

Community Feedback Permanent DDOs for Fitzroy and Collingwood – Response to Key Issues

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| <p>Overshadowing of footpaths and open space</p> | <ul style="list-style-type: none"> • Suggestions for overshadowing requirement hours to be extended or use of the winter solstice rather than the September equinox. • Concerns about future development unreasonably overshadowing public open space. • Suggestions that overshadowing controls should be mandatory. | <p>The <i>Built Form Frameworks</i> (prepared by Hansen Partnership) highlight the importance of solar access to public open space.</p> <p>There are various controls in the proposed DDOs which assist to minimise the amount of overshadowing of public open space. In addition to the requirements for street wall heights, upper-level setbacks and overall heights, Clause 2.7 <i>Overshadowing and solar access requirements</i> includes the requirement for new development not to overshadow footpaths and kerb outstands between 10am – 2pm on 22 September.</p> <p>Winter Solstice Assessment</p> <p>The <i>Urban Design Guidelines for Victoria</i> contain the following relevant Objective and associated guidelines:</p> <p><i>“Objective 5.1.3 To ensure buildings in activity centres provide equitable access to daylight and sunlight”, and</i></p> <p><i>“5.1.3a Locate and arrange the building to allow daylight and winter sun access to key public spaces and key established street spaces.” (18)</i></p> <p>Neither the proposed DDOs nor Council’s Yarra Open Space Strategy as in Amendment C286yara identifies certain open spaces as ‘key’. The public open spaces in Yarra are treated as being of equal importance.</p> <p>The proposed policy in Clause 22.12-4 as part of C286yara states that built form:</p> <p><i>“Must have no additional overshadowing beyond any 9 metres built form height between 10am and 3pm on June 21.”</i></p> <p>This applies to new public open spaces only.</p> <p><u>Conclusion:</u></p> |

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| | | <p>Given that:</p> <ul style="list-style-type: none"> • The Yarra Open Space Strategy does not distinguish between ‘key’ and other public open spaces; • The proposed policy in Clause 22.12-4 of C286yara applies to new public open spaces only; • From other recent work it is known that existing conditions are likely to cause significant overshadowing; • and • the September equinox is the common measure used in the Victorian Planning system to assess overshadowing • the overshadowing requirement does include the existing conditions as a measure, as per C293 Collingwood South. <p>It is not practicable to apply the winter solstice as a measure for assessing the overshadowing of public open spaces in the proposed DDO areas.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Landscaping (Private space)</p> | <ul style="list-style-type: none"> • Suggestions for a landscaping requirement be included through landscape setbacks (for deep tree planting), green frontages and rooftops. <p>(Specifically from submission nos. 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others)</p> | <p>Council is updating the existing local policies in the Yarra Planning Scheme through Amendment C269yara. Amendment C269yara proposes to introduce strategies through Clause 15.01-2L Building Design that relate to <i>Landscaping</i>, in particular:</p> <ul style="list-style-type: none"> • <i>“Encourage the planting of trees and vegetation to increase their canopies and coverage to contribute to an urban forest;</i> • <i>Facilitate landscaping (including planting in deep soil, planter boxes, green walls, and green roofs) that: Promotes the on-going health of trees and vegetation that has been retained on site... “</i> <p>As Collingwood and Fitzroy historically has been predominantly industrial and well-dev, it lacks opportunities for landscaping within the private realm. As it is changing</p> |

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| | | <p>towards a mixed-use area it also should provide for landscaping opportunities within the private realm to soften the otherwise harsher built-form environment.</p> <p><u>Conclusion:</u></p> <p>Officers have undertaken a review of the proposed DDOs and updated requirements to better align with recently adopted and approved DDOs.</p> <p>Local policy and updates to the proposed DDOs will encourage and facilitate private landscaping that has a positive contribution to the precinct / public realm.</p> <p><u>Officer recommendation:</u></p> <p>Change the requirements to insert the following requirement into Clause 2.9 (Other Design Requirements) of each DDO:</p> <p><i>“Development should provide for landscaping that provides a positive contribution to the public realm, such as canopy trees where possible, green walls or planter boxes.”</i></p> <p>Other requirements have been included to ensure that green infrastructure is being integrated into the design of a building to support and encourage soft landscaping.</p> |
| <p>Landscaping (Public realm)</p> | <ul style="list-style-type: none"> Concern about the protection of trees and suggested giving consideration to planting street trees and other street landscaping opportunities. | <p>The purpose of a DDO is to guide the built form and design of new development. It is not an appropriate planning tool to provide guidance on street tree planting or landscaping in the public realm.</p> <p>There are other strategies that sit outside the planning scheme (namely the Urban Forest Strategy, Nature Strategy, Yarra Open Space Strategy) that work towards increasing street tree canopy, providing new open spaces, and protecting existing trees.</p> |

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| | | <p>Amendment C269 recognises Yarra’s Urban Forest Strategy and includes new proposed policy in Clause 02.03 to achieve the vision of the Strategy such as the following policies:</p> <p><i>“Create a healthy and growing urban forest that includes all trees and plants in Yarra, by greening open spaces, streetscapes and buildings</i></p> <p><i>Encourage the planting of trees and vegetation to increase their canopies and coverage to contribute to an urban forest”</i></p> <p>One of the key actions of the Urban Forest Strategy is the Annual Tree Planting Program. As part of the program, there were a number of new trees recently planted. This was noted by a number of submitters.</p> <p><u>Conclusion:</u></p> <p>Outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Improvements to the public realm</p> | <ul style="list-style-type: none"> • Suggestions to include building setbacks from the street to provide landscaping and wider footpaths. | <p>The purpose of a design and development overlay is to guide the built form and design of new development on private land. A DDO can ensure that new development enhances and supports the surrounding public realm.</p> <p>The proposed DDOs include a number of requirements which seek to enhance and support the precinct’s public realm, including pedestrian oriented building design requirements.</p> <p>The proposed DDOs include the following requirement under Clause 2.3 <i>Street wall height and front setback requirements</i> to facilitate pedestrian safety and circulation:</p> <p><i>“Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 metre at the site’s corner boundaries.”</i></p> |

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| | | <p>The proposed DDOs include mandatory requirements under Clause 2.7 (Overshadowing and solar access requirements) to protect opposite footpaths from overshadowing.</p> <p>The proposed DDOs include the following requirements under Clause 2.9 <i>Other design requirements</i> to facilitate setbacks to improve the public realm environment:</p> <p><i>“Lower level of developments: [...]</i></p> <p><i>- should on sites abutting narrow footpaths of less than 1.8 metres, provide for front setbacks and/or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.”</i></p> <p>There are further requirements under Clause 2.9 <i>Other Design Requirements</i> that aim to ensure that new developments achieve pedestrian-oriented, high quality urban design outcomes at lower and upper levels through street edge activation, and appropriate levels of façade articulation that reflect the character of the area.</p> <p>See also Front Setbacks below.</p> <p><u>Conclusion:</u></p> <p>Outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Building Height | <ul style="list-style-type: none"> • Concerns that proposed buildings heights are too tall and should be reduced. • Concern that heights are out of character, causing unreasonable overshadowing and amenity issues. | <p>The building heights within the proposed DDOs are the result of various considerations. They are based on robust and detailed analysis of Hansen Partnership and GJM Heritage.</p> <p>GJM Heritage has reviewed the heights in respects of impacts on heritage. GJM make the following recommendations:</p> |

