



Urban Planning Collective

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# Planning Submission

23-47 Villiers Street, North Melbourne  
12 September 2024

## ADVERTISED PLAN

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This planning submission has been prepared on behalf of Sentinel BTR Manager PTY LTD ATF BTR Alpha Unit Trust (**Sentinel**), the permit applicant and prospective developer of the land at 23-47 Villiers Street, North Melbourne (**the subject site**). It addresses a planning permit application for a multi-storey Build to Rent (**BTR**) development.

The subject site is located to the north-west of Villiers Street, north-east of Mary Street, south-east of Harcourt Street and south-west of Little George Street, within the 'City North' urban renewal area. It is currently significantly underutilised as an office and associated car parking within an unprepossessing building.

The subject site is a strategically important one in the context of its large size and location within the City North urban renewal area. It therefore has significant potential to contribute to the achievement of various objectives of the Planning Policy Framework and the Victorian Government's Housing Statement, released in September 2023 (**Housing Statement**), for sustainable use and development in metropolitan Melbourne, as well as the provision of new, well located and serviced, high amenity housing to meet the State's ever-increasing demand and population growth.

The subject site is located within the Mixed Use Zone (**MUZ**) pursuant to the Melbourne Planning Scheme (**the Scheme**). It is also affected by Design and Development Overlay – Schedules 61 (**DDO61**), 65 (**DDO65**) and 70 (**DDO70**).

A planning permit is required for the following:

- To construct 2 or more dwellings on a lot pursuant to Clause 32.04-7.
- To construct a building or construct or carry out works pursuant to Section 2.0 of Schedule 61 to Clause 43.02-2.
- To construct a building or construct or carry out works pursuant to Section 2.0 of Schedule 70 to Clause 43.02-2.
- To reduce the number of car parking spaces required under Clause 52.06-5 pursuant to Clause 52.06-3.

### 1.1 SIGNIFICANT NEW HOUSING IMPACT

Sentinel seeks to redevelop the subject site for 353 new BTR dwellings, an ancillary leasing office on the Ground Floor Level, considerable internal and external residential communal facilities and on-site car and bicycle parking. The new building comprises 2 tower forms over a shared podium – an 11 storey building towards the frontage to Villiers Street (Building A) and a 12 storey building towards the frontage to Harcourt Street (Building B).

The proposal unlocks new housing opportunities on an existing urban renewal site, making a significant and meaningful contribution to the Victorian Government's target of 80,000 new homes a year. As noted in the Housing Statement, the status quo is not an option in responding to the current housing crisis, and there is a need



to unlock new sites across established suburbs where existing infrastructure and community services already occur. The subject site easily qualifies as one of these sites.

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Key outcomes of the Housing Statement the proposal will address include:

- Key workers are struggling to find housing close to where they work – especially in the regions...
- We'll foster the conditions needed to stimulate investment and build high-quality homes quickly in the places where Victorians want to live...
- Unlocking new spaces to build – including across established suburbs and government land – to boost supply and stop urban sprawl.
- Building more homes closer to where people have the transport, roads, hospitals and schools they need.
- The solution isn't to keep pushing people further out by building suburb after suburb on the fringes of town.
- We need to create more housing, with the best design standards, where people want to live. And that means going up and out – not just out. By unlocking new spaces to build homes across established suburbs, we'll stop urban sprawl and boost housing supply in the places Victorians want to be – close to where they work or send their kids to school.
- We know we need to increase opportunities for homes in Melbourne's inner and middle suburbs.
- A new plan for Victoria will bring to life our target for 70 per cent of new homes to be built in established areas, while making sure growth areas deliver 30 per cent of new homes.

In addition to unlocking significant new housing opportunities, the nature of the proposal, adopting the BTR model, provides a unique opportunity to add to the low supply of rental housing in metropolitan Melbourne, increase the diversity of housing choice and mix and provide for an increase in long-term rental options for Victorians.

In September 2018, the Department of Treasury and Finance announced that an industry working group would be established to look at the opportunities and barriers facing the BTR industry in Victoria. The Build to Rent Working Group (**the Working Group**) outlined its findings in a Report to the Treasurer and Minister for Planning and reported that BTR has the potential to offer:

- An increase in the supply of rental properties in the inner-middle ring suburbs of Melbourne.
- Greater diversity of housing choice and mix.



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- An increased focus on long-term rentals to provide Victorian's, including inner-city key workers, with a realistic alternative to home ownership, noting BTR properties are specifically designed and built to be held for rent over the long term.
- A more consistent overall supply of housing.
- The potential to improve the standard of rental stock and rental living.
- The potential to improve customer experiences during the rental process (depending on the nature of the development).
- The potential to stimulate construction activity and jobs.
- The delivery of housing through a new funding arrangement that has the potential to attract long-term institutional investment at scale, resulting in investment that would not otherwise occur in the Victorian housing sector.
- Consistency with the Government's reform agenda by complementing the work already been undertaken through the Homes for Victorians housing strategy, which recognises the need to increase housing supply and promote stability and affordability for renters, and the reforms to the Residential Tenancies Amendment Act 2018 to include over 120 changes that address long standing issues faced by renters and landlords.

The Working Group also acknowledged that BTR is a product, which can cater for a diversity of market needs, not just the premium or high-end of the market. While the proposal can be adapted to meet changing market conditions, it is currently designed to provide volume for the middle market, with a premium service and amenity offering, offering a genuine alternative to conventional owner-occupied or rental housing.

### 1.2 SENTINEL

Sentinel is an independently owned real estate investment management firm with A\$13.6 billion of institutional quality real estate assets under management, on behalf of 125 global clients. Since establishment in 1969, Sentinel has acquired and managed over A\$31 billion of direct real estate investments, comprising 646 multifamily communities and 194 commercial properties. Globally, the Sentinel portfolio currently contains over 29,000 rental apartment units and approximately 500,000 square metres of commercial real estate.

Sentinel began reviewing BTR opportunities in Australia in 2012, establishing its Australian affiliate Sentinel Fund Manager Australia (**Sentinel Australia**). Since that time, Sentinel Australia has successfully completed, opened and leased the first two phases of its The Elements by Kinleaf apartment community in Subiaco (Perth), Western Australia. At the end of 2023, it also completed and opened a Build to Rent community in West Melbourne, The Briscoe by Kinleaf. Sentinel Australia has acquired sites for development in North Melbourne, Victoria; Scarborough (Perth), Western Australia; Robina (Gold Coast) in Queensland and in





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Bowden (Adelaide), South Australia. It currently has more than 1,600 BTR units under various stages of development and operation throughout Australia.

In 2023, Sentinel Australia launched its dedicated property management brand, Kinleaf.

On the Property Council of Australia's National Build to Rent Roundtable (**Roundtable**), Sentinel draws on its experience and expertise to advocate for the growing sector and help develop industry perspectives on policy developments for the asset class.

This participation leverages Sentinel's extensive experience in BTR development, investment, and asset management. The Roundtable provides a platform for Sentinel to collaborate with industry peers and engage in discussions that shape policy developments impacting the BTR asset class. The Property Council Australia (**PCA**), a leading voice for Australia's property industry, facilitates collaboration among stakeholders, making it a valuable forum for Sentinel to contribute its expertise.

Sentinel's involvement can encompass various aspects, such as sharing best practices from its development projects, providing data and insights to inform policy recommendations, or identifying key challenges facing the BTR sector. By actively participating in these discussions, Sentinel plays a crucial role in shaping a flourishing BTR landscape that benefits both developers and tenants.

To learn more about Sentinel Australia, refer to the Australian Capability Statement enclosed.

In addition to making a significant housing contribution, the proposal will upgrade the existing road network and public realm to enhance pedestrian, cyclist and vehicle permeability in and around the subject site.

These upgrades may be summarised as follows:

- Little George Street –
  - a new double width two-way carriageway in place of the existing single width two-way carriageway.
  - a new 1.8 metre wide footpath on the southern side of Little George Street.
  - short term, on-street car parking on the southern side of Little George Street, one at the northern end and 2 at the southern end, all with a 15 minute parking restriction.
  - landscaping.
  - bicycle parking spaces.

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### 1.3 SIGNIFICANT NET COMMUNITY BENEFIT IMPACT



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The development is proposed to be setback a minimum of approximately 5 metres from the boundary to Little George Street to facilitate these upgrades. Ownership of this land is proposed to be transferred to the City of Melbourne (**the Council**) once construction of the above upgrades is complete.

- A new, green, north-south pedestrian link through the subject site, connecting Mary Street to Harcourt Street (referred to as the 'Green Spine' in the application material). The Green Spine is proposed to be privately owned but publicly accessible between 9am and 5pm, 7 days a week, with the exception of temporary closure for maintenance, repairs, cleaning etc.
- A widened footpath along the northern side of Mary Street from approximately 0.93 metres to 1.5 metres. Ownership of the widened footpath is proposed to be transferred to the Council once construction is complete.

These upgrades will not only service the proposed development, but also improve the functionality, quality and longevity of the existing public infrastructure surrounding the subject site to ensure it is capable of servicing and facilitating existing and future development in the area.

### 1.3.1 Economic Impact

Given the scale of the proposal, it is anticipated the development will support the growth of the Central City and the adjoining Parkville National Employment and Innovation Cluster (**Parkville NEIC**), two of Melbourne's most prominent employment precincts.

The provision of BTR housing, rather than conventional housing, will also attract long-term institutional investment into the Victorian housing sector, stimulating growth of the local economy.

### 1.3.2 Environmental Impact

The proposal seeks to revitalise a significantly underutilised urban renewal site into a medium-high density housing development that will target Environmental Sustainability Development (**ESD**) excellence via the 'Green Star' Tool.

A comprehensive landscape concept has also been developed, which includes opportunities for deep soil canopy tree planting, landscaping and the provision of green links in and around the subject site.

Increasing the supply and density of housing in an inner city area will also counter-balance the growth in housing supply in the outer ring of Melbourne, protecting existing settlement boundaries and areas that are likely to have more cultural and environmental sensitivities.



### 1.3.3 Social Impact

The proposal will provide a direct contribution to an identified social need – easy access to well-located, designed and managed rental accommodation.

BTR housing also has the potential to create greater security of tenure and the capacity for people to stay in place and put down more secure roots, with associated social and community benefits. The management model of BTR development's, with in-built staffing and a focus on the delivery of generous and quality communal amenities, engagement with residents and curating events has the capacity to bring BTR residents together to build and foster a sense of community.

### 1.4 PRE-APPLICATION CORRESPONDENCE

The permit applicant and project team have attended 2 pre-application meetings with the Department of Transport and Planning (DoTP) and the Council on 29 March 2023 and 5 April 2023, during which the proposal was discussed, and feedback received. Written feedback from DoTP and the Council was also received in response to pre-application meeting requests lodged on 19 December 2023 and 22 February 2024. This feedback has been incorporated into the proposal where considered appropriate.

Matter Consulting Structural Engineers, UPco and Sentinel also met with Rail Projects Victoria (Andrew Horne and Amanda Opie) on 23 March 2023 to discuss the requirements of DDO70.

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The purpose of this planning submission is to describe the subject site and broader urban context in which it is located, the development proposal, identify the relevant planning controls and policies and provide an assessment of the planning merits of the proposal against these policies and controls. It also addresses key planning considerations including site planning and urban design, on and off-site amenity considerations, ESD, car parking and traffic, waste management and landscaping.

### 2.1 ACCOMPANYING MATERIAL

This submission should be read in conjunction with the following material:

- Australian Capability Statement prepared by Sentinel.
- Urban Context Report prepared by LatStudios.
- Design Report, Architectural Plans and 3D model prepared by Architectus.
- Survey Plan prepared by Hellier McFarland (including in the Architectural Plans).
- Landscape Plan prepared by Arcadia.
- Accessibility Report prepared by Morris Goding Access Consulting.
- Arborist Report prepared by Galbraith & Associates.
- Acoustic Report prepared by Volta Acoustics.
- Sustainable Management Plan prepared by Ark Resources.
- Stormwater Management Plan prepared by Matter Consulting Structural Engineers.
- Structural Engineering Advice prepared by Matter Consulting Structural Engineers.
- Transport Impact Assessment prepared by Onemilegrid.
- Green Travel Plan prepared by Onemilegrid.
- Waste Management Plan prepared by Onemilegrid.
- Wind Impact Assessment prepared by RWDI.

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The following description of the subject site and its surrounds is to be read in conjunction with the Urban Context Report prepared by LatStudios and the photos included at Attachment 1.

#### 3.1 THE SUBJECT SITE

The subject site is located at 23-47 Villiers Street, North Melbourne. It is a semi-island site bound by Little George Street to the north-east, Villiers Street to the south-east, Mary Street to the south-west and Harcourt Street to the north-west.

The subject site is located within the 'City North' urban renewal area and approximately 1 kilometre north-west of Melbourne's Central Business District (the Central City).

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Figure 1: Aerial image of the subject site (Source: Nearmap, 2024)

##### 3.1.1 Title Details

The subject site is formally known as Lot 1 on Title Plan 969258Q.

Approximately 9 square metres of subject site at the corner of Mary and Villiers Streets sits above land divested to Rail Projects Victoria for the Melbourne Metro Tunnel project. The divested land is from level 7.90 AHD and below and known as Lot A on Title Plan TP969258Q, as shown in Figures 2 and 3 below.

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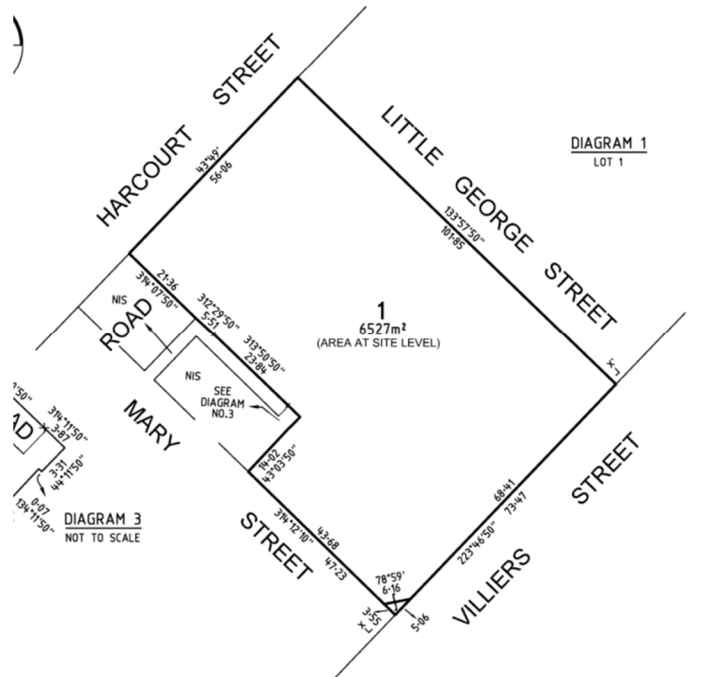


Figure 2: Excerpt of Title Plan TP969258Q

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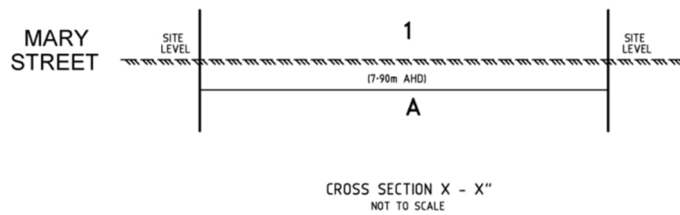
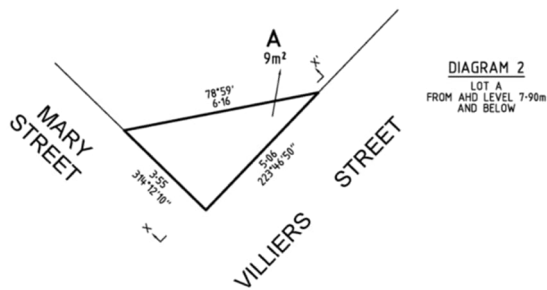


Figure 3: Excerpt of Lot A on Title Plan TP969258Q

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### 3.1.2 Dimensions and Area

The subject site is L-shaped, with approximate frontages to Little George Street of 101.85 metres, Villiers Street of 73.47 metres, Mary Street of 47.23 metres and Harcourt Street of 56.06 metres.

The subject site has an overall area of approximately 6,527 square metres.

There are significant level changes across the subject site, including a drop from Villiers Street to Harcourt Street measuring approximately 5.59 metres, equivalent to almost 2 residential storeys in height. There is also an east-west slope along Little George Street measuring 3.81 metres and a north-south slope from Flemington Road to Mary Street, with a difference of 1.78 metres along the Harcourt Street side and 3.37 metres along the Villiers Street side. A clear diagram of the RL's is included in the accompanying Design Report prepared by Architectus.

### 3.1.3 Existing Conditions

At present, the subject site is occupied by a double storey brick building, generally located in the centre and its southern corner. The building is built to the north-eastern and south-western boundaries of the subject site and used for offices. It is currently occupied by the Australian Red Cross National Office.

At grade, outdoor car parking areas are located at the corner of Villiers and Little George Streets and along the Harcourt Street frontage. The car parking areas are accessed via a double width crossovers to Villiers and Harcourt Streets.

A garden bed, comprising a small collection of trees is located to the south of the car parking area at the corner of Villiers and Little George Streets. The trees are young, small and of little significance, as detailed in the enclosed Arborist Report prepared by Galbraith & Associates.

## 3.2 THE SURROUNDS

The subject site is located in North Melbourne, within walking distance of the Central City and the Parkville NEIC. Parkville NEIC has education, research, health, professional and technical industries as well as significant parkland. Many of Parkville's institutions and organisations are expanding, or plan to expand.

The subject site also benefits from proximity to open spaces areas, community facilities, retail, hospitals, universities and excellent existing (and future) public transport options within comfortable walking distance.

The subject site's locational context is shown in Figure 4 below.

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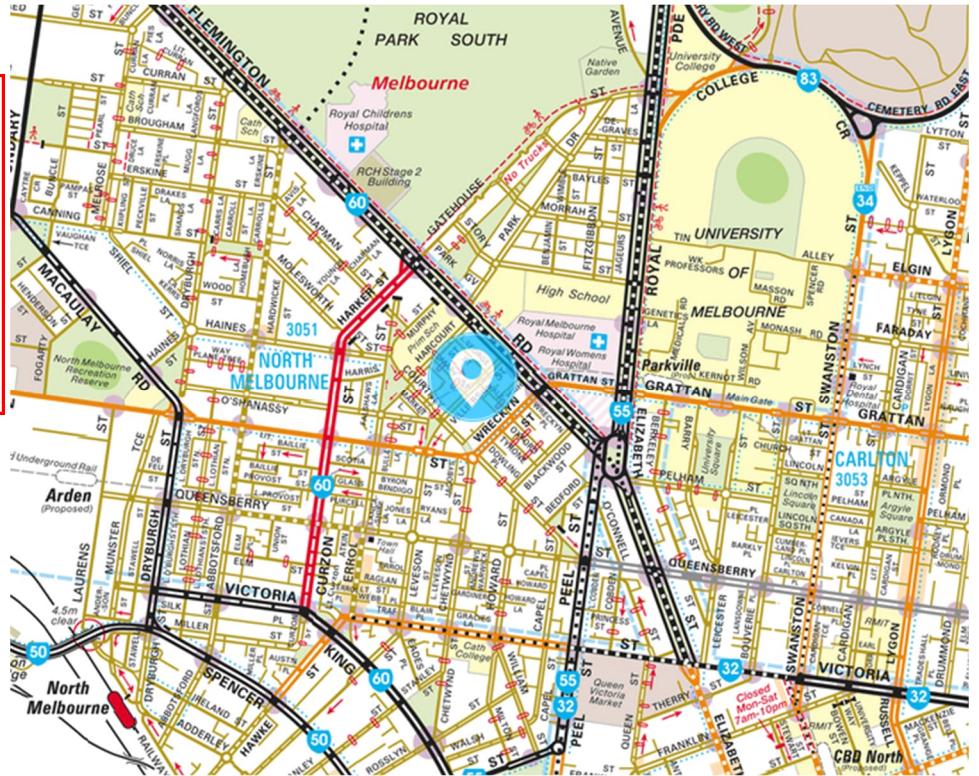


Figure 4: Site Locational Context  
(Source: Melways Online)

Built form and land use in the surrounding area is best described as mixed. The surrounding area is characterised by a mix of older commercial / light industrial warehouse buildings, contemporary infill development and terrace housing.

