

Government Land Standing Advisory Committee

Tranche 17 Report

113-139 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks)

18 June 2018

About this report	2
1 Summary and recommendation	3
1.1 Issues raised in submissions	3
1.2 Committee conclusion	3
1.3 Recommendation	4
2 Process issues for this site	5
2.1 Process summary	5
2.2 Process issues	6
3 Introduction	7
3.1 The site	7
3.2 Physical constraints	7
3.3 Strategic context	10
4 Issues with the proposed changes	11
4.1 What zone is suitable?	11
4.2 What overlays are suitable?	13
4.3 The form of the Development Plan Overlay Schedule	19
4.4 Other matters	35
Appendix A: About the Government Land Standing Advisory Committee	38
Appendix B: List of submitters	39
Appendix C: Parties to the Hearing	45
Appendix D: Document list	46
Appendix E: Committee's preferred version of DPO16	47

List of Tables

Table 1:	Existing and proposed controls	3
Table 2:	Proposal summary	5
Table 3:	Proposed planning scheme changes	5
Table 4:	Committee process	5
Table 5:	Setbacks and heights	29
Table 6:	GTA car parking rates	30
Table 7:	Land use basis for car parking rates	31

List of Figures

Figure 1:	Site location	7
Figure 2:	Land uses surrounding the site	Error! Bookmark not defined.
Figure 3:	Current zoning	11
Figure 4:	Proposed zoning	11
Figure 5:	Excerpt of the schedule to the Heritage Overlay, Yarra Planning Scheme	13
Figure 6:	Excerpt of Map 2HO, Yarra Planning Scheme with approximate location of store outlined in green	13
Figure 7:	Changes to the concept plan proposed by Council	27

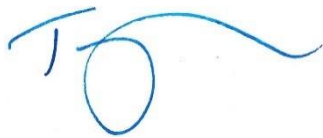
List of Abbreviations

C2Z	Commercial 2 Zone
CBD	Central Business District
CDZ	Comprehensive Development Zone
DET	Department of Education and Training
DPO	Development Plan Overlay
EAO	Environment Audit Overlay
GLSAC	Government Land Standing Advisory Committee (the Committee)
HO	Heritage Overlay
PDZ	Priority Development Zone
PUZ	Public Use Zone
The UDF	<i>North Fitzroy Gasworks Precinct Urban Design Framework October 2008</i>

About this report

On 19 March 2017, the Minister for Planning referred 113-139 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks) to the Government Land Standing Advisory Committee as Tranche 17.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 113-139 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks).



Trevor McCullough, Deputy Chair



Cazz Redding, Member

18 June 2018

1 Summary and recommendation

1.1 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

Issues raised in submissions included:

- provision of affordable housing
- impacts on open space in the wider area, particularly Edinburgh Gardens and Fitzroy Pool, including overcrowding, overshadowing and impact on views
- design, height and density of development
- adequacy of car parking
- adequacy of consultation to date
- removal of third party appeal rights
- Minister as responsible authority
- amenity for new residents
- impact on existing community infrastructure such as schools and sports facilities
- impact on the surrounding transport network.

1.2 Committee conclusion

The site owner proposes to rezone the subject land from the Public Use Zone (Schedules 1 and 6) to part Mixed Use Zone and part Public Use Zone (Schedule 2). The Committee agrees that this is an appropriate zoning if the land is to be sold.

The proposed planning provisions 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*.

Table 1: Existing and proposed controls

Current planning scheme controls	Exhibited planning scheme controls	Advisory Committee Recommendation
Public Use Zone – Schedules 1 and 6	Mixed Use Zone and Public Use Zone – Schedule 2	Apply Mixed Use Zone and Public Use Zone – Schedule 2
Design and Development Overlay – Schedule 2	Retain	Retain
Heritage Overlay – Schedules 211 and 468	Retain	Reduce Heritage Overlay Schedule 211 Retain Heritage Overlay Schedule 468
Special Building Overlay	Retain	Retain

Current planning scheme controls	Exhibited planning scheme controls	Advisory Committee Recommendation
	Development Plan Overlay – Schedule 16	Introduce Development Plan – Schedule 16
	Environmental Audit Overlay	Introduce
Yarra City Council as Responsible Authority	Minister for Planning as Responsible Authority	Minister for Planning as Responsible Authority

1.3 Recommendation

The Committee recommends that:

A planning scheme amendment be prepared and approved for 113-139 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks) to:

- a) Rezone the site to Public Use Zone – Schedule 2 to the north west and Mixed Use Zone across the balance of the site as exhibited.**
- b) Apply the Development Plan Overlay – Schedule 16 (Committee’s preferred version is attached at Appendix E).**
- c) Make the Minister for Planning the responsible authority for the site.**
- d) Amend the Schedule to Clause 52.01 to include an 8% public open space contribution for this site.**

Council and Development Victoria seek appropriate heritage advice to determine whether HO211 includes the former Fitzroy Gasworks Store and request the Minister make the appropriate changes to HO211 once resolved.

2 Process issues for this site

2.1 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	Tranche 17
Site address	113-139 Queens Parade and 433 Smith Street, Fitzroy North
Previous use	Former Fitzroy Gasworks site
Site owner	Development Victoria
Council	Yarra City Council
Exhibition	26 February – 6 April 2018
Submissions	218

Table 3: Exhibited planning scheme changes

Existing controls	Exhibited changes
Public Use Zone – Schedules 1 and 6 and Commercial 2 Zone.	Mixed Use Zone and Public Use Zone – Schedule 2
Design and Development Overlay – Schedule 2	Retain
Heritage Overlay	Retain
Special Building Overlay	Retain
	Development Plan Overlay – Schedule 16
	Environmental Audit Overlay

Table 4: Committee process

Committee process	
Members	Trevor McCullough and Cazz Redding
Information session	15 March 2018
Hearing	24, 26 and 27 April 2018
Site inspections	4 April 2018 unaccompanied and 27 April 2018 accompanied
Appearances	See Appendix C
Date of this Report	18 June 2018

2.2 Process issues

The Committee issued a Direction on 30 April 2018, after the Hearing, confirming issues identified in the Hearing to be discussed and if possible resolved by Development Victoria and Yarra City Council. The issues raised in the Direction were:

- drafting of DPO16
- resolution of HO211 mapping and ordinance discrepancy
- consideration of Clause 52.01 to specify open space requirements
- use of Section 173 agreements
- who should be the Responsible Authority?

Following further discussion, responses were received by both parties on 16 May 2018 setting out issues that were resolved, and a number of remaining unresolved issues.

3 Introduction

3.1 The site



Figure 1: Site location

The subject site is located at 111 Queens Parade and 433 Smith Street, Fitzroy North (Fitzroy North former Gasworks site) and has been declared surplus to Government requirements.

The exhibited planning report provided a summary of the site:

The 3.9 hectare site at 111 Queens Parade and 433 Smith Street, Fitzroy North is crown land, divided into six parcels. The site is located approximately 4 kilometres north east of the Melbourne CBD and is surrounded by the suburbs of Fitzroy, Clifton Hill, Northcote, East Brunswick, Collingwood and Carlton North.

The site comprises remnant gasworks buildings, a heritage-listed iron shed, twentieth century brick buildings leased to a number of tenants, and both at-grade and underground car parking. The north-west section of the site is used by the Yarra Council as a Municipal Depot, for storage of vehicles and equipment.

3.2 Physical constraints

(i) Heritage

There are two historical buildings remaining on site – the Porter Shed and Valve House.

The Porter Shed

The rectangular iron shed is covered by the Heritage Overlay (HO468 – Porter Prefabricated Iron Store) and listed on the Victorian Heritage Register as being of state significance. The

building was manufactured in England between 1853 and 1856 and is a rare example of a prefabricated iron building imported into Victoria during the gold rush era. The building is proposed to be removed from the site, restored and relocated elsewhere. This process is subject to ongoing discussions with Heritage Victoria and approvals in accordance with the *Heritage Act 1988*.

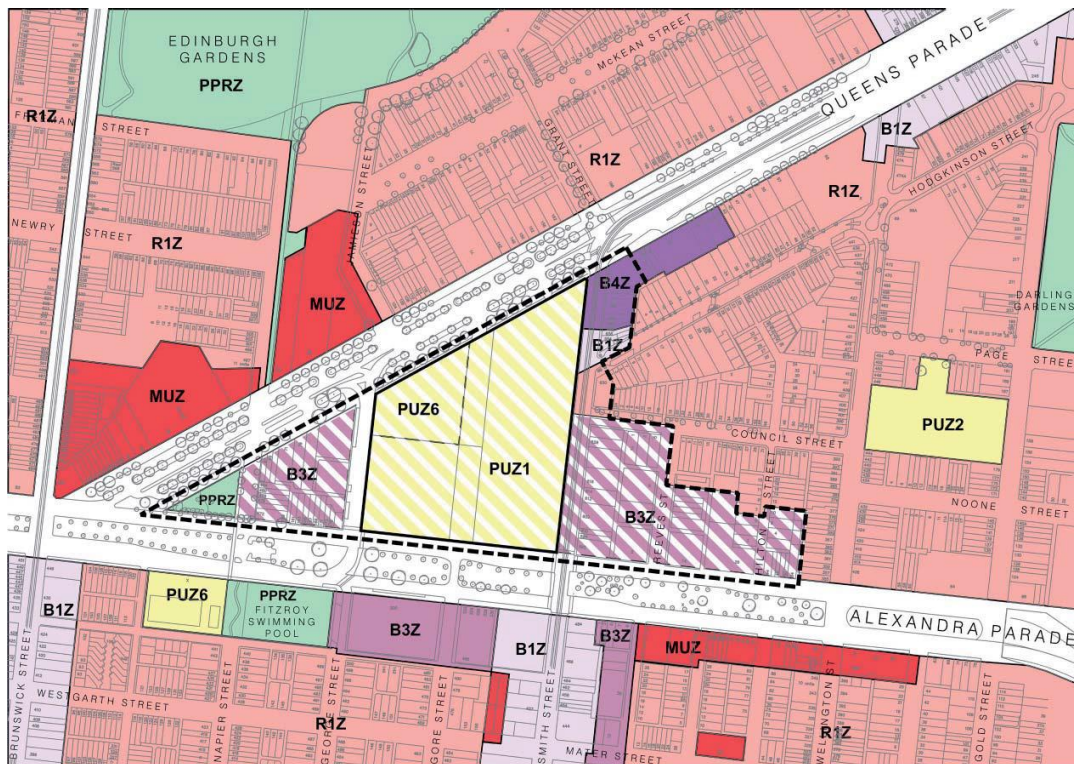
The Valve House

Located on the south west corner of the site, fronting Alexandra Parade and George Street, the former Fitzroy Gas Valve House is of local historical significance and local architectural interest. Historically, the buildings are the only surviving remnants of the once extensive Fitzroy Gasworks, which played an integral part in the supply of gas to Melbourne from the mid-19th century until the 1970s. Architecturally, the buildings are typical and substantially intact examples of simple late 19th century industrial buildings. The Valve House is subject to an individual Heritage Overlay (HO211 – Former Fitzroy Gas Works Valve House and Store), but is not on the Victorian Heritage Register.

(ii) Interface with surrounds

The site is located between Queens Parade, Alexandra Parade and Smith Street.

Figure 2 Land uses surrounding the site¹



(iii) Access

Current vehicular access to the site is via crossovers from Queens Road, George Street and Smith Street. There is no vehicular access from Alexandra Parade (which feeds into the Eastern Freeway to the east).

Public transport serving the site includes tram route 86 along Smith Street, bus route 546 along Queens Parade and George Street, tram route 11 along Brunswick Street 300 metres to the west and Clifton Hill Railway Station 1km to the north east. East–west public transport linkages are poor.

There is good on road bicycle infrastructure in surrounding streets.

(iv) Contamination

The site is highly contaminated from previous uses. An EAO is proposed to be applied to the site to ensure that the site is suitable for sensitive uses. Remediation works will require excavation and removal of soil across the entire site.

¹ Page 3 of the North Fitzroy Gasworks Precinct UDF, 21 October 2008

3.3 Strategic context

(i) Plan Melbourne

Plan Melbourne 2017-2050 Metropolitan Planning Strategy 2017 DELWP (commonly known as *Plan Melbourne*) was introduced into the State Planning Policy Framework of all planning schemes on 31 March 2017.

