

**Draft Yarra Planning Scheme Amendment C307yara and
Draft Planning Permit PA2201662
Referral 35: Victoria Gardens Expansion**

Priority Projects Standing Advisory Committee Report

Planning and Environment Act 1987

21 December 2023

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Priority Projects Standing Advisory Committee Report pursuant to section 25 of the PE Act

Draft Yarra Planning Scheme Amendment C307yara and Draft Planning Permit PA2201662

Referral 35: Victoria Gardens Expansion

21 December 2023



Kathy Mitchell AM, Lead Chair



Sarah Raso, Deputy Chair



Andrew Hutson, Member



Kate Partenio, Member

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Glossary and abbreviations

Amended Plans	The amended package of architectural material filed on 12 and 18 September 2023 (D52 and D55)
Astrodome land	53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street and 620 Victoria Street, Richmond
BTR	Build to rent
Burnley Street Intersection	Doonside Street and Burnley Street intersection
CDP	Victoria Gardens Comprehensive Development Plan (October 2022)
CDZ1	Comprehensive Development Zone, Schedule 1
Committee	Priority Projects Standing Advisory Committee
Committee CDP	Committee’s preferred version of the Victoria Gardens Comprehensive Development Plan (October 2022) as shown in Appendix G
Council	Yarra City Council
D	Document
Day 8 CDP	Day 8 Comprehensive Development Plan
Day 8 CDP Diagrams	Day 8 Comprehensive Development Plan Diagrams
Day 8 CDZ1	Day 8 Comprehensive Development Zone, Schedule 1
Day 8 Permit	Day 8 draft Planning Permit PA2201662
DCPO1	Development Contributions Plan Overlay, Schedule 1
DDO2	Design and Development Overlay, Schedule 2
DDO9	Design and Development Overlay, Schedule 9
DFP	Development Facilitation Program
draft Amendment	draft Yarra Planning Scheme Amendment C307yara
draft Permit	draft Planning Permit PA2201662
DTP	Department of Transport and Planning

EAO	Environmental Audit Overlay
Housing Affordability Advice	Letter of advice prepared by Karen Janiszewski of Urban Exchange
HO374	Heritage Overlay Schedule 374
IBAC	Independent Broad-based Anti-corruption Committee
OVGA	Office of the Victorian Government Architect
PE Act	<i>Planning and Environment Act 1987</i>
proposed CDP	Victoria Gardens Comprehensive Development Plan, October 2022
Proponent	Vicinity Centres Pty Ltd
subject land	610, 620 and 668-682 Victoria Street, 10, 15, 20, 25-35 and 40 River Boulevard, 10 and 29 Elaine Court, 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street, Richmond
VPP	Victoria Planning Provisions

Overview

Referral summary

Referral	Referral 35: Victoria Gardens Expansion
Draft Amendment	Draft Yarra Planning Scheme Amendment C307yara
Draft Permit	Draft Planning Permit PA2201662
Brief description	<p>draft Amendment:</p> <ul style="list-style-type: none">- rezone the existing Mixed Use Zone land located within the Doonside Precinct to the Comprehensive Development Zone Schedule 1- replace Schedule 1 to the Comprehensive Development Zone with a new schedule- apply the Parking Overlay over the Victoria Gardens Expansion Area- delete Schedule 9 to the Design and Development Overlay- apply the Environmental Audit Overlay to land subject to the 'sensitive use buffer' of the Comprehensive Development Zone- insert Incorporated Document, 'Victoria Gardens Comprehensive Development Plan, 2022' to replace the existing incorporated document ('Victoria Gardens – building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area' and the Victoria Gardens Urban Design Guidelines)- make the Minister for Planning the Responsible Authority <p>draft Permit:</p> <ul style="list-style-type: none">- demolition and construction of a multi-storey mixed-use development- use of the subject land for a hotel- reduction in the standard car parking requirement
Subject land	610, 620 and 668-682 Victoria Street, 10, 15, 20, 25-35 and 40 River Boulevard, 10 and 29 Elaine Court, 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street, Richmond
The Proponent	Vicinity Centres Pty Ltd
Planning Authority	Minister for Planning
Submissions	Number of Submissions: 31

Committee process

The Committee	Kathy Mitchell AM (Chair), Sarah Raso (Deputy Chair), Andrew Hutson and Kate Partenio
Supported by	Gabrielle Trowse and Georgia Brodrick of Planning Panels Victoria
Directions Hearing	In person at Planning Panels Victoria and online on 29 August 2023
Committee Hearing	In person at Planning Panels Victoria and online on 23, 24, 25, 26, 30, 31 October 2023 and 1 and 2 November 2023
Site inspections	Accompanied on 20 October 2023

Parties to the Hearing

Vicinity Centres Pty Ltd, represented by Emily Porter SC and Jordan Wright of Counsel, instructed by Planning & Property Partners Pty Ltd, who called the following expert evidence:

- Colleen Peterson of Ratio in town planning
- Tim De Young of Stantec in traffic engineering
- Craig Czarny of Hansen Partnership in urban design
- Bryce Raworth of Bryce Raworth Conservation & Heritage in heritage
- Valentine Gnanakone of One Mile Grid in traffic engineering

Yarra City Council, represented by Terry Montebello of Maddocks Lawyers, who called the following expert evidence:

- Prof Rob McGauran of MGS Architects in urban design
- Leigh Furness of Traffix in traffic and car parking

Department of Transport and Planning (Head, Transport for Victoria), represented by Simon Basic

Astrodome Hire Pty Ltd, represented by Tom Ellicott of Counsel, instructed by Rhodie Anderson of Rigby Cooke Lawyers, who called the following expert evidence:

- Jason Walsh of Traffic in traffic and car parking

Kerry and Jane Power

Citation

Priority Projects Standing Advisory Committee Referral 35 [2023] PPV

Date of this report

21 December 2023

Executive summary

Overview of proposal

The Victoria Gardens Comprehensive Development area sits within the Victoria Street East Precinct at the eastern end of the Victoria Street Major Activity Centre. The Activity Centre has a regional retail and entertainment focus. The Victoria Street East Precinct is undergoing extensive redevelopment of its industrial sites and is anchored by the Victoria Gardens Shopping Centre.

Both State and local planning policy seek to integrate higher density housing and complementary uses within the Major Activity Centre. This desire capitalises on the opportunity to house people close to jobs, public transport and services.

The site is well located along a key tram route and it has access to train and bus services. It sits adjacent to the Yarra River and other significant open space areas.

The Proponent, Vicinity Centres Pty Ltd, is a major landowner in the area and seeks to implement draft Amendment C307yara and Permit Application PA2201662. The draft Amendment proposes to rezone remaining Mixed Use Zone land within the Victoria Gardens Precinct to Comprehensive Development Zone – Schedule 1 and proposes amendments to Schedule 1 and the Victoria Gardens Comprehensive Development Plan including changes to height controls. A Parking Overlay is proposed for the subject land and an Environmental Audit Overlay is proposed over a small part of the land. The permit application is for six mixed-use towers and a minor extension to the shopping centre within the Doonside Precinct on the southern section of the subject land.

The draft Amendment was made available for review by Council, other agencies and the community, which generated 31 submissions. The Minister for Planning referred the draft Amendment and all submissions to the Priority Projects Standing Advisory Committee for its review, in accordance with a letter of referral and its Terms of Reference, as amended. Key issues raised in submissions included:

- built form and urban design, including height and mass
- open space and community infrastructure
- traffic impacts, including pedestrian connectivity
- environmental impacts
- social and affordable housing
- development contributions.

Council was particularly concerned about the potential for the site not to be subdivided if a 'build-to-rent' model was adopted as this would not trigger the payment of open space contributions. Council recommended a planning permit condition to effect a contribution in the event subdivision does not occur within a certain timeframe.

Following a Directions Hearing and eight days of public Hearings in October and November 2023, the Committee finds the draft Amendment has merit and should be progressed, subject to changes to the Comprehensive Development Zone Schedule 1, Comprehensive Development Plan, Parking Overlay and Planning Permit.

Reasons for findings

Overall, the Comprehensive Development Plan will guide the development of the Victoria Gardens Precinct. The site is well suited to provide higher density housing and impacts can be acceptably managed.

Council's concerns in relation to open space contributions potentially not being triggered is shared by the Committee. Increases in population will demand improved or additional open space for health and recreation and the financial burden of providing this should be equitably shared. Notwithstanding this, the trigger for open space contributions currently emerges from the *Subdivision Act 1988* and it would not be appropriate for a planning permit condition to seek to subvert requirements under another piece of legislation.

Recommendations to Minister for Planning

Based on the reasons set out in this report, the Standing Advisory Committee recommends that Draft Yarra Planning Scheme Amendment C307yara and Planning Permit PA2201662 be approved as exhibited subject to the following:

- 1. Adopt the Victoria Gardens Comprehensive Development Zone Schedule 1 as provided in Document 130, subject to specific recommendations in this report.**
- 2. Adopt the Victoria Gardens Comprehensive Development Plan as provided in Document 136 and as amended in Appendix F.**
- 3. Issue draft Planning Permit PA2201662 as provided in Document 133, subject to specific recommendations in this report.**
- 4. Amend draft Planning Permit PA2201662 to include the following sub conditions to Condition 1:**
 - a) any necessary amendments to the built form to ensure no additional shadow is cast on the southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox.**
 - b) any necessary amendments to the built form to ensure no additional shadow is cast on the western side of Burnley Street between the hours 11.00am and 2.00pm at the equinox.**
 - c) the internal entry to the Market Hall (adjacent to the Market Hall Square and north of the entry doors) should be widened to a minimum of 15 metres in width and extend north to the east-west mall junction.**
- 5. Amend the Victoria Gardens Comprehensive Development Plan (October 2022) as provided in Appendix F to include a mandatory requirement that there be no shadow cast onto the western footpath of Burnley Street between 11.00am and 2.00pm on the Equinox.**
- 6. Amend draft Planning Permit PA2201662 to delete the following sub-condition from Condition 1:**
 - a) details of a raised pedestrian crossing across David Street, at the intersection with Doonside Street, and the following associated works:**
 - any line marking and signage associated with a modified vehicle priority at the intersection;**
 - any line marking and signage associated with prioritising pedestrian travel route on the east side of David Street (north of Doonside Street); and**
 - footpath widening on the west side of David Street.**
- 7. Amend draft Planning Permit PA2201662 to include the following condition under the heading "Car parking/Traffic":**

- a) **Before the development for any stage is occupied, or by such later date as approved in writing by the Responsible Authority:**
 - **an independent road safety audit of the northern end of David Street, including its intersection with Doonside Street and the laneway at its end, that considers the safety of pedestrians and cyclists and the proposed two new driveways and raised threshold treatment at the intersection, must be submitted to and approved by the responsible road authority**
 - **a concept plan for the intersection of David Street and Doonside Street and the section of David Street to the north of the intersection that addresses recommendations in the Road Safety Audit, must be submitted and approved by the responsible road authority**
 - **any works in David Street identified in the concept plan must be completed at the permit holder's cost and to the satisfaction of the responsible road authority.**
8. **Amend the Victoria Gardens Comprehensive Development Plan (October 2022) as provided in Appendix F to include an Objective to promote more sustainable transport modes and a Guideline to encourage the of provision of ample bicycle parking.**
9. **Adopt the Parking Overlay Schedule 2 as provided in Document 132.**
10. **Amend draft Planning Permit PA2201662 to delete Permit Condition 41 from Document 133 and reinstate the original Condition 41 from Document 82 and amend Condition 41b of to read:**
 - a) **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 30 years from the occupation of the dwellings.**
11. **Amend the Victoria Gardens Comprehensive Development Zone Schedule 1 to delete Clause 1b (i) to (iv) under the heading "Requirements for the Section 173 Agreement (Doonside Precinct Only)" and reinstate the original Clause 1b as provided in Document 130 but amended to read:**
 - 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 30 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 45 below; or ...**

1 Introduction

1.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference dated 9 September 2023:

... provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.¹

The revised Terms of Reference for the Committee were approved by the Minister for Planning part way through the Hearing process. The Committee advised all parties of the updated Terms of Reference in writing on 13 September 2023. The revised Terms of Reference do not affect the task of the Committee for this referral.

This is Referral No. 35. The Minister for Planning's letter of referral for Referral No. 35 was dated 2 August 2023². It asked the Committee to consider a proposal by Vicinity Centres Pty Ltd (the Proponent) to redevelop the Doonside Precinct of the Victoria Gardens Shopping Centre area through a combined amendment and permit application.

Specifically, the Minister for Planning asked the Committee to:

- provide advice and recommendations on whether draft Amendment C307yara (draft Amendment) and draft Planning Permit PA2201662 (draft Permit) should be approved, and if so, the appropriate conditions that should be imposed
- consider:
 - the relevant material provided in support of the application
 - all submissions made to the proceeding
 - any expert evidence filed by the Proponent, Yarra City Council (Council), government agencies or submitters
- invite all parties to the proceedings to speak to their submissions and any government agency it considered would be of assistance to its deliberations.

The members of the Committee that considered Referral No. 35 are:

- Ms Kathy Mitchell AM, Chair
- Ms Sarah Raso, Deputy Chair
- Associate Professor Andrew Hutson, Member
- Ms Kate Partenio, Member.

The Committee was assisted by Ms Gabrielle Trowse, Project Officer, and Ms Georgia Brodrick, Project Officer from the Office of Planning Panels Victoria.

1.2 Background

The Proposal was submitted to the Development Facilitation Program (DFP) within the Department of Transport and Planning (DTP) on 13 April 2022.

¹ D58 and Appendix A.

² D2 and Appendix B

Before this, the Proponent undertook pre-application consultation, including:

- workshops with Yarra City Council in 2020
- a presentation to the Office of the Victorian Government Architect (OVGA) in June 2021
- consultation with the DFP in 2021 and 2022
- resubmission to DFP in April 2022
- post submission consultation with the DFP affordable housing team.

The proposal was recommended to proceed to priority assessment by the DFP on 20 May 2022.

The proposal was on exhibition from 20 February 2023 to 20 March 2023, and included four public consultation sessions undertaken by the Proponent. Thirty one submissions (including a late submission from Melbourne Water) were received by the Minister for Planning and referred to the Committee for consideration.

1.3 Process

(i) Directions Hearing

The Committee received the letter of referral from the Minister for Planning on 2 August 2023. The Committee subsequently wrote to all parties on 9 August 2023 advising of the referral and inviting them to attend a Directions Hearing at Planning Panels Victoria on 29 August 2023³.

In its letter to parties, the Committee directed that all parties seeking to be heard provide a Statement of Grounds to rely upon at the Hearing prior to the Directions Hearing. All submitters seeking to be heard complied with that Direction. After reviewing the Statement of Grounds provided by parties, the Committee raised the following key issues in dispute at the Directions Hearing:

- drafting issues, including insufficient level of detail in the proposed Schedule 1 to the Comprehensive Development Zone and the Incorporated Document
- urban design and built form, including height, building separation, siting and building envelopes
- provision of social and affordable housing
- traffic, access and parking, connectivity, pedestrian linkages, active transport opportunities and congestion
- development contributions
- public open space and community infrastructure
- amenity, including noise.

At the Directions Hearing, the Committee directed expert witnesses in the following areas to meet as a conclave and to provide a statement of agreed opinions and facts:

- traffic, car parking and access
- urban design

All relevant experts complied with that Direction.

³ D45

(ii) Site inspections

At the Directions Hearing, the Committee advised parties it would conduct an accompanied site inspection of the subject land and surrounds prior to the Hearing on 20 October 2023, and it may undertake further inspections after the Hearing. The Committee directed the Proponent to organise and manage all logistical details for the site inspection ⁴.

The Committee convened the accompanied site inspection of relevant and accessible areas of the Doonside Precinct and the Victoria Gardens expansion area. Those in attendance included the Committee, officers of Planning Panels Victoria, representatives of the Proponent and Council, and Ms Harris.

The inspection commenced with a briefing from the Committee Chair and then an explanation by the Proponent of what it was seeking to do across the subject land. Mr Taylor of Planning Property Partners, Solicitor for the Proponent, escorted the Committee and others to all relevant parts of the Victoria Gardens complex.

The Committee inspected the subject land including the Victoria Gardens complex and surrounds, and the Doonside Street boundary of 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street and 620 Victoria Street, Richmond (Astrodome land).

The details of the accompanied site inspection were tabled as Document 77.

Following the site inspection, Ms Harris advised she no longer wished to appear before the Committee as her issues were clarified.

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

1.4 Procedural issues

(i) Additional information

There were no procedural matters raised at the Hearing that required a written ruling. However, at the conclusion of the Hearing, the Proponent sought leave to file further revisions to the Comprehensive Development Plan, Comprehensive Development Zone and Permit conditions by Friday 10 November 2023. The Committee allowed this and permitted Council and other parties an opportunity to provide comments on these documents by Friday 17 November. The Proponent sought an extension to file its material by Wednesday 15 November which was granted by the Committee. The Committee consequently gave Council and other submitters until Wednesday 22 November to provide comments.

On Wednesday 15 November the Proponent filed 'Day 8' versions of:

- Comprehensive Development Zone – Schedule 1 (Day 8 CDZ1) ⁵
- Comprehensive Development Plan (Day 8 CDP) ⁶
- Comprehensive Development Plan Diagrams (Day 8 CDP Diagrams) ⁷
- Parking Overlay – Schedule 2 (Day 8 Parking Overlay) ⁸

⁴ D52

⁵ D130

⁶ D131

⁷ D129

⁸ D132

- Permit (Day 8 Permit)⁹
- Letter of advice prepared by Karen Janiszewski of Urban Exchange in respect of affordable housing (Housing Affordability Advice)¹⁰.

After seeking several extensions, on Monday 27 November Council filed material in response to the Proponent's Day 8 material, including:

- Submissions in relation to the Housing Affordability Advice¹¹
- A revised tracked changes version of the Day 8 CDP¹²
- Memo from Council Strategic Planning Department that explained the changes made to the Day 8 CDP¹³
- Email letter from Council¹⁴.

No other party filed any further response.

(ii) Independent Broad-based Anti-corruption Committee Operation Sandon report

Council raised matters in relation to the Independent Broad-based Anti-corruption Committee (IBAC) Operation Sandon report in its Outline of Submissions¹⁵. In its section entitled 'The substantive issues with the CDP layout' from paragraph 89, Council observed the draft Amendment made significant changes to the existing planning controls, which it contended should not be made unless it was supported by more robust and detailed analysis. The submission then quoted Recommendations 5 and 8 from the IBAC report, for which Council said the further analysis would be consistent with the level of planning justification required by these recommendations.

These concerns were based on the evidence of Prof McGauran, notwithstanding Council maintained the strategic policy setting for the proposal was not in question. With the Committee seeking to understand this position better, Council said it was not suggesting or inferring there was any improper conduct by the Proponent, DTP or the Committee.

Much of this contention by Council was linked to the expert evidence of Prof McGauran. Like the other experts, these reports are based on professional opinion and expertise. The Committee is troubled by the link made by Council that because one of their experts had some issues with the proposal, it should somehow be linked to the IBAC recommendations. Council observed:

It is difficult to understand how, on the basis of this material, the Department has decided to push forward with the Draft Amendment and how other experts are able to support such major changes to the scheme as exhibited¹⁶.

Council went on to state that the range of outcomes were so broad, almost anything could be admitted if it was generally in accordance with the CDP. Council noted this was inconsistent with IBAC's Recommendation 4 which broadly related to how a planning scheme amendment might be considered.

⁹ D133

¹⁰ D134

¹¹ D138

¹² D136

¹³ D137

¹⁴ D135

¹⁵ D102

¹⁶ D102, para 107

The Committee notes the OVGA report of 7 July 2021 made several comments about the original proposal¹⁷. The OVGA report considered the proposed development for the Doonside Precinct, albeit the assessment was made on a previous set of architectural plans. It was positive about the contribution further development of the Doonside Precinct would make to the broader Victoria Gardens area and it offered advice on how the built form could be refined in relation to scale and massing; architectural expression; public realm/open space; design quality; car parking; and access. The Committee did not interpret that report as highlighting the issues were irreconcilable in any way. The OVGA noted *“the site is a logical development opportunity that increases the retail floor space of a successful activity centres and adds a residential population and a mix of commercial opportunities”*¹⁸.

In its closing submissions, the Proponent verbally spoke about Council raising issues about the IBAC report in the context of this matter. It noted it was disconcerting to raise the IBAC findings in relation to alleged municipal corruption in this Hearing. The Proponent noted there has been no changes to the Victorian planning system as an outcome of the report and it urged Council to be cautious in raising these issues with any implication of corruption. The Proponent noted raising the issue of corruption in these proceedings was alarming and Council should not have said what it did.

The Committee shares these concerns and agrees with the Proponent. If Council had any concerns about any corruption in this process, it should have been explicit about this and it should have backed it up.

Contested hearings provide the opportunity for all parties to make submissions and provide evidence about the proposal at hand. Witnesses do not always agree about a matter and that is the benefit of having independent expert witnesses. It often leads to agreement of some key issues, or changes to a proposal. Good evidence informs the Committee process and it is highly valued.

The Committee considers it was inappropriate to weave into its submissions the matters raised by Council and in fact, the Committee was at a loss to understand why Council took that position. If the Council was truly concerned about any inappropriate behaviours or potential corruption, it should have been explicit in raising this issue and it likely could have taken that elsewhere (for example to the Supreme Court, IBAC or Victorian Ombudsman). The Committee is not sure that just because expert evidence from one witness (who has acted for Council for many years and has worked with Council on multiple projects) was overly critical of the design response, that should be linked to IBAC and its recommendations contained in the Operation Sandon report.

1.5 The Committee’s approach

The Committee has complied with and reported on all relevant matters in accordance with its Terms of Reference, in particular Clauses 11, 15, 18, 20 and 21.

The letter of referral includes a broad and encompassing purpose to advise the Minister on the whether the draft Amendment should be approved and the Permit granted.

The key issues to be resolved in relation to the proposal are:

¹⁷ D76

¹⁸ D76, p2

- traffic impacts, including increases in traffic and congestion, car parking, and need for a signalised intersection
- built form, massing, height of new buildings, setbacks
- neighbourhood character
- amenity impacts, including overshadowing of existing streets and adjoining or nearby properties
- wind impacts
- change in zoning
- extent or amount of open space, including green space.

The Committee considered all written submissions made in response to the exhibition of the draft Amendment and draft Permit, observations from its site visit and submissions, evidence and other material presented to it during the Hearing.

Clause 20 of the Terms of Reference of the Committee require it to provide a ‘concise written report’ to the Minister for Planning. This report is concise in that it focuses on the key determinative issues only and does not seek to deal with every matter raised through the original submissions, the submissions of parties at the Hearing and the evidence provided in support. All submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are mentioned in the report.

After providing an introduction and a summary of the proposal, this report deals with the key determinative issues under the following headings:

- strategic issues
- built form and urban design
- public realm
- public open space contribution
- traffic and car parking
- social and affordable housing
- heritage
- resolution of draft Amendment and draft Permit.

The key recommendations of the Committee are included in its recommended version of the Comprehensive Development Zone – Schedule 1, Comprehensive Development Plan, Parking Overlay – Schedule 2 and draft Permit, amongst other matters.

2 The proposal

2.1 Subject land

The subject land includes:

- 610, 620 and 668-682 Victoria Street
- 10, 15, 20, 25-35 and 40 River Boulevard
- 10 and 29 Elaine Court
- 53, 61-67, 77-79 Burnley Street
- 1-9 Doonside Street, Richmond.

The subject land is proposed to be divided into four precincts (see Figure 1):

- the existing Victoria Gardens Centre Precinct
- the River Boulevard Precinct
- the Barkers Road Bridge Precinct
- the Doonside Precinct (subject of permit application).

Figure 1 Subject Land showing the four precincts



Source: Victoria Gardens Comprehensive Development Plan, October 2022 (Document 39)

2.2 Surrounding area

The subject land is located within an area which includes lower scale residential and redevelopment areas, industrial uses, a major arterial road and two Activity Centres (Victoria Street and Bridge Road). It is well serviced by several public transport options including trams and

train stations and accommodates sustainable travel modes including cycling and walking via the Main Yarra Trail/Capital City Trail and bicycle and footpaths along Burnley Street to the west.

The land surrounding the subject site includes:

South: Doonside Street which extends between Burnley Street to the west and David Street to the east accommodating traffic in either direction

- Astrodome land on the southern side of Doonside Street, which includes several warehouse buildings and a large car parking area currently occupied by 'Harry the Hirer'
- to the east, 36 – 44 Doonside Street, a recently constructed residential development between eight – 13 storeys in height

East: David Street, which extends between Victoria Gardens Centre to the north and Appleton Street to the south

- 9-15 David Street which accommodates an 11-storey apartment building
- the Yarra River further to the east

North: Victoria Street, a major arterial road in Transport Zone 2

- low scale office buildings, including some heritage buildings and the Skipping Girl sign on the north side of Victoria Street
- the 11 – 13 storey 'Honeywell' residential development to the north east and several eight and nine storey residential developments to the north west

West: Burnley Street, an arterial road accommodating a bicycle lane and one lane each way of traffic

- a mix of three-storey brick apartment buildings, single-storey dwellings, and modern residential developments of higher density on the west side of Burnley Street
- lower rise residential buildings and higher built form further south along Burnley Street.

