

Yarra Planning Scheme
Referral No 15: Aikenhead Centre for Medical Discovery
Priority Projects Standing Advisory Committee Report

Planning and Environment Act 1987

10 September 2021

Planning and Environment Act 1987

Priority Projects Standing Advisory Committee Report pursuant to s151 of the PE Act

Referral 15: Aikenhead Centre for Medical Discovery

10 September 2021

Members of the Priority Projects Standing Advisory Committee who considered this referral:



Kathy Mitchell AM, Lead Chair



Peter Edwards, Member



Andrew Hutson, Member

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Glossary and abbreviations

ACMD	Aikenhead Centre for Medical Discovery
AHD	Australian Height Datum
CBD	Central Business District
Council	Yarra City Council
DAWE	Commonwealth Department of Agriculture, Water, and the Environment
DELWP	Department of Environment, Land, Water and Planning
DFP	Development Facilitation Program
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
MPS	Municipal Planning Strategy
OVGA	Office of the Victorian Government Architect
PE Act	<i>Planning and Environment Act 1987</i>
REB	Royal Exhibition Building
the Committee	Priority Projects Standing Advisory Committee
UNESCO	United Nations Educational, Scientific and Cultural Organization
VCAT	Victorian Civil and Administrative Tribunal
VDRP	Victorian Design Review Panel
WHEA	World Heritage Environs Area
WHSP	World Heritage Strategy Plan

1 Overview

(i) Referral summary

Referral summary	
Date of referral	6 June 2021
Members	Kathy Mitchell (Chair), Peter Edwards and Andrew Hutson
Description of referral/permit	<p>Proposed demolition of the Aikenhead Building and the partial demolition of the Daly Wing and Brenan Hall Buildings at the St Vincent Hospital complex to allow for:</p> <ul style="list-style-type: none"> • construction of a 12-storey building (including roof plant and basement), to be known as the Aikenhead Centre for Medical Discovery • use of the land for a research and development and education centre, with ground floor food and drinks premises (café) • full reduction in car parking requirements of the Yarra Planning Scheme
Common name	Aikenhead Centre for Medical Discovery
Municipality	Yarra City Council
Planning Authority	Minister for Planning
Subject land	27 and 31 Victoria Parade, Fitzroy
Site inspection	5 August 2021
Parties to VCAT proceeding	<p>Yarra City Council</p> <p>St Vincent's Hospital (Melbourne) Limited (Applicant)</p> <p>Transport for Victoria*</p> <p>Museums Board of Victoria*</p> <p>National Trust of Australia (Victoria)</p> <p>Royal Historical Society of Victoria</p> <p>Protectors of Public Lands Victoria</p> <p>Fitzroy Residents Association Inc*</p> <p>Ms Elliot and Mr Hocking</p> <p>Ms O'Brien</p> <p>Ms Romanes</p> <p>*Denotes those who did not seek to be heard at the Hearing, although the Fitzroy Residents Association Inc provided an additional statement of grounds and submission (Documents 71 and 165) and the Museums Board of Victoria provided a statement of grounds (Document 166)</p>
Hearings	<p>Directions Hearing, in person, at Planning Panels Victoria, 13 July 2021</p> <p>Hearing, on-line 10, 11, 12 and 13 August 2021</p>
Information relied upon	All relevant VCAT material from file, amended plans, additional statements of grounds, evidence provided by Applicant and City of Yarra, additional submissions at Hearing, including photographs and views from the site inspection

Date of this report	10 September 2021
Citation	Referral 15: Call-in of VCAT proceeding P488/2021

(ii) Findings

The Committee finds:

Planning framework:

- State policy supports the expansion of hospital and medical facilities in key locations that provide excellent accessibility to a wide range of users.
- While being cognisant of local heritage considerations, local policy supports redevelopment and expansion of hospital facilities.
- The location of the site adjacent to the World Heritage listed the Royal Exhibition Building (REB) and Carlton Gardens is significant and must be considered in the context of its listing and the proposed review of the World Heritage Strategy Plan (WHSP).
- There is no planning or heritage reason to preclude the redevelopment of the Aikenhead Building on its existing site.

Architecture and built form:

- The architectural expression, form and scale of the proposal offers a considered balance to the competing expectations.
- The architectural expression of the proposed Aikenhead Centre for Medical Discovery (ACMD) would not create a visual distraction for any appreciation of the REB and Carlton Gardens.

Brenan Hall:

- There is a balance required between retention of the rear Brenan Hall structure (although this has been altered several times), the structural complexity of demolition to the western wall of Brenan Hall and the unknown future of what is retained in accommodating further stages of works.
- Partial demolition can be supported, subject to permit conditions that ensure the preservation and structural integrity of retained façade and section to the satisfaction of the Responsible Authority, noting Condition 7 that:
 - a revised Brenan Hall Structural Report reflecting the removal of waler beams to the exterior of the façade, subject to considerations of safety and the need to minimise penetrations to the façade.

Consideration of World Heritage Strategy Plan:

- While the Committee acknowledges the Strategy Plan review process, it is currently at the public consultation phase and little weight can be placed upon this stage of the process.
- The proposal will not result in detrimental views toward or from the REB and the Carlton Gardens.
- The proposal will not negatively impact or compromise the World Heritage listing and acknowledged values of the REB and Carlton Gardens.

Net benefit to community:

- The proposal will achieve a significant net community benefit.

(iii) Recommendation

The Priority Projects Standing Advisory Committee recommends:

- 1. The Minister for Planning recommend the Government in Council issue Planning Permit PLN20/0567, subject to the conditions contained in Appendix E.**

2 Introduction

2.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference (Document 1 and Appendix A) to:

... provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

For this matter, the Minister for Planning's letter of referral (6 June 2021, Document 2, Appendix B) tasked the Committee to:

- provide advice and recommendations on whether a planning permit should be issued, and if so, the appropriate conditions that should be imposed
- consider:
 - the Victorian Design Review Panel (VDRP) Report convened on 21 April 2021
 - the review of the World Heritage Environs Area (WHEA) Strategy Plan for the Royal Exhibition Building (REB) and Carlton Gardens
 - the relevant material provided in support of the application
 - all statements of grounds made to the proceeding
 - any expert evidence filed by the applicant, Yarra City Council, or objectors
- invite all parties to the Victorian Civil and Administrative Tribunal (VCAT) proceedings to speak to their objections and any government agency it considered would be of assistance to its deliberations.

This is Referral No. 15.

The members of the Committee that considered Referral No. 15 are:

- Ms Kathy Mitchell AM, Chair
- Mr Peter Edwards, Member
- Associate Professor Andrew Hutson, Member.

The Committee was assisted by Ms Andrea Harwood, Senior Project Manager, and Ms Georgia Thomas, Project Officer from the Office of Planning Panels Victoria.

2.2 Background to the proposal

VCAT proceeding P488/2021 relates to:

- demolition of the Aikenhead Building and partial demolition of the Daly Wing and Brenan Hall Buildings at the St Vincent's Hospital complex
- development of land for a 12-storey building known as the Aikenhead Centre for Medical Discovery (ACMD)
- use of the land for a research centre and education centre, with a food and drink premises
- full reduction in the car parking requirements at 27 and 31 Victoria Parade, Fitzroy.

The Applicant is St Vincent's Hospital (Melbourne) Limited. The Planning Authority is Yarra City Council (Council).

The original application was made to Council on 14 August 2020 and was supported by various documents. Council sought further information on 20 September 2020, which the Applicant provided on 21 October 2020. A further request for information was sought by Council on 9 November 2020, which the Applicant provided on 19 November 2020.

Notice was provided and 17 objections were received by Council. The objections principally related to heritage, height and mass of the building, visual impacts, design and materials, and the impact of the proposal on the REB and Carlton Gardens in its context as a World Heritage site.

Council referred the application to the Department of Transport, who provided support, subject to conditions.

Council referred the application internally and to external consultants Ms Brady for heritage advice and Professor McGauran for urban design advice.

On 9 March 2021, the Applicant lodged an application for review with VCAT after Council failed to determine planning permit application PLN20/0567. VCAT hearing dates were set for five days between 27 September and 1 October 2021.

The Department of Environment, Land, Water and Planning (DELWP) requested the Office of the Victorian Government Architect (OVGA) to provide an independent design review of the proposal through the VDRP. That report was provided on 21 April 2021 (Document 3).

On 27 April 2021, the Applicant wrote to the Minister for Planning requesting that he call in the proceeding from VCAT pursuant to Clause 58(2)(a) of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*.

The Minister called the proceeding in on 6 June 2021 and referred it to the Committee.

The Committee notes Council did not consider the application in time, the reason for the VCAT review. Council noted that had it considered the application in time, it would have refused the application, based on the following grounds:

- extent of demolition and absence of future identified works to sensitive areas adversely affects the significance of the heritage place
- height, articulation and massing will have an adverse impact on the World Heritage Environs Precinct and the South Fitzroy Heritage Precinct and will dominate the heritage place and surrounds
- height, setbacks, massing and design will dominate the surrounding streetscapes and will not positively respond to the surrounding context
- proposal was not developed in accordance with a strategic master plan, contrary to Clause 21.04-4 (community facilities, hospitals and medical services) and Clause 21.08-7 (Neighbourhoods Fitzroy) and the strategic plan review of the REB and Carlton Gardens, noting it is not orderly planning and is contrary to Clause 65 (Decision Guidelines of the scheme¹).

¹ Document 179, para 8

2.3 Process

(i) Directions Hearing

The Committee received the letter of referral and the VDRP report on 8 June 2021. The VCAT file was provided on 17 June 2021 and the Committee subsequently wrote to parties to the VCAT proceeding on 22 June 2021 advising of the referral and inviting them to attend a Directions Hearing at Planning Panels Victoria on 13 July 2021².

In its letter to parties, the Committee directed that all parties provide the Statement of Grounds for which it intended to rely upon at the Hearing prior to the Directions Hearing. All parties complied with that Direction.

At the Directions Hearing, the Committee directed that the heritage experts meet as a conclave and provide a statement of agreed facts and matters of disagreement. All experts complied with that Direction.

At the Directions Hearing, the Committee advised parties it would conduct an unaccompanied site inspection of the site and surrounds prior to the Hearing on 5 August 2021, and that it may undertake further inspections after the Hearing.

Several parties requested the opportunity to inspect Brenan Hall. The Applicant advised the building could not be inspected in person due to contractual construction obligations and asbestos related investigations. It was agreed that video footage of the building would be taken and provided to all parties.

After reviewing the Statement of Grounds provided by parties the Committee raised the following key issues at the Directions Hearing:

- the form of the proposed building, including height, materiality, reflection, street address
- its relationship with the REB, the Carlton Gardens and its surrounds
- consistency with State and local planning policy
- consistency with the Heritage Overlays (HO69 and HO334)
- the impact of the development on the WHEA
- demolition of rear portion of Brenan Hall (noting the façade and first 7 metres to remain)
- whether there should be a referral with regard to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- the timing and extent of the review of the WHEA Strategy Plan for the REB and Carlton Gardens.

(ii) Site inspections

The Committee convened an accompanied site inspection of relevant and accessible areas of St Vincent's Hospital on Thursday 5 August 2021. Those in attendance included the Committee, the Senior Project Manager and the Project Officer of Planning Panels Victoria, representatives of the Applicant, Council and the Hospital.

The inspection commenced with a briefing from the Chief Executive Officer of St Vincent's Hospital and then an explanation by Professor Choong of what the ACMD was seeking to do in terms of

² Document 64

new and innovative medical research. This was conducted in the Daly Wing as access to the Aikenhead Building was not possible. Professor Choong escorted the Committee and others to specialist laboratories to demonstrate where and how some of this research was being undertaken.

The Committee inspected the surrounds of the Aikenhead Building and Brenan Hall, including an internal inspection of the Hall.

The Committee, then unaccompanied, inspected the site and surrounds of the REB and the Carlton Gardens. As the REB was being used as a COVID-19 vaccination centre, the Committee did not enter the building.

The accompanied site inspection was recorded and uploaded as Document 181, from which links were provided to this footage for participants to the Hearing only.

On Day 1 of the Hearing, the Committee detailed the extent of the site inspections and made two observations about the unaccompanied inspection relevant to the proceedings. It observed that apart from understanding the significance of the REB and Carlton Gardens, the views directly to the City from the REB area were far more prominent in what could be seen of the cityscape in terms of built form than the views to the St Vincent's Hospital corner where the existing Aikenhead Building is located. It noted that such views, in its opinion would be even less visible once foliage returned to the deciduous trees in the gardens.

(iii) Hearing

The Hearing was conducted on-line through video conference on 10, 11, 12 and 13 August 2021.

It became clear from submissions and evidence that there were no traffic and access, or civil infrastructure issues that needed to be resolved. For this reason, Mr Edwards did not attend the substantive part of the Hearing, although he remained an active member of the Committee. His absence from the Hearing was raised on Day 1 and no party took issue with that.

Due to technical difficulties, the Committee provided objectors Elliot and Hocking the opportunity to supplement their submissions further in writing³.

At the end of the Hearing, the Committee required additional information from the Proponent and Council, all of which were provided on 18 August 2021⁴.

There were no procedural matters raised at the Hearing that required a written ruling.

The Committee thanks all parties and objectors for their contribution to this process.

