

# YARRA PLANNING SCHEME

## AMENDMENT C288YARA

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment. The Amendment has been made at the request of Yarra City Council.

#### Land affected by the Amendment

The Amendment applies to the land as shown in Figure 1 below. The Amendment generally affects the land in a Mixed Use Zone, Commercial 1 Zone and Commercial 2 Zone with: a primary frontage to Alexandra Parade between George Street in the west and Hoddle Street in the east; the northern side of Victoria Parade between Napier Street to the west and Hoddle Street to the east; and land subject to the Mixed Use Zone and Commercial 2 Zone between Nicholson Street in the west and to the rear of lots to Brunswick Street in the east and north south between the rear lots of Johnston Street and properties with a frontage to Alexandra Parade at the corner of Nicholson Street.

Fitzroy & Collingwood Stage 2 - Area Map



Figure 1: Proposed DDO areas along Alexandra Parade, Victoria Parade and the Fitzroy West Mixed Use Zone area

#### What the amendment does

The Amendment C288yara proposes to introduce built form controls to the land on an interim basis of 2 years (from gazettal) by making the following changes to the Yarra Planning Scheme:

- Apply and Insert Design and Development Overlay Schedule 38 (DDO38) to Alexandra Parade;
- Apply and Insert Design and Development Overlay Schedule 39 (DDO39) to Victoria Parade;
- Apply and Insert Design and Development Overlay Schedule 40 (DDO40) to the Fitzroy West Mixed Use Zone area;

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The scale and density of development approved and currently being proposed along the Fitzroy and Collingwood Activity Centres and corridors has increased substantially in recent years. Many current proposals in the area exceed the scale of development envisaged by the current planning scheme provisions in the area.

To ensure appropriate and orderly planning, the Yarra Planning Scheme needs to be urgently revised to better facilitate and guide the scale, massing and bulk of new development. This Amendment (C288yara) represents Stage 2 of built form controls for the Fitzroy and Collingwood Activity Centres and corridors. Stage 1 of the work sought interim controls for Brunswick, Smith, Johnston and Gertrude Streets and Mixed Use Zone areas behind those corridors and in Fitzroy East. Stage 1 (Amendment C270yara) is currently being considered for approval by the Minister for Planning.

Diversity and variation of the heritage building stock is an inherent characteristic of the Fitzroy and Collingwood area. Built form guidance is urgently needed to ensure future development responds appropriately to these unique characteristics and to achieve an appropriate balance between the existing character and potential development.

The current provisions do not provide sufficient guidance to ensure development appropriately considers the impacts on the heritage qualities and diversity of built form within the Fitzroy – Collingwood Activity Centres and corridors. Nor do the provisions provide sufficient guidance to safeguard appropriate amenity for current and future residents in the area. Interim DDOs will assist in protecting against inappropriate development and significant heritage character of Alexandra Parade, Victoria Parade and Fitzroy West whilst the normal amendment process progresses.

The interim controls provide design objectives and requirements which seek to improve the quality of development in Alexandra Parade, Victoria Parade and Fitzroy West. Building height and setback requirements (a mix of discretionary and mandatory) seek to achieve development that respects residential heritage and neighbourhood character.

The interim controls are required to ensure that each precinct is protected in the short term and that planning controls provide certainty to the Yarra community while further work is undertaken. A lack of existing built form controls can result in inappropriate built form outcomes.

The exemption from public notice and prompt approval of this Amendment and the interim controls will enable the protection of Alexandra Parade, Victoria Parade and Fitzroy West from inappropriate development in the short-term until the permanent controls are implemented.

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

The amendment implements the following objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act):

*To provide for the fair, orderly, economic and sustainable use, and development of land.*

*To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

*To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

*To balance the present and future interests of all Victorians.*

The amendment seeks to provide greater clarity regarding built form outcomes and expectations in Fitzroy and parts of Collingwood. In doing so, the proposed provisions will support more efficient and orderly planning processes. The application of interim controls will ensure that Council and the community's vision for Yarra's activity centres and corridors are not undermined by inappropriate developments, while permanent controls are implemented. The views of all affected parties will be sought through planning scheme amendment process to implement permanent controls.

The amendment implements provisions that support the protection of heritage and neighbourhood character in the activity centres, in both commercial and residential areas. The amendment seeks to provide greater clarity as to whether growth or heritage values should drive development outcomes.

### **How does the Amendment address any environmental, social and economic effects?**

The Amendment is consistent with the overarching goal in the planning scheme to:

*Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

The Amendment will have positive social and economic benefits through the facilitation of well-designed buildings accommodating housing above commercial activity situated in an activity centre that is well served by public transport and other services.

