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INDEPENDENT EXPERT EVIDENCE ADVICE

AMENDMENT C223yara TO THE YARRA PLANNING SCHEME 81-95 BURNLEY STREET & 26 DOONSIDE STREET RICHMOND

For: Yarra City Council

Referred by: Marcus Lane Group

May 2020



Prepared by
Professor Robert McGauran
B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect

Our Ref: 17108

Directors
Eli Giannini
Chris Jones
Cameron Lacy
Robert McGauran
Joshua Wheeler

STATEMENT OF EXPERIENCE

Qualifications

1. Qualifications include:
 - > Honours degree in Architecture from the University of Melbourne
 - > Bachelor of Arts majoring in Architectural History from the University of Melbourne
 - > Postgraduate Diploma in Business Management from the University of Melbourne Business School
 - > Registered Architect in Victoria and NSW
 - > Life Fellowship of the AIA
 - > Fellow VPELA
 - > Member PIA.

Professional Roles Architecture & Urban Design

2. Within the Architectural & Urban Design disciplinary spheres, I have held or hold a range of senior roles arising from peer nomination including:
 - > Adjunct Professor of Architectural Practice Monash University (current)
 - > Professorial Fellow Urban Design and Architecture Melbourne University (current)
 - > Membership of the Victorian Design Review Panel (current)
 - > Membership of Fishermans Bend Ministerial Advisory Committee
 - > Chairperson of the Architects Registration Board of Victoria
 - > Ambassador- Future Melbourne 2026
 - > Vice-President of the Royal Australian Institute of Architects
 - > Chapter and National Councillor of the Royal Australian Institute of Architects
 - > Leadership and membership of accreditation panels for the Architectural programs at RMIT, UOM, UOQ, Curtin University, and Griffith University & University of Canberra.
 - > Jury membership and leadership of Awards Panels for the AIA and Local Government
 - > Victorian Convenor of the Residential Working Group for the AIA
 - > Ministerial Advisory Panel Reviewing The Good Design Guide
 - > Member of the Priority Development Panel
 - > Part-time Sessional Planning Panels Member
 - > Panel Member for the Phoenix Precinct for the Caulfield Station precinct and Village.

Professional Affiliations – Education, Urban Design and Planning

3. In Urban Design, I currently hold positions including the following:
 - > Chairperson Campus Design Advisory Committee ANU
 - > Member Campus Planning Committee ANU
 - > Member Building Estates and Infrastructure Committee UTAS
 - > Campus University City Masterplanner for La Trobe University
 - > Member Apartment Design Advisory Service for the Minister of Planning.
4. I have previously held positions including:
 - > Member – Victorian Priority Development Panel for the Minister of Planning
 - > Chairperson – Sullivan’s Cove Design Panel for the State Government of Tasmania to coordinate design resolution of major renewal and capital works program in the waterfront precinct
 - > Ministerial Advisory Panel appointed by the Minister for the Commonwealth Games to review the proposed Pedestrian Bridge Link to the MCG
 - > Research projects with the University of Melbourne, Monash and Swinburne University, DELWP, The City of Moreland and the City of Darebin, participation in Australian Research Council funded research project into transit oriented development intensification of Melbourne's transport corridors, Affordable Housing for inner Melbourne and Smart Green Schools to name a few.
 - > I have assisted in the evaluation of potential for the Arden Metro Precinct and SRL.

- > I have prepared Urban Design Frameworks and Structure Plans for key precincts including the Cremorne precinct and Victoria Gardens precinct in the City of Yarra, the Toorak Village and Chapel Vision Structure Plans in the City of Stonington, City of Banyule Ivanhoe Structure Plan, Box Hill Activity Centre, and the Megamile Structure Plan and Tally Ho Structure Plan in Whitehorse.
- > I have also been on the DPCD Expert Panel for Activity Centres and DELWP and acted as consultant on urban design matters and in particular major projects for Local Councils including City of Port Phillip, Hobsons Bay City Council, City of Banyule, City of Whitehorse, City of Kingston, City of Monash, City of Moonee Valley, City of Melbourne, and the City of Yarra.
- > To understand best practice in knowledge and creative enterprise precincts, I have visited over 70 cities and towns over the past seven years including precincts of particular relevance to this Amendment including South Lake Precinct Seattle, the Mission Bay Precinct San Francisco, Portland Oregon, South Copenhagen renewal, new and renewal precincts in Zurich, Stockholm, Malmo, Cambridge, Kent, London, Milan, Barcelona, Lyon, and interstate examples including Tonsley and West Adelaide.
- > I have been a Board member of Melbourne Affordable Housing and then Housing Choices Australia.

Relevant Professional experience

5. Our design company MGS Architects which I joint founded in 1985, has received numerous, architecture, urban planning, urban design and interior design awards for our work including:
 - > National and State awards for Urban Design for masterplanning of the Monash University Clayton Campus and Rosanna Station
 - > Major urban renewal masterplans undertaken by us include the plans for the former Alphington Mills and Fitzroy Gasworks within the City of Yarra, The Bradmills Yarrville Gardens Precinct, and Delgany Portsea.
 - > National and State awards for our affordable housing in Balaclava and Altona.
 - > State AIA named awards for Commercial, Residential, Public ,Regional and Sustainable Architecture
 - > State Planning awards in Victoria and Tasmania for areas of significant change.
 - > State Retail Architecture awards
 - > State and National comprehensive residential development awards.
6. Within the City of Yarra in addition to the projects mentioned above, I have prepared urban design frameworks for key precincts, including the Cremorne precinct, the Richmond Town Hall precinct, the Fitzroy Gasworks and the Victoria Gardens North precinct with Jones Whitehead and provided urban planning and expert evidence advice on a wide range of projects throughout the municipality over the past 20 years.
7. Within the precinct this has included a number of significant projects within the Victoria Gardens North Precinct and adjoining development between Appleton Street and Doonside Street to the east and in Burnley Street to the north and south.
8. I have also undertaken a number of architectural projects in the municipality including the renewal of the former MacRobertsons Chocolates complex bounded by Kerr, Argyle and Gore Streets in Fitzroy, The Clifton Hill Rail Bridge Duplication and Creek and trail improvements, and the Clifton Hill Box factory adaptive renewal.
9. I have visited the site and am familiar with the area.

BACKGROUND

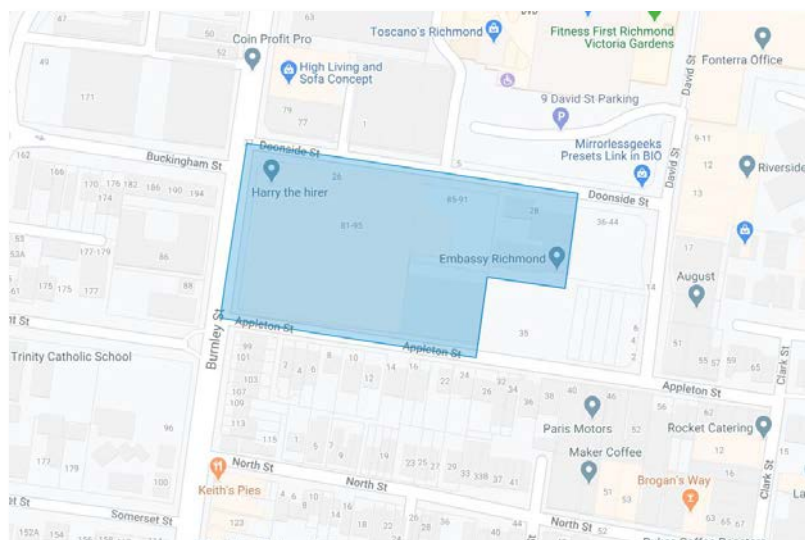
1. In April 2020 I was asked by Marcus Lane Group, acting for Yarra City Council (Council) to prepare an evidence statement and appear as an expert witness in the Planning Panel Hearing for Amendment C223yara to the Yarra Planning Scheme (the Amendment).
2. I have specifically been instructed to:
 - a. Consider and express my opinions about the urban design aspects of the Amendment.
 - b. Consider and respond to issues raised in submissions to the Planning Panel, where they relate to my areas of expertise specifically submission numbers 1, 2, 3, 5-9, 10, 11, 13-16, 18-31, 33-49, and 51-53.
3. I have previously given Council urban design advice on the Amendment in January 2020.
4. In August 2018 at an earlier stage in the amendment considerations, whilst I was overseas Council sort advice on the earlier plans authored by Associate Director Simon Wollan who had conferred with me at that time.

5. THE PROPOSAL

6. The Amendment concerns the land at 81-95 Burnley Street and 26 Doonside Street (**Land**) currently occupied by Harry the Hirer.
7. The Amendment allows for the Land to be redeveloped for a mix of uses including residential and uses including employment opportunities, both retail and commercial. Harry the Hirer intends to remain at the Land in a redeveloped space for office purposes.
8. The Amendment seeks to apply planning controls to ensure there are key public benefits in any redevelopment of the Land, to manage traffic, address contamination, promote appropriate heritage responses, provide for social housing and public open space and provide built form guidance for future development.
9. Specifically, the Amendment proposes:
 10. Rezoning the Land from Industrial 3 Zone (**IN3Z**) to Mixed Use Zone (**MUZ**);
 11. Applying the Development Plan Overlay Schedule 15 (**DPO15**) to the Land; and
 12. Applying an Environmental Audit Overlay (**EAO**) to the Land.

13. THE LAND

14. The Land is shown below and in the eastern portion of the Victoria Street Major Activity Centre, immediately south of Victoria Gardens Shopping Centre.
15. The Victoria Street Structure Plan identifies the Land within the Victoria East Precinct, and Doonside Sub Precinct and is described as Precinct 11 the Victoria Gardens Precinct.



16. EXISTING PLANNING CONTROLS

17. The land currently sits within the Industrial 3 Zone (IN3Z).
18. The purpose of the IN3Z is:
 - a. To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - b. To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
 - c. To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
 - d. To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
 - e. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.
19. The land sits within an area where surrounding sites were largely rezoned to MUZ in 2009. This amendment introduced DDO9 to the planning Scheme.
20. In 2016 Council also introduced HO 375 and HO 252 which sought heritage controls on 77-79 Burnley Street and 1-9 Doonside Street and 26 Doonside Street respectively.

AMENDMENT C223YARA

Mixed Use Zone (MUZ)

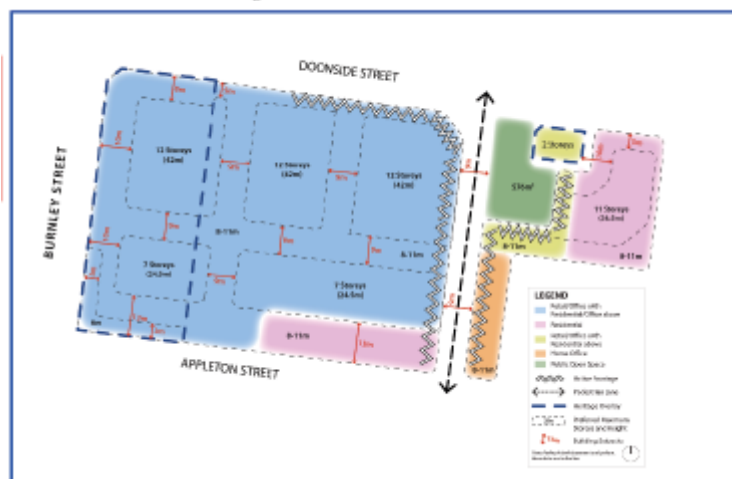
21. Clause 32.04 Mixed Use Zone describes the purpose of the mixed use to:-
 - > To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
 - > To provide for housing at higher densities.
 - > To encourage development that responds 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.
22. In this instance a site specific Development Plan Overlay is proposed.

