCZ there are a large number of existing dwellings in the area that may not have this acoustic treatment.</p> <p>The Environmental Protection Authority (EPA) requires the operator of any music venue to control music noise (not patron noise) through State Environment Protection Policy No. 2 – Control of Music Noise from Public Premises (SEPP N-2). The SEPPN-2 has no agent-of-change principle and it is the responsibility of the operator of the venue generating the music noise to take steps to reduce emissions.</p> <p>It is recognised that the heritage buildings in City North have a different character from those in the Hoddle Grid area. It is</p>

Submitter	Summary of Submission	Management's Response
	<p>the policy contains aspirations of form and scale which complement Graded buildings, and encourage new development to be respectful of the character and appearance of the area. However, when read in conjunction with DDO controls which are encouraging buildings of 40m + height, this policy is likely to hold little weight.</p> <p>CCZ5 which has aspirations of high buildings will weaken the policy in respect to all other places where it is applied. I do not support policy which will, in effect, favour demolition of the heritage graded properties, in order to respond to the preferred heights within the relevant DDOs.</p> <p>CCZ5 which has aspirations of high buildings, will weaken the policy in respect to all other places where it is applied. The Structure plan very clearly states that the heritage character of this precinct is important and these qualities are to be preserved and protected, but it is questioned as to whether the application of the policy in this manner will deliver such preservation and protection.</p> <p>Laneways</p> <p>The Structure Plan says it will deliver "A minimum of five hours of sunlight is provided to ground floors within streets that have residential uses at ground floor. Questions how this been demonstrated to be able to be delivered in narrow streets[or are these lanes] eg Oxford St North Melbourne</p> <p>Considers the creation of new laneways within the existing street network is a sensible idea, however identifies that is not clear how they will be delivered, who will own them and who will maintain and clean them.</p> <p>Does not support the laneways which appear to discharge onto Elizabeth St. Considers that these, if they are inserted, should be pedestrian only, not vehicular, as is not appropriate in this street to introduce additional road crossings.</p> <p>Open Space within development</p> <p>The structure plan stated that it would, within 1 year, develop a process to refer the matter of open space within developments to an open space or environmental planner. There is nothing</p>	<p>therefore appropriate the heritage policy which currently applies to protect that character should remain in place.</p> <p>In order to address the amenity of laneways DDO60 should be amended so that the heights and setbacks to be applied to new laneways are applied to all laneways, existing and new.</p> <p>The creation of new laneways will be subject to negotiation and delivery, ownership and maintenance will be decided on a site by site basis.</p> <p>The laneways are for pedestrian access and will not discharge vehicles onto Elizabeth Street.</p> <p>The City North Structure Plan 2012 identifies the importance of</p>

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	<p>contained within the DDO to alert applicants that this will occur, nor a benchmark provided as to how the provision and location of open space will be assessed.</p> <p>The structure plan required that "Private open space should be provided for all dwellings. Considers this should be green permeable open space. This can be on structure or on ground but should include a minimum of 30 per cent of the site." This has not been translated into the built form controls.</p> <p>Solar Access Insufficient clarity in the DDO as to what time of the year "reasonable access" to sunlight will be measured.</p> <p>The structure plan said it would deliver winter solar access. The street sections do not appear to have been set up in the DDO to be required to deliver this outcome.</p> <p>DDO's Notes that the Decision guidelines are silent as to whether the amenity of the adjoining properties are to be considered - impact on existing windows and open space in particular.</p> <p>Notes that some mandatory heights are referred to, the DDO is silent as to where these are to be measured from. Due to the likelihood of confusion when a site has multiple street frontages, which is the case for many of these large sites, it is requested that the DDO makes clear that the heights will be measured at each street frontage.</p> <p>Does not support heights above the mandatory maximum preferred height at street level without there being some demonstrated benefit to the community.</p> <p>DDO60 Area 1 - does not consider that the 24 m height in this area respects the character of the QVM buildings, and request this be altered to 14m. Should have a heritage objective added in as there are multiple heritage properties within this area. DDO 60 Area 2 - considers that the built form outcomes should be expanded to include an objective about small streets and heritage</p>	<p>open space within the precinct and acknowledges that the growing community in City North will require additional and a more diverse range of open spaces. Opportunities to meet this need exist at the Queen Victoria Market, at the Haymarket and within streets.</p> <p>Under a separate process, the City of Melbourne, through the Open Space Contributions Framework, is proposing to introduce a requirement for open space contributions which will go towards the cost of providing and developing new open spaces and improving existing open spaces Melbourne Planning Scheme Amendment C209 which is currently in a public exhibition phase.</p> <p>Describe our "Great streets" principles which are the basis for determining appropriate height controls and setbacks. (including mandatory and discretionary controls)</p> <p>The DDO should be amended to make it clear what the mandatory heights refer to and where the heights are to be measured from.</p>

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	<p>buildings, as this area contains several heritage buildings, and the amenity of the streets and existing residences should be considered in detail prior to finalising the details of this DDO area. DDO Area 4 - considers that the language "provide a street edge frontage to integrate new development with lower scale heritage buildings" is confusing. With a height limit of 40m, what is this statement intended to deliver?</p> <p>Carparking The structure plan said it would deliver "No car parking at the street edge" and diagrams indicated that all parking would be from the rear, but there is no provision found in relation to these items in the DDOs.</p> <p>Questions the additional 30% of height a secondary mandatory provision.</p>	<p>The new street edge height of 24m is lower than the current DDO of 32m and has been lowered to enable the integration of new buildings into the scale of the existing lower-scale heritage buildings.</p>

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<p>30 Rev Frederick James Brady</p>	<p>States that his long experience of living in inner Melbourne has convinced him that historic residential housing, used as such, is an essential ingredient of all that Council now openly declares to be its aspiration for the area, but that these older inner city residential properties require constant vigilance for their preservation. The historic housing stock, much of it single storey, with the rest mainly double storey, so often stands in the way of those who would gain more from higher buildings divided into smaller living units.</p> <p>Has no problem with living in a mixed use area. Nor is it his concern to make the whole area residential. If this were so it would be like living in the outer suburbs.</p> <p>Believes that if Council's plan for the area generally is to succeed then every effort needs to be made to protect traditional residential housing stock and to ensure that it is used for its original purpose.</p> <p>Submits that any proposal that puts more residential properties in the area at risk of being used for commercial purposes is detrimental to Council's aspirations for the area and should be rejected. This applies in particular to the streets covered by planning scheme amendment C196 for Capel and Courtney Streets.</p>	<p>There are heritage overlays across the area to protect buildings of heritage value. Under Amendment C197 and C198 this is to be updated.</p> <p>No change recommended</p>
<p>31 Steve Papas</p>	<p>Requests that the Committee consider that the Vic Market is the largest undercover market in the Southern Hemisphere, and that for the most part visitors to the market only see a tin roof if they look up in the Market (and not the surrounding buildings).</p> <p>Requests that this wording "ensure that buildings do not overshadow the Queen Victoria Market and respect its heritage character" has no relevance in DDO61, and should be deleted.</p> <p>There is a 14metre height control already in existence on Peel Street, which is very low in context to the CBD (which is just across the road). Many of the houses on the south side Capel Street are</p>	<p>The Queen Victoria market is on the Victorian Heritage Register and respecting its heritage is consistent with Council's MSS.</p> <p>The 24m height limit north of Victoria Street promotes an intensification of development and uses in the area that is respectful of the existing lower-scale built form (including the market) and enables an even transition from the 14m high area west of Capel Street and the taller proposed built form along Elizabeth Street.</p> <p>The part of Peel Street that is still within the 14m height control</p>

