

YARRA PLANNING SCHEME

DRAFT AMENDMENT C291yara

EXPLANATORY REPORT

Who is the planning authority?

This draft amendment has been prepared by the Yarra City Council, for the Minister for Planning who is the planning authority for this amendment.

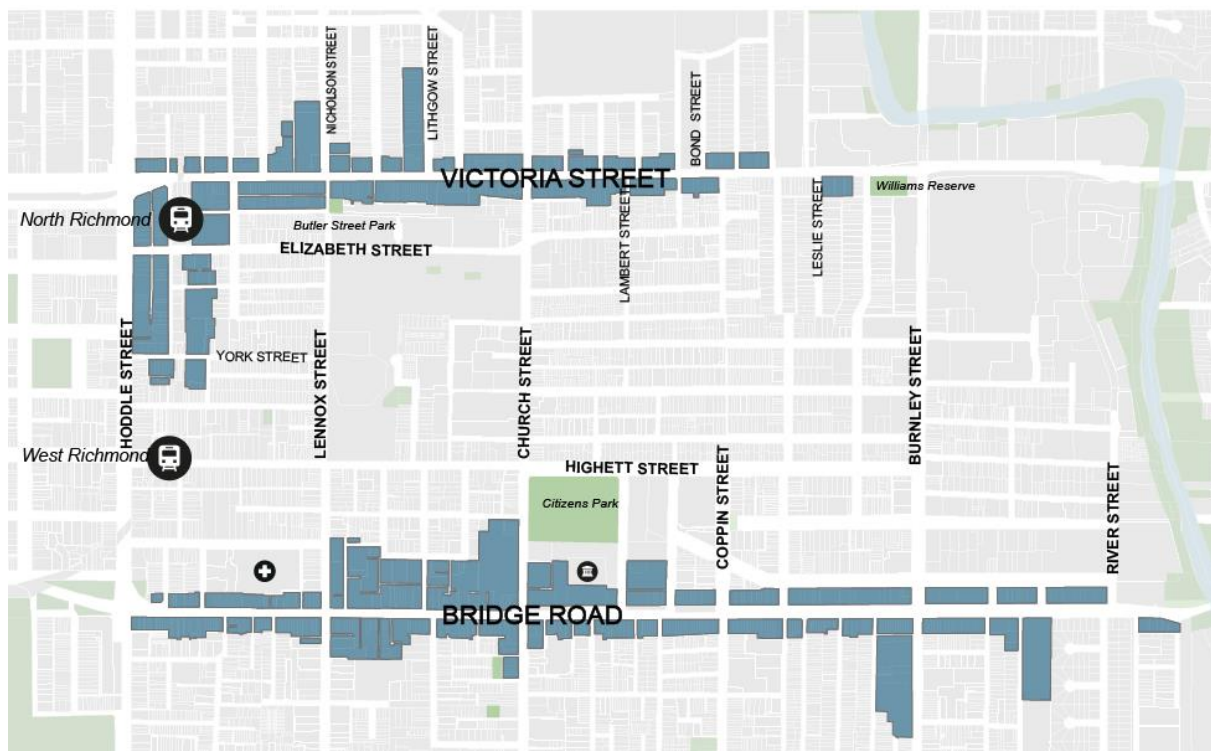
The draft amendment has been made at the request of Yarra City Council.

Land affected by the amendment

The draft amendment applies to land currently within interim Design and Development Overlays - DDO21 and DDO22 located within the Bridge Road Activity Centre and Victoria Street Activity Centre respectively.

It also applies to Commercial 2 zoned land along Burnley Street and a property at 4/1A McGoun Street, both within the Bridge Road Activity Centre. Both these sites are currently outside of DDO21. (See Figure 1.)

Figure 1 – Land affected by the amendment



What the amendment does

Interim Design and Development Overlays (DDOs) - DDO21 and DDO22 currently apply to the Bridge Road and Victoria Street Major Activity Centres.

Council has undertaken a review of the interim DDOs to: test their suitability for translation into permanent provisions; recommend any necessary refinements to enhance the clarity and workability of the provisions; and ensure they achieve the development outcomes sought for the centres.

