

From: [Participate Melbourne](#)  
To: [Planning Policy](#)  
Subject: Make a submission on Amendment C417 Form Submission  
Date: Friday, 6 September 2024 9:58 AM

## PARTICIPATE MELBOURNE



### Make a submission on Amendment C417 Form Submission

There has been a submission of the form Make a submission on Amendment C417 through your Participate Melbourne website.

First Name

[REDACTED]

Last Name

[REDACTED]

Postal Address

[REDACTED]

Postcode

[REDACTED]

Contact email

[REDACTED]

My submission is being made on behalf of:  
Individual

#### Formal comment on Amendment C417

I agree with the overall development for Macaulay, however I have some grave concerns with some aspects of amendment C417:  
Please see attached document.

#### Upload a written comment / attachments

- [Objection.docx](#)

I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party  
Yes

What motivated you to participate in this consultation today?

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a

business/study/visit?  
[REDACTED]

Have you participated in a consultation with City of Melbourne before?  
[REDACTED]

How do you describe your gender?  
[REDACTED]

Age Group  
[REDACTED]

Do you identify with any of the following?  
[REDACTED]

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**Amendment C417 to Macaulay Structure Plan**

I agree with the overall development for Macaulay, however I have some grave concerns with some aspects of amendment C417:

In SCHEDULE\_16\_TO\_CLAUSE\_45.09\_PARKING\_OVERLAY

I object to the consolidated parking that discourages allocated parking spaces.

It is commendable to encourage sustainable transport options, however massive further investment is needed in public transport before Macaulay can be developed as an 80% sustainable transport area.

There are 2 train lines, 1 tram line and 1 bus route (402) adjacent to or running through Macaulay.

In the morning peak-hour the trains and trams are full before they reach Macaulay, leaving little space for the new residents in Macaulay to board.



08.03 Newmarket Station



08.10 57 Tram Stubbs Street



08.20 Flemington Bridge Station

The plan is for residential building for 10,000 people, and jobs for 3,500 people. It is unrealistic to assume that all 3,500 jobs will be taken by residents, so there will be a daily commute of approximately 8,000 people in and out of Macaulay. The current public transport system cannot cope with a tenth of this volume.

Even if there is an increase in public transport, for any Macaulay resident who works beyond the CBD, public transport is considerably slower (due to the time taken to change trains) than travelling by car.

If there are no allocated parking places for residents, how do people with a disability or limited mobility (ie elderly and people with young kids) cope with living in this new precinct? This will prevent Macaulay from being a balanced, all-accessible community.

The net result of there being no parking at the new residences is that surrounding streets will be cluttered with parked cars. Also fuel and time will be wasted by drivers trying to find a parking space. If car traffic is going to decline in the next 10 years, why is the state government currently spending multi-million dollars on road tunnels in Melbourne?

A possible solution for the full trains on the Craigieburn line would be to have extra trains that run at peak hour from the Melbourne Showgrounds station. Then Kensington station would be the 2<sup>nd</sup> or 3<sup>rd</sup> station on that route.

It would be also beneficial to some of the new Macaulay residents to have entrances added to the southern ends of the platforms at Flemington Bridge station so that it can be accessed from Racecourse Road.

In SCHEDULE\_75\_TO\_CLAUSE\_43.02 DDO, SCHEDULE\_76\_TO\_CLAUSE\_43.02 DDO, SCHEDULE\_77\_TO\_CLAUSE\_43.02 DDO, SCHEDULE\_78\_TO\_CLAUSE\_43.02 DDO

Table 1: I object to the building heights being 'preferred'. As communicated in the Council information session, the buildings may be higher according to a number of totally subjective criteria. I would prefer the DDO to specify an absolute maximum height even if it is higher than the preferred heights in the current amendment. At least that way the community knows what to expect from the development.

I object to Table 12 (Table 11 in sched.78): Unsafe wind conditions because the unsafe wind speed has not been specified.

In SCHEDULE\_76\_TO\_CLAUSE\_43.02,

I object to maps 1 and 2 in the area bounded by Melrose, Alfred, Sutton Streets and Boundary Road. The amendment totally ignores that this is currently community housing with a significant percentage of open space and mature trees. See image below taken from google earth



I would like to see the open space and mature trees in this area preserved in the DDO.



**Submission:** [33](#)

**From:** [REDACTED] [Australian Wool Testing Authority Ltd](#)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Subject:** Macaulay Amendment C417 - AWTA 70 Robertson Street  
**Date:** Friday, 6 September 2024 10:18 AM  
**Attachments:** [AWTA C417 Submission 70 Robertson Street.pdf](#)

---

Refer attached.

Regards

[REDACTED]

**AWTA Ltd**

[70 Robertson St, Kensington VIC 3031 Australia](#)

[REDACTED]

[AWTA](#) | [Agrifood Technology](#) | [AWTA Product Testing](#) | [NZWTA](#)

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# AUSTRALIAN WOOL TESTING AUTHORITY LTD

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Friday 6<sup>th</sup> September 2024

Strategic Planning  
City of Melbourne  
PO Box 1603  
Melbourne VIC 3001

Via Email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir / Madam,

## 18 to 70 Robertson Street, Kensington Submission to Amendment C417 to the Melbourne Planning Scheme

The Australian Wool Testing Authority Ltd is the owner of the abovementioned land and this submission has been prepared in response to Amendment C417 to the Melbourne Planning Scheme that is currently on exhibition.

Having reviewed the material currently on exhibition, we provide the following comments and submissions.

### Subject Site and Surrounds

The subject site is located on the southern side of Robertson Street in Kensington.

Figure 1: Subject Site (subject site depicted in red)



The site is irregular in shape with a frontage to Robertson Street of approximately 220 metres and a frontage to Stubbs Road of approximately 33 metres, yielding an overall site area of approximately 12,000 square metres.

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email: [awtinfo@awta.com.au](mailto:awtinfo@awta.com.au) website: [www.awta.com.au](http://www.awta.com.au)

Kensington Railway Station is located approximately 150 metres to the west of the subject site whilst Macaulay Railway Station is located approximately 130 metres to the east.

### **Current Planning Scheme Provisions**

Pursuant to the provisions of the Melbourne Planning Scheme, the site is subject to the following provisions:

- Mixed Use Zone (MUZ)
- Design and Development Overlay Schedule 26 (DDO26) – North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Rea
- Design and Development Overlay Schedule 63 (DDO63 – Area 4) – Macaulay Urban Renewal Area, Kensington and North Melbourne
- Development Contributions Plan Overlay Schedule 2 (DCPO2) – Macaulay Urban Renewal Area Development Contributions Plan
- Environmental Audit Overlay (EAO)

**DDO63** specifically relates to the Macaulay Urban Renewal Area, Kensington and North Melbourne area and provides guidance in terms of the design objectives and height and setback requirements for land within various precincts.

The subject site is located within 'Area 4', where the following built form controls apply, amongst other things:

- A *preferred* maximum building height of **6 storeys**.
- A *mandatory* maximum building height of **8 storeys**.
- A 'residential interface street' along the western end of Robertson Street with a mandatory street wall of 3 storeys with a preferred setback above the street wall of at least 10 metres.
- A '20m and 30m wide renewal street interface' towards the eastern end of Robertson Street and along the Stubbs Road frontage with:
  - A mandatory street wall height of 6 storeys.
  - A preferred set back of 1 metre for every metre of height above 20 metres.
- A 'Rescode interface' treatment along the western boundary.

### **Planning Scheme Amendment C417**

Amendment C417 to the Melbourne Planning Scheme introduces development and land use controls to implement the recommendations in the Macaulay Structure Plan 2021.

These changes are proposed through the introduction of new or amended planning scheme controls.

Within the exhibited documentation the following applies to the subject site:

- New Macaulay local policy Clause 11.03-6L
- Updated Schedule 2 to the Development Contributions Plan Overlay (DCPO2)
- New Schedule 8 to the Special Use Zone (SUZ8)
- New Schedule 16 to the Parking Overlay (PO16)
- New Schedule 78 to the Design and Development Overlay (DDO78)

Design and Development Overlay Schedule 78 (Stubbs Precinct) includes the following built form requirements for the site:

- A preferred **6 storey** building height.
- A mandatory **3.5:1** FAR.
- A preferred street wall height along Robertson Street of between **3-6 storeys**.
- A preferred street wall height along Stubbs Road of **4 storeys**.
- A preferred street wall height of **6 storeys** along the perimeter of the new open space.
- A preferred street wall height of **3-5 storeys** along the western boundary.
- A preferred **2 storey** street wall along the southern boundary of the site.
- A preferred **3 storey** street wall to the proposed north-south streets.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- A new open space area in the north west corner of the site to extend the existing Robertson Street Reserve.
- A new 6 metre laneway (Type A) along the southern boundary.
- Two new 12 metre north south streets through the site.

### **SUBMISSIONS**

Having reviewed Amendment C417 to the Melbourne Planning Scheme and the associated amendment documents, we make the following submissions:

#### ***Regressive Controls***

The proposed provisions would restrict a development outcome that can currently be achieved on the site under the current controls, which are based on a 2012 version of the Arden Macaulay Structure Plan.

More than a decade on, in fast-growing city facing significant housing challenges, this runs counter to what is needed. The proposed controls are a regressive step backwards, and are at odds with the strategic role of the precinct and the opportunity presented by the site.

The subject site represents a large strategic site that offers a unique opportunity to deliver substantial new housing, in line with current housing policy, the Victorian Housing Statement and the broader strategic role of an inner urban renewal area such as this.

The proposed provisions, in particular the introduction of a mandatory FAR of 3.5:1, serves only as a tool to restrict and disincentivise redevelopment of a key site.

Contemporary planning provisions should seek to stimulate and encourage new development and investment, rather than prioritise restriction and limitation.

***Use of Mandatory Controls / Planning Practice Note 59 (PPN59)***

'Exceptional' circumstances do not exist to justify the use of mandatory controls having regard to the criteria within PPN59, particularly for the subject site.

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

The use of preferred or 'performance-based' controls, together with policy and other design / built form provisions in the Planning Scheme provide sufficient guidance to achieve appropriate planning outcomes.

Built form controls for the subject site should provide flexibility to ensure that optimum development outcomes can be achieved and to stimulate development, consistent with the purpose of the strategic objectives for an urban renewal area.

***FAR Controls***

While FARs have been employed in new controls introduced for other areas recently, it does not follow that they should become a default tool in all urban renewal areas.

FARs are a density control and their use in an urban renewal area is at odds with policy encouraging significant growth for new housing, employment and services.

Arden-Macaulay is identified as an urban renewal area and a 'Priority Precinct' within Plan Melbourne, and in such areas planning controls should be enabling to encourage development, rather than restrictive and overly complex.

The impacts of new development can be effectively managed through built form controls and policy, which are provided in the draft planning provisions.

***Transitional Provisions***

Any new planning controls should include transitional provisions which provide sufficient flexibility for existing planning permissions to be amended and acted upon and for applications lodged prior to gazettal to be exempt from any mandatory aspect of new controls.

We thank [REDACTED] for the opportunity to participate in this process. Naturally, should you have any queries in relation to [REDACTED], please do not hesitate to contact the undersigned.

**Submission:** [34](#)

**From:** [REDACTED], [Australian Wool Testing Authority Ltd](#)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Subject:** Macaulay Amendment C417 - 191 Racecourse Road  
**Date:** Friday, 6 September 2024 10:19 AM  
**Attachments:** [AWTA C417 Submission 191 Racecourse Road.pdf](#)

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Refer attached.

Regards

[REDACTED]  
[REDACTED]

**AWTA Ltd**

70 Robertson St, Kensington VIC 3031 Australia

[REDACTED]

[AWTA](#) | [Agrifood Technology](#) | [AWTA Product Testing](#) | [NZWTA](#)

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# AUSTRALIAN WOOL TESTING AUTHORITY LTD

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Friday 6<sup>th</sup> September 2024

Strategic Planning  
City of Melbourne  
PO Box 1603  
Melbourne VIC 3001

Via Email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir / Madam,

## 191 to 199 Racecourse Road, Kensington

### Submission to Amendment C417 to the Melbourne Planning Scheme

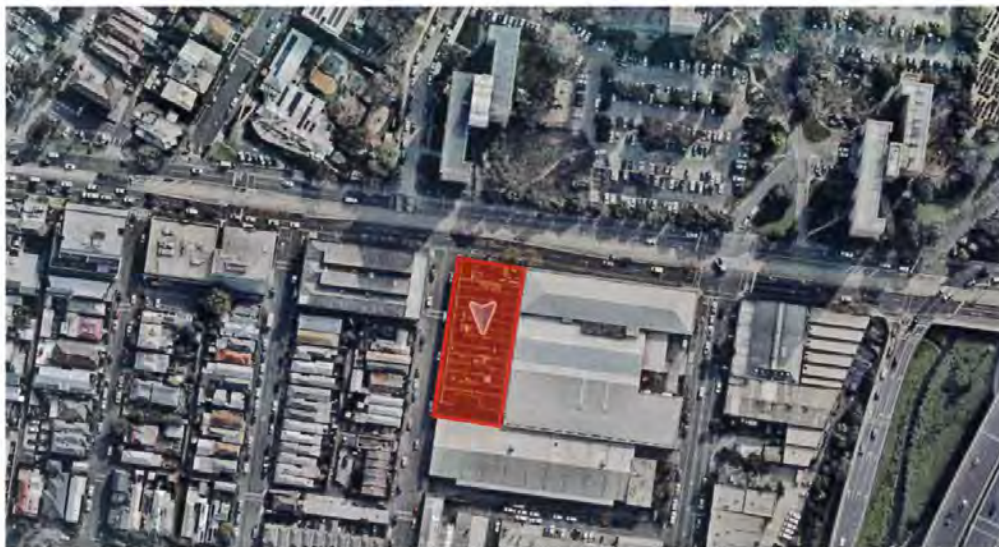
The Australian Wool Testing Authority Ltd is the owner of the abovementioned land and this submission has been prepared in response to Amendment C417 to the Melbourne Planning Scheme that is currently on exhibition.

Having reviewed the material currently on exhibition, we provide the following comments and submissions.

#### Subject Site and Surrounds

The subject site is located on the south-east corner of Racecourse Road and Lambeth Street in Kensington.

Figure 1: Subject Site (subject site depicted in red)



The site is regular in shape with a frontage to Racecourse Road of approximately 30 metres and a frontage to Lambeth Street of approximately 67 metres, yielding an overall site area of approximately 2,000 square metres.

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email: [awtinfo@awta.com.au](mailto:awtinfo@awta.com.au) website: [www.awta.com.au](http://www.awta.com.au)

Flemington Bridge Railway Station is located approximately 400 metres to the east of the subject site.

### **Current Planning Scheme Provisions**

Pursuant to the provisions of the Melbourne Planning Scheme, the site is subject to the following provisions:

- Commercial 1 Zone (C1Z)
- Design and Development Overlay Schedule 26 (DDO26) – North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Rea
- Design and Development Overlay Schedule 63 (DDO63 – Area 8) – Macaulay Urban Renewal Area, Kensington and North Melbourne
- Development Contributions Plan Overlay Schedule 2 (DCPO2) – Macaulay Urban Renewal Area Development Contributions Plan
- Environmental Audit Overlay (EAO)

**DDO63** specifically relates to the Macaulay Urban Renewal Area, Kensington and North Melbourne area and provides guidance in terms of the design objectives and height and setback requirements for land within various precincts.

The subject site is located within 'Area 8', where the following built form controls apply, amongst other things:

- A *preferred* maximum building height of **9 storeys**.
- A *mandatory* maximum building height of **12 storeys**.
- A 'residential interface street' along the western boundary to Lambeth Street with a mandatory street wall of 3 storeys with a preferred setback above the street wall of at least 10 metres.
- A '20m and 30m wide renewal street interface' along Racecourse Road with:
  - A mandatory street wall height of 6 storeys.
  - A preferred set back of 1 metre for every metre of height above 20 metres.

### **Planning Scheme Amendment C417**

Amendment C417 to the Melbourne Planning Scheme introduces development and land use controls to implement the recommendations in the Macaulay Structure Plan 2021.

These changes are proposed through the introduction of new or amended planning scheme controls.

Within the exhibited documentation the following applies to the subject site:

- New Macaulay local policy Clause 11.03-6L
- Updated Schedule 2 to the Development Contributions Plan Overlay (DCPO2)
- New Schedule 8 to the Special Use Zone (SUZ8)
- New Schedule 16 to the Parking Overlay (PO16)
- New Schedule 78 to the Design and Development Overlay (DDO78)

Design and Development Overlay Schedule 78 (Stubbs Precinct) includes the following built form requirements for the site:

- A preferred 8 storey building height.
- A mandatory 4:1 FAR.
- A preferred street wall height along Racecourse Road of 8 storeys.
- A preferred street wall height of between 3 and 6 storeys along Lambeth Street.
- A preferred 2 storey street wall along the southern boundary of the site.
- A preferred 3 storey street wall along the western boundary of the site.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- A new 6 metre laneway (Type A) along the southern boundary.
- A new 12 metre street located on the adjoining site to the east.

### **SUBMISSIONS**

Having reviewed Amendment C417 to the Melbourne Planning Scheme and the associated amendment documents, we make the following submissions:

#### ***Regressive Controls***

The proposed controls represent a regressive step which fail to reflect the opportunity presented by the urban renewal area and the subject site.

Among other things, the proposed provisions would result in a reduction in the applicable heights contemplated for the site from 9-12 storeys to 8 storeys.

More than a decade on from the preparation of the Arden Macaulay Structure 2012 which underpins the current controls, in a growing city with significant demand for new housing, the applicable planning controls for a major urban renewal area should not be going backwards.

The subject site is relatively large, located on a corner and on a main road and is relatively unconstrained in terms of its immediate interfaces. As such it represents a significant development opportunity to deliver substantial new housing, in line with current housing policy, the Victorian Housing Statement and the broader strategic role of an inner urban renewal area such as this.

The proposed provisions, including the reduced preferred height and the introduction of a mandatory FAR of 4:1, serve only to restrict and disincentivise redevelopment of the site.

Contemporary planning provisions should seek to stimulate and encourage new development and investment, rather than prioritise restriction and limitation.

***Use of Mandatory Controls / Planning Practice Note 59 (PPN59)***

'Exceptional' circumstances do not exist to justify the use of mandatory controls having regard to the criteria within PPN59, particularly for the subject site.

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

The use of preferred or 'performance-based' controls, together with policy and other design / built form provisions in the Planning Scheme provide sufficient guidance to achieve appropriate planning outcomes.

Built form controls for the subject site should provide flexibility to ensure that optimum development outcomes can be achieved and to stimulate development, consistent with the purpose of the strategic objectives for an urban renewal area.

***FAR Controls***

While FARs have been employed in new controls introduced for other areas recently, it does not follow that they should become a default tool in all urban renewal areas.

FARs are a density control and their use in an urban renewal area is at odds with policy encouraging significant growth for new housing, employment and services.

Arden-Macaulay is identified as an urban renewal area and a 'Priority Precinct' within Plan Melbourne, and in such areas planning controls should be enabling to encourage development, rather than restrictive and overly complex.

The impacts of new development can be effectively managed through built form controls and policy, which are already provided for in the draft planning provisions.

***Transitional Provisions***

Any new planning controls should include transitional provisions which provide sufficient flexibility for existing planning permissions to be amended and acted upon and for applications lodged prior to gazettal to be exempt from any mandatory aspect of new controls.

We thank Council for the opportunity to participate in this process. Naturally, should you have any queries in relation to the [redacted], please do not hesitate to contact the undersigned.

[redacted signature block]

**Submission:** [35](#)

**From:** [REDACTED] ([Tract](#)) on behalf of Dingwall Pty Ltd

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Amendment C417 - Submission (77-87 Mark Street, North Melbourne)  
**Date:** Friday, 6 September 2024 10:34 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[2024-09-06 Let-CoM C417melb Submission \(Final\).pdf](#)

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Dear Sir/Madam,  
We act on behalf of Dingwall Pty Ltd who are the owners of the land at 77-87 Mark Street, North Melbourne in relation to this matter.  
On behalf of our client, please see attached copy of our submission prepared in relation to C417.

We respectfully request confirmation of receipt of this submission.

Kind regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Tract**  
Wurundjeri Country  
Level 6, 6 Riverside Quay  
Southbank VIC 3006 Australia  
[03 9429 6133](tel:0394296133)

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We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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6 September 2024

City of Melbourne  
 GPO Box 1603  
 MELBOURNE VIC 3001  
 via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

### Submission to Draft Amendment C417melb – Macaulay Urban Renewal Precinct

Tract Consultants acts on behalf of Dingwall Pty Ltd (“**Dingwall**”), the owner of the land at 77-87 Mark Street, North Melbourne (“**Site**”) in this matter.

Our client welcomes the opportunity to provide comment on the exhibited material relating to Draft Amendment C417melb (“**Amendment**” or “**C417**”). The following provides our submissions to the Amendment.

Our client requests to be included as a submitter in the process moving forward.

## 1 Introduction

The Amendment seeks to implement the recommendations of the *Macaulay Structure Plan 2021* (“**Structure Plan**”) by making changes to the *Melbourne Planning Scheme* (“**Planning Scheme**”).

Generally, the City of Melbourne (“**Council**”) proposes to make the following changes to the Planning Scheme through the Amendment:

- Introduction of a new Clause 11.03-6L (Macaulay) of the Planning Policy Framework with tailored objectives and strategies for the development of the precinct.
- Rezoning land within the Structure Plan area to Schedule 8 to the Special Use Zone (SUZ8).
- Deletion of Schedule 63 to the Design and Development Overlay (DDO63) to implement precinct-specific Design and Development Overlays (DDO75, DDO76, DDO77, DDO78). DDO75 applies to the subject Site.
- Amendment to Schedule 2 to the Development Contributions Plan Overlay (DCPO2) to include development contributions rates for residential, commercial and retail uses.
- Introduction of a new Schedule 16 to the Parking Overlay (PO16) to apply a maximum parking rate of zero.
- Consequential amendments to the Schedules to Clauses 66.06 (Notice of Permit Applications under Local Provisions), 72.04 (Incorporated Documents), 72.08 (Background Documents) and 74.02 (Further Strategic Work).

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1 / 11

## 2 The Site

Dingwall is the owner of the land at 77-87 Mark Street, North Melbourne. The Site is formally identified as Lots 1 and 2 on Title Plan 625050M (Vol 08555 Fol 097). The Site comprises an area of 5,735m<sup>2</sup>.



Figure 1. 77-87 Mark Street, North Melbourne (marked up to show location of proposed open space buffer and north-south aligned street)

The Site is within the Boundary Precinct of the Structure Plan, at the western end of Mark Street adjacent to CityLink. It has a frontage of 85.1 m to Mark Street (north), interfacing the proposed Mark Street Public Realm project.

Subject to the proposed Amendment, the Site has a preferred maximum building height of 12 storeys in the east and 15 storeys to the west, adjacent to CityLink. An open space buffer (20m wide setback) is earmarked along the western boundary of the Site, and an 18m wide street (north-south aligned) is proposed on the eastern side of the Site.

## 3 Summary of Submission

There are several matters which our client wishes to raise in response to the exhibited Amendment, these are summarised as follows:

1. Mandatory Floor Area Ratios.
2. Flood Mitigation and Development Contributions.
3. New and Widened Streets and Laneways.
4. Consideration of Public Open Space Contributions.
5. Clarity of Proposed Provisions.
6. Existing Planning Permits.

Further discussion on each of these items is provided below.

## 4 Submission

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### 4.1 Mandatory Floor Area Ratio

The proposed Design and Development Overlay, Schedule 75 – Boundary Precinct (**DDO75**) includes a mandatory maximum Floor Area Ratio (**FAR**) of 4:1 within the sub-precinct.

While the intention of the mandatory FAR provisions is understood, the precinct-wide application of this mandatory control will have unintended and unreasonable impacts of the future development of land within Macaulay, preventing the delivery of the built form and density vision for the precinct.

It is acknowledged that the Minister for Planning in their letter approving Part 1 of Planning Scheme Amendment C190 on 26 September 2017 recommended including better density management provisions through FAR controls in a revised Macaulay Structure Plan. However, the recommendation included *‘the potential to maximise development outcomes in exchange for public benefit through a Floor Area Uplift and public benefits schedule.’*<sup>1</sup> There has been no allowance for Floor Area Uplift (**FAU**) or flexibility in the application of the FAR in the drafted provisions.

The blanket application of a mandatory FAR control across the sub-precinct fails to appropriately consider the contextual nuances – both existing and proposed – of sites within the area. Lot sizes within the Boundary sub-precinct vary greatly from less than 500m<sup>2</sup> in some areas to up to 2ha in others. Importantly, *Planning Practice Note 59 – The role of mandatory provisions in planning schemes (PPN59)* specifies that a *‘balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.’* It is submitted that insufficient strategic justification for the proposed mandatory provisions has been provided and, in particular, there is no indication that discretionary FAR provisions would be insufficient to achieve the desired outcome.

While there appears to have been built form control testing undertaken (by Breathe Architecture), this was undertaken prior to the latest draft planning provisions forming part of the Amendment. In their scenario testing for Site B1 (74-88 Mark Street; opposite the subject Site), for example, the 18-metre-wide street proposed to be delivered along the eastern boundary of the Site has not been taken into account in the modelling with buildings shown generally over the proposed roadway.

#### Recommendations

Noting the above, the following measures are recommended with respect to the mandatory FAR provisions:

- Further strategic justification should be provided for the proposed blanket mandatory FAR controls, to demonstrate compliance PPN59. Unless sufficient strategic justification that discretionary controls are inappropriate can be provided, then the FAR controls should be discretionary. Providing discretion in the application of the FAR provisions will allow for future development to respond to site-specific conditions while still achieving the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades in accordance with the Structure Plan (such as the 20-metre wide linear park) in return for increased

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<sup>1</sup> Macaulay Structure Plan 2021, Appendix B.

density within their property and would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

**4.2 Flood Mitigation and Development Contributions**

The exhibited SUZ8 does not include any obligations or application requirements relating to flooding for developments, despite this being something which was included in the original drafting of the zone when the proposed Amendment went to the Minister for authorisation in August 2022.

While the Structure Plan recognises that ‘flooding is an issue along the western boundary which runs parallel to the Moonee Ponds Creek as well as sites on the low-lying land to the north of Macaulay Road,’ the proposed provisions include no mechanisms for addressing or responding to the flooding issues.

It is submitted that this is a major oversight of the proposed Amendment, for reasons discussed further below.

Amendment C384melb proposes to update the maps of areas across the City of Melbourne which are prone to flooding, to ensure flood risk and resilience strategies are appropriately considered as part of permit applications. Council considered Amendment C384melb most recently at the Future Melbourne Committee meeting on 20 August 2024, authorising the amendment to be submitted to the Minister for Planning for approval.

The Site is currently not affected by any flood overlays (Land Subject to Inundation Overlay (LSIO) or Special Building Overlay (SBO)), however, under Amendment C384 almost the entire Site would be affected by LSIO3 (Figure 2).

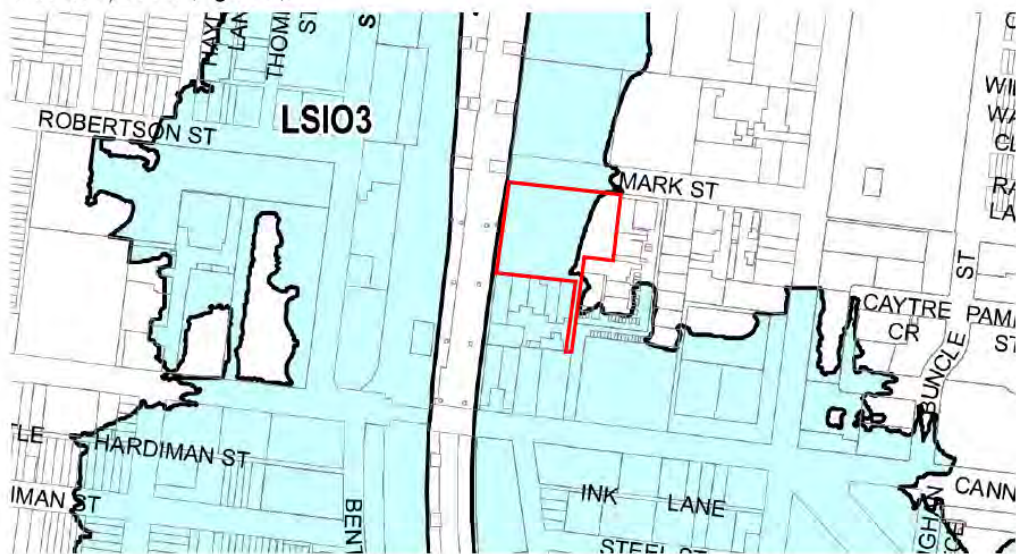


Figure 2. Excerpt of proposed LSIO3 mapping.

It is pertinent that the Structure Plan and Amendment C417 have due and appropriate regard to the implications of flooding on the ability to deliver the density and built form objectives and vision of the proposed provisions, particularly considering Amendment C384.

Of particular relevance to the Site, Amendment C417, and the development potential of land within Macaulay, is the recent VCAT decision in *Laneway Developments Pty Ltd v Melbourne CC* [2024] VCAT 501 (“**Laneway Developments**”). In *Laneway Developments*, the Tribunal considered a planning permit application for the development of a multi-storey mixed-use building at 280-286 Macaulay Road &

7/300 Macaulay Road (south of subject Site). In considering the application, the Tribunal ultimately decided that the risk to life from flooding was too great to allow a permit to be granted for the development:

The Laneway Developments decision demonstrates that until a precinct-wide flood mitigation strategy is implemented within Macaulay, almost any development which would result in increased density (or intensity of use) would pose an unacceptable risk to life and, therefore, not permissible.

Based on the exhibited materials, it is unclear what the status of implementing any precinct-wide flood mitigation strategy is and, as a result, there is uncertainty around the development potential for the precinct despite the ambitious objectives of the Structure Plan.

This extends further to the anticipated funding mechanism for the delivery of the flood mitigation and drainage infrastructure. The exhibited DCP provides no clarity around funding for this vital infrastructure, despite making direct reference to the *Arden Macaulay Precinct Flood Management Strategy, August 2021* ("Flood Management Strategy") as a supporting study in section 2.2.2. The Flood Management Strategy was prepared to ensure that, among other things, the *'intensive development of the Arden Macaulay Precinct can occur'* and *'an appropriate cost contribution and reimbursement model is developed to fund works to reduce flooding, improve drainage and enable the proposed redevelopment.'*

Costs have been excluded for drainage infrastructure in the Cost Plan for the Mark Street Public Realm Project (PR\_03) (Appendix B), while the description of this project is *'Street closure and upgrade to public realm including footpaths, bike paths, landscape works, street furniture, tree planting and drainage.'*

The strategies contained in proposed Clause 11.03-6L (Macaulay) seek to (inter alia) *'ensure the individual and combined impacts of sea level rise and flooding from storm events is appropriately managed'* and *'manage the risk of flooding through flood management solutions in the natural landscape and built environment.'* This provision again acknowledges that flood risk for the precinct is of utmost importance, yet the actionable provisions of Amendment C417 provide little to no measurable mechanisms for implementing flood mitigation measures.

The lack of clear guidance and approach to funding the essential drainage and flood mitigation works is worsened by the recent abandonment of the Urban Renewal Cost Recovery Scheme (URCRS).

#### Recommendation

Having regard to the above, it is essential that Amendment C417 appropriately considers the implementation of flood mitigation measures at a precinct-wide scale and includes appropriate funding mechanisms for ensuring that the critical flood mitigation measures can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.

It is unclear why the current approach is to defer drainage and flood mitigation work contributions to a later date and separate amendment process.

### **4.3 New and Widened Streets and Laneways**

The proposed DDO75 includes a mandatory requirement to provide the new streets, laneways and arcades as shown in *'Macaulay – Stubbs and Boundary Precincts – New and Widened Streets and Laneways – Alignment and Cross Sections, June 2022'* which is proposed to be included as an Incorporated Document at Clause 72.04 of the Planning Scheme.

Developers are expected to bear the cost of the delivery of this infrastructure. This, however, has not been factored into the preparation or application of the *Macaulay Development Contributions Plan, May 2022* ("DCP") or the associated revised Development Contributions Plan Overlay, Schedule 2 (DCPO2).

An excerpt of the map included in the Incorporated Document as it relates to the Site is provided in **Figure 3** below.

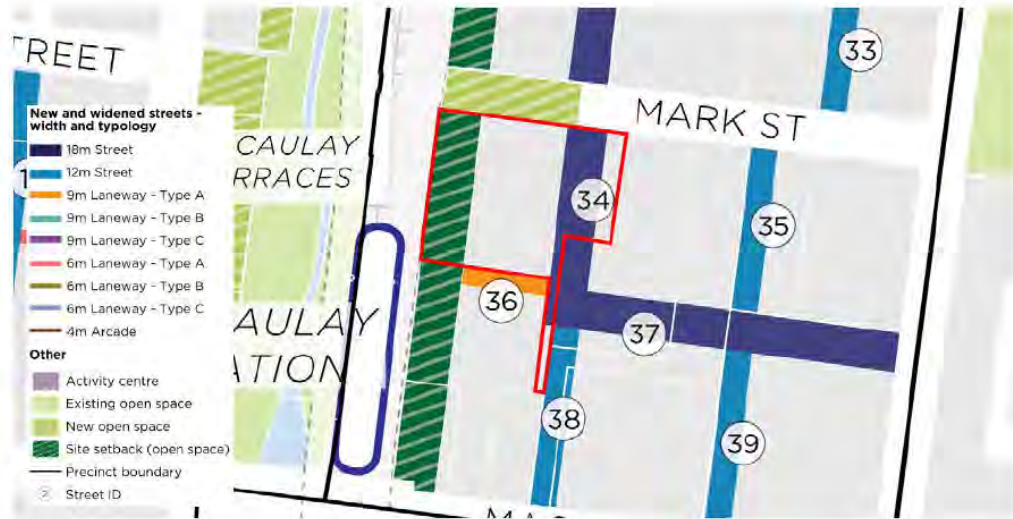


Figure 2. Excerpt of Map of New and Widened Streets - Alignment, Width and Typology, (Macaulay Road).

Based on Macaulay – Stubbs and Boundary Precincts – New and Widened Streets and Laneways – Alignment and Cross Sections, June 2022 the Site includes Street ID 34 – a north-south aligned 18m wide street – and part of Street ID 37 – an east-west aligned 18m wide street. Based on the cross-section design provided in the document, the 18-metre-wide street typology would comprise a 6.1m wide carriageway (with kerb-side parking), a 5m wide water conveyance and WSUD channel, and a 3.4m (minimum) wide footpath on either side.

The alignment of Street ID 34 would result in a narrow (circa 10 metre) parcel of land within the eastern portion of the Site which would be rendered undevelopable presenting a poor urban design and built-form outcome for the precinct. It also unreasonably impacts the net development opportunities for the landowner.

Both Street IDs 34 and 37 also transect separate landholdings requiring a coordinated approach to the delivery and design of these streets between landowners. No details regarding how the coordination between landowners – noting the limited control which planning has on the sequencing of development – has been provided which presents further (and significant) uncertainty for the future development of Macaulay.

In addition to the submissions above, rationale behind the provision and application of 18m wide streets through the precinct is questionable. There are only three 18m wide streets proposed across the entire precinct – Street IDs 37, 34 and 29 – providing connection between Boundary Road, through the subject site, across Mark Street and up to Sutton Street. All other streets are proposed to be 12m wide. The Structure Plan seeks to discourage through-vehicle movements on local streets. It is unclear why these streets have been proposed significantly larger than all other streets within the precinct.

The rationale is made even more unclear when considering the general north-south alignment of streets extending from Street ID 34. Starting from Alfred Street, Street ID 22 begins as a 12m wide street before transitioning into a 4m wide arcade (Street ID 26) up to Sutton Street. Across Sutton Street, Street ID 29 extends between Sutton Street and Mark Street at 18m wide. The 18m wide street continues through the subject Site and narrows again to 12m south of the site to Macaulay Road.

### Recommendation

Noting the above, the following measures are recommended with respect to New and Widened Streets and Laneways:

- Flexibility be applied to the alignment of proposed roads within the precinct, or a more considered alignment that does not result in excising undevelopable land parcels be incorporated.
- Works-in-kind provisions under the DCP be considered to offset the costs to landowners in delivery of roads within the precinct.
- Further justification be provided for the reasoning behind the 18m wide street typology, with consistent application of road widths applied across the precinct to establish a clear road hierarchy.

#### **4.4 Consideration of Public Open Space Contributions**

A 7.06% Public Open Space contribution rate applies to the Site under the Schedule to Clause 53.01.

As noted above, the Site includes a 20m (mandatory) setback requirement from the western boundary (to the CityLink)

Clause 3.0 to the proposed SUZ8 includes the following provision for Public Open Space Equalisation:

*If the land to be subdivided is identified at Table 10 of the Macaulay Development Contributions Plan, May 2022 to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the Public Open Space contribution for the land as set out in Clause 53.01 (Additional Land):*

- *The owner must transfer to Melbourne City Council (Council), at no cost, all of the land in the proposed subdivision identified at Plan 2 in the Macaulay Development Contributions Plan, May 2022 as new public open space (credited), including any Additional Land; and*
- *The Council must make an equalisation payment to the owner for the Additional Land, at a time and in a manner agreed to by the parties.*

*If the land to be subdivided is required by the Macaulay Development Contributions Plan, May 2022 to include an area or areas of Public Open Space that in total area is less than the percentage specified as the Public Open Space contribution required for the land to be subdivided in Clause 53.01:*

- *The owner must transfer to the Council at no cost all of the land in the proposed subdivision identified in the Macaulay Development Contributions Plan, May 2022 as Public Open Space; and*
- *The owner must make an Equalisation payment to Council.*

*An Equalisation payment is a payment equal to the difference between the amount of actual land being transferred as Public Open Space (as a percentage of the land to be subdivided) to Council and the percentage identified as the Public Open Space contribution for the land to be subdivided in Clause 53.01 which must be paid at a time and in a manner required by Council.*

Notwithstanding the above, the proposed linear open space area proposed to be implemented through the 20 metre setback does not appear to be identified in the *Macaulay Development Contributions Plan, May 2022*. Specifically, Section 3.6 to the DCP notes:

*The following items are not included in the DCP. They must be provided by developers as a matter of course and/or pursuant to agreements with servicing agencies in implementing the Macaulay ordinance package:*

- *Internal streets and associated traffic management measures, except where specified as DCP projects;*

- Intersections connecting the development to the existing and planned road network, except where specified as DCP projects;
- Water, sewerage, underground power, gas, and telecommunications services, except where specified as DCP projects;
- Stormwater drainage and water quality works, except where specified as DCP projects;
- Local pathways and connections to the regional and/or district pathway network, except where specified as DCP projects;
- Basic levelling, seeding, water tapping and landscaping of local parks, except where specified as DCP projects;
- Local park masterplans and any agreed associated works required by the ordinance package, except where specified as DCP projects;
- **Land for linear open space identified in the Macaulay Structure Plan (development setbacks);**
- Responsible authority's plan checking and supervision costs; and
- Bus stops.

The items listed above are considered to be normal to the construction of a development and are not considered to warrant cost sharing arrangements beyond those set out in this DCP.

They may be further addressed and defined by an agreement under Section 173 of the Act and/or conditions in planning permits. (Emphasis added)

Based on the above, it appears that the costs associated with the delivery of the proposed linear park is intended to be borne by the landowner and would not offset their Public Open Space or Development Contribution obligations under the proposed provisions

Notwithstanding, Sheet LD-SK-331 to the draft DCP includes an indicative layout for the proposed linear park/setback immediately adjoining the Site implying that Council has clear intentions for the future design of the linear park.

The above approach to the delivery of public open space is contrary to the recommendations of the Panel in their report for Amendment C190 (Arden-Macaulay Structure Plan Implementation) dated 23 October 2015, which notes:

*"If the nominated locations of open space in the Structure Plan are strategically important, then Council should move to acquire them; if open space can be provided by a range of other mechanisms, as was presented at the Hearing, then Council must accept that open space locations may change. It is not appropriate to introduce planning controls to restrict development of land to preserve the amenity of 'open space' that Council has not committed to buying."*

#### Recommendation

It is recommended that further detail be provided for the proposed intention and design of the linear park along the eastern edge of the CityLink. This should be costed and Public Open Space Contribution obligations of landowners be offset by the delivery of these spaces as appropriate. Clause 3.0 of proposed SUZ8 should be amended to ensure that equalisation payments are appropriately captured for all privately delivered (and funded) public open spaces.

Alternatively, this might be more appropriately dealt with by the inclusion of a public acquisition overlay or similar which would be subject to appropriate compensation for the landowner.

#### 4.5 Clarity of Proposed Provisions

As a general observation, the suite of exhibited provisions proposed to be introduced into the Planning Scheme could be improved through considered drafting and consolidating themes under common provisions. This includes:

- Defined terminology being used interchangeably throughout the provisions (i.e., Net Floor Area and Gross Floor Area) and applied inconsistently.
- Affordable housing policy is included within both SUZ8 and Clause 11.03-6L and this should be consolidated (preferably to the SUZ8) for clarity.
  - The SUZ8 includes an application requirement for a report to be prepared to accompany an application to use land for Dwellings/Residential Village providing an assessment against Clause 11.03-6L including how the proposal contributes to the delivery of 6% of housing as affordable housing in Macaulay.
  - Clause 11.03-6L then goes on to again reiterate that development within SUZ8 should provide 6% of dwellings as Affordable Housing, and sets out the relevant mechanisms for providing Affordable Housing.

#### Recommendation

It is recommended that the above provisions be reviewed and updated to provide consistency throughout the proposed provisions and to aid with the usability of the proposed new controls.

#### 4.6 Existing Planning Permits

There have been a number of planning permits which have been issued for land within the Macaulay Precinct and, in particular, the Boundary sub-precinct. It is unclear to what extent the developments approved under these permits have been considered in terms of their design, built form, scale, and layout to align with the vision, objectives and strategies of the Structure Plan.

Further, their development contribution levy obligations have been subject to the existing DCPO2, potentially varying substantially from those associated with the proposed DCPO2. This results in greater and disproportionate obligations on future landowners for funding the essential infrastructure across the Macaulay, following the introduction of the DCPO2 proposed by Amendment C417.

#### Recommendation

Further analysis of existing permits issued within the precinct be provided to demonstrate how the proposed controls align with approved developments in the area. This should include further clarification around how the levies collected between the interim DCPO2 and the proposed DCPO2 can be or have been balanced to ensure equitable contributions across all development sites.

## 5 Conclusion & Summary of Recommendations

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Our client appreciates the opportunity to provide comment on draft Amendment C417 and respectfully requests that the following recommendations be considered:

### Mandatory Floor Area Ratio

- Further strategic justification should be provided for the proposed blanket mandatory FAR controls, to demonstrate compliance PPN59. Unless sufficient strategic justification that discretionary controls are inappropriate can be provided, then the FAR controls should be discretionary. Providing discretion in the application of the FAR provisions will allow for future development to respond to site-specific conditions while still achieving the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and the preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades in accordance with the Structure Plan (such as the 20-metre wide linear park) in return for increased density within their property and would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

### Flood Mitigation and Development Contributions

- It is essential that Amendment C417 appropriately considers the implementation of flood mitigation measures at a precinct-wide scale and includes appropriate funding mechanisms for ensuring that the critical flood mitigation measures can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.
- It is unclear why the current approach is to defer drainage and flood mitigation work contributions to a later date and separate amendment process.

### New and Widened Streets and Laneways

- Flexibility should be applied to the alignment of proposed roads within the precinct, or a more considered alignment that does not result in excising undevelopable land parcels be incorporated.
- Works-in-kind provisions under the DCP should be considered to offset the costs to landowners in delivery of roads within the precinct.
- Further justification be provided for the reasoning behind the 18m wide street typology, with consistent application of road widths applied across the precinct to establish a clear road hierarchy.

### Consideration of Public Open Space Contributions

- It is recommended that further detail be provided for the proposed intention and design of the linear park along the eastern edge of the CityLink. This should be costed and Public Open Space Contribution obligations of landowners be offset by the delivery of these spaces as appropriate. Clause 3.0 of proposed SUZ8 should be amended to ensure that equalisation payments are appropriately captured for all privately delivered (and funded) public open spaces.
- Alternatively, this might be more appropriately dealt with by the inclusion of a public acquisition overlay or similar which would be subject to appropriate compensation for the landowner.

### Clarity of Proposed Provisions

- The proposed provisions should be reviewed and updated to provide consistency throughout and to aid with the usability of the proposed new controls, including consistent use of terminology and consolidating themes to specific provision.

Existing Planning Permits

- Further analysis of existing permits issued within the precinct be provided to demonstrate how the proposed controls align with approved developments in the area. This should include further clarification around how the levies collected between the interim DCPO2 and the proposed DCPO2 can be or have been balanced to ensure equitable contributions across all development sites.

Our client appreciates the opportunity to make these submissions to Amendment C417melb and reserves their right to make further submissions to the Amendment in addition to those listed above at a Future Melbourne Committee meeting or before Planning Panels Victoria, as necessary.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact the undersigned or [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

**Submission:** [36](#)

**From:** [REDACTED], [Homes Victoria](#)

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**OFFICIAL**

**From:** [REDACTED]  
**Sent:** Wednesday, 23 April 2025 12:09 PM  
**To:** Tim Westcott <[Tim.Westcott@melbourne.vic.gov.au](mailto:Tim.Westcott@melbourne.vic.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** RE: OFFICIAL: RE: Melbourne Planning Scheme Amendment C417 Submission

Hi Tim,

Please see attached HV's letter response and updated submission regarding proposed Amendment C417melb to the Melbourne Planning Scheme. As always, please reach out if you have any questions.

Regards

[REDACTED]

Homes Victoria | 50 Lonsdale St, Melbourne, Victoria 3000

[REDACTED] | [www.homes.vic.gov.au](http://www.homes.vic.gov.au)



I acknowledge the Traditional Owners and Custodians of the lands on which I live and work and pay my respect to them, their cultures and their Elders past, present and future.

# Amendment C417melb to the Melbourne Planning Scheme

Homes Victoria Submission

23 April 2025

OFFICIAL

Homes Victoria provides the following submission to the City of Melbourne on amendment C417melb to the Melbourne Planning Scheme for the implementation of the *Macaulay Structure Plan 2021*. Homes Victoria's submission focusses on the land bordered by Alfred, Melrose, and Sutton Streets, and Boundary Road, North Melbourne, also known as the North Melbourne Housing Estate (the '**site**').

## About Homes Victoria

Homes Victoria is a Victorian Government agency that sits within the Department of Families, Fairness and Housing. Homes Victoria supports all Victorians to have access to safe, secure and affordable housing. In September 2023, the State Government launched *Victoria's Housing Statement: The Decade Ahead* outlining an ambitious plan to address housing supply by constructing 800,000 homes in Victoria over the next decade. This is to address the severe shortage of social, affordable and private homes in Victoria. The redevelopment of high-rise public housing estates is identified as a lever to address the housing crisis, and the Housing Statement makes a commitment to retire the 44 public housing towers coming to the end of their practical life and redevelop the estates by 2051, unlocking the delivery of thousands of new and improved homes.

## The High-rise Redevelopment Program

The High-rise Redevelopment Program will boost the overall number of social homes by 10 per cent, while also delivering affordable and market homes. There are currently around 10,000 people living across the 44 towers, and this is expected to increase to around 30,000 people following the redevelopment. Homes Victoria is currently working on the redevelopment of the first five estates in the Program comprising:

- Two towers at 20 Elgin St and 141 Nicholson St, Carlton known as the 'Red Brick' towers - due for redevelopment by 2028.
- Three towers at 120 Racecourse Road and 12 Holland Court, Flemington, and 33 Alfred Street, North Melbourne (part of the **site**) - which will be redeveloped and delivered by 2031.
- 259 Malvern Road South Yarra which will be redeveloped and delivered by 2032.
- 139 Highett St Richmond which will be redeveloped and delivered by 2032.

## About the site

The site currently comprises a total of 430 public housing residential units, owned and managed by Homes Victoria, spread across three towers of up to 21 storeys:

- 33 Alfred Street: Y shape, 13 storeys, 143 units
- 159 Melrose Street: T shape, 13 storeys, 107 units
- 12 Sutton Street: S shape, 21 storeys, 180 units



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The site has multiple street interfaces and is surrounded by four major streets that are 20 to 30 meters in width with a significant amount of on street and median car parking. This creates significant separation between the site and its surrounding context. The area surrounding the site is continually evolving and mixed-use in character. Residential buildings surrounding the site are predominantly low rise detached terraces and cottages, however higher density and taller apartment developments have emerged up to 12 levels, particularly on Boundary Road.

Homes Victoria is currently working to relocate the residents of 33 Alfred Street. In December 2024, Homes Victoria undertook an initial consultation/visioning workshop with renters and the community to inform the design of the new homes, as part of the broader redevelopment of the site. We are now seeking a project partner to put forward a proposal to build and manage around 800 new homes, including around 300 social homes, at 33 Alfred Street, North Melbourne.

## Homes Victoria Comments

The proposed Amendment C417melb does not consider the special nature of the site and its ability to achieve the outcomes of the Housing Statement. It appears to have been drafted contemplating private development on privately held land.

Homes Victoria considers that the current draft does not give sufficient priority to increasing housing supply in the area, to the benefit of Victorians experiencing housing stress. The use of mandatory controls and moderate height limits is contrary to the State Government's intention to increase density across the site. Many of the requirements of the proposed zone and overlay controls are inappropriate or excessive. The amendment does not properly support social housing in a way envisaged by Clause 16.01-2S Housing Affordability.

Homes Victoria does not support the amendment in its current form and wishes to work with City of Melbourne to progress changes that better reflect the site's unique circumstances and the overarching Government direction to maximise the use of well located, inner city public land, especially in the context of a severe social housing shortfall and housing crisis.

### **Zone**

Among other changes, the proposed Special Use Zone 8 encourages a minimum of 20% of floor area for employment or other non-residential use. Homes Victoria supports the intention to bring greater land use diversity to the precinct; however, it is inappropriate to apply this to Homes Victoria land. Whilst it is expected some non-residential uses would form part of any future redevelopment of the site, such uses are likely to be community spaces or small-scale commercial uses, and these are unlikely to reach close to 20%.

The zone also introduces new protections for the gas pipeline running along the site's eastern boundary. The implications of this are unclear and do not seem to reflect the existing high density residential nature of the site. Where similar planning controls have been applied in outer suburban growth areas, this has resulted in reduced density which would be problematic for Homes Victoria achieving Government's vision for the site.

Having regard to the unique circumstances of the site and its ownership, and the need to significantly increase its density, it is considered that the Special Use Zone is not appropriate and that the existing Mixed Use Zone should remain.