Submitter	Summary of Submission	Management's Response
	<p>owned by the Dept of Human Services – Housing. Including this text in the DDO could have an adverse effect on the Department to provide adequate housing for the future. It could also adversely affect businesses from prospering along Peel Street. Restrictions to the built form could impair the property from being suitable for various Mixed Use activities.</p> <p>Requests that the wording: “keep building heights near existing low rise development lower. This interface will help maintain the amenity of established residential areas, ensuring that new buildings are respectful of existing buildings” has no relevance in DDO61, and should be deleted.</p> <p>Supports the statement “ensuring that buildings have interesting and pedestrian friendly frontages that include weather protection”</p> <p>Concerned that the text “ensure streets are pedestrian focused. Building will have lower height on the street frontage, with higher set back from the street to achieve a pedestrian friendly scale” would be used to impose unreasonable setbacks on smaller developments.</p> <p>Considers that makes Melbourne City a more attractive and ‘pleasant place’ is tower buildings here are set back behind reasonably large promenades (typically 6 to 8 level) and the borrowed light reflected from tall glass city buildings, which light up the city’s obscured streets and lanes and offer intriguing views of the city.</p> <p>Considers that well designed tall building have merit and can make a contribution to improving amenity at pedestrian/street level</p>	<p>comprises fine grained development which is subject to the heritage overlay.</p> <p>The proposed built form controls introduce higher built form whilst protecting character, context and immediate amenity. The fundamental built form principle in the City North Structure Plan is that streets must have adequate sunlight and that they must relate well to their immediate context. The controls are area specific to ensure that development can occur while existing residents continue to enjoy the amenity of their surrounds.</p> <p>The provisions seek to ensure the streets receive adequate levels of daylight and sunlight to establish a high quality public realm.</p>

Submitter	Summary of Submission	Management's Response
<p>32 Lawrence Angwin</p>	<p>Requests that the Capel Street be kept as a Residential Zone so that the quality of the area will be saved.</p> <p>Concerned that Council is proposing to change his side of the street from residential Zone to Mixed use Zone and this may mean that the Government could sell part or all of the flats for high rise commercial development, which may include uses like the Drunken Poet which already cause a nuisance.</p>	<p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street that have the potential to provide for other uses complementary to the market and the central City. The land is currently zoned Residential 1 which limits the use primarily to dwellings.</p> <p>Capel is proposed to be rezoned to a Mixed use Zone. The proposed Mixed Use Zone is a residential zone in that it allows residential as an "as of right use".</p> <p>No change recommended</p>
<p>33. Carlos Carrera</p>	<p>Requests that the Capel Street be kept as a Residential Zone so that the quality of the area will be saved.</p> <p>Concerned that Council is proposing to change his side of the street from Residential Zone to Mixed use Zone and this may mean that the Government could sell part or all of the flats for high rise commercial development, which may include uses like the Drunken Poet which already cause a nuisance.</p>	<p>The City North Structure Plan 2012 identifies pockets of land west of Peel Street that have the potential to provide for other uses complementary to the market and the central City. The land is currently zoned Residential 1 which limits the use primarily to dwellings.</p> <p>Capel is proposed to be rezoned to a Mixed use Zone. The proposed Mixed Use Zone is a residential zone in that it allows residential as an "as of right use".</p> <p>No change recommended</p>
<p>34 Department of Transport</p>	<p>No objection.</p> <p>Supports the application of parking restrictions</p>	<p>Noted</p>
<p>35. University of Melbourne</p>	<p>Supports many of the aspects of the City North Structure Plan that underpins Amendment C196 including increased height limits in the Haymarket and Little Carlton Areas, CoM advocacy for the extension of the metropolitan rail network, and initiatives to revitalise the Haymarket area.</p>	<p>Amendment C196 implements the land use and built form recommendations of the Structure Plan. A number of the comments relate to areas outside land use and built form.</p>

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	<p>Supports the strategy for precinct wide sustainable infrastructure.</p> <p>Supports integrating the area's heritage into urban renewal as an overarching principle.</p> <p>Notes that the UoM cherishes its valued heritage assets and supports the retention and enhancement of such buildings but reserves the right to provide additional comments if there is any change to heritage values under a separate process.</p> <p>The Structure Plan advocates that the CoM have input into the design of any new buildings on the main Parkville campus. The UoM is already part of a consultative process and considers more prescriptive around the design of building is not warranted.</p> <p>Amendment C196 proposes the protection of existing and identification of new laneways.</p> <p>Supports the proposed new lane in Barkly Place (accessible from Bouverie Street) and Leicester Street. Notes that this is potential site for a student housing development.</p> <p>Opposes the lane proposed in the southern section of the block bounded by Bouverie, Pelham, Leicester and Queensberry Street which is the location of the University's new child care facility. Considers that any reduction in width of this site as a consequence of a new lane will prevent the project proceeding.</p> <p>Opposes the proposed new lane in the southern section of the block bounded by Berkeley, Grattan, Elizabeth and Pelham Streets which runs through the Universities site that is currently leased to City Ford. States that this site is under consideration for a future building to house the University's Medical School. Considers that the site will be designed to encourage pedestrian access across the site so mandating a lane is inappropriate.</p> <p>Concerned that there is a level of inconsistency in the policy of</p>	<p>The introduction of new laneways into the City North precinct will contribute to the walkability and appeal of the area by providing intimate, pedestrian friendly environments. In addition, these new laneways will maximise pedestrian access through this precinct by establishing a finer network of street connections and shorter walking distanced between destinations.</p> <p>This principle provided the basis for determining the location of the proposed laneways. It is considered that the appropriate locations have been identified.</p> <p>No change recommended.</p>

Submitter	Summary of Submission	Management's Response
	<p>DDO 61 whereby despite identification of the area as a precinct where moderate change is required, the Urban Design Policy includes objectives that seek to repeat the existing conditions.</p>	<p>The primary design objectives in DDO 61 ensures that the height of new buildings reinforces the identified with a mid-rise scale of buildings whilst respecting the existing building scale at the side and rear interfaces.</p> <p>No change recommended.</p>

