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Proposed  
C239

## SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

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

### FITZROY FORMER GASWORKS SITE

This schedule applies to the Gasworks site at 111 Queens Parade and 433 Smith Street, Fitzroy North and is bound by Smith Street, Queens Parade, George Street and Alexandra Parade, 433 Smith Street, Fitzroy North

#### 1.0 Requirement before a permit is granted

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A permit may be granted for the following, before a Development Plan has been approved:

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

~~A Development Plan for any one stage of the development may be approved and a permit for that stage may be issued prior to the approval of a Development Plan for any other stage of the development. Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and in accordance with the objectives for the site contained in this Schedule.~~

The development plan may be prepared in stages.

#### 2.0 Conditions and requirements for permits

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

- A Construction Management Strategy must be submitted to and approved which:
  - Details the measures to be implemented to minimise adverse impacts during construction on environmental values, including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
  - Details the measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
  - Shows the designation of tree protection zones for any canopy trees to be retained on the land.
  - Shows the location of site offices, site access and off-street vehicle parking for construction vehicles and employees and traffic management.
  - Details the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
  - ~~Details the hours of construction on the site.~~
  - Details staging of construction.
  - Details the management of public access and linkages around the site during construction.
  - Includes any works within the Smith Street, Queens Parade, George Street and Alexandra Parade road reserve.

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- ~~Any measures required by an environmental auditor with respect to the site.~~
- ~~Describes the methodology for responding to complaints associated with the construction works.~~
- ~~Includes the site manager contact details.~~

- All works conducted on the land must be in accordance with the approved Construction Management ~~Plan to the satisfaction of the responsible authority~~ ~~Strategy~~.

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

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

### 3.0 Requirements for Development Plan

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A Development Plan must be prepared, generally in accordance with the ~~Indicative Concept Plan~~ ~~Building Heights and Setbacks Table~~ forming part of this Schedule ~~and~~, the *North Fitzroy Gasworks Precinct Urban Design Framework 2008* ~~and the Fitzroy Gasworks Master Plan Design Report Development Victoria November 2017~~, to the satisfaction of the Responsible Authority.

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

- Develop a mixed use precinct comprising a variety of housing types, community facilities and public open space.
- Create high quality architectural frontages with a sense of articulation, streetscape scale and rhythm that contributes to the significance of Queens Parade and Alexandra Parade.
- Activate street frontages to contribute to street life and safety through passive surveillance, especially along Smith Street, encouraging retail, office and other uses at street level.
- Building massing transitioning to reduced heights and increased setbacks along sensitive interfaces with increased heights at the centre of the site.
- ~~A~~ ~~Support~~ a range of dwelling types to cater for a variety of housing needs including ~~diverse and affordable housing and family friendly housing~~.
- ~~Provision of a minimum of 15% of dwellings as affordable housing for very low income and low income households as defined in the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act, 2017.~~
- ~~Retention of the restored Porter Iron Store on site, with repurposed use integrated into development of the site in line with heritage conservation, successful examples of such incorporation, and risks to the building with its relocation to public open space~~
- Create ~~useful-useable, safe and accessible~~ public spaces to meet local needs and improve resident amenity and usability.
- ~~Support~~ for the provision of community infrastru
- ~~cture~~ to service the needs of the local area including complimenting the adjoining proposed indoor sports courts and integration of the site with the adjoining proposed education facility.
- ~~Provision of landscaping within and around the site to reduce the visual impact of development, improve livability and mitigate impacts of the urban heat island effect.~~
- The provision of effective traffic management ~~and~~, car parking ~~and servicing~~.
- Incorporation of sustainable design features to address water management, solar access and ~~innovative~~ energy saving initiatives.

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- Address the heritage significance of the interface with Queens Parade.
- Recognise the importance of Alexandra Parade to the image of the City and consider the design, height and visual bulk of the development in relation to surrounding landuses and developments.
- Retain the visual prominence of at least a the top third of the individually significant Shot Tower from primary views.

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The Development Plan must include the following to the satisfaction of the responsible authority:

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- Site analysis and design response

A site analysis and design response report which shows how the development responds to the Design Guidelines that includes:

- A site analysis that identifies the key attributes of the land, its context, the surrounding area and its relationship with existing and proposed uses on adjoining land.
- A context analysis identifying neighbourhood features such as public transport, neighbourhood centres, walking and cycling connections.

