

267-271 Queens Parade, Fitzroy North, PLN18/0570

Objection from  
The 3068 Group Inc  
January 21, 2019

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**THE  
3068  
GROUP**

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Incorporated 26 November 1998

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<https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2018/12/19/pln180570>

## What is Proposed?

The application is for: Use and development of the land for the construction of a 22 storey (with basement levels and a roof terrace mixed use development (motor vehicle showroom/sales and office with dwellings above – no permit required for dwelling uses), reduction in the car parking requirements, buildings and works to a road zone (Category 1) and removal of an easement'

*"The "unsympathetic" design elements referred to by Council include a series of curved elements, red colouring, and an upper level building form that appears to be bursting out of its envelope. These are all direct and specific references to the proposed vehicle showroom that takes up the first 3 levels of the building, and will dominate the pedestrian street view. The proposed red, black and satin chrome finishes reflect the cars on display in the showroom. The curves of the corner balconies reflect the many curves prevalent in vehicle design. The complex curves within the verandah street overhang allude to the speeds possible with car travel. The shape and burst of the upper level building form reflects a V8 engine block bursting out of its bonnet."*

- Response to REQUEST FOR FURTHER INFORMATION, Petridis Architects, Oct 24th. 2018

"The proposed building is tall for the area."

- Conclusion of the applicant's urban design advice Alexander Urbanism

# Objection

The 3068 Group objects to the proposal on the following grounds.

## 1. Excessive Height

“The building would be **significantly** higher than other buildings in this street block, and probably higher than any current occupiable structure in Fitzroy North or Clifton Hill.”

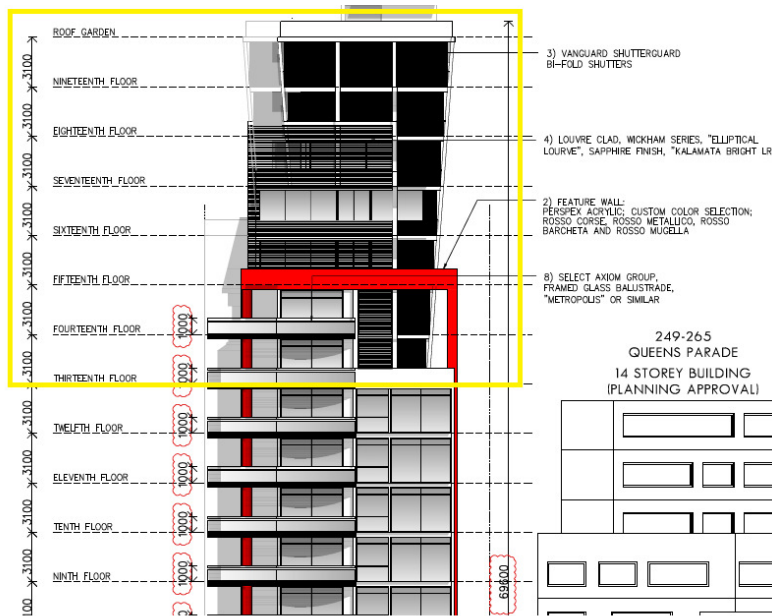
“The top of the proposed building’s mid-section by Queen’s Parade, **the top of the red wrap-around element, is seventeen storeys. This height matches nicely with the rising heights of the other buildings in this sequence.** The cap of the building can be visually read as an additional element above the ‘predominant’ height, separate to the main building and emphasizing its landmark status.”

–Applicant’s urban design advice: Alexander Urbanism

The site is subject to DDO Schedule 20 introduced by Amendment C241. The proposal is in sub-precinct 5C which has the following design requirements:

Precinct 5C		
Built Form	Mandatory requirement	Preferred requirement
Building height		49 metres
Front street wall height		35 metres
Upper level setback		10 metres

The building exceeds the maximum height by 23m! This is half as tall again as the maximum in the planning scheme.



Plans Part 2 p13. TPA31 North East Elevation. **Yellow box added to show excess height** above maximum height for this precinct.

