

# VICTORIA GARDENS EXPANSION

## SECTION 96A PLANNING REPORT

Prepared for:

**VICINITY MANAGER PTY LIMITED IN ITS  
CAPACITY AS TRUSTEE OF THE VICTORIA  
GARDENS RETAIL TRUST**

October 2022



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# INTRODUCTION

This report has been prepared by Urbis on behalf of Vicinity Management Pty Ltd Limited in its capacity as trustee of the Victoria Gardens Retail Trust, as part of the Section 96A Planning Application for a combined planning scheme amendment, and a permit application.

The planning scheme amendment (Victoria Gardens Expansion shown in blue in Figure 1) relates to the overall site with specific changes associated with the Doonside Precinct and the River Boulevard Precinct. The permit application relates only to the Doonside Precinct at No. 1-9 Doonside Street, Richmond.

Figure 1 – Victoria Gardens Comprehensive Development Areas Map



The Doonside Precinct is located immediately to the south of the existing Victoria Gardens Shopping Centre in the City of Yarra, and is bound by Burnley Street to the west, David Street to the east and Doonside Street to the south. The 1.81Ha site, comprising seven land parcels, is strategically located adjacent to the Shopping Centre, presenting a significant opportunity to rejuvenate, not only the subject site to create a truly mixed-use precinct and connected community, but contributing to the evolution of the surrounding urban environment.

The River Boulevard Precinct is located to the north-east of the Doonside Precinct and to the east of the existing Victoria Gardens Shopping Centre. It is bound by Victoria Street to its north, the Yarra River to its east, with David Street intersecting it at its southern end. It is essentially separated into four parcels, being centrally divided by River Boulevard, with Vickers Drive creating an east-west connection. The incorporation of this precinct within the planning scheme amendment will enhance the permeability of the area and provide connections through generous public realm contributions.

## **Planning Scheme Amendment (PSA) – Victoria Gardens Expansion (Doonside & River Boulevard Precincts Only)**

Under existing conditions, the Victoria Gardens Expansion area is affected by two zones (Mixed Use Zone) and the Comprehensive Development Zone, Schedule 1 (CDZ1). Within the CDZ1 there are several restrictions including mandatory height controls and a sensitive use buffer which prohibits residential use on a portion of the overall site.

As part of the PSA, the proposal generally seeks to (further detail provided in the body of the report):

- Rezone the existing Mixed-Use Zone (MUZ) land located within the Victoria Gardens Expansion area to the Comprehensive Development Zone, Schedule 1 (CDZ1).
- Replace Schedule 1 to the CDZ with a new Schedule 1. The new CDZ Schedule will provide a new Comprehensive Development Plan (CDP) for the Victoria Gardens Expansion area and will amend the height controls for the Doonside and River Boulevard Precincts, delete the car parking controls, and delete the Sensitive Use Buffer. The new CDP will include additional pedestrian connectivity throughout the site, and publicly accessible spaces.
- As a consequential result of the re-zoning, Schedule 9 to the Design and Development Overlay will need to be deleted from the previous MUZ land.
- As a consequential result of deleting the car parking controls, these have been inserted in a new parking overlay (Parking Overlay – Schedule 2) which will be introduced.
- Apply the Environmental Audit Overlay over the entire of the enlarged CDZ area.
- Amend the Schedule to Clause 53.01 of the Yarra Planning Scheme to apply an exemption to the public open space contribution requirements on land within the enlarged CDZ area.

As indicated above, new and amended mandatory height controls are proposed under the proposed Schedule 1 to the CDZ for the Doonside Precinct and specifically Lot 9 within the River Boulevard Precinct. However, we note that submissions are made within this report as to why the applied height controls should be discretionary rather than mandatory.

There is no change proposed to height controls to the existing Victoria Gardens Shopping Centre, including 40 River Boulevard, and the Barkers Road Bridge Precinct. Within River Boulevard Precinct, there is no height control change to Lot 10 or No. 25-35 River Boulevard. The height controls which apply to these precincts will remain consistent with those specified under the current CDZ1.

The subject site is currently affected by the Design and Development Overlay, Schedule 2 (DDO2), Design and Development Overlay, Schedule 9 (DDO9), the Environmental Audit Overlay (EAO), the Heritage Overlay Schedule 374 (HO374) and the Development Contributions Plan Overlay, Schedule 1 (DCPO1). It is sought to extend the EAO to affect the entirety of the subject site and delete the DDO9. There are no changes proposed to the DDO2, HO374 or DCPO1. It is also proposed to apply a Parking Overlay over the Victoria Gardens Expansion area and introduce a new Schedule that addresses parking controls specific to the CDZ area.

### **Permit Application – Doonside Precinct Only**

The permit application proposal is for the partial demolition of the existing heritage building, for the development of six key buildings, across one, predominately two-storey mixed-use podium (containing a mix of retail and commercial uses), and a two storey basement car park.

The six buildings include:

- two taller residential buildings: Buildings 2 and 3 are between 14 and 16 storeys in height; and
- four perimeter residential apartment buildings: Buildings 1, and 4 to 6 which range between 7 and 10 storeys.

Publicly accessible open space is integrated throughout the development, including pedestrian linkages, forecourts and a Market Hall.

# KEY PROJECT DELIVERABLES

The **Victoria Gardens Expansion** proposal will facilitate the following outcomes:

- A total of 9 new or updated pathways and entrances
- A total of 9,780sqm of new publicly accessible open space
- Over 3,397 new jobs
- 15,2450 sqm of retail floorspace (GFA)
- 30,085 sqm of commercial floorspace (GFA)
- Lot 9 will deliver affordable housing equalling either no less than 10% affordable housing at a discounted rate, or not less than 2% gifted of market value. The affordable housing requirements for Lot 9 are only triggered on approval of building height above RL 38 (i.e., above the existing mandatory building height).

The **Doonside Precinct** proposal will specifically facilitate the following outcomes:

- The Doonside Precinct will deliver affordable housing equalling either no less than 10% affordable housing at a discounted rate, or not less than 2% gifted of market value.
- Housing diversity, incorporating seven different apartment typologies with varied layouts, and providing a total of 839 new dwellings with good internal amenity aligned with the Better Apartment Design Standards
- 8,545 sqm of retail floorspace (GFA), including a new Market Hall
- 3,485 sqm of commercial floorspace (GFA)
- Restoration of existing heritage fabric, the Former Loyal Studley Hotel
- Public realm improvements, including footpath widenings, accessible laneway connections, forecourts and open space areas at the ground floor to both Burnley and Doonside Streets.
- Approximately 3,535sqm of outdoor public realm and forecourts and 1,900sqm of covered publicly accessible space

## REPORT PURPOSE

Urbis has been engaged by the Vicinity Management Pty Ltd Limited in its capacity as trustee of the Victoria Gardens Retail Trust and has worked closely with the Project Consultant Team to prepare a Section 96A Planning Application (combined Planning Scheme Amendment and Planning Permit Application) to facilitate the expansion of their Richmond site.

The proposed planning scheme amendment seeks to rezone MUZ land, replace Schedule 1 to the CDZ with a new Schedule 1, expand the EAO, apply the Parking Overlay Schedule 2, and delete DDO9 of the Yarra Planning Scheme. These changes are sought to the land described as **Doonside Precinct** and **River Boulevard Precinct**, with the new Schedule affecting the wider Victoria Gardens Expansion area (refer to Figure 1 and Figure 2 for location diagrams).

**Doonside Precinct** forms the planning permit application component of this report.

This report assesses the planning merits of the proposal and its consistency with the relevant State and Local planning policy directions from a social, economic, built form, environmental and amenity perspective.

This report accompanies a Section 96A Planning Application and should be read in conjunction with the following documents:

**Planning Scheme Amendment (PSA)** supporting documentation:

- Urban Context Report (including Master Plan Strategy), prepared by Cox Architecture and NH Architecture, dated April 2022
- Economic Impact Statement – Victoria Gardens Expansion, prepared by Urbis Pty Ltd, dated April 2022

- Affordable Housing Report – Doonside and River Boulevard Precincts, prepared by Urban Exchange, dated September 2022
- Community Benefit Report, Victoria Gardens Expansion, prepared by Vicinity Centres, dated September 2022
- Public Realm Strategy, Victoria Gardens Expansion, prepared by Arcadia, dated 8 April 2022
- Wind Assessment – River Boulevard Precinct, prepared by MEL Consultants, dated 31 March 2022
- Transport Review, prepared by Stantec (formerly GTA Consultants), dated 15 July 2022
- EPA Signed Response - Victoria Gardens Rezone - 30.04.2021
- Comprehensive Development Plan, dated October 2022

**Doonside Precinct** permit application supporting documentation:

- Urban Context Report (including Master Plan Strategy), prepared by Cox Architecture and NH Architecture, dated April 2022
- Architectural Drawings, prepared by Cox Architecture and NH Architecture, dated March 2022
- Economic Impact Statement – Doonside Precinct, prepared by Urbis Pty Ltd, dated April 2022
- Landscape Plan – Doonside Precinct, prepared by Arcadia, dated 8 April 2022
- Heritage Impact Statement – Doonside Precinct, prepared by Bryce Raworth, dated 30 March 2021
- Transport Impact Assessment (including Green Travel Plan) – Doonside Precinct, prepared by Stantec (formerly GTA Consultants), dated 15 July 2022
- Waste Management Plan – Doonside Precinct, prepared by WSP, dated 7 April 2022
- Sustainability Management Plan – Doonside Precinct, prepared by Norman Disney & Young Consulting Engineers, dated 1 April 2022
- Wind Assessment – Doonside Precinct, prepared by MEL Consultants, dated March 2022
- Acoustic Report – Doonside Precinct, prepared by Norman Disney & Young Consulting Engineers, dated 1 March 2022
- Stormwater and Sustainable Design Assessment – Doonside Precinct, prepared by Bonacci Group Pty Ltd, dated 28 March 2022
- Preliminary Site Investigation for Contamination Report, prepared by Douglas Partners, dated 28 April 2021

# 1. VISION



# 1. VISION

The vision for the Doonside Precinct is:

*‘Victoria Gardens expansion will capture Richmond’s inner-city vitality by creating a dynamic, new generation mixed use precinct designed to promote a connected community, enhance individual well-being and contribute to the transformation of an evolving urban environment.’*

The Victoria Gardens Doonside Precinct vision will be achieved through the following key principles:

- **Vibrant Marketplace**

*Culture in its many forms is the process and outcome of human activity which enriches individuals and communities. Doonside Precinct will be a ‘marketplace’ in its fullest sense - a place which rewards residents, workers and visitors with a dynamic cultural cavalcade of social and commercial activity. It will be a place which fosters social and commercial interaction, providing a platform to encounter and observe a wide array of people, activities, performances and events.*

- **Physically and Socially Connected**

*Doonside Precinct should be distinguished by its visual transparency into, and within, the precinct; and the obvious ease of physical movement across its threshold in order to emphasise connectivity to its immediate and surrounding physical and social environment. In particular, the design will optimise the centre’s appeal across all age groups to forge an inclusive social setting.*

- **Diverse and Open**

*Victoria Gardens’ overall appeal will be heightened by Doonside Precinct, providing increased diversity of amenity and the mix of social, retail and commercial options available to residents, workers, shoppers and visitors alike. The centre’s street-level design will serve to promote interest and optimise physical access, including for those transiting through the precinct to further destinations.*

- **A Rewarding Public Realm**

*A highlight of the project will be the creation of an engaging and inviting ‘public realm’ throughout the expansion and linking to the existing shopping centre. Ensuring scope for future, unimagined occupation and use by occasional or frequent users and, significantly, integrating the project site within its wider precinct. This inherent ‘opportunity’ for the wider community, together with residents, retailers, workers and shoppers, ensures that the overall Victoria Gardens Precinct will serve as a valuable community asset.*

# 2.

## SUBJECT SITE AND SURROUNDS



## 2. SUBJECT SITE AND SURROUNDS

### 2.1. SUBJECT SITE AND CONTEXT

The subject site, referred to herein as the **Victoria Gardens Expansion**, is located within Richmond, approximately 3.5 kilometres east of Melbourne's Central Business District, in the City of Yarra. It comprises a key component of the Victoria Street Major Activity Centre, located at the eastern end of the Centre, adjacent to the Yarra River.

The Victoria Gardens Expansion area is subject of the existing Comprehensive Development Zone, Schedule 1, and is generally bound by Victoria Street to the north, Burnley Street to the west, Doonside Street to the South and the Yarra River Trail to the east.

As previously discussed, and demonstrated in Figure 1 (outlined in blue), the Victoria Gardens Expansion area comprises four precincts:

- the existing Victoria Gardens Shopping Centre (including No. 40 River Boulevard, the existing commercial building on site);
- Doonside Precinct;
- River Boulevard Precinct, including Lots 9 and 10 & No. 25-35 River Boulevard;
- Barkers Road Bridge Precinct.

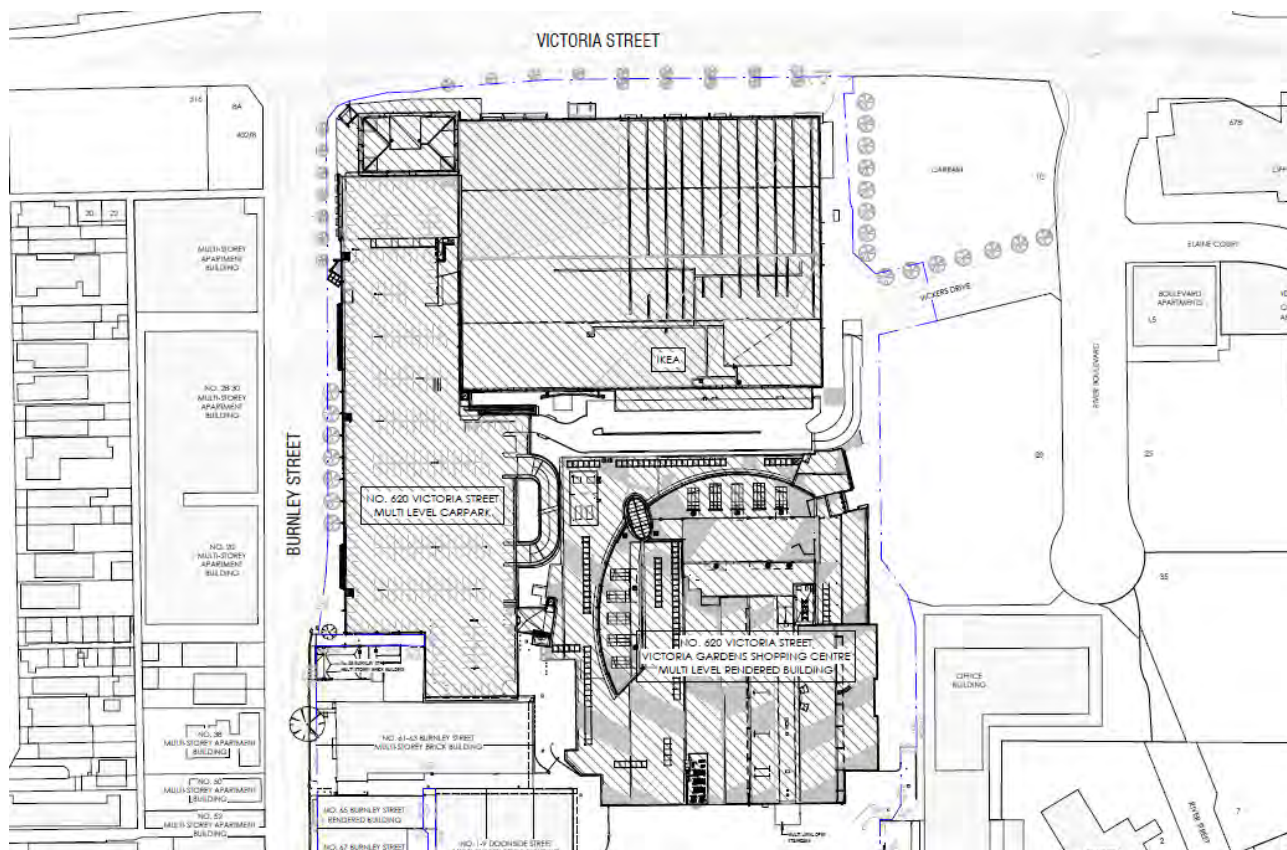
The existing **Victoria Gardens Shopping Centre** (No. 610 & 620 Victoria Street, Richmond) accommodates various retail and commercial land uses, including cinemas, entertainment areas, a food court, specialty retail shops, a discount department store, furniture stores, supermarket (Coles) and a gymnasium. Office floorspace is also provided within the building to the north-western corner of the Shopping Centre at No. 600 Victoria Street, on the south-eastern corner of Burnley Street and Victoria Street.

The existing built form of the Victoria Gardens Shopping Centre can be summarised as follows:

- Overall building height of 5-6 storeys (approximately 20m), with two levels of basement car parking;
- A six storey office building located at the corner of Burnley and Victoria Streets;
- A six level commercial car park, including two levels of basement car parking within the northern and western portion of the site, and Ground Floor – to Level 3 car parking within the western portion of the site, adjacent to the Burnley Street interface;
- Two vehicular entry/exits to the car park are located along Burnley Street, a park entry point located one along Victoria Street and another along the eastern interface accessed from River Boulevard. A loading dock for the Coles Supermarket is located at the rear of the Shopping Centre, accessed via David Street.

For the purposes of this amendment, No. 40 River Boulevard is also considered to be part of the existing Victoria Gardens Shopping Centre area. It is located to the south of the Nos. 10 and 20 River Boulevard. The property accommodates a four-storey office building (BAE Building).

Figure 2 – Victoria Gardens Existing Built Form

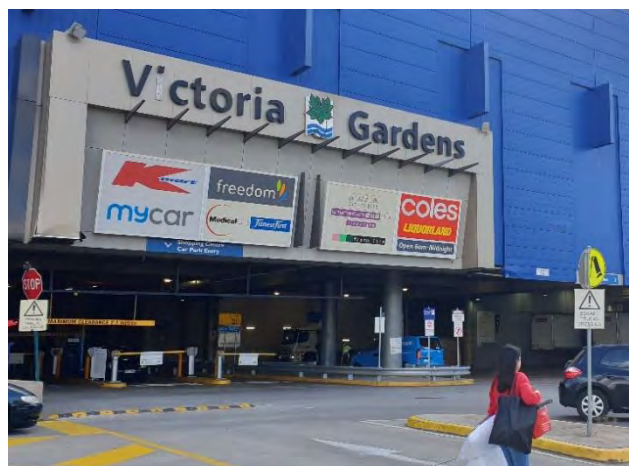


Source: Cox Architecture / NH Architecture

Figure 3 – Victoria Gardens Shopping Centre



Picture 1 – Victoria Gardens, eastern elevation



Picture 2 – Victoria Gardens, eastern car park entry

The **Doonside Precinct** is located directly to the south of the existing Victoria Gardens Shopping Centre and is bound by Burnley Street to the west for approximately 100 metres, Doonside Street to the south for approximately 205.05 metres, and David Street to the east. The total site area of the Doonside Precinct is 1.81Ha hectares.

The Doonside Precinct, comprises a total of seven land parcels as follows:

- Lot 1 on Title Plan 211146G, commonly referred to as No. 53 Burnley Street
- Lots 1 and 2 in Title Plan 212632R, commonly referred to as No. 61-63 Burnley Street
- Lot 4 on Lodged Plan 13552, commonly referred to as No. 65 Burnley Street

- Lot 5 on Lodged Plan 13552, commonly referred to as No. 67 Burnley Street
- Lot 6 on Lodged Plan 13552, commonly referred to as No. 77-79 Burnley Street
- Lots 7, 8 and 9 on Lodged Plan 13552, commonly referred to as No. 1-9 Doonside Street
- Lot 14 on Plan of Subdivision 427328, commonly referred to as No. 620 Victoria Street

The Doonside Precinct currently accommodates six, single and double storey brick buildings, fronting Burnley Street and Doonside Street. The balance of the area is currently vacant, accommodating informal, at-grade car parking.

At No. 53 Burnley Street, the Doonside Precinct accommodates the Former Loyal Studley. The building is recognised for its heritage value, with a site-specific Heritage Overlay (HO374) affecting the allotment.

The **River Boulevard Precinct** is to the east of the Shopping Centre with an interface to Victoria Street and the Yarra River. It includes:

- Nos. 10 (Lot 10) and 20 (Lot 9) River Boulevard which are currently vacant land (however Architectural Plans have recently been endorsed under Planning Permit PLN17/1143 which allow for the construction of five, multi-storey, mixed-use buildings).
- No. 25-35 River Boulevard which is currently an undeveloped parcel of land with a development plan approval for a maximum 8 storey residential development (PL10/0156).

No. 40 River Boulevard is located to the south of the Nos. 10 and 20 River Boulevard and accommodates a four-storey office building (BAE Building). For the purposes of this amendment, this is considered to be part of the existing Victoria Gardens Shopping Centre area.

The River Boulevard Precinct comprises a total of 5 land parcels as follows:

- Lot 9C on Plan of Subdivision 608608
- Lot 10B on Plan of Subdivision 500667
- Lot 6A on Plan of Subdivision 608608
- Lot 7B on Plan of Subdivision 608608
- Lot 5 on Plan of Subdivision 415801

Facing Victoria Street, within the **Barkers Road Bridge Precinct** are the following:

- No. 660 Victoria Street, a 4-storey office/commercial building fronting Victoria Street. A café and restaurant are also located at the ground floor;
- No. 680 Victoria Street, a function centre fronting Victoria Street and the Yarra River;
- A series of groups of 3-6 storey residential buildings located on Elaine Terrace and Christine Court.

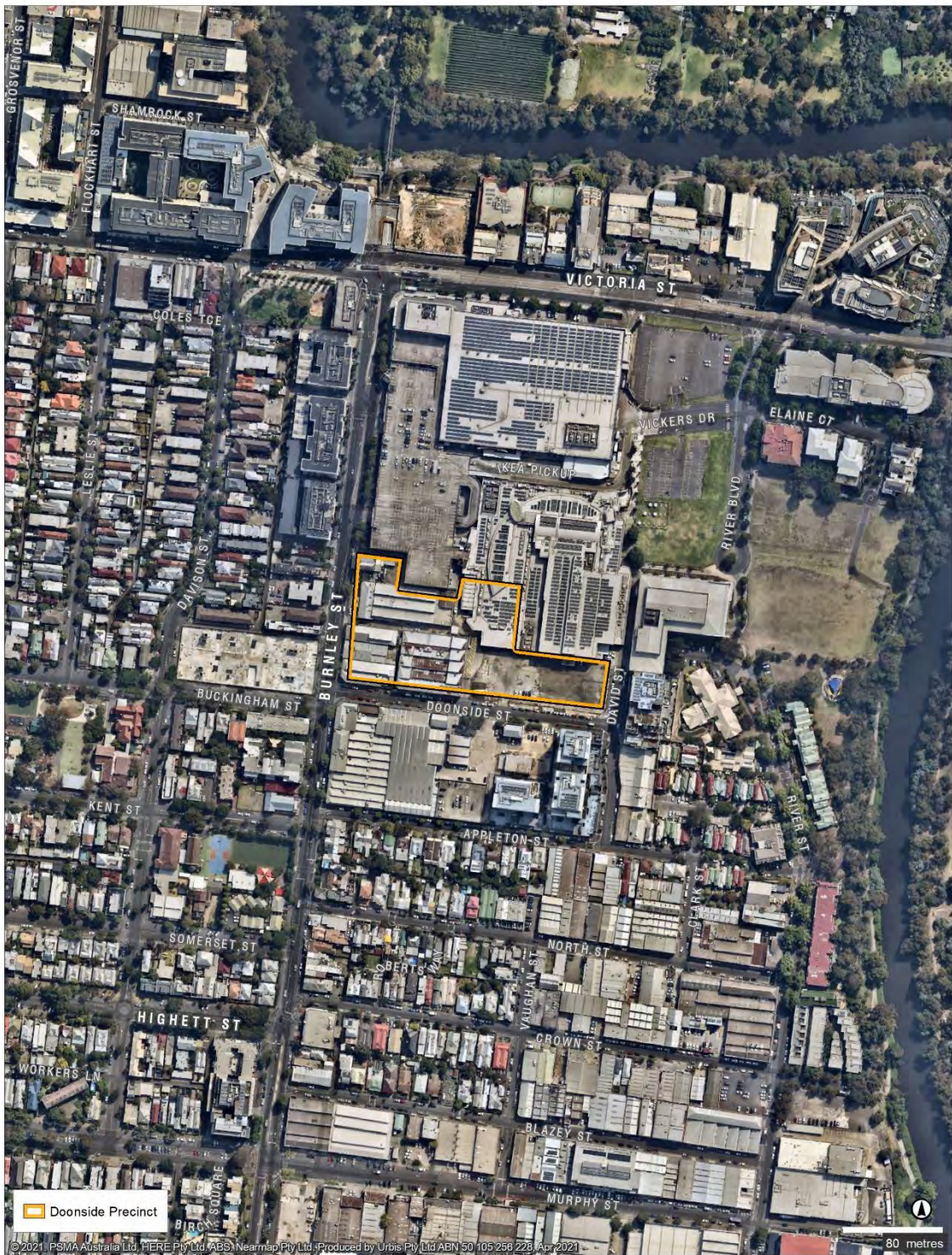
Figure 4 – Aerial View of the Subject Site



**URBIS**

**VICTORIA GARDENS EXPANSION**  
**SITE LOCATION**

Figure 5 – Doonside Precinct Only



**DOONSIDE PRECINCT – 1-9 DOONSIDE STREET, RICHMOND**  
SITE LOCATION

## 2.2. IMMEDIATE INTERFACES

The land immediately surrounding the subject site (the Victoria Gardens Expansion area) is described as follows:

### 2.2.1. North

To the north of the Victoria Gardens Expansion area is Victoria Street, a major arterial road categorised as Transport Road Zone 2 (Principal Road network) (TRZ2), providing an east-west connection through Richmond. Adjacent to the subject site, a tram super stop is also located on Victoria Street.

On the opposite side of Victoria Street are low scale office buildings, some of which are heritage. The Skipping Girl sign is to the north. To the north-east of the subject site is the 11-13 storey 'Honeywell' residential development. To the north-west are a number of taller (8 and 9 storeys) residential developments on the northern side of Victoria Street.

Figure 6 – Northern Interface



Picture 3 – Victoria Street



Picture 4 – Victoria Street

### 2.2.2. East

Immediately to the east of the Doonside Precinct is David Street, a local road, extending between the Shopping Centre to the north and Appleton Street to the south. David Street accommodates traffic in either direction and provides vehicular access to loading zones, including the Coles loading bay at the northern end and for No. 40 River Boulevard.

On the opposite side of David Street, is No. 9-15 David Street, which accommodates an 11-storey apartment building, constructed in 2018. Beyond this, is the River Boulevard Precinct to the north-east and low scale residential properties to the south-east.

The Yarra River borders these areas to the east.

Figure 7 – Eastern Interface



Picture 5 – David Street, looking north



Picture 6 – No. 9-15 David Street

### 2.2.3. South

Bounding the subject site to the south is Doonside Street, a local road, extending between Burnley Street to the west and David Street to the east. Doonside Street currently accommodates traffic in either direction and restricted on-street car parking on either side of the road.

On the southern side of Doonside Street, opposite the subject site, is No. 81-95 Burnley Street and No. 26 Doonside Street which is currently occupied by Harry the Hirer. The site currently accommodates several warehouse buildings and a large car parking area. The Harry the Hirer site has recently had a Planning Scheme Amendment to the Yarra Planning Scheme approved on 6 May 2021 (Amendment C223), which seeks to amend the planning controls on the land to allow a multi-storey residential and commercial development. The recently approved amendment includes a preferred maximum height of 42m for the northern portion of the site, opposite the subject site.

No. 36-44 Doonside Street is also located on the southern side of Doonside Street at the eastern end of the street. No. 36-44 Doonside Street accommodates a recently constructed, residential development, between 8 and 13-storeys in height, which comprises a mix of townhouses, apartments and ground floor retail premises.

Figure 8 – Southern Interface



Picture 7 – Doonside Street, looking west



Picture 8 – Doonside Street, looking east



Picture 9 – Harry the Hirer Site



Picture 10 – Harry the Hirer Site



Picture 11 – 36-44 Doonside Street



Picture 12 – 36-44 Doonside Street

## 2.2.4. West

Bounding the subject site to the west is Burnley Street, an arterial road categorised as TRZ2, extending north-south through Richmond. Burnley Street accommodates a lane of traffic, a bicycle lane and on-street car parking in both directions.

Further to the west, on the opposite side of Burnley Street is land located within the General Residential Zone (Schedule 3), comprising a mix of three-storey brick apartment buildings, single-storey dwellings, and modern residential developments of medium-higher density, further north, on the western side of Burnley Street.

Further south along Burnley Street, the streetscape consists of lower rise residential buildings (between single and four storeys) interspersed with higher built form between five and nine storeys and older heritage or industrial buildings. A mixed-use building (up to eight storeys in height) is currently under construction at No. 171 Buckingham Street, located opposite the south-eastern corner of the subject site.

Figure 9 – Western Interface



Picture 13 – Burnley Street, looking south



Picture 14 – Burnley Street, looking north

## 2.3. THE WIDER AREA

The subject site is located in an area which includes lower scale residential, re-development areas, industrial uses, a major arterial road and two Activity Centres (Victoria Street and Bridge Road). There is also land within the Priority Development Zones to the north-west and to the north.

The subject site is afforded excellent access to a range of amenities and services in the surrounding area, including within the Victoria Gardens Shopping Centre itself.

Several public transport options are accessible within proximity to the subject site, including:

- Tram Routes 109 (Box Hill – Port Melbourne) and 12 (St Kilda – Victoria Gardens) approximately 350-400m to the north and north-east of the site respectively, servicing Victoria Street;
- Tram Routes 48 (Victoria Harbour Docklands – North Balwyn) and 75 (Etihad Stadium – Vermont South) approximately 550m south of the site, along Bridge Road;
- Bus Route 609 (Hawthorn – Fairfield), approximately 1.2km east of the site;
- Burnley Station, approximately 1.5km south of the site;
- North Richmond Station, approximately 1.8km west of the site;
- West Richmond Station, approximately 1.9km west of the site;
- Hawthorn Station approximately 2 kilometres south-east of the site.

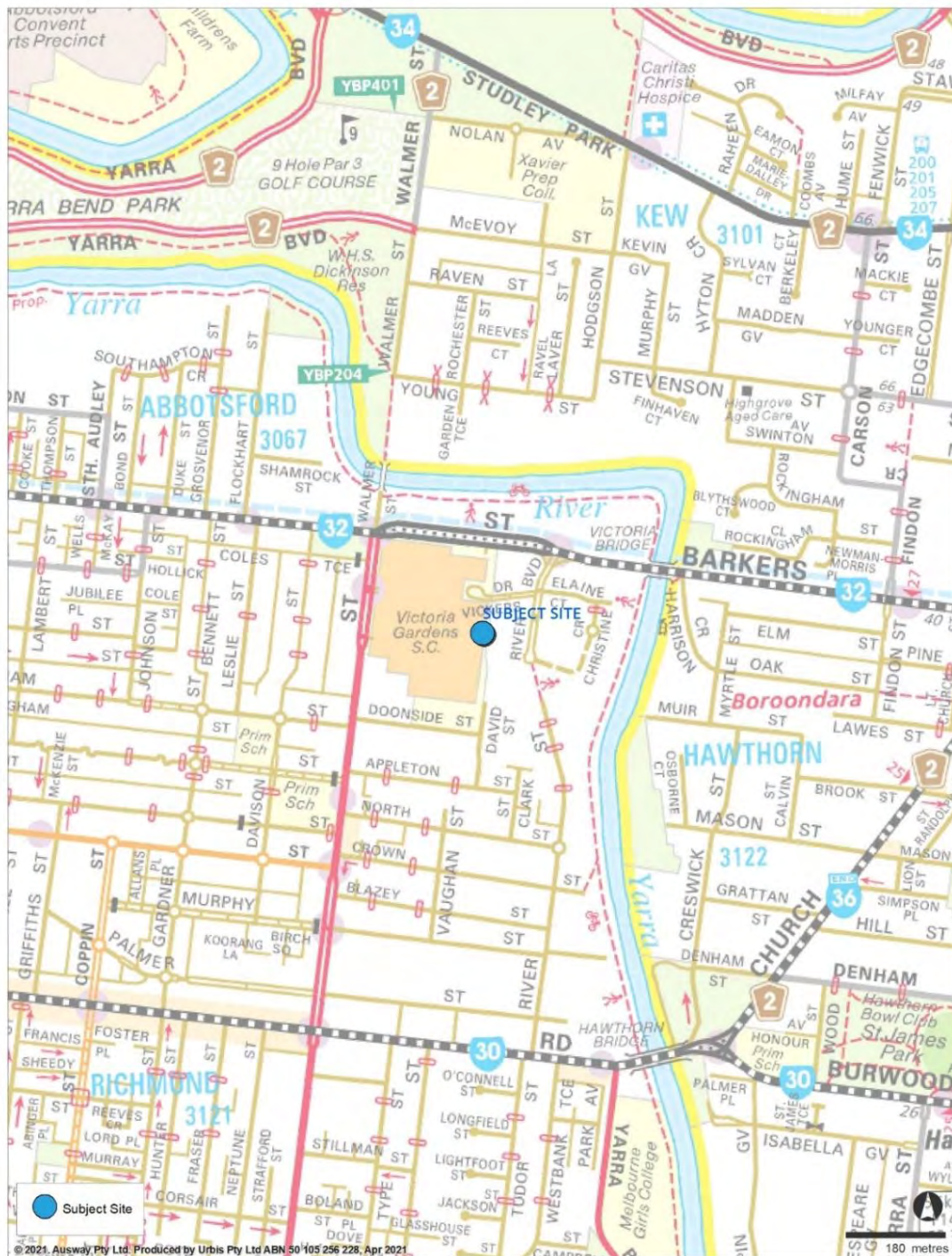
Sustainable travel modes, including cycling and walking, are also accessible via the Main Yarra Trail/Capital City Trail off-road bicycle and walking path to the east of the site, along the Yarra River, as well as bicycle and foot paths along Burnley Street to the west.

As shown in Figures 10 and 11 below, the local area comprises a number of community facilities (including open spaces) in proximity to the site, including:

- Williams Reserve
- Annettes Place Park
- Yarra Bend Golf Course
- Yarraberg Children's Centre Richmond
- Yarra Bend Park
- Main Yarra Trail
- Studley Park Golf Course

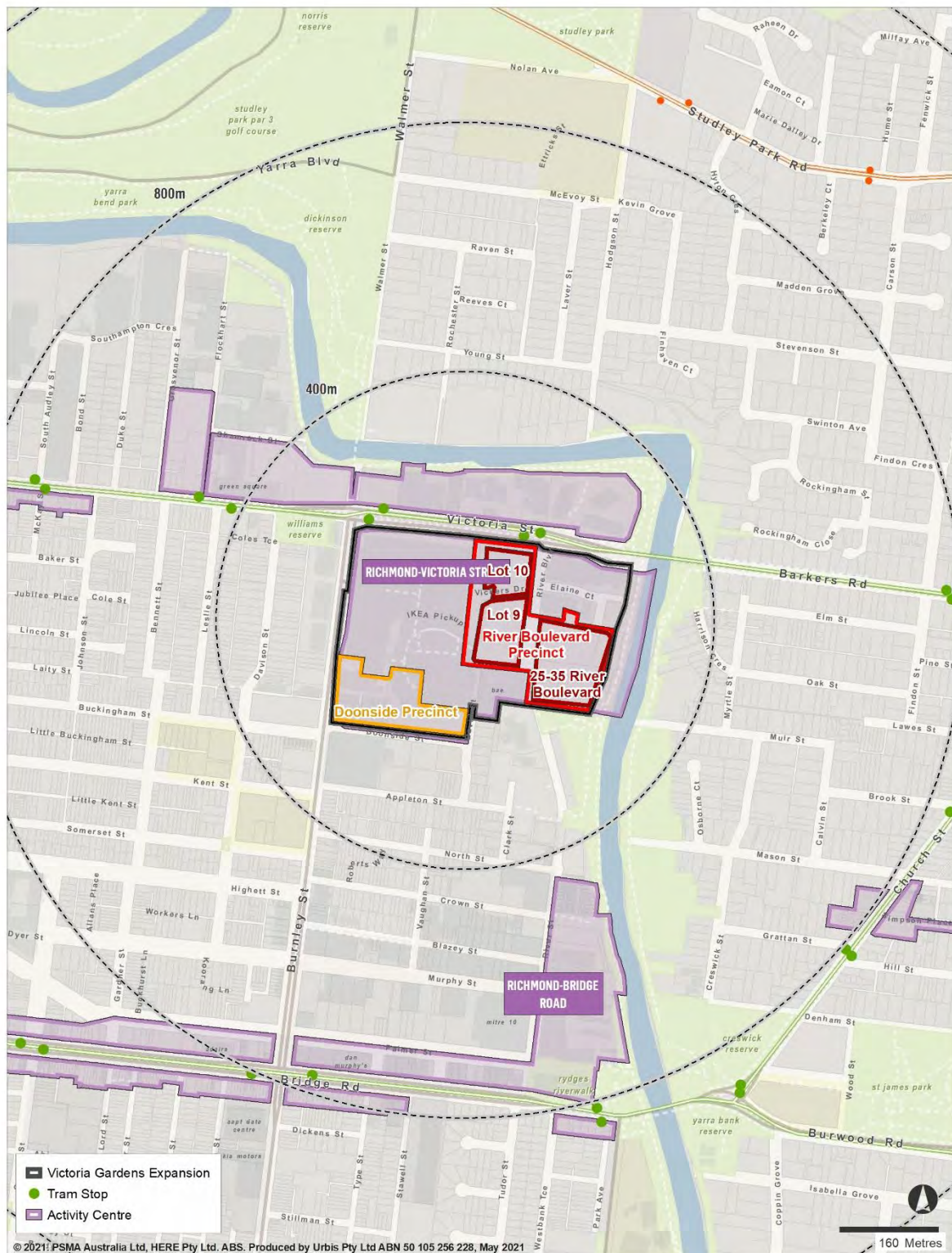
- Yarra Primary School
- Trinity Catholic School
- Citizens Park
- Richmond High School

Figure 10 – Subject Site Location & Context



## VICTORIA GARDENS EXPANSION SITE LOCATION

Figure 11 – Surrounding Urban Context, including Public Transport Services



## VICTORIA GARDENS EXPANSION

### ACTIVITY CENTRES & PUBLIC TRANSPORT

## 2.4. SURROUNDING DEVELOPMENT APPROVALS

The subject site is located within an established area of Melbourne and comprises an eclectic mix of uses, including retail, commercial and residential development.

The surrounding area features a variety of building styles, primarily consisting of inter-war factory and commercial buildings typically between one and four storeys in height, and contemporary high-rise apartment and mixed-use developments which are reflective of the rapid growth and transformation this area of Richmond.

Victoria Gardens Shopping Centre, opened in 2003, has contributed to the growth of this area as a true mixed-use precinct, and has attracted development growth particularly within the residential market.

The following table provides an overview of the development activity in the area within recent years, providing examples of developments recently approved, under-construction, or constructed.

Table 1 – Surrounding Development Approvals

Address	Development	Status
43 Blazey Street	7 storeys, commercial	Approved
53 Appleton Street	6 storeys, residential	Approved
161 Burnley Street	12 storeys, commercial	Approved
171 Buckingham Street	4 buildings, ranging in height from 5-8 storeys	Under Construction
10-20 River Boulevard	5 buildings, 13 storeys, commercial	Approved
175 Burnley Street	9 storeys, commercial	Approved
649 Victoria Street	10 storeys, residential	Constructed
627 Victoria Street	2 buildings, 9 storeys, residential	Constructed
1 Acacia Place	10 storeys, residential	Constructed
619 Victoria Street	9 storeys, residential	Constructed
20 Shamrock Street	11 storeys, residential	Constructed
132 Burnley Street	8 storeys, commercial	Constructed
36-44 Doonside Street and 27-41 Appleton Street	13 storeys, residential	Constructed
9-15 David Street	11 storeys, residential	Constructed

Located on the southern side of Doonside Street, discretionary building heights of up to 42m are approved as part of the Development Plan Overlay associated with the Harry the Hirer Site (as per the approval of Amendment C223yara dated 6 May 2021).

Figure 12 – Surrounding Developments (Constructed / Under Construction)



Picture 15 – No. 9-15 David Street



Picture 16 – No. 36-44 Doonside Street



Picture 17 – No. 520 Victoria Street



Picture 18 – No. 627 Victoria Street

3.

# PLANNING POLICY AND CONTROL CONTEXT



## 3. PLANNING POLICY AND CONTROL CONTEXT

The subject site is subject to the provisions of the Yarra Planning Scheme. The planning provisions considered of relevance to this combined Section 96A amendment and permit application proposal are summarised below.

A complete outline of the planning policies and controls affecting the subject site is provided at **Appendix A**.

### 3.1. PLANNING POLICY FRAMEWORK

The following State Planning Policies are of relevance to the consideration of this proposal:

- Clause 11.01-1S – Settlement
- Clause 11.01-1-R – Settlement – Metropolitan Melbourne
- Clause 11.02-1S – Supply of Urban Land
- Clause 11.03-1S – Activity Centres
- Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
- Clause 12.03-1R – Yarra River Protection
- Clause 13.04-1S – Contaminated and Potentially Contaminated Land
- Clause 13.05-1S – Noise Abatement
- Clause 13.06-1S – Air Quality Management
- Clause 13.07-1S – Land Use Compatibility
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban Design – Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-4R – Healthy Neighbourhoods - Metropolitan Melbourne
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.03-1S – Heritage Conservation
- Clause 16.01-1S – Housing Supply
- Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
- Clause 16.01-2S – Housing Affordability
- Clause 17.01-1S – Diversified Economy
- Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
- Clause 17.02-1S – Business
- Clause 18.01-2S – Transport System
- Clause 18.01-3S – Sustainable and Safe Transport
- Clause 18.02-1S – Walking
- Clause 18.02-2S – Cycling
- Clause 18.02-3S – Public Transport
- Clause 18.02-3R – Principal Public Transport Network

## 3.2. LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement and the Local Planning Policies. The following provisions of Yarra's Local Planning Policy Framework which are of relevance are:

- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04-1 – Accommodation and Housing
- Clause 21.04-2 – Activity Centres
- Clause 21.04-3 – Industry, Office and Commercial
- Clause 21.05-2 – Urban Design
- Clause 21.05-3 – Built Form Character
- Clause 21.05-4 – Public Environment
- Clause 21.06 – Transport
- Clause 21.07 – Environmental Sustainability
- Clause 21.08-9 – North Richmond (area north of Bridge Road)
- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
- Clause 22.03 – Landmarks and Tall Structures
- Clause 22.05 – Interfaces Uses Policy
- Clause 22.10 – Built Form and Design Policy
- Clause 22.11 – Victoria Street East Precinct Policy
- Clause 22.12 – Public Open Space Contributions
- Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)
- Clause 22.17 – Environmentally Sustainable Development

## 3.3. INCORPORATED DOCUMENTS

Schedule to Clause 72.04 of the Yarra Planning Scheme refers to the following Incorporated Documents which are of relevance to the site:

- *Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area;*
- *Victoria Gardens Urban Design Guidelines, May 1997;*

## 3.4. ZONING

The subject site is currently located across two zones: the MUZ and the CDZ1 which refers to the 'Victoria Gardens Comprehensive Development'.

A rezoning of the MUZ land is sought to the CDZ, Schedule 1 to allow for the land to be contained in one zone and facilitate the redevelopment of the subject site.

### 3.4.1. Existing Comprehensive Development Zone

It is proposed to rezone the MUZ land within the subject site to CDZ1 and amend the Schedule 1 to the CDZ.

The purposes of the CDZ are:

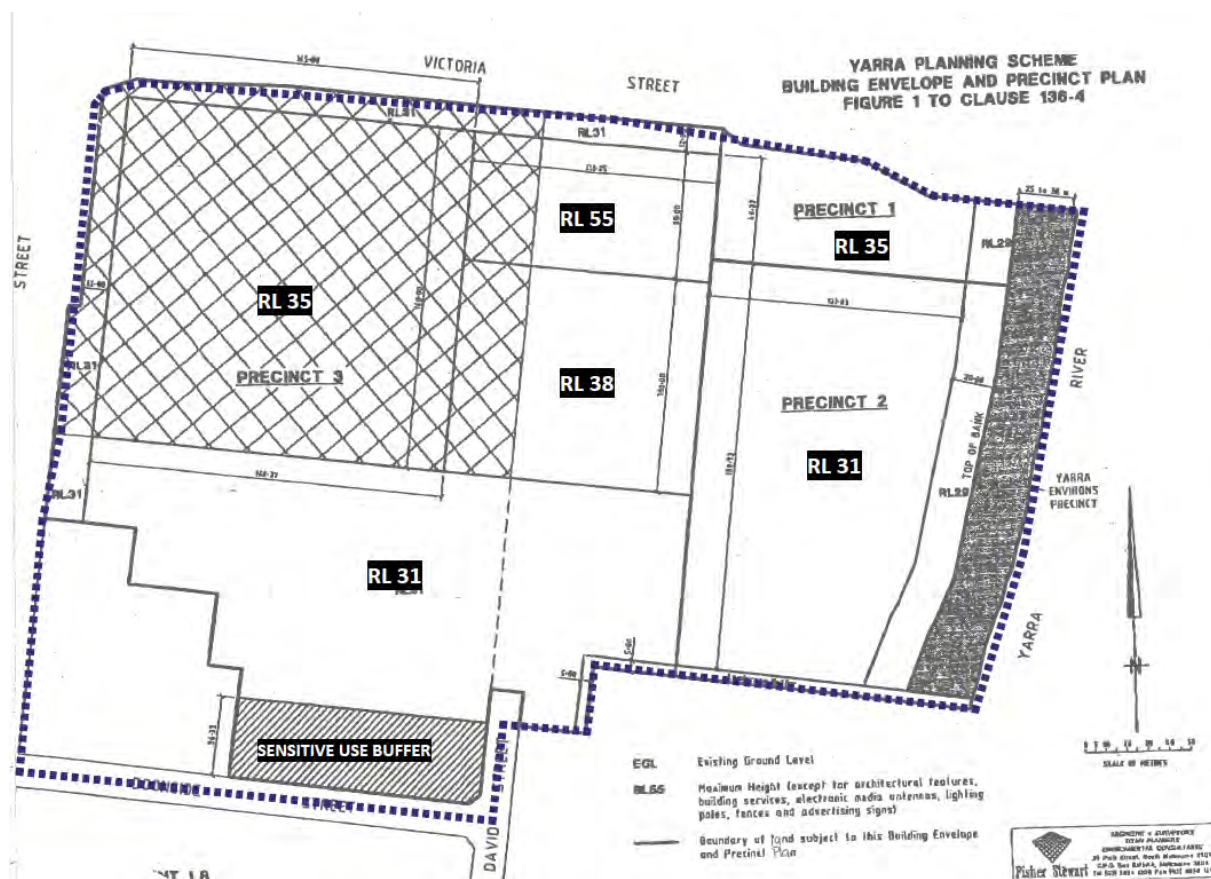
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.*

Under the current Schedule, the following applies:

- Under Section 5, the provisions of Clause 44.04 Land Subject to Inundation Overlay, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay and Clause 43.01 Heritage Overlay do not apply to any development constructed in accordance with an approved development plan.
- Sections 6, 7, 8, 9 and 10 outline requirements for a development plan, pedestrian amenity and access plan, management plan, transport plan and landscape plan. Section 15 outlines the guidelines for approving plans.
- As required under the Environmental Audit Overlay (further policy below), the CDZ1 requires that an environmental audit is undertaken for sensitive land uses, before either works associated with the sensitive use or the use itself commences on site.
- There is a sensitive use buffer along the Doonside Street portion of the Comprehensive Development Zone (CDZ1) (shown as hatched within Figure 13), which prohibits residential land use (and any other sensitive land use including a child care centre, a pre-school, a primary school or public open space) within that area.
- Section 18 outlines car parking rates for the following uses:
  - Office; food and drink premises; shop (other than restricted retail); restricted retail premises; trade supplies and residential.
- Section 19 states that the dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06 unless the responsible authority agrees otherwise.

