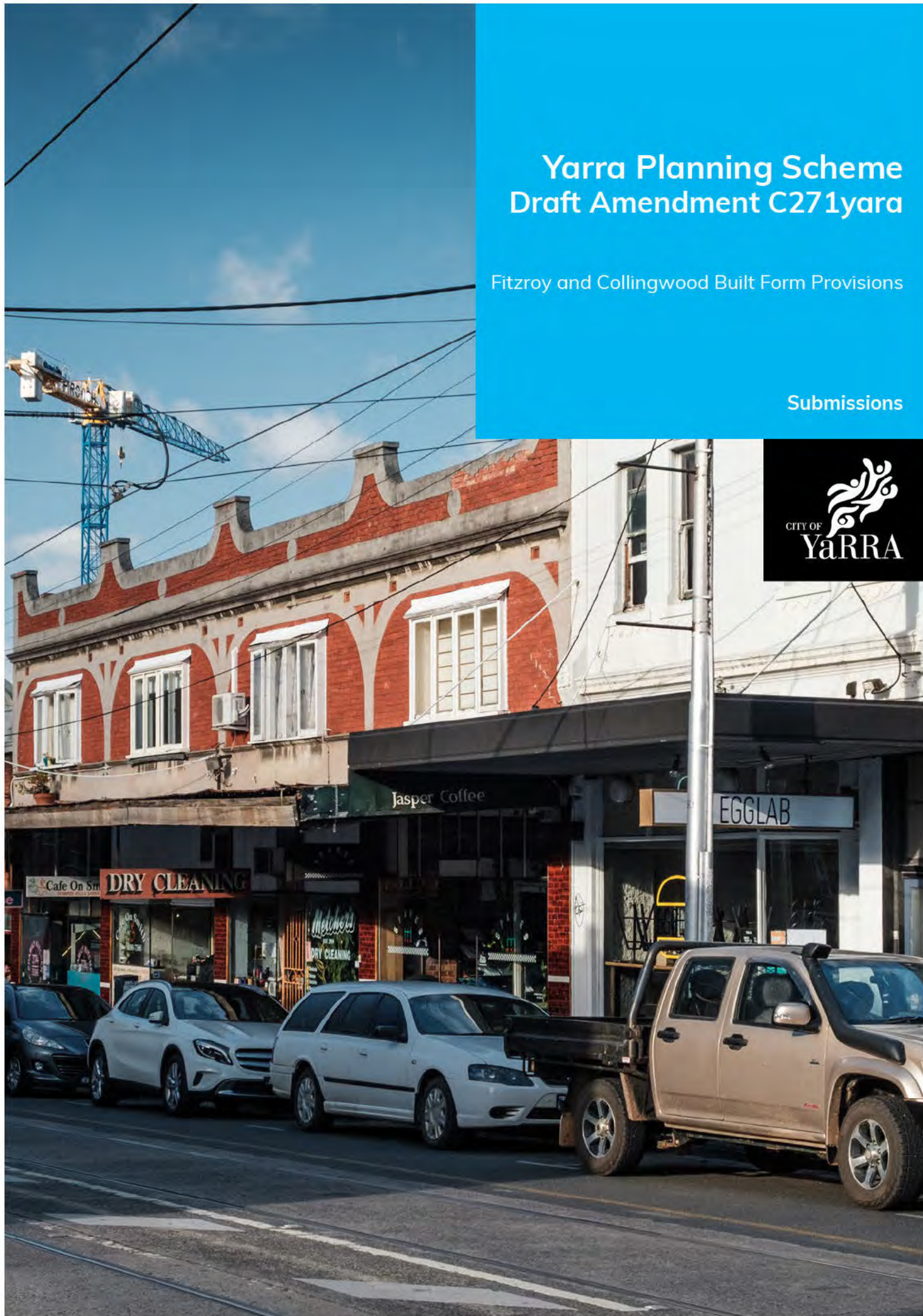


Yarra Planning Scheme Draft Amendment C271yara

Fitzroy and Collingwood Built Form Provisions


Submissions



Please note:

Name and contact details of submitters are required for the City of Yarra to consider submissions and to notify submitters of the opportunity to attend Council meetings and any public hearings held.

The Planning and Environment Act 1987, requires Council make a copy of any submission available for public inspection. In accordance with the requirements of the Privacy and Data Protection Act 2014 all personal information (including names and addresses) has been removed.

 Outlook

FW: Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

From [REDACTED]
Date Tue 19/11/2024 11:43 AM
To [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)
dear sir/madam

re: Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

We live at [REDACTED].

- The proposed amendment shows a height of 24 metres and 17.6 metres opposite our property.
- The west side of Little Street street has a 1-2 storey heritage terrace character with primarily open backyards and buildings of 1-2 storeys.
- The proposed amendment would allow a 24 metre high building to abut this low rise residential zone.
- This completely fails to protect the amenity of our low rise residential zone with guaranteed impacts of overlooking, overshadowing and excessive bulk in our narrow street. It will ruin the heritage protected streetscape.
- A mid-rise transition zone should to be created to along the eastern side of Little Smith street to
 - protect the low rise residential zone along the west side of Little Smith street
 - and better address the scale of the low rise heritage streetscape.
- 17.6 to 24 metres is totally inappropriate and poor planning policy.

kind regards

[REDACTED]

[REDACTED]



Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

From [REDACTED]
Date Tue 19/11/2024 12:16 PM
To [REDACTED]
Cc [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/Madam

re: Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

We live at [REDACTED].

1. The proposed amendment shows a height of 24 metres and 17.6 metres opposite our property.
2. The west side of Little Street street has a 1-2 storey heritage terrace character with primarily open backyards and buildings of 1-2 storeys.
3. The proposed amendment would allow a 24 metre high building to abut this low rise residential zone.
4. This completely fails to protect the amenity of our low rise residential zone with guaranteed impacts of overlooking, overshadowing and excessive bulk in our narrow street. It will ruin the heritage protected streetscape.
5. A mid-rise transition zone should to be created to along the eastern side of Little Smith street to
protect the low rise residential zone along the west side of Little Smith street
and better address the scale of the low rise heritage streetscape.
6. 17.6 to 24 metres is totally inappropriate and poor planning policy.

Our concerns :

our safety, our privacy, the traffic build ups and safety to Little Smith Street (very narrow for cars driving through also loading zones must be removed which was requested many times)

Thank you

[REDACTED]

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 20, 2024, 06:10 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Dear Yarra Council,

Re: Objection to DDO Overlay on Westgarth Street

I am writing to formally object to the proposed Design and Development Overlay (DDO) on Westgarth Street, specifically between Gore Street and Smith Street. The current proposal suggests building heights on the north side of Westgarth Street should be 4 stories rising to 8 stories. I strongly believe this is inappropriate for several reasons.

Firstly, the north side of Westgarth Street is predominantly residential, with many houses that would be significantly impacted by the proposed height increase. The character and amenity of this residential area would be adversely affected by such tall buildings, leading to overshadowing, loss of privacy, and a general decline in the quality of life for residents.

Secondly, there is already a 10-story building on the south side of Westgarth Street. Adding more tall buildings on the north side would create an overwhelming and unbalanced streetscape. It would also exacerbate issues related to traffic congestion, parking, and infrastructure strain in the area.

Therefore, I propose that the building heights on the north side of Westgarth Street should be limited to 2 stories (9 meters) rising to 4 stories. This would be more in keeping with the existing residential character of the area and would help maintain a balanced and harmonious streetscape.

I urge the council to reconsider the proposed DDO overlay and to take into account the concerns of local residents. Thank you for your attention to this matter.

Yours sincerely,

[REDACTED]

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 20, 2024, 02:27 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text This Submission relates to SCHEDULE 34 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY Shown on the planning scheme map as DDO34. FITZROY TOWN HALL AND BACK BLOCKS.

I partially support the Amendments but would request, with reference to the above schedule, that in regards to Map 3 in the block that has boundaries of Young, St David and Napier Streets there is a consistent maximum building height of 5 storeys/17.6m and a New 4 storey St wall/14.4m for the whole block. As it stands the amendment only includes the four properties south of St David St and West of Napier St.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 19, 2024, 10:11 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Can the proposal also please consider reducing impact on existing street parking as well as waste disposal.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 18, 2024, 08:26 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text This building height is too high. It will affect existing homes and is an eyesore when buildings are so big. No more than 4 stories in smith and no more than 2.5 behind that.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 18, 2024, 10:41 AM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I write in strong support of Amendment C271, which represents years of thoughtful work to balance heritage preservation, urban growth, and community feedback in Fitzroy and Collingwood. While the amendment may not achieve perfection in every detail, it is a well-considered and comprehensive framework that reflects extensive consultation and expert analysis.

The Design and Development Overlay (DDO) provides essential clarity and consistency for future developments. By formalising height limits, setbacks, and design controls, the amendment will protect Yarra's unique character while allowing sustainable urban growth.

It is critical that this amendment be finalized and submitted to the Planning Minister without delay. Further delays risk undermining years of effort and eroding community trust in the planning process. I urge the Council to prioritise the approval and submission of Amendment C271, recognizing that perfect cannot be the enemy of good.

Thank you for the opportunity to comment on this important work.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 18, 2024, 03:25 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Additional comments

I think this is a good opportunity to ensure that whatever final form the DDOs take, they must be mandatory so that authority for decision making can be delegated; that the decisions made are not subject to discretion but a check list against the guidelines.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

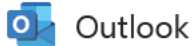
Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Provide a submission



Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

From [REDACTED]

Date Sun 24/11/2024 11:02 AM

To [REDACTED]

Cc [REDACTED]

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Sir/Madam

re: Draft Amendment C271yara - FITZROY AND COLLINGWOOD PLANNING CONTROLS

We live at [REDACTED].

1. The proposed amendment shows a height of 24 metres and 17.6 metres opposite our property.
2. The west side of Little Street Street has a 1-2 storey heritage terrace character with primarily open backyards and buildings of 1-2 storeys.
3. The proposed amendment would allow a 24 metre high building to abut this low rise residential zone.
4. This completely fails to protect the amenity of our low rise residential zone with guaranteed impacts of overlooking, overshadowing and excessive bulk in our narrow street. It will ruin the heritage protected streetscape.
5. A mid-rise transition zone should to be created to along the eastern side of Little Smith street to protect the low rise residential zone along the west side of Little Smith street and better address the scale of the low rise heritage streetscape.
6. 17.6 to 24 metres is totally inappropriate and poor planning policy.

We are concerned for the increase in traffic, safety, privacy and visual bulk that will abut the immediate residential area. Further to this will be the increase in Little Smith Street which is insufficient to accommodate the increase in traffic as there a number of loading zones for Smith Street commercial traders.

Thank you

[REDACTED]



I would like to arrange a meeting to discuss Amendment C271yara

From [REDACTED]
Date Sun 24/11/2024 3:06 PM
To [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

Sir/Madam

Could the new Planning Amendments include an accurate and decisive definition of MAXIMUM BUILDING HEIGHT particularly on a sloping site.

This is particularly relevant in DDO30 the east side of Smith Street area immediately to the west of the Foy & Gibson Complex on Oxford Street Collingwood. The site slopes significantly down towards Little Oxford Street from the Smith Street frontage. A building with a maximum building height according to current setbacks may have a height of 24.0m above natural ground at the west end but be at least 27.0m above natural ground at the Little Oxford Street end of the site.

In my opinion, maximum building height should be the measure of distance above natural ground level at any point on the site so the further the site slopes away, the lower RL of the topmost portion of the building (excl. mechanical empty, lift overruns etc.).

What do you think/. Either way, it should be clearly defined in the Planning Amendments as other definitions are described.

Many thanks.

[REDACTED]

[REDACTED]

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Nov 27, 2024, 04:32 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I partially support C271yara, but oppose DDO37 in relation to the area west of Smith Street, between Westgarth and Cecil Streets. First, the built form allowed (buildings of 4-8 storeys with a 3m street wall) is too massive and will undermine views towards, and the heritage values of, the properties further to the west. Second, relatedly, the existing industrial/commercial properties on Westgarth St which are affected by DDO37 are well set back from the street (as town planners in an earlier era gave proper weight to the heritage values to the west), and those footprints should be maintained. Third, the density of proposed development poses an unacceptable risk of noise and other amenity impacts on nearby properties.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

OFFICIAL: Am C271yara

From [REDACTED]
Date Wed 27/11/2024 4:47 PM
To [REDACTED]

1 attachment (130 KB)
7130dpr.pdf;

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Kate

Please find attached DEECA Environment Portfolio's response to notice of this planning scheme amendment.

Any questions please contact me by email on [REDACTED]

Kind regards

[REDACTED]



Senior Planning Officer
Planning Services (Central East)
DEECA Planning and Environment Assessment
Regions, Environment, Climate Action and First Peoples
Department of Energy, Environment and Climate Action

[REDACTED]



We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.



Department of Energy, Environment
and Climate Action

8 Nicholson Street
EAST MELBOURNE, VICTORIA 3001
Email: [REDACTED]

Kate Yuncken
Manager City Planning
Yarra City Council
333 Bridge Road
RICHMOND VIC. 3121

Ref: 7130

By email: [REDACTED]

Dear Ms Yuncken

REFERENCE NUMBER: AM C271YARA
PROPOSAL: INTRODUCE OR MAKE PERMANENT BUILT FORM CONTROLS
ADDRESS: COLLINGWOOD AND FITZROY MAJOR AND NEIGHBOURHOOD
ACTIVITY CENTRES

Thank you for your correspondence of 18 November 2024 pursuant to Section 19 of the *Planning and Environment Act 1987*.

Council has given the Department of Energy, Environment and Climate Action (DEECA) notice of a proposed planning scheme amendment that seeks to the amendment seeks to apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis, delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on a permanent basis, rezone several properties in the municipality and make other associated changes (such as zoning anomalies) to the Yarra Planning Scheme.

The Environment Portfolio of DEECA has considered the above application and does not oppose the amendment.

If you have any queries regarding this matter, please contact [REDACTED] on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]
[REDACTED]
Senior Planning Officer
Planning Services (Central East)
DEECA Planning and Environment Assessment

27/11/2024

Contribution ID: [REDACTED]
Member ID: 3835
Date Submitted: Dec 05, 2024, 03:26 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Hi,

When I was in Collingwood, the City of Yarra team asked me some questions, and I shared my thoughts with them at the time. I wanted to take this opportunity to provide you with a more detailed version of my feedback.

I'm not here permanently, but I thought it might be valuable to share my perspective in more depth.

I believe that in Fitzroy and Collingwood, the old buildings are far better than the modern ones. Smaller buildings feel much more appealing than tall ones. Walking through those areas, you can feel a certain warmth and charm. Modern buildings, on the other hand, don't always fit well in some places. As modern structures increasingly replace older ones, I think we'll come to miss the unique character of those historic buildings.

In my opinion, these areas should remain largely the same and be preserved for future generations to enjoy.

Kind regards,

[REDACTED]

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]

Member ID:

Date Submitted: Dec 03, 2024, 01:40 PM

Q1 I would like to...

Multi Choice

Type my submission

Q2 Please type your submission here

Long Text

Having lived in Fitzroy through Covid and walked every street a number of times, I think that the height limits are too high on buildings "inside the grid". Smith street north has already been transformed to a dark place - we don't need more of those. So please maximum 4 storeys inside the grid so that there is still pleasant and light to walk the smaller streets. Retained setbacks in the height doesn't do the trick, sorry. This goes for Fitzroy West, around Fitzroy town hall, Victoria street etc.

I am of two minds when it comes to high rises along Alexandra and Victoria parade. If we talk about commercial buildings, fine. But I don't think it is healthy to live there, in the noise and dust coming from traffic. And yes, there might be balconies, but many of them will be impossible to use due to the wind, especially this time of the year.

I am glad that you try to keep Brunswick and Gertrude street livable, however I am grateful that I don't live in Gore street and Little Smith street. In general I am happy that the suggestions are moderate compared to Jacinta Allen's proposals of activity centres.

I also think it is very important that you police the floor plans of new buildings. I have been in many units where there is no room for a vacuum cleaner, not to mention a mop, with no proper space for cooking in the kitchen, and if you want to sit down to eat AND have a tv, you need to eat in front of the tv. And please mandate proper insulation and double glazed windows in all new buildings, and not to forget, proper water proofing.

The increased number of apartment buildings will need to be followed up by a regulation of strata companies, and a responsibility for developer to rectify important structural defects long after 7 years, because the insurance companies are not covering those. And it must be easier to hold the developers to account. Our building has no waterproofing at all, it has cost us privately 50 000 to amend that, plus 70 000 for the owners corporate, and it just a question of time for everyone. But we have been advised not to sue the developer because it costs too much and we cannot rectify the problems, which just make them worse...

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

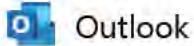
Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Provide a submission



Amendment C271 Submission on behalf of 260 Nicholson Street, Fitzroy

From [Redacted]

Date Mon 16/12/2024 12:43 PM

To [Redacted]

Cc [Redacted]

1 attachment (412 KB)

Am C271 Submission Letter 260 Nicholson 16.12.24.pdf;

You don't often get email from [Redacted]. [Learn why this is important](#)

Dear Strategic Planning

Please find enclosed objecting submission on behalf of affected land owner to Amendment C271.

Kind regards

[Redacted]
DIRECTOR

[Redacted]
[Redacted]
[Redacted]

SHAPING
CITIES AND
COMMUNITIES



OLDERFLEET, LEVEL 10, 477 COLLINS STREET
MELBOURNE, VIC 3000, AUSTRALIA
WURUNDJERI COUNTRY

[Redacted]



Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

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LEVEL 10
477 COLLINS STREET
MELBOURNE VIC 3000

URBIS.COM.AU
 Urbis Ltd
 ABN 50 105 256 228

16 December 2024

Strategic Planning
 Yarra City Council
 PO Box 168
 RICHMOND VIC 3121

By email: strategicplanning@yarracity.vic.gov.au

Dear Strategic Planning Team,

PLANNING SCHEME AMENDMENT C271 FITZROY AND COLLINGWOOD – SUBMISSION ON BEHALF OF OWNER 260 NICHOLSON STREET FITZROY

INTRODUCTION

Urbis Ltd act on behalf of the owner of No. 260 Nicholson Street, Fitzroy and write in submission to Amendment C271 to the Yarra Planning Scheme. We wish to raise issue with respect to the proposed built form policy changes within Amendment C271 which would unreasonably impact the reasonable development potential of the land at 260 Nicholson Street, Fitzroy.

Our client's land is located on the corner of Argle Street and Nicholson Street. The land is currently developed with a two storey commercial building of no notable style. The building (nor adjoining buildings) do not have heritage significance and are not in a Heritage Overlay (refer **Figure 1 and 2**).

The land forms part of a small isolated pocket of Commercial 2 Zone land, with properties to the east being in the General Residential 1 Zone, and those to the south along Nicholson Street in the Commercial 1 Zone (refer **Figure 3**). The location of the site (and surrounding precinct) is excellent in terms of providing for future development opportunities.



Figure 1: Photo of 260 Nicholson Street (LHS) along Argle Street



Figure 2: 260 Nicholson Street viewed along Nicholson Street



Figure 3: Extract from Yarra Planning Scheme Zone Controls



Amendment C271 proposes to revise the application of the Design and Development Overlay to introduce new height controls of three, four and seven storeys. The street wall height, maximum building height and upper level setbacks are all mandatory and cannot be varied with a permit (refer Figure 4).



Figure 4: Proposed DDO Map extract indicating mandatory heights

SUMMARY OF CONCERNS

Our key concern with Amendment C271 is that the mandatory nature of the proposed controls remove potential for consideration of reasonable development outcomes which respond to their context. In our view it is a priority that these controls be modified to be discretionary. We note four key matters regarding the site and the proposed Amendment:

Need for Flexibility in Height Controls

No. 26 Nicholson Street, Fitzroy is situated on the corner of a main road and is not in a sensitive location. The properties located between Johnson and Henry Street, including 26 Nicholson Street, are not covered by the Heritage Overlay. In the absence of heritage considerations, planning controls should provide greater flexibility in terms of design and development potential, allowing for more nuanced and commercially viable structures to be considered.

The surrounding urban context displays a variety of building typologies from single storey dwellings, to multi storey industrial buildings (both heritage and non heritage) and contemporary apartment buildings. The proposed mandatory controls do not allow for the appropriate flexibility and responsiveness to the unique characteristics of an individual site and its surroundings. Performance-



based controls would enable developers to propose innovative solutions that meet the desired outcomes for the area, rather than being constrained by prescriptive standards.

Additionally, three separate areas of mandatory height apply to the property making designing for a reasonable outcome very difficult. A further different height controls (8 storeys) applies to the larger parcel of land to the south, making practical consolidating of the properties less likely.

A more consistent approach to height to aid viability

With reference to 260 Nicholson Street, Fitzroy the four-storey street wall should at least be extended around the Argyle Street frontage. This would allow for a cohesive and continuous streetscape and provide enhanced development opportunities. The current mandatory four-storey and three-storey street wall requirements do not provide flexibility to provide even a four storey development across the entire site. The corner site, which while not significant in size, would have a much improved prospect of renewal with more flexible controls – enabling development to take advantage of the dual street frontage. The nature of the site context in Argle Street, while including some heritage buildings would not in our view be affected by this modification.

Inadequacy of height control in metres for commercial buildings

The proposed height limit of 11.2 metres is deemed insufficient for a commercial development of three storeys, especially considering the land is zoned Commercial 2 where residential cannot be accommodated. A higher building height (of four metres per floor) would be more appropriate to accommodate the functional and spatial requirements of modern commercial buildings. This adjustment would support the economic viability of the development and align with the current commercial zoning of the land.

Ineffective zoning pattern

Amendment C271 has undertaken a high level review of zones within the precinct proposing some minor zoning updates. The subject site is part of a small area of Commercial 2 Zone land which extends along the east side of Nicholson Street from the subject site to Rose Street. Overall, this represents a very small area of zoned land, where sites are generally of modest size, with residential interfaces to the east.

Unlike areas with a larger concentration of Commercial 2 Zoning, which can encourage the emergence of commercial precincts, (such as the Gipps Street Employment Precinct) this zoning in our comparably smaller area hinders the reasonable development opportunity of the land. Likewise, there is generally poor access (i.e. no stopping) for showroom type uses to emerge. There is no strategic basis for these properties to be zoned Commercial 2 and conversely retention of the zone frustrates the likelihood of achieving renewal in this area or making provision for much needed housing.

In our view the properties would be more appropriately zoned for Mixed Use, to enable residential and commercial development outcomes which are more closely aligned with the desired outcomes of the Johnston Street Neighbourhood Activity Centre pursuant to Clause 11.03-1L Activity Centres.



CONCLUSION

In summary we seek that City of Yarra modify proposed amendment C271 to:

- a) Remove the mandatory controls in the DDO applying to the subject land
- b) Extend the four storey street wall around the Argyle Street frontage of the site
- c) Increase the allowable height to a minimum of four metres per floor to account for the commercial zoning of the land.
- d) Rezone the land to the Mixed Use Zone where there would be improved prospects of renewal and no practical or strategic impact on commercial outcomes in the Municipality.

We welcome the opportunity to discuss this submission further with Council. Should you wish to discuss this matter further please do not hesitate to contact the undersigned.

Yours sincerely,



Director



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Yarra Planning Scheme Proposed Amendment C271
Date: Monday, 23 December 2024 5:46:50 PM
Attachments: [20241223 - Corres to Yarra City Council from 131 Greeves St.pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir / Madam,

Please find attached a letter from [REDACTED] and [REDACTED], the owners of 129-131 Greeves Street, Fitzroy.

Thank you,

Regards,

[REDACTED]
Personal Assistant to [REDACTED]
[REDACTED]

Liability limited by a scheme approved under Professional Standards Legislation

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This notice should not be removed.

23 December 2024

Strategic Planning Department
Yarra City Council
PO Box 168
Richmond VIC 3121

Via email: strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Yarra Planning Scheme Proposed Amendment C271 - Submission on Behalf of owners of 129-131 Greeves Street, Fitzroy

We are the owners of 129-131 Greeves Street, Fitzroy (our property) and have prepared this submission in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition. (the Amendment).

As depicted in Figure 1, below, our property is situated just outside the Smith Street Major Activity Centre (MAC) but abuts several properties that are located within the Activity Centre. While none of the proposed amendments apply directly to our property, its proximity to the MAC means it will undeniably be impacted.



Figure 1: Smith Street Major Activity Centre Boundary

We accept that our property is directly adjacent to the Activity Centre and appreciate the important role Activity Centres play throughout Melbourne. We understand the necessity for Council to undertake this important strategic work to guide and direct future use and development throughout the Activity Centres of Fitzroy and Collingwood. Our concern is confined to the rezoning of the rear of 299 Smith Street immediately to the north and the increased height nominated under the proposed Design and Development Overlay 30 (DDO30).

Existing Conditions

Our property is within the Neighbourhood Residential Zone Schedule 1 (NRZ1) and is occupied by a double storey dwelling constructed to the front (southern) and side (eastern and western) boundaries, extending deep into the site. Secluded private open space (SPOS) is situated between the rear of the dwelling and the rear (northern) boundary with a depth of approximately 8 metres.

The NRZ1 extends west to the properties along Greeves Street and north and south to the properties along Gore Street (with the exception of 304-310 Gore Street, which is zoned General Residential Zone). It includes the rear of 299 Smith Street, where it adjoins properties within the NRZ1. The remaining portion is located within the Commercial 1 Zone (C1Z), which generally applies to land within the Smith Street MAC. The NRZ1 includes a mandatory height control of 9 metres and two storeys.

The entirety of 299 Smith Street is located within the Smith Street MAC. Interim DDO30 applies to land within this MAC and therefore applies to the entirety of 299 Smith Street. Map 1 of DDO30 sets out preferred building and streetwall heights. The C1Z portion has a preferred height of 20.8 metres; the NRZ1 portion is identified as having "limited opportunity".

Heritage Overlay Schedule 334 (HO334) applies to the South Fitzroy Precinct, covering a large area and including both the C1Z and NRZ properties.

Proposed Amendment

A component of the amendment is to rezone the NRZ1 portion of 299 Smith Street to C1Z. The amendment documentation lists this as a correction of a 'zoning anomaly'. There are no built form requirements under the C1Z. Under the proposed DDO30 this same portion is no longer list as "limited opportunity", rather the entirety of 299 Smith Street is nominated with a mandatory height of 6 storeys / 20.8 metres.



Figure 2: Existing Zoning

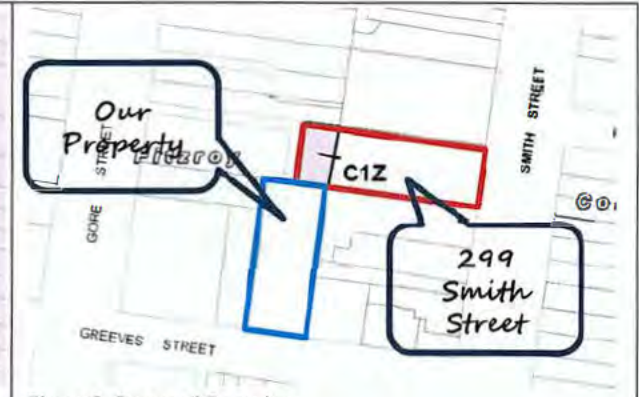


Figure 3: Proposed Rezoning

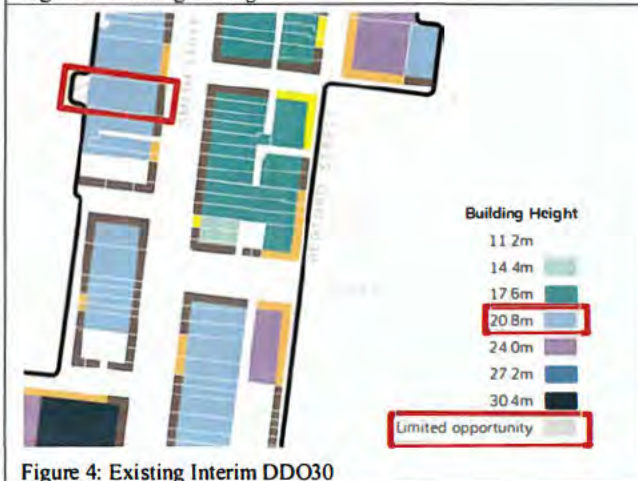


Figure 4: Existing Interim DDO30

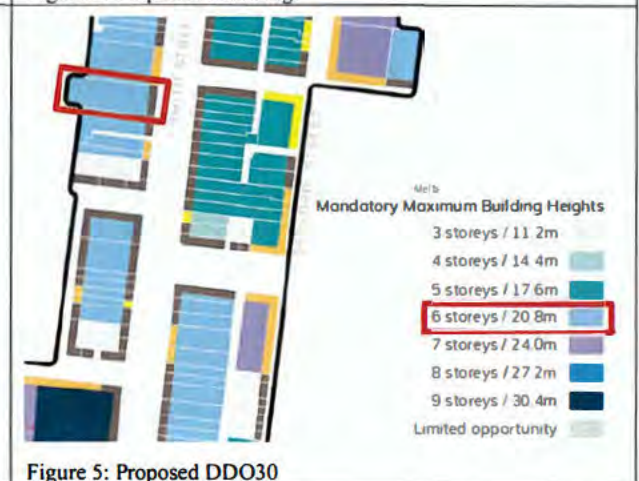


Figure 5: Proposed DDO30

Relevant Permit History Background

In 2020, an application for a planning permit for 299 Smith Street was lodged with Yarra City Council. The proposal was for *Partial demolition, buildings and works for the construction of two multi-storey buildings to the rear of the existing building, and a reduction in the car parking requirements*. The proposal essentially included a six storey mixed-use building in the C1Z portion of the property, and a two storey townhouse/apartment within the NRZ1 portion.

Following the issue of a Notice of Decision by Council we lodged a s82 appeal with the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision. We raised various concerns during the application, including overlooking, the extent of overshadowing caused by both the six and the two storey built forms and the visual bulk impacts. Following extensive negotiations between with the permit applicant, an agreement was reached and Planning Permit No. PLN20/0743 was issued.

Consideration of Amendment

We dispute the categorisation of the rear portion of 299 Smith Street as a 'zoning anomaly'. The basis for this label is the fact that the land is within two zones (C1Z and NRZ1). Whilst this adds a layer of complexity to the site it is not an outcome that is unjustifiable or that must be 'corrected' simply for the sake of putting the entirety of the property within the one zone. We submit that it is this property itself, which is anomalous, in that it extends further west than any other property along the west side Smith Street. It therefore creates a unique circumstance which warrants a site specific response. The application of two zones to the property was an intentional site specific response to this existing context. Unlike other properties within the MAC which generally only share one boundary with the residential hinterland, the anomalous depth of 299 Smith Street means it has three boundary interfaces with residential properties along Greeves and Gore Streets. The delineation between the two zones follows the alignment of the property boundaries to the north and the eastern side boundary of our property. It is consistent with the alignment of the C1Z to the north and the south. This is an intentional demarcation that requires a less intense building outcome at the rear of 299 Smith Street in response to its sensitive interfaces.

Under the proposed DDO30, a building up to 20.8 metres in height could be approved. The Interface Requirements at Section 2.6 are not applicable to the boundary shared between 299 Smith Street and our property as this is not the *rear* boundary of 299 Smith Street. Similarly, the quantitative components of the Building Separation and Amenity Requirements of Section 2.8 do not apply as they are only relevant where "*development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay*" and are therefore not applicable where adjoining the NRZ1.

Section 2.8 does include the below statement, although this is only an instruction to 'consider' and is not an enforceable or measurable requirement.

"An application for development should provide a design response that considers adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk."

Section 2.7 pertains to Overshadowing and Solar Access Requirements and states that:

"Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway."

None of the above requirements adequately address the interface between our property and 299 Smith Street. They give us no confidence that they will *require* a building outcome that will appropriately protect the amenity we have a right to enjoy within our house and our SPOS.

Planning Permit No. PLN20/0743 demonstrated that even a two storey building in the rear portion of 299 Smith Street could have unfavourable impacts on our property. Whilst the proposed DDO30 directs one to have some regard to amenity impacts upon our property it nevertheless allows a built form outcome up to 20.8 metres in height. This allowance will inevitably lead to an obvious conflict between safeguarding our property from inappropriate amenity impacts and realising the full development potential that the DDO30 affords. Retention of the existing NRZ1 zoning and subsequent 'limited opportunity' designation will avoid such conflict and ensure an appropriate outcome is achieved.

Conclusion

For the reasons outlined in this letter, we submit that the rezoning of the rear portion of 299 Smith Street from NRZ1 to C1Z is inappropriate. The current NRZ1 zoning is *not* anomalous, but rather is appropriate to protect the amenity of our property and should therefore be retained as is. The recategorization of this portion under DDO30 from 'limited opportunity' to a height of 20.8 metres is similarly inappropriate and will inevitably lead to conflict when trying to balance the competing demands of increasing development within the Smith Street MAC and protecting the amenity of our property.

We would welcome the opportunity to discuss our concerns further with you.

Yours sincerely,



Contribution ID: [REDACTED]
Member ID:
Date Submitted: Jan 02, 2025, 03:38 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I oppose the current draft as it fails to consider the existing terrace houses.
The draft does not adequately address the impact on existing terraced houses.
The proposed tall blocks would cast substantial shadows over these properties, significantly reducing their natural sunlight.
Additionally, this shadowing would severely diminish the effectiveness of existing solar panels installed on these homes, compromising residents' investment in renewable energy and their ability to maintain sustainable energy practices.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Jan 02, 2025, 03:39 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I oppose the current draft as it fails to consider the existing terrace houses. The draft does not adequately address the impact on existing terraced houses. The proposed tall blocks would cast substantial shadows over these properties, significantly reducing their natural sunlight. Additionally, this shadowing would severely diminish the effectiveness of existing solar panels installed on these homes, compromising residents' investment in renewable energy and their ability to maintain sustainable energy practices.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Jan 14, 2025, 10:21 AM

Q1 I would like to...

Multi Choice Upload my submission

Q2 Please type your submission here

Long Text

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Ebenezer III Pty Ltd
159 Victoria Parade
Collingwood VIC 3066
[REDACTED]
ACN 633 968 902

Draft Planning Scheme Amendment C271yarra

To Whom It May Concern,

We, the owners of 159 Victoria Parade, Collingwood 3066, are writing to provide our feedback on the proposed amendment C271 to the Yarra Planning Scheme. While we are generally in support of the draft, we respectfully request that the following amendments are included as part of the amendment.

1. **Existing Planning Conditions:** We have attached a plan of the property outlining the existing planning conditions that pertain to setbacks and the preferred maximum building heights.
2. **Proposed Maximum Building Heights:** We have also included our proposed maximum building heights for your review. The plan respects heritage conditions whilst optimising use of less sensitive parts of the site.

We request that the current height maximum of 3 storeys / 11.2 meters be amended to 5 storeys / 17.5 meters from a setback of 8m from the Victoria Pde façade and 7 storeys /24m at the rear of the property, at the same setback as the heritage building.

The area of 17.5m high portion of the site would be 240m². The area of the 24m high portion of the site would be 225m². This request is based on the following considerations:

1. The adjacent property at 161 Victoria Parade has a maximum building height of 7 storeys, which will significantly impact the amenity of 159 Victoria Parade.
2. Other properties within the DDO39 zone that feature a heritage façade have been granted higher building height allowances.

We appreciate your consideration of this request and trust that it will be taken into account as part of the amendment process.

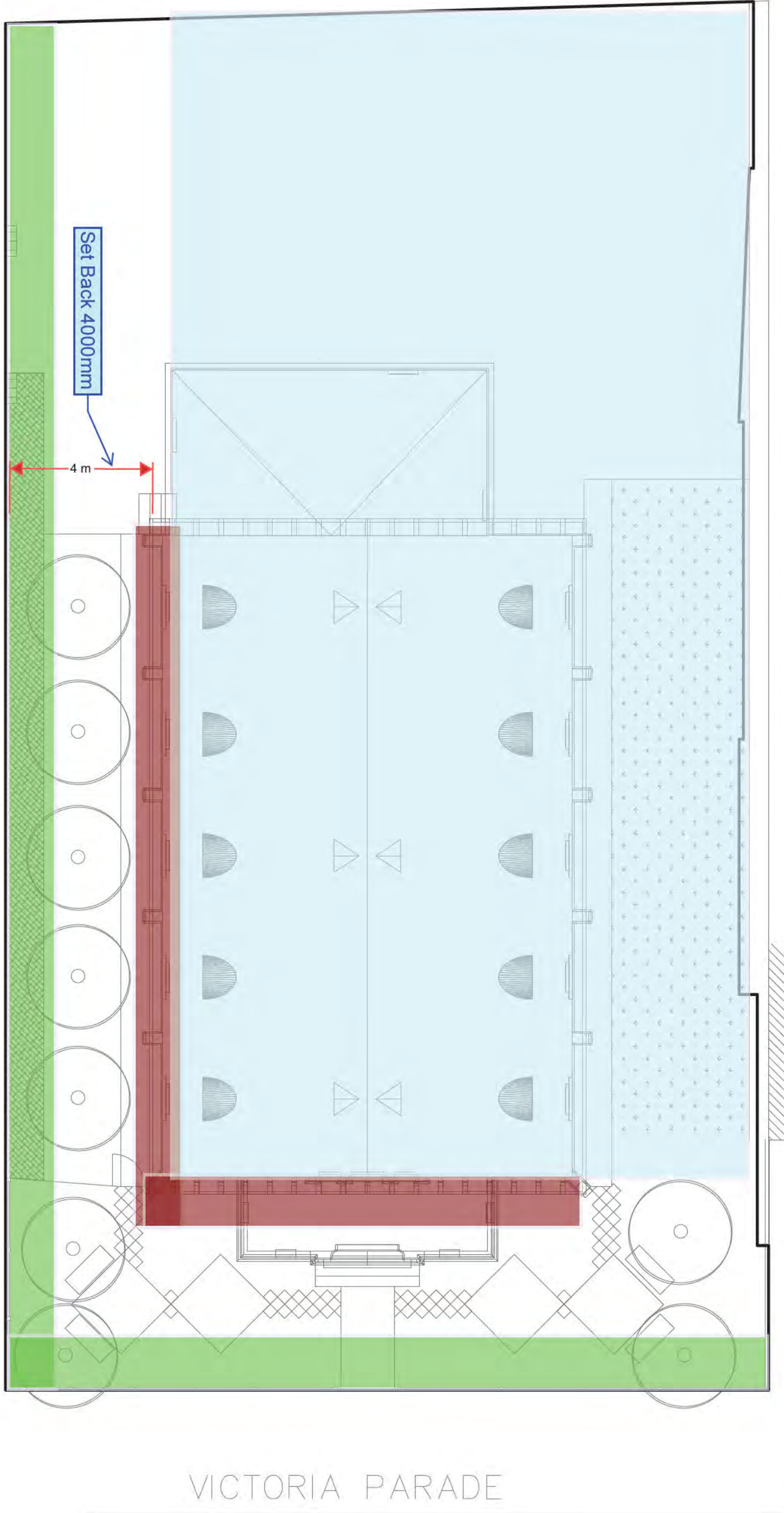
Thank you in advance for your attention to this matter.

Sincerely,

[REDACTED]
Owner(s) of 159 Victoria Parade, Collingwood 3066
[REDACTED]

Attachments:

1. Plan of Property with Existing Planning Conditions
2. Proposed Preferred Maximum Building Heights



Current Landscape setback

Current Heritage Streetwall

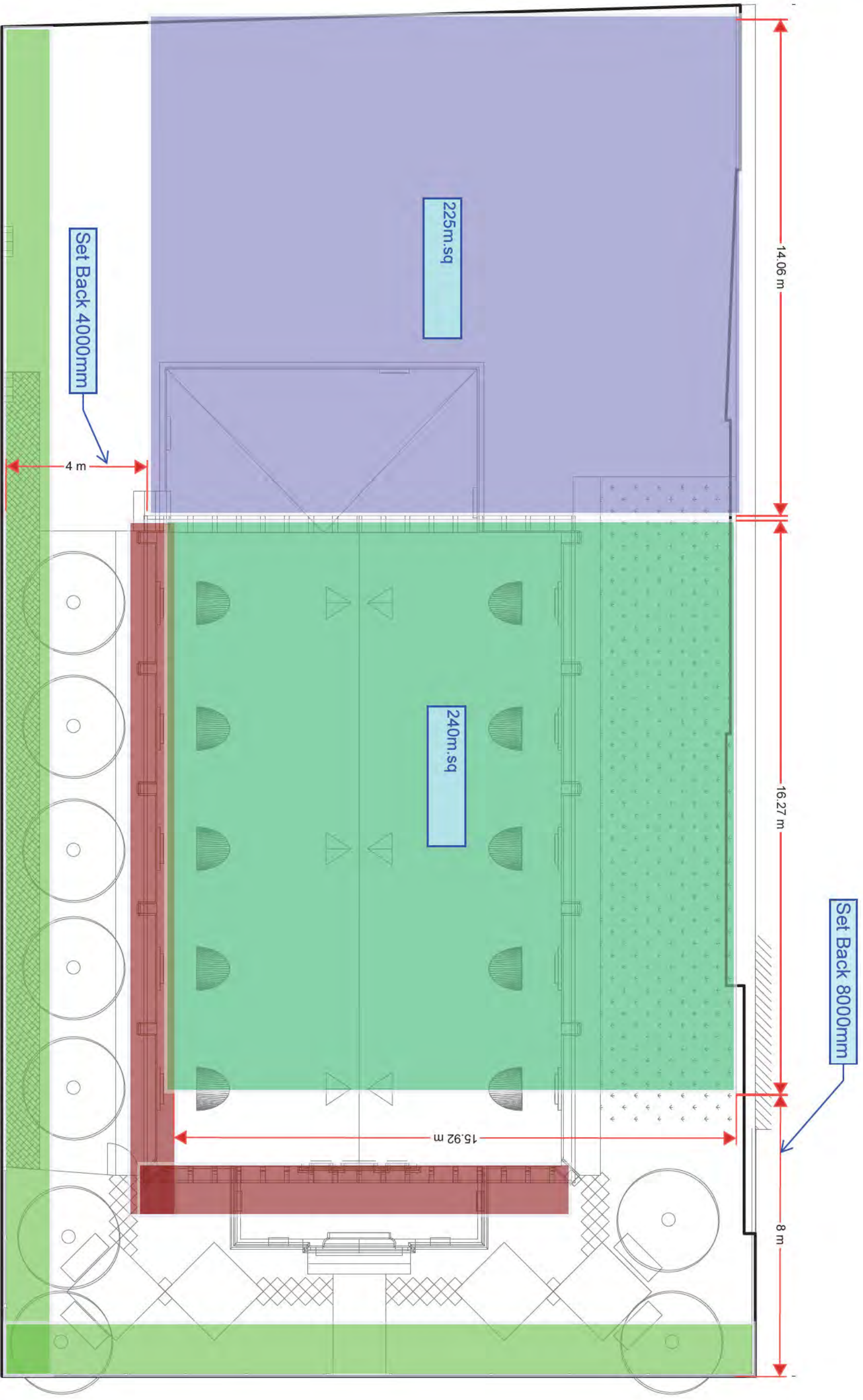
Current Maximum Building Height 3 Storeys/11.2m

RUPPERT STREET

VICTORIA PARADE

159 Victoria Pde

Current Design and Development Overlay



- Landscape setback
- Heritage Streetwall
- Preferred Maximum Building Height 5 Storeys/17.6m
8m Setback
- Preferred Maximum Building Height 7 Storeys/24.0m at rear of building

RUPERT STREET

VICTORIA PARADE

159 Victoria Pde

Proposed Design and Development Overlay

Contribution ID: [REDACTED]
 Member ID:
 Date Submitted: Jan 18, 2025, 09:54 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text STRONGLY OPPOSE

SCHEDULE 37 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY
 Shown on the planning scheme map as DDO37
 SMITH STREET NORTH AND SOUTH

The Draft Amendment 271yarra will:

- Increase overflowing traffic to Emma and Mater St (please install traffic tracking on busy M-Fr, and not XMAS holidays and when people are out of town). Motorbikes fly down Emma St at over 100km.
- Introduce unreasonable loss of amenity through visual bulk, overlooking and overshadowing of my property. My property is delivered the greatest degree of unreasonable loss by the Smith St North and South amendment given its design and that it is build to the boundary on Emma and Mater St
- Block natural light from habitable windows including bedrooms and living areas
- Any low to mid-rise development of Emma St will have line of sight directly into our windows (bedrooms, living areas) and outdoor balcony areas from several proposed development locations
- My building is graded as Individually Significant so I went to City of Yarra planning to see if they could assist, however they verified that I would still be subject to all building restrictions, special restrictions, and heritage overlays, even though opposite 12A-12 Mater Street Collingwood these restrictions would have been amended for all properties that are currently Individually Significant and in superior condition to mine, such as 10 Mater Street. This just isn't a fair change of policy, especially considering we just moved into 12 Mater St and that there was NO requirement to notify us or call out this amendment in the Section 32
- We work from home and care for our 3yr old son at home. This draft amendment will deliver unreasonable years of noise pollution, structural vibrations, traffic, exposure to asbestos, and multiple other restrictions to residents during construction in an established neighbourhood. We have gone from celebrating our new home, to living in a nightmare situation, as a result of what you are proposing
- I spoke with the same agent who sold us the warehouse just months earlier to consider immediately selling and moving elsewhere. Nelson Alexander quoted a sale price ~\$240k less than we purchased the property due to loss of amenity through visual bulk, overlooking, overshadowing, and years on construction facing us.

If this amendment proceeds in part or entirety, I request City of Yarra do the right thing compulsory acquire our property for what I purchased it + the stamp duty given you are proposing to change the landscape. This is your amendment and you need to consider how this impacts people and families like us. We already sold our home due to East West link proposal years ago at a loss, and this just isn't fair or reasonable.

There has been ALOT of 'secret' development at 35 Emma St. Collingwood. Non-stop trucks reversing into the warehouse with timber, slab foundation wires and concrete, surveyors etc. Observation would conclude that this is amendment has already been approved.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

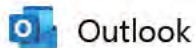
Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text



[SEC=OFFICIAL] Amendment C271yara - Submission

From [REDACTED]
Date Thu 16/01/2025 10:40 AM
To [REDACTED]

📎 1 attachment (284 KB)
City of Yarra C271yara Heritage Victoria.pdf;

You don't often get email from [REDACTED]. [Learn why this is important](#)

Please find correspondence relating to Amendment C271yara attached.

Kind regards,

[REDACTED]
Manager, Statutory Approvals | Heritage Victoria
Planning and Land Services | Department of Transport and Planning
Street Address: 2 Lonsdale Street, Melbourne, Victoria 3000
Mail Address: GPO Box 2392, Melbourne 3001

[REDACTED]
Heritage Victoria Website: www.heritage.vic.gov.au | DTP Website: www.dtp.vic.gov.au



I acknowledge the Traditional Aboriginal Owners of Country throughout Victoria and pay my respect to Elders past and present, and to the ongoing living culture of Aboriginal people. I am sending you this email from the land of the Wurundjeri People.



Department of Transport and Planning

15 January 2025

Strategic Planning
City of Yarra
PO Box 168
Richmond VIC 3121

Via email: strategicplanning@yarracity.vic.gov.au

Draft Amendment C271yara - Submission: Heritage Victoria

I refer to your recent correspondence with Heritage Victoria regarding Draft Amendment C271yara and provide the following advice.

As you would know, Heritage Victoria is the statutory authority for places included in the Victorian Heritage Register (VHR) and the Victorian Heritage Inventory (VHI) under the *Heritage Act 2017*. There are places within Draft Amendment C271yara which are also included in the VHR and VHI. Some areas also adjacent to World Heritage Environs Area (WHEA) for the Royal Exhibition Building and Carlton Gardens (REB&CG).

Places included in the VHR within Draft Amendment C271yara:

DDO29 - Brunswick Street Shops

VHR H0559: Shops, 236-252 Brunswick Street and 33-62 Greeves Street, Fitzroy

DDO30 - Smith Street Shops

VHR H0506: Former Union Bank of Australia, 165-167 Smith Street, Fitzroy

VHR H0660: Grace Darling Hotel, 114 Smith Street, Collingwood

VHR H0973: Former Collingwood Post Office 174-180 Smith Street, Collingwood

DDO31 - Gertrude Street Shops

VHR H0886: Shops 181-183 Gertrude Street And 89 George Street, Fitzroy

DDO33 - Brunswick Street Grand Residential

VHR H0816: Former Eastern Hill Hotel 77 Victoria Parade, Fitzroy

VHR H1706: Dodgshun House 9 Brunswick Street, Fitzroy

VHR H0149: Residence, 11 Brunswick Street, Fitzroy

VHR H0150: Shop and Residence 13 Brunswick Street, Fitzroy

VHR H0470: Terrace 39-49 Brunswick Street, Fitzroy

VHR H1939: Former Melbourne Veterinary College, 38-40 Brunswick Street, Fitzroy

VHR H1967: Cathedral Hall, 20-22 Brunswick Street, Fitzroy

DDO34 - Fitzroy Town Hall and back blocks

VHR H2172: All Saints Church Hall, 95 Kind Street, Fitzroy

VHR H0417: Fitzroy Town Hall, 201 Napier Street, Fitzroy

DDO35 - Johnston Street south and Victoria Street

VHR H2315: Former Avon Butter Factory, 218-222 Nicholson Street, Fitzroy

VHR H0159-H0161: Holyrood Terrace, 331-335 Gore Street, Fitzroy

DDO39 – Victoria Parade

VHR H0177 – H0182: Blanche Terrace 169-179 Victoria Parade, Fitzroy (6 separate registrations)

VHR H0590: Terrace, 203 Victoria Parade, Fitzroy

DDO40 – Fitzroy West

VHR H2257: Former Cordial Factory, 8 - 12 Spring Street and 14-16 Argyle Street Fitzroy

Places included in the VHI within Draft Amendment C271yara:*DDO32 - Johnston Street west*

VHI H7822-2243: Former Johnston Street Cable Tram Engine House, 95-103 Johnston Street and 56 Argyle Street, Fitzroy

Places in the Victorian Heritage Register

Heritage Victoria acknowledges the need for increased housing in key suburbs. A limited level of new development could be considered at some VHR places however intensive development is often inappropriate at VHR places.