MELBOURNE PLANNING SCHEME

AMENDMENT C196

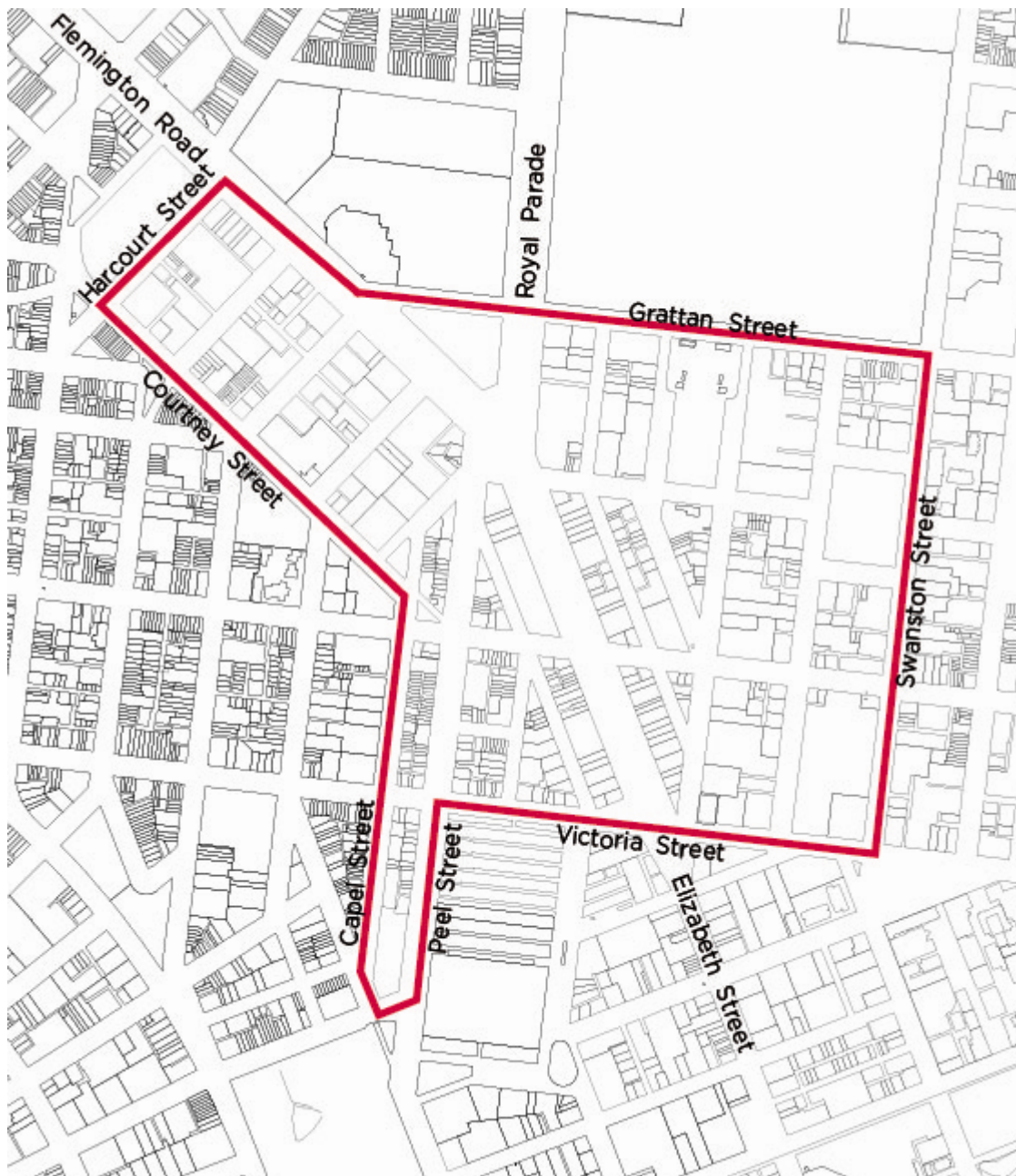
EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to land in the City North Precinct as shown on the following map:



What the amendment does

The amendment proposes to:

- Rezone land as follows:
 - Properties north of Victoria Street and bounded by Peel Street, Grattan Street and Swanston Street (excluding the CUB site) currently zoned Mixed Use Zone are to be rezoned to Capital City Zone (CCZ5);
 - Properties fronting Capel Street currently Residential 1 are to be rezoned to Mixed Use Zone; and
 - The property bounded by Harcourt and Courtney Streets currently zoned Residential 1 is to be rezoned to Mixed Use Zone.
- Apply a new Schedule to the Capital City Zone (City North-CCZ5) to provide for a mix of central city uses - education, research and medical, as part of the State significant knowledge precinct with complementary services for residents, workers, students and visitors.

Capital City Zone (Outside the Retail Core) car parking rates will apply.

Third party appeal rights and notifications requirements that currently apply in the Mixed Use and Residential Zones will not apply to the land being rezoned to Capital City Zone.

- Apply a new Schedule to the Design and Development Overlay (DDO61), which incorporates built form requirements including mandatory maximum street edge heights and minimum setbacks, as well as pedestrian orientated design requirements for building facades, street activation, public places and spaces, and laneways. The Urban Design outside the Capital City Zone Policy and Sunlight to Public Spaces Policy and DDO30 are subsumed into DDO61.
- Amend the Urban Design within the Capital City Zone Policy (Clause 22.01) to exclude the application of the policy to areas within the Capital City Zone (City North-Schedule 5).
- Amend the Sunlight to Public Spaces Policy (Clause 22.02) to exclude the application of the policy to areas within the Capital City Zone (City North-Schedule 5)
- Amend the Heritage Places within the Capital City Zone Policy (Clause 22.04) to exclude the application of the policy to areas within the Capital City Zone (City North-Schedule 5).
- Amend the Heritage Places outside the Capital City Zone Policy (Clause 22.05) to include the application of the policy to areas within the Capital City Zone (City North-Schedule 5).
- Amend the Urban Design Outside the Capital City Zone Policy (Clause 22.017) to include the application of the policy to areas within the Capital City Zone (City North-Schedule 5).
- Amend the Gaming Premises Policy (Clause 22.012) to include the application of the policy to areas within the Capital City Zone (City North-Schedule 5).
- Amend the existing schedules to the Design and Development Overlay being Schedules 32, 44 and 45 to exclude the areas within the City North precinct.

- Delete the existing Schedule 30 to the Design and Development Overlay. This area will be included into the new Design and Development Overlay Schedule 61.

Strategic assessment of the amendment

• Why is the amendment required?

The City of Melbourne is projected to experience a significant increase in resident and worker population. A share of this growth will be accommodated in City North.

The amendment is required to facilitate the re-development and use of land in accordance with the City North Structure Plan 2012 (adopted February 2012). The Plan provides a framework to guide the development of City North as an extension of the Central City and consolidate the State significant knowledge precinct with a range of commercial, residential and retail activities.

City North is already undergoing renewal, with catalysts for change including the redevelopment of the former Carlton and United Brewery site, the hospitals, universities and scientific research institutions. The area is transitioning to a high intensity mixed use area based around health, education and research, with residential, commercial, and retail activities. The proposal for a new metro underground passenger rail service including two new stations will significantly increase the accessibility of the area.

Required changes to the planning scheme:

City North Structure Plan

The amendment is required to facilitate re-development of the precinct in accordance with the objectives of the City North Structure Plan 2012. The key directions of the City North Structure Plan are:

- Integrate the knowledge cluster into the Central City;
- Boost transport infrastructure;
- Create a compact, liveable precinct that builds on the existing urban heritage qualities;
- Develop four new major civic places;
- Make City North an energy, water and waste efficient precinct.

Changes to zones, overlays and local policies

Properties currently in the Mixed Use Zone, north of Victoria Street are to be rezoned to Capital City Zone Schedule 5. The City North precinct will continue to develop as a major research and education cluster with two universities and world leading bio-medical, design and information technology research institutions and companies. Integration of these uses in the precinct should be underpinned by a mix of commercial, retail, residential, and recreation activities and the Capital City Zone is the most appropriate for achieving this.

The existing Mixed Use Zone (MUZ), which covers much of the precinct, does not achieve the envisaged mix of uses. The MUZ zone is in the residential suite of zones and as such is primarily used as a residential zone. The Capital City Zone (Schedule 5) proposed for the area generally bounded by Victoria, Swanston, Grattan and Peel Streets will facilitate a greater mix of uses.

A small number of properties on the Capel Street, currently zoned Residential 1 are proposed to be rezoned to Mixed Use Zone. This will foster residential development, but

by permitting other uses also, will provide a more suitable transition to the CCZ and the Queen Victoria Market retail precinct.