2.4 The proposal

(i) Initial plans

It is proposed to demolish the existing 11 storey Aikenhead Building, the Daly Wing infill building and to part demolish Brenan Hall (but retain the facade and first 7 metres) and construct a 12-storey building (essentially utilising the existing footprint of the Aikenhead Building) to include the following:

³ Documents 231 - 233

⁴ Documents 234 - 238

- Ground floor – food and drinks premises and Education Centre
- primary pedestrian entrances from Nicholson Street and Victoria Parade, reception area from Nicholson Street and an architectural feature created by a cantilevered Lecture Theatre projecting above the Nicholson Street pedestrian entry
- open atrium space containing a staircase will provide internal west facing light court, extending for 10 floors
- Levels 2 to 7 - AMCD research and development functions, including laboratories, education centre and large lecture theatre
- Levels 8 to 11 – to be used by St Vincent's Hospital for health and community hospital purposes
- Level 12 will contain plant equipment and services, including exhaust flues
- 68 bicycle parking spaces and end of trip facilities in the basement
- loading accessed from private laneway, with dedicated goods lift
- no on-site parking (exemption as part of the permit application).

It is noted that the new building is to be 12 storeys and the existing building is 11 storeys, however the floor to ceiling heights are 4.45 metres which will make the new building some 15 metres taller than the existing.

(ii) Amended plans

In response to a review of the original plans and the report of the VDRP, the Applicant circulated amended plans. In summary, this included the following changes:

- revised dimensions to improve connection from external elements to pedestrians using the northern laneway canopy
- changes to the lift overrun
- additional visitor bicycle spaces
- articulated panels integrated into the north and eastern façade and seating integrated into the planter adjacent to the Victoria Street entry on Level 1
- southern façade cut out and extended to the west on Level 1
- southern facade Level 6 planter widened
- Level 11 atrium stair added.

3 Site and planning context

3.1 The review site

The site is located within the St Vincent's Hospital Complex at the north-east corner of the Victoria Parade and Nicholson Street intersection in Fitzroy. The site is opposite the REB and Carlton Gardens which are inscribed on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List.

The site has a frontage of approximately 70 metres to Victoria Parade and 30 metres to Nicholson Street, with a land area of approximately 2,360 square metres. The review site is occupied by three buildings, these being

- Aikenhead Building at 27 Victoria Parade
- Brenan Hall at 31 Victoria Parade
- Daly Wing Infill Building at the rear of Brenan Hall at 31 Victoria Parade.

The existing building is 11 storeys high and includes roof plant and equipment. It was built in the late 1950s and is currently unoccupied due to its now poor condition. As the Applicant described:

The building is no longer fit for purpose that might be relevant to a State significant medical or education Precinct. ... it is physically deteriorating and in overall poor condition⁵.

Likewise, Brenan Hall is in a poor state of repair and is currently unused. The original west wall was removed to facilitate construction of the Aikenhead wing and is structurally dependent on the Aikenhead Building. The east wall is compromised by the demolition of the Druids wing.

Key locational attributes of the site include:

- its immediate proximity to the Central Business District (CBD) of Melbourne
- it sits at the junction of two major arterial roads (Victoria Parade and Nicholson Street)
- it has excellent public transport connectivity, including tram lines along Victoria Parade and Nicholson Street, and diagonally opposite Parliament Station
- it is across the road from the Carlton Gardens, as well as being in close proximity to the Parliament Gardens.
- it is located within the State significant St Vincent's Hospital and Australia Catholic University Health and Education Precinct (East Melbourne/Fitzroy).

The location of the site in the context of the REB, Carlton Gardens and within the St Vincent's hospital complex is shown in Figure 1.

⁵ Document 178, para 53

Figure 1 St Vincent's Hospital Complex and Royal Exhibition Building and Carlton Gardens



Source: Document 31

3.2 Planning framework

The key provisions of State and local planning policy are set out in Appendix D. In summary, the Committee finds:

(i) State and local policy

State policy supports major clusters of hospitals and education facilities of State significance in locations accessible by public transport. This site is clearly one such location. Plan Melbourne specifically acknowledges this through Policy 1.1.4, which notes *“Major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth. These precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities”*. Co-location is encouraged, as is enhanced public transport opportunities. The Policy goes on to note *“specialised economic functions should be reinforced, but there should also be opportunities to provide ancillary retail, commercial, accommodation and supporting services”*.

Similarly, local policy supports the ongoing operation of the St Vincent's Hospital complex in this location. The site sits at the very edge of the boundary of the City of Yarra and juxtaposes with the REB and Carlton Gardens and the northern edge of the CBD of Melbourne. It has excellent

accessibility to train, tram and bus connections, as well as car access through its location on major arterial roads. That various buildings in the whole of the St Vincent's Hospital complex will be redeveloped over time is evident due to the age of the Hospital.

The site is directly opposite the Carlton Gardens and approximately 270 metres to the REB, both of which are World Heritage listed. The site forms part of the South Fitzroy Heritage Precinct Heritage Overlay (HO334).

Due to its location opposite the World Heritage site, the proposal needs to be cognisant of relevant State and local policy, and in this case, World Heritage considerations. There is no disputing the significance of the heritage status of the REB and the Carlton Gardens.

Importantly, the decision to include the REB and the Carlton Gardens in the UNESCO World Heritage list was made in the full knowledge of the existing built form in and around the heritage site, including the St Vincent's Hospital complex, noting that many of these buildings are aged and in time, will be replaced. That this complex exists and will continue to be a major Hospital of State significance clearly did not impact on that initial listing.

Nor did it cause the Heritage Council concern when it held a public Hearing to review the initial listing and in finalising the boundaries, where it recommended the St Vincent's Hospital site be transferred from the area of 'greater sensitivity' to and areas of 'lesser sensitivity'. In its report, that Committee noted:

The Committee has formed the view that the location of these sites at the southern edge of the world heritage site, the existing multi-level buildings that occupy then and any redevelopment that may occur on the site will not diminish the world heritage values of the REB and the Carlton Gardens, including the impact of any overshadowing on the southern part of the gardens⁶.

In that same report, that Committee noted it was cognisant of the need to ensure that presentation at street level through any redevelopment was critical to create an engaging pedestrian environment.

(ii) Zones and overlays

The site is located in the Public Use Zone Schedule 3 (Health and Community) which recognises public land for public utility and community services and facilities. That zone provides for associated uses are consistent with the intent of the reservation or purpose for the land. Some aspects of the proposal require a planning permit (education centre, food and drinks premises and research and development centre) under the provisions of this zone.

The site abuts a Road Zone Category 1 and the lecture theatre projection associated with the education centre requires a permit as it overhangs Nicholson Street.

The site is subject to the Heritage Overlay (HO334 – South Fitzroy Precinct). The HO334 Statement of Significance associated with the HO334 listing categorises 27 Victoria Parade (Aikenhead building) as non-contributory and 29 Victoria Parade (Brenan Hall) as contributory.

The site abuts, but is not subject to, HO361 (World Heritage Environs Area Precinct). Both heritage listings attracted considerable evidence and discussion at the Hearing. Brenan Hall has some local

⁶ Heritage Council Committee Report, April 2009, page 18

heritage significance to Yarra, but it is not identified in the Planning Scheme as having individual significance in HO334.

Brenan Hall was considered by the Heritage Council for inclusion on the Victorian Heritage Register in 2011, but concluded the place was not of State cultural significance and did not warrant inclusion.

The site is further subject to Design and Development Overlay Schedule 2 (Main Roads and Boulevards); Specific Controls Overlay (Schedule 7); and Development Contributions Plan Overlay (Schedule 1); none of which were discussed or raised as key issues at the Hearing.

The Committee notes a permit is required for demolition, and building and works under the Heritage Overlay and for building and works under the Design and Development Overlay.

The Development Contributions Plan Overlay does not include exemptions for the proposal, and it is noted the permit conditions have a requirement for a development contribution, however the detail of that was not raised as an issue nor was it discussed at the Hearing.

Clause 52.06 relates to car parking, and, given the location of the site on the Principal Public Transport Network Area, Column B rates apply. A total of 348 spaces for parking was calculated by Council for this proposal, but the permit application sought an exemption for all spaces, which Council agreed to. No issues were raised about this at the Hearing.

The proposal is consistent with the use of land for a Public Use Zone being an A1 tertiary hospital located in a designated Health and Education Precinct that provides local, State and national health services.

(iii) Other planning issues

One of Council's grounds of refusal was that the proposal was not prepared in accordance with a master plan, which it noted, was contrary to the provisions of Clauses 21.04-4 and 21.08-7.

The Applicant advised there is no master plan for the site, and in response to a request for clarification from the Committee, advised one is not intended to be prepared.

Council contended the uncertainty of any outcome for Brennan Hall "*... is a clear example of the impact of the failure to provide a master plan and the impact of this in terms of orderly planning*". Council noted:

Further, the absence of an integrated planned approach to the site adds to the practical merit in allowing the consideration of the amended strategy plan before the approval of this application⁷.

In its submissions, however, Council noted that while the Planning Scheme through policy desires a master plan, there is no Development Plan Overlay or Incorporated Plan Overlay for the site that mandates such a plan be prepared.

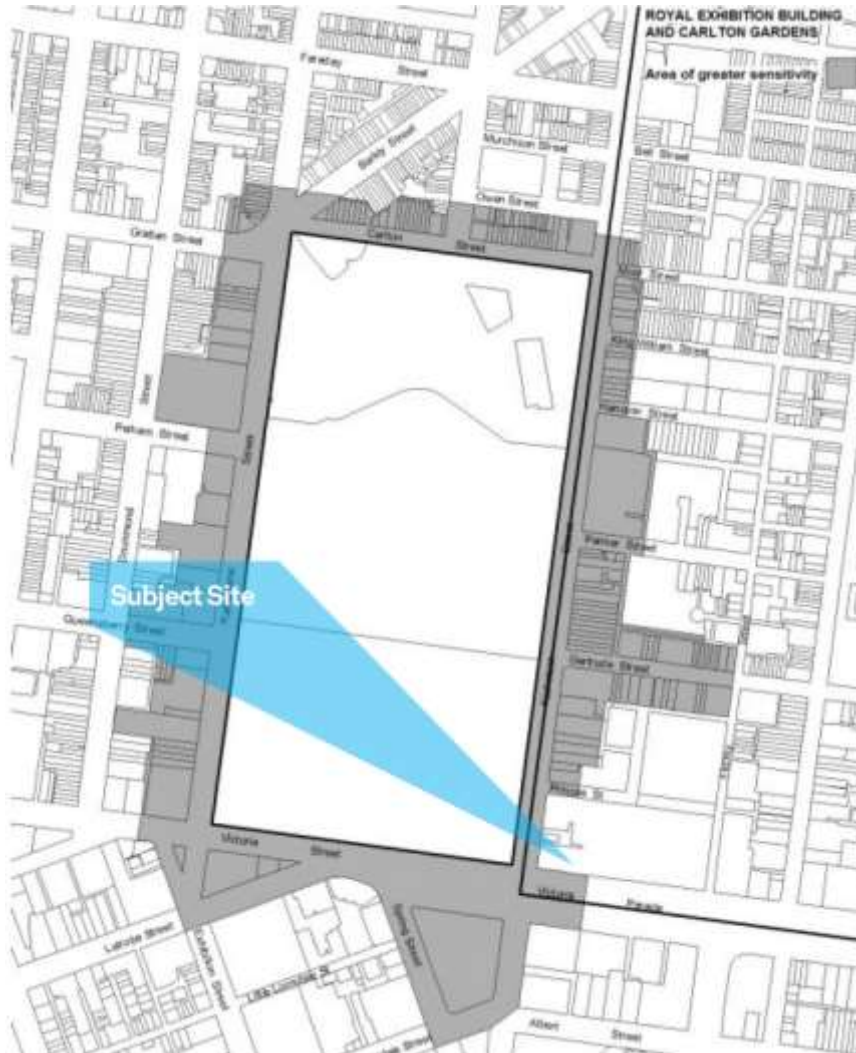
3.3 World Heritage Environs Area

The REB and Carlton Gardens located directly opposite the site were listed on the UNESCO World Heritage List on 1 July 2004. The subject site is surrounded by the WHEA to the north, west and south, however the subject land itself (and the entire main St Vincent's Hospital complex) is not

⁷ Document 178, para 180

included within the Area of Greater Sensitivity identified in the World Heritage Strategy Plan (WHSP) (see Figure 3). As such, development of the site does not trigger the policy guidance required for the WHEA Area of Greater Sensitivity, but due to its close proximity to the site, issues of heritage and historic character should be considered.

Figure 2 World Heritage Environs Area



Source: Document 14

The WHEA was established as a buffer zone to preserve the historic character, views and vistas of the REB and Carlton Gardens.

As a place included in both the Victorian Heritage Register and the World Heritage list, the REB and Carlton Gardens must have a Strategy Plan in accordance with the *Heritage Act* 2017. A review of the WHSP for the REB and Carlton Gardens went on exhibition on 16 July 2021, due to close on 14 September 2021. Consultation was extended to 24 September 2021 and this is further discussed in Chapter 4.3.

3.4 Findings

The Committee finds:

- State policy supports the expansion of hospital and medical facilities in key locations that provide excellent accessibility to a wide range of users.

- While being cognisant of local heritage considerations, local policy supports redevelopment and expansion of hospital facilities.
- The location of the site adjacent to the World Heritage listed the REB and Carlton Gardens is significant and must be considered in the context of its listing and the proposed review of the WHSP.
- There is no planning or heritage reason to preclude the redevelopment of the Aikenhead Building on its existing site.

4 The issues

The key issues to be resolved in relation to the planning permit application for the Aikenhead Building are:

- the architecture and built form of the proposal
- the extent of demolition of Brenan Hall
- consideration of the World Heritage Strategy Plan
- the net benefit of the proposal to the community of Melbourne and Victoria.

