



Maddocks

Date: 30 September 2024

Submission on behalf of the Planning Authority

Draft Amendment C273yara to the Yarra Planning Scheme

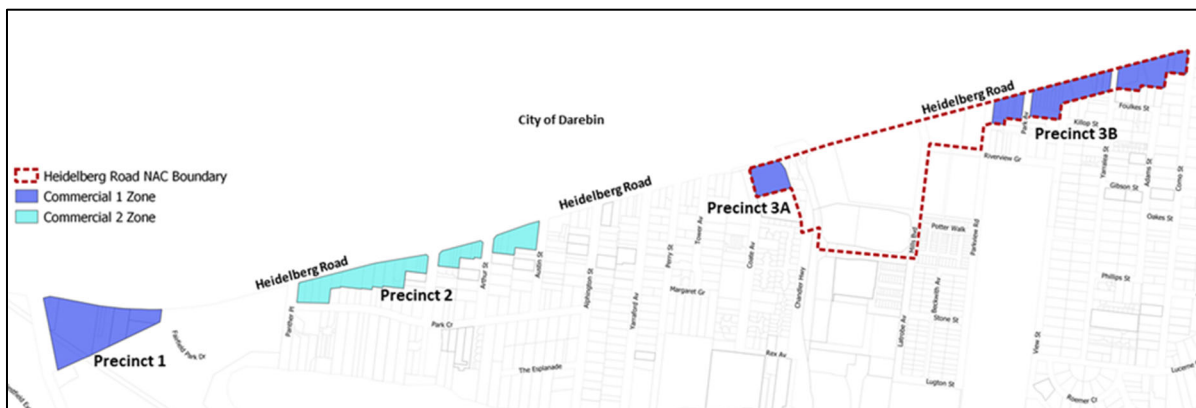
Council's submission: Part A

Contents

1.	INTRODUCTION.....	3
2.	SAC DIRECTIONS	4
3.	BACKGROUND TO THE AMENDMENT	5
3.1	Amendment C272 – application of interim DDO18	8
3.2	Amendment C312yara – extension to interim DDO18	8
3.3	Amendment C323yara – further extension to interim DDO18.....	9
3.4	Amendment C203dare – Darebin Heidelberg Road Heritage Amendment	9
3.5	Draft Amendment C273yara – application of permanent DDO18.....	10
3.6	Strategic documents.....	12
3.7	Other relevant background documents	16
4.	PREPARATION OF THE AMENDMENT	18
4.1	Consent to prepare notice of the Amendment.....	18
4.2	Notice of the Amendment	20
4.3	Involvement of departments and agencies.....	21
4.4	Submissions	22
4.5	Summary of issues raised in submissions.....	22
4.6	Consideration of submissions.....	23
5.	STRATEGIC ASSESSMENT.....	24
5.1	The objectives of planning in Victoria	24
5.2	Municipal Planning Strategy (MPS).....	25
5.3	Planning Policy Framework (PPF).....	28
5.4	Ministerial Directions.....	37
5.5	Planning Practice Notes	37
5.6	Victoria’s Housing Statement	40
	CONCLUSION	41
	ATTACHMENT A – CHRONOLOGY OF EVENTS	42

1. INTRODUCTION

1. This submission is made on behalf of Yarra City Council (**Council**).
2. Council is the Planning Authority for Draft Amendment C273 (**Amendment**) to the Yarra Planning Scheme (**Scheme**). Council has prepared and is the proponent of this Amendment.
3. The Amendment applies to land zoned Commercial 1 Zone (**C1Z**) and Commercial 2 Zone (**C2Z**) along Heidelberg Road, Fairfield/Alphington in the City of Yarra, including parts of the Heidelberg Road Neighbourhood Activity Centre (**HRAC**), as shown on the Location Map below.



Note: Proposed permanent Design and Development Overlay – Schedule 18 does not apply to the former Alphington Paper Mill (APM) site.

4. In summary, the Amendment proposes to introduce permanent built form controls in the form of Design and Development Overlay, Schedule 18 (**DDO18**) to the land zoned C1Z and C2Z along Heidelberg Road.
5. The purpose of the Amendment as set out in the exhibited Explanatory Report is:
 - to provide strategic guidance and greater certainty on the future land use planning and development outcomes of the commercial areas along the Heidelberg Road corridor, between the Darebin and Merri Creeks. The draft amendment responds to the development pressures being experienced along the corridor and the continuing need to provide for Melbourne's housing and economic growth.
6. More specifically, the Amendment (as exhibited):
 - 6.1 introduces new policy at Clause 11.03-1L Activity Centres to provide general directions for the HRAC;
 - 6.2 replaces the interim DDO18 (**interim DDO18**) that currently applies to commercially zoned land along Heidelberg Road with a permanent DDO18;
 - 6.3 applies new Heritage Overlays (**HOs**) to the properties at 730-734 Heidelberg Road, Alphington (HO451) and 760-764 Heidelberg Road, Alphington (HO455);
 - 6.4 deletes the Heritage Overlay (HO362) from the property at 2 Killop Street, Alphington;
 - 6.5 amends the Schedule to Clause 43.01 Heritage Overlay to include the new HOs;
 - 6.6 amends the Schedule to Clause 72.04 Incorporated Documents to incorporate the Statements of Significance for the new HOs into the Scheme and update the *City*

of Yarra Database of Heritage Significant Areas (April 2022) to reflect the new Heritage Overlays; and

- 6.7 amends the Schedule to Clause 72.08 Background Documents to introduce the strategic documents underpinning the Amendment as background documents.

2. SAC DIRECTIONS

- 7. This submission responds to direction 7 of the Standing Advisory Committee Directions issued on 19 August 2024 (**SAC Directions**) directing Council to circulate its 'Part A' submission to all parties by noon on Monday, 30 September 2024 and specifies items to be included in its submission.
- 8. In accordance with the SAC Directions, the Panel made the following Directions which require Council's Part A (background and context) submission to address:
 - 8.1 background to the Amendment including:
 - 8.1.1 chronology of events;
 - 8.1.2 details of extended notification for owners and occupiers of Precinct 2 (as mentioned in the Council report of 12 December 2023);
 - 8.1.3 if and how submitters have been notified of post-exhibition proposed changes (if any);
 - 8.2 a summary of the conditions of consent from the Minister for Planning to exhibit the draft Amendment and how the conditions have been met, including a copy of the desktop review referred to in condition 1;
 - 8.3 a summary of the strategic context, including:
 - 8.3.1 relevant planning policies and provisions including the Municipal Planning Strategy and Planning Policy Framework;
 - 8.3.2 an overview of relevant strategic planning studies completed by Council and how they informed the draft Amendment;
 - 8.3.3 any other recently approved or upcoming planning scheme amendments that might impact on the Amendment;
 - 8.3.4 relevant Planning Practice Notes and Ministerial Directions;
 - 8.3.5 an explanation of how Victoria's Housing Statement relates to the proposal;
 - 8.3.6 the views of government agencies and authorities consulted in preparing the draft Amendment;
 - 8.4 any proposed changes to the exhibited draft Amendment as a consequence of the gazettal of Yarra Planning Scheme Amendment C269yara (Rewrite of local policies), including but not limited to exhibited Clause 11.03 (Activity Centres) and Clause 21.08 (Neighbourhoods);
 - 8.5 an update of permit activity and recent construction relating to the Amendment land since preparation of the Heidelberg Road Built Form Framework (based on the table and map shown in Section 3.4 of Part 1 Heidelberg Road Built Form

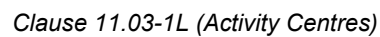
- 8.6 a summary table of issues raised in submissions:
 - 8.6.1 grouped by issues common across the whole precinct and site specific issues, and correlated with submission numbers
 - 8.6.2 indicating which issues are considered resolved and how these have been resolved;
- 8.7 a summary table of Council's recommended changes to the draft Amendment as endorsed on 12 December 2023, and any further changes proposed by Council, with an explanation of reasons for the proposed change;
- 8.8 copies of the following documents:
 - 8.8.1 Heidelberg Road Local Area Plan **(provided on 19 August 2024)**; and
 - 8.8.2 recent VCAT decision relating to sunlight as a fundamental human right (referred to in submission 112).

- 9.1 John Glossop (Glossop Town Planning) in relation to town planning;
- 9.2 Leigh Furness (Traffix) in relation to traffic;
- 9.3 Julian Szafraniec (SGS Economics) in relation to capacity;
- 9.4 Leanne Hodyl (Hodyl & Co) in relation to urban design; and
- 9.5 Anthony Hemmingway (RBA Architects) in relation to heritage.

