

PANEL SUBMISSION TO C433GGEE

ADDRESS: 39-45 GORDON AVENUE, GEELONG WEST
PREPARED FOR: GORDON AVENUE PROPERTY TRUST
DATE: 18 FEBRUARY 2026



Document Information

Issue Date	18 February 2026	Prepared for	Gordon Avenue Property Trust
Prepared by	JG/WP	Reviewed by	WP
Project No.	10906	Project Name.	39-45 Gordon Avenue, Geelong West

Disclaimer and Copyright

This document was commissioned by and prepared for the exclusive use of the Client. It is subject to and issued in accordance with the agreement between the Client and Human Habitats.

Human Habitats act in all professional matters as a faithful advisor to its Clients and exercise all reasonable skill and care in the provision of its professional services. The information presented herein has been compiled from a number of sources using a variety of methods. Except where expressly stated, Human Habitats does not attempt to verify the accuracy, validity or comprehensiveness of any information supplied to Human Habitats by third parties. Human Habitats makes no warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, validity or comprehensiveness of this document, or the misapplication or misinterpretation by third parties of its contents.

Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favouring by Human Habitats.

This document cannot be copied or reproduced in whole or part for any purpose without the prior written consent of Human Habitats.



CONTENTS

1	Introduction.....	1
2	Submissions.....	2
2.1	Zoning.....	2
2.2	Key Site.....	2
2.3	Building Height.....	2
2.4	Site Coverage.....	6
2.5	Interface Treatments.....	7
2.6	Floor Area Ratio (FAR).....	8
3	Conclusion.....	9
	Attachment 1 – Landscape Plans.....	10
	Attachment 2 – Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005.....	11
	Attachment 3 – Shadow Diagrams 12 Storey App Scheme.....	12
	Attachment 4 – Shadow Diagrams (VCAT Scheme).....	13
	Attachment 5 – Schedule 4 to CI 32.08 GRZ.....	14



LIST OF FIGURES

Figure 1 – Extract from VicPlan showing 39-45 Gordon Ave (outlined in blue) and its proximity to land within an existing heritage overlay.....4

Figure 2 - Extract of Table 1 from the Pakington Street & Gordon Avenue UDF (May 2024)5



1 Introduction

1. Human Habitats continues to act on behalf of Gordon Avenue Property Trust, the owners of 39-45 Gordon Avenue, Geelong West. We have been instructed to make this submission in response to planning scheme amendment C433ggee, which proposes to implement the *Pakington St and Gordon Ave Urban Design Framework, May 2024* and the *Pakington North Urban Design Framework, May 2024*. This submission builds upon the submission prepared by our office regarding the Draft Pakington Street (Geelong West) and Gordon Avenue Urban Design Framework, dated 25 June 2020 (the Draft UDF) and the interim Final Pakington Street (Geelong West) and Gordon Avenue Urban Design Framework August 2021 (the interim UDF) dated August 2021.
2. We note that our clients land benefits from an existing planning permit that allows for a multi-storey (Part 9 and Part 10 storey), mixed-use development comprising office, food and drink premises and a residential hotel.
3. While we continue to be supportive of the principles that underpin the UDF and accompanying planning controls, we believe that some of elements of the proposed UDF and controls undermine the revitalisation aspirations for the Gordon Avenue Precinct. In our view, if adopted in its current form the proposed planning controls will unnecessarily constrain development opportunities within a robust precinct (specifically along Gordon Avenue) that has the capacity to accommodate substantial urban renewal without undue amenity impacts. This in turn will create undue development pressure elsewhere in Greater Geelong and indeed on land that is less capable of accommodating such development outcomes.
4. Particularly restrictive measures and missed opportunities have been identified relating to the following elements of the UDF and controls include:
 - Preferred maximum height limits,
 - Maximum site coverage requirements, and
 - Minimum ground floor setbacks (where commercial/ active ground floor uses are proposed).
5. Notwithstanding the above, we are supportive of the vision for the Gordon Avenue Precinct as set out in this iteration of the UDF and of the broader aspirations for the Gordon Avenue Precinct, which seeks to develop a vibrant and sustainable precinct.



2 Submissions

6. We make the following submissions on behalf of our client:

2.1 Zoning

7. We continue to support Council's aspirations to revitalise Pakington Street and Gordon Avenue precincts through providing a greater mix of uses. We support the aspirations of the UDF to stimulate high density and a provide a greater mix of uses along Gordon Avenue, transforming Gordon Avenue into a higher order mixed use precinct. This will be facilitated through the rezoning of the Precinct to a combination of Commercial 1 Zone, Residential Growth Zone and Mixed Use Zone.
8. We remain supportive of our client's land being rezoned to the Commercial 1 Zone (C1Z) as it is appropriately sized and located to provide a mix of commercial and residential uses that would positively contribute to the Gordon Avenue Precinct. We note that our client's proposal sits comfortably with the purpose of the Commercial 1 Zone. The change in zoning will also enable our client to potentially explore a greater variety of uses than what the current zoning allows.

2.2 Key Site

9. We note that in earlier iterations of the Pakington Street and Gordon Avenue Urban Design Framework, the subject land at 39-45 Gordon Avenue was identified as a key site. We supported this designation, given the site's immediate proximity to the Pakington Street activity corridor and its substantial area of approximately 3,693 square metres.
10. The size, configuration and dual street frontages of the site provide a demonstrably greater capacity to accommodate additional building height and scale while managing amenity impacts through appropriate setbacks, articulation and podium design. As demonstrated through the approved development on the land, increased height can be achieved without resulting in unreasonable overshadowing or amenity impacts to adjoining properties or the public realm (discussed further in the following sections).
11. In this iteration of the UDF, the key site designation has been removed. No clear strategic or urban design justification is provided for this change, nor is there any indication that the physical attributes or strategic role of the subject land have altered.
12. Given the site's scale, location and capacity to deliver meaningful public realm outcomes, including substantial landscaping and a publicly accessible pedestrian connection between Gordon Avenue and Spring Street (see Attachment 1 – Landscape Plan), we submit that the subject land continues to warrant recognition as a key site within the Gordon Avenue Precinct. Retaining this designation would allow for a site-responsive and discretionary approach to height and built form that better aligns with the aspirations of the UDF, the design objectives within DDO56, and broader strategic policy directions.

2.3 Building Height

13. Earlier iterations of the UDF adopted a preferred height of up to 10 storeys at 39-45 Gordon Avenue through the key site designation. Following public consultations, the UDF and UDF and DDO56, the key site designation was removed, and a preferred height of 6 storeys has been applied to our client's land. This represents both a missed opportunity and a poor planning outcome for the site and Gordon Avenue precinct more broadly.
14. As noted above and within our previous submissions, the site attributes (large site, robust interfaces) enable it to accommodate a much taller built form (also supported by Mr Glossop at paragraph 75 of his evidence, discussed further below) without any unreasonable heritage or amenity impacts.
15. In assessing an appropriate building height, we have considered:
 - First Principles Urban Design Analysis
 - Heritage Impacts
 - Amenity Impacts
 - Facilitation of the Thought-Link



- Mr Glossop's Evidence
- Fragmented Ownership of Gordon Avenue

2.3.1 First Principles Urban Design Analysis

16. Urban Design Frameworks should be founded on a first principles urban design analysis, having regard to site context, scale transitions, streetscape function and the capacity of land to accommodate change. In the case of the Pakington Street and Gordon Avenue Urban Design Framework, and the consequential controls introduced through DDO56, this approach has not been consistently applied to the land at 39–45 Gordon Avenue. Instead, the Framework imposes overly restrictive development parameters, most notably in respect of preferred maximum height, that are not supported by a robust, site-responsive urban design assessment.
17. In this regard, we rely on the Tribunal's findings in the previous VCAT proceeding P499/2021 for Planning Permit Application PP-691-2020 (Attachment 2 - Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005). In this matter the Tribunal was provided with two sets of urban design evidence by Ms Katherine Sundermann on behalf of the Responsible Authority and Mr Brodie Blades on behalf of the Application, Gordon Avenue Investments Pty Ltd. In this matter, Senior Member Martin and Member Axford were persuaded by Mr Blades' comprehensive first principles analysis of the subject site and its broader context, examining built form transitions, street enclosure, podium and tower typologies, and the strategic role of Gordon Avenue as a connecting corridor between Central Geelong and the Pakington Street Activity Centre. Senior Member Martin and Member Axford expressly accepted the evidence in relation to the appropriateness of the proposed height (paragraphs 97–100). We agree with the Tribunal which endorsed the evidence of Mr Blades and determined that a building height of ten storeys (approximately 32.8 metres) can achieve an acceptable built form transition between the 60-metre height aspirations at the eastern end of the corridor within the Central Geelong Activity Centre and the lower 11–12 metre built form at the western end of Gordon Avenue, the Tribunal notes:

94 ... we see the proposed towers here of 8/9 storeys as reasonable stepping down for this location. That is, we see 8/9 stories (sic) of built form are acceptably transitioning down (from an east-west perspective to the low scale residential housing further to the west.

Paragraph 94, Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005

18. While we submit that at a height of 13 storeys/approx. 40 metres the original application also achieves an appropriate and legible transition. We believe that 33 metres as approved under PP-691-2020 represents a reasonable starting point for the discretionary height, in place of the current 6 storeys (22 metres).
19. For these reasons, and in line with the findings of the Tribunal, it is submitted that the UDF and DDO56 unreasonably constrain building height on the subject land. A first principles urban design analysis as endorsed by the Tribunal, supports materially greater built form outcomes than those currently contemplated, and demonstrates that increased height can be accommodated without adverse urban design, amenity or transition impacts.

2.3.2 Heritage Impacts

20. With respect to heritage, the site and immediate surrounds do not have any heritage significance. The site is setback approximately 80 metres from the closest property within a Heritage Overlay and once redeveloped will not be viewed in the foreground, or immediate background of any heritage view lines.

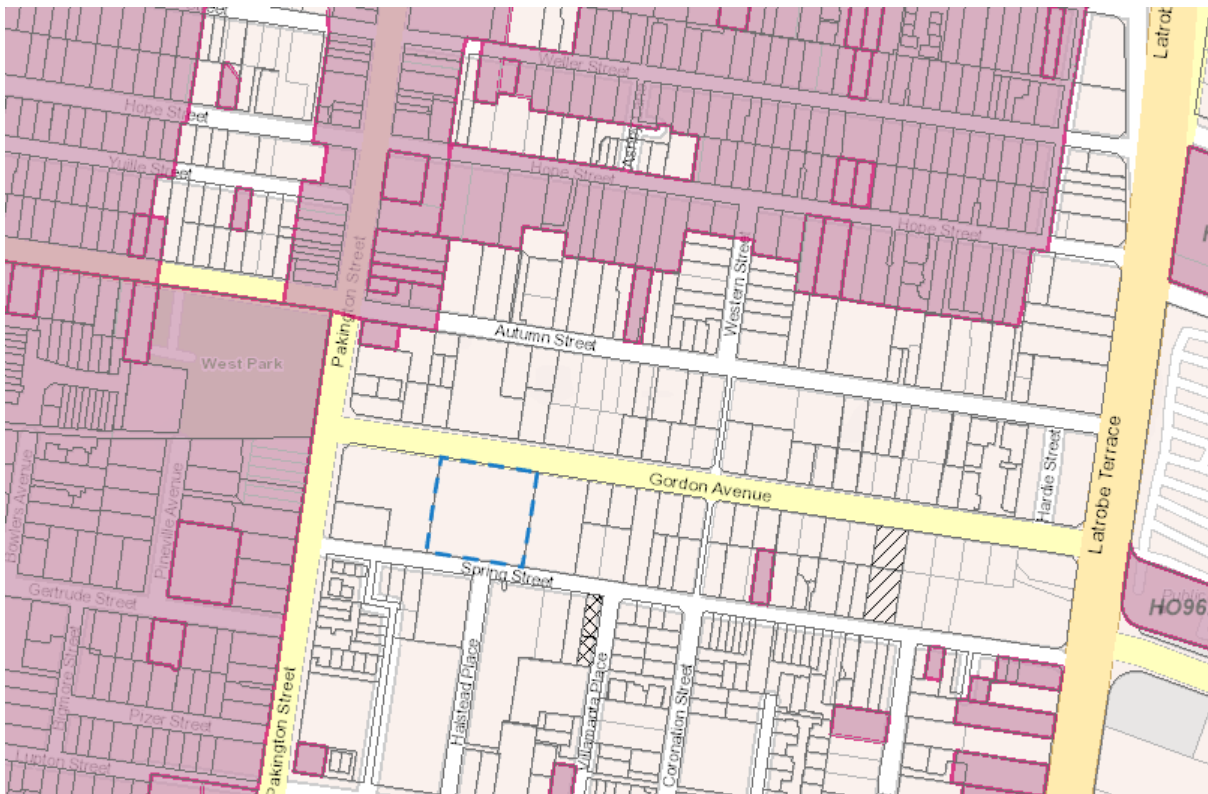


Figure 1 – Extract from VicPlan showing 39-45 Gordon Ave (outlined in blue) and its proximity to land within an existing heritage overlay

2.3.3 Amenity Impacts

21. With respect to amenity, overshadowing is a useful proxy for amenity impacts. As demonstrated in the shadow diagrams prepared by Clarke Hopkins Clarke and submitted in planning permit application PP-691-2020 (for the originally proposed 2 x 12 storey / 40 metres, including roof terraces), 39-45 Gordon Avenue can accommodate a 12 storey built form without any unreasonable overshadowing, refer to Attachment 3 – Shadow Diagrams 12 Storey Application Scheme. Due to the recessive massing of this design, the VCAT approved 9 & 10 storey (including roof terraces) scheme retains an almost identical shadow lines, refer to Attachment 4 – Shadow Diagrams 9&10 Storey VCAT Scheme. We acknowledge that both of these shadow diagrams demonstrate some minor shadowing to the Spring Street footpath between the hours of 11am and 2pm at the equinox, however this could be accommodated with little impact to the existing approval (and is required under Condition 1b of PP-691-2020).
22. Shadowing impacts are frequently used to determine acceptability of built form outcomes from an amenity impact perspective, in this case, it is considered and demonstrated that the 6 storey built form envisaged for the site unnecessarily restricts development outcomes and opportunities on our client’s land to the detriment of the urban renewal aspirations for the broader precinct. As evidenced in Attachment 3, the review site can accommodate a built form of 12 storeys/40 metres without unreasonable shadow impacts.

2.3.4 Facilitating the Through-Link

23. The subject site is identified within DDO56 as accommodating a publicly accessible through-link. Based on the current drafting of DDO56, we understand that the link illustrated on Map 1 as “Indicative 10m laneway” is a discretionary requirement as it is not otherwise stated as being mandatory. The provision of a through-link will contribute to permeability, legibility and pedestrian connectivity across the precinct and will deliver a clear public benefit if provided. Equally, if provided, it will come at the cost of developable area, which is already constrained by site coverage, setbacks, and the 6 storey preferred height.
24. The through-link designation provides a significant public benefit without compensation or acknowledgement of the cost on developable area. Facilitating additional height is therefore an appropriate and means to offset the lost yield and developable area resulting from the imposition of a 10 metre wide through-link. This will ensure and indeed encourage development of the site to accommodate the *discretionary* 10 metre wide link. As detailed previously this additional can be accommodated without any unreasonable amenity or heritage impacts.



2.3.5 Mr Glossop's Evidence

25. While we appreciate Mr Glossop's evidence that the site can "achieve a taller building" and agree that the height is appropriately drafted as "discretionary", we do not support the conclusion that this 6 storey height limit should remain unchanged.

75. DDO56 proposes a 22m (6 storey) height limit for this site [39-45 Gordon Avenue], which I note is one of the largest lots within the designated 22m height limit area. It makes sense to me that it offers an opportunity to achieve a taller building, especially when considering the public benefit offered by the pedestrian thoroughfare.

76. DDO56 is appropriately drafted as having discretionary height limits to allow for instances such as this. It does not intend to prescribe the actual built form on each and every site and so I do not think it is necessary to modify the height applied to this property in light of this permit unless there is a specific urban design rationale for doing so.

26. As Mr Glossop should be aware, both the Councils and the Tribunal are unlikely to accept a substantial (or indeed moderate) variation to discretionary heights. This is foreshadowed in the UDF, where Table 1: Potential Impacts of Variations to Preferred Design Outcomes (page 41) states that "A minor variation in building height is likely to be acceptable on some sites...", see extract below.

Table 1: Potential Impacts of Variations to Preferred Design Outcomes

Proposed control	Are minor variations on individual sites acceptable?	Explanation	Proposed method of regulating the outcome
Ground level setbacks to streets, laneways and parks	No	A reduction in the setback would have a number of negative consequences: <ul style="list-style-type: none"> Varied building setbacks will create an incoherent, visually cluttered streetscape resulting in a precinct of poor character. This could also introduce safety issues due to the introduction of concealed spaces. Loss of dedicated landscape areas which would undermine the delivery of the vision and design objectives, Poor amenity internally for ground level apartments 	Mandatory
Upper level setbacks to streets and laneways	Yes	A minor variation to these setbacks could be acceptable on some sites in response to existing adjacent conditions or as a result of detailed building design that reduces the visual bulk of upper levels.	Preferred (discretionary)
Buildings setbacks to adjacent residential uses	Yes	A minor variation to these setbacks could be acceptable on some sites in response to existing adjacent conditions.	Preferred (discretionary)
Site coverage	Yes	A minor variation could be acceptable, however, a high degree of landscape planting would need to be delivered, including large scale canopy trees (on sites with 60 or 70% coverage) and sufficient communal and public space.	Preferred (discretionary)
Overall building height	Yes	A minor variation in building height is likely to be acceptable on some sites without compromising the overall character of each precinct. This would need to consider impacts on heritage and amenity outcomes.	Preferred (discretionary)
Street wall	No	A variation in street walls will have detrimental impacts on the scale and enclosure of the street and potentially impact sunlight access to public space.	Mandatory
Solar access controls to streets and parks	No	No variation is acceptable as the incremental loss of sunlight to public space would permanently reduce the quality of the environment for pedestrians and park users.	Mandatory

Figure 2 - Extract of Table 1 from the Pakington Street & Gordon Avenue UDF (May 2024)

27. In this context and acknowledging the significant public benefit offered by the pedestrian thoroughfare and capacity of the site manage offsite amenity impacts, the 6 storey / 22 metres discretionary height is inadequate. It is considered that the discretionary height should be amended to 10 storeys / 33 metres in line with Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005.



2.3.1 Fragmented Ownership of Gordon Avenue

28. Gordon Avenue Precinct has a fragmented ownership pattern consisting of many small parcels, which will create challenges for the Precinct to achieve the intensity of use required to ensure it's a lively and active mixed use precinct. As a result, redevelopment in line with the DDO56 will likely be staggered, as landholders take time to accumulate enough land to deliver the form of development expected throughout the precinct. Therefore, where larger sites exist, the planning controls should seek to capitalise on the development opportunities as a catalyst for the transformation of the precinct. We submit that the current preferred height controls nominated under the UDF/DDO56 do not facilitate or enable the precinct to fulfill its ultimate potential.
29. For the reasons outlined above, we consider the preferred maximum heights as set out within the UDF and consequently DDO56 will undermine the development potential of the site and fail to achieve the development aspirations envisaged for the Gordon Avenue Precinct.

2.4 Site Coverage

30. As outlined above, increased building height on the subject land is supported by the site capacity to deliver a meaningful contribution to housing and employment owing to the site features and context. However, the realisation of these outcomes cannot be achieved through height controls alone and are further inhibited by the 60% site coverage requirement. An appropriate site coverage outcome is equally critical to ensuring that the intended built form, urban design and yield objectives can be practically achieved.
31. In this regard, site coverage and height controls operate in tandem to define overall development capacity. The proposed site coverage controls within the Gordon Avenue Precinct (especially the western portion that includes our client's land) are unnecessarily restrictive, particularly as they apply to land proposed to be rezoned to the Commercial 1 Zone. Constraining site coverage to 60%, despite its strategic role and capacity to accommodate more intensive development outcomes lacks any credible rationale. Mr Glossop raises a similar concern with the 60% site coverage requirements and questions the strategic justification for such low site coverage.
90. *DDO56 and DDO57 both include discretionary site coverage requirements ranging between 60% and 80%. These are intended to affect land in the C1Z (but not the Heritage Core), RGZ and MUZ.*
91. *The strategic justification for the site coverage is not well documented in the UDFs although the intention seems to be to allow space for ground level landscaping. For the C1Z land at western end of Gordon Avenue, the site coverage is 60%. In this area the South UDF indicates a desire to also 'deliver significant open space'.*
92. *In residential areas, site coverage controls apply when developing land under Clause 54 or 55 (meaning up to 4 storeys). In such cases, the discretionary requirement is 60%. The majority of land within the study area though will be developed at densities higher than this. It would be unusual (but not unheard of) for buildings of more than four storeys to provide a similar site coverage.*
93. *I am concerned that this aspect of the DDOs is not reasonable, and I have also not located any testing showing the likely outcomes, particularly for smaller lots. I accept that Ms Roberts might also have a view on this and I also accept that the issue requires a balanced approach.*
32. While raised with respect to the GELPROP Nominees Pty Ltd Land, Ms Jordan's evidence raises a similar concern with the lack of justification for the application of 60% site coverage:
- Given the issues raised in [the] previous section regarding the lack of analysis around public open space designation for the Subject Land and the absence of analysis to suggest a higher site coverage could not be accommodated and respond to the heritage building, I consider this requirement to be without foundation.*
- Paragraph 166, Planning Evidence prepared by Ms Sophie Jordan.*
33. Indeed, by contrast the land to the south (i.e. 17 Halstead Place located at the corner of Spring Street and Halstead Place) within the General Residential Zone – Schedule 4, which is expected to play a more subdued role with respect to development potential, is capable of achieving a site coverage of up to 70% under the varied Standard B2-5 (See Attachment 5 – Schedule 4 to Clause 32.08 General Residential Zone). This outcome highlights a clear inconsistency within the proposed controls, whereby land intended for higher-order



commercial / mixed-use development is subject to more restrictive site coverage control than land intended primarily for residential purposes.

34. For sites expected to deliver active commercial and mixed-use outcomes at ground level, as envisaged within the Commercial 1 Zone, a higher site coverage is particularly important. Increased site coverage provides the flexibility required to accommodate servicing, loading and back-of-house functions internally, allowing these elements to be effectively concealed within the building envelope. This reduces the dominance of blank walls or exposed service infrastructure along street frontages and supports a more active, attractive and pedestrian-oriented public realm.
35. The through-link within 39-45 Gordon Avenue offers both public open space and opportunities to provide ground level landscaping, while the podium and tower typologies envisaged by DDO56 allow for layered landscaping across the multiple levels. It is considered that this will enable the delivery of acceptable public open space and landscaping contribution as sought by the UDF and DDO56 without requiring a restrictive 60% site coverage.
36. DDO56 is silent on the intended outcome sought by the 60% site coverage, however the UDF states that “*Lower site coverage of 60% is proposed for strategic sites and sensitive locations where their (sic) is either opportunity to deliver open spaces or a need to respond to the heritage significance*”. In the case of 39-45 Gordon Avenue, the intention appears to be to deliver open space. However, the proposed controls within DDO56 are not linked to any requirement land to be publicly accessible. At paragraph 126 of her evidence, Ms Roberts also seeks further detail on how the open space is to be used.
37. As drafted, this control could be achieved by privatising the “open space” for the private benefit of residents/guests/employees. When provided at the ground level this comes at a significant expense to a property’s development potential without any net benefit to the development. As the open space is not required to be public and given DDO56 encourages podium-and-tower typologies, the open space could be most efficiently provided at either the podium or roof levels. This would achieve the intended outcome without unreasonably compromising development capacity. In the absence of any mechanism requiring uncovered areas to function as usable or public open space, the site coverage control operates as a blunt constraint on development yield rather than as a tool to deliver improved urban design or public realm outcomes. On this basis, it is submitted that the site coverage requirement under DDO56 is unnecessary and should be removed.
38. It is therefore submitted that the site coverage requirement is removed from DDO56 as it is inconsistent with the strategic intent for urban renewal in this location, lacks strategic justification, cannot achieve the broadly stated objectives unpinning it (landscaping and public open space).

2.5 Interface Treatments

2.5.1 Front Setback

39. We are of the view that the proposed 3 metre setback at the ground level (to a height of 4.0m) along both Gordon Avenue & Spring Street is unnecessary to facilitate pedestrian pathways. This is particularly true for Spring Street, where it is expected that pedestrian activity will be prioritised along Gordon Avenue in line with Council’s aspirations for a vibrant precinct.
 - Gordon Avenue: It is considered setback in the order of 2 metre would be sufficient to achieve a 4 metre pedestrian path, PP-691-2020 adopts a ground floor setback in the order of 2 metres.
 - Spring Street: It is considered setback in the order of 1 metre would be sufficient to achieve a 2.5 metre footpath, PP-691-2020 enables a 2.1 metre wide footpath through a setback in the order of 300 – 400 millimetres.

