

Draft Amendment C271yara – Fitzroy and Collingwood Built Form Provisions

Response to key issues raised in submissions

The following table provides a summary of key issues raised in submissions received to Amendment C271yara and the recommended changes.

This document corresponds with Attachment 4 “**Summary of individual submissions and responses**” as in the C271yara Council Meeting report.

Please note, in accordance with the requirements of the *Planning and Environment Act 1987* and Privacy and Data Protection Act 2014 Council has removed all personal information (including names and addresses).

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1. Accommodating Growth

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Submissions largely support and recognise the need to accommodate growth.</p> <p>Many resident submissions raise concern about the impact of accommodating growth, whereas consultant and developer submissions consider the controls too restrictive to accommodate the projected growth.</p> <p>Concern with the loss of neighbourhood character in order to accommodate growth.</p>	<p><u>Need to accommodate growth</u></p> <p>The State Government requires local councils to address population and employment changes to meet their city's needs. Activity centres have been identified as appropriate areas to accommodate growth as they have good access to employment, public transport, and other amenities. The study area includes the Brunswick Street Major Activity Centres, Smith Street Major Activity Centre, Gertrude Street Neighbourhood Activity Centres and Johnston Street (west Neighbourhood Activity Centre).</p> <p>Land along the arterial roads and commercial zoned land in Fitzroy and Collingwood are attractive areas for new development due to its good access to Melbourne CBD, proximity to public transport, jobs and services.</p> <p><i>Plan Melbourne 2017-2050, the Yarra Housing Strategy (2018), Yarra Spatial Economic and Employment Strategy (2018)</i> and revised local planning policy framework direct employment and housing growth in Yarra to activity centres.</p> <p>The amendment must consider the projected employment and population forecasts when applying new provisions. However, this does not mean that activity centres or key roads are locations for unlimited growth. Both <i>Plan Melbourne</i> and the Yarra Planning Scheme make it clear that accommodating growth needs to be balanced with the preservation of heritage and public and private amenity.</p> <p>Clause 11.03-1L Activity Centres includes the objective 'to manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction'.</p> <p><i>Yarra Housing Strategy, 2018</i></p> <p>Council's <i>Housing Strategy (2018)</i> seeks to direct new housing to areas within or close to activity centres that have good access to public transport, open space and other services and limit housing growth in established residential areas, consistent with <i>Plan Melbourne, State, and local policy.</i></p> <p><i>Yarra Spatial Economic and Employment Strategy (SEES), 2018</i></p> <p>The area affected by the amendment includes land zoned Commercial 2 Zone (C2Z) which supports commercial activities and does not allow residential uses. The <i>Yarra Spatial Economic and Employment Strategy (SEES)</i> adopted in 2018 supports the retention of C2Z zoned land to support the growth in retail and other employment uses on Nicholson Street and Alexandra Parade. It notes that Yarra's C2Z land is not required to support housing.</p> <p>Amendment C271yara seeks to apply stronger planning provisions and provide greater certainty to the community. It seeks to balance the need for development, while retaining a sense of place and protecting adjacent residential amenity.</p> <p><u>Neighbourhood character</u></p> <p>Comprehensive heritage and urban design analysis for all precincts across the study area to inform the amendment. This included seven heritage area wide studies, nine built form frameworks, two traffic assessments and two site specific heritage assessments (including statements of significance).</p> <p>The DDOs establish a preferred character along each DDO area that responds to the existing context. The exhibited DDOs include a range of requirements to manage future development that responds to the character of the street. i.e. front landscape setbacks where already established and retention of heritage streetwall.</p> <p>The DDOs also require new development to transition in height and landscape setbacks to sensitive residential areas to ensure there is no unreasonable loss of amenity through visual bulk, overlooking and overshadowing.</p>

1. Accommodating Growth

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p><u>Housing Targets</u></p> <p>The State Government has recently announced housing targets for every local government area across Victoria, specifying each areas share of an extra 2.24 million homes it anticipates are needed. These targets intend for every planning scheme to identify enough realistic opportunities for new development to deliver the targeted number of homes. The housing target (net new dwellings to 2051) for Yarra is 44,000.</p> <p>Implementing built for controls will assist Yarra City Council in addressing these targets by taking a balanced approach and guiding various levels of potential development across Collingwood and Fitzroy’s Mixed-Use and Commercial land.</p> <p>The DDOs aim to ensure that new development will be sensitive towards heritage buildings and minimise impacts on sensitive residential interfaces and public spaces such as footpaths, parks and expanded street corners.</p> <p>The housing targets are discussed further in section ‘14. State Government Processes’ in this report.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

2. Amendment Process

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Several submissions raised concerns with the amendment process. Issues ranged from:</p> <ul style="list-style-type: none"> • Insufficient consultation (length of time, notification extent, location of folders) • First chance to formally submit on the changes • Timeframes / delays to the amendment • Background documents are too old • Lack of Town Hall meetings 	<p>Council has undertaken significant consultation to engage with key stakeholders and interested parties for this Amendment.</p> <p><u>Pre-Consultation</u></p> <p>From 5 September 2022 – 3 October 2022 Council engaged the community in an informal consultation process to seek feedback on the interim controls that were implemented and to provide guidance on the future permanent controls. This is not a standard practice or required under the Planning and Environment Act 1987, however, was done to seek feedback from affected and interested parties prior to seeking permanent controls.</p> <p>This community engagement included following efforts:</p> <ul style="list-style-type: none"> • Letters to owners and occupiers located within the proposed DDO areas (approx. 7,300). • Emails to known community groups to provide feedback and offer to meet with officers. • Dedicated consultation website that included: <ul style="list-style-type: none"> ○ Interactive mapping tool with pop-up text in plain English, providing snapshot summaries of each DDO and links to each requested interim DDO ○ Information sheets ○ FAQs ○ Online survey form to make providing feedback easier ○ Strategic Planning contact details to ask further questions or request a meeting • Social media posts • E-Newsletters • Bicultural liaison officers (BLOs) to spread the message to CALD communities • Utilising an online panel to obtain survey feedback from targeted groups, such as: <ul style="list-style-type: none"> ○ Renters ○ Young adults (under 35) ○ CALD • Contacting all of Council’s advisory committees with the offer to meet • Private one on one meetings with the community on request • Three on street pop ups across two days (15 and 29 September 2022) <p>Participation from community included 560 submissions with approx. 85 people attending the three pop up sessions.</p>

2. Amendment Process

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p>Strategic Planning and Council then refined the DDOs further based on submissions.</p> <p>Council resolved at its meeting on 6 December 2022 to seek consent to exhibit the Amendment.</p> <p>This Council Meeting was met with a positive response from submitters due to the changes made and encouraged the Council to seek consent to exhibit the Amendment.</p> <p>The Minister for Planning did not grant conditional consent to exhibit until July 2024. Due to this Council had to wait over 18 months to exhibit, then had to wait due to caretaker period & elections.</p> <p><u>Exhibition</u></p> <p>The formal exhibition period was from 18 November 2024 to 24 February 2025 (fourteen weeks – 8 weeks without school/summer holidays). The statutory requirement is for 1 calendar month.</p> <p>Exhibition was held for an extended period as to allow for sufficient time to review the amendment prior to and after the typical holiday period.</p> <p>Notice of Amendment C271 included:</p> <ul style="list-style-type: none"> • Letter notification to all owners and occupiers in the DDO boundary and within at least 1 block of land within the DDO boundaries (approximately 17,000 letters). • Renotification to approximately 800 owners and occupiers was sent due to an exporting error through the GIS mail out system that jumbled the columns of data. This issue has now been addressed and corrected by the GIS team and updated procedure in place to ensure the technical error does not arise again. • Notice in The Age (19 November 2024). • Notification of Ministers prescribed by the Planning and Environment Act 1987 and other statutory bodies. • Webpages on: <ul style="list-style-type: none"> ○ Standing Advisory Committee process (including the Terms of Reference, a summary of the process and an informal information sheet). ○ Draft Amendment C271yara (https://www.yarracity.vic.gov.au/amendmentC271yara) which included: <ul style="list-style-type: none"> ▪ Formal amendment documents and background reports. ▪ Two informal information sheets to describe the proposals in non-statutory language. ▪ An interactive map to help searches for addresses of interest. ▪ Frequently Asked Questions. ▪ Contact details and information on how to make a submission. ▪ Times and locations of 6 planned on street pop up consultations.

2. Amendment Process

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<ul style="list-style-type: none"> ○ Your Say Yarra website with the same information as on the corporate website and an online portal to lodge a submission easily. • Posts on social media. • News item on our corporate website. • Radio advertising on 3ZZZ. • Digital screens within our customer service centres. • Postcards at 19 Council venues. • Article in Yarra Life e-newsletter and Yarra Business news (with 12,000 and 10,000 recipients respectively). • Direct email notifications to over 500 previous participants and interested parties (including an invitation to meet). • Direct emails to all of Yarra's Advisory Committees (including an invitation to meet) • Direct emails to the following community groups (including an invitation to meet): <ul style="list-style-type: none"> ○ Collingwood and Abbotsford Residents Association ○ Collingwood Historical Society ○ Fitzroy History Society ○ Fitzroy Residents Association ○ Protect Fitzroy North ○ Queens Parade Heritage, Planning and Traders Group ○ Save Queens Parade ○ South Fitzroy Protection Group ○ Streets Alive Yarra ○ The 3068 Group ○ Yarra Climate Action Now ○ Yarra Planning Coalition ○ Your Collingwood • Hard copy folders of all amendment documentation at Fitzroy Library and Richmond Town Hall.

