



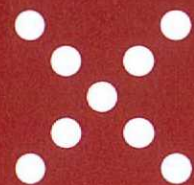
**AMENDMENT C207 - MELBOURNE PLANNING SCHEME
IMPLEMENTATION OF THE ARDEN - MACAULAY HERITAGE REVIEW**

**85-89 SUTTON STREET, NORTH MELBOURNE
EXPERT PLANNING EVIDENCE**

Prepared by Robert Milner Dip T&CP, LFPIA, FVPELA

On Behalf of Dustday Pty Ltd

November 2013



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1 Expert Witness Statement

The name and address of the expert

Robert Milner, Director of 10 Consulting Group Pty Ltd, 3/2 Yarra Street, South Melbourne, Victoria, 3205.

The expert's qualifications and experience

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Attachment 1.

The expert's area of expertise to make this report

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

Other significant contributors to the report

Natasha Liddell has contributed to the preparation of this report. Natasha holds a Masters degree in Social Science (Environment and Planning) from RMIT, Melbourne. She is a Corporate Member of the Planning Institute of Australia.

Instructions that define the scope of this report

Robert Milner has been briefed in this matter by SBA Law and has been requested to consider and give an opinion to the following:

- i. In the event that the proposed heritage controls are imposed on the whole of the building on the Property, what negative impacts would this have on the ability of the Property to be developed and used in such a way as to realise the development goals and other objectives of the Arden-Macauley Structure Plan 2012?
- ii. In the event that the proposed heritage controls are imposed, but only in relation to the northern most four bays of the building on the Property, how does your answer to the question in (i) above differ?
- iii. To the extent that negative impacts are identified in (i) and (ii) above, in what manner and to what extent will each degree of control limit the ability of the Property to be so developed and used?

The identity of a person who carried out tests or experiments upon which the expert has relied on the qualifications of that person

Not applicable.

The facts, matters and all assumptions upon which this report proceeds

Each of these is made explicit, where relevant, in the body of this evidence. Robert Milner has inspected the site and its environs as part of the consideration and preparation of this report.

Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature or other material used in making the report

The material referred to below, has assisted in forming the basis of this report:

- Letter from City of Melbourne to Dustday dated 1 May 2013;
- Melbourne Planning Scheme Amendment C207 Explanatory Report;
- Arden Macaulay Structure Plan 2012;
- Arden Macaulay Heritage Review February 2012 – Statements of Significance (pg. 87);
- Arden-Macaulay Heritage Review, Consultants Report 2012 (pg. 530-538 inclusive);
- Letter from Dustday to City of Melbourne dated 19 June 2013;
- Heritage Appraisal prepared by Lovell Chen dated August 2013;
- Title Search of the Property and Plan of Subdivision;
- Planning Certificate for the Property;
- Planning property report and current planning controls;
- Relevant sections of the Melbourne Planning Scheme Local Planning Policy Framework;
- Exhibition documents for Amendment C190 to the Melbourne Planning Scheme and associated information available on the City of Melbourne web page;
- Correspondence from Planning Panels to Submitters regarding Amendment C190 to the Melbourne Planning Scheme; and
- Exhibition documents for Amendment C207 to the Melbourne Planning Scheme and associated information available on the City of Melbourne web page.

The report has also been informed by a site visit, undertaken on the 7th of November, 2013.

A summary of the opinion or the opinions of the expert

A summary of Robert Milner's opinions are provided within the body of the report.

Any provisions or opinions that are not fully researched for any reason

Not applicable.

Questions falling outside the expert's expertise and completeness of the report

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The following report is complete.



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Expert declaration

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

Robert Milner
November 2013



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2 Overview

This evidence addresses the land use and development implications of a Heritage Overlay proposed to be applied to a six storey, former wool store and warehouse, now substantially underutilised and in disrepair, which is located in Sutton Street, North Melbourne, in a locality increasingly referenced as Macaulay, the name given to the station located in close proximity.

The locality of the site was historically part of the industrial heartland of the city.

Despite the proximity of the docks, freeway network and the CAD, many of the uses that were the economy and vitality of the area have either ceased or moved to locations offering greater space, enhanced access, custom designed buildings and infrastructure commensurate with the expectations of commercial and industrial activity in the 21st century.

A number of buildings of that earlier era remain. They offer constraints on functionality and effective reuse as well as diverse condition, which in some cases amounts to serious disrepair.

Some buildings have been adapted and modified to serve a range of transitional, smaller uses but there is also clear evidence of neglect, waste, inefficient use, vacancy and vandalism.

It is with justifiable reason that the recently gazetted comprehensively reviewed Municipal Strategic Statement for the City of Melbourne has drawn attention to these, among other, issues facing the Arden – Macaulay locality and included these neighborhoods, among a select number of areas in a proposed major urban renewal area.

The urban renewal areas are locations where the future growth in the city will be primarily directed and delivered in order that the value and stability associated with other established parts of the city can be maintained.

The urban renewal areas will be areas of substantial change in role, land use and the form of development. The nature of that change is to be directed by structure plans.

A structure plan has been prepared and exhibited for Arden – Macaulay and is to be the subject of Panel Review, an event that would have occurred had the second stage of the East West Link not been announced, impacting on land to the immediate west of the subject site and City Link.

The exhibited structure plan foreshadows that the substantial change will not be without reference to the past, and buildings and places that tell the story of the area's past will be the subject of heritage provisions, as appropriate.



This evidence does not seek to inform or evaluate the heritage significance of the subject site and more particularly the existing building. Others will address that in evidence and submissions.

In this evidence I assess and comment upon three scenarios as they would impact on the use and development potential of the site and the delivery of the new land use and development directions foreshadowed by the exhibited structure plan.

Those scenarios explore the positive and negative implications of a comprehensive development of the site; the retention of the entire existing building; and finally the retention of the northern four structural bays of the existing building.

My assessment leads me to conclude that:

- The subject site is identified in a proposed urban renewal area.
- A Structure Plan for the Arden – Macaulay area has been exhibited and it envisages the subject site being comprehensively redeveloped and contributing to a mixed-use precinct within which residential apartment style development will be a significant component.
- In developing the subject site the principal challenges will be:
 - Addressing the impacts of the adjacent transport corridors;
 - Providing access, linkages, spaces and solar penetration to the central portions of the site and all dwellings.
 - Providing a finer grain and diversity of built form.
- The retention of the warehouse building for heritage reasons will constrain the flexibility, efficiency and effectiveness with which this large holding in single ownership might be comprehensively redeveloped.
- Regardless of its heritage significance the building is a rudimentary industrial structure and its ability to be viably and effectively reused, particularly for a residential purpose or non-residential purposes, has not been established through architectural studies.
- The building form and style presents a number of constraints upon effective reuse and the creation of an acceptable amenity.
- Access, servicing and car parking associated with any reuse may impact upon the development of land not the subject of the proposed overlay.
- The retention of the whole building would detrimentally impact upon a park that might be established on the adjacent land to the east and which is advanced as a proposal in the structure plan.
- A comprehensive redevelopment of the site would not be constrained by the above considerations.



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- A partial retention of the northern part of the building would notably diminish but not negate the negative impacts noted above.

3 Subject Site

3.1 Location and Site Details

85-89 Sutton Street, North Melbourne (the ‘site’) is located between Boundary Road and the City Link (M2) Freeway in North Melbourne (Figure 1).

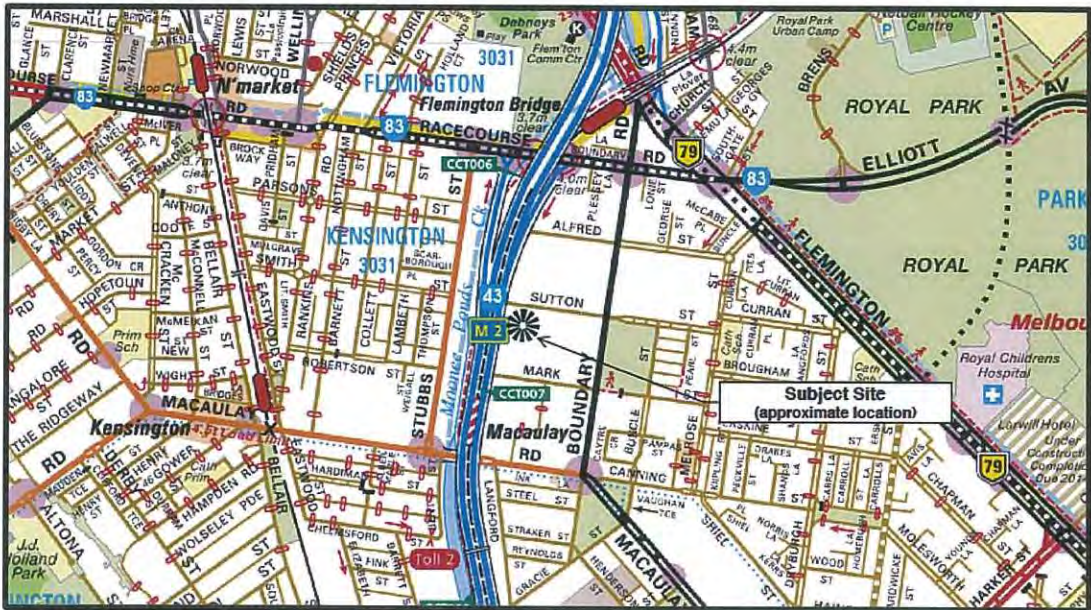


Figure 1: Location Plan

The site is formally described as Lot 3 on Plan of Subdivision 409694J.

It has total area of 8,043 square metres, with a northern boundary formed by Sutton Street (111 metres), and the western boundary (73.5 metres) defined by the Upfield railway corridor, and City Link, the latter elevated above the site and the railway.

Sutton Street terminates as a dead end at the railway reservation, beneath CityLink, immediately to the west of the site.

Carriageway easements through the eastern portion of the property provide for access to land to the south (62 Mark Street). Party wall easements are to the benefit of the same property (Figure 2).

The western portion of the site is devoid of built form, but is sealed with concrete slabs and I understand is occasionally used as a car park.

The eastern portion of the site, generally to the east of the easement, is developed with a sawtooth-roofed 6 storey warehouse. This building is vacant and in a state of some disrepair as illustrated in the accompanying photographs (Figures 3 - 5). The building is the subject of the proposed Heritage Overlay.

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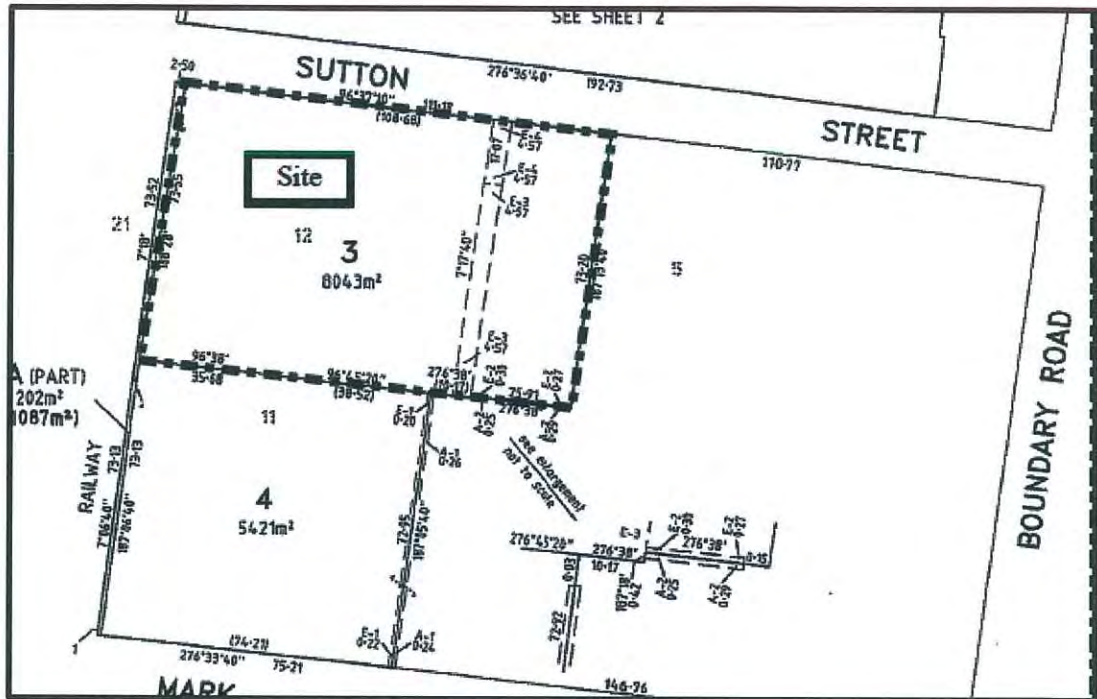


Figure 2: Title Plan



Figure 3: Aerial Photograph



Figure 4: View across the site from the west



Figure 5: Building Condition



3.2 Locality

The locality between Boundary Road to the east and City Link to the immediate west is an old, established and historically entrenched industrial area. The eclectic building stock and remaining land use are evidence of this historic role.

The land use and building stock in Sutton Street epitomises the above observations, with buildings ranging from lower rise structures to massive older style warehouses. In a number of cases floor spaces and buildings have been subdivided and or occupied by multiple tenancies some of an industrial and other of a commercial or recreational nature.

As the aerial photograph shows, aside from the remaining development, there are substantial parcels of land, including part of the subject site, that await redevelopment and more intense use and viable role (Figure 6).

In contemplating the future of the area regard for the further consolidation and assembly of larger parcels of land is an outcome and option to be held in mind.



Figure 6: Aerial Photograph of Locality



3.3 Strategic and Site Context

Latter parts of this report identify a mixed-use role for the site and its locality, east of City Link. With that in mind the following observations are relevant regarding the opportunities and constraints presented by the site's attributes and strategic context.

- The land enjoys centrality and proximity to the docks, Docklands, and the Central Activities District (CAD); Royal Park; the medical and university precincts of Parkville; and the employment and recreational attractions of the CAD and North and West Melbourne.
- The site has excellent access to City Link and the freeway network; the tram network on Racecourse and Flemington Roads; and the rail service of the Upfield corridor; as well as cycle trails along Moonee Ponds Creek.
- The site is set in a strongly evident industrial context, as noted above, which in the short term may counter a perception of the area as a residential address and may be the source of land use tension with an emerging residential presence.
- Sutton Street, although underutilised, currently has the characteristics of an industrial street and its termination as a dead end at the site's western boundary limits access around the immediate neighbourhood. An underpass of the railway / City Link and over the Moonee Ponds corridor as an extension of Sutton Street, as advanced in the Arden - Macaulay Structure Plan would be a significant and positive advantage to the subject site.
- The site is substantial and regular, offering considerable potential for different development scenarios either as an entire entity or in smaller parcels.
- The site's former industrial role and current industrial zoning suggests there will be matters of potential contamination to be assessed at least, and which may warrant remediation.
- The building, the subject of the proposed heritage provisions, is a tall, substantial form, clearly evident and highly exposed to the public moving along City Link. Those attributes have given the building an opportunistic role of over recent years, in the absence of a viable use, as a substantial billboard space.
- The building was utilitarian and functional in its day and rudimentary in its style, form and finishes. Simple glazing and brick infill panels sit within a concrete encased steel frame on one face of the building.
- The western façade, while partially screened by the abutting building is a simple plain sheer brick wall rising over 6 storeys.
- Large floor plates and limitations on vertical movement combine with the above considerations to constrain the options for adaptive reuse.

- As a warehouse of the city’s earlier industrial period the building lacks the style and architectural presence of some other warehouses.
- City Link and the railway are both intrusive boundary activities. City Link stands approximately 4 storeys above the site and is the source of constant and intrusive traffic noise. This is compounded by the noise of the frequent trains that pass the site.
- The overhead freeway is also a source of shadow on the western edge of the site during the later part of the day and at night the high mounted street lights illuminate part of the land. Collectively these environmental and amenity impacts will have a bearing on the manner of development on the western part of the land, regardless of the outcome of the heritage considerations.