The existing CDZ1 outlines mandatory height controls for the site. Specifically, CDZ1 states that a building or works must not exceed the height above the AHD for any site as shown on the *Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area* incorporated in this Planning Scheme.

Figure 13 – existing Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area



Source: Yarra Planning Scheme (notations added by Urbis Pty Ltd)

### 3.4.2. Proposed Schedule 1 to the Comprehensive Development Zone

A draft Schedule 1 to the CDZ1 has been prepared as part of this planning scheme amendment, which will replace the existing Schedule 1 to the CDZ. The existing schedule is sought to be replaced as it is now considered out-dated and not formatted according to current practice.

The new CDZ1 planning control seeks to update the existing provisions of the Victoria Gardens Comprehensive Development area to align to the current drafting format and facilitate the Victoria Gardens Expansion, including the redevelopment of the Doonside Precinct.

The proposed CDZ1 includes transitional provisions which state that the requirements of the schedule do not apply to an application for a development plan lodged prior to the planning scheme amendment, nor do they apply to an application for an amendment to an approved development plan. This will ensure the existing Development Plans previously issued, can remain in place and can be amended in future as required. Any future developments (not already approved) would be via planning permits under the CDZ to be considered and assessed under the same regime for Development Plans under the current CDZ1.

Please refer to Section 4.1 of this report for further details on the proposed changes to the Comprehensive Development Zone.

### 3.5. OVERLAYS

The subject site is currently affected by the following overlays:

- Design and Development Overlay, Schedule 2 (DDO2), '*Main Roads and Boulevards*'
- Design and Development Overlay, Schedule 9 (DDO9), '*Doonside Precinct*'
- Environmental Audit Overlay (EAO)
- Heritage Overlay (HO374), '*53 Burnley Street Richmond, Former Loyal Studley Hotel*'
- Development Contributions Plan Overlay, Schedule 1 (DCPO1), '*Yarra Development Contributions Plan*'

It is proposed to remove the Design and Development Overlay, Schedule 9 (Doonside Precinct) from the subject site to allow for the comprehensive redevelopment of the site as envisaged under the proposed CDZ1.

The EAO will be expanded to apply to the eastern portion of the site at the intersection of Doonside and David Streets. As part of the new Schedule to the CDZ, the car parking controls were removed, and including within a new Parking Overlay (Schedule 2 (PO2)). The PO2 reduces the number of land uses which have been specifically referenced, and for those remaining, there are new maximum car parking rates.

No changes are proposed to the other overlays affecting the site, as listed above. The details of each overlay as it applies to the subject site is described within **Appendix A** of this report.

It is noted that the northern and eastern portion of the Victoria Gardens Expansion site is an area of Aboriginal Cultural Heritage Sensitivity, as shown in Picture 22 at Section 3.6 of this report. This includes land located within the Victoria Gardens Precinct, the River Boulevard Precinct and Barkers Road Precinct. No new works however are proposed within this area.

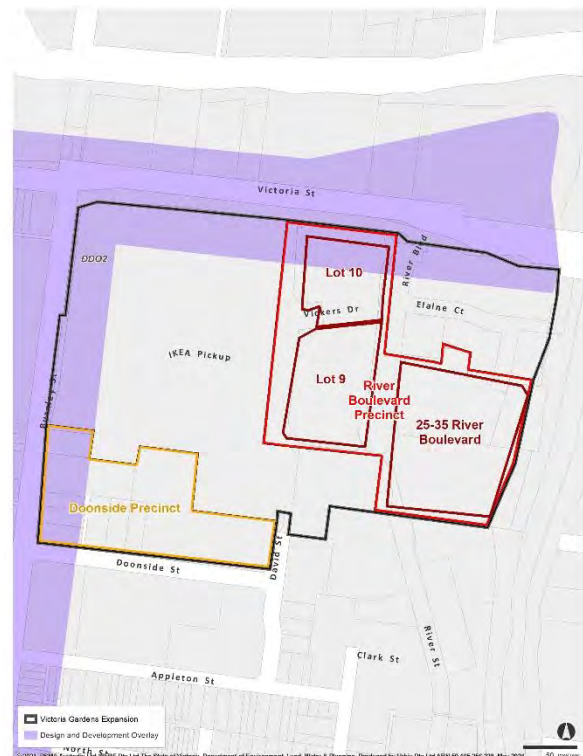
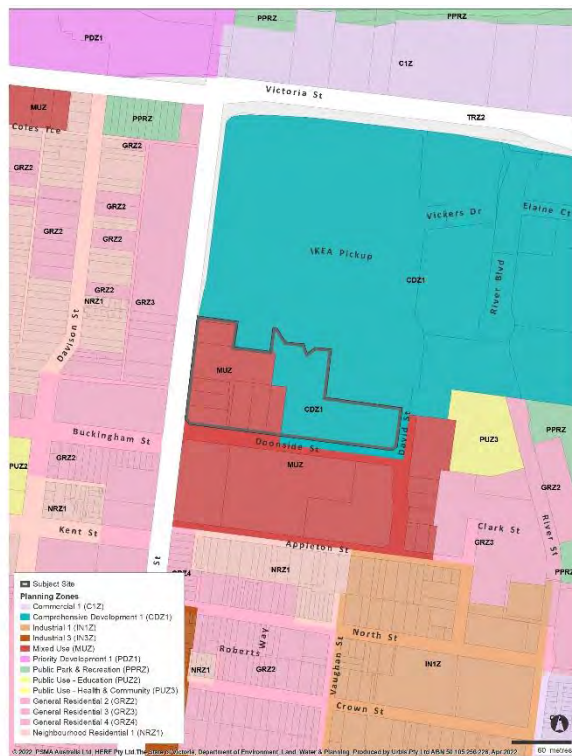
As confirmed within Council's Delegate Report dated 30 May 2018, Nos. 10 and 20 River Boulevard have been subject to significant ground disturbance and as such the development of Lots 9 and 10 do not trigger the need for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*. No additional overlays are proposed to be applied to the land as part of this Section 96A combined planning permit application and planning scheme amendment.

### 3.6. PARTICULAR AND GENERAL PROVISIONS

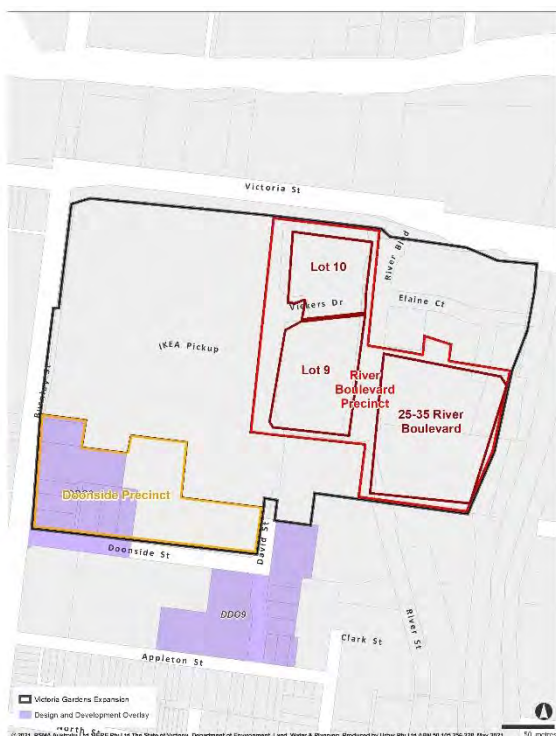
The following Particular Provisions of the Yarra Planning Scheme are of relevance to the proposal and are summarised in **Appendix A** as relevant to the subject site:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 53.18 – Stormwater Management in Urban Developments
- Clause 58 – Apartment Developments
- Clause 65 – Decision Guidelines

Figure 14 – Victoria Gardens Expansion Zone and Overlay Maps (Existing)



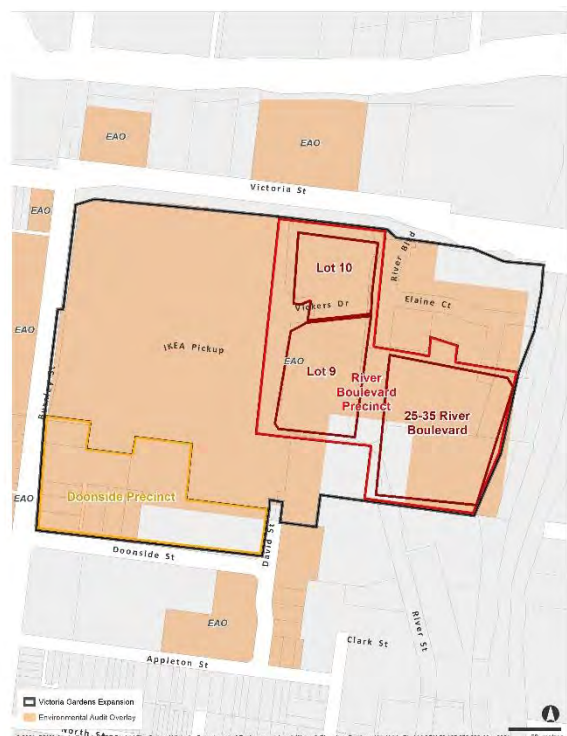
**URBIS** 1-9 DOONSIDE STREET, RICHMOND  
PLANNING ZONES



**URBIS** VICTORIA GARDENS EXPANSION  
DESIGN AND DEVELOPMENT OVERLAY (DDO2)

Picture 19 – Design and Development Overlay, Schedule 9

**URBIS** VICTORIA GARDENS EXPANSION  
DESIGN AND DEVELOPMENT OVERLAY (DDO2)



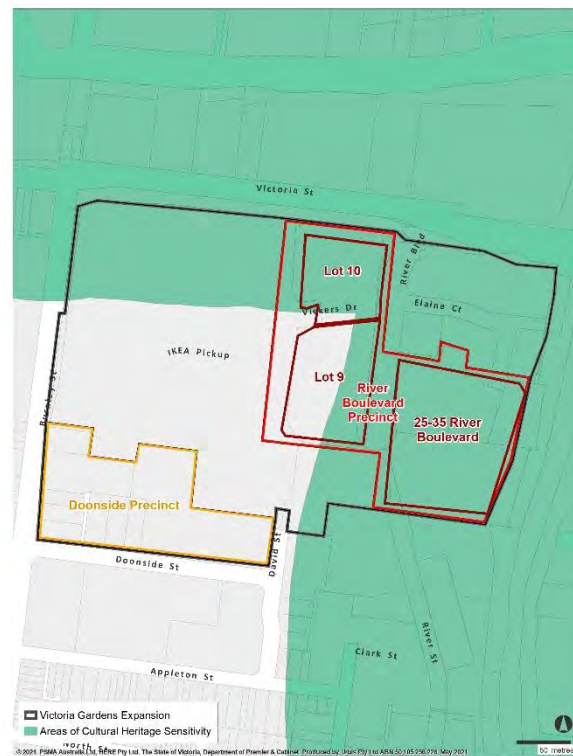
**URBIS** VICTORIA GARDENS EXPANSION  
ENVIRONMENTAL AUDIT OVERLAY (EAO)

Picture 20 – Environmental Audit Overlay



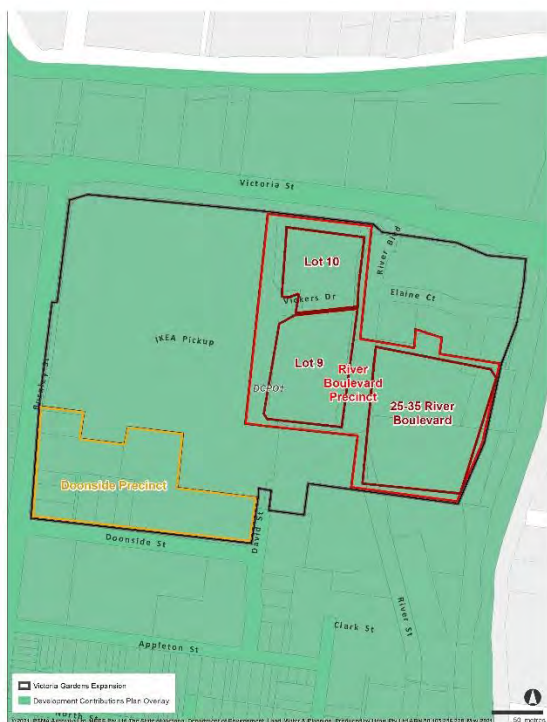
**URBIS** 1-9 DOONSIDE STREET, RICHMOND  
HERITAGE OVERLAY (HO374)

Picture 21 – Heritage Overlay



**URBIS** VICTORIA GARDENS EXPANSION  
AREA OF CULTURAL HERITAGE SENSITIVITY

Picture 22 – Cultural Heritage Sensitivity Area



**URBIS** VICTORIA GARDENS EXPANSION  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO1)

Picture 23 – Development Contributions Plan Overlay

# 4. THE PROPOSAL



## 4. THE PROPOSAL

The proposal seeks a combined Planning Scheme Amendment request to rezone the Mixed Use Zone (MUZ) land to a Comprehensive Development Zone, Schedule 1 (CDZ1), and a planning permit application under Section 96A of the *Planning and Environment Act 1987*.

It is proposed to rezone the MUZ land to CDZ1 to facilitate the Victoria Gardens Expansion, and more specifically, the redevelopment of the Doonside Precinct in the context of the adjoining CDZ land and broader Victoria Gardens Expansion site.

The design of the Victoria Gardens Expansion has evolved through detailed analysis of the subject site and surrounding area, extensive collaboration and advice from various specialists, and ongoing discussions with the Yarra City Council's statutory and strategic planning units, and the Department of Environment, Land, Water and Planning (DELWP).

Detailed Architectural Plans have been prepared by Cox Architecture and NH Architecture and should be considered alongside the summary provided.

### 4.1. PLANNING SCHEME AMENDMENT REQUEST

There are five key components to the Planning Scheme Amendment request as follows:

- Rezone land known as Land in Title Plans 211146G and 212632R, and Lots 4-9 on Lodged Plan 13552 from Mixed Use Zone (MUZ) to **Comprehensive Development Zone, Schedule 1 (CDZ1)**
- Replace **Schedule 1 to the Comprehensive Development Zone** with a new Schedule (new format) with the height restriction amended over the Doonside Precinct and Lot 9 within River Boulevard Precinct, and deletion of the sensitive use buffer (refer to Section 4.1.1 for further details)
- Apply the **Parking Overlay** over the Victoria Gardens Expansion Area and introduce Schedule 2 that addresses parking controls specific to Victoria Gardens
- Remove **Schedule 9 to the Design and Development Overlay**
- Apply the **Environmental Audit Overlay** to land subject to the 'sensitive use buffer' of CDZ1, located within Lot 14 on Plan of Subdivision 427328
- Amend the **Schedule to Clause 53.01** of the Yarra Planning Scheme to apply an exemption to the public open space contribution requirements on land within the CDZ1.
- Insert Incorporated Document, '*Victoria Gardens Comprehensive Development Plan, 2022*' to replace the existing incorporated documents ('Victoria Gardens – Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area' and the Victoria Gardens Urban Design Guidelines) with the height restrictions amended over the Doonside Precinct and Lot 9 within River Boulevard Precinct, and deletion of the sensitive use buffer as shown on the 'Comprehensive Development Plan – Precincts, Height and Setbacks Plan (Figure 15).

The Planning Scheme Amendment request also seeks to update the Yarra Planning Scheme Maps to reflect the above changes as outlined within the Instruction Sheet.

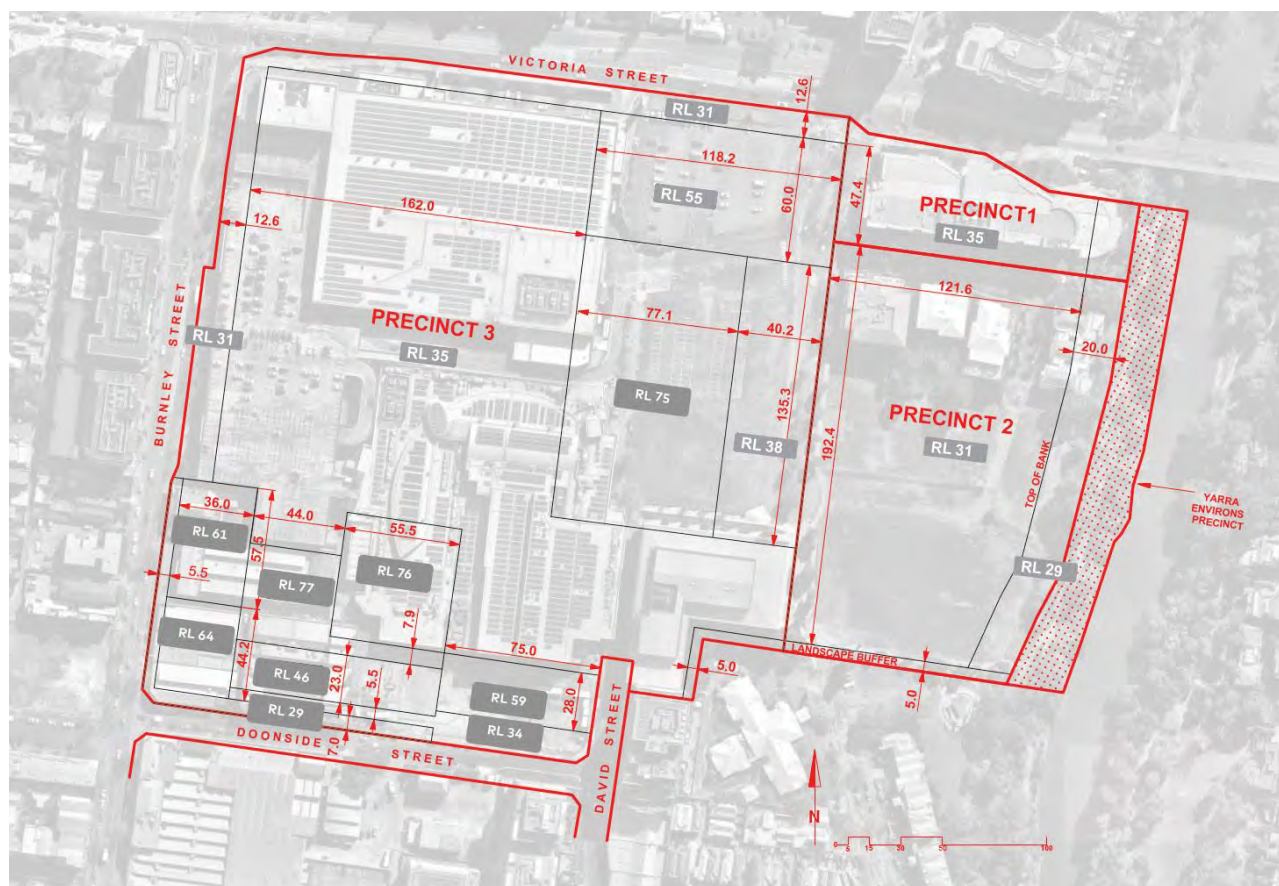
#### 4.1.1. Schedule 1 to the Comprehensive Development Zone

As previously outlined at Section 3 of this report, a new Schedule 1 to the CDZ has been prepared to replace the existing Schedule 1. This will ensure the entirety of the subject site is subject to the same zone and associated provisions.

While the current Schedule 1 to the CDZ applies to the broader Victoria Gardens Comprehensive Development area, generally bound by Victoria Street, Burnley Street, the Yarra River and Doonside Street (in part), the new Schedule will apply to the entirety of the subject site as indicated within Figure 15, including the Doonside Precinct.

The proposed new Schedule 1 to the CDZ has been drafted to follow the current drafting format, replacing the old format of the existing Schedule 1.

Figure 15 – Proposed Comprehensive Development Plan – Precincts, Height and Setbacks Plan



**PROPOSED**

VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT PLAN

RL XX MANDATORY BUILDING HEIGHT CONTROL

Source: Cox Architecture / NH Architecture

Key changes and new requirements of the proposed Schedule 1 to the Comprehensive Development Zone are noted as follows:

- Reference to a new 'Victoria Gardens Comprehensive Development Plan 2022' for the Victoria Gardens Expansion area, including the various precincts. Amendments to table of uses to align with current formatting and recent changes to land use terminology.
- Deletion of references to the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan and the Victoria Gardens Urban Design Guidelines.
- Amendment to the height controls over the Doonside and River Boulevard Precincts, applying discretionary building height controls to Doonside Precinct and Lot 9 as shown in the *Victoria Gardens Comprehensive Development Plan 2022*.
- Requirements to provide affordable housing within Doonside Precinct and Lot 9 (triggered on approval of building height above RL 38 (i.e., above the existing mandatory building height)) equalling either not less than 10% affordable housing at a discounted rate, or not less than 2% gifted of market value.
- Deletion of the sensitive use buffer as it applies to the Doonside Precinct, alternatively extending the Environmental Audit Overlay to affect the entirety of the subject site.
- Planning permit applications exempted from the notice requirements when they are located within the following overlays
  - Clause 44.04 (Land Subject to Inundation Overlay)

- Clause 42.03 (Significant Landscape Overlay)
- Clause 43.02 (Design and Development Overlay); and
- Clause 43.01 (Heritage Overlay).
- Deletion of the following aspects of the Schedule:
  - Under Section 5, the provisions of Clause 44.04 Land Subject to Inundation Overlay, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay and Clause 43.01 Heritage Overlay do not apply to any development constructed in accordance with an approved development plan.
  - Section 18 outlining the car parking rates.
- Transitional Provisions which state that for any approved development plans or any amendments to them, the requirements of the CDZ are as they were in force immediately before the gazettal of the amendment, continue to apply.

The new CDZ1 will facilitate the Victoria Gardens Expansion, including the redevelopment of the Doonside Precinct, as well as enhancing the publicly accessible open space offering and increased connections through both Doonside and River Boulevard Precincts.

Refer to **Appendix B**, for further detail.

### 4.1.2. Parking Overlay – Schedule 1

The introduction of a Parking Overlay Schedule which includes application of new car parking provision rates, providing a new maximum statutory car parking requirement for dwellings, office, shop (including restricted retail) and food and drink premises uses.

Within the Parking Overlay, the following permit requirements would apply:

- A permit is not required under Clause 52.06-3 to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 for any use specified in the Table to this schedule.
- A permit is required to provide more than the maximum parking provision specified for a use in the Table to this schedule.

The application of maximum parking rates would mean that a permit would not be required for an application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. A permit would be required to exceed the parking rate.

Within the Parking Overlay, the following number of car parking spaces are required:

Use	Maximum Rate	Measure
Office	2	To each 100sqm of net floor area
Shop (including restricted retail)	3	To each 100sqm of net leasable area
Dwelling	1	Per dwelling
Food and drinks premises	3	To each 100sqm of net leasable area

Clause 52.06 rates are adopted where no rates are specified, as per the existing schedule, this will result in an overall reduction to the statutory car parking rate for the proposed development.

### 4.1.3. Victoria Gardens Comprehensive Development Plan, 2022

Within the Victoria Gardens Comprehensive Development Plan, 2022, building heights associated with Doonside Precinct and Lot 9 will be amended, and the sensitive use buffer deleted.

The Victoria Gardens Comprehensive Development Plan (CDP), 2022 has been developed as part of the CDZ Amendment. The CDP sets out objectives for enhancing the public pathways and circulation, that link

together a series of proposed publicly accessible spaces, whilst delivering increased amenity in the form of retail, commercial, social, and residential infrastructure.

The following Future Urban Structure is outlined within the CDP, with these being a combination of the previous CDZ requirements and the previously incorporate Urban Design Guidelines):

- Design Element 1: Setbacks, Building Envelopes, Height Limits
- Design Element 2: Building Form, Materials and Colour
- Design Element 3: Orientation, Overshadowing and Overlooking
- Design Element 4: Private Open Space
- Design Element 5: Streetscape and Landscape
- Design Element 6: Views and Vistas
- Design Element 7: Car Park Access and Treatment
- Design Element 8: Publicly Accessible Open Space
- Design Element 9: Pedestrian Movement and Security
- Design Element 10: Signs
- Design Element 11: Interface Areas
- Design Element 11: Boat Landings
- Design Element 12: Heritage Former Loyal Studley Hotel only (new inclusion)

As part of this, a Public Realm Strategy has been prepared by Arcadia as an overarching document for the open spaces in the Victoria Gardens Expansion, providing objectives and guidelines to the network of publicly accessible open spaces in this development.

Figure 16 – Victoria Gardens Expansion Public Open Spaces and Connectivity

These localised precincts consist of the following public realm spaces for occupation and movement alike, that form part of the larger network providing diversity of use:

- Doonside Precinct:**
- 01 Doonside Plaza
  - 02 Pocket Garden
  - 03 Market Hall Square
  - 04 Doonside Street
- River Boulevard Precinct:**
- 05 David Street
  - 06 River Passage Plaza (Lot 9)
  - 07 River Boulevard Forecourt (Lot 9)
  - 08 Victoria Street Plaza (Lot 10, open during trading hours)
  - 09 River Boulevard
- Legend**
- Primary pedestrian connections - all hours access
  - Secondary pedestrian connections - all hours access
  - Pedestrian connections - trading hours access
  - Yarra River / Main Yarra Trail
  - Publicly accessible spaces
  - Publicly accessible private spaces
  - Publicly accessible laneways



Source: Arcadia (Victoria Gardens Expansion Public Realm Strategy)

## 4.2. PLANNING PERMIT PROPOSAL

Within the Yarra Planning Scheme, a permit is required pursuant to:

- **Clause 37.02** (Comprehensive Development Zone) to construct a building and carry out works
- **Clause 37.02** (Comprehensive Development Zone) to use the land as a Hotel/Bar.
- **Clause 37.02** (Comprehensive Development Zone) to reduce the number of car parking spaces required
- **Clause 43.02 (Design and Development Overlay)** to construct a building and carry out works
- **Clause 43.01 (Heritage Overlay)** to partial demolish a building and to construct a building and carry out works

Regarding the use of the land, under the proposed Schedule 1 to the CDZ all bar one use proposed as part of the Victoria Gardens Expansion are nominated as Section 1, as-of-right uses. This includes the following uses – dwelling, office (other than within Precinct 2), food and drink premises, (other than within Precinct 2) and shop (other than within Precinct 1 or 2). The land uses proposed are to be located within the Doonside Precinct, outside Precincts 1 and 2.

A permit is required however for a Hotel/Bar, being a Section 2 use under the CDZ1.

### 4.2.1. Doonside Precinct in Detail

#### 4.2.1.1. Built Form

The proposed development comprises six (6) distinct building forms integrated with the existing heritage building at No. 53 Burnley Street, which are all interlinked through the podium levels, shared walkways and open space areas, both publicly and privately accessible. The proposed development will also integrate with the existing built form of the Victoria Gardens Shopping Centre to the north.

The six (6) distinct building forms range between seven (7) and seventeen (17) storeys. The buildings are labelled on the architectural plans as Building 1, 2, 3, 4, 5, and 6. Building 1 is proposed to front Burnley Street and Buildings 4, 5 and 6 will front Doonside Street. Buildings 2 and 3 are setback behind, internal to the subject site. All buildings with a frontage to Burnley or Doonside Street have a podium presentation to the street.

Notably, the primary heritage fabric of the building located at No. 53 Burnley Street will be retained, while the rear of the building will be demolished to allow for the integration into the new built form proposed.

Figure 17 - Render of Doonside Precinct



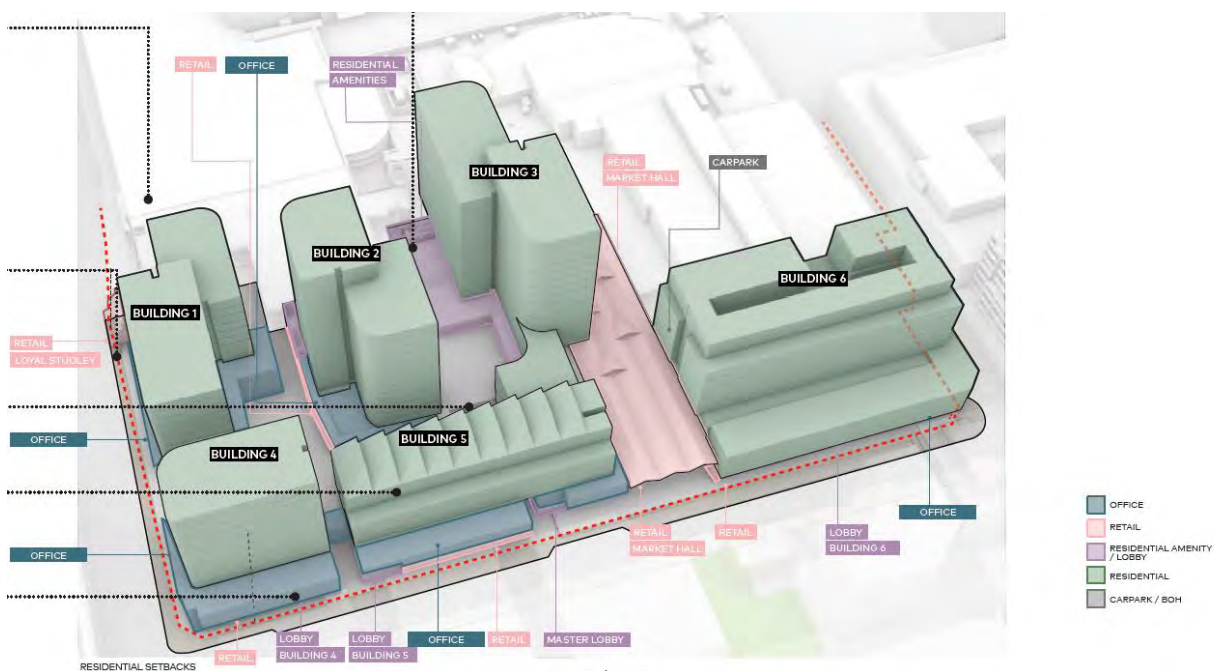
Source: Cox Architecture and NH Architecture

The proposed built form can be generally summarised as follows:

- Two level basement car park, located on the western side of the development. The car park entry/exit will be accessed via David Street to the east, at the ground floor level.

- The Ground Floor – Level 1, including Mezzanine Levels, will form the podium elements of the proposed buildings and will provide a wide range of uses, including:
  - Market Hall, providing for a range of speciality fresh food retailers
  - Hotel (Pub) facing Burnley Street within the heritage building to be retained
  - Bicycle parking, across three areas at the ground floor and mezzanine levels, both for residents and employees (associated with retail and office spaces) with visitor spaces provided on-street
  - Building services, including Level 1 and Level 1 mezzanine car parking within Building 6
- Ground floor setbacks, a minimum of 2.5m (except for the heritage building) to Burnley Street, Doonside Street and David Street to provide for widened footpaths
- Above the podium form, the six (6) distinct buildings, each comprising dwellings, can be described as follows:
  - **Building 1:** ranging in height between 10-12 storeys (plus an additional mezzanine level), with a maximum building height of RL 58.5m (excluding plant)
  - **Building 2:** Ranging in height between 15-17 storeys (plus an additional mezzanine level), with a maximum building height of RL 73.75m (excluding plant)
  - **Building 3:** Ranging in height between 15-17 storeys, with a maximum building height of RL 73.75m (excluding plant)
  - **Building 4:** 13 storeys plus mezzanine, with a maximum building height of RL 61.55m (excluding plant)
  - **Building 5:** Two interlocked forms to create one building being 7 storeys, with a maximum building height of RL 43.25m (excluding plant)
  - **Building 6:** ranging in height between 11 storeys (plus an additional two mezzanine levels), with a maximum building height of RL 56.9m (excluding plant)
  - Building 2 and 3 will be interlinked by built form at the ground and first floor levels
- Generous landscaping is provided across podium rooftops and centrally within the site on Level 1, where the built form is setback from the podium elements below.

Figure 18 – Built Form Massing and Proposed Uses across the Subject Site



Source: Cox Architecture and NH Architecture

#### 4.2.1.2. Development Summary

The proposal comprises the following breakdown of land uses across the built form:

Table 2 – Development Summary

Proposal Area	Land Use Summary
Basement Level 2	172 car parking spaces Retail and residential plant and back-of-house (BOH) Services including substation and rainwater pump Residential storage Retail and Residential loading areas
Basement Level 1	172 car parking spaces Residential storage Retail and residential plant and back-of-house (BOH)
Ground Floor, including mezzanine above	Market Hall Retail Office Residential and Office Lobbies Bicycle Parking including End-of-Trip-Facilities (EOTF) Residential storage Secondary Retail loading Hotel (Pub)
Level 1, including mezzanine above	Commercial, including office Residential lobby and amenities including indoor cinema, games room, spa/pool, lounge, dining areas, music room, gymnasium, multi-purpose rooms, library, meeting room, kids play room Car park area within Building 6 Hotel (Pub) Retail 28 dwellings (Building 6)
Building 1	141 dwellings
Building 2	136 dwellings
Building 3	215 dwellings
Building 4	77 dwellings

Proposal Area	Land Use Summary
Building 5	82 dwellings
Building 6	188 dwellings

Total areas of retail and office use are as follows:

- Retail: total of 8,545 m<sup>2</sup> (GLAR)
- Commercial Office: 3,485 m<sup>2</sup> (NLA)

Please refer to the Development Summary, including within the Architectural package, prepared by Cox Architecture and NH Architecture for further detail.

### Residential Breakdown

The proposal comprises a total of 839 dwellings located within all buildings as outlined in Table 2 above. The proposed mix of dwelling types provides a range of options for future residents. The apartment mix is as follows:

- Studio apartments: 21
- 1 bedroom apartments: 435 (including 29 with a study)
- 2 bedroom apartments: 369 (including 14 with a study)
- 3 bedroom apartments: 14

The apartments vary both in layout and size, with a total of seven different apartment types, ranging between a minimum area of 29.5m<sup>2</sup> and maximum area 131.4m<sup>2</sup>, with an overall average in size of 74.5m<sup>2</sup>.

Notably, all apartments have been designed to ensure compliance with the Better Apartments Design Standards (BADS).

Please refer to the Apartment Layout Plans, included within the Architectural package, prepared by Cox Architecture and NH Architecture for further detail. An assessment against the BADS is also included at Section 7.5 and **Appendix C** of this report.

Affordable housing (associated with dwellings within Doonside Precinct and Lot 9) equalling either not less than 10% affordable housing at a discounted rate, or not less than 2% gifted of market value be provided as part of the development proposal.

#### 4.2.1.3. Publicly Accessible Open Space and Landscaping

The proposal contains several publicly accessible open spaces, a Market Hall, and private (including communal) open space associated with the residential component. These areas are summarised below and assessed in further detail in Section 7.2 of this report.

A landscape architectural package has been prepared by Arcadia and should be read alongside this summary:

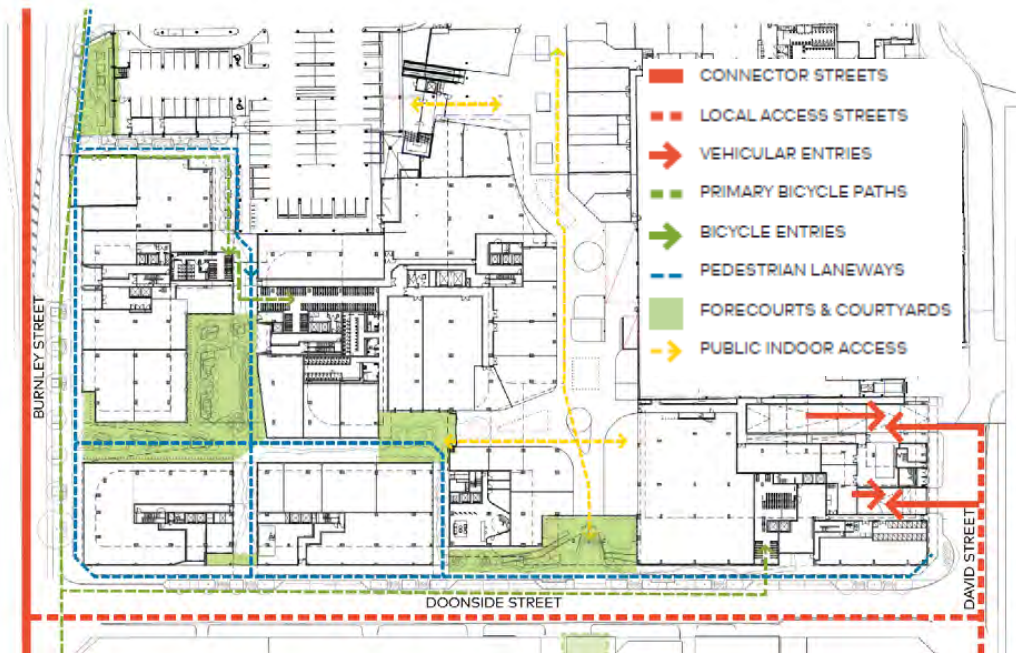
#### Publicly Accessible Open Space

The proposal increases connectivity and open space across the site, providing various internal laneways, connected by courtyards and areas of public open space. These include:

- Widened pedestrian footpaths along Burnley Street and Doonside Street, including the planting of street trees and provision of public seating
- Pedestrian laneway, along the northern boundary of the site, adjacent to the heritage building (to be retained)
- Public indoor pedestrian access through Market Hall and through to the Victoria Gardens Shopping Centre
- North-south and east-west pedestrian laneways, connecting Burnley and Doonside Streets, between Buildings 1/2, 1/4, 4/5, 2/5, and 5/6

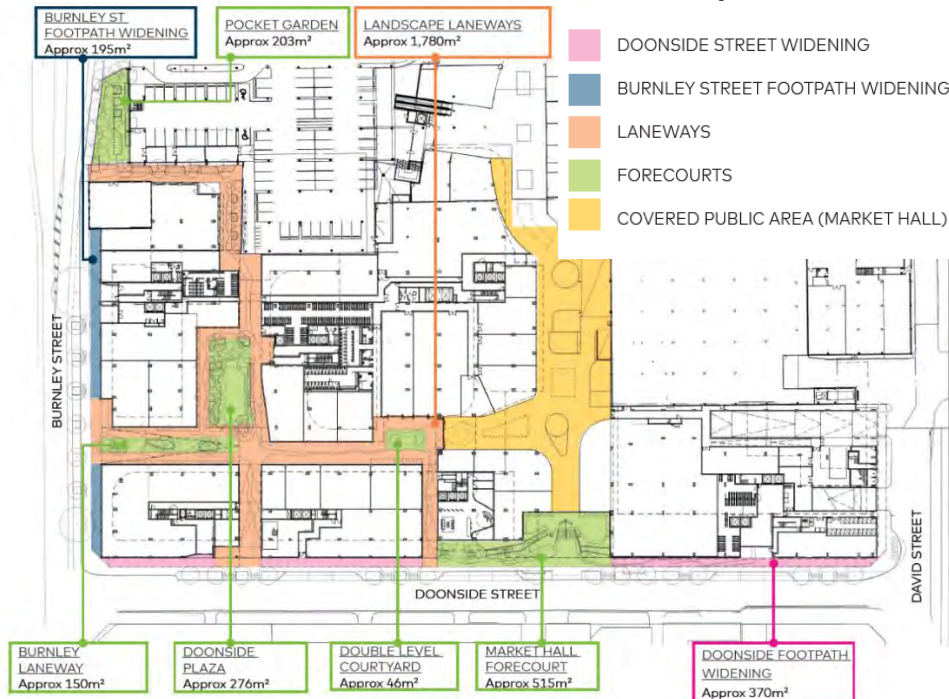
- Pocket Garden, Burnley Laneway, and Doonside Plaza with substantial landscaping with deep soil planting incorporated, including trees, planters, in-ground planting, and lawn. Furniture including various forms of seating will also be provided throughout.
- Double Level Courtyard with landscaping and seating including lush shade planting and vertical green wall
- Market Hall Square with a combination of garden beds with canopy trees and a mixture of seating options

Picture 24 – Ground Floor Publicly Accessible Open Space



Source: Cox Architecture and NH Architecture (Urban Context Report)

Picture 25 – Ground Floor Activation – Connections & Primary Moves



Source: Cox Architecture and NH Architecture (Urban Context Report)

## Market Hall

The Market Hall is proposed to be located centrally within the subject site, with primary access provided off Doonside Street and the Market Hall Square to the south. The Market Hall is a covered space that comprises retail uses, free-standing kiosks and seating areas at the ground floor, and is integrated through to the Victoria Gardens Shopping Centre.

Figure 19 - Market Hall Render



Source: Cox Architecture and NH Architecture (Urban Context Report)

### 4.2.1.4. Public Open Space Contributions

Given the provision of 2,660sqm (out of a possible 8,783sqm) of publicly accessible open space area within the current MUZ, and the previous payment of Public Open Space Contributions as part of the original CDZ development, it is proposed that any future development would be exempt from the requirements of Clause 22.12 and Clause 53.01.

The current provision of Publicly Accessible Open Space equates to 30.285 percent of the land currently zoned MUZ, which far exceeds the contribution requirements of Clause 22.12 and Clause 53.01. We consider that any further financial contributions would be onerous and unreasonable.

As such, we propose that an exemption to the public open space contributions is incorporated within the Schedule to Clause 53.01 of the Yarra Planning Scheme.

### 4.2.1.5. Private & Communal Open Space and Landscaping

Private open space and landscaping is provided in the form of private, communal and landscaped publicly accessible open space for residents and visitors. These spaces consist of:

- Level 1 residential garden, including a 25m swimming pool, outdoor shower facilities, family area, water feature, grassed areas, substantial planting and outdoor terrace, barbeque and dining areas
- Level 2 landscaping, including vegetated green roofs, raised planters to edge of the buildings and with screening planting
- Level 3 areas, including raised planters and private terraces to Building 6
- Level 5 communal roof terrace between Buildings 3 and 5, as well as raised planters to Building 5
- Level 7 and 8 communal terrace with raised planters
- Level 9 raised planters to edge of Building 6

#### 4.2.1.6. Materials and Finishes

The materials and finishes of the proposal have been chosen to reference those materials historic to the area, as well as contemporary materials evident in the surrounds. A wide range of construction materials are proposed and have been designed to distinguish between the differing built form elements across the proposal. The key finishes chosen across the different built form elements are summarised as follows:

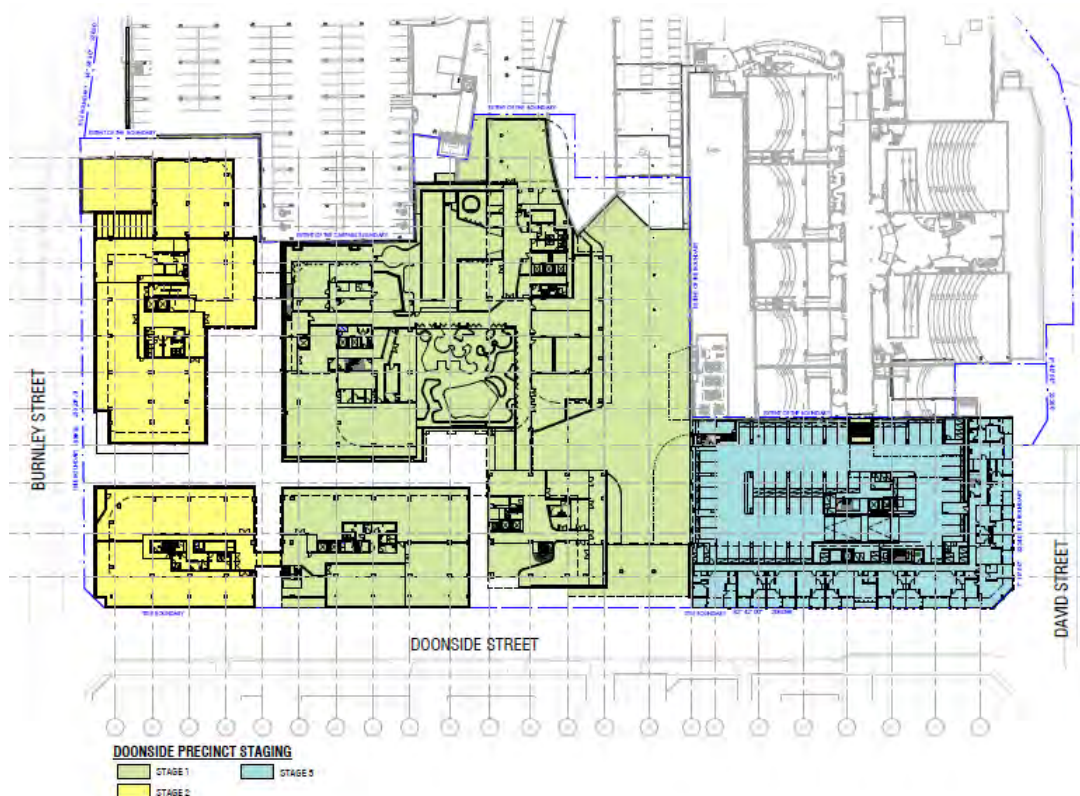
- The **podium** will comprise materials including red brick, sandy brick, hit and miss red brickwork and dark grey precast concrete. Further articulation will be provided through the use of monument colourbond metal, timber panelling and various glazing types.
- The **towers** will be constructed using a wide range of materials, including light and mid grey precast concrete, silver tinted glass, exposed concrete slab edges, various coloured regular and hit and miss brick work, terracotta tiles, with features of mesh screening and metal privacy screening, as well as angled and flat metal balustrades.

#### 4.2.1.7. Staging of the Development

The proposal seeks to stage the delivery of development for the Doonside Precinct over time. Each stage of development can be summarised as follows:

- **Stage 1** – basement levels, development at the ground floor and mezzanine levels within the central and eastern portions of the site (Buildings 2, 3, 5, and 6), and development located centrally within the subject site at Level 1 and above (Buildings 2, 3 and 5). This stage will include the ground level Market Hall, Doonside Street entry, retail and residential loading docks, services and substation.
- **Stage 2** – development interfacing Burnley Street at the Ground Floor and above of Buildings 1 and 4, including the restoration of the Former Loyal Studley Hotel. This stage includes the Burnley Street footpath widening and entry forecourt.
- **Stage 3** – development located within the eastern portion of the subject site (Building 6) at Level 1 and above.

Figure 20 – Development Staging Plan (note Level 1 only, refer to Architectural Drawings for all Staging Plans)



Source: Cox Architecture and NH Architecture

# 5. PLANNING SCHEME AMENDMENT STRATEGIC CONSIDERATIONS



## 5. PLANNING SCHEME AMENDMENT STRATEGIC CONSIDERATIONS

### 5.1. DOES THE PROPOSAL MEET THE REQUIREMENTS OF THE CDZ?

The Victoria Gardens Expansion proposal achieves and meets all the relevant requirements of the Comprehensive Development Zone, Schedule 1. An assessment against the key requirements of the proposed CDZ is provided below as follows:

- **Uses** – all land uses proposed on the subject site are permissible under the CDZ1, noting that all uses comply with the relevant condition requirements. The key land uses proposed are Section 1 uses, noting the accompanying condition requirements are met. These are noted in the table below.