Plan Melbourne recognises the potential for surplus government land in contributing to the reactivation of land and proceeds of sale to be redirected by Government. *Plan Melbourne* states:

Government land is an important resource for delivering services to Victorians, including places to live, work and learn. The government regularly reviews its land assets to ensure that they are being used efficiently. Land that is considered to be underutilised or surplus can then be considered for community or other government purposes or be disposed of. Any proceeds can then be reinvested into other important infrastructure. More efficient use of land owned by government can help facilitate Plan Melbourne outcomes and deliver social, economic and environmental benefits.

(ii) Local Planning Policy Framework

Clause 21.03 of the planning scheme identifies this as a Strategic Redevelopment Site and Clause 21.04 directs higher density development to Strategic Redevelopment Sites.

Clause 21.04 supports the provision of affordable housing for people of all abilities, particularly in larger residential developments and on Strategic Redevelopment Sites.

Clause 21.08 supports the redevelopment of the site in a way that contributes positively to the urban fabric and public domain of Yarra and, where subject to the Heritage Overlay, protects the heritage of the site and the area.

(iii) North Fitzroy Gasworks Precinct Urban Design Framework

The Urban Design Framework was adopted by Council on 21 October 2008. It states:

The site therefore provides a rare opportunity for new development in an area where off-site impacts and the protection of heritage values generally limits the scope of acceptable change. It provides an opportunity to support Melbourne 2030's aim to accommodate growth while limiting spread of the metropolitan area, as well as to provide facilities and services that will enhance surrounding heritage areas.

...

Rezoning of the site(s) should occur in accordance with an agreed development plan.

4 Issues with the proposed changes

4.1 What zone is suitable?

(i) Zoning and overlay context

Figures 2 and 3 show the current and proposed zonings.

Figure 3: Current zoning



Figure 4: Proposed zoning



(ii) Evidence and submissions

The bulk of the site is zoned PUZ, but a small sliver of land in the south – east of the site is currently zoned C2Z. This zoning was put in place to allow for a road widening some years ago. The road widening has not yet occurred, and the Panel was advised is no longer proposed.

In submissions there are mixed views on the future use of the site with some submitters saying the site should be used solely for public purposes such as community facilities and open space given the proximity to the CBD. However, most submitters were accepting or supportive of the site being developed for a mixture of uses including school, sports courts, housing and retail.

The site is intended to be used for a school and sports facilities in the north west corner, and mixed use development – predominantly housing – across the remainder of the site.

Development Victoria selected the Mixed Use for the bulk of the site as they assessed it was the best zone with which to implement the *North Fitzroy Gasworks Precinct Urban Design Framework October 2008* (UDF) which recommends that the site be used to:

Support business development, to enable more intensive mixed uses, or to improve interfaces with housing or public spaces.

The UDF specifically recommends that the following zones be investigated: Comprehensive Development Zone, Priority Development Zone, Mixed Use Zone or a combination of these.

The purpose of the Mixed Use Zone is:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.*

- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Development Victoria submitted that:

The Comprehensive Development Zone and Priority Development Zone were considered through the process. However the Mixed Use Zone and Development Plan Overlay were considered the most appropriate planning controls for the site to facilitate the redevelopment of the site for mixed use at a greater height and density complementing the surrounding locality.

(iii) Discussion and conclusions

Public Use Zone – Schedule 2

The retention of the PUZ on the north west of the site is proposed to facilitate the development of a vertical school and community accessible sports courts. The Committee understands that the Department of Education and Training (DET) will acquire this land and develop the facility.

The Committee supports the retention of the PUZ on this site and the proposed schedule change to PUZ2 to recognise the primary purpose of the land will be education.

Mixed Use Zone

This site has long been identified as a Strategic Redevelopment Site supporting a mixture of uses, including high density residential use. The Committee agrees that the Mixed Use Zone, Comprehensive Development Zone and Priority Development Zone would all be suitable zones to facilitate this form of development on the site and would all allow for high density residential with uses such as retail, community facilities and potentially office at the ground floor to provide active interfaces to the street.

The Residential Growth Zone does not permit uses that will activate the street level to the degree envisaged.

The Committee supports the selection of the Mixed Use Zone over the Priority Development Zone and Comprehensive Development Zone based on the principle that it is better to use a standard zone where one is available that will do the job, rather than drafting a new special zone (e.g. CDZ, PDZ). In this instance, the Mixed Use Zone can achieve exactly what is envisaged for the site and so is the most appropriate zone for the site.

(iv) Recommendation

The Committee recommends:

Rezone the site to Public Use Zone – Schedule 2 to the north west and Mixed Use Zone across the balance of the site as exhibited.

4.2 What overlays are suitable?

The following overlays apply to the site:

- Design and Development Overlay
- Special Building Overlay
- Heritage Overlay (HO211 and HO468).

It is proposed to retain the above overlays and apply:

- Development Plan Overlay – Schedule 16
- Environmental Audit Overlay.

4.2.1 Heritage Overlay

(i) Evidence and submissions

There are two heritage overlays that apply to the site:

- HO211 - Former Fitzroy Gasworks Valve House and Store
- HO468 - Porter Prefabricated Iron Store.

Both HOs are proposed to remain.

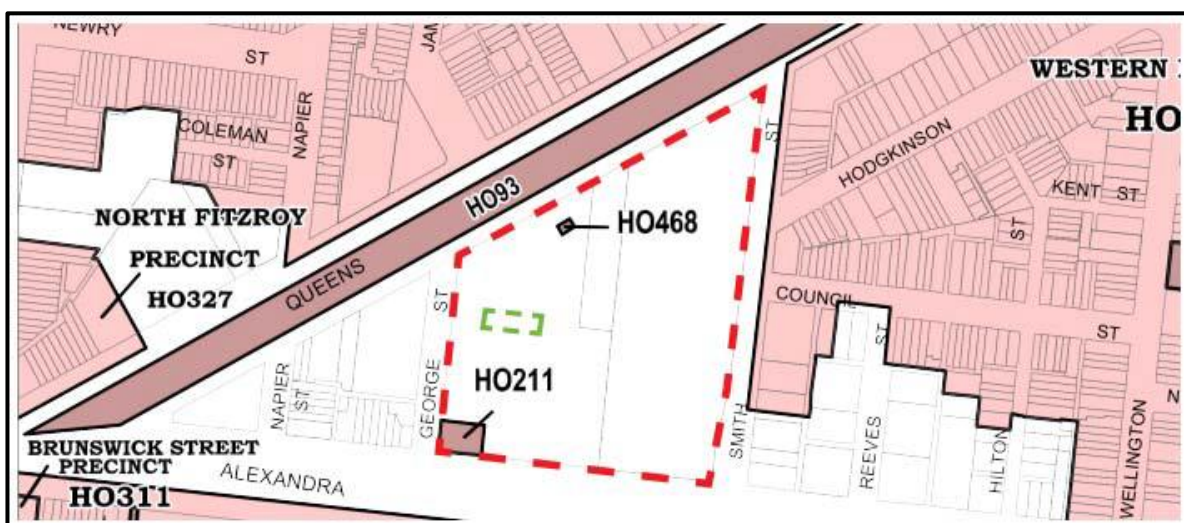
HO211 – Former Fitzroy Gasworks Valve House and Store

During the Hearing it became apparent that there is discrepancy between the ordinance for HO211 and the map for HO211 as illustrated in the following two figures.

Figure 5: Excerpt of the schedule to the Heritage Overlay, Yarra Planning Scheme

HO211	Cnr George Street ALEXANDRA PARADE NORTH FITZROY Former Fitzroy Gas Works Valve House and Store	Yes	No	No	No	No	No	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No
-------	---	-----	----	----	----	----	----	--	----

Figure 6: Excerpt of Map 2 HO, Yarra Planning Scheme with approximate location of store outlined in green



The ordinance refers to the Former Fitzroy Gas Works Valve House and Store (emphasis added). On the map, the Value House is shown covered by HO211, but not the store, which is indicated

on the map in its approximate location outlined in green. This property was included in the Heritage Overlay as part of Amendment L78 under the old format planning scheme for Fitzroy.

Development Victoria submitted an excerpt of the Heritage Review of the site it commissioned Purcell² to prepare in May 2017 which found:

The Gas Store is historically important as one of only two structures remaining to illustrate what was an important industrial site, the Former Fitzroy Gasworks. However, our research has concluded that the building is technically not included in the Heritage Overlay. The mapping for HO211 only includes the Valve House, yet the Schedule to the Heritage Overlay at Clause 43.01 describes HO211 as the Former Fitzroy Gas Works Valve House and Store. The reference to the 'Store' is believed to relate to the Gas Store. While the Store was identified in the Northern Suburbs Factory Study, it was not specifically identified, assessed or recommended for inclusion in the Heritage Overlay through Amendment L78 documentation.

Despite this, the Gas Store is a surviving remnant of the nineteenth century gasworks complex and would normally warrant inclusion in the Heritage Overlay. However, it has been heavily altered externally and lacks the intactness and integrity of the Valve House. The Gas Store is minimally visible from the public realm and has undergone considerable alteration, including the construction of additions on three sides, that have impacted its heritage significance. The Valve House, by contrast remains highly intact and with its remnant equipment, readily communicates its role as part of a nineteenth century gasworks.

Development Victoria submitted that it would be appropriate to correct the anomaly by removing the words 'and store' from the HO211 ordinance:

as the Store has been heavily altered and is not recommended for inclusion in the Heritage Overlay.

The Committee asked the opinion of Mr Lewis, the heritage expert called by the 3068 Group, on whether the Store is included in the Heritage Overlay. Mr Lewis noted that the words 'and store' were included in the ordinance and in his opinion this would imply it was part of the Heritage Overlay. He was of the view that the Store was of heritage significance and should be protected.

The 3068 Group said:

We submit that the panel should recommend heritage protection of the former Gas Store. This was supported by the heritage consultant. Otherwise its fate will be demolition under the current owners.

The heritage consultant being referred to by the 3068 Group is Purcell, presumably the same report as Development Victoria have referred to.

HO468 – Porter Prefabricated Iron Store

² Heritage Review, Purcell, May 2017

The Porter Prefabricated Iron Store is located on the north west of the site, on land currently being used as a Council depot. As well as being subject to the HO in the Yarra Planning Scheme, the building is registered on the Victorian Heritage Register (no H2243) and is classified by the National Trust.

It is proposed by the site owner that the Porter Prefabricated Iron Store (Porter Shed) be relocated to Fairfield Park. The site owner submitted that, in order for site remediation works to be undertaken, the Porter Shed needs to be removed. The site owner supported the relocation of the Porter Shed for the following reasons:

- The Porter Shed has no known association with its current site.
- Relocation of the Porter Shed will not impact its historical or architectural significance.
- It presents an opportunity to increase public interaction with the structure.
- The new location will enable the structure to have a high degree of visibility and passive surveillance.

Council submitted that it does not support the relocation of the Porter Shed and expressed a preference for it to remain on site.

After the Hearing, Council's further resolution in relation to the relocation of the Porter Shed was submitted. This resolution was made on the 8 May 2018 and includes the position:

6. *That in accordance with the guidance from the Council heritage consultant, Heritage Victoria be advised that:*
 - (a) the principle of removing the iron store from the site be only supported subject to it being established it is both necessary and possible; and*
 - (b) while some mitigation measures can be implemented in an attempt to maintain the integrity of the store (such as incorporating fire protection), the preference would be to first retain the building on site in accordance with the resolution of 20 March 2018 before exploring alternative relocation sites with the National Trust.*

Mr Lewis provided evidence about the form and history of the Porter Shed, its cultural and technical significance, and the factors involved in conserving it. Key points from Mr Lewis' evidence include:

- The building dates from about 1853 and in its prefabricated form was imported to Australia from England about this time.
- It is not known where the Porter Shed was first located. It was moved to the current location at some time between 1900 and 1944.
- It is the only known work of J H Porter standing in the world and is of international importance.

Of relevance is Mr Lewis' opinion that:

A further and very important consideration is the fact that the removal of the building would severely damage and possibly destroy it. Development plans regularly propose the relocation of buildings, but this is very rarely successful. This building could not be dismantled by unscrewing the nuts and bolts, which are now fused. The corrugated iron cladding would almost certainly have to be

discarded and replaced, which itself would be to turn the structure into a fake. The reassembly of the components would require unsightly splices, the drilling of new holes and much other damage.