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| | <ul style="list-style-type: none"> • Suggestions for blanket heights - typically, range from 2 – 6 storeys. • Suggestions that air-conditioning, lifts, and other building service equipment and balconies need to be included in the maximum building height assessment. • Specific buildings heights that were raised were: <ul style="list-style-type: none"> ○ Concerns about the impact of development on the Town Hall (DDO34 – Fitzroy Town Hall and back blocks) and suggestions that heights should take further consideration views and prominence of the Town Hall. ○ Concerns that 4-storeys in Gertrude Street (DDO31 – Gertrude Street shops) is too tall and suggestions that controls should limit height to what is existing. ○ Concerns that building heights proposed around Gore and George Street (DDO36 – Fitzroy east and Johnston Street north) do not consider the lower-scale of the area. | <ul style="list-style-type: none"> DDO29 – Brunswick Street shops <ul style="list-style-type: none"> • Reduction of heights from 5 to 4 storeys between Cecil and Leicester Streets, except for non-contributory sites near the corner of Cecil and Brunswick Streets. DDO30 – Smith Street shops <ul style="list-style-type: none"> • No changes recommended DDO31 – Gertrude Street shops <ul style="list-style-type: none"> • Reduction in heights from 4 to 3 storeys for properties at the eastern corner Little George Street/Gertrude Street. DDO32 – Johnston Street west <ul style="list-style-type: none"> • No changes recommended DDO33 – Brunswick Street Grand Residential <ul style="list-style-type: none"> • The 24m (7 storey) height to the rear of 11 and 13 Brunswick Street is not supported and should, as is identified for the heritage buildings to the north, be limited to 14.4m (4 storeys). They note the two properties are included in the VHR. • <u>Officer recommendation</u> – Not agree to the changes. Officers note that the properties have an existing planning permit for 7 storeys. DDO34 – Fitzroy Town Hall and back blocks <ul style="list-style-type: none"> • No changes recommended DDO35 – Johnston Street south and Victoria Street <ul style="list-style-type: none"> • No changes recommended DDO36 – Fitzroy east and Johnston Street north <ul style="list-style-type: none"> • Reduction in heights for: <ul style="list-style-type: none"> ○ 340 Napier Street from 4 to 3 storeys |

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| | | <ul style="list-style-type: none"> ○ 430 George Street from 6 to 5 storeys • Making 3 storey heights for heritage terraces / cottages mandatory <p>DDO37 – Smith Street south and north</p> <ul style="list-style-type: none"> • No changes recommended <p>DDO38 – Alexandra Parade:</p> <ul style="list-style-type: none"> • Apply 11m (3 storeys) max preferred height (currently 14.4m - 4 storeys) to: 47 & 49 Alexandra Parade and 347, 347a & 351 Wellington Street, Collingwood (HO321 – Gold Street Precinct), 1A Council Street, Clifton Hill (HO317 – Clifton Hill Western Precinct) <u>Officer recommendation</u> – Agree to the recommended changes. • Apply 9m max preferred height (currently 14.4m - 4 storeys) to 20 Reeves Street, Clifton Hill (HO317 – Clifton Hill Western Precinct) <u>Officer recommendation</u> – Agree to the recommended change. • Apply 14m preferred max height (currently 17.6m - 5 storeys) to 484 Smith Street, Collingwood (Gasometer Hotel, no HO). <u>Officer recommendation</u> – Agree to the recommended changes noting Draft Amendment C271yara proposed to apply an HO to this site. |

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| | | <p>DDO39 – Victoria Parade • No changes recommended</p> <p>DDO40 – Fitzroy West • No changes recommended</p> <p>A few submissions raised concerns about the 6-storey height for 430 George Street, Fitzroy (DDO36), given that the site was located in-between a 3 and 4 storey height to its north and south. Officers agree that a 5-storey preferred maximum height would provide for a better transition and acknowledge the low-rise forms to the west side of George Street better.</p> <p><u>Conclusion:</u></p> <p>The proposed DDOs have provided strengthened requirements in the area through some of the current interim controls. The proposed DDOs provide a balance between heritage, amenity, guiding change and facilitating development in Fitzroy and Collingwood.</p> <p><u>Officer recommendation:</u></p> <p>Change the requirements and maps as per GJM recommendations, outlined above.</p> |
| <p>Street Wall Heights</p> | <ul style="list-style-type: none"> • Concern that the street wall heights are too tall. Suggestions to lower street wall heights. • Concerns with using the term ‘consistent street wall’. <p>(Specifically from submission nos. 278, 279, 321, 498, among others)</p> | <p>The street wall heights in the proposed DDOs are based on detailed analysis from an urban design and heritage perspective.</p> <p>In areas where there is a consistent heritage streetscape and standalone heritage buildings, the requirements seek to retain the heritage street wall and ensure new development is responsive to its heritage context. Greater street wall heights are proposed in areas where a new built form character is identified.</p> <p>Based on feedback to DDO23 via Amendment C293yara, Officers have updated the requirement for street wall heights for infill sites next to heritage buildings. The updated requirement now requires that the street wall of an infill development is no higher than the adjoining heritage street wall for a length of 6 metres.</p> |

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| | | <p><u>Conclusion:</u></p> <p>The street wall heights in the proposed DDOs are based on detailed analysis.</p> <p><u>Officer recommendation:</u></p> <p>Update the requirement for the height of street wall on infill sites across the DDOs as outlined above.</p> | | | | |
| <p>Upper-level Setbacks</p> | <ul style="list-style-type: none"> • Concern that the upper-level setbacks are not large enough. • Suggestions to increase upper-level setbacks to 10m were raised (some suggestions for up to 12m). • Suggestions to include a scale to demonstrate the depth of upper-level setbacks on the DDO maps. • Suggestions that properties with shorter depths should have smaller upper-level setbacks. • Suggestions that upper-level setbacks to Brunswick Street and Smith Street (DDO29 – Brunswick Street shops & DDO30 – Smith Street shops) need to be increased. • Concerns about the impact of development on the Town Hall (DDO34 – Fitzroy Town Hall and back blocks) and suggestions that upper-level setbacks should be increased. | <p>The upper-level setbacks in the proposed DDOs are based on detailed analysis from an urban design and heritage perspective.</p> <p>The upper-level setbacks in the proposed DDOs typically range from 6 to 8m. In some locations, greater setbacks are required.</p> <p>The setbacks ensure a clear distinction between lower and upper levels is achieved, retain a pedestrian scale at street level and retain the prominence of heritage buildings.</p> <p>The feedback has suggested greater upper setbacks with many commenting 10m upper-level setbacks were applied in Queens Parade. This is incorrect. Upper-level setbacks of 8m were approved in this instance.</p> <p>Officers will refer site specific change requests to GJM Heritage for review and additional advice.</p> <p>GJM Heritage (October 2022) has made the following recommendations:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;">DDO29 – Brunswick Street shops</td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • 8m upper-level setback to the “four corner properties” at the Johnston Street intersection. • <u>Officer recommendation</u> – Agree to the change. </td> </tr> <tr> <td style="vertical-align: top;">DDO30 – Smith Street shops</td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • No changes recommended </td> </tr> </table> | DDO29 – Brunswick Street shops | <ul style="list-style-type: none"> • 8m upper-level setback to the “four corner properties” at the Johnston Street intersection. • <u>Officer recommendation</u> – Agree to the change. | DDO30 – Smith Street shops | <ul style="list-style-type: none"> • No changes recommended |
| DDO29 – Brunswick Street shops | <ul style="list-style-type: none"> • 8m upper-level setback to the “four corner properties” at the Johnston Street intersection. • <u>Officer recommendation</u> – Agree to the change. | | | | | |
| DDO30 – Smith Street shops | <ul style="list-style-type: none"> • No changes recommended | | | | | |