2. Amendment Process

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	<ul style="list-style-type: none"> • 6 on street pop ups at various times and places (3 on either side of the holiday period): <ul style="list-style-type: none"> ○ Saturday 30 November 2024 (10am to 12pm at Rose Street Artists' Market in Fitzroy) ○ Thursday 5 December 2024 (10am to 12pm at Otter Street Pocket Park) ○ Wednesday 11 December 2024 (4pm to 6pm at the corner of Gertrude and Napier Street) ○ Thursday 6 February 2025 (10am to 12pm at the corner of Johnston and Gore Street) ○ Saturday 15 February 2025 (10am to 12pm at the corner of Kerr and Brunswick Street) ○ Tuesday 18 February 2025 (4pm to 6pm at the corner of Smith and Kerr Street) • One pop up session, originally to be held Wednesday 12 February 2025 (4pm to 6pm at the corner of Smith and Kerr Street) was rescheduled due to extreme heat. <p>In early 2025, the following was renotified:</p> <ul style="list-style-type: none"> • Article in Yarra Life e-newsletter and Economic Development Newsletter (approximately 13,000 subscribers). • Posts on social media. • Direct emails to resident groups and previous interested parties (including an invitation to meet); and • Direct emails to previous submitters (approx. 560 previous submitters). <p>Letters were twofold – one for owners and occupiers within the DDO areas and another letter for those located nearby one of the change areas, with general overview was to raise awareness and encourage website use or to get in contact with strategic planning directly. These letters included direct email, phone number, notice of pop ups to occur and where to find hard copies).</p> <p><u>Engagement data</u></p> <p>Exhibition of the amendment was conducted primarily on-line. The efforts outline above were extremely successful in reaching the community at outlined in the engagement data below:</p> <ul style="list-style-type: none"> • Officers received around 40 individual phone calls and email enquiries. These were frequently in-depth conversations about the amendment and what it meant for them. • There were approximately 1,000 views of the C271yara webpage and 3,000 views of the dedicated YSY webpage. • Officers held 6 on street pop ups to engage with residents. <p><u>Background Documents</u></p> <p>Officers acknowledge that the documents underpinning this amendment were finalised some time ago. Due to a number of delays, this Amendment has not been progressed until authorisation was granted by the Minister for Planning mid-2024. Officers note that the context and considerations included in these documents</p>

2. Amendment Process

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	<p>is still relevant to the current proposed controls. The Standing Advisory Committee process will also allow for any update to these documents upon recommendation and consideration of the Amendment. Furthermore, through informal consultation in 2022, the controls have been updated and modified to respond to feedback and the changing nature of Fitzroy and Collingwood throughout the last few years. These changes are evident where the controls have changed since the interim and built form control work.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

3. Amenity Impact

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Respondents were concerned about the impacts of development on the residential amenity and public realm. Particular concerns included, but were not limited to:</p> <ul style="list-style-type: none"> • Overlooking / Privacy • Wind tunnels • Construction impacts <p>The need for greater density to accommodate growth was understood by submitters but reiterated that it should not come at a cost of residential amenity.</p> <p>Strong concerns were expressed about the potential impacts of taller development on the low scale and well-established residential areas and dwellings to the side/rear.</p> <p>Overshadowing was a large concern for residents making submissions, of frequent concern was:</p> <ul style="list-style-type: none"> • Extend the hours • Use winter solstice to measure • Overshadowing on public open space • Overshadowing private open space 	<p>The exhibited version of all DDOs include provisions to address amenity impacts and provide protection to sensitive interfaces.</p> <p>The interim DDOs address residential interfaces through boundary wall heights and building setbacks at the rear.</p> <p>Rear interface heights are determined by the adjacent zone and whether a laneway separates the properties from the proposed DDO area. These heights are discretionary to accommodate the variety of conditions on adjacent and development sites.</p> <p>A maximum 8m height is proposed for sites abutting properties in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) where there is no lane with 11m (3 storeys) proposed to abut land with a laneway or in the MUZ.</p> <p>The assessment of visual bulk and potential overshadowing would also assist in determining the appropriate boundary wall height.</p> <p>A mandatory 45-degree setback envelope for upper levels above the rear interface height is proposed. This is to ensure that development provides an appropriate transition to the lower scaled development in adjacent residential zones.</p> <p>The rear boundary interface requirements as recommended would achieve an appropriate balance between minimising amenity impacts from overshadowing and pushing the bulk of new development away from sensitive spaces, such as backyards.</p> <p><u>Overshadowing (Public and Private Open Space)</u></p> <p>The <i>Built Form Frameworks</i> (prepared by Hansen Partnership) highlight the importance of solar access to public open space.</p> <p>There are various controls in the proposed DDOs which assist to minimise the amount of overshadowing of public open space. In addition to the requirements for street wall heights, upper-level setbacks and overall heights, Clause 2.6 <i>Interface requirements</i> and Clause 2.7 <i>Overshadowing and solar access requirements</i> includes the requirement for new development to minimise overshadowing to existing secluded private open space and to not overshadow footpaths and kerb outstands between 10am – 2pm on 22 September.</p> <p><i>Winter Solstice Assessment</i></p> <p>The <i>Urban Design Guidelines for Victoria</i> contain the following relevant Objective and associated guidelines:</p> <p><i>“Objective 5.1.3 To ensure buildings in activity centres provide equitable access to daylight and sunlight”, and</i></p> <p><i>“5.1.3a Locate and arrange the building to allow daylight and winter sun access to key public spaces and key established street spaces.” (18)</i></p> <p>Neither the proposed DDOs nor Council’s Yarra Open Space Strategy as in Amendment C286yara identifies certain open spaces as ‘key’. The public open spaces in Yarra are treated as being of equal importance.</p> <p>The proposed policy in Clause 22.12-4 as part of C286yara states that built form:</p> <p><i>“Must have no additional overshadowing beyond any 9 metres-built form height between 10am and 3pm on June 21.”</i></p> <p>This applies to new public open spaces only.</p> <p>Given that:</p>

3. Amenity Impact

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<ul style="list-style-type: none"> • The Yarra Open Space Strategy does not distinguish between ‘key’ and other public open spaces. • The proposed policy in Clause 22.12-4 of C286yara applies to new public open spaces only. • From other recent work it is known that existing conditions are likely to cause significant overshadowing. • The September equinox is the common measure used in the Victorian Planning system to assess overshadowing; and • The overshadowing requirement does include the existing conditions as a measure, as per C293 Collingwood South. <p>It is not practicable to apply the winter solstice as a measure for assessing the overshadowing of public open spaces in the proposed DDO areas.</p> <p><u>Overlooking / privacy</u></p> <p>Overlooking/privacy is also addressed by other existing provisions in the Yarra Planning Scheme. Specifically overlooking is addressed by either Clause 54 (One dwelling on a lot), Clause 55 (two or more dwellings on a lot – ResCode) or Clause 58 (Apartment Developments), depending on how many dwellings are proposed.</p> <p>Clause 58.04-1 seeks to:</p> <p style="padding-left: 40px;"><i>“Limit views into habitable room windows and private open space of new and existing dwellings.” Buildings should be set back from side and rear boundaries to “avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.”</i></p> <p>Local planning policy at Clauses 13.07-1L-01 Interfaces and Amenity and 15.01-2L Building Design includes policy to discourage overlooking.</p> <p>The provisions in the draft DDOs are also supported by policy and provisions elsewhere in the Planning Scheme including numerous state and local planning policy, the Commercial 1 Zone, Clause 58 <i>Better Apartments</i>.</p> <p><u>Wind tunnels</u></p> <p>All DDOs include the application requirement:</p> <ul style="list-style-type: none"> ▪ <i>“a desktop wind effects assessment for the proposed development to assess the impact of wind on:</i> <ul style="list-style-type: none"> – <i>the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.</i> – <i>the safety and effect on cyclists travelling along bicycle routes that are adjacent to the development.”</i> <p>This application requirement will ensure that planning applications for future developments are provided with sufficient wind impact information. This will ensure that the developments are designed to avoid negative wind impacts. This application requirement will also ensure that wind impacts are assessed on a case-by-case basis.</p> <p>Local policy at Clause 15.01-1L Urban Design, encourages new development to minimise adverse wind impacts, particularly taller buildings. The policy seeks to mitigate adverse wind conditions in the public realm at street level through building siting and design.</p>

3. Amenity Impact

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p>Additionally, standards addressing wind impacts are proposed for inclusion in the State-wide Better Apartments Design Standards. It is anticipated these would be included at Clause 58 of the Planning Scheme.</p> <p><u>Construction impacts</u></p> <p>Planning permits associated with larger-scale projects are required to provide a Construction Management Plan to ensure that the proposed construction methods are in accordance with the requirements set out by Council's Construction Management Unit.</p> <p>Noise and air pollution, health impacts and other amenity impacts generated by construction works are outside the scope of this amendment and are also outside of the scope of the planning system more broadly. Notwithstanding this, the concerns around construction-related amenity impacts will be forwarded to Council's Construction Unit for information.</p> <p>Managing noise issues is outside the scope of this amendment and is addressed through State Government legislation elsewhere in the Planning Scheme.</p> <p>Noise is also referenced elsewhere in the Yarra Planning Scheme, including not limited to the new noise guidelines implemented through Amendment C269yara. The guidelines address noise from road traffic, rail and tram, commercial and industrial plant and equipment, music and patrons and noise from apartment developments.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