These considerations have influenced the assessment of the scenarios detailed later in this report.

3.4 Zoning and Overlay Controls

The subject site is currently zoned Industrial 1. It is also subject to the City Link Project Overlay (western portion) and Heritage Overlay – Schedule 1118 (eastern portion) (Figures 7 - 9).

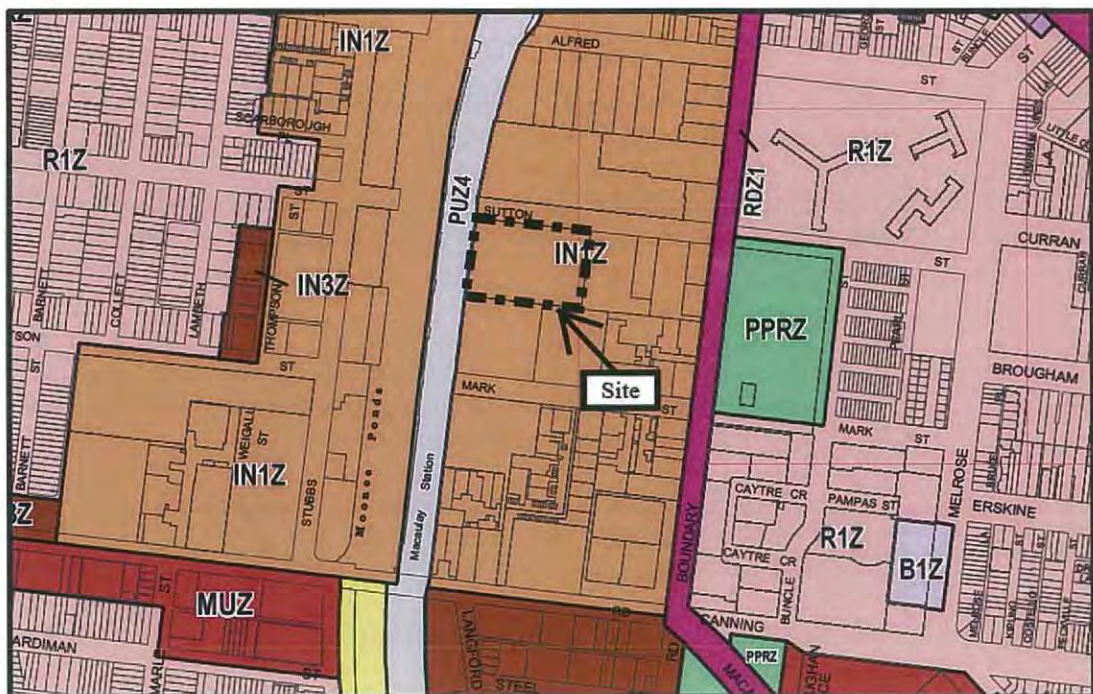


Figure 7: Zoning Map

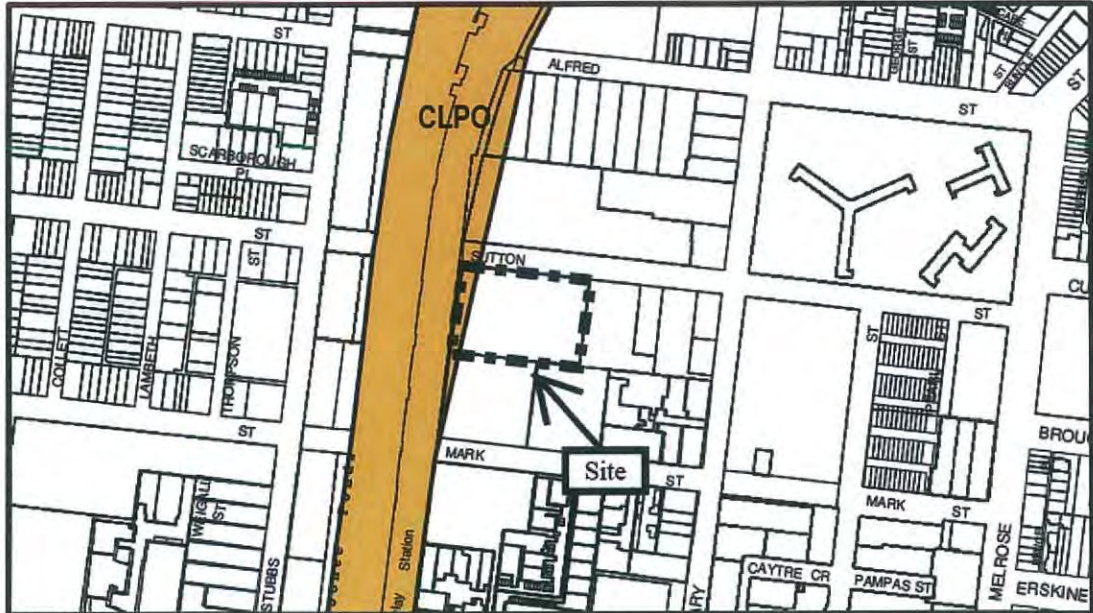


Figure 8: City Link Project Overlay

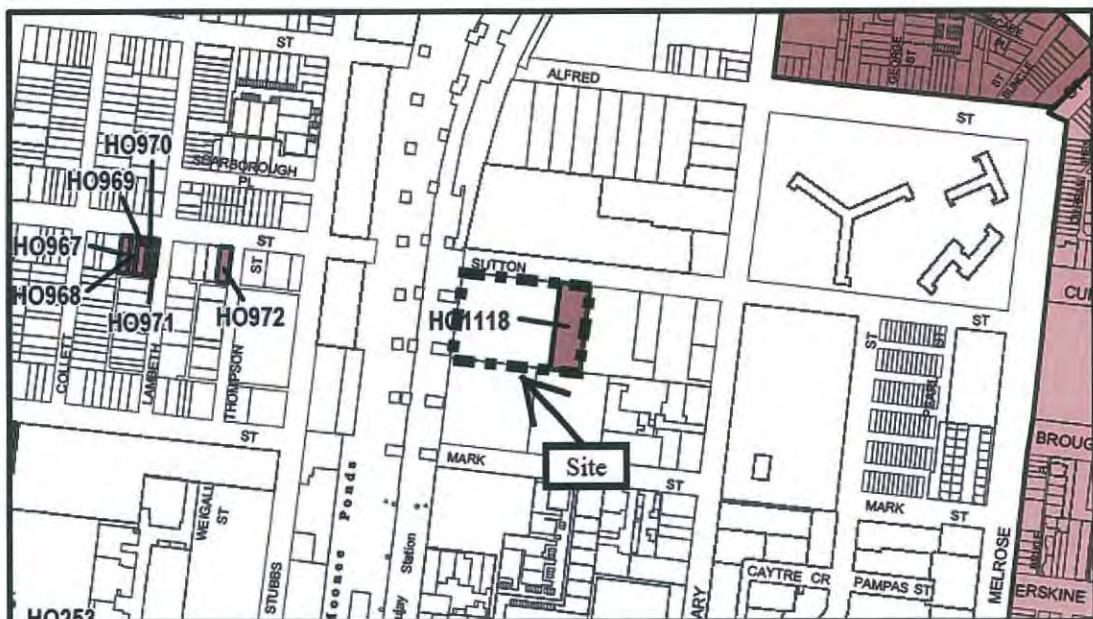


Figure 9: Heritage Overlay – Schedule 1118

Heritage Overlay 1118 is an interim control that was gazetted as Amendment C98 on 12 September 2013. Amendment C98 was approved by the Minister without exhibition, and applied only to the site. It establishes, on an interim basis, the heritage control that is proposed to apply to the site through Amendment C207, which is discussed in the following section of this report. The interim control expires on 2 May 2014.

4 Proposed Heritage Controls

4.1 Amendment C207

Amendment C207 to the *Melbourne Planning Scheme* seeks to implement the *Arden-Macauley Heritage Review* (Graeme Butler, 2012).

The amendment proposes to:

- introduce 38 schedules to the Heritage Overlay on a permanent basis, generally of a site specific nature;
- amend or alter the grading of 136 existing schedules to the Heritage Overlay;
- remove 10 schedules to the Heritage Overlay;
- make minor amendments to Clause 22.05 *Heritage Places Outside the Capital City Zone* to include reference to the *Arden-Macauley Heritage Review*.

The proposed changes to the Heritage Overlay are summarised by the map produced by Melbourne City Council included as Attachment 2.

4.2 Application to the Site

Schedule 1118 of the Heritage Overlay is proposed to be applied to the portion of the site containing the warehouse building on a permanent basis (Figure 10).

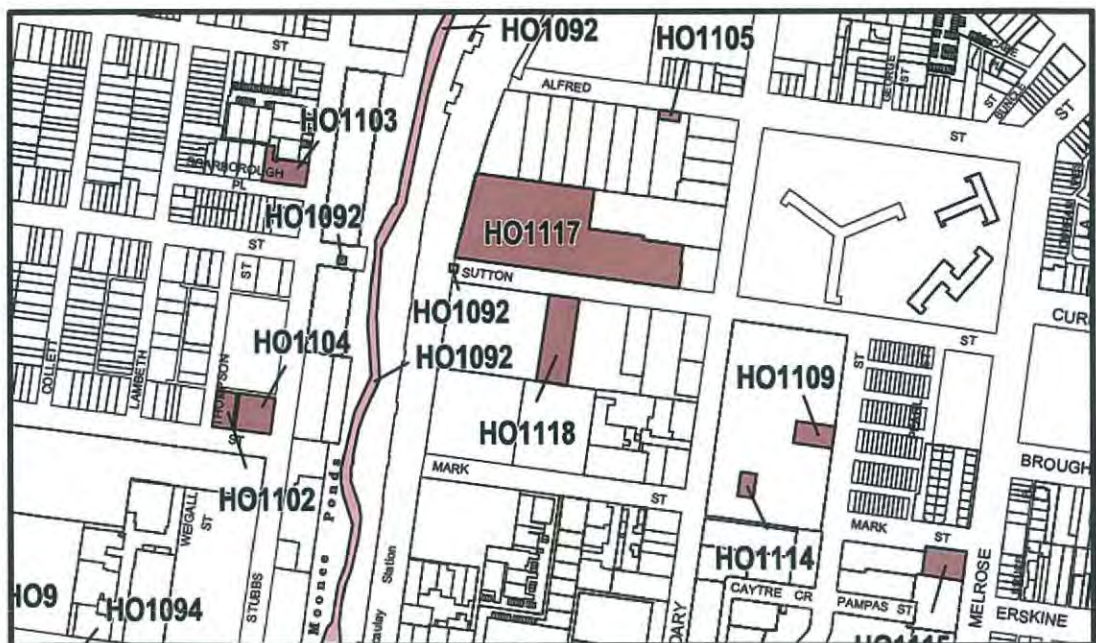


Figure 10: Heritage Overlay Amendment Map



In addition to the provisions of the Heritage Overlay (Clause 43.01 – Attachment 3), proposed Schedule to the Overlay applies an external paint control to the site (Attachment 4).

The *Arden Macauley Heritage Review February 2012* describes the building as the ‘Victorian Producers Co-operative Company Ltd No 5 Wool Store’. It identifies the building as having a grading of C, and the streetscape as having a grading of 2 (Attachment 5).

Heritage buildings are ranked by the City of Melbourne’s policy from A - D. C graded buildings are described as buildings that:

“Demonstrate the historical or social development of the local area and / or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered it is reversible. In some instances, buildings of high individual, historic or social significance may have a greater degree of alteration” (Cl. 2105)

Heritage streetscapes are ranked by the City of Melbourne’s policy from 1 - 3. Level 2 streetscapes are described as:

“...of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.”

4.3 64-90 Sutton Street, North Melbourne

It is relevant to note that in addition to the building on the subject site, it is also proposed to include the old wool store at 64-90 Sutton Street, directly opposite the site on the northern side of the street. It is identified by the heritage study as the ‘Commonwealth Wool Store & Produce Company Ltd Wool Store’. 64-90 Sutton Street is proposed to be subject to Heritage Overlay Schedule 1117, which applies the same additional controls as those proposed for the subject site (external paint control).

The Heritage Study identifies 64-90 Sutton Street as being a ‘B’ Grade heritage building.

There are no other new Heritage Overlays proposed to be applied to large sites within the immediate vicinity of the site (Figure 11).

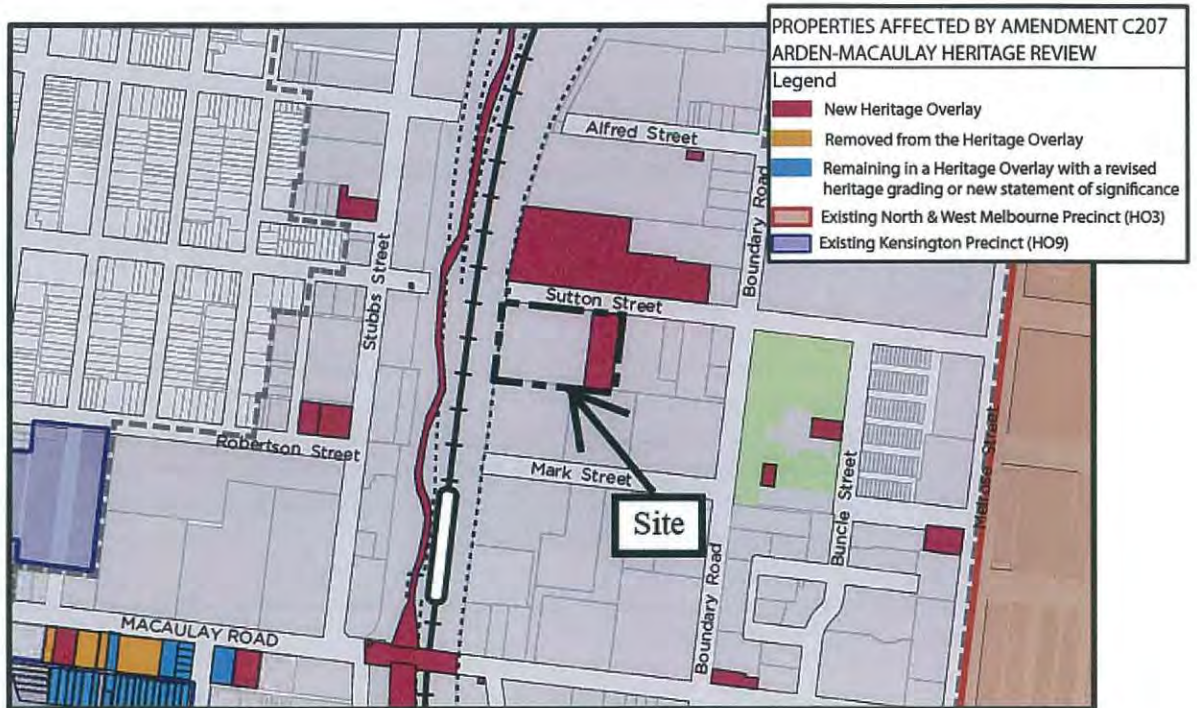


Figure 11: Properties Affected by Amendment C207 - Excerpt

4.4 Statutory Implications

Application of the Heritage Overlay will require a planning permit for, inter alia:

- Demolition or removal of the building;
- Construction or carrying out works; and
- Any external painting.

In determining a planning permit application, the Heritage Overlay requires that the Council takes into consideration, inter alia, the significance of the heritage building and how that significance will be affected by the proposal. The decision will be informed by the Statement of Significance contained within the Heritage Study.