Development Plan Overlay Schedule 15 (DPO15)

23. Schedule 15 to Clause 43.04 Development Plan Overlay 81-95 Burnley street and 26-34 Doonside Street, Richmond defines a series of goals for the site.
24. Clause 2.1 Section 173 Agreement to provide affordable housing requires the land owner to facilitate the provision of 10% of the total number of dwellings on the site within the DPO15 area as affordable housing through an agreement with a registered Community Housing Agency prior to the issuing of an approved Development Plan.
25. Clause 2.2 Section 173 Agreement to provide for public infrastructure requires the owner of the land to provide for important placemaking infrastructure public infrastructure. In this instance this is to include:-
 - a. Streetscape and public realm improvements to Doonside and Appleton Streets ;
 - b. A minimum 9m wide pedestrian lane connecting Doonside street and Appleton Street at a midpoint of the site generally in accordance with the indicative Framework Plan at Figure 1.
26. Clause 2.3 Section 173 Agreement for traffic Impact Assessment Report Works requires the owner to provide for the cost of traffic mitigation works including mitigating works for each stage, a 2-way or 4-4 signalised intersection at Burnley Street/Doonside Street/Buckingham Street and new intersections if required by VicRoads in consultation with the Responsible Authority.

27. In each instance the applicant has to meet all the reasonable costs and have these agreements finalised prior to a planning Permit being issued in accordance with the agreed Development Plan.
28. The DPO also provides for the inclusion of Heritage Impact Statement that assesses the impact of the proposal on the heritage values of the place and adjoining heritage locations and analysis of the proposed development when viewed from key locations in the public realm to enable assessment of the impact on Heritage places.
29. Importantly the DPO also outlines a need for a holistic vision for the site that achieves the following:-
 - a. To become a sustainable mixed use residential community supported by convenience retail, services community facilities and employment opportunities complimentary to the adjoining core retail.
 - b. Recognising the context of the site as one that transitions from the higher density retail core to the north and low density finer grain cottage residential neighbourhoods to the south and taller development from east and west.
 - c. To protect the residential properties to the south side of Appleton Street and east of the subject site.
 - d. To support the intensification of the site and changing uses with improvements to the public domain including new public open space and pedestrian laneways and enhanced pedestrian environments.
 - e. To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design.
 - f. To respect the scale and form of heritage places adjoining and within the site and provide for their conservation.
 - g. To ensure new development mitigates any adverse impact on local traffic conditions.
 - h. Provide adaptive re-use of heritage places in accordance with the *Indicative Framework Plan* and informed by a comprehensive heritage analysis prepared for the site.

Figure 1: Indicative Framework Plan



30. As a result of the advertising process and earlier review by external disciplinary experts including myself a number of amendments were proposed to the scheme and to the plan itself. These included enhanced amenity protection principles to residents south and east of the site, enhanced protection of the public realm and increased guidance as to design quality.
31. Components of the Development Plan are to include a:-
 - i. Site and Context Information
 - j. Concept Plans providing for:-

- i. The retention of at least 9000 sq.m. of gross floor Area for Employment generating activities.
 - ii. And the location and approximate yield of these retail and commercial areas.
 - iii. A north south pedestrian lane of a minimum 9m in width connecting Doonside Street with Appleton Street and publically accessible in perpetuity and not accessible by private vehicles.
 - iv. The provision of a minimum 4.5% of open space in addition to this link abutting the pedestrian lane.
 - v. Vehicular. Pedestrian, cyclist and loading points and connections.
32. Built Form Guidelines providing the following:-
- vi. Maximum building heights and envelopes responding to the site context.
 - vii. Building setbacks from street boundaries to ensure new built form integrates with heritage and neighbouring environs.
 - viii. Building setbacks from the remnant heritage built form on the subject sites primary heritage built form on Burnley Street.
 - ix. Minimum described setbacks for Appleton, Burnley and Doonside Street and from habitable rooms of the adjoining Embassy Apartment development to the south and east.
 - x. Ensuring new buildings are well spaced with a minimum 9m above the podium.
 - xi. Buildings are setback a minimum of 10m above podium from the heritage building at 26-34 Doonside Street.
 - xii. Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns.
 - xiii. Ensure the retention of heritage fabric provided for in the Design controls to ensure the retention of:
 - 1. The Appleton, Burnley and Doonside Street elevations of 81-95 Burnley Street for the extent of the building within the heritage overlay.
 - 2. External form of 26 Doonside Street.
 - xiv. Active frontages to Burnley Street, open space and the pedestrian spine.
 - xv. Massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks.
 - xvi. Shadow Diagrams that demonstrate:-
 - 1. No unreasonable overshadowing of Doonside Street public open space
 - 2. No overshadowing of private properties on the southern side of Appleton Street beyond that caused by an 11m when measured between 10am and 2pm at the September Equinox.
 - 3. No overshadowing of the western side of Burnley Street from 11 am at the September Equinox (included post exhibition).
 - xvii. An indicative palette of building materials and architectural treatments throughout the site configured to be respectful of the industrial heritage of the site.
 - xviii. High quality architecture and spaces that respond to the heritage place
 - 1. Interesting and varied street walls
 - 2. Upper level use of lighter weight materials and detailing complimenting the significant elements of heritage buildings.
 - 3. High quality treatments to building facades.
 - xix. Screening/sleeving or basement provision of carparking.
 - xx. Design of buildings to ensure wind conditions are not adverse on the amenity needs of activated streets and private and shared spaces.

- xxi. Detail and articulation of the Appleton street frontage.
 - xxii. Design of buildings to ensure they deliver a visually interesting skyline, streetscape and coherent precinct.
 - xxiii. Design Loading and Site services are carefully designed to minimised impacts on streetscapes, shared spaces and pedestrian footpaths and laneways.
33. Open Space and Landscape
- a. Dimensions of open space to the satisfaction of the RA.
 - b. An overall landscape masterplan for the site, concepts for open space and streetscape improvements to Doonside and Appleton Street.
 - c. Details of the Landscape Concept Plan
34. Public Realm Plan
- a. A public realm plan is required that describes:-
 - i. Principles for future development that will achieve the vision sought for pedestrian friendly high quality places.
 - ii. Locations of public realm infrastructure
 - iii. Details of the public street improvements to Doonside Street and Appleton Street and the interconnecting 9m pedestrian laneway.
35. Housing Diversity report
- a. Analysing the types of people likely to live there and their housing needs and how it responds to need.
 - b. The model to provide 10% affordable housing
36. Economic Assessment
- a. An economic assessment identifying viable employment generating uses.
37. Transport Assessment
- a. A Transport Impact Assessment Report detailing existing conditions, staging, site layout and vehicle access, on-site car parking and bicycle parking, expected traffic volumes and impacts and proposed road works. Loading arrangements, stipulated truck access and waste collection measures.
38. Green Travel Plan
- a. Provision of a green travel plan
39. Environmentally Sustainable Design
- a. AN ESD assessment prepared to council satisfaction n that will achieve WSUD and ESD objectives and requirements of the Planning Scheme.
40. Drainage
- a. A drainage assessment reviewing catchment analysis, capacity assessment and flood analysis
41. Heritage
42. Development Staging
43. Community Consultation

The surrounding context

44. More broadly the area has for the last 20 + years been an area of change and renewal as old industries left the area and were replaced by the Victoria Gardens Shopping Centre and progressively a range of new workplace and residential living choices flanking the river interface and primary arterial road corridors.
45. Council has collated a summary of some of the more recent of these projects that have been both delivered and approved with further unmarked projects west of Walmer Street, and south along Burnley Street either approved, completed or under construction.

C223 Recent Development Activity Map



46. These have included medium rise developments such as :-

- a. The adjoining eastern and south-eastern neighbouring 2 to 13 level predominantly residential development at 37-44 Doonside Street and 27-41 Appleton Street Richmond rising to a maximum height of nearly 39m and the 11 storey development terminating the Doonside Street view at its intersection with David Street, 9-11 David Street a residential development of 11 storeys and nearly 35m in height.
- b. Possibly usefully for the panel the plans describe a level 7 skygarden with a floor level of RL 36.25 or approximately 21m above the entry level floor plane. The taller northern building roof level is at RL 53.95 or 38.7m above ground with its extensive plant area surround rising a further 1.2m with the perceived height excluding the lift core 39.9m



- c. The Southern Appleton Street block has a top floor roof level of rl 45.1 and plant enclosure of RI 46.3. With an approximate ground level of rl 15.3m to these interfaces this establishes a height off street level of 29.8 and 31m respectively for these elements.
- d. Its western neighbour to the west of the lane is one level lower (RI 43.35 to top of plant or approximately 27.75m relative to Natural ground level.
- e. The street wall to Appleton Street varies between 3 level from of approximately 10.6m to 2 levels of 7.6m with taller 3, 4, 7 and 11 level to Doonside Street.
- f. In Burnley Street at the gateway to Victoria Street the 4 to 7 level residential development at 2A, 2-30 Burnley Street & 520 Victoria Street, Richmond.
- g. The eastern end of the Doonside axis is terminated by the development at 9-15 David Street. This 11 level building has a parapet height of RI 49.73 relative to a natural ground level of approximately 15.15 making the taller form approximately 34.5m in height.
- h. In Victoria Street the primarily residential 10 storey development of 32m in height at 647-649 Victoria Street, Abbotsford and the similarly scaled mixed-use 11 storey development at 647-649 Victoria Street, Abbotsford.
- i. To the east of Victoria Gardens taller built form has also been approved including the 8 level residential building at 25-35 River Boulevard, Richmond.
- j. Lower development also approved include the 5 level residential development at 53 Appleton Street, Richmond and the 7 level residential development of 21m in height at 171 Buckingham Street, Richmond opposite the subject site on the corner of Burnley Street and the earlier developed sites to its south along the Burnley street corridor of similar scale.
- k. In this context it is clear that the area has been an area for densification and change for more than 2 decades. What is emerging in this context is a character of taller built form around the core activity centre and robust scale of 4-8 storeys on larger transformation sites along the primary Burnley Street arterial corridor where development interfaces with lower rise hinterland areas. The skyline and view consequences of this transformation are also inevitably changing the nature of views and in particular extended views from street level.
- l. Inevitably too they are placing greater reliance on the concurrent delivery of enhanced pedestrian capacity and community infrastructure to accommodate these growing communities.
- m. Initiatives achieved in collaborative arrangements between the Council and developers in other developments have included new pedestrian links and increased setbacks of development to leverage and expand existing public open space at the Yarra River interface and new interconnecting pedestrian walk links between streets linking towards the Activity centre core from surrounding constrained street networks.

SUBMISSIONS TO THE AMENDMENT

47. Council has received a number of submissions with the submissions noted above primarily concerned with matters of Urban Design and Architecture that fall within my areas of expertise.
48. I have sought to provide to the Panel a summary analysis of each of those and my response to the issues raised therein. Where relevant I have used this discussion to form the basis of broader recommendations for minor changes to the Amendment.
49. The detail of the issues raised and my commentary regarding these elements of the submission are as follows:-

SUBMISSION 1

50. The submission raises concerns around the impact of the amendment on views, urban character, pedestrian amenity, noise, traffic, parking, aggregation of rubbish. The submission raises concerns around densification, tokenistic management of heritage assets. I address each of these matters in detail elsewhere in my report where they fall within my areas of expertise.