11. Council's 'Part B' submission, will also address the matters set out in direction 11 of the SAC Directions

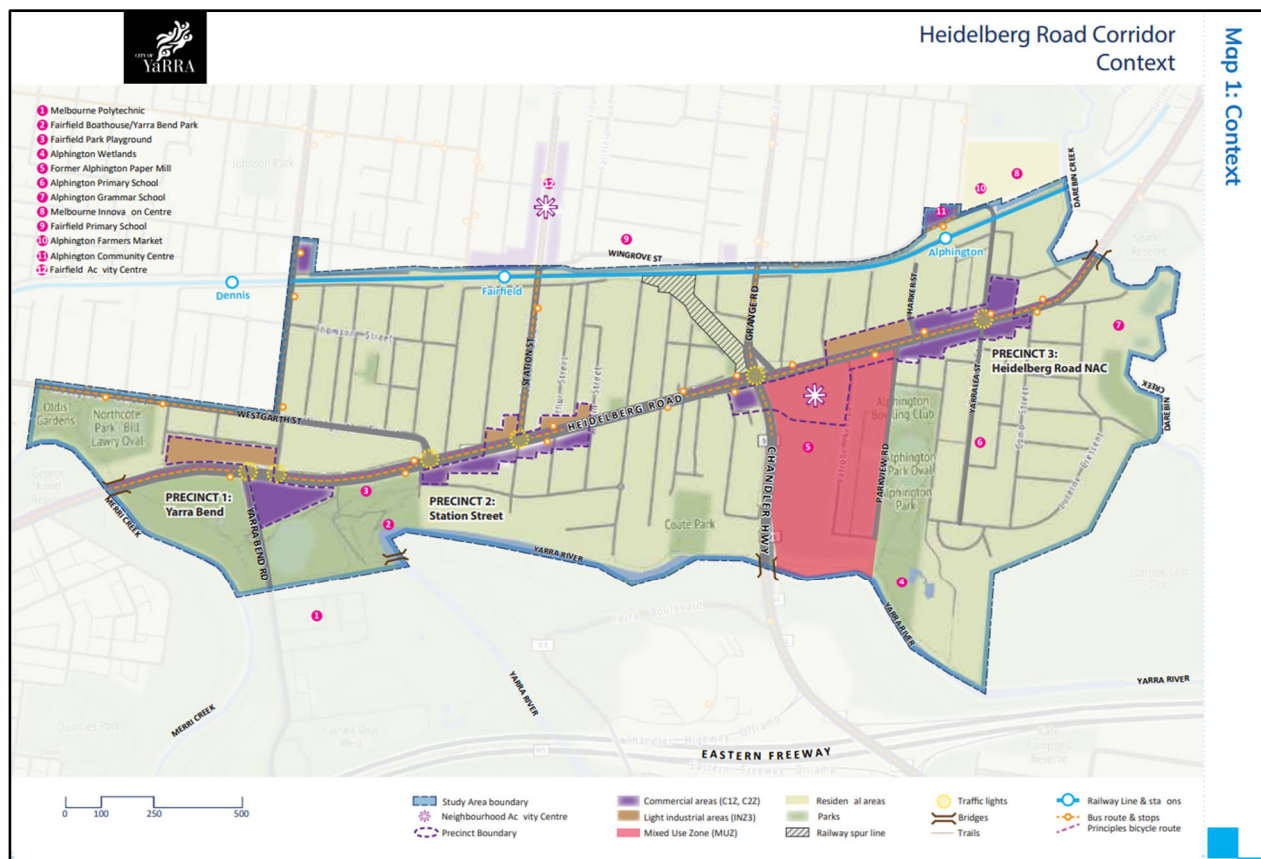
3. BACKGROUND TO THE AMENDMENT

15. The northern side of Heidelberg Road is within the City of Darebin.



- # Draft Heidelberg Road Corridor Local Area Plan

19. In 2019/2020, officers from the City of Yarra prepared the HRCLAP (in conjunction with officers from Darebin City Council) and draft interim planning provisions for the south side of Heidelberg Road (within the City of Yarra).
20. The approach was to prepare a common strategic framework for the Heidelberg Road Corridor and for City of Yarra to commence detailed work on built form and heritage provisions for those areas within the City of Yarra.
21. The area that was the subject of the HRCLAP is shown in the map extracted below:



HRCLAP – Map 1, page 17

22. The HRCLAP includes a strategic framework for the corridor and proposes the introduction of an interim DDO18 for the C1Z and C2Z areas of the HRAC in the City of Yarra, as well as some new Heritage Overlays along Heidelberg Road.
23. The HRCLAP provides key directions for future land use, transport, built form, public realm and housing changes in the commercial and industrial areas on both sides of Heidelberg Road.
24. Detailed built form, heritage and traffic assessments were undertaken to inform the HRCLAP and interim DDO18, which included:
 - 24.1 *Heidelberg Road Corridor: Background Issues and Discussion Paper* prepared by Yarra City Council (**Background Issues and Discussion Paper**);
 - 24.2 *Heidelberg Road Heritage Review (Stage 1 and 2)* (2019), prepared by RBA Architects Conservation Consultants (**Heritage Review**);
 - 24.3 *Part 1: Heidelberg Road Built Form Framework – Urban Context Analysis* (July 2019), prepared by Hodyl & Co (**Urban Context Analysis**);
 - 24.4 *Part 2: Heidelberg Road Built Form Framework – Design Strategy and Recommendations* (November 2019), prepared by Hodyl & Co (**Built Form Framework**); and
 - 24.5 *Traffic and Vehicle Access Assessment, Heidelberg Road, Fairfield/Alphington* (November 2019), prepared by Traffix Group, (**Traffic Assessment**).

25. This strategic work is discussed in more detail below.
26. The Amendment focuses on the commercial zoned land in the three precincts identified in the HRCLAP along the south side of Heidelberg Road (noting that Precinct 3 is split into two sub-precincts), which are:
 - 26.1 Precinct 1: C1Z land between Yarra Bend Road and Fairfield Park Drive;
 - 26.2 Precinct 2: C2Z land between Panther Place and Austin Street, Fairfield;
 - 26.3 Precinct 3A: C1Z land between Chandler Highway and Coate Avenue, which is part of the Heidelberg Road NAC; and
 - 26.4 Precinct 3B: C1Z land east of the former APM site between Parkview Road and Como Street, part of the Heidelberg Road NAC.
27. On 4 February 2020, Council considered the HRCLAP and interim DDO18 and resolved to:
 - 27.1 adopt the HRCLAP;
 - 27.2 undertake future consultation on the HRCLAP; and
 - 27.3 request the Minister for Planning (**Minister**) approve the interim DDO18 by way of Amendment C272yara.
28. In 2021, Council undertook public consultation on the HRCLAP and interim DDO18.
29. As at the date of this submission, the HRCLAP has not been finalised. The HRCLAP will be finalised upon completion of detailed background work by the Darebin City Council.

3.1 Amendment C272 – application of interim DDO18

30. On 4 February 2020, at a Council meeting, Council resolved to request the Minister approve interim built form controls (by way of an interim DDO18) for the HRAC.
31. Council also requested the Minister apply interim Heritage Overlays (HO451 and HO455) to the land at 730-734 Heidelberg Road, Alphington and 760-764 Heidelberg Road, Alphington (both in Precinct 3B).
32. On 12 September 2021, the Minister approved interim DDO18 with changes (by way of Amendment C272yara). These changes included making all of the built form controls in the gazetted interim DDO18 discretionary rather than a mix of discretionary and mandatory controls as adopted by Council (see Tables 1-4 for further information).
33. The Minister did not approve the interim HO451 and HO455.
34. On 22 October 2021, Interim DDO18 was gazetted into the Scheme.

3.2 Amendment C312yara – extension to interim DDO18

35. On 30 November 2022, Council wrote to the Minister and requested a prescribed amendment (Amendment C312yara) under section 20(4) of the Act to extend interim DDO18 for another 12 months.
36. On 8 March 2023, the Minister wrote to Council confirming that the interim DDO18 had been extended from the original expiry date (22 April 2023) to a new expiry date of 22 April 2024.

3.3 Amendment C323yara – further extension to interim DDO18

37. On 22 February 2024, the Director of State Planning Services wrote to Council confirming that the interim DDO18 has been extended from expiry date (22 April 2024) to a new expiry date of midnight on 30 June 2025.

