

*Planning and Environment Act 1987*

**YARRA PLANNING SCHEME**

**AMENDMENT C103**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the City of Yarra, which is the planning authority for this amendment.

The amendment has been made at the request of Sinclair Knight Merz Pty Ltd on behalf of the Department of Industry Innovation and Regional Development (DIIRD).

**Land affected by the amendment.**

The amendment applies to land at 35 Johnston Street Collingwood and contained in the following Certificates of Title and Crown Allotment:

Volume 4035 Folio 933	Volume 6751 Folio 007
Volume 3706 Folio 153	Crown Allotment 2366 (unreserved) Parish Jika Jika
Volume 2415 Folio 938	Volume 2216 Folio 196
Volume 2879 Folio 701	Volume 767 Folio 252
Volume 3449 Folio 666	Volume 3307 Folio 398
Volume 2873 Folio 575	Volume 3403 Folio 450
Volume 2873 Folio 574	Volume 3109 Folio 671
Volume 11057 Folio 187	Crown Allotment 73B (unreserved) Parish Jika Jika

The Certificates of Title are held in the name of the Minister Administering the Education Act, Jacinta Allan, MP, Minister for Skills and Workforce Participation.

A portion of land contained in Certificate of Title Volume 2861 Folio 126 is a road reserve managed by the City of Yarra. It is proposed to include this land within the subject area.

**What the amendment does.**

The amendment changes Planning Scheme Map No. 6 to rezone land at 35 Johnston Street Collingwood from the Public Use Zone 2 (Education) to the Mixed Use Zone. The amendment also introduces a Design and Development Overlay 8 (Former NMIT Site) over the land, realigns the existing Design and Development Overlay 2 (Main Roads and Boulevards) boundary to exclude the subject site and introduces an Environmental Audit Overlay over the site.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to enable sale of the former Northern Melbourne Institute of TAFE site, which has been declared surplus to Departmental requirements. Under the current Public Use Zone 2 provisions, use or development of the land is limited to educational purposes by or on behalf of the public land manager.

In accordance with the *Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land* (Government Land Monitor, 2000), the land will be offered to other state government agencies for sale and the most appropriate non-public land zone must be applied prior to sale to reflect the highest and best use of the land.

The most appropriate zone has been identified as the Mixed Use Zone which provides for office, retail and residential uses. The zone will enable a range of uses to establish on the site to complement the mixed use nature of the locality.

### **How does the amendment implement the objectives of planning in Victoria?**

A key objective of Planning in Victoria in Section 4(1)(a) of the *Planning and Environment Act 1987* of relevance to this amendment is, 'to provide for the fair, orderly, economic, and sustainable use and development of land'.

Rezoning of the subject land will facilitate achievement of this objective by enabling the former TAFE building, which is currently vacant, to be utilised. It will also enable more efficient use of land located in close proximity to a major activity centre and public transport infrastructure.

The amendment will facilitate the redevelopment of the section of Johnston Street between Smith and Wellington Streets by providing for high density development in the centre of the site, whilst protecting the heritage buildings which form the perimeter of the site.

### **How does the amendment address the environmental effects and any relevant social and economic effects?**

#### *Social and Economic Effects*

The amendment is expected to contribute to the following social and economic effects:

- Providing opportunities to utilise the land for a range of purposes, on a substantial allotment that has remained disused for a period of at least 3 years.
- Stimulating development and urban regeneration within a section of Johnston Street that is in need of revitalisation.
- Creating opportunities for development that responds to the changing needs of business and industry for commercial and office type uses.
- Enabling use of the land for residential purposes and increasing the availability of housing within the municipality.
- Protecting the heritage value of the site.
- Providing improved levels of public open space in an area which has low levels of public open space provision.

#### *Environmental Effects*

The amendment is expected to contribute to the following environmental effects:

- Providing an opportunity for urban consolidation, which reinforces environmental objectives under the Yarra Planning Scheme.
- Enabling appropriate re-use of existing buildings on the site, and retaining their heritage value.
- Encouraging built form outcomes that complement and enhance the existing character of the area through application of the Design and Development Overlay.

**Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act, in addition to *Ministerial Direction No. 1 Potentially Contaminated Land* and *Ministerial Direction 9 Metropolitan Strategy*.

*Ministerial Direction No. 1 Potentially Contaminated Land*

This direction seeks to ensure that the environmental conditions of the land are suitable for a sensitive use and applies to potentially contaminated land. The subject property was formerly used as technical training college from 1912 to 2004 and a number of potential contamination sources have been identified on site. The application of an environmental audit overlay will ensure that contamination issues are addressed prior to commencement of the use or development.

*Ministerial Direction 9 Metropolitan Strategy*

The amendment gives effect to the following aspects of the Metropolitan Strategy (Melbourne 2030):

- Clause 12.01 ‘A more compact city’ which seeks to, ‘facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.’
- Clause 12.05 ‘A great place to be’ which aims to ‘create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity.’

The amendment supports the directions of the Metropolitan Strategy for the following reasons:

- The location of the subject site near the Smith Street Major Activity Centre has the potential to broaden the base of activities to include a wider range of services within the precinct.
- The subject site also has the potential to provide opportunities for new housing development within an established urban area and near an activity centre.
- The proposed Design and Development Overlay sets parameters for good urban design and development that responds to the context of the site in terms of urban character and built form.
- The Smith Street Structure Plan (adopted by Council on 18 November 2008) has identified this site as being suitable for redevelopment. The height guidelines have been developed to preserve the importance of the heritage buildings, whilst allowing higher density development to occur on the site.

## **How does the amendment support or implement the State Planning Policy Framework?**

The clauses of the SPPF, which relate to the proposed amendment are Introduction, Goal and Principles (Clause 11), Metropolitan Development (Clause 12), Heritage (Clause 15), Housing (Clause 16) and Design and Built Form (Clause 19). The amendment supports implementation of:

- Clause 11.03-1 (Settlement) which seeks to, ‘anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.’ Rezoning of the site to the Mixed Use Zone will provide opportunities to meet the demand for housing, office and potentially community facilities.
- Clause 12 (Metropolitan Development). Reference to this Clause is made above.
- Clause 15.11 (Heritage), which encourages the conservation and protection of cultural heritage places from inappropriate development. The Keith Haring Mural on the eastern wall of the TAFE building is a significant 20th century element in the Precinct. The amendment supports this Clause by encouraging development that is sensitive to the heritage character of the place through the proposed Design and Development Overlay.
- Clause 16 (Housing), which aims to encourage the development of well-designed medium-density housing. The proposed Mixed Use Zone supports residential development and the proposed Design and Development Overlay encourages built form that respects neighbourhood character and incorporates ESD features.
- Clause 19 (Design and Built Form), promotes high quality urban design and architecture with reference to a range of principles encompassing the public realm, views and vistas, safety, pedestrian spaces and landscape settings. The Design and Development Overlay is consistent with these principles.

## **How does the amendment support or implement the Local Planning Policy Framework?**

At local policy level, the following elements of the Local Planning Policy Framework are implemented by the amendment.

- Clause 21.04 (Vision – strategic framework). A key strategy of relevance to the site is to, ‘maintain the prevailing 19th century heritage character and low rise / human scale of the City, whilst providing opportunities for innovative, contemporary development on major redevelopment sites and renewal areas.’ This strategy is reinforced by the provisions of the Design and Development Overlay.
- Clause 21.05-2 (Residential Land Use and Development). Relevant objectives of this Clause are:
  - To accommodate forecast increases in resident and household numbers.
  - To maintain and strengthen existing and preferred neighbourhood character.
  - To enhance levels of residential amenity and safety.
  - To maintain the mixed land use character of the City to provide sustainable neighbourhoods.

Rezoning of the site will increase residential development opportunities and a mix of other complementary land uses. The Design and Development Overlay will encourage development that makes a positive contribution to neighbourhood character and enhanced levels of amenity and safety.

