

# **YARRA PLANNING SCHEME**

## **DRAFT AMENDMENT C293YARA**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

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

The Draft Amendment has been made at the request of Yarra City Council.

#### **Land affected by the Draft Amendment**

The Draft Amendment applies to land within the area named “Collingwood South Mixed-Use Precinct” (Collingwood South MUZ Precinct), as shown in Figure 1. The proposed Design and Development Overlay (DDO) affects portions of the following streets in Collingwood:

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

#### **What the Amendment does**

Interim Design and Development Overlay - Schedule 23 (interim DDO23) currently applies to the Collingwood South MUZ Precinct.

Council has undertaken a review of interim DDO23 to test its suitability for translation into permanent provisions; to recommend any necessary refinements to enhance the clarity and workability of the provisions; and to ensure it achieves the development outcomes sought for the area.

Draft Amendment C293yara proposes to implement the recommendations of the following strategic planning work:

- *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework, June 2018;*
- *Collingwood Mixed Use Pocket Heritage Analysis and Recommendations, June 2018;*
- *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, May 2021; and*
- *Traffic Engineering Assessment: Brunswick Street and Smith Street Activity Centres, November 2019.*

Draft Amendment C293yara seeks to:

- Insert a new Schedule to Clause 43.02 Design and Development Overlay (DDO23) on a permanent basis to apply street wall and overall height controls, as well as setback and other requirements to the land. This will replace interim DDO23.

- Amend Clause 21.11 Reference Documents to include the *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework 2018*, *Collingwood Mixed Use Pocket Heritage Analysis and Recommendations 2018* and *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, 2021* as reference documents in the planning scheme.
- Amend Planning Scheme Map No.6ddo to remove the rear of property at 32 Smith Street, Collingwood from Schedule 23 to Clause 43.02 Design and Development Overlay (DDO23).
- Amend Planning Scheme Map No.6ddo to remove Schedule 2 to Clause 43.02 Design and Development Overlay from the western side of Wellington Street where the new DDO23 would apply.

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



## Strategic assessment of the Amendment

### Why is the Draft Amendment required?

Draft Amendment C293yara is required to manage and respond to increased development activity in the Collingwood South Mixed-Use Precinct.

The scale and density of development approved and currently being proposed within the area has increased substantially in recent years. In November 2018, the Minister for Planning approved Amendment C250 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. Amendment C251yara introduced interim heritage overlays (HO) to the area and under C245yara these interim HOs were made permanent.

The Collingwood South Mixed-Use Precinct is part of Smith Street Major Activity Centre which has been identified as an area suitable for further development and housing growth as per Plan Melbourne 2017-2050 and Council's Housing Strategy.

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. Amongst other things, permanent built form planning controls would ensure that new development appropriately considers the impacts on the heritage qualities, streetscapes, public realm and amenity within the area.

### Design and Development Overlay Schedule 23

Draft Amendment C293yara proposes to implement the built form recommendations of the *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework*, June 2018 (Framework) and the *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct*, May 2021 (Heritage Report Update) through the introduction of Schedule 23 to the Design and Development (DDO23) on a permanent basis. The Framework has been prepared by Hansen Partnership (urban design) with extensive input from GJM Heritage (heritage) and Traffix Group (access, movement and parking). These reports provide a strong strategic basis for the future planning of the area.

Through the application of a mix of discretionary provisions and mandatory controls DDO23 provides an appropriate balance that will assist to achieve adequate development outcomes in the higher change area. It includes requirements that respond to the mixed industrial and residential heritage character and the topography of the precinct. Mandatory heights and upper level setbacks are proposed to be applied to the majority of lower-scale heritage buildings in response to the Precinct's valued and unique heritage character. Mandatory overshadowing requirements to opposite footpaths will ensure that the limited amount of public realm in the centre is protected, given the increase in density and limited amount of public space in the area make the public realm a highly valued resource. Discretionary provisions are applied to infill sites and selected heritage buildings to guide development outcomes that are appropriate to the character of the area whilst also allowing for flexible design responses. Where discretionary heights and setbacks are proposed, a range of performance-based provisions are included within the DDO to provide certainty and ensure appropriate development.

Importantly, the DDO provides built form certainty where there are heritage, amenity and public realm sensitivities and protects the character of the area. Draft Amendment C293yara will facilitate development appropriate to a major activity centre, whilst ensuring that new development is site responsive, and improved amenity outcomes are achieved.

### Mapping changes

Draft Amendment C293yara proposes to correct a mapping error. The property at 32 Smith Street, Collingwood has two zones applied to a single site. The front section of the site is in the Commercial Zone (C1Z) and the rear is in a Mixed-Use Zone (MUZ). Interim DDO23 currently applies to the rear of the site. Draft Amendment C293yara proposes to exclude 32 Smith Street from DDO23. It is anticipated the entire property would be included in the proposed permanent DDO which would apply to properties fronting Smith Street. The zoning of the property and application of a future DDO to Smith Street would be addressed in a separate planning scheme amendment.