2.3 The draft Amendment

The draft Amendment proposes to:

- rezone existing the Mixed Use Zone land within the Doonside Precinct to Comprehensive Development Zone Schedule 1 (CDZ1) as an expansion of the Victoria Gardens Activity Centre
- replace Schedule 1 to the Comprehensive Development Zone (CDZ) with a new schedule
- insert Incorporated Document, 'Victoria Gardens Comprehensive Development Plan, 2022' (proposed CDP) to replace the existing incorporated document ('Victoria Gardens – building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area' and the Victoria Gardens Urban Design Guidelines)
- insert a new Parking Overlay (Parking Overlay Schedule 2) that will apply to the whole of the subject land
- delete Schedule 9 to the Design and Development Overlay
- apply the Environmental Audit Overlay over the entirety of the subject land (in effect extending the EAO to cover the two areas of the subject land that are not presently subject to the EAO)
- amend Clause 1.0 of the Schedule to Clause 72.01 to make the Minister for Planning the Responsible Authority.

Figure 2 Existing zoning map ¹⁹

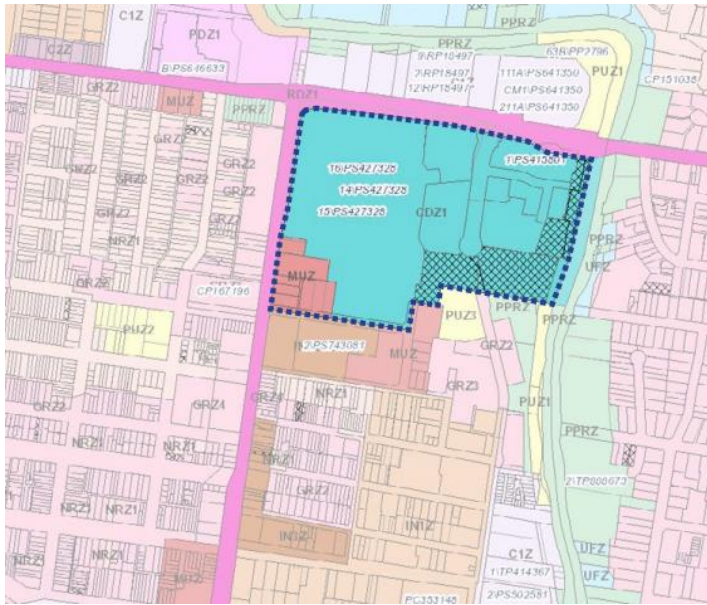
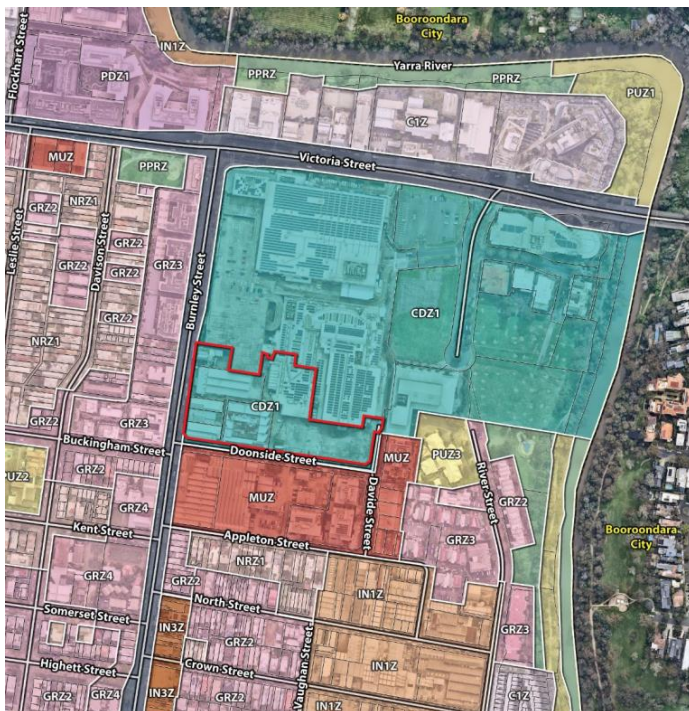


Figure 3 Proposed zoning map ²⁰



The draft Amendment as exhibited proposed to amend the Schedule to Clause 53.01 to apply an exemption to the public open space contribution requirements on land within the CDZ1. By letter dated 12 September 2023, the Proponent indicated it no longer intended to pursue that exemption ²¹.

¹⁹ Source: D39

²⁰ Source: D67

²¹ D54

The draft Amendment was supported by background reports and technical documents. The Proponent’s Part A submission provided an updated version of these documents – see Table 1.

Table 1 Supporting documents - Amendment

Document	Date	Tabled Document Number
Urban Context Report (including Master Plan Strategy), Cox Architecture and NH Architecture	April 2022	3
Section 96A Planning Report, Urbis	October 2022	4 39 (v2)
Comprehensive Development Plan, Urbis	October 2022	5
Community Benefit Report, Victoria Gardens Expansion Vicinity Centres	September 2022	10
Economic Benefits Statement – Victoria Gardens Expansion, Urbis Pty Ltd	April 2022	12
Environmental wind considerations – Lots 9 and 10 River Boulevard Precinct, MEL Consultants	31 March 2022	13
Public Realm Strategy, Victoria Gardens Expansion, Arcadia	8 April 2022	15
Access plan and publicly accessible open spaces, Arcadia	8 April 2022	8
Transport Review, Stantec (formerly GTA Consultants)	15 July 2022	32
EPA signed response	29 April 2021	31

(i) Proposed Comprehensive Development Plan Schedule 1

The key changes and requirements of the proposed CDZ1 include:

- reference to the proposed CDP
- new and amended mandatory height provisions for the Doonside Precinct and Lot 9 within the River Boulevard Precinct
- 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 per cent affordable housing at a discounted rate, or not less than 2 per cent of the total market value
- deletion of the 'sensitive use buffer from the Doonside Precinct, and extension of the Environmental Audit Overlay (EAO) to affect all of the subject land
- deletion of the following aspects of the existing CDZ1:
 - under Clause 5.0, that 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

- Clause 18.0, outlining the car parking rates
- inclusion of transitional provisions, which require that for any approved development plans or any amendments to them, the requirements of the CDZ as they were in force immediately before the gazettal of the Amendment continue to apply.

(ii) Proposed Comprehensive Development Plan

Relevantly, the proposed CDP:

- sets out new and amended mandatory height controls for the Doonside Precinct and Lot 9 within the River Boulevard Precinct
- does not change height controls to the existing Victoria Gardens Centre Precinct, including 40 River Boulevard, and the Barkers Road Bridge Precinct
- does not change height controls to Lot 10 or 25 - 35 River Boulevard - the height controls which apply to these precincts are proposed to remain consistent with those specified under the existing CDZ1.

(iii) New Parking Overlay

Clause 18.0 of the existing CDZ1 gives car parking rates for certain uses within existing CDZ land. The draft Amendment proposes to delete this clause from CDZ1 and apply a new Schedule 2 to the Parking Overlay to the subject land.

The proposed Schedule 2 to the Parking Overlay includes the application of new car parking rates, providing a new maximum statutory car parking requirement for dwellings, office, shop (including restricted retail) and food and drink premises uses. For uses not listed in the new Schedule 2, the applicable rates under Clause 52.06 would apply.

2.4 The draft Permit

The draft Permit applies to the Doonside Precinct land only.

The proposed development includes the partial demolition of the existing heritage building (former Loyal Studley Hotel), the development of six key buildings, across a predominately two-storey mixed-use podium (containing a mix of retail and commercial uses), and a two-storey basement car park.

The residential component of the proposed development includes 827 apartments, including Build to rent (BTR).

The draft Permit was supported by background reports and technical documents. The Proponent's Part A submission provided an updated version of these documents – see Table 2.

Table 2 Supporting Documents – draft Permit

Document	Date	Tabled Document Number
Architectural Drawings, Cox Architecture and NH Architecture	March 2022	34
Economic Benefits Statement – Doonside Precinct, Urbis Pty Ltd	April 2022	35
Landscape Plan – Doonside Precinct, Arcadia	8 April 2022	37
Heritage Impact Statement – Doonside Precinct, by Bryce Raworth	30 March 2021	36
Transport Impact Assessment (including Green Travel Plan) – Doonside Precinct, Stantec (formerly GTA Consultants)	15 July 2022	42
Waste Management Plan – Doonside Precinct, prepared by WSP	7 April 2022	43
Sustainability Management Plan – Doonside Precinct, Norman Disney & Young Consulting Engineers	1 April 2022	41
Wind Assessment – Doonside Precinct, MEL Consultants	March 2022	44
Acoustic Report – Doonside Precinct, Norman Disney & Young Consulting Engineers	1 March 2022	33
Stormwater and Sustainable Design Assessment – Doonside Precinct, Bonacci Group Pty Ltd	28 March 2022	40
Preliminary Site Investigation for Contamination Report, Douglas Partners	28 April 2022	38

Amended Plans were circulated on 12 September 2023 in accordance with Direction 9 of the Committee’s Directions dated 30 August 2023²². The Amended Plans included:

- amended architectural plans dated 11 September 2023²³
- a statement of changes dated 18 September 2023 describing the changes made between the exhibited architectural drawings for the draft Permit (dated 20 March 2023) and the Amended Plans²⁴

²² D52

²³ D55

²⁴ D57

- shadow comparison plans showing the shadow drawings for the exhibited permit application, and the amended permit application ²⁵.

On 18 September 2023, the Proponent filed additional material to accompany the Amended Plans, which included:

- updates to include building and design standard compliance drawings and additional shadow diagrams in respect to Standard D8 of Clause 58 – Solar Access to Communal Outdoor Open Space ²⁶
- an addendum to the statement of changes dated 18 September 2023 which describes the changes made between the Amended Plans dated 11 September 2023 and the updated Amended Plans dated 15 September 2023 ²⁷.

The proposed development includes:

- two level basement car parks, located on the western side of the development with the car park entry/exit accessed from David Street
- the Ground Floor – Level 1, including Mezzanine Levels, which will form the podium elements of the proposed buildings and will provide a range of uses, including:
 - Market Hall, providing for speciality fresh food retailers
 - Hotel (pub) facing Burnley Street within the retained heritage building
 - bicycle parking, across three areas at the ground floor and mezzanine levels, for both 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 2.5 metres (except for the heritage building) to Burnley Street, Doonside Street and David Street to provide for widened footpaths
- six distinct buildings above the podium form, each comprising dwellings, including:
 - Building 1: height between 10 - 12 storeys (plus an additional mezzanine level), with a maximum building height of RL 57.3 metres (excluding plant) and including 137 apartments
 - Building 2: height between 15 - 17 storeys (plus an additional mezzanine level), with a maximum building height of RL 72.55 metres (excluding plant) and including 136 apartments
 - Building 3: height between 15 - 17 storeys, with a maximum building height of RL 72.55 metres (excluding plant) and including 221 apartments
 - Building 4: height of 13 storeys plus mezzanine, with a maximum building height of RL 60.35 metres (excluding plant) and including 77 apartments
 - Building 5: two interlocked forms to create one building of seven storeys, with a maximum building height of RL 42.05 metres (excluding plant) and including 82 apartments
 - Building 6: height of 12 storeys (plus two additional mezzanine levels), with a maximum building height of RL 60.35 metres (excluding plant) and including 174 apartments
- Buildings 2 and 3 linked by built form at the ground and first floor level

²⁵ D56

²⁶ D60

²⁷ D61

- landscaping across podium rooftops and centrally within the site on Level 1, where the built form is setback from the podium elements below.

The draft Permit further proposes:

- publicly accessible open spaces integrated throughout the development, including pedestrian linkages, forecourts and the Market Hall
- affordable housing equalling either no less than 10 per cent affordable housing at a discounted rate, or not less than 2 per cent of the total market value
- housing diversity, incorporating seven different apartment typologies with varied layouts, and providing a total of 827 new dwellings
- 8,275 square metres of retail floorspace including a new Market Hall
- 3,338 square metres of commercial floorspace
- 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 3,779 square metres of publicly accessible outdoor space and forecourts and 1,900 square metres of covered publicly accessible space.

3 Strategic issues

3.1 Background

This chapter identifies the planning context relevant to the proposal. Appendix E highlights key imperatives of relevant provisions and policies.

The Committee had regard to the planning evidence noted in Table 3, as well as relevant submissions.

Table 3 Planning evidence

Party	Expert	Firm
Proponent	Colleen Peterson	Ratio

Table 4 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 11.01-1S (Settlement), 11.01-1R (Settlement – Metropolitan Melbourne), 11.01-1S (Supply of Urban Land), 11.01-1S (Activity Centres), 11.03-1R (Activity centres - Metropolitan Melbourne) - 12.03-1R (Yarra River protection) - 13.04-1S (Contaminated and Potentially Contaminated Land), 13.05-1S (Noise Abatement), 13.06-1S (Air Quality Management), 13.07-1S (Land Use Compatibility) - 15.01-1S (Urban Design), 15.01-1R (Urban design – Metropolitan Melbourne), 15.01-2S (Building design), 15.01-4R (Healthy Neighbourhoods – Metropolitan Melbourne), 15.01-5S (Neighbourhood Character), 15.03-1S (Heritage conservation) - 16.01-1S (Housing Supply), 16.01-1R (Housing Supply – Metropolitan Melbourne), 16.01-2S (Housing affordability) - 17.01-1R (Diversified Economy – Metropolitan Melbourne), 17.02-1S (Business) - 18.01-3S (Transport System), 18.01-3S (Sustainable and Safe Transport), 18.02-1S (Walking), 18.02-2S (Cycling), 18.02-3S (Public Transport), 18.02-3R (Principal Public Transport Network)
Municipal Planning Strategy and Local Planning Policy Framework	<ul style="list-style-type: none"> - Clauses 21.02 (Municipal Profile), 21.03 (Vision), 21.04-1 (Accommodation and Housing), 21.04-2 (Activity Centres), 21.04-3 (Industry, Office and Commercial), 21.05-2 (Urban Design), 21.05-3 (Built Form Character), 21.05-4 (Public Environment), 21.06 (Transport), 21.07 (Environment Sustainability), 21.08-9 (North Richmond (area north of Bridge Road)) - 22.02 (Development Guidelines for Site Subject to the Heritage Overlay), 22.03 (Landmarks and Tall Structures), 22.05 (Interfaces Uses Policy), 22.10 (Built Form and Design Policy), 22.11 (Victoria Street East Precinct Policy), 22.12 (Public Open Space Contributions), 22.16 (Stormwater Management (Water Sensitive Urban Design)), 22.17 (Environmentally Sustainable Development)

Other planning strategies and policies	<ul style="list-style-type: none"> - Plan Melbourne Direction 2.1, Policies 2.1.2, 2.1.3, Direction 2.2, Policies 2.2.3, Direction 2.3, Policies 2.3.3, Direction 2.4, Policies 2.4.2, Direction 2.5, Direction 3.3, Policies 3.3.1, Direction 4.1, Direction 4.3, Policies 4.3.1, Direction 4.4, Policies 4.4.1, Direction 5.1, Policies 5.1.1, 5.1.2, Direction 5.4, Policies 5.4.1, Policies 6.1.1, 6.3.1, 6.3.3, 6.4.1, 6.7.2 - Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area - Victoria Gardens Urban Design Guidelines, May 1997 - Victoria Street East Precinct Policy, November 2005
Planning scheme provisions	<ul style="list-style-type: none"> - CDZ1 - Heritage Overlay, Schedule 374 (HO374) - Design and Development Overlay, Schedule 2 (DDO2) - Design and Development Overlay, Schedule 9 (DDO9) - Environmental Audit Overlay - Development Contributions Plan Overlay, Schedule 1 (DCPO1)
Relevant Amendments	<ul style="list-style-type: none"> - Yarra Planning Scheme Amendment C223yara
Particular provisions	<ul style="list-style-type: none"> - Clause 52.06 (Carparking) - Clause 52.34 (Bicycle facilities) - Clause 53.18 (Stormwater management in urban developments) - Clause 58 (Better Apartment Design Standards)
Ministerial directions	<ul style="list-style-type: none"> - Ministerial Direction 1 (Potentially Contaminated Land) - Ministerial Direction 9 (Metropolitan Planning Strategy) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 19 (The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health)
Planning practice notes	<ul style="list-style-type: none"> - Planning Practice Note 30: Potentially Contaminated Land, July 2021 - Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

Table 5 Planning permit triggers

Provisions	Permit trigger
Clause 37.02-2 (CDZ)	to use the land for a Hotel
Clause 37.02-4 (CDZ)	to construct a building or construct or carry out works
Clause 43.01-1 (HO)	to construct a building or construct or carry out works to demolish a building
Clause 43.02-2 (DDO2)	to construct a building or construct or carry out works

The key issues to be resolved are whether the:

- draft Amendment is strategically justified
- choice of planning controls are appropriate.

3.2 Evidence and submissions

(i) The Proponent

The Proponent submitted the draft Amendment:

- is needed to modernise and standardise the suite of controls that apply to the subject land, and to facilitate the expansion of the Victoria Gardens Shopping Centre and development of the Doonside Precinct
- implements the planning objectives of the PE Act and supports and implements the Planning Policy Framework
- will lead to an acceptable planning outcome and provides a net community benefit.

The Proponent submitted:

- there was no real dispute over the strategic justification for the draft Amendment and any dispute about components of the draft Amendment were centred largely on drafting
- the attributes of the subject land, including its location and the existing and approved pattern of development on the subject land and surrounding land, make it an ideal candidate for the nature and scale of development proposed.

Ms Peterson gave evidence the draft Amendment was consistent with, supported by, and furthers relevant state and local planning policy objectives. She said the draft Amendment:

- will enable the entire site to maximise its potential for mixed use living in a location that has a high level of strategic support for intensive development at a time when the supply of housing in Victoria is accepted by State Government as being a critical issue for all Victorians
- appropriately implements the objectives of planning in Victoria and will result in a net community benefit with consideration of the environmental, social and economic effects.

In relation to the draft Permit, Ms Peterson said:

The Doonside Precinct development proposed by PA2201662 is strongly supported by planning policy at state, regional and local level. The subject land's location within the Victoria Street Major Activity Centre, and the existing and emerging context of the area make the Doonside Precinct an ideal location for the type and nature of development proposed²⁸.

In relation to the choice of planning tools, the Proponent submitted:

- rezoning the Doonside Precinct land from the Mixed Use Zone to the CDZ1, and the related removal of the DDO9 from that land, has a clear strategic basis
- the CDZ has ongoing relevance to the subject land, given the existing development plan approvals in place, making it the obvious choice of zone control
- the proposed CDZ1 redrafts and updates the existing CDZ1 to accord with current drafting standards
- the approach of drawing the key content from the incorporated documents *Victoria Gardens Urban Design Guidelines* and *Victoria Gardens Building Envelope and Precinct Plan and Precinct Plan 3 – Warehouse Area* and at the same time modernising the existing CDP, into a single new incorporated document is strategically justified

²⁸ D78 para 37

- use of a Parking Overlay is the appropriate mechanism to implement site-specific car parking requirements, and further, the concept of setting maximum car parking rates for development of the subject land is an appropriate strategic outcome
- there was no dispute that extension of the EAO over the totality of the subject land ensures appropriate assessment and audit processes under the Environment Protection Act 2017 are followed.

Ms Peterson said the redrafting of the CDZ1 and Victoria Gardens CDP will modernise the planning controls, maintain consistency with existing approvals and facilitate development in the precinct consistent with the purpose of the zone. She said rezoning the Mixed Use Zoned land to the CDZ1 is appropriate to facilitate the integrated development of the subject land.

(ii) Council

Council submitted there was policy basis for intensifying the use and development of the Victoria Gardens Precinct and it did not dispute the strategic justification of the draft Amendment.

Specifically, Council submitted:

- application of the CDZ1 over the entire subject land makes for a more efficient planning framework
- the use of a contemporary CDP comprising diagrams (or pictures) and text in the form of objectives (or principles), requirements and guidelines *“is an improvement on the existing rudimentary building envelope plan CDP”* ²⁹
- removal of DPO9 from the Doonside Precinct is not in dispute provided its requirements are not lost and are included in either the CDZ1 or CDP
- use of the Parking Overlay is the correct way to provide local parking provisions.

Council’s key concerns largely related to the drafting of the draft Amendment. Council submitted:

- the CDZ1 and the CDP lacked sufficient detail and were not satisfactory in their current forms
- further refinement and clarity should be provided around development expectations to avoid a poor planning approvals framework for the subject land.

Throughout the course of the Hearing, there were multiple updates to both the CDZ1 and the CDP. For ease of reference, and for the reasons expressed throughout this report, the Committee adopts the final Council version of the CDP ³⁰ and the final Proponent version of the CDZ1 ³¹.

(iii) Other submitters

Most community submissions related to traffic and parking, and there were no submissions that recommended the proposal be abandoned because of insufficient strategic justification.

However, those that raised planning issues considered the proposed built form and heights of buildings were not strategically justified or in keeping with the character of the area.

²⁹ D83

³⁰ D136

³¹ D130

3.3 Discussion

The Committee considers the draft Amendment is strategically justified. The Victoria Gardens Shopping Centre is located within a Major Activity Centre in Richmond where further growth and investment is strongly supported by planning policy at the State level and in the Yarra Planning Scheme.

The location of the subject land is well suited for higher density housing and an increased concentration of uses. It is in proximity to a major arterial road and is well serviced with access to employment, public transport, and cycling and walking paths. The development will provide improved infrastructure and retail offerings which will meet the everyday needs of residents within a 20-minute walk or tram ride. The affordable housing contributions will ensure there are increased housing choices for a wider range of household types and income levels within a well serviced Activity Centre.

The draft Amendment applies appropriate zones and overlays to facilitate the expansion of the Victoria Gardens Shopping Centre and higher density housing. Incorporating the Doonside Precinct into the Comprehensive Development Zone allows for the transition of the subject land to the preferred use and development outcome of mixed-use living.

The Committee agrees with Council that there are drafting issues with the draft Amendment documentation, in particular the CDP, and further refinement is necessary. This is dealt with later in the report.

3.4 Findings and recommendations

The Committee finds:

- The draft Amendment is well founded and strategically justified and is supported by, and implements, the State and local planning policy framework and strategic imperatives.
- The draft Amendment and draft Permit should be progressed, subject to further recommendations.

The Committee recommends:

- 1. Adopt the Victoria Gardens Comprehensive Development Zone Schedule 1 as provided in Document 130, subject to specific recommendations in this report.**
- 2. Adopt the Victoria Gardens Comprehensive Development Plan as provided in Document 136 and as amended in Appendix F.**
- 3. Issue draft Planning Permit PA2201662 as provided in Document 133, subject to specific recommendations in this report.**

4 Built form and urban design

4.1 Background

The Committee had regard to the built form and urban design evidence noted in Table 6, as well as relevant submissions.

Table 6 Built form and urban design evidence

Party	Expert	Firm
Proponent	Craig Czarny	Hansen
	Colleen Peterson	Ratio
Council	Rob McGauran	MGS Architects

The key issues to be resolved are whether the proposal achieves an acceptable built form outcome having regard to the:

- building heights within the Doonside Precinct and on Lot 9 and Lot 10
- configuration of the Market Hall and Market Hall Square
- proposed overshadowing controls
- impact of built form on the amenity of David Street
- amenity of the proposed Doonside Precinct apartments.

At the direction of the Committee, an urban design conclave was held prior to commencement of the Hearing. The conclave was attended by Mr Czarny and Prof McGauran and it produced a conclave report³². The report from this meeting outlined the following:

Areas of agreement:

- the form of the draft Amendment and proposed provisions are an appropriate basis for urban renewal of this type
- the subject land's location, size and designation is strategically capable of supporting substantial intensification
- the model of proposed development in the form of an arrangement of podium and tower buildings within an expanded and enhanced network of allied pedestrian spaces is an appropriate urban model
- the urban design attributes and their representation as shown in Pictures 2 and 3 of the CDP requires clarity/improvement
- the ambiguity regarding the western boundary and definition of Lots 9 and 10 (and the existing Centre) within Precinct 3 requires clarification
- the detail regarding the inter-relationship between the existing Shopping Centre car park and Doonside Precinct north requires resolution
- the architectural expression, materiality and finishes of proposed buildings and landscaped spaces is supported
- an elevated, traffic calming road section and pavement treatments connecting the proposed Market Square and Proposed Doonside walk and park are required.

³² D92

Areas of disagreement:

- the interconnecting role, function, and presentation of David Street as a pedestrian accessway through and beyond the subject land to a wider context
- the quality, extent, and location of external/open spaces, in particular in Lot 9 with respect to public open space contributions and wider linkages
- the use of mandatory or discretionary building heights and public streetscape overshadowing controls to Doonside and David Streets
- the use of mandatory or discretionary building heights within Lot 9 and 10 and consideration of related uplift assessment criteria
- the adequacy of publicly accessible outdoor spaces on Doonside Street at the entrance to the proposed Market Hall
- the address and legible entry to Buildings 2 and 3 from Burnley Street and/or Doonside Plaza (noting that Prof McGauran’s assessment addresses architectural detail, however Mr Czarny does not)
- pedestrian connectivity and amenity, in particular overshadowing of Doonside and David Streets and traffic and vehicle duplication impacts in David Street.

