

# **Yarra Planning Scheme**

## **Amendment C273yara**

### **Explanatory Report**

#### **Overview**

The draft Amendment proposes to replace interim Schedule 18 to the Design and Development Overlay (DDO18) with a permanent DDO18 for commercial areas along Heidelberg Road, Alphington/Fairfield. The draft Amendment also proposes to include new policy at Clause 11.03-1L Activity Centres, apply the Heritage Overlay (HO) to two places and delete the HO from one property. Schedule to Clause 72.04 Incorporated Documents and Schedule to Clause 72.08 Background Documents will be amended accordingly as part of this Amendment.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Yarra City Council website at [www.yarracity.vic.gov.au/AmendmentC273yara](http://www.yarracity.vic.gov.au/AmendmentC273yara).

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

Richmond Town Hall

333 Bridge Road

RICHMOND VIC 3121

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

#### **Details of the amendment**

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

This amendment has been prepared by the Yarra City Council on behalf of the Minister for Planning who is the planning authority for this amendment.

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

## Land affected by the amendment

The amendment applies to land currently within interim Design and Development Overlay – DDO18 along the south side of the Heidelberg Road corridor in Yarra, specifically:

- Commercial 1 Zone and Commercial 2 Zone land along Heidelberg Road as shown in figure 1 & 2; and
- 730-734 Heidelberg Road, Alphington (Lot 1 & 2 PS643181, Lot 1 & 2 LP38884) and 760-764 Heidelberg Road, Alphington (Lot 1 TP596569) as shown on figure 3.

The draft amendment also applies to:

- 2 Killop Street, Alphington (Lot 2 PS626210) as shown in figure 4; and
- Parts of the Yarra Bend Development (Alphington Paper Mill regeneration area – between Chandler Highway and Parkview Road) that are within the Heidelberg Road Neighbourhood Activity Centre as shown in Clause 11.03-1L Activity Centres.

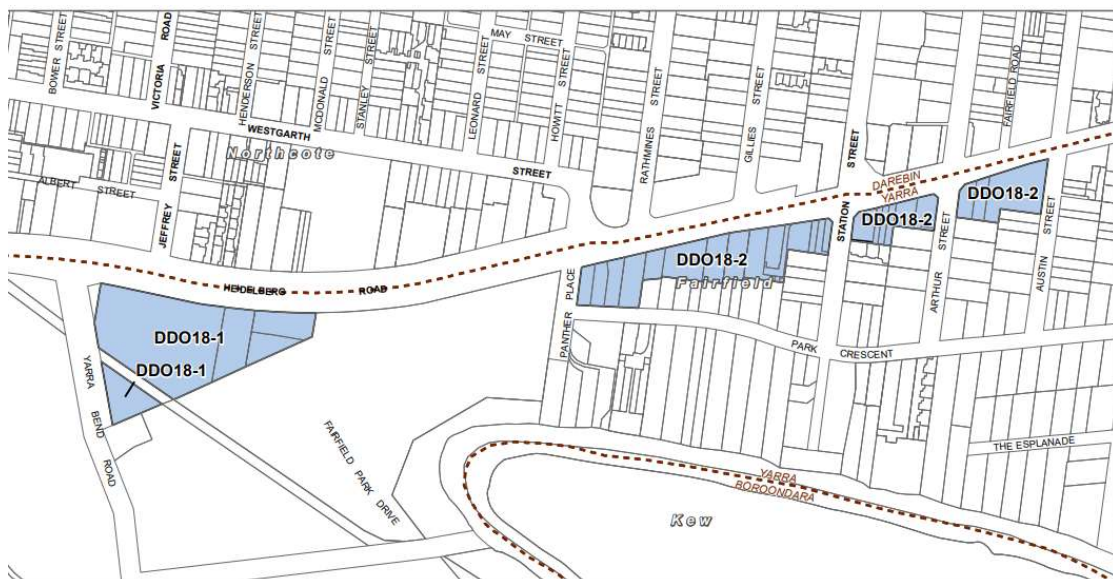


Figure 1: Proposed Design and Development Overlay along Heidelberg Road.