4. Building Heights

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION																								
<p>Support for permanent height requirements throughout the precincts but different views on the heights.</p> <p>Concern with the impact on residential areas versus the constrains on potential development sites.</p> <p>Most submissions from residents oppose the proposed building height provisions (being too high, in heritage/low scale areas). While most commercial landowners and developers suggest greater heights and more flexibility.</p> <p>Suggestions for blanket heights across the areas typically ranged from 2-5 storeys.</p> <p>Suggestions that air-conditioning, lifts, and other building service equipment and balconies need to be included in the maximum building height assessment.</p> <p>Comments on the overall building heights in specific DDOs were:</p> <p><u>DDO29 – Brunswick Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> 256 & 258 Brunswick Street, Fitzroy – increase maximum building height (no metric provided). <p><u>DDO30 – Smith Street shops:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> 5 storeys / 17.6m to 7 storeys / 24m maximum building height is too tall. 3 storeys / 11.2m to 4 storeys / 14.4m maximum building height is suggested. <p><i>Site specific</i></p> <ul style="list-style-type: none"> Corner of Perry and Bedford Street – decrease maximum height from 7 storeys / 24m to 5 storeys / 17.6m. 377 Smith Street, Fitzroy – decrease maximum building height from 9 storeys / 30.4m to 6 storeys / 20.8m. 	<p>The building heights within the proposed DDOs are the result of various considerations. They are based on robust and detailed analysis of Hansen Partnership (Urban Design) and GJM Heritage (Heritage).</p> <p>A review has been done on the heights in consideration of submissions using external and internal advice. Officers make the following recommendations:</p> <table border="1" data-bbox="701 391 2132 1209"> <tbody> <tr> <td>DDO29 – Brunswick Street shops</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO30 – Smith Street shops</td> <td> <ul style="list-style-type: none"> Increase the maximum building height of 1-3 Charles Place, Fitzroy to 6 storeys / 20.8m. </td> </tr> <tr> <td>DDO31 – Gertude Street shops</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO32 – Johnston Street west</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO33 – Brunswick Street grand residential</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO34 – Fitzroy Town Hall and back blocks</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO35 – Johnston Street south and Victoria Street</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO36 – Fitzroy east and Johnston Street north</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO37 – Smith Street south and north</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO38 – Alexandra Parade</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO39 – Victoria Parade</td> <td> <ul style="list-style-type: none"> Increase the maximum building height of 165 & 177 Victoria Parade, Collingwood to 10 storeys / 33.6m. Increase the maximum building height of 10 storeys / 33.6m to the eastern portion of 169-175 Victoria Street, Collingwood (including the rezoned rear of property). Apply a maximum building height of 7 storeys / 24m to the western portion of 169-175 Victoria Street, Collingwood. Apply a maximum building height of 6 storeys / 20.8m to 2-12 Rokeby Street, Collingwood. </td> </tr> <tr> <td>DDO40 – Fitzroy West</td> <td><i>No change recommended.</i></td> </tr> </tbody> </table> <p>The proposed DDOs have provided strengthened requirements in the area through some of the current interim controls. The proposed DDOs provide a balance between heritage, amenity, guiding change and facilitating development in Fitzroy and Collingwood.</p> <p>Recommended position:</p> <p>Update the DDOs in the manner shown in the table above.</p>	DDO29 – Brunswick Street shops	<i>No change recommended.</i>	DDO30 – Smith Street shops	<ul style="list-style-type: none"> Increase the maximum building height of 1-3 Charles Place, Fitzroy to 6 storeys / 20.8m. 	DDO31 – Gertude Street shops	<i>No change recommended.</i>	DDO32 – Johnston Street west	<i>No change recommended.</i>	DDO33 – Brunswick Street grand residential	<i>No change recommended.</i>	DDO34 – Fitzroy Town Hall and back blocks	<i>No change recommended.</i>	DDO35 – Johnston Street south and Victoria Street	<i>No change recommended.</i>	DDO36 – Fitzroy east and Johnston Street north	<i>No change recommended.</i>	DDO37 – Smith Street south and north	<i>No change recommended.</i>	DDO38 – Alexandra Parade	<i>No change recommended.</i>	DDO39 – Victoria Parade	<ul style="list-style-type: none"> Increase the maximum building height of 165 & 177 Victoria Parade, Collingwood to 10 storeys / 33.6m. Increase the maximum building height of 10 storeys / 33.6m to the eastern portion of 169-175 Victoria Street, Collingwood (including the rezoned rear of property). Apply a maximum building height of 7 storeys / 24m to the western portion of 169-175 Victoria Street, Collingwood. 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- Corner of Hodgson Street and Gore Street - decrease maximum building height from 9 storeys / 30.4m (discretionary) to 7 storeys / 24m (mandatory).

DDO31 – Gertrude Street shops:

There were no submissions made that directly addressed building height in DDO31 – Gertrude Street shops.

DDO32 – Johnston Street west:

General

- 8 storey / 27.2m maximum building height is too tall.

DDO33 – Brunswick Street grand residential:

There were no submissions made that directly addressed building height in DDO33 – Brunswick Street Grand Residential.

DDO34 – Fitzroy Town Hall and back blocks:

General

- Land bounded by Young, St David, and Napier Street - 5 storeys / 17.6m maximum building height is suggested.

DDO35 – Johnston Street south and Victoria Street:

General

- Reduce maximum building heights from 8 storeys / 27.2m to 6 storeys / 20.8m.

DDO36 – Fitzroy east and Johnston Street north:

General

- Objects to the maximum building height of mid-rise development (3 storeys / 11.2m to 8 storeys / 27.2m)
- 6 storeys / 20.8m maximum building height is suggested.

Site specific

- 450 Gore Street, Fitzroy - increase maximum building height from 5 storeys / 17.6m to 6 storeys / 20.8m.
- Argyle Street - 8 storeys / 27.2m maximum building height is too tall.

- Argyle Street - 4 storeys / 14.4m to 5 storeys / 17.6m maximum building height is suggested.

DDO37 – Smith Street south and north:

General

- Preferred maximum building heights are conservative and do not reflect the context of the sites.
- Reduce maximum building height to 2 storeys / 9m to 4 storeys / 18m.
- Smith Street (between Derby and Mason Street) (in DDO37) be aligned with those on the same side Peel between Peel and Derby St (in DDO30), Therefore from 6-10 storey mid-rise character to a 9-8 storey mid-rise character and, a 3-6 lower to mid-rise character to a 4-6 lower to midrise character.
- DDO37 Should have an overall height 3 – 4 storeys/ 11.2 – 14.4m mandatory not preferred.
- 5 to 6 storeys indicated in mapping for DDO30 behind heritage listed shops are too high and suggests a 3 to 4 storey maximum
- Suggest deleting southern end of Smith Street from DDO37 and incorporating with a “new DDO for the south (western side) with an overall mandatory height of 3-4 storeys/11.2-14.4m.

Site specific

- 12 Smith Street, Fitzroy – Increase maximum building height to 7 storeys / 24m.
- 150 Cecil Street, Fitzroy – Decrease maximum building heights from 4 storeys / 11.2m to 2 storeys / 9m.
- 148 Cecil Street, Fitzroy – Decrease maximum building heights from 6 storeys / 20.8m to 3 storeys / 11.2m.
- Corner of Smith and Mason Street - increase maximum building height from 5 storeys / 17.6m to 7 storeys / 24m.

DDO38 – Alexandra Parade:

General

- The northwest corner of Alexander Parade and Hoddle Street be changed to 4 storeys.

Site specific

- Disagrees with maximum building height for 230 Alexandra Parade (Officeworks building) and recommends decreasing the height.
- 26-42 Alexandra Parade, increase maximum building heights from 3 – 7 storeys to up to 9 storeys as discussed in Hansen partnership Alexandra Parade Built Form Framework (2020).
- 5-9 Alexandra Parade, increase preferred building height from 7 storeys to 10 storeys.

DDO39 – Victoria Parade:

General

- Submit the maximum heights proposed are too high
- The preferred maximum building height is conservative and does not reflect the context of the sites

Site specific

- 12 storeys / 40m is too restrictive.
- 159 Victoria Parade increase from 3 storeys /11.2 -5 storeys / 17.5 meters and 7 storeys/ 24 meters at the rear of the property.
- 165- 175 Victoria Parade increase from 7 storeys / 24 meters to 12 storeys / 40m
- 165 – 171 Victoria Street preferred maximum building height of 4 storeys / 14.4m
- 211 – 213 Victoria Parade, amend preferred building height from 4 storeys to 12 storeys
- 143-145 Victoria Parade, 147 -155 Victoria Parade, 2-12 Rokeby Street, 1 - 5 Rupert Street, 7-13 Rupert Street: consider as a consortium and increase from 6 storeys / 20.8m to 12 storeys.

DDO40 – Fitzroy West:

Site specific

- 74-76 and 78-84 Rose Street, has three preferred maximum height limits, 20.8m / 6 storeys 78-84 (facing Rose Street), 14.4m / 4 storeys (facing Fitzroy Street), 11.2m / 3 storeys (facing Fitzroy Street). Suggests that the site could be considered as consolidated lot (is currently two different lots) and have a height limit of 7 storeys.

5. Building and Layout Requirements

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Suggestions to include controls that influence the floor plans of new buildings and to mandate the standards of insulation, window glazing and water proofing.</p> <p>Concerns that body corporate or developers need to be held accountable and required to address the structural defects.</p>	<p>The DDOs require internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works. They also require that controls shop front widths are not reduced to the extent they become commercially unviable.</p> <p>In Commercial 1 Zone the DDOs require at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing and should provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.</p> <p>While the Amendment supports adaptable and functional internal layouts and appropriate façade treatments; minimum construction standards for insulation, waterproofing, and glazing (along with liability for structural defects) are regulated under the Building Code of Australia (BCA) and Victorian Building Regulations and are outside the scope of this planning scheme amendment. The mechanism of design and development overlays cannot impact the issues raised in these submissions – it is not the intended purpose of the controls.</p> <p>This approach is generally consistent with and supported by other recent Council DDOs such as Amendment C231yara – Queens Parade, Amendment C191yara – Swan Street and draft Amendment C293yara – Collingwood South.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

6. Building Setbacks and Separation

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Separation and setbacks</u></p> <p>A number of submissions noted concern regarding the requirement for buildings over 27m to be set back a minimum of 6 metres from the common boundary – regardless of windows proposed on the site.</p> <p>Several submissions argued that the controls should consider alternative setbacks, including building to the boundary to provide for equitable development opportunities on adjoining sites (including setbacks from common boundary).</p> <p><u>Landscape setback</u></p> <p>Concern that landscape setback controls do not include a metric for how deep the setback is to be.</p>	<p><u>Separation and setbacks</u></p> <p>Where proposed development shares a lot boundary within the DDO or adjoins a Commercial 1 or Mixed-Use Zone and a habitable room window faces such lot boundary (whether proposed or existing) and the building is up to 27m high, a 4.5m setback should be provided. For non-habitable room windows the setback should be 3m. If the development is over 27m high, the setback increases to 6m.</p> <p>Building separation requirements aim to ensure good levels of internal amenity by ensuring upper levels of development within the DDO areas are set apart from each other. The requirements have been proposed in the DDOs to enhance privacy, break up building mass and allow sunlight/daylight access to buildings.</p> <p>Officers note that depending on context the separation may not be feasible and as such, the proposed separation requirements are preferred (discretionary). Narrow sites could develop new 2-4 storey street walls or in some circumstances may be able to build to the boundary, depending on individual context and the design response. This is an efficient example of how the use of discretionary controls rather than mandatory is utilised throughout the DDOs to address various contexts and circumstances of development.</p> <p>To decrease the setbacks and separations within the DDOs or to allow considerations of alternative setbacks would reduce the equitable development opportunities on adjoining sites given the potential for changing context. i.e. a development allowed to build closer or to the boundary then puts the onus on the adjoining properties if/when they decide to develop.</p> <p><u>Landscape setback</u></p> <p>It is acknowledged that there is an error in the consistency for legends regarding the landscape setbacks. To clarify the intention of the control DDOs will be updated to refer to 'retain landscape setback'. As the proposed control applies to numerous properties across the subject area the landscape setback metrics vary for each property. Officer emphasis the 'retain' within the description to ensure that the existing landscape setbacks for relevant properties remains.</p>