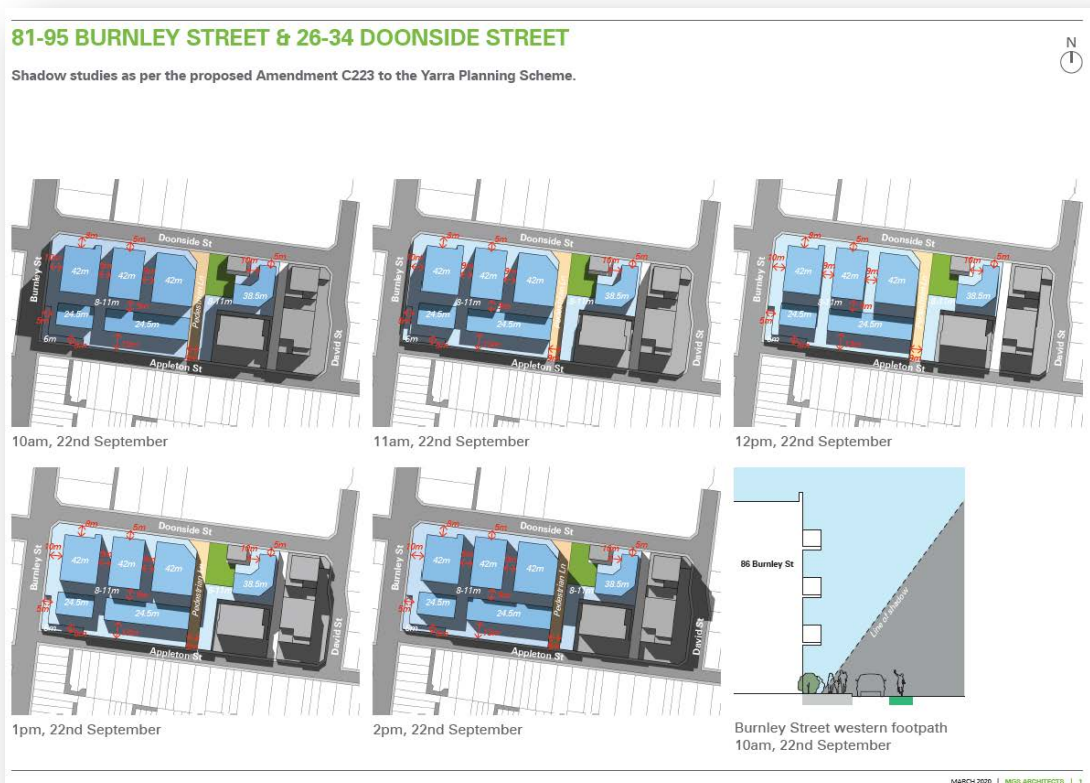
SUBMISSION 2, 22 & 30

51. Submission 2 raises concerns around the failure to adhere to the Victoria Street Structure Plan and Yarra Planning scheme with express concerns around the opportunity for a 12 level development of the heritage building aggregating the adjoining taller Embassy Development and the retained façade and 11 storey apartment building occupied by the submitter. The submission wishes to see the current use and scale remain unchanged.
52. Submission 22 raises a number of traffic, intersection management and parking matters that I will leave to other expert advice and affirms earlier concerns about loss of views to city skyline and impacts of construction activity during works.
53. Submission 30 also an owner in the nearby 11 level apartment building at the eastern termination of Doonside Street accepts the strategic support for urban transformation of the precinct and the proposed inclusion of public open space and retention of commercial space. Notwithstanding the submitter raises concerns around what they perceive to be a 12 level development of the precinct, the inclusion of substantial apartment accommodation and the consequent overshadowing of Burnley Street, impacts on privacy of surrounding units and poor response to character which they argue is 6-7 storeys in Burnley Street, Traffic impacts and infrastructure deficiencies are also raised. The submitter's preference is for a low rise commercial development.

Commentary

54. Whilst clearly occupying a building that is the result of a transformation of an industrial land use to a new development including retained facades the applicant is of the view that this level of change should be halted at the present extent of urban transformation. Like the submitter's apartment development, and the adjoining Embassy apartments, the subject site has a direct interface with the core Victoria Gardens activity centre.
55. The location of the Harry the Hirer site also enjoys direct access to the adjoining arterial road and has street separations between it and adjoining lower scale residential development positioning the site strategically in relation to its site attributes as well credentialed for at least comparable transformation.
56. The requirement to retain a substantial component of employment space within the development is also arguably an attributes of the subject proposal less evident in these neighbouring existing transformations that along with the proposed public space and retention in one case of a heritage building in the round without above building development makes it a development with significantly greater elements of support for local and state policy goals than has been generated from these adjoining development outcomes.
57. The suggested character of built form in Burnley Street relates to buildings on the western side of the street with direct interfaces with adjoin lower rise residential form and public open space and typically not separated by substantial public roads.

58. The concern regarding the merits of a proposed 12 level development are premature as no proposal has to my knowledge been lodged for the site. Notwithstanding the concerns regarding protection of the amenity of Burnley Street from overshadowing are warranted and supported the additional provisions protecting amenity at key times at the equinox that I have noted later and which are included in the revised submission by council to the Panel arising from analysis undertaken by my office under my direction in February and March 2020.
59. The analysis made recommendations included in this report to Panel for change to the built form arising from the analysis should council seek protection of the Burnley Street western footpath at 10am at the September 22nd Equinox..
60. Additionally it sought to incorporate breaks in built form above podium to Appleton Street and to lower the podium scale of development and increase the setback at the interface with the Embassy apartments SE block at 27 Appleton Street and the eastern building to preserve reasonable amenity and eliminate the need for screening between these existing units and new development. It also made recommendations in relation to increased setbacks in Burnley street to address overshadowing impacts west of the Street. This recommendation was not included by Council in the revised amendment documentation they have prepared but remains in my advice to the Panel for consideration.
61. A construction management plan will be required for projects and I am satisfied that this deals fairly with matters arising from this issue raised by submitters.



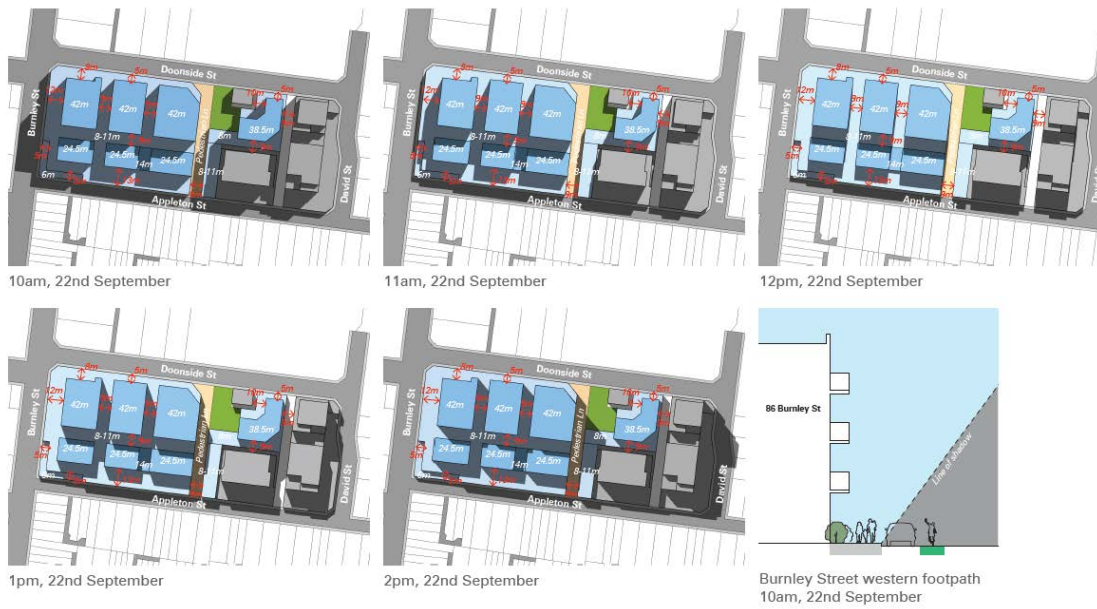
81-95 BURNLEY STREET & 26-34 DOONSIDE STREET

Shadow studies with recommended adjustments to the proposed Amendment C223 to the Yarra Planning Scheme.

Recommendation 1: Protect the western footpath of Burnley Street from overshadowing in the morning after 10am at the September Equinox.

Recommendation 3: Create a visual break of 9m between east and west forms above level 4 to the south eastern 7 storey building.

Recommendation 5: Lower the podium adjoining 27 Appleton Street to a maximum 8m height. Provide a minimum 9m setback from the outermost western face of balconies and habitable rooms of the adjoining tower at 44 Doonside Street.



- 62.
62. The proposed site built form modelling provides some mid-block relief of scale and form through the inclusion of lower built form in abutment to the southern Embassy apartments, retention of the eastern moderne heritage building, inclusion of the central urban park and walk and required setbacks from the heritage facades of the primary Harry the Hirer heritage forms to the west and Burnley street interfaces.

Conclusion

63. No change is warranted to height of the proposed development or land use in my view as a result of the submission beyond those suggested in Recommendations 1, 3 and 5. Matters around traffic management are left to expert advice.

SUBMISSIONS 3, 23, 49 and 53.

64. Both submitters raise concerns that 12 levels is too high and that 5 storeys (Submission 3) and 5-6 above a 2 storey podium (23) is more appropriate. Submission 49 suggests 4 stories as a maximum and claims taller development will have views into submitter's backyard. Additionally Submission 53 notes concern about taller development noting that most new development is 7 levels.
65. The submission also advocates for a holistic transformation of Doonside Street with a landscaped tree lined treatment supported by a street furniture program and a park space three times the size.

Commentary

66. The submission raises no reasons in support of the assertion that 12 levels is too high when adjoining development as earlier noted is comparable in height or why a height less than half of that approved for developments to the eastern hinterland should warrant in strategic terms doubled the potential scale.

67. The proposition that Doonside Street should be enhanced in its landscape credentials is one I support and is in my view supported by the proposed amendment for the area of the subject site and its interfaces. The DPO provides for a Public Realm plan detailing in considerable scope the requirements to be provided with that plan. I am satisfied the reasonable responsibilities of the applicant are adequately covered by this scope.
68. The extension of this to the northern Victoria Gardens site should be a matter for any renewal undertaken for this adjoin mixed-use zone. The eastern end of the street and its interfaces with David Street should be integrated over time. I note with recent development some improvements have occurred and are underway.
69. Clearly it is a site with many expectations for solutions to surrounding and growing community challenges including connectivity, additional open space, essential affordable housing and heritage renewal. All come at a cost and it is in my view the amendment has found an acceptable balance of community benefits in their response subject to the recommendations I have made.
70. The concerns about loss of privacy into backyards is mitigated by upper level setbacks, intervening streets and fences and vegetation and is not a position that can be reasonably sustained against established assessment benchmarks.

Conclusion

71. In my view, no change is warranted in my view as a result of the submission.

SUBMISSION 5

72. The submission is in support of the proposed amendment for reasons including:-
 - a) Retention of an established long-standing business and increased employment on the site.
 - b) The creation of additional and high quality public open space and pedestrian links.
 - c) The provision of 10% of affordable housing.
 - d) The restoration of heritage buildings including the entire building at 26 Doonside Street.
 - e) The contribution to future signalisation of Doonside Street and Burnley Street intersection.
 - f) The provision of additional residential, commercial, retail and home office diversification
 - g) And Implementation of the policies of the Yarra Planning Scheme and {Plan Melbourne 217-2050.

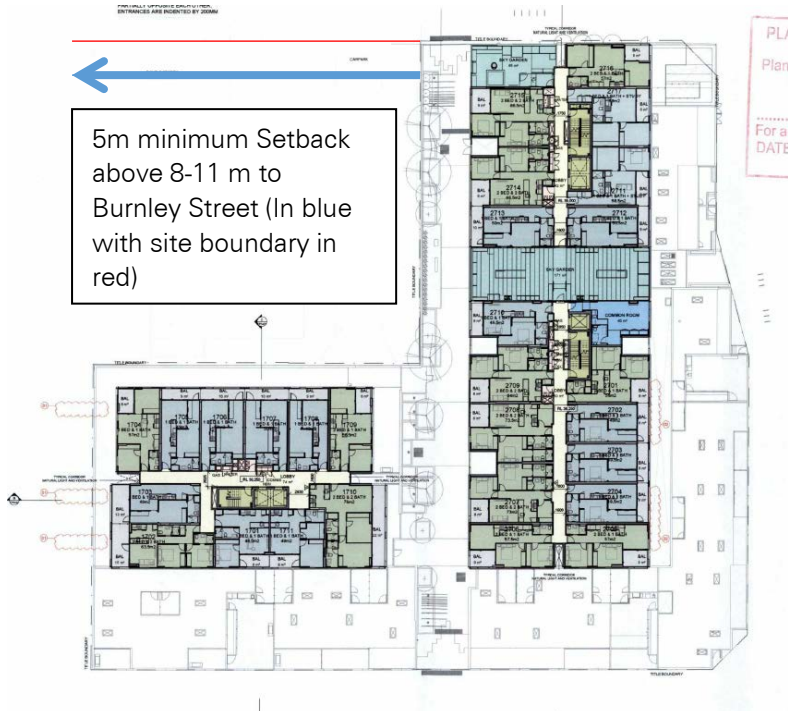
Commentary

73. The submission whilst brief summarises a substantial number of the attributes of the proposed amendment that deliver benefit in urban design and social infrastructure terms for the site and are covered elsewhere in my submission.
74. Broadly speaking these initiatives represent as a collective an appropriate suite of initiatives when combined with appropriate response to a changing context of scale and land-use. When underpinned by ambitions and assessment criteria to deliver acceptable design, operational and sustainability outcomes for the site into the future, they in my view form the basis of my broad support for the amendment.