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| | | <p>DDO31 – Gertrude Street shops</p> <ul style="list-style-type: none"> • 8m upper-level setback appropriate for 128-134 Gertrude Street (currently shown as 15m) • <u>Officer recommendation</u> – Not agree to the change. The 15m upper-level setback was based on GJM Heritage discussions through workshops. The requirement stems from the principal roof form and chimneys that are located further back on the site but visible. <p>DDO32 – Johnston Street west</p> <ul style="list-style-type: none"> • No changes recommended <p>DDO33 – Brunswick Street Grand Residential</p> <ul style="list-style-type: none"> • No changes recommended <p>DDO34 – Fitzroy Town Hall and back blocks</p> <ul style="list-style-type: none"> • No changes recommended <p>DDO35 – Johnston Street south and Victoria Street</p> <ul style="list-style-type: none"> • Mandatory 6m upper-level setback to north side of Victoria Street and preferred 6m setback on side streets. • <u>Officer recommendation</u> – Agree to the change. <p>DDO36 – Fitzroy east and Johnston Street north</p> <ul style="list-style-type: none"> • Mandatory 6m upper-level setback to primary frontages of heritage buildings <p>DDO37 – Smith Street south and north</p> <ul style="list-style-type: none"> • No changes recommended <p>DDO38 – Alexandra Parade:</p> <ul style="list-style-type: none"> • No changes recommended |

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| | | <p>DDO39 – Victoria Parade</p> <ul style="list-style-type: none"> • preferred 6m upper-level setback to side streets (currently 3m setback to side streets) • <u>Officer recommendation</u> – Agree to the change. <p>DDO40 – Fitzroy West</p> <ul style="list-style-type: none"> • Mandatory 6m upper-level setback to primary frontages of heritage buildings • Preferred 6m upper-level setback to secondary frontages • <u>Officer recommendation</u> – Agree to the change. <p><u>Conclusion:</u></p> <p>The upper-level setbacks in the proposed DDOs will ensure that a clear distinction between lower and upper levels is achieved and that a sense of openness is retained.</p> <p><u>Officer Recommendation:</u></p> <p>Update requirements as outlined above.</p> |
| Front Setbacks | <ul style="list-style-type: none"> • Suggestions that some developments should include front setbacks from the ground floor. • Suggestions for an objective be included - <i>Strongly encourage a new setback from the street on the larger blocks of non-heritage sites on the Alexandra Parade to promote pedestrian amenities and allow landscaping.</i> | <p>GJM Heritage (October 2022) has made the following recommendations:</p> <p>DDO29 – Brunswick Street shops</p> <ul style="list-style-type: none"> • Mandatory 0m (zero) front setback on Brunswick Street <p>DDO30 – Smith Street shops and DDO37 – Smith Street south and North</p> <ul style="list-style-type: none"> • Mandatory 0m (zero) front setback on Smith Street |

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| | | <p>DDO31 – Gertrude Street shops</p> <ul style="list-style-type: none"> • Mandatory 0m (zero) front setback on Gertrude Street <p>DDO32 – Johnston Street west</p> <ul style="list-style-type: none"> • Mandatory 0m (zero) front setback on Johnston Street <p>DDO35 – Johnston Street south and Victoria Street</p> <ul style="list-style-type: none"> • Mandatory 0m (zero) front setback on Johnston Street and Victoria West. <p>DDO29, DDO30, DDO31, DDO32 and DDO35</p> <ul style="list-style-type: none"> • <u>Officer recommendation</u> – Not agree with changes. This approach would be inconsistent with previous built form work and approved DDOs. <p>DDO33 – Brunswick Street Grand Residential</p> <ul style="list-style-type: none"> • Change language to allow front setback to reflect adjacent heritage building/s (as follows): <ul style="list-style-type: none"> From: <i>Development should achieve a continuous street wall with no front setback, unless a front setback exists, and the site is within a Heritage Overlay.</i> To: <i>Development should achieve a continuous street wall with no front setback, or match the lesser setback of the adjacent heritage building, if the site is within a Heritage Overlay.</i> • <u>Officer recommendation</u> – Agree to the change. <p><u>Conclusion:</u></p> <p>A mandatory zero front setback requirement is not needed in the officer’s view. The default in activity centres is to build to the front boundary.</p> |

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| | | <p>The relevant front setback requirement for DDO33 is supported as it clarifies the situation where there are existing front setbacks of heritage buildings.</p> <p><u>Officer Recommendation:</u></p> <p>Update the requirements as outlined.</p> |
| <p>Amenity (General)</p> | <ul style="list-style-type: none"> • Suggestions to develop policy around preservation of access to views of sky and ensure pediments and façade decorative features are visible against the skyline (not against a new building behind). • The amenity and character of laneways to be protected. • Concerns about the impact of overshadowing on private balconies and backyards. • Recommends that public realm and 'street life' should be prioritised in the DDOs - <ul style="list-style-type: none"> ○ solar access to streets ○ prioritising pedestrian and non-vehicular traffic ○ providing opportunities for diverse, active, and mixed uses on ground floor / reflecting the fine grain character of high streets ○ discouraging access to apartments via carparks only ○ minimising services (including fire) to active street frontages | <p>The proposed DDOs include the following objective which relates to amenity impacts:</p> <p><i>“To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.”</i></p> <p>The DDOs also include a number of built form requirements which seek to protect the amenity of existing dwellings, including:</p> <ul style="list-style-type: none"> • overshadowing requirements (Clause 2.7); • building separation requirements (Clause 2.8); • equitable development requirements (Clause 2.8). <p>The DDOs also include the following decision guidelines which responds to amenity:</p> <p><i>“whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings;”</i></p> <p>Clause 2. 8 Building separation, amenity and equitable development requirements includes the following requirement:</p> <p><i>‘An application for development should 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.’</i></p> |