**Submission:** *That the site remains as Mixed Use Zone and is not rezoned to the Special Use Zone.*

### **Overlays**

OFFICIAL

Homes Victoria submission to Amendment C417melb to the Melbourne Planning Scheme

3

The new Design and Development Overlay Schedule 76 includes:

- Maximum building heights
- Mandatory floor area ratios.
- Mandatory sunlight protection to public open spaces and the public realm.

The proposed discretionary building height is a maximum of 8 storeys. In the context of existing buildings up to 21 storeys, and many others around 13 storeys, this is considered insufficient and a significant underdevelopment of the site. These limits would also severely restrict the Government's ability to achieve the Housing Statement's objectives for the **site**.

The amendment provides no justification for halving building heights compared to existing conditions, particularly given the towers are a longstanding feature of this part of North Melbourne and an urban form that locals have grown accustomed to. Similarly, the proposed mandatory floor area ratio of 4:1 is inappropriate and does not account for the potential of the land to make a meaningful contribution to additional social and affordable housing.

The solar protection to public parks clause adds further restrictions on the redevelopment potential of the site. Homes Victoria testing of the solar impact of modest scale development on Bunclie Street Reserve to the south of the site confirms even modest development cannot meet the proposed requirements. The standard is similar to that pursued through Amendment C278 (now amendment C415), which still has not been approved. It will have a significant impact on Homes Victoria's ability to deliver Housing Statement objectives on the site and demonstrates inappropriate prioritisation of amenity benefits applicable only during a small window of time in winter, ahead of year-round benefit of much needed housing supply and new open spaces for the most vulnerable Victorians. A fairer balancing of considerations, or a net community benefit test, would preference housing ahead of avoided solar shading on a small area of a large park.

Many of the application requirements under the overlay are also not appropriate for a Homes Victoria housing site. These include a design excellence report, and the use of a design review process or design competition. Given the impact of the overlay, and the unique characteristics and ownership of the site, it is considered reasonable that the site be exempted from DDO76 (whilst still having the existing DDO63-A5 removed as is proposed), allowing the responsible authority to consider any future planning application on its merits and without the burden of excessive built form controls.

**Submission:** *That DDO76 not be applied to the site.*

#### **Local Planning Policy at Clause 11.03-6L Macaulay**

Whilst Homes Victoria generally supports the local policy, it has concerns that the focus on 'mid-rise' is at odds with the site's existing high-rise nature with heights up to 21 storeys, and its role in realising the objectives of the Government's Housing Statement.

**Submission:** *Amend the local policy to change references to the site from mid to high rise.*

#### **Other Homes Victoria land impacted by Amendment C417melb**

Homes Victoria shares similar concerns with respect to their land at 76 Canning Street North Melbourne, and other Homes Victoria owned land impacted by the proposed Amendment C417melb which includes the land bounded by Boundary Road, Mark Street, Melrose Street and Canning Street (small-scale shops and church excepted).

OFFICIAL

**Submission:** [37](#)

**From:** [REDACTED], [R. Corporation](#)

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Friday, 6 September 2024 11:30 AM

## PARTICIPATE MELBOURNE



### Make a submission on Amendment C417 Form Submission

There has been a submission of the form Make a submission on Amendment C417 through your Participate Melbourne website.

**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Postal Address**

[REDACTED]

**Postcode**

[REDACTED]

**Contact email**

[REDACTED]

**My submission is being made on behalf of:**

Company/consultancy

**Subject property**

103-105 Boundary Road, 107-109 Boundary Road, 115-117 Boundary Road and 59-101 Alfred Street, North Melbourne

**Formal comment on Amendment C417**

See attached submission letter

**Upload a written comment / attachments**

- [20240906 - R.Corporation\\_submission\\_to\\_Am\\_C417.pdf](#)

I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party

Yes

**What motivated you to participate in this consultation today?**

[REDACTED]

**Which of the following best describes your connection to this City of Melbourne project?**

[REDACTED]

Based on your connection to this project, where do you live/work/own a business/study/visit?

[REDACTED]

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Do you identify with any of the following?

[REDACTED]

To view all of this form's submissions, visit

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www.rcorporation.com.au  
 Telephone +61 3 9825 5000  
 contact@rcorporation.com.au



## R.Corporation

6 September 2024

City of Melbourne  
 Via Participate Melbourne Platform

Dear Council

**Draft Macaulay Structure Plan 2021**  
**Draft Amendment C417 to Melbourne Planning Scheme (Amendment)**

We write in relation to the land located at 103-105 Boundary Road, 107-109 Boundary Road, 115-117 Boundary Road and 59-101 Alfred Street, North Melbourne (the **Land**). The Land is for sale via an Expression of Interest campaign and R.Corporation is an interested bidder in the sale process.

**Proposed amendments**

We have significant concerns regarding the changes proposed in the Amendment. The Amendment imposes, in totality, a mix of unworkable restrictive limitations on future development, reducing flexibility for residential and mixed-use projects, preventing a diverse architectural forms and unnecessarily increasing the cost of housing in the precinct.

In particular:

Draft control	Submission
Clause 11.03	Policy that suggests a mandatory requirement for 6% of dwellings to be affordable housing, for nil consideration, is opposed. This is an improper use of the policy provisions and is an unreasonable impost on development which will simply increase the cost of housing for all market housing buyers.
Schedule 8 to the SUZ	The inclusion of Accommodation as a section 2 use and the requirement for a minimum of 20% of uses other than Accommodation is opposed. Additional housing in this precinct should be prioritised, without seeking unviable non-accommodation uses on all sites.
Schedule 75 to the DDO	<p>The use of discretionary building heights, street wall heights and setbacks is supported, as is the additional building heights adjacent to CityLink.</p> <p>However:</p> <ul style="list-style-type: none"> <li>the area of 6 storey height on Boundary Road should be increased</li> <li>the 3 metre street wall heights proposed on a number of the new streets is unnecessarily low, enforcing a podium tower typology and preventing innovative architectural design and a variation in built form on large sites</li> <li>the 5 and 7.5 metre building setbacks should be reconsidered, to enable built form other than podium tower typology.</li> </ul> <p>The extensive setback to CityLink should be reduced, given a range of uses can be accommodated with sensitive acoustic treatments in close proximity to CityLink.</p>

**Everything considered.**



	<p>The proposed Floor Area Ratio of 4:1 is oppressive and restricts the capacity for large sites to be developed with varied and innovative architectural designs.</p> <p>The preference for car parking to be held in single ownership for use by a catchment larger than the site:</p> <ul style="list-style-type: none"> <li>• does not provide certainty for dwelling owners that they will have access to a car park, noting most families will not move into large apartments without access to a car park; and</li> <li>• will reduce the security of the accommodation buildings on the Land by allowing broad use by others not associated with the site</li> </ul> <p>The requirement for two north-south through-block links on the Land, as a mandatory requirement of development, is opposed. The proposed new streets will unnecessarily fragment the Land. In addition, the proposed new streets do not connect to proposed laneways streets in existing permits on adjacent sites, resulting in disconnected and impermeable local accessways.</p> <p>The proposed mandatory requirement to not cast additional shadow on the proposed new east-west 12m wide street to the south of the Land conflicts with the proposed building heights and unnecessarily limits the development potential of the Land.</p>
Schedule 16 to the Car Parking Overlay	<p>The maximum parking rate of zero, unless in a consolidated car park, is opposed. The requirement for car parking to be held in single ownership for use by a catchment larger than the Land:</p> <ul style="list-style-type: none"> <li>• does not provide certainty for dwelling owners that they will have access to a car park, noting most families with children will not move into large apartments without access to a car park;</li> <li>• will reduce the security of the accommodation buildings on the Land by allowing broad use by others not associated with the site, necessitating the use of security and other restrictive mechanisms, at the cost of the Owners Corporation; and</li> <li>• does not reflect the reality that the broader Melbourne region does not provide well serviced public transport for all users.</li> </ul>
Schedule 2 to the DCPO	<p>Clause 4.0 should provide for a new category of exemption for existing permits where there is a requirement for a s173 agreement to pay development contributions. Otherwise landowners may be forced to pay twice.</p>

We reserve the right to raise further detailed objections should this matter progress to a Panel hearing.

**Requested amendments**

In addition to the objections raised above, the Amendment fails to acknowledge the number of existing permits that exist in the precinct. We therefore request that a transitional provision be included in the controls (including to Schedule 75 to the DDO) to provide that the new provisions do not apply to existing permits or *an amendment to* an existing permit. Such an approach has been accepted in the Fishermans Bend precinct, acknowledging the extensive investment made by developers to design and progress developments prior to the introduction of the controls in the Amendment.

Yours sincerely

[Redacted signature block]

**Submission:** [38](#)

**From:** [REDACTED] ([Contour](#)) on behalf of Greystar Australia Pty Ltd

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Friday, 6 September 2024 11:50 AM

## PARTICIPATE MELBOURNE



### Make a submission on Amendment C417 Form Submission

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**First Name**

Greystar Australia Pty Ltd c/o Contour Consultants

**Last Name**

As above

**Postal Address**

[REDACTED]

**Postcode**

[REDACTED]

**Contact email**

[REDACTED]

**My submission is being made on behalf of:**

Company/consultancy

**Subject property**

352-400 Macaulay Road, Kensington

**Formal comment on Amendment C417**

Refer attachment

**Upload a written comment / attachments**

- [C417melb\\_-\\_Greystar\\_Submission.pdf](#)

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Yes

**What motivated you to participate in this consultation today?**

[REDACTED]

**Which of the following best describes your connection to this City of Melbourne project?**

[REDACTED]

Based on your connection to this project, where do you live/work/own a

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[REDACTED]

Have you participated in a consultation with City of Melbourne before?  
[REDACTED]

How do you describe your gender?  
[REDACTED]

Do you identify with any of the following?  
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6 September 2024

Manager Planning Policy  
City of Melbourne  
GPO BOX 1603  
MELBOURNE VIC 3001  
[planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir/Madam,

**Submission to Amendment C417melb  
352-400 Macaulay Road, Kensington (Greystar Kensington)**

We act for Greystar Australia Pty Ltd. Greystar is a leading, fully integrated global real estate company offering expertise in property management, investment management, development, and construction services in institutional-quality rental housing, logistics, and life sciences sectors. Greystar manages and operates more than \$320 billion of real estate in approximately 250 markets globally with offices throughout North America, Europe, South America, and the Asia-Pacific region. Greystar is the largest operator of apartments in the United States, manages nearly 997,000 units/beds globally, and has a robust institutional investment management platform comprised of over \$78 billion of assets under management, including \$36 billion of development assets. In 2017, Greystar launched its business in Australia, and currently have 5 live projects in Victoria comprising more than 2,300 apartments.

Of specific relevance to this submission is the site within the Macaulay Structure Plan Area, 352-400 Macaulay Road, Kensington.

**Subject Site**

The site is an irregular shape parcel of land, comprised of several titles. Combined, the site has a frontage to Macaulay Road of approximately 80m and maximum depth of approximately 137m. The total site area is approximately 9,555m<sup>2</sup>, and it is currently occupied by a number of buildings and car parking areas.

Insofar as its location, the site is positioned approx. 200m from Macaulay Station to the east, and approx. 210m from Kensington Station to the west.



Figure 1 – Aerial photograph with site boundaries highlighted

1 of 4

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Contour Consultants Australia Pty Ltd  
ABN 98 417162 976  
ACN 068 152 714



The site has ministerial approval for 8 storey buildings comprising dwellings and retail floor area (Planning Permit No. PA2201709-1). The original permit was issued on 17 October 2023, and the permit was amended on 8 July 2024. We also note that plans have been endorsed and works on site are to commence shortly.

The approved proposal is described as follows:

- 8 storey building with 6 storey street wall to Macaulay Road
- Provision of 441 apartments comprising 1, 2 and 3 bedrooms
- Provision of more than 1000sqm of retail floorspace
- Delivery of a two way road to the west of the site (with an 8 storey street wall adjacent)
- Delivery of a pedestrian link to the east of the site (with an 8 storey street wall adjacent)
- Delivery of an east-west link through the site (with an 8 storey street wall adjacent)



*Figure 2 – Approved buildings*

### **Planning Scheme Provisions**

Pursuant to the current Melbourne Planning Scheme provisions, the following zones and overlays apply:

- Mixed Use Zone (MUZ)
- Development Contributions Plan Overlay (DCPO2)
- Design and Development Overlay (DDO26)
- Design and Development Overlay (DDO63-A4)
- Environmental Audit Overlay (EAO)

There is no maximum building height specified within the Mixed Use Zone.

An interim Design and Development Overlay (DDO63) applies to the site (current expiry date 29 September 2025). The applicable reference document underpinning the DDO63 provisions is the Arden-Macaulay Structure Plan 2012.

Within the 2012 Structure Plan, the site is identified as being within Area 4 and subject to the following built form requirements:

- Preferred maximum height of 6 storeys
- Absolute maximum height of 8 storeys
- Development at the frontage must not exceed a height of 6 storeys.



- Development should be set back from Macaulay Road 1 metre for every metre of height above 20 metres.

Of note, there is currently no applicable floor area ratio provision, and the approved floor area ratio is 4.41:1.

Design and Development Overlay (DDO26) that applies to the site and relates to the North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation area.

### **Amendment C417melb**

The Amendment seeks to implement new land use and development controls, generally as recommended in the Macaulay Structure Plan 2021 (MSP).

Relevant to the subject site, the MSP identifies the site within the 'Stubbs Precinct' which has the following guidance in relation to built form:

- Mandatory floor area ratio of 2.5 to 4.1
- Discretionary building height of 6-8 storeys
- 5 storey street wall height along this Macaulay Road

As exhibited, the proposed controls specific to the subject site are as follows:

- Special Use Zone (SUZ8)
- Design and Development Overlay (DDO78) – noting these provisions would replace the interim DDO63 provisions
- Parking Overlay (PO16)

Of particular note in relation to the merits of the Amendment are the following provisions that are inconsistent with the recent approval:

#### Special Use Zone (SUZ8)

- Minimum floor area requirement for use other than accommodation:

*"Where a permit is required to use land for Accommodation, the development should include a minimum of 20 percent of net floor area allocated to a use other than Accommodation"*

#### Design and Development Overlay (DDO78)

- 3.5:1 FAR
- 5 storey street wall height (Macaulay Road)
- 3 storey street wall height (east and west roads)
- 2 storey street wall height (northern road)

### **Submissions**

Greystar thanks Council for the opportunity to participate in the updated strategic work in relation to the Macaulay Precinct urban renewal area.

That said, having reviewed the adopted Macaulay Structure Plan and the associated draft planning controls, it is our submission that the new provisions are a step backwards.

In planning policy terms, given the role of urban renewal areas in accommodating growth and increased residential and employment densities, strategic planning for these precincts should be ambitious and enabling.



It cannot be the case that in 2024, the proposed new controls are more restrictive than the current provisions that were formulated based on the Arden Macaulay Structure Plan 2012.

The recent Ministerial Permit (PA2201709-1) assists as a case study. More specifically, this recent approval could not be approved if assessed against the draft new provisions.

The Victorian Housing Statement is also relevant. The statement is a response to the shortage of suitable housing to meet the strong and ongoing population growth in the State. The Housing Statement sets a bold target to build 800,000 new homes by 2033 to address housing affordability and the availability of housing for Victoria's growing population. To this end, if the development outcome onsite were limited to a floor area ratio of 3.5:1, we estimate that the loss of yield would be circa 90 units.

In addition to the issues associated with the controls being too conservative, we question the merits of using the Special Use Zone. Instead, it is our submission that a more conventional zone from the VPPs would be more appropriate, including retention of the currently applicable Mixed Use Zone.

#### Drafting of controls

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements. Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate. 'Exceptional' circumstances do not apply in this instance and that the use of mandatory controls are not warranted having regard to the criteria within PPN59.

We also note that the definition of 'floor area ratio' within the draft DDO does not specify that the gross floor area is calculated from above ground floor level, which would be consistent with the wording of other DDO controls within the City of Melbourne, for example DDO2. This error should be rectified.

Finally, to protect accrued rights, any new planning controls should include transitional provisions which provide flexibility for existing planning permissions to be amended and acted upon and for applications lodged prior to gazettal to be exempt from any mandatory aspect of new controls.

#### **Conclusion**

We appreciate the opportunity to provide submissions in relation to the Amendment and would welcome a meeting to discuss the above.

Yours sincerely

[Redacted signature block]

**Submission:** [39](#)

**From:** [REDACTED]

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
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█

**Last Name**

██████

**Postal Address**

██

**Postcode**

███

**Contact email**

██

**My submission is being made on behalf of:**  
Individual

**Formal comment on Amendment C417**

As a long time resident of the City of Melbourne and a new resident to the Maculay area I'm a big supporter of the changes to planning for the area as new residents move in and the area density increases. Especially important to me is the instruments and plans to make sure open space is provisioned and improved along the Moonee ponds Creek, and that the streets are changed from prioritising heavy commercial/industrial traffic as they do currently, to prioritising pedestrians, active transport, space for people, and public transport. Maculay is an area of great opportunity but only if the public space is designed for people and creates a safe and pleasant space to be.

**I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party**  
Yes

**What motivated you to participate in this consultation today?**

██

**Which of the following best describes your connection to this City of Melbourne project?**

██████████

**Based on your connection to this project, where do you live/work/own a business/study/visit?**

████████████████

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

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Age Group

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Do you identify with any of the following?

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**Submission:** [40](#)

**From:** [REDACTED]

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
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**PARTICIPATE MELBOURNE**



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██████

**Last Name**

██████

**Postal Address**

████████████████████

**Postcode**

██████

**Contact email**

████████████████████

**My submission is being made on behalf of:**

Individual

**Subject property**

Proposed open space.

### Formal comment on Amendment C417

I don't think it fair to propose the area next to Moonee Ponds Creek along Stubbs St as new open space. As you probably already know it's a flood plain. When it rains all the rubbish in the street and drains and leaves get washed down from Kensington down to the creek. It's a pig sty. Not to mention when it rains it all turns to mud. How could that type of area be considered for open space? So the council has proposed open space under a freeway, next to a train line, on a dirty creek. With every apartment that is sold the council receives money for green space but what is the community getting in return? It's not good enough in my eyes. One factory on Chelmsford to turn into a park is not good enough considering the open space along the creek will be full of rubbish and muddy most of the time. Also you won't be able to build anything like bbqs or playgrounds because of the floodplain. The whole area along creek from Flemington bridge to Macaulay Bridge floods. Your own maps show that. Also the park at Robertson Street Reserve has a lane running through it. The council brings in all these people, high rise and doesn't provide the open space. Not good enough. Also this page won't let me upload more than 1 file. Regards.

**I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party**

Yes

What motivated you to participate in this consultation today?

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a business/study/visit?

[REDACTED]

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

[REDACTED]

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First Name

[REDACTED]

Last Name

[REDACTED]

Postal Address

[REDACTED]

Postcode

[REDACTED]

Contact email

[REDACTED]

My submission is being made on behalf of:

Individual

Subject property

[REDACTED]

Formal comment on Amendment C417

On the attached map is updated modelling for flooding on Lambeth St and Stubbs St. [REDACTED] [REDACTED]. The street [REDACTED] is on a gradient so water runs down the gutter to the lower level. I can't see how water will affect [REDACTED] from the drains. It just doesn't make sense. I'm assuming in the future due to climate change there will be more flooding in the area. However once the drains are full water will flow down the gradient on the gutter and street. Doesn't that make more sense? Why would water flow up [REDACTED] into my house when it could flow down the hill. Once it reaches the bottom the water will rise from the bottom but it can't flood my house from the drain. That's impossible. The house down the bottom of my block, [REDACTED] I assume would be about 1 metre below me, so wouldn't the water run down there on the road or gutter before it comes up my steps? Can someone please contact me about this issue? Regards [REDACTED]

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- [IMG\\_0555.png](#)

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Yes

What motivated you to participate in this consultation today?

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a business/study/visit?

[REDACTED]

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

[REDACTED]

Do you identify with any of the following?

[REDACTED]

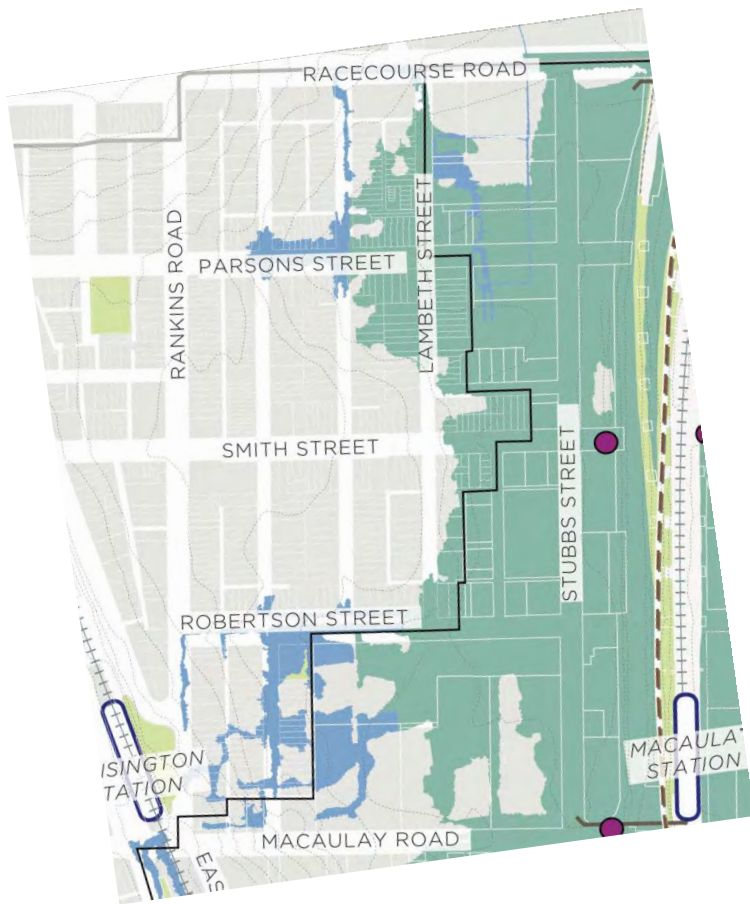
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**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Friday, 6 September 2024 4:25 PM

**PARTICIPATE MELBOURNE**



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[REDACTED]

**Last Name**

[REDACTED]

**Postal Address**

[REDACTED]

**Postcode**

[REDACTED]

**Contact email**

[REDACTED]

**My submission is being made on behalf of:**

Individual

**Subject property**

Kensington/Macaulay Parking and traffic.

**Formal comment on Amendment C417**

Hello.

With all the new apartments and the thousands and thousands of people moving to the area it will put tremendous stress on street parking. Street parking is already stretched in some streets and times. I know you are encouraging people to not own a car but some people have jobs where you just have to. Also be aware just because they own an apartment without a car park in the complex doesn't mean they won't own a car. They will just park on the street. [REDACTED] have contacted the council to add more 2 hr limits in streets and the council just refuses to do anything...why? Collette Street, between Parsons and Smith is always full. Smith street will only get worse as well. Please do something. Also [REDACTED] Parsons resembles Burke street at peak hour as drivers use it as a rat run to avoid other main roads. Also they have no regards for the speed limit or the speed humps. They just fly over them. Regards.

**I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party**

Yes

**What motivated you to participate in this consultation today?**

[REDACTED]

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a business/study/visit?

[REDACTED]

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

[REDACTED]

Do you identify with any of the following?

[REDACTED]

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**Last Name**

██████

**Postal Address**

████████████████████

**Postcode**

██████

**Contact email**

████████████████████

**My submission is being made on behalf of:**  
Individual

**Subject property**  
Macaulay Apartments and Bridge.

**Formal comment on Amendment C417**

Hello.

With all the apartments that will be going up it will bring so much more heat to the area in summer. They will absorb the sun and throw off heat also and block the cool southern breeze that cools the area. Forcing people to use more air conditioning which is not a good thing for the environment. Traffic congestion will have to increase in my opinion. Rubbish and graffiti will also increase which is already at plague proportions.

Another really important issue I want to raise is Macaulay bridge. At peak hour it is just outright dangerous. It's only a matter of time before someone dies. There are cars, bikes and pedestrians all trying to use it. There is practically no bike lane so bikes use the footpath with pedestrians going in opposite directions etc. It is so dangerous. Then throw in a train line on top of that. I know the council has plans to upgrade bike lanes etc where victrak and pumping station are but I honestly don't think it can wait till then. With people already moving into completed apartments and more under construction now. We need a temporary solution now.  
Regards.

I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party

Yes

What motivated you to participate in this consultation today?

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a business/study/visit?

[REDACTED]

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

[REDACTED]

Do you identify with any of the following?

[REDACTED]

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**Submission:** [41](#)

**From:** [REDACTED] ([Planning & Property Partners](#)) on behalf of Hines Pty Ltd

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Subject:** Amendment C417 submission - Hines Pty Ltd  
**Date:** Friday, 6 September 2024 1:46 PM  
**Attachments:** [image001.jpg](#)  
[Hines - Amendment C417 Submission - 20240906.pdf](#)

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Dear Manager Planning Policy,  
Please refer to the attached submission on behalf of Hines Pty Ltd in relation to Amendment C417 to the Melbourne Planning Scheme.  
Should there be any questions in relation to this submission, please do not hesitate to contact the undersigned.  
Yours faithfully,

[REDACTED]



[REDACTED]

**Planning & Property Partners Pty Ltd**

13/1 Collins Street,  
Melbourne VIC 3000

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6 September 2024

Manager Planning Policy  
City of Melbourne

**By email:** [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Manager Planning Policy,

**MELBOURNE PLANNING SCHEME  
AMENDMENT C417melb  
36-58 MACAULAY ROAD, NORTH MELBOURNE**

We act on behalf of Hines Pty Ltd, the owner of the land at 36-58 Macaulay Road, North Melbourne ('Site') affected by Melbourne Planning Scheme Amendment C417melb ('Amendment C417').

Amendment C417 proposes to implement the *Macaulay Structure Plan 2021* ('Structure Plan') and *Macaulay Development Contributions Plan* to the Macaulay Urban Renewal Precinct ('Precinct') as identified in *Plan Melbourne 2017-2050* and the Melbourne Planning Scheme ('Planning Scheme').

The Site currently maintains planning approval through Planning Permit TP-2015-533 ('Planning Permit') and which will be materially affected by proposed Amendment C417 in its exhibited form, and we request this letter be registered as a formal submission for the purposes of Amendment C417 process.

The basis for our client's objection relates to the proposed planning controls within the exhibited Amendment C417 material, namely the Special Use Zone – Schedule 8 ('SUZ8') and Design and Development Overlay – Schedule 76 ('DDO76').

Since the Structure Plan was originally drafted in 2020 and updated in 2022, the Precinct has evolved significantly in responding to the current planning controls and policy provisions in place. The Structure Plan and now associated exhibited material has had no regard to existing approvals such as that applying to the Site, the evolved built form now across the Precinct or notable site characteristics such as the heritage controls applying to the Site. Simply, the Structure Plan is now considered aspirational and outdated, with further strategic work now required to reflect existing and evolving conditions across the whole of the Precinct.

For instance and relevant to the Site, the Planning Permit allows for two buildings of 10 and 13 storeys in height. The approved design response (as amended from time to time), has appropriately considered and responded to the existing heritage buildings on the Site, restoring and conserving these as part of the Planning Permit. Amendment C417 and the exhibited DDO76 control now seeks to reduce preferred maximum building heights, and further restrict the Site by now imposing mandatory built form controls including a 4:1 Floor Area Ratio ('FAR') control, and winter overshadowing controls to Gardiner Reserve and North Melbourne Recreation Reserve. Such proposed controls are thus conflicting with the development and built form outcomes to be delivered to the immediate area by the Planning Permit.

In relation to the mandatory nature of the controls, Planning Practice Note 59 as it relates to *Mandatory Provisions in Planning Scheme* ('Practice Note') states that such performance based provisions facilitate variation and innovation, and which can accommodate unforeseen circumstances peculiar to a particular application. The need for such variation and innovation is indeed the case for the Site with its heritage constraint, nearby open space and street frontages, have all been carefully



considered in the design response and ultimately assessed by the Tribunal<sup>1</sup>, confirming the appropriateness.

The Practice Note acknowledges that there are circumstances where mandatory controls are warranted, stating in areas such as high heritage value; with consistent character; sensitive environmental locations; and building heights in some activity centres. While the Site alone has noted heritage value, the broader characteristics of the Precinct are not one where the Practice Note identifies where mandatory controls should be targeted toward. Rather, the Precinct is identified as an area for urban renewal, which is to play a significant future role particularly in contributing toward housing supply, which mandatory controls will only hinder.

Moreover, Amendment C417 has aspirational affordable housing requirements and other ambitious requirements for uses other than accommodation. While such requirements are important for housing and future job creation to the Precinct, the mandating of built form controls has the potential to restrict the opportunity for such uses and voluntary affordable housing proposals from being provided in future land use and development applications. The alternative being a performance based provision and the opportunity to uplift preferred built form requirements, where for instance such uses, a contribution in affordable housing or other community benefits are provided in future applications, should be how the proposed controls are drafted, likely encouraging these to be provided.

Indeed, Appendix B of the Structure Plan contains the Minister for Planning's suggestions at the time of approving the earlier interim Amendment C190 Part 1 to the Planning Scheme, identifying such uplifts to FAR as a way of improving the built form provisions. Such FAR uplift improvements do not form part of the exhibited Amendment C417 material.

The proposed future, mandatory requirement for car parking to also be retained in common property in the exhibited SUZ8 control (discretionary requirement within the exhibited Parking Overlay – Schedule 16), will have a flow on impact to the consumer in raising housing prices and project feasibilities, already impacted by significant development contributions as proposed in the exhibited DCPO2 control. Again, it is submitted that such a car parking solution/strategy should again be a preferred requirement and which if proposed/provided in an application again can contribute towards varying preferred built form controls.

The current exhibited material has the potential to significantly impact on our client's site, and given the current status of their Planning Permit, transitional provisions need to be included as part of the Amendment C417 material.

However, given the time lapse that has occurred since the Structure Plan was drafted, the Precinct has significantly changed and what is now proposed through Amendment C417 is now considered aspirational and outdated and not reflective of current circumstances. Accordingly further strategic work is required in the first instance.

We look forward to expanding upon the points outlined in this submission on behalf of our client throughout the statutory processing of Amendment C417.

Should you have any queries in relation to this submission, please do not hesitate to contact the undersigned on [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]  
**Planning & Property Partners Pty Ltd**

---

<sup>1</sup> Platinum Taxi Holdings Pty Ltd v Melbourne CC [2017] VCAT 1946 & Macaulay Holdings Pty Ltd v Melbourne CC [2019] VCAT 1140

**Submission:** [42](#)

**From:** [REDACTED] ([M3 Group](#)) on behalf of [University Food](#)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Submission To Amendment C417 (Macaulay Urban Renewal Precinct)  
**Date:** Friday, 6 September 2024 1:49 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[64-90 Sutton Street - Final Submission v2 \(003\).pdf](#)

---

Dear Sir or Madam,  
Please find attached our submission to Amendment C417 (Macaulay Urban Renewal Precinct).

**Regards,**



[REDACTED]

E: [REDACTED] T: 03 8660 0700  
M: [REDACTED] A: Unit 2/1 Bik Lane, Fitzroy North VIC 3068  
W: [m3group.au](http://m3group.au)



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# M3 GROUP

Unit 2/1 Bik Lane  
Fitzroy North VIC 3068

03 8660 0700  
m3group.au

Attn: Participate Melbourne – City of Melbourne

06/09/2024

Address: via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir or Madam,

**RE: Submission To Amendment C417 (Macaulay Urban Renewal Precinct)**

## 1. INTRODUCTION

Melbourne City Council has prepared a Planning Scheme Amendment (PSA) for the Macaulay Urban Renewal Precinct (Amendment C417) which will implement the Macaulay Structure Plan 2021. This amendment will have direct impacts on planning policies, zoning and overlay controls to provide new guidance and rules for how land within the Macaulay Urban Renewal Precinct can be used and developed.

Amendment C417 is currently in the exhibition stage and Council is inviting submissions. Following this exhibition process, Council will review submissions and report to a council meeting to initiate the next stages of the amendment process.

This submission is made by M3 Group on behalf of the landowner of the property located at 64-90 Sutton Street, North Melbourne VIC 3051 ('the Site').

This submission is supported by a Massing Study that provides further information in relation to the development prospects of the Site and the substantial impacts and loss of dwelling yield resulting from the proposed controls.

## 2. DELIVERY OF HOUSING

As has been well publicised and researched, there is a tangible shortage of housing in Victoria.

As the directive of both State and Local Government, there are methods being implemented within the planning policy framework to facilitate housing development and to unlock land potential. The release of the Victorian Housing Statement 2023 identified a combination of high interest rates, low vacancy rates and escalating building supply costs, whereby housing affordability is now at crisis point.

In September 2023, the Victorian Government released Victoria's Housing Statement which seeks to facilitate the construction of 800,000 homes in Victoria over the next decade, with a target of delivering 70 per cent of those homes in established areas. There is therefore a need to facilitate higher density development within areas well supported by transport and amenities, on sites such as those within the periphery of the CBD.



It is our view that facilitating higher density residential development in well-established areas, with access to jobs and services is non-negotiable, provided that a reasonable level of existing amenity is maintained.

### 3. THE SITE

As outlined above, our review of Amendment C417 has focused on the implications on the development potential of the land at 64-90 Sutton Street. In summary, the Site has the following key characteristics:

- The Site is located on the northern side of Sutton Street and bounded by a vacant site to the north (59-101 Alfred Street), commercial buildings to the east (83-89 Boundary Road and 91-101 Boundary Road, and Moonee Ponds Creek and CityLink to the west. An aerial of the Site is included at Figure 1.
- The Site accommodates a heritage building (the Commonwealth Wool Store & Produce Company Ltd and later Elder Smith & Co. Wool Stores). The existing building is described as a red brick and reinforced concrete wool store complex comprised of two and three storeys, including a traditional wool sale top-level with a sawtooth profile.



Figure 1: Subject Site at 59-101 Alfred Street & 103-109, 115-117 Boundary Road, North Melbourne  
Source: Nearmap, 2024

Under the existing planning controls, the Site is located within the Mixed Use Zone and is affected by the following overlays:

- Design and Development Overlay - Schedule 26
- Design and Development Overlay - Schedule 63 (Area A7)
- Design and Development Overlay - Schedule 66
- Heritage Overlay - Schedule 1117
- Environmental Audit Overlay
- Development Contributions Plan Overlay - Schedule 2 & City Link Project Overlay.





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The existing built form controls (specifically under the DDO) provide for the following development outcomes:

- A preferred maximum building height of 9-storeys, and
- An absolute maximum height of 12-storeys (mandatory).

Several other parameters are set by the above controls, relating to built form setbacks, open space corridors and street wall heights, among others.

Page 5 of the attached Massing Study provides an indicative massing

study for potential development of the site utilising the existing controls. The controls equate to a floor area ratio (FAR) of 5.78:1. The study indicates that a total gross floor areas of 62,095sqm can be achieved, yielding approximately 500 dwellings and 7965sqm of commercial floorspace.

#### 4. AMENDMENT C417

Planning scheme amendment C417 for the Macaulay Urban Renewal Precinct seeks to implement the Macaulay Structure Plan 2021.

The Macaulay Structure Plan was endorsed by Council in November 2021. It sets a framework for the renewal of Macaulay over the next 20 years into a mixed use, mid-rise neighbourhood with a celebrated urban character. We support the intent of the Macaulay Structure Plan and the planning scheme amendment.

With regard to the Site, Amendment C417 would have the following impact on the site and surrounding area:

- Applies new Schedule 8 to the Special Use Zone (SUZ8), which includes Accommodation as a Section 2 Use and a requirement to provide 20 per cent of net floor area to be non-accommodation floorspace.
- Applies new Schedule 75 to the Design and Development Overlay (DDO75), which includes:
  - Preferred building heights of 12 and 15 storeys (discretionary)
  - A mandatory FAR of 4:1
  - A mandatory site setback to the CityLink interface of 20 metres
  - Preferred street wall heights of 8 storeys to CityLink, 5 storeys to Sutton Street, and 2 and 3 storeys to the northern boundary (discretionary)
  - Delivery of two 4m Arcades running north-south through the site from Sutton Street to the new 12m street on the northern boundary
  - Various other land use, built form and design requirements.

Page 6 of the attached Massing Study provides an indicative massing study for potential development of the site utilising the controls proposed in DDO75. The study indicates that a total gross floor area of 43,024sqm can be achieved, yielding approximately 315 dwellings and 7,495sqm of commercial floorspace. This is a significant reduction in dwelling numbers when compared to the existing controls.

#### 5. ALTERNATE MASSING SCENARIOS

In addition to the indicative massing studies prepared utilising the existing controls and the proposed DDO75 controls, we have prepared two additional massing scenarios that demonstrate the development potential of the site without applying a FAR. The massing study has been based on the following assumptions:

- Tower separation of minimum 9 metres, with setbacks from street edge determined by retention/minor modification of 2 x bays of the existing heritage roofing for the podium.
- A floor plate efficiency of 80%.
- An average apartment + balcony size of 85sqm applied across every floor plate.





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- Entire Ground Floor and part of the upper podium levels dedicated to commercial space.

The two additional scenarios modelled yield the following:

- Proposed DDO75 controls without applying a mandatory FAR results in 57,049sqm GFA yielding approximately 466 dwellings and 7,965sqm of commercial floorspace. This also includes a 20m setback to the CityLink Reserve.
- Proposed DDO75 controls without applying a mandatory FAR and without the site setback results in 65,845sqm GFA yielding approximately 540 dwellings and 7,965sqm of commercial floorspace.

These scenarios demonstrate that the FAR controls proposed by DDO75 are overly restrictive and would ultimately result in a loss of dwelling yield during a critical time for housing delivery. The FAR restricts the potential of larger sites to develop to the full extent proposed by DDO75 by capping building heights. Furthermore, it is our contention that development proposals that utilise a mandatory FAR would not result in a better built form outcome.

## 6. SUBMISSION

We generally support the overarching intent of the Macaulay Structure Plan and the planning scheme amendment (C417). However, we consider the controls will unnecessarily reduce the number of dwellings that could be delivered in such a key strategic precinct. We make the following submissions for consideration:

- The controls proposed by DDO75 represent a significant loss of developable area for the site, compared with the existing controls, as demonstrated by the Massing Study attached to this submission.
- While the preferred maximum building heights are taller under the new controls, the use of a mandatory FAR of 4:1 greatly reduces the development potential of the site. We submit that the FAR for this site is unnecessarily restrictive.
- The FAR controls proposed by DDO75 should be weighed against the substantial public benefits that must be delivered:
  - Two new north-south public arcades, 4 metres wide and at least double floor in height, to improve connectivity and improve permeability by enabling cycling and walking through existing built form.
  - 20 metres site setback which delivers a contiguous setback suitable for deep soil planting and establishment of a biodiversity corridor and ability to accommodate overflow from Moonee Ponds creek. The design should consider the potential for a shared path along the CityLink interface.
  - A discretionary 20 percent floorspace allocation to non-accommodation uses when a permit is sought for accommodation, to contribute to the creation of a genuine mixed-use urban neighbourhood.
  - Ability for a future development of the site to provide a meaningful quantum of affordable housing.
- The retention of heritage buildings to celebrate the historic industrial character of the area is an important aspect of vision for Macaulay. The existing building makes an important contribution to the character of the area, and its retention will be a priority for future development of the Site. It should be acknowledged that the heritage status of the building will make future development even more challenging.

As demonstrated by the Massing Study prepared, the proposed DDO75 FAR controls are overly restrictive. In prescribing a mandatory FAR control, the permissible building heights set out in DDO75 are largely unachievable. The amount of GFA required to achieve the maximum buildings heights would lead to low site coverage, unfeasibly slim towers and sporadic building separation.

While it is understood that the intent of the control is to achieve active ground level spaces and building mass separation, the intense reduction in achievable dwelling yield in a housing crisis is unsupportable.

It is recommended that Council consider implementing a discretionary control that allows for uplift in instances where significant community benefit can be exhibited, such as illustrated by the intent of Clause 15.01-2L-02 – Floor





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Fitzroy North VIC 3068

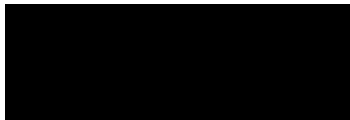
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Area Uplift and Delivery of Public Benefits. This would allow a greater density of development in projects that can demonstrate extenuating circumstances or significant public benefit.

**7. CONCLUSION**

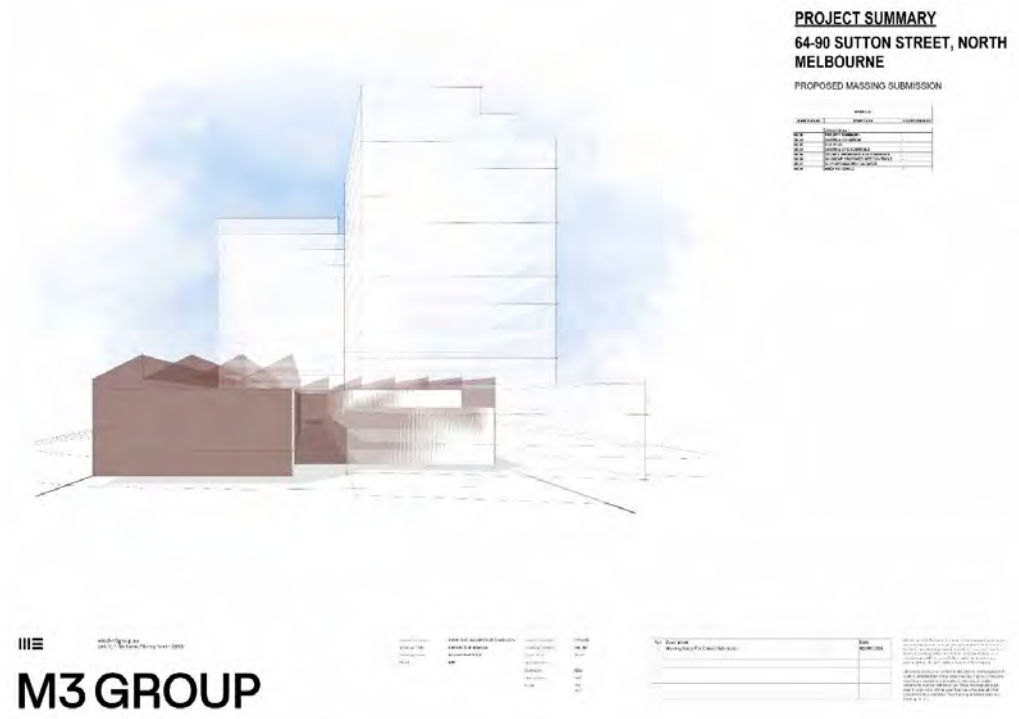
The proposed mandatory FAR by way of Amendment C417 is deemed excessively restrictive. This control, along with other proposed requirements fail to uphold the intent of the Victorian Housing Statement. The constraints not only impact the financial viability of development but also directly reduce the potential for delivering much-needed housing stock within three kilometres of the CBD. We conclude by suggesting that the FAR control is relaxed to facilitate meaningful residential development on this site.

Yours Faithfully,

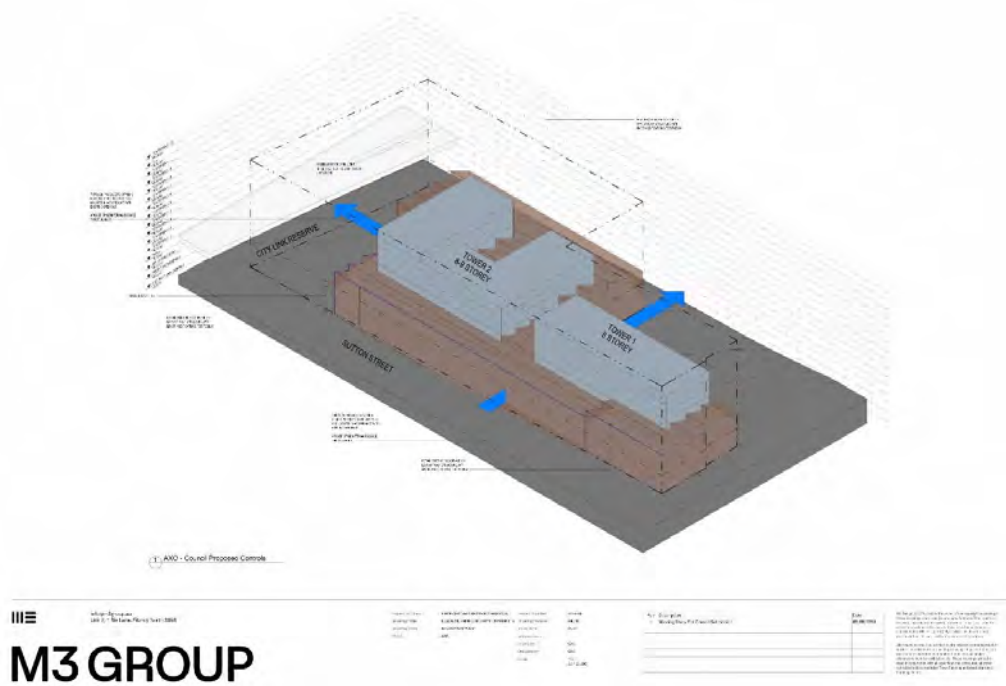
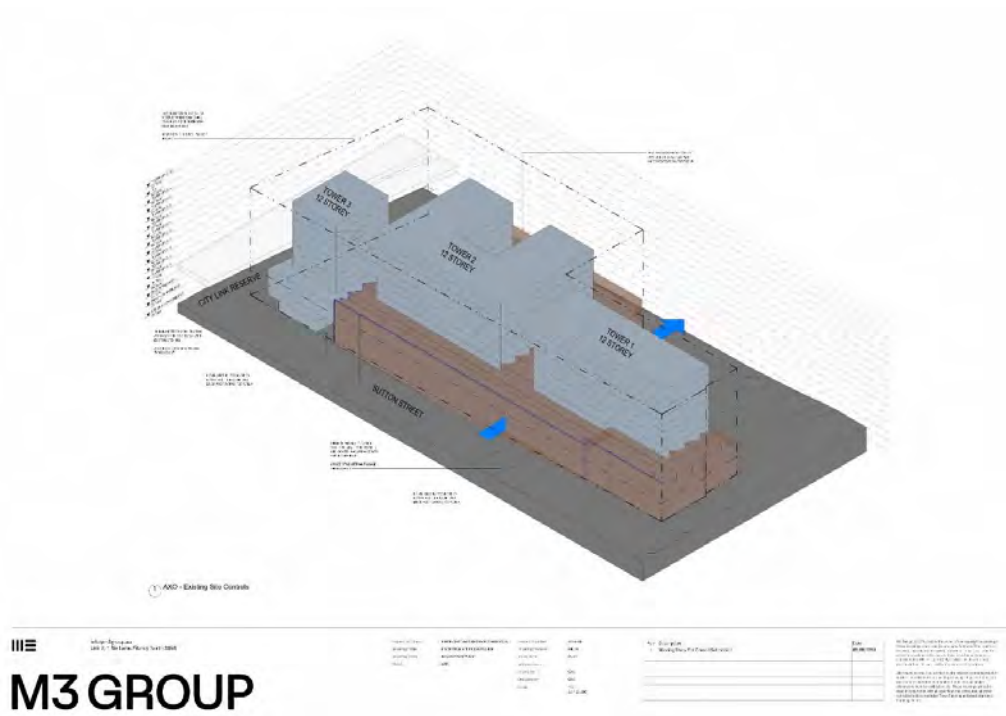


  
M3 CONSULTING











Level	Existing Site Controls	Council Proposed Site Controls	M3 Proposed with 20m Setback	M3 Proposed Controls
GROUND (No arcade/Throughfare included)	7965	7495	7495	7965
LEVEL 1 (No arcade/Throughfare included)	8110	7495	7495	8110
LEVEL 2 (No arcade/Throughfare included)	8374	7495	7495	8374
LEVEL 3 (No arcade/Throughfare included)	7150	6268	6268	7150
LEVEL 4	3812	3312	3312	3812
LEVEL 5	3812	3312	3312	3812
LEVEL 6	3812	3312	3312	3812
LEVEL 7	3812	3312	3312	3812
LEVEL 8	3812	1000	3312	3812
LEVEL 9	3812		3312	3812
LEVEL 10	3812		3312	3812
LEVEL 11	3812		3312	3812
LEVEL 12			800	1500
LEVEL 13			600	1250
LEVEL 14			400	1000
<b>Total Gross Floor Area (GFA IN M<sup>2</sup>)</b>	<b>62085</b>	<b>45001</b>	<b>57049</b>	<b>65845</b>
<b>Floor Area Ratio (4:1)</b>	<b>FAR UNDER CURRENT SCHEME FAR 3.78:1</b>	<b>FAR = 4.1 (43,024)</b>	<b>FAR = 3.3:1</b>	<b>PROPOSED FAR = 6.1</b>
<b>Estimated Dwelling #</b>	<b>-500 Dwellings</b>	<b>-315 Dwellings</b>	<b>-466 Dwelling</b>	<b>-540 Dwellings</b>



NAME	POSITION	NAME	POSITION
...	...	...	...

No.	Description	Value
1	M3 Group Pty Ltd (Construction)	6,000,000

Small text block containing additional information or notes.

**Submission:** [43](#)

**From:**  [Assemble](#)

From: [Participate Melbourne](#)  
To: [Planning Policy](#)  
Subject: Make a submission on Amendment C417 Form Submission  
Date: Friday, 6 September 2024 2:17 PM

**PARTICIPATE MELBOURNE**



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Postcode

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Company/consultancy

Formal comment on Amendment C417  
See attached submission.

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Yes

What motivated you to participate in this consultation today?

██

Which of the following best describes your connection to this City of Melbourne project?

████████████████████

Based on your connection to this project, where do you live/work/own a business/study/visit?

████████████████████

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

[REDACTED]

Do you identify with any of the following?

[REDACTED]

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# Assemble

370 Swan Street  
Richmond VIC 3121  
Australia

1300 181 295  
assemble.com.au  
ABN 624 001 645

Manager Planning Policy  
City of Melbourne  
Melbourne VIC 3000

6 September 2024

By email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Manager Planning Policy,

**RE: Amendment C417 Macaulay Structure Plan**

Thank you for the opportunity to submit to Planning Scheme Amendment C417 which seeks to implement the 2021 refresh of the Macaulay Structure Plan. As a housing developer and community management business active in Kensington since 2018, we support the basis of the proposed amendments, in particular the timely delivery of open space and public realm upgrades which we will continue to advocate for to support the liveability of this rapidly densifying community.

Assemble's interest in the Amendment stems firstly from our role as the custodian of three projects in the local area where we represent the interests of our resident community, but also our role and experience as a housing developer, operating within a challenging economic context. Assemble's three existing projects are located at:

- 38 Albermarle Street, Kensington;
- 402-444 Macaulay Road, Kensington; and
- 15 Thompson Street, Kensington.

