

**Report to the Future Melbourne Committee****Agenda item 6.3****Planning Permit Application: TP-2020-464  
University Square, 190-192 Pelham Street, Carlton****07 December 2021****Presenter:** Larry Parsons, Head of Statutory Planning**Purpose and background**

1. This report is presented to the Future Melbourne Committee at the request of a Councillor. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for use of the land as a place of assembly, construct a building and carry out works, and waive the bicycle facilities requirement of Clause 52.34 at 190-192 Pelham Street, Carlton (refer Attachment 2 – Locality Plan).
2. The applicant is the University of Melbourne who has engaged Two Feathers Architects. The owner is the City of Melbourne and Victorian State Government as joint trustees, and the Council is the public land manager.
3. The land is located within the Public Park and Recreation Zone (PPRZ) and is affected by the Heritage Overlay Schedule 1 (HO1), Design and Development Overlay Schedule 61, Schedule 65, and Schedule 70 (DDO61, DDO65, and DDO), and the Parking Overlay Schedule 1. This application is also subject to Clause 52.34 (Bicycle Facilities).
4. The application seeks to allow a place of assembly and single storey open sided pavilion structure that will be used for programs / events held by the University of Melbourne for a maximum term of 10 years. The maximum capacity for the use is proposed to be 95 people.
5. Any event or activity programmed at the site is restricted to 7am – 10pm Monday to Saturday and 8am – 5pm Sunday. The proposal does not seek to allow live music entertainment nor the sale or consumption of liquor (no liquor licence is proposed).
6. The application has been submitted with the land manager's consent to lodge the application, noting this is procedural only and does not represent approval of the proposal itself. The land manager consent was given by Parks and City Greening. There is a Crown Land Licence agreement that has been prepared but not yet finalised between the applicant, Council, and the Victorian State Government.
7. The Site is not listed in the City of Melbourne's Heritage Places Inventory February 2020 Part A (Amended May 2021) or Part B.
8. Public notice was given and 2 objections have been received.

**Key issues**

9. Key issues for consideration of the application is the appropriateness of the proposed use and structure in the PPRZ and HO1, the bicycle parking waiver, and the matters raised by objectors.
10. Subject to conditions, the proposed use and development is considered to be an acceptable response to the purpose and decision guidelines of the PPRZ and HO. The proposed university events use relates to education and the arts which is considered to be compatible with the PPRZ in this instance, noting that conditions require the site to be openly available to the general public outside of programmed events.
11. The limited hours and lack of live music entertainment and sale of liquor are not considered to create unreasonable amenity impacts to the surrounding properties and nearby residents.
12. The bicycle parking waiver is accepted in this instance as the reduction is considered minor, the site is well serviced by public transport, and there are several existing bicycle parking hoops around the park.
13. The proposed structure is lightweight and open, to limit disrupting the natural qualities of the park, and will not have an unreasonable impact on the character or appearance of the Carlton Heritage Precinct.

**Recommendation from management**

14. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Planning Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 – Delegate Report).

**Attachments:**

1. Supporting Attachment (Page 2 of 38)
2. Locality Plan (Page 3 of 38)
3. Selected Plans (Page 4 of 38)
4. Delegate Report (Page 18 of 38)

## Supporting Attachment

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and the objectors notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which the objectors may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

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

### Health and Safety

5. Relevant planning considerations and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

### Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

### Relation to Council policy

7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

### Environmental sustainability

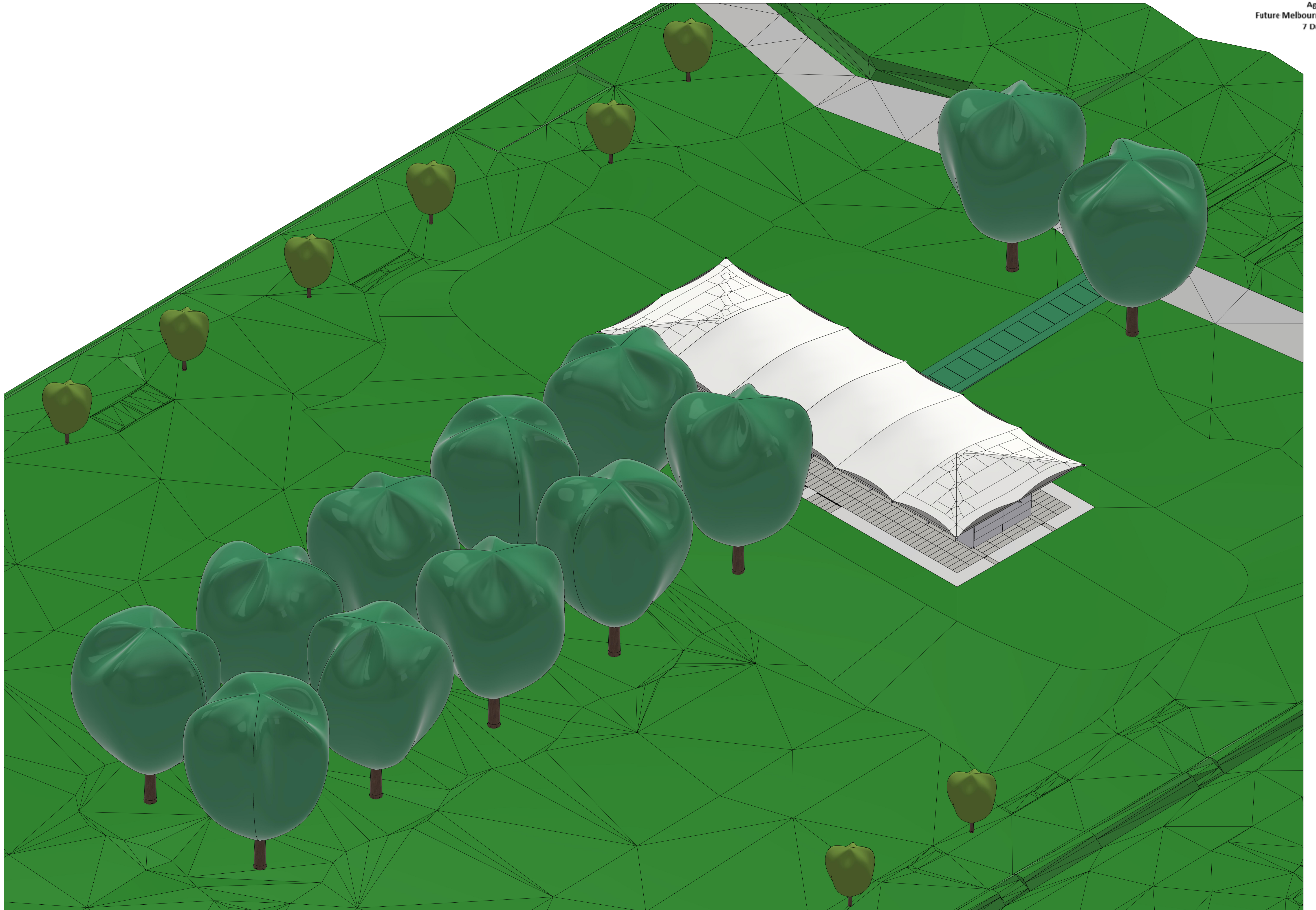
8. The proposal relates to the use and development of an open sided pavilion. The requirements set out in Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management) and Clause 53.18 (Stormwater Management in Urban Development) of the Melbourne Planning Scheme are considered to be satisfied.

# Locality Plan

## University Square, 190-192 Pelham Street, Carlton







22 THE BOULEVARD IVANHOE  
VICTORIA, 3079  
PH: 0400 223 918  
CONTACT@TWOFEATHERS.COM.AU

PROJECT: MPAVILION 2019 - GLENN MURCUTT  
ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TP-1593

DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANT 1  
DETAIL

CONSULTANT 2  
DETAIL

CONSULTANT 3  
DETAIL

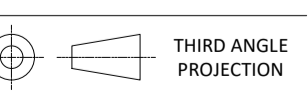
CONSULTANT 4  
DETAIL

CONSULTANT 5  
DETAIL

REVISION HISTORY

REV#	DESCRIPTION	DATE
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2		17/05/2020
3	PAVILION RELOCATED SOUTH	2/03/2021
4		24/05/2021
5		2/06/2021
6	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL



THIRD ANGLE PROJECTION

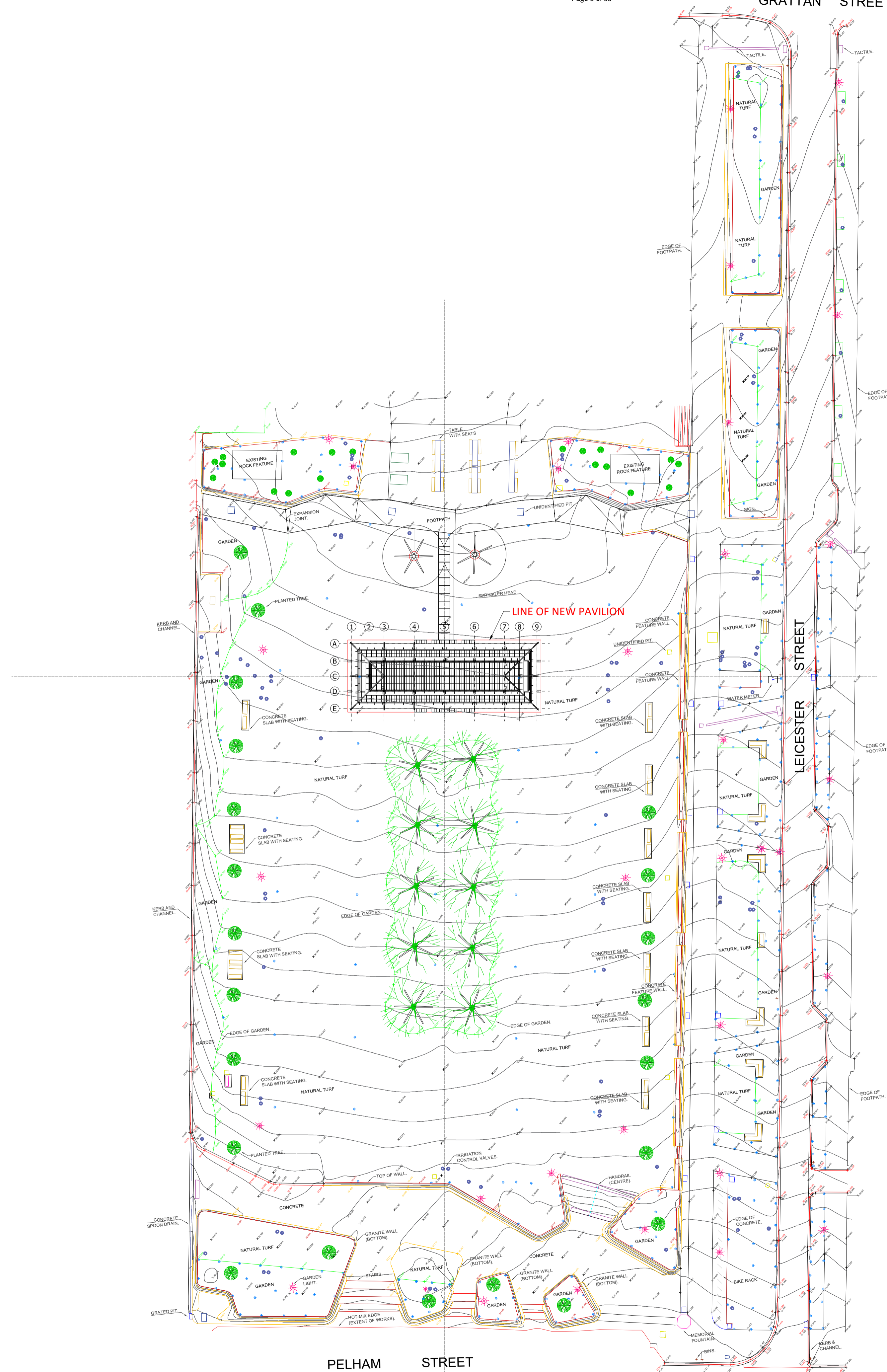
STATUS: NOT FOR CONSTRUCTION

DRAWING TITLE: COVER - M PAV. 2019 UoM

DRAWING NUMBER: FD00-02

REVISION: 6





SITE PLAN



22 THE BOULEVARD IVANHOE  
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 ADDRESS: UNIVERSITY SQUARE  
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DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
 DETAIL

CONSULTANT 2  
 DETAIL

CONSULTANT 3  
 DETAIL

CONSULTANT 4  
 DETAIL

CONSULTANT 5  
 DETAIL

REVISION HISTORY

REV	DESCRIPTION	DATE
1	IFC	5/05/2020
2	PAVILION RELOCATED SOUTH	2/03/2021
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021
5	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS: ISSUE FOR CONSTRUCTION

DRAWING TITLE: M PAVILION 2019 UoM PLAN

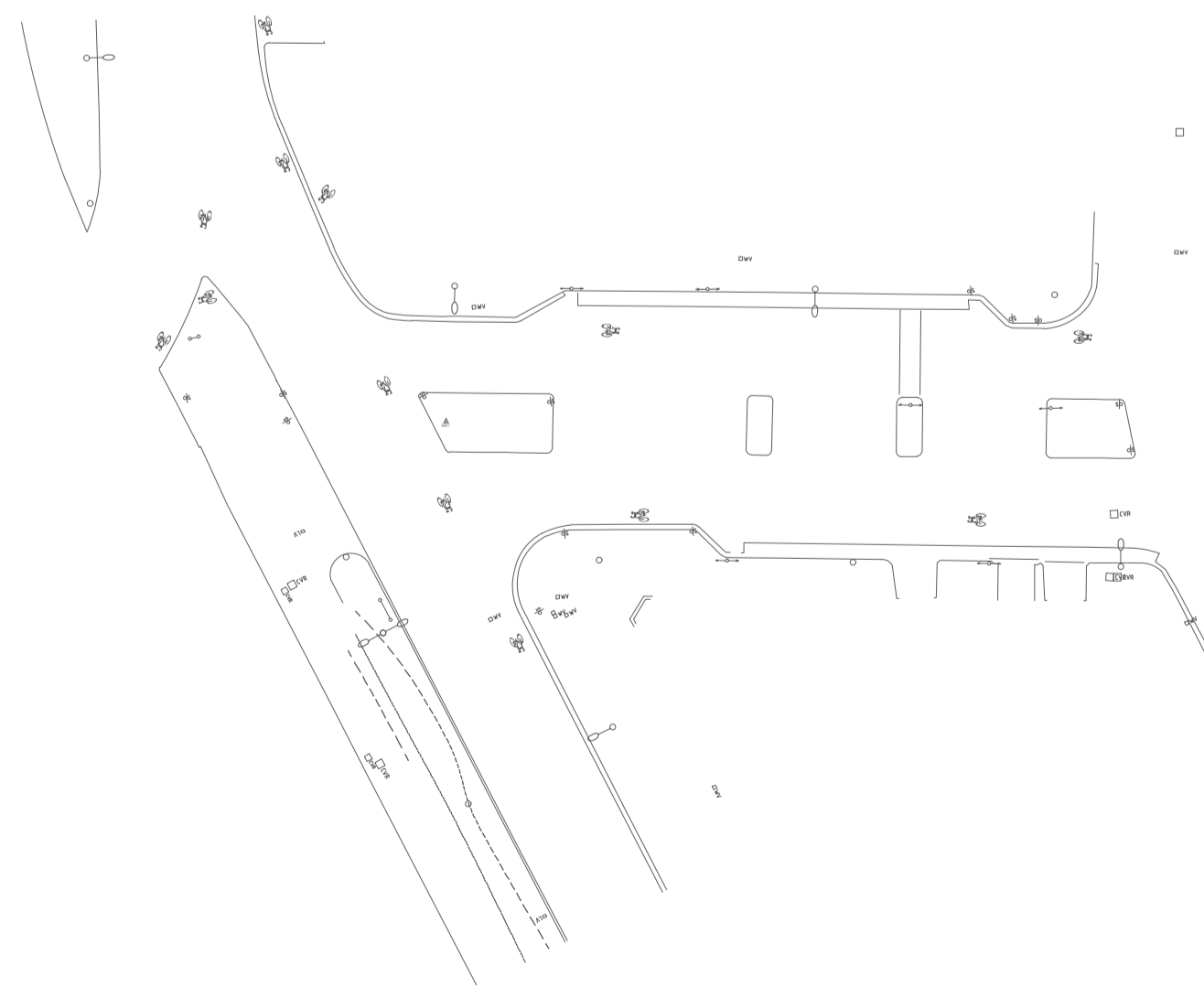
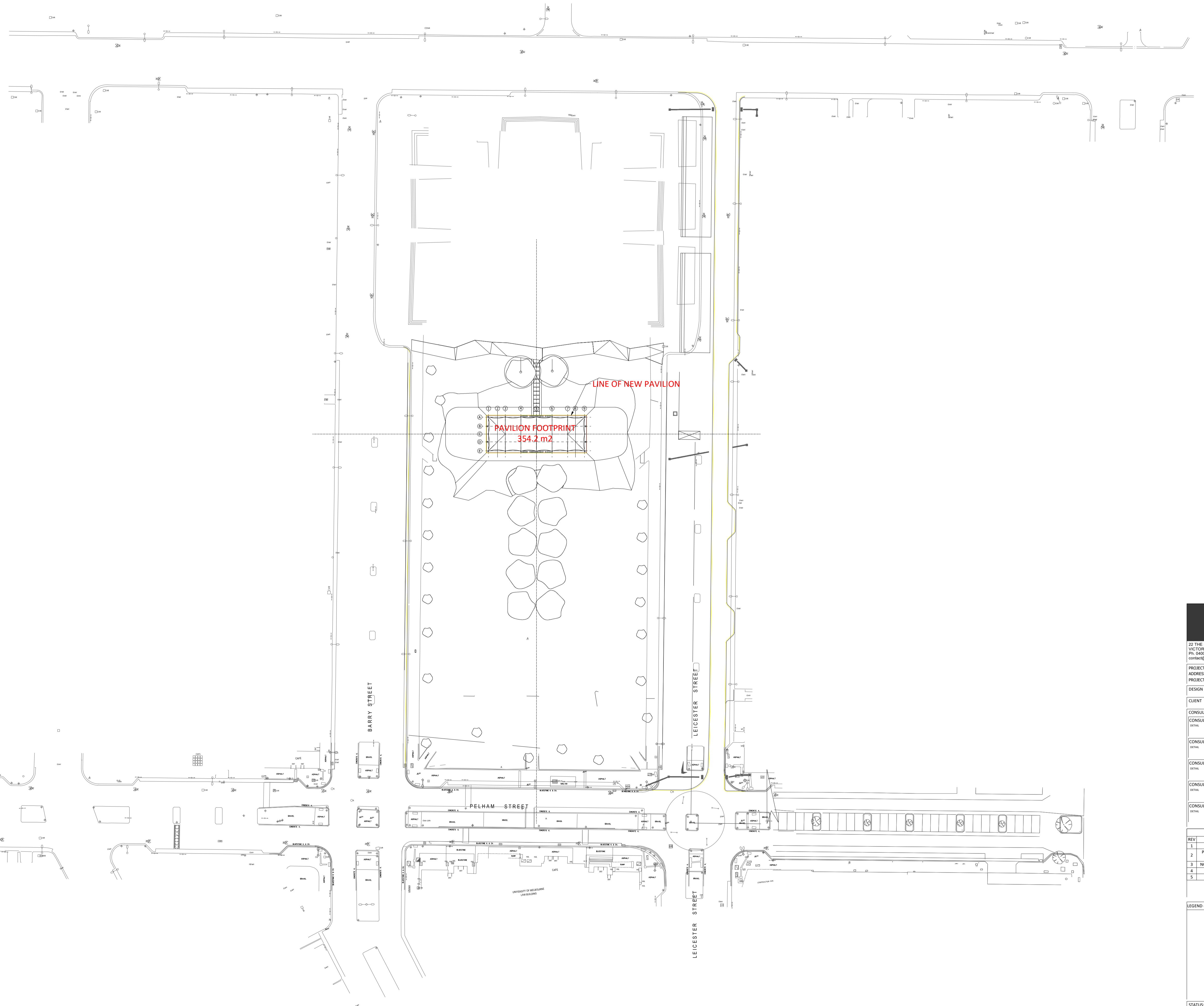
DRAWING NUMBER: FD05-10