Office of the Government Architect Report

The OVGA report which considered the proposed development for Doonside was tabled and referred to in submissions by Council and, to a lesser extent, by the Proponent³³.

The report, dated July 2021, assessed an earlier version of the architectural plans for the subject land (prepared by NH Architects, dated 23 April 2021)³⁴. The Committee was taken to various criticisms the OVGA made of the plans, including the proposed heights and the amenity of open space areas. The Amended Plans before the Committee included amendments from the previous scheme, some of which were in response to the OVGA’s comments.

The Committee, while finding the OVGA report to be of some interest, did not give it the same weight as other submissions or evidence produced for the Hearing. The OVGA report was based on different plans and did not have the benefit of expert evidence and tested concepts. The OVGA was not asked to assess the Amended Plans and its response to any amendments remains unknown. However, the Committee acknowledges the importance, function and strong expertise of the OVGA. The Committee was assisted by the OVGA report with respect to key findings, issues and opinions that remain common between current and former plans and has given it some weight in this respect.

4.2 Building heights

The CDZ1 and CDP proposed new and amended mandatory height controls for the Doonside Precinct and Lot 9 within the River Boulevard Precinct. No change was proposed to height controls to the existing Victoria Gardens Shopping Centre (aside from the southern part which altered from RL31 to RL35), nor for 40 River Boulevard or the Barkers Road Bridge Precinct.

³³ D76

³⁴ D111

There was no height control change to Lot 10, 25-35 River Boulevard and 15 Christine Crescent within the River Boulevard Precinct. The height controls which apply to those precincts will remain consistent with those specified under the relevant existing CDZ.

(i) Evidence and submissions

The Proponent submitted there was no need for mandatory height controls for either the Doonside Precinct or the RL75 area within Lot 9. The Proponent explained DTP required the proposal to be exhibited with mandatory heights for the Doonside Precinct and RL75 area, but advised it was able to advocate for discretionary controls.

In support of this position, the Proponent highlighted:

- there is a preference in Planning Practice Note 60 (PPN60): Height and Setback Controls for Activity Centres for discretionary controls, unless in the case of exceptional circumstances, noting none of the examples of exceptional circumstances given in PPN60 applied to the subject land or its context
- Planning Practice Note 59 (PPN59): The role of mandatory provisions in Planning Schemes provides that mandatory controls should only be used where it could be demonstrated that discretionary provisions were insufficient to achieve desired outcomes, which in this matter was not the case
- the Panel considering Amendment C223yara relating to the Astrodome land supported discretionary controls
- the broad and detailed consideration given by numerous Panels over many years to the appropriateness of mandatory controls.

The Proponent relied on the evidence of Mr Czarny in relation to urban design matters. He considered the building heights proposed in the CDP to be appropriate and acceptable and said the proposal, subject to some refinements and additions to the proposed CDP, was a “*well configured proposition that deserves approval*”³⁵. His consideration was based on the existing context. Mr Czarny recommended discretionary built form provisions or a ‘shandy’ control with combined fixed and variable parameters. He suggested the use of fixed street wall heights combined with discretionary heights for the overall height of set-back towers. The shandy approach would likely have an impact on overshadowing controls being mandatory or discretionary.

Council relied on Prof McGauran’s evidence, where he generally supported the proposal in accepting the suitability of higher density development for the Doonside Precinct³⁶. Prof McGauran had no specific concerns regarding the proposed building heights, but was concerned about the height of building envelopes in respect to impact on the amenity of spaces within and outside the CDP area. Prof McGauran (both in his witness statement and in verbal evidence and during cross examination by the Proponent) did not recommend mandatory heights for building envelopes, other than mandatory controls to protect areas from overshadowing.

Prof McGauran proposed an alternative built form layout for Lots 9 and 10 which had forms and open spaces in differing configurations to the CDP proposal. This version had reconfigured open spaces and changed building heights to improve the pedestrian networks through the subject land

³⁵ D66 para 42

³⁶ D70

and the amenity of open spaces. Council submitted this alternative was an improvement over the draft CDP and provided clarity and certainty as to the form of development outcomes to the area³⁷. Under cross examination by the Proponent, Prof McGauran agreed the building envelope proposed in his alternative would lead to an increase of 12 per cent open space compared to the proposed CDP. Prof McGauran said he was not specifically seeking to create more open space, but rather it be reconfigured to provide a greater benefit.

Council did not support the Proponent's position with respect to discretionary building heights. Council submitted it was evident *"there has not been any performance testing of the exhibited controls let alone the exhibited controls expressed in discretionary terms. Building height has the greatest potential for visual impact and impact on public realm areas"*³⁸. Council was concerned about what it perceived as a lack of built form analysis, which it contended should preclude the draft Amendment from proceeding.

Council produced a revised version of the Proponent's Day 8 CDP³⁹. Reference was made to building works not exceeding mandatory RL height limits as shown in proposed Diagram 4⁴⁰. This diagram showed mandatory and discretionary heights, the latter applying to the Doonside Precinct and the western section of Lot 9. An alternative Diagram 4 was submitted by the Proponent that amended and clarified boundaries of differing heights and contained both mandatory and discretionary heights⁴¹. Council submitted the change of height controls to Lot 9 from mandatory to discretionary should not occur without further built form analysis.

Mr Power opposed the height of several buildings within the Doonside Precinct. He said they should be reduced to approximately 42 metres in keeping with the heights expressed in Development Plan Overlay 15 which applies to land to the south of the subject land. Further, he submitted the heights should be mandatory⁴².

The Committee asked the Proponent whether the use of discretionary controls in a CDP would lead to uncertainty for the public about outcomes on the subject land, in circumstances where there would be no third party rights in subsequent decision making.

The Proponent responded by observing PPN59 and PPN60 did not raise the need for mandatory controls in the context of third-party exemptions. Two examples were cited – the recent DPO15 for the Astrodome land, and the Activity Centre Zone Schedule 1 for the Preston Market. Both provisions had general third party rights exemptions and incorporated preferred maximum building heights. The Proponent highlighted these examples as being comparable to the CDZ1 and CDP in the approach to certainty of outcomes with preferred height controls. The Proponent further submitted the certainty of outcomes for the CDZ1 and the CDP would increase, given the more detailed guidance in respect of building envelopes, road and pedestrian connections, open space and overshadowing protection to streets.

³⁷ D83 para 21

³⁸ D102 para 209

³⁹ D136

⁴⁰ D136 section 4

⁴¹ D129

⁴² D47

(ii) Discussion

The proposal is a very high-quality and well considered development that will provide the higher density housing and associated commercial uses that are sought by the Planning Scheme for an Activity Centre location like this. The proposed development will clearly increase the scale across the subject land. However, the increase has been presented thoughtfully by placing taller built form further into the subject land and allowing a transition in scale down to its edge. The architectural design of the Doonside Precinct is well considered and, notwithstanding some issues to be addressed, will provide a good architectural outcome that creates positive streetscapes, internal amenity, and a strong civic identity. The insertion of the proposal into the area will bring an urban benefit in establishing scale modulation and interesting streetscapes, into a context that has changed considerably in recent years and will continue to do so.

Figure 4 Artistic impression of southern elevation (Original scheme and not reflective of Amended Plans) ⁴³



The acceptability of the proposed building heights was not in dispute, but rather the dispute related to internal and external amenity impacts, especially overshadowing, as result of the proposed building heights. Similarly, the concern regarding whether the heights should be mandatory or discretionary was advocated for reasons relating to overshadowing and open space amenity. The Committee agrees with the approach to the height controls as shown in the Proponent's alternative Diagram 4 of the CDP and the breakdown between mandatory and discretionary height limits ⁴⁴.

PPN60 confirms the application of discretionary provisions combined with clear design objectives and decision guidelines is the preferred form of height provisions, and the Committee supports this approach for the application of height limits in the Doonside Precinct. The Committee's preferred version of the CDP (Committee CDP) contains amended and refined objectives and guidelines dealing with overshadowing and amenity of internal and external open spaces ⁴⁵. This will adequately restrain building heights from unreasonably exceeding the discretionary height provisions if the draft Permit is not acted upon. Equally, the Committee considers a discretionary height control for the RL75 area of Lot 9 as shown in Diagram 4 of the Committees CDP is appropriate because the preferred maximum height would be tested against the comprehensive set of objectives and guidelines.

The degree of certainty that can be expected while exempting third party rights was addressed by the Proponent, who noted comparable examples exist for the Astrodome and Preston Market

⁴³ D39

⁴⁴ D129

⁴⁵ See Appendix G

sites. The Committee is confident the use of guidelines and other controls as set out in the Committee CDP and its preferred version of the CDZ1 will appropriately provide the relevant measures against which outcomes will be tested and ultimately determined⁴⁶. These include building heights and the potential impact on built form analysis and open space amenity.

Council raised concerns about the extent of contextual analysis, key views toward the subject site and accuracy of some of the built form diagrams. While Council contended there was insufficient analysis upon which to determine the appropriateness of the building heights for Lot 9 and Lot 10, based on the information before it, the Committee considers there is sufficient information about building heights, the broader site context and visual impacts from external areas to enable ongoing assessment.

(iii) Findings

The Committee finds:

- The proposed built form framework for the Doonside Precinct and the wider site is well considered and is appropriate for its location and context.

4.3 Configuration of the Market Hall and Market Hall Square

(i) Evidence and submissions

The proposal contained several publicly accessible open spaces including a Market Hall accessed from a Market Hall Square on Doonside Street. This entry proposed a combination of garden beds with canopy trees and a mixture of seating options.

The Market Hall Square, or forecourt to the Market Hall, includes steps and a ramp to allow access to the Market Hall entry. Mr Czarny described the Market Hall Square as being part of a comprehensive network of open and pedestrian spaces. Mr Czarny had no criticism of the configuration of ramps, steps and gathering areas. In cross examination by Council, he considered that in general the pedestrian linkages were well considered and the external open spaces were acceptable.

Council and Prof McGauran expressed concerns about the Market Hall Square area and said it should become an urban space equivalent to Doonside Park as proposed for the Astrodome land. Prof McGauran said the proposed development warranted the inclusion of:

... an urban piazza space of substantial scale that complements the high-quality green spaces contemplated to the south of Doonside Street, and which, with clever elevated road pavement traffic slowing measures, would deliver a compelling arrival point for the precinct and an appropriate scale for the primary southern entry to the whole site⁴⁷.

Council and Prof McGauran agreed the Market Hall Square should be required to provide more meaningful connectivity with Doonside Park. Council submitted the urban intention of the Market Hall Square in the Proponent's earlier 2020 architectural concept should be adopted and sought a permit condition be included to this effect⁴⁸.

⁴⁶ Appendix F

⁴⁷ D70 para 90

⁴⁸ D111

The Proponent rejected the approach of Council and Prof McGauran and submitted the location of the Market Hall Square was appropriate, and its configuration to accommodate ramps and stairs responding to access requirements would not reduce its potential as a high-quality urban space. The Proponent submitted it was inappropriate to accommodate the change of level from footpath to ground floor through internal ramps as this would impact retail uses.

(ii) Discussion

The Committee accepts the position of the Proponent with respect to the scale and configuration of the Market Hall Square. The Market Hall Square will be a high-quality urban space that will function as a key focal point for people using the new precinct. Its location is appropriate, and it will be used as an urban focal point and entry marker which will successfully connect the new development into the existing Centre.

The location of the Market Hall Square is to the south of significant built form and will therefore be a space that is largely in shadow. The nature of the space needs to accommodate this constraint, as well as access requirements into the Market Hall given the existing level changes. It is appropriate that level change between the footpath and the ground floor entry area be dealt with through the external ramps and stairs rather than internal ramps as per the previous proposal. The provision of internal ramps would impact on retail access to either side and create a raised isolated floor area between.

The combination of the public open spaces provided, including the larger Doonside Plaza, the new laneway network, courtyard and pocket park, will provide for a well-connected series of publicly accessible open spaces which allow for different amenity outcomes and functions.

The Committee however considers the internal entry to the Market Hall is too tight relative to the scale of the forecourt and the importance of this space as the main southern entry to the Centre. The internal space should be widened to 15 metres to enable an expressive entry point that provides an appropriate area for movement and gatherings and as an internal meeting point. This enlarged area should extend north to the east-west mall junction.

(iii) Findings

The Committee finds:

- The dimensions and configuration of the proposed Market Hall Square external entry area are acceptable.
- The width of the internal entry to the Market Hall (north of the entry doors) should be widened to a minimum of 15 metres and should extend north to the east-west mall junction.

4.4 Proposed overshadowing controls

(i) Evidence and submissions

Doonside Street

It was Prof McGauran's opinion that there should be no overshadowing to the southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox. This would require the reduction in height of Building 4 in the Doonside Precinct. Amenity of the southern footpath,

especially near the intersection with Burnley Street, would otherwise be unacceptably impacted by overshadowing within these times.

Mr Czarny considered the southern side of Doonside Street should be protected from overshadowing between 10.00am and 2.00pm at the equinox, however he considered discretionary provisions would be sufficient. He considered the shadow cast on the southern side of Doonside Street near the corner of Burnley Street within these times would be acceptable given:

- the pedestrian thoroughfare nature of the corner
- there is little prospect of outdoor seating due to the retention of the heritage façade of the southern building proposed on the Astrodome land
- the scale of Building 4 (which would result in the overshadowing) was important to assist in creating an urban gateway form to the area.

Ms Peterson provided shadow diagrams for Doonside Street as part of her evidence. These indicated the proposed development would largely avoid overshadowing to the footpath of Doonside Street between 10.00am and 2.00pm at the equinox. The incursions into this period would be from the lift overrun and shadow from Building 4 near the intersection with Burnley Street, which she viewed as acceptable. She did however recommend:

- the CDP should incorporate more detailed overshadowing requirements
- the CDP should ensure development does not unreasonably overshadow the southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox.

Under cross examination, Ms Peterson said the controls for Doonside Street should match those for the west side of Burnley Street which restricted overshadowing between the hours of 11.00am to 2.00pm at the equinox.

The Proponent, while accepting overshadowing of Doonside Street should be minimised, did not agree there should be no shadow to the southern footpath from Building 4. It relied on the evidence of Mr Czarny and Ms Peterson that the corner footpath area near the intersection with Burnley Street was a transitory space. The Proponent agreed with Ms Peterson that the reduction of overshadowing to this area should not be prioritised ahead of other policy priorities, including the need for increased housing opportunities in the area. There would be some loss of residential units in Building 4 if it was reduced in height to avoid overshadowing the Doonside Street south footpath⁴⁹.

David Street

Prof McGauran considered David Street to be an important north-south pedestrian link and its east footpath warranted protection from additional overshadowing between 10.00am and 2.00pm at the equinox. This would require the lowering of Building 6. During cross examination by the Proponent, Prof McGauran conceded he could accept no additional shadow to David Street between the hours of 11.00am and 2.00pm at the equinox, but he called for mandatory controls to facilitate this.

Prof McGauran recommended the proposed above ground car parking with access from David Street be changed to underground parking. He said this would assist in reducing the height of Building 6 and the consequent shadows cast onto David Street.

⁴⁹ D113 paras 179-181

Mr Czarny considered the pedestrian realm of David Street could be improved to achieve better accessible links to the Centre, but he did not suggest shadow controls to the east side. In cross examination by Council, Mr Czarny did not give as much importance to David Street being a pedestrian link as Prof McGauran did.

The Proponent submitted that David Street did not warrant any overshadowing protection and that to apply protection would be problematic in the context of the policy impetus for higher density housing in the area⁵⁰. It noted above ground parking was proposed due to potential contamination issues.

Burnley Street

Prof McGauran accepted that no additional shadow would be cast by the proposed Doonside development onto the western footpath of Burnley Street between the hours of 11.00am and 2.00pm at the equinox.

Mr Czarny also accepted the western footpath of Burnley Street would be clear of overshadowing between 11.00am and 2.00pm at the equinox, and this matched the requirement for DPO15 which applies to the Astrodome land.

The Proponent acknowledged the higher order of importance of Burnley Street and advised it would not oppose a recommendation that overshadowing protection for Burnley Street in the CDP be introduced as a mandatory requirement.

Lots 9 and 10

Prof McGauran provided an alternative built form proposal for Lots 9 and 10 which he said provided a better outcome for many reasons, including improved public open spaces and overshadowing impacts. He said:

- mandatory protection of the western footpath of River Boulevard from overshadowing after 11.00am and the east footpath before 2.00pm was warranted
- the open space to Lots 9 and 10 should not be overshadowed between 11.00am and 2.00pm at the equinox.

Mr Czarny sought the strengthening of guidance within the CDP to limit overshadowing to the eastern side of this area between the hours of 10.00am and 2.00pm at the equinox. The Proponent agreed with this position for discretionary protection for those hours at the equinox. It clarified this position and submitted:

An important distinction to draw, however, is that the proposed new guideline in the CDP refers to the Solar Access Interface area identified in Diagram 5 of the Day 1 CDP plans. That area is referable to the part of River Boulevard (on the eastern side) that would potentially be impacted by built form in the RL 75 area. The Proponent agrees that protection should be afforded to that part of River Boulevard given the increase in height sought for the RL75 area; but does not agree to protection being given to the part of River Boulevard that may be affected by shadow from built form on the Lot 10 (RL55) area to the north, for the reason that, as noted above, there is no change to the controls proposed for that area, and no overshadowing guidance is currently included in the CDZ1 and CDP for that area – that approach is consistent with the policy neutral approach adopted for the areas of the subject land where changes are not proposed.

⁵⁰ D113 para187

Ms Peterson agreed specific overshadowing guidelines should be included in the CDP to protect the eastern side of River Boulevard.

Doonside Plaza

Council relied on the evidence of Prof McGauran and agreed with his approach to overshadowing controls. Council went further and submitted the extent of overshadowing of Doonside Plaza was unacceptable and did not reflect the importance of the open space to the development.

Mr Czarny considered its configuration would provide acceptable sunlight access across a three-hour period at the equinox.

Under cross examination by Council, Ms Peterson accepted that amenity and solar access for Doonside Plaza was acceptable.

Doonside Park

Council submitted there should be no additional overshadowing cast onto Doonside Park between 10.00am and 2.00pm at the equinox. Ms Peterson and the Proponent agreed.

(ii) Discussion

All parties agree there should be guidance on overshadowing to south side of Doonside Street, River Boulevard and Burnley Street.

Doonside Street

The Committee accepts the proposed development of the Doonside Precinct will largely avoid casting additional shadow to the southern footpath from 10am to 2pm at the equinox. The Committee:

- accepts there will be overshadowing to a section of the footpath from Building 4 near the intersection with Burnley Street
- accepts those shadows will be largely confined to the footpath adjacent to the retained heritage building on the Astrodome land and the existing fenestration of that building limits the likelihood of footpath trading in that location
- finds this section of footpath will largely be used for pedestrian movement and is unlikely to be used for external retail activity
- considers the concern that those waiting for the lights to change would be in shade at these times is not so significant that a reduction in built form is warranted given the housing imperatives for the subject land
- considers while Doonside Street would be a pedestrian east-west link, it is not the only pedestrian arterial, but rather one of several potential access ways to the Centre.

The Committee agrees with the evidence of Ms Peterson that the CDP should incorporate more detailed overshadowing requirements to ensure development does not unreasonably overshadow the southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox. The Proponent produced a Day 7 version of the CDP⁵¹ which included a series of new guidelines that appropriately address this issue and have been incorporated into the Committee CDP.

⁵¹ D116

The Committee finds the overshadowing to the south side of Doonside Street from the proposed development beyond these guidelines to be reasonable.

David Street

The Proponent does not agree that overshadowing controls should be in place for the east side of David Street. The Committee considers David Street to be an important pedestrian link, but it does not require further amenity controls, as it is not a lingering or gathering space.

Burnley Street

The Committee accepts the impact of overshadowing from the Doonside Precinct on Burnley Street should be the same as that permitted for the Astrodome site. This should be in the form of a mandatory control that there to be no additional overshadowing to the western footpath of Burnley Street between the hours of 11.00am and 2.00pm at the equinox.

Lots 9 and 10, and Riverside Boulevard

All parties accepted there should be overshadowing controls to protect the eastern footpath of River Boulevard between 11.00am and 2.00pm at the equinox. The Committee supports the changes proposed by the Proponent in its Day 7 version of the CDP to address this issue. These have been adopted in the Committee CDP, subject to minor tweaks made by Council.

The exhibited CDP does not show a lot of detail regarding the amenity and overshadowing impact of built forms for Lot 9 and Lot 10. In some ways this is reasonable as the built forms have not been designed and the impact of those designs not made apparent. It would be difficult to place specific controls on these spaces without further detail about the built form. The Committee does not consider the CDP should be amended to specifically ensure the open space areas to Lots 9 and 10 are not overshadowed between 11.00am and 2.00pm at the equinox. Council proposed various guidelines be included within the CDP to ensure the amenity of public open spaces in Lots 9 and 10 and Riverside Boulevard Precinct are protected, and these have been adopted in the Committee CDP.

Doonside Park

The Committee accepts the position agreed by the parties that there be no additional overshadowing to Doonside Park between the 10.00am and 2.00pm at the equinox. The Proponent's Day 7 version of the CDP included a new guideline which appropriately addresses this issue, which the Committee supports⁵².

Doonside Plaza

The amenity of the open spaces proposed within the Doonside Precinct with respect to overshadowing are acceptable. Doonside Plaza will receive solar access between the hours of 11.00am and 1.00pm at the equinox. The Committee does not accept Council's position regarding Doonside Plaza and finds the solar access to Doonside Plaza to be reasonable.

⁵² D116

(iii) Findings

The Committee finds:

- The updates to the Comprehensive Development Plan as proposed by the Proponent in its Day 7 version of the CDP appropriately seek to limit additional overshadowing to the:
 - southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox
 - eastern footpath of River Boulevard (designated 'Solar Access Interface') between 10.00am and 2.00pm at the equinox.
- The Comprehensive Development Plan should include a mandatory requirement that there be no additional shadow cast onto western footpath of Burnley Street between 11.00am and 2.00pm at the equinox.
- The draft Permit should require any necessary amendments to the built form to ensure no additional shadow is cast on the:
 - southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox
 - western side of Burnley Street between the hours 11.00am and 2.00pm at the equinox.
- The solar access to open spaces within the Doonside Precinct, including Doonside Plaza, is acceptable.
- The amenity of David Street is acceptable and overshadowing controls are not warranted for this area.

4.5 Residential amenity

(i) Evidence and submissions

The Proponent submitted in relation to internal amenity of the proposed Doonside Precinct residential apartments:

- the relevant Clause 58 standards are all met, as confirmed by Ms Peterson
- while the outlook from some apartments in Buildings 1, 2 and 3 will look overlook the top carpark level and the Centre, that is no different from many other apartment buildings in this and other inner city urbanised municipalities
- working with existing constraints inevitably leads to some views across more utilitarian areas
- *"the response here has been to separate those apartments as far as practicable from the existing structures – approximately 4.5m separation for Building 1 - and placing the communal open spaces immediately next to the carparks, which provides further separation (4.6m to Building 2) for the tower levels"* ⁵³.

Ms Peterson assessed the Doonside Precinct development against the objectives and standards of Clause 58 and concluded it achieves a high level of compliance. She considered:

- apartment layouts satisfy the requirements of Clause 58 of the Planning Scheme and will deliver a high level of internal amenity for future occupants
- the proposed communal and publicly accessible open space areas will receive an appropriate level of solar access during key times of the day

⁵³ D113 para 200

- there were several instances where the design did not comply with Clause 58 but the non-compliances were minor and the apartments retained an acceptable amenity.

(ii) Discussion

The Committee accepts the design of the residential units substantially complies with Clause 58 of the Planning Scheme and the exceptions do not compromise amenity. Those non-compliances relate to the minimum internal dimensions of the living spaces for a small percentage of the proposed apartments, and overall do not detract from the any individual apartment space and residential amenity.

(iii) Findings

The Committee finds:

- The relevant Clause 58 standards are met, and the Doonside Precinct development will deliver a high level of internal amenity for future occupants.

4.6 Recommendations

The Committee recommends:

- 4. Amend draft Planning Permit PA2201662 to include the following sub conditions to Condition 1:**
 - a) any necessary amendments to the built form to ensure no additional shadow is cast on the southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox.**
 - b) any necessary amendments to the built form to ensure no additional shadow is cast on the western side of Burnley Street between the hours 11.00am and 2.00pm at the equinox.**
 - c) the internal entry to the Market Hall (adjacent to the Market Hall Square and north of the entry doors) should be widened to a minimum of 15 metres in width and extend north to the east-west mall junction.**
- 5. Amend the Victoria Gardens Comprehensive Development Plan (October 2022) as provided in Appendix F to include a mandatory requirement that there be no shadow cast onto the western footpath of Burnley Street between 11.00am and 2.00pm on the Equinox.**

5 Public realm

5.1 Background

The key issues to be resolved are whether the proposal achieves an acceptable outcome having regard to the:

- proposed pedestrian pathways from Burnley Street into the existing Centre
- proposed ground level access arrangements for the Doonside Precinct residential blocks
- impact of existing carpark interfaces on the Doonside built form.