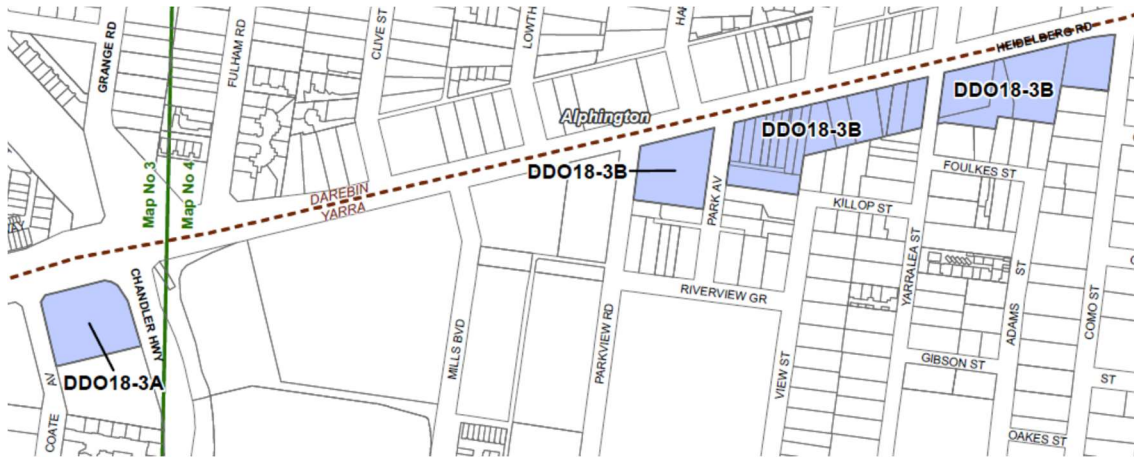


Figure 2: Proposed Design and Development Overlay along Heidelberg Road.

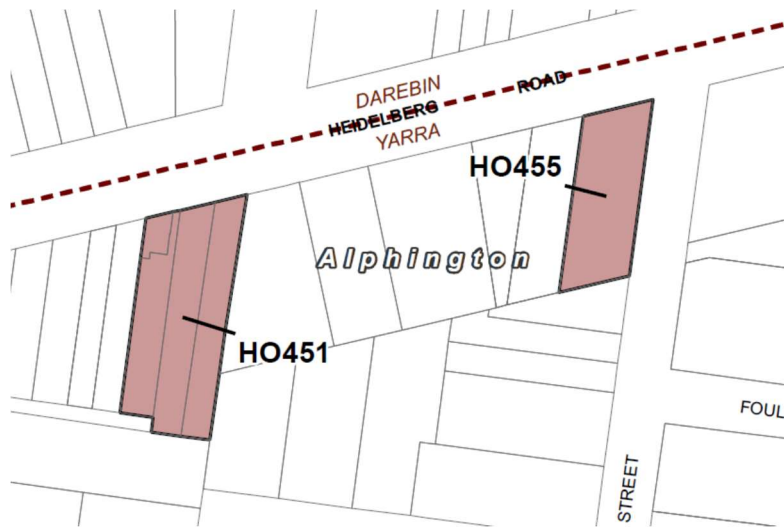


Figure 3: Apply Heritage Overlay at 730-734 & 760-764 Heidelberg Road, Alphington.



Figure 4: Delete Heritage Overlay (part of HO 362) at 2 Killop Street, Alphington.

## What the amendment does

Interim Design and Development Overlay – DDO18 currently applies along the south side of the Heidelberg Road corridor in Yarra.

Council has undertaken a review of the interim DDO to test its suitability for translation into a permanent provision and recommend necessary refinements.

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

- *Heidelberg Road Heritage Review (Stage 1), RBA Architects Conservation Consultants 2019;*
- *Heidelberg Road Heritage Review (Stage 2), RBA Architects Conservation Consultants 2019;*
- *Part 2: Heidelberg Road Built Form Framework – Design Strategy and Recommendations, Hodyl & Co, November 2019; and*
- *Traffic and Vehicle Access Assessment, Heidelberg Road, Fairfield/Alphington, Traffix Group, November 2019.*

The draft amendment seeks to:

- Include new policy at Clause 11.03-1L Activity Centres to provide general directions for the Heidelberg Road Neighbourhood Activity Centre.
- Replace interim Design and Development Overlay Schedule 18 (interim DDO18) with permanent Design and Development Overlay Schedule 18 (DDO18) which applies to the land zoned Commercial (C1Z and C2Z) along Heidelberg Road.
- Apply Heritage Overlay HO451 to the properties at 730-734 Heidelberg Road, Alphington.
- Apply Heritage Overlay HO455 to the property at 760-764 Heidelberg Road, Alphington.
- Delete Heritage Overlay HO362 from the property at 2 Killop Street, Alphington.
- Amend the Schedule to Clause 43.01 Heritage Overlay to include HO451 and HO455.
- Amend the Schedule to Clause 72.04 Incorporated Documents to include “The Post Office and the group of shops on Heidelberg Road Statement of Significance” and “Cooper Knitting Factory (former) Statement of Significance” and update the “City of Yarra Database of Heritage Significant Areas”.
- Amend the Schedule to Clause 72.08 Background Documents to include:
  - *Heidelberg Road Heritage Review (Stage 1), RBA Architects Conservation Consultants 2019;*
  - *Heidelberg Road Heritage Review (Stage 2), RBA Architects Conservation Consultants 2019;*
  - *Traffic and Vehicle Access Assessment, Heidelberg Road,*