Such a planning permit application will also require consideration of Clause 22.05 *Heritage Places Outside the Capital City Zone*.

Clause 22.05 establishes performance standards for assessing planning permit application under the Heritage Overlay, based on the identified heritage significance of the building and the streetscape.

In the case of the building on the site, which is a ‘C’ graded building, it notes that demolition will not normally be approved for the front part. (The description of the ‘front part’ as generally being considered to be the two front rooms in depth is not readily applicable to the subject building).



In considering an application for demolition, the Policy requires that the Council considers:

- *The degree of its significance.*
- *The character and appearance of the building or works and its **contribution to the... streetscape and the area.***
- *Whether the demolition or removal of any part of the building **contributes to the long-term conservation** of the significant fabric of that building.*
- *Whether the demolition or removal **is justified for the development of land** or alteration of, or addition to, a building.*

(Emphases added)

Clause 22.05 also provides guidance on the consideration of planning permit applications for renovating graded buildings, and new buildings and works or additions to existing buildings. It is included in full as Attachment 6.

The preparation of concepts and planning permit application drawings to provide for Council to assess these matters without any certainty can be a significant time and cost impost directly resulting from the application of the Heritage Overlay.



5 Strategic Context

5.1 Municipal Strategic Statement

Melbourne City Council's recent Municipal Strategic Statement (MSS) review was implemented through Amendment C162 and came into affect in September 2013. It provides an updated structure and framework of thinking for the planning of the City.

The new scheme emphasises growth, directing it into specified locations while protecting areas of stability.

Clause 21.04-1 *Growth Area Framework* identifies five types of areas within the City, of which three are to be the focus for urban renewal and growth. The five area types are:

- The original city centre (the Hoddle Grid);
- Urban renewal areas;
- Proposed urban renewal areas;
- Potential urban renewal areas; and
- Stable residential areas.

Current urban renewal areas include Southbank, Docklands and Fishermans Bend.

Arden-Macauley is identified as one of three 'Proposed Urban Renewal Areas', alongside City North and E-Gate.

Clause 21.14 *Proposed Urban Renewal Areas* provides some additional detail, identifying Arden-Macauley as an area in transition, with the traditional manufacturing uses falling away, resulting in some land underutilisation. It acknowledges that the Arden-Macauley Structure Plan has been adopted by Council and will be implemented into the scheme through a separate amendment.

The Growth Area Framework Plan and Arden-Macauley plan from Clauses 21.04 and 21.14 respectively are included as Attachment 7.

The role of the urban renewal areas to accommodate the City's projected population growth is emphasised by Clause 21.07 *Housing*. It is anticipated that by 2030, the population will have grown by approximately 79,000 people; from 98,200 in 2011 to 177,000 (Clause 21.02). The policy states that "*Most of this increased population is planned to be accommodated in the City's areas of urban renewal, planned urban renewal and the Hoddle Grid.*"

Ensuring it is able to accommodate a considerable portion of the projected population growth is a central feature of the Arden-Macauley Structure Plan.

5.2 Arden Macaulay Structure Plan

The site is included within the northern portion of the area affected by the City of Melbourne’s *Arden-Macaulay Structure Plan* (2012) (Figure 12).

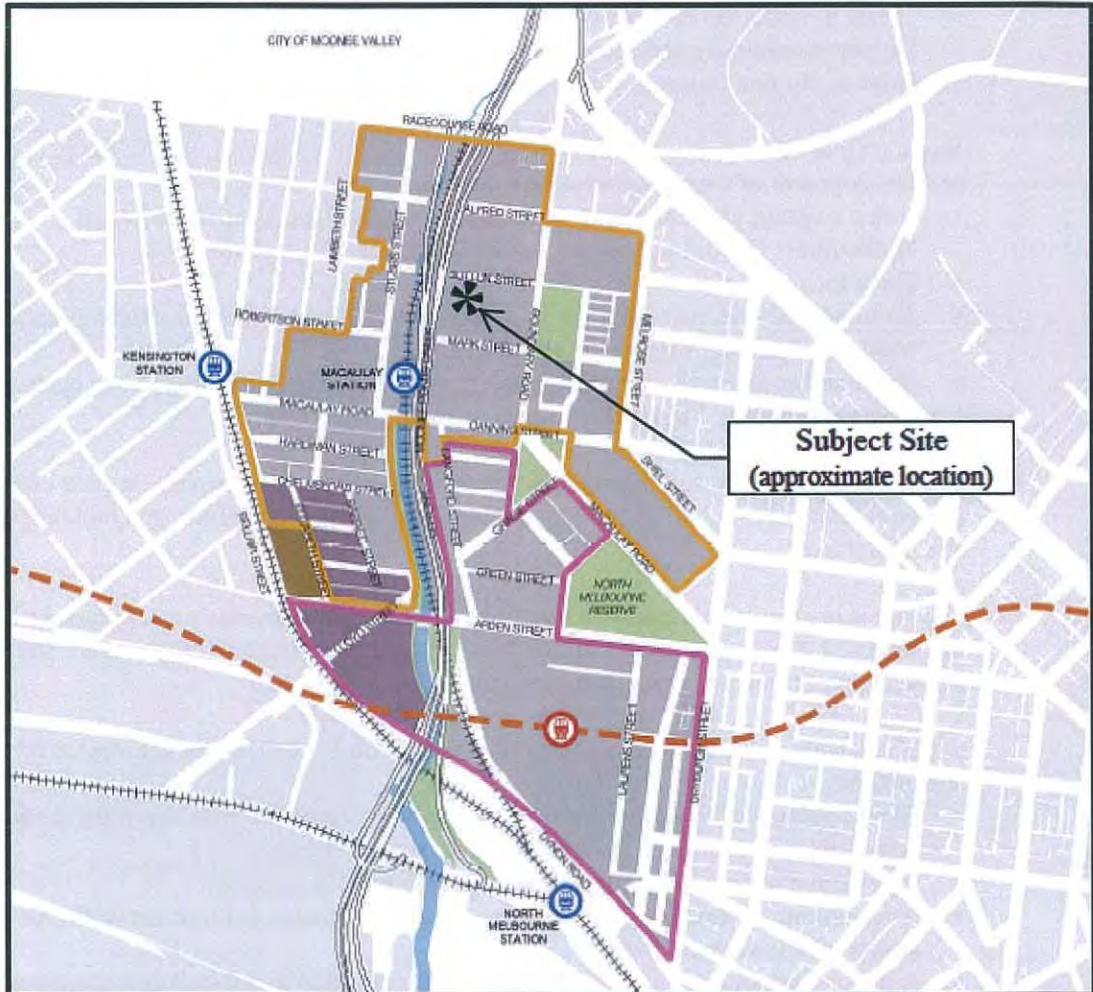


Figure 12: Arden Macaulay Structure Plan Area

Arden-Macaulay has been identified as the location for a major urban renewal project: to revitalise the underutilised former industrial precinct into a thriving mixed use community. Over a thirty year timeframe, the Structure Plan seeks to provide for:

- A ten-fold increase in population, from 2,670 to 22,500;
- A five-fold increase in jobs, from 5,564 to 22,500;
- A ten-fold increase in dwellings, from 9 per hectare to 85 per hectare.

Ten principles, established to guide the urban renewal of Arden-Macaulay, underpin the Structure Plan. These are:

1. Grow a prosperous place and viable economy.
2. Ensure a harmonious transition of change.



3. Create liveable local neighbourhoods.
4. Integrate new development with the surrounding character.
5. Integrate the area's heritage into urban renewal.
6. Regenerate the area's public realm.
7. Develop liveable dwellings that house a diverse and inclusive community.
8. Create a connected and accessible place.
9. Support a culturally and socially engaged community.
10. Grow a city that prospers within the earth's ecological limits.

Based on these principles, the Structure Plan provides a framework for the future use and development of the area, including establishing:

- Arden Central, at the southern end of the Structure Plan, as an extension of Melbourne's Central City based around the future Metro station;
- Three local centres;
- An improved transport network, including the enhancement of the existing services within the existing Structure Plan area; and
- Location for identified community facility requirements, including public open space, community hubs and a primary school.

In addition to land use and transport patterns, the Structure Plan provides a clear urban design framework; including maximum building heights, streetscapes, and building and street interfaces.

The site is in an area that has been identified for mixed use development, to the north of the proposed 'Macaulay Local Centre', focused on the intersection of Macaulay Street and Canning Street, and the Macaulay train station (Figure 12).

Other key features of the Structure Plan that impact on the development potential of the site include:

- Clear direction of a predominantly residential environment, with opportunities for commercial and business uses, particularly at street level;
- A general maximum building height of 20 metres (six storeys);
- A maximum 1:1 ratio of building height at the street edge to the street width for streets of less than 20 metres;
- A public park of approximately 5,500m² is proposed to be located immediately to the east of the site;
- A new road is proposed along the site's southern boundary; and
- A pedestrian and cyclist underpass is proposed to link the western end of Sutton Street through to Kensington.

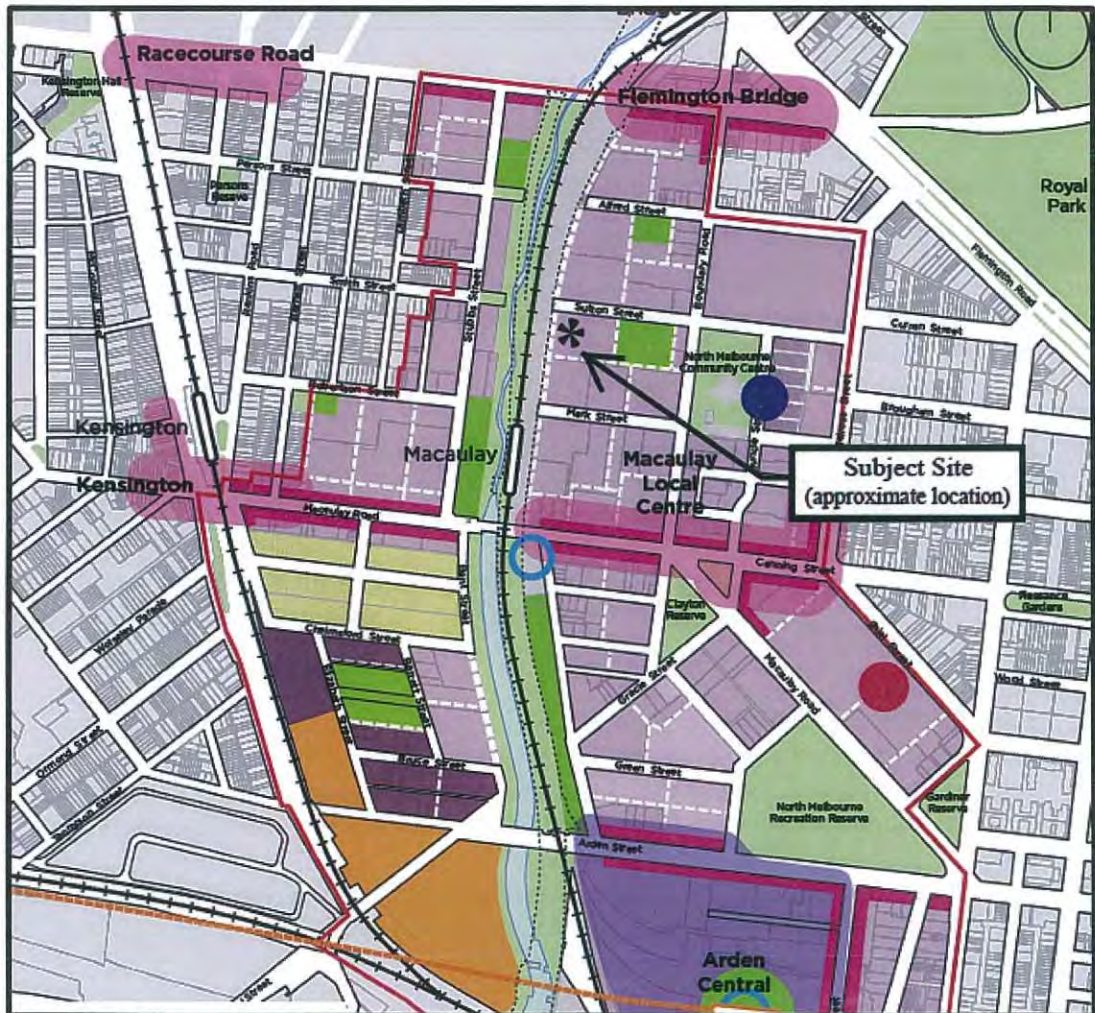


Figure 12: Urban Structure

5.3 Amendment C190

5.3.1 Status

Stage 1 of the Arden-Macaulay Structure Plan, which includes the site, is proposed to be implemented into the *Melbourne Planning Scheme* through Amendment C190. Stage 2, generally to the south of Macaulay Road, will be implemented in the future and is subject to the detailed design of the Melbourne Metro project.

Amendment C190 was scheduled to be considered by a Planning Panel in August 2013. Prior to the Panel hearing, however, Linking Melbourne Authority requested a deferral of the part of the amendment affecting the land to the west of CityLink, on the basis that it will be affected by the East West Link.



Proposals for the relevant section of the East West Link have not been finalised, and were not available to be taken into consideration during the preparation of the Structure Plan.

In correspondence dated 13 September 2013, the Panel directed that the entire Hearing for Amendment C190 be adjourned until 29 September 2014, by which time the alignment of the East West Link should be known (Attachment 8).

It can reasonably be anticipated that the alignment of the East West Link will have impacts for the Structure Plan area beyond the land which is directly affected; for example, by requiring a reallocation of public open space and reconsideration of transport connections. While it is possible that any consequential land use changes to the Structure Plan *may* affect the site, it is not considered likely due to the significant existing infrastructure that separates it from land to the west of CityLink. More certain is the impact that the future East West Link will have on the site in relation to amenity impacts arising from additional traffic noise, emissions, and visual impacts of infrastructure.

With these additional impacts in mind, which will particularly affect the western portion of the site, it is still relevant to consider the controls proposed to be applied through Amendment C190.

5.3.2 Proposed Controls

As it affects the site, Amendment C190 proposes to:

- Rezone the site from Industrial 1 Zone to the Mixed Use Zone;
- Apply Schedule 26 of the Design and Development Overlay: *North and West Melbourne Noise Attenuation Area*;
- Introduce and Apply Schedule 60 to the Design and Development Overlay: *Arden-Macaulay Area, Kensington and North Melbourne*;
- Apply the Environmental Audit Overlay.

The components of the Amendment which will have the greatest bearing on the future use and development of the site are the Mixed Use Zone and the Design and Development Overlay Schedule 60 (DDO60).

5.3.3 Mixed Use Zone

The proposed application of the Mixed Use Zone will allow for a significant shift in the predominant and permitted uses in the area from manufacturing industry to residential and business.

The extent of the proposed application of the Mixed Use Zone and the provisions of the Mixed Use Zone are included as Attachment 9.

The purposes of the Mixed Use Zone include:

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



To provide for higher housing at higher densities.

The Zone provides for a variety of uses which do not require a planning permit, including:

- Dwellings;
- Food and drink premises (< 150 square metres);
- Medical Centre (< 250 square metres); and
- Office (< 250 square metres).

5.3.4 Design and Development Overlay 60

The purpose of the Design and Development Overlay is *“to identify areas which are affected by specific requirements relating to the design and built form of new development”*.

Amendment C190 proposes DDO 60 – *Arden Macaulay Area, Kensington and North Melbourne* as the primary mechanism for implementing the built form provisions of the Structure Plan.

The extent of the proposed DDO and relevant provisions are included as Attachment 10.

