

Notice of Motion, Cr Leppert: Treasury Square design controls

Motion

That the Future Melbourne Committee:

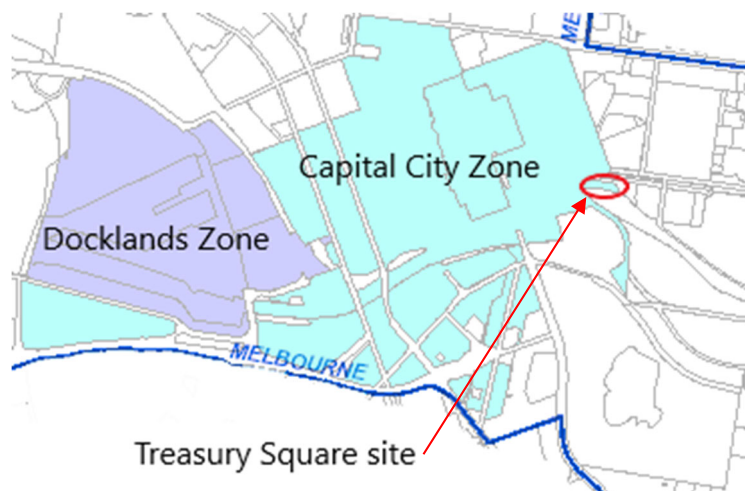
1. Notes that Treasury Square is the only developable site within the central city (Melbourne, Southbank and Docklands) that has no dedicated urban design control or policy applying to it.
2. Supports the application of Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne') to the site.
3. Requests that the Minister for Planning urgently make an Amendment to the Melbourne Planning Scheme under S20(4) of the *Planning and Environment Act 1987* to address this anomaly and apply urban design controls to Treasury Square.
4. Requests that the Chief Executive Officer write to the Minister to give effect to the resolution, attaching a copy of the notice of motion.

Background

Part 1: Where do urban design controls and policies apply?

Within the central city (Melbourne, Southbank and Docklands), all land is subject to a dedicated urban design control or policy, other than 'Treasury Square' (279-357 Wellington Parade South, Melbourne):

- All developable sites in **Melbourne** are subject to Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne') other than the Treasury Square site. When the Treasury Square site was rezoned to Capital City Zone on 7 December 2020, there was no corresponding decision to also apply Design and Development Overlay Schedule 1. The reasons for this are set out in Part 2 over the page.
- The entirety of **Southbank** (other than Commonwealth land) is covered by Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne').
- All developable sites in **Docklands** are in the Docklands Zone, to which the local policy at clause 22.18 ('Urban Design within the Docklands Zone') applies.
- The vast majority of developable sites **outside the central city** require consideration of local policy 22.17 ('Urban Design Outside the Capital City Zone') wherever a permit trigger for building and works applies.



Map 1: Subject site in the context of the Capital City and Docklands Zones

Part 2: How did the anomaly arise whereby no urban design provisions apply to Treasury Square?

The basis for the anomaly whereby Treasury Square is the only developable site in the central city not covered by a dedicated urban design control or policy was the concurrent consideration of planning scheme Amendments C308 and C370.

Amendment C308¹ introduced Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne') to all land in Melbourne and Southbank in the Capital City and Mixed Use Zones. The planning authority was the City of Melbourne.

Amendment C370² was a site-specific Amendment requested by VicTrack for land at 279-357 Wellington Parade South, Melbourne (known as 'Treasury Square'), which the Department of Transport had declared to be 'surplus to transport requirements'. The Amendment rezoned land in the Public Use Zone Schedule 4 to the Capital City Zone Schedule 1.

Amendment C370 as proposed anticipated that the policy at Clause 22.01 ('Urban Design within the Capital City Zone') would apply to the site once rezoned to Capital City Zone. However, Amendment C308 proposed to delete this local policy and instead apply a control, Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne'), to all land in the Capital City Zone within the central city. Amendment C308 anticipated that local policy 22.17 ('Urban Design Outside the Capital City Zone') would continue to apply to land outside the Capital City and Docklands Zones. The two Amendments were therefore inconsistent in how they anticipated urban design planning provisions would be applied in the central city.

The City of Melbourne made an extensive submission on Amendment C370, including a focus on design provisions and a recommendation that Design and Development Overlay Schedule 1 be applied to Treasury Square. The submission was endorsed by the Future Melbourne Committee on 26 May 2020.³

On 28 August 2020, Amendment C370 and the City of Melbourne's submission were referred by the Planning Minister to the Priority Projects Standing Advisory Committee for consideration. The Priority Projects Standing Advisory Committee was aware of the urban design planning provision inconsistencies between amendments C308 and C370, and it made the following findings and recommendations:⁴

Design and Development Overlay (Schedule 1) as proposed by Amendment C308 should be applied to the site if it is approved before the proposed Amendment is approved or, alternatively applied through a subsequent planning scheme amendment as soon as practicable. This would address many of the urban design and public realm issues identified by the City of Melbourne and provide for a more appropriate urban design response in conjunction with Design and Development Overlay (Schedule 10).