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| | <ul style="list-style-type: none"> ○ providing affordable housing. <p>(Specifically from submission nos. 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others)</p> | <p>These guidelines encourage a sensitive transition down to lower-scale residential areas and limit amenity impacts. They also work in conjunction with more specific built-form provisions of the proposed.</p> <p>Officers have undertaken a review of the proposed DDOs and propose the following change to better align with recently adopted and approved DDOs.</p> <p>Insert the following decision guideline into Clause 6.0 (Decision Guidelines) of each DDO:</p> <p><i>“whether the design responds to the interface with existing low-scale residential properties, including the overshadowing of secluded private open space.”</i></p> <p><u>Conclusion:</u></p> <p>The proposed DDOs include requirements to ensure amenity impacts are limited.</p> <p><u>Officer Recommendation:</u></p> <p>Update the decision guidelines as outlined above.</p> |
| <p>Residential interface requirements</p> | <ul style="list-style-type: none"> • Suggestions that maximum boundary interfaces of 2 storeys set back from the boundary with 4 storey heights overall. • Suggestions to apply the B17 standard as Council did in Amendment C231yara – Queens Parade. | <p>The interim DDOs address residential interfaces through boundary wall heights and building setbacks at the rear.</p> <p>Rear interface heights are determined by the adjacent zone and whether a laneway separates the properties from the proposed DDO area. These heights are discretionary to accommodate the variety of conditions on adjacent and development sites.</p> <p>A maximum 8m height is proposed for sites abutting properties in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) where there is no lane with 11m (3 storeys) proposed to abut land with a laneway or in the MUZ.</p> <p>The assessment of visual bulk and potential overshadowing would also assist in determining the appropriate boundary wall height.</p> |

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| | | <p>A mandatory 45-degree setback envelope for upper levels above the rear interface height is proposed. This is to ensure that development provides an appropriate transition to the lower scaled development in adjacent residential zones.</p> <p>A few submissions commented that Council should apply the same standard used in Amendment C231yara which applied to Queens Parade. In this amendment, a modified B17 standard was approved. A further suggestion was to limit development to two storeys set back from the boundary with development stepped up to four storeys.</p> <p>A setback and ResCode Standard B17 approach was applied in response to the context e.g. taking topography and other specific circumstances into account.</p> <p>The modified B17 standard in DDO16 applies a lower boundary wall height (4m) with a 45-degree angle. In cases, where there was no laneway, development was to be set back 3m. This is a preferred requirement in DDO16 – Queens Parade.</p> <p>The urban conditions differ to those of C231, such as lack of slope or separation by streets or laneways. C271 mainly includes major activity centres that are connected by neighbourhood activity centres.</p> <p>The rear boundary interface requirements as recommended would achieve an appropriate balance between minimising amenity impacts from overshadowing and pushing the bulk of new development away from sensitive spaces, such as backyards.</p> <p><u>Conclusion:</u></p> <p>It is not appropriate to apply such a setback requirement as a default across the proposed C271 area. The requirement in the interim DDOs is a mandatory control which provides more certainty. The key difference between the control is the boundary wall height. The proposed requirements allow a more generous boundary wall than B17 recognising the different circumstances in Collingwood and Fitzroy, such as laneways, street orientation and expected form of development.</p> |

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| | | <p><u>Officer Recommendation:</u></p> <p>No change.</p> |
| <p>Mandatory vs. Discretionary Requirements</p> | <ul style="list-style-type: none"> • Suggestions to implement mandatory requirements for all heritage places and around all open spaces to ensure protection of these places and provides certainty to the community. • Suggestions to implement mandatory controls for the whole study area. • Suggestions that preferred heights should not be able to exceed more than 1 storey (or similar metric). • Suggestions to implement mandatory height requirements for properties adjoining heritage buildings or infill sites. | <p>A mandatory control is one that must be met and where there is no opportunity to vary the requirement with a planning permit. Introduction of any mandatory requirements must be based on robust and comprehensive strategic work.</p> <p>A large proportion of the feedback wished to see mandatory controls apply across the entire area.</p> <p>The application of mandatory requirements in the proposed DDOs has been carefully considered and applied selectively. They are not proposed to apply across all areas and/or to all requirements within the proposed DDOs.</p> <p>The mandatory requirements included in the proposed DDOs are based on comprehensive strategic work and have been applied where they are considered ‘absolutely necessary’ to achieve the development outcomes sought for the precinct.</p> <p>The application of the controls recognises the need to balance amenity concerns and heritage impacts while not unduly restricting development in Fitzroy and Collingwood’s activity centres. The activity centres will continue to provide for Yarra’s housing and employment needs with appropriate locations accommodating higher levels of growth.</p> <p>The proposed application of mandatory controls is in accordance with the criteria set out in Planning Practice Note 59 (PPN59) The Role of Mandatory Provisions in the Planning Scheme and Practice Note 60 (PPN60) Height and setback controls for activity centres. Mandatory requirements are applied only when they are seen as ‘absolutely necessary’ to achieve the preferred built form outcome or where ‘exceptional circumstances’ warrant their introduction.</p> |

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| | | <p>Please note, specific change requests have been sent to GJM Heritage for review and additional advice.</p> <p><u>Conclusion:</u></p> <p>The proposed DDOs achieve a balance between guiding change towards areas of lesser sensitivity/constraints and ensuring new development is sensitive towards heritage places and residential context.</p> <p><u>Officer Recommendation:</u></p> <p>Changes are outlined in the Council report.</p> |
| <p>Building Design</p> | <ul style="list-style-type: none"> • Include guidance around the architectural design of future developments including elements such as materials, façade design, pedestrian-oriented design, and local character. • Include a provision for verandahs as it contributes to providing a pedestrian-oriented and high-quality urban design outcome. | <p>Council has undertaken an internal review of the proposed DDOs and updated requirements to better align with recently adopted and approved DDOs.</p> <p>Update and insert the following requirement into Clause 2.9 (Other Design Requirements) of each DDO:</p> <ul style="list-style-type: none"> • <i>“Development should achieve good urban design outcomes and architectural excellence by including, but not being limited to:</i> • <i>achieving active, fine grain design to create a pedestrian-oriented environment and passive surveillance towards the public realm;</i> • <i>creating an appropriate ratio of solid and void elements that resemble the industrial past of the area;</i> • <i>creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills;</i> • <i>maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours;</i> • <i>avoiding large expanses of glazing with a horizontal emphasis;</i> • <i>not competing with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land;</i> • <i>avoiding highly reflective glazing in openings of heritage buildings;</i> |

