

YARRA PLANNING SCHEME
AMENDMENT C292
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 land within the area named “Collingwood South Mixed-Use Precinct”, as shown in Figure 1 (next page). The proposed DDO affects portions of the following streets in Collingwood:

- Peel Street;
- Langridge Street;
- Cambridge Street;
- Oxford Street;
- Little Oxford Street;
- Derby Street;
- Mason Street; and
- Wellington Street.

What the Amendment does

Amendment C292yara proposes to extend interim controls for 12 months by making the following changes to the Yarra Planning Scheme:

- Extending the interim controls expiration date in Schedule 23 to Clause 43.02 of the Design and Development Overlay (DDO23) – Collingwood South Mixed-Use Precinct.

Figure 1: Land affected by the Amendment - Collingwood South (Mixed Use) Precinct



Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C292yara seeks to extend the expiry date in Schedule 23 to the Design and Development Overlay (DDO23) which applies to the Collingwood South Mixed-Use Precinct to enable the implementation of permanent controls. The DDO is set to expire on 30 June 2021.

Interim controls were requested by Yarra City Council in 2018 to manage built form outcomes in the precinct which was experiencing significant development pressure and development outcomes beyond the scale contemplated by the Planning Scheme. DDO23 was introduced via Amendment C250 and gazetted on 22 November 2018.

The Collingwood South Mixed-Use Precinct is part of Smith Street Major Activity Centre which has been identified as an area suitable for further development and housing growth as per Plan Melbourne 2017-2050 and Council's Housing Strategy. The development demand within the precinct has continued within the context of the interim DDO. Extension of the interim control is required to ensure the area is continued to be protected against inappropriate development, provide certainty and ensure development responds appropriately to heritage buildings and local character and the public realm amenity.

The current amendment is required to extend the existing interim DDO to ensure the appropriate and orderly planning of the Collingwood South Mixed-Use Precinct while the permanent built form controls are being progressed.

Council resolved to progress permanent built form provisions for the precinct via an amendment to the Yarra Planning Scheme at its Ordinary Council Meeting on 18 May 2021. It noted community consultation on the permanent provisions would be held with landowners and the wider community as part of the consideration of the amendment.

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

The Amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987* (the Act), in particular:

- a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- c) *to secure a pleasant, efficient and safe working, living and recreational environment; and*
- d) *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;*
- g) *to balance the present and future interests of all Victorians.*

The Amendment will assist to facilitate housing growth as well as economic growth and create a more economically viable mixed-use precinct that has economic benefits for the local area.

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 is expected to generate positive social and economic benefits as it will facilitate development within the area, providing opportunities for economic development, housing and employment growth. The Amendment will also respond to the local demand for housing and provide housing and employment in a location, which has strong access to public transport infrastructure and social services.

Does the Amendment address relevant bushfire risk?

The land affected by the Amendment is not located within an identified area of bushfire risk.

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 C292 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 land. The Amendment provides appropriate policy direction for the planning and development of the Collingwood South Mixed-Use Precinct 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.

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 11.02-3 - Structure planning

To facilitate the orderly development of urban areas.

Clause 13.03-1 - Use of 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 15.01-1 - Urban Design

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 - Urban Design Principles

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-4 - Design for safety

To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.01-5 - Cultural identity and neighbourhood character

To recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.03-1 – Heritage Conservation

To ensure the conservation of places of heritage significance.

Clause 16.01-2 - Location of residential development

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Clause 16.01-3 - Strategic redevelopment Sites

To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.

Clause 17.01-1 - Business

To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

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

The vision for the City of Yarra in the existing Municipal Strategic Statement in relation to built form is that by 2020, all new development will demonstrate design excellence.

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

Clause 21.03 Vision

The vision for the City of Yarra in the existing Municipal Strategic Statement in relation to built form is that by 2020, all new development will demonstrate design excellence.

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.

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.

The Amendment is consistent with and supported by the following local policies under Clause 22:

- 22.02 Development guidelines for sites subject to the Heritage Overlay
- 22.05 Interface uses policy
- 22.07 Development abutting laneways
- 22.10 Built form and design policy

How does the amendment support or implement the Municipal Planning Strategy?

Currently the City of Yarra is in the process of translating its Local Planning Policy Framework into the new Planning Policy Framework via Amendment C269yarra. Amendment C292yara does not propose any changes to policy.