Appendix A provides further detail on each of these projects and Assemble's experience, successes and challenges with each.

Firstly, we continue to support the City of Melbourne's vision for this urban renewal area, along with the open space and public realm assets to be delivered to support local liveability. This



Assemble is located on the traditional lands of the Wurundjeri Woi Wurrung peoples of the Kulin Nation. We acknowledge that sovereignty was never ceded, and pay our respects to their elders past and present. We extend this respect to all Aboriginal and Torres Strait Islanders across Victoria, and Australia.

# Assemble

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extends our commitment to support City of Melbourne in advocating for the delivery of open space assets currently owned by the Victorian Government along the Moonee Ponds Creek corridor, to support resident safety through flood mitigation in addition to space for recreation and play.

It is disappointing to note the significant time delay in receiving authorisation for the Amendment to progress. This delay has made the earlier strategic background work to now be outdated, with the precinct evolving significantly since this work was undertaken, with construction activity and various permissions obtained from both the City of Melbourne and Minister for Planning. This includes our three projects all located within the 'Stubbs Precinct' of the exhibited DDO75, where for instance the proposed built form controls are at odds with their constructed/approved status.

Each of our three projects have been strongly supported by the City of Melbourne and Minister for Planning in responding to the current planning controls, informing their success and benefits that can be delivered through careful design consideration, site analysis, engagement with the community and key decision makers. This includes receiving the national award from the Urban Development Institute of Australia for affordable housing for our completed project at 38 Albemarle Street.

In addition to the above relating and following the structure of the City of Melbourne's summary of changes outlined for the Macaulay Urban Renewal Area, we have sought to provide a response to each initiative as follows:

1. *Setting the vision for the area and 6% affordable housing requirements in the Planning Policy Framework (at Clause 11.03-6L).*

Assemble continues to advocate for and support the use of inclusionary housing requirements to create a level playing field and to support the delivery of social and affordable housing within private development.

We note through our commitment to Key Worker housing at 38 Albemarle Street, social housing at 402 Macaulay Road and affordable housing at 15 Thompson Street, all exceed these updated policy requirements. It is important that this requirement considers a range of delivery models including both freehold and leasehold.



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# Assemble

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2. *Increased mix of uses, with a discretionary requirement to provide at least 20 per cent non-accommodation uses (in the SUZ8).*

Assemble understands and supports the continued commitment to mixed use across both Arden and Macaulay Precincts to ensure the avoidance of a ‘dormitory’ and to provide local convenience for residents as well as opportunities to access local jobs. In each Assemble project, we have incorporated non-residential floorspace, comprising between 6 and 10% of floorspace.

We have concerns however with the 20% requirement applying uniformly across the Macaulay Precinct through the exhibited SUZ8 control, including to existing land zoned for mixed use residential development. The precinct south of Chelmsford Street has a critical ongoing employment role anchored around Young Husband; however, there is a significant opportunity to delivery housing supply within the balance of the precinct.

Assemble’s investment mandate from our institutional investors is to deliver housing, consistent with a range of other Build to Rent providers active within the Macaulay Precinct.

We encourage further review of this target with a stronger spatial dynamic to the allocation of employment uses to specific streets or sites rather than a broad brushstroke approach. Given the wide variation in site size and type across the Macaulay Precinct, not all sites are equal in their ability to achieve meaningful commercial floorspace.

3. *Density controls, through the introduction of mandatory maximum Floor Area Requirements (FAR in each DDO).*

While we acknowledge the proposed shift towards floor area ratio controls, in each instance the mandatory drafting of this requirement would have led to each of our projects being prohibited.

If floor area ratio controls are to be pursued, rather than a blanket mandating of this control, discretion needs to be applied alongside preferred building heights otherwise projects such as ours which aim to deliver broad community benefits through our affordable and social housing commitments, public and community spaces and high quality developments, simply are unable to occur.

We note when Amendment C190 (Part 1) was approved, the Minister for Planning’s suggestion at the time as a way of improving built form provisions was for uplifts to floor area ratio controls



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# Assemble

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to be considered. Such uplifts do not form part of the exhibited amendment material, but rather a mandating of this control.

If discretionary density controls and preferred building heights were in place at the time of our design for our 402 Macaulay Road, Kensington project, we may have chosen for instance to increase building heights to the east of our site, to achieve greater variation in built form height across the project and achieve a lower built form edge to our western residential neighbours. Within the current DDO63 control, this degree of flexibility was not possible. To achieve this affect, it is critical to get the balance right between discretionary building height and density controls with scope for necessary uplifts to achieve design flexibility and deliver on measurable community benefits and targeted policy requirements such as affordable housing.

#### 4. *Appropriate setbacks and separation requirements (built form controls in the DDOs).*

Building separation is a matter of great interest to our residents and to Assemble as a developer in ensuring a balance of daylight, sunlight, outlook and privacy. A great apartment design internally is only as good as its outlook and separation from another building, and this has proven a significant challenge at the interface of our 38 Albermarle Street building's southern interface. Where Assemble responded to a heritage context with a generous streetwall setback, shifting our envelope to our south, our southern neighbour has been able to apply within the DDO63 limits for an equivalent building height without providing adequate separation.

Assemble strongly supports a Tooth and Gap methodology and note this is a strong attribute of our 15 Thompson Street, Kensington and 402 Macaulay Road, Kensington projects. Rather than a 'planar' view of a streetwall and setback, this provision values and incentivises the creation of breaks in built form to admit additional sunlight to streets, visibility to green space and a sense of openness and sky views. The inclusion of this requirement, on a case-by-case basis, better supports the diversity in built form we often seek in our projects and allow for flexibility to respond to a range of allotment circumstances.

The shift away from the 1:1 setback control is generally supported, as an outcome which was not appropriately interrogated in the design testing for DDO63 and produces challenging, inefficient envelopes that have impacts on the cost of structural transfers, on the co-ordination of services over multiple plan configurations, and on long term waterproofing and building fabric integrity. Greater consolidation of setbacks and allowance for more 'sheer' building forms is supported.



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5. *Expanded open space opportunities in addition to setbacks from the eastern boundary of Moonee Ponds Creek to provide sunlight access, flood management and a biodiversity corridor (built form controls in the DDOs).*

Assemble strongly supports the continued emphasis on an expanded open space network centred around the Moonee Ponds Creek as well as local pocket parks to support liveability in a densifying precinct. The provision of new open space assets is critical to the health and wellbeing of our residents and Assemble has contributed significantly through Development Contributions and Public Open Space Contributions to allow this to occur.

The Moonee Ponds Creek corridor as a pure transit corridor has an important role, however it requires sufficient, urgent investment to transform it into a biodiverse recreation corridor to support the urban renewal area. Expansions to the land area for the open space and to manage flood impacts greatly benefits our community.

6. *The provision of new public streets, laneways and arcades to establish a high-quality permeable network for pedestrians and cyclists (in each DDO).*

Assemble supports this strengthened emphasis on the character, function and delivery of streets and lanes in the revised Structure Plan, noting that this had been a key deficiency in the DDO63 regime, causing potential conflict between adjacent landowners. The mandating of such links and connections through an incorporated document however is of serious concern, particularly when considering now as built/approved conditions (including for our three projects) and applied in concert with other mandatory built form controls.

Assemble encourages greater consideration of the ownership and design of some of the lane and street types to not only reflect current circumstances, but also where for instance widened landscape zones will be taken on and maintained by Council.

It is our view that these narrow landscape contributions are better designed and managed to an agreed standard by the developer and maintained to a high standard under the operational regime of the development. This is highly relevant to our 402 Macaulay Road, Kensington development, where our western lane interface incorporates generous deep soil landscape setbacks, designed by our landscape architects SBLA. Given direct residential interfaces, front doors and outlook over this space, it is our strong preference for spaces such as these to be privately delivered and managed. Such success and establishment of our landscaping is evident in our completed development at 38 Albermarle Street.



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7. *Encourage a travel mode shift toward sustainable transport options, encourage the provision of consolidated car parking and elevated bicycle parking and end of trip requirements (in PO16 and DDO).*

Assemble supports the consolidated parking approach and has pursued this for a range of reasons in our projects across Victoria. The flexibility of parking structures over time is an important consideration for our investors and residents, and avoiding strata titling of carparks is important in allowing for centralised management and potential adaptation in the long term.

Similarly, our current Design Guide specifies a comparable target of bike parking spaces and End of Trip facilities as proposed, however this is often in conflict with development feasibility where other developers could generate revenue from the same floorspace. Incorporating these requirements as a baseline within the planning controls makes it easier for Assemble to execute our ambition for sustainable transport options from a level playing field.

A minor note from experience however is the treatment of visitor bicycle parking. We urge greater focus on consolidation of bicycle hoops within public streets and lanes, and to avoid niches, setbacks and potential entrapment spaces which are often required in order to simply meet the planning obligations.



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## 8. *Implementing Design Excellence requirements through the use of Design Review Panels and encouraging the use of Design Competitions.*

Assemble has significant experience in the running of design competitions as well as presenting to design review panels in Brisbane, Adelaide, Perth and Melbourne.

If appropriately framed and timed at the earliest possible pre-application phase, these panels can be an important aspect of derisking the planning assessment process by ensuring the provision of detailed merit comments at a formative stage in the process. These would however seem counterintuitive when mandatory built controls are being pursued.

However, when reviews come too late in the process or after lodgement, these can be extremely challenging to navigate, with the degree of design expenditure and time that has occurred, and typically additional resources for design work are not available until the receipt of a planning permit through the conditions phase. If a design review panel process is to be pursued required, it is critical that this is tied to a pre-application stage, and that the terms of reference of the panel are made public to the proponent

The design competition suggestion within the controls is unclear however. For a design competition to be effective (as we have experienced in Perth), it is critical that this is tied to an incentive regime/uplift as outlined above, that substantiates the time and cost investment to realise an outcome. We would urge caution in the recommendation for design competitions without an appropriate incentive regime in place., particularly .

## 9. *The future of Macaulay Station and surrounds.*

We note the continued uncertainty around the significant redevelopment and upgrading of Macaulay Station as an anchor to the overall precinct. The standard of design, access, public realm interface of the station is inadequate and impacts resident travel choices within Kensington after dark. The area lacks surveillance, lacks platform connectivity at either end, has entrapment spaces on platforms and poor lighting.

Assemble strongly urges a renewed emphasis from City of Melbourne to advocate for the redevelopment of Macaulay Station to a befitting structure for the anticipating density of the area, and would be pleased to contribute to advocacy to this effect.



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Thank you for the opportunity to put forward our submission and contribute our position on this important matter that will shape the quality of life of existing and future Kensington residents.

If you have any questions in relation to the submission, please contact [REDACTED] at [REDACTED]

Kind regards,

[REDACTED]

[REDACTED]



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## Appendix A

### Lessons learned from developing in the Macaulay urban renewal area over the past decade.

Assemble is a significant contributor to the renewal area, with three individual projects within Macaulay across both our Build to Rent to Own and Build to Rent portfolio. Each of our projects have had challenges in the planning process, however the lessons learned should be captured in the current updates and reflected on in the panel process:

#### 38 Albermarle Street, Kensington

This project incorporates the retention of a significant heritage asset, in the form of an inter-war warehouse with an 8 level apartment building comprising 73 dwellings and ground floor retail and communal spaces. This building is complete and has been operational for over two years.

##### *Lesson for Macaulay Controls*

- The planning controls for the site were calculated in metres in the newly gazetted control. This restricted the floor to ceiling heights of the mixed-use building with taller floor to ceiling heights owing to a) the floodplane and b) the heritage structure, while having to navigate local flooding issues This further precluded the ability to have a rooftop garden for residents.
- Council applied appropriate discretion in the streetwall requirements, allowing a lower base (the two-storey retained heritage form) with a consolidated setback up to 8 levels. This produced a significantly improved heritage outcome, a simplified construction for the residential levels and high amenity floorplates. This resulted in a vastly superior resident and neighbourhood outcome compared to a 1:1 style building setback.

#### 22 Thompson Street, Kensington

This project comprises a 199-dwelling development with ground floor office, retail and guest accommodation over a semi-ground floor parking structure. This building is now completed and operational.

##### *Lessons for Macaulay Controls*

- The planning controls with significant step backs from Thompson Street proved hard to reconcile with a square shaped site with high amenity dwelling and communal areas. The resultant U-shaped form was required to be oriented east-west to resolve the step back, where a northerly oriented courtyard would have been preferred.
- The interface to Thompson Street demonstrates an example of 'tooth and gap' with the benefit of open space breaking a street wall length, creating improved landscape outcomes, sunlight to the street and residential amenity. It is and was our argument here that the break in the street wall is more valuable than a 'streetwall height' in this location.



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- The project suffered a significant financial and design impact through the last-minute requirement for new Melbourne Water flood levels to be addressed, outside of town planning processes with no statutory controls in place. The building ground floor was raised making ramps impractical due to lengths of over 30m. This is an outcome which could significantly impact the activation, safety and economic activity in Macaulay if there is not a 'precinct approach' to managing flood, rather than a 'building centric' approach as currently required and impacting again on mandatory built form controls as exhibited in the amendment material.
- The land use mix comprises 10% commercial and retail floorspace.

## 402 Macaulay Road, Kensington

This project is a 362-apartment development, our largest in the Macaulay Precinct comprising 5 distinct buildings of a range of heights and typologies with significant open space. The building scale ranges from 4-8 levels, with a ground floor supermarket, retail and commercial spaces. This building is under construction.

### *Lessons for Macaulay controls*

- This project incorporated an arcade to connect precisely with the same width through to the Corporation Lane behind Barnett Street, to provide public connectivity proportionate to the likely use of this lane. The newly proposed mandatory requirements to arcades and laneways including the need for these to be 'open to sky' (and other aspirational laneway requirements) would have rendered the acquisition of 434 Macaulay Road by Assemble unviable, but also would not have produced a dramatically improved urban design outcome.
- In response to the challenging residential interface to the west, a decision was made to set the building back at ground floor with deep soil areas, significant tree planting and a more sheer 5 storey building that avoids unnecessary privacy screening. This approach has been emulated in the revised controls, however the laneway widening now proposes the landscape area along the lane to be publicly owned. Unfortunately, this reflects the controls as now being outdated and not reflective of existing conditions/approvals, with this landscaping retained in private ownership, rather than being provided for public use.
- Given the challenging dual planning authority of City of Melbourne and the Victorian Government, it was difficult to achieve certainty in de-risking the feasibility design. As a result Assemble volunteered to present to the OVG Design Review Panel. At the time the City of Melbourne Design Review Panel was not in place as an option. The effect of this independent pre-application review gave confidence to the development team and provided a clear focus for further refinement in the lead up to submission. This value is far higher than a review received after lodgement, where significant design and consultant expenses have been incurred and there are limited opportunities to make changes.
- The urban street to the east of the site had ambiguous status in terms of intended ownership and detail at an important property boundary. Greater clarity was needed from Council on uniform public



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realm standards and details, the function and ownership of the street, as well as the staged delivery. This resultant in a great deal of uncertainty and project risk to Assemble and our eastern neighbour.

- The land use mix comprises 6% commercial and non-residential floorspace.



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**Submission:** [44](#)

**From:** [REDACTED] ([Brott Group](#)) on behalf of [Ceapal Pty Ltd](#)

**From:** [Brott Group](#)  
**To:** [Planning Policy](#)  
**Subject:** Submission by Ceapal Pty Ltd to Amendment C417  
**Date:** Friday, 6 September 2024 2:35 PM  
**Attachments:** [Ceapal Pty Ltd Submission to Amendment C417 6924.pdf](#)

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Please find attached the submission by Ceapal Pty Ltd to Amendment C417 to the Melbourne Planning Scheme.



**Date**  
Friday 6 September 2024  
**To**  
Strategic Planning  
City of Melbourne  
**Address**  
PO Box 1603  
Melbourne VIC 3001  
**Sent**  
Via Email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir / Madam,

**218-246 Macaulay Road, North Melbourne**  
**Submission to Amendment C417 to the Melbourne Planning Scheme**

Ceapal Pty Ltd is the owner of the abovementioned land and this submission has been prepared in response to Amendment C417 to the Melbourne Planning Scheme that is currently on exhibition.

Having reviewed the material currently on exhibition, we provide the following comments and submissions.

**Subject Site and Surrounds**

The subject site is located on the north-west corner of Macaulay Road and Boundary Road in North Melbourne.

Figure 1: Subject Site (subject site depicted in blue)



The site is regular in shape with a frontage to Macaulay Road of approximately 79 metres and a frontage to Boundary Road of approximately 99 metres, yielding an overall site area of approximately 7,811 square metres.

The site is currently occupied by a double storey warehouse building with associated car parking and loading areas along the frontages to Macaulay Road and Boundary Road.

Vehicle access to the site is gained via crossovers to Macaulay Road and Boundary Road.

The site is located on the southern fringe of the Macaulay Urban Renewal Area, whilst the properties on the opposite (south) side of Macaulay Road form part of the Arden Urban Renewal area.

Macaulay Railway Station is located approximately 144 metres to the west of the subject site.

### **2024 Planning Permit**

A Planning Permit (No. PA2201857) for redevelopment of the site was recently issued at the direction of the Victorian Civil and Administrative Tribunal on 15 March 2024.

The Permit allows:

- *Use of the land for dwellings*
- *Construct a building or construct or carry out works*
- *Construct a building or construct or carry out works in accordance with Schedule 26 and Schedule 63.*
- *Reduce the number of car parking spaces*
- *Create or alter access to a road in a Transport Zone*

More specifically the Permit allows the construction of a 6-12 storey mixed use development including dwellings, retail and a supermarket, a reduction in car parking requirements and alterations to access to a road in a Transport Zone (TZ2).

### **Current Planning Scheme Provisions**

Pursuant to the provisions of the Melbourne Planning Scheme, the site is subject to the following provisions:

- Commercial 1 Zone (**C1Z**)
- Design and Development Overlay Schedule 26 (**DDO26**) – North Melbourne, West Melbourne and Arden-Macaulay Noise Attenuation Rea
- Design and Development Overlay Schedule 63 (**DDO63 – Area 8**) – Macaulay Urban Renewal Area, Kensington and North Melbourne
- Development Contributions Plan Overlay Schedule 2 (**DCPO2**) – Macaulay Urban Renewal Area Development Contributions Plan
- Environmental Audit Overlay (**EAO**)

**DDO63** specifically relates to the Macaulay Urban Renewal Area, Kensington and North Melbourne area and provides guidance in terms of the design objectives and height and setback requirements for land within various precincts.

The subject site is located within 'Area 8', where the following built form controls apply, amongst other things:

- A *preferred* maximum building height of **9 storeys**.
- A *mandatory* maximum building height of **12 storeys**.
- A *mandatory* maximum street wall height of **6 storeys** along both the Macaulay Road and Boundary Road frontages.
- A *preferred* setback above the street wall of **1m for every metre of height above 20m** (ie. a 45-degree angle).

### Planning Scheme Amendment C417

Amendment C417 to the Melbourne Planning Scheme introduces new development and land use controls to implement the recommendations in the Macaulay Structure Plan 2021.

These changes are proposed through the following new or amended planning scheme controls:

- Clause 11.03-6L of the Planning Policy Framework
- Schedule 8 to the Special Use Zone (**SUZ8**)
- precinct-specific Design and Development Overlays (**DDO75**, DDO76, DDO77, DDO78)
- Schedule 2 to the Development Contributions Plan Overlay (**DCPO2**)
- Schedule 16 to the Parking Overlay (**PO16**)
- Schedules to Clauses 66.06, 72.04, 72.08 and 74.02.

Within the exhibited documentation the following applies to the subject site:

- Updated Schedule 2 to the Development Contributions Plan Overlay (**DCPO2**)
- New Schedule 8 to the Special Use Zone (**SUZ8**)
- New Schedule 16 to the Parking Overlay (**PO16**)
- New Schedule 75 to the Design and Development Overlay (**DDO75**)

Design and Development Overlay Schedule 75 (Boundary Precinct) includes the following built form requirements for the site:

- A 'mid-rise' precinct with a mandatory maximum floor area ratio of **4:1**.
- A preferred maximum building height of **6-storeys** on Boundary Road and Macaulay Road and **12-storeys** elsewhere.
- A **6-storey** street wall to Boundary Road.
- A **5-storey** street wall to Macaulay Road.
- A **3-storey** street wall to the west.
- A **5-storey** street wall to the north.
- A preferred **5 metre** set back above the street wall.
- A preferred **7.5 metre** set back from side and rear boundaries for habitable rooms.
- A preferred **12 metre** setback between buildings on the same site.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- A new **12 metre street** is proposed along the western boundary wholly within the subject site.
- A new **18 metre street** is proposed along the northern boundary wholly within the subject site.
- The north-east corner of the site is nominated as an 'Activity Centre'.
- Buildings and works above the street wall must not cast additional shadow to the southern footpath of Macaulay Road on 22 September between 11am and 2pm.
- Buildings and works must not cast additional shadow onto the Canning Street and Clayton Reserve Parks between 10am and 3pm on June 21 beyond the existing shadow, or allowable shadow, or the combination of the existing shadow and allowable shadow (whichever is the greatest).

### Submissions

Having reviewed Amendment C417 to the Melbourne Planning Scheme and considered the implications for the subject site, we make submissions in relation to the following:

1. Existing Planning Permit
2. Use of mandatory controls
3. Use of FAR controls
4. Building heights
5. Road alignments
6. Transitional provisions

#### 1. *Consistency With Existing Planning Permit*

The proposed FAR, road alignments and other built form requirements within the Structure Plan are inconsistent with the Planning Permit recently issued for the site (PA2201857).

The development approved by Planning Permit PA2201857 reflects what officers from the Department and the City of Melbourne have recently assessed as being an appropriate outcome for the site following a detailed assessment of the proposal, including the proposed height, setbacks and shadow impacts.

It is unclear why new controls for the site would seek to prevent a development outcome that was only recently determined as appropriate by Council officers.

More broadly, contemporary planning provisions should be forward-oriented, fostering and encouraging quality new development, rather than retrospective and restrictive.

The proposed controls represent a regression and a step backwards – it should not be that the proposed controls are more restrictive than the current provisions that are based on the Arden Macaulay Structure Plan 2012.

Not only are the proposed controls at odds with the recent Planning Permit, but also the ambitions of the Housing Statement and the purpose and role of a key urban renewal area such as this.

## 2. **Use of Mandatory Controls / Planning Practice Note 59 (PPN59)**

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate. 'Exceptional' circumstances do not apply in this instance and that the use of mandatory controls are not warranted having regard to the criteria within PPN59.

The use of preferred or 'performance-based' controls, together with policy and other design / built form provisions in the Planning Scheme provide sufficient and adequate guidance to achieve the outcomes sought by the Structure Plan.

Built form controls for the subject site should provide flexibility to ensure that optimum development outcomes can be achieved, consistent with the purpose of zone provisions and strategic objectives for an Urban Renewal Area.

## 3. **Use of FAR Controls**

The use of mandatory density controls (ie. FARs) on land within an urban renewal area that is not subject to a Heritage Overlay or other obvious constraints represent an unnecessarily restrictive and regressive step.

Arden-Macaulay is identified as an urban renewal area and a 'Priority Precinct' within Plan Melbourne, and in such areas planning controls should be enabling to encourage development, rather than restrictive and overly complex.

The impacts of new development are better and more effectively managed through building height, setback, overshadowing and other specific built form requirements, and these matters are provided elsewhere in the draft provisions.

## 4. **Building Heights**

The site's physical attributes and its physical and strategic context determine that the site is capable of accommodating building heights in excess of 12-storeys.

The future built form context to the west (within the Macaulay Structure Plan area) and to the south (within the Arden Structure Plan area) contemplates heights in excess (and significantly in excess) of 12-storeys.

Heights contemplated within Arden are relevant to Macaulay – the planning for Macaulay intends for both the Arden and Macaulay Structure Plans to be *'complementary to each other and coordinated in their delivery'*. The subject site is located on the border of the two structure plan areas.

The Arden Structure Plan contemplates building heights of 15-storeys on the southern side of Macaulay Road, immediately opposite the site, and building heights of 20-25 storeys on the northern and southern sides of Arden Street within Precincts 'F' and 'G'.

The land on the northern and southern sides of Macaulay Road has many of the same physical and strategic attributes and characteristics of Arden Street and precincts 'F' and 'G'. Macaulay Road and Arden Street are both broad east-west roads occupied by commercial and industrial buildings on relatively large lots in commercial / industrial zones.

We also note that building heights of up to 18-storeys are contemplated for Precinct 'D' within the Arden Structure Plan on the southern side of Green Street and along Macaulay Road to the south-east of the subject site, and these areas arguably have more sensitive interfaces with public open space areas.

Given the built form outcomes contemplated within the Arden Structure Plan, in particular the preferred heights, we question why the development expectations for the subject site and the northern side of Macaulay Road should be diminished, when Macaulay Road is capable of accommodating a similar scale of development to that contemplated along Arden Street.

The opportunity presented by the site is enhanced by its proximity to Macaulay Station and bus services. Clause 18.02-2R (Principle Public Transport Network), is particularly relevant and it seeks to (inter alia):

- *Facilitate high-quality public transport access to job-rich areas.*
- *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect (**emphasis added**).*

With respect to these provisions, the site is located:

- On the PPTN in close proximity to Macaulay Station;
- Within an urban renewal area and close to a range of urban infrastructure.
- At an interchange of train and bus transport routes on the PPTN;
- One stop from the future Arden Station interchange.

In summary, this is a site where development opportunities should be maximised rather than diminished.

##### **5. Alignment of Roads**

The proposed alignment of new roads within the 2021 Structure Plan is inconsistent with the roads to be delivered as part of the development approved under Planning Permit.

The 2021 Structure Plan shows new roads to be provided wholly within the subject site, whereas the approved development facilitates the provision of an 18m wide road extending along the site's northern boundary and a 12m wide road extending along the site's western boundary by providing half the width of each road on the subject site (ie. 9m and 6m respectively) – this is consistent with the location of roads reflected in the 2020 Structure Plan made available as part of public consultation.

Firstly, the proposed controls should reflect the current Planning Permit given this has recently been determined and will ensure consistency with future road alignments to the north and west.

Secondly, and irrespective of the existing Planning Permit, it is fair and reasonable that any new public roads to be delivered in the precinct be shared by adjoining private land.

**6. Transitional Provisions**

Any new planning controls should include transitional provisions which provide sufficient flexibility for existing planning permissions to be amended and acted upon and for applications lodged prior to gazettal to be exempt from any mandatory aspect of new controls.

We thank Council for the opportunity to participate in this process. Naturally, should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely



Ceapal Pty Ltd

**Submission:** 45

**From:** [REDACTED] (Tract) on behalf of Laneway Developments Pty Ltd, submitted  
by [REDACTED] (Tract)

**From:** [Redacted]  
**To:** [Planning Policy](#)  
**Cc:** [Redacted]  
**Subject:** Amendment C417 submission: Laneway Developments Pty Ltd (280 Macaulay Rd)  
**Date:** Friday, 6 September 2024 2:35 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[2024-09-06 Let-CoM C417melb Submission \(280 Macaulay Rd\).pdf](#)

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Good afternoon,

Please find attached our submission to Amendment C417 on behalf of Laneway Developments Pty Ltd, the owner of the land at 280-286 Macaulay Road and Lot 7/300 Macaulay Road, North Melbourne.

Contact name and contact details are included in the below email signature, for the purpose of notification of opportunities to attend Council meetings and any other public meetings considering submissions.

Any queries, pleas let us know.

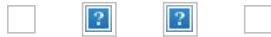
Kind regards,



[Redacted signature]

**Tract**

Wurundjeri Country  
Level 6, 6 Riverside Quay  
Southbank VIC 3006 Australia  
[03 9429 6133](tel:0394296133)



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We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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**Tim Westcott**  
Manager Planning Policy  
City of Melbourne  
GPO Box 1603  
MELBOURNE VIC 3001  
via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

6 September 2024

Dear Mr Westcott

### Submission to Draft Amendment C417melb – Macaulay Urban Renewal Precinct

Tract Consultants acts on behalf of Laneway Developments Pty Ltd ('**Laneway Developments**'), the owner of the land at 280-286 Macaulay Road and Lot 7/300 Macaulay Road, North Melbourne ('**Site**') in this matter.

Our client welcomes the opportunity to provide comment on the exhibited material relating to Draft Amendment C417melb ('**Amendment**' or '**C417**'). The following provides our submissions to the Amendment.

Our client requests to be included as a submitter in the process moving forward.

## 1 Introduction

The Amendment seeks to implement the recommendations of the *Macaulay Structure Plan 2021* ('**Structure Plan**') by making changes to the *Melbourne Planning Scheme* ('**Planning Scheme**').

Generally, the City of Melbourne ('**Council**') proposes to make the following changes to the Planning Scheme through the Amendment:

- Introduction of a new Clause 11.03-6L (Macaulay) of the Planning Policy Framework with tailored objectives and strategies for the development of the precinct.
- Rezoning land within the Structure Plan area to Schedule 8 to the Special Use Zone (SUZ8).
- Deletion of Schedule 63 to the Design and Development Overlay (DDO63) to implement precinct-specific Design and Development Overlays (DDO75, DDO76, DDO77, DDO78). DDO75 applies to the Site.
- Amendment to Schedule 2 to the Development Contributions Plan Overlay (DCPO2) to include development contributions rates for residential, commercial and retail uses.
- Introduction of a new Schedule 16 to the Parking Overlay (PO16) to apply a maximum parking rate of zero.
- Consequential amendments to the Schedules to Clauses 66.06 (Notice of Permit Applications under Local Provisions), 72.04 (Incorporated Documents), 72.08 (Background Documents) and 74.02 (Further Strategic Work).

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1 / 9

**2 The Site**

Laneway Developments is the owner of the land at 280-286 and Lot 7/300 Macaulay Road, North Melbourne. The Site is formally identified as Lot 2 on Lot Plan 73493 and Lot 7 on Plan of Subdivision 533747. The combined area of the two parcels is approximately 1,270sqm.

Refer to **Figure 1**.



Figure 1. The Site (marked up to show location of proposed north-south aligned 12m wide street)

The Site is within the Boundary Precinct of the Structure Plan, near the south-west corner of the precinct on Macaulay Road, approximately 50 metres east of CityLink. The Site has a frontage of 20.8m to Macaulay Road (south) and interfaces with a proposed 12m wide new street to the east for a length of approximately 52m.

Subject to the proposed Amendment, the Site has a preferred maximum building height of 12 storeys in the northern portion of the Site and 6 storeys fronting Macaulay Road, for a depth of 10 metres.

**3 Summary of Submission**

There are several matters that our client wishes to raise in response to the exhibited Amendment, which are summarised as follows:

1. Mandatory Floor Area Ratios.
2. Flood Mitigation and Development Contributions.
3. New and Widened Streets and Laneways.
4. Clarity of Proposed Provisions.
5. Existing Planning Permits.

Further discussion on each of these items is provided below.

## 4 Submission

---

### 4.1 Mandatory Floor Area Ratio

The proposed Design and Development Overlay, Schedule 75 – Boundary Precinct (**DDO75**) includes a mandatory maximum Floor Area Ratio (**FAR**) of 4:1 within the sub-precinct.

While the intention of the mandatory FAR provisions is understood, the precinct-wide application of this mandatory control will have unintended and unreasonable impacts on the future development of land within Macaulay, preventing the delivery of the built form and density vision for the precinct and for the Site more specifically.

It is unclear how the preferred street wall heights and building height for the Site are expected to be achieved having regard to the site context, site area and equitable development considerations. A more nuanced approach to siting and massing is required.

Proposed FAR controls for the Moone Ponds Activity Centre were explored in *Moonee Valley C207moon (PSA) [2021] PPV 1*. In rejecting the FAR, the Panel stated:

*The exhibited FAR provisions attracted strong interest through submissions and evidence. FARs can have a legitimate role when justified in response to an issue to resolve. For example, evidence of serious amenity impacts that need to be addressed or reversed, or capacity issues with infrastructure and services.*

*The Panel first referred to the Built Form Framework and associated background documents to determine whether there was a strategic basis for applying FAR provisions in the Activity Centre. Surprisingly, it found little justification in the 130 page Built Form Framework for a permanent floor space limit on the entire Activity Centre.*

*Generally, a strategic planning process:*

- *identifies the issues, vision and objectives sought to be achieved*
- *seeks potential responses*
- *finally selects the appropriate planning provisions to implement the intended outcomes.*

*The Built Form Framework appears to have premised the need for FARs and then conducted subsequent work to justify the tool itself.*

*After comprehensively exploring the FAR provisions through the Built Form Framework, submissions and evidence throughout the Hearing, the Panel finds:*

- *the need for more nuanced built form provisions which respond to recent investment interest*
- *no satisfactory reason to explain why the austere FARs approach is needed rather than other built form provisions proposed through the Amendment.*

For these reasons, we submit that the other built form provisions set out in the proposed Design and Development Overlays regard preferred building height and massing (setbacks) are sufficient to guide built form outcomes, and that FAR controls particular for small sites in the precinct are not appropriate.

It is acknowledged that the Minister for Planning in their letter approving Part 1 of Planning Scheme Amendment C190 on 26 September 2017 recommended including better density management provisions through FAR controls in a revised Macaulay Structure Plan. However, the recommendation included *'the potential to maximise development outcomes in exchange for public benefit through a Floor Area Uplift and*

public benefits schedule.<sup>1</sup> There has been no allowance for Floor Area Uplift (**FAU**) or flexibility in the application of the FAR in the drafted provisions. If it is deemed necessary to include FAR controls, there should be an allowance for FAU.

The blanket application of a mandatory FAR control across the sub-precinct fails to appropriately consider the contextual nuances – both existing and proposed – of sites within the area. Lot sizes within the Boundary sub-precinct vary greatly from less than 500m<sup>2</sup> in some areas to up to 2ha in others. Importantly, *Planning Practice Note 59 – The role of mandatory provisions in planning schemes (PPN59)* specifies that a 'balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.' It is submitted that insufficient strategic justification for the proposed mandatory provisions has been provided and, in particular, there is no indication that discretionary FAR provisions would be insufficient to achieve the desired outcome.

#### Recommendations

Noting the above, the following is recommended with respect to the proposed FAR provisions:

- The inclusion of a FAR control (either mandatory or discretionary) should be rejected as an austere approach to more nuanced built form provisions.
- If, however, FAR controls are to be pursued, they should be discretionary as strategic justification has not been provided to demonstrate compliance with PPN59. Providing discretion in the application of the FAR provisions will provide landowners with an ability to pursue, where deemed appropriate, variations that may be required to respond to site-specific conditions while still having regard to the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

#### **4.2 Flood Mitigation and Development Contributions**

The exhibited SUZ8 does not include any obligations or application requirements relating to flooding for developments, despite this being something which was included in the original drafting of the zone when the proposed Amendment went to the Minister for authorisation in August 2022.

While the Structure Plan recognises that 'flooding is an issue along the western boundary which runs parallel to the Moonee Ponds Creek as well as sites on the low-lying land to the north of Macaulay Road,' the proposed provisions include no mechanisms for addressing or responding to the flooding issues.

It is submitted that this is a major oversight of the proposed Amendment, for reasons discussed further below.

Amendment C384melb proposes to update the maps of areas across the City of Melbourne which are prone to flooding, to ensure flood risk and resilience strategies are appropriately considered as part of permit applications. Council considered Amendment C384melb most recently at the Future Melbourne Committee meeting on 20 August 2024, authorising the amendment to be submitted to the Minister for Planning for approval.

---

<sup>1</sup> Macaulay Structure Plan 2021, Appendix B.

The Site is currently not affected by any flood overlays (Land Subject to Inundation Overlay (LSIO) or Special Building Overlay (SBO)), however, under Amendment C384 the entire Site would be affected by LSIO3 (Figure 2).

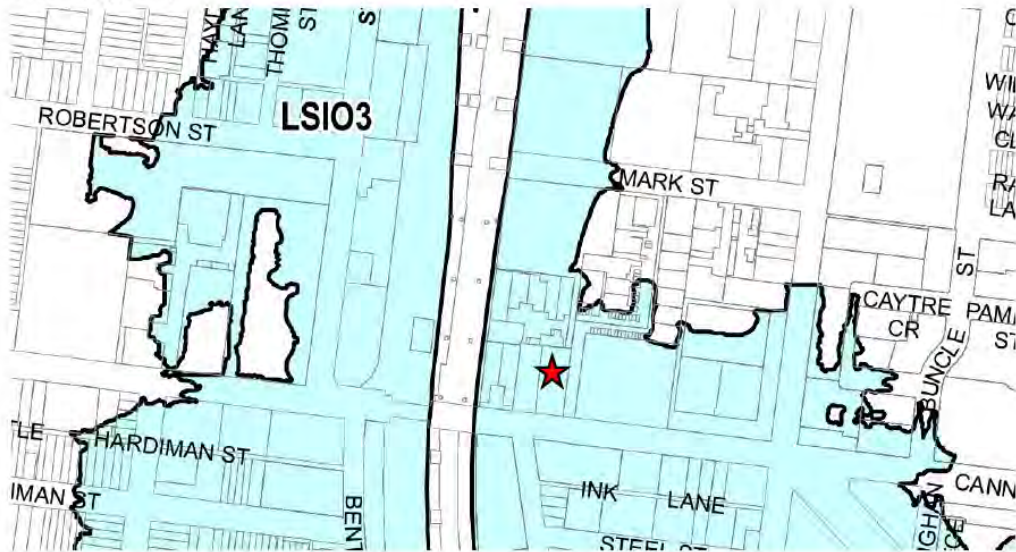


Figure 2. Essential (proposed) LSIO3 mapping (Site location identified by star).

It is pertinent that the Structure Plan and Amendment C417 have due and appropriate regard to the implications of flooding on the ability to deliver the density and built form objectives and vision of the proposed provisions, particularly considering Amendment C384.

Of particular relevance to the Site, Amendment C417 and the development potential of land within Macaulay more broadly, is the recent VCAT decision *Laneway Developments Pty Ltd v Melbourne CC* [2024] VCAT 501 ('**Laneway Developments**'), whereby Melbourne Water Corporation was a Respondent.

In *Laneway Developments*, the Tribunal considered a planning permit application (TP-2021-672) for the development of a multi-storey mixed-use building at 280-286 Macaulay Road & 7/300 Macaulay Road (the Site). In considering the application, the Tribunal ultimately decided that the residual risk to life from flooding was too great to allow a permit to be granted for the development.

The *Laneway Developments* decision demonstrates that until a precinct-wide flood mitigation strategy is implemented within Macaulay, almost any development which would result in increased density (or intensity of use or a more vulnerable use) would pose an unacceptable residual risk to life and, therefore, not be permissible.

Based on the exhibited materials, it is unclear what the status of implementing any precinct-wide flood mitigation strategy is and, as a result, there is uncertainty around the development potential for the precinct despite the ambitious objectives of the Structure Plan.

This extends further to the anticipated funding mechanism for the delivery of the flood mitigation and drainage infrastructure. The exhibited DCP provides no clarity around funding for this vital infrastructure, despite making direct reference to the *Arden Macaulay Precinct Flood Management Strategy, August 2021* ('**Flood Management Strategy**') as a supporting study in section 2.2.2. The Flood Management Strategy was prepared to ensure that, among other things, the 'intensive development of the Arden

Macaulay Precinct can occur’ and ‘an appropriate cost contribution and reimbursement model is developed to fund works to reduce flooding, improve drainage and enable the proposed redevelopment.’

The strategies contained in proposed Clause 11.03-6L (Macaulay) seek to (inter alia) ‘ensure the individual and combined impacts of sea level rise and flooding from storm events is appropriately managed’ and ‘manage the risk of flooding through flood management solutions in the natural landscape and built environment.’ This provision again acknowledges that flood risk for the precinct is of utmost importance, yet the actionable provisions of Amendment C417 provide little to no measurable mechanisms for implementing flood mitigation works.

The lack of clear guidance and approach to funding the essential drainage and flood mitigation works is worsened by the recent abandonment of the Urban Renewal Cost Recovery Scheme (URCRS).

Recommendation

Having regard to the above, it is essential that Amendment C417 appropriately considers the implementation of flood mitigation measures at a precinct-wide scale and includes appropriate funding mechanisms for ensuring that the critical flood mitigation works can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.

It is unclear why the current approach is to defer drainage and flood mitigation work contributions to a later date and separate amendment process.

**4.3 New and Widened Streets and Laneways**

The proposed DDO75 includes a mandatory requirement to provide the new streets, laneways and arcades as shown in ‘Macaulay – Stubbs and Boundary Precincts – New and Widened Streets and Laneways – Alignment and Cross Sections, June 2022’ which is proposed to be included as an Incorporated Document at Clause 72.04 of the Planning Scheme.

Developers are expected to bear the cost of the delivery of this infrastructure. This, however, has not been factored into the preparation or application of the Macaulay Development Contributions Plan, May 2022 (“DCP”) or the associated revised Development Contributions Plan Overlay, Schedule 2 (DCPO2). An excerpt of the map included in the Incorporated Document is provided at **Figure 3** below.

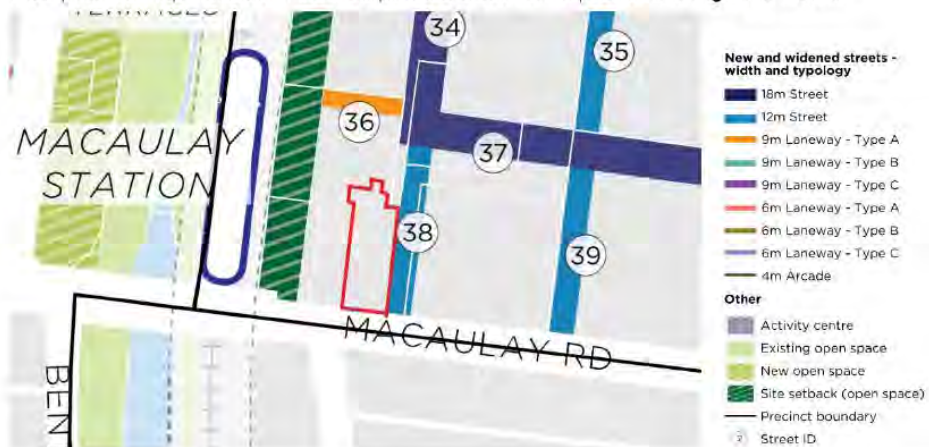


Figure 3. Precinct Map of New and Widened Streets - Alignment, Width and Typology (as shown in red).

Based on *Macaulay – Stubbs and Boundary Precincts – New and Widened Streets and Laneways – Alignment and Cross Sections, June 2022*, the Site is adjacent to Street ID 38 – a north-south aligned 12m wide street. It is noted that the alignment of the street does not cover any part of Site, but covers separate landholdings to the east and north-east of the Site.

Our client is generally supportive of the alignment of Street ID 38 and reserves the right to be consulted should any realignment be proposed through the amendment process.

#### Recommendation

Noting the above, the following measures are recommended with respect to New and Widened Streets and Laneways:

- Works-in-kind provisions under the DCP be considered to offset the costs to landowners in delivery of roads within the precinct.

#### **4.4 Clarity of Proposed Provisions**

As a general observation, the suite of exhibited provisions proposed to be introduced into the Planning Scheme could be improved through considered drafting and consolidating themes under common provisions. In this regard the following is noted:

- Defined terminology has been used interchangeably throughout the provisions (i.e., Net Floor Area and Gross Floor Area) and applied inconsistently.
- Affordable housing policy should be removed. Whilst our client acknowledges the importance of supplying affordable housing in urban renewal areas, the proposed drafting of the affordable housing policy within the Amendment is considered unreasonable and would significantly jeopardise the viability of realising a future mid-rise development outcome on the Site, noting such development outcome is already challenged under the current planning controls by virtue of construction cost and land value.

#### Recommendation

It is recommended that the above provisions be reviewed and updated to provide consistency throughout the proposed provisions and to aid with the usability of the proposed new controls.

#### 4.5 Existing Planning Permits

There have been a number of planning permits which have been issued for land within the Macaulay Precinct and, in particular, the Boundary sub-precinct. It is unclear to what extent the developments approved under these permits have been considered in terms of their design, built form, scale, and layout to align with the vision, objectives and strategies of the Structure Plan.

Further, their development contribution levy obligations have been subject to the existing DCPO2, potentially varying substantially from those associated with the proposed DCPO2. This results in greater and disproportionate obligations on future landowners for funding the essential infrastructure across the Macaulay Precinct, following the introduction of the DCPO2 proposed by Amendment C417.

##### Recommendation

Further analysis of existing permits issued within the precinct be provided to demonstrate how the proposed controls align with approved developments in the area. This should include further clarification around how the levies collected between the interim DCPO2 and the proposed DCPO2 can be or have been balanced to ensure equitable contributions across all development sites.

## 5 Conclusion & Summary of Recommendations

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Our client appreciates the opportunity to provide comment on draft Amendment C417 and respectfully requests that the following recommendations be considered:

##### Mandatory Floor Area Ratio

- The inclusion of a FAR control (either mandatory or discretionary) should be rejected as an austere approach to more nuanced built form provisions.
- If blanket FAR controls are pursued, further strategic justification should be provided to demonstrate compliance with PPN59. Unless sufficient strategic justification that discretionary controls are inappropriate can be provided, then the FAR controls should be discretionary. Providing discretion in the application of the FAR provisions will allow for future development to respond to site-specific conditions while still achieving the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

##### Flood Mitigation and Development Contributions

- It is essential that Amendment C417 appropriately considers the implementation of flood mitigation measures at a precinct-wide scale and includes appropriate funding mechanisms for ensuring that the critical flood mitigation measures can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.
- It is unclear why the current approach is to defer drainage and flood mitigation work contributions to a later date and separate amendment process.

##### New and Widened Streets and Laneways

- Works-in-kind provisions under the DCP should be considered to offset the costs to landowners in delivery of roads within the precinct.

Clarity of Proposed Provisions

- The proposed provisions should be reviewed and updated to provide consistency throughout and to aid with the usability of the proposed new controls, including consistent use of terminology and consolidating themes to specific provision.

Existing Planning Permits

- Further analysis of existing permits issued within the precinct be provided to demonstrate how the proposed controls align with approved developments in the area. This should include further clarification around how the levies collected between the interim DCPO2 and the proposed DCPO2 can be or have been balanced to ensure equitable contributions across all development sites.

Our client appreciates the opportunity to make these submissions to Amendment C417melb and reserves their right to make further submissions to the Amendment in addition to those listed above at a Future Melbourne Committee meeting or before Planning Panels Victoria, as necessary.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact

[Redacted]

Yours sincerely

[Redacted Signature]

**Submission:** [46](#)

**From:** [REDACTED] ([Tract](#)) on behalf of [VIMG](#)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Submission on Amendment C417 to the Melbourne Planning Scheme  
**Date:** Friday, 6 September 2024 2:40 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[2024-09-06 Let-CoM C417melb Submission.pdf](#)

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Dear Registrar,  
Tract acts for VIMG in this matter.  
Please find enclosed our submission on the proposed Amendment C417.  
Please do not hesitate to contact me on 0431970213 should it be required.  
Kind regards,



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Tract**  
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We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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**Tim Westcott**

Manager Planning Policy  
 City of Melbourne  
 GPO Box 1603  
 MELBOURNE VIC 3001  
 via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

6 September 2024

Dear Mr Westcott

**Submission to Draft Amendment C417melb – Macaulay Urban Renewal Precinct**

Tract Consultants acts on behalf of VIMG in this matter.

We welcome the opportunity to provide comment on the exhibited material relating to Draft Amendment C417melb ("**Amendment**" or "**C417**"). The following provides our submissions to the Amendment.

Our client requests to be included as a submitter in the process moving forward.

**1 Introduction**

The Amendment seeks to implement the recommendations of the *Macaulay Structure Plan 2021* ("**Structure Plan**") by making changes to the *Melbourne Planning Scheme* ("**Planning Scheme**").

Generally, the City of Melbourne ("**Council**") proposes to make the following changes to the Planning Scheme through the Amendment:

- Introduction of a new Clause 11.03-6L (Macaulay) of the Planning Policy Framework with tailored objectives and strategies for the development of the precinct.
- Rezoning land within the Structure Plan area to Schedule 8 to the Special Use Zone (SUZ8).
- Deletion of Schedule 63 to the Design and Development Overlay (DDO63) to implement precinct-specific Design and Development Overlays (DDO75, DDO76, DDO77, DDO78). DDO75 applies to the subject Site.
- Amendment to Schedule 2 to the Development Contributions Plan Overlay (DCPO2) to include development contributions rates for residential, commercial and retail uses.
- Introduction of a new Schedule 16 to the Parking Overlay (PO16) to apply a maximum parking rate of zero.
- Consequential amendments to the Schedules to Clauses 66.06 (Notice of Permit Applications under Local Provisions), 72.04 (Incorporated Documents), 72.08 (Background Documents) and 74.02 (Further Strategic Work).

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1 / 9

**1.1 51-61 Hardiman Street and 28-32 Albermarle Street, Kensington**

VIMG is the owner of the land at 51-61 Hardiman Street and 28-32 Albermarle Street, Kensington ("Site"). The Site is formally identified as Lot 1 on Plan of Subdivision 331877 and CP153262. The Site comprises an area of 1,757m<sup>2</sup>.



Figure 1 - Site

The Site is within the Stubbs Precinct of the Structure Plan.

Subject to the proposed Amendment, the Site has a preferred maximum building height of 5 storeys (20 metres), a preferred 3-5 storey maximum street wall height to Albermarle Street and 3 storey maximum street wall height to Hardiman Street.

**2 Summary of Submission**

There are several matters which we wish to raise in response to the exhibited Amendment, summarised as follows:

1. Mandatory Floor Area Ratios.
2. Use for Accommodation – Minimum floor area requirement for use other than Accommodation.
3. Built Form Controls.
4. Flood Mitigation and Development Contributions.
5. Clarity of Proposed Provisions.

We provide further discussion on each of these items in turn below.

### 3 Submission

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#### 3.1 Mandatory Floor Area Ratio

The proposed Design and Development Overlay, Schedule 78 – Boundary Precinct (**DDO78**) includes a mandatory maximum Floor Area Ratio (**FAR**) of 3:1 within the sub-precinct.

While the intention of the mandatory FAR provisions is understood, the precinct-wide application of this mandatory control will have unintended and unreasonable impacts on the future development of land within Macaulay, preventing the delivery of the built form and density vision for the precinct and for the Site more specifically.

It is unclear how the preferred street wall heights and building height for the Site are expected to be achieved having regard to the site context, site area and equitable development considerations. A more nuanced approach to siting and massing is required.