The Committee accompanied Mr Lewis (and other parties) to a site inspection of the Porter Shed on the day following the submission of his evidence.

Many residents, in written and verbal submissions, considered that the Porter Shed should not be moved. Ms Virginia Noonan³ submitted that the Porter Shed should remain where it is and be incorporated into the design of the site and made a focal point. A smaller number of residents were of the view that moving the Porter Shed to Fairfield Park or a similar location would be a satisfactory or good outcome.

(ii) Discussion and conclusions

HO211 – Former Fitzroy Gasworks Valve House and Store

No submissions were made to the Committee about whether the store is included in HO211 or not. The Committee do not feel confident in making a recommendation about this matter based on the information presented to it at and after the Hearing.

Council and Development Victoria should continue working through this matter and resolve whether the Gasworks Store is or is not included in HO211. If it is, then the Gasworks Store should be mapped as part of HO211. If it is not, then the words 'and Store' should be deleted from the ordinance.

At this stage, the Committee concludes that no changes should be made to HO211.

HO468 – Porter Prefabricated Iron Store

There is no proposal to remove the Heritage Overlay from the Porter Shed as part of this Amendment, however the development plan has been constructed on the understanding that the Porter Shed will be removed and relocated to Fairfield Park. Development Victoria has been working with the National Trust and Council to develop this strategy.

The Committee's understanding of Council's position is that all avenues for retention should be exhausted before moving the Porter Shed to Fairfield Park or another suitable location.

There are mixed views about the importance of retaining the Porter Store in its current location from a heritage perspective given the building has already been relocated and has been significantly altered. There is still work to be done to resolve the future location of the Porter Shed.

The question for the Committee is whether it is appropriate to recommend a rezoning of the land to allow for the sale and development of the land prior to the resolution of this issue.

The Committee is confident that the land can be developed whether the Porter Shed is on site or not. There will certainly be challenges around remediation of the land if the Porter Shed remains, but based on questioning of Development Victoria's project manager, it seems these

³ Submission 23 Virginia Noonan

can be managed if necessary. There may need to be some changes to the overall layout of the development if the Porter Shed remains, but these can be accommodated through the development planning process without contradicting the proposed Development Plan Overlay.

Based on this, the Committee concludes that HO468 should remain in place for the time being (as proposed), and the issue should continue to be worked through by Development Victoria, Council and the National Trust to reach a satisfactory solution.

(iii) Recommendation

The Committee recommends:

Council and Development Victoria seek appropriate heritage advice to determine whether HO211 includes the former Fitzroy Gasworks Store and request the Minister make the appropriate changes to HO211 once resolved.

4.2.2 Design and Development Overlay

(i) Discussion

DDO2 applies to the southern part of the site, along the Alexandra Parade interface. This DDO is called 'Main Roads and Boulevards' and its design objectives are:

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

At the Hearing, the Committee asked Development Victoria and Council whether consideration had been given to removing the DDO2 and incorporating its objectives into the proposed DPO in order to minimise the number of controls layering the site.

Development Victoria did not have a strong view on whether the DDO2 should be retained or incorporated into the proposed DPO.

Council however had a preference that DDO2 remain in place to ensure the design objectives for the Alexandra Parade boulevard as a whole can be considered when applicants are considering their development response to Alexandra Avenue. Its' view was that incorporating the DDO2 objectives for the whole spine into the DPO for the specific site may mean that the intent of DDO2 may be lost for this site.

The Committee sees the logic in this and supports Council's position.

(ii) Conclusion

The Committee concludes that Design and Development Overlay Schedule 2 should be retained on the site.

4.2.3 Development Plan Overlay

(i) Discussion and conclusion

The purpose of the DPO is:

- *to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land*
- *to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.*

Applying the Incorporated Plan and Development Plan Overlays (PPN23), August 2015 provides guidance on circumstances in which a DPO should be applied. It notes that the DPO is a flexible tool, stating that the DPO:

... should normally be applied to development proposals that are not likely to significantly affect third-party interests, self contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.

The site has all of these characteristics.

There is strong support for master planning of the site across submissions as can be achieved through a DPO, however there was significant concern about the exemption of notice and appeal rights if the DPO is applied. Community members were very aware that the Hearing process may be the last opportunity they get to have input into the planning outcome on the site.

Other options discussed were the DDO, however, whilst the DDO is suitable for setting built form requirements, it does not provide the interim step necessary to set the framework for the development of a large and complex site.⁴

The Committee considers that a master planning process is essential for this site, and agrees with many community members that there should be further opportunity for community views to be considered through the development planning and detailed planning process. It is unfortunate the DPO does not provide the opportunity to include notice and review and specific stages to the development planning process.

On balance, whilst not perfect, the Committee is satisfied the DPO is the appropriate tool to guide the future development of the site. Opportunities for community input into the development planning and detailed planning of the site are discussed further in 4.3.2.

⁴ Social Housing Renewal Standing Advisory Committee, Common Issues Report, 10 November 2017.

(ii) Recommendation

The Committee recommends:

Apply the Development Plan Overlay – Schedule 16 (Committee’s preferred version is attached at Appendix E).

4.3 The form of the Development Plan Overlay Schedule

4.3.1 The issues

Throughout the process of the Hearing, Development Victoria and Council were able to agree on a number of content issues that had been in contention. These include:

- That the development plan must be prepared for the entire site, and not in stages (although the land may be developed in stages).
- Construction Management Plan requirements.
- Who must be consulted in preparing that Integrated Transport Plan and items that should be included in the Integrated Transport Plan.
- Delivery of a DDA compliant tram stop on Smith Street.
- Provision and funding of community infrastructure.

No commentary has been included below where issues have been resolved between Development Victoria and Council through the Hearing process and no substantive submissions have been received. Changes agreed are reflected in the Committee’s preferred version of the DPO.

DPO schedule issues not fully resolved through the Hearing process, or which had submissions from other parties are discussed and dealt with below. These are:

- Community engagement strategy
- Contamination
- Affordable housing
- Site layout (including public open space)
- Building heights and setbacks
- Indicative concept plan
- Car parking.

Heritage issues have been dealt with earlier in this report.

4.3.2 Community Engagement Strategy

(i) Evidence and submissions

The effect of a DPO is that it removes third party notice, decision and review rights.

This was of great concern to many submitters to the Amendment.⁵

⁵ Submission 23 Virginia Noonan, Submission 33 Chela Niall, Submission 73 The 3068 Group, Submission 116 Kieran Antill, Submission 118 Diana Courtney, Submission 125 Jesse Brooke, Submission 133 David Chalmers, Submission 135 Sharron Bourke, Submission 140 Paul Ahern, Submission 155 Trish Harrington, Submission 157 Stephen Campbell, Submission 166 Alison Hart, Submission 186 Simon Evans, Submission 189 Bernadette

For example, Anne Coveny⁶ submitted:

The proposed DPO removes third party rights, without including mandatory qualified controls. This approach provides no security for the community.

Protect Fitzroy North Inc⁷ submitted:

It's a given that the planning scheme is performance-based and therefore there is heavy use of discretionary language in planning instruments.

However, while this may be reasonable in respect of a planning instrument wherein development applications are still subject to review and third-party notice and appeal, that is not the case with this DPO.

Other submissions raised similar concerns.

(ii) Discussion

One of the features of the DPO is that it removes third party notice and appeal rights. This feature cannot be changed or amended. The Committee do not think that it is ideal given the proposed scale of development on the site, and the discretionary nature of some of the proposed controls. Despite this, as discussed in 4.2.3, on balance the Committee considers that the DPO is an appropriate tool for the site.

The Committee understands that Development Victoria intends to continue consulting with the community throughout the development process and agrees this is appropriate and should be reflected in the DPO schedule. This has been the approach the Committee and other Advisory Committees have taken with other large development sites where a DPO is proposed.

At the Hearing some other DPO schedule examples were discussed including the Debney's Park Public Housing Estate Renewal Project, and the Highett Gas and Fuel site and there was general agreement that inclusion of similar wording in the DPO schedule would be beneficial and provide some level of comfort to the community. The proposed wording is:

Prior to the preparation of a Development Plan, a Community Engagement Strategy must be prepared to the satisfaction of the Responsible Authority which establishes the mechanisms by which the residents and the community will be provided with information and opportunities for feedback during the preparation of the Development Plan. The Strategy must include a requirement that the Development Plan be made available for public inspection prior to its consideration by the Responsible Authority.

McGrath, Submission 190 Suzanne Walters, Submission 193 Protect Fitzroy North Inc, Submission 195 Lisa Magnusson, Submission 206 Anne Coveny.

⁶ Submission 206 Anne Coveny.

⁷ Submission 193 Protect Fitzroy North Inc.

The Committee thinks it important that the Community Engagement Strategy be prepared prior to the preparation of the development plan, to ensure that a strategic approach can be taken to seeking feedback on all elements of the development plan.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay Schedule should be amended to include the requirement that a Community Engagement Strategy be prepared prior to the preparation of a Development Plan.

The Committee's preferred version of the DPO schedule showing this change is attached at Appendix E.

4.3.3 Affordable housing

(i) Evidence and submissions

The site owner and Council agreed that there should be 15% of affordable housing, however there has not been agreement on the appropriate mechanism to deliver this outcome. The site owner simply stated that it would work closely with Council and other state agencies to ensure that affordable housing is delivered without specification of a tool, whether it be a section 173 agreement or other mechanisms.

The site owner proposes the following wording in the DPO:

Support a range of dwellings to cater for a variety of housing needs including the provision of 15% of dwellings as affordable housing.

Council submitted that:

The provision of 15% affordable housing has been agreed between Development Victoria and Council, but agreement has not been reached on how this should be defined. Development Victoria propose drafting that does not provide a definition.

Council would like the DPO schedule to include the delivery mechanism for the affordable housing on site, in line with the Yarra Housing Strategy which includes the action (Action 8):

Support provision of affordable housing including through co-housing and housing associations.

The action goes on to describe current mechanisms for delivering affordable housing including:

- Section 173 agreements to provide at least 5% community housing.
- Shared equity models of development.
- Advocacy of policy and legislation changes.
- Facilitating partnerships between developers and affordable housing providers on strategic redevelopment sites.

A number of submitters were concerned about the lack of certainty around affordable requirement. For example:

There is no mandated affordable housing so including affordable housing is at the developer's discretion.⁸

The proposed development doesn't provide for sufficient low cost and affordable housing.⁹

(ii) Discussion

GLSAC has had to consider the issue of affordable housing inclusions in DPOs in a number of other sites including Highett (Tranche 15), Wantirna (Tranche 20) and Wodonga (Tranche 10).

As a principle, GLSAC has taken the view that it is inappropriate to recommend specific amounts and delivery mechanisms of affordable housing through a DPO given that legislation is now in place to manage the delivery of affordable housing in the form of the *Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017*. As recently as 1 June 2018, two Ministerial Notices were published in the Victoria Government Gazette providing more detail to guide the delivery of affordable housing highlighting.

GLSAC considers that by being too specific about provision and delivery of affordable housing in DPOs there is a danger that controls that contradict state wide controls may be introduced. Whilst providing affordable housing through the planning process is essential, it is important that the requirements are equitable across different parts of the State.

What has generally been recommended by GLSAC previously is a reference to the need to provide affordable housing and that a requirement that a Dwelling Diversity Report be prepared to guide the type of affordable (and other) housing that should be delivered on the site.

The Committee thinks a different approach for this site is justified and that a quantum of affordable housing (at least 15%) to be provided on the site should be specified in the DPO. The reasons for this are:

- There was no objection to provision of affordable housing. In fact many submitters wanted an even higher amount of affordable housing – up to 100% - to be provided on the site.
- Council and Development Victoria agreed on a quantum of 15% affordable housing.
- Provision of a large amount of affordable housing on this site is part of the whole of government vision for this land.
- The site is ideally located for provision of affordable housing due to its proximity to public transport, jobs, education and services.
- There is inadequate affordable housing (including social housing) available in the area due to its proximity to the CBD.