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

The Amendment is consistent with the Victoria Planning Provisions. A Design and Development Overlay (DDO) is considered the best tool to control future built form.

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

Council has discussed the current strategic planning work and timing of the permanent controls via a publicly exhibited planning scheme amendment with the Department of Environment, Land, Water and Planning (DELWP).

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.

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 no additional impact on the general operation of Council's Statutory Planning Department as the amendment proposes a continuation of existing controls. The continuation of the current planning controls will provide for a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty.

Where you may inspect this Amendment

The amendment can be inspected free of charge at the Yarra City Council at Council's webpage.

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra City Council locations:

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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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C292yara

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Overlays** – Clause 43.02, replace Schedule 23 with a new Schedule 23 in the form of the attached document.

22/11/2018
C250

SCHEDULE 23 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO23**.

COLLINGWOOD SOUTH (MIXED-USE) PRECINCT

1.0

22/11/2018
C250

Design objectives

- To foster an emerging, contemporary, mixed-use character with a prominent street-wall edge, incorporating upper level setbacks and design features that create a distinction between lower and upper levels.
- To ensure that the overall scale and form of new buildings is mid-rise (ranging from 3 to 12 storeys) and responds to the topography of the precinct, by providing a suitable transition in height as the land slopes upwards, whilst minimising amenity impacts on existing residential properties, including visual bulk, overlooking and overshadowing.
- To maintain the prominence of the corner heritage buildings on Wellington Street, and respect both individual and groups of low-scale heritage buildings through recessive upper level development and a transition in scale from taller form towards the interface with heritage buildings.
- To promote and encourage pedestrian activity through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing.
- To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

2.0

22/11/2018
C250

Buildings and works

A permit is required to construct a building or construct or carry out works.

2.1

22/11/2018
C250

Definitions

Street wall is the façade of a building at the street boundary. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge, with the exception of architectural features and building services.

Rear interface is the rear wall of any proposed building or structure whether on the property boundary or set back from the property boundary.

Building height does not include non structural elements that project above the building height and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

- Less than 50% of the roof area is occupied by the equipment (other than solar panels);
- Any equipment is located in a position on the roof so as to avoid additional overshadowing of either public or private open space, or windows to habitable rooms of an adjacent property;
- Any equipment does not extend higher than 3.6 metres above the proposed height of the building; and
- Any equipment and any screening is integrated into the design of the building to the satisfaction of the Responsible Authority.

Setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary.

Upper Level Development is development above the height of the street wall.

Heritage Building refers to any building subject to a heritage overlay, graded as either *Contributory* or *Individually Significant*.

2.2

22/11/2018
C250

Built form requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

Building height requirements

The building height requirements are set out in Plan 1: Building Heights Framework Plan of this schedule. Buildings or works must not exceed the maximum building height shown in Plan 1: Building Heights Framework Plan.

A permit cannot be granted to vary a building height specified in Plan 1: Building Heights Framework Plan, unless all of the following requirements are met:

- the built form outcome as a result of the proposed variation satisfies the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the Overshadowing and Solar Access (Public Realm) Requirements;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirement in this schedule;
 - housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
 - universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%.

Street wall height requirements

The street wall height requirements are set out in Plan 1: Building Heights Framework Plan of this schedule. Buildings or works must not exceed the maximum street wall height shown in Plan 1: Building Heights Framework Plan.

A permit cannot be granted to vary a street wall height specified in Plan 1: Building Heights Framework Plan unless all of the following are met:

- the built form outcome as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 and the Heritage Building Design Requirements in this schedule;
- the proposed street wall height provides a transition, scaling down to the interface with heritage building, and is no more than two storeys higher than the street-wall height of the adjacent heritage building; and
- the proposed street wall height does not overwhelm the adjacent heritage building.

Setback requirements for non-heritage buildings

Development must be built to the front property boundary except for development at 54 and 56 Oxford Street. Development at 54 and 56 Oxford Street must match the front setback of the heritage building at 58 Oxford Street.

Development must be setback in accordance with the minimum upper level setbacks specified in Table 1.