REVISION: 5

DATE: 5/05/2020

SIZE: A1

353.9'



SITE PLAN



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UOM  
 ADDRESS: UNIVERSITY SQUARE  
 PROJECT #: TP-1593

DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
 DETAIL

CONSULTANT 2  
 DETAIL

CONSULTANT 3  
 DETAIL

CONSULTANT 4  
 DETAIL

CONSULTANT 5  
 DETAIL

REV#	DESCRIPTION	DATE
1		5/05/2020
2	PAVILION RELOCATED SOUTH	2/03/2021
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021
5	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:

ISSUE FOR CONSTRUCTION

DRAWING TITLE:

SITE PLAN

DRAWING NUMBER:

FD05-11



353.9'

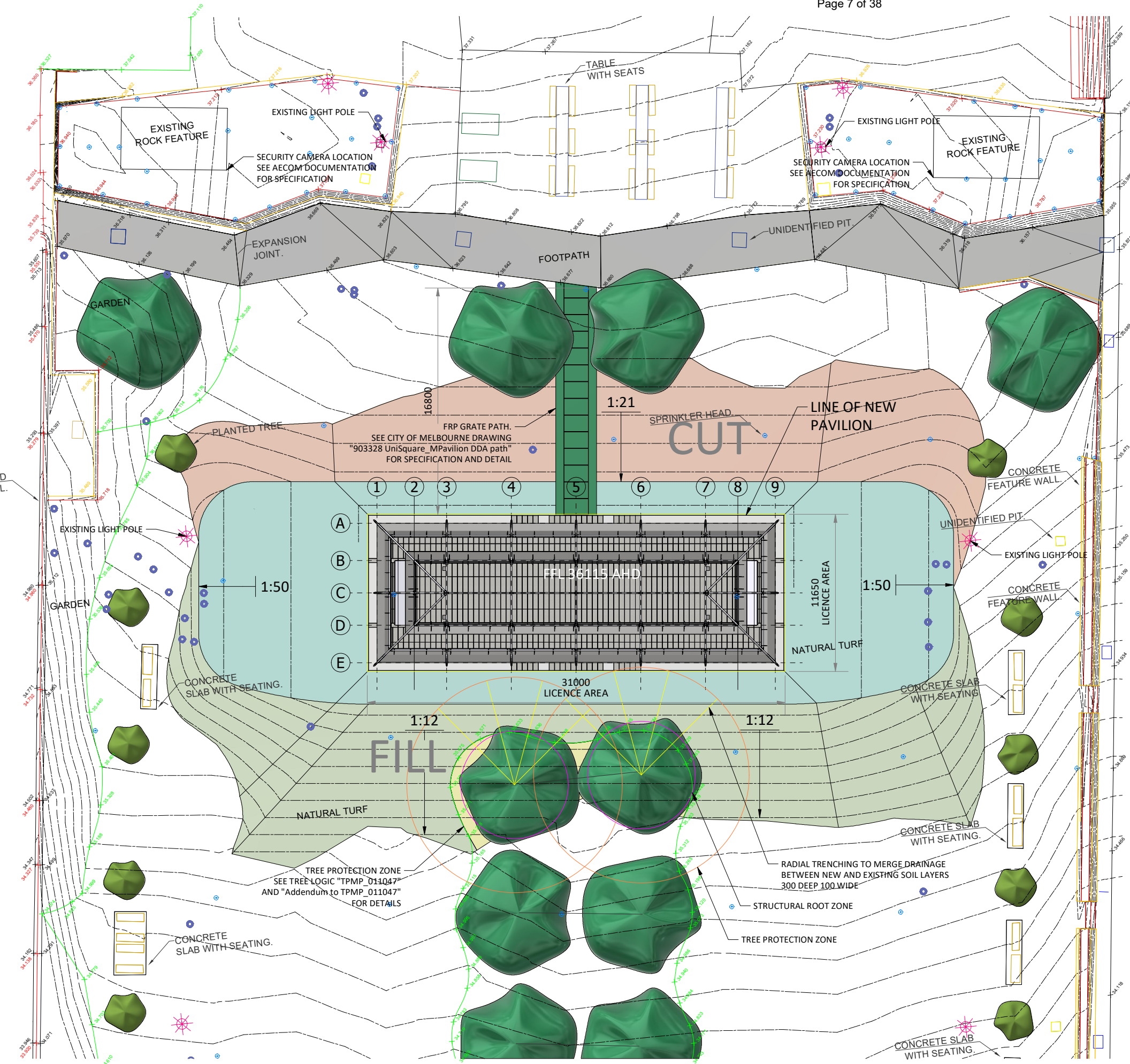
SIZE:

A1

REVISION:

5





CUT AND FILL		
Pavilion area	354.2 m <sup>2</sup>	
Paving - existing	14.4 m <sup>2</sup>	
Mortar - for paving	14.4 m <sup>2</sup>	
Slab inc edge beam	45.5 m <sup>2</sup>	
Footings	8.4 m <sup>2</sup>	
Crushed rock	41 m <sup>2</sup>	
Drain rock	24.8 m <sup>2</sup>	
Decorative rock	8.1 m <sup>2</sup>	
<b>Cut</b>		
Total topsoil removed for total altered area to 150mm depth	263.6 m <sup>3</sup>	
Contaminated fill removed from CUT area down to new final surface	3.4 m <sup>3</sup>	
Contaminated fill 150mm removed to 150mm below new final surface to clear room for 150mm "capping system" (excludes topsoil already removed)	45.6 m <sup>3</sup>	
Contaminated fill removed for structure (slab, footing etc) excluding topsoil already removed	51.9 m <sup>3</sup>	
Total contaminated fill moved	100.9 m <sup>3</sup>	
<b>Under Topsoil Fill</b>		
Total fill required under new topsoil to the south	164 m <sup>3</sup>	
Contaminated fill relocated under topsoil to the south	100.9 m <sup>3</sup>	Relocates all contaminated fill
Existing topsoil relocated under topsoil to the south	63.1 m <sup>3</sup>	
Total fill relocated under new topsoil to the south	164 m <sup>3</sup>	
<b>Topsoil Fill</b>		
Total topsoil for total area less MPavilion footprint	207.3 m <sup>3</sup>	
Topsoil relocated to new surface 150mm layer	207.3 m <sup>3</sup>	
<b>Total carted</b>		
Clean topsoil carted	0 m <sup>3</sup>	
Contaminated fill carted	0 m <sup>3</sup>	
<b>Total imported</b>		
Clean topsoil imported	6.8 m <sup>3</sup>	Bulking factor should reduce this to zero
Contaminated fill imported	0 m <sup>3</sup>	

**TREE PROTECTION MEASURES**  
 Adopt Tree Logic Option 2 - Fill material:  
 Fill material should be engineered to minimize the detrimental impact on the root zone. The 150mm topsoil layer to be a sand or silty sand with freely draining properties (accepting that it needs to support turf).  
 Crushed rock depth to vary so introduced soil layer does not exceed ~100mm.  
 Radial trenching to homogenise the interface between the existing soil layer and the introduced layers is recommended. (depth of ~300mm from the edge of the SRZ to the reduced TPZ ~4.5m. Approximately 1m gaps between each trench. Backfill with sand with and <1% of organic matter). A scarifier or similar can be used to loosen the existing soil layer in the outer TPZ (between orange and blue lines below).

**Fill installation method.**  
 a. Removal of turf to expose soil layer.  
 b. Apply permeable geofabric layer.  
 c. Apply crushed rock (no fines) to required depth.  
 d. Apply max. 100mm of soil with minimal compaction.  
 e. Install turf layer.  
 \* Geofabric and crushed rock must be applied as soon as practical after turf removal so that underlying soil is not exposed or impacted by work activities.  
 \*\* TPZ fencing is to remain in place as per TPMP.



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PROJECT: MPavilion 2019 - GLENN MURCUTT UoM  
 ADDRESS: UNIVERSITY SQUARE  
 PROJECT #: TF-1593

DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1: DETAIL

CONSULTANT 2: DETAIL

CONSULTANT 3: DETAIL

CONSULTANT 4: DETAIL

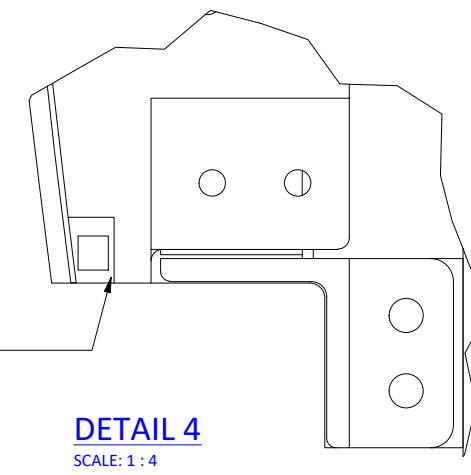
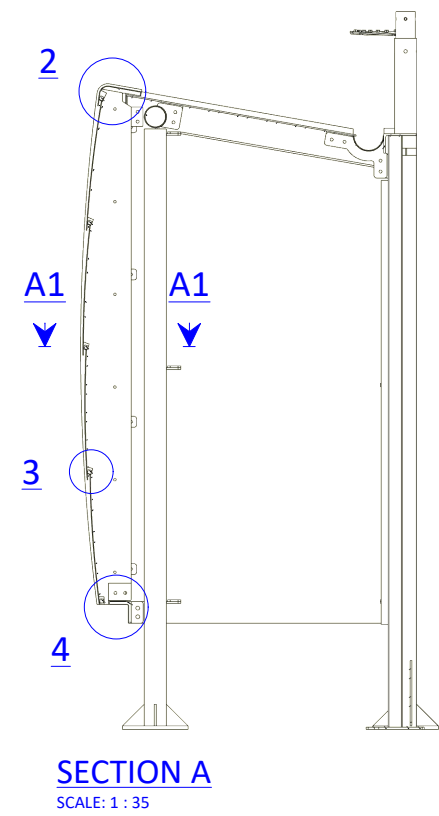
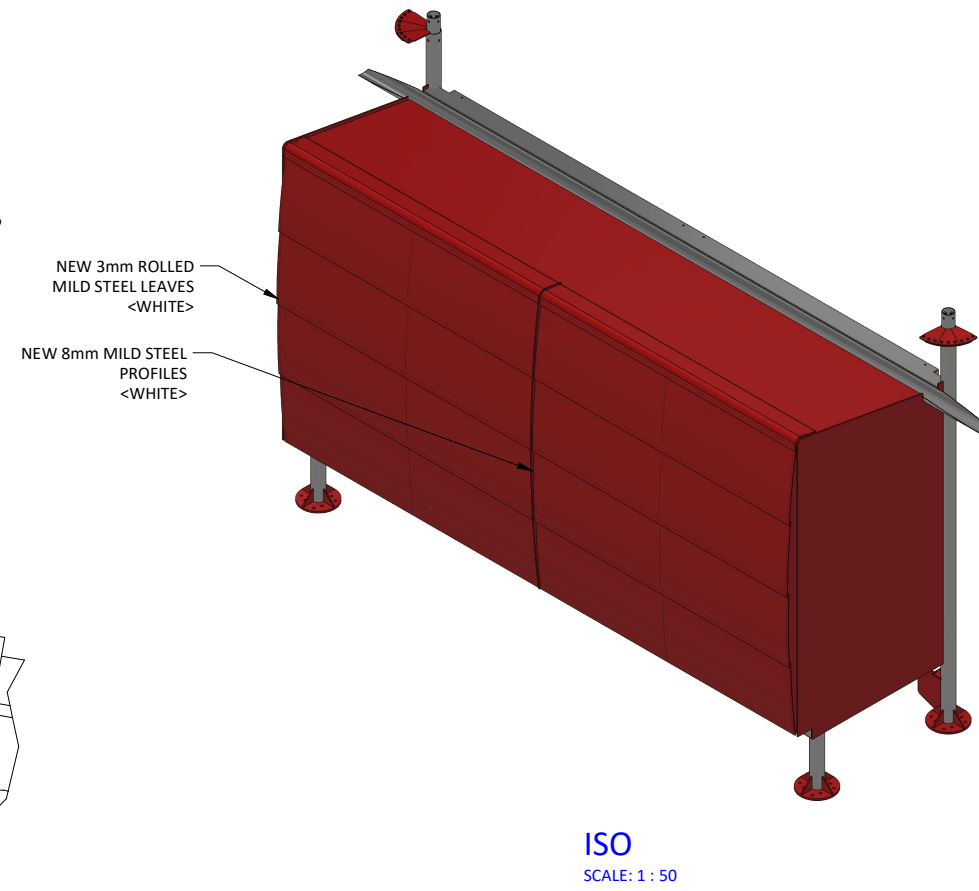
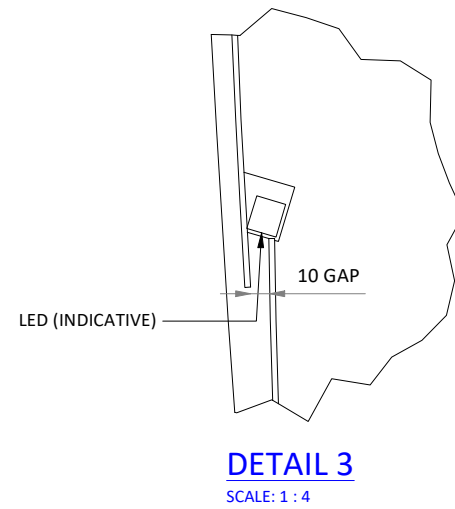
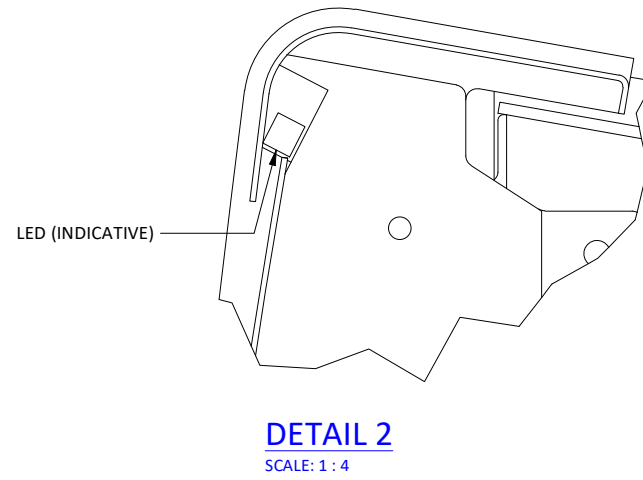
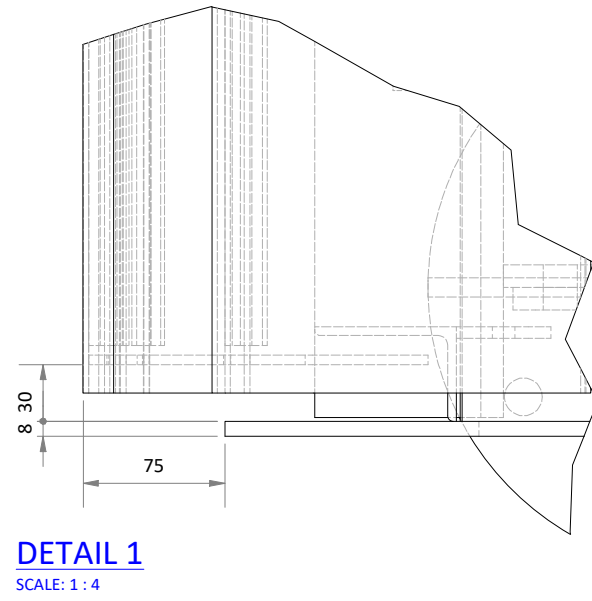
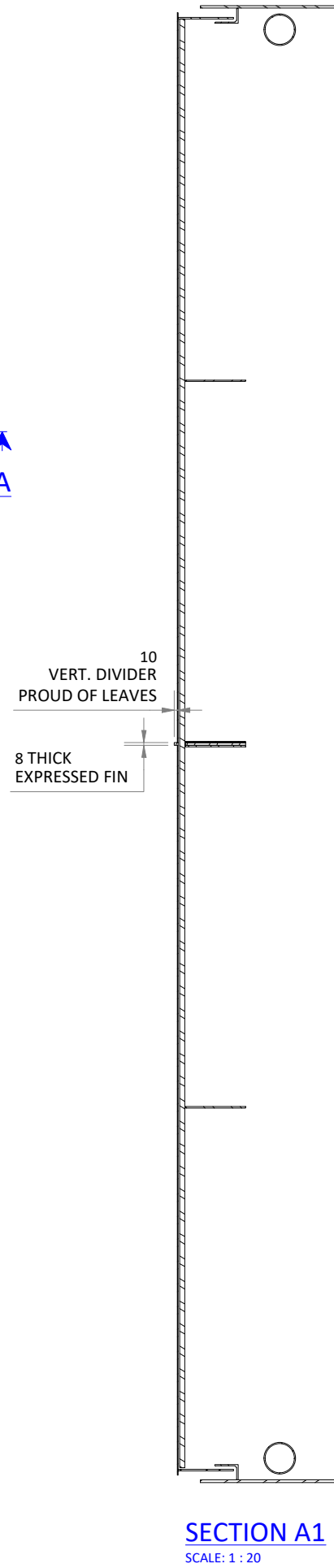
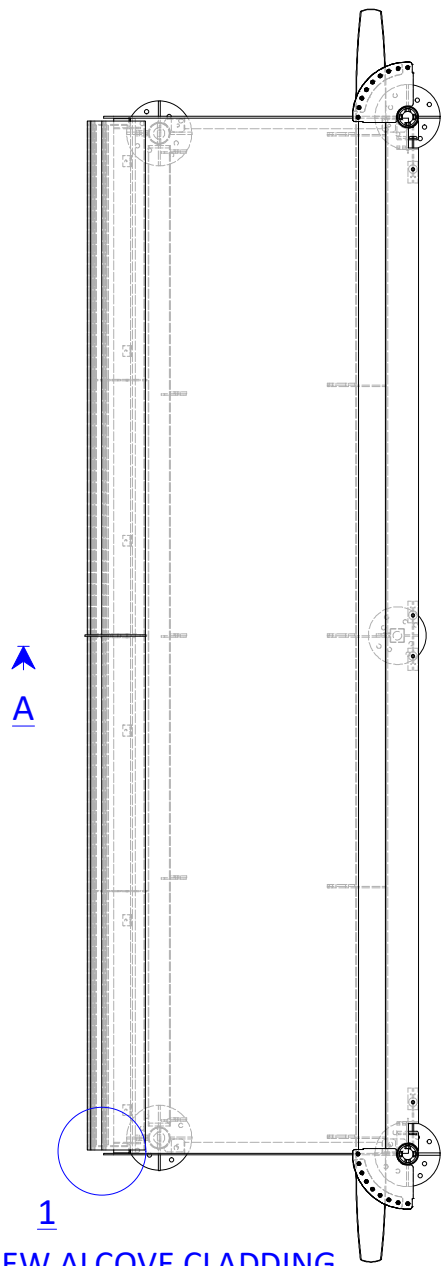
CONSULTANT 5: DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
4	PAVILION RELOCATED SOUTH	1/03/2021
5	NORTH GRADE REDUCED	22/03/2021
6	NORTH PATH REMOVED	26/03/2021
7	IFC	5/05/2021
8	PATH REINSTATED	2/06/2021
9		23/09/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS: ISSUE FOR CONSTRUCTION	353.9°
DRAWING TITLE: LANDSCAPING PLAN	SIZE: A3
DRAWING NUMBER: FD07-01	REVISION: 9