In addition to planning approvals under the *Planning and Environment Act 1987*, any changes to places included in the VHR will require approval from Heritage Victoria under the *Heritage Act 2017*.

Heritage permit applications under the *Heritage Act 2017* often justify intensive development proposals on the premise that the relevant Planning Scheme allows for such development. However it is considered that the inclusion of the place in the VHR plays a much greater role in determining any potential development on the site. As such, it is Heritage Victoria's position that a DDO which suggests height controls is not appropriate for places in the VHR. Land or airspace within the extent of registration should not automatically be considered as developable. Some places may only be able to sustain limited new development, while others may not be able to sustain any at all. It would be preferable to avoid a conflict between heritage protection and planning approvals by reconsidering height controls on places included in the VHR.

In relation to planning controls on places not in the VHR, any proposed change should to be sensitive to adjacent or nearby VHR places and reflect and interpret the important history and heritage of the area. Consideration should be given to limiting height controls on properties adjacent to VHR places (including across roads) to ensure that new buildings of increased height do not overpower or detract from VHR places. Proposals for development on adjacent sites must not allow for cantilevering over the heritage place, provide breathing space for the heritage place and not result on additional overshadowing of VHR places.

Places in the Victorian Heritage Inventory

The Victorian Heritage Inventory is a list of about 7,200 known historical archaeological sites. Some VHI sites are also included in the VHR. The *Heritage Act 2017* also protects sites that aren't on the Inventory, and many archaeological sites have not yet been discovered or recorded.

Any development in the areas covered by Draft Amendment C271yara will be subject to requirements under the *Heritage Act 2017* and any archaeological site discovered in the course of construction or excavation on any land must be reported to the Executive Director, Heritage Victoria.

An Historical Archaeology Assessment, conducted early in the planning or due diligence phase of a project, may assist in the identification of any currently unrecorded archaeological sites. This would facilitate appropriate place management, ensure compliance with the requirements of the Act and avoid project delays in circumstances where unrecorded archaeological remains are exposed during site development works.

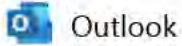
Please contact Heritage Victoria's Historical Archaeology Team (archaeology.admin@delwp.vic.gov.au) if you have any questions about the identification, protection and management of historical archaeological sites, and the operation of the Heritage Inventory.

Thank you for providing an opportunity for Heritage Victoria to provide comments. If you require any further information or would like to discuss further, please contact me on [REDACTED] or [REDACTED].

Yours sincerely

[REDACTED]

[REDACTED]
Manager Statutory Approvals
Heritage Victoria



Amendment C271yara - Submission (82-84 Smith Street Pty Ltd)

From [REDACTED]
Date Tue 21/01/2025 10:50 AM
To [REDACTED]

5 attachments (4 KB)
image001.png; image002.png; image003.png; image004.png; image005.png;

You don't often get email from [REDACTED] [Learn why this is important](#)
I'm using Mimecast to share large files with you. Please see the attached instructions.

Dear Strategic Planning

Tract acts on behalf of 82-84 Smith Street Pty Ltd in relation to this matter.

Please find attached our submission to draft Amendment C271yara on behalf of our client.

We have submitted a copy of this letter via the online portal as well.

Any questions, please do not hesitate to contact me.

Best regards,

[REDACTED]
Associate Town Planner
[REDACTED]

Tract
Wurundjeri Country
Level 6, 6 Riverside Quay
Southbank VIC 3006 Australia
[REDACTED]

We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

Please consider the environment before printing this email. The information in this message and in any files included in this message may be confidential. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies of this message and any associated files.

Strategic Planning

City of Yarra
PO Box 168
Richmond VIC 3121

21 January 2025

via email: strategicplanning@yarracity.vic.gov.au

Dear Strategic Planning

Draft Amendment C271yara Submission – Fitzroy and Collingwood

Tract Consultants acts on behalf of 82-84 Smith Street Pty Ltd, the owner of the land at 82-84 Smith Street, Collingwood ("**Site**") in this matter.

Our client welcomes the opportunity to provide comment on the exhibited material relating to Draft Amendment C271yara ("**Amendment**" or "**C271**").

The following provides our submissions to the Amendment.

Our client requests to be included as a submitter and in the process moving forward.

1 Introduction

The Amendment seeks to implement the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis. It also proposes to delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on a permanent basis, rezone several properties and make other associated changes to the *Yarra Planning Scheme* ("**Planning Scheme**").

As it relates to our client's Site, the following proposed amendments to the Planning Scheme are of relevance:

- Amend Clause 11.03-11 (Activity Centres) to update local policy.
- Replace interim DDO Schedule 30 (DDO30) with permanent DDO Schedule 30 which applies permanent built form controls to land in the Smith Street Major Activity Centre.
- Amend the Schedule to Clause 72.08 (Background documents) to include new background documents in the planning scheme.

2 The Site



Figure 1. 82-84 Smith Street, Collingwood

Our client is the owner of the land at 82-84 Smith Street, Collingwood. The Site is formally described as Lot 1 on TP345217 (Vol 07891 Fol 035) and comprises an area of 372m².

The Site is currently within the Commercial 1 Zone (**C1Z**) and affected by the following overlays:

- Development Contributions Plan Overlay, Schedule 1 (**DCPO1**) – Yarra Development Contributions Plan
- Design and Development Overlay, Schedule 30 (**DDO30**) – Smith Street Shops
- Heritage Overlay, Schedule 333 (**HO333**) – Smith Street Precinct, Fitzroy/Collingwood

The existing DDO30 was introduced into the Planning Scheme by Amendment C270yara on 27 August 2021 on an interim basis. The expiry date of the control was extended by Amendment C323yara, with the schedule now ceasing to have effect after 30 June 2025.

Planning Permit PLN23/0315

Planning Permit PLN23/0315 ("**Planning Permit**") was issued by the City of Yarra ("**Council**") at the direction of the Victorian Civil and Administrative Tribunal (**VCAT**) (VCAT Reference P35/2024) on 23 July 2024. Importantly, VCAT's order was made by consent of the parties involved at a compulsory conference held on 1 July 2024.

The Planning Permit allows:

- The construction of a building and construction and carrying out of works.
- The partial demolition of buildings.
- A reduction in car parking.

The approved development is a 5-6 storey commercial building with rooftop terrace and basement. The development has a maximum height of approximately 24.7m (measured to the top of the lift overrun). Due to the slope of the land, the building presents as 5-storeys to Smith Street, with a lower ground level accessed

via the rear laneway (east). The basement and lower ground level contain building services, bike storage, end of trip facilities, and two at-grade car parking spaces. The ground floor level is proposed to contain two (2) food and drink premises (combined GFA approx. 286m²) with upper levels used for office (combined GFA approx. 828m²).

Plans are yet to be endorsed under the Planning Permit, however, Condition 1 of the Planning Permit requires minor amendments to be made to the plans which would vary the built form, namely:

- A minimum upper-level setback above the heritage retained portion of the building of 8m with colonnades (architectural features) allowed to encroach up to 400mm into the setback.
- The height of the services screening reduced from 2m to 1.2m.
- The rear (east) terrace to Level 2 removed, and the rear (east) setback of Level 1 increased to 1.95m.
- The rear (east) setback of Level 4 increased by 1m, from 1.95m to 2.95m.

3 Submission

3.1 Proposed Design and Development Overlay, Schedule 30

Key Policy Changes

Of particular relevance to our submission and our client's Site, we note the following proposed policy changes to DDO30:

- New and amended definitions:
 - 'Green infrastructure'
 - 'Rear interface'
 - 'Soft landscaping'
 - 'Street boundary'
 - 'Upper level setback' amended to clarify that this is the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.
- Emphasis of mandatory controls, noting that a permit cannot be granted to vary a requirement expressed with the term 'must'.
- Mandatory maximum street wall heights.
- Discretionary requirement to have no front or side street setback, unless adjoining heritage building features a street setback.
- Discretionary requirement for continuous street wall with no front setback along Smith Street.
- Mandatory upper level setback from street wall along Smith Street of 8 metres.
- Discretionary additional upper level setback for development over 16.4 metres for 'top most upper level' above a heritage building of a further 3.2 metres.
- Mandatory maximum building height of 5 storeys/17.6 metres.
- Discretionary allowance for architectural features (excluding service equipment or structures) to exceed the mandatory maximum building height.
 - Service equipment and/or structures may exceed the mandatory building height, provided that they do not:
 - Cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands or planting areas in the public realm;
 - Are no higher than 2.6 metres above the proposed building height.
 - Occupy less than 50 per cent of the roof area (excluding solar panels and green roof).

- Mandatory overshadowing/solar access requirements (no additional shadow) for the opposite footpath of Smith Street between 10am and 2pm on 22 September, including kerb outstands, seating and/or planting areas.
- Discretionary requirement for development to provide a design response which considers adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.
- Discretionary requirement to provide green infrastructure to support soft landscaping and vertical greening.
- Various discretionary design requirements relating to the design of lower and upper levels.
- Encouragement for lot consolidation.
- Projections such as building services and architectural features, balconies, and balustrades should not protrude into a street wall and upper level setback.
- Mandatory requirement to not provide any additional vehicular access from Smith Street.

We provide submissions around our concerns with these amendments, as relevant, below.

3.2 Insufficient strategic justification for proposed mandatory provisions

The current (interim) DDO30 contains no mandatory controls within the 'Smith Street Shops' precinct. This is reflective of the unique built form character found along Smith Street and as recognised in the *Built Form Framework* prepared by Hansen Partnership, supported by GJM Heritage.

The interim DDO30 has been in place for over three-years and – over this time – it has been demonstrated that discretionary built form controls can be adequately enforced to ensure that the distinct character of the area is protected and strategic objectives are met, while allowing reasonable flexibility that facilitates high-quality architectural outcomes.

We submit that the proposed application of mandatory provisions is inconsistent with the direction and criteria set out in *Planning Practice Note 59: Mandatory Provisions in Planning Schemes* (PPN59). The proposed mandatory provisions relating to maximum building heights, street wall heights, upper-level setbacks, and overshadowing/solar access are unreasonably restrictive and will prejudice high-quality, contextually responsive architecture.

We've provided below a brief assessment of the proposed mandatory provisions against the criteria set out on PPN59 and having regard to the guidance provided by *Planning Practice Note 60: Height and setback controls for activity centres* (PPN60).

PPN60 specifies the following:

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

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

Criteria for Applying a Mandatory Provision Assessment (PPN59)

Strategically Supported

Is the mandatory provision strategically supported?

- Does the proposed mandatory provision have a solid strategic objective while having regard to the planning objective?
- Does the proposed mandatory provision implement planning policy (state, regional or local)?

PPN60 clearly notes that *'the application of discretionary controls, combined with clear design objectives and decision guidelines is the preferred form of height and setback controls.'* The practice note goes on to state that *'mandatory height and setback controls (that is, controls that cannot be exceeded under any circumstance) will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction.'*

We submit that there is insufficient strategic support for the proposed mandatory provisions, for the reasons set out below.

The proposed mandatory provisions do not include any specific strategic objectives. The 'design objectives' for DDO30, however, are as follows:

- *'To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:*
 - *a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street;*
 - *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.*
- *To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.*
- *To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.*
- *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.*
- *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to*

low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.'

Importantly, these design objectives remain unchanged (with the exception of some grammatical corrections) from the current interim DDO30 controls.

The *Smith Street Built Form Framework* is the document which forms the basis and strategic justification for built form controls within the Smith Street Activity Centre. It has been prepared with regard to a comprehensive Built Form Review (prepared by Hansen) and Heritage Analysis (prepared by GJM Heritage). At no point in the Framework plan are mandatory controls recommended or discussed.

While it is acknowledged that the GJM Heritage Analysis makes recommendations for mandatory provisions to be applied to protect 'the heritage character of the street', the only justification appears to be based on the grounds that mandatory provisions have been supported by Planning Panels in other planning scheme amendments.

The Site is within the 'Smith Street' precinct of the Framework – the built form objectives of which are:

- *'To ensure the heritage frontage remains the visually dominant element of all development in Smith Street and that new development is visually recessive and does not dominate the streetscape.*
- *To acknowledge development potential on larger sites unaffected by the Heritage Overlay.*
- *To realise a moderate mixed-use redevelopment that respects the heritage and streetscape value of the precinct.*
- *To support development that contributes to an active, high quality and pedestrian friendly environment.*
- *To enhance a consistent and orderly streetscape presentation to the either side of the Johnston Street and Gertrude-Langridge Street junctions.*
- *To maintain a diverse streetscape presentation to the northern and southern ends of Smith Street.*
- *To ensure views to the local landmarks are maintained and highlighted.*
- *To minimise overshadowing of existing open space and footpaths along commercial and 'green' streets.*
- *To ensure suitable transition along its residential interface.'*

It is unclear why the proposed mandatory provisions are required to achieve these objectives or how any of these

objectives may be unreasonably impacted by discretionary controls – particularly given that mandatory controls are not a recommendation of the Framework itself.

It is our view that insufficient evidence of any ‘exceptional circumstances’ (in accordance with PPN60) existing for the Smith Street precinct has been provided which would warrant the application of mandatory provisions.

As demonstrated by the various planning permits which have been issued within the precinct in recent years (including the Planning Permit applying to the subject Site), the discretionary provisions of the interim DDO combined with strong local and state policy gives ample statutory support for the implementation of planning objectives and protecting heritage values, all the while facilitating suitable development outcomes.

Appropriateness of Departing from Performance-Based Approach

Is the mandatory provision an appropriate substitute for a performance-based provision?

- Will most proposals that contravene the proposed mandatory provision lead to unacceptable planning outcomes?
- Has the proposed mandatory provision been drafted to limit any unnecessary loss of the flexibility and opportunity available through a performance-based approach?
- Have all other relevant performance-based provision options been explored?
- Would policy or performance-based measures lead to the outcome prescribed by the proposed measure in most cases?
- Is there evidence of adverse existing or proposed use or development that justifies the proposed control?

As noted above, there has been insufficient evidence provided to suggest that the mandatory provisions are an appropriate substitute for performance-based provisions.

The proposed mandatory provisions have not been drafted to limit unnecessary loss of flexibility or opportunity. Two such examples of this, in particular, are:

- Upper level setbacks are proposed to have mandatory minimum distances. The definition of ‘upper level setback’ is proposed to be amended to include ‘projections such as balconies, building services and architectural features.’ This will result in a complete loss of flexibility in creating architectural/visual interest in the upper-level façade of proposals – allowing for no flexibility in including architectural projecting elements despite site-specific context.
- The proposed DDO controls include an allowance for architectural features to exceed the mandatory maximum building height. This does not, however, apply to service equipment and/or structures (including lift or stair overruns). Lift and stair overruns may only exceed the mandatory maximum building height provided that they do not cause additional overshadowing, are no higher than 2.6 metres above the proposed building height, and occupy less than 50 per cent of the roof area.
 - What is particularly problematic about the drafting of this provision is that, where a lift overrun extends beyond 2.6m above the height

of the proposed building (which is likely in most cases – noting lift overruns can often extend up to 4.5 metres above the building), then the entire building – including the lift overrun – will need to fit within the mandatory maximum building height.

- In the case of the subject Site, this would mean that the entire building, including the lift overrun (which exceeds a height of 2.6m above the height of the proposed building) would be limited to an overall height of 17.6 metres.

Notwithstanding the obvious issues in the drafting of the proposed mandatory provisions, there is no evidence that all other relevant performance-based measures have been explored and deemed inappropriate. As abovementioned, the suite of approvals which have been issued within the precinct since the introduction of the interim controls are a clear demonstration that policy and performance-based measures can be successful in achieving the preferred outcomes for the precinct.

No evidence of adverse existing or proposed use or development that justifies the proposed mandatory controls has been provided.

Facilitates Required Outcome

Does the mandatory provision provide for the preferred outcome?

- Is the proposed mandatory provision limiting? Does it only lead to one outcome from a number of suitable ones that would deliver on related planning policy?
- Does the proposed mandatory provision avoid the risk of adverse outcomes in a way that a performance-based approach cannot?

The proposed mandatory provisions do not provide for a preferred outcome which cannot be achieved through the continued implementation of discretionary/performance-based controls that is supported by strong local and state planning policy.

For the reasons set out above, we make the following recommendations:

- The proposed mandatory provisions of DDO30 are revised to be made discretionary – consistent with the interim DDO – specifically:
 - Upper-level setbacks from the street wall along Smith Street have a preferred (discretionary) minimum setback, excluding projections such as balconies, building services and architectural services.
 - Discretionary maximum building heights.
 - Service equipment and/or structures can exceed the preferred maximum building height by up to 3 metres.
- The definition of ‘upper level setback’ be revised to remove reference to projections such as balconies, building services and architectural features.

3.3 Other general comments

- Overshadowing and solar access

While we generally support the mandatory protection of solar access to the opposite footpath (measured at 3 metres from the relevant property frontage) we express concern regarding the mandatory protection of any opposite 'kerb outstands, seating and/or planting areas' and 'parklets.' Given the varied character of the area, and the overarching policy intent to encourage development within the Smith Street Major Activity Centre, this may be problematic and unreasonably inhibit suitable development on sites adjacent to parklets - noting that these very often encroach into the roadway in place of street parking – or kerb outstands exceeding 3 metres from the relevant property frontage.

- Amended Clause 11.03-1L

We support the proposed amendments to Clause 11.03-1L (Activity Centres) and believe that the revised drafting provides better guidance regarding the envisaged outcomes for the Major Activity Centres and each precinct.

4 Conclusion & Summary of Recommendations

Our client appreciates the opportunity to provide comment on draft Amendment C271yara and respectfully requests that the following recommendations be considered:

- The proposed mandatory provisions of proposed DDO30 be revised to be reverted to discretionary controls – consistent with interim DDO30 – specifically:
 - Upper level setbacks from the street wall along Smith Street are a preferred (discretionary) minimum, excluding projections such as balconies, building services and architectural services.
 - Discretionary maximum building heights.
 - Service equipment and/or structures can exceed the preferred maximum building height by up to 3 metres.
- The definition of 'upper level setback' in proposed DDO30 be revised to remove reference to projections such as balconies, building services and architectural features.
- The overshadowing and solar access (Clause 2.7 of proposed DDO30) be made discretionary as they relate to kerb outstands, seating, planting areas, and parklets.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward. Our client reserves their right to make further submissions to the Amendment in addition to those listed above before Planning Panels Victoria, as necessary.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact the me or [REDACTED], Senior Principal, a [REDACTED].

Yours sincerely

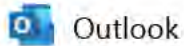
[REDACTED]

[REDACTED]

Associate

Tract

[REDACTED]



Outlook

Amendment C271yara - Submission (86 Smith Street Pty Ltd)

From [REDACTED]**Date** Tue 21/01/2025 11:22 AM**To** [REDACTED]

5 attachments (4 KB)

image001.png; image002.png; image003.png; image004.png; image005.png;

You don't often get email from [REDACTED]. [Learn why this is important](#)

I'm using Mimecast to share large files with you. Please see the attached instructions.

Dear Strategic Planning

Tract acts on behalf of 86 Smith Street Pty Ltd in relation to this matter.

Please find attached our submission to draft Amendment C271yara on behalf of our client.

We have submitted a copy of this letter via the online portal as well.

Any questions, please do not hesitate to contact me.

Best regards,



[REDACTED]
Associate Town Planner
[REDACTED]

Tract

Wurundjeri Country
Level 6, 6 Riverside Quay
Southbank VIC 3006 Australia
[REDACTED]



We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

Please consider the environment before printing this email. The information in this message and in any files included in this message may be confidential. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies of this message and any associated files.

Strategic Planning

City of Yarra
PO Box 168
Richmond VIC 3121

21 January 2025

via email: strategicplanning@yarracity.vic.gov.au

Dear Strategic Planning

Draft Amendment C271yara Submission – Fitzroy and Collingwood

Tract Consultants acts on behalf of 86 Smith Street Pty Ltd, the owner of the land at 86 Smith Street, Collingwood ("**Site**") in this matter.

Our client welcomes the opportunity to provide comment on the exhibited material relating to Draft Amendment C271yara ("**Amendment**" or "**C271**").

The following provides our submissions to the Amendment.

Our client requests to be included as a submitter and in the process moving forward.

1 Introduction

The Amendment seeks to implement the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis. It also proposes to delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on a permanent basis, rezone several properties and make other associated changes to the *Yarra Planning Scheme* ("**Planning Scheme**").

As it relates to our client's Site, the following proposed amendments to the Planning Scheme are of relevance:

- Amend Clause 11.03-11 (Activity Centres) to update local policy.
- Replace interim DDO Schedule 30 (DDO30) with permanent DDO Schedule 30 which applies permanent built form controls to land in the Smith Street Major Activity Centre.
- Amend the Schedule to Clause 72.08 (Background documents) to include new background documents in the planning scheme.

2 The Site

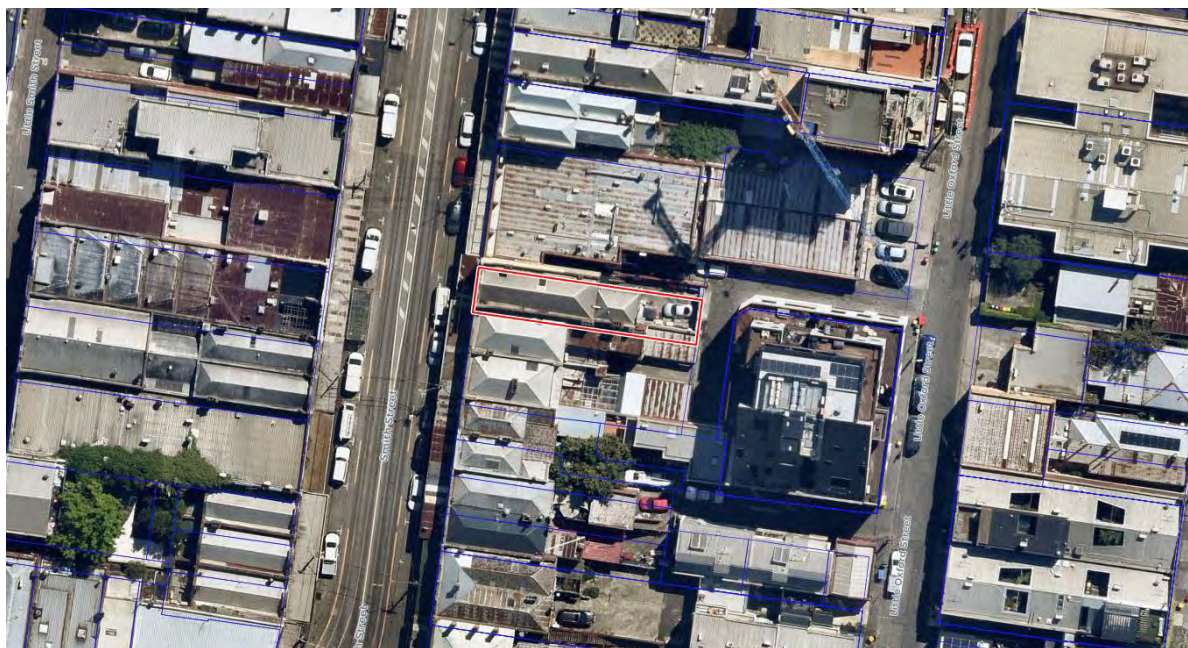


Figure 1. 86 Smith Street, Collingwood

Our client is the owner of the land at 86 Smith Street, Collingwood. The Site is formally described as Lot 1 on TP901240 and comprises an area of 184.7m².

The Site is currently within the Commercial 1 Zone (**C1Z**) and affected by the following overlays:

- Development Contributions Plan Overlay, Schedule 1 (**DCPO1**) – Yarra Development Contributions Plan
- Design and Development Overlay, Schedule 30 (**DDO30**) – Smith Street Shops
- Heritage Overlay, Schedule 333 (**HO333**) – Smith Street Precinct, Fitzroy/Collingwood

The existing DDO30 was introduced into the Planning Scheme by Amendment C270yara on 27 August 2021 on an interim basis. The expiry date of the control was extended by Amendment C323yara, with the schedule now ceasing to have effect after 30 June 2025.

3 Submission

3.1 Proposed Design and Development Overlay, Schedule 30

Key Policy Changes

Of particular relevance to our submission and our client's Site, we note the following proposed policy changes to DDO30:

- New and amended definitions:
 - 'Green infrastructure'
 - 'Rear interface'
 - 'Soft landscaping'
 - 'Street boundary'

- 'Upper level setback' amended to clarify that this is the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.
- Emphasis of mandatory controls, noting that a permit cannot be granted to vary a requirement expressed with the term 'must'.
- Mandatory maximum street wall heights.
- Discretionary requirement to have no front or side street setback, unless adjoining heritage building features a street setback.
- Discretionary requirement for continuous street wall with no front setback along Smith Street.
- Mandatory upper level setback from street wall along Smith Street of 8 metres.
- Discretionary additional upper level setback for development over 16.4 metres for 'top most upper level' above a heritage building of a further 3.2 metres.
- Mandatory maximum building height of 5 storeys/17.6 metres.
- Discretionary allowance for architectural features (excluding service equipment or structures) to exceed the mandatory maximum building height.
 - Service equipment and/or structures may exceed the mandatory building height, provided that they do not:
 - Cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands or planting areas in the public realm;
 - Are no higher than 2.6 metres above the proposed building height.
 - Occupy less than 50 per cent of the roof area (excluding solar panels and green roof).
- Mandatory overshadowing/solar access requirements (no additional shadow) for the opposite footpath of Smith Street between 10am and 2pm on 22 September, including kerb outstands, seating and/or planting areas.
- Discretionary requirement for development to provide a design response which considers adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.
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Criteria for Applying a Mandatory Provision Assessment (PPN59)

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 - *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.*
- *To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.*

- *To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.*
- *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.*
- *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.'*

Importantly, these design objectives remain unchanged (with the exception of some grammatical corrections) from the current interim DDO30 controls.

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While it is acknowledged that the GJM Heritage Analysis makes recommendations for mandatory provisions to be applied to protect 'the heritage character of the street', the only justification appears to be based on the grounds that mandatory provisions have been supported by Planning Panels in other planning scheme amendments.

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- *To acknowledge development potential on larger sites unaffected by the Heritage Overlay.*
- *To realise a moderate mixed-use redevelopment that respects the heritage and streetscape value of the precinct.*
- *To support development that contributes to an active, high quality and pedestrian friendly environment.*

- *To enhance a consistent and orderly streetscape presentation to the either side of the Johnston Street and Gertrude-Langridge Street junctions.*
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It is unclear why the proposed mandatory provisions are required to achieve these objectives or how any of these objectives may be unreasonably impacted by discretionary controls – particularly given that mandatory controls are not a recommendation of the Framework itself.

It is our view that insufficient evidence of any ‘exceptional circumstances’ (in accordance with PPN60) existing for the Smith Street precinct has been provided which would warrant the application of mandatory provisions.

As demonstrated by the various planning permits which have been issued within the precinct in recent years (including the Planning Permit applying to the neighbouring property at 82-84 Smith Street), the discretionary provisions of the interim DDO combined with strong local and state policy gives ample statutory support for the implementation of planning objectives and protecting heritage values, all the while facilitating suitable development outcomes.

Appropriateness of Departing from Performance-Based Approach

Is the mandatory provision an appropriate substitute for a performance-based provision?

- Will most proposals that contravene the proposed mandatory provision lead to unacceptable planning outcomes?
- Has the proposed mandatory provision been drafted to limit any unnecessary loss of the flexibility and opportunity available through a performance-based approach?
- Have all other relevant performance-based provision options been explored?
- Would policy or performance-based measures lead to the outcome prescribed by the proposed measure in most cases?

As noted above, there has been insufficient evidence provided to suggest that the mandatory provisions are an appropriate substitute for performance-based provisions.

The proposed mandatory provisions have not been drafted to limit unnecessary loss of flexibility or opportunity. Two such examples of this, in particular, are:

- Upper level setbacks are proposed to have mandatory minimum distances. The definition of ‘upper level setback’ is proposed to be amended to include ‘projections such as balconies, building services and architectural features.’ This will result in a complete loss of flexibility in creating architectural/visual interest in the upper-level façade of proposals – allowing for no flexibility in
-

- Is there evidence of adverse existing or proposed use or development that justifies the proposed control?
 - including architectural projecting elements despite site-specific context.
 - The proposed DDO controls include an allowance for architectural features to exceed the mandatory maximum building height. This does not, however, apply to service equipment and/or structures (including lift or stair overruns). Lift and stair overruns may only exceed the mandatory maximum building height provided that they do not cause additional overshadowing, are no higher than 2.6 metres above the proposed building height, and occupy less than 50 per cent of the roof area.
 - What is particularly problematic about the drafting of this provision is that, where a lift overrun extends beyond 2.6m above the height of the proposed building (which is likely in most cases – noting lift overruns can often extend up to 4.5 metres above the building), then the entire building – including the lift overrun – will need to fit within the mandatory maximum building height.
 - In the case of the subject Site, this would mean that the entire building, including the lift overrun (which exceeds a height of 2.6m above the height of the proposed building) would be limited to an overall height of 17.6 metres.

Notwithstanding the obvious issues in the drafting of the proposed mandatory provisions, there is no evidence that all other relevant performance-based measures have been explored and deemed inappropriate. As abovementioned, the suite of approvals which have been issued within the precinct since the introduction of the interim controls are a clear demonstration that policy and performance-based measures can be successful in achieving the preferred outcomes for the precinct.

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Facilitates Required Outcome

Does the mandatory provision provide for the preferred outcome?

- Is the proposed mandatory provision limiting? Does it only lead to one outcome from a number of suitable ones that would deliver on related planning policy?

The proposed mandatory provisions do not provide for a preferred outcome which cannot be achieved through the continued implementation of discretionary/performance-based controls that is supported by strong local and state planning policy.

- Does the proposed mandatory provision avoid the risk of adverse outcomes in a way that a performance-based approach cannot?
-

For the reasons set out above, we make the following recommendations:

- The proposed mandatory provisions of DDO30 are revised to be made discretionary – consistent with the interim DDO – specifically:
 - Upper-level setbacks from the street wall along Smith Street have a preferred (discretionary) minimum setback, excluding projections such as balconies, building services and architectural services.
 - Discretionary maximum building heights.
 - Service equipment and/or structures can exceed the preferred maximum building height by up to 3 metres.
- The definition of ‘upper level setback’ be revised to remove reference to projections such as balconies, building services and architectural features.

3.3 Other general comments

- Overshadowing and solar access
While we generally support the mandatory protection of solar access to the opposite footpath (measured at 3 metres from the relevant property frontage) we express concern regarding the mandatory protection of any opposite ‘kerb outstands, seating and/or planting areas’ and ‘parklets.’ Given the varied character of the area, and the overarching policy intent to encourage development within the Smith Street Major Activity Centre, this may be problematic and unreasonably inhibit suitable development on sites adjacent to parklets - noting that these very often encroach into the roadway in place of street parking – or kerb outstands exceeding 3 metres from the relevant property frontage.
- Amended Clause 11.03-1L
We support the proposed amendments to Clause 11.03-1L (Activity Centres) and believe that the revised drafting provides better guidance regarding the envisaged outcomes for the Major Activity Centres and each precinct.

4 Conclusion & Summary of Recommendations

Our client appreciates the opportunity to provide comment on draft Amendment C271 yara and respectfully requests that the following recommendations be considered:

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 - Upper level setbacks from the street wall along Smith Street are a preferred (discretionary) minimum, excluding projections such as balconies, building services and architectural services.
 - Discretionary maximum building heights.
 - Service equipment and/or structures can exceed the preferred maximum building height by up to 3 metres.
- The definition of ‘upper level setback’ in proposed DDO30 be revised to remove reference to projections such as balconies, building services and architectural features.
- The overshadowing and solar access (Clause 2.7 of proposed DDO30) be made discretionary as they relate to kerb outstands, seating, planting areas, and parklets.

Our client respectfully requests to be included as a submitter in any correspondence in relation to this Amendment in correspondence moving forward. Our client reserves their right to make further submissions to the Amendment in addition to those listed above before Planning Panels Victoria, as necessary.

Should you wish to discuss any of the above or require further information, please do not hesitate to contact the me or [REDACTED] Senior Principal, at [REDACTED].

Yours sincerely

[REDACTED]

[REDACTED]

Associate

Tract

[REDACTED]

 Outlook

Submission to Draft planning scheme amendment C271yara

From [REDACTED]

Date Tuesday, 28 January 2025 11:16 AM

To [REDACTED]

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi [REDACTED]

Thanks for seeing me the other day & going through my concerns of the above amendment. My submission is to cap the building hight to 5 stories for the building directly across (west side)from 416 Gore street Fitzroy.

Reasons-

to keep the heritage feel of Fitzroy, this building has private dwellings to the west side of building (attached)& also many to the south. Concerns about shadowing 416 which may create dampness problems down the track.

Looking at new buildings going up now from Johnstone street to Kerr with heights of 8 & 9 stories. My concern is that this could create a wind tunnel.

Kyle could you please advise if I have explained myself correctly.

Warm Regards

[REDACTED]

[REDACTED]

S [REDACTED] my iPhone

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Jan 30, 2025, 06:53 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Re: Fitzroy East and Johnson st north.

As a resident and owner of 2 properties in Argyle st, I strongly object to the height of the mid ride development of 3-8 stories.

Argyle st is a small and narrow road, with the workers cottages on the street already being drowned out by the heights of newer developments on Argyle st South. 8 stories is too high and should be revised down to around a maximum of 4/5.

Having anything higher, removes the ambiance of the street, making it less livable. Further, increased height leads to issues with wind tunnels.

I recommend that someone visit the proposed area and accurately assess if 8 stories would be a good idea. I don't think planners have considered the livability and existing residents when proposing the heights of new development.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Jan 28, 2025, 05:41 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text YCC need to make it easier and faster to get permits and get things done. Too much red tape and delays in planning. Neighbours ability to object and appeal needs to be very limited so people can renovate and build resi space easier and faster. We need housing!

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

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Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text




Draft Amendment C271yara Submission

From [REDACTED]

Date Sun 2/02/2025 2:38 PM

To [REDACTED]

 1 attachment (1 MB)

Draft Amendment C271yara Submission.pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

Please see the attached pdf for my submission to Draft Amendment C271yara.

Regards

[REDACTED]

--

On behalf of

wecareforfitzroy Inc.

[REDACTED]

[REDACTED]

Strategic Planning, City of Yarra

2 February 2025

By email: [REDACTED]

Dear Sir/Madam

Draft Amendment C271 Yarra Submission

We have carefully read the draft amendment to DDO34 and thank you for the opportunity to comment.

Firstly, we consider that this is better written than its predecessor and easier to read. Overall, the draft better reflects contemporary issues. We appreciate what we felt were increased references to the retention of heritage. We appreciated the references to the importance of green infrastructure and we felt that it was trying to better reflect various protections needed by a suburb anticipating development proposals for higher buildings.

We have some concerns. We detail these below, together with, our suggestion to overcome each concern:

1. Reduced Authority of the defined Maximum Building Heights by addition of the word "preferred"

Maximum Building Heights are the same in metres as previously. However, the authority of these limits has been diluted by the addition of the word "preferred", so that the reference is now "Preferred Maximum Building Heights".

The word "preferred" is freshly introduced to this draft and is repeatedly used within section 2.5 whose title is "Building Height **Requirements**". A preference is not a requirement. The word "preferred" offers guidance but lacks authority.

The dilution of authority for building heights caused by the use of the word "preferred" is exacerbated by its use alongside the word "should". DDO34 2.5 first sentence states that "Development **should** not exceed the preferred maximum building height.....," should is not a must. We interpreted the (pre-existing) word "should", in combination with the newly drafted "preferred" as multiplying the dilutionary impact of each word used alone. We interpret this language to mean that Building Height Requirements in this revised draft of DDO34 require less rigorous compliance than in the existing DDO 34 and as a consequence will be less rigorously assessed by Council.

Similarly, the introduction of the word "mandatory" to describe Wall Heights and as support for the word "must" is a redundancy. In our view the introduction of this redundancy in respect of Wall Heights provides a clear point of comparison with the reinforcing weakness the use of both "should" and preferred" confers for Building Heights.

To set out our interpretation in a formulaic manner; "must"="must", "must'+ "mandatory" = "must", "should" = "should", "should" + "preferred" = best endeavours. We consider that a

DDO's requirements should be drafted to a standard of compliance that is higher than best endeavours.

Flowing from this changed language, we expect the introduction of the word "preferred", alongside "should" will weaken the Council's position at a VCAT hearing where Building Heights are the matter in dispute. Particularly, if the hearing draws comparison with the newly introduced double emphasis of "must" and "mandatory" for Wall Heights.

- a) **We request that the word "mandatory" replace the word "preferred" in respect of Building Heights on DDO34.**
- b) **If the request at (a) above is rejected, we request that the word "preferred" and the word "mandatory" be deleted wherever these words appear and at a minimum in sections 2.5 text, 2.5 Map 1, 2.5 Map 2 and 2.5 Map 3.**
- c) **We additionally request stronger protections against the anticipated relaxation of building height limits. Specifically, we request that the upper level setback requirements contained in section 2.4 are each changed from "should" to "must".**

2. Maximum Building Heights are unclear.

Maximum Building Height limits are unclear because they are expressed as both storeys and metres. For example Maximum building heights are 3 storeys/11.2 metres. If a development proposal is 3 storeys and 13 meters high it is unclear whether it complies with maximum building height limits.

We request that all height limits be defined as a value in metres. If it is considered helpful for the reader to visualise the height in storeys perhaps a memorandum box could be added that makes it clear that the height limit is not defined by storeys but by metres.

3. Broader Application of Requests 1b and 2 above to all DDOs within draft amendment C271.

In constructing this response we have focussed upon DDO 34. However, request 1b (deletion of the words "preferred" and "mandatory"), 1c (upper level setbacks are a "must") and request 2 (all height limits to be defined in metres) have application to all DDOs that are part of draft amendment C271.

We request that requests 1b, 1c and 2 above are applied to all other DDOs currently drafted as part of Amendment C271.

If you have any questions in respect of this submission please do not hesitate to contact us.

Yours faithfully,

[Redacted signature]

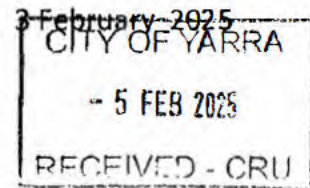
On behalf of wecareforfitzroy Inc

[Redacted signature]

Strategic Planning, City of Yarra

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Draft Amendment C271 Yarra Submission



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If you have any questions in respect of this submission please do not hesitate to contact us.

Yours faithfully,



From: [REDACTED]
To: [REDACTED]
Subject: 331250 - Draft Amendment C271yara Submission
Date: Friday, 7 February 2025 4:51:10 PM
Attachments: [image001.png](#)
[LTR.pdf](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sir/Madam

We act on behalf of [REDACTED], the owner of 4-12 Langridge Street, Collingwood.

Please find our client's submissions to Yarra Planning Scheme Amendment C271 attached.

If you have any questions, please do not hesitate to contact me.

Thank you

[REDACTED]
ASSOCIATE DIRECTOR



Urban Planning Collective

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[Instagram](#) | [LinkedIn](#)



Attention Strategic Planning
Yarra City Council
PO Box 168
Richmond VIC 3121

Emailed to: strategicplanning@yarracity.vic.gov.au

7 February 2025

Re: Draft Amendment C271yara Submission

Dear Sir/Madam

We act on behalf of [REDACTED], the owner of 4-12 Langridge Street, Collingwood.

Yarra Planning Scheme Amendment C271 seeks to apply the Design and Development Overlay, Schedule 30 (**DDO30** – Smith Street Shops) to our client's site. The DDO30 would impose a:

- mandatory maximum building height of 20.8 metres
- mandatory maximum street wall heights to Langridge and Little Oxford Streets of 14.4 metres
- mandatory overshadowing requirement and
- various preferred upper level setback and design requirements.

While our client broadly supports the proposition of the DDO30, they oppose the imposition of mandatory requirements. Our client also has a number of queries and submissions regarding the drafting of the DDO30, as outlined below and as detailed in attachment A (our client's tracked changes are in blue).

Our client currently holds a permit PLN20/0470 for the construction of an 8 storey building (plus basement), containing retail and office tenancies. There are a further 2 buildings in Little Oxford Street (completed or currently under construction) that are also 8 storeys (7 and 23 Little Oxford Street).

Mandatory requirements

As a general principle, our client opposes the imposition of mandatory controls to their site.

Planning Practice Note 59 (Mandatory Provisions in Planning Schemes) states that mandatory controls may be used to manage:

- areas of high heritage value
- areas of consistent character
- sensitive environmental locations such as along the coast

- building heights in some activity centres.

Our client submits that the site context and heritage value of the area does not warrant a 'blanket approach' to mandatory street wall and overall heights in this instance.

Our client's property is not located within and does not adjoin land within a Heritage Overlay.

The area does not display a consistent character. The site is within the Smith Street Major Activity Centre, however, the site itself is behind the main retail frontage. The site is also west of the Mixed Use Zone earmarked as a 'high change area' in Council's local policy at clause 16.01-1L (Location of residential development). Further, the Brunswick and Smith Street Built Form Review Background Analysis Report (prepared by Hansen Partnership, November 2019) states that:

Collingwood today is a particularly mixed urban area, defined by the coexistence of larger former warehouse heritage forms, new apartment developments and remnant Victorian era cottages and terrace shops. These prevailing elements sit side by side with more modest 20th Century development that is 'ripe' for renewal.

The Collingwood precinct is a robust and diverse inner urban area. Its urban fabric reflects its various phases of development, which has resulted in the very mixed character and varied land uses.

The precinct comprises two distinct areas: one to the north dominated by industrial heritage buildings and a strong north-south orientated grid with large lot sizes; and one to the south with a mixed character comprising a diverse finer grain residential and small scale commercial fabric with pockets outside of the Heritage Overlay and a more permeable street network.

The emergence of new residential developments on the larger and non-heritage sites has introduced another distinct element into the Collingwood urban fabric, further adding to its diversity.

In the Standing Advisory Committee report for Johnston Street (amendment C220), the Committee found that:

Mandatory height controls have been applied to areas of intact heritage streetscapes and to areas that directly adjoin low scale residential areas. The sensitivity of these locations and the potential adverse impact that taller built form could have on their character and on the amenity of residents is considered to meet the tests of PPN60.

Again, our client's site does not adjoin a low scale residential area.

Looking at other DDO examples in Yarra City Council, the DDO21 imposed along Bridge Road included a mix of mandatory and preferred height controls. Mandatory controls were generally applied to the southern side of Bridge Road where primarily interfacing with Neighbourhood and General Residential Zoned land (albeit with some Commercial 1 Zone [C1Z], Commercial 2 Zone [C2Z] and Mixed Use Zone [MUZ] interfaces interspersed).

The DDO15 along Johnston Street also included a mix of mandatory and preferred height controls, again generally where primarily interfacing with Neighbourhood and General Residential Zoned land.

Interestingly, we note that the proposed DDO36 also forming part of this amendment seeks to impose preferred maximum building heights to MUZ land north of Johnston Street, including heights ranging from 11.2 metres to 27.2 metres. All of this land is also located within a Heritage Overlay.



While in a MUZ and affected by a Heritage Overlay, the blanket application of mandatory height controls has not been sought here as it has through the DDO30.

With regard to Planning Practice Note 60 (Height and setback controls for activity centres):

Height controls must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements, as consistent with state and regional development policy in the VPP.

A council will need to be able to demonstrate that there is sufficient land and capacity available to meet forecast demand and projected population growth over at least a 15-year period, and beyond this to a 30-year horizon, including how an activity centre contributes to this need.

This amendment has not been informed by any analysis of land available for retail, commercial, housing, community, health, educational or other essential service needs. Council has not demonstrated how the amendment, in particular the mandatory controls, will ensure that the necessary capacity will be available. This includes the necessary capacity to meet Yarra's Housing Strategy 2018 and the additional 38,610 residents projected in Victoria in Future 2023 (Department of Transport and Planning, November 2023).

These factors all support the application of a preferred maximum height at least matching the approved development on our client's property.

Background documents are already outdated

Council requested authorisation from the Minister for Planning in December 2022. At that stage, the background docs were 2-3 years old.

Conditional authorisation was granted on 2 July 2024, meaning the background documents are now almost 4-5 years old.

The consequence of this is the context of the area (including an approval granted for our client's site) has changed.

Compared to the Brunswick and Smith Street Built Form Review Background Analysis Report (prepared by Hansen Partnership, November 2019), our client's site has gone from an 'up to 6 storey' approval to an 8 storey approval (Planning Permit PLN20/0470) at a height of 28.2 metres (measured to roof, excluding lift overrun).



As exhibited, the DDO23 is already outdated.

We are also aware of an approved development at 23 Little Oxford Street. The proposed DDO30 identifies the site as a mandatory maximum 17.6 metres/5 storeys, albeit the site now has planning approval for 8 storeys and is currently under construction.

This highlights that the proposed DDO30 does not result in reasonable planning outcomes that would otherwise be acceptable with regard to the Yarra Planning Scheme.

Queries and submissions

Reading the DDO23, it is not clear how Council intends to define a 'side' and 'rear' boundary in the context of corner sites such as our client's property.

Along with seeking clarification, our client submits that this demonstrates the following point made in Planning Practice Note 59 in that performance-based or preferred provisions:

...can also accommodate unforeseen circumstances peculiar to a particular application.

Our client submits that in section 2.5, the mandatory maximum '50 per cent of roof area' requirement for equipment/structures is redundant having regard to the performance based shadowing and height requirements proceeding.

Section 2.6 relating to interface requirements has been drafted assuming a typical rectilinear lot with a main street frontage not on a corner. The disclaimer '(except where the rear boundary wall height is shown on Maps 1 or 2)' is misleading as Maps 1 and 2 identify street wall heights, not interfaces. The drafting of upper level requirements should include consideration of site context (e.g. opposite a building with no windows/outlook) and assumes the adjacent site is residentially zoned land. Further, the performance based statements regarding shadowing and visual bulk are redundant if a 45 degree 'envelope' is accepted.

In relation to section 2.7 and overshadowing requirements, we submit these should be a preferred outcomes and enable some discretion on the basis of what is reasonable. The second dot point is also redundant and indicates that the footpath reference in the first dot point should be clarified as including kerb outstands, seating and planting areas.

Section 2.8 is confusing in that it refers to interfaces including where adjoining a laneway. These requirements should only apply where an interface is with another lot or abutting another property. In addition, the requirement for 6 metre upper level setbacks for building elements over 27 metres should consider the proposed design and its context, with a 6 metre requirement being an unreasonably blunt requirement.

As it relates to other design requirements at section 2.9, our client submits that the 'commercial viability' of a shop front width is an unreasonable requirement. This should not be a requirement in the C1Z and could lead to unreasonable application requirements or 'hoops' to jump through should the commercial viability of proposals be brought into question. It is not in the best interest of a permit applicant to pursue a commercially unviable project.

A number of requirements (including green infrastructure) would be more appropriately pursued through Council's current 'elevating environmentally sustainable development standards' amendment C309yara, noting there is no background information to support this element of amendment C271yara.

In terms of façade design requirements at section 2.9, our client submits that the commercial floor to ceiling heights would be more reasonable in the order of 3.5 metres to 4 metres. A requirement to widen footpaths where less than 1.8 metres is also contrary to a previous requirement to build to the street edge. Our client also suggests that the guidance relating to interface with public open space should be deleted as it is our understanding that the street wall and overall heights at Maps 1 and 2 have been derived from the necessary strategic analysis (i.e. this requirement implies that buildings may need to be lower where they interface with public open spaces).

At section 6, attachment A includes a number of requested drafting changes, including the deletion of decision guideline already offered at clauses 52.06 and 65 in relation to vehicular access, loading and car parking.

Drafting comments

Our client's drafting comments are provided in blue in attachment A. In particular:

- 'Public open space' should be defined.
- 'Rear boundary' should be defined and distinct from 'side boundary'.

- 'Side streets' should be defined.
- 'Street wall' should be defined as being the street boundary on the property frontage.
- In line with our client's previous submissions, references to mandatory requirements or have been replaced with 'should'.
- Minor updates to enable alternative methods to achieve the same outcomes.
- Clarification that impacts on dwellings should only be considered where existing dwellings are on residentially zoned land.
- Deletion of duplicated requirements.

We welcome further discussion with Council officers in relation to our client's submission.

Yours sincerely

[Redacted Signature]

[Redacted Name]

Associate Director

[Redacted Contact Information]

encl.

Attachment A – Tracked changes version of proposed DDO30

YARRA PLANNING SCHEME

SCHEDULE 30 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO30**.

SMITH STREET SHOPS**1.0 Design objectives**

To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

- a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street; ~~and~~.
- a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.

To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.

To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter;
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing; ~~and~~.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

Heritage building means any building subject to a Heritage Overlay, ~~on the Victorian Heritage Register or any building~~ graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve ~~of a public road~~, public highway or right of way 9 metres or less wide in width.

YARRA PLANNING SCHEME

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Public realm means all streets and spaces open to the public but does not include laneways.

Public open space means all parks but does not include footpaths, kerb outstands, laneways or roads.

Rear boundary – not defined if a corner site.

Rear interface is the rear wall of any proposed building or structure whether on the property boundary or set back from the property boundary.

Side streets – Need to define this

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

Street wall means the façade of a building at the street boundary on the property frontage, or, if the existing heritage building is set back from the street boundary or the DDO requires a front setback, the front façade of the existing building.

Street wall height means the height of the street wall measured ~~by~~ at the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

Upper level means development above the height of the street wall.

Upper level setback means the ~~setback of the upper level measured from the street wall of the building~~ minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

~~2.2~~ **General Requirements** ~~requirements~~

The requirements below apply to an application to construct a building or construct or carry out works.

~~A permit cannot be granted to vary a requirement expressed with the term 'must'.~~

2.2

YARRA PLANNING SCHEME

2.3

~~2.3 Street Wall Height Requirements~~ wall height and front setback requirements

~~Street wall heights should~~ Development must ~~not exceed the heights specified~~ not exceed the mandatory maximum street wall heights as shown in Maps 1 and 2, as applicable and as stated below, where applicable.