For the reasons stated above, the Committee does not consider it appropriate to include details as to how affordable housing should be defined and delivered on the site as requested by Council. The Ministerial Notice published on 1 June 2018 provides details of the matters to be

⁸ Submission 82 Bojana and Chris Tester.

⁹ Submission 113 Heather McDonald.

considered when determining what is appropriate for affordable housing provision. It is simply too early in the planning process to be able to anticipate the best affordable housing mix for the site and how it should be delivered. What is important at this point in time is that the developer and Council have been able to agree on a quantum of affordable housing.

The Committee supports the wording proposed by Development Victoria for inclusion in the DPO and the requirement for a Dwelling Diversity and Affordable Housing Report generally as exhibited.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay should include the requirement that 15% affordable housing be provided on the site.

The Committee's preferred version of the DPO schedule showing this change is attached at Appendix E.

4.3.4 Design objectives

(i) Evidence and submissions

Numerous submissions raised concerns that the Design Objectives outlined in the *North Fitzroy Gasworks Precinct Urban Design Framework 2008* (the UDF) had not been adequately reflected in the DPO.

Council submitted that the UDF was adopted in October 2008. It is not currently part of the part of the planning scheme but is proposed to be a reference document in the DPO. Council supported this.

Based on the submission by Council, Development Victoria submitted a revised DPO that included some of the key design objectives identified in the UDF to ensure that the preparation of the Development Plan is consistent with the Urban Design Framework. These objectives include the following:

Future development of the Gasworks Precinct should:

- *respond to Queens Parade and Alexandra Parade with built form that contributes to their significance as formal boulevards, and land uses that suit the varied traffic and environmental conditions along them*
- *address Smith Street to strongly encourage the use of tram services in connection with development of the site, and to contribute to the streetscape character and vitality of the activity strip along the length of Smith Street*
- *improve pedestrian and bicycle access into and through the precinct to support its development and to integrate activity in the area with surrounding neighbourhoods*
- *accommodate community facilities meeting strategic needs of the wider area*
- *create useful public spaces to meet local needs, to improve their amenity and usability*
- *capitalise on significant development opportunities created by excavation for site remediation purposes and by the buffer created by wide roads north and south of the Gas & Fuel site.*

Council proposed a number of other design objectives be included based UDF opposed by Development Victoria because it considers these objectives to be dealt with in Clause 58 of the Yarra Planning Scheme.

Council submitted that it is appropriate to identify the key design objectives for the development plan in Clause 3.0 of the DPO schedule as objectives which ‘must be satisfied’ in the preparation of the development plan.

It also submitted that the objectives reflect the guidelines contained in the UDF saying:

While in some cases there may be similar or related objectives in Clause 58, Clause 58 objectives and standards are among various matters that will be relevant to the consideration of the merits of the development plan. In addition to this, the planning report required to be prepared in support of the development plan simply requires an assessment of how the proposed development responds to the Yarra Planning Scheme, including Clause 58. This clearly does not require that objectives be satisfied.

(ii) Discussion

The Committee agrees that the DPO should better articulate the design objectives established in the UDF. This will greatly assist in future decision making for the site as a development plan is developed and permits are issued.

It does not consider that inclusion of the UDF as a reference document is sufficient to achieve this. It is well established that reference documents provide background information for decision makers and should not be relied on to make planning decisions. The correct approach is to translate the important elements of a reference document into the planning control. The Committee is comfortable with the UDF being included in the DPO as a reference document, but doesn’t consider it necessary if the essence of the UDF is translated into the DPO.

The Committee has considered the proposed design objectives put forward by Development Victoria and Council.

The list is long and includes some repetition. The Committee has refined the proposed objectives and grouped them thematically around the headings:

- former Fitzroy Gasworks site objectives
- site design and land use
- built form
- movement.

The Committee has also endeavoured to remove repetition and contradiction and simplify the wording of the objectives to plain English.

The Committee considers that it is appropriate to include the objectives that Development Victoria is concerned overlap with Clause 58. These include objectives relating to:

- spacing of buildings
- avoiding visually dominant buildings
- overshadowing
- ensuring open spaces and public spaces are not overshadowed, overwhelmed by scale of buildings and are surveilled

- minimising wind tunneling effects
- acoustic management
- creating a ‘precinct’ rather than individual buildings.

The Committee agrees that it is generally better to avoid repetition in the planning scheme and rely on existing controls (such as Clause 58), however due to the scale of development and the importance of managing these issues on a precinct wide basis, the Committee doesn’t consider that reliance on Clause 58 is appropriate. Clause 58 applies to permit applications and not explicitly to development plans. The Committee would rather err on the side of caution.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay should include design objectives that reflect the *North Fitzroy Gasworks Precinct Urban Design Framework 2008*.

The Committee’s preferred version of the DPO schedule showing this change is attached at Appendix E.

4.3.5 Site design

(i) Evidence and submissions

Expert opinion

Craig Czarny was called as an urban design expert by Council and provided the following opinion on the proposal:

I believe that the Former Fitzroy Gasworks site is a strategically important parcel that is well positioned to accommodate a medium to high density mixed-use development in close proximity to outstanding community, public transport and activity centre provisions. The proposed Amendment C243, including rezoning of land and the introduced DPO16 are appropriate planning and design tools to support integrated development of the land over time, in particular as it responds to different public interfaces.

Mr Czarny submitted:

... the land could be defined as an ‘island site’ which is significantly large enough (at 3.9 hectares) to establish an urban character of its own. This does not mean that its design should not have regard to its context, rather signifies an opportunity for a development outcome that is both ‘contextually referenced’ and ‘distinctive’ in its own right.

Whilst supportive of the broad objectives of the proposal, Mr Czarny had concerns that more detail should be included as to the anticipated overall development form, layout and composition, and considered further design refinement is required at key street and public space interfaces to ensure appropriate public and communal amenity in future development. He recommended the following changes to the Master Plan, DPO and Context Plan:

Further reinforce north-south access through the site between Alexandra Parade and Queens Parade.

Ensure all public streets and open spaces are activated accordingly with clear interface types identified.

Apply building setbacks behind street walls to minimise overshadowing and detrimental canyon effects.

Apply a winter solstice overshadowing test to key public open spaces and shape urban form accordingly.

Modify development heights to ensure equinox solar access is achieved to streets and courtyards.

Update or enhance the proposed DPO16 Indicative Concept Plan as a more illustrative Concept Plan.

Provide more detail in DPO16 Part 3.0 'Design Guidelines' drawn from the Masterplan Pg 5 – Design Response.

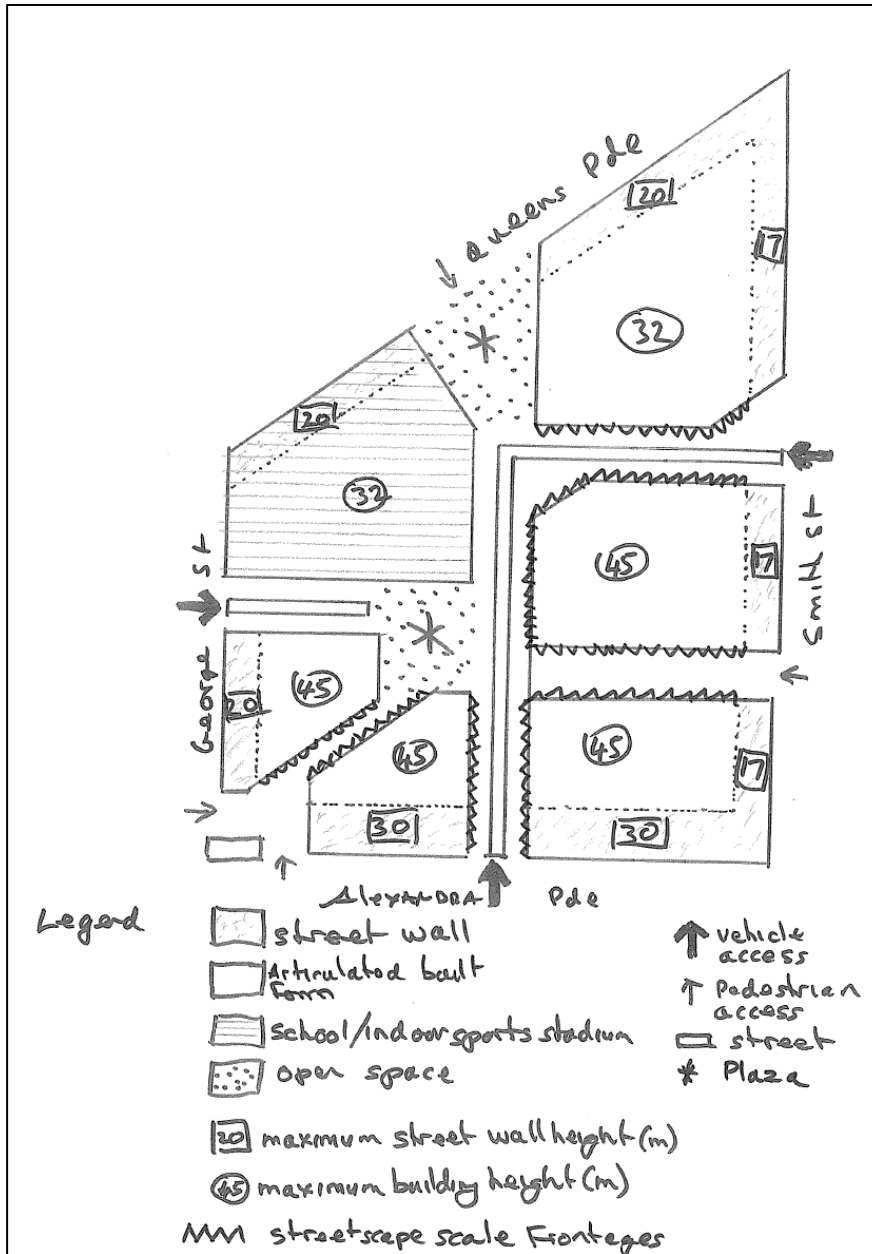
Provide more detail in DPO16 Table of Development Envelopes on block based typology and form.

Include a clear plan-based depiction of heights with details of forms, street walls, setbacks and heights.

Identify key decision-making tests for development applications which exceeds designated heights.

Based on Mr Czarny's advice, Council submitted some suggested changes to the Concept Plan as shown in Figure 7.

Figure 7: Changes to the concept plan proposed by Council



Proposed urban structure

Most submissions were generally supportive of the overall structure of the proposal as outlined in the concept plan.

Concerns about structure mainly related to the amount of public and open space in the development. Most community submissions sought a greater amount of open space in the development. Submissions included:

- Public spaces are tokenistic.¹⁰

¹⁰ Submission 10 Sophie Oh.

- There is no large, open space in the development as envisaged in the 2008 Urban Design Framework.¹¹
- Edinburgh Gardens is already ‘choked’ and this development should provide for a large open space for the area.¹²

Development form and scale

Most community submitters considered that the proposed heights of the development on the site were excessive. Concerns included:

- Proposed heights of towers will create wind tunnels.¹³
- Heights are too high considering the surrounding area.¹⁴
- The proposed heights are not ‘generally consistent’ with the 2008 Urban Design Framework as stated by Development Victoria.¹⁵
- A 14-storey height limit will “*leave us with concrete bunkers facing right onto the streets*”.¹⁶
- Heights of 10 – 14 storeys will lead to visual bulk and other loss of amenity.¹⁷

Sara Phillips¹⁸ submitted that the building heights on site should be restricted to below 10 storeys, with a preference of a maximum of 6 storeys. This sort of height limit for the site was mirrored by many other submissions from residents.

A number of submissions raised concerns that building setbacks were not sufficient from the main roads and internally.

Several submissions raised concerns that the proposed building design and height would cause overshadowing and enclosure of the relatively narrow streets.

Development Victoria and Council do not agree on the street wall heights that should be identified in the Building Heights and Setbacks Table in the DPO. Council maintains its position that the DPO16 should reflect the street wall heights and maximum heights identified in the *North Fitzroy Gasworks Precinct Urban Design Framework 2008* as the preferred heights.