Design Objectives of DDO 60 include:

- *To ensure the preferred character of Arden Macaulay develops as a compact, high density, mid-rise, walkable and high amenity neighbourhood.*
- *To provide for mid-rise 6-12 storey development, stepping down at the interface with the low scale surrounding established residential neighbourhoods;*
- *To deliver a fine grain of built form creating architectural variety and interest along streets by encouraging building with wide street frontages to be broken into smaller vertical sections.*
- *To ensure new development respects the character, form, massing and scale of adjoining heritage buildings and places.*

The DDO has been drafted primarily to implement the maximum building heights, minimum setbacks and built form outcomes established through the Structure Plan. In relation to building heights and setbacks, it provides that a permit cannot be granted to increase the maximum height at street edge, however a permit may be granted to increase the maximum overall building height by up to 30%.

The provisions which are proposed to apply to Area 6, in which the site is located, are replicated in the following table.

AREA	MAXIMUM BUILDING HEIGHT & MINIMUM SETBACKS	BUILT FORM OUTCOMES
6	<p>Maximum height at street edge equal to the width of the street (i.e. maximum 1:1 height to width ratio)</p> <p>Maximum overall building height of 20 metres</p> <p>Any part of a building above 20 metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary).</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, appropriate sky views and a pedestrian friendly scale.</p>

Table 1: Excerpt from proposed DDO 60 (as exhibited)

It is estimated that Sutton Street has a width of approximately 20 metres, thereby providing for an equivalent building height at the street edge.

The provision enabling the maximum overall building height to be varied by up to 30% provides for an absolute maximum of 26 metres.

The east-west orientation of Sutton Street assists in providing for the access to sunlight as required by the built form outcomes.

The figures referred to in the table are replicated below.

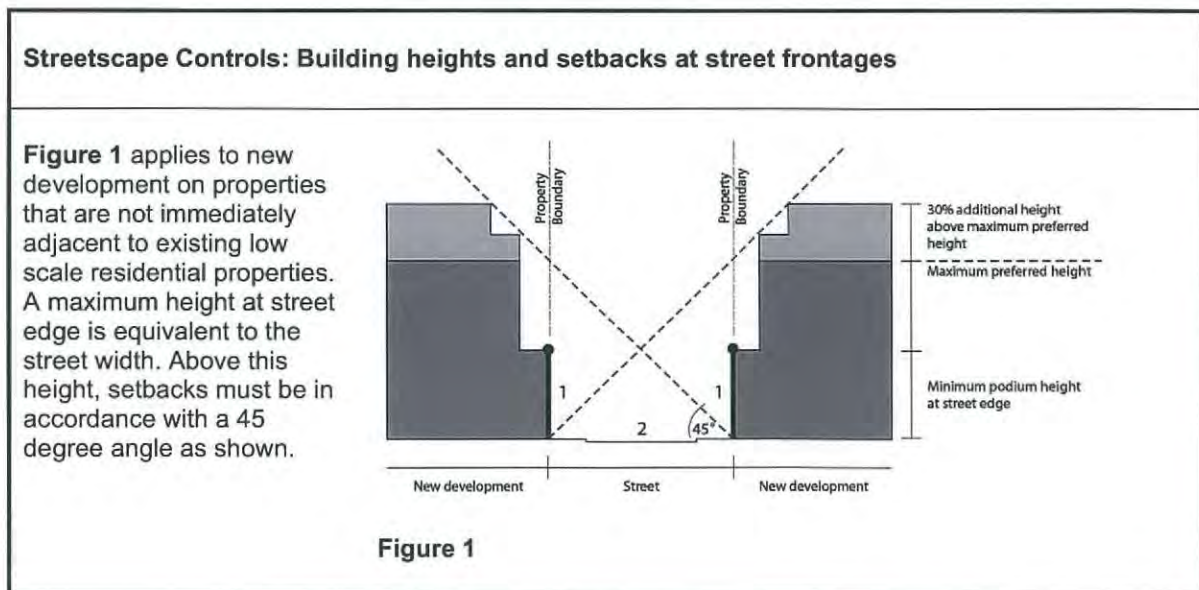


Figure 2 applies to new development on properties that are not immediately adjacent to existing low scale residential properties. A minimum height at street edge is equivalent to half the street width. Above this height, setbacks must be in accordance with a 45 degree angle as shown.

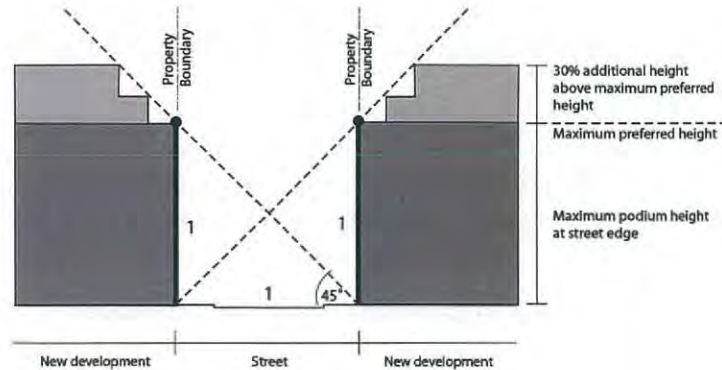


Figure 2

Southern Boundary Setbacks

Figure 3 applies to new development on properties that are not immediately adjacent to existing low scale residential properties. Above the preferred building height nominated in the table to this schedule, setbacks must be in accordance with a 52 degree angle as shown.

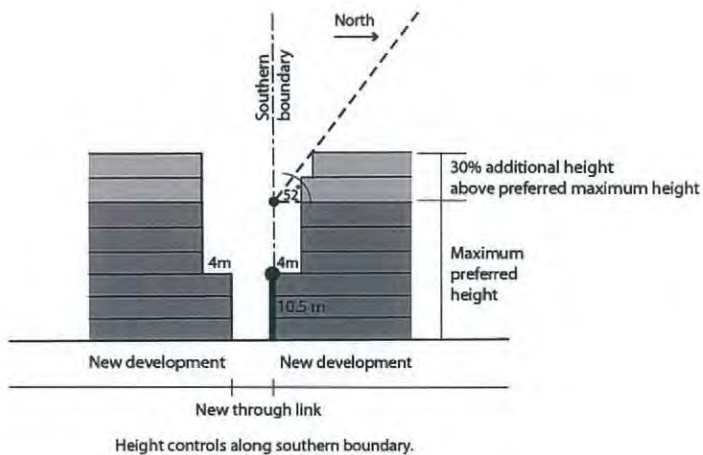


Figure 3



6 Response to Brief

6.1 The impact of a heritage control over the whole building

- i. *In the event that the proposed heritage controls are imposed on the whole of the building on the Property, what negative impacts would this have on the ability of the Property to be developed and used in such a way as to realise the development goals and other objectives of the Arden-Macaulay Structure Plan 2012?*

6.1.1 The potential of comprehensive redevelopment

A useful way of responding to this question is to first consider how the site might be comprehensively redeveloped in the absence of a Heritage Overlay as a way of identifying the points of difference and impact when all or part of the existing building is retained.

- A principally residential apartment use of the site above ground level is envisaged. The Sutton Street frontage, at ground level would serve convenience retail and service roles for small business. There may be a component of home/ office, studios and some apartments also at ground level.
- The challenge with this composition of uses and a site of such considerable size, with the potential to be developed up to 6-8 storeys, will be the ability to deliver quality daylight and solar access to the vast majority of dwellings and rooms, particularly those in the centre of the site and located at or close to ground level.
- In addition to solar access the structure plan envisages a finer grain of development, smaller vertical building elements, architectural variety, and more lanes and streets providing greater accessibility and linkage through the emerging neighbourhood.
- An advantage of a large regular sized site in single ownership is that it offers considerable flexibility in the composition of building forms, massing and layout and there could be a number of equally acceptable design responses.
- That said one site responsive development would conceptually divide the overall site in to 2, 3 or possibly 4 blocks with a north-south axis separated from and facing each other over a narrow public or private walkway or lane space each of which would provide a connection between Sutton Street and a new east-west lane way along the site's southern boundary as provided for in the structure plan and conceptually illustrated in Diagram 1. This design approach would enable each of the above referenced design outcomes to be achieved.
- A variation on this theme might embody a continuous built form along the Sutton Street frontage, using building forms, and a diverse palette of styles, material and colours to accentuate vertical and different forms. Even with this approach there will be a need to create reasonably generous open areas and spaces within the body of the site to create access for light and provide for communal walkways.



- The interface with the railway / City Link will be particularly challenging if residential amenity is to be protected from noise, illumination, overshadowing and the mass of the elevated highway. The challenge remains the same regardless of the application of the Heritage Overlay. It is not necessary in this evidence to explore in greater detail what the design response on this boundary should be, however an option might be to buffer the transport corridors with a ‘sleeve’ of car parking in a multi-storey structure.
- The Structure Plan has postulated that the land to the immediate east of the subject site and warehouse building might be acquired and set aside as a public park for the benefit of the emerging residential community. While this cannot be taken as an assured outcome it is relevant to have regard to the implications of such an outcome on the use and development of land along the eastern boundary of the site.
- In the comprehensive redevelopment scenario and with a park on the eastern boundary I would envisage an expectation that development mass and form would be required to be tempered, to transition and to be orientated towards the park. The built form edge may be no more than three storey with recessed upper levels, having regard to maintaining solar access to the park. Dwellings would have an outlook to and offer passive surveillance of the park. There may be a requirement to provide a walkway along the common boundary with the park. In the absence of a park a taller built form might be achieved on this boundary.

6.1.2 Retention of the whole building

The requirement to retain the whole building, by virtue of a Heritage Overlay, has the following implications and impacts on the above scenario.

- The flexibility and size of the site to be worked on would be reduced. Between the constraints of the transport corridors interface in the west and the warehouse in the east the amount and dimensions of unconstrained space would be notably diminished and this will have a considerable bearing in setting any building modules and spacing.
- A positive feature would be that the siting and alignment of the warehouse would be complementary to a site layout that relies upon a series of north –south modules, as postulated above. The west face of the warehouse could abut one of the north-south walkways and remain a free-standing building in its own right.
- A more problematic challenge would be the ability for the existing building to be adapted to serve a beneficial future reuse and in particular provide for a housing outcome.
- In the absence of architectural studies I am unable to provide robust evidence on this matter, but note that a building that provides no openings over the complete face of one of the major elevations presents an immediate major constraint on effective or efficient use for residential purposes. A further constraint that would impact upon usability and site development would be the matter of access and car parking. The

constraints of the building may necessitate that other parts of the site have to be used to serve the retained building for this purpose.

- Strategically, a potentially more significant implication would be the impact of the retained building on the proposed park, as the blank side of the building would rise over 6 storeys immediately adjacent to the park boundary, dominating and increasingly shadowing the space from mid day onwards with no outlook or surveillance provided. The building would serve as a barrier to the open space for future residents located to the west of the warehouse. This would not be a good urban design outcome.

6.2 Retention of the 4 northern bays

- ii. In the event that the proposed heritage controls are imposed, but only in relation to the northern most four bays of the building on the Property, how does your answer to the question in (i) above differ?*

Retention of the four northern bays and an ability to demolish the balance of the building reduces the above limitations and impacts but does not negate them.

- Site flexibility would be significantly improved.
- The efficient and effective use of the land would be partially enhanced.
- The developable area for new site responsive outcomes would be increased.
- The challenge of finding new uses for the existing building would be maintained (and a decision to retain a portion of the building should be informed by advice on this matter).
- The detrimental impact on a future park would be notably reduced and a more responsive outcome could be designed and delivered along the proposed park boundary.

6.3 The implications of different degrees of control

- iii. To the extent that negative impacts are identified... above, in what manner and to what extent will each degree of control limit the ability of the Property to be so developed and used?*

The above analysis and commentary has explored the three strategically different levels of control. For the sake of brevity I rely upon the above comments to address this question.



7 Conclusions

- The subject site is identified in a proposed urban renewal area.
- A Structure Plan for the Arden – Macaulay area has been exhibited and it envisages the subject site being comprehensively redeveloped and contributing to a mixed-use precinct within which residential apartment style development will be a significant component.
- In developing the subject site the principal challenges will be:
 - Addressing the impacts of the adjacent transport corridors;
 - Providing access, linkages, spaces and solar penetration to the central portions of the site and all dwellings.
 - Providing a finer grain and diversity of built form.
- The retention of the warehouse building for heritage reasons will constrain the flexibility, efficiency and effectiveness with which this large holding in single ownership might be comprehensively redeveloped.
- Regardless of its heritage significance the building is a rudimentary industrial structure and its ability to be viably and effectively reused, particularly for a residential purpose or non-residential purposes has not been established through architectural studies.
- The building form and style presents a number of constraints upon effective reuse and the creation of an acceptable amenity.
- Access, servicing and car parking associated with any reuse may impact upon the development of land not the subject of the proposed overlay.
- The retention of the whole building would detrimentally impact upon a park that might be established on the adjacent land to the east and which is advanced as a proposal in the structure plan.
- A comprehensive redevelopment of the site would not be constrained by the above considerations.
- A partial retention of the northern part of the building would notably diminish but not negate the negative impacts noted above.

Robert Milner

November 2013.



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Attachment 1 Curriculum Vitae



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Robert Milner – Director

Qualifications and Positions

- Director 10 Consulting Group Pty Ltd and The Milner Group Pty Ltd
- Diploma in Town and Country Planning (First Class Honours) Liverpool Polytechnic
- Life Fellow Planning Institute of Australia
- Fellow of the Victoria Planning and Environmental Law Association
- Former State and National President of the Planning Institute of Australia
- Member, Planning and Local Government Advisory Council (1994 – 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)

Employment History

2010 – Current	Director 10 Consulting Group Pty Ltd
1999 – 2010	General Manager, Senior Principal and Adjunct Senior Planning Counsel – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group)
1994 – 1999	Director, Rob Milner Planning Pty Ltd and Savage Milner
1991 - 1994	Project Director, Collie Planning and Development Services
1988 – 1991	General Manager, Town Planning, Jones Lang Wootton
1980 - 1988	City Planner, City of Box Hill
1977 – 1980	Planner, Perrott Lyon Mathieson, Architects and Planners
1976 – 1977	Planner, Kirklees Metropolitan Borough Council

Career Overview

Rob Milner is a respected strategic and statutory planner. He is equally competent in urban and regional practice.

He is recognised as a leader of the planning profession in Victoria. He has had a high profile career spanning almost 35 years with extended periods of experience working for local government and private practice.

Until 2010 he worked with CPG Australia building that planning team to be one of the larger and most respected strategic and statutory practices in Victoria. The team was twice awarded planning consultant of the year in Victoria.

He now directs 10 Consulting Group, as a small boutique consultancy offering the highest level of advice and service to clients wanting the benefit of Rob's considerable experience, knowledge and understanding of planning in Victoria.



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He is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is usually involved in 4 or 5 different matters monthly and has a reputation for objectivity, an original style of evidence and for providing clear and fearless advice. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and compensation and restrictive covenants.

He is an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to insure a viable and timely outcome.

His ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout metropolitan Melbourne and regional Victoria, as well as a broad range of corporate and other private sector interests.

Robert Milner brings a high level of integrity to his work, choosing to participate on those projects that accord with his professional opinion.

Areas of Expertise and Experience

Strategic studies, policy development and statutory implementation

Rob is widely acknowledged for his capacity to take a strategic perspective to urban and regional and planning challenges and provide direction and leadership that is responsive, creative and thoughtful in its strategic intent and detail. When combined with his depth of experience with strategic policy based planning schemes he is powerfully equipped to deliver sound advice on the spectrum of land use and development planning issues.

His strategic planning skills are ground in work experience at the State, regional, local and site specific levels dealing with the issues that affect a town or sub region or examining themes or subjects that span geographical areas. While working for CPG Australia he lead multi disciplinary planning teams that worked for clients that included DPCD, Department of Justice, Department of Innovation, Industry and Regional Development, and many municipal councils in metropolitan Melbourne and regional Victoria.