~~Along Smith Street, development should achieve a continuous street wall with no front setback.~~

~~Infill development should match~~ The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of an adjoining heritage property building for a minimum length of 6 metres along the front boundary, but should not be higher than with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

~~Development should have no front or side street setback, unless an immediately adjoining heritage building is set back from the street, in which case infill development should match the front setback of the adjoining heritage building from the same street, excluding laneway frontages.~~

~~Along Smith Street, development should achieve a continuous street wall with no front setback.~~

~~The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with an appropriate transition in height to match the rear interface where required.~~

~~Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 metre at the site's corner boundaries.~~

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4

~~2.4 Upper Level Front and Side Set Back Requirements~~ level set back requirementsUpper levels above the street wall

~~Upper levels above the street wall along Smith Street~~ street wall should ~~must~~ ~~should~~ ~~should~~ be set back by a minimum of 8 metres.

~~For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.~~

~~Upper levels above the Johnston Street~~ street wall should ~~along Johnston Street~~ must ~~be a set back by a minimum of 6 metres.~~

~~Upper levels above a side street wall~~ should ~~be set back by a minimum of 6 metres. Upper levels should:~~

~~be visually recessive from Smith Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;~~

~~be set back from the street wall below to ensure that upper level additions~~ visually recessive from Smith Street frontages and side streets to ensure development as seen from the public realm does not detract from the character of the streetscape does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street, and

~~contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.~~

~~Projections such as building services and architectural features (other than shading devices, moldings etc.), balconies and balustrades should not intrude into a setback.~~

Heritage buildings

Commented [ST1]: How is this defined?

YARRA PLANNING SCHEME

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.

~~For heritage buildings, upper~~ Upper level setbacks behind ~~the~~ a street wall to a heritage building in excess of the minimum upper level setback should be provided where:

it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape;

it would maintain the perception of the three-dimensional form and depth of the building; and.

a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

YARRA PLANNING SCHEME

2.5

~~2.5 Overall Building Height Requirements~~ height requirements

Development ~~should~~~~must~~~~should~~ not exceed the ~~mandatory maximum~~ preferred maximum building heights shown on Maps ~~1 and 2, as applicable.~~

Architectural features (~~except service equipment or structures~~) may exceed the ~~preferred and mandatory maximum~~ building heights.

Service equipment ~~and/or~~ structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, ~~lift overruns~~ lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the ~~preferred and mandatory building~~ heights provided that:

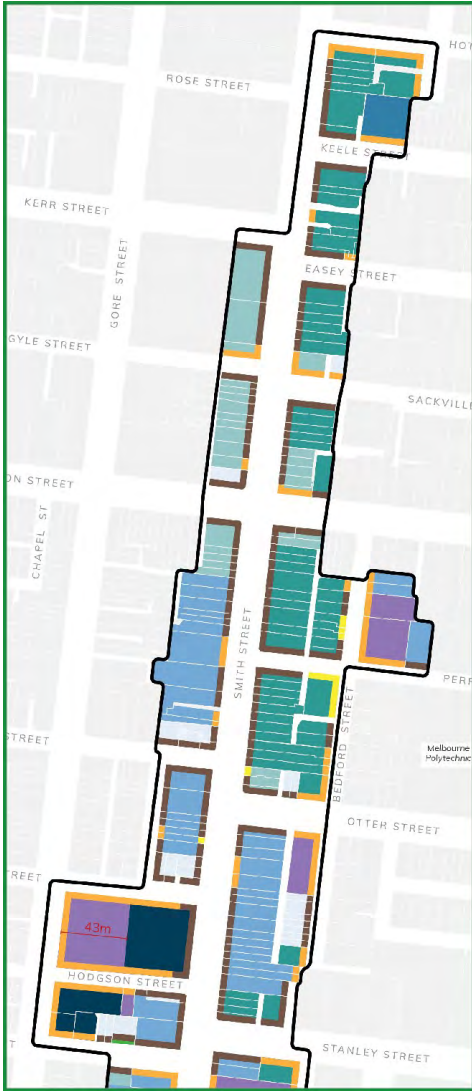
- the equipment ~~and/or~~ structures do not cause additional overshadowing of ~~secluded~~ private open space to residential land, opposite footpaths, kerb outstands ~~etc or~~ planting areas in the ~~public realm; and~~
- the equipment/structures are no higher than 2.6 metres above the ~~preferred maximum~~ proposed building height; ~~and~~
- ~~the equipment/structures occupy less than 50 per cent of the roof area (solar panels and green roof excepted).~~

YARRA PLANNING SCHEME

Map 1: Street Wall and Building Heights North Building and street wall heights (north of Stanley and Moor Streets)



YARRA PLANNING SCHEME



YARRA PLANNING SCHEME

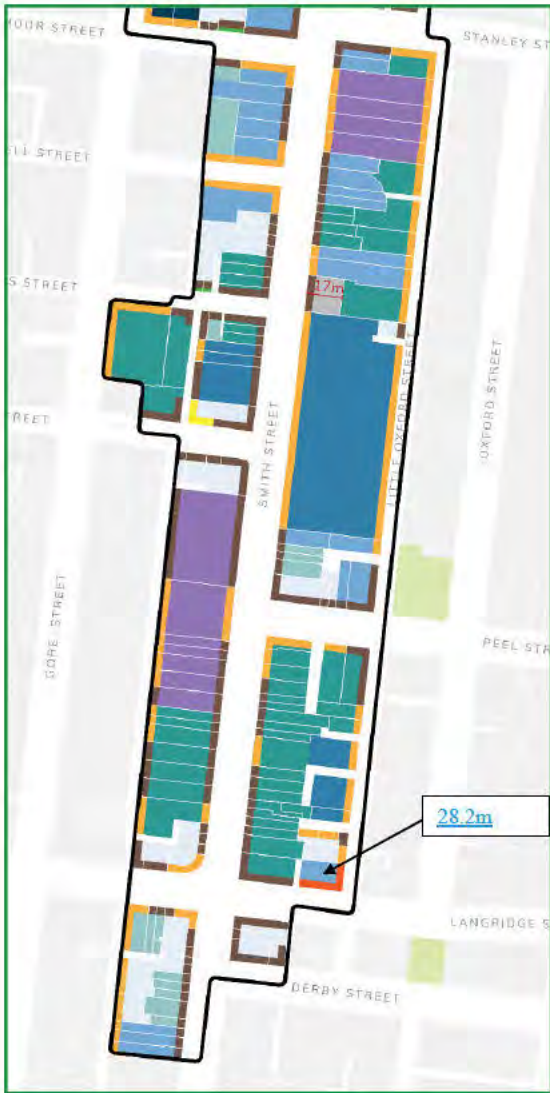
<u>Preferred</u>	Maximum Building Heights
	3 storeys / 11.2m 
	4 storeys / 14.4m 
	5 storeys / 17.6m 
	6 storeys / 20.8m 
	7 storeys / 24.0m 
	8 storeys / 27.2m 
	9 storeys / 30.4m 
	Limited opportunity 
<u>Preferred</u>	Maximum Streetwall Heights
	New 2 storey streetwall / 8.0m 
	New 3 storey streetwall / 11.2m 
	New 4 storey streetwall / 14.4m 
	Heritage Streetwall Heights
	Retain heritage streetwall 
	Landscape Setbacks
	Retain landscape setback 

YARRA PLANNING SCHEME

Map 2: ~~Street Wall and Building Heights South~~ **Building and street wall heights (south of Stanley and Moor Streets)**







YARRA PLANNING SCHEME




YARRA PLANNING SCHEME

- Preferred** Maximum Building Heights
- 3 storeys / 11.2m 
 - 4 storeys / 14.4m 
 - 5 storeys / 17.6m 
 - 6 storeys / 20.8m 
 - 7 storeys / 24.0m 
 - 8 storeys / 27.2m 
 - 9 storeys / 30.4m 
 - Limited opportunity 

- Preferred** Maximum Streetwall Heights
- New 2 storey streetwall / 8.0m 
 - New 3 storey streetwall / 11.2m 
 - New 4 storey streetwall / 14.4m 

- Heritage Streetwall Heights
- Retain heritage streetwall 

- Landscape Setbacks
- Retain landscape setback 

YARRA PLANNING SCHEME

2.6

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope, except for green infrastructure to support soft

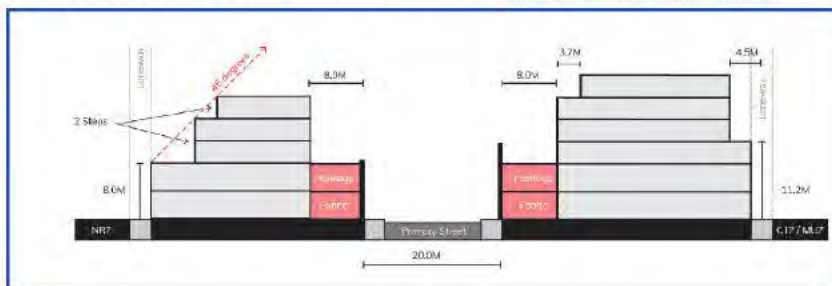
landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



Commented [ST2]: This has been drafted assuming a typical main street frontage and rear interface. This does not contemplate corner sites.

Commented [ST3]: The maps identify street wall heights, not side boundary wall heights.

Commented [ST4]: Isn't building separation an important factor when determining an appropriate boundary wall height?

Commented [ST5]: This doesn't enable consideration of site context (e.g. opposite a building with no windows/outlook) and assumes the adjacent site is residentially zoned land.

Commented [ST6]: If retained, should reference 'secluded private open space of dwellings within residential zones'. However, this is not needed if the 45 degree envelope is accepted.

Commented [ST7]: As above, already achieved by the 45 degree envelope.

2.7

2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development should not unreasonably overshadow:

- the opposite footpath (including any kerb outstands, seating and planting areas) of Smith, Johnston, Gertrude and Langridge Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Commented [ST8]: Clearer to address in dot point above.

YARRA PLANNING SCHEME

Development ~~must~~ should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for public open spaces, reserves or parklets.

~~New development should not overshadow properties fronting Bedford, Little Oxford Street and Little Smith Street, from the first floor upwards between 10am and 2pm on 22 September.~~

2.8

Building separation and amenity requirements

~~2.8 Common Boundary and Building Separation Requirements~~ An application for development should provide a design response that considers adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- ~~for buildings up to 27 metres,~~ be set back a minimum of ~~4.5m~~ 4.5 metres from the common side boundary, where a habitable window or balcony ~~is proposed facing the common boundary is proposed on the subject site~~ and/or exists ~~and on the adjoining property.~~
- ~~for buildings up to 27 metres,~~ be set back a minimum of ~~3.0m~~ 3.0 metres from the common side boundary, where a commercial or non-habitable window ~~is proposed facing the common boundary is proposed on the subject site~~ and/or exists ~~on the adjoining property.~~
- ~~where buildings exceed 27 metres in height, the development above 27 metres be set back a minimum of 6 metres from the common boundary, whether or not windows are proposed on the subject site.~~

~~Where the common boundary is a laneway, the setback is measured from the centre of the laneway. The above requirement does not apply to an interface where a development adjoins a laneway.~~

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of ~~9m~~ 9 metres from each other, where a habitable window or balcony is proposed ~~and.~~
- be set back a minimum of ~~6m~~ 6 metres from each other where a commercial or non-habitable window is proposed.

2.9

2.9 Building Layout Requirements ~~Other design requirements~~

~~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.~~

~~Ensure shop front widths are not reduced to the extent they become commercially unviable.~~

~~Buildings in the Commercial 1 Zone should:~~

- ~~Be designed to accommodate commercial activity at the ground and first floor levels; and~~
- ~~Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground and first floor level, where heritage elements are not a constraint.~~

~~Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat islands and provide a positive contribution to the public realm.~~

2.10 Façade Design Requirements

Infill development fronting Smith Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- ~~a stall riser;~~
a stall riser.
- ~~pilasters;~~

Commented [ST9]: Why? The planning scheme typically focuses on shadowing of secluded private open space and footpaths. Not first floor windows or balconies (which are not secluded private open space).

Commented [ST10]: Why? Does not consider the proposal or it's context.

Commented [ST11]: This should only apply where the common boundary is another lot.

Commented [ST12]: It isn't in an applicant's interest to seek something that is unviable. Including this as a requirement could bring rise to unreasonable RFIs or application requirements.

Commented [ST13]: This should be subject to Council's ESD amendment (C309yara)

YARRA PLANNING SCHEME

- a verandah or canopy (where applicable); ~~and~~.
- clerestory window.

Development on streets other than Smith Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development ~~façades should~~ should achieve good urban design outcomes and architectural excellence by including, but not being limited to:

- ~~façades which~~ relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Smith Street;
- ~~create a suitable~~ creating an appropriate ratio of solid and void elements;
- ~~create~~ creating visual interest through the arrangement of fenestration, balconies and the application of architectural features ~~such as including~~ external shading devices, window sills, etc.;
- ~~avoid~~ maintaining an appropriate level of design simplicity by ~~avoiding~~ overly busy façades that rely on a multitude of materials and colours;
- ~~maintain~~ maintaining existing openings and the inter-floor height of a heritage building and ~~avoid~~ avoiding new floor plates and walls cutting through historic openings;
- ~~avoid~~ avoiding highly reflective glazing in openings of heritage buildings;
- ~~encourage~~ encouraging the retention of solid built form behind retained heritage façades and ~~avoid~~ avoiding balconies behind existing openings; ~~so as to avoid façadism~~.
- ~~be simple and~~ ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or ~~an adjoining site~~; adjoining land.
- ~~avoid~~ avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts; ~~and~~.
- ~~ensure~~ minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) ~~do not~~ which intrude into a setback ~~and not~~ ~~or~~ and visually dominate the façade.

Lower levels of development should:

~~Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.~~

- ▣ be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 3.5-4 metres floor to floor height.
- ▣ incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- ▣ 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 practical.
- ▣ avoid floor to ceiling glass with limited entries for large expanses of the ground floor.
- ▣ allow unobstructed views through openings into the ground floor of buildings.
- ▣ include fine grain design that engages the pedestrian and provides detail, articulation, depth, materiality and rhythm that contributes to a high-quality street interface and where appropriate integrates seating perches into street facades.

YARRA PLANNING SCHEME

- ~~On sites abutting narrow footpaths of less than 1.8 metres, provide for front setbacks and/or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.~~
- ~~locate building service entries/access doors and cabinets away from the primary street frontage, or where not possible, they should be sensitively designed to integrate into the façade of the building and complement the street frontage and character.~~

~~The design of upper levels of development should:~~

- ~~be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.~~
- ~~distinguish between the lower and upper levels through materials, ~~and~~ articulation and/or other techniques, with visually lightweight materials and colours applied above the street wall.~~
- ~~incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.~~
- ~~be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape.~~

~~New development should consider opportunities for lot consolidation to achieve high quality design and heritage outcomes.~~

~~Development should avoid blank walls visible to the public realm, including on side street frontages.~~

~~**Blank side** Side walls in a mid-block location which are visible permanently or temporarily from adjoining dwelling on residentially zoned land residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture, soft landscaping, varied materials and/or finishes.~~

~~Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a street wall and upper level setback, as applicable. A~~

~~Development interfacing with areas of public open space should:~~

- ~~provide a suitable transition to the interface with the public open space.~~
- ~~ensure that development does not visually dominate the public open space.~~
- ~~provide passive surveillance from lower and upper levels of the building.~~

Commented [ST14]: This is contrary to the previous requirement to build to the street edge.

Commented [ST15]: Should be subject to Council's ESD amendment.

Commented [ST16]: Already stated previously.

Commented [ST17]: Hasn't this been considered in maps 1 and 2 with regard to public open space interfaces?

YARRA PLANNING SCHEME

~~2.11 Access, Parking and Loading Areas Requirements~~ parking and loading bay requirements

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, ~~it should include the building~~ setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, well-lit and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced and which can be naturally lit and naturally ventilated.

Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order of preference).

At the intersection of laneways and footpaths, development to non-heritage buildings should

Commented [ST18]: Again, this needs to be defined.

YARRA PLANNING SCHEME

provide a minimum 1 x 1 metre splay to facilitate pedestrian sightlines, where necessary.

Car parking should be located within a basement or concealed from the public realm.

Separate entries for car parking entries and loading bays should be avoided.

Development ~~should not~~ ~~should~~ ~~should~~ not provide additional vehicular access from Smith Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ~~ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity~~ retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity.
- limiting potential conflicts between vehicle movements and pedestrian activity.
- avoiding wide crossover points.
- ensuring adequate spacing between crossovers.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs, where necessary.

~~Development with laneway access may require~~ Where a ground level setback is provided to achieve practicable vehicle access ~~Between ground level and first floor, a~~ to a laneway, a minimum ~~headroom clearance of 3.5 metres minimum should be achieved~~ 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways ~~is maintained in order to facilitate commercial use of the~~ or side streets is provided to achieve functional spaces for non-residential uses of properties fronting Smith Street.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

Commented [ST19]: What does this mean?

3.0 Subdivision

~~21/08/2021~~
~~C270yara, Proposed C271yara~~ None specified.

4.0 Signs

~~21/08/2021~~
~~C270yara, Proposed C271yara~~ None specified.

5.0 Application requirements

~~21/08/2021~~
~~C270yara, Proposed C271yara~~ The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and ~~must~~ should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- a site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule;
- ~~for development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis~~ for a development of 5 or more storeys, a desktop wind effects assessment for the proposed development to assess the impact of wind on ~~the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing; and~~
 - the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the development.
- ~~a Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development~~

Commented [ST20]: This is already policy at clause 18 of the scheme, and an application requirement at clause 52.06.

YARRA PLANNING SCHEME

- ~~■ demonstrates how the development minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services);~~
- ~~■ demonstrates how the development reduces car dependence and promotes sustainable transport modes; and~~
- ~~■ which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.~~

6.0

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- whether the requirements in Clauses 2.2 to ~~2.11~~ 2.10 are met;
- ~~■ whether the proposal achieves adoptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;~~
- whether the ~~design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm~~ proposal provides a high-quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm;
- whether the design of the development fronting Smith Street achieves a fine grain, traditional retail shop front character;
- whether development retains the prominence of the heritage street wall in the vistas along Smith Street;
- whether heritage buildings on street corners along Smith Street retain their prominence when viewed from the opposite side of Smith Street;
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street;
- whether upper level development above the heritage street wall is visually recessive and does not ~~dominate or~~ visually overwhelm the heritage buildings;
- ~~■ whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street. Whether upper level setbacks or alternative design techniques provide a distinction between the street wall and upper level forms.~~
- whether the proposal responds to the presence of heritage buildings ~~either on or in close proximity to the site on adjoining sites~~ through a suitable transition in scale of street-wall, upper level setbacks and building height;
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings within a residential zone;
- ~~■ the shadowing impacts of the development on opposite footpaths and public spaces are minimised;~~
- whether proposed roof decks are set back from lower levels and are recessive in appearance;
- whether the design responds to the interface with existing low-scale residential properties, including avoiding ~~additional unreasonable~~ overshadowing of secluded private open space;
- whether proposed buildings and works will avoid overshadowing of public open spaces, footpaths, kerb outstands, seating or planting areas.

Commented [ST21]: This isn't the role of planning. The Melbourne Planning Scheme requires consideration of adaptive floorplates for car parking areas, should car parking not be required in the future. However this takes that approach a step too far.

Commented [ST22]: The intent of this is unclear.

Commented [ST23]: The requirements only relate to adjoining heritage buildings.

YARRA PLANNING SCHEME

~~public open spaces, reserves, parklets or similar, as applicable.~~

YARRA PLANNING SCHEME

- whether the ~~development~~ proposed built form mitigates ~~negative unreasonable~~ wind effects, created by the development.
- the ~~cumulative~~ impact of development on traffic and parking in the nearby area, including on the functionality of laneways, ~~and~~ and bicycle lanes.
- ~~whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is~~ practicable, safe and supports a pedestrian-oriented design outcome.

~~Expiry~~

~~The requirements of this schedule cease to have effect after 30 June 2025.~~

Commented [ST24]: These are already decision guidelines at clauses 52.06 and 65 of the Scheme.

Contribution ID: [REDACTED]

Member ID:

Date Submitted: Feb 10, 2025, 10:11 PM

Q1 I would like to...

Multi Choice

Type my submission

Q2 Please type your submission here

Long Text

The suggested re-zoning is a positive idea to allow more housing to be possible, and allow a more diverse use of valuable city land. It will also work to alleviate some pressure on rents in the area to the benefit of young people, families and downsizers. Additionally, more areas in Yarra to be re-zoned from NRZ or GRZ to mixed use will provide the maximum benefit to housing stock diversity and affordability in the medium and long term - see Auckland's medium density zoning reforms as a case study!

The addition of heritage overlays is regrettable, and I do not support this where it interferes with the cost of building on the proposed-to-be-rezoned land in this amendment. This will significantly undercut the ability to maximise the housing and amenity benefit of this proposed re-zoning. There is already enough heritage protections in Yarra, and more does not benefit the current or future generations of residents and would-be residents, nor a city of Melbourne's size. There is ultimately a tradeoff between heritage overlays and more housing, and housing is more important. Please ensure Yarra and Melbourne can thrive now and in years to come.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

[REDACTED]

Q5 Physical address

Short Text

[REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

[REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 12, 2025, 05:02 PM

Q1 I would like to...

Multi Choice Upload my submission

Q2 Please type your submission here

Long Text

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

Yes

Q10 What is the name of the community organisation or group?

Short Text

Submission on draft Amendment C271yara

By [REDACTED] ([REDACTED]) dated 7th Feb. 2025

I am very interested in the interim DDO36 and the draft replacement proposal. We are under notice of a proposed development at 430-434 George St, Fitzroy. We have lodged an objection to PLN 24 0255. I am not against development as such, but it needs to be in sympathy with the neighbourhood, and serious consideration on the effect that it will have on adjoining properties and near neighbours.

The proposed development abuts to our western wall and is extremely “aggressive”; planning to build 8+ storeys hard up against our main bedroom so we would effectively be entombed. There has been a token set back in their design of a lightwell approx.. 2.5m for our living room and outside deck and the 2nd bedroom and bathroom. There is no other provision for a setback and no consideration of light, over shadowing and general amenities. This wall is designed to go 8 storeys..

I mention this because of the difficulty of understanding the concepts in the DDOs, of “should” or “should not”. I have read the Victorian governments PLN 59 and understand the desire to have flexibility in planning decisions. **I would submit that there should be more “mandatory” provisions so as to bring greater clarity and certainty to the town planning process.**

Under the interim DDO36 the property at 430-434 George St “should” have a maximum height of 6 storeys. Under the proposed permanent DDO this is reduced to 5 storeys. At the rear (abutting our property) it “should not” be higher than 11.2m and set back a minimum of 4.5m. I would submit that the minimum setback should be at least 6m.

I have had in person discussions with the developer who obviously look at their plans as a “wish list” and hope to concede as little as possible. The words “should” and “should not” are taken as a guide.

The effect of all this is that objectors have the onerous and expensive task of understanding the planning criteria that applies to a specific property and the likely outcome at both a local council levy and VCAT; which is a likely progression.

For the developer with deep pockets this is a tax deductible cost of business. For the objector it will most likely be a considerable expense to achieve an outcome short of a disaster. Just to help us framing our objection we have paid \$2750 to a town planning consultant. The developer is very much across the “process” and will employ the top town planning lawyers and consultants to present their proposal in the most “favourable light”. The cost to the developer is insignificant compared to the potential gain. As a result there is considerable pressure, both in relation to cost and intimidation of being out of our depth, to concede and give in to achieve some slightly favourable outcome.

I believe that Council officers have worked diligently to improve the interim DDO. The document showing in Red and Green the changes from the interim to the permanent was very helpful. I don't wish any criticism on Council town planning staff as they have to labour with the on ground interpretation of a huge number of applications. Their life would be that much easier if more provisions were mandatory and not left to discretionary interpretation; especially at VCAT.

PS I would also submit that the potential development of 409-429 Gore St should be limited to 5 storeys instead of the shown 6 as being more appropriate for the area.



Draft Amendment C271yara Submission - 165, 167-175 & 177 Victoria Parade, Collingwood

From [REDACTED]

Date Thu 13/02/2025 8:47 AM

To [REDACTED]
Cc [REDACTED]

 1 attachment (680 KB)

[REDACTED]

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sir / Madam,

Contour Consultants acts on behalf of [REDACTED], who is the owner of 165, 167-175 and 177 Victoria Parade.

On behalf of our client, please see attached a submission which has been prepared in response to Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

We thank Council for the opportunity to participate in this process, and would welcome the opportunity to this submission further.

Regards,

[REDACTED]

Director

Contour Consultants

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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Date

12 February 2025

To

[REDACTED]
[REDACTED]
[REDACTED]

Sent

Via email: [REDACTED]

Dear Sir/Madam,

Submission to Amendment C271yara

165, 167-175 & 177 Victoria Parade, Collingwood

[REDACTED] is the owner of 165, 167-175 and 177 Victoria Parade (**subject site**) and this submission has been prepared in response to Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

SUBJECT SITE

The subject site comprises three separate lots and is formally described as:

- Lot 1 on Title Plan 814423U, 352 square metres – 165 Victoria Parade, Collingwood
- Land in Plan of Consolidation 174767Q, 1,996 square metres – 169-175 Victoria Parade, Collingwood
- Lot 1 on Title Plan 589617F, 184 square metres – 177 Victoria Parade, Collingwood

A copy of the title particulars is provided at **Appendix A**.

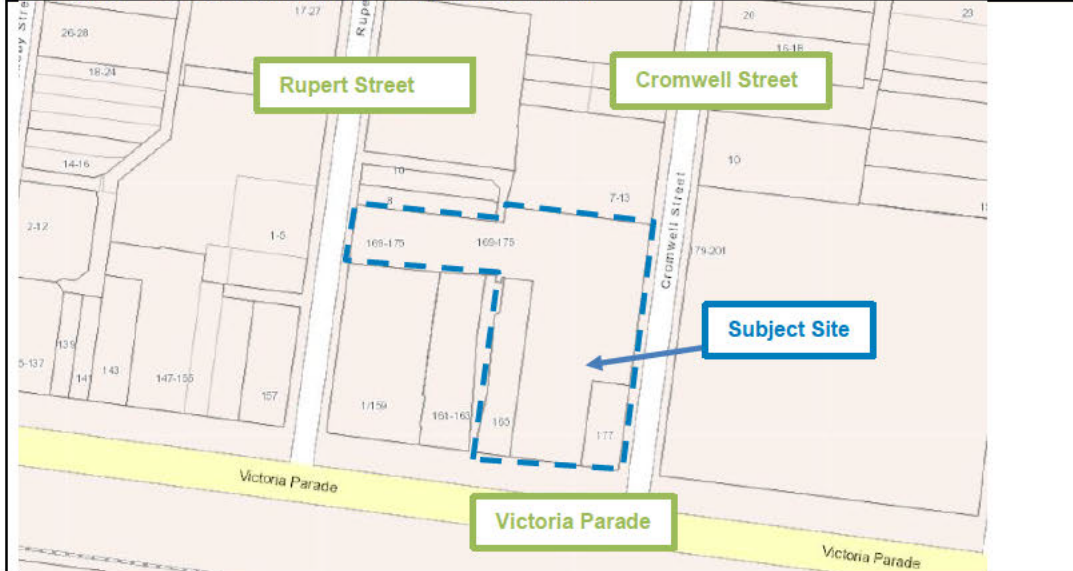
The site has a battle-axe configuration, with a frontage to Victoria Parade of 34.84 metres, Cromwell Street of 59.14 metres and Rupert Street of 14.08 metres, yielding a total site area of 2,532 square metres.

An aerial image and cadastral map of the site is provided at **Figure 1** and **2**.

FIGURE 1 – AERIAL IMAGE (SOURCE: LANDCHECKER, 4 FEBRUARY 2024)



FIGURE 2 – CADASTRAL PLAN (SOURCE: VICPLAN)



BACKGROUND

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 which applied 7 interim DDOs to parts of Fitzroy and Collingwood. Subsequently, Design and Development Overlay, Schedule 39 applies to the subject site and expires on 30 June 2025.

PLANNING CONTROLS

Pursuant to the provisions of the Yarra Planning Scheme, the following planning controls apply to the subject site:

- Commercial 1 Zone (**C1Z**). – *land fronting Victoria Parade*
- Commercial 2 Zone (**C2Z**) – *rear / northern portion of 169-175 Victoria Parade*
- Design and Development Overlay, Schedule 2 (**DDO2**) – *land fronting Victoria Parade*
- Design and Development Overlay, Schedule 11 (**DDO11**) – *rear / northern section of 169-175 Victoria Parade*
- Design and Development Overlay, Schedule 39 (**DDO39**) – *land fronting Victoria Parade*
- Development Contributions Plan Overlay, Schedule 1 (**DCPO1**)

DDO39 specifically relates to Victoria Parade and provides guidance in terms of the design objectives and built form requirements. This control does not apply with the rear / northern portion of 169-175 Victoria Parade (ie, the C2Z land).

The key (discretionary) built form controls as applicable are identified in **Table 1**:

TABLE 1 – DDO39 (INTERIM) BUILT FORM CONTROLS	
Building height	24 metres / 7 storeys
Street wall height	165 Victoria Parade – 11.2 metres / 3 storeys
	167-177 Victoria Street – 14.4 metres / 4 storeys
	Cromwell Street – 14.4 metres / 4 storeys
Rear boundary wall height	11.2 metres
Minimum upper level setbacks	Victoria Parade – 6 metres
	Cromwell Street – 3 metres

In addition to the above, DDO39 also sets out requirements for development, including overshadowing, common boundary and building separation, building layout, façade design and access, parking and loading areas.

Separately, DDO2 and DDO11 are non-quantitative provisions.

PLANNING SCHEME AMENDMENT C271

Amendment C271 builds on Amendments C270 and C288 and seeks to apply permanent controls to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, Amendment C271 to the Yarra Planning Scheme, inter alia, seeks to:

- Introduce permanent Design and Development Overlay (DDOs) and to replace the current interim DDOs
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation the following applies to the subject site:

- Updated Schedule 39 to the Design and Development Overlay (**DDO39**)
- Updated Clause 11.03-1L Activity Centres.

The built form controls of the permanent DDO39 are consistent with the interim controls, as follows:

TABLE 2 – DDO39 (INTERIM) BUILT FORM CONTROLS		
	INTERIM / CURRENT	PERMANENT / PROPOSED
Building height	24 metres / 7 storeys	24 metres / 7 storeys
Street wall height	165 Victoria Parade – 11.2 metres / 3 storeys	165 Victoria Parade – 11.2 metres / 3 storeys
	167-177 Victoria Street – 14.4 metres	167-177 Victoria Street – 14.4 metres
	Cromwell Street – 14.4 metres / 4 storeys	Cromwell Street – 14.4 metres / 4 storeys
Rear boundary wall height	11.2 metres	11.2 metres
Minimum upper level setbacks	Victoria Parade – 6 metres	Victoria Parade – 6 metres
	Cromwell Street – 3 metres	Cromwell Street – 3 metres

In addition to the above specified built form controls, Clause 2.7 of the DDO also outlines the following:

- **New development must not overshadow:**
 - *The northern edge of the Victoria Parade central median at 12pm on 22 September.*
 - *The footpath on the western side of any street (3 metres from property boundary, including the street) at 10 am and eastern footpaths (3 metres from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rokeby and Rupert Streets).*
 - *Any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September).*

Further to the above, the DDO states that :

- *Development should not exceed the preferred heights unless all the following requirements are met, to the satisfaction of the Responsible Authority.*
 - *The built form outcomes satisfies:*
 - *The relevant Design Objectives in Clause 1.0.*
 - *The Overshadowing and solar access requirements in Clause 2.7.*
 - *The proposal will achieve each of the following:*
 - *Greater building separation than the minimum requirements in this schedule.*
 - *No additional overshadowing impacts on 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.*

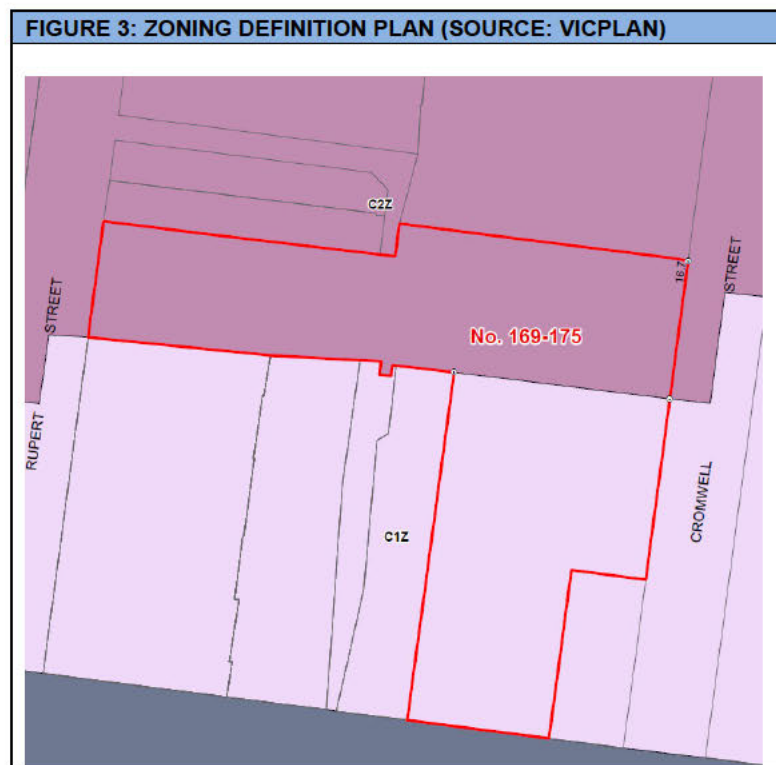
SUBMISSIONS

Having reviewed Amendment C271, we note the following submissions:

- Zoning Anomaly
- Built Form Considerations
- Overshadowing Requirements
- Overarching Policy

Zoning Anomaly

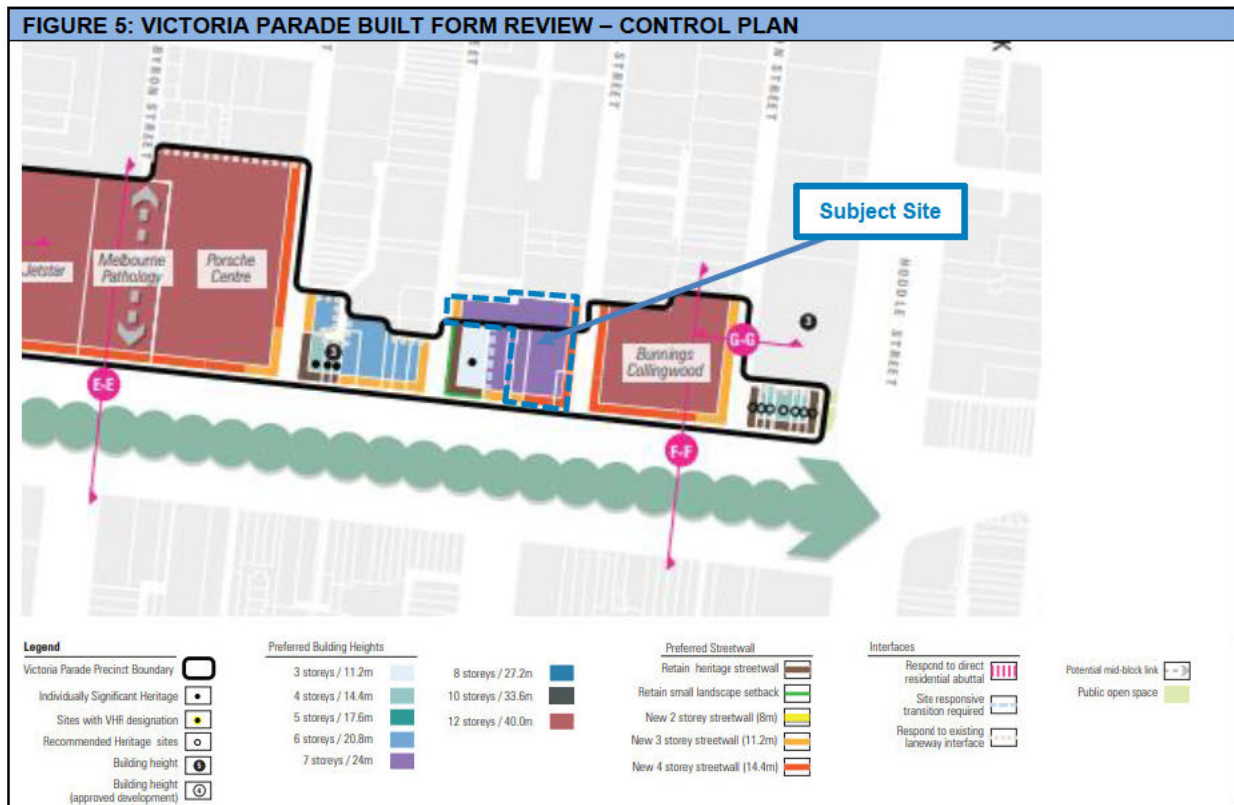
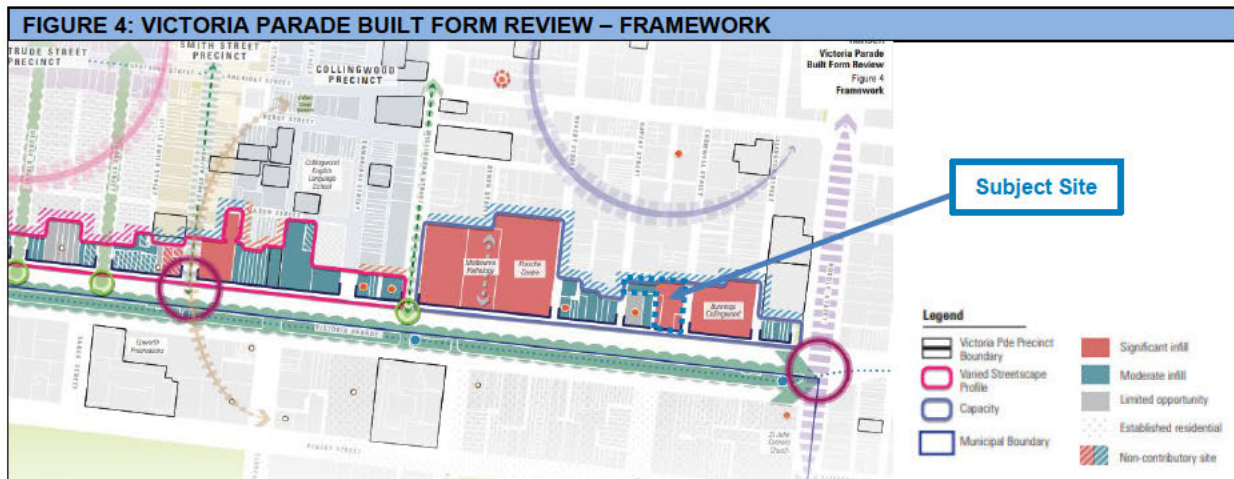
As outlined above, 169-175 Victoria Parade, Lot 1 on TP 814423U is currently dual-zoned, with an arbitrary line bisecting the parcel into separate zones (C1Z and C2Z). A zoning definition plan is provided below at **Figure 3**.



As part of this Amendment process, it is sought that the anomaly be rectified, with the rear portion of the land at 169-175 Victoria Parade be rezoned to the C1Z, and by extension included within DDO39, for the following reasons:

- The parcel is in single ownership.
- There is no statutory reasoning as to why the parcel is dual zoned.
- The bisection of the parcel into dual zones significantly encumbers the built form and land use opportunities for the site.
- The 'depth' of the C1Z from Victoria Parade would be consistent with nearby properties within the activity centre (thereby, eliminating the perception of 'creep').
- The site does not adjoin residentially zoned land.
- 15 zoning anomaly corrections of similar context are also proposed as part of Amendment C271, and therefore this anomaly can be corrected simultaneously.

- The background documentation, Victoria Parade Built Form Framework, prepared by Hansen Partnership also incorrectly (and inconsistently) categorises the sites boundaries / built form possibilities. Specifically,
 - The Built Form Review includes the entire site within the “Capacity” boundary and nominates two separate infill outcomes for the site (which are also inconsistent with the title boundary configurations). See Figure 4.
 - The Control Plan excludes a portion of the site outside the “Victoria Parade Precinct Boundary”, but includes a preferred built form outcome for the excluded portion. See Figure 5.



Built Form Considerations

As outlined above, there are clear inaccuracies / inconsistencies within the initial investigation work (*Victoria Parade Built Form Framework*) and a separation in the translation to the subsequent built form recommendations.

In addition, we submit that the site is suitable to accommodate a built form of up to 12 storeys, for the following reasons:

- The site is within single ownership and is not encumbered by any restrictions or agreements.
- The site is not located within a heritage or character overlay.
- The site has three separate street frontages, and is significant in area (2,532 square metres).
- The size of the site, it's corner location and its ability to manage its interfaces (including overshadowing), allows for greater building height opportunities than what is currently contemplated.
- The site does not adjoin any residentially zoned land.
- The site is strategically located with good access to transport (and is within the Principal Public Transport Network), employment, housing and amenities.
- Sites of similar siting and context have built form controls similar to what is sought as part of this submission. Specifically, 179-201 Victoria Parade, Collingwood, which has a preferred building height of 12 storeys / 40 metres.
- In approving a 13 storey development at 207-209 Victoria Parade and 1-3 Smith Street, Fitzroy, the Tribunal found:

50. That brings us back to the question of balance. Clause 71.02-3 requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. We consider policy does not discourage development at this location but requires the building to respond appropriately to its context, which includes the abutting and nearby heritage buildings and precinct. We find the height, scale and design of the development has adequately responded to this context that also contains pockets of higher built form (Clause 21.05) along Victoria Parade and throughout Fitzroy and Collingwood.

Note: The subject site is larger in area than the above mentioned property, and is not encumbered by the Heritage Overlay.

Use of Mandatory Overshadowing Controls

As part of this amendment, it is proposed to amend the existing discretionary overshadowing controls to mandatory, as follows:

TABLE 3: AMENDMENT C271 OVERSHADOWING CONTROLS	
Current Control	Proposed Control
<p><i>New development <u>should</u> not overshadow:</i></p> <ul style="list-style-type: none"> - <i>The northern edge of the Victoria Parade central median 12pm on 22 September;</i> - <i>The footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);</i> - <i>Any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.</i> <p><i>New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2 pm on 22 September.</i></p>	<p><i>New development <u>must</u> not overshadow:</i></p> <ul style="list-style-type: none"> - <i>The northern edge of the Victoria Parade central median 12pm on 22 September;</i> - <i>The footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);</i> - <i>Any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.</i> <p><i>New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2 pm on 22 September.</i></p>

The use of a mandatory overshadowing control is considered inappropriate, for the following reasons:

- The central median is located within the Transport Road Zone, Schedule 2 and not within a Public Park and Recreation Zone (or similar).
- The central median is not identified within Yarra's Open Space Strategy as an existing open space area, nor is it identified for protection or enhancement.
- The central median is not identified as a 'key pedestrian connection' within the Victorian Parade Built Form Framework which has informed the built form controls proposed as part of the Amendment.
- The street edge of the median street includes intermittent footpaths and road infrastructure, and is not a consistent sensitive edge or an area where the space is used for an extended period of time, to warrant mandatory controls. As outlined within the VCAT decision at 207-209 Victoria Parade and 1-3 Smith Street, Fitzroy, in determining the impact of the shadow cast by a 13 storey building on the central median strip, the following was noted:

107. We consider that it is inevitable that there will be some increased overshadowing of public areas from a tall building on this corner. We have assessed the shadow impacts over the central median strip in Victoria Parade and footpaths in Smith Street and conclude the extent of overshadowing between 1.30pm to 2.30pm is not unreasonable. We note the shadows move along the tram stop platform and leave most of the waiting area in sunlight throughout the day. We find this is an acceptable outcome given the footpath and tram stop are transitional areas for pedestrians and commuters and there is some sunlight access throughout the day.

- The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

Overarching Policy

Direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character.

The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under

Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

CONCLUSION

We thank Council for the opportunity to participate in this process, and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned at [REDACTED] or mobile [REDACTED]

Regards

[REDACTED]
[REDACTED]



Date

15 August 2025

To

[REDACTED]

Sent

Via email: [REDACTED]

Dear Sir/Madam

**Updated Submission to Amendment C271yara
165, 167-175 & 177 Victoria Parade, Collingwood.**

[REDACTED] is the owner of 165, 167-175 and 177 Victoria Parade (**subject site**) and this submission has been prepared in response to Amendment C271 to the Yarra Planning Scheme and the updated material that has been received in relation to the above properties.

In response to the updated material received:

- The rezoning of the northern portion of the land at 169-175 Victoria Parade from Commercial 2 Zone (**C2Z**) Commercial 1 Zone (**C1Z**) is acknowledged and supported.
- An increase in the preferred maximum building height for part of the land from seven storeys to 10 storeys is acknowledged and supported. Notwithstanding, it is noted:
 - o The preferred building height of 10 storeys fails to recognise the strategic redevelopment opportunities of the site. To that end, and for reasons as outlined within the original submission, a preferred building height of 12 storey's should be applied.
 - o The application of differing building heights across one parcel of land, as proposed within the revised mapping, unreasonably and unnecessarily, compromises the building opportunities of the site.
 - o It is unclear in respect to title boundaries that front Victoria Parade, where the delineation of preferred building heights between seven and 10 storeys occurs. For the avoidance of doubt, a consistent datum across the site should be applied, in particular in this instance where there is an existing buffer from the nearby heritage property.
 - o The disparity of preferred building heights for the subject will create difficulties in managing development outcomes.

As outlined above, we acknowledge and support the proposed changes to zoning and partial increase in building heights.

We thank Council for the opportunity to participate in this process, and would welcome the opportunity to discuss this further.

[REDACTED]



Should you have any queries in relation to the submission, please do not hesitate to contact [REDACTED]
[REDACTED]

Yours sincerely,
Contour Consultants Australia Pty Ltd

[REDACTED]

[REDACTED]

Director

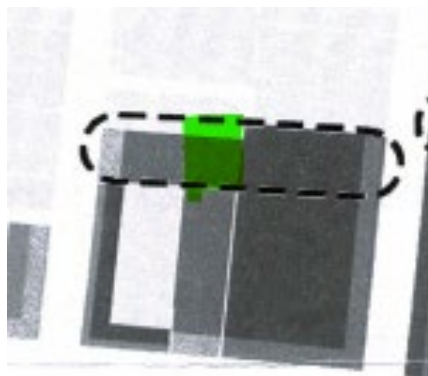
From: [REDACTED]
Sent: Friday, 22 August 2025 1:50 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft Amendment C271yara Submission - 165, 167-175 & 177 Victoria Parade, Collingwood

Hi [REDACTED]

Thank you for your time today. Per the discussion, we are reaffirming our position that the site is suitable for 12 storeys, in lieu of 7-10 storeys.

Notwithstanding the above, please note the following further submissions for your consideration:

- The site adjoins non-confirming residential uses to its north. Therefore, any considerations of amenity impact to this interface is significantly diluted.
- Where the site does not have an interface with the nearby heritage property, a seven storey preferred building height represents an underdevelopment of a strategic redevelopment site, without appropriate reasoning.
- Given the above, a more legible way to manage the heritage interface and development opportunities of the site would be to extend the preferred 10 storey form further west to where it adjoins the heritage property. I am without a colour copy of the new DDO mapping, but please note the green highlight within the below extract to represent this point:



Looking forward to discussing further.

Regards

[Redacted]

Director

Contour Consultants

[Redacted]

[Redacted]

[Redacted]

[Redacted]

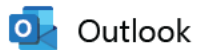


CONTOUR
PLANNING & ADVISORY



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Outlook


“Draft Amendment C271yara Submission” in the subject header.

From [REDACTED]

Date Sun 16/02/2025 9:51 PM

To [REDACTED]

Cc [REDACTED]

 1 attachment (615 KB)

JOHNSTON STREET WEST.pdf;

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello

please find attached my submission regarding the Draft Amendment C271yara

Yours sincerely

[REDACTED]

JOHNSTON STREET WEST

“The draft Amendment aims to ensure that the new buildings and developments are sensitive towards heritage buildings and minimised impact on both residential and public spaces including backyards, footpaths, parks and expanded street corners.”

1.0

--/--/----

Proposed C271yara

Design objectives

“To ensure development responds to the varied character and open streetscape of Johnston Street by supporting: a new mid-rise character (ranging from 4 to 9 storeys) behind a new street wall along the north side of Johnston Street, a mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street. To ensure development creates a new mid-rise character (ranging from 6 to 9 storeys) along Nicholson Street that is set behind a robust street wall and transitions down towards Johnston Place and the former Avon Butter Factory. To ensure development respects the lower-scale street wall through recessive upper levels and façade composition and articulation that complements the heritage character of the street. To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Johnston Street and properties fronting Victoria Street. To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.”

I write to raise specific concerns about the lack of consideration of the maximum building heights and street wall provisions on the three terrace houses on the east side of Spring St (2-6) just north of Johnston St, with no mitigations, none, for the impact on from inside as well as the backyards of these homes.

For developments along Johnston St, there are detailed specifications about:

- Overshadowing on the southern side of Johnston St and properties fronting Victoria St.
- The visual impact and general amenity of Johnston St, including mandatory setback and a three-storey street wall with a 6 m setback.




Map 1: Building and street wall heights




Mandatory Maximum Building Heights

4 storeys / 14.4m	
5 storeys / 17.6m	
6 storeys / 20.8m	
7 storeys / 24.0m	
8 storeys / 27.2m	
9 storeys / 30.4m	

Mandatory Maximum Streetwall Heights

New 2 storey streetwall / 8.0m	
New 3 storey streetwall / 11.2m	
New 4 storey streetwall / 14.4m	

Heritage Streetwall Heights

Retain heritage streetwall	
----------------------------	---

Beginning at the corner of Nicholson St and Johnston St, the maximum height for a development is 9 storeys. A 3-storey street wall wraps around the corner of Nicholson and Johnston Streets, along Johnston St, and then wraps around and extends along the entirety of Johnston Lane. The shops and residences from Johnston Place to Spring St retain the heritage street wall, which extends into Spring Street, and the maximum development height is 4 storeys.