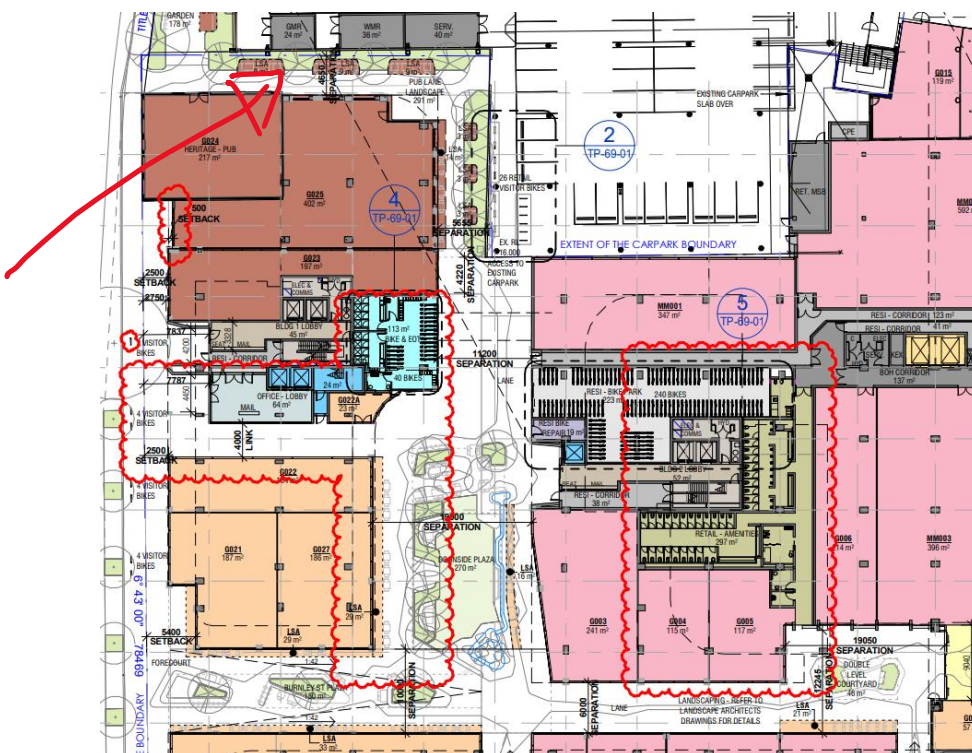
5.2 Proposed pedestrian pathways

(i) Evidence and submissions

Doonside Precinct

The Committee questioned whether the proposed east-west pedestrian access pathway from Burnley Street through the proposed laneway to the north of the Loyal Studley Hotel was adequately resolved, particularly considering the level change.

Figure 5 Red arrow indicating east-west access pathway from Burnley Street



Prof McGauran considered the existing access through the car park to the Centre from Burnley Street would be better located in the proposed laneway to the north of the Loyal Studley Hotel. He:

- was critical that Buildings 2 and 3 had no ground floor access to the street from the lobby, other than through the Centre
- considered access and usability of the foyers to the buildings could be improved by reconfiguring retail space to a residential accessway

- said the proposal should not require residents to gain foyer access through the Centre.

Council took issue with the east-west laneway off Burnley Street and submitted it was too narrow, particularly given the taller building proposed to its north. Council considered a new Guideline within Design Element 8 should be added to the CDP, as follows:

Deliver a series of open spaces, including a more substantial plaza in Doonside Precinct that provide a variety of spaces and amenities to allow for a diversity of use and activation.

Mr Czarny considered the network of open spaces were well designed and conceived.

David Street

Prof McGauran recommended the proposed above ground car parking with access from David Street be changed to underground parking. In addition to reducing shadows cast onto David Street (as discussed in Chapter 4.4), he said this would create the opportunity to reduce the vehicle crossovers to David Street and create a better pedestrian pathway through this area.

Mr Czarny considered the pedestrian realm of David Street could be improved to achieve better accessible links to the Centre, however during cross examination by Council he did not give as much weight to David Street being a key pedestrian link as Prof McGauran did.

(ii) Discussion

The Committee accepts the strategy to provide access to the Centre from Burnley Street using the proposed laneway north of the Loyal Studley Hotel rather than through the car park as is currently the case. While accepting this approach, the Amended Plans do not provide sufficient detail on how the change in levels and access points will be resolved and require further design detail in this respect.

The access provisions for the residential foyers will require some navigation, especially to the foyers of Buildings 2 and 3. While wayfinding may be an issue at times, the depth of the subject land and the need to have foyers that are not directly on the street requires compromise. The design of the access to the foyers is acceptable but would be enhanced with appropriate and clear wayfinding signage.

A section of the east-west laneway narrows to six metres for a length of approximately 27 metres. It is open to the sky and has wider sections to each end. This would be an acceptable transit space to approach the entrance of the Centre.

The current nature of David Street has a range of vehicle loading bays, blank inactive facades and entries. Once the overall site is developed, there may be increased pedestrian usage north-south along David Street. This could be accommodated by additional works and potential widening to the east side of David Street, however this side of David Street is outside the area of the CDP and would need to be considered separately. The proposal by Prof McGauran to place the car parking underground at the east end of the Doonside site is not warranted.

(iii) Finding

The Committee finds:

- The proposed pedestrian pathways from Burnley Street into the existing Centre are acceptable.

- The proposed ground level access arrangements for the Doonside Precinct residential blocks are appropriate particularly given the size of the subject land and the constraints presented by the existing Centre.
- The open spaces and laneways within the Doonside Precinct are acceptable in dimension and amenity.
- Undergrounding the car parking from David Street is not warranted from a pedestrian amenity perspective.

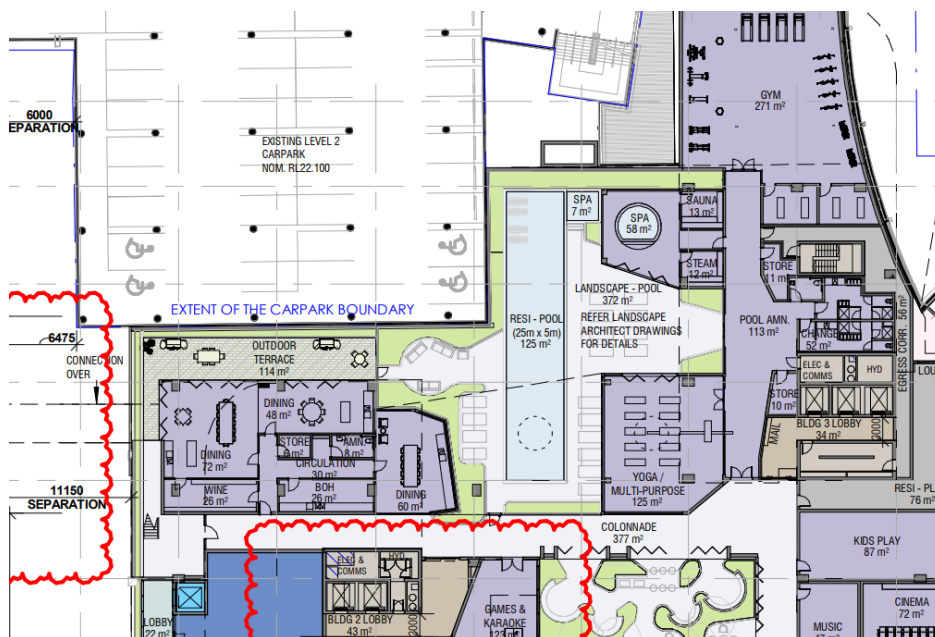
5.3 Interface with existing car park

(i) Evidence and submissions

Prof McGauran:

- was concerned about the Level 1 interfaces of the Doonside Precinct development with the existing multi-level carpark to the Centre
- considered the relationship between the car park and the proposed external common areas would be problematic, with excessive overshadowing and an unattractive boundary condition
- suggested the southern section of the car park could be demolished and replaced with commercial space.

Figure 6 Example of Doonside Precinct development interface with car park boundary⁵⁴



Under cross examination from the Proponent, Prof McGauran accepted the ownership and lease arrangements with the Centre and major tenants would make demolition extremely difficult to achieve, but he thought the problem was not unsolvable.

To the extent that Prof McGauran raised issues about internal amenity from the proximity of some spaces or apartments to the existing carpark, the Proponent submitted:

- *“those concerns are without foundation”* ⁵⁵

⁵⁴ D55 p28 (TP-21-04)

- it is not legally possible to demolish or redevelop the existing car park due to commercial constraints
- there is a need to maintain natural ventilation to the car parks, so the interface cannot be entirely screened, but could be substantially softened.

Ms Peterson was comfortable the pool area could be successfully treated with landscaping and planter buffers, and screening to the car park façade. She had no concerns regarding overlooking of proposed residential units onto the existing car park.

Mr Czarny did not address the car park interface and its impact on the Doonside Precinct built form, but under cross examination by Council, he accepted landscaping treatments to the car park interfaces would be an appropriate solution.

(ii) Discussion

The Committee accepts the evidence of Prof McGauran that interfaces between car park elevations and the proposed built form within the Doonside Precinct could be improved. However, the Committee recognises it is a completely different proposition to undertake minor works such as landscaping treatments than to demolish a carpark.

The Committee considers improvements could occur to the existing carpark interfaces at ground level along the new laneways, and at the Level 1 communal areas, through planting and landscape treatments and that if done well, this would likely result in an acceptable presentation.

Through its Day 7 version of the Permit, the Proponent suggested including the following Condition 1 requirement:

details of the interface treatments to the existing carpark at ground level along the new laneways, and at the Level 1 communal areas⁵⁶.

The Committee supports the inclusion of this condition. This has been adopted in the Committee's final version of the Permit.

(iii) Finding

The Committee finds:

- Interface treatments to the existing carpark at ground level along the new laneways, and at the Level 1 communal areas could be improved through planting and landscape treatments.

⁵⁵ D133 para 198

⁵⁶ D118

6 Public open space contribution

6.1 Background

The exhibited draft Amendment sought to exclude the subject land from the scope of Clause 53.01 of the Planning Scheme, which currently requires a 4.5 per cent public open space contribution.

The Proponent advised the Committee that it no longer sought an exemption from the payment of public open space contributions in respect of the Doonside Precinct and that the contribution would be triggered at the point of any future subdivision of the land.

Council supported this change of position, however, it took issue with the BTR component of the development and its interaction with Clause 53.01. Council noted that if there is no subdivision of land (which is the case for BTR projects), then there will be no 'trigger' for a public open space contribution under Clause 53.01.

The key issue to be resolved is whether:

- the CDZ1 and draft Permit should include a requirement to pay an amount equal to the public open space contribution for any BTR component of the development that would normally be payable if there was a subdivision of land that triggered a requirement under Clause 53.01.

6.2 Evidence and submissions

The Proponent submitted:

- the public open space contribution obligation only applies to the Doonside Precinct, as a contribution has already been paid for the balance of the subject land
- no further contribution would be payable even if the Lot 9 area was subject to a further permit application.

Council submitted that given the BTR component of the development would not trigger a public open space contribution under Clause 53.01, then this requirement should be built into the CDZ1 and draft Permit. In its drafting of the CDZ1 and draft Permit, Council provided for a requirement to pay an amount equal to the public open space contribution that would normally be payable if there was a subdivision of land that triggered a requirement under Clause 53.01⁵⁷.

In response, the Proponent submitted:

The Proponent's intention is to provide BTR apartments in the Doonside Precinct, and the Proposal proceeds on that assumption. But it is within contemplation that the model may need to change depending on market conditions at the relevant time, given staging of construction. It might be the case that one or more buildings are build-to-sell rather than BTR. If that is the case, there would be subdivision that triggers the POS contribution. It is also likely that the retail/commercial components will need to be subdivided off from the residential components - at least into super lots. That would also trigger the contribution obligation⁵⁸.

The Proponent submitted that, even in the unlikely event there was no subdivision within the Doonside Precinct that triggers the payment of a further public open space contribution, there will

⁵⁷ D103 and D104

⁵⁸ D113 para 146

be “a range of excellent open space opportunities, of a wide variety of types, available to future residents of, and workers and visitors to the Doonside Precinct”⁵⁹.

The Proponent said Council’s proposed drafting of the CDZ1 and draft Permit was not appropriate, in circumstances where the PE Act, *Subdivision Act 1998*, and Planning Scheme expressly provide triggers and mechanisms for the making of public open space contributions.

6.3 Discussion

The Committee agrees with the Proponent that the CDZ1 and draft Permit should not include a requirement to pay an amount equal to the public open space contribution that would normally be payable if there was a subdivision of land that triggered a requirement under Clause 53.01. No exemption from the Planning Scheme requirements is being sought, and the PE Act, *Subdivision Act 1988*, and Planning Scheme all provide the relevant public open space contribution triggers and mechanisms.

In noting this, the Committee considers it is unfortunate that BTR projects are not caught by these public open space triggers, however that is a matter for the State Government to consider and resolve, not this Committee. This particularly so noting BTR projects will continue to evolve in many areas going forward.

6.4 Finding

The Committee finds:

- The Comprehensive Development Zone 1 and draft Permit should not include specific public open space contribution for the build to rent component of the proposal.

⁵⁹ D113 para 149

7 Traffic and car parking

7.1 Background

The Committee had regard to the traffic and parking evidence noted in Table 7, as well as relevant submissions.

Table 7 Traffic, access and parking evidence

Party	Expert	Firm
Proponent	Tim DeYoung	Stantec
	Valentine Gnanakone	One Mile Grid
Council	Leigh Furness	Traffix
Astrodome	Jason Walsh	Traffix

The key issues to be resolved are:

- traffic and pedestrian impacts in David Street
- traffic upgrades to the intersection of Burnley Street and Doonside Street
- car and bicycle parking rates.

Astrodome is the registered proprietor of the Astrodome land which lies to the immediate south of the subject land. Astrodome's submissions and evidence mostly related to the Doonside Street and Burnley Street intersection.

7.2 Evidence

At the direction of the Committee, a traffic conclave was held prior to commencement of the Hearing. The conclave was attended by all traffic experts and an officer from DTP, from which a conclave report was tabled⁶⁰. The conclave was highly successful with the parties reaching general agreement on all items within their respective scope of works.

At the Hearing, the experts presented as one group, with the Committee and parties posing questions to individual witnesses or the group.

Mr De Young outlined the items agreed at the conclave:

Car parking

- the setting of maximum parking rates was appropriate
- the proposed maximum parking rates listed in the proposed Parking Overlay were appropriate, with the Column B rate of the Table to Clause 52.06-5 be adopted as the maximum parking rates for other uses
- the level of parking provided for the Doonside Precinct was appropriate.

Traffic Impact Assessment

- the use of May 2023 traffic volumes for existing conditions was appropriate
- the traffic generation rate of 0.18 movements per hour per car space for residential uses and 0.4-0.5 movements per hour per car space for office uses was appropriate

⁶⁰ D91

- differences between the expert's preferred retail traffic generation rates would not impact the conclusions
- the broader traffic impacts were acceptable.

Burnley Street intersection

- the intersection will require signalisation, prior to completion of the Doonside Precinct development
- two exit lanes in Doonside Street would be required to avoid lengthy queues in Doonside Street following signalisation
- the timing of signalisation may be brought forward if development on the Astrodome land progresses as well
- the timing of signalisation should be reviewed during the planning permit process for each stage of works
- the DTP permit condition required redrafting to allow for staged assessment of the intersection trigger and the assessment should consider the needs of pedestrians and cyclists
- the apportionment of costs for the signalisation of the intersection between the Proponent and Astrodome, should be determined as a part of this Committee process, and an approximate 50/50 split with Astrodome would be fair and reasonable, in the absence of more detailed planning for the Astrodome land.

Network Integration

- vehicular access from David Street was preferred over access from other streets or the existing retail parking
- providing two access points onto David Street was acceptable from a transport engineering perspective, as providing a single access point would create internal impacts
- the David Street interface would benefit from additional improvements to support pedestrians and cyclists like that shown in the David Street Concept Sketch, dated 18 October 23, but with some landscaping on the western verge ⁶¹
- a road safety audit should be undertaken to identify appropriate treatments at the northern end of David Street, interfacing with the laneway
- the proposed upgrades to Doonside Street, including sharrow line marking for cyclists, are appropriate.

Other transport infrastructure

- the provision of bicycle parking was acceptable, subject to parking rates for office use meeting the statutory requirement
- loading and parking arrangements were acceptable, subject to minor design items being addressed by condition.

Planning Scheme Amendment documentation

- the CDP Access and Movement Network plan should be amended to include reference to future signalisation of the intersection of Burnley Street and Doonside Street and the improvements proposed for the David Street streetscape.

⁶¹ D91 Attachment 1

There were differing views on the trigger for the Burnley Street intersection signals and interim treatments for the Burnley and Doonside Street intersection. All experts agreed it might be possible to deliver some stages of the proposed Doonside development and/or the Astrodome development before traffic signals are required. Mr De Young suggested an interim treatment could include banning right turns from Doonside Street. This was not supported by the other experts due to lack of alternative right turn options onto Burnley Street into the local network.

The experts could not determine the exact timing or trigger for the need for the signals, but agreed the timing should be assessed for each stage of the development. This accounted for other permits in the precinct, including the Astrodome permissions, until signalisation could occur.

All experts agreed a 50/50 split of costs for the signalisation (between the Proponent and Astrodome) would be reasonable and equitable, but Mr Walsh noted either developer might need to fully fund the works and later seek reimbursement of the other 50 per cent, *"like a DCP"*.

Mr De Young and Mr Furness agreed that from an engineering perspective it would be possible to limit access from David Street to a single access point but it would be challenging. Mr Walsh advised that, while as a rule, a single access would be more desirable, this was difficult with one parking area in a basement and another on a podium level. They were all comfortable with two access points subject to pedestrians being safely diverted across to the east side of David Street.

In response to a question on whether the proposed office bicycle parking rate, set at the standard rate in Clause 52.34, would encourage cycle trips and discourage car travel, Mr De Young said these are minimum rates and developers will typically provide more, particularly for residential uses. Mr Walsh added that Green Star and other policies will encourage a higher provision.

7.3 Submissions

(i) Proponent

The Proponent submitted:

- the configuration and timing of the signalisation of the Burnley Street intersection can be left to the road authority to determine
- the draft Permit should not specify an apportionment of cost for the signals, noting that Schedule 15 to the Design and Development Overlay which applies to the Astrodome site requires apportionment of costs
- sustainability assessments will address the requirement for bicycle parking so there is no reason to apply higher rates than proposed
- podium parking is proposed at the corner of Doonside Street and David Street due to potential ground contamination.

(ii) Council

Council submitted it did not support specifying a contribution to the signalisation of the intersection in the draft Permit. In relation to the David Street works, it submitted:

- the two access points on David Street should be combined to a single driveway and the traffic engineers advised this was feasible
- David Street is a critical all-hours pedestrian link and provides access for service vehicles

- the OVGA report was critical of this aspect of the development, noting David Street in the past has had a commercial focus and this will change to a true activity centre with a residential focus where people need a safe place to walk.

In response to the Proponent's Day 8 CDP, Council included the following additional guidelines relating to traffic:

Design Element 5: Streetscape and Landscape

Design David Street to provide a key pedestrian and cycling link through the precinct in addition to its vehicular role ⁶².

Design element 7: Car park Access and Treatment

Progress a signalised intersection between Burnley Street/Doonside Street/Buckingham Street, approved by the Department of Transport and Planning in consultation with the responsible authority ⁶³.

(iii) Department of Transport and Planning

DTP submitted:

- traffic volumes are now lower than in 2016
- the Burnley Street intersection will require signalisation at some point before completion of development of the subject and Astrodome land
- an interim treatment may be provided to delay to provision of signals and ensure pedestrian safety
- all movements at Doonside Street should be maintained
- traffic impact assessments and road safety audits should be provided with each stage until the signals are installed.

(iv) Astrodome

Astrodome submitted:

- the draft Permit and planning controls should ensure equitable contributions are made in respect of the intersection
- the Panel for Yarra Planning Scheme Amendment C233yara considered proportional reimbursement could be provided
- it did not support banning right turns out of Doonside Street as an interim treatment.

Astrodome submitted the permit condition proposed to address the intersection works and require a section 173 agreement should be amended to require the Proponent is to contribute at least 50 per cent of the cost of the signalisation.

(v) Other submitters

Other submitters outlined concerns regarding the impacts on David Street and the local streets to the south of the subject land. For example, Mr Power advised:

- while he supported the rezoning, the traffic impact assessment did not adequately consider the impact of adding two new access points to provide access to the new car parks and a loading dock or the impacts on the local streets to the south

⁶² D136 p29

⁶³ D136 p32

- David Street is a key pedestrian route to the Victoria Street tram stop for residents, including those less able
- David Street is well used by cyclists and contains several busy loading docks
- trucks sometimes line up along David Street waiting for space in the loading docks or reverse along the street
- the northern end of David Street is a shared lane requiring pedestrians and cyclists to weave around trucks.

Mr Power called for:

- widening of Doonside Street and David Street to reduce traffic congestion that will result from future development
- a traffic assessment of the wider area
- an access and safety review of the northern end of David Street
- signalisation of the Burnley Street intersection at the commencement of the build.

Mr Power supported his submission with video footage of some of the conflicts he identified along David Street.

7.4 Discussion

The Committee commends the traffic experts and DTP for a highly successful traffic conclave.

The Committee acknowledges it is generally preferable to minimise traffic access points. This has been acceptably achieved with only two access points servicing the whole of the Doonside Precinct an outcome supported by all traffic experts.

While it may be possible to limit access to a single point, the Committee notes all cars and trucks would enter and exit the site access points in a forward direction. Pedestrian access will be focussed on other streets, thus minimising impacts on David Street. The new shopping centre entry on Doonside Street will be an attractive alternate route during operational hours.

The Committee supports Council's inclusion of a design element in the CDP relating to the design of David Street as a key pedestrian and cycling link. The Committee agrees with the recommendations in the conclave report that a road safety audit should be undertaken at the northern section of David Street to investigate additional options to improve safety.

In the Day 7 version of the draft Permit, the Proponent included a condition to widen the western footpath⁶⁴. While this was shown in the concept plan for David Street, it was not ultimately part of the recommendation of the conclave. Landscaping of the western verge rather than widening of the footpath may better help to divert pedestrians to the eastern footpath and this should be considered through the road safety audit process.

In relation to the Burnley Street intersection, the Committee is satisfied the proposed permit conditions have been appropriately drafted to ensure that safety and capacity for all road users will continue to be assessed as development occurs over time. Indeed, there is agreement between all traffic experts about the future need for the intersection, and the timing and concept of the intersection should be left for the approval of the road authority at a future point in time. Council's inclusion of a reference to the signalisation of the intersection in Design Element 7 of the

⁶⁴ D133

CDP is supported. It provides longevity of this objective in the event the draft Permit is not acted upon.

The evidence indicated the cost of signalisation should be split equally between the Proponent and Astrodome. This was not disputed by any party. However, the Committee does not consider it appropriate to include a condition to require this outcome. The Committee agrees with the Proponent that the permit condition should require a section 173 agreement for the provision of the intersection (and necessary interim and mitigation works), but the question of who is to pay for what proportion should be left to negotiations between the Proponent and Astrodome.

The use of a Parking Overlay with the specification of maximum parking rates was supported by all experts. The Parking Overlay contains objectives consistent with the CDZ and will assist in achieving its aims.

At the Hearing, the Committee raised the reliance on standard bicycle provisions in the Planning Scheme for developments assessed under the CDZ. Providing high levels of bicycle parking is a tool to offset the impact of minimal parking provisions and encourage active travel modes.

The exhibited Transport Impact Assessment for the Doonside Precinct recommended a residential bicycle parking rate of between 0.5 and 1 space per dwelling for residents based on the mode shift targets⁶⁵. This is well above the standard rate of 0.2 spaces per dwelling in Clause 52.34 of the Planning Scheme. The permit application plans provide parking above one space per dwelling, an additional 676 spaces above the statutory requirement of 168 spaces with the transport assessment noting this provision *“aspires to align more with best practice, than the statutory minimums”*⁶⁶.

The assessment recommends a higher rate for office workers and retail shoppers, but a slightly lower rate for residential and office visitors and retail workers compared to Clause 52.34. These variations are less significant given the dominant use proposed in the Doonside Precinct will be residential.

The experts all agreed that Green Star or other sustainability assessment tools will encourage a higher provision of bike parking. The Committee is unsure whether a sustainability rating tool will sufficiently encourage this outcome. Bicycle parking may be easily omitted by a developer to reduce costs with negligible impact on its sustainability rating. In the circumstance where a maximum parking rate is being included in a Parking Overlay that allows for zero parking to be provided without a permit, it would be appropriate to complement this with a ‘best practice’ requirement for bicycle parking, at least for the residential component.

Included in the material exhibited with the Amendment was a document prepared by GTA Consultants (now Stantec) titled *“Unlocking Victoria Gardens Transport Discussion Paper”*, issued 05 February 2018⁶⁷. That document recommends several interventions to help reduce traffic congestion around Victoria Gardens. Intervention 5 included: *“Amend the Planning Scheme to mandate/guide the provision of end of trip facilities”*⁶⁸.