LANDSCAPING PLAN  
 0.1m CONTOURS  
 SCALE: 1 : 300



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ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
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CONSULTANT 2  
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CONSULTANT 3  
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CONSULTANT 4  
DETAIL

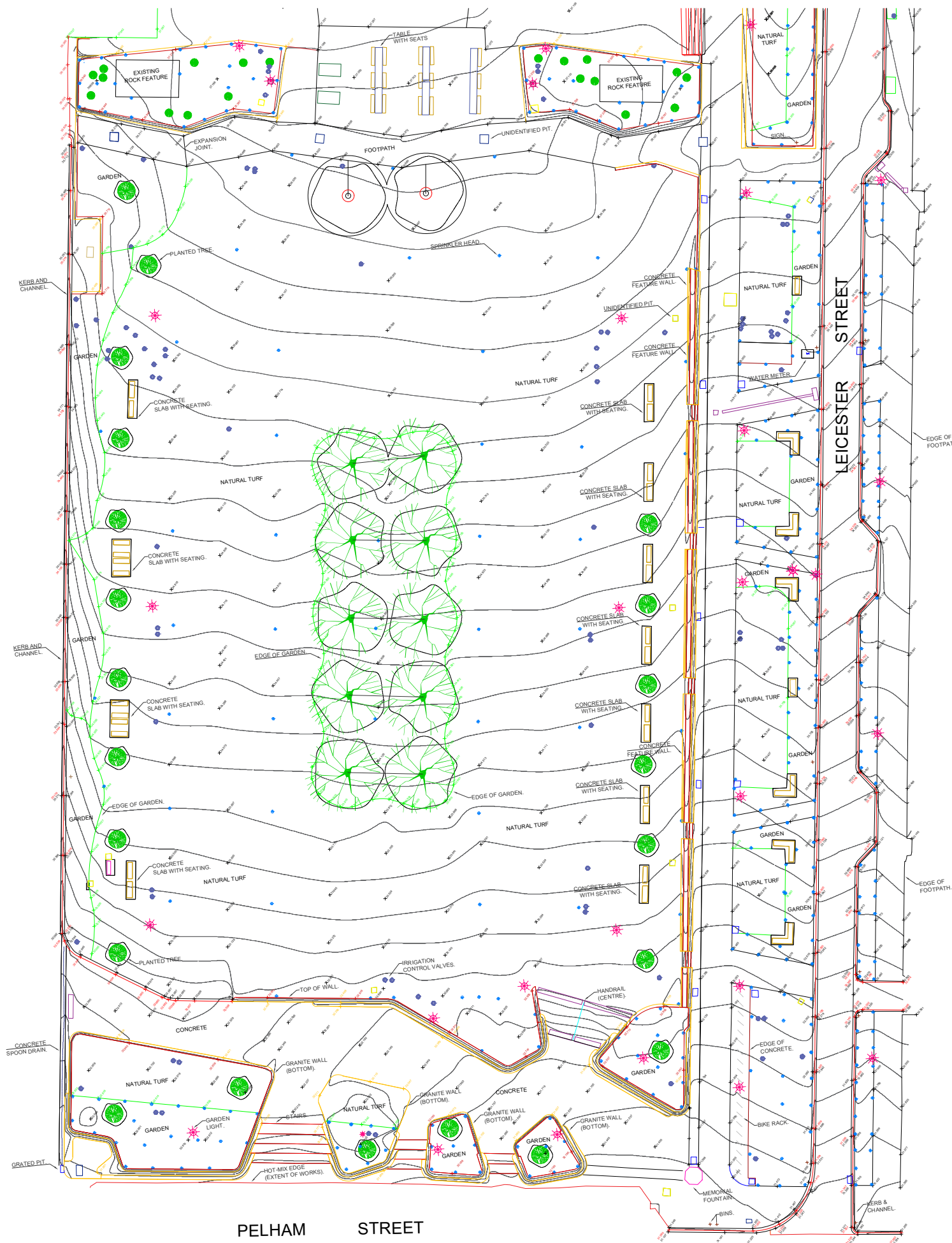
CONSULTANT 5  
DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
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3		26/03/2020
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5		16/05/2020
6		18/05/2020
7		20/05/2020
8	IFC	5/05/2021

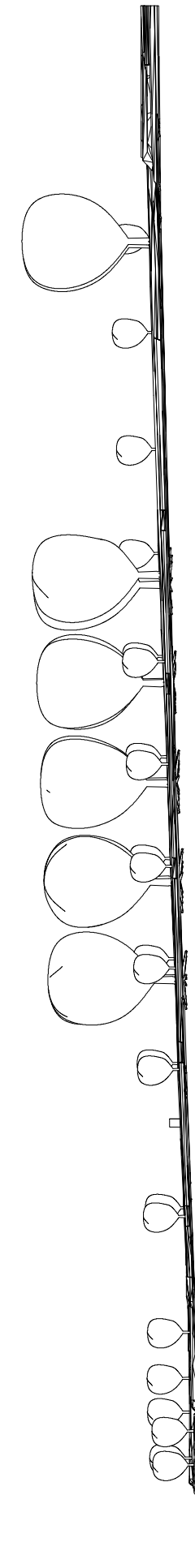
LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS: ISSUE FOR CONSTRUCTION	353.9°
DRAWING TITLE: NEW ALCOVE CLADDING	SIZE: A3
DRAWING NUMBER: FD10-06	REVISION: 8





**EXISTING CONDITIONS - PLAN**  
SCALE: 1 : 600



**EXISTING CONDCTIONS - EAST ELEVATION**  
SCALE: 1 : 600



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DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

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DETAIL

CONSULTANT 3  
DETAIL

CONSULTANT 4  
DETAIL

CONSULTANT 5  
DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
1		7/05/2020
2	PAVILION RELOCATED SOUTH	2/03/2021
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
ISSUE FOR CONSTRUCTION

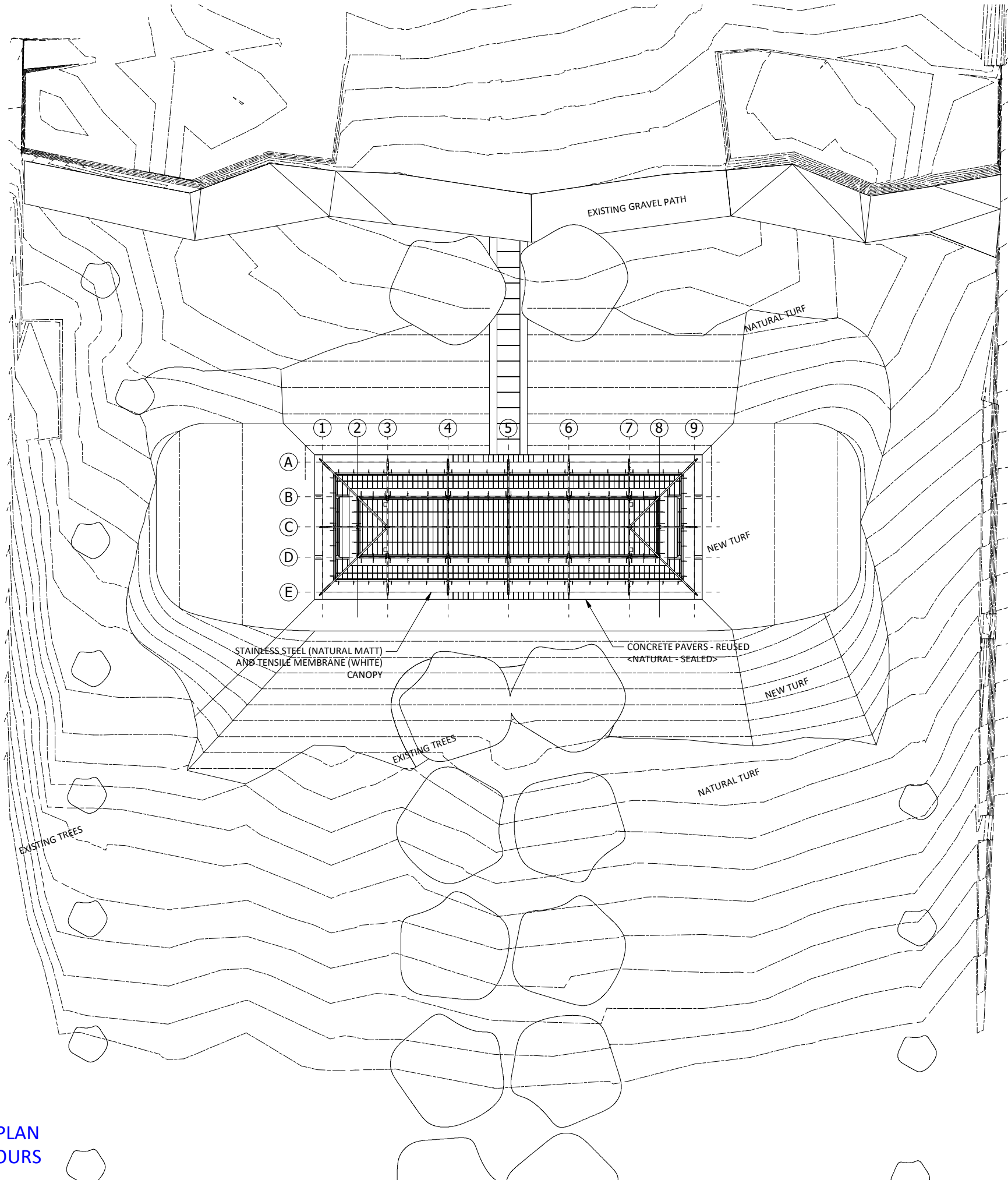


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EXISTING CONDITIONS

SIZE:  
A3

DRAWING NUMBER:  
FD12-01

REVISION:  
4



**PROPOSED PLAN**  
**0.1m CONTOURS**  
 SCALE: 1 : 350



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM  
 ADDRESS: UNIVERSITY SQUARE  
 PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
 DETAIL

CONSULTANT 2  
 DETAIL

CONSULTANT 3  
 DETAIL

CONSULTANT 4  
 DETAIL

CONSULTANT 5  
 DETAIL

REVISION HISTORY

REV	DESCRIPTION	DATE
1		7/05/2020
2	PAVILION RELOCATED SOUTH	2/03/2021
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021
5	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
 ISSUE FOR CONSTRUCTION



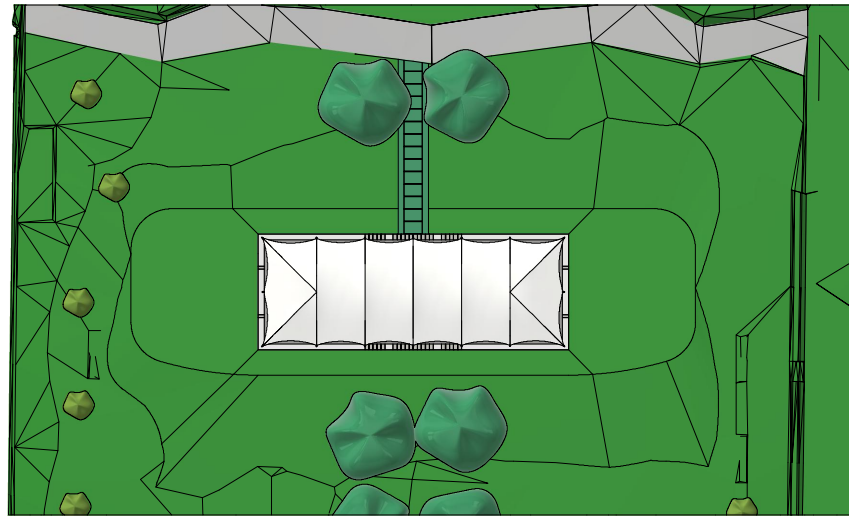
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 PROPOSED PLAN