To the east of Spring St, building heights along Johnston St west are 8 storeys with a street height of 3 storeys, which wraps around into Spring Street, which would result in an improvement in visual impact and general amenity at the south end of Spring which is currently dominated by the 4-storey gym.

There is, however, NO setback on the interface between the 8-storey building that would entomb the terraces at 2-6 Spring St. These homes are already encased to the south and east by the existing 4-storey L-shaped building on the corner of Spring and Johnston Streets.

I have heard that the current building – known to the residents of the enclave as “the gym” – has been sold. There is no doubt in my mind that once the lease is up, that site will be redeveloped, and an 8-storey building will be built. Should this happen under the

current draft scheme, all I would see to the east and south from inside my home and the backyard are 8-storey / 27.3 m walls. I would have to stand outside and look up to see the sky.

This contradicts the clearly stated design principles; in particular, the proposed plan does nothing to safeguard these homes' amenity. There is no protection from the unreasonable loss of amenity through visual bulk, and it does not guarantee that there will be no overlooking or overshadowing, especially in the morning.

The design principles include transitions down to Johnston Place, which means, I think, that storeys would be staggered. Nonetheless, there are no specifications for the staggering, meaning developers would go to court.

I am shocked and deeply disappointed that such little care has been taken to protect the amenity of residences at 2-6 Spring Street when there has been consideration of residences on Johnston Street east of Johnston Place, abutting Johnston Place and on the west side of Spring as well as residences on Victoria St. The requirement for a 3-storey street wall with a 6-meter setback should be extended to the interface to the south and east of 2-6 Spring St Fitzroy. There should be a transition down the boundaries with laneway and residences. I trust this has been an unfortunate oversight and will be corrected.

The wording principles of staggering / transitions of the upper storeys must be robust and explicit to protect public streetscapes and private residential spaces. It is imperative to the well-being of residents, workers, and visitors that the built environment creates a high-quality realm that creates individual and social well-being, improves productivity, and attracts visitors and commerce.

Yours sincerely

[Redacted signature]

[Redacted contact information]

16 February 2025

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 16, 2025, 06:12 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Dear Ladies and Gentlemen,

Overall, I support Amendment C271yara, particularly its provisions on heritage retention, building heights, setbacks, green infrastructure, and overshadowing regulations.

However, I strongly advocate for a revision in all DDOs to strengthen the enforceability of these regulations. Specifically, the words "preferred" and "should" should be replaced to eliminate ambiguity and ensure that compliance is mandatory. These regulations must be absolute requirements, with no exceptions permitted for any private or public entity.

I think this is the only way to safeguard the unique character of Fitzroy and Collingwood in the long term.

Thank you for the opportunity to provide feedback on the planning scheme for my home suburb and for the council's efforts in developing these amendments.

Best Regards,
[REDACTED]

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

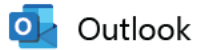
Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text




Oppose draft Amendment C271yara - DDO37& DDO38

From [REDACTED]

Date Mon 17/02/2025 8:46 PM

To [REDACTED]

 1 attachment (20 KB)


amendment C271 objection.docx;

Dear Strategic Planning Team,

Please see attached letter outlining our opposition and proposed amendments to C271yara - DDO37& DDO38.

Kind regards,

[REDACTED]
Owners & residents of [REDACTED]



17 February 2025

Email: strategicplanning@yarracity.vic.gov.au

RE Oppose the draft Amendment C271yara - DDO37& DDO38

Dear Strategic Planning Team,

We are the owners of [REDACTED] and live there with our family of 6. We oppose the following elements of the above-mentioned draft amendment;

DDO37

We are the direct neighbours of 150 and 148 Cecil St whereby your proposal includes a 4 story / 11.2 meter and a 6 storey / 20.8m building height, respectively. Our building height limit is 2 storeys / 9m high and we completed our residence in 2021 according to this design limit. The proposal for increased heights at 150/148 Cecil St is completely out of character with what is currently on site, creating unnecessary visual bulk. Importantly, our living space (kitchen, dining and lounge) faces east and such new buildings would looking directly into these spaces of our home. Further, my secluded private open space, where my children play, would also be directly impacted if such buildings were constructed, including my courtyard. We kindly request you amend these building heights as follows:

- 150 Cecil St: 2 storeys / 9M building height – inline with the adjoining properties to the west
- 148 Cecil St: 3 storeys / 11.2M building height – allowing for incremental height relative to the area

If the above changes are not implemented, you have enabled privacy and overlooking issues. Further, the area is currently a full of residential properties (9m high max), heritage listed properties, and single-storey commercial warehouses. The proposed heights would create a very obtrusive and unattractive area with major overlooking issues. All the residential properties limited to 2 storeys would dwarfed by a 20.8m high building.

DDO38

We live directly opposite Officeworks where our property currently is in line with the Officeworks carpark & building entrance. The Officeworks occupied building is one-storey high and a 2.5m high fence line. The proposal outlines a new 4 storey street wall (11.2-12m high) and new buildings at 6 storeys (20.8m-24m) and 7 stories (24m – 28m).

If the amendment were to proceed as is, the street walls and buildings would dwarf the immediate neighbourhood with major impact to my property and my neighbours on Gore St. We would lose most, if not all, natural light, and being a north facing property, this would have big implications to the heating/cooling and general living conditions of our property.


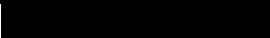
Having such high buildings would create absolute visual bulk and harsh wind-tunnels, similar to what is experienced in Docklands. The neighbourhood would change from a beautiful space, full of heritage-listed properties, that is aspirational to many home owners, and be turned into an oversized, dull and overbearing concrete jungle.

We understand council must support a growing population so we ask that council consider amending the officeworks occupied building heights to;

- Streetwall to maximum 1 storey / 3m high
- Smaller building (adjoining Cecil St) to be max. 3 storeys / 11.2M building height
- Larger building (adjoining Alexander Pde) to be max. 6 storeys / 24m building height

We thank Council for considering our revised amendments. When forming a final decision, we ask Council to consider the investment made by owners such as I, who have invested over \$2M, in upgrading this area from what was derelict dwelling that unattracted many unsavory characters, to what is now an architecturally designed space for families and the community to enjoy and feel safe. Let's build on this theme rather than destroy it with unnecessary large concrete blocks.

Thanks,


Owners & residents of 

From: [Redacted]
Sent: Wednesday, 19 February 2025 2:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: Draft Amendment C271yara Submission
Attachments: Submission to Amendment C271yara - 365-379 Smith Street Fitzroy.pdf

You don't often get email from [Redacted]. [Learn why this is important](#)

To whom it may concern,

Please find the attached submission to Draft Amendment C271yara, prepared by Victoria Real Estate Group on behalf of the landowners to 365-379 Smith Street Fitzroy.

Victoria Real Estate Group would appreciate the opportunity to make further comment on the proposed amendment if any changes are made following community consultation. Their contact details are located within the attached letter and are cc'ed into this email.

Kind Regards,

[Redacted]
SENIOR CONSULTANT

D [Redacted]
E [Redacted]

**SHAPING
CITIES AND
COMMUNITIES**



[Redacted]

CITY LEADERS SURVEY 20 24
A critical view of our urban future
cityleaderssurvey.com.au

Urbis recognises the traditional owners of the land on which we work. Learn more about our [Reconciliation Action Plan](#).

This email and any files transmitted are for the intended recipient's use only. If you have received this email by mistake, please notify the sender and permanently delete the email. Any confidentiality or copyright is not waived. We apologise the email has been sent to you by mistake.

19 February 2025

Strategic Planning Department
Yarra City Council
PO Box 168
Richmond VIC 3121

To whom it may concern,

DRAFT AMENDMENT C271YARA SUBMISSION BY VICTORIAN REAL ESTATE AGENCY 365-379 SMITH STREET FITZROY

Victorian Real Estate Agency acts in its capacity as property manager for [REDACTED] (the landowner), in relation to their properties at 365-379 Smith Street Fitzroy (herein referred to as 'the subject site').

We seek to make a submission in relation to Yarra City Council's proposed Draft Amendment C271yara to the Yarra Planning Scheme. Among other changes, the draft amendment seeks to introduce permanent built form controls in the form of Design and Development Overlay – Schedule 30 (Smith Street Shops), which will impact the subject site.

Following review of the proposed amendment documentation, we would like to object to the Amendment and the DDO30 controls proposed, on the basis that they represent a manifestly conservative and inadequate view of redevelopment in the precinct. We fear the proposed controls will lead to severe underdevelopment of future sites, in what is seen as a key infill corridor, at a time in which housing supply and affordability is a major issue.

1. THE SUBJECT SITE & PROPOSED CONTROLS

365-379 Smith Street Fitzroy is located on the corner of Smith Street and Argyle Street. The site is currently improved by two conglomerated buildings which are tenanted to a Woolworths Metro store.

From our review of the proposed amendment documentation, it is understood that the proposed Design and Development Overlay, if gazetted into the Yarra Planning Scheme, will impose the following development requirements onto the subject site:

- Building height - Mandatory maximum of 4 storeys / 14.4 metres.
- Street wall height - Mandatory maximum of 3 storeys / 11.2 metres for 365 Smith Street and retention of the heritage wall for 379 Smith Street.
- Rear Boundary Wall Height – Discretionary maximum of 11.2 metres.
- Setback above street wall - Mandatory minimum of 8 metres.
- Side setback above street wall - Discretionary 6 metres to Argyle Street.

- Above the podium, development should be setback a minimum 4.5 metres from a habitable window or balcony. Additionally, a minimum 3 metres where a commercial or non-habitable window exists on the adjoining property.
- Upper levels from Smith Street and Argyle Street should be visually recessive as seen from the public realm, when viewed directly or obliquely along the street.
- Development must not overshadow the opposite footpath of Smith Street or Argyle Street, measured as 3 metres from the relevant property frontage between 10am and 2pm on 22 September.

Figure 1 - Proposed DDO30 development controls



Figure 2 - Street View of Subject Site



2. PERMIT HISTORY

There are two planning permits of note which are relevant to the proposed amendment and the points of our objection. These are PLN21/0582.01 and PLN15/0646.

PLN21/0582.01 was most recently amended on 14 October 2022 and received conditional approval for the construction of a mezzanine office extension to the existing building, among other minor works. While the scale of the works were not significant, this is in part due to the interim DDO controls introduced in 2021 without public consultation, which severely restricted redevelopment prospects. The decision recognised the low level heritage character of the existing building at 379 Smith Street, noting that much of the heritage material had been previously removed.

In addition, planning permit PLN15/0646 was granted for our land 9 years ago at the direction of the Victorian Civil and Administrative Tribunal. The planning permit was granted on 21 December 2016 and allowed the use and development of the site for an eight (8) storey building consisting of residential dwellings and a ground floor supermarket. While the permit was ultimately not acted on, the plans endorsed under PLN15/0646 sought to develop the site as follows:

- 8 storey / 27.2 metre building, inclusive of a ground floor mezzanine level.
- 2-storey basement
- Setbacks to Smith Street
 - Level 01 & Level 02 – 4 metres
 - Level 03 to Level 06 – 6 metres
 - Level 07 – 8 metres
- Setbacks to Argyle Street
 - Level 01 & Level 02 – 0 metres
 - Level 03 to Level 06 – 3.2 metres
 - Level 07 – 5.2 metres
- Setbacks to MacRobertson Lane
 - Level 01 & Level 02 – 0 to 2.6 metres
 - Level 03 to Level 06 – 5 metres
 - Level 07 – 6 metres

Figure 3 - Endorsed Development PLN15/0646



3. IMPLICATIONS OF PROPOSED CONTROLS

Having reviewed the controls proposed by C271yara for our site, it is evident that the controls sought are ultra-conservative and will impose development restrictions that are not conducive to what is required in an area designated as a Major Activity Centre. We strongly believe that if the controls proposed are gazetted into the Planning Scheme, it will lead to broad-scale underdevelopment of the sites impacted by the various DDOs.

Our site is 916m² in area and is a key opportunity for infill redevelopment capable of a respectful response to adjacent properties. Further, an existing permit was granted on the site in 2016 that approved an 8-storey, 27.2 metre building. This approved outcome is effectively double the scale of what is now sought to be implemented by Council.

At the time the permit was granted, the subject site was in the Commercial 1 Zone and was not impacted by any Design and Development Overlay controls. Rather, the approval was issued following a contextual analysis of the surrounding locality and built form, as well as accounting for strategic considerations noting the site is in a key infill corridor and a major activity centre. This same assessment approach should be used when considering implementing built form controls in a permanent manner, including for the amendment.

We cannot reconcile why the controls so unreasonably limit what can be built at the site to 4-storeys, when it was approved for much more intense development almost a decade ago.

We question what has changed between 2016 and 2025 that now makes the site only appropriate for a 4-storey building? Further, the residential buildings to the west are separated by MacRobertsons Lane. The previous planning permit for the site demonstrated that any potential amenity impacts can be appropriately mitigated.

The site's immediate surrounding locality has several multi-storey residential and office buildings identifying the changing nature of the area's development patterns. These developments, including down side streets, have been constructed at building heights greater to what the proposed controls impose and include:

- 241 Johnston Street constructed at 9 storeys, 50 metres south west.
- 368-374 Smith Street constructed at 9 storeys, directly adjacent the subject site
- 1-9 Sackville Street Collingwood, constructed at 9 storeys, 60 metres south-east
- 8 Keele Street, constructed at 8 storeys, 120 metres north-east
- 423 Smith Street, constructed at 8 storeys, 200 metres north

Noting the above, this begs the question as to why the amendment's proposed controls are so conservative, when there is a history of buildings in the area with substantial height and in excess of the proposed amendment controls. It is evident that the local development market calls for a scale of development which is much more than Council have envisaged. However, the interim DDO controls have significantly restricted development since implementation in August 2021, and were introduced without the ability for public exhibition and a democratic feedback process on the proposed controls.

Council's amendment documentation has identified the rationale behind the proposed controls is to supposedly manage the ongoing significant development activity in activity centres. Purportedly, to balance this growth with the need to protect existing heritage character and built form fabric and minimise impacts on residential spaces.

Reviewing the specific context of the subject site and the presence of substantial redevelopments, we consider the decision to limit redevelopment of the subject site is frankly unwarranted. The site's previous 8-storey approval shows that historically the site has been proven to be suitable for greater height than the proposed controls allow. This includes a robust response and management of proposed amenity impacts by visually receding upper levels and reducing building bulk. There is a fundamental and logical way to successfully construct developments taller than the mandatory 4-storey limit. Given the surrounding former industrial nature of the precinct, we find is completely appropriate. Following release of Victoria's Housing Statement in September 2023, we note the State Government subsequently released Statewide draft housing targets for municipal Councils, to ensure 2.24 million new homes can be built by 2051. Yarra City Council have been allocated a target of 48,000 new homes by 2051, or roughly 1850 new homes per year. We struggle to see how this target will be met to address Victoria's housing crisis when the DDOs proposed unnecessarily cap a site's reasonable development potential. Instead, the controls should allow a more progressive development outcome to be achieved which makes significant inroads into addressing the housing crisis, particularly in a location so rich in access to amenities and services.

With reference to the provisions of '*Ministerial Direction 11 – Strategic Assessment of Amendments*', we do not believe that the proposed amendment has had due regard to the strategic considerations required to be met for a Planning Scheme Amendment.

We do not consider the amendment implements the objectives of planning in Victoria to provide for fair and orderly development of land; facilitate the provision of affordable housing in Victoria; or provide for an even balance of the future interests of all Victorians. Further, the amendment will not address social and economic effects of the area noting it will unreasonably limit localised infill redevelopment and delivery of future housing, having an impact on economic prosperity and future social issues such as housing provision and affordability.

4. CONCLUSION

We call on Council to reconsider their proposed amendment and building heights proposed by various DDOs, to cater for a scale of development that is more appropriate having regard to nearby redevelopment, the site's permit history, its strategic location within a Major Activity Centre, and the ongoing housing crisis within Victoria. It is unreasonable to cap development in this location to 4-storeys, and we believe a more appropriate scale would be akin to the 8-storeys previously granted at the site.

We would appreciate the opportunity to make further comment on the proposed amendment if any changes are made following community consultation.

Yours sincerely,

[REDACTED]

Director

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 19 February 2025 2:21 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Amendment C271yara
Attachments: CHS to Yarra re C271yara Feb 2025 .docx

Dear [REDACTED]
Please find attached our submission re Amendment C271.

Many thanks for the opportunity to re-visit and discuss this Amendment and congratulations on the extent of your community consultation.

Best regards

[REDACTED]

[REDACTED]

Vice President

Collingwood Historical Society, Inc.

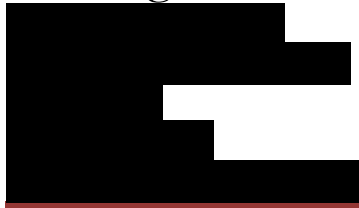
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Collingwood Historical Society, Inc



Strategic Planning
City of Yarra

19 February 2025

Re Amendment C271

Have Your Say: Fitzroy and Collingwood Planning Controls

<https://yoursayyarra.com.au/fitzroycollingwood>

From: Collingwood Historical Society

The Collingwood Historical Society has had an active involvement in the heritage planning for the City of Yarra and previously for the City of Collingwood (Collingwood, Abbotsford and Clifton Hill) over the past 40 years and has participated in a number of Council heritage review and advisory committees. We are deeply concerned that the historical and heritage value of the area be respected for the benefit of future generations.

Thank you for the opportunity to comment again on Amendment c271, following up our submission from September 2022.

We acknowledge the considerable amount of work that officers have put into these documents, in conjunction with heritage experts, and we support many of the objectives. We are keen to see development and heritage protection work well together to achieve the objectives. We understand that the Victorian Planning Scheme limits some of the options for local planning.

The documents presented are complex and extensive. Below we address only a few more specific aspects. Our focus is on the areas that fall within the former City of Collingwood – Collingwood, Clifton Hill and Abbotsford. Namely:

- 1 DDO 30 Smith Street shops
- 2 DDO 37 Smith St south and north
- 3 DDO 38 Alexandra Parade
- 4 DDO 39 Victoria Parade

We have some general comments and queries that apply across all these DDOs and some that apply to specific sites.

General Comments

Our main objection is with the **height of new developments** in the proposals.

1. We support most of the stated **objectives** of DDOs but submit that the heights specified will not actually achieve these. Many of the maximum heights proposed are **too high**, both in terms of dominating heritage places, including streetscapes, and for community amenity.
2. As many of these DDOs contain some **large non-contributory sites**, we submit that the higher development should generally be confined to these sites and the heritage shops, hotels and other heritage buildings should either be left untouched or subject to low-rise development.
3. It is imperative that in setting heights Yarra's **local landmarks** are taken into consideration and are protected in relation to close, medium and distant views. We support the DDOs objectives to protect local landmarks.
4. We strongly support **mandatory** height and set back controls in most situations. Many of the heights specified in these DDOs are **preferred** rather than **mandatory**. We submit
 - a. Maximum heights, and setbacks should be mandatory, not preferred for heritage sites.
 - b. Where **preferred heights** are used, they should be **limited**. Other Councils have evidently managed this.
5. One of the lessons in the Queens Parade DDO was that in a wide street, new extensions behind heritage facades need to be lower than elsewhere in order to be **visually recessive**. This principle should be applied to the two wide boulevards Alexandra Parade and Victoria Parade, even if there is less consistency in heritage buildings than in Queens Parade. The principle of being **visually recessive** should also be adopted for the **rear of new extensions** where these back onto other streets which are heritage or residential.
6. Another lesson from Queens Parade traders is that to maintain **viable shops** in heritage strips, good shop width and depth needs to be maintained as well as good rear access for deliveries. Width, depth and access are often all lost in redevelopments set behind heritage facades. This is dealt with in the design requirements of these DDOs. It should be noted that a major disadvantage of building higher than three storeys behind heritage shops is that these heights require the expense of **lifts**, and often **excavation** for basement car parks.
7. We submit that **overshadowing** should be considered at **winter solstice** not the equinox. Winter sunshine is particularly important for amenity in our densely populated inner areas with limited **public open space**. We understand that the equinox is usually used in Victorian planning, but that City of Melbourne Amendment C278 (now C415) seeks winter solstice. This should be followed in Yarra for public open space.

1 Design and Development Overlay 30 Smith Street shops

2.4 Upper level front setbacks

We support the mandatory setbacks for Smith Street shops of **at least 8 m.** to help protect the heritage streetscape. It is important the DDO ensures retention of significant heritage fabric within this setback, beyond the façade, and retains 3 dimensional form.

2.5 Overall Building Height

We submit that the 5 or 6 storeys indicated in the maps behind heritage shops are generally too high, both for the streetscape, for the viability of shops and to protect heritage fabric. We submit it should be 3-4 storey maximum and well set back at both front and from rear if backing onto heritage/residential buildings or streetscape

2.7 Overshadowing

Will the new Otter St mini park be shaded in **winter** afternoons by the 6 storey height allowed on the **west** side of Smith Street? Similarly the Peel St park could be overshadowed in winter.

2 Design and Development Overlay 37 Smith Street south and north (our focus is on the east [Collingwood] side)

1 Objectives

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 of Derby Street.

2.5 Overall Building height and Requirements

We ask that the controls for Smith St on the east side between Derby and Mason St be aligned with those on the same side between Peel and Derby (DDO30) and be no higher.

3 Design and Development Overlay 38 – Alexandra Parade

1 Objectives

We support most of the objectives of DDO 38, Alexandra Parade but doubt that the heights specified will actually achieve these.

We ask that the **east of Gold Street** objective:

'a new mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall east of Gold Street on the north and south sides.'

be changed to reflect the DDO map and refer only to **the north west corner of Alexandra Parade and Hoddle Street.** and be changed to **4 storeys**

The 'east of Gold St' objective in that the DDO map does not cover most of the north side east of Gold St which includes the important Shot Tower site and the public housing site and includes no sites on the south.

It is crucial that the height of any development on these sites be limited to protect the Shot Tower and the adjacent heritage residential Noone Street. The map includes only the Murray Woolworks/Provans site. (see below)

A boulevard for pedestrians?

A **consistent street wall**, while appropriate in heritage shopping strips, does not seem appropriate for many parts of Alexandra Parade, if this means new buildings should be built to the street boundary. Alexandra Parade with its high volume of traffic has narrow footpaths with many buildings already built to the street boundary and this creates a very noisy unpleasant walking environment. If a more pleasant boulevard is to promote pedestrian amenity then new buildings should be encouraged to be set back from their boundaries to allow some planting and to reduce reflected traffic noise.

We ask that

- Reference to the objectives referring to a consistent street wall be changed or removed
- An objective be added to encourage a new setback from the street on the larger blocks of non-heritage sites on the Alexandra Parade to promote pedestrian amenity and allow landscaping.

Protecting Murray Woolworks and views to the Shot Tower

We ask that the height for the **east end of Alexandra Parade** be reduced in the objectives and in the DDO overall. Seven storeys is much too high for the land adjoining the landmark heritage William Murray Woolworks (now Provans Mitre 10) building and would overwhelm it. That height would also interfere with views of the nearby Shot Tower whose State heritage significance is confirmed by its status on the Victorian Heritage Register. Also the Murray Woolworks site is across the road from single storey Edwardian residences on the Noone St boundary. It also abuts the Ministry of Housing estate, an important public housing site.

We ask that this height be reduced to a maximum of **4 storeys** for this site.



2.3 Street Wall Height Requirements

'.. **no front setbacks to the street**' – see above the importance of street setbacks in Alexandra Parade because of traffic noise, narrow footpaths and pedestrian amenity. Setbacks with planting should be allowed where a three or four storey street wall is proposed on Alexandra Parade.

Following the wording of DD050 we suggest

In locations on Alexandra Parade where heritage is not a constraint, ground level setbacks (and above) to enhance the public realm and provide landscaping are strongly encouraged.

2.5 Overall Building Height Requirements

Building heights on heritage sites

To consider some of the key heritage corner sites in Alexandra Pde

- Murray Woolworks
- The Gasometer hotel
- The Fox Hotel

It is important to retain the significant heritage fabric of these building well beyond their facades, so any additional building height should be a maximum of 3 or 4 storeys.

4 Design and Development Overlay 39 – Victoria Parade

2.5 Overall Height

Map 1

The **street wall height** of 4 storeys on the Smith St corner seems too high to be a pedestrian-friendly human scale and does not respect the Victorian heritage of the grand boulevard.

Similarly, the **overall height** on the Smith St corner, 10 storeys, even if set back 6 metres, is too high for the heritage boulevard and for the heritage shopping strip. While this area is not fully consistent from a heritage perspective, the heritage that is there on both streets need to be respected.

Map 2

The overall height, 12 storeys, even if set back 6 metres, is much too high for the heritage boulevard. We appreciate that the highest levels may have further setbacks and may not overshadow the median strip at the equinox. The various heritage buildings along Victoria Parade including the hotels and the former church need better protection than this.

Upper set back- We submit that the setbacks behind heritage buildings in Victoria Parade should be **8 metres** (or the depth of the principal roof

form, whichever is greater) because of the width of the boulevard, as for Queens Parade. The proposed 6 metre setback is inadequate.

Victoria Parade has a number of non-contributory sites that could allow for some higher development, but we submit that development on **heritage sites** on Victoria Parade should be **limited to 3 to 4 storeys**, to keep any development visually recessive and to retain heritage fabric and to avoid facadism.

The Maps seem to be allowing 3 or 4 storey development behind the heritage buildings east of Wellington Street, but a mix of 4, 5 and 6 storeys west of Wellington St. We would submit that those west of Wellington St be reduced to 3 or 4 storeys at most.

The **heritage corner buildings** include

- The former Baptist church
- The Prince Patrick Hotel
- The Baden Powell Hotel

All have substantial frontages on **both** street frontages which should be protected by mandatory substantial setbacks. They are not just façades on Alexandra Parade.

As described above for Alexandra Parade, **new street level setback** should be encouraged on large non-contributory sites to improve street level amenity and allow landscaping. This would enhance the boulevard and would also follows the heritage setbacks and front gardens of some of Victoria Parade's grand terrace houses.


On behalf of the Collingwood Historical Society

For any queries please contact 

From: [Redacted]
Sent: Thursday, 20 February 2025 9:07 AM
To: [Redacted]
Subject: Draft Amendment C271yara Submission
Attachments: L001_AmendmentC271yar (1).pdf

You don't often get email from [Redacted]. [Learn why this is important](#)

Dear Strategic Planning Department,

We act on behalf of [Redacted], the owner of the land at No. 74-76 Rose Street and 78-84 Rose Street, Fitzroy.

Please find attached our written submission to Draft Amendment C271 for consideration.

Should you have any question regarding the attached don't hesitate to contact me on the below details.

[Redacted]
Senior Associate: Planning

[Redacted]

Melbourne
Wurundjeri Country
[Redacted]

Geelong
Wadawurrung Country
[Redacted]

Sydney
Gadigal Country
[Redacted]

Brisbane
Jagera Country
[Redacted]

Hobart
nipaluna Country
[Redacted]

ratio:

Planning | Waste Management
Transport | Landscape Architecture
Urban Design | Circular Economy

Instagram | LinkedIn

We acknowledge the Traditional Owners of the land we work, live and travel on, and appreciate the rich cultures of Aboriginal and Torres Strait Islander Peoples and their enduring connection to Country.

Melbourne Office
[REDACTED]Geelong Office
[REDACTED]Sydney Office
[REDACTED]Brisbane Office
[REDACTED]

[REDACTED]

19 February 2025

Strategic Planning Department
Yarra City Council
PO Box 168
RICHMOND VIC 3121*Sent via email to:*
strategicplanning@yarracity.vic.gov.au**Submission to Draft Amendment C271yar**

Dear Sir / Madam,

Introduction

Ratio Consultants acts on behalf of [REDACTED], part of [REDACTED].

Our client has entered into contracts to acquire the land at No. 74-76 Rose Street and No. 78-84 Rose Street, Fitzroy ('the subject property') and intends to consolidate all lots per Planning Application No. PLN24/0738 (lodged to Council on 13 September 2024).

A council owned "road" is located to the immediate south of our clients site at No. 74-76 Rose Street and protrudes partly into the subject site from Fitzroy Street. It is intended that the road will be acquired as part of the overall development of our subject site.

Relevant to the subject property, the Draft Amendment C271yar ('the amendment') proposes to replace and revised interim Design and Development Overlay – Schedule 40 (due to expire on 30 June 2025). Having reviewed C271yar documentation, it is understood that the proposed permanent DDO controls seek to maintain the existing and interim preferred maximum building and street wall heights as relevant to our subject site and the full DDO catchment.

Site Context

The subject property is located within the Mixed Use Zone (MUZ) and is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1), Design and Development Overlay – Schedule 40 (interim DDO40), Environmental Audit Overlay (EAO) and Heritage Overlay – Schedule 334 (HO334) pursuant to the Yarra Planning Scheme.

The key features of the site are summarised as follows:

- The subject site includes the consolidation of land known as No. 74-76 Rose Street, 78-84 Rose Street and a Council owned "road", with a combined site area of approx. 1,169sq.m.
- No. 74-76 Rose Street currently supports a single-storey brick building with a pitched roof. The site is currently used as a "food and drink premises".
- No. 78-84 Rose Street currently supports a single storey brick warehouse style development with a pitched roof. The site is currently used for the purposes of a "tavern".
- Car parking is provided central to the site and wraps around the building at No. 74-76 Rose Street.
- The site is relatively flat in terms of slope.
- The site is devoid of any significant vegetation.
- The site is not affected by any easements or restrictions as registered on title (with the exception of a "party wall easement").

The subject property is located within an established mixed use area to the north of Johnston Street and to the west of Brunswick Street, forming part of the 'Brunswick Street Major Activity Centre'. All

surrounding land sits within the **Mixed Use Zone**. Properties fronting Brunswick Street to the east (approx. 30 metres away) are located within the **Commercial 1 Zone**.

Land within the surrounding area is undergoing a high degree of change, with a growing number of mixed-use developments of up to seven (7) storeys in scale, interspersed throughout the more traditional period dwellings and warehouse type buildings.

Lot sizes vary significantly proximate to our client's property and range from approx. 100sq.m to 2,000sq.m +.

Figure 1: Zoning Map

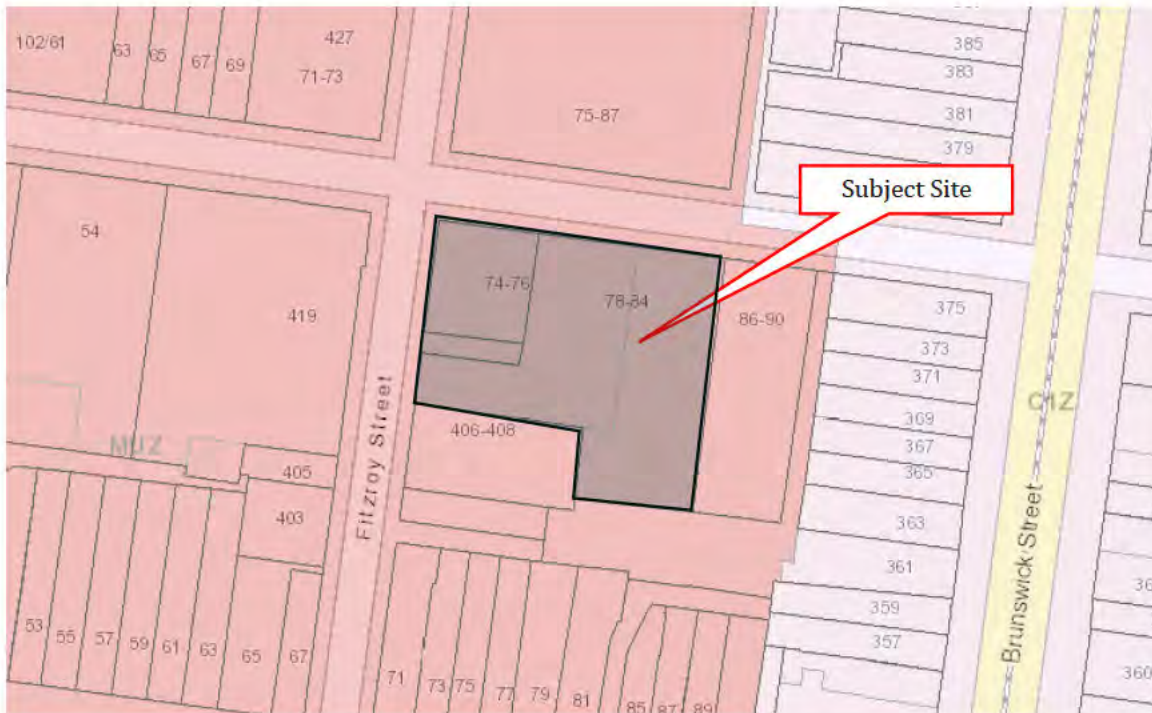


Figure 2: Aerial Image



Planning Application No. PLN24/0738

Planning Application No. PLN24/0738 was lodged with Council on 13 September 2024 and seeks approval for the 'construction of an eight-storey mixed use development (retail and apartments) over basement'.

At the time of writing, notice of the application has concluded and referral comments have been received from the following departments: City Works; Development Engineering; Environmentally Sustainable Design; Open Space Design; Strategic Transport; Urban Design; Wind (external consultant); and Urban Design (external consultant).

A failure appeal was recently lodged with the Tribunal on 29 January 2025 pursuant to Section 79 of the Planning & Environment Act 1987.

In relation to the external urban design referral comments received during the planning application, we highlight that these have been prepared by Hansen Partnership (i.e. the author of the built form framework documents of the amendment) and dated 23 December 2024. Whilst the urban design comments have flagged several items that need to be resolved in order to achieve formal urban design support for the proposed development application, the referral includes the following commentary as relevant to the further consideration of C271yar (highlighted for emphasis):

- *The subject site has three preferred overall height limits under DDO40: 20.8m (6 storeys) at 78-84 Rose Street (facing Rose Street), 14.4m (4 storeys) at 74-76 Rose Street, and 11.2m (3 storeys) at 78-84 Rose Street (facing Fitzroy Street). These height limits are intended to respond to the subdivision pattern and varying scale of the surrounding context and ensure a smooth transition between different parts of the site and the broader streetscape.*
- *A recent 7-storey development has been built at 419 Fitzroy Street, demonstrating the area's capacity for larger-scale developments. However, the development is located on a single parcel of land, which is identified for 8 storeys (27.2m) high form and is unconstrained by an abutting low-scale heritage form. While in comparison the subject site is slated for a lesser series of overall heights, due in part to its (previous) fragmented ownership and its relationship to the abutting heritage form in the former bluestone church.*
- *We recognise the key advantage of this site as its consolidation, which allows for a more integrated and efficient design. However, it is essential to carefully consider the transition in scale, setbacks, and overall massing to ensure the new development appropriately responds to adjacent properties and the broader streetscape context.*

- *Our view is that a building height in the order of 7 storeys is an appropriate response for this now consolidated site and to the surrounding context. While the DDO40 precinct allows for a maximum of 8 storeys, this height would not be appropriate on this site, given its immediate abuttal to a low-rise heritage form. We consider that a 7-storey form more appropriately aligns with the surrounding urban fabric and supports the intended gradual shift in scale. It ensures the development respects the precinct's character while maintaining compatibility with the existing built form, contributing to a more cohesive and well-integrated streetscape.*
- *The proposal achieves the relative overshadowing provisions of the DDO40, given that it has no impact of the southern Kerr Street footpath and the opposite side of Fitzroy Street, does not contain any kerb outstands, seating and/or planting areas.*

Current Controls

Zone

The subject property is currently located within the Mixed Use Zone (MUZ).

Overlays

The site is affected by the Environmental Audit Overlay (EAO); the Development Contributions Plan Overlay (DCPO); the Heritage Overlay – Schedule 334 (H0344); and the Design and Development Overlay – Schedule 40 (interim DDO40).

With respect to the Heritage Overlay, we note that all parcels of the subject property are identified as being “non-contributory”.

The DDO40 applies the following controls to the subject property:

Overall height

- 74-76 Rose Street: 14.4m / 4-storey maximum overall building height.
- 78-84 Rose Street (facing Rose Street): 20.8m / 6-storey maximum overall building height.
- 78-84 Rose Street (facing Fitzroy Street): 11.2m / 3-storey maximum overall building height.

Street wall height

- 74-76 Rose Street: 11.2m / 3-storeys.
- 78-84 Rose Street (facing Rose Street): 11.2m / 3-storeys.
- 78-84 Rose Street (facing Fitzroy Street): 8m / 2-storeys (setback in line with adjacent building at No. 406-408 Fitzroy Street).

Other

- Upper levels above street wall should be setback 3 metres from Rose Street and Fitzroy Street.
- Maximum rear boundary wall height should be 11.2 metres.
- Upper level setbacks above a rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.
- Upper levels should be:
 - Set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed or exists on the adjacent property.
 - Set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed or exists on the adjacent property.
 - Where the common boundary is a laneway, the setback is measured from the centre of the laneway.
- Development should not overshadow the southern footpath of Westgarth Street and Kerr Street (3m from property boundary, including the street) at 10am on 22 September, or any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Draft Amendment C271yar

Draft Amendment C271yar seeks to implement permanent planning controls for the Fitzroy and Collingwood Major and Neighbourhood Activity Centres by applying Design and Development Overlay Schedules 29–40.

The amendment aims to replace existing interim controls, delete redundant DDO Schedules 10 and 13, and remove obsolete DDO2 mapping. It also seeks to apply permanent Heritage Overlay protections to two specific sites, rezone various properties within the municipality, and make associated adjustments to the Yarra Planning Scheme.

Relative to the subject property, the amendment proposes a revised Design and Development Overlay – Schedule 40. The amendment does not seek to change the current built form controls affecting the subject property.

As such, the following built form outcomes in relation to overall height and street wall height would apply (noting both prescribed maximum overall building and street wall heights are expressed as 'discretionary' controls):

Overall height

- 74-76 Rose Street: 14.4m / 4-storey maximum overall building height.
- 78-84 Rose Street (facing Rose Street): 20.8m / 6-storey maximum overall building height.
- 78-84 Rose Street (facing Fitzroy Street): 11.2m / 3-storey maximum overall building height.

Street wall height

- 74-76 Rose Street: 11.2m / 3-storeys.
- 78-84 Rose Street (facing Rose Street): 11.2m / 3-storeys.
- 78-84 Rose Street (facing Fitzroy Street): 8m / 2-storeys (setback in line with adjacent building at No. 406-408 Fitzroy Street).

Figure 3: Amendment C271yar building & street wall heights map of DDO40



Building Heights	Building Heights	Preferred Streetwall
Victorian Terraces as marked by the dotted diagonal lines have a 11m/ 3 storey building height	11.2m/ 3 storeys	Retain heritage streetwall
	12m/ 3 storeys*	Retain landscape setback
	14.4m/ 4 storeys	New 2 storey streetwall (8m)
	17.6m/ 5 storeys	New 3 storey streetwall (11.2m)
	20m / 5 storeys*	New 3 storey streetwall (12m)*
	20.8m/ 6 storeys	New 4 storey streetwall (14.4m)
	24m/ 7 storeys	New 4 storey streetwall (16m)*
	28m/ 7 storeys*	
	27.2m/ 8 storeys	
	Limited opportunity	

Note: * for C2Z sites only.

Relevantly, as detailed in Figure 4 above, the land to the immediate north of Rose Street and west of Fitzroy Street is identified with a maximum preferred building height of 27.2m / 8-storeys.

Submission

The subject property represents a significant opportunity for urban renewal, facilitated by the consolidation of multiple parcels into a single development site approx. 1,169sq,m in area.

We submit that DDO40 should identify the subject property as a 'consolidated lot' with a preferred building height of 8-storeys and preferred street wall height of 4-storeys.

As outlined within the Urban Design Referral comments relating to PLN24/0738 prepared by Hansen Partnership (the author of the built form framework documents of the amendment), we understand that the existing and proposed built form outcomes over the subject property were determined in part due to its previous fragmented ownership and lot configuration.

Figure 4: Cadastral plan showing fragmented site



The amalgamation of these parcels allows for a more cohesive and efficient built form outcome, eliminating previously fragmented ownership constraints and enabling a well-integrated design that

responds appropriately to its context. Indeed, this is evidenced by the current planning application (PLN24/0738).

The subject properties consolidation into a single landholding presents a unique opportunity to deliver a more integrated and refined built form outcome. Unlike the fragmented ownership patterns that previously constrained the site and led to the varied height controls, consolidation allows for a coordinated design approach that better responds to its context. The ability to accommodate an 8-storey form while managing appropriate massing and transitions (through the various other built form controls of the DDO40) ensures the site is efficiently utilised, delivering a high-quality development outcome consistent with the surrounding area. Furthermore, the consolidated site can better accommodate setbacks and articulation measures that mitigate visual bulk, ensuring a respectful interface with the adjacent properties, including the heritage building to the west.

Importantly, the sites/land located directly opposite on Rose Street and Fitzroy Street are designated for 8-storey development pursuant to the existing and proposed controls of the DDO40, acknowledging that heights of this scale are appropriate in some instances. Notably, these sites include large single allotments. Applying a lower preferred height to the subject site would create an inconsistent urban form and an abrupt transition that does not reflect the intended planning outcomes for the subject precinct. Instead, an 8-storey height would ensure a logical and cohesive streetscape, reinforcing the area's evolving character while maintaining appropriate setbacks and massing to respect adjacent properties.

From a public realm perspective, any development would be expected to achieve compliance with the overshadowing provisions in DDO40, ensuring no adverse impacts on key pedestrian areas. The development of the subject property could be appropriately modulated to respect adjoining interfaces, particularly the heritage property to the south, through upper-level setbacks and articulation. With a carefully considered design response, an 8-storey development on the subject site can deliver an optimal outcome that supports the strategic vision for the precinct while contributing to a high-quality and well-integrated built form.

In addition to the appropriateness of an 8-storey overall preferred building height, we submit that a 4-storey street wall height should be supported for the subject property. Similarly to the overall height, the existing two to three-storey controls were originally intended to reflect the fragmented subdivision pattern of the area. With the subject site now proposed to be consolidated, there is a clear opportunity to deliver a more integrated design that better contributes to a coherent urban environment. The additional height at the street wall maintains a human-scale interface while allowing for a more efficient upper-level massing that steps back appropriately to reduce visual bulk and mitigate impacts on adjacent properties.

Whilst the recently constructed 'Standard X' building at No. 419 Fitzroy Street presents a 3-storey street wall form, this is considered to be a "missed opportunity" where it has not achieved a confident urban corner building which celebrates its presence. Overall, a 4-storey street wall height strikes the right balance between maintaining a strong street presence, providing an appropriate transition to the broader streetscape, supporting the evolving character of the precinct, and "anchoring" the street corner.

Conclusion

For the reasons outlined above, it is submitted that the proposed permanent Design and Development Overlay – Schedule 40 under C271yar should identify the subject property as being a 'consolidated lot', with a preferred maximum building height of up to 8-storeys and a preferred street wall height of 4-storeys identified within the proposed DDO40 mapping.

In our opinion, the subject property is clearly capable of accommodating heights greater than the recommended six storeys under the current interim and proposed DDO40.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]
Director: Planning
Ratio Consultants Pty Ltd

ratio:

From: [REDACTED]
Sent: Thursday, 20 February 2025 10:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Amendment C271yara Submission - 24, 26-42 Alexandra Parade, Clifton Hill
Attachments: Draft Amendment C271yara Submission - 24 26-42 Alexandra Pde Clifton Hill FINAL.pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern at the strategic planning department,

Please find attached our submission in response to Draft Amendment C271yara, on behalf of the landowners of 24, 26-42 Alexandra Parade, Clifton Hill.

Do not hesitate to reach out if any clarity or further information is required.

We wish to be contacted regarding the next stages of the amendment process.

Kind regards,

[REDACTED]
Town Planner

Contour Consultants
[REDACTED]
[REDACTED]



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**Date**

20 February 2025

To

Strategic Planning Department

City of Yarra

Address

PO Box 168

RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara**24, 26-42 Alexandra Parade, Clifton Hill**

██████████ is the owner of the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Background

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 which applied seven interim Design and Development Overlays to parts of Fitzroy, Collingwood and Clifton Hill. These interim controls will expire on 30 June 2025.

Community consultation was held in September 2022 which sought feedback on the proposed Fitzroy and Collingwood Planning Controls. Following this, revised permanent controls were reviewed at a Council Meeting on 6 December 2022.

The Minister for Planning provided conditional consent on 2 July 2024, allowing Council to exhibit the draft Amendment in line with the standing advisory committee process.

Draft Amendment C271

The current Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduces permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.



It is underpinned by the Built Form Frameworks which have been prepared by Hansen Partnership with input from GJM Heritage.

Having reviewed the material currently on exhibition, we provide the following comments and submissions in the context of the subject site owned by Storhub.

Subject Site

The subject site is located on the north side of Alexandra Parade, located between the arterial roads of Smith Street and Wellington Street. It is bounded by Alexandra Parade to the south, Hilton Street to the east and an unnamed laneway to the west.

The consolidated site is a combination of two allotments, known as No. 24 Alexandra Parade, Clifton Hill and No. 26-42 Alexandra Parade, Clifton Hill. The two allotments are formally described as Lot 1 on Title Plan 679866 and Lot 2 on Title Plan 679866.

Combined, the subject site has a frontage to Alexandra Parade of 48.65 metres, a maximum depth along the unnamed laneway of 62.34 metres and a depth along Hilton Street of 37.31 metres. The site features an overall area of 2,447 square metres.

Both lots that form part of the subject site currently contain a part single and part double storey brick commercial building, which occupies a majority of the site's area.

Figure 1: Aerial Photograph of Subject Site

Source: Nearmap 2025



Planning permit application PLN23/0717 is currently before the Victorian Civil and Administrative tribunal for review (VCAT Reference No. P820/2024) and a decision is currently being awaited. The application proposes the construction of an eight storey commercial building, with the proposed use as a self storage facility. The building was specifically designed to respond to the current DDO38 controls.



Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the Subject Site at present:

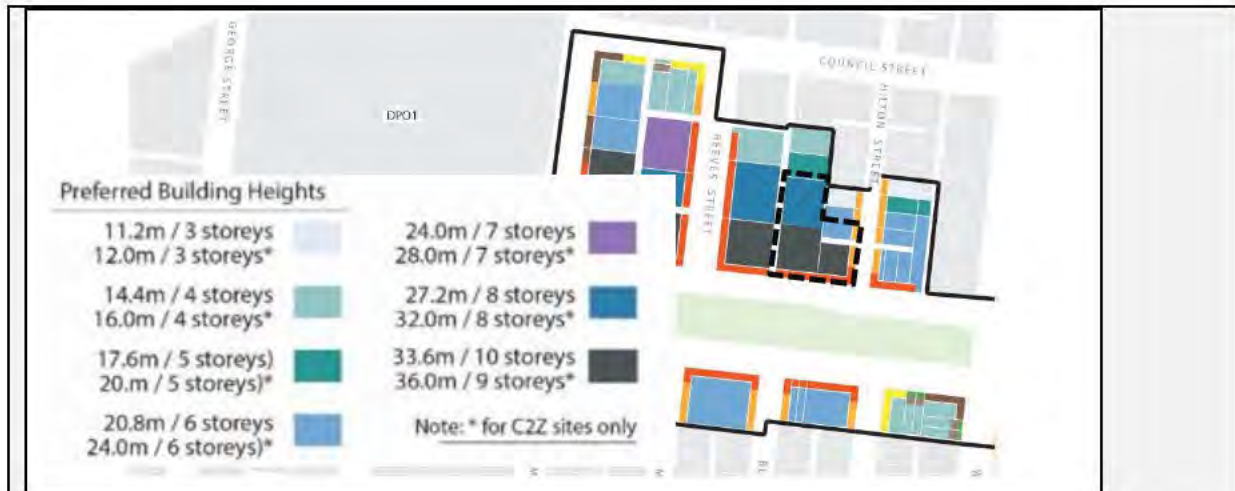
- Commercial 2 Zone (C2Z)
- Design and Development Overlay – Schedule 2 (DDO2)
- Design and Development Overlay – Schedule 38 (DDO38)
- Development Contributions Plan Overlay (DCPO1)

DDO38 specifically relates to Alexandra Parade and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

While the built form controls vary for different properties within DDO38, the controls for the subject site are currently as follows:

Table 1: Existing DDO38 Requirement for 24, 26-42 Alexandra Parade

<p>Street Wall Height Requirement:</p> <p>Maximum 4 storey street wall (16m) to Alexandra Pde and the first 8m of Hilton St façade.</p> <p>3 storeys (12.0m) for the remainder of the Hilton St street wall and 11.2m street wall for the balance of site boundaries – save for interface with land in the Neighbourhood Residential Zone (where relevant).</p>
<p>Upper Level Built Form Setback:</p> <p>Upper levels to be set back from the street wall by minimum of 6m from Alexandra Parade.</p> <p>Upper levels above secondary street wall to be set back by a minimum of 3 metres, unless specified otherwise.</p> <p>Upper levels should:</p> <ul style="list-style-type: none"> • be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk; • be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and • contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form. <p>Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a setback.</p>
<p>Overall Building Height Requirement:</p> <p>A mixture of 6, 8 and 9 Storey maximum building heights, in accordance with excerpt below.</p>



Interface requirements:

Maximum boundary wall height to interfacing NRZ land is 8 metres.

Overshadowing:

Development to meet the objective of Clause 55.04-5 where abutting land within NRZ.

Development should not overshadow the central median of Alexandra Parade at 12pm on 22 September.

Planning Scheme Amendment C271

Amendment C271 to the Yarra Planning Scheme seeks to modify DDO38, in addition to other DDOs that do not affect the subject site. This submission focuses on DDO38.

The modified version of DDO38 proposed by C271yara includes the following built form requirements applicable to the subject site:

Table 2: New DDO38 Requirement for 24, 26-42 Alexandra Parade

New Street Wall Height Control:

Maximum 4 storey streetwall (16m) to Alexandra Pde and the first 8m of Hilton St façade.

3 storeys (12.0m) for the remainder of the Hilton St streetwall and 11.2m streetwall for the balance of site boundaries – save for interface with land in the Neighbourhood Residential Zone (where relevant).