⁶⁵ D42

⁶⁶ D42 p25-26

⁶⁷ D32 Attachment A

⁶⁸ D32 Attachment A

The Committee is disappointed none of the experts nor Council took this opportunity to recommend the mandating or encouragement of a higher provision of bicycle parking for residents, despite Mr Furness raising concern that the CDZ does not specify a bicycle parking or motorcycle parking rate as other amendments, such as for Preston Market, have⁶⁹.

The CDP should include an objective to promote more sustainable travel modes and a guideline to encourage the provision of ample bicycle parking to help achieve this objective.

As there is continued encouragement to move away from a car-based society, the Committee notes that a greater focus on sustainable transport modes will need to be required in the preparation of transport impact reports. This is particularly so for uses that generate significant bicycle and pedestrian trips, to ensure safe and accessible movement outcomes for vulnerable user groups. More research into appropriate bicycle parking rates would be welcomed to help ensure that the rates in Clause 52.34 stay abreast of best practice.

7.5 Findings

The Committee concludes:

- Traffic and parking impacts can be acceptably managed.
- Traffic upgrades to the intersection of Burnley Street and Doonside Street as proposed are acceptable.
- The proposed permit conditions have been appropriately drafted to ensure that safety and capacity for all road users will continue to be assessed as development occurs over time.
- The sharing of costs for the signalisation of the Burnley Street and Doonside Street intersection is a matter to be resolved by the relevant stakeholders.
- Car parking rates as proposed in the Day 8 version of Parking Overlay 2 are appropriate.
- A road safety audit should be undertaken for the northern section of David Street.
- The CDP should be updated to include an objective and guideline to promote more sustainable transport modes.

7.6 Recommendations

The Committee recommends:

- 6. Amend draft Planning Permit PA2201662 to delete the following sub-condition from Condition 1:**
 - a) details of a raised pedestrian crossing across David Street, at the intersection with Doonside Street, and the following associated works:**
 - any line marking and signage associated with a modified vehicle priority at the intersection;
 - any line marking and signage associated with prioritising pedestrian travel route on the east side of David Street (north of Doonside Street); and
 - footpath widening on the west side of David Street.
- 7. Amend draft Planning Permit PA2201662 to include the following condition under the heading “Car parking/Traffic”:**

⁶⁹ D71 p 58

- a) **Before the development for any stage is occupied, or by such later date as approved in writing by the Responsible Authority:**
 - **an independent road safety audit of the northern end of David Street, including its intersection with Doonside Street and the laneway at its end, that considers the safety of pedestrians and cyclists and the proposed two new driveways and raised threshold treatment at the intersection, must be submitted to and approved by the responsible road authority**
 - **a concept plan for the intersection of David Street and Doonside Street and the section of David Street to the north of the intersection that addresses recommendations in the Road Safety Audit, must be submitted and approved by the responsible road authority**
 - **any works in David Street identified in the concept plan must be completed at the permit holder's cost and to the satisfaction of the responsible road authority.**
8. **Amend the Victoria Gardens Comprehensive Development Plan (October 2022) as provided in Appendix F to include an Objective to promote more sustainable transport modes and a Guideline to encourage the of provision of ample bicycle parking.**
9. **Adopt the Parking Overlay Schedule 2 as provided in Document 132.**

8 Social and affordable housing

8.1 Background

None of the parties called evidence on social and affordable housing, although Ms Peterson made comments about how the affordable housing contribution might be realised and the percentage rates to be applied. The Proponent and Council made submissions on the subject with the Proponent tabling a report from Urban Exchange after the Hearing.

The Proponent was supportive of providing affordable housing and did not shy away from that commitment. The key provisions of its approach are, in summary:

- sale of not less than 10 per cent of dwellings at a discount to market value of 20 per cent
- lease of not less than 10 per cent of dwellings at a discount to market of not less than 30 per cent for not less than 12 years
- an alternative delivery method which is equal to at least two per cent of the total market value of the total number of dwellings to the satisfaction of the responsible authority.

The key issue to be addressed is:

- the lease option rates to be applied for the contribution by the Proponent to affordable housing.

8.2 Evidence and submissions

The Part A submission of the Proponent noted the requirements to provide affordable housing for the Doonside Precinct and on Lot 9 (if the ultimate building is higher than RL38) would equal either not less than 10 per cent affordable housing at a discounted rate, or not less than two per cent of the total market value. This, the Proponent noted, reflected a significant contribution and commitment to affordable housing in Yarra, which it said was consistent with Policy 2.3.3 of Plan Melbourne to “*Strengthen the role of planning in facilitating and delivering the supply of social and affordable housing*”⁷⁰. The Proponent considered its affordable housing component to be generous.

The Proponent explained that for Lot 9, there is already an approval in place, so it was appropriate that the requirement to provide an affordable housing contribution be limited to where additional height above the current maximum height might be sought. The Committee accepts that position. However, it was agreed that if a new permit application was sought and granted for Lot 9, the affordable housing requirement pursuant to the CDZ/CDP would apply to the whole of Lot 9.

The exhibited Schedule 1 to Clause 37.03 CDZ for the Doonside Precinct at Clause 4.0 (Buildings and works) included a Condition ‘Requirements for a Section 173 Agreement – Affordable housing (Doonside Precinct only)’ and Condition 16 and 17 of the exhibited permit to implement this commitment. As part of this commitment, Condition 17 required the preparation of an Affordable Housing Management Plan.

During her planning evidence, Ms Peterson addressed the affordable housing provisions and noted the clear policy intent from both State Government and Council to increase its delivery. She thought it was fair that the developer be the one to choose which option to proceed with, that is

⁷⁰ D62, paras 94, 97e, 108d

the sale or lease option. With regard to the lease option (discount of not less than 20 per cent for not less than 12 years), Ms Petersen verbally considered the 12 years could be doubled to 25 years.

After the Hearing had concluded, the Proponent tabled (but did not speak to) a report from Urban Exchange that reviewed the affordable housing position put by Council. Council provided a written objection to the tabling and consideration of this report, particularly as it was provided after the Hearing had closed and there was no opportunity to address the report, nor to cross examine the author.

While Council supported the inclusion of opportunities for affordable housing as part of the draft Amendment, it had significant issues with the way affordable housing was proposed to be delivered, including as part of the CDZ and the draft Permit. It made several submissions about this and recommended changes to both documents.

Council acknowledged Clause 53.23 provides that 10 per cent of all dwellings must be affordable, but questioned how affordability might be determined to one or more income groups in the context of market value in the City of Yarra. It questioned whether a 20 per cent discount to market value for dwellings which are provided for, or 30 per cent for dwellings which are leased, brings an apartment into the affordable range. Council noted the CDZ1 stated *“at a discount to market of not less than XX%”*. Council observed the discount needed to be more than the specified percentage to make it affordable, and acceptable to Council. It suggested drafting changes to makes that clearer, and avoid leaving room for argument that the minimum percentage necessarily complies with the obligation.

Council considered the 12 year lease option to be too short and agreed with Ms Peterson it should be for 25 years.

With regard to the alternative delivery option, Council questioned where this had come from, how it would be realised and how it related to the provision of 10 per cent of dwellings as affordable housing. Notwithstanding, Council advised *“... the options should be of a similar value not so disparate such that there is an outright attraction to one methos over the other”*⁷¹. It recommended the following drafting changes:

Sale of not less than 10% of the total number of approved dwellings at a discount to market value of not less than 20% but in any event a discount which is sufficient to ensure that the dwelling is affordable to the targeted household income range referred to at section 3AA(1) of the Planning and Environment Act 1987;

Lease for a term of 50 years, of not less than 10% of the total number of approved dwellings at a discount to market value of not less than 20% but in any event a discount which is sufficient to ensure that the dwelling is affordable to the targeted household income range referred to at section 3AA(1) of the Planning and Environment Act 1987;

An alternative delivery method providing that it demonstrates that the total dollar value of the affordable housing contribution is equivalent to the average of the Market Value of options (a) and (b) to the satisfaction of the responsible authority⁷². Council underlining

Council did not agree with the Proponent that the affordable housing model adopted for the Preston Market case be adopted, but it did not take issue with how the Astrodome site included a Section 173 Agreement as part of approval of Development Plan Overlay 15.

⁷¹ D102, para 196

⁷² D102, para 200

At the Hearing, the Committee noted a recent permit for a Vicinity development in Box Hill that provided for an affordable housing contribution (Condition 43 of permit WH/2020/597). The key differences were that the sale of the number of dwellings was six per cent, in this case it is 10 per cent, and the lease period was for 30 years, not 12 years. There are other differences, but it is the time period that this Committee is concerned about.

It would appear that because of the Urban Exchange report, the Proponent deleted Conditions 41b and c from D83 and replaced them with two other conditions as recommended in that report in the Day 8 version of planning permit.

8.3 Discussion

The Committee shares the criticisms made by Council about the tabling of the Urban Exchange report. It was not provided in time for it to be considered within the Hearing time, nor was the author available for questioning or cross examination.

The Committee has briefly reviewed the report and given the concerns it has about the Urban Exchange report and considering Council's comments, it places no weight on it and has not referred to it as part of its considerations. The Committee bases its considerations around affordable housing on the submissions of the Proponent and Council, and the evidence of Ms Peterson to the extent she made commentary, both written and verbal.

While the Committee welcomes the contributions made by the Proponent, it does not consider the lease option goes far enough. State and local policy has raised the expectation that contributions to affordable housing are now inherent in development of land for residential purposes, particularly for land that will result in significant yield opportunities.

There is no set policy requirement about the extent to which it should be provided, but Victoria's Housing Statement (not dated but released in September 2023) makes it clear that major developments (however defined) must make that contribution. The Housing Statement notes the Minister for Planning will be the decision maker for significant residential developments that include affordable housing if the development has a construction cost of at least \$50 million in Melbourne and delivers at least 10 per cent affordable housing. While this rezoning and permit application preceded the release of the Housing Statement, the Committee considers it fair the affordable housing contribution be 10 per cent as proposed.

The key concern of the Committee is the length of the lease option. It does not consider 12 years to be long enough. While the Committee accepts there will be ongoing maintenance to each unit during and at the changeover of tenants, this will occur continuously due to the housing model preferred for the Doonside Precinct site - that is, the BTR model. Twelve years is not long enough to make an effective contribution. The Committee considers a 30-year lease period is more appropriate.

The Committee accepts the Proponent has provided three options to provide for affordable housing, and it is not up to the Committee to determine which option should be applied. The Condition allows for those options to be pursued and it is clear BTR is proposed for the Doonside Precinct. It is likely other precincts will develop BTR projects as well.

The Proponent provided updated affordable housing conditions based on the findings of the Urban Exchange Report. While its accompanying letter was not explicit, the Committee presumes this is the case⁷³. Council objected to those conditions in its letter of response⁷⁴. That letter noted the Proponent had not made any further submissions about affordable housing. For clarity, the Committee prefers the original conditions and makes its recommendations accordingly. The Committee rejects those further recommendations, and it reinstates the original Condition 41, and the equivalent provisions in the CDZ.

8.4 Findings

The Committee finds:

- The provision of affordable housing options for the subject land is supported.
- The way in which the affordable housing options may be realised is a matter for the Proponent.
- The lease period for providing affordable housing must be amended to change from 12 years to 30 years.

8.5 Recommendations

The Committee recommends:

- 10. Amend draft Planning Permit PA2201662 to delete Permit Condition 41 from Document 133 and reinstate the original Condition 41 from Document 82 and amend Condition 41b of to read:**
 - a) 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 30 years from the occupation of the dwellings.**
- 11. Amend the Victoria Gardens Comprehensive Development Zone Schedule 1 to delete Clause 1b (i) to (iv) under the heading “Requirements for the Section 173 Agreement (Doonside Precinct Only)” and reinstate the original Clause 1b as provided in Document 130 but amended to read:**
 - 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 30 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 45 below; or ...**

⁷³ D128, D133

⁷⁴ D135

9 Heritage

9.1 Background

The Committee had regard to the heritage evidence noted in Table 8, as well as relevant submissions.

Table 8 Heritage evidence

Party	Expert	Firm
Proponent	Bryce Raworth	Bryce Raworth Conservation Consultants

The heritage aspect of the proposal is confined to the management of impacts to the former Loyal Studley Hotel (the hotel), because of the proposed development of the Doonside Precinct. The former hotel is subject to Schedule 374 to the Heritage Overlay. The front section of the former hotel is proposed to be retained with the balance of the building demolished.

The issue to be resolved is whether:

- the impacts of the proposed development of the Doonside Precinct on the heritage hotel are acceptable.

9.2 Evidence and submissions

Mr Raworth was not called to give evidence as no party, nor the Committee, had any questions for him. In his statement of evidence Mr Raworth said the retained section of the hotel building was adequate to maintain the three-dimensional appearance of the hotel and indicate its original function⁷⁵.

In relation to alternations to the hotel, it is proposed that:

- one of the existing chimneys would be removed (at the rear of the retained envelope), and the three other chimneys retained
- one existing door would be enlarged and re-sited to connect into the proposed pocket garden on the north side of the hotel, adjacent to Burnley Street.

Mr Raworth considered these alterations to be minor losses that will not unacceptably impact the significance of the hotel building.

In relation to the new works and the proposed citing of Building 1, Mr Raworth noted Council's internal heritage advisor recommended:

- increasing the setback of the northern part of Building 1 to the rear of the hotel
- removing the projection of the tower for Building 1 into the airspace above the hotel roof
- reducing the overall height of Building 1 by one level.

Mr Raworth advised Building 1 was designed in a way that is appropriately respectful of the retained heritage building. He said:

- the tower would have a generous setback from the heritage facade and would not extend into the airspace above the front part of the retained envelope

⁷⁵ D65

- the projection into the hotel airspace would only be 0.9 metres and would not dominate views to the hotel, which will retain primary street views
- a reduction of one level would have no perceivable heritage benefit.

Mr Raworth referred to Clause 22.02 and the policy proposed by Amendment C269 to the Yarra Planning Scheme and said the siting of the tower complied with these policies.

Mr Raworth recommended a condition be included in the draft Permit to require a schedule of conservation works and associated detailed drawings in respect of the hotel. The Proponent accepted this condition.

9.3 Discussion

The Committee considers the heritage impacts on the hotel are acceptable and have been appropriately addressed in the design of the Doonside Precinct. The alterations to the heritage building will not inappropriately or unacceptably affect its heritage significance. The retained section of the building will still enable one to appreciate the three-dimensional appearance of the hotel and indicate its original function.

In terms of the new works, the Committee considers the notion of utilising airspace above the heritage building for built form works well. The approach adopted ensures there will be no façadism, which would protect the architectural integrity of the heritage building's façade.

9.4 Finding

The Committee finds:

- The impacts of the proposed development of the Doonside Precinct on the heritage listed Loyal Studley Hotel are acceptable.

10 Resolution of draft Amendment and draft Permit

10.1 Comprehensive Development Plan

No party opposed the use of the CDZ supported by a new CDP and Schedule. The Committee supports this approach and considers they are the correct planning tools to facilitate expansion of the Victoria Gardens Shopping Centre to deliver higher density housing on the subject land. Given the size of the subject land, the CDP (as revised) can provide significant information and substantial transparency to Council, key stakeholders, and the local community.

The Committee, however, agrees with Council that the exhibited CDP lacked sufficient detail. Council contended further refinement and clarity should be provided around development expectations to ensure future development of the subject land is appropriate and acceptable. The exhibited CDP was based on the 1996 Design Guidelines and contained some fundamental gaps, especially in providing guidance for the Doonside and River Boulevard Precincts⁷⁶. There was significant discussion at the Hearing about the form of the CDP and the Committee appreciates the work of both the Proponent and Council during the Hearing process, in providing significant and helpful input on the provisions and diagrams to be included in the CDP.

The Committee has used the final version provided by Council, which includes a range of new guidelines and objectives, as the base version for its final recommendations⁷⁷. This version incorporates significant changes proposed by the Proponent through its Day 8 CDP which were accepted by Council⁷⁸.

In its final version, Council identified some common themes in the drafting of the objectives, requirements and guidelines that required refinement, including:

- Objectives or Guidelines that appear to be in or under an incorrect Design Element
- repetitious Guidelines
- use of terms such as ‘where appropriate/practical’ in an Objective which Council submitted weakened the provision
- Objectives with no Requirements or Guidelines to address them
- Guidelines that read like Decision Guidelines but provided no guidance and require consideration of an issue instead or providing an outcome to assess the proposal against.

Council spent significant time incorporating these refinements which the Committee appreciates and has largely accepted.

The key changes the Committee has recommended include:

- replacing Diagram 4, Precinct, Heights and Urban Form with the Proponent’s alternative Diagram 4
- adding a new Requirement in section 5.1.3 dealing with overshadowing of the western footpath of Burnley Street (and deleting the reference to this in Guideline 24)

⁷⁶ D5

⁷⁷ D136

⁷⁸ D131

- addition of a new Guideline in section 5.1.7 to address the provision of appropriate open spaces, and deletion of new Guidelines proposed by Council that dealt with open space in the River Boulevard Precinct (these were based on the evidence of Prof McGauran which the Committee does not accept in this respect)
- addition of a new Objective seeking to promote more sustainable modes of transport
- general edits which include the deletion of unnecessary or repetitive Principles, Objectives and Guidelines, redrafting for clarity and the deletion of references to unnecessary streets or landmarks.

The Committee has drafted a new Vision at Chapter 2. While the exhibited CDP, and subsequent versions, included a Vision within the then Chapter 3, Council renamed this to “*Purpose of the Framework*”. The Committee agrees with this approach, given this section does not read as a Vision for the Victoria Gardens Precinct and instead explains what the framework seeks to achieve. Council suggested the Vision should be rewritten to describe the outcomes sought and the Committee has done that. The Committee’s Vision is largely based on section 5.1.14 which Council added to its final version of the CDP. The Committee has deleted this chapter and re-drafted much of it into the Committee’s version of the Vision.

Appendix F provides the Committee’s recommended changes to the CDP. The Objectives, Requirements and Guidelines will all need to be renumbered in the final version.

10.2 Comprehensive Development Zone, Schedule 1

The Committee has used the Proponent’s Day 8 version of the CDZ1 as a base for its recommendation⁷⁹. The Committee recommends the CDZ1 be adopted (as provided in Document 130) subject to the affordable housing provision (relating to the Doonside Precinct) being amended to adjust the lease period for providing affordable housing from 12 years to 30 years.

10.3 Draft Permit

The Committee has used the Proponent’s Day 8 version of the draft Permit as a base for its recommendations⁸⁰. It has recommended the draft Permit be adopted (as provided in Document 133) subject to changes which require:

- amendments to the built form to ensure no additional shadow is cast on the:
 - southern footpath of Doonside Street between 10.00am and 2.00pm at the equinox
 - western side of Burnley Street between the hours 11.00am and 2.00pm at the equinox
- the widening of the internal entry to the Market Hall
- the deletion of the requirement to create a raised pedestrian crossing across David Street, at the intersection with Doonside Street, and instead the inclusion a requirement for a road safety audit to be carried out for the northern section of David Street
- an amendment to the affordable housing condition to adjust the lease period from 12 years to 30 years.

⁷⁹ D130

⁸⁰ D133

Appendix A Terms of Reference

Version 2: Amended June 2023

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

Name

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

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government is committed to streamlining the assessment and determination of projects that inject investment into the Victorian economy, keep people in jobs and create homes for people. The planning system is an important part of supporting investment and economic growth in Victoria.
6. The DFP focusses on new development projects in priority sectors and/or projects that are in the planning system that face undue delays. These can include (but are not limited to) housing, mixed use, retail, employment, tourism, industrial and other opportunities.

Method

7. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
8. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered (for example, but not limited to, draft planning scheme amendment, call-in from the Victorian Civil and Administrative Tribunal, planning permit application)
 - c. whether submissions are to be considered by the Committee, and if so, how many are being referred, and

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

Submissions are public documents

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

Outcomes

20. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. a short description of the project
 - b. a short summary and assessment of issues raised in submissions
 - c. a draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral

- d. any other relevant matters raised during the Committee process
- e. its recommendations and reasons for its recommendations
- f. a list of persons or authorities/agencies who made submissions considered by the Committee and
- g. a list of persons consulted or heard, including via video conference.

Timing

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

Fee

- 22. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
- 23. The costs of the Committee will be met by each relevant proponent.



Sonya Kilkenny MP
Minister for Planning

Date: 9/9/2023

Appendix B Letter of referral



The Hon Sonya Kilkeny MP

Minister for Planning
Minister for Outdoor Recreation

8 Nicholson Street
East Melbourne, Victoria 3002 Australia

Ref: BMIN-1-23-1030

Ms Kathy Mitchell AM
Panel Chair, Priority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Dear Ms Mitchell

I refer to draft Planning Scheme Amendment C307yara to the Yarra Planning Scheme at 610, 620 and 668-682 Victoria Street, 10, 15, 20, 25-35 and 40 River Boulevard, 10 and 29 Elaine Court, Richmond, 3-5, 6 and 15 Christine Crescent, 53-79 Burnley Street, and 1-9 Doonside Street, Richmond, and draft Planning Permit PA2201662 which applies to land at 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street and 620 Victoria Street, Richmond.

The proposal has been considered by the Development Facilitation Program, which has deemed that it meets relevant criteria and should be prioritised for accelerated assessment and determination.

Draft Amendment C307yara seeks to:

- Rezone land from Mixed Use Zone (MUZ) to Comprehensive Development Zone Schedule 1 (CDZ1).
- Replace Schedule 1 to the Comprehensive Development Zone with a new schedule.
- Apply the Parking Overlay over the Victoria Gardens Expansion Area.
- 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).
- Amend 1.0 of the Schedule to Clause 72.01 to make the Minister for Planning the responsible authority.



Draft Planning Permit PA2201662 seeks approval for demolition and construction of a multi-storey mixed-use development, the use of the land for a hotel and a reduction in the standard car parking requirements at 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street and 620 Victoria Street, Richmond.

I am considering whether to prepare, adopt and approve draft Amendment C307yara to the Yarra Planning Scheme and to grant draft Planning Permit PA2201662 and exempt myself under section 20(4) of the *Planning and Environment Act 1987* from the requirements of section 17, 18 and 19 of the Act and the Regulations.

To inform my decision about whether to prepare, adopt and approve draft Amendment C307yara and grant Planning Permit PA2201662, I undertook consultation under section 20(5) of the Act. The parties consulted included Yarra City Council, Environment Protection Authority, Head, Transport for Victoria and IKEA. A total of 29 submissions have been received. The main concerns relate to the proposed intervention process, the proposed drafting of Amendment C307yara, land uses, building heights, design and massing, neighbourhood character, impacts on the public realm, amenity impacts, open space, pedestrian safety, impacts on the public transport network, traffic and car parking, and environmental impacts to the Yarra River.

I have determined to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations on the proposed drafting of Amendment C307yara and the appropriateness of, or any recommendations regarding conditions contained within draft Planning Permit PA2201662.

The draft amendment documentation, including the planning permit application and supporting documents, and submissions will be provided to the committee.

The cost of the committee process will be met by the proponent, Vicinity Management Pty Ltd.