*Fairfield/Alphington, Traffix Group, November 2019.*

- Amend Planning Scheme Map Nos. 3DDO and 4DDO by replacing interim DDO18 with a permanent DDO18.
- Amend Planning Scheme Map No. 4HO by applying HO451 and HO455 and deleting HO362 from the property at 2 Killop Street, Alphington.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The draft amendment has been requested by Yarra City Council 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.

The scale and density of development approved and currently being proposed along Heidelberg Road has increased substantially in recent years. The most influential development being the 'redevelopment' of the former Alphington Paper Mill (APM) site on the south-east corner of the Chandler Highway and Heidelberg Road. The redevelopment is already driving new development proposals in the Heidelberg Road Neighbourhood Activity Centre and is likely to continue to be a catalyst for further development and land use changes along Heidelberg Road.

The Minister for Planning gazetted Amendment C272yara to the Yarra Planning Scheme to apply an interim built form control (DDO18) to the area. The interim control came into effect on 22 October 2021 and has been used to manage development while a permanent control was progressed.

To ensure appropriate and orderly planning, Council has undertaken a review of the interim built form control to test its suitability for translation into a permanent provision and recommend refinements.

### ***Design and Development Overlay Schedule 18***

Draft Amendment C273yara generally implements the built form recommendations of the Part 2: Heidelberg Road Built Form Framework – Design Strategy and Recommendations, 2019 by introducing Schedule 18 to the Design and Development Overlay (DDO18) on a permanent basis. The built form work was prepared by Hodyl & Co (urban design) with input from RBA Architects Conservation Consultants (heritage), and Traffix Group (access and movement). These reports provide a strong strategic basis for the future planning of the area.

Permanent DDO18 aims to provide a balanced approach by guiding different levels of potential development across the Heidelberg Road Precincts. It aims to ensure that new buildings will respond to heritage fabric and minimise impacts on sensitive

residential interfaces such as backyards, and public spaces like footpaths, kerb outstands and parklands.

The built form and design requirements are split into 'General Requirements' that apply across the Precincts and 'Precinct Design Requirements' that are specific to each Precinct. The requirements cover elements such as street wall height, upper level front and side street setbacks, building height, interface and rear setbacks, overshadowing and daylight access, front setbacks to street(s), building separation, building layout and access, parking and loading bay requirements.

Permanent DDO18 includes a mix of mandatory maximum requirements and preferred maximum requirements.

The permanent provision is required to ensure that new development within the commercial areas along Heidelberg Road is appropriately guided and that certainty on planning outcomes is increased. The provision is based on sound strategic background work and learnings from recent amendments.

It is proposed that the background work is listed in the Schedule to Clause 72.08 Background Documents.

### ***Heritage Overlays (HO451 and HO455)***

Draft Amendment C273yara implements the heritage recommendations of the Heidelberg Road Heritage Review (Stage 1 & 2), RBA Architects Conservation Consultants 2019 by applying the Heritage Overlay to the properties 730-734 Heidelberg Road, Alphington (group of 3 shops) and 760-764 Heidelberg Road, Alphington.

The Statement of Significance for these sites are proposed to be listed as incorporated documents in the Schedule to Clause 72.04 Incorporated Documents. It is also proposed to update the "City of Yarra Database of Heritage Significant Areas" (listed as an incorporated document in the Schedule to Clause 72.04) to show these changes. The Heritage Reviews (Stage 1 and 2) are proposed to be listed as background documents in the Schedule to Clause 72.08.

The amendment also deletes the Heritage Overlay (HO362) from 2 Killop Street, Alphington. The late 20th century house was determined to be an anomaly at the edge of the Alphington East Precinct largely characterised by Victorian, Edwardian and Interwar houses with pitched, gabled or hipped roofs. It varies greatly to the graded building stock in the precinct and it was recommended by the heritage advisor to be removed from the precinct on this basis.