SUBMISSION 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 19, 21 39, 40 and 48.

75. The submissions oppose the development based on the impact on views currently available to their recently purchased apartments. Submission 6 argues for a reduction of a minimum of 3-4 levels for the proposed 12 storeys in the western section of the development. Submission 7 argues for protection of views from the 7th level apartment suggesting that a development much lower is necessary. They each argue this is based on premiums and value paid for city views from apartments and common areas in the adjoining Embassy apartments.
76. Submission 48 on the southwest corner of the project at second floor level has concerns about loss of light.
77. This concern about the loss of amenity to the level 7 common area and its city views are reiterated by the balance of submitters.

78. These level 7 external areas and common room are located in two locations:-
- A mid-block between the northern tower and the south building providing a constrained west and eastern aspect.
 - A smaller overhung north-western space with a direct street interface with Doonside Street of double height scale.



79. Submission 8, a renter accords in their submission with proposed height outcomes needed to secure high level amenity as a renting occupier is concerned that the value of properties in the area are maintained.
80. Submission 39 generally supports the proposal but argues development in Doonside Street should be 5-7 levels. Submission 40 argues similarly for 7 levels based more so on congestion and traffic concerns.

Commentary

81. It is not in my view reasonable to anticipate that the outcome achieved on the adjoining rezoned industrial land for medium, rise development might not in the course of time arise for land with similar characteristics, nor would it be reasonable to expect the adjoin Activity Centre not to be similarly redeveloped with greater height at some time in the future as the city changes.
82. It should in these circumstances not be the council's role to protect views from private property that are not specifically protected as important views to places of cultural significance in the planning scheme. Whilst the City of Yarra has named a number of these within the scheme in CI 22.03 Landmarks and Structures, and the points from which views should not be lost, unspecified city views from private accommodation has not been part of these local policies and typically the protection of view not a matter that urban policy has sought to protect.
83. The development of the adjoining development has further compromised the opportunities for views by electing particularly in the case of the southwestern building, to locate it in close proximity to its northern neighbour the subject site.
84. It is not in my view reasonable to expect the adjoining property to transfer rights to the submitters property without an agreed and legal transfer of these entitlements with some recent examples of acquisition of air rights to preserve views attained in development in Forrest Hill and in the environs of 101 Collins Street in the city examples of where an additional view has been successfully commercially secured.

85. The northern small sky garden terrace at level 7 retains its proposed views to Doonside Street and at an approximate 45 degrees from its Southwestern most point within its own boundary.
86. A setback from the street interface above podium level of 5m for the eastern most built form secures a western view corridor over and above that afforded by the Doonside Street road reserve from the eastern boundary interface all the way through to Burnley Street.
87. The amended provisions put forward in the DPOO establish a minimum setback from the proposed balcony of the submitter residing in the SW corner at level 2 providing greater levels of setback than might typically be envisaged for a side facing unit,

Conclusion

88. The submitters have suggested the views for their development should be secured.
89. Submitter 6 suggests the upper 3 to 4 floors of proposal should be removed implying an 8 to 9 level development should be the maximum acceptable.
90. Submitter 7 and 8 who own and/or occupy 7th floor apartments argue for necessarily lower benchmark.
91. A broader group suggest that the external shared areas of the development at level 7 should maintain views to the city.
92. The positioning of the amenity zones and in particular the mid-block open space area are already substantially constrained in their outlook by the positioning of the south western Embassy apartment building only 4.5m from its northern interface with the subject site.
93. They have not provided any policy support for these submissions.
94. I am satisfied that the proposed built form setbacks suggested in the amendment of 9m from adjoining habitable rooms and balconies is an appropriate benchmark for buildings of the heights envisaged.
95. It is a benchmark that does not unreasonably compromise the amenity of adjoining development and has reasonably protected shared amenity areas therein.
96. In my view no change is warranted in my view as a result of the submission.

SUBMISSIONS 12 and 26

97. Submission 12 raises general concerns regarding overcrowding arising from overdevelopment but provides no supporting evidence for this position.

Conclusion

98. In my view, no change is warranted in my view as a result of the submission.

SUBMISSION 16

99. The submission raises 3 primary areas that are outlined in the following commentary.

Perceived loss of amenity to habitable rooms arising from the inclusion of an interconnecting north south pedestrian laneway linking Appleton Street to the south and Doonside Street to the north midblock.

Commentary

100. The amendment proposes the inclusion of a 9m wide midblock pedestrian link.
101. The location of the laneway is approximately mid-block between Burnley Street and David Street a block currently approximately 200m in length.
102. The laneway sits to the north of Appleton Street.
103. The submission speaks to the alignment of the laneway with a bedroom of the residence occupied by the applicant south of the street. The bedroom sits at the front of the submitter's property behind a front garden setback and boundary fence.
104. In my view the concerns raised around the suggested impact on the subject property arising from of the inclusion of a midblock pedestrian laneway in this location are offset by the net

community benefit of providing a car free link inter-block directly to a new public park to the north and the core retail centre to its north.

105. The inclusion of enhanced pedestrian permeability in areas of change and enhanced pedestrian capacity are policies sought in local and state policy and consistent with good urban design practice.
106. The link is the second link to be provided in this block with a second block further to the east already in place providing a distributed network of connections.
107. Its location is consistent with the Victoria Street East UDF.



Conclusion

108. Given the laneway is on the north side of a public road, is pedestrian only and is proposed to be managed as a mixed use interface with upper level residential I am not of the view that the submitters concerns are not ones that cannot be managed through reasonable operational conditions on any future permits and do not agree that the laneway is likely to generate unreasonable negative impacts. The proposal also provides a range of benefits for residents within Appleton Street including:
 - a) Enhanced access to open space
 - b) An expanded pedestrian network and improved access to retail services.
 - c) Breaks in built form to the north of Appleton Street.
 - d) Higher access to sunlight and sky views to the immediate environs of the submitter's site 52 weeks a year relative to neighbouring areas.
109. Additionally the presence of an intermediate public road separating the link from the subject site provides a further physical separation.

Noise

110. The submitter also raises potential issues that might arise from some potential land uses and noise that they may generate and that a negative ghetto character might arise
111. The laneway envisages exclusively residential occupation and or office associated directly with residential occupation for the southernmost 13m of land use west of the lane abutment and approximately 45m to the east side of this new pedestrian street providing a residential land use buffer between retail and commercial related activity further to the north and the submitters home. The road reserve of Appleton Street provides a further physical break. This is in contrast with the direct industry abutment that currently exists to the northern edge of Appleton Street.

112. A range of regulatory operational provisions and permit provisions regarding hours of use are available to regulate inappropriate impacts arising from hospitality and retail related uses. Appleton Street and its environs has historically been a mixed use area that combines commerce and residential and uses and the Burnley Street access is relied on by hinterland businesses.
113. Desirable employment and services will remain a part of the broader area character.

Conclusion

114. In my view the concerns raised around operational hours and land uses are not ones that need to be addressed at this stage beyond the scope already proposed wherein a transition from a higher emphasis on commerce to the Burnley Street and Doonside interfaces are proposed and a heightened emphasis on residential to the Appleton Street interface. As noted in issue a) the separation of activities are substantial being between 40 and 70+ m from the subject site's habitable rooms for the commercial uses of concern.
115. Informal surveillance from upper levels is proposed as a key provision of both site specific and Local and State Policy for public streets and spaces through safety by design principles will further obviate safety and amenity concerns by providing eyes to the street and a residential 24hr presence.
116. I am of the view that ghetto concerns raised by the applicant are best managed at a proposal level but are not characteristics that I would identify with the proposed arrangements.

Overshadowing of Appleton Street

117. The submission raises concerns around overshadowing of Appleton Street.
118. The current provisions to provide for protection of private open space from additional overshadowing above that arising from a street wall of 3 commercial levels 11m between the hours of 10am and 2pm at the September equinox.

Conclusion

119. In my view the standard established for the amendment is an appropriate measure in this context and the imposition of greater controls to an area of immediate abutment to an activity centre is in my view unwarranted with the amenity outcome achieved acceptable in my view.

Construction compensation

120. The submitter argues the extensive works warrant compensation for the inconvenience and disturbance inevitably arising,

Conclusion

121. I do not support the provision of a compensation regime.
- Commercial zones are the subject of frequent change and transformation.
 - The subject site is a particularly large commercial zone in a small number of parcels.
 - Any change of substance will occasion disruption and in my view whilst inconvenient should be reasonably envisaged by any prospective purchaser of an adjoining property.
 - Notwithstanding a construction management plan regime should be required to ensure regulatory controls around issues such as dust, noise, hours of construction and site management are put in place at each stage to effectively minimise unnecessary inconvenience and loss of amenity for residents.

SUBMISSION 21 a and b, 36, 36a and b.

122. Further to the earlier submission further material in support of concerns, was provided by the submitter in two further submissions. A number of matters relate to traffic, heritage, transport, the adequacy of public infrastructure such as schools and economic analysis that I will leave to other experts
123. They raise concerns regarding the underlying assumptions regarding employment demand, loss of what they perceive to be public open space with approval of 10-22 River Boulevard, and the perceived accuracy of the recording of approved or delivered development in submissions.
124. The submission raises issues of concern regarding the impact of proposed building scale, overshadowing and bulk on surrounding areas and loss of character and loss of green space for

children and pet owners although it is unclear how the latter relates to the existing uses on the subject site.

125. There is a concern that the proposed open space is not specifically and clearly defined as public and secure in the long term and a broader concern around insufficient open space in the area.
126. It raises concerns around the interface responses to the adjoin Embassy apartments.
127. In many instances the submission is either expressed as commentary or questions rather than

Commentary

128. The matters of interface resolution, land use mix, open space, strategic alignment and scale are dealt with under other submission commentary and recommendations.

SUBMISSIONS 24, 29, 33, 34 and 43

129. Raises matters of concern over the height of development at 12 levels and impact on 86 Burnley Street which I have covered later in my report and in my shadow analysis earlier.
130. Concerns are also raised about broader precinct overdevelopment, and traffic management and the ability of the precinct to cope with further intensification.
131. The suggested 500 units envisaged by the amendment and commercial development envisaged and their impacts are also raised.
132. Like some other submissions, 33 is concerned about impact of additional supply on property values.
133. Submission 34 like earlier submissions argues for lower 7-8 storeys across the site and for the winter solstice test to inform development.

Commentary

134. The matters of land use mix and scale and impacts, strategic alignment and demand are dealt with under other submission commentary and recommendations.
135. The winter solstice is frequently used for areas of key public value such as shared open space and it may well be a consideration for Victoria Gardens north of the proposed parkland should there be development propositions in the future therein and for development abutting the Yarra River open space corridor.
136. In a residential street network context I am satisfied with and have advocated for Equinox provisions to apply in areas where intensification are sought.

Conclusion

137. In my view, no change is warranted as a result of the submission further to the amendments to protect the western side of Burnley Street at key times of the day as earlier noted and agreed in Council's amended submission to the Panel.

SUBMISSION 25

138. Considers the proposed amendment is not consistent with local policy notably the Victoria East UDF and the Victoria St Structure Plan and scale and does not support the focus of traditional strip centres.