It is evident that the surrounding area is in the process of on-going change. Examples of recent development approvals within proximity of the subject site include:

- 61-63 Flemington Street, North Melbourne – 13 storey hotel development.
- 20-24 Vale Street, North Melbourne – 8 storey apartment development.
- 48-50 Villiers Street, North Melbourne – 11 storey hotel development.
- 87-79 Flemington Street, North Melbourne – 14 storey hotel development.

The specific interfaces with adjoining land are outlined as follows:

### 3.2.1 To the North-East

Little George Street is located to the north-east of the subject site. It extends between Villiers Street to the south and Harcourt Street to the north and comprises a single width carriageway that allows traffic in both directions. The carriageway is in poor condition.

A narrow, 900 millimetre wide footpath is located on the southern side of Little George Street, at the interface with the subject site.



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Little George Street is primarily used to service the buildings on the northern side of Little George Street, fronting Flemington Road. It comprises building services, waste storage and collection areas and numerous crossovers on its northern side.

The following buildings are located on the northern side of Little George Street, opposite the subject site:

- 109 Flemington Road – a 9 storey residential building.
- 91-93 Flemington Road – a 14 storey residential building.
- 87-89 Flemington Road – a single storey office building, with an approval for a 14 storey residential hotel (Planning Permit No. TP-2016-378).
- 83 Flemington Road – a 14 storey residential building.
- 55 Villiers Street – a 10 storey residential building, used for student accommodation.

The buildings are all built to their respective site boundaries and some have existing or proposed windows and balconies facing Little George Street.

### 3.2.2 To the South-East

Villiers Street is located to the south-east of the subject site. It operates as a divided road with a single traffic lane, bicycle lane and parking lane in each direction, separated by a central median of on-street parking. Breaks are provided in the parking medium to allow for turning between carriageways and landscape buffers, comprising numerous street trees.

Villiers Street also comprises 5 street trees along the footpath in front of the subject site.

A mix of commercial, office, retail, medical and residential uses are located opposite the subject site, in buildings ranging from one to 6 storeys in height. Vale Street is also located opposite the subject site and runs perpendicular to Villiers Street.

### 3.2.3 To the South-West

The south-western boundary of the subject site shares an interface with:

- 66 and 68 Harcourt Street. 68 Harcourt Street at its northern end, a double storey terrace dwelling oriented to front Harcourt Street that is constructed to the shared boundary with the subject site. The dwelling comprises a ground floor area of secluded private open space to the rear and is mirrored by 66 Harcourt Street, which abuts its southern boundary. Both 66 and 68 Harcourt Street are affected by Heritage Overlay – Schedule 1145 (**HO1145**).
- A laneway in the centre of the frontage, accessed off Mary Street. 14, 16, 18 and 22-26 Mary Street are located on the opposite side of the laneway and comprise a mix of two and three storey dwellings. 22-26 Mary Street comprises three separate areas of private open space on the roof of the



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dwelling. Ground level secluded private open spaces are located to the rear of 14, 16 and 18 Mary Street.

It is noted that part of the ground level secluded private open spaces of 14, 16 and 18 Mary Street are constructed over a Council owned laneway to the rear of the properties, including fencing and a shed to the rear of 14 Mary Street.

14 Mary Street is affected by Heritage Overlay – Schedule 1146 (**HO1146**) and 16 and 18 Mary Street are affected by Heritage Overlay – Schedule 1147 (**HO1147**).

- 12 Mary Street, a 3 storey residential dwelling with two areas of private open space on the rooftop. 12 Mary Street is constructed to the shared boundaries with the subject site.

It is noted that 12 Mary Street is affected by a Section 173 Agreement that requires the owner to remove all existing windows on the boundaries abutting the subject site if it is developed and the Responsible Authority forms the view that it is reasonably necessary to do so.

- Mary Street at its southern end. Mary Street runs parallel to Little George Street and extends between Harcourt Street to the north and Villiers Street to the South. It provides a single traffic lane, facilitating one-way south-eastbound vehicle movements. Narrow, 900mm wide footpaths are located on either side of Mary Street.

Rows of townhouses with varying orientations are located on the other side of Mary Street, opposite the subject site. Private open space areas are typically provided in the form of balconies or roof terraces.

All the properties to the south-west of the subject site are located within the MUZ and affected by Design and Development Overlay – Schedule 32 (**DDO32**), amongst other overlays.

The layout of the dwellings on the opposite side of Mary Street is typical of the residential properties located further to the south and west of the subject site – narrow subdivision layouts, boundary to boundary construction and private open space provided in the form of balconies or roof terraces. We note that above ground level private open space is common within properties to the south of the subject site and in turn, at grade private open space is the exception.



### 3.2.4 To the North-West

Harcourt Street is located to the north-west of the subject site. It operates as a divided road that offers a single lane, bicycle lane and parking lane in each direction, separated by a central median of on-street parking. Breaks are provided within the parking medium to allow for turning between carriageway and landscape buffers, comprising numerous street trees.

Harcourt Street is located within Heritage Overlay – Schedule 3 (**HO3**), a precinct wide heritage overlay that affects the majority of the residential hinterland of North and West Melbourne.

North Melbourne Primary School is located on the other side of Harcourt Street, opposite the subject site. It comprises a range of play areas and low scale buildings that are typically 1-2 storeys in height. North Melbourne Primary School is located within the Public Use Zone – Schedule 2 (**PUZ2**) and affected by Heritage Overlay – Schedule 295 (**HO295**).

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The proposal has been carefully designed, taking into account the strategic context of the subject site and the surrounding area and the opportunities and constraints it provides. This has delivered a design that responds to the broader strategic intent for future development in the City North urban renewal area and provides an increase in high quality housing, while responding to the reasonable amenity expectations of neighbouring properties and internal amenity of future residents.

The key opportunities and constraints for the proposal are outlined below.

### 4.1 OPPORTUNITIES

- The subject site is located within the City North urban renewal area; an area earmarked for growth to support the Central City and the well-established and expanding Parkville NEIC.
- The subject site is an unusually large, undeveloped site within North Melbourne. It therefore presents a unique opportunity to make a significant contribution to the efficient and effective delivery of housing opportunities in a dedicated Urban Renewal Area, as encouraged by planning policy.
- The subject site is currently significantly underutilised having regard to its locational and strategic attributes within an urban renewal area and on the corner of Villiers, Mary, Harcourt and Little George Streets.
- The proposal can accommodate residential dwellings within a well serviced locality in terms of its proximity to the Central City, Parkville NEIC, parkland, shopping and entertainment facilities, public transport and infrastructure.
- The subject site enjoys 4 street frontages for vehicle, pedestrian and cyclist access.
- The existing building on the site is not identified as having any historical significance and is not included in a Heritage Overlay.
- The land is already serviced by key infrastructure required for future development.
- There are no significant existing trees on the subject site that would otherwise affect the potential siting/ placing of buildings.
- The development will be afforded with excellent views of North Melbourne and the Central City, in particular, from upper levels.

### 4.2 CONSTRAINTS

- The subject site offers a deep footprint.
- Activating frontages to four street interfaces on a site with a notable variation in ground levels and significant change in level across its area.
- The sensitive residential interfaces to the south and west, and Heritage Overlay affecting residential properties to the west of the subject site.
- The small, narrow subdivision layout of properties to the south of the subject site along Mary Street that will limit their future development

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potential, and the common location of private open space areas and solar panels on the roofs of the dwellings.

- Management of reasonable amenity impacts on neighbouring dwellings to the north, west and south, whilst acknowledging their Mixed Use zoning and location within an inner-city renewal area earmarked for substantial change.
- The need to satisfactorily manage potential vehicle movement impacts on the surrounding road network.

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### 5.1 DEVELOPMENT OVERVIEW

The proposed development comprises a multi-storey BTR development, constructed over 2 basement levels (Basement 01 and Lower Ground Level 2).

A summary of the accompanying Urban Context Report prepared by LatStudios, and the Design Report, Architectural Plans and Development Summary prepared by Architectus is provided below.

### 5.2 DEVELOPMENT COMPOSITION

The form of the proposed development is as follows:

- 2 basement levels (Basement 01 and Lower Ground Level 2).
- 2 ground levels (Lower Ground Level 1 and Ground Floor Level) to account for the significant change in levels across the subject site, as described in Section 3.1.2.
- A podium which varies in height from 4 storeys along the south-western interface and part of the interfaces to Harcourt and Villiers Streets, to 7 storeys around the corners of Harcourt and Little George Streets and Villiers and Little George Streets, to a maximum of 12 storeys towards the centre of the interface to Little George Street.
- Recessive upper levels contained within 2 tower forms:
  - Building A – an 11 storey building sited towards the frontage to Villiers Street.
  - Building B – a 12 storey building sited towards the frontage to Harcourt Street.

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The built form is generally positioned towards the interface with Little George Street and the centre of the subject site and steps down towards the lower-scale built form to the south and west (Mary Street), to provide a transition between the higher scale built form in Flemington Road and the lower scale built form in Courtney Street.



Figure 5: Render of the proposal from the corner of Villiers & Mary Streets



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### 5.2.1 Public Realm Upgrades

As described in Section 1.2 and the Public Benefit Plan prepared by Architectus, the proposed development will provide the following upgrades to the public realm:

- Widening of Little George Street to create:
  - a new double width two-way carriageway in place of the existing single width two-way carriageway.
  - a new 1.8 metre wide footpath on the southern side of Little Street Geroge.
  - 3 on street car parking spaces on the southern side of Little George Street, one at the northern end and 2 at the southern end, all with a 15 minute parking restriction.
  - 5 landscape zones, including 11 new street trees.
  - 6 on street bicycle parking spaces, located at the eastern end of the street.
  - 3 double width crossovers to service the subject site.

The existing carriageway is also proposed to be resurfaced as part of the proposed road widening.

The development will be setback approximately 5 metres from the north-eastern boundary at its eastern end and a maximum of 5.44 metres at its western end. Ownership of this land is proposed to be transferred to Council, with the exception of the 2.1 metre wide rain garden at the corner of Little George and Harcourt Streets. The rain garden is proposed to be retained in private ownership to ensure its on-going maintenance.

The basement levels (Basement 01 and Lower Ground Level 2) will encroach approximately 0.5 metres into the land proposed to be transferred to Council. A Section 173 Agreement is proposed to provide the owner of the subject site with the on-going right to access and maintain the basement levels, the details of which, are intended to be resolved with Council throughout the permit application process.

15 minute parking restrictions are proposed for the new on-street car parking spaces to allow for pick up and drop spaces or short stay spaces for delivery drivers, to avoid disruptions to the surrounding road network if alterative on-street parking is not available. The spaces are proposed to benefit future occupants of the subject site and existing occupants of surrounding buildings and provide for safe and functional traffic movement around the subject site and the opposing Flemington Road buildings.

- Widening of the footpath on the northern side of Mary Street where it abuts the subject site. The footpath will be widened by approximately 0.93 metres, to create a 1.5 metre wide footpath along the subject site's frontage to Mary Street. Ownership of the widened footpath is proposed to be transferred to Council once constructed.

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- Provision of a new, green, north-south pedestrian link through the subject site (referred to as the Green Spine in the application material). The Green Spine will extend along the western boundary of the subject site, between Mary Street to the south and Harcourt Street at the north.

The Green Spine will be approximately 8.03 metres wide at the interface with Mary Street and 6 metres wide at its interface with Harcourt Street. The centre of the Green Spine will comprise a landscaped courtyard (referred to as the 'Communal Heart' in the application material). The Communal Heart will contain flexible outdoor spaces, seating pockets for passive use and socialisation, the primary bicycle entries to the proposed development and secondary pedestrian access.

The entrance areas to the Green Spine off Mary and Harcourt Streets will be privately owned but publicly accessible 24/7. The entrance to the Green Spine off Mary Street includes 6 bicycle parking spaces that will be privately owned but available for public use.

The Green Spine itself will be privately owned but publicly accessible between 9am and 5pm, 7 days a week, with the exception of temporary closure for maintenance, repairs, cleaning etc. Gates are proposed on either end of the Green Spine to manage access to residents of the proposed development outside of these hours.

### 5.2.2 Basement 01 Level

The Basement 01 Level will be constructed to the north-western and south-eastern boundaries of the subject site and setback a minimum of approximately:

- 4.5 metres from the north-eastern boundary.
- 2.89 metres from the south-western boundary for Building A.
- 7.53 metres from the southern wall of 12 Mary Street.
- 6 metres from the south-western boundary for Building B.

It will contain services, rainwater tanks with a total storage volume of 140kL, residential storage cages, a total of 128 car parking spaces comprising 2 DDA, 122 standard and 4 tandem car parking spaces and 6 motorcycle parking spaces.

### 5.2.3 Lower Ground Level 2

Lower Ground Level 2 will comprise services, residential storage cages, a total of 98 car parking spaces comprising 1 DDA, 10 EV charging and 87 standard car parking spaces, 6 motorcycle parking spaces and the lower level of 6 duplex apartments at the corner of Harcourt Street and the Green Spine. The apartments will be directly accessible from their respective frontage to either Harcourt Street or the Green Spine.





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Two of the apartment terraces will be setback approximately 4.2 metres from the south-western boundary. The remaining building setbacks are consistent with Basement 01 Level.

#### 5.2.4 Lower Ground Level 1

Lower Ground Level 1 will to be setback approximately:

- 0.6 metres from the south-western boundary for Building A to facilitate the proposed widening of Mary Street.
- 8.03 metres from the southern wall of 12 Mary Street.
- 6 metres from the south-western boundary of Building B.
- 5.3 metres from the north-eastern boundary to facilitate the widening of Little George Street, with the exception of the rain garden at the north-easter corner of the subject site, which is proposed to be setback a minimum of approximately 3.4 metres from the north-eastern boundary.

The remaining building setbacks are consistent with the levels below.

Lower Ground Level 1 will contain:

- The primary pedestrian entry to Building B; a lobby and mail room located on the corner of Harcourt and Little George Streets.
- Secondary pedestrian access to the development via the Green Spine and the Communal Heart.
- 2 double width crossovers to Little George Street. The western crossover is proposed to provide access to the basement levels while the eastern crossover is proposed to provide access to a central loading area, comprising:
  - services
  - 2 bin storage rooms (1 for Building A and 1 for Building B)
  - 4 bicycle parking spaces for use by staff of the ancillary leasing office located on the Ground Floor Level
  - 4 car parking spaces (1 DDA and 3 standard car parking spaces) for use by staff of the ancillary leasing office.
- Residential storage cages, services and a dog wash room.
- The upper levels of the 6 duplex apartments at the corner of Harcourt Street and the Green Spine and 16 additional apartments. Each of the apartments is oriented towards the Green Spine, Mary or Villiers Street. The apartments to Mary and Villiers Street will be directly accessible from their respective street frontages.
- 2 bicycle storage rooms, 1 within Building A and 1 within Building B. The bicycle storage room within Building A will comprise 233 resident bicycle parking spaces and a bike repair station. The bicycle storage room within

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Building B will comprise 76 visitor bicycle parking spaces, 120 resident bicycle parking spaces, a bike repair station and end of trip facilities for staff of the leasing office. The bicycle storage rooms are proposed to be accessed via the Communal Heart.

- 6 visitor bicycle parking spaces at the entrance to the Green Spine.
- 309.6 square metres of indoor communal amenities, comprising a business hub with a number of meetings rooms and co-working spaces.

### 5.2.5 Ground Floor Level

The Ground Floor Level of Building A will be setback approximately 2.89 metres from the south-western boundary. The remaining building setbacks are consistent with the levels below.

The Ground Floor Level will contain:

- The primary pedestrian entry to Building A, a lobby and mail room located at the corner of Villiers and Little George Streets.
- A leasing office along the Villiers Street frontage, adjacent to the lobby. The leasing office is ancillary to the proposed use of the land for a BTR development. The leasing office is salient to the function, management and operation of the building. All the administrative requirements of the BTR development, from leasing of the dwellings to general building management will occur within this space.
- 6 visitor bicycle parking spaces on Little George Street, adjacent to the lobby. The bicycle parking spaces will be located within the new road reserve and transferred to Council ownership once constructed.
- One double-width crossover to Little George Street, providing access to an internal car park comprising 34 car parking spaces (2 shared, 1 DDA, 3 EV charging, 4 tandem and 24 standard car parking spaces).
- Residential storage cages and 2 waste storage rooms (1 for Building A and 1 for Building B).
- The upper levels of 5 apartments fronting Villiers Street and 23 additional apartments. Each of the apartments is oriented towards the Green Spine, Mary, Villiers, Harcourt or Little George Streets.

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### 5.2.6 Level 1

Level 1 will comprise 35 apartments, oriented towards the Green Spine and all 4 of the subject site's street frontages.

667.2 square metres of indoor communal amenities are proposed across the 2 buildings, including 3 entertainment/cinema rooms, a flexible space, gym and lounge/dining areas.



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241.3 square metres of outdoor communal amenities are proposed, including a landscaped terrace, generally located in the centre of the development above the Green Spine.

Building services are located in the centre of the Buildings A and B.

Level 1 will be setback in accordance with the Ground Floor Level.

### 5.2.7 Level 2

Level 2 will comprise 44 apartments. 6 of the apartments are oriented towards a planter in the middle of Building A that has void space above. 2 apartments are oriented towards the outdoor communal amenities on the western corner of Building B. The remaining apartments are oriented towards the Green Spine and each of the subject site's 4 street interfaces.

91.7 square meters of indoor communal amenities are proposed in the form of a pool lounge that provides access to 320.4 square metres of outdoor communal amenities, comprising a pool and pool terrace including an external kitchen and seating areas.

Level 2 will be setback in accordance with the Ground Floor Level.

### 5.2.8 Upper Levels

The upper levels comprise staggered setbacks and a recessive upper floor plate to create an articulated and well-sculpted built form.

The following minimum setbacks (to main wall) will be:

#### Levels 3-4

- 6.57 metres from the south-western boundary for Building A.
- 12.33 metres from the southern wall of 12 Mary Street.
- 9 metres from the south-western boundary for Building B.

The remaining setbacks are consistent with the levels below.

#### Level 5

- 13.23 metres from the south-western boundary for Building A.

The remaining setbacks are consistent with the levels below.

#### Level 6

- 6.75 metres from the north-western boundary.
- 15.73 metres from the south-western boundary for Building B.

The remaining setbacks are consistent with the levels below.

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## Levels 7-8

- 6.75 metres from the south-eastern boundary.
- 20.07 metres from the south-western boundary for Building A.

The remaining setbacks are consistent with the levels below.

## Level 9

- 12.53 metres from the south-eastern boundary.
- 39.77 metres from the south-western boundary for Building A.
- 21.73 metres from the south-western boundary for Building B.

The remaining setbacks are consistent with the levels below.

A 12.4 metre setback is proposed between Buildings A and B at Level 10. The setbacks from the subject site boundaries are consistent with the levels below.

### 5.3 APARTMENT TYPES

The proposal includes a mix of studio, one, two and three-bedroom apartments in a variety of layouts, including duplex and conventional apartment layouts.

The proposed mix will be:

Apartment Type	Number	% of dwellings
Studio	21	6%
One-bedroom	210	59%
Two-bedroom	95	27%
Three-bedroom	27	8%
<b>Total</b>	<b>353</b>	<b>100%</b>

### 5.4 MATERIALS AND FINISHES

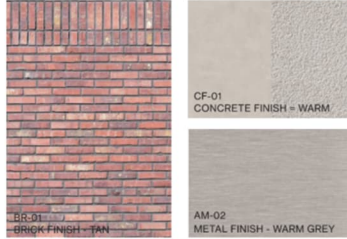
The proposed development will feature materials and finishes with a palette ranging of tan, beige, charcoal, warm grey, dark grey, sage and neutral tones. The podium levels of Building A will comprise a warm palette of tan brick, grey concrete and charcoal coloured metal cladding, in contrast with the neutral palette of beige coloured brick and concrete used for the podium levels of Building B. The upper levels will be articulated with muted, earthy tones of green, warm grey, natural concrete and glazing, distinguishing them from the podium levels and allowing the building to gradually recede.