### **Does the Amendment address relevant bushfire risk?**

The amendment does not address bushfire risk, as the land subject to the amendment is not:

- Subject to a Bushfire Management Overlay;
- Within a designated bushfire prone area;
- Proposed to be used or developed in a way that may create a bushfire hazard.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment complies with Ministerial Direction No. 9 in addressing and responding to the metropolitan planning strategy, *Plan Melbourne 2017-2050*.

The Amendment complies with the Direction on the form and content of planning schemes.

Amendment C288yara is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

**Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment** which seeks to strengthen the competitiveness of Melbourne's employment areas. The Amendment provides appropriate policy direction for the planning and development of the Activity Centre to ensure that the activity centre continues to meet community needs.

**Direction 5.1 - Create a city of 20-minute neighbourhoods** which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes policy for local governments to prepare structure plans for activity centres to accommodate growth. The amendment will facilitate renewal of the Major Activity Centre which will improve local employment, housing and commercial opportunities.

### **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Amendment supports and implements State Planning Policy in responding to the following clauses:

#### **Clause 11 - Settlement**

- **Clause 11.02-1S Supply of Urban Land** – To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

- **Clause 11.02-2S Structure Planning** - To facilitate the orderly development of urban areas.
- **Clause 11.03-1S Activity Centres** - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

#### **Clause 13 – Environmental risks and amenity**

- **Clause 13.01-1S Natural Hazards and Climate Change** - To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- **Clause 13.04-1S Contaminated and Potentially Contaminated Land** - To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.
- **Clause 13.05-1S Noise Abatement** - To assist the control of noise effects on sensitive land uses.

#### **Clause 15.01 – Built environment**

- **Clause 15.01-1S Urban Design** - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1R Urban Design – Metropolitan Melbourne** - To create a distinctive and liveable city with quality design and amenity
- **Clause 15.01-2S Building Design** - To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- **Clause 15.01-4S Healthy Neighbourhood** - To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-4R Healthy Neighbourhood – Metropolitan Melbourne** - Create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S Neighbourhood Character** - To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

#### **Clause 15.02 – Sustainable development**

- **Clause 15.02-1S Energy and Resource Efficiency** - To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

#### **Clause 15.03 - Heritage**

- **Clause 15.03-1S Heritage Conservation** - To ensure the conservation of places of heritage significance.

#### **Clause 16.01 – Residential Development**

- **Clause 16.01-1S Integrated Housing** – To promote a housing market that meets community needs.
- **Clause 16.01-2S Location of Residential Development** - To locate new housing in designated locations that offer good access to jobs, services and transport.
- **Clause 16.01-3S Housing Diversity** - To provide for a range of housing types to meet diverse needs.
- **Clause 16.01-3R Housing Diversity – Metropolitan Melbourne** – Create mixed-use neighbourhoods at varying densities that offer more choice in housing.
- **Clause 16.01-4S Housing Affordability** - To deliver more affordable housing closer to jobs, transport and services.

#### **Clause 17.01 Employment**

- **Clause 17.01-1S Diversified Economy** - To strengthen and diversify the economy.
- **Clause 17.01-1R Diversified Economy – Metropolitan Melbourne** - Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.

#### **Clause 17.02 Commercial**

- **Clause 17.02-1S Business** - To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.
- **Clause 17.02-2S Out-of-centre development** - To manage out-of-centre development.

#### **Clause 17.03 Industry**

- **Clause 17.03-1S Industrial Land Supply** - To ensure availability of land for industry.
- **Clause 17.03-2S Industrial Development Siting** - To facilitate the sustainable development and operation of industry.
- **Clause 17.03-3S State Significant Industrial Land** - To protect industrial land of state significance.

#### **Clause 18 - Transport**

- **Clause 18.01-2S Transport System** - To coordinate development of all transport modes to provide a comprehensive transport system.
- **Clause 18.02-1S Sustainable Personal Transport** - To promote the use of sustainable personal transport.
- **Clause 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne** - Improve local travel options for walking and cycling to support 20 minute neighbourhoods.
- **Clause 18.02-2S Public Transport** - To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.
- **Clause 18.02-2R Principal Public Transport Network** – Facilitate high-quality public transport access to job-rich areas.

#### **Clause 19.02 – Community infrastructure**

- **Clause 19.02-4S Social and Cultural Infrastructure** - To provide fairer distribution of and access to, social and cultural infrastructure.
- **Clause 19.02-6S Open Space** - To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.
- **Clause 19.02-6S Open Space – Metropolitan Melbourne** - To strengthen the integrated metropolitan open space network.