If you have any questions about this matter, please contact Erin Baden-Smith, Manager, Development Approvals and Design, Department of Transport and Planning, on [REDACTED] or email [REDACTED]

Yours sincerely



The Hon Sonya Kilkenny MP
Minister for Planning

2/8/2023

Appendix C Submitters

No.	Submitter	No.	Submitter
1	VicTrack	17	Christian Haesemeyer
2	Jin Leng Harris	18	Trevor Flett and Jan Kelly
3	Amanda Zeldenryk	19	Fiona and Andrew Sam
4	Owners Corporation of PS631302P	20	IKEA
5	Glyn Rayson-Hill	21	Astrodome Hire Pty Ltd
6	Gary He	22	Jude McDonnell
7	John and Lauren McLaverty	23	Jane and Kerry Power
8	Barry and Margaret Clarke	24	Joanna Matthews and Neil McKay
9	Toni Jones	25	Clare O'Loughlin
10	Justin Chiu	26	Mary Atwell
11	Nicole Spratt	27	Kate Morrissey
12	Owner Corporation Plan No 417161	28	Department of Transport and Planning - Transport
13	Matthew Rees	29	Mark Rossato
14	Chris Correia	30	Environment Protection Authority Victoria
15	Yarra City Council	31	Melbourne Water
16	Vicinity Centres Pty Ltd		

Appendix D Document list

No.	Date	Description	Provided by
1	14 Jun 2020	Terms of Reference	Minister for Planning
2	2 Aug 2023	Letter of Referral	Minister for Planning
3	2 Aug 2023	Urban Context Report April 2022	Department of Transport and Planning (DTP)
4	"	Section 96A Planning Report October 2022	"
5	"	Comprehensive Development Plan October 2022	"
6	"	Architectural Plans	"
7	"	Amendment C307yara and Planning Permit Application PA2201662 Draft Explanatory Report	"
8	"	Access plan and publicly accessible open spaces	"
9	"	Combined Titles	"
10	"	Community benefits of the proposed Victoria Gardens Expansions report September 2022	"
11	"	Draft Planning Permit PA2201662	"
12	"	Economic Benefits Statement April 2022	"
13	"	Environmental wind considerations - Built form changes to Lots 9 and 10 March 2022	"
14	"	Instruction Sheet	"
15	"	Public Realm Strategy April 2022	"
16	"	C307yara - Comprehensive Development Zone Map	"
17	"	C307yara - Parking Overlay - Schedule 2 Map	"
18	"	C307yara - Environmental Audit Overlay Map	"
19	"	Schedule to Clause 72.03 What does this Planning Scheme consist of – track changes	"
20	"	Schedule to Clause 72.03 What does this Planning Scheme consist of – proposed changes	"
21	"	C307yara - Schedule 1 to Clause 37.02 Comprehensive Development Zone	"
22	"	C307yara - Schedule 1 to Clause 37.02 Comprehensive Development Zone - proposed changes	"
23	"	C307yara - Schedule 2 to Clause 45.09 Parking Overlay - Proposed	"
24	"	C307yara - Schedule 9 to Clause 43.02 Design and Development Overlay - Proposed removal	"

No.	Date	Description	Provided by
25	"	C307yara - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision - Track changes	"
26	"	C307yara - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision - proposed changes	"
27	"	C307yara - Schedule to Clause 72.01 Responsible Authority for this Planning Scheme - track changes	"
28	"	C307yara - Schedule to Clause 72.01 Responsible Authority for this Planning Scheme - proposed changes	"
29	"	C307yara - Schedule to Clause 72.04 Documents incorporated in this Planning Scheme - track changes	"
30	"	C307yara - Schedule to Clause 72.04 Documents incorporated in this Planning Scheme - Proposed changes	"
31	"	EPA response (29 April 2021)	"
32	"	Transport review - Revision to Schedule 1 to the Comprehensive Development Zone (CDZ) and addition of new Parking Overlay	"
33	"	Acoustic Report – Doonside Precinct, prepared by Norman Disney & Young Consulting Engineers	"
34	"	Architectural Drawings, prepared by Cox Architecture and NH Architecture	"
35	"	Economic Benefits Statement – Doonside Precinct, prepared by Urbis Pty Ltd	"
36	"	Heritage Impact Statement – Doonside Precinct, prepared by Bryce Raworth	"
37	"	Landscape Plan – Doonside Precinct, prepared by Arcadia	"
38	"	Preliminary Site Investigation for Contamination Report, prepared by Douglas Partners.	"
39	"	Section 96A - Urban Context Report - v2	"
40	"	Stormwater and Sustainable Design Assessment – Doonside Precinct, prepared by Bonacci Group Pty Ltd	"
41	"	Sustainability Management Plan – Doonside Precinct, prepared by Norman Disney & Young Consulting Engineers	"
42	"	Transport Impact Assessment (including Green Travel Plan) – Doonside Precinct	"
43	"	Waste Management Plan – Doonside Precinct	"
44	"	Wind Assessment – Doonside Precinct	"

No.	Date	Description	Provided by
45	9 Aug 2023	Directions Hearing notification letter	Planning Panels Victoria (PPV)
46	11 Aug 2023	Statement of issues	Jin Harris
47	21 Aug 2023	Statement of issues	Jane and Kerry Power
48	24 Aug 2023	Statement of issues	Department of Transport and Planning (DTP) (Head, Transport for Victoria)
49	24 Aug 2023	Letter regarding original submission	Environment Protection Authority Victoria (EPA)
50	25 Aug 2023	Statement of issues	Yarra City Council (Council)
51	25 Aug 2023	Statement of issues	Astrodome
52	30 Aug 2023	Directions and timetable	PPV
53	11 Sep 2023	Updated statement of issues	DTP (Head, Transport for Victoria)
54	12 Sep 2023	Letter enclosing amended plans	Proponent
55	12 Sep 2023	Amended architectural plans	Proponent
56	12 Sep 2023	Shadow comparison plans	Proponent
57	12 Sep 2023	Statement of changes	Proponent
58	13 Sep 2023	Updated Terms of Reference (9 September 2023)	PPV
59	18 Sep 2023	Letter enclosing further amended architectural plans	Proponent
60	18 Sep 2023	Further amended architectural plans	Proponent
61	18 Sep 2023	Addendum to statement of changes	Proponent
62	9 Oct 2023	Background and context (Part A) submission	Proponent
63	10 Oct 2023	Letter regarding Office of the Victorian Government Architect report	Council
64	11 Oct 2023	Email to Parties regarding letter from Council	PPV
65	11 Oct 2023	Expert witness statement of Bryce Raworth	Proponent
66	11 Oct 2023	Expert witness statement of Craig Czarny	Proponent
67	11 Oct 2023	Expert witness statement of Colleen Peterson	Proponent
68	11 Oct 2023	Expert witness statement of Tim De Young	Proponent
69	12 Oct 2023	Expert witness statement of Valentine Gnanakone	Proponent
70	13 Oct 2023	Expert witness statement of Rob McGauran	Council
71	13 Oct 2023	Expert witness statement of Leigh Furness	Council
72	16 Oct 2023	Expert witness statement of Jason Walsh	Astrodome

No.	Date	Description	Provided by
73	18 Oct 2023	Version 2 timetable and distribution list	PPV
74	18 Oct 2023	Submission	DTP (Head, Transport for Victoria)
75	19 Oct 2023	Direction regarding pedestrian and cyclist travel routes and volumes	PPV
76	19 Oct 2023	Office of the Victorian Government Architect report	PPV
77	19 Oct 2023	Site inspection plan	Proponent
78	20 Oct 2023	Part B submission	Proponent
79	20 Oct 2023	Architectural presentation	Proponent
80	20 Oct 2023	Day 1 version of Comprehensive Development Plan (diagram changes)	Proponent
81	20 Oct 2023	Day 1 version of CDZ1	Proponent
82	20 Oct 2023	Day 1 version of planning permit	Proponent
83	20 Oct 2023	Opening submission	Council
84	20 Oct 2023	Opening submission	Astrodome
85	20 Oct 2023	Boroondara C223boro Panel Report dated 23 July 2020	Astrodome
86	20 Oct 2023	Council resolution dated 15 August 2023	Astrodome
87	20 Oct 2023	Final development plan dated February 2023	Astrodome
88	22 Oct 2023	1-9 Doonside Street southern footpath shadow analysis	Proponent
89	22 Oct 2023	Day 1 version of Comprehensive Development Plan (tracked changes)	Proponent
90	22 Oct 2023	Day 1 version of Parking Overlay Schedule 2	Proponent
91	22 Oct 2023	Transport conclave minutes	Proponent
92	22 Oct 2023	Urban design conclave minutes	Proponent
93	23 Oct 2023	Letter of instructions to Jason Walsh	Astrodome
94	23 Oct 2023	Version 3 timetable and distribution list	PPV
95	24 Oct 2023	1-9 Doonside Street southern footpath shadow analysis (updated)	Proponent
96	24 Oct 2023	Slides used in cross examination of Rob McGauran	Proponent
97	24 Oct 2023	Future walking and cycling volumes (Tim De Young)	Proponent
98	25 Oct 2023	Ground floor plan with public realm areas	Proponent
99	25 Oct 2023	Draft conditions	DTP (Head, Transport for Victoria)
100	25 Oct 2023	Revised version of proposed traffic conditions	Council
101	27 Oct 2023	Net community benefit figures	Proponent

No.	Date	Description	Provided by
102	30 Oct 2023	Submission	Council
103	30 Oct 2023	Council preferred version of CDZ1 (as exhibited, marked up)	Council
104	30 Oct 2023	Council preferred version of Permit	Council
105	31 Oct 2023	Suggested way forward	Council
106	31 Oct 2023	Submission slides	Proponent
107	31 Oct 2023	Updated diagram of surrounding building heights	Proponent
108	31 Oct 2023	Submission	Astrodome
109	31 Oct 2023	Revised version of proposed traffic conditions	Astrodome
110	31 Oct 2023	Schedule 15 to Clause 43.04 Development Plan Overlay	Astrodome
111	31 Oct 2023	Architectural plans considered by OVGA	Council
112	1 Nov 2023	Updated Council preferred CDZ1 (1 November 2023)	Council
113	1 Nov 2023	Part C submission	Proponent
114	1 Nov 2023	Day 7 version of CDP diagrams (1 November 2023)	Proponent
115	1 Nov 2023	Day 7 version of CDZ1 (1 November 2023)	Proponent
116	1 Nov 2023	Day 7 version of Comprehensive Development Plan (1 November 2023)	Proponent
117	1 Nov 2023	Day 7 version of PO2 (1 November 2023)	Proponent
118	1 Nov 2023	Day 7 version of planning permit (1 November 2023)	Proponent
119	1 Nov 2023	Council officer report for 25-35 River Boulevard Development Plan approval	Proponent
120	1 Nov 2023	Corrected surrounding building heights	Proponent
121	1 Nov 2023	Hydraulic service ground floor plan	Proponent
122	1 Nov 2023	Market Hall Square sections with dimensions	Proponent
123	2 Nov 2023	Proponent markup of Head, Transport for Victoria proposed permit conditions	Proponent
124	2 Nov 2023	Email to Head, Transport for Victoria regarding traffic permit conditions	Proponent
125	2 Nov 2023	Email from Head, Transport for Victoria regarding traffic permit conditions	Proponent
126	3 Nov 2023	Hearing close email and request for further information	PPV
127	9 Nov 2023	Email granting leave to file final materials and comments	PPV
128	15 Nov 2023	Letter to Committee enclosing Day 8 versions and affordable housing advice	Proponent
129	15 Nov 2023	Day 8 version of CDP Diagrams (15 November 2023)	Proponent

No.	Date	Description	Provided by
130	15 Nov 2023	Day 8 version of CDZ1 (15 November 2023)	Proponent
131	15 Nov 2023	Day 8 version of Comprehensive Development Plan (15 November 2023)	Proponent
132	15 Nov 2023	Day 8 version of PO2 (15 November 2023)	Proponent
133	15 Nov 2023	Day 8 version of planning permit (15 November 2023)	Proponent
134	15 Nov 2023	Karen Janiszewski letter of advice on affordable housing (15 November 2023)	Proponent
135	27 Nov 2023	Letter to Committee regarding Proponent's Day 8 material	Council
136	27 Nov 2023	Council proposed changes to Proponent's Day 8 Comprehensive Development Plan	Council
137	27 Nov 2023	Comments on Proponent's Day 8 Comprehensive Development Plan and explanation of proposed changes	Council
138	27 Nov 2023	Response to Karen Janiszewski letter of advice on affordable housing	Council

Appendix E Planning Framework

Relevant clauses

11 Settlement

11.01 Victoria

11.01-1S Settlement

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

11.01-1R Settlement – Metropolitan Melbourne

Focus investment and growth in places of State significance, including Health and Education Precincts.

11.02-1S Supply of urban land

Ensure sufficient supply of land for residential, retail, industrial, recreational, institutional and other community uses.

11.03-1S Activity Centres

Encourage the concentration of major commercial and administrative developments into activity centres that are highly accessible to the community.

11.03-1R Activity centres – Metropolitan Melbourne

Support the development and growth of Metropolitan Activity Centres by ensuring they are supported with appropriate infrastructure, are hubs for public transport services and provide high level of amenity.

12 Environmental and Landscape values

12.03 Water bodies and wetlands

12.03-1R Yarra River protection

To maintain and enhance the natural landscape character of the Yarra River corridor.

13 Environmental Risk and Amenity

13.04 Soil degradation

13.04-1S Contaminated and potentially contaminated land

To ensure that contaminated and potentially contaminated land is used and developed safely.

13.05 Noise

13.05-1S Noise Abatement

To assist the management of noise effects on sensitive land uses.

13.06 Air quality

13.06-1S Air Quality Management

To assist the protection and improvement of air quality.

13.07 Amenity, human health and safety

Relevant clauses

13.07-1S Land Use Compatibility

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

15 Built environment and heritage

15.01 Built Environment

15.01-1S Urban Design

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure interface between the private and public realm protects and enhances personal safety.

Promote good design along and abutting transport corridors.

15.01-1R Urban design – Metropolitan Melbourne

Create a distinctive and liveable city with quality design and amenity.

Strategies

Support the creation of well-designed places that are memorable distinctive and liveable.

15.01-2S Building design

Achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure development is designed to protect and enhance valued landmarks.

15.01-4R Healthy Neighbourhood-Metropolitan Melbourne

Create 20-minute neighbourhoods where people have the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

15.03 Heritage

15.03-1S

To ensure the conservation of places of heritage significance

Strategies

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of heritage place.

16 Housing

16.01 Residential development

16.01-1S Housing supply

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

16.01-1R Housing supply – Metropolitan Melbourne

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed-use development opportunities in locations that are:

- In and around the Central City
- Urban-renewal precincts and sites
- Metropolitan activity centres and major activity centres

16.01-2S Housing affordability

To deliver more affordable housing closer to jobs, transport and services.

17 Economic development

17.01 Employment

17.01-1R Diversified Economy – Metropolitan Melbourne

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

17.02 Commercial

17.02-1S Business

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services

18 Transport

18.01 Land use and Transport

18.01-2S Transport System

To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.

18.01-3S Sustainable and safe transport

To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

18.02 Movement networks

18.02-1S Walking

To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

18.02-2S Cycling

To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

18.02–2R Principal Public Transport Network

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

18.02-3S Public Transport

To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

18.02-3R Principal Public Transport Network

Facilitate high-quality public transport access to job-rich areas.

Municipal Strategic Framework and Local Planning Policies

Relevant clauses

21 Municipal Strategic Statement

21.02 Municipal profile

Acknowledges specialised retail shopping strips, entertainment and arts venues and services.

Acknowledges public transport, including trains, trams and buses, servicing the surrounding suburbs and beyond, pass through and service Yarra.

21.03 Vision

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

21.04-1 Accommodation and Housing

Supports development in locations that offer good access to services and transport.

New development will be located in, abutting, or close to activity centres, or in locations that offer good access to services and transport as required.

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

21.04-2 – Activity Centres

Activity centres in Yarra have a retail, hospitality, and service focus. The provision of local services is therefore important for maintaining the character of activity centres as local destinations.

Seeks to support the role of activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

21.04-3 – Industry, Office and Commercial

Retain and foster a diverse and viable economic base.

Encourages residential and business land use within the Mixed Use Zone to locate at the same site.

21.05-2 – Urban Design

Ensure development more than 5-6 storeys within activity centres can achieve specific benefits including, architectural design excellence, best practise environmental sustainability objections in design and construction, high quality restoration and adaptive re-use of heritage buildings, provision of affordable housing and positive contribution to the enhancement of the public domain.

Supports new development that contributes to the consolidation and viability of existing activity centres.

Municipal Strategic Framework and Local Planning Policies

Relevant clauses

21.05-3 – Built Form Character

Maintain and strengthen the identified character of each built form character type identified in Yarra.

21.05-4 – Public Environment

New development must add positively to Yarra's overall character and help create a safe and engaging public environment where pedestrian activity and interaction are encouraged. Public spaces and urban squares provide outdoor spaces for people to meet and gather.

Encourages universal access to all new public spaces and buildings.

21.06 – Transport

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

21.08-9 – North Richmond (area north of Bridge Road)

New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. Victoria Gardens development has the capacity to incorporate further residential development.

Provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre.

22 Local Planning Policies

22.02 Development guidelines for sites subject to the Heritage Overlay

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

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

22.03 Landmarks and Tall Structures

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

Development is to protect the views to the Pelaco Sign, Skipping Girl Sign, Olympic Tyre Sign/Porsche, Nylex Sign and Slade Knitwear Sign.

22.05 – Interfaces Uses Policy

Applies to applications for use or development within Mixed Use, Business and Industrial Zones, a Residential 1 Zone where the subject site is within 30 metres of a business or Industrial Zone and a Residential 1 Zone where the subject site is within 30 metres of an existing business or Industrial use.

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.

To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Municipal Strategic Framework and Local Planning Policies

Relevant clauses

22.10 – Built Form and Design Policy

Applies to all new development not included in a heritage overlay.

To ensure new development makes a positive contribution to the streetscape through high standards in architecture and urban design.

Design buildings to increase the safety, convenience, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces.

22.11 – Victoria Street East Precinct Policy

Applies to all land in the Victoria Street East Precinct.

Recognises the impacts of structural economic change on Yarra’s traditional manufacturing base and that Council must promote new opportunities for surplus industrial land, in order to provide sustainable local employment and economic growth while maximising residential development opportunities.

Seeks to facilitate a mix of land uses appropriate for land forming part of the Victoria Street Major Activity Centre.

22.12 – Public Open Space Contributions

Applies to all residential proposal, mixed use proposals incorporating residential uses.

Seeks to implement the Yarra Open Space Strategy and identify when and where land contributions for public open space are preferred over cash contributions.

22.16 – Stormwater Management (Water Sensitive Urban Design)

To promote the use of water sensitive urban design, including stormwater re-use.

To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.

Plan Melbourne

Policy 2.1.2 seeks to facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.

Policy 2.1.3 Plan for and define expected housing needs across Melbourne’s regions

Policy 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport

Policy 2.4.2 Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development

Policy 2.5 Facilitate housing that offers choice and meets changing household needs

Policy 3.3.1 create pedestrian-friendly neighbourhoods

Policy 4.3.1 promote urban design excellence in every aspect of the built environment

Policy 4.4.1 recognise the value of heritage when managing growth and change

Policy 5.1.1 Create mixed-use neighbourhoods at varying densities

Policy 5.1.2 Support a network of vibrant neighbourhood activity centres

Policy 5.4.1 Develop a network of accessible, high quality, local open spaces

Policy 6.1.1 Improve energy, water and waste performance for buildings through environmentally sustainable development and energy efficiency upgrades

Policy 6.3.1 reduce pressure on water supplies by making the best use of all water sources

Policy 6.3.3 protect water, drainage and sewerage assets’

Municipal Strategic Framework and Local Planning Policies

Relevant clauses

Policy 6.5.2 Protect and enhance the health of urban waterways

Policy 6.4.1 support a cooler Melbourne by greening urban areas, buildings, transport corridors and open space to create an urban forest

Policy 6.7.2 improve waste and resource recovery systems to meet the logistical challenge of medium and higher density developments

Appendix F Committee preferred version of Comprehensive Development Plan

[Tracked Added](#)

~~Tracked Deleted~~

NOTE: Due to the significant changes, the Committee has not numbered the objectives and guidelines.

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1 Introduction

The Victoria Gardens Comprehensive Development Plan (CDP) is a long-term plan to facilitate the redevelopment of the Victoria Gardens precinct as a residential and commercial/mixed use precinct. The Victoria Gardens precinct forms one part of the broader Victoria Street Major Activity Centre.

This CDP 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 is planned to support development. The CDP, the Comprehensive Development Zone, Design and Development Overlay Schedule 2, Environmental Audit Overlays, Heritage Overlay, Development Contributions Plan Overlay, Land Subject to Inundation Overlay and Significant Landscape Overlay and other planning controls within the Yarra Planning Scheme provide a set of controls, requirements and guidelines that will guide the development of the Victoria Gardens precinct for many years.

This CDP applies to land within the Comprehensive Development Zone – Schedule 1 that is generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street, Richmond. Diagram 1 – Location Plan depicts the land that makes up the Victoria Gardens precinct.

The CDP is intended to provide a framework to guide the redevelopment of the Victoria Gardens precinct.

This approach establishes the key parameters for the development of the entire precinct and enables a performance-based approach to the planning permit application process so that all stakeholders have clarity as to the objectives and aspirations for the precinct.

The CDP should also be read in conjunction with other applicable provisions of the Planning Scheme, such as Clause 58 and consider any policy, structure plan or guidelines relating to the Yarra River or the Victoria Gardens centre that have been adopted by [Council and/or](#) the responsible authority.

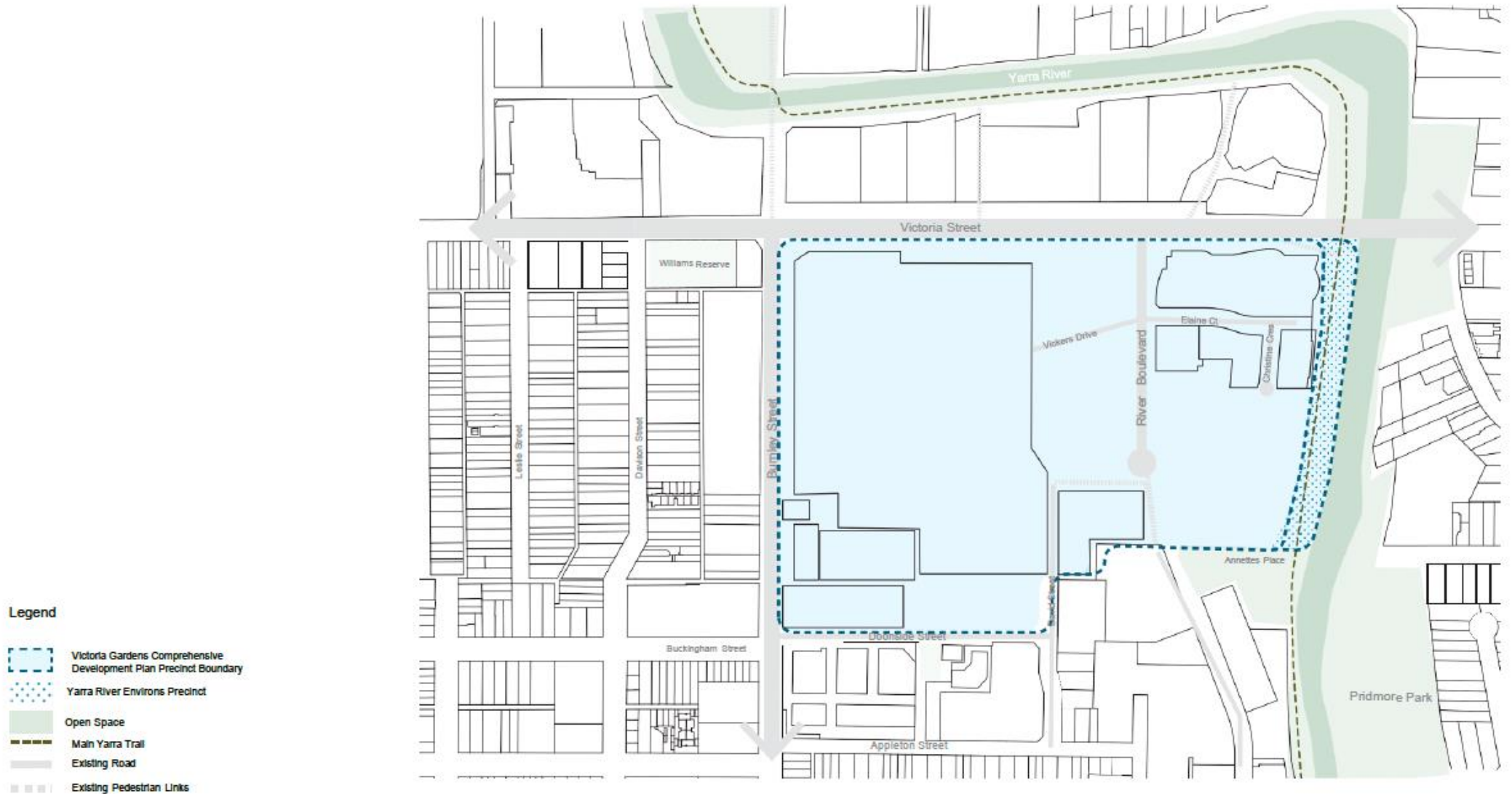


Diagram 1 Location Plan

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, Overarching Design Principles, Principles and Objectives:** The Vision, Overarching Design Principles, Principles and Objectives **must** be complied with.
- **Requirements:** Requirements ~~R1, R2, R3, R4 and R5~~ **must** be complied with 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 alternative to a Guideline satisfies the Vision, Overarching Principles, Principles, Objectives or Requirements of the CDP, then the responsible authority may consider the alternative.

In reading the CDP, reference should also be made to the following diagrams:

- Diagram 1 – Location Plan
- Diagram 2 – Table of Uses Precinct Plan
- Diagram 3 – Precincts Plan
- Diagram 4 – Precinct Heights and Urban Form
- Diagram 5 – Spaces, Places and Connections
- Diagram 6 – Interfaces.

2 Vision

The Victoria Gardens Precinct will be a thriving and vibrant mixed-use area that includes retail, commercial, residential, entertainment, leisure, recreation and community facilities. It will provide quality, higher density residential use and development and will include large scale commercial development.

The core retail role of the Victoria Gardens Precinct will be enhanced in the Doonside Precinct while ensuring it retains its local convenience retail and service role to serve the surrounding residential community and workforce.

Diversity of dwelling typologies and sizes within each precinct and within development sites will be encouraged and the precinct will deliver a range of affordable housing. Residential development will be supported by the provision of community facilities which service the needs of resident and the working population.

Precinct 1 will be largely an office precinct with supporting food and drink premises.

Precinct 2 will support residential development to consolidate the sensitive residential edge to the river.

Precinct 3 will support a broad mix of uses retail, entertainment, service business, offices, and residential uses as well as providing active ground floor uses, including retail and food and drink premises.

Buildings and open spaces will be oriented to facilitate energy conservation and passive solar access, with solar protection to north and west facing windows as appropriate. Energy use, peak energy and potable water demand of the buildings will be reduced through appropriate design measures. Development will be benchmarked against the Green Star Buildings Tool (or the current equivalent) to achieve a minimum 5 star energy rating (or current equivalent).

The Precinct will support opportunities for recreational activities along the Yarra River corridor and all development will celebrate and respect its relationship with the Yarra River.