- Clause 21.05-4 (Retailing and Activity Centres). Relevant objectives of this Clause are:
  - To enhance the long term viability of strip centres.
  - To enhance the individualised character of each centre, reflective of retail ‘identity’, and heritage and cultural influences.
  - To reinforce centres as ‘community hubs’.

The amendment enables redevelopment of the site which will stimulate development and urban regeneration within a section of Johnston Street that is in need of revitalisation.

- Clause 22.02 (Development Guidelines for Heritage Places). A key objective of this Clause is, ‘to retain significant view lines and vistas of sites of cultural heritage significance and to the low rise surrounding Victorian skyline.’ As the site is covered by a Heritage Overlay, future development is required to be consistent with this policy. The proposed Design and Development Overlay has been drafted having regard to this Clause, and allows higher buildings in the centre of the site, reducing in height to protect the dominance of the heritage buildings on the perimeter of the site.
- Clause 22.12 (Public Open Space Contribution). The Schedule to Clause 52.01 (Public Open Space Contribution and Subdivision) indicates Council can require 4.5% of the site for public open space in the event that the site is subdivided for residential purposes. The Yarra Open Space Strategy, 2006, identifies that Collingwood has low levels of public open space provision compared to the City of Yarra, and Metropolitan Melbourne. Collingwood residents have access to 0.2 square metres of public open space per resident, compared to the City of Yarra average of 34 square metres per resident. This proportion will decrease as the population of Collingwood increases as ex-industrial properties are converted into residential uses. The Smith Street Structure Plan adopted by Council on 18 November 2008, identifies this site as being one of the few sites in this section of Collingwood which can provide a meaningful area of public open space.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The purpose of the Mixed Use Zone is, amongst other things, to, ‘to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.’ The zone contemplates use of land for housing, office, retail premises, library or function centre. Application of the Mixed Use Zone would be consistent with the mixed use nature of the locality. It is noted that ‘dwelling’ is an as of right use in the zone however, a permit is required to construct two or more dwellings on a lot pursuant to Clause 32.04-5. Use of the land for industrial or warehousing are ‘permit required’ uses and subject to amenity considerations. Additionally, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-1.

The Yarra Industrial and Business Land Strategy Review (2004) indicates that strong opportunities exist for further development of business service related activities, with an increase in demand for business and office type uses forecast over the next 20 years within

Yarra. Business uses such as office are a Section 2 (permit required) use under the Mixed Use Zone.

This Amendment has been drafted having regard to the Smith Street Structure Plan (the Plan), which has identified this site as being suitable for redevelopment. The Amendment takes into consideration the built form recommendations in the Plan, which recommends that new medium rise development be setback behind the existing heritage facades of the site, with upper level development being setback from the heritage fabric and be generally recessive. The Plan also identifies this site as being suitable for public open space provision.

To ensure that future development of the site responds to the existing built form character of the area, a Design and Development Overlay Schedule 8 (Former NMIT Site) is proposed. The Overlay incorporates principles of urban design and environmental sustainability to improve amenity and built form outcomes. It is noted that under Clause 43.02 of the Design and Development Overlay a permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to the overlay.

**How does the amendment address the views of any relevant agency?**

The amendment does not address the views of any relevant agency. The relevant agencies will have an opportunity to comment when any planning permit application for future development of the subject site is considered under the Yarra Planning Scheme provisions.

**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is expected that the rezoning will have limited impact on the resource and administrative costs of the Responsible Authority.

**Where you may inspect this Amendment.**

The amendment is available for public inspection, free of charge, during office hours at the following places.

City of Yarra  
Richmond Town Hall  
333 Bridge Road  
Richmond Victoria 3121

City of Yarra  
Collingwood Town Hall  
140 Hoddle Street  
Abbotsford Victoria 3067

Fitzroy Public Library  
128 Moor Street  
Fitzroy

Collingwood Public Library  
11 Stanton Street  
Abbotsford

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).