### ***Clause 11.03-1L Activity Centres***

Updating Clause 11.03-1L Activity Centres under the Heidelberg Road, Alphington subheading would include strategies to reinforce expectations around use and development in the Neighbourhood Activity Centre. The updates are informed by the built form framework, development plan for the former Alphington Paper Mill site and draft Local Area Plan. Note: this update is to the adopted Amendment C269 planning

policy framework which is not yet approved. This update could also be applied to existing Clause 21.08 Neighbourhoods, subheading Fairfield – Alphington.

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

The draft amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987* (the Act), in particular:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- b) to secure a pleasant, efficient and safe working, living and recreational environment;
- c) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- d) to balance the present and future interests of all Victorians.

The draft amendment facilitates housing growth as well as economic growth and creates more economically viable mixed-use precincts in the commercial zoned land along Heidelberg Road.

## **How does the 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.

## **Does the amendment address relevant bushfire risk?**

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

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

The draft amendment complies with Ministerial Direction No. 9 in addressing and responding to the Metropolitan Planning Strategy, Plan Melbourne 2017-2050.

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

The draft amendment C273yara 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 Commercial 1 and Commercial 2 Zone land along Heidelberg Road including the Heidelberg Road Neighbourhood Activity Centre.

**Direction 5.1** - Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes policy for local governments to prepare structure plans for activity centres to accommodate growth. The draft amendment will facilitate renewal of the Commercial 1 and Commercial 2 Zone land along Heidelberg Road including the Heidelberg Road Neighbourhood Activity Centre, which will improve local employment, housing and commercial opportunities.

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

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

#### **Clause 11 – Settlement**

Clause 11 provides context and implements the key principles of Plan Melbourne 2017-2050, which includes providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas. The amendment provides a framework for the orderly planning and high-quality development of commercially zoned land along Heidelberg Road in a manner consistent with the directions of Plan Melbourne 2017-2050.

#### Clause 11.02-1S Supply of urban land

*To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

#### Clause 11.03-1S Activity Centres:

*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

#### Clause 11.03-1L Activity Centres

*To manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction.*



The amendment supports this clause and local objective by including built form provisions that seek to guide the growth of the centre, facilitating both employment and housing, and encouraging good urban design outcomes.

### **Clause 15 – Built Environment and Heritage**

Clause 15 seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance. The amendment supports this clause by providing appropriate built form guidance to ensure that development is site responsive and appropriate. The amendment also protects heritage significant buildings by applying the Heritage Overlay.

#### Clause 15.01-1S Urban design

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

#### Clause 15.01-1L Urban design:

The amendment supports this clause by including built form provisions that encourage pedestrian orientated and high-quality urban design outcomes, improved street activation, passive surveillance, protection of open space and ensuring they are not overshadowed. The provisions introduced through the amendment also support local policy strategies within this clause that provide guidance on development adjoining land in a Heritage Overlay and development abutting laneways.

#### Clause 15.01-2L Building design

The amendment supports this clause by introducing a range of built form requirements for street wall heights, street setbacks, building heights, overshadowing and solar access, building separation, amenity, access, and design considerations that respond to the heritage character and residential interfaces.

#### Clause 15.01-2S Building design

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

#### Clause 15.01-5S Neighbourhood character

*To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

#### Clause 15.03-1S Heritage Conversation

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

#### Clause 15.03-1L Heritage

The amendment supports this clause and local objectives to 'conserve and enhance

Yarra's natural and cultural heritage' and 'preserve the scale and pattern of streetscapes in heritage places' by including built form provisions such as height, street setback and upper level setback requirements for heritage places and developments adjoining heritage places to ensure the prominence of heritage places

## **Clause 16 – Housing**

Clause 16 emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne. The amendment provides strategic guidance on the appropriate scale of development.

### Clause 16.01-1S Housing supply

*To facilitate well-located, integrated and diverse housing that meets community needs.*

### Clause 16.01-1L Location of residential development:

To amendment will manage new medium density housing and mix-use development a neighbourhood activity centre and moderate change areas. The scale proposed in the built form requirements is appropriate to both its physical location and strategic context that is responsive the existing character and heritage places.

## **Clause 17 – Economic Development**

Clause 17 seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses in the commercially zoned land along Heidelberg Road.

### Clause 17.01-1S Diversified economy

*To strengthen and diversify the economy.*

### Clause 17.01-1L Employment

The amendment supports this clause by introducing built form provisions that provide guidance on the scale, intensity and form of development, facilitating opportunities for commercial, retail and other services.