7. Development Potential and Existing Permits

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>A number of submissions raised concern with controls and the impact on existing permits and the development potential as an outcome.</p>	<p>Existing approvals and developments were one of the elements that was considered in the development of building heights. Some of these permits were approved before the interim controls were introduced. The proposed building heights had regard to these permits but ultimately a preferred height is determined on the basis of urban design advice and wider considerations across the centre.</p> <p>The interim DDOs have been in the Yarra Planning Scheme for over 3 years, since 2021. Approved permits will not be affected by the proposed controls even with any changes for interim to permanent. Changes will only have impact on approved permits if they are not acted upon and reapplied for.</p> <p>Recommended position:</p> <p>No change proposed.</p>

8. Flood Level Considerations

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Building height considerations</u></p> <p>A small number of submissions raised that overall building heights should consider the flooding levels and included suggestions where heights should be measured from depending on the projected flood levels.</p> <p><u>Melbourne Water</u></p> <p>Melbourne Water submitted that development and intensification should be restricted in areas where projected flooding is above 0.5m depth where residential use is as of right.</p>	<p><u>Building height considerations</u></p> <p>Officers note the current work that Melbourne Water and Council are undertaking to update flood level data, related requirements and mapping, which has the potential to impact significantly on development in both the planning and building application stages.</p> <p>Including wording regarding the consideration of flood levels, particularly in respects to building heights is supported by officers.</p> <p><u>Melbourne Water</u></p> <p>Amendment C271 or the proposed DDOs are not the appropriate mechanism to address flooding issues that go beyond the scope of the amendment or beyond what is currently in the planning scheme.</p> <p>Amendment C271 cannot introduce or change flooding guidelines and or provisions may need to change via a separate planning scheme amendment in the future. The issue of the potential for stormwater flooding has not arisen from C271. The zoning, state and local policies already encourage intensification.</p> <p>The amendment can merely guide the expectation what form is seen as appropriate in this location. It cannot restrict land use. A built form response may still be appropriate to address the risk.</p> <p>Recommended position:</p> <p>Update all DDOs to include considerations regarding projected flood levels.</p>

9. Drafting of the DDOs

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>General drafting</u></p> <p>Some submissions raised concern that the controls and requirements were complex and that some are duplication.</p> <p><u>Definitions</u></p> <p>Several submissions recommended including further definitions within the DDOs. These include:</p> <ul style="list-style-type: none"> • Maximum building height <ul style="list-style-type: none"> ○ Consider sloping streets • Public open space • Rear boundary • Side boundary • Side streets • Primary streets • Secondary streets <p>Several submissions also recommended revising the following definitions within the DDOs:</p> <ul style="list-style-type: none"> • Street wall – to refer to property frontage • Upper-level setbacks – to exclude projections <p>One submission suggested that the building separation and amenity requirements be revised to distinguish between primary and secondary outlooks for habitable windows.</p> <p><u>Changes between interim and permanent</u></p> <p>Many submissions raised issue or noted the changes between interim and permanent controls.</p> <p><u>Metres vs. storeys</u></p> <p>A number of submissions suggested that metres without references to storeys would be clearer within the DDOs.</p>	<p><u>General drafting</u></p> <p>Comprehensive heritage, urban design and traffic analysis for all precincts across the study area has been conducted to inform the amendment. This included seven heritage area wide studies, nine built form frameworks, two traffic assessments and two site specific heritage assessments (including statements of significance).</p> <p>The requirements and controls were then drafted consistently with previous built form work in Yarra and in accordance with the Practitioner’s Guide to Victoria’s Planning Schemes and relevant planning practice notes (PPN01: Applying the Heritage Overlay, PPN59: The role of mandatory provisions in planning schemes, and PPN60: Height and setback controls for activity centres).</p> <p>This work has been further informed through informal community consultation in 2022, where a number of updates to requirements and controls were made in response to feedback.</p> <p>Further refinement of the controls was done through conditional authorisation from the Department of Transport and Minister for Planning in 2024. This primarily removed identified duplication and complexity.</p> <p>Officers note that the mechanisms of design and development overlays and planning policy is complex and technical in nature, every measure has been taken to make the proposed changes as clear as possible and appropriate to the context they are applied.</p> <p>Officers have identified an error in the legend for Map 1 and Map 2 for DDO38 – Alexandra Parade. To correct the error, officers recommend updating the legend to remove the reference to ‘33.6m / 10 storeys (26.0m / 9 storeys*)’ as there is no property proposed with this height. Additionally, the legend needs to be amended to include an item to refer to the “9m / 2 storey” building height at 12-18 Reeves Street, Clifton Hill.</p> <p><u>Definitions</u></p> <p>A number of the requested definitions outlined in submission are already included in the Victorian Planning Schemes and the Practitioner’s Guide to Victoria’s Planning Schemes and including them would be an additional duplication/redundant. For example the planning scheme defines ‘building height’ – the vertical distance between the ground level and the finished roof height directly above.</p> <p><i>Rear and side boundaries</i></p> <p>Differentiating between side and rear boundaries is something that needs to be addressed within the DDOs given there are controls that affect these areas differently. Amendment C273yara took the approach to include a diagram within the DDO to differentiate between the two boundary types. The inclusion of this diagram was done at the request of the Standing Advisory Committee during the hearing for C273yara, and was supported through their final recommendations. Officers recommend taking this approach for consistency and clarity when reading the controls.</p> <p><u>Changes between interim and permanent</u></p> <p>As discussed above in the Amendment Process section, there has been a number of stages between the interim controls that are currently in the Yarra Planning Scheme, what was exhibited and the now preferred version of the Amendment.</p> <p>Firstly Officers would note that the interim controls approved were not entirely what was requested at this stage. The Department of Transport and Planning and the Minister for Planning approved the interim controls without any mandatory controls and taller heights than requested.</p>

9. Drafting of the DDOs

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Lot consolidation</u></p> <p>A number of submissions were submitted from multiple properties proposing the combined sites warrant taller heights and controls.</p>	<p>Additionally, refinements have been made through internal review and response to the informal consultation in 2022 where a number of submissions requested reasonable changes to the controls.</p> <p>Further changes to the proposed controls are discussed in this document as a response to the formal exhibition of this Amendment.</p> <p>Due to the changing and growing nature of development and population within Fitzroy and Collingwood the proposed Amendment has continued to evolve to address the increasing needs and changing context.</p> <p><u>Metres vs. storeys</u></p> <p>Utilizing both metres and storeys for the height controls within the DDOs is considered best practice, particularly given the highly heritage nature of the precinct. It is noted that there are no standard floor to ceiling heights for heritage buildings and considering height controls solely in storeys or metres would not accurately address these contexts.</p> <p>Additionally, the metres for storeys are calculated based on 3.2m per storey after 4m on ground and first floor (see the discussion below on floor to ceiling heights for a further breakdown).</p> <p>Using both metres and storeys is also consistent with previous built form work and supported through panel and approval processes.</p> <p><u>Lot consolidation</u></p> <p>It is acknowledged that properties with large site area warrant taller heights and controls in some circumstances. However, we note that a number of the submissions include this to request a change in controls are owned by separate parties and there has been no action taken to consolidate the properties. Where properties have provided evidence of shared ownership and/or clear action to amalgamate the lots, Officers have reviewed the controls applied and updated where required. Please refer to the building heights and streetwall heights sections of this document for further discussion into these properties.</p> <p>Recommended position:</p> <p>Update all DDOs to include diagram distinguishing difference between side and rear boundaries.</p> <p>Update all DDOs to include consideration of projected flood levels.</p> <p>Update the legend for DDO38 to refer to the correct metrics and storeys proposed.</p>

10. Floor to Ceiling Height

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>A small number of submissions recommended a varied metric for commercial properties floor to ceiling heights. These ranged from 3.5m to 4m.</p>	<p>The DDOs require a minimum ground floor height of 4 metres for the ground floor only to facilitate commercial and retail uses. Except where there are new floors these should maintain the interfloor height of the heritage buildings, there is flexibility in terms of floor-to-floor heights above the ground floor.</p> <p>Where properties are zoned C1Z or MUZ the floor to ceiling height has been calculated as 3.2m per storey with 4m at ground and first floor.</p> <p>In the few instances that C2Z property is included in the DDOs (DDO38 and DDO40) the floor to ceiling heights have been calculated with the understanding that the floor to ceiling heights is typically 4m to allow for commercial use and activity.</p> <p>A different calculation has been done for these zones in consideration for future and continued use as entirely commercial buildings.</p> <p>This approach is generally consistent with other recent Council DDOs such as Amendment C231yara – Queens Parade, Amendment C191yara – Swan Street and draft Amendment C293 – Collingwood South.</p> <p>Recommended position:</p> <p>No change to the Amendment</p>