A landscaped front setback without cantilevering of upper level form should be provided at the Hilton Street interface.

Note: No material change to current controls, except for new landscaped front setback requirement.



New Upper Level Built Form Setback Control:

Upper levels should be set back from the street wall by minimum of 6m from Alexandra Parade.

Upper levels above secondary street wall should be set back by a minimum of 3 metres, unless specified otherwise.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Note: Same quantitative controls, with minor wording changes.

New Overall Building Height Control:

A mixture of 6 and 7 Storey preferred maximum building heights, in accordance with the excerpt below.



Note: This is a reduction of 1-2 storeys across certain parts of the subject site.

New Interface Control:

Maximum boundary wall height to interfacing NRZ land is 8 metres.

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope

Note: No change quantitative measures, however wording amended from 'should' to 'must' means the 45 degree setback envelope will be treated as a mandatory requirement.

New Overshadowing Control:



Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the central median of Alexandra Parade at 12pm on 22 September.
- the footpath on the western side of any street (3 metres from property boundary, including the street) at 10am and eastern footpaths (3 metres from property boundary, including the street) at 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties fronting Hilton Street, from the first floor upwards between 10am and 2pm on 22 September.

Note: Wording amended from 'should' to 'must' means this will be treated as a mandatory requirement.

Submissions

Having reviewed Amendment C271 and considered the implications for the subject site, we make submissions in relation to the following key matters:

- Use of mandatory controls
- Modification to the Building heights
- Landscaped setback to Hilton Street

It is noted that the above points represent the primary area of concern for our client and the future development of the subject land, however there are various changes to the design outcomes sought that potentially raise other issues.

1. Use of Mandatory Controls / Planning Practice Note 59 (PPN59)

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments so as to provide opportunity for contextually appropriate built form to be accommodated. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of exceptional circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines that mandatory controls should only be applied in exceptional circumstances, where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes*.

In the context of the modified DDO38, we note that there are various provisions that are contained in the current DDO38 which are discretionary but are now proposed to be mandatory. Relevant to the subject site, these include:



- Interface requirements pertaining to upper level setbacks
- Overshadowing requirements
- Crossover requirements

We submit that the implications of these provisions being mandatory is significant and there is no justification for this approach in this precinct of the municipality, where there is no consistent built form character. Importantly, to mandate the overshadowing and interface setback controls on the basis that varying these requirements will result in an unacceptable built form outcome in the majority of cases is without foundation and no analysis has been provided to support this change to the control. 'Exceptional' circumstances therefore do not apply in this instance and therefore the use of mandatory controls are not warranted having regard to the criteria within PPN59.

In the Planning permit application PLN23/0717 that is currently before the Victorian Civil and Administrative tribunal for review (VCAT Reference No. P820/2024), a small unvegetated section of the median strip on Alexandra Parade was proposed to be overshadowed. In the planning application formed the position that this particular outcome was acceptable. This forms as a prime example of how discretionary decision making serves to allow for fairer and more appropriate outcomes.

2. Building Heights

The updated objective of the proposed DDO38 reduces the numeric values of what is deemed to be the 'mid-rise character' from **3 to 10 storeys** to **3 to 7 storeys**. The below maps provide a comparison of the proposed height reductions on the Subject Site from the current DDO38 provisions and the proposed DDO38 and the extent to which this change affects other properties along Alexandra Parade.

Specifically, the proposed DDO38 is seeking to limit the height permitted on properties fronting Alexandra Parade that are currently nominated for 6, 8 and 9 storeys preferred maximum building heights to 7 storeys (and maintaining one part of the site at 6 storeys).



In our view this is a significant change to the control and again has not been supported by any technical documentation or analysis such as an updated built form review available for consideration.

The physical attributes of the subject site and its physical and strategic context determine that it is capable of accommodating building heights in excess of 7 storeys. This includes its location along a wide arterial road, its proximity to nearby Activity Centres, the absence of any Heritage Overlay



across land fronting Alexandra Parade and its proximity to the major development at the Gasworks site, which includes buildings up to 10 storeys in height.

Reducing the permissible maximum height in our view disregards the assessment undertaken in the *Alexandra Parade Built Form Framework* Nov 2020 (prepared by Hansen Partnership) which identified a 6, 8 and 9 storey preferred maximum building heights across the site, which is generally consistent with the heights that are identified in the current interim DDO38.

Importantly, the *Built Form Framework* recognised that the nominated heights for this precinct were achievable and appropriate while still responding to key built form objectives and guidelines, including:

- Protecting views to the historic Shot Tower.
- Maintaining solar access to the Alexandra Parade central median at 12pm on 22 September.
- Maintaining a sense of openness along Alexandra Parade.
- Providing a built form transition to residential interfaces to the north (and south).

Given there is no new analysis provided as part of the exhibited documents to demonstrate why these key design outcomes now require reduced building height under the proposed DDO38, or if they are underpinned by any strategic investigation, it is submitted that the Amendment lacks appropriate justification. In the absence of such evidence the heights nominated under the existing interim DDO38 must be given greater support as they are derived from a built form framework.

3. Landscaped Setback to Hilton Street


It is noted that the provisions of 2.3 Street Wall height and Front Setback Requirements now includes reference to a landscaped setback being required for built form adjacent to Hilton Street with no cantilevered form being acceptable. This provision does not nominate what depth such as setback would be required to provide or what might constitute an acceptable landscaped setback.

In the context of the Commercial 2 zoning and the pattern of built form within DDO38 along Hilton Street, it is our submission this is both unwarranted and inconsistent with commercial property presenting to Hilton Street at present and will have an impact on the developable area of the subject site.

We welcome further discussion with Council officers in relation to the above submission and consideration of this issues raised

Our client reserves the right to add to this submission as they see fit.

Yours sincerely,


Town Planner

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Amendment C271yara Submission – Fitzroy and Collingwood
Date: Thursday, 20 February 2025 1:48:38 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Owner:

[REDACTED]

[REDACTED]

Resident:

[REDACTED]

[REDACTED]

Draft Amendment C271yara Submission – Fitzroy and Collingwood

We are the residents and owners of [REDACTED] and we are significantly impacted by the Yarra Planning Scheme Schedule 35 to Clause 43.02 Design and Development Overlay (planning scheme map DDO35) for Johnston Street South and Victoria Street.

Concerns Regarding Visual Bulk, Overshadowing and Streetscape Impact

Our primary concerns relate to public amenity, visual bulk, overlooking, excessive scale and potential overshadowing caused by the proposed planning scheme amendment.

Section 2.7 of the schedule outlines overshadowing limits (between 10:00 AM and 2:00 PM on 22 September), but has the City of Yarra conducted the necessary studies to confirm that the maximum building heights and setbacks will achieve compliance with these requirements?

We strongly believe that the current height limits are excessive and will significantly diminish the character and amenity of living in Victoria Street by:

1. Potential for the blocking of access to natural light and overshadowing.
2. Creating a sense of enclosure, reducing the open and

welcoming nature of Victoria Street.

3. Disrupting the existing mid-rise character and heritage aspect that defines the area.

Aligning Heights with Johnston, Victoria and Chapel Streets

At a minimum, we urge the council to reduce the Design objectives for the proposed maximum height from 8 to 6 storeys, ensuring consistency with the approach proposed for Johnston, Victoria and Chapel Streets.

Furthermore, we request that developers be prevented from appealing the planning scheme once adopted in an effort to seek additional height and visual bulk beyond what is set out in the planning scheme.

Design and development guidelines

We expect that the council will work with developers to ensure the use of building products and finishings will soften any development and its impact on the streetscape and surrounding areas.

Preserving the Character and Amenity of Victoria Street

Beyond the issue of height, we also believe that the current streetscape of Victoria Street can be improved by prioritising tree planting along the heritage warehouse section of the street.

We support thoughtful development and urge the City of Yarra to reconsider the current proposal to ensure that any changes are consistent with the character of Victoria Street and not lead to excessive overshadowing, loss of amenity or an overbuilt, enclosed streetscape.

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 17, 2025, 09:47 AM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I have been following this for a year now and as a close resident I have some major concerns about development in the local residential area. Specifically in relation to this the focus of my submission is on 'Maximum Building Heights' whereby while they remain the same in metres as previously the authority of these limits is now referred to as "preferred", so that the reference is now "Preferred Maximum Building Heights". A preference is not a requirement. This is compounded by the use of this alongside of the word "should". DDO34 2.5 first sentence states that "Development should not exceed the preferred maximum building height....." As a James Street resident, this ambiguity as to building heights is a major concern. I interpret this adjusted language to mean that Building Height Requirements in this revised draft of DDO34 require less rigorous compliance than in the existing DDO 34 and as a consequence will be less rigorously assessed by Council.

The use of preferred and should means "we will consider it" but it's not mandatory, it's not required and to make these changes simply weakens the Council's position at a VCAT hearing where Building Heights are the matter in dispute. Particularly, if the hearing draws comparison with the newly introduced double emphasis of "must" and "mandatory" for Wall Heights.

I request that the word "mandatory" replace the word "preferred" in respect of Building Heights on DDO34.

I would like to see stronger protections against the anticipated relaxation of building height limits. Specifically, we request that the upper-level setback requirements contained in section 2.4 are each changed from "should" to "must".

Maximum Building Heights are unclear because they are expressed as both storeys and metres. For example, Maximum building heights are 3 storeys/11.2 metres. If a development proposal is 3 storeys and 13 metres high, it is unclear whether it complies with maximum building height limits. I request that all height limits be defined as a value in metres.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Postal Address

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text [REDACTED]

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10

What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 17, 2025, 04:31 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I partially support the Amendment. My submission and requested changes relate to DDO30 and in particular the area at the corner of Perry and Bedford Streets. The dwellings at the south east corner of Perry and Bedford are in a General Residential Zone. I believe the proposed 11.2m. street wall heights and maximum 24m. building heights for the buildings in the proposed DDO on the north east corner of Perry and Bedford Streets have not taken into consideration the impacts on the low rise, residential dwellings on the southern side of Perry St. The maximum heights should be lowered to 8m for street wall and 17.6m for building height. This is consistent with the proposal for the west side of Bedford St.
Section 2.7 states "New development should not overshadow properties fronting Bedford, Little Oxford Street and Little Smith Street, from the first floor upwards between 10am and 2pm on 22 September". Appropriate consideration of the residential nature of the properties from 9 to 15 Perry St from ground level should also be made. Open spaces and habitable rooms in these dwellings receive northern light, which should not be compromised by future development to the north.

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 18, 2025, 02:39 PM

Q1 I would like to...

Multi Choice Upload my submission

Q2 Please type your submission here

Long Text

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

Yes

Q10 What is the name of the community organisation or group?

Short Text

Fitzroy Residents Association Inc



Fitzroy Residents Association
Submissions on draft Amendment C271yara
18 February 2025

The Fitzroy Residents Association (FRA) is generally supportive of the proposed Amendment C271 to the Yarra Planning Scheme.

We commend the City of Yarra for their inclusive and consultative process in developing the proposed amendments.

The FRA recognises that the draft amendment has been developed following a period of community consultation in September/October 2022, that it reflects the need for sustainable development within Fitzroy and considers the needs of existing and future residents.

The FRA is concerned to ensure that the planning scheme has clear and practical guidelines that can be applied consistently to promote effective and sustainable development as well as certainty for all stakeholders, including council, developers and residents. We consider that an effective, robust and consistent planning scheme will promote sustainable development, provide comfort to residents and minimise expense, disruption and conflict that arises through the current planning process. FRA has been a vocal advocate for the proposed amendment and has actively lobbied Government to have the amendments progressed.

However, as a result of our experience in applying planning provisions in practice and our active participation with residents in a number of proposed developments and associated disputes, we make the following observations.

1. The role of mandatory provisions

We acknowledge the importance of preferred performance-based provisions to facilitate variation and innovation in how a use or development is planned and that preferred provisions can potentially accommodate unforeseen circumstances peculiar to a particular application (as per PPN59).

However, our experience is that developers and VCAT members do not, in practice, actively consider why a development should vary from, or breach, the preferred provisions in terms of height and setbacks.

Fitzroy Residents Association
Submissions on draft Amendment C271yara
18 February 2025

There is no onus placed on developers to demonstrate why a variation is necessary, what innovations it facilitates, what particular unforeseen circumstances are involved or what the benefits are to stakeholders, as contemplated by PPN59. Rather, where provisions are preferred, there appears to be an assumption that developers are entitled to expect variation from the provisions and that such variation should be allowed as a matter of course. By way of example, at a recent VCAT hearing the VCAT member stated that, as the height provision is preferred, the developer could reasonably expect that discretion would be applied to allow an additional 1 or 2 storeys above the preferred height limit. There was no onus placed on the developer to demonstrate why this variation from the provisions was appropriate.

The situation in Johnston Street in Fitzroy is rapidly developing, with most proposed developments on the north side exceeding the preferred height limits and with inadequate setbacks. And each new proposed development refers to the context of other proposed or approved developments that fall outside the preferred provisions. This leads to a snowball effect and will result in a wall of buildings along the north side of Johnston Street that well exceeds that envisioned by the planning scheme. We contend that the use of preferred provisions for height and setbacks, particularly along the north side of Johnston Street (DDO36), will result in most proposals contravening the proposed provisions and lead to unacceptable planning outcomes. The use of performance-based measures is demonstrably not leading to the outcomes prescribed by the proposed measures in most cases.

We also note instances where preferred height limits have been applied to sites located within predominantly residential zones, where the surrounding residences are predominantly single story or low rise. An example is 430-434 George Street (DDO36) which currently has a preferred height of limit of 6 storeys, which is proposed to be reduced to 5 storeys in the proposed amendment. There is a current proposal before VCAT to build an 8 storey building on this site. We consider that, in such a location, a preferred limit is not appropriate and that the new 5 storey limit should be mandatory. The scope for a developer to propose an oversize building in such locations creates uncertainty for residents (and developers) and results in the need for local residents to engage in the application review process and VCAT. Most residents in such zones do not have the time, experience or resources to engage in this process and (unlike the developers) they have no financial upside, i.e. developers will potentially gain financially by engaging in dispute whereas residents cannot recover any resources (time or money) consumed by the process. The use of mandatory limits in such context would ensure outcomes are consistent with the scheme objectives and reduce the risk of loss of amenity (and costs) to existing residents.

The FRA contends that the use of preferred provisions leads to uncertainty and increased disputation, as developers seek to take advantage of the opportunity for variation and council and existing residents seek to hold them to account. The use of mandatory provisions would remove this uncertainty, save costs and remove friction from the process.

The FRA therefore requests greater use of mandatory provisions, particularly in relation to the north side of Johnston Street Fitzroy and for sites within, or adjacent to, low rise residential zones, to avoid the risk of adverse outcomes.

Fitzroy Residents Association
Submissions on draft Amendment C271yara
18 February 2025

Further, if preferred performance-based provisions are used, the planning scheme should clearly spell out additional conditions to be met for the proposed development to vary from those provisions, in line with the expectations created by PPN59. For example, a condition could be applied that requires a developer to demonstrate how the variation results in innovation that justifies the variation or that the developer must demonstrate the unforeseen circumstances that are peculiar to the particular application which necessitate the variation. This is necessary to ensure that variations are an exception for a reason rather than an entitlement.

2. Setting height limits in metres

Our experience has been that there is considerable confusion created by poor specification of height limits in the planning scheme.

At almost all VCAT and planning panels we have attended there has been a lack of clarity about the number of storeys proposed or allowed. By way of example, the recent case of 155 Johnston Street (referred to State Government Planning panel) included much discussion of the meaning of schedule 36 and, in particular, the design objective “To ensure development responds to the heritage character and streetscape by supporting: a new mid-rise character (ranging from 6 to 9 storeys)...” and the specification of height limits as “9 storeys / 30.4m”. There is no definition of what constitutes a “storey” and the term “mid-rise character” is vague. In this case there was considerable debate between lawyers and attempts were made to use the “mid-rise” objective to over-ride the actual stated limits in the scheme. Further, it was argued that “mid-rise” character means “not high-rise” and could mean 14 storeys. So it became unclear whether to apply the scheme as intending “mid-rise character”, 9 storeys or 30.4m.

The use of multiple and differing measures or descriptors for a single characteristic (e.g. building height) is poor practice, promotes confusion and facilitates alternative/unintentional outcomes.

The FRA therefore requests that all height and setback provisions are to be defined in metres.

Further, in the interests of clarity, we think that the scheme should include a clear statement that the provisions as defined in metres over-ride any descriptive terms contained in the scheme, such as number of storeys or terms such as “mid-rise character”.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Amendment C271yara Submission
Date: Thursday, 20 February 2025 4:41:46 PM
Attachments: [C271SubmissionG2Planning200225.pdf](#)

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Attention: Strategic Planning Unit – Yarra City Council.

Good afternoon.

Attached please find a joint submission in regard to Planning Scheme Amendment C271.

Please call or email the undersigned should you require anything further at this time.

Regards,

[REDACTED] - Senior Town Planner
G2 URBAN PLANNING

[REDACTED]

20 February 2025

Strategic Planning
 City Of Yarra
 PO Box 168
 Richmond VIC 3121

Dear Strategic Planning team

Re Submission to Planning Scheme Amendment C 271

Introduction

G2 Urban Planning act for;

- [REDACTED] - owners of land parcels bounded by Rose, Kerr, Spring and Nicholson Street, Fitzroy West including Nos:
 - 15-19 Kerr Street
 - 300 Nicholson Street
 - 302-304 Nicholson Street
 - 20 Rose Street
- [REDACTED] owner of 282 to 298 Nicholson Street, Fitzroy West.
- [REDACTED] owner of 268 to 280 Nicholson Street, Fitzroy West group of buildings.
- [REDACTED] 262-266 Nicholson St, Fitzroy West between Henry and Argyle Street (car wash).

We have been instructed to make a submission to Amendment C271 on their behalf.

In summary our clients oppose the proposed change to the existing controls which introduce a mandatory 6 metre upper-level setback requirement for sites with heritage buildings with a primary street frontage. We wish to raise this issue with Council as the proposed mandatory requirement will unreasonably impact on the reasonable development potential of those properties which have been identified as heritage buildings.

The change proposed by Council will also detrimentally impact and erode the development potential of the properties that abut them.

We submit that the upper-level setback should remain discretionary and there is no strategic imperative to adopt mandatory upper-level setbacks in this Precinct.

The submitters properties are marked with a red border in Figure 1 below



Affected Heritage properties

The affected heritage properties (contributory) are located at:

- 15 to 17 Kerr Street situated at the corner of Kerr and Spring Street.
- 280, 276 and 268 Nicholson Street - note both 268 and 280 are fine grain corner buildings within a row of shop fronts and a showroom.

The heritage properties are further identified in the photos below.



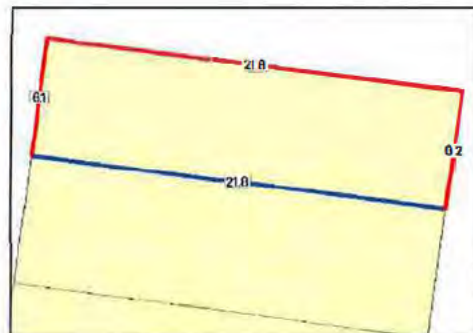
15 to 17 Kerr Street



280, 276 and 268 Nicholson Street

Built form context

At the southern edge of the precinct built-form comprises a former petrol station building, now a car wash, and four buildings generally of fine grain with limited depths of less than 22.0 metres. Four of the buildings abut a rear right of way. The shallow depth of these buildings is shown in the diagram below.



Both corner buildings are two level, the balance are single storey. Nicholson Street is 30 metres wide at this location affording a wide view cone.

It is reasonable to describe the built form of the submitters properties facing Nicholson Street as being eclectic/varied in style, construction and height. The buildings range from larger showrooms to smaller fine-grained buildings with varying widths and depths between east-west streets. There is no consistency in street wall height nor built form which would justify a uniform approach to upper-level setbacks to heritage buildings.

The properties facing Nicholson Street, between Rose Street and Kerr Street, have a mix of building types which reflect the variation between smaller to larger sites. Some are shallow and others extend to Spring Street. These properties have increased potential for redevelopment in the future. In this block the heritage corner property at 15 to 19 Kerr Street has a primary street frontage to Kerr Street of 28.8 metres with a depth of only 25 metres to Spring Street. It too would be compromised by a mandatory 6.0 metre setback.

Submissions

Mandatory setbacks inclusion

Practice Note 59 states that Mandatory provisions must only be considered in exceptional circumstances, where they are absolutely necessary to achieve the built form objectives. It cautions a balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.

The practice note informs Councils that mandatory provisions **may** be used as relevant to manage:

- *areas of high heritage value*
- *areas of consistent character*

Objectively, the properties that are included as heritage buildings are not in an area of high heritage value, to the contrary the area is an eclectic mix of built form with some remnant heritage buildings.

The contributory buildings owned by the submitters are not part of a group. Individually and combined they are not of high heritage value. The three terraces to Nicholson Street are not unique or distinct from those found in many parts of Fitzroy and Collingwood that have seen high levels of redevelopment and readaptation.

No 15 to 17 Kerr Street is also typical of many factory buildings in the precinct which is former industrial. Similar buildings have been redeveloped with lesser upper-level setbacks. Lesser upper-level setbacks of 3 - 4 metres are prevalent in the precinct. These setbacks have been supported by Council. In March 2020 Council approved an upper-level setback of 3.0 metres for 15 to 17 Kerr Street. The project did not proceed as there was, and remains, a lack of demand for office space.

This part of Precinct 40 is different in our submission, it does not have the intact streetscapes of Fitzroy Street and its character is defined by the eclectic mix of built form along Nicholson Street and can be ascribed a different character without taking away from the character of other parts of the Precinct.

The proposed DDO changes to include mandatory controls don't meet the exceptional circumstances test. Further, the proposed DDO change does not provide a balance between guiding development that appropriately responds to heritage buildings and allowing reasonable opportunity for upper-level developments on heritage properties.

The proposed mandatory provision will diminish the development potential of abutting non heritage sites

The mandatory heights not only diminish the development potential of heritage buildings but also non-heritage buildings which have an abuttal to them. The future development of sites at 278 and 270 Nicholson Street will be impacted by a 6-metre setback at 280, 276 and 268 Nicholson Street thus compromising any infill development. Having a variable or lesser upper-level setback on non-heritage buildings will give rise to anomalies in the streetscape which won't be supported by Council. The strict application of the mandatory front setback and possible setback to the rear is to render the totality of these sites undevelopable in a practical sense.

Similarly, the requirement for a 6-metre setback to Kerr Street will impact on the development potential of 282 to 298 Nicholson Street as it interfaces Kerr Street. Having a discretionary setback would allow a more responsive design response to incorporate the heritage site into a larger development.

The proposed mandatory provision does not implement planning policy

The proposed mandatory provision does not implement planning policy and runs counter to the design objectives which support mid-rise character from 3 to 8 storeys. The requirement to setback upper levels by six metres negates the ability to develop the sites as mid-rise.

The Fitzroy West Built Form Framework December 2020 background report identified:

Lots with frontages to Nicholson Street and Alexandra Parade comprise considerable opportunity to accommodate a higher level of change, in absence of heritage sensitivity. The broad street widths can potentially allow taller street wall heights compared to the traditional main road spines in Fitzroy and Collingwood, while enhancing the public realm condition at building frontages.

Acknowledging these areas are subject to the Commercial 2 Zone, new development is unlikely to be residential unless rezoned in the future. The side and rear interfaces of new buildings should also seek to manage amenity impacts to neighbouring residential land.

The absence of any significant high heritage value should have allowed unrestricted redevelopment of the properties facing Nicholson Street. This approach would have been more consistent with planning policy to locate employment near transport services.

Our client looks forward to the opportunity to expand on this submission before an independent panel.

In the interim should you have any queries please contact our office.

A large black rectangular redaction box covers the signature and contact information of the sender. A handwritten signature is visible above the box, and a small scribble is visible to the right of the box.

Director G2 Urban Planning

From: [REDACTED]
Subject: [mbxStrategicPlanning](#)
Date: Draft Amendment C271 yara Submission
Friday, 21 February 2025 10:23:09 AM
Attachments: [Submission to Amendment C271yara - 211-213 Victoria Parade.pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

14 February 2024

[REDACTED]
[REDACTED]
[REDACTED]

RE: Submission to C271yara

Dear [REDACTED]

I represent the landowners of 211-213 Victoria Parade, Collingwood, Victoria. The subject land falls within the DDO39 Victoria Parade precinct area of the draft amendment.

We wish to lodge a submission against the draft amendment because it does not optimise the development capacity of the land as is intended in the State's two most significant strategic planning policies; *Victoria's Housing Statement* and *Plan Melbourne 2017 -2050*.

The subject land is within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and are less than 2 kilometres from the Melbourne CBD, Melbourne Cricket Ground, Melbourne Museum, the Yarra Boulevard, Smith Street and Brunswick Street.

The draft amendment unreasonably limits the capacity of the land to deliver more housing and more jobs in a location close to public transport and services.

The detailed reasons for the submission against the draft amendment are set out below:

The policy context

Victoria's planning system does not dictate planning priorities. Instead, it sets out in detail a range of considerations which are relevant to the exercise of discretion. It asks the decision maker to exercise its discretion in determining which factors should be given influential weight in any given situation.

In this instance, you have prepared the draft amendment material in favour of heritage protection instead of increasing the supply of more housing for the community to live in.

Regarding the current housing crisis, Victoria's Housing Statement outlines *"It all comes back to supply. It's a simple reality: as a country, we need to do more to build enough houses for all of the people who need them. Because it's only when there are enough homes to go around that more people will be able to afford them"*.

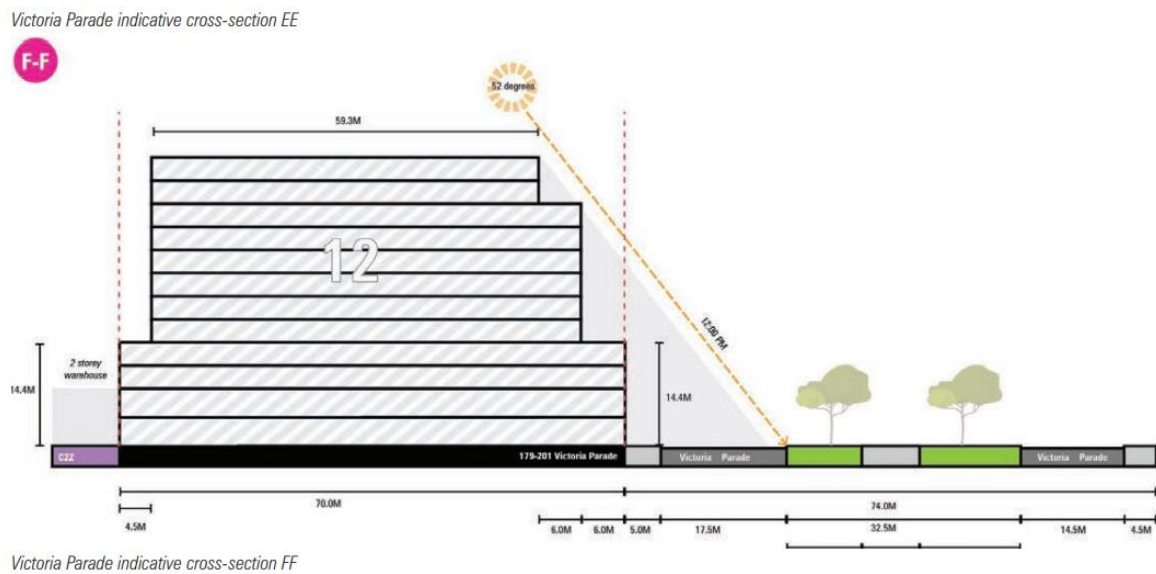
The subject land (within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and less than 2 kilometres from the Melbourne CBD) is one of the best serviced locations in the country, and it would be in favour of net-community benefit to adjust the draft amendment to increase the development capacity of the land in recognition of the community's need for increased housing supply.

Public realm amenity

The Built Form Framework (*Hansen Partnership, December 2020*) outlines that a guideline for the development of the precinct is to maintain solar access at the Spring Equinox to the northern edge of Victoria Parade. We support this principle.

The cross section 'F-F' prepared demonstrates that this principle can be met by applying a 12 storey building height at the subject land. See Figure 1 below.

Figure 1 – Victoria Parade indicative cross section



This cross section has been relied on to justify height controls only 30 metres to the west of the subject land at the Bunnings site, there is no clear rationale as to why the 12 storey height has not been equally applied to the subject land.

The application of a 12 storey building height to the subject land, will increase the density of the area while maintaining the sense of openness that Victoria Parade is characterised by. Notably, a 12 storey building height at the subject land meets the following objectives and guidelines contained in the *Urban Design Guidelines for Victoria*:

- 'Objective 5.1.3 To ensure buildings in activity centres provide equitable access to daylight and sunlight', and
- '5.1.3a Locate and arrange the building to allow daylight and winter sun access to key public spaces and key established street spaces.'

Recommendation:

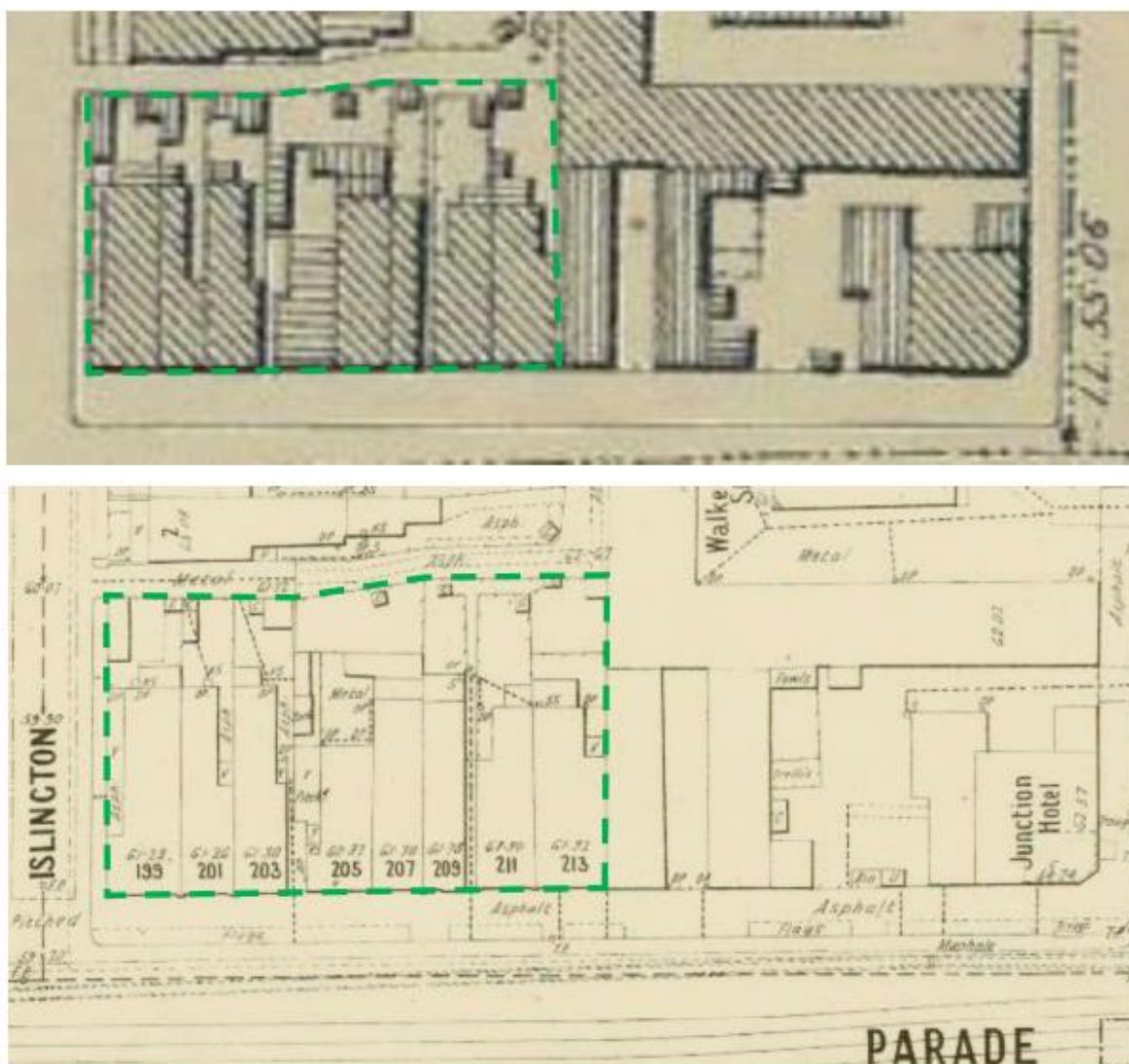
- Amend the preferred maximum building height to 12 storeys instead of 4 storeys on the subject land.

Heritage provisions

The Statement of Significance expresses that the subject land “is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the ‘boom’ period of the 1880s”.

Figure 3 below (Victoria Parade East Precinct, Heritage Citation (GJM Heritage, August 2020)), demonstrates the ‘early commercial thoroughfare’ of Victoria Parade no longer exists, its configuration has been entirely modified, no longer representing its original form.

Figure 3 – The Victoria Parade East commercial row in 1897 and 1899 (top and bottom).



Accordingly, it is considered that the heritage significance of the subject land is overstated.

The widening of Hoddle Street occurred in the 1970s (now 11 lanes) entirely modified the character of the thoroughfare and the precinct generally, in turn reducing the significance of adjacent development and its importance to the area’s cultural history.

Further, while the subject buildings were constructed in the 1880s, their present attributes undermine their historical significance. The buildings make a negligible contribution to comprehending development from the 19th century due to large expanses of modern glazing to the front facades, construction of new entries, the loss of decorative detailing as well as the introduction of a front verandah at 211-213 Victoria Parade.

In addition to the application of the draft Heritage Overlay to the subject land, the proposed built form controls, including the 6 metres upper level setback have not been sufficiently tested for development feasibility on the subject land. The short length of the blocks means that a 6 metre upper level setback significantly reduces the feasibility of the sites redevelopment.

The *Good Design + Heritage – Issue 7* document prepared by the Office of the Victorian Government Architect (OVGA) outlines that new development should not be stifled because of heritage considerations, instead, infill buildings should complement the existing built form and leave a valuable legacy for the future.

The proposed controls which seek to apply onerous heritage protection measures to the subject land will inadvertently stymie redevelopment opportunities and lead to the continual degradation of the buildings and the area.

Recommendation:

- Do not apply a Heritage Overlay to the subject land.
- Amend built form provisions to remove the 6 metre upper level setback.

Summary

For the reasons outlined above, it is submitted that the subject property should not have a ‘heritage overlay’ applied, should not be subject to overly restrictive built form controls and should instead have preferred building heights applied which are commensurate to its inner city location in the order of 12 storeys.

The subject land has significant merit for substantial development because of its location close to services, location away from low-rise residential areas, alignment with the preferred future character of the area (12 storey built form controls proposed 30 metres to the west) and the various strategic policy documents encouraging greater density to increase housing supply and improve housing affordability for future generations.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

14 February 2024

[REDACTED]
[REDACTED]
[REDACTED]

RE: Submission to C271yara

Dear [REDACTED],

I represent the landowners of 207-209 Victoria Parade, Collingwood, Victoria. The subject land falls within the DDO39 Victoria Parade precinct area of the draft amendment.

We wish to lodge a submission against the draft amendment because it does not optimise the development capacity of the land as is intended in the State's two most significant strategic planning policies; *Victoria's Housing Statement* and *Plan Melbourne 2017 -2050*.

The subject land is within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and are less than 2 kilometres from the Melbourne CBD, Melbourne Cricket Ground, Melbourne Museum, the Yarra Boulevard, Smith Street and Brunswick Street.

The draft amendment unreasonably limits the capacity of the land to deliver more housing and more jobs in a location close to public transport and services.

The detailed reasons for the submission against the draft amendment are set out below:

The policy context

Victoria's planning system does not dictate planning priorities. Instead, it sets out in detail a range of considerations which are relevant to the exercise of discretion. It asks the decision maker to exercise its discretion in determining which factors should be given influential weight in any given situation.

In this instance, you have prepared the draft amendment material in favour of heritage protection instead of increasing the supply of more housing for the community to live in.

Regarding the current housing crisis, Victoria's Housing Statement outlines *"It all comes back to supply. It's a simple reality: as a country, we need to do more to build enough houses for all of the people who need them. Because it's only when there are enough homes to go around that more people will be able to afford them"*.

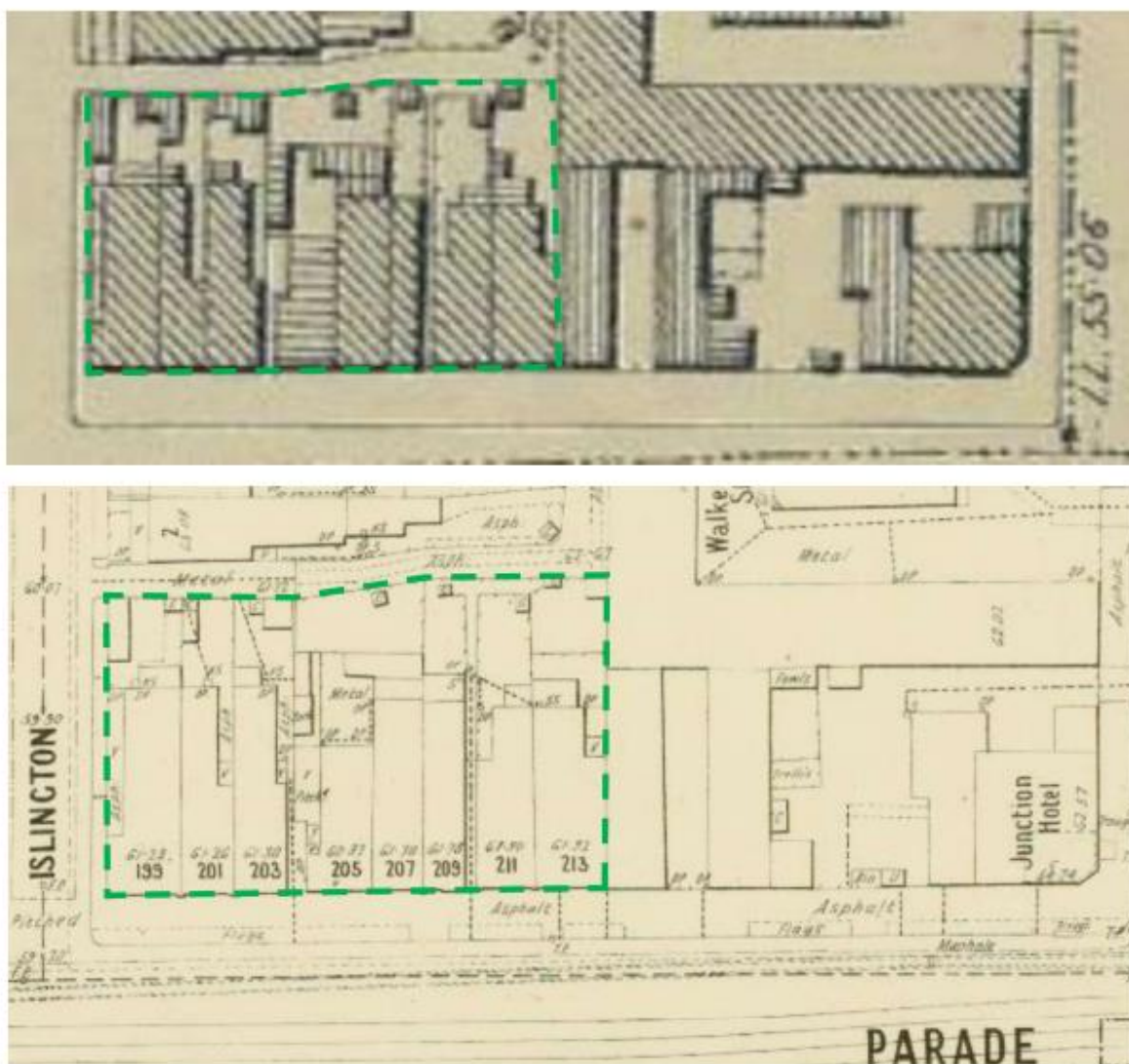
The subject land (within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and less than 2 kilometres from the Melbourne CBD) is one of the best serviced locations in the country, and it would be in favour of net-community benefit to adjust the draft amendment to increase the development capacity of the land in recognition of the community's need for increased housing supply.

Heritage provisions

The Statement of Significance expresses that the subject land “is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the ‘boom’ period of the 1880s”.

Figure 3 below (Victoria Parade East Precinct, Heritage Citation (GJM Heritage, August 2020)), demonstrates the ‘early commercial thoroughfare’ of Victoria Parade no longer exists, its configuration has been entirely modified, no longer representing its original form.

Figure 3 – The Victoria Parade East commercial row in 1897 and 1899 (top and bottom).



Accordingly, it is considered that the heritage significance of the subject land is overstated.

The widening of Hoddle Street occurred in the 1970s (now 11 lanes) entirely modified the character of the thoroughfare and the precinct generally, in turn reducing the significance of adjacent development and its importance to the area’s cultural history.

Further, while the subject buildings were constructed in the 1880s, their present attributes undermine their historical significance. The buildings make a negligible contribution to comprehending development from the 19th century due to large expanses of modern glazing to the front facades, construction of new entries, the loss of decorative detailing as well as the introduction of a front verandah at 211-213 Victoria Parade.

In addition to the application of the draft Heritage Overlay to the subject land, the proposed built form controls, including the 6 metres upper level setback have not been sufficiently tested for development feasibility on the subject land. The short length of the blocks means that a 6 metre upper level setback significantly reduces the feasibility of the sites redevelopment.

The *Good Design + Heritage – Issue 7* document prepared by the Office of the Victorian Government Architect (OVGA) outlines that new development should not be stifled because of heritage considerations, instead, infill buildings should complement the existing built form and leave a valuable legacy for the future.

The proposed controls which seek to apply onerous heritage protection measures to the subject land will inadvertently stymie redevelopment opportunities and lead to the continual degradation of the buildings and the area.

Recommendation:

- Do not apply a Heritage Overlay to the subject land.
- Amend built form provisions to remove the 6 metre upper level setback.

Summary

For the reasons outlined above, it is submitted that the subject property should not have a ‘heritage overlay’ applied, should not be subject to overly restrictive built form controls and should instead have preferred building heights applied which are commensurate to its inner city location in the order of 12 storeys.

The subject land has significant merit for substantial development because of its location close to services, location away from low-rise residential areas, alignment with the preferred future character of the area (12 storey built form controls proposed 30 metres to the west) and the various strategic policy documents encouraging greater density to increase housing supply and improve housing affordability for future generations.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

17 August 2025

[REDACTED]

RE: Draft Amendment C271yara Submission

Dear [REDACTED],

I represent the landowners of 207-209 and 211-213 Victoria Parade, Collingwood, Victoria. The subject land falls within the DDO39 Victoria Parade precinct area of the draft amendment.

In February 2025, we submitted that contrary to state policy, the proposed preferred maximum height of 4 storeys (14.4 metres) does not maximise the development capacity of the land. By restricting the development capacity of the land, there will be less houses and less jobs available in a well serviced location <2km from Melbourne CBD.

The updated draft amendment documents have not addressed these matters.

Further to our submission from February, we wish to note the subject land has been vacant and for lease for ~1 year, and due its emptiness is continuously vandalised and unlawfully occupied.

The land's vacancy is consistent with broader trends in the area, in Q1 2025 the office vacancy rate in the Collingwood/Fitzroy area was 25% ([Cushman & Wakefield report](#)).

It is concerning that irrespective of these trends, it is proposed to apply restrictive heritage provisions and height controls which are known to stymie investment and in turn limit the potential for regeneration in the area.

In 2015, City of Yarra commissioned the Johnstone Street Economic Advice ([SGS Report](#)) and on Page 6 of the report, SGS outlined a lack of dwellings and population, outdated buildings and the application of heritage provisions all contribute to commercial vacancies.

Therefore, it is reiterated that the subject property should not have a 'heritage overlay' applied, should not be subject to overly restrictive built form controls and should instead have preferred building heights applied which are commensurate to its inner city location in the order of 12 storeys.

The controls proposed by this draft amendment will maintain the existing, vacant and underutilised conditions of the land. Instead, an increased development capacity will encourage investment impetus and in turn regenerate and increase the economic vitality, social interaction, and overall attractiveness and safety of the area.

Please read and refer this submission to the Standing Advisory Committee, in conjunction with our earlier submission from February 2025.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED]

Yours sincerely,

[REDACTED]

24 August 2025

[REDACTED]
[REDACTED]
[REDACTED]

RE: Draft Amendment C271yara

Dear [REDACTED]

[REDACTED] owns 207-209 and 211-213 Victoria Parade, Collingwood, Victoria. Their land falls within the DDO39 Victoria Parade precinct area of the draft amendment.

Today and for some time, Melbourne and Victoria has been experiencing a housing crisis. The State Government has two significant strategic planning policies; *Victoria's Housing Statement* and *Plan for Victoria* which articulate the importance of increasing housing supply to assist in alleviating the crisis.

My family has lodged a submission against the draft amendment because the proposed controls are out of step with these strategic objectives and do not optimise the land's capacity to supply homes to the market.

The subject land is within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and is less than 2 kilometres from the Melbourne CBD, Melbourne Cricket Ground, Melbourne Museum, the Yarra Boulevard, Smith Street and Brunswick Street.

The level of density proposed by Council at the land is 4 storeys (14.4 metres), a level of density which is commonly applied in outer suburban areas of Melbourne. In locations such as this, planning should be maximising the supply of housing and jobs.

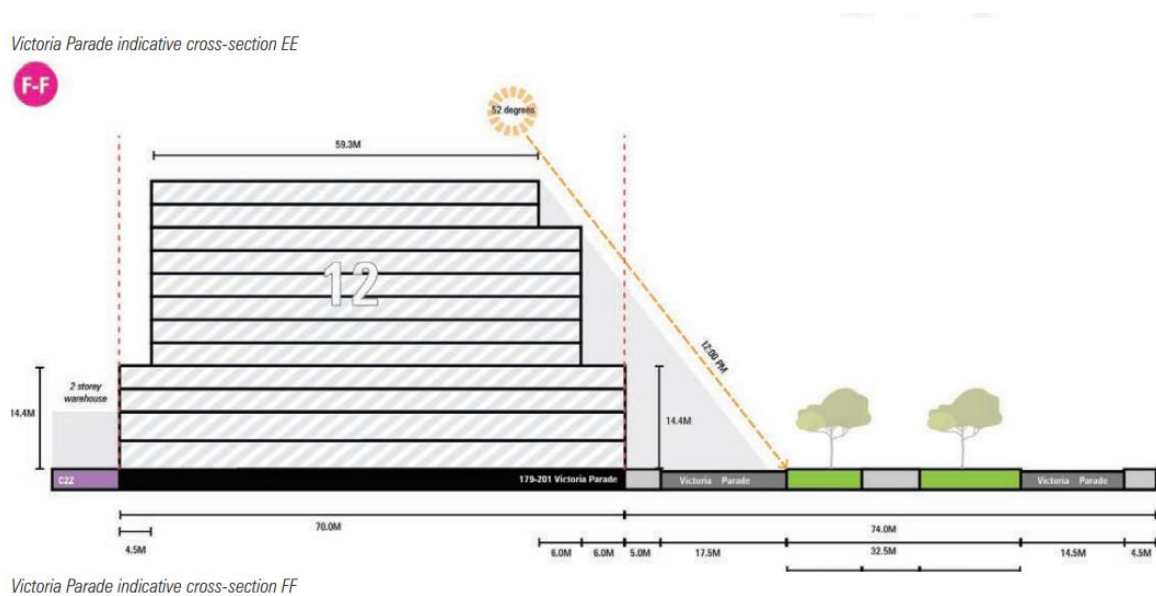
Maximising density in well serviced locations is known to create many societal and environmental benefits, including but not limited to; reducing car dependency, increasing uptake of active transport, increasing social interaction and reducing urban sprawl.

Public realm amenity

The Built Form Framework (*Hansen Partnership, December 2020*) outlines that a guideline for the development of the precinct is to maintain solar access at the Spring Equinox to the northern edge of Victoria Parade. This principle is sound and reasonable.

The cross section 'F-F' (Figure 1) demonstrates that this principle can be met by applying a 12 storey building height at the subject land.

The below cross section has been relied on to justify height controls only 30 metres to the west of the subject land at the Bunnings site, there is no clear rationale as to why the 12 storey height has not been equally applied to the subject land.

Figure 1 – Victoria Parade indicative cross section

The importance of regeneration

The family also wishes to highlight the land at 211-213 Victoria Parade, Collingwood has been vacant and for lease for ~1 year, and due to its emptiness is continuously vandalised and unlawfully occupied. The property at 207-209 Victoria Parade is tenanted by the family itself.

The land's vacancy is consistent with broader trends in the area, in Q1 2025 the office vacancy rate in the Collingwood/Fitzroy area was 25% ([Cushman & Wakefield report](#)).

It is feared that the combination of the proposed restrictive heritage provisions and height controls will continue to stymie investment opportunities and in turn limit the potential for regeneration in the area.

In 2015, City of Yarra commissioned the Johnstone Street Economic Advice ([SGS Report](#)) and on Page 6 of the report, SGS outlined a lack of dwellings and population, outdated buildings and the application of heritage provisions all contribute to commercial vacancies.

Summary

To date, Council have prepared the draft amendment material in favour of perceived heritage protection instead of increasing housing supply for the community to live in.

The controls proposed by this draft amendment should be amended to allow for increased density to improve development impetus, and in turn facilitate increased housing supply, reduced car dependency and regenerate the economic vitality and safety of the area.

Please note this letter can be read in conjunction with our earlier submissions from February and August 2025.

If you have any further queries in relation to the submission, please contact me on [REDACTED]
or [REDACTED].

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Draft Amendment C271yara Submission - D&C Joint Investment (305-311 Smith Street, Fitzroy)
Date: Friday, 21 February 2025 10:29:32 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[Final_C271_Submission - D&C Joint Investment.pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir / Madam,

Contour Consultants acts on behalf of [REDACTED], who is the owner of 305-311 Smith Street, Fitzroy.