3.4 Amendment C203dare – Darebin Heidelberg Road Heritage Amendment

38. As a result of the development of the HRCLAC, Darebin City Council engaged Context Consultants to undertake a review of heritage values of that part of the HRAC located within the municipal boundary of City of Darebin.
39. As a result of that work, Context prepared the *Heidelberg Road Heritage Assessment – Final Report (September 2020) (HRAC Heritage Report)*.
40. Darebin City Council subsequently prepared Amendment C203dare to the Darebin Planning Scheme (**C203dare**) which proposes to implement the findings of the HRAC Heritage Report in the Darebin Planning Scheme on a permanent basis by applying the heritage overlay to seven properties within the Heidelberg Road corridor.
41. Amendment C203dare was the subject of a Planning Panel hearing on 20 July 2022.
42. Council made a submission to C203dare, in support of the Amendment.
43. On 16 August 2022, the Planning Panel report for Amendment C203dare was published..¹ The Panel recommended that C203dare be adopted as exhibited, subject to the following minor changes:
- 43.1 amend the 257 Heidelberg Road, Northcote (Residence) Statement of Significance to clarify how the cypresses demonstrate typical garden designs of the 1940s at Criterion D; and
 - 43.2 amend the 273-289 Heidelberg Road, Northcote (Church of Jesus Christ of the Latter-day Saints, Northcote) Statement of Significance to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site at Criterion D.
44. In Amendment C203dare, the Panel concluded there is State and local justification for the protection of heritage along Heidelberg Road, and that the HRAC Heritage Report underpinning Amendment C203dare is rigorous, comprehensive and consistent with Planning Practice Note 1.
45. Ultimately the Panel found Amendment C203dare to be strategically justified, and was supportive of the application of the Heritage Overlay to all seven properties that were included in the exhibited amendment.
46. Amendment C203dare was gazetted into the Darebin Planning Scheme on 20 January 2023.

¹ available at this [link](#).

Summary

47. In summary, the Amendment proposes to:
- 47.1 apply a permanent DDO18 to the commercially zoned land along the south side of Heidelberg Road including the HRAC to replace the interim DDO18 that currently applies;
 - 47.2 apply the Heritage Overlay to land at 730-734 Heidelberg Road and 760-764 Heidelberg Road, Alphington;
 - 47.3 incorporate the Statements of Significance for the new Heritage Overlays into the Scheme and update the *City of Yarra Database of Heritage Significant Areas (September 2023)* to reflect the new Heritage Overlays;
 - 47.4 delete the existing HO362 from land at 2 Killop Street, Alphington;
 - 47.5 insert the strategic documents underpinning the Amendment as Background Documents in the Schedule to clause 72.08; and
 - 47.6 amend Local Area Policy at Clause 11.03-1L Activity Centres as it relates to Heidelberg Road.
48. These changes are described in further detail below.

Proposed permanent DDO18 (as exhibited)

49. The Amendment proposes to apply DDO18 to commercially zoned land along the south side of Heidelberg Road, including parts of the HRAC, on a permanent basis, to replace the interim DDO18 that currently applies.
50. The introduction of permanent built form controls will provide greater certainty to the community and seeks to balance the need for increased residential and commercial growth in areas within or close to activity centres, while retaining a sense of place and protecting adjacent residential amenity.
51. The DDO18 has been tailored to address the unique typologies, heritage and character of each precinct as informed by the *Heritage Review*, *Urban Context Analysis*, *Built Form Framework* and *Traffic Assessment*.
52. These documents comprise the foundational strategic work for the Amendment and are summarised at section 3.7 of this submission.
53. In addition to this strategic work, in preparing the permanent controls, Council officers undertook a review of the interim DDO18, which included:
 - 53.1 a review of recent planning scheme amendments, including Planning Panel reports;
 - 53.2 consideration of current strategic planning work;
 - 53.3 a review of recent development applications and approvals in the area;
 - 53.4 a review of VCAT decisions for applications within the Centre; and

- 53.5 seeking comments from Council's statutory planning department and Council's Heritage Advisory Committee.
- 54. The proposed permanent DDO18 proposes to apply a combination of mandatory and discretionary built form controls, whereas the current interim DDO18 only applies discretionary built form controls. Whilst the height and setback metrics (i.e. numerical figures) have not changed in the proposed permanent DDO18, as part of the Amendment it is proposed that some of the controls would be applied on a permanent basis as a mandatory control rather than discretionary.
- 55. The Amendment proposes the following changes from the interim DDO18 in the proposed permanent DDO18 (as exhibited):
 - 55.1 refining the wording of the controls to improve the clarity of requirements and alignment with recent Yarra amendments including C191yara, C291yara and C293yara;
 - 55.2 various changes taking into account relevant recent amendments and VCAT decisions;
 - 55.3 introducing a balance of mandatory and discretionary controls to guide appropriate built form outcomes, particularly towards sensitive residential interfaces, parkland, heritage buildings and the public realm;
 - 55.4 refining the design requirements to ensure good pedestrian oriented and façade outcomes; and
 - 55.5 updating maps to communicate the built form provisions more clearly.
- 56. Key built form metrics addressed in DDO18 are:
 - 56.1 street wall heights,
 - 56.2 upper-level setbacks;
 - 56.3 overall building heights;
 - 56.4 front setbacks to streets;
 - 56.5 rear interface requirements;
 - 56.6 overshadowing and daylight access;
 - 56.7 access, parking and loading bay requirements; and
 - 56.8 other design requirements.

Proposed Heritage Overlay Schedules HO451 and HO455

- 57. The Amendment proposes to introduce two new Heritage Overlays to land in the HRAC and delete an existing Heritage Overlay from one property. In particular, the Amendment proposes to:
 - 57.1 apply the Heritage Overlay to land at 730-734 Heidelberg Road and 760-764 Heidelberg Road, Alphington;
 - 57.2 delete the existing HO362 from land at 2 Killop Street, Alphington; and

- Proposed updates to Clause 11.03-1L – Activity Centres*

- Updates to Amendment documentation to reflect the gazettal of Amendment C269yara (Direction 7(d))*

- ### 3.6 Strategic documents

65. In 2019, Council engaged Hodyl & Co to prepare a built form framework for the Heidelberg Road Corridor.
66. Part 1 of this project resulted in the preparation of the *Urban Context Analysis* which provides an in-depth analysis of the urban context, recognising the parklands, sensitive residential properties, urban design conditions and heritage advice. It covers:
 - 66.1 the existing strategic planning context for the study area;
 - 66.2 the existing local planning context; and
 - 66.3 the existing physical and character attributes of each precinct.

67. The *Urban Context Analysis* informed the preparation of the *Built Form Framework* undertaken in part 2 of the project.
68. Part 2 of Hodyl & Co's work involved formulating a design strategy and approach for preparing built form recommendations for each precinct contained in the *Built Form Framework*.
69. The precincts and sub-precincts within the *Built Form Framework*, are described as follows:
 - 69.1 Precinct 1: C1Z land, bounded by Yarra Bend Road, Heidelberg Road and the T.H. Westfield Reserve.
 - 69.2 Precinct 2: C2Z land fronting Heidelberg Road between Panther Place and Austin Street.
 - 69.3 Precinct 3A: One C1Z zoned site bounded by Coate Avenue, Heidelberg Road and Chandler Highway.
 - 69.4 Precinct 3B: C1Z land fronting Heidelberg Road between Parkview Road and Como Street.
70. The *Built Form Framework* provides a detailed analysis and strategic basis for the recommended built form provisions in each precinct and has been used to inform the development of DDO18.
71. The *Built Form Framework* formulated the following 'Design Strategies' for the precincts:
 - 71.1 **Precinct 1:** Creation of a mid-rise precinct that frames Heidelberg Road and steps down towards the adjacent parks to maintain the prominence of the landscape setting. The Porta heritage building is retained, views to the brick chimney are enhanced through sensitive redevelopment and a new north-south pedestrian connection links Heidelberg Road to the park.
 - 71.2 **Precinct 2:** Creation of a mid-rise, commercial precinct that frames Heidelberg Road with active uses and additional greening opportunities.
 - 71.3 **Precinct 3A:** Provide a well-designed mid-rise, mixed-use building that marks the prominent corner location and respects the character of the neighbourhoods to the south and west. Incorporate a landscape setback to all boundaries to provide an attractive, garden setting to Coate Avenue and the southern boundary and to significantly improve the pedestrian experience to Heidelberg Road and Chandler Highway.
 - 71.4 **Precinct 3B:** Develop a new mid-rise character for the existing neighbourhood centre which complements the scale and facilities in the former APM site. Enhance the setting of heritage buildings and the fine-grain development patterns through a low-street wall height.
72. The *Built Form Framework* includes a number of principles, influences and propositions for the future planning of the precincts. These are intended to be realised through planning controls with requirements relating to building heights, street wall heights, setbacks, solar access, and building design.
73. In formulating future building heights and street wall conditions within the precincts, the *Built Form Framework* was influenced by a number of factors, including (among other things):
 - 73.1 State and local planning policy;