Council is prepared to accept that the that Building Heights and Setbacks Table should describe height in both metres and the equivalent storeys. However, Council’s agreement to the inclusion of storeys is subject to the inclusion of a note at the end of the table which is ‘Maximum height in metres should be met regardless’. Council submits that if both measures are included it is imperative that DPO16 provides clear guidance on how these different measures should be applied. Development Victoria has not agreed to this change.

¹¹ Submission 33 Chela Niall.

¹² Submission 15 Andrew Hannah.

¹³ Submission 10 Sophie Oh.

¹⁴ Submission 17 Alison King.

¹⁵ Submission 52 Andrew Melville.

¹⁶ Submission 66 Stephen Smith.

¹⁷ Submission 199 Cheryl Apperley.

¹⁸ Submission 21 Sara Phillips.

(ii) Discussion

The Committee is satisfied that the urban structure outlined in the DPO (including the Concept Plan) is well described at a high level. It agrees with Council and the community that more detail should be included to:

- ensure the site is developed as a precinct
- ensure good design outcomes are achieved on internal street walls to ensure development is not overwhelming
- protect public open space from overshadowing and being overwhelmed
- focus on excellent landscaping to soften the landscape and provide environmental benefits.

The matter of whether the DPO should be amended to reflect the UDF heights at street walls was a matter where Council and Development Victoria were unable to reach agreement.

The table below indicates where Council and Development Victoria respective views on setbacks and heights. Areas of discrepancy are shown in red.

Table 5: Setbacks and heights

Street	Distance from boundary (m)	Maximum height (m)
Queens Parade	0 – 8m	20m (6 storeys)
	Council = > 8m DV = 11.5m	32m (10 storeys)
Smith Street (from Queens Parade to Council Street)	Council = 0 – 8m DV = 2 – 8m	Council = 17m (5 storeys) DV = 20m (5 storeys)
	> 8m	32m (10 storeys)
Smith Street (from Council Street to Alexandra Parade)	Council = 0 – 11.5m DV = 2 – 8m	Council = 17m (5 storeys) DV = 26m (8 storeys)
	Council = >11.5m DV = 8m	45m (14 storeys)
Alexandra Parade	Council = 0 – 22m DV = 2 – 22m`	Council = 30 (10 storeys) DV = 32m (10 storeys)
	> 22m	45m (14 storeys)
George Street	Council = 0 – 12.5m DV = 2 – 8 m	Council = 20m (6 storeys) DV = 32m (10 storeys)
	> 12.5m	45m (14 storeys)

The Committee understands Council is basing its position on:

- Mr Czarny’s advice in relation to setbacks and greater nuance in building design, particularly at street level.
- The heights specified in the 2008 Urban Design Framework.

The views of the community were clear and consistent when it came to acceptable heights on the site. There was a view that heights were too high, and a sense of betrayal that the heights identified in the UDF, which was prepared with the community, were not reflected in the controls.

The Committee considers that the Council’s proposed heights represent a compromise, where street wall heights proposed are generally in accordance with the UDF, and building height beyond the street wall can be higher. This approach manages the element (street wall height) that will most impact on residents and visitors to the site while still allowing substantial development of the site. Given the support of the expert Mr Czarny for this approach, the Committee accepts Council’s proposal.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay should:

- Incorporate a more detailed concept plan.
- Increase setbacks in line with Council’s recommendation.
- Decrease heights permitted at street wall in line with Council’s recommendation.

The Committee’s preferred version of the DPO schedule showing these changes is attached at Appendix E.

4.3.6 Car parking

(i) Evidence and submissions

Chris Coath of GTA Consultants was called as an expert by Development Victoria to provide transport evidence.

GTA Consultants have undertaken two reports for the site. The first was prepared in 2015 and concluded that between 1,852 and 2,299 spaces would be required for the site (depending on which development scenario was pursued). The car parking rates used by GTA for this report were:

Table 6: GTA car parking rates

Land use	Rate
Residential	0.8 to one or more bed dwellings
Residential visitor	1 to every 10 dwellings
Commercial	3.5 per 100 square metres
Retail	4 per 100 square metres
Sport	35 spaces per court

Once Development Victoria had firmed up its Master Plan for the site, GTA Consultants was commissioned to undertake a high level review of the Master Plan for the site in 2017 which proposed a total of 769 spaces for the development based on:

Table 7: Land use basis for car parking rates

Land use	Revised Master Plan
Residential	1,208 dwellings
Retail	4,305 square metres
Sport	6 courts
Secondary school	10,600 square metres
Childcare	120 places

Based on standard car parking rates the requirement for car parking for the revised Master Plan land uses would be 1,946 spaces. The following justification was provided for the large reduction in the number of car parking spaces:

- The excellent location of the site to public and active transport links
- There is a desire to promote and encourage sustainable transport for developments in the Fitzroy area
- The revised development yields are lower than those considered in the 2015 GHD report.

Nicholas Lanyon¹⁹ submitted:

The proposed provision in carparking is vastly deficient compared to the statutory requirements in Yarra for new developments and is significantly less than that provided by other developments in the neighbouring area.

No reason has been given for the reduction in carparking requirements and the assertion that the region is well served by public transport and street parking is contrary to requirements for other developments in the local area and current parking restrictions set by Yarra to enable existing residents to retain access.

Simon Evans²⁰ is a local resident who also works as a professional in the property development field. He made the following observations:

- *The traffic report as provided with the documentation would appear to have been created as a justification for the limited number of car spaces to be provided.*
- *The empirical car parking demand data for carpark generation is on the extreme low end. This is further highlighted by the differences shown by comparing previous reports prepared by Places Victoria (GHD Report).*
- *When compared to other GTA Reports and Traffix Group reports for comparable development sites, and even sites with proximity to heavy rail, i.e.*

¹⁹ Submission 120 Nicholas Lanyon.

²⁰ Submission 186 Simon Evans.

Clifton Hill Rail Station, the empirical carpark demand data numbers are very low.

His view was that the number of cars required for the residential portion of the development would be around 1,250 spaces, plus additional spaces for visitor parking and the retail component.

Mr Evans also highlighted concerns with provision of car parking for teachers of the proposed school and the sports stadium, including how major tournament days would be addressed.

(ii) Discussion

The Committee agrees with submitters that the parking proposed in the current Master Plan may be inadequate. It is difficult to reconcile the expert's evidence given the significant discrepancy between the car parking figures in the 2015 report, the standard rate requirements and what is proposed in the revised Master Plan, especially given the small amount of justification provided by the expert. The Committee believes that parking requirements should be calculated from first principles once the nature of uses is known.

The Committee does not support including parking space numbers in the DPO schedule.

The Committee agrees that there is justification for a reduction of car parking requirements for the reasons noted, but car parking requirements is a design issue which should be resolved at the Development Plan stage in order to allow a strategic response to car parking needs across the site. Any reduction of car parking should be as a result of a properly justified parking plan which integrates the car parking requirements of different parts of the site at different times of the day and week.

As the site will be excavated to deal with contamination issues, there is an opportunity to develop a comprehensive and innovative car parking plan for the site.

(iii) Conclusion

The Committee concludes that:

- the parking proposed in the indicative Master Plan prepared by Development Victoria is likely to be unrealistic for the proposed development and should be disregarded.
- an integrated car parking plan should be prepared at the Development Plan stage.

The Committee's preferred version of the DPO schedule showing this change is attached at Appendix E.

4.3.7 Contamination

(i) Evidence and submissions

Development Victoria presented details about the remediation proposed for the site. It submitted:

The site is highly contaminated as a result of historical gas manufacturing and other industrial processes. Coal gas production and tar storage has resulted in soil contamination across the site with groundwater also impacted as a result of gasworks and waste storage activities. In November 2014, the Environment

Protection Authority (EPA) of Victoria issued a statutory Clean Up Notice on the site.

The EPA provided a submission²¹ but did not appear at the Hearing. The EPA said it:

has concerns that the proposal as exhibited does not adequately highlight and respond to the risks of contaminated land and groundwater present at the site due to the proposal to allow sensitive land uses.

It submitted:

- *DPO16 does not adequately ensure alignment of permitted land uses and suitable uses listed in the outcome of a Certificate or Statement of Environmental Audit.*
- *DPO16 does not adequately consider conditions in a Statement of Environmental Audit.*
- *DPO16 does not adequately consider potential land uses limitations due to the presence of contamination and the implications on a development plan.*
- *DPO16 does not adequately consider the potential for a development plan to prejudice or conflict with ongoing monitoring and management of contaminated land and groundwater.*
- *The requirement of a Site Remediation Plan (SRP) does not have a clear purpose or intent.*

To address these concerns, the EPA recommended some changes to the DPO as follows:

1. Include the following wording under Clause 1.0 Requirement before a permit is granted:

A Development Plan for any one stage of the development may be approved and a permit for that stage may be issued prior to the approval of a Development Plan for any other stage of development once it has been demonstrated that the grant of a permit will not prejudice or conflict with:

- *Ongoing monitoring and management of land as identified in a Statement or Certificate of Environmental Audit.*

2. Include the following wording under Clause 2.0 Conditions and requirements for permits:

A permit for the subdivision, use or development of land must ensure that residual contamination is managed through:

- *Ensuring the permit aligns with the list of suitable land uses on the associated Statement of Environmental Audit issued under part IXD of the Environment Protection Act, 1970, and;*
- *Ensuring the conditions on land use and development, as specified in the abovementioned Statement of Environmental Audit, where relevant to the proposed permit, are translated into a condition on that permit.*

3. The development plan should show or make provision for the following:

Site Contamination

²¹ Submission 188 Environment Protection Authority.

- *Potential land use limitations due to the presence of contamination onsite as identified by the outcomes of an environmental audit associated with the land as per Part IXD of the Environment Protection Act 1970.*

The EPA also requested the removal of the requirement for a Site Remediation Plan (SRP) as the SRP is not a document that is recognised in the Victorian Environmental Audit system and does not reflect current industry standards.

Council supported the EPA submission with the exception of the third point as outlined below.

Council submitted the intention behind this statement was unclear as:

It is located at the end of the list of reports that are required to be prepared as part of the development plan, but it is not clear whether it is calling for an environmental audit to be undertaken as part of the preparation of the development plan or whether it is merely asking for the development plan to incorporate any conditions and recommendations arising from an audit if one has been completed at that time.

It submitted that DPO16 addresses potential land use limitations arising from the contamination of the land through:

- *the permit requirements of clause 2.0; and*
- *the flexibility afforded in DPO16 to the location of land uses as result of the high-level depiction of land uses on the Indicative Concept Plan and need for the development plan to be 'generally in accordance with' such plan.*

Council proposed that a general objective be included in DPO16 instead to:

Ensure that the development plan responds to and incorporates any conditions or recommendations for the use and development of the land identified in an environmental audit associated with the land as per Part IXD of the Environment Protection Act 1970.

Development Victoria were satisfied with suggestions put forward in the EPA and Council submissions.

The issue of contamination on the site and in the groundwater was highlighted by numerous members of the community.

(ii) Discussion

The issue of contamination on the land is clearly understood by all parties.

All parties agree the controls need to be drafted to ensure that contamination issues are properly dealt with prior to development of the site.

After the Hearing, Development Victoria and Council came up with an agreed set of words for the DPO which incorporate the recommendations of the EPA relating to Clause 1.0 and Clause 2.0, and including Council's proposed addition.

The Committee is satisfied that this will ensure that contamination issues are properly addressed through the planning process.

This is not the first time the issue of contamination on GLSAC sites has arisen. The Committee thinks there would be merit in DELWP and the EPA meeting and determining standard wording for the DPO and permit conditions for sites such as this.

(iii) Conclusion

The Committee concludes that the Development Plan Overlay should reflect the matters raised by the EPA in line with the drafting proposed by Development Victoria and Council.

The Committee's preferred version of the DPO schedule showing this change is attached at Appendix E.

4.4 Other matters

4.4.1 Responsible authority

(i) Evidence and submissions

The site owner has proposed that the Minister for Planning be the responsible authority for the site. Its reasons for this are:

- The project is considered to be of state importance.
- A government committee has endorsed a vision and objective for the site that provides strong, clear direction for the redevelopment of a heavily contaminated site within inner Melbourne.
- A number of matters on the site require co-ordination of state agencies. There are advantages in the State coordinating these.