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| | | <ul style="list-style-type: none"> • <i>maintaining existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;</i> • <i>encouraging the retention of solid built form behind retained heritage façades and avoid balconies behind openings so as to avoid facadism; and</i> • <i>ensuring projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and do not visually dominate the façade.”</i> <p><u>Conclusion:</u> The proposed DDOs address these issues comprehensively and are underpinned by extensive strategic work.</p> <p><u>Officer recommendation:</u> Update the requirements generally as outlined above.</p> |
| Aboriginal Heritage | <ul style="list-style-type: none"> • Concern that the Aboriginal Heritage of the area needs to be better addressed. • Suggestions to undertake studies on the traditional and contemporary Aboriginal heritage of the city and note Fitzroy. | <p>Fitzroy and Collingwood have a strong Aboriginal cultural heritage.</p> <p>The purpose of a Design and Development Overlay (DDO) is to guide the built form and design of new development.</p> <p><u>Conclusion</u> A comprehensive study of the Aboriginal Heritage in Fitzroy is a separate project that is underway. It is anticipated once this important work is complete, updates to the relevant heritage overlays and other provisions would be made through a separate process.</p> <p><u>Officer recommendation:</u> No change.</p> |

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| Heritage | <ul style="list-style-type: none"> • Council to provide clearer objectives and mandatory controls to protect the heritage places. • Areas within the Heritage Overlay to be designated as minimal change in line with the Burra Charter conservation principles and housing growth should be accommodated only in non-heritage areas. • DDOs should respond to the Statements of Significance of each Heritage Overlay. • For infill development 'match' should be replaced with 'not exceed' • Individually significant and contributory heritage should experience no development pressure. • Service equipment requirements above heritage sites should not be visible from the streets. • Extensions behind heritage facades need to be visually recessive. • Visually recessive approach should be taken to the rear of new developments (heritage and residential areas). • New development should provide a heritage impact statement - impact on the property and the entire precinct. | <p>There is an important distinction between a Design and Development Overlay (DDO) and Heritage Overlay (HO). Within the Victorian Planning System, it is the role of the Heritage Overlay to protect places and buildings of heritage significance. A Design and Development Overlay (DDO) can only focus on built form and design aspects of future development and cannot act specifically as a heritage protection control.</p> <p>Amendment C271yara does not propose to make changes to the heritage policy. C271 includes changes to the heritage overlay to fill gaps/include new places in the overlay.</p> <p>The State Government requires local councils to address population and employment changes to meet their city's needs. Activity centres have been identified as appropriate areas to accommodate growth as they have good access to employment, public transport, and other amenities.</p> <p>There needs to be a balanced approach in determining potential building heights to ensure the precinct can accommodate growth whilst also responding sensitively to heritage fabric.</p> <p>The draft Amendment has been informed by rigorous analysis and testing of urban design, heritage, and traffic matters. The proposed DDOs reflect advice prepared by GJM Heritage. They have prepared a number of reports throughout the development of the amendment. The purpose of these reports was to ensure that the relevant <i>Built Form Frameworks</i> (prepared by Hansen Partnership) and the subsequent DDOs appropriately respond to the heritage places and values of each precinct.</p> <p>GJM's expert advice was prepared in the context of the Yarra Planning Scheme and the relevant Planning Practice Notes (PPNs):</p> <ul style="list-style-type: none"> • PPN1: Applying the Heritage Overlay (January 2018); • PPN59: The role of mandatory provisions in the planning schemes (September 2018); |

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| | <ul style="list-style-type: none"> • Undertake Neighbourhood Character Studies – that address built heritage, cultural heritage, and activities (taking a holistic approach to these centres, including the approach to heritage buildings and facades. understanding their role in contributing to the overall success of these centres). • Concerned about the impacts of heights on the Fitzroy Town Hall. • Investigate the heritage of: <ul style="list-style-type: none"> ○ 46 Alexandra Parade ○ 47-49 Chapel Street ○ Murray Woolworks ○ Gasometer Hotel ○ Fox Hotel | <ul style="list-style-type: none"> • PPN60: Height and setback controls for activity centres (September 2018). <p>The <i>Built Form Frameworks</i> (prepared by Hansen Partnership) take the findings and recommendations of GJM’s heritage reports into consideration.</p> <p>A number of reports from Planning Panels Victoria (Panel) have informed the supplementary heritage advice, including (but not limited to):</p> <ul style="list-style-type: none"> • Yarra Planning Scheme Amendment C191 ‘Swan Street Activity Centre’ (October 2020); • Yarra Planning Scheme Amendment C220 ‘Johnston Street Built Form Controls’ (February 2019); • Yarra Planning Scheme Amendment C231 ‘Queens Parade Built Form Review’ (October 2019); • Yarra Planning Scheme Amendment C291 ‘Bridge Road and Victoria Street Activity Centres’ (April 2021) • Yarra Planning Scheme Amendment C293 ‘Collingwood South Mixed-Use Precinct’ (May 2021) • Yarra Planning Scheme Amendment • Boroondara Planning Scheme Amendment C108 ‘Neighbourhood Centres and Commercial Corridors’ (26 February 2014). <p>These panel reports are relevant as they consider the appropriateness of DDOs containing both mandatory controls and discretionary provisions within activity centres, including areas that are subject to a heritage overlay.</p> <p>The proposed DDOs include mandatory controls for overall building heights, upper-level setbacks in areas with more consistent heritage places and/or highly unique heritage forms. Further, the DDOs include requirements for new development of heritage places and for infill development adjoining a heritage building to ensure that new buildings will be sensitive towards the heritage character of the area.</p> |

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| | | <p>The objectives, requirements, and decision guidelines of the proposed DDOs were informed by the character statement from the detailed built form framework and the built form recommendations from the heritage reports.</p> <p>The DDOs are further supported by existing planning policy at Clause 22.02 of the Yarra Planning Scheme which applies to all land in the Heritage Overlay and provides guidelines for new developments subject to the Heritage Overlay. In addition, local planning policy is in the process of being updated through Amendment C269yara, which proposes Clause 15.01-1L <i>Heritage</i>.</p> <p>Please note - submissions 11, 17, 19 & 126 include specific heritage recommendations. These submission have been sent to GJM Heritage for review and additional advice.</p> <p><u>Conclusion</u></p> <p>A heritage overlay is responsible for the protection of heritage places.</p> <p>The proposed DDOs include mandatory requirements and numerous design requirements to ensure new development is sensitive towards heritage places in terms of built form transition and design. Rigorous context analysis was undertaken to inform the character statements for each Built Form Framework and subsequent DDO.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Views to landmarks | <ul style="list-style-type: none"> Concerns about the designated maximum building heights of certain properties and the associated loss of views, including views of the CBD skyline. | <p>Important municipal landmarks are identified under Clause 22.03 (Landmarks and Tall Structures) of the planning scheme.</p> <p>Views to these landmarks from private property are not protected in the planning scheme. The issue was dealt with by the High Court of Victoria in <i>Victoria Park Racing & Recreation Grounds Co Ltd v Taylor</i> [1937] HCA 45. The High Court held</p> |