- 73.2 urban conditions, including but not limited to topography, street network, built form, lot conditions, interfaces and movement corridors;
- 73.3 site visits, cross-sections and modelling of selected testing sites within the precincts; and
- 73.4 Planning Practice Notes including: *Planning Practice Note 60 (Height and Setback Controls for Activity Centres)*; and *Planning Practice Note 59 (The Role of Mandatory Provisions in Planning Schemes)*.
- 74. Each precinct has been designated with a preferred typology, a range of maximum building heights based on local context and indicative cross-sections for acceptable built form outcomes.
- 75. The precinct boundaries have been utilised in both the interim DDO18 and the permanent DDO18, as Precinct 1, Precinct 2, Precinct 3A and Precinct 3B.
- 76. The Amendment proposes to include the *Built Form Framework* as a background document in the Schedule to clause 72.08.

Heritage Review

- 77. Council engaged RBA Architects Conservation Consultants (**RBA Consultants**) to provide heritage input into the *Built Form Framework*, and to ensure that the *Built Form Framework* took proper account of the heritage values of the building stock within the C1Z and C2Z land along (the south side of) Heidelberg Road between the Merri and Darebin creeks. RBA Consultants were also instructed to review the heritage values of HO71 (756-758 Heidelberg Road, Alphington) and the currency of its citation and determine whether 2 Killop Street, Alphington should be included in HO362 (Alphington East Precinct).
- 78. As a result of this work, RBA Consultants prepared the Heritage Review, which comprised two stages:
 - 78.1 Stage 1 involved a preliminary assessment of heritage places and a built form review which provided input into the Built Form Framework; and
 - 78.2 Stage 2 finalised recommended additions to the Heritage Overlay and provided the citations for each of the proposed Heritage Overlays.
- 79. The *Heritage Review* considers:
 - 79.1 the heritage values of HO71 (756-758 Heidelberg Road, Alphington) and the currency of its citation;
 - 79.2 whether 2 Killop Street, Alphington should be included in HO362;
 - 79.3 identifying any sites of potential heritage value in the study area;
 - 79.4 recommendations for built form controls for any existing and recommended heritage overlays;
 - 79.5 recommendations and citations for the following three proposed heritage overlays:
 - 79.5.1 No. 358 – House & Service Centre;
 - 79.5.2 No. 730-734 – Group of 3 shops;
 - 79.5.3 No. 76-764 – A. Cooper Knitting Factory (Former);

- ### Traffic Assessment

- ² The two existing HO's are HO71 – Former Butcher Shop at 756-785 Heidelberg Road, Alphington and HO421 – Porta Factory, 224 Heidelberg Road, Fairfield.

- 89.3 advice on the content of the future built form controls to facilitate appropriate access and movement through new development; and
- 89.4 a review of the existing public transport, bicycle and pedestrian infrastructure within the study area.
- 90. The *Traffic Assessment* focussed on identifying changes required to achieve safe and efficient vehicular and pedestrian access on Heidelberg Road and the local street network in Alphington and Fairfield whilst the areas are developed in accordance with the anticipated level of change in the *Yarra Housing Strategy 2018* and the recommended built form guidance in Amendment C272yara (and extended by way of C312yara and C323yara).
- 91. The recommended guidelines, contained in the *Traffic Assessment*, have been reflected in the proposed permanent DDO18 and are aligned with the methodology adopted in the interim DDO18 inserted into the Scheme by Amendment C272yara (and extended by way of C312yara and C323yara).
- 92. The Amendment proposes to include the *Traffic Assessment* as a background document in the Schedule to clause 72.08.

3.7 Other relevant background documents

Yarra Housing Strategy

- 93. The *Yarra Housing Strategy* (**Yarra Housing Strategy**) was adopted by Council in 2018 and was introduced as a Background Document in the Scheme through Amendment C269 (gazetted on 21 December 2023).
- 94. It provides a housing framework for the next 15 years to ensure there is clear policy direction about where residential development will be focused, and where it will be limited, in order to meet the changing needs of the Yarra community.
- 95. The *Yarra Housing Strategy* recognises the importance of heritage in the context of managing growth, including in Yarra's activity centres. It specifically calls for future growth to respond to heritage significance within activity centres.
- 96. The *Yarra Housing Strategy* was prepared in the context of State and regional policy, including Plan Melbourne 2017-2050, and is based on demographic profiling and housing trends. It identifies land opportunities for over 13,000 new dwellings over 15 years, and highlights that 805 hectares of land is zoned residential, accounting for 41% of all land in Yarra.
- 97. The *Yarra Housing Strategy* identifies that current or proposed strategic land use planning is or will be underway for all its major and neighbourhood activity centres.
- 98. Four strategic directions are articulated, outlining Yarra's preferred growth strategy as follows:
 - 98.1 **Strategic direction 1** – Monitor population growth and evolving development trends in Yarra to plan for future housing growth and needs;
 - 98.2 **Strategic direction 2** – Direct housing growth to appropriate locations;
 - 98.3 **Strategic direction 3** – Plan for more housing choice to support Yarra's diverse community; and
 - 98.4 **Strategic direction 4** – Facilitate the provision of more affordable housing in Yarra.

99. The *Yarra Housing Strategy* identifies:
- 99.1 that the HRAC is expected to deliver a substantial number of new dwellings. The *Yarra Housing Strategy* highlights the majority of these dwellings will be supplied through the redevelopment of the APM site; and
 - 99.2 the C1Z areas within DDO18 (i.e. Precincts 1 and 3A and 3B) as 'moderate change' areas. These areas will support increased residential densities and housing diversity through mixed use, infill and shop-top apartment development.
100. The SAC will be taken to the Housing Strategy in further detail in Council's Part B submission.

Yarra Spatial Economic and Employment Strategy

101. The *Yarra Spatial Economic and Employment Strategy* (August 2018) , prepared by SGS Economics & Planning (**SEES**), has been developed to assist the City of Yarra to understand and capitalise on Yarra's economic strengths and respond to key trends and economic drivers over the next 10-15 years.
102. The purpose of the *SEES* is to provide guidance on managing growth and change in employment and economic activity and has been prepared having regard to planning contextual considerations, capacity for employment growth and trends and drivers.
103. The *SEES* identifies Yarra's stock of employment land is a strategic resource that accommodates a large and diverse range of business and jobs and provides employment opportunities.
104. The *SEES* supports the retention of C2Z zoned land to support the growth in retail and other employment uses on Heidelberg Road. It notes that Yarra's C2Z land is not recommended to be rezoned to support housing growth in Yarra.
105. To manage Yarra's employment land over the next 10-15 years, the following strategic directions have been developed:
- 105.1 strategic direction 1 – Support employment growth in Yarra's Activity Centres;
 - 105.2 strategic direction 2 – Retain and grow Yarra's major employment precincts;
 - 105.3 strategic direction 3 – Identify preferred locations for housing growth;
 - 105.4 strategic direction 4 – Support the expansion of health related employment and services in Yarra's health precincts;
 - 105.5 strategic direction 5 – Retain other C2 zoned precincts and sites; and
 - 105.6 strategic direction 6 – Retain Yarra's existing industrial precincts for manufacturing and urban services.
106. In respect of strategic direction 1, the *SEES* recognises Heidelberg Road as neighbourhood activity centres. It states that Yarra's activity centres are appropriate locations for new housing, noting, among other things, that housing growth supports economic activity by increasing the local population.
107. The *SEES* was adopted by Council in 2018 and was introduced as a Background Document in the Scheme through Amendment C269.
108. The SAC will be taken to the *SEES* in further detail in Council's Part B submission.