The amendment also supports the Plan Melbourne Policy 2.1.4, 'Provide certainty about the scale of growth in the suburbs', by providing interim built form provisions to provide greater certainty while permanent provisions undergo the full planning scheme amendment process.

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

##### **Clause 21.04-1 - Accommodation and Housing**

- Objective 1 - To accommodate forecast increases in population.
- Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

##### **Clause 21.04-2 - Activity centres**

- Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
  - Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.
  - Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.
- Objective 5 - To maintain the long term viability of activity centres.
  - Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.
  - Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.
  - Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.
- Objective 7 - To encourage the arts and arts venues.
  - Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.

##### **Clause 21.04-3 – Industry, Office and Commercial**

- Objective 8 - To increase the number and diversity of local employment opportunities.
  - Strategy 8.3 Encourage residential and business land use within the Mixed Use Zone to locate on the same site.
  - Strategy 8.5 Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.

##### **Clause 21.05-1 - Heritage**

- Objective 14 - To protect and enhance Yarra's heritage places.
  - Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
  - Strategy 14.2 Support the restoration of heritage places.

- Strategy 14.3 Protect the heritage skyline of heritage precincts.
- Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

#### **Clause 21.05-2 - Urban design**

- Objective 16 - To reinforce the existing urban framework of Yarra.
  - Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.
- Objective 19 - To create an inner city environment with landscaped beauty.
  - Strategy 19.1 Require well resolved landscape plans for all new development.
  - Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
- Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
  - Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
- Objective 21 - To enhance the built form character of Yarra's activity centres.
  - Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.
  - Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.
  - Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

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

The Amendment makes suitable use of the Victoria Planning Provisions (VPP) through the selection of appropriate tools to achieve guidance for future land use and development outcomes for the precinct.

The amendment also addresses the requirements of Planning Practice Note 29: Ministerial Powers of intervention in Planning and Heritage matters, November 2004. The Practice Note states that the Minister would intervene where the matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).

#### **How does the Amendment address the views of any relevant agency?**

Council sought the views of the Department of Environment, Land, Water and Planning (DELWP) in the drafting of the interim controls and built form review which informs the Amendment.

Further views of relevant agencies will be sought during exhibition of the Amendment for permanent controls following the resolution from Council in February 2021.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The Amendment is consistent with the requirements of the *Transport Integration Act 2010* and will facilitate development outcomes that promote the principles of transit oriented development.

Particular consideration has been given to ensure that vehicular movements do not impact on the Principal Public Transport Network.

#### **Resource and administrative costs**

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

The Amendment will have some impact on the general operation of Council's statutory planning department as it will facilitate some new forms of development and land use.

The application of planning controls is considered to provide a more consistent assessment of planning permit applications. This is considered to reduce costs by providing more certainty for decision making.

### **Where you may inspect this Amendment**

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

Planning Counter Richmond Town Hall 333 Bridge Road Richmond VIC 3121	Information Counter Collingwood Town Hall 140 Hoddle Street Abbotsford VIC 3067
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Yarra City Council web-site - Amendment C288yara: [www.yarracity.vic.gov.au/amendmentC288](http://www.yarracity.vic.gov.au/amendmentC288)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

*Planning and Environment Act 1987*

**YARRA PLANNING SCHEME**

**AMENDMENT C288**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 4 attached maps sheets.

***Overlay Maps***

1. Amend Planning Scheme Map Nos. 1DDO, 2DDO, 5DDO, 6DDO in the manner shown on the 4 attached maps marked "Yarra Planning Scheme, Amendment C288".