Table 3 – Proposed Uses and compliance with CDZ – Schedule 1

Use	Condition	Compliance
<u>Section 1 (no permit required)</u>		
Food and drink premises	Must not be located in Precinct 2.	Comply
Office	Must not be located in Precinct 2.	Comply
Dwelling	N/A	N/A
Restricted retail premises	N/A	N/A
Shop	Must not be located in Precinct 1 or 2.	Comply
<u>Section 2 (permit required)</u>		
Hotel	N/A	N/A

- **Car Parking requirements** – As a result of the proposed car parking controls within the proposed Parking Overlay schedule, the Victoria Gardens Expansion requires a total maximum statutory car parking requirement of 1 space per dwelling, 2 spaces per 100sqm for office and 3 spaces per 100sqm for shop and food and drink premises land uses.

In total, the proposed development of the Doonside Precinct provides for a total of 518 car parking spaces, to be allocated to residential and office uses. As such, the car parking provision will comply with the maximum statutory car parking requirement associated with the proposed dwellings, office and shop land uses on site, while a reduction to the car parking requirements associated with the hotel (pub) and food and drink premises on site is sought for the proposal. Having regard to the Transport Impact Assessment, including parking demand assessment, undertaken by Stantec (formerly GTA consultants), the proposed reduction to the car parking requirements is considered appropriate. Namely, the proposed development seeks to utilise the existing public transport network in proximity to the site and encourage the use of sustainable transport modes, aligning with the broader objectives for sustainable transport within the municipality.

- **Comprehensive Development Plan** – The proposal is generally in accordance with, and in compliance with the requirements of the Victoria Gardens Comprehensive Development Plan 2022. All building heights proposed have been designed in accordance with those outlined in the Comprehensive Development Plan – Precincts, Height and Setbacks Plan (Figure 15) to ensure compliance.

## 5.2. WHY IS THE AMENDMENT REQUIRED?

The Victoria Gardens Expansion presents a significant opportunity to rejuvenate, not only the subject site to create a truly mixed-use precinct and connected community, but also contribute to the evolution of the surrounding urban environment.

The existing planning controls that apply to the subject site are out of date and now lack relevance in both the physical and planning context of the subject site. As such, the planning controls are in need of updating to accelerate the activity centre planning for the Victoria Gardens Comprehensive Development area and ensure the planning controls reflect the significant urban renewal which surrounds the site and has occurred since the construction of the existing Victoria Gardens Shopping Centre. This application will act as a catalyst for the revitalisation of Victoria Gardens and its integration with the surrounding area of Richmond, and the broader area of Yarra.

The Doonside Precinct will create a vibrant land use mix of retail, residential, office and publicly accessible open space, contributing significantly to the rejuvenation of the area. The River Boulevard Precinct presents as a unique opportunity within a generally fine-grained area, to provide for significant public realm improvements, generous publicly accessible spaces and improved connectivity within and through the site, including to the Yarra River.

The amendment is required to allow the currently underutilised land to be appropriately developed in line with the strategic vision for the area in a holistic manner with the overall Victoria Gardens area.

The Doonside Precinct development offers the opportunity to enhance the centre through new retail, commercial and residential development and urban renewal of former industrial land with significant job creation generated through the project lifespan and permanent jobs once completed.

### 5.2.1. Current Zones

Under current conditions, the Doonside Precinct is located over two zones with part of the site within a Mixed Use Zone. This leads to a very complicated set of planning controls with multiple planning approvals required to realise the Doonside Precinct project including a planning scheme amendment, planning permit (MUZ land) and development plan (CDZ land) approval required for the single Doonside Precinct development. The Comprehensive Development Zone is now over 20 years old, is not in a current drafting format and importantly does not appropriately align with strategic planning policy for intensification of Major Activity Centres.

The expansion of the CDZ into the MUZ land would allow the whole site to be considered under the same zone, requirements and decision guidelines. The zone continues to be useful given that there are large areas within the current CDZ which have not been completed yet and the CDZ is a higher order zone appropriate for the Activity Centre.

### 5.2.2. Deletion of DDO9

The deletion of Design and Development Overlay Schedule 9 from the Doonside Precinct (where it currently applies) is acceptable given the design objectives have been met within the proposal in the following manner.

It should also be noted that the subject site is separated from the low scale residential areas by the sites to the south (including the Harry the Hirer site and also Burnley Street to the west):

- *To recognise this Precinct, being on the edge of an activity centre and abutting low rise residential development, as transitional in its location and function;*

The proposal is recognised as being part of the Activity Centre through its inclusion as part of the CDZ with the buildings responding to the surrounding emerging character of built form. The sites further to the south are abutting low scale residential development.

- *To ensure building design responds to the industrial character of the precinct but respects the character of the established residential areas to the south and east of the Precinct;*

The proposed design and material palette reflects the former industrial character of the precinct with a modern interpretation. The fine-grained nature of the materials chosen are reflective of the character of the established residential areas.

- *To respect the scale of development on the south side of Appleton Street;*

The Harry the Hirer site and the constructed apartments to the south provide the transition to the lower scale residential areas on the southern side of Appleton Street.

- *To provide a pedestrian friendly environment along all street frontages;*

A significant improvement with respect to creating a pedestrian friendly environment along all street frontages is achieved through the proposal. This includes widened footpaths, landscaping, street furniture, active uses, and publicly accessible open spaces.

- *To encourage improvements to the public domain, including the provision of public open space;*

The proposed Doonside Precinct within the Victoria Gardens Expansion will incorporate approximately 3,535 sqm of publicly accessible open space for the enjoyment of the community, in the form of various open spaces, including plazas and squares, interlinked by laneway connections. These are centred around the key public realm areas on the ground floor, being the Burnley Laneway, Pocket Garden, Doonside Plaza, Double Level Courtyard, the Market Hall Square and the both the Burnley and Doonside streetscapes.

- *To ensure that new development does not adversely impact on local traffic conditions;*

Overall, it is considered that the supply of car parking is appropriate for the proposed development, considering it is supported by Council's strategy to reduce private vehicle usage.

Stantec (formerly GTA Consultants) have confirmed that considering existing traffic volumes and noting that the constrained nature of the surrounding road network, the traffic impact of this additional traffic is expected to be minor.

- *To ensure a high standard of architectural design; and*

As indicated, the proposal presents an exemplar high standard of architectural design.

- *To ensure that new development does not prejudice the ongoing operation of nearby commercial, industrial and warehouse businesses.*

At the time DDO9 was introduced into the planning scheme the majority of the surrounding area was largely industrial. Since that time a number of apartment buildings have been approved and constructed, with the Harry the Hirer site rezoned to Mixed Use Zone and including a residential component within Amendment C223yara (approved 6 May 2021). Nevertheless, given the adjacency to the Victoria Gardens Shopping Centre, ensuring the ongoing functioning of the commercial uses within it have been a key consideration.

### **Amendment to Clause 53.01**

Given the provision of 2,660qsm (out of a possible 8,783sqm) of publicly accessible open space area within the current MUZ, and the previous payment of Public Open Space Contributions as part of the original CDZ development, it is proposed that any future development would be exempt from the requirements of Clause 22.12 and Clause 53.01.

The current provision of Publicly Accessible Open Space equates to 30.285 percent of the land currently zoned MUZ, which far exceeds the contribution requirements of Clause 22.12 and Clause 53.01. We consider that any further financial contributions would be onerous and unreasonable.

As such, we propose that an exemption to the public open space contributions is incorporated within the proposed Schedule to Clause 53.01 of the Yarra Planning Scheme.

### **Introduction of the Parking Overlay**

The parking overlay is required to be introduced to the Planning Scheme and it will incorporate new car parking rates. The introduction of a Parking Overlay Schedule which includes application of new car parking provision rates, providing a new maximum statutory car parking requirement for dwellings, office, shop (including restricted retail) and food and drink premises uses. Where they are not specifically mentioned, Column B of Clause 52.06 will apply. The objectives of the parking overlay to be achieved are as follows:

- To identify appropriate car parking rates for development and land uses within the Victoria Gardens Precinct as identified within Schedule 1 of the Comprehensive Development Zone.
- To facilitate the continued commercial operation of the Victoria Gardens Precinct, including the Victoria Gardens Shopping Centre and to ensure that appropriate car parking is provided.

- To recognise the site's proximity to the Principal Public Transport Network and to reduce car parking demand by encouraging use of sustainable and active transport modes to and from the site.

The current car parking requirements specified in the CDZ were incorporated into the Yarra Planning Scheme in April 2009 and are now considerably out of date with current practice and the requirements for the site. The proposed revision to the CDZ seeks to remove the parking rates and move them to a standalone parking overlay specific to the subject land.

### **Exemptions within CDZ**

Under the existing CDZ Schedule 1, Section 5, the provisions of Clause 44.04 (Land Subject to Inundation Overlay - LSIO), Clause 42.03 (Significant Landscape Overlay - SLO), Clause 43.02 (Design and Development Overlay - DDO) and Clause 43.01 (Heritage Overlay - HO) do not apply to any development constructed in accordance with an approved development plan.

Given the current formatting of Clause 37.02 does not allow a Schedule to exempt permit requirements under other overlays, this is not able to be transferred over to the proposed amended CDZ Schedule 1. However, allows a Schedule to exempt applications under other provisions from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act (see below). As such, the proposed amended Schedule 1 has now been amended to exempts application under the SLO, DDO and HO from notice requirements and review rights. We note that LSIO already includes exemptions from notice and review.

## **5.3. DOES THE AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?**

The *Planning and Environment Act 1987* establishes the objectives of planning in sections 4(1) and 12(1). The amendment upholds the objectives of planning by way of the following:

- Providing for the fair, orderly, economic and sustainable use and development of the site
- Facilitating a development that incorporates best-practice ESD initiatives, contributing to sustainable built form
- Providing a vibrant, mixed-use precinct that supports a pleasant and safe working and living and environment
- Ensuring no unreasonable impact on buildings identified of specific historic or cultural value
- Supporting the redevelopment of the site with improved facilities for net community benefit
- The development accords with the above objectives through the application of the Comprehensive Development Zone to the site, ensuring the objectives within the Planning Policy Framework are achieved.
- Further, the proposal responds to the present and future interests of Victorians by facilitating a high-quality, sustainable development that will provide significant community benefits.

## **5.4. DOES THE AMENDMENT ADDRESS ANY ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS?**

### **Planning in Victoria**

The amendment is consistent with the objectives of planning in Victoria. It will provide for the appropriate use and development of the land, and will provide a pleasant working, living and recreational environment for residents, workers and visitors to the site.

### **Environmental effects**

The amendment will have positive effects on the environment by facilitating the development of landscaped public open space and private open space on land which currently has no vegetation. The development proposal also incorporates a wide range of environmentally sustainable design (ESD) features to ensure the environmental impacts of intensifying the land uses on the site are minimised.

In addition, the proposed design response and built form massing appropriately responds to environmental wind conditions, and environmental preliminary site investigations would ensure appropriate outcomes for sensitive uses residential above potentially contaminated land.

Critically, the proposed design response and built form massing appropriately respond to the Yarra River overshadowing controls (DDO1). As part of the amendment, the eastern portion of the Doonside Precinct will be included within the EAO and as such, this will facilitate the rehabilitation of the site.

### **Social effects**

The amendment will have positive impacts on the community through facilitating the provision of the following:

- Enhancing the public realm and supporting active travel and the environment. A total of 9,750 sqm of public open space is proposed including a public realm connection between River Boulevard and the Yarra River Trail.
- The opportunity for increasing housing opportunities in an area that is proximate to community facilities, schools, health services, public open space and public transport options.
- The consolidation of the land as a mixed-use development, providing a range of dwelling types, commercial and retail offerings and employment at the site.
- The opportunity to bring additional uses to a significant activity centre in Yarra.
- Revitalising and reshaping Victoria Gardens Shopping Centre through promoting an increase in the local population of residents, visitors and workers.
- Recreational and social interaction opportunities via the public open space, linkages through and around the site, and provision of retail spaces and public realm improvements.
- A safer environment with activated street frontages and passive surveillance provided from the new built form that will replace the existing largely blank walls.
- Providing a share of the additional dwellings that the Richmond area will need to support projected population levels.
- The Build-to-Rent (BTR) element introduces a greater diversity of housing into the area. There is a need to provide other housing options to residents moving into the area.
- BTR also contributes to alleviating housing stress and creates communities of long-term residents. BTR rental arrangements will lower housing costs for people renting long-term, reduce rental stress, both financially and mentally, and creating communities of long-term residents.
- Providing new publicly accessible open space to support and sustainably meet the open space needs of the existing and future community. Green space provides a range of social, mental, physical and environmental benefits to residents.

### **Economic Effects**

- The proposed development across the development sites is estimated to have a total construction cost of around \$900 million inclusive of GST over an anticipated construction timeframe of 7 years in total.
- On average, 681 FTE direct & indirect jobs are likely to be created for the State on an annualised basis during construction, with many accruing locally. Total direct and indirect Gross Value-Added (GVA) to the State economy is estimated at \$97.2 million per annum on average over the construction period in constant 2021 dollars.
- Upon completion, the proposed expansion will support around 3,397 total direct jobs (full-time, part-time and casual) on-site across the retail and commercial spaces, childcare centre and managing the build-to-rent apartments. This is a significant uplift compared to the precinct employment level in 2016 of 2,610.
- The direct jobs are estimated to induce a further 1,902 additional jobs within Victoria as a result of flow-on effects. There will be an estimated \$836.5 million per annum indirect and indirect GVA contribution to the Victorian economy generated from the daily operation and management of facilities within the development.

- On-site residents will spend an estimated \$22,800 on retail goods and services on a per capita basis by 2029. The total retail spending by on-site residents is therefore estimated to reach \$73 million by this time.

## 5.5. DOES THE AMENDMENT ADDRESS RELEVANT BUSHFIRE RISK?

The subject site is not located within the Bushfire Management Overlay, nor within a designated 'Bushfire Prone Area' under planning policy. The amendment will not increase the risk to life, property, infrastructure or the natural environment from bushfire.

## 5.6. DOES THE AMENDMENT COMPLY WITH ALL THE RELEVANT MINISTER'S DIRECTIONS?

The amendment is consistent with the relevant Ministerial Directions, as follows:

- The proposed amendment accords with Ministerial Direction No. 1 'Potentially Contaminated Land' and does not pose any adverse environmental effects. The site is partly located within the Environmental Audit Overlay (EAO) and the land will be appropriately remediated, if necessary, in accordance with the requirements of this Overlay. As part of the amendment, the eastern portion of the site will also be included within the EAO.
- The proposal complies with Ministerial Direction No. 9 'Metropolitan Strategy' as it facilitates the redevelopment of the site in accordance with the directions contained within Plan Melbourne: 2017-2050, including the principle of 20-minute neighbourhoods.
- The explanatory report addresses the required strategic assessment guidelines in accordance with Ministerial Direction No.11 'Strategic Assessment of Amendments'.
- In line with Ministerial Direction No. 19 comments have been sought from the EPA and have been provided as part of this submission. This application addresses any views of the relevant authority.

## 5.7. HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE STATE PLANNING POLICY FRAMEWORK PPF?

The proposal is highly consistent with the objectives and policies contained within the Planning Policy Framework (PPF) and achieves the outcomes relating to Plan Melbourne, Urban Growth, Open Space, Metropolitan Melbourne, Environmental Risks, Water, Built Environment and Heritage, Residential Development, Commercial, Integrated Transport, Movement Networks and Infrastructure for the following reasons:

- The amendment ensures policy direction for activity centres can be met by providing the opportunity for high-quality mixed use development within a Major Activity Centre that can introduce a form of higher density housing. The land can be consolidated as a mixed-use precinct, including housing, commercial and retail uses that will be well serviced by public transport, retail and community services. **(Clause 11)**
- The amendment ensures that the policy direction for activity centres can be met by increasing housing yield in a convenient and established urban environment with excellent access to public transport, services and employment. **(Clause 11)**
- Any potential contaminated land can be addressed via the requirements of the Environmental Audit Overlay. **(Clause 13)**
- The proposed development will ensure the preservation of an appropriate degree of heritage fabric and is designed to sit comfortably within the existing heritage context. **(Clause 15.03)**
- The amendment ensures policy direction for a safe, functional and high-quality urban environment can be met. This amendment facilitates a form of higher-density housing along a transport corridor that is well separated from surrounding residential areas. **(Clause 15)**
- Publicly accessible open space will be provided throughout the site to extend and diversify the surrounding street network. **(Clause 15)**

- It will provide a high quality development which will respond appropriately to the surrounding area and the characteristics of the subject site, including heritage through an attractive and innovative design response which will introduce contemporary built form to this site. **(Clause 15)**
- The proposal will contribute to the quality of the public realm by achieving high standards in urban design, while based on a comprehensive site analysis to take into consideration the surrounding context. **(Clause 15)**
- Where possible, the proposal will achieve excellence in energy efficient building design which implements key ESD principles. **(Clause 15)**
- The proposal provides a range of dwelling typologies and sizes to increase housing choice and improve affordability. **(Clause 16)**
- It will contribute to objectives for mixed use development of Richmond which is intended to accommodate both residential and commercial land uses. It will provide a mix and level of activity to attract people for a variety of reasons within a safe environment and to provide a range of active frontages and land uses. **(Clause 17)**
- The proposed development serves to strengthen the provision of infrastructure for sustainable transport options, including easy access for pedestrians to ground levels, as well as plentiful facilities for cyclists and easy access for public transport uses. This design also facilitates the development of the 20-minute neighbourhood, which focuses on accessibility via non-vehicular means. **(Clause 18)**
- It will make better use of existing infrastructure and will provide an improved range of housing choice and business opportunities within the immediate locality for both current and future residents. **(Clause 19)**

## 5.8. HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE LOCAL PLANNING POLICY FRAMEWORK, AND SPECIFICALLY THE MUNICIPAL STRATEGIC STATEMENT?

The proposal is consistent with the MSS and local policy, including Council's vision for the Victoria Street MAC area, as it will provide a high-quality mixed-use development that is consistent with the mixed-use nature of the wider Richmond precinct.

Specifically, the proposal is considered to respond to the relevant policy context for the following reasons:

- In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the MSS within **Clause 21.04-2** and would complement the role and function of the Victoria Street MAC, Victoria Gardens Shopping Centre and surrounding area, as well as strengthening its long-term viability as a destination for the local community.
- The proposal is generally consistent with Council's built form policy at **Clause 21.05-2** (Urban Design). The proposed building height will address the five relevant criteria for higher density development for the following reasons:
  - Provides significant upper level setbacks
  - Is of architectural design excellence
  - Achieves excellence in environmental sustainability objectives in design
  - Provides a high quality restoration and adaptive re-use of the heritage building, the Former Studley Hotel
  - Makes a significant contribution to the enhancement of the public domain
  - Provides for affordable rental housing
- The proposal will provide new laneway connections through the site, linking in with the surrounding existing network. The proposal will incorporate publicly accessible open space for the enjoyment of the community, in the form of various open spaces, including plazas and squares, interlinked by laneway connections. These are centred around the key public realm areas on the ground floor, being the Pocket Garden, Burnley Laneway, Double Level Courtyard, the Market Hall Square and the Doonside/Burnley streetscapes, which are discussed below.

- The proposal will contribute to the consolidation and viability of the Victoria Street Activity Centre, as it will provide a mixed use development with residential, office and retail components, on the fringe and within close walking distance of the activity centre.
- The development will assist in achieving Council's objectives at **Clause 21.06** (Transport) as it will provide higher density housing options within close proximity of public transport and is within walking distance of services within the Victoria Street Activity Centre. It is well connected to a variety of cycling and walking networks within the surrounding area.
- The proposal has regard to **Clause 21.07** (Environmental Sustainability) as it adopts sustainable building design through the use of a variety of ESD features.
- The proposal is consistent with **Clause 21.08** (Neighbourhoods), which encourages the provision of land uses close to Victoria Gardens that supports its role and by contributing to the fine-grained network of pedestrian friendly streets east of Burnley Street and north of Doonside Street. Further, the proposal will contribute positively to the surrounding urban fabric and public realm.
- Through the retention and restoration of the hotel, the existing building will be significantly improved compared to existing conditions which is compliant with heritage policy at **Clause 22.02-5.3**.
- As per **Clause 22.03** (Landmarks and Tall Buildings), the proposal will add to the interest of the urban form and skyline.
- The proposal will provide a reasonable level of amenity within the proposed dwellings, as desired within **Clause 22.05** (Interface Uses Policy). The site has the benefit of its locality with limited sensitive interfaces other than existing residential buildings across David and Doonside Streets, therefore it is not envisaged that any adverse amenity impacts will result.
- The proposal will provide a positive contribution to the character of the area, including through replacing the existing blank facades with activated building frontages, and will provide built form that is safe, convenient, attractive, accessible and sustainable, consistent with **Clause 22.10** (Built Form and Design Policy).
- The proposal meets the objectives of **Clause 22.11 (Victoria Street East Precinct Policy)** given:
  - it does not impact the Yarra River corridor;
  - does not result in unreasonable additional traffic implications;
  - encourages the use of public transport;
  - improves pedestrian connectivity within and through the street;
  - improves existing infrastructure;
  - has an appropriate land use mix and is of a high quality design which respects and protects the character of neighbouring residential properties; and
  - ensures sunlight and amenity is maintained to public spaces.
- The proposal will, as part of the ESD features, appropriately minimise the hydrological impact of the development through water sensitive urban design and stormwater re-use wherever possible, consistent with **Clause 22.16** (Stormwater Management (Water Sensitive Urban Design)).

## **5.9. DOES THE AMENDMENT MAKE PROPER USE OF THE VICTORIA PLANNING PROVISIONS?**

The Comprehensive Development Zone has been applied to the land appropriately to facilitate the Victoria Gardens Shopping Centre development. Given the development is yet to be completed and the proposed development will form part of the overall precinct, it is appropriate to apply a Comprehensive Development Plan to the entirety of the subject site.

The purpose of the Comprehensive Development Zone is to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated into the planning scheme.

The Parking Overlay is the appropriate location to include site specific car parking controls.

The Schedule to Clause 53.01 is the appropriate location to specify any particulars for the Public Open Space Contributions.

## **5.10. HOW DOES THE AMENDMENT ADDRESS THE VIEWS OF ANY RELEVANT AGENCY?**

Council Strategic and Statutory Planning departments have been consulted extensively on the preparation of the planning scheme amendment.

The views of relevant agencies will be sought by the responsible authority through the assessment process.

## **5.11. DOES THE AMENDMENT ADDRESS RELEVANT REQUIREMENTS OF THE TRANSPORT INTEGRATION ACT 2010?**

The planning scheme amendment will provide for the integration of transport and land use and facilitate access to social and economic opportunities as sought in the *Transport Integration Act 2010*.

The site is well serviced by existing public and private transport networks, which will enable residents, workers and visitors to access the site by a range of transport modes.

This is discussed in further detail within the Transport Impact Assessment prepared by Stantec (formerly GTA Consultants).

## **5.12. RESOURCE AND ADMINISTRATIVE COSTS**

The amendment would not place any unreasonable resource or administrative costs on the responsible authority.

6.

# PLANNING SCHEME AMENDMENT PLANNING CONSIDERATIONS



## 6. PLANNING SCHEME AMENDMENT PLANNING CONSIDERATIONS

The following sections of this report address the key planning considerations, which are:

- Planning policy support for the proposed planning scheme amendment and development
- Economic benefits and land use mix
- Public benefits
- Transport, traffic and parking
- Environmental considerations

### 6.1. PLANNING POLICY SUPPORT AND STRATEGIC JUSTIFICATION

The proposed planning scheme amendment enjoys strong strategic support at the State and local policy level. The site is within a Major Activity Centre where retail based intensive development is encouraged. The Richmond neighbourhood is undergoing significant change, with several higher-density developments approved, under construction and completed within the immediate area. This development will provide a positive strategic opportunity for development within a well-resourced, inner-urban environment with a proposed built form that responds to the diverse pattern of urban form in the neighbourhood and with limited off-site amenity impacts.

Plan Melbourne and the Planning Policy Framework (PPF) envisage Major Activity Centres as a focus for a mix of commercial and higher-density residential development in order to consolidate urban environments and support local economic growth in areas near established jobs, services, and public transport.

State and local strategic policies identify Victoria Street as a Major Activity Centre (MAC), the highest order of activity centres within Yarra's hierarchy. The Victoria Gardens Expansion area is located strategically within the Victoria Street MAC as identified within Yarra's Strategic Framework Plan at Clause 21.03 of the Planning Scheme. Furthermore, Clause 21.03 recognises the strategic importance of the subject site as a 'strategic re-development site' within the Residential Development Opportunities Map at Figure 2. Amendment C269yara continues to acknowledge activity centres as the focus for growth due to their proximity to transport infrastructure.

The surrounding area has already had substantial redevelopment and is anticipated to undergo the most significant degree of change of all the activity centres in Yarra. This is further entrenched given the recent approval of Amendment C223yara directly to the south.

This planning scheme amendment to the Yarra Planning Scheme directly aligns to the strategic importance of the subject site, as recognised within the Planning Scheme Framework.

Picture 26 – Major Activity Centres (subject site identified in yellow)



Source: Figure 1 within Clause 21.03 of Yarra Planning Scheme (DELWP, 2021)

Picture 27 – Strategic re-development site (subject site identified in yellow)



Source: Figure 2 within Clause 21.03 of Yarra Planning Scheme (DELWP, 2021)

## Employment

The metropolitan planning strategy, Plan Melbourne 2017-2050 locates the City of Yarra within the 'Inner South East Region'. Plan Melbourne 2017-2050 outlines that an additional 1.5 million new jobs will need to be accommodated over the next 35 years. Plan Melbourne forecasts that the inner region will add 233,000 jobs between 2015 and 2031. These will be primarily within professional scientific and technical services, finance and insurance services, healthcare and social assistance, public administration and safety. Many of these typically require office floor space. The proposal meets this policy by locating a high-quality mixed use development within an inner-city area where there is strategic intent and need for employment growth. The MICLUP outlines that the City of Yarra will account for at least 43,000 jobs within the Inner Metro Region, between 2016 and 2031 with this equating to growth of 2.7 percent.

The proposal is further supported by Council's adopted Spatial Economic and Employment Strategy (SEES) which aims to support employment growth in Yarra's Activity Centres (including Victoria Street and Victoria Gardens). The report identifies that *"Victoria Gardens Shopping Centre provides diversity to Yarra's retail offer with a larger format, multi-anchor centre that combines supermarkets, conventional retail and bulky goods retail. Although a break from the traditional main street retail formats, the centre provides a complimentary offer and serves a catchment that extends well beyond Yarra."* The SEES outlines that *"Victoria Gardens is an attraction for a sub-regional population and serves a large and growing local community. The centre provides a different retail format and experience to the street-based offer of the western end of Victoria Street."* The SEES confirms that there is demand for an additional 55,000sqm of floor space projected over the next 15 years (since 2008) The proposed Victoria Gardens Expansion is uniquely placed to take advantage of this adjacency, as well as providing improved connectivity to Victoria Street and the Shopping Centre from the surrounding residential developments and established low scale dwellings.

Broadly, the objectives of this strategy are in line with the proposal by:

- identifying locations that are best suited for accommodating growth and change;
- identifying opportunities for employment precincts; and
- identifying areas where council needs to support growth and change in economic and employment activity.

The construction and provision of commercial and retail floor space will serve to contribute positively to the local economy. The proposal will result in approximately 681 direct and indirect jobs during construction, approximately 3,397 total jobs through the operation of the new retail and commercial facilities, approximately 1,902 additional jobs across Victoria due to flow-on effects. In particular, the redevelopment will assist with strengthening the commercial uses of the area and provide a valuable local employment hub which will complement the surrounding uses and the existing Shopping Centre.

## Population Growth

Plan Melbourne anticipates that 1.6 million new dwellings will be required in and around Melbourne to house the projected population growth over the next three decades. The Plan seeks to support the continued growth and diversification of activity centres and encourage new development along the existing and planned transport network, to give communities access to a wide range of goods and services and provide further employment opportunities.

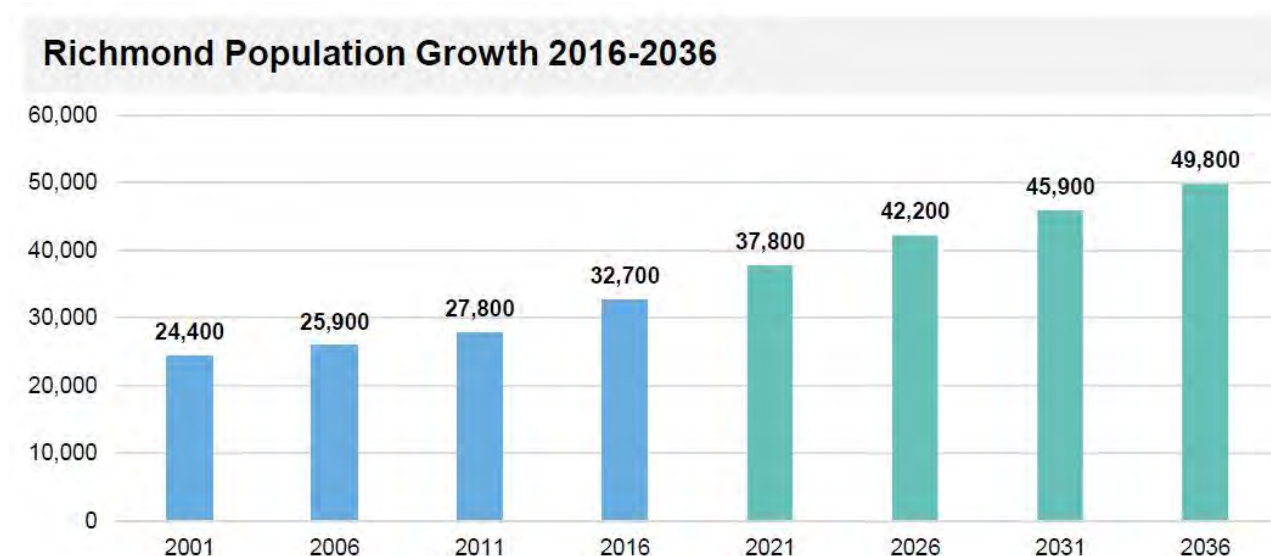
The City of Yarra's population, similarly with metropolitan Melbourne, has been experiencing rapid growth with an increase of 17,208 people<sup>1</sup> between 2011 and 2016, representing an annual increase of 3.7 percent. In the 2016 Census, there were 86,657 people living within Yarra with the current population forecast<sup>2</sup> for 2021 being 104,905 and 136,450 people by 2036. Beyond this, the Victoria In Future (VIF) 2019 forecasts expect a further 2.2 million people to live in metropolitan Melbourne between 2036 and 2056. The demographic forecasting firm id Consulting (used by the City of Yarra) estimates that the population for Yarra in 2041 will be 157,600 people, a growth rate of 69%.

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<sup>1</sup> City of Yarra Housing Strategy November 2018 - Page 41

<sup>2</sup> Victorian State Government Victoria in Future 2019 Population Projections 2016 to 2056 July 2019

Figure 21 – Victoria In Future (VIF) Forecast for Richmond



Source: VIF2019; Urbis

Importantly, *Clause 21.02 - Municipal Profile* of the Yarra Planning Scheme relies on population forecasts created in 2004 where it was forecast that the population would reach 90,000 by 2031. In effect, the population that the planning scheme originally planned for by 2031 has been surpassed significantly and many years in advance. The recent official population projections within Victoria in Future 2019 (VIF 2019)<sup>3</sup>, expects that metropolitan Melbourne will add 4 million people from 2018 to 2056, resulting in an overall population of 9 million. VIF 2019 projects that Inner Melbourne (City of Yarra, City of Melbourne and City of Port Phillip) will grow significantly and will experience the second highest average annual growth rate of 2.4% up to 2036, second only to Metropolitan Growth Areas.

In providing 1,679 dwellings across the Victoria Gardens Comprehensive Development area, including 839 dwellings as part of the proposed Doonside Precinct, the Victoria Gardens Expansion will accommodate a share of the anticipated forecast residential growth. As with many inner urban areas, there is an increasing need for affordable housing options. According to the City of Yarra Social and Affordable Housing Strategy 2019, the total unmet need for affordable housing in Yarra in 2016 is estimated to be about 9% (3,571) of all households. The proposed development will respond to this need. The BTR element introduces a greater diversity of housing into the area. BTR also contributes to alleviating housing stress and creates communities of long-term residents. BTR arrangements will lower housing costs for people renting long-term, alleviating rental stress, both financially and mentally, and creating communities of long-term residents.

The overall population growth will continue to manifest itself through greater economic demand and activity generated by that population growth and increase demand for land to accommodate housing, industry and services.

Plan Melbourne seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs within a 20-minute walk from home with access to safe cycling and via public transport. The proposal facilitates this by locating high density housing and employment space within a MAC where a number of services, employment opportunities and facilities are able to be accessed within short walking distance. Additionally, the site is within proximity to established residential areas which provides opportunities for future employees to live close to their workplace.

The intent of the PPF and *Plan Melbourne* as they apply to housing opportunity areas located within established activity centres within inner city Melbourne is clear. The policies are supportive of urban consolidation in locations that are well served by existing infrastructure, as well as the provision of dwellings of assorted styles and sizes to meet the community's current and future needs.

<sup>3</sup> ibid

## Planning Policy Framework

State and Local Policies (such as clauses 11.01-1R, 11.03-1S, 16.01-1R and 18.02-3S) encourage the concentration of development in activity centres and intensifying development on sites well connected to public transport. This part of Richmond is undergoing change and there is strong state policy support for increased density in this area.

Policy encourages the concentration of higher density residential developments in established areas and supports proposals which achieve the urban growth objectives at clauses 11.01-1S, 11.03-1S and 16.01-1S of the Scheme through the provision of a mixed-use development on land close to existing transport corridors and services.

In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the Municipal Strategic Statement within Clause 21.04-2 and would complement the role and function of the Victoria Street MAC and Victoria Gardens Shopping Centre, and surrounding area, as well as strengthening its long-term viability as a destination for the local community. Local policy in the Yarra Planning Scheme further supports a mixed of uses on the site and encourages increased housing densities to meet the needs of the diverse Yarra community. The proposal delivers on these objectives by providing a new and diverse housing mix.

Further, the planning scheme amendment will facilitate the redevelopment of a key strategic re-development site within the municipality, as identified within Yarra's vision at Clause 21.03. The proposal aligns to Yarra's vision for the site, recognising the opportunity for increased residential development within the subject site.

Yarra City Council's planning policy identifies the vibrant and mixed-use nature of activity centers as an important attribute of the municipality and seeks to encourage their long-term viability through development and land uses that contributes to adaptation, redevelopment, and economic growth. Clause 21.04-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals.

## 6.2. ECONOMIC BENEFITS & LAND USE MIX

The Comprehensive Development Zone proposes the following uses as permitted uses on the site:

- Residential
- Office (including Medical Centre)
- Retail (Shop & Food and Drinks Premises)

The economic benefits of the proposed mixed-use expansion is significant and includes the following:

- The current single and double storey warehouses and at-grade loading area are an underdevelopment and inefficient use of the site. The provision of 15,258sqm and 30,085sqm of retail and office floor space respectively will generate significant employment opportunities as part of the redevelopment of the land, which will assist in revitalising the area, improving activation along Doonside Street, throughout the Victoria Gardens Expansion and as it integrates with the broader area.
- The office spaces are of an appropriate size given the location of the site and the current and projected market conditions.
- The various uses (office, retail and residential) are viable in terms of function, locality and size in the immediate site context and surrounding area. It is considered that these will complement the Shopping Centre.
- The additional retail uses will service residents and employees within the new development, as well as the wider catchment including complementing the existing retail and commercial premises within the Shopping Centre. The new residential population will assist to ensure these new businesses are viable.
- It will locate high density residential development near employment areas, including the CBD, other businesses in Richmond, Cremorne, Abbotsford, Collingwood, the eastern suburbs, and the Victoria Street Major Activity Centre.
- The provision of high-density residential development contributes to the provision of affordable housing within the municipality.

- The existing built form and the industrial uses of the site are out of context with the finer grain of the surrounding environment, particularly in-line with the recently approved amendment to the south of the site to rezone industrial land for mixed use. Greater activity at the ground level will improve passive surveillance in the area, creating a safer pedestrian environment along Doonside and David Streets.

In terms of the economic aspect, the proposal provides substantial benefits and contributes significantly by achieving the following:

- Total construction cost of around \$900 million inclusive of GST in 2022, and an anticipated construction timeframe of approximately 7 years.
- On average, 681 Full-time Equivalent (FTE) direct and indirect jobs are likely to be created for the State on an annualised basis during construction, with many accruing locally.
- Total direct and indirect Gross Value-Added (GVA) to the State economy is estimated at \$97 million per annum on average over the construction period in constant 2022 dollars.
- Upon completion, the proposed expansion will support around 3,397 jobs (full-time, part-time and casual) on site across the retail and commercial spaces and managing the build-to-rent apartments.
- The direct jobs are estimated to induce a further 1,902 additional jobs within Victoria as a result of flow-on effects.
- There will be an estimated \$837 million per annum in direct and indirect GVA contribution to the Victorian economy generated from the daily operation and management of facilities within the development.
- On-site residents will spend an estimated \$22,800 on retail goods and services on a per capita basis by 2029. The total retail spending by on site residents is therefore estimated to reach \$73 million by this time. This is available to support existing and future businesses, not only on-site, but also in the surrounding region.

Please refer to the Victoria Gardens Expansion Economic Benefits Statement (Doonside Precinct & River Boulevard Precinct) prepared by Urbis for full details.

### 6.3. PUBLIC BENEFITS

This proposal presents a significant opportunity for redevelopment and provision of affordable housing and substantial public realm benefits. This redevelopment will ensure an improved pedestrian environment and facilities for a growing population and is considered highly coherent with policy directives of both State and Local Planning Policy Frameworks. The application presents a well-considered proposal that integrates with the proposed re-development with the existing Shopping Centre to support and improve its ongoing functionality.

The Planning Scheme is a network of policies and objectives, which is to be read as a complete document with an understanding that objectives of urban consolidation and employment growth can conflict with neighbourhood character and other objectives. Clause 71.02-3 requires planning authorities to ingrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

In reviewing this application, a comprehensive evaluation of the proposal has been carried out with consideration to the purposes and objectives sought to be achieved by the *Planning and Environment Act* 1987 and the Yarra Planning Scheme, the applicable decision guidelines, and as to whether there is a net community benefit and sustainable development outcome.

'Net Community Benefit' remains at the forefront of ensuring integration of such proposals within the relevant Planning Policy Frameworks. The approach to determining whether a development will achieve net community benefit involves weighing up the benefits and disbenefits of a proposal having regard to relevant policies and planning controls.

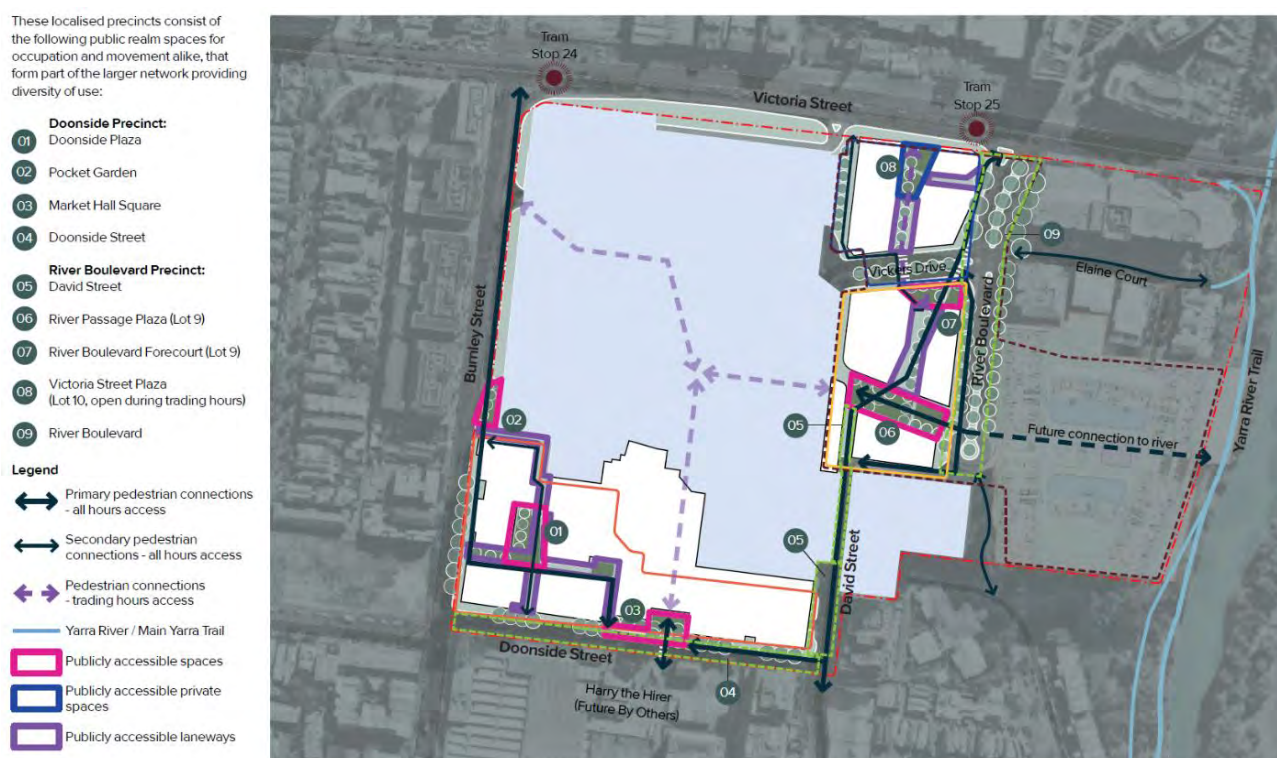
Having carried out an assessment of the sometimes competing state and local policies and objectives against the particulars of this development, we submit that on balance this proposal represents a positive outcome that will benefit the wider community. This redevelopment will provide a significant number of affordable housing dwellings, an improved pedestrian environment and facilities for a growing population. This is considered in-line with policy directives of both State and Local Planning Policy Frameworks. The public realm strategy is a well-considered proposal and integrates with the proposed redevelopment of the

overall site and also with the existing Shopping Centre to support and improve its ongoing functionality for all.

The proposed amendment includes affordable housing to be provided (associated with dwellings within Doonside Precinct and Lot 9 only) equalling not less than 10% affordable housing at a discounted rate, or not less than 2% gifted of market value be provided as part of the development proposal. The affordable housing requirements for Lot 9 will only be triggered on approval of building height above RL 38 which is the existing height control. It is proposed to amend this height control to RL 75 as part of the planning scheme amendment (see Figure 23).

We submit that the affordable housing requirement should be triggered for Lot 9 only in the event that the amended Lot 9 height is approved as proposed given the permit applicant already benefits from an approved built form of up to RL 38 without the provision of any affordable housing. It would be inequitable to require the provision of affordable housing where only a minor increase is approved above the existing permitted height.

Figure 22 – Improved Connectivity Through Victoria Gardens Expansion



Source: Arcadia Public Realm Strategy

## River Boulevard Precinct

Public open spaces and publicly accessible private open space associated with River Boulevard Precinct include:

- David Street will be improved as a key pedestrian throughfare through the precinct.
- River Passage Plaza (Lot 9) will create a generous large open space to service the River Boulevard Precinct and to create a key outdoor space for residents, workers and visitors.
- Vickers Drive Forecourt (Lot 9) is a space that transitions between River Boulevard Street to the internal retail laneway network. An inviting and attractive entrance plaza for the Lot 9 development is anticipated.
- River Boulevard Streetscape will be improved to create an attractive pedestrian experience along both sides of the road and as an attractive arrival experience into the precinct.
- Victoria Street Plaza (Lot 10) will create an inviting and attractive entrance plaza for the Lot 10 development.

## Doonside Precinct

- Revitalisation of Burnley and Doonside Streets through the widening (an additional 2.5m in width, totalling 565sqm) and renewal footpaths, street tree plantings and furniture.
- Creation of public gathering and meeting spaces (total of 3,535 sqm in area) associated with Doonside Precinct including:
  - Doonside Plaza (276sqm)
  - Market Hall Forecourt (515sqm) along Doonside Street
  - Burnley Laneway (150sqm) along Burnley Street
  - The Double Level Courtyard (46sqm) located centrally within the site
  - Pocket Garden (203sqm) along Burnley Street
  - Landscaped laneways (1,780sqm) throughout the ground floor
  - Doonside Footpath Widening (370sqm)
  - Burnley Street Footpath Widening (195sqm)
- Improved permeability within and through the site:
  - North-south connection (1,900sqm) associated with the Market Hall which aligns with the internal areas Shopping Centre and the proposed pedestrian connection through the Harry the Hirer site and to Appleton Street beyond.
  - North-south internal laneway closer to Burnley Street, providing a connection between the Hotel, Shopping Centre, Burnley Laneway and Doonside Plaza.
  - East-west internal laneway linking the two aforementioned connections with all the new meeting spaces (total of 1,780sqm in area associated with laneways)
- Net Zero Carbon Development, complying with the Council's Zero Carbon Local Policy through achieving Carbon Certification.
- Prioritise sustainable transport – new pedestrian and cycling connections, linking to existing public transport nodes along Victoria Street, between the established residential areas to the south and through the development and Shopping Centre
- A total of 50 new trees will be planted at street level to improve the pedestrian experience and assist to reduce the urban heat island effect
- An additional 53 trees proposed from Level 1 and above providing green spaces for future occupants and to assist in reducing the urban heat island effect
- Limited shadowing on the southern Doonside footpath ensuring that any pedestrians walking along this space can experience sunlight whilst walking within a higher density, inner urban environment
- High quality restoration and re-use of the historic hotel, Former Loyal Studley Hotel which has been significantly altered over time

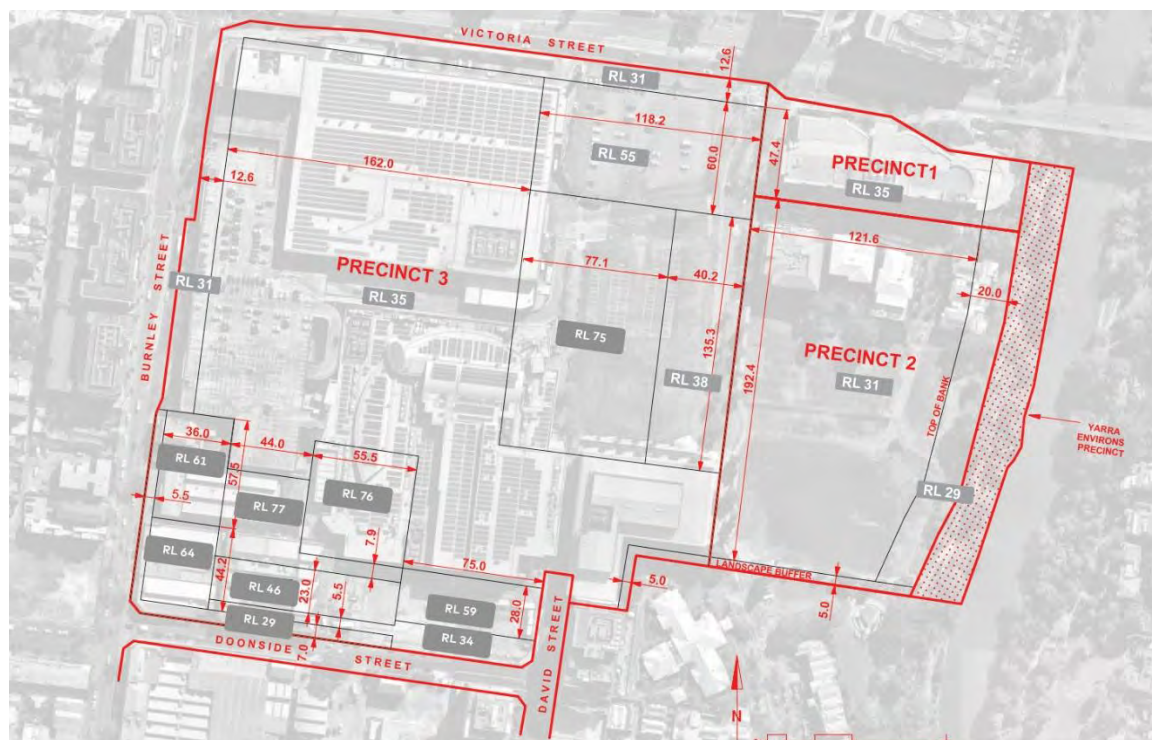
Please refer to submitted Community Benefit Report prepared by Vicinity Centres for further detail.