A contemporary expression of these materials and finishes is complemented by a flat roof form.

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**Warm (Building A)**



**Neutral (Building B)**



Figure 6: Proposed colour palettes for the podium levels of Buildings A & B

Landscaping will be integrated into the podium levels to Villiers, Harcourt and Mary Streets to add further interest to the form and to provide an amenable outlook for future residents.

The material and building composition are steeped in a clear and cogent understanding of the area's rich tradition of classic, robust, and long-lasting buildings materials and emerging modern, innovative, and refined character.

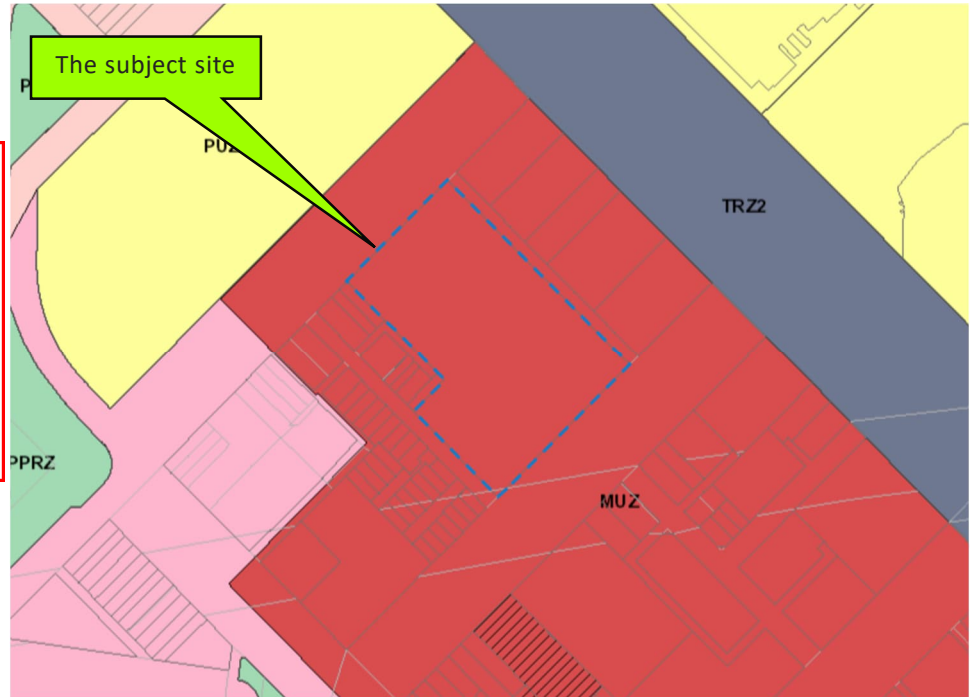
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### 6.1 ZONE

The subject site is located within the Mixed Use Zone – ‘Melbourne Mixed Use Areas’ (MUZ) at **Clause 32.04** of the Scheme (refer to Figure 7 below).



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Figure 7: Zoning Map (Source: VicPlan, 2024)

The purpose of the MUZ is:

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

Pursuant to the ‘Table of Uses’ at **Clause 32.04-2**, Dwelling is a Section 1 – permit not required land use.

Pursuant to **Clause 32.04-7**, a permit is required to construct 2 or more dwellings on a lot.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58 (Apartment Developments or otherwise known as BADS).

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## 6.2 OVERLAYS

The subject site is affected by Design and Development Overlay – Schedules 61 ‘City North’ (DDO61), 65 ‘Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area)’ (DDO65) and 70 ‘Melbourne Metro Rail Project – Infrastructure Protection Areas’ (DDO70) at **Clause 43.02** (refer to Figure 8 below).

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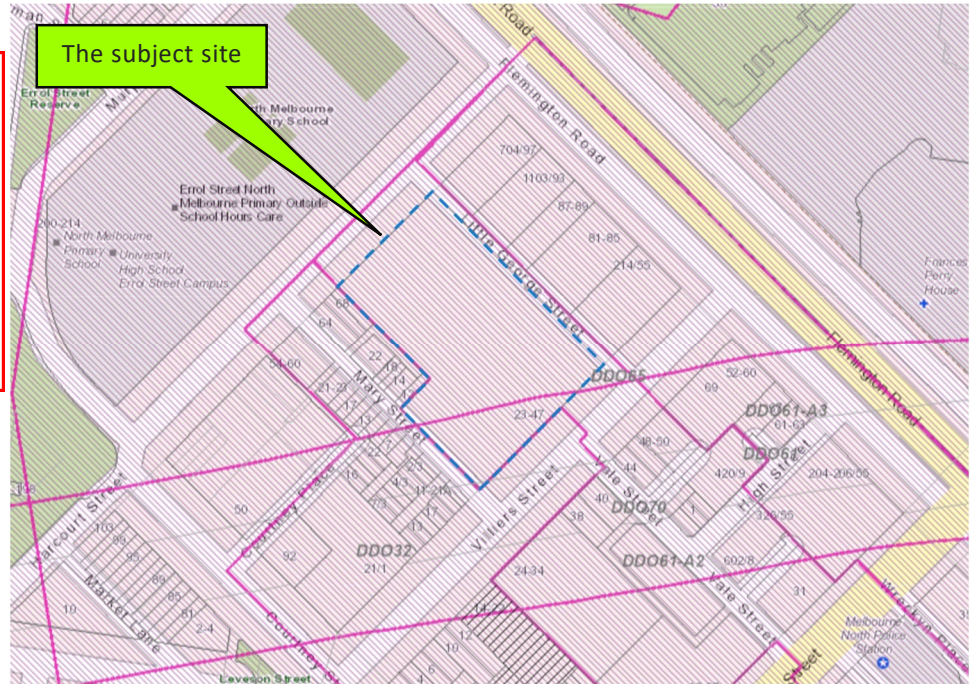


Figure 8: Overlay Map (Source: VicPlan, 2024)

A permit is required to construct a building or construct or carry out works pursuant to Clauses 2.0 of Schedules 61 and 70 to **Clause 43.02-2**.

The schedules to each Design and Development Overlay are discussed in turn below.

### 6.2.1 DDO61

The relevant design objectives of DDO61 are as follows:

- To encourage City North to develop as a central city precinct characterised by university, research and medical buildings.
- To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne.
- To support increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and Central City North Metro Rail stations.
- To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.



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- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.
- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.
- To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections.
- To design buildings to provide passive surveillance and activation of ground floors addressing the streets.
- To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings.
- To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions.
- To improve the walkability of the precinct by encouraging new laneways and pedestrian connections.
- To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.

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Pursuant to Clause 7.0 of DDO61, the subject site is affected by the following discretionary “preferred” built form outcomes:

DDO Area	Building Height	Street edge height and upper level setback	Built Form Outcome
A2	24m	<b>Buildings fronting Harcourt Street:</b> <ul style="list-style-type: none"> <li>• 14 metre street edge height.</li> <li>• Any part of the building at the street edge of Harcourt Street above 14 metres setback from the street behind a 45 degree line.</li> </ul>	<b>Development that:</b> <ul style="list-style-type: none"> <li>• Delivers an appropriate transition in scale of development from the lower scale built form in Courtney Street to the higher scale built form in Flemington Road.</li> <li>• Limits amenity impacts of excessive building bulk, overlooking and overshadowing on existing buildings in DDO32.</li> </ul>





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### **Buildings adjacent to DDO32:**

- 14 metre building height at the property boundary.
- For sites adjacent to DDO32, any part of the building above 14 metres setback from the street behind a 45 degree line in accordance with Figures 1.

### **Buildings facing all other streets:**

- 24 metre street edge height.
- Any part of the building above 24 metres setback from the street behind a 45 degree line.

Table 1: Discretionary “preferred” built form outcomes of DDO61

DDO61 also outlines a series of Design Objectives and Design Requirements relating to building height, scale and setbacks, building facades, active and safe street frontages, public spaces, sunlight, pedestrian links, and weather projection. As assessment against the relevant Design Objectives and Design Requirements is provided at Section 8.0 of this submission.

### 6.2.2 DDO65

The design objectives of DDO65 are:

- To ensure that the height of buildings and works do not encroach on the flight path areas associated with hospital helicopter landing sites.
- To ensure that the height of development avoids creating a hazard to aircraft using hospital helicopter landing sites.

A permit is not required to construct a building or to construct or carry out works pursuant to Clause 2.0 of DDO65 as the proposed buildings and works do not exceed the relevant referral height of 67.3 metres to AHD.

The location and topography of the subject land in relation to the helicopter landing site, the location and height of the main features on the subject land and the maximum height of the proposed buildings, works and construction equipment are shown on the Site Plan – Helicopter Flight Path Protection prepared by Architectus, in accordance with the application requirements of DDO65.



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## 6.2.3 DDO70

DDO70 seeks to preserve the construction, integrity and operation of the Melbourne Metro Infrastructure.

It affects the southern portion of the subject site, at the corner of Villiers Street and Mary Street.

An application must be referred in accordance with Section 55 of the Planning and Environment Act 1987 (**the Act**) to the relevant referral authority – the Secretary to the Department of Economic Development, Jobs, Transport and Resources until 31 December 2026, and thereafter VicTrack.

Matter Consulting Structural Engineers, UPco and Sentinel met with Rail Projects Victoria (Andrew Horne and Amanda Opie) on 23 March 2023 to discuss the requirements of DDO70. The Structural Engineering Advice prepared by Matter Consulting Structural Engineers enclosed explains how the proposal addresses the advice received in this meeting and the design objectives and requirements of DDO70.

## 6.3 PARTICULAR PROVISIONS

### 6.3.1 Clause 52.06 – Car Parking

The particular provisions relevant to the proposal are discussed below.

**Clause 52.06** requires new uses and development to be provided with an appropriate number of car parking spaces, having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

The subject site is identified within the ‘Principal Public Transport Network Areas Map’ (State Government of Victoria, August 2018). As such, pursuant to **Clause 52.06-5**, Column B car parking rates apply to the subject site.

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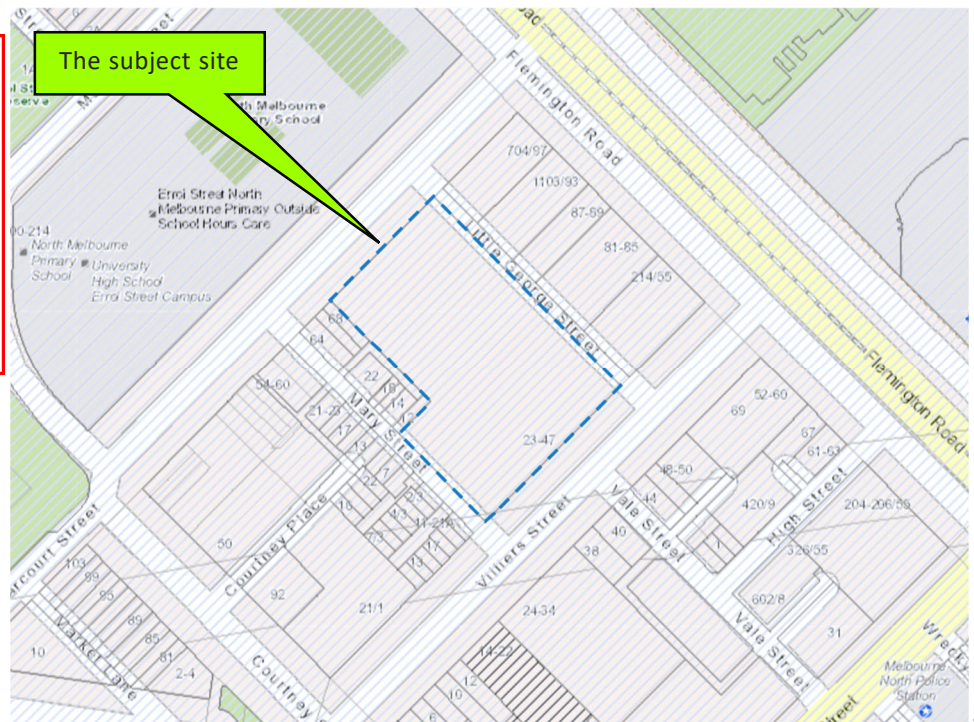


Figure 9: Principal Public Transport Network Area Map (Source: VicPlan, 2024)

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The proposed use of the land for dwellings triggers the following statutory car parking rates pursuant to Table 1 of **Clause 52.06-5**:

- 1 to each one or two bedroom dwelling, plus
- 2 to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom).

The development proposes a total of 326 studio, one and two bedroom dwellings and 27 three bedroom dwellings, which results in a statutory car parking requirement of 380 car spaces.

The development proposes 264 on-site car parking spaces, which is 116 less than the statutory requirement.

Accordingly, a permit is therefore required to reduce the number of car parking spaces required under **Clause 52.06-5** pursuant to **Clause 52.06-3**.

The Traffic Impact Assessment prepared by Onemilegrid, which accompanies this application outlines why the car parking provision proposed is more than sufficient for the proposed development.

### 6.3.2 Clause 52.34 – Bicycle Facilities

**Clause 52.34** requires new uses and development to be provided with an appropriate level of bicycle parking before the use and/or development commences on the land.

A total of 106 bicycle spaces including 71 resident spaces and 35 visitor spaces are required to be provided pursuant to Table 1 to **Clause 52.34-5**.

The development proposes a total of 445 bicycle spaces, including 353 resident spaces, 88 visitor spaces and 4 staff spaces (for the ancillary leasing office use), which exceeds the statutory requirement.

### 6.3.3 Clause 53.18 – Stormwater Management in Urban Developments

**Clause 53.18** seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property, and public safety, and to provide cooling, local habitat, and amenity benefits.

**Clause 53.18-1** applies the clause to applications to construct a building or construct or carry out works.



The following stormwater management standards are applicable to the proposal:

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Objectives	Standard
<p><b>Standard W2 – Buildings and Works</b></p> <ul style="list-style-type: none"> <li>• To encourage stormwater management that maximises the retention and reuse of stormwater.</li> <li>• To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> <li>• To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</li> <li>• To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.</li> </ul>	<p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> <li>• Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> <li>• Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.</li> <li>• Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul>
<p><b>Standard W3 – Site Management</b></p> <ul style="list-style-type: none"> <li>• To protect drainage infrastructure and receiving waters from sedimentation and contamination.</li> <li>• To protect the site and surrounding area from environmental</li> </ul>	<p>An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment</li> </ul>



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degradation prior to and during construction of subdivision works.

- Stormwater
- Litter, concrete, and other construction wastes
- Chemical contamination

This application is accompanied by a Sustainable Management Plan prepared by Ark Resources, which details the proposed stormwater management system and initiatives in response to the applicable standards. Please refer to this report for an assessment against the provisions of **Clause 53.18**.

A Stormwater Management Plan has also been prepared by Matter Consulting Structural Engineers.

## 6.3.4 Clause 58 – Apartment Developments

**Clause 58** applies to an apartment development. It seeks to encourage apartment development that provides reasonable standards of amenity for existing and new residents and ensure apartment developments are responsive to the subject site and the surrounding areas.

A development:

- Must meet all the objectives of this clause.
- Should meet all the standards of this clause.

An assessment against the relevant objectives, standards and decision guidelines of **Clause 58** is provided at Attachment 3 to this submission and discussed in detail at Section 8.0.

## 6.4 SUMMARY OF PERMIT 'TRIGGERS'

A planning permit is required for the following:

- To construct 2 or more dwellings on a lot pursuant to Clause 32.04-7.
- To construct a building or construct or carry out works pursuant to Section 2.0 of Schedule 61 to Clause 43.02-2.
- To construct a building or construct or carry out works pursuant to Section 2.0 of Schedule 70 to Clause 43.02-2.
- To reduce the number of car parking spaces required under Clause 52.06-5 pursuant to Clause 52.06-3.



### 7.1 VICTORIA'S HOUSING STATEMENT

The Victorian Government issued the Housing Statement in September 2023 to guide housing over the next decade. The Housing Statement acknowledges the difficulties that Victorians face with decreasing housing affordability due to high demand and low supply of housing. It seeks to address this by implementing a range of measures to boost supply including planning reforms.

The Housing Statement places an emphasis on building more homes within established suburbs where there is existing infrastructure and to minimise urban sprawl.

### 7.2 PLAN MELBOURNE 2017-2050

Plan Melbourne 2017-2050 (**Plan Melbourne**) is the Victorian Government's current planning strategy for metropolitan Melbourne.

Plan Melbourne identifies that housing must be available in locations that capitalise on existing infrastructure, jobs, services and public transport.

Plan Melbourne projects metropolitan Melbourne's population will increase from approximately 4.5 million people to approximately 8 million people over the next 26 years and that 1.5 million new jobs and 1.6 million new dwellings will be required as a result. More recent projections indicate these figures are underestimates and that both population growth and the requirement for new dwellings will be higher. In recent years, Melbourne has seen the largest population growth of Australian cities is anticipated to be the largest city in Australia by 2071 (Australian Bureau of Statistics, 2023).

Plan Melbourne recognises key identified issues that need to be addressed as a result of these projections include housing affordability and accessibility, the types of housing available to cater for different household needs and lifestyles, and the provision of medium-and higher-density housing close to jobs and services. Without strategies to provide more housing choice, Melbourne will become increasingly less affordable and liveable, risking social inequity and slowing economic growth.

In order to facilitate such rapid growth and associated development challenges front on, Plan Melbourne provides greater impetus for the efficient and intensive redevelopment of urban renewal areas, major activity centres and other underutilised areas, such as former industrial areas, to protect established residential areas and environmentally sensitive areas on the fringe of metropolitan Melbourne.

Urban renewal areas are identified as a focus for higher-density development as they are often serviced by public transport infrastructure, have the capacity to fulfil diverse roles in housing, retail, commercial and civic services, are a focus for services, employment and social interaction and have benefited from other public and private investment. They have the greatest potential to attract further investment and support more medium- and higher-density housing. The

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development and diversification of urban renewal areas will give communities access to a wide range of goods and services, provide local employment and support local economies in the development of 20-minute neighbourhoods.

This in turn, elevates City North as a focus for increased residential growth and employment within the Melbourne municipality.

Importantly, the following directions within Plan Melbourne are relevant to the proposal:

- **Direction 1.1 – Create a city structure that strengthens Melbourne’s competitiveness for jobs and investment.** Policies to achieve this include ‘plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.
- **Direction 1.3 – Create development opportunities at urban renewal precincts across Melbourne.**
- **Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.** Policies to achieve this include ‘to facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport’.
- **Direction 2.2 – Deliver more housing closer to jobs and public transport.** Policies to achieve this include ‘direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne’ and ‘support new housing in activity centres and other places that offer good access to jobs, services and public transport’.
- **Direction 2.4 – Facilitate decision-making processes for housing in the right locations.** Policies seek to streamline the approvals processes, particularly for development in areas defined for change and housing growth.
- **Direction 2.5 – Provide greater choice and diversity of housing.** Policies seek to ‘facilitate housing that offers choice and meets changing household needs’ and ‘provide a range of housing types in growth areas’. For Melbourne to become more equitable and accessible, local residents need to have choice of housing within their neighbourhood.
- **Direction 3.1 – Transform Melbourne’s transport system to support a productive city.** Policy 3.1.4 seeks to ‘provide guidance and certainty for land-use and transport development through the Principal Public Transport Network’. Increased diversity and density of development is encouraged on the PPTN, particularly at interchanges, activity centres and where principal public transport routes intersect.

Policy 3.1.6 supports cycling as a means of transportation in inner Melbourne. This goal is further supported by **Direction 3.3, Direction 5.2 –**

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**Create neighbourhoods that support safe communities and healthy lifestyles** and Policy 5.2.1 ‘improve neighbourhoods to enable walking and cycling as part of daily life.’