**Planning Scheme Ordinance**

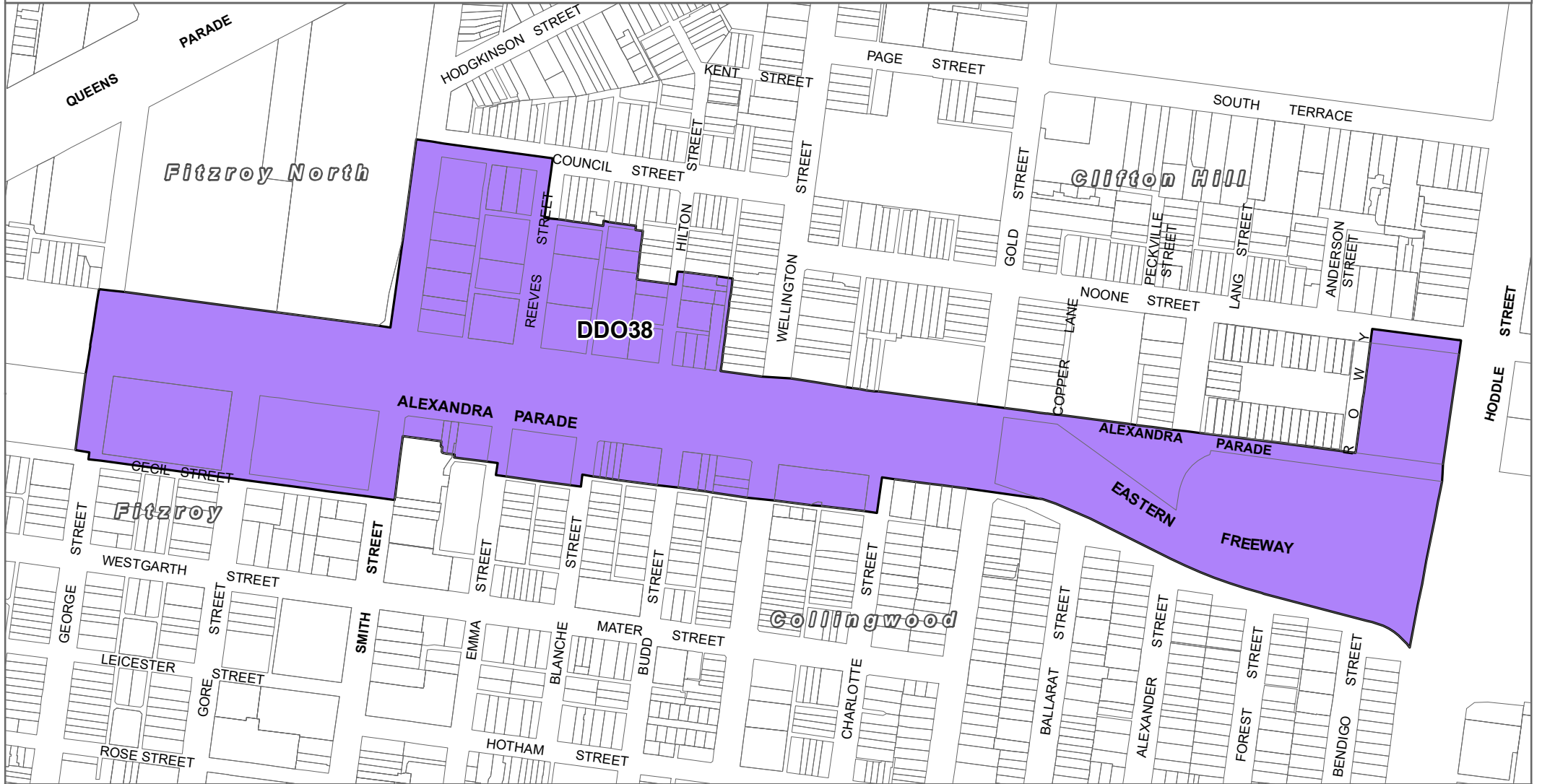
The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – Clause 43.02, insert a new Schedule 38 in the form of the attached document.
3. In **Overlays** – Clause 43.02, insert a new Schedule 39 in the form of the attached document.
4. In **Overlays** – Clause 43.02, insert a new Schedule 40 in the form of the attached document.

End of document



# YARRA PLANNING SCHEME - LOCAL PROVISION AMENDMENT C288yara



**LEGEND**

- DDO38 - Design and Development Overlay - Schedule 38
- Local Government Area

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NORTH

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Metres



Environment,  
Land, Water  
and Planning

Part of Planning Scheme Map 2DDO



# YARRA PLANNING SCHEME - LOCAL PROVISION AMENDMENT C288yara



## LEGEND

- DDO39 - Design and Development Overlay - Schedule 39
- Local Government Area

## Disclaimer

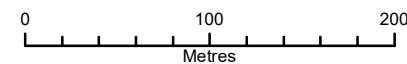
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Part of Planning Scheme Maps 5DDO & 6DDO



# YARRA PLANNING SCHEME - LOCAL PROVISION AMENDMENT C288yara



**LEGEND**

-  DDO40 - Design and Development Overlay - Schedule 40
-  Local Government Area

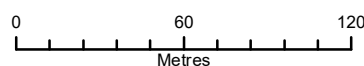


Part of Planning Scheme Maps 1DDO & 5DDO

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Planning Group  
Print Date: 5/02/2021  
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