In 1994 he lead the planning consultancy that recommended the model for the Victorian Planning Provisions, the strategic policy driven planning scheme that is now consistently used throughout Victoria.



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In 2009 Robert served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning. That work addressed a broad range of issues facing the next three decades of land use and development in regional Victoria. Projects that he has lead or made a major contribution to have included the following:

- Settlement strategies for regions and municipalities
 - Moyne and Warrnambool (2009 – 2010)
 - Colac Otway (2009 – 2010)
 - Macedon Ranges (2010)
- Structure Plans
 - Broadmeadows Central Activities District 2010
 - Wonthaggi and Dalyston 2006 and 2009
 - Wonthaggi Development Plan 2009
 - Cobram 2006
 - Cowes Ventnor and Silverleaves 2008
- Strategies
 - Greater Shepparton 2030
 - City of Bairnsdale – Building a Better Bairnsdale

Expert evidence and advocacy

Rob is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity or as an advocate in over 800 cases during his career.

He is often retained to provide the strategic perspective to planning disputes. He is equally capable in commenting on matters of urban design, design detail and compliance with planning policy and provisions.

The scope of matters that he has addressed in this capacity is extremely diverse and includes the following.

- Medium density and high rise residential development,
- Greenfield, master planned communities in growth areas,
- Waste management, quarries and landfill proposals,
- Major shopping centres and mixed use developments,
- Industrial and residential subdivisions
- Hotels, motels, restaurants and other leisure facilities
- Retirement villages
- Coastal developments



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- Office and CBD projects
- Heritage projects
- Compensation and land acquisition matters,
- Liquor licence and gaming proposal,
- Freeway service centres and petrol stations,
- Agribusiness centres.

Legislative and planning scheme reviews and amendments

Aside from Rob's leadership of the consultant planning team that conceived the model for the Victorian Planning Provisions, he has been associated with many reviews of municipal planning schemes and amendments.

Planning scheme review usually takes the form of comprehensive research examining both the merits of the strategic policies as well as the statutory provisions. Wide ranging consultation is involved in the task.

Work associated with planning scheme amendments usually includes strategic justification of the proposal as well as statutory documentation and management of the process. The provision of expert evidence to independent panels is often involved.

In more recent times Rob has been involved in projects that entail a review of allied legislation as well as amendments to planning schemes. Recent relevant projects have included the following:

Reviews of Victorian planning provisions and allied legislation

- Activity Centre Zone construction and application in Footscray, Doncaster, Knox and Sunshine
- Tramway infrastructure and the VPP's
- Higher density living adjacent to tramway corridors
- Liquor Licensing legislation and planning provisions
- Gaming (EGM) policy and provisions for Councils
- Review of the Farming and Green Wedge zones for their economic implications

Planning scheme reviews

- Shire of Surf Coast 2007
- Shire of Wellington 2009 -10
- Rural City of Horsham 2010
- Borough of Queenscliff 2011-2012



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Organisation audits and process reviews

Rob has a long and established career providing reviews of planning documents, teams and processes, particularly in a local government environment. Trained as a LARP facilitator in 1990 as part of a Commonwealth Government initiative his experience in this area commenced with the development of planning and building specifications for tenders as part of Compulsory Competitive tendering process and the coaching of bid teams. Since then Rob has developed a specialisation in providing reviews and recommendations to State and Local Government, which audit planning schemes, the performance of planning teams and departments and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities; he prepared the model audit process for the Department of Sustainability and Environment in 2003 and recently provided a facilitated program for the Department of Planning and Community Development reviewing how it processes planning scheme amendments. He has worked with Councils in Victoria, New South Wales and South Australia.

He uses a range of audit techniques, extensive consultation with users of the processes and provides detailed strategies on necessary reforms.



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Attachment 2 Properties Affected by Amendment C207

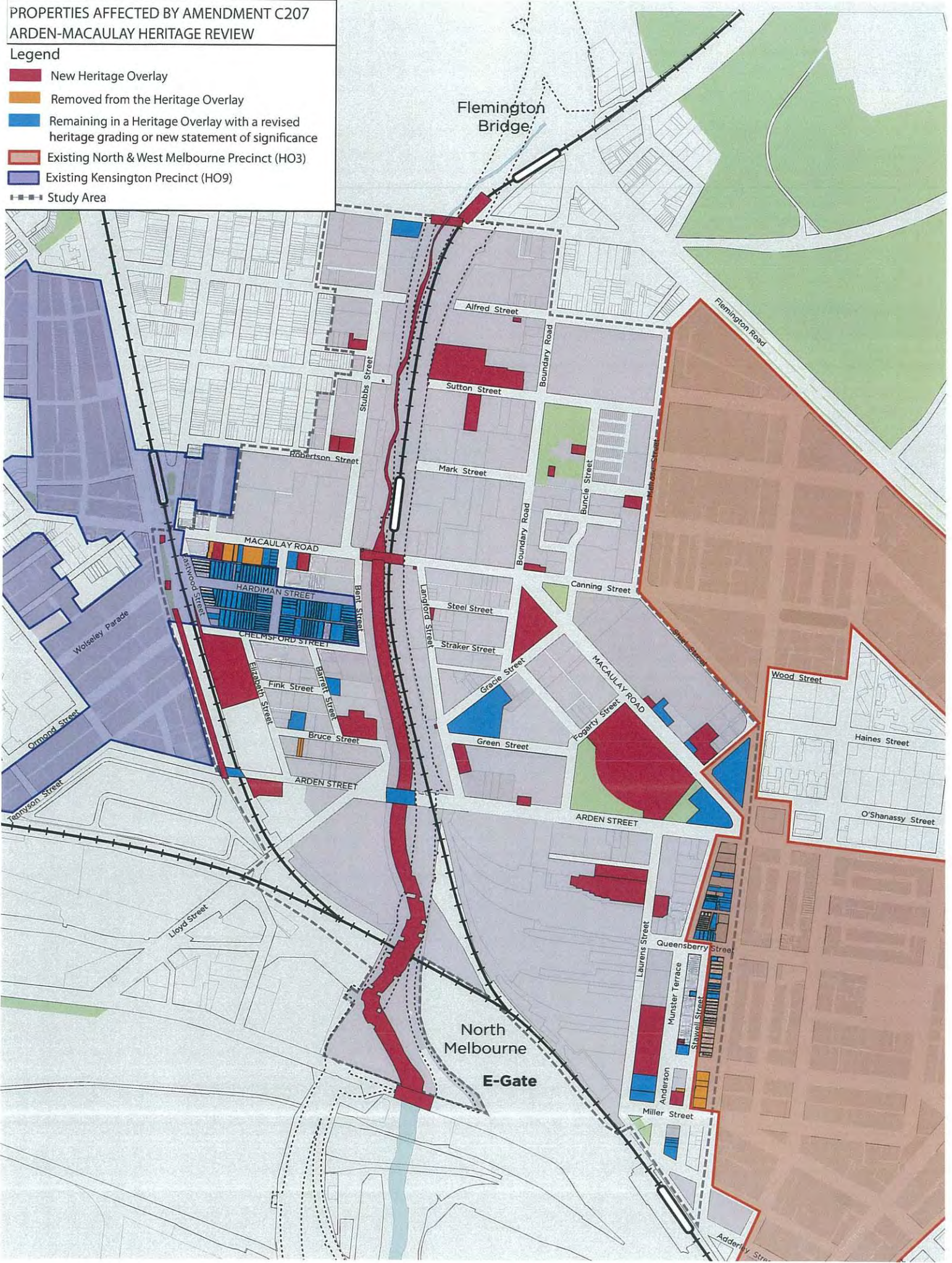


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PROPERTIES AFFECTED BY AMENDMENT C207
 ARDEN-MACAULAY HERITAGE REVIEW

Legend

- New Heritage Overlay
- Removed from the Heritage Overlay
- Remaining in a Heritage Overlay with a revised heritage grading or new statement of significance
- Existing North & West Melbourne Precinct (HO3)
- Existing Kensington Precinct (HO9)
- Study Area





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Attachment 3 Clause 43.01 Heritage Overlay



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43.01
21/09/2009
VC60

HERITAGE OVERLAY

Shown on the planning scheme map as **HO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

43.01-1
21/09/2009
VC60

Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy facility attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
 - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - A fence.
 - Road works and street furniture other than:
 - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating
 - speed humps, pedestrian refuges and splitter islands where the existing footpaths or kerb and channel are not altered.
 - A domestic swimming pool or spa and associated mechanical and safety equipment.
 - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
 - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
 - Non-domestic disabled access.

- Bicycle pathways and trails.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay identifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
 - If the tree presents an immediate risk of personal injury or damage to property.

43.01-2

15/09/2008
VC49

No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries and Crematoria Act 2003.
- To develop a heritage place which is included on the Victorian Heritage Register.

43.01-3

15/09/2008
VC49

Exemption from notice and review

An application under this overlay for any of the following classes of development is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is identified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is identified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.

- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.

43.01-4

15/09/2008
VC49

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

43.01-5 Use of a heritage place

15/09/2008
VC49

A permit may be granted to use a heritage place (including a heritage place which is included on the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay identifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

43.01-6 Aboriginal heritage places

17/09/2007
VC45

A heritage place identified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.



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Attachment 4 Proposed HO Schedule 1118



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MELBOURNE PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1115	<i>St Georges church hall (Anglican) & kindergarden, later St Albans Church of England 55-57 Melrose Street, North Melbourne</i>	Yes	No	No	No	No	No	-	No
HO1116	<i>Shandon & Moher cottages or maisonettes 4-6 Munster Terrace, North Melbourne</i>	Yes	No	No	No	No	No	-	No
HO1117	<i>Commonwealth Wool Store & Produce Company Ltd. Later Elder Smith & Co. Wool Stores 64-90 Sutton Street, North Melbourne</i>	Yes	No	No	No	No	No	-	No
HO1118	<i>Victoria Producers Co-operative Company Ltd. No. 5 Wools Store Part 85-105 Sutton Street, North Melbourne</i>	Yes	No	No	No	No	No	-	No
WEST MELBOURNE									
HO1119	<i>Sisalkraft Distributors P/L store and offices, later CFMEU offices 152-160 Miller Street, West Melbourne</i>	Yes	No	No	No	No	No	-	No



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Attachment 5 Statement of Significance

Excerpt from Arden Macauley Heritage Review February 2012



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Victorian Producers Co-operative Company Ltd No 5 Wool Store –

85-105 Sutton Street, North Melbourne (HO1118)



Statement of Significance

Place Grading: C2

What is significant?

This six-level red brick sawtooth profile building of 1956 includes:

- Modernist design character devoid of any of the stylistic ornament of most previous wool stores in the City;
- a vast floor space with the requisite sawtooth roof on the top floor;
- roof clad with deep profile corrugated fibre cement sheet;
- continuous aluminium framed horizontal glazing strips encircle the building, divided by cavity brick clad spandrels;
- window glazing with heat absorbing glass;
- a concrete encased steel frame expressed on the exterior of the building;
- metal clad sliding timber doors regularly spaced along the ground floor, broken only where they meet a vertical glazed curtain wall extending the height of the building at its south end;
- an interior of broad expanses of suspended concrete floor slabs, punctuated only by the drop elevator enclosures for the bails;
- originally a large goods lift was located next to the reinforced concrete escape stair at the south end of the building's west elevation.

How is it significant?

Victorian Producers Co-operative Company Ltd. No. 5 Wool Store significant historically and aesthetically to North Melbourne and the City of Melbourne.

Why is it significant?

Victorian Producers Co-operative Company Ltd. No. 5 Wool Store significant

Historically, as a major built symbol of the importance of primary production and in particular, wool growing and marketing, to Australia, particularly in the post Second War period, and the strength of growers in successfully organising this market. The building is one of the few surviving structures built for a company that received wide national press coverage because of its representation of growers from many parts of Australia, its evolution being part of a national primary producer cooperative movement: the Victorian Producers Co-operative Company became one of the biggest. Also by its scale as indicative of the special role played by North Melbourne and Kensington in industrial expansion for the City of Melbourne and the State and the traditional link with primary industry (Criterion A); and

Aesthetically, as an austere but totally functional example of the Modernist approach to a building type that has simple and lingering requirements from the Victorian-era onwards as indicted by its layout, open floor space, and sawtooth top level (Criterion E).

Contributory elements

The contributory elements within this property include, but are not restricted to, external fabric from the creation or major development date(s), (1956-), and any new material added in sympathy to the original fabric it replaced. This place and the identification of contributory elements have been assessed typically from the public domain.





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Attachment 7 Growth Area Framework Plan & Arden-Macauley



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Figure 1 Growth Area Framework Plan