- 112.1.2 Outline how the mandatory provisions are justified in accordance with Planning Practice Note 59 (The role of mandatory provisions in Planning Schemes), including undertaking built form and shadow modelling to support the application of mandatory controls. This should include assessment of whether exceptional circumstances exist to warrant the application of mandatory interface requirements (e.g. setbacks and heights along rear boundaries).
- 112.1.3 The desktop review should be submitted to the Department of Transport and Planning (DTP) prior to exhibition of the draft amendment.
- 112.1.4 The SAC will be asked to consider the review and the application of mandatory provisions as part of its assessment.
- 112.2 Amend the Design and Development Overlay Schedule 18 to:
 - 112.2.1 Ensure it is consistent with the Ministerial Direction Form and Content of Planning Schemes, the head provision and remove duplication with state or local provisions. A marked-up version of the DDO18 will be provided to council via email to assist with this review.
 - 112.2.2 Delete the criteria for exceeding preferred heights that do not specifically relate to the built form outcomes, in accordance with the recommendations of the Yarra Activity Centres SAC for Collingwood South.
- 112.3 Review the drafting of Clause 11.03-1L to ensure there is no duplication with the DDO18 requirements and update accordingly.
- 112.4 Refresh the amendment in ATS Keystone to ensure the amendment is up to date and reflects changes recently made by gazetted amendments.
- 112.5 Amend Planning Scheme Map 3DDO to remove land within an easement and road reserve from the DDO18 which is consistent with your council's email of 21 November 2022.
- 112.6 Update the draft amendment documentation as required in accordance with the above conditions.
- 113. The letter of consent for the Amendment stated that in addition to the conditions, Council should have regard to the following matters during the draft amendment process:

The two places proposed for inclusion within the Heritage Overlay appear to have been altered and DTP queries the merit of these properties as examples of places of heritage significance within the municipality. It is recommended that the council reviews the statement of significance and relevant citations to explicitly separate original elements to those elements of the building that have been altered or demolished. The SAC will be asked to consider the merit of the application of the Heritage Overlay on these properties.

I note that your council has worked with Darebin City Council on a local area plan for the Heidelberg Road corridor to ensure cohesive planning of the area across the two municipalities and that you intend to give notice of the draft amendment to Darebin City Council. The SAC will be asked to specifically consider the impact of the draft amendment on the area as whole, with a view of ensuring the draft controls do not undermine the holistic growth and function of the centre across municipal boundaries.

Amendment C269 which seeks to implement your council's Planning Policy Framework (PPF) translation is still under assessment with DTP. It is recommended

that your council exhibit local policy content in both the Local PPF format and new PPF format, if Amendment C269 has not been gazetted before this draft amendment is exhibited.

114. Council's response to these matters will be addressed in Council's Part B submission.

4.2 Notice of the Amendment

115. Notice of the Amendment was given between 31 July 2023 and 28 August 2023.

116. Notice of the Amendment was provided as follows:

- 116.1 letter notification to all owners and occupiers within DDO18 and within 200m of the area in DDO18 in the City of Yarra;
- 116.2 letter notification of owners and occupiers in the City of Darebin (also within 200m of the proposed DDO18);
- 116.3 notice in The Age (31 July 2023);
- 116.4 notification of Ministers prescribed by the Act and other statutory bodies;
- 116.5 detailed information on the following Council webpages:
 - 116.5.1 Draft Amendment C273yara webpage;
 - 116.5.2 Your Say Yarra project page;
 - 116.5.3 Standing Advisory Committee process webpage;
- 116.6 direct emails to all of Yarra's Advisory Committees, previous submitters and community groups with expressed interests;
- 116.7 posts on social media platforms; and
- 116.8 article in the Council's *Yarra Life e-newsletter* and the *Economic Development Newsletter*.

117. The exhibited Amendment documentation comprised the following:

- 117.1 Explanatory Report;
- 117.2 Instruction Sheet;
- 117.3 proposed Clause 21.08 Neighbourhoods and proposed Clause 11.03-1L Activity Centres;
- 117.4 proposed DDO18;
- 117.5 proposed Schedule to Clause 43.01 Heritage Overlay;
- 117.6 proposed Schedule to Clause 72.04 Incorporated Documents;
- 117.7 proposed Schedule to Clause 72.08 Background Documents;
- 117.8 three maps, identifying:
 - 117.8.1 area of deletion of HO362;

- ### 4.3 Involvement of departments and agencies

121. Council consulted with and/or notified the following departments and agencies of the Amendment during the notice period:
 - 121.1 Melbourne Water;
 - 121.2 VicRoads;
 - 121.3 Department of Energy, Environment and Climate Action (**DEECA**)
 - 121.4 Environmental Protection Authority (**EPA**); and
 - 121.5 Department of Transport and Planning (**DTP**).
122. Council received a response from Melbourne Water on 14 September 2023, which stated that it had no objection or concerns with the Amendment as proposed in its current form and can provide its in-principle support to the Amendment as drafted.

- #### 4.4 Submissions

- #### 4.5 Summary of issues raised in submissions

- ### Issues raised generally

- page 22

131. In response to the issues raised in submissions, Council officers proposed some amendments to DDO18, which were considered by the Council on 12 December 2023, and described in the Council officer report contained in the Council Meeting Agenda dated 12 December 2023 (**Officer Report**). An amended version of the DDO18 showing the officer's proposed changes was included as Attachment 3 to the Officer Report.).
132. The Council Officer responses to submissions in the Officer Report are adopted by Council for the purposes of the submission and the Part B submission. Council will expand on the issues raised by submitters through Council's Part B submissions.

133. At its meeting on 12 December 2023, Council considered the 117 submissions (received by Council at that time) to the Amendment and heard from submitters.

- 134.1 note the officer report regarding the Amendment;
- 134.2 receive, note and formally consider all submissions received in response to the public notice of the Amendment completed in accordance with Stage 1 of the Yarra Activity Centres SAC Terms of Reference dated 10/06/2021;
- 134.3 note and adopt the officer response to the issues raised by submissions as outlined in the Officer Report and Attachments 1 and 2 to the Officer Report;
- 134.4 adopt the recommended changes to draft Amendment C273yara, as outlined in the Officer Report and Attachments 1, 2 and 3 of the Officer Report for the purposes of Council's advocacy position before the Yarra Activity Centres SAC with the following changes to apply:
 - 134.4.1 In Attachment 3 Design and Development Overlay Schedule 18, at Clause 2.2.4 Interface and rear setback requirements, amend the first requirement relating to the maximum rear wall height from 8 metres to 5 metres for Precinct 2;
- 134.5 refer all submissions, response to those submissions and preferred Amendment as outlined above to the Minister with a request to refer the draft Amendment to the SAC in accordance with Clause 28 of the Yarra Activity Centres SAC Terms of Reference dated 10/06/2021;
- 134.6 write to all landowners and occupiers directly affected by the recommended changes to the DDO18 and to all submitters to:
 - 134.6.1 advise of Council's decision to request the Minister to refer the Amendment to the Yarra Activity Centres SAC;
 - 134.6.2 advise of Council's position; and

- ## 5. STRATEGIC ASSESSMENT

- ## 5.1 The objectives of planning in Victoria

- page 24

- (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;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

144. The vision for the HRAC sought by the Amendment has been formulated as a result of widespread community consultation, rigorous built form testing and detailed background studies including in relation to traffic and heritage.

145. The Amendment implements the objectives of planning in Victoria by introducing permanent built form controls to a neighbourhood activity centre and commercial land that provide for the fair and orderly use and development of land. This is because the Amendment seeks to facilitate future development while maintaining and responding to the heritage character, sensitive residential interfaces and other valued attributes and topography of the precincts.

146. Through this, the Amendment also seeks to secure a pleasant, efficient and safe working, living and recreational environment for Victorians and visitors to Victoria.

5.2 Municipal Planning Strategy (MPS)

147. Council submits that the Amendment is consistent with, and is supported by the following policies that were implemented into the Scheme by way of Amendment C269yara:

Clause 02.03 – Strategic Directions

148. The Amendment supports the following Strategic Directions in Clause 02.03-1 (Settlement – Activity centres):

Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

These activity centres generally contain highly valued streetscapes and commercial buildings included in the Heritage Overlay and must balance the requirements for growth with the retention of heritage significance.

Support and strengthen the vibrancy and local identity of Yarra's network of activity centres:

- Plan and manage employment and residential opportunities to ensure they strengthen activity centres as primary locations for economic activity, housing, leisure and recreation, tourism, arts and culture.
- Support a strong and diverse network of activity centres across Yarra by promoting development that:
 - Is of a scale appropriate to the role and capacity of the centre.
 - Supports each centre's unique character.
 - Provides a mix of uses.