## 6.4. HEIGHT CONTROLS

The subject site, located within the Victoria Street MAC, provides a large, consolidated site which presents a unique opportunity for redevelopment. The land is relatively unconstrained and bound by three roads to its remaining key interfaces. This, coupled with the site's surrounding urban context, means the subject site is strategically well-placed to accommodate higher-density development.

As indicated within the heights associated with Doonside Precinct and Lot 9 are proposed to be amended as indicated within the 'Comprehensive Development Plan – Precincts, Height and Setbacks Plan', the following is proposed:

Figure 23 (repeated image) – Proposed Comprehensive Development Plan – Precincts, Height and Setbacks Plan



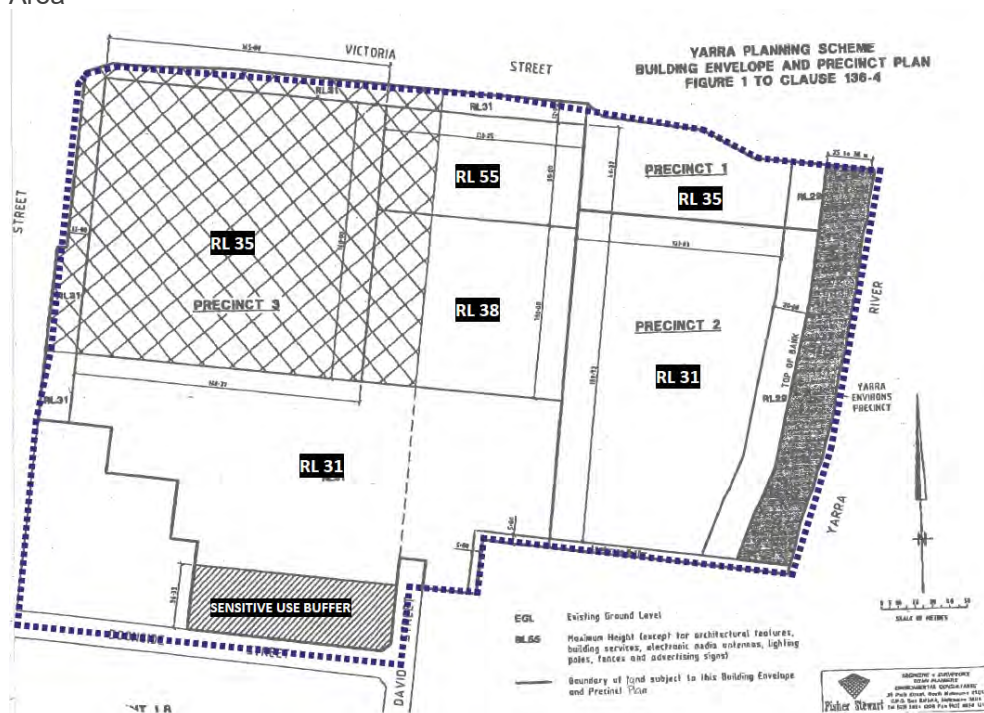
PROPOSED

VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT PLAN

RL XX MANDATORY BUILDING HEIGHT CONTROL

We note existing Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area:

Picture 28 – Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area



The urban fabric of the surrounding area is currently in a state of transition where underutilised, lower scale industrial/commercial properties, have increasingly been redeveloped with higher-density development. Recently constructed and approved developments in the surrounding area reflect building heights commonly between 6-13 storeys being achieved outside of the Activity Centre.

Strategy 17.2 at Clause 21.05-2 of the Scheme states that development in activity centres and on strategic redevelopment sites should generally be no more than 5-6 levels unless it can be demonstrated that the proposal can achieve specific benefits. We note that throughout the City of Yarra, including within Richmond and the Victoria Street MAC, there have been several approvals which have significantly exceeded this policy guideline.

Additionally, Clause 22.10-3.3 sets out the local policy in regard to 'setbacks and building height'. The relevant design objective is "to ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character". The design guidelines at this clause suggest the use of massing or articulation, or changes of surface treatment, or a combination of these to relate taller buildings to the scale of their surrounds and to diminish bulk. The policy also contemplates that the overall height of new development may exceed the prevailing building height of the area if the site does not cause off-site impacts.

The issue of development which is higher than surrounding built form was discussed in the 2012 Red Dot Victorian Civil and Administrative Tribunal (VCAT) decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:

[58] *We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.*

Following on from this, the following comments were made by the Tribunal with respect to visibility, in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):

[54] *If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.*

Having regard to the specific benefits required to support taller built form (outlined at Clause 21.05-2), the policy guidance relating to building height more generally, and the VCAT case law, it is submitted that the proposal complies with the policy for the following reasons:

- The current height controls were put into place over 20 years ago, when the surrounding area was low scale and prior to any of the higher density developments in the surrounds being approved. Reduced building heights would be a lost opportunity for a key redevelopment site located within a Major Activity Centre, and would be an underdevelopment of the site.
- The Doonside Precinct is a unique large, consolidated site of 1.81Ha hectares which has the capacity to accommodate higher density built form with no physical amenity impacts such as wind or shadow impacts onto the surrounding area.
- Lot 9 is a significantly larger site, well setback from any primary street frontages and shielded by adjoining built form.
- The site at 25-35 River Boulevard provides a buffer for both Doonside Precinct and Lot 9 from the more sensitive areas associated with the Yarra River and the Significant Landscape Overlay to the east. No changes are proposed to this component when compared to the existing Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan.
- The proposed amendment provides for a generous contribution of affordable rental housing.

- The proposal provides significant contribution to publicly accessible open space and enhancements to the public domain, through the creation of several new laneway connections, publicly accessible open space forecourts and courtyards, and widened footpaths to Burnley, Doonside and David Street.
- The Doonside Precinct forms have been designed to provide for building separation as indicated from the 'Proposed Comprehensive Development Plan – Precincts, Height and Setbacks Plan' (Figure 15). This will minimise visual bulk between the built form on site, when viewed from the surrounding streetscape. These separation distances will ensure that views through the site and to the sky are visible. Whilst we note that Lot 9 does not include any detailed planning permit application, given the detail provided in the CDP, any future applications will comply with the Future Urban Structure.
- The taller built form has been concentrated internally to the site with generous setbacks to the street to accommodate taller form, while the buildings along Doonside Street have a comparatively reduced building height to ensure off-site amenity impacts are minimised, including visual bulk and overshadowing impacts to the southern side of Doonside Street.
- The proposed building heights will not dominate or detract from any key landmarks in the area.
- Across the Doonside Precinct and Lot 9, building heights have been staggered and manipulated to provide visual interest and reduce visual bulk when viewed from the surrounding streetscape.

For the above reasons, the proposal has demonstrated sufficient justification to go beyond the 5-6 levels as outlined within Clause 21.05-2, and as such the proposed maximum heights are considered justified and appropriate.

Whilst the proposed maximum height is taller than abutting existing built form, it responds to the immediate and future height context of this part of Richmond and the site's setting within the Activity Centre. There is a clearly established emerging character of higher built form in the area, many of which substantially exceed the 5-6 levels referenced in Clause 21.05-2. All of these attributes, as well as the site's position within the Victoria Street MAC, favour the land's potential for a greater height with the proposal fitting in with the emerging height range in the area.

#### **6.4.1. Is the application of mandatory height controls appropriate?**

The amendment applies mandatory building height controls to entire Victoria Gardens Precinct. However, we consider that mandatory height controls are not appropriate in the context of the Victoria Gardens Expansion and particularly within the Doonside Precinct and Lot 9. We submit that discretionary height controls should be applied across these two precincts, which is further discussed as follows.

Applying blanket mandatory building height controls across Doonside Precinct and Lot 9 contradicts DELWP's applicable Planning Practice Note 60 '*Height and Setback Controls for Activity Centres*' (June 2015), which provides clear guidance on the application of discretionary and mandatory controls. It states:

*The application of discretionary controls, combined with clear design objectives is the preferred form of height and setback controls. Discretionary controls are more likely to facilitate appropriate built form outcomes than mandatory controls by providing more flexibility to accommodate contextual variations and innovative design. This preferred form of height control has been supported through a number of planning panels, more so than mandatory controls.*

*When appropriate maximum and minimum height and setback controls are identified, they should be included in the relevant planning scheme as discretionary controls with clear design objectives.*

*Mandatory height and setback controls (that is, controls that cannot be exceeded under any circumstance) will only be considered in exceptional circumstances.*

*Where blanket mandatory height and setback controls are proposed over most or the entire activity centre, rigorous strategic justification has to be provided.*

The Practice Note defines 'exceptional circumstances' as *individual locations or specific and confined precincts* that might include:

- Sensitive coastal environments

- Significant landscape precincts
- Significant heritage places (where other controls are demonstrated to be inadequate to protect unique heritage values)
- Sites of recognised State significance
- Helicopter and aeroplane flight paths.

The Doonside Precinct and Lot 9 (which form part of the Victoria Street Major Activity Centre, as clearly outlined in the City of Yarra's strategic document '*Activity Centres Roles and Boundaries*' (April 2022)) do not meet the definition of 'exceptional circumstances' for the following reasons:

- Neither is abutting a sensitive coastal environment or significant landscape precinct. We note that 25-35 River Boulevard is abutting the Yarra River (which is a more sensitive location) and as such, there is no change proposed to its mandatory controls.
- The heritage significance of the Former Loyal Studley Hotel can be managed through the application of the heritage overlay and local policy. Additionally, it forms part of the Doonside Precinct development and as such, can be assessed as part of the planning permit application.
- They do not include any sites of recognised State significance.
- They are not located within an area of helicopter and aeroplane flight paths.

Accordingly, we submit that discretionary height controls should be applied to the Doonside Precinct and Lot 9 as this would directly respond to the guidelines outlined within the Planning Practice Note 60 as well as the intent of the Victoria Street Activity Centre.

Further, the application of discretionary height controls is consistent with other nearby approvals including the Harry the Hirer redevelopment site on the southern side of Doonside Street. As part of Amendment C223yara, preferred heights were sought over the site to the south, with the northern portion having a preferred maximum height of 42 metres. Within the Panel Report associated with this amendment, there was significant discussions with respect to the preferred building heights which was ultimately supported, with the report outlining:

*Another important consideration is that the Amendment proposes a discretionary control. The preferred maximum heights outlined as the basis for the Development Plan would not necessarily preclude detailed planning permit applications for development with elements that exceed preferred maximums. These would need to be justified on the basis of consistency with precinct built form outcomes, a high standard of design and limited on and off-site impacts.*

The above is similar to the circumstances of the proposed CDP and as such, a commensurate control should be proposed, also being discretionary.

For the reasons outlined above, mandatory building height controls are inappropriate for Doonside Precinct and Lot 9.

## 6.5. ENVIRONMENTAL CONSIDERATIONS

The proposed massing has been designed to appropriately respond to the environmental wind conditions of the site.

MEL Consultants have been engaged and provided preliminary advice on the new connections proposed through the River Boulevard Precinct (specifically Lots 9 and 10). Importantly, they are working actively with the design team to ensure any wind effects are appropriately mitigated and the pedestrian throughfare between the Yarra River, the River Boulevard Precinct and Victoria Gardens Precinct provide a high degree of amenity.

Please refer to Section 7.3.3 of this report for wind considerations as they relate specifically to the Doonside Precinct.

## 6.6. TRANSPORT, TRAFFIC AND PARKING

### Statutory Requirement

Under the current planning context, due to the subject site being both inside and outside of the CDZ, two sets of statutory car parking rates apply. For the part of the site that lies within the CDZ, the statutory car parking rates are those stipulated within Schedule 1 to the CDZ for Victoria Gardens where the uses are listed. For the remainder and for the portion of the site that lies outside of the CDZ, the statutory car parking rates are those detailed in Column B of Clause 52.06.

Following the approval of the amendment, the entire Victoria Gardens Precinct will be within the CDZ1. It is proposed to apply the Parking Overlay over the Victoria Gardens Expansion Area and introduce a new Schedule that addresses parking controls specific to Victoria Gardens. The new schedule will apply maximum car parking rates to specific uses, and Clause 52.06 rates will be adopted where no rate is specified.

As indicated within the Transport Review prepared by Stantec (formerly GTA Consultants), the current car parking requirements were incorporated into the Yarra Planning Scheme in April 2009 and are therefore considerably out of date with current practice and the requirements for the site. The controls within the Parking Overlay schedule propose two key changes to the way car parking is provided compared to the current controls:

- Changes to the rates of car parking provision for dwellings, office, shop (including restricted retail) and food and drink premises uses (refer Table 4 below), reducing the overall statutory parking requirement for the uses (place of assembly, and trade supplies are no longer included); and
- Amending the car parking control to apply a 'maximum rate'. The application of maximum rates would allow car parking provisions below the specified rates without the need to apply for a planning permit.

As part of this amendment, we are seeking to amend the car parking rates associated with the residential, office, shop (including restricted retail), and food and drink premises uses as shown in the table below. It is noted that no changes are proposed to the current statutory car parking rates for a place of assembly and trade supplies are no longer specified.

Table 4 – Proposed Car Parking rates within the Parking Overlay

Use	Current Rate ( <u>minimum</u> )	Proposed Rate ( <u>maximum</u> )
Office	2.5 spaces per 100m <sup>2</sup>	2.0 spaces per 100m <sup>2</sup> (NFA)
Food and drink premises	0.3 spaces per seat	3.0 spaces per 100m <sup>2</sup>
Shop (including Restricted retail premises)	4.5 spaces per 100m <sup>2</sup>	3.0 spaces per 100m <sup>2</sup> (LFA)
Place of Assembly	0.3 per seat or square metre available to the public	Clause 52.06 rates apply
Restricted retail premises	2.0 spaces per 100m <sup>2</sup>	Included under 'Shop'
Trade supplies	2.0 spaces per 100m <sup>2</sup>	Clause 52.06 rates apply
Dwelling	1.5 spaces per dwelling	1.0 space per dwelling

Source: Transport Impact Assessment Report, prepared by Stantec

The site has good access to existing public transport, walking and cycling facilities which service the existing Shopping Centre. The surrounding road network is generally congested during peak periods. The future planning for surrounding roads (Victoria Street / Burnley Street intersection) by the relevant authorities purposefully seek to reduce their vehicle capacity to prioritise walking, cycling and public transport modes.

## Policy Justification & VCAT Analysis

The Planning Scheme encourages a forward-thinking approach towards decreasing reliance on car-based travel with VCAT supporting a reduction in private motor vehicle reliance in developments. Both State and Local Planning Policy at Clauses 18.01-3S, 21.04-2 and 21.06 discourage facilitating car-based travel by encouraging reduced rates of car parking in locations such as the subject site that are well connected to public transport networks, and where cycling and walking are practical alternatives. Clause 22.11 relating specifically to Victoria Street East also includes objectives to reduce vehicular traffic in the precinct by developing an integrated pedestrian and cycling network in the precinct and by encouraging use of public transport.

A Red Dot VCAT decision (*Ronge v Moreland CC* [2017] VCAT 550) further expanded on policy behind this approach. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites.

Relevant statements within the summary of this decision are applicable to this application, as follows;

- *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
- *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.*
- *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
- *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*
- *Policy tells us the future must be different.*
- *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

The *Ronge v Moreland* decision confirms that in inner city areas, where there is access to alternative forms of transport (such as the subject site), we need to change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport in compliance with policy at Clauses 18.01-3S, 18.02-1S, 18.02-2S and 21.06 of the Yarra Planning Scheme.

In context of integrated decision making as set out in the Yarra Planning Scheme at Clause 71.02-3, the consideration of policy extends from what the parking needs are for the site, to broader policy aspirations for this site as part of the Victoria Street Major Activity Centre. Clause 21.06 of the Yarra Planning Scheme seeks to promote more sustainable transport patterns by ensuring major activity and neighbourhood centres are well serviced by public transport, by encouraging walking and cycling through providing safe and accessible public spaces, and by concentrating activities that generate high numbers of trips in highly accessible locations. There are a wide range of initiatives needed to address traffic issues, with most of these going beyond individual applications which only address this on a case-by-case basis. Additionally, this only forms one part of the overall management of car parking demand and supply. Rather, within MACs, a centre wide approach is more appropriate to support the centre's long-term viability.

In an activity centre, car parking issues have a part to play, but should not dominate when assessing an application for a use or development. This is supported by a number of Red Dot VCAT decisions including *Vincent Corporation Pty Ltd v Moreland CC* (Red Dot) [2015] VCAT 2049 and *Great Oaks Pty Ltd v Greater Dandenong CC* (Red Dot) [2015] VCAT 1673 (amongst others).

Specifically looking at the office component, numerous recent VCAT decisions have confirmed that office uses are most suited to modal shifts to reduce reliance on motor vehicles. It is also broadly accepted that the rates outlined under clause 52.06 are excessive for higher density developments within the inner urban area. Within a 2018 VCAT decision regarding the car parking reduction associated with an office development, *KM Tram Enterprise Pty Ltd v Boroondara CC* [2018] VCAT 1237, the Tribunal made the following relevant comments:

- [29] *In this context of a change from the 'business as usual' approach, I agree with Ms Dunstan that office workers are prime candidates for a mode change given their commuting patterns of travel to and from work during peak times. This is the time when public transport services run at highest frequencies and when Melbourne's roads are most congested. The combination of 'carrot' and 'stick' makes it viable for many office workers commuting to a site such as this to change from private vehicle to public transport.*
- [30] *I am not persuaded that the council's option of reducing the amount of office space so that it better aligns with on-site parking supply is consistent with planning policy. Plan Melbourne which promotes '20 minute neighbourhoods' where most of a person's everyday needs can be met locally within a 20 minute journey from home by walking, cycling or local public transport. The everyday needs referred to include local employment opportunities along with shopping, education and community facilities.*
- [31] *Local employment opportunities in this context are not limited to retail or community services. There is a benefit in encouraging office uses in the '20 minute neighbourhood mix', as it provides opportunities for business owners and their staff to work locally. I find this line of argument is far more persuasive than the council's position of limiting the amount of office floor space so that more cars can be brought into this part of Hawthorn.*

In addition to the support from VCAT, Stantec (formerly GTA Consultants) have confirmed within their report that there is empirical evidence to provide reduced car parking rates compared to the current rates within the Planning Scheme. The empirical evidence refers to GTA's 'Unlocking Victoria Gardens' transport paper, recent approvals on Lots 9 & 10 within the River Boulevard Precinct, and the recently proposed Parking Overlay for Cremorne.

Given the subject site's location in an activity centre, a centre wide approach is necessary. The site enjoys a high level of access to bicycle infrastructure, car share vehicles and is rated as highly walkable with a Walk score of 92 out of 100, which identifies the site as a "walkers paradise" with daily errands not requiring a car.

### **Traffic Analysis**

As indicated within the Transport Review, modelling indicates that the surrounding road network is already nearing or exceeding capacity. Accordingly, the proposed changes to car parking (and in turn, traffic generation) are intended to 'slow the growth' in demand, rather than provide additional capacity on the network.

The Unlocking Victoria Gardens discussion paper proposes several options for reducing the impacts of through-traffic, including reallocating road space to promote active and public transport and introducing treatments and measures along Victoria Street.

With respect to the changes associated with the increased height for Lot 9 forming part of this amendment, Stantec (formerly GTA Consultants) have formed the following view:

- *The potential changes to development yield would effectively lower the rate of car parking provision compared to the approved scheme. This outcome would be consistent with the discussion above that recommends maximum car parking rates.*
- *As there is no increase in total car parking quantum, the resultant traffic generation of the alternative development scheme would be similar or the same as the level that was previously approved. As such, the alternate development scheme would not be expected to have a greater traffic impact than was previously approved.*

Doonside Precinct is discussed within the Planning Permit Application Section of this report.

An architectural rendering of a modern urban courtyard. The scene is framed by two tall, curved brick buildings with large windows and balconies. The ground floor of the building on the right features large glass storefronts. The courtyard is filled with mature trees, string lights, and numerous people walking, sitting, and standing. A white dog is walking in the foreground, and a bicycle is parked on the right. The word "DOONSIDE" is visible on a building in the background.

7.

# DOONSIDE PRECINCT PLANNING PERMIT APPLICATION

DOONSIDE

## 7. DOONSIDE PRECINCT PLANNING PERMIT APPLICATION

The following sections of this report address the key planning considerations as they relate to the Doonside Precinct Planning Permit Application, which are:

- Built form and design response
- Public realm and open space offering
- Environmental considerations
- External amenity impacts
- Internal and BADS assessment
- Movement and access
- Building services, including traffic, parking, loading and waste

### 7.1. BUILT FORM AND DESIGN RESPONSE

The proposed development has derived from an in-depth context analysis which considered both the physical and planning context of the subject site and surrounding area. The urban context analysis identified several site opportunities and constraints, informing the overall built form and design proposal for the Doonside Precinct. Further, it is considered that the proposed development strongly aligns to the objectives for the broader Victoria Gardens Comprehensive Development Plan 2022 (under the CDZ1).

The key considerations regarding design and built form, addressed in this section of the report, are:

- Architectural Design
- Scale and Massing
- Building Heights (specifically associated with the particulars of Doonside Precinct)
- Burnley, Doonside and David Street Interfaces
- Response to Heritage

The Urban Design Analysis and Design Response has been prepared by Cox Architecture and NH Architecture and is enclosed with this submission, providing full details.

#### 7.1.1. Architectural Design

The proposed development benefits from two leading architects: Cox Architecture and NH Architecture. The architects have worked collaboratively, including in considerable collaboration with industry specialists, to achieve a highly resolved design. The buildings are contemporary, and are of excellent architectural quality, as encouraged by Yarra's Planning Policy Framework, and particularly the objectives outlined under the CDZ1.

Quality architectural design has been achieved across the subject site and will significantly enhance not only the subject site but will also contribute to the evolving urban fabric of Richmond. This is achieved through:

- The use of a range of building materials evident in the surrounding area, including various brick colours and patterns, concrete, metal cladding and glazing. Importantly, the chosen materiality is intentionally varied between the podium and tower forms, as well as between buildings, ensuring architectural distinction between buildings on site while retaining a consistent language throughout.
- Providing a clear distinction between the podium and tower forms above, through the use of varied materials, building setbacks and building separation.
- The roof structures of the Market Hall and Building 5 being designed to provide for visual interest and intrigue, both from the streetscape and internally to the development.

- Highly articulated ground floor and podium levels, improving the pedestrian experience. A series of publicly accessible open spaces for use by the community, will also provide for a high level of activation at the ground floor and within the surrounding streetscapes.
- Complementary landscaping and public realm improvements, as discussed further in Section 7.2 below.

The proposed architectural response, materials and colours are generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

Figure 24 – Façade Materiality



Source: Cox Architecture and NH Architecture

## 7.1.2. Scale and Massing

The proposed massing has been formulated based on several factors including policy and physical context, site characteristics, view analysis, solar access and diversity in form. As illustrated in the Architectural Design Response, the proposed development seeks to respond to the surrounding interfaces, intentionally varying the massing of the built form across the site to create diversity in height and respond to the surrounding streetscapes.

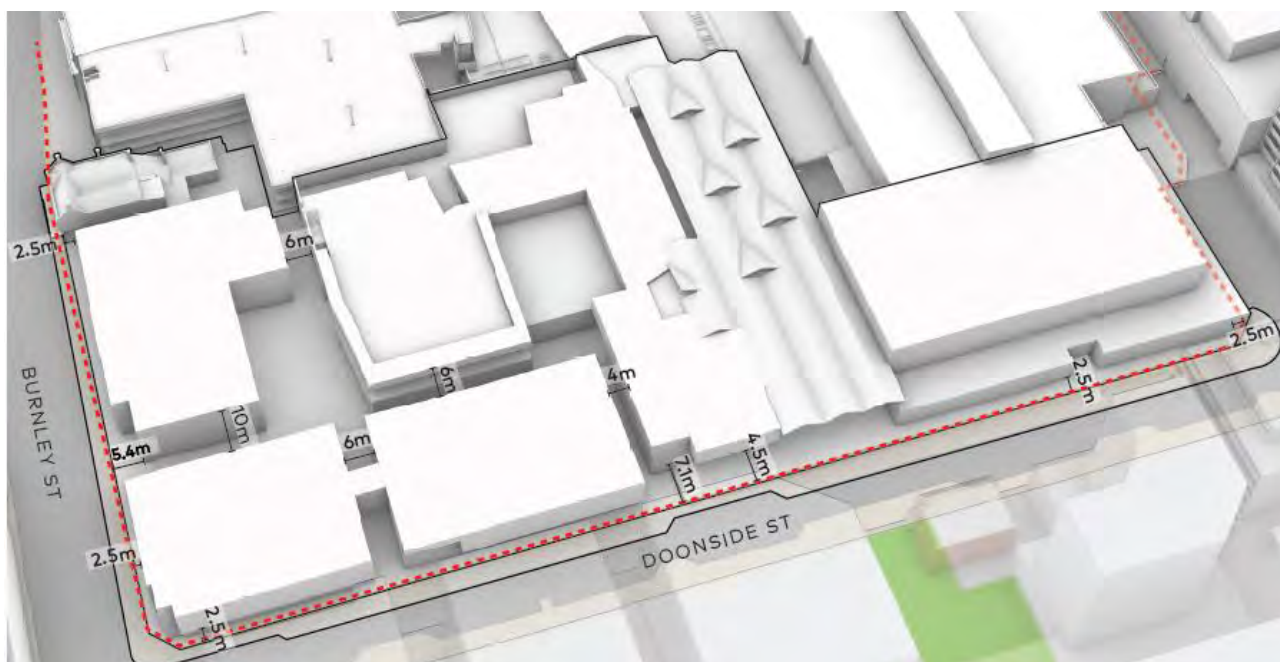
The proposed scale and massing of the ground floor plane, the podium, the towers, and resulting views are discussed in turn below. The proposed scale and massing are generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

### 7.1.2.1. Ground Floor Plane

The ground floor plane has been designed to increase permeability through the site, including integration with the existing Victoria Gardens Shopping Centre and the wider Victoria Gardens Expansion area. In particular, planning for retail uses was a key influencer in determining the ground floor plane and to emphasise activation, both within the site and to the adjoining streetscape, in order to strengthen the urban character of the area. Effectively planning for the ground floor uses also accommodate the configuration of basement car parking and lift cores for the buildings above.

This has been achieved at the ground floor by setbacks from Burnley, Doonside and David Streets to provide widened footpaths, while also massing the built form across the site to create new open laneways and publicly accessible open space. The massing of the ground floor and site setbacks are demonstrated in Figure 24 below. Please refer to Sections 4.2.1 of this report for further discussion.

Figure 25 – Site Setbacks



Source: Cox Architecture and NH Architecture (Urban Design Report)

### 7.1.2.2. Podium

The podium provides a street wall to Doonside Street of between 13.9 - 18.25 metres (above NGL), Burnley Street of 13.78 metres, and David Street of 18.03 metres, while the upper built form is setback behind. This ensures a human scale to the built form as it presents to the surrounding streetscapes, including to existing and future development particularly as part of the Harry the Hirer redevelopment on the southern side of Doonside Street.

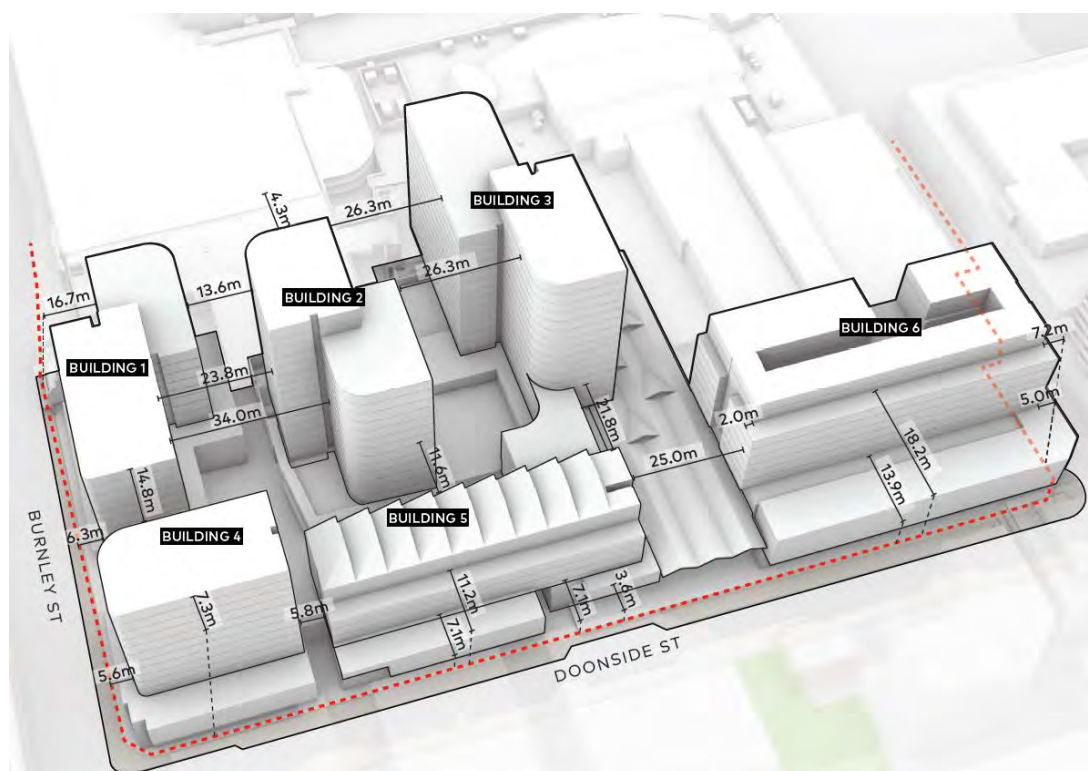
### 7.1.2.3. Above the Podium

The buildings effectively act as a direct response to the emerging and existing surrounding built form. By positioning the taller forms to the north away from street frontages, this allows views to the taller forms to be

The tallest built form, Buildings 2 and 3, are concentrated centrally along the northern aspect of the site, leveraging their position adjacent to the Victoria Gardens Shopping Centre. The building heights of the towers then step down towards Burnley Street, providing a transition towards the streetscape, and ensuring alignment with the pedestrian view plane along Burnley Street. The massing of built form along Doonside Street varies between 7 and 15 storeys, while the buildings to the northern side of the site range between 10 storeys (fronting Burnley Street) and 17 storeys (internal to the site).

Along David Street, setbacks of the upper form are between 5 metres and 7.2 metres. These setbacks of the upper form lessen the visual presence of the built form and distinguish between the upper levels and street wall. This will ensure that the street wall will be the more visually dominant element within the streetscape. This is also strengthened through the varied materials and colours used to differentiate them.

Figure 26 – Built Form Massing and Setbacks



Source: Cox Architecture and NH Architecture (Urban Context Report)

### 7.1.3. Building Heights

We note that the proposed scale and massing are generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

Considering this, the following elements of the Doonside Precinct complies with the relevant planning policy and the CDP for the following reasons:

- The proposal provides significant upper-level setbacks in the order of between 15.7 metres and 13.99 metres respectively from Burnley and Doonside Streets.

- High-quality architectural materials are proposed which will ensure the built form provides visual interest to the surrounding streetscape (this is discussed in further detail in Section 7.1.1).
- The proposed built form has regard to sunlight access and amenity to the streets and public spaces within and beyond the site (as discussed in Section 2.3.2 of the CDP 2022).
- The buildings do not dominate or detract from any key landmarks in the area.
- The proposal is cognisant of the surrounding built form while capitalising on views from the site of the Melbourne skyline, Yarra river corridor and surrounding parkland (as outlined in Section 2.2 of the CDP 2022).
- The proposal provides a high-quality restoration and adaptive re-use of the Former Loyal Studley Hotel.
- The building height, namely of Building 1, has been designed to not overwhelm the heritage building. Above the podium, Building 1 will vary in height between 10 – 12 storeys, with the lower building height adjoining the heritage building and the higher building height set back from the heritage building by 9.59 metres.
- The buildings reflect a transition in height, scale and massing in respect to the surrounding developments (consistent with Objective 4 of the CDP 2022)
- The proposal provides exemplary architecture and building design, providing visual distinction between towers (this is discussed in further detail in Section 7.1.1).
- The proposed separation between buildings of between 5.75 metres and 34 metres will provide punctuation and rhythm along Burnley Street and Doonside Street in particular.
- The integrated landscaping elements will seek to soften the built form and building height. The proposed development incorporates best practice in environmentally sustainable design, from the design stage through to construction and operation, and aligns with Council's zero carbon local policy initiatives (as outlined in Section 7.3.1).

Figure 27 – Building Form and viewed from Doonside Street



Source: Cox Architecture and NH Architecture (Urban Context Report)

#### 7.1.4. Burnley Street

The western Burnley Street portion of the subject site is affected by Design and Development Overlay, Schedule 2 (Main Roads and Boulevards) (DDO2). The proposal complies with the objectives of the CDZ1

and DDO2 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

The proposed development has been designed at the Burnley Street interface to enhance the historic qualities of the site, while providing leading building design which will strengthen the urban character of Burnley Street and significantly improve street activation:

- The Former Loyal Studley Hotel, recognised for its individual heritage significance, is sought to be retained and integrated into the Doonside Precinct, which will continue to contribute to the historic identity of Richmond.
- The built form, specifically Buildings 1 and 4, have been designed to read as distinct buildings when viewed from Burnley Street, above the podium form, through variation in levels, materiality and a building separation of 10 metres at the ground level. Combined, these elements will provide consistency with the existing pattern of development and contemporary character of the streetscape, particularly evident on the western side of Burnley Street to the north of the subject site.
- The podium, designed by leading architects and landscape architects, will create a new high-quality built form edge to Burnley Street, replacing tired commercial buildings, with a highly articulated and active ground floor plane below.
- The genuine mix of land uses, coupled with two new pedestrian laneways off Burnley Street, connecting through the subject site and providing additional access to the existing Victoria Gardens Shopping Centre, will substantially improve connectivity and the pedestrian experience through the site.

Figure 28 – Burnley Street Interface Architectural Render

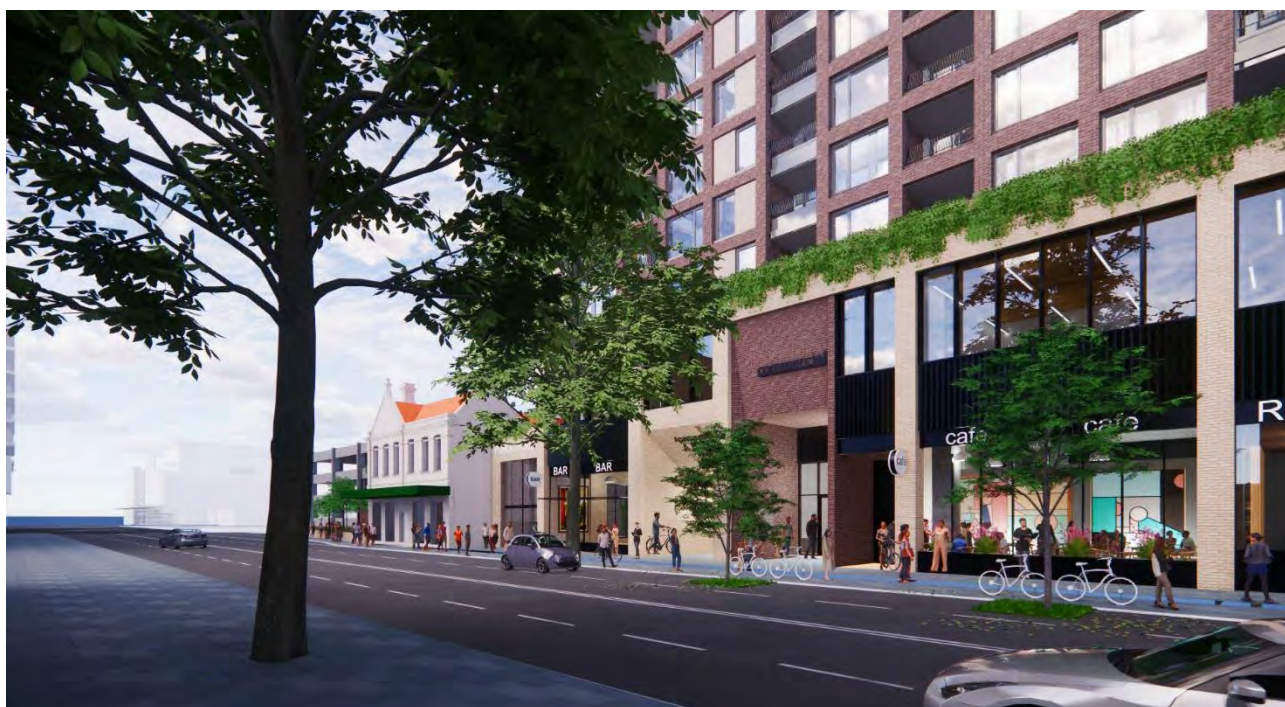


Figure 29 – Burnley Street Interface Architectural Render



Source: Cox Architecture and NH Architecture (Urban Context Report)

### 7.1.5. Doonside and David Streets

Further to Section 7.1.4 above, the proposed development has been carefully designed to respond to Doonside and David Street, to substantially enhance the public interfaces, particularly compared to existing conditions. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

At the ground floor level, the podium design has been integral to creating meaningful street activation and a sense of space. The ground floor setbacks and massing of the podium across the site, will provide for widened footpaths, as well as laneway connections and publicly accessible open space through the subject site. The built form separation across the podium also aids in breaking up the breadth of the site, particularly when viewed and experienced from the street level.

The forecourts designed both to Burnley Street and Doonside Street (and discussed in more detailed in Section 7.2 of this report) will also seek to open ground floor areas, providing a sense of address and inviting people into the site off the street.

By locating retail premises, shops and food and drink premises at the ground floor which incorporate clear glazing to the façade, a considerable degree of activation will be provided throughout the day and at night which delivers an opportunity for these uses to interface with the street. Further to this, the commercial lobbies, associated with the Level 1 office space, and various residential lobbies will also ensure movement and activation is visible from along the streetscape throughout all hours, in addition to the Market Hall and Hotel entrances. This activation is facilitated through the location of the residential and office lobbies along both Burnley and Doonside Streets.

Figure 30 – Doonside Street Render



Source: Cox Architecture and NH Architecture (Urban Context Report)

David Street will provide for the primary vehicular access point to the on-site car park, as well as loading, waste and other services. This allows the primary street frontages of Doonside and Burnley Streets to remain free of additional vehicle access movements and retains the existing servicing role which David Street provides, particularly at the northern end of the street, adjacent to the existing Victoria Gardens Shopping Centre. This also allows Doonside and Burnley Streets to be primarily focused on pedestrian activity. With widened footpaths and the provision of a commercial space as an active sleeve, David Street will not be limited to services but will also provide improved pedestrian amenity.

Across all interfaces, as discussed in Section 7.1.2.2 of this report, the podium form also provides for a high degree of articulation through the use of materials, including various brick, concrete, metal and glazing colours and textures. This will create visual interest when viewed from the streetscape, as well as surrounding interfaces.

The podium form, activated façade, setback upper built form and publicly accessible spaces are considered to support the significant rejuvenation of the surrounding streetscapes.

Figure 31 – Doonside Street activation



Source: Cox Architecture and NH Architecture (Urban Context Report)

### 7.1.6. Former Loyal Studley Hotel

The proposal has been assessed and found to comply with the relevant heritage policies, particularly Council's local heritage policy at Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay), the provisions of Clause 43.01 (Heritage Overlay), as well as the *Yarra Heritage Database*. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

The subject site comprises various industrial factory/warehouse buildings, while No. 53 Burnley Street, located in the north-western corner of the subject site, is the only building recognised for its heritage value and is individually identified in Schedule 374 of the Heritage Overlay. No. 53 Burnley Street accommodates the 'Former Loyal Studley Hotel', a two-storey brick building constructed in 1891, with various alterations and additions which have occurred over time.

The proposal seeks to retain most of the front portion of the existing two-storey brick building, while the rear portion of the building will be demolished to allow for the new development. Having regard to the relevant heritage policies, the proposed development is considered appropriate from a heritage perspective, for the following reasons:

- The demolition works proposed are contained to the rear portion and southern wing of the building, including later alterations and additions which are of no heritage significance, and accordingly, will not adversely affect the significance of the Former Loyal Studley Hotel and in-line with policy at Clause 22.02-5.1.
- The primary, three-dimensional heritage fabric of the Former Loyal Studley Hotel is to be retained, and restored and integrated appropriately into the design of the new built form to be adapted to return to its original use as a Hotel/Pub.

- Building 1 has been carefully designed with appropriate building heights as it presents to the Former Loyal Studley Hotel, ensuring the new development is visually recessed and the heritage value is respected, in compliance with policy within Clause 22.02.
- The form and materiality of Building 1, including the use of light grey precast concrete, terracotta tiles, dark metal balustrade and clear glazing, will ensure the new development is visually disparate from the original, retained heritage fabric, particularly considering the proposed setback.
- The ground level additions will be located to the rear and adjacent to the heritage place, providing new life to the building and connecting it with the surrounding contemporary development.

A Heritage Impact Statement has been prepared by Bryce Raworth, considering the appropriateness of the proposed development from a heritage perspective, and is enclosed with this submission.

## 7.2. PUBLIC REALM AND OPEN SPACE

The Doonside Precinct development has been designed to contribute positivity to the public realm, transforming the existing urban environment, creating an inviting, connected and thriving mixed-use precinct in Richmond. Policy at Clauses 15.01-2S and 22.10-3.4 require the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. The proposed public realm and open space provision and design comply with the objectives of the CDZ1 and are generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

The proposal will incorporate approximately 3,535 sqm of publicly accessible open space for the enjoyment of the community, in the form of various open spaces, including plazas and squares, interlinked by laneway connections. These are centred around the key public realm areas on the ground floor, being the Pocket Garden, Burnley Laneway, Double Level Courtyard, the Market Hall Square and the Doonside streetscape, which are discussed in turn below.

Figure 32 – Landscape Plan



Source: Arcadia

These spaces have been thoughtfully curated by Arcadia Landscape Architecture and all details are provided within the Landscaping Architectural Town Planning Package, accompanying this submission.

## Burnley Laneway & Doonside Plaza

The Burnley Laneway is located directly off Burnley Street, and provides an opening designed to draw people into the site. The laneway leads to the key central space within the Precinct, the Doonside Plaza. Centrally located, the plaza acts as a 'Confluence,' where the 'River Lines' of the adjacent laneways meet to create a public space for the general public, shoppers, office workers and residents. The space is framed around the Village Green, an open, undulating synthetic lawn for informal activity, events and gatherings. Incorporating fixed and loose furniture the space provides an enclosed outdoor dining experience beneath a feature canopy structure.

The Burnley Laneway has been designed and developed through the concept of '*The Valley Floor*', which provides three key areas interlinked by hard and soft landscaping elements: the village green, designed to invite visitors into the precinct and provide an open lawn area, the water play area, introducing a water feature for activity, and the Town Square, an intersecting point of various laneways which provides a focal point to the public realm, with a timber stage.

The use of bluestone paving, coloured brick pavers, and timber furniture will be in keeping with the urban character of Richmond, while planting of deciduous trees and understorey planting within raised garden beds, will soften and green the space.

Additionally, the built form is setback between 2.5 metres and 5.4 metres along Burnley Street at the ground floor level, except for the existing heritage building to be retained which is located on the site boundary. This will enable widened footpaths along Burnley Street for approximately 90 metres, improving the existing conditions and enhancing the pedestrian experience along this interface.

Figure 33 – Burnley Laneway – The Valley Floor



Source: Arcadia

Figure 34 - Doonside Plaza



### The Double Level Courtyard

The Double Level Courtyard, is nestled internal to the subject site between Buildings 2, 3, 5 and 6 and can be accessed directly off Doonside Street to the south or Burnley Street to the west. The Double Level Courtyard has been designed as '*The Green Escarpment*', providing a well-vegetated area for passive occupation which also provides a visual and landscape connection to the Level 1 courtyard above.

'The Green Escarpment' features various raised planters with tree ferns, timber edge seating and an elevated timber deck. A vertical landscaping treatment will be provided to the northern retail façade at the ground floor, ensuring that this open air courtyard will provide visual interest and relief between the built form.

Figure 35 – Double Level Courtyard – The Green Escarpment



Source: Arcadia

## Market Hall & Market Hall Square

The Market Hall is a primary element of the retail offering at the ground floor, which will provide a combination of free-standing kiosks, specialty shops and food and drink premises. The Market Hall provides a north-south extension into Victoria Gardens Shopping Centre from Market Hall Square, opening up to Doonside Street. The Market Hall is 1,900sqm in area, which is in addition to the 3,535sqm of publicly accessible space provided.

Figure 36 – Market Hall Renders – Interior with roof structure (left), view from Doonside Street (right)



Source: Cox Architecture and NH Architecture (Urban Context Report)

Market Hall Square has been designed as '*The River Opening*', providing a central opening to the precinct along Doonside Street, drawing people into the internal laneways and precinct more broadly. Market Hall Square, with a width of 23.7 metres, is designed to create a hub of activity of people moving through the square to the residential lobby, the Market Hall or along Doonside Street. The Market Hall Square has been strategically positioned to provide a connection to the future laneway proposed as part of the Harry the Hirer site redevelopment on the southern side of Doonside Street (subject of Amendment C223 of the Yarra Planning Scheme – approved 6 May 2021), and to Appleton Street.

Raised planters with large tree ferns will frame the entrance, while hard landscaping elements, including a timber performance deck, bluestone paved stairs and an integrated water feature, will provide visual interest across the space.