Proposed FAR controls for the Moone Ponds Activity Centre were explored in *Moonee Valley C207moon (PSA) [2021] PPV 1*. In rejecting the FAR, the Panel stated:

*The exhibited FAR provisions attracted strong interest through submissions and evidence. FARs can have a legitimate role when justified in response to an issue to resolve. For example, evidence of serious amenity impacts that need to be addressed or reversed, or capacity issues with infrastructure and services.*

*The Panel first referred to the Built Form Framework and associated background documents to determine whether there was a strategic basis for applying FAR provisions in the Activity Centre. Surprisingly, it found little justification in the 130 page Built Form Framework for a permanent floor space limit on the entire Activity Centre.*

*Generally, a strategic planning process:*

- *identifies the issues, vision and objectives sought to be achieved*
- *seeks potential responses*
- *finally selects the appropriate planning provisions to implement the intended outcomes.*

*The Built Form Framework appears to have premised the need for FARs and then conducted subsequent work to justify the tool itself.*

*After comprehensively exploring the FAR provisions through the Built Form Framework, submissions and evidence throughout the Hearing, the Panel finds:*

- *the need for more nuanced built form provisions which respond to recent investment interest*
- *no satisfactory reason to explain why the austere FARs approach is needed rather than other built form provisions proposed through the Amendment.*

For these reasons, we submit that the other built form provisions set out in the proposed Design and Development Overlays regard preferred building height and massing (setbacks) are sufficient to guide built form outcomes, and that FAR controls particularly for small sites in the precinct are not appropriate.

It is acknowledged that the Minister for Planning in their letter approving Part 1 of Planning Scheme Amendment C190 on 26 September 2017 recommended including better density management provisions through FAR controls in a revised Macaulay Structure Plan. However, the recommendation included 'the potential to maximise development outcomes in exchange for public benefit through a Floor Area Uplift and

public benefits schedule.<sup>1</sup> There has been no allowance for Floor Area Uplift (FAU) or flexibility in the application of the FAR in the drafted provisions. If it is deemed necessary to include FAR controls, there should be an allowance for FAU.

Importantly, *Planning Practice Note 59 – The role of mandatory provisions in planning schemes (PPN59)* specifies that a 'balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.' It is submitted that insufficient strategic justification for the proposed mandatory provisions has been provided and, in particular, there is no indication that discretionary FAR provisions would be insufficient to achieve the desired outcome.

#### Recommendations

Noting the above, the following is recommended with respect to the proposed FAR provisions:

- The inclusion of a FAR control (either mandatory or discretionary) is not strategically justified and must be removed.
- If, however, FAR controls are to be pursued, they should be discretionary as strategic justification has not been provided to demonstrate compliance with PPN59. Providing discretion in the application of the FAR provisions will provide landowners with an ability to pursue, where deemed appropriate, variations that may be required to respond to site-specific conditions while still having regard to the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

### **3.2 Use for Accommodation – Minimum floor area requirement for use other than Accommodation.**

The proposed SUZ8 includes the following requirement for an application related to the use of land for accommodation:

*Where a permit is required to use land for Accommodation, the development should include a minimum of 20 percent of net floor area allocated to a use other than Accommodation.*

This applies to the entirety of the SUZ8 area, regardless of the sub-precinct context.

As agreed with Council Officers through Planning Application TP-2022-66, the Site does not lend itself to a true mixed use development outcome given its location on the fringe of this activity precinct.

Whilst it is acknowledged that the proposed requirement is discretionary, we say that it creates unnecessary administrative burden both for Council and the landowners in development settings such as the Site.

Accordingly, we say that the requirement ought to be deleted or tailored to affect sub-precincts within Macaulay that are more suited to a true mix of land use outcomes.

---

<sup>1</sup> *Macaulay Structure Plan 2021, Appendix B.*

Recommendation

SUZ8 should be amended to remove the precinct-wide requirement for 20% of net floor area being a use other than accommodation.

**3.3 Built Form Controls**

The current built form controls proposed through this Amendment and specifically relevant to the Site are as follows [inter alia]:

- Preferred maximum building heights of 5 storeys (20 metres), with building height that “respects the character of the existing low scale residential development to the south”.
- Preferred 3-5 storey maximum street wall height to Albermarle Street and a preferred 3 storey maximum street wall height to Hardiman Street.
- Preferred minimum setback above street walls of 5 metres.
- Preferred minimum setback from common boundaries of 7.5m (for habitable rooms).

These controls are not reflective of the true development potential of the Site and are significantly more restrictive than the current controls applicable to the Site. Specifically, DDO63 currently indicates a preferred maximum height of 6 storeys and absolute maximum height of 8 storeys.

Two existing approvals on the Site allow 6 storey development outcomes.

51-61 Hardiman Street, Kensington, is subject to **Planning Permit No. TP-2016-1039/B**, which allows:

*Buildings and works for the construction of a mixed-use multi-level building (Apartment Component) and townhouses (Townhouse Component), reduction of car parking requirements, part use of the land for the purpose of a Food and Drink Premises and waiver of loading bay requirements in accordance with the endorsed plans.*

28-32 Albermarle Street, Kensington is subject to **Planning Permit No. TP-2015-1203**, which allows:

*Construction of a six-storey mixed-use building in accordance with the endorsed plans.*

Further, the Site is currently subject to a live VCAT proceeding which contemplates a 7-8 storey development outcome, which has been the subject of independent review from two experts in the field of urban design and architecture.

We say that insufficient testing has been undertaken through the Amendment to justify a preferred maximum building height of 5 storeys, and this is not at all reflective of the approved development outcome, as well as what is currently being contemplated.

Whilst it's acknowledged that Macaulay Built Form Control Testing was undertaken by Breathe Architecture in the preparation of this amendment, there is a clear lack of consideration of this part of the precinct, as evidenced in the following map of testing locations:



Figure 2 - Built Form Testing Locations

The red star represents the Site location and demonstrates that no scenario testing has been undertaken for this part of the precinct.

The proposed requirement for a 7.5m setback from common boundaries also represents an outcome that is not strategically justified. In comparison, the recently gazetted DDO23 to the Yarra Planning Scheme requires a minimum separation of 4.5m from common boundaries where habitable windows are present. Other planning controls, both interim and gazetted permanent, reflect this arrangement for sensitive and equitable development interface management. We note that DDO23 was tested by a Planning Panel, and this setback requirement was accepted without debate. The Collingwood South Mixed-Use Precinct is a relevant comparison given that it too is a city fringe activity centre precinct that is expected to accommodate low-rise to mid-rise mixed use development outcomes.

Noting that the requirement under proposed DDO78 is discretionary, it is nonetheless more appropriate for the requirement to be amended to 4.5m.

### Recommendation

Having regard to the above, and in the absence of built form testing by Council, it is recommended that the preferred height as outlined in the current DDO63 be retained.

In line with other DDOs such as DDO23 of the Yarra Planning Scheme, it is recommended that the preferred minimum common boundary separation requirement (for habitable rooms) be amended to 4.5m.

### **3.4 Flood Mitigation and Development Contributions**

The exhibited SUZ8 does not include any obligations or application requirements relating to flooding for developments, despite this being something which was included in the original drafting of the zone when the proposed Amendment went to the Minister for authorisation in August 2022.

While the Structure Plan recognises that *'flooding is an issue along the western boundary which runs parallel to the Moonee Ponds Creek as well as sites on the low-lying land to the north of Macaulay Road,'* the proposed provisions include no mechanisms for addressing or responding to the flooding issues.

It is submitted that this is a major oversight of the proposed Amendment, for reasons discussed further below.

Amendment C384melb proposes to update the maps of areas across the City of Melbourne which are prone to flooding, to ensure flood risk and resilience strategies are appropriately considered as part of permit applications. Council considered Amendment C384melb most recently at the Future Melbourne Committee meeting on 20 August 2024, authorising the amendment to be submitted to the Minister for Planning for approval.

We acknowledge that Amendment C384 is not the subject of this exhibition but note that it is pertinent that the Macaulay Structure Plan has due and appropriate regard to the implications of flooding on the ability to deliver the density and built form objectives and vision of the proposed provisions.

Of particular relevance to the Site, Amendment C417, and the development potential of land within Macaulay, is the recent VCAT decision in *Laneway Developments Pty Ltd v Melbourne CC [2024] VCAT 501 ("Laneway Developments")*. In *Laneway Developments*, the Tribunal considered a planning permit application for the development of a multi-storey mixed-use building at 280-286 Macaulay Road & 7/300 Macaulay Road (south of subject Site). In considering the application, the Tribunal ultimately decided that the risk to life from flooding was too great to allow a permit to be granted for the development:

The *Laneway Developments* decision demonstrates that until a precinct-wide flood mitigation strategy is implemented within Macaulay, almost any development which would result in increased density (or intensity of use) would pose an unacceptable risk to life and, therefore, not permissible.

Based on the exhibited materials, it is unclear what the status of implementing any precinct-wide flood mitigation strategy is and, as a result, there is uncertainty around the development potential for the precinct despite the ambitious objectives of the Structure Plan.

This extends further to the anticipated funding mechanism for the delivery of the flood mitigation and drainage infrastructure. The exhibited DCP provides no clarity around funding for this vital infrastructure, despite making direct reference to the *Arden Macaulay Precinct Flood Management Strategy, August 2021 ("Flood Management Strategy")* as a supporting study in section 2.2.2. The Flood Management Strategy was prepared to ensure that, among other things, the *'intensive development of the Arden Macaulay Precinct can occur'* and *'an appropriate cost contribution and reimbursement model is developed to fund works to reduce flooding, improve drainage and enable the proposed redevelopment.'*

We recognise that the strategies contained in proposed Clause 11.03-6L (Macaulay) seek to (inter alia) *'ensure the individual and combined impacts of sea level rise and flooding from storm events is*

*appropriately managed* and *manage the risk of flooding through flood management solutions in the natural landscape and built environment.* This provision again acknowledges that flood risk for the precinct is of utmost importance, yet the actionable provisions of Amendment C417 provide little to no measurable mechanisms for implementing flood mitigation measures.

The lack of clear guidance and approach to funding the essential drainage and flood mitigation works is worsened by the recent abandonment of the Urban Renewal Cost Recovery Scheme (URCRS).

#### Recommendation

Having regard to the above, it is essential that Amendment C417 has appropriate consideration to the implementation of flood mitigation measures at a precinct-wide scale and includes the appropriate funding mechanisms for ensuring that the critical flood mitigation measures can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.

It is unclear why the current approach is to defer drainage and flood mitigation work contributions to a later date and separate amendment process.

### **3.5 Clarity of Proposed Provisions**

As a general observation, the suite of exhibited provisions proposed to be introduced into the Planning Scheme could be improved through considered drafting and consolidating themes under common provisions. In this regard the following is noted:

- Defined terminology has been used interchangeably throughout the provisions (i.e., Net Floor Area and Gross Floor Area) and applied inconsistently.
- Affordable housing policy should be removed. Whilst our client acknowledges the importance of supplying affordable housing in urban renewal areas, the proposed drafting of the affordable housing policy within the Amendment is considered unreasonable and would significantly jeopardise the viability of realising a future mid-rise development outcome on the Site, noting such development outcome is already challenged under the current planning controls by virtue of construction cost and land value.

#### Recommendation

It is recommended that the above provisions be reviewed and updated to provide consistency throughout the proposed provisions and to aid with the usability of the proposed new controls.

## **4 Conclusion & Summary of Recommendations**

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We appreciate the opportunity to provide comment on draft Amendment C417 and respectfully request that the following recommendations be considered:

- The inclusion of a FAR control (either mandatory or discretionary) is not strategically justified and must be removed.
- If, however, FAR controls are to be pursued, they should be discretionary as strategic justification has not been provided to demonstrate compliance with PPN59. Providing discretion in the application of the FAR provisions will provide landowners with an ability to pursue, where deemed appropriate, variations that may be required to respond to site-specific conditions while still having regard to the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their

property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.

- Further built form testing should be undertaken to justify the proposed preferred 5 storey maximum building height for the Site, and until such time as this has occurred, the existing preferred 6 storey and mandatory 8 storey building height controls should be retained.
- In line with other DDOs such as DDO23 of the Yarra Planning Scheme (recently tested by a Panel), the preferred minimum common boundary separation requirement (for habitable rooms) should be amended to 4.5m.
- SUZ8 should be amended to remove the precinct-wide requirement for 20% of net floor area being a use other than accommodation.
- Amendment C417 has appropriate consideration to the implementation of flood mitigation measures at a precinct-wide scale and includes the appropriate funding mechanisms for ensuring that the critical flood mitigation measures can be delivered. This may be through a drainage scheme prepared by Melbourne Water and/or by including levies via the DCP as has been done in the Fishermans Bend Urban Renewal Precinct.
- The proposed provisions be reviewed and updated to provide consistency throughout and to aid with the usability of the proposed new controls, including consistent use of terminology and consolidating themes to specific provisions.

We appreciate the opportunity to make these submissions to Amendment C417melb and reserve our right to make further submissions to the Amendment in addition to those listed above at a Future Melbourne Committee meeting or before Planning Panels Victoria, as necessary.

We respectfully request to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact the undersigned or [REDACTED]

[REDACTED]

Yours sincerely

[REDACTED]

**From:** [Planning Policy](#)  
**To:** [Redacted]  
**Subject:** FW: Further Submission to Amendment C417melb  
**Date:** Monday, 7 July 2025 9:07 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[2025-07-01 Let-CoM C417melb - Additional Submission.pdf](#)

---

**From:** [Redacted]  
**Sent:** Friday, 4 July 2025 4:49 PM  
**To:** Planning Policy <PlanningPolicy@melbourne.vic.gov.au>  
**Cc:** [Redacted]  
**Subject:** Further Submission to Amendment C417melb

Dear Tim,

Tract continues to act for VIMG in this matter.  
 Please find attached our further submission to Amendment C417melb.

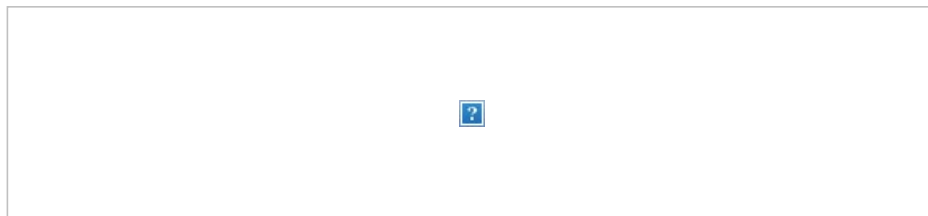
Should you wish to discuss this submission, please do not hesitate to reach out.

Kind regards,



**Tract**  
 Wurundjeri Country  
 Level 6, 6 Riverside Quay  
 Southbank VIC 3006 Australia  
[03 9429 6133](tel:0394296133)

We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.



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**Tim Westcott**

1 July 2025

Manager Planning Policy  
City of Melbourne  
GPO Box 1603  
MELBOURNE VIC 3001  
via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Tim

**Further Submission to Amendment C417melb – Macaulay Urban Renewal Precinct**

Tract Consultants continues to act on behalf of VIMG in this matter.

VIMG is the authorised representative of the owner of the land at 51-61 Hardiman Street and 28-32 Albermarle Street, Kensington (Site).

Our client was handed down a refusal to grant a planning permit by the Victorian Civil and Administrative Tribunal for a seven storey mixed use development at the Site.

Despite the Tribunal finding the Site is located within an area where higher density housing forms are strongly encouraged and the overall design of the proposed built form was acceptable, the Tribunal could not support the proposal given the flood risk affecting the Site and the uncertainty with respect to funding the required works to mitigate this risk.

This refusal follows another refusal decision from the Tribunal in 2024 for a 12 storey mixed use development at 280 Macaulay Road, Kensington. In that case, the tribunal refused the permit on similar flooding grounds and the lack of a statutory funding mechanism to deliver flood mitigation works across both precincts.

These are just two examples of where proponents have, at significant cost, sought to deliver housing outcomes in line with the urban renewal policy aspirations for Macaulay, but have failed because of circumstances beyond their control.

We submit that until a precinct wide flood strategy and statutory funding mechanism to deliver flood mitigation works is resolved, it is premature to advance Amendment C417melb. To this end, we recommend that Council pursue one of the two following outcomes:

1. Place Amendment C417melb on hold and progress a separate planning scheme amendment process to introduce a statutory funding mechanism to deliver flood mitigation works across Macaulay and Arden.
2. Amend Amendment C417melb to introduce a statutory funding mechanism to deliver flood mitigation works.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact the undersigned or [REDACTED]

Tract Consultants Pty Ltd  
ACN: 055 213 842

ATF Tract Consultants Unit Trust  
ABN: 75 423 048 489

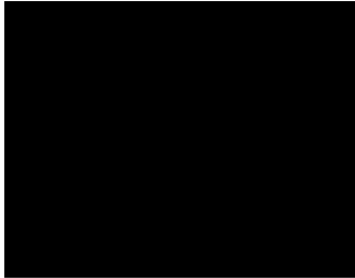
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(03) 9429 6133  
[www.tract.com.au](http://www.tract.com.au)

1 / 2

Yours sincerely



**Submission:** 47

**From:** [REDACTED] (Contour Consultants) on behalf Irongate FM No 2 Pty Ltd  
(Younghusband redevelopment)

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Friday, 6 September 2024 3:49 PM

## PARTICIPATE MELBOURNE



### Make a submission on Amendment C417 Form Submission

There has been a submission of the form Make a submission on Amendment C417 through your Participate Melbourne website.

**First Name**

Irongate FM No 2 Pty Ltd c/o Contour Consultants

**Last Name**

As above

**Postal Address**

[Redacted]

**Postcode**

[Redacted]

**Contact email**

[Redacted]

**My submission is being made on behalf of:**

Company/consultancy

**Subject property**

2-50 Elizabeth Street & 1-7 Elizabeth Street & 2-12 Barrett Street, Kensington

**Formal comment on Amendment C417**

Refer attached submission

**Upload a written comment / attachments**

- [C417melb\\_-\\_Younghusband\\_Submission.pdf](#)

I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party

Yes

**What motivated you to participate in this consultation today?**

[Redacted]

**Which of the following best describes your connection to this City of Melbourne project?**

[Redacted]

Based on your connection to this project, where do you live/work/own a

business/study/visit?  
[REDACTED]

Have you participated in a consultation with City of Melbourne before?  
[REDACTED]

Do you identify with any of the following?  
[REDACTED]

To view all of this form's submissions, visit

[https://participate.melbourne.vic.gov.au/index.php/dashboard/reports/forms\\_new/data/1199](https://participate.melbourne.vic.gov.au/index.php/dashboard/reports/forms_new/data/1199)

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6 September 2024

Manager Planning Policy  
City of Melbourne  
GPO BOX 1603  
MELBOURNE VIC 3001  
[planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Sir/Madam,

**Submission to Amendment C417melb  
Younghusband Development**

We act for Irongate FM No 2 Pty Ltd, and this submission is prepared in response to the subject Amendment, and it relates to the Younghusband redevelopment in Kensington.

The project is a staged redevelopment of the former Younghusband wool store complex, which is illustrated in Figure 1 below.

The Younghusband redevelopment is made up of three stages, and the formal address of each stage is:

- 2-50 Elizabeth Street (Stages 1 & 2)
- 1-7 Elizabeth Street & 2-12 Barrett Street (Stage 3)



Figure 1 – Aerial photograph with site boundaries highlighted

**Current Approvals**

The redevelopment of the complex is approved and comprises three stages and three separate planning permits. Each approved stage is illustrated in Figure 2, and a summary of each stage is set out below:



- Stage 1 - Construction is complete and the development comprises the retrofitting of the existing building for office and commercial space (Planning Permit No. TP-2017-606/D). The approved floorspace is approximately 17,300sqm.
- Stage 2 - Construction is due to commence shortly. The development comprises a new 8 storey (42.36m) building with office and retail uses (Planning Permit No. PA2001041-1). The approved floorspace is approximately 16,000sqm.
- Stage 3 – Approval for a 6-storey (26.92m) building comprising a range of commercial uses (primarily office), and delivery of an open space at the north-west corner (Planning Permit No. PA2201839). The approved floorspace is approximately 13,500sqm.

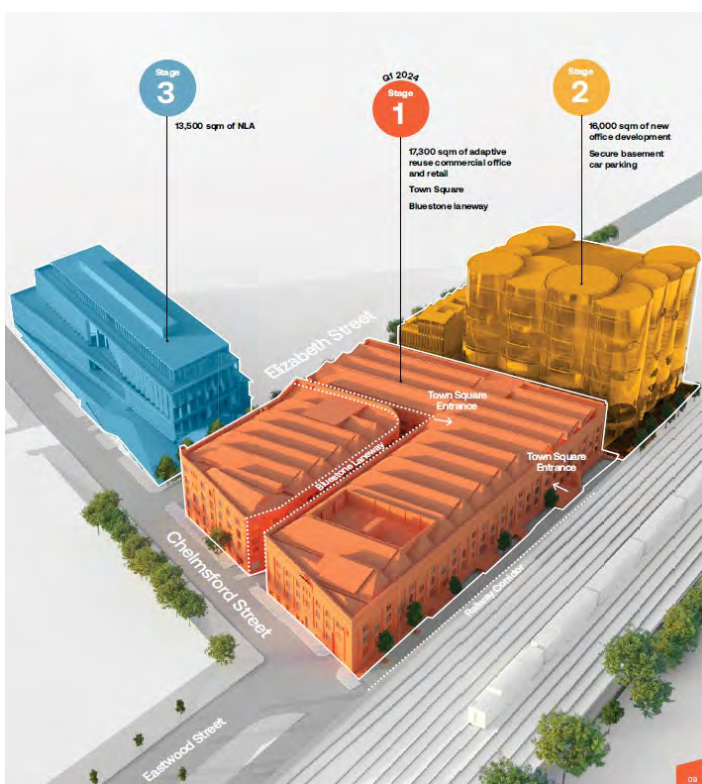


Figure 2: Staging Diagram

**Current Planning Scheme Provisions**

Pursuant to the current Melbourne Planning Scheme provisions, the following zones and overlays apply to the sites:

- Commercial 2 Zone (C2Z)
- Development Contributions Plan Overlay (DCPO2)
- Design and Development Overlay (DDO63-A4)
- Heritage Overlay (HO1385) – Stage 1 & 2 only
- Land Subject to Inundation Overlay (LSIO1) – Stage 3 only

Design and Development Overlay (DDO63) applies to the site on an interim basis, and the applicable reference document underpinning the DDO63 provisions is the Arden-Macaulay Structure Plan 2012.



Within DD063, the site is within Area 4 and is subject to the following built form provisions:

- Preferred maximum height of 6 storeys
- Absolute maximum height of 8 storeys
- Development at the site frontage must not exceed a height of 6 storeys.
- Development interfacing Chelmsford Street must not exceed a height of 3 storeys
- Development along Elizabeth Street must not exceed a height of 4 storeys, and should be setback 1 metre for every metre of height above 15 metres

#### **Amendment C417melb**

The Amendment seeks to implement new land use and development provisions, generally as recommended in the adopted Macaulay Structure Plan 2021 (MSP).

The vision for the Macaulay Structure Plan is identified as:

- *Macaulay will transition into a mixed use, mid-rise neighbourhood with a distinct inner urban character.*
- *New development will be of high quality and deliver amenity for residents, workers and visitors.*
- *Improvements to public transport services and walking and cycling infrastructure will be prioritised to support sustainable modes of travel.*
- *Greening of streets, enhancing the Moonee Ponds Creek corridor, and the delivery of new open spaces will provide connections, forming a network of local places.*
- *Public and private investment will deliver community infrastructure to meet the needs of a growing and diverse neighbourhood.*
- *Macaulay will be a climate ready precinct that supports accelerated action in reaching the City of Melbourne's goal of zero emissions by 2040.*

Relevant to the subject site, the MSP includes the site is within the 'Chelmsford Precinct' which has the following guidance in relation to built form:

- Mandatory floor area ratio of 3:1 for sites interfacing residential properties
- Mandatory maximum floor area ratio of 4:1 for all other sites within the Chelmsford Precinct
- Discretionary maximum building height of 4 storeys for sites interfacing residential properties
- Discretionary maximum building height of 6 storeys for other sites

With regard to the proposed controls specific to the subject site, these are as follows:

- Design and Development Overlay (DD077) – this would replace the interim DD063 provisions
- Parking Overlay (PO16)

Within Design and Development Overlay (DD077) are the following draft provisions that would be applicable to the subject land:

- *Mandatory 4:1 FAR – Stage 1 & 2 site*
- *Mandatory 3:1 FAR – Stage 3 site*
- *Preferred maximum building height of 6 storeys (24 metres) – Stage 1 & 2 site*
- *Preferred maximum building height of 5 storeys (20 metres) – Stage 3 site*
- *4 storey street wall height to the north (Chelmsford Street)*
- *6 storey street wall height (west side of Elizabeth Street)*
- *5 storey street wall height (east and west interface of Stage 3 building)*
- *3-5 storey street wall height (south interface of Stage 3 building)*
- *1-7 Elizabeth Street is identified as a 'character building'*
- *Solar protection controls to the south side of Fink Street*



It is noted that whilst rezoning of land is part of the Amendment, the Amendment does not contemplate a zoning change for the subject land.

### Submissions

Firstly, Irongate FM No 2 Pty Ltd thanks Council for the opportunity to participate in the updated strategic work in relation to the Macaulay Precinct urban renewal area, and having reviewed the adopted Macaulay Structure Plan and the associated draft planning provisions, we make the following submissions.

#### Land use

As recently discussed with Council and the Department of Transport and Planning, it is proposed to pursue a land use change to allow residential development on the Stage 3 site.

The approved Stages 1 and 2 will deliver circa 33,500sqm of commercial space, and this represents a significant contribution to economic and employment base of the precinct.

However, market assessment advice concludes that the take up of that floorspace is likely to be slow and a medium to long term proposition.

For this reason, we have reviewed current policy settings to assess the support for a land use change. In response to this assessment, it is our submission that the site context, combined with the policy settings determine that the introduction of residential use is an appropriate outcome and will realise a net community benefit.

With regard to context, the land to the north on the opposite side of Chelmsford Street is an established residential precinct, whilst land to the east is zoned Mixed Use and allows residential use and development.

With regard to policy settings, we make the following observations:

1. The Victorian Government's recently released Housing Statement requires the delivery of new housing to address supply and affordability issues, and preliminary concept design work for the Stage 3 site confirms that the site could accommodate 150 units generally within the approved 'commercial' building envelope.
2. The Macaulay precinct is identified as a major urban renewal precinct within Plan Melbourne 2017-2050.

To this end, Plan Melbourne notes the following in relation to urban renewal precincts:

*"To take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services. Major urban renewal precincts will play an important role in **accommodating future housing** and employment growth and making better use of existing infrastructure."*

And a key policy objective at Direction 1.1.2 is to:

*"Plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a **mix of uses**"*

3. The MSP is the most recent and relevant local policymaking work, and part of its vision is:

*Macaulay will transition into a **mixed use** mid-rise neighbourhood with a distinct inner urban character.*



4. Within the Chelmsford Precinct in the MSP, the vision in relation to ‘Activities and uses’ notes:

*Chelmsford precinct will comprise of a **mix of uses** with the majority of new development supporting commercial uses. The area will contribute to the wider vision for Macaulay to become a truly **mixed use precinct**, supporting local jobs and enhancing economic activity.*

5. Whilst State and local planning policies associated with commercial land use are acknowledged, Stages 1 and 2 of the redevelopment provide a meaningful response to these policies, and the mixed use outcome as proposed across the broader Younghusband masterplan will not compromise these objectives.
6. Preliminary advice in relation to land use compatibility and reverse amenity considerations is favourable.

Built form

With regard to built form and the proposed DDO77 provisions, in our submission it is relevant to do a comparison of the proposed provisions having regard to the recent approvals relating to the three stages.

	Proposed DDO77	Stage 1 Approval	Stage 2 Approval	Stage 3 Approval
Building height	Preferred 6 storeys (24 metres)	No change to building height	8 storeys 42.36m (Non-compliant)	
	Preferred 5 storeys (20 metres)			6 storeys 26.92m (Non-compliant)
Floor area ratio	Mandatory 4:1 FAR	3.85:1 (Compliant – heritage)	5.31:1 (Non-compliant)	N/A
	Mandatory 3:1 FAR			4.43:1 (Non-compliant)

This assessment highlights that the proposed provisions do not reflect what has been assessed by Council as being appropriate planning outcomes, and the proposed provisions therefore need to be revisited, and ‘dialled-up’.

We also question the use of the mandatory provisions for ‘inner’ urban renewal areas, which is relevant to the proposed floor area ratio provision. We also note that the definition of ‘floor area ratio’ within the draft DDO does not specify that the gross floor area is calculated from above ground floor level.

It is also our submission in relation to built form that accrued rights secured through existing approvals should be recognised and protected through transitional provisions.

**Conclusion**

We appreciate the opportunity to provide submissions in relation to the Amendment and would welcome a meeting to discuss the above.

**Subject:** Amendment C417melb Submission - Response to Items for Clarification  
**Date:** Thursday, 6 November 2025 11:00 AM  
**Attachments:** [image001.png](#)  
[Amendment C417 - Response to Council Clarification Letter.pdf](#)

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**From:** [REDACTED]  
**Sent:** Wednesday, 9 April 2025 11:50 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Amendment C417melb Submission - Response to Items for Clarification

[REDACTED]

We appreciate your response to our submission to Amendment C417melb dated 6 September 2024.

We refer to your letter dated 26 March 2025, and on behalf of Irongate FM No 2 Pty Ltd (landowner), please find attached a response to the items for clarification.

Should you require any further information, please contact Vaughan or me.

Kind regards,

[REDACTED]  
**Contour Consultants**  
**P:** (03) 9347 6100  
[REDACTED]

Level 1, 283 Drummond Street  
Carlton, Victoria, 3053



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**Date**

9 April 2025

**To**[REDACTED]  
[REDACTED]**Address**GPO BOX 1603  
Melbourne VIC 3001**Sent**

Via email to [REDACTED]

[REDACTED]

**Amendment C417melb Submission – 6 September 2024****Younghusband Stage 3 – 1-7 Elizabeth Street & 2-12 Barrett Street, Kensington**

We refer to your letter dated 26 March 2025, in response to the submission we prepared on behalf of Irongate FM No 2 Pty Ltd (landowner) relating to Amendment C417melb, dated 6 September 2024.

Prior to responding to the questions set out in your letter, on 2 April 2025, following meetings and correspondence with the [REDACTED], a detailed submission was lodged with Council that supported the merits of a residential/mixed use outcome on the Stage 3 site within the broader Younghusband precinct.

The submission concludes that a residential/mixed-use outcome should be facilitated for the following reasons:

- Policy support at both a State and local level for providing a mixed use outcome on under-utilised well-serviced urban land;
- The support for a mix of land uses in dedicated urban renewal areas;
- The extent of commercial floorspace delivered by way of Stages 1 and 2, combined with an evaluation of market trends, concluding that the better outcome for Stage 3 would be a mixed-use building;
- State government policy associated with development of under-utilised industrial land indicates that these approvals should be fast-tracked;
- There are no unreasonable land use compatibility issues (as outlined in the submitted Zephyr environmental report);
- The existing residential and mixed-use contexts to the north and east respectively, and these determine that a mixed-use outcome on the site would be appropriate;
- The overall design merit as set out in the material prepared by Woods Bagot Architects, and general compliance with the approved building envelope (PA2201839); and
- The proposal would deliver substantial community benefit by way of activation, enhanced amenity, and the creation of a publicly accessible open space with significant landscaping.



The submission outlines that there are three Planning Scheme Amendment options available to facilitate the proposed outcome for the Stage 3 site. These are set out as follows:

1. Utilise Amendment C417 to the Melbourne Planning Scheme to achieve a rezoning.
2. Prepare a site-specific Planning Scheme Amendment to rezone the land, and a concurrent planning permit application (Section 96A Amendment).
3. Prepare a site-specific Planning Scheme Amendment that would introduce a site-specific planning control by way of the Special Controls Overlay (SCO) and an Incorporated Document (ID).

In our submission, Option 3 would be the most appropriate outcome.

In response to clarifying Items 1 and 2 within your letter, we provided the following responses.

#### **Land Use**

1. *In respect of land use, is identification of Irongate's view that the Stage 3 land is suitable for residential use intended to:*
  - a. *support of a requested change to the Amendment in respect of the zoning of the Younghusband site or part of it;*
  - b. *support of a requested change to some other document forming part of or relevant to the Submission in respect of the use of the Younghusband site or part of it; or*
  - c. *provide information in respect of anticipated future processes in respect of the zoning and/or land use of the Younghusband site?*

#### **Contour Response:**

As outlined above, the most appropriate way forward in achieving a mixed-use outcome on the site is via a site-specific Planning Scheme Amendment that would introduce a Special Controls Overlay (SCO) and an Incorporated Document (ID).

It is also suggested that approval of an SCO and associated ID (which in terms of timing would precede final approval of Amendment C417melb) would mean that changes to the final Amendment C417 provisions including background documents would be necessary prior to gazettal.

#### **Built Form**

2. *In respect of built form:*
  - a. *Does Irongate request changes in respect of preferred maximum heights and floor area ratios relevant to the Younghusband site and, if so, what heights and ratios does it seek?*
  - b. *Does Irongate request a change to make floor area ratios preferred, rather than mandatory, controls?*
  - c. *Does Irongate request a change to the definition of "floor area ratio" and, if so, what change is requested?*
  - d. *Are we correct in understanding that Irongate requests a change to include a transitional provision or provisions providing that existing approvals are unaffected by the Amendment?*



Contour Response:

The material submitted to Council on 2 April 2025 illustrates a mixed-use proposal that references the approved building envelope (PA2201839).

In our submission, the approved envelope is an 'accrued right', and it is reasonable in any change of land use proposal to adopt and adapt that envelope.

It follows that any revised built form controls reflect the proposed envelope as follows:

- 35 metre building height;
- 12 metre street wall height along Chelmsford Street, and 12 metre setback above the street wall;
- 16 metre street wall height along Barrett Street and 6.2 metre setback above the street wall ; and
- 23 metre street wall height along Elizabeth Street and 3.2 metre setback above the street wall.

All proposed provisions should be discretionary, and within these provisions, we question the need for Floor Area Ratios. That said, if Floor Area Ratios are supported, again they should be discretionary, there should be the ability to apply any FAR to the whole of the Younghusband precinct, and the definition should be updated as follows:

**Floor Area Ratio** means the gross floor area above finished floor level of all buildings on a site, divided by the area of the site. For the purposes of this calculation:

- gross floor area includes all enclosed areas above natural ground level, services, lifts, car stackers and covered balconies.
- the area of the site includes all contiguous titles in the same ownership that form part of the proposed development before redevelopment and/or subdivision, including land required by Council for public realm.

Lastly, and as noted our submission, accrued rights secured through existing approvals should be recognised and protected through transitional provisions.

We submit that the above discussion satisfactorily addresses the questions submitted in your letter, and we would welcome the opportunity to discuss this further with you.

Yours sincerely,  
Contour Consultants Australia Pty Ltd



**Submission:** [48](#)

**From:** [REDACTED] ([Greater Western Water](#)), submitted by [REDACTED] ([Greater Western Water](#))

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Friday, 6 September 2024 3:53 PM

**PARTICIPATE MELBOURNE**



## Make a submission on Amendment C417 Form Submission

There has been a submission of the form Make a submission on Amendment C417 through your Participate Melbourne website.

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**My submission is being made on behalf of:**

Company/consultancy

**Formal comment on Amendment C417**

Please see attached submission from Greater Western Water on the Macaulay PSP

**Upload a written comment / attachments**

- [Letter - response to planning scheme amendment C417.pdf](#)

**I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party**

Yes

**What motivated you to participate in this consultation today?**

██

**Which of the following best describes your connection to this City of Melbourne project?**

██

**Based on your connection to this project, where do you live/work/own a business/study/visit?**

██████

Have you participated in a consultation with City of Melbourne before?

[REDACTED]

How do you describe your gender?

[REDACTED]

Age Group

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**Greater Western Water**  
ABN 70 066 902 467  
36 Macedon Street, Sunbury Vic 3429  
Locked Bag 350, Sunshine Vic 3020

Planning Policy team  
City Strategy  
City of Melbourne

Friday 6 September 2024

Dear Planning Policy Team

**RE: PLANNING SCHEME AMENDMENT C417 – MACAULAY URBAN RENEWAL AREA**

Thank you for emailing a request for submissions for Planning Scheme Amendment C417. Greater Western Water (GWW) has reviewed the document and would like to provide some comments.

**Project growth rates**

GWW notes that the population in this area is expected to increase from 3,150 residents to approximately 10,000 residents. Additionally, the number of jobs are expected to increase from 3,580 to approximately 9,500. These additional residents and jobs are likely to increase demand for drinking water and place additional load on the sewerage network. GWW will investigate options for the servicing of these populations in close consultation with the City of Melbourne. In addition, these services are preferred to be located within council designated road reserves rather than in private property.

**Water servicing**

The water network in the precinct currently was set up to service mainly industrial customers. A high density population has a different demand characteristic compared to industrial uses. In addition to this, it is noted that new streets are being proposed and building densities of up to 15 storeys are to be allowed. Of concern is enabling a sufficient fire service and a security of supply in streets that are dead ends. Water networks work best when they are interconnected so as to allow a continuous flow and also to minimise the water quality concerns. This will be closely reviewed as the proposed precinct is being implemented.

**Sewer Servicing**

It is noted that a significant number of the sewer assets in the area are approximately 120 years old. We do note that in Appendix E this is called out with

Greater Western Water respectfully acknowledges the peoples of the Kulin Nation as the Traditional Owners of the lands and waterways on which our service area lies. We pay our deepest respects to their Ancestors and Elders past, present and emerging

**Telephone** 13 44 99  
**Email** [contact@gww.com.au](mailto:contact@gww.com.au)

**Interpreter** (03) 9313 8989  
**Teletypewriter** 13 36 77

[gww.com.au](http://gww.com.au)



regards to the infrastructure planning. It should also be noted that additional infrastructure may be required where new lots are to be created from larger lots. In addition, where lots are being consolidated, it may be an opportunity to move the sewers on to nearby streets such that they are not in private property. This may be the case as some sewers are in laneways.

**Integrated Water Management**

GWW is supportive of the objectives to reduce potable drinking water and to incorporate integrated water management within the precinct. GWW will continue to work with the City of Melbourne to implement these objectives, particularly through the Arden stormwater harvesting scheme opportunity.

**Review of Objectives**

There are a number of objectives within the proposed structure plan that GWW thought to comment upon. These include:

- Objective 3 – We can work with the City of Melbourne to improve the water efficiency and deliver integrated water management practices. This can lead to reduction in the sizing of the water infrastructure in the area.
- Objective 15 – Any new streets created are likely to require infrastructure servicing. We will work with the City of Melbourne to determine the appropriate servicing based on the expected land use
- Objective 16 – GWW will support the objective of incorporating integrated water management within the precinct

Finally, we note that in Appendix E that City West Water is still mentioned as the service provider of water and sewerage infrastructure. Please amend this to Greater Western Water as this is how we have been trading since 1 July 2021.

Thank you again for providing the opportunity to comment on the proposed planning scheme amendment. If you have any questions or further comments with regards to this then please don't hesitate to contact [REDACTED] [REDACTED] for further information.

Yours Sincerely,

[REDACTED]

[REDACTED]

**Submission:** [49](#)

**From:** [REDACTED] ([Goldfields Group](#))

From: [Participate Melbourne](#)  
To: [Planning Policy](#)  
Subject: Make a submission on Amendment C417 Form Submission  
Date: Friday, 6 September 2024 4:14 PM

**PARTICIPATE MELBOURNE**



## Make a submission on Amendment C417 Form Submission

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Last Name

[REDACTED]

Postal Address

[REDACTED]

Postcode

[REDACTED]

Contact email

[REDACTED]

My submission is being made on behalf of:

Company/consultancy

Subject property

59-101 Alfred Street & 103-109, 115-117 Boundary Road, North Melbourne

Formal comment on Amendment C417

Refer to covering letter.

Upload a written comment / attachments

- [Comments\\_to\\_Submission.pdf](#)

I understand that the content of my submission, minus my personal information or property address, is available upon request to any interested party

Yes

What motivated you to participate in this consultation today?

[REDACTED]

Which of the following best describes your connection to this City of Melbourne project?

[REDACTED]

Based on your connection to this project, where do you live/work/own a

business/study/visit?  
[REDACTED]

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[REDACTED]

How do you describe your gender?  
[REDACTED]

Age Group  
[REDACTED]

Do you identify with any of the following?  
[REDACTED]

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# Goldfields

06 September 2024

City of Melbourne  
Participate Melbourne

Via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

To whom it may concern,

## **PLANNING SCHEME AMENDMENT C417MELB - MACAULAY URBAN RENEWAL PRECINCT SUBMISSION**

### **1. INTRODUCTION**

We write in relation to Planning Scheme Amendment (PSA) C417 and the proposed land use and development controls, generally as recommended in the *2021 Macaulay Structure Plan* and *Macaulay Urban Renewal Precinct Development Contributions Plan, May 2022*. Our interest in the PSA is as the registered proprietor of the land located at 59-101 Alfred Street & 103-109, 115-117 Boundary Road, North Melbourne ("The Site").

As noted within the exhibited documentation, our land has been identified as being subject to new planning controls proposed under Amendment C417. The proposed amendment seeks to make changes to local policies, rezoning land to the Special Use Zone and introducing new schedules to the Design and Development Overlay, Development Contributions Plan Overlay and the Parking Overlay.

It is our contention that under the proposed Design and Development Overlay – Schedule 75, the mandatory Floor Area Ratio (FAR) limit of 4:1 significantly hinder the opportunity for an uplift in housing stocks within a premier location for residential and mixed use development.

Submission – Amendment C417

## 1.1. SITE CONTEXT

The subject site is located at 59-101 Alfred Street & 103-109, 115-117 Boundary Road, North Melbourne. Currently, the subject site is primarily vacant and includes a small heritage stable building, which houses live substation componentry, along the northern interface. The subject site is undulating and slopes east to west and north to south. To the east, 103-109 & 115-117 Boundary Road are currently developed as 1-2 storey warehouse buildings.

Under the existing planning controls, the Site is located within the Mixed Use Zone and is affected by the following overlays:

- Design and Development Overlay – Schedule 26, Schedule 66 & Schedule 63 (Area A7)
- Heritage Overlay – Schedule 1105
- Environmental Audit Overlay
- Development Contributions Plan Overlay – Schedule 2
- City Link Project Overlay.

Pursuant to the current planning controls, the Site is subject to a preferred maximum building height of 9-storeys, and an absolute maximum height of 12-storeys. Several other parameters are set by the above controls, relating to built form setbacks, open space corridors and street wall heights, among others.



Figure 1: Subject Site at 59-101 Alfred Street & 103-109, 115-117 Boundary Road, North Melbourne

Source: Nearmap 2024

The site benefits from two Ministerial Planning Permits PA1900705 and PA1900619-1, allowing a stage mixed use development on the site, including a residential building and hotel. Pursuant to the existing permit's listed above, the subject site was subject to an approval for 101,396sqm in total Gross Floor Area. We note that the site is now being seriously considered for a fresh planning application which would facilitate the development of a build-to-rent scheme at a similar scale.

## 2. PROPOSED CONTROLS

### 2.1. AMENDMENT C417

Planning scheme amendment C417 for the Macaulay Urban Renewal Precinct seeks to implement the Macaulay Structure Plan 2021.

The Macaulay Structure Plan was endorsed by Council in November 2021. It sets a framework for the renewal of Macaulay over the next 20 years into a mixed use, mid-rise neighbourhood with a celebrated urban character. We support the intent of the Macaulay Structure Plan and the PSA.

With regard to the Site, Amendment C417 would have the following impact on the site and surrounding area:

- Applies new Schedule 8 to the Special Use Zone (SUZ8), which includes Accommodation as a Section 2 Use and a requirement to provide 20 per cent of net floor area to be non-accommodation floorspace.
- Applies new Schedule 75 to the Design and Development Overlay (DDO75), which includes:
  - Preferred building heights of 12 and 15 storeys (discretionary)
  - A mandatory Floor Area Ratio of 4:1
  - A mandatory site setback to the CityLink interface of 20 metres
  - Preferred street wall heights of 8 storeys to CityLink, 5 storeys to Alfred Street, 6 storeys to Boundary Road and 2 and 3 storeys to proposed internal roads.
  - Delivery of three 12m Streets running through the site from Sutton Street and one 9 metre laneway to the south.
  - Various other land use, built form and design requirements.

## 2.2. DELIVERY OF HOUSING

As has been well publicised and researched, there is a tangible shortage of housing in Victoria.

As the directive of both State and Local Government, there are methods being implemented within the planning policy framework to facilitate housing development and to unlock land potential. The release of the Victorian Housing Statement 2023 identified a combination of high interest rates, low vacancy rates and escalating building supply costs, whereby housing affordability is now at crisis point.

On the 20th of September 2023, the Victorian Government released Victoria's Housing Statement which seeks to facilitate the construction of 800,000 homes in Victoria over the next decade. The most relevant policy directive is that there is a need to facilitate a higher density of development within areas well supported by transport and amenity, on sites such as those within the periphery of the CBD. It is our view that facilitating higher density residential development in well-established areas, with access to jobs and services, is non-negotiable, provided that a reasonable level of existing amenity is maintained.

This directive has been echoed in the establishment of the Development Facilitation Program (DFP) to allow for quicker approvals for projects that deliver significant economic benefit or achieve housing affordability targets. We contend that the mandatory 4:1 Floor Area Ratio completely juxtaposes the position of the State Government and will in fact reduce the amount of space available within core development precincts to house Victorians.

## 3. COMMENTS TO THE DRAFT CONTROLS

We generally support the overarching intent of the Macaulay Structure Plan and the planning scheme amendment (C417). However, we consider the controls will unnecessarily reduce the number of dwellings that could be delivered in such a key strategic precinct in the midst of an identified housing crisis. As such, we make the following submissions for consideration:

- The controls proposed by DDO75 represent a significant loss of developable area for the site, compared to the existing controls.
- While the preferred maximum building heights are taller under the new controls, the use of a mandatory FAR of 4:1 means that these building heights can only be achieved on unrealistic site floor plates, greatly reducing the development potential of the site. We submit that the FAR for this site is unnecessarily restrictive.
- The proposed FAR's do not allow for uplift in projects that deliver significant public benefit such as affordable housing.
- The FAR controls proposed by DDO75 should be weighed against the substantial public benefits that must also be delivered under the revised controls:
  - Three public streets, at a minimum of 12 metres wide and open to sky, to improve connectivity and improve permeability by enabling cycling and walking through existing built form.
  - 20 metres site setback from CityLink which delivers a contiguous setback suitable for deep soil planting and establishment of a biodiversity corridor and ability to accommodate overflow from Moonee Ponds creek. The design should consider the potential for a shared path along the CityLink interface.
  - A discretionary 20 percent floorspace allocation to non-accommodation uses when a permit is sought for accommodation, to contribute to the creation of a genuine mixed-use urban neighbourhood.

The proposed controls as they relate to floor area ratio demonstrate that the DDO75 controls are overly restrictive. In prescribing a mandatory Floor Area Ratio control, the permissible building heights set out in the Design and Development Overlay are largely unachievable. The amount of gross floor area required to achieve the maximum buildings heights would lead to unfeasibly low site coverage, skinny towers and sporadic building separation.

While it is understood that the intent of the control is to achieve active ground level spaces and building mass separation, the intense reduction in achievable dwelling yield in a housing crisis is unsupportable.

It is our position that the addition of a 4:1 FAR control is too restrictive toward the delivery of housing (and affordable housing) yields which are reliant on higher densities to make projects financially viable for developers. Capping yield on this site should be considered in light of the cumulative impacts of the 20 metre setback from City Link, internal allocation of space to new streets (with streetwall height requirements) and 20% non-accommodation use requirements. These controls already safeguard Council to ensure that a highly publicised and accessible ground level is delivered within the Macaulay Precinct. It is our position that the cumulative impact of 4:1 FAR control would hinder development to a point where it is not feasible to develop.

It should be noted that in these instances, the reduced financial feasibility of residential development will directly reduce the affordable housing stock that can be delivered on the site. Where development can't be uplifted, the feasibility of delivering discounted housing stock into the market becomes more challenging. This is particularly counterintuitive in areas such as North Melbourne where developable land is scarce and expensive, but equally well positioned to services and employment.

It is our position that the mandatory nature of the control does not allow for site specific responses to sites which are otherwise compromised by other requirements. It is recommended that Council consider implementing a discretionary control that allows for uplift in instances where significant community benefit can be exhibited, such as is the intent of Clause 15.01-2L-02 – Floor Area Uplift and Delivery of Public Benefits. This would allow a greater density of development in projects that can demonstrate extenuating circumstances or significant public benefit.

## 4. CONCLUSION

The proposed the mandatory Floor Area Ratio (FAR) by way of Amendment C417 is deemed excessively restrictive. This control, along with other proposed requirements fails to uphold the intent of the Victorian Housing Statement. The constraints not only impact the financial viability of development but also directly reduce the potential for delivering much-needed affordable housing stock within 3 kilometres of the CBD and within 400 metres of a Train Station. We conclude by suggesting that the Floor Area Ratio control relaxed to facilitate meaningful residential development on this site.

**Submission:** [50](#)

**From:**  [\(Moonee Valley City Council\)](#)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Subject:** Response to C417  
**Date:** Friday, 6 September 2024 4:54 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[MVCC Response - 6.9.24.pdf](#)

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Hello,

Apologies for the informal hello – my understanding is that there is a new Coordinator at Melbourne CC! Lovely to meet you!

Please see a response from officers at the City of Moonee Valley regarding your Amendment C417 to the Melbourne Planning Scheme .

Our response has identified future growth and development in our areas abutting the Macaulay Structure Plan for your consideration.

Officers do not wish to be engaged in any panel process. However, we will be happy to discuss the matters outlined within if you wish.

Please contact me anytime,

[REDACTED]

**Moonee Valley City Council**

9 Kellaway Avenue Moonee Ponds  
PO Box 126 Moonee Ponds  
Victoria Australia 3039

[mvcc.vic.gov.au](http://mvcc.vic.gov.au)

Moonee Valley City Council respectfully acknowledges the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri Woi-wurrung People of the Kulin Nation; and we pay respect to their Spirits, Ancestors, Elders and their Community Members past and present. Council also extends this respect to other Aboriginal and Torres Strait Islander Peoples who call Moonee Valley home.

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**MOONEE VALLEY CITY COUNCIL****OFFICER COMMENTS MACAULAY STRUCTURE PLAN AMENDMENT C417****1. Background**

Thank you for the opportunity to comment on the draft Macaulay Structure Plan. Strategic Planning officers from Moonee Valley City Council provide the following response in relation to the Macaulay Structure Plan (MSP).

The vision and the expected outcomes of the project are supported by Council officers. This submission identifies areas of growth in Moonee Valley to be considered in the draft structure plan due to the proximity of the draft structure plan area to Moonee Valley.

Council officers look forward to working with the City of Melbourne on this project as required, however, Council does not wish to be invited to or present at any Planning Panel established to consider the proposed Amendment C417.