3 Site Context

The Victoria Gardens precinct is comprised of a number of sub-precincts, which include the Victoria Gardens Centre (shopping centre), Barkers Road Bridge Precinct, Doonside Precinct and the River Boulevard Precinct (see Diagram 3: Precincts Plan).

The Victoria Gardens Shopping Centre and Barkers Road Bridge Precinct have been developed. The Doonside Precinct and the River Boulevard Precinct are the areas proposed for future development.

3.1 Victoria Gardens Shopping Centre

The Victoria Gardens Shopping 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.~~

3.2 Barkers Road Bridge Precinct

The Barkers Road Bridge Precinct fronts Victoria Street, River Boulevard and the Yarra River corridor and consists of:

- No. 660 Victoria Street, a 4-storey office/commercial building fronting Victoria Street. A café and restaurant are 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 corridor. 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 shopping centre. The 1.81 hectare site, comprising seven land parcels, is strategically located adjacent to the shopping centre.

At No. 53 Burnley Street is 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 crestring 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 crestring.

Historical photographs show 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 Victoria Gardens precinct's immediate surrounds include:

- significant office and residential developments and or approvals to the north of Victoria Street, western side of Burnley Street and the 'Harry the Hirer' Site at 81-95 Burnley Street and 26-34 Doonside Street, varying in height from 7 to 14 storeys;

- the Yarra River which provides an important ecological corridor, and including areas of steep valley escarpment and an important waterway link to the CBD, including Southbank;
- linear public open space along the Yarra River which includes the Main Yarra Trail shared path;
- parkland areas on the opposite river bank in Hawthorn;
- the adjacent historic Victoria Bridge;
- the precinct's location as a 'Gateway to the City of Yarra'; and
- views into the precinct from surrounding areas, including from the Barkers Road 'Cutting'.

4 Outcomes

4.1 Purpose of the framework

Building upon the existing developments in the Victoria Gardens precinct and the surrounding area, a framework for the future urban structure of the precinct has been established to strengthen the core of the Victoria Gardens precinct and transform the [underutilised and](#) vacant parcels of land within the precinct.

The framework set outs 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 precinct has its own identity and is integrated with the visual character of the total development, in a way that responds to the Victoria Gardens precinct's Yarra River location and provides residents, workers and visitors with an attractive, convenient, quality, commercial, residential and social environment.

The framework:

- aims to ensure the design of the precinct addresses the surrounding existing commercial and residential interfaces; and
- is cognisant of the importance of the precinct as a strategic gateway to the inner city.

The framework ~~also~~ develops the precinct's role within the Victoria Street Major Activity Centre, marking its place in the broader context of Melbourne.

4.2 Overarching design principles

The Overarching Design Principles for development within the Victoria Gardens precinct [include](#) ~~are as follows~~:

- Create a ~~true~~ [vibrant](#) mixed use precinct with high quality living and working environments
- Create an integrated development with a strong “sense of place” and community
- Create a high quality public realm
- Respond to its location as strategic gateway to the inner city and Victoria Street Activity Centre; its residential and commercial interfaces; and its frontage to the Yarra River corridor
- Enhance the relationship to the Yarra River and surrounding areas
- Enhance connectivity and walkability

- Achieve a climate adept, water sensitive, low carbon, low waste community.

4.3 Principles

4.3.1 Public Realm

Principles

To extend and enhance connections around and through the Victoria Gardens precinct to improve the relationship of the precinct to its surrounds.

To create new public spaces, nodes and linkages throughout the Victoria Gardens precinct to create gathering spaces for the community to enjoy.

To design safe and comfortable, high amenity urban spaces with good solar access and design qualities that reflect the precinct's identity within the context of Richmond and the Yarra River corridor.

To enhance the existing shopping centre by increasing the centre's engagement within the street network and public environment of Richmond through new entrances and public spaces leading into the shopping centre.

To encourage opportunities for recreational activities along the Yarra River corridor; to link additional public open-space areas within the Victoria Gardens precinct to existing open-space along the Yarra River corridor, and to ensure that public open space areas are accessible to the general public.

To improve and promote public access to the area.

4.3.2 Built Form

Principles

To create new built form that reflects the pattern of urban development and reinforces Victoria Gardens precinct as an anchor in the Victoria Street Activity Centre.

To ensure new built form retains sunlight and creates high amenity streets and public spaces within and beyond the Victoria Gardens precinct.

To promote contemporary architecture which is complementary with the surrounding areas.

To capitalise on views from the Victoria Gardens precinct ~~of~~ [to](#) the CBD skyline, the Yarra River corridor and surrounding parkland and retain key views across and through the site from outside the precinct.

4.3.3 Retail, Commercial and Mixed Land Use

Principles

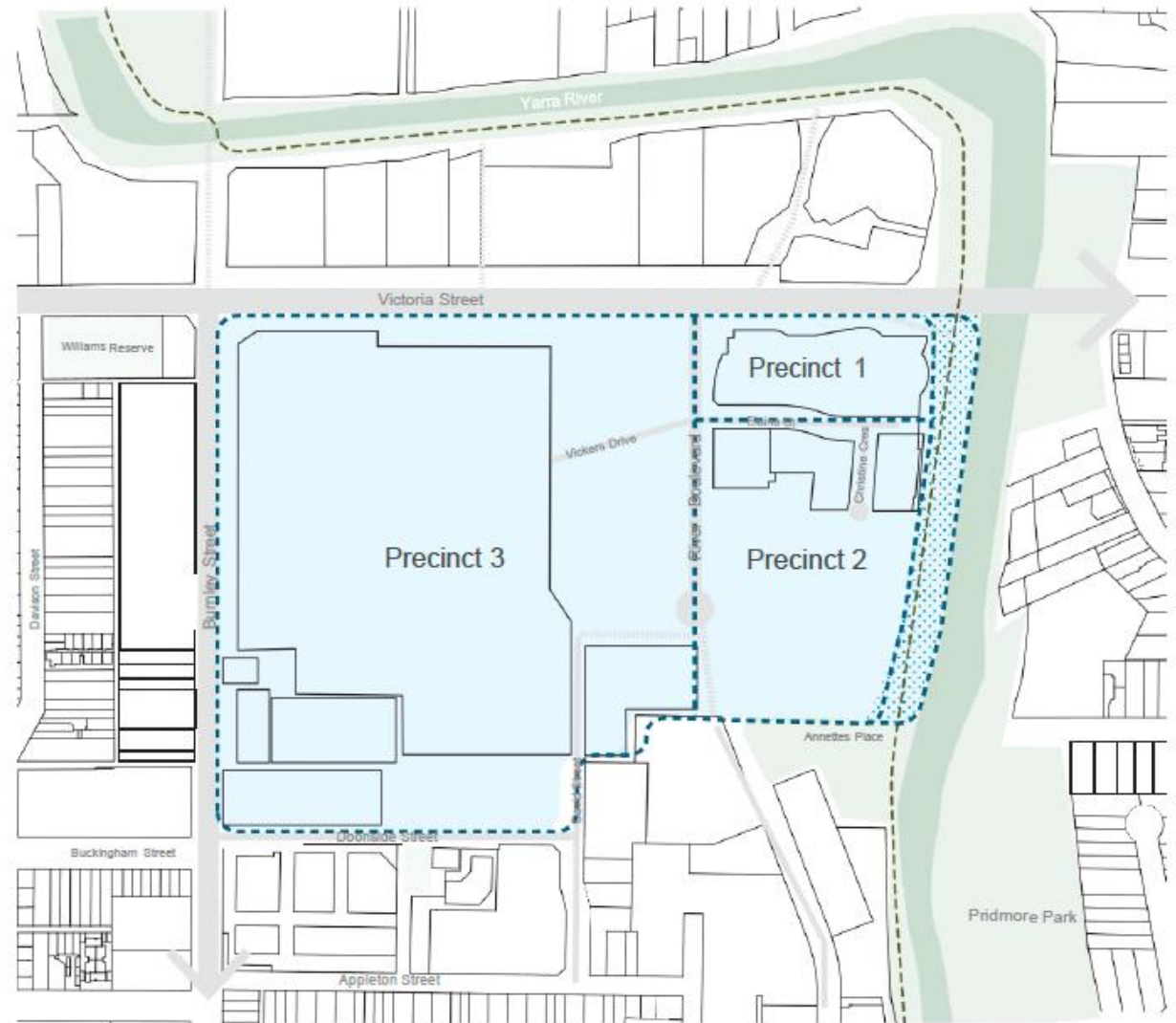
To rejuvenate and create a ~~truly~~ [vibrant](#) mixed-use precinct and connected community.

To increase ~~the~~ retail and commercial uses within the Victoria Gardens precinct to ensure high quality services are maintained for residents and workers.

To facilitate high density residential development in a location with good access to shops, services, recreation and the CBD.

To increase residential opportunities within the Doonside Precinct and River Boulevard Precincts and provide a variety of housing choice.

~~To encourage opportunities for recreational activities along the Yarra River corridor; to link additional public open space areas within the Victoria Gardens precinct to existing open space along the Yarra River corridor, and to ensure that public open space areas are accessible to the general public.~~



- Legend**
- Victoria Gardens Comprehensive Development Plan Precinct Boundary
 - Yarra River Environs Precinct
 - Open Space
 - Main Yarra Trail
 - Existing Road
 - Existing Pedestrian Links

Diagram 2 Table of Uses Precinct Plan









- Legend**
-  Victoria Gardens Comprehensive Development Plan Precinct Boundary
 -  Yarra River Environs Precinct
 -  Open Space
 -  Main Yarra Trail
 -  Existing Road
 -  Existing Pedestrian Links

Diagram 3 Precinct Plan

5 Future Urban Structure

5.1 Design Elements

5.1.1 Design Element 1: Setbacks, Building Envelopes, Height Limits

Objectives

To respect the significance of the Yarra River and Yarra River corridor by ensuring buildings are presented at a variety of heights, avoid visual bulk, and are stepped back from the frontage of the Yarra River and adjacent public open space.

To ensure development in the ~~Victoria Gardens~~ precinct complements and enhances the surrounding streetscape and built form.

To integrate the layout and design of the proposal with the surrounding neighbourhood and abutting uses.

~~To ensure the historic landmark “Skipping Girl” sign remains a dominant feature in Victoria Street.~~

To create a mid-rise, human-scaled neighbourhood with a diverse range of building types and higher built form in specified areas.

To provide setbacks to create a transition between the public realm and buildings, distinct building entrances and locations for landscaping.

To ensure the historic landmark “Skipping Girl” sign remains a dominant feature in Victoria Street.

Requirements

Any building or works must not exceed the mandatory RL height limit as shown in Diagram 4: Precinct Heights and Urban Form. This does not apply to:

- Architectural features, building services (including but not limited to lifts and rooftop plant), electronic media antennas, flagpoles, lighting poles, fences and advertising signs.
- Buildings and works associated with rooftop communal open space.
- ~~Limited built form p~~rojections in the height projection area shown on Diagram 4: Precinct Heights and Urban Form which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.

The Yarra River Environs Precinct shown in Diagram 4: Precinct Heights and Urban Form must only be developed for:

- Pedestrian and bicycle linkages.
- Boat landings, boardwalks, terraces, decks, seating and ancillary works.
- Public recreation facilities.

The Landscape Buffer shown in Diagram 4: Precinct Heights and Urban Form must only be developed for:

- Pedestrian and bicycle linkages.
- Ground level linkages to any building.
- Landscaping and open space.
- Informal recreation facilities.

Any building or works that exceed the discretionary RL height limit as shown in Diagram 4: Precinct Heights and Urban Form must demonstrate compliance with the Vision, Overarching Design Principles, Principles, Objectives and Requirements of the CDP and demonstrate how the Guidelines are met.

Guidelines

Provide a landscape buffer ~~to that~~ interfaces with the Yarra River bank.

Ensure ~~that~~ continuous wall lengths fronting the Yarra River ~~do~~ should not exceed approximately 10 metres, without a step, an offset, or a distinct break in unit length.

Build to no more than 50% of the eastern boundary of land fronting the Yarra River. At least a ~~2~~ two-metre setback shall be provided to the remaining 50% of that eastern boundary.

Provide minimum upper level setbacks in accordance with Diagram 4: Precinct Heights and Urban Form.

Development should not exceed the maximum discretionary building heights shown in Diagram 4: Precinct Heights and Urban Form, unless it complies with R4.

Ensure the location, bulk, outline and appearance of the buildings or works are in keeping with or enhances the skyline when viewed from the Yarra River, ~~or Yarra Boulevard~~, or from prominent scenic viewpoints within the Yarra River environs.

~~Buildings and works should be sufficiently set back from the banks of the Yarra River to ensure that:~~

- ~~—The river's natural flood and water course characteristics are not impacted.~~
- ~~—The topography of the river and its banks are maintained as the dominant feature in the public views of the river corridor.~~
- ~~—The existing riparian vegetation is protected and enhanced.~~
- ~~—Views of development from the Yarra River and adjacent public open space, bicycle and shared paths and bridge crossings are minimised.~~

Ensure development and advertising signs on the Burnley Street frontage do not detract from the visual prominence of the Skipping Girl sign.

Ensure Building heights, including street wall heights, should contribute positively to the specific character of each site and the surrounding context.













Building setbacks

Provide a setback to the ~~Victoria Street and Vickers Street~~ frontage in of Lot 10 to enable the extension of avenue planting to this section of Victoria Street and Vickers Street.

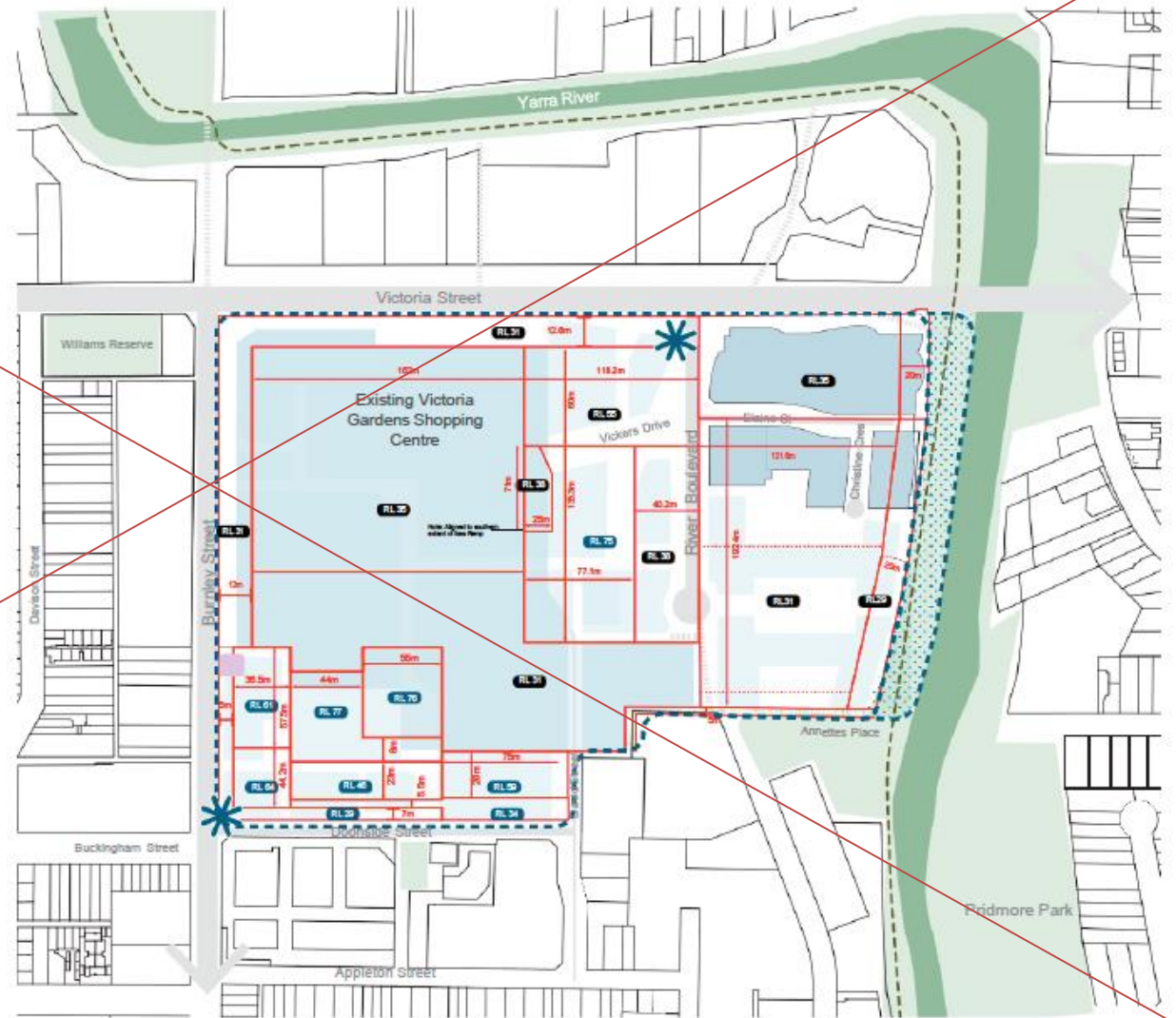
Provide a generous setback to River Boulevard to provide for a continuation of the primary landscaped walking network from the Victoria Street.

**DELETE DIAGRAM 4 AND REPLACE WITH
"ALTERNATIVE" DIAGRAM 4**

Legend













-  Victoria Gardens Comprehensive Development Plan Precinct Boundary
-  Yarra River Environs Precinct
-  Existing Builtform
-  Proposed Indicative Builtform Envelopes
-  Main Yarra Trail
-  Heritage Building - Loyal Studley Hotel
-  Key Builtform Corner
-  Landscape Buffer Zone
-  Mandatory Building Height Control
-  Discretionary Building Height Control
-  Preferred Upper-Level Setbacks Above Street Wall to Victoria Street / Bumley Street / Doonside Street
-  Height Projection Area to be included per clause 17 of CDZ1

Note: RL heights shown are set to AHD



~~Draft~~
Diagram 4 - Alternative
 Victoria Gardens Comprehensive
 Development Plan -
 Precinct Heights & Urban Form

Legend

-  Victoria Gardens Comprehensive Development Plan Precinct Boundary
-  Yarra River Environs Precinct
-  Existing Builtform
-  Proposed Indicative Builtform Envelopes
-  Main Yarra Trail
-  Heritage Building - Loyal Studley Hotel
-  Key Builtform Corner
-  Landscape Buffer Zone
-  Mandatory Building Height Control
-  Discretionary Building Height Control
-  Preferred Upper-Level Setbacks Above Street Wall to Victoria Street / Burnley Street / Doonside Street
-  Height Projection Area to be included per clause 17 of CDZ1

Note: RL heights shown are set to AHD

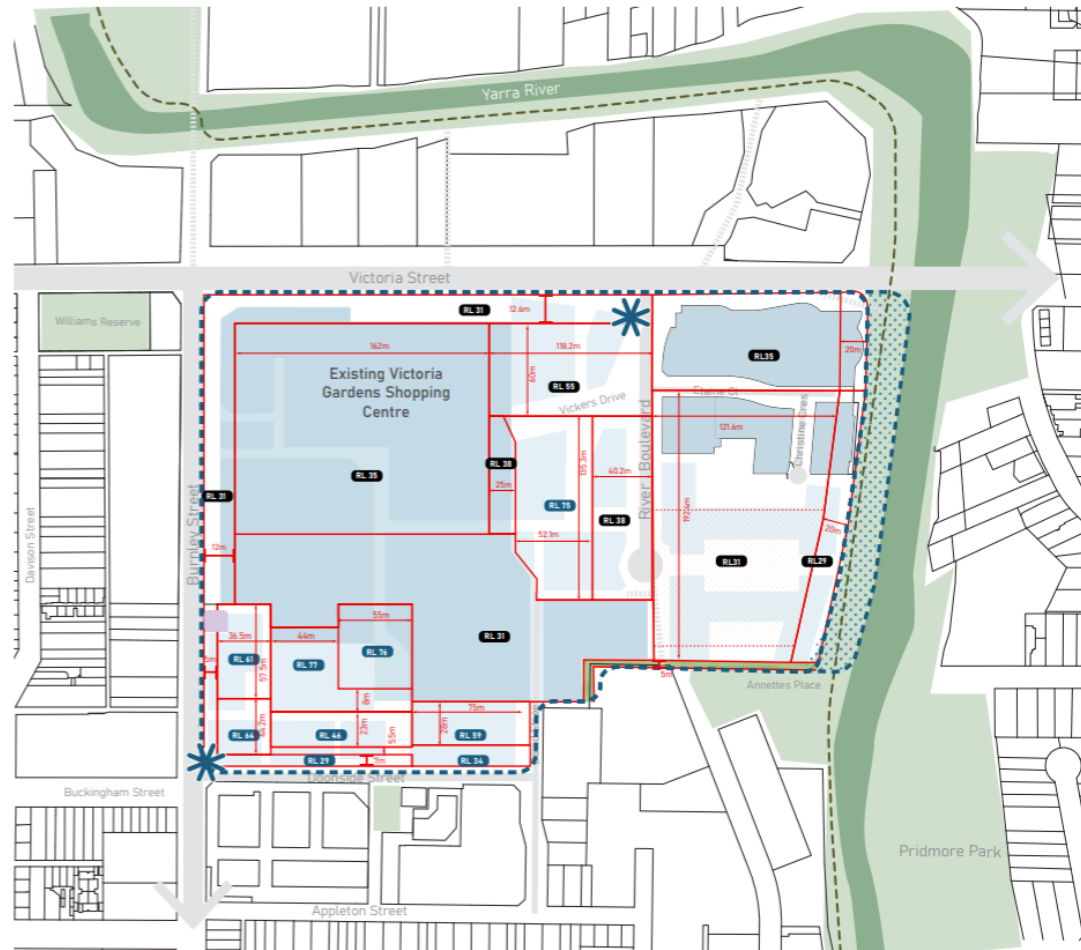


Diagram 4 Precinct Heights and Urban Form

5.1.2 Design Element 2: Building Form, Materials and Colour

Objectives

To encourage a variety of architectural forms, roofscapes and façade treatments across the ~~Victoria Gardens~~ precinct which reflects the cultural and architectural diversity of the surrounding area.

To deliver high quality design on all visible sides of a building, including rooftops, where visible from the public realm.

To incorporate sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.

To provide building services as an integrated design element.

Guidelines

General

Building design

Emphasise the strategic importance of the corner of Burnley Street and Victoria Street through prominent building design.

Incorporate active street frontages within the podium level fronting Victoria and Burnley Streets, where possible.

Ensure buildings directly fronting the Yarra River ~~complement~~ the Yarra River corridor, are respectful of the waterway as a natural system and its role as a heavily used open space activity spine.

Provide for fine grain adaptable tenancies within the lower levels of buildings.

~~Where development borders open space, provide~~ Provide an active frontage toward the open space [where development borders any such open space.](#)

Ensure the location, bulk and appearance of the proposed buildings and works responds to the character and appearance of adjacent buildings and the area.

Adopt high quality, visually rich details in the lower levels of buildings.

Ensure larger sites are broken up into a series of smaller building forms that relate and contribute positively to their context.

Ensure sufficient building separation between sites and within a site to deliver high-quality amenity within buildings having regard to outlook, daylight and overlooking.

~~Avoid blank walls visible from the public realm.~~ Detail walls and include articulation to provide for visual interest where a solid external wall is unavoidable, especially from the public realm. ~~walls should be detailed and.~~

~~Avoid~~ Minimise continuous walls of buildings when viewed from internal and external streets by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.

Articulate external walls with a variety of details and fenestration.

Include entrances to the Victoria Gardens Precinct in key locations including, the corner of Burnley and Victoria Street and the Victoria Bridge edge.

Ensure that public entrances to the Victoria Gardens precinct are prominent and encourage pedestrian access to the Yarra River corridor and associated public open space.

Articulate and break up building mass, use landscaping (e.g green walls) and create more clearly defined building entrances along Burnley and Victoria Streets to improve the appearance of these key frontages.

Services

Ensure that lift over run rooms, plant equipment and other operations are appropriately designed or concealed.

Locate plant and equipment within the roof design to minimise visual prominence through integration into the roof form and use of screening.

Integrate provision for waste and recyclable collection into precinct and building design.

Screen service areas, garbage receptacle areas and parking areas to the satisfaction of the responsible authority.

Ensure the design of services, loading and parking areas are well integrated into buildings and contribute to a high quality public realm.

Fencing

Limit the number of on-site fences to enable passive surveillance.

Encourage fencing to be low-rise or obscured by vegetation, except for fencing within close proximity to the Yarra River, which should be visually permeable and does not contrast with the natural landscape character.

~~Ensure fencing within close proximity to the Yarra River is low in scale, visually permeable and does not contrast with the natural landscape character.~~

Materials and Colour

Ensure ~~that~~ development fronting the Yarra River Corridor uses building materials, colours, and finishes that do not contrast with the natural landscape.

Utilise building materials with non-reflective colours and finishes that blend with the natural landscape.

Avoid the use of surfaces at facades which cause unacceptable glare to the public realm.

Restrict flood lighting to 'landmark' elements.

Ensure publicly accessible open spaces are well lit and visible at night from the main public footpath.

Encourage the lighting of all buildings at ground level as a public safety measure.