Council submitted its did not support the Minister for Planning becoming the responsible authority for the site until the following matters were resolved:

- The proposed DPO provides greater certainty on the development outcome for the land.
- Confirmation on the delivery of the six-court indoor sports stadium proposed for the land.
- Confirmation of funding for the relocation of the Fitzroy Depot.

A number of residents were concerned about the Minister for Planning being the responsible authority for the site and considered the Yarra City Council should remain the responsible authority.

(ii) Discussion and conclusion

The Committee is satisfied that this is a project of state significance due to the location and size of the site, the commitment to the provision of affordable housing and the development of regional community assets including a high school and a sports stadium. The development will also make a significant contribution to accommodating a growing Melbourne population.

The Committee understands that Council does not have in principle concern about the Minister for Planning becoming the responsible authority for the site.

As a result of the proposed changes recommended to the DPO discussed in 4.3 the Committee considers that concerns raised by Council about the form of the DPO have now been addressed.

The Committee notes that Development Victoria is committed to working through the issues related to delivery of the sports stadium and the relocation of the Fitzroy Depot and agree with Council that once these issues are resolved it would be appropriate for the Minister for Planning to be the responsible authority for this site.

The Committee considers that the concerns raised by resident submitters in relation to the Minister for Planning being the responsible authority are largely related to concerns about the potential for further community engagement in the process. These issues have been dealt with in 4.3.2 and 4.4.2.

(iii) Recommendation

The Committee recommends:

Make the Minister for Planning the responsible authority for the site.

4.4.2 Open Space – Clause 52.01

(i) Discussion and conclusion

The Committee considers that the schedule to Clause 52.01 is the appropriate place in the planning scheme to include the requirements for quantum of open space. At present, the schedule to Clause 52.01 indicates a 4.5% contribution is required for this site. The Clause 52.01 schedule should be amended to include a 8% requirement for this site. There is no need to make amendments to the DPO.

(ii) Recommendation

The Committee recommends:

Amend the schedule to Clause 52.01 to include an 8% public open space contribution for this site.

4.4.3 Consultation process

(i) Evidence and submissions

Development Victoria outlined the two phases of community engagement in developing the controls for the site. Phase 1 took place between 2 May and 10 June 2016 and was designed to:

- inform stakeholders and the community and opportunities to engage
- understand reactions and consequence of the proposal.

Phase 2 took place between 1 November and 8 December 2017. The purpose of this consultation was to:

- exhibit the draft master plan
- invite feedback prior to the request to proceed with a planning scheme amendment.

In addition, a Community Reference Group was established to provide input into the project.

Many submissions from residents indicated a dissatisfaction with the adequacy of the consultation process. Concerns included:

- Some people were not aware of the process as they missed notices in the paper, or didn't receive a letter.
- Some people didn't understand the significance of the process.
- There was a sense that the community should have been able to have more input into the master planning process to shape it between Phase 1 and Phase 2.

Of greatest concern to residents is that if the proposed DPO is applied to the site, third party appeal rights are extinguished, meaning this amendment process is the last opportunity the community have to formally object to the proposal or any elements of the future development.

Further, there is concern that with the Minister for Planning being the responsible authority for the site, the ability for residents to influence the design outcomes on the site will be further limited than if Council were the responsible authority.

The Committee notes that Development Victoria has clearly undertaken extensive consultation with other government departments to construct a proposal that achieves great community benefit through the provision of a state school, affordable housing and recreational facilities.

(ii) Discussion

The Committee is sensitive to the fact that the Development Plan Overlay extinguishes third party appeal rights, and section 4.3.2 deals with this issue.

The question for the Committee here is whether adequate community consultation has been undertaken to get the proposal to the stage it is now.

The Committee is satisfied that Development Victoria has undertaken a genuine consultation process with the community in the development of this proposal which has included two phases of consultation, a Community Reference Group and an information portal on the Development Victoria website. Phase One consultation in particular had a very high response rate.

Whilst the Committee appreciates that many residents do not feel that adequate consultation has been undertaken it notes that three resident groups have assembled and provided very helpful and considered advice at the Hearing which has helped shaped the drafting of the DPO to address community concerns.

The Committee is satisfied the statutory consultation obligations of the *Planning and Environment Act 1987* have been met.

(iii) Conclusion

The Committee concludes:

- Development Victoria has undertaken an acceptable level of consultation to date.
- Statutory consultation obligations of the *Planning and Environment Act 1987* have been met.

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

The approved Terms of Reference for the Committee was revised by the Minister for Planning in April 2018.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jenny Fraser, Prue Mansfield, Jane Monk, Rachael O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and*
- provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.*

The Advisory Committee must produce a written report for the Minister for Planning providing:

- an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,*
- consideration of whether the proposed planning provisions 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,*
- an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,*
- an assessment of submissions to the Advisory Committee,*
- any other relevant matters raised during the hearing(s),*
- a list of persons who made submissions considered by the Advisory Committee,*
- a list of persons consulted or heard,*
- endorsement by the Chair or the Deputy Chair.*

Appendix B: List of submitters

No.	Submitter
1	Emma Morris
2	Jenni Nash / Barry Tennant
3	Keir Wotherspoon
4	Alexander Antoniadis
5	Aaron Robinson
6	Joel Wilson
7	Janelle Mason
8	Sandra Grulli
9	Alice Mooney
10	Sophie Oh
11	Glacken Sturt
12	Rebecca Lloyd
13	Brian Francis Dixon
14	Peter Enright
15	Andrew Hanna
16	Linda Young
17	Alison King
18	Helen and Greg Lanyon
19	Garrett Hughes
20	Jerome Tymms
21	Sara Phillips
22	William Huxley
23	Virginia Noonan
24	Suzi Riess
25	Lauren Burgess
26	Susan Margaret Mahar
27	Matthew Dalrymple
28	Sally Draper
29	Elizabeth Sime
30	Department of Education and Training
31	Josephine Pollett
32	Marion Marshall

33	Chela Niall
34	Susan Morgan
35	Barry David Coley
36	Barry David Coley
37	Jane Margaret Begg
38	Richard G Artis and Giovanna Giaquinta
39	Maureen Cox
40	Robert Szabo
41	John Prikryl
42	Frank Cotronea
43	Dawn Anderson
44	John O'Meara
45	Brad Marsh
46	Sarah Mathers
47	City of Yarra
48	Brendan Mitchell
49	Elizabeth Tighe
50	Jonathan Hull
51	Mark Hastings
52	Andrew Melville
53	Domenica Anna Isgro
54	Geraldine Robertson
55	Joel Fetter
56	Julie Contole
57	Margaret Ann Krishnapillai
58	John Renehan
59	Gilbert Langfield
60	Ruth Gould
61	Claudia Baaini
62	John And Mary Goodison
63	Todd Ashley Perry
64	Alphington Fairfield Appropriate Development Association Inc
65	Brinsley Elisabeth Laird
66	Stephen Smith
67	Ken Leehane
68	Amanda Donohoe
69	Clare Morton
70	Susan Shedda
71	Katie-Jean Harding

72	Robyn Lorraine Woods
73	The 3068 Group
74	Daron Raymond Letch
75	Simon Louis
76	Philip McIntyre and Teck Sun Chooi
77	Peter Clark
78	Danielle Chipp
79	Drew Blatchford
80	Lauren Gysberts
81	Catherine Mackenzie
82	Bojana and Chris Tester
83	Nicole Newton
84	Lesley Gaye Bright
85	Mary Rose Atchison
86	Kathryn Hopper
87	David Moore
88	Jeremy Zatorski
89	Kylie Tennyson
90	James Versteegen
91	Diana Russell
92	Raffaele Cotroneo
93	Michael Wright-Smith
94	Frank Grulli
95	Cathy Anne Grulli
96	Pamela D McLure
97	Kristian Scott
98	Gabrielle Pound
99	Tim Scrase
100	Jenny Vaughan
101	William Robb
102	Rod Harris
103	Mark Landy
104	Adam Skidmore
105	Jemimah Brennan
106	Raewyn Crighton and Bernd Micheel
107	Robin Michael McAllen
108	Kelvin Adams
109	Tamara Abraham
110	Allan Paul Thompson

111	Jayne Darby
112	Timothy Darby
113	Heather McDonald
114	Ric Begg
115	Jamie Stuart Lowe
116	Kieran Antill
117	Marianne Van Leeuwen
118	Diana Courtney
119	Diana Carroll & Linda Woo
120	Nicholas Lanyon
121	Robert Hescroff
122	John Michael Hayhoe
123	Marlene Maree Hayhoe
124	Clive May
125	Jesse Brooke
126	Robert Allen
127	Ursula Groves
128	Natalia Irina Hepp
129	Fitzroy Residents Association Inc
130	Deidre Williamson
131	Dale Simpson
132	Dr Virginia Dods
133	David Chalmers
134	Jillian Anne Blackmore
135	Sharron Bourke
136	Sharron Bourke
137	Scott Walkenhorst
138	Pauline Judith Drayton
139	Haripriya Rangan
140	Paul Ahern
141	Catherine Harper
142	Annette Tepper
143	Roslyn Norma Beaton
144	Jennifer Shannon
145	Rebecca Davey
146	Pam Saunders
147	Nowarchitecture
148	Development Victoria
149	Margaret Ruth Goding

150	Kenneth Gomez
151	Luke Delaney
152	Professor David D McCallum
153	Geoff Poynter and Rosie Clark
154	Cara Pilkington
155	Trish Harrington
156	William Beaton
157	Stephen Campbell
158	Elizabeth Bobeff
159	Bruna Evans
160	Robyn Smith
161	Beverley Anne Burnside
162	Keith Stuart Robertson
163	Robyn Zalcmán
164	Sian Smith
165	Julian Golby
166	Alison Margaret Hart
167	Nott Architecture
168	Collingwood Basketball Association
169	Margaret Temelkovski
170	Richard Thomas Hughes and Beata Maria Richau
171	Bruce William Field
172	Melissa Marino
173	Andrew Blair Minogue
174	Laura and Simon Pender
175	Graham Merrett
176	Robin Stewart-Crompton
177	City Suburb Home
178	Graeme and Rena Pritchard
179	Giles Robert Ingram
180	Carol Harvey
181	Sally Martin
182	Annie Russell
183	Natalie Grist
184	Gregory M Spark
185	Rosemary Elliott
186	Simon Evans
187	Simon Evans
188	Environment Protection Authority

189	Bernadette McGrath
190	Suzanne Walters
191	Brendan Lewis
192	Simon Evans
193	Protect Fitzroy North Inc.
194	Warren Giesbers
195	Lisa Magnusson
196	Heather Lesley Stock
197	Paul Jackson
198	Transport for Victoria
199	Cheryl Apperley
200	Marigene Larew
201	John Owe Young
202	Robert Newbold
203	David Young
204	Meredith Stone
205	Charles Young
206	Anne Coveny
207	Catherine O'Doherty
208	Aphrodite Simopoulos
209	Mary Guiney
210	Gregory Martin
211	Damian Marcus O'Keefe
212	Ryan Fernandes
213	Katherine Kennedy
214	Patricia Anne Grover
215	Mark Purvis
216	Nola Read
217	John Price
218	Anne Horrigan-Dixon

Appendix C: Parties to the Hearing

Submitter	Represented by
Development Victoria	Tom Harrington of PLC Consulting with Paul Katsieris who called the following expert evidence: <ul style="list-style-type: none">- Traffic and Transport from Chris Coath of GTA Consultants
City of Yarra	Kim Piskuric of Harwood Andrews who called the following expert evidence: <ul style="list-style-type: none">- Urban Design from Craig Czarny of Hansen Partnership
Ken Gomez	
Protect Fitzroy North	Glen McCallum
The 3068 Group	Graeme Loughlin and Mary Kenneally and who called the following expert evidence: <ul style="list-style-type: none">- Architectural History and Heritage on the J H Porter Shed from Miles Lewis AM of the University of Melbourne
John and Marlene Hayoe	
Brad Marsh	
Fitzroy Residents Association Inc.	Margaret Portelli
Keith Stuart Robertson	
City Suburb Home	Anne Gartner
Richard Thomas Hughes and Beata Maria Richau	
Simon Evans	
Nott Architecture	Terence Nott
Anne Coveny	
John Price	
Peter Clarke	
Mary Rose Atchison	
Jamie Stuart Lowe	
Dale Simpson	
Haripriya Rangan	

Appendix D: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Written submission	Development Victoria
2	Written submission	City of Yarra
3	Schedule 16 to Clause 43.04	City of Yarra
4	Queens Parade, Clifton Hill – Built Form Review	City of Yarra
5	Development Applications and Approvals	City of Yarra
6	Policy Guidance Note – Affordable Housing	City of Yarra
7	Council Housing Strategy	City of Yarra
8	Protect Fitzroy North submission	Glen McCallum and Mary Kenneally
9	3068 Group Submission	Graeme McLoughlin
10	Table of data	Miles Lewis
11	Further information	Miles Lewis
12	John and Maree Hayhoe submission	John and Maree Hayhoe
13	Fitzroy Residents Association submission	Margaret Portelli
14	City Suburb Home	Anne Gartner
15	Schedule 16 of the DDO	Simon Evans
16	PDZ Schedule – Yarra Gardens	Simon Evans
17	PowerPoint presentation	Terence Nott
18	Submission	Anne Coveny
19	Submission	Mary Rose Atkinson
20	Parking Management Strategy	City of Yarra

Appendix E: Committee's preferred version of DPO16

SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

--/--/20--
Proposed
C243

Shown on the planning scheme map as **DPO16**.