- **Direction 3.3 – Improve travel options to support 20-minute neighbourhoods.** Policy 3.3.1 seeks to ‘create pedestrian friendly neighbourhoods’ and promote walking by providing safe, direct and pleasant pedestrian routes and connections.
- **Direction 4.3 – Achieve and promote design excellence.** Policy 4.3.1 promotes urban design excellence.
- **Direction 4.4 – Respect Melbourne’s heritage as we build for the future.** Policy 4.4.1 seeks to ‘recognise the values of heritage when managing growth and change.’
- **Direction 5.1 – Create a city of 20-minute neighbourhoods.** Policy 5.1.1 seeks to ‘create mixed use neighbourhoods at varying densities’ to offer more diverse accommodation and deliver better access to local services and facilities. It also identifies the Mixed Use Zone as a tool to facilitate diverse housing and greater mix of uses at varying densities.
- **Direction 5.4 – Deliver local parks and green neighbourhoods in collaboration with communities.** Policy 5.4.1 seeks to develop a network of accessible, high-quality, local open spaces.
- **Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050.** Policies seek to ‘improve the energy, water, and waste performance of buildings through environmentally sustainable development’ and ‘facilitate the uptake of renewable energy technologies’.
- **Direction 6.3 – Integrate urban development and water cycle management to support a resilient and liveable city.** Policy 6.3.1 seeks to ‘reduce pressure on water supplies by making the best use of all water supplies’. Plan Melbourne supports the use of all water sources, including stormwater, rainwater, and recycled water, to ensure the city remains liveable and sustainable and to reduce reliance on drinking-water supplies.
- **Direction 6.4 – Make Melbourne cooler and greener.** Policy 6.4.1 supports a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest. It supports the establishment and maintenance of canopy trees along transport corridors, green buildings (roofs, facades, and walls) and planted open spaces.





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### 7.3 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) is outlined at Clauses 10-19 of the Scheme.

The PPF seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The PPF underpins the key objectives of the Act, and its objectives are a fundamental and determinative consideration in the administration of land use and development planning across Victoria. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls. It is therefore necessary that planning permit applications built on and achieve these important policy objectives.

Of the PPF, the following clauses are relevant to the proposal:

- Clause 11 – Settlement
- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement – Metropolitan Melbourne
- Clause 11.02-1S – Supply of Urban Land
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment and Heritage
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban Design – Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
- Clause 15.01-5S – Neighbourhood Character
- Clause 16 – Housing
- Clause 16.01-1S – Housing Supply
- Clause 16.01-1R – Housing Supply – Metropolitan Melbourne
- Clause 16.01-2S – Housing Affordability
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
- Clause 18 – Transport
- Clause 18.01-1S – Land Use and Transport Integration

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- Clause 18.01-2S – Transport System
- Clause 18.01-3S – Sustainable and Safe Transport
- Clause 18.01-3R – Sustainable and Safe Transport – Metropolitan Melbourne
- Clause 18.02-1S – Walking
- Clause 18.02-2S – Cycling
- Clause 18.02-2R – Cycling – Metropolitan Melbourne
- Clause 18.02-3S – Public Transport
- Clause 18.02-3R – Principal Public Transport Network
- Clause 18.02-4S – Roads
- Clause 19 – Infrastructure
- Clause 19.03-2S – Infrastructure Design and Provision
- Clause 19.03-3S – Integrated Water Management
- Clause 19.03-5S – Waste and Resource Recovery

The relevant sections of these clauses are described at Attachment 2.

With regards to the operation of PPF, Clause 71.02-3 of the Scheme states:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

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## 7.4 LOCAL PLANNING POLICY FRAMEWORK

### 7.4.1 Municipal Planning Strategy

In addition to the broader metropolitan policy challenges and objectives, the Municipal Planning Strategy (**MPS**) identifies the important local policy objectives to address the challenges faced by Council, in relation to managing future land use and development within the municipality to achieve sustainable outcomes. These local policy objectives sit within the context of the achievement of State and metropolitan planning imperatives.

The Local Planning Policy Framework (**LPPF**) provides a profile of the municipality, and identifies the key social, economic, and environmental issues faced by the community. The MPS provides long-term strategic directions for land use and development decisions within the municipality.

Of specific relevance to this application are the following Clauses of the MPS:

- Clause 02.01 – Context
- Clause 02.02 – Vision
- Clause 02.03-1 – Settlement
- Clause 02.03-2 – Environmental and Landscape Values
- Clause 02.03-4 – Built Environment and Heritage
- Clause 02.03-5 – Housing
- Clause 02.03-7 – Transport
- Clause 02.03-8 – Infrastructure
- Clause 02.04-1 – Growth Area Framework Plan
- Clause 02.04-2 – Local Areas Plan
- Clause 02.04-5 – Transport Plan
- Clause 02.04-6 – City North Plan

The relevant sections of these clauses are described at Attachment 2.

### 7.4.2 Local Policies

The relevant local policies in the Scheme are:

- Clause 13.07-1L-03 – Land Use Compatibility
- Clause 15.01-1L-03 – Sunlight to Public Spaces
- Clause 15.01-1L-04 – Urban Design
- Clause 15.01-1L-05 – Urban Design Outside the Capital City Zone
- Clause 15.01-2L-01 – Energy and Resource Efficiency
- Clause 18.01-1L – Land Use and Transport Planning

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- Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design)

The relevant sections of these clauses are described at Attachment 2.

## 7.5 CITY NORTH STRUCTURE PLAN 2012

The City North Structure 2012 (**the Structure Plan**) was endorsed by Council's Future Melbourne Committee on 7 February 2012.

The Structure Plan provides a framework to guide the renewal of City North to 2040 and fulfill the precinct's potential as an extension of the Central City. The area is expected to continue its significant transformation from its light industrial past to a high intensity mix of residential, commercial, education, research, industrial and retail activities. The City North area is expected to accommodate nearly 10,000 additional people before 2040, as well as 8,000 more jobs. Population density is expected to nearly double from 111 people per hectare to 196.

The Structure Plan informed the preparation of DDO61 and is a reference document under the Schedule.

## 7.6 CURRENT PLANNING SCHEME AMENDMENTS

### 7.6.1 Amendment C376

**Amendment C376** (Sustainable Building Design) proposes to change the planning rules to ensure future development achieves best practice in Environmentally Sustainable Design, including increased energy efficiency and greening of buildings.

It seeks to apply new mandatory and preferred building design standards and requirements to planning permit applications for residential development. These include, as relevant to the proposal:

- Consideration to be given to the following new planning policies:
  - Biodiversity and Waterways (Clause 02.03)
  - Sustainable Development (Clause 02.03 and Clause 15.01)
  - Sustainable Transport (Clause 02.03 and Clause 15.01)
  - Stormwater Management – Water Sensitive Urban Design (Clause 19.03)
- Environmentally Sustainable Design:
  - Should achieve 6 Star Green Star Buildings.
  - Must achieve 5 Star Green Star Buildings.
- Energy Efficiency and Renewables – must achieve an average of at least 7.5 star NatHERS rating across multiple dwellings, and a minimum of 6.5 star NatHERS rating for each dwelling.
- Waste and Resource Recovery – must provide waste and resource recovery facilities that meet the requirements of the City of Melbourne's Guidelines for Waste Management Plans.

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- Urban Heat Island Response – must provide the equivalent of at least 75% of the development’s total site area as building or landscape elements that reduce the impact of the urban heat island effect.
- Urban Ecology – must be designed and constructed to achieve a minimum Green Factor score of 0.55 using City of Melbourne’s Green Factor Tool.
- Integrated Water Management:
  - Must achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
  - Must connect to a precinct scale recycled water source if available.
  - Unless connected to a recycled water source, must install a rainwater tank to support on-site green cover or supply a minimum of 10% of internal water demand.
  - Should meet the relevant Water credit under 5 Star Green Star Buildings.

Amendment C376 was considered at the Future Melbourne Committee meeting held on 21 May 2024. It was resolved to proceed with the amendment and request the Minister for Planning to appoint an independent planning panel to consider the amendment in accordance with Section 23 of the Act.

As an independent planning panel has not yet been appointed, Amendment C376 is not considered to be ‘seriously entertained’ and has not been considered as part of this proposal. Nevertheless, the proposal incorporates a range of sustainable design features, as outlined at Section 8.5.

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The provisions of the Scheme require that the responsible authority decide whether a proposal will produce acceptable planning outcomes in terms of the decision guidelines of Clause 65.

The following key considerations are relevant to the proposal:

- Consistency with the Planning Policy Framework.
- Consistency with the planning controls.
- Design and built form considerations.
- Amenity considerations.
- Environmentally Sustainable Design.
- Traffic and parking considerations.
- Waste management.
- Landscape considerations.

These considerations are address in detail below.

The Victorian Civil and Administrative Tribunal (**Tribunal**) has re-asserted the primacy of metropolitan policy, the objectives of the Planning Policy Framework, Plan Melbourne, and the importance of efficiently and intensely developing key sites within urban renewal areas (such as City North) and the Principal Public Transport Network. The Tribunal has directly challenged whether it is reasonable to significantly constrain development on key sites, given the planning and economic imperatives to optimise development in these locations. In *SB&G-40 Upper Heidelberg Road (Ivanhoe) Pty Ltd v Banyule CC [2018] VCAT 769*, Member Deidun confirms:

As a city, we can no longer economically, socially and environmentally support the extent of outward expansion of the fringe suburbs that would occur in the absence of substantial housing growth in established suburbs... of the available opportunities within the established suburbs, locations that provide good access to a range of services and facilities are preferred, and activity centres are positioned at the top of the hierarchy of preferred locations.

Member Deidun then went on to acknowledge ‘for Melbourne to be able to respond successfully to the extent of population increase currently being experienced, locations... where people have real choice to use public transport must be appropriately developed’.

In *3000 Corporation Pty Ltd v Boroondara CC [2019] VCAT 993*, Senior Member Bennett likewise state:

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### 8.1 CONSISTENCY WITH THE PLANNING POLICY FRAMEWORK

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Plan Melbourne 2017-2050 and policies such as those at Clause 16.01-2R are unambiguous that medium and higher density development should be focussed in established areas near employment and transport to support objectives concerning urban consolidation and housing choice...

8.1.1 Is the proposal supported at a State policy level?

The proposal provides a clear opportunity to directly address Melbourne's rapid population growth and housing shortage by optimising the use and development of a strategically important redevelopment site.

In forming a view about the proposal's consistency with the PPF, it is appropriate to acknowledge that the subject site is:

- In a Mixed Use Zone, which specifically seeks to provide for housing at higher densities.
- Located within the City North urban renewal area, an area identified for significant growth and change to create a sustainable living and working environment that capitalises on its excellent proximity to the economic, social and cultural amenity of the Central City and the well-established and expanding Parkville NEIC.
- In the Principal Public Transport Network, located no more than 100 metres from key tram routes and 650 metres from the new Parkville Station.
- Located on the corner of 4 streets: Villiers, Harcourt, Mary and Little George Streets.
- Located 300 metres from Royal Park, the largest open space in the City of Melbourne, comprising 170 hectares of parks, gardens, walking, running and cycling paths, picnic and barbeque facilities, sportsgrounds, playgrounds and dog off-leash areas.
- In an area with a land use and built form character that is mixed, as a consequence of the various layers of the area's development over Melbourne's history.
- Already serviced by key infrastructure required for future development.
- Is a large, consolidated landholding, providing a unique opportunity for more intensive redevelopment and to make a significant contribution to the delivery of housing in a dedicated urban renewal area, efficiently and effectively.
- Is significantly underutilised having regard to its locational and strategic attributes within the City North urban renewal area.

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Through this prism, the proposal appropriately confronts and responds to the key urban policy imperatives of the PPF as follows:

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- It facilitates the efficient redevelopment of land within an identified urban renewal area. The development provides an increase in residential density on a site with ready access to the public transport network, local employment opportunities, schools, parks and a range of retail, entertainment, health and community facilities, consistent with key urban renewal and consolidation objectives. This strengthens the 20-minute neighbourhood outcomes sought by Plan Melbourne and the objectives of Clauses 11 and 16.
- The subject site is serviced by a well-established public transport network and will be further enhanced by the new Parkville Station, which is currently under construction on the eastern side of Royal Parade with an entrance proposed within 650 metres of the subject site, in accordance with Clause 18.
- The proposal will deliver greater housing diversity through the provision of purpose built BTR housing within an established inner city area. The intensification of the site provides for higher density housing with varying apartment types to suit differing housing and lifestyle needs, in accordance with Clauses 11 and 16.
- The provision of BTR housing, as opposed to conventional housing, will enable:
  - The efficient delivery of additional housing to the market as the BTR model does not require pre-sales in order to finance developments (including lengthy marketing programs).
  - A more consistent and increased supply of rental housing in one of Melbourne’s most desirable and well serviced locations.

Addressing the significant shortfall and demand for rental housing that is resulting in increasing numbers of households in rental stress will improve the affordability and accessibility of rental housing in North Melbourne and metropolitan Melbourne, more broadly, in accordance with the objectives of Clause 16 and the Housing Statement.

- Given the building will be retained in single ownership and the commercial structure of the BTR housing model, if market demand changes, and the typologies as currently proposed do not meet market needs, there is also flexibility to undertake works to adapt/ alter the apartment layouts, subject to the necessary approvals. This future proofs the development to meet the ever evolving demographic and housing needs of the community, in accordance with the objectives of Clause 16 and the Housing Statement.
- The development exhibits a high quality design with attention to detail such as amenity, accessibility, urban design, and architecture that is respectful of





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the existing and emerging character of City North and the traditional residential land of North Melbourne to the south and west. These aspects are encouraged by Clauses 15 and 16 (refer to Sections 8.2 and 8.3 of this submission for further discussion in relation to the proposal's design and built form credentials). In addition, the proposed development achieves a high degree of compliance with Clause 58, applicable to apartment developments of five or more storeys.

- The proposed layout of the development, in its accessways, entries and dwelling typology has been designed to ensure equitable access and adaptability for members of the community with limited mobility, in accordance with Clause 16.
- Integrated transport goals are achieved by providing increased dwelling diversity and density along the Principal Public Transport Network, consistent with Clause 18.02-3R.
- Car and bicycle parking are provided to meet the needs of future residents and visitors to the development, yet the location of the subject site will naturally encourage greater use of alternative means of transport such as walking, cycling and public transport, in accordance with the objectives of Clause 18.
- Waste management facilities are integrated into the development to avoid detrimental impacts on the safety and amenity of the area, in accordance with Clause 19.03-5S.

Having regard to the above considerations, the scale and intensity of the proposed development is clearly supported by the objectives of the Planning Policy Framework and will make an essential and meaningful contribution to both the local area and municipality more broadly.

8.1.2 Is the proposal supported at a local policy level?

The proposal is also an opportunity to achieve a range of local planning policy imperatives and is strongly supported by a range of their relevant objectives for the subject site, surrounding area, and the City of Melbourne generally.

The support for the proposal at a local level is evidenced by the following observations:

- The proposal recognises Council's desire to provide new housing to meet the ever-changing housing needs of its existing and future residents. A range of dwellings, in terms of size, type and layout are proposed, suited to a diverse range of future occupants. Specifically, the proposal recognises the need to increase the supply of rental housing and provide smaller, yet varying household types, conveniently located in proximity to existing activity centres, services, infrastructure and public transport. This is particularly important for people wanting to live in accessible, affordable



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and quality housing in highly desirable locations, close to their area of work or study.

- The compact nature of the proposed dwellings, efficient building structure, economies of scale, and manageable on-going costs enables the delivery of more affordable rental housing options for the local community.
- The proposal includes a comprehensive landscape design that will improve the aesthetic quality and amenity for occupants and the public realm and contribute to the reduction of the urban heat island effect.
- The increase in residential density proposed will consolidate the role and function of City North as an emerging mixed use precinct to support the Central City and expanding Parkville NEIC, on a strategically located redevelopment site.
- The articulated pedestrian entries to Villiers, Harcourt and Mary Streets establishes a finer grain, contributing to their preferred streetscape character. Providing ground floor level apartments that front the streets and area accessed directly from the street frontages contributes to the activation of the adjacent pedestrian environment and will enhance the experience of pedestrians who use the adjoining footpath in a safe and surveyed environment.
- The design and scale of the proposal is commensurate with its candidacy as a strategically located redevelopment site within an inner city urban renewal area where increased density is encouraged. Accommodating growth and change within and around urban renewal areas has the effect of protecting established residential neighbourhoods and Melbourne's fringe from the need to accommodate substantial growth and change. This is consistent with the guiding principles of Council's MPS and associated local policies.
- Whilst the height of the development is taller than contemplated by existing local planning policies and controls, it successfully balances the need to accommodate a significant portion of new housing where 'urban renewal opportunities' are recognised and provide a transition between the higher-scale built forms along Flemington road and the more traditional residential land to the south and west. This is by virtue of providing a contemporary architectural expression derived from and complements the heritage character of the subject sites immediate surroundings and the provision of appropriate upper level setbacks to reduce their prominence and maintain a scale and character that, when appreciated from the context of adjoining street frontages, is reflective of the scale of existing and approved development. This is considered to be an appropriate response to Council's local policy aspirations for the morphology of new development within the City North urban renewal area.



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- The development delivers a considered and quality architectural form on the subject site, commensurate with its size, location and significance as a strategically important redevelopment site. An inner city urban renewal area identified for significant change is considered to be the appropriate location for such an approach.
- The proposed materials and finishes seek to establish a new identity for the subject site founded in both the suburban heritage fabric to the south and west and the contemporary character of the higher density mixed use buildings along Flemington Road. This new identity provides a purposefully contemporary and contextual urban expression, which elegantly merges the subject sites diverse built form context, whilst still achieving a higher density outcome.
- Traffic generated by the development will be comfortably accommodated by the surrounding road network in a safe and efficient manner.
- On-site car parking for residents reflects an empirical assessment of anticipated demand and is minimised in line with key transport and traffic management objectives, to reduce traffic congestion and promote alternative modes of transport.
- Car parking is proposed to be located over 3 levels, Basement 01 Level to the Ground Floor Level, and located in the centre of the building footprint, where possible, to maximise activation opportunities at street level.
- Vehicle access is proposed to be consolidated along Little George Street, protecting Harcourt and Villiers Street as primary pedestrian thoroughfares and Mary Street as a residential street lined with dwellings. This avoids a situation where car parking dominates primary streetscapes, in favour of maximising active uses at ground level and directing additional traffic away from Mary Street.
- 2 double width crossovers are proposed at Lower Ground Level 1 and 1 double width crossover at Ground Floor Level. The 5.6 metre level difference across the subject site lends itself to an upper and lower car parking level without the need for internal ramps. This utilises the slope of the land to provide a safer and more efficient car parking layout.
- The introduction of a publicly accessible, privately owned pedestrian link between Mary and Harcourt Streets, proposed widening and upgrading of Little George Street and widening of the footpath on the northern side of Mary Street will provide a substantial and meaningful public benefit by enhancing pedestrian permeability in and around the subject site and the public realm environs of the area. The proposed upgrading of Little George Street will not only facilitate the service needs of the proposed development, but also improve the accessibility of the existing buildings opposite the subject site.



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- High standards of on-site amenity are provided to all dwellings including functional living, dining and kitchen areas, good access to daylight, privacy and communal amenities. The proposal has carefully considered the amenity impacts to nearby existing residential buildings, mitigating the potential for noise and light spill, overshadowing, overlooking and adverse wind impacts commensurate with the subject site's strategic context. The new apartments have also been sited and designed to protect residents from off-site amenity impacts.
- The design response allows for future equitable development opportunities to the adjacent properties to the north-east and south-west, allowing the neighbouring areas to develop in a proper and orderly manner.
- Bicycle parking spaces, in an amount which exceeds the statutory requirements, are provided on the Lower Ground Level 1 for residents and visitors. They are conveniently accessed via dedicated bicycle entries off the future pedestrian link/ shared zone between Mary and Harcourt Streets (the Green Spine) and will benefit from the proximity to excellent provision of bike lanes across the City, encouraging a genuine alternative to private motor vehicle usage.
- A Green Travel Plan has been prepared to encourage and guide future residents to use pedestrian, bicycle and public transport travel to and from the subject site.
- The proposal achieves a high level of environmental performance as outlined in the Sustainable Management Plan prepared by Ark Resources enclosed, including a targeted 5 Star Green Star Building and average development NatHERS rating of 7.5 stars.