4.1 Architecture and built form

(i) Submission and evidence

Applicant

The Applicant presented material that supported the proposed building form, height and massing, façade articulation and material selections. The Applicant relied on amended drawings for the proposal (dated 16 July 2021) which had a range of changes mainly related to the architectural expression of the elevations.

The height of the proposed ACMD building is nominated as 93.450 metres AHD in the Denton Corker Marshall Design Report dated 18 November 2020⁸. The proposed AHD compares with:

- 92.22 metres to the top of the REB dome
- 95.00 metres for the St Vincent's Main Hospital Inpatient Services Building
- 129.5 metres for the AXA Building at 8 Nicholson Street, which is on the opposite south corner from the review site
- 114.5 metres for the Orica Building at 1 Nicholson Street, which is south of the AXA Building.

The height of the proposed ACMD building from the footpath level on Nicholson Street is approximately 53.85 metres, (being 14.84 metres higher than existing cream brick Aikenhead building)⁹.

The Applicant's opening submission described the site as prominent and expected to host a significant building with presence and distinction. It noted the site as a 'transitional' location being at the boundary between the CBD, St Vincent's Hospital Campus, Carlton Gardens and greater Fitzroy. The Applicant submitted it was important to see the proposed ACMD building, with its simple expression, as holding the important corner location¹⁰.

Mr O'Dwyer provided urban design and architectural evidence to support the height, scale and massing of the proposed ACMD building¹¹. His report was based on drawings from the original application, not on the amended drawings. His subsequent verbal evidence and responses to questions and cross-examination referenced the amended drawings.

⁸ Document 31, pages 72 - 74

⁹ Note while both buildings are 12 storeys; ACMD building has greater floor to ceiling heights of 4.45 metres

¹⁰ Document 178, paras 125 - 128

¹¹ Document 135

Mr O'Dwyer noted existing and proposed buildings of similar and higher scale along Victoria Parade and within the broader neighbourhoods of Fitzroy and Collingwood as being indicators that the proposed scale of the ACMD would not be unusual in the areas to the north and at the edge of the CBD.

In his evidence statement, Mr O'Dwyer supported the design and choice of materials. He expressed confidence that the issue of reflectivity could be addressed. In verbal evidence in response to questions, Mr O'Dwyer confirmed that reflectivity of elevations of the amended proposal would be a maximum of 15 per cent, which he concluded was appropriate, noting it was at a lower reflectivity than had been previously accepted in recent approvals in Yarra.

In response to questions, Mr O'Dwyer stated the proposal would be a less dominant form than the Aikenhead Building due to the use of lighter glass and metal panels compared to the existing brick materials. He observed that in response to urban design aspects, the proposal would appropriately mark the corner of the significant streets of Nicholson Street and Victoria Parade due to its singular form and architectural quality.

Further questions were centred on the whether the current design would impact on the heritage context of the site due to form and architectural expression. Mr O'Dwyer responded that the architecture in both the previous and amended proposals demonstrated a quiet expression that would not impact on the appreciation of the REB and Carlton Gardens, and there was no need for a change in form, height or scale. The changed elevation treatment of the amended proposal with its altered patterns, materials and reflectivity would, he said, present a more muted expression than the previous proposal.

Mr O'Dwyer did not specifically comment on heritage issues. With regard to the proposed partial demolition of Brennan Hall, he deferred to the heritage expertise of others.

Ms Ring provided expert planning evidence and included comments on the architectural form of the proposed building:

The proposed development and related buildings and works, which I consider to be visually engaging and of high quality, respond appropriately to built form, urban design, heritage, and public realm policies to the extent that it will not dominate either the heritage place, the Royal Exhibition Building and Carlton Gardens, or Victoria Parade, and it successfully activates the adjacent street frontages.

I am satisfied with the visual presence at this southwestern corner of the St Vincent's Hospital Campus, and that the proposed buildings and works will not have any unreasonable or unacceptable planning impacts ¹²

At the Direction of the Committee, the heritage experts participated in a conclave. This resulted in Mr Lovell and Mr Raworth agreeing on all issues, with Ms Brady holding different views on some matters, including¹³:

- the proposed height of the ACMD building should be reduced to match that of the existing Aikenhead Building
- the degree of reflective material on the facades had not been resolved
- while accepting that the site had landmark potential, this should not override heritage impact considerations

¹² Document 133, paras 24, 25

¹³ Document 176

- while agreeing that primary sensitive views to the REB and Carlton Gardens would not be impacted by the proposal, views from the REB and the gardens to the immediate context of South Fitzroy were sensitive and should be considered
- the partial demolition of Brennan Hall was not resolved.

The heritage experts accepted the Draft WHEA review, currently on consultation, should be given some consideration, but agreed it lacked the weight of a seriously entertained policy document.

In response to a request from the Committee, the Applicant provided a post-closing submission that addressed the issue of the impact on the ACMD if three storeys were to be removed as proposed by Ms Brady¹⁴. The Applicant believed the impact would be detrimental to the project for the following reasons:

- urban design impacts, in that a truncated building would be inferior architecture and urban design to the current proposal
- lost opportunity to deliver health, education and medical services within a precinct identified as being of State significance for such uses
- economic impacts to the community, because of the lost opportunity to generate jobs and economic activity in emerging and traditional industry sectors that are critical to the economic prosperity of the State and the municipality
- impacts on the ability of the Applicant to fund the project and the research to be conducted within it¹⁵.

Council

The Council submission outlined that the height, articulation and massing of the proposed ACMD building would have an adverse impact of the significance of the WHEA and the South Fitzroy Heritage Precinct. Council contended it would dominate the heritage place and its surrounds¹⁶.

Its submission stated the proposed building was significantly higher and of different materiality than the existing Aikenhead building and that it would present a different form from the existing building to the corner context and its immediate setting.

The Council submission cited Professor McGauran's urban design advice, who was not asked to provide expert evidence. The Council submission did not include any comments by Mr McGauran regarding height and massing, noting that remarks concerning the inability to read the building in the round have, according to Council, been partially addressed in the amended plans¹⁷.

The Council submission raised concerns regarding some overshadowing of the public realm and cited Prof McGauran's report, and in particular additional shadowing to the Victoria Parade tram stop¹⁸.

Council argued the proposal should be considered against the heritage context of the WHEA and the South Fitzroy Precinct Heritage Overlay (HO334). In this regard, Council relied upon the heritage evidence of Ms Brady, who summarised her opinion about the proposed ACMD:

¹⁴ Document 235

¹⁵ Document 235, para 11.

¹⁶ Document 179, page 29

¹⁷ Document 179, paras 163-165

¹⁸ Document 179, para 170

Regarding the proposed ACMD building, the height and architectural expression of the building, including the reflective external materials, are not acceptable in this location. The latter has sensitivity deriving from being in this area of Fitzroy and the South Fitzroy Precinct, with proximity to the Royal Exhibition Building and Carlton Gardens and the World Heritage Environs Area Precinct (HO361), and an association with the broader World Heritage Environs Area.

A new building of lesser scale which more closely aligns with the height of the existing Aikenhead Wing, and one with a 'quieter' and more tempered architectural expression is strongly preferred on heritage grounds¹⁹.

This was expanded in her evidence statement, but without clarification as to what constituted an acceptable 'quietening of the expression'.

During Ms Brady's verbal evidence and cross-examination, she confirmed that an acceptable lesser scale for the proposed building should be at or near the height of the existing Aikenhead Building.

Victorian Design Review Panel

At the request of the Minister for Planning, the Office of the Victoria Government Architect reviewed the proposal for the subject site and provided a report through its VDRP on 5 May 2021. The review was based on various reports and the initial drawings dated 6 August 2020.

The report referenced the following supporting documentation:

- Heritage Impact Statement, Lovell Chen
- Sustainable Management Plan, LCI Consultants
- Town Planning and Urban Context Report, Contour
- World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens, October 2013
- Review of the Royal Exhibition Building and Carlton Gardens World Heritage Management Plan, Discussion Paper, DELWP, 2020.

The summary of the issues raised by the VDRP are as follows:

- a comprehensive masterplan for the entire St Vincent's Hospital campus was needed to understand the future built vision for the precinct and the role of the ACMD within it
- it saw value in the retention of Brennan Hall and recommend further exploration of how the proposal might leverage from its cultural and institutional significance and its formal 'difference'
- while the VDRP could in principle accept the height, mass and 'object' status of the concept, it was critical that the proposal does not set a precedent for the remaining campus regarding height, mass and materiality
- the architectural language, façade expression and detailing required further consideration and articulation
- if this building is to signify the corner, it needed to be considered in the round, with all four façades needing to be acknowledged and detailed
- it expressed concern about the proposal's 'commercial' design language and considered the departure from its existing site character needed to be more convincing to read clearly 'not commercial'.

¹⁹ Document 154, page 4

Objectors

The issues raised by objector submissions were in general, concerned that the height and architectural expression of the proposal would have a detrimental impact on the heritage appreciation and values of the WHEA and the South Fitzroy Heritage Precinct. Many objector submissions included arguments regarding the proposal to partially demolish Brenan Hall (see Chapter 4.2).

Ms Watson for the National Trust submitted the height, design and materiality of the proposed ACMD building would be an intrusive addition in its context and would dominate the WHEA. She submitted the height should be reduced to that of the existing Aikenhead Building and that the design would detract from the prominence of the REB²⁰.

Ms Romanes recommended the proposed building should improve the streetscape and not exceed the current height of the Aikenhead Building.

Professor Sowerwine considered the height of the proposal to be excessive and the architectural expression to be inappropriately visually striking. He submitted the proposal would be harmful to the world heritage values of the REB and Carlton Gardens area.

Ms Bell's key grounds for opposing the development related to heritage issues and excessive height and bulk.

Ms O'Brien submitted the ACMD proposal would be overpowering and distracting and would be alien, visually reflective, and disconnected from the adjacent heritage buildings. She said it would tower over the Carlton Gardens. Ms O'Brien made a number of suggestions to alternative approaches to the design which, while of interest, cannot be considered by the Committee in its assessment of the amended proposal before it²¹.

Museums Victoria submitted that the Committee consider how the height and bulk proposal will impact on cultural heritage of the REB, and take heed of the current review of the WHSP²².

The Fitzroy Residents Association was unable to present at the Hearing and made a further written submission that urged the Committee to recommend refusal of the application. In particular, that the height, mass and design of the proposal would have a detrimental impact on the WHEA and the South Fitzroy Heritage Precinct, and that the proposal lacked ambition to achieve high order measures of sustainable performance²³.

(ii) Discussion

The Committee considers the height, form and massing of the proposed building is appropriate given the urban context of the site. The site is at a prominent corner of two significant streets. Being on the northern side of Victoria Parade, it is physically separated from the southern side and the CBD to the south-west. It occupies a place within the current and emerging context of Victoria Parade which has seen, and anticipates, buildings of similar or higher scales fronting onto the street. In this regard the Committee agrees with the evidence of Mr O'Dwyer.

²⁰ Document 220

²¹ Document 212

²² Document 166

²³ Document 165

Further, the site is at the southern end of the Fitzroy section of Nicholson Street. This streetscape has a built form for much of its length to the north that reflects the pattern and scale of two-three storey Victorian era buildings. Relative to this streetscape, the existing Aikenhead Building with a street wall of eleven storeys, is an abrupt change of scale and architecture. This building reflects the larger scale configuration of buildings in the hospital campus that presents as clearly separate from the lower scale sections of South Fitzroy. The distinctly different scale of the current building, and the adjacent hospital buildings, enables the accommodation of a new building of a significantly different scale and architectural expression to the northern portion of streetscape and to the broader Fitzroy context.

For these reasons, the Committee considers the proposed scale and design is appropriate for this site.

The architectural expression of the proposal, as reflected in the amended plans, would provide glass and metal cladding materials that would have a nominated maximum reflectivity of 15 per cent, which is sufficient to reduce issues and concerns regarding sun glare.

The Committee considers the architectural expression has attempted to balance three aspects:

- the importance of the scientific and research nature of the ACMD
- the urban prominence of the corner site
- Council and objector concerns, that an eye-catching expression could distract from the primacy of the REB.

The architects have created elevations that incorporate metal cladding with greys and metallic finishes incorporated with glazing panels, all set within a mosaic of equally sized square panels. The configuration enables the building to be read with consistency in the round with the colours and materiality contributing to a calm visual expression. Articulation of the individual panels allows the design to read as a singular object with a formal quality appropriate in scale for the urban expectations of the site. This object like status of the design is reinforced by the large-scale cut-outs to the west and south elevations. The angling of the panels to the facades creates a level of detail and visual articulation that elevates the design from a standard commercial glazed curtain wall expression to a building that would indicate the specific nature and identity of the ACMD.

The scale and architectural expression of the proposed ACMD would not have a domineering or detrimental impact on the heritage values of the WHEA and the REB and its dome. Its visual separation from the Carlton Gardens, and its peripheral position in respect to views towards the REB and muted material palette would not create a visual distraction from the WHEA.

The Victoria Parade tram stop to the south of Carlton Gardens would have additional shadow cast by the proposal between 9.00am and 10.00am at the equinox. Given the current circumstances of potential shade cast by trees and the tram shelters, this is not considered to be a significant impact on the public realm.

(iii) Findings

The Committee finds:

- The architectural expression, form and scale of the proposal offers a considered balance to the competing expectations.
- The architectural expression of the proposed ACMD would not create a visual distraction for any appreciation of the REB and Carlton Gardens.

4.2 Brenan Hall

Brenan Hall is an existing structure abutting the east wall of the current Aikenhead Building. The proposal is to demolish all but the street façade and 7 metres of building and to provide temporary structural framework to support the facade.