11. Heritage

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Views regarding heritage vary, however, most submissions acknowledge the necessity to balance growth and the protect and retention of the heritage streetscape, character and views.</p> <p>A number of submissions raised concern regarding the considerations of adjacent buildings, these views varied depending on whether they were received from residents or developers. Typically residents were more supportive of heritage retention, whereas developers were more concerned that the heritage significances were overstated, and that heritage will limit development potential.</p> <p>Several submissions were concerned that the amendment favours heritage protection over housing supply.</p> <p>Heritage Victoria submitted confirming the VHR listing applies only to Blanche Terrace only. The remainder of the site is not affected by the registration.</p> <p>There were a few submissions that were concerned with the historical legacy and layout of East Fitzroy’s MacRobertson buildings and requests that the workers cottages remain cohesive.</p> <p>One submission requested an audit of all VHR sites and controls.</p> <p>Comments on heritage in specific DDOs were:</p> <p><u>DDO30 – Smith Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> • Building height of 305-311 Smith Street is not a key contributory feature to heritage the significance of a street. <p><u>DDO31 – Gertrude Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> • Upper-level setbacks are unnecessary as the building at 305-311 Smith Street is not a contributory building and does not have a street wall that needs to be retained. <p><u>DDO35 – Johnston Street south and Victoria Street:</u></p>	<p>The proposed DDOs provide a balance between heritage, amenity, guiding change and facilitating development in Fitzroy and Collingwood. There is an important distinction between a Design and Development Overlay (DDO) and Heritage Overlay (HO). Within the Victorian Planning System, it is the role of the Heritage Overlay to protect places and buildings of heritage significance. A Design and Development Overlay (DDO) can only focus on built form and design aspects of future development and cannot act specifically as a heritage protection control.</p> <p>Amendment C271yara does not propose to make changes to the heritage policy. C271 includes changes to the heritage overlay to fill gaps/include new places in the overlay.</p> <p>The State Government requires local councils to address population and employment changes to meet their city’s needs. Activity centres have been identified as appropriate areas to accommodate growth as they have good access to employment, public transport, and other amenities. Council’s Yarra Housing Strategy (adopted in 2018) seeks to direct new housing to areas within or close to activity centres that have good access to public transport, open space and other services and limit housing growth in established residential areas, consistent with Plan Melbourne, State, and local policy. It identifies the precinct to accommodate a mix of ‘high change’ and ‘incremental change’, with pockets of heritage places accommodating lesser change. Amendment C269yara implemented these change areas into the Planning Scheme and reinforced the areas of change.</p> <p>However, this does not mean that major activity centres are locations for unlimited growth. Both Plan Melbourne and the Yarra Planning Scheme make it very clear that distinctive activity centres and the preservation of heritage fabric and public and private amenity are also important in Major Activity Centres.</p> <p>The proposed DDOs provide a balanced approach by guiding different levels of potential development across the precinct. It will ensure that new development will be sensitive towards heritage buildings, minimising impact on sensitive residential interfaces and public spaces such as footpaths, open spaces, and expanded street corners.</p> <p>There needs to be a balanced approach in determining potential building heights to ensure the precinct can accommodate growth whilst also responding sensitively to heritage fabric.</p> <p>The draft Amendment has been informed by rigorous analysis and testing of urban design, heritage, and traffic matters. The proposed DDOs reflect advice prepared by GJM Heritage. They have prepared a number of reports throughout the development of the amendment. The purpose of these reports was to ensure that the relevant Built Form Frameworks (prepared by Hansen Partnership) and the subsequent DDOs appropriately respond to the heritage places and values of each precinct.</p> <p>GJM’s expert advice was prepared in the context of the Yarra Planning Scheme and the relevant Planning Practice Notes (PPNs):</p> <ul style="list-style-type: none"> • PPN1: Applying the Heritage Overlay (January 2018); • PPN59: The role of mandatory provisions in the planning schemes (September 2018); • PPN60: Height and setback controls for activity centres (September 2018). <p>The Built Form Frameworks (prepared by Hansen Partnership) take the findings and recommendations of GJM’s heritage reports into consideration. A number of reports from Planning Panels Victoria (Panel) have informed the supplementary heritage advice, including (but not limited to):</p> <ul style="list-style-type: none"> • Yarra Planning Scheme Amendment C191 ‘Swan Street Activity Centre’ (October 2020); • Yarra Planning Scheme Amendment C220 ‘Johnston Street Built Form Controls’ (February 2019);

11. Heritage

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION		
<p><i>Site specific</i></p> <ul style="list-style-type: none"> Submits that a section of the street wall for 25-37 Victoria St is misidentified and actually 'not contributory' and should have a 4-storey street wall rather than 'retain heritage street wall'. Suggests the sections proposed as not of heritage significance be amended to a 4-storey street wall. <p><u>DDO36 – Fitzroy east and Johnston Street north:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> Only significance of 430-434 George Street extends to a remnant bluestone boundary wall whilst the rest of the original form has been removed. <p><u>DDO37 – Smith Street south and north:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Identifies potential error in DDO37 regarding heritage buildings under HO464. (Identified as not heritage buildings, appropriate for in fill development. Submitter believes due to the HO464, the DDO should be changed to reflect the heritage status and preserve the character). Pertaining to DDO37, concerned that the objective of 'a new mid-rise character (6 to 10 storeys) along Smith St behind a consistent low street wall' is at odds with protecting the heritage street scape of Smith St south and Derby St. Concerned that the height of any development be limited around the Shot Tower and the adjacent heritage residential Noone St <p><u>DDO38 – Alexandra Parade:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Concerned that 'East of Gold St' objective in the DDO map does not cover most of the north side east of Gold St which includes important Shot Tower site and public housing site and includes no sites on the south. 	<ul style="list-style-type: none"> Yarra Planning Scheme Amendment C231 'Queens Parade Built Form Review' (October 2019); Yarra Planning Scheme Amendment C291 'Bridge Road and Victoria Street Activity Centres' (April 2021) Yarra Planning Scheme Amendment C293 'Collingwood South Mixed-Use Precinct' (May 2021) Boroondara Planning Scheme Amendment C108 'Neighbourhood Centres and Commercial Corridors' (26 February 2014). <p>These panel reports are relevant as they consider the appropriateness of DDOs containing both mandatory controls and discretionary provisions within activity centres, including areas that are subject to a heritage overlay.</p> <p>The proposed DDOs include mandatory controls for overall building heights, upper-level setbacks in areas with more consistent heritage places and/or highly unique heritage forms. Further, the DDOs include requirements for new development of heritage places and for infill development adjoining a heritage building to ensure that new buildings will be sensitive towards the heritage character of the area.</p> <p>The objectives, requirements, and decision guidelines of the proposed DDOs were informed by the character statement from the detailed built form framework and the built form recommendations from the heritage reports.</p> <p>The DDOs are further supported by existing planning policy at Clause 15.01-1L Heritage. of the Yarra Planning Scheme which applies to all land in the Heritage Overlay and provides guidelines for new developments subject to the Heritage Overlay.</p> <p>The building heights, street wall heights, upper-level setbacks within the proposed DDOs are the result of various considerations. They are based on robust and detailed analysis of Hansen Partnership and GJM Heritage.</p> <p>In areas where there is a consistent heritage streetscape and standalone heritage buildings, the requirements seek to retain the heritage street wall and ensure new development is responsive to its heritage context. Greater street wall heights are proposed in areas where a new built form character is identified.</p> <p>There are a number of changes made after the informal consultation in 2022 in response to heritage matters.</p> <p>Based on feedback to DDO23 via Amendment C293yara, Officers updated the requirements in 2022 for street wall heights for infill sites next to heritage buildings. The updated requirement now requires that the street wall of an infill development is no higher than the adjoining heritage street wall for a length of 6 metres.</p> <p>The setbacks ensure a clear distinction between lower and upper levels is achieved, retain a pedestrian scale at street level and retain the prominence of heritage buildings.</p> <p>The application of mandatory controls recognises the need to balance amenity concerns and heritage impacts while not unduly restricting development in Fitzroy and Collingwood's activity centres. The activity centres will continue to provide for Yarra's housing and employment needs with appropriate locations accommodating higher levels of growth.</p> <p>GJM Heritage has reviewed the heights in respects of impacts on heritage.</p> <p>The following heritage changes from GJM Heritage have already been made to the amendment:</p> <table border="1" data-bbox="707 1337 2119 1385"> <tr> <td>DDO29 – Brunswick Street shops</td> <td>Building heights</td> </tr> </table>	DDO29 – Brunswick Street shops	Building heights
DDO29 – Brunswick Street shops	Building heights		

11. Heritage

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION	
<p><u>DDO39 – Victoria Parade:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> Heritage significance of 211-213 Victoria Parade is overstated. <p><i>General</i></p> <ul style="list-style-type: none"> Submits that 5 to 6 storeys indicated in mapping for DDO30 behind heritage listed shops are too high and suggests a 3 to 4 storey maximum and well set back at front and rear if backing onto heritage/ residential building. Concerned that the overall height of 12 storeys in Map 2 of DDO39, is much too high for the heritage boulevard. 		<ul style="list-style-type: none"> Reduction of heights from 5 to 4 storeys between Cecil and Leicester Streets, except for non-contributory sites near the corner of Cecil and Brunswick Streets. <p><i>Upper-level setbacks</i></p> <ul style="list-style-type: none"> 8m upper-level setback to the “four corner properties” at the Johnston Street intersection.
	DDO31 – Gertude Street shops	<p><i>Building heights</i></p> <ul style="list-style-type: none"> Reduction in heights from 4 to 3 storeys for properties at the eastern corner Little George Street/Gertrude Street.
	DDO33 – Brunswick Street grand residential	<p><i>Front setbacks</i></p> <ul style="list-style-type: none"> Change language to allow front setback to reflect adjacent heritage building/s (as follows): From: <i>Development should achieve a continuous street wall with no front setback, unless a front setback exists, and the site is within a Heritage Overlay.</i> To: <i>Development should achieve a continuous street wall with no front setback, or match the lesser setback of the adjacent heritage building, if the site is within a Heritage Overlay.</i>
	DDO35 – Johnston Street south and Victoria Street	<p><i>Upper-level setbacks</i></p> <ul style="list-style-type: none"> Mandatory 6m upper-level setback to north side of Victoria Street and preferred 6m setback on side streets.
	DDO36 – Fitzroy east and Johnston Street north	<p><i>Building heights</i></p> <ul style="list-style-type: none"> Reduction in heights for: <ul style="list-style-type: none"> 340 Napier Street from 4 to 3 storeys 430 George Street from 6 to 5 storeys Making 3 storey heights for heritage terraces / cottages mandatory <p><i>Upper-level setbacks</i></p> <ul style="list-style-type: none"> Mandatory 6m upper-level setback to primary frontages of heritage buildings
	DDO38 – Alexandra Parade	<p><i>Building heights</i></p> <ul style="list-style-type: none"> Apply 11m (3 storeys) max preferred height (currently 14.4m - 4 storeys) to: 47 & 49 Alexandra Parade and 347, 347a & 351 Wellington Street, Collingwood (HO321 –