Draft Amendment C293 also proposes to remove Schedule 2 to Clause 43.02 – Design and Development Overlay from the western side of Wellington Street where it would overlap with DDO23. DDO2 – Main Roads and Boulevards seeks amongst other things to '*reinforce and enhance the distinctive heritage qualities of main roads and boulevards*' and recognise and '*reinforce the pattern of development and the character of the street*'. It is superseded by the specific design objectives and built form provisions which are proposed in DDO23.

### **How does the Draft 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;*
- c) *to secure a pleasant, efficient and safe working, living and recreational environment; and*
- d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- g) *to balance the present and future interests of all Victorians.*

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

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

The Draft 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 Draft Amendment is expected to generate positive social and economic benefits as it will facilitate development within the area, providing opportunities for economic development, housing and employment growth. The Draft 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 Draft Amendment address relevant bushfire risk?**

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

### **Does the Draft Amendment comply with the requirements of any Minister's Direction applicable to the draft 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.

Draft Amendment C293 is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

**Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment**, which seeks to strengthen the competitiveness of Melbourne's employment land. The Draft Amendment provides appropriate policy direction for the planning and development of the Collingwood South Mixed-Use Precinct to ensure that the activity centre continues to meet community needs.

**Direction 5.1 - Create a city of 20-minute neighbourhoods** which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes policy for local governments to prepare structure plans for activity centres to accommodate growth.

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

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

#### **Clause 11.02-2S - Structure planning**

*To facilitate the orderly development of urban areas.*

#### **Clause 13.03-1 - Contaminated and potentially contaminated land**

*To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

**Clause 15.01-1S - Urban Design**

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

**Clause 15.01-5S - Neighbourhood character**

*To recognise and protect neighbourhood character and sense of place.*

**Clause 15.03-1 S– Heritage Conservation**

*To ensure the conservation of places of heritage significance.*

**Clause 16.01 – Residential development**

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

**Clause 17.02-1S - Business**

*To encourage development which meet the community's' needs for retail, entertainment, office and other commercial services.*

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

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

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

**Clause 21.03 Vision**

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

**Clause 21.04-2 - Activity centres**

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

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

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

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

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

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

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

**Clause 21.05-1 Heritage**

Objective 14 - To protect and enhance Yarra's heritage places.

*Strategy 14.1 - Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*

*Strategy 14.2 - Support the restoration of heritage places.*

*Strategy 14.3 - Protect the heritage skyline of heritage precincts.*

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

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

Objective 16 To reinforce the existing urban framework of Yarra.

*Strategy 16.2 - Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*

Objective 19 To create an inner-city environment with landscaped beauty.

*Strategy 19.1 - Require well resolved landscape plans for all new development.*

*Strategy 19.2 - Encourage opportunities for planting suitable trees and landscape areas in new development.*

Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.

*Strategy 20.1 - Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Objective 21 - To enhance the built form character of Yarra's activity centres.

*Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*

*Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.*

*Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

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

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

### **How does the draft amendment support or implement the Municipal Planning Strategy?**

Currently the City of Yarra is in the process of translating its Local Planning Policy Framework into the new Planning Policy Framework via Amendment C269yarra.

The Draft Amendment is generally consistent with and supported by the following proposed local policies as in C269yarra:

- Clause 02.03 Strategic Directions
- Clause 02.04 Strategic Framework Plan
- Clause 11.03-1L Activity Centres
- Clause 15.01-1L Urban Design
- Clause 15.01-2L Building Design
- Clause 15.03-1L Heritage
- Clause 16.01-2L Location of Residential Development

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

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

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

Council sought the views of the Department of Transport, the Department of Environment, Land, Water and Planning (DELWP) and YarraTrams in the drafting this Draft Amendment.

**Does the Draft 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 will facilitate development outcomes that promote the principles of transit-oriented development.

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

The Draft Amendment will have some impact on the general operation of Council's statutory planning department which is covered by Council's budget.

The application of planning controls is considered to provide 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 28 March and 1 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](https://planning.vic.gov.au/panels-and-committees/browse-panels-and-committees/projects/yarra-activity-centres-standing-advisory-committee)

**Where you may inspect this Draft Amendment**

The Draft Amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning's website at <https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes> and at the City of Yarra's website at [www.yarracity.vic.gov.au/amendmentC293](http://www.yarracity.vic.gov.au/amendmentC293).

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

Information Counter Collingwood Town Hall 140 Hoddle Street Abbotsford VIC 3067
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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](https://www.delwp.vic.gov.au/public-inspection)