FITZROY FORMER GASWORKS SITE

[This schedule applies to the Former Fitzroy Gasworks site at 111 Queens Parade and 433 Smith Street, Fitzroy North and is bound by Smith Street, Queens Parade, George Street and Alexandra Parade.](#)

1.0 Requirement before a permit is granted

--/--/20--
Proposed
C243

A permit may be granted ~~for the following~~, before a Development Plan has been approved [for the following](#):

- Any buildings and works associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environmental Protection Act 1970*.
- Minor buildings or works ~~provided the buildings or works do not prejudice the preparation and approval of the Development Plan.~~
- Consolidation of land or Subdivision ~~which does not prejudice the preparation and the approval of the Development Plan.~~
- Removal or creation of easements or restrictions.

~~A Development Plan for any one stage of the development may be approved and a permit for that stage may be issued prior to the approval of a Development Plan for any other stage of the development.~~

[Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and in accordance with the objectives for the site contained in this schedule.](#)

[The Development Plan must be prepared for the entire site as indicated on the Indicative Concept Plan. The land may be developed in stages.](#)

2.0 Conditions and requirements for permits

--/--/20--
Proposed
C243

[The following conditions and requirements apply to permits.](#)

[Except for a permit granted before a Development Plan has been approved in accordance with Clause 1.0, a permit must contain conditions that give effect to the provisions and requirements of the approved Development Plan.](#)

Except for a permit granted before a Development Plan has been approved, a permit must contain the following condition:

- A Construction Management ~~Plan Strategy~~ must be submitted to and approved which:
 - Details the measures to be implemented to minimise adverse impacts during construction on environmental values, including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
 - Details the measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
 - Shows the designation of tree protection zones for any canopy trees to be retained on the land.

- Shows the location of site offices, [site access](#) and off-street vehicle parking for construction vehicles and employees, [and traffic management](#).
- Details the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
- Details the hours of construction on the site.
- [Details staging of construction.](#)
- [Details the management of public access and linkages around the site during construction.](#)
- [Includes any works within the Smith Street, Queens Parade, George Street and Alexandra Parade road reserve.](#)
- [Any measures required by an environmental auditor with respect to the site.](#)
- [Describes the methodology for responding to complaints associated with the construction works.](#)
- [Includes the site manager contact details.](#)
- All works conducted on the land must be in accordance with the approved Construction Management ~~Strategy~~ [Plan to the satisfaction of the Responsible Authority.](#)

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority:

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

[A permit for the subdivision, use or development of land must ensure that where residual contamination remains, it is managed through:](#)

- [Ensuring the permit aligns with the list of suitable land uses on the associated Certificate or Statement of Environmental Audit issued under part IXD of the *Environment Protection Act 1970*, and;](#)
- [Ensuring the conditions on land use and development, as specified in the abovementioned Certificate or Statement of Environmental audit, where relevant to the proposed permit, are translated into a condition on that permit.](#)

3.0 Requirements for Development Plan

--/20--
Proposed
C243

A Development Plan must be prepared, generally in accordance with [Table 1 and Figure 1, the Indicative Concept Plan forming part of this Schedule and the North Fitzroy Gasworks Precinct Urban Design Framework 2008](#) to the satisfaction of the Responsible Authority.

[Development Plan components](#)

[A Development Plan must include the following requirements:](#)

[Former Fitzroy Gasworks site objectives](#)

[The Development Plan must demonstrate how it responds to the following objectives for the land:](#)

~~In preparing a Development Plan or an amendment to a Development Plan, the following should be achieved:~~

- Develop a mixed use precinct comprising a variety of housing types, community facilities and public open space.

- Respond to the significance of Queens Parade and Alexandra Parade with built form that considers the design, height and visual bulk of the development in relation to surrounding land uses and developments and contributes to their significance as formal boulevards.
- Address Smith Street to strongly encourage the use of tram services in connection with development of the site, and to contribute to the streetscape character and vitality of the activity strip along the length of Smith Street.
- Create useable, safe and accessible public spaces to meet local needs and improve resident amenity and usability.
- Create pedestrian and bicycle access into and through the precinct to support its development and integrate activity in the area with surrounding neighbourhoods.
- Create useful public spaces to meet local needs.
- ~~Create high quality architectural frontages with a sense of articulation, streetscape scale and rhythm that contributes to the significance of Queens Parade and Alexandra Parade.~~
- ~~Activate street frontages to contribute to street life and safety through passive surveillance, especially along Smith Street, encouraging retail, office and other uses at street level.~~
- ~~Building massing transitioning to reduced heights and increased setbacks along sensitive interfaces with increased heights at the centre of the site.~~
- Provide a range of dwelling types to cater for a variety of housing needs including the provision of 15% of dwellings as affordable housing for very low income and low income households, and family friendly housing.
- ~~Create useful public spaces to meet local needs and improve resident amenity and usability.~~
- ~~Support for the provision of~~ Provide community infrastructure to service the needs of the local area including complimenting the adjoining proposed indoor sports courts and integration of the site with the adjoining proposed education facility.
- Incorporate sustainable design features to address water management, solar access and innovative energy saving initiatives.
- ~~The provision of effective traffic management and car parking.~~
- ~~Incorporation of sustainable design features to address water management, solar access and energy saving initiatives.~~
- ~~Design~~

Site design and land use

- Develop a coherent and identifiable precinct.
- Design to address and activate the public realm, without privatising its amenity.
- Position the school to front Queens Parade and centre the sports courts on the site as a key community node with ease of access to public transport.
- Support retail, office and other uses at street level.
- Promote urban legibility and high quality public access to and through the site including clear site lines and a choice of routes.
- Minimise over shadowing effects within the site and on adjoining land.
- Design public open spaces to have good solar amenity, good passive surveillance.
- Avoid buildings that disproportionately overwhelmed public spaces.
- Provide landscaping to reduce the visual impact of development, improve liveability and mitigate impacts of the urban heat island effect.
- Plant street trees, provide high quality lighting and other streetscape enhancements.
- Retain the visual prominence of at least the top third of the individually significant Shot Tower from primary views when viewed from or through the site.

Built form

- [Mass buildings so that there is a transition to reduced heights and increased setbacks along sensitive interfaces with increased heights at the centre of the site in accordance with Table 1 and Figure 1.](#)
- [Create high quality architectural frontages with a sense of articulation, streetscape scale and rhythm.](#)
- [Articulate buildings to provide variety, visual breaks and promote a human scale to existing and new streets.](#)
- [Activate street frontages with windows at upper levels, building entries from main lobbies and ground floor apartments to contribute to street life and safety through passive surveillance.](#)
- [Use techniques that avoid visually dominant buildings through use of discontinuous forms, well articulated facades and high quality materials that weather well and are environmentally sustainable.](#)
- [Space and offset buildings to distribute access to outlook and sunlight between built forms and manage overlooking between habitable room windows.](#)
- [Provide wind climate design to ameliorate wind conditions at street level, public spaces, balconies and adjoining properties.](#)
- [Provide acoustic design treatments that addresses the impact of existing and potential noise particularly from road traffic and trams.](#)
- [Avoid taller buildings \(above six storeys\) creating a ‘canyon’ effect to streets by distributing height and providing breaks in built form.](#)
- [Provide internal courtyards, supported by communal roof terraces and balconies facing out to the street in mixed use developments.](#)
- [Design all development parcels shown on Figure 1 as perimeter blocks. Perimeter blocks should be defined by groups of buildings, with a range of building heights, to create a fine grain and articulated streetscape.](#)
- [Avoid podium and tower typologies.](#)

Movement

- [Design effective traffic management, car parking and servicing to service the whole site.](#)
- [Provide efficiently designed **car parking** to appropriately service the site. Innovative approaches to **car parking** provision will be considered.](#)
- [Provide for safe and convenient pedestrian, cyclist and vehicular access.](#)
- [Minimise car park entries to reduce impact on footpaths.](#)
- [Provide a new DDA compliant tram stop on Smith Street.](#)
- [Provide two bicycle spaces per dwelling.](#)
- [Design vehicle access and egress to and from the site to avoid tram delays along Smith Street.](#)

Required documents, plans and reports

Prior to the preparation of a Development Plan the following strategy must be prepared to the satisfaction of the Responsible Authority:

1. [A Community Engagement Strategy which:](#)
 - [establishes the mechanisms by which the residents and the community will be provided with information and opportunities for feedback during the preparation of the Development Plan.](#)

- [Includes a requirement that the Development Plan be made available for public inspection prior to its consideration by the Responsible Authority.](#)

The Development Plan must include [the following documents, plans and reports to the satisfaction of the Responsible Authority](#):

2. A **Site analysis and design response** which shows how the development responds to the Design Guidelines that includes:

- A site analysis that identifies the key attributes of the land, its context, the surrounding area and its relationship with existing and proposed uses on adjoining land.
- A context analysis identifying neighbourhood features such as public transport, neighbourhood centres, walking and cycling connections.
- ~~The proposed uses of each building and estimated floor area for each use.~~
- ~~The location of open space and recreation facilities to be provided on the site including areas available to the public.~~
- ~~The location of heritage buildings and significant vegetation.~~
- ~~Key access points including indicative vehicle and pedestrian crossovers.~~

Site plans which show:

- [The location of heritage buildings](#)
- [The location of significant vegetation.](#)
- [The siting and orientation of proposed buildings and the relationship to buildings on land adjacent to the site.](#)
- ~~detail~~ [Treatments for key interface areas within the site and between the site and adjoining development, including interfaces to public realm and open space areas, interfaces to all existing and proposed streets and between different land uses.](#)
- [The proposed uses of each building and estimated floor area for each use.](#)
- [The location of open space and recreation facilities to be provided on the site broken down to show areas available to the public and private areas.](#)
- [Key access points including proposed vehicle and pedestrian crossovers.](#)
- [Movement networks vehicles, bicycles and pedestrians and their linkages to the adjacent movement networks.](#)
- [The proposed internal street network including the layout.](#)
- [Indicative building entry and servicing points.](#)
- [Building heights and setbacks that are generally in accordance with the Table 1 and Figure 1.](#)
- [Elevations and cross sections.](#)
- [Siting and orientation of buildings having regard to passive energy and spacing between buildings.](#)
- [Shadow diagrams for the equinox and winter solstice between 11am and 2am based on the building envelopes.](#)

3. A **Planning report** that includes:

- The site's urban context, including its physical surrounds, social and economic environment, ~~and~~ a strategic view of the area in which it is located and its role over time.
- An assessment ~~against any~~ of adverse amenity impacts of [and to](#) nearby land uses and how these are to be managed.
- An assessment of ~~how the proposed~~ development plan ~~responds~~ to the ~~relevant requirements of the~~ Yarra Planning Scheme. ~~including Clause 58.~~

• ~~Design Guidelines~~

~~Design Guidelines that include:~~

~~— Development concept plans including:~~

- ~~○ Building heights and setbacks that are generally in accordance with the heights and setbacks shown in the indicative concept plan forming part of this Schedule and the table below.~~