## **Clause 18 – Transport**

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

### Clause 18.02-4S Roads

*To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

#### Clause 18.02-4L Road system

The amendment supports this clause as it provides guidance on the location and design of vehicle crossings that direct access from Heidelberg Road and support pedestrian friendly design of vehicle entry.

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

The Municipal Planning Strategy (MPS) acknowledges the importance of accommodating new development in the City of Yarra that is sensitive to the context of the area, including heritage, character, and scale.

#### **Clause 02.03 – Strategic Directions**

##### Clause 02.03-1 (Settlement – Activity centres)

*Support and strengthen the vibrancy and local identity of Yarra’s network of activity centres.*

The amendment plans for the expected housing and commercial needs of the Municipality by applying built form requirements that will achieve a midrise outcome. The amendment provides a framework for the orderly planning and high-quality development of commercially zoned land along Heidelberg Road.

##### Clause 02.03-4 (Built environment and heritage):

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

The amendment applies built form requirements within a Neighbourhood Activity Centre that guide new development to be designed to contribute to a new midrise built form outcome. The requirements balance the future needs for growth, with the existing character of area and the retention of heritage places.

##### Clause 02.03-5 (Housing)

*Plan for future housing growth and for more housing choice to support Yarra’s diverse community.*

The amendment applies built form requirements that would facilitate a midrise built form outcome. The types of housing expected will provide diversity that compliments other housing options surrounding the Activity Centre. The controls balance the need for new housing while managing the scale and form of new development.

##### Clause 02.03-6 (Economic development):

*Promote Yarra as an attractive location for economic activities and an important part of Melbourne’s inner city economy.*

The amendment provides certainty to commercial businesses and residents by applying built form requirements to commercial land. The requirements allow for future growth of commercial uses while managing conflict with surrounding residential areas.

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

The draft amendment uses the most appropriate VPP tools to achieve its objectives. A Design and Development Overlay (DDO) is the best tool to control future built form and the Heritage Overlay is used to protect places of heritage significance.

### **How does the amendment address the views of any relevant agency?**

Council sought the views of the Department of Environment, Land, Water and Planning (DELWP) and the Department of Transport in drafting the Amendment while preparing the interim controls.

Further views of relevant agencies will be sought during exhibition of the draft amendment C273yara.

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

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

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

### **How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murrong)* Act 2017 in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?**

The Yarra River land is not affected by the planning scheme as seen in Figure 5 below.

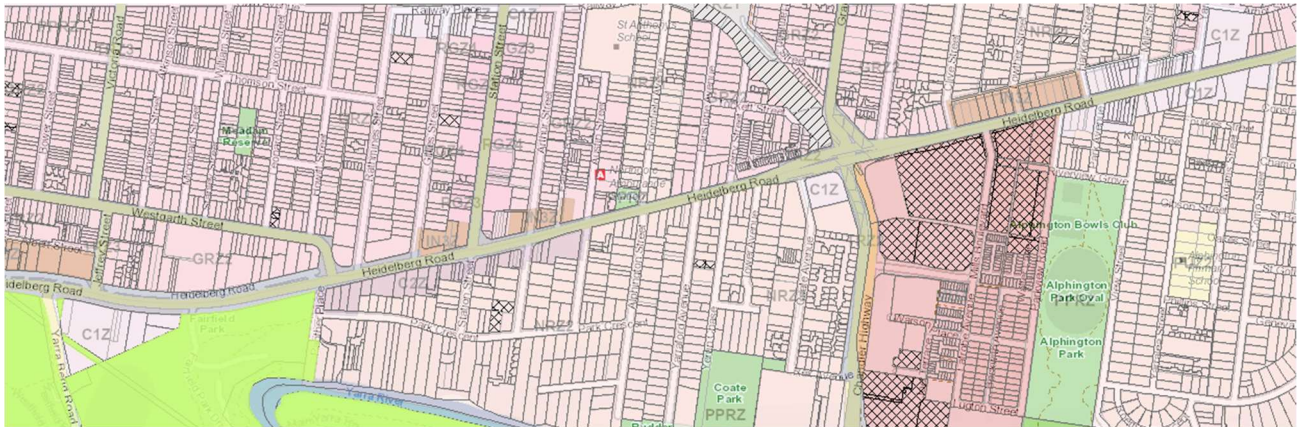


Figure 5. Yarra River Land overlay from VicMaps.

## 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 as it will facilitate some new forms of development and land use.

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.