2.5.2 Building Separation

40. The proposed building separation requirements are unnecessarily onerous. The stated rationale of safeguarding amenity for future residential development is considered misplaced, it assumes that rigid spatial separation is the only to achieve acceptable amenity outcomes. In practice, amenity can be effectively managed through a combination of considered architectural design, internal layouts, strategic window position and incorporation of privacy measures such as screening and setbacks tailored to specific site conditions.
41. While we acknowledge Mr Glossop’s evidence and proposed changes to DDO56, which would impose 6 metre boundary separation above the podium for all built form built to the boundary. We submit that an acceptable



planning outcome can be achieved with a minimum of 4.5 metre boundary separation at upper levels, enabling a minimum 9 metre building separation. This aligns with the plans approved under PP-691-2020.

42. We submit that the requirements are not necessary to ensure adequate access to light and air. These measures can be provided and implemented on a per-development basis to achieve high quality outcomes without the need of mandating 6 or indeed 10 metre building separation which will have a dramatic impact on even larger development sites such as 39-45 Gordon Avenue.
43. From a public realm perspective, mandated separations are also not justified, as the creation of space between upper levels or tower elements does little to improve the pedestrian experience or contribute meaningfully to streetscape quality. Instead, continuous and well-articulated built form that directly engages the street is more conducive of street activation, visual interest, and the achievement of high quality urban design outcomes. We therefore submit that building separation requirements in their current form are excessive and risk stifling the type of urban outcomes the UDF is seeking to promote.

2.6 Floor Area Ratio (FAR)

44. The proposed Floor Area Ratio (FAR) control is unnecessary and unreasonably complicates development outcomes where there are already built form controls that guide:
- Preferred height
 - Street setback
 - Podium Height
 - Podium Setback
 - Built form separation
 - Site coverage
45. Together the above controls highly prescriptive parameters for building envelopes, FARs will only add to this without any tangible benefit. In our view the FAR requirements should be removed from DDO56. This is supported by both Ms Roberts (paragraph 178) and Mr Glossop (paragraph 95).



3 Conclusion

46. We submit that while the broad principles underpinning Planning Scheme Amendment C433ggee and the accompanying UDF are generally supported, several elements of the proposed controls unduly constrain the redevelopment potential of the Gordon Avenue Precinct, particularly for strategically located and well-sized sites such as 39-45 Gordon Avenue.
47. The preferred maximum height limits, maximum site coverage, minimum ground floor setbacks, building separation requirements, and Floor Area Ratio controls collectively restrict the ability to deliver a commercially viable high quality mixed use development on our clients land and within the precinct more broadly. The failure to capitalise on the site's strategic attributes, including its size, consolidated landholding, and capacity to accommodate additional built form will undermine the revitalisation objectives for this precinct.
48. In particular, we refer to the following key take points from our submission:
- Height controls – The 6 storey preferred maximum height is overly restrictive and will undermine the given the site's large scale, robust interfaces and absence of heritage constraints. Greater height would enable the site to act as a catalyst for precinct wide renewal.
 - Site coverage and setbacks – Limiting site coverage to 60% and mandating minimum setbacks unnecessarily restricts flexibility in building design, activation of ground floor uses and integration of back-of-house functions, thereby reducing the efficiency and quality of built form outcomes.
 - Building separation requirements – The 6 and 10 metre building separation requirements are excessive and misaligned with achieving high-quality urban design outcomes. Amenity, light, and ventilation can be delivered through considered design measures, and streetscape quality is better achieved through continuous, articulated and activated frontages rather than arbitrary gaps.
 - Floor Area Ratio – The FAR is misguided in this instance and will not achieve any tangible benefits given the other built form parameters within DDO56.
 - The site is worthy of designation in the DDO56 as a “key” or “strategic” site and in Section 6.0 of the DDO56 there should be an inclusion for such “key” sites to be particularly considered as more able to vary preferred requirements.
 - Accordingly, we submit that a first principles approach to defining height, site coverage, setbacks, building separation and the removal of the FAR would better realise the objectives of the UDF. This approach would enable Gordon Avenue to accommodate increased housing, employment and pedestrian activation in without undue amenity, heritage, or character impacts.

Human Habitats Pty Ltd



Attachment 1 – Landscape Plans



**39-45
GORDON AVENUE
GEELONG WEST**

Landscape Concept
Document

Human Habitats:
Urban Planning and
Design Studio

Date: November 2020



Disclaimer and Copyright
This document was commissioned by the client and prepared by Human Habitats for the exclusive use of the client. Human Habitats act in all professional matters as a faithful advisor to its Clients and exercise all reasonable skill and care in the provision of its professional services. The information presented herein has been compiled from a number of sources using a variety of methods, including but not

limited to the wider consultant team. Except where expressly stated, Human Habitats does not attempt to verify the accuracy, validity or comprehensiveness of any information supplied to Human Habitats by third parties. Human Habitats makes no warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, validity or comprehensiveness of this document, or the misapplication or misinterpretation by third

parties of its contents. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favouring by Human Habitats.

This document cannot be copied or reproduced in whole or part for any purpose without the prior written consent of Human Habitats.



TABLE OF CONTENTS

05 LANDSCAPE VISION

06 INSPIRATION IMAGERY

07 MATERIALS PALETTE

08 PLANTING PALETTES

10 CONCEPT DESIGN:
PEDESTRIAN LINK SPACE

14 CONCEPT DESIGN:
LEVEL 1

15 CONCEPT DESIGN:
TYPICAL TERRACES

16 CONCEPT DESIGN:
ROOF TERRACES

LANDSCAPE VISION

The development at 39-45 Gordon Avenue, Geelong is anchored by landscape. Through careful site planning, a fully pedestrianised link is provided through the very centre of the development thus linking Gordon Avenue with Spring Street behind. In doing so, a valuable piece of local amenity for the neighbourhood is created, more closely knitting the local urban fabric together and integrating the development into the area in a positive and beneficial way.

Considering also the Indigenous Cultural Heritage of the site and the local area in which it is situated, a creative re-imagining of the iconic woven Eel Traps which were used in the fishing of eels - a predominant food source for the local indigenous peoples of Geelong (*as per research by Andrew Long and Associates*), results in a paving and planter-box design which draws users through the pedestrian link space.

In this playful scene, the planter boxes represent the eels - some escaping and swimming alongside, and one who is unlucky enough to have entered the trap and become stuck within.

Materially, the contrast of local bluestone (representing water) and limestone (representing the woven traps) paving connects the design to the local geography, and reinforces the narrative of the landscape.

As one makes their way through this link from the Gordon Avenue side, they can stop in at an artisanal café or restaurant, sitting outside at one of the in-built benches nestled amongst lush and plentiful vegetation. Progressing further up through the link, the visitor can make use of the large and interconnected open areas linked via thoughtfully positioned stairs or DDA compliant ramps, making their way to the residential hotel and office tenancy lobbies providing access to the levels above.

As one reaches the higher Spring Street side of the link, connections to the secondary set of lobbies are provided, as well as further intimate spaces for rest, whilst waiting for friends, to read a book or take a closer look at the diverse and vibrant plantings.

Up above, thoughtfully landscaped areas for contemplation and relaxation are provided to both pedestrian flyovers linking each side of the office tenancies and lift lobbies.

On the terraces and larger balconies, harmonious, hardy and vibrant plantings are proposed for raised planter boxes, in order to maximise the amenity of these spaces.

Higher still, a generous roof terrace is provided for each of the towers. Incorporating areas of enclosed common space for lounging, dining and entertaining, the terraces provide plentiful planting and places for guests to sit and enjoy the stunning bay views the site has to offer, as well as outdoor dining and places for reading a book or doing some work out in the fresh air.

For all-weather capability even whilst outside, a covered area incorporating a large barbecue and outdoor kitchen ensures that the space can still be enjoyed in any season and at any time of day.

Materials and planting have been thoughtfully considered both to be harmonious with the architectural vision, as well as sensitive to the needs of each space and conditions, ensuring a long-lasting and successful landscape outcome which will be appreciated by residents, tenants and visitors alike.

INSPIRATION IMAGERY

LEGEND

- 1. ACACIA PLACE - ABBOTSFORD, VIC
- 2. 400 GROVE - SAN FRANCISCO, USA
- 3. MIDTOWN CENTER PLAZA - WASHINGTON, USA
- 4. PACIFIC CANNERY - OAKLAND, USA
- 5. EXAMPLE OF AN EEL TRAP (COURTESY OF CULTURE VICTORIA)
- 6. MIDTOWN CENTER PLAZA - WASHINGTON, USA



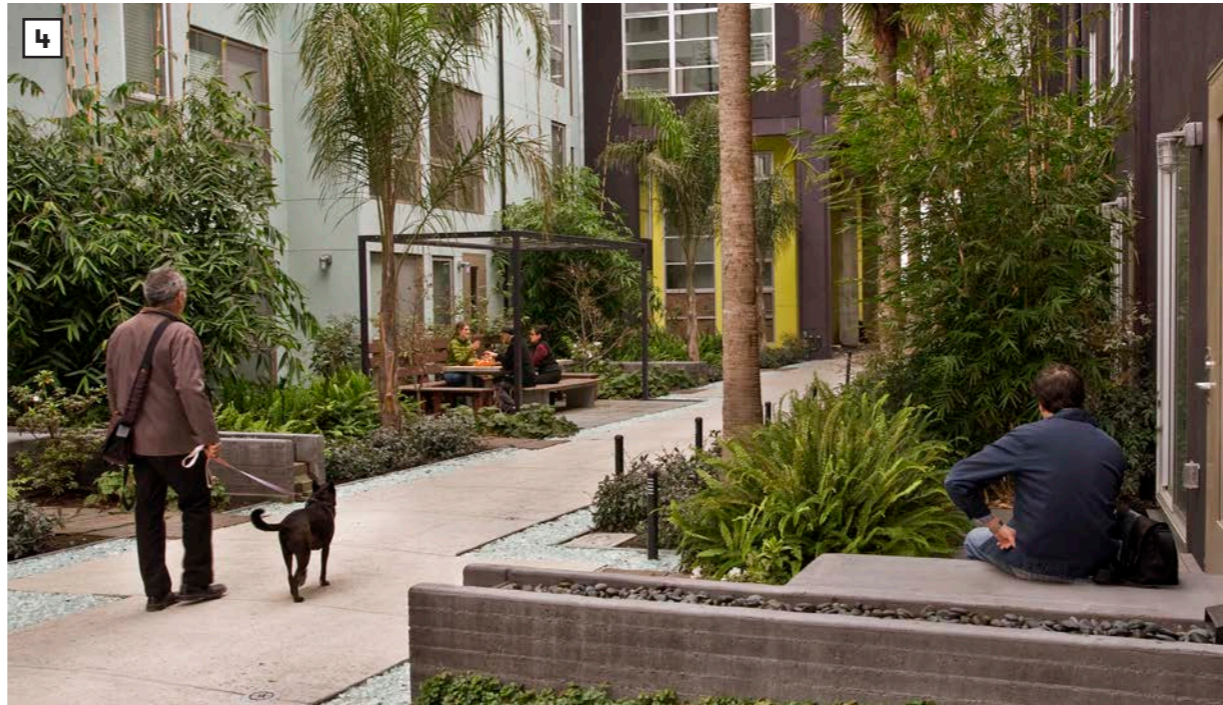
1



2



3



4



5



6



1

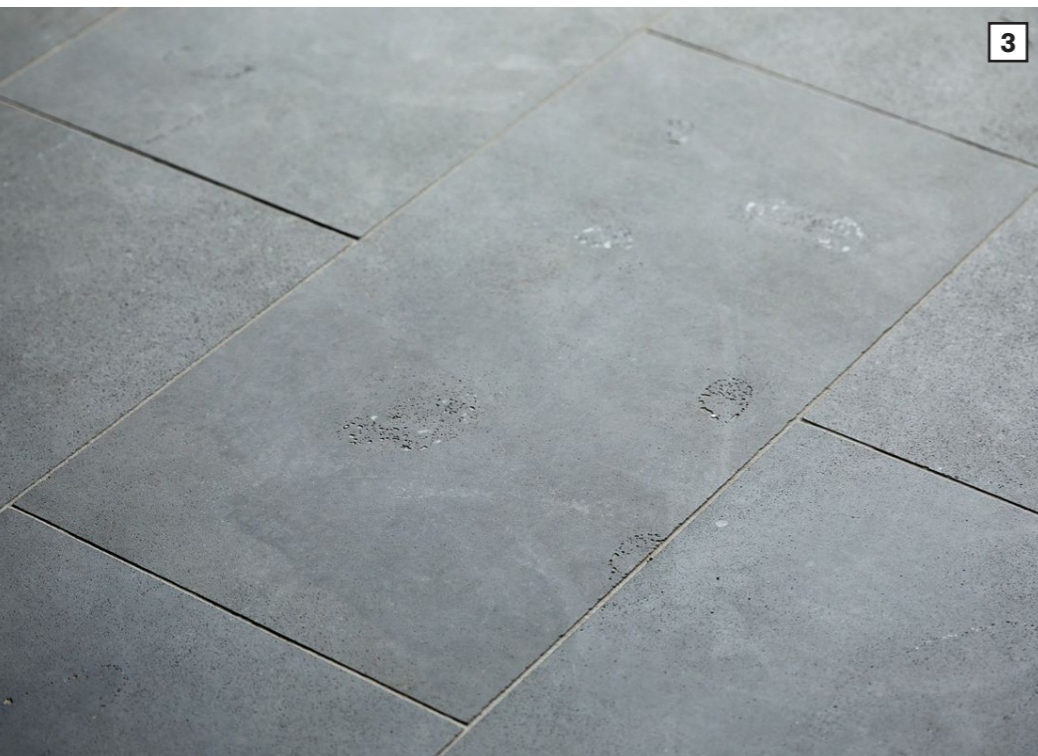


2

MATERIALS PROPOSED PALETTE

LEGEND

- | | |
|----|---|
| 1. | BRICK FEATURE PAVING FOR KEY LOCATIONS |
| 2. | TINTED OFF-FORM TEXTURED CONCRETE (MATCH ARCH.) |
| 3. | BLUESTONE PAVING - SAWN FINISH |
| 4. | LIGHT LIMESTONE PAVING - SAWN FINISH |
| 5. | FEATURE STEEL RAISED PLANTER BOXES |
| 6. | HARDWOOD TIMBER IN-BUILT BENCH SEATING |



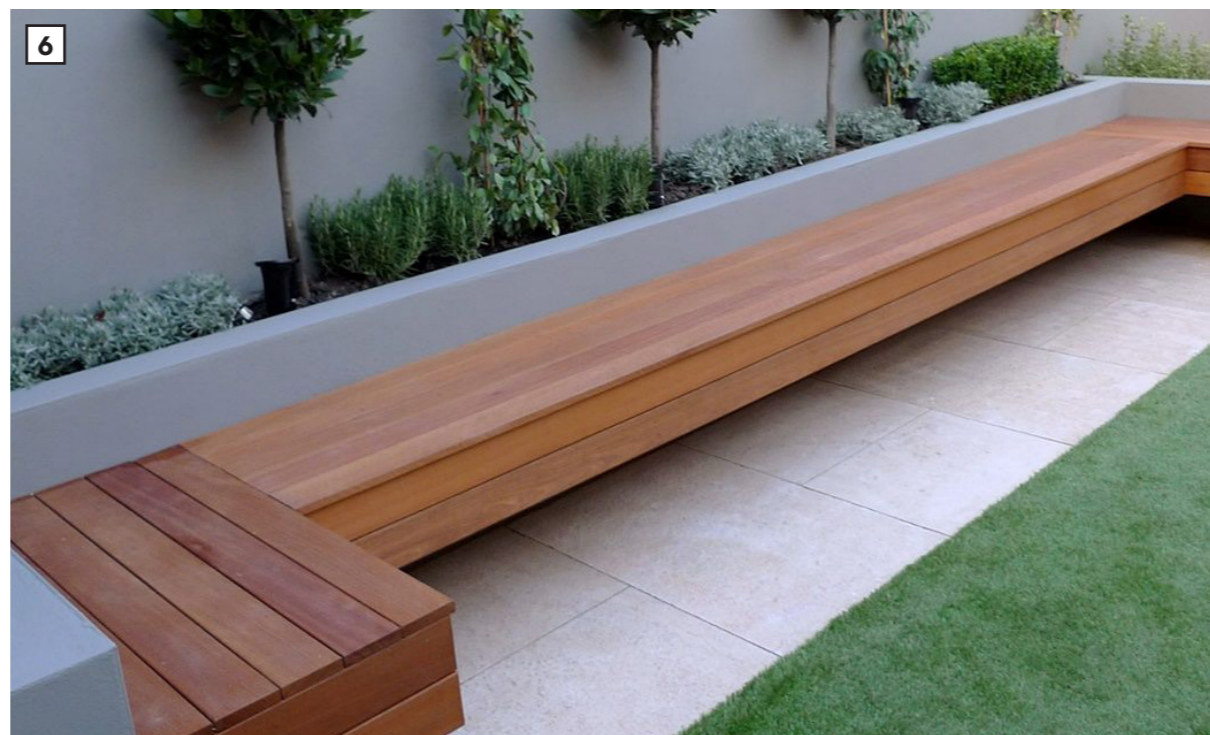
3



4



5



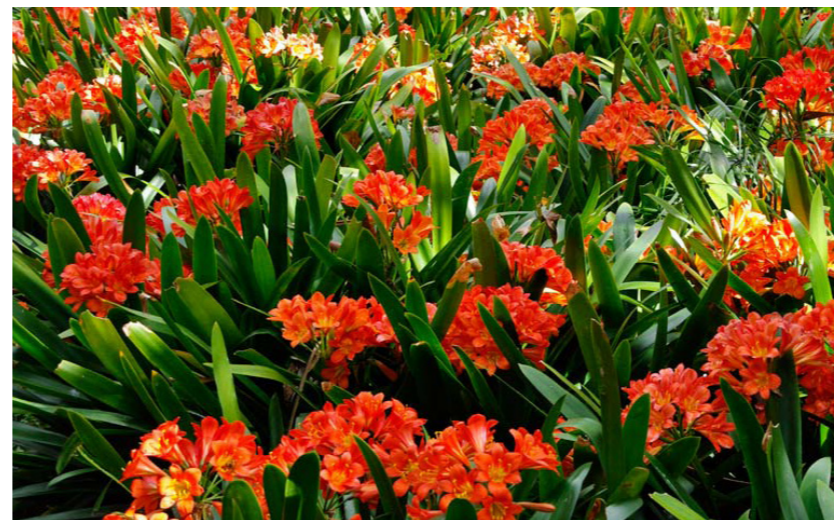
6



PLANTING - PEDESTRIAN LINK PROPOSED PALETTE

Botanical Name	Common Name	Height x Width (at Maturity)
Trees (to be selected from)		
<i>Lagerstroemia indica x fauriei</i> 'Sioux'*	Sioux Crepe Myrtle	0.1m x 0.7m
<i>Ficus hillii</i> 'Flash'	'Flash' Fig	3m x 2m
<i>Bambusa textilis</i> var. <i>Gracilis</i>	Slender Weaver's Bamboo	0.1m x 0.7m
<i>Pyrus calleryana</i> 'Cleveland Select'**	Cleveland Select Pear	11m x 5m
Tufting, Groundcovers and climbers (to be selected from)		
<i>Casuarina glauca</i> 'Cousin It'	Cousin It	
<i>Trachelospermum jasminoides</i>	Star jasmine	
<i>Dianella tasmanica</i> 'Tasred'	Tasred Flax Lily	
<i>Lomandra longifolia</i> x <i>confertifolia</i> spp. <i>pallida</i> 'Lime Tuff'	Lomandra Lime Tuff	
<i>Nephrolepis exaltata</i> 'Bostoniensis'	Boston Fern	
<i>Ficus elastica</i>	Rubber Plant	
<i>Monstera deliciosa</i>	Swiss Cheese Plant	
<i>Philodendron</i> 'Xanadu'	Xanadu	
<i>Spathiphyllum</i> sp.	Peace Lily	
<i>Strelitzia nicolai</i>	Bird of Paradise	
<i>Clivia miniata</i>	Bush Lily	
<i>Chlorophytum comosum</i>	Spider Plant	
<i>Alocasia brisbanensis</i>	Native Lily	
<i>Aspidistra elatior</i>	Cast-iron Plant	
<i>Bromeliad</i> sp.	Bromeliad	

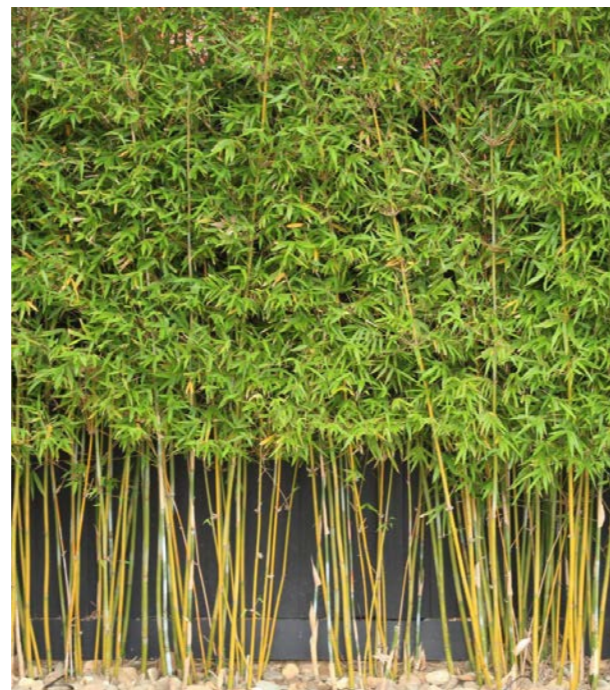
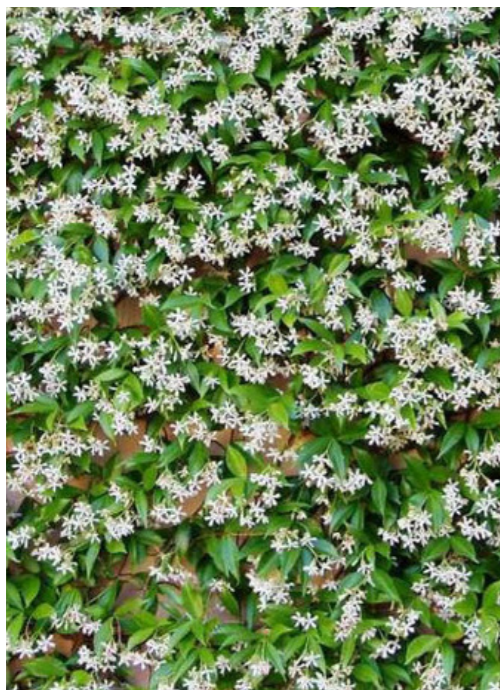
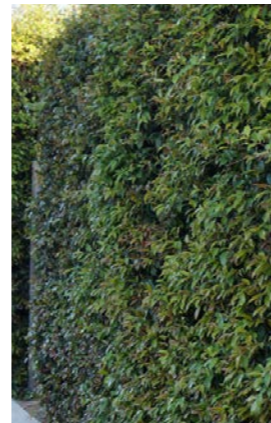
**Street Tree species as per adjacent street tree planting