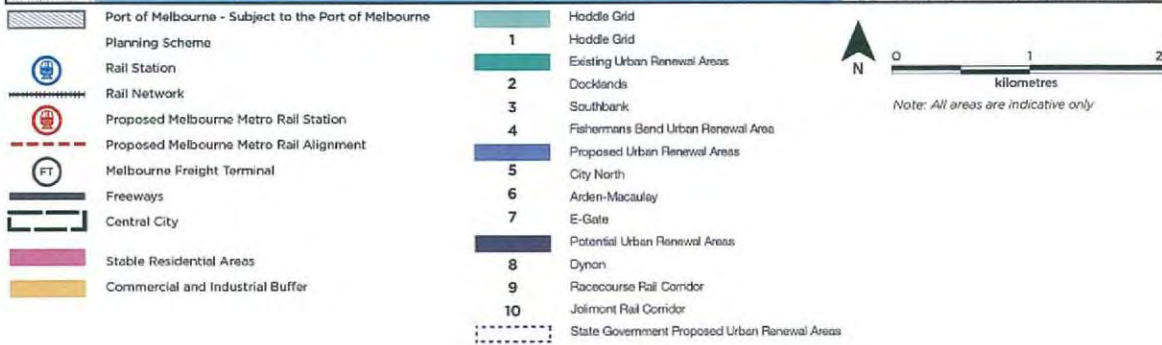
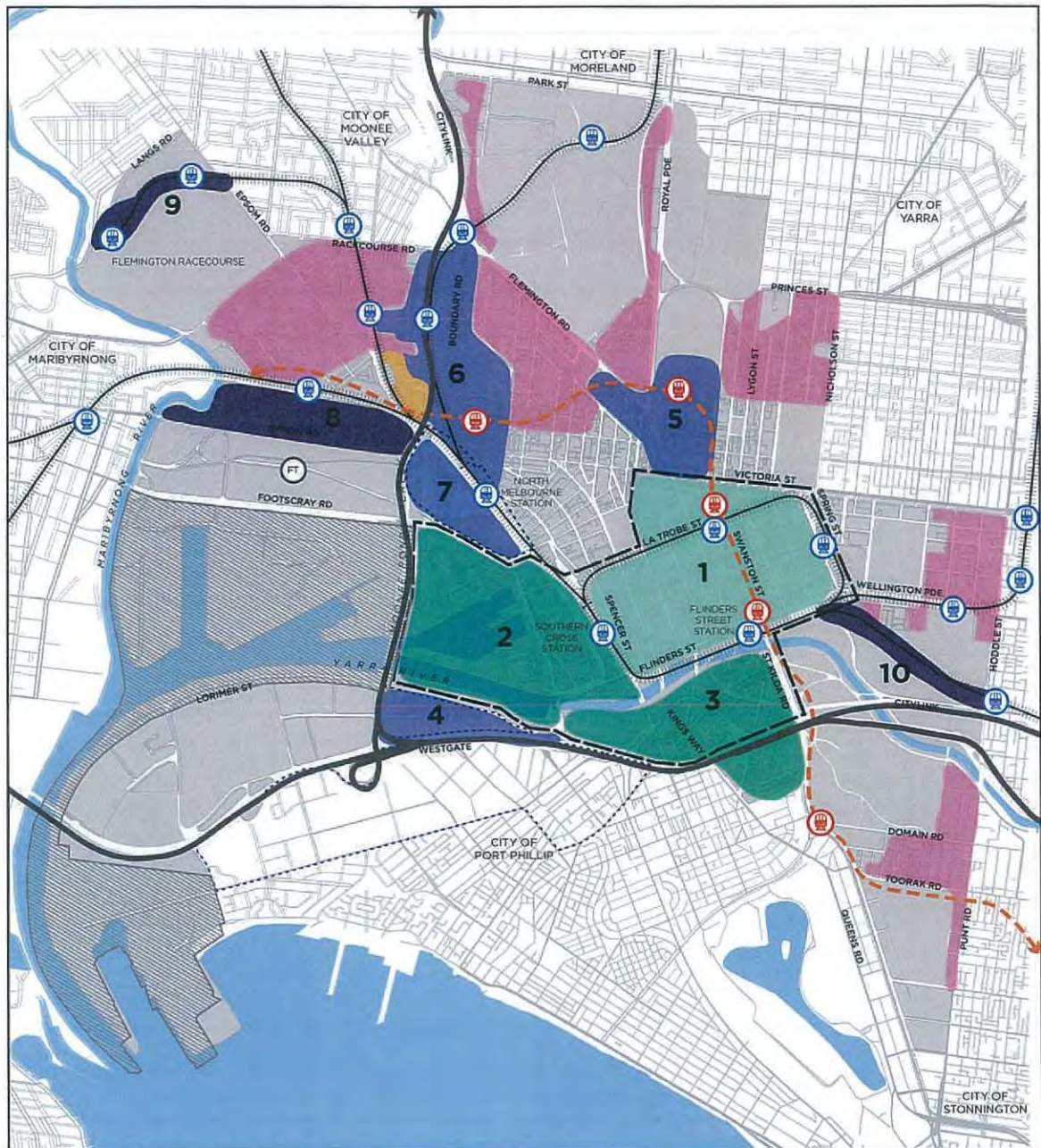
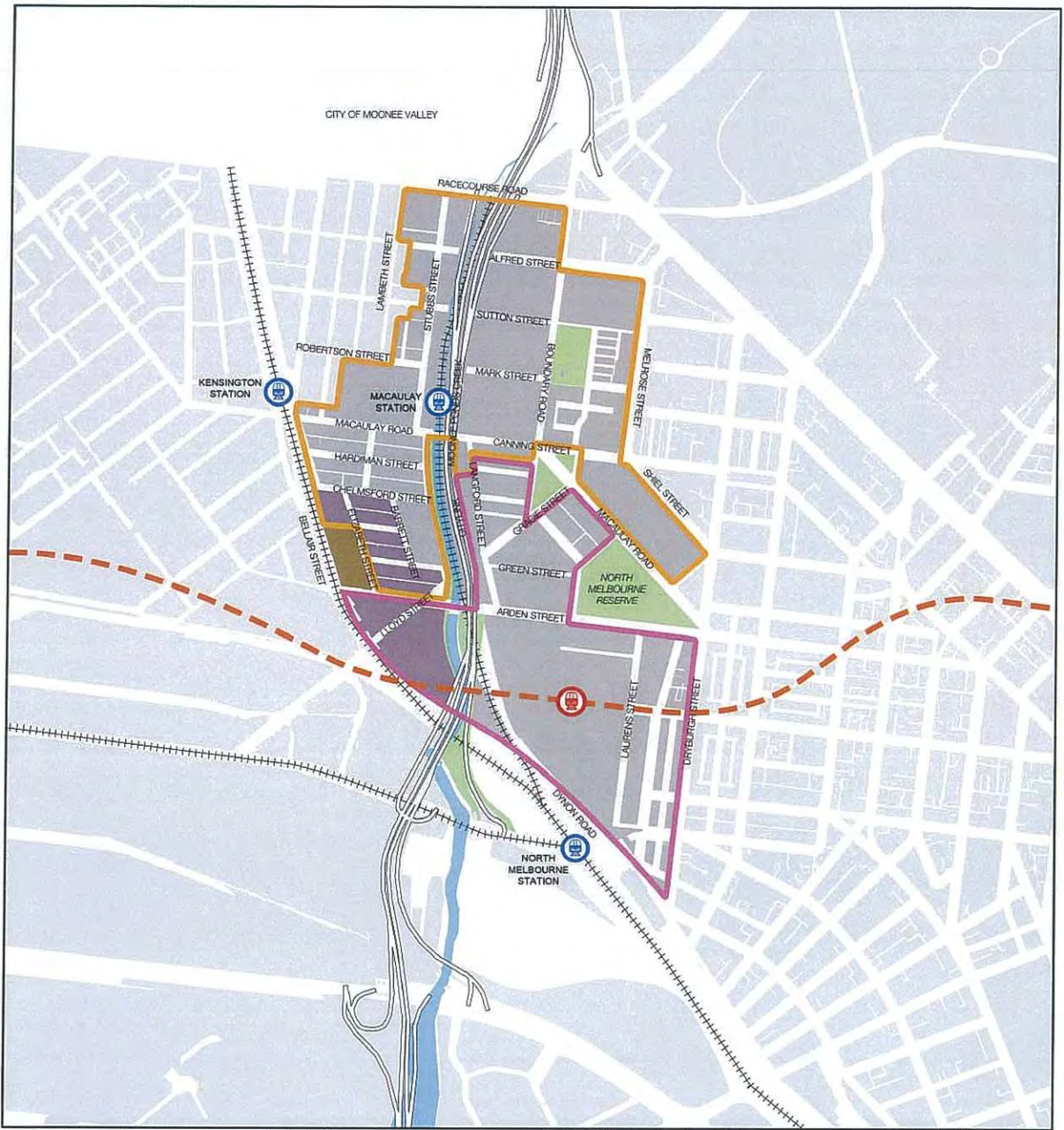
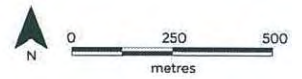


Figure 11: Arden-Macaulay



- Local Area Boundary
- Rail Station
- Rail Network
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Freeway
- Public Open Space
- Waterways
- Stage 1 of Land Use Transition
- Stage 2 of Land Use Transition
- Large Manufacturing Industry subject to Melbourne Metro Project proceeding
- Commercial and Industrial Buffer





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Attachment 8 Planning Panels Adjournment of C190 Hearing



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Planning Expert Evidence to Melbourne C207 Panel



Planning Panels Victoria

Department of Transport, Planning and Local Infrastructure

8 Nicholson Street
East Melbourne
Victoria 3002 Australia
PO Box 500
East Melbourne
Victoria 3002 Australia
Telephone (03) 9637 9690
Facsimile (03) 9637 9700

13 September 2013

As addressed

Dear Submitter,

Amendment C190 to the Melbourne Planning Scheme

A number of procedural issues have arisen in relation to Amendment C190.

The proposed East West Link raises issues for the area covered by the Amendment that will not be resolved until an alignment for the link is settled. It is anticipated that the Comprehensive Impact Statement (CIS) for the East West Link will be released in November 2013, and that hearings on the CIS will take place in March or April 2014. A decision on the East West Link will be made following the public hearings.

Following submissions from Parties made at a Hearing on 5 September 2013 at Planning Panels Victoria the Panel directs:

1. **The Hearing for Amendment C190 is adjourned to a Directions Hearing on Monday, 19 May 2014. All parties have liberty to apply for an earlier Directions Hearing if circumstances warrant this.**
2. **The purpose of the 19 May 2014 Directions Hearing is to identify and address any issues that would prevent the Hearing for Amendment C190 recommencing with a proposed Directions Hearing on 1 August 2014 and Public Hearings commencing 29 September 2014 and running for approximately two weeks. Earlier dates will be considered if practical.**

If you have any inquiries about any matter connected with the hearing process, please contact the office of Planning Panels Victoria on (03) 9637 9690 planning.panels@dtpli.vic.gov.au.

Yours sincerely

Lester Townsend
Chair Amendment C190
to the Melbourne Planning Scheme



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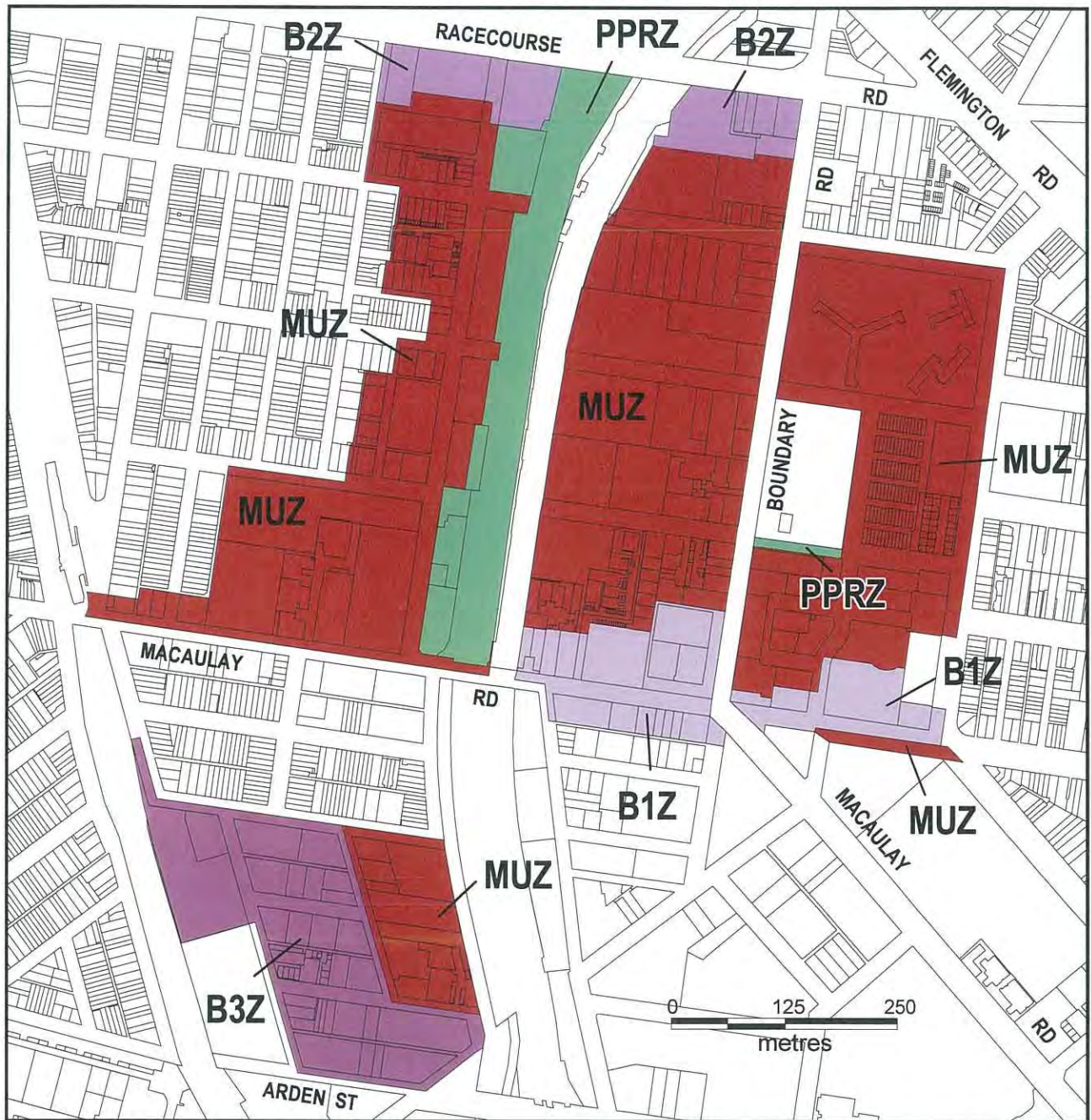
Attachment 9 Mixed Use Zone (C190 Map and Clause Provisions)





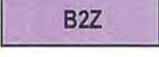

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MELBOURNE PLANNING SCHEME LOCAL PROVISION



LEGEND

	MUZ	MIXED USE ZONE
	B1Z	BUSINESS 1 ZONE
	B2Z	BUSINESS 2 ZONE
	B3Z	BUSINESS 3 ZONE
	PPRZ	PUBLIC PARK & RECREATION ZONE

PREPARED BY: INFORMATION SERVICES
Statutory Systems
Planning, Heritage and Urban Design
Department of Planning and Community Development

Part of Planning Scheme Map 4

AMENDMENT C190



Department of Planning
and Community Development

32.04
15/07/2013
VC100

MIXED USE ZONE

Shown on the planning scheme map as **MUZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

32.04-1

15/07/2013
VC100

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

32.04-2

15/07/2013
VC100

Table of uses

Section 1 – Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Food and drink premises	The leasable floor area must not exceed 150 square metres.
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area must not exceed 250 square metres.
Minor utility installation	
Office (other than Medical centre)	The leasable floor area must not exceed 250 square metres.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.
Railway	
Residential aged care facility	

Use	Condition
Shop (other than Adult sex bookshop)	The leasable floor area must not exceed 150 square metres.

Tramway

Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
--------------------------------	---

Section 2 - Permit required

Use	Condition
Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping and Apiculture)	
Animal boarding	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Industry (other than Materials recycling and Transfer station)	Must not be a purpose listed in the table to Clause 52.10.
Leisure and recreation (other than Informal outdoor recreation)	
Place of assembly (other than Carnival, Circus and Place of worship)	
Retail premises (other than Food and drink premises and Shop)	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse	Must not be a purpose listed in the table to Clause 52.10.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Adult sex bookshop
Brothel
Materials recycling
Transfer station
Stone extraction

32.04-3

15/07/2013
VC100

Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.

- Traffic generated by the use.
- Emissions from the land.

32.04-4

15/07/2013
VC100

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.04-5

15/07/2013
VC100

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.04-6

15/07/2013
VC100

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.

- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

Transitional provisions

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

32.04-7 Requirements of Clause 54 and Clause 55

15/07/2013
VC100

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.04-8 Buildings and works associated with a Section 2 use

15/07/2013
VC100

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

32.04-9 Buildings on lots that abut another residential zone

15/07/2013
VC100

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

32.04-10 Maximum building height requirement

15/07/2013
VC100

The maximum height of a building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height, provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

32.04-11 Application requirements

15/07/2013
VC100

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
 - The layout of proposed buildings and works.
 - An elevation of the building design and height.
 - Setbacks to property boundaries.
 - All proposed access and pedestrian areas.
 - All proposed driveway, car parking and loading areas.
 - Existing vegetation and proposed landscape areas.
 - The location of easements and services.

32.04-12 Exemption from notice and review

15/07/2013
VC100

Subdivision

An application for subdivision is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.04-13 Decision guidelines

15/07/2013
VC100

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

Use for industry and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- The objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

32.04-14 Advertising signs

15/07/2013
VC100

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.