**2. Area Context**

The Macaulay precinct shares a common boundary with the City of Moonee Valley and is close to key transport corridors and infrastructure, including the Flemington library and Newmarket Railway station. Macaulay sits to the north of the Arden precinct, and south of Flemington Housing Estate, both of which are anticipated to experience significant growth and change in the coming years due to Victorian Government investment.

Moonee Valley Council's long-term Strategic Plan *MV2040*, identifies Flemington's population density as 59.1 people per hectare, making it the densest neighbourhood in Moonee Valley, with social housing comprising up 15% of all dwelling stock. Nearly 30 per cent of the anticipated growth in Flemington will be accommodated in the redeveloped Flemington Housing Estate at Debneys Park.

**3. Forthcoming Development in the City of Moonee Valley**Flemington Housing Estate

The Victorian Government's Public Housing Renewal Program for the Flemington Housing Estate is opposite the Macaulay precinct. The renewal program includes removing some of the existing towers and constructing new public and private housing stock that will result in over 1000 new residents.

The Minister for Planning is the responsible authority for the Flemington Housing Estate area. It is zoned Mixed Use and covered by Development Plan Overlay 8 (DPO8) in the Moonee Valley Planning Scheme.

During the Moonee Valley Planning Scheme Amendment for Flemington Estate (Amendment C177), the community expressed that they want to live in a place that is safe, accessible, comfortable and has access to great facilities. This includes significant opportunities to upgrade and expand the open space area and connections, improve the interface of Debneys Park with Moonee Ponds Creek.

Moonee Valley Council operates the Djerring Community Centre in Flemington north of the Macaulay Precinct. The proximity of the new Hub to the Macaulay precinct will likely result in many people from within Macaulay utilising it for community programs and hire of rooms.

Debneys Park adjacent to the Flemington Housing Estate, includes ovals, community gardens, walking tracks and play facilities. These assets are likely to experience increased demand for access and use through the redevelopment of the Flemington Housing Estate. As such, consideration should be given to increasing the capacity and condition of many sports facilities and fields in the area.

Projects in proximity to the Macaulay area

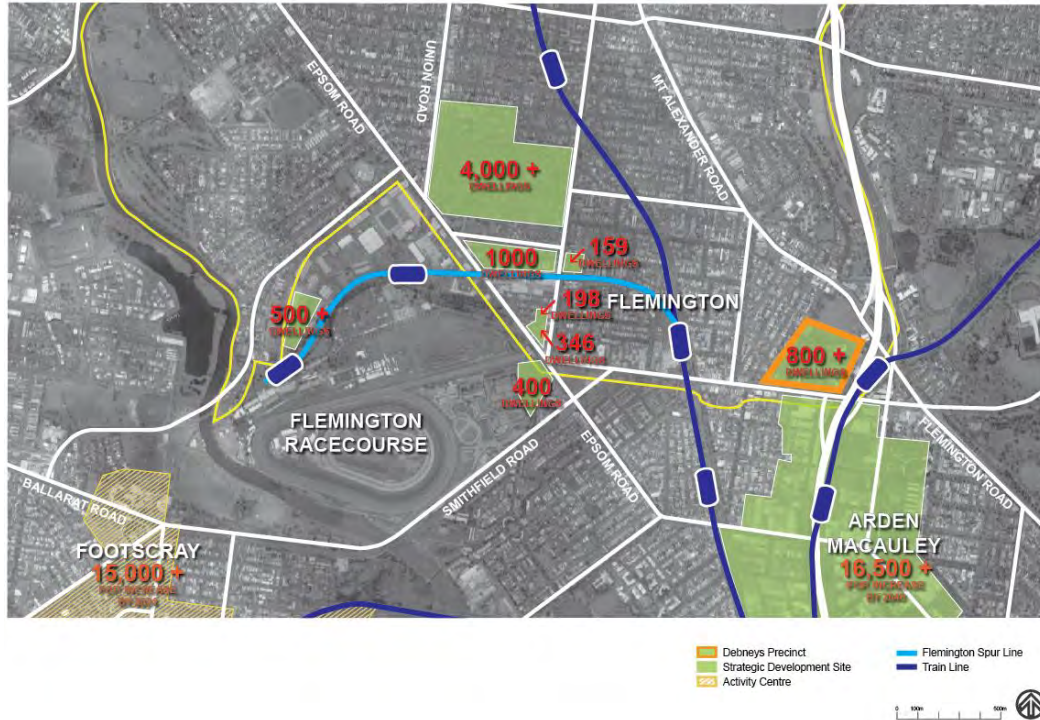
Map 1 outlines potential areas of key land use change and subsequent growth within Moonee Valley to be considered in the draft structure plan. The sites include:

- 155 Epsom Road - 400 dwellings.
- DHHS Wingate Estate, potentially 4000 dwellings.
- "Top Cut" Site – Currently zoned 1NZ and could be a potential future large scale development site.
- Following the release of the Victorian Government's 2023 *Housing Statement*, it is expected

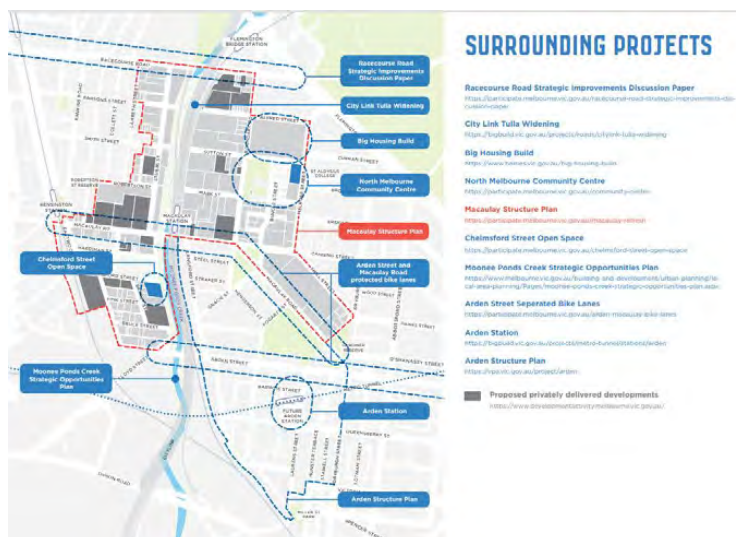
that the nearby Racecourse Road Activity Centre will have increased development.

The sites listed above should be considered in the 'Surrounding Projects Plan' (map 2) that is included as part of the Amendment material.

Map 1



Map 2



The future growth mentioned above with the Macaulay precinct upgrade will bring about a significant change to the area and likely generate significant additional traffic to the region, generating cumulative impacts on the main road corridor whilst also impacting the need for increased provision of social infrastructure.

Council officers consider that a substantially sized public open space reserve capable of accommodating recreational sporting activities could be delivered as Macaulay grows, limiting the additional demand for the existing Debneys Park facilities.

It is important that the ongoing redevelopment of the Macaulay precinct keeps pace with the required infrastructure needs of the new community.

**Submission:** 51

**From:** [REDACTED] (Planning & Property Partners) on behalf of BA Glen Investments Pty Ltd, submitted  
by [REDACTED] (Planning & Property Partners)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Amendment C417 submission - BA Glen Investments Pty Ltd  
**Date:** Friday, 6 September 2024 7:07 PM  
**Attachments:** [image001.jpg](#)  
[BA Glen Investments Pty Ltd - Amendment C417 Submission.pdf](#)

---

Dear Manager Planning Policy,  
Please refer to the attached submission on behalf of BA Glen Investments Pty Ltd in relation to Amendment C417 to the Melbourne Planning Scheme.  
Should there be any questions in relation to this submission, please do not hesitate to contact the undersigned.

Yours faithfully,

[REDACTED]



[REDACTED]

**Planning & Property Partners Pty Ltd**

13/1 Collins Street,  
Melbourne VIC 3000

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6 September 2024

Manager Planning Policy  
City of Melbourne

By email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Manager Planning Policy,

**MELBOURNE PLANNING SCHEME  
AMENDMENT C417melb  
135-157 RACECOURSE ROAD, KENSINGTON**

We act on behalf of BA Glen Investments Pty Ltd, the owner of the land at 135-157 Racecourse Road, Kensington ('Site') affected by proposed Melbourne Planning Scheme Amendment C417melb ('Amendment C417').

Amendment C417 proposes to implement the *Macaulay Structure Plan 2021* ('Structure Plan') and *Macaulay Development Contributions Plan* to the Macaulay Urban Renewal Precinct ('Precinct') as identified in *Plan Melbourne 2017-2050* and the Melbourne Planning Scheme ('Planning Scheme').

The Site will be materially affected by proposed Amendment C417 in its exhibited form, and we request this letter be registered as a formal submission for the purposes of Amendment C417 process.

The basis for our client's objection relates to the proposed planning controls within the exhibited Amendment C417 material, namely the Special Use Zone – Schedule 8 ('SUZ8') and Design and Development Overlay – Schedule 76 ('DDO76').

Since the Structure Plan was originally drafted in 2020 and updated in 2022, the Precinct has evolved significantly in responding to the current planning controls and policy provisions in place. The Structure Plan and now associated exhibited material has had no regard to this evolving built form character or notable site characteristics such as the heritage controls applying to the Site and impact this has on the future redevelopment potential of our client's site in concert with the proposed built form controls.

Amendment C417 and the exhibited DDO76 control now seeks to reduce the preferred maximum building height applying to the Site to six storeys, significantly less than the current preferred nine storeys and maximum 12 storey height, whilst also imposing a mandatory 3:1 Floor Area Ratio ('FAR') control, and winter overshadowing controls to a proposed new park directly south of our client's Site. The combination and mandating of such of the controls alongside the Site's existing heritage constraint, significantly impact its future redevelopment potential.

In relation to the mandating of such controls, Planning Practice Note 59 as it relates to *Mandatory Provisions in Planning Scheme* states that such performance based provisions facilitate variation and innovation, and which can accommodate unforeseen circumstances peculiar to a particular application. This is the situation for our client's Site with the combination and mandating of such of the controls alongside the Site's existing heritage constraint, significantly impact its future redevelopment potential and require such variation and innovation to be applied to realise its development opportunity.

It is acknowledged that Planning Practice Note 59 states that there are circumstances where mandatory controls are warranted, stating in areas such as high heritage value; with consistent character; sensitive environmental locations; and building heights in some activity centres. While the Site alone has noted heritage value, the broader Precinct is not one of heritage value, and not one



where the Practice Note identifies such mandatory provisions should apply. Rather, the Precinct is identified as an area for urban renewal, with such proposed controls and a park abuttal impacting on the Site's opportunity to contribute toward the intended realisation.

Moreover, in an area identified for urban renewal, and where standard zoning controls and policy provisions can play a role in guiding and informing the transformation of the Precinct the application of the SUZ8 is questionable and contrary to Planning Practice Note 30 – *Applying the Special Use Zone*. Planning Practice Note 30 informs that such a zone should be applied where a standard zone cannot address individual circumstances of a site.

It is not a zone to be applied to a precinct, particularly in a blanket approach across one identified for urban renewal and seeking to enforce aspirational affordable housing or non-residential uses. Rather, it is to be applied to *special* or unique sites such as showgrounds, freight logistics and tourism precincts as identified in Planning Practice Note 30. The application of the SUZ8 to the Precinct should be reviewed as it is simply too large an area. Indeed, whilst our client has issues on DDO76 as it applies to their Site, we note that there are four DDOs proposed across the whole of the Precinct to inform different built form outcomes. A similar application of policies to particular areas of the Precinct should occur as an alternative.

The current exhibited material significantly impact on our client's site, significantly limiting its opportunity for redevelopment to potentially being undevelopable. As noted, the Precinct has significantly changed and what is now proposed through Amendment C417 is now considered aspirational, outdated and not an appropriate application of the Victorian Planning Provisions, conflicting with relevant Planning Practice Notes. Accordingly, further strategic work is required.

We look forward to expanding upon the points outlined in this submission on behalf of our client throughout the statutory processing of Amendment C417.

Should you have any queries in relation to this submission, please do not hesitate to contact the undersigned on [REDACTED].

Yours faithfully,

[REDACTED]

[REDACTED]  
**Planning & Property Partners Pty Ltd**

**Submission:** [52](#)

**From:** [REDACTED]

**From:** [Redacted]  
**To:** [Planning Policy](#)  
**Subject:** Manager Planning Policy  
**Date:** Friday, 6 September 2024 9:07 PM  
**Attachments:** [image379296.jpg](#)  
[Manager Planning Policy.docx](#)

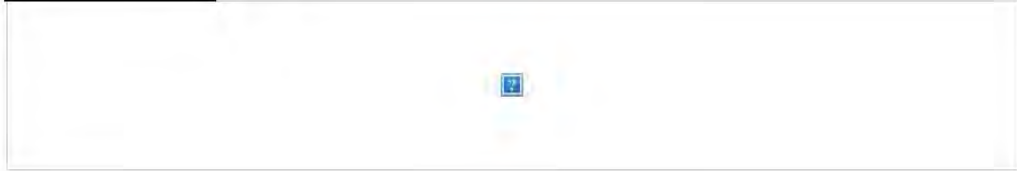
---

Manager Planning policy

Please find attached a submission relating to Amendment C417

thanks

[Redacted]



[Redacted]



**Submission:** [53](#)

**From:** [REDACTED]



Even though the public open space at first, may counter-intuitively appear to be less productive than 15-storey apartments, these types of crucial investments must be considered, BEFORE upzoning. Otherwise, it will be much more expensive for the community to deliver later (ex. Fishermans Bend). Also, the economic productivity gains created by these public investments would practically pay itself in the medium/long term.

Summary:

-Less carparks.

-More public open spaces, NOW.



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- [Macaulay\\_submission.pdf](#)

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Yes



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Well done City of Melbourne for pushing the State gov to finally approve to progress with the amendment!

As someone who was at the in-person event, I am very impressed by the high-quality community engagement planning department demonstrated thus far.

I live on [REDACTED], with my [REDACTED], and directly affected by the proposed upzoning. Some of my neighbours might choose to dwell on the negatives, and complain about the congestion, blocking of views etc. Well, I'm not one of them.

We need more high-quality housing, where people want to live along the transport corridors with public amenity, just like Macaulay - Arden.

Some privileged few might selfishly demand to cling to the "village vibe" they had for the past years. Nonetheless, I'm very comfortable arguing that this is the loud minority. We are 3kms from the CBD, so if anybody wants "village vibes", they can move to the Country. Especially considering the windfall tax-free capital gains they would get from selling their houses.

As someone who doesn't own a car, nor have any intention of owning a car (why would I when there are multiple train stations, bike paths and carshare?), I see absolutely no problem with increased car congestion, by the proposed amendment. This also applies to car parking provisions in any future development. We need less carparks, to encourage people to use alternative and more active transport options.

However, continued advocacy to partner with the State gov to deliver the much-needed open space along Merri Creek, with even further expansions to respond to the needs of the future residents should be on the top of a to-do list.

Even though the public open space at first, may counter-intuitively appear to be less productive than 15-storey apartments, these types of crucial investments must be considered, BEFORE upzoning. Otherwise, it will be much more expensive for the community to deliver later (ex. Fishermans Bend). Also, the economic productivity gains created by these public investments would practically pay itself in the medium/long term.

Summary:

-Less carparks.

-More public open spaces, NOW.

[REDACTED]

**Submission:** [54](#)

**From:** [REDACTED]

**From:** [Participate Melbourne](#)  
**To:** [Planning Policy](#)  
**Subject:** Make a submission on Amendment C417 Form Submission  
**Date:** Sunday, 8 September 2024 9:08 AM

**PARTICIPATE MELBOURNE**



## Make a submission on Amendment C417 Form Submission

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████

**Last Name**

████

**Postal Address**

████████████████████

**Postcode**

████

**Contact email**

████████████████████

**My submission is being made on behalf of:**  
Individual

### Formal comment on Amendment C417

I support the Amendment overall and commend the City of Melbourne on the work done to prepare the structure plan and planning scheme amendment. Having lived in Macaulay for over 2 years, it is a true 20-minute city with some of the best access to public transport, shops and services in Melbourne. This precinct enables an easy car free lifestyle, with multiple train lines, buses, trams and cycling infrastructure at my doorstep. The structure plan and delivery of new housing in this precinct will strengthen the local economy and allow for investment in local infrastructure and open space. I look forward to delivery of new open space along the Moonee Ponds Creek in line with the structure plan, Moonee Ponds Creek Strategic Opportunities Plan and Chain of Ponds plan. I also eagerly look forward to delivery of long-awaited safe bike lanes on Macaulay Road, as I value my basic safety as I get around my local neighbourhood.

In particular, the affordable housing targets are crucial to ensuring our community remains inclusive and diverse, and that we are able to contribute to making up for the shortfall in the supply of social and affordable housing across the state. Unfortunately, without mandatory controls, the targets will be ineffective and inequitable. Mandatory controls in the form of inclusionary zoning are required in order to ensure that the supply of affordable housing is delivered in line with the targets and in an equitable and efficient way, and can be factored into land pricing by developers. Alternatively, a 'floor area uplift' as used in Fishermans Bend would provide a strong and effective framework for affordable housing to be delivered through voluntary agreements with developers.

Without inclusionary zoning or a floor area uplift, ultimately affordable housing will not be delivered

at scale, as there is no incentive for developers to provide any. This is due to the mandatory floor area ratio, with no ability for extra floor area to be negotiated by developers in return for providing affordable housing. Typically where voluntary affordable housing is encouraged, councils can offer developers extra building height in return for provision of affordable housing. This is ultimately failing to deliver affordable housing at any sort of scale but at least provides a viable option where developers themselves are keen to do so. However, I fear that in Macaulay, with a mandatory floor area ratio meaning there are no incentives available in the form of built form concessions, unfortunately a voluntary affordable housing mechanism is doomed to fail, as even where developers would like to do so, it would not be financially viable. As such, the planning scheme amendment will fail to deliver on objective '(fa)' of planning in Victoria "to facilitate the provision of affordable housing in Victoria".

I support the planning scheme amendment, however mandatory inclusionary zoning should be included in the controls, or in lieu of that a floor area uplift mechanism.

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Yes

**What motivated you to participate in this consultation today?**

[REDACTED]

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**Have you participated in a consultation with City of Melbourne before?**

[REDACTED]

**How do you describe your gender?**

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**Age Group**

[REDACTED]

**Do you identify with any of the following?**

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**Submission:** [55](#)

**From:** [REDACTED]

From: [Participate Melbourne](#)  
To: [Planning Policy](#)  
Subject: Make a submission on Amendment C417 Form Submission  
Date: Monday, 9 September 2024 6:48 PM

## PARTICIPATE MELBOURNE



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Contact email

[REDACTED]

My submission is being made on behalf of:  
Individual

Subject property

[REDACTED]

Formal comment on Amendment C417  
See attached.

Upload a written comment / attachments

- 2024\_09\_09\_C417\_submission\_[REDACTED].pdf

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Age Group

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Planning Policy  
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9 September 2024

**Re: Planning Scheme Amendment C417 – Macaulay Structure Plan**

Thank you for the opportunity to make a submission on Planning Scheme Amendment C417, which seeks to implement the 2021 Macaulay Structure Plan. I commend the City of Melbourne for the development of the Macaulay Structure Plan, and its advocacy to progress its implementation.

I am a relatively new resident of the City of Melbourne, and the Macaulay precinct, and was attracted to the area by the high-quality and innovative housing that is being developed in this area, as well as Kensington's vibrant heritage and strong sense of community.

Balancing new development with the protection and enhancement of Kensington's valued cultural and environmental attributes, from its built heritage to the Moonee Ponds Creek corridor, is essential to ensuring the liveability of one of Melbourne's most rapidly densifying areas.

I am generally supportive of the changes proposed through Planning Scheme Amendment C417, and would like to comment on the following aspects of the amendment:

- Support for DDO78
- Support for increased mix of uses through Special Use Zone 8
- Concern regarding the urgent need for certainty on a funding mechanism for drainage and flood mitigation
- The importance of investment in public open space and prioritising works to improve the amenity and accessibility of the Moonee Ponds Creek corridor.

**Design and Development Overlay 78 (DDO78)**

I am broadly supportive of the proposed controls under DDO78, which intends to apply provide more rigorous requirements for new development than the current DDO.

I strongly support the introduction of a 7.5m side setback from the common boundary for habitable spaces. The penetration of daylight into our building's common spaces, and into our apartment, significantly contributes to our quality of life. Under the current controls, any development to the immediate east or south of our building is likely to have a detrimental effect on the penetration of daylight to residences and common spaces, which would significantly impact our amenity.

**Increased mix of uses through Special Use Zone 8**

I strongly support the facilitation of an appropriate mix of uses in the Macaulay Precinct through the proposed discretionary requirement to provide at least 20 per cent non-accommodation

uses (in the SUZ8). This will be essential to providing services and amenity for Macaulay's growing population, as the precinct transitions from industrial to having a residential focus.

However, I note that there are already empty ground-floor tenancies located in new developments along Macaulay Road, including 411 Macaulay Road and 346 Macaulay Road (noting that this building was only recently completed).

Acknowledging that the sale and letting of non-accommodation space is not within Council's control, I urge Council to take any action it can to support the activation of these street frontages, to ensure these ground-floor tenancies do not remain empty indefinitely.

#### **Funding for Drainage and Flood Mitigation**

I have significant concerns about the exclusion of drainage and flood mitigation infrastructure in the proposed Macaulay DCP, in the absence of new funding mechanism to replace the Urban Renewal Cost Recovery Scheme (URCRS).

As Council is aware, drainage and flood mitigation are significant and urgent issues within the Macaulay Precinct. I urge the City of Melbourne to continue working with Melbourne Water and other stakeholders as a matter of urgency to ensure that a new funding mechanism can be confirmed prior to the expiration of the interim DCPO2 and finalisation of Amendment C417.

#### **Public Open Space and the Monee Ponds Creek Corridor**

I strongly support measures to expand the open space network through the improvement of the Moonee Ponds Creek corridor, as well as the provision of new pocket parks such as the Chelmsford Street public open space. Access to public open space is vital for health and wellbeing. The current state of the public realm in the Macaulay Precinct largely reflects its long-term industrial land-use, and lacks the residential amenity enjoyed by other City of Melbourne residents, for example in Parkville, Carlton, and South Yarra.

I urge the City of Melbourne to prioritise these initiatives and continue advocating for urgent investment in the Moonee Ponds Creek corridor from State Government and other stakeholders.

#### **Conclusion**

In summary, I am broadly supportive of the proposed Planning Scheme Amendment C417, noting concerns regarding the ongoing funding of drainage and flood mitigation. I commend the City of Melbourne for its ongoing advocacy to implement the Macaulay Structure Plan, and look forward to Council's response to submissions.

Yours sincerely,



**Submission:** [56](#)

**From:** [REDACTED] ([Melbourne Water](#)), submitted by [REDACTED] ([Melbourne Water](#))

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Melbourne Water submission to Amendment C417melb Macaulay Structure Plan and DCP  
**Date:** Tuesday, 10 September 2024 8:25 AM  
**Attachments:** [image001.png](#)  
[MW submission Amendment C417melb Macaulay Structure Plan and DCP 10 September 2024.pdf](#)

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Dear City of Melbourne,

Thank you for the opportunity to make a submission on Draft Amendment C417 to the Melbourne Planning Scheme – Macaulay Structure Plan (Amendment C417). Please find attached Melbourne Waters written submission.

The City of Melbourne is to be commended for its efforts in the preparation of the Macaulay Structure Plan that underpins the draft amendment and the collaborative nature in which it has engaged with agencies including Melbourne Water in the detailed planning for this precinct.

Melbourne Water welcomes the opportunity to continue to advance discussions in relation to these matters with the City of Melbourne.

Kind Regards,

[REDACTED] **Melbourne Water**  
[REDACTED] | 990 La Trobe Street, Docklands, 3008 | PO Box 4342 Melbourne VIC 3001 | [melbournewater.com.au](http://melbournewater.com.au)



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10/09/2024

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[REDACTED]  
City of Melbourne  
GPO Box 1603  
Melbourne VIC 3001

Dear Ms Leighton

### **Draft Amendment C417 to the Melbourne Planning Scheme – Macaulay Structure Plan**

Thank you for the opportunity to make a submission on Draft Amendment C417 to the Melbourne Planning Scheme – Macaulay Structure Plan (**Amendment C417**). The City of Melbourne is to be commended for its efforts in the preparation of the Macaulay Structure Plan that underpins the draft amendment and the collaborative nature in which it has engaged with agencies including Melbourne Water in the detailed planning for this precinct.

#### **1. Position on Amendment C417**

Melbourne Water supports the overall intent of Amendment C417, subject to changes. Changes to the exhibited documents are required in order to address flood risk in the Macaulay precinct and protect the community and future development from such risk.

Sections 2-4 of this submission summarise Melbourne Water's role to date, flood risk in Macaulay and the relevant history of proposed mitigation works in the Arden Macaulay precinct. Section 5 sets out Melbourne Water's specific concerns with Amendment C417 as exhibited. Sections 6-9 set out considerations moving forward and next steps.

#### **2. Melbourne Water's role to date**

Melbourne Water has broad floodplain management functions under the *Water Act 1989* (Vic) (**Water Act**), with related functions under the *Planning and Environment*

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*Act 1987 (Vic) (PE Act)* and the *Building Regulations 2018*. Melbourne Water's role includes providing advice to proponents, local councils, the Secretary to the Department and the community about flood risk and controls on development.

Melbourne Water is a determining referral authority under section 55 of the PE Act and clause 66.03 of the Victorian Planning Provisions (**VPPs**) for applications within its waterway management district for land in (or subject to) the Land Subject to Inundation Overlay (**LSIO**) and Special Building Overlay (**SBO**) in the Melbourne Planning Scheme. When considering applications referred to Melbourne Water under the PE Act, Melbourne Water is bound by VPPs. The VPPs require Melbourne Water to consider flood events, including the 1%AEP flood event, as a result of sea level rise and increased rainfall intensity in the year 2100. Melbourne Water has also adopted and applies the *Guidelines for Development in Flood Affected Areas* (DELWP 2019) (**Guidelines**) to guide assessment of development.

**3. Flood risk in the precinct**

Areas within the Arden Macaulay precinct have a recognised history of severe flooding and flood risk. In light of the flood risk challenges posed in the precinct – and the Victorian Government's parallel identification of the precinct as a key urban renewal area – Melbourne Water and Engeny prepared the *Arden Macaulay Flood Management Strategy, 2021* (the **Strategy**) to document a concept-level working drainage strategy to manage flooding within the precinct. The Strategy provides that:

Without intervention, flooding poses an unacceptable risk to the safety of the community and will continue to lead to extensive property damage, with some areas experiencing flood depths of up to two metres. If the Arden Macaulay Precinct is to develop into a high-use urban area then this will require planning controls to manage development areas and floor levels and drainage works will need to be implemented to reduce the risk and severity of flooding. (Strategy, page ii)

The severe flooding risks in the Arden Macaulay precinct are exacerbated by climate change, which is a significant policy consideration when preparing a planning scheme amendment. Realisation of the infrastructure described in the Strategy (**Mitigation Infrastructure**) is therefore essential to enable safe and effective regeneration of the Macaulay precinct. Without that infrastructure, parts of Arden Macaulay are not suitable for intensification of urban development.

**4. Mitigation Infrastructure**

To provide greater certainty in the funding, design, development and delivery of the Mitigation Infrastructure to support the role of the Arden Macaulay precinct as a key urban renewal area for the Victorian Government, during amendment C407 to the Melbourne Planning Scheme Melbourne Water proposed the Urban Renewal Cost

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Recovery Scheme (**URCRS**) as the funding mechanism for the delivery of the Mitigation Infrastructure.

Melbourne Water's capacity to implement the URCRS relied on securing the status of determining referral authority to impose a condition on planning permits requiring the payment of developer charges; with Melbourne Water to manage and coordinate the collection of contributions and delivery of works. However, determining referral authority status was ultimately not secured. The URCRS no longer presents a suitable option to secure funding to implement the works identified in the Strategy across the Arden Macaulay precinct.

Melbourne Water continues to work with the State government and the City of Melbourne to explore a suitable funding source for the Mitigation Infrastructure identified in the Strategy. At this time, there is no funding nor funding mechanism in place to achieve the works essential to support the renewal of the flood prone areas in the Arden Macaulay precinct. It will be essential to resolve the funding approach prior to finalising the amendment, to ensure safe regeneration of the precinct.

**5. Summary of issues with exhibited amendment**

Melbourne Water supports the mechanisms proposed to implement the Macaulay Precinct Structure Plan but recommends that the consideration of flood hazards be strengthened to protect against potential risk to life, health and safety and provide clear and consistent guidance for decision-making.

**a. Amendments to the Special Use Zone – Schedule 8**

Melbourne Water is concerned that the exhibited version of the Special Use Zone – Schedule 8 (**SUZ8**) does not contain key controls that deal with the flood risk in the Macaulay Precinct. Melbourne Water requests the following changes

- **Purpose:** Given the existing and increasing flood risk in the precinct, that the SUZ8 be updated to include the purpose, 'to identify and plan for land uses vulnerable to flooding'.
- **Conditions on specified Section 1 uses:** That the SUZ8 be updated to include the following conditions on use of land for vulnerable land uses (including emergency and community facilities and accommodation) within the LSIO and SBO:
  - must not be located on the ground floor of land affected by the LSIO and/or SBO; and
  - direct ground floor pedestrian access and egress must not be located within the LSIO and SBO.

It is considered necessary that vulnerable land uses are only categorised as Section 1 uses where they are not located on the ground floor and any direct access to the ground floor is not located within the LSIO or SBO.

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Melbourne Water considers these conditions to be necessary to address flood safety issues for vulnerable land uses specifically, including to cover land use change applications that are not accompanied by proposals for buildings and works under the LSIO and SBO

As exhibited, Amendment C417's inclusion of these uses in Section 1 (permit not required) may result in uncertainty about whether a vulnerable land use can be refused on the basis of potential flood safety risk. In Melbourne Water's submission, this is inconsistent with State policy given the level of identified flood risk across the precinct.

- **Compliance with safety requirements**: In light of the objective of clause 13.01-1S of the VPPs to assist the protection of life, property and community infrastructure from flood hazard, Melbourne Water requests the inclusion of a requirement to satisfy the requirements for safety within the Guidelines for certain vulnerable land uses.

Melbourne Water notes that residential uses and other uses likely to attract vulnerable people require greater consideration to ensure protection of life, property and community infrastructure in accordance with the Guidelines.

- **Melbourne Water referral authority status**: In recognition of the substantial existing and future flood risk even once Mitigation Infrastructure is delivered, Melbourne Water requests that the amendment confers determining referral authority status on Melbourne Water:
  - for emergency and community land uses referenced under clause 13.03-1s and accommodation; and
  - associated building and works.

Melbourne Water seeks determining referral authority status for permit applications for 'use' for accommodation and uses identified at clause 13.03-1S in recognition of the substantial flood risk associated with these uses.

Without the additional content outlined above being included in the SUZ8, there are no existing tools in the VPPs that can adequately regulate land use in this flood prone area. Melbourne Water's experience is that the consequence of the absence of adequate existing tools is continuing lengthy and costly appeals to the Victorian Civil and Administrative Tribunal.

While Melbourne Water acknowledges the Macaulay precinct is within an urban renewal area, in order for the area to function effectively and safely the controls outlined above are necessary. Specifically, while there is support for intensification of development in this precinct, it needs to be balanced with the clear and significant flood risks to life that any such intensification presents and the strong policy basis in the planning scheme to avoid such risks.

**OFFICIAL****b. Amendments to the proposed Design and Development Overlay**

In Melbourne Water's submission, urban design controls need to include flood safety matters as a priority. To achieve this, and drawing from key guidance in the *Good Design Guide for Buildings in Flood Affected Areas in Fishermans Bend, Arden and Macaulay* (Melbourne Water, City of Melbourne and City of Port Phillip) (**Good Design Guide**), Melbourne Water requests the following amendments to the proposed schedules of the Design and Development Overlay (**DDO**):

- that the 'Site Layout' Design Requirements under each table in the DDO schedules be updated to incorporate the following requirements relating to access and egress of buildings:
  - in flood affected areas, locate building entries and vehicle access at high points of the site and/or above the Nominal Flood Protection Level (**NFPL**);
- that the 'Building Program' Design Requirements proposed under each table in the DDO schedules be updated to include a requirement to site essential services above the NFPL;
- that the 'Building Program' Design Requirements under each table in the DDO schedules be updated to include the following design direction for basement car parking:
  - basement car parking in flood affected areas should ensure:
    - entries to underground car parking are protected by a continuous apex of any entry or exit ramp that is at or above the NFPL;
    - all access points (both internal and external) are protected to NFPL, and that the design of the basement only caters for car parking/non habitable uses; and
- that the 'Public interfaces' Design Requirements proposed under each table in the DDO schedules be updated to include a requirement for 'transition zones' (being areas where steps and ramps provide universal access between the public realm and elevated ground floor level). The requirement for transition zones should provide that they:
  - are to be located externally (wherever possible);
  - are to be designed to in such a way that they are the smallest size possible; and
  - must not be retrofitted in the future for habitable and/or uses identified within clause 13.03-1s,

**c. Built form design guidance**

Developments within the floodplain may not be appropriate where a proposal does not meet the safety criteria or built form requirements of the Guidelines. The Macaulay

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Structure Plan refers to the revised flood extent, but does not provide guidance as to how it should be addressed. Further, finished floor levels or egress pathways are not a matter required to be considered in the proposed Design and Development Overlays in Amendment C417.

Noting the proposed DDO schedules for Macaulay and multiple policies within the scheme that variously address design outcomes and flooding, Melbourne Water is concerned that the myriad requirements may create confusion for permit applicants in how to address flood damage and safety risks together with urban design outcomes.

In addition to the comments above about the draft DDO schedules, Melbourne Water recommends further investigation of any divergence between the requirements (including in the following provisions and documents) to ensure that guidance on built form design is consistent and achieves the necessary flood safety and damage criteria under the Guidelines:

- the requirements under the proposed DDOs under Amendment C417;
- the Macaulay Structure Plan 2021; and
- the Good Design Guide.

**d. Amendments to clause 11.03-6L relating to flood mitigation**

Amendment C417 proposes an update to Clause 11.0 'Planning for places' to incorporate objectives and strategies for the Macaulay Precinct (clause 11.03-6L) within the local settlement strategy. However, unlike the Arden precinct (11.03-6L-01), the proposed provision for Macaulay does not include any flood mitigation objectives, strategies or policy guidelines.

To support decision-making and a consistent application of the VPPs, Melbourne Water recommends that specific consideration of flood risk and mitigation be included within the drafting of clause 11.03-6L for the Macaulay Precinct, including consideration of any potential risk to life, health and safety.

**6. Need for a mechanism to fund the Mitigation Infrastructure**

The planning, funding and timely delivery of the Mitigation Infrastructure is critical to the realisation of the development opportunity in the Macaulay Precinct. The Strategy developed for Arden and Macaulay is a 'working strategy' that may evolve over time as design work is progressed and new modelling and information becomes available. However, each of the components of the flood management and drainage package of works are interdependent. There is a significant risk that the development expectations of the Precinct will be compromised or that development poses a risk to life and property from flooding events until such time as the works are delivered.

As such, there is a need for collaboration between organisations with respective roles in the planning, design, funding and delivery of the Mitigation Infrastructure across

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Arden and Macaulay. Melbourne Water acknowledges and appreciates the continued dialogue and efforts of the City of Melbourne and Department of Transport and Planning (and other associated departments and agencies) with the view to resolving a funding mechanism for these works to support the aspirations for Arden and Macaulay.

Following Amendment C407 the Arden Precinct is subject to a DCP under Schedule 3 to Clause 45.06 which includes the acquisition of land for drainage purposes but not flood mitigation and drainage works projects (which were proposed to be covered by the URCRS). Under clause 45.06, Macaulay is covered by an interim DCPO2 which does not specify the works subject to the provision but allows for collection of contributions from development via Section 173 Agreements.

The Macaulay Structure Plan assumes that flood mitigation works will be provided and funded by the URCRS (see pages 21 and 74). However, as identified above, the URCRS is no longer a suitable scheme to fund those works. Further, the draft Macaulay Development Contributions Plan (July 2024) does not include costs associated with the Melbourne Water mitigation works, and there is otherwise no funding nor funding mechanism to deliver the works identified in the Strategy for the Macaulay precinct.

Melbourne Water notes that it has been nominated as delivery agency for the Stubbs Street flood storage area in the draft DCP, but this is not a matter that Melbourne Water has agreed to.

To support delivery of the essential Mitigation Infrastructure identified in the Strategy, Melbourne Water:

- recommends that clause 74.04 – Further Strategic Work be updated to include the resolution of a funding mechanism for major flood mitigation and drainage works for Arden Macaulay precinct as a Further Strategic Work action;
- requests the continued support of the City of Melbourne and Department of Transport and Planning to implement a funding mechanism for the delivery of the Mitigation Infrastructure; and
- recommends that the City of Melbourne and Department of Transport and Planning consider an interim Development Contributions Plan as part of Amendment C417 until there is resolution on a funding mechanism for major flood mitigation and drainage works.

Further, to avoid confusion as to the status of the URCRS, Melbourne Water:

- requests the removal of all references to the URCRS from the Macaulay Structure Plan and Melbourne Planning Scheme; and

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- requests the removal of references to the Arden Flood Management Policy from the Planning Scheme, given that its primary function was in relation to the architecture of the former URCRS.

Melbourne Water supports further discussions to determine the most appropriate delivery, ongoing management and maintenance arrangements of required flood mitigation assets. However, given the long life of these assets, any consideration of asset ownership will require long-term arrangements for maintenance and management.

In the absence of the essential flood mitigation and drainage works and a funding mechanism for their delivery, Melbourne Water will continue to apply the Guidelines on the basis that the Mitigation Infrastructure has not been delivered, to ensure the flood safety, access and egress criteria is met. This approach is consistent with current requirements of the VPPs and Victorian Flood Management Strategy.

**7. Amendment C384**

Amendment C384 was adopted by the City of Melbourne at its Council meeting on 27 August 2024. It has been prepared by Melbourne City Council in partnership with Melbourne Water. If the Amendment is approved, Macaulay will be subject to increased LSIO and SBO extents and revised ordinance which reflect the *Australian Rainfall and Runoff 2019*.

Post consultation, Council adopted a change to the exhibited version of the schedules to the LSIO and SBO, after publication of the Planning Panel's recommendations. This decision changes the following statement within the Decision Guidelines of the LSIO and SBO:

“Whether the development and design response manage the flood risk appropriately” to include the words, “whilst also achieving good design and equitable access and universal design”.

Melbourne Water considers this change is inappropriate, given the purposes of the LSIO and SBO are specific to addressing flood issues (whereas other overlays and policy address design outcomes). The change is also inconsistent with the recommendations of the C384 Panel. If combined with conflicting design outcomes sought by the proposed Design and Development Overlays in the draft Amendment C417 and other background documents such as the Good Design Guide, Melbourne Water is concerned about:

- the risk of ambiguity for landowners and developers attempting to navigate the relative importance of flood safety versus urban design outcomes;
- Melbourne Water, whose specific statutory duties are on management of flood risk, being required to consider urban design outcomes outside the scope of its Water Act functions and powers.

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Melbourne Water requests that further assessment of the proposed DDOs and Good Design Guide be undertaken to establish that they provide complementary rather than conflicting guidance.

**8. Further modelling and upcoming policy changes**

Modelling and the Mitigation Infrastructure may need to be reviewed due to changes to State Policy, modelling and standards expected during 2024. Melbourne Water requests recognition, support and planning for consequential updates, particularly those resulting from State Policy changes by Government. Anticipated changes include:

- Recent updates to the Climate Change Considerations chapter in *Australian Rainfall and Runoff 2019 version 4.2*, managed by the Commonwealth Department of Climate Change, Energy, the Environment and Water were incorporated in August 2024.
- Consideration of the Department of Energy, Environment, and Climate Action's (**DEECA**) Port Phillip Bay Coastal Hazard Assessment which was released in January 2024. Impacts of these changes to the Macaulay precinct will be assessed once the data is reviewed and adopted by Melbourne Water.
- DEECA is reviewing *Victoria's Marine and Coastal Policy 2020* in respect of the current sea level rise benchmark of 0.8m for 2100. This review is an action from the *Victorian Marine and Coastal Strategy 2022* and follows the Intergovernmental Panel on Climate Change Sixth Assessment Report 2023, which has increased the range of sea level rise predictions for 2100.
- The Government's response to the Parliamentary Inquiry into the 2022 Flood Event in Victoria.
- Further updates to modelling methods and updated climate science as per Victoria's Climate Science Report prepared under Part 6 of the *Climate Change Act 2017* (Vic) and referenced in Clause 13.01-1S of the VPPs.

Melbourne Water anticipates that the above policy updates may result in further changes relevant to Amendment C417, including:

1. Possible further expansion of the 1% AEP flood and therefore future changes to the LSIO and SBO;
2. Possible increased residual flood hazard; and therefore
3. Need to review the existing Flood Management Strategy and planning response.

**9. Next Steps**

Melbourne Water welcomes the opportunity to continue to advance discussions in relation to these matters with the City of Melbourne. In relation to the draft

OFFICIAL

Amendment C417 this may include a more detailed further submission from Melbourne Water.

Melbourne Water requests the right to be heard by any Panel appointed in relation to Amendment C417.

Please contact [REDACTED] to discuss any of the above items or seek further input from Melbourne Water.

Yours sincerely

[REDACTED]

[REDACTED]

**Submission:** [57](#)

**From:** [REDACTED] (Department of Transport and Planning)

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** [SEC=OFFICIAL] Planning Scheme Amendment c417 - Macaulay Structure Plan  
**Date:** Tuesday, 17 September 2024 10:41 AM  
**Attachments:** [image001.png](#)  
[SUBMISSION PSA c432 DTP Response FINAL Sept'24.pdf.DRF](#)

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Dear Timothy,

Please find attached a copy of the Department of Transport and Planning's response to the above Planning Scheme Amendment.

Please accept my apologies for the delay in providing this response to you. We look forward to working with you to implement the plan.

If you have any questions regarding this e-mail please do not hesitate to contact me.

Kind Regards

[REDACTED]  
[REDACTED]

12 Clark Street  
Sunshine, 3015, VIC

[REDACTED]  
[REDACTED]

[REDACTED]

[dtp.vic.gov.au](http://dtp.vic.gov.au)

Department of Transport and Planning



I acknowledge the Traditional Aboriginal Owners of Country throughout Victoria and pay my respect to Elders past, present and emerging and to the ongoing living culture of Aboriginal people



## Department of Transport and Planning

GPO Box 2392  
Melbourne, VIC 3001 Australia  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)

Timothy Westcott  
Manager Planning Policy  
Melbourne City Council  
GPO Box 1603  
MELBOURNE VIC 3001

(Via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au))

Dear Timothy

### **PROPOSED AMMENDMENT C417melb – MACAULAY STRUCTURE PLAN**

I refer to your letter to the Department of Transport and Planning (**The Department**) dated 30 July 2024, inviting comments to the City of Melbourne (**Council**) proposed Amendment C417melb to the Melbourne Planning Scheme relating to the Macaulay Urban Renewal Precinct Structure Plan (**PSP**).

The Transport Integration Act 2010 (**TI Act**) establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Head, Transport for Victoria (**HTFV**) is a statutory body established under section 64A of the TI Act. HTFV's primary objective is to "coordinate, provide, operate and maintain the public transport system and the road system" consistent with the vision statement and transport system objectives.<sup>1</sup>

This submission is made under delegation of the HTFV by the Department of Transport and Planning. In preparing this submission the Department has consulted with the key stakeholders that interact with the transport network.

The Macaulay Urban Renewal Precinct is listed in Plan Melbourne 2017-2050 as one of the priority precincts to have planning controls introduced to accommodate future housing, employment growth and make better use of existing infrastructure. The Department has reviewed C417melb noting that it proposes to introduce several changes to give effect to these objectives.

The amendment has been considered in relation to the proposed changes and their impact to the State's transport network in and surrounding the Macaulay Urban Renewal Precinct.

In consideration of the above the Department makes the following comments.

- The Department notes that Council has applied a Development Contributions Plan Overlay (DCPO2) to the Macaulay Urban Renewal Precinct to enable infrastructure to be delivered in a timely and equitable manner for the community. It is further noted that Amendment C417melb would extend the area to which DCPO2 applies, to include a section located immediately south of Macaulay Road.



<sup>1</sup>TI Act, s 64B(1).

- Several infrastructure items identified in the Development Contributions Plan, along with objectives and actions proposed in the MURPSP, relate to public transport services, infrastructure or roads that are owned and managed by The Department. Whilst the Department supports the objective of seeking opportunities to re-prioritise streets to better support active transport and activate street frontages, any changes to the declared transport network are subject to the relevant approval processes. The Department will require that careful consideration is given to determine the impact of such changes on broader regional movements through the Macaulay Urban Renewal Precinct for both on and off road transport movements.
- The Department is supportive of working with Council to consider and investigate any proposed changes arising as a result of this PSP.
- Where funding is required to upgrade services or infrastructure, this will be subject to State Government budget processes and will be determined in the context of state-wide budgetary priorities.
- A Movement and Place Assessment of the precinct would articulate the changes to support the transport network within the PSP so that its vision can be achieved. Such an assessment would further consider and help to define the placemaking opportunities proposed in the PSP and help to define and establish the role and function of the corridors adjacent to the PSP area.
- The Department notes that Council is proposing a Parking Overlay (PO16) to remove car parking requirements for all developments to support the PSP's mode shift vision and reduce reliance on private vehicle usage. The Department would support any initiative that rationalises the number of vehicle access points on a declared arterial road network from adjacent land parcels that may impact the level of service.
- It should be noted that the future location of the Macaulay Road railway station will be determined through future investigations.
- The Arden Precinct adjoins the Macaulay Urban Renewal Precinct, with both precincts sharing the proposed high-capacity public transport capable corridor. At this stage, no route or terminus has been confirmed for this proposed corridor and as such, the future requirements of the corridor will need to be considered when projects or developments interface with the corridor within the Macaulay Urban Renewal Precinct.
- The delivery of services and the utilisation of a future public transport capable corridor(s) is subject to planning, funding and delivery. Funding for such infrastructure and services, is subject to State Government budget processes and will be determined in the context of state-wide priorities.
- The Department understands that the Council has aspirations for Racecourse Road which are being considered separately as part of the Racecourse Road Strategic Improvements Plan. As such, objectives and actions proposed in the Macaulay Structure Plan may be subject to change. The Department will work with Council in support of this work.

Further, detailed comments in relation to the Transport and Access Study and the Precinct Structure Plan can be found within Attachment A of this response.

The Department is committed to working with Council and their stakeholders in the delivery of this PSP and wishes to work together to address these matters prior to the referral of unresolved issues.