- Site plans showing:

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- o The location of heritage buildings and significant vegetation.
- o the siting and orientation of proposed buildings on the site and the relationship to buildings on adjoining land
- o The proposed uses of each building and estimated floor area for each use.
- o The location of open space and recreation facilities to be provided on the site including areas available to the public.Key access points including indicative vehicle and pedestrian crossovers.
- o Movement networks within the Development Plan area for vehicles, bicycles and pedestrians.
- o The indicative internal street network including the layout
- o Indicative building entry and servicing points.
- o Building heights and setbacks that are generally in accordance with the Building Heights and Setbacks Table, forming part of this Schedule.
- o Elevations and cross sections.
- o Building materials, treatments, including architectural styles throughout the site.
- o Siting and orientation of buildings having regard to passive energy efficiency techniques and spacing between buildings.
- o Treatments for key interface areas within the site and between the site and adjoining development, including interfaces to public realm and open space areas, interfaces to all existing and proposed streets and between different land uses.
- o The treatments for communal open space;
- o The treatment of building services, including how the services are to be screened from the public realm;

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- Shadow diagrams for the equinox between 11am and 2pm based on the building envelopes.

- The proposed uses of each building and estimated floor area for each use.
- The location of open space and recreation facilities to be provided on the site including areas available to the public.

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- The location of heritage buildings and significant vegetation.
- Key access points including indicative vehicle and pedestrian crossovers.

**Building Heights and Setbacks Table**

<b>STREET</b>	<b>DISTANCE FROM BOUNDARY METRES (m)</b>	<b>MAXIMUM HEIGHT METRES (m)</b>
<b>QUEENS PARADE</b>	0-8m	20m
	> 8m	32m
<b>SMITH STREET from QUEENS PDE TO COUNCIL ST.</b>	0-11.5m	17
	> 11.5m	32m
<b>SMITH STREET from COUNCIL ST. TO ALEXANDRA PDE.</b>	0-19m	17m
	> 19m	45m
<b>ALEXANDRA PARADE</b>	0-22m	30m
	> 22m	45m
<b>GEORGE STREET</b>	0-14m	20m
	> 14m	45m

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

- Planning report
  - A planning report that includes:
    - The sites urban context, including its physical surrounds, social and economic environment and a strategic view of the area in which it is located and its role over time.
    - An assessment against any adverse **internal and external** amenity impacts **of nearby land uses** and how these are to be managed.
    - An assessment of how the proposed development plan responds to the relevant **requirements provisions** of the Yarra Planning Scheme **including Clause 58, the North Fitzroy Gasworks Precinct Urban Design Framework 2008, and the Fitzroy Gasworks Master Plan Design Report, Development Victoria, November 2017.**
- Design Guidelines
  - Design Guidelines that include:**
    - **Development concept plans including:**

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

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STREET	DISTANCE FROM BOUNDARY METRES (m)	MAXIMUM HEIGHT WITHIN SETBACK	OVERALL MAXIMUM HEIGHT
QUEENS PARADE	0-8m > 8m	6 storeys (20m) 10 storeys (32m)	10 storeys (32m)
SMITH STREET from QUEENS PDE TO COUNCIL ST.	Up to 11.5m > 12m	6 storeys (20m) 10 storeys (32m)	10 storeys (32m)
SMITH STREET from COUNCIL ST. TO ALEXANDRA PDE.	Up to 19m > 19m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)
ALEXANDRA PARADE	Up to 22m > 22m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)
GEORGE STREET	4 to 14m > 14m	10 storeys (32m) 14 storeys (45m)	14 storeys (45m)

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

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

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Design Guidelines that are consistent with the following objectives:

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- To promote urban legibility and high quality public access to and through the site including clear sight lines including safety by design principles and a choice of route.
- To ensure new buildings are well spaced and offset to distribute access to outlook and sunlight between built forms and manage overlooking between habitable room windows.
- To demonstrate high quality built form outcomes by avoiding visually dominant buildings through use of discontinuous forms, well articulated facades and high quality materials that weather well and are environmentally sustainable.
- To ensure that building heights consider and respond to the over shadowing effects within the site and on adjoining land.
- To ensure active street level interface treatments that contribute to high levels of pedestrian amenity and safety via appropriately scaled podiums that incorporate ground floor uses that foster interaction with all streets and proposed public spaces and uses at upper levels that achieve passive surveillance with strong connections to community or retail uses.
- To ensure public open spaces have good solar amenity, good passive surveillance and are not disproportionately overwhelmed with built forms.

- To provide wind climate design to ameliorate adverse wind conditions at street level, public spaces, balconies and adjoining properties.
- To provide acoustic design treatments that addresses the impact of existing and potential noise particularly from road traffic and trams.
- To collectively form a coherent and identifiable precinct.
- To provide for safe and convenient pedestrian, cyclist and vehicular access.
- To incorporate recognised and proven ESD measures to aid in the reduction of energy and water consumption, the generation of waste and greenhouse emissions.
- To encourage new development to address and activate public realm, without privatising or borrowing from its amenity.
- To position the school to front Queens Parade.
- To centre the sports courts on the site as a key community node with ease of access to public transport.