(i) Submissions and evidence

Applicant

The Applicant acknowledged that Brenan Hall has local significance only to the City of Yarra and has no individual significance within HO334²⁴. There was no dispute the building has been modified and altered.

The Applicant advised the original west wall was removed to facilitate construction of the Aikenhead Wing and that the current hall is structurally dependant on Aikenhead. The hall's eastern wall had recently been compromised due to the demolition of the Druids Wing and it requires structural propping that would be heavily compromised with the demolition of the Aikenhead Wing²⁵.

The Applicant provided a Technical Note by ARUP Engineers that confirmed the requirement for propping to the east wall and that the west wall structural integrity is dependent on the Aikenhead wall²⁶.

The Applicant submitted the proposal to partially demolish Brenan Hall should be supported by the Committee to enable the development to proceed.

With regard to the proposed partial demolition of Brenan Hall, Ms Ring's evidence noted:

To the extent that partial demolition of Brenan Hall is proposed and partly conflicts with heritage policies and controls, it is acceptable when weighed with other policies relevant to the application in favour of net community benefit for present and future generations²⁷.

Both of the Applicant's expert heritage witnesses agreed that partial demolition of Brenan Hall was acceptable and consistent with relevant heritage policy²⁸.

In evidence, Mr Lovell noted the contributory heritage grading of Brenan Hall. The infill section at the rear of the building has no grading.

Lovell Chen (formerly Allom Lovell) prepared the St Vincent's Heritage Appraisal in 2003, which, in relation to Brenan Hall, previously advised²⁹:

Demolition of the building is not acceptable. The façade remains substantially intact and should be retained and conserved to the extent of original fabric. Reconstruction of missing original external fabric to the façade would be desirable. The preferred approach to the interiors would be one that retained open plan. Generally, new interior works should have a minimal impact on original fabric and should be reversible. The interior of the building was not inspected.

²⁴ Document 178, paras 58, 59

²⁵ Document 178, paras 59, 60

²⁶ Document 206

²⁷ Document 133, para 23

²⁸ Document 176, page 2

²⁹ Document 136, paras 15, 20

Mr Lovell gave evidence that the Heritage Council of Victoria has previously determined Brenan Hall was not of cultural heritage significance to the State of Victoria and did not warrant inclusion in the Heritage Register³⁰.

He advised that, with the advent of time, more recent inspections of the interior of Brenan Hall revealed structural incursions and modifications had occurred. Mr Lovell advised the state of the western wall was unknown. If the building was to be retained, he indicated potentially significant repair and rebuilding would be required. He concluded the proposed retention of the façade and the first 7 metres of the hall would be acceptable in respect of its heritage value³¹.

In response to cross examination from Ms Porritt, Mr Lovell stated it would be paramount that the remnant of Brenan Hall is secured, made weatherproof and properly managed to avoid further degradation.

Mr Raworth agreed with Mr Lovell regarding the heritage status of Brenan Hall³². He gave evidence that the proposal to partially demolish Brenan Hall would still enable sufficient fabric to be retained to maintain the significance of the building, its streetscape presentation and its contribution to HO334. Mr Raworth supported demolition of the rear of the hall and that retaining the façade and 7 metres of hall, would be sufficient to maintain the contributory significance of the building.

In cross examination, Mr Raworth confirmed there was no heritage control on the interior of the hall and that the present (interior) appearance did not retain any 19th century character.

In the post-closing submission in response to questions from the Committee, the Applicant addressed the protection and maintenance of the retained section of Brenan Hall³³. The Applicant stated that the draft permit conditions relating to Brenan Hall would cover the issues of protection and structural integrity of Brenan Hall and would include the revision of a Structural Plan addressing the removal of the waler beams from the exterior of the façade.

Council

The Council submission raised a primary concern about Brenan Hall regarding the extent of demolition and whether the proposed interim solution was appropriate. The submission cited that Brenan Hall is a contributory building in the Yarra Planning Scheme³⁴.

Council submitted retention of the façade and 7 metres of the hall, as an interim measure until further stage 2 proposals to occupy the site are made with review of potential for full demolition pending authority approval, essentially leave the future of Brenan Hall in limbo. It submitted that a failure to ensure the protection and restoration of the hall would be inappropriate³⁵.

Ms Brady gave evidence that the partial demolition of Brenan Hall was generally acceptable but its outcome for the proposed building and ongoing structural integrity, future viability, and use needed to be resolved³⁶. In the signed conclave with the other heritage expert witnesses, Ms Brady offered qualified agreement whether partial demolition was appropriate:

³⁰ Document 136, para 82

³¹ Document 136

³² Document 134, para 12

³³ Document 235

³⁴ Document 179, paras 134, 135

³⁵ Document 179, paras 140 - 143

³⁶ Document 154, page 4

The extent of demolition is at the limit of what might be considered acceptable, given the unresolved outcome for the building and its future, including its temporary structural support and largely unfinished state at the completion of the development.

In response to a question from the Applicant, Ms Brady said the unresolved nature of the next stage means a permit for demolition should be refused, while agreeing that a temporary outcome could be acceptable.

Objectors

The National Trust objected to the partial demolition of Brenan Hall due to its National Trust classification as a place of National Significance and its grading as contributory to HO334. She submitted that part of the historical significance of the place is embodied in the internal volume of the hall. Ms Watson expressed concern that if the partial demolition proceeded, the retained portion of the building will result in an unresolved condition and a poor heritage outcome³⁷.

Ms Elliot and Mr Hocking provided an extensive submission to support the complete retention of Brenan Hall. They believed the structural and cultural heritage significance of Brenan Hall had substantial grounds to refuse a permit for its partial demolition. In their submission, they were not convinced that partial demolition was essential to allow for the future construction of the proposal on the site.

Ms Elliot and Mr Hocking contended that partial demolition of Brenan Hall, without plans for its future integration into further hospital redevelopment, was pre-emptive and that it reduced future 'stage 2' options. They were not convinced the structural integrity of the current hall could not be maintained after demolition of the Aikenhead building³⁸.

Professor Sowerwine stated that the partial demolition of Brenan Hall should not proceed until serious consideration was given to its heritage significance. He expressed concern that the new structure to be applied to support the façade would be a 'disfigurement'. Further, he was concerned about the uncertain future of the retained section of the hall, including the option to consider full demolition in the future³⁹.

Other submitters focussed more on the impact of the proposed ACMD building and where there were remarks regarding Brenan Hall, they generally supported its full retention.

(ii) Discussion

The three heritage expert witnesses generally agreed that it would be acceptable for part of the hall to be demolished with the retained street elevation and some of the hall behind.

The difference between the experts was the caveat by Ms Brady that without a future plan, it would be difficult to assess how the remnant Brenan Hall could be incorporated into future buildings. Ms Brady questioned the impact this might have on heritage values.

The Applicant acknowledged the lack of a plan going forward but believed the fate of the remnant hall should be part of future considerations and approvals.

The Committee concurs with the Applicant that Brenan Hall could be partially demolished. The heritage value of the contributory building would be retained with retention of the façade and 7

³⁷ Document 220

³⁸ Document 226

³⁹ Document 207

metres of structure behind is generally sound. The Committee acknowledges the complexity of the demolition of the Aikenhead building and the resulting structural problems with Brenan Hall means that the proposed modifications to the Hall should occur in concert with the demolition of Aikenhead.

(iii) Findings

The Committee finds:

- There is a balance required between retention of the rear Brenan Hall structure (although this has been altered several times), the structural complexity of demolition to the western wall of Brenan Hall and the unknown future of what is retained in accommodating further stages of works.
- Partial demolition can be supported, subject to permit conditions that ensure the preservation and structural integrity of retained façade and section to the satisfaction of the Responsible Authority, noting Condition 7 that:
 - a revised Brenan Hall Structural Report reflecting the removal of waler beams to the exterior of the façade, subject to considerations of safety and the need to minimise penetrations to the façade.

4.3 Consideration of the World Heritage Strategy Plan

(i) Submission and evidence

Applicant

The 2009 WHSP for the REB and Carlton Gardens is a reference document under Clause 22.14 of the Planning Scheme. The WHSP was distinguished into Areas of Greater Sensitivity and Area of Lesser Sensitivity. The Applicant submitted the site was excluded from the area of greater sensitivity and was therefore beyond the remit of Clause 22.14.

The Applicant noted the review of the WHSP for the REB and Carlton Gardens WHEA was recently placed on public consultation. It contended that at this early stage of the review process, could not be described as “*a seriously entertained planning proposal*”, a position which it said, carried little weight in considerations for this matter⁴⁰.

Ms Ring cited Council’s Landmark and Tall Structures policy at Clause 22.03, which she noted was aimed at retaining important landmarks and view lines and ensuring that new tall structures add to the interest of Yarra’s urban form and skyline. That policy anticipates development:

... should protect the views to the drum, dome, lantern and flagpole of the World Heritage Listed Royal Exhibition Building seen from the footpath on the south side of Gertrude Street and along Marion Lane, west of Fitzroy Street.

This was further cited in Clause 22.14 (Development Guidelines for Heritage Places in the World Heritage Environs Area), the objectives of which seek:

- To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.
- To maintain and conserve the significant historic character (built form and landscapes) of the area.

⁴⁰ Document 178, paras 246, 247

- To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Garden.

Ms Ring's evidence reiterated the current *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens, 2009* did not include the review site within the designated Area of Greater Sensitivity and that these clauses do not apply to consideration of this proposal.

Ms Ring noted the Review of the WHSP was not complete at the time of this Committee Hearing and should not carry much weight in the Committee's deliberations.

In saying that, Ms Ring noted the draft recommendations within the review that distinctions between areas of greater and lesser sensitivity be removed and that a maximum building height for the St Vincent's campus be 46.50 metres⁴¹. The recommended height in the WHSP would result in a height for the review site at approximately 86.05 metres AHD, 7.40 metres below the height to the parapet line the proposed ACMD building.

The Applicant urged the Committee to advise the Minister for Planning "... *that having considered the preliminary nature of the review of the WHEA Strategy Plan, that the review is embryonic in nature and not of assistance in the assessment of the Proposal*"⁴².

Council

Council agreed that the WHSP cannot be considered as a seriously entertained planning policy document.

Cognisant of the review of the WHSP, Ms Brady gave evidence that the proposed building would compete with the visual prominence of the REB. She considered that the degree the proposed higher building would be seen in conjunction with views to the REB and the height and architectural expression would dominate the heritage appreciation of the REB.

As an example, during her verbal presentation, Ms Brady referred to Figure 8 in her evidence (at page 20) which showed a vantage point from the footpath on the west side of Nicholson Street, south of Victoria Parade. In this specific image, the dome can be seen emerging between trees to and the existing Aikenhead building to the side. Ms Brady's verbal submission noted how a higher ACMD building could visually compete with the view to the REB dome⁴³.

Objectors

The National Trust acknowledged that the review site location was within the area of lesser sensitivity within the WHEA. Ms Watson included some recommendations from the draft WHSP that recommends removal of distinction of greater and lesser areas of sensitivity with the WHEA and a maximum height for the St Vincent's that would replicate the maximum height of existing hospital buildings. Ms Watson further included provisions of a proposed Design and Development Overlay for the area that would require a preferred maximum height and that development include materiality influenced by its heritage setting. Ms Watson argued these proposals should be given weight in the Committee's considerations⁴⁴.

Ms Romanes generally agreed with the position of the National Trust as outlined by Ms Watson. She emphasised the importance of UNESCO Buffer zones for World Heritage sites and offered the

⁴¹ Document 133, paras 44, 45

⁴² Document 178, para 254

⁴³ Document 154

⁴⁴ Document 220

example of the Liverpool Docks being delisted as a World Heritage site due to inappropriate development⁴⁵.

In his submission, Professor Sowerwine raised issues regarding the position of the review site in the area of lesser significance but noted that position may be subject to reversal under the review of the draft Strategy Plan currently underway. He too urged that weight be given to recommendations of the draft review.

Ms Bell agreed that weight ought to be given to the current review process. She offered that the views east from the refurbished public viewing platform of the REB would be dominated by the proposed ACMD building. Ms Bell included a panoramic photo from the REB platform that showed the review site and existing Aikenhead Building in the right-hand side. Like Ms Romanes, Ms Bell referred to the delisting of the Liverpool Docks as a world heritage site⁴⁶.

(ii) Discussion

The Committee has considered the proposal against the potential impact on the World Heritage values of the REB and the Carlton Gardens and the current proposal for review of the WHSP. However, the Committee has not reviewed the actual strategy plan as that goes beyond the remit of what it is required to do.

Many of the issues raised in the context of the review of the WHSP focused on views to and from the REB and the Carlton Gardens.

The Carlton Gardens are separated from the review site by Nicholson Street and the views towards them will remain intact and would not be significantly further unobscured from vantage points beyond.

The existing Aikenhead Building currently obscures some view to the Gardens from aspects along Victoria Parade and given the view to the gardens is already blocked, the proposed building would not substantially alter these views. The Committee confirmed during site inspections that the views of the REB and its dome from outside the Carlton Gardens are prominent along specific axes, including Gertrude Street and Marian Lane to the east.

While there may be specific locations to the south of the review site that include the REB dome, these are at a distance and the separation between the review site and the dome is visually substantial.

Ms Brady provided an image from the south-east that included the REB dome and the Aikenhead building as an illustration that a higher building on the review site would visually compete and potentially dominate the REB. This view is specific and if the viewer moved a couple of metres forward or back on the footpath, the dome would be obscured by trees or the College of Surgeons building⁴⁷.