SIZE:  
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DRAWING NUMBER:  
**FD14-01**

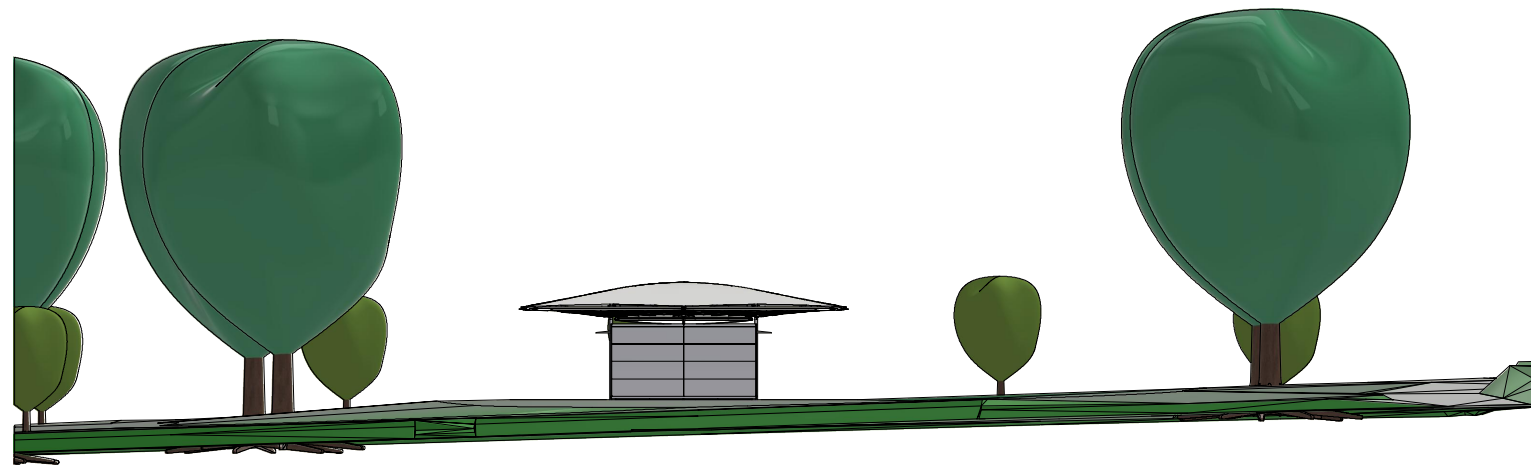
REVISION:  
**5**





**PROPOSED PLAN**  
SCALE: 1 : 750

▲ SOUTH  
← EAST



**SECTION EAST ELEVATION**  
SCALE: 1 : 250



**SOUTH ELEVATION**  
SCALE: 1 : 250



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CLIENT KANE CONSTRUCTIONS

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CONSULTANT 5  
DETAIL

REVISION HISTORY

REV	DESCRIPTION	DATE
1		7/05/2020
2	PAVILION RELOCATED SOUTH	2/03/2021
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021
5	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
ISSUE FOR CONSTRUCTION

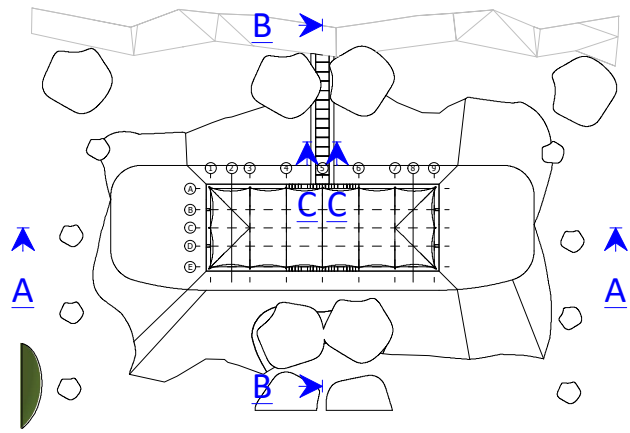


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PROPOSED ELEVATIONS

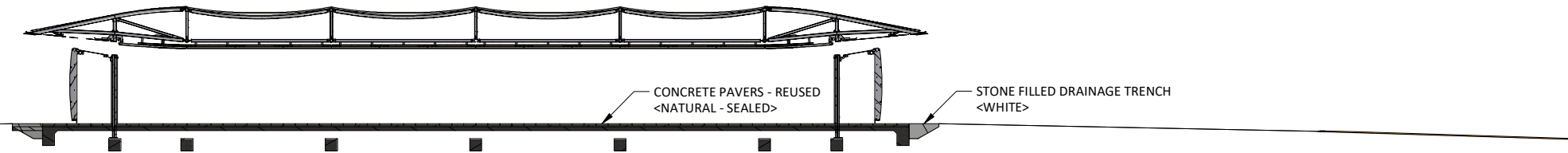
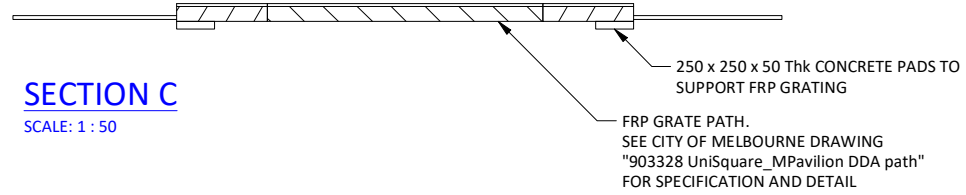
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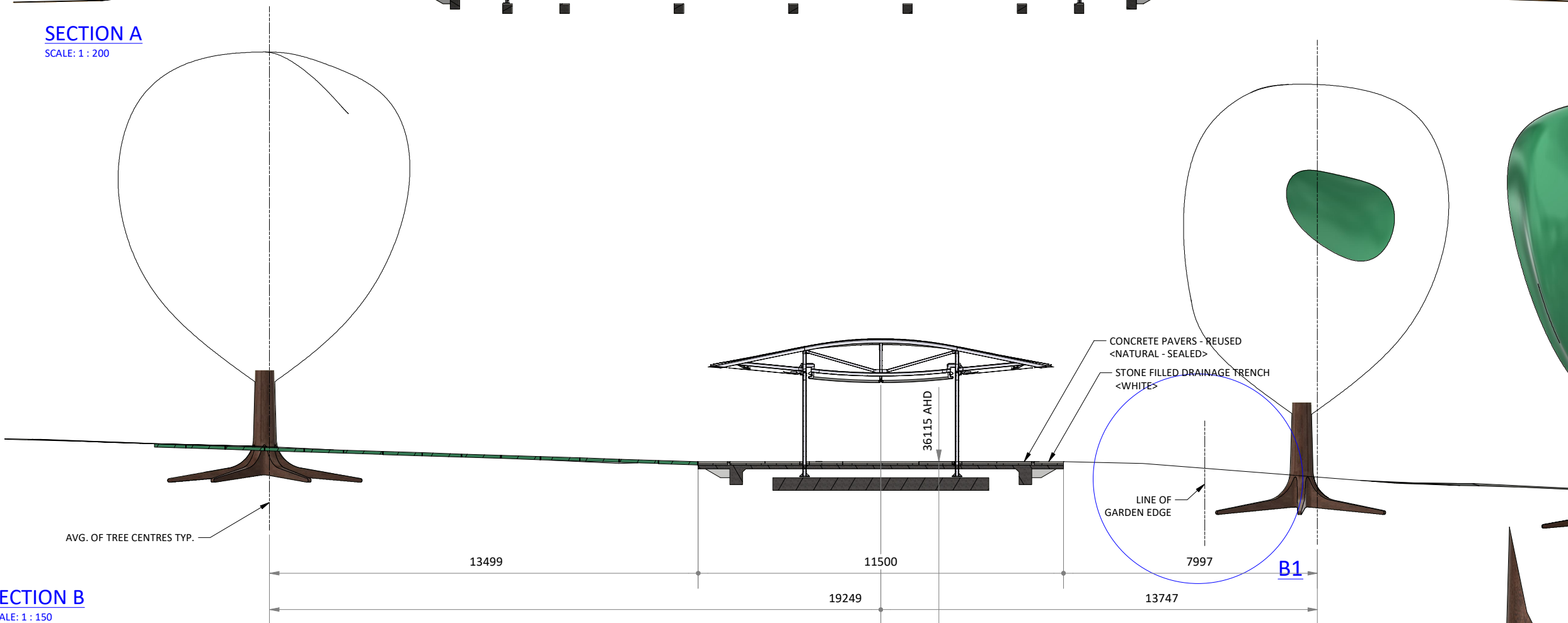
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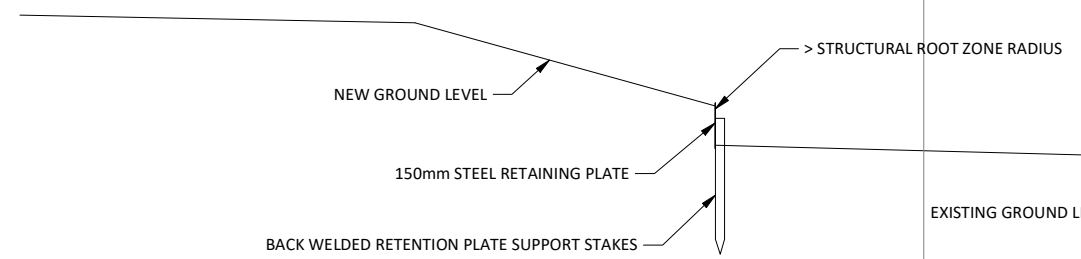
**SECTION C**  
SCALE: 1 : 50



**SECTION A**  
SCALE: 1 : 200



**SECTION B**  
SCALE: 1 : 150



**DETAIL B1**  
**SOIL RETENTION AROUND EXISTING TREES**  
SCALE: 1 : 25



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM2  
ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
DETAIL

CONSULTANT 2  
DETAIL

CONSULTANT 3  
DETAIL

CONSULTANT 4  
DETAIL

CONSULTANT 5  
DETAIL

REVISION HISTORY

REV	DESCRIPTION	DATE
4		19/08/2020
5	PAVILION RELOCATED SOUTH	2/03/2021
6	NORTH PATH REMOVED	26/03/2021
7	IFC	5/05/2021
8	PATH REINSTATED	2/06/2021
9		23/09/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
ISSUE FOR CONSTRUCTION

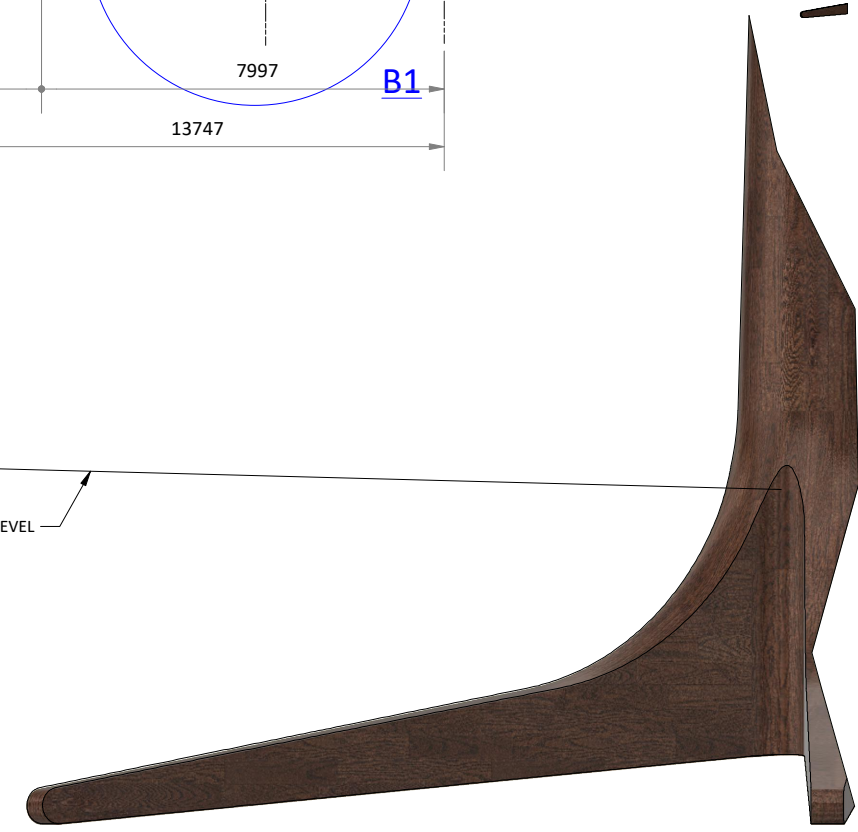


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SECTIONS

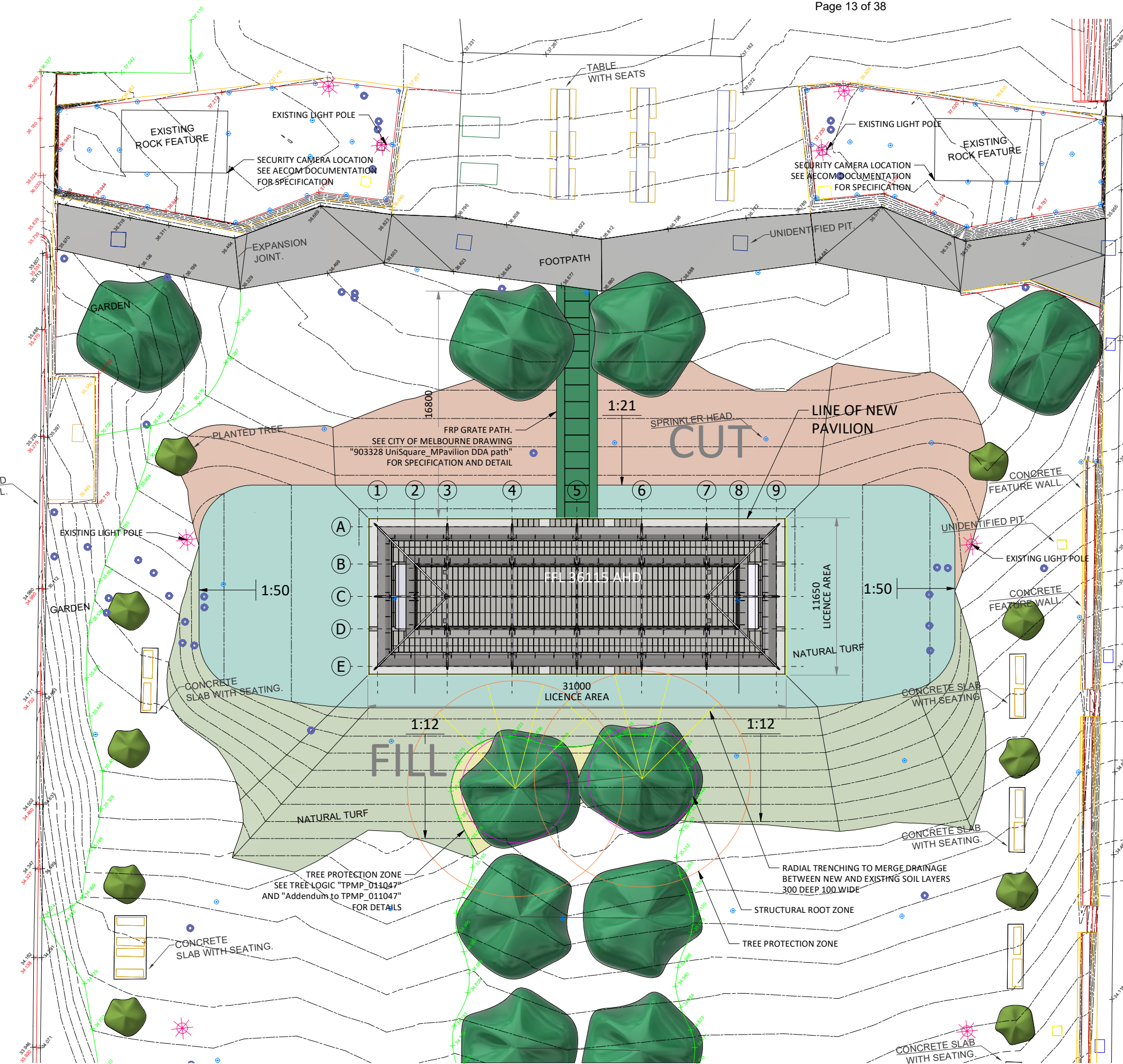
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A3