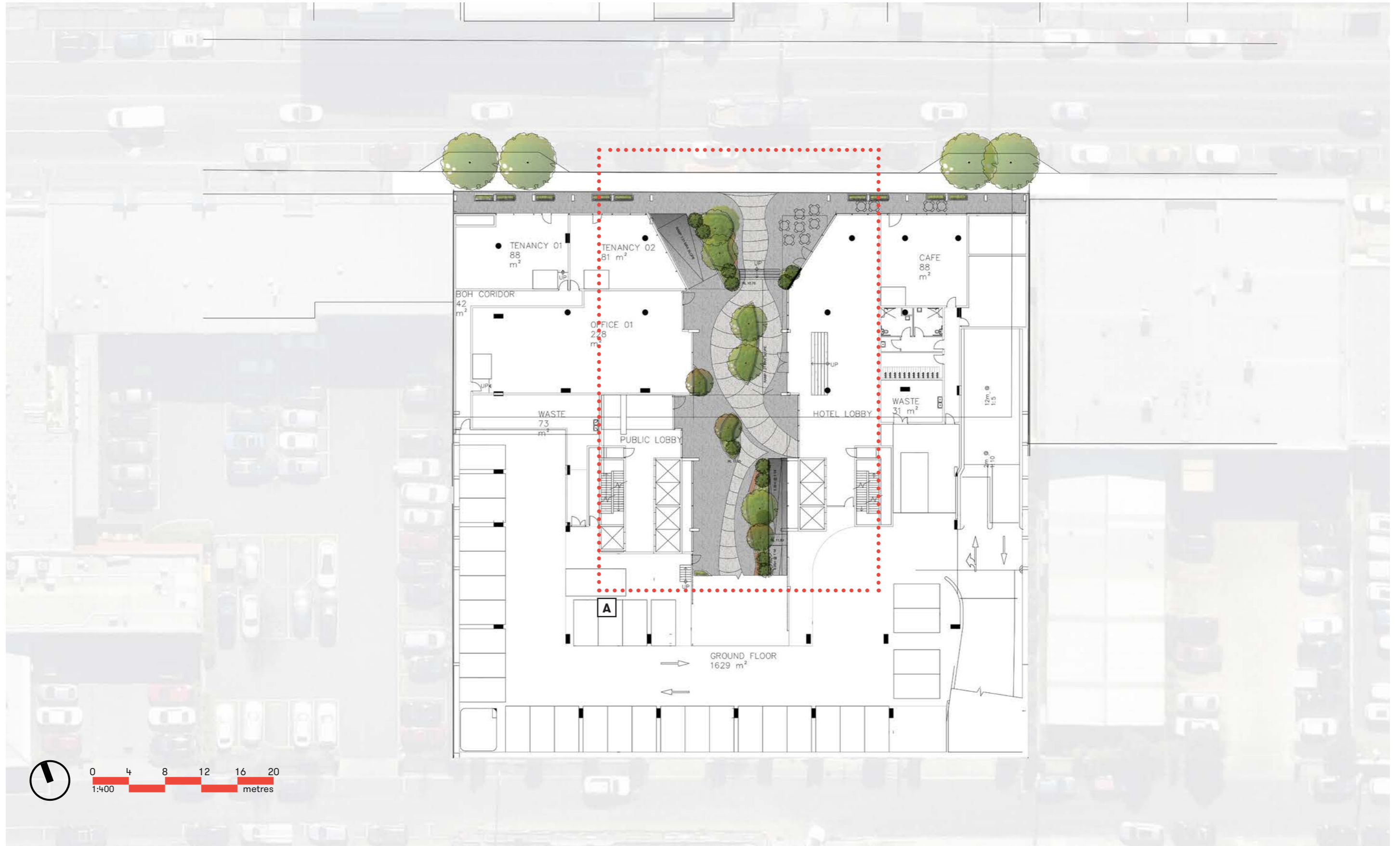


PLANTING - UPPER LEVELS PROPOSED PALETTE





Botanical Name	Common Name	Height x Width (at Maturity)
Trees (to be selected from)		
<i>Acer palmatum</i>	Japanese maple	4m x 3m
<i>Bambusa textilis var. Gracilis</i>	Slender Weaver's Bamboo	7m x 3m
<i>Ficus microcarpa hillii</i> 'Flash'*	The Weeping Fig	5m x 3m
<i>Eucalyptus leucoxylon</i> 'Euky Dwarf'*	Gum Tree	6m x 5m
<i>Lagerstroemia indica x fauriei</i> 'Zuni'*	Crepe Myrtle (hot musk pink)	5m x 4m
<i>Prunus cerasifera</i> 'Nigra'*	Purple-leaf Cherry Plum	5m x 4m
<i>Syzygium smithii</i> 'Express'	Express Lilly Pilly	4m x 1.5m
Tufting, Groundcovers and climbers (to be selected from)		
<i>Liriope sp.</i>	Liriope	
<i>Trachelospermum jasminoides</i>	Star jasmine	
<i>Dianella tasmanica</i> 'Tasred'	Flax Lily	
<i>Lomandra longifolia x confertifolia spp. pallida</i> 'Lime Tuff'	Lomandra Lime Tuff	
<i>Grevillea x gaudichaudi</i>	Prostrate Grevillea	
<i>Casuarina glauca</i> 'Cousin It'	Cousin It Casuarina	
<i>Santolina chamaecyparissus</i>	Santolina	
<i>Westringia</i> 'WES02' Aussie Box PBR	<i>Westringia Aussie Box</i>	

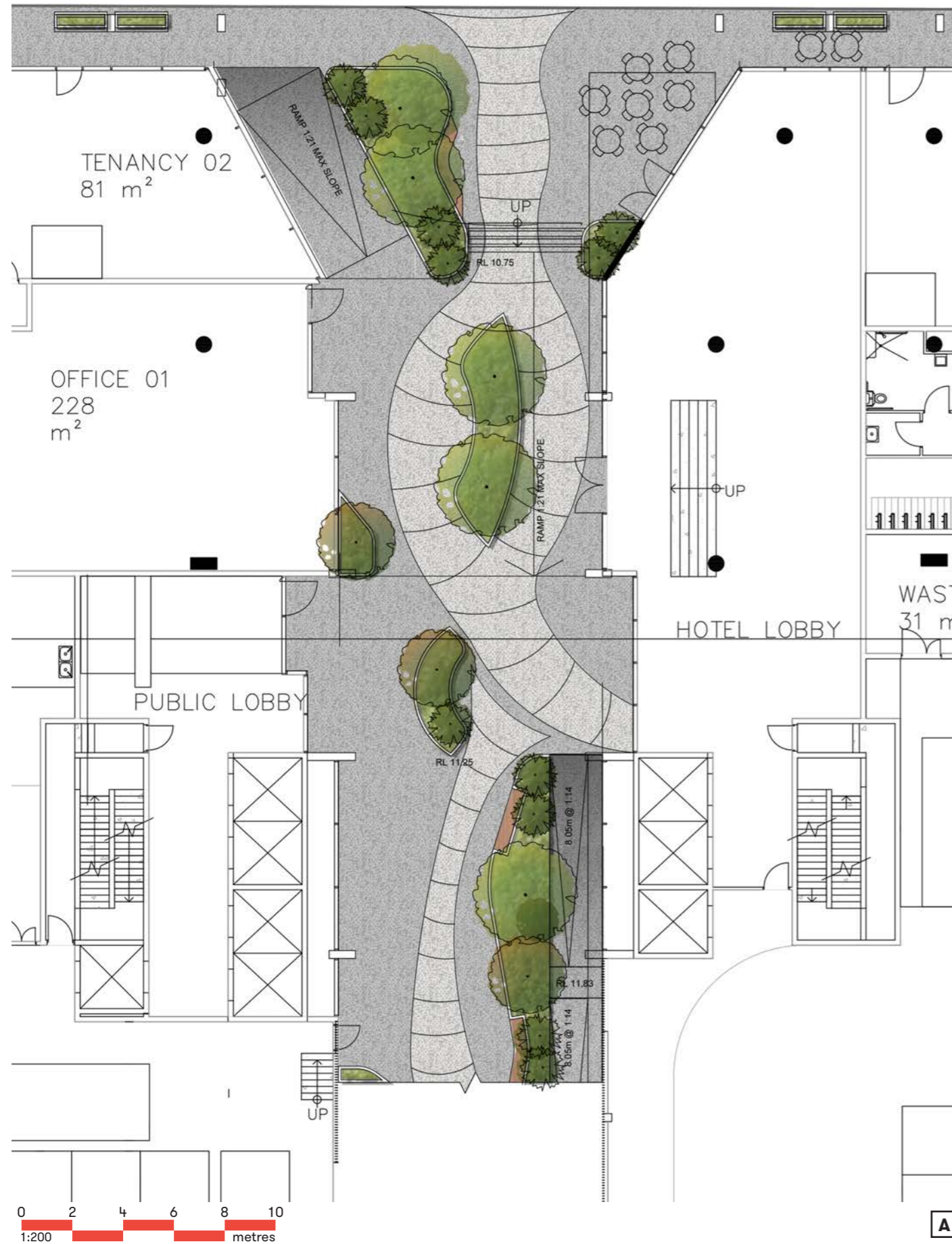


GROUND FLOOR LEVEL LANDSCAPE CONCEPT



LEGEND

-  PROPOSED FEATURE PAVING: 20MM MID-GREY + LIGHT GREY UNIT PAVERS OR SIMILAR APPROVED (REFER MATERIALS PALETTE)
-  INDENTED BUILT-IN HARDWOOD TIMBER BENCH SEATING
-  FEATURE TREE I.E. ACER SP. / BETULA SP. OR SIMILAR APPROVED: REFER PLANTING SCHEDULE FOR FURTHER INFORMATION
-  PROPOSED SHRUBS AND GROUNDCOVERS IN MULCHED AND IRRIGATED RAISED PLANTER: REFER PLANT SCHEDULE FOR FURTHER INFORMATION





LEVEL ONE LANDSCAPE CONCEPT



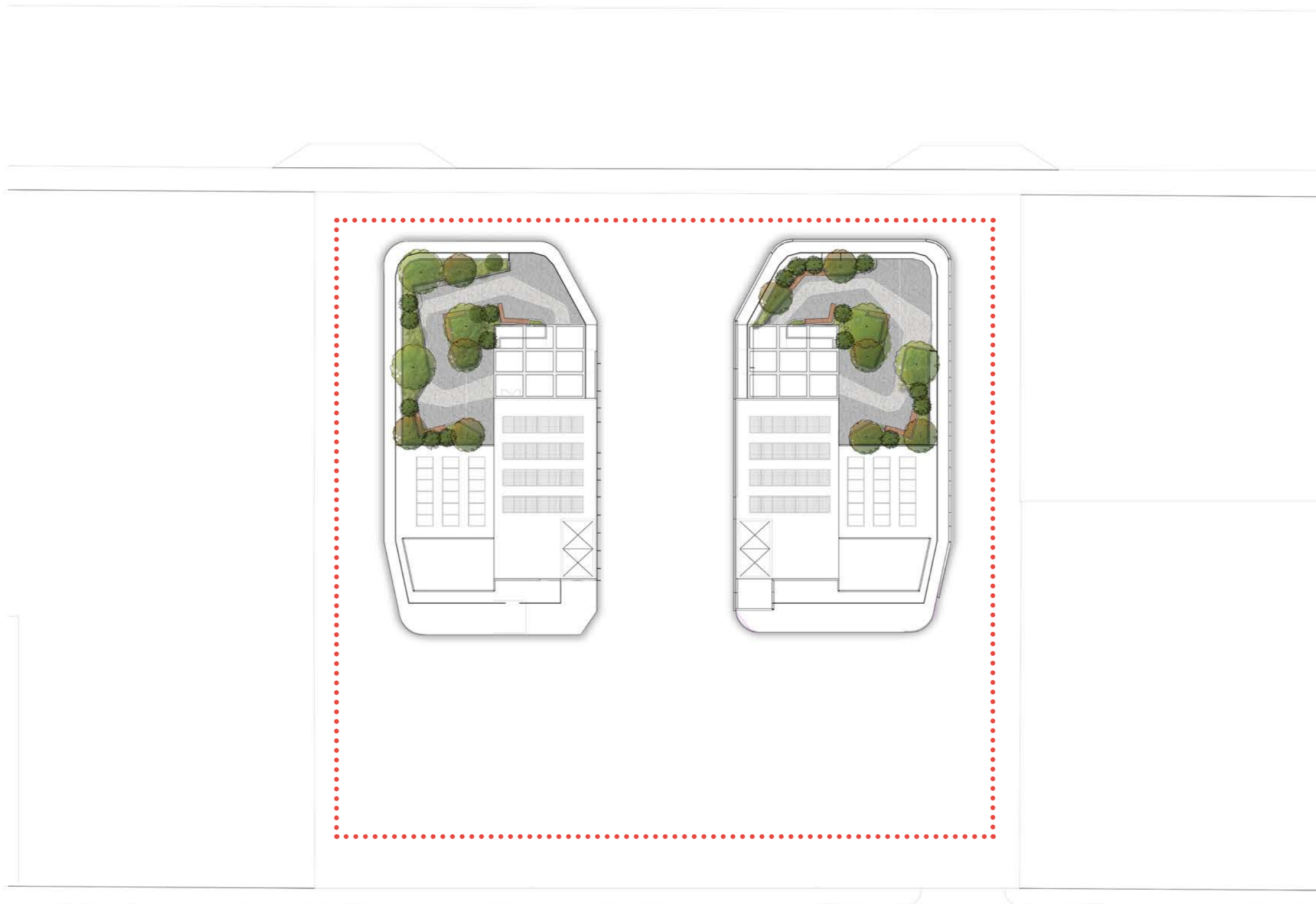
0 4 8 12 16 20
1:400 metres

TYPICAL UPPER LEVEL TERRACES (FOR LEVELS 2-10) LANDSCAPE CONCEPT

LEGEND	
	PROPOSED TERRACE PAVING - REFER TO ARCHITECTS MATERIAL PALETTE AND SPECIFICATIONS
	PROPOSED SHRUBS AND GROUNDCOVERS IN MULCHED AND IRRIGATED RAISED PLANTER: REFER PLANT SCHEDULE FOR FURTHER INFORMATION







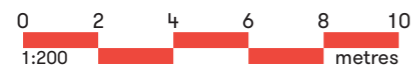
ROOF TERRACES LANDSCAPE CONCEPT





LEGEND

- 
 PROPOSED FEATURE PAVING: 20MM MID-GREY + LIGHT GREY UNIT PAVERS OR SIMILAR APPROVED (REFER MATERIALS PALETTE)
- 
 INDENTED BUILT-IN HARDWOOD TIMBER BENCH SEATING
- 
 FEATURE TREE I.E. ACER SP. / BETULA SP. OR SIMILAR APPROVED: REFER PLANTING SCHEDULE FOR FURTHER INFORMATION
- 
 PROPOSED SHRUBS AND GROUNDCOVERS IN MULCHED AND IRRIGATED RAISED PLANTER: REFER PLANT SCHEDULE FOR FURTHER INFORMATION





Human Habitats
424 / 838 Collins Street
Docklands, Melbourne
Victoria 3008
info@humanhabitats.com.au
www.humanhabitats.com.au
03 9909 2202





Attachment 2 - Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P499/2021
PERMIT APPLICATION NO. PP-691-2020

CATCHWORDS

Section 77 *Planning and Environment Act 1987*, Geelong Planning Scheme, Commercial 2 Zone, 8 to 9 storey building, Residential Hotel, Mixed Use; urban design, building height, out of centre development, visual dominance.

APPLICANT

Gordon Avenue Investments Pty Ltd

RESPONSIBLE AUTHORITY

Greater Geelong City Council

RESPONDENT

John William Plunkett

REFERRAL AUTHORITY

Barwon Water and Head, Transport Victoria

SUBJECT LAND

39-45 Gordon Avenue, GEELONG WEST

HEARING TYPE

Hearing

DATE OF HEARING

25 – 27 October 2021

DATE OF ORDER

5 November 2021

CITATION

Gordon Avenue Investments Pty Ltd v Greater Geelong CC [2021] VCAT 1005

ORDER

Permit granted

1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

- Prepared by: Clark Hopkins Clarke Architects
- Drawing numbers: Revision L Plans TP-02; TP-03; TP-04; & TP-104; TP-105; TP-106; TP-107; TP-108; TP-109; TP-110; TP-111; TP-112; TP-113; TP-114; TP-115; TP-116; TP-117; TP-130; TP-131; TP-132; TP-133; TP-134; TP-135; TP-144; TP-145; TP-150; TP-151; TP-152; TP-155; TP-160; TP-161; TP-162; TP-163; TP-164; TP-165; TP-166; TP-200; TP-201.
- Dated: 07/09/2021

- 2 In application P499/2021 the decision of the responsible authority is set aside.
- 3 In planning permit application PP-691-2020 a permit is granted and directed to be issued for the land at 39-45 Gordon Avenue, GEELONG WEST in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Buildings and works, including demolition, to construct a 8 to 9 level building (plus part enclosed roof top terraces) used as a residential hotel and mixed uses including office, shop, and restricted recreation facility,
 - Reduction in the car parking requirements of the Geelong Planning Scheme,
 - Construction of a basement car park for public use, and
 - Variation to an easement.

Philip Martin
Senior Member

Stephen Axford
Member

APPEARANCES

For Gordon Avenue
Investments Pty Ltd

Mr John Cicero, Principal with Mr Edward Mahony, Associate of Best Hooper Lawyers. They called the following witnesses:

- Mr Brodie Blades, urban designer,
- Mr Sam D'Amico, town planner,
- Mr Jan Talacko, ESD consultant, (did not appear).

For Greater Geelong City
Council

Mr Mark Marsden, Consultant Planner. He called the following witness:

- Ms Katherine Sundermann, urban designer.

INFORMATION

Description of proposal	Buildings and works, including demolition, to construct a 8 to 9 level building (plus part enclosed roof top terraces) to be used as a residential hotel together with mixed uses including office, shop, and restricted recreation facility.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Geelong Planning Scheme
Zone and overlays	Commercial 2 (CZ2); Special Building Overlay (SBO)
Permit requirements	Buildings and works in a C2Z and SBO. Use of the land as Residential Hotel, Shop, Restricted Recreation Facility, and Car Park. Reduction of car parking requirements at clause 52.06. Construction of a car park for public use. Variation to an Easement.
Key relevant scheme policies and provisions	Clauses 11, 15.01, 17.02, 17.04, 21.06, 21.09, 52.02, 52.06, 53.18, 65.01, 71.02-3.

Land description

The site is located on the south side of Gordon Avenue, approximately 100m east of the intersection with Pakington Street in Geelong West.

The site is a regular shaped allotment with frontage to both Gordon Avenue, and Spring Street on the south. It has an overall area of 3,695sqm with frontage of 61m. The site is currently developed with a single storey commercial building that is used for furniture sales showroom and distribution. The building is constructed to the Gordon Avenue front boundary and presents with expanses of glazing to this streetscape with a solid parapet above. To Spring Street, the site is developed with car parking spaces apparently for employee use as opposed to customer parking. The boundary is fenced with chain link wire to a height of 1.8m and two gates allow vehicle access from about the centre of the site and at the eastern end. Landscaping has been employed to soften the appearance of the rear of the building and the boundary fence.

The site has a noticeable fall (approx. 4m) from the south-west to the north-east that will result in the height of any proposed development being effectively one storey lower when viewed from the south.

Tribunal inspection

We inspected the subject land, unaccompanied from various public vantage points around the site, on the morning of day 3 of the hearing.

REASONS¹

RECORD OF ORAL DECISION

- 1 At the conclusion of Day 3 of the Hearing, the Tribunal gave an oral decision regarding the substantive matters in dispute.
- 2 These reasons provide a record of that decision, with minor edits as necessary to correct syntax and ensure the meaning of the decision is clear; followed by a short discussion of a number of minor determinations that are reflected in the Conditions attached to this decision.

SETTING THE SCENE

Site and relevant planning context

- 3 The site is square shaped and has an area of 3,695 sqm. It lies on the south side of Gordon Avenue, about 100 metres to the east of Pakington Street. It has a frontage of 61 metres to Gordon Avenue and extends right through to Spring Street to the rear. Spring Street is a narrower street, whereas Gordon Avenue is quite wide. The site is currently improved by large single storey building used for furniture sales and distribution, with rear car parking facing towards Spring Street.
- 4 The site has a modest fall (approx. 4m) from the south-west to the north-east that will result in the height of proposed towers being effectively one storey lower when viewed from the south.
- 5 Gordon Avenue is the main vehicle thoroughfare from central Geelong to west Geelong. Whereas Gordon Avenue and Pakington Street have a commercial character, the surrounding area is mainly residential in nature.
- 6 Central Geelong commences about 450 metres further to the east of the site.
- 7 The subject land is zoned Commercial 2 and is also affected by a Special Building Overlay, although that overlay plays no significant role in this planning dispute.
- 8 The neighbouring site to the west is zoned Commercial 1 and appears to be a relatively recent two storey mixed use development with retail at the ground floor, which wraps around the corner to also address the Pakington Street shopping strip which extends further to the north.
- 9 To avoid duplication, we refer to the helpful summary of the relevant policy provisions set out at pages 25 to 37 of the Council written submission.
- 10 Council has been preparing a draft Urban Design Framework for this Pakington Street and Gordon Avenue area. A draft was released in 2020 and then an Interim Final report earlier this year. The first draft of the UDF

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

recommended a 10 storey height limit for the subject land and nominates the site as a key potential redevelopment site. The Interim Final draft has removed the 'key site' aspect and recommends a six storey height limit for the subject land. The UDF proposes that the subject land be rezoned from Commercial 2 to Commercial 1.

- 11 Both versions of the UDF identify Gordon Avenue as a key vehicle and pedestrian link between Pakington Street and the Geelong CBD.
- 12 We were told that the Interim Draft is due to go to Council soon and is expected to be adopted; however Council recognises it will then need to go through the Planning Scheme amendment process. Both parties accept it can be given some weight but it would be fair to say Council affords it more weight than the Applicant.
- 13 Another strategic plan being prepared is the Central Geelong Framework Plan, being prepared by DELWP. However it is less directly relevant, as that plan simply affects the Geelong CBD area.

Proposal/Council Notice of Refusal

- 14 It is proposed to use and develop the site for a residential hotel, shop, restricted recreation facility, car park, variation to an easement and a reduction of car parking.
- 15 The relevant permit triggers are helpfully summarised at [14] of the Council written submission.
- 16 Apart from Council assessing the proposal, a memo on the Application Plans was provided by the Office of the Victorian Government Architect (who later provided a desktop review on the Amended Plans before us). For convenience we shall refer to this office as the "OVGA".
- 17 18 objections and one letter of support were received, and Council has issued a Notice of Refusal to Grant a Permit. That lack of support was appealed to VCAT.
- 18 In the lead up to the scheduled 5 day hearing, Revision L revised plans dated 7 September 2021 were circulated, with the intention that they be substituted at the hearing. The main features of the Revision L updated proposal are as follows.
- 19 The proposed building involves two towers of 8 and 9 stories (plus roof terraces) rising up from a podium, with the towers facing north to Gordon Avenue. The front-facing street wall would be three stories high on the front boundary but incorporating a ground level colonnade feature.
- 20 There would be a 10 metre wide internal break in the building in the form of laneway which is mainly open to the sky and largely breaks up the building into its east and west elements. The Gordon Avenue frontage would involve various functional features, a café, commercial tenancies and access to office space and the hotel lobby. The rear of the towers would

each step down, so as to provide a transition to Spring Street. A three storey street wall would be built hard to the boundary at Spring Street, but with a change in design to adopt a “town house” type format, but with offices occupying the ground level.

- 21 The rear ground floor section would provide access to a gym/health club and office spaces. Level 1 in both towers would be office space, with level 2 being the terrace part of the podium and including an enclosed walkway linking the two towers. This floor would feature function rooms, office and restaurant/lounge areas. Levels 3-7 would feature the hotel accommodation rooms. Level 8 features a bar/restaurant and communal landscaped roof terrace.
- 22 Although the roof top terrace technically may well constitute another storey, the discussion at the hearing essentially discarded this technical aspect because of its relatively small footprint, and it seems sensible for us to take the same approach with our discussion and findings.
- 23 The hotel would provide 172 suites and the basement car park would be a public car park, rather than only being for users of the building. There would be 31 rear-facing balconies of the relevant hotel rooms or associated areas.
- 24 The width between the towers varies between 10-12 metres and the laneway entrance from Gordon Avenue is splayed. The hotel vehicle arrival area would be on-street.
- 25 The podium facades are glazed but with a more prominent face brick ribbing, whereas the upper towers would feature more visually lightweight facades which more emphasizes the use of glazing.
- 26 The maximum height of the building would be 29.6 metres for the eastern tower and 26.5 metres for the western one. The basement would provide for 373 car spaces plus bicycle parking in the lower basement.

VCAT hearing

- 27 The Hearing came before us on Monday 25th October 2021 and by consent we substituted the Revision L plans. There was only one objector who was intending to come to the hearing, but in the end that person could not attend. We indicated that we had read all of the submissions and expert evidence. It was established that Council had no questions for the applicant’s expert ESD witness, nor did we, so that report was ‘taken as read’.
- 28 We first heard submissions from Mr Marsden for Council and received the expert design evidence from Council’s expert witness Ms Sundermann. The gist of her position was that she supports the proposal being refused, unless it came down in height by two stories. She also made various ‘design detail’ type suggestions about possible changes to aspects of the proposal.

- 29 Mr Cicero then opened his case and called expert design evidence from Mr Blades and expert planning evidence from Mr D’Amico. They both supported the proposal in its current form. He then made brief oral submissions.
- 30 After completing nearly all of the hearing process over the first two days, we then did an unaccompanied site inspection on the morning of October 27 2021. When the hearing resumed, we heard the Council right of reply and the draft permit conditions were discussed.
- 31 We feel well able to give you an oral decision now, having had a thorough and helpful discussion over the first two hearing days including three lots of expert evidence, plus our site inspection today.