The property bounded by Harcourt Street and Courtney Street currently zoned Residential 1 is also proposed to be rezoned to Mixed Use Zone. This will provide a consistent zone along the north-east side of Courtney Street and provide opportunities for a more diverse range of uses which complement the area's proximity to the knowledge precinct.

The introduction of a new schedule to the Design and Development Overlay (Schedule 61) will facilitate appropriate development through design requirements for building scale, heights, setbacks, facades, active street frontages, public spaces and new pedestrian access links. A number of these requirements align with policy direction in existing local policies and in order to simplify the planning scheme, these provisions have been subsumed into the new DDO.

The level of protection for heritage properties remains unchanged through the application of Clause 22.05 "Heritage Places outside the Capital City Zone Policy".

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

The amendment implements the objectives of planning in Victoria by putting in place a suite of planning tools that facilitate the orderly development of the land. The amendment balances the present and future interests of all Victorians via the fair, orderly, economic and sustainable use and development of land and the securing of a pleasant and efficient working, living and recreational environment for all Victorians and visitors to Victoria.

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

The amendment is expected to have positive, environmental, economic and social benefits. City North is already undergoing urban renewal with significant government and private investment in the major hospitals, research and tertiary education institutions. The amendment aims to ensure that land use and development occurs within a framework that combines the developing knowledge based activities with activities that will meet the needs of those who live, work and visit the precinct.

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

The amendment complies and is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes pursuant to Section 7(5) of the Planning and Environment Act 1987 (the Act). The amendment also complies and is consistent with the requirements of Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments.

Pursuant to section 12 of the Planning and Environment Act 1987 the amendment also complies with the Ministerial Direction No.9 (Metropolitan Strategy):

- *Direction 1 – A more compact city:* the amendment will encourage the regeneration of the City North area, encouraging a mix of uses including residential, retail and commercial uses and provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.
- *Direction 4 – A more prosperous city:* the amendment will encourage future development and investment in the City North area.

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

The amendment is consistent with State Planning Policy by supporting the regeneration of existing urban land, providing good use of infill development and use of existing infrastructure.

Specifically, the amendment is consistent with:

- *Clause 11 – Goals and Principles.* By managing the use and development of City North, the amendment will help deliver a net community benefit. This will be achieved by allowing an increased urban density, activating a mixture of different and complementary land uses as well as bringing vitality to these areas.
 - *Clause 12 – A More Compact City, A Great Place to Be, A Fairer City and Better Transport Links.* The amendment is consistent with the principles and objectives of Melbourne 2030 and Melbourne@5million and will manage development in a manner that will uphold these policy directives.
 - *Clause 17 – Activity Centres and Business.* The amendment will help deliver the strategic vision of the City North Structure Plan by facilitating and contributing to the enhancement and planning of a vibrant, functional, safe and integrated part of the city which services the commercial, employment and housing needs of the municipality.
 - *Clause 19.03 – Design and Built Form.* The amendment will facilitate the implementation of urban design, built form, and streetscape design principles as outlined in the City North Structure Plan 2011. The amendment will help incorporate planning provisions that will encourage and support enhanced liveability, and amenity within City North.
- **How does the amendment support or implement the Local Planning Policy Framework?**

In accordance with the Local Planning Policy Framework of the Melbourne Planning Scheme, the amendment implements in part the directions in the adopted Municipal Strategic Statement (MSS) exhibited in July/August 2010 as Melbourne Planning Scheme Amendment C162 and adopted by Council on 28 August 2012. The City North Structure Plan was prepared to implement the vision established through the adopted MSS.

The adopted MSS defines how and where the long term growth and development of the City will occur and identifies areas in the city according to their capacity for growth and intensity of change. These areas are identified in the "Growth Framework Plan". Within this 'Growth Framework Plan,' the City North Precinct is identified as an Urban Renewal Area.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes appropriate use of the various zoning and overlay tools available under the Victorian Planning Provisions to achieve the strategic objective of the Scheme.

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

Community consultation on the City North Structure Plan 2012 engaged comprehensively with residents, developers, businesses, education, medical and research institutions and State Government's Departments of Transport, Planning and Community Development and Innovation and Business. All relevant agencies will be notified as part of the planning scheme process.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The City of Melbourne is an interface body under the Transport Integration Act 2010. It is required to have regard to transport system objectives and decision-making principles when making decisions that have a significant impact on the transport system.

The Amendment will improve the transport system. It will: encourage walking; reduce reliance on cars; and improve the pedestrian network within, into and out of the precinct. The Amendment will strongly integrate transport and land use by providing for more intensive land use near proposed public transport nodes including the planned Melbourne Metro stations at Parkville and City North as well as planned tram extensions including Victoria Street. The Amendment provides for mixed land uses near these stations which will increase the efficiency of the use of public transport infrastructure by increasing counter-peak and inter-peak use. The Amendment applies the Capital City Zone (Outside the Retail Core) car parking rates to City North which will reduce the number of car parking spaces that would have been constructed in the precinct.

Resource and administrative costs

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

The new planning provisions will have no marked effect on existing administrative costs to the City of Melbourne.

- **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Melbourne
Level 3, 240 Little Collins Street
MELBOURNE VIC 3000

City of Melbourne website at www.melbourne.vic.gov.au/planningamendments

Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection.

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SCHEDULE 61 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO61**

CITY NORTH

1.0 Design objectives

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- ~~▪ To create a precinct with a 6 to 15 storey built form scale as characterised by the university, research and medical buildings, stepping down at the interface to the lower scale surrounding established neighbourhoods.~~
- To create a central city precinct with a **mid-rise** scale of buildings that is distinct from the ~~very tall high~~ built form in the Hoddle Grid area to the south, **complements existing development, and stepping steps** down at the interface to the lower scale surrounding established neighbourhoods
- To create central city streetscapes defined by a generally consistent plane of building facades that collectively enclose the sides of the streetscapes whilst allowing good levels of daylight and sunlight to penetrate to the streets and to lower storeys of building.
- To provide increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and CBD North Metro Rail stations.
- To promote the development of Flemington Road, **and Elizabeth Street as a civic spine into the central city.**
- To develop the Haymarket area as a central city gateway precinct and public transport interchange.
- To support the development of ~~nodes of~~ activity along Victoria Street and around the Haymarket area.
- To ensure university, research and medical buildings are actively integrated with ~~their~~ the surrounding public realm.
- To ensure that the collective effect of all current and future development promotes a public realm **(including little streets and laneways)** which provides a comfortable pedestrian scale, has good daylight, reasonable access to sunlight throughout the year and generous sky views.
- ~~▪ To create streetscapes with a high level of pedestrian comfort in terms of scale, weather protection, access to sunlight, daylight and sky views.~~
- To improve the walkability of the precinct by providing new laneways/through links,
- **To create a streetscape microclimate where street trees will flourish**
- **To create a microclimate where green roofs, and green walls can flourish.**
- **To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.**
- **To ensure that new development respects the scale of adjacent and nearby heritage places.**

2.0 Buildings and Works

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A permit is not required for:

- Buildings or works carried out by or on behalf of Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port Management Act 1995, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air

conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are not visible from any street, lane or public place.

- External works to provide disabled access that complies with all legislative requirements.
- Alterations to a building which have been authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.