On behalf of our client, please see attached a submission which has been prepared in response to draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this submission further.

Kind regards,

[REDACTED]
Associate

Contour Consultants
[REDACTED]
[REDACTED]



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Date

21 February 2025

To

Strategic Planning Department

City of Yarra

Address

PO Box 168

RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara

305-311 Smith Street, Fitzroy

████████████████████ is the owner of the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Background

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 which applied 7 interim DDOs to parts of Fitzroy and Collingwood. These interim controls will expire on 30 June 2025.

Community consultation was held in September 2022 which sought feedback on the proposed Fitzroy and Collingwood Planning Controls. Following this, revised permanent controls were reviewed at a Council Meeting on 6 December 2022.

The Minister for Planning provided conditional consent on Tuesday 2 July 2024, allowing Council to exhibit the draft Amendment in line with the standing advisory committee process. The conditions can be summarised as follows:

- Review of planning scheme:
 - To remove duplication within the amendments;
 - Update content for administrative purposes;
 - Align maps with proposed precincts.
- Review of amendment material to:
 - Amend the proposed schedules to the DDO by making the following changes:
 - Delete 'equitable development' from the relevant requirement sub-heading, amend the first requirement under building separation and amenity to remove references to future development opportunities, and delete the 'equitable development' decision guideline;
 - Delete criteria for exceeding preferred heights, in accordance with the recommendations of the Yarra Activity Centres Standing Advisory Committee (SAC) (recommendations 4b and 4c Amendment C291yara and 1c and 1d Amendment C293yara);

- Amend the proposed schedule to the Heritage Overlay to include the applicable statements of significance for HO506 and HO507 and revise for HO507 to 'Victoria Parade East Precinct' in line with the place name in the statement of significance.
- Review of explanatory note to:
 - Identify all land affected by the amendment;
 - Acknowledge rezoning and improve irregularities;
 - Update the strategic assessment on the need for the new Heritage Overlays, their relevance to Plan Melbourne and how their application implements the objectives of planning in Victoria.
 - Update the strategic assessment highlighting the relevance to Plan Melbourne directions under Outcome 2 and 4 and providing further details on how the amendment supports and implements the PPF and Municipal Planning Strategy beyond listing relevant policy.
 - Remove 'DELWP' from the relevant agencies listed in the report.

Draft Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduce permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

It is underpinned by the Built Form Frameworks which have been prepared by Hansen Partnership with input from GJM Heritage.

Having reviewed the material currently on exhibition, we provide the following comments and submissions.

Subject Site

The Subject Site located on the western side of Smith Street, opposite the Perry Street intersection and approximately 73 metres south of Johnston Street. It has a frontage of approximately 20 metres to Smith Street and an overall site area of 731.5 square metres. The Site is occupied by two single storey commercial buildings, both currently used by furniture sales stores. The Site is within the Smith Street Heritage Precinct, although both buildings are nominated as being non-contributory. There is no direct vehicle access to Smith Street but a carriageway easement to the south-west facilitates vehicular access from Gore Street to the west.



Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the subject site:

- Commercial 1 Zone (C1Z).
- Design and Development Overlay – Schedule 30 (DDO30)
- Heritage Overlay – Schedule 333 (HO333)
- Development Contributions Plan Overlay – Schedule 1 (DCPO1)

DDO30 specifically relates to Smith Street Shops and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls as relevant to the Subject Site are:

- *Preferred* maximum street wall height of 11.2 metres. The street wall should match the street wall height of the adjoining heritage properties for a minimum length of 6 metres along the front boundary, except where the heritage street wall height is greater than 11.2 metres.
- *Preferred* upper level setback above the street wall of 8 metres.
- *Preferred* maximum building height of 20.8 metres.
- *Preferred* rear boundary wall height of 8 metres.
- *Preferred* requirement for upper levels above a rear boundary wall to be contained within a 45 degree setback envelope.
- *Preferred* upper level side setbacks:
 - 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property;
 - 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to meet the objectives of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone.
- *Preferred* requirement to not overshadow the opposite footpath of Smith Street between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas

HO333 covers the 'Smith Street Precinct, Fitzroy/Collingwood'. 305-311 Smith Street is nominated as 'non-contributory'.

Planning Scheme Amendment C271

Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduce permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation the following applies to the subject site:

- Updated Schedule 30 to the Design and Development Overlay
- Updated Clause 11.03-1L Activity Centres

Design and Development Overlay – Schedule 30 (DDO30) includes the following built form requirements for the Site:

- **Mandatory** maximum street wall height of 3 storeys / 11.2 metres. The street wall must also not be higher than the street wall of the adjoining heritage properties for a minimum length of 6 metres along the front boundary.
- **Mandatory** upper level setback above the street wall of 8 metres.
- **Mandatory** maximum building height of 20.8 metres / 6 storeys.
- **Preferred** rear boundary wall height of 8 metres.
- **Mandatory** requirement for upper levels above a rear boundary wall to be setback from the boundary and contained within a 45 degree setback envelope.
- **Preferred** upper level side setbacks:
 - o 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property;
 - o 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- **Preferred** requirement to meet the objectives of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone.
- **Mandatory** requirement that new development not overshadow the opposite footpath of Smith Street between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas.

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site, we object to the particulars of the proposed amendment and make submissions in relation to the following:

1. Overarching policy
2. Use of mandatory controls
3. Street wall heights
4. Building heights
5. Upper level setbacks
6. Overshadowing requirements

1. Overarching Policy

Direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' early this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

2. Use of Mandatory Controls / Planning Practice Note 59 (PPN59)

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate. 'Exceptional' circumstances do not apply in this instance and that the use of mandatory controls are not warranted having regard to the criteria within PPN59.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 60 (PPN60) outlines that mandatory controls should only be applied in exceptional circumstances, where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

3. Street Wall Heights

The Subject Site sits between two contributory heritage buildings.

The design objectives of the proposed DDO include:

To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

- *a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) **behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street***

(emphasis added)

The street wall character in proximity of the Subject Site is not consistent; rather it contains some variation, including a three storey street wall at 299 Smith Street, a two storey street wall at 313 Smith Street, as well as

the heights of 315, 317 and 319 Smith Street which are notably taller than the street wall of 313 Smith Street, despite also containing two storeys.

Proposed DDO30 dictates a specific design response given the mandatory nature of the control. This is predicated on the incorrect assertion that the existing street wall character is consistent. It removes the ability for a development to adopt a site specific design that responds to the variation in the street wall heights in this location and appropriately respond to the heritage character. The assertion that an alternate arrangement cannot achieve an acceptable outcome is incorrect. In this context, the controls should allow for the application of discretion to enable a considered design that responds to its individual context.

4. Building heights

Notwithstanding the above commentary around street wall heights, it is only the street walls themselves that are the key contributory feature to the heritage significance of the street. The overall height of these heritage buildings, which typically is the same as the street wall height, is not an important feature that is sought to be maintained. This is evident by the fact that the DDO permits building heights greater than that of the existing heritage buildings, as appropriate for an activity centre.

Understandably, it is important that any additional built form does not dominate the heritage building or the heritage streetscape. Imposing mandatory controls may be one way of achieving this outcome, but it would be incorrect to assume that an alternative built form guided by the design objectives of the DDO could not also achieve an acceptable response.

The Subject Site has a greater depth and width than most properties along the western side of Smith Street. The mandatory nature of the control does not capitalise on the opportunity it provides compared to other properties.

The nominated height for the Subject Site (6 storeys / 20.8 metres) either needs to be a discretionary control or, if it can be demonstrated that mandatory controls are appropriate, increased to allow for greater development opportunity.

5. Upper level setbacks

The proposed provisions require the upper levels must be setback 8 metres behind the street wall. This may be a reasonable requirement for a heritage building, although even in that case we would argue that an alternative setback may be acceptable, but it is inappropriate for a site such as the Subject Site, which is not a contributory heritage building and therefore has no historic street wall whose prominence it must maintain. In the absence of a retained heritage building there is no need for this control to be mandatory and it should therefore be a discretionary requirement whose assessment is guided by the design objectives of the DDO, including the need to complement the Smith Street character.

6. Overshadowing Requirements

Consistent with the above positions, we contend that the overshadowing requirements should remain a discretionary consideration. This will allow for them to remain relevant to the assessment of any planning application without overlay constraining development that is otherwise acceptable.

Conclusion

For the above outlined reasons, we object to proposed Amendment C271yara, particularly the proposed DDO30 and the use of mandatory controls which place constraints on development potential in an activity centre.

We thank Council for the opportunity to participate in this process, and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned at [REDACTED] or mobile [REDACTED].

Yours sincerely,

A large black rectangular redaction box covering the signature of the undersigned.

[REDACTED]
Director

From: [REDACTED]
To: [REDACTED]
Subject: RE Oppose the draft Amendment C271yara - DDO37& DDO38
Date: Friday, 21 February 2025 2:34:49 PM
Attachments: [amendment C271 objection-DAY.pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Objection document attached.

Regards,

[REDACTED]
[REDACTED]

[REDACTED]

21 February 2025

Email: strategicplanning@yarracity.vic.gov.au

RE Oppose the draft Amendment C271yara - DDO37& DDO38

Dear Strategic Planning Team,

We are the owners of [REDACTED] and live there with our family of 3. We oppose the following elements of the above-mentioned draft amendment:

DDO37

The proposal including the properties of 150 and 148 Cecil St (one house away from our property) for increased heights at is completely out of character with what is currently on site, creating unnecessary visual bulk.

We request you amend these building heights as follows:

- 150 Cecil St: 2 storeys / 9M building height – in line with the adjoining properties to the west
- 148 Cecil St: 3 storeys / 11.2M building height – allowing for incremental height relative to the area.

If the above changes are not implemented, you will have enabled privacy and overlooking issues. Further, the area is currently a full of residential properties (9m high max), heritage listed properties, and single-storey commercial warehouses. The proposed heights would create a very obtrusive and unattractive area with major overlooking issues. All the residential properties limited to 2 storeys would be dwarfed by a 20.8m high building.

DDO38

We live directly opposite Officeworks where our property pretty is much in line with the Officeworks carpark & building entrance. The Officeworks occupied building is one-storey high and a 2.5m high fence line. The proposal outlines a new 4 storey street wall (11.2-12m high) and new buildings at 6 storeys (20.8m-24m) and 7 stories (24m – 28m).

If the amendment were to proceed as is, the street walls and buildings would dwarf the immediate neighbourhood with major impact to my property and that of my neighbours on Gore St and Cecil St. We would lose most, if not all, natural light, and being a north facing property, this would have big implications to the heating/cooling and general living conditions of our property. Having such high buildings would create absolute visual bulk and harsh wind-tunnels, similar to what is experienced in Docklands. The neighbourhood would change from a beautiful space, full of heritage-listed properties,

that is aspirational to many homeowners, and be turned into an oversized, dull and overbearing concrete jungle.



Importantly, our secluded private open space where my children play and my family relaxes would also be directly impacted if such buildings were constructed, including my back yard and my children's balcony.

We understand council must support a growing population so we ask that council consider amending the Officeworks occupied building heights to:

- Streetwall to maximum 1 storey / 3m high
- Smaller building (adjoining Cecil St) to be max. 3 storeys / 11.2M building height
- Larger building (adjoining Alexander Pde) to be max.6 storeys / 24m building height

We thank Council for considering our revised amendments. When forming a final decision, we ask Council to consider the investment made by owners such as I, who have invested over close to \$3 million, in upgrading this area from what was derelict dwelling that unattracted many unsavory characters, to what is now an architecturally designed space for families and the community to enjoy and feel safe. Let's build on this theme rather than destroy it with unnecessary large concrete blocks.

Thanks,


Owners & residents of 

From: [REDACTED]
To: [REDACTED]
Subject: RE: Draft Amendment C271yara Submission
Date: Friday, 21 February 2025 4:03:08 PM
Attachments: [PastedGraphic-3.png](#)
[625FCC2E-6EDEF-4AA4-940E-3399A7B30BF8.jpeg](#)

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Dear Yarra City Council,

Please find my objection to planned 9 storey development on Smith St at the Woolworths building:

[REDACTED]

21/02/2025

Yarra City Council, Strategic Planning
PO box 18

Richmond, VIC, 3121

Subject: Objection to Proposed 9-Storey Development in Fitzroy, Woolworths Smith St, between Hodgson, St David, and Gore Streets.

Dear Council Representative & Strategic Planning,

I am writing to formally object to the proposed development of a 9-storey building at [Development Address] in Fitzroy. As a concerned resident, I believe this proposal is inappropriate for the area due to the following reasons:

1. Non-Compliance with Height Restrictions

Fitzroy's established building height limit is 6 storeys. Allowing a development that exceeds this by 50% sets a dangerous precedent for future applications and undermines the integrity of the existing planning regulations.

2. Excessive Visual Bulk and Incompatibility with Neighborhood Character

A 9-storey structure is significantly out of scale with the surrounding built environment, which primarily consists of low- to mid-rise buildings. The excessive height will overshadow nearby properties and diminish the historical and architectural character of Fitzroy. This new structure would be more appropriate north of Johnston St or on Johnston St, the part of the area designated for taller builds.

3. Negative Impact on Amenity

The development is likely to cause overshadowing of adjacent residential properties, leading to loss of natural light. Additionally, increased noise, traffic congestion, and strain on local infrastructure such as parking and public transport will adversely affect the livability of the area.

4. Precedent for Future Overdevelopment

Approval of this proposal may encourage further high-rise developments in Fitzroy, eroding the area's unique heritage and residential appeal. It is essential to uphold planning regulations to ensure balanced and sustainable urban growth.

5. Community Concerns and Lack of Justification for Height Increase

Local residents have voiced significant concerns about this proposal, indicating strong community opposition. There is no compelling justification for exceeding the 6-storey limit, particularly when considering the potential negative impacts.

6. Negative Socio-Cultural Impact on the Smith St Precinct

The Smith St precinct is a historically and culturally significant area, renowned for its heritage buildings, vibrant streetscape, and community-oriented atmosphere. The introduction of an oversized development threatens to dilute the area's unique character and diminish its cultural and social appeal. Each new high-rise development alters the charm and accessibility of the precinct, impacting small businesses and long-term residents who contribute to its distinct identity.

I urge the council to reject this proposal in adherence to the established planning guidelines and in consideration of the broader community's interests. Thank you for your time and for considering this objection.

Yours sincerely,

[Redacted signature]

[Redacted address line 1]
[Redacted address line 2]

[Redacted address line 3]

[Redacted address line 4]

[Redacted address line 5]

[Redacted address line 6]

[Redacted contact information]

I wish to acknowledge the Traditional Custodians of this Land, the Wurundjeri People of the Kulin Nation, and pay my respect to elders past, present and emerging. I also acknowledge that these Lands were never ceded.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Amendment C271yara - Submission [P&PP-PRODUCTION.FID42907]
Date: Friday, 21 February 2025 4:11:02 PM
Attachments: [image001.jpg](#)
[Beulah Submission to Planning Scheme Amendment C271yara.pdf](#)

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Good afternoon,

We act for [REDACTED] in relation to the land at 430-434 George Street, Fitzroy.

On behalf of our client, we provide the attached submission in relation to proposed planning scheme amendment C271yara.

Can you please confirm receipt of this submission.

Please feel free to contact me should you have any queries.

Kind regards

[REDACTED]



[REDACTED]

Planning & Property Partners Pty Ltd

[REDACTED]

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21 February 2025

Strategic Planning Department
Yarra City Council
PO Box 168
RICHMOND VIC 3121

By email: strategicplanning@yarracity.vic.gov.au

Dear Sir / Madam,

**AMENDMENT C271YARA – SUBMISSION
OBJECTION TO PROPOSED AMENDMENT**

We act for [REDACTED] the owners of the land at 430-434 George Street, Fitzroy ('Site').

On behalf of the landowner, we **oppose** the proposed planning scheme amendment C271yara ('Proposed Amendment') to introduce the permanent Design and Development Overlay Schedule 36 ('DDO36') on the Site in its proposed form.

Basis for submission

Heritage considerations

We note that the interim DDO36 that applies to the Site provides for a level of flexibility with discretionary requirements. Discretion is absolutely necessary in order to achieve site responsive and performance-based outcomes that can consider the dynamic nature of heritage matters on a site by site or precinct basis.

The Proposed Amendment has not demonstrated through a detailed assessment and evidence base that discretionary provisions are inadequate or that there are 'exceptional circumstances' in this context where mandatory provisions are 'absolutely necessary' as is required by Planning Practice Note 59 ('PPN59') and Planning Practice Note 60 ('PPN60'). The PPN59 and PPN60 set a high benchmark for the inclusion of mandatory provisions which is not easily attained, particularly considering the structure of the DDO36 with the relevant objectives, requirements and decision guidelines providing a framework for discretion to be exercised. In this particular circumstance, the heritage significance does not apply to a whole building on the land, yet the effect of the mandatory control unreasonably impacts on the ability to develop the land efficiently.

430-434 George Street, Fitzroy provides a unique infill development opportunity in a built up context with a relatively large land holding, with two street frontages and a right of way abuttal. Whilst affected by the Heritage Overlay, the only significance on the Site extends to a remnant section of a side bluestone boundary wall from former development of the land, whilst the rest of the original form has long since been removed.

The impact of the Heritage Overlay in the context of the proposed DDO36 is that it would appear to introduce a mandatory street wall height to match a single storey Victorian terrace on a significant redevelopment site for a length of 6 metres along it's front boundary (under proposed Clause 2.3).

In this particular varied context including low scale development in amongst taller more robust forms including two storey hotel, commercial and terrace buildings with three to five storey converted industrial buildings with additions above, a mandatory single storey street wall is at odds with the context, whether or not intended by the control.

Similarly, the 'Heritage Buildings' requirement under proposed Clause 2.4 includes a mandatory upper level setback of 6 metres above the primary street frontage for all heritage buildings.

We note that 'Primary Street' and 'Secondary Street' are also undefined within the DDO36 and do not provide sufficient clarity with respect to sites abutting two street frontages and not necessarily on a corner.

There is a current planning permit application (PLN24/0255) on foot for the redevelopment of the Site, which includes a sophisticated, appropriately massed and highly resolved mixed use building of up to eight storeys on the Site. We note that Council sought an external urban design review of the proposal by *Hansen Partnership* and it has supported the proposed setback above the street wall, which is less than 6 metres.

Planning & Property Partners Pty Ltd

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Legal Directors

[REDACTED]
[REDACTED]

Non-Legal Directors

[REDACTED]
[REDACTED]



The Site should not be 'tarred with the same brush' as other sites affected by the Heritage Overlay where more substantial heritage fabric remains. The application of discretion is of particular importance to ensure a site responsive built form, which is not unreasonably impacted by a blunt mandatory requirement.

In the context of Victoria's housing crisis and current economic conditions, blanket mandatory requirements such as this are unwarranted in respect to PPN59 and PPN60 and would only serve to unreasonably limit the development potential of such sites.

Height controls

Both the interim and proposed DDO36 include two separate preferred height designations for the Site as follows:

- 14.4 metres in the north-western section and 20.8 metres for the balance of the land (interim)
- 14.4 metres in the north-western section and 17.6 metres for the balance of the land (proposed)

From what we understand, there has been no further analysis or documentation to warrant lowering the height from 20.8 metres to 17.6 metres.

We note that the Site parcels are held in contiguous ownership and the current planning permit application (PLN24/0255) includes the whole of the land. We note that the external urban design review by *Hansen Partnership* does not seek to lower the building height to 17.6 metres per the proposed DDO36 or indeed 20.8 metres per the interim. The advice acknowledges that the Site is capable of accommodating a more robust form including building height in consideration of the proposal currently under consideration.

Accordingly, we submit that the height nominations for this Site needs to be revisited in consideration of its holding and with a consistent height designation applied across the parcel of no less than 20.8 metres.

Transitional provisions

Noting the application currently under assessment for this Site, we request that transitional provisions be included within the DDO36 to allow for applications lodged prior to the gazettal of the permanent control and for any subsequent amendments to approvals.

Requested changes to C271yara

We respectfully request the following changes to the proposed amendment with the DDO36 Schedule updated as follows:

1. the mandatory street wall heights and upper level setbacks in Heritage Overlay areas be expressed as preferred (discretionary) and further justification for the metrics set out to be provided
2. the land at 430-434 George Street be identified for a consistent height across the contiguous parcels
3. the height designation reassessed in light of the urban design review undertaken and the opportunity that the particular site affords
4. transitional provisions be included for applications lodged prior to the gazettal of the amendment and for subsequent amendment applications

We reserve the right to further expand on these submissions at the standing advisory committee.

Should you have any queries on this submission, please contact either the undersigned or [REDACTED] of this office on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]
PLANNING & PROPERTY PARTNERS PTY LTD

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Amendment C271yara Submission - 14 George Street / 169-171 Victoria Parade, Fitzroy
Date: Friday, 21 February 2025 4:28:54 PM
Attachments: [image516057.png](#)
[image918713.jpg](#)
[image998195.jpg](#)
[Submission - Amendment C271yara - George Street and Victoria Parade, Fitzroy.pdf](#)

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Good afternoon,

Please find attached a submission in relation to draft Amendment C271yara.

Feel free to contact me if you have any questions.

Kind regards,

[REDACTED]

Associate

Contour Consultants

[REDACTED]

[REDACTED]



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21 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara

14 George Street & 169-171 Victoria Parade, Fitzroy

████████████████████ has an interest in the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently being exhibited.

Background

The Minister for Planning respectively approved Amendments C270yara and C288yara on 27 August 2021 and 22 October 2021. These amendments applied 7 interim DDOs to parts of Fitzroy and Collingwood. Unless extended, the interim controls will expire on 30 June 2025.

Following community consultation in September 2022, revised draft permanent controls were considered at a Council Meeting on 6 December 2022, and the Minister for Planning provided conditional consent on Tuesday 2 July 2024, authorising Council to exhibit the draft Amendment.

Subject Site

The Subject Site comprises two parcels:

- 14 George Street, Fitzroy
- 169-171 Victoria Parade, Fitzroy

169-171 Victoria Parade is part of Blanche Terrace, a row of six double storey terraces with a small area of open space along its frontage constructed in the 1860s. There is a small area of open space to its rear, beyond which the site is occupied by a five storey office building containing car parking at ground level and four levels of offices above. The office building is sited along the northern, eastern and western boundaries of the 169-171 Victoria Parade, and vehicle access is provided by way of a public lane accessed from George Street.

14 George Street is an existing car park which is ancillary to the office building at 169-171 Victoria Parade.

14 George Street abuts the study area associated with Amendment C271.

Combined, the two sites are L shaped and have a total area of 1,098sqm with frontages to both George Street and Victoria Parade.



A planning application (PLN24/0889) was lodged with Yarra Council in October 2024 seeking permission for minor works to Blanche Terrace, the addition of two levels above the existing five storey office building at 169-171 Victoria Parade (total seven storeys) and construction of a two storey building containing two dwellings at 14 George Street.

The application has undergone notice and is awaiting a decision.

An application was also lodged with Heritage Victoria in December 2024 for restoration works to Blanche Terrace.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to 169-171 Victoria Parade:

- Commercial 1 Zone (C1Z)
- Design and Development Overlay Schedules 2 and 39 (DDO2; DDO39)
- Heritage Overlay Schedules 191 and 192 (HO191; HO192)
- Development Contributions Plan Overlay 1 (DCPO1)

The following provisions apply to 14 George Street:

- Neighbourhood Residential Zone – Schedule 1 (NRZ1)
- Heritage Overlay Schedule 334 (HO334)
- Development Contributions Plan Overlay 1 (DCPO1)

DDO39 specifically relates to Victoria Parade and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls as relevant to 169-171 Victoria Parade are:

- *Preferred* upper level setback of 6 metres behind the Victoria Parade heritage street wall
- *Preferred* retention of heritage streetwall
- *Preferred* retention of small landscaped setback
- Limited opportunity (building height)
- *Preferred* 8 metre rear boundary wall height
- *Preferred* requirement for upper levels above a rear boundary wall to be contained within a 45 degree setback envelope.
- *Preferred* upper level side setbacks where development shares a common boundary within the overlay and/or adjoins a C1Z or Mixed Use Zone outside the overlay:
 - 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property;
 - 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to meet the objectives of Clause 55.04-5 (Overshadowing) for adjoining land within a Neighbourhood or General Residential Zone.
- *Preferred* requirement to not overshadow the northern edge of the Victoria Parade central median at 12pm on 22 September.
- *Preferred* requirement to not overshadow the western or eastern footpaths at 10am and 2pm, respectively.

HO191 and **HO192** apply to 169 and 171 Victoria Street, respectively, and both properties are included on the Victorian Heritage Register. Importantly, and relevant to draft Amendment C271, the registration does not affect the northern part of the site, beyond the Blanche Terrace building itself.

Planning Scheme Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, the Amendment proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill.
- Amending minor zoning errors in various locations.
- Introduction of local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation, the following draft provisions are particularly applicable:

- Updated Schedule 39 to the Design and Development Overlay
- Updated Clause 11.03-1L Activity Centres

We also note that the Amendment is supported by the Built Form Framework prepared by Hansen Partnership, and Built Form Review prepared by GJM Heritage.

Design and Development Overlay Schedule 39 (DDO39) includes the following built form requirements for the site:

The key built form controls as relevant to 169-171 Victoria Parade are:

- **Mandatory** upper level setback of 6 metres behind the Victoria Parade heritage street wall
- **Preferred building height of 4 storeys / 14.4 metres**
- *Preferred* 8 metre rear boundary wall height
- **Mandatory** requirement for upper levels above a rear boundary wall to be contained within a 45 degree setback envelope.
- *Preferred* upper level side setbacks where development shares a common boundary within the overlay and/or adjoins a C1Z or Mixed Use Zone outside the overlay:
 - o 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property;
 - o 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.
 - o **6 metres for buildings above 27 metres, regardless of any windows.**

No guidance is given for street wall height.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to meet the objectives of Clause 55.04-5 (Overshadowing) for adjoining land within a Neighbourhood or General Residential Zone.
- **Mandatory** requirement to not overshadow the northern edge of the Victoria Parade central median at 12pm on 22 September.

- **Mandatory** requirement to not overshadow the western or eastern footpaths at 10am and 2pm, respectively.
- **A permit should only be granted for a building that exceeds the preferred maximum building heights where the following is provided to the satisfaction of the Responsible Authority:**
 - o **Design objectives in Clause 1.0 are satisfied**
 - o **Overshadowing and solar access requirements in Clause 2.7 are satisfied**
 - o **Building provides greater building separation than the minimum requirements**
 - o **No additional overshadowing is caused to secluded private open space of residentially zoned properties, parks or reserves, beyond that which would be cast by a proposal that complies with the preferred building height**

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the Subject Site and its future development potential, we make submissions in relation to the following key themes:

1. Overarching policy
2. Use of mandatory controls
3. Building heights
4. Rear interface
5. Street wall height
6. Zoning

1. Overarching Policy

Direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' early this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

2. Use of Mandatory Controls

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes*.

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

3. Building Heights

We support the proposed deletion of the restrictive nomination of the Subject Site as having 'limited opportunity'. The proposed applicable height of 14.4 metres / 4 storeys is, however, lower than the existing building that occupies the rear portion of the site, which is 5 storeys and 14.88 metres in height.

The proposed height included in the draft DDO provisions represents a step backwards and is inconsistent with proper and orderly planning in such a well serviced urban area. It should not be the case that the proposed controls within an Activity Centre seek a less intense built form outcome than existing conditions.

With regard to the building height, the mapping within the background report 'Victoria Parade Built Form Review' prepared by GJM Heritage consistently identifies the entirety of the 169-171 Victoria Parade site as being on the Victorian Heritage Register (VHR). Advice from Heritage Victoria sought during the preparation of the current Heritage Permits P40042 & P40622 indicates that the extent of registration applies to Blanche Terrace only, and the remainder of the site is not affected by the registration. It follows that this principle would apply to all of the Blanche Terrace sites.

Therefore, the proposed building heights nominated for the Blanche Terrace sites appear to be led by the heritage registration of the Blanche Terraces. Therefore, the current 'limited opportunity' designation and the proposed height have been informed by incorrect heritage considerations, and this Amendment presents the ability to correct this situation.

4. Rear Interface

We raise concerns with the preferred rear boundary wall height and the subsequent mandatory requirement the *"upper levels above a rear boundary wall must be set back from the rear boundary to be contained with a 45 degree setback envelope"*.

The existing five storey rear boundary wall is inconsistent with the proposed provision, and a mandatory requirement is inappropriate. The control should be revised to a discretionary control, and make allowances for existing buildings.

5. Street Wall Height

Under the existing interim DDO39 the following is nominated for 'street wall heights' for the Subject Site:

- Retain heritage streetwall
- Retain small landscape setback

These two directions are not applied to the Subject Site under the proposed DDO39. Rather, no guidance is provided.

It is assumed that this is a drafting error. Retention of the heritage streetwall and the small landscape setback should be reinstated to avoid confusion.

6. Zoning

Part of this Amendment is the rezoning of 'anomalously zoned' land, which typically entails situations where a property is covered by two different zones, In this scenario, 14 George Street and 169-171 Victoria Parade are two separate properties in two separate zones, but owned by a single entity. The car park on George Street has historically been used by the office building at 169-171 Victoria Parade, and this connection continues today.

In our submission, proper and orderly planning dictates that the whole of the sites should be in the Commercial 1 Zone, including all of 14 George Street. Furthermore, the current NRZ1 zoning of 14 George Street severely restricts the opportunity for development, particularly given its proximity to Melbourne's CBD and a range of urban infrastructure.

The rezoning proposed within this amendment should therefore be expanded to include the rezoning of 14 George Street. Subsequently, the DDO39 should be extended to also encompass this property.


Conclusion

For the above outlined reasons, we object to proposed Amendment C271yara, particularly the proposed DDO39 and the use of mandatory controls which place constraints on development potential in an activity centre. We also seek the consideration of the rezoning of 14 George Street from NRZ1 to C1Z.

We thank Council for the opportunity to participate in this process, and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely,


Director

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: Draft Amendment C271yara Submission - 67-83 Johnston Street, Fitzroy
Date: Friday, 21 February 2025 4:29:42 PM
Attachments: [image262614.png](#)
[image630800.jpg](#)
[image281392.jpg](#)
[Submission - Amendment C271yara - 67-83 Johnston Street, Fitzroy.pdf](#)

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Good afternoon,

Please find attached a submission in relation to draft Amendment C271yara.

Feel free to contact me if you have any questions.

Kind regards,

[Redacted]
Associate

Contour Consultants

[Redacted]

[Redacted]



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21 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara

67-83 Johnston Street, Fitzroy

████████████████████ is the owner of the abovementioned land, and this submission has been prepared in response to draft Amendment C271 to the Yarra Planning Scheme that is currently being exhibited.

Background

The Minister for Planning respectively approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021. These amendments applied 7 interim DDOs to parts of Fitzroy and Collingwood. Unless extended, the interim controls will expire on 30 June 2025.

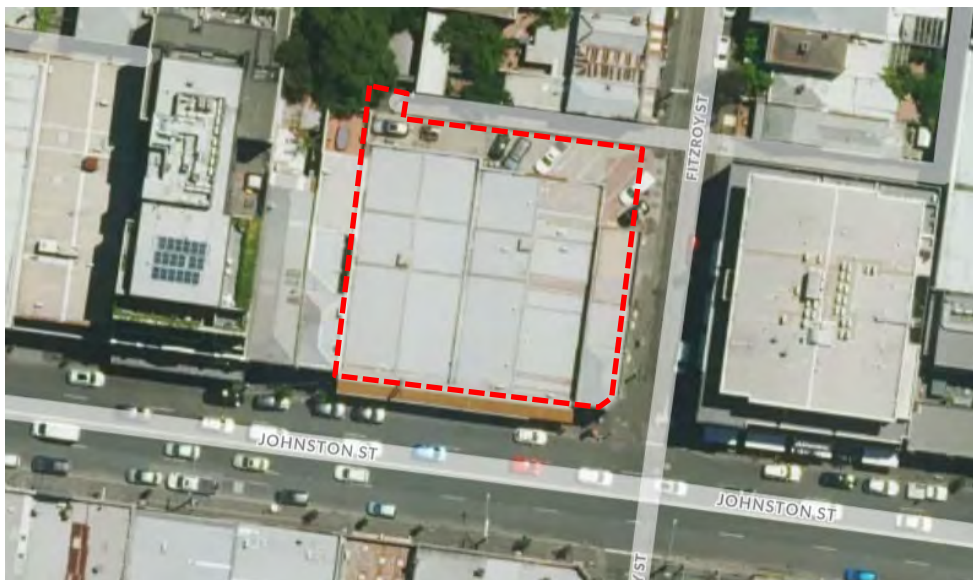
Following community consultation in September 2022, revised draft permanent controls were reviewed at a Council Meeting on 6 December 2022, and the Minister for Planning provided conditional consent on Tuesday 2 July 2024, authorising Council to exhibit the draft Amendment.

Subject Site

The Subject Site is comprised of two lots:

- 67 Johnston Street, and
- 83 Johnston Street

Both properties are located on the north side of Johnston Street, with the latter on the north western corner of Johnston Street and Fitzroy Street. The site is irregular in shape with an overall area of 1240sqm.



A permit application to use and develop the land at 67 and 83 Johnston Street was lodged with Yarra Council in August 2024. The application seeks permission for the partial demolition of the heritage building and

construction of an eight (8) storey mixed use building, comprising retail premises at the ground floor and apartments above. Basement car parking is proposed, accessed via the rear laneway.

A Section 79 application to review the Responsible Authority's failure to grant a permit was lodged with VCAT in October 2024. The application is scheduled for a major cases hearing commencing 11 March 2025.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the subject site:

- Commercial 1 Zone (C1Z)
- Heritage Overlay Schedule 334 (HO334)
- Development Contributions Plan Overlay (DCPO1)
- Environmental Audit Overlay (EAO)

Planning Scheme Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, the amendment proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill.
- Amendment to minor zoning errors in various locations.
- Introduction of local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation the following draft provisions are relevant:

- Updated Clause 11.03-1L Activity Centres
- New Design and Development Overlay Schedule 32

The Amendment is supported by the Built Form Frameworks prepared by Hansen Partnership with input from GJM Heritage.

Of note, the proposed Design and Development Overlay Schedule 32 (DDO32) includes the following built form provisions for the site:

- **Mandatory** maximum street wall height of 3 storeys / 11.2 metres for 67 Johnston Street. The street wall **must** also not be higher than the street wall of the adjoining heritage property for a minimum length of 6 metres along the front boundary.
- Retention of heritage street wall of 83 Johnston Street
- **Mandatory** upper level setback above the Johnston Street street wall of 6 metres.
- **Preferred** upper level setback above the Fitzroy Street (side street) street wall of 3 metres.
- A greater upper level setback behind the street wall of a heritage building should be provided where it would:
 - Facilitate retention of a roof form or chimney visible from the public realm, or any contributory features
 - Maintain the perception of the three-dimensional form and depth of the building
 - A lesser setback would detract from the streetscape character
- **Mandatory** maximum building height of 27.2metres / 8 storeys for 67 Johnston Street.
- **Mandatory** maximum building height of 14.4 metres / 4 storeys for 83 Johnston Street.
- **Preferred** rear boundary wall height of 11.2 metres.
- **Preferred** upper level side setbacks:
 - 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property;

- 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.
- 6 metres for building exceeding 27 metres, regardless of windows.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- **Mandatory** requirement that new development not overshadow:
 - The opposite footpath of Johnston Street and side streets over 10 metres wide between 10am and 2pm on 22 September
 - Any kerb outstands, seating and/or planting areas between 10am and 2pm on 22 September

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site and its future development potential, submissions are made based on the following key themes:

1. Overarching Policy
2. Use of mandatory controls
3. Building heights
4. Street wall heights
5. Upper level setbacks
6. Overshadowing Requirements

1. Overarching Policy

Policy direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' early this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

2. Use of Mandatory Controls

The key focus of the Victorian Planning Provisions (VPP) is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

The VPP are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

3. Building Heights

The concern with the proposed building heights primarily relates to the mandatory nature of the control, which is not supported by the built form framework or the heritage reviews.

The *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* prepared by GJM Heritage (2019) recommended a preferred maximum building height of 4-8 storeys on the north side of Johnston Street. It only recommended mandatory controls for the southern side where they *'are necessary to protect the heritage character of the south side of Johnston Street where it is more highly intact.'*

The *Brunswick Street & Smith Street Built Form Review: Johnston St Built Form Framework Report* prepared by Hansen (2019) recommended preferred building heights, including a preferred building height of 8 storeys / 26.4 metres for the Subject Site.

The application of a mandatory height control to the Subject Site is therefore not justified and the control should be discretionary.

4. Street Wall Height

The mandatory 3 storey / 11.2m high street wall along the Johnston Street frontage again does not reflect the heights recommended in the built form framework or heritage reviews.

The *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* prepared by GJM Heritage (2019) recommended a preferred maximum street wall height (infill development) of 14m. It observed – *'Preferred control appropriate as there are few or no heritage buildings in these areas'*. It also recognised the opportunity of larger development sites *'to step up to a taller (four-storey) street wall, as has already occurred in some of the twentieth century development.'*

The *Brunswick Street & Smith Street Built Form Review: Johnston St Built Form Framework Report* prepared by Hansen (2019) recommended a preferred maximum 4 storey (14m) street wall. It noted that *'... along the northern side a taller 4 storey streetwall profile is recommended in order to reflect the existing profile of more prominent forms.'*

The proposed DDO32 contained within the *Fitzroy & Collingwood Permanent DDO Controls – Draft Heritage Advice* by GJM Heritage (2022) nominates a 14.4m high streetwall, not the 11.2m in the exhibited DDO32. It did not recommend any changes in this context.

It is unclear why the proposed street wall height has been made mandatory and at a height that is lower than those recommended in the heritage and built form background documentation. There is no justification for this change, either the reduced height or the use of a mandatory control, particularly given the sporadic occurrence of contributory heritage buildings on the northern side of Johnston Street.

Further, it is submitted that the requirement for infill development to match the street wall height of any adjoining heritage building for a distance of 6m is overly prescriptive. This should similarly be a discretionary control used to guide the design response of a development and allow for a contextually appropriate response.

5. Upper Level Setbacks

Whilst the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* prepared by GJM Heritage (2019) recommended a 6m minimum upper level setback above the street wall, this was recommended to be *'mandatory except the north side of Johnston Street between Spring and Fitzroy Streets...'*. This area includes the Subject Site. The review noted preferred controls were appropriate given there were *'few or no heritage buildings.'*

In their report *Fitzroy & Collingwood Permanent DDO Controls – Draft Heritage Advice (2019)*, GJM Heritage reiterates their view that a 6m upper level setback on the northern side of Johnston Street should be discretionary between Spring and Fitzroy Streets noting that ‘*The north side of this part of Johnston Street is substantially less intact, has more recent development and a discretionary upper-level setback control is considered satisfactory*’.

The *Johnston St Built Form Framework Report* prepared by Hansen (2019) did not contain any recommendation for mandatory upper level setbacks.

Based on the above, there is no evidence to support the need for mandatory upper level setback requirements in this location.

6. Overshadowing Requirements

Proposed DDO32 seeks to introduce a mandatory requirement to not overshadow the opposite footpath of Johnston Street and side streets over 10 metres wide.

From our assessment, Fitzroy Street is marginally wider than 10 metres. This does not align with the wording of this provision.

Fitzroy Street is a one-way street with a narrow footpath either side. It is not a key pedestrian street, and it is our submission that a mandatory overshadowing control is not justified. This would be consistent with the *Brunswick Street & Smith Street Built Form Review: Johnston St Built Form Framework Report* by prepared by Hansen (2019) which recognised, firstly, that the *Urban Design Guidelines for Victoria* speaks to allowing daylight to ‘key established street spaces’, and secondly, that solar access on narrower side streets should be protected at the first floors, not the footpath. It is also important to note that the east side of Fitzroy Street is a non-sensitive commercial interface.

Conclusion

For the above outlined reasons, we object to proposed Amendment C271yara, particularly the proposed DDO32 and the use of mandatory controls which place constraints on development potential in an Activity Centre.

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely,



Director

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Submission Opposing Draft Amendment C271yara for 215-219 Victoria Parade, Collingwood
Date: Friday, 21 February 2025 4:40:54 PM
Attachments: [Collingwood.pdf](#)

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21 February 2024

Kate Yuncken
Manager, City Strategy
Yarra City Council

RE: Submission to C271yara

Dear Ms Yuncken,

I represent the landowners of 215-219 Victoria Parade, Collingwood, Victoria. The subject land falls within the DDO39 Victoria Parade precinct area of the draft amendment.

We wish to lodge a submission against the draft amendment because it does not optimise the development capacity of the land as is intended in the State's two most significant strategic planning policies; *Victoria's Housing Statement* and *Plan Melbourne 2017 -2050*.

The subject land is within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and are less than 2 kilometres from the Melbourne CBD, Melbourne Cricket Ground, Melbourne Museum, the Yarra Boulevard, Smith Street and Brunswick Street.

The draft amendment unreasonably limits the capacity of the land to deliver more housing and more jobs in a location close to public transport and services.

The detailed reasons for the submission against the draft amendment are set out below:

The policy context

Victoria's planning system does not dictate planning priorities. Instead, it sets out in detail a range of considerations which are relevant to the exercise of discretion. It asks the decision maker to exercise its discretion in determining which factors should be given influential weight in any given situation.

In this instance, you have prepared the draft amendment material in favour of heritage protection instead of increasing the supply of more housing for the community to live in.

Regarding the current housing crisis, Victoria's Housing Statement outlines *"It all comes back to supply. It's a simple reality: as a country, we need to do more to build enough houses for all of the people who need them. Because it's only when there are enough homes to go around that more people will be able to afford them"*.

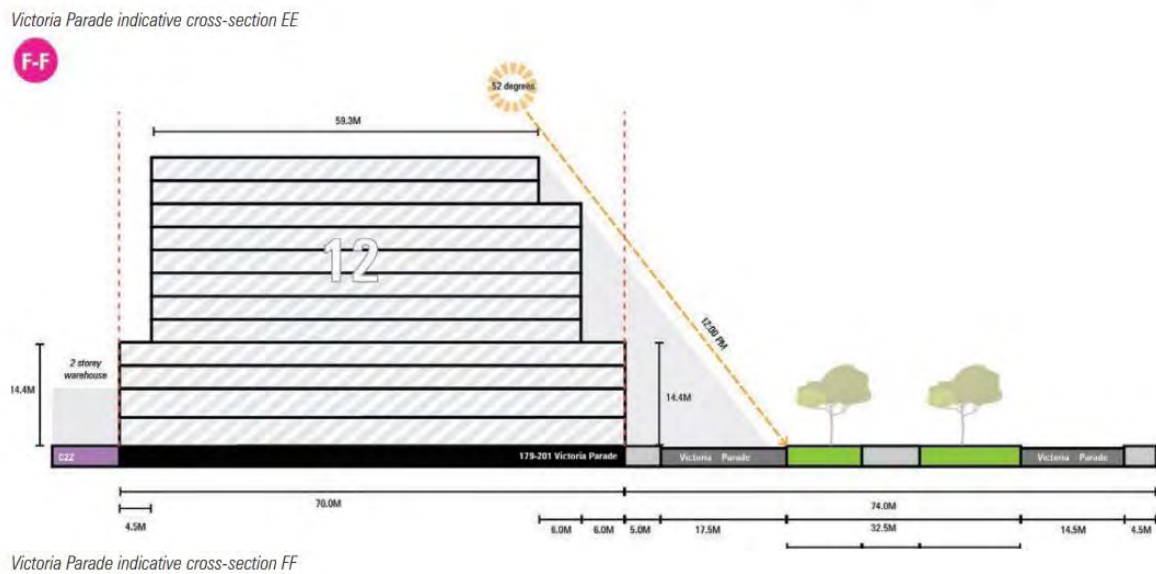
The subject land (within 200 metres of North Richmond Train Station, Tram Route #18 and Hoddle Street and less than 2 kilometres from the Melbourne CBD) is one of the best serviced locations in the country, and it would be in favour of net-community benefit to adjust the draft amendment to increase the development capacity of the land in recognition of the community's need for increased housing supply.

Public realm amenity

The Built Form Framework (*Hansen Partnership, December 2020*) outlines that a guideline for the development of the precinct is to maintain solar access at the Spring Equinox to the northern edge of Victoria Parade. We support this principle.

The cross section 'F-F' prepared demonstrates that this principle can be met by applying a 12 storey building height at the subject land. See Figure 1 below.

Figure 1 – Victoria Parade indicative cross section



This cross section has been relied on to justify height controls only 30 metres to the west of the subject land at the Bunnings site, there is no clear rationale as to why the 12 storey height has not been equally applied to the subject land.

The application of a 12 storey building height to the subject land, will increase the density of the area while maintaining the sense of openness that Victoria Parade is characterised by. Notably, a 12 storey building height at the subject land meets the following objectives and guidelines contained in the *Urban Design Guidelines for Victoria*:

- 'Objective 5.1.3 To ensure buildings in activity centres provide equitable access to daylight and sunlight', and
- '5.1.3a Locate and arrange the building to allow daylight and winter sun access to key public spaces and key established street spaces.'

Recommendation:

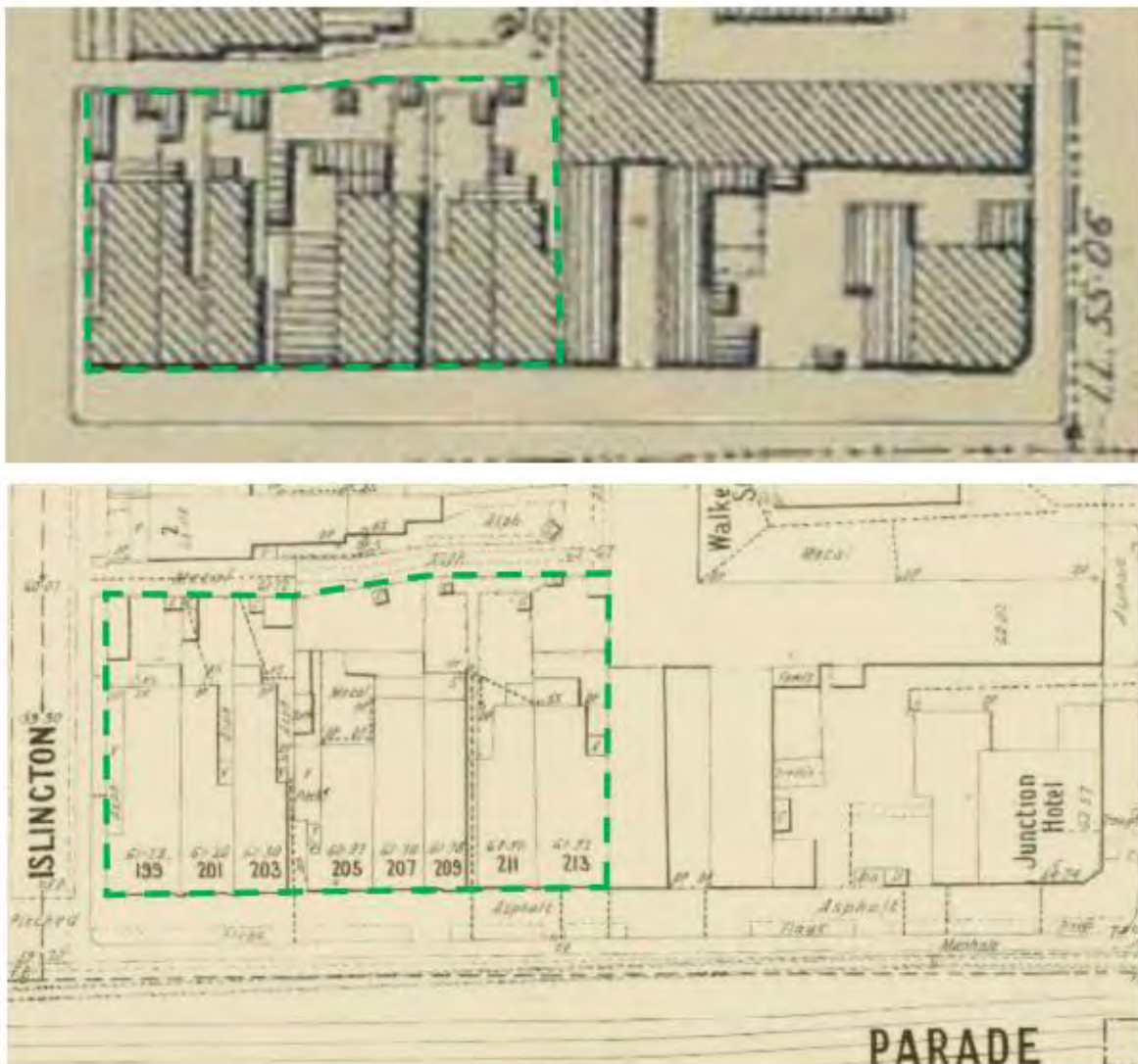
- Amend the preferred maximum building height to 12 storeys instead of 4 storeys on the subject land.

Heritage provisions

The Statement of Significance expresses that the subject land “is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the ‘boom’ period of the 1880s”.

Figure 3 below (Victoria Parade East Precinct, Heritage Citation (GJM Heritage, August 2020)), demonstrates the ‘early commercial thoroughfare’ of Victoria Parade no longer exists, its configuration has been entirely modified, no longer representing its original form.

Figure 3 – The Victoria Parade East commercial row in 1897 and 1899 (top and bottom).



Accordingly, it is considered that the heritage significance of the subject land is overstated.

The widening of Hoddle Street occurred in the 1970s (now 11 lanes) entirely modified the character of the thoroughfare and the precinct generally, in turn reducing the significance of adjacent development and its importance to the area’s cultural history.

Further, while the subject buildings were constructed in the 1880s, their present attributes undermine their historical significance. The buildings make a negligible contribution to comprehending development from the 19th century due to large expanses of modern glazing to the front facades, construction of new entries, the loss of decorative detailing as well as the introduction of a front verandah at 211-213 Victoria Parade.