Test to be met – ‘acceptable planning outcome’

- 32 It needs to be understood that VCAT hearings have a particular purpose – to focus on the acceptability of otherwise of the particular design being presented to the Tribunal – now being the Revision L plans.
- 33 We say ‘acceptable’ on the basis of the Supreme Court case of *Knox City Council v Tulcanly Pty Ltd*² confirming this to be the standard that needs to be met by planning permit applications. So, planning proposals do not need to be ideal or perfect, but equally they cannot be sub-standard.
- 34 Where a Council or neighbour is making submissions that a proposal should be refused, they need to do more than just show that there might be other ways of doing the project or fine-tuning the design response.

Confined extent of debate at hearing – no objectors present and Council Grounds of Refusal focusing on discrete issues i.e. strategic planning support and design concerns

- 35 In brief, Council’s key concern is that the scale of the development is too large and could undermine the role of the Geelong CBD as the primary location for major development including residential hotels. It says the location lacks the access and amenity attributes of Central Geelong, and although close to the Geelong railway station (approx. 400m) the connection is poor and LaTrobe Terrace is a major divider.
- 36 Council also submits that the proposal is too large for its specific context, with an inappropriate podium and tower form, and would disrupt the intended future character and unduly impact the residential context to the south.
- 37 Beyond these two key issues, we are satisfied all other broader aspects of proposal are acceptable.
- 38 In other words, we can confirm that the following broader aspects of the proposal are acceptable:

² [C2004] VSC 375

- Car parking/public car park (dispensation for five car spaces is sought).
- Traffic implications.
- The interface with neighbouring residential properties to the south is well separated and with their SPOS to the south.
- Equitable development is appropriately allowed for.
- Internal amenity.
- No heritage controls or impacts.
- The proposed variation of the easement for sewer and stormwater infrastructure is non-contentious.
- Stormwater drainage aspects.

MAIN DISCUSSION/FINDINGS

39 We will first make some preliminary findings, then come back to the two determinative issues.

Preliminary issues

- 40 We find there are some inherent advantages of the site, its location and the relevant planning framework that favour intensification of the site use and development.
- 41 First and foremost, this is an unusually large site for this location at 3,695 sqm. All things being equal, larger sites have more scope to manage their external impacts and can usually accommodate taller buildings. The site is regular in shape and merely features a modest slope that is easily accommodated by design.
- 42 Gordon Avenue has a fairly robust existing streetscape and presently exhibits a poor pedestrian amenity; however it has good width and potential for enhancement. The site has two street frontages, to the front and rear. It has no direct residential interfaces.
- 43 The subject land lies just outside the Pakington Street activity centre. Gordon Avenue is the main connector road between the Pakington Street activity centre and the Geelong CBD.
- 44 The Commercial 2 Zone is promoting commercial activities, where a hotel and a public car parks are forms of commercial uses. There are no heritage controls or other overlay controls of any consequence.

Some basic features of the design response we think are favourable

- 45 The combined 'podium and tower' typology helps make the towers more recessive and allows the podium to "read" strongly in the streetscape, that is allowing the development to have a more 'human scale'.

- 46 The central laneway feature softens the public views of the towers and provides a useful pedestrian link in the middle of what is otherwise an unusually long Gordon Avenue frontage (61 metres);
- 47 The choice of materials, articulation and finishes on the building facades are generally appropriate. For example, there are more brick/solid features on the podium and greater use of lightweight glazing with the upper towers.
- 48 The internal layout of the building is appropriate.
- 49 Whilst it may not be ideal or “aspirational” as a design response, we consider that a real effort has been made to activate all of the Gordon Avenue frontage, and also the rear presentation and the internal laneway of the building.
- 50 We commend the choice to use more commercial style materials and finishes on the front half of the building oriented to the more robust Gordon Avenue, but a more residential equivalent treatment with the rear section of the building that steps down to Spring Street.
- 51 We find that the walkway or bridge connecting the two towers on level 2 is a useful feature that will enliven the through link, as well as providing a functional connection between the two towers.

Can the site be said to be ‘out of centre’?

- 52 In opposing the proposal, part of Council’s case is that it is fatal to the proposal that the site falls outside of both the Geelong CBD area i.e. it would be an ‘out of centre’ development.
- 53 This was disputed by the applicant’s expert planner Mr D’Amico, who gave evidence that he regards the proposal as being part of the broad sweep of this inner-city section of Geelong. He also relied on the site being next to the Pakington Street activity centre.
- 54 The key State Government policy here is Clause 17.02-2S “Out-of-centre development”. Its objective is “To manage out-of-centre development’ and its first strategy is to “Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres”.
- 55 Its second strategy is “Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities”.
- 56 The third strategy is not relevant here and the fourth strategy is “Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities to meet the needs of local residents and workers in the convenient locations”.
- 57 On the one hand, at a first principles level, it is a potentially an endless debate about what for our purposes constitutes ‘the centre’ and whether the subject land falls outside or inside of it.

- 58 Rather, we see the much more helpful and relevant question as being whether, if you assess the proposal against this Clause 17.02-2S, there is any fatal inconsistency. Taking this approach and relying on the following reasons, we find the proposal to be compatible with Clause 17.02-2S. In other words, we see Clause 17.02-2S as seeking to avoid other more obvious forms of ‘out of centre’ proposed development, rather than the proposal here.
- 59 First, we note that Clause 17.02-2S is discouraging single use proposals outside of activity centres – this would not be a single use development like a supermarket.
- 60 Second, Clause 17.02-2S does not merely apply to CBD areas. Rather, the second strategy is promoting appropriate development within “activity centres”. Returning to the dispute here, this means that Clause 17.02-2S applies not just to the Geelong CBD but to the Pakington Street activity centre.
- 61 Third, the second strategy is worded such that it is promoting development “...in or on the border of an activity centre...”. We accept that at least on a holistic assessment, the subject land lies on the border of the Pakington Street activity centre and is also proximate to Central Geelong.
- 62 Fourth, this is not a situation where the subject land is in a more isolated location, outside of the main urban area or say trying to establish a non-industry use in an industrial area. The review site here is located in what we would still call ‘inner Geelong’. Furthermore, it is common ground that Gordon Avenue is the main connector road between the Pakington Street activity centre and the Geelong CBD. Compare this to the language used in the last strategy in Clause 17.02-2S, which refers to “...the region served by the proposal”.

DETERMINATIVE ISSUES

Is the proposal an acceptable strategic planning outcome?

- 63 For the following reasons, we find the proposal has an acceptable level of strategic planning support.

Council Strategic Department

- 64 With respect to the Revision L plans, we agree with the applicant that Council’s Strategic Planning Department has provided qualified support for the proposal. That is, the advice provided by that department indicates that essentially it supports an 8/9 storey built form on the site, provided that the ESD and ‘design’ aspects of the proposal are of a high quality. This is in the situation where at the hearing before us, Council indicated that it was satisfied with the expert ESD report lodged with the Tribunal.
- 65 It is acknowledged that the Statutory Planning Department has a difficult job to do in integrating all the inputs and we understand that pre application

meetings may have been held without the involvement of the Statutory Planners. On the other hand, we accept that the Applicant engaged with officers of the Council several times over an extended period. We comment simply that it would be preferable if Council had internal procedures to ensure all of the appropriate officers attend such meetings, or to redirect applicants as appropriate, rather than relying on an applicant to know what the correct point of contact should be.

- 66 On the one hand, we acknowledge that there was still a 'design' debate to be had with this hearing.
- 67 On the other, given this qualified support of the Strategic Planning Department, we agree with Mr Cicero that it is a curious situation where Council's Statutory Planning Department has resolved to not support the proposal, partly because that department regards the proposal as fatally lacking a strategic planning basis.

Out of Centre Development

- 68 Where Council argues that the proposal would be a poor 'out-of-centre' outcome, we have just explained why we consider Council gets little traction from the key State planning policy here in Clause 17.02-2S.
- 69 In terms of the key local planning policies in the form of Clauses 21.09-1 and 21.10, we acknowledge that they are promoting the significant role of the Geelong CBD and Geelong per se as Victoria's 'second city'. These policies refer to central Geelong as being the focus of various uses including 'commerce' and 'hospitality' and also talk about the Geelong Western Wedge as an area identified for substantial change and taller redevelopment.
- 70 However it needs to be said that neither these policies, nor to our knowledge does any other local policy in the Greater Geelong Planning Scheme:
- Indicate that this central area has a monopoly on taller buildings or larger hotels.
 - Overtly discourage somewhat taller buildings or larger hotels in this type of location, in what we would say is just outside of central Geelong.
- 71 It also seems fair to say that whereas in 2015 there may well have been a perception that Geelong was struggling to fulfill its potential, it has in more recent times benefitted from significant investment and the location or relocation of the Worksafe Victoria and NDIS departments to this central area. We were shown photos of a number of significant towers recently built in this central area and we observed these from the subject site and during our inspection of the area including the CBD. We further understand that Geelong has experienced substantial population growth as

part of the tree-change movement arising from the Covid pandemic, which will also presumably enhance the growth potential of the central area.

- 72 It is also relevant that in central Geelong there are a number of towers of 9-13 stories or higher that have been either built or approved, and that the Activity Centre Zone anticipates development of up to 60 metres in height at the very western end of the central Geelong area. In this situation, we are satisfied that the 8/9 storey towers proposed here are still noticeably of a lower scale and height than the emerging taller buildings in the central Geelong area.
- 73 We were also expecting either a specific local policy that would guide the location of larger developments or certain uses (e.g. large hotel). We note Council did not provide us with any expert planning evidence in this regard. We also found that we did not have any formal evidence before us about the likely economic impacts or otherwise that would indicate a hotel of this type will cause negative impacts upon the central Geelong area.

Is it fatal to the proposal that the UDF is not yet finished?

- 74 We see no credible basis for refusing the proposal, simply because the UDF has not yet been finalised. The UDF is now in its third round of public consultation. It is common ground that the UDF still has a long way to go, until it potentially becomes part of the Planning Scheme. Notably, it still has to be adopted by Council, referred to a panel, have panel hearings, be the subject of a panel report, go back to Council and then be signed off by the Planning Minister. That process can reasonably be assumed to take many months, if not years, and commonly results in further changes. The planning approval process would become unworkable if projects seeking planning approval face lengthy delays in this type of situation.
- 75 However, we accept that the UDF is indicative of the direction of Council thinking for this area and so it is relevant to our decision and we give it some weight.

Does the proposal have any fatal inconsistency with the UDF?

- 76 For the following reasons, we are satisfied that the proposal has no fatal inconsistency with the UDF.
- 77 Even on Council's own case, at most we can give the UDF simply some weight, as opposed to significant weight, because it has not yet even been adopted by Council.
- 78 Should Council adopt the 2021 version of the UDF in November 2021, as we are told is likely, it is still very unclear whether a panel considering the UDF would consider the 2021 version of the UDF more appropriate than the 2020 version.
- 79 This is important, where the 2020 draft of the UDF set a recommended height limit for this site of 10 stories, which the proposal comfortably

complies with. So in this scenario, the proposed height of the towers simply gets a tick under the 2020 UDF.

80 If it is the 2021 version of the UDF in the spotlight, we acknowledge that as it sets a *recommended* height limit of six stories for the review site, prima facie there is a tension here. However the 2021 version also provides for the possibility of additional height and nominates one or two more storeys being reasonable on significant sites, with the only criteria mentioned being 'heritage' and 'amenity' (neither of which is an issue here).

81 Some other relevant factors here are that:

- The site is significantly bigger than normal for this location, where even Council's own design witness Ms Sundermann acknowledged that bigger sites can usually accommodate taller built form.
- The project offers what we accept is a significant public benefit, in the form of the internal walkway from Gordon Avenue right through to Spring Street, mostly open to the sky.
- It also provides activation to both street addresses, a major step towards improving Gordon Avenue in particular as a pedestrian link.
- We also agree with Ms Sundermann that the public car park in basement form is a positive for this area.

82 In summary, we consider that if this point was tested, the subject land would qualify to fully utilise this bonus-height type arrangement with the 2021 UDF, which would bring the 2021 UDF recommended height for the subject land up to 8 storeys. We would see this as compatible with the proposed heights here of 8 and 9 stories for the two towers i.e. the height difference for one tower of one extra storey is fairly insignificant.

Is there any fatal aspect to a substantial hotel use being proposed outside of Central Geelong?

83 Council objected to the proposal partly on the basis that such a large hotel use (172 suites) should in its view logically be located inside central Geelong. For the following reasons, we do not accept this submission. We have already explained above why we find that the relevant planning scheme provisions are not overtly discouraging hotels outside of central Geelong.

84 The Strategic Framework Plan being prepared includes reference to an anticipated future shortage of high end hotel rooms in Geelong. It would also be very surprising for a hotel operator to invest in a major hotel facility, unless considerable research had been done about the likely demand for hotel rooms in that location.

85 On common sense, not everyone may want to stay at a central hotel, particularly if you are wanting to visit or do business in the Pakington Street area. Finally, we agree with Mr Cicero that it is telling that the UDF

proposes that the subject land be re-zoned to Commercial 1, being a zone where a hotel is an as-of-right use.

- 86 Our various findings set out above are reinforced by the expert planning evidence of Mr D'Amico. He was the only planner called to give expert evidence before us and we consider his evidence to be persuasive.

IS THE PROPOSAL AN ACCEPTABLE DESIGN OUTCOME?

Is the proposed use of a podium typology reasonable in this location outside of the Central Geelong area?

- 87 We are satisfied that the proposed podium typology is a reasonable design response for this location, despite the site not being in the Geelong CBD area. The subject land is still located in what we would call an inner part of Geelong, is on the border of the Pakington Street activity centre and not far from the central area. The review site itself is unusually large for this location and there are a handful of other large sites nearby that may also involve future significant proposals.

- 88 In this type of context, we consider it appropriate for a podium typology to be proposed. The use of the podium we accept has streetscape advantages and helps makes the two towers more recessive, by drawing the eye to the lower podium feature. The use of a podium also has 'human scale' advantages.

- 89 Whilst the UDF does not provide any express guidance either way on the use of podiums, we agree with Mr D'Amico that it is significant that it does include a diagram overtly encouraging the stepping-back of higher building form (in the way that is similar to a podium).

- 90 We understand that the relevant local policies do not include any 'preferred local character' type provisions. We also understand that they do not discourage podium buildings in this location. If Council has a really strong preference to avoid podium style buildings in certain locations, it is surprising this is not mentioned in the local policies.

- 91 Finally, we give major weight to the expert design evidence of Mr Blades, where he supported the podium typology. We accept his evidence that the podium form allows the development to better fit in the existing streetscape, noting that the commercial developments to the east and west are both substantial two storey developments that appear to be relatively recent. With his consideration of the form of the proposed building, we consider the expert evidence of Mr Blades to be very thorough and on point.

Is the proposed building a reasonable built form transition between the more low-key residential area to the west and the more robust central buildings to the east?

- 92 We accept that a podium-style development with towers of 8/9 stories on the subject land is a reasonable transition between the built form to the east and the west.
- 93 We have already observed that existing or approved buildings in the central Geelong area extend up to 9-13 stories or higher, and that the Activity Centre Zone is anticipating buildings of up to 60 metres in height on the relevant western edge of this central area. A 21 storey tower some 400m back from LaTrobe Terrace ³ is already clearly visible from the subject site; and we were informed that land adjacent to LaTrobe Terrace is also marked for 60m high buildings and so would be more apparent again.
- 94 Given this more ambitious height setting to the east, we see the proposed towers here of 8/9 storeys as a reasonable stepping down for this location. That is, we see 8/9 stories of built form are acceptably transitioning down (from an east-west perspective) to the low scale residential housing further to the west.
- 95 Our findings here are reinforced by the fact that the site lies on the border of the Pakington Street activity centre and next to other large sites, so other more significant development in this location seems likely. In other words, it is hard to see that in the future this will be an 'outlier' type sole taller building in this general location.

Are any of the design criticisms of the proposal made by Ms Sudermann fatal to the proposal either fatal to it, or justifying any modifications?

- 96 It seems fair to say that Ms Sudermann (the Council design expert witness) did not object to the general concept of the proposal and was complimentary of various aspects of it. Her main criticism is that she considered that two storeys needed to be removed from both towers, to achieve what she saw as an acceptable level of height and scale mainly to maintain the primacy of the Geelong CBD. She also notably called for a three-metre setback of the rear of the building from the Spring Street boundary, to improve that interface.
- 97 By contrast, the applicant's expert design witness Mr Blades gave evidence that the design response is well resolved and that the proposed height of 8/9 stories for the two towers is reasonable.
- 98 Where they disagreed on the key design issues in debate, we prefer the evidence of Mr Blades to that of Ms Sundermann. To the limited extent that Ms Sundermann sought to rely on the UDF to justify a two-storey height reduction, we have explained above why we do not accept this line of thinking.

³ Miramar Apartments 18-20 Cavendish Street, Geelong.

99 As an experienced witness before the Tribunal, we consider that Mr Blades gave a very detailed and convincing oral presentation regarding the 'design suitability' of the proposal for its location, largely taking a 'first principles' approach given the lack of specific design controls in the planning scheme. Similarly his written report is very thorough and presents a range of information and materials to reinforce his main propositions. As an independent expert witness, it assists the situation that Mr Blades to our knowledge has had no prior involvement with the preparation of the planning controls of any part of the Geelong area that has been in debate.

100 The design proposition put by Mr Blades that the site can reasonably bear a building on the 8/9 storey scale proposed is in our view reinforced by:

- This being an unusually large site for this location at about 3,600 sqm.
- Two sides of the site having a road abuttal.
- There being no residential nor heritage interface.
- The site being on the border of the Pakington Street activity centre.
- The site being on the south side of the street, such that there are no issue with overshadowing the more important pedestrian street in Gordon Avenue.
- The findings we have made above about the favourable 'height' aspects of the 2020 and the 2021 versions of the UDF.
- The public benefit of the proposed internal laneway.
- Gordon Avenue being the low point of this particular location.
- Gordon Avenue having a fairly robust/non-descript existing streetscape.
- The generous width of Gordon Avenue at 20 metres.
- There being other nearby larger sites, where it is reasonable to expect other larger buildings to be developed over time.
- The close proximity of the site to the nearby railway station.
- There being no heritage controls in play.

101 Otherwise, subject to our further 'design' points discussed below, it seems fair to say that most of the design criticisms being made by Ms Sundermann can be seen as 'this would be another way to approach certain features of the design', rather than Ms Sudermann exposing any fundamental design problems. In other words, many of her points may be legitimate, but are more 'around the edges' of the main design issues at stake.

102 This completes our assessment of what we find to be the key determinative issues. However, Council relying on the evidence of Ms Sundermann and the opinions provided by the OVGA, also raised a number of relevant design matters that we will discuss next.

Should there be a three-metre rear setback to Spring Street to improve pedestrian conditions and remove shadow from the southern footpath?

103 We find that a three 3m setback to the south is not required; because:

- We accept that there is unlikely to be a continuous widening opportunity because of existing residential development;
- Spring Street is not designated as a key pedestrian link; and finally,
- most pedestrians would likely choose the southern footpath anyway for solar access.

104 For this final reason, we do say the proposal should instead be modified by a combination of increased setbacks and height to reduce the overshadowing over the southern footpath to zero from 11am through to 2pm. We were advised by Mr Blades that this should be achievable without major change to the design or layout.

Is there a need to remove a step in the southern façade in order to reduce the wedding cake effect?

105 We accept this can be a legitimate concern usually related to excessive symmetry that then relates poorly to the context. In this case we say the proposal has minimised this effect and is acceptable because:

- The southern elevation is not the main address;
- It is not symmetrical, the towers being different heights;
- The building is separated into two halves by the through link which adds further interest; and
- The steps are not uniform and grouped mostly into twos similar to the recommended profiles in both the VUDGL and the draft UDF.

Is there a need for further design refinement of the through link?

106 Ms Sundermann raised concerns about the level of activation to the laneway (through link). We agree it would be desirable to maximise activation which could be through a combination of more entrances and decoration to break up large expanses of glazing and to treat blank walls.

107 We see merit in this recommendation but also recognise that this could generally be dealt with during design development. However the Tribunal agrees with the OVGAs on this point and would be concerned if the result was excessive use of large plate glass windows facing the link, we will require a façade strategy to demonstrate that the façade addressing the link will include sufficient decoration and interest through techniques such as framed windows and openings, tiling panels, artwork, colour or similar.

108 We do not agree that the landscaping strategy needs further refinement and we accept the evidence of Mr Blades that this has been well considered including providing resting points for informal seating.

Is there a need to further refine the design of the towers to differentiate them one from the other, and/ or to refine the design to achieve a greater sense of place or architectural refinement?

- 109 Both the OVGA and Ms Sundermann say the architecture could be further refined to develop a greater sense of place, and to differentiate the two towers further. The OVGA was also critical about the use of the vertical fins and the general quality of the design, which they say needs further refinement.
- 110 We find that the architectural presentation of the towers in particular is acceptable and while it may not be breaking new ground, we find it is a step up from the standard of architecture in this area at present. We think it is reasonable that the towers and indeed the base are visibly related in design, given that the development has a single main user in the form of a hotel.
- 111 In addition, we find that the podium treatment to both streets is effective and will provide the dominant impression in the street, with the towers as a more neutral backdrop. We think this is appropriate given the site is not a landmark site nor is it on a corner or on an identified viewline.
- 112 In other words, we find that the design has achieved a better than acceptable outcome, but this is achieved more by a clever arrangement of uses and design elements in the podium, rather than design detail in the two towers.
- 113 We were also comforted by the evidence of Mr Blades who found the design to be well resolved and who commented on the quality of the architects and their ability to maintain and improve the design as it is translated into reality. For this reason, we will apply a condition tying the architects (or a suitably qualified alternative) to the project.

Should the bicycle parking be brought to the ground floor?

- 114 Ms Sundermann was critical of the long narrow form of the bicycle parking, which she said would make moving with a bicycle difficult; and the location in the basement forces riders to navigate through the car park and up and down the ramps, which would be both inconvenient and unsafe.
- 115 We agree that locating all of the bicycle parking at the lowest point and in a long narrow form is undesirable and could discourage its use. We were informed that it would be extremely difficult to locate all bicycle parking on the ground floor but that a significant proportion, to cater for visitors, could be accommodated there. We accept that staff bicycle parking in the basement is acceptable given the regular use, so we will include a condition to relocate a reasonable percentage of the bicycle parking to the ground floor and to allow sufficient space to manoeuvre bicycles comfortably.

Is there a need to reduce the size of the southern balconies?

- 116 The Council raised concerns about the number of balconies facing south and the size of some of the lower ones, which are unusually large. Council submitted there was a risk these could be used for private functions that

could result in excessive noise and disturbance to the private residences to the south.

- 117 We are not persuaded the balconies need to be reduced or otherwise modified. This is because firstly, there is a considerable distance to the residences across Spring Street, and the single houses appear to have their SPOS further to the south. The newer apartments directly to the south do have balconies facing the development but these are also open to the street, so are not secluded.
- 118 More importantly, we accept that the Hotel would actively manage the use of these spaces, because other hotel guests are likely to be directly affected even more so than residents across the road.

Other design matters

- 119 Several other matters were raised by Ms Sundermann during the hearing that we comment on briefly. Firstly, the length of the drop off area in front of the hotel was queried. We find this is acceptable, given that the area is presently used for street parking and there has been provision for street trees at either end, that will be supplemented by the landscaping in the entrance to the through link.
- 120 Secondly, concern was raised about the length of corridors in the hotel and the deep inset of the doorways, which could provide entrapment points. We find that this is a matter for detailed design that a hotel operator would be concerned with; but in any case we are again comforted by the fact that a hotel is a managed environment with regular supervision in the public areas so we will not require any specific change in this area.
- 121 Finally, it was suggested that the hotel lobby should include a bar or café or a connection to the adjacent café in order to activate the entry area to the through link.
- 122 We agree with the intent of this recommendation; however, we again accept this is a matter of detailed design and the hotel operator will have an interest in providing an active and attractive presentation to the street and the through link. We interpret the location of café tables outside the hotel entrance as an indication that it is intended that this area will be activated, so we will not require a specific change to address this matter.

CONCLUSION

- 123 In summary, we find that this is a well resolved proposal that responds appropriately to its physical context.
- 124 We acknowledge that concerns raised about out of centre development are a legitimate matter and we have given that aspect careful consideration. We found that that given the separation from the Geelong core and the proximity of the taller buildings emerging in the “Western Wedge”, that the height of this proposal will not detract from the primacy of the Geelong CBD.