In this review, the Committee notes there are recommendations to remove the distinction between greater and lesser sensitivity in the WHEA and that it proposes a recommended maximum height of 46.5 metres for the St Vincent's campus within the WHEA, which includes the review site. The proposed height as part of this application is approximately 53.8 metres.

⁴⁵ Document 222

⁴⁶ Document 219

⁴⁷ Document 154, page 20

The Committee does not consider that common and significant views toward the REB and dome would be impacted by the proposal and it would not visually compete with or dominate the REB and dome.

The Committee does not believe that views from the REB and Carlton Gardens that include the site should be given substantive weight in considering potential impacts of the proposed building. The review site cannot be seen from the REB at ground level. As the viewer moves out of the gardens along the diagonal pathway, the review site can be seen but the view is not significant and does not differ greatly from that of the existing building. Views from the REB along main axes to the east and south do not include the review site.

Views east and south from the public viewing platform at the dome height would include the review site as part of a broad vista that includes greater Fitzroy, East Melbourne and the CBD. As can be determined from photos taken from the viewing platform, the scale and height of the proposed building would not have an impact on these views which already include substantial buildings such as the Fitzroy Housing Commission towers, St Vincent's Main Hospital, 8 Nicholson Street and high buildings to the south east⁴⁸.

In his letter of referral, the Minister for Planning requested the Committee consider the implications of the review of the WHSP for the REB and Carlton Gardens.

The proposal is replacing an existing building already of some height, and it is noted, at 7.4 metres taller than the draft WHSP recommended preferred maximum height. For the reasons expressed in:

- the Report of the Heritage Council Report of April 2009
- State policy, emphasising that Hospitals and Education Centres are essential services for all Victorians
- local heritage policy does not list Aikenhead Building as contributory.

However, with the lack of any discernible views, the Committee determines there is no appreciable impact on the current heritage values, nor is there likely to be as a result of the review of the WHSP.

(iii) Findings

The Committee finds:

- While the Committee acknowledges the Strategy Plan review process, it is currently at the public consultation phase and little weight can be placed upon this stage of the process.
- The proposal will not result in detrimental views toward or from the REB and the Carlton Gardens.
- The proposal will not negatively impact or compromise the World Heritage listing and acknowledged values of the REB and Carlton Gardens.

4.4 Other matters

Other matters raised in submissions and at the Hearing included car parking and sustainability and Matters of National Environmental Significance.

⁴⁸ Document 229

(i) Car parking

The Committee is satisfied that the full reduction of car parking (350 spaces) on site is warranted because:

- it was appropriately justified by the Traffic Impact Assessment by GTA Consultants and supported by Council's traffic engineering and planning review
- the existing Aikenhead Building does not currently provide any on-site car parking spaces
- the site is located at two major arterial roads with two tram routes
- Parliament Station is located about 200 metres to the south
- planning policy promotes reduction of car parking in areas of high public transport accessibility
- there is unlikely to be an increase in vehicle traffic generated by the new building
- the planning permit will require a Green Travel Plan
- bicycle spaces (68) and end of trip facilities will be provided.

(ii) Sustainability

The Committee is satisfied that:

- The revised proposal provides for a sustainable built form outcome.

(iii) Matters of National Environmental Significance

The letter of referral from the Minister for Planning advised the Applicant was required to finalise its obligations under the EPBC Act and that it had held meetings with the Commonwealth Department of Agriculture, Water and the Environment. The letter of referral advised:

If an action has, will have, or is likely to have, a significant impact on a matter of national environmental significance, the resulting Commonwealth approval from the Minister for the Environment required under the EPBC Act is in addition to any state or local Government approvals such as a planning permit⁴⁹.

Various objectors raised this issue and recommend a referral should be made to the Federal Minister for the Environment as they considered the proposal is likely to have a significant effect on the REB and Carlton Gardens.

This matter was addressed by the Applicant in its opening submission and tabled a letter from the Acting Assistant Secretary, Environment Assessments (Vic, Tas) and Post Approvals Branch that advised:

As a delegate of the Minister for the Environment, I have decided that the proposed action is not a controlled action. This means the proposed action does not require further assessment and approval under the EPBC Act before it can proceed. (Author of letter bolding.)

...

This decision does not affect any requirement for separate state and local government environment assessment and approval open space the proposed action⁵⁰.

On this basis, the Committee is satisfied that no further action or commentary is required.

⁴⁹ Document 2

⁵⁰ Document 189

4.5 Net benefit to community

(i) Submissions and evidence

No one objected to the use or argued that what is being proposed was not worthy. Many objectors spoke highly of St Vincent's Hospital and its place in Fitzroy. There were however differing views on where the net benefit of competing policy objectives fell between the proposal, and the location, heritage and design values of the precinct in relation to the REB and Carlton Gardens.

Applicant

The Applicant made opening submissions that the grant of the permit for the proposal would result in a significant net community benefit to present and future generations. Citing *Rozen v Macedon Ranges SC*, the Applicant submitted the key question before the Committee was whether the proposal would provide acceptable outcomes, having regard to all relevant considerations⁵¹.

The Applicant submitted the proposal was analogous to *The University of Melbourne v Minister for Planning* which applied the principles of *Rozen* and concluded the now Peter Doherty Institute would result in a significant net community benefit, outweighing the loss of the locally heritage significant Ampol House through demolition.

The Applicant submitted the proposal would have significant and indisputable benefits for public health, with respect to the education of health professionals, improved health of individuals, as well as significant economic benefits. The Applicant considered the partial demolition of Brenan Hall should be regarded as a modest negative impact, and comparatively far less than the demolition of Ampol House in *The University of Melbourne*.

In urging the Committee to adopt its submissions that the principles in the *Rozen* and *Ampol* cases, the Applicant posed:

The question it must ask is not: will this proposal achieve an ideal or even a preferable outcome? Rather, the question is simply whether the outcome is acceptable, and an outcome that achieves an overall net community benefit is necessarily to be regarded as acceptable⁵².

Ms Ring gave evidence that the proposal could be accepted as having net community benefit and that it provided an acceptable planning outcome. She considered there was very strong policy support for the proposal through its responsiveness to the policy framework including the proposals:

- location in a major health and education precinct, in a zone set aside for health and community uses
- integration with public transport
- support to innovation and creativity in a collaborative physical environment
- competitive advantage it will afford Victoria as a global leader in medical innovation with expected benefits for job growth and employment

⁵¹ [2010] VSC 583, Osborn J [171]-[177].

⁵² Document 178, para 17

- expected enhancement of teaching and learning at one of Melbourne’s five A1 tertiary hospitals
- contribution of its output to the health and wellbeing of Victorians, including its aim to reduce the cost and other burdens of illness in the community.

Ms Ring acknowledged the proposal departed from heritage policies and had some adverse impacts. However, she considered these impacts, either individually or in totality, were not of significance to warrant refusal of the application. She concluded the degrees of departure from some aspects of policy were part of an evaluation of the proposal within the broader context of policy support for health and education services in this location, which warranted considerable weight.

Council

Council sought to distinguish the assessment of this proposal from *The University of Melbourne v Minister for Planning* on the basis that there was no suggestion the existing Aikenhead building not be demolished⁵³. Council agreed with the Applicant that the outcome must be acceptable and the pursuit of ‘optimal’ or ‘ideal’ outcomes were not required.

Council concluded the net balance of benefit fell against approval of the proposal in its present form, at the proposed height and design. In reaching this conclusion, Council contended the proposal failed to sufficiently respect its context to be appropriate for approval.

Council acknowledged the use of the building and designation of the precinct as health-related purposes were a clear benefit. However, it considered the heritage and local policies, including its responsiveness to local context and location of the proposal, on balance, did not provide for a net community benefit given its location next to a world heritage site.

Objectors

The National Trust submitted:

The uncontested argued benefit of the new building from a medical research perspective does not outweigh the detrimental heritage impacts that would arise from a net community benefit perspective.

In citing the conservation objectives of the PE Act, Ms Watson concluded “*the proposed design is misaligned with the objectives of planning in Victoria having regard to it unambiguously important heritage context*”⁵⁴.

(ii) Discussion

Clause 72.02-3 of the Victoria Planning Provisions ‘Integrated decision making’ provides that:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure.

Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the

⁵³ (Red Dot) [2011] VCAT 469

⁵⁴ Document 220, para 62

benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

In considering net community benefit, the 'community' which might be positively or negatively impacted must be acknowledged. It is well recognised that planning is not about maintaining the status quo but, in accordance with the PE Act at section 4(1)(g), to balance the present and future interests of all Victorians.

The Planning Scheme requires these policy tensions be reconciled through the balancing of competing objectives in favour of net community benefit and sustainable development, for the benefit of present and future generations. In this case, the community is metropolitan Melbourne, regional Victoria and Australia.

The ACMD is a ground-breaking and nationally significant proposal. It will be Australia's first hospital-based, biomedical engineering facility, bringing together multidisciplinary professionals including clinicians, scientists, engineers and students to collaborate in the advancement of health research and medtech. The proposal's significance is demonstrated through a joint venue of nine Australian universities and medical research institutes. The facility will develop biological structures including cartilage, muscle, bone, nerves and organs, using living cells and 3D bio-printing technologies to replicate complex tissue that can address various surgical and clinical problems.

While there are some disbenefits, including impacts on local heritage through the partial demolition of Brennan Hall, the Committee considers that these remain acceptable on balance.

Despite being sited next to a world heritage site, the proposal will result in a high quality, modern built form outcome which will open up the building's interaction with the Nicholson Street and Victoria Street intersection, and vastly improve the streetscape interface.

The Committee agrees with the evidence of Ms Ring that policy support for such a major health and education service in this location warrants considerable weight. Accordingly, the Committee finds the benefits of the ACMD's research and outputs will be significant for public health and will improve the quality of life for many Victorians, Australians and possibly others internationally. The Committee believes the proposal represents an acceptable outcome that would result in an overwhelming community benefit, for current and future generations.

(iii) Findings

The Committee finds:

- The proposal will achieve a significant net community benefit.

5 Response to Terms of Reference and letter of referral

5.1 Terms of Reference

The Committee has complied with and reported on all relevant matters in accordance with its Terms of Reference, in particular Clauses 12, 13, 17, 21 and 23.

5.2 Ministers letter of referral

(i) The Victorian Design Review Panel (VDRP) Report

This report was considered by the Applicant, Council and objectors, as well as the Committee.

At its Direction, the Applicant provided a written response to the issues raised in that report, in particular (but not limited to) at paragraphs 138 to 164 in its opening submission (Document 178). Modifications were made to the built form of the proposal by the Applicant in response to the VDRP report as discussed in this report, most particularly in Chapter 4.3.

Specifically, in relation to key issues responded to by the VDRP, the changes are summarised below:

Master plan for St Vincent's Hospital Campus

The VDRP saw this as a necessary requirement but while it may be desirable, there is no requirement in the Planning Scheme to provide one prior to development of the subject site. The Committee does not see the provision of a Master Plan as a requirement or condition of planning approval.

Retention of Brennan Hall

The VDRP recommended complete retention of Brennan Hall. The Committee is not persuaded full retention is necessary due to the significant net benefit of the proposal.

Height, mass and 'object' status of the proposal

It is noted the VDRP does not have concern regarding these aspects of the proposal other than the prospect of an approved development setting a precedent for future development within the hospital campus.

In summary, the Committee finds that the height and massing of the proposed building, including its external interface will complement and value add to the site and will not detract from the REB or Carlton Gardens.

(ii) The review of the World Heritage Environs Area (WHEA) Strategy Plan for the Royal Exhibition Building and Carlton Gardens

The Committee recognises the significance of the World Heritage Environs Area Strategy Plan, and of the REB and the Carlton Gardens. The Committee notes the Strategy Plan is currently in the process of its 10 year review and that consultation is currently occurring. As with any strategic review, that alone is not significant enough to delay consideration of this proposal. Like other state or metropolitan wide strategic reviews (for example Planning Melbourne, Land Use Framework

Plans, Better Apartments Design Standards, review of various Acts and the like), all matters before a Tribunal or Panel/Advisory Committee must be evaluated on their merits based on the strategic framework and rationale currently existing and other relevant information.

There will be a significant process to follow the exhibition process for the Strategy Plan and this proposal should not be delayed on that basis.

(iii) The relevant material provided in support of the application

Significant material, including submissions, evidence, revised plans and other supporting documents were lodged by various parties and Objectors to support their submissions and evidence, resulting in 238 documents for consideration. The complete list of the documents is provided in Appendix C.

(iv) All statements of grounds made to the proceeding

The statements of grounds were appropriately considered in the various submissions of the parties and the objectors, as well as by the Committee. Most grounds raised by Objectors related to heritage implications and the height and built form mass of the proposed building.

(v) Any expert evidence filed by the applicant, Yarra City Council, or objectors

Evidence was provided in planning, heritage and built form by the Applicant and in heritage by Council. All evidence was appropriately tested and considered by parties and Objectors at the Hearing, as well as by the Committee.

6 Reasons and recommendation

6.1 Reasons

The Committee supports the planning permit application to demolish the Aikenhead Building of St Vincent's Hospital and replace it with a new purpose built building that will house the ACMD and other uses. The proposal is consistent with State and local policy that support hospitals and education uses located in accessible areas with high public transport connectivity and conglomeration of compatible uses. It would achieve a significant net community benefit.

The Aikenhead site's location adjacent to the World Heritage listed REB and Carlton Gardens is significant. The Committee recognises and respects the importance of this listing and notes the WHSP is currently being revised through a public process. However, the Committee does not consider this proposal should be delayed while that review process is ongoing, particularly as it has recently commenced.

A contemporary and modern building this location will reinvigorate the important corner perspective of Victoria Parade and Nicholson Street.