In addition to the application of the draft Heritage Overlay to the subject land, the proposed built form controls, including the 6 metres upper level setback have not been sufficiently tested for development feasibility on the subject land. The short length of the blocks means that a 6 metre upper level setback significantly reduces the feasibility of the sites redevelopment.

The *Good Design + Heritage – Issue 7* document prepared by the Office of the Victorian Government Architect (OVGA) outlines that new development should not be stifled because of heritage considerations, instead, infill buildings should complement the existing built form and leave a valuable legacy for the future.

The proposed controls which seek to apply onerous heritage protection measures to the subject land will inadvertently stymie development and lead to the continual degradation of the area.

Recommendation:

- Do not apply a Heritage Overlay to the subject land.
- Amend built form provisions to remove the 6 metre upper level setback.

Summary

For the reasons outlined above, it is submitted that the subject property should not have a ‘heritage overlay’ applied, should not be subject to overly restrictive built form controls and should instead have preferred building heights applied which are commensurate to its inner city location in the order of 12 storeys.

The subject land has significant merit for substantial development because of its location close to services, location away from low-rise residential areas, alignment with the preferred future character of the area (12 storey built form controls proposed 30 metres to the west) and the various strategic policy documents encouraging greater density to increase housing supply and improve housing affordability for future generations.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Draft Amendment C271yara Submission
Date: Sunday, 23 February 2025 11:50:22 AM

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Dear Council Representative & Strategic Planning,

I am writing to formally object to the proposed development of a 9-storey building at 243-255 Smith street, Fitzroy. As a concerned resident, I believe this proposal is inappropriate for the area due to the following reasons:

1. Non-Compliance with Height Restrictions

Fitzroy's established building height limit is 6 storeys. Allowing a development that exceeds this by 50% sets a dangerous precedent for future applications and undermines the integrity of the existing planning regulations.

2. Excessive Visual Bulk and Incompatibility with Neighborhood Character

A 9-storey structure is significantly out of scale with the surrounding built environment, which primarily consists of low- to mid-rise buildings. The excessive height may overshadow nearby properties and diminish the historical and architectural character of Fitzroy. This new structure would be more appropriate north of Johnston St or on Johnston St, the part of the area designated for taller builds.

3. Negative Impact on Amenity

The development is likely to cause overshadowing of adjacent residential properties, leading to loss of natural light. Additionally, increased noise, traffic congestion, and strain on local infrastructure such as parking and public transport will adversely affect the livability of the area.

4. Precedent for Future Overdevelopment

Approval of this proposal may encourage further high-rise developments in Fitzroy, eroding the area's unique heritage and residential appeal. It is essential to uphold planning regulations to ensure balanced and sustainable urban growth.

5. Community Concerns and Lack of Justification for Height Increase

Local residents have voiced significant concerns about this proposal, indicating strong community opposition. There is no compelling justification for exceeding the 6-storey limit, particularly when considering the potential negative impacts.

6. Negative Socio-Cultural Impact on the Smith St Precinct

The Smith St precinct is a historically and culturally significant area, renowned for its heritage buildings, vibrant streetscape, and community-oriented atmosphere. The introduction of an oversized development threatens to dilute the area's unique character and diminish its cultural and social appeal. Each new high-rise development alters the charm and accessibility of the precinct, impacting small businesses and long-term residents who contribute to its distinct identity.

7. There are not a sufficient number of car parks in the proposal. This needs to increase or it will have significant, negative impacts on the parking on the streets, surrounding the development.

8. Insufficient garden and tree space in the proposal.

I urge the council to reject this proposal in adherence to the established planning guidelines and

in consideration of the broader community's interests. Thank you for your time and for considering this objection.

Yours sincerely,

[Redacted signature block]

From: [REDACTED]
To: [REDACTED]
Subject: Draft Amendment C271 Yarra Submission - comments
Date: Sunday, 23 February 2025 4:58:01 PM
Attachments: [image001.png](#)
[image003.png](#)

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23.2.25

Strategic Planning, City of Yarra

Draft Amendment C271 Yarra Submission

Response to the Amendments proposed by Council-

Dear Sir/Madam

Thanks for the opportunity to comment on your Draft Amendments.

My husband and I have owned and occupied our home in [REDACTED] since 2005, 20 years.

We have seen many changes to the local environment and surrounding streets and wish to comment on the proposed amendments to DD034 and other DDO's.

Whilst we appreciate the reference and intention to protect Heritage buildings (of which our home is one) we found some of the wording of the Draft amendments to be very unclear in ways that may potentially only serve to benefit developers who wish to optimise the yield of their property development projects. The wording would leave residents and architects associated with developments, whether residential or commercial, unclear.

The new wording reflects a distinct lack of commitment to clear and exact planning guidelines and rules and inherently opens the way for many more disputes in VCAT, where developers can use the wishy-washy planning rules to flout council's 'preferences' and 'shoulds' with very little push back.

Please do not think we are against development. We have witnessed and are open to considered change that is sympathetic to the heart of our neighbourhood and that honours the amenity enjoyed by ourselves and other residents, whilst accommodating the current and future needs of residents and commercial ventures. Access to natural light, a considered mix of architectural and landscape design, and human scaled development that allows for setbacks rather than spreading to the very limits of a footprint are examples of the things we want to protect.

There are many examples of overdevelopment in Langridge St that have closed out the light from that area causing the street to become a dark shadow of its former self.

Wording such as 'preferred' and 'should' does not offer clarity to Architects or residents who need to know what is allowed and what is not allowed when a development is being proposed.

The wording is nebulous and renders many important planning considerations such as development height, setbacks, wall heights and overshadowing to be easily disputed by commercially driven decision makers who rarely live in our suburb or

have the intimate respect and love of our unique neighbourhood.

We ask that council amends the draft to include definitive language that limits interpretation and makes very clear the intention of the planning department to reflect and maintain the amenity of our surrounding streets and neighbourhood.

Please replace the word – PREFERRED with the word MANDATORY or MUST

Please replace the word SHOULD with MUST.

This commitment to clear and definitive language will be helpful to Architects, residents and developers alike.

Warm Regards,

[Redacted signature]

[Redacted block]

[Redacted block]

[Redacted block]

[Redacted block]

[Redacted block]

[Redacted block]

From: [REDACTED]
To: [REDACTED]
Subject: Draft Amendment C271yara Submission
Date: Monday, 24 February 2025 9:10:14 AM
Attachments: [Submission C271-YCC.pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/Madam
Enclosed is our submission.

Regards

[REDACTED]

Submission Amendment C271

Fitzroy and Collingwood Built Form Review

1. Introduction

This submission is in relation to the proposed DDO37. We strongly object to the inclusion of DDO37 to Smith Street south of Gertrude Street, particularly the western side of Smith Street.

2. Issues

This section of Smith Street is under a heritage overlay – **HO 464** – contrary to the *Brunswick Street & Smith Street Built Form Review* - Hansen Partnership & GJM Heritage - analysis at page 16-- *“However, there is no heritage control at either end of the corridor, which provides greater opportunity for infill development to occur.”*

Paint controls apply to the HO464 precinct and internal controls apply to many of the properties. These strict controls are rare in properties under a heritage overlay in Yarra that are not included in the Victorian Heritage Register. Therefore, these heritage buildings cannot be substantially demolished for infill development in the built form envisaged in the proposed DDO37. The built form fabric and character of this section differs significantly from the north and there is no strategic justification for managing this part of Smith Street in the manner proposed.

This part of Smith Street interfaces with the backyards of properties fronting onto Gore Street. The heritage properties on Gore Street are in the heart of the National Estate Heritage Area. It is an outstanding heritage area in the Melbourne Metropolitan area and is particularly important as a remarkable intact exemplar of urban form in the early development of Melbourne.

It is submitted that buildings up to 10 storeys is an inappropriate and unrealistic proposal for this section of Smith Street.

3. Suggestion

Delete this section from DDO37 and incorporate it within a new DDO for the south (western side) with an overall height of generally between 3- 4 storeys/ 11.2m - 14.4m -- **mandatory**.

████████████████████
████████████████████
████████████████████

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Submission to Amendment C271yara
Date: Monday, 24 February 2025 1:53:09 PM
Attachments: [Submission - Amendment C271yara - 95-103 Johnston St 307 Bruswick St Fi....pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern,

Please find attached the completed and signed submission to amendment C271yara.

If you require any further information please contact me.

Many Thanks,

[REDACTED]
Managing Director

[REDACTED]
[REDACTED]

24 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara

95-103 Johnston Street, Fitzroy and 307 Brunswick Street, Fitzroy

██████████ is the owner of the abovementioned lands, and this submission has been prepared in response to draft Amendment C271 to the Yarra Planning Scheme that is currently being exhibited.

Background

The Minister for Planning respectively approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021. These amendments applied 7 interim DDOs to parts of Fitzroy and Collingwood. Unless extended, the interim controls will expire on 30 June 2025.

Following community consultation in September 2022, revised draft permanent controls were reviewed at a Council Meeting on 6 December 2022, and the Minister for Planning provided conditional consent on Tuesday 2 July 2024, authorising Council to exhibit the draft Amendment.

Subject Site

95-103 Johnston Street has a site area of approximately 1,912 sqm and has street frontage to Johnston Street and to Argyle Street. The site has individual heritage significance, accommodating the Melbourne Tramways & Omnibus Company engine house. The building houses 'Coles Local' as the primary tenant and car parking is accommodated at the rear of the expanded building, as well as on the rooftop.

307 Brunswick Street has a site area of approximately 180 sqm and has frontage to Brunswick Street. The site has individual heritage significance, accommodating a two-storey building (historically with shop at ground floor and a dwelling above) and was constructed around 1850-1870.



Figure 1: Site Aerial (landchecker.com.au)

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to each site:

95-103 Johnston Street, Fitzroy

- Part Commercial 1 Zone (C1Z)
- Part Mixed Use Zone (MUZ)
- Heritage Overlay, Schedule 334 (HO334)
- Development Contributions Plan Overlay, Schedule 1 (DCPO1)
- Environmental Audit Overlay (EAO)

307 Brunswick Street, Fitzroy

- Commercial 1 Zone (C1Z)
- Heritage Overlay, Schedule 334 (HO311)
- Development Contributions Plan Overlay, Schedule 1 (DCPO1)

Planning Scheme Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, the amendment proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill.
- Amendment to minor zoning errors in various locations.
- Introduction of local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation the following draft provisions are relevant:

- Updated Clause 11.03-1L Activity Centres
- New Design and Development Overlay Schedule 32

The Amendment is supported by the Built Form Frameworks prepared by Hansen Partnership with input from GJM Heritage.

The Amendment includes consideration to zoning anomalies. The site of 95-103 Johnston Street Fitzroy is proposed to be rezoned from part Mixed-Use and part Commercial 1 Zone, to wholly Commercial 1 Zone.


No.	Address	Error	Recommendation	Location
5	95-103 Johnston Street, Fitzroy VIC 3065	Zoned MUZ and C1Z.	Rezone from MUZ to C1Z to match the property boundaries.	

Figure 2: Zone Anomaly (yoursayyarra.com.au/fitzroycollingwood/exhibition-documents-draft-amendment-c271yara)

Of note, the proposed Design and Development Overlay Schedule 32 (DDO32) proposed to apply to the property at **95-103 Johnston Street Fitzroy** includes the following built form provisions:

- **Mandatory** maximum street wall height of 3 storeys / 11.2 metres to Argyle Street. The street wall **must** also not be higher than the street wall of the adjoining heritage property for a minimum length of 6 metres along the front boundary.
- Retention of heritage street wall to Johnston Street.
- **Mandatory** upper level setback above the Johnston Street street wall of minimum 6 metres.
- The top most level of development over 5 storeys should (*preferred*) be set back a further 3.2 metre from the main street frontage, measured from the level below.
- *Preferred* upper level setback above the Argyle Street (side street) street wall of minimum 3 metres.
- A greater upper level setback behind the street wall of a heritage building should be provided where it would:
 - o Facilitate retention of a roof form or chimney visible from the public realm, or any contributory features.
 - o Maintain the perception of the three-dimensional form and depth of the building.
 - o A lesser setback would detract from the streetscape character.
- **Mandatory** maximum building height of 27.2 metres / 8 storeys.
- *Preferred* rear boundary wall height of 11.2 metres.
- *Preferred* upper level side setbacks:
 - o 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property.
 - o 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.
 - o 6 metres for building exceeding 27 metres, regardless of windows.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- **Mandatory** requirement that new development not overshadow:
 - o The opposite footpath of Johnston Street and side streets over 10 metres wide between 10am and 2pm on 22 September.
 - o Any kerb outstands, seating and/or planting areas between 10am and 2pm on 22 September.

Of note, the proposed Design and Development Overlay Schedule 29 (DDO29) proposed to apply to the property at **307 Brunswick Street Fitzroy** includes the following built form provisions:

- Retention of heritage street wall to Brunswick Street.
- **Mandatory** upper level setback above the Brunswick Street street wall of minimum 8 metres.
- For development over 16.4 metres, the top most upper level above a heritage building should (*preferred*) be set back a further 3.2 metres from the Brunswick Street frontage
- A greater upper level setback behind the street wall of a heritage building should be provided where it would:
 - o Facilitate retention of a roof form or chimney visible from the public realm, or any contributory features.
 - o Maintain the perception of the three-dimensional form and depth of the building.
 - o A lesser setback would detract from the streetscape character.
- **Mandatory** maximum building height of 11.2 metres / 3 storeys.
- *Preferred* rear boundary wall height of 11.2 metres.
- *Preferred* upper level side setbacks:

- 4.5 metres for buildings up to 27 metres where a habitable room window or balcony is proposed or existing on the adjoining property.
- 3 metres for buildings up to 27 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- **Mandatory** requirement that new development not overshadow:
 - The opposite footpath of Brunswick Street and Johnston Street and side streets over 10 metres wide between 10am and 2pm on 22 September.
 - Any kerb outstands, seating and/or planting areas between 10am and 2pm on 22 September.

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site and its future development potential, submissions are made based on the following key themes:

1. Rezoning
2. Overarching Policy
3. Use of mandatory controls
4. Building heights
5. Flood level considerations
6. Street wall heights
7. Upper level setbacks
8. Overshadowing Requirements

1. Rezoning

We support the rezoning of 95-103 Johnston Street Fitzroy to wholly Commercial 1 Zone.

We submit that the laneways adjacent to the Commercial 1 Zone also be rezoned to wholly Commercial 1 Zone to avoid potential future conflicts associated with their proposed use by land in the C1Z.


No.	Address	Error	Recommendation	Location
5	95-103 Johnston Street, Fitzroy VIC 3065	Zoned MUZ and C1Z.	Rezone from MUZ to C1Z to match the property boundaries.	

Figure 3: Zone Anomaly (yoursayyarra.com.au/fitzroycollingwood/exhibition-documents-draft-amendment-c271yara)

2. Overarching Policy

Policy direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' early this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

3. Use of Mandatory Controls

The key focus of the Victorian Planning Provisions (VPP) is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

The VPP are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

4. Building Heights

The concern with the proposed building heights primarily relates to the mandatory nature of the control, which is not supported by the built form framework or the heritage reviews.

The *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* prepared by GJM Heritage (2019) recommended a preferred maximum building height of 4-8 storeys on the north side of Johnston Street. It only recommended mandatory controls for the southern side where they *'are necessary to protect the heritage character of the south side of Johnston Street where it is more highly intact.'*

The *Brunswick Street & Smith Street Built Form Review: Johnston St Built Form Framework Report* prepared by Hansen (2019) recommended preferred building heights, including a preferred building height of 8 storeys / 26.4 metres for the Subject Site.

The application of a mandatory height control to the Subject Site is therefore not justified and the control should be discretionary.

5. Flood Level Considerations

We note that Council have been exploring an update to flood maps will inform planning controls that will ensure future developments are better designed to avoid the impacts of overflow in our stormwater network created during a severe storm. The updated stormwater maps are proposed to apply under the Building Regulations and may also include the introduction of a Special Building Overlay (SBO). These are additional preventative measures and are designed to set appropriate conditions and floor levels to mitigate possible flood risk.

Consistent with proper and orderly planning principles, now is the opportune time for Council to consider what impact this flood prone land work will have on the DDO29 and DDO32 precinct and to respond appropriately.

We understand from preliminary discussions with Council that the subject site may be impacted by the flood mapping.

Consistent with many Victorian Planning Provision zone controls, the following should be included as part of DDO29 and DDO32.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Failing to account for future flood level considerations and linking them to preferred building height will have unintended consequences.

6. Street Wall Height

It is unclear why the proposed Aryle Street street wall height has been made mandatory.

There is no justification for the use of a mandatory control, particularly given the sporadic occurrence of contributory heritage buildings on Argyle Street.

Further, it is submitted that the requirement for infill development to match the street wall height of any adjoining heritage building for a distance of 6m is overly prescriptive. This should similarly be a discretionary control used to guide the design response of a development and allow for a contextually appropriate response.

7. Upper Level Setbacks

The *Johnston St Built Form Framework Report* prepared by Hansen (2019) did not contain any recommendation for mandatory upper level setbacks.

There is no evidence to support the need for mandatory upper level setback requirements in this location.

We refer to submissions made under Item 3 above (Use of Mandatory Controls).

The upper level setbacks controls should be *preferred*.

8. Overshadowing Requirements

Proposed DDO29 and DDO32 seeks to introduce a mandatory requirements to not overshadow the opposite footpath of Brunswick Street, Johnston Street and side streets over 10 metres wide, and opposite kerb outstands, seating and/or planting areas.

We refer to submissions made under Item 3 above (Use of Mandatory Controls). The overshadowing controls should be *preferred*.

At a minimum, the overshadowing controls associated with opposite kerb outstands, seating and/or planting areas should be *preferred*, appreciating that this would be consistent with City of Yarra DDO23 (gazetted 11/07/2024).

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned at [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Amendment C271yara - Submission
Date: Monday, 24 February 2025 2:10:26 PM

Dear Strategic Planning Team,

I've made a separate detailed submission on behalf of Protect Fitzroy North Inc. in relation to a specific aspect (basically solar access to ground floor dwellings in the proposed DDOs) that animated the PFN committee.

Both the PFN committee and myself are broadly in support of the amendment overall and in respect of the individual DDOs. A lot of work has already gone into this, and unlike some previous amendments there's no sense of a gulf between the exhibited documents and where we - as a community group with a particular interest in planning matters - sit. Congratulations on the hard work to date.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Amendment C271yara - Submission
Date: Monday, 24 February 2025 2:10:26 PM

Dear Strategic Planning Team,

I've made a separate detailed submission on behalf of Protect Fitzroy North Inc. [REDACTED]
[REDACTED]

Switching now from representing PFN to representing myself, I wanted to use the remainder of this email to make a separate (tiny) personal submission here on a fairly minor matter that I've looked into personally.

In Jim Gard'ner's (GJM Heritage) assessments, he's made some recommendations regarding rezoning some obviously low-rise residential housing from MUZ to NRZ. I was asked by residents to look at the specific case of 100-104 Leicester St, Fitzroy - basically to the rear of the Brunswick St Nursery development. There are 3 low-rise heritage terrace residential houses there - zoned MUZ for some reason - that are directly opposite an intact row of NRZ heritage terrace houses. This is just incongruous - and really unfair on the owners of the MUZ-zoned houses as they have less protection from imposition on their amenity but simultaneously - for heritage reasons - would be unable to leverage any *advantages* of MUZ-zoning by developing their sites in any meaningful way (ie. they cop the *dis*-benefits, without any benefits..).

We all know that - if we look into the zoning history - this all harks back to when bureaucrats in the MMBW used to (without any notice or oversight) simply draw lines fairly arbitrarily on a map marking out things like INZ3 which later got converted to some other "equivalent" zoning as the zones were simplified.

I can't speak for most of Mr Gard'ner's other zoning recommendations; though I was personally familiar with a couple of other examples elsewhere in Fitzroy he has correctly identified - so based on what I *can* personally attest to he appears to have done a bang-up job - as I think he has on the specific case of 100-104 Leicester St Fitzroy.

That's all I have to say personally.

Kind regards,
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 February 2025 2:44 PM
To: [REDACTED]
Subject: Draft Amendment C271yara Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Yarra Council Strategic Planning Team

I am a concerned Collingwood resident living in Bedford Street. I have read with interest Amendment C271, and I am writing to raise my concerns relating to proposals for SCHEDULE 30 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY, specifically DDO30 Smith Street Shops.

Pursuant to Map 1 below, I am alarmed by the proposed height limit of 9 storeys for future developments between Hodgson Street and St David Street (current Woolworths location). There are no other street facing buildings exceeding 6 storeys along this stretch of Smith Street north of Stanley and Moors Streets, therefore I cannot understand why the Yarra council would consider exceeding the limit of 6 storeys in favour of a higher building of 9 storeys for that specific site.

Despite the set back requirements I believe the excessive height will likely cause overshadowing of adjacent residential properties, leading to a loss of natural sunlight, as well as significantly diminish the historical, heritage and architectural character of this stretch of Smith Street. Additionally, increased noise, traffic congestion, and strain on local infrastructure such as parking and public transport will adversely affect the livability of the area.

It was my understanding that higher rise buildings were designated on or north of Johnston Street, therefore what is the justification for allowing a 9 storey development to be constructed on this site?

I am certainly not opposed to the progress of new developments and enhancement of our neighborhoods but I am extremely concerned about over development purely to achieve the commercial and financial benefits of developers.

I would like to submit my opposition to the draft proposal for a 9 storey development on this specific site and I strongly urge the Yarra council to reduce and restrict the height limit to 6 storeys, consistent with all street facing buildings along this stretch of Smith Street north of Stanley and Moors Streets.

Thank you for your time and for considering this objection.

Regards

[REDACTED]

Map 1: Building and street wall heights (north of Stanley and Moor Streets)



From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Amendment C271
Date: Monday, 24 February 2025 3:01:53 PM
Attachments: [Draft Amendment C271yara Submission.pdf](#)

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Hi,

Strategic planning – please see attached letter.

Regards

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

FIRST NATIONS RECOGNITION

This communication and any attachments are confidential and may be privileged, intended only for use of the individual or entity named. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this transmission in error, please delete it immediately from your system and inform us by email on email@neometro.com.au



Date

24 February 2025

To

Strategic Planning Department
City of Yarra

Address

PO Box 168
RICHMOND VIC 3121

Sent

Via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara

450 Gore Street, Fitzroy

██████████ is the owner of the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Having reviewed the exhibited material, we provide the following comments and submissions.

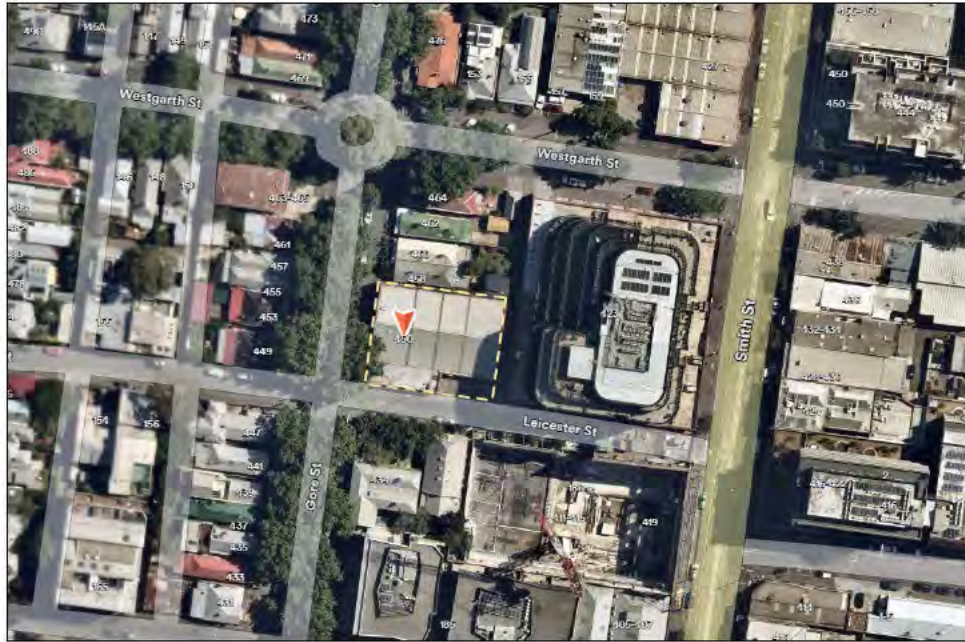
SUBJECT SITE

The subject site is known as 450 Gore Street, Fitzroy and is formally described as Lot 1 TP514103.

The site is located on the north-east corner of Gore and Leicester Street with an interface to an unnamed laneway to the east. The site has an overall area of approximately 907m². The land is approximately 180m south of Alexandra Parade and approximately 60m west of Smith Street. An aerial photograph is provided in Figure 1 below.

The site benefits from Planning Permit No. PLN23/0129 as further detailed below.

Figure 2 – Aerial Photograph



SITE HISTORY / EXISTING PLANNING APPROVAL

The land benefits from existing Planning Permit No. PLN23/0129

Planning Permit No. PLN23/0129 was issued on 29th February 2024 by Yarra City Council and allows construction of a five-storey residential apartment building comprising 18 dwellings.

CURRENT PLANNING SCHEME PROVISIONS

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the site:

- Mixed Use Zone
- Heritage Overlay Schedule 334
- Design and Development Overlay Schedule 36 (interim)
- Development Contributions Overlay Schedule 1

DD036 specifically relates to Fitzroy East and Johnston Street North and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls as relevant to 450 Gore Street are (in summary):

- A preferred building height of **17.6m**.
- A preferred street wall height of **11.2m** and **8m** at the northern end of the Gore Street frontage.
- A preferred **11.2m** rear boundary wall height
- A preferred setback above the streetwall of **6m**
- Preferred side setback requirements of **3.0m** to **4.5m** depending on the interface condition
- Preferred overshadowing requirements to not overshadow the opposite footpath of Gore Street and any opposite kerb outstands, seating and/or planting areas (as applicable) between **10am and 2pm at 22 September**
- Preferred requirement to meet the objectives of Clause 55.04-5 (Overshadowing) for adjoining land within a Neighbourhood or General Residential Zone

DRAFT AMENDMENT C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduce permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

We also note that the Amendment is supported by the Built Form Framework prepared by Hansen Partnership and Built Form Review prepared by GJM Heritage.

Within the exhibited documentation, the draft **DDO36**, which is proposed to be introduced on a permanent basis is of principle relevance.

The proposed amended **DDO36** is generally consistent with the existing interim control with respect to building height, streetwall height, upper-level setbacks and other matters, however seeks to introduce mandatory overshadowing requirements, to Gore Street, mandatory streetwall requirements, and make various revisions to drafting and formatting.

Submissions

While the broad ambitions of Amendment C271yara are acknowledged and generally supported, we make the following submissions:

- The preferred height nominated for the site should be increased to 20.8m, consistent with other similar land / sites within the precinct and in recognition of the size of the site, its proportions, and absence of heritage constraints, making it an ideal development site where the opportunity should be optimised.
- The preferred upper-level setbacks of 6m are excessive having regard to the existing built form context within the DDO36 area and the 'mid-rise' scale contemplated. The preferred setbacks should be reduced to 3m-5m.
- The proposed mandatory streetwall requirements for infill development adjoining a heritage building are impractical and overly restrictive. Preferred requirements, together with the other design objectives of DDO36, heritage and built form policy, provide sufficient guidance while enabling site-specific design solutions.
- The use of mandatory provisions within the draft DDO36 is not supported. 'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

We thank Council for the opportunity to participate in this process and request to be kept informed of the Amendment's progress. Naturally, should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely,



Director



From: [Redacted]
Sent: Monday, 24 February 2025 3:26 PM
To: [Redacted]
Cc: [Redacted]
Subject: Draft Amendment C271yara Submission by [Redacted]
Attachments: Amendment C271yara submission letter_Final_signed.pdf

You don't often get email from r Fleming@urbis.com.au. [Learn why this is important](#)

Dear Strategic Planning,

Please find attached submission made to proposed Planning Scheme Amendment C271 – Fitzroy and Collingwood (the Amendment) by [Redacted], as an approved representative of the landowners of the sites at:

- 454-464 Smith Street, Collingwood;
- 35-53 Emma Street, Collingwood; and
- 5-9 Alexandra Parade, Collingwood.

Kind regards,

[Redacted]
 SENIOR CONSULTANT

[Redacted]

**SHAPING
 CITIES AND
 COMMUNITIES**



[Redacted]

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Koulloupas Holdings Pty Ltd

ABN 35 949 726 554
1/88 Cambridge St
Collingwood VIC 3066
03 9415 9222

24 February 2024

Strategic Planning
City of Yarra
PO Box 168
Richmond VIC 3121

Via email to: [REDACTED]

Dear Strategic Planning,

PLANNING SCHEME AMENDMENT C271YARA SUBMISSION 454-464 SMITH STREET, COLLINGWOOD; 35-53 EMMA STREET, COLLINGWOOD AND 5-9 ALEXANDRA PARADE, COLLINGWOOD

1. INTRODUCTION

This submission is made to proposed Planning Scheme Amendment C271 – Fitzroy and Collingwood (the Amendment) by [REDACTED], as an approved representative of the landowners of the sites at:

- 454-464 Smith Street, Collingwood;
- 35-53 Emma Street, Collingwood; and
- 5-9 Alexandra Parade, Collingwood.

The three sites listed above will be affected by this proposed amendment.

2. PROPOSED AMENDMENT C271

Amendment C271 proposes to introduce permanent Design and Development Overlay (DDO) schedules across Fitzroy, Collingwood and a small pocket of Clifton Hill. Having regard to our land, the Amendment seeks to;

- **454-464 Smith Street, Collingwood**
 - Replace the existing interim Design and Development Overlay – Schedule 37 ‘Smith Street North and South’ with a new permanent Design and Development Overlay – Schedule 37 ‘Smith Street North and South’ (DDO37).
- **35-53 Emma Street, Collingwood**

- Replace the existing interim Design and Development Overlay – Schedule 37 ‘Smith Street North and South’ with a new permanent Design and Development Overlay – Schedule 37 ‘Smith Street North and South’ (DDO37).
- Delete Design and Development Overlay – Schedule 13 ‘Emma Street Precinct, Collingwood’.
- **5-9 Alexandra Parade, Collingwood**
 - Replace the existing interim Design and Development Overlay – Schedule 38 ‘Alexandra Parade’ with a new permanent Design and Development Overlay – Schedule 37 ‘Alexandra Parade’ (DDO38).
 - Delete Design and Development Overlay – Schedule 13 ‘Emma Street Precinct, Collingwood’.
 - Remove Design and Development Overlay – Schedule 2 ‘Main Roads and Boulevards’ from the site.

3. SUBMISSION IN RESPONSE TO AMENDMENT C271YARA

This submission acknowledges the ongoing role of the Yarra City Council in managing development activity within the Smith Street Major Activity Centre but highlights specific aspects of the Amendment which still require additional consideration and refinement.

While we recognise the importance of implementing robust built form guidance within this part of Collingwood which is undergoing significant development activity, we make the following submission to Amendment C271 and specifically the proposed DDO37 and DDO38:

- The introduction of mandatory overshadowing controls seems overly stringent and will impede future development within Collingwood.
- The preferred heights are exceedingly conservative and do not reflect the context of the sites to which they apply, nor do they sufficiently support State planning policy objectives for higher densities in activity centres.
- The preferred setback requirements do not provide sufficient flexibility to consider alternative site specific approaches to providing for appropriate amenity and equitable development outcomes.

Further commentary is provided below with regards to Design and Development Overlay Schedule 37 ‘Smith Street North and South’ and Design and Development Overlay Schedule 38 ‘Alexandra Parade’.

3.1. PROPOSED DDO37 – SMITH STREET NORTH AND SOUTH

The proposed DDO37 will affect our sites at 454-464 Smith Street, Collingwood and 35-53 Emma Street, Collingwood. With regards to the proposed DDO37 we make the following submission:

Overshadowing and solar access requirements

The interim DDO37 includes discretionary overshadowing requirements applicable to the opposite footpath of Smith and side streets over 10 metres wide between 10am and 2pm at 22 September. The proposed DDO38 seeks to replace this discretionary requirement with a mandatory requirement also applicable between 10am and 2pm at 22 September.

As set out above, this requirement is overly stringent and will impede future development within Collingwood. We are of the view that in posing such a stringent requirement, future development of

the scale anticipated within this area of Collingwood would be unlikely to comply. Requiring developments to comply with an onerous requirement to not overshadow opposite footpath of side streets, including those such as Emma Street which are in the General Residential Zone does not align with intent for activity centres to accommodate higher density development.

The opposite side of Emma Street is located within a residential zone and is located outside of the Smith Street Major Activity Centre. The requirement to impose mandatory overshadowing requirements to the opposite side of Emma Street is also at odds with the requirements of Clause 15.01-2L (Building Design) of the Yarra Planning Scheme which seeks to ensure that development allows direct sunlight between 10am and 2pm on 22 September on the *“opposite footpath on streets orientated north-south [such as Emma Street] in activity centres as defined in Clause 11.03-1L”*.

This requirement would only apply to the western side of Emma Street, located within the Smith Street Major Activity Centre, and would not apply to the eastern side of the street. We submit that this approach is logical and appropriately seeks to protect streets within the activity centre, rather than residential streets which are not expected to generate significant pedestrian movements and are not key pedestrian routes.

Building height requirements

The land at 454-464 Smith Street is afforded a preferred building height of 7 storeys/24 metres. This preferred building height aligns generally with that of the ‘You & I’ building at 6 Mater Street to the south which is 7 storeys in height. The Trilby building at 470 Smith Street to the north meanwhile has a height of 10 storeys. There are a number of nearby approved and constructed developments which exceed this preferred height:

- Nos. 5-9 Alexandra Parade, Collingwood – 10 storeys (approved by Council)
- Nos. 468-482 Smith Street, Collingwood - 10 storeys (constructed)
- Nos. 444-452 Smith Street, Collingwood – 7 storeys (constructed)
- Nos. 423-425 Smith Street, Collingwood – 8 storeys (approved by Council)
- Nos. 416-422 Smith Street, Collingwood – 9 storeys (constructed)
- Nos. 411 – 421 Smith Street, Collingwood – 9 storeys (approved)
- Nos. 592 - 622 Smith Street, Nos. 2-12 Alexandra Pde and Nos. 1-7 Reeves St Clifton Hill – 10 storeys commercial (approved)
- Nos. 378 Smith Street, Collingwood – 8 storeys

Our site at 454-464 Smith Street is a large, generally uniform shaped site with a frontage to Smith Street and a rear laneway and no frontages to residentially zoned land. The preferred building height of 7 storeys in this location is considered to unnecessarily constrain development. The size of the land, and its excellent location within the Smith Street Major Activity Centre lends itself to higher density development. As such, it is put forward that building heights closer aligned with the Trilby building to the north at a minimum would be more appropriate for the land at 454-464 Smith Street.

Further to this, the DDOs make no mention of site consolidation and the implications on preferred height.

Street wall height requirements

The interim DDO37 includes a discretionary requirement to retain the “*heritage streetwall*” at 462-464 Smith Street. The proposed DDO37 replaces this requirement with a discretionary street wall height of 2 storeys/8 metres. This change within the proposed DDO37 to remove the requirement to retain the heritage street wall is welcomed. Noting that the interim DDO37 requirements have not been subject to testing at planning panels, the requirement to retain the heritage street wall is at odds with the rest of the Yarra Planning Scheme. This is on the basis that 462-464 Smith Street is not included within the Heritage Overlay nor is it listed within Councils Appendix 8. As such, there is not considered to be any basis for this requirement.

There are no heritage buildings on the eastern side of Smith Street between Alexandra Parade and Mater Street. As such, we consider that the proposed requirement for a 2 storey street wall is also at odds with the context of this section of Smith Street. Given that there is no requirement to retain the existing front facades of the buildings at 462-464 Smith Street, it is considered that a street wall of up to 4-storeys would be appropriate in this location and in keeping with the prevailing streetscape character of this section of Smith Street. The street wall heights for 456-458 Smith Street should also align with those for 462-464 Smith Street and would also be appropriate for up to 4-storeys.

3.2. PROPOSED DDO38 – ALEXANDRA PARADE

The proposed DDO38 will affect our site at 5-9 Alexandra Parade, Collingwood and with regard to DDO38 we make the following submission:

Building height requirements

The proposed DDO38 has made a number of consequential changes to the preferred building height requirements, particularly for land fronting Alexandra Parade. Specifically in relevance to our site at 5-9 Alexandra Parade the proposed DDO38 reduces the preferred building height of the land from 10 storeys/33.6 metres within the interim DDO38 to 7 storeys/24 metres within the proposed DDO38.

This is a significant reduction in height which is poorly conceived given the site’s robust interface to Alexandra Parade which lends itself to taller built form. Alexandra Parade is an exceptionally wide road which has a boulevard character. This is acknowledged within Clause 15.01-1L (Urban Design) of the Yarra Planning Scheme which seeks to support development along Alexandra Parade of a scale that reflects the context of the boulevard.

We submit that the proposed preferred building height of 7 storeys to the land at 5-9 Alexandra Parade represents an underdevelopment of the site and does not reflect the context of the boulevard nor the aspirations of State planning policy to locate higher density developments in Activity Centres near public transport. We suggest that at a minimum the preferred building height of 10 storeys included within the interim DDO38 which is also reflective of the built form approved under planning permit issued for the site 19 April 2018 (planning permit ref. PLN16/1070) for a 10-storey building. During the planning application process, significantly robust analyses and assessment was undertaken and found that a development of 10 storeys was found to be acceptable in this location.

Overshadowing and solar access requirements

With relevance to our land at 5-9 Alexandra Parade, the interim DDO38 includes discretionary overshadowing requirements applicable to the eastern and western sides of Emma Street. The proposed DDO38 seeks to replace this discretionary requirement with a mandatory requirement. This includes a mandatory requirement to not overshadow the eastern side of Emma Street at 2pm on 22 September which will be relevant to any redevelopment of our site.

Similarly to the mandatory overshadowing requirements of DDO37, we consider these mandatory overshadowing requirements of DDO38 to be overly stringent and will impede future development within Collingwood. The eastern side of Emma Street is largely within the General Residential Zone and as such this street is unlikely to become a busy pedestrian street that warrants the overshadowing requirements proposed.

As set out above, the land at 5-9 Alexandra Parade is well suited to a higher density development, which could easily accommodate heights of over 10 storeys. The site benefits from an excellent location within the Smith Street Major Activity Centre with excellent access to public transport and services. We submit that mandatory overshadowing controls are inappropriate for the context of the site and would unnecessarily restrict development whilst providing minimal public benefit given the nature of Emma Street.

Building separation and amenity requirements

The proposed DDO38 includes a requirement to set back development a minimum of 6 metres from the common boundary, where buildings exceed 27 metres in height. This applies whether or not windows are proposed on the site. This requirement is particularly onerous and would impact the development potential for 5-9 Alexandra Parade. We submit that the proposed DDO38 should allow for consideration to be given to alternative setbacks, including building to the boundary, where this would appropriately provide for equitable development opportunities on adjoining sites. This would reflect the built form approved via planning permit PLN16/1070 at 5-9 Alexandra Parade, which includes built form to the boundary (apart from a lightwell) at the site's interface with 1 and 3 Alexandra Parade to the west.

4. CONCLUSION

We stress the need for Council to have due regard to the implications of stringent mandatory overshadowing requirements which may undermine the intent of the Activity Centre to deliver higher density development. We also encourage the review of preferred building height and street wall requirements to ensure that these accurately reflect the existing and preferred context of the land to which they apply.

We welcome the opportunity to discuss this submission further with Council. If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Yours sincerely,



Director



From: [REDACTED]
Sent: Monday, 24 February 2025 3:37 PM
To: [REDACTED]
Subject: 159 - 167 Johnston Street - Submission to C271 - City of Yarra - [REDACTED]
Attachments: Submission to Draft Amendment C271_CoY.pdf

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To Whom It May Concern,

Please see the attached letter detailing [REDACTED] response to Draft Amendment C271.

Thank you. Regards,

[REDACTED]

Not Your Typical Assistant Development Manager

COBILD™

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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[REDACTED]

24 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent

Via email to strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

Submission to Draft Amendment C271yara - 159-167 Johnston Street, Fitzroy

[REDACTED] is the owner of the abovementioned land, and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Subject Site

The subject site comprises the land at 159, 161, 163, 165 & 167 Johnston Street Fitzroy and is located on the north-west corner of Napier Street and Johnston Street, 150 metres (approx.) east of Brunswick Street.

The subject site comprises three amalgamated properties and is formally described as:

- Lot 1 on Title Plan 684361K (159-161 Johnston Street, Fitzroy)
- Consolidated Plan 103548 (163 Johnston Street, Fitzroy)
- Lot 1 on Title Plan 148092 (165-167 Johnston Street, Fitzroy)

In terms of context, the subject site is located within the Johnston Street Neighbourhood Activity Centre and between the Smith Street Brunswick Street Major Activity Centres where a wide range of urban infrastructure is provided. In terms of surrounding development, buildings of varying heights and scales, with newer developments of up to 10-storeys in height exist within the immediate context.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the subject site:

- Commercial 1 Zone (Clause 34.01).
- Heritage Overlay Schedule 334 (Clause 43.01).
- Design and Development Overlay Schedule 10 and Schedule 36 (Clause 43.02).
- Environmental Audit Overlay (Clause 45.03).
- Development Contributions Plan Overlay Schedule 1 (Clause 45.06).

More specifically, we note:

Design and Development Overlay Schedule 10

Schedule 10 to the Overlay identifies the site within the Johnston Street precinct west of Smith Street, and provides the following built form parameters:

- A preferred street wall of 3 storeys or 12 metres.
- Development above street façade height should be set-back and not exceed four to six storeys. Setbacks should meet the following view line and amenity criteria:
 - o *Avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 September);*
 - o *Where sites adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts;*
 - o *Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces.*

Design and Development Overlay Schedule 36

Schedule 36 to the Overlay identifies the site within the Fitzroy East and Johnston Street North precinct and provides the following built form parameters as relevant:

- A preferred 30.4 metre building height
- A preferred 14.4 metre street wall to Johnston Street and Napier Street.
- Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.
- For development over 16.4 metres, the topmost upper level above a heritage building should be set back a further 3.2 metres from a street frontage.
- Upper level setbacks from site and rear boundaries of 3m-4.5m.0
- Development on a rear boundary should not exceed 11.2 metres.
- Upper-level setbacks above a rear boundary wall should be contained within a maximum of two steps
- New development should not overshadow the opposite footpath of Johnston and Napier Streets measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September;

Draft Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.



As it relates to the subject site, Amendment C271 to the Yarra Planning Scheme seeks to introduce an amended version of DDO36 on a permanent basis. The amended version of DDO36 includes the following key changes compared with the current interim version:

- A reduction in the preferred streetwall height to Johnston Street from 14.4m to 11.2m.
- Mandatory shadow requirements to Johnston Street and Napier Street.
- A mandatory restriction to additional vehicular access from Johnston Street.
- Revisions to drafting and formatting.

The proposed DDO36 continues to advocate for a 'mid-rise' scale of buildings (ranging from 6 to 9

storeys) along Johnston Street, a preferred height of 30.4m, and upper-level setbacks above the streetwall of 6m.

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site, we make submissions in relation to the following:

1. Reduced street wall height to Johnston St
2. Use of mandatory controls
3. Complexity

A discussion in relation to each is provided as follows:

1. Street Wall Height

The proposed reduction in the preferred streetwall height to Johnston Street is not supported.

Firstly, a reduction in the preferred streetwall height to 11.2m is inconsistent with the *Johnston Street Built Form Framework*, which underpins the amendment, and reflects a preferred streetwall height of four-storeys / 14m.



Source: *Johnston Street Built Form Framework*, p.25

While the existing DDO10 for the 'Johnston Street Precinct – West of Smith Street' contemplates 'A more consistent streetscape with the street-frontage 'façade wall' at the predominant two to three storey height of 20th and 19th Century buildings', the section of Johnston Street in which the subject site sits is not strongly characterised by such buildings. Rather, the existing land to the east and west consists of non-contributory buildings which represent future development opportunities and are likely to change over time. It is not necessary to encourage a character and form, which is not strongly established.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The preferred four-storey / 14m (approx.) streetwall within the current interim DDO36 and the Johnston Street Built Form Framework is an appropriate 'fit' and is consistent with the existing and emerging built form character of inner-urban activity centres, within Yarra and other parts of inner-Melbourne.

2. Use of Mandatory Controls

While the broad ambitions of the Amendment and the proposed DDO36 and generally supported, the use of mandatory provisions is not.

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes*.

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

The current drafting of the interim DDO36, which reflects preferred overshadowing requirements, is sufficient to achieve the outcomes sought and should be retained.

3. Complexity of Controls

The proposed drafting of DDO36 is overly technical, unnecessarily complex and should be simplified.

Contemporary planning provisions should seek to stimulate and encourage new development and investment, by setting clear direction while providing sufficient flexibility for site-specific outcomes and enabling good design.

We thank Council for the opportunity to participate in this process. Naturally, should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

[Redacted]

[Redacted]

4. Flood Level Requirements

We note that Council is in the process of updating its flood level requirements and flood mapping in partnership with Melbourne Water, which may impact the applicable local flood level for the site at Building Permit stage. It is submitted that the drafting of DDO36 should require that any preferred building height or streetwall height be measured from the applicable flood level, consistent with other provisions within the VPPs.

Yours sincerely,

[Redacted Signature]

[Redacted Contact Information]

From: [REDACTED]
To: mbxStrategicPlanning
Cc: [REDACTED]
Subject: Amendment C271yara - Submission
Date: Monday, 24 February 2025 3:53:12 PM
Attachments: [image001.jpg](#)
[Submission - Proposed Amendment C271yara - 256&258 Brunswick Street.pdf](#)

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ATTN: Strategic Planning Department

Please find attached our submission in relation to the proposed amendment C271yara on behalf of our client, [REDACTED], who controls the land at 256 & 258 Brunswick Street, Fitzroy.

Please do not hesitate to contact our office if you have any questions.

Kind regards,

[REDACTED]
Planner

[REDACTED]

Planning & Property Partners Pty Ltd
[REDACTED]

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24 February 2025

ATTN: Strategic Planning
PO Box 168
RICHMOND VIC 3121

By email: [REDACTED]

Dear Sir / Madam,

**PROPOSED AMENDMENT C271YARA SUBMISSION
OBJECTION TO PROPOSED AMENDMENT
256 & 258 BRUNSWICK STREET FITZROY**

This submission is made on behalf of [REDACTED] ('Client').

Our Client controls the land located at 256 & 258 Brunswick Street, Fitzroy (the 'Sites') and maintains a live planning permit application PLN23/0897 ('Application') which is currently scheduled to appear before the Victorian Civil and Administrative Tribunal ('VCAT') in the coming months. Our Client holds a keen interest in the proposed Yarra Planning Scheme Amendment C271yara ('Proposed C271yara') currently on exhibition.

The Site is located within the Brunswick Street activity centre, fronting the tramway and located approximately 1.1 kilometres from the Melbourne Central Business District ('Melbourne CBD') and is included in Schedule 29 to Clause 43.02 Design and Development Overlay ('DDO29').

SUMMARY OF CONCERNS

In principle, we acknowledge and support the work of Yarra City Council ('Council') to date both from heritage and built form perspective. However, notwithstanding the work completed to date, our Client is not supportive of the current drafting of the Proposed C271yara.

Proposed DDO29 Controls

The following relevant DDO29 provisions are proposed to apply to the Site with a caption of Map 1 shown below:

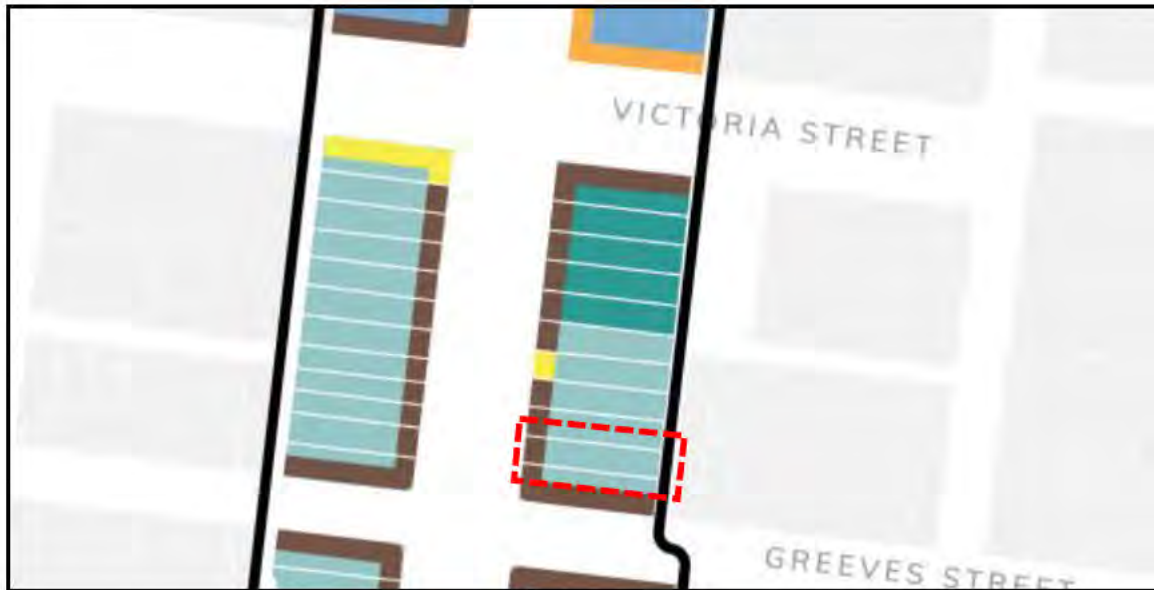
- A mandatory maximum building height of 4 storeys / 14.4 metres.
- A retained heritage street wall to the Site (n.b. this differs to each of 256 and 258 Brunswick Street).
- A mandatory upper-level setback of 8 metres above the retained heritage street wall
- Rear boundary wall height of 8m with the upper-level setback thereafter in a 45 degree envelope. We understand both the wall height this to be a 'discretionary' requirement, however the expression at Clause 2.6 is not clear in this regard.