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| | <ul style="list-style-type: none"> • Suggestions to be a Landmarks Policy developed to provide appropriate context to the DDO heights. • Better protections for: <ul style="list-style-type: none"> ○ Shot Tower ○ St. Johns Church ○ Croatian Church ○ Collingwood Town Hall | <p>that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated:</p> <p><i>“I find difficulty in attaching any precise meaning to the phrase ‘property in a spectacle’. A “spectacle” cannot be “owned” in any ordinary sense of that word.”</i></p> <p>This planning principle is also substantiated through numerous VCAT decisions which do not give any weight to a view from a private property.</p> <p>Recently adopted Amendment C269yara addressed the views of landmarks from public areas. The rewrite of local policy introduced Clause 15.02-1 (Landmarks) into the scheme. Under this policy is an update of the current Clause 22.03 and seeks to maintain the visual prominence of and protect primary views to Yarra’s valued landmarks. It is noted that the Shot Tower, St. Johns Church, and Collingwood Town Hall are included in this local policy.</p> <p>The DDOs include built-form requirements to protect views to landmarks identified in Clause 15.02-1L from public areas.</p> <p>To include further landmarks into this policy, further work would need to be conducted to identify the places and what is of significance to protect. This work would not be in scope of the draft Amendment.</p> <p><u>Conclusion:</u></p> <p>Outside the scope of the draft Amendment.</p> <p>The current proposed DDOs address built-form requirements that protect the views to Yarra’s landmarks from public areas.</p> <p>Recently adopted policy addresses and update the views to Yarra’s landmarks.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |

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| <p>Economic Development</p> | <ul style="list-style-type: none"> • Concern about loss of economic diversity and small businesses which attracts creative uses and local businesses. • Suggestions to include of the following objective - <i>Ensure shop front widths, depths and delivery access are not reduced to the extent they become commercially unviable.</i> • New development should provide a business viability statement - impact on the existing and adjacent businesses. <p>(Specifically from submission nos. 198, 214, 236, 272, 321, 323, 481, 534, among others)</p> | <p>Land use is controlled by planning zones rather than a DDO.</p> <p>At a policy level, a diverse economy is supported in existing planning policy at Clause 21.04 (Land Use) of the Yarra Planning Scheme which aims to achieve diversity of employment, maintain the long-term viability of activity centres, and support the arts and arts venues.</p> <p>This is being updated through Planning Scheme Amendment C269yara, which includes Collingwood South precinct is part of the Smith Street Major Activity Centre. Clause 02.03 includes strategic directions to “<i>support and strengthen the vibrancy and local identity of Yarra’s network of activity centres.</i>” It includes the provision for a mix of uses and supporting opportunities to increase the number of creative industries.</p> <p>Council’s adopted Economic Development Strategy (which sits outside the planning scheme) provides a vision and set of actions to support existing businesses (including small businesses) and the creative industry through different grants, programs, and initiatives.</p> <p>While the DDOs cannot address business mix or loss of businesses, the adopted interim DDOs includes the following requirement under Clause 2.9 Other Design Requirements:</p> <p style="text-align: center;"><i>Ensure shop front widths are not reduced to the extent they become commercially unviable.</i></p> <p>Officers have undertaken an internal review of the proposed DDOs and updated requirements to better align with recently adopted and approved DDOs.</p> <p>Insert the following requirement into Clause 2.9 (Other Design Requirements) of each DDO:</p> <p style="text-align: center;"><i>“Lower levels of development should:</i></p> |

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| | | <ul style="list-style-type: none"> • <i>be designed to accommodate commercial activity at the ground and first floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.</i> • <i>Incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time;</i> • <i>provide commercial uses with rear lane/street or side street access where such access is possible to ensure practicable service access points.”</i> <p><u>Conclusion:</u></p> <p>Land use cannot be controlled through a DDO. The revisions above will assist with new development can accommodating different uses over time.</p> <p><u>Officer recommendation:</u></p> <p>Update the requirement generally as outlined above.</p> |
| Social & Affordable Housing | <ul style="list-style-type: none"> • Suggestions that new growth should only be in affordable housing. • Suggestions that a minimum of 20% of all new development over 1,000sqm to be social or affordable housing. | <p>The provision of social and/or affordable housing cannot be addressed through a DDO.</p> <p>Recently adopted Amendment C269yara addressed the provisions of affordable housing in Yarra. The rewrite of local policy introduced Clause 16.01-2L (Housing affordability) into the scheme. Under this policy new development must consider as relevant:</p> <p><i>“Provision of a minimum of ten per cent affordable housing for a rezoning to residential use.</i></p> <p><i>Provision of a minimum of ten per cent of affordable housing for a major residential development of 50 or more dwellings, unless affordable housing has been provided as part of an earlier rezoning of the site.”</i></p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> |

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| | | <p>Recently adopted local policy, if supported by the State Government, would assist to address social and affordable housing issues in Yarra.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Accommodating Growth (Change areas)</p> | <ul style="list-style-type: none"> • Suggestions that heritage overlay areas should be considered minimal change and that change should be more distributed across the City of Yarra and less concentrated in areas like Collingwood and Fitzroy. | <p>The State Government requires local councils to address population and employment changes to meet their city’s needs. Activity centres have been identified as appropriate areas to accommodate growth as they have good access to employment, public transport, and other amenities. The study area includes the Brunswick Street Major Activity Centres, Smith Street Major Activity Centre, Gertrude Street Neighbourhood Activity Centres and Johnston Street (west Neighbourhood Activity Centre.</p> <p>Major activity centres are required to play a significant role in achieving the directions of <i>Plan Melbourne 2017-2050</i> in relation to both housing and employment. Accordingly, the area plays an important role in accommodating a proportion of Melbourne’s population and employment growth.</p> <p>Council’s <i>Yarra Housing Strategy</i> (adopted in 2018) seeks to direct new housing to areas within or close to activity centres that have good access to public transport, open space and other services and limit housing growth in established residential areas, consistent with <i>Plan Melbourne</i>, State, and local policy. It identifies the precinct to accommodate a mix of ‘high change’ and ‘incremental change’, with pockets of heritage places accommodating lesser change. Amendment C269yara implemented these change areas into the Planning Scheme and reinforced the areas of change.</p> <p>The <i>Yarra Spatial Economic and Employment Strategy 2018</i> seeks to support growth in retail and other employment uses in the two activity centres. The SEES also recognises the role of activity centres in terms of housing.</p> |

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| | | <p>However, this does not mean that major activity centres are locations for unlimited growth. Both Plan Melbourne and the Yarra Planning Scheme make it very clear that distinctive activity centres and the preservation of heritage fabric and public and private amenity are also important in Major Activity Centres.</p> <p>The proposed DDOs provide a balanced approach by guiding different levels of potential development across the precinct. It will ensure that new development will be sensitive towards heritage buildings, minimising impact on sensitive residential interfaces and public spaces such as footpaths, open spaces, and expanded street corners.</p> <p><u>Conclusion:</u></p> <p>The precincts and wider study area examined in the Built Form Frameworks make up four important activity centres in Yarra. The proposed DDOs achieve a balance between guiding change towards areas of lesser sensitivity/constraints and ensuring new development is sensitive towards heritage places and residential contexts.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Property Values | <ul style="list-style-type: none"> • Concern about the potential impacts on property values as a result of the proposed DDOs. • Concern about the affordability of the precinct. | <p>The economic effects relevant to a planning scheme amendment relate to broad community effects rather than individual private property values. On this issue, the Panel for Stonnington Planning Scheme Amendment C270 noted at page 24 of its report:</p> <p><i>“This Panel maintains the consistent view adopted by other panels that broader community effects, rather than private economic effects such as impacts upon land values or the individual financial circumstances of the landowner, are of particular relevance at the Amendment stage. The Melbourne C207 Panel conclusions on social and economic effects maintained that these impacts relate to the broader community, rather than personal impacts. Review by the Supreme</i></p> |