Conclusion

139. In my view, no change is warranted as a result of the submission for reasons discussed in earlier analysis.

SUBMISSION 27

140. The submission recommends no rezoning be supported and that the heights be constrained to 1-2 levels. The proponent talks to loss of industrial land and the impacts on adjoin development.

Commentary

141. A detailed industrial land review has been undertaken for Melbourne by the State Government. I understand this review has not sought to retain this site as a location of significance. From a

strategic position this is logical given it is embedded in an area bounded by residential or mixed use zone land where any industrial use ongoing would be unreasonably constrained.

142. The matters of land use mix and scale and impacts on adjoining development strategic alignment and demand are dealt with under other submission commentary and recommendations.

Conclusion

143. In my view, no change is warranted as a result of the submission.

SUBMISSION 28

144. The proposal raises again within my areas of expertise matters of inappropriate scale, insufficient infrastructure, construction and view impacts,
145. The proponent recommends a tiered building reducing the towers to a maximum of 7 storeys with a setback off the road of 13 metres on both sides (currently only on Appleton side) that then allows for a tiered construction from both Doonside and Appleton sides of the development.

Conclusion

146. In my view, no change is warranted as a result of the submission either my commentary on the issues raised discussed earlier.

SUBMISSION 31

147. The submission raises a number of concerns including a general objection to Amendment C223 and the rezoning of the site to mixed use.

Commentary & Conclusion

148. The site sits in a location that is bounded by residential to the west, south and much of the east with a commercial centre to the north that is rapidly also becoming mixed use in nature with retail, residential and employment forming complimentary roles.
149. In my view the site is a logical location for Mixed-use development and a better interface outcome in zoning and land use terms to that currently provided for by the zone.
150. Indeed it is the one remaining parcel yet to be rezoned as a result of the earlier amendment C99 Doonside Precinct of 2009.
151. The submission raises issues of amenity and access impacts and visual, logistical and environmental impact of the development on adjoining neighbourhoods
152. Whilst I appreciate that the nature of views and built form will change as a result of the proposal, it in my view that this renewal forms part of a broader transformation of the Victoria Street East precinct from a largely late 19th and early 20th century industrial manufacturing history to its 20th and 21st century medium rise urban village transition. I do not accept that these changes or the changing visual, logistical and environmental impacts are unreasonable.
153. Through this process a progressive environmental clean-up transformation is occurring with the river being also further opened to recreation and the area becoming increasingly a place to access services and live, work and play.
154. The intensification of the precinct around further investment in the frequency and capacity of the bus, cycle and tram networks responds to the expanding nature of the capital city and the potential that these large sites have to deliver the housing diversity, employment choices and new services and destinations that cannot be delivered in the areas of high heritage value in hinterland streets and neighbourhoods.
155. In my view this change sees both positive and changing impacts with obvious taller built form but also new open spaces. A reduced on-street industry presence, new walking connections, new workplaces and new options for living.
156. These changes in a strategic sense are in my view consistent with ambitions in State and Local policy to focus change in areas of public transport access, jobs and services.

157. The submission claims that the proposal is inconsistent with other developments in the area and provides for residential towers of a height not consistent with surrounding development in Burnley Street



SE block Embassy apartments



Proposed development Cnr Buckingham St and Burnley St



Looking northwest towards Victoria St in Burnley St and East in Doonside St to 9-15 David St

Commentary & Conclusion

158. The nature of the precinct is changing substantially in its abutment to the river corridor and primary arterial road networks.
159. The above images demonstrate the emerging scale and the alignment of the scale envisaged on the subject land and that which is either being built or built nearby.
160. Substantial development in Burnley Street and Victoria Street forms part of this transformation.
161. Comparable scale renewal is also evident in development in Victoria Street North and Doonside Street to the east respectively and Burnley Street to the south.
162. Within Appleton Street comparably scaled interface character between taller form north of the road behind 2 and 3 level podium form and southern cottage scale form is seen to the eastern interfaces.
163. Development west of Burnley Street has in contrast with the subject proposal direct interfaces rather than street interfaces with lower form and rises to heights of up to 8 levels.
164. Hence I do not share the submitter's view that the scale is excessive. It is my view that the proposed scale sits within a family of related typologies and scales within the neighbourhood and is acceptable.
165. The submission is concerned that the number and scale of towers will impact on properties west of Burnley Street and south of Appleton Street and neighbouring schools and Trinity Church.



Looking SW to 86 Burnley Street

Conclusion

- 166. The submitter suggests that the inclusion of 5 towers in the western section of the site will detrimentally impact adjoining areas arising from their proposed footprint and height.
- 167. The south easternmost tower is proposed to be 7 levels a height lower than the nearby Burnley development to the North West and with 13m setback to the tallest form from Appleton Street and 10m from Burnley Street with development already present in Burnley Street significantly higher in its street wall treatments with lesser setbacks in many instances.
- 168. I am not convinced that development and the school some 80m to the south west and with recreational areas further buffered by a continuous row of evergreen conifers would be unreasonably impacted.
- 169. Trinity Church is nearly twice that distance from the taller form with western elevated 4 level forms occupying a substantial intervening footprint of development opposite to the west of the subject land on the NW corner of Kent Street and Burnley Street.



Looking NE from the Trinity Church forecourt

- 170. The above image depicts the current arrangements at the forecourt to the school illustrating both foreground vegetation and infrastructure and substantial hedge perimeters and fencing to the adjoining school.



View from the street median towards the subject precinct.

- 171. Further to the northeast intervening development at 86 Burnley Street sits between the subject site and the development.
- 172. Hence in my view the concerns raised around taller built form impacts from hinterland areas towards the site and environs is and will continue to be managed by the midrise scale on the western side of Burnley Street that sleeves these lower scale hinterland neighbourhoods.
- 173. More distant view of taller form is something characteristic of Yarra with its major arterial and public transport routes typically home to development of similar scales on strategic sites of the dimensions that characterise the subject site.

Traffic related matters

- 174. A number of traffic, congestion, public transport and parking issues are also raised but these fall outside my areas of expertise.

Overshadowing

- 175. The submission claims that overshadowing impacts on 86 Burnley Street and the residents of Appleton Street and North Street. The proposed setback of 10 metres from Burnley Street and 13 metres from Appleton Street are inadequate given overshadowing and proximity of the proposed eastern towers to neighbouring residents to the west and south and that amenity of playing areas within the school have been ignored.



Commentary and Conclusion

- 116. I have previously noted that it is my view that the shadow protections for Appleton Street are reasonable.
- 117. The development at 86 Burnley Street is elevated above street level where it addresses Burnley Street with ground level elevated approximately 1.2m.

118. Northern townhouses self-overshadow with the street frontage dedicated to highlight windows and a garage door at street interface level with 86 Burnley Street.
119. North Street is a full block south of Appleton Street and more than 120m from the south side of the subject site to the south footpath.
120. Hence with 11m street wall and 7 level built forms proposed on the south side of the project and given the material provided in the submission there concern regarding overshadowing of North Street is only likely to arise from built form and landscape changes south of Appleton Street particularly given the controls protecting the Appleton street properties from overshadowing.
121. Similarly the shared amenity space for 86 Burnley Street lies within a central courtyard to the west of its 4 storey elevated Burnley Street scale and any impacts on this space will arise from overshadowing arising from the site itself not the subject site.
122. The submitter's building is over 30m from the taller 42m built form of the NW tower itself with a western façade length of comparable dimension to that of the submitter.
123. In this instance the morning 10am and 11 am times at the equinox are key determinants.
124. At 10am the shadow length maximum would have a length a little over 48m at approximately 45 degrees to the street.
125. At 11am, 36m length with an azimuth of 28 degrees.
126. These suggest modest impacts at 10am given the elevation of the submitters building and its solid concrete balustrades to projecting balconies at this elevated level creating an effective 2m street wall. No impacts exist at or after 11am.
127. The summary of these are shown on Paragraph 22.
128. In my earlier advice to Council I had suggested for consistency with its recent policy provisions for a similar area of change and incorporated in DDO23 South Collingwood that protection be sought for the west side of Burnley street after 10am at the September Equinox to promote a walkable neighbourhood.
129. I note Council has agreed that amenity protection is both sought and necessary and has updated their preferred DPO15 to include that:-
 - a) – *No overshadowing of the footpath on the western side of Burnley Street from 11 am at the September Equinox.*
129. Whilst this amenity inclusion is welcomed, I retain my earlier view as a preferred outcome, and believe the impacts on building development are modest.
130. The waste management strategy is insufficiently robust given the project magnitude.
 - a) This is a specialist matter best assessed by experts in waste management.

Stormwater management

131. The issues raised around WSUD and stormwater management generally sit outside my area of expertise.
132. Notwithstanding I note that the site introduces a substantial increase in permeable landscapes and stormwater harvesting.

Urban intensification

133. Insufficient justification is suggested by the submitter for increased residential intensification on the site or demand for residential property.

Conclusion

134. Whilst the submitter has made a modest case for residential intensification, the case for urban intensification is clear in my view in Local & State policy & the site characteristics given its adjacencies to services, public transport, and growing jobs markets is a sound one in my view.
135. The site is logically included in a broader activity centre transformation for the Victoria Gardens Precinct.
136. The site is also one that can accommodate more housing diversity and greater density arising from it's largely island nature and abutments to taller built form to the east and north.

137. The area has demonstrably been a popular destination for new apartment occupiers as borne out by the transformation of the river corridor over the past 2 decades.

SUBMISSION 35 and 47

Height

138. Submission 35 seeks reductions in height to built form in Doonside and Appleton Street to 7 levels and 5 levels whilst Submission 47 seeks reductions to 7 and 4 respectively and raises concerns regarding the combined use of metres and storeys.

Conclusion

139. The heights of the development at these interfaces have been previously discussed in my report. I do not support these suggested amendments for the following reasons:-
- a) The proposed development is of comparable level to the east in Doonside and Appleton Street.
 - b) The site size and island nature makes is a strategic site where taller built form can be readily accommodated.
 - c) Its location in immediate abutment to a growing Activity Hub and abutment to an area of change to the north,
 - d) When combined with the inclusion of the proposed setbacks, public linkages and open space the suggested reductions in height are not in my view warranted.

Overshadowing

140. The submission supports protection of Appleton Street residential properties from overshadowing and protection of the public and private realm at ground level from overshadowing between developments.

Conclusion

141. Protection of Appleton Street has been previously discussed.
142. Protection more broadly of open space is reasonably managed consistent with conventions in places of inner urban renewal. I do not support the suggested changes beyond that noted in my earlier commentary.

Setbacks between upper level form

143. Submission 35 suggests that 9m between development and upper level form is insufficient and recommends increase.

Conclusion

144. A 9m setback between medium rise form as proposed in this instance is characteristic of much of Melbourne's recent urban renewal and has been tested and found acceptable through numerous Panel and VCAT reviews.
145. Hence it is my view that requirement for additional setback is unnecessary for low and medium rise built form.

Public Open Space

146. The submission recommends an increase to open space to be a minimum 10% of the site area and suggests alternative arrangements there

Conclusion

147. The provision of open space in this instance has envisaged both the inclusion of a new public park and a 9m wide pedestrian link through the site.
148. The cumulative contribution of open space is 4.5% (576 sq.m. with an additional area of nearly 900 sq.m. in the proposed through-block pedestrian lane.)
149. Cumulatively the aggregate provision of new pedestrian space is 1475 sq.m. approximately or in excess of 10% of the site area.

150. I note the amended proposal put to the Panel seeks to development of an Open Space Report demonstrating how further needs for the precinct might be accommodated in the future.
151. The approach has comparisons to the adjoining Haven development where a new inter-block links interconnecting Victoria Street and the river combined with increased river reserve setbacks delivered enhanced access and capacity to the river corridor as part of a suite of measures.
152. These are in addition to that of open space other community benefits being provided including 10% affordable housing and retention, restoration and adaptive renewal of significant heritage elements of the site.
153. For these reasons I find the outcome and the supporting documentation required through the DPO acceptable in their current form.

Diminished property values and increased Congestion

154. The development will impact negatively property values and increase traffic and congestion.
 - a) These are outside my areas of expertise.