Figure 37 – Market Hall Square



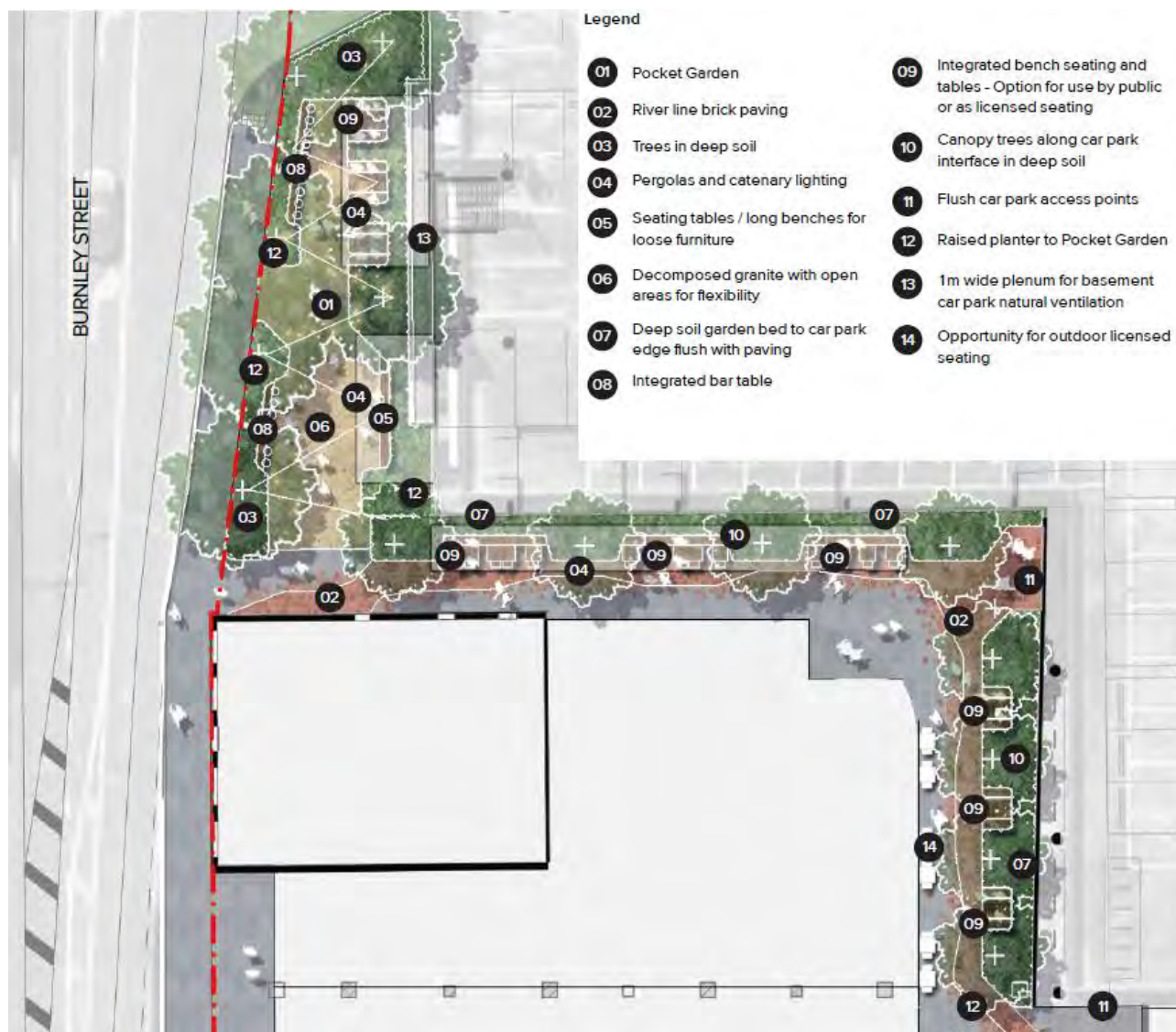
Source: Arcadia

## Pocket Garden

Located at the north western corner adjacent to Burnley Street, the Pocket Garden provides an enclosed open space that leads visitors into the development. The space provides for passive seating and recreation, with inbuilt seating pods, lounges and bar edges. This represents a substantial greening along the Burnley Street frontage and existing car parking area.

Adjacent to the garden is a pedestrian laneway, comprising of bench seating and table settings. Garden bed and canopy tree planting assist in providing a pedestrian scale to the laneway and softening the adjacent multi level car park.

Figure 38 – Pocket Garden



## Doonside and Burnley Street footpaths

The street frontages will provide substantial public realm improvements, through the widening of the footpath by 2.5 metres, the provision of landscaping, improved street paving, street furniture and an activated ground floor interface.

The widened footpaths will provide a consistent street profile and increase the width of the footpaths, including a landscaped edge. A consistent row of street trees are proposed to be planted greening the streetscape and softening the built form.

## 7.3. ENVIRONMENTAL CONSIDERATIONS

### 7.3.1. Environmentally Sustainable Design

Environmentally Sustainable Design and innovation has been a primary consideration of the proposal. The City of Yarra have various policies in place and initiatives, namely Clause 22.17 (Environmentally Sustainable Development) and 22.16 (Stormwater Management – Water Sensitive Urban Design) of the Planning Scheme, which seek to encourage the integration of environmentally sustainable design within any new development. This local policy complements those found within the PPF including Clauses 15.02-1S and 21.07. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

A Sustainability Management Plan (SMP) has been prepared by NDY for the Doonside Precinct and demonstrates in detail how the proposed development achieves environmentally sustainable design.

The SMP demonstrates that the proposal will provide a highly resolved and integrated design response, and which is committed to achieving, from design through to construction:

- 5 Star Green Star Design and As-Built
- 5.5 Star minimum, a 7 Star average, NatHERS rating for apartments
- Net Zero Carbon Emission for all residential common area and back of house services through a combination of passive design strategies, high performance facades and services strategies, on-site renewable energy, purchase of off-site renewable energy and carbon offsetting
- An all-electric building services strategy for residential, eliminating the use of natural gas and other fossil fuels.
- A balanced approach to on-site renewable energy and the activation of roof spaces for communal gatherings and greater ecological value and amenity.
- Potable water reduction through fixtures with high WELS ratings and rainwater collected from suitable rooftops to supply common area toilets and urinal flushing, and irrigation. A 30kL rainwater collection system will be provided, collecting rainwater from rooftops and re-using for landscape irrigation, and toilets and residential amenities urinal flushing.

These features demonstrate a significant commitment of the project, which aims to promote waste avoidance, particularly through construction, and the efficient use of resources, particularly in future operation of the development, considerably contributing to the sustainability of not only the project, but the broader City of Yarra.

The commitments noted above are achieved through a range of initiatives across the development, ensuring compliance with Clause 22.17 of the Yarra Planning Scheme, including:

- Sustainable travel and end-of-trip facilities, including a high proportion of bicycle parking spaces, and electric vehicle charging facilities
- High performance façade systems
- Passive design strategies
- On-site renewable energy
- Purchasing of off-site renewable energy and carbon offsetting
- Residential building services strategy to eliminate the use of natural gas and other fossil fuels
- Water efficient fixtures, fittings and appliances
- Landscaping opportunities

Overall, the proposal demonstrates the application of ESD principles and will achieve a 5 Star Green Star design and building, as well as ultimately, contributing to the future sustainability of not only the proposed development, but the broader sustainability of the City of Yarra.

### **7.3.2. Land Contamination Assessment**

A preliminary site investigation report regarding potentially contaminated land has been undertaken by Douglas Partners and is enclosed with this submission.

The preliminary findings of the report note that historically, various land uses with the potential for contamination were undertaken on the subject site and, following investigations, some areas of environmental concern have been identified. These areas do not pose an unacceptable risk either during construction or for future use of the site for commercial activities.

The future environmental investigations to be carried out, will form a Condition of Permit and be in accordance with the requirements of the proposed Schedule 1 to the Comprehensive Development Zone. This will ensure that the subject site is suitable for its proposed sensitive use.

### **7.3.3. Wind Impacts**

A Wind Tunnel Assessment has been prepared by MEL Consultants, which has assessed the wind conditions on and around the proposed development, including at test locations on Doonside Street, David Street, Burnley Street, the proposed internal laneway, south entrance, and outdoor open space area.

The Wind Tunnel Assessment demonstrates that across all the test location areas the criterion for walking comfort is achieved, or are equivalent to the existing wind conditions where they are shown to be above the walking criterion which is appropriate for pedestrian transit areas. Many locations also demonstrate sitting and standing comfort criterion is achieved which are typically suggested for building entrances and outdoor seating areas.

The internal publicly accessible laneway has also been assessed and results in meeting sitting and standing criterion. To the podium outdoor recreational area, the sitting criterion is passed in all locations save for in the swimming pool.

Please refer to the Wind Tunnel Assessment, prepared by MEL Consulting, for further discussion.

## **7.4. EXTERNAL AMENITY CONSIDERATIONS**

The policy framework for amenity considerations is contained within Clause 22.05 (Interface uses policy), as well as the Urban Design Guidelines referred to in Clause 15.01-2S.

Clause 55 of the Scheme provides some guidance on these matters (although not strictly applicable). The site has limited sensitive interfaces with three street frontages forming the title boundaries. These distances and lack of direct abuttal mitigate off-site amenity impacts. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

Land to the north and south are used for commercial purposes which limits off-site amenity considerations to primarily regarding equitable development only.

The only existing sensitive interfaces are the apartment developments to the south and east along Doonside and David Streets. The future context of the approved Harry the Hirer amendment will also be considered. The future apartments are located within the MUZ, and therefore amenity impacts within must be considered in their zoning context, where there is an expectation of higher density developments and their adjacency to a MAC.

### **7.4.1. Overshadowing**

The Yarra Planning Scheme and planning controls applicable to this planning permit application do not specify prescriptive overshadowing tests for the subject site. The CDP includes a number of objectives and guidelines associated with overshadowing which the proposal complies with.

Noting that there will be no overshadowing impacts to the Yarra River (including at the winter solstice), overshadowing cast by the proposed development has therefore been analysed against two key considerations: overshadowing to the surrounding streetscape, namely Doonside Street and Burnley Street, and overshadowing to future public open space.

Through the design evolution of the proposed development, potential overshadowing impacts has been a key consideration, and, more specifically, the shadow impacts to Doonside Street, located immediately to the south of the proposal.

A Shadow Analysis, taken at the September equinox, has been provided as part of the Architectural packaged prepared by Cox Architecture and NH Architecture.

### **Doonside Street**

By virtue of the subject site's orientation, additional shadowing cast by the proposed development to Doonside Street is to be expected, while impacts to the southern Doonside Street footpath have sought to be minimised.

As is evident within the shadow diagrams, sections of the footpath are, from 10am, free from any shadows, with this increasing through the course of the day. Sections of the footpath are in light and shade at various times, ensuring that most of the southern footpath is in sunlight throughout the day at the September equinox. The additional overshadowing cast to the southern footpath is considered appropriate and compliant with policy, given it is minor and decreases over the course of the day.

In terms of the overshadowing impacts to the existing apartment buildings to the south and east along Doonside and David Streets between 9am and 3pm at the September equinox, the proposal does not impact these until 2pm, where the lower levels of the west-facing apartments of No. 9-15 David Street are shaded, however, given this is only for two hours, this is considered acceptable.

### **Burnley Street**

The proposed development will cast minor additional shadows to Burnley Street at the September equinox.

The shadow cast by the proposed development, however, is contained to the morning hours at 9am and 10am, ensuring the amenity of the streetscape is not unreasonably impacted.

Notably, the western side of the footpath will remain in sunlight through the day, from 11am. This is in-line with commentary provided within the Panel Report for Amendment C223 to the Yarra Planning Scheme relating to the Harry the Hirer site where the following remarks were made:

*Burnley Street is a larger thoroughfare and is expected to carry more substantial pedestrian traffic. Having the footpath free of overshadowing from 11.00am at the equinox would be a reasonable outcome as proposed in the exhibited Amendment given the greater frequency of usage and the nature of this roadway.*

*The Panel is persuaded that this timeframe represents a generally applied standard in the Planning Scheme and relevant Panel and Victorian Civil and Administrative Tribunal decisions. There is no increased sensitivity of this stretch of Burnley Street that would justify further modification to building envelopes to achieve acceptable overshadowing outcomes.*

As indicated within the shadow diagrams, none of the private open spaces associated with the dwellings on the western side of Burnley Street are adversely impacted by the proposal from 10am onwards.

### **Future Public Open Space to the south**

Located centrally along the southern side of Doonside Street, future public open space as per the approved Amendment C223 to the Yarra Planning Scheme.

As demonstrated within the Shadow Analysis provided, the future public open space proposed, will not be impacted by any additional overshadowing cast by the proposed development at the September equinox, ensuring sunlight access throughout the day is protected. This is particularly significant due to the proposal being to the north of this future space. As such, the heights as proposed do not result in adverse impacts to the proposed park.

## **7.4.2. Overlooking**

The proposed development is more than 9m in distance from any existing or proposed habitable room windows given the three street frontages are each greater than 9m.

Accordingly, this exceeds the more stringent Rescode requirements, and as such, is acceptable. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

### 7.4.3. Noise

An acoustic report has been prepared by NDY which confirms the proposal will not result in unreasonable off-site amenity impacts. The subject site is located within a commercial area along a busy road where there are higher noise levels anticipated. Any noise levels as a result of the use of the dwellings would be typical of a residence. Plant and equipment are located on top of the building however this is substantially setback from any dwellings (existing and proposed).

The following major sources of noise emissions associated with the development were expected to be:

- Building services equipment
- Loading dock

Nevertheless, the acoustic report addresses these and subject to recommendations and confirms compliance with the Environment Protection Regulations (2021). The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

It should be noted that some elements will be addressed during the detailed design phase as the information required for addressing them becomes available.

With respect to the food and drinks premises, it is suggested that further tenancy agreement requirements be put on hospitality and commercial type uses that are adjacent or above/below residential uses so as to ensure that music and structure borne sources are addressed and comply with the Environment Protection Regulations (2021).

Please refer to the assessment by NDY for further information.

### 7.4.4. Equitable Development

The sites to the south, west and east will not be impacted by the proposal from an equitable development consideration as they are separated by the width of streets which provides a reasonable buffer.

Further to this, those to the south-east and east have already been developed.

With respect of those to the north and north-east, within the Shopping Centre, if any land associated with Ikea (including the car park) and Lot 10 were to be developed, this has already been considered through the provision of setbacks and building separation included as part of the development. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

## 7.5. INTERNAL AMENITY AND BADS ASSESSMENT

The quality of the internal spaces has been assessed using Clauses 58 and achieves an exceptionally high level of compliance with these standards and objectives. Generally speaking:

- Apartments generally having a northern, southern, eastern or western orientation (many with at least dual aspect for excellent outlook opportunities) with wide setback distances to adjoining built form
- Highly usable and functional layouts for all dwellings
- Generous private open space and communal areas (both indoor and outdoor facilities) for residents
- Convenient access to car spaces and services

With respect to the BADS, the proposal provides:

- Apartments are typically generously sized, with many including large living spaces. A mixture of one, two and three bedroom apartments cater to differing household needs.
- Provision of a landscaped communal area with a wide variety of offerings including dining areas, BBQ and seating areas, in excess of the requirements of Standard D7 of Clause 58.

- There are limited opportunities for internal views to lower level apartments given the screening mechanisms employed and location of windows, ensuring compliance with the requirements of Standard D15.
- The provided wind report confirms the proposal meets the requirements of Standard D17.
- A total of 59.4 percent of apartments comply with Standard D18 in relation to accessibility, ensuring that the design of the dwellings provides for the needs of people with limited mobility.
- All balconies are of a size and dimension compliant Standard D20 which ensures they will be highly usable spaces for the recreation and service needs of any future resident.
- All apartments have been provided with internal and external storage volumes exceeding the requirements of Standard D21.
- The vast majority of living rooms and all bedrooms comply with the functional layout requirements of Standard D26 and where they do not, this is due to the curved nature of walls, however in each instance provide an additional area for enjoyment of future residents. Studio apartments provide flexible internal spaces for future residents.
- All bedrooms have a window to an external wall with none relying on a secondary area and complying with the requirements of Clause D28.
- The layout of the proposal results in 50% of apartments achieving compliant breeze paths, exceeding the requirement for 40 per cent pursuant to Standard D29.

It is further noted that the development provides sufficient setbacks where adjacent to sites that may see substantial development in the future to ensure that the quality of the development is not compromised by any future development. This will ensure that the apartments within the development will remain as high-quality spaces.

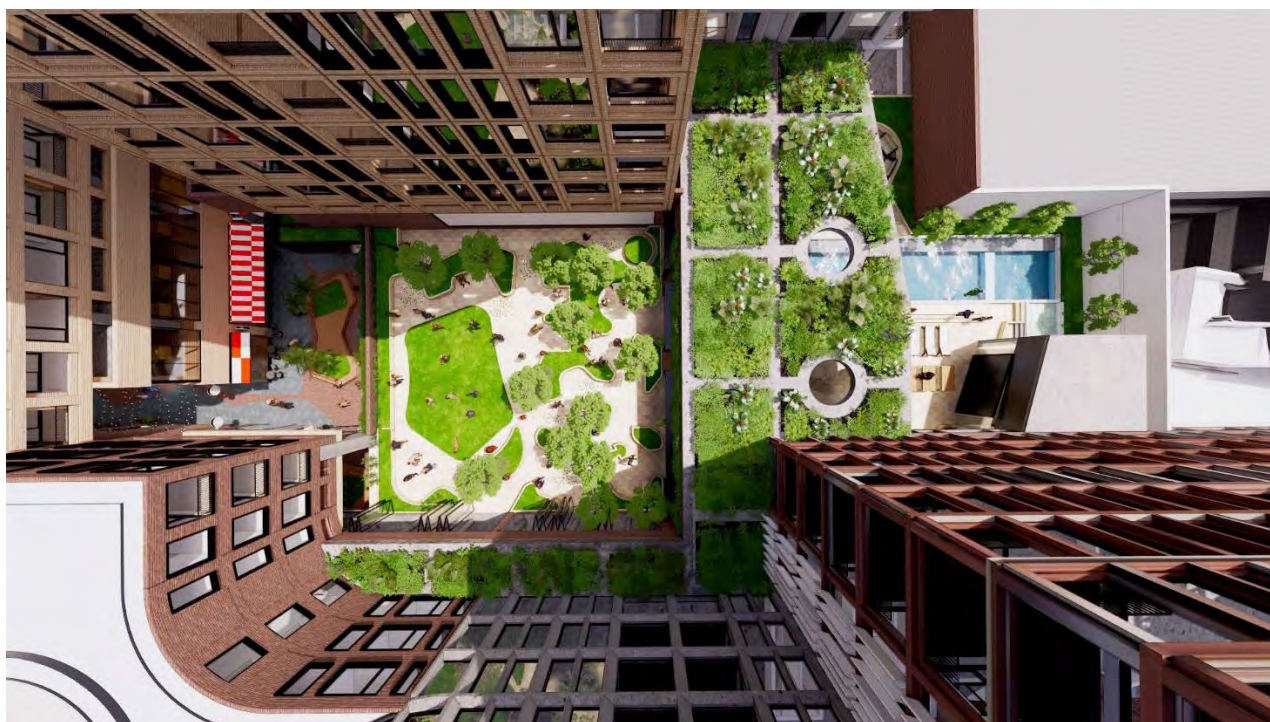
An assessment of the proposal against Clause 58 of the Yarra Planning Scheme is found at **Appendix C**. The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

In addition to the above, the proposal offers significant benefits to future residents through the site's location within an Activity Centre and as such, the consequential ease of access to its associated retail, entertainment and services. All of this will be within short walking distance to future residents. Future residents will also have access to the numerous community facilities outlined within Section 4.2.

Daylight Modelling has been prepared as part of Appendix D of the submitted Sustainability Management Plan – Doonside Precinct, prepared by Norman Disney & Young Consulting Engineers, dated 1 April 2022. This confirms that the results from the daylight factor assessment indicate that this development is able to meet the following BESS performance benchmarks for Indoor Environment Quality (IEQ) – Daylight Access Living Areas and Bedrooms:

- 80% of the total number of modelled living rooms achieve a daylight factor greater than 1% to 90% of the floor area of each living area, including kitchens.
- 80% of the total number of modelled bedrooms achieve a daylight factor greater than 0.5% to 90% of the floor area in each room.

Figure 39 – Level 1 Residential Garden



Source: NH Architecture

## 7.6. MOVEMENT AND ACCESS

A Transport Impact Assessment has been prepared by Stantec (formerly GTA Consultants) in support of the proposal. The Assessment is strategic in nature, assessing the overarching considerations of applicable planning policies and controls, parking, traffic and access.

As previously indicated, David Street will provide for the primary vehicular access point to the on-site car park, as well as loading, waste and other services, resulting in two access points. This consolidates the vehicle and loading entry whilst also resulting in a high-quality urban design outcome within this major urban renewal precinct. Car parking is located behind active sleeves or within basements. This also ensures the primary street frontages of Doonside and Burnley Streets remain free of additional vehicle access movements and retains the existing servicing role which David Street provides, particularly at the northern end of the street, adjacent to the existing Victoria Gardens Shopping Centre.

This also allows Doonside and Burnley Streets to be primarily focused on pedestrian activity. With widened footpaths and the provision of community space as an active sleeve, David Street will not be limited to services but will also provide improved pedestrian amenity.

The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.

The following discussion is based on the findings of the Transport Impact Assessment.

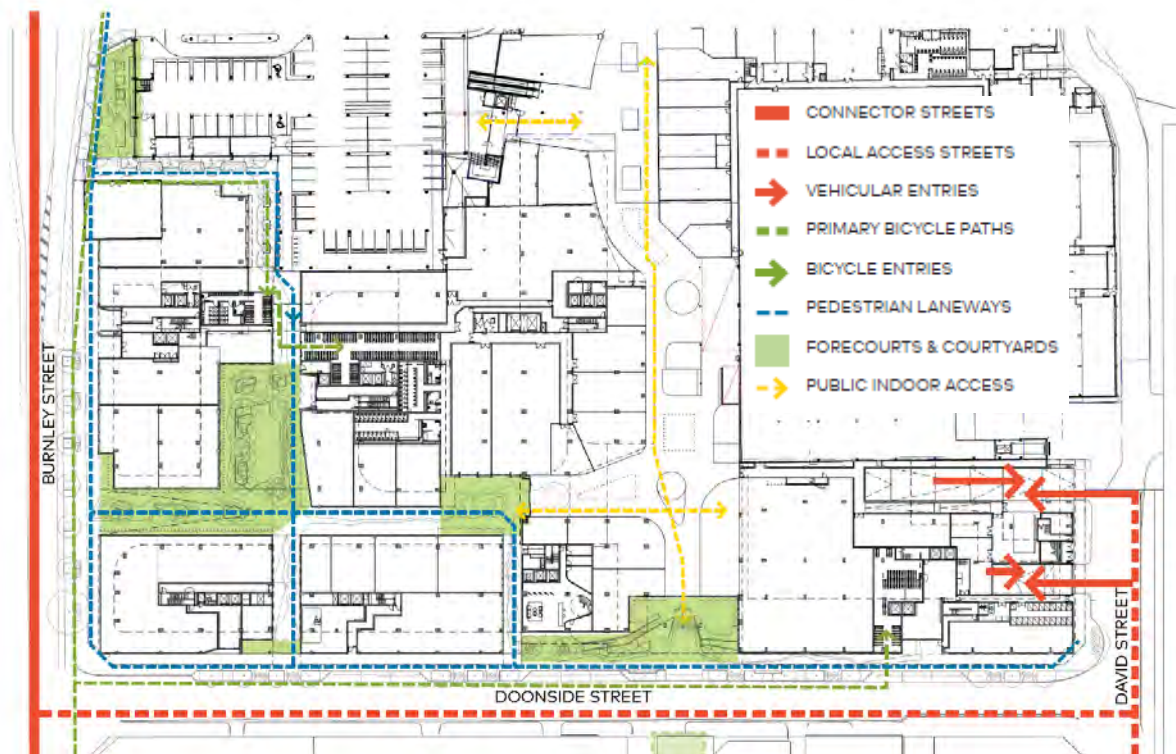
### 7.6.1. Sustainable Transport

#### 7.6.1.1. Pedestrian Network

The proposed development has been designed to maximise pedestrian access and permeability at the ground plane.

This is achieved through the provision of multiple pedestrian connections to pathways on the abutting road network (Burnley Street and Doonside Street) which will provide pedestrian movements both to/from the lift cores, through the site to Victoria Gardens Shopping Centre, to the Victoria Street tram stops and to planned developments south of the site. This is in addition to providing connections within the site to River Boulevard Precinct.

Figure 40 – Pedestrian Network



Source: Cox Architecture / NH Architecture

Proposed connectivity through the site includes:

- A pathway running east-west between Burnley Street and the new Market Hall area.
- A pathway running north-south, through the new Market Hall expansion area, connecting the existing shopping centre and Doonside Street and onto the future 'Harry the Hirer' site to the south and Appleton Street beyond. This provides connections both within the site, and outward also, creating a new gateway to this precinct.
- An additional laneway connecting Doonside Street with the main east-west pathway.
- Integrate the heritage hotel into the movement network as a secondary laneway route.

Looking outward, pedestrian connections include:

- Alignment of tram super stop and signalised intersection through Lots 9 and 10 to intersect with proposed circulation paths, creating clear pedestrian legibility and way finding.
- Eastern entrance connecting with River Boulevard and development sites along the river.
- Connection of David Street to integrate with proposed circulation paths.

Figure 41 – Access and Movement Network



Source: Cox Architecture / NH Architecture

### 7.6.1.2. Bicycle Parking Provision

The development provides a total of 972 bicycle spaces with these being allocated as follows:

- Residential – 844 spaces
- Employees – 40 spaces
- Visitors – 88 spaces including 62 spaces in the public realm

Secure employee spaces have been provided centrally within the ground floor with residential bike spaces split between the ground floor and the mezzanine of Building 6. Retail spaces are located adjacent to the existing car park, with visitor spaces provided on street along David, Doonside and Burnley Streets.

End-of-trip-facilities (EOTF) for employees are provided within the ground floor of the building and directly accessed from both the Doonside and Burnley Street lobbies. A bicycle repair area is provided adjacent to the EOTF. A total of 8 showers/changerooms are provided on ground floor, exceeding the minimum statutory requirements under Clause 52.34.

The surrounding bike network supports higher bicycle usage, with designated bike paths located along the Yarra River. On-site bicycle parking will incorporate appropriate wayfinding signs so that it is clear to staff and visitors that these areas are specifically for the storage of bicycles.

Bicycle spaces will be appropriately designed according to AS2890.3 as follows:

- 1.8 metres long horizontal spaces
- 1.2 metres long vertical or hanging spaces
- Minimum 500mm spacing
- Minimum 1.5 metres wide access aisles on approach to and at the parking facilities.

Please refer to submitted Transport Impact Assessment and Green Travel Plan prepared by Stantec (formerly GTA Consultants) for further detail.

### 7.6.1.3. Green Travel Plan

A Green Travel Plan prepared by Stantec (formerly GTA Consultants) is enclosed as part of this application as an appendix to the TIA.

It is a management tool designed to reduce the reliance on motor vehicles, minimise the negative impacts of transport on the environment, manage car parking demands associated with the development, improve opportunities for those without access to a car and maximise the benefits associated with 'green travel'.

This is part of the development's high reaching sustainability goals, as the proposal will achieve best practice in both environmentally sustainable design and everyday practices. It will also encourage employees and residents to uptake sustainable transport modes with the limited availability of on-site car parking.

### 7.6.2. Car Parking Provision

As discussed in Section 6.5 of this report, an analysis of VCAT cases and empirical evidence has been undertaken to determine the appropriate car parking rate for the proposed development.

Following the approval of the amendment, the entire Victoria Gardens Precinct will be within the CDZ1. It is proposed to apply the Parking Overlay over the Victoria Gardens Expansion Area including over the Doonside Precinct and introduce a new Schedule that addresses parking controls specific to Victoria Gardens. The new schedule will apply maximum car parking rates to specific uses, and Clause 52.06 rates will be adopted where no rate is specified. The proposal has been assessed under the proposed car parking controls of the new Parking Overlay schedule.

Figure 42 - Car Parking Rates

Description	Use	Size / No.	Statutory Assessment	
			Maximum Rate	Maximum Requirement
Apartments	Dwelling (Residents)	839 dwellings (456 x 1-bedroom + 369 x 2-bedroom + 14 x 3-bedroom)	1 space per dwelling	839 spaces
	Dwelling (Visitors)	839 dwellings		
Office	-	3,485sqm NFA	2 spaces per 100sqm	69 spaces
Retail	Shop	5,185sqm	3 spaces per 100sqm	256 spaces
	Food & drink	1,914sqm		
	Hotel (Pub) <sup>[1]</sup>	1,446sqm		
	Sub-total	8,545sqm		
Total				1,164 spaces (max.)

[1] Nested under Food & drink.

Source: Stantec (formerly GTA Consultants)

The provision of 518 car parking spaces is equal to 45% of the maximum statutory requirement, which complies with the statutory requirement. A full assessment of the statutory requirements against the car parking provision is detailed in the Transport Impact Assessment prepared by Stantec (formerly GTA Consultants).

The key findings of the Traffic Impact Assessment provided by Stantec (formerly GTA Consultants) can be summarised as follows:

- The site has good accessibility to Melbourne's public transport network, being located on the Victoria Street tram corridor.
- The encouragement of the use of public transport, walking and cycling as modes of transport is central to achieving the objectives of the various transport policies relevant to the site (including the "Unlocking

*Victoria Gardens” document). As such, a travel demand management approach has been adopted for the site.*

- *This report identifies various transport responses to address the future transport needs of the proposed development. These include improvements to walking and cycling both internal and external to the site and notably reduced car parking rates (i.e., 45% of the statutory maximum requirement).*
- *With the adoption of the various responses, the transport impacts of the proposed development are expected to be relatively modest and will not significantly change the operation of the already congested road network.*

Please refer to the submitted Transport Impact Assessment prepared by Stantec (formerly GTA Consultants) for further detail.

### **7.6.3. Car Parking Layout and Access Arrangement**

The proposed carparking layout and access arrangements have been assessed under the relevant guidelines. The layout complies with the requirements of the CDZ1. A summary of the key elements includes:

#### **7.6.3.1. Accessways**

- Access to the basement and Building 6 car parking is proposed directly from David Street via two separate ramps.
- Swept paths which demonstrate the vehicle access arrangements along the access ramps and within the car parking areas are included in the Transport Impact Assessment.

#### **7.6.3.2. Car Parking Spaces**

- All car spaces are provided in accordance with the minimum requirements of Clause 52.06-9.
- DDA parking spaces have been provided in accordance with the requirements of AS2890.6:2009.
- Car spaces adjacent to walls and structures have been provided with appropriate clearances to allow for satisfactory car door opening and in accordance with AS2890.1:2004.
- Adequate headroom clearance is provided to, from and throughout the car parking areas. In particular, a minimum headroom clearance of at least 2.2m will be provided in excess of the statutory requirement under Clause 52.06-9 of the Planning Scheme (Design Standard 2) and in accordance with the relevant Australian Standard (AS2890.1:2004).
- Stantec (formerly GTA Consultants) is satisfied that the design of the spaces is acceptable and Swept Path Diagrams have been provided as part of their report.

### **7.6.4. Traffic Impacts**

Stantec (formerly GTA Consultants) has undertaken a thorough assessment of the likely demand generated by the use and ultimately found that the car parking provision is acceptable.

The maximum anticipated traffic generation of the proposed development is 131, 226 and 299 movements during the weekday AM, weekday PM and Saturday peak hours, respectively.

Within their assessment, Stantec (formerly GTA Consultants) analysed the predicted traffic generation of the proposed development and other approved developments in the precinct and have estimated the additional peak hour traffic expected through each of the surrounding key intersections (Victoria & Doonside Streets, Victoria Street & River Boulevard, Burnley Street & Victoria Gardens Signalised access and Burnley & Doonside Streets). Stantec (formerly GTA Consultants) have confirmed that considering existing traffic volumes and noting the constrained nature of the surrounding road network, the traffic impact of this additional traffic is expected to be relatively minor.

Drilling down further into the traffic impact analysis, Stantec (formerly GTA Consultants) assessed the operation of the Doonside Street/Burnley Street intersection under existing conditions, and also post-development using the SIDRA program, which measures intersection performance. This modelling shows that the intersection is expected to operate with a “good” level of service under post-development conditions as an unsignalised intersection.

It is acknowledged that as part of the Harry the Hirer development to the south, it is likely the intersection will be signalised in the future. Whilst the proposed development on the subject site does not trigger this requirement, the potential signalisation of the intersection would enhance capacity for vehicles accessing Doonside Street.

Please refer to the assessment by Stantec (formerly GTA Consultants) for further information.

### **7.6.5. Loading**

In order to accommodate on-site loading the development includes:

- The primary loading bay area is within Basement Level 2 and a secondary area is provided within the ground level of Building 6. Both are accessed from David Street.
- The main loading area within Basement 2 provides separate provisions for retail (northern end of the loading area) and residential land use (southern area of the loading area).
- The secondary area within Building is allocated for retail loading and is expected to be used infrequently as indicated in the assessment by Stantec (formerly GTA Consultants).
- Swept paths which demonstrate the vehicle access arrangements within the loading areas are included in the Transport Impact Assessment

Based on the above, we are satisfied that adequate loading opportunities are provided on-site as part of the development and there will be no impact on amenity, road safety or traffic flow as a result of the proposed development,

### **7.6.6. Waste**

WSP has prepared a Waste Management Plan (WMP) that outlines the strategy proposed for the subject site.

Residential waste systems include general waste (garbage), commingled recycling, glass, organics, hard waste and e-waste (electronic waste). Dual chutes will be provided for the disposal of waste generated from each residential tower. One chute will be dedicated to general waste and another dedicated to commingled recycling with each chute directly outputting into the relevant compactors within the waste room.

Core commercial waste systems include general waste (garbage), commingled recycling, glass and organics. Extended waste streams include waxed cardboard, polystyrene, secure paper, soft plastics, hard waste and e-waste. Throughout the facility it will be ensured that it is as easy to dispose of all other core waste streams as it is garbage. This will be achieved by ensuring the development is appropriately furnished with bin stations throughout the individual rooms, ancillary spaces and communal areas.

Within the ground floor of Building 6 it is also anticipated that a fresh food grocer may be located in the area indicated as Retail MM004. This has been considered as part of the WMP.

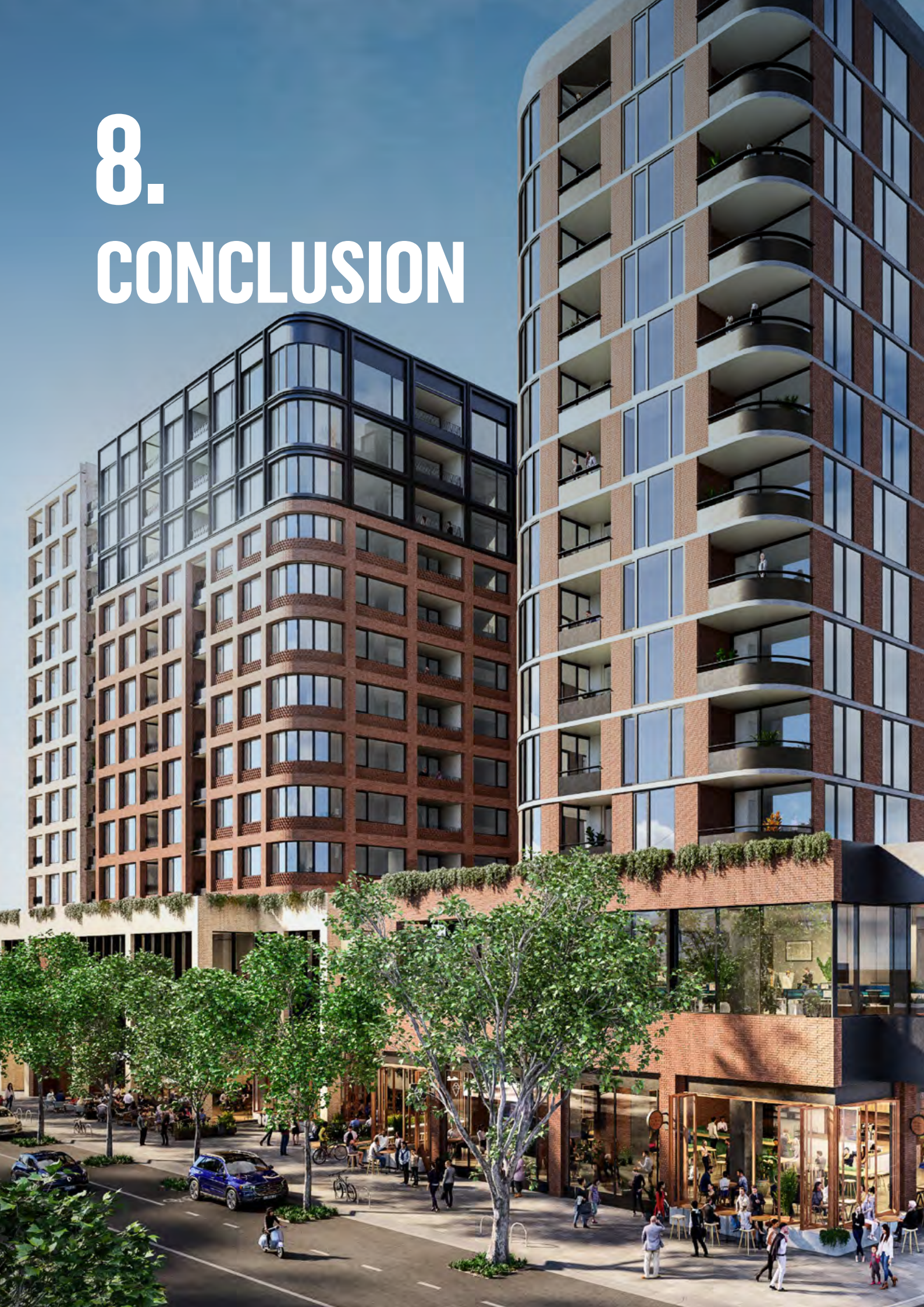
In terms of waste collection, the report outlines the following:

- All commercial and residential waste collection will occur from the waste rooms located on Basement Level 2
- Waste shall be collected from within the subject site via the loading bays and carried out by private contractors. The collection contractor shall transfer bins between the waste areas and the truck
- Waste shall be stored within the development (hidden from external view).

A swept path assessment has been prepared and is included as part of the Waste Management Plan (WMP). This demonstrates that the nominated waste collection vehicle can access the loading areas from David Street.

Please refer to the Waste Management Plan by WSP for further information.

# 8. CONCLUSION



## 8. CONCLUSION

The assessment provided in this report has determined that the application for a Planning Scheme Amendment for the Victoria Gardens Expansion area and planning permit for the Doonside Precinct, an integrated mixed-use precinct on the subject site, is strongly supported by key policy drivers and will provide an enduring contribution to economic, social and built form outcomes for Richmond and the broader municipality.

The proposed development has been designed through extensive context analysis of the subject site and surrounding area, and through collaboration with various industry specialists.

Having regard for the assessment contained within this report, the Doonside Precinct is considered appropriate and worthy of support for the following key reasons:

### **Victoria Gardens Expansion**

- The proposal to rezone the entirety of the land to the Comprehensive Development Zone, draft Schedule 1, is consistent with the Yarra Planning Policy Framework and allows for the redevelopment of the site in the context of the surrounding zoning and strategic redevelopment sites.
- Victoria Gardens Expansion is a unique opportunity within a generally fine-grained and built-up inner city area to provide significant public realm improvements, generous publicly accessible spaces and improved connectivity within and through the site, including to the Yarra River.
- The proposed development will offer a diverse range of housing options, with several apartment typologies, as well as affordable rental housing.
- The proposal will substantially support the economy both locally and regionally.
- The provision of 15,245 sqm and 30,085 sqm of retail and office floor space respectively will generate significant employment opportunities as part of the redevelopment of the land, which will assist in revitalising the area, improving activation along Doonside Street, throughout the Victoria Gardens Expansion and as it integrates with the broader area.

### **Doonside Precinct**

- The proposal complies with the objectives of the CDZ1 and is generally in accordance with, and in compliance with the vision, objectives, future urban structure, requirements and guidelines of the Victoria Gardens Comprehensive Development Plan 2022.
- The proposal demonstrates a high level of consistency with the provisions of the Yarra Planning Scheme and the State Planning Policy Framework.
- The development will demonstrate exemplary architecture and design innovation.
- The redevelopment of the subject site in its entirety allows a significant contribution to be made to the public realm, with the inclusion of laneways and a number of publicly accessible open space areas and Market Hall for the community to enjoy.
- The ground plane is designed to provide significant activation to the surrounding streetscape as well as enhancing permeability, providing for efficient movement through the site and great connectivity of the area.
- The proposed residential component of the development demonstrates a high level of compliance with the Better Apartment Design Standards, providing areas of communal open space, appropriate internal dimensions and associated amenities.
- The landscaping and publicly accessible areas, including the forecourts, courtyards, internal laneways and Market Hall, will substantially contribute to the improved activation and enhancement of the public realm and surrounding streetscapes.

# DISCLAIMER

This report is dated 7 October 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Vicinity Management Pty Ltd Limited in its capacity as trustee of the Victoria Gardens Retail Trust (**Instructing Party**) for the purpose of Town Planning (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

# APPENDICES



## **APPENDIX A**

## **APPENDIX A - EXISTING PLANNING CONTROLS AND POLICIES**

# PLAN MELBOURNE

Plan Melbourne locates Yarra within the 'Inner South East Region'. Plan Melbourne also acknowledges that, in the past decade, planning approaches have not adequately addressed area and population-based needs. It recognises that in the future, service planning and resource allocation will need to take account of population distribution, growth projections and existing infrastructure and resources.

Direction 1.1 seeks to 'create a city structure that strengthens Melbourne's competitiveness for jobs and investment' allowing key commercial land is available in locations that support growth, connectivity and requirements of proximity to the CBD. Policy 1.1.1 supports the direction of central city to become Australia's largest commercial centre by 2050 through investment of existing commercial locations, innovative design and strengthen existing assets. Policy 1.1.2 directs planning 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.

Policy 1.1.7 acknowledges that population growth will continue to drive demand for well-located and competitively priced commercial land. It outlines that an adequate supply of commercial land needs to be secured to accommodate this growth.

Direction 1.2 seeks to improve access to jobs across Melbourne and closer to where people live with Direction 1.3 aiming to create development opportunities at urban renewal precincts across Melbourne including within the existing transport network.

Plan Melbourne introduces the '20-minute neighbourhood' concept, which seeks to create healthy, safe and active local communities. It suggests healthy communities are those where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists. This is underpinned by policy within Directions 3.3 and 5.1.

## PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to foster the objectives of planning in Victoria through appropriate planning policies and practices. These seek to encompass relevant environmental, social and economic factors.

It is considered that the proposal satisfactorily meets the relevant State and Local Planning Policy noting the following:

- **Clause 11 Settlement** recognises that planning is to 'anticipate and respond to the needs of existing and future communities through provision of zones and service land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'. The policy also seeks to facilitate sustainable development that takes full advantage of existing settlement patterns.
- **Clause 11.01-1R – 'Settlement - Metropolitan Melbourne'** seeks to develop a '*network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function*' and '*Create mixed-use neighbourhoods at varying densities... that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities*'.
- **Clause 11.02-1S – 'Supply of urban land'** seeks 'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses' and consider 'opportunities for the consolidation, redevelopment and intensification of existing urban areas'.
- **Clause 11.03-1S – 'Activity Centres'** encourages the development of mixed use activity centres accommodating major retail, residential, commercial, administrative, entertainment and cultural developments that are highly accessible to the community. This includes strategies to 'support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies'.

- **Clause 13.04-1S – ‘Contaminated and potentially contaminated land’** seeks to ensure that potentially contaminated land is suitable for its intended future use and that contaminated land is used safely.
- **Clause 13.05-1S ‘Noise abatement’** seeks to ‘ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the
- **Clause 15.01S Urban Design** aims to ‘create urban environments that are safe, function and provide good quality environments with a sense of place and cultural identity’
- **Clause 15.01-2S Building Design** provides a range of urban design strategies which seek ‘to achieve building design outcomes that contribute positively to the local context and enhance the public realm’. This clause also states that planning must consider as relevant:
  - Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
- **Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** includes the strategy to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs (including employment) within a 20 minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S Neighbourhood character** aims ‘to recognise, support and protect neighbourhood character, cultural identity, and sense of place.’ The policy ensures development responds to its context and reinforces a sense of place and the valued features.
- **Clause 15.01-5S – ‘Neighbourhood character’** aims ‘to recognise, support and protect neighbourhood character, cultural identity, and sense of place.’ The policy ensures development responds to its context and reinforces a sense of place and the valued features.
- **Clause 15.03-1S – ‘Heritage conservation’** promotes the conservation of significant heritage places.
- **Clause 16.01-1R Housing Supply – Metropolitan Melbourne** aims to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in major activity centres and to facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport. The policy seeks to create mixed-use neighbourhoods at varying densities that offer more choice in housing. This policy allows for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
- **Clause 16.01-2S Housing Affordability** aims to deliver more affordable housing closer to jobs, transport, and services. The policy aims to improve housing affordability by ensuring land supply continues to be sufficient to meet demand, increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- **Clause 17.01-1S – ‘Diversified Economy’** aims to strengthen and diversify the economy to facilitate growth in a range of employment sectors.
- **Clause 17.01-1R – ‘Diversified economy – Metropolitan Melbourne’** seeks 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
- **Clause 17.02-1S – ‘Business’** encourages ‘development that meets the community’s needs for retail, entertainment, office and other commercial services’ by locating commercial facilities in existing activity centres.
- **Clause 18.02-1S – ‘Sustainable personal transport’** seeks to promote the use of sustainable personal transport with strategies ensuring development and the planning for new suburbs, urban renewal precincts, and transit-oriented development areas (such as railway stations) provide

opportunities to promote more walking and cycling and ensuring the provision of bicycle end-of-trip facilities in commercial buildings

- **Clause 18.02-1S – ‘Walking’** aims to facilitate an efficient and safe walking network and increase the proportion of trips made by walking
- **Clause 18.02-2S – ‘Cycling’** aims to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling
- **Clause 18.02-3S – ‘Public Transport’** aims to facilitate greater use of public transport and promote increased development close to high-quality public transport routes
- **Clause 18.02-3R – ‘Principal Public Transport Network’** seeks to 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.

## LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement and Local Planning Policies applicable to the City of Yarra. The key sections of the MSS and LPPF are summarised below:

- **Clause 21.02 – ‘Municipal Profile’** acknowledges the role that the Major Activity Centres, including the Victoria Street Major Activity Centre, has as ‘a powerful economic engine for the municipality, and in varying degrees draw on tourists and destination shoppers from overseas, interstate and country Victoria as well as Greater Melbourne’.
- **Clause 21.03 – ‘Vision’** establishes a vision for the City of Yarra that entails, amongst other things, increased employment opportunities and mixed land use character; identified areas of low-rise and higher development; high quality new developments; and the utilisation as active (walk and cycling) and public transport as the primary way of accessing employment. The site is identified within Figures 1 and 2 of Clause 21.03 as being within the Victoria Street Major Activity centre and as a Strategic Redevelopment Site as shown below:



- **Clause 21.04-1 Accommodation and Housing** aims to accommodate forecast increases in population, retain a diverse population and household structure and reduce potential amenity conflicts between residential and other uses.
- **Clause 21.04-2 – ‘Activity Centres’** identifies Swan Street as a ‘Major Activity Centre with a regional retail and entertainment focus’, and further addresses the following objectives and strategies (selected):

- Objective 4: To maintain a balance between local convenience and regional retail roles in Yarra's activity centres
  - Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres
  - Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.
- Objective 5: To maintain the long term viability of activity centres.
  - Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.
- **Clause 21.04-3 Land Use (Industry, office and commercial)** acknowledges that commercial sectors underpin a sustainable economy and provide employment. This policy outlines that Yarra City Council plans to retain and foster a diverse and viable economic base. The decline in manufacturing activity has created an opportunity for service businesses which has maintained employment levels within the municipality. There is also a continuing demand for office land for a variety of future uses and activities that value an inner metropolitan location. The objective of this clause seeks to increase the number and diversity of local employment opportunities.
- **Clause 21.05 Built Form** builds on policy at Clause 15 and sets out strategies to achieve appropriate built environment and heritage outcomes within the municipality. Within this, **Clause 21.05-1 Heritage** aims to protect and enhance Yarra's heritage places. This will relevantly be achieved by supporting the restoration of heritage places and applying the local heritage policy at clause 22.02. Urban design matters are covered under **Clause 21.05-2 Urban Design** which aims to achieve the following objectives:
  - To reinforce the existing urban framework of Yarra
  - To retain Yarra's identity as a low-rise urban form with pockets of higher development
  - To retain, enhance and extend Yarra's fine grain street pattern
  - To ensure that new development contributes positively to Yarra's urban fabric
  - To enhance the built form character of Yarra's activity centres
  - To encourage the provision of universal access in new development.