We welcome the opportunity to engage further in this process. If you have any queries, please contact [REDACTED]  
[REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Department of Transport and Planning

17 / 09 / 2024

## Attachment A

Document Name and Page	Comment	Change Required
Transport and Access Study for Macaulay – Section 1.1.4 Page vi	Whilst the Department does not object to the initiatives outlined to prioritise walking, cycling and public transport, it should be noted that Macaulay, Boundary and Racecourse Roads are declared arterial roads, which are under the management of the Department of Transport and Planning, are required to provide a broader through traffic function. Any impact on capacity of these roads will require the agreement of the Department	For noting
Transport and Access Study for Macaulay – Page 22 Figure 3.12	The figure is incorrectly showing Bus Route 403 travelling along Arden Street and Lloyd Street to connect with Dynon Road. Instead, Bus Route 403 travels via Queensberry Street (westbound) or Arden Street (eastbound) and connecting with Dryburgh Street to Dynon Road. This is likely a mapping error from the PTV website.	Update map in accordance with comments
Transport and Access Study for Macaulay – Page 25 Section 3.3.4	The upcoming operation of Melbourne Metro Rail and opening of Arden Station will increase train access for residents in the southern end of the Macaulay Precinct. Next Generation Trams are proposed to be deployed from 2025, which are expected to alleviate the Route 57 capacity issues.	For noting
Transport and Access Study for Macaulay – Page 33 Figure 4.2	The figure is showing the relocation of Macaulay Railway Station, which has yet to be determined.	Amend notation in map legend 'Pending future investigations'
Transport and Access Study for Macaulay – Page 34 Table 4.1 Item 3	The provision of protected bike paths on Macaulay and Boundary Roads and the need for road space reallocation will require the agreement of the Department	For noting
Transport and Access Study for Macaulay –	Whilst the Department does not object to the initiatives outlined to prioritise walking, cycling and public transport, it should be noted that Macaulay Road is a declared arterial road, which are under the management of the Department of	For noting

<p>Page 37 Section 4.3 3<sup>rd</sup> dot point</p>	<p>Transport and Planning, is required to provide a broader through traffic function. Any impact on capacity of these roads will require the agreement of the Department. As noted in Section 4.2, Macaulay Road is anticipated to have increased demand following the opening of the West Gate Tunnel project.</p>	
<p>Transport and Access Study for Macaulay – Page 39. Section 5.1</p>	<p>It is noted that the three future scenarios tested exceed the forecast resident population for Macaulay in 2051 and one scenario also exceeds the forecast employment levels for Macaulay in 2051. As such, it is unclear why 2036 is the reference year used for the modelling and are these ultimate generation rates for this area. This seems a limited approach given growth both within and beyond the precinct will have impacts on the transport network far beyond this year. Are 2036 demographic assumptions for the FAR scenario's the maximum development or will the yields continue beyond 2036</p>	<p>Recommend that 2051 runs are undertaken for the FAR scenario's</p>
<p>Transport and Access Study for Macaulay – Page 43 Section 5.2.4</p>	<p>Other elements/initiatives proposed in the surrounding network will have significant impacts on this section of the network. This includes initiatives that are a response to the West Gate Tunnel, as well as potential changes to Racecourse Road that Council have raised. Racecourse Road in particular, whilst can be dealt with separately, may be precluded/made more difficult to implement with changes made in Macaulay.</p>	<p>For noting</p>
<p>Transport and Access Study for Macaulay – Page 43 Section 5.2.5</p>	<p>The summary statement that 'modelling indicates most roads in Macaulay will be capable of carrying the anticipated vehicle (traffic) demand' is misleading, as this summary is based off 'most roads' being local roads that will not be required to carry much traffic or where congestion is not necessarily considered to be a negative outcome. There is a clear distinction between the role and purpose of a local road compared with an arterial road. In reality, the roads experiencing congestion are arterials with a broader network function where capacity issues are more detrimental to the network.</p>	<p>For noting</p>
<p>Transport and Access Study for Macaulay – Page 43 Section 5.2.5</p>	<p>Whilst the modelling undertaken considers the 2036 reference case, there are a number of live projects/proposals that are likely to impact how vehicles travel within the vicinity of this area. This includes Council's aspirations for Racecourse Road as part of the SIP, which is mentioned at a high level, as well as complimentary projects for the West Gate Tunnel which are likely to impact mostly Spencer Street and Dryburgh Street and how the arterial network functions. This will have flow on impacts to Macaulay Road and Boundary Road. Others, such as potential changes to the Peel Street/Queen Vic Market development will also likely impact people's route choices due to changes to network performance.</p>	<p>For noting</p>

	<p>Whilst a number of these are uncommitted and would not reasonably be expected to be included in the analysis, it should be noted that any changes committed in the Macaulay Precinct may impact the ability to make changes in the surrounds and vice versa.</p>	
<p>Transport and Access Study for Macaulay – Page 43 Section 5.2.5</p>	<p>The granularity of the network in this area, and the extent of localised congestion, means that VITM (Victorian Integrated Transport Model) alone does not appropriately capture the impacts of changes and surrounding growth. Further detailed modelling would capture intersection performance and queue lengths along corridors, which are likely to have far broader impacts beyond just the Macaulay area. In particular, the flow on impacts of the congestion shown on Macaulay Road onto both Boundary Road and Racecourse Road (and potentially Flemington Road and Mt Alexander Road) and Dryburgh Street/Spencer Street/Dynon Road is likely to be significant. This would include vehicle movements coming from the inner west accessing the central city and towards the inner north and east, either using the West Gate Tunnel/Dynon Road, or other routes which may potentially be altered by associated heavy vehicle restrictions. This has implications not only for the broader arterial network, but potentially also for Citylink and West Gate Tunnel access which has legal ramifications. This would also be amplified further in model years beyond 2036.</p>	<p>For noting</p>
<p>Transport and Access Study for Macaulay – Page 49 Section 6.1</p>	<p>The existing arterial roads (Macaulay Road (section), Boundary Road and Racecourse Road) perform a network function beyond the extent of the Macaulay Precinct and will continue to perform this role regardless of changes within the precinct. Whilst there is mention of this within the documents, broader impacts are considered beyond the scope and have not been assessed further. Whilst the intent for the precinct is to minimise travel by private vehicles, these roads will not be influenced by, and should be minimally impacted by, the push for increased sustainable mode share. Any impact on capacity of these roads will require the agreement of the Department.</p>	<p>For noting</p>
<p>Macaulay Structure Plan (2021) – Page 49 Objective 7</p>	<p>Whilst the logic in shifting the northern activity centre away from Racecourse Road is sound, it should be noted that Boundary Road is still a declared arterial road and will need to perform its role as such, including catering for through traffic that is not as a result of this precinct.</p>	<p>For noting</p>

<p>Macaulay Structure Plan (2021) – Page 55 Section 2.3 6<sup>th</sup> dot point</p>	<p>The description that the high volumes of traffic on Racecourse Road is attributable to Citylink access can be misleading, given its important role as the corridor for broader east-west movements.</p>	<p>Modify text to also reflect its role for broader east west movements</p>
<p>Macaulay Structure Plan (2021) – Page 55 Objective 10</p>	<p>Whilst the Department does not object to the initiatives outlined to prioritise walking, cycling and public transport, it should be noted that Macaulay, Boundary and Racecourse Roads are declared arterial roads, which are under the management of the Department of Transport and Planning, are required to provide a broader through traffic function. Any impact on capacity of these roads will require the agreement of the Department</p>	<p>For noting</p>
<p>Macaulay Structure Plan (2021) – Page 58 Action 31</p>	<p>It is unclear why this action is only to prioritise walking rather than active transport, given the cycling projects proposed along the roads mentioned. It should be about improving conditions for active transport or prioritising active mode choice. The phrase is somewhat ambiguous, whether the intent is to give pedestrians priority over vehicles on the corridor. As arterial roads, Boundary Road and Macaulay Road will need to cater for a significant number of through trips, with prioritisation of active transport over vehicles along the entire corridor not necessarily enabling this function. The infrastructure initiatives described in this objective improve conditions but are not priority measures. Any impact on capacity of these roads will require the agreement of the Department</p>	<p>For noting</p>

**Submission:** [58](#)

**From:** [REDACTED]

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Macaulay Amendment C417  
**Date:** Friday, 4 October 2024 11:41 PM

---

Thank you for your quick response [REDACTED]

Dear Melbourne City Council,

I would like to submit a few oppositions to the plan, along with some questions.

1) The 8 storey buildings planned on Lambeth Street, on the Racecourse Road end are too high. The buildings will cut the morning sunlight to the houses south and west of these buildings, ie. along Lambeth Street and Collett St between Parsons Street and Racecourse Roads. The sun passes north of these houses from the east to the west. By building such high apartment blocks north of these houses, light will be blocked until the afternoon to these houses. Also, such high buildings will overlook the courtyards of the houses in that area. Has a study been done and effect on existing houses been simulated? If so, could you please share that in the public documents? Also for privacy reasons, renovations of the houses in this area (Lambeth and Collett streets) have been restricted such that windows on the upper floors cannot overlook the adjacent houses, it is not ok then for multiple apartments which will be built right across the road, Lambeth Street, which will all overlook the courtyards of these same houses and take away the privacy. For these 2 key reasons, the apartment blocks along Lambeth Street should be shorter than those along Stubbs Street, which is a light industrial street where there are only offices (and not residential houses).

2) The new buildings already built on Stubbs Street, appear to be in a zone for 6 storeys, according to your plan. However, they are not "6 storeys high". In these buildings, there is a ground floor with very high ceiling, 5 storeys and a duplex on top of that. This seems to be a very liberal interpretation of "6-storeys" which was obviously not interpreted in good faith to the local residents. It seems to be almost an "exploitation" of the plan. The logical motivation as to why this has occurred would be that this was approved to financially benefit the developers and those they pay land taxes to, at the expense of the local community. If such conduct is the example of the council's motivations, and of how the proposed plan can be stretched at the inconvenience of local communities, how would it be possible to police compliance to the proposed plan in the future?

3) The issue with mushrooming such high-rises in the neighbourhood, and allowing developers and tax-collectors to benefit financially short-term at the expense of the local community, is the issue of limited infrastructure shared by a rapidly increasing local population. I would love a more vibrant neighbourhood having grown up in a city much bigger than Melbourne. However, the council has definitely not allocated a corresponding amount of funds to build up the infrastructure to support a bigger population. There is no increase in parking for a larger number of cars to support a 2-3x population increase. Also, Macaulay Road, and the adjacent roads, are jammed at peak hours because there are 2 railway crossings. Has your team surveyed the neighbourhood to understand the impact before proposing the plan? If your team could just come by Macaulay Road and Racecourse Road in the mornings between 7:30 - 9:30am, and in the late afternoons after work, you will not miss the traffic jam as cars back up trying to get to and from the city and the western suburbs. Better still, perhaps you could get in a car and drive through the area. The local residents appear to be an oversight in your proposed plan, or deliberately neglected when you proposed such high density residential. It will become a South Yarra/Prahran where it would take 20min to travel 1km at peak hour. Without investing in

infrastructure, why would you think it appropriate to increase the population by 2 or 3 fold? Would be interested to understand the logic. Was there a simulation of traffic flow which you could share publicly so that local community could understand how that work was done?

Thank you and keen to have your responses. Could you also provide some info on the next steps for the plan please?

Kind regards

[Redacted]

[Redacted]

Dear [Redacted],

While the consultation period has officially ended, we are still accepting submissions. Please send your submission in relation to [Planning Scheme Amendment C417](#) to this email address, [PlanningPolicy@melbourne.vic.gov.au](mailto:PlanningPolicy@melbourne.vic.gov.au).

Regarding your question about recent developments, please note that the proposed controls for the Macaulay area, which are contained within Amendment C417, will not come into effect until the amendment is approved by the Minister for Planning. Until then, development applications will be assessed against the controls currently in the Melbourne Planning Scheme.

Please let us know if you need any further information.

Regards,

[Redacted]

City of Melbourne | Council House 2, 220 Little Collins Street Melbourne 3000 | GPO Box 1603 Melbourne 3001

E: [Redacted] | [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au) | [whatson.melbourne.vic.gov.au](http://whatson.melbourne.vic.gov.au)

[Redacted] | [Our values](#) | Think before you print

[Redacted]

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi-wurrung and Bunurong / Boon Wurrung peoples of the Kulin and pays respect to their Elders past and present. We acknowledge and honour the unbroken spiritual, cultural and political connection they have maintained to this unique place for more than 2000 generations.

We accept the invitation in the Uluru Statement from the Heart and are committed to walking together to build a better future.

**Received Date/Time:** 27/09/2024 8:37 PM

**Subject:** Ask: Macauley Plan

**Customer Notes:** Hi,

I was away during the recent consultation re. the above plan. How can I provide feedback, as I am a resident of Kensington and the plan [REDACTED]. Also, I have a questions about the recent developments on Stubbs street, which I thought didn't comply with the indicated "3-5 storey buildings" in the said plan. Could you advise how they are compliant and also provide me an email to write to?

**Customer Details**

**Name:** [REDACTED]

**Phone:**

**Phone (secondary):**

**Email:** [REDACTED]

**Email (secondary):**

This email is intended solely for the named addressee.  
If you are not the addressee indicated please delete it immediately.

**Submission:** 59

**From:** [REDACTED] Qualitas) on behalf of QFI Fund Manager Pty Ltd, Qualitas Food Infrastructure Property Trust, Perpetual Corporate Trust Ltd (Allied Pinnacle Mill) and [REDACTED] on behalf of Allied Pinnacle, submitted by [REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [Planning Policy; Tim Westcott](#)  
**Cc:** [REDACTED]  
**Subject:** Re: CoM Reference DM#18239768 – 52-112 Elizabeth Street Kensington VIC 3031 – Proposed Planning Controls for Kensington and North Melbourne – Melbourne Planning Scheme Amendment C417 – Macaulay Urban Renewal Area.  
**Date:** Friday, 13 December 2024 6:14 PM  
**Attachments:** [2024.12.13 City of Melbourne Letter.pdf](#)

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[REDACTED]

Thank you for you for taking the time to meet with us [REDACTED] [REDACTED] [REDACTED]  
As requested, please find attached our letter formally requesting an extension of time to fully consider the implications of the proposed amendments and the concerns raised during the conference call.

It would be appreciated if you could acknowledge receipt of this email.

Kind Regards

[REDACTED]

Qualitas

[REDACTED]



13 December 2024

Mr Timothy Westcott  
Manager Planning Policy  
City of Melbourne  
PO Box 1603  
Melbourne Vic 3001

Via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Timothy,

**Re: CoM Reference DM#18239768 – 52-112 Elizabeth Street Kensington VIC 3031 – Proposed Planning Controls for Kensington and North Melbourne – Melbourne Planning Scheme Amendment C417 – Macaulay Urban Renewal Area.**

We refer to your letter dated 20 November 2024 (“**Initial Letter**”) and our telephone meeting held on 4 December 2024 regarding the abovementioned matter. We also refer to associated documents published on your website (“the **Supporting Documents**”).

The Initial Letter was received on 27 November 2024. As stated in the letter, the City of Melbourne exhibited proposed amendments to the policies, zoning and overlay controls from 1 August 2024 to 6 September 2024. However, due to an administrative error it failed to notify the Owner of the proposed amendments.

#### **Background**

QFI Fund Manager Pty Ltd, a related party of Qualitas Limited (“**Qualitas**”), is the fund manager (“**Manager**”) of the Qualitas Food Infrastructure Property Trust (“**Trust**”) (“**Owner**”) which owns 52-112 Elizabeth Street, Kensington, Victoria (more commonly known as the Allied Pinnacle Mill (“**The Mill**” or the “**Property**”). Perpetual Corporate Trust Limited is the custodian of the Trust.

Allied Pinnacle Pty Limited (“**Allied Pinnacle**”) has a long-term lease with the “Owner” and, under the terms of the lease, it is responsible for the management of the day-to-day activities at the “Property” and the operation of its business at “The Mill”. “Allied Pinnacle” also leases adjoining land owned by “VicTrack”, which is utilised as a rail siding for its business operated at “The Mill”.

#### **Review Initial Letter**

The “Manager” and “Allied Pinnacle” have undertaken an initial review of the document enclosed with the “Initial Letter” and, with the assistance of the Council’s officer [REDACTED], the “Manager” and “Allied Pinnacle” have also reviewed the “Supporting Documents”.

The “Supporting Documents” outline general guiding principles, such as references to pedestrian friendly street environments and dedicated bike lanes. There are also images illustrating the introduction of reduced street widths, plantations in the road reserves and other structures built in the road reserve around car spaces, which are typically found in residential areas.

Page 1.

[qualitas.com.au](http://qualitas.com.au)  
[info@qualitas.com.au](mailto:info@qualitas.com.au)



The "Supporting Documents" do not provide specific details or plans in relation to the proposed changes to the policies, zoning and overlay controls that will affect the road network, and which may impact the continued operations of "The Mill".

Please note: There are generally between 80 and 100 truck movements per day, to and from "The Mill". The trucks access "The Mill" via Lloyd Street, Bruce Street, Arden Street and Elizabeth Street.

We are concerned that the potential introduction of ecological devices installed in the road, speed bumps, chicanes, dedicated bike lanes, etc, could seriously affect "Allied Pinnacle's" ability to safely operate its fleet of trucks.

We are also concerned about;

1. Maintaining a safe environment for "Allied Pinnacle's" trucks, trains, staff, the general public and cars parked on the road network;
2. Potential for an increase in noise complaints from residential and commercial occupants in the area; and
3. Potential impact to access or transportation to and from "The Mill" via road or the train line.

#### **Request for Extension of Time**

The failure to notify "Owner" of the proposed changes as outlined in the "Initial Letter" means the "Owner" and "Allied Pinnacle" have not had sufficient time to properly consider the available information and seek professional advice to assist us with the preparation of a formal submission, prior to the nominated deadline of 20 December 2024.

We request an extension of time to engage a town planner and other consultants, including a traffic consultant, to assist with a proper review of the proposed amendment and the preparation of a detailed submission. Given the upcoming holiday period, we request an extension to 28 February 2025.

It would be appreciated if you could please confirm acceptance of the extension request.

Should you require any additional information, please do not hesitate to contact me.

Kind Regards

[Redacted signature]

[Redacted name]

Qualitas

[Redacted contact information]

**From:** [Redacted]  
**To:** [Planning Policy](#)  
**Cc:** [Redacted]  
**Subject:** Allied Pinnacle Kensington - Proposed Planning Controls for Kensington and North Melbourne - Macaulay Urban Renewal Area [TGLAW-Legal.FID4344014]  
**Date:** Monday, 3 February 2025 12:12 PM  
**Attachments:** [03022025120506-0001.pdf](#)

---

[Confidential]

Dear Sir / Madam

Please see attached letter.

Yours faithfully,

[Redacted]  
 [Redacted]  
 Level 14, 60 Martin Place, Sydney NSW 2000 Australia  
 [Redacted]

Advice | Transactions | Disputes

#####  
 This e-mail is for the use of the intended recipient(s) only. If you have received this e-mail in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not use, disclose or distribute this e-mail without the author's permission. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this e-mail. We cannot accept liability for any loss or damage caused by software viruses.  
 #####



6 February 2025

Mr Timothy Westcott  
Manager Planning Policy  
City of Melbourne  
PO Box 1603  
Melbourne Vic 3001

Via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Timothy,

**Re: CoM Reference DM#18239768 – 52-112 Elizabeth Street Kensington VIC 3031 – Proposed Planning Controls for Kensington and North Melbourne – Melbourne Planning Scheme Amendment C417 – Macaulay Urban Renewal Area.**

We refer to your letter dated 20 November 2024, our telephone meeting held on 4 December 2024 regarding the abovementioned matter and your email dated 20 December 2024 extending the deadline for a submission to 7 February 2025.

#### **Background**

QFI Fund Manager Pty Ltd, a related party of Qualitas Limited (“**Qualitas**”), is the fund manager (“**Manager**”) of the Qualitas Food Infrastructure Property Trust (“**Trust**”) (“**Owner**”) which owns 52-112 Elizabeth Street, Kensington, Victoria (more commonly known as the Allied Pinnacle Mill (“**The Mill**” or the “**Property**”). Perpetual Corporate Trust Limited is the custodian of the Trust.

Allied Pinnacle Pty Limited (“**Allied Pinnacle**”) has a long-term lease with the “**Owner**”, and, under the terms of the lease, it is responsible for the management of the day-to-day activities at the “**Property**” and the operation of its business at “**The Mill**.” Allied Pinnacle” also leases adjoining land owned by “**VicTrack**”, which is utilised as a rail siding for its business operated at “**The Mill**”.

#### **Submission**

The “**Manager**” and “**Allied Pinnacle**” with the assistance of Allied Pinnacle’s consultant “**Eukai**” have undertaken a detailed review of existing conditions and operations at the “**Property**” and the “**Proposed Planning Controls for Kensington and North Melbourne**”. The consultant’s submission has been sent to the City of Melbourne directly and council has acknowledged receipt on 5 February 2025.

We wish to clarify an error in the “**Eukai**” report that refers to the “continued operations of “**The Mill**” for the next 10-20 years”. The “**Owner**” of the land and “**Allied Pinnacle**” have a very long-term lease agreement which contains a series of options to extend the lease. The expiry date of the lease and options is 25 March 2108. Therefore, it is possible that “**Allied Pinnacle**” could continue operations on this site for the next 83 years and possibly longer.

We wish to reinforce our concerns about proposed changes to the road conditions in the surrounding area that will impact access to “**The Mill**” and the safe operation of the fleet of heavy vehicles and trains that deliver raw materials to “**The Mill**” and distribute the finished goods.

Page 1.

[qualitas.com.au](http://qualitas.com.au)  
[info@qualitas.com.au](mailto:info@qualitas.com.au)



We also wish to strongly emphasise our concern that the proposed installation of a bike path along Adren Street, between Arden Street and the "Property" boundary is unacceptable. This is the main access point for large articulated trucks to "The Mill". Any structures installed in the road would impact the trucks' ability to access "The Mill" safely and would do little to protect the safety of bike riders. The only logical plan would be to relocate the bike path to another street or possibly the other side of Arden Street.

The proposed installation of a bike lane between "The Mill" site and the railway line cannot happen under any circumstances, as rail carriages are required to cross from the "Victrack" land to "The Mill" site to access "The Mill". The rail siding is critical to the ongoing operations of "The Mill".

It would be appreciated if you could please confirm receipt of this letter.

Should you require any additional information, please do not hesitate to contact me.

Kind Regards

[Redacted signature block]

---

## Thomson Geer

Lawyers

Sixty Martin Place  
Level 14, 60 Martin Place  
Sydney NSW 2000 Australia

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Our ref CS:SP5911286  
Your ref CoM: DM#18239768

3 February 2025

[planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Timothy Westcott  
Manager Planning Policy  
City of Melbourne  
GPO Box 1603  
Melbourne VIC 3001

**Electronic**

Dear Sir/Madam

**Proposed Planning Controls for Kensington and North Melbourne  
Melbourne Planning Scheme Amendment C417 - Macaulay Urban Renewal Area  
Property: 52 – 112 Elizabeth Street, Kensington**

We refer to your letter to Perpetual Corporate Trust Limited dated 20 November 2024.

We act for Allied Pinnacle, the tenant of the Property. Our client operates the Allied Pinnacle, Kensington.

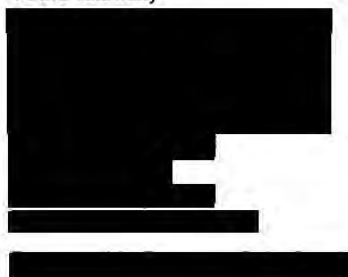
Our client was advised of Council's letter on 5 December 2024.

We are instructed that the landlord, Qualitas, initially received an extension of time to 20 December 2024 to make submissions in relation to Council's letter. A further extension was sought by Qualitas on or around 5 December 2024 to enable our client to make a detailed submission. Whilst no formal approval was granted we are instructed that submissions received by the end of January 2025 / beginning of February 2025 would be considered.

We attach a submission prepared by our client's traffic consultants, Eukai, in relation to the proposed planning controls for Kensington and North Melbourne.

We, our client and Eukai would be please to discuss our client's submission with you at your convenience.

Yours faithfully



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8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

24155

30 January 2025

Allied Pinnacle Pty Ltd

██████████  
Level 14, 60 Martin Place  
Sydney NSW 2000

Attention: ██████████

Dear ██████████

## **Amendment C417 – Kensington Allied Mills Implications Proposal for Services**

I refer to the upcoming Panel Hearing relating to Amendment C417 of the Melbourne Planning Scheme. The Amendment relates to the implementation of the development and land use controls presented in the Macaulay Structure Plan 2021.

The Kensington Allied Mills is located on the boundary of the Macaulay Structure Plan area and is a multi-modal operation that contributes significantly to the Victorian economy. It is understood that the site has been an integral part of the area for the past 138 years and expects to continue to operate for the foreseeable future.

In this context and noting that the operations of the site has the potential to be impacted by the recommendations contained in the Amendment documentation, Allied Mills engaged Eukai Transport Advisory in January 2025 to undertake a review of the potential impacts of Macaulay Structure Plan on the site and prepare a summary report of our key findings and recommendations.

This letter set out a review of the existing transport conditions, the site operations (based on information provided to Eukai by the operators), an overview of the Amendment material as it relates to the site, and important implications for the continued operation of the Kensington Allied Mills site. It is noted that the overarching aim of our review is to assist shape the transitioning of the Structure Plan Area, as is proposed in the Amendment documentation, without causing unreasonable impact to the mill's operations.

A summary of the key findings and recommendations from our review is presented below, with further detail provided in the referenced appendices:

### Existing Transport Context (refer Appendix A)

- The site is located in an Industrial 1 Zone.
- Elizabeth Street, Bruce Street and Arden Street are currently configured with relatively wide carriageways to cater for Heavy Goods Vehicles (HGV) movements.
- Despite Elizabeth Street and Arden Street being identified as informal bike routes, neither street currently has any separated bike infrastructure provided along the site's frontage.
- Macaulay Road, Boundary Road and Racecourse Road all currently form part of the gazetted B-double network.



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ACN 676 072 165  
ABN 45 676 072 165

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#### Existing Site Operations (refer Appendix B)

- The site has operated continuously as a mill since 1887 (i.e. for 138 years) and processes approximately 60% of the State's flour. Wheat production and distribution is an important part of Australia's economy.
- Wheat is delivered to the site via both rail and road transport, hence the importance of site's location abutting the broad gauge rail network.
- The existing Allied Mills Kensington site generates approximately 90+ HGV activities per day (90 truck arrivals and 90 truck departures) which are primarily completed by semi-trailers. Truck access to the site is provided from Arden Street and Elizabeth Street (opposite Bruce Street).
- Truck access routes to and from the site include adjacent local roads, such as Arden Street and Bruce Street, as well as arterial roads, such as Macaulay Road, Boundary Road, Dryburgh Street and Racecourse Road that form part of the gazetted B-double freight network.
- Allied Mills plans to maintain operations from the site for the foreseeable future (i.e., 10-20 years+).

#### Amendment C417 & Macaulay Structure Plan (refer Appendix C)

- The Macaulay Structure Plan outlines a transition for the area into a mixed-use, predominantly residential precinct. Notably, the Allied Mills site is excluded from the Structure Plan area.
- The land use transitioning will substantially increase the residential population of the area and introduce different needs and desired outcomes for the road network compared to those have previously existed. This is best summarised in the movement and access vision for the Chelmsford Precinct in the Structure Plan which is reproduced as follows: *"Chelmsford Precinct's local streets will be enhanced to prioritise people walking and riding bikes ahead of vehicle movements, particularly in the area between Arden and Chelmsford streets."*
- Specific proposed changes to the transport network include intersection upgrades, street redesigns to prioritise active travel modes over vehicles and improve the public realm (including along Elizabeth Street), and new cycling infrastructure.
- The Macaulay Structure Plan does not currently assess the continued operation and requirements of existing industrial uses (such as the Allied Mills site) and there is no specific provision for freight access documented in the Macaulay Structure Plan.

#### Transport Implications of Proposed Amendment and Eukai Recommendations (refer Appendix D)

- The anticipated densification and land use changes proposed by the Structure Plan in the Chelmsford Precinct will create conflicts between the truck movement needs for the mill and the movement and place needs of the increasing residential population.
- At face value, the transport network changes proposed in the Amendment document have the potential to significantly impact Allied Mills' operations (at least unless very carefully planned). For example, the changes to Elizabeth Street as envisaged in the Structure Plan would likely preclude truck movements to/from the site. Likewise, proposed road network and/or intersection changes and active travel projects may preclude the mill's truck access routes and/or adversely impact its access to the adjacent rail line.
- In light of the significance of the mill to the State and its intention to maintain operations for the foreseeable future (i.e. 10-20 years+), the coexistence of mill operations with the proposed transitioning of the area ought to be very carefully considered to ensure harmonious development outcomes.



8 Exhibition Street,  
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ACN 676 072 165  
ABN 45 676 072 165

- In our view, the following is necessary to mitigate adverse impact on the mill's operations:
  - Any future upgrades of Bruce Street and Elizabeth Street, including – but not limited to – modifications to the existing carriageway, must continue to cater for truck access to the site.
  - The introduction of separated bike lanes on Arden Street adjacent to the site should be deferred until the Arden Street active travel bridge is upgraded. Any separated bike lanes must be designed to ensure that HGV access to the site from Arden Street is satisfactorily maintained.
  - The delivery of a protected bike path along the western boundary of the site would significantly impact the intermodal operations of the current site. It is expected that the delivery of a safe bike link would only be considered feasible assuming the cessation of the current site use. As this is not proposed for the foreseeable future, the delivery of the proposed link in the foreseeable future is not considered to be possible.
  - Any midblock or intersection upgrades proposed in the Structure Plan area should preserve the existing freight access routes. It is envisaged that this matter could be addressed through the consideration of the following detailed design matters:
    - maintain sufficient traffic lane widths to cater for HGVs
    - avoid raised pedestrian/wombat crossings along truck routes, unless designed with elongated platform widths so they do not adversely affect truck access
    - design intersections to accommodate required design vehicles i.e., articulated vehicles
    - provide appropriate signage and line marking.

In summary, we recommend that the implementation of the Macaulay Structure Plan should prompt work to support the ongoing operation of the Kensington Allied Mills site, including appropriate heavy vehicle access provisions to the site and surrounding arterial road network<sup>1</sup>. In our view, this matter ought to be considered as part of the consideration of the Amendment to help achieve better alignment across the various stakeholder groups (Council, the operator, the community) regarding the future urban renewal and transport network change in the Structure Plan area.

Kind regards,  
**Eukai Pty Ltd**



Appendix A – Existing Transport Context  
 Appendix B – Summary of Existing Site Operations  
 Appendix C – Overview of Amendment C417 including Macaulay Structure Plan  
 Appendix D – Transport Implications of Proposed Amendment on Allied Mills Site

<sup>1</sup> It is emphasised that this report does not seek to necessarily solve each of the identified items but rather identifies items that require further investigation either as part of the Panel Hearing process or subsequent to the Panel Hearing.

**eukai**

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## Appendix A

### Existing Transport Context

## Subject Site

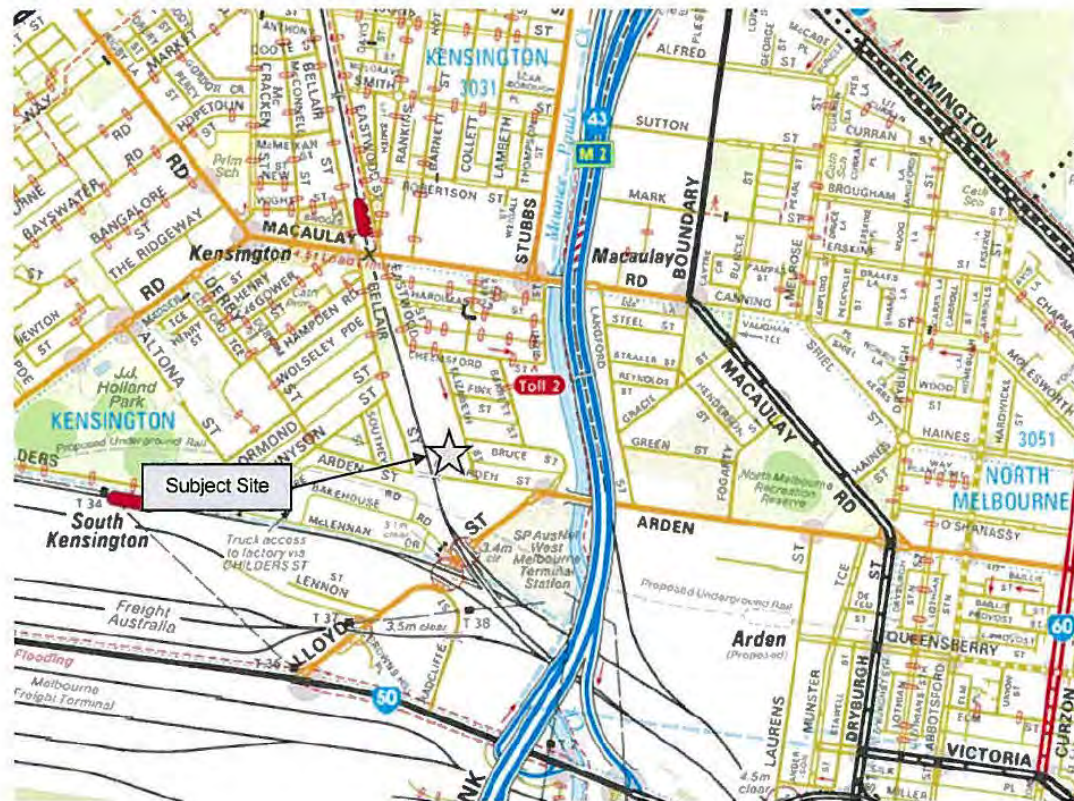
The site is located at 386 Arden Street, Kensington. It has an area of approximately 11,400sqm and frontages of 85m to Arden Street, 160m to Elizabeth Street and 130m to the railway line along the western boundary of the property.

The site is located within an Industrial 1 Zone, with the surrounding properties zoned as follows:

- The land to the southeast and southwest is zoned Industrial 1 Zone.
- The land to the immediate north and east is zoned Commercial 2 Zone.
- The rail corridor to the immediate west of the site is zoned Transport Zone, whilst the lands to the west of the rail corridor are zoned Neighbourhood Residential 3 Zone.

The location of the site and the surrounding transport network is shown in **Figure 1**, with the land zoning shown in **Figure 2**.

**Figure 1: Subject Site and Surrounds**



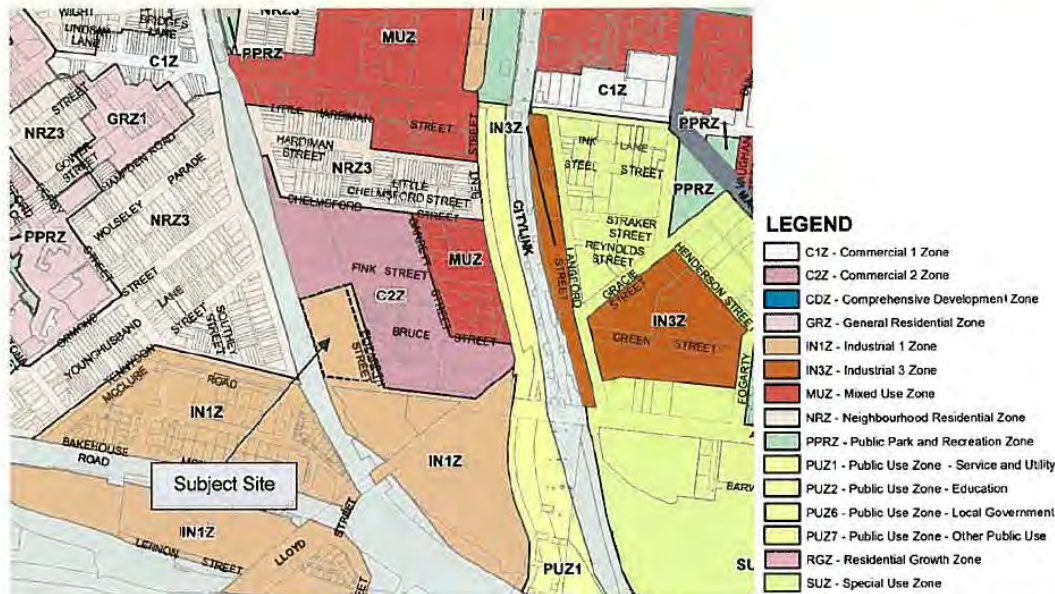
(Source: Melways Online)



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ABN 45 676 072 165

Figure 2: Land Zoning Map



## Transport Network

The local Travel Smart Map is reproduced in **Figure 3** and illustrates the existing road network and the available active and public transport options in the vicinity of the site. Specific to the site, the following is noted:

- The site is located 300m west of CityLink with vehicle access to City Link provided from Dynon Road (north facing ramps) and Racecourse Road (south facing ramps).
- Arden Street east of Lloyd Street is identified as having an on-road bike lane.
- Arden Street west of Lloyd Street is identified as being an informal bike route, which extends west across the rail line via the existing pedestrian overpass.
- Elizabeth Street is also identified as being an informal bike route.
- The off-road path that runs adjacent to the Moonee Ponds Creek is the main north-south cycling route in the vicinity of the site and accordingly is identified as a primary route for the Strategic Cycling Corridor.
- Macaulay Road is identified as a main route for the Strategic Cycling Corridor.
- Bus Routes 216 and 219 currently operate along Dynon Road to the south of the site, whilst Bus Route 402 operates along Macaulay Road to the north of the site.
- The site is located approximately 500-600m from Macaulay, Kensington and South Kensington Railway Stations.

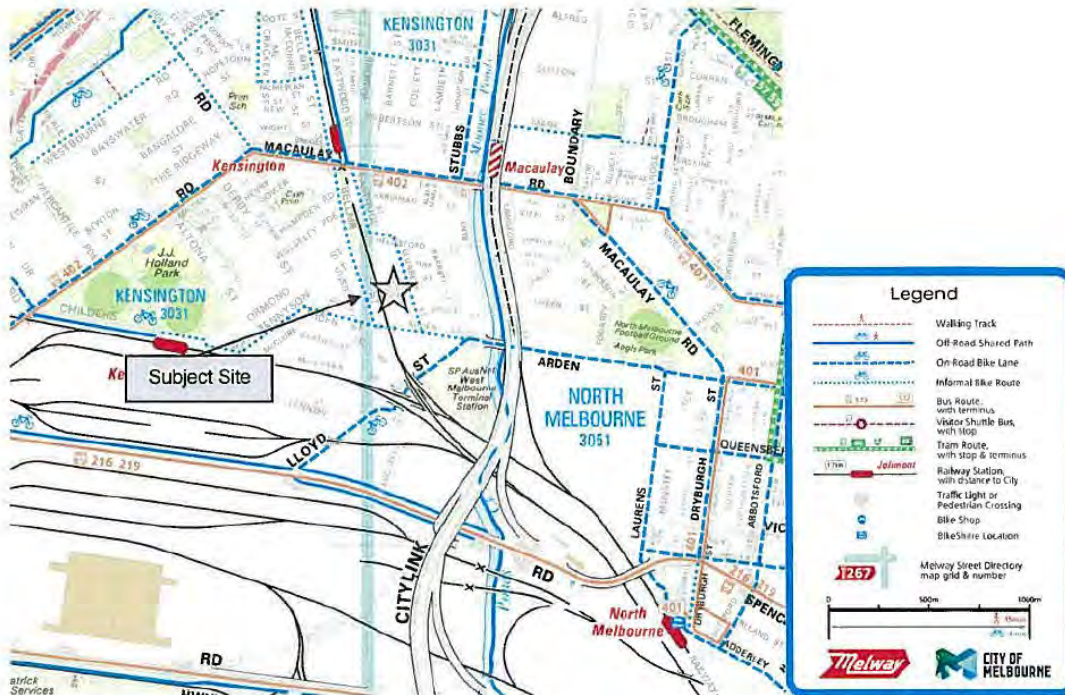
Further discussion regarding the transport operation of each of the interfacing roads to the site is provided on the following pages.



8 Exhibition Street,  
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ACN 676 072 165  
ABN 45 676 072 165

**Figure 3: Site Accessibility – Public and Active Transport**



(City of Melbourne Travel Smart Map)

**Elizabeth Street**

Elizabeth Street is shown in **Figure 4**, with discussion regarding its transport characteristics summarised below:

- Elizabeth Street is classified as a local street controlled by City of Melbourne. It connects to Chelmsford Street to the north and to Arden Street to the south.
- It is a two-way road aligned in a north-south direction and is configured with a two-lane 10.5m wide carriageway (or approximately 6.0m wide effective width, including consideration for cars parked on both sides of the road) set within a 15m wide road reserve (approximately).
- At its northern end, it is configured with a localised road narrowing which restricts traffic movements to one-way southbound (two-way cycling movements are maintained).
- Parallel kerbside parking is permitted on both sides of the carriageway.
- Sealed pedestrian footpaths are provided on both sides of the carriageway.
- It is identified as an informal bike route, although there no formal bike lanes provided on Elizabeth Street in the immediate vicinity of the site.
- No public transport services operate along Elizabeth Street.
- Truck access is currently provided to the site from Elizabeth Street (refer to the following section for further details regarding existing truck activity and routes).

- There are a number of commercial and industrial properties that front Elizabeth Street at its southern end, whilst there are a number of commercial and residential properties that front Elizabeth Street at its northern end (including the redeveloped Young Husband Wool Stores).

**Figure 4: Elizabeth Street – Looking South**



### **Bruce Street**

Bruce Street is shown in **Figure 5**, with discussion regarding its transport characteristics summarised below:

- Bruce Street is classified as a local street controlled by City of Melbourne. It connects to Elizabeth Street to the west and with Arden Street to the south.
- In the vicinity of the site, it is a two-way road aligned in an east-west direction and is configured with a two-lane 11m wide carriageway (or approximately 6.5m wide effective width, including consideration for cars parked on both sides of the road) set within a 15m wide road reserve (approximately).
- Localised widening is provided at its eastern end where it bends to allow for simultaneous movements for vehicles (including trucks) travelling around the bend.
- Parallel kerbside parking is permitted on both sides of the carriageway.
- Sealed pedestrian footpaths are provided on both sides of the carriageway.
- No formal bike lanes or public transport services are provided on Bruce Street.

- Bruce Street forms part of the current truck routes accessing the site (refer to the following section for further details regarding existing truck activity).
- There is a combination of commercial, industrial and residential (including low and high density) properties that front Bruce Street.

**Figure 5: Bruce Street – Looking East**



### **Arden Street**

Arden Street is shown in **Figure 6**, with discussion regarding its transport characteristics summarised below:

- Arden Street adjacent to the site is classified as a local street controlled by City of Melbourne, to the east of Lloyd Street it is classified as a Major Council Road. It connects to Chetwynd Street in the east and to the railway line abutting the site, it continues west of the railway line to Tennyson Street (noting that a continuous vehicular link is not provided).
- In the vicinity of the site, it is a two-way road aligned in an east-west direction and is configured with a two-lane 11m wide carriageway (or approximately 6.5m wide effective width, including consideration for cars parked on both sides of the road) set within a 15m wide road reserve (approximately).
- Parallel kerbside parking is permitted on both sides of the carriageway.

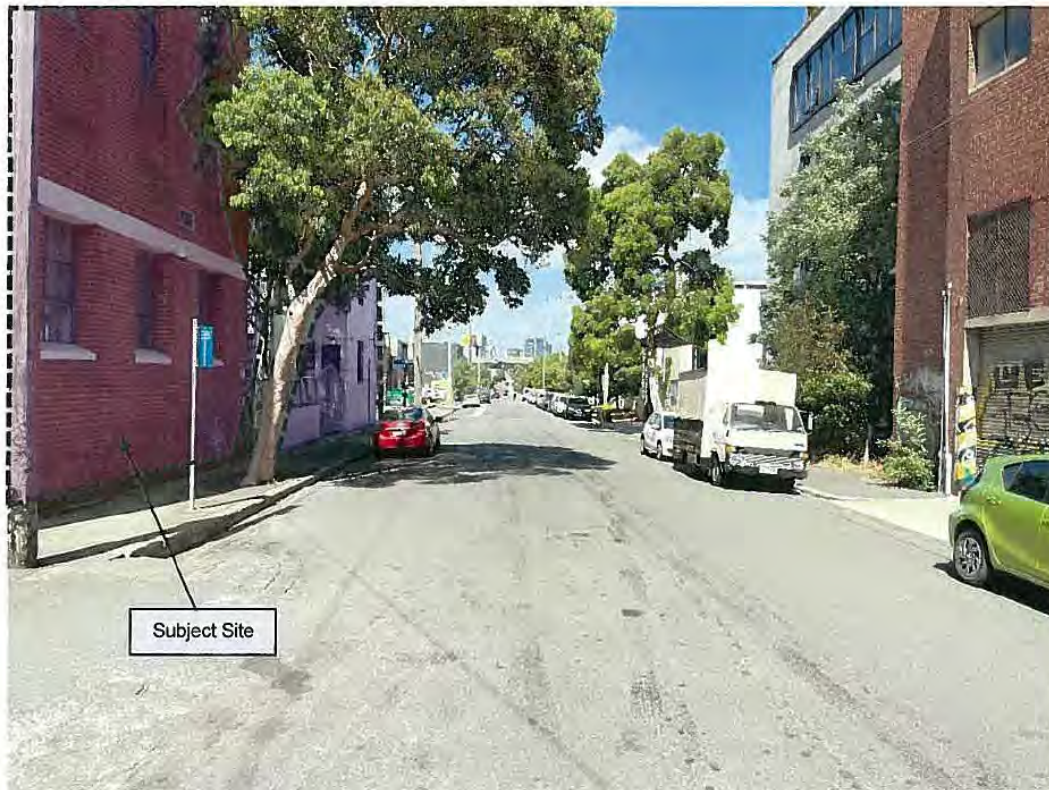


8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

- Sealed pedestrian footpaths are provided on both sides of the carriageway. A pedestrian overpass across the rail line is provided at the western end of the street (and connects to the footpath on the south side).
- As identified earlier, Arden Street adjacent to the site is identified as an informal bike route, however, it is noted that no formal bike lanes are provided on Arden Street in the immediate vicinity of the site (sharrow linemarking is provided to the east of Elizabeth Street). An on-road bike lane is provided between Lloyd Street and Macaulay Road, and a separated on-road bike lane is provided east of Macaulay Road.
- No public transport services operate along Arden Street.
- Truck access is currently provided to the site from Arden Street (refer to the following section for further details regarding existing truck activity).
- There are a number of commercial and industrial properties that front Arden.

**Figure 6: Arden Street – Looking East**



## Heavy Vehicle Network

Victoria's gazetted arterial and municipal roads approved for Class 2 B-Doubles is reproduced in **Figure 7**. The figure indicates the following:

- Lloyd Street is approved with restrictions for use by B-doubles. It is noted that there are three closely spaced bridges with height clearances of 3.1m, 3.4m and 3.5m on Lloyd Street and as such, access is restricted to vehicles with height clearances of 3.1m or less.
- Boundary Road, Macaulay Road (east of Boundary Road), Dryburgh Street and Dynon Road are all approved B-double routes.
- Macaulay Road (west of Boundary Road) and Kensington Road are all approved B-double routes with restrictions – i.e. B-doubles are conditionally approved during night works / road closures on Dynon Road.
- Other streets in the vicinity of the site, including Elizabeth Street, Bruce Street and Arden Street currently cater for semi-trailer vehicle access.

**Figure 7: Gazetted B Double Network**





8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

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## Summary

- The site is located in an Industrial 1 Zone.
- Elizabeth Street, Bruce Street and Arden Street are currently configured with relatively wide carriageways to cater for Heavy Goods Vehicles (HGV) movements.
- Despite Elizabeth Street and Arden Street being identified as informal bike routes, neither street currently has any separated bike infrastructure provided along the site's frontage.
- Macaulay Road, Boundary Road and Racecourse Road all currently form part of the gazetted B-double network.

**eukai**

8 Exhibition Street,  
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ACN 676 072 165  
ABN 45 676 072 165

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## Appendix B

### Summary of Existing Site Operations



8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

## Overview

Allied Mills has a long and rich history at its Kensington site, which has hosted flour milling operations since 1887. The current facility, operated by Allied Pinnacle, continues this tradition, spanning over 135 years.

The Kensington mill is one of Allied Pinnacle's seven mills across Australia. It manufactures and distributes a variety of milling-based products, including flours for bread, cake, pastry, and other applications, as well as premixes and specialty meals. The facility is a critical component of Australia's flour milling industry, processing significant quantities of wheat and specialty grains annually, including approximately 60% of Victoria's flour needs.

The site is licenced to operate 24 hours a day, 7 days a week and 365 days a year and currently employs approximately 50 staff. The transport operations of the site are detailed below.

## Existing Truck Movements

The site processes wheat into flour. In this respect, there are two main types of delivery movements:

- Inward goods – raw wheat and other (such as key ingredients, pallet trucks, etc).
- Outward goods – processed flour (bulk and bagged), mill mix and waste.

A summary of the different inward and outward deliveries is presented below:

### Inward Goods:

- **Wheat receivals trucks** – On average, 28 B-double trucks of wheat arrive at the Dynon Road depot (up to 38 B-doubles at absolute peak periods). Due to the site not being able to accommodate B-doubles, the trailers are decoupled at a depot (172 Dynon Road) and a single trailer is delivered to the site. The trucks then return to the depot to collect and deliver the second trailer to the site. Accordingly, on average the 28 B-double trucks results in 56 truck activities to the site each day (i.e. 56 movements in and 56 movements out). These movements are concentrated to between 6:00am and 8:00pm and extend to between 5:00am and 10:00pm during peak periods. Infrequent wheat deliveries are received outside of these periods.
- **Wheat receival trains** – The site is permitted to receive wheat deliveries by rail on Mondays, Wednesdays and Fridays. During each rail delivery, up to 21 train wagons are unloaded across an 8 to 9 hour period. The operators seek to maximise deliveries via rail to minimise truck deliveries.
- **Other deliveries** – These include key ingredients for processing the product and other miscellaneous items such as pallets, etc. A review of available logbook data indicates that there are typically 3 trucks per day (i.e. 3 movements in and 3 movements out) typically arriving between 7:00am and 5:00pm.

### Outward Goods:

- **Processed flour (bagged)** – On average, 12 trucks per day carrying bagged or palletted flour are dispatched from the site (i.e. 12 movements in and 12 movements out) typically between 6:00am and 10:00pm. These deliveries are primarily distributed to and from CityLink or Flemington Road.
- **Processed flour (bulk)** - On average, 20 trucks per day carrying bulk flour are dispatched from the site (i.e. 20 movements in and 20 movements out) typically between 6:00am and 10:00pm. These deliveries are primarily distributed to and from CityLink or Flemington Road.
- **Mill mix** – This is a byproduct of the milling process transported in bulk. These deliveries are distributed across the arterial road network, including to CityLink and Flemington Road but not exclusively. The truck movements for the mill mix are captured as part of the processed flour (bulk) movements identified above.



8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

- **Waste collection** – Various waste streams are collected throughout the week by private waste contractor and typically equates to 1 truck per day (i.e. 1 movement in and 1 movement out) typically occurring in the morning.

A summary of the existing truck movements to and from the site is provided in **Table 1**.

**Table 1: Existing Truck Activity to/from Site**

Truck Activity	Typical Number of Trucks per Day	Daily Entry Movements	Daily Exit Movements	Daily Total Movements
Wheat Reveal	56 (=28 x 2)	56	56	112
Other Deliveries	3	3	3	6
Processed Flour (Bagged)	12	12	12	24
Processed Flour (Bulk)	20	20	20	40
Mill Mix	(included above)	(included above)	(included above)	(included above)
Waste Collection	1	1	1	2
<b>Total</b>	<b>92</b>	<b>92</b>	<b>92</b>	<b>184</b>

This table indicates that the site typically generates in the order of 90 truck activities (i.e. 90 movements in and 90 movements out) across a typical day. It is also noted that there are various truck types servicing the site, including rigid and articulated vehicles, with semi-trailers being the most typical delivery vehicle type.

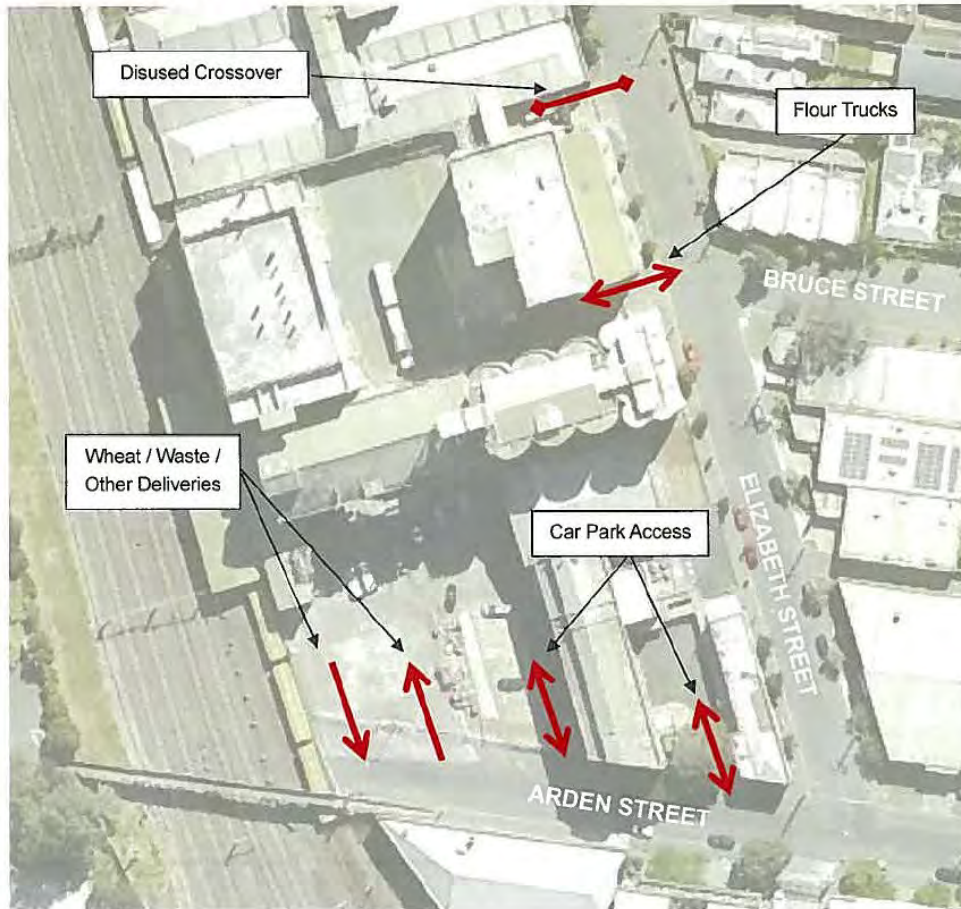
### Site Vehicle Access Points

The existing vehicle access points to the site are detailed in **Figure 8** and summarised below:

- Elizabeth Street (from north to south)
  - Disused crossover / emergency access only
  - Opposite Bruce Street (outward flour trucks)
- Arden Street (from east to west)
  - Staff car park access x 2
  - Trucks entering (inward wheat deliveries / waste / other deliveries)
  - Trucks exiting (inward wheat deliveries / waste / other deliveries)

It is understood that the disused crossover / emergency access only to Elizabeth Street is no longer active following a Section 173 Agreement with Council to reduce adverse amenity impacts on nearby residents. We presume that this vehicle access previously allowed trucks to turn left into the site from Elizabeth Street, noting that the crossover has a wider width and larger kerb radius than the southern crossover. The resulting impact of the closure of this northern crossover is that all large trucks entering the site from the southern crossover must do so by entering from Bruce Street (as the vehicles are unable to turn left into the site from Elizabeth Street due to the narrower width of the southern crossover).