Development of the site for the purposes of medical and health research and education provides a compelling net benefit to the community of metropolitan Melbourne and regional Victoria.

Given the discussion at the Hearing and the iterative nature of the permit conditions, the Committee supports the final conditions as modified by the Applicant provided in Appendix E.

6.2 Recommendation

The Minister for Planning recommend the Government in Council issue Planning Permit PLN20/0567, subject to the conditions contained in Appendix E.

Appendix A Terms of Reference



Priority Projects Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. statutory and strategic land use planning
 - b. land development and property economics
 - c. urban design and architecture
 - d. heritage
 - e. civil engineering and transport planning
 - f. social impacts
 - g. environmental planning
 - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.
6. The Government has committed to a fast-track assessment process for priority projects of state and regional significance that are shovel-ready and that will provide immediate benefits to Victoria's economy, keeping Victorians in work and priority infrastructure on track for completion.
7. The BVRT was formally announced on 26 April 2020. The Taskforce was established by the Minister for Planning and Treasurer to help keep Victoria's building and development industry running during the coronavirus crisis. The Taskforce will investigate planning and investment opportunities to boost Victoria's building and development industry over the short, medium and long term.

Method

8. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
9. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered
 - c. whether, or which previously collected, submissions are to be considered by the Committee
 - d. how the costs of the Committee will be met.

Terms of Reference | Priority Projects Standing Advisory Committee

10. The letter of referral will be a public document.
11. In making a referral, the Minister for Planning or delegate must, either:
 - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
 - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
12. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The referral letter from the Minister for Planning,
 - b. referred submissions,
 - c. the comments of any referral authority,
 - d. the views of the project proponent,
 - e. the views of the relevant Council,
 - f. The relevant planning scheme.
13. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority or government agency.
14. The Department of Environment, Land, Water and Planning (DELWP) will be responsible for any further notification required. New submissions will be collected by DELWP.
15. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
16. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
17. The Committee may:
 - a. assess any matter 'on the papers'.
 - b. conduct discussions, forums, or video conferences when there is a quorum of:
 - i. a Chair or Deputy Chair, and
 - ii. at least one other member.
18. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Submissions are public documents

19. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
20. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

Outcomes

21. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. A short description of the project.
 - b. A short summary and assessment of issues raised in submissions.
 - c. A draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral.
 - d. Any other relevant matters raised in the course of the Committee process.
 - e. Its recommendations and reasons for its recommendations.
 - f. A list of persons or authorities/agencies who made submissions considered by the Committee.
 - g. A list of persons consulted or heard, including via video conference.

Terms of Reference | Priority Projects Standing Advisory Committee

22. Following the completion of a report, the Committee may deliver an oral briefing to the Minister for Planning and/or DELWP. The briefing may be by video conference or telephone.

Timing

23. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
- a. the date of receipt of referral, if no further submissions or information are to be sought, or
 - b. receipt of the final submission of material or final day of any public process in respect of a referral.

Fee

24. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

The costs of the Advisory Committee will be met by each relevant proponent.



Richard Wynne MP
Minister for Planning

Date: 14 / 06 / 2020

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing
Acting Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002

Ms Kathy Mitchell
Chair (Lead) Priority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR045041



Dear Ms Mitchell

CALL IN OF VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL PROCEEDING P488/202 – AIKENHEAD CENTRE FOR MEDICAL DISCOVERY

I refer to VCAT proceeding P488/202, which relates to the demolition of the Aikenhead Building and partial demolition of the Daly Wing and Brennan Hall Buildings at the St Vincent's Hospital complex and development of the land for an 11-storey building (plus roof plant and basement), known as the Aikenhead Centre for Medical Discovery (ACMD), including the use of the land for research and development centre and education centre, with a food and drink premises and a full reduction in the car parking requirements at 27 and 31 Victoria Parade, Fitzroy.

On 27 April 2021, St Vincent's Hospital (Melbourne) Limited wrote to me requesting that I call in the VCAT proceeding. I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of the *Victorian Civil and Administrative Tribunal Act 1998*. I also decided to refer the matter to the Priority Projects Standing Advisory Committee for advice and make recommendations on whether a planning permit should be issued and, if so, the appropriate permit conditions that should be imposed. I ask that the advisory committee give consideration to:

- the Victorian Design Review Panel (VDRP) Report convened on 21 April 2021 (attached)
- the review of the World Heritage Environs Area (WHEA) Strategy Plan for the Royal Exhibition Building and Carlton Gardens
- the relevant material provided in support of the application
- all statements of grounds made to this proceeding
- any expert evidence filed by the applicant, Yarra City Council, or objectors (if already provided).

The Committee is advised that the applicant is yet to finalise their obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in relation to the proposal. The applicant has advised the following in regards to its progress:

- A pre-referral meeting was held with the Commonwealth Department of Agriculture, Water and the Environment (DAWE) in March 2021, and confirmation was provided at this stage that the action would be formally referred for consideration under the requirements of the EPBC Act.
- A subsequent meeting was held with DAWE in May 2021 in relation to a split referral, whereby the action would be referred in two stages – an immediate referral for early works (demolition of the existing Aikenhead Building and site clearance) followed by a referral of the main works (ACMD development). The request for a split referral is intended to be lodged in the next weeks and if accepted this would then be followed by the referral for the proposed works.

If an action has, will have, or is likely to have, a significant impact on a matter of national environmental significance, the resulting Commonwealth approval from the Minister for the



Environment required under the EPBC Act is in addition to any state or local government approvals such as a planning permit.

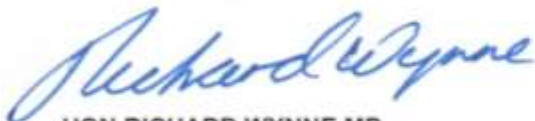
On 9 March 2019, the permit applicant lodged an appeal under section 79 of the *Planning and Environment Act 1987* after the council failed to determine planning permit application PLN20/0567 within the 60-day statutory timeframe. A compulsory conference is scheduled for 13 July 2021 and the hearing is scheduled to commence on 27 September 2021. There are understood to be nine parties to the VCAT proceeding.

The advisory committee should invite all parties to the VCAT proceedings to speak to their objections if required and any government agency it considers will be of assistance to it in its deliberations.

The cost of the advisory committee will be met by the applicant, St Vincent's Hospital (Melbourne) Limited.

If you would like more information, please contact Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, on (03) 8683 0975 or email jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

6.6.21

Attachment: Victorian Design Review Panel (VDRP) Report convened on 21 April 2021.

Appendix C Document List

No.	Date	Description	Presented by
1	14/06/20	Terms of Reference	Minister for Planning
2	06/06/21	Letter of referral	"
3	"	Victorian Design Review Panel Report (5 May 2021)	"
4	17/06/21	Letter to VCAT filing Application for Review	Ms Anderson of Rigby Cooke Lawyers for Applicant
5	"	Email enclosing Permit Application Plans and RFI response	"
6	"	Review of Planning Decision by Permit Applicant 2021-03-09 12-37-05	"
7	"	Index of Documents - Application for Review	"
8	"	Elapsed Days in Failure Applications Calculator – VCAT	"
9	"	Application for Planning Permit form	"
10	"	Cover letter by Contour, 14 August 2020	"
11	"	Copy of the title particulars	"
12	"	Metropolitan Planning Levy Certificate 16466, 5 August 2020	"
13	"	Architectural design report and drawings	"
14	"	Heritage Impact Statement prepared by Lovell Chen, 14 August 2020	"
15	"	Wind Report prepared by MEL Consultants, 17 August 2020	"
16	"	Noise Impact Assessment dated prepared by Denton Corker Marshall, 13 August 2020	"
17	"	Stormwater Management Plan prepared by ARUP, 13 August 2020	"
18	"	Waste Management Plan prepared by onemilegrid, 13 August 2020	"
19	"	Green Travel Plan prepared by onemilegrid, 13 August 2020	"
20	"	Sustainable Management Plan prepared by LCI Consultants, 11 August 2020	"
21	"	Transport Impacts Assessment prepared by GTA Consultants, 14 August 2020	"
22	"	Letter from Ms Cox (St Vincent's Hospital Melbourne) to City of Yarra	"
23	"	Town Planning and Urban Context Report prepared by Contour Consultants, August 2020	"

No.	Date	Description	Presented by
24	"	Request for Information letter from City of Yarra, 2 September 2020	"
25	"	Cover letter from Contour Consultants responding to Request for Information, 21 October 2020	"
26	"	Payment of requisite application fee	"
27	"	Updated Town Planning and Urban Context Report prepared by Contour Consultants, October 2020	"
28	"	Second Request for Information letter from City of Yarra, 9 November 2020	"
29	"	Cover letter from Contour Consultants responding to second Request for Information letter, 19 November 2020	"
30	"	Current Certificates of Title and Plans	"
31	"	Updated Design Report prepared by Denton Corker Marshall Architects, 18 November 2020	"
32	"	Updated Green Travel Plan prepared by One Mile Grid, 16 November 2020	"
33	"	Updated Waste Management Plan prepared by One Mile Grid, 16 November 2020	"
34	"	Updated Transport Impact Assessment prepared by GTA Consultants, 21 October 2020	"
35	"	Updated Sustainable Management Plan prepared by LCI Consultants, 16 November 2020	"
36	"	Updated Stormwater Management Plan prepared by ARUP, 16 November 2020	"
37	"	27 Victoria Parade, Fitzroy - Planning Property Report	"
38	"	31 Victoria Parade, Fitzroy - Planning Property Report	"
39	"	Letter to VCAT enclosing statement of service, 28 April 2021	"
40	"	Statement of service for proceeding P488/2020 (Donna Bilke), 28 April 2021	"
41	"	Statement of service for proceeding P488/2021 (E Morrison), 28 April 2021	"
42	"	P488/2021 St Vincent's Hospital (Melbourne) Limited v Yarra City Council	"
43	"	Statement of Grounds form	Sally Romanes
44	"	Statement of Grounds form	Ms Bell for Protectors of Public Lands Victoria Inc.
45	"	Statement of Grounds	"

No.	Date	Description	Presented by
46	"	Statement of Grounds	Ms Menegas for Transport for Victoria
47	"	Statement of Grounds form	Ms Boutard for Museums Board of Victoria
48	"	Statement of Grounds	"
49	"	Statement of Grounds form	Mr Sowerwine for Royal Historical Society of Victoria
50	"	Statement of Grounds form	Ms O'Brien
51	"	Statement of Grounds	"
52	"	Email correspondence between VCAT and Mr Brennan	Mr Brennan for Fitzroy Residents Association
53	"	Statement of Grounds form	"
54	"	Statement of Grounds	"
55	"	Statement of Grounds form	Ms Elliot and Mr Hocking
56	"	Statement of Grounds form	Ms Watson for National Trust of Australia (Victoria)
57	"	Email filing attachments in accordance with VCAT orders	Ms Thomas for City of Yarra
58	"	Attachment - Planning Application PPNS79 16334180	"
59	"	Attachment - Edited affected properties list	"
60	"	Attachment – List of notified parties	"
61	"	Attachment – Parties list	"
62	"	Letter – Minister for Planning call in of proceeding P488/2020	Minister for Planning
63	"	Letter – Correction of minor administrative error in letter from the Minister (Document 62)	Ms Homewood for DELWP
64	"	Notification letter	Ms Mitchell, Chair
65	01/07/21	World Heritage Environs Area Strategy Plan	"
66	"	Royal Exhibition Building and Carlton Gardens Community Consultation Summary Report	"
67	"	Royal Exhibition Building and Carlton Gardens Discussion Paper	"
68	"	Royal Exhibition Building and Carlton Gardens Frequently	"

No.	Date	Description	Presented by
Asked Questions			
69	06/07/21	Statement of Grounds	Ms Bell for Protectors of Public Land Victoria Inc.
70	07/07/21	Statement of Grounds	Mr Sowerwine
71	"	Statement of Grounds	Mr Brennan
72	"	Statement of Grounds	Ms Watson
73	"	Statement of Grounds	Ms Romanes
74	"	Letter advising attendance at the Hearing	Ms Anderson
75	"	Statement of Grounds	"
76	"	Statement of Grounds	Ms Elliot and Mr Hocking
77	08/07/21	Statement of Grounds	Ms O'Brien
78	"	Directions Hearing letter	Ms Mitchell
79	"	Letter in response to Committee Directions	Ms Richardson of Maddocks Lawyers for Council
80	"	Statement of Grounds	"
81	"	Letter to Heritage Victoria	Ms Mitchell
82	13/07/21	Melbourne v Minister for Planning (Red Dot) [2011] VCAT 469 22 March 2011	"
83	19/07/21	Letter filing amended plans	Ms Anderson
84	"	P10_0300(P5) - LEVEL 03 FLOOR P10_0100(P5) - LEVEL 01 FLOOR PLAN	"
85	"	P10_0300(P5) - LEVEL 03 FLOOR P10_-100(P5) - LEVEL B1 FLOOR PLAN	"
86	"	P10_0200(P5) - LEVEL 02 FLOOR PLAN	"
87	"	P10_0300(P5) - LEVEL 03 FLOOR PLAN	"
88	"	P10_0400(P5) - LEVEL 04 FLOOR PLAN	"
89	"	P10_0500(P5) - LEVEL 05 FLOOR PLAN	"
90	"	P10_0600(P5) - LEVEL 06 FLOOR PLAN	"
91	"	P10_0700(P5) - LEVEL 07 FLOOR PLAN	"
92	"	P10_0800(P5) - LEVEL 08 FLOOR PLAN	"
93	"	P10_0900(P5) - LEVEL 09 FLOOR PLAN	"
94	"	P10_1000(P5) - LEVEL 10 FLOOR PLAN	"
95	"	P10_1100(P5) - LEVEL 11 FLOOR PLAN	"