Having regard to the above considerations, the proposal demonstrates a high level of consistency with the relevant local planning policy objectives and will contribute to the proper and orderly planning of North Melbourne and the metropolitan community, more broadly. The more detailed matters of urban design, built form and external and internal amenity considerations will be addressed in the following sections of this submission.

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## 8.2 CONSISTENCY WITH PLANNING CONTROLS

### 8.2.1 MUZ

The proposal meets the relevant purposes and requirements of the MUZ, as demonstrated by the following:

#### To implement the Municipal Planning Strategy and the Planning Policy Framework

- The subject site is located within an inner city urban renewal area with enviable locational attributes.
- The proposed land use is consistent with Council's MPS and vision, providing for the intensification of a well-located site in a well-established urban area, with excellent access to public transport, community services, employment opportunities and open space.
- The design is respectful of the amenity of neighbouring properties, and provides for a diverse range of housing choice, the implementation of numerous ESD initiatives and high standards of on-site amenity.

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

- The development proposes residential dwellings which are 'as of right' pursuant to the zone.
- The dwellings are ideally positioned to take advantage of the recreation, transport, social and community facilities of the City North area and support the growth of the Central City and Parkville NEIC, complementing the mixed-use function of the locality.
- The proposal will contribute to the mixed use vibrancy of the City North area and support its urban renewal status and transitional nature.

#### To provide for housing at higher densities

- A diverse range of BTR apartment typologies, including studios, one, two and three bedroom apartments in both conventional and duplex layouts are provided throughout the development – the typology breakdown responds to market demand for BTR housing.
- The apartments are all provided with high levels of internal amenity, meeting all the objectives of Clause 58.
- 353 new, compact, rental households are proposed to be accommodated within the proposed building envelope.

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To encourage development that responds to the existing or preferred neighbourhood character of the area

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- The proposal provides a considered design response that is both respectful of the modest scale and heritage character of the buildings within the surrounding context to the west and south, the higher-scale built form along Flemington Road and responsive to the subject site's key strategic attributes and redevelopment opportunities.
- Villiers, Harcourt and Mary Streets are activated by the provision of ground floor dwellings that front and are directly accessible from the streets. Little George Street is activated through upper level dwellings that overlook the street, 3 separate vehicle entries and pedestrian lobbies on the corners of Little George, Harcourt and Villiers Streets.
- The proposal provides for higher density development of a scale and intensity consistent with the emerging urban context of the area and key strategic planning policy objectives for the subject site.
- Refer to Section 8.3 for further observations addressing the development's consistency with the existing and preferred neighbourhood character of the area.

On this basis, the proposal demonstrates that it is entirely consistent with the purposes of the MUZ.

### 8.2.2 DDO61

The MPS recognises City North is an area in transition and change is already underway. Having regard to existing policy which identifies the subject site within an urban renewal area, the discretionary built form controls of DDO61 and more recent large scale infill development within this part of City North, the overall height and massing of the proposed development is an entirely acceptable outcome. Where the proposed development sits outside of the 'preferred' envelope of the DDO, it has been carefully considered so its massing is consistent with the emerging character of nearby development – and saliently - with no undue external amenity impacts to its surrounds.

DDO61 specifies the following built form controls for the subject site:

- A preferred maximum building height of 24 metres.
- A preferred maximum street edge height of 14 metres to Harcourt Street, Mary Street and the southern end of the Villiers Street frontage, where it is adjacent to land within DDO32.
- A preferred maximum street edge height of 24 metres to Little George Street and the northern end of the Villiers Street frontage.



- Any part of the building above 14 metres to the Harcourt Street, Mary Street and southern end of the Villiers Street frontage setback from the street behind a 45 degree line.

The development proposes the following variations to the above preferred built form controls:

- A maximum building height of 40.16 metres (12 storeys), excluding rooftop building services and plant area.
- A 25 metre street edge height to the northern part of the Harcourt Street frontage to 'turn the corner' from Little George Street before it steps down to a compliant 13.3 metre street edge height.

The building is proposed to be setback from the edge of Little George and Mary Streets to facilitate road and footpath widenings, respectively, and therefore does not provide a street edge to these interfaces as per the definition of street wall height in DDO61. An assessment of the design response along these interfaces is provided at Section 8.3.

As is so often the case in the consideration and assessment of development proposals, the overall height of new buildings is the issue which receives the greatest level of scrutiny. However, building height is a relative measure which relies on context for understanding and is only an instructive measure when viewed through the prism of a fully resolved and considered architectural strategy.

In the context of the subject site, a performance based approach is considered to be more appropriate than the slavish application of a set of specific built form requirements or controls due to its unique context and strategic attributes. This is supported by the discretionary nature of the maximum height, street edge and upper level setback requirements applicable to the subject site, and acknowledgment in the DDO that an application may exceed the maximum building height if it achieves the relevant design objectives and built form outcomes at Clause 1.0 and Table 1 of the schedule.

The relevant built form outcomes of Table 1.0 to the schedule seek to deliver an appropriate transition in scale of development from the lower scale built form along Courtney Street to the higher scale built form in Flemington Road and limit amenity impacts of excessive building bulk, overlooking and overshadowing on existing buildings in DDO32.

The design conceived by Architectus provides a direct response to the design objectives and built form outcomes of DDO61 in its consideration of the variations to the preferred built form controls and thus, the intent of DDO61 as it applies to the subject site.

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### Variation to the 24 metre height control

As demonstrated in the Site Elevations and Site Sections at drawings A-0221 – A-0231 of the architectural plans prepared by Architectus, a ‘transition line’ has been conceived between the properties in proximity to the subject site along Courtney Street and Flemington Road.

The objective of the transition line is to acknowledge the unique strategic attributes of the subject site that allow for more intensive development, whilst identifying an appropriate built form envelope above the preferred 24 metre height limit having regard to the specific built form context surrounding the subject site, in accordance with the built form outcomes of DDO61. The proposal sits within the 45 degree upper level setback envelope above the 14 metre street edge to Harcourt and Villiers Streets up to a height of 24 metres (where a 14 metre street edge is proposed).

The transition line is taken from the top of the existing buildings on the southern end of Courtney Street opposite the subject site (86-92 Courtney Street and 1-9 Villiers Street) and the top of the potential built form envelope of 108 Courtney Street (the block bound by Harcourt Street, Courtney Street and Courtney Place), having regard to the planning controls that apply to the site, to the top of the habitable floor levels of the existing buildings along Flemington Road. At 87-89 Flemington Road, the transition line is taken from the top of the habitable floor level of the development approved by Planning Permit TP-2016-378.

In its pre-application meeting feedback dated 30 January 2024, DTP suggested that the transition line should be taken from the actual height of the existing buildings on Courtney Street and not the potential future allowable height but was open to an alternative approach subject to appropriate justification.

It is considered reasonable that the potential built form envelope of 108 Courtney Street is given due regard, rather than its existing height, as the property is a prime candidate for redevelopment. It is currently in single ownership and used for social / affordable housing; a land use the Housing Statement and numerous objectives of the PPF seek to prioritise for redevelopment to increase the supply of social / affordable housing in Victoria. It is therefore reasonable to anticipate the property may be redeveloped in the short term.

Drawings A-0221 – A-0231 demonstrate the proposed built form, excluding plant equipment, sits largely within the transition line. The taller built form is concentrated towards the northern end of the subject site, at the interface with Little Geroge Street and steps down towards Mary Street.

There are a few instances where the proposed built form extends beyond the transition line, primarily at the upper levels and towards the centre of the subject site. As demonstrated on Site Sections 1-3 on A-0231:

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- The south-western edge of Levels 9-11 extend beyond the transition line in the centre of Building A.
- The south-western edge of Level 12 extends beyond the transition line in the centre of Building B.

The minor projections beyond the transition line are considered appropriate as they will not result in any unreasonable impressions of visual bulk or overshadowing impacts. The projecting built forms are set well into the subject site, reducing their prominence from the public realm and properties to the south and west, as follows:

- the south-western edges of Levels 9-11 on Building A are setback a minimum of approximately 14.5 metres from Villiers Street and 39.42 metres from the current title boundary along Mary Street
- the south-west edge of Level 12 on Building B is setback a minimum of approximately 22.43 metres from Harcourt Street and 21.73 metres from the western boundary.

The projections also do not result in any overshadowing of private open space areas and solar PV panels on the properties to the west of the subject site beyond the preferred planning envelope established by DDO61, nor do they result in any overshadowing of the footpath on the southern side of Villiers Street between 11am and 2pm on 22 September, in accordance with the design requirements for sunlight to public spaces contained within DDO61. This is demonstrated in the comprehensive shadow diagrams prepared by Architectus. This ensures the amenity of the adjoining residential properties to the west and the public realm are maintained. Therefore, the proposal is considered to deliver an appropriate transition in scale of development from the lower scale built form in Courtney Street to the higher scale built form in Flemington Road.

In addition to the above considerations, the following observations are made in relation to the height of the proposed development:

- The overall scale and architectural resolution of the building is of a high quality and is extremely responsive to the subject site's strategic and physical context and constraints. As stated by Senior Member Bennett in 3000 Corporation Pty Ltd v Boroondara CC [2019] VCAT 993, despite recognising that 'development of a scale greater than envisaged by local policy is acceptable... in principle. Consistent with other Tribunal decisions, the opportunity is not unconstrained and the physical context becomes critical in assessing the merits of the permit application'. Section 8.3 further outlines how the design and overall built form outcome evolved from the subject site's context and respectfully engages with the presiding characters of its immediate surrounds.

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- The existing and approved built form context along Flemington Road includes heights of up to 14 storeys, which exceeds the proposed 11 and 12 storey buildings and therefore, enables the development to sit comfortably within the existing streetscape along Little George Street and provide a genuine step down in scale from Flemington Road. It must be acknowledged that 3 of the properties on the opposite side of Little George Street (the existing buildings at 91-93 Flemington Road, 81-83 Flemington Road and approved building at 87-89 Flemington Road) all exceed the preferred maximum building height of 40 metres in DDO61. These buildings ultimately provide a context whereby 11 and 12 storey buildings are entirely appropriate within the boundary of the City North urban renewal area, whilst reinforcing the importance of a site responsive design approach in order to maximise the development potential of a site in line with key strategic planning policy objectives. Please refer to the Urban Context Report prepared by LatStudios and Section 3.0 of this submission for further details of the built form context surrounding the subject site.
- The overall building height will not cause any unreasonable direct off-site amenity impacts on neighbouring properties, particularly those within DDO32 to the south and west of the subject site, due the physical separation of the subject site from neighbouring properties to the south and west by Villiers Street, Mary Street and the proposed setbacks from the western boundary to facilitate a pedestrian connection between Mary and Harcourt Streets (the Green Spine). The properties to the north are also physically separated from the subject site by Little George Street and further separated by the proposed widening of Little George Street by 5 metres. Rather, the overall building height has been tempered to avoid unreasonable overshadowing and overlooking impacts on neighbouring residential properties, without the need for extensive screening, to preserve the amenity of both neighbouring properties and the public realm. Any off-site impacts remain limited and within acceptable limits having regard to the natural and strategic context of the subject site.
- To the more sensitive interface to the west, the built form is contained within the preferred built envelope outlined in DDO61 and the architectural approach adopts a clever and resolved articulation strategy to ameliorate the massing of the building, while the height will be more perceptible at the interface with Little George Street and the northern end of Harcourt and Villiers Streets as a pedestrian approaches the subject site from Flemington Road. The predominant building height is also positioned towards the centre of the subject site to alleviate impressions of visual bulk from the adjoining street frontages, in accordance with the design outcomes and objectives of DDO61. Section 8.3 provides further discussion around the design techniques employed to ensure an appropriate interface condition is achieved to the west.



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- The vast majority of the residential hinterland to the west and south of the subject site within North Melbourne and select properties within the City North urban renewal area to its south-east are subject to a Heritage Overlay. This includes other mixed use and commercially zoned land. The restrictive nature of heritage controls will constrain the redevelopment of these properties, placing increased strategic pressure on sites such as the subject site to accommodate more intensive built form. In particular, given the well-connected and serviced nature of North Melbourne and renewal status of City North, where the concentration of higher density development is undoubtedly encouraged by the PPF.

This does not mean the heritage character and scale of the properties to the west of the subject site should be ignored. However, in balancing competing objectives in favour of net community benefit and sustainable development, as required by the Scheme, in this development context, it is more appropriate to utilise a variety of architectural treatments to mitigate off-site amenity impacts to sensitive interfaces and unreasonable impressions of visual bulk, and maximise the development potential of the site, rather than providing a development of a more modest scale. This will result in an underdevelopment of the subject site and the loss of a unique opportunity to contribute to the sustainable development of the City North urban renewal area and metropolitan Melbourne, more broadly.

- As cited in the *Autron Property Pty Ltd v Stonnington CC* [2017] VCAT 1352 decision, ‘the application of policy in statutory decision making requires one to undertake what is often termed a ‘net community benefit analysis’, which involves a weighing of the positive and negative aspects of a proposed development’. The decision then states, ‘the planning scheme does not require an ideal outcome as a pre-requisite to a permit... the Tribunal is entitled to grant a permit where it is satisfied that the permit will result in a reasonably acceptable outcome having regard to the matters relevant to its decision under the planning scheme’.

Member Deidun reaffirms this in *WAT385 Developer Pty Ltd v Stonnington CC* [2023] VCAT 672 when he acknowledges that proposals do not need to be perfect, ‘nor does it mean that there won’t be consequences for the surrounding community. Planning is not about achieving ideal outcomes, but rather it is about supporting those uses and developments that achieve a net community benefit for existing and future generations of Victorians’.

With regards to BTR proposals specifically, in *GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC* [2024] VCAT 458, Members Deidun and Axford state:

‘In considering the proposal that is before us, we need to be cognisant that this BTR proposal is a form of development that will bring substantial benefits to those experiencing housing stress, as well as those currently locked out of the housing market, due to the existing limited supply of



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rental housing. This is a weighty benefit associated with the proposed development of the review site.

We are also of the view that this form of housing represents an important step to providing an alternative to the “home ownership” model that is becoming increasingly out of reach for many Australians. By providing a very high standard of communal support within an all rental environment, it demonstrates that a rental option need not be a “second class” approach to obtaining stable housing’.

In balancing conflicting objectives in favour of net community benefit and sustainable development, as required by the Scheme and contemplated by the Tribunal, it is submitted that the proposed height is more than offset by the proposals more than acceptable design outcomes, particularly in regard to sustainability, amenity, articulation of built form, architectural expression and the substantial upgrades and improvements to the public realm surrounding the subject site. The proposed height above 24 metres allows for the delivery of a higher quality design outcome for the subject site and its immediate surrounds, in line with the objectives, strategies and requirements of Clauses 15 and 16 of the Scheme, generally.

The delivery of BTR housing will also enable the proposal to provide a meaningful contribution to combatting the housing supply and affordability crisis faced by Melbournian’s and Victorian’s, more broadly. It will therefore deliver a meaningful net community benefit and a substantially more sustainable development for the community. Accordingly, the proposal should be supported in principle.

- There are no planning controls within the Scheme that limit building height on the subject site. Importantly, the building height is a preferred outcome, and a permit can be issued to exceed the preferred height.

Having regard to the above, it is submitted that the proposal represents a unique opportunity to replace the existing building on the subject site, which is underdeveloped, with a new, high quality building, the design of which is founded on a careful consideration of its opportunities and constraints, as well as the context (both physical and strategic). Thus, the proposed variation to the preferred maximum building height requirement is justified in this instance.

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### Variation to the street edge height

A 24 metre street edge height is proposed along Little George Street, where it intersects with Harcourt Street. This street edge height has been designed to 'turn the corner' in accordance with the design requirement of DDO61, which states that where two different street edge heights are nominated, apply the higher street edge and transition to the lower nominated street edge.

The 25 metre street edge height along Harcourt Street is a result of the varying slope of the land along Little George and Harcourt Streets, rather than a step up in the height of the street edge, noting the definition of street edge height at Clause 2.0 of DDO61 requires the street edge height to be measured from the centre of the site frontage. It is therefore considered to provide an acceptable design response as it accords with the design requirement of DDO61 to maintain the 'higher' corner form and massing.

### Other built form objectives of DDO61

The proposed development has been designed to address the other design objectives and requirements of DDO61, as demonstrated by the following and in Section 8.3 below:

- The proposal will establish a new, mid-rise built form of a scale and design distinct from the tall built form in the Hoddle Grid/Central City and achieves a successful transition down in height to the established, lower scale neighbourhood of North Melbourne.
- The proposal incorporates windows and balconies to all street frontages to increase opportunities for passive surveillance, contributing to an activated, safe, and pedestrian friendly environment.
- The ground level apartments along Villiers, Mary and Harcourt Streets are provided with direct access from the street to optimise activation of the streets and deliver a fine grain built form that aligns with the narrow subdivision layout of existing dwellings to the south and west of the subject site.
- The development will improve the walkability of the precinct and increase separation to adjoining properties through the proposed widening of Little George Street by approximately 5 metres, including provision of a new footpath on the southern side of Little George Street, widening of the existing footpath on the northern side of Mary Street by approximately 0.6 metres and provision of a privately owned, publicly accessible pedestrian link between Mary and Harcourt Streets of between 6 and 8.11 metres wide, with a communal break-out space in the centre (the Communal Heart).

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- The proposed height and massing has been carefully curated to maintain excellent levels of daylight and sunlight to Harcourt and Villiers Streets, the key streets and pedestrian thoroughfares surrounding the subject site.
- The buildings are proposed to be constructed to the street boundaries of the subject site (or the proposed new street boundary along Little George and Mary Streets), with the exception of the pedestrian lobbies at the corner of Villiers and Little George Streets and Harcourt and Little George Streets, which are setback approximately 3.5 metres and 3 metres from Villiers and Harcourt Streets, respectively. The lobbies are purposefully provided with a different architectural expression to the remainder of the facades to ensure they are visible and clearly defined. This includes a vertical expression of tall, glazed panels, with timber columns in between and canopies above, that wrap around the buildings corners to provide weather protection and ensure a clear sense of address to both street frontages. External lighting is also provided on the columns surrounding the lobbies to guide pedestrians towards the lobbies and ensure safe access at night. A generally consistent built form is otherwise provided to the street edges to align with the prevailing built form character of the area and create a strong sense of place.
- The duplex apartments at the Lower Ground Level 2 – Ground Floor Levels along Villiers and Harcourt Streets have been designed with a lightweight slab at the first floor that can be removed to provide double height glazing and internal spaces at the street level. Front fences and party walls between dwellings will also be able removable, and the ceilings exposed, to allow the dwellings to be converted to a range of alternative non-residential active uses over time, such as hospitality or retail uses. The provision of adaptable ground floor spaces along Harcourt Street as well as Villiers Street provides a direct response to the pre-application meeting feedback received from DTP on 19 March 2024.
- The proposal will not create any adverse ground-level wind impacts for pedestrians, as further explained at Section 8.4.2 below.
- Services are primarily located within the Basement and Lower Ground Levels, adjacent to the building cores or on the roof of the buildings, where they are screened and well setback from the site boundaries so they do not disrupt the design of the building or appear as a visual blight in the streetscape. Ground level services have been minimised where possible and consolidated along the Little George Street frontage, with the exception of two small booster cupboards along the Harcourt Street frontage. The ground level services are proposed to be constructed of high quality materials and comprise smooth or textured concrete finishes that integrate with the overall façade design. The proposed landscape zones along Little George Street are also purposefully located opposite



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service zones to minimise their prominence and enhance the amenity of the public realm.