***The excessive height of 72 meters will have significant off-site impacts. This would be seven to nine storeys higher than the generous preferred maximum height.***

*“Amendment C241 does not include any transitional provisions whereby any application for planning permit lodged before the gazettal date of 23 August 2018 would not be subject to the above requirements.”<sup>1</sup>*

Even if the building height complied with the maximum height limit, it would still intrude on the Clifton Hill and North Fitzroy landscape surrounding Queens Parade and beyond. Queens Parade has a strongly expressed consistent skyline profile of 2-storey height, with punctuations only by those specific and significant buildings. The recent Clifton Views building and the neighbouring apartments under construction have proved to be blots on the horizon from much of the surrounding area – At 11 stories, Clifton Views visually intrudes even on the railway station precinct of Clifton Hill.

This building seeks to be the dominant landmark on the hill.



Image from Town Planning Report by Petridis Architects. Yellow line added to show expected height for this site based on previous urban design evidence presented by Council to VCAT. The proposed development on the right, (also by Petridis architects?) was refused by Yarra as it is non-compliant and should be discounted in this context.

The height is grossly excessive, resulting in off-site impacts to heritage overlays for Queens Parade, Clifton Hill West, Clifton Hill East and North Fitzroy.

Overwhelming and destructive impact on historic views from Northcote towards Queens Parade and from Queens Parade towards the railway. This part of Queens Parade, opposite the Terminus Hotel is to be added to the heritage overlay by C231.

The building is so high there is a risk it will create wind tunnels that will further reduce pedestrian amenity in the immediate vicinity.

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<sup>1</sup> Yarra City Council – Internal Development Approvals Committee Agenda – PLN17/0718 - 141-147 Queens Parade, 24 October 2018

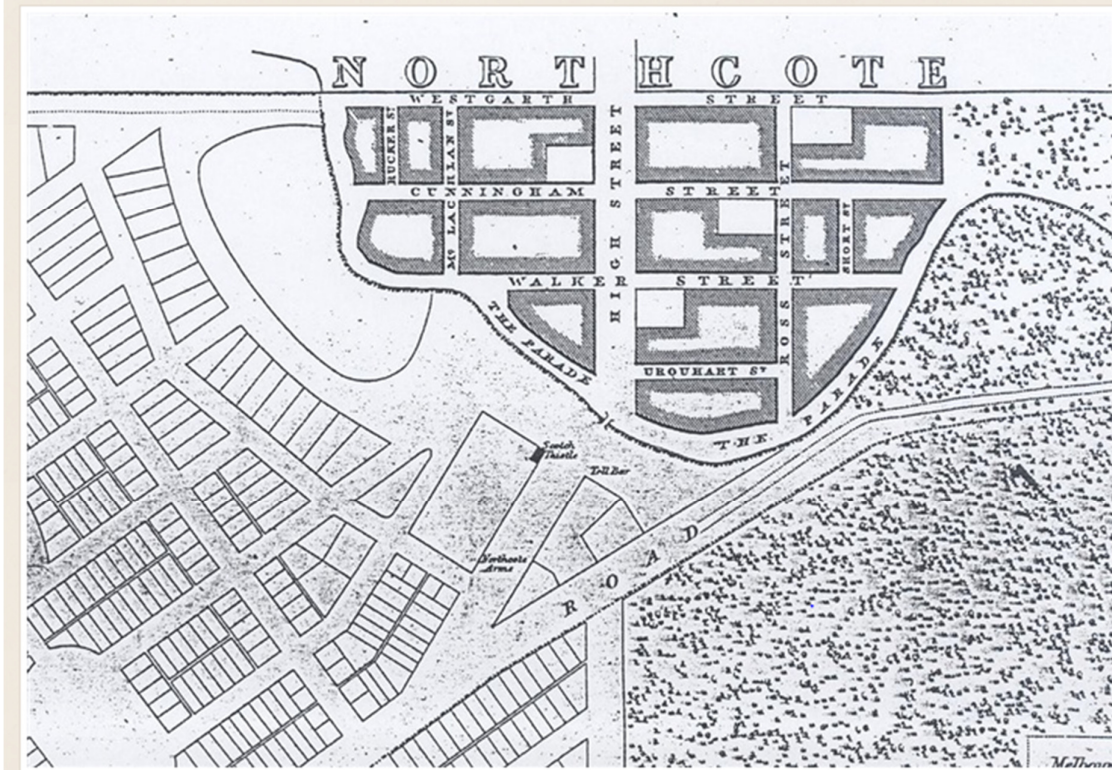
## 2. A Gateway to the City of Yarra and Queens Parade

Should the building be a landmark / gateway? Or should it comply with MSS Strategy 26.1 to “Reinforce the scale and formality of the landscape along boulevards.”