▪ Staging Plan

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

- The proposed sequencing of development.
- Vehicle access points, road infrastructure works and traffic management for each stage of development.
- Interface/access treatments.

▪ Heritage Assessment

A Heritage Assessment to assess the cultural heritage of the site and identify sites, buildings or structures of significance. A Heritage Assessment must:

- Identify sites, buildings or structures which have been assessed as significant.
- Assess the extent to which a significant site, building or structure can be incorporated in the sites redevelopment.
- Identify how the site's heritage is interpreted in the future development of the site.
- Provide guidance on the on-going maintenance and management of the heritage places to be retained.

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▪ Landscape and Public Realm Concept plan

A Landscape and Public Realm Concept plan which includes the following:

- An overall landscape master plan for the site and adjacent areas, including a street tree master plan for the site.
- An indicative plant and materials schedule.
- A written description of the management of landscaped areas including sustainable irrigation treatments.
- Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian public spaces.
- Proposed use, management and ownership for public open spaces.
- Details of how the plan responds to the requirements of any site remediation of the land.

▪ Traffic Management Plan

A Traffic Management Plan prepared in consultation with Public Transport Victoria, the City of Yarra and VicRoads, which provides the following details as appropriate:

- The likely traffic generation of the proposed uses and development including results from traffic modelling showing the likely traffic impacts on surrounding sites, the broader road network and public transport services.

- Any works necessary to mitigate ~~unreasonable unacceptable~~ impacts on the road network and ~~unreasonable unacceptable~~ delays to public transport services caused by traffic generated by the proposed development, including the implementation and indicative timing of such works.
- The indicative location ~~and rates~~ of on-site car and bicycle parking for the land uses shown on the Development Plan.
- Movement networks within the Development Plan area for vehicles, bicycles and pedestrians.
- The indicative internal street network including the layout and proposed reservation widths.
- Existing and proposed public transport routes and stops in the vicinity of the Development Plan area.
- The location of bicycle and pedestrian paths in the vicinity of and connections to the Development Plan area.
- ~~Points of access to the site from adjoining roads, including any treatments necessary to enable access to the site.~~

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~~- the means proposed to promote reduced car use and promote sustainable travel including opportunities for the provision of a car share system and Green Travel Plan initiatives.~~

~~- details the infrastructure to safely connect the users of the site to public transport and cycle routes, neighbouring residential areas and activity centres.~~

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~~The Traffic Management Plan should include the following objectives:~~

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~~- Ensuring access and egress to Smith Street is left in and left out only.~~

~~- Provision of two bicycle spaces per dwelling.~~

▪ Site Remediation Plan

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

The site remediation plan should address:

- Options and a preferred approach to the remediation of soil and groundwater.
- Targeted condition of the site as specified by the Environmental Auditor to suit the range of land uses.
- ~~Locations across the site of proposed clean up work.~~
- ~~Issues relevant to the retained heritage assets~~

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- Options for remediation technologies taking into account logistics, technology, availability, estimated cost, and likely effectiveness.
- A schedule of remediation activities.
- Expected pattern/staging and indicative timeframes for signed Certificates and Statements of Environmental Audit across the site following the clean up of the site.
- Indicative site management and monitoring controls that will be necessary following each clean up activity.
- Identifying the parties responsible for key activities and for subsequent site management and monitoring.

▪ Environmentally Sustainable Design

An Environmentally Sustainable Design strategy which identifies sustainability performance standards. The plan must be based upon the following principles:

- Energy conservation to contribute to local, national and international efforts to reduce energy usage and green house gas emissions.
- Water conservation, ensuring that water resources are managed in a sustainable way.
- Water sensitive urban design and reducing the impacts of stormwater on catchments consistent with general principles as detailed in Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water).
- Reduction of the amount of waste generated and encouragement of increased reuse and recycling of waste materials.
- Sustainability options in demolition and construction practices.
- Landscaping considering the provisions of habitat, green spaces and climate control as appropriate.

▪ Community Needs Assessment

A Community Needs Assessment which identifies:

- Existing and planned services in the surrounding area and the impact the development will have on these services.
- The need to provide additional community facilities on site **or whether any existing community facilities in the local area should be upgraded or extended.**
- The location of any new community facilities on site **or in the surrounding area.**
- Funding and implementation mechanisms for the provision of appropriate community infrastructure; and
- **Timing of the provision of any required community facilities coordinated with the overall development of the site.**

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▪ Services and Infrastructure Plan

A Services and Infrastructure Plan to identify all existing and proposed infrastructure requirements and easements (water, sewerage, gas, electricity, telecommunications, drainage, storm water overland flow points and water sensitive urban design) to service the proposed Development Plan area. The report must also address the need for the relocation of any services and potential to place above-ground services underground.