All buildings and works requiring a permit must be constructed in accordance with:

- The preferred maximum building height, building street edge heights and minimum setback requirements for the specific areas as defined in Table 1 of this Schedule. A permit cannot be granted to vary the **building street edge podium** height and minimum **building street edge** setbacks.
- The preferred maximum building height should not be increased by more than 30% **and only if it can be demonstrated that the upper storeys will be visually recessive and that development will not increase overshadowing of the public realm between 11am and 2pm at the equinox.**

The street wall height is measured at the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.

- The design objectives and requirements to be achieved as set out in Table 1 of this Schedule.

3.0 Subdivision

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A permit is not required to subdivide land.

4.0 Application requirements

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An application for permit, other than an application for minor buildings or works as determined by the responsible authority, must be accompanied by a comprehensive site analysis and urban context report documenting the key planning influences on the development. The urban context report must identify the development opportunities and constraints, and demonstrate how the development, addresses:

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

5.0 Decision guidelines

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Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the proposal achieves the built form outcomes contained in **Table 1**
- Whether the proposal achieves the design objectives and design requirements contained in this Schedule.

- Whether the development maintains and enhances the character and amenity of the streetscape.
- The wind effect at ground level as demonstrated by wind effects studies as necessary.

6.0 Exemption from notice and appeal

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An application to construct a building or carry out works on land located within the Capital City Zone (~~CC4~~ CCZ5) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act

7.0 Reference documents

City North Structure Plan 2012

Table 1 – Preferred Maximum Building Heights and Setbacks

Areas / Specific Sites	Preferred Maximum building height, minimum setbacks <u>building street edge height, and minimum building street edge setback.</u>	Built Form Outcome
1	<p>24 metres</p> <p>Any part of the building street edge <u>street edge</u> above 20 metres on a street edge <u>fronting</u> O’Connell Street, Cobden Street and Princess Street must be setback 4 metres.</p> <p>On the street edge of laneway frontages, any part of the building above 10.5 metres must be setback 4 metres</p>	<p>A scale of development that:</p> <ul style="list-style-type: none"> Respects the heritage character of the Queen Victoria Market Buildings; Avoids overshadowing the Queen Victoria Market buildings; Delivers an appropriate <u>even</u> transition in scale from the lower built form in Peel Street and adjacent areas in North Melbourne; and <p>Ensures sunlight reaches the lower floors of new developments.</p> <p>Ensures laneways have appropriate levels of access to daylight and sunlight.</p>
2	<p>24 metres</p> <p>Setbacks for development on boundaries that adjoin existing DDO 32 must be in accordance with Figures 1.</p>	<p>Maintains the level of amenity, with regard to overshadowing overlooking, visual bulk and outlook of existing adjacent low scale residential development.</p> <p>Delivers an appropriate transition in scale of development from the lower scale built form in Courtney Street to the higher scale built form in Flemington Road</p> <p>Limits amenity impacts of <u>excessive building bulk, overlooking and overshadowing on existing buildings in DDO Area 32</u></p>

	<p>On the street edge of laneway frontages, any part of the building above 10.5 metres must be setback 4 metres.</p>	<p>Ensures laneways have appropriate levels of access to daylight and sunlight.</p>
3	<p>40 metres</p>	<p>Creates stronger definition to the streetscape. <u>Development does not dominate buildings in Area 2.</u> A scale of development that reinforces Flemington Road as a civic spine and facilitates a dominant built form character <u>respects the enhancement of its landscape character.</u> the landscape character of the boulevard.</p>
4	<p>40 metres</p> <p>Any part of the building street edge above 20 metres on a street edge fronting O’Connell Street must be setback 6 metres.</p> <p>Any part of the building street edge above 24 metres on a street edge fronting Grattan, Pelham, Queensberry, Bouverie, Leicester, Barry, Berkeley and Lincoln Square North and South must be setback 6metres.</p> <p>On the street edge of laneway frontages, any part of the building above 10.5 metres (up to the 40 metre height limit) must be setback 4 metres.</p>	<p>A scale of development that reinforces Elizabeth Street as a civic spine and facilitates a dominant built form character <u>the enhancement of its landscape form character.</u> Reinforces Elizabeth Street as a civic spine Creates stronger definition to the streetscape. Development complements the existing character established by the university, research and medical buildings. Ensures sunlight reaches the lower floors of new developments. Provides consistent streetscape form on both sides of the street. Delivers a scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, sky views and a pedestrian friendly scale. Provides a street edge height that integrates new development with lower scale heritage buildings.²</p> <p>Ensures laneways have appropriate levels of access to daylight and sunlight.</p>

5	<p>32 metres</p> <p>Any part of the building street edge above 24 metres on a street edge fronting Barry, Berkeley or Pelham Street must be setback 6 metres.</p>	<p>Deliver a scale of development that provides street definition and a high level of pedestrian amenity, including access to sunlight at ground floor (to Berkeley Street), sky views and a pedestrian friendly scale.</p> <p>Development complements the scale of existing heritage buildings.</p>
<hr/>		
6	<p>60 metres</p> <p>Any part of the building street edge above 40 metres on a street edge fronting Elizabeth Street, Flemington Road, Royal Parade, Grattan Street, Blackwood Street, Bedford Street and Peel Street must be setback 10 metres.</p>	<p>A built form that supports the gateway role of the Haymarket.</p> <p>A scale of development that is complementary to the proposed medium level built form of its surrounds..</p> <p>A consistent streetscape built form that integrates Elisabeth Street with Flemington Road.</p> <p>Does not overshadow the proposed civic space within the Haymarket.</p>
	<p>Any part of the building street edge above 24 metres on a street edge fronting Pelham Street and Berkeley Street must be setback 6 metres.</p>	<p>Deliver a scale of development that provides an appropriate transition to the lower scale built form in Berkeley and Pelham Street.</p> <p>Provides a high level of pedestrian amenity, including access to sunlight to ground floor and sky views.</p>
<hr/>		
7	<p>32 metres</p>	<p>Deliver a scale of development that provides street definition and a high level of pedestrian amenity, including access to sunlight at ground floor, sky views and a pedestrian friendly scale.</p> <p>Development complements the scale of existing heritage buildings.</p>

Design Objectives and Design Requirements

Design Objective	Design Requirement
Building Heights, Scale and Setbacks	
<p>To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule.</p> <p>To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity.</p> <p>To ensure appropriate building scale on the side and rear boundaries of new buildings and works that respects the scale of existing adjoining buildings.</p> <p>To avoid to exposed blank walls</p> <p>To assist in limiting visual impact and adverse amenity on adjacent development sites.</p> <p>To promote articulated rooflines with architectural interest and variation.</p> <p>To establish built form at street edge that creates a strong sense of definition and place.</p> <p>To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians.</p> <p>To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places.</p>	<p>Deliver a scale of development at the street edge in accordance with Table 1 in this Schedule.</p> <p>Buildings should be constructed to the street boundary of the site.</p>
<p>To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precincts respects the character, form, massing and scale of the heritage buildings.</p>	<p>The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.</p> <p>New buildings should step down in height to adjoining lower scale heritage buildings.</p>
Building Facades and Street Frontages	
<p>To ensure that buildings are well designed and enhance the amenity of City North.</p> <p>To deliver a fine grain built form with architectural variety and interest.</p> <p>To encourage high quality facade and architectural detailing.</p>	<p><i>Addressing the Street</i></p> <p>Buildings with wide street frontages should be broken into smaller vertical sections of 4 to 10m in width.</p> <p>Multiple doors/entrances to buildings and windows should be provided off the street to improve activation of the street.</p>

The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.