The building’s role should be to provide an appropriate setting for the parade.<sup>2</sup>

A high building on the Subject Site, would be located approximately where the Toll Bar is shown on the map below. This would mark the continuance of the High Street Boulevard beyond Urquhart Street and the Merri Creek when viewed from Northcote All Saints Church, cnr. Walker Street.

*Map of Northcote Arms and Scotch Thistle hotels, c.1855*



Is this to be a gateway to the City of Yarra? A gateway is an inappropriate metaphor for a highly sensitive heritage site. The building seeks attention. It is proposed to be a giant billboard promoting elite consumption, excessive speed and twentieth century technology with the attendant emissions of climate changing air pollution. It is socially irresponsible. Council has introduced 30km/hr speed limits to save lives.

<sup>2</sup> The Burra Charter Article 8 indicates why an appropriate setting for heritage places is required: Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate. Explanatory notes: 'In the Charter, setting means the area around a place, which may include the visual catchment'. ... 'The setting often explains why the place came to be where it is - for example, it's siting in relation to other places or the landscape'. ... 'Aspects of the visual setting that contribute to the significance of a place may include use, siting, bulk, form, scale, character, colour, texture and materials'.

The building design and name references luxury sports cars. This is an inappropriate symbol to promote a major entrance to the City of Yarra.

Flamboyant Ferrari colours are out of keeping with adjacent buildings. Rosso Corsa, Rosso Barchetta, Rosso Mugella and Rosso Mugella are all Ferrari paint colours.

As a landmark feature highly visible from the heritage streetscape of Queens Parade, top of the tower is aggressively angular in shape, and black panels are ugly. It will be overbearing. The top part of the building is an attention seeking icon. It compares unfavorably with the top of the Eureka Tower.

### 3. Competition with historic landmarks

*“To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the St John the Baptist church belfry and spire, the former ANZ Bank building, the former United Kingdom Hotel and the former Clifton Motors garage.”*

In addition to the height issues covered above, the building will literally belittle historic buildings and landmarks in Queens Parade.