11. Heritage

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION	
		<p>Gold Street Precinct), 1A Council Street, Clifton Hill (HO317 – Clifton Hill Western Precinct)</p> <ul style="list-style-type: none"> • Apply 9m max preferred height (currently 14.4m - 4 storeys) to 20 Reeves Street, Clifton Hill (HO317 – Clifton Hill Western Precinct) • Apply 14m preferred max height (currently 17.6m - 5 storeys) to 484 Smith Street, Collingwood (Gasometer Hotel, no HO).
	DDO39 – Victoria Parade	<p><i>Upper-level setbacks</i></p> <ul style="list-style-type: none"> • Preferred 6m upper-level setback to side streets (currently 3m setback to side streets)
	DDO40 – Fitzroy West	<p><i>Upper-level setbacks</i></p> <ul style="list-style-type: none"> • Mandatory 6m upper-level setback to primary frontages of heritage buildings • Preferred 6m upper-level setback to secondary frontages
<p>A heritage overlay is responsible for the protection of heritage places. The proposed DDOs include mandatory requirements and numerous design requirements to ensure new development is sensitive towards heritage places in terms of built form transition and design. Rigorous context analysis was undertaken to inform the character statements for each Built Form Framework and subsequent DDO.</p> <p>The proposed DDOs achieve a balance between guiding change towards areas of lesser sensitivity/constraints and ensuring new development is sensitive towards heritage places and residential context.</p> <p>Council recognises that there are a number of heritage overlay anomalies and fix ups that need to be addressed within the study area.</p> <p>The amendment currently addresses gaps in the heritage overlay identified by GJM Heritage are included in the amendment. Any other updates or corrections to the heritage overlay will be addressed separately in a future amendment.</p> <p><u>Retain heritage street wall</u></p> <p>Through an internal review of the amendment officers found there was an error in the heritage identification of 27 & 30 Johnston Street, Fitzroy. These properties are not of heritage significance and 'retain heritage street wall' should not be applied to the site. A new 2 storey streetwall / 8.0m is appropriate for the site.</p> <p>Recommended change:</p> <p>Update all DDOs to include considerations regarding heritage buildings already exceeding the maximum building heights to increase one storey taller.</p> <p>Correct 'retain heritage street wall' on non-heritage properties at 28 & 30 Johnston Street, Fitzroy to New 2 storey streetwall / 8.0m.</p>		

12. Land Use and Zoning

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Proposed rezoning</u></p> <p>Two submissions raised concern regarding the impact of rezonings on residential land, specifically relating to the proposed rezoning of 299 Smith Street, Fitzroy.</p> <p>One submission included support for the proposed zoning anomaly correction at 95-103 Johnston Street, Fitzroy.</p> <p><u>Exclusion of Commercial 2 Zone (C2Z) land</u></p> <p>A number of submissions for property located within C2Z land that was excluded from the amendment requested inclusion and consideration.</p> <p><u>Zoning change requests</u></p> <p>A number of submissions requested rezonings to allow commercial use or to enable inclusion in the amendment.</p> <p>One submission requested the zoning of a 167-175 Victoria Parade, Collingwood be rezoned to entirely C1Z to match the property boundary.</p> <p>One submission requested the zoning of 2-12 Rokeby Street, Collingwood 1-5 & 7-13 Rupert Street, Collingwood be rezoned to C1Z and be included in DDO39.</p>	<p><u>Proposed rezoning</u></p> <p>The area affected by the amendment is within multiple planning zones; the Commercial 1 Zone (C1Z), the Commercial 2 Zone (C2Z), and the Mixed-Use Zone (MUZ).</p> <p>The only rezonings proposed within this Amendment are for mapping anomalies, where a property is within more than one zone. Best practice is for zones to match the property boundary.</p> <p>The C1Z allows for retail, office and residential uses above street level. The market will determine whether residential or commercial development occurs in these locations.</p> <p>The proposed DDO provides a framework for the design and scale of new development and include built form outcomes, such as the approach to rear interfaces, that apply irrespective of the zoning.</p> <p>Officers note the two objections to the rezoning of 299 Smith Street, Fitzroy, however, do not recommend abandoning the proposed rezoning to include the entire property within one zone. Considering the controls proposed within DDO30 regarding transitions to residential areas, rear boundary wall heights, amenity impact considerations and impact on the residential properties will be minimal. Moreover, best practice is for a zone boundary to align with title boundaries or other clearly defined feature such as a road centreline or watercourse, as outlined within the Practitioner’s Guide to Victoria’s Planning Schemes.</p> <p><u>Exclusion of Commercial 2 Zone (C2Z) land</u></p> <p>The purpose of the C2Z is to ‘<i>encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services</i>’.</p> <p>New residential uses are prohibited within the C2Z.</p> <p>Whilst some areas of the Amendment include C2Z land, DDO39 – Alexandra Parade, explicitly excludes C2Z properties as they are part of the Gipps Street Major Employment Precinct.</p> <p>Council’s adopted <i>Spatial Economic and Employment Strategy</i> (SEES) recommends the retention of C2Z land. The SEES highlights the role C2Z precincts provide in employment diversity. The City of Yarra has sufficient capacity in other zones to accommodate growth in residential dwellings.</p> <p><u>Zoning change requests</u></p> <p>As mentioned above, the Amendment does not propose to make any zoning changes unless to correct mapping anomalies. Suggestions to rezone properties on a site-specific basis is outside the scope of this Amendment and inconsistent with Councils approach to zoning requests.</p> <p><i>167-175 Victoria Parade Collingwood</i></p> <p>Officer’s note the zoning anomaly at 167-175 Victoria Parade, Collingwood as being included in both the C1Z and C2Z zones. To amend this error officer’s recommend rezoning the rear of the property C1Z to match the boundary and include the entire property within the amendment by applying height controls. Please see the building heights and street wall heights sections of this document for a discussion of the height changes proposed.</p> <p><i>2-12 Rokeby Street, Collingwood</i></p>

12. Land Use and Zoning

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p>Officers note that 2-12 Rokeby Street, Collingwood was originally included in the proposed DDO39 through the interim controls and built form frameworks. Upon review of the controls after the informal consultation in 2022, Officers made the decision to exclude the property given the zoning indicated it was a commercial property and better suited for inclusion in the Gipps Street Major Employment Precinct, located to the north of the proposed DDO. Upon further review, it can be recommended that if rezoned to C1Z the property would be suited for inclusion in Amendment C271yara, and that the loss of the property would not adversely impact the commercial precinct adjacent. Officers recommend rezoning this property C1Z. Please see the building heights and street wall heights sections of this document for a discussion of the height changes proposed.</p> <p><i>1-5 & 7-13 Rupert Street, Collingwood</i></p> <p>The requested rezoning of 1-5 and 7-13 Rupert Street, Collingwood is, however, inappropriate given the commercial opportunity of such a large site and was not previously included in the interim controls or built form frameworks. Officer do not recommend rezoning this property.</p> <p>Officers acknowledge that renotification will need to be undertaken for these rezonings to affected parties.</p> <p>Recommended position:</p> <p>Rezone 167-175 Victoria Parade, Collingwood to C1Z to match property boundaries and make associated building height and street wall height inclusion on the relevant map in DDO39.</p> <p>Rezone 2-12 Rokeby Street, Collingwood to C1Z boundaries and make associated building height and street wall height inclusion on the relevant map in DDO39.</p>

13. Mandatory Controls

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Responses regarding use of mandatory controls were varied across submissions. The primary points were:</p> <ul style="list-style-type: none"> • Lack of justification for mandatory controls • Overly constrictive / onerous • Performance-based controls preference • Preferred controls not strong enough • Mandatory should apply to all controls <p>Submissions in favour of mandatory controls were primarily from residents, whereas submissions in favour of preferred controls were primarily from developers.</p> <p>Comments mandatory controls in specific DDOs were:</p> <p><u>DDO29 – Brunswick Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> • 307 Brunswick Street, Fitzroy – change the mandatory height control to discretionary. <p><u>DDO30 – Smith Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> • 4-12 Langridge Street, Collingwood – change mandatory maximum building height of 20.8 meters to preferred. • 305-311 Smith Street, Fitzroy maximum building height of 20.8m must be discretionary or must be increased to allow development opportunities. <p><u>DDO32 – Johnston Street west:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> • 95-103 Johnson Street Fitzroy, Mandatory building heights should be changed to preferred. <p><u>DDO34 – Fitzroy Town Hall and back blocks:</u></p>	<p>A mandatory requirement is a requirement that must be met. There is no opportunity to vary it. Draft Amendment C271yara contains a mix of preferred and mandatory requirements.</p> <p>The application of mandatory controls in Draft Amendment C271yara has been carefully considered and applied selectively and are not proposed to apply across all precincts and/or to all requirements within the proposed DDO schedules.</p> <p>Extensive strategic work has been undertaken and provides sufficient justification for the use of mandatory controls. Mandatory controls are proposed to apply to the areas with smaller lots, more sensitive interfaces and heritage fabric. For a breakdown of where mandatory controls apply, please view the Individual DDO Information Sheet for Amendment C271yara.</p> <p>Amendment C271yara has taken a similar approach to other amendments (C191, C220, C231, C273 and C291) in its approach to the application of selective mandatory controls. The independent planning panels / Standing Advisory Committees considering those amendments supported the approach taken by Council.</p> <p>The Victorian Planning system preferences the use of preferred requirements. The introduction of any mandatory requirements should be supported by thorough and comprehensive strategic analysis and is guided by Planning Practice Notes 59 and 60.</p> <p>Planning Practice Note 60 details that mandatory height and setback controls would only be considered in ‘exceptional circumstances’, where they are ‘absolutely necessary’ to achieve the built form objectives or outcome identified within a comprehensive built form analysis.</p> <p>Mandatory controls are proposed in the draft DDOs where it is considered ‘absolutely necessary’ (in accordance with PPN59) and are necessary to minimise impacts on sensitive residential interfaces and the public realm. Mandatory setback requirements have also been applied to ensure uniform street edge along with street wall height.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

13. Mandatory Controls

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><i>General</i></p> <ul style="list-style-type: none">• Change language throughout DDO, must= must, must + mandatory = must, should = should, should + preferred should = best endeavours. This is to not sound redundant or dilute preferred controls, additionally remove preferred and replace with mandatory.• Maximum building heights are unclear, express all height limits in meters not meters and storeys. <p><u>DDO37 – Smith Street south and north:</u></p> <p><i>General</i></p> <ul style="list-style-type: none">• DDO37 Should have an overall height 3 – 4 storeys/ 11.2 – 14.4m mandatory not preferred.	