All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.

Blank building walls that are visible from streets and public spaces should be avoided.

Buildings on corner sites should address both street frontages.

Service areas

Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.

Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.

Building Projections

Building projections outside the property boundary must accord with Council's Road Encroachment Guidelines.

Active and Safe Street Frontages

To create safe streets.

To ensure all streets are pedestrian oriented and contribute to pedestrian safety.

To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys.

To ensure development contributes to passive surveillance of the public domain.

Ground floor frontages should contribute to city safety by providing lighting and activity.

At least the first five levels of a building should provide windows and balconies, fronting the street or lane.

Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.

Carparking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor.

Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.

To provide continuity of ground floor shops and food and drink premises in proposed activity nodes.

Buildings with ground-level street frontages along Royal Parade at the Haymarket area and Victoria Street as shown on **Map 1** must contribute to the appearance and support the proposed retail function of the area to the satisfaction of the responsible authority, by providing:

At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display

	<p>window to a shop and/or a food and drink premises.</p> <p>Clear glazing (security grilles must be transparent)</p>
<p>To ensure ground floor frontages to major pedestrian area add interest and vitality.</p>	<p>Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on Map 1 must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:</p> <ul style="list-style-type: none"> ▪ at least 5 metres or 80 % of the street frontages (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises; or ▪ at least 5 metres or 80 % of the street frontages (whichever is the greater) as any other uses, customer service areas and activities, which provide pedestrian interest or interaction. ▪ Clear glazing (security grilles must be transparent).

Provision of Public Places

<p>To encourage the provision of well designed and publicly accessible spaces</p>	<p>The opportunity for the inclusion of public spaces should be promoted.</p>
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Sunlight to Public Places

<p>To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year.</p> <p>To protect sunlight to public spaces.</p> <p>To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight.</p>	<p>Buildings and works must not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas.</p> <p>Maximise the extent of the northerly aspect of public open spaces.</p>
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Lanes

<p>To expand the area's laneway network by encouraging encourage the creation of new lanes and connections, particularly in locations identified as requiring a through block link where block lengths exceed 100m.</p>	<p>Provide new laneways as identified on Map 2</p> <p>The location and alignment of new lanes should respect the street pattern.</p> <p>Bluestone lanes, kerbs and guttering within heritage precincts must be retained, and should also be retained outside heritage precincts.</p>
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To ensure new laneways are aligned to respect the street pattern;
 To ensure new laneways integrate with the pattern of development of adjacent areas,
 To accommodate vehicular and service access to developments.

Laneway design and character

Through-block pedestrian links and other public spaces should be designed to enable clear end to end views through.

New laneways should be a minimum width of 6 metres wide.

New laneways are to be open to the sky.

Existing lanes should not be covered.

The pedestrian amenity of lanes which are primarily used for servicing and car parking, should be improved through the use of materials, lighting and designated areas for pedestrians and vehicles.

Lanes are to provide 24 hour public access, seven days a week.

Buildings and works adjoining lanes

The design and management of access and loading areas along lanes should not impede pedestrian movement.

New development should respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the lane way character.

New development along lanes should provide highly articulated and well detailed facades that create visual interest, particularly at the lower levels.

Weather Protection

To promote pedestrian amenity.
 To ensure built form does not increase the level of wind at ground level and that buildings are designed to minimise any adverse effect on pedestrian comfort.

The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows:

- In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 10 ms-1. This speed is generally acceptable for stationary, long term exposure (>15 minutes); for instance, outdoor restaurants/cafes, theatres
- Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 13 ms-1. This speed is generally acceptable for stationary, short term exposure (<15 minutes); for instance, window shopping, standing or sitting in plazas;

-
- Along all other streets the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 16 ms-1 (which results in half the wind pressure of a 23ms-1 gust) which is generally acceptable for walking in urban and suburban areas -

Landscaping within the public realm cannot be relied on to mitigate wind.

To protect pedestrians from the elements by providing shelter from the rain and sun, without causing detriment to building or streetscape integrity.

Buildings should include protection from the weather in the form of canopies, verandahs and awnings.

The design, height, scale and detail of canopies, verandahs and awnings:

- should be compatible with nearby buildings, streetscape and precinct character;
- may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade;
- should be setback to accommodate existing street trees; and
- should be located so that verandah support posts are at least 2 metres from tree pits.

Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

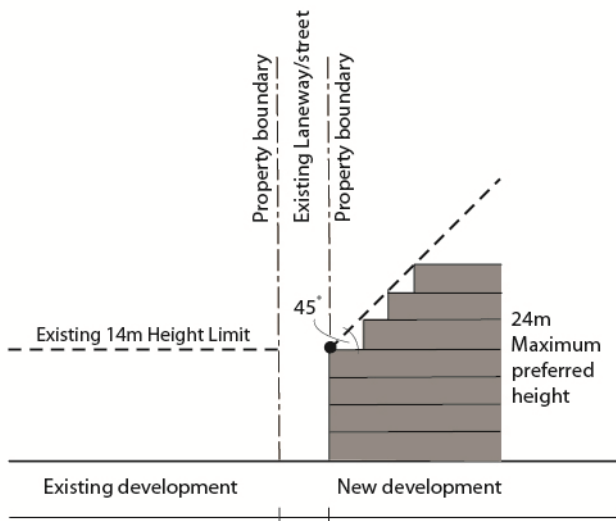
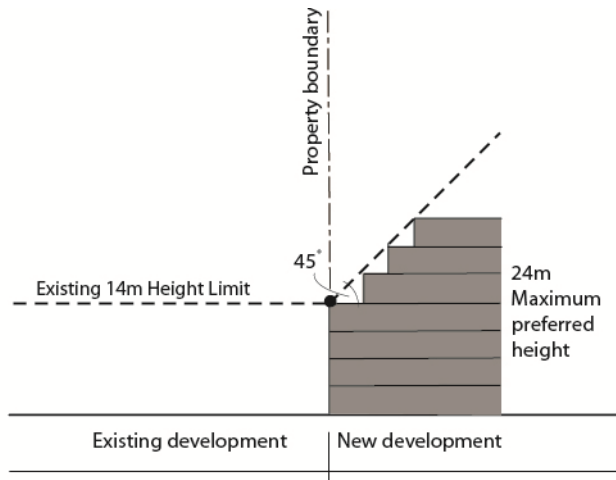
Integration of University Campuses

To ensure university campuses connect into the fabric of City North.

Provide street level activity at the frontage of institutional buildings.

Figure 1

Provisions for Area 2



Map 1 – Street Frontages



Map 2 Proposed Laneway through links



— New through connections

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SCHEDULE 5 TO THE CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ5**

CITY NORTH

Purpose

To develop City North as a mixed use extension of the Central City.

To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.

To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.