- Vehicle access is proposed to be provided via 3 double width crossovers to Little George Street. The crossovers are proposed to be spaced approximately 14 metres apart and comprise landscape zones in between to ensure the crossovers do not dominate the streetscape and potential for conflict with pedestrian movements are minimised, while providing for safe and efficient vehicle access to the subject site.
- Consolidating vehicle access to Little George Street and the associated removal of the existing crossovers to Harcourt and Little George Street will prioritise pedestrian movement and safety along these primary pedestrian thoroughfares, rather than along secondary streets, such as Little George Street, that has an existing service function for the Flemington Road properties.

## 8.2.3 DDO70

On 23 March 2023, Matter Consulting Structural Engineers, UPco and Sentinel met with Rail Projects Victoria (Andrew Horne and Amanda Opie) to discuss the project, its proximity to the Melbourne Metro Tunnel and the requirements of DDO70.

The Structural Engineering Advice prepared by Matter Consulting Structural Engineers enclosed explains how the proposal addresses this feedback, along with the design objectives and requirements of DDO70.

## 8.3 DESIGN & BUILT FORM CONSIDERATIONS

The size, prominence, location, and various interfaces of the subject site provides a unique opportunity to establish a new built form that responds to the site's opportunities and constraints, the broader urban context, and both the existing and emerging character of development in the City North urban renewal area.

The design response conceived by Architectus is commensurate with the expectations for high-density residential development in strategic locations and will make a positive contribution to the emerging and future character and amenity of the area.

Various clauses of the Scheme encourage new developments to be respectful of the existing and preferred neighbourhood character of their surrounding area, including the purpose of the MUZ and design objectives of DDO61. In essence, these policies seek to ensure new development is appropriately integrated with its surroundings. This includes consideration of a site's opportunities and constraints, the physical context and Council's strategic framework.

A key planning policy tension is the need to use urban land more efficiently to meet, amongst other things, increasing demand for new housing, while ensuring that new development 'respects' important neighbourhood characteristics, achieves the level of change sought for suitably located areas and achieves the preferred future character. It is therefore an accepted planning principle that



'respect' for neighbourhood character does not mean repeating what already exists.

As rightly concluded by the Tribunal in *Fine Properties Pty Ltd v Bayside CC* [2012] VCAT 1002, the following important principles should be acknowledged when considering neighbourhood character:

Respecting neighbourhood character does not mean preventing change or replicating surrounding built form. It is about drawing on those features of built form that are consistent with the neighbourhood and reflecting them back in the design so that the building will fit in or is sympathetic to and complements the local character...

Ultimately it is a matter of fact and degree as to how each design responds to its individual site context and the important character elements of the neighbourhood.

In the present case, the zone and associated local policy have identified the subject site as capable of accommodating moderate to substantial levels of change. Due to the subject site's location within an inner city urban renewal area with a transitioning built form environment, local policies incentivise increased housing densities.

However, as the subject site is also proximate to lower scaled residential areas and heritage precincts, local policies also take a careful approach to defining what may constitute appropriate development of the subject site, in comparison to other key sites within the urban renewal area. Located on a large land parcel within the MUZ, with four street frontages, an interface with a school to the north-west, multi-storey mixed use buildings to the north-east, a mix of commercial, medical and residential uses to the south-east and lower scale residential properties to the south-west, the subject site is presented with a wide variety of characters.

In response to the highly variable interface characters and policy objectives for the subject site, the proposal incorporates high quality design principles that are respectful of the site's unique location, size, diverse interfaces, and their associated constraints. The tension of the interfaces provides a catalyst to the design response, where a successful design response is required to synthesise these competing built form considerations. The result is a resolved architectural expression that is engaging, contemporary, sympathetic to the significance and key characteristics of the area, and that effectively encompasses both the emerging and desired character of the City North urban renewal area.

In particular, the proposal achieves the following:

- The built form of the podium is highly responsive of the subject site's diverse interfaces and urban corner condition. Building A proposes an 11 storey podium towards the centre of Little George Street, which steps down

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to a 7 storey podium towards Villiers Street. Similarly, Building B proposes a 12 storey podium towards the centre of Little George Street, which steps down to a 7 storey podium towards Harcourt Street. The 7 storey podiums at both ends of Little George Street ‘turn the corners’ before stepping down to a 4 storey podium along the majority of the Villiers and Harcourt Street frontages. The 4 storey podium continues along the Mary Street frontage and interface with the Green Spine. The varying podium heights along Little George Street are reflective of the heights of the buildings opposite and step down towards the site’s more sensitive interfaces to the south and west, including the lower-scale heritage buildings of North-Melbourne Primary School.

- The predominant building mass above the podium is located towards the interface with the taller built forms on the opposite side of Little George Street and arranged in two separate towers in the centre of the subject site that step down towards the interface with Mary Street. This alleviates tensions with the lower-scale residential properties along Mary Street, whilst maximising the advantages of the subject site’s size, corner location and key strategic location within an inner city urban renewal area.

The separation of the building mass into two tower forms with a central recess also creates the impression of a collection of buildings on the subject site, rather than a central mass, that is reflective of the undulating heights of buildings on the opposite side of Little George Street and relieves impressions of visual bulk from the surrounding streetscapes.



Figure 10: Massing diagram of the proposed development prepared by Architectus

- The 7 storey street walls on the corner of Villiers, Harcourt and Little George Streets are articulated through horizontal slab edges every couple of levels that divide an otherwise modular expression of windows and balconies, generally stacked on top of one another. This establishes a robust interface



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Figure 11: Render of the proposed development from the corner of Villiers & Little George Streets

along these corners that contrasts with the predominately vertical expression of the 4 storey street walls to Villiers, Harcourt and Mary Streets.



Regular, vertical pillars are used to divide the 4 storey street walls into smaller sections that are more reflective of townhouse style developments and the narrower subdivision layout and proportions of the residential properties to the south and west of the subject site. Various design treatments, such as recessed balconies, expressed window shrouds, permeable front fences and balustrades and planter boxes on balcony edges are also used to provide visual interest, depth and establish a finer grain that is reflective of the scale and character of neighbouring residential properties.

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Figure 12: Render of the 4 storey podium fronting Harcourt Street



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The hierarchy of the vertical pillars of the 4 storey street walls and muted colour palettes also contributes to the recession of the upper levels, which are defined by a simple expression of glazing, beige concrete and sage coloured metal panels.

- The parapet edge of the 4 storey street wall along Villiers Street comprises a single step down mid-way along the street frontage to manage the width of the frontage and the downward slope of the land towards Mary Street, while providing for a consistent and simple expression that complements the detail and grain of the street wall itself. The single step in the parapet edge also provides a direct response to the pre-application feedback received from DTP on 19 March 2024.
- Upper level setbacks (as detailed at Section 5.0) are provided above the podium levels to the frontages with Villiers, Harcourt and Mary Streets and the Green Spine to allow for a gradual transition from the more robust interface along Little George Street to the residential hinterland to the south and west. The setbacks, in combination with the separation provided by the 4 street frontages, the proposed widening of Little George and Mary Streets and the Green Spine will provide a sense of spaciousness between the building and its immediate surrounding context and reduce perception of potential for visual bulk impacts.

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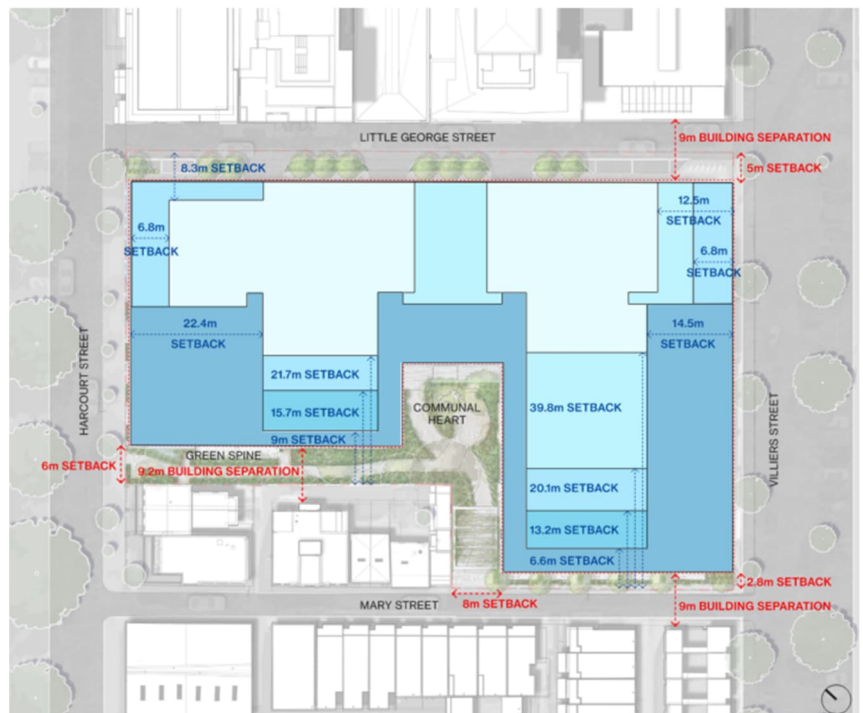


Figure 13: Diagram of the upper level setbacks prepared by Architectus

- The Green Spine and communal outdoor open spaces facing the Communal Heart are proposed to be landscaped to soften the built form to the residential interfaces to the south and west and contribute to the green character of the adjoining streetscapes.



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- The design comprises a restrained and considered material palette derived from the commercial, residential and heritage characters of the surrounding context. Solid, tried and tested base materials – brick, textured concrete and smooth concrete – of neutral tones, complemented with more contemporary metal finishes at the upper levels, are proposed to respond to and complement the materials and finishes of the existing and emerging context of North Melbourne.

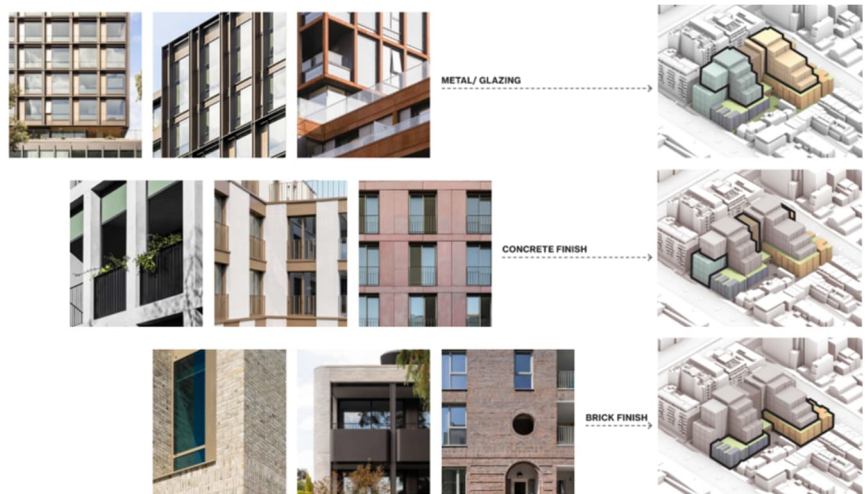


Figure 14: Diagram of the proposed material palette prepared by Architectus

The materials and finishes are applied in a contemporary architectural expression that provides a subtle counterpart to the more expressive heritage facades, colours and detailing which defined the collective significance of the residential hinterland of North Melbourne to the south and west. The podium levels of Buildings A and B are also provided with distinct colour palettes to differentiate them from one another and align with their respective street interfaces. Building A comprises a warm palette of tan brick and grey concrete that contrasts with the neutral palette of beige coloured brick and concrete used for Building B.

Muted, earthy tones of green in the upper levels and use of natural timber at the lower levels also provides a distinct visual connection to the array of parks and leafy streetscapes of North Melbourne.

- The provision of ground floor apartments to Villiers, Harcourt and Mary Streets that are accessed directly from the street frontages is consistent with the design of residential properties to the south and west of the subject site, providing for the continuation of an established design language and character at the interface with the public realm.

Accordingly, the proposed development successfully strikes the right balance in respecting the characteristics of its diverse interface conditions, through the use of thoughtful and innovative architectural design commensurate with the size, strategic context and locational attributes of the subject site. Through the

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incorporated design principles and considered architectural expression, the proposal offers a unique and resolved development outcome.

## 8.4 AMENITY CONSIDERATIONS

The proposed development will deliver a high standard of residential amenity for future occupants, whilst avoiding unreasonable potential for impact on neighbouring residential properties, through a carefully crafted and resolved design response.

The Clause 58 assessment, which forms part of this submission constitutes a thorough assessment of the proposal, in particular, the high levels of internal amenity provided for future residents and potential for impacts on the reasonable amenity of neighbouring properties.

The proposal complies with all the objectives of Clause 58, with non-compliance with standards limited to Clauses 58.03-5 (Standard D10), 58.05-3 (Standard D20) and 58.07-1 (Standard D26).

### Standard D10

Due to the size of the subject site, 979 square metres (15%) is required for deep soil planting and 1,171 square metres of canopy cover is required, including the provision of at least 2 Type B trees or 1 Type C tree.

A total of 790.4 square metres of deep soil is provided at ground level, along the frontages to Little George Street and Mary Street, and through the Green Spine. A total of 867 square metres of canopy cover is proposed, including 574.1 square metres at ground level, 50.2 square metres on Level 1 and 242.7 square metres on Level 2. Hence, a variation to both the deep soil and canopy cover requirements of the standard is required.

The variations are considered appropriate as the objective is met having regard to the relevant decision guidelines. This is evidenced through the following observations:

- The context of the subject site is not one where the extent of deep soil landscaping contemplated by the standard is evident either 'on the ground' or as a future character of relevant policy. Rather, the subject site is located in an urban renewal area, on the fringe of the Central City and a highly urbanised area.
- The subject site is currently devoid of any meaningful landscaping. As a result, the proposal achieves a significantly improved outcome and one that enhances and connects with the public realm.
- The proposed development prioritises deep soil planting and canopy cover along Little George Street, Mary Street and the Green Spine, to contribute to the existing character of green streetscapes and pedestrian links,

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surrounding land parcels that typically comprise built form to all site boundaries.

- The proposal includes a considered landscape contribution that will enhance the existing landscape character of the area and reduce the impact of the building from adjoining properties and the public realm, in particular, the subject site's more sensitive interfaces to the south and west. Refer to Section 8.8 and the enclosed Landscape Plan prepared by Arcadia for details of the proposed landscape design.
- The subject site is surrounded by existing parkland, such as Royal Park and Levers Reserve to the north, Errol Street Reserve to the west and Leveson Street Park to the south, all within 300 metres of the subject site, which will provide future residents with enviable access to generously provisioned greenspace, without the need to detract from the development potential of the subject site.

### Standard D20

Minor variations to the minimum private open space area requirements are proposed for apartment types DA and DA.1. Both apartment types are provided with 10.8 square metres of private open space in the form of a balcony, rather than the required 12 square metres.

In considering the proposed variations, it is noted that:

- The proposal includes a total of 1,630.2 square metres of communal open space, comprising a range of different facilities that will provide for a variety of recreational needs.
- The subject site is located within a short walking distance of numerous high quality public open spaces, including Royal Park, Levers Reserve, Errol Street Reserve and Leveson Street Park.
- The balconies are of a functional shape and size and are conveniently accessible from the living room.
- Apartment types DA and DA.1 account for only 2 of the 353 apartments proposed. All other apartments are provided with balconies in accordance with the requirements of the standard. Refer to the architectural plans prepared by Architectus for details.

As confirmed in the decision guidelines of Clause 58.05-3 and GFM Investment Management Limited ATF GFM Home Trust II Subtrust No 9 v Port Phillip CC [2024] VCAT 458 (17 May 2024), the size and diversity of communal open spaces provided within a development and its proximity to high quality public open spaces are relevant and determining factors in whether a variation to Standard D20 is acceptable.



Both the generous provision of communal open space and exceptional access to high quality public open spaces will provide for the reasonable recreation and service needs of future residents and ensure an acceptable level of internal amenity is provided. Hence, the objective is met and the minor variations are considered to be appropriate.

#### Standard D26

All apartments meet the minimum dimensions for bedrooms as described in Table D11 and are provided with an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Minor variations to the minimum living area dimensions are required for the following apartment types:

- Studio apartments – SA
- One bedroom apartments – 1A, 1A.1, 1I and 1L
- Two bedroom apartments – 2A, 2A.2, 2B, 2D, 2E and 2J
- Three bedroom apartments – 3E and 3F.

The remaining apartment types achieve the minimum room area and dimensions specified in Table D12 in both directions, as per the interpretation of the standard included in 631 Plenty Road Preston Pty Ltd v Darebin CC (Red Dot) [2018] VCAT 1849.

The variations to the minimum living area dimensions for the apartment types noted above are considered to be acceptable as functional living areas will continue to be provided to meet the amenity needs of future residents, in accordance with the objective.

Each apartment will be provided with an open plan layout of functional and usable proportions that meets the minimum area requirement and dimension in at least one direction. In most cases, the minimum area requirement is exceeded, despite the minimum dimension not being achieved in both directions. We refer to the architectural plans prepared by Architectus for details of the minimum dimensions and areas achieved for each apartment type.

It should be noted that the Member Blackburn's rationale in applying the minimum living area dimensions in both directions in 631 Plenty Road Preston Pty Ltd v Darebin CC (Red Dot) [2018] VCAT 1849 was to avoid a situation where a 10 metre long and 1 metre wide living area for a one bedroom apartment complied with the requirements of the standard, noting this would be an absurd situation that would not operate as a functional living area.

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As demonstrated in the architectural plans prepared by Architectus, this is clearly not the case with these apartments. Apartment type 3E is provided with the narrowest living room dimensions of 4.4 metres x 2.85 metres. However, this is due to a column located in the centre of the room that residents will easily be able to walk and locate furniture around. The apartment type would otherwise be provided with compliant dimensions in both directions and hence, continues to provide a functional living area that will meet the service needs of future residents.

#### 8.4.1 On-site Amenity

The internal amenity offered to future residents is an important consideration and has increasingly been a clear focus of policy reform and decision making. Clause 58 provides guidance with respect to the on-site amenity outcomes which dwellings of this type are to achieve. In particular, the proposal offers the following:

- Functional internal layouts and room sizes to each dwelling, which will provide for comfortable and flexible living arrangements for future occupants.
- Generous communal spaces to meet the recreational and amenity needs of future residents, provide a place for residents to interact and foster a sense of community, including:
  - A landscaped pedestrian connection between Mary Street and Villiers Street (the Green Spine) that includes a recreation space in its centre (the Communal Heart) and provides direct access to the on-site bicycle parking facilities.
  - A business hub on Lower Ground Level 1, comprising a number of meeting rooms and co-working spaces.
  - 3 entertainment/ cinema rooms, a flexible space, gym, lounge/ dining areas and external terrace on Level 1.
  - A pool, pool terrace including an external kitchen and seating areas and pool lounge on Level 2.
- Dedicated pedestrian lobbies on the corner of Harcourt and Little George Streets and Villiers and Little George Streets that are clearly defined and visible. The entries are emphasised by double level glazing and canopies which create a break in the vertical expression of the remainder of the ground level facades along Harcourt and Villiers Streets. The entrances are sheltered, and mailboxes provided within the residential lobbies, providing an appropriate sense of address.
- The natural ventilation strategy for the project consists of providing ventilation through sliding doors and windows on opposite or adjacent facades, with cross ventilation achieved by 41.9% of apartments, in accordance with the recommendation of Standard D28.

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- Apartments have been designed to ensure individuals with limited mobility are accommodated. 76.5% of the apartments meet the recommendation of Standard D18.
- No habitable rooms rely on 'borrowed light' and dwelling layouts facilitate direct access to daylight and ventilation.
- External windows to corridors are incorporated within the development to provide natural light to accessways and passive surveillance of adjoining streets and communal outdoor open spaces. Internal corridors have also been designed to enable clear view lines, ensuring the safe, functional and efficient movement of residents.
- Car parking will be safe, secure and easily accessible. Generous levels of internal and external storage is also provided to apartments.
- Generous bicycle parking for 445 spaces, which far exceeds the statutory requirements of the Scheme.
- Building services are confined to the Basement and Lower Ground Floor levels, the rooftop, around the building cores and along the frontage to Little George Street, ensuring noise generating sources are located away from sensitive areas.
- Waste disposal and collection on-site is easy and efficient, allowing residents to dispose of waste into various waste streams.
- The subject site is not located within a noise influence area at Standard 16. The accompanying Acoustic Report prepared by Volta Acoustics concludes that subject to the recommended glazing thicknesses and car park entry door requirements, the development can provide a suitable internal residential amenity with respect to acoustics.