Strategies to achieve these include:

- Strategy 17.2 - Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
  - Significant upper level setbacks
  - Architectural design excellence
  - Best practice environmental sustainability objectives in design and construction
  - High quality restoration and adaptive re-use of heritage buildings
  - Positive contribution to the enhancement of the public domain
  - Provision of affordable housing.
- Strategy 21.1 - Require development within Yarra's activity centres to respect and not dominate existing built form
- Strategy 21.2 - Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.

- Strategy 21.3 - Support new development that contributes to the consolidation and viability of existing activity centres.
- **Clause 21.05-4 Public environment** aims to provide a public environment that encourages community interaction and activity which requires to ensure that buildings have a human scale at street level and require buildings and public spaces to provide a safe and attractive public environment.
- **Clause 21.06 Transport** seeks to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives.
- **Clause 21.07-1 Environmental Sustainability** seeks to encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reductions and management, solar access, orientation and layout of development, building materials and waste minimisation.
- **Clause 21.08-9 North Richmond** identifies that the Victoria Street Major Activity centre runs along the northern boundary of this neighbourhood. This activity centre spans approximately 2 kilometres and incorporates a variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage. Within the centre are three precincts with the subject site being identified within the Victoria Street East precinct which is referenced as follows:
  - This precinct incorporates the area between Grosvenor Street in the west and the Yarra River to the east. It includes a combination of retail, bulky goods, entertainment, residential and office land uses. The centre has a key interface with the Yarra River, which defines its northern and eastern boundaries. Significant parts of this precinct have recently undergone extensive redevelopment. With a number of key sites in the area still up for redevelopment, it will continue to evolve. New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. The Victoria Gardens development has the capacity to incorporate further residential development.
  - To the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:
    - protect the pocket of Residential 1 zoned land.
    - provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses.
    - continue to retain industry but allow office development further south and east of the Residential 1 and Mixed Use areas.'
  - Land use strategies for the North Richmond neighbourhood which are relevant to the subject site include:
    - supporting a change of use to residential plus mixed uses in the industrial area abutting the southern boundary of Victoria Gardens.
    - protecting the neighbourhood character and residential amenity of the existing Residential 1 areas to the south and west of Victoria Gardens.
    - supporting residential and office growth on the Victoria Street Gardens site.
  - Built form strategies for the North Richmond neighbourhood which are relevant to the subject site include:
    - Creating a fine-grained network of pedestrian-friendly streets east of Burnley Street and north of Doonside Street.
- **Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay** provides development guidance to ensure the protection and enhancement of Yarra's heritage places. Policy seeks to generally encourage the retention of buildings within Heritage Overlays, unless the

building is not a contributory building (**Clause 22.02-5.1**). Further the policy seeks to ensure new development meets the relevant built form guidelines at **Clause 22.02-5.7**. This policy refers to an incorporated document (*City of Yarra Review of Heritage Areas 2007 Appendix 8, revised from time to time*), which identifies the level of significance for all buildings/sites within the Heritage Overlay. In this instance, the subject site is identified as 'individually significant' within a site-specific heritage overlay

- **Clause 22.03 Landmarks and Tall Structures'** aims to ensure that the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline. The review site is not located near any identified landmarks.
- **Clause 22.05 - Interface Uses Policy** applies to applications for use or development within Commercial Zones (amongst others). The relevant objective of this clause is: to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.
- **Clause 22.10 - Built Form and Design Policy** outlines several design elements that address various built form issues. It seeks (among other things) to ensure new development respects the scale and form of surrounding development and create a positive interface between the private domain and public spaces. The policy applies to all new development not included in a heritage overlay
- **Clause 22.11 – Victoria East Precinct Policy** provides a holistic vision and approach to the development of the precinct. The policy addresses the Yarra River corridor, traffic and access, provision of infrastructure, land use mix and design of built form.
- **Clause 22.12 Public Open Space Contribution** identifies the subject site as being within an area where land contributions will be preferred over cash contributions. **Clause 22.12-3** provides selection criteria for land to be contributed. Given the provision of 2,660qsm (out of a possible 8,783sqm) of Publicly Accessible Open Space area within MUZ, and the previous payment of Public Open Space Constructions as part of the original CDZ development, it is proposed that any future development would be exempt from the requirements of Clause 22.12 and Clause 53.01. This could be included as an exemption within Clause 53.01 of the Yarra Planning Scheme. The current provision of Publicly Accessible Open Space would equate to 30.285 percent of the overall MUZ land.
- **Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)** seeks to ensure new development achieves the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines.
- **Clause 22.17 - Environmentally Sustainable Development** applies to all new residential and non-residential development in the City of Yarra. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

## REFERENCE AND OTHER DOCUMENTS


### Yarra Spatial Economic and Employment Strategy (SEES) August 2018

The Spatial Economic and Employment Strategy (SEES) sets out a vision for the future of Yarra's economy building on existing policies, analysis of existing conditions and emerging trends, and addresses a number of specific policy issues.

The subject site is located within an Activity Centre (retail, hospitality and commercial) as shown on Figure 1 below which seeks to ensure continued employment growth in Yarra's activity centres. Broadly, the objectives of this strategy are in line with the proposal by, identifying locations that are best suited for accommodating growth and change, and identify areas where council needs to support growth and change in economic and employment activity.

Figure 1 Spatial Economic and Employment Strategy (SEES)



Picture 1 SEES Precinct Map  
Subject Site =   
Source: City of Yarra SEES 2018

## Melbourne Industrial and Commercial Land Use Plan (MICALUP) 2020

The Melbourne Industrial and Commercial Land Use Plan builds on the relevant policies and actions of Plan Melbourne 2017-2050. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to plan for future employment and industry needs more effectively, and better inform future strategic directions.

Map 5 within the document shows the commercial land within the inner metro region, identifying the review site being adjacent to existing regionally significant commercial area (Swan Street Major Activity Centre).

The MICALUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide an additional 548,000sqm, in addition to the existing 933,400sqm of commercial floor space.

Figure 2 Projected employment growth for the Inner Metro Region, between 2016 and 2031, as per MICLUP  
Yarra Spatial Economic and Employment Strategy (SEES) August 2018

**Figure 12: Projected employment growth, Inner Metro Region, 2016 to 2031**



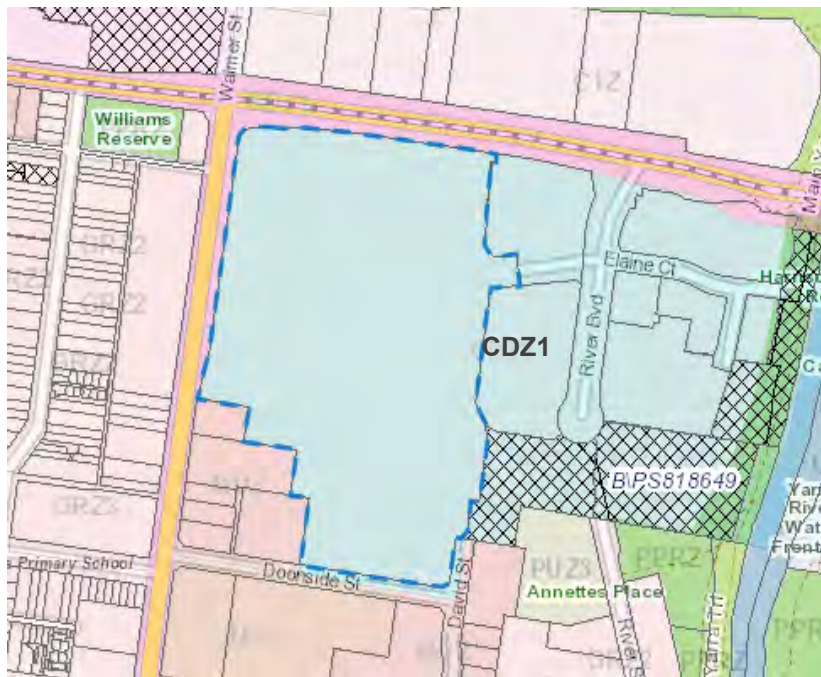
## ZONES

The subject site is partly located within the Mixed Use Zone (MUZ) and the Comprehensive Development Zone – Schedule 1 (CDZ1). The relevant purposes of this zone include:

### Comprehensive Development Zone

Schedule 1 to the Comprehensive Development Zone (CDZ1) refers to 'Victoria Gardens Comprehensive Development' and sets out several purposes for the land. The CDZ1 land is 'generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street (in part), Richmond, as define by the incorporated document "Victoria Gardens - Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area"'.

Figure 3 Schedule 1 to the Comprehensive Development Zone (CDZ1)



Key purposes of relevance include:

- To encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River, City of Yarra.
- To ensure that development on the site will complement and enhance the Yarra River environment.
- To assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses.
- To ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with:
  - *The amenity of the surrounding area and the nature of the surrounding uses.*
  - *The visible skyline as seen from and along the Yarra River and the River's general environs, and views along Victoria Street and Barkers Road.*
  - *The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.*
  - *The capacity of existing essential services and proposed modifications.*
- To ensure retailing in the zone is compatible with and serves the existing and future commercial, industrial and residential uses in the surrounding area.
- To limit overshadowing affecting the amenity of adjoining land and, in particular, areas of public open space and the Yarra River.

For buildings and works, a permit or a Development Plan is required under the CDZ1. Under the CDZ1 provisions, a Development Plan functions and presents in almost an identical manner and will be assessed in a similar way as a planning permit.

No planning permit is required for buildings and works if in accordance with an approved development plan.

Under Section 2, of Schedule 1 to the CDZ, a use of land shall be in accordance with the Table of uses to this Clause and the incorporated document "Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area".

The CDZ1 outlines mandatory height controls for the site. Specifically, CDZ1 states that a building or works must not exceed the height above the AHD for any particular site as shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area incorporated in this Planning Scheme.

This does not apply to:

- the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and advertising signs approved under Part 22 of this Schedule.

## **Mixed Use Zone**

The subject site is located within the Mixed Use Zone (MUZ). The relevant purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

In accordance with the MUZ:

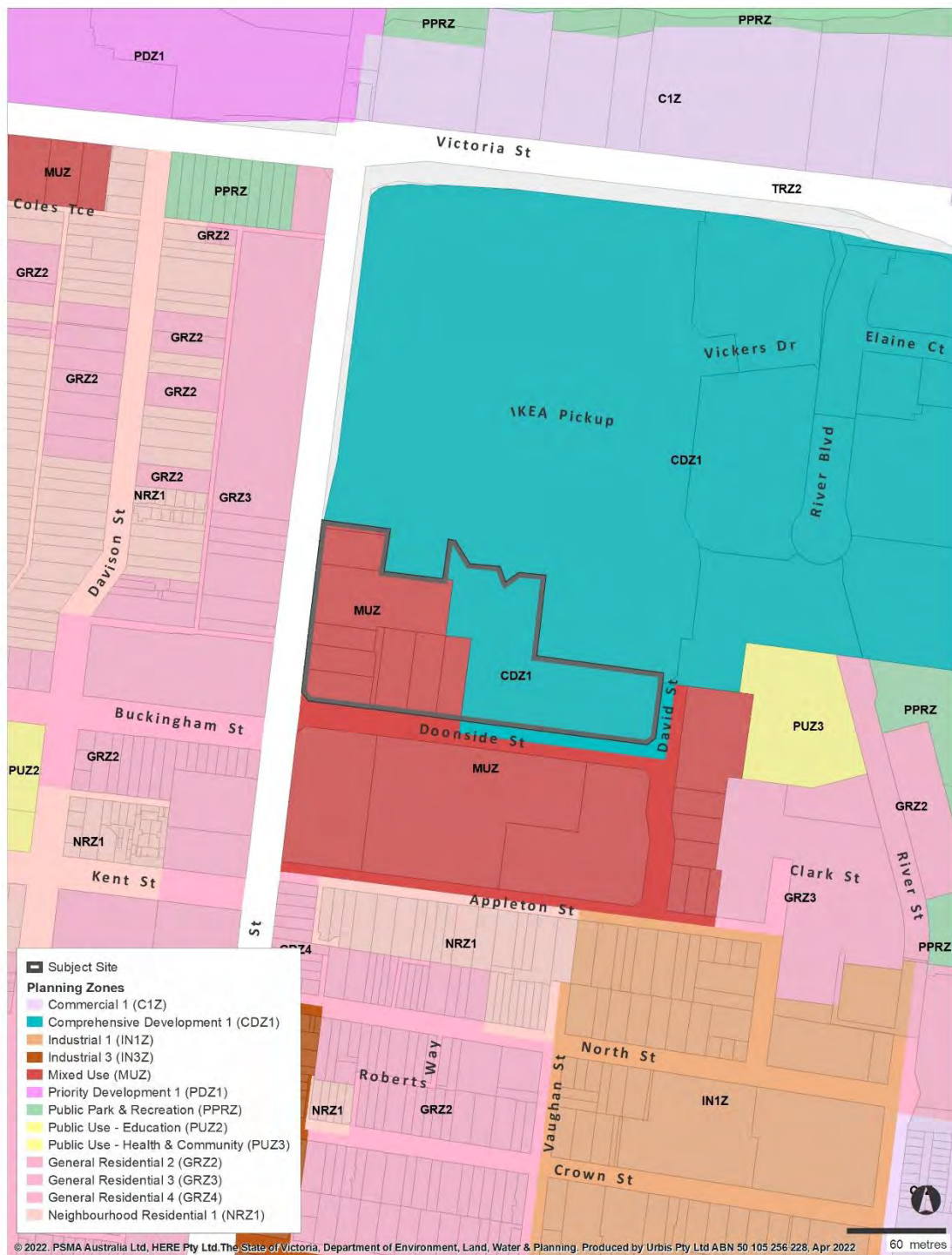
- Use of the land for an Office (exceeding 250sqm) and Shop (exceeding 150sqm) requires a planning permit, pursuant to Clause 32.04-2.
- Use of the land for a Food and Drinks Premises exceeding 150sqm, requires a planning permit, pursuant to Clause 32.04-2.
- Use of the land for accommodation does not require a planning permit, pursuant to Clause 32.04-2.
- Construct a building or construct or carry out works for a Section 2 use, pursuant to Clause 32.04-9.

## **Road Zone**

Victoria and Burnley Streets are categorised as a Road Zone, Category 1. Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.

The proposal includes works within the zone. Accordingly, a planning permit is required.

The proposed uses are not listed in Section 1 or 3 and are therefore a Section 2 use (permit required).



## 1-9 DOONSIDE STREET, RICHMOND PLANNING ZONES

Map 1 Zone Map

# OVERLAYS

## Clause 43.02 Design and Development Overlay – Schedule 2 (Main Roads and Boulevards)

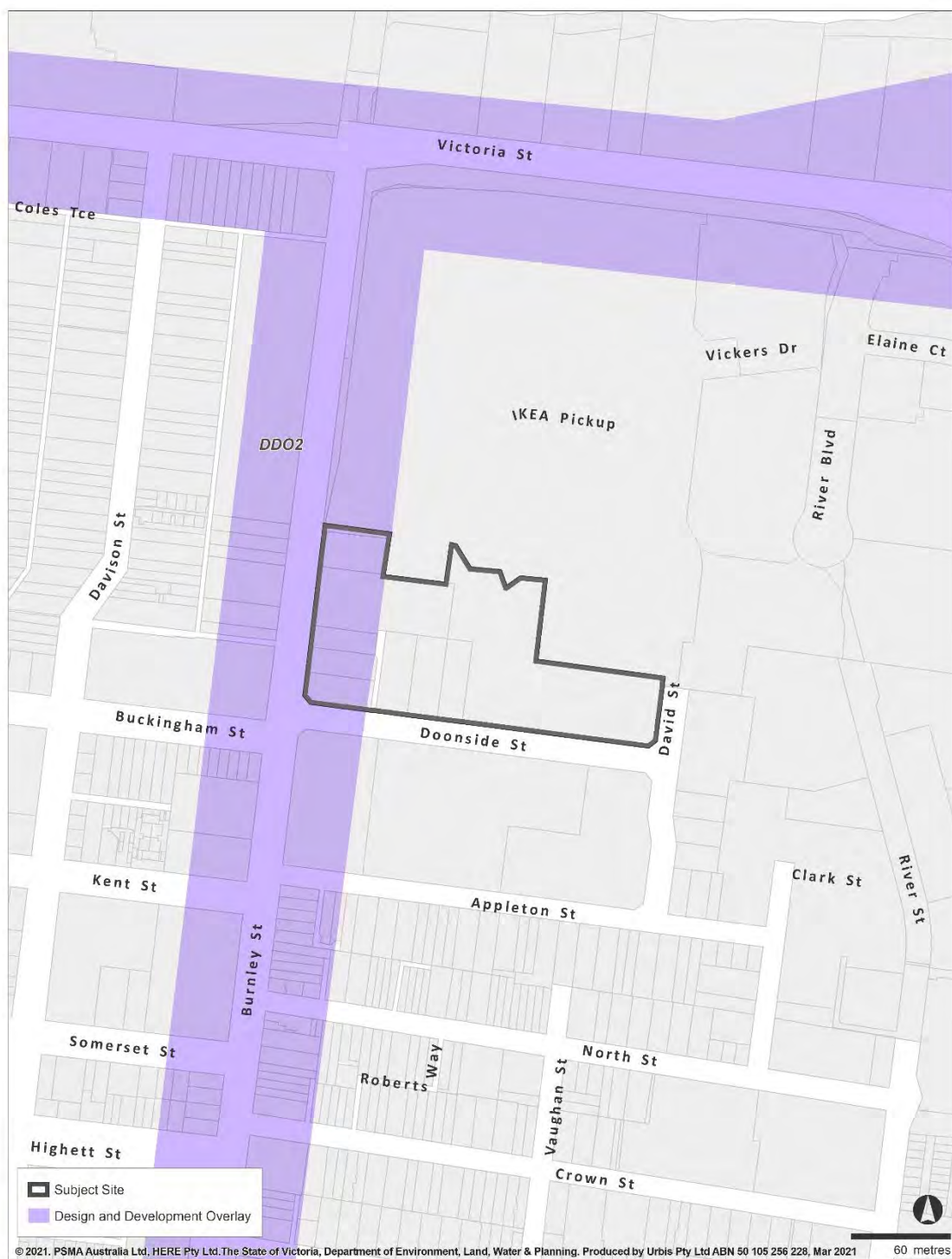
The site is subject to Schedule 2 of the Design and Development Overlay.

**Schedule 2** is for the Main Roads and Boulevards and has the following Design Objectives:

- To recognise the importance of main roads to the image of the City.
- To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
- To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
- To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
- To encourage high quality contemporary architecture.
- To encourage urban design that provides for a high level of community safety and comfort.
- To limit visual clutter.
- To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.

The schedule also includes a series of buildings and works requirements which are discussed in the assessment.

Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works.



## 1-9 DOONSIDE STREET, RICHMOND

### DESIGN AND DEVELOPMENT OVERLAY (DDO2)

Map 2 Design and Development Overlay (Schedule 2)

## **Clause 43.02 Design and Development Overlay – Schedule 9 (Doonside Precinct)**

The site is subject to Schedule 9 of the Design and Development Overlay.

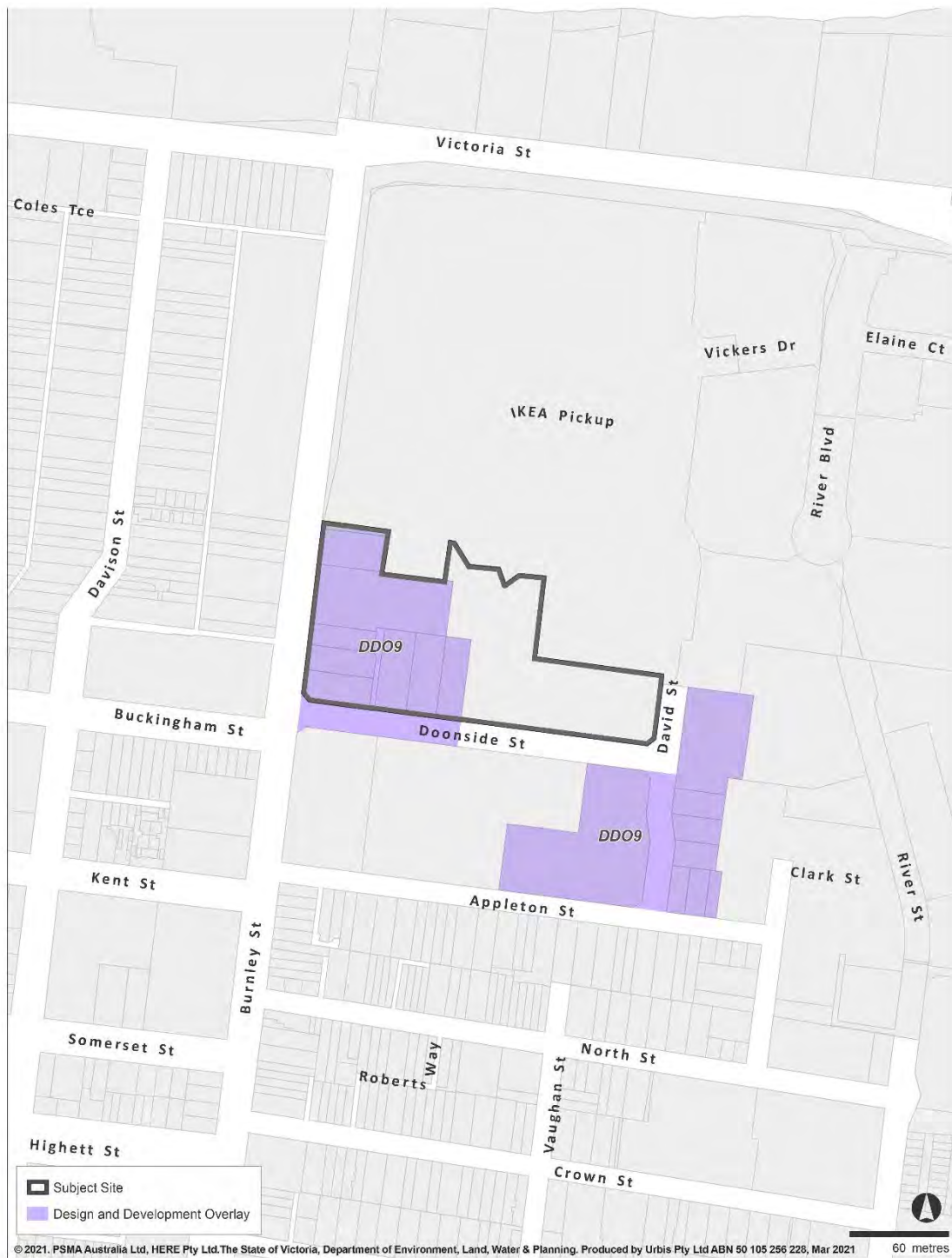
**Schedule 9** is for the Doonside Precinct and has the following Design Objectives:

- To recognise this Precinct, being on the edge of an activity centre and abutting low rise residential development, as transitional in its location and function;
- To ensure building design responds to the industrial character of the precinct but respects the character of the established residential areas to the south and east of the Precinct;
- To respect the scale of development on the south side of Appleton Street;
- To provide a pedestrian friendly environment along all street frontages;
- To encourage improvements to the public domain, including the provision of public open space;
- To ensure that new development does not adversely impact on local traffic conditions;
- To ensure a high standard of architectural design; and
- To ensure that new development does not prejudice the ongoing operation of nearby commercial, industrial and warehouse businesses.

Under Clause 2.0 of the DDO9, there are requirements relating to building heights and setbacks, building design, traffic, permeability and public spaces, amenity and landscaping.

It should be noted that none of the requirements in the DDO9 are mandatory.

Pursuant to Clause 43.02-2, a permit is required to construct or carry out works.



## 1-9 DOONSIDE STREET, RICHMOND

### DESIGN AND DEVELOPMENT OVERLAY (DDO9)

Map 3 Design and Development Overlay (Schedule 9)

## **Clause 43.01 Heritage Overlay – Schedule (HO374)**

### **HO374 53 Burnley Street Richmond, Former Loyal Studley Hotel**

Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014

The site is subject to the Heritage Overlay – Schedule 336 the purpose of the overlay

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To conserve and enhance heritage places of natural or cultural significance*
- *To conserve and enhance those elements which contribute to the significance of heritage places*
- *To ensure that development does not adversely affect the significance of heritage places*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place*

Specifically, a permit is required to:

- Demolish or remove a building
- Construct a building or construct or carry out works
- Externally alter a building by structural work, rendering, sandblasting or in any other way

Pursuant to Clause 43.01 a permit is required to construct a building or construct or carry out works



## 1-9 DOONSIDE STREET, RICHMOND HERITAGE OVERLAY (HO374)

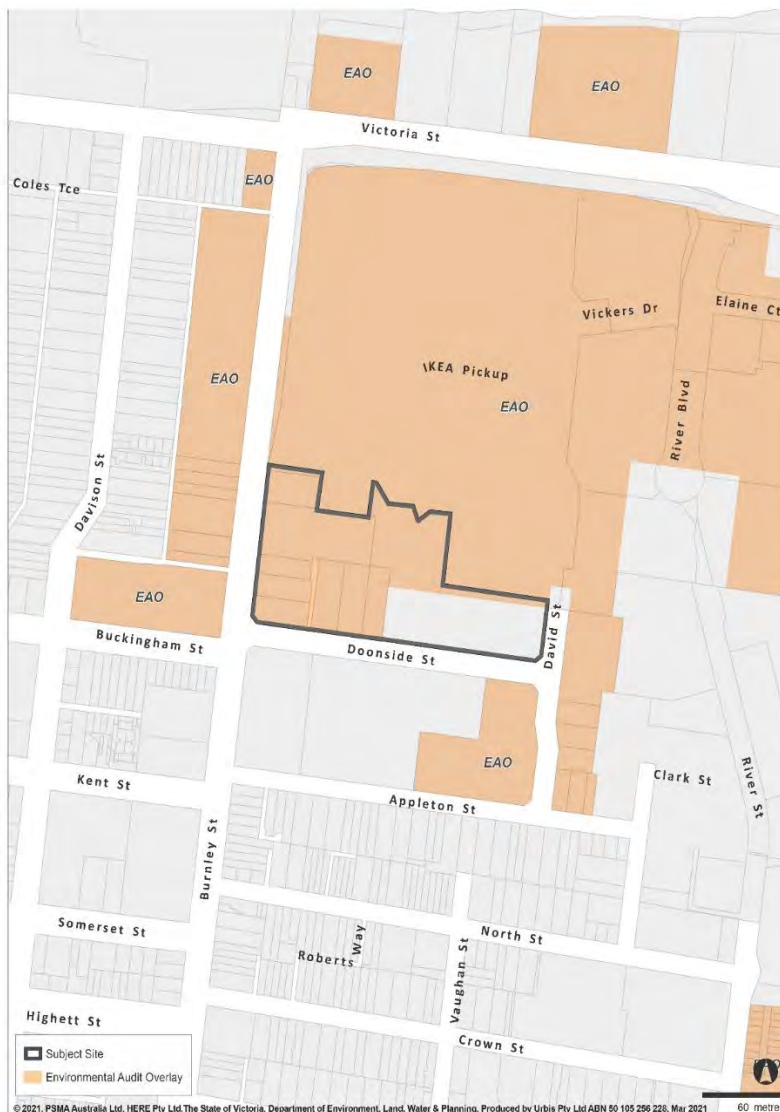
Map 4 Heritage Overlay Map

## Environmental Audit Overlay

Pursuant to Clause 45.03-1, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

A planning permit is required for works under the overlay.



**URBIS** **1-9 DOONSIDE STREET, RICHMOND**  
ENVIRONMENTAL AUDIT OVERLAY (EAO)

Map 5 Environmental Audit Overlay

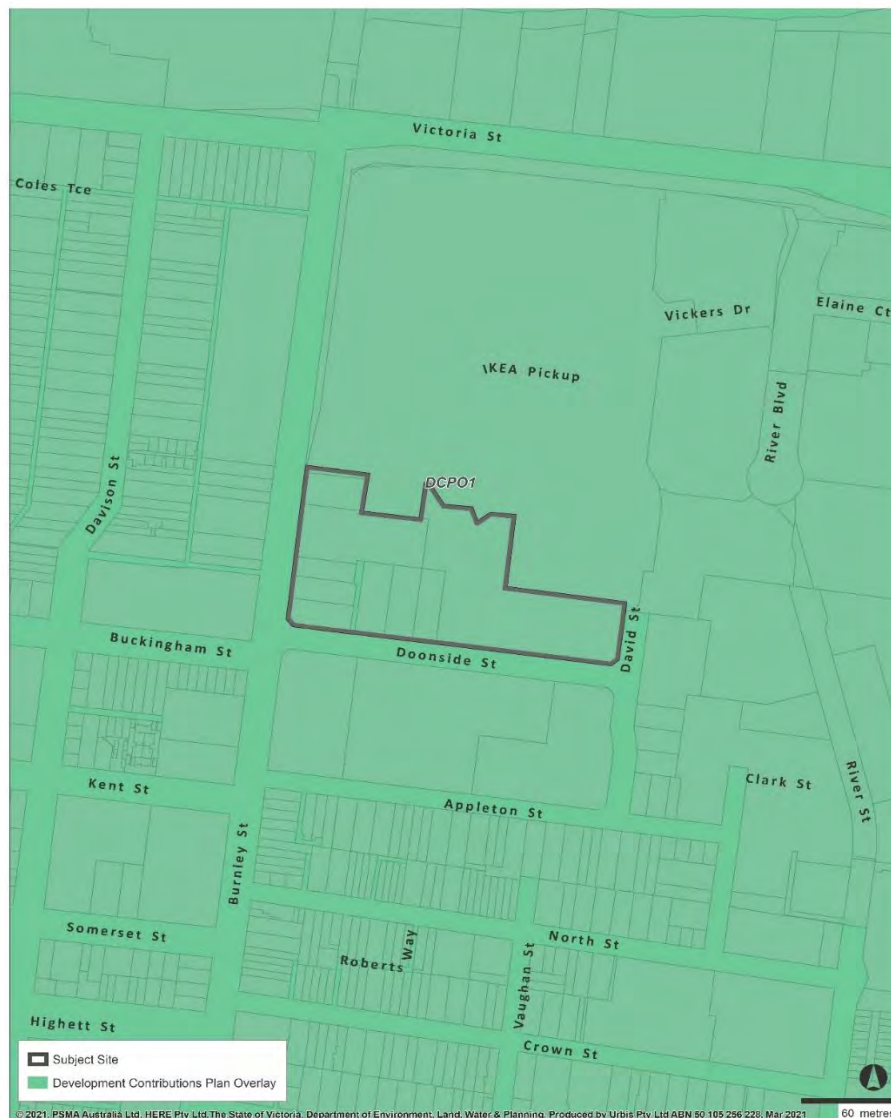
# DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 1

Pursuant to Clause 45.06-1 a permit granted must;

- Be consistent with the provisions of the relevant development contributions plan;
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

As the proposed development is not exempt from a development contribution, a condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

A planning permit is not required for works under the overlay.



**1-9 DOONSIDE STREET, RICHMOND**  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO1)

Map 6 Development Contributions Plan Overlay (Schedule 1)

# AMENDMENTS

## Amendment C269yara

Amendment C269yara to the Yarra Planning Scheme proposes a review of the local policy framework to respond to the structure of planning schemes introduced by Amendment VC148. The amendment was exhibited between 20 August and 15 October 2020 with the planning panel having concluded and the panel report released. The Council meeting was held on Tuesday 19 April 2022 and a decision was made to adopt the amendment. The Minister for Planning has not made a decision in relation to this amendment at the time of writing this report.

Relevant clauses of the draft amendment are outlined below.

- **Proposed Clause 02.02** proposes a 'Vision' for the municipality as *'A vibrant, liveable and sustainable inner-city that the community can be proud of'*.
- **Proposed Clause 02.03** 'Activity centres' identifies Victoria Street as a major activity centre (as per the Strategic framework found at Clause 02.04), which provide a wide range of goods and services, some servicing larger sub-regional catchments. Activity centres are identified as the focus for growth in Yarra with the additional of mid-rise commercial development and apartments due to their proximity to transport infrastructure, shops and services. New development is supported to be of a scale appropriate to the role and capacity of the activity centre that supports the centre's unique character and provides a mix of uses.
- **Proposed Clause 02.03** 'Built environment and heritage' seeks to ensure development and growth maintains and enhances the unique character and heritage of the city, in part by reinforcing Yarra's low-scale neighbourhoods by directing mid-rise buildings to appropriate locations including neighbourhood activity centres.
- **Proposed Clause 02.03** 'Housing' directs housing growth to appropriate locations, including areas of activity centres that have good access to public transport, jobs, open space and other services. This clause also supports facilitating accessible, adaptable, and affordable housing options.
- **Proposed Clause 02.03** 'Economic development' proposes to promote activity centres as the preferred location for retail, services and entertainment and support diverse land uses mixes.
- **Proposed Clause 02.03** 'Transport' promotes the provision of convenient access to public and active transport by facilitating more compact and diverse land uses and development in neighbourhood activity centres well served by public transport.
- **Proposed Clause 02.04** 'Strategic Framework Plan' locates the site in the Brunswick Street Major Activity Centre and as part of a 'moderate change area'.
- **Proposed Clause 11.03-1L** 'Activity Centres' proposes an objective *'to manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction'* which in turn is supported by strategies to support development that is consistent with the capacity for each centre.
- **Proposed Clause 11.03L** 'Interfaces and Amenity' proposes objectives to protect the normal operation of business and industrial activities from new residential use and development and to provide a reasonable level of amenity to new residential development within or adjacent to land in commercial and industrial zones, while not impeding the growth and operation of surrounding non-residential development and land use in those zones. It also aims to promote land use outcomes that advance the primary purpose of a zone by ensuring amenity considerations facilitate intended land uses permissible in the zone. Relevant strategies include new residential use and development to include design measures to minimise the impact of the normal operation of existing commercial and industrial operations on the amenity of the dwelling.
- **Proposed Clause 15.01-1L** 'Urban Design' provides strategies relating to public realm, wind, weather protection, and development adjoining laneways (amongst other items) which seek to facilitate safe, amenable, and quality urban design outcomes.

- **Proposed Clause 15.01-2L** 'Building design' contains strategies relating to building form and design, which broadly seek to ensure new development is of an appropriate height and scale, with mid-rise development directed to neighbourhood activity centres, that buildings provide appropriate ground and upper level setbacks, that site coverage reflects the immediate area, and that equitable development is considered (amongst other considerations).
- **Proposed Clause 15.03-1L** 'Heritage' provides directions for new development in heritage areas and makes reference to the *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8*.
- **Proposed Clause 16.01-2L** 'Location of residential development' seeks to direct the majority of new housing to activity centres and major regeneration areas.

## GENERAL AND PARTICULAR PROVISIONS

### Clause 52.06 – Car Parking

Pursuant to Clause 52.06-1, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

Under the current planning context, due to the subject site being partially inside and outside of the CDZ, two sets of statutory car parking rates apply. For the part of the site that lies within the CDZ, the statutory car parking rates are those stipulated within Schedule 1 to the CDZ for Victoria Gardens. For the site that lies outside of the CDZ, the statutory car parking rates are those detailed in Column B of Clause 52.06.

Following the approval of the amendment, the entire Victoria Gardens Precinct will be within the CDZ1. As such, the statutory car parking rates are those stipulated within Schedule 1 to the CDZ for Victoria Gardens. Clause 52.06 rates are adopted where no rate is specified within the CDZ1.

Please refer to submitted Transport Impact Assessment and Green Travel Plan prepared by Stantec (formally GTA Consultants) for further detail.

### Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following bicycle rates apply pursuant to Clause 52.34-5:

Use	Size	Statutory Rate		Statutory Requirement	
		Employee/ Resident	Visitor/Shopper	Employee/ Resident	Visitor/ Shopper
Residential	839 dwellings	1 space per 5 dwellings	1 space per 10 dwellings	168	84
Office	3,485sqm	1 space per 300sqm NFA	1 space per 1,000sqm NFA	12	3
Retail	8,319sqm	1 staff space per 300sqm LFA	1 visitor space per 500sqm LFA	28	17
Hotel	1,195sqm (assume 400sqm bar and 400sqm lounge floor area)	1 to each 25 sq m of bar floor area available to the public plus 1 to each 100 sqm of lounge floor area available to the public	1 to each 25 sq m of bar floor area available to the public plus 1 to each 100 sqm of lounge floor area available to the public	20	20
<b>Total</b>				<b>214</b>	<b>111</b>

Figure 4 Statutory Requirement for Bicycle Facilities

The proposed development has a minimum statutory requirement of 325 bicycle spaces, pursuant to Clause 52.34 of the Yarra Planning Scheme.

The proposed development provides a total of 950 on-site bicycle spaces within the development and 40 on-street spaces along David and Doonside Streets. This substantially exceeds the minimum requirement.

Please refer to submitted Transport Impact Assessment and Green Travel Plan prepared by Stantec (formally GTA Consultants) for further detail.

## **Clause 58 – Better Apartment Design Standards**

The provisions of Clause 58 are relevant to this application owing to the requirements of the CDZ.

A development must meet the Objectives of Clause 58.

An assessment against this clause is provided within **Appendix C**.

## **Clause 65 – Decision Guidelines**

The responsible authority must consider the decision guidelines of Clause 65 when considering a planning permit application.

## **APPENDIX B**

## **APPENDIX B - AMENDMENT DOCUMENTS**

# VICTORIA GARDENS

## COMPREHENSIVE DEVELOPMENT PLAN

OCTOBER 2022







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# INTRODUCTION

This document applies to land generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street, Richmond, with all land included in the Comprehensive Development Zone – Schedule 1.

The purpose of this document is to establish the Masterplan Vision and urban design guidelines which will facilitate and achieve a site responsive development of the Victoria Gardens site (formerly known as the Vickers Ruwolt site, Ajax Fasteners and CUB sites).

The Comprehensive Development Plan (CDP) is a long-term plan to facilitate the redevelopment of the Precinct as a residential and commercial/mixed use precinct.

It describes the future layout and use of the partially vacant precinct as a modern urban residential based community, including how and where community and transport infrastructure are planned to support development. The CDP and the Comprehensive Development Zone provide a set of controls, requirements and guidelines that will guide the development of the Precinct for many years.

The CDP is intended to provide a framework to guide the redevelopment of the site. The CDP's implementation will include the detailed plans to be prepared by the proponent, and approved by the Responsible Authority in advance of development. The Schedule to the CDZ provides guidance on how these detailed plans must be prepared.

The CDP will assist to guide the Responsible Authority in respect to the approval of the planning permits in accordance with the CDP.

The CDP addresses the issues associated with the development of land. In considering if a development is acceptable, the Responsible Authority must assess the proposal against the objectives, requirements and guidelines of the CDP.

The CDP has been divided into various design elements and precinct principles, outlining the relevant issues and design guidelines to be considered in the formulation of a design for the development of the site.

The CDP is designed to be flexible in approach. This document illustrates the benefits of a performance based approach. The guidelines seek to achieve a site responsive and innovative development.

## 1.1. HOW TO READ THIS DOCUMENT

The CDP is incorporated into the Yarra Planning Scheme. As such it should be read as part of the planning scheme.

The way in which the various elements of the CDP are to be applied is as follows:



### **Vision, Broad Design Principles and Objectives:**

The vision, broad design principles and objectives must be complied with.



**Future Urban Structure:** The future urban structure of the site (as described in part 4 of the CDP) must be generally complied with, to the satisfaction of the responsible authority. Variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are complied with.



**Requirements:** Requirements R1, R2 and R3 must be complied with. must be satisfied in the design of a development.



**Guidelines:** All guidelines should be complied with. Guidelines outline matters that should be taken into account in the design of a development. If the responsible authority is satisfied that an application for an alternative to a guideline satisfies the vision, objectives or requirements of the CDP, then the responsible authority may consider the alternative.

# 02

## OUTCOMES

### 2.1. VISION

Building upon the development of Victoria Gardens and the surrounding precinct, a masterplan framework has been established to strengthen the core of the activity centre and transform the underutilised and vacant parcels of land.

The masterplan set out objectives for enhancing the public pathways that link together a series of proposed public spaces, whilst delivering increased amenity in the form of retail, commercial, social, and residential infrastructure. It seeks to ensure that each land use element has its own identity and is integrated with the visual character of the total development, in a way that responds to the site's Yarra River location and provides occupiers with an attractive, convenient, quality commercial, residential and social environment. The masterplan also aims to ensure:

- The urban design addresses the surrounding existing industrial and residential interfaces in a variety of ways; and
- Is cognisant of the importance of the site as a strategic gateway to the inner city.

The masterplan develops the precinct's role as a major activity centre, marking its place in the broader context of Melbourne through built form relationships and the establishment of a Victoria Gardens cluster.

### 2.2. BROAD DESIGN PRINCIPLES

Broad design principles from which the Urban Design Guidelines have been developed include:

- To create a site response which capitalises on views from the site of the Melbourne skyline, the Yarra river corridor and surrounding parkland and which is cognisant of the surrounding building form;
- To create an integrated comprehensive development with a "sense of place";

- To encourage opportunities for recreational activities along the Yarra River; to link additional public open-space areas within the site to existing open-space along the Yarra and to ensure that public open space areas are accessible to the general public;
- To develop an architectural response to the site that reflects:
  - Its importance as a strategic gateway to the inner city;
  - Its residential and commercial interfaces; and
  - Its frontage to the Yarra River;
- To ensure reasonable levels of privacy for the residential component of the development;
- To ensure that a high standard of pedestrian safety and security is reflected in the planning and detailing of the development and which capitalises on opportunities for natural surveillance;
- To ensure that the development sets a design standard for future development within the general area particularly along the Yarra River escarpment;
- To improve and promote public access to the area;
- To improve the landscape quality of Public Open Space;
- To limit traffic speed and optimise pedestrian safety through carefully designed traffic access and movement arrangements;
- To progressively rehabilitate existing riparian vegetation and further enhance the river and its banks as an ecological corridor;
- To promote contemporary architecture which is complementary with the surrounding areas.

## 2.3. OBJECTIVES

### 2.3.1. Public Realm

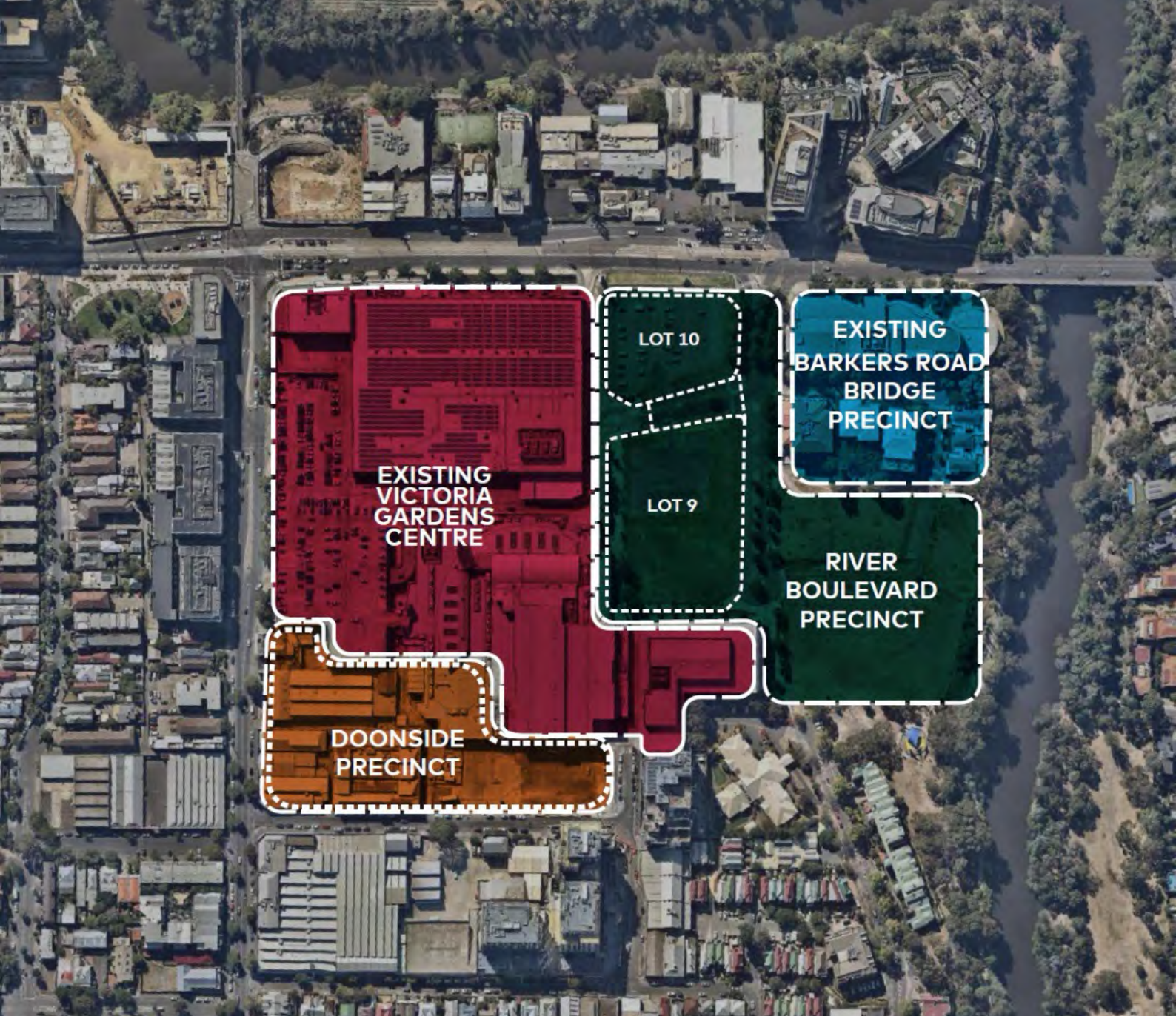
Objectives	
O1	Extend and enhance connections around and through the Victoria Gardens Centre to improve the relationship of the centre to its surrounds
O2	Create new public spaces, nodes and linkages throughout Victoria Gardens to create gathering spaces for the community to enjoy
O3	Design high amenity urban spaces with good solar access and design qualities, including those that reduce wind impact, reflective of the site's identity within the context of Richmond and the Yarra River
O4	Provide new retail opportunities to ensure the existing shopping centre is engaged within the street network and public environments of Richmond through new entrances and public spaces leading into the shopping centre

### 2.3.2. Built Form

Objectives	
O5	Create new building form that follows the pattern of urban development and recognises the primacy of Victoria Gardens as an Activity Centre
O6	New built form that has regard to appropriate sunlight and amenity to the streets and public spaces within and beyond the site
O7	High density residential development will support a future population that can take advantage of the location benefits offered by Victoria Gardens

### 2.3.3. Retail, Commercial and Mixed Land Use

Objectives	
O8	Rejuvenate and create a truly mixed-use precinct and connected community
O9	Increase the retail and commercial uses to ensure high quality services are maintained for residents and workers
O10	Increase residential opportunities within Doonside Precinct and River Boulevard Precinct expansion areas to provide a variety of choice



Picture 1 - Victoria Gardens Development Plan Precincts

Source: COX and NH

# 03

## SITE CONTEXT

The Victoria Gardens area is comprised of a number of precincts, which include the Existing Victoria Gardens Centre and Existing Barkers Road Bridge Precinct. Doonside Precinct and River Boulevard Precinct form the Victoria Gardens Expansion areas (Picture 1).