DRAWING NUMBER:  
FD18-01

REVISION:  
9







CUT AND FILL		
Pavilion area	354.2 m <sup>2</sup>	
Paving - existing	14.4 m <sup>2</sup>	
Mortar - for paving	14.4 m <sup>2</sup>	
Slab inc edge beam	45.5 m <sup>2</sup>	
Footings	8.4 m <sup>2</sup>	
Crushed rock	41 m <sup>2</sup>	
Drain rock	24.8 m <sup>2</sup>	
Decorative rock	8.1 m <sup>2</sup>	
<b>Cut</b>		
Total topsoil removed for total altered area to 150mm depth	263.6 m <sup>3</sup>	
Contaminated fill removed from CUT area down to new final surface	3.4 m <sup>3</sup>	
Contaminated fill 150mm removed to 150mm below new final surface to clear room for 150mm "capping system" (excludes topsoil already removed)	45.6 m <sup>3</sup>	
Contaminated fill removed for structure (slab, footing etc) excluding topsoil already removed	51.9 m <sup>3</sup>	
Total contaminated fill moved	100.9 m <sup>3</sup>	
<b>Under Topsoil Fill</b>		
Total fill required under new topsoil to the south	164 m <sup>3</sup>	
Contaminated fill relocated under topsoil to the south	100.9 m <sup>3</sup>	Relocates all contaminated fill
Existing topsoil relocated under topsoil to the south	63.1 m <sup>3</sup>	
Total fill relocated under new topsoil to the south	164 m <sup>3</sup>	
<b>Topsoil Fill</b>		
Total topsoil for total area less MPavilion footprint	207.3 m <sup>3</sup>	
Topsoil relocated to new surface 150mm layer	207.3 m <sup>3</sup>	
<b>Total carted</b>		
Clean topsoil carted	0 m <sup>3</sup>	
Contaminated fill carted	0 m <sup>3</sup>	
<b>Total imported</b>		
Clean topsoil imported	6.8 m <sup>3</sup>	Bulking factor should reduce this to zero
Contaminated fill imported	0 m <sup>3</sup>	

**TREE PROTECTION MEASURES**  
 Adopt Tree Logic Option 2 - Fill material:  
 Fill material should be engineered to minimize the detrimental impact on the root zone. The 150mm topsoil layer to be a sand or silty sand with freely draining properties (accepting that it needs to support turf).  
 Crushed rock depth to vary so introduced soil layer does not exceed ~100mm.  
 Radial trenching to homogenise the interface between the existing soil layer and the introduced layers is recommended. (depth of ~300mm from the edge of the SRZ to the reduced TPZ ~4.5m. Approximately 1m gaps between each trench. Backfill with sand with and <1% of organic matter). A scarifier or similar can be used to loosen the existing soil layer in the outer TPZ (between orange and blue lines below).  
**Fill installation method.**  
 a. Removal of turf to expose soil layer.  
 b. Apply permeable geofabric layer.  
 c. Apply crushed rock (no fines) to required depth.  
 d. Apply max. 100mm of soil with minimal compaction.  
 e. Install turf layer.  
 \* Geofabric and crushed rock must be applied as soon as practical after turf removal so that underlying soil is not exposed or impacted by work activities.  
 \*\* TPZ fencing is to remain in place as per TPMP.



22 THE BOULEVARD IVANHOE  
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 Ph. 0400 223 518  
 contact@twofeathers.com.au

PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM  
 ADDRESS: UNIVERSITY SQUARE  
 PROJECT #: TF-1593

DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
 DETAIL

CONSULTANT 2  
 DETAIL

CONSULTANT 3  
 DETAIL

CONSULTANT 4  
 DETAIL

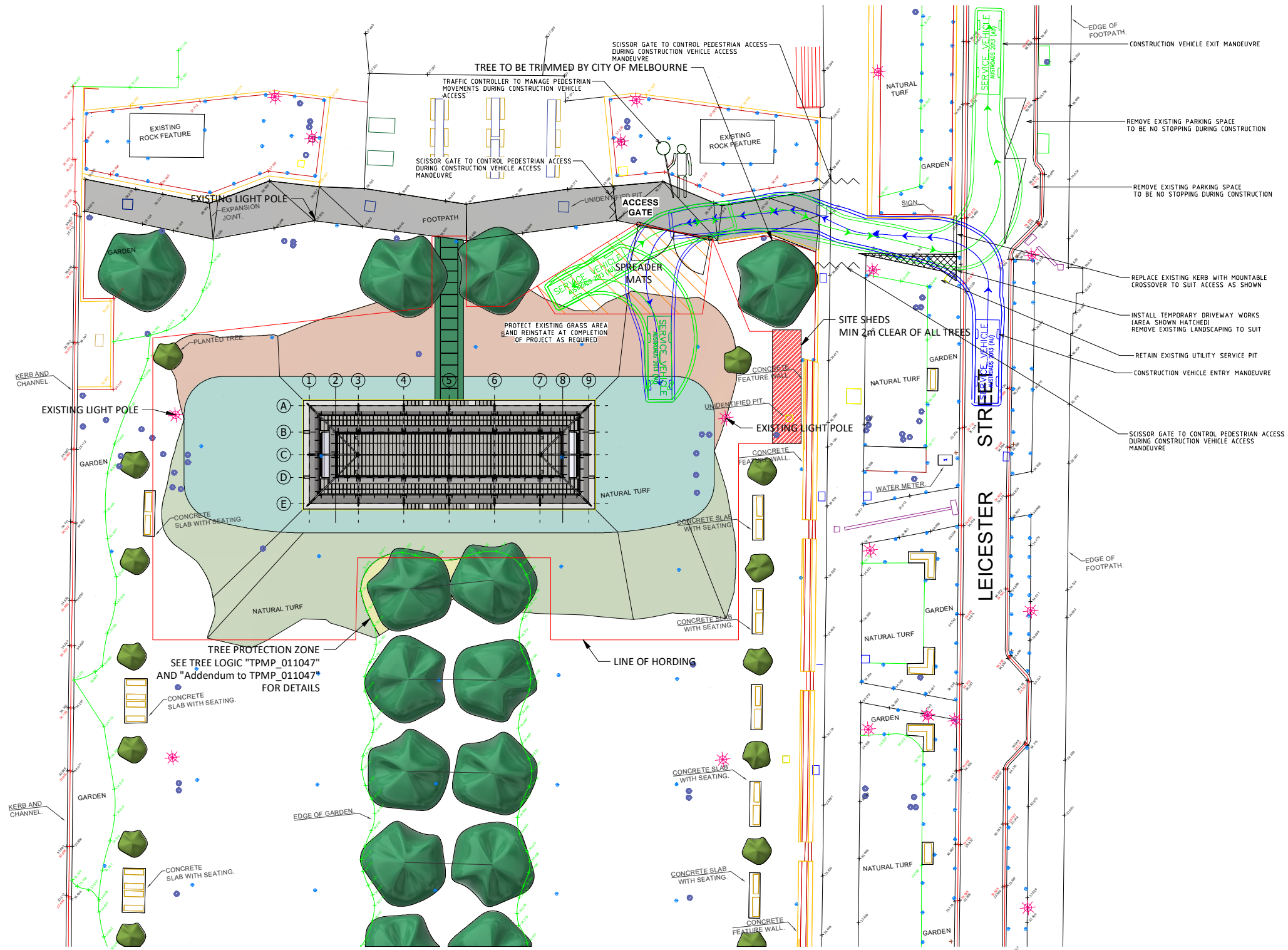
CONSULTANT 5  
 DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
4	PAVILION RELOCATED SOUTH	1/03/2021
5	NORTH GRADE REDUCED	22/03/2021
6	NORTH PATH REMOVED	26/03/2021
7	IFC	5/05/2021
8	PATH REINSTATED	2/06/2021
9		23/09/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS: ISSUE FOR CONSTRUCTION	353.9°
DRAWING TITLE: LANDSCAPING PLAN	SIZE: A3
DRAWING NUMBER: FD07-01	REVISION: 9

LANDSCAPING PLAN  
 0.1m CONTOURS  
 SCALE: 1 : 300



**LANDSCAPING PLAN**  
**0.1m CONTOURS**  
 SCALE: 1 : 500



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM2  
 ADDRESS: UNIVERSITY SQUARE  
 PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
 DETAIL

CONSULTANT 2  
 DETAIL

CONSULTANT 3  
 DETAIL

CONSULTANT 4  
 DETAIL

CONSULTANT 5  
 DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
1		22/09/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
 ISSUE FOR CONSTRUCTION



DRAWING TITLE:  
 SITE AND TRAFFIC PLAN

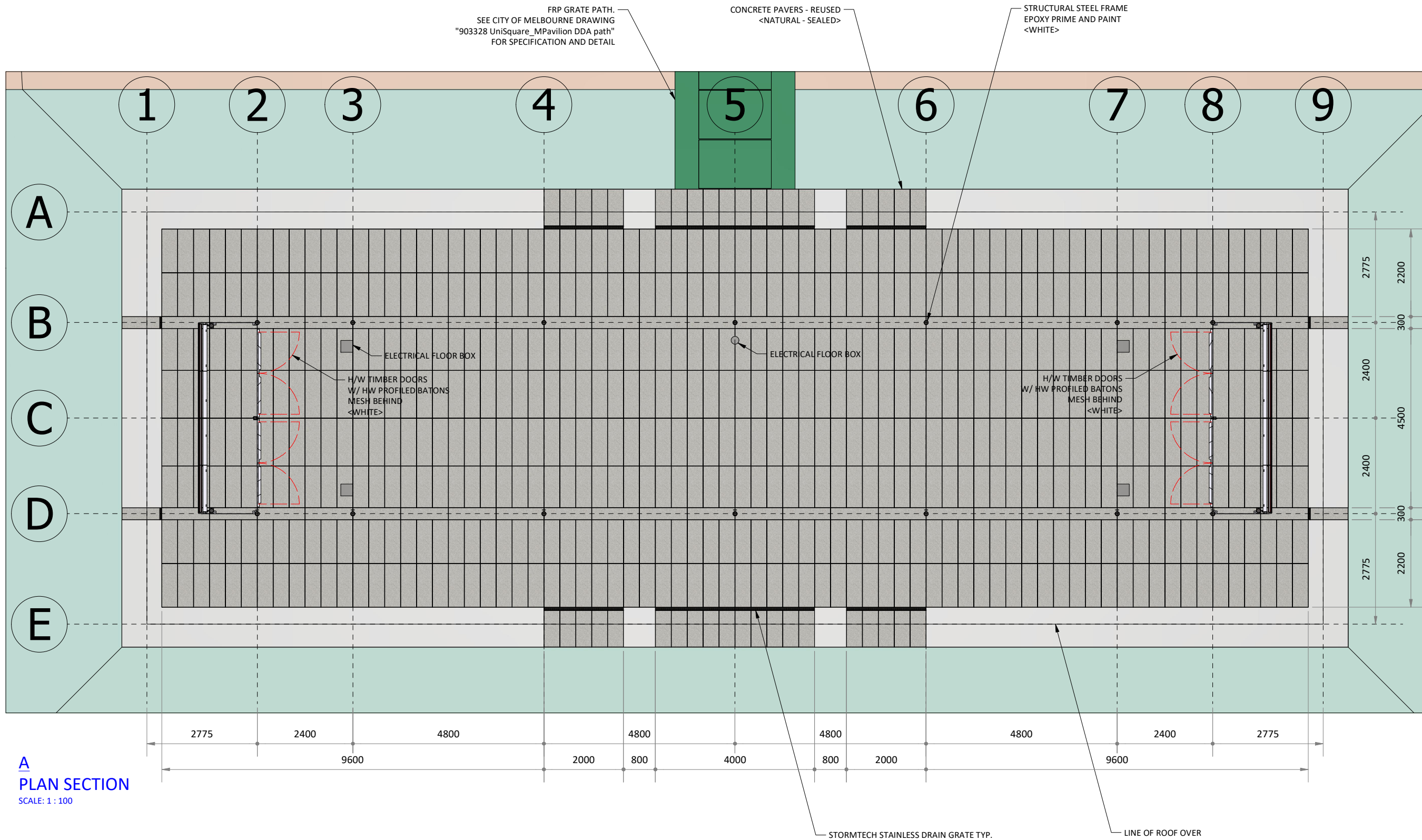
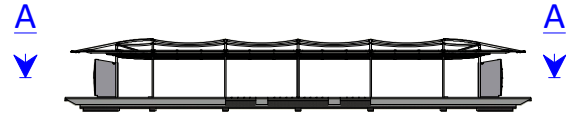
SIZE:  
 A3

DRAWING NUMBER:  
**FD08-01**

REVISION:  
**1**



FINISHES SCHEDULE	
ELEMENT	MATERIAL, FINISH, COLOUR
STRUCTURAL FRAME AND SHEETING	WHITE PAINTED MILD STEEL
ROOF	SERGE FERRARI PRECONSTRAINT FABRIC, WHITE
CEILING	CECONITE 101
ROOF AND CEILING METAL PANELS	GRIT BLAST GRADE 316 STAINLESS STEEL
PAVILION AND PATH PAVERS	50mm ANSTON NON-SLIP GREY CONCRETE PAVERS
PERIMETER FLOOR LEVEL DRAIN	WHITE ROCK TO PAVING AND GRASS LEVEL
FLOOR GRATES & ELECTRICAL FLOOR BOXES	LINISHED STAINLESS STEEL
DOORS	TIMBER FRAMED AND SLATTED, WHITE PAINT



**A**  
PLAN SECTION  
SCALE: 1:100



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM  
ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
DETAIL

CONSULTANT 2  
DETAIL

CONSULTANT 3  
DETAIL

CONSULTANT 4  
DETAIL

CONSULTANT 5  
DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
1		10/05/2020
2		13/05/2020
3	PAVILION RELOCATED SOUTH	2/03/2021
4	NORTH PATH REMOVED	26/03/2021
5	IFC	5/05/2021
6	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
ISSUE FOR CONSTRUCTION

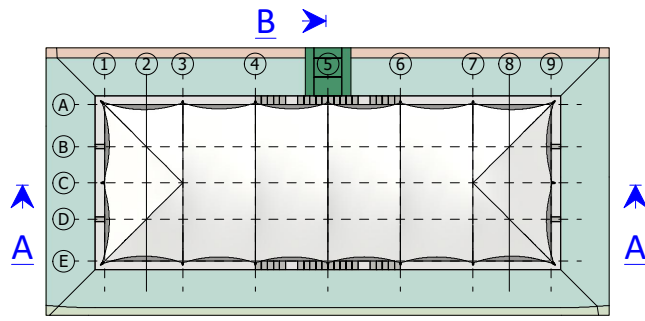


DRAWING TITLE:  
DETAILED PLAN SECTIONS

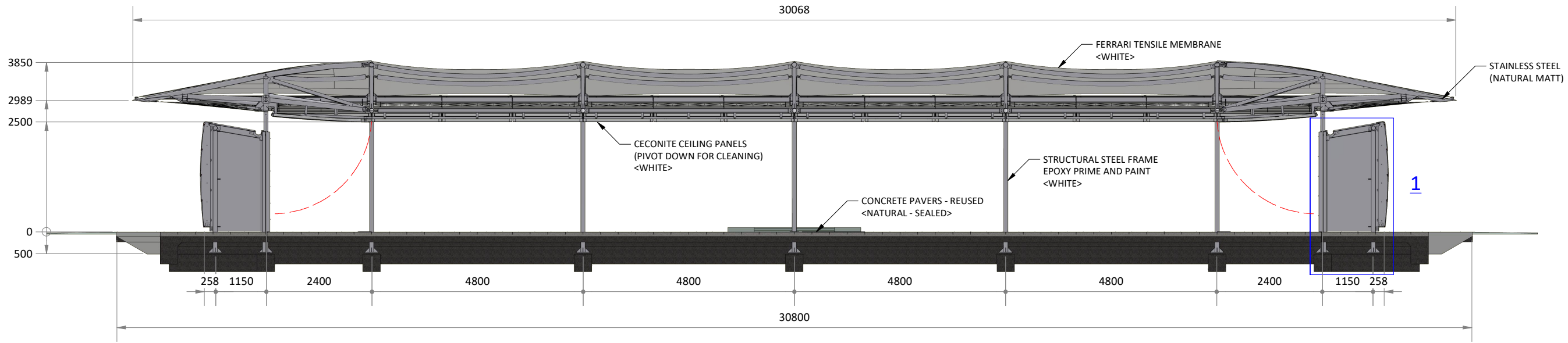
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DRAWING NUMBER:  
FD18-02