No.	Date	Description	Presented by
96	"	P10_1200(P5) - LEVEL 12 PLANT FLOOR PLAN	"
97	"	P10_1300(P5) - ROOF PLAN	"
98	"	P11_0000(P5) - SOUTH ELEVATION	"
99	"	P11_0001(P3) - NORTH ELEVATION	"
100	"	P11_0003(P3) - EAST + WEST ELEVATION	"
101	"	P11_0010(P3) - EXTENDED STREET SOUTH ELEVATION	"
102	"	P11_0011(P2) - EXTENDED STREET WEST ELEVATION	"
103	"	P11_0020(P4) - DEMOLITION ELEVATIONS	"
104	"	P12_0000(P4) - SECTION AA	"
105	"	P12_0001(P4) - SECTION BB	"
106	"	P13_0000(P1) - FACADE ARTICULATION TYPES	"
107	"	P13_0100(P2) - WEST FACADE DETAIL	"
108	"	P13_0105(P1) - WEST FACADE - NORTH DETAIL	"
109	"	P13_0110(P2) - WEST FACADE - LECTURE THEATRE	"
110	"	P13_0120(P2) - WEST FACADE - SETBACK - GROUND PLANE	"
111	"	P13_0150(P2) - WEST FACADE - SETBACK DETAIL	"
112	"	P13_0200(P2) - SOUTH FACADE DETAIL	"
113	"	P13_0220(P1) - SOUTH FACADE - CUT OUT - ENTRY + PLANTER SEAT	"
114	"	P13_0225(P1) - SOUTH FACADE - CUT OUT – EOT ACCESS	"
115	"	P13_0250(P2) - SOUTH FACADE - SETBACK DETAIL	"
116	"	P13_0300(P2) - NORTH FACADE DETAIL	"
117	"	P13_0400(P2) - EAST FACADE DETAIL	"
118	"	P13_0500(P4) - LANDSCAPE DETAIL - PLANTERS AND TURF	"
119	"	P13_0600(P3) - NORTHERN PEDESTRIAN CANOPY + EXTERNAL WORKS	"
120	"	D0130_ACMD_TP_Material Schedule + Finishes Board	"
121	"	D0130_ACMD_TP_Statement of Changes + Explanation	"
122	"	P01_0000(P1) - SITE CONTEXT PLAN	"
123	"	P01_0001(P4) - SITE PLAN	"
124	"	P02_0000(P4)- EXISTING SITE PLAN AND TITLE INFORMATION	"
125	"	P02_0001(P4) - PROPOSED SITE PLAN	"
126	"	P03_0100(P4) - DEMOLITION PLAN	"
127	"	P10_0010(P1) - OVERALL SITE SURVEY (BY MADIGAN	"

No.	Date	Description	Presented by
		SURVEYING)	
128	28/07/21	Extension request	"
129	"	Video conference letter	Ms Mitchell
130	"	Zoom user guide	"
131	29/07/21	Letter filing evidence	Ms Anderson
132	"	Curriculum Vitae of Professor Choong	"
133	"	Expert evidence of Ms King (Planning)	"
134	"	Expert evidence of Mr Raworth (Heritage)	"
135	"	Expert evidence of Mr O'Dwyer (Architecture)	"
136	"	Expert evidence of Mr Lovell (Heritage)	"
137	"	WHEA option 21 June 09am – shadow diagram	"
138	"	WHEA option 21 June 10am – shadow diagram	"
139	"	WHEA option 21 June 11am – shadow diagram	"
140	"	WHEA option 21 June 12pm – shadow diagram	"
141	"	WHEA option 21 June 01pm – shadow diagram	"
142	"	WHEA option 21 June 02pm – shadow diagram	"
143	"	WHEA option 21 June 03pm – shadow diagram	"
144	"	WHEA option 21 June 04pm – shadow diagram	"
145	"	WHEA option 21 Sept 09am – shadow diagram	"
146	"	WHEA option 21 Sept 10am – shadow diagram	"
147	"	WHEA option 21 Sept 11am – shadow diagram	"
148	"	WHEA option 21 Sept 12pm – shadow diagram	"
149	"	WHEA option 21 Sept 01pm – shadow diagram	"
150	"	WHEA option 21 Sept 02pm – shadow diagram	"
151	"	WHEA option 21 Sept 03pm – shadow diagram	"
152	"	WHEA option 21 Sept 04pm – shadow diagram	"
153	"	Letter filing evidence	Ms Richardson
154	"	Expert evidence of Ms Brady (Heritage)	"
155	"	Letter filing Permit Conditions and Officer Report	"
156	"	Without prejudice Draft Permit Conditions	"
157	"	Further recommendation dated 29 July 2021	"
158	"	27 - 41 Victoria Parade Fitzroy - Officer Report	"
159	"	Letter filling architectural renders	Ms Anderson

No.	Date	Description	Presented by
160	30/07/21	Architectural renders view05_aerial_dcm patched	"
161	"	Architectural renders view10_dcm patched	"
162	"	Architectural renders view13_dcm patched	"
163	"	Letter regarding animation dated 020821	"
164	"	Site inspection itinerary	"
165	"	Submission	Mr Brennan
166	"	Submission	Ms Boutard
167	05/08/21	Draft REB and Carlton Gardens WHEA Strategy Plan	Ms Mitchell
168	"	Draft REB and Carlton Gardens WHEA Strategy Plan Appendix 1 - Visual Framework	"
169	"	Draft REB and Carlton Gardens WHEA Explanatory Report - July 2021	"
170	"	Draft Strategy Plan - proposed City of Melbourne controls	"
171	"	Draft Strategy Plan - proposed City of Yarra controls	"
172	"	Draft Strategy Plan Regional Policy	"
173	"	Draft Strategy Plan State Policy	"
174	"	Draft Strategy Plan Operational Provisions	"
175	"	Letter filing documents 176 – 178	Ms Anderson
176	"	Expert conclave	"
177	"	Without Prejudice Draft Permit Conditions	"
178	"	Opening submission	"
179	"	Opening Submission	Ms Richardson
180	"	Letter regarding the availability of Professor Choong	Ms Anderson
181	"	Letter filing links to site inspection footage and 3D modelling of Brennan Hall	"
182	09/08/21	Urban design comments of Mr McGauran	Ms Richardson
183	"	P10_0100(P5) - LEVEL 01 FLOOR PLAN	Ms Anderson
184		P10_-100(P5) - LEVEL B1 FLOOR PLAN	"
185	15/07/21	Directions and Timetable	Ms Mitchell
186	09/08/21	Consolidated documents	Ms Richardson
187	10/08/21	Presentation of Mr O'Dwyer	Ms Anderson
188	"	Letter filing document 189 – 191	"
189	"	EPBC Act referral letter to the Applicant	"
190	"	Compliance monitoring and auditing factsheet	"

No.	Date	Description	Presented by
191	"	Referral decision notice	"
192	11/08/21	Letter filing VCAT cases	"
193	"	Foundry Company Pty Ltd v Yarra CC [2021] VCAT 426	"
194	"	Highbury Venture Pty Ltd v Melbourne CC	"
195	"	Kingcorp Australia Pty Ltd ATF Pellicano Children Family Trust v Yarra CC [2021] VCAT 606	"
196	"	LCM Calvary Health Care Holdings Ltd v Glen Eira CC (Red Dot) [2018] VCAT 655	"
197	"	St Vincent's Healthcare Limited v Yarra CC [2018] VCAT 661	"
198	"	The University of Melbourne v Minister for Planning	"
199	"	Australian Hospital Care (The Avenue) Pty Ltd v Stonnington CC & Ors [2013] VCAT 1278	"
200	"	Cabrini Property Association v Bayside CC [2007] VCAT 1031	"
201	"	Aikenhead Centre for Medical Discovery fact sheet	"
202	"	Camperdown BCA Trust Inc v Corangamite SC	"
203	"	Extracts from the Heritage Act	"
204	"	Without Prejudice Draft Permit Conditions (clean)	"
205	"	Letter filing ARUP technical note	"
206	"	Brenan Hall retention technical note	"
207	"	Submission	Mr Sowerwine
208	"	PowerPoint presentation	"
209	12/08/21	Letter filing documents 210-211	Ms Anderson
210	"	Submission to the Heritage Council - Royal Exhibition Building WHEA Draft Strategy Plan (Lovell Chen) March 2008	"
211	"	Submission in reply to the Heritage Council - Royal Exhibition Building WHEA Draft Strategy Plan (Lovell Chen) April 2008	"
212	"	Submission	Ms O'Brien
213	"	Review of the WHEA for the REB and Carlton Gardens draft Strategy Plan	"
214	"	Letter filing documents 215-218	Ms Anderson
215	"	Photo example of zinc material at Melbourne County Court building (01)	"
216	"	Photo example of zinc material at Melbourne County Court building (02)	"

No.	Date	Description	Presented by
217	"	Photo example of zinc material at Melbourne County Court building (03)	"
218	"	Photo example of zinc material at Melbourne County Court building (04)	"
219	"	Submission	Ms Bell
220	"	Submission	Ms Watson
221	"	Preferred version of the Without Prejudice Draft Permit Conditions (marked up)	Ms Richardson
222	"	Submission	Ms Romanes
223	13/08/21	Letter filing documents 224-225	Ms Anderson
224	"	Reply version of the Without Prejudice Draft Permit Conditions	"
225	"	Original submission of St Vincent's Melbourne to the Heritage Council – REB and Carlton Gardens WHEA Draft Strategy Plan	"
226	"	Submission	Ms Elliot and Mr Hocking
227	"	PowerPoint presentation	"
228	"	Email filing document 229	Ms O'Brien
229	"	Panoramic image of REB and Carlton Gardens	"
230	"	Letter and panoramic images of REB and Carlton Gardens	Ms Anderson
231	17/08/21	Emailing document 232	Ms Elliot and Mr Hocking
232	"	Presentation notes	"
233	"	Updated version of document 227 (PowerPoint images)	"
234	18/08/21	Letter filing closing document 235	Ms Anderson
235	"	Closing submission	"
236	"	Email filing documents 237-238	Ms Richardson
237	"	Proposed clause 15.03-1L (WHEA) for Amendment C269yara	"
238	"	Proposed clause 15.02-1L (Landmarks) for Amendment C269yara	"

Appendix D Planning framework

Table 1 Planning Policy Framework: State and regional policies

Relevant clauses
11 Settlement
11.01 Victoria
11.01-1R Settlement – Metropolitan Melbourne Focus investment and growth in places of State significance, including Health and Education Precincts.
11.02-1S Supply of urban land Ensure sufficient supply of land for residential, retail, industrial, recreational, institutional and other community uses.
11.03-1S Activity Centres Encourage the concentration of major commercial and administrative developments into activity centres that are highly accessible to the community.
15 Built Environment and Heritage
15.01 Built Environment
15.01-1S Urban design Create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Strategies Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate. Ensure the interface between the private and public realm protects and enhances personal safety. Promote good design along and abutting transport corridors.
15.01-1R Urban design – Metropolitan Melbourne Create a distinctive and liveable city with quality design and amenity Strategies Support the creation of well-designed places that are memorable distinctive and liveable.
15.01-2S Building design Achieve building design outcomes that contribute positively to the local context and enhance the public realm. Strategies Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm Ensure development is designed to protect and enhance valued landmarks
15.01-4R Healthy Neighbourhoods-Metropolitan Melbourne Create 20-minute neighbourhoods where people have the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

15.02 Sustainable Development

15.02-1S Energy and resource efficiency

Encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

15.03 Heritage

15.03-1S Heritage conservation

Ensure the conservation of places of heritage significance.

Strategies

Encourage appropriate development that respects places with identified heritage values.

Encourage the conservation and restoration of contributory elements of a heritage place.

17.01 Economic Development

17.01-1R Diversified Economy – Metropolitan Melbourne

Support the employment and servicing role of Health and Education precincts through accessibility, co-location, growth and reinforcing specialised functions.

17.01-2S Innovation and research

Create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.

Strategies

Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills ... in locations identified to accommodate employment and economic growth.

18 Transport

18.01 Integrated transport

18.01-1S Land use and transport planning

Create a safe and sustainable transport system by integrating land use and transport.

18.02 Movement Networks

18.02-1S Sustainable personal transport Promote the use of sustainable personal transport.

18.02-2S Public Transport

Facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

18.02-2R Principal Public Transport Network

Maximise the use of existing infrastructure and increase the diversity and density of development along the Principle Public Transport Network, particularly at ... activity centres and where principle public transport routes intersect.

18.02-3S Road system

Manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

18.02-4S Car parking

Ensure an adequate supply of car parking that is appropriately designed and located.

19 Infrastructure

19.02 Infrastructure

19.02-1S Health facilities

Assist the integration of health facilities with local and regional communities.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

19.02-1R Health facilities – Metropolitan Melbourne

Facilitate health and community wellbeing precincts through the co-location of hospitals, allied health services... at the regional level.

19.02-2S – Education Facilities

Assist the integration of education and early childhood facilities with local and regional communities.

Locate tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.

Table 2 Planning Policy Framework: Local policies

Relevant clauses

21 Municipal Strategic Statement

21.02 Municipal profile

Acknowledges major hospitals and associated medical services, including St Vincent's Hospital.

Acknowledges the World Heritage Environs Area surrounds the World Heritage Listed Royal Exhibition Building and Carlton Gardens, Carlton.

21.03 Vision

Complex land use mix characteristics of the inner city to provide for a range of activities to meet the needs of the community.