Table 1 – Minimum Upper Level Setbacks for Non-Heritage Sites

Area 1	Area 2	Area 3
6m	6m	3m

For development adjacent to a heritage building, a permit cannot be granted to construct a building or carry out works if it does not meet the preferred minimum upper level setback requirements in Table 1 unless the proposal meets the Design Objectives and the Heritage Building Design Requirements in this schedule

Setback requirements for heritage buildings

For single storey heritage buildings, development must:

- be setback a minimum of 6m from the heritage facade; and
- be designed to occupy no more than ¼ of the visible built form, as viewed from the opposite side of the street at a height of 1.7m above the footpath, as illustrated in Diagrams 1 and 2.

Diagram 1 – Sight-line test: ¼ : ¾ of visible parts of building (single storey)

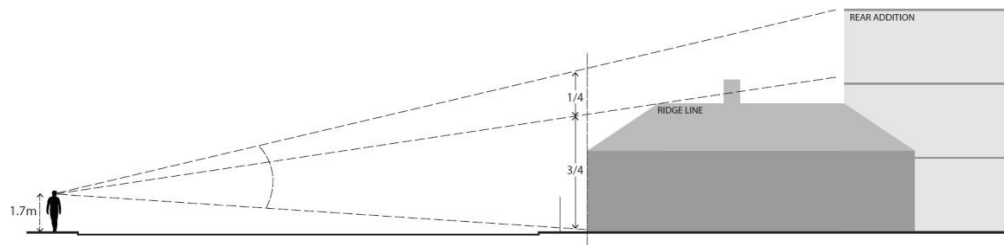
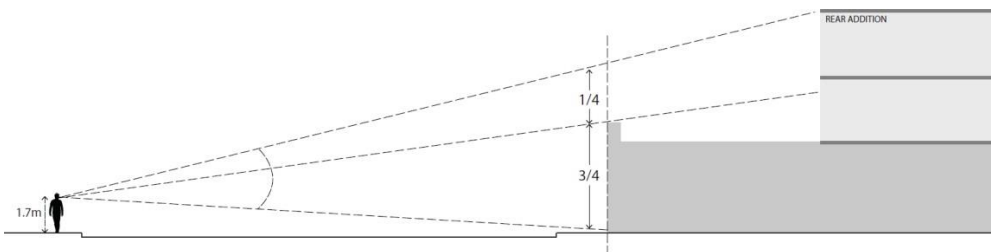


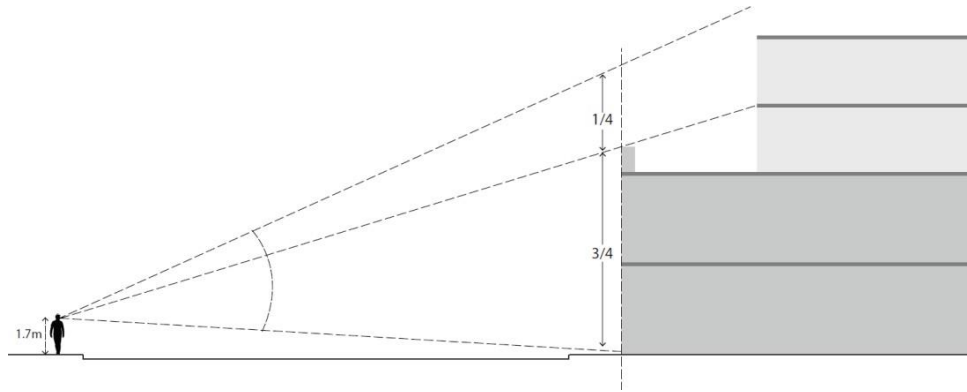
Diagram 2 – Sight-line test: ¼ : ¾ of visible parts of building (single storey with parapet)



For two storey heritage buildings, development must:

- be setback a minimum of 6m from the heritage façade; and
- be designed to occupy no more than ¼ of the visible built form, as viewed from the opposite side of the street at a height of 1.7m above the footpath, as illustrated in Diagram 3.

Diagram 3 – Sight-line test: ¼ : ¾ of visible parts of building (double storey with parapet)



Heritage building design requirements

Alterations and additions to heritage buildings must be designed to:

- be visually recessive when viewed at any location along the streetscape, from the opposite side of the street;
- retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’;
- not visually dominate the existing heritage fabric;
- retain the visual prominence of the return façades of buildings on corner sites;
- retain solid built form behind retained facades and avoid balconies behind existing openings;
- maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings;
- utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades.