The Victoria Gardens Expansion Area include the Doonside Precinct and the River Boulevard Precinct as illustrated at Picture 1.

### 3.1. EXISTING VICTORIA GARDENS CENTRE

The Existing Victoria Gardens Centre (No. 620 Victoria Street, Richmond) accommodates various retail and commercial land uses, including cinemas, entertainment areas, a food court, specialty retail shops, a discount department store, furniture stores, supermarket (Coles) and a gymnasium. Office floorspace is also provided within the building to the north-western corner of the Shopping Centre and incorporates an office building at 40 River Boulevard. This building is already constructed and is associated with an Approved Development Plan.

### 3.2. EXISTING BARKERS ROAD BRIDGE PRECINCT

The Existing Barkers Road Bridge Precinct fronts Victoria Street and River Boulevard and consists of:

- No. 660 Victoria Street, a 4-storey office/commercial building fronting Victoria Street. A café and restaurant are also located at the ground floor.
- No. 680 Victoria Street, a function centre fronting Victoria Street and the Yarra River.
- A group of 3-6 storey residential buildings

### 3.3. RIVER BOULEVARD PRECINCT

The River Boulevard Precinct is to the east of the Shopping Centre with an interface to Victoria Street and the Yarra River. It is essentially separated into four parcels, being centrally divided by River Boulevard, with Vickers Drive creating an east-west connection. It includes:

- Nos. 10 (Lot 10) and 20 River Boulevard (Lot 9) which are currently undeveloped land parcels (with a current development plan approval for a maximum 12 storey mixed use development).
- No. 25-35 River Boulevard which is currently an undeveloped parcel of land (with a current development plan approval for a maximum 8 storey residential development).

### 3.4. DOONSIDE PRECINCT

The Doonside Precinct is located immediately to the south of the Existing Victoria Gardens Shopping Centre. The 1.81Ha site, comprising seven land parcels, is strategically located adjacent to the Shopping Centre.

At No. 53 Burnley Street, the Doonside Precinct accommodates the Former Loyal Studley Hotel. The building is recognised for its heritage value, with a site-specific Heritage Overlay (HO374) affecting the property. An overview of the Former Loyal Studley Hotel is outlined below.

#### 3.4.1. Former Loyal Studley Hotel (Heritage Place)

The Former Loyal Studley Hotel is located to the north-east corner of Burnley and Doonside Streets in Richmond. The Loyal Studley Hotel was constructed in 1892.

An L-shaped rear wing borders a laneway to the north with an asphalted yard to the south-east. The hotel building has been described as follows:

This two-storey English Queen Anne revival style hotel has a red brick (painted over) asymmetrical facade, with extensive render dressings, and a gabled main roof with slate cladding. The left facade bay is in a gabled parapet form with the hotel name and date, as an abstracted cartouche, and an upper triangular panel, with a moulded cartouche, finial, and scrolls supporting a Tuscan pier, with a balloon. The upper level facade has three windows to each facade bay, with ogee heads and apron work below sills. The window heads penetrate the frieze mould below the deep dentilated cornice.

The roof had terra-cotta cresting and three chimneys with deeply moulded cornices. The cantilevered verandah is an addition and, typical for a Victorian-era hotel, the ground floor facade has been altered. All of the brickwork has been painted and some roof slates replaced, along with the terra-cotta cresting.

Historical photographs show that a small single storey addition was made to the south of the facade by 1945, presenting to Burnley Street with a ground floor treatment that matched the original building.

This addition has been further extended in more recent times, and flat roofed additions made to the rear wing. A number of alterations have occurred at ground floor and to the external materials.

Prominent elements of the heritage place include the three-dimensional form of the front pitched roof, including the front detailed gable end, detailed front façade, first floor windows and front chimneys.

### 3.5. SURROUNDING CONTEXT

Important features of the site's immediate surrounds include:

- Parkland areas developed on the opposite river bank in Hawthorn;
- Office and residential developments to the north of Victoria Street (e.g. Skipping Girl development);
- The adjacent historic Victoria Bridge;
- The linear public open-space along the Yarra River which includes the shared path;
- The river as an ecological corridor;
- The river as an important waterway link to the CBD, including Southbank;
- The residential development, Yarraberg to the south;
- The site is the "Gateway to the City of Yarra";
- The Yarra River and areas of steep valley escarpment;
- Views into the site from surrounding areas, particularly the Barkers Road 'Cutting'.

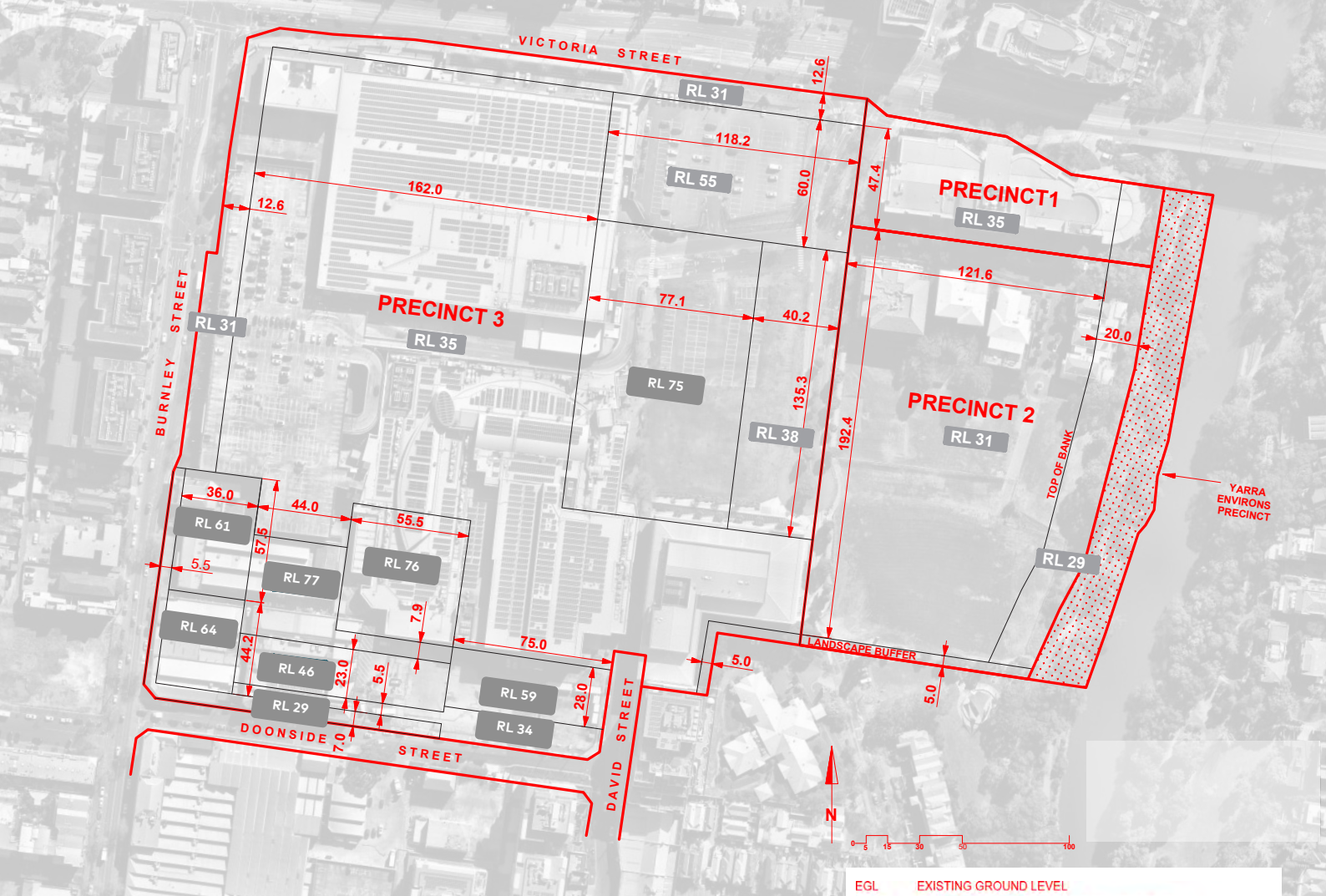


# FUTURE URBAN STRUCTURE

## 4.1.1. DESIGN ELEMENT 1: SETBACKS, BUILDING ENVELOPES, HEIGHT LIMITS

Objectives	
O1	Acknowledge the value of the historic landmark "Skipping Girl" in the urban landscape
O2	To ensure development of the site complements and enhances the surrounding streetscape and built form
O3	To integrate, where appropriate, the layout and design of the proposal with the surrounding neighbourhood and abutting uses
O4	To reflect a transition of building height, scale and massing in respect to surrounding development
O5	To respect the significance of the Yarra River and the valley

Requirements	
R1	Any building or works must not exceed the mandatory height limit above the Australian Height Datum as shown in Picture 2 of the CDP. This does not apply to: <ul style="list-style-type: none"> <li>Architectural features, building services (including but not limited to lifts and rooftop plant), electronic media antennas, flagpoles, lighting poles, fences and advertising signs.</li> <li>Buildings and works associated with rooftop communal open space</li> </ul>
R2	The Yarra River Environs Precinct shown in Picture 2 of the CDP must only be developed for: <ul style="list-style-type: none"> <li>Pedestrian and bicycle linkages.</li> <li>Boat landings, boardwalks, terraces, decks, seating and ancillary works.</li> <li>Public recreational facilities</li> </ul>
R3	The Landscape Buffer shown in Picture 2 of the CDP must only be developed for: <ul style="list-style-type: none"> <li>Pedestrian and bicycle linkages.</li> <li>Linkages to any building.</li> <li>Landscaping and open space.</li> <li>Recreational facilities.</li> </ul>



EGL EXISTING GROUND LEVEL

RL 55 Maximum Height (except for architectural features building services, electronic media antennas, lighting poles, fences and advertising signs) to which building and works may be constructed shown thus being the Reduced Level above the Australian Height Datum

— Boundary of land subject to this Comprehensive Development Plan

NOTE: FINAL DIMENSIONS AND SETOUT SUBJECT TO FORMAL SURVEY COORDINATION

**PROPOSED**

VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT PLAN

RL XX MANDATORY BUILDING HEIGHT CONTROL

**Picture 2 - Comprehensive Development Plan – Precincts, Height and Setbacks Plan**

Source: COX and NH

## Guidelines

<b>G1</b>	Any building or works must not exceed the mandatory height above the Australian Height Datum for any particular site as shown on the CDP. This does not apply to: <ul style="list-style-type: none"> <li>Architectural features, building services (including but not limited to lifts and rooftop plant), electronic media antennas, flagpoles, lighting poles, fences and advertising signs.</li> <li>Buildings and works associated with rooftop communal open space</li> </ul>
<b>G2</b>	A landscape buffer shall be provided to interface with the river bank/eastern boundary
<b>G3</b>	Continuous wall lengths fronting the Yarra River, should not exceed approximately 10 metres, without a step, an offset, or a distinct break in unit length
<b>G4</b>	No more than 50% of the eastern boundary shall be built to. At least a 2 metre setback shall be provided to the remaining 50%
<b>G5</b>	Setbacks, building envelopes and height limits are to be in accordance with Picture 1 of the CDP.
<b>G6</b>	The development of land for the following must meet the relevant requirements of Clause 55: <ul style="list-style-type: none"> <li>Two or more dwellings on a lot</li> <li>A dwelling or extension of a dwelling if it is on common property</li> <li>A residential building or extension of a residential building</li> </ul> <p>This does not apply to a development of five or more storeys, excluding a basement</p>
<b>G7</b>	An apartment development of five or more storeys, excluding a basement, must meet the relevant requirements of Clause 58

## 4.1.2. DESIGN ELEMENT 2: BUILDING FORM, MATERIALS AND COLOUR

### Objectives

<b>O6</b>	Building design to capitalise on river corridor and city sky line views
<b>O7</b>	To articulate strategic aspects of the site by including its entrances in tactical locations including, the corner of Burnley and Victoria Street and the Victoria Bridge edge
<b>O8</b>	To create high levels of community safety within the site
<b>O9</b>	To encourage a variety of architectural forms, roofscapes and façade treatments across the site which is reflective of the cultural and architectural diversity of the surrounding area

### Guidelines

#### General

<b>G8</b>	Buildings directly fronting the Yarra River are to 'complement' the Yarra River environs
<b>G9</b>	Install windows along street sides of buildings for increased natural surveillance where appropriate
<b>G10</b>	The residential component fronting the Yarra River shall not exceed three storeys
<b>G11</b>	Limit the number of on-site fences as a means of ensuring natural surveillance
<b>G12</b>	Consider the character and appearance of any proposed buildings or works and their significance to the architectural and historic character and appearance of the area

#### Form

<b>G13</b>	External walls to be appropriately articulated with a variety of details and fenestration
<b>G14</b>	Public entrances to the site to be prominent and encourage pedestrian access to the Yarra River corridor and associated open space
<b>G15</b>	Roofscapes to be appropriately detailed and varied in light of their prominence from surrounding higher ground. Lift over run rooms, plant equipment and other operations to be appropriately designed or concealed
<b>G16</b>	Consider the design and visual appearance of the roofscape
<b>G17</b>	Ensure the location of plant and equipment minimises impact on the design of the roofscape

<b>G18</b>	The design of buildings should be cognisant of community safety and provide for natural surveillance. For example, encourage windows overlooking public areas and access ways of adequate width to allow for safety view lines
<b>G19</b>	Ensure the location, bulk and appearance of the proposed buildings and works will be in keeping with the character and appearance of adjacent buildings and the area
<b>G20</b>	The design of development fronting the Yarra River corridor to be respectful of the waterway as a natural system and also in its role as a heavily used open space activity spine. Only low rise fences or those obscured by landscaping should be allowed
<b>G21</b>	The strategic importance of the corner of Burnley and Victoria Streets to be emphasised through design
<b>G22</b>	Where possible, activities fronting Victoria and Burnley Streets to be interactive with the streetscape and communicate a 'people friendly' response to the surroundings

#### Materials and Colour

<b>G23</b>	Building materials for development fronting the Yarra River Corridor to be in harmony with the river as a natural system
<b>G24</b>	Reflective glazing is not encouraged unless it can be demonstrated to the Responsible Authority that reflections will not have a detrimental impact on surrounding properties and existing and proposed built form within the site
<b>G25</b>	Roof materials to be non reflective in nature and of a colour which is in context with the surrounding built form
<b>G26</b>	All façade and material control contained in these guidelines apply equally to all building elevations
<b>G27</b>	<b>External wall for residential developments:</b> A range of materials may be used to achieve diversity. Where concrete panels are used, these are to have a finish which is complementary with the masonry theme to the satisfaction of the Responsible Authority
<b>G28</b>	<b>Frontages:</b> For buildings located on the east side of the site, particular emphasis consistent with the Guidelines should be given to the façade, landscape and fencing treatment to frontages facing onto the Yarra River

<b>G29</b>	<b>Fences:</b> <ul style="list-style-type: none"> <li>Front fences for medium density housing are generally limited to a height of 1.2 metres to achieve an "open" appearance</li> <li>1.8 metre fence height with a "closed" appearance where appropriate, in cases where the front garden is the only available sunny open space</li> </ul>
<b>G30</b>	<b>Building Entrances:</b> <ul style="list-style-type: none"> <li>entrances shall be clearly visible from the street</li> <li>major entrances should include disabled access</li> </ul>
<b>G31</b>	<b>Lighting:</b> Lighting will be encouraged to achieve the following: <ul style="list-style-type: none"> <li>flood lighting should be restricted to "landmark" elements</li> <li>main publicly accessible open spaces should be well lit and visible at night from the main public footpath</li> <li>the lighting of all buildings at ground level is encouraged as a public safety measure</li> <li>lighting should not be directed toward residential areas</li> </ul>

### 4.1.3. DESIGN ELEMENT 3: ORIENTATION, OVERSHADOWING AND OVERLOOKING

Objectives	
O10	To address potential overlooking from commercial buildings into dwellings at the early planning design stage of each proposal
O11	To allow sun access into private open spaces of residential dwellings
O12	To ensure adequate daylighting and direct sunlight to private open spaces of dwellings, public areas and outdoor commercial areas
O13	To maintain reasonable sunlight penetration of the Yarra River Corridor
O14	To maximise opportunities for views from the site, such as the Yarra River Corridor and the city skyline and surrounding areas
O15	To orientate and locate commercial buildings to minimise overlooking of private open space
O16	To orientate commercial buildings and residential dwellings to take advantage of the views of the Yarra River

Guidelines	
Orientation and Overshadowing	
G32	Access to daylight of dwellings and private open space shall achieve the relevant objectives of the Better Apartment Design Standards
G33	Appropriate sun shade devices to be installed on north and west facing buildings where required
G34	Ensure that overshadowing of the Yarra River Corridor and Main Yarra Trail between 9.00am and 3.00pm on 22 September allows for 4 hours of sunlight
G35	Taller built forms within the development must be cognisant of the nature of proposed development to the south and the need for this to receive adequate sunlight
Overlooking	
G36	All buildings and open space should be orientated to facilitate energy conservation and passive solar access
G37	Encourage innovative design or consider overlooking prevention techniques to limit unreasonable overlooking from commercial buildings to residential dwellings
G38	Orientate living room windows in residential dwellings at the east of the site to take advantage of the Yarra views where possible
G39	Private open space, communal amenity and publicly accessible open space areas are encouraged to have a northerly aspect
G40	Provide windows in eastern elevations of any commercial building in the north east corner so as to take advantage of the views of the Yarra
G41	The design and siting of buildings must suitably address existing and potential overlooking within the development

## 4.1.4. DESIGN ELEMENT 4: PRIVATE OPEN SPACE

Objectives	
O17	Private open space should receive adequate daylight
O18	To provide useable private and publicly accessible open space areas of high amenity

Guidelines	
G42	Dwellings should have adequate private open space areas in accordance with the requirements of the Better Apartment Design Standards

## 4.1.5. DESIGN ELEMENT 5: STREETSCAPE AND LANDSCAPE

Objectives	
O19	Maximising the benefit of open space through convenient access, creation of appropriate spaces and facilities to encourage use
O20	To ensure a strong landscape design theme on the curtilages of the site which reflects its strategic importance
O21	To ensure onsite landscape design that is of a high standard and minimises hard surfaces and site runoff
O22	To ensure street frontages are adequately paved and finished and where appropriate, landscaping treatments are included
O23	To ensure that the indigenous landscape character of the Yarra River corridor is progressively rehabilitated and enhanced

Guidelines	
G43	Improve the landscape quality of publicly accessible space considering as relevant the Lower Yarra River Corridor Study – Recommendations Report (applying to the Yarra River and its environs)
G44	Landscape works on the river frontage should utilise the local indigenous flora
G45	Native and exotic planting themes can be adopted away from the river edge
G46	Service areas, garbage receptacle areas and parking areas should be screened to the satisfaction of the Responsible Authority

G47	To soften industrial interfaces as appropriate
G48	Within the site and on Burnley and Victoria Street frontages, to encourage appropriate planting themes which soften the impact of the development and create pedestrian friendly environments
G49	Consider whether the location, bulk and appearance of the buildings and works will be in keeping with the character and appearance of the area
G50	Consider whether the location, bulk, outline and appearance of the buildings or works will be in keeping with or enhance the skyline when viewed from the river, or the Yarra Boulevard, or from prominent scenic viewpoints within the valley environs
G51	Ensure appropriate conservation and enhancement of the area
G52	Minimise any removal, destruction or lopping of native vegetation wherever possible to reduce impact on the natural environment and landscape values
G53	Ensure any proposed landscaping will be in keeping with the character and appearance of the area

## 4.1.6. DESIGN ELEMENT 6: VIEWS AND VISTAS

Objectives	
O24	Encourage development in keeping with the character and appearance of the area
O25	Ensure that the riparian appearance of the Yarra River Corridor is maintained
O26	Protect and enhance the skyline when viewed from the river or its banks, or the Yarra Boulevard, or from prominent scenic view points within the valley environs
O27	Protect the areas along rivers from visual intrusion caused by the inappropriate siting or appearance of buildings or works
O28	The viewline from the Barkers Road "Cutting" to the west should be reasonably maintained
O29	To encourage development consistent with any concept plan approved for the area
O30	To maintain views across the site from the north and east where reasonable and practical

Guidelines	
G54	Development should be located to maintain reasonable west and south viewlines across the site in accordance with the Precincts, Height and Setbacks Plan
G55	To respect the existing view of the CBD from the Barkers Road "Cutting"
G56	Views towards the west from surrounding residential development to the east including the CBD skyline should be considered.

## 4.1.7. DESIGN ELEMENT 7: CAR PARK ACCESS AND TREATMENT

Objectives	
O31	Shared provision of car parking spaces is encouraged, where possible to minimise areas of parking
O32	To ensure adequate landscaping of ground level car parking areas
O33	To ensure that the appearance, location and entrances to on site car parking do not detrimentally affect streetscape amenity
O34	To minimise pedestrian/vehicle conflict

Guidelines	
G57	Any internal street must be provided with landscaping with street trees of an appropriate species
G58	Any open lot car park should be planted with deciduous trees to provide for solar access in the winter months
G59	Any open lot car park, unless screened appropriately, must be setback at least 3.0 metres from a street frontage and the setback area must be landscaped
G60	Car parking access off Victoria Street must take into account the requirement for traffic signalisation
G61	Pedestrian footpaths of at least 1.0 metre width shall be provided through large car parking areas
G62	Ensure the location of any proposed off street parking area is appropriate
G63	Consider points of access to and from the land and whether they are suitably located
G64	Consider the layout of car parking areas and accessways to them
G65	Consider the impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood
G66	Ensure the provision of loading facilities is adequate
G67	Ensure the provision of safe and efficient pedestrian and cyclist movement to, from and on the land and adjoining roads
G68	Consider strategies for encouraging sustainable travel, including use of public transport and non-motorised travel
G69	Ensure the dimensions of the car spaces, access lanes and driveways and layout of parking areas meet the requirements of Clause 52.06 unless the responsible authority agrees otherwise
G70	Ensure facilities for vehicles to load and unload are provided on the land to the satisfaction of the responsible authority
G71	Ensure goods are able to be stored and transported to, from and on the land to the satisfaction of the responsible authority

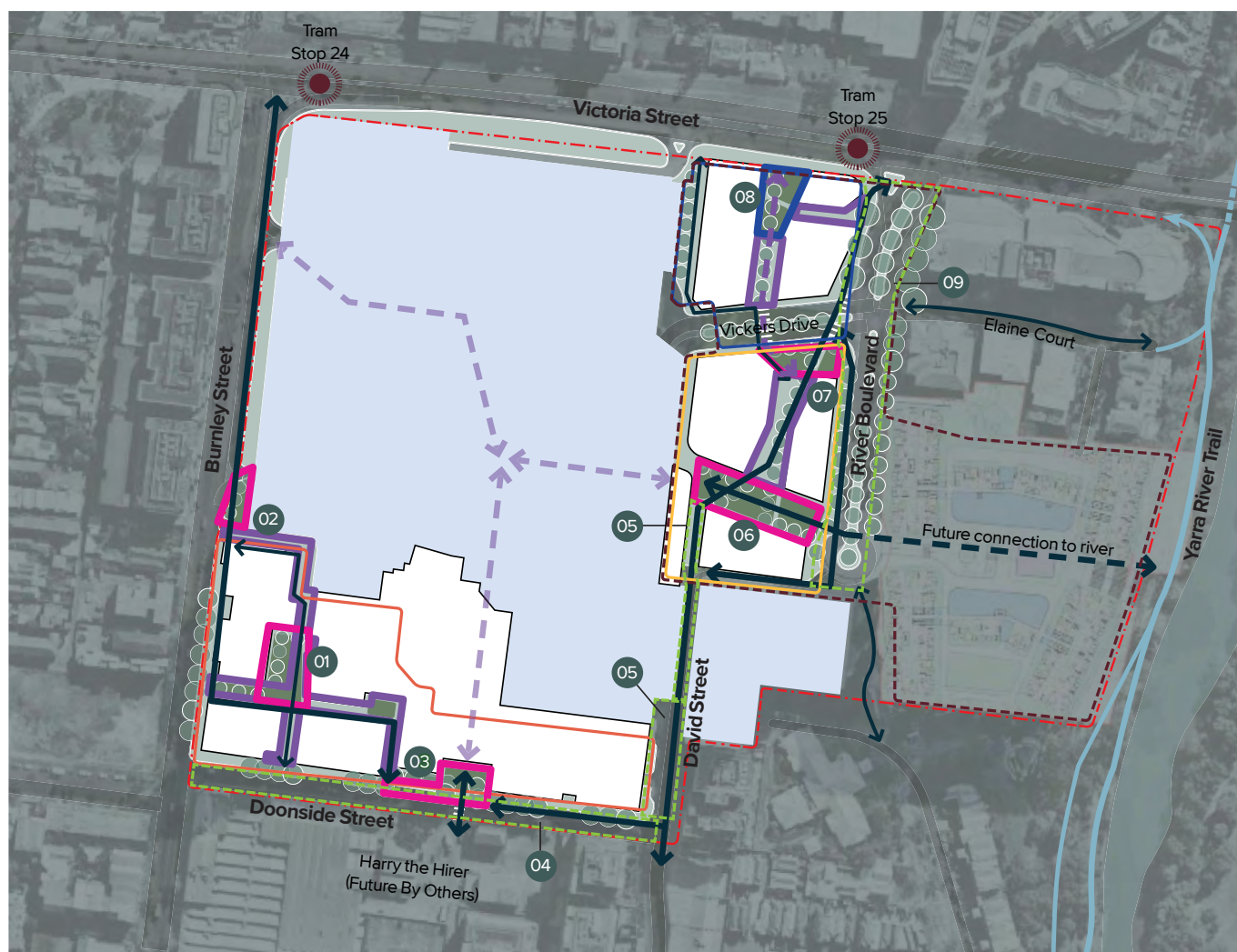
## 4.1.8. DESIGN ELEMENT 8: PUBLICLY ACCESSIBLE OPEN SPACE

Objectives	
<b>O35</b>	To promote the public use of the Yarra River and environs
<b>O36</b>	To provide useable private and public open space areas of high amenity

Guidelines	
<b>G72</b>	Open space abutting street frontages should create a visual connection between the building and the street
<b>G73</b>	Provide pedestrian links from and through the site to the Yarra River for the general public
<b>G74</b>	Consider any policy, structure plan or guidelines relating to the Yarra River or the Victoria Gardens centre that have been adopted by the responsible authority
Refer to Picture 3 - Public Places and Pedestrian Connections & Picture 4 – Access and Movement Network	

**Picture 3 Public Places and Pedestrian Connections**

Source: Arcadia



- |                           |  |
|---------------------------|--|
| <b>Doonside Precinct:</b> | <b>River Boulevard Precinct:</b>                             |
| 01 Doonside Plaza         | 05 David Street  |
| 02 Pocket Garden          | 06 River Passage Plaza (Lot 9)                               |
| 03 Market Hall Square     | 07 River Boulevard Forecourt (Lot 9)                         |
| 04 Doonside Street        | 08 Victoria Street Plaza (Lot 10, open during trading hours) |
|                           | 09 River Boulevard   |

### Legend

- Primary pedestrian connections - all hours access
- Secondary pedestrian connections - all hours access
- Pedestrian connections - trading hours access

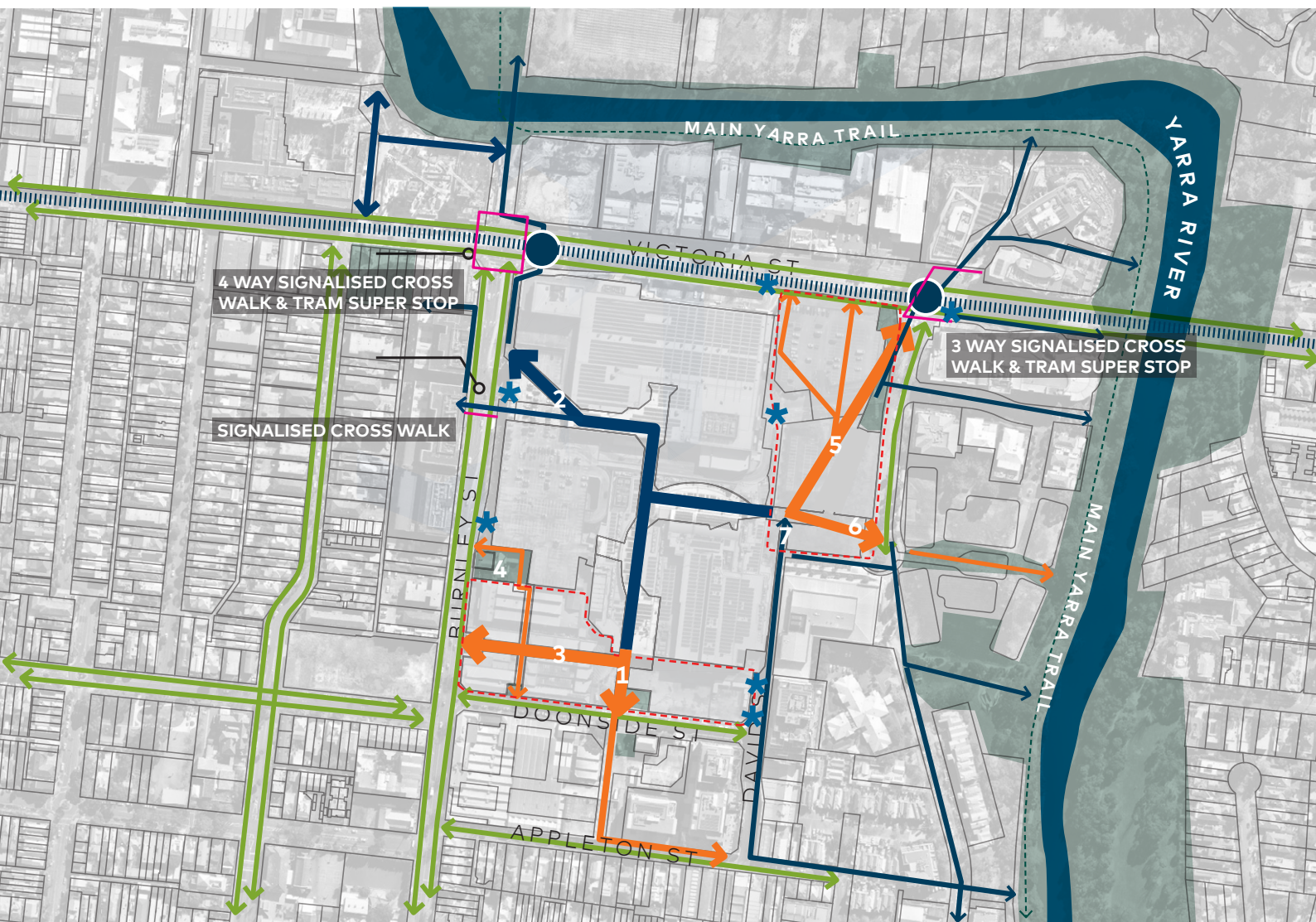
- Yarra River / Main Yarra Trail
- Publicly accessible spaces
- Publicly accessible private spaces
- Publicly accessible laneways

## 4.1.9. DESIGN ELEMENT 9: PEDESTRIAN MOVEMENT AND SECURITY

Objectives	
O37	Avoid dark and secluded areas internally and externally
O38	Ensure a high level of natural surveillance where possible
O39	Ensure safe and effective pedestrian linkages
O40	Ensure safe environment for entire site
O41	Through the design of buildings, clearly mark entrances to all public building frontages

Guidelines	
G75	Any necessary isolated areas should be well lit
G76	Clearly differentiate with landscaping and paving treatments, private space, communal space belonging to the residents of Victoria Gardens and accessible public space
G77	Clearly differentiate with landscaping and paving treatments, the key vehicle movement areas, the parking areas and the key pedestrian areas
G78	Create clear lines of sight between the internal and external pedestrian areas (of the shopping and entertainment areas) in an open design to assist orientation and safety
G79	Create safe and effective pedestrian linkages between the retail, office component and entertainment component and the residential area
G80	Develop clear, safe and direct pedestrian links with a high level of natural surveillance to the adjacent residential areas, in particular Yarraberg
G81	Ensure car parks are not too expansive to minimise walking distances and maximise security surveillance

G82	Ensure clear visibility at intersections within the residential precinct
G83	Locate entertainment facilities in areas which are well exposed, well lit and easily accessible from car parking and tram and bus stop areas
G84	Provide activation of ground level street frontages and contribution to amenity and safety of pedestrian spaces
G85	Provide pedestrian and bicycle linkages from the surrounding area to the site and the Yarra River.
G86	Provide publicly accessible open space along the river
G87	Provide physical and visual connections from and through the site to the river corridor
G88	Consider opportunities for recreational activities along the Yarra River  Refer to Picture 3 - Public Places and Pedestrian Connections & Picture 4 – Access and Movement Network



**Picture 4 Access and Movement Network**

Source: Cox Architecture

- | TRAM
- SIGNALISED CROSS WALK
- ➡ PROPOSED PEDESTRIAN PATHWAYS
- ➡ EXISTING PEDESTRIAN PATHWAYS
- ➡ BIKE PATHS
- \* VEHICLE ACCESS POINTS

## 4.1.10. DESIGN ELEMENT 10: SIGNS

Objectives	
O42	Confusion with directional and traffic signs should be avoided
O43	Identify appropriate locations for advertising signs
O44	Signs should complement the style, scale and character of the development
O45	Signs should not obscure architectural detail
O46	To ensure that advertising signs do not detrimentally impact on the viewlines to the CBD
O47	To ensure that advertising signs do not impinge on the Yarra River environs
O48	To respect the historic "Skipping Girl" sign
O49	Visual clutter is discouraged

Guidelines	
G89	Roof top signs, above parapet signs, pole signs and promotional signs are generally not encouraged unless it can be demonstrated that the sign is compatible with the appearance of the development, the streetscape and the skyline
G90	Freestanding promotional signs should be avoided by placing signs on existing walls

## 4.1.11. DESIGN ELEMENT 11: INTERFACE AREAS

Guidelines	
G91	Encourage community interaction rather than segregation, develop the interface area between the proposed development and Yarraberg in a mutually compatible way
G92	Locate service areas, delivery areas, loading docks and rubbish collection areas where they introduce minimal detriment to the streetscape and key pedestrian movement and entrance areas
G93	Maintain areas around the office buildings in such a way that there are no isolated pockets
G94	Maximise natural surveillance and security with respect to the siting of the housing, public open space and other activities
G95	To avoid detrimental visual and noise impact, vehicle movement ramps and decks should be carefully located and respectful of adjacent uses

### Riverside House

G96	Consider the special needs of Riverside House
G97	Have regard to the level of activity created immediately adjoining the rear yard of Riverside House
G98	Through the design and orientation of buildings immediately adjoining the rear yard of Riverside House, be respectful of the sensitivities of the functions of Riverside House
G99	Consider the compatibility of proposed buildings and works with adjoining development and the Yarra River in terms of building design, built form and land use

## 4.1.12. DESIGN ELEMENT 12: BOAT LANDINGS

Objectives	
O50	Boat landings are encouraged to provide a link from the rivers edge into the site and for river uses
O51	To provide an embarking/disembarking point for boat users

Guidelines	
G100	Landings should be no longer than 6 metres of river frontage lengths and should not extend more than 1.5 metres over the river edge. Jetties should be designed as landings parallel to the water's edge rather than structures jutting out longitudinally into the river like a beachside pier structure. Decks should be no longer than 1 metre to 1.5 metres above average high water level

## 4.1.13. DESIGN ELEMENT 13: HERITAGE FORMER LOYAL STUDLEY HOTEL ONLY

Objectives	
O52	To conserve and enhance the prominent elements of the heritage place.
O53	To conserve and enhance those prominent elements which contribute to the significance of the heritage place.
O54	To ensure that development does not adversely affect the significance of the prominent elements of the heritage place.
O55	Allow for the adaptive re-use of the heritage place.

Guidelines	
G101	Whether the location, bulk, form or appearance of the proposed building will adversely affect the prominent elements of the heritage place
G102	Whether the proposed works will adversely affect the significance, character or appearance of the prominent elements of the heritage place
G103	Whether the proposed sign will adversely affect the significance, character or appearance of the prominent elements of the heritage place
G104	Whether the proposed sign will adversely affect the significance, character or appearance of the prominent elements of the heritage place



DRAFT  
C307yara**SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ1**.

**VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT PLAN****Land**

This schedule applies to land generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street, Richmond, as shown on the Victoria Gardens Comprehensive Development Plan 2022 ('CDP').

**Purpose**

- To ensure that development on the site will be of a high standard of urban design, will complement and enhance the Yarra River environment, and provide for greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank.
- To ensure that the combination of uses (office, retail, entertainment, residential, commercial and ancillary uses), their overall density and the scale, character and level of redevelopment are compatible with:
  - The nature of the surrounding uses.
  - The visible skyline as seen from and along the Yarra River and the River's general environs, and views along Victoria Street and Barkers Road.
  - The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.
  - The capacity of existing essential services and proposed modifications.
- To encourage the provision of active frontages to streetscapes and high quality interfaces with the public realm and internal pedestrian interfaces which improve pedestrian amenity and safety and enhance connectivity within and to surrounding development.
- To ensure new development does not unreasonably impact on the amenity of adjoining land as a result of overshadowing, wind, drainage or flooding.

**1.0****Table of uses**DRAFT  
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Use	Condition
<b>Amusement parlour</b>	Floor area not to exceed 800m <sup>2</sup> . Must not be located in Precincts 1 or 2.
<b>Art gallery</b>	
<b>Bank</b>	
<b>Bed and breakfast</b>	No more than 5 persons may be accommodated away from their normal place of residence. At least two car parking spaces must be provided. Any bed and breakfast sign must not exceed 0.2 square metre.
<b>Betting agency</b>	
<b>Child Care Centre</b>	
<b>Cinema</b>	Not more than 2,400 seats. Must not be located in Precinct 1 or 2.

<b>Dwelling (other than Bed and Breakfast and Caretaker's house)</b>	
<b>Electoral office</b>	
<b>Food and drink premises (other than Bar and Hotel)</b>	Must not be located in Precinct 2.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	
<b>Minor utility installation</b>	
<b>Motor repairs</b>	Must be located in Precinct 3.
<b>Office</b>	Must not be located in Precinct 2.
<b>Place of assembly (other than Amusement parlour, Art gallery, Cinema and Place of worship)</b>	Must not be located in Precinct 1 or 2.
<b>Postal agency</b>	
<b>Residential hotel</b>	
<b>Restricted retail premises</b>	
<b>Shop (other than Adult sex bookshop, Convenience shop, and Trade supplies)</b>	Must not be located in Precinct 1 or 2.
<b>Trade supplies (other Timber yard)</b>	
<b>Warehouse</b>	Must be located in Precinct 3 Must not be a purpose listed in the table to Clause 53.10
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Convenience shop</b>	Must be located in Precincts 1 or 2.
<b>Hospital</b>	Must not be located in Precinct 2.
<b>Industry (Other Than Motor Repairs And Refuse Disposal)</b>	Any industry with a purpose shown with a Note 1 or 2 in the table to Clause 53.10 must be located in Precinct 3.
<b>Vehicle Store</b>	Must be located in Precinct 3.
<b>Veterinary centre</b>	Must not be located in Precinct 2.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

<b>Use</b>
------------

**Animal husbandry**  
**Brothel**  
**Cemetery**  
**Corrective institution**  
**Crematorium**  
**Extractive industry**  
**Freezing and cool storage**  
**Fuel depot**  
**Milk depot**  
**Motor racing track**  
**Race course**  
**Racing dog training**  
**Refuse disposal**  
**Saleyard**  
**Timber yard**  
**Utility installation (other than a Minor utility installation)**

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## 2.0

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## Use of land

### Requirements

Use of land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met. A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

### Application Requirements

The following application requirements apply to an application for a permit in addition to those specified in Clause 37.02-2 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of the use, including the types of activities which will be carried out, and the likely number of employees.
- A description of the likely effects of the use on the local and regional traffic network and the following matters:
  - The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained.
  - The proposed method of funding the required works, service or facilities.
- A description of the likely effects, if any, of the use on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Detailed land use

- Details of how the use addresses the objectives and requirements of the Victoria Gardens Comprehensive Development Plan 2022.

### **Exemption from notice and review**

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

### **Decision Guidelines**

The following decision guidelines apply to an application for a permit in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Victoria Gardens Comprehensive Development Plan 2022.

## **3.0**

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### **Subdivision**

#### **Requirements**

A permit for the subdivision of the land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met.

#### **Application Requirements**

None specified.

### **Exemption from notice and review**

An application for the subdivision of land under Clause 37.02, Clause 44.04, Clause 42.03, Clause 43.02 and Clause 43.01 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### **Decision guidelines**

The following decision guidelines apply to an application for a permit, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Victoria Gardens Comprehensive Development Plan 2022.
- The location and function of public reserves, road reserves and other areas that are accessible to members of the public.
- How any proposed public roads integrate with the surrounding road network.
- The effect of the subdivision on the redevelopment of the area in the long term.

## 4.0 Buildings and works

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### Requirement

No permit is required to construct a building or construct or carry out works done in accordance with a development plan prepared to the satisfaction of the responsible authority.

A permit for buildings and works must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement in the Victoria Gardens Comprehensive Development Plan 2022 must be met.

A permit for buildings and works within the Doonside Precinct, as identified in Figure 2 of the Victoria Gardens Comprehensive Development Plan, must include the following conditions:

#### Requirements for a Section 173 Agreement – Transport Plan

Prior to the commencement of the development, an agreement with the Head, Transport for Victoria and the responsible authority under section 173 of the *Planning and Environment Act* 1987 for the provision of works which are identified in the Transport Plan prepared and approved in accordance with this schedule. The landowner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including reasonable costs borne by the responsible authority. The works may include but are not limited to:

- Mitigating works required for each development stage in the development plan; and
- A two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street if required, approved by VicRoads in consultation with the responsible authority.

#### Requirements for a Section 173 Agreement – Affordable Housing (Doonside Precinct Only)

1. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act* 1987 (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- a. Sale of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 20 per cent:
  - i. to a Registered Housing Agency; or
  - ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 12 years from the occupation of the dwellings:
  - i. to a Registered Housing Agency; or

- ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- c. An alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the Responsible Authority.

For the purpose of the above requirements and Agreement:

- ‘Eligible Household’ means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the Planning and Environment Act 1987.
  - ‘Affordable Housing’ has the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987.
  - ‘Market Value’ means the value of a Dwelling as determined by an independent qualified Valuer.
2. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:
- a. do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987; and
  - b. pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land.

**Affordable Housing Management Plan (Doonside Precinct Only)**

3. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the Responsible Authority:
- a. Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
  - b. A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
  - c. Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
  - d. Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the Planning and Environment Act 1987;
  - e. Any other details reasonably required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with condition 1.

A permit for buildings and works in Lot 9, as identified in Figure 2 of the Victoria Gardens Comprehensive Development Plan 2022, must include the following condition:

**Requirements for a Section 173 Agreement – Affordable Housing (Lot 9 Only)**

1. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must, subject to the limitation set out in clause 1d) in respect to Lot 9, specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- a. Sale of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 20 per cent:
  - i. To a Registered Housing Agency; or
  - ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 12 years from the occupation of the dwellings:
  - i. To a Registered Housing Agency; or
  - ii. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- c. Any alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the responsible Authority.
- d. In respect to Lot 9, the requirement for an Affordable Housing Contribution is only triggered on approval of building height on Lot 9 of above RL 38.

For the purpose of the Agreement:

- ‘Eligible Household’ means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- ‘Affordable Housing’ has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- ‘Market Value’ means the value of a Dwelling as determined by an independent, qualified Valuer.

2. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:

- a. do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987; and
- b. pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

**Affordable Housing Management Plan (Lot 9 Only)**

3. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of this permit. The plan must include the following detail, all to the satisfaction of the Responsible Authority:
  - a. Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
  - b. A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
  - c. Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
  - d. Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the Planning and Environment Act 1987;
  - e. Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with condition 1.

The requirements of this schedule do not apply to:

- An application to prepare a development plan (including an application to amend an approved development plan) made before the approval date of Amendment C307yara. For such applications, the requirements of this planning scheme continue to apply as they were in force immediately before the approval date of Amendment C307yara.
- An application to amend an approved development plan made after the approval date of Amendment C307yara, unless the amendment would create or increase any non-compliance with the requirements of the planning scheme as they were in force immediately before the approval date of Amendment C307yara. For such applications, the requirements of this planning scheme continue to apply as they were in force immediately before the approval date of Amendment C307yara.

**Application Requirements**

The following application requirements apply to an application in addition to those specified in Clause 37.02-4 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

**General**

Plans which demonstrate as appropriate:

- The location, height, dimensions and floor area of all buildings and works.
- The proposed uses of each building.
- The location of all vehicle, bicycle and pedestrian ways.
- The location and layout of, and access to, all car parking areas.
- The location of all open space, including areas available to the public.
- Landscaping in accordance with this Schedule.
- The location of any pedestrian or bicycle link to the Yarra River to be provided.
- The colours and details of material to be used for external walls.
- The integrated development of the cinema and retail floorspace.
- The integrated development of retail, office or residential development with activated ground level street frontages and provision for passive surveillance from upper levels.
- The location of and access to public transport and passenger facilities.
- Provision for and access to loading and unloading facilities of vehicles.
- Details of waste collection, storage and removal facilities and areas.

### **Pedestrian amenity and access plan**

Where the application relates to development of the land for office or retail purposes a detailed pedestrian amenity and access plan, which demonstrates, as appropriate, how the development of the land will:

- Contribute to improving the amenity and public safety of pedestrian spaces and the public realm.
- Activate internal and external frontages.
- Improve pedestrian access to public transport facilities.
- Improve pedestrian permeability within the site, to the river environs and enhance connectivity to other redevelopment precincts surrounding Victoria Gardens

### **Landscape Plan**

A detailed landscape plan to the satisfaction of the responsible authority, which shows as appropriate:

- The overall landscaping concept for the stage(s) of the development under consideration. The areas of open space that will be available to the public (public areas).
- A detailed planting schedule for the stage(s) under consideration.
- Details of on-going maintenance management for the proposed landscaping.
- If the land is to be developed in stages, show the area that will be available as open space at completion of each stage.
- Any landscaping proposed for streets, road reserves and public areas.
- The landscape treatment of the Victoria Street, Doonside Street and Burnley Street frontages of the land.

### **Transport plan**

A transport plan, which shows as appropriate:

- Proposed traffic management and traffic control works considered necessary in adjoining and nearby roads when the development or any stage is completed.
- Means of vehicular ingress to and egress from the site.

- The arrangements for internal access and movement including details of internal access roads.
- The timing of the proposed traffic works relative to the staging of the development under the development plan.
- Preferred locations for loading and unloading facilities.
- The number, location and allocation of car parking spaces.
- Public transport arrangements and access routes and means of integration with public transport.
- Pedestrian access and movement network.
- Bicycle paths and their connection to the existing bicycle network.
- Proposed sustainable travel initiatives, including estimated mode share targets and actions to encourage use of public transport and non-motorised travel.