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| | | <p><i>Court in Dustday Investments Pty Ltd v Minister for Planning [2015] VSC101 (Dustday) did not find that the Melbourne C207 Panel had erred."</i></p> <p>The <i>Planning and Environment Act 1987</i> clearly sets out the matters which give rise to claims for compensation. The compensation provision of Section 98 of the Act does not include compensation for the loss in property values.</p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Recent Developments</p> | <ul style="list-style-type: none"> Concerns about taller developments in the area that have either been recently constructed, are under construction or have been approved. Examples of the concerns include loss of neighbourhood character, amenity impacts, overwhelming of the public realm and poor design quality. | <p>The majority of the constructed developments were approved prior to the introduction of the current interim DDOs and highlight both the development pressure in the area and also the need for permanent built form controls to be introduced.</p> <p>Recent developments were considered in the Built Form Frameworks (prepared by Hansen Partnership) which are a key part of the strategic work that underpins Amendment C271yara. It was noted by the Minister for Planning that the interim DDOs he approved "are experiencing development pressure, warranting introduction of interim controls".</p> <p><u>Conclusion:</u></p> <p>The proposed DDOs relate to guiding future potential development and would not permit the same outcomes as previously approved developments that often predate the interim DDOs.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |

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| Infrastructure Capacity | <ul style="list-style-type: none"> Concern regarding the ability of current infrastructure to accommodate the potential increase in activity and population. | <p>Population growth is occurring across Melbourne. Growth puts pressure on all services and providers are aware of the greatest pressure points and are planning new services accordingly.</p> <p>Council delivers a wide range of services and programs. These include childcare, recreation facilities, libraries, arts and cultural initiatives, services for older persons and people living with a disability. The State Government provides a range of health, housing, and education services. Private providers also provide education, childcare, and health care services in Yarra.</p> <p>Council's provision of community facilities and services are guided by the Council Plan, Community Infrastructure Plan, Open Space Strategy and Municipal Public Health and Wellbeing Plan. These plans identify community needs, potential partnerships, advocacy opportunities and are reviewed to keep pace with changes in the community. As Council is not directly responsible for the provision of schools, etc, it advocates to the State Government on behalf of the Yarra community.</p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Parking | <ul style="list-style-type: none"> Concerns about the impact of future developments on the availability of on-street car parking. Suggestions for more parking in new developments. Suggestions for more on-street permits for existing residents. | <p>The management of on-street parking cannot be addressed through a DDO.</p> <p>Council manages on-street parking as an area changes. Council has developed a policy for reviewing parking restrictions and avenues for proposing changes to existing restrictions. This is outlined in Council's <i>Parking Restrictions Guidelines</i>.</p> <p>It is noteworthy that all new developments following 2003 are not entitled to on-street car parking permits.</p> <p>The provision of car parking in new developments is guided by Clause 52.06 as well as local transport policy at Clause 18 of the Yarra Planning Scheme which</p> |

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| | | <p>encourages the prioritisation of sustainable modes of transport including cycling and public transport.</p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Traffic</p> | <ul style="list-style-type: none"> Concerns about the generation of increased traffic as a result of future development. | <p>The <i>Traffic Engineering Assessment Brunswick St and Smith St Activity Centres, 2020</i> (prepared by Traffix Group) analysed traffic conditions and the suitability of roads and laneways across the activity centres in Fitzroy and Collingwood.</p> <p>With regard to future potential traffic generation, Traffix report found that the high number of small lots will likely result in lower levels of on-site car parking provision and therefore less impact on future traffic congestion. The report also highlights that most recent developments in the area have provided less car parking than the minimum prescribed by Clause 52.06. It is expected that this will continue into the future which also reduces the impact on future traffic congestion.</p> <p>A number of recommendations in relation to built form were made in the report which have been incorporated into the proposed DDOs. These controls are at Clause 2.10 of each DDO.</p> <p>These built form provisions will ensure future developments provide well-resolved vehicle access and movements on a site-by-site basis and ensure good outcomes for the public realm and pedestrians.</p> <p>Furthermore, past planning panels have considered future traffic generation in planning scheme amendments for Moreland City Council and acknowledged that “[...] <i>future congestion should not stifle development</i> [...]”¹ and the “[...] <i>challenge of managing the road network should not prevent the Amendment from progressing</i> [...]”². The proposed DDOs has included a number of built form provisions to</p> |

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| | | <p>facilitate orderly traffic movements and good design outcomes. Draft Amendment C271yara should not be interrupted due to concerns for future traffic congestion.</p> <p>¹ Panel report for Moreland Amendment C123</p> <p>² Panel report for Moreland Amendment C134</p> <p><u>Conclusion:</u></p> <p>The proposed DDOs include a number of built form provisions and design guidelines which will ensure the street network (including laneways) enable appropriate vehicle access and circulation. Also see comments on Public and Active Transport.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| <p>Public & Active Transport</p> | <ul style="list-style-type: none"> Concerns that the footpaths, bicycle infrastructure and public transport services are at capacity and would need to be increased with any growth. | <p>Public transport services cannot be increased through a planning scheme amendment. A DDO is not the correct tool to increase bicycle infrastructure.</p> <p>Council will continue to advocate for more frequent public transport services as part of its ongoing discussions with Public Transport Victoria. Council frequently advocates State Government for improvements to infrastructure such as transport in areas where increased density is anticipated.</p> <p>In late 2019, Council completed the Copenhagen-style bike lanes along Wellington Street, which has improved cyclist safety and capacity between Victoria Parade and Johnston Street. Council has recently adopted a new Transport Strategy to guide how capacity issues could be addressed. Council is also working on a revised Transport Action Plan which would identify more specific measures.</p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> |

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| | | No change. |
| Noise | <ul style="list-style-type: none"> Concerns regarding negative amenity impacts due to the construction works. Suggestions to implement requirements for acoustic controls to protect the residential areas (specifically to including live music). | <p>Planning permits associated with larger-scale projects are required to provide a Construction Management Plan to ensure that the proposed construction methods are in accordance with the requirements set out by Council’s Construction Management Unit.</p> <p>Noise and air pollution, health impacts and other amenity impacts generated by construction works are outside the scope of this amendment and are also outside of the scope of the planning system more broadly. Notwithstanding this, the concerns around construction-related amenity impacts will be forwarded to Council’s Construction Unit for information.</p> <p>Officers note that Amendment C269yara updated local policy Clause 13.07-1L included an update of requirements to reduce the impact of noise by non-residential use and development, and accommodation.</p> <p><u>Conclusion:</u></p> <p>This is outside the scope of the draft Amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| COVID-19 | <ul style="list-style-type: none"> Suggestions that due to the impact of the COVID-19 pandemic the need to accommodate housing and economic growth in Collingwood and Fitzroy (Yarra in general) was lessened. | <p>Council in its Part B Submission to the independent planning panel considering Planning Scheme Amendment C269yara – Rewrite of Local Policies provided commentary on the impacts of COVID-19.</p> <p>Council’s submission (on Page 127) noted:</p> <p><i>“The COVID-19 pandemic and its associated restrictions have had a significant impact on Victoria, including impacts on population growth and economic activity. As the pandemic is continuing to unfold, the ultimate short term and long term effects of COVID-19 are still uncertain. “</i></p> |