- 125 Equally, we find no basis in either the planning scheme nor in the evidence before us to find that the hotel function is too large and should be reduced or relocated into Central Geelong. Indeed we suggest that a successful premium hotel in this location is likely to be a stimulus for the regeneration of Pakington Street and assist this area to develop as a key satellite precinct of the Geelong CBD, in much the same way as Lygon Street, Smith Street or Brunswick Streets support the Melbourne CBD.
- 126 For the reasons set out above, we will set aside Council's Notice of Refusal to Grant a Permit and make orders directing that a permit issue for the proposal, subject to the final version of the draft permit conditions.

Philip Martin
Senior Member

Stephen Axford
Member

APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO:	PP-691-2020
LAND:	39-45 Gordon Avenue, GEELONG WEST

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Buildings and works, including demolition, to construct a 8 to 9 level building (plus part enclosed roof top terraces) to be used as a residential hotel together with mixed uses including office, shop, and restricted recreation facility.
- Use and Development for a Residential Hotel, Shop, Restricted Recreation Facility, Car Park.
- Variation to an Easement.
- Reduction of Carparking.

CONDITIONS:**Amended Plans**

- 1 Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be generally be in accordance with the plans submitted to VCAT (prepared by Clarke Hopkins Clarke Revision L dated September 2021), but modified to show the following:
 - (a) Lifts re-located adjacent to the stairs to allow the lifts to open toward the exterior glazing and pedestrian link.
 - (b) Revisions to building height and/or setbacks to show no overshadowing of the southern footpath of Spring Street between 11am and 2pm on the Spring Equinox.
 - (c) Relocate bicycle parking for visitors to the ground level and ensure adequate space is provided to comfortably manoeuvre bicycles.
 - (d) Provide 1:50 elevation and section drawings to illustrate ground plane design and ensure commitment to high quality materials and finishes. This is to include a façade strategy for the facades addressing the laneway (though link) to demonstrate it will include sufficient decoration and interest through techniques such as framed windows

and openings, tiling panels, artwork, colour or similar to achieve an attractive pedestrian.

- (e) Revisions to balcony soffits to soften appearance by use of colours and materials.
- (f) Notations on plans and materials schedules to comply with the corresponding Glare and Reflectivity condition specified below.
- (g) Notation indicating minimum 80% clear glazing for the retail tenancies, ground floor Spring Street and pedestrian link tenancies, and Residential Hotel entry lobbies.
- (h) Architectural treatment of service cabinets and similar service infrastructure to ensure these design features are integrated with the overall design of the building and present an interesting interface to the street and internal laneways.
- (i) Details on the installation and ongoing maintenance of the vertical greening elements.
- (j) All floor and surface levels based on Australian Height Datum.
- (k) Finished floor levels for ground floor tenancies as follows:
 - i Tenancy 01 must be no lower than 20.90m AHD;
 - ii Tenancy 02 must be no lower than 20.80m AHD;
 - iii Central entry to ground floor from Gordon Avenue must be no lower than 20.70m AHD;
 - iv Cafe (Gordon Avenue side) must be no lower than 20.25m AHD;
 - v Basement entry from Spring Street must be no lower than 22.90m AHD.
- (l) Notation on basement plans, "The basement must be constructed using flood resilient materials minimum up to 300 mm above its floor and any electrical fittings must be located above this minimum level."
- (m) Re-routing of the existing 300mm and 225mm concrete pipes to cater for the drainage of lots to the east and west of the site.
- (n) Longitudinal sections for each ramp designed in accordance with AS/NZS 2890.1:2004. The sections must show all relevant design levels, grades, transition and main ramp lengths and headroom clearances.
- (o) Any changes required by the Landscape Plan in accordance with the corresponding condition below.
- (p) Initiatives contained within the amended Sustainability Management Plan.

- (q) Any changes to the building design or provision of integrated wind mitigation features required by the Wind Impact Analysis in accordance with the corresponding condition below.

These amended plans must be to the satisfaction of the Responsible Authority and when approved will be the endorsed plans of this permit.

Amended Sustainability Management Plan

- 2 Prior to the commencement of buildings and works excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations and any clean up works or as may otherwise be agreed in writing by the Responsible Authority, the Sustainability Management Plan must be amended to demonstrate a 5 Star (Australian Excellence) Green Star Design and As Built rating (or equivalent) and must be submitted to and approved by the Responsible Authority.

Wind Impact Analysis

- 3 In conjunction with the submissions of plans for endorsement, a Wind Impact Analysis must be submitted to and approved by the Responsible Authority. The Wind Impact Analysis must be prepared by a suitably qualified person and address the following matters:
 - (a) Explains the effect of the proposed development on the wind conditions in publicly accessible areas, including the internal pedestrian link, within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - (b) Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - (c) Address wind impacts through design changes that do not rely on street trees or any other elements such as screens within public areas for wind mitigation. Reliance on these features should be justified and integrated.

When endorsed, this documentation will then form part of the permit and must not be altered without further written consent of the Responsible Authority.

Endorsed Plans

- 4 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 5 All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

- 6 All works must be undertaken in accordance with the endorsed Wind Impact Assessments to the satisfaction of the Responsible Authority
- 7 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 8 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Stormwater Management

- 9 The site stormwater system must be designed and installed such that the site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required to the Satisfaction of the Responsible Authority.

PRIOR TO COMMENCEMENT OF THE DEVELOPMENT

Acoustic report

- 10 Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, an Acoustic Report must be prepared by a suitably qualified person and submitted to and approved by the Responsible Authority. The Acoustic Report must be completed with respect to the relevant regulations for control of emissions from commercial and public premises. The report must address the potential for unreasonable noise impacts to surrounding sensitive uses from the use of outdoor areas of the development, including music and/or patron noise, and address noise generation from any plant associated with the development.

Landscape Plan

- 11 11. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, a detailed Landscape Plan must be submitted to and approved by the Responsible Authority. The Landscape Plan must include:
 - (a) Details of the proposed materials, finishes and depth of planters for the ground level landscape spaces along with street furniture palette, materials and details to the satisfaction of the Responsible Authority;
 - (b) Surface treatment and materials of all external, publicly accessible and/or communal open areas, paths and terraces within the site;
 - (c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

- (d) Detailed planter sections, including soil volumes and schedules of species with consideration given to soil volume requirements and growing medium proposed, and indicative irrigation and drainage layouts;
- (e) Details and finishes for the proposed external structures and landscaping in communal terrace areas;
- (f) Details of proposed maintenance regimes with provision for maintenance to all communal areas beyond 2 years; and
- (g) Landscape Irrigation Performance Specifications.
- (h) Align with any initiatives of the Sustainability Management Plan.

Glare and Reflectivity

- 12 12. Cladding and glazing materials used on all external walls/facades must be of a type that does not reflect more than 20% of specular light when measured at an angle of 90 degrees to the external surface, to the satisfaction of the Responsible Authority.
- 13 13. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Legal Agreement for Public Access

- 14 14. Prior to the commencement of the development, excluding preliminary site works, demolition, bulk excavation, retention, footings and foundations, and any clean up works, or as may otherwise be agreed in writing by the Responsible Authority, the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Greater Geelong City Council.

The agreement must:

- (a) Provide for the pedestrian link between Gordon Avenue and Spring Street to be freely accessible to the public between the hours of 6:00am and 10:00pm each day or at such other times as the Responsible Authority may consent to in writing and to be maintained in a safe and sightly condition at the cost of the owner.
- (b) The owner of the land must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

PRIOR TO COMMENCEMENT OF USE

- 15 Prior to the commencement of use, the developer must:
 - (a) Construct the site stormwater system into the drainage pit in Gordon Avenue, or other nominated point/s as approved by the Responsible

Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.

- (b) Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong; The provision of a 7.2m wide vehicle crossing is to be provided and centred on the location of the internal driveway. The internal driveway is to have a width of 7.2m at the road reserve boundary with a minimum offset of 0.6m from the eastern property boundary line.
- (c) Remove any redundant vehicular crossings with kerb and channel and reinstate the footpath/nature strip area to match existing construction in the street;
- (d) Install No stopping signs, to be located along the Spring Street frontage to the development, in consultation with Council's Transport Engineering Unit.
- (e) Clean and finish all walls on or facing external boundaries; all to the satisfaction of the Responsible Authority.

Parking Management Plan

- 16 Prior to the commencement of use, a parking management plan is to be submitted to the satisfaction of the responsible Authority. The plan should detail the wayfinding of car parking spaces, conflict between pedestrians and vehicles, lighting and pedestrian/bicycle access to the basement.

Pedestrian Paths, Access and Parking Areas

- 17 Unless otherwise approved by the Responsible Authority, prior to the commencement of use, the areas set aside for the parking of vehicles, access lanes and pedestrian paths as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes;
 - (f) clearly marked to show the direction of traffic along access lanes and driveways
 - (g) implement all other signage and linemarking for safety and wayfinding in accordance with the approved Parking Management Plan;

All to the satisfaction of the Responsible Authority.

Sustainability Management Plan Compliance

- 18 Unless otherwise approved in writing by the Responsible Authority, within 3 months of the commencement of use of the development, the permit holder must provide a report from the author of the Environmentally Sustainable Design (ESD) Report, or other suitably qualified person to the satisfaction of the Responsible Authority, that all measures have been implemented in accordance with the endorsed Environmentally Sustainable Design (ESD) Report.

Completion and Maintenance of Landscaping

- 19 Prior to the commencement of use, the approved landscaping must be implemented in accordance with the endorsed landscaping plan. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

Completion of Acoustic Report Recommendations

- 20 Prior to commencement of the use of the development, the recommendations contained within the endorsed Acoustic Report must be implemented to the satisfaction of the Responsible Authority.
- 21 Prior to commencement of the use of the development, acoustic testing must be conducted by a qualified acoustic engineer. The testing must verify that the recommendations contained in the endorsed Acoustic Report have been implemented, to the satisfaction of the Responsible Authority.

USE AND AMENITY

- 22 No music or announcements may be audible outside the boundaries of the site to the satisfaction of the Responsible Authority.
- 23 All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.
- 24 Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.
- 25 Unless otherwise approved by the Responsible Authority, all plant and equipment must be contained within the envelope of the buildings and visually concealed to the satisfaction of the Responsible Authority and in accordance with the endorsed plans.
- 26 Waste collection must occur in accordance with the endorsed Waste Management Plan (EcoResults 2019-1869-2 WMP, June 2020) and be undertaken between the hours 7am to 8pm Monday to Saturday and 9am to 8pm Sunday and public holidays. The endorsed Waste Management Plan must not be altered without the written consent of the Responsible Authority.

- 27 Car spaces, access lanes, pedestrian paths and driveways must be kept available for these purposes at all times.
- 28 The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.
- 29 The loading bay area(s) must remain available for this purpose at all times to the satisfaction of the Responsible Authority.
- 30 The amenity of the area must not be detrimentally affected by the use or development through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Presence of vermin.to the satisfaction of the responsible authority.

3D Digital Model

- 31 Before the development starts, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Transport for Victoria Conditions

- 32 The construction of the development must not disrupt bus operations on Gordon Ave without the prior written consent of the Head, Transport for Victoria (Department of Transport).
- 33 Any request for written consent to disrupt bus operations on Gordon Ave during the construction of the development must be submitted to the Department of Transport not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Ongoing Architect Involvement

- 34 As part of the ongoing progress and development of the site, Clark Hopkins Clarke (or another architectural firm of equivalent repute) to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

EXPIRY OF PERMIT

- 35 This permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit.
 - (b) The use is not commenced within five years of the date of this permit.
 - (c) The development is not completed within five years of the date of this permit.

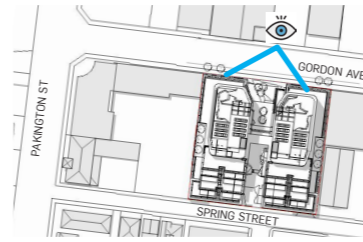
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- within six (6) months after the permit expires where the use or development has not yet started; or
- within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

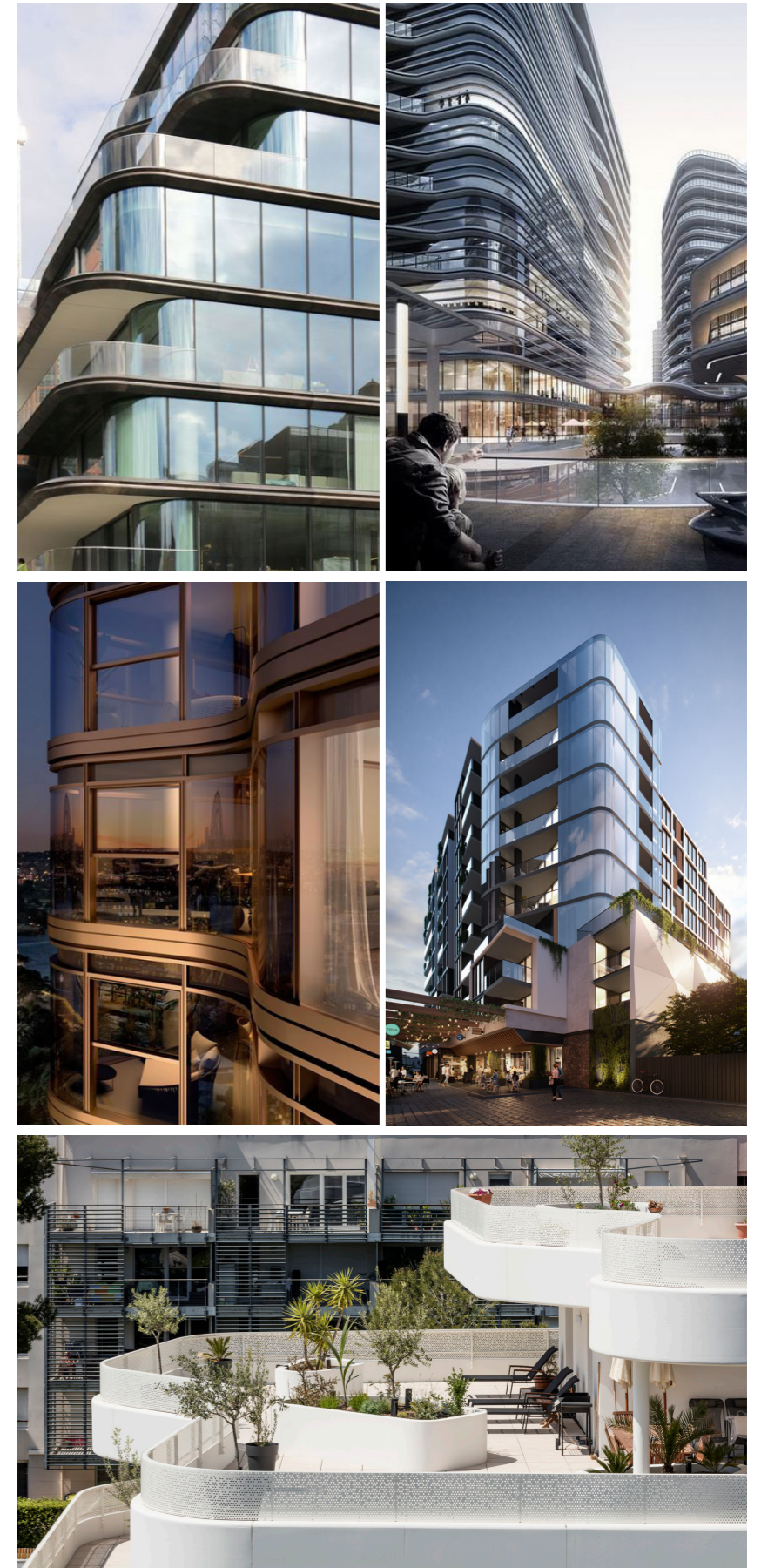
- End of conditions -



Attachment 3 – Shadow Diagrams 12 Storey App Scheme



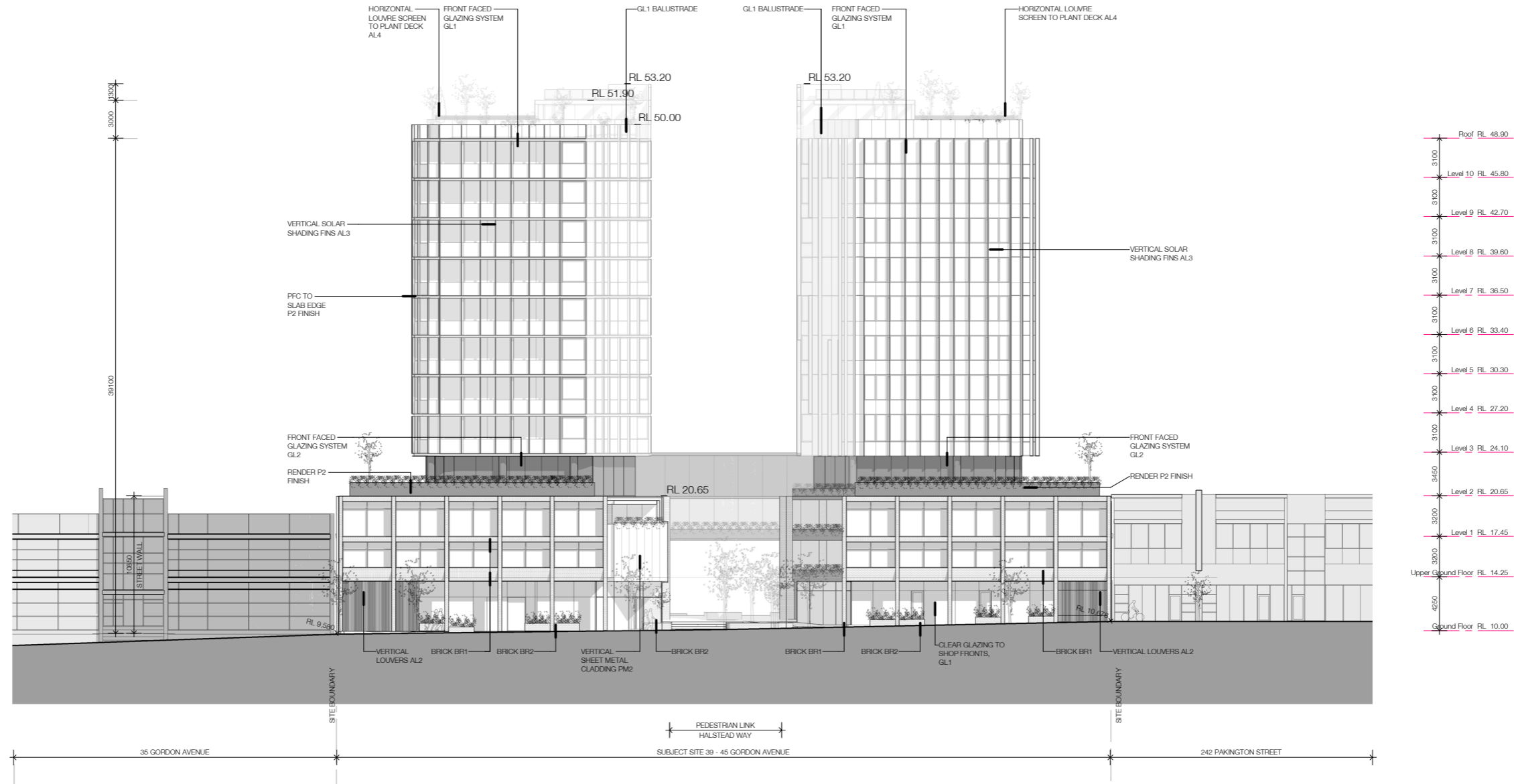
UPPER MASS REFERENCE IMAGES



3 STOREY STREET WALL TENANCIES HOTEL LOBBY CONNECTION BRIDGE PEDESTRIAN LINK HOTEL FUNCTION/ RESTAURANT & OFFICE PODIUM ACTIVATION



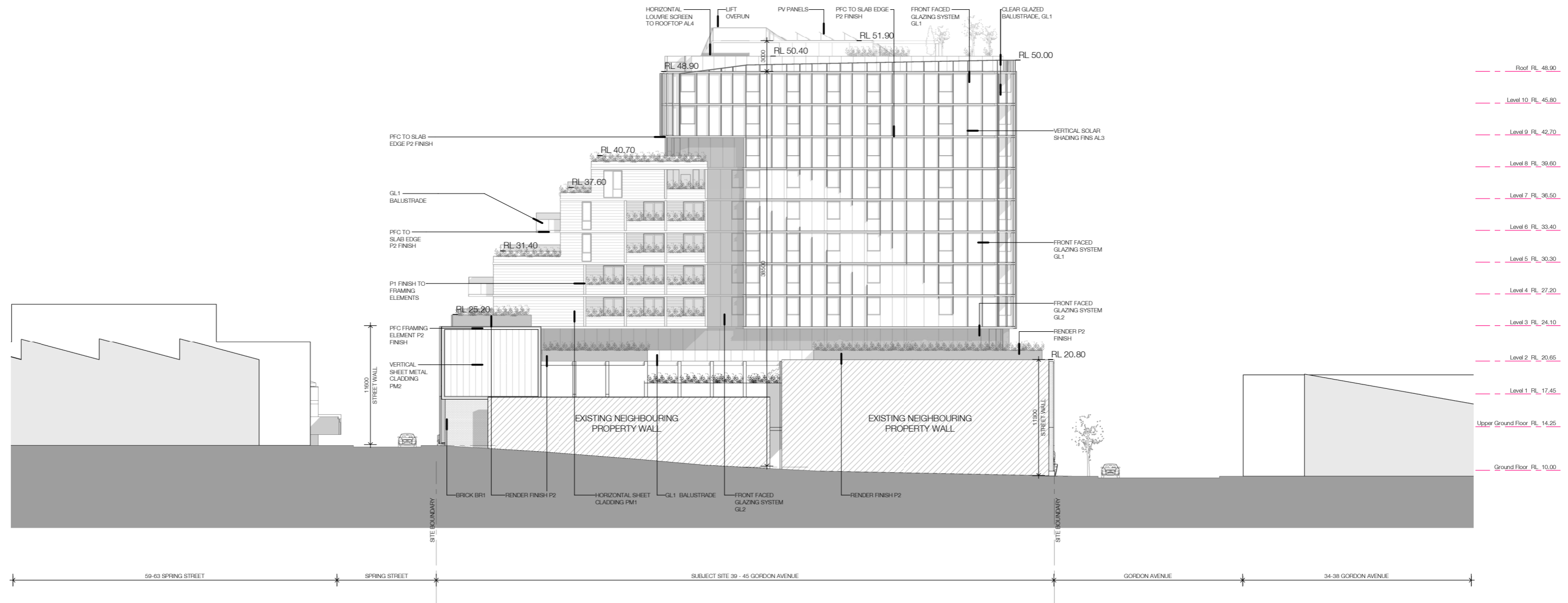
PROPOSED GORDON AVE VIEW FROM NORTH OF SITE