14. State Government Processes

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>A large number of submissions questioned how the amendment is in line and responding to the number of recent announcements and changes with State Government projects:</p> <ul style="list-style-type: none"> • Housing Statement and Targets • Plan for Victoria • Activity Centres <p>There were also some submissions that raised the point that the Planning and Environment Act is currently being reviewed and updated.</p> <p>Concerns with the Standing Advisory Committee process, particularly regarding the transparency, objectivity, and expertise of the panel and timeframes associated with the process.</p>	<p>Council does not currently have much guidance from the State Government and the Department of Transport and Planning (DTP) regarding the large number of planning announcements and changes that have been made recently.</p> <p><u>Announcements</u></p> <p><i>Housing Statement and Targets</i></p> <p>The State Government announced housing targets for every local government area across Victoria, specifying their share of the extra 2.24 million homes. The targets will endeavour for every planning scheme to identify enough realistic opportunities for new development to deliver the targeted number of homes. The housing target (net new dwellings to 2051) for Yarra is 44,000. Implementing built form controls assist the City of Yarra in meeting these housing targets by taking a balanced approach by guiding different levels of potential development across Collingwood and Fitzroy Mixed-Use and Commercially Zoned land. The DDOs aim to direct housing growth to the activity centres and to ensure that new development will be sensitive towards heritage buildings and minimise impacts on sensitive residential interfaces and public spaces such as footpaths, parks and expanded street corners. The housing targets are discussed further in section '14. State Government Processes' in this report.</p> <p><i>Plan for Victoria</i></p> <p>In February 2025, the State Government and Minister for Planning released Plan for Victoria. The plan is an update of previous strategies and documents planning for Victoria and Melbourne and provides a vision and 5 pillars for which the state should consider.</p> <ul style="list-style-type: none"> Pillar 1: Housing for all Victorians Pillar 2: Accessible jobs and services Pillar 3: Great places, suburbs and towns Pillar 4: Sustainable environments Pillar 5: Self-determination and caring for Country <p><i>Activity Centres</i></p> <p>Within the announcements for Plan for Victoria, Yarra has been announced as an activity centre. Officers are working with the State Government and DTP to outline what this means for the City of Yarra and what controls will be implemented in the coming months and years. By planning for more housing in activity centres, we're supporting more Victorians to live closer to jobs, services, public transport and green, open space. It's all part of the Housing Statement, to deliver more homes for Victorians.</p> <p><u>Planning and Environment Act</u></p> <p>Officers note that the Planning and Environment Act (the Act) is currently being reviewed and updated. Whilst Council has been made aware of some of the potential changes, until the Act is gazetted there is no action to take for this amendment that will address this issue. It is not anticipated that the update to the Act will have a material impact on the proposed Amendment C271yara.</p> <p><u>Standing Advisory Committee Process</u></p>

14. State Government Processes

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p>The Yarra Standing Advisory Committee was appointed by the Victorian Minister for Planning on 9 August 2021 to provide timely advice to the Minister and Yarra City Council on referred planning matters and associated draft Yarra Planning Scheme provisions for Yarra's strip shopping centres (activity centres) and other areas of urban change.</p> <p>The objective of the Committee is to provide consistent advice in a transparent, simpler, more timely and cost-efficient process on any proposed new planning provisions referred to it by the Minister. The Committee is administered by Planning Panels Victoria.</p> <p>Advisory Committees are guided by a document called a "Terms of Reference" which outlines the scope of the Advisory Committee and the process it should generally follow. The Committee is administered by Planning Panels Victoria. The Committee members are independent experts with experience and knowledge into various planning sectors.</p> <p>As per Terms of Reference, the purpose of the Committee is '... to provide timely advice to the Minister for Planning and Yarra City Council on any relevant matters referred to it relating to strategic and built form work undertaken in relation to its activity centres and other areas of urban change, and any associated draft planning scheme amendments'.</p> <p>As this process was set up by the Minister for Planning, Yarra City Council has little control over the specifics of the process. Officers continue to advocate to the State Government for timely responses and actions regarding decisions for planning scheme amendments.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

15. Street Wall Heights

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION								
<p>Various submissions suggest street wall heights are too tall when others suggest street wall heights are too small.</p> <p>These opinions were varied depending on resident or developer submissions. Residents typically wanted lower streetwall heights, whereas developers wanted taller heights and more discretion.</p> <p>One submission argued that transitions are best facilitated by upper-level setbacks than streetwall heights.</p> <p>Comments on the street wall heights in specific DDOs were:</p> <p><u>DDO30 – Smith Street shops:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Concerns that the proposed street wall heights in DDO30 overlook impacts on low-rise GRZ2 properties to the southeast. Recommend lowering to 8m. <p><i>Site specific</i></p> <ul style="list-style-type: none"> The street walls surrounding 305-311 Smith Street are not consistent in character. Recommend making street wall discretionary and undertaking site-specific design response. <p><u>DDO32 – Johnston Street west:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Suggests extending the four-storey street wall on Nicholson Street around the Argyle Street frontage Recommend increasing street wall height to 14.4m (per background docs). Street wall height to match adjoining heritage building for a length of 6m is overly prescriptive. “should be a discretionary control” <p><u>DDO36 – Fitzroy east and Johnston Street north:</u></p> <p><i>General</i></p>	<p>The street wall heights in the proposed DDOs are based on detailed analysis from an urban design and heritage perspective.</p> <p>In areas where there is a consistent heritage streetscape and standalone heritage buildings, the requirements seek to retain the heritage street wall and ensure new development is responsive to its heritage context. Greater street wall heights are proposed in areas where a new built form character is identified.</p> <p>Based on feedback to the informal pre-consultation in 2022 and recent built form amendments, Officers updated the requirement for street wall heights for infill sites next to heritage buildings. The updated requirement now requires that the street wall of an infill development is no higher than the adjoining heritage street wall for a length of 6 metres.</p> <p><u>Retain heritage street wall</u></p> <p>Through an internal review of the amendment officers found there was an error in the heritage identification of 27 & 30 Johnston Street, Fitzroy. These properties are not of heritage significance and ‘retain heritage street wall’ should not be applied to the site. A new 2 storey streetwall / 8.0m is appropriate for the site.</p> <p>A review has been done on the street wall heights in consideration of submissions using external and internal advice. Officers make the following recommendations:</p> <table border="1" data-bbox="712 667 2119 1276"> <thead> <tr> <th data-bbox="712 667 1245 722">DDO Area:</th> <th data-bbox="1245 667 2119 722">Recommended change:</th> </tr> </thead> <tbody> <tr> <td data-bbox="712 722 1245 858">DDO32 -Johnston Street west</td> <td data-bbox="1245 722 2119 858"> <ul style="list-style-type: none"> Correct ‘retain heritage street wall’ on non-heritage properties at 28 & 30 Johnston Street, Fitzroy to New 2 storey streetwall / 8.0m. </td> </tr> <tr> <td data-bbox="712 858 1245 994">DDO36 – Fitzroy east and Johnston Street north</td> <td data-bbox="1245 858 2119 994"> <ul style="list-style-type: none"> Increase the street wall heights along Johnston Street (between Young and Brunswick) to New 4 storey streetwall / 14.4m. </td> </tr> <tr> <td data-bbox="712 994 1245 1276">DDO39 – Victoria Parade</td> <td data-bbox="1245 994 2119 1276"> <ul style="list-style-type: none"> Apply New 3 storey streetwall / 11.2m to 2-12 Rokeby Street, Collingwood. Apply New 3 storey streetwall / 11.2m to 167-175 Victoria Parade, Collingwood along Rupert Street. Apply New 4 storey streetwall / 14.4m to 167-175 Victoria Parade, Collingwood along Cromwell Street. </td> </tr> </tbody> </table> <p>Recommended position:</p> <p>Make the changes listed in the table above.</p>	DDO Area:	Recommended change:	DDO32 -Johnston Street west	<ul style="list-style-type: none"> Correct ‘retain heritage street wall’ on non-heritage properties at 28 & 30 Johnston Street, Fitzroy to New 2 storey streetwall / 8.0m. 	DDO36 – Fitzroy east and Johnston Street north	<ul style="list-style-type: none"> Increase the street wall heights along Johnston Street (between Young and Brunswick) to New 4 storey streetwall / 14.4m. 	DDO39 – Victoria Parade	<ul style="list-style-type: none"> Apply New 3 storey streetwall / 11.2m to 2-12 Rokeby Street, Collingwood. Apply New 3 storey streetwall / 11.2m to 167-175 Victoria Parade, Collingwood along Rupert Street. Apply New 4 storey streetwall / 14.4m to 167-175 Victoria Parade, Collingwood along Cromwell Street.
DDO Area:	Recommended change:								
DDO32 -Johnston Street west	<ul style="list-style-type: none"> Correct ‘retain heritage street wall’ on non-heritage properties at 28 & 30 Johnston Street, Fitzroy to New 2 storey streetwall / 8.0m. 								
DDO36 – Fitzroy east and Johnston Street north	<ul style="list-style-type: none"> Increase the street wall heights along Johnston Street (between Young and Brunswick) to New 4 storey streetwall / 14.4m. 								
DDO39 – Victoria Parade	<ul style="list-style-type: none"> Apply New 3 storey streetwall / 11.2m to 2-12 Rokeby Street, Collingwood. Apply New 3 storey streetwall / 11.2m to 167-175 Victoria Parade, Collingwood along Rupert Street. Apply New 4 storey streetwall / 14.4m to 167-175 Victoria Parade, Collingwood along Cromwell Street. 								