The draft amendment implements the recommendations of this strategic planning work:

- *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls – Analysis and Recommendations* (MGS Architects and Urban Circus, April 2021)
- *Bridge Road Richmond – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)
- *Victoria Street Abbotsford and Richmond – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)
- *Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres* (Traffix Group, April 2021)

The draft amendment seeks to:

- Insert ten (10) new Schedules to Clause 43.02 Design and Development Overlay, DDO41 to DDO50 on a permanent basis to the two activity centres as shown in Figure 1.
- Delete two (2) Schedules to Clause 43.02 Design and Development Overlay, DDO21 and DDO22.
- Amend Local Area Policy at Clause 21.12 to insert two new sections on the Bridge Road and Victoria Street Activity Centres to guide built form within the two activity centres.
- Amend Local Area Policy at Clause 11.03-1L Activity Centres to insert two new sections on the Bridge Road and Victoria Street Activity Centres to guide built form within the two activity centres.
- Amend Clause 72.08 Background documents to add the *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls*, *Built Form Review: Bridge Road – Heritage Analysis and Recommendations* and *Built Form Review: Victoria Street – Heritage Analysis and Recommendations*, and *Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres* as reference documents.
- Amend Planning Scheme Map Nos. 6DDO, 7DDO, 8DDO and 9DDO by removing DDO21 and DDO22 and replacing them with ten (10) new Schedules DDO41 to DDO50.

NB – Policy in either Clause 21.12 or Clause 11.03-1L would be amended depending on the timing of the gazettal of Amendment C269yara – Rewrite of Local Policy.

Strategic assessment of the amendment

Why is the amendment required?

As designated major activity centres, Bridge Road and Victoria Street in Richmond and Abbotsford are required to play a significant role in achieving the directions of *Plan Melbourne 2017-2050*, in relation to both housing and employment. Council's adopted *Housing Strategy* also seeks to direct new housing to areas within or close to activity areas that have good access to public transport, open space, and other services and limit housing growth in established residential areas, consistent with *Plan Melbourne*, state and regional policy

The scale and density of development approved and currently being proposed within the Bridge Road and Victoria Street Activity Centres has increased substantially in recent years. In November 2018, the Minister for Planning approved two amendments (C248 and C249) to the Yarra Planning Scheme to apply interim built form controls to the area. These interim controls have been used to manage development while permanent controls were progressed.

To ensure appropriate and orderly planning, these interim built form controls have been revised to better facilitate and guide the scale, massing and bulk of new development. Draft Amendment C291yara manages and responds to increased development activity within the Bridge Road and Victoria Street Activity Centres.

Bridge Road and parts of Victoria Street are intact turn of the century high streets generally of consistent scale and architectural quality. The permanent built form planning controls ensure that new development has regard to the potential impacts on the heritage significance of Bridge Road and parts of Victoria Street and the surrounding low scale residential neighbourhoods.

Design and Development Overlay Schedules 41 to 50

Draft Amendment C291yara implements the built form recommendations of the *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls* through the introduction of Schedules 41 to 50 to the Design and Development Overlay (DDO41 to DDO50) on a permanent basis. The review was prepared by MGS (urban design) with extensive input from GJM Heritage (heritage) and Traffix Group (access and movement). These reports provide a strong strategic basis for the future planning of the area.

A key change from the interim DDOs is the proposed splitting of the two DDOs into ten separate DDOs – a precinct approach. A separate DDO schedule for each precinct provides the opportunity for precinct specific design objectives and provisions.

DDO41 to DDO50 each include precinct specific controls. Mandatory controls are applied in the DDOs to protect intact heritage streetscapes, views to local landmarks, overshadowing of the centres' southern footpaths and to protect the amenity of adjoining low scale residential areas. The strategic work that underpins DDO41 to DDO50 demonstrates mandatory controls are appropriate in this context and necessary to achieve the preferred built form outcomes.

Preferred (discretionary) height provisions are generally applied to land outside of the Heritage Overlay, where there are less sensitive interfaces. These are appropriate locations for preferred controls to provide more flexibility to accommodate contextual variations and innovative design. Where preferred building heights are applied, a range of performance-based provisions need to be met to ensure appropriate development.