[REDACTED]

[REDACTED]

[REDACTED]





Noting the above, our Client raises the following issues with the Proposed C271:

Maximum Building Height

256 Brunswick Street is graded as 'individually significant' due to its age and unique character. The three-storey building at 256 Brunswick Street maintains a maximum building height of 16.53 metres, measured at the street wall. The existing height of the heritage building exceeds the proposed mandatory building height of DDO29. In this case and in this precinct the heights proposed are not considered to appropriately respond to the existing conditions or the opportunity the activity centre context presents in achieving appropriate development intensity, having regard to broader policy aspirations and current economic conditions. At a minimum, the heights proposed should be expressed as discretionary requirements to allow site responsive design to be advanced.

Street Wall Height and Upper-Level Setbacks

In principle, our Client understands and can support the retention of the existing identified heritage street walls as is currently contemplated. After all, it is a reason why the Sites were secured in the first place. However, the mandatory 8 metre upper level setback that is proposed above a retained heritage street wall is frankly a blunt approach that does not provide opportunity for a site responsive design or, in the case of the Sites, consider the varied existing context.

Rear Building Interface

The rear boundary wall interface requirement combined with the mandatory overall heights and mandatory street wall setback unreasonably and without sufficient justification ensures the Sites cannot be reasonably be developed.

Planning Practice Notes 59 and 60

We note and draw attention to both Planning Practice Note 59 ('PPN59') and Planning Practice Note 60 ('PPN60') which set clear guidance around the justification for including mandatory provisions and the policy (State, Regional and Local) balance which must be achieved. This balance is not easily met, particularly in the context of a higher order activity centre such as this and over time.

Transitional provisions

Noting the Application currently under assessment for the Sites, we request that appropriately drafted transitional provisions be included within the DDO29.

SUMMARY

Presently, our Client does not consider that the Proposed C271yara is in a suitable form for implementation into the Planning Scheme and respectfully requests that changes are required to address the matters above.

We reserve the right to further expand upon these submissions at the standing advisory committee.

Should Council have any queries on this submission, please do not hesitate to contact [REDACTED] on [REDACTED] (email: [REDACTED]) or the undersigned on [REDACTED].

Kind regards

[REDACTED]

[REDACTED]
Planning & Property Partners Pty Ltd

From: [REDACTED]
Sent: Monday, 24 February 2025 4:01 PM
To: [REDACTED]
Subject: Draft Amendment C271yara Submission - [REDACTED] (592-622 Smith Street, 2-12 Alexandra Parade & 1-7 Reeves Street, Clifton Hill)
Attachments: Final Submission C271 - [REDACTED] - 600 Smith Street, Clifton Hill.pdf

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Dear Sir / Madam,

Contour Consultants acts on behalf of [REDACTED] in regard to the land at 592-622 Smith Street, 2-12 Alexandra Parade & 1-7 Reeves Street, Clifton Hill.

On behalf of our client, please see attached a submission which has been prepared in response to draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this submission further.

Kind regards,

[REDACTED]
Associate
Contour Consultants
[REDACTED]
[REDACTED]



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Date

24 February 2025

To

Strategic Planning Department

City of Yarra

Address

PO Box 168

RICHMOND VIC 3121

Sent

Via email: [REDACTED]

Dear Sir/Madam,

Submission to Draft Amendment C271yara

592-622 Smith Street, 2-12 Alexandra Parade & 1-7 Reeves Street, Clifton Hill

[REDACTED] is the owner of the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Background

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 which applied 7 interim DDOs to parts of Fitzroy and Collingwood. These interim controls will expire on 30 June 2025.

Community consultation was held in September 2022 which sought feedback on the proposed Fitzroy and Collingwood Planning Controls. Following this, revised permanent controls were reviewed at a Council Meeting on 6 December 2022.

The Minister for Planning provided conditional consent on Tuesday 2 July 2024, allowing Council to exhibit the draft Amendment in line with the standing advisory committee process. The conditions can be summarised as follows:

- Review of planning scheme:
 - To remove duplication within the amendments;
 - Update content for administrative purposes;
 - Align maps with proposed precincts.
- Review of amendment material to:
 - Amend the proposed schedules to the DDO by making the following changes: o Delete 'equitable development' from the relevant requirement sub-heading, amend the first requirement under building separation and amenity to remove references to future development opportunities, and delete the 'equitable development' decision guideline;
 - Delete criteria for exceeding preferred heights, in accordance with the recommendations of the Yarra Activity Centres Standing Advisory Committee (SAC) (recommendations 4b and 4c Amendment C29yara and 1c and 1d Amendment C293yara);
 - Amend the proposed schedule to the Heritage Overlay to include the applicable statements of significance for HO506 and HO507 and revise for HO507 to 'Victoria Parade East Precinct' in line with the place name in the statement of significance.
- Review of explanatory note to:
 - Identify all land affected by the amendment;

- Acknowledge rezoning and improve irregularities;
- Update the strategic assessment on the need for the new Heritage Overlays, their relevance to Plan Melbourne and how their application implements the objectives of planning in Victoria.
- Update the strategic assessment highlighting the relevance to Plan Melbourne directions under Outcome 2 and 4 and providing further details on how the amendment supports and implements the PPF and Municipal Planning Strategy beyond listing relevant policy.
- Remove 'DELWP' from the relevant agencies listed in the report.

Draft Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduces permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

It is underpinned by the Built Form Frameworks which have been prepared by Hansen Partnership with input from GJM Heritage.

Having reviewed the material currently on exhibition, we provide the following comments and submissions.

Subject Site

The Subject Site is comprised of the following seven individual lots:

- 592-596 Smith Street
- 598-600 Smith Street
- 602-610 Smith Street
- 612-614 Smith Street
- 616-622 Smith Street
- 2-12 Alexandra Parade
- 1-7 Reeves Street

Combined, they have an overall site area of 6,133 square metres. The Site is located to the north of Alexandra Parade, east of Smith Street and west of Reeves Street. The Site is currently occupied by a range of uses including commercial, warehouses and industry. The existing buildings vary in size, design and character.



Existing Planning Permit

Planning Permit No. PLN19/0845 was issued at the direction of the Victorian Civil and Administrative Tribunal on 7 May 2021. It was further amended at the start of this year and allows:

Planning Scheme Clause	Matter for which the permit has been granted
Clause 34.02-1.	To use the land for food and drink premises where the leasable floor area exceeds 100 square metres
Clause 34.02-1.	To use the land for retail
Clause 34.02-1.	To use the land for supermarket where the floor area exceeds 1,800 square metres
Clause 34.02-4.	To construct a building and construct and carry out works
Clause 43.01-1.	To demolish and remove a building, construct a building and construct and carry out works
Clause 43.02-2.	To construct a building and construct and carry out works
Clause 52.06-3.	To reduce the number of car parking spaces required
Clause 52.29	To create or alter access to a road in a Transport Zone

The amended permit essentially grants permission for the development of the Subject Site with buildings between 6-10 storeys in height, to be used for food and drink premises, retail, a supermarket and offices.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the Subject Site:

- Commercial 2 Zone (C2Z)
- Design and Development Overlay – Schedule 2 (DDO2)
- Design and Development Overlay – Schedule 38 (DDO38)
- Heritage Overlay – Schedule 317 (HO317)
- Development Contributions Plan Overlay (DCPO1)

DDO38 specifically relates to Alexandra Parade and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls are:

- A mid-rise character ranging from 3-10 storeys.
- *Preferred* street wall height of 4 storeys (16 metres) along Alexandra Parade, Reeves Street and Smith Street (where not covered by the Heritage Overlay).
- *Preferred* street wall height to match parapet height of adjacent heritage building for 6 metres.
- *Preferred* upper level setbacks:
 - o Minimum 6 metres for heritage buildings.
 - o Minimum 6 metres for sites abutting land in the Heritage Overlay.
 - o Minimum of 3 metres for all other non-contributory sites.
- *Preferred* maximum building heights:
 - o 9 storeys (36 metres) at 21-12 Alexandra Parade and Nos. 592-614 Smith Street.
 - o 8 storeys (32 metres) at 1-7 Reeves Street.
 - o 6 storeys (24 metres) at 616-622 Smith Street.
- *Preferred* upper level side setbacks:
 - o 4.5 metres where a habitable room window or balcony is proposed or existing on the adjoining property;
 - o 3 metres where a commercial or non-habitable room window is proposed or existing on the adjoining property;

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to not overshadow:
 - o The central median of Alexandra Parade at 12pm on 22 September
 - o The footpath on the western and eastern side of any street at 10am and 2pm, respectively, on 22 September, including any kerb outstands, seating and/or planting areas

Planning Scheme Amendment C271

Amendment C271 to the Yarra Planning Scheme seeks to:

- Introduce permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation the following applies to the subject site:

- Updated Schedule 38 to the Design and Development Overlay
- Updated Clause 11.03-1L Activity Centres

Design and Development Overlay Schedule 38 (DDO38) includes the following built form requirements for the site:

- A mid-rise character ranging from **3-7 storeys**.
- *Preferred* street wall height of 4 storeys (16 metres) along Alexandra Parade, Reeves Street and Smith Street (where not covered by the Heritage Overlay).
- **Mandatory** street wall height where adjoining a heritage building, no higher than the street wall height of the heritage building for a minimum length of 6 metres along the front boundary.
- *Preferred* upper level setbacks:
 - o Minimum 6 metres for sites abutting land in the Heritage Overlay
 - o Minimum of 3 metres for all other non-contributory sites
- **Mandatory** upper level setback of 8 metres minimum for heritage buildings along Smith Street
- *Preferred* maximum building heights:
 - o **7 storeys (28 metres)** along Alexandra Parade, Reeves Street and Nos. 592-614 Smith Street.
 - o 6 storeys (24 metres) to 616-622 Smith Street.
- *Preferred* upper level side setbacks:
 - o 4.5 metres for buildings **up to 27 metres** where a habitable room window or balcony is proposed or existing on the adjoining property;
 - o 3 metres for buildings **up to 27 metres** where a commercial or non-habitable room window is proposed or existing on the adjoining property;
 - o **6 metres** for buildings **exceeding 27 metres**, regardless of whether or not windows are proposed.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- **Mandatory** requirement to not overshadow:
 - o The central median of Alexandra Parade at 12pm on 22 September
 - o The footpath on the western and eastern side of any street at 10am and 2pm, respectively, on 22 September, including any kerb outstands, seating and/or planting areas

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site, we object to the particulars of the proposed amendment and make submissions in relation to the following:

1. Overarching policy
2. Use of mandatory controls
3. Existing planning permit
4. Building heights
5. Other

1. Overarching Policy

Direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' early this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034 was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

2. Use of Mandatory Controls / Planning Practice Note 59 (PPN59)

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate. 'Exceptional' circumstances do not apply in this instance and that the use of mandatory controls are not warranted having regard to the criteria within PPN59.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 60 (PPN60) outlines that mandatory controls should only be applied in exceptional circumstances, where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

Upper level setbacks

The existing DDO38 prescribes a preferred 6 metre setback of upper levels above the street wall of a heritage building. The proposed DDO38 increases this requirement to 8 metres and makes it a mandatory requirement. The removal of discretion is inappropriate and does not facilitate a contextual response that may otherwise produce an acceptable outcome.

Overshadowing Requirements

Both the existing and proposed DDO38 include the requirement to not overshadowing the central median of Alexandra Parade at 12pm on 22 September or the footpath on the western and eastern side of any street at 10am and 2pm, respectively, on 22 September, including any kerb outstands, seating and/or planting areas. This is proposed to be a mandatory requirement under the new DDO38 provisions.

The need for these to be mandatory is questioned, particularly when considering the nature of these spaces. The median of Alexandra Parade does not contain any east-west aligned footpaths and is bounded by 3 lanes of traffic in each direction. It contains some greenery but otherwise is not a pedestrian friendly environment. Reeves Street is a small connector street that does not experience a high level of foot traffic. The limited activity associated with these spaces indicate that they do not warrant a mandatory overshadowing requirement, rather a preferred requirement would be more appropriate. Smith Street is undergoing a period of change due to the future works associated with the Gasworks site. The use of a discretionary control is a more appropriate response to this unknown and evolving context.

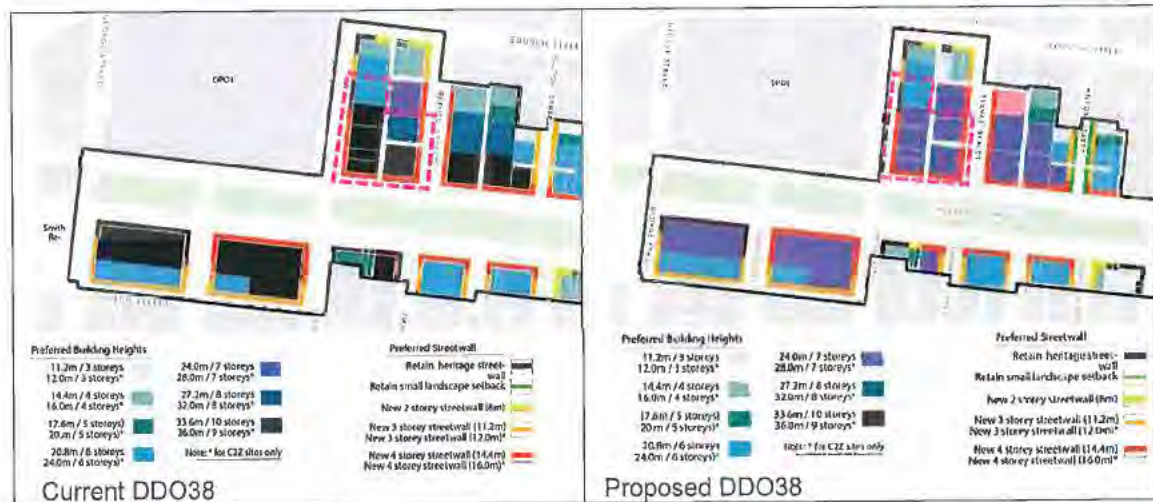
3. Consistency with Existing Planning Permit

The buildings approved on the Subject Site under the existing planning permit include a part 10-storey building with a maximum height of 42.8 metres (excluding rooftop services). This permit was issued pursuant to the direction of the Victorian Civil and Administrative Tribunal (VCAT). At the time of the original decision, the interim DDO38 was not a part of the Scheme. Notwithstanding, the Tribunal was ultimately satisfied that the height and design of the development was an appropriate outcome for the context.

The proposed DDO provisions represent a regression and step backwards. The proposed controls, particularly the preferred heights and the design objectives, ought to reflect the existing permission granted on such a large site whose built form outcome will undeniably shape the character of this precinct.

4. Building Heights

The updated objective of the proposed DDO38 reduces the numeric values of the 'mid-rise character' from **3 to 10 storeys to 3 to 7 storeys**. The below map comparisons demonstrate the impact of the proposed height reductions on the various properties that comprise the Subject Site. It seeks to limit the height allowed on the previously permissible 9 and 8 storey properties to 7 storeys (and maintaining the last property at 6 storeys).



The Site's physical attributes and its physical and strategic context determine that it is capable of accommodating building heights in excess of 7 storeys. This includes its location along a wide boulevard, its proximity to the Smith Street Activity Centre, and its abuttal to the major development at the Gasworks site, which includes buildings up to 10 storeys in height. This is also evidenced by the existing planning approval granted for the development of a part ten storey building on site.

Reducing the permissible maximum height ignores the assessment undertaken in the *Alexandra Parade Built Form Framework* Nov 2020 (prepared by Hansen Partnership) which identified a 9-10 storey preferred building height, generally consistent with the heights that eventuated under the existing DDO38.

The *Built Form Framework* recognised that such heights were achievable while still responding to key built form objectives and guidelines, including:

- Protecting views to the Shot Tower.
- Maintaining solar access to the Alexandra Parade central median at 12pm on 22 September.
- Maintaining a sense of openness along Alexandra Parade.
- Providing a built form transition to residential interfaces to the north (and south).

The proposed 7 storey height control is also contrary to the determination of VCAT in issuing a permit for a part 10 storey building on the site. At the time of the Tribunal's original decision there were no applicable controls within the Planning Scheme that provided specific guidance around built form outcomes, including height. In gaining approval for a part 10-storey building on the Site this therefore demonstrates that such a building height is appropriate for the Site and the context from a first principles assessment.

It is unclear why the nominated heights have been reduced under the proposed DDO38, or if they are underpinned by any strategic investigation. In the absence of such evidence the heights nominated under the existing interim_DDO38 must be given greater support as they are derived from a built form framework and are generally consistent with the findings of the Tribunal in granting a permit for a part 10 storey building on the Subject Site.

5. Other

Section 2.6 Interface Requirements outlines upper level setback requirements from a rear boundary. It notes that these do not apply to a Commercial 1 Zone and/or Mixed Used Zone interface. Commercially zoned properties along the northern side of Alexandra Parade are within the Commercial 2 Zone. It is assumed that this exemption also applies to this zone, however the provision should be amended to make this applicability clear.

Page 1 of 1

Subject: [REDACTED]

Date: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 February 2025 4:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Amendment C271yara Submission - [REDACTED] Resident

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Strategic Planning Team,

I am writing regarding Amendment C271yara as a resident of [REDACTED]. I have several concerns about the proposed changes and request responses to the following.

Concerns Requiring Response:

1. Building Height and Development Impact

- How will the proposed 3-6 story height allowance affect sunlight and overshadowing on my property?
- What protections are in place to prevent overlooking into my private spaces from these taller developments, which already occurs with the Trilby development.
- How will the 8m-11.2m rear boundary walls impact my property's natural light and amenity?

2. Residential Character and Livability

- What measures will protect the existing residential character of Emma Street?
- How will increased development affect street parking availability for current residents?
- What traffic management plans will be implemented to handle increased vehicle movement?

3. Implementation and Enforcement

- What is the process for enforcing the 45-degree setback rule?
- How will Council monitor and enforce privacy protections during and after development?
- What compensation or remediation is available if developments negatively impact our property?

I request written responses to these concerns and wish to be kept informed of any changes to the amendment. I also plan to attend the Committee Hearing in October 2025.

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 February 2025 4:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: City of Yarra Amendment C271 - Impact on 155 Johnston St, Fitzroy
Attachments: C271 Submission - 155 Johnston St_FINAL.pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/Madam,

Please find attached our feedback on Draft Amendment C271 to the Yarra Planning Scheme in relation to 155 Johnston St Fitzroy.

Should you have any queries in relation to the submission, please do not hesitate to contact [REDACTED] at [REDACTED].

Regards,

[REDACTED] | Assistant Development Manager, Australia

Greystar | [REDACTED]

Date

24 February 2025

ToStrategic Planning Department
City of Yarra**Sent**

Via email [REDACTED]

Dear Sir/Madam,

Submission to Draft Amendment C271yarra**155 Johnston Street, Fitzroy**

We thank Council for the opportunity to provide feedback on Draft Amendment C271 to the Yarra Planning Scheme which, amongst other things, proposes to introduce permanent Design and Development Overlay (DDO) controls to parts of Fitzroy and Collingwood.

Although not the current owner of the land at 155 Johnston Street Fitzroy, a related party of Greystar Australia Development Manager Pty Ltd (Greystar) has entered into a contract of sale to purchase the land at 155 Johnston Street Fitzroy and therefore has a formal interest in the subject site.

Greystar also have a current application for planning permit for the subject land. The Minister for Planning has called in Victorian Civil and Administrative Tribunal VCAT application P1537/2023 and Greystar are waiting on a decision.

The land is formally described as:

- Lot 1 on LP47732
- Lot 1 on Title Plan 236277A
- Lot 1 on Title Plan 894687F

The subject site is an irregular shaped allotment, with a frontage to Argyle Street to the north of 50.98 metres, a frontage to Young Street to the west of 50.78 metres, and a linear through portion of land that has a frontage to Johnston Street to the south of 6.64 metres (all measurements approximate). The total site area is approximately 2,561 square metres.



Figure 1: Site Aerial 24/04/2023 (nearmap.com)

Background / Existing Planning Controls

Pursuant to the provisions of the Yarra Planning Scheme, the following zones and overlays apply to the subject site:

- Commercial 1 Zone (Clause 34.01).
- Heritage Overlay Schedule 334 (Clause 43.01).
- Design and Development Overlay Schedule 10 and Schedule 36 (Clause 43.02).
- Environmental Audit Overlay (Clause 45.03).
- Development Contributions Plan Overlay Schedule 1 (Clause 45.06).

Parts of the Land are subject to the existing interim DDO39, which is one of the seven interim DDOs introduced to the Yarra Planning Scheme via Amendments C270yara and C288yara on 27 August 2021 and 22 October 2021, respectively. These interim controls are due to expire on 30 June 2025.

Importantly, the interim controls were introduced to guide development outcomes whilst further strategic work is undertaken and permanent provisions undergo an amendment process, including exhibition and public hearings prior to approval. No public notification occurred, and therefore this is the first opportunity for the public to provide formal submissions on the changes.

To this end, the opportunity of this public exhibition process is not limited to the amendments between the interim and permanent DDO36, but rather, it is to provide submissions on the controls in full.

Draft Amendment C271

The Amendment seeks to:

- Introduce permanent Design and Development Overlay (DDO) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

It is supported by the strategic built form and heritage investigations prepared by Hansen Partnership and GJM Heritage.

Figure 1.0
Proposed DDO36

Yarra Planning Scheme Amendment C271yara



The key built form controls of the existing DDO10 and proposed DDO36 are outlined below.

	Existing DDO10	Proposed DDO36
Building height	Preferred 4-6 storeys	Preferred 30.4 metres
Street wall height	The street frontage façade of infill development should complement the predominant street frontage height of nearby and abutting properties. The street façade height should not exceed three storeys or 12 metres.	Preferred 3 storeys / 11.2 metres Preferred 14.4 metre street wall to Young Street. Preferred 11.2 metre street wall to Argyle Street.
Upper level setbacks	Development above street façade height should be set-back and not exceed four to six storeys. Setbacks should meet the following view line and amenity setback criteria: <ul style="list-style-type: none"> - Avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 September); - Where sites adjoin fine grained, low rise residential development, provide a stepped transition in height at the sensitive interface to minimise amenity impacts; - Minimise the visual intrusion of the upper levels when viewed from footpaths or public spaces. 	Preferred 6 metre upper-level setback above the street wall to Young Street. Preferred 10 metre upper-level setback above the street wall to Argyle Street.
Rear boundary interface	Buildings should be built to the street frontage and side boundaries of the site. Taller buildings should be setback and spaced to create new interest and variety in building forms.	Development on a rear boundary should not exceed 11.2 metres.
Building separation and amenity requirements	Buildings should be built to the street frontage and side boundaries of the site.	Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should: <ul style="list-style-type: none"> - for buildings up to 27 metres, be set back a minimum of 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site and/or exists on the adjoining property. - for buildings up to 27 metres, be set back a minimum of 3.0 metres from the common boundary, where a commercial or non-habitable window facing the

		<p>common boundary is proposed on the subject site and/or exists on the adjoining property.</p> <ul style="list-style-type: none"> - where buildings exceed 27 metres in height, the development above 27 metres be set back a minimum of 6 metres from the common boundary, whether or not windows are proposed on the subject site.
Overshadowing	Avoid increased overshadowing of street and public space between 10am and 2pm at the equinox (22 September).	<p>Development should meet the objective of Clause 55.04-5 Overshadowing for single dwellings on a lot within the Mixed Use Zone.</p> <p>New development must not overshadow:</p> <ul style="list-style-type: none"> - the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and - any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

The proposed DDO36 also includes guidelines that **should be met** in order to support a development which exceeds the preferred building height:

- Satisfies the design objectives.
- Satisfies the overshadowing and solar access requirements.
- Exceedance of minimum building separation requirements.
- No additional overshadowing to residentially zoned secluded private open space, parkland or reserves beyond what a compliant proposal would generate.

Submissions

Having reviewed the exhibited material and considered the implications for the subject site, we make submissions in relation to the following:

1. Street wall height to Argyle Street
2. Upper level setbacks
3. Building height / Flood level considerations
4. Use of mandatory controls

A discussion in relation to each is provided below.

1. Street wall height to Argyle Street

The proposed 3 storey / 11.2 metre preferred street wall height to Argyle Street is proposed to respond to the narrower profile of the street, respect heritage dwellings (on the northern side of the street) and create a built form transition between the higher built form to Johnston Street.

The proposed preferred height fails to recognise the established evolved street-wall height in the precinct, which is more akin to 4 storey / 14.4 metre height. Examples include:

- The 'Cheesegrater' building at 152 Argyle Street (opposite 155 Johnston Street)
- 160 Argyle Street
- 176 Argyle Street
- 195-197 Argyle Street
- 110 Argyle Street (3 storey heritage building, but height representative of 4 storeys)

The width profile of Argyle Street is consistent with other 'side streets' within DDO36 which have a preferred street-wall height of 4 storeys / 14.4 metres.

While there may be some sites which need to respond to proximate heritage sites, the proposed DDO36 includes specific controls to respond appropriately.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

With respect to transition, this is best facilitated by upper level building setbacks, as opposed to street-wall height.

Figure 2.0
Argyle Street 4-Storey Equivalent Street-wall Examples

Sources:
Contour Photos 26/04/2023
www.theurbandeveloper.com



The 'Cheesegrater' building at 152 Argyle Street



110 Argyle Street



160 & 170 Argyle Street



195-197 Argyle Street

2. Upper level setbacks to Young Street and to Argyle Street

Young Street

Page 22 of the Built Form Framework prepared by Hasen, which has informed proposed DDO36, supports 3 metre upper level setbacks to streets which are circa 10 metres in width; refer excerpt below.

New Streetwall & Upper Levels

The visual distinction between streetwalls and upper levels is also important in relation to new streetwalls.

A 6m setback to upper levels above a new streetwall is also encouraged to all 20m wide streets to:

- provide a clear separation between the streetwall and upper forms;
- ensure new upper form do not visually dominate the streetscapes;
- create consistent upper level setbacks along streetscapes that comprise a mix of heritage and non-heritage forms; and
- reinforce the visual dominance of streetwalls.

The visual distinction between streetwalls and upper levels is less important in the narrow side street, within the commercial spine. This is because traditionally these side street locations often contain the sheer side presentation of buildings that front the main street spine and therefore comprise a more robust streetscape character.

A 3m setback to upper levels above new streetwall is encouraged to the narrower 10m wide side streets.

The proposed 6 metre upper level setback drafted in DDO36 is contradictory to the Hansen previous work with the urban design principle established that a 3 metre upper level setback above a new streetwall is encouraged to narrower 10m wide side streets, which is Young Street.

In addition, the proposed DDO36 includes an upper level setback of minimum 6 metres where responding to a heritage building on the site. This is considered a sensitive heritage response. On that basis, how it is reasonable that a 6 metre upper level setback also apply to a site which is unimpeded by a heritage building.

Argyle Street

Page 59 of the Fitzroy and Collingwood Heritage Assessment prepared by GJM Heritage, which has informed proposed DDO36, notes "...that the justification for the discretionary minimum upper-level setback of 10m on Argyle Steet is unclear".

In addition, although within DDO40, the Fitzroy and Collingwood Heritage Assessment prepared by GJM Heritage supports a minimum 6 metre upper level setback be applied to heritage buildings above the principal street frontage along Argyle Street, with an additional 3.2m upper-level setback above 16.4m or more (again, only above heritage buildings). We ask why the same recommendation wouldn't apply to DDO36 for consistency.

It appears that the proposed 10 metre upper level setback drafted in DDO36 is to provide built form transition between the taller building forms (along Johnston Street) and more modest forms to the north, within the mixed use land.

The proposed upper level setback is excessive and we submit that it should be reduced to no more than 6 metres, which is akin to what would be deemed a conservative upper-level setback response above a heritage building (noted elsewhere in DDO36).

3. Building height / Flood level considerations

We support the use of preferred building height controls. We also support that the subject site has been included in the sub-precinct of DDO36 which provides for the tallest built form outcome, currently drafted as 9 storey / 30.4 metres.

We note that Council have been exploring an update to flood maps to inform planning controls that will ensure future developments are better designed to avoid the impacts of overflow in our stormwater network created during a severe storm. The updated stormwater maps are proposed to apply under the Building Regulations and may also include the introduction of a Special Building Overlay (SBO). These are additional preventative measures and are designed to set appropriate conditions and floor levels to mitigate possible flood risk.

Consistent with proper and orderly planning principles, now is the opportune time for Council to consider what impact this flood prone land work will have on the DDO36 precinct and to respond appropriately.

We understand from preliminary discussions with Council that the subject site may be impacted by the flood mapping and that the minimum finished floor level for the site could be up to 0.5 metres above the existing site level.

Consistent with many Victorian Planning Provision zone controls, the following should be included as part of DDO36.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Failing to account for future flood level considerations and linking them to preferred building height will have unintended consequences.

4. Use of mandatory controls

Yarra's Strategic Framework contains directions that include a well-established network of Activity Centres, accompanied by guidance for their role and character. The scheme sets out that these Activity Centres will and should continue to accommodate most of the city's growth given their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

Victoria's Housing Statement, The Decade Ahead 2024-2034 aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing growth is irrefutable and both State policy and Yarra's Strategic Framework clearly set out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines that mandatory controls should only be applied in exceptional circumstances, where they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

'Exceptional' circumstances do not apply in this instance and mandatory controls are not warranted.

In this regard, all provision in DDO36 should be preferred and not mandatory.

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned at [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

Senior Director, Development

From: [Redacted]
Sent: Monday, 24 February 2025 4:09 PM
To: [Redacted]
Subject: Draft Planning Scheme Amendment C271yara Submission
Attachments: 2025-02-24 Let-YCC - Draft Planning Scheme Amendment C271yara - Submission on behalf of [Redacted].pdf

You don't often get email from [Redacted]. [Learn why this is important](#)

Dear Strategic Planning Team

Tract acts for [Redacted], the owner of the land at 25-37 Victoria Street, Fitzroy.

On behalf of our client please see the attached submission to Draft Planning Scheme Amendment C271yara.

We look forward to Council's consideration of this matter and would be happy to arrange a meeting to discuss our submission further.

Kind regards,



[Redacted]
Principal Town Planner
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]



We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.

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Strategic Planning Team

City of Yarra

Wurundjeri Country

via email: [REDACTED]

24 February 2025

Dear Strategic Planning Team

Draft Planning Scheme Amendment C271yara – Submission on behalf of 21 Victoria St Pty Ltd

1 Introduction

Tract acts for [REDACTED] the owner of the land at 25-37 Victoria Street, Fitzroy (the 'Site').

We are writing to you in respect of Draft Planning Scheme Amendment C271yara (the 'Amendment') which seeks to apply Design and Development Overlay – Schedule 35 (DDO35) to the Johnston Street South and Victoria Street Precinct in Fitzroy.

Having reviewed the context and details of the Amendment in respect of their landholding and the surrounding precinct, [REDACTED] wish to make a submission.

The submission broadly supports the updating of the built form guidelines to ensure policy is reflective of current conditions and strategic directions, in particular the need to ensure infill development is sensitive to existing character – especially valued heritage.

However, we submit that additional interrogation of the implementation of the controls is necessary to ensure they will facilitate land use and development outcomes commensurate with the broader strategic policy directions for the precinct and which capitalise on the precinct's unique contextual advantages.

We oppose the overly prescriptive nature of the proposed mandatory provisions which are not supported by the supporting urban design and heritage analysis - the *Johnston Street Built Form Framework June 2019 (Hansen Partnership)* (the 'Built Form Framework') and the *Brunswick Street and Smith Street Built Form Review – Heritage Analysis and Recommendations November 2019 (GJM Heritage)* (the 'Heritage Analysis and Recommendations') and which misrepresent the heritage value of the existing buildings in the Site. We request the proposed DDO35 be amended to reflect the recommendations of this submission, including with respect to the identification of elements of heritage significance on the Site, a focus on achieving design objectives rather than rigid metrics, greater integration of design flexibility into the controls.

The submission is made in light of the well-known pressures facing the development industry, the reality of the current housing crisis and the ambition to achieve a meaningful increase in urban consolidation within well-served inner-city locations such as Fitzroy.

2 The Site

The Site is located at 25-37 Victoria St, Fitzroy and comprises an area of approximately 1505sqm within the City of Yarra, with a primary frontage to Victoria Street of approximately 55m and a depth of approximately 27m. The Site is subject to the Mixed Use Zone (MUZ) and is affected by the following overlays:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Heritage Overlay (HO334)
- Development Contributions Plan Overlay (DCPO1)
- Environmental Audit Overlay (EAO)

The Site is improved by a part three-storey, part two-storey building historically known as the Acme Shirt Factory which is categorised under Heritage Overlay Schedule 334 (HO334) as having Contributory heritage values. Notably, the heritage listing for the Site is slightly unusual in that it identifies the land as '25-37 (part)', with the contributory elements dating between 1880-1920.

The buildings on the Site are described as comprising three façade divisions or bays to Victoria Street. The original three storey western bay is readily identified as the first phase. To its immediate east is a broad central portion of the site, of two storeys with a high parapet, that appears to have resulted from three construction phases – the ground floor closely matches the detailing of the three storey building, the first floor is rendered and of a later date and character, and the parapet treatment dates from c1970s. The third division comprises a narrow but tall two storey envelope at the east of the site that dates from the late 1930s.

Based on the research and analysis undertaken by Bryce Raworth on behalf of the landowner in relation to the age and nature of each of the building elements on the site, our understanding of the heritage citation is that the 'part' of the Site that is of contributory heritage significance is the original western portion. The middle and eastern portions of the Site reflect a more modified and piecemeal development process rather than being buildings of heritage value in their own right. A chronology of construction on the Site is provided below (refer Appendix A for supporting details):

- 1882: Three storey Acme Shirt Factory constructed on west side of site addressing Victoria Street.
- 1900s: Single storey extension to the east side of the original site (the middle portion of the present site).
- 1930: Auction notice for Acme Shirt Factory describes complex as 'A substantial brick building of one, two and three stories, on land 145ft x 89 ft'. Purchased by La Mode Corsets. [Herald, 5 February 1930]
- 1938: 2-storey addition to east side of complex on land previously occupied by dwelling originally numbered 47 Victoria Street.
- c.1948: First floor addition to 1900s extension to original factory (the middle portion of the present site).
- Late 1970s+: Parapet added to bay between 1882 and 1938 facades (the middle portion of the present site).

Based on recent pre-application discussions with Council on 30 January 2025, we understand that Council agrees with Bryce Raworth's findings that the front portion of the three-storey 1882 building (occupying the western part of the Site) is the element of the Site referenced in the 'part' citation, and that the balance of the Site is of non-contributory heritage value.

Given its proportions, strategic location within the Johnson Street (West) Neighbourhood Activity Centre, and lack of sensitive interfaces, the Site represents a significant opportunity to deliver new housing supply of high architectural quality.



Figure 1 - Extract from Heritage memorandum prepared by Bryce Roworth (February 2025) showing annotated view of the different periods of construction of the Victoria Street facade.

3 Context and Interface Conditions

The Site is located in within the Johnston Street Neighbourhood Activity Centre in close proximity to the Brunswick Street Major Activity Centre. The Site's immediate surrounds are characterised by the remnant industrial and warehouse heritage fabric along the northern side of Victoria Street interspersed with more contemporary infill and adaptive reuse development, and traditional low-scale residential development on the southern side of Victoria Street.

The Built Form Framework identifies the Site as being within the Victoria Street (V1) sub-precinct:

The subprecinct comprising properties which front the northern side of Victoria Street, between Nicholson Street and Smith Street. It comprises predominantly larger, former factory buildings of varied streetwall heights. The width and profile of Victoria Street also changes from east to west, whereby it comprises a 20m width towards the east and increases to 24m towards the west. Along the southern side of the street (outside the precinct) are residential properties.

The Site benefits from outstanding access to local services and employment opportunities, public open spaces, as well as to a range of public transport modes.

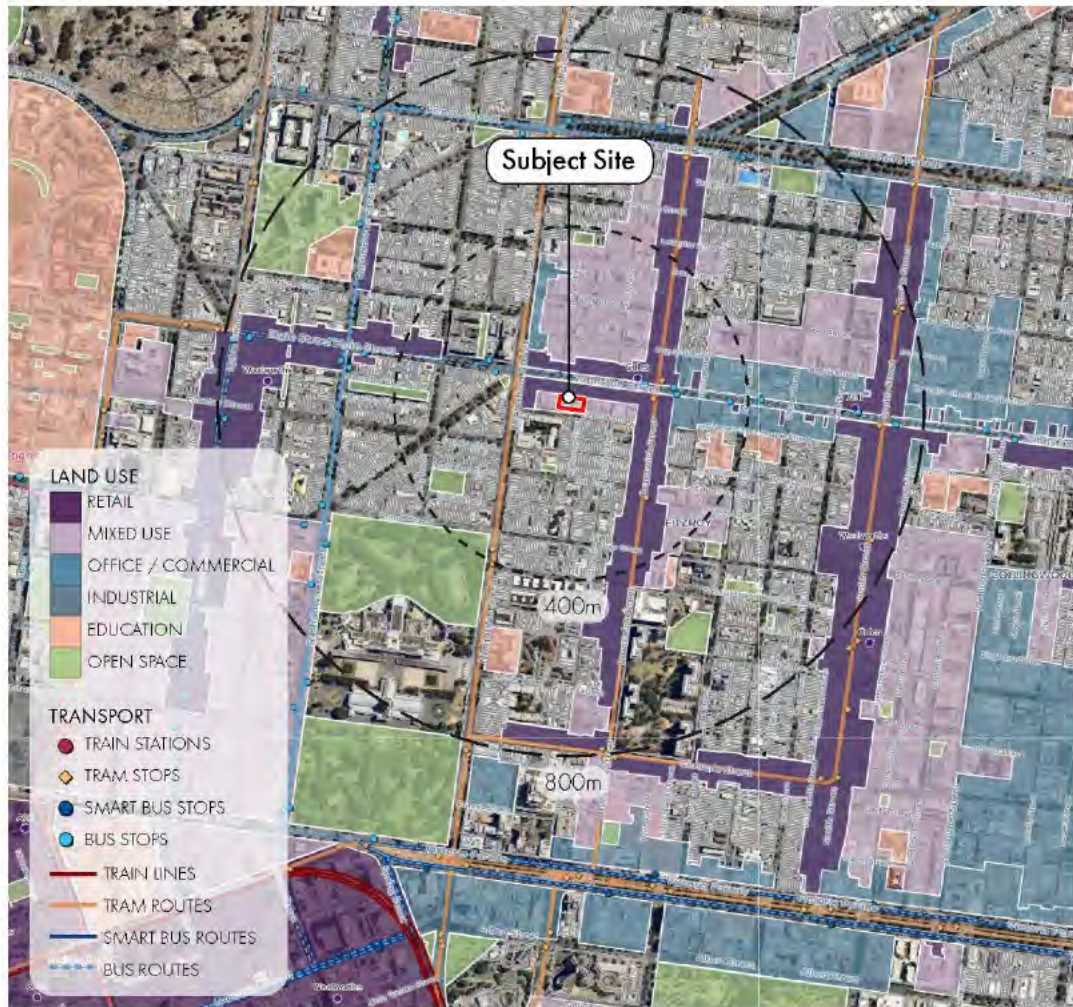


Figure 2 - Context Plan (OneMap)

The Site's interfaces are described as follows:

- **South** – Victoria Street, a part 20m, part 24m wide road reserve with 90 degree car parking, street trees and footpaths on both sides of the street. On the opposite side of Victoria Street to the south is 30 Victoria Street, which encompasses a number of apartment and townhouse dwellings, as well as a row of single and double storey dwellings between 36 and 42 Victoria Street.
- **East** – 59 Victoria Street, a part single part double storey warehouse and office building built to the boundary on all sides with a sawtooth roof profile. The two-storey form at the Site's eastern elevation is visible over the single-storey wall immediately adjacent at 59 Victoria Street.
- **West** – 9 Victoria Street, a part two, part three storey building with a retained heritage façade built to the boundary.
- **North** – Unnamed service laneway, variable 5-6m in width, which runs from Fitzroy Street to a T-intersection of another laneway running north-south connecting Johnston Street and Victoria Street. The laneway is lined by single, double and three-storey streetwalls built to the boundary and provides vehicular access to properties fronting Victoria Street and Johnston Street. Directly opposite the rear laneway from the Site are properties between 36 and 60 Johnston Street, which are described predominantly as double-storey terrace shops with relatively few sensitive interfaces.



Figure 3 - View east along Victoria Street.



Figure 4 - View west along Victoria Street.



Figure 5 - View east along rear laneway.

4 The Amendment

The City of Yarra is proposing Planning Scheme Amendment C271 Fitzroy and Collingwood to assist in guiding the growth of its activity centres and employment precincts.

The Amendment seeks the following:

- Apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis.
- Delete redundant DDO Schedule 10 and 13.
- Delete redundant DDO2 mapping.
- Apply the Heritage Overlay to two places on a permanent basis.
- Rezone several properties.

The Amendment proposes to introduce the following built form requirements to the Site via the proposed DDO35 (*inter alia*):

Introduction of mandatory provisions:

- Clause 2.3 - Maximum street wall heights
 - *Development must not exceed the mandatory maximum street wall heights as shown in Maps 1 and 2.*
 - Map 2 shows the Site as required to retain the full length of the heritage streetwall along Victoria Street, with the proposed maximum street wall height at the rear northern boundary at 4 storeys / 14.4m.
 - *The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.*
- Clause 2.4 – Minimum upper level setbacks

- *Upper levels above the street wall along Johnston Street and along the north side of Victoria Street must be set back by a minimum of 6 metres*
- Clause 2.5 – Maximum building heights
 - *Development must not exceed the mandatory maximum building heights shown on Maps 1 and 2.*
 - The proposed maximum building height for the Site is 6 storeys / 20.8m.
- Clause 2.7 – Overshadowing and solar access
 - *New development must not overshadow:*
 - *the opposite footpath of Victoria Street and other streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.*
 - *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.*

The proposed DDO35 also includes a series of design objectives, built form requirements (including with respect to building separation and interface conditions), application requirements and decision guidelines that would be applicable to future development applications.

5 Submission

We commend Council for revising and updating the DDO35 in response to outdated built form controls in the planning scheme.

We broadly support the Amendment's intention to provide greater clarity and direction around building heights, setbacks, street wall heights and the like, and to facilitate the sensitive densification of underutilised land within the precinct.

However, we submit that the Amendment risks unreasonably limiting the ability of the precinct to deliver new mixed-use development commensurate with the development potential of the land and in line with the analysis and recommendations of the Built Form Framework and background research with supports the Amendment.

Our submission relates to the following key matters:

1. The proposed introduction of mandatory provisions
2. Maximum building height
3. Retention of heritage street wall
4. Overshadowing
5. Building separation requirements
6. Application requirements

These matters are discussed in turn, with recommendations provided for each.

5.1 The introduction of mandatory provisions

The proposed DDO35 includes mandatory provisions relating to maximum street wall heights, minimum upper-level setbacks, maximum building heights, and overshadowing and solar access within the precinct.

While the intention of the mandatory provisions is understood, the precinct-wide application of these mandatory controls will have unintended and unreasonable impacts on the future development of land within Victoria Street and the broader precinct.

In particular, the application of mandatory provisions will prevent the delivery of the State's strategic vision for increased housing density within well-serviced inner-metropolitan suburbs such as Fitzroy and further diminishes the City of Yarra's intent for its activity centres to be the focus of growth with mid-rise commercial and residential development.

More critically, these provisions are wholly unsupported by built form analysis in either the Built Form Framework or the Heritage Analysis and Recommendations.

A more nuanced approach to siting and massing is required and we submit that this can be achieved using discretionary over mandatory provisions.

Mandatory versus discretionary provisions

The topic of mandatory versus discretionary conditions has been well considered by many Panels and Standing Advisory Committees. The decisions ultimately turn on the evidence provided to address the three key criteria for assessing the appropriateness of a proposed mandatory condition as set out under *Planning Practice Note 59: Mandatory Provisions in Planning Schemes*. These include:

- Strategic support
- Appropriateness of departing from performance-based approach
- Facilitates required outcomes.

Planning Practice Note 60: Height and setback controls for activity centres also relevantly requires that mandatory controls should only be applied where:

- Exceptional circumstances exist; or
- Council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

The above points have not been adequately met for Council to require mandatory provisions over discretionary ones.

Recent strategic directions overwhelmingly lean towards the need for additional housing and urban intensification, particularly within established inner-city areas, in order to combat the housing crisis. This includes the State Government's Activity Centres program, establishment of a development facilitation program to support significant residential development with affordable housing, reforms to ResCode to streamline residential development and the like.

The proposed mandatory controls will unnecessarily limit the development opportunity of the Site, and likely others in the precinct, which benefits from a larger consolidated footprint, limited heritage value, and an absence of sensitive interfaces. The Site is entirely consistent with the criteria for Site's to accommodate a high level of change identified in the *Background Analysis* and offers great potential to deliver much needed housing in the area.

The Site (and the V1 sub-precinct) offers no exceptional circumstances which warrant the need for mandatory controls. There is no particular built form character that is required to be protected or amenity issues to be mitigated. Moreover, neither the Built Form Framework nor the Heritage Analysis and Recommendations upon which the amendment has been developed recommend mandatory controls be applied to the sub-precinct. As such, we submit that Council has not demonstrated that any of the relevant criteria for applying mandatory provisions have been met.

We therefore request that Council consider the above points in favour of maintaining discretionary provisions under DDO35, given that the design objectives, requirements and decision guidelines will continue to determine a site-specific and sensitive built form approach for future development in the precinct.

Recommendation

1. All mandatory provisions applicable to the V1 sub-precinct should be revised as discretionary and preferred provisions to facilitate a nuanced and site-responsive built form outcomes.

5.2 Maximum building height

The proposed DDO35 sets a mandatory maximum building height for the Site of 6 storeys/20.8m. Setting aside discussion in relation to the mandatory or discretionary nature of the control, we submit that the proposed maximum building height will result in a clear risk of under-development and does not appropriately capitalise on the Site's locational advantages.

Specifically, we submit that:

- The Built Form Framework generally seeks to create a 1:1 relationship between the overall building height and the width of the street in determine maximum building heights. However, in applying this methodology to the Site, it does not account for the proposed 6m upper level setback that would effectively widen the distance between a potential upper level component and the opposite side of the road reserve. It also does not account for the 24m width of the Victoria Street road reserve opposite the western portion of the Site. By applying the Built Form Framework's stated methodology, it is clear that the Site can comfortably accommodate a building height well in excess of 6 storeys/20.8m.
- The proposed DDO35 sets an 8 storey/27.2m maximum building height for the land to the east of the Site within the V1 sub-precinct. Based on the Indicative Cross-section (F-F), it is apparent that an 8 storey building with a 4 storey street wall will meet the relevant criteria of avoiding overshadowing the opposite foot path as well as creating a 1/3 – 2/3 relationship between the upper levels and the street walls. There is no reason why the 8 storey maximum building should not be applied to the Site, given the lack of sensitive interfaces or strategic need for a transition in height from east to west.

Recommendation

2. Map 2 of DDO35 should be updated amend the maximum building height for the Site to 8 storeys/27.2m.

5.3 Retention of heritage street wall

The DDO35 includes *Map 2: Building and street wall heights (Victoria Street)* which shows the eastern part of the Site's Victoria Street frontage as having to 'Retain heritage street wall'.

This requirement misidentifies the heritage value of the existing buildings on the Site. As discussed at Section 2 of this submission, this portion of the Site contains non-contributory heritage value and should not be required to be retained. We note that the specific heritage value of the buildings on the Site has not been considered in the Heritage Analysis and Recommendations.

A more appropriate response would be to continue the requirement for a new 4 storey/14.4m street wall to create a consistent street wall condition to Victoria Street.

Recommendation

3. Map 2 of DDO35 should be updated to remove the requirement to retain the heritage street wall in the eastern portion of the Site's Victoria Street frontage and replace it with a requirement for a new 4 storey street wall.



Figure 6 - Extract of proposed Map 3 of DDO35, with the portion of the Site's streetwall highlighted in red.

5.4 Overshadowing

The proposed DDO35 includes a requirement for new development to not overshadow:

- the opposite footpath of Victoria Street and other streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

We acknowledge the need to limit the extent of overshadowing to key pedestrian areas such as the southern footpath of Victoria Street. However, the requirement to avoid overshadowing to kerb outstands, seating and/or planting areas is wholly unsupported in the Built Form Framework and will unreasonably restrict development outcomes on the Site and should therefore be removed.

Recommendation

4. The requirement in the proposed DDO35 that new development must not overshadow any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September should be removed.

6 Conclusion and Summary of Recommendations

We thank Council for the opportunity to make a submission in relation to the proposed amendments to Yarra's built form controls under Amendment C271 Fitzroy and Collingwood.

As discussed in this letter, the submission seeks to ensure that the drafting of controls provides sufficient clarity and site-specific flexibility for future development to enable the precinct to be developed in accordance with relevant strategic directions.

A summary of our recommendations is as follows:

1. All mandatory provisions applicable to the V1 sub-precinct should be revised as discretionary and preferred provisions to facilitate a nuanced and site-responsive built form outcomes.
2. Map 2 of DDO35 should be updated amend the maximum building height on the Site to 8 storeys/27.2m.
3. Map 2 of DDO35 should be updated to remove the requirement to retain the heritage street wall in the eastern portion of the Site's Victoria Street frontage and replace it with a requirement for a new 4 storey street wall.
4. The requirement in the proposed DDO35 that new development must not overshadow any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September should be removed.
5. The building separation and amenity requirements in the proposed DDO35 should be revised to distinguish between primary and secondary outlooks for habitable windows. The building separation requirements currently applicable to habitable windows should be applied to outlook from the primary outlook (living room or main balcony), while the building separation requirements currently applicable to non-habitable windows should be expanded to include secondary outlooks (bedrooms).
6. The application requirements in the proposed DDO35 for a desktop wind effects statement should be deleted.

Our client reserves their right to make further submissions on any matter that may be of interest to them including in response to any other submissions which may be made by any other party.

We look forward to Council's consideration of this matter and would be happy to arrange a meeting to discuss our submission further. Should you have any queries or require further information, please do not hesitate to contact me [REDACTED] or contact [REDACTED] / [REDACTED]