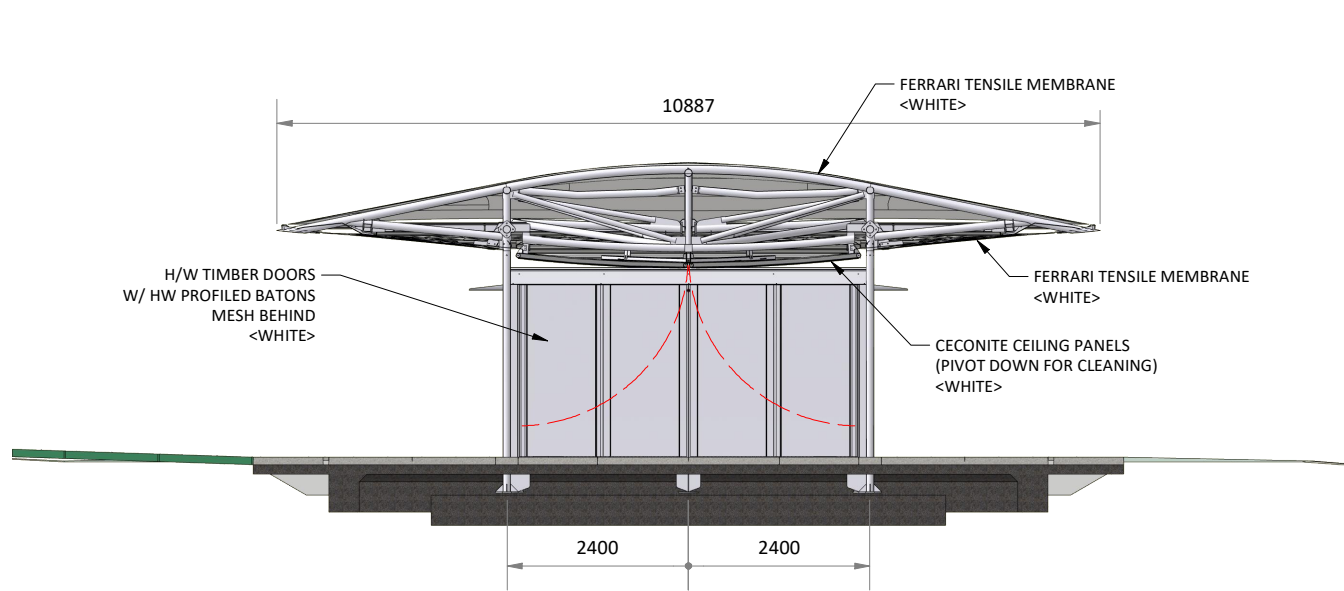
REVISION:  
6



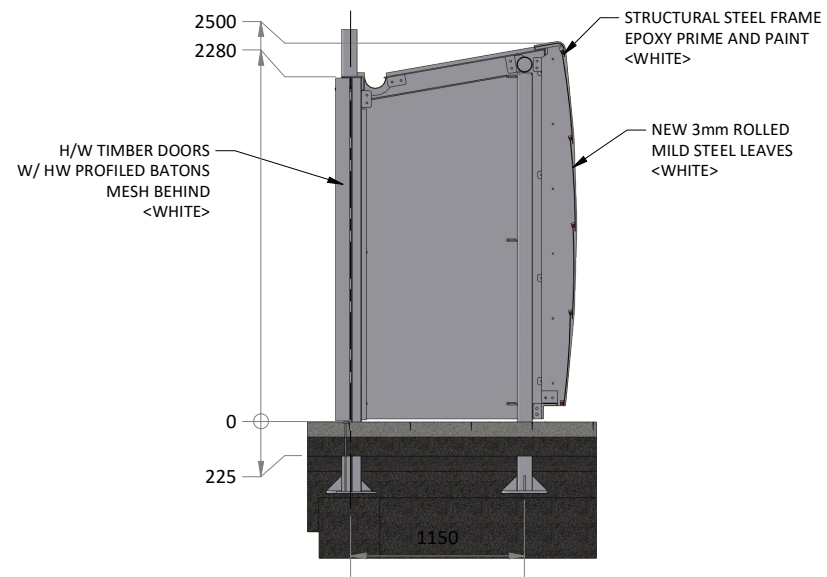
**PLAN**  
SCALE: 1 : 500



**SECTION A**  
SCALE: 1 : 100



**SECTION B**  
SCALE: 1 : 100



**DETAIL 1**  
SCALE: 1 : 50

FINISHES SCHEDULE	
ELEMENT	MATERIAL, FINISH, COLOUR
STRUCTURAL FRAME AND SHEETING	WHITE PAINTED MILD STEEL
ROOF	SERGE FERRARI PRECONSTRAINT FABRIC, WHITE
CEILING	CECONITE 101
ROOF AND CEILING METAL PANELS	GRIT BLAST GRADE 316 STAINLESS STEEL
PAVILION AND PATH PAVERS	50mm ANSTON NON-SLIP GREY CONCRETE PAVERS
PERIMETER FLOOR LEVEL DRAIN	WHITE ROCK TO PAVING AND GRASS LEVEL
FLOOR GRATES & ELECTRICAL FLOOR BOXES	LINISHED STAINLESS STEEL
DOORS	TIMBER FRAMED AND SLATTED, WHITE PAINT



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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM  
ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TF-1593

DESIGN: GLENN MURCUTT

CLIENT: KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
DETAIL

CONSULTANT 2  
DETAIL

CONSULTANT 3  
DETAIL

CONSULTANT 4  
DETAIL

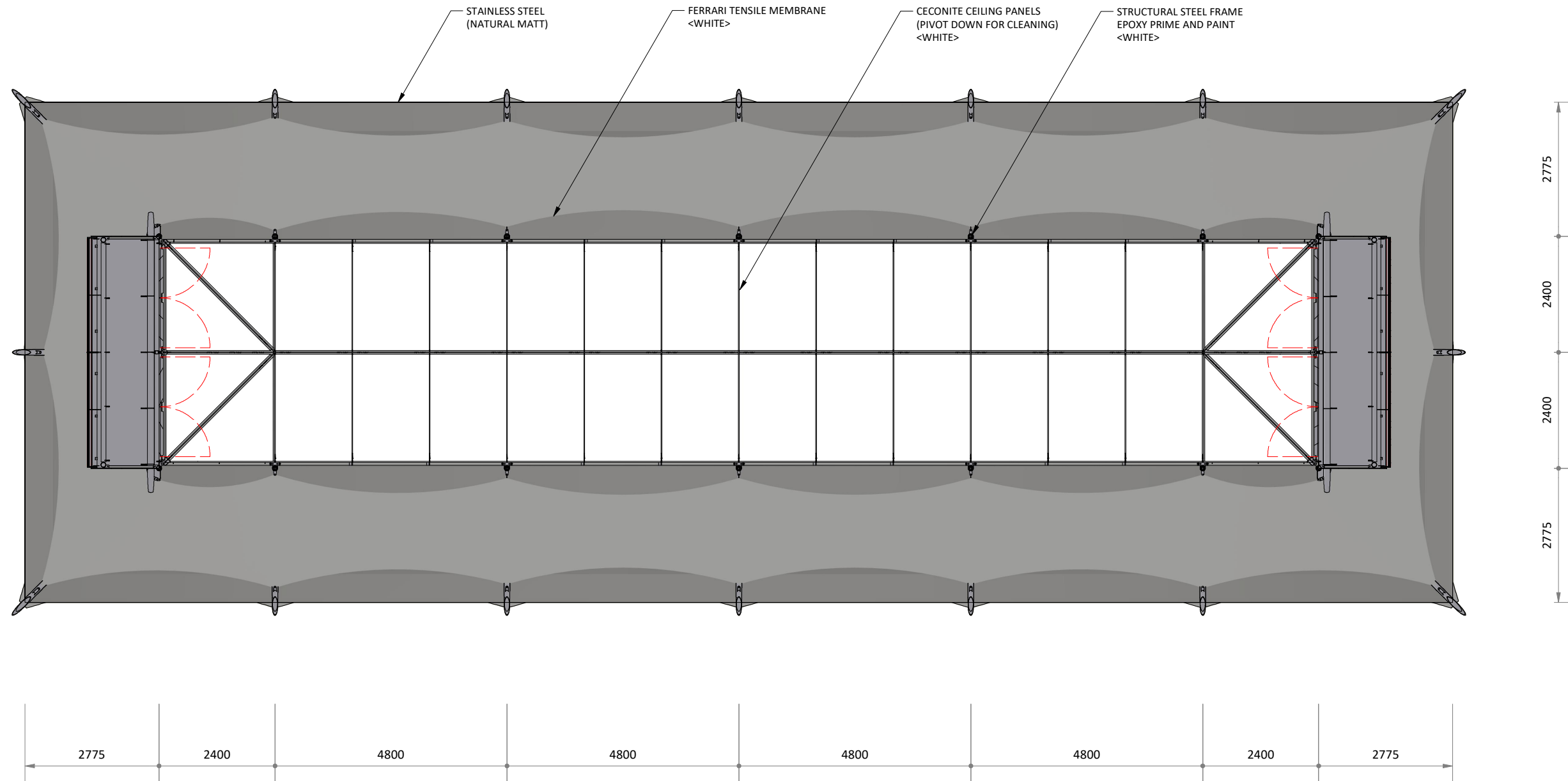
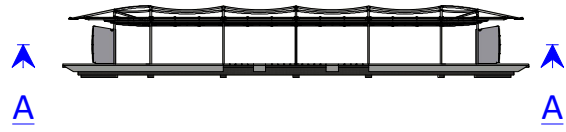
CONSULTANT 5  
DETAIL

REVISION HISTORY		
REV	DESCRIPTION	DATE
1		10/05/2020
2		13/05/2020
3	NORTH PATH REMOVED	26/03/2021
4	IFC	5/05/2021
5	PATH REINSTATED	2/06/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS: ISSUE FOR CONSTRUCTION	 353.9°
DRAWING TITLE: DETAILED ELEV. SECTIONS	
DRAWING NUMBER: FD18-03	REVISION: 5





**A**  
REFLECTED CEILING PLAN  
SCALE: 1 : 100



22 THE BOULEVARD IVANHOE  
VICTORIA, 3079  
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PROJECT: MPAVILION 2019 - GLENN MURCUTT UoM  
ADDRESS: UNIVERSITY SQUARE  
PROJECT #: TF-1593

DESIGN GLENN MURCUTT

CLIENT KANE CONSTRUCTIONS

CONSULTANTS

CONSULTANT 1  
DETAIL

CONSULTANT 2  
DETAIL

CONSULTANT 3  
DETAIL

CONSULTANT 4  
DETAIL

CONSULTANT 5  
DETAIL

REVISION HISTORY

REV	DESCRIPTION	DATE
1		10/05/2020
2	IFC	5/05/2021

LEGEND - SEE FINISHES SCHEDULE FOR DETAIL

STATUS:  
ISSUE FOR CONSTRUCTION



DRAWING TITLE:  
REFLECTED CEILING PLAN

SIZE:  
A3

DRAWING NUMBER:  
FD18-04

REVISION:  
2

## DELEGATED PLANNING APPLICATION REPORT

<b>Application number:</b>	<b>TP-2020-464</b>
<b>Applicant:</b>	<b>The University Of Melbourne</b>
<b>Owner</b>	<b>Melbourne City Council (land manager) / Victorian State Government</b>
<b>Architect</b>	<b>Two Feathers Architects</b>
<b>Address:</b>	University Square, 190-192 Pelham Street, CARLTON VIC 3053
<b>Proposal:</b>	Use the land as a place of assembly, construct a building and carry out works, and waive the bicycle facilities requirement of Clause 52.34
<b>Cost of works</b>	\$600,000
<b>Date of application:</b>	10 July 2020
<b>Responsible officer:</b>	Ryan Cottrell

### 1 SUBJECT SITE AND SURROUNDS

The application relates to the University Square at 190-192 Pelham Street, Carlton (the Site) which is located at the northern periphery of Melbourne's CBD (Figure 1).

The Site is formally known as Crown Allotment 1 Section 71A at Carlton Parish of Jika Jika.

There are no restrictive covenants or easements affecting the land relevant to this application.

The Site is large with a total area of 1.42 hectares.

The Site contains a public park with trees and grass with the northern part of the Site containing hard landscaping. The square provides the surrounds with open green space for leisure and informal recreation (Figure 2). The square includes several publicly accessible bicycle parking spaces.

The Site is not included in Melbourne Planning Scheme (the Scheme) Incorporated Document: *Heritage Places Inventory February 2020 (Amended July 2020) Part A or Part B* (the Inventory).



Figure 1 – Locality map



Figure 2 – Street view of the Site from the square’s south-east corner



## 2 BACKGROUND AND HISTORY

### 2.1 Planning Application History

The following application has previously been considered for the Site (Table 1):

Table 1 – Application history		
TP number	Description of Proposal	Decision & Date
TP-2017-734	Proposed works associated with the demolition of the road (Leicester Street) and to carry out works associated with the construction of the road (Leicester Street) and a park and the installation of an underground water storage tank.	Permit issued: 20/11/2017

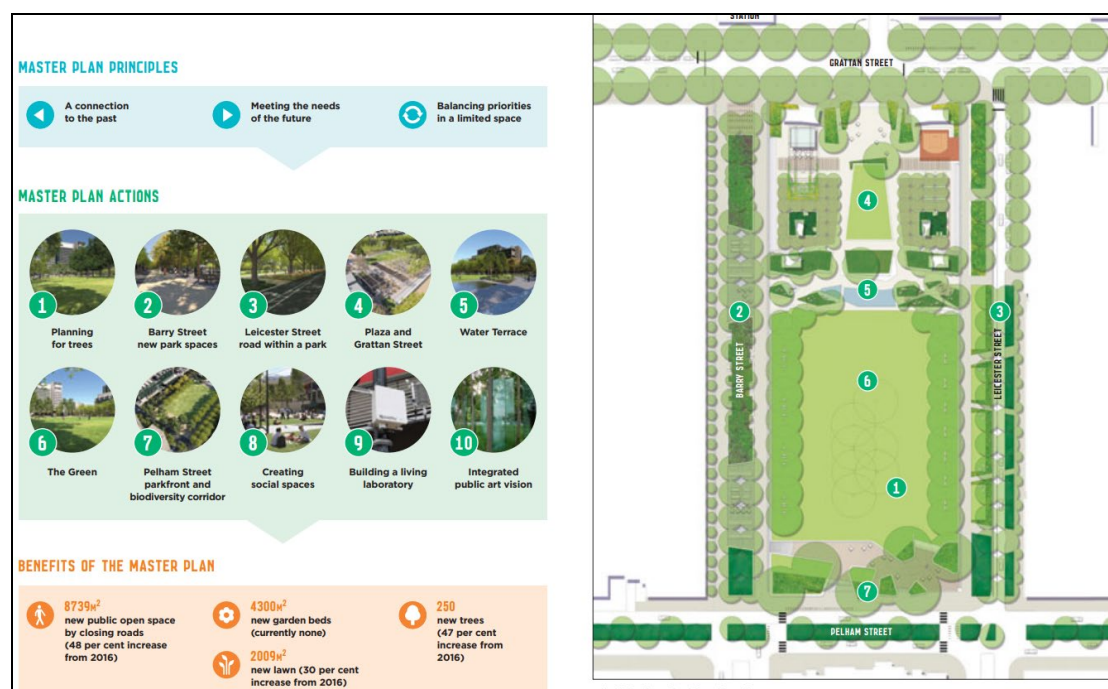
## 2.2 Other Relevant Documents

The University Square Master Plan 2016 (the Master Plan) is not a document incorporated or referenced in the Melbourne Planning Scheme; however, it is relevant to the application.

The Master Plan contains two directly relevant actions relevant to the proposed area of works, including:

- Planning for trees.
- The green (Figure 3).

**Figure 3 – The Master Plan**



## 3 PROPOSAL

The application seeks approval to use the land as a place of assembly, construct a building and carry out works, and waive the bicycle facilities requirement of Clause 52.34.

The documents submitted in support of the application are at Table 2 below:

Table 2 – Application documents		
Document	Author / Title	Dated
Title	Crown Allotment 1 Section 71A at Carlton Parish of Jika Jika (Volume 00600, Folio 912)	10/07/2020
Planning submission	University of Melbourne (UoM)	10/07/2020
Request for further information response	University of Melbourne (UoM)	23/06/2021
Waste Management Plan	Aecom	30/09/2020



(WMP)		
Development Drawings (Advertised)	Two feathers, Drawings: FD00-02 (Rev 6), FD05-10 (Rev 5), FD05-11 (Rev 5), FD07-01 (Rev 8), FD10-06 (Rev 8), FD12-01 (Rev 4), FD14-01 (Rev 5), FD16-01 (Rev 5), FD18-01 (Rev 8), FD08-01 (Rev 1), FD18-02 (Rev 6), FD18-03 (Rev 5), and FD18-04 (Rev 2).	Latest date: 05/05/2021
Development Drawings (informally updated to reflect details regarding the trees on the land as per the Tree Protection Management Plan)	Two feathers, Drawings: FD07-01 (Rev 9), FD18-01 (Rev 9), FD18-03 (Rev 5), and FD18-04 (Rev 2).	Latest date: 02/06/2021
Arboriculture Assessment and Report	Tree Logic – Tree Protection Management Plan	16/10/2020; Updated 29/09/2021
Land Manager's written consent	David Callow – Director Parks and City Greening (Melbourne City Council)	15/06/2020

The specific details of the application are at Table 3 below:

<b>Table 3 – Specific details</b>	
Use	Place of assembly. The use will include lectures, art and other events.
Capacity	95 people
Hours	Any event or activity programmed at the Site must be restricted to 7am – 10pm Monday to Saturday and 8am – 5pm Sunday (as per the terms of the Crown Land Licence).
Noise	The use is not intended to be programmed as a 'live music venue'.
Liquor	No liquor licence is sought.
Buildings and works	Construct a pavilion on reused concrete pavers. The pavilion will have a height of 3.85 metres, a width of 10.887 metres, and a length of 30.068 metres.  The structure will have steel posts, a tensile membrane cover in white, and steel framed storage pods at either end with timber doors.  Install a path from the existing footpath to the proposed pavilion.
Bicycle parking	Zero spaces
Car parking	Zero spaces

Clause 73.03 of the Melbourne Planning Scheme (the Scheme) defines a place of assembly as:

*Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.*

As the public land manager, Melbourne City Council has provided written consent for this application provided the following are complied with:

1. That the City of Melbourne reserves the right to comment on the permit application at a later date, including the right to object or recommend conditions.
2. That Consent for Works is obtained from the City of Melbourne – Infrastructure and Assets and / or Parks and City Greening.
3. That a Tree Protection Plan is submitted to and is approved by the City of Melbourne prior to the commencement of works.
4. That the land is reinstated at the completion of the installation in accordance with plans and specifications approved by the City of Melbourne.