**Figure 8: Existing Vehicle Access Points**



For reference, the existing vehicle access points to Arden Street (wheat receipt) and to Elizabeth Street (flour dispatch) are shown in **Figure 9** and **Figure 10**, respectively.

**Figure 9: Arden Street Truck Access (Wheat Reveal)**



**Figure 10: Elizabeth Street Truck Access – Opposite Bruce Street (Flour Dispatch)**



## Existing Truck Routes

Truck access to and from the site is governed by a site specific Traffic Management Plan. Over time, truck routes to and from the site have been developed and include consideration of:

- Road geometry
- Residential fronted roads
- Approved truck routes
- Holding depot location (currently located at 172 Dynon Road)
- Freeway interchange locations
- Low height bridges

The approved truck routes for inward wheat trucks and outward flour trucks (which represent the majority of truck movements to and from the site) are reproduced in **Figure 11** to **Figure 14**.

**Figure 11: Current Wheat Reveal Truck Access**





8 Exhibition Street,  
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ACN 676 072 165  
ABN 45 676 072 165

Figure 12: Current Flour Truck Access – to/from CityLink (towards Bolte Bridge)

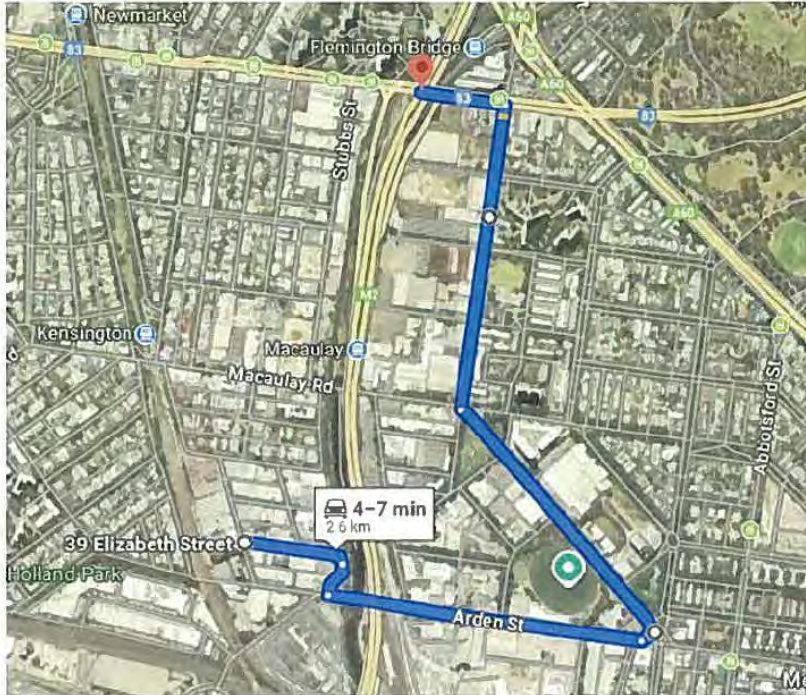
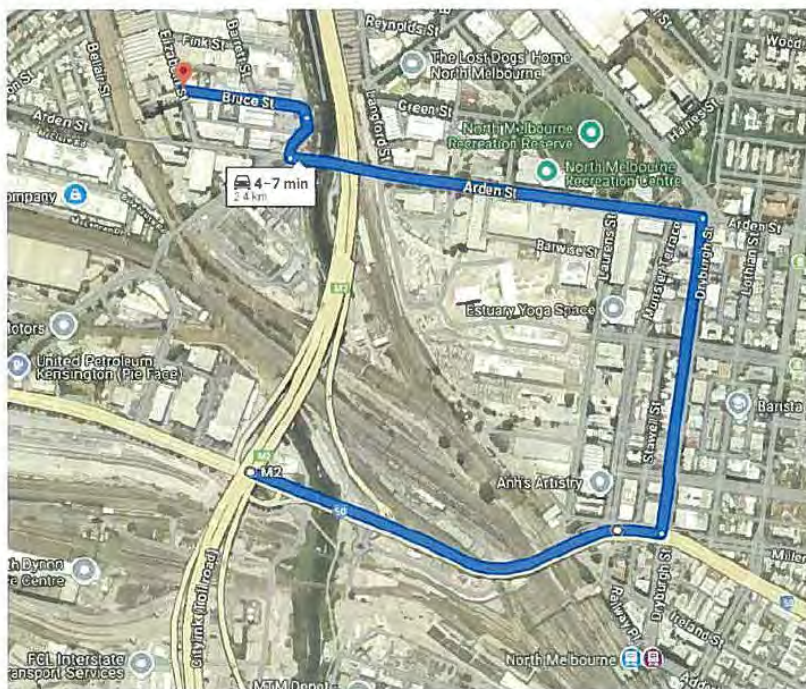
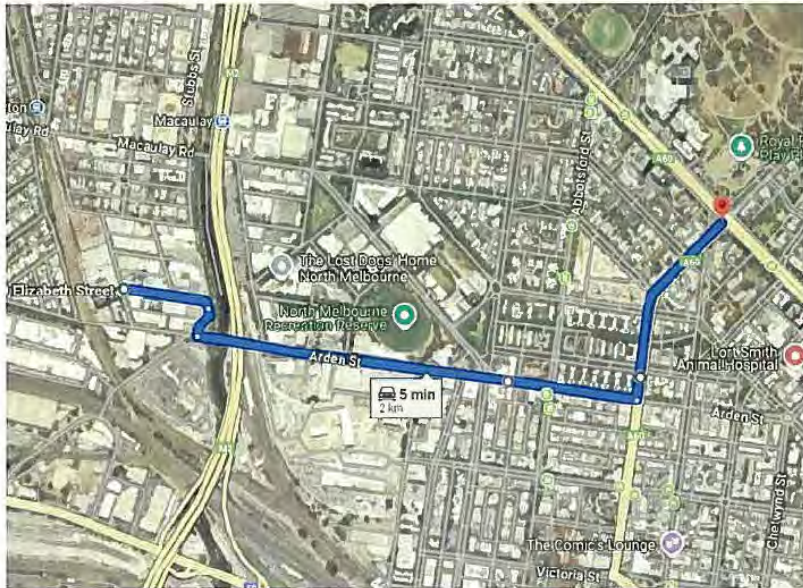


Figure 13: Current Flour Truck Access – to/from CityLink (towards Ring Road)



**Figure 14: Current Flour Truck Access – to/from Flemington Road**



**Summary**

- The site has operated continuously as a mill since 1887 (i.e. for 138 years) and processes approximately 60% of the State’s flour. Wheat production and distribution is an important part of Australia’s economy.
- Wheat is delivered to the site via both rail and road transport, hence the importance of site’s location abutting the broad gauge rail network.
- The existing Allied Mills Kensington site generates approximately 90+ HGV activities per day (90 truck arrivals and 90 truck departures) which are primarily completed by semi-trailers. Truck access to the site is provided from Arden Street and Elizabeth Street (opposite Bruce Street).
- Truck access routes to and from the site include adjacent local roads, such as Arden Street and Bruce Street, as well as arterial roads, such as Macaulay Road, Boundary Road, Dryburgh Street and Racecourse Road that form part of the gazetted B-double freight network.
- Allied Mills plans to maintain operations from the site for the foreseeable future (i.e., 10-20 years+).

**eukai**

8 Exhibition Street,  
Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

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## Appendix C

### Overview of Amendment C417 including Macaulay Structure Plan

## Preamble

Amendment C417 (Macaulay Urban Renewal Precinct) proposes to implement the land use and built form outcomes documented in the Macaulay Structure Plan 2021. Specifically, Amendment C417 seeks to include the following provisions into the Melbourne Planning Scheme<sup>2</sup>:

- Set the vision for Macaulay – updated **Clause 11.03-6L**
- Support a mix of uses – introduce **Schedule 8 to the Special Use Zone**
- Density control, appropriate building heights and setbacks and active street frontages & New public streets, laneways and arcades – introduce **Schedule 75 Boundary precinct, Schedule 76 Melrose precinct, Schedule 77 Chelmsford precinct and Schedule 78 Stubbs precinct of the Design and Development Overlay**
- Appropriate building setback from the eastern boundary of CityLink – **Schedule 75 Boundary precinct**
- Updated Development Contributions – **Schedule 2 to the Development Contributions Plan Overlay**
- Encourage a travel mode shift to sustainable transport options – **Schedule 16 to the Parking Overlay**

Further details regarding the Macaulay Structure Plan are provided below.

## Study Area

The Macaulay Structure Plan study area extent is reproduced in **Figure 18**. There are four precincts that form the study area, with the site located adjacent to the Chelmsford Precinct. Of particular relevance, it is noted that whilst the site sits outside of the study area, vehicle access to the site is provided through the study area.

**Figure 15: Macaulay Structure Plan Study Area**

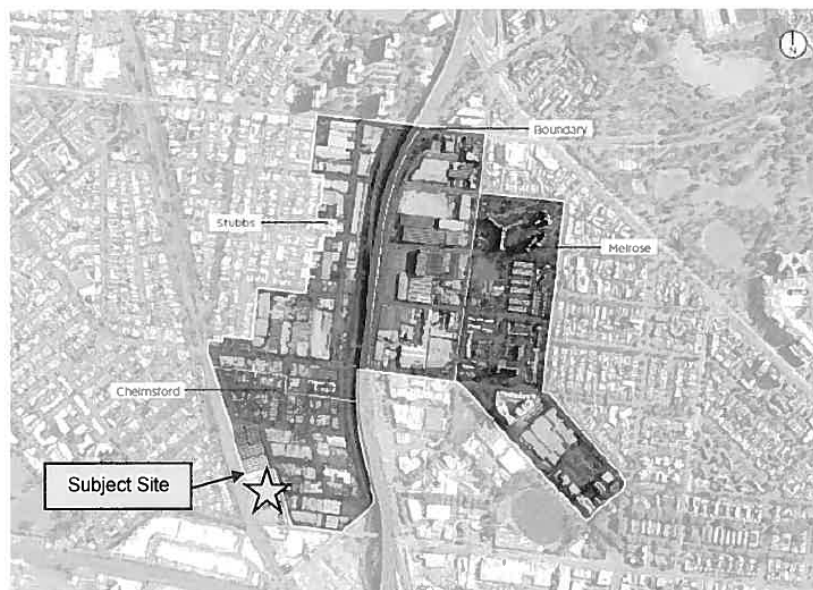


Image 4 A map of Macaulay showing the study area and the four precincts identified in the Plan

<sup>2</sup> <https://participate.melbourne.vic.gov.au/amendment-C417/amendment-overview>

## Movement and Access Outcomes

The overarching transport objectives are set out in Section 2.3 'Movement and Access' of the Macaulay Structure Plan. The vision is reproduced below:

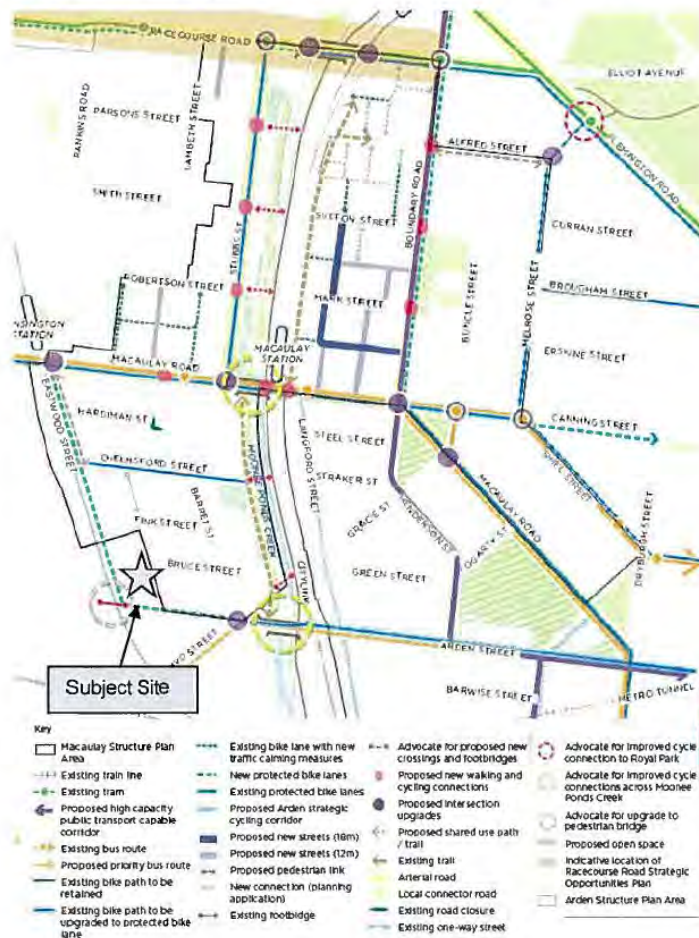
*"What are we proposing?"*

*The objectives and actions in this section will help deliver the vision for Macaulay by:*

- *prioritising active transport by designing streets that are safe and accessible for people walking and riding bikes (Objective 10)*
- *helping deliver, public transport that meets the needs of the Macaulay population (Objective 11)*
- *improving car parking requirements to support a less car dependent transport system (Objective 12)."*

The future Macaulay transport network is reproduced in **Figure 16**.

**Figure 16: Macaulay Structure Plan – Future Transport Network**



(Sourced from Map 10 of the Macaulay Structure Plan)



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ACN 676 072 165  
ABN 45 676 072 165

The relevant actions identified at Objective 10 ("Prioritise active transport by designing streets that are safe and accessible for people walking and riding bikes") are reproduced below:

- *"Action 31: Prioritise walking on Macaulay Road, Boundary Road, and Stubbs Street with wide, unobstructed footpaths. Provide raised continuous footpaths across intersections with side streets where possible.*
- *Action 32: Minimise the number of vehicle crossovers from all streets and encourage the servicing of buildings via service laneways.*
- *Action 33: Provide regular crossings of main streets for people walking and riding bikes, especially at intersections with side streets, and incorporate these crossings into public transport stops where applicable.*
- *Action 34: Discourage through-vehicle movement on the local street network.*
- *Action 35: Make streets safer for bikes and deliver the protected bicycle network shown in Map 10 on page 56."*

The relevant action identified at Objective 11 ("Help to deliver public transport that meets the needs of the Macaulay population") is reproduced below:

*"High amenity pedestrian-priority crossings to public transport stops and short traffic signal cycle times at intersections should also be implemented."*

The relevant action identified at Objective 12 ("improving car parking requirements to support a less car dependent transport system") is reproduced below:

*"On-street car parking supply and controls will be reviewed to provide space for wider footpaths, protected bike lanes, street tree planting and improved amenity."*

## Streets and Spaces Outcomes

The overarching streetscape objectives are set out in Section 2.3 'Streets and Spaces' of the Macaulay Structure Plan. The vision is reproduced below:

*"What are we proposing?"*

*The objectives and actions in this section will help deliver the vision for Macaulay, improving streets and spaces by:*

- *creating a network of high-quality open spaces in Macaulay (Objective 13)*
- *upgrading existing streets to enhance urban ecology and urban forest outcomes, while supporting improved amenity in the public realm for pedestrians and cyclists (Objective 14)*
- *delivering high-quality new streets on larger land holdings to enhance the permeability of the transport network and support a high-quality public realm (Objective 15)*
- *ensuring integrated water management is incorporated into Macaulay to support a resilient and liveable neighbourhood (Objective 16)*
- *enhancing the Moonee Ponds Creek to become a thriving corridor that connects the community (Objective 17)."*

The future public realm street network is reproduced in **Figure 17**.



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Figure 17: Macaulay Structure Plan – Proposed Changes to Public Realm



(Sourced from Map 11 of the Macaulay Structure Plan)

The relevant items identified at Objective 14 (“Upgrade existing streets to enhance urban ecology and urban forest outcomes, while supporting improved amenity in the public realm for pedestrians and cyclists”) is reproduced below:

*“Opportunity exists in a number of streets to better connect to open spaces, with a focus on enhancing biodiversity corridors between Moonee Ponds Creek and Royal Park. Streets identified for landscape upgrades includes Shiel Street, Melrose Street, Alfred Street, Buncle Street, Arden Street (west), Bruce Street, Bent Street and Macaulay Road (at Moonee Ponds Creek).”*

*“Opportunities for street redesign and upgrades*

*There are a number of opportunities within Macaulay for street redesign and upgrades to increase urban greening and improve ecological connectivity, including:*

- *Arterial and local connector roads including Racecourse Road, Arden Street, Stubbs Street, Macaulay Road and Canning Street.*
- *...*
- *In the Commercial 2 Zone area including Fink and Bruce streets, street upgrades will be considered in the longer-term given the loading and servicing needs of existing commercial businesses currently in operation.”*

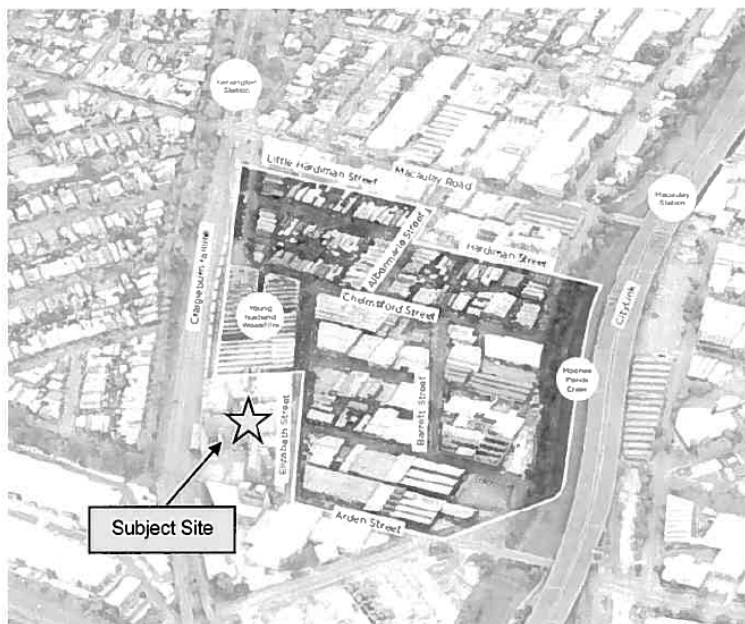
*“There are a number of streets recognised for significant enhancement to support a high-quality public realm in response to the future needs of people walking and riding bikes, as well as future redevelopment of adjoining sites. Key streets identified for upgrades include:*

- *Boundary Road: prioritising the widening of footpaths, particularly on the west side of the road to complement active frontages of new mixed use development and potential future public transport stops.*
- *...”*

**Chelmsford Precinct**

Further details regarding the precinct vision and precinct detail are provided for the Chelmsford Precinct at Section 3.3 of the Macaulay Structure Plan. The extent of the Chelmsford Precinct is shown in **Figure 18**.

**Figure 18: Macaulay Structure Plan – Chelmsford Precinct**



(Sourced from Image 38 of the Macaulay Structure Plan)



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Melbourne VIC 3000

ACN 676 072 165  
ABN 45 676 072 165

The movement and access vision for the Chelmsford Precinct is reproduced below:

**"Movement and access**

*The amenity of the Chelmsford Precinct's local streets will be enhanced to prioritise people walking and riding bikes ahead of vehicle movements, particularly in the area between Arden and Chelmsford streets. Access throughout and beyond the precinct will be maintained and support established and future businesses.*

*While existing residents will retain on-street parking priority, street space occupied by excess car parking will be reclaimed to provide more space for walking, riding bikes, street trees and new public spaces. Improved active and public transport will support reduced car parking in private developments and decrease the presence of private vehicles on local roads. A precinct-based car parking solution is implemented to take advantage of the compact and highly walkable commercial area."*

An artist impression of the future Elizabeth Street is reproduced in **Figure 19**. The Allied Mills site has been highlighted for context.

**Figure 19: Macaulay Structure Plan – Future Elizabeth Street Public Realm**



(Sourced from Figure 7 of the Macaulay Structure Plan)



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## Summary

- The Macaulay Structure Plan outlines a transition for the area into a mixed-use, predominantly residential precinct. Notably, the Allied Mills site is excluded from the Structure Plan area.
- The land use transitioning will substantially increase the residential population of the area and introduce different needs and desired outcomes for the road network compared to those have previously existed. This is best summarised in the movement and access vision for the Chelmsford Precinct in the Structure Plan which is reproduced as follows: *"Chelmsford Precinct's local streets will be enhanced to prioritise people walking and riding bikes ahead of vehicle movements, particularly in the area between Arden and Chelmsford streets."*
- Specific proposed changes to the transport network include intersection upgrades, street redesigns to prioritise active travel modes over vehicles and improve the public realm (including along Elizabeth Street), and new cycling infrastructure.
- The Macaulay Structure Plan does not currently assess the continued operation and requirements of existing industrial uses (such as the Allied Mills site) and there is no specific provision for freight access documented in the Macaulay Structure Plan.



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Appendix D  
Transport Implications of Proposed Amendment on  
Allied Mills Site



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## Overview

Following our review of the site's current operations and the proposed transport network changes associated with the Macaulay Structure Plan, the following items have been identified for recommended further consideration as part of the Amendment process to ensure the continued operation of the site:

- Continued truck access along Elizabeth Street and Bruce Street.
- Introduction of separated bike lanes on Arden Street and upgrading Arden Street active travel bridge.
- Proposed protected bike path along the western boundary of the site.
- Preservation of freight access routes on the broader arterial road network.

Each of these items are discussed in further detail below. (It is emphasised that this submission does not seek to necessarily solve each of the items but rather identify transport items that require further investigation either as part of the Panel Hearing process or subsequent to the Panel Hearing.)

### Continued truck access along Elizabeth Street and Bruce Street

Due to historic dimensional constraints at the vehicle access points and the Section 173 Agreement to protect residential amenity for existing low density residential dwellings on Elizabeth Street, HGVs are required to access the Elizabeth Street crossover via Bruce Street.

The Macaulay Structure Plan proposes changes to the public realm of key streets within the study area and specifically identifies Bruce Street to "Maximise Blue-Green Infrastructure". Whilst the Macaulay Structure Plan does not specifically identify what this constitutes from a carriageway perspective, it is recommended that Bruce Street must be designed to balance the demands of increased density alongside its role as an important industrial access point.

Bruce Street should be maintained as a functional route for heavy vehicles, avoiding features like raised pedestrian crossings or separators that could reduce the effective carriageway width and thereby hindering through truck movements and/or increase the risk of vehicle strikes.

Likewise, any streetscape / public realm improvement project on Elizabeth Street (as illustrated in Figure 19 above) must appropriately balance the need for truck access to and from the site.

### Introduction of separated bike lanes on Arden Street and upgrading Arden Street active travel bridge

The Macaulay Structure Plan identifies an upgraded east-west active travel connection across the railway and the introduction of separated bike lanes on Arden Street adjacent to the site.

The Arden Street pedestrian bridge is currently not compliant with Disability Discrimination Act (DDA) standards and should be upgraded to better accommodate the requirements of pedestrians and cyclists. This is consistent with the expectations of the Macaulay Structure Plan. The current pedestrian bridge and approach (adjacent to the site) is shown in **Figure 20**.

The separated bike lanes proposed for Arden Street should complement the bridge upgrade. Installing separated bike lanes west of Lloyd Street and in particular west of Elizabeth Street before the bridge upgrade is constructed is discouraged, as the current bridge design poses a barrier and safety risk due to steep gradients that are challenging for cyclists.



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Furthermore, whilst cyclist and truck separation is supported for improved safety outcomes for all road users, the cycling infrastructure needs to ensure that they do not compromise existing truck access along Arden Street or at the truck access points to the site on Arden Street. Accordingly, any upgrades must ensure that suitable traffic lane widths are maintained and that swept paths for trucks accessing the site from Arden Street are considered as part of any future separated bike lane design.

**Figure 20: Existing Arden Street Pedestrian Bridge Approach**



### Proposed protected bike path along the western boundary of the site

The site has a frontage of approximately 127m to the railway corridor. The site currently receives deliveries of wheat via train with train wagons unloaded along the active interface with the railway. The site interface with the railway corridor is shown in **Figure 21**.

The Macaulay Structure Plan identifies proposed protected bike path along the railway line which would offer connectivity benefits. It is unclear from the material provided whether the bike link would be provided on VicTrack owned land or within the Allied Mills site. Regardless, the delivery of a protected bike path along the site's frontage (or within the site itself) would significantly impact the intermodal operations of the Allied Mills site. Without careful planning, this would likely undermine the site's current functionality, despite the site being excluded from the structure plan area.

In the event that the Allied Mills site is redeveloped in the future (or the land use changes to no longer require access to the rail corridor), there would be an opportunity to further explore the proposed link (although it is unclear what mechanism would be used to deliver the link on private land given the site is outside of the structure plan area). However, whilst the site remains operational, the delivery of the proposed link in the foreseeable future is not considered to be possible.

**Figure 21: Existing Rail Corridor Site Interface**



(Sourced from Google Maps)

## Preservation of freight access routes on the broader arterial road network

There are a number of local (Bruce Street and Arden Street) and regional (Macaulay Road, Boundary Road, Racecourse Road, Flemington Road, etc.) freight access routes that are relied upon by the site and other industrial uses in the precinct that must be preserved for ongoing 24-hour, 7-days a week HGV access. Many of these streets are identified for interventions as part of the Macaulay Structure Plan, including creation of:

- "Street Redesign (Urban Forest Strategy)" for Arden Street and Racecourse Road
- "Pedestrian Oriented Street Redesign" for Boundary Road
- "Maximise Blue-Green Infrastructure" for Bruce Street
- Proposed new walking and cycling connections along and across Boundary Road
- Proposed intersection upgrades throughout

Any intersection upgrades and/or active travel upgrades proposed by the Macaulay Structure Plan along designated truck routes must maintain efficient access for freight and HGV to support businesses vital to Victoria's economy (i.e. the site).



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ACN 676 072 165  
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All treatments must be safe and functional for all road users. Vulnerable road user infrastructure, such as new separated cycling facilities and pedestrian crossings, are supported but must be designed with HGVs in mind, and for example should:

- maintain sufficient traffic lane widths to cater for HGVs
- avoid raised pedestrian/wombat crossings along truck routes, unless designed with elongated platform widths so they do not adversely affect truck access
- design intersections to accommodate required design vehicles i.e., articulated vehicles
- provide appropriate signage and line marking.



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## Summary

- The anticipated densification and land use changes proposed by the Structure Plan in the Chelmsford Precinct will create conflicts between the truck movement needs for the mill and the movement and place needs of the increasing residential population.
- At face value, the transport network changes proposed in the Amendment document have the potential to significantly impact Allied Mills' operations (at least unless very carefully planned). For example, the changes to Elizabeth Street as envisaged in the Structure Plan would likely preclude truck movements to/from the site. Likewise, proposed road network and/or intersection changes and active travel projects may preclude the mill's truck access routes and/or adversely impact its access to the adjacent rail line.
- In light of the significance of the mill to the State and its intention to maintain operations for the foreseeable future (i.e. 10-20 years+), the coexistence of mill operations with the proposed transitioning of the area ought to be very carefully considered to ensure harmonious development outcomes.
- In our view, the following is necessary to mitigate adverse impact on the mill's operations:
  - Any future upgrades of Bruce Street and Elizabeth Street, including – but not limited to – modifications to the existing carriageway, must continue to cater for truck access to the site.
  - The introduction of separated bike lanes on Arden Street adjacent to the site should be deferred until the Arden Street active travel bridge is upgraded. Any separated bike lanes must be designed to ensure that HGV access to the site from Arden Street is satisfactorily maintained.
  - The delivery of a protected bike path along the western boundary of the site would significantly impact the intermodal operations of the current site. It is expected that the delivery of a safe bike link would only be considered feasible assuming the cessation of the current site use. As this is not proposed for the foreseeable future, the delivery of the proposed link in the foreseeable future is not considered to be possible.
  - Any midblock or intersection upgrades proposed in the Structure Plan area should preserve the existing freight access routes. It is envisaged that this matter could be addressed through the consideration of the following detailed design matters:
    - maintain sufficient traffic lane widths to cater for HGVs
    - avoid raised pedestrian/wombat crossings along truck routes, unless designed with elongated platform widths so they do not adversely affect truck access
    - design intersections to accommodate required design vehicles i.e., articulated vehicles
    - provide appropriate signage and line marking.

**Submission:** 60

**From:** [REDACTED] (Tract) and [REDACTED] (Tract) on behalf of Metrics Real Estate Partners (MREP)

**From:** [Redacted]  
**To:** [Planning Policy](#)  
**Cc:** [Redacted]  
**Subject:** Submission to Draft Amendment C417melb  
**Date:** Friday, 20 December 2024 4:12 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.gif](#)  
[2024-12-20\\_Let-CoM \(C417 Submission\).pdf](#)





Good afternoon Tim,

Tract acts for Metrics Real Estate Partners (MREP) in relation to the land at 59-101 Alfred Street, and 103-105, 107-109 and 117 Boundary Road, North Melbourne.

On behalf of our client, we are pleased to provide a submission to Amendment C417 to the Melbourne Planning Scheme.

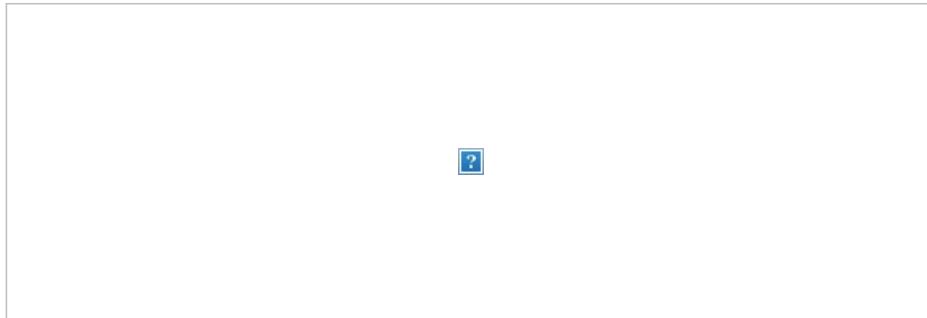
We would be pleased to discuss the content of this submission with you, as required, and look forward to your consideration of the key matters raised.

Kind regards,

**Tract**  
 Wurundjeri Country  
 Level 6, 6 Riverside Quay  
 Southbank VIC 3006 Australia  
[03 9429 6133](tel:0394296133)

We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.



Our offices will be **closed from 21 Dec 2024** and **reopen on 6 Jan 2025**.

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**Tim Westcott**

Manager Planning Policy  
 City of Melbourne  
 GPO Box 1603  
 MELBOURNE VIC 3001  
 via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

20 December 2024

Dear Tim

**Submission to Draft Amendment C417melb – Macaulay Urban Renewal Precinct**

Tract acts for Metrics Real Estate Partners (MREP) ('**Client**') in relation to the land at 59-101 Alfred Street, and 103-105, 107-109 and 117 Boundary Road, North Melbourne (the '**Site**').

Our client welcomes the opportunity to provide comment on the exhibited material relating to Draft Amendment C417melb (the '**Amendment**').

Whilst we understand the exhibition and submission period formally closed on 10 September, we respectfully request that Council considers and accepts our Client's submission to the Amendment.

Our Client is in exclusive negotiations to acquire the Site and has the intention to deliver a mixed use development outcome. As the Amendment has the potential to materially affect the Site, we request our Client be included as a submitter in the Amendment process moving forward.

**1 Background**

The Site is currently subject to Planning Permits PA1900619 ("**Stage 1 Permit**") and PA1900705 ("**Stage 2 Permit**") to allow for a staged mixed-use development.

Stage 1 Permit was issued by the Minister for Planning on 23 June 2020 and applies to land at 103-109 and 115-117 Boundary Road and part of 59-101 Alfred Street, North Melbourne. Stage 1 Permit provides the following permission:

*In accordance with the endorsed plans:*

- Construction of two multi-storey buildings with a shared basement
- Use of land for office and retail premises
- Reduction of car parking requirements
- Alteration of access to a Road Zone, Category 1

Plans for the Stage 1 Permit were endorsed by DTP on 23 June 2022.

Stage 2 Permit was issued by the Minister for Planning on 6 January 2021 and applies to land at 59-101 Alfred Street, North Melbourne. Stage 2 Permit provides the following permission:

*In accordance with the endorsed plans:*

- To use the land for a Residential building, Residential hotel, Office, Retail premises, Retirement village, Place of assembly (theatre), a Minor sports and recreation facility (rooftop skate park), and Food and drink premises
- To partly demolish a building

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1 / 11

- To construct a building and construct or carry out works
- To construct a residential building
- To reduce the standard car parking requirement

Plans have yet to be endorsed under the Stage 2 Permit.

Together, the Permits approve a significant mixed-use development across what is currently a largely vacant and underutilised 14,346sqm site within the Macaulay urban renewal area. The existing approval allows for the development of 6 new buildings, inclusive of two shared two-level basements, plus the adaptive reuse of the heritage-protected Farrell's Stables in the northern part of the Site.

As part of the approvals process, the Permits were both subject to extensive review and consideration by the City of Melbourne, the Department of Environment, Land, Water and Planning (DELWP, now DTP), Melbourne Water, the Victorian Civil and Administrative Tribunal (VCAT), as well as other stakeholders.

We note that our client is in exclusive negotiations to acquire the Site and has the capacity to act on its development potential.

## 2 Overview of the Amendment

---

The Amendment seeks to implement the recommendations of the Macaulay Structure Plan 2021 ('**Structure Plan**') by making changes to the Melbourne Planning Scheme ('**Planning Scheme**').

Generally, the City of Melbourne ('**Council**') proposes to make the following changes to the Planning Scheme through the Amendment:

- Introduce a new Clause 11.03-6L (Macaulay) of the Planning Policy Framework with tailored objectives and strategies for the development of the precinct.
- Rezone land within the Structure Plan area to Schedule 8 to the Special Use Zone (SUZ8).
- Delete Schedule 63 to the Design and Development Overlay (DDO63) to implement precinct-specific Design and Development Overlays (DDO75, DDO76, DDO77, DDO78). DDO75 applies to the Site.
- Amend Schedule 2 to the Development Contributions Plan Overlay (DCPO2) to include development contributions rates for residential, commercial and retail uses.
- Introduce a new Schedule 16 to the Parking Overlay (PO16) to apply a maximum parking rate of zero.
- Consequential amendments to the Schedules to Clauses 66.06 (Notice of Permit Applications under Local Provisions), 72.04 (Incorporated Documents), 72.08 (Background Documents) and 74.02 (Further Strategic Work).

## 3 The Site

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The Site presents a significant redevelopment opportunity for Melbourne due to its size and strategic location within the Macaulay Urban Renewal Precinct.

The Site is located at the southwestern corner of Alfred Street and Boundary Road and is rectilinear in shape, generally sloping down from east to west with an approximate area of 14,346sqm.

The Site is within the Boundary Precinct of the Structure Plan, adjacent to the Moonee Ponds Creek and CityLink.

The Site is formally identified as follows:

- Lot 1, 2, and 4 on Plan of Subdivision 343349
- Lot 1 on Title Plan 811768
- Lot 2 on Plan of Subdivision 339485.
- Lot 1 on Plan of Subdivision 409694.



Figure 1 - Aerial Plan.

Subject to the proposed Amendment, the Site has been identified for the following future controls and provisions:

- A Special Use Zone (SUZ) that encourages 20 per cent of development to be employment or other non-residential use and encourages a contribution to affordable housing equivalent to 6% of dwellings (at nil consideration).
- A Design and Development Overlay (DDO) schedule 75 which proposes (inter alia):
  - a part 6, 12 and 15-storey preferred maximum height limit under the Structure Plan.
  - a mandatory 20 metre setback from the western boundary.
  - the inclusion of new roadways and laneways throughout the Site, including a new east-west road with solar access controls at the equinox.
  - a proposed mandatory floor area ratio requirement of 4:1.
- A new schedule to the Parking Overlay (PO16) to support a reduced reliance on private cars through a maximum car parking rate of zero (with a permit required to vary), adequate provision of bicycle parking and end-of-trip facilities, EV-ready spaces, car-share and accessible spaces.

- A Development Contributions Plan Overlay (DCPO2) implementing the Development Contributions Plan, which requires a monetary contribution from developers towards specified infrastructure.

#### 4 Submission

---

There are several matters that our client wishes to raise in response to the exhibited Amendment, which are summarised as follows:

1. Mandatory Floor Area Ratios.
2. New and Widened Streets and Laneways.
3. Mandatory Site Setback.
4. Affordable Housing Provision.
5. Car Parking.

These matters are discussed in turn, with recommendations provided for each.

##### 4.1 Mandatory Floor Area Ratio

The proposed Design and Development Overlay, Schedule 75 – Boundary Precinct (DDO75) includes a mandatory maximum Floor Area Ratio (FAR) of 4:1 within the sub-precinct.

While the intention of the mandatory FAR provisions is understood, the precinct-wide application of this mandatory control will have unintended and unreasonable impacts on the future development of land within Macaulay, preventing the delivery of the built form and density vision for the precinct and for the Site more specifically.

It is unclear how the preferred street wall heights and building height for the Site are expected to be achieved having regard to the site context, site area and equitable development considerations. A more nuanced approach to siting and massing is required.

Proposed FAR controls for the Moone Ponds Activity Centre were explored in Moonee Valley C207moon (PSA) [2021] PPV 1. In rejecting the FAR, the Panel stated:

*The exhibited FAR provisions attracted strong interest through submissions and evidence. FARs can have a legitimate role when justified in response to an issue to resolve. For example, evidence of serious amenity impacts that need to be addressed or reversed, or capacity issues with infrastructure and services.*

*The Panel first referred to the Built Form Framework and associated background documents to determine whether there was a strategic basis for applying FAR provisions in the Activity Centre. Surprisingly, it found little justification in the 130 page Built Form Framework for a permanent floor space limit on the entire Activity Centre.*

*Generally, a strategic planning process:*

- identifies the issues, vision and objectives sought to be achieved
- seeks potential responses
- finally selects the appropriate planning provisions to implement the intended outcomes.

*The Built Form Framework appears to have premised the need for FARs and then conducted subsequent work to justify the tool itself.*

*After comprehensively exploring the FAR provisions through the Built Form Framework, submissions and evidence throughout the Hearing, the Panel finds:*

- *the need for more nuanced built form provisions which respond to recent investment interest*
- *no satisfactory reason to explain why the austere FARs approach is needed rather than other built form provisions proposed through the Amendment.*

For these reasons, we submit that the other built form provisions set out in the proposed Design and Development Overlays regarding preferred building height and massing, in particular setbacks, are sufficient to guide built form outcomes, and that FAR controls in the precinct are not appropriate.

It is acknowledged that the Minister for Planning in their letter approving Part 1 of Planning Scheme Amendment C190 on 26 September 2017 recommended including better density management provisions through FAR controls in a revised Macaulay Structure Plan. However, the recommendation included 'the potential to maximise development outcomes in exchange for public benefit through a Floor Area Uplift and public benefits schedule.'<sup>1</sup> There has been no allowance for Floor Area Uplift (FAU) or flexibility in the application of the FAR in the drafted provisions. If it is deemed necessary to include FAR controls, there should be an allowance for FAU.

The blanket application of a mandatory FAR control across the sub-precinct fails to appropriately consider the contextual nuances – both existing and proposed – of sites within the area. Lot sizes within the Boundary sub-precinct vary greatly from less than 500m<sup>2</sup> in some areas to up to 2ha in others. Furthermore, the use of a mandatory FAR control unreasonably constrains fit for purpose urban land that has been recognised in state and local policy to accommodate substantial change.

Importantly, Planning Practice Note 59 – The role of mandatory provisions in planning schemes (PPN59) specifies that a 'balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.' It is submitted that insufficient strategic justification for the proposed mandatory provisions has been provided, and there is no indication that discretionary FAR provisions would be insufficient to achieve the desired outcome.

#### Clarity of FAR definition

It is noted that FAR is defined in the proposed DDO75 as follows (underlined for emphasis):

*Floor Area Ratio means the gross floor area above finished floor level of all buildings on a site, divided by the area of the site. For the purposes of this calculation:*

- *gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies*
- *the area of the site includes all contiguous titles in the same ownership that form part of the proposed development before redevelopment and/or subdivision, including land required by Council for public realm.*

We note that whilst the Macaulay Structure Plan (Figure 2; page 30) does clarify that 'FARs do not include basement levels and are to be calculated from finished floor levels', this is not clearly defined in the proposed DDO75.

For the avoidance of doubt, we suggest that the definition of FAR be updated to mean '**the gross floor area above the ground floor finished floor level, provided this is not more than 1.2m above natural ground level, of all buildings on a site, ...'**

#### Existing planning and strategic context

It is noted that the Site currently benefits from existing planning permits (PA1900619 'Stage 1' and PA1900705 'Stage 2') which together approve a mixed-use development on the Site comprising 6 new buildings with a maximum height of 12 storeys, with two shared two-level basements. These Permits were issued prior to the endorsement of the Macaulay Structure Plan by the Future Melbourne Committee and approve an above-ground FAR of circa 6.05:1.

The approved FAR on the Site is substantially higher than the 4:1 FAR proposed under DDO75, but clearly assessed to have planning merit given the significant land size and opportunities that come with this in delivering a high-quality built form outcome within a designated urban renewal precinct.

It would appear counter to the purpose of the Macaulay Structure Plan to further limit the development opportunity of sites such as this in comparison to the existing controls, particularly given the current housing crisis and strategic context surrounding the Victorian Government's housing statement, and the recognition that urban renewal areas should be targeted for providing increased housing density as identified within *Plan Melbourne: 2017-2050*.

Furthermore, it is considered that the proposed 20% minimum floor area requirement for non-residential land uses is onerous, and should rather rely on the zone objectives and market conditions to determine the appropriate extent of commercial uses across the Site.

#### Recommendations

Noting the above, the following is recommended with respect to the proposed FAR provisions:

- The inclusion of a FAR control (either mandatory or discretionary) should be rejected as an austere approach to more nuanced built form provisions.
- If, however, FAR controls are to be pursued, they should be discretionary as strategic justification has not been provided to demonstrate compliance with PPN59. Providing discretion in the application of the FAR provisions will provide landowners with an ability to pursue, where deemed appropriate, variations that may be required to respond to site-specific conditions while still having regard to the preferred height, setback, street wall, and overall massing objectives of the Structure Plan.
- Further, if FAR controls are pursued, allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.
- If pursued, the FAR definition in DDO75 should be updated as follows:
  - Floor Area Ratio means the gross floor area above the ground floor finished floor level, provided this is not more than 1.2m above natural ground level, of all buildings on a site, divided by the area of the site. For the purposes of this calculation:
    - gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies
    - the area of the site includes all contiguous titles in the same ownership that form part of the proposed development before redevelopment and/or subdivision, including land required by Council for public realm.
- Reconsideration of the appropriateness of requiring 20% of net floor area to be set aside as non-residential land uses.

#### **4.2 New and Widened Streets and Laneways**

The proposed DDO75 includes a mandatory requirement to provide new streets, laneways and arcades as shown in 'Map 4: New Streets, Laneways and Arcades'.

Map 4 shows two new 12m wide streets running north-south through the Site, one new part 12m, part 9m wide street/laneway running east-west along the southern boundary of the Site, as well as a mandatory 20m site setback along the western edge of the Site.

The DDO75 also applies mandatory shadow provisions to the east-west road, requiring that built form above the street wall does not cast a shadow on the southern footpath on 22 September between 11am and 2pm.



Figure 4-7: Flow of Map 4 - New Streets, Laneways and Arcades from proposed DDO75 (Notwithstanding)

It is submitted that the extent of north-south streets at the Site is excessive when considering the width of the block, and is not required to improve permeability within the precinct as:

- The western-most road is located less than 70 metres from the future shared path proposed within the 'site setback' area, and as such is considered duplicitous and not required to improve pedestrian permeability.
- The Structure Plan stipulates that 'one new street connection should be provided on a site where the average length of a block exceeds 100 metres. Where a block exceeds 200 metres, two new street connections should be provided.' Connections should also be more than 70 metres apart. Excluding the site setback area, which will contain a north-south connection, the width of the total site will be less than 180 metres. As such, the inclusion of one north-south road connection is considered appropriate and sufficient, which will allow for block widths in the order of 90 metres.

We further note that whilst the Client is supportive of increasing the permeability and activation of the Site, consideration should be given to the existing site context, noting that the building directly to the south of the Site at 64 Sutton Street is identified as a significant heritage building, with likely limitations on the extent of new connections feasible through the Site. We see an inherent risk in a discordant connection between a 4m wide 'Arcade' and a 12m wide street as currently shown in the draft plans and suggest that any new streets should be a discretionary, and not mandatory requirement, to ensure flexibility and an appropriate contextual response for each application.

It is also considered that the requirement for new roads and laneways to be vested into public ownership is excessive, and unnecessarily constrains available basement footprints at the Site. It is recommended that this provision be provided as a discretionary rather than a mandatory control.

Solar access

The Structure Plan also mandates that built form above the street wall does not cast a shadow on the southern footpath of the new east-west street provided on the Site between 11am and 2pm. Given this new east-west street is not considered a key pedestrian boulevard, and provides one of many connections between Boundary Road and the linear link, it is considered that the application of a mandatory shadow test is inappropriate when considering the hierarchy of streets within the precinct. It is considered that solar access should be prioritised for key pedestrian thoroughfares such as Boundary Road, Sutton Street and

Alfred Street, and that the application of a solar access test to this road would unnecessarily constrain the development potential of the Site without sufficient justification.



Figure 3 - Heritage Overlay Plan

Recommendation

Noting the above, the following measures are recommended with respect to New and Widened Streets and Laneways:

- New streets and laneways should be a discretionary – not mandatory – control.
- The provision of two north-south roadways through the Site is excessive, and provision should be made for one north-south roadway only.
- Solar access requirements for the east-west road provided at the Site should be removed.
- The requirement for roads to be vested into public ownership should be a discretionary – not mandatory – control.

**4.3 Mandatory Site Setback**

The proposed DDO75 includes a mandatory requirement to provide a minimum 20m site setback from the eastern boundary of CityLink for properties that interface with CityLink, and seeks a built form outcome that:

*'Delivers a contiguous setback suitable for deep soil planting, biodiversity corridor, accommodating overflow from Moonee Ponds creek, and design that considers the potential for a shared path along the CityLink interface.'*

Whilst our Client agrees that there is great potential to improve the conditions adjacent to the CityLink and Moonee Ponds Creek for a linear link, it is considered that the application of a mandatory setback provision for the delivery of this link is unjustified. There is no indication that the application of a discretionary setback provision in this location would be insufficient to achieve the desired outcome. This is particularly relevant when considering that the link has not been identified as an area of public open space- and rather serves the purpose of facilitating improved north-south pedestrian and cyclist connections.

Furthermore, it remains unclear if the land set aside for this setback can be offset as part of the Public Open Space Contribution requirements under Clause 53.01 for any future subdivision on the land given its lack of nomination as a future open space area. The ability to offset this land in the site setback would be

appropriate and fair for landowners given the impacts this has on overall feasibility and viability of affected land – for our Client this site setback equates to circa 1,500sqm of developable land.

Recommendation

- The 20m site setback be provided as a discretionary- rather than mandatory- provision.
- Land provided for the mandatory 20m site setback to be able to be offset from the public open space contribution requirement.

#### 4.4 Affordable Housing Provision

The Amendment proposes to update Clause 11.03 of the Planning Scheme to introduce Clause 11.03-6L which applies to the Macaulay precinct. This policy includes affordable housing guidelines, which require decision-makers to consider providing 6% of dwellings as affordable housing at nil consideration.

Whilst it is recognised that there is a substantial demand for social and affordable housing across Victoria, and our client is committed to contributing affordable housing as part of any future redevelopment, it is considered that this policy provision is an overreach which will have wide-reaching implications on project viability and in turn, delivery. The affordable housing requirement is far greater than that required in Arden and Fishermans Bend, which require 6% of affordable housing to be provided at the Site but at a 50% discount – not nil consideration – and in a variety of forms (including transfer to an appropriate affordable housing entity, holding in an affordable housing trust managed for the sole purpose of affordable housing, or any other model to the satisfaction of the responsible). Furthermore, this requirement is more onerous than the requirement of the State Government Development Facilitation Program, which require 10% of dwellings to be provided as affordable housing, or via alternative mechanisms for the provision of affordable housing specified in an agreement under section 173 of the Planning and Environment Act, including a reduction or waiving of affordable housing where appropriate.

The affordable housing obligations proposed are also not offered as a form of value uplift for redevelopment within Macaulay, and as such have the likely potential of stifling rather than facilitating redevelopment within the precinct due to the impact on project feasibility, in particular when considered in conjunction with the suite of planning controls proposed by the Amendment.

Recommendation:

- The affordable housing provision for Macaulay should align with the guidelines approved within Arden and Fishermans Bend, and allow for greater flexibility if the provisions render the project economically unviable.

#### 4.5 Car Parking

The Amendment requires car parking provided at the Site to be provided in a single or a consolidated title as common property, which is a mandatory provision contained within the proposed SUZ8. This places significant constraints on the development feasibility, particularly when considering the current context of the Site which has yet to be fully redeveloped which benefits from amenities and services, and residents wanting to purchase a dwelling with a car parking space. It is considered that the mandatory application of this control is unjustified and does not allow for flexibility in approach, particularly in the short term whilst the precinct is still being realised. Furthermore, the planning controls for Arden only require the provision of consolidated car parking when the maximum car parking rates are exceeded- this has not been allowed for by the proposed Amendment.

Recommendation

- The requirement for car parking spaces to be retained in a single or consolidated title as common property should be a discretionary- rather than a mandatory- requirement.