Having regard to the above, it is clear the proposed development will provide future occupants with a very high level of on-site amenity and provide a functional, convenient and attractive place to live.

### 8.4.2 Off-site Amenity

The subject site benefits from limited direct abutments. The western corner abuts a row of buildings fronting Harcourt Street (64, 66 and 68 Harcourt Street). No. 12 Mary Street abuts the subject site in the centre of the southern boundary. A laneway separates the subject site from 14-26 Mary Street, albeit the properties at 14-18 Mary Street have rear yards that currently extend over the Council owned laneway. Little George Street, Villiers Street, Mary Street and Harcourt Street are located to the north-east, south-east, south-west and north-west, respectively.

In considering the development's potential off-site amenity impacts, it must be acknowledged that the subject site is in a MUZ, the City North urban renewal area and affected by DDO61, where higher density housing in the form of multi-level development is supported and already influences neighbourhood character and amenity.



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In locations such as these, residential amenity is primarily derived from proximity to shops, transport and entertainment, rather than from more traditional expectations pertaining to privacy, open space, and vegetation. It is also generally accepted that residents who live in and around inner city urban renewal areas/ activity centres/ the Central City cannot reasonably expect the same degree of amenity protection from overlooking, visual bulk and overshadowing as could be expected if the site was in a suburban residential setting and in a more conservative residential zone, such as the General, Neighbourhood or Low Density Residential Zone. This view is supported by the fact that the ResCode provisions (Clause 55 of the Scheme) do not apply to development of 5 or more storeys (as is the case here).

Nonetheless, the development has been designed to ensure the potential for unreasonable impacts on the amenity of adjoining properties, in particular, the dwellings to the north, west and south are avoided, in accordance with the policy objectives of Clauses 15 and 58.

### OVERSHADOWING

Appropriate setbacks and recesses in the built form have been provided to ensure any potential overshadowing impacts are within acceptable limits. As evidenced in the enclosed Shadow Diagrams, no additional shadows will be cast over private open space areas and rooftop solar panels of adjoining properties between 9am and 3pm on 22 September, beyond the preferred built form envelope contained within DDO61. This approach to overshadowing has been confirmed as acceptable by Council as an outcome of our pre-application engagement in 2023.

### OVERLOOKING

The ResCode provisions at Clause 55 of the Scheme have been used to inform the design and ensure the proposed development does not result in any unreasonable overlooking impacts, despite the fact that they do not technically apply to the proposed development.

As a result, the proposed development has been designed to avoid direct views into habitable room windows or private open spaces areas of neighbouring dwellings within 9 metres of the subject site.

The proposed widening of Little George Street and Mary Streets will provide a minimum separation of 9 metres between the proposed dwellings and existing dwellings on the opposite side of Little George Street and some of the existing dwellings on the opposite side of Mary Street, to avoid overlooking without the need for screening. Where the setback from the dwellings on the opposite side of Mary Street is less than 9 metres, the balconies and habitable room windows of the proposed dwellings have been carefully sited to avoid overlooking within 9 metres, without the need for screening, as detailed in the overlooking diagrams prepared by Architectus.



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Habitable room windows and balconies along the Green Spine are proposed to be screened to a height of 1.7 metres, where necessary, to avoid overlooking of neighbouring habitable room windows and private open space areas within 9 metres. An exception applies to the habitable room windows and balconies opposite 12 Mary Street. The existing windows / openings on the northern and eastern elevation of 12 Mary Street are proposed to be closed in accordance with Section 173 Agreement AQ293210P. Therefore, the habitable room windows and balconies opposite 12 Mary Street are not required to be screened. Details of the proposed screening measures are included in the overlooking diagrams prepared by Architectus.

### ACOUSTIC

We refer to the Acoustic Report prepared by Volta Acoustics which concludes that the development can be occupied/operate without unreasonable impacts on residential amenity in the area.

To quantify existing noise levels in the area, Volta Acoustics undertook site noise surveys on the 8 and 27 February and 5 March 2024 to capture existing and ambient background noise levels present at the subject site. Further, it reviewed the potential noise emissions from the proposed development relating to loading dock operations, mechanical plant located on the rooftop, substation and carpark entry door, the leasing office and outdoor swimming pool on the Level 2 terrace. In general terms, the Acoustic Report provides the following conclusions:

- Applicable environmental noise emission criteria for the development have been established based on measured site background noise levels and methodology laid out in EPA Publication 1826.4.
- At this stage of the project, no mechanical equipment data is available to undertake a detailed assessment. Review and assessment of the proposed external equipment is to be undertaken once plant items and locations have been finalised to ensure compliance with the applicable noise emission criteria.
- Environmental noise emission from the substation and car park entry door should be provided in accordance with the maximum sound pressure levels provided at Sections 5.1.2 and 5.1.3 of the report.
- Building envelope acoustic performance requirements are provided to achieve internal noise levels in accordance with the recommended criteria.

### WIND

The Wind Impact Assessment prepared by RWDI provides a qualitative assessment of the potential wind impacts of the proposed development, having regard to the local wind climate, land topography and surrounding built form context. The report suggests that wind conditions in and around the subject site are likely to be within acceptable limits.



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## 8.5 ENVIRONMENTALLY SUSTAINABLE DESIGN

Minimising adverse impacts on the environment through the careful administration of land use and development is one of the cornerstones of current State and Local Planning Policy objectives. ‘Sustainability’ presents a range of challenges for the wider community and the implementation of Environmentally Sustainable Design (ESD) initiatives is considered to be a key tool by which these challenges are to be confronted and addressed.

The proposal has therefore been designed with a key focus and direction to include and foster environmentally sustainable design, with the project ESD consultant, Ark Resources, providing input.

Based on a first principles assessment, the development offers the following ESD opportunities:

- Makes efficient use of an under-utilised site, within an inner city urban renewal area, well located proximate to existing facilities and alternative transport options of strategic significance.
- Reduces the pressure on greenfield land at the urban/ rural fringe, less well located to provide requisite urban amenities and often more environmentally sensitive locations for urbanised development.
- Leverage locational attributes, economies of scale and the benefits of density, to maximise environmental community benefits that directly result in the reduction of greenhouse gas emissions and water consumption.
- Provides for a ‘greening’ of an urban development through increased landscaping opportunities at lower and upper levels, off-setting some emissions generated by the development.

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The Sustainable Management Plan (SMP) sets out a range of sustainable design features, which are integrated into the design and specification of the proposed development in order to minimise the environmental footprint of the development and improve environmental outcomes once occupied. This aligns with the objectives of Plan Melbourne, **Clauses 15.01-21.01** and **53.18**.

Key ESD initiatives include (amongst others):

- Targeted 5 Star Green Star Building rating.
- The development will achieve a NatHERS development average of 7.5 stars, minimising the need for active energy systems.
- A commitment to 100% Green Power, including provision of a Zero Carbon Action Plan.
- Energy efficient glazing and building services, appliances and fixtures.



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- Reduced water use through water efficient fittings and fixtures and rainwater harvesting for toilet flushing. A total storage volume of 140kL rainwater tanks is proposed.
- Reduction in the average annual stormwater discharge of 40% across the whole site.
- Provision of extensive internal amenities to improve occupant comfort and experience of using the building.
- Electric vehicle chargers and infrastructure.
- At least 90% of construction and demolition waste is to be diverted from landfill, with waste contractors and facilities to comply with the Green Star Construction and Demolition Waste Reporting Criteria.
- Clear, safe and inclusive access to 446 bicycle parking spaces, a cycling maintenance rack and foot-pump and end of trip facilities for office staff, to promote alternative transport options.

## 8.6 TRAFFIC AND PARKING CONSIDERATIONS

Planning policy objectives strongly encourage the appropriate provision of car parking and access, in the context of the current and future traffic congestion challenges faced by Melbourne and its residents. A key aspect of these policies is to direct intensive development in locations particularly well located to public transport alternatives and the Principal Public Transport Network.

The proposed development embraces these important planning policy objectives through a model of balancing the provision of car parking, against improving access and utilisation of City North's excellent alternative transport options.

Onemilegrid has been engaged by Sentinel to undertake a thorough assessment of the development's requirements in relation to car parking, access and impacts on traffic movements in the surrounding road network. This assessment concludes, amongst other things, the following:

- The car parking layouts and accesses have been designed generally in accordance with the requirements of the Planning Scheme and are considered appropriate.
- The proposed bicycle parking access design is considered acceptable.
- The proposed loading arrangements are considered acceptable.
- The proposed provision of resident and visitor bicycle parking is considered appropriate. The proposed supply of car parking for the build-to-rent dwellings are in line with parking demands from case study data, and therefore is appropriate for the proposed development.

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- The anticipated traffic volumes generated by the development is not expected to have an impact on the operation of the surrounding road network.
- There are no traffic engineering reasons which would preclude a permit from being issued for this proposal.

While it is noted that the on-site bicycle parking spaces are secure, visitors will be able to access the bicycle parking under the supervision of residents, which is considered to be a preferred outcome than utilisation of spaces that are not secure.

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The proposed widening and upgrading of Little George Street to include a double width carriageway and 3 additional on-street car parking spaces will enhance its functionality, capacity and longevity to cater for the proposed development and existing and future developments on the opposite side of Little George Street. The widening allows for relocation of the vehicle access points on Harcourt and Villiers Streets to Little George Street and associated removal of the existing crossovers. The reinstatement of kerb will increase on-street car parking supply in Harcourt and Villiers Streets. As a result, the roadworks will improve vehicle connectivity, alleviate congestion and reduce the potential for vehicle conflicts in and around the subject site.

The proposal is therefore provided with an appropriate level of car parking to meet the expected demand and provides necessary upgrades to the adjoining road network to ensure the traffic generated into and out of the subject site can be accommodated. The proposal also facilitates the use of alternative transport options such as public transport, walking and cycling, offering various community benefits including further reductions in existing (and future) traffic congestion and a reduction of the municipality's impact on the environment.

### 8.7 WASTE MANAGEMENT

To meet the demands and requirements of the scale and intensity of residential development proposed, waste management facilities have been carefully integrated into the design of the development.

Onemilegrid has been engaged by Sentinel to guide the design of a waste management system for the development, which achieves a range of practical and functional requirements. Amenity considerations, safety of pedestrians and road users, as well as the need to make waste management more sustainable, have also been considered in preparing the Waste Management Plan (**WMP**) for the development.

Key elements of the WMP include:

- Two bin storage rooms, one per building, of appropriate dimensions and layout are provided on Lower Ground Level 1 adjacent to the loading area.



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- Additional area will be provided within the bins storage rooms to allow for temporary storage of bulk items and packaging, e-waste and charity bins and to cater for the commercial waste from the ancillary office space. The office will store its waste within the tenancy and transfer the waste to the residential bins stores as required.
- Residents will dispose of their sorted garbage and recyclables via dedicated chutes (available within each building at each apartment level).
- Private collection will occur on-site, from Lower Ground Level 1 via an 8.8 metre service vehicle.
- Waste collection and bin transfers will be carried out between the hours of 7.00am to 6.00pm, Monday to Sunday and routes that service entirely residential areas will be altered regularly to minimise noise disturbance to residents.

As demonstrated by the above, the proposed development makes appropriate provision for loading, unloading, and waste management facilities to meet the demand likely to be generated by the proposed development. Protecting the amenity of residents and the surrounding area has been fully considered in developing practical, functional, and integrated facilities to ensure potential noise and safety impacts are either avoided or managed where necessary.

### 8.8 LANDSCAPE CONSIDERATIONS

Numerous State and local planning policies reiterate the importance of a development providing a landscape contribution to the area, particularly as it relates to achieving an appropriate response to the identified and preferred neighbourhood character of the area. As such, the design of the development provides a considered landscape contribution that will result in a much-improved landscaping outcome than the existing conditions on the subject site and recent approvals within the area.

The Landscape Plan prepared by Arcadia provides an explanation of the landscape design for the proposal. In summary, the design incorporates:

- Trees and planter beds along the Mary and Little George Street interfaces.
- Planter boxes on the street edge of the individual dwelling entries to Harcourt, Mary and Villiers Streets.
- A landscaped, publicly accessible pedestrian connection between Mary and Harcourt Streets (the Green Spine) on the Lower Ground 1 Level, comprising numerous trees, shrubs, groundcovers, small plants, climbing plants on the entry pergola from Mary Street, permeable gravel paving, visitor bicycle parking and seating areas. The plant species have been carefully selected to suit the micro climate of the space, ensuring their longevity.
- A landscaped communal area on Level 1 comprising a medium sized tree, raised planters and hanging vegetation over the balustrade that will spill



over portions of the façade on top of the Communal Heart and provide visual interest, enhance the outlook of future residents and views of the building from the residential properties to the south and west of the subject site.

- A landscaped communal area on Level 2 comprising a pool, outdoor kitchen and seating areas with raised planters around the edges, a gazebo with climbing plants, 4 small trees and 1 medium sized tree.
- A raised planter along the southern and western edges of Building B at Level 2, comprising 3 small trees.
- A green roof on Level 3, designed in collaboration with Fytogreen, a green infrastructure specialist with a proven track record of delivering quality roof gardens.

The landscaping proposed along Mary and Little George Streets will significantly improve their existing streetscape character, provide a pleasant outlook for the proposed dwellings, and establish the new built form within a vegetated setting. It will also serve to soften the proposed form to its more sensitive interfaces to the west and south, the existing and proposed services along Little George Street and screen views to and from neighbouring properties. The proposal will also protect and preserve the existing street trees along Harcourt Street and Villiers Street, ensuring they continue to make a valuable contribution to the public realm.

Within the development, the Green Spine offers an extension of the green streets and boulevards of North Melbourne, contributing to the garden character and permeability of the area, while providing flexible spaces for play and seating pockets for passive use and socialisation by both future residents and the wider community within the Communal Heart.

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Figure 15: Render of the Communal Heart

At the upper levels, a mixture of climbers, groundcovers, shrubs and elevated trees in the communal areas provides residents with a contemporary take on the concept of a landscaped backyard, offering a high level of internal amenity for residents.

The plant species at upper levels have also been carefully selected for their adaptability to a rooftop environment, with low water requirements and a tolerance to climactic exposure. The communal terraces and green roof will help to reduce the amount of stormwater run-off, as well as reflecting heat from upper levels. Such careful consideration of the plant layout and species ensures the plantings are resilient and that their environmental benefits will have a lasting effect for future residents, protecting their amenity.

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The landscaping across all levels will complement the existing garden character of North Melbourne and set a precedent for future higher density buildings in the area to accommodate more extensive landscaping and urban greening.

As such, the proposal will achieve a meaningful landscape contribution by ensuring landscape opportunities are provided to deliver on and off-site benefits.



The subject site has the potential to accommodate a development which makes a substantial and positive contribution to the achievement of State and local planning policies, as well as the emerging character of development in City North.

The Scheme acknowledges the strategic attributes of the City North urban renewal area and the ongoing potential for redevelopment and further diversification of uses that optimise its strategic location, whilst protecting, strengthening, and reinforcing the existing local identity and character. Within this strategic context, the proposed development provides an entirely acceptable outcome.

The proposal facilitates the intensive and efficient utilisation of a strategically located development site, in line with various planning policy objectives. In particular, it will contribute to the provision of more diverse, affordable and sustainable housing within North Melbourne, and metropolitan Melbourne more broadly, proximate to a variety of commercial, education, community, employment, health and recreational facilities.

The development meets the objectives of the Mixed Use Zone by providing housing at high densities that is responsive to the existing and emerging character of the area and complementary to the mixed-use function of the locality.

The proposal contemplates a scale and intensity of development, which is commensurate with that expected in an inner city urban renewal area. This is evidenced by the considered minimisation of adverse off-site amenity impacts, the high standard of on-site amenity, as well as the high-quality urban design and architectural outcomes achieved.

The development introduces a new pedestrian link between Mary and Harcourt Streets, a footpath on the southern side of Little George Street and upgrades the existing footpath on the northern side of Mary Street. It also delivers a double width carriageway along Little George Street, additional on-street car parking and landscape zones to provide a substantial contribution to the quality of the public realm surrounding the subject site.

Sufficient car and bicycle parking are provided, as are appropriately designed access arrangements. Potential traffic impacts will be within acceptable limits.

The proposal achieves high levels of environmental performance and has incorporated a range of sustainable design initiatives and stormwater management.

The development will therefore further the strategic objectives for this area, and on the basis of the foregoing considerations, the application will deliver a more than acceptable outcome that is worthy of a planning permit.

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**Attachment 1: Site Photos**

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Figure 16: Subject site as viewed from Villiers Street



Figure 17: Subject site as viewed from the corner of Harcourt Street & Little George Street



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Figure 18: Subject site as viewed from the corner of Villiers Street & Mary Street

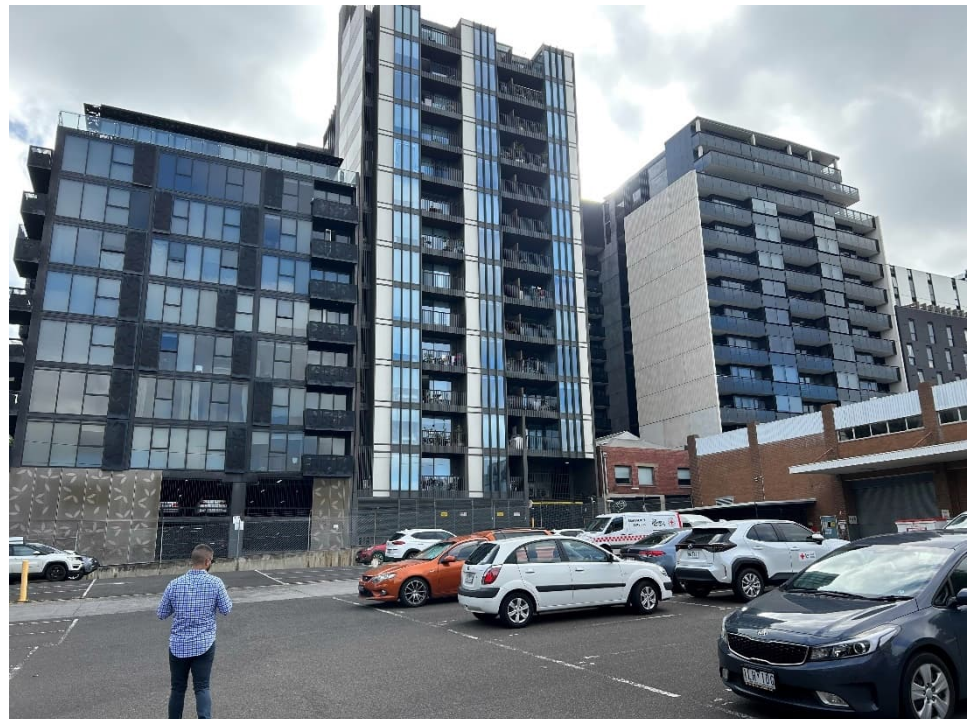


Figure 19: Rear of 109, 91-93, 87-89 & 83 Flemington Road, as viewed from the subject site



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Figure 20: 55 Villiers Street as viewed from Villiers Street



Figure 21: Rear view of the properties on the other side of Little George Street opposite the subject site, as viewed from Villiers Street



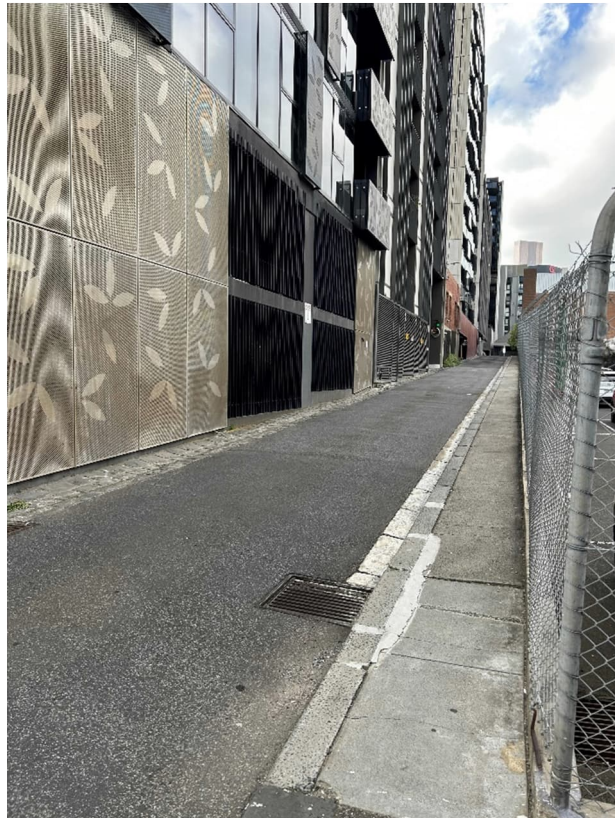
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Figure 22: Little George Street looking north from Villiers Street



Figure 23: Little George Street looking south from Harcourt Street



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Figure 24: 68, 66 and 64 Harcourt Street, from left to right.