Support for Small Business Inclusion

155. The submission seeks to ensure that smaller businesses that rely on the development form for their viability should continue to be supported in new development.

Conclusion

156. The submitter raises an interesting challenge around the merits of retaining affordable right-scaled workplaces for rent to maintain the viability of businesses, a growing challenge for Yarra in preserving its important strengths in making, creative industries and services.
157. The proposal is underpinned by a minimum of 9000 sq.m. of employment areas including the continued presence of the underlying headquarters for the incumbent business.
158. Additionally the smaller tenure areas and footprints around the park perimeter and lane network support smaller business tenancy types.
159. In my view this is a reasonable response to the challenge.
160. Policy development around affordable workplace accommodation remains relatively undeveloped in Melbourne in comparison to international benchmarks and where like affordable housing, there are mechanisms that incentivise inclusion of affordable workplaces in areas of urban renewal where this had previously been a characteristic.
161. In this instance a palette of measures has been delivered that are site specific in their response.
162. I have previously recommended to State Government and Council that in other areas where renewal might be contemplated, complimentary measures may be delivered to promote affordable workplace provision and similar measures to address the important issue of affordable workplace accommodation raised by the submitter.
163. This I feel is a particularly prescient issue for the State at this time and to an extent the municipality more generally rather than the subject proposal specifically where continuity is embedded in the proposal and warrants in my view preferably a municipal wide response.

View sharing

164. The submitter notes that the layout of the site does not consider a view sharing arrangements with existing building.

Conclusion

165. The project presently presents gross development envelopes rather than building solutions for the site.
166. The protection of the public laneway from overshadowing at the equinox through key periods of the day with further setback the North-easternmost 12 level form from the eastern and southern interfaces have been included in the amendment along with breaks between lower southern built form and taller northern elements.

167. In combination with the proposed parklands and lower scale eastern laneway form these delivers shared aspect for the eastern built forms.
168. The western forms proposed in the amendment similarly enjoy north south and western aspects.
169. The major criticism of limited view sharing within the proposed DPO might be directed to the configuration of the central northern tower in the Mixed-use zone and its southern 7 level predominantly residential neighbour wherein the longitudinal building envelope attributes limit the aspects to the view corridors between built forms north and south.
170. That said there is significant incentive for the applicant to deliver an amenity for development that does not compromise the value and identity of the broader development and an opportunity to consider within the assessment criteria issues of amenity and aspect with the Development Plan vision being *to provide a high standard of internal amenity, building separation and best practice ESD*, which would not be delivered by maximising the filling of development envelopes.
171. There would be merit in creating a visual break in the longitudinal east west 7 level tower in alignment with the to deliver form similar in footprint to the south western most footprint with that visual break not necessarily limited to the same common 8-11m but perhaps for the uppermost 10m or 3 storeys of the form. I have illustrated this in the shadow analysis in paragraph 23.
172. I recommended to Council, that consistent with this that they amend the proposed Figure 1 Framework Plan to the south eastern envelope as shown in paragraph 22 drawing 2 to amend the 7 storey building addressing the Appleton Street frontage to create a visual break of 9m between east and west forms above level 4 to provide reduced perceived bulk, enhanced skyline opportunities and improved campus spatial breaks consistent with the principles underpinning the scale and longitudinal footprints characterising the balance of the site.
173. I felt this would assist also in addressing some of the criticisms around bulk when viewed from the residential areas to the south and south west.
174. Council has determined that this issue could be dealt with through further articulation of the design outcomes sought in relation to roof scapes and upper level development given that the submissions did not specifically direct attention to this matter,.
175. I accept there are other ways to achieve this outcome and earlier amendments adopted by the Council go considerable way to achieving this, I had recommended this measure for completeness and greater certainty and continue to hold that view.

Setting back of upper levels

176. The submission contests that surrounding scale is typically 4 to 10 levels with the majority 4-7 levels with terracing and setbacks of upper levels used to mitigate heights and suggest these measures need to be considered.
177. The submitter is concerned at the precedent established for scale, the consequent public realm outcomes and what they perceive as reduced amenity

Conclusion

178. I have previously addressed heights and as noted earlier do not consider the proposed heights out of context or warranting changes.
179. In relation to the inclusion of metres and storeys I find the combination useful. Despite the Practice Note 60 suggesting that only metres are necessary, the inclusion of storeys for mixed use form, provide lay people with measures that they might then determine against surrounding built form more easily.

SUBMISSION 36

180. The submitter requests for detailed design made available before the approval stage.

Conclusion

131. I would contend that the extent of core deliverables and their quality in relation to heritage and public open space are matters where detail and agreed standards are warranted to an agreed standard.
132. I have noted earlier the requirement in the proposed amendment for the provision of an Open space strategy in addition to public realm Plans.
133. I am of the view that the Tract landscape material goes a substantial way in articulating the later aspirations with heritage requirements typically being resolved at a development stage.

Housing typologies

134. The submission argues for a greater proportion of town housing arguing there has been excessive provision of apartments.

Commentary

135. The submission makes no assessment of the overall mix of housing types in the municipality or the affordability of the cost of town housing and the unaffordability of this type with rising prices in Yarra other than for the uppermost income brackets.
136. In my view whilst town housing could be provided and is not prohibited and may form the podium typology to some of the interfaces, it should not in my view be a priority in an activity centre interface location in inner Melbourne.
137. The location is ideally suited in my view to lifted accommodation and taller forms with town housing more typical of the many areas of heritage overlay neighbourhood residential areas in the municipality.
138. The submission is also silent on the significant provision of affordable housing being 10% of total housing and the likely demand in the municipality for smaller households as a priority for this housing form.

Retail and Commercial Strategy

139. The submitter raises concerns about poor retail design and strategy within the municipality and evidence of vacancies.

Commentary

140. I accept that the submitter's criticism of the regular occurrence of ill-considered ground level commercial space that when combined with high rental expectations, has led in some instances to long term vacancy of ground level commercial space.
141. Equally the suggestion that there is a dearth of demand for commercial space in Yarra is not sustained in my view with the well published growth of employment in Cremorne, Collingwood, Burnley and Fitzroy all evidence of substantial demand in the municipality for well-conceived workplace areas. What occurs, Post COVID is of course still to be determined.
142. I concede that the DPO requires the provision of an Economic assessment to determine viable enterprises for the precinct.
- 143.

Recommendation

131. That the Panel consider the inclusion within the Development Plan of a requirement for a Retail and Commercial Workplace Plan for the site that demonstrates alignment of the scaling, expression, rental expectations and positioning of commercial and retail space with emerging needs and demand.

Pedestrian Laneway

144. The submission raises concerns around the merits of the proposed laneway which I have addressed earlier in my report.
145. It further recommends lower built form for the site and the impact of taller built form on key views and adequate sunlight and views for adjoining development to the east with particular

criticism directed to the position and scale of the proposed North-eastern most 11 storey building.

Commentary and Conclusion

- 146. The adjoining Embassy Apartments addresses this new eastern most form with an abutting pedestrian laneway inter-block link to the east and a ground level carpark to the south.
- 147. West facing apartments at upper levels are configured to align with this laneway with a 9m setback from living areas to this interface in most instances at levels 1 to 6 for the eastern block and to rely on equitable development setbacks to the south for reasonable access to light and amenity with setbacks of only 4.5m to this interface.
- 148. The taller Doonside building rises to approximately 39.5m with the Appleton St. interfacing forms rising to 30.5m behind a lower street wall.
- 149. Whilst the Development Plan (see indicated setbacks to the north and west no setbacks are indicated above the podium to the east and south and no setback from its southern neighbour to this podium. (see sections below)
- 150. The interfacing abutment wall as shown in this attachment is approximately 5m in height.
- 151. Logically the abutment to this interface should not exceed one floor higher than this existing height to this interface and setbacks to upper levels should be a minimum of 4.5m to the outer face of balconies and built form given the taller form proposed.
- 152. Whilst the adjoining proposal has developed the western interface without setbacks the setbacks have nevertheless been more generous in scale and provide important points of access for development to principle entrances.
- 153. Hence the preservation of the amenity of this zone is crucial and the shared aspect implied by the development footprints proposed eastern building and its longitudinal alignment to this pedestrian lane suggests that development principles need to have regard for this interface and should ensure that the interface is managed as a street aspect rather than a back of house with podium setbacks to ensure that a minimum of 9m is established above podium between built form and that podium levels are attractively managed when viewed from the Embassy Apartments pedestrian walk and desirably provide additional informal aspect and surveillance to this area.





154. Photos showing the relationship of building A to north boundary and building C to east boundary.

155. In my earlier advice to Council I recommended that the footprint of the easternmost building footprints as follows:-

- a) Amend the 11 storey and adjoining Retail office sharing the northern boundary to 27 Appleton Street to provide for:
 - A maximum 8 m height with zero setbacks to the north, east and south boundary.
 - Enhanced interface treatments above the existing eastern interfacing wall for landscaped indented balcony treatments that enhance informal surveillance and engagement with the link.
 - Setbacks above podium level to provide for a minimum 9m setback from the outermost western face of balconies and habitable rooms of the adjoining Tower at 44 Doonside Street.

156. I note Council has subsequently updated the DPO15 to include an additional Built form guideline to have minimum above podium setbacks of:-

- a) 9m from habitable rooms or balconies of the Embassy Building directly to the east and south.

Conclusion

157. I support this amendment to the DPO.

SUBMISSION 37

158. Is concerned about the proposed scale of development and the impacts arising from intensification on amenity which is argued should be 2 storey for the current heritage properties and 6 storeys for 26 Doonside Street. These issues are discussed earlier in my report to the Panel.

Conclusion

159. I am not of the view that there are matters raised in this submission that need to be further addressed.

SUBMISSION 38



160. View looking East down Buckingham Street and development south in Burnley Street.

163. Raises a series of concerns including the following that I have covered earlier:-
- a) Perceived excessive bulk and consequent excessive detrimental impacts on Burnley Street.
 - b) Parking provisions and Public transport capacity that are perceived to be inadequate but equally concern that increased traffic in Burnley Street would be detrimental.
 - c) Overshadowing of the Burnley Street footpath in the morning
 - d) Loss of views light and blue sky views in this case from balconies on the west side of Burnley Street

Commentary and Conclusion

164. The development site is separated by a significant arterial road from the development to the west of Burnley Street.
165. Inevitably intensification will limit views and for these reasons views are typically not protected save for key skyline landmarks within the planning scheme.
166. In this case views to the east are not protected by any provisions and nor should they in my view.
167. I am not of the view that development of upper level form more than 30m away could be said to be unreasonably impacting on views, light and blue sky views.

SUBMISSION 41

168. The submission argues that the Podium height / Street Wall Height seeks to address interfaces with the adjoining Embassy Building and retained heritage buildings and recommends a podium height of less than 8m to respect those bookends. Street wall heights they note are similarly predominantly 2 levels with a maximum of 11m.



Commentary and Conclusion

169. Typically abutments to existing built form respect adjoining heritage forms at the interface but can often be approved with a one level difference in scale reflecting the more diversified settings characterising development within the precinct.
170. In this instance I am not persuaded that an 8m interface to the existing heritage and neighbours isn't acceptable but would share the view that 8m should be the predominant scale each of the north, east and south interfaces.
171. Equally I am not of the view that a predominant 2 level scale is required to the Appleton Street interface though I concur that a varied 2 and 3 level scale is warranted to provide an interface grain and response that better reflects valued attributes of the street fine grain rhythm and variety.

Materials/Building Façade

172. The submitter notes that the provision of "high quality treatments to the building facades facing the pedestrian lane" should not be limited to the pedestrian lane and should be required to all street and lane frontages, especially those facing existing residential properties.

Conclusion

173. I concur with this view and would endorse the position that high quality materials and finishes should characterise a development of this scale and likely subdivision and long life expectation.
174. Equally I agree that the podium and streetscape experience in particular is highly dependent on a richness of materials finishes and ambition in public realm placemaking.
175. I note that subsequently the Council has made amendments to their draft amendment to address these issues made in my earlier recommendation to them arising from the matters raised by the submitter and my recommendations notably within DPO 15 to:-
- a) *Create an interesting and varied street wall and podium which is reinforced through the contemporary use of common historic industrial materials a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street facade.*
 - b) *At upper levels use lightweight materials and detailing that compliments the significant elements of heritage buildings*
 - c) *And restricted the dissuading discouraging of highly articulated facades to those sitting above the retained heritage buildings and extended the ambition and provision of high quality treatments to building facades facing the pedestrian lane to also include streets.*
176. I support these proposed amendments to the DPO.

Housing Diversity

177. The submitter sought that the Housing Diversity and Adaptability Report demonstrate how the development plan responds to the housing needs of families.

Conclusion

178. Whilst I support that families are an important subset of housing provision the same could be said for ageing in place, people with disabilities, people working from home etc.
179. The suggested capacity of 500 dwellings provides a great opportunity to deliver a housing solution that is strategically aligned with the unique opportunities afforded by the context and the emerging gaps in supply for community's particularly affordable housing for key workers and lower income households.
180. In that context I am not supportive of a single group being identified but instead a holistic evidence-based approach.

Heritage and new development

181. The submitter supports the retention of the existing heritage building façade and heritage building but is concerned by the proximity of adjoining taller form.

Conclusion

182. In my view the combination of podium setbacks and lower scale to the immediate south in combination provide adequate setting for the lower heritage building in principle subject to the adoption of a lower podium expression to the Doonside Street interface.

Scale

183. The submission notes the adjacent precedence heights at 36-44 Doonside Street and 12 David Streets but recommends greater diversity presumably to the Doonside St frontage and lower heights to Burnley Street pointing to 30 Burnley Street as an appropriate precedent.

Conclusion

184. In my view whilst a corner site, 30 Burnley Street is a more constrained site than the subject site sitting in immediate abutments across narrow laneways with hinterland and adjoining main street residential areas subject to a heritage overlay and adjoining parklands. Hence, as a benchmark it would in my view that a marginally greater scale as proposed should be supported on the subject site.

Height Diversity

185. The submitter recommends a variety of heights to create visual diversity and interest as well as a diversity of design voices in the realisation of the precinct.

Comment and Conclusion

186. I would concur with the view that a varied rather than uniform skyline view and design language would be a desirable outcome. At the western end of the block between both streets 12 and 7 levels are proposed.

187. Potentially in the absence of sophisticated design response the blunt application of the envelope would be problematic.

188. Measures such as encouraging the provision of shared-use uppermost levels in development and green roofs with combinations of inside and outside areas will assist in varying the skyline profile and form giving prominence to the Doonside Street and Burnley Street corner are one means of achieving this.

189. Alternatively what can also be seen is that the protection of amenity in the key laneway and abutting streets will equally result in variances in form and setback logically above podium level.

190. In my earlier advice to Council, I recommended that under the section Built form Guidelines and after the fifth dot point to add *"Ensure the architecture and built form achieve a coherent variety of design languages, materiality, height, and form, to create a visually interesting precinct, skyline and streetscape"*

191. I note that the Council in their revised DPO has added a bullet point to:-

- a) *Ensure buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct.*

192. I support this proposed additional provision.

Upper level setbacks

193. The submission recommends a 9m setback from Doonside Street and proposed laneway.

Conclusion

194. The adjoining development at 44 Doonside Street has zero setback at podium levels and modest setbacks until level 12.

195. The proposal suggests a 5m setback transition towards the adjoining heritage built form.

196. In my view this represents a satisfactory east to west transition.

Wind modelling

197. The submission submits that appropriate wind modelling should be undertaken to ensure that this development creates good conditions in the public realm at the street level. This includes the pedestrian lane and the public open space, as well all footpaths bounding the site.

Commentary and Conclusion

198. I endorse the importance of high quality public shared and private open space within the development and note the DPO seeks guidelines to *mitigate adverse wind impacts in building design.*

199. I support this ambition and recommended this might be clarified in its intent with aligned standards articulated in the DPO as follows:-

- a) Public Open Space, the pedestrian laneway and the north facing Doonside Street frontage must achieve the wind speed amenity criteria *"Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s"*.
- b) The remaining street and laneway interfaces must achieve *"generally acceptable for stationary short-exposure activities (window shopping, standing or sitting in plazas), if the annual maximum gust does not exceed 13 m/s"*.
- c) Common area shared amenity recreational and landscape podium and upper level zones must achieve the wind speed amenity criteria *"Generally acceptable for stationary, long-*

exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s”.

- d) Private open space podium zones must achieve the wind speed amenity criteria “*Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s”.*

- 200. I continue given recent wind reports I have read, to have the view that the need for amenity to support activity is not universally understood even by the Wind modelling consultants for whom safe walking environments is frequently considered an adequate outcome.
- 201. In this instance to support the role of the park and laneway and street network activation, it is my view that a much higher criterion is necessary going beyond mitigation to remove ambiguity as to the outcome sought.

High quality tactile design response for the podium and public interfaces should be sought

- 202. This submission in support of a variety in materiality, parapet heights, and introduction of landscaping builds on an earlier submission.
- 203. Depth and articulation will be important to create light and shadow across a very long façade and recommends that breaks should be provided in the massing, and clear and identifiable addresses provided to each of the buildings.

Conclusion

- 204. The proposal challenges a provision within the draft amendment notable by implication that the implied uniform use of lightweight materials, simple architectural detail so as not to detract from significant elements of heritage buildings, discouragement of highly articulated facades with recessed and projecting elements and ensuring the retention of solid built form behind retained facades and avoiding balconies behind existing openings.
- 205. I concurred with the submitter’s views and was concerned that the proposed guidelines gave too little weight to architectural quality and confused guidance as to the outcomes sought for upper level development. As a consequence I was concerned that it may lead to bland and entirely out of context glass boxes or similar which whilst meeting the controls may appear incongruous in the setting.
- 206. I recommended a series of amendments to the DPO as follows:
- 207. Provide for high quality architecture and spaces throughout the site and respond to heritage places through as appropriate:
 - a) At podium level compose interesting and varied streetscape profiles utilising robust masonry materials and metals responsive to the historic industrial context and remnant buildings and characterised by depth, tactile interest and attention to fenestration entrances and parapets.
 - b) ~~Use of~~ At upper levels use predominantly lightweight materials and detailing that compliments the significant elements of heritage buildings.
 - c) Simple architectural details as not to detract from significant heritage buildings.
 - d) Invest upper levels, landscapes and the public spaces with measures that enhance environmental and ecological performance, climate adaptation and resilience. ~~Discouraging highly articulated facades with recessed and projecting elements.~~
 - e) Ensuring the retention of integrating built form behind retained facades ~~and avoiding balconies behind existing openings.~~
 - > Provide high quality treatments to building facades facing the pedestrian lanes, places and streets.
- 208. As noted earlier the Council has amended the proposed DPO to provide more guidance to the materiality, design quality and visual interest sought and I am satisfied with these amendments.

Lobbies

- 209. The submitter notes that the Lobbies could become a part of the feature along the streetscape.
- 210. And notes that consolidation of building services and loading docks should be integrated into the design and considered in the design response.

Conclusion

211. I concur that the careful management of services and back of house areas to avoid death by a thousand cuts of the experience of streets and spaces is crucial and has been recognised in the recent City of Melbourne amendment. I endorsed this ambition.
212. I recommended to Council that the DPO be updated to address this issue within the Built form section of the DPO through the provision of an additional dot point as follows:
- a) *Carefully integrate and aggregate site services and loading areas in design solutions that minimise impacts on streetscapes, walks and shared spaces and places.*
213. I note and support Council's proposed amendment to the DPO to add a dot point to the Built Form Guidelines section seeking to:-
214. *Ensure that site services and loading areas are carefully designed to minimise impacts on streetscape, shared spaces and pedestrian footpaths and laneways.*
215. I support this amendment to the DPO.

SUBMISSION 42

216. This submission by the Body Corporate of 86 Burnley street opposes the rezoning and outlines objections that include what they perceive to be significant amenity, liveability and accessibility impacts to their property from congestion escalation and insufficient PT capacity. The submission also raises concerns regarding inappropriate scale, loss of visual amenity and overshadowing impacts. The submission contests that the proposed setbacks will occur and argues that there are insufficient employment opportunities for the proposed housing supply envisaged.

Conclusion

217. Where these issues fall within my areas of expertise they have been addressed in my earlier commentary.

SUBMISSION 44

218. Supports the proposed rezoning but does not support the [proposed DPO. A number of the matters relating to Traffic and Heritage will be assessed by others.

Overshadowing

219. Proposes that increased amenity be sought for the proposed pedestrian lane and open space.
220. I support and have supported earlier this position that these areas require amenity.
221. I note that the DPO seeks sunlight to the laneway between 10 am and 2pm at the September Equinox and no unreasonable overshadowing of the public open space. I am satisfied with the amenity benchmarks for the laneway.
222. The submitter notes that a 2m wide strip or effectively approximately 22% enjoy this amenity as a minimum and suggests no additional overshadowing of the open space.

Conclusion

223. This additional park amenity expectation would be difficult to achieve given the edges of the parkland are to be developed to the east.
224. I would recommend the following additions to the DPO.
- a) *That excluding the area of park overshadowed by the existing heritage building at 26 Doonside Street, a minimum of two thirds of the proposed park is in sun at any time between the hours of 10am and 2pm at the September Equinox.*

SUBMISSION 45

225. Submits that impacts on traffic, parking, congestion, are unacceptable and claims an inadequacy of open space and impacts on property values previously addressed in my report.
226. Submits that the height of the proposed dwellings on the Doonside Street should be reduced from 42m to a maximum height of 24.5m inclusive of lift wells, air conditioning and service units on the roof top and raises issues of heights I have covered earlier in my report.

Conclusion

227. In my view and subject to the recommendations herein being adopted I am comfortable with the direction established in the amendment. That said I am of the view that further guidance should be provided around a number of other matters that would be anticipated in a project of this type. These would include:
- a) Encouraging and prescribing standards for upper level shared spaces and places to expand the available locations for enhanced wellbeing, social interaction, shared facilities, access to landscape and response to its proximate river environs and food production for residents.
 - b) Encouraging the inclusion of ground level shared spaces that can meet the needs of locals and building residents and workers.

SUBMISSION 46

228. Raises concerns regarding the mandatory provision of affordable housing and submits that building heights could be 25% higher or 15 levels. The submission notes the proximity to an extended hour activity centre and submits that in a rezoning a reverse amenity obligation should be mandated. Raises concern that other open space location may constrain development on the adjoining activity centre but does not propose an alternative better location and raises concerns that the retail ambitions for the site are unclear.

Affordable Housing

229. The purpose of the Planning and Environment Act to provide for affordable housing is clear and the evidence of an absence of adequate affordable housing in the City also well evidenced.
230. Recent re-zonings of the East Village in Glen Eira and West Melbourne have supported similar benchmarks and I understand that the East Village development is well on track to exceed this benchmark.
231. Recent funding initiatives through the Federal Government have made further monies available to the sector. The understanding of the need to demonstrate nett community benefit is now well understood and agreed at Panels.
232. The applicant his being provided with considerable uplift in value and capacity and it is reasonable that this benefit is shared to deliver sustainable long term communities and housing that is affordable to the bulk of staff working ng in nearby service retail, education and creative sector economies.
233. The submitter has provided no grounds for arguing that the provision of affordable housing as one of the benefits arising from the rezoning is an appropriate element in the community benefit toolkit.
234. For these reasons I find no need for Council to amend this element of the DPO.

Height

235. The shadow analysis undertaken by my company demonstrated that greater height as suggested would have no significant overshadowing impacts on Burnley Street and surrounding new and existing streets and open space and hence is not supported on these grounds and on the basis that the proposed heights provide for an effective and meaningful though not excessive shift and transition in scales from the lower 7 levels in the south to the taller form to the northern Doonside interface.

Conclusion

236. For these reasons I find no need for Council to amend this element of the DPO.

Reverse Amenity

237. The provision of reverse amenity obligations on new development interfacing with areas of extended hour operation and noise generation is well understood and tested at Panels. It is an element on which I have given support both as a proponent and reviewer as early as the Espy Hotel Amendment.

Conclusion

238. I support the merits of this provision in avoiding unnecessary constraint or reduced amenity and hence better and more orderly development.

Recommendation

239. Hence the DPOO be amended to provide for:-

- a) An acoustic report is provided for each stage of development demonstrating that sensitive uses are designed with reverse amenity principles that provide for high quality amenity for occupants for living and sleeping areas designed for the abutment to noise generating activities within the Victoria Gardens Activity Centre and environs.

The siting of the open space location.

240. Necessarily given the position of heritage buildings of value to the west and east, the open space for the precinct and the site has to be located centrally on the Doonside frontage.

241. The provision of open space on the south side of the street is similarly logical mitigating impacts in its setback from footpath areas and via the intervening new north south walk from the west.

242. The submission whilst noting that it imposes a constraint on the northern centre has offered nothing by way of logical alternative or suggestion that its provision is inappropriate.

Conclusion

243. In my view the protection of the south side of the she Doonside Street interface should be considered an important principle in the context of intensification in a similar way to that which DDO23 is seeking to protect key primary walking streets in the South Collingwood Precinct.

244. Hence I support the proposed location of the open space and the recommendations for protection of the amenity therein noted earlier.

SUBMISSION 51

Overlooking to North Street Properties

245. Submits that upper level developments will easily see into north facing backyards of homes in the North Street south of Appleton Street.

246. Upper level development will be well over 50m from the backyards with intervening homes and built form vegetation and fences.

Conclusion

247. I am satisfied that no amendment is required to meet reasonable expectations of privacy for these dwellings.

SUBMISSION 52

248. Raises concerns regarding overshadowing of properties south of Appleton Street.

249. The amendment seeks to protect the amenity of these residents. This is further supported by a varied 8-11m high podium form and significant 13m setback to upper level form.

250. No additional overshadowing on properties south of Appleton Street arising from a building of 11m when measured between the hours of 10am and 2pm at the equinox.

251. In combination with the existing street attributes I am comfortable that these benchmarks are acceptable and that the submitters concerns are reasonably addressed in an intensifying urban context.

SUMMARY OF FINDINGS

252. The remnant provision of industrially zoned land in this context is an anomaly at odds with its neighbours and the trajectory of change in the precinct.
253. The development to the broader precinct has suggested that medium rise development can be accommodated on the site.
254. Development of the adjoining developments in David Street and the adjoining Embassy development have established a scale for this interface with the Victoria Gardens Activity Centre that in my view are acceptable and these are explored as the basis of the proposed DPO scale to these interfaces. Equally the adjoining Embassy apartments and development in the Burnley Street west area where direct abutment with hinterland housing is evident, has built the case for seven level development as suggested in this instance to the Appleton Street interface.
255. The development of built form between 7 to 12 levels is now an established scale of built form for much of the municipalities new mixed use precincts with many developments in Cremorne, South Collingwood and Fitzroy and Alphington and Clifton Hill built around these typologies that maintain a reasonable balance between podium and upper level form. Additionally they have demonstrated in their more compact scale higher likelihood of bankability than taller tower forms as explored in some other municipalities with land speculation less evident as a result.
256. Over time, lessons have been learned around the need to ensure that mixed use zones do not become de-facto residential precincts, and the inclusion of meaningful provision of workplace and retail space of 9000 sq.m. when combined with configurations that support a mix of grains and scales ensures this amendment continues to deliver a genuinely mixed use neighbourhood.
257. Equally the inclusion of requirements to both retain in the round the key 261 Doonside Heritage building and the primary gateway building with setbacks to upper level form, ensures that the development is investigated with a grain and eclectic mix of forms that retains a connection to its industrial past and engagement of the community with these places and spaces.
258. In some locations timely provision of additional open space and linkages has been a shortcoming of amendments and outcomes.
259. In this instance specific provision has been made for a substantial and importantly well located midblock urban park, framed by a new similarly generously scaled and intelligently located midblock walk scaled to avoid the necessity of screening to development to its interfaces.

Open space

260. I support the inclusion of the proposed open space in its mid-block location and its positioning in conjunction with valued heritage assets and the proposed public laneway network.
261. Equally I note councillor resolutions regarding a view they would like to see the scale of the footprint increased if possible and have recommended in their amendment the provision Public Realm Plan as outlined in the draft DPO.
262. The resolution of this ambition as suggested by Council is supported.
263. In my view a key is that open space proposed in this location is not decreased by the important activating uses to its perimeter.
264. In my view access to the ground level of these south and eastern interfaces should occur in minimum 4m wide circulation and transactional zones that are in addition to the park ensuring the important public asset agreed remains intact.
265. Similarly if 26 Doonside Street is adapted for use for activities leveraging external areas, these uses and the space they require must be in addition to the Public Open Space provided.
266. I note the location at this midpoint is likely to help facilitate future connections and gateways into any adjoining renewal of the Victoria Gardens precinct and forming part of a quality string of distinctive spaces from the Citizens Park, Williams Reserve and Yarra Primary School open spaces to the west of Burnley Street to the progressively improved amenity and capacity of the Yarra River interfaces.

Setbacks and Overshadowing

267. Stipulating street setbacks and distance between upper level form is also a principle I support as is the recognition in the revised amendment of the importance of separation from adjoin development that mitigates the need for screening and invites the delivery of higher quality amenity for occupation as sought in the amendment.
268. Predicating these setbacks on the protection of offsite amenity for both north-south and east west interfacing existing streets is consistent with the standards adopted in much of recent urban renewal principles for amendments supported by panels with my only disagreement with Council's position being to seek a 109Am rather than 11 am protection to the west side of Burnley Street and more clearly defined minimum standards for the public park in the expectation that this will in turn inform expectations for future development north of Doonside Street.

Design quality and aggregation of services

269. Defining ambition for urban design and building design quality and the quality of responses to important heritage assets is also both appropriate and a welcome inclusion within the proposal and with the amendments suggested in the updated DPO is now in a form I believe is worthy of support.

Access and traffic

270. The nomination of Doonside Street as the primary location for access and egress to the precinct is supported as logical in an urban design sense forming as it does the link between the subject sites mixed use and that to its north in contrast to the interface south to a residential neighbourhood in Appleton Street.

Affordable Housing

271. The crisis facing the municipalities long term renting community as the area gentrifies along with the important creative, services and knowledge sectors of affordable rental housing for those on very low, low and moderate incomes facing unprecedented insecurity in employment in the short to medium term sets the scene for clear and identified local need that is both defined as unprecedented in scale and objectively measured.
272. The planning system has in the past few years been able to understand the toolkit available to break down barriers to the inclusion of affordable housing and the role of the private sector in this provision.
273. Development uplift has been seen as one of the mechanisms through which this might be delivered. In this instance 450 dwellings in addition to affordable dwellings , 9000 sqm of commercial space and reduced carparking obligations (partly due to the inclusion of 10% of affordable housing with demonstrably lower parking needs as evidenced through research) have been key elements of this outcome.
274. The defining of Affordable Housing as a core purpose of the Planning and Environment Act combined with a suite of mechanisms to enable contractual obligations between proponent developers and councils has now usefully been both provided as guidelines and tested in a number of Section 173 arrangements.
275. Federal and State governments in turn have equipped Community Housing agencies with the necessary governance and auditing accountability to ensure housing delivered is well managed and their specification needs and standards well understood.
276. Despite this, Industry lobby groups and some developers conveniently point to ignorance of the sector, long discredited alleged diminution of real estate values, perceptions that these housing providers are cottage industry in scale and unable to engage with the development sector. Others continue to not understand the provisions and definitions of affordability in the Planning and Environment Act, claiming it is confusing or unaffordable but are willing to accept other equally significant costs to projects such as environmental clean-ups, heritage restoration, community open space, ecological and cultural protection etc.
277. With some of the largest residential property owners by asset in the state, Community Housing agencies are in reality often more equipped and sophisticated in their operation than the developers with whom they engage.
278. In this case, the subject site is one where a mix of community betterments have been reached between the proponent and the council that have led to Council being in a position to support

the amendment with the necessary agreements as templated by Government in place to secure this outcome.

279. The mix is tailored to the unique attributes of the location which include the ongoing high concentration of low paid key workers, shortage of open space of an urban nature, and continued value attributed to on-site heritage.
280. The applicant has determined the business case and determined that the conditions for support of the amendment are ones with which they are prepared to accord.
281. This should be a minimum provision for future projects as more support for institutional investment in affordable housing-for-rent comes to the sector as projected by both the State Government, Infrastructure Victoria and NFIC , the Federal Government Bond Aggregation vehicle.
282. Hence I support the 10% provision in its current form as an essential part of the strategic support justifying the Amendment.

SUGGESTED MEASURES FOR CHANGE

The only suggestions detailed earlier in the report and summarised as follows:-

Amenity protection.

283. I would advocate for the protection of the west side of Burnley Street to be from 10am rather than 11 am at the September 22nd equinox. Whilst I note the latter is consistent with the Interim Victoria St DDO I would suggest the 10am benchmark is one that should be sought in this instance given educational land uses to the south east, intensifying pedestrian demand and the absence of significant alternative corridors for access to public transport.
284. I would advocate that between 10am and 2pm at the September equinox for at least 65% of the proposed park additional to that overshadowed by the existing heritage form of 261 Doonside Street have access to sunlight.

Reverse Amenity

285. I would support the requirement that all sensitive land uses demonstrate measures in the specification and design response that ensure the amenity of internal sleeping and living areas are not undermined by the continued and growing role of the adjoin Activity Centre and on site commercial uses in providing a vital extended hour focus of amenity and services, hospitality and entertainment and retail choice for the precinct.

Wind speed and stakeholder comfort.

286. I would advocate that within the guidelines and requirements for a wind report that this be predicated on the following standards consistent with that typically sought in City of Yarra project assessments:-
 - a) Public Open Space, the pedestrian laneway and the north facing Doonside Street frontage must achieve the wind speed amenity criteria *"Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s"*.
 - b) The remaining street and laneway interfaces must achieve *"generally acceptable for stationary short-exposure activities (window shopping, standing or sitting in plazas), if the annual maximum gust does not exceed 13 m/s"*
 - c) Common area shared amenity recreational and landscape podium and upper level zones must achieve the wind speed amenity criteria *"Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s"*.
 - d) Private open space podium zones must achieve the wind speed amenity criteria *"Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s"*.

Retail and Commercial Workplace Plan

287. Critical to the success of the precinct will be the quality activation of the Doonside Street, Park and laneway interfaces and the diversity, authenticity and resilience of the enterprises that

reside in these locations. In turn the alignment of assumptions for identity, revenues, scale and complementarity.

288. Hence it is my view the project would benefit from the inclusion within the Development Plan of a Retail and Commercial Workplace Plan for the site that demonstrates alignment of the scaling, expression, rental expectations and positioning of commercial and retail space with emerging needs and demand.

CONCLUSION

131. With these minor amendments it is my view that the amendment should be supported from the perspective of my knowledge in Architecture, Urban Design and Affordable Housing and how they might relate to the Strategic vision for the subject site.

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Prepared by



Professor Robert McGauran

B. Arch. (Hons. Melb), B.A. (Fine Arts Melb.), P.D.M. (Melb.), LFRAIA, FVPELA, Architect

DOCUMENTS FORMING THE BASIS OF THIS REPORT

Authorisation and preparation of Amendment

- 289. Council meeting agenda/minutes resolving to seek authorisation – 16 July 2019
- 290. Minister’s authorisation dated 23 July 2019 and associated documents
- 291. Supporting documents informing Amendment
- 292. Other material relevant to the Amendment

Exhibition and submissions

- 293. Exhibited material
- 294. Submissions
- 295. Council’s preferred version of DPO15 (for purpose of Panel)
- 296. Council meeting agenda/minutes (including attachments) considering submissions and appointing panel – 3 March 2020

Other relevant material

- 297. Preliminary advice
- 298. Table and map showing nearby development applications and approvals
- 299. Planning Panels Victoria’s ‘Guide to expert evidence’