### **Decision Guidelines**

The following decision guidelines apply to an application for a permit in addition to those specified in Clause 37.02-4 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

#### **General**

- The Victoria Gardens Comprehensive Development Plan 2022.
- Any views of the Head, Transport for Victoria.

## **5.0**

DRAFT  
C307yara

### **Signs**

Sign requirements are at Clause 52.05. All land located within Precinct 1 and 3 of the Precincts and Envelopes Plan of the Victoria Gardens Comprehensive Development Plan 2022 are in category 1 of Clause 52.05. All other land is in Category 3 of Clause 52.05.

# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PA2201662

Planning scheme: Yarra City Council

Responsible authority: DELWP

## ADDRESS OF THE LAND:

- 53 Burnley Street, Richmond
- 61-67 Burnley Street, Richmond
- 77-79 Burnley Street, Richmond
- 1-9 Doonside Street, Richmond
- 620 Victoria Street, Richmond

## THE PERMIT ALLOWS:

- Staged development of the land to allow for construction of multi-storey buildings with basements, and carrying out of buildings and works on a lot under Clause 37.02-4, 43.02-2 and 43.01-1.
- Use of the land for a Hotel under Clause 37.02-2.
- Partial demolition of the existing building under Clause 43.01-1;

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### AMENDED PLANS REQUIRED

1. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans TPXXX – TPXXX inclusive, all dated XXX prepared by Cox Architecture and NH Architecture, but modified to show:
  - a) XXX

Date issued:

Date permit comes into  
operation:

(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

Signature for the responsible  
authority:

b) XXX...

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

### Staging

3. The development of the land may be undertaken in stages. Before the commencement of development (excluding site preparation works, early site preparation works and bulk excavation), a staging plan generally in accordance with XX by Cox Architecture and dated XX must be submitted to and approved by the Responsible Authority. The staging plan may be altered and updated from time to time to the satisfaction of the Responsible Authority.
4. Any condition of this permit may be satisfied in stages in accordance with the Staging Plan approved under Condition 3, to the satisfaction of the Responsible Authority.

### Sustainable Management Plan

5. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The approved SMP must not be altered without the prior written consent of the Responsible Authority. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan dated 1 April 2022, prepared by Norman Disney & Young, but modified to include or show:
  - (a) XXX
  - (b) XXX
  - (c) XXX...
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved SMP must not be altered without the prior written consent of the Responsible Authority.

### Waste Management Plan

7. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation) an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The approved WMP must not be altered without the prior written consent of the Responsible Authority. The

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 7 April 2022 but modified to include:

- (a) XXX
- (b) XXX
- (c) XXX...

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved WMP must not be altered without the prior written consent of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority

### Acoustic report

10. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The approved Acoustic Report must not be altered without the prior written consent of the Responsible Authority. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney & Young Consulting Engineers and dated 1 March 2022, but modified to include (or show, or address):
  - (a) XXX
  - (b) XXX
  - (c) XXX...
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Acoustic Report must not be altered without the prior written consent of the Responsible Authority.

### Landscape Plan

12. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 8 April 2022, but modified to include (or show):
  - (a) XXX
  - (b) XXX
  - (c) XXX...

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
_____	_____	_____

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

to the satisfaction of the Responsible Authority.

## Wind

14. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The approved Wind Assessment Report must not be altered without the prior written consent of the Responsible Authority. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated March 2022, but modified to include (or show):
- (a) XXX
  - (b) XXX
  - (c) XXX...
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Wind Assessment Report must not be altered without the prior written consent of the Responsible Authority.

## Affordable Housing

### Section 173 Agreement

16. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- (a) Sale of not less than **ten per cent** of the total number of approved dwellings at a discount to market value of not less than **20 per cent**:
  - (i) to a Registered Housing Agency; or
  - (ii) to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- (b) Lease of not less than **ten per cent** of the total number of approved dwellings at a discount to market value of not less than **30 per cent**, for not less than 12 years from the occupation of the dwellings:
  - (i) to a Registered Housing Agency; or
  - (ii) to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- (c) An alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the Responsible Authority.

For the purpose of the above requirements and Agreement:

- 'Eligible Household' means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- 'Affordable Housing' has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- 'Market Value' means the value of a Dwelling as determined by an independent qualified Valuer.

17. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:

- (a) do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (b) pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land.

#### Affordable Housing Management Plan

18. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of this permit. The plan must include the following detail, all to the satisfaction of the Responsible Authority:

- (a) Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
- (b) A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
- (c) Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
- (d) Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*;
- (e) Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with Condition 16.

#### Section 173 Agreement (Publicly Accessible Open Space)

19. Within six months of the commencement of works (excluding site preparation works, early site preparation works and bulk excavation), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) that part of the land to be used as "publicly accessible open space" in accordance with the Publicly Accessible Open Space Plan prepared by Arcadia and dated 8 April 2022. Table and seating associated with adjacent retail uses may be located within the publicly accessible open space subject to the approval of the Responsible Authority;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 19(a).

- 20. The owner, or other person in anticipation of becoming the owner, must meet all of the reasonable expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

#### **VicRoads Conditions (Conditions X to X)**

21. XX

22. XX

#### **Road Infrastructure**

- 23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

- 24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

- 25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

#### **Car parking**

- 26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

27. Unless otherwise approved by the Responsible Authority, the loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
28. Unless otherwise approved by the Responsible Authority, delivery and collection of goods to and from the land (including waste) may only occur between 7am and 6pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Green Travel Plan

29. Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The approved Green Travel Plan must not be altered without the prior written consent of the Responsible Authority. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Met Cards/Myki);
  - (c) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (d) details of bicycle parking and bicycle routes;
  - (e) details of GTP funding and management responsibilities; and
  - (f) include provisions to be updated not less than every 5 years.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Green Travel Plan must not be altered without the prior written consent of the Responsible Authority.

### Lighting

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

### General

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the construction and use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
  - (e) to the satisfaction of the Responsible Authority.
34. The use and development must comply at all times with the noise limits specified in the relevant Environment Protection Authority guidelines as may be amended from time to time.
35. Emptying of bottles and cans into bins external of the building may only occur between 7am and 10pm on any day.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. Unless otherwise approved by the Responsible Authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The approved Construction Management Plan must not be altered without the prior written consent of the Responsible Authority. The plan must provide for:

**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (a) Staging of works;
- (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (c) works necessary to protect road and other infrastructure;
- (d) remediation of any damage to road and other infrastructure;
- (e) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (f) facilities for vehicle washing, which must be located on the land;
- (g) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (h) site security;
- (i) management of any environmental hazards including, but not limited to,:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
- (r) In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (iii) using lower noise work practice and equipment;
  - (iv) the suitability of the land for the use of an electric crane;
  - (v) silencing all mechanical plant by the best practical means using current technology;

**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

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\_\_\_\_\_

\_\_\_\_\_

- (vi) fitting pneumatic tools with an effective silencer;
- (vii) other relevant considerations; and
- (viii) any site-specific requirements.

During the construction:

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

#### Time expiry

41. This permit will expire if:

- (a) the development is not commenced within three years of the date of this permit;
- (b) the development is not completed within seven years of the date of this permit; or
- (c) the use (Hotel) is not commenced within eight years of the date of this permit or
- (d) the use (Hotel) is discontinued for a period of two years.

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

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
_____	_____	_____
_____	_____	_____

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**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C207yara to the Yarra Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

**YARRA PLANNING SCHEME**

**AMENDMENT C307yara  
PLANNING PERMIT APPLICATION PA2201662  
EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of the Vicinity Management Pty Ltd Limited in its capacity as trustee of the Victoria Gardens Retail Trust.

**Land affected by the amendment**

The amendment applies to the land as follows:

- 610 Victoria Street, Richmond
- 620 Victoria Street, Richmond
- 668 – 682 Victoria Street, Richmond
- 53-79 Burnley Street, Richmond
- 1-9 Doonside Street, Richmond
- 10 River Boulevard, Richmond
- 15 River Boulevard, Richmond
- 20 River Boulevard, Richmond
- 25-35 River Boulevard, Richmond
- 40 River Boulevard, Richmond
- 10 Elaine Court, Richmond
- 29 Elaine Court, Richmond
- 3-5 Christine Crescent, Richmond
- 6 Christine Crescent, Richmond
- 15 Christine Crescent, Richmond



The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the Act.

The planning permit application applies to the Doonside Precinct only as referenced in the plan above and formally known as:

- Lot 1 on Title Plan 211146G, commonly referred to as No. 53 Burnley Street
- Lots 1 and 2 in Title Plan 212632R, commonly referred to as No. 61-63 Burnley Street
- Lot 4 on Lodged Plan 13552, commonly referred to as No. 65 Burnley Street
- Lot 5 on Lodged Plan 13552, commonly referred to as No. 67 Burnley Street
- Lot 6 on Lodged Plan 13552, commonly referred to as No. 77-79 Burnley Street
- Lots 8 and 9 on Lodged Plan 13552, commonly referred to as No. 1-9 Doonside Street
- Lot 14 on Plan of Subdivision 427328, commonly referred to as No. 620 Victoria Street

### What the amendment does

The Amendment proposes to make the following changes to the Yarra Planning Scheme:

- Rezone land known as Land in Title Plans 211146G and 212632R, and Lots 4-9 on Lodged Plan 13552 from Mixed Use Zone (MUZ) to Comprehensive Development Zone, Schedule 1 (CDZ1)

- Replace Schedule 1 to the Comprehensive Development Zone with a new Schedule (new format) with the height restriction amended over the Doonside Precinct and Lot 9 within River Boulevard Precinct, deletion of the sensitive use buffer, deletion of permit application exemptions for overlays and replacement with exemption from notice requirements from the commensurate overlays
- Remove Schedule 9 to the Design and Development Overlay
- Apply the Environmental Audit Overlay to land subject to the 'sensitive use buffer' of CDZ1, located within Lot 14 on Plan of Subdivision 427328
- Apply the Parking Overlay – Schedule 2 (PO2) to the land affected by the amendment
- Amend Schedule 1 to Clause 53.01 to exclude the subject land from providing public open space contributions
- Insert Incorporated Document, 'Victoria Gardens Comprehensive Development Plan, 2022' to replace 'Victoria Gardens – Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area' and Victoria Gardens Urban Design Guidelines

The planning permit application seeks approval for:

- **Clause 37.02** (Comprehensive Development Zone) to construct a building and carry out works
- **Clause 37.02** (Comprehensive Development Zone) to use the land as a Hotel/Bar.
- **Clause 37.02** (Comprehensive Development Zone) to reduce the number of car parking spaces required
- **Clause 43.01 (Heritage Overlay)** to allow for partial demolition and to construct a building and carry out works
- **Clause 43.02 (Design and Development Overlay)** to construct a building and carry out works

## Strategic assessment of the amendment

### Why is the amendment required?

The Victoria Gardens Expansion presents a significant opportunity to rejuvenate, not only the subject site to create a truly mixed-use precinct and connected community, but also contribute to the evolution of the surrounding urban environment.

The existing planning controls that apply to the subject site are out of date and now lack relevance in both the physical and planning context of the subject site. As such, the planning controls are in need of updating to accelerate the activity centre planning for the Victoria Gardens Comprehensive Development area and ensure the planning controls reflect the significant urban renewal which surrounds the site and has occurred since the construction of the existing Victoria Gardens Shopping Centre. This application will act as a catalyst for the revitalisation of Victoria Gardens and its integration with the surrounding area of Richmond, and the broader area of Yarra.

The Doonside Precinct will create a vibrant land use mix of retail, residential, office and publicly accessible open space, contributing significantly to the rejuvenation of the area. River Boulevard Precinct presents as a unique opportunity within a generally fine-grained area, to provide for significant public realm improvements, generous publicly accessible spaces and improved connectivity within and through the site, including to the Yarra River.

The amendment is required to allow the currently underutilised land to be appropriately developed in line with the strategic vision for the area in a holistic manner with the overall Victoria Gardens area.

The Doonside Precinct development offers the opportunity to enhance the centre through new retail, commercial and residential development and urban renewal of former industrial land with significant job creation generated through the project lifespan and permanent jobs once completed.'

### Current Zones

Under current conditions, the Doonside Precinct is located over two zones with part of the site within a Mixed Use Zone. This leads to a very complicated set of planning controls with multiple planning

approvals required to realise the Doonside Precinct project including a planning scheme amendment, planning permit (MUZ land) and development plan (CDZ land) approval required for the single Doonside Precinct development. The Comprehensive Development Zone is now over 20 years old, is not in a current drafting format and importantly does not appropriately align with strategic planning policy for intensification of Major Activity Centres.

The expansion of the CDZ into the MUZ land would allow the whole site to be considered under the same zone, requirements and decision guidelines. The zone continues to be useful given that there are large areas within the current CDZ which have not been completed yet and the CDZ is a higher order zone appropriate for the Activity Centre.

### **Deletion of DDO9**

The deletion of Design and Development Overlay Schedule 9 from the Doonside Precinct (where it currently applies) is acceptable given the design objectives have been met within the proposal in the following manner.

It should also be noted that the subject site is separated from the low scale residential areas by the sites to the south (including the Harry the Hirer site and also Burnley Street to the west):

- *To recognise this Precinct, being on the edge of an activity centre and abutting low rise residential development, as transitional in its location and function;*

The proposal is recognised as being part of the Activity Centre through its inclusion as part of the CDZ with the buildings responding to the surrounding emerging character of built form. The sites further to the south are abutting low scale residential development.

- *To ensure building design responds to the industrial character of the precinct but respects the character of the established residential areas to the south and east of the Precinct;*

The proposed design and material palette reflects the former industrial character of the precinct with a modern interpretation. The fine-grained nature of the materials chosen are reflective of the character of the established residential areas.

- *To respect the scale of development on the south side of Appleton Street;*

The Harry the Hirer site and the constructed apartments to the south provide the transition to the lower scale residential areas on the southern side of Appleton Street.

- *To provide a pedestrian friendly environment along all street frontages;*

A significant improvement with respect to creating a pedestrian friendly environment along all street frontages is achieved through the proposal. This includes widened footpaths, landscaping, street furniture, active uses, and publicly accessible open spaces.

- *To encourage improvements to the public domain, including the provision of public open space;*

The proposed Doonside Precinct within the Victoria Gardens Expansion will incorporate approximately 3,500 sqm of publicly accessible open space for the enjoyment of the community, in the form of various open spaces, including plazas and squares, interlinked by laneway connections. These are centred around the key public realm areas on the ground floor, being the Burnley Laneway, Pocket Garden, Doonside Plaza, Double Level Courtyard, the Market Hall Square and the both the Burnley and Doonside streetscapes.

- *To ensure that new development does not adversely impact on local traffic conditions;*

Overall, it is considered that the supply of car parking is appropriate for the proposed development, considering it is supported by Council's strategy to reduce private vehicle usage.

Stantec (formerly GTA Consultants) have confirmed that considering existing traffic volumes and noting that the constrained nature of the surrounding road network, the traffic impact of this additional traffic is expected to be minor.

- *To ensure a high standard of architectural design; and*

As indicated, the proposal presents an exemplar high standard of architectural design.

- *To ensure that new development does not prejudice the ongoing operation of nearby commercial, industrial and warehouse businesses.*

At the time DDO9 was introduced into the planning scheme the majority of the surrounding area was largely industrial. Since that time a number of apartment buildings have been approved and constructed, including the Harry the Hirer (directly to the south) site rezoned to Mixed Use Zone and including a residential component within Amendment C223yara (approved 6 May 2021). Nevertheless, given the adjacency to the Victoria Gardens Shopping Centre, ensuring the ongoing functioning of the commercial uses within it have been a key consideration.

### **Amendment to Clause 53.01**

Given the provision of 2,660qsm (out of a possible 8,783sqm) of publicly accessible open space area within the current MUZ, and the previous payment of Public Open Space Contributions as part of the original CDZ development, it is proposed that any future development would be exempt from the requirements of Clause 22.12 and Clause 53.01.

The current provision of Publicly Accessible Open Space equates to 30.285 percent of the land currently zoned MUZ, which far exceeds the contribution requirements of Clause 22.12 and Clause 53.01. We consider that any further financial contributions would be onerous and unreasonable.

As such, we propose that an exemption to the public open space contributions is incorporated within the proposed Schedule to Clause 53.01 of the Yarra Planning Scheme.

### **Introduction of the Parking Overlay**

The parking overlay is required to be introduced to the Planning Scheme and it will incorporate new car parking rates. The introduction of a Parking Overlay Schedule which includes application of new car parking provision rates, providing a new maximum statutory car parking requirement for dwellings, office, shop (including restricted retail) and food and drink premises uses. Where they are not specifically mentioned, Column B of Clause 52.06 will apply. The objectives of the parking overlay to be achieved are as follows:

- To identify appropriate car parking rates for development and land uses within the Victoria Gardens Precinct as identified within Schedule 1 of the Comprehensive Development Zone.
- To facilitate the continued commercial operation of the Victoria Gardens Precinct, including the Victoria Gardens Shopping Centre and to ensure that appropriate car parking is provided.
- To recognise the site's proximity to the Principal Public Transport Network and to reduce car parking demand by encouraging use of sustainable and active transport modes to and from the site.

The current car parking requirements specified in the CDZ were incorporated into the Yarra Planning Scheme in April 2009 and are now considerably out of date with current practice and the requirements for the site. The proposed revision to the CDZ seeks to remove the parking rates and move them to a standalone parking overlay specific to the subject land.

### **Exemptions within CDZ**

Under the existing CDZ Schedule 1, Section 5, the provisions of Clause 44.04 (Land Subject to Inundation Overlay - LSIO), Clause 42.03 (Significant Landscape Overlay - SLO), Clause 43.02 (Design and Development Overlay - DDO) and Clause 43.01 (Heritage Overlay - HO) do not apply to any development constructed in accordance with an approved development plan.

Given the current formatting of Clause 37.02 does not allow a Schedule to exempt permit requirements under other overlays, this is not able to be transferred over to the proposed amended CDZ Schedule 1. However, allows a Schedule to exempt applications under other provisions from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act (see below). As such, the proposed amended Schedule 1 has now been amended to exempt applications under the SLO, DDO and HO from notice requirements and review rights. We note that LSIO already includes exemptions from notice and review.

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

The *Planning and Environment Act 1987* establishes the objectives of planning in sections 4(1) and 12(1). The amendment upholds the objectives of planning by way of the following:

- Providing for the fair, orderly, economic and sustainable use and development of the site
- Facilitating a development that incorporates best-practice ESD initiatives, contributing to sustainable built form
- Providing a vibrant, mixed-use precinct that supports a pleasant and safe working and living environment
- Ensuring no unreasonable impact on buildings identified of specific historic or cultural value
- Supporting the redevelopment of the site with improved facilities for net community benefit
- The development accords with the above objectives through the application of the Comprehensive Development Zone to the site, containing objectives ensuring the objectives within the Planning Policy Framework are achieved.
- Further, the proposal responds to the present and future interests of Victorians by providing a facilitating a high-quality, sustainable development that will provide significant community benefits.

### **How does the amendment address any environmental, social and economic effects?**

#### **Planning in Victoria**

The amendment is consistent with the objectives of planning in Victoria. It will provide for the appropriate use and development of the land, and will provide a pleasant working, living and recreational environment for residents, workers and visitors to the site.

#### **Environmental effects**

The amendment will have positive effects on the environment by facilitating the development of landscaped public open space and private open space on a site which currently has no vegetation. The development proposal also incorporates a wide range of environmentally sustainable design (ESD) features to ensure the environmental impacts of intensifying the land uses on the site are minimised.

In addition, the proposed design response and built form massing appropriately responds to environmental wind conditions, and environmental preliminary site investigations would ensure appropriate outcomes for sensitive uses residential above potentially contaminated land.

Further, critically, the proposed design response and built form massing appropriately respond to the Yarra River overshadowing controls (DDO1). As part of the amendment, the eastern portion of the site will be included within the EAO and as such, this will facilitate the rehabilitation of the site.

#### **Social effects**

The amendment will have positive impacts on the community through facilitating the provision of the following:

- Enhancing the public realm and supporting active travel and the environment. A total of 9,750 sqm of public open space is proposed including a public realm connection between River Boulevard and the Yarra River Trail.
- The opportunity for increasing housing opportunities in an area that is proximate to community facilities, schools, health services, public open space and public transport options.
- The consolidation of the land as a mixed-use development, providing a range of dwelling types, commercial and retail offerings and employment at the site.
- The opportunity to bring additional uses to a significant activity centre in Yarra,
- Revitalising and reshaping Victoria Gardens Shopping Centre through promoting an increase in the local population of residents, visitors and workers.
- Recreational and social interaction opportunities via the public open space, linkages through and around the site, and provision of retail spaces and public realm improvements.
- A safer environment with activated street frontages and passive surveillance provided from the new built form that will replace the existing largely blank walls.
- Providing a share of the additional dwellings that the Richmond area will need to support projected population levels

- The Build-to-Rent (BTR) element introduces a greater diversity of housing into the area. There is a need to provide other housing options to residents moving into the area.
- BTR also contributes to alleviating housing stress and creates communities of long-term residents. BTR rental arrangements will lower housing costs for people renting long-term, reduce rental stress, both financially and mentally, and creating communities of long-term residents.
- Providing new publicly accessible open space to support and sustainably meet the open space needs of the existing and future community. Green space provides a range of social, mental, physical and environmental benefits to residents.

### **Economic Effects**

- Total construction cost of around \$900 million inclusive of GST in 2022, and an anticipated construction timeframe of approximately 7 years.
- On average, 681 Full-time Equivalent (FTE) direct and indirect jobs are likely to be created for the State on an annualised basis during construction, with many accruing locally.
- Total direct and indirect Gross Value-Added (GVA) to the State economy is estimated at \$97 million per annum on average over the construction period in constant 2022 dollars.
- Upon completion, the proposed expansion will support around 3,397 jobs (full-time, part-time and casual) on site across the retail and commercial spaces and managing the build-to-rent apartments.
- The direct jobs are estimated to induce a further 1,902 additional jobs within Victoria as a result of flow-on effects.
- There will be an estimated \$837 million per annum in direct and indirect GVA contribution to the Victorian economy generated from the daily operation and management of facilities within the development.
- On-site residents will spend an estimated \$22,800 on retail goods and services on a per capita basis by 2029. The total retail spending by on site residents is therefore estimated to reach \$73 million by this time. This is available to support existing and future businesses, not only on-site, but also in the surrounding region.

### **Does the amendment address relevant bushfire risk?**

The subject site is not located within the Bushfire Management Overlay, nor within a designated 'Bushfire Prone Area' under planning policy. The amendment will not increase the risk to life, property, infrastructure or the natural environment from bushfire.

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

The amendment is consistent with the relevant Ministerial Directions, as follows:

- The proposed amendment accords with Ministerial Direction No. 1 'Potentially Contaminated Land' and does not pose any adverse environmental effects. The site is partly located within the Environmental Audit Overlay (EAO) and the land will be appropriately remediated, if necessary, in accordance with the requirements of this Overlay. As part of the amendment, the eastern portion of the site will also be included within the EAO.
- The proposal complies with Ministerial Direction No. 9 'Metropolitan Strategy' as it facilitates the redevelopment of the site in accordance with the directions contained within Plan Melbourne: 2017-2050, including the principle of 20-minute neighbourhoods.
- The explanatory report addresses the required strategic assessment guidelines in accordance with Ministerial Direction No.11 'Strategic Assessment of Amendments'.
- In line with Ministerial Direction No. 19 comments have been sought from the EPA and have been provided as part of this submission. This application addresses any views of the relevant authority.

## **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The proposal is highly consistent with the objectives and policies contained within the Planning Policy Framework (PPF) and achieves the outcomes relating to Plan Melbourne, Urban Growth, Open Space, Metropolitan Melbourne, Environmental Risks, Water, Built Environment and Heritage, Residential Development, Commercial, Integrated Transport, Movement Networks and Infrastructure for the following reasons:

- The amendment ensures policy direction for activity centres can be met by providing the opportunity for high-quality mixed use development within a Major Activity Centre that can introduce a form of higher density housing. The land can be consolidated as a mixed-use precinct, including housing, commercial and retail uses that will be well serviced by public transport, retail and community services. **(Clause 11)**
- The amendment ensures that the policy direction for activity centres can be met by increasing housing yield in a convenient and established urban environment with excellent access to public transport, services and employment. **(Clause 11)**
- Any potential contaminated land can be addressed via the requirements of the Environmental Audit Overlay. **(Clause 13)**
- The proposed development will ensure the preservation of an appropriate degree of heritage fabric and is designed to sit comfortably within the existing heritage context. **(Clause 15.03)**
- The amendment ensures policy direction for a safe, functional and high-quality urban environment can be met. This amendment facilitates a form of higher-density housing along a transport corridor that is well separated from surrounding residential areas. **(Clause 15)**
- Publicly accessible open space will be provided throughout the site to extend and diversify the surrounding street network. **(Clause 15)**
- It will provide a high quality development which will respond appropriately to the surrounding area and the characteristics of the subject site, including heritage through an attractive and innovative design response which will introduce contemporary built form to this site. **(Clause 15)**
- The proposal will contribute to the quality of the public realm by achieving high standards in urban design, while based on a comprehensive site analysis to take into consideration the surrounding context. **(Clause 15)**
- Where possible, the proposal will include the introduction of excellence in energy efficient building design which implements key ESD principles. **(Clause 15)**
- The proposal provides a range of dwelling typologies and sizes to increase housing choice and improve affordability. **(Clause 16)**
- It will contribute to objectives for mixed use development of Richmond which is intended to accommodate both residential and commercial land uses. It will provide a mix and level of activity to attract people for a variety of reasons within a safe environment and to provide a range of active frontages and land uses. **(Clause 17)**
- The proposed development serves to strengthen the provision of infrastructure for sustainable transport options, including easy access for pedestrians to ground levels, as well as plentiful facilities for cyclists and easy access for public transport uses. This design also facilitates the development of the 20-minute neighbourhood, which focuses on accessibility via non-vehicular means **(Clause 18)**.
- It will make better use of existing infrastructure and will provide an improved range of housing choice and business opportunities within the immediate locality for both current and future residents. **(Clause 19)**

## **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposal is consistent with the MSS and local policy, including Council's vision for the Victoria Street MAC area, as it will provide a high-quality mixed-use development that is consistent with the mixed-use nature of the wider Richmond precinct.

Specifically, the proposal is considered to respond to the relevant policy context for the following reasons:

- In terms of land uses, the supporting mix of uses proposed is consistent with Objective 5 of the MSS within Clause 21.04-2 and would complement the role and function of the Victoria Street MAC and Victoria Gardens Shopping Centre, and surrounding area, as well as strengthening its long-term viability as a destination for the local community.
- The proposal is generally consistent with Council's built form policy at Clause 21.05-2 (Urban Design). The proposed building height will address the five relevant criteria for higher development for the following reasons:
  - Provides significant upper level setbacks
  - Is of architectural design excellence
  - Achieves excellence in environmental sustainability objectives in design
  - Provides a high quality restoration and adaptive re-use of the heritage building, the Former Loyal Studley Hotel
  - Makes a significant contribution to the enhancement of the public domain
  - Provides for affordable rental housing
- The proposal will provide new laneway connections through the site, linking in with the surrounding existing network. The proposal will incorporate publicly accessible open space for the enjoyment of the community, in the form of various open spaces, including plazas and squares, interlinked by laneway connections. These are centred around the key public realm areas on the ground floor, being the Pocket Garden, Burnley Laneway, Double Level Courtyard, the Market Hall Square and the Doonside/Burnley streetscapes.
- The proposal will contribute to the consolidation and viability of the Victoria Street Activity Centre, as it will provide a mixed use development with residential, office and retail components, on the fringe and within close walking distance of the activity centre.
- The development will assist in achieving Council's objectives at Clause 21.06 (Transport) as it will provide higher density housing options within close proximity of public transport and is within walking distance of services within the Victoria Street Activity Centre. It is well connected to a variety of cycling and walking networks within the surrounding area.
- The proposal has regard to Clause 21.07 (Environmental Sustainability) as it adopts sustainable building design through the use of a variety of ESD features.
- The proposal is consistent with Clause 21.08 (Neighbourhoods), which describes encourages the provision of land uses close to Victoria Gardens that supports its role and by contributing to the fine-grained network of pedestrian friendly streets east of Burnley Street and north of Doonside Street. Further the proposal will contribute positively to the surrounding urban fabric and public realm.
- Through the retention and restoration of the hotel, the existing building will be significantly improved compared to existing conditions which is compliant with heritage policy at Clause 22.02-5.3.
- As per Clause 22.03 (Landmarks and Tall Buildings), the proposal will add to the interest of the urban form and skyline.
- The proposal will provide a reasonable level of amenity within the proposed dwellings, as desired within Clause 22.05 (Interface Uses Policy). The site has the benefit of its locality with limited sensitive interfaces other than existing residential buildings across David and Doonside Streets, therefore it is not envisaged that there are any adverse amenity impacts.
- The proposal will form a positive contribution to the character of the area, including through replacing the existing blank facades with activated building frontages, and will provide built form that is safe, convenient, attractive, accessible and sustainable, consistent with Clause 22.10 (Built Form and Design Policy).

- The proposal will, as part of the ESD features, appropriately minimise the hydrological impact of the development through water sensitive urban design and stormwater re-use wherever possible, consistent with Clause 22.16 (Stormwater Management (Water Sensitive Urban Design)).
- The proposal meets the objectives of Clause 22.11 related to the Victoria Street East Precinct Policy given:
  - it does not impact the Yarra River corridor;
  - does not result in unreasonable additional traffic implications;
  - encourages the use of public transport;
  - improves pedestrian connectivity within and through the street;
  - improves existing infrastructure;
  - has an appropriate land use mix and is of a high quality design which respects and protects the character of neighbouring residential properties; and
  - ensures sunlight and amenity is maintained to public spaces.

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

The Comprehensive Development Zone has been successfully utilised to facilitate the Victoria Gardens Shopping Centre development. Given the development is yet to be completed, and the proposed development will form part of the overall precinct, it is appropriate to apply a Comprehensive Development Plan to the subject site.

The purpose of the Comprehensive Development Zone is to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated into the planning scheme.

The Parking Overlay is the appropriate location to include site specific car parking controls.

The Schedule to Clause 53.01 is the appropriate location to specify any particulars for the Public Open Space Contributions.

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

Council's Strategic and Statutory Planning departments have been consulted extensively on the preparation of the planning scheme amendment.

The views of relevant agencies will be sought by the responsible authority through the assessment process.

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

The planning scheme amendment will provide for the integration of transport and land use and facilitate access to social and economic opportunities as sought in the *Transport Integration Act 2010*.

The site is well serviced by existing public and private transport networks, which will enable residents, workers and visitors to access the site by a range of transport modes.

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

The amendment would not place any unreasonable resource or administrative costs on the responsible authority.

*Planning and Environment Act 1987*

**YARRA PLANNING SCHEME**

**AMENDMENT C307yara**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Yarra Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of three attached maps sheets.

***Zoning Maps***

1. Planning Scheme Map No. 7 is amended in the manner shown on the attached map marked “Yarra Planning Scheme, Amendment C307yara”.

***Overlay Maps***

2. Amend Planning Scheme Map No. 7DDO. is amended in the manner shown on the attached map marked “Yarra Planning Scheme, Amendment C307yara”
3. Amend Planning Scheme Map No. 7EAO. is amended in the manner shown on the attached map marked “Yarra Planning Scheme, Amendment C307yara”
4. Amend Planning Scheme Map No. 7PO. is amended in the manner shown on the attached map marked “Yarra Planning Scheme, Amendment C307yara”

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

5. In **Zones** – Clause 37.02, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
6. In **Overlays** – Clause 45.09, insert Schedule 2 with a new Schedule 2 in the form of the attached document.
7. In **Particular Provisions** – Clause 53.01, amend the Schedule to Clause 53.01 in the form of the attached document.

End of document

DRAFT  
C207yara**SCHEDULE 2 TO CLAUSE 45.09 PARKING OVERLAY**

Shown on the planning scheme map as **PO2**.

**VICTORIA GARDENS PRECINCT****1.0 Parking objectives to be achieved**DRAFT  
C207yara

- To identify appropriate car parking rates for development and land uses within the Victoria Gardens Precinct as identified within Schedule 1 of the Comprehensive Development Zone.
- To facilitate the continued commercial operation of the Victoria Gardens Precinct, including the Victoria Gardens Shopping Centre and to ensure that appropriate car parking is provided.
- To recognise the site's proximity to the Principal Public Transport Network and to reduce car parking demand by encouraging use of sustainable and active transport modes to and from the site.

**2.0 Permit requirement**DRAFT  
C207yara

A permit is not required under Clause 52.06-3 to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 for any use specified in the Table to this schedule.

A permit is required to provide more than the maximum parking provision specified for a use in the Table to this schedule.

**3.0 Number of car parking spaces required**DRAFT  
C207yara

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

**Table: Car parking spaces**

Office	2	To each 100sqm of net floor area
Shop (including restricted retail)	3	To each 100sqm of net leasable area
Dwelling	1	Per dwelling
Food and drinks premises	3	To each 100sqm of net leasable area

For all other uses listed in Table 1 of Clause 52.06-5, the *Rate* in Column B of Table 1 in Clause 52.06-5 applies.

See 45.09-4 for relevant provisions.

**4.0 Decision guidelines for permit applications**DRAFT  
C207yara

The following decision guidelines apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The likely demand for car parking spaces.
- The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times.

- The possible multi-use of car spaces.
- The demand for car spaces generated by the uses established in previous stages of the development.
- The accessibility of the site to vehicle traffic.
- The proposed layout of parking areas.
- The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic

**5.0 Financial contribution requirement**

DRAFT  
C207yara

None specified.

**6.0 Requirements for a car parking plan**

DRAFT  
C207yara

None specified.

**7.0 Design standards for car parking**

DRAFT  
C207yara

None specified.

**8.0 Decision guidelines for car parking plans**

DRAFT  
C207yara

None specified.

**9.0 Background document**

DRAFT  
C207yara

None specified.

xxx  
C207yara**SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION  
AND SUBDIVISION****1.0****Subdivision and public open space contribution**xxx  
C207yara

Type or location of subdivision	Amount of contribution for public open space
Land or buildings intended to be used for residential purposes.	4.5%
Land shown as CDZ1 on the planning scheme maps (Victoria Gardens Comprehensive Development Plan)	0%

## **APPENDIX C**

## **APPENDIX C - BETTER APARTMENT DESIGN STANDARDS (BADS) ASSESSMENT**

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<i>58.02-1 – Urban Context objectives</i>	Standard D1	<p><b>✓ Complies</b></p> <p>The proposed design response is appropriate to the site context and the urban surrounds.</p> <p>For further discussion please refer to the town planning report, to be read in conjunction with the Urban Design Response prepared by COX Architects accompanying this submission.</p> <p>Please refer to Sections 6.1 and 7.1 of the Town Planning Report for further discussion.</p>
<i>58.02-2 - Residential policy objectives</i>	Standard D2	<p><b>Complies ✓</b></p> <p>The proposed development is consistent with the relevant Housing Policies within the State and Local Planning Policy Frameworks.</p> <p>Please refer to Section 6.1 of the Town Planning Report for further discussion.</p>
<i>58.02-3 - Dwelling diversity objective</i>	Standard D3	<p><b>Complies ✓</b></p> <p>The proposed development provides a range of one, two and three bedroom dwellings and double storey lofts.</p> <p>This is a good mix of apartments sizes and styles which meets the standard.</p> <p>This contributes to housing choice and diversity and provides a different apartment product in the area.</p>
<i>58.02-4 - Infrastructure objectives</i>	Standard D4	<p><b>Complies ✓</b></p> <p>The subject site is within an established area which is connected to all services. Appropriate utilities will be provided for the development.</p>
<i>58.02-5 - Integration with the street objective</i>	Standard D5	<p><b>Complies ✓</b></p> <p>The vehicle access point is via David Street and is appropriately sized, designed and located.</p> <p>The primary pedestrian access points are along Doonside Street with additional entry points being internalised and accessed via both Burnley and Doonside Streets. These have been designed as inviting and easily identifiable spaces leading to lobbies.</p> <p>The development fronts both Burnley and Doonside Streets. with commercial uses and upper-level dwellings which is appropriate for the context.</p>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<i>58.03-1 Energy efficiency objectives</i>	Standard D6	<p><b>Complies ✓</b></p> <p>The proposed development is oriented to optimise access to northern light. Significant analysis was conducted to ensure that dwellings have appropriate daylight access.</p> <p>Dwellings are oriented to the north, east and west where possible. Buildings 1 and 4 to 6 each face streets which are at least 15 metres in width.</p> <p>The design of the building is also such that no unreasonable impact will occur to neighbouring properties, including future proofing for future development on adjacent lots to the north.</p> <p>The NatHERS climate zone is 21, and the development should therefore not exceed an annual cooling load of 30 MJ/m<sup>2</sup>.</p> <p>The Sustainable Design Assessment prepared by NDY confirms compliance with this.</p>
<i>58.03-2 Communal open space objective</i>	Standard D7	<p><b>Complies ✓</b></p> <p>A total of 2,117 square metres of Communal Open Space is provided as part of the development as outlined within the development summary provided by COX Architecture. This is accessible, practical and can easily be maintained.</p> <p>The development proposes extensive communal areas, both internal and external, for future occupants.</p> <p>Specifically, the external communal open space areas far exceed the 250 square metres requirement under the Standard, and have been designed to provide passive surveillance while ensuring that these areas will not unreasonably overlook any of the proposed dwellings.</p> <p>The communal open space areas have been designed to incorporate a high-quality landscape response.</p> <p>Please refer to the Architectural Plans prepared by COX Architecture and the Landscape Plans prepared by Arcadia for further details.</p>
<i>58.03-3 Solar access to communal outdoor open space objective</i>	Standard D8	<p><b>Complies ✓</b></p> <p>As confirmed within the overshadowing plans provided within the Urban Context Report provided by COX Architecture, there is an area of at least 125 square metres of Communal Open Space which receives sunlight for a minimum of two hours between 9am and 3pm on 21 June.</p>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
58.03-4 Safety objective	Standard D9	<p><b>Complies ✓</b></p> <p>Entrances to residential lobbies are provided at Doonside and Burnley Streets. Each of the entrances are not obscured or isolated and are located along areas where passive surveillance is prevalent. Where entrances are internal, they are in highly visible locations.</p> <p>Each of the entrances will be equipped with appropriate lighting and security to ensure a high level of safety for future residents is achieved. Private open spaces are appropriately screened.</p>
58.03-5 Landscaping objectives	Standard D10	<p><b>Complies with objectives ✓</b></p> <p>The proposal provides 1,116sqm of deep soil which is substantial considering the inner urban environment and the location of basement levels which equates to 6.14 percent of the overall site.</p> <p>The location of the site within a Comprehensive Development Zone and the Victoria Street MAC results in a context where developments are typically built close to the boundary providing limited-to-no capacity for deep soil planting.</p> <p>The proposed landscaping as defined within the Landscape Plan prepared by Arcadia are considered appropriate for the proposed development respecting the landscape character of the area.</p> <p>Landscaping is proposed at the within the communal areas as well as integrated throughout the development. The development includes a curated landscape response that integrates with the overall development. The proposal includes approximately 3,486sqm of canopy cover which is significant for a development within an inner urban location such as this which was previously industrial.</p> <p>Arcadia have provided a comprehensive Landscape Plan illustrating the considered approach to landscaping throughout the site and both the public and private realm proposed within the development.</p> <p>Please refer to the Landscape Plan prepared by Arcadia for further details.</p>
58.03-6 Access objective	Standard D11	<p><b>Complies ✓</b></p> <p>Two new crossovers are proposed along David Street, however only the north-most is for the residential use.</p>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
		<p>The vehicle crossover will service residents and the commercial components of the development also.</p> <p>The width of the crossover does not exceed 33% of the street frontage.</p> <p>Please refer to the Traffic Report prepared by GTA Consultants for further discussion.</p>
<i>58.03-7 Parking location objectives</i>	Standard D12	<p><b>Complies ✓</b></p> <p>Car Parking is accessible via David Street. The car parking is undercover and is reasonably close and convenient to dwellings (via lifts) whilst being sufficiently separated.</p> <p>The car park is secure and is well ventilated.</p> <p>Please refer to the Traffic Report prepared by GTA Consultants for further discussion.</p>
<i>58.03-8 Integrated water and stormwater management objectives</i>	Standard D13	<p><b>Complies ✓</b></p> <p>The proposed development has been designed to collect rainwater where possible. The development will include potable water reduction through fixtures with high WELS ratings and rainwater collected from suitable rooftops to supply common area toilets and urinal flushing, and irrigation.</p> <p>An ESD Report, which includes a Stormwater Management Plan, has been prepared by NDY.</p> <p>Please refer to this for further discussion.</p>
<i>58.04-1 Building setback objectives</i>	Standard D14	<p><b>Complies ✓</b></p> <p>The proposed development to site frontages is consistent with development within the surrounding area.</p> <p>The building setbacks vary and as previously stated, the subject site is surrounded by at least three street frontages which are at least 15m in width, thus providing significant setback distances.</p> <p>Within the development, buildings are separated between 5.8 metres and 34 metres.</p> <p>Due to these distances, the proposal is not reliant on screening to reduce views as the only habitable room windows within 9m are those to the west.</p> <p>Where necessary, windows can be screened to avoid unreasonable internal views overlooking.</p> <p>These setbacks will allow for adequate daylight to new habitable room windows and provide an excellent</p>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
		outlook even if development were to occur on adjoining land.
<i>58.04-2 Internal views objective</i>	Standard D15	<b>Complies ✓</b> Windows and balconies have been designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the development.
<i>58.04-3 Noise impacts objectives</i>	Standard D16	<b>Complies ✓</b> The proposed development complies the requirements of Standard D16. Plant and equipment are centrally located on the roof of buildings, and hence are well separated from bedrooms of existing and proposed dwellings. The lift cores are not adjacent to any bedrooms, however there are instances where they are adjacent to kitchens. These are considered less sensitive as they are typically used when occupants are awake and using their kitchen. Hence the lift is less likely to result in adverse impacts. The layout will minimise noise impact between dwellings, with all dwellings either oriented towards a boundary or a wide building separation. This location also provides good separation from sensitive spaces within the building. There are no unusual noise sources in the surrounding area. The building will be a quality construction which will protect future residents from unreasonable noise impacts. The site is not located within a noise influence area. Please refer to the Acoustic Report prepared by NDY for further details.
<i>58.04-4 Wind Impacts objective</i>	Standard D17	<b>Complies ✓</b> The proposal will not generate unsafe wind conditions and complies with the relevant wind criterion of this Standard. Please refer to the Wind Tunnel Assessment, prepared by MEL Consulting, for further discussion.
<i>58.05-1 Accessibility objective</i>	Standard D18	<b>Complies ✓</b> A total of 59.4% of the proposed dwellings are accessible and have been designed to meet the needs of people with limited mobility.

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<i>58.05-2 Building entry and circulation objectives</i>	Standard D19	<p><b>Complies ✓</b></p> <p>Building entries are visible and provide shelter, a sense of address, and transitional space.</p> <p>The internal layout of the buildings provides safe and functional movement of residents.</p> <p>Residential lobby entrances are separate from the commercial lobbies.</p> <p>All common areas associated with the residential component of the building, including corridors, will benefit from access to at least one natural light source. Corridors are short in length and do not have any obstructions with clear line sights.</p> <p>All dwellings have easy access to and from the lift core and staircases.</p>
<i>58.05-3 Private open space objective</i>	Standard D20	<p><b>Complies with objectives ✓</b></p> <p>All dwellings comply with Standard D19.</p> <p>1 and 2 Bedroom Apartments provide a Private Open Space area of 8sqm.</p> <p>3 Bedroom Apartments provide a Private Open Space area of 12sqm.</p> <p>The minimum dimensions of each Private Open Space area are also achieved.</p>
<i>58.05-4 Storage objective</i>	Standard D21	<p><b>Complies ✓</b></p> <p>Each dwelling provides convenient access to useable and secure storage. Each dwelling complies with both the internal and external storage requirements.</p>
<i>58.06-1 Common property objectives</i>	Standard D22	<p><b>Complies ✓</b></p> <p>Public, communal and private areas are clearly delineated.</p> <p>The common property should be capable of efficient management.</p>
<i>58.06-2 Site services objectives</i>	Standard D23	<p><b>Complies ✓</b></p> <p>All proposed development services are designed to be installed and easily maintained through ease of access, and adaptability of site facilities and location.</p> <p>Facilities and services are provided in the basement levels (where possible). Where proposed along the street frontage they are integrated into the design.</p>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
		Mailboxes are located adjacent to the primary residential lobby.
58.06-3 Waste and recycling objectives	Standard D24	<p><b>Complies ✓</b></p> <p>The waste and recycling facilities are provided at the ground floor and basement levels of the development. Residents will have access to bin chutes at each level of the development, where they will be able to dispose of garbage and recycling materials.</p> <p>Please refer to the Waste Management Plan prepared by WSP for further details.</p>
58.06-4 External walls and materials objective	Standard D25	<p><b>Complies ✓</b></p> <p>The proposal incorporates high quality and durable materials.</p>
58.07-1 Functional layout objective	Standard D26	<p><b>Complies with objectives ✓</b></p> <p>The majority of living rooms and bedrooms meet the required dimensions.</p> <p>Where they do not comply, this is due to the curved nature of the external wall.</p> <p>The non-compliant apartments are:</p> <ul style="list-style-type: none"> <li>▪ Apartment A04 - the living room includes a minimum of 3.1m x 3.48m (where 3.3m x 3.3m is required) in width.</li> <li>▪ Apartment B06 – the living room includes a minimum of 3.495m x 3.6m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment B06 – the living room includes a minimum of 3.55m x 3.6m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment B20 - the living room includes a minimum of 3.48m x 3.72m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment B21 - the living room includes a minimum of 3.495m x 3.6m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment D02 - the living room includes a minimum of 3.35m x 4.1m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment D02A - the living room includes a minimum of 3.35m x 3.8m (where 3.6m x 3.6m is required) in width.</li> <li>▪ Apartment D06 – the edge of the living room does not comply due to the curved wall.</li> <li>▪ In each instance, the living room have an additional area and as such, meet the objective as they are functional areas that meet the needs of residents.</li> </ul>

CLAUSE	STANDARD	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
		<p>The bedrooms are generous given the additional area and the design of the development ensures these rooms are provided with undisturbed outlook and high levels of internal amenity.</p> <p>With respect to the living rooms, it is considered that these areas continue to be highly usable, in most cases exceeding the minimum area requirements and ensure functionality and usability for future occupants.</p> <p>Please refer to the Architectural Plans prepared by COX Architecture, which depict the layouts of each dwelling type in detail.</p>
<i>58.07-2 Room depth objective</i>	Standard D27	<p><b>Complies ✓</b></p> <p>All proposed dwellings within the development will either have at least dual aspects or in the instance of a single aspect room will provide adequate daylight access into all habitable rooms due to their limited room depth in compliance with the Standard.</p>
<i>58.07-3 Windows objective</i>	Standard D28	<p><b>Complies ✓</b></p> <p>All habitable rooms within the development will comprise a window in an external wall of the building providing daylight access to all habitable rooms.</p>
<i>58.07-4 Natural ventilation objectives</i>	Standard D29	<p><b>Complies ✓</b></p> <p>A total of 50.5% of dwellings are naturally cross ventilated, which exceeds Standard D7 significantly.</p> <p>Please refer to the Architectural Plans prepared by COX Architecture for further details.</p>