Figure 25: Entrance to the laneway along the south-western boundary of the subject site



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Figure 26: Corner of the laneway along the south-western boundary of the subject site



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Figure 27: Rear view of 18 Mary Street looking south from the laneway





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Figure 28: Rear view of 18 and 22-26 Mary Street, the laneway and side elevation of 68 Harcourt Street from the subject site (from left to right)



Figure 29: Existing habitable room windows on the southern wall of 12 Mary Street



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Figure 30: Existing built form context along Mary Street looking north from the subject site



Figure 31: Existing built form context along Mary Street looking south from the subject site



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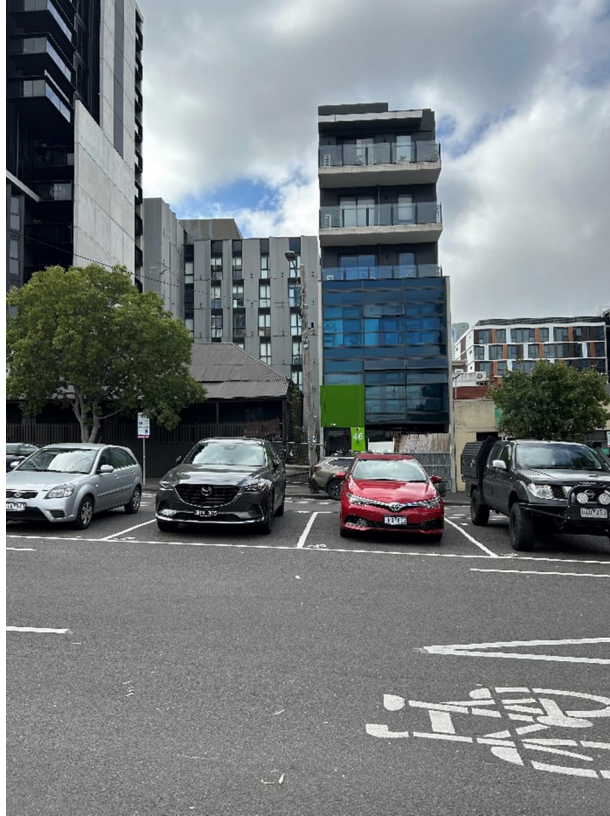


Figure 32: 48-50 and 46 Villiers Street from left to right



Figure 33: 108 Courtney Street as viewed from Courtney Street

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## Attachment 2: Relevant Planning Policies

### Planning Policy Framework

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- **Clause 11 – Settlement** states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- **Clause 11.01-1S – Settlement** seeks to limit urban sprawl and direct growth into existing settlements, and promote and capitalise on opportunities for urban renewal and infill redevelopment.
- **Clause 11.01-1R – Settlement – Metropolitan Melbourne** seeks to create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
- **Clause 11.02-1S – Supply of Urban Land** seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 13 – Environmental Risks and Amenity** states planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.
- **Clause 15 – Built Environment and Heritage** states planning should ensure all land use and development appropriately respond to its surrounding landscape and character, valued built form and cultural context.
- **Clause 15.01-1S – Urban Design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1R – Urban Design – Metropolitan Melbourne** seeks to create a distinctive and liveable city with quality design and amenity.
- **Clause 15.01-2S – Building Design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 15.01-4S – Healthy Neighbourhoods** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne** seeks to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.



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- **Clause 15.01-5S – Neighbourhood Character** seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 16 – Housing** states that planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure. Further, planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- **Clause 16.01-1S – Housing Supply** seeks to facilitate well-located, integrated and diverse housing that meets community needs.
- **Clause 16.01-1R – Housing Supply – Metropolitan Melbourne** seeks to manage the supply on new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in appropriate locations. This includes urban renewal precincts and locations in and around the Central City.
- **Clause 16.01-2S – Housing Affordability** seeks to deliver more affordable housing closer to jobs, transport and services, and increase choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- **Clause 17.01-1S – Diversified economy** seeks to strengthen and diversify the economy by protecting and strengthening existing and planned employment areas.
- **Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne** seeks to plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.
- **Clause 18 – Transport** states planning should ensure a safe, integrated and sustainable transport system that:
  - Provides access to social and economic opportunities to support individual and community wellbeing.
  - Facilitates economic prosperity.
  - Actively contributes to environmental sustainability.
  - Facilitates network-wide efficient, coordinated and reliable movements of people and goods.
  - Supports health and wellbeing.
- **Clause 18.01-1S – Land Use and Transport Integration** seeks to plan movement networks and adjoining land uses to minimise disruption to residential communities and their amenity.
- **Clause 18.01-2S – Transport System** seeks to facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.



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- **Clause 18.01-3S – Sustainable and Safe Transport** seeks to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.
- **Clause 18.01-3R – Sustainable and Safe Transport – Metropolitan Melbourne** seeks to improve local travel options for walking and cycling to support 20 minute neighbourhoods.
- **Clause 18.02-1S – Walking** seeks to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
- **Clause 18.02-2S – Cycling** seeks to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- **Clause 18.02-2R – Cycling – Metropolitan Melbourne** seeks to develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes – the Principal Bicycle Network.
- **Clause 18.02-3S – Public Transport** seeks to locate higher density and increased development on or close to the Principal Public Transport Network in a way that does not compromise the efficiency of the Principal Public Transport Network.
- **Clause 18.02-3R – Principal Public Transport Network** seeks to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at inter changes, activity centres and where principal public transport routes intersect.
- **Clause 18.02-4S – Roads** seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.
- **Clause 19 – Infrastructure** states that planning should facilitate efficient use of existing infrastructure and human services.
- **Clause 19.03-2S – Infrastructure Design and Provision** seeks to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- **Clause 19.03-3S – Integrated Water Management** seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.
- **Clause 19.03-5S – Waste and Resource Recovery** seeks to reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.



## Local Planning Policy Framework

### Municipal Planning Strategy

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- **Clause 02.01 – Context** states that the City of Melbourne contains Victoria’s premier economic and cultural infrastructure; and a wide diversity of 24/7 uses including office and commercial, retail, leisure, entertainment, research, educational and residential uses; and hosts the State’s major events. The City of Melbourne had a residential population of 53,200 in 2001 grew rapidly to 169,960 in 2018. By 2031, this could reach 270,540 people. About 83 per cent of municipality’s housing stock is now units or apartments compared to detached houses and townhouses.
- **Clause 02.02 – Vision** states the vision for the City of Melbourne is to be a bold, inspirational and sustainable city. There are six high level goals for the City of Melbourne to be:
  - A city for people.
  - A creative city.
  - A prosperous city.
  - A city of knowledge.
  - An eco-city.
  - A connected city.
- **Clause 02.03-1 – Settlement** states that existing urban renewal areas provide a new mix of uses and higher density of development complemented by excellent provision for walking, cycling and public transport services. City North is identified as a specialised activity area and an area in transition. Further potential for urban renewal is identified between the existing Central City and the knowledge precinct in the south area of Parkville. City North contains the Parkville Station as part of the Melbourne Metro project and is an extension of the Central City.
- **Clause 02.03-2 – Environmental and Landscape Values** states that the quality of the City of Melbourne’s open spaces and waterways are important to the municipality’s recreational attractiveness and the health of the ecological systems and the biodiversity. In managing biodiversity and waterways, the Council will encourage the use of indigenous vegetation in open spaces and roof top greening.
- **Clause 02.03-4 – Built Environment and Heritage** acknowledges that Melbourne’s character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, laneways and individually significant heritage buildings.

Where the built form character of an area is valued, new development must respect this character and add to the overall quality of the urban environment. In areas where built form change is more substantial, a new and equally attractive environment must be created.



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A fundamental feature of the City's built environment is the ability to offer sunlight to its streets and public spaces at times of the year when the intensity of pedestrian activity is highest to provide high amenity public space, aid public health and support vegetation.

Council aims to, inter alia:

- Ensure design, height and scale of development responds to the identified preferred built form character of an area.
  - Improve public realm permeability, legibility and flexibility.
  - Ensure that development in the Capital City, Docklands, Commercial and mixed use zoned areas provide active street frontages and minimise pedestrian disruption from car access.
  - Design public and private open spaces to support wellbeing including physical movement, communal exercising, social interaction, quiet enjoyment and connections to the natural environment.
  - In Urban Renewal Areas:
    - o Provide a complementary transitional scale to adjoining areas where the built form character is to be maintained.
    - o Encourage a development pattern that is permeable and fine-grained.
- **Clause 02.03-5 – Housing** acknowledges the expected significant population growth in an already densely developed city is a key challenge for the municipality. New housing needs to be diverse, affordable and provide a good standard of building design.

Most of the increased population is planned to be accommodated in the City's areas of urban renewal, planned urban renewal and the Hoddle Grid. Outside these areas, population growth will be modest and in some established areas such as South Yarra, parts of Parkville, North Melbourne, Kensington, Carlton, East Melbourne and Jolimont, there will be minimal change.

High standards of on-site amenity should be provided in all residential development, including good access to sunlight, daylight and privacy as well as protection from effects such as noise and light spill.

In providing housing, the Council will:

- Preserve the valued characteristics of the stable residential areas and in areas outside the Central City and Urban Renewal Areas, increase housing quantity and density consistent with existing character.
- Encourage the most significant housing and population growth to the Central City and urban renewal areas.





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- Ensure that new residential development achieves high standards of amenity including access to sunlight and daylight and protection from overlooking.
- Ensure social and physical infrastructure provision as part of residential development.
- Support a range of housing types and tenures to meet the diverse of housing needs.

It is acknowledged that there is a need to increase the proportion of housing to meet a diverse range of needs.

- **Clause 02.03-7 – Transport** seeks to integrate transport and urban growth. A priority for the City of Melbourne is maximising the use of sustainable modes of transport.

In encouraging sustainable transport, the Council will, inter alia:

- Develop and maintain a comprehensive, safe, comfortable and convenient pedestrian and cycling network.
- Maximise the use of public transport through an efficient urban structure.
- Encourage public transport as the primary mode of access to the Central City by planning for the network and encouraging integrated development.

- **Clause 02.03-8 – Infrastructure** outlines the infrastructure outcomes sought in the municipality. There are, inter alia:
  - Facilitate upgrading of utilities, community facilities and public open space that meet the needs of the public.
  - Integrate new community facilities with residential development.
  - Encourage co-location of complementary community facilities and encourage multipurpose uses.
  - Encourage stormwater management, including water sensitive urban design, to minimise the impact of development on waterways.
  - Maintain, enhance and increase Melbourne’s public open space network and promote greening of the City.
  - Ensure parks, gardens, waterways and open spaces remain a prominent element of the City’s structure and character.
- **Clause 02.04-1 – Growth Area Framework Plan** identifies the subject site in the City North existing urban renewal area.



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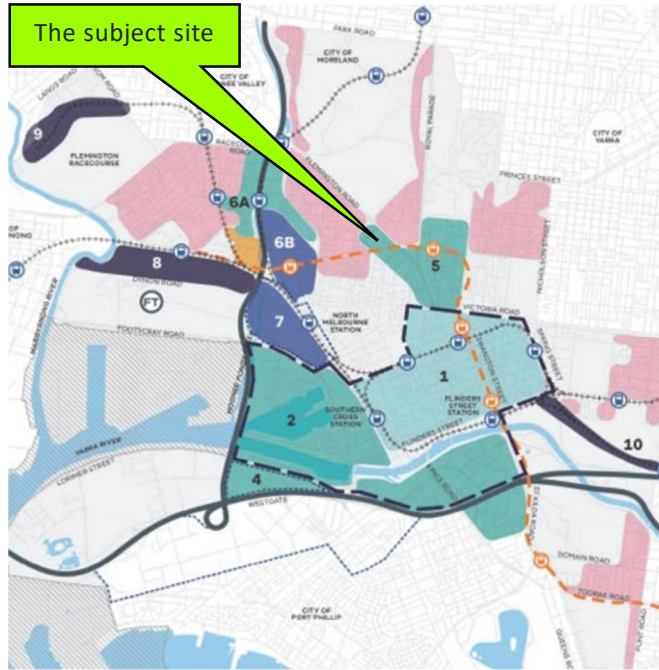


Figure 34: Growth Area Framework Plan (Source: Melbourne Planning Scheme, 2024)

- **Clause 02.04-2 – Local Areas Plan** identifies the subject site as being in the City North local Area.

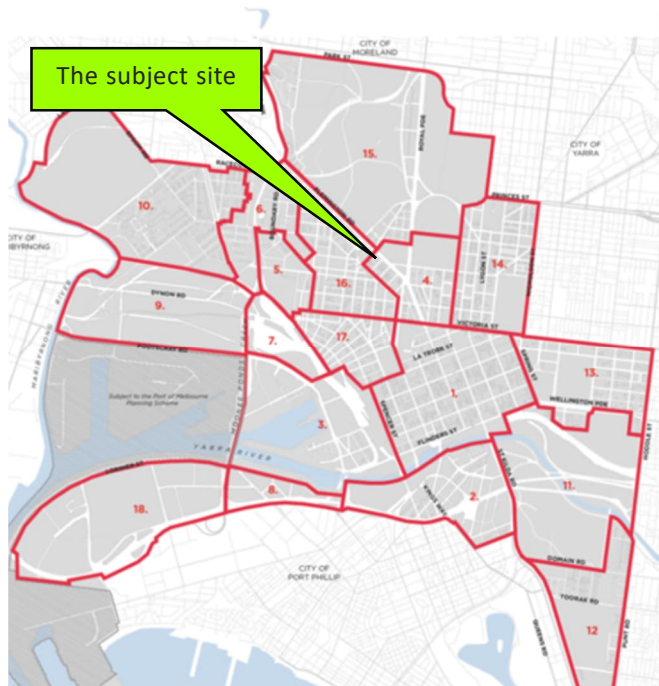


Figure 35: Local Area Plan (Source: Melbourne Planning Scheme, 2024)

- **Clause 02.04-5 – Transport Plan** identifies the subject site as being proximate to multiple existing and potential transport routes, including the tram, rail, road and cycle networks as well as the high intensity pedestrian area.



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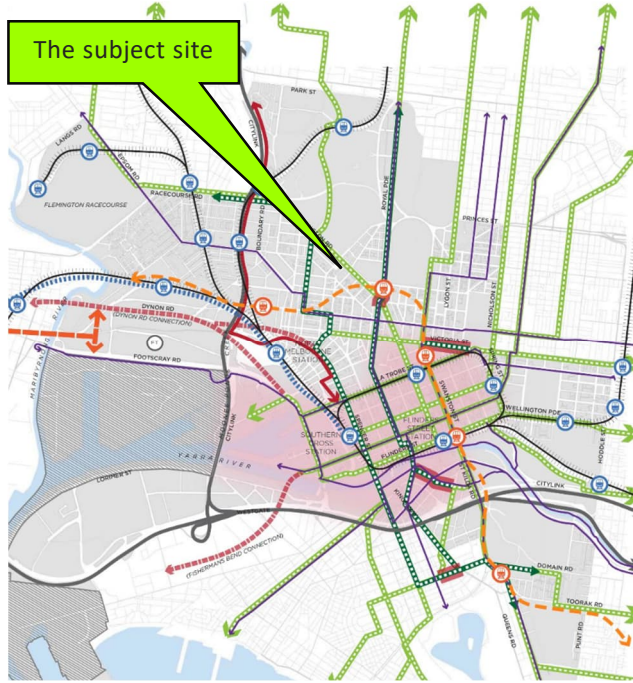


Figure 36: Transport Plan (Source: Melbourne Planning Scheme, 2024)

- **Clause 02.04-6 – City North Plan** illustrates the subject site as being located within walking distance of the proposed Melbourne Metro Rail Station and multiple boulevards throughout the City North.



Figure 37: City North Plan (Source: Melbourne Planning Scheme, 2024)



## Local Policies

- **Clause 13.07-1L-03 – Land Use Compatibility** seeks to, inter alia:
  - Ensure residential development in or adjacent to the Capital City, Docklands, commercial or mixed use zones, that is designed to mitigate the amenity impacts from surrounding uses, particularly noise.
  - Discourage use or development near hospitals that prejudice public safety or risk reducing the efficiency or safe delivery of acute health care, trauma and emergency services (including 24 hour emergency helicopter access).
  - Encourage dwellings and non-residential uses in residential areas to be located and designed to protect residents from off-site amenity impacts, with the responsibility for managing impacts to fall upon the ‘agent of change’.
- **Clause 15.01-1L-03 – Sunlight to Public Spaces** applies to public spaces throughout the municipality including parks and gardens, squares, streets and lanes and privately owned publicly accessible spaces within developments. It seeks:
  - To protect, and where possible, increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.
  - To ensure that overshadowing from development does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
  - To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.
  - To discourage development that casts additional shadows on public spaces between 11.00am and 2.00pm on 22 September.
- **Clause 15.01-1L-04 – Urban Design** seeks to protect iconic views, support the use of materials resistant to vandalism and graffiti, subject to them being respectful of the referred built form character, and support development of towers that are well spaces and offset to provide good access to an outlook, daylight, sunlight and to minimise overlooking between habitable room windows.
- **Clause 15.01-1L-05 – Urban Design Outside the Capital City Zone** seeks:
  - To ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area.

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- To ensure that buildings on prominent sites are designed to achieve a high standard of design that reflects the importance of their location and extent of their visibility.
- To ensure that building design at the ground floor frontages creates and improves pedestrian interest and engagement.
- To prioritise pedestrian movement and amenity and strengthen networks of pedestrian pathways.
- To minimise the adverse impacts of wind in surrounding public spaces and provide weather protection.

It also provides strategies for building form, street level frontage activation, building articulation, service areas, building projects, visibility and safety, weather protection, landscaping and pedestrian connection and vehicle access.

- **Clause 15.01-2L-01 – Energy and Resource Efficiency** seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
- **Clause 18.01-1L – Land Use and Transport Planning** seeks to, inter alia:
  - Support development that encourages other transport modes and discourages the use of private motor vehicles.
  - Encourage re-charging facilities powered by renewable sources of energy for electric powered vehicles.
  - Support a reduction or waiving of car parking requirements for new use and development that has good access to public transport.
  - Encourage the co-location and sharing of car parking facilities.
  - Minimise the extent of vehicle crossovers and their impediment to pedestrian access.
  - Reduce the negative economic, social and environmental impacts of traffic and parking, particularly on residential and mixed use zones areas and parklands.
  - Ensure development is designed to respond to the cumulative traffic and parking impact of developments on an area.
- **Clause 19.03-3L – Stormwater Management (Water Sensitive Urban Design)** seeks:
  - To achieve the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999* (or as amended).
  - To promote the use of water sensitive urban design.
  - To mitigate the detrimental effect of development on downstream waterways.



- To minimise peak stormwater flows and stormwater pollutants for the improved health of water bodies, including creeks, rivers and bays.
- To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

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## Attachment 3: Clause 58 Assessment

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