North Elevation - Gordon Avenue

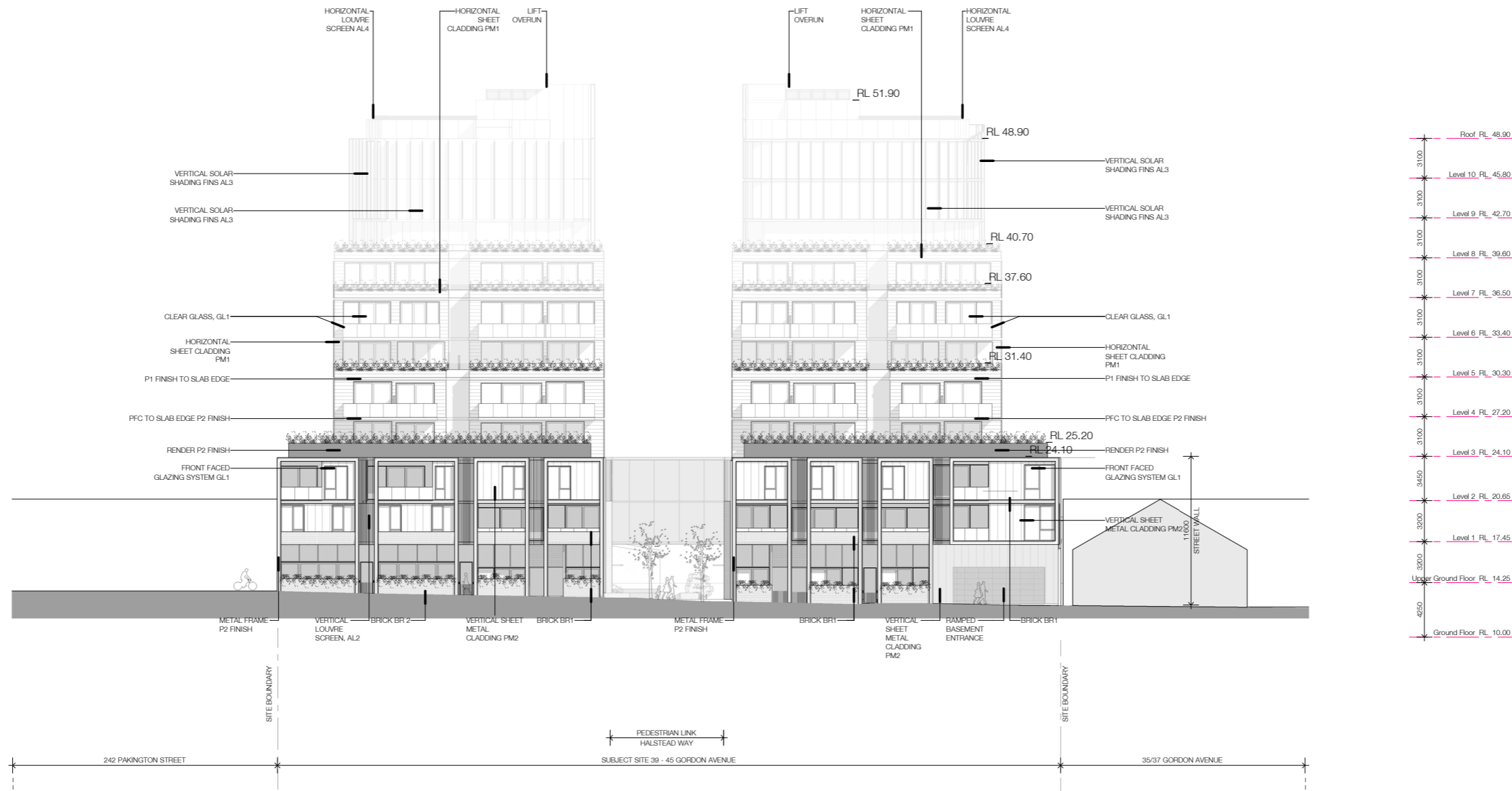
Legend - Elevation

AL1	ANODISED ALUMINIUM FRAME, PC2 FINISH
AL2	VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
AL3	VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
AL4	HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
BR1	BRICK TYPE A - AGED RED OR SIMILAR
BR2	BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
GL1	CLEAR GLASS
GL2	CLEAR GLASS - DARK GREY TINT
GL3	GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
P1	PAINT FINISH, 'WHITE'
P2	PAINT FINISH, 'CHARCOAL'
PFC	PFC TO MATCH FINISH 'PC2'
PM1	HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC3' - LIGHT GREY
PM2	VERTICAL METAL PANEL, STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
PC1	POWDERCOAT, 'WHITE'
PC2	POWDERCOAT, 'CHARCOAL'
PC3	POWDERCOAT, 'LIGHT GREY'



East Elevation

- Legend - Elevation**
- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
 - AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
 - AL3 VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
 - AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
 - BR1 BRICK TYPE A - AGED RED OR SIMILAR
 - BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
 - GL1 CLEAR GLASS
 - GL2 CLEAR GLASS - DARK GREY TINT
 - GL3 GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
 - P1 PAINT FINISH, 'WHITE'
 - P2 PAINT FINISH, 'CHARCOAL'
 - PFC PFC TO MATCH FINISH 'PC2'
 - PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC3' - LIGHT GREY
 - PM2 VERTICAL METAL PANEL STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
 - PC1 POWDERCOAT, 'WHITE'
 - PC2 POWDERCOAT, 'CHARCOAL'
 - PC3 POWDERCOAT, 'LIGHT GREY'



South Elevation - Spring Street

Legend - Elevation

- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
- AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
- AL3 VERTICAL ALUMINIUM SOLAR SHADING FINIS, PC2 FINISH
- AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH

- BR1 BRICK TYPE A - AGED RED OR SIMILAR
- BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR

- GL1 CLEAR GLASS
- GL2 CLEAR GLASS - DARK GREY TINT
- GL3 GLASS WITH ALUMINIUM BACK PAN - CHARCOAL

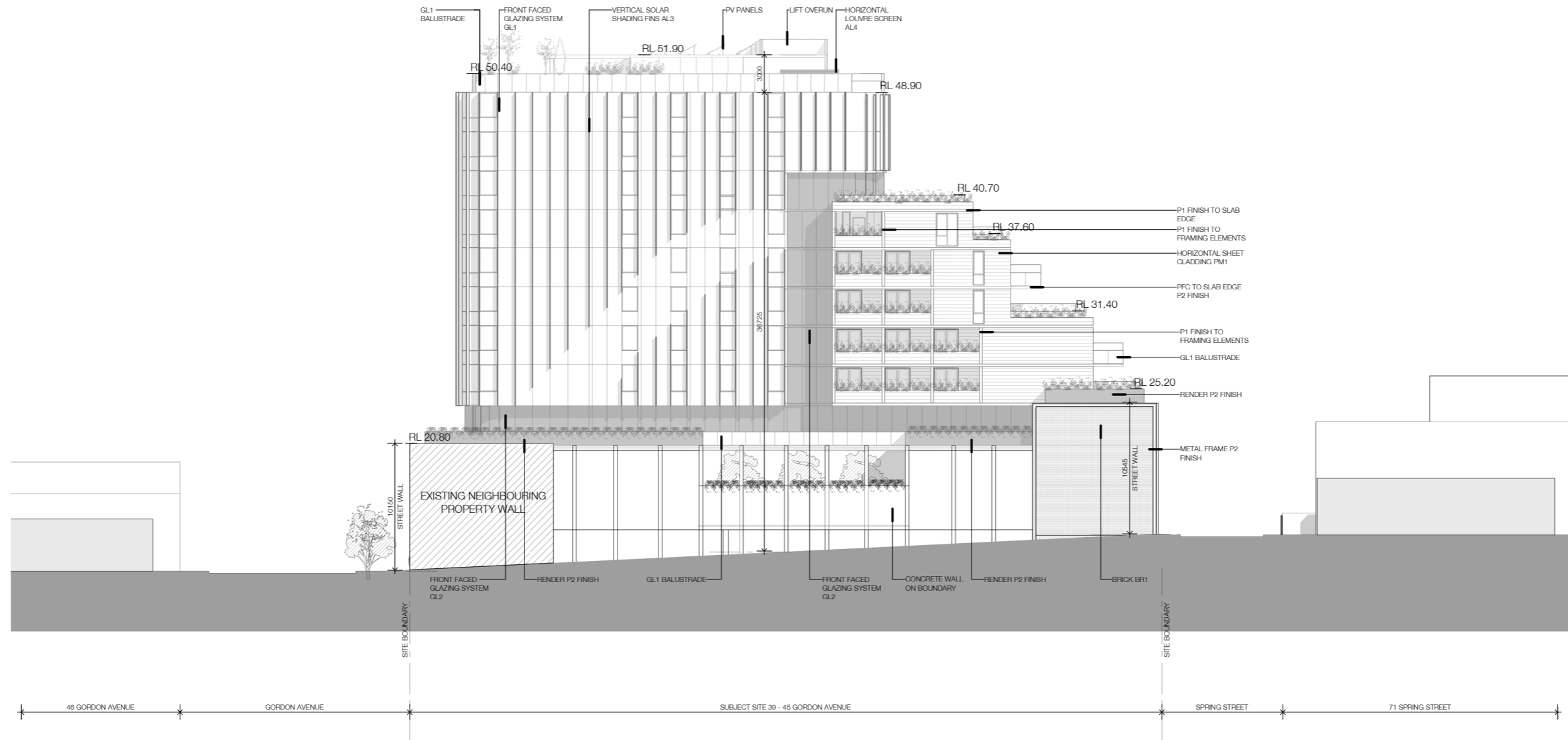
- P1 PAINT FINISH, 'WHITE'
- P2 PAINT FINISH, 'CHARCOAL'

- PFC PFC TO MATCH FINISH 'PC2'

- PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC3' - LIGHT GREY
- PM2 VERTICAL METAL PANEL STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR

- PC1 POWDERCOAT, 'WHITE'
- PC2 POWDERCOAT, 'CHARCOAL'
- PC3 POWDERCOAT, 'LIGHT GREY'

- Roof RL 48.90
- Level 10 RL 45.80
- Level 9 RL 42.70
- Level 8 RL 39.60
- Level 7 RL 36.50
- Level 6 RL 33.40
- Level 5 RL 30.30
- Level 4 RL 27.20
- Level 3 RL 24.10
- Level 2 RL 20.65
- Level 1 RL 17.45
- Upper Ground Floor RL 14.25
- Ground Floor RL 10.00



- Legend - Elevation**
- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
 - AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
 - AL3 VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
 - AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
 - BR1 BRICK TYPE A - AGED RED OR SIMILAR
 - BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
 - GL1 CLEAR GLASS
 - GL2 CLEAR GLASS - DARK GREY TINT
 - GL3 GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
 - P1 PAINT FINISH, 'WHITE'
 - P2 PAINT FINISH, 'CHARCOAL'
 - PFC PFC TO MATCH FINISH 'PC2'
 - PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC3' - LIGHT GREY
 - PM2 VERTICAL METAL PANEL, STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
 - PC1 POWDERCOAT, 'WHITE'
 - PC2 POWDERCOAT, 'CHARCOAL'
 - PC3 POWDERCOAT, 'LIGHT GREY'

West Elevation

NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

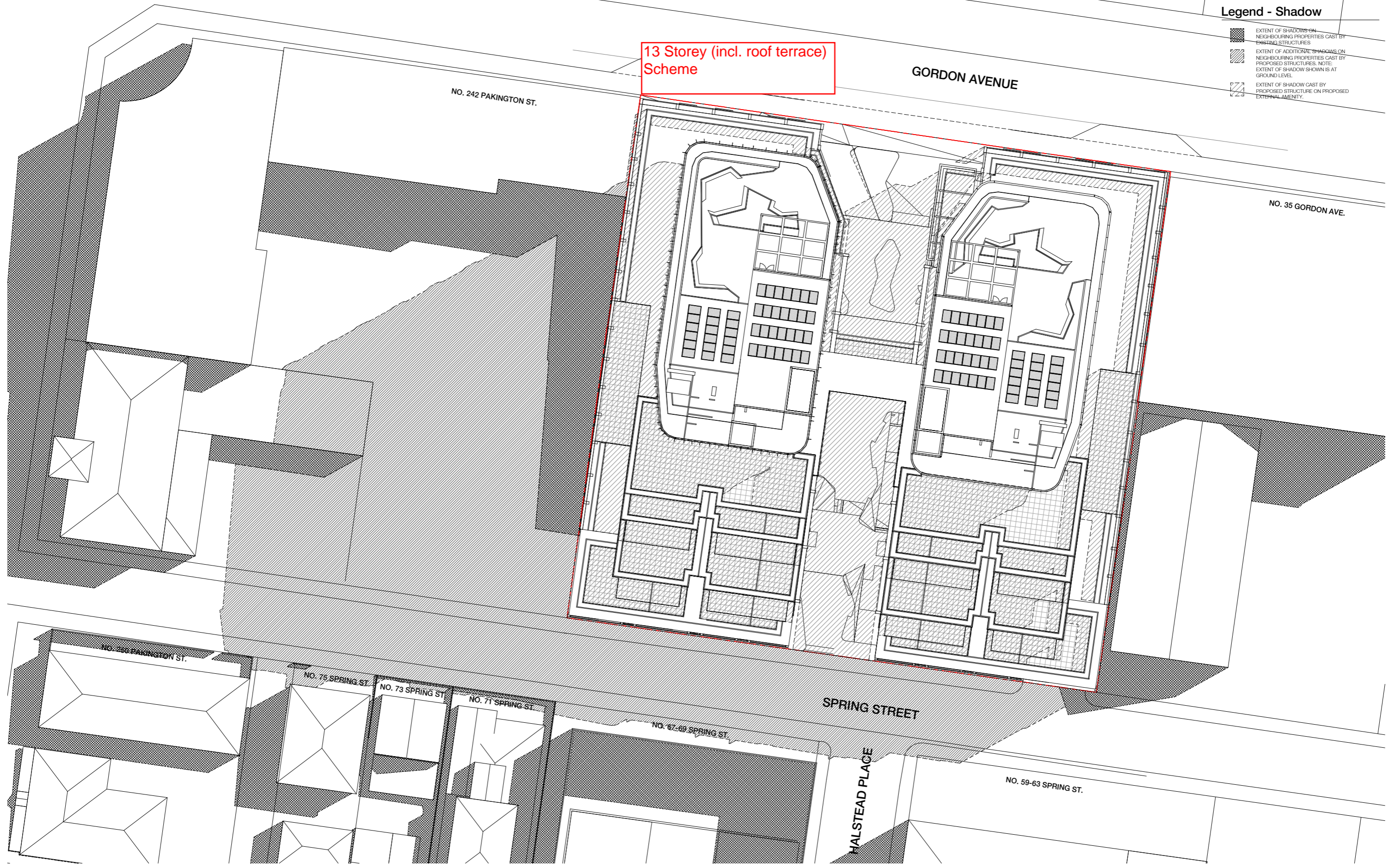
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE

NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

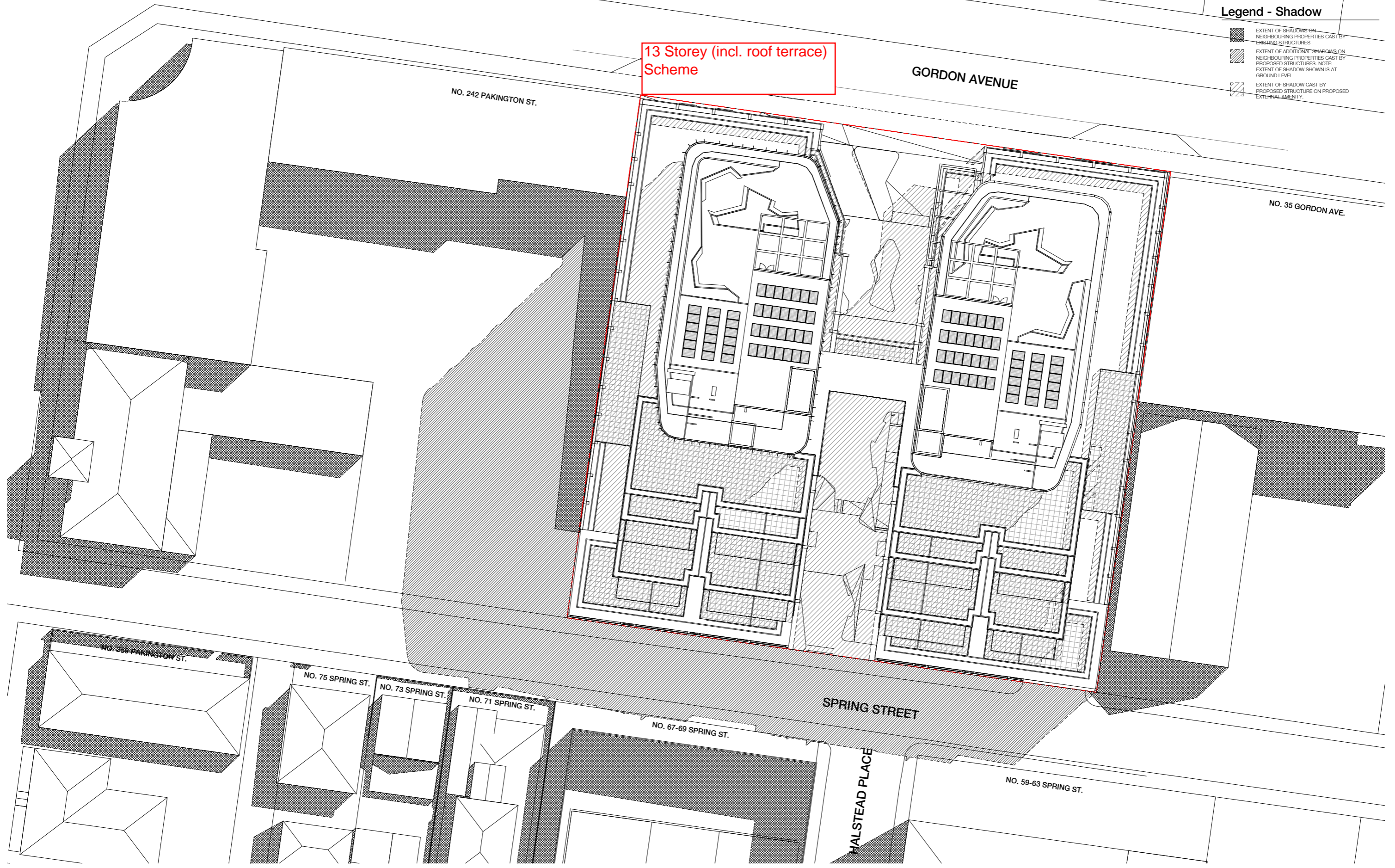
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.

NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

NO. 59-63 SPRING ST.




HALSTEAD PLACE



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

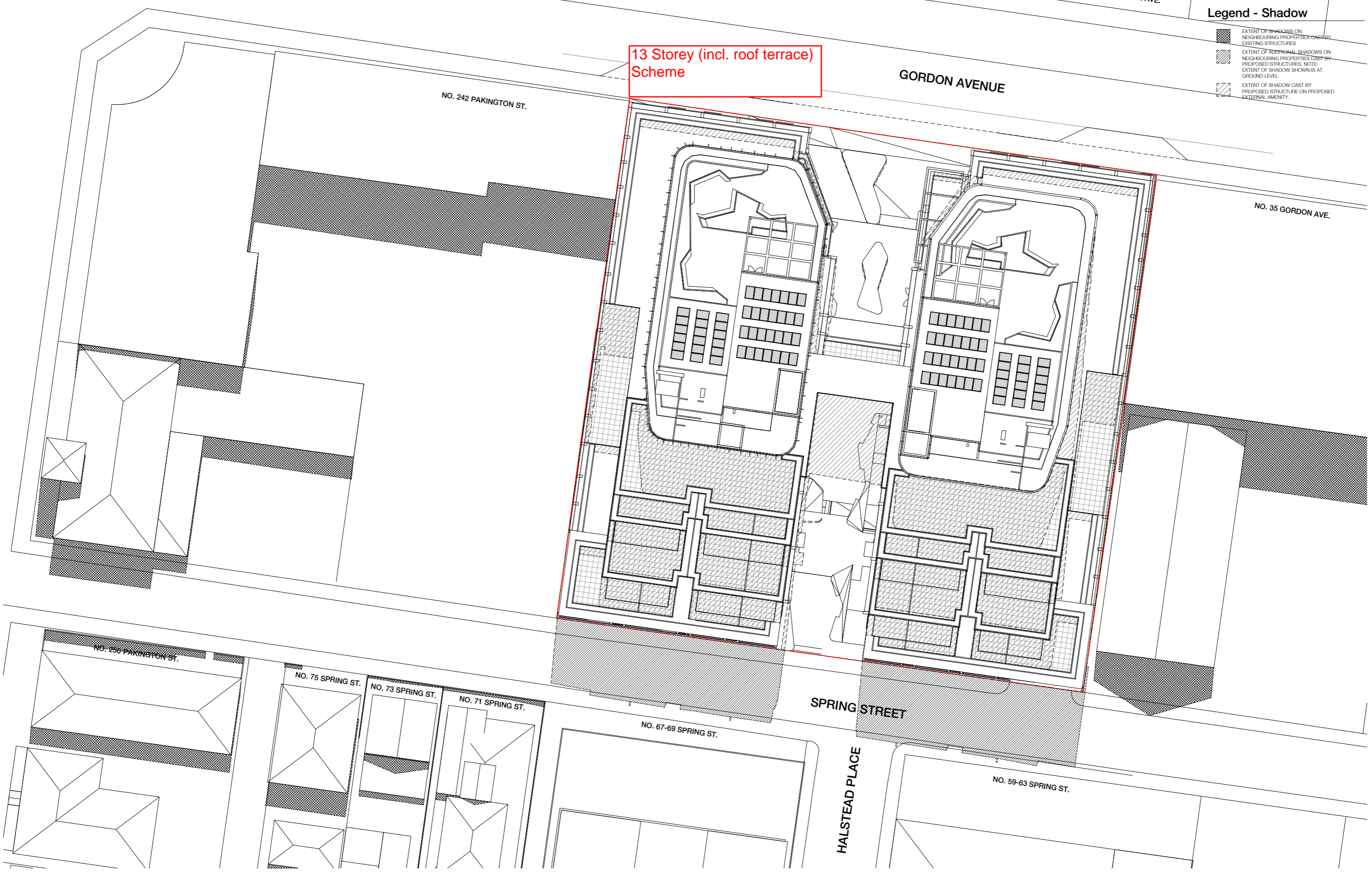
-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE

NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

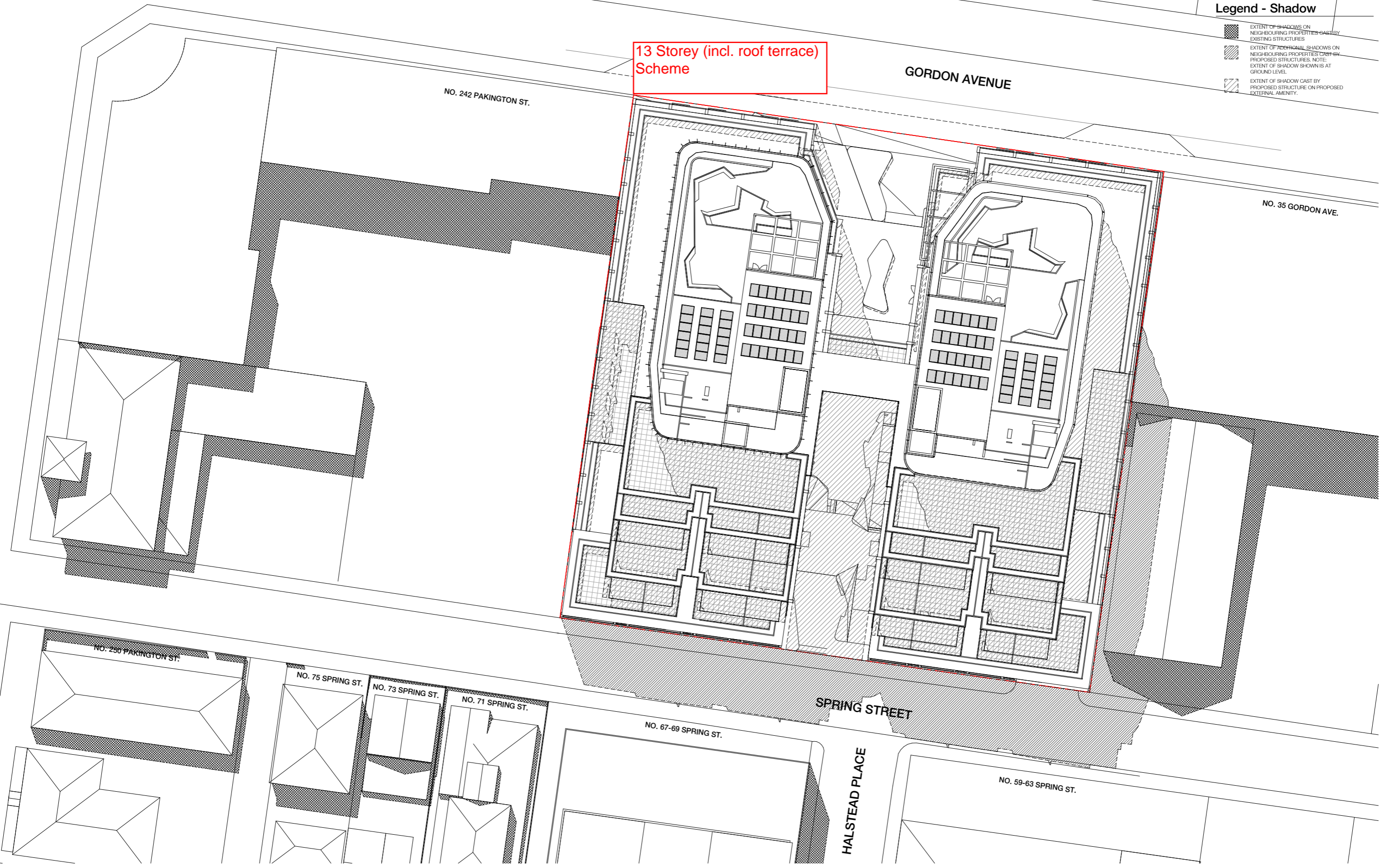
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE




NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

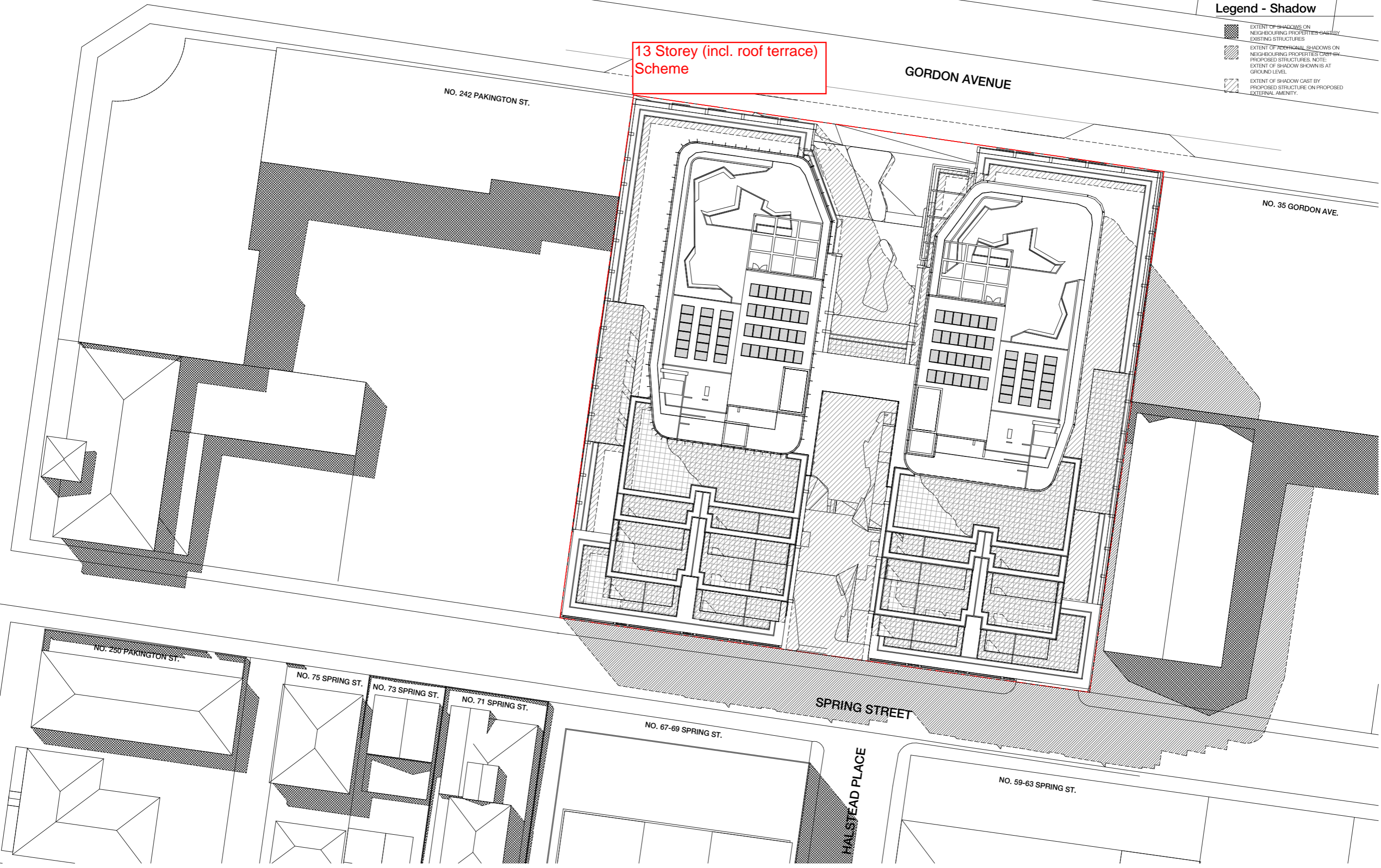
-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE




NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

13 Storey (incl. roof terrace) Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.

NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

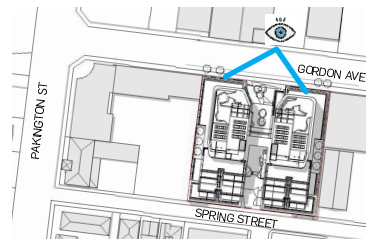
HALSTEAD PLACE

NO. 59-63 SPRING ST.

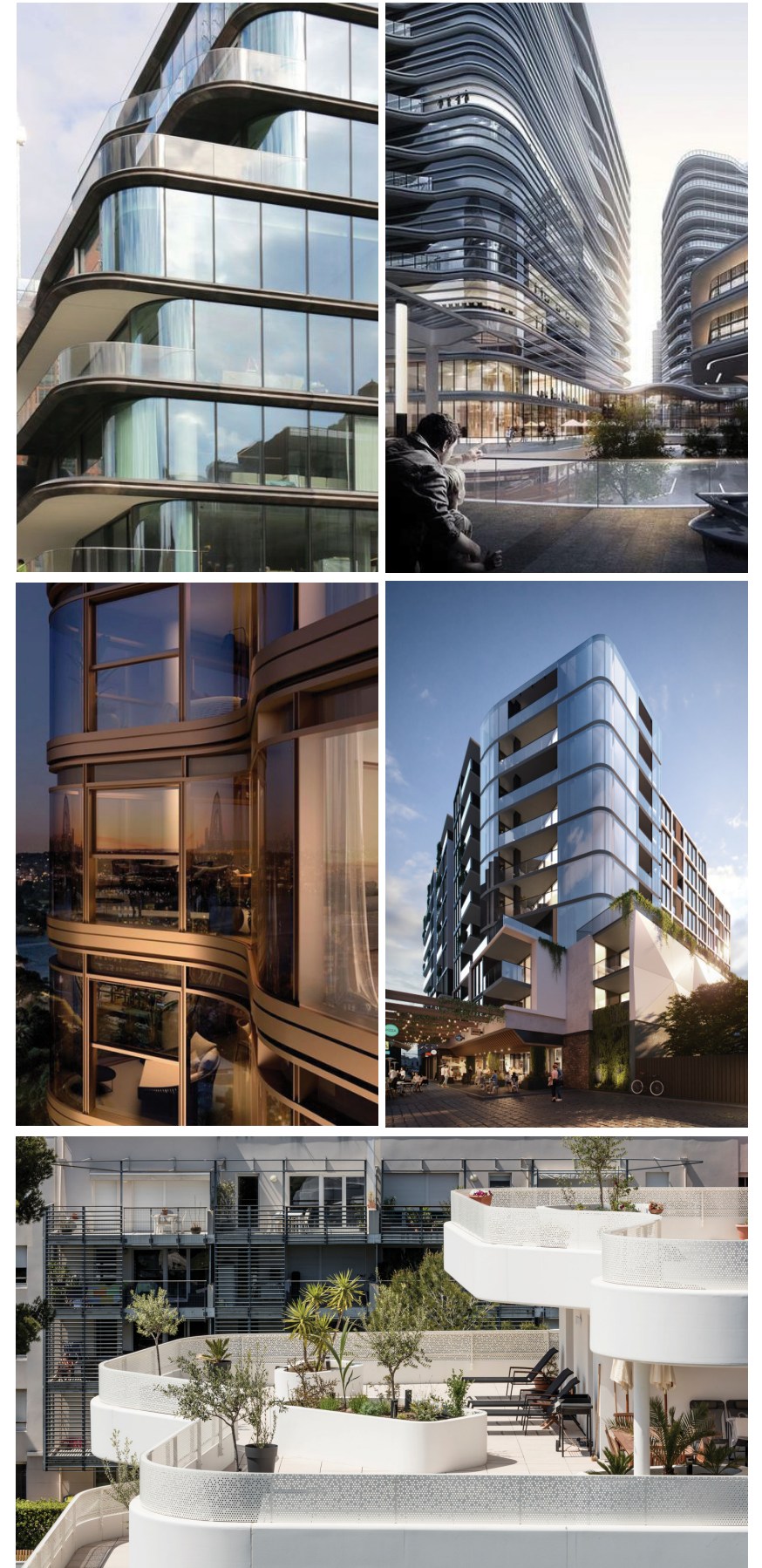




Attachment 4 – Shadow Diagrams (VCAT Scheme)



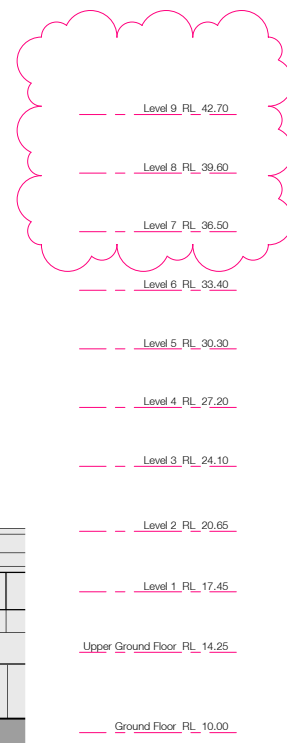
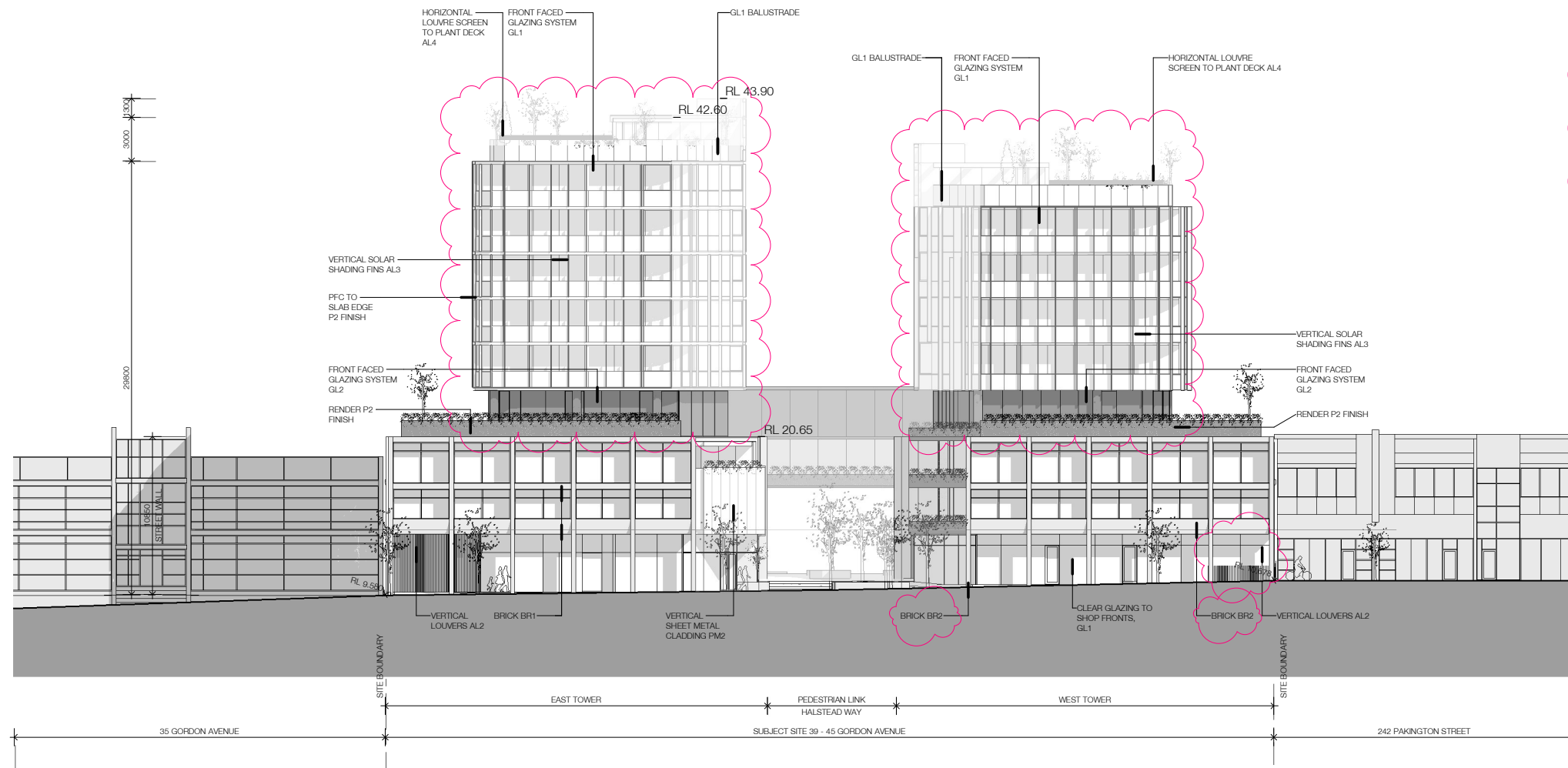
UPPER MASS REFERENCE IMAGES



3 STOREY STREET WALL TENANCIES HOTEL LOBBY CONNECTION BRIDGE PEDESTRIAN LINK HOTEL FUNCTION/ RESTAURANT & OFFICE PODIUM ACTIVATION

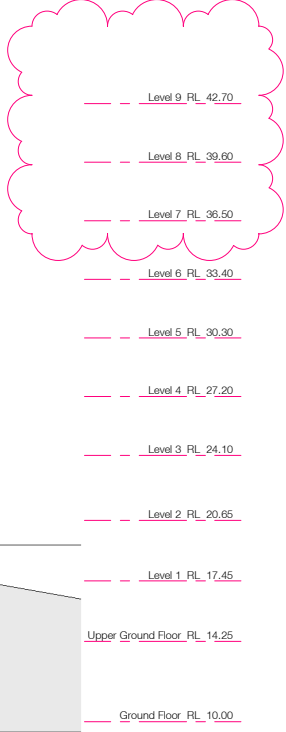
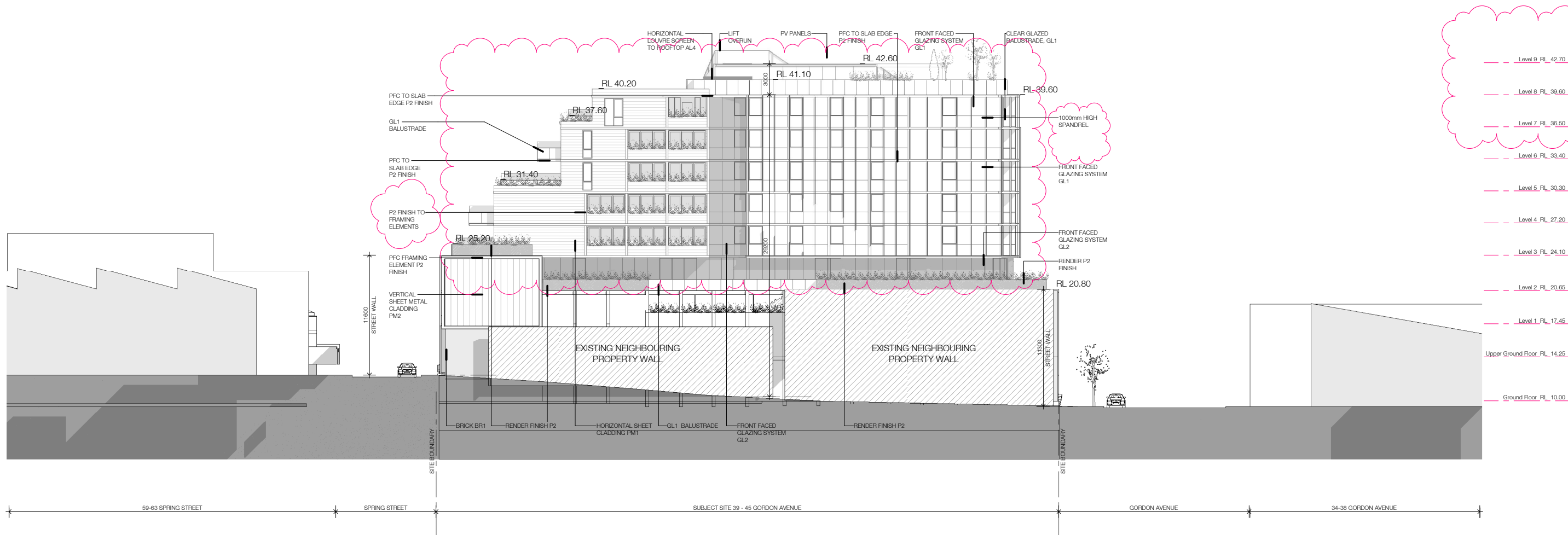


PROPOSED GORDON AVE VIEW FROM NORTH OF SITE



Legend - Elevation

AL1	ANODISED ALUMINIUM FRAME, PC2 FINISH
AL2	VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
AL3	VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
AL4	HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
BR1	BRICK TYPE A - AGED RED OR SIMILAR
BR2	BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
GL1	CLEAR GLASS
GL2	CLEAR GLASS - DARK GREY TINT
GL4	GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
P2	PAINT FINISH, 'CHARCOAL'
PFC	PFC TO MATCH FINISH 'PC2'
PM1	HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC2' - 'CHARCOAL'
PM2	VERTICAL METAL PANEL, STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
PC1	POWDERCOAT, 'WHITE'
PC2	POWDERCOAT, 'CHARCOAL'
PC3	POWDERCOAT, 'LIGHT GREY'



- Legend - Elevation**
- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
 - AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
 - AL3 VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
 - AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
 - BR1 BRICK TYPE A - AGED RED OR SIMILAR
 - BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
 - GL1 CLEAR GLASS
 - GL2 CLEAR GLASS - DARK GREY TINT
 - GL3 GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
 - P2 PAINT FINISH, 'CHARCOAL'
 - REC PFC TO MATCH FINISH - PC2
 - PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC2' - 'CHARCOAL'
 - PM2 VERTICAL METAL PANEL, STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
 - PC1 POWDERCOAT, 'WHITE'
 - PC2 POWDERCOAT, 'CHARCOAL'
 - PC3 POWDERCOAT, 'LIGHT GREY'



Legend - Elevation

- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
- AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
- AL3 VERTICAL ALUMINIUM SOLAR SHADING FINIS, PC2 FINISH
- AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH

- BR1 BRICK TYPE A - AGED RED OR SIMILAR
- BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR

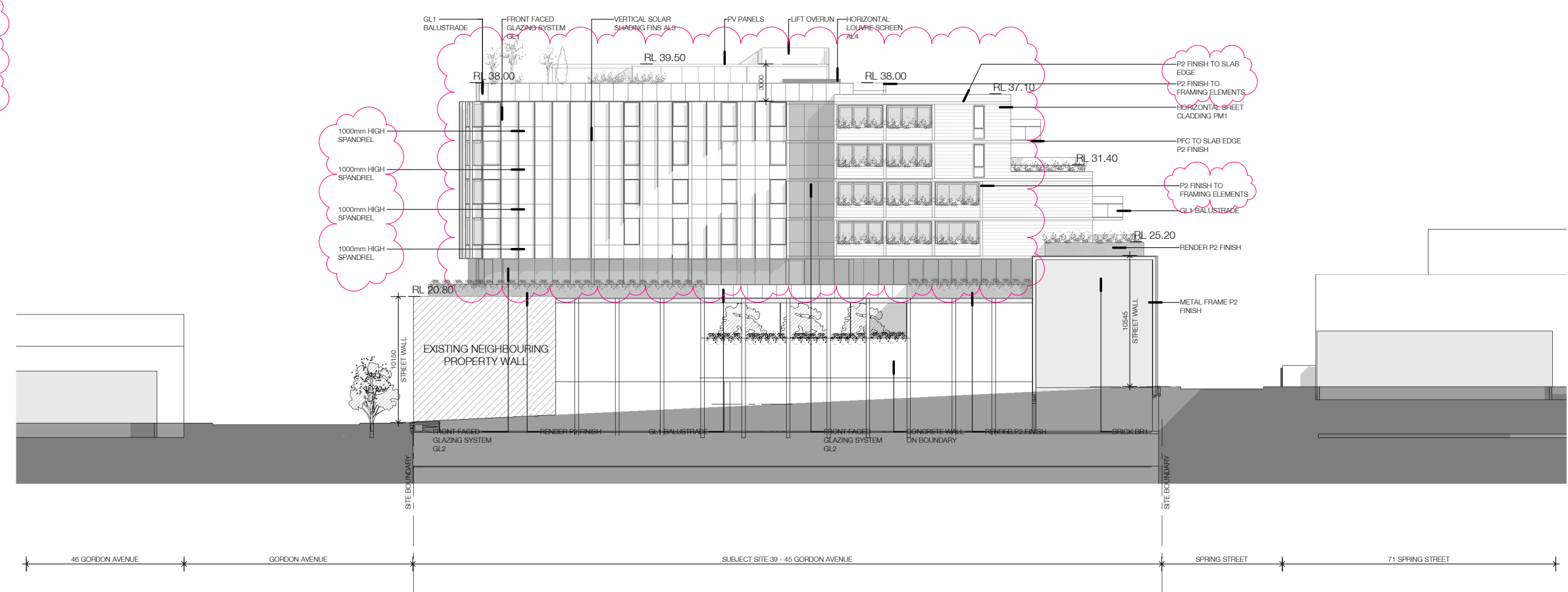
- GL1 CLEAR GLASS
- GL2 CLEAR GLASS - DARK GREY TINT
- GL3 GLASS WITH ALUMINIUM BACK-PAN - CHARCOAL

- P2 PAINT FINISH, 'CHARCOAL'
- PFC PFC TO MATCH FINISH 'PC2'

- PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC2' - 'CHARCOAL'
- PM2 VERTICAL METAL PANEL, STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR

- PC1 POWDERCOAT, 'WHITE'
- PC2 POWDERCOAT, 'CHARCOAL'
- PC3 POWDERCOAT, 'LIGHT GREY'

- Level 9 RL 42.70
- Level 8 RL 39.60
- Level 7 RL 36.50
- Level 6 RL 33.40
- Level 5 RL 30.30
- Level 4 RL 27.20
- Level 3 RL 24.10
- Level 2 RL 20.65
- Level 1 RL 17.45
- Upper Ground Floor RL 14.25
- Ground Floor RL 10.00



- Legend - Elevation**
- AL1 ANODISED ALUMINIUM FRAME, PC2 FINISH
 - AL2 VERTICAL ALUMINIUM LOUVRES, PC2 FINISH
 - AL3 VERTICAL ALUMINIUM SOLAR SHADING FINS, PC2 FINISH
 - AL4 HORIZONTAL ALUMINIUM LOUVRES, PC2 FINISH
 - BR1 BRICK TYPE A - AGED RED OR SIMILAR
 - BR2 BRICK TYPE B - INDUSTRIAL CHAR OR SIMILAR
 - GL1 CLEAR GLASS
 - GL2 CLEAR GLASS - DARK GREY TINT
 - GL3 GLASS WITH ALUMINIUM BACK PAN - CHARCOAL
 - P2 PAINT FINISH, 'CHARCOAL'
 - FFC FFC TO MATCH FINISH PC2
 - PM1 HORIZONTAL PROFILED METAL PANEL, FINISH TO MATCH 'PC2' - 'CHARCOAL'
 - PM2 VERTICAL METAL PANEL STANDING SEAM, RED PIGMENT OR SIMILAR COPPER COLOUR
 - PC1 POWDERCOAT, 'WHITE'
 - PC2 POWDERCOAT, 'CHARCOAL'
 - PC3 POWDERCOAT, 'LIGHT GREY'

NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

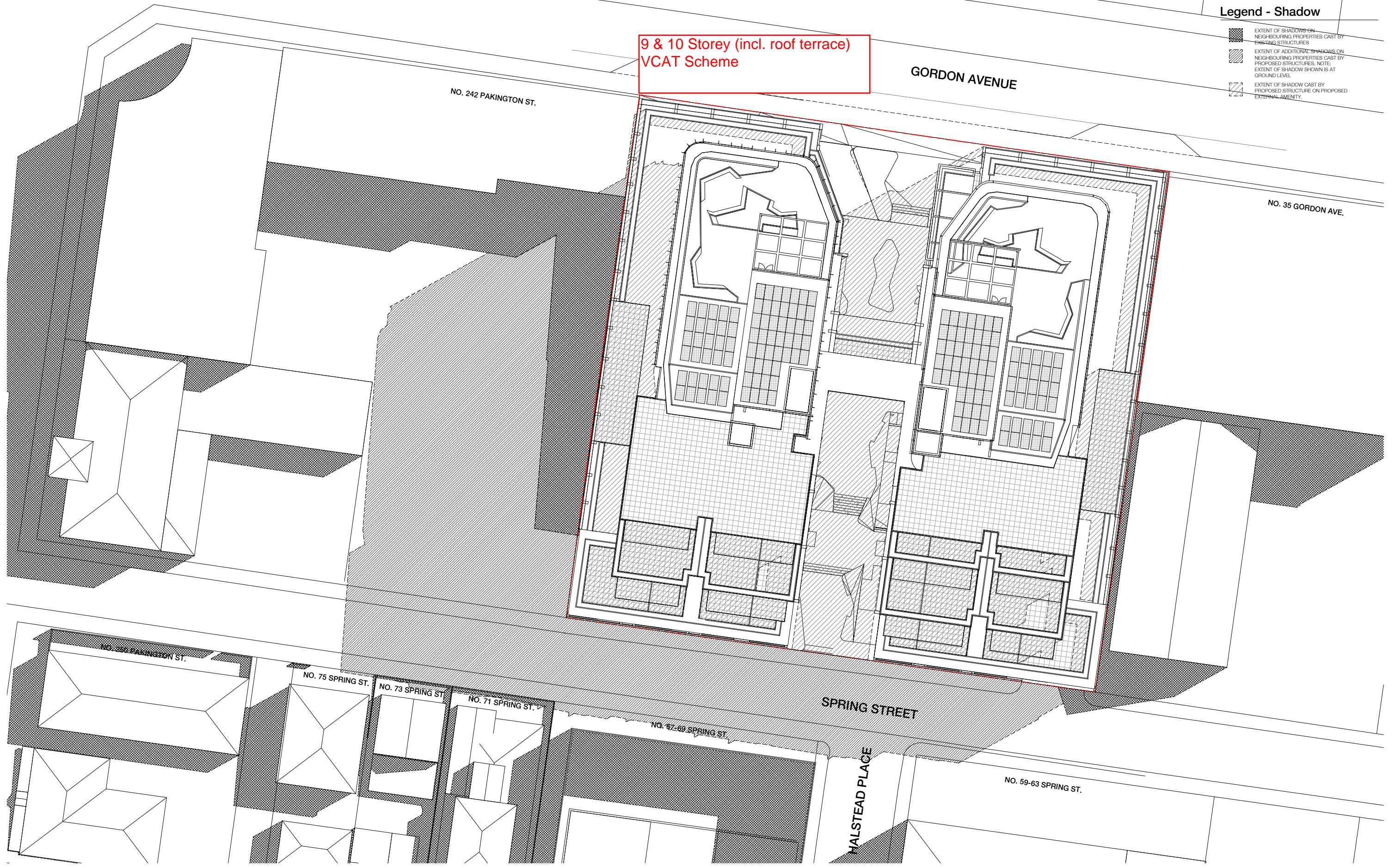
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

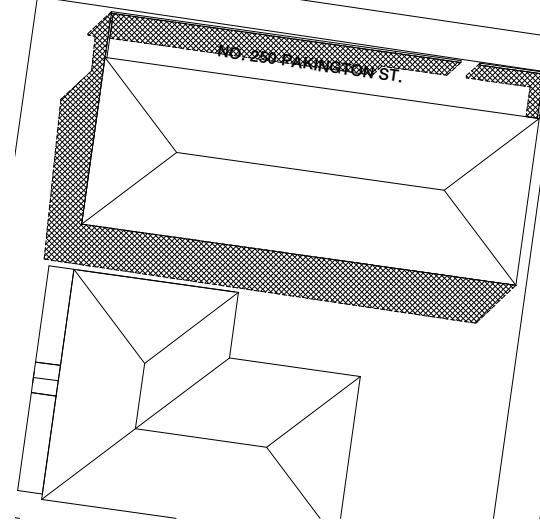
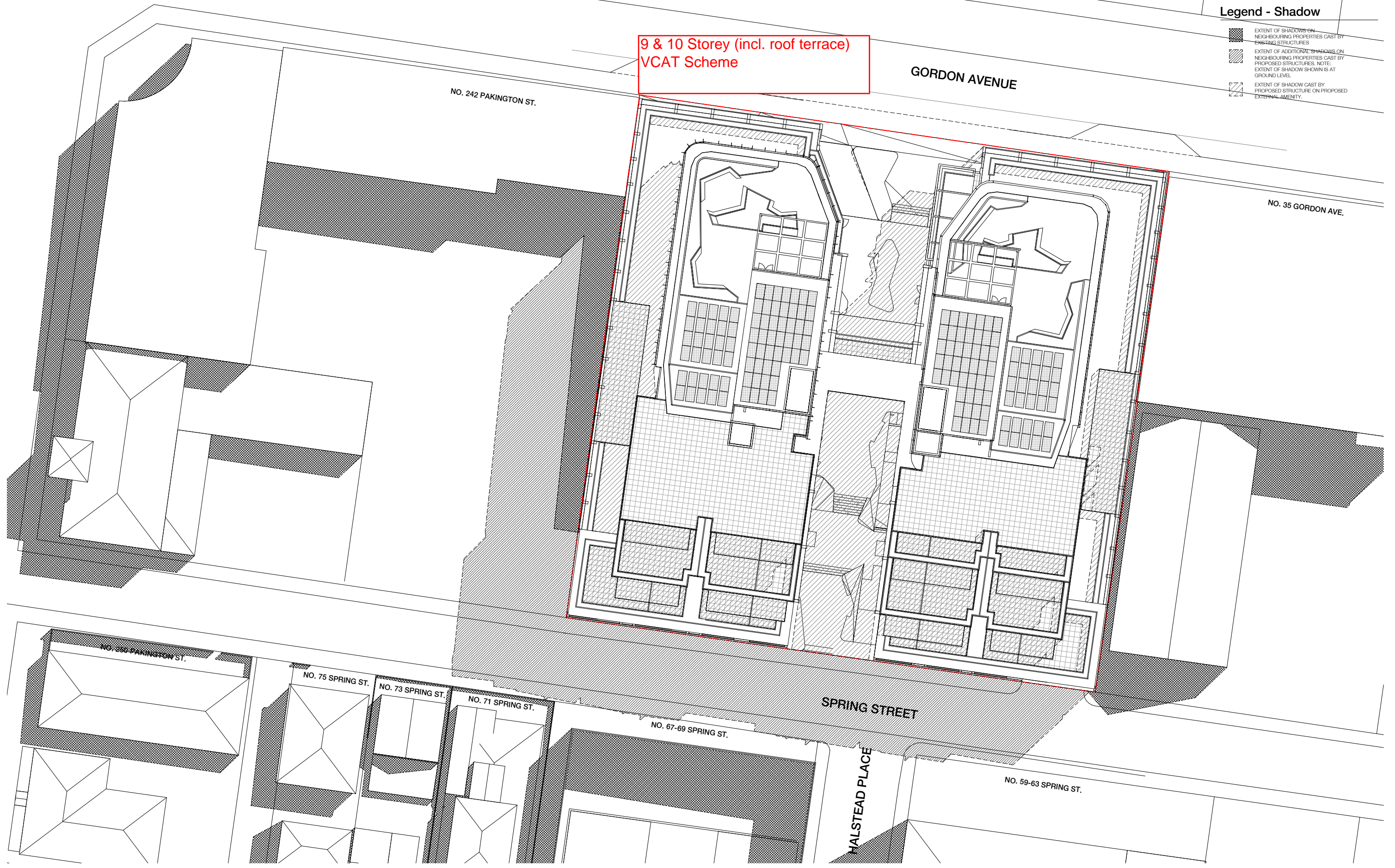
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE




NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

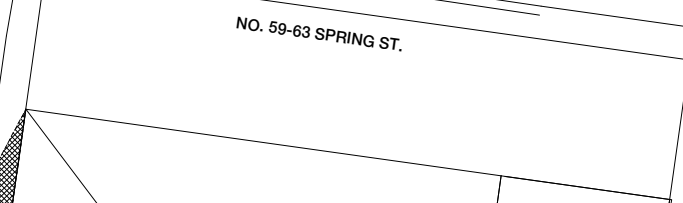
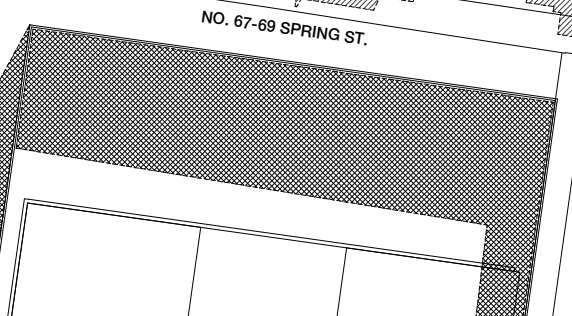
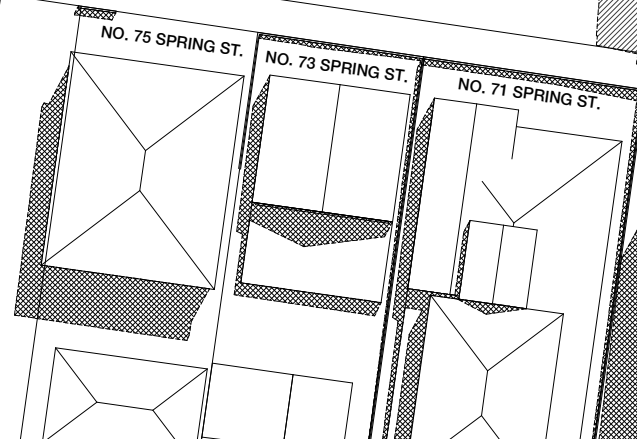
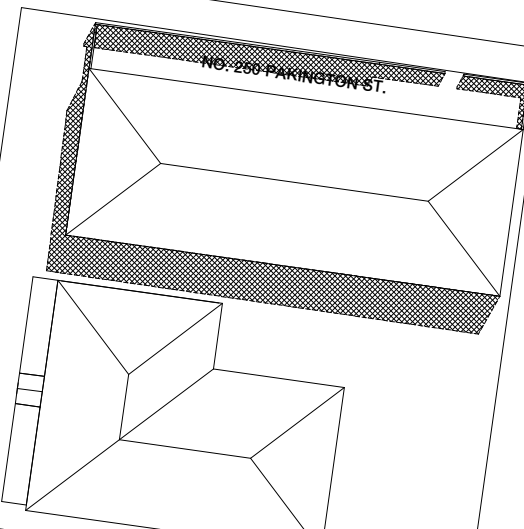
-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



SPRING STREET

HALSTEAD PLACE



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

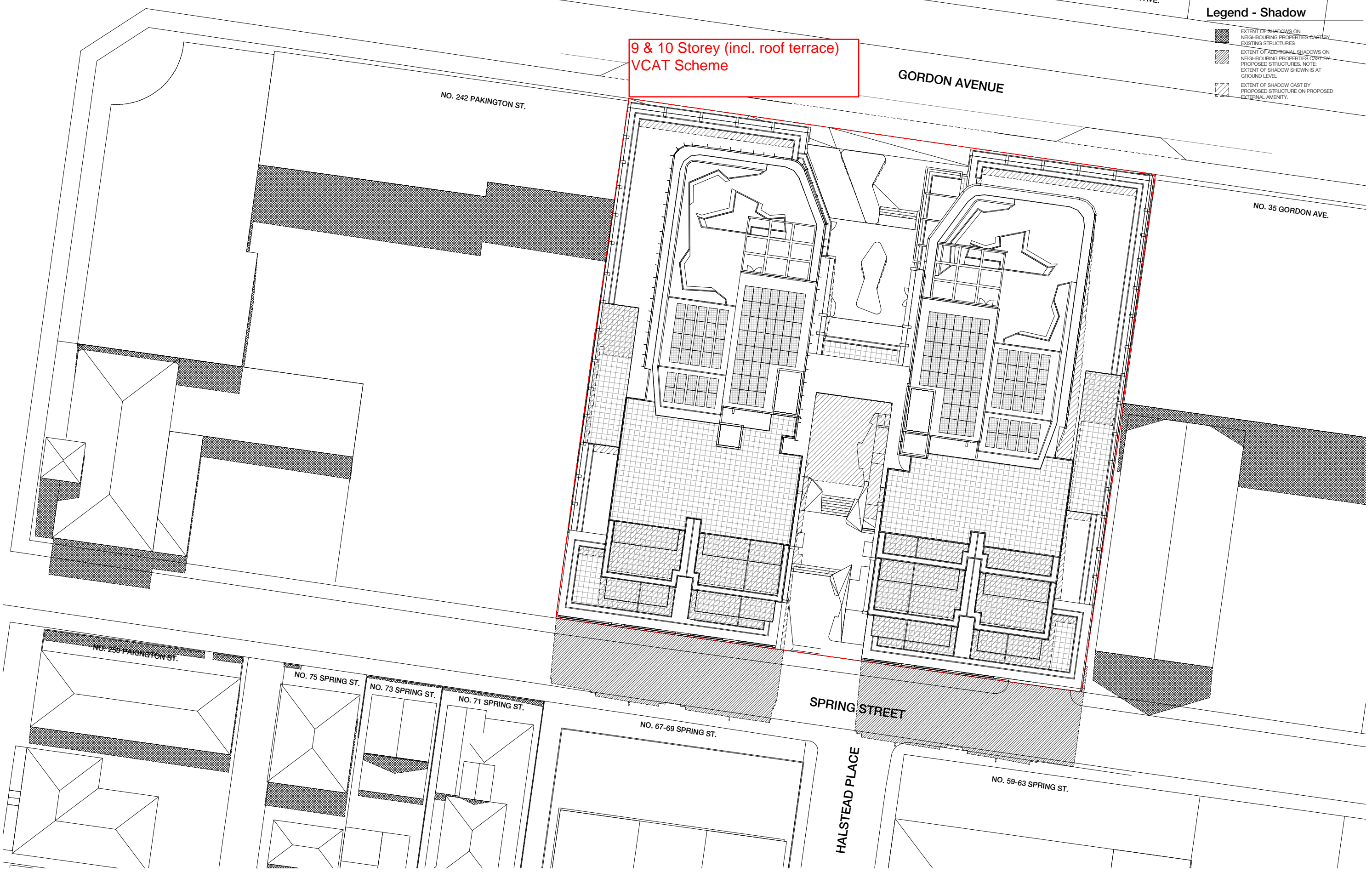
- EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
- EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
- EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 258 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE




NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

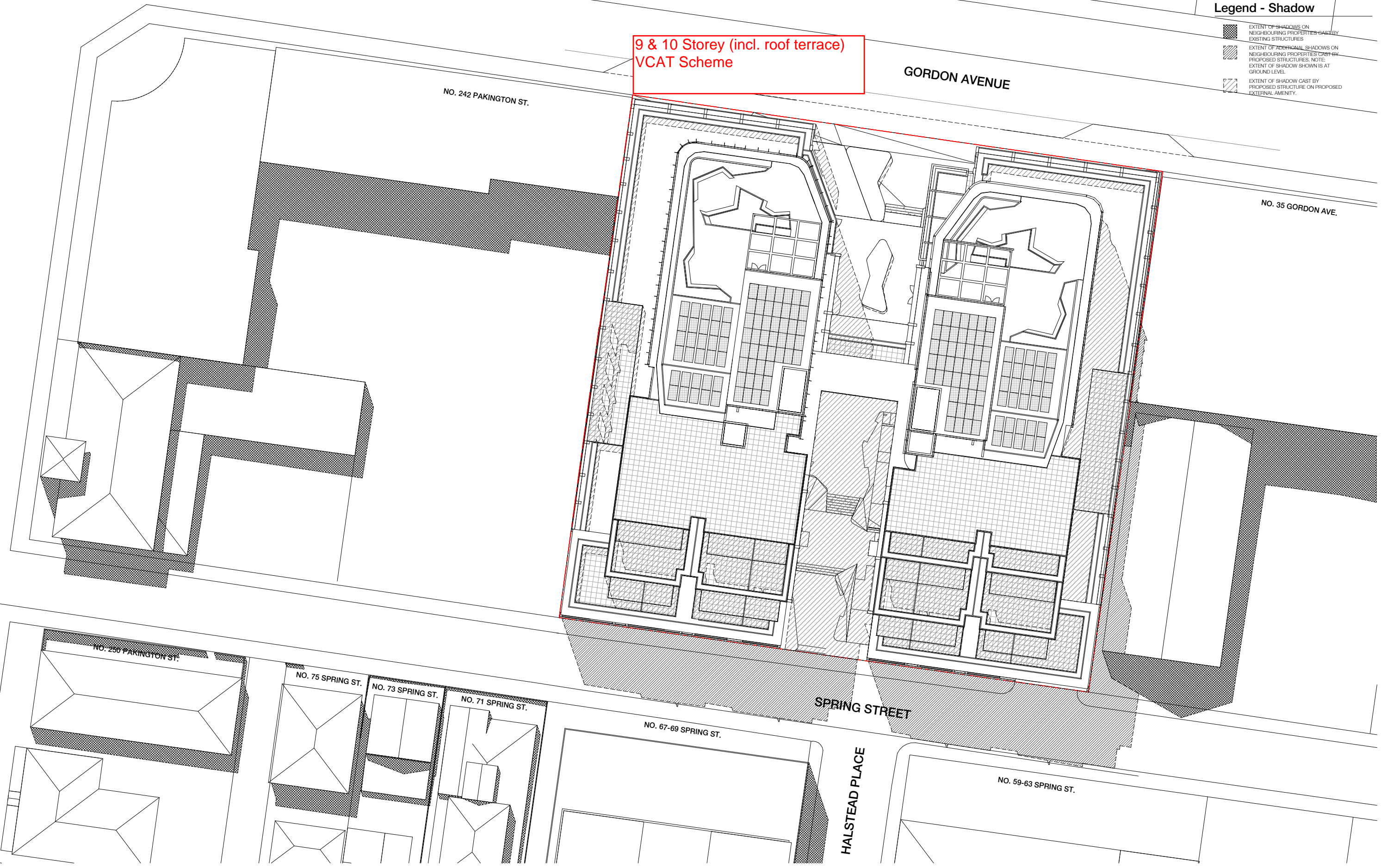
-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.



NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE




NO. 59-63 SPRING ST.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

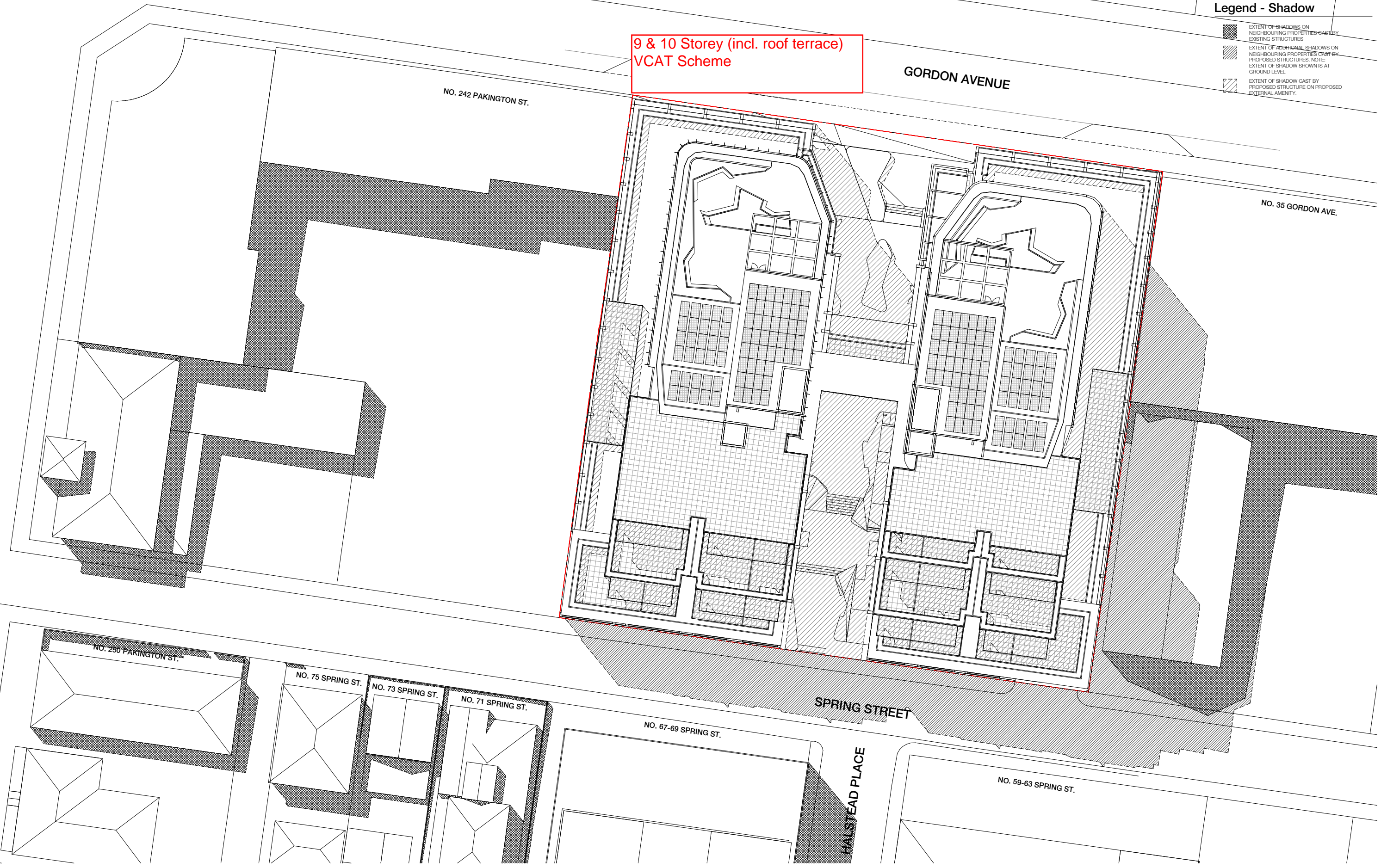
-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE




NO. 35 GORDON AVE.



NO. 40 GORDON AVE.

NO. 34-38 GORDON AVE.

Legend - Shadow

-  EXTENT OF SHADOWS ON NEIGHBOURING PROPERTIES CAST BY EXISTING STRUCTURES
-  EXTENT OF ADDITIONAL SHADOWS ON NEIGHBOURING PROPERTIES CAST BY PROPOSED STRUCTURES. NOTE: EXTENT OF SHADOW SHOWN IS AT GROUND LEVEL.
-  EXTENT OF SHADOW CAST BY PROPOSED STRUCTURE ON PROPOSED EXTERNAL AMENITY.

9 & 10 Storey (incl. roof terrace)
VCAT Scheme

NO. 242 PAKINGTON ST.

GORDON AVENUE

NO. 35 GORDON AVE.

NO. 250 PAKINGTON ST.

NO. 75 SPRING ST.

NO. 73 SPRING ST.

NO. 71 SPRING ST.

NO. 67-69 SPRING ST.

SPRING STREET

HALSTEAD PLACE

NO. 59-63 SPRING ST.





Attachment 5 – Schedule 4 to CI 32.08 GRZ

23/12/2020
GC172

SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ4** .

URBAN INCREASED HOUSING DIVERSITY AREAS

1.0
23/12/2020
GC172

Neighbourhood character objectives

None specified

2.0
26/04/2024
VC252

Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?

No

3.0
08/09/2025
VC282

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A2-1	If the site is in a heritage overlay, the same distance as the lesser front wall setback of an existing building on the abutting allotments facing the front street or 6 metres, whichever is the lesser. In all other areas, the same distance as the lesser front wall setback of an existing building on the abutting allotments facing the front street or 4 metres, whichever is the lesser. Side street setback requirements specified in the table to Standard A2-1 continue to apply.
	B2-1	If the site is in a heritage overlay, the same distance as the lesser front wall setback of an existing building on the abutting allotments facing the front street or 6 metres, whichever is the lesser. In all other areas, the same distance as the lesser front wall setback of an existing building on the abutting allotments facing the front street or 4 metres, whichever is the lesser. Side street setback requirements specified in the table to Standard B2-1 continue to apply.
Site coverage	A2-5	Maximum site coverage 70 per cent
	B2-5	Maximum site coverage 70 per cent
Private open space	A3-2	At least one part of the private open space has secluded private open space with a minimum area of 20 square metres and a minimum dimension of 3 metres with convenient access from a living area, dining area or kitchen. All other requirements in Standard A3-2 apply, including alternate private open space provisions.
	B3-5	A dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of: <ul style="list-style-type: none"> ▪ An area of 20 square metres of secluded private open space with a minimum dimension of 3 metres; or ▪ An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or

GREATER GEELONG PLANNING SCHEME

	Standard	Requirement
		<ul style="list-style-type: none">▪ A balcony with at least the area and dimensions specified in Table B3-5; or▪ An area on a roof of at least 10 square metres, with a dimension of 2 metres width. <p>All other standards of B3-5 continue to apply.</p>
Front fence height	A2-7 and B2-8	None specified

4.0
26/04/2024
VC252

Maximum building height requirement for a dwelling, small second dwelling or residential building

None specified

5.0
26/04/2024
VC252

Application requirements

None specified

6.0
26/04/2024
VC252

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The requirements of Clause 16.01-1L-02 in relation to the siting, height, scale, materials and form of proposed buildings.