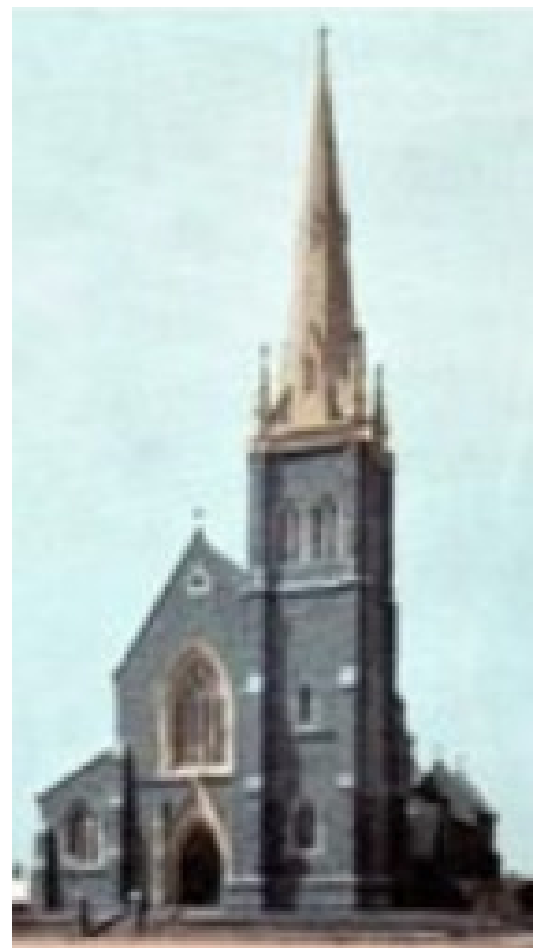
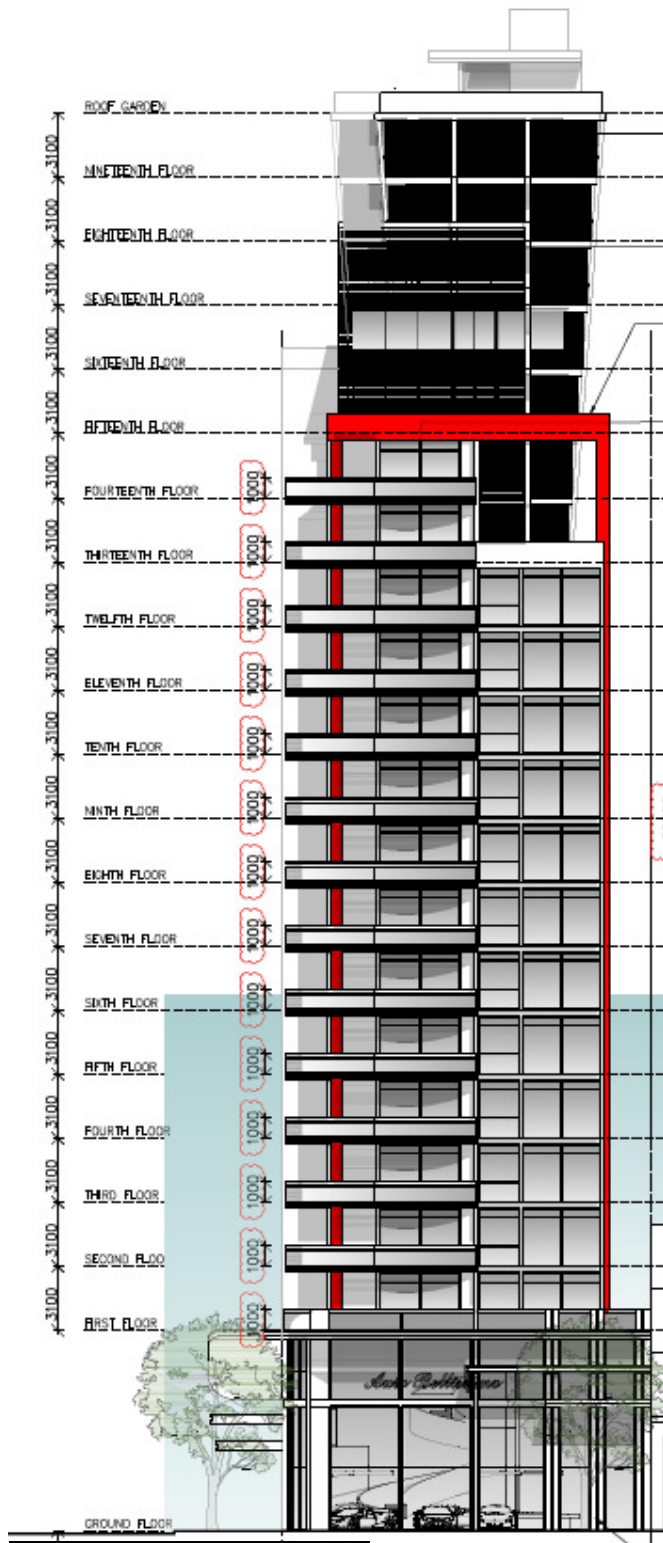
The proposed building actively competes with landmarks and tall structures in Clifton Hill and North Fitzroy. It seeks to be the dominant landmark on the hill.



Exhibited Drawing Plans Part 3 TPA48 Oct 2017.

This shows that the building will compete with the former ANZ bank landmark building from one of the principal view points in the Queens Parade study area. However, if the building was the preferred maximum height, it would have no impact.

Height of the proposal compared to St John the Baptist Church. The spire is 44.5m<sup>3</sup> which would be 2m lower than the base of the 13<sup>th</sup> floor<sup>4</sup>. 9 stories and a roof garden (27.5m) would be higher and considerably bulkier than the highest landmark on Queens Parade.