▪ Stormwater and Flooding Management Strategy

A Stormwater and Flooding Management Strategy developed in consultation with Melbourne Water including:

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

▪ Dwelling Diversity and Affordable Housing Report

A Housing report which includes:

- A demographic analysis of the types of people and households anticipated to live within the development.



- Demonstrate how the development will support the existing and future population of the area.
- Proposed dwelling typologies for the development.
- Demonstrate how the development proposes to provide affordable housing and family friendly housing.

**Reference**

*North Fitzroy Gasworks Precinct Urban Design Framework 2008*

*Fitzroy Gasworks Master Plan Design Report, Development Victoria, November 2017*

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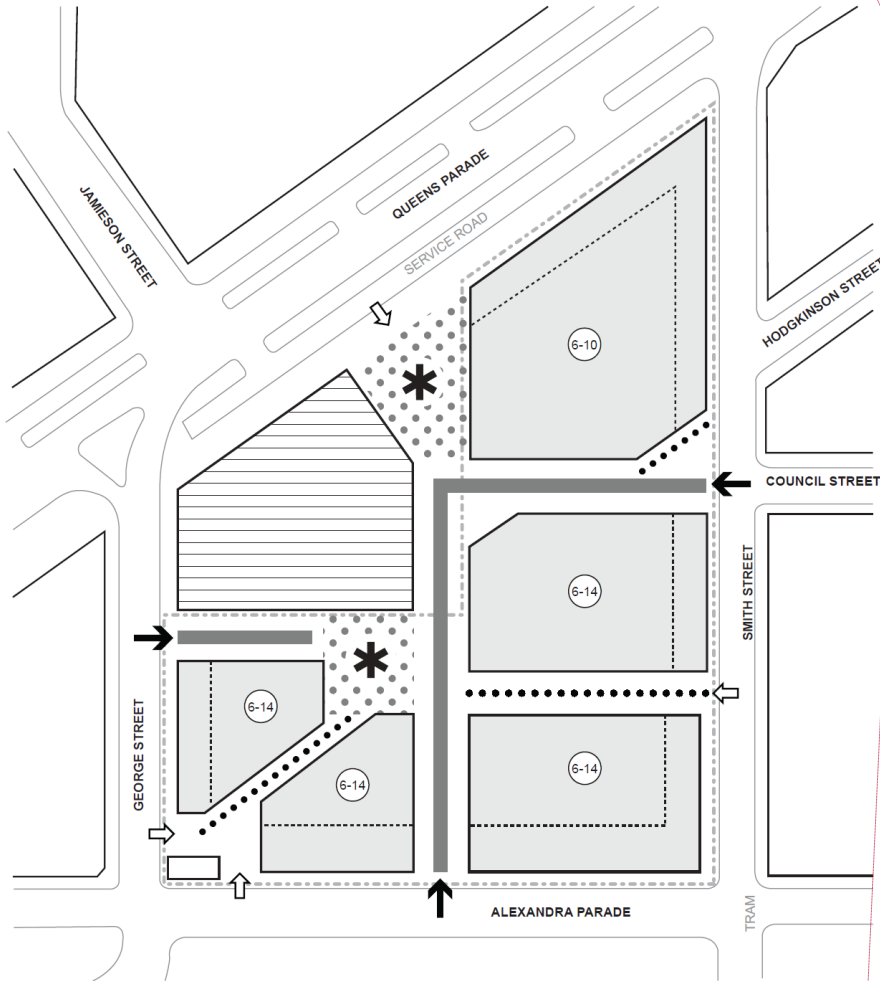
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**INDICATIVE CONCEPT PLAN**



**LEGEND**

- |   |                                 |
|---|---------------------------------|
| MIXED USE   | VEHICLE AND PEDESTRIAN ACCESS   |
| PUBLIC USE ZONE   | PEDESTRIAN / CYCLE ACCESS       |
| ARTICULATED BUILT FORM TO A MAXIMUM HEIGHT - NO. OF STOREYS | PLAZA - PRIMARY PEDESTRIAN NODE |
| UPPER LEVEL SETBACKS  | INTERNAL STREET                 |
| DPO BOUNDARY  | PEDESTRIAN CONNECTIONS          |
|   | PRIMARY PUBLIC REALM            |

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