Importantly, the DDO schedules provide built form certainty where there are heritage, residential amenity, and public realm sensitivities and allow for some discretion where there are fewer site constraints. Draft Amendment C291yara facilitates development appropriate to major activity centres, whilst ensuring that new development is site responsive and improved amenity outcomes are achieved.

Clause 21.12 – Local Areas

The draft amendment also proposes to insert new policy on both Victoria Street and Bridge Road Activity Centres in the Local Area Policy at Clause 21.12. This includes Preferred Future Character Statements and policy covering built form and heritage, access and movement and public realm.

Currently the City of Yarra is in the process of translating its Local Planning Policy Framework into the new Planning Policy Framework via Amendment C269yara. Depending on the timing of the gazettal of Amendment C269yara, it is anticipated the proposed Future Character Statements and other policy will relocate to Clause 11.03-1L Activity Centres.

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

The draft 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;
- b) to secure a pleasant, efficient and safe working, living and recreational environment;
- c) 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; and
- d) to balance the present and future interests of all Victorians.

The amendment facilitates housing growth as well as economic growth and creates a more economically viable mixed-use activity centre that has economic benefits for the local area.

How does the amendment address any environmental, social and economic effects?

The draft amendment integrates relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The draft amendment generates positive social and economic benefits as it facilitates development within two major activity centres, providing opportunities for economic development and housing growth. The draft amendment responds to the local demand for housing and providing 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 draft amendment is not located within an area of identified bushfire risk.

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

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

The draft amendment complies with the *Direction on the Form and Content of Planning Schemes*.

The draft amendment was 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 desired outcomes and objectives.

The draft 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 which seeks to strengthen the competitiveness of Melbourne's employment areas. The Amendment provides appropriate policy direction for the planning and development of the Activity Centre to ensure that the activity centre continues to meet community needs.
- Direction 5.1 - Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes policy for local governments to prepare structure plans for activity centres to accommodate growth. The amendment will facilitate renewal of the Major Activity Centre which will improve local employment, housing and commercial opportunities.

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

The draft amendment supports and implements State Planning Policy in responding to the following Planning Provisions:

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

Clause 11 – Settlement provides context and implements the key principles of *Plan Melbourne 2017-2050*, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the 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 Bridge Road and Victoria Street Activity Centres in a manner consistent 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 sets out the importance of ensuring the conservation of places, which have identified heritage significance. The amendment supports this clause by providing appropriate built form guidance to ensure that development is site responsive and appropriate in the context of heritage places.

Clause 16 – Housing emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that 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 on the appropriate scale of development including housing in the Activity Centres.

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 the aggregation and sustainability of commercial facilities. The amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centres.

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 the activity centres, which is well serviced by public transport.

VPP11: Settlement

- Clause 11.02-1S Supply of Urban Land – To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 11.02-2S Structure Planning - To facilitate the orderly development of urban areas.
- Clause 11.03-1S Activity Centres - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- Clause 11.02-3S Sequencing of development - To manage the sequence of development in areas of growth so that services are available from early in the life of new communities

VPP15: Built Environment and Heritage

- Clause 15.01-1S Urban Design - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity
- Clause 15.01-2S Building design - To achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-3S Subdivision design - To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Clause 15.01-4S Healthy neighbourhoods - To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- Clause 15.01-5S Neighbourhood character - To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.03-1S Heritage conservation - To ensure the conservation of places of heritage significance.
- Clause 15.02-1S Energy and resource efficiency -To encourage land use and development that is energy efficient.

VPP 16: Housing

- Clause 16.01-1S Housing supply -To facilitate well-located, integrated and diverse housing that meets community needs.

VPP17: Economic Development

- Clause 17.01-1S Diversified economy - To strengthen and diversify the economy.
- Clause 17.02-1S Business - To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

VPP 18: Transport

- Clause 18.01-2S Transport system - To coordinate development of all transport modes to provide a comprehensive transport system.
- Clause 18.02-2S Public Transport - To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

- Clause 18.02-4S Car parking -To ensure an adequate supply of car parking that is appropriately designed and located.