Development on sites within a Heritage Overlay, graded as *Not-Contributory*, or on sites adjacent to a heritage building should be designed to:

- provide a transition in height at the interface (side or rear boundary) with the heritage building;
- ensure that façade treatments are simple and do not compete with the detailing of the adjacent heritage building(s);
- incorporate simple architectural detailing that does not detract from significant elements of the heritage building;
- be visually recessive;
- be articulated to reflect the fine grained character of the streetscape, where this is a prominent feature.

Overshadowing and solar access (public realm) requirements

Development must not overshadow any part of the southern side footpath of the following streets, between 10am and 2pm on September 22:

- Peel Street to a distance of 2.0 metres from the kerb;
- Langridge Street to a distance of 2.0 metres from the kerb;
- Derby Street to a distance of 2.0 metres from the kerb.

For streets that extend in a north-south direction, development must not overshadow:

- the eastern footpath to a distance of 2.0 metres from the kerb between 10am and 2pm on September 22;

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- the western footpath to a distance of 2.0 metres from the kerb from 10am to 2pm on September 22.

Development must be designed to minimise overshadowing of the following areas of open space between 10am and 2pm on September 22:

- Cambridge Street Reserve;
- Oxford Street Reserve;
- The outdoor space of the Collingwood English Language School.

Other design requirements

Development interfacing with areas of public open space must:

- provide a suitable transition in scale to the interface with the public open space;
- ensure that development does not visually dominate the public open space;
- provide passive surveillance from lower and upper levels.

Development at the rear of the properties at 10 - 22 Derby Street must be designed to address Langridge Street.

The rear interface of a development abutting a laneway must not exceed a preferred height of 11 metres.

The street frontage of development must:

- provide a prominent, well-articulated street-wall edge that provides a distinction between the lower and the upper levels of the building;
- address all street frontages and, where heritage elements are not a constraint, incorporate design elements/features that contribute to an engaging streetscape, avoiding blank walls and provide active frontages, where appropriate to the proposed use at ground level;
- be designed to accommodate (or can be adapted to accommodate) commercial activity at the ground floor incorporating a suitable commercial floor height, where heritage elements are not a constraint;
- locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the façade of the building;
- respond to the topography of the east-west oriented streets through transition and “stepping” of the ground floor to appropriately address the street.

The design of upper levels of development must:

- be well-designed and articulated to break up the building mass across sites with a wide frontage;
- distinguish between the lower and upper levels through materials and articulation;
- be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape;
- provide passive surveillance of adjacent streets and public open space.

Building separation, amenity and equitable development requirements

An application for development must provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

- Where development shares a common boundary, upper level development must:
 - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed

- be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Vehicle access and car parking requirements

Development must be designed to:

- avoid providing vehicle access from Wellington Street and provide access from a side street or laneway where practical;
- provide car parking in a basement. Where basement car parking is not possible, it must be concealed within the building envelope;
- avoid providing recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone. Where pedestrian access can only be provided from a laneway, the pedestrian entrance must be setback from the laneway and be well lit to enable safe access.

3.0

22/11/2018
C250

Subdivision

None specified.

4.0

22/11/2018
C250

Advertising signs

None specified

5.0

22/11/2018
C250

Application requirements

None specified

6.0

04/10/2020
G284yara
C292yara

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Built Form Requirements in Clause 2.0 are met.
- Whether the Heritage Building Design Requirements in Clause 2.0 are met (where the land is affected by a Heritage Overlay or immediately adjacent to a Heritage Overlay).
- Whether the proposal has considered the development rights/potential of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- Whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site though a suitable transition in scale of street-wall, upper level setbacks and building height.
- How the proposal responds in terms of scale and transition to the sloping topography of the area.
- The design response at the interface with existing low-scale residential properties, including the overshadowing of secluded private open space.
- Whether the proposal provides a high quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm.

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- How any proposed buildings and works will impact on solar access to footpaths and public open spaces.
- The wind effects created by the development.

Expiry

The requirements of this schedule cease to have effect after 30 June 2021, 30 June 2022.

Plan 1: Building Heights Framework Plan