15. Street Wall Heights

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Notes the proposed 3 storey / 11.2m preferred street wall height to Argyle Street to respond to narrower profile of the street and respect heritage buildings <p><i>Site specific</i></p> <ul style="list-style-type: none"> Suggests that the 4-storey street wall in the build form framework is appropriate and a better fit for 159-167 Johnston St 62.1 The preferred street wall height of 3 storeys / 11.2m is lower than the 4 storeys / 14m street wall height in the Johnston Street Built Form Framework <p><i>Site specific</i></p> <ul style="list-style-type: none"> Submits that the preferred height fails to recognise the existing buildings in the precinct that are closer to 4 storeys - noting 110, 152, 160, 176, & 195-197 Argyle Street. Suggests that the 4-storey street wall in the build form framework is appropriate and a better fit for 159-167 Johnston St <p><u>DDO37 – Smith Street south and north:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Proposed 3m street wall height is too tall. Street wall height be a maximum of 1 storey / 3m. <p><u>DDO38 – Alexandra Parade:</u></p> <p><i>General</i></p> <ul style="list-style-type: none"> Concerned that a consistent street wall would not be appropriate for many parts of Alexandra Parade. Alexandra already has a high level of traffic and small footpaths. <i>Supports the removal of 'retain heritage street wall' – as the property is not within the HO.</i> <p><i>Site specific</i></p>	

15. Street Wall Heights

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none">• 454-464 Smith Street, - Does not support the new 2 storey/8m street wall requirement proposed and considers it inconsistent with the section of Smith Street at• Disagrees with Officeworks building street height of 4 storey 11.2-12 m. Suggests Street wall maximum of 1 storey 3m high. <p><u>DDO39 – Victoria Parade:</u></p> <p><i>General</i></p> <ul style="list-style-type: none">• Concerned that a consistent street wall would not be appropriate for many parts of Alexandra Parade. Alexandra already has a high level of traffic and small footpaths.	

16. Traffic, Access, Parking and Public Transport

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Submissions raised a number of concerns regarding the impact on traffic, access, parking and public transport with the anticipated growth. Key areas of concern included:</p> <ul style="list-style-type: none"> • Impact on road network (specifically congestion) • Public transportation infrastructure • Loss of on street parking 	<p>Public transport and on-street parking are outside the scope of this Amendment. Council continually advocates for improved public transport services and infrastructure and additionally pursues improvements to bicycle infrastructure.</p> <p><u>Impacts on road network</u></p> <p>The existing state and potential traffic generation from future development was reviewed in a report by Traffix Consultants in 2019 and updated for extended areas in 2020.</p> <p>These reports acknowledge the role of the key roads in the study area as arterial roads and that all these areas are readily accessible from the study area via walking, cycling or a short public transport trip.</p> <p>It notes that currently there are transport challenges, but not out of the ordinary in an inner-city context.</p> <p>The report found that the moderate level of development across each precinct would not have a detrimental impact on the road network but included recommendations for a series of traffic engineering requirements for the future DDOs that was incorporated into Amendment C271yara.</p> <p>While transport impacts are considered, previous conclusions from Planning Panels Victoria have determined possible future transport issues should not prevent an amendment from proceeding. This was outlined in the Planning Panel report for the Merri-bek Planning Scheme Amendment C123 (Page 2) and C134 (Page 107) that said:</p> <p><i>“[...] future congestion should not stifle development [...]” and the “[...] challenge of managing the road network should not prevent the Amendment from progressing [...]”.</i></p> <p><u>Public transport infrastructure</u></p> <p>The amendment directs housing growth to an area that is well serviced by public transport, cycle routes, services and jobs. All land affected by the proposed amendment on the Principal Public Transport Network (PPTN) and included in the PPTN area. The PPTN reflects the routes where high-quality public transport services are or will be provided.</p> <p>The provision of public transport services is the responsibility of the state government and relevant state-level agencies. Public transport services cannot be increased through a planning scheme amendment.</p> <p>The City of Yarra communicates changes to the planning scheme to the Department of Transport and Planning (DTP) when it prepares an amendment. DTP consider these amendments in their future service planning.</p> <p>Council will continue to advocate for more frequent public transport services as part of its ongoing discussions with Public Transport Victoria. This is identified in the draft Heidelberg Road Local Area Plan as an action. Council frequently advocates State Government for improvements to infrastructure such as transport in areas where increased density is anticipated.</p> <p><u>On street parking</u></p> <p>The management of on-street parking is a matter for Council and is outside the planning process. Council manages on-street parking as the area changes.</p>

16. Traffic, Access, Parking and Public Transport

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<p>Council has developed a policy for reviewing parking restriction and avenues on how to propose changes to current restrictions. For example, proposing greater levels of permit parking on-streets. Council's Parking Restrictions Guidelines outlined the process to request a review of on-street parking restrictions on their streets.</p> <p>It is also noted that all new developments following 2003 are not entitled to on-street car parking permits.</p> <p>Recommended position:</p> <p>No change to the Amendment.</p>

17. Upper-level Setbacks

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION								
<p>Support for upper-level setback requirements throughout the precincts but different views on the heights.</p> <p>Most submissions from residents oppose the proposed building height provisions as not being enough. While most commercial landowners and developers (via consultants) opposed the requirements as being too restrictive and reduced setbacks and more flexibility.</p> <p>Suggestions for blanket setbacks across the areas typically ranged from 6-8m from residents and 3m from consultants.</p> <p>One submission argued that transitions are best facilitated by upper-level setbacks than streetwall heights.</p> <p>Comments on the upper-level setbacks in specific DDOs were:</p> <p><u>DDO30 – Smith Street shops:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> 305-311 Smith Street, Fitzroy – Remove upper-level setbacks. <p><u>DDO32 – Johnston Street west:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> 41-49 Johnston Street, Fitzroy – Increase upper-level setback from 3m to 6m. <p><u>DDO36 – Fitzroy east and Johnston Street north:</u></p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> 450 Gore Street, Fitzroy – Reduce upper-level setback from 6m to 3-5m. 	<p>The upper-level setbacks in the proposed DDOs are based on detailed analysis from an urban design and heritage perspective.</p> <p>The upper-level setbacks in the proposed DDOs typically range from 6 to 8m. In some locations, greater setbacks are required.</p> <p>The setbacks ensure a clear distinction between lower and upper levels is achieved, retain a pedestrian scale at street level and retain the prominence of heritage buildings.</p> <p>The upper-level setbacks in the proposed DDOs will ensure that a clear distinction between lower and upper levels is achieved and that a sense of openness is retained.</p> <p>A review has been done on the upper-level setbacks in consideration of submissions using external and internal advice. Officers make the following recommendations:</p> <table border="1" data-bbox="712 531 2130 722"> <thead> <tr> <th>DDO Area:</th> <th>Recommended change:</th> </tr> </thead> <tbody> <tr> <td>DDO30 – Smith Street shops</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO32 – Johnston Street west</td> <td><i>No change recommended.</i></td> </tr> <tr> <td>DDO36 – Fitzroy east and Johnston Street north</td> <td><i>No change recommended.</i></td> </tr> </tbody> </table> <p>Recommended position: No change to the Amendment.</p>	DDO Area:	Recommended change:	DDO30 – Smith Street shops	<i>No change recommended.</i>	DDO32 – Johnston Street west	<i>No change recommended.</i>	DDO36 – Fitzroy east and Johnston Street north	<i>No change recommended.</i>
DDO Area:	Recommended change:								
DDO30 – Smith Street shops	<i>No change recommended.</i>								
DDO32 – Johnston Street west	<i>No change recommended.</i>								
DDO36 – Fitzroy east and Johnston Street north	<i>No change recommended.</i>								

18. Other / Out of Scope

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>Several issues outside the amendment:</p> <ul style="list-style-type: none"> • Climate change • Transitional provisions • Enforcement • VCAT Processes 	<p><u>Climate change</u></p> <p>Locating new housing and commercial space in neighbourhoods with existing transport networks, services and jobs is a key strategy in responding to the Climate Emergency.</p> <p>Other parts of the Yarra Planning Scheme will ensure that new development is built in a more sustainable way, namely the Planning Policy Framework and Council's Environmentally Sustainable Design Policy at Clause 15.01-2L-1. Developments are required to take account of all policy and provisions in the planning scheme. Environmentally sustainable design (ESD) requirements are addressed when a planning application is lodged. Typically, Council's Statutory Planning Unit engages Council's ESD advisor to be involved in medium to large scale planning applications right from the start of the project. This is to ensure developments demonstrate best practice in ESD performance.</p> <p>Yarra's Climate Emergency Plan (CEP) recognises the importance of reducing greenhouse gas (net carbon) emissions from buildings and transport. Through the CEP, Council has committed to targets and actions to achieve zero carbon buildings.</p> <p>In addition, Yarra City Council is working with other CASBE member councils to pursue a planning scheme amendment that introduces elevated ESD standards in the Planning Scheme. The Elevating ESD Targets Planning Policy Amendment project aims to deliver revised and elevated ESD targets, including targets for zero carbon development.</p> <p>Planning scheme amendments consider effects at a broad scale. The DDO and other requirements in the planning scheme, including state provisions, provide guidance for the assessment of potential impacts on individual cases, including the potential overshadowing of solar panels of nearby properties.</p> <p><u>Transitional provisions</u></p> <p>It is not proposed to apply transitional provisions to the DDOs.</p> <p>They have not been applied in Council's other recent amendments to implement DDOs.</p> <p>The interim DDOs have been in the Yarra Planning Scheme for over 3 years, since 2021, as such transitional provisions are not warranted.</p> <p><u>Enforcement</u></p> <p>There are a number of steps enforcement takes to address potential breaches of the Yarra Planning Scheme.</p> <p>A breach can include:</p> <ul style="list-style-type: none"> • Building works conducted without a planning permit, such as house extensions or demolitions • Building works that are inconsistent with the planning permit or endorsed plans • Illegal use of a property or changing the way the land is used without planning approval (if approval is required) <p>Examples that are not breaches of the planning scheme:</p>

18. Other / Out of Scope

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
	<ul style="list-style-type: none"> • Changes that do not require a planning permit • Noise coming from a public space • Public noise nuisance <p>Whilst out of the control of strategic planning, if construction is underway at a property, or it been completed and the construction is different to the planning permit, residents can lodge an investigation with the Yarra City Council's enforcement team. If there is a breach, Yarra City Council will work with the property owner to address it. However, if negotiations are not successful, the <i>Planning and Environment Act 1987</i> allows for appropriate enforcement action to be taken.</p> <p>Such actions include:</p> <ul style="list-style-type: none"> • Interim enforcement orders • Applications made to Tribunal • Binding orders • Penalties/fines • Criminal liabilities <p><u>VCAT Processes</u></p> <p>The VCAT process is out of the scope of this amendment. Officers acknowledge that when applications are taken to VCAT the process is lengthy and costly, particularly to residents. The intention of introducing these built form controls to Fitzroy and Collingwood is to create efficiency and clarity to planning controls within the area. Whilst the impact this will have on whether applications are taken to VCAT and the consequences are unknown, it is anticipated the reduction in ambiguity will create a more efficient planning system.</p> <p>Recommended position: No change to the Amendment.</p>