- Encourage land use and development opportunities that create diverse and sustainable centres by:
 - Encouraging development that enhances a centre's sense of place, identity and street activity.
 - Encouraging new development to improve the public realm.
 - Providing for residential development within activity centres at a scale appropriate to the role and capacity of the centre.
 - Fostering activity centres as social and community focal points and vibrant night-time and weekend destinations.
- Reinforce Yarra's activity centres as compact, pedestrian-oriented, mixed-use communities that provide walkable access to daily and weekly shopping and service needs and are well-served by different modes of transport.

149. The Amendment also supports the following Strategic Directions in Clause 02.03-4 (Built environment and heritage):

A key challenge in planning for growth is the need to accommodate new development that is sensitive to the context of the area which includes heritage significance, character and scale of the surrounding area. This needs to be balanced with opportunities to allow for new built form character in major regeneration areas such as Alphington Paper Mill, the former Gasworks site in Fitzroy North and south-west Cremorne (south of Gough Street).

Conserving and enhancing heritage places and streetscapes while still allowing appropriate development is a key driver in Yarra.

Manage development and growth in Yarra to maintain and enhance the unique character and heritage of the city:

- Respect Yarra's distinctive features and landmarks, including:
 - The low-rise character of residential neighbourhoods.
 - Historic retail strips.
 - Identified buildings and places of heritage significance - Aboriginal and post-contact.
 - Significant landmarks and tall structures, including church spires, clock towers, industrial structures and heritage signs.
 - Industrial and former industrial buildings.
 - The Yarra River, Darebin and Merri Creeks and adjacent open spaces.
 - Parks and gardens.
 - Municipal buildings in Collingwood, Fitzroy and Richmond.
 - The historic grid of boulevards, streets and laneways.
 - Historic commercial buildings including banks, hotels and post offices.
 - Historic street and laneway fabric and infrastructure.
- Conserve and enhance the municipality's highly valued heritage places to retain and promote Yarra's distinctive character and sense of history.

- Retain and adapt Yarra's historic industrial buildings as a means of connecting with the past.
- Reinforce Yarra's low-rise neighbourhoods by directing mid-rise buildings to appropriate locations, within major and neighbourhood activity centres, employment areas (as identified in clause 02.01), major regeneration areas (as shown on the Strategic Framework Plan in clause 02.04), and along boulevards (Hoddle St, Alexandra Parade, Victoria Parade and the south end of Queens Parade).
- Ensure mid-rise buildings are in accordance with any building height requirements set out in the relevant zone or overlay, or where there are no building height requirements specified, having regard to the physical and strategic context of the site.
- Manage the scale, intensity and form of development in activity centres to protect highly intact heritage streetscapes and buildings.
- Design development and locate land uses to create people-oriented places with high standards of amenity on-site, for adjoining properties and in the public realm.
- Protect and enhance the built form, character and function of streets and laneways as a feature of Yarra's urban structure and character.

150. The Amendment supports the following Strategic Directions in Clause 02.03-5 (Housing)

Yarra will continue to manage the scale, intensity and form of residential growth. This will continue to differ across the municipality depending on the capacity of sites to accommodate housing growth and the physical and strategic context of each site.

Plan for future housing growth and for more housing choice to support Yarra's diverse community:

- Direct housing growth to appropriate locations including major regeneration areas (Alphington Paper Mill, the former Gasworks site in Fitzroy North and south-west Cremorne, south of Gough Street) as shown in clause 02.04 (Strategic Framework Plan), and areas within activity centres that have good access to public transport, jobs, open space and other services.

151. The Amendment supports the following Strategic Directions in Clause 02.03-6 (Economic development):

Yarra has capacity for employment growth and is committed to supporting this growth in its employment areas in preference to residential development in these areas. There is an identified need to manage pressure for residential conversion of employment land to protect opportunities for economic growth.

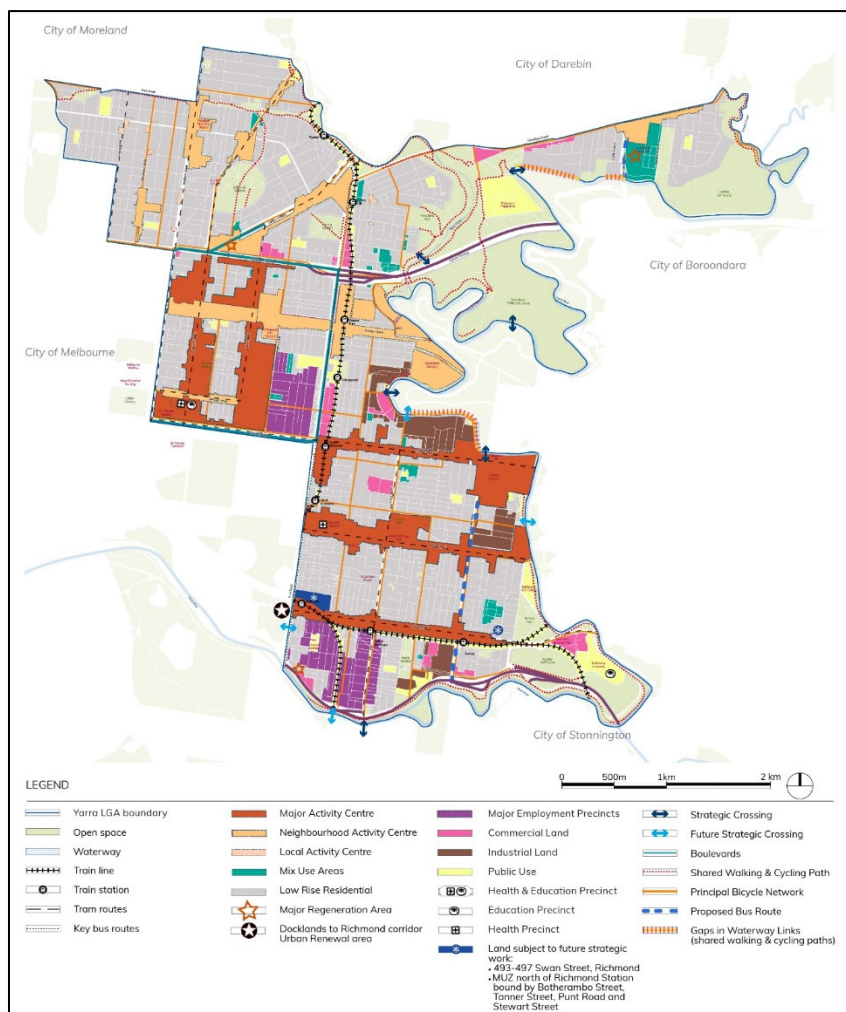
Promote Yarra as an attractive location for economic activities and an important part of Melbourne's inner city economy:

- Strengthen the role and hierarchy of the activity centres by:
 - Promoting them as the preferred locations for retail, services and entertainment.
 - Supporting a diverse land use mix.
 - Facilitating adaptable and functional commercial spaces.
- Preserve and grow Yarra's employment areas (as identified in clause 02.01) by supporting the:

- Employment land in the industrial and commercial land shown in clause 02.04 (Strategic Framework Plan).
- Maintain an adequate supply of employment land to accommodate projected economic and employment growth that meets the diversity of business needs.
- Ensure sensitive land uses (such as residential uses) are designed and located to minimise the potential conflict with existing surrounding employment uses (including existing retail, commercial, hospitality, night time economy, creative and cultural uses).

Clause 02.04 – Strategic Framework Plan

152. The Strategic Framework Plan contained in clause 02.04 (extracted below), identifies the land affected by the Amendment as being partly within a 'Neighbourhood Activity Centre' and partly within 'Commercial Land':



5.3 Planning Policy Framework (PPF)

153. The strategic justification for the Amendment is firmly grounded in the PPF.
154. Clause 11 (Settlement) implements the key principles of *Plan Melbourne 2017-2050* (Plan Melbourne) including providing housing choice by planning for expected housing needs and making that housing more affordable.

155. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services, and encourages consolidation of residential activities within existing urban areas.
156. In particular, Council notes the Amendment is consistent with and supports the following provisions of the PPF.

Clause 11.02 – Managing Growth

157. The Amendment supports the objective of Clause 11.02-1S (Supply of urban land) by ensuring a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses;

Clause 11.03 – Planning for Places

158. The Amendment supports the following strategies of Clause 11.03-1S (Activity centres):

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction

Undertake strategic planning for the use and development of land in and around activity centres.