1.0

Table of uses

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Section 1 - Permit not required

USE	CONDITION
Accommodation (other than Corrective institution)	Along the street frontages as shown at Map 1 of Clause 43.01 Schedule 61, any frontage at ground floor level must not exceed 4 metres
Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forests Act 1958.	
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Education centre	
Home occupation	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Office	
Place of assembly (other than Amusement parlour, Function Centre and Nightclub)	
Railway	
Railway station	
Retail premises (other than Adult sex bookshop, Hotel, and Tavern)	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	

Section 2 - Permit required

USE	CONDITION
Adult sex bookshop	
Amusement parlour	
Car park (other than Commercial car park or an open lot car park)	Must meet the requirements of Clause 52.06.
Corrective institution	
Function Centre	
Hotel	
Industry	Must not be a purpose listed in the table to Clause 52.10.
Leisure and recreation (other than Minor sports and recreation facility and Informal outdoor recreation)	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Nightclub	
Tavern	
Utility installation (other than Minor utility installation)	
Warehouse (other than Freezing and cool storage, and Liquid fuel depot)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Commercial car park or an open lot car park
Cold store
Extractive industry
Freezing and cool storage
Liquid fuel depot

2.0

Subdivision

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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3.0 Buildings and works

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Permit Requirement

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

This does not apply to:

- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are not visible from any street, lane or public place.
- Changes to glazing of existing windows with not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements.
- Buildings or works carried out by or on behalf of Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port Management Act 1995, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.

Application Requirements

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

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

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

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The effect of the proposed works on solar access to existing open spaces and public places.
- The provision of solar access to private open space areas in residential development.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact a new development will have on the amenity of existing dwellings on adjacent sites and how this impact has been minimised.
- The incorporation of design measures to attenuate against noise associated with the operation of other businesses and activities, including limiting internal noise levels of new habitable rooms to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control, for new and refurbished residential developments and other sensitive uses.
- The provision of storage for refuse and recyclable material provided off-street is fully screened from public areas.
- The first five levels of buildings are developed with a “casing” of dwellings or offices so that a visual relationship between occupants of upper floors and pedestrians is able to be established and better surveillance of the street is achieved.

4.0

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Demolition or Removal of Buildings

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible

authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority. Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

Exemption from notice and review

An application to demolish or remove a building or works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

5.0

Advertising signs

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

- Advertising signs exempted by Clause 52.05-4
- An under-verandah business sign if:
 - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
 - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
 - It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
 - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
 - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
 - It does not contain any animation or intermittent lighting.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and review

An application to erect or construct or carry out works for an advertising sign, is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

22.12

07/04/2008

GAMING PREMISES

This policy applies to applications for gaming premises in the Mixed Use Zone, Public Use Zone, Public Park and Recreational Zone, Business Zones and Industrial Zones, the Capital City Zone-City North and Docklands Zone. It is noted that gaming premises are prohibited in the Residential 1 Zone.

Policy Basis

Clause 21.04-2 of the Municipal Strategic Statement sets out objectives and strategies for recreation, entertainment and the arts. These strategies include ensuring that the operation of entertainment venues maintains an appropriate level of amenity within the municipality and that gaming premises do not form concentrations in particular areas. Gaming machines are discouraged in residential areas.

There are a number of gaming premises throughout the Central City and in nearby business zones. There are also a large number of existing licensed premises in other zones where gaming could be introduced in the future.

Objectives

- To ensure that amenity, social and economic impacts of gaming are considered when deciding on a planning application.
- To encourage applicants to submit a social and economic impact assessment with the planning application.
- To ensure that gaming premises are primarily located in existing venues in commercial centres.
- To ensure that gaming premises are established in locations that will not detract from the amenity of surrounding residential areas.
- To restrict the proliferation of gaming premises in areas where residential use is encouraged.
- To ensure that a new gaming premises is consistent with the purpose of the zone applying to the land.

Policy

It is policy to require a detailed social and economic impact assessment with any planning application.

It is policy that proposals are assessed against the following criteria:

- Gaming should be located in existing licensed premises that have a range of other entertainment uses.
- Proposals for gaming on public land should be ancillary to the existing use of the land and be consistent with the zoning intent for the land.
- Gaming premises should not be located adjacent to existing residential uses.
- Alterations to the external appearance of the premises and any advertising signs should be of high quality design and should not detract from the visual appearance and amenity of the surrounding area.
- Signs advertising gaming should not be a dominant feature of any building in which gaming is located.

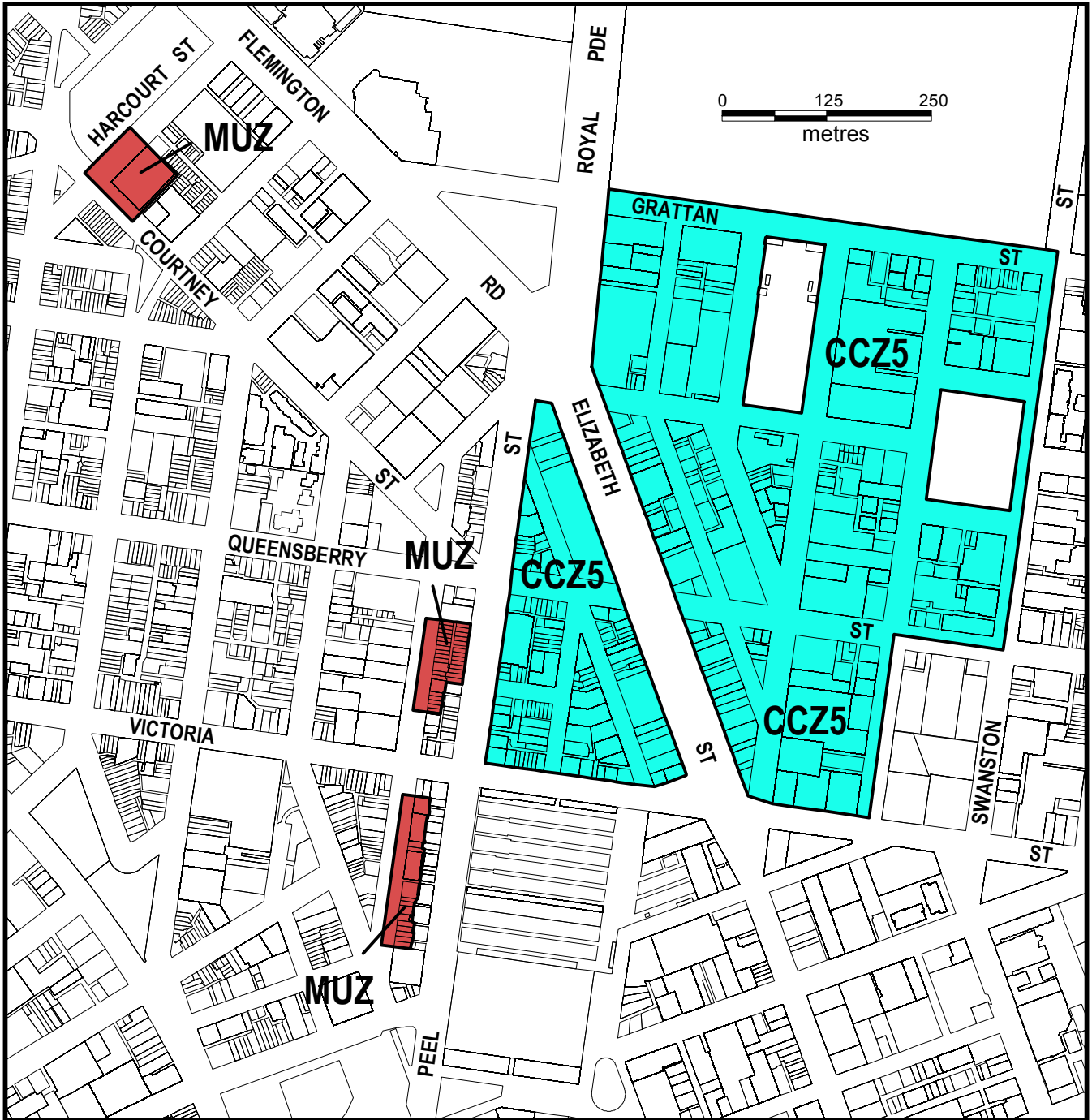
It is policy that the responsible authority considers, as appropriate:

- Likely traffic and car parking demand generated by the proposal.
- Whether the hours of operation change the intensity of the existing use and its compatibility with surrounding uses.
- Whether the social and economic impact assessment supports the location of the gaming premises.
- The extent to which electronic gaming machines are located in the subject area.
- Whether the amenity impacts and appearance are detrimental to the surrounding area.
- Whether alternative entertainment uses exist within the venue.

