Planning and Environment Act 1987

# YARRA PLANNING SCHEME

# AMENDMENT C241

# 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 in four precincts along Queens Parade, Fitzroy North and Clifton Hill between Alexandra Parade and Hoddle Street.

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| Precinct two | 67-81 Queens Parade  472-484 Napier Street  157-177 Alexandra Parade  537-541 George Street |
| Precinct three | 1-87 Queens Parade  652-668 Smith Street |
| Precinct four | 89-197 Queens Parade  272-428 Queens Parade |
| Precinct five | 199-271 Queens Parade  2-12 Dummett Crescent  501-513 Hoddle Street |

## What the amendment does

The Amendment introduces interim built form controls in Queens Parade for a period of two years by way of a Design and Development Overlay DDO20 and includes properties at 472-484 Napier Street and 350 Queens Parade in an interim Heritage Overlay.

## Strategic assessment of the Amendment

## Why is the Amendment required?

Queens Parade is undergoing change through development and Council wants to be able to determine the appropriate scale of development while preserving its heritage features and boulevard character. Council also wants to protect key views to landmark buildings. There has been significant analysis and testing of various built form outcomes undertaken by expert consultants that form the basis of the proposed permanent controls which Council hopes will be introduced via Amendment C231. The controls will be examined and tested through the C231 amendment process – a public process - which is estimated to take around 12 months.

In the meantime, the bulk of Queens Parade will have no planning controls. This amendment (C241) proposes to introduce controls on an interim basis until such time as Amendment C231 is determined. Interim controls for the western end of Queens Parade were approved by way of a Section 20(4) amendment (without notification) in March 2017. This amendment would see the remainder of Queens Parade protected by interim controls. It is appropriate to extend the interim controls along the length of Queens Parade.

The current controls do not provide any certainty about facilitating future built form. They have insufficient detail to ensure that new development appropriately considers the impact of development on the heritage qualities of the boulevard and the low scale residential neighbourhoods adjoining the activity centre. The proposed interim controls provide that certainty and is based on considerable testing of future built form outcomes undertaken by suitably qualified urban designers and heritage experts. The interim controls would expire in two years.

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

The amendment implements the objectives of planning in Victoria by establishing interim planning controls along Queens Parade that provide for the fair and orderly use and development of land as the permanent controls are considered. The controls seek to facilitate future development demands while maintaining the heritage character of the street. They will provide an efficient and safe built environment for those that currently live, work and visit the area and for those that will do so in the future. Heritage has been an important consideration in preparing the planning controls which will ensure that those buildings which are of aesthetic, architectural and historical interest are conserved.

## 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 a neighbourhood activity centre, 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 in an area of identified bushfire risk.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes in section 7(5) of the *Planning and Environment Act 1987*. It has also been prepared in accordance with other relevant Ministerial directions.

The amendment has been prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to *Plan Melbourne 2017-2050)*. *Plan Melbourne 2017-2050* identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the vision.

The Amendment 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** seeks to strengthen the competitiveness of Melbourne's employment land. The amendment provides appropriate policy direction for the planning and development of the Queens Parade Neighbourhood Activity Centre to ensure that the activity centre continues to meet community needs.

**Direction 5.1- Create a city of 20-minute neighbourhoods** which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport. The amendment will facilitate development within the Activity Centre which will improve local employment, housing and commercial opportunities.

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

The amendment supports and implements relevant objectives of the State Planning Policy Framework (SPPF) including:

**Clause 11 – Settlement** implements the key principles of *Plan Melbourne 2017-2050* which include providing housing choice by planning for expected housing needs and making that housing more affordable. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services. It encourages consolidation of residential activities within existing urban areas and development in existing residential areas. The amendment provides a framework for the orderly planning and high quality development of the Queens Parade Neighbourhood Activity Centre in a manner constant with the directions of *Plan Melbourne 2017-2050*.

**Clause 15 – Built Environment** **and Heritage** seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This clause also highlights the importance of ensuring the conservation of places which have identified heritage significance. The amendment supports this clause by developing planning controls which have heritage as one of their primary considerations. The controls will see views to key heritage landmarks and intact streetscapes protected.

**Clause 16 – Housing** emphasises the importance of proving enough quality housing that meets the growing and diverse needs of Victorians in locations in or around activity centres. The location of this housing needs to offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in metropolitan Melbourne. The amendment provides strategic guidance about how to accommodate future housing growth at an appropriate scale in the activity centre.

**Clause 17 – Economic Development** seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and sustainability of commercial facilities. The amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centre.

**Clause 18 – Transport** promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport. The amendment implements the objectives of this clause by facilitating development in this activity centre which is well serviced by public transport.

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

The amendment will assist decision making in relation to development applications by council and will help people better understand what scale and type of development is appropriate in the activity centre. There are no changes to the Municipal Strategic Statement proposed by this amendment, but it nevertheless supports and implements the Local Planning Policy Framework (LPPF) by being consistent with the following clauses of the LPPF:

21.04-1 Accommodation and housing

***Objective 1 - To accommodate forecast increases in population.***

*Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*

21.04-2 Activity centres

***Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra’s activity centres.***

*Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*

*Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

***Objective 5 - To maintain the long term viability of activity centres.***

*Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

*Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

*Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

***Objective 7 - To encourage the arts and arts venues.***

*Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.*

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.*

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.*

21.08 Neighbourhoods

The neighbourhood map for Clifton Hill identifies the spire of St John’s Church as a landmark which should be protected. The planning controls in this amendment seek to protect the view of the St John’s spire from relevant vantage points.

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

The amendment uses the most appropriate VPP tool to achieve its objectives. A Design and Development Overlay (DDO) is the best tool to control future built form. The amendment introduces a DDO which has been tested extensively to determine the most appropriate building and street wall heights and setbacks along Queens Parade. The Heritage Overlay (HO) is the best tool to manage and protect heritage.

The use of these tools by this amendment is consistent with the direction on the form and content of planning schemes.

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

Council has not sought the views of any government agencies such as Vic Roads or Yarra Trams as the amendment will not substantially affect the road network or the public transport network.

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

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

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

## Resource and administrative costs

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

The new planning provisions will assist council as responsible authority in deciding development applications as they provide greater certainty as to the scale of future built form along Queens Parade. Council does not anticipate that there will be an increased number of applications as a result of the new controls; rather the controls will provide a more consistent assessment of planning permit applications.

Consequently, council does not anticipate that there will be higher administrative costs associated with implementing the new provisions or that there will be an impost on planning or heritage staff resources.

## Where you may inspect this Amendment

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

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| --- | --- |
| Planning Counter  Richmond Town Hall  333 Bridge Road  Richmond VIC 3121 | Information Counter  Collingwood Town Hall  140 Hoddle Street  Abbotsford VIC 3067 |

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](http://www.delwp.vic.gov.au/public-inspection) or on the City of Yarra website at [www.yarracity.vic.gov.au/the-area/yarras-future/yarra-planning-scheme](https://www.yarracity.vic.gov.au/the-area/yarras-future/yarra-planning-scheme)