Postcard - School, Church, Presbytery, unpublished research 'St John the Baptist. A Parish School and Church in suburban Melbourne, Clifton Hill 1875-1988' Lucy Cirona. <https://olsc.org.au/historysjb.html>

<sup>4</sup> 9.3m to first floor +11 floors \* 3.1m/floor = 43.4m

## 1. Activity Centre

The excess storeys requested provide only one luxury apartment at each level. This does nothing to ease population pressure or affordability. There is no net community benefit from the excess storeys in this proposal that would balance the destruction done to the heritage precinct it seeks to dominate. The proposal does not even pretend to seek to address affordable housing or a diversity of housing choices close the services. Luxury apartments have the opposite effect by crowding out affordable options.

The Yarra planning scheme creates pressure to create more accommodation close to the city and existing services. A car showroom is not the most pressing need for space close to public transport and should not be supported in an Activity Centre. Between the luxury apartments with sweeping views of historic heritage precincts, and the three-storey show room, there is very little if any of the building allocated to affordable accommodation.

## 2. Non-Compliance with DDO6

The proposal is within precinct 5 of the Design and Development Overlay DD06 exhibited as part of Amendment C231. The proposed would counter the objectives of DDO16 Queens Parade General design objectives

- *To recognise and respond to the distinct character, heritage streetscape and varying development opportunities defined by the five precincts along Queens Parade,*
- *To support a new mid rise character behind a consistent street wall in precincts 2-5.*
- *To ensure new development responds to the grand, tree-lined boulevard character of Queens Parade.*
- *To ensure that the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*

Not only is the proposal one and a half times the preferred maximum height, it is also non-compliant with the following C241 limits.

- Front Street Wall – Maximum 35m
- Upper Level Setbacks – Minimum 10m

*Objective 28 To a provide a public environment that encourages community interaction and activity.*

Where could this occur?

If a 72m building is approved here, what would be the point of a preferred height limit in the DDO? What would be the expected height for the site on Hoddle Street immediately to the south of the proposal marked '*landmark site*'? Would it comply with the 49 m maximum height or seek to outdo its neighbour? Would the developer of the approved 17 storey building next door comeback with a taller proposal – this has happened twice before in the Dummett Crescent precinct. Approving greater heights increases the land value of the precinct forcing developers to apply for ever greater heights.



### 3. Neighbourhood Character

*The building fails to reference its context in any way – not in materials, form or scale.*

The proposed luxury car and jet-ski showroom is more appropriate for a building on an intensively hard-edged commercial site such as City Road or Nepean Highway. A three-storey car showroom will do nothing to activate the street and is inappropriate for the area. Perhaps the area would be more useful as resident parking given the ironic request for a waiver of parking provision. There is no leftover parking space here. All the other approved developments also have waivers.

A three-storey car and jet-ski showroom will do nothing to activate the street and is inappropriate for the area. Perhaps the area would be more useful as resident parking given the ironic request for a waiver of parking provision. There is no leftover parking space here. All the other approved developments also have waivers.

It is good practice to not introduce new materials and surfaces to a heritage precinct. As this site abuts the Queens Parade heritage precinct and will be visible from North Fitzroy and Clifton Hill residential heritage precinct, the colour palette should be more subdued using natural tones. For example, the rear of the former National Bank (270 Queens Parade PL04/1233) or Republic Tower<sup>5</sup>.

“We consider the clay and earthy colours to be acceptable as they provide a muted, pleasant backdrop to the heritage precinct.”<sup>6</sup>

Bright Perspex will not contribute to Queens Parade urban fabric.

*Objective 22.04-2 To ensure that signs are not the dominant element in the streetscape.*

Is the entire building a logo?

*The proposed commercial logo on the fifteenth floor north east elevation should be restricted to the lower commercial levels of the building.*

Other non-compliances with C231 (On Exhibition) include the following considerations:

- *The design of the streetscape interface along the primary street frontage.*
- *Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.*

MSS Strategy 28.2 Ensure that buildings have a human scale at street level.