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

The draft amendment includes new policy about the two centres within the Municipal Strategic Statement and supports and implements the LPPF specifically the Municipal Strategic Statement through:

Clause 21.04 Land use:

Clause 21.04-1– Accommodation and housing:

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

Clause 21.04-2 - Activity centres:

- Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
 - *Strategy 4.1- Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
 - *Strategy 4.3 - Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

Clause 21.04-3 – Industry, Office and Commercial:

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

21.04-5- Parks, gardens and public open space:

- *Strategy 13.3 - Ensure new development does not have a negative impact on adjoining open space.*

Clause 21.05 - Built form:

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.

- Objective 19 - To create an inner city environment with landscaped beauty.
- Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
 - *Strategy 20.3 - Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*

21.05-3 – Built form character:

- 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.*

21.05-4 – Public environment:

- Objective 28 - To provide a public environment that encourages community interaction and activity.
 - *Strategy 28.1- Encourage universal access to all new public spaces and buildings.*
 - *Strategy 28.2- Ensure that buildings have a human scale at street level.*
- Objective 34 -To promote environmentally sustainable development

21.06 - Transport:

Clause 21.06-1 – Walking and cycling

- *Strategy 30.3 - Use rear laneway access to reduce vehicle crossovers.*

Clause 21.06-3 – The road system and parking

- Objective 32 - To reduce the reliance on the private motor car
- Objective 33 - To reduce the impact of traffic.

21.07 Environmental sustainability:

21.07-1- Environmentally sustainable development

- Objective 34 - To promote environmentally sustainable development

Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay

22.02-4 - Objectives:

- To conserve Yarra's natural and cultural heritage.
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
- To retain significant view lines to, and vistas of, heritage places.
- To preserve the scale and pattern of streetscapes in heritage places.

Clause 22.03 – Landmarks and Tall Structures Policy

22.03-2 Objectives:

- To maintain the prominence of Yarra's valued landmarks and landmark signs.

22.03-4 Landmarks Design Response:

New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference:

- *Clocktower of Richmond Town Hall*
- *Spire of St Ignatius Cathedral, Church Street, Richmond*

Development should protect views to the following landmark signs:

- *Pelaco Sign (Goodwood Street, Richmond)*
- *Skipping Girl Sign (Victoria Street, Abbotsford)*

Clause 22.05- Interface Uses Policy

22.05-2 – Objectives:

- To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.
- To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

22.05-4.- Dwelling Design:

- Minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.

Clause 22.07 - Development Abutting Laneways

22.07-2- Objectives:

- To provide an environment which has a feeling of safety for users of the laneway.
- To ensure that development along a laneway acknowledges the unique character of the laneway.
- To ensure that where development is accessed off a laneway, all services can be provided to the development.
- To ensure that development along a laneway is provided with safe pedestrian and vehicular access.

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 C269yara. Amendment C269 has been adopted by Council and is awaiting approval.

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

The draft 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 draft amendment introduces a DDO which has been tested extensively to determine the most appropriate building and street wall heights and setbacks in the Bridge Road and Victoria Street Activity Centres.

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?

The Department of Environment, Land, Water and Planning (DELWP) reviewed the Amendment as part of the consent to exhibit stage and referral to the Standing Advisory Committee.

The views of relevant agencies were sought during exhibition of the draft amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The draft amendment is consistent with the requirements of the *Transport Integration Act 2010* and facilitates development outcomes that promote the principles of transit-oriented development.

Particular consideration was 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 draft amendment has some impact on the general operation of Council's statutory planning department as it facilitates some new forms of development.

The application of planning controls provides a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty to the community.

Standing Advisory Committee hearing

In accordance with the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, the Amendment was publicly exhibited between 14 September and 27 October 2021 and subject to a public hearing. The hearing was conducted between the 04 April and 22 April 2022.

For more information on the Committee, please visit planning.vic.gov.au/panels-and-committees/browse-panels-and-committees/projects/yarra-activity-centres-standing-advisory-committee

Where you may inspect this amendment

The draft amendment can be inspected free of charge at the Yarra City Council's webpage. yarracity.vic.gov.au/amendmentC291yara

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

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