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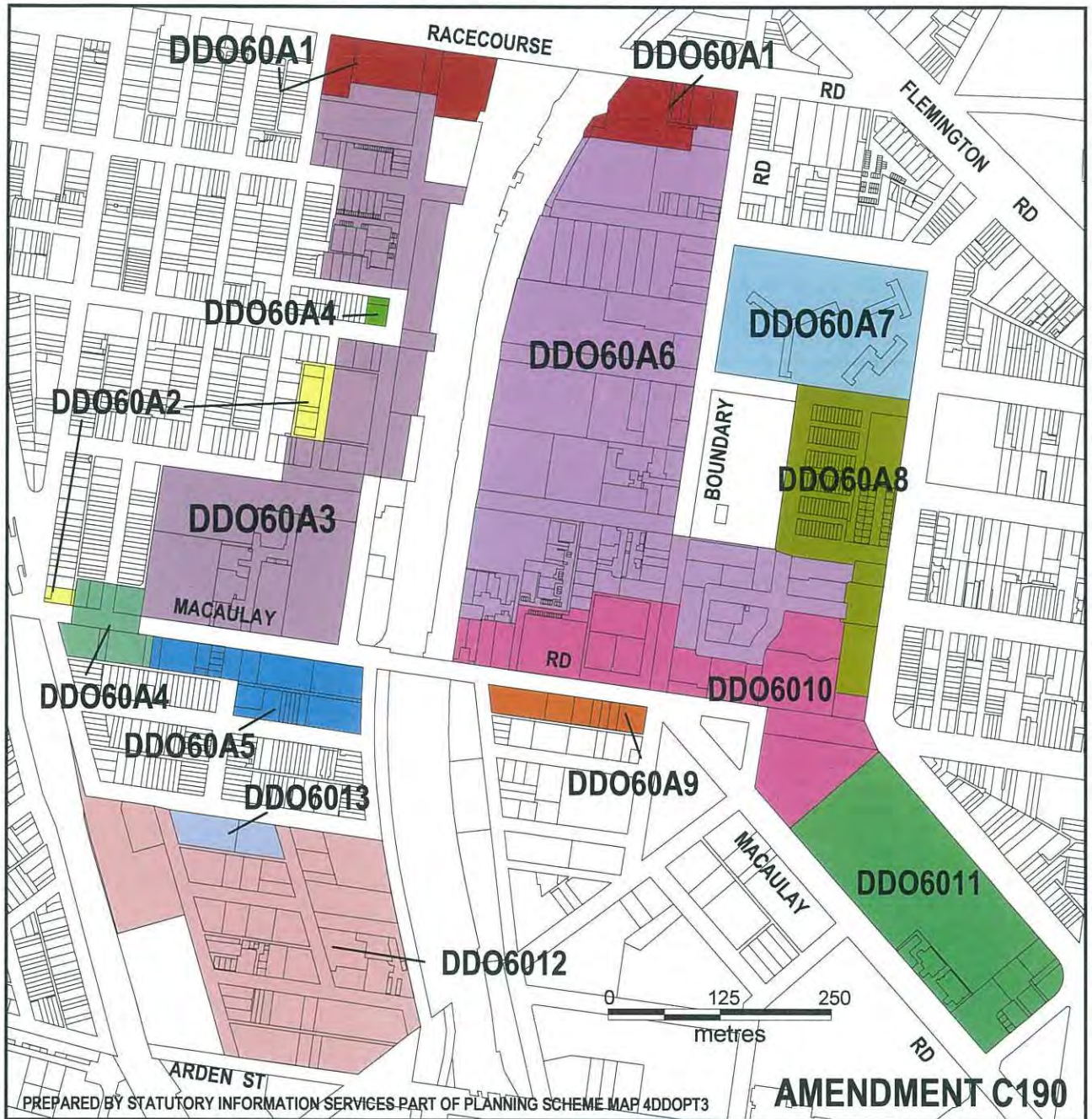
Attachment 10 DDO 60 (C190 Map and Clause Provisions)



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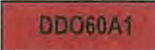

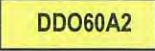

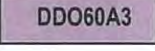

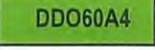

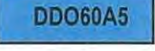

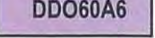
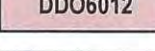
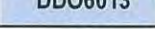
MELBOURNE PLANNING SCHEME LOCAL PROVISION



PREPARED BY STATUTORY INFORMATION SERVICES PART OF PLANNING SCHEME MAP 4DDOPT3

AMENDMENT C190

LEGEND

	DDO60A1	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 1)		DDO60A7	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 7)
	DDO60A2	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 2)		DDO60A8	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 8)
	DDO60A3	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 3)		DDO60A9	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 9)
	DDO60A4	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 4)		DDO6010	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 10)
	DDO60A5	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 5)		DDO6011	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 11)
	DDO60A6	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 6)		DDO6012	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 12)
				DDO6013	DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 60 (AREA 13)

43.02

19/01/2006
VC37

DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO** with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

43.02-1

19/01/2006
VC37

Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

43.02-2

19/01/2006
VC37

Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Construct a fence if specified in a schedule to this overlay.

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

43.02-3

19/01/2006
VC37

Subdivision

Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

43.02-4

19/01/2006
VC37

Advertising signs

Advertising sign controls are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

43.02-5

19/01/2006
VC37

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

---/201-
C190

SCHEDULE 60 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO60**

Arden-Macaulay Area, Kensington and North Melbourne

1.0 Design objectives

---/201-
C190

- To ensure the preferred character of Arden Macaulay develops as a compact, high density, mid-rise, walkable and high amenity neighbourhood.
- To provide for mid-rise 6 – 12 storey development, stepping down at the interface with the low scale surrounding established residential neighbourhoods.
- To ensure the scale, height and setbacks of new buildings at the interface with the surrounding established residential neighbourhoods is compatible with the scale, amenity and context of these areas.
- To create urban streetscapes within the area that are defined by a generally consistent plane of building facades that collectively enclose the sides of the streetscapes whilst allowing good levels of daylight and sunlight to penetrate to the streets and to lower building levels.
- To ensure buildings align to the street pattern.
- To deliver a fine grain of built form creating architectural variety and interest along streets by encouraging buildings with wide street frontages to be broken into smaller vertical sections.
- To create streetscapes that have a high level of pedestrian comfort in terms of their scale, access to sunlight, daylight and sky views.
- To provide shelter for pedestrians on primary streets from the rain, wind and sun without causing detriment to building or streetscape integrity.
- To ensure new development respects the character, form, massing and scale of adjoining heritage buildings and places.
- To improve the neighbourhood walkability by introducing a fine-grain network of laneways/through links, which is integrated with the pattern of development of adjacent areas, maximises permeability for pedestrian movement and accommodates vehicular and service access to developments.
- To protect pedestrians from the elements on primary streets through the provision of shelter from rain, wind and sun, without causing detriment to building or streetscape integrity.
- To ensure that development provides a high level of amenity for building occupants.
- To ensure the collective effect of all current and future development promotes a public realm which provides a comfortable pedestrian scale, has good daylight and reasonable access to sunlight throughout the year.
- To create a streetscape microclimate where street trees will flourish,
- To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.

2.0 Buildings and works requirements

---/201-
C190

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives

and Built Form Outcomes of this schedule, and any local planning policy requirements.

Building Heights and Setbacks

Buildings or works requiring a permit should be built in accordance with the built form requirements and outcomes as specified in the table to this Schedule.

A permit cannot be granted to increase the maximum height at street edge.

A permit cannot be granted to increase the maximum building height by more than 30% of the maximum building height specified

Buildings or works at street level should be built to street edge.

Table to Schedule 60

AREA	MAXIMUM BUILDING HEIGHT & MINIMUM SETBACKS	BUILT FORM OUTCOMES
1	<p>Maximum height at street edge equal to the width of the street (i.e. maximum 1:1 height to width ratio)</p> <p>Maximum overall building height of 30 metres</p> <p>Any part of a building above 30 metres must be in accordance with figures 1, 2 (Streetscape controls) and 3(Southern boundary controls)</p> <p>Any part of a building on 157 Racecourse Road above 10.5 metres must have a setback of 10 metres from the site's southern boundary and any part of a building on 157 Racecourse Road above 20 metres must have a setback of 20 metres from the site's southern boundary.</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, daylight, sky views and a pedestrian friendly scale.</p> <p>Protect the amenity of existing and future development to the south by avoiding unreasonable overlooking and overshadowing.</p>
2	<p>Maximum overall building height of 10.5 metres</p>	<p>Deliver a scale of development that responds appropriately to the existing context.</p> <p>Deliver scale of development that complements the established low-scale residential area</p>
3	<p>Maximum overall building height of 20 metres</p> <p>Any part of a building above 20 metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary controls).</p>	<p>Deliver scale of development that provides a 1:1 height to width ratio to provide street definition and a high level of pedestrian amenity, having regard to access to sunlight, appropriate sky views and a pedestrian friendly scale.</p> <p>Setback of higher building form along the interface with established low-scale residential</p>

	<p>Setbacks to be provided in accordance with figures 5 and 6 (Interface Area – Setbacks to rear boundary of existing low scale residential properties), figure 7 and 8 (Interface Area – Setbacks to side boundary of existing low scale residential properties), figure 9 (Interface Area – Street frontage)</p>	<p>to deliver a scale of development that responds appropriately to the existing context, provides an appropriate transition in height and minimises the visual impact of upper levels. Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place.</p>
4	<p>Maximum overall building height of 14 metres</p> <p>Any part of a building above 14 metres must be in accordance with figure 1 and 2 (Streetscape controls).</p> <p>Setbacks must be provided in accordance with figure 7 and 8 (Interface Area – Setbacks to side boundary of existing low scale residential properties) and 11 (Interface area – Little Hardiman Street).</p>	<p>Deliver a scale of development that responds appropriately to the existing context.</p> <p>Deliver scale of development that complements the established low-scale residential area.</p> <p>Protect the amenity of existing residential development south of Little Hardiman Street by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.</p>
5	<p>Maximum height at street edge equal to the width of the street (i.e. maximum 1:1 height to width ratio)</p> <p>Maximum overall building height of 20 metres.</p> <p>Any part of a building above 14 metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary controls).</p> <p>Setbacks must be provided in accordance with figure 7 and 8 (Interface Area – Setbacks to side boundary of existing low scale residential properties) and figure 11 (Interface area – Little Hardiman Street).</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, including access to sunlight to ground floor, appropriate sky views and a pedestrian friendly scale.</p> <p>Protect the amenity of existing residential development south of Little Hardiman Street by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.</p>
6	<p>Maximum height at street edge equal to the width of the street (i.e. maximum 1:1 height to width ratio)</p> <p>Maximum overall building height of 20 metres</p> <p>Any part of a building above 20</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, appropriate sky views and a pedestrian friendly scale.</p>

metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary).

7	<p>Maximum overall building height of 20 metres.</p> <p>Setbacks must be in accordance with figure 9 (Interface Area – Street frontage)</p>	<p>Setbacks of higher building form along Melrose Street and Alfred Street to deliver scale of development that responds to the existing context.</p>
8	<p>Maximum overall building height of 14 metres</p> <p>Setbacks must be in accordance with figure 9 (Interface Area – Street frontage)</p>	<p>Setback of higher building form along Melrose Street to deliver scale of development that responds appropriately to the existing context.</p>
9	<p>Maximum height at street edge equal to the width of the street (i.e. maximum 1:1 height to width ratio)</p> <p>Maximum overall building height of 20 metres</p> <p>Any part of a building above 20 metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary controls).</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, having regard to access to sunlight, appropriate sky views and a pedestrian friendly scale.</p>
10	<p>Maximum overall building height of 30 metres</p> <p>Any part of a building above 20 metres must have a minimum setback of 10 metres from Boundary Road, Canning Street and Vaughan Terrace.</p> <p>Any part of a building above 10.5 metres must have a setback of 10metres from Shiel Street (including at the corner with Canning Street).</p> <p>Any part of a building above 30 metres must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary controls).</p>	<p>Provide increased density in relation to surrounding development within local centres.</p> <p>Deliver scale of development that provides street definition and a very high level of pedestrian amenity suitable for a local activity centre, including access to sunlight to ground floor, sky views and a pedestrian friendly scale.</p> <p>Development does not unreasonably overshadow public open space.</p>
11	<p>Maximum height at street edge equal to the width of the street</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian</p>

	<p>(i.e. maximum 1:1 height to width ratio).</p> <p>Maximum overall building height of 30 metres</p> <p>Setbacks to Shiel Street must be in accordance with figure 10 (Interface Area - Shiel Street)</p> <p>Any part of a building above 30 metres fronting Macaulay Road must be in accordance with figures 1 and 2 (Streetscape controls).</p> <p>Any part of a building above 30 metres must be in accordance with figure 3 (Southern boundary controls).</p> <p>Any part of building above 14 metres must have a setback of 14 metres from Haines Street.</p>	<p>amenity, including access to sunlight to ground floor, sky views and a pedestrian friendly scale.</p> <p>Setback of higher building form along the interface with established low-scale residential to deliver a scale of development that responds appropriately to the existing context, provides a transition in height and minimises the visual impact of upper levels.</p>
12	<p>Maximum overall building height of 20 metres.</p> <p>Any part of a building must be in accordance with figures 1 and 2 (Streetscape controls) and figure 3 (Southern boundary).</p>	<p>Deliver scale of development that provides street definition and a high level of pedestrian amenity, including access to sunlight to ground floor, sky views and a pedestrian friendly scale.</p> <p>Setback of higher building form along the interface with established low-scale residential to deliver a scale of development that responds appropriately to the existing context, provides a transition in height and minimises the visual impact of upper levels.</p>
13	<p>Maximum overall building height of 14 metres</p> <p>Setbacks must be in accordance with figure 9 (Interface Area – Street frontage)</p>	<p>Setback of higher building form along the interface with established low-scale residential to deliver a scale of development that responds appropriately to the existing context, provides a transition in height and minimises the visual impact of upper levels.</p> <p>Development does not unreasonably overshadow public open space.</p>
All areas where new lanes are required	<p>Setbacks from new laneways to be in accordance figure 4: (Laneway controls)</p>	<p>Ensures new laneways have appropriate levels of access to daylight and sunlight.</p>

Design Requirements

Streetscape Controls: Building heights and setbacks at street frontages

Figure 1 applies to new development on properties that are not immediately adjacent to existing low scale residential properties. A maximum height at street edge is equivalent to the street width. Above this height, setbacks must be in accordance with a 45 degree angle as shown.

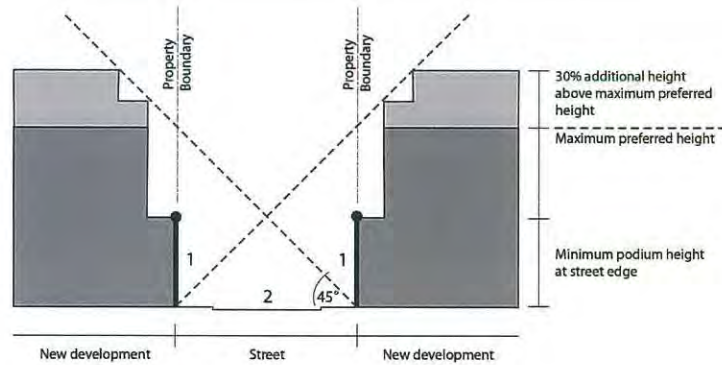


Figure 1

Figure 2 applies to new development on properties that are not immediately adjacent to existing low scale residential properties. A minimum height at street edge is equivalent to half the street width. Above this height, setbacks must be in accordance with a 45 degree angle as shown.

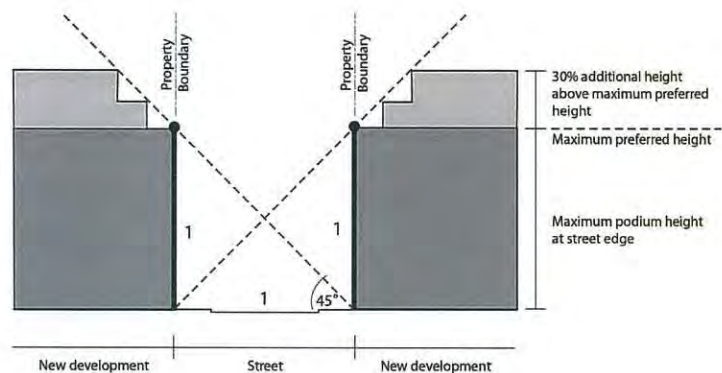


Figure 2

Southern Boundary Setbacks

Figure 3 applies to new development on properties that are not immediately adjacent to existing low scale residential properties. Above the preferred building height nominated in the table to this schedule, setbacks must be in accordance with a 52 degree angle as shown.