Ensure lighting is not directed toward residential areas.

5.1.3 Design Element 3: Overshadowing, orientation and wind

Objectives

To allow adequate daylighting and solar access into private open spaces of residential dwellings.

To ensure solar access to public open space, publicly accessible open spaces and outdoor commercial areas.

To maintain solar access to the Yarra River corridor.

To deliver comfortable wind conditions in the public realm.

Requirement

Buildings and works within the discretionary height limit areas shown on Diagram 4: Precinct Heights and Urban Form Plan must not cast any additional shadow across the closest parallel property boundary aligned to the banks of the Yarra River waterway between 11:00am and 2:00pm on 22 June.

[Buildings and works along Burnley Street must not cast any additional shadow on the western footpath of Burnley Street between 11.00am and 2.00pm on 22 September.](#)

Guidelines

Overshadowing

Provide at least 4 [four](#) hours of sunlight to the Yarra River corridor and Main Yarra Trail between 9.00am and 3.00pm on 22 September.

Ensure ~~that~~ taller built forms are cognisant of the nature of proposed development to the south and the need for those developments to receive adequate sunlight.

Ensure development within the ~~Victoria Gardens~~ precinct does not unreasonably overshadow:

- ~~— the western footpath of Burnley Street between 11.00 am and 2.00pm on 22 September; and~~
- the eastern footpath of River Boulevard (where identified as a Solar Access Interface in Diagram 6: Interfaces) between 10.00am and 2.00pm on 22 September in relation to shadow cast from built form. ~~within the area shown as having a discretionary building height control of RL75 on Diagram 4: Precinct Heights and Urban Form.~~

Ensure any development north of Doonside Street does not unreasonably overshadow the southern footpath of Doonside Street between 11.00am and 2.00pm on 22 September.

Protect the proposed public park to the south side of Doonside Street from additional overshadowing arising from development within the Victoria Gardens precinct between 10.00am and 2.00pm on 22 September.

Orientation

Orientate living room windows in residential dwellings and windows of commercial development overlooking the Yarra River to take advantage of views of the Yarra River corridor.

Design private open space, communal amenity areas and publicly accessible open space areas with a northerly aspect.

Wind

Minimise adverse wind effects caused by buildings in the public realm to create a comfortable environment for standing, sitting or walking.

5.1.4 Design Element 5: Streetscape and Landscape

Objectives

- To ensure a strong landscape design theme within the public realm.
- To provide high quality landscaping that enhances the setting of buildings.
- To retain and enhance the indigenous landscape character of the Yarra River corridor.
- To design new streets within the precinct as places for people.

Guidelines

Landscape Design - General

- Encourage appropriate planting themes which integrates with adjoining development and creates pedestrian friendly environments within the Victoria Gardens precinct and on the Burnley Street and Victoria Street frontages.
- Ensure developments provide landscaping in all areas of open space including public open space, communal open space and private open space.
- Support and improve tree canopy coverage by providing areas for deep soil zones in the setbacks of buildings.
- Ensure landscape areas contribute to the creation of a sense of place and identity and the preferred character sought for the precinct.
- Ensure on-site landscape design is of a high standard and minimises hard surfaces and site runoff.
- Ensure street frontages are adequately paved and finished and where appropriate, landscaping treatments are included.
- Integrate green walls, facades and roofs into the design of buildings.

Landscape Design – Yarra River

- Retain vegetation that contributes to landscape character, heritage values or neighbourhood character of the Yarra River Corridor.
- Progressively rehabilitate existing riparian vegetation and further enhance the Yarra River and its banks as an ecological corridor.
- Improve the landscape quality of publicly accessible space abutting the Yarra River.

Utilise local indigenous flora for landscape works in the frontage to the Yarra River corridor.

Ensure any proposed earthworks and changes in the topography on site do not detrimentally impact its local natural landscape character and environmental values of the Yarra River.

Ensure the topography of the river and its banks are maintained as the dominant feature in the public views of the river corridor.

Minimise any removal, destruction or lopping of native vegetation wherever possible to reduce impact on the natural environment and landscape values.

Streets

Enhance Doonside ~~and David~~ Streets as ~~an~~ attractive and pedestrian ~~and cycling~~ friendly streetscape environments that responds to the scale and amenity of the ~~Doonside Pp~~precinct and ~~Harry the Hirer~~ future development sites.

~~Design David Street to provide a key pedestrian and cycling link through the precinct in addition to its vehicular role.~~

Continue the strong planted and landscape character of River Boulevard down its length.

~~Ensure new streets enhance urban ecology and urban forest outcomes with landscaping and trees.~~

Create an attractive series of laneways in the Doonside and River Boulevard Precincts that are open to air, feature active frontages, break up large sites and provide connectivity through and in between development sites.

5.1.5 Design Element 6: Views and Vistas

Objectives

To protect and enhance the skyline when viewed from the Yarra River, ~~or its banks, or Yarra Boulevard,~~ or from prominent scenic view points within the Yarra River environs.

To protect the areas along rivers from visual intrusion ~~caused by~~ ~~from~~ the inappropriate siting or appearance of buildings or works.

To maintain the view line from the Barkers Road “Cutting” to the west where reasonable to do so.

~~To maintain views across the Victoria Gardens precinct from the north and east, where practical.~~

To maximise opportunities for views from the ~~Victoria Gardens~~ precinct, such as to the Yarra River corridor and the CBD skyline and surrounding areas.

To orientate commercial buildings and residential dwellings to take advantage of views of the Yarra River corridor.

Guidelines

Locate development to maintain reasonable west and south view lines across the ~~Victoria Gardens~~ precinct in accordance with ~~the~~ Diagram 4: Precinct Heights and Urban Form.

~~Retain~~ Consider the existing view of the CBD from the Barkers Road “Cutting”.

Consider views towards the west from surrounding residential development to the east including the CBD skyline.

5.1.6 Design Element 7: Vehicle movement and parking

Objectives

To encourage shared provision of car parking spaces between neighbouring uses where possible to minimise areas of parking.

To ensure ~~that~~ the appearance, location and entrances to on-site car parking do not detrimentally affect streetscape amenity.

To minimise pedestrian/vehicle conflict.

~~To promote more sustainable modes of transport.~~

To promote more sustainable modes of transport.

Guidelines

Progress ~~a two-way or~~ a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street, approved by the Head, Transport for Victoria (Department of Transport and Planning) in consultation with the responsible authority.

Provide pedestrian footpaths of at least 1.0 metre width through large car parking areas.

Discourage at grade car parking facilities.

Ensure the location of ~~any proposed~~ off street parking area is conveniently located and provides an active and safe interface with the street.

Ensure points of access to arterial roads are minimised and ~~have been~~ suitably located to reduce impacts on the precinct frontage, traffic flows and public transport operations, and safe and efficient pedestrian and cyclist movements.

Ensure the layout of car parking areas and accessways are well designed to ensure safe, convenient movement for pedestrians and vehicles and enhance the amenity and safety for pedestrians and drivers.

Manage the impacts of traffic generated by the proposal on adjoining arterial roads, including on public transport and bike routes, internal streets and adjoining sensitive uses and consider whether ~~it is likely to require~~ special traffic management or control works in the neighbourhood [are required](#).

Ensure the provision of safe and efficient pedestrian and cyclist movement within and to and from and adjoining roads and shared pathways.

Design development to encourage the use of sustainable travel modes, including public transport and non-motorised travel through improved connections to public transport stops and walking and cycling infrastructure including bike parking and seating.

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.

Ensure facilities for loading and unloading of vehicles and the storage of goods and are designed to minimise impacts on the pedestrian network and residential amenity [and are provided on the land to the satisfaction of the responsible authority](#).

Provide [ample](#) well located bike parking facilities that cater for a range of bikes including cargo bikes and electric bikes and scooters both in developments and the public realm ~~to promote more sustainable modes of transport~~.

Limit traffic speed and optimise pedestrian safety through carefully designed traffic access and movement arrangements.

5.1.7 Design Element 8: Open space and Publicly Accessible Open Space

Objectives

To create a network of high-quality open spaces in the Victoria Gardens Precinct.

To promote the public use of the Yarra River corridor and environs.

To provide useable publicly accessible open space areas of high amenity.

Guidelines

Encourage open space abutting street frontages to create ~~a~~ visual connections between ~~the~~ buildings and the street.

Clearly differentiate, with landscaping and paving treatments, private space, communal space belonging to the residents of the Victoria Gardens precinct, and publicly accessible open space.

Provide pedestrian links from and through the Victoria Gardens precinct to the Yarra River corridor for use by the general public.

Provide publicly accessible open space along the Yarra River corridor.

Provide sizes and types of public open spaces for informal and active recreation that serve the intensity and type of development.

Locate public spaces where they can be connected to their surrounding area via pedestrian streets and paths

~~–~~ Deliver a series of open spaces that provide a variety of amenities, experiences and opportunities to cater for the diversity and enjoyment of the community.

~~Deliver a large, high quality open space with good solar access that fronts River Boulevard in Lot 9, River Boulevard Precinct and connects to the east-west connection to the Yarra River through the centre of the development at Lots 6, 7 and 8 River Boulevard.~~

~~Deliver well located open space for Lot 10, River Boulevard Precinct that provides for residents and workers, is well oriented, breaks up built form and welcomes the community into the Victoria Gardens Precinct.~~















~~Deliver a large open space in 25-35 River Boulevard that is located along a wide pedestrian connection between River Boulevard and the Main Yarra Trail that runs through the heart of the development.~~

~~Create new open space at the interface to the Yarra River that revegetates the river corridor, strengthens the landscape character, provides pedestrian and cycle connectivity through the development and all abilities access to the Main Yarra Trail and river itself.~~

~~Ensure the design of spaces consider the future community, for example families and people with children that will need external play areas.~~

Legend

Existing Conditions

-  Victoria Gardens Comprehensive Development Plan Precinct Boundary
-  Yarra River Environs Precinct
-  Main Yarra Trail
-  Existing Builtform
-  Heritage Building - Loyal Studley Hotel
-  Tram Super Stop
-  Existing Key Vehicle Entries
-  Existing Shopping Centre Loading
-  Existing Signalled Intersection
-  Existing Internal Pedestrian Links
-  Existing Pedestrian entrance to Shopping Centre
-  Existing Road
-  Existing Road Including Pedestrian Link
-  Existing Local Pedestrian Links

Proposed Conditions

-  Proposed Indicative Builtform Envelopes
-  Proposed Indicative Pedestrian Links
-  Proposed Indicative Internal Pedestrian Link to Shopping Centre
-  Proposed Indicative Internal Entry to Shopping Centre
-  Proposed Indicative Pedestrian Crossing
-  Future Signalled Intersection
-  Proposed Indicative Vehicle Entries
-  Proposed Indicative Pedestrian Entry Point to Existing Carpark
-  Proposed Indicative Open Spaces

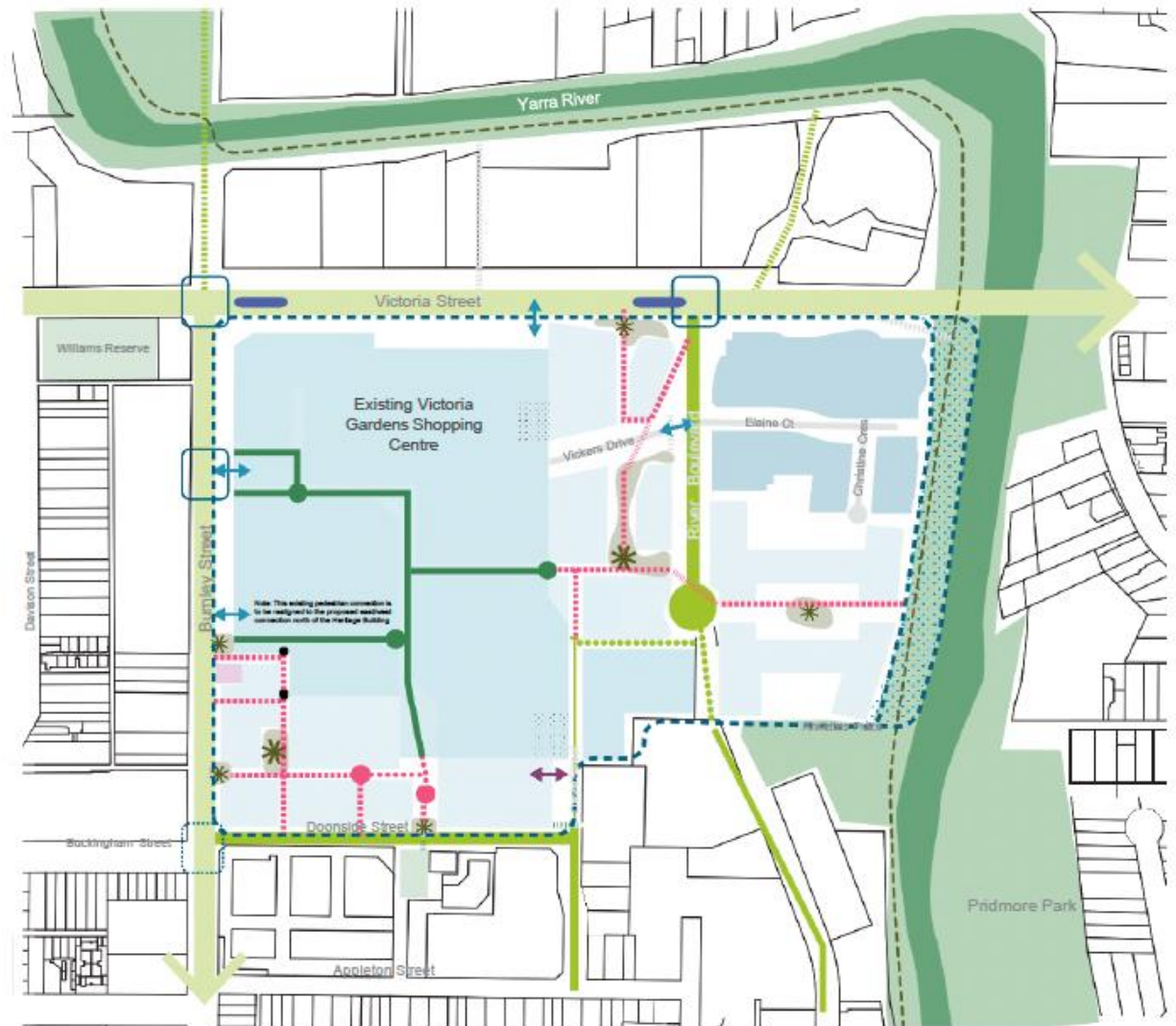


Diagram 5 Space, Places and Connections

5.1.8 Design Element 9: Pedestrian Movement and Safer design

Objectives

To maximise the visibility and surveillance of the public environment.

To create a network of safe, easily navigable and legible pedestrian linkages that provide permeability and accessibility throughout the precinct and into adjoining areas.

To ensure that entrances to all public building frontages are [well lit and](#) clearly marked.

Guidelines

Avoid the creation of any dark and secluded areas internally and externally and ensure that any necessary isolated areas are well lit.

Incorporate windows into building frontages and to side streets for increased natural surveillance where appropriate.

Clearly differentiate, with landscaping and paving treatments, the key vehicle movement areas, the parking areas and the key pedestrian areas.

Create clear lines of sight between the internal and external pedestrian areas (of the shopping and entertainment areas) to assist orientation and safety.

Create safe and effective pedestrian linkages between the retail, office component and entertainment component and the residential area.

Develop clear, safe and direct pedestrian links with a high level of natural surveillance to the adjacent residential areas, ~~in particular Yarraberg.~~

Ensure car parks are [well designed](#) ~~not too expansive~~, to minimise walking distances and [to](#) maximise security surveillance.

Ensure clear visibility at intersections within the residential precinct.

Locate entertainment facilities in areas [that](#) ~~which~~ are well exposed, well lit and easily accessible from car parking and tram and bus stop areas.

Activate ground level street frontages to contribute to the amenity and safety of pedestrian spaces.

Provide pedestrian and bicycle linkages from the surrounding area to the Victoria Gardens precinct and the Yarra River corridor.

Provide physical and visual connections from and through the Victoria Gardens precinct to the Yarra River corridor.

Ensure building design provides for natural surveillance through placement of windows overlooking public areas and access ways of adequate width to allow for safety view lines.

Create new laneways and streets that are open to sky and provide 24-hour public access.

5.1.9 Design Element 10: Signs

Objectives

To ensure ~~that~~ signs complement the style, scale and character of the development.

To ensure advertising signs do not detrimentally impact on the view lines to the CBD.

To ensure advertising signs do not adversely impact on the Yarra River environs.

To respect the historic “Skipping Girl” sign.

Guidelines

~~Discourage promotion, panel and sky signs unless it can be demonstrated~~ Demonstrated promotion, panel, and sky signs are the sign is compatible with ~~the appearance of~~ the development, the streetscape and the skyline, ~~is~~ and not visible from the Yarra River and Main Yarra Trail ~~to and~~ minimises impacts on key views and vistas and landmarks like the Skipping Girl sign.

Avoid freestanding promotional signs by placing signs on existing walls, but ensure any such signs do not obscure architectural detail.

~~Ensure signs do not obscure architectural detail.~~

Encourage signs that adopt an integrated approach to the provision of signage on buildings with more than one occupancy.

~~Discourage panel, promotion, pole, sky and high wall signs on buildings visible within the Yarra River corridor.~~

Encourage signs that ~~are~~ integrated and reinforce the contemporary character of the precinct and designed to enhance and complement the surrounding environment and architecture.

~~Ensure signs are durable and made of high quality materials.~~

5.1.10 Design Element 11: Interface Areas

Objectives

To ensure development that interfaces with the Yarra River is respectful of Birrarung as an ecological corridor, location of cultural heritage significance and an important linear public open space.

To ensure the development of the precinct provides a sensitive interface and manages its impacts on surrounding community facilities and residential uses.

Guidelines

Avoid detrimental visual and noise impact, by carefully locating vehicle movement ramps and decks to be respectful of adjacent uses.

Encourage community interaction through improved linkages to existing community facilities ~~such as the Yarraberg childcare centre and ensuring the interface is handled sensitively.~~

Design and orientate buildings ~~immediately adjoining the rear yard of Riverside House, aged care facility,~~ to minimise impacts on the ~~sensitive~~ functions of ~~sensitive uses such as child care and aged centres.~~ ~~the facility.~~

Ensure proposed buildings and works respect the significance of the Yarra River's landscape and acknowledge, protect and commemorate the rich heritage of the Birrarung (Yarra River).

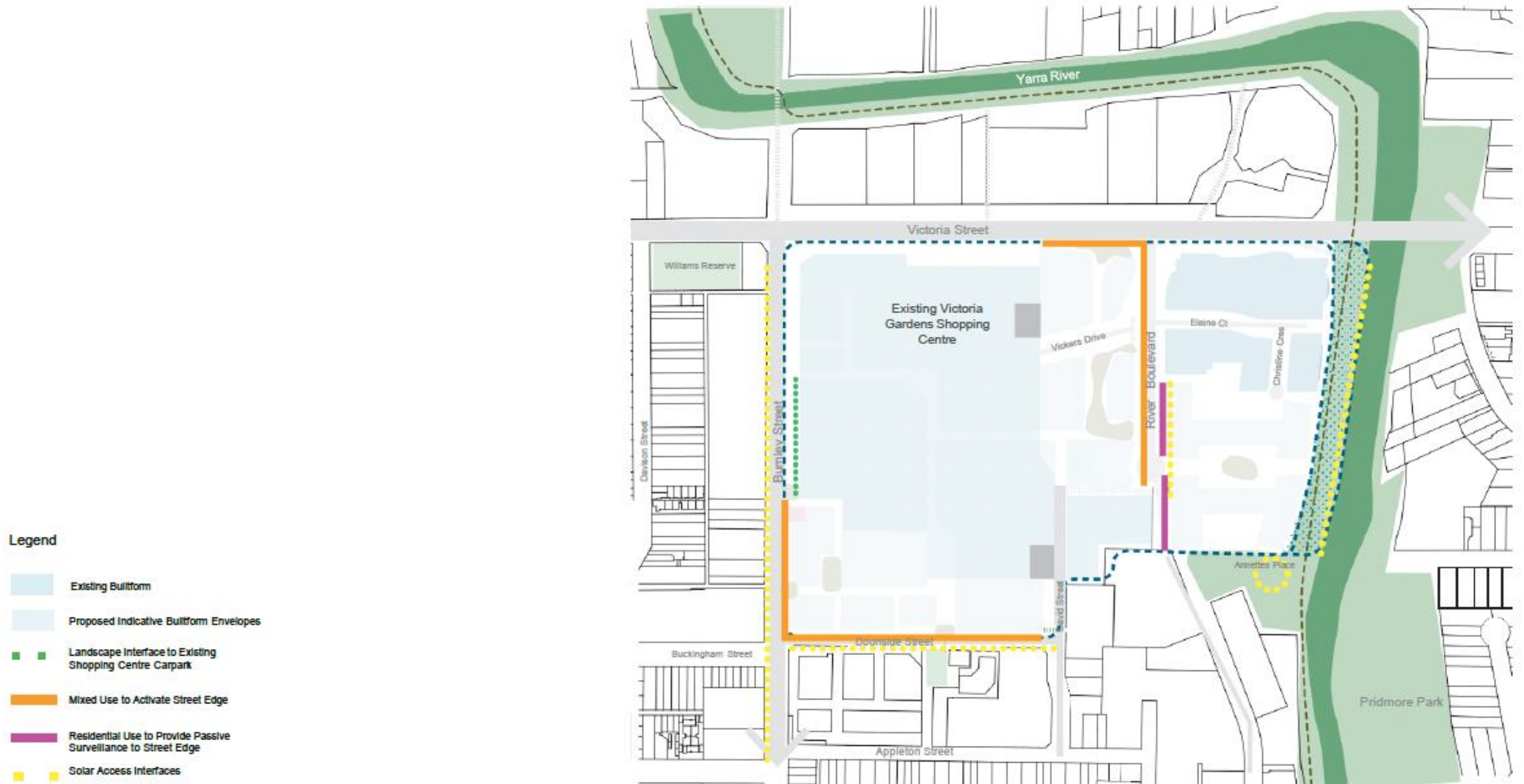


Diagram 6 Interfaces

5.1.11 Design Element 11: Boat Landings

Objectives

To create a boat landing point to enhance river access and usage and links the Yarra River's edge into the Victoria Gardens precinct.

Guidelines

Construct landings in accordance with the Guidelines for Approval of Jetties (Melbourne Water, 2011) and with any requirements, plans or guidelines prepared by Parks Victoria or other public land managers.

Ensure any boat launch site is sensitively incorporated into the natural surrounds and does not adversely impact on the Main Yarra Trail.

5.1.12 Design Element 12: Former Loyal Studley Hotel (heritage place)

Objectives

To retain, conserve and enhance the prominence of the significant and contributory elements of the heritage place.

To ensure development does not adversely affect the prominence of the significant and contributory elements of the heritage place.

To allow for the sensitive adaptive re-use of the heritage place.

Guidelines

Discourage signs that disrupt the historic façade, parapet or roofline or dominate the building.

Set back additions and new development to avoid facadism and ensure the three-dimensional form remains prominent when viewed from the public realm.

Ensure development within the Heritage Overlay or on land immediately adjoining a heritage place does not visually dominate the heritage building.

Provide a transition from any adjoining building, having regard to height, street wall height, setbacks, building form and siting.

Ensure the facades of adjoining new development do not compete with the more elaborate detailing of Former Loyal Studley Hotel.

5.1.13 Design Element 13: Environmentally Sustainable Design

Objectives

To ensure development achieves best practice in environmentally sustainable development consistent with the provisions of the Yarra Planning Scheme.

To facilitate and support net-zero carbon development.

Guidelines

Provide solar protection to north and west facing windows as appropriate.

Reduce energy use, peak energy demand and potable water demand of the building in operation through appropriate design measures.

Orient buildings and open space to facilitate energy conservation and passive solar access.

Ensure development is benchmarked against the Green Star Buildings Tool (or the current equivalent) and achieves a minimum 5 star energy rating (or the current equivalent).

~~5.1.14 — Design Element 14: Land use~~

~~Objectives~~

~~To support the Victoria Gardens Precinct as a thriving and vibrant mixed use inner city precinct that includes retail, commercial, residential, entertainment, leisure, recreation and community facilities.~~

~~To provide quality, higher density residential use and development (including above larger scale commercial development).~~

~~Guidelines~~

~~Enhance the core sub-regional retail role of the Victoria Gardens Precinct while ensuring it retains its vital local convenience retail and service role which serves the surrounding residential community and workforce.~~

~~Encourage a diversity of dwelling typologies and sizes within each precinct and within development sites.~~

~~Deliver a range of affordable housing in the Victoria Gardens Precinct.~~

~~Support the provision of community facilities which service the needs resident and working population.~~

~~Support Precinct 1 as a largely office precinct with supporting food and drink premises.~~

~~Support residential development in Precinct 2 to consolidate a residential edge to the river.~~

~~Support a broad mix of uses retail, entertainment, service business, offices, and residential uses in Precinct 3.~~

~~In Precinct 3, provide active ground floor uses, including retail and food and drink premises.~~

~~Support opportunities for recreational activities along the Yarra River corridor.~~