The application material submitted states that they will require a lease agreement from Melbourne City Council to use the land. It is understood that the applicant is seeking a 10 year lease.

A draft land lease between Melbourne City Council, the applicant, and the Minister for Planning (crown land manager) has been signed by the applicant. The Minister for Planning has given in principle support to the lease.

Excerpts from the submission materials can be seen at Figure 4, 5, and 6.

**Figure 4 – The Proposal**

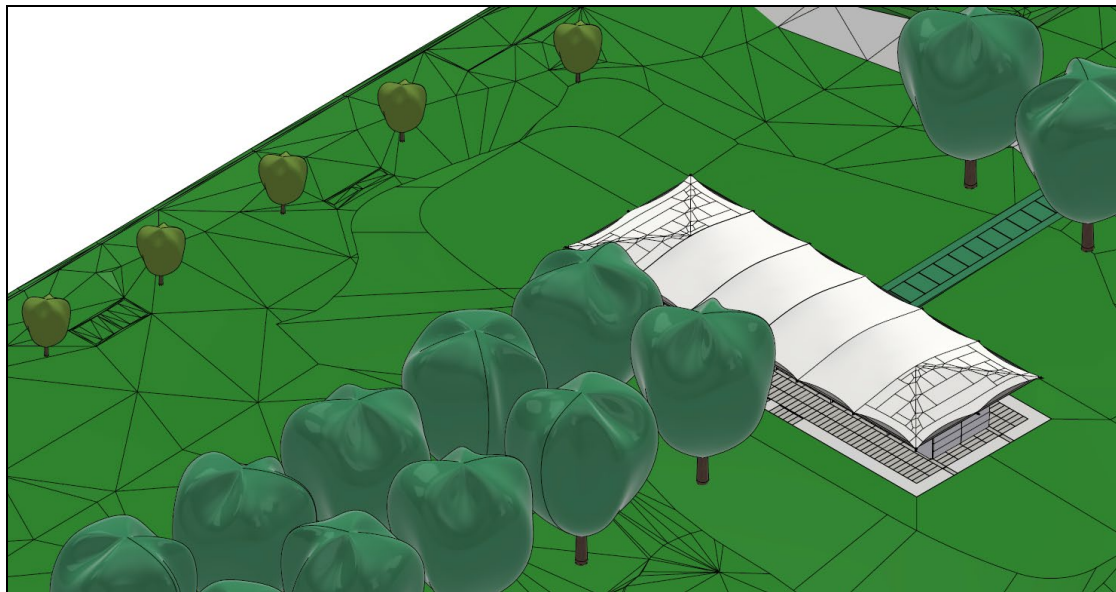




Figure 5 – Site layout plan

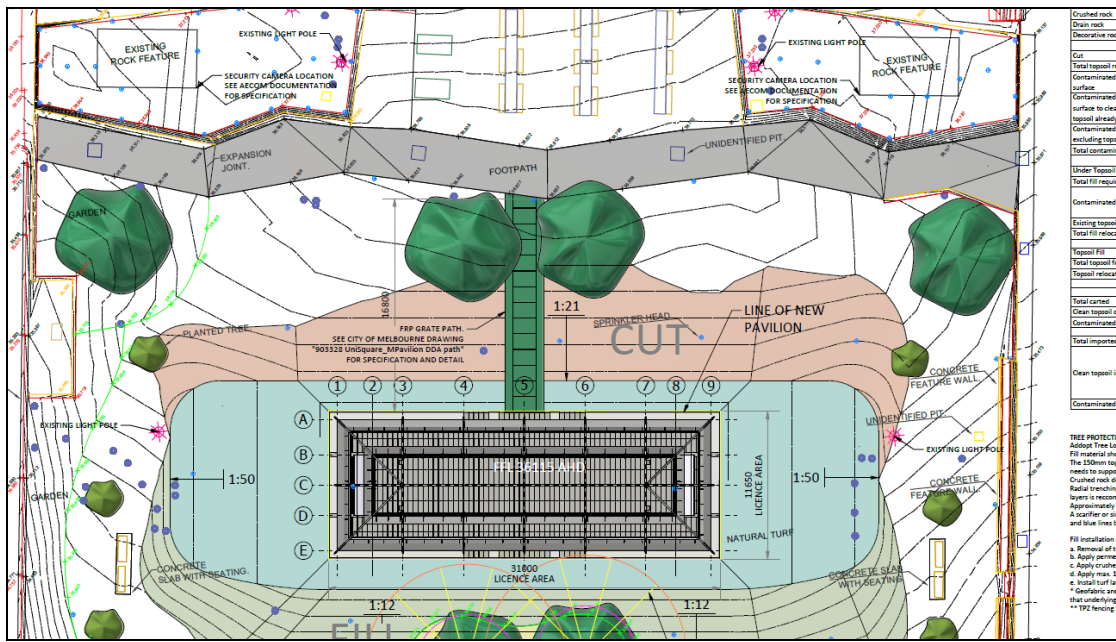
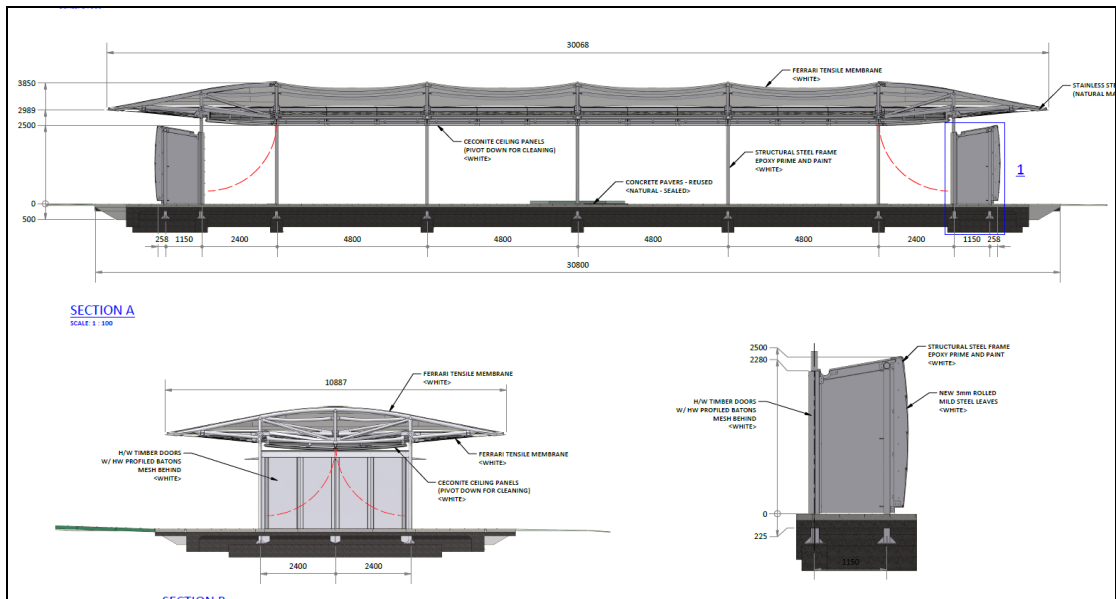



Figure 6 – Proposed pavilion



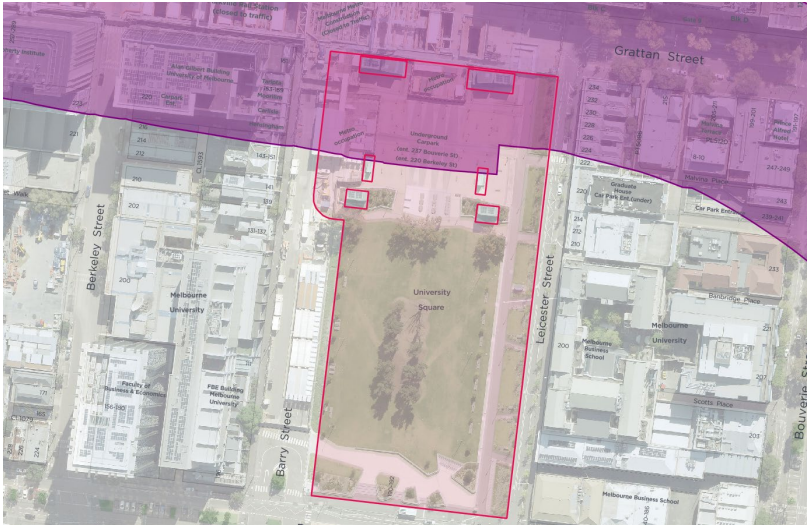
#### 4 STATUTORY CONTROLS

The following clauses in the Scheme require a planning permit for this proposal (Table 4):

Table 4 – Permit requirements	
Clause	Permit Trigger
Clause 36.02 Public Park and Recreation Zone (PPRZ)	Pursuant to Clause 36.02-1, a place of assembly is not listed as a Section 1, 2, or 3 use.  Section 1 does include 'any use not in Section 3' provided it is a use carried out on or behalf of the public land manager or a use specified in

	<p>an Incorporated Plan.</p> <p>A place of assembly is not listed in Section 3 and does not meet the conditions above; therefore it is by default a Section 2 use and a <b><u>permit is required</u></b>.</p> <p>Note that Section 2 includes Section 1 uses that do not meet the required condition that pushes them into being Section 2 uses. The uses where this occurs have a further condition requiring them to be associated with a public land use. A place of assembly is not listed with this condition and remains a Section 2 use.</p> <p>This is detailed at the operational provisions of the Melbourne Planning Scheme at Clause 71.03.</p> <p>Pursuant to Clause 36.02-2, a permit is required to construct a building or construct or carry out works. This does not apply to pathways, trails, seating, picnic tables, drinking taps, shelters, barbecues, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.</p> <p>The proposal is considered to be more than a shelter and as such, a <b><u>permit is required</u></b>.</p>
<p>Clause 43.01 Heritage Overlay Schedule 1 (Carlton Precinct) (HO1)</p>	<p>Pursuant to Clause 43.01-1, a <b><u>permit is required</u></b> to construct a building or construct or carry out works.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 61 – Area 4.1 (City North Area 4.1) (DDO61)</p>	<p>DDO61 does not apply to the land where the works are proposed:</p> 
<p>Clause 43.02 Design and Development Overlay Schedule 65 (Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Pursuant item 2.0 of Schedule 65 to Clause 43.02, a permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height specified in Table 1 of the Schedule.</p> <p>The maximum height of the proposed structure is 3.85m above ground level, which is well below the referral height set out in Table 1 of the Schedule; therefore, a permit is not required.</p>



<p>Area)) (DDO65)</p>	
<p>Clause 43.02 Design and Development Overlay Schedule 70 (Melbourne Metro Rail Project) (DDO70)</p>	<p>DDO70 does not apply to the land where the works are proposed:</p> 
<p>Clause 45.09 Parking Overlay Schedule 1</p>	<p>Schedule 1 to Clause 45.09 introduces maximum car parking rates for all uses and a permit is required to exceed the maximum rate.</p> <p>The proposal does not intend to provide any car parking; therefore, a permit is not required.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</p> <p>Pursuant to Table 1 to Clause 52.34-5, a place of assembly other than specified in the table requires the following bicycle parking facilities:</p> <ul style="list-style-type: none"> <li>▪ 1 to each 1500 square metres of net floor area for employees; and</li> <li>▪ 2 plus 1 to each 1500 square metres of net floor area for patrons.</li> </ul> <p>As such, the proposed place of assembly requires:</p> <ul style="list-style-type: none"> <li>▪ Zero bicycle parking spaces for employees (1 x [327.35 / 1500] = 0.218, rounded down to zero); and</li> <li>▪ Two bicycle parking spaces for patrons (2 + 1 x [327.35 / 1500] = 2.218, rounded down to 2).</li> </ul> <p>Pursuant to Clause 52.34-6, the use does not require more than 5 bicycle parking spaces; therefore, showers are not required.</p> <p>Pursuant to Clause 52.34-6, no showers are required; therefore, no change rooms are required.</p> <p>In total, the proposal is required to provide 2 bicycle parking spaces.</p> <p>The proposed does not provide any bicycle parking on the land;</p>

	therefore, a waiver is required; therefore, a <b><u>permit is required.</u></b>
--	---

## 5 STRATEGIC FRAMEWORK

### Planning Policy Framework (PPF)

- Clause 12 - Environment and Landscape Values
- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development
- Clause 19 - Infrastructure
- Clause 19.02-3R - Cultural Facilities – Metropolitan Melbourne.

### Local Planning Policy Framework (LPPF)

#### Municipal Strategic Statement (MSS)

- Clause 21.05 - Environment and Landscape Values
- Clause 21.06 - Built Environment and Heritage
- Clause 21.08 - Economic Development
- Clause 21.10 - Infrastructure
- Clause 21.11 - Local Areas
- Clause 21.14 - Proposed Urban Renewal Areas
- Clause 21.14-1 - City North.

#### Local Policies

- Clause 22.02 - Sunlight to Public Spaces
- Clause 22.05 - Heritage Places outside the Capital City Zone
- Clause 22.17 - Urban Design outside the Capital City Zone
- Clause 22.23 - Stormwater Management (Water Sensitive Urban Design).

#### Particular provisions

- Clause 52.06 - Car Parking
- Clause 52.34 - Bicycle Facilities

#### General Provisions

- Clause 65 - Decision Guidelines

#### Operational Provisions

- Clause 73 – Meaning of Terms.

## 6 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by posting six notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## 7 OBJECTIONS

The application has received two objections. The objections raised the following concerns (summarised):

- The conversion of public space to private space is not supported.



- Noise from audio systems - “Residents are entitled to the quiet enjoyment. Melbourne Uni has previously held noisy events which disturb the peace. Providing Melbourne Uni with carte blanche access to use this space to disturb residents is irresponsible.”
- The space should be available to all - “I and other local residents living in the vicinity of University Gardens - believe it should also be available for the use of these rate payers.”
- The University of Melbourne does not pay rates on its properties.

The matters raised will be addressed at Section 10 of this report.

## **8 CONSULTATION**

The objections were forwarded to the applicant for their consideration.

## **9 REFERRALS**

### **9.1 Internal**

The application was referred internally to the following departments:

#### **9.1.1 Civil Engineering**

The City of Melbourne’s civil engineers provided the following comments:

*The proposed pavilion is located within University Square managed by Council’s Parks & City Greening Branch (PCGB). This matter should be referred to PCGB for comment.*

Additionally, they recommended standard conditions relating to the protection of roads, street levels, and lighting as well as a condition requiring a stormwater drainage system.

#### **Planner’s Response**

No issues have been raised. It is recommended the supplied conditions be included on any permit issued.

#### **9.1.2 Waste and Recycling**

The City of Melbourne’s waste team noted that the proposal is for an open sided pavilion and have not required a waste management plan to be in accordance with the City of Melbourne’s waste guidelines.

#### **Planner’s Response**

It is accepted that the proposal is not one that will generate a significant amount of waste that cannot be managed by the event programmers.

Despite the waste team not providing any permit conditions, it is recommended that a permit condition referring to the management of waste be applied to the permit to ensure there are no unreasonable impacts to the square.

The WMP submitted states that bins will be delivered to the Site for each event and upon completion of events they will be moved to the University of Melbourne’s sites at the Law Building, Medical Building, and rear of the Alan Gilbert Building which all have an interface with the Site.

#### **9.1.3 Urban Forestry**

The City of Melbourne’s urban forester provided the following comments:

*“I can confirm that the updated plans are acceptable in relation to the tree protection requirements.”*

*The document FD07-01 Rev 9 Landscaping Plan needs to be revised to contain the same detail as the TPMP. This is only a minor edit"*

### **Planner's Response**

No issues have been raised and the TPMP is accepted. This satisfies Item 4 of the land manager's consent.

It is recommended the missing information shown in the Tree Protection Management Plan be included on the development drawings. It is recommended this be achieved via a permit condition.

#### **9.1.4 Parks and City Greening**

The application was referred to Parks and City Greening who did not provide a comment on the application.

### **Planner's Response**

Item 2 of the land managers consent provides the applicant must obtain consent from the City of Melbourne's Engineering team and / or the Parks and City Greening team. In this instance the public land manager for the Site is the Parks and City Greening branch. A condition to this effect will be included in any permit issued.

In addition, Open Space Planning and Green Infrastructure has provided the following response on behalf of Parks and City Greening.