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| | | <p>Council's expert on capacity provided the following comments on the impacts of COVID 19. In terms of housing,</p> <p><i>"It is Mr Szafraniec's opinion that the impacts of COVID-19, while still very uncertain, have likely reduced population and housing levels at 2036 by up to 6 per cent. This reduced demand will be particularly acute for the next 2 to 3 years. He also considers that the nature of housing demand is likely to have shifted, with a greater demand for larger dwellings (i.e. apartments with more bedrooms and space, and a shift to (semi) detached dwellings)."</i></p> <p>In terms of employment growth, he considered:</p> <p><i>"[...] although uncertain, it is also likely that post-COVID, the nature of demand for employment spaces and locations will also change to some degree. However, most trends are likely to be an acceleration of existing patterns and the fundamentals of Yarra's economy and the need for employment space will largely remain; and there will be reduced demand for employment space in the short term (next 2-3 years) as a result of COVID-19, however, it is unclear how these effects from COVID-19 will impact Yarra in the medium to long term."</i></p> <p>Given the policy directions, expert advice above and that land use and development planning needs to be undertaken with a long-term view, the directions of C271yara do not require to be changed.</p> <p><u>Conclusion:</u></p> <p>Recent expert advice and current policy positions do not indicate that a change to the long-term outcomes that Amendment C271yara is trying to achieve is required. Long-term impacts from COVID on housing and economic patterns for activity centres will remain uncertain in the short-term, which is not a basis to change the direction for C271yara.</p> <p><u>Officer recommendation:</u></p> |

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| | | No change. |
| Process | <ul style="list-style-type: none"> • Extend the interim controls. • Undertake further community consultation before a Hearing. • Undertake a peer review of the project. • Incorporate the findings of C231yara and C269yara. | <p>Council acknowledges that the interim controls are set to expire in March 2023 (Amendment C270yara) and April 2023 (Amendment C288yara).</p> <p>Whilst officers intend to request an extension to the interim controls in both Amendment C270yara and C288yara, Council must demonstrate to the Minister for Planning and Department of Environment, Land, Water and Planning (DELWP) that they are progressing permanent controls through a formal amendment process.</p> <p>This consultation process was undertaken to gain an insight into the community opinions on the interim DDOs as adopted by Council. Officers recommend now Council seeks consent from the Minister for Planning to exhibit the draft Amendment. During the exhibition of the draft amendment, Council would undertake further community consultation.</p> <p>The experts that have provided the background reports that underpin the draft Amendment are highly experienced, undertook thorough analysis and have had their work tested in recent built form amendments.</p> <p>Council officers have undertaken a review of the interim DDOs and have incorporated the findings of recent built-form amendments (C293yara, C291yara & C231yara) and adopted rewrite of local policies (C269yara).</p> <p><u>Conclusion:</u></p> <p>As the interim controls are set to expire in early 2023, Council must request the Minister for Planning extend the controls whilst engaging in the amendment process.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |

| Themes | Summary of Issues | Officer Response |
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| <p>Consultation</p> | <ul style="list-style-type: none"> Concern about the lack of consultation with the local community and Council having followed a ‘top down’ approach in the preparation of the amendment instead of utilising local knowledge to get the best outcome for the future. | <p>Council has undertaken extensive informal consultation gather community feedback on the current interim controls for the area before finalising and implementing permanent controls.</p> <p>The consultation period occurred from 5 September – 5 October 2022 (1 calendar month).</p> <p>In summary, the engagement approach to inform of the Fitzroy and Collingwood DDOs included:</p> <ul style="list-style-type: none"> Letters to owners and occupiers within the proposed DDO areas (approximately 7,300 letters); Emails to all known community groups and offer to meet and discuss with officers; Dedicated Your Say Yarra website that included: <ul style="list-style-type: none"> Interactive mapping tools with pop-up text in plain English, providing snapshot summaries of each DDO and links to each requested interim DDO; Plain English info sheets (i.e., what is a DDO); FAQs; Survey form; Strategic Planning contact details to ask a question, lodge feedback or request a meeting. Social media posts; E-Newsletters (Business and Yarra Life) Utilising bicultural liaison officers (BLOs) to spread the message to CALD communities; Utilising online panels to obtain survey feedback from targeted groups, such as: <ul style="list-style-type: none"> Renters Young adults (under 35) |

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| | | <ul style="list-style-type: none"> ○ CALD ● Contacting all Councils advisory committees with offers to meet; ● Reaching out through Council’s internal unit network; and ● Three on-street pop-ups across two days (15 & 29 September 2022). <p>All submitters were informed that this was an informal consultation process and there would be an opportunity to provide a formal submission to the draft Amendment in 2023 when the DDOs are formally exhibited.</p> <p>This exhibition would be undertaken according to the statutory provisions in the Yarra Activity Centre Standing Advisory Committee – Terms of Reference dated 10/6/2021.</p> <p><u>Conclusion:</u></p> <p>The informal consultation period is not a statutory process. The adopted interim DDOs were consulted on publicly for 1 month and notification efforts were relatively extensive.</p> <p>All submitters were sent an acknowledgment of their feedback and invited to provide further comment when the draft Amendment is exhibited formally.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Anomalies | <ul style="list-style-type: none"> ● Rectify and include the heritage and zoning anomalies and changes in the background reports. | <p>Council recognises that there are a number of heritage overlay and zoning anomalies in the study area.</p> <p><u>Conclusion:</u></p> <p>Officers recommend zoning anomalies and gaps in the heritage overlay identified by both Hansen and GJM Heritage are included in the amendment.</p> <p>Please see Attachment 4 for a full list of anomalies and proposed corrections to be included in this Amendment. Officers have also undertaken an additional audit of</p> |

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|--------------------|---|---|
| | | <p>the area to identify any other potential corrections to the heritage overlay. These would be addressed separately in a future amendment.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |
| Definitions | <ul style="list-style-type: none"> • Suggestions to include further definitions: <ul style="list-style-type: none"> • Development • Should (preferred controls) | <p>These definitions are already included in The <i>Planning and Environment Act, 1987</i> (the Act).</p> <p><u>Conclusion:</u></p> <p>Including these definitions in the DDOs would not be necessary and would be repetition in the Planning Scheme.</p> <p><u>Officer recommendation:</u></p> <p>No change.</p> |