Encourage a diversity of housing types at higher densities in and around activity centres.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Improve the social, economic and environmental performance and amenity of activity centres.

159. Council submits the Amendment is consistent with Clause 11.03-1L (Activity Centres) including Objective 1 which seeks to manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction. In particular, the Amendment supports the following strategies:

Support high quality mid-rise buildings in major and neighbourhood activity centres.

Support development that improves the built form character of activity centres, while conserving heritage places, streetscapes and views to identified landmarks.

Support development that sensitively transitions to interfaces with low-rise residential neighbourhoods.

Promote use and development that support street level activation and passive surveillance of the public realm.

Support development that improves the public realm and positively contributes to the streetscape environment within activity centres.

160. Further, the Amendment provides a sound framework for orderly planning in a manner consistent with the directions of Plan Melbourne (see further below).

Clause 15 - Built Environment and Heritage

161. Clause 15 (Built Environment and Heritage) provides that '*planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design*'. The Amendment supports this clause by introducing planning controls which seek to ensure development of a high quality, which responds appropriately to the valued social and physical character of the area including its heritage interfaces.

162. Clause 15.01-1S (Urban design) provides the overarching objective to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Relevant strategies include:

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads

163. Clause 15.01-2S (Building design) seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environment sustainable development. Relevant strategies include:

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

164. Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Relevant strategies include:

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

165. The Amendment supports the following strategies of Clause 15.01-1L (Urban design):

165.1 Development adjoining land in a Heritage Overlay:

Ensure development provides a transition from any adjoining building with an individually significant or contributory heritage grading, having regard to height, street wall height, setbacks, building form and siting.

Ensure development is sympathetic and respectful design response that does not dominate an adjoining heritage place.

Ensure appropriate materials and finishes complement the area which do not detract from the fabric of the heritage place.

Ensure development adopts a street wall height to the street frontage that is no higher than an adjoining heritage building with an individually significant or contributory grading.

165.2 Development adjacent to public open space:

Facilitate development that:

- Maintains, improves, or provides pedestrian access to the space.
- Orients windows and balconies to public open space to enhance public safety and the pedestrian experience.
- Relates the scale and siting of a building to the character of the park.

Discourage development that projects (including internal floor space, balconies and garage doors) into or over a public open space.

166. The Amendment supports the following strategies of Clause 15.01-2L (Building design):

166.1 Building Form:

Reflect and respond to streetscape elements, including pattern of development and building spacing.

Make a positive contribution to the streetscape through high quality architecture and urban design.

166.2 Building Heights:

Ensure the height of new buildings respond to the building height requirements set out in the planning scheme, adjoining development building height or where there are no specified building height requirements, have regard to the physical and strategic context of the site.

Ensure that development reflects the predominant low-rise character of the area, except in the areas below where mid-rise should be directed: Employment, commercial and industrial areas as defined in clauses 02.01 and 11.03-1L.

Support mid-rise development that:

- Contributes to a high-quality built form.
- Demonstrates architectural design excellence.
- Provides a transitional scale to the buildings in adjoining low-rise neighbourhoods to protect amenity and discourage visual bulk.
- Improves movement through the site.
- Provides active frontages at street level.
- Contributes to an improved public realm.

166.3 Building Setbacks:

Buildings should align with the street at ground level unless for the provision of public open space or landscaping.

Development should incorporate setbacks that:

- Reflect the general pattern of front, side and rear setbacks in the streetscape, particularly on the same side of the street.
- Limit excessive tiered building profiles on street and laneway frontages and encourage use of contextual materials and finishes at upper levels.
- Provide space for soft landscaping including the planting of canopy trees, where appropriate.

166.4 Walls on boundaries:

Ensure walls on boundaries minimise adverse impact on the amenity of adjoining residential properties through unreasonable overshadowing of private open space, visual bulk or loss of daylight to habitable room windows.

166.5 Impact of development on adjoining properties:

Discourage impacts on existing adjoining development through:

- Unreasonable overshadowing of secluded open space and loss of daylight to habitable room windows.
- Visual bulk.
- Overlooking and excessive screening.
- Noise from building plant and equipment.
- Loss of on-street car parking from excessive crossovers.

166.6 Frontages:

Provide active frontages in commercial areas.

Design ground level street frontage of new development to provide a high level of pedestrian amenity and visual interest and contribute to strong ground floor relationships and high-quality outcomes.

Orient development to the street, and to both streets for a corner site.

Discourage dominant car parking, garage doors and driveways.

Clause 15.03 – Heritage

167. Clause 15.03-1S (Heritage Conservation) provides the overarching objective to *ensure the conservation of places of heritage significance*. Relevant strategies include:

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

168. Council submits the Amendment is consistent with Clause 15.03-1L (Heritage) including the following objectives which seek:

To conserve and enhance Yarra's natural and cultural heritage.

To preserve the scale and pattern of streetscapes in heritage places.

To ensure the adaptation of heritage places is consistent with the principles of good conservation practices.

169. It is also consistent with the following strategies.

169.1 Strategies for New Development, Alterations or Additions:

Retain, conserve and enhance individually significant and contributory buildings as identified in the incorporated document in schedule to clause 72.04 'City of Yarra Database of Heritage Significant Areas.'

Promote development that is high quality and respectful in its design response by:

- Maintaining the heritage character of the existing building or streetscape.
- Respecting the scale and massing of the existing heritage building or streetscape.
- Retaining the pattern and grain of streetscapes in heritage places.
- Not visually dominating the existing heritage building or streetscape.
- Not detracting from or competing with the significant elements of the existing heritage building or streetscape.
- Maintaining the prominence of significant and contributory elements of the heritage place.
- Respecting the following elements of the heritage place:

- (i) Pattern, proportion and spacing of elements on an elevation.
- (ii) Orientation to the street.
- (iii) Setbacks.
- (iv) Street wall.
- (v) Relationship between solid and void.
- (vi) Roof form.
- (vii) Chimneys.
- (viii) Verandahs and canopies.
- (ix) Materials.
- Being visually recessive against the heritage fabric through:
 - (i) Siting.
 - (ii) Mass.
 - (iii) Scale.
 - (iv) Materials.
 - (v) Architectural detailing.
 - (vi) Texture, colours and finishes.

Maintain views to the front of an individually significant or contributory building or views to a secondary façade where the building has two street frontages by not:

- Building over the front of it.
- Extending into the air space above the front of it.
- Obscuring views of its principal façade/s.

Setback additions:

- To avoid facadism, where only the visible façade is retained and the remaining fabric is demolished.
- To maintain the visibility of the three-dimensional form and depth of a building.

169.2 Strategies for Commercial heritage places:

Encourage buildings and works to respect and respond to the existing proportions, patterning and massing of nineteenth and early twentieth century facades and streetscapes.

Maintain the prominence of the street wall through appropriate upper level setbacks.

Encourage new development in activity centres to respect the prevailing street wall height in the immediate area.

Conserve and enhance heritage shopfronts and verandahs.

- Clause 16.01 – Residential Development*

172. Council submits the Amendment supports the following objectives and strategies of Clause 16.01-1L (Location of residential development):

To encourage new housing development to locations in a major or neighbourhood activity centre or major regeneration area as shown in clause 02.04 (Strategic Framework Plan).

Manage housing growth in high and moderate change areas in accordance with the Strategic Housing Framework Plans in this clause and the strategies for each change area.

Support residential growth that is appropriate to both its physical location and strategic context.

In moderate change areas as shown on the Strategic Housing Framework Plans in this clause:

- Support medium density residential and mixed use development that is responsive to heritage significance and streetscape character.
- Encourage lot consolidation to facilitate increased densities and efficient use of land, where appropriate.

173. Clause 17.01-1S (Diversified economy) seeks *to strengthen and diversify the economy*. The Amendment supports this clause by protecting and strengthening existing and planned employment areas and facilitating growth.

174. The Amendment supports the following strategies of Clause 17.01-1L (Employment):

Support development that provides high quality amenity for workers.

Recognise that commercial and industrial land can support employment uses during the day while also supporting activities that contribute to the night-time economy.

Support uses that provide services for workers in employment areas which are ancillary to their employment function.

175. Clause 18 (Transport) encourages the creation of a safe, integrated and sustainable transport system and promotes the use of sustainable personal transport. The Amendment implements the objectives of this clause by facilitating development outcomes underpinned by a comprehensive transport assessment, in an area well serviced by public transport.