*The proposal does not create an attractive pedestrian environment. The street level is sacrificed to an advertisement directed at passing traffic.*

Ingress for cars to the ground floor show room appears to be from a “GLAZED LOADING DOCK DOOR” on Queens Parade, where no cross-over exists<sup>7</sup>. New vehicle cross-overs on Queens Parade should be discouraged, especially as there is rear laneway access available.

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<sup>5</sup> Republic Tower, Corner Queen and La Trobe Streets, Melbourne, 3000. 1997-2001 Katsalidis Architects

<sup>6</sup> TLC Aged Care Pty Ltd v Yarra CC [2015] VCAT 1601 (6 October 2015) para 68.

<sup>7</sup> Advertised Plans Part 1, Drawing TPA08, 24th October 2018

- *Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.*

- *Development must create a consistent street wall height along the streetscapes.*

The design intent is not to be a recessive building, but a building that is intended to dominate and overwhelm its neighbours.

There is a lack of set-backs on this site.

***This building will not be a good neighbour.***

#### **4. Environment and Sustainability**

***The 3068 group is concerned that applications for light towers close to waterways and parks are not referred to experts to assess the impact on wildlife.***

Visual impact on the secluded Merri Creek pathway ignores our imperative responsibility to protect the high environmental sensitivity of the Merri Creek and its recreational, calming and health values to the community. It will create overlooking of the secluded native bush in the reserve where none exists.

Promotion of luxury cars is not consistent with Yarra's climate, transport or environment policies.

The proposed roof gardens are a superficial gesture inconsistent with the building's commercial posture. Sustainable design needs to be integrated, not tacked-on

Awkward access from rear of building.

Permit conditions should require a green transport plan and shared car space parking.

#### **5. Further Issues**

Does not comply with the Good Apartment Design Guidelines

Inadequate car parking provision and traffic congestion.

Inadequate access to the car park.

Lack of affordable housing.

No provision for open space

## Appendix – Increasing height controls in Precinct Five

This objection is based on the current planning scheme. However, amendment C231 may change the planning scheme.

Preferred heights for this precinct originated in an urban design proposal from Rob McGauran to increase the height proportionate to the distance from the art deco precinct. It was presented to VCAT as early as 2012 and forms the basis of subsequent urban design guidelines including the Queens Parade built form review (C231).

C231 based on the Hansen Queens Parade Built Form Review. This study originally proposed a maximum building height of 14m storeys or 43m for the precinct north of Dummett Crescent (5B).<sup>8</sup>

“A preferred typology of mid-rise infill development midrise infill with a maximum building height of 30 metres (10 storeys) is recommended south of Dummett Crescent and high rise infill with a maximum building height of 42 metres (14 storeys) is recommended north of Dummett Crescent”<sup>9</sup>

With the objective to “establish skyline projections that complement the profile of Yarra’s existing skyline and designated landmarks.”

<b>Precinct 5: North Eastern Precinct</b> <i>Concentrated high and mid-rise form on an island precinct defining the Municipal threshold.</i>	5A	high	mid rise infill	10 storeys, or 31m
	5B	substantial	high rise	14 storeys, or 43m

The original recommended maximum height of 42m was increased first to 43m, then to 45m<sup>10</sup> in the interim amendment C241<sup>11</sup> (currently in force) and is now proposed to be 49 storeys in sub-precinct 5C in the exhibited DDO for C231.

Precinct 5C		
Built Form	Mandatory requirement	Preferred requirement
Building height		49 metres
Front street wall height		35 metres
Upper level setback		10 metres

<sup>8</sup> Queens Parade Built Form Review - February 2017 - part 2 Yarra City Council – Ordinary Meeting of Council Agenda – Tuesday 7 February 2017 pg213

<sup>9</sup> 20170207 Ordinary Council Agenda – Officers Report para 43 pg 170

<sup>10</sup> Queens Parade Built Form Review | Hansen Partnership Pty Ltd, 15 Dec 2017, Section 4.0 Built Form Framework Concept p.43.

<sup>11</sup> SCHEDULE 20 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY 23/08/2014 C241  
[http://planningschemes.dpcd.vic.gov.au/schemes/yarra/ordinance/43\\_02s20\\_yara.pdf](http://planningschemes.dpcd.vic.gov.au/schemes/yarra/ordinance/43_02s20_yara.pdf)