Policy Reference


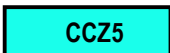
Gaming Machine Policy (1997)

MELBOURNE PLANNING SCHEME LOCAL PROVISION



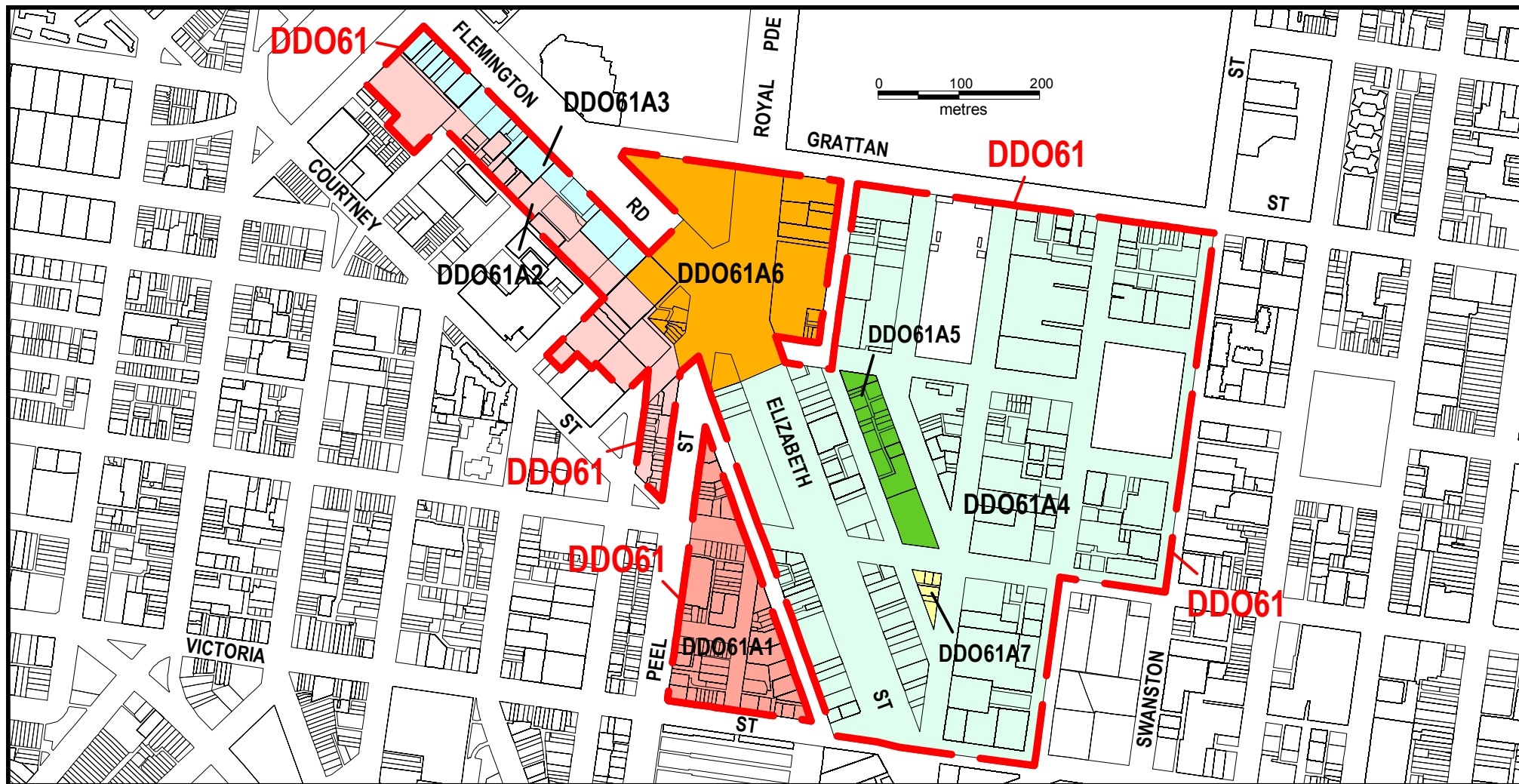
Part of Planning Scheme Maps 5 & 8

LEGEND

-  **MUZ** MIXED USE ZONE
-  **CCZ5** CAPITAL CITY ZONE - SCHEDULE 5

AMENDMENT C196

MELBOURNE PLANNING SCHEME LOCAL PROVISION



LEGEND

DDO61	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61	DDO61A4	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 4)
DDO61A1	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 1)	DDO61A5	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 5)
DDO61A2	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 2)	DDO61A6	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 6)
DDO61A3	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 3)	DDO61A7	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 61 (AREA 7)

Part of Planning Scheme Maps 5DDOPT3 & 8DDOPT3

AMENDMENT C196

PREPARED BY: INFORMATION SERVICES
Statutory Systems
Planning, Heritage and Urban Design
Department of Planning and Community Development



21.08-14 City North

The area is transitioning as an extension of the Central City. It will continue to develop as a major research and education cluster with leading universities, hospitals and bio-medical facilities. These facilities will be underpinned by a mix of commercial, retail and recreational uses.

City North is currently undergoing urban renewal with catalysts for change including the redevelopment of the former Carlton and United Brewery site, and the University of Melbourne, RMIT University, hospitals and research institutions investing in expansions and renewal of their facilities.

Housing

- Encourage the provision of a diverse range of accommodation options.

Economic Development

- Support a mix of educational, research, commercial, retail, recreational, and residential land uses between Peel Street and Swanston Street.
- Support retail uses in association with residential development to the west of Peel Street.
- Support the ongoing operation and establishment of research and educational businesses.
- Encourage the consolidation of the bio-medical precinct along north side of Flemington Road.

Built Environment and Heritage

- Encourage development at the Haymarket which strengthens the area as a gateway to the City.
- Encourage higher development in Elizabeth Street and Flemington Road to reinforce their importance as major boulevards.
- Encourage lower development behind these boulevards to respect the adjoining lower scale heritage buildings.
- Encourage an appropriate transition of heights between Flemington Road and Courtney Street.
- Protect the low scale character and heritage significance of Peel Street West (south of Queensberry Street) and Courtney Street.

Transport

- Strengthen pedestrian and cycle connections between City North, and the Queen Victoria Market and the Hoddle Grid.
- Develop the Haymarket as a transport hub.
- Support the delivery of proposed Metro Stations in the vicinity of Haymarket.

Infrastructure

- Improve the public environment of City North by providing new public spaces, and upgrading streetscapes.
- Develop the Haymarket as a vibrant public space.
- Encourage provision of pedestrian links to the Haymarket.
- Provide community facilities in the vicinity of the Haymarket.
- Consolidate the cluster of hospitals to the west of the Haymarket.

Figure 25: City North