21.04-4 Community facilities, hospitals and medical services

Providing for community services that meet the needs of a diverse and changing community.

Providing for accessible community services that co-locate and that are accessible by public transport.

Recognising the importance of Hospitals, their operation and expansion must respond to the local context.

21.05-1 Heritage and urban design

Protect, enhance and conserve the City's heritage places, while at the same time acknowledging new development.

Protect the setting and context of the World Heritage listed Royal Exhibition Building and Carlton Gardens by managing future development within the Environs area and protecting views to the Royal Exhibition Building from Gertrude Street and Marion Lane through application of the Design and Development Overlay.

Retain Yarra's identity as a low rise form with pockets of higher development

21.05-2 Urban design

Reinforce the existing urban framework of Yarra and retain its identity as a low-rise urban form with pockets of higher development.

Ensure new development contributes positively to Yarra's urban fabric and encourage universal access in new development.

Relevant clauses

21.06 Transport

Reduce car dependence by promoting walking, cycling and public transport as viable and preferable alternatives.

Manage car parking to encourage sustainable transport options.

21.08-7 Neighbourhoods (Fitzroy)

Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/industrial activities.

Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital precinct, is on the south side of this neighbourhood.

A relevant strategy is to require the preparation of a master plan for St Vincent's Hospital.

22 Local Planning Policies

22.02 Development guidelines for sites subject to the Heritage Overlay

Seeks to conserve Yarra's natural and cultural heritage, historic fabric and maintain the integrity of places of cultural heritage significance.

Discourages the demolition of part of an individually significant or contributory building, unless the part to be removed is not visible from the street frontage, or the removal would not adversely affect the contribution of the building to the heritage place.

22.03 Landmarks and Tall Structures

Applies to all development in Yarra and seeks to maintain the prominence of Yarra's valued landmarks and landmark signs.

Development is to protect the views to the drum, dome, lantern and flagpole of the World Heritage Listed Royal Exhibition Building seen from the footpath on the south side of Gertrude Street and along Marion Lane, west of Fitzroy Street.

22.14 Development guidelines for heritage places in the World Heritage Environs Area

Applies to all land covered by the Heritage Overlay within the WHEA of Greater Sensitivity, being land within HO361 WHEA Precinct.

Plan Melbourne

Review site identified as a Health and Education Precinct of State Significance that supports health and services well served by public transport (Map 3)

Policy 1.1.4 notes major health and education precincts are identified for further services and growth that stimulate innovation and create employment for the emerging knowledge economy and surrounding communities. Co-location is supported and specialist economic functions should be reinforced.

Policy 4.4.1 acknowledges the community benefits of heritage and careful management of the ongoing processes of change to the urban environment.

Spatial and Economic Employment Strategy

Adopted by Council in September 2018

Strategy 4 supports the expansion of health related employment and services in Yarra's health Precincts, which is expected to experience significant growth.

Such growth could include expansion and diversification of their primary function to include health related business, education, short-term accommodation and convenience retailing.

Appendix E Committee preferred version of Permit Conditions

St Vincent's amended conditions 13 August 2021 – Hearing Document 224

VCAT REFERENCE NO.	P488/2021
APPLICANT	St Vincent's Hospital (Melbourne) Limited
RESPONSIBLE AUTHORITY	Yarra City Council
DATE OF HEARING	10 August 2021

Draft Permit Preamble

This permit allows:

Demolition of the Aikenhead building and partial demolition of the Daly Wing and Brenan Hall buildings at the St Vincent's Hospital complex to allow for the construction of a multi-level building (plus roof plant and basement) and use of the land for the purpose of a research and development centre, an education centre, and a food and drink premises (cafe) and a full reduction in the car parking requirement of the Yarra Planning Scheme.

In accordance with the endorsed plans and subject to the following conditions:

Draft Conditions

- 1 Prior to commencement of development (excluding preliminary site works, demolition (excluding Brenan Hall), bulk excavation, retention, footings and foundations and any clean up works) unless otherwise agreed to in writing by the Responsible Authority, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with P01_0000 (Rev P1), P01_0001 (Rev P4), P02_0000 (Rev P4), P02_0001 (Rev P4), P03_0100 (Rev P4), P10_0010 (Rev P1), P10_-100 (Rev P5), P10_0100 (Rev P5), P10_0200 (Rev P5), P10_0300 (Rev P5), P10_0400 (Rev P5), P10_0500 (Rev P5), P10_0600 (Rev P5), P10_0700 (Rev P5), P10_0800 (Rev P5), P10_0900 (Rev P5), P10_1000 (Rev P5), P10_1100 (Rev P5), P10_1200 (Rev P5), P10_1300 (Rev P5), P11_0000 (Rev P5), P11_0001 (Rev P3), P11_0003 (Rev P3), P11_0010 (Rev P3), P11_0011 (Rev P2), P11_0020 (Rev P4), P12_0000 (Rev P4), P12_0001 (Rev P4), P13_0000 (Rev P1), P13_0000 (Rev P1), P13_0100 (Rev P2), P13_0105 (Rev P1), P13_0110 (Rev P2), P13_0120 (Rev P2), P13_0150 (Rev P2), P13_0200 (Rev P2), , P13_0220 (Rev P1), P13_0225 (Rev P1), P13_0250 (Rev P2), P13_0300 (Rev P2), P13_0400 (Rev P2), P13_0500 (Rev P4), P13_0600 (Rev P3) and D0130_ACMD_TP_Material Schedule and Finishes Board prepared by Denton Corker Marshall, but modified to show:

Reports and Plans

- (a) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans).
 - (b) Any requirement of the endorsed Brennan Hall Retention Structure Report (condition 7) (where relevant to show on plans).
 - (c) Any requirement of the endorsed Landscape Plan (condition 9) (where relevant to show on plans).
 - (d) Any requirement of the endorsed Tree Management Plan (condition 11) (where relevant to show on plans).
 - (e) Any requirement of the endorsed Sustainable Management Plan (condition 13) (where relevant to show on plans).
 - (f) Any requirement of the endorsed Wind Assessment Report (condition 16) (where relevant to show on plans).
 - (g) Any requirement of the endorsed Green Travel Plan (condition 18) (where relevant to show on plans).
 - (h) Any requirement of the endorsed Waste Management Plan (condition 20) (where relevant to show on plans).
 - (i) Any requirement of the External Lighting (condition 23) (where relevant to show on the plans).
 - (j) Any requirement of the Transport for Victoria conditions (conditions 25-29) (where relevant to show on plans).
- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Photographic record

- 3 Before demolition commences, a detailed and annotated photographic record of Brennan Hall building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include each external elevation of the building;
 - (b) be submitted in colour or black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Façade Strategy and Materials and Finishes Plan

- 4 In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;

- (b) elevations at a scale of 1:20 or 1:50 detailing all conservation and reconstruction works to the retained external fabric of the Brenan Hall building and details of all façade works to be prepared by suitably qualified heritage architect in associated with a structural engineer;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the heritage façade will be maintained; and
 - (e) a materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).
- 5 Unless with the written consent of the Responsible Authority, light reflectivity from external materials and finishes must not reflect more than 15% of specular visible light, to the satisfaction of the Responsible Authority.

Ongoing architect involvement

- 6 As part of the ongoing progress and development of the site, Denton Corker Marshall Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Brenan Hall Retention Structural Report

- 7 Before the demolition commences, an amended structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended structural report will be endorsed and will then form part of this permit. The amended structural report must be generally in accordance with the Technical Note prepared by ARUP and dated 29 July 2020, but modified to include or show:
- (a) Recommendations with respect to the deletion of the waler beams from the façade of the Brenan Hall building to Victoria Parade, having regard to considerations of safety and the need to minimise penetrations to the facade.
 - (b) The proximity of the shallow pad footings to the new columns to the preliminary framing system of the existing Aikenhead Building basement.
 - (c) The loads off the new north-west corner column incorporated into the design of the new ACMD building basement walls.
 - (d) The resolution of any current moisture related paint peeling and moss growth issues that may impact the conservation works to the retained portion of the Brenan Hall.

Ongoing Structural Report Requirement

- 8 The provisions, recommendations and requirements of the endorsed Brennan Hall retention structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

- 9 In conjunction with the submission of development plans under Condition 1, a Landscape Plan, prepared by a suitably qualified professional landscape architect to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Detail Plan P13_0500 Rev 4 prepared by Denton Corker Marshall but modified to show:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) provide information on all planter beds, including the depths and widths that will be provided, as well as information on soil media, drainage and irrigation;
 - (c) provide a specification of works to be undertaken prior to planting;
 - (d) provide confirmation that the mulch used on higher levels is a wind tolerant material;
 - (e) include the proposed maintenance schedules and requirements; and
 - (f) confirm that the proposed landscaping can withstand the windspeeds identified in the Wind Report.

Ongoing Landscape Plan Requirement

- 10 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Tree Management Plan

- 11 In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by

the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:

- (a) the protection of existing street trees outside the property's frontage to Victoria Parade and Nicholson Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

Ongoing Tree Management Plan Requirement

- 12 The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Amended Sustainable Management Plan

- 13 In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by LCI Consultants and dated 16 November 2020, but modified to include or show:
- (a) An assessment of the proposal as amended pursuant to Condition 1.
 - (b) Options to improve the development's environmental performance including BESS score and recommendations in relation to achieving those improvements where it is practicable to do so.
 - (c) Consideration of options for the use of reduced embodied carbon methods of construction – such as recycled or alternative aggregates in concrete mixes, reductions in steel and fit out materials etc.
 - (d) consideration of options for the use of pipes, cabling, flooring that do not contain PVC or at the very least, that meet best practice guidelines for PVC.
 - (e) Provision of e-bike charging or pre-wiring for future use.
 - (f) Provision of a Green / Organic Waste bin in the waste room.

Prior to occupation Sustainable Management Plan Requirement

- 14 Prior to the occupation of the building approved under this permit, a report from the author of the endorsed sustainable management plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report

must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Ongoing Sustainable Management Plan Requirement

- 15 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan under condition 13 must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Wind Assessment Report

- 16 In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Environmental Wind Speed Measurements on a Wind Tunnel Model of the 27 and 31 Victoria Paraded Development, Fitzroy report prepared by MEL Consultants and dated August 2020, but modified to assess the proposal as amended pursuant to Condition 1.

Ongoing Wind Assessment Requirement

- 17 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Green Travel Plan

- 18 In conjunction with the submission of development plans under Condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid Traffic Engineering and dated 16 November 2020 but modified to reference to the proposal as amended pursuant to Condition 1.

Ongoing Green Travel Plan Requirement

- 19 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 20 In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this

permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 16 November 2020, but modified to:

- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Include a target recycling rate of at least 80% of construction and demolition waste.
 - (c) Include the footprint of all bins and provision for food waste diversion.
 - (d) Provide a reduction to the number of collection streams.
- 21 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Ongoing Waste Management Plan Requirement

- 22 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

External Lighting

- 23 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) Located
 - (b) Directed
 - (c) Shielded; and
 - (d) Of appropriate intensity
- to the satisfaction of the Responsible Authority.

Land Use Conditions

- 24 The uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required for that use) without the prior written consent of the Responsible Authority.

Transport for Victoria's conditions (25-29)

- 25 Unless otherwise agreed in writing with the Head, Transport for Victoria, before the commencement of the development (excluding demolition), amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) relocation of the existing bus stops (x2) and all associated infrastructure to an agreed temporary location along Victoria Parade outside the development

site during the period of construction of the development;

- (b) re-installment of the bus stops (x2) and all associated infrastructure to their original location/or an alternative agreed location following completion of the development;
- (c) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
- (d) the bus stop clear of any street furniture and obstacles; and
- (e) a design compliant with the Disability Discrimination Act 1992 (Cth);

all to the satisfaction of the Head, Transport for Victoria.

- 26 If the existing bus stop on Victoria Parade (development side) cannot be used during the demolition and construction of the development a temporary bus stop must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.
- 27 Any request for written consent to disrupt bus operations or a temporary bus stop on Victoria Parade during the demolition and construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop.
- 28 Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. Any temporary bus stop (if required) must be removed and the site reinstated to the satisfaction of the Head, Transport for Victoria. The permit holder must avoid disruption to tram operation along Nicholson Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
- 29 Prior to the commencement of the development (excluding demolition), the owner of the land must enter into a license agreement with Head, Transport for Victoria under the Road Management Act 2004 for the elements of the approved development that project more than 300mm beyond the land's Nicholson Street boundary (i.e. fixed shading devices, architectural features, awnings, balconies etc). The licence will be the instrument to provide the right to occupy airspace of the adjoining land/road/road reserve controlled by Head, Transport for Victoria and to indemnify the Crown/ Head, Transport for Victoria in relation to any claim or liability arising from the projections within the Nicholson Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary.

Road Infrastructure

- 30 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
- 31 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

General

- 32 Before the building is occupied, preventative measures are to be implemented to limit graffiti adhesion where possible to any wall located on a boundary facing public property to the satisfaction of the Responsible Authority.
- 33 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 34 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 35 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 36 All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 37 Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) if required, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

- 38 Before the commencement of:
- (i) demolition/early works; and
 - (ii) development,
- separate Construction Management Plans must be prepared for demolition/ early works and development and must be submitted to and

approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this permit. The plans must provide for (as relevant):

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (viii) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control

devices for works on roads;

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land; the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Ongoing Construction Management Plan Requirement

- 39 The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.
- 40 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

41 This permit will expire if:

- (a) the development is not commenced within three years of the date of this permit;
- (b) the development is not completed within five years of the date of this permit;
and
- (c) the use is not commenced within six years from the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.