Amend Design and Development Overlay (Schedule 10) in consultation with the City of Melbourne to include additional requirements to: (a) ensure development does not impact on the integrity of the Hoddle Grid from views across the site from the east and south; (b) provide for pedestrian linkages across the site. This change is not required if Design and Development Overlay (Schedule 1) as proposed by Melbourne Planning Scheme Amendment C308 is applied to the site.

The Minister for Planning, in responding to the Priority Projects Standing Advisory Committee findings and recommendations, did not support⁵ the two above recommendations, arguing:

Amendment C308melb is under consideration. The merits of the inclusion of [Treasury Square] will be considered as part of this subsequent amendment and will not form part of C370melb.

The Minister ultimately did not make an active decision to apply Design and Development Overlay (Schedule 1) to the site as part of Amendment C308.

As such, Treasury Square is now zoned and controlled for intensive development, but it is the only site within the central city to which no urban design controls or policies apply. For such a significant site, this is not appropriate. The purpose of the motion is to address this anomaly.

¹ Amendment C308. Found at https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments?query=C308melb&search_mode=id#Amendments--C308melb

² Amendment C370. Found at <https://engage.vic.gov.au/glps/treasurysquare>

³ Future Melbourne Committee 26 May 2020, Report from Management and Resolution. Found at <https://www.melbourne.vic.gov.au/about-council/committees-meetings-meeting-archive/pages/council-meeting-26-may-2020.aspx>

⁴ Priority Projects Standing Advisory Committee Report: Melbourne Planning Scheme Referral No 3: Treasury Square, Melbourne. Found at <https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/1716/0731/5580/Priority-Projects-SAC-Referral-No-3-Report.pdf>

⁵ Minister's Response to the Priority Projects Standing Advisory Committee Report Number 3. Found at <https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/9316/0731/5619/Ministers-Response-to-Advisory-Committee-C370melb-MBR043528.pdf>

Part 3: What is the effect of applying Design and Development Overlay Schedule 1 to Treasury Square?

Applying Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne') to Treasury Square, as was recommended by the City of Melbourne and the Priority Projects Standing Advisory Committee, would put Treasury Square on an equal footing with all other developable sites in Melbourne and Southbank.

Design and Development Overlay Schedule 1 ('Urban Design in Central Melbourne')⁶ has as its design objectives:

- To ensure that all development achieves high quality urban design, architecture and landscape architecture;
- To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and laneways;
- To ensure that development promotes a legible, walkable and attractive pedestrian environment;
- To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm;
- To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.

The Overlay requirements include a series of mandatory and discretionary design objectives and requirements for new development, relating to:

- urban structure ('the network of main streets, streets, laneways and open spaces which define the size and shape of urban blocks');
- site layout ('the arrangement of buildings and spaces, including the position of entries, building services and circulation cores and how these elements respond to and reinforce the character of streets and laneways');
- building mass ('the three dimensional form of a building, including its scale, height, proportions and composition') noting, however, that density and height controls are not part of this control;
- building program ('the position and configuration of internal spaces to a building. This is a key urban design consideration due to the direct relationship of internal areas to the public realm');
- public interfaces ('the boundary between a building and the public realm in main streets, streets, laneways and open spaces'); and
- design detail ('the resolution of a contextually responsive building exterior that contributes to the quality of the public realm through its architectural expression, materials and finishes').

The Overlay's application requirements require plans and drawings to be submitted to a higher resolution than is otherwise required by the Victoria Planning Provisions, in recognition of the importance of architectural consideration of central city buildings.

None of the above requirements currently apply to the Treasury Square site.

One of the more contested elements of Amendment C308 was the requirement of Design and Development Overlay Schedule 1 to locate car parking either underground, or sleeved behind active uses above ground, depending on the location. It is important to note that, if Design and Development Overlay Schedule 1 were applied to the Treasury Square site, the 'sleeved above ground' car parking requirement (and not the 'underground' car parking requirement) would apply. This is because the site is outside the relevant area in Map 1 in the control. This would be an acceptable outcome for the site, noting that car parking is generally not possible below Flinders Street ground level due to the presence of major transport infrastructure, including the City Loop railway tunnels.

Mover: Cr Rohan Leppert

Seconded: Deputy Lord Mayor Nicholas Reece

⁶ Design and Development Overlay Schedule 1. Ordinance. Found at https://planning-schemes.api.delwp.vic.gov.au/schemes/melbourne/ordinance/43_02s01_melb.pdf