#### **9.1.5 Open Space Planning**

The City of Melbourne's Open Space Planning team provided permit conditions and the following comments:

*University Square is one of three historic Carlton squares and is Crown land permanently reserved for Ornamental Plantation purposes. City of Melbourne is both Joint Trustee for the place and Committee of Management.*

*In addition to the Victoria Planning Provisions, planning for and management of University Square is undertaken in line with Council's obligations as Committee of Management under the Crown Land (Reserves) Act and is guided primarily by Council's Parks Policy, Open Space Strategy and the University Square Master Plan 2016.*

*The University Square Master Plan was developed between 2014 and 2016 and endorsed by the Future Melbourne Committee in December 2016. It represents the Council position for the place.*

*Most of the actions identified in the master plan have been completed. The exceptions are those identified in the northern part of the square currently occupied and/or impacted by Metro Tunnel Project works. Over 2,500 square metres of new open space was created through the expansion of the square into Leicester Street, with new biodiversity and social spaces delivered as part of the stage 1 works.*

*The master plan was informed and shaped by extensive community engagement over four phases; a robust and meaningful process. The installation of a pavilion on the lawn area was not contemplated during the master plan development and so no community feedback on such a proposal was sought or received.*

*The first principle of the Parks Policy is that there will be no net reduction in area of parkland. The installation of the pavilion represents a reduction in parkland area of approximately 355 square metres.*



*The draft Crown land licence sets out that the pavilion will be freely accessible to the general public outside of scheduled events. The impact of the loss of parkland area is therefore considered to be somewhat reduced.*

*The application's response to the requirements of the PPRZ was very limited. There was no evidence provided that suggests the proposal is appropriate when considered against the purpose of the PPRZ, as set out below.*

*The purpose of the PPRZ is:*

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To recognise areas for public recreation and open space.*
- To protect and conserve areas of significance where appropriate.*
- To provide for commercial uses where appropriate.*

*All section 2 uses under the PPRZ include the condition that it must be associated with the public land use. It has not been demonstrated that the proposal is associated with the public land use.*

*The pavilion and its activities are not park-related and could feasibly function in any number of different places, whether in parkland or not. Its proposed position in University Square does not contribute to the functioning of University Square as a place of public recreation and open space. It is unclear whether the events programming is anticipated to include commercial uses.*

*It is not best practice planning for significant changes that are inconsistent with a master plan to be made without public consultation. Notwithstanding this, the permit application was advertised and the public had an opportunity to object or make comment.*

*The limited – although lengthy at ten years – licence term, and the fact that the pavilion will be generally publicly accessible outside of scheduled events, are considered to mitigate somewhat the impact of the pavilion on the parkland.*

*The provisions of the proposed Crown land licence offer some confidence in the operational and tenure arrangements in place, outside of the planning system. Open Space Planning therefore does not object to the issue of a permit with conditions.*

*Please note, the granting of the permit will not eliminate the provision relating to signage at Clause 36.02-8 – no external signage will be permitted.*

## **Planner's Response**

The supplied permit conditions relate to ensuring the developers must obtain consent from the Parks and City Greening team to access the land for works and ensuring the park is returned to a condition to that team's satisfaction. These supplied conditions are recommended to be included on any permit issued for the proposal.

The comments regarding the University Square Master Plan 2016 are noted.

It is noted that signage will not be supported.

Despite the comments regarding Section 2 uses above, pursuant to Clause 36.02-1, a place of assembly is not listed as a Section 1, 2, or 3 use.

Section 1 does include 'any use not in Section 3' provided it is a use carried out on or behalf of the public land manager or a use specified in an Incorporated Plan.

A place of assembly is not listed in Section 3 and does not meet the conditions above; therefore it is by default a Section 2 use and a **permit is required**.

Note that Section 2 includes Section 1 uses that do not meet the required condition that pushes them into being Section 2 uses. The uses where this occurs have a further condition requiring them to be associated with a public land use. A place of assembly is not listed with this condition and remains a Section 2 use.

This is detailed at the operational provisions of the Melbourne Planning Scheme at Clause 71.03.

## **9.2 External**

The application was not required to be referred externally.

## **10 ASSESSMENT**

The application seeks to use the land for a place of assembly and construct a building and carry out works. The key considerations include:

- The application's response to the requirements of the PPRZ.
- The design response relating to heritage.
- The design response relating to the built environment.
- The matters raised in the objections.
- The appropriateness of the waiver of the bicycle facilities requirement.

### **10.1 PPRZ**

The proposal is considered to be an acceptable response to the purpose and decision guidelines of the PPRZ based on the following reasons:

- The use and structure is one that will activate the public park to encourage its use and enjoyment. To ensure the use is appropriate to the setting, it is recommended that an event management plan be required via a permit condition to ensure the programming of the use is acceptable given that it is public land. This will provide for the reasonable monitoring of the use and any potential amenity impacts.
- The purpose of the PPRZ includes providing for commercial uses where appropriate. The use fundamentally relates to education and the arts which is considered to be compatible with the PPRZ in this instance as well as the surrounding educational precinct that circles the park, including land zone in the Public Use Zone (PUZ3).
- The structure has been designed and placed to limit disrupting the natural qualities and features of the park.
- The structure will introduce visual interest and be available to anyone to use while events are not programmed, subject to leasing and permit conditions. To ensure this, it is recommended that a permit condition be applied that requires the pavilion to be publicly accessible when the use is not operating.
- The proposal does not raise concern relating to amenity given the application does not seek to allow the sale and consumption of liquor and does not propose live music entertainment.

It is recommended that standard conditions be applied to any permit issued that restrict the hours and patronage to what has been applied for.

It is recommended that standard noise related conditions be applied to any permit issued to enable the City of Melbourne to monitor and regulate noise.

It is recommended that a permit condition be included that requires the land to be returned to a condition to the satisfaction of the Responsible Authority.

## 10.2 Heritage

The key considerations for this application regarding heritage is the appropriateness of the works to the existing non-contributory Site and the impact the proposal may have on the Carlton Precinct.

Incorporated Document *Heritage Precincts Statements of Significance February 2020* provides the following statement of significance for the Carlton Precinct:

*Carlton Precinct was developed from the mid-nineteenth century as part of the extension of Melbourne to its north during a period of significant population growth. Significant and contributory development in the precinct dates from the mid nineteenth century through to the interwar period, although Victorian development predominates. Some places of heritage value may also be outside this date range. The precinct is mainly residential, with some commercial streetscapes and commercial buildings scattered throughout; institutional development; and limited small scale former manufacturing and industrial development, mostly dating from the early twentieth century. The various parks, gardens and squares, and mature street plantings and rows, are also components of the significant development of the precinct.*

The incorporated document also provides the following relevant key attributes of the precinct:

- Typical nineteenth century building characteristics including:
  - Use of face brick and rendered masonry building materials, with timber and bluestone indicating earlier buildings.
  - Hipped roof forms with chimneys and parapets; verandahs with decorative cast iron work and tiled floors; iron palisade fences on stone plinths; and limited or no front and side setbacks.
- Typically low scale character, of one and two-storeys, with some larger three-storey buildings.
- Streets of consistent scale, or with greater scale diversity incorporating modest and larger buildings.
- Streets of consistent historic character, contrasting with those of more diverse character.
- Buildings which diverge from the norm in their form and siting, constructed to irregular street intersections with sharp corners, and on asymmetrical allotments.
- Nineteenth century planning and subdivisions as evidenced in:
  - Distinctive small public squares, influenced by London-style development, including Macarthur Place, Murchison Square, Argyle Square and University (Barry) Square.
- Importance of Princes Park as one of La Trobe's historic ring of parks and gardens surrounding Melbourne.



- Principal streets characterised by their width and open character, with vistas available along their length; these are sometimes distinguished by later central medians and street tree plantings.
- Historic street materials including bluestone kerbs and channels, and lanes with original or relayed bluestone pitchers and central drains.

The proposal is an acceptable response to the relevant heritage policies for the following reasons:

- The proposal seeks to insert a building that does not detract from the heritage character of the Carlton Precinct or nearby heritage buildings.
- The proposal does not detract from the key attributes of the Carlton Precinct.

The following assessment of the Clause 22.05 performance standards has been provided to address the appropriateness of the proposed development.

### 10.2.1 New buildings

The proposed structure is considered to be appropriate for the following reasons:

- The building does not visually detract from any nearby heritage place as it is well separated from any nearby structure.
- The building does not detract from the key attributes of the Carlton Precinct as it is a contemporary structure in a park.
- The single storey structure will not detract from the existing built form context.
- The design of the works is simple and contemporary and adopts quality materials to ensure the structure complements the Site.

### 10.3 Built Environment (Urban Design)

The proposal is considered to be an acceptable response to the relevant built environment policies in the Scheme. The built form guidance at Clause 22.17 is used to assess the application.

An assessment of the relevant sections of Clause 22.17 is below at Table 5.

<b>Table 5 – Assessment under Clause 22.17</b>	
<b>Policy</b>	<b>Assessment</b>
Scale, context and height	The proposed scale and height is acceptable for the following reasons: <ul style="list-style-type: none"> <li>▪ The overall dimensions and size do not introduce an unreasonable visual impact on the park.</li> <li>▪ The structure is single storey.</li> </ul>
Building bulk	The proposed open sided structure is not considered to present any unreasonable visual bulk to the public realm.
Building tops	The proposal contains a canopy design that is well designed and is visually interesting.
Visible Facades and Blank Walls	The proposal does not present blank walls to the street.
Landscape	The proposal is located in a public park within a landscape setting.

## 10.4 Objections

The matters raised by objectors that have not already been addressed in this report are individually considered below (Table 6):

<b>Table 6 - Objections</b>	
<b>Matter raised</b>	<b>Response</b>
The conversion of public space to private space is not supported.	While the proposal is put forth by a private body, the pavilion will be available to the public outside of event times. The structure is basic in design with no barriers. A permit condition to this effect is recommended to be included on any permit issued.
Noise from audio systems - "Residents are entitled to the quiet enjoyment. Melbourne Uni has previously held noisy events which disturb the peace. Providing Melbourne Unit with carte blanche access to use this space to disturb residents is irresponsible.	Given the hours are limited and the proposal does not include live music and entertainment, it's not likely the use will result in unreasonable noise impacts.  It is recommended that standard noise conditions be applied to any permit issued which will include limiting the capacity to 95 patrons.
The space should be available to all - "I and other local residents living in the vicinity of University Gardens - believe it should also be available for the use of these rate payers.	The PPRZ allows for commercial uses provided they are appropriate.  The recommended conditions relating to an events management plan and requiring the pavilion to be available to the public when there are no scheduled events provide an appropriate balance when considering the use of public land.
The University pays no rates on its properties - old and even the many acquired over the last ten years.	This is not a planning matter.

## 10.5 Waiver of the Bicycle facilities requirement

In this instance the waiver of the required bicycle facilities is acceptable for the following reasons:

- The Site is well serviced by public transport and highly walkable.
- The waiver of two bicycle parking spaces is minor and not likely to significantly impact the function of the road network or function of the public realm.
- The land contains existing bicycle parking spaces (Figure 7).

**Figure 7 – Existing bicycle parking hoops**



## **10.6 The Master Plan**

While the Master Plan is not a document incorporated into the Melbourne Planning Scheme, its purpose should be considered.

This application is considered to be acceptable as it:

- Does seek not to reduce the number of trees.
- Inserts a structure that can be used by the public when events are not occurring.
- Does not unreasonably affect the use and enjoyment of the park.

## **11 RECOMMENDATION**

It is considered that the proposal is consistent with the relevant policies and clauses of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit should now be issued subject to conditions.

It is recommended the permit preamble reads:

*Use the land as a place of assembly, construct a building and carry out works, and waive the bicycle facilities requirement of Clause 52.34 in accordance with the endorsed plans.*

## **12 CONDITIONS**

The following conditions are recommended to be included on the Notice of Decision and Permit:

### **Amended Plans**

1. Prior to the commencement of the use and development, or as may otherwise be agreed with the Responsible Authority, an electronic set of plans drawn to scale must be submitted to the Responsible Authority, generally in accordance with the advertised plans prepared by Two Feathers but amended to show:
  - a. The changes in the discussion drawings prepared by Two Feathers, titled FD07-01 (Rev 9), FD18-01 (Rev 9), FD18-03 (Rev 5), and FD18-04 (Rev 2).
  - b. Drawing (FD07-01 Rev 9) updated to contain the same detail as the Tree Protection Plan by Tree Logic, dated 29 September 2021.



These amended plans and updated development summary must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

### **Secondary consent**

2. The use and development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

### **Land Manager's Consent**

3. Consent for the works hereby approved must be obtained from the Melbourne City Council - Parks and City Greening prior to any access to the site by contractors.

### **Patronage**

4. The maximum number of patrons on the premises must be no more than 95 at any one time unless with the prior written consent of the Responsible Authority.

### **Hours of Operation**

5. Except with the prior written consent of the Responsible Authority, the use must only occur between the following hours:

Monday – Saturday	7am – 10pm
Sunday	8am – 5pm

### **Management Plan**

6. Prior to the commencement of the use, a Management Plan (MP) must be submitted that provides information relating to the nature, programming, availability, frequency, and management of events or programs on the land.

In addition to details of events or programs, the MP must provide information relating to the management of patrons including control of patrons and access to services such as toilets.

The MP must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed MP unless with the prior written consent of the Responsible Authority.

7. Outside of programmed events for the use, the land and pavilion structure must be made available to the public to the satisfaction of the Responsible Authority.

### **Noise**

8. No amplified live music entertainment is permitted on the premises without the prior written consent of the Responsible Authority.
9. The maximum noise level emitted from the premises must not exceed levels specified in EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues.
10. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with the noise level emitted from the premises must

not exceed levels specified in EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

### **Civil Engineering**

11. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
12. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
13. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.
14. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.

### **Waste**

15. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Aecom dated 30 September 2020. The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.
16. Waste must not be stored on the land outside of the use operating hours or when use is not operating to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

17. Prior to the commencement of the development, excluding demolition and including bulk excavation, a detailed construction management plan must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:
  - a) public safety, amenity and site security.
  - b) operating hours, noise and vibration controls.
  - c) air and dust management.
  - d) stormwater and sediment control.
  - e) waste and materials reuse.
  - f) traffic management.

### **Tree Protection Bond**

18. Prior to the commencement of the development, a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council must be compensated for any loss of amenity, ecological services or amelioration works incurred.

### **Public Tree Protection**

19. All works must be undertaken in accordance with the Tree Protection Plan by Tree Logic, dated 29 September 2021, unless identified in these conditions and supervised by a suitably qualified Project Arborist.  
  
Should any work methodologies change, a revised Tree Protection Plan must be provided to the City of Melbourne for approval.
20. Temporary tree protection fencing can be in the form of securely fixed metal panels to ensure adequate protection and maintenance of sight lines. All fencing must be identified as 'Tree Protection' and include high visibility identification measures.
21. Areas within tree protection zones must be maintained in accordance with other areas of University Square and be free of litter or debris.
22. Tree protection fencing must be maintained in a fit for purpose condition and be free of billboards or unauthorised notices or advertising.
23. Once the temporary tree protection is installed, Melbourne City Council's Arborist must be notified and provide confirmation that the tree protection is fit for purpose.
24. Melbourne City Council's Arborist can require modification to the Tree Protection measures at any point during the period of works.
25. No pruning of public trees is permitted unless approved by a Melbourne City Council Arborist and undertaken by Council Contractors.

### **Project Arborist Confirmation**

26. Prior to the commencement of any works, Melbourne City Council must be advised of the name of the appointed Project Arborist through the return of a completed Project Arborist Confirmation Form.

### **Land Reinstatement**

27. The land must be reinstated at the completion of the installation in accordance with plans and specifications approved to the Responsible Authority within three months of the expiration of this permit.

### **Expiry**

28. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two years of the date of this permit.
  - b. The development is not completed within four years of the date of this permit.
  - c. The agreement for the use and occupation of the land expires or is withdrawn.



The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### Permit Notes

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.
- The planning permit does not include any approval to lease the land. Leasing approval must be obtained from Melbourne City Council.
- A Tree Protection Bond to the value of \$408,863.68 must be provided to the City of Melbourne or as otherwise agreed in writing. This value is the combined environmental and amenity values of public tree assets 1040879, 1040880, 1040834 and 1040876. The bond will be held for the duration of the works. Should these or any other any public tree, be adversely impacted by any works associated with this permit the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.
- A tree protection bond can be provided as a bank guarantee or by EFT. A bank guarantee must be:
  1. Issued to Melbourne City Council, ABN: 55 370 219 287.
  2. From a recognised Australian bank.
  3. Unconditional (i.e. no end date)
  4. Executed (i.e. signed and dated with the bank stamp)
- If the bond is to be lodged as an EFT, Council's bank details will be provided on request.
- An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- Any pruning works identified in the Tree Protection Plan by Tree Logic, 29 September 2021, will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.
- On completion of the works, the bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms the public trees have not been affected by works.

### 13 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 11 November 2021.

It has been requested that this application be presented to the Future Melbourne Committee for decision.

Signature:

Date affirmed: 12 Nov 2021



**Ryan Cottrell** Principal Urban Planner