STREET	DISTANCE FROM BOUNDARY	MAXIMUM HEIGHT WITHIN SETBACK	OVERALL MAXIMUM HEIGHT
-	METRES (m)	-	-
QUEENS PARADE	0 to 8m > 8m	6 storeys (20m) 10 storeys (32m)	10 storeys (32m)
SMITH STREET from QUEENS PDE TO COUNCIL ST.	Up to 11.5m > 12m	6 storeys (20m) 10 storeys (32m)	10 storeys (32m)
SMITH STREET from COUNCIL ST. TO ALEXANDRA PDE.	Up to 19m > 19m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)
ALEXANDRA PARADE	Up to 22m > 22m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)
GEORGE STREET PUBLIC USE ZONE	0 to 14m > 14m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)
GEORGE STREET MIXED USE ZONE	6 to 14m > 14m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)

~~Note: Maximum heights in metres allow for avg. 3.2m floor to floor. Maximum storey height to be met regardless.~~

- ~~○ Elevations and cross sections.~~
- ~~○ Building materials, treatments, including architectural styles throughout the site.~~
- ~~○ Siting and orientation of buildings having regard to passive energy efficiency techniques and spacing between buildings.~~
- ~~○ Treatments for key interface areas between open space areas and proposed development, within existing streetscapes and between residential and non-residential land uses and the proposed development.~~
- ~~— Shadow diagrams for the equinox between 11am and 2pm based on the building envelopes.~~
- ~~— Indicative building entry and servicing points.~~
- ~~— Interfaces between the site and adjacent sites and streets.~~

• ~~Staging Plan~~

~~A Staging Plan to provide an indication of the likely staging and anticipated timing of the development of the land, specifically:~~

~~— The proposed sequencing of development.~~

~~— Vehicle access points, road infrastructure works and traffic management for each stage of development.~~

~~— Interface/access treatments.~~

4. **A Heritage Assessment** to assess the cultural heritage of the site and identify sites, buildings or structures of significance. It must:
 - Identify sites, buildings or structures which have been assessed as significant.
 - Assess the extent to which a significant site, building or structure can be incorporated in the sites redevelopment.
 - Identify how the site heritage is to be interpreted in the future development of the site.
 - Provide guidance on the ongoing maintenance and management of the heritage places to be retained.
5. **A Landscape and Public Realm Concept Plan** which includes the following:
 - An overall landscape master plan for the site and adjacent areas, including a street tree master plan for the site.
 - An indicative plant and materials schedule.
 - A written description of the management of landscaped areas including sustainable irrigation treatments.
 - Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian public spaces.
 - Proposed use, management and ownership for public and private open spaces.
 - Details of how the plan responds to the requirements of any site remediation of the land.
6. **An Integrated Transport Plan**, prepared in consultation with Transport for Victoria, Public Transport Victoria and VicRoads and the City of Yarra which includes. Traffic Management Plan
 - The likely traffic generation of the proposed uses and development including results from traffic modelling showing the likely traffic impacts on surrounding sites, the broader road network and public transport services.
 - Any works necessary to mitigate unacceptable unreasonable impacts on the road network and unacceptable unreasonable delays to public transport services caused by traffic generated by the proposed development, including the implementation and indicative timing of such works.
 - Details of a DDA compliant tram stop on Smith Street, at the full cost of the permit holder.
 - The indicative location of on-site car and bicycle parking for the land uses shown on the Development Plan.
 - Movement networks within the Development Plan area for vehicles, bicycles and pedestrians.
 - The indicative internal street network including the layout and proposed reservation widths.
 - Existing and proposed public transport routes and stops in the vicinity of the Development Plan area.
 - The location of bicycle and pedestrian paths in the vicinity of and connections to the Development Plan area.
 - Points of access to the site from adjoining roads, including any treatments necessary to enable access to the site.

- [Loading bays.](#)
- [Techniques proposed to promote reduced car use and sustainable travel including investigation of a car share system and Green Travel Plan initiatives.](#)
- [Details of infrastructure to safety connect the users of the site to public transport, cycle routes, neighbouring residential streets and activity centres.](#)

• ~~Site Remediation Plan~~

~~A Site Remediation Plan to the satisfaction of the Responsible Authority on the recommendation of the advice of an Environmental Protection Authority (EPA) appointed Environmental Auditor conducting the audit of the land.~~

~~The site remediation plan should address:~~

- ~~— Options and a preferred approach to the remediation of soil and groundwater.~~
- ~~— Targeted condition of the site as specified by the Environmental Auditor to suit the range of land uses.~~
- ~~— Locations across the site of proposed clean up work.~~
- ~~— Options for remediation technologies taking into account logistics, technology, availability, estimated cost, and likely effectiveness.~~
- ~~— A schedule of remediation activities.~~
- ~~— Expected pattern/staging and indicative timeframes for signed Certificates and Statements of Environmental Audit across the site following the clean up of the site.~~
- ~~— Indicative site management and monitoring controls that will be necessary following each clean up activity.~~
- ~~— Identifying the parties responsible for key activities and for subsequent site management and monitoring.~~

7. [An Environmentally Sustainable Design Strategy](#) which identifies sustainability performance standards, based on the following principles:
 - Energy conservation to contribute to local, national and international efforts to reduce energy usage and green-house gas emissions.
 - Water conservation, ensuring that water resources are managed in a sustainable way.
 - Water sensitive urban design and reducing the impacts of stormwater on catchments consistent with general principles as detailed in Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water).
 - Reduction of the amount of waste generated and encouragement of increased reuse and recycling of waste materials.
 - Sustainability options in demolition and construction practices.
 - Landscaping considering the provisions of habitat, green spaces and climate control as appropriate.
8. **A Community Needs Assessment** which identifies:
 - Existing and planned services in the surrounding area and the impact the development will have on these services.
 - The need to provide additional community facilities on site [or whether any existing community facility in the local areas should be upgraded or extended.](#)
 - [Funding and implementation mechanisms for the provision of required community infrastructure.](#)
 - The location of any new community facilities on site [or in the surrounding area.](#)
9. [A Services and Infrastructure Plan](#) to identify:
 - all existing and proposed infrastructure requirements and easements (water, sewerage, gas, electricity, telecommunications, drainage, storm water overland flow

points and water sensitive urban design) to service the proposed Development Plan area.

- Any services that will require relocation.
- The potential to place above-ground services underground.

10. **A Stormwater and Flooding Management Strategy** prepared in consultation with Melbourne Water which includes:

- The boundaries and dimensions of the site.
- Relevant existing and proposed ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- The layout, size and use of existing and proposed buildings and works, including vehicle parking areas.
- Floor levels of the proposed buildings to Australian Height Datum.
- Indicative cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.

11. **A Dwelling Diversity and Affordable Housing Report** which includes:

- A demographic analysis of the types of people and households anticipated to live within the development.
- **Demonstrate** How the development will support the existing and future population of the area.
- Proposed dwelling typologies for the development.
- **Demonstrate** How the development proposes to provide affordable housing and family friendly housing.

Tables and figures

<u>Street</u>	<u>Distance from boundary</u>	<u>Maximum height within setback*</u>
<u>Queens Parade</u>	<u>0 – 8 metres</u>	<u>20 metres (6 storeys)</u>
	<u>Greater than 8 metres</u>	<u>32 metres (10 storeys)</u>
<u>Smith Street between Queens Parade and Council Street</u>	<u>0 – 8 metres</u>	<u>17 metres (5 storeys)</u>
	<u>Greater than 8 metres</u>	<u>32 metres (10 storeys)</u>
<u>Smith Street between Council Street and Alexandra Parade</u>	<u>0 – 11.5 metres</u>	<u>17 metres (5 storeys)</u>
	<u>Greater than 11.5 metres</u>	<u>45 metres (14 storeys)</u>
<u>Alexandra Parade</u>	<u>0 – 22 metres</u>	<u>30 metres (10 storeys)</u>
	<u>Greater than 22 metres</u>	<u>45 metres (14 storeys)</u>
<u>George Street</u>	<u>0 – 12.5 metres</u>	<u>20 metres (10 storeys)</u>
	<u>Greater than 12.5 metres</u>	<u>45 metres (14 storeys)</u>

Table 1: Building heights and street wall setbacks.

** Height in metres is the primary measure of height. Storey measure provides a guideline.*

INDICATIVE CONCEPT PLAN

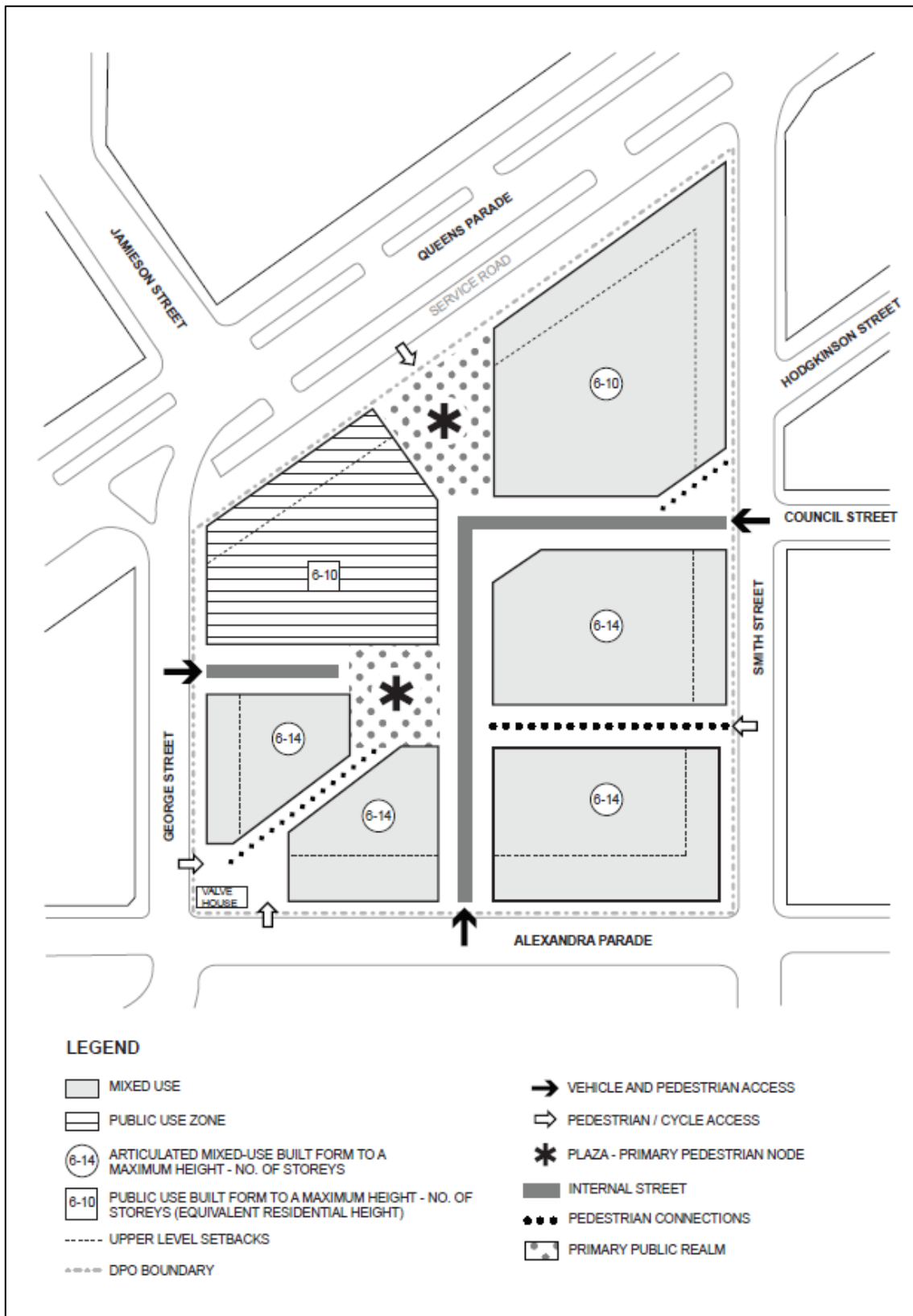


Figure 1: Concept Plan

Plan to be amended to include:

- Maximum street wall heights as well as maximum building heights.
- Height in metres instead of storeys
- Streetscape scale frontages on internal roads as indicated in Council's proposed concept plan.
- Border, orientation, title and scale.