## 5 Conclusion and Summary of Recommendations

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Our client appreciates the opportunity to provide comment on draft Amendment C417 and respectfully requests that the following recommendations be considered:

### Mandatory Floor Area Ratio

- The inclusion of a FAR control (either mandatory or discretionary) should be rejected as an austere approach to more nuanced built form provisions.
- If, however, FAR controls are to be pursued, they should be discretionary as strategic justification has not been provided to demonstrate compliance with PPN59.
- Allowance should be made for FAU and preparation of a public benefit schedule – similar to how the City of Melbourne currently applies this through the Capital City Zone under Design and Development Overlay – Schedule 10. This would enable landowners to justify providing public realm upgrades or other public benefits in accordance with the Structure Plan in return for increased density within their property. This would be more consistent with the specific recommendations made by the Minister in approving Part 1 of Amendment C190.
- The FAR definition in DDO75 should be redrafted as follows:
  - Floor Area Ratio means the gross floor area above the ground floor finished floor level, provided this is not more than 1.2m above natural ground level, of all buildings on a site, divided by the area of the site. For the purposes of this calculation:
    - gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies
    - the area of the site includes all contiguous titles in the same ownership that form part of the proposed development before redevelopment and/or subdivision, including land required by Council for public realm.
- Reconsideration of the appropriateness of requiring 20% of net floor area to be set aside as non-residential land uses.

### New and Widened Streets and Laneways

- New streets and laneways should be a discretionary – not mandatory – control.
- The provision of two north-south roadways through the Site is excessive, and provision should be made for one north-south roadway only.
- Solar access requirements for the east-west road provided at the Site should be removed.
- The requirement for roads to be vested into public ownership should be a discretionary – not mandatory – control.

### Mandatory Site Setback

- The 20m site setback be provided as a discretionary- rather than mandatory- provision.
- Land provided for the mandatory 20m site setback to be able to be offset from the public open space contribution requirement.

### Affordable Housing Provision

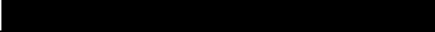
- The affordable housing provision for Macaulay should align with the guidelines approved within Arden and Fishermans Bend, allowing for greater flexibility if the provisions render the project economically unviable.

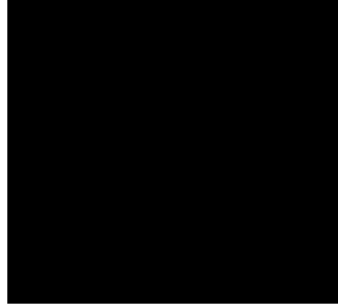
Car Parking

- The requirement for car parking spaces to be retained in a single or consolidated title as common property should be a discretionary- rather than a mandatory- requirement.

Our client appreciates the opportunity to make these submissions to Amendment C417melb and reserves their right to make further submissions to the Amendment in addition to those listed above at a Future Melbourne Committee meeting or before Planning Panels Victoria, as necessary.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact me or 



**From:** [Redacted]  
**To:** [Planning Policy](#)  
**Cc:** [Redacted]  
**Subject:** Further Submission to Draft Amendment C417melb  
**Date:** Friday, 10 October 2025 9:33 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.gif](#)  
[2025-10-10\\_Let-CoM\(C417\\_Submission\).pdf](#)  
[Concept\\_Intersection\\_and\\_Roadworks\\_Plan\\_\(Traffix\).pdf](#)

Good morning Tim and Strategic Planning Team

Tract continues to act for MREP in relation to the land at 59-101 Alfred Street and 103-117 Boundary Road, North Melbourne.

Our client wishes to provide further submissions on the exhibited material relating to Draft Amendment C417melb. Council is respectfully requested to consider these further submissions.

Please note that this submission should be read in conjunction with, and in addition to, our submission to the draft Amendment previously submitted on 20 December 2024.

In summary, this submission makes the following further requests:

- Replace the intersection and roadwork designs included within the draft DCP with the Concept Plans prepared by Traffix, and update the DCP budget accordingly.
- Amend the drafting of DDO75 so that the car parking design requirements are discretionary – not mandatory – in order to allow for sufficient flexibility for designers under appropriate circumstances.

To assist your review of this submission, we enclose:

- Letter of submission prepared by Tract.
- Concept Intersection and Roadworks Plan prepared by Traffix Group.

We appreciate your consideration and should you wish to discuss any of the above or require further information, please do not hesitate to contact me, [Redacted]

Kind regards.



[Redacted]  
[Redacted]  
[Redacted]

**Tract**  
Wurundjeri Country  
Level 6, 6 Riverside Quay  
SouthbankVIC3006Australia  
[03 9429 6133](tel:0394296133)



We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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**From:** [Redacted]  
**Sent:** Friday, 20 December 2024 4:12 PM  
**To:** [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)  
**Cc:** [Redacted]

**Subject:** Submission to Draft Amendment C417melb

Good afternoon Tim,

Tract acts for Metrics Real Estate Partners (MREP) in relation to the land at 59-101 Alfred Street, and 103-105, 107-109 and 117 Boundary Road, North Melbourne.

On behalf of our client, we are pleased to provide a submission to Amendment C417 to the Melbourne Planning Scheme.

We would be pleased to discuss the content of this submission with you, as required, and look forward to your consideration of the key matters raised.

Kind regards,



[Redacted signature area]

**Tract**  
Wurundjeri Country  
Level 6, 6 Riverside Quay  
Southbank VIC 3006 Australia  
[03 9429 6133](tel:0394296133)



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We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.



**Our offices will be closed from 21 Dec 2024 and reopen on 6 Jan 2025.**

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**Tim Westcott**  
Manager Planning Policy  
City of Melbourne  
GPO Box 1603  
MELBOURNE VIC 3001  
via email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

21 October 2025

Dear Tim

**Further Submission to Draft Amendment C417melb – Macaulay Urban Renewal Precinct**

Tract acts for Metrics Real Estate Partners (MREP) ('Client') in relation to the land at 59-101 Alfred Street, and 103-117 Boundary Road, North Melbourne (the 'Site').

Our client wishes to provide further submissions on the exhibited material relating to Draft Amendment C417melb (the 'Amendment'). Council is respectfully requested to consider these further submissions.

**Please note that this submission should be read in conjunction with, and in addition to, our submission to the draft Amendment previously submitted on 20 December 2024.**

Since the time of our Client's initial submission on 20 December 2024, our Client has acquired the Site and has engaged in extensive consultation and workshops with the Department of Transport and Planning's (DTP) Development Facilitations Team, Melbourne City Council, and Melbourne Water.

A preliminary planning permit application (PPA-888) was submitted to DTP under the Clause 53.23 (Significant Residential Development with Affordable Housing) approvals pathway on 12 September 2025. The application seeks approval for a mixed-use development comprising over 900 dwellings, of which 16% are proposed to be delivered as affordable housing, across three buildings, with a supermarket and other retail tenancies, office, gym and other non-residential uses on ground floor.

As the Amendment continues to have the potential to materially affect the Site and the overall success of the Macaulay Urban Renewal Area, we kindly appreciate your consideration of our Client's further submissions in the ongoing Amendment process.

## 1 Summary of Original Submissions

---

There are several matters and recommendations that our Client has previously raised in response to the exhibited Amendment. These matters remain relevant to the overall submissions and relate to:

1. Mandatory Floor Area Ratio
2. New and Widened Streets and Laneways
3. Mandatory Site Setback
4. Affordable Housing Provision
5. Car Parking

Please refer to the original submission dated 20 December 2024 for further details.

Tract Consultants Pty Ltd  
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ABN: 75 423 048 489

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## 2 Further Submissions

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Further to the original submissions above, a number of other matters have become apparent as items to be amended and/or redrafted within the exhibited material. These matters have arisen through further detailed design and investigations as relevant to the mixed-use development proposed on the Site, and relate to:

- 6. Development Contributions Plan – Intersection and Roadworks
- 7. Car Parking Design Requirements

These matters are discussed in turn, with requested changes provided for each.

### 2.1 Development Contributions Plan – Intersection and Roadworks

The Macaulay Urban Renewal Precinct Development Contributions Plan (DCP) prepared by Urban Enterprise (July 2024) is proposed to be incorporated into Schedule 2 of the Development Contributions Plan Overlay (DCPO2) which affects the Site and Macaulay more broadly.

In particular, the DCP identifies the following projects adjacent to the Site:

- **Road Project:** RD\_03 – Alfred Street – west of Boundary Road: Construction of re-designed carriageway and street reserve in accordance with McGregor Coxall plans.
- **Intersection Project:** IN\_02 – Boundary Road / Alfred Street intersection: Construction of redesigned intersection to accommodate new street designs in accordance with GHD plans.
- **Public Realm Upgrade:** PR\_01- Alfred Street: Street closure and upgrade to public realm including footpaths, bike paths, landscape works, street furniture, tree planting and drainage.

Extensive detailed design associated with the current planning permit application for the Site by Traffix Group has identified concerns with the above projects as currently planned and designed in the DCP. This includes, but is not limited to, the current design of the road projects substantially and unnecessarily reducing the capacity and function of the roads surrounding the Site.

For Council's convenience, alternative concept plans have been prepared by Traffix showing requested changes whilst maintaining the required network capacity and function intent to manage the forecasted traffic to be generated by the precinct.

Should it assist, indicative probable costings (OPC) can be provided to Council on a Without Prejudice basis if requested for discussion purposes.

#### Request

- Replace the intersection and roadwork designs included within the draft DCP with the Concept Plans prepared by Traffix, and update the DCP budget accordingly.

### 2.2 Car Parking Design Requirements

The proposed Design and Development Overlay, Schedule 75 – Boundary Precinct (DDO75) includes a mandatory design requirement for above ground car parking as follows:

- *Must be located on the first floor or above unless it is a Consolidated Car Park.*
- *Must be sleeved to streets unless it is a Consolidated Car Park and its visual impact on the public realm has been minimised.*

It is submitted that these design requirements should be discretionary – not mandatory – in order to allow for sufficient flexibility for designers under appropriate circumstances. This is discussed in further detail below.

*Parking located on the first floor or above*

The proposed development on the Site includes customer car parking for the supermarket on the lower ground floor of Precinct 1, the building on the eastern side of the Site. Having regard to the slope of the Site, it is noted that the car parking will not be appreciable from the Boundary Road ground floor interface, and is conveniently accessed via the diagonal road on the western elevation of Precinct 1, which also provides vehicular and loading access to the rest of the Site.

The location of the supermarket parking has been strategically determined based on operational requirements that car parking be situated with direct lift access into the supermarket tenancy itself (requiring the car parking to be located directly below the supermarket – noting that car parking on levels 1 and above is proposed to be residential sleeved car parking). As such, it is not feasible to locate the supermarket car parking on the first floor or above to meet this design requirement.

It is expected that other development within Macaulay may also be restricted by this design requirement, which in its current form does not allow for sufficient flexibility to deliver car parking that can suitably respond to different commercial or retail tenant requirements in the long term.

*Parking to be sleeved to streets*

Spatial and site limitations may in some instances determine that sleeving all parking areas is impractical.

As demonstrated in the preliminary planning permit application, design interventions can be introduced to still meet the desired outcome of minimising the impact of car parking on the public realm.

*Consolidated car parking*

Please refer to our Client's original submission which made recommendations relating to making consolidated car parking a discretionary – not mandatory – requirement.

Request

- Amend the drafting of DDO75 so that the car parking design requirements are discretionary – not mandatory – in order to allow for sufficient flexibility for designers under appropriate circumstances.

### 3 Summary

---

In summary, this submission makes the following further requests.

- Replace the intersection and roadwork designs included within the draft DCP with the Concept Plans prepared by Traffix, and update the DCP budget accordingly.
- Amend the drafting of DDO75 so that the car parking design requirements are discretionary – not mandatory – in order to allow for sufficient flexibility for designers under appropriate circumstances.

Our client appreciates the opportunity to make these further submissions to Amendment C417melb and reserves their right to make further submissions to the Amendment in addition to those listed above at a Future Melbourne Committee meeting or before Planning Panels Victoria, as necessary.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward.

To assist your review of this submission, we enclose:

- Concept Intersection and Roadworks Plan prepared by Traffix Group.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact me or [REDACTED]

[REDACTED]

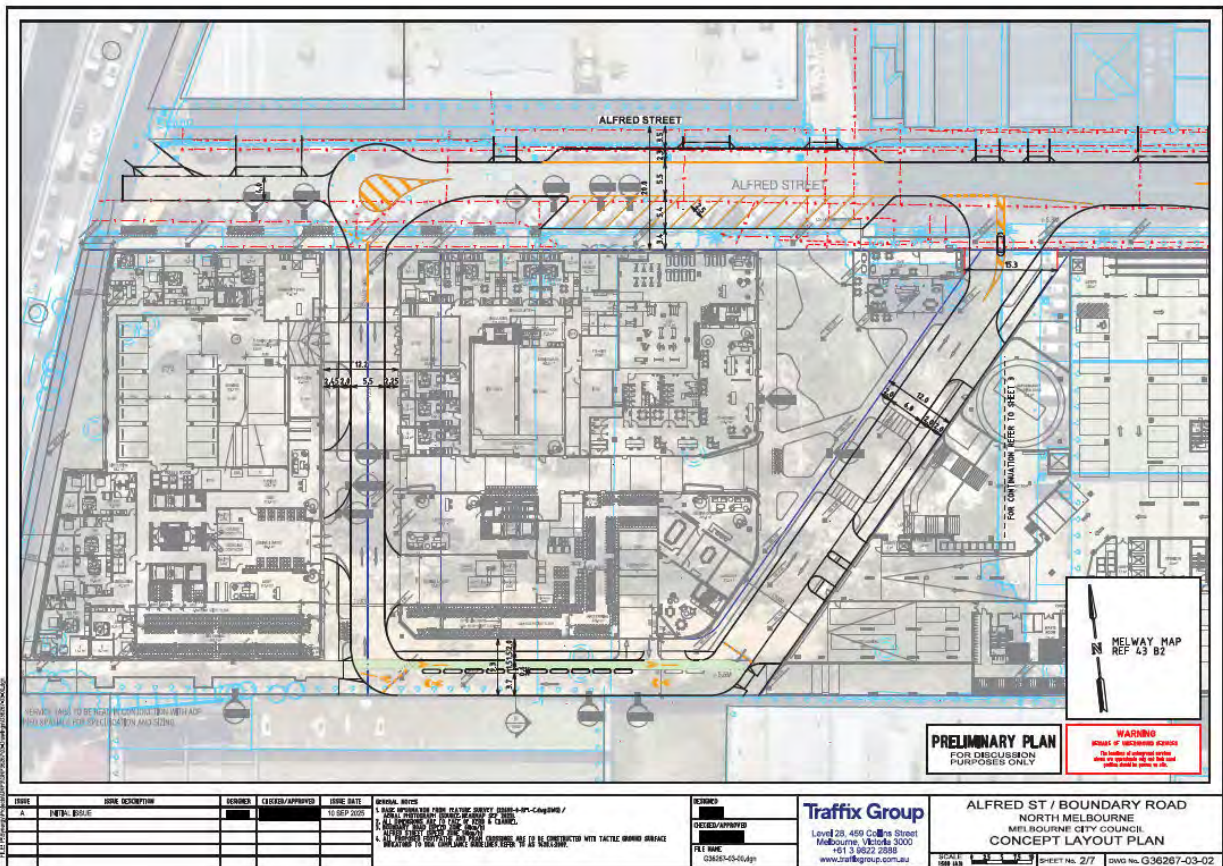
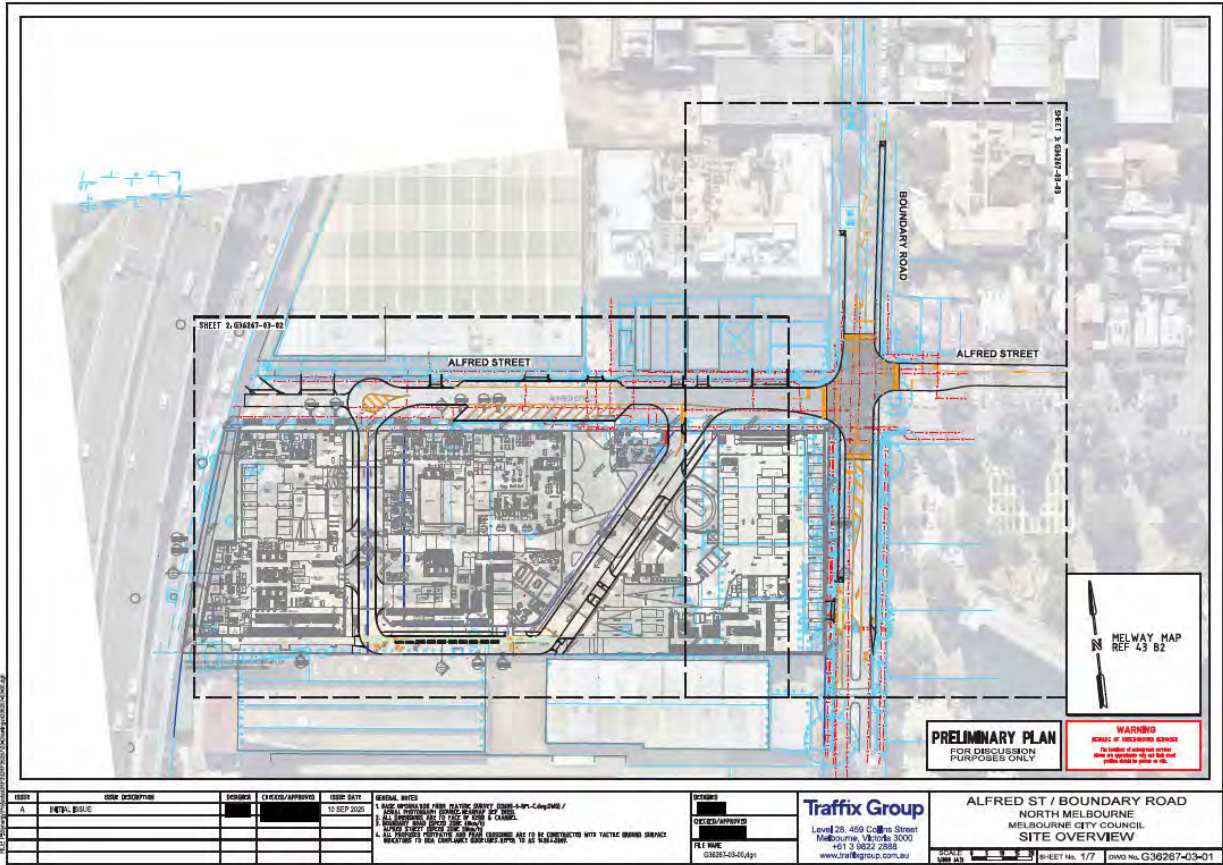


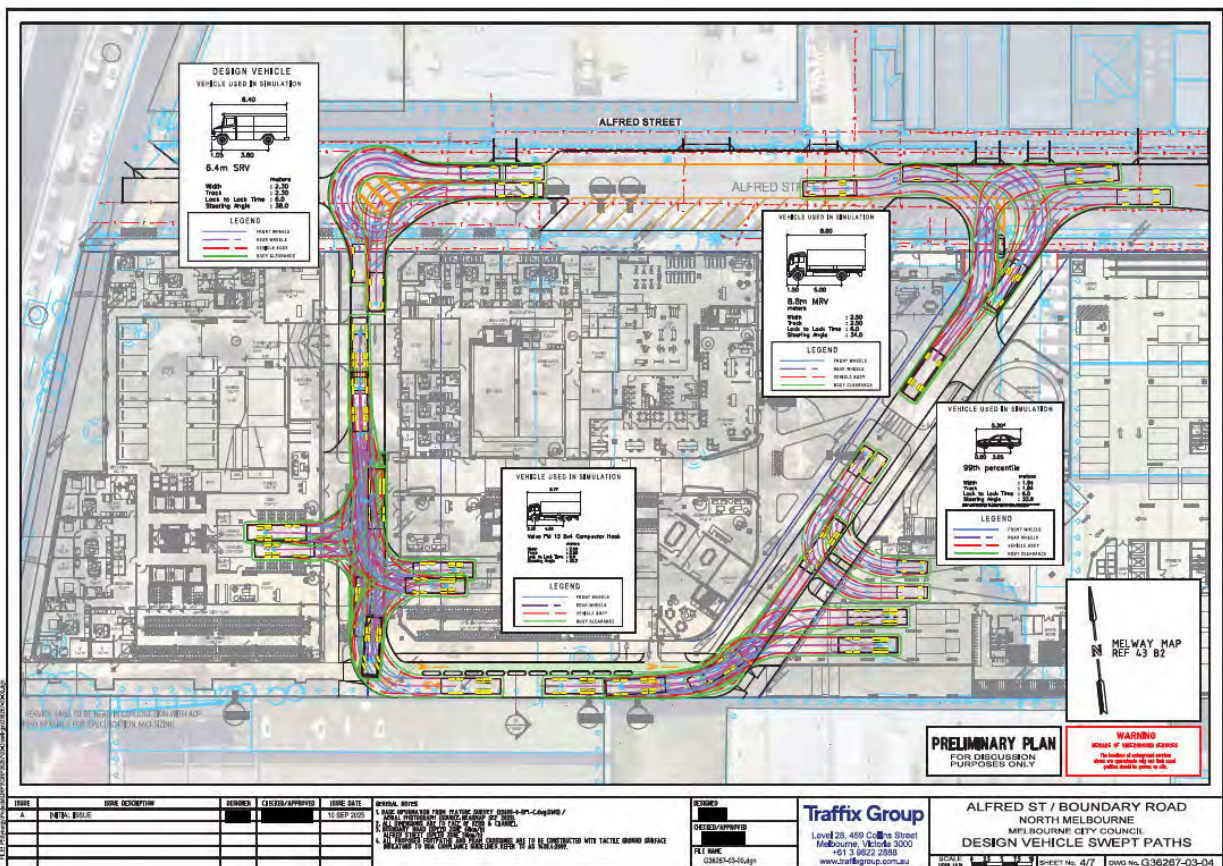
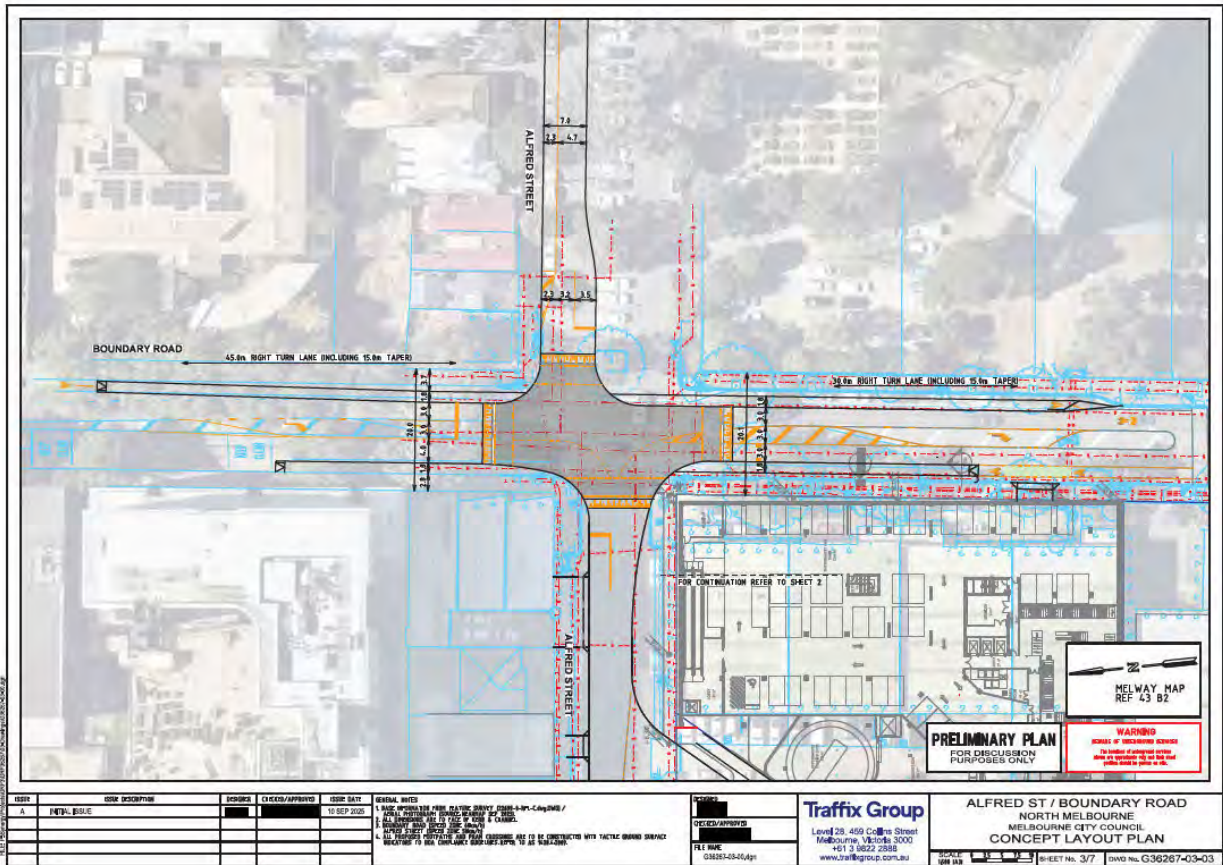
# Appendix A

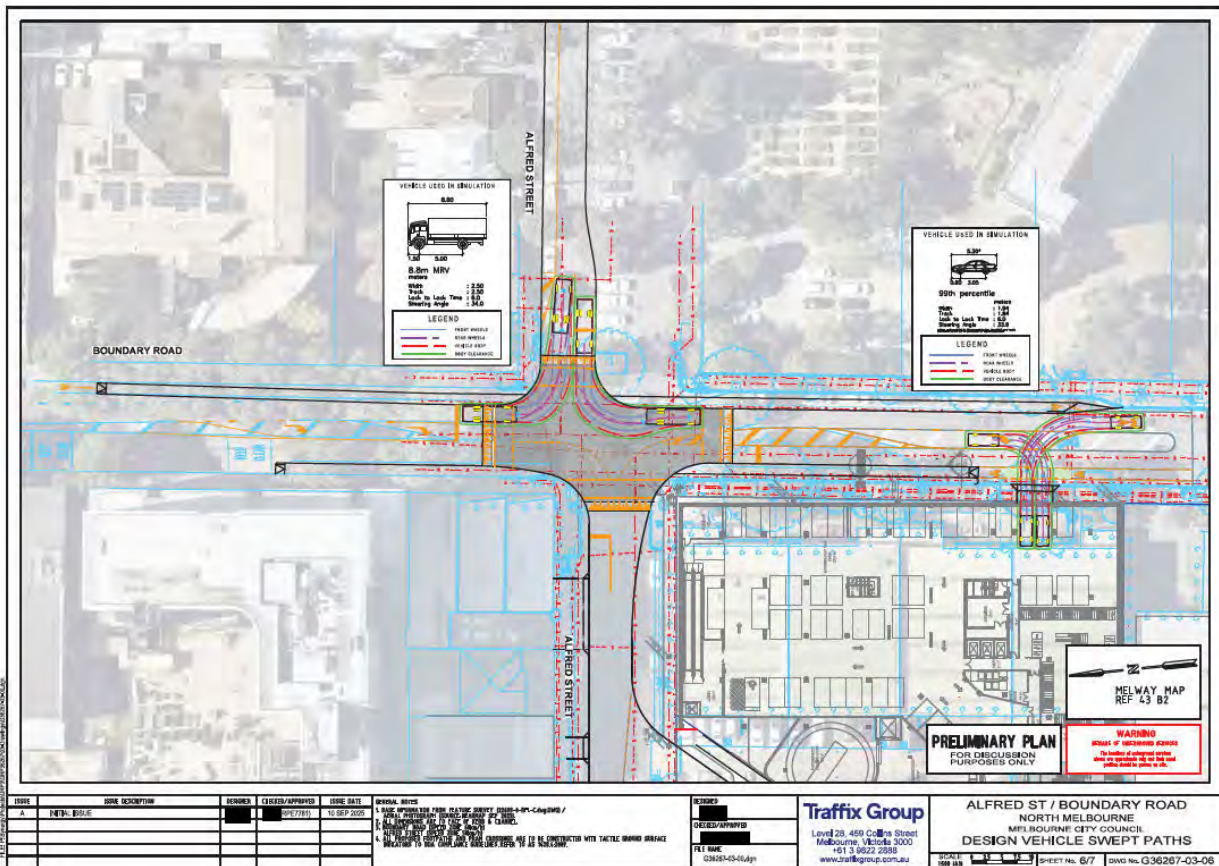
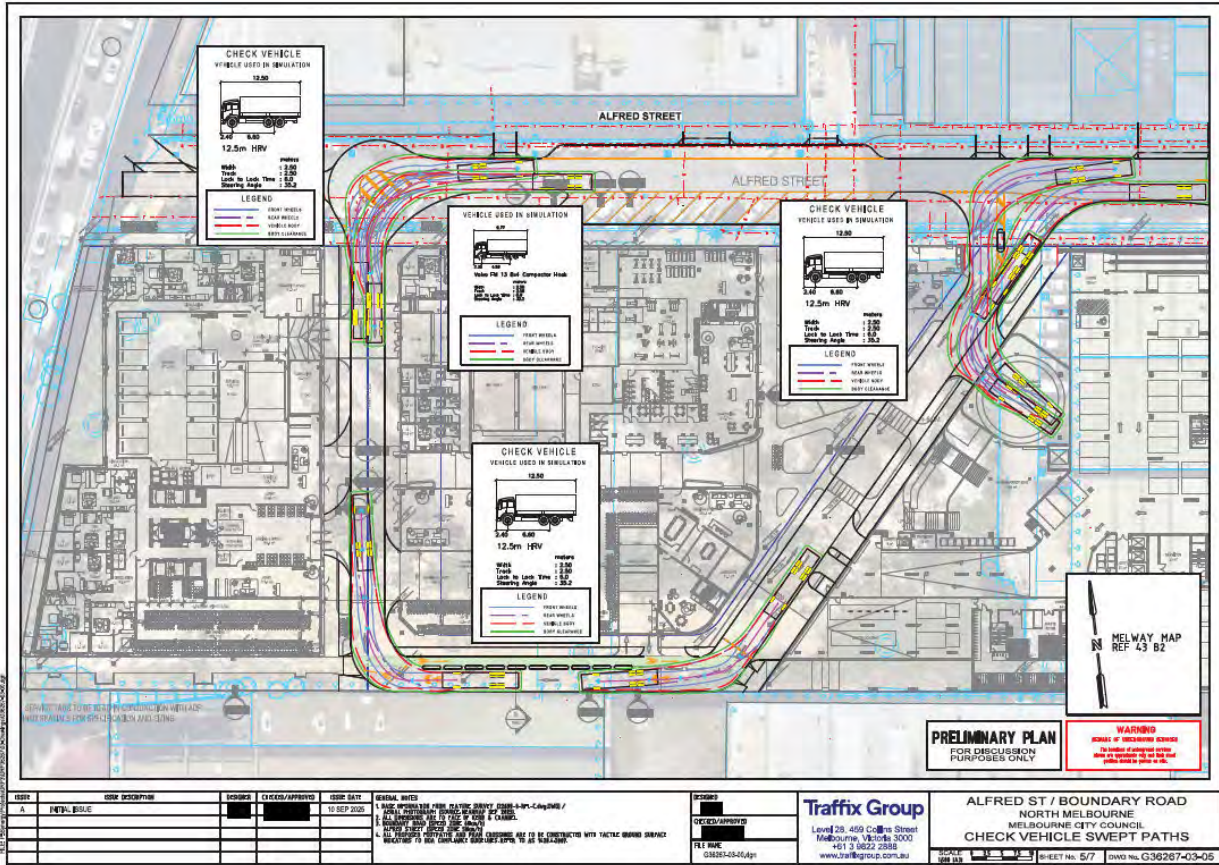
## Concept Plan

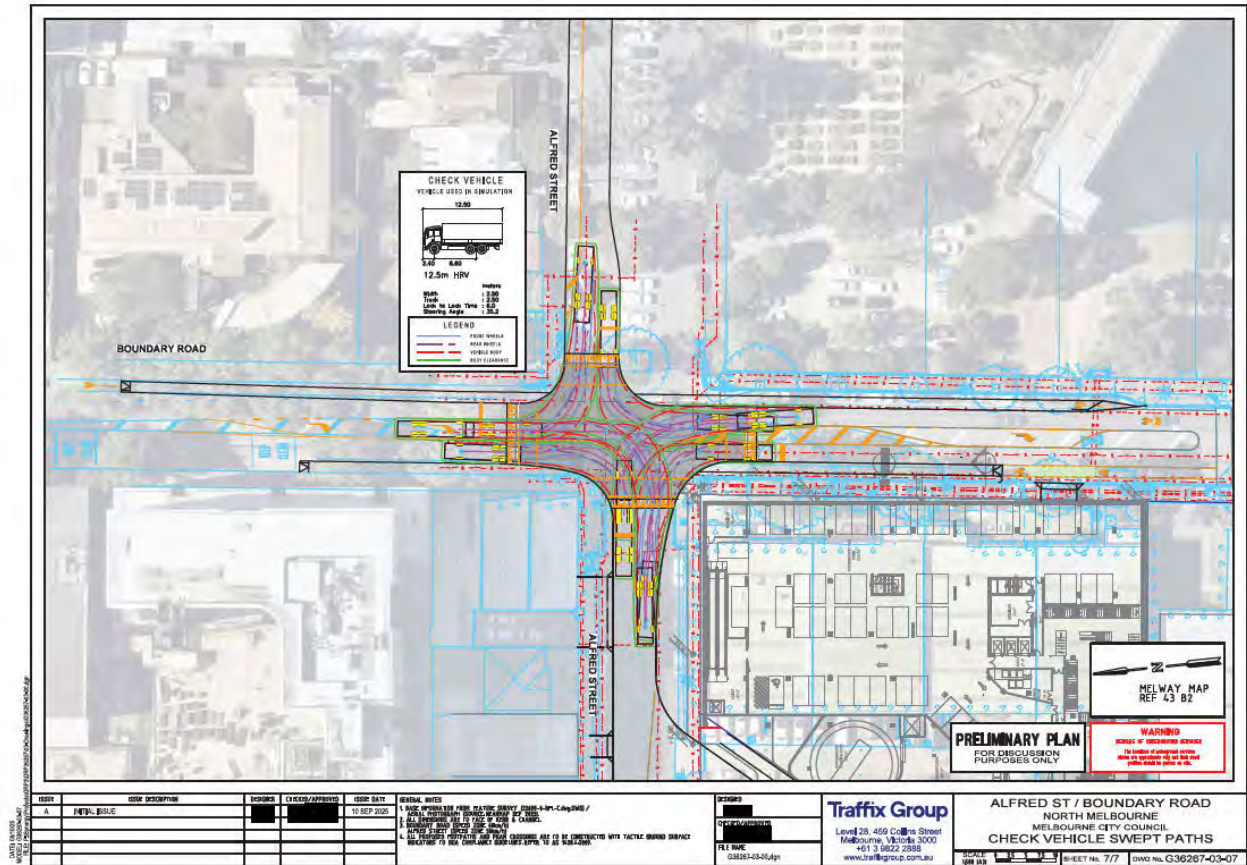
**Traffix Group**

G36267R-01D









**Submission:** 61

**From:** [REDACTED] (Planning & Property Partners) on behalf of BEG Developments Pty Ltd

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Amendment C417 submission - BEG Developments Pty Ltd  
**Date:** Monday, 24 February 2025 9:46 AM  
**Attachments:** [image001.jpg](#)  
[BEG Boundary Road - Amendment C417 Submission - 20250224.pdf](#)

---

Dear Manager Planning Policy,

Please refer to the attached submission on behalf of BEG Developments Pty Ltd in relation to Amendment C417 to the Melbourne Planning Scheme.

We request that this submission be accepted as a late submission to the Amendment, noting that whilst this is made on behalf of a new client and property affected by the amendment, it raises the same issues as contained within earlier submissions that have been lodged by this office on behalf of other clients. Should there be any questions in relation to this submission, please do not hesitate to contact the undersigned.

Yours faithfully,

[REDACTED]  
[REDACTED]  


**Planning & Property Partners Pty Ltd**

13/1 Collins Street,  
Melbourne VIC 3000

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24 February 2025

Manager Planning Policy  
City of Melbourne

**By email:** [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Dear Manager Planning Policy,

**MELBOURNE PLANNING SCHEME  
AMENDMENT C417melb  
139-149 BOUNDARY ROAD, NORTH MELBOURNE**

We act on behalf of BEG Developments Pty Ltd, in relation to the land at 139-149 Boundary Road, North Melbourne ('Site') affected by Melbourne Planning Scheme Amendment C417melb ('Amendment C417').

Amendment C417 proposes to implement the *Macaulay Structure Plan 2021* ('Structure Plan') and *Macaulay Development Contributions Plan* to the Macaulay Urban Renewal Precinct ('Precinct') as identified in *Plan Melbourne 2017-2050* and the Melbourne Planning Scheme ('Planning Scheme').

The Site currently maintains planning approval through Planning Permit PA1900753 ('Planning Permit'), with the building currently under construction and shortly to be completed. We request this letter be registered as a formal submission for the purposes of Amendment C417 process.

The basis for our client's objection relates to the proposed planning controls within the exhibited Amendment C417 material, namely the Special Use Zone – Schedule 8 ('SUZ8') and Design and Development Overlay – Schedule 76 ('DDO76').

Since the Structure Plan was originally drafted in 2020 and updated in 2022, the Precinct has evolved significantly in responding to the current planning controls and policy provisions in place. The Structure Plan and now associated exhibited material has had no regard to existing approvals, the evolved and emerging built form such as that on the Site. Simply, the Structure Plan is now considered aspirational and outdated, with further strategic work now required to reflect existing and evolving conditions across the whole of the Precinct.

For instance and relevant to the Site, the Planning Permit allows for a twelve storey building in responding to the current mandatory requirements of interim Design and Development Overlay – Schedule 63 ('DDO63'), with the built form appropriately stepping down with the Site's natural fall. Amendment C417 and the exhibited DDO76 control now seeks to reduce preferred maximum building heights, and further restrict the Site by now imposing mandatory built form controls including a 4:1 Floor Area Ratio ('FAR') control. Such proposed controls are conflicting with the development currently under construction in accordance with the Planning Permit, and fails to consider the impact this would have on such existing/constructed buildings and existing Planning Permits.

In relation to the mandating of the control, Planning Practice Note 59 - *Mandatory Provisions in Planning Scheme* ('Practice Note') states that performance based provisions facilitate variation and innovation, and which can accommodate unforeseen circumstances peculiar to a particular application. The need for such variation and innovation to the Precinct is required, with the Planning Permit a clear example of how exceeding this 4:1 FAR delivers a development that has considered the broader master planning of the area through its pedestrian connections, community benefits and design excellence, obtaining glowing endorsements and unanimous support from the Future Melbourne Planning Committee at the 1 December 2020 meeting.

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The Practice Note acknowledges that there are circumstances where mandatory controls are warranted, stating in areas such as high heritage value; with consistent character; sensitive environmental locations; and building heights in some activity centres. We note the Site, and immediate area is not subject to any heritage controls, and the broader characteristic of the Precinct is not one where the Practice Note identifies mandatory controls should be targeted toward. Rather, the Precinct is identified as an area for urban renewal, which is to play a significant future role particularly in contributing toward housing supply, which mandatory controls will only hinder.

Moreover, Amendment C417 has aspirational affordable housing requirements and other ambitious requirements for uses other than accommodation. While such requirements are important for housing and future job creation to the Precinct, the mandating of built form controls has the potential to restrict the opportunity for such uses and voluntary affordable housing proposals from being provided in future land use and development applications. The alternative being a performance based provision and the opportunity to uplift preferred built form requirements, where for instance a contribution in affordable housing or other community benefits are provided in future applications, should be how the proposed controls are drafted, likely encouraging these to be provided.

Indeed, Appendix B of the Structure Plan contains the Minister for Planning's suggestions at the time of approving the earlier interim Amendment C190 Part 1 to the Planning Scheme, identifying such uplifts to FAR as a way of improving the built form provisions. Such FAR uplift improvements do not form part of the exhibited Amendment C417 material.

Lastly, the proposed future, mandatory requirement for car parking to also be retained in common property in the exhibited SUZ8 control (discretionary requirement within the exhibited Parking Overlay – Schedule 16), will have a flow on impact to the consumer in raising housing prices and project feasibilities, already impacted by significant development contributions as applied to the Planning Permit and proposed in the exhibited DCPO2 control. Again, it is submitted that such a car parking solution/strategy should again be a preferred requirement and which if proposed/provided in an application again can contribute towards varying preferred built form controls.

The current exhibited Amendment C417 material has failed to recognise the evolving and developed nature of the Precinct and the time lapse that has occurred since the Structure Plan was drafted and updated. Amendment C417 is now considered aspirational and outdated and not reflective of current circumstances, including the constructed status of our client's site and existing Planning Permit. Accordingly further strategic work is required in dealing with these circumstances.

Should you have any queries in relation to this submission, please do not hesitate to contact the undersigned on [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]  
**Planning & Property Partners Pty Ltd**

**Submission:** [62](#)

**From:** [REDACTED] ([GrayKinnane](#)) on behalf of [REDACTED]

**From:** [REDACTED]  
**To:** [Planning Policy](#)  
**Cc:** [REDACTED]  
**Subject:** Amendment C417  
**Date:** Monday, 11 August 2025 5:00 PM  
**Attachments:** [image001.jpg](#)  
[Melbourne Amendment C417 Submission.pdf](#)

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Dear Planning Department

Further to our recent discussions please find attached late submission to be considered in relation to the above amendment on behalf of [REDACTED], the owner of [REDACTED]

Kind Regards





12 August 2025

Planning Policy Unit  
Melbourne City Council  
Melbourne

Via email

Dear Sir/Madam

**MELBOURNE PLANNING SCHEME AMENDMENT C417**

We act for [REDACTED] the owner of [REDACTED].

We have been instructed by our client to lodge a submission in relation to Melbourne Planning Scheme Amendment C417 ("the Amendment").

We note that this is a late submission however in discussion with Council officers it was indicated that this would be accepted and therefore we therefore formally seek this submission to be considered pursuant to the provisions of Section 22(2) of the *Planning and Environment Act 1987*.

We note the following changes apply to our client's property:

- *New Macaulay local policy Clause 11.03-6L*
- *Updated Schedule 2 to the Development Contributions Plan Overlay (DCPO2)*
- *New Schedule 8 to the Special Use Zone (SUZ8)*
- *New Schedule 16 to the Parking Overlay (PO16)*
- *New Schedule 78 to the Design and Development Overlay (DDO78)*

The submission objects to aspects of the Amendment, including but not limited to the following.

1. The Plan 1 to Schedule 8 to Clause 37.01 shows Haydon Lane to be widened to 6 metres which is objected to on the basis that it would significantly impact on the developable area of the site which is already small at 423 square metres and is unreasonable on that basis. Adequate access exists along the existing lane widths to service the rear of the sites and 6 metres would be excessive and inefficient in terms of the developable land in the precinct.

There is no prospect of this 6 metre wide laneway being utilised for some kind of high-quality permeable network for pedestrians and cyclists. In this location as Haydon Lane forms a loop coming off Thompson Street And does not lead anywhere. The rear of these properties will not provide active frontage or a pedestrian environment as the depths of these lots would not provide for development that would front both streets. The laneway would be primarily used for rear vehicle access and a 6 metre wide laneway reserve is excessive and inefficient.

2. The Parking Overlay (PO16) provides for inadequate car parking noting that the sale of dwellings is often based on whether a car parking space can be provided. The "maximum" number of car parking for two and three bedrooms dwellings is unrealistic and will impact on the ability of developments to be considered feasible, having regard for the need to provide car parking associated with particularly 2 and 3 bedroom dwellings.



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3. Discretionary height controls are welcome but the use of density controls introduced through mandatory maximum Floor Area Requirements (FAR) used in place of mandatory height limits as it will in effect provide for a cap on development opportunities, notwithstanding that the site may be suitable for providing a development that is greater than the FAR. These should be discretionary to allow flexibility.
4. The amendment has not adequately considered the impact of the flooding of the area inclusive of the need to lift buildings in some cases 1.5 to 2 metres above natural ground level. This should be further considered as part of the amendment, particularly having regard for preferred height limits, consideration of overshadowing impacts on the public domain and so on.
5. The DCPO2 seeks to impose a contribution in relation to open space which is also dealt with under Clause 53.01 of the Melbourne Planning Scheme. As such it appears that the requirement to provide a levy per dwelling for open space would like to double dip in relation to open space contribution.

We also note that substantial areas within the Stubbs Street Precinct have already been developed so, in that regard, the amendment is too late in relation to this precinct. This is particularly true having regard for the fact that a number of large build to rent developments have occurred where laneways remain their current width and therefore to attempt to impose additional widths of laneways on other development sites as well as impose FAR, DCP requirements and so on would appear to be inequitable.

We thank you for your consideration of this submission.

Please contact the undersigned on [REDACTED] should Council have any queries regarding the correspondence.

Yours faithfully

[REDACTED]

[REDACTED]

**Submission:** [63](#)

**From:** [REDACTED]

**From:** [participate](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Macaulay Structure Plan C417 submission  
**Date:** Wednesday, 11 September 2024 12:53 PM  
**Attachments:** [Macaulay Structure Plan C417.pdf](#)

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[REDACTED]

We received this late submission to PM inbox.

Thanks

[REDACTED]

City of Melbourne | Council House 1, Level 3, 200 Little Collins Street Melbourne 3000 | GPO Box 1603  
Melbourne 3001

E: [REDACTED]  
[www.participate.melbourne.vic.gov.au](http://www.participate.melbourne.vic.gov.au) | [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)  
Pronouns: [REDACTED] | Our values | Think before you print

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi Wurrung and Bunurong Boon Wurrung peoples of the Eastern Kulin and pays respect to their Elders past, present and emerging.

We acknowledge and honour the unbroken spiritual, cultural and political connection the Wurundjeri, Bunurong, Dja Dja Wurrung, Taungurung and Wadawurrung peoples of the Eastern Kulin have to this unique place for more than 2000 generations.

We are committed to our reconciliation journey, because at its heart, reconciliation is about strengthening relationships between Aboriginal and non-Aboriginal peoples, for the benefit of all Victorians.

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, September 10, 2024 3:19 PM  
**To:** participate <[participate@melbourne.vic.gov.au](mailto:participate@melbourne.vic.gov.au)>  
**Subject:** Macaulay Structure Plan C417 submission

My (late) submission.

If it can be included, thanks, if not, ok. I mucked up when I saw submissions extended to Tue, but didn't see that was 9am. My mistake.

I'll probably seek to present at the Panel Hearing.

Regards

[REDACTED]

Macaulay Structure Plan C417  
Submission

[REDACTED]

My comments and views remain similar to as in the past. In a nutshell, still excessive development, cliched as some may regard that to be. What began, in its first iteration over a decade ago, as a primarily 6 storey concept, has now become 9-12 storeys, a 1.5X-2X increase, a near doubling. I remember well an FMC meeting where a motion to reduce heights in Macaulay Rd was passed only for a (counter) motion to increase them west of Boundary Rd to then be passed. Subsequently the reduction in heights in Macaulay Rd was also overturned, i.e. height increased.

That said, this version is better than the previous. I appreciate the work put into it. And the specific change aspects including e.g. FARs, affordable housing, contributions, non residential uses, increased setback from the Upfield / Craigieburn railway. But as an example, I remember the sloped street wall setback built form controls, and how they were expounded as delivering good built form outcomes, including moving massing away from the street. All the work, including community consultation, that went into that. Only to see them years later criticised in a report, the “wedding cake” typology, on 77 Sutton St, a 12 storey tower atop podium development with only a 9m(?) setback, of the tower portion. Ok, things change, and FARs look better, and have been reintroduced, starting with the CBD a few years ago.

1/ Open Space: Moonee Ponds Creek

The lack of progress on the MPC open space has been disappointing. Though the recent elevated efforts by CoM to prod progress and encourage the multitude of agencies, are to be commended, recognising that CoM does not own or control any of the land. However, this open space should have been secured before pressing on. And now over a decade later, it almost has a wing and a prayer feeling to it.

In one minor iteration of Macaulay it was proposed to attempt to obtain by compulsory acquisition the land between Stubbs St and the MPC levee wall, north of Macaulay Rd all the way up to the Melbourne Pavillion. Whilst some of this is Vict rack land, my understanding from back then is some is not. The compulsory acquisition proposal was not supported by the then FMC. However, for the now increased number of people going into Macaulay Kensington somehow acquiring this land abutting the MPC should be reconsidered as part of the open space plan, in order to make MPC a truly welcoming, permeable waterway linear park, similar to creek parks and reserves in many other suburbs.

2/ Number of Apartments and People.

This Macaulay refresh still indicates 10,000 people. An issue repeatedly raised through Arden and Macaulay consultation processes is relating population and density to built form, and how numbers have been arrived at. Sure, just estimates. But an update based on the new proposed built form controls, including FARs, of the total number of apartments and number of people which could occur should be performed.

To sharpen the point. The 10,000 now seems low. By a quick, rough and ready, count of the number apartments east of the Moonee Ponds Creek, up to Boundary Rd, there are now around, or over, 2000 apartments approved (68-102, 103 Alfred St & 87-105 Racecourse Rd; 103-105 Boundary Road; 59-101 Alfred Street; 77 Sutton St; 69-75 Racecourse Rd; 139-149 Boundary Rd; 287-313 Macaulay Rd; 218-246 Macaulay Rd & 23-25 Boundary Rd). Similar number or more in Kensington. Say 4000 apartments. At 1.9 people per apartment, from memory an average I believe used elsewhere, This is already approaching 7000 people. in what might be at a rough guess  $\frac{1}{3}$  the total Macaulay developable area. Again, I emphasise this is rough and ready. But the point is that the Macaulay refresh documents should include this type of analysis. Maybe it does and I've missed it, happy to be corrected.

Related. The State Government just last year reluctantly admitted, after an investigative article in The Age, that Arden was now to be 20,000 not 15,000. And that was before cancellation of the hospitals at Arden.

Is Macaulay now a 15,000 people area?

### 3/ Area and Density

Macaulay in the documents is said to be around 90 Ha, as in previous version(s). I've used the maps.melbourne.vic.gov.au attempting to check, a couple of times. I only get around 70 Ha. Might be me. Of course, if the area is 70 Ha rather than 90 Ha the density is further increased over and above the increase due to higher heights.

15000 people in 0.7 Ha is about 20000 / Ha. Which is above Docklands.

### 4/ Ministry of Housing Redevelopment

It has been proposed by the State Government that the North Melbourne Housing Estate be redeveloped and to triple the number of dwellings. This should also be included in background and planning. This would further increase the density of Macaulay + Arden.

### 5/ Laneways

It will be good to see through laneways reinstated. Old maps from 100+ years ago show various lanes and through streets, which were removed by consolidation of sites. MMBW maps, but also others - I'll see if I can find them. Maybe some names could be reused. I used to walk along the access lane east of and next to the railway line. Victrack land, it would be great if that could

become open space - extending from Racecourse Rd to Macaulay Rd.