176. Clause 18.02-4S (Roads) seeks to facilitate an efficient and safe road network that integrates all movement networks and make best use of existing infrastructure. This Amendment supports this clause by planning and developing the road network to ensure safety on and around roads.

177. The Amendment supports the following strategies of Clause 18.02-4L – Road system:

Locate and design vehicle crossings to:

- Ensure the safety of footpath and road users.
- Prevent disruption to footpath and road users.
- Discourage the removal of street trees and landscaping.
- Discourage multiple vehicular movements for access or egress.
- Discourage the loss of on-street parking from an excessive number and width of vehicle crossings.
- Discourage new vehicle crossovers in streets with few or no crossovers.

Plan Melbourne

178. Finally, it is noted that the Amendment also supports the following key housing related directions and policies from Plan Melbourne:

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.

Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live is also relevant.

Direction 2.1 - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.

Policy 2.1.2 – Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.

Policy 2.1.4 – Provide certainty about the scale of growth in the suburbs.

Direction 2.2 – Deliver more housing close to jobs and public transport.

Policy 2.2.3 – Support new housing in activity centres and other places that offer good access to jobs, services and public transport.

Direction 4.3 – Achieve and promise design excellence.

Policy 4.3.1 – Promote urban design excellence in every aspect of the built environment.

Direction 4.4 – Respect Melbourne’s heritage as we build for the future.

Policy 4.4.1 – Recognise the value of heritage when managing growth and change.

Direction 5.1 – Create a city of 20-minute neighbourhoods.

Policy 5.1.1 – Create mixed-use neighbourhoods at varying densities.

Policy 5.1.2 – Support a network of vibrant neighbourhood activity centres.

Clause 71.02 (Operation of the Planning Policy Framework)

- ## 5.4 Ministerial Directions

- ## 5.5 Planning Practice Notes

- page 37

PPN59 - The role of mandatory provisions in planning schemes

188. PPN59, which was updated in September 2018, provides criteria to consider whether mandatory provisions are appropriate.
189. PPN59 suggests that mandatory provisions are intended to be the exception rather than the rule. In doing so, it recognises there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome.
190. PPN59 states that:
- Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.
191. It then sets out five broad criteria to assess whether or not the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility inherent in a performance based system. These criteria are:
- Is the mandatory provision strategically supported? **Work***
- Is the mandatory provision appropriate to the majority of proposals.*
- Does the mandatory provision provide for the preferred outcome?*
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?*
- Will the mandatory provision reduce administrative costs?*
192. PPN59 does not call on a planning authority to identify ‘exceptional circumstances’ but rather to explain why the mandatory provisions which it seeks to introduce should be ‘the exception’ to the ‘common practice’.
193. What is the ‘exception’ and what is ‘common practice’ must be assessed against the particular circumstances of the provisions under consideration and against events that have occurred since PN59 was published in September 2018. These events must include for example, VC110 which, if nothing else, demonstrates the greater acceptance and use by the Minister of mandatory provisions.
194. In the Amendment, mandatory controls are proposed where it is considered absolutely necessary, and apply to:
- 194.1 intact heritage streetscapes;
- 194.2 sensitive residential interfaces; and
- 194.3 interfaces in order to protect opposite footpaths from overshadowing.
195. Council’s response against the criteria for mandatory controls provided in PN59 is provided in the table below.

Strategic Work	Amendment C273yara
Is the mandatory provision strategically supported?	Yes. Council refers to and repeats its submissions above, as to the strategic justification of the controls, against provisions of the PPF, including key strategic documents such as Plan Melbourne.

	<p>The <i>Built Form Framework</i>, the <i>Heritage Review</i>, and the <i>Traffic Assessment</i> were all prepared having regard to the provisions of PN59.</p> <p>In particular, the <i>Heritage Review</i> contains detailed assessments of previous Planning Scheme Amendments (both within the City of Yarra and in other municipalities) which have proposed, and resulted in the gazettal of, mandatory controls.</p>
Is the mandatory provision appropriate to the majority of proposals.	<p>Yes. The controls have been carefully prepared with regard to the urban design, existing residential amenity and heritage strategic work described earlier in this submission. The discrete contexts in which the mandatory controls apply ensure that flexibility has been maximised across the HRAC.</p>
Does the mandatory provision provide for the preferred outcome?	<p>Yes.</p> <p>The mandatory controls seek to protect valued heritage characteristics and the amenity of the residential properties, and the open space throughout the area. These outcomes are effectively achieved by the application of mandatory provisions, which ensure that development is respectful to inherent and surrounding heritage values, and that the form of development does not compromise solar access to limited open space in the HRAC.</p> <p>Through a number of submissions lodged in respect of the Amendment, the community has conveyed to Council that their preferred outcome is to achieve certainty with the future development of the area, to ensure that open spaces and residential amenity are protected from overshadowing and that valued heritage developments remain a key element of the areas character. Mandatory built form controls achieve this outcome.</p>
Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?	<p>Yes. Without mandatory controls for the area, against the context of the residential amenity, open space and heritage development, has the potential to give rise to an unacceptable outcome. The certainty offered by the mandatory controls presents an optimal approach to planning for the future community, to ensure a high level of public amenity and continued protection of valued heritage forms.</p>
Will the mandatory provision reduce administrative costs?	<p>Yes, undoubtedly. The mandatory provisions will provide certainty to permit applicants, the local community and Council alike, by ensuring all parties are aware of the desired outcomes for development sites and ensuring that time spent re-designing buildings and negotiating mutually desirable outcomes remains limited.</p>

PPN60 - Height and setback controls for Activity Centres

196. PPN60 provides guidance on the preferred approach to the application of height and setback controls for activity centres such as the HRAC. PPN60 recognises that:

Height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes.

Proposed height and setback controls must be soundly based on the outcomes of strategic research and background analysis that demonstrates consistency with state and regional policy and includes a comprehensive built form analysis.

197. The proposed height and setback controls sought in the Amendment have been developed in accordance with PPN60.
198. In particular, the Amendment is supported by a comprehensive built form analysis which has been undertaken in the *Heritage Review*, the *Urban Context Analysis* and the *Built Form Framework*.
199. Consistent with PPN60, these documents:
 - 199.1 identify significant opportunities for change within an activity centre and explores alternative built form objectives and outcomes to accommodate this change;
 - 199.2 include an analysis of visual and amenity impacts, solar access and overshadowing impacts and any impact on environmental conditions within the centre;
 - 199.3 identify any significant physical features, such as views to or from the activity centre or topography that needs to be considered;
 - 199.4 identify and articulate how new development should address street frontages and laneways or relate to adjacent residential areas; and
 - 199.5 select appropriate heights and built form outcomes at a precinct level through evaluation of built form objectives, land use outcomes and economic growth consistent with state and regional policy.
200. The Amendment's consistency with PPN59 and PPN60 will be addressed in further detail in Council's Part B submission.

5.6 Victoria's Housing Statement

201. The draft housing target identified for Yarra is to provide capacity through the Scheme for an additional 48,000 dwellings from 2023 to 2051. The draft targets are understood to be partially aspirational to support the supply of residential land/dwellings in the long term. The Department of Transport and Planning is still considering feedback from consultation on the draft targets and these numbers are not finalised.
202. The draft target for Yarra is considerably higher than any other forecasts or rates of actual development, such as the official forecast data in Victoria in Future (VIF) 2023. According to expert evidence (SGS Economics and Planning) provided during the C293yara Standing Advisory Committee Hearing, Yarra's activity centres have a potential capacity of approximately 36,000 dwellings (assuming an average dwelling size of 80sqm). This assumes the development of all sites.
203. Assuming an average growth rate per year using the draft housing target, Yarra's activity centres and major sites could provide sufficient dwelling capacity until at least 2044. Based on the Victoria in Future 2023 forecast (1,290 dwellings per year), Yarra's activity centres alone would hold sufficient dwelling capacity up to 2051. Combining this with the capacity of residential areas outside of these activity centres, Yarra's planning scheme and its strategic frameworks are well-placed to achieve the draft housing target.
204. The draft targets do not specify how capacity should be distributed across the Municipality. Policy in the Yarra Housing Strategy and Yarra Planning Scheme provides a framework for the location and intensity of housing in appropriate locations. The majority of these dwellings will be supplied through the redevelopment of the APM site. Precincts 1 and 3A and 3B are 'moderate change' areas that will support increased residential densities and housing diversity through mixed use, infill and shop-top apartment development.



CONCLUSION

205. This completes the 'Part A' submission for the Council.