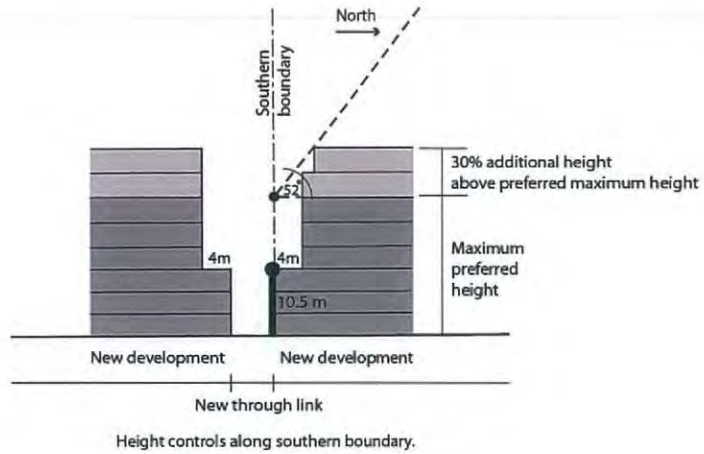


Figure 3

Setbacks to new laneways/through links

Figure 4 applies to new development where a laneway/through link is nominated through a property

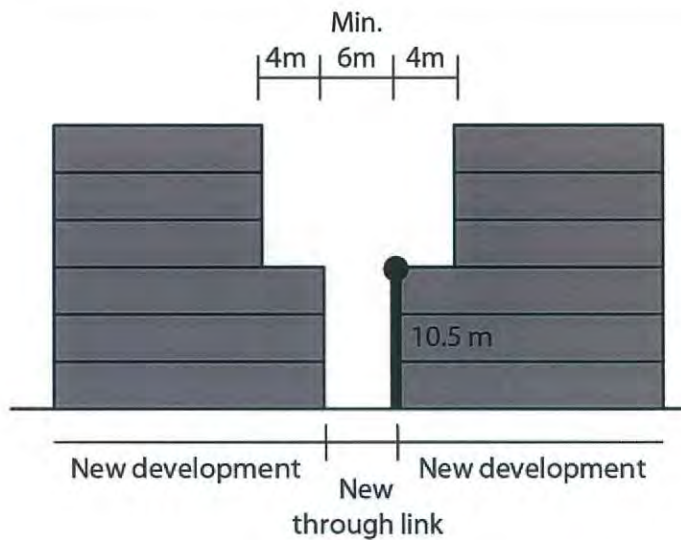


Figure 4

Residential Interface Areas

Figure 5 applies where new development abuts a laneway separating it from an existing low scale residential property's rear boundary

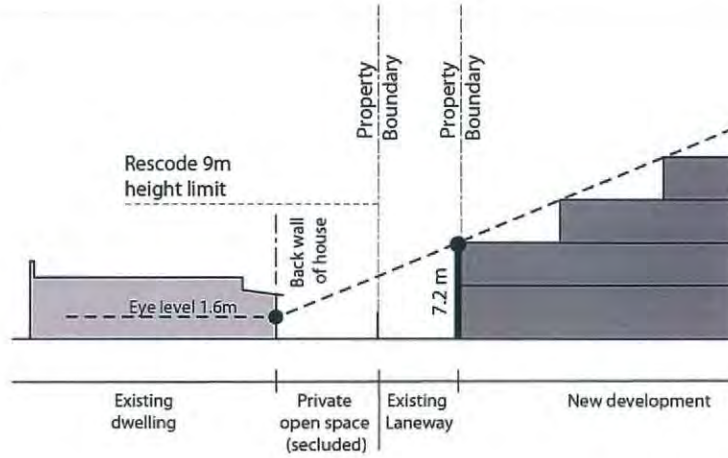


Figure 5

Figure 6 applies where new development abuts an existing low scale residential property's rear boundary

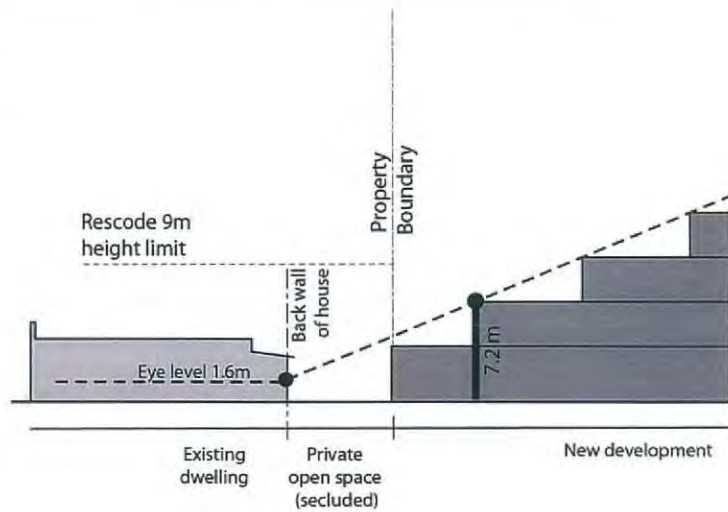


Figure 6

Figure 7 applies where new development abuts an existing residential property's side boundary

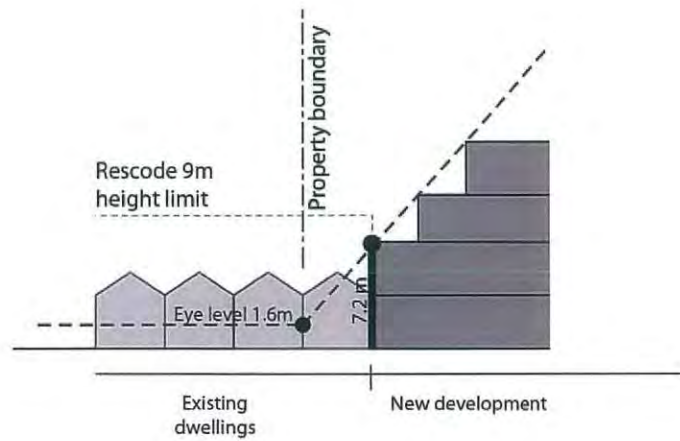


Figure 7

Figure 8 applies where new development abuts a laneway separating it from an existing residential property's side boundary

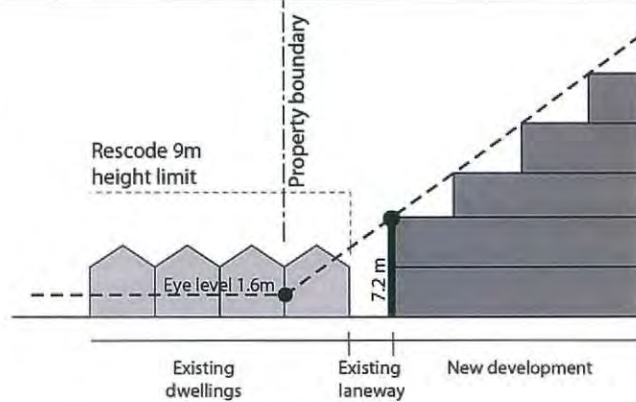


Figure 8

Figure 9 applies where new development fronts onto a street separating it from an existing low-scale residential property.

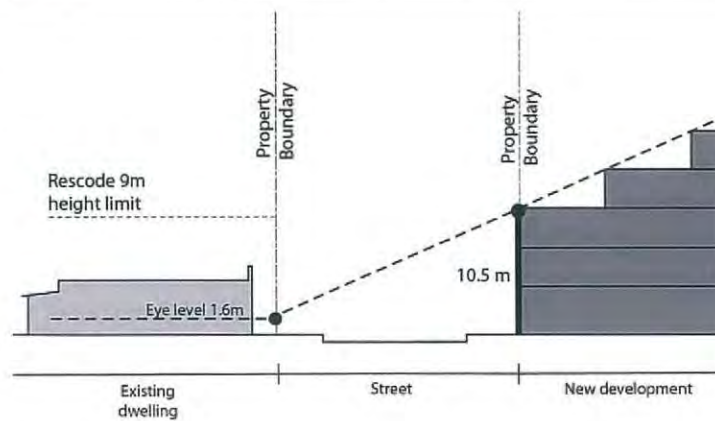


Figure 9

Figure 10 applies where new development fronts onto Shiel Street (within Area 11)

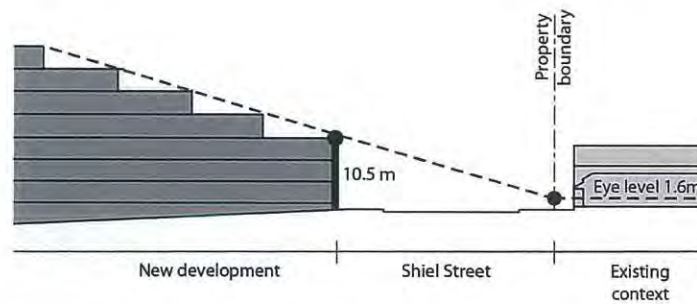


Figure 10

Figure 11 applies where new development backs onto Little Hardiman Street

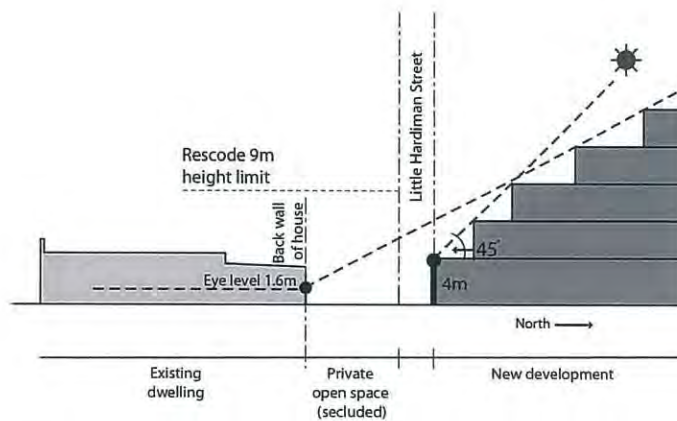


Figure 11

Active Street Frontages

The design of facades must respond to the following design standards, as appropriate:

- All visible sides of a building should be fully designed.
- Blank building walls that are visible from streets and public spaces should be avoided.
- Buildings should address both street frontages on corner sites.
- Visible service areas and other utility requirements should be treated as an integral part of the overall design and screened from public areas.
- Facades should make provision for the location of external lighting for public safety purposes and to give interest to streetscapes at night.

Buildings with ground-level street frontages to primary streets, as identified on the Map 1, must present an attractive pedestrian oriented frontage by providing:

- At least 5 metres or 80 per cent of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or
- At least 5 metres or 80 per cent of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.

- Clear glazing (security grilles must be transparent).

Buildings with ground-level street frontages to all other streets, should provide an active and physically connected street interface, for example by providing multiple entrances off the street.

Weather Protection

A building with a road frontage to a primary street, as identified on Map 1, should provide a veranda for weather protection over the footpath unless it is demonstrated that this would cause detriment to the integrity of a heritage building or streetscape.



Map 1 – Frontages to primary streets

Façade articulation

The façade of buildings should be broken into smaller vertical sections of 4 metres to 10 metres in width.

New laneways/through connections

- Developments which are required to provide a new laneway/ through connection, as shown on Map 2, should provide laneway connections which are:

- Safe, direct and attractive;
- Publicly accessible;
- Aligned with other lanes or pedestrian connections to provide direct routes through Kensington;
- At least 6 metres wide, to accommodate vehicular movements (including turning into private properties), waste collection and landscaping opportunities; and
- Open to the sky.



Map 2 – New through links

3.0 Heritage
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 C190

When new developments adjoin heritage buildings located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.

4.0 No permit required
 -/-/201-
 C190

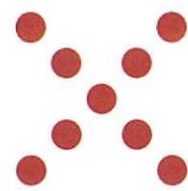
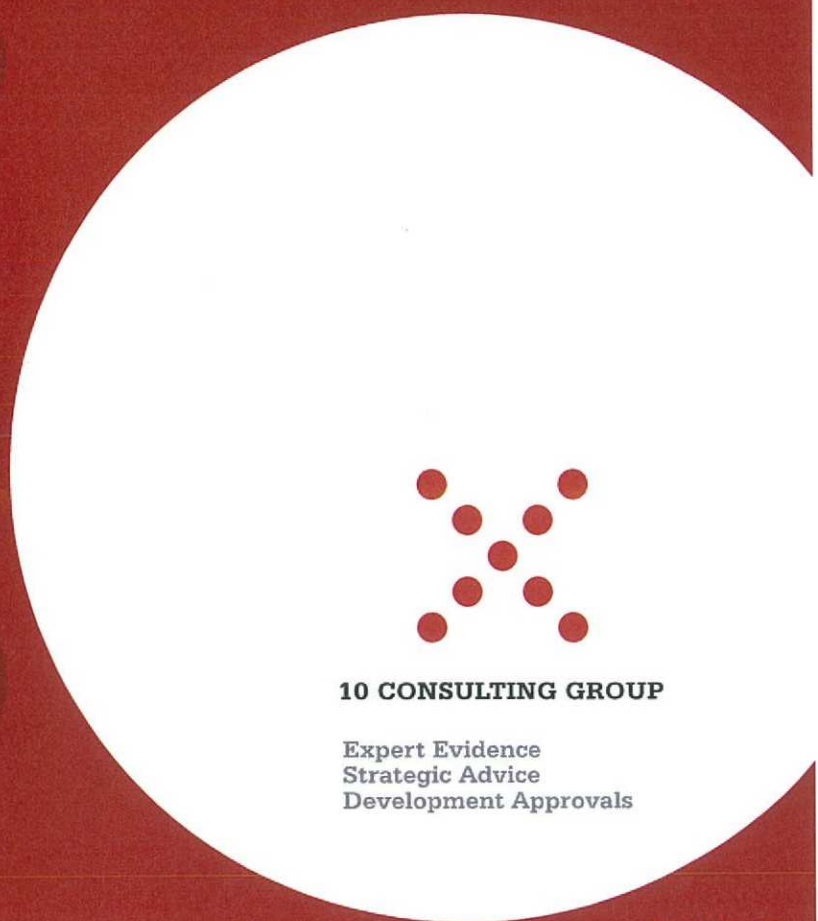
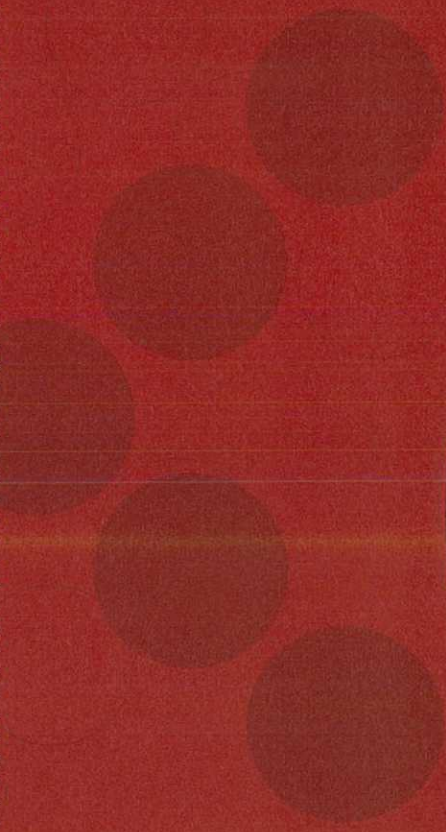
A permit is not required under this overlay for:

- Buildings and works which do not alter the height or setback of any part of an existing building.

5.0 Reference documents

-/-/201-
C190

- The Arden-Macaulay Structure Plan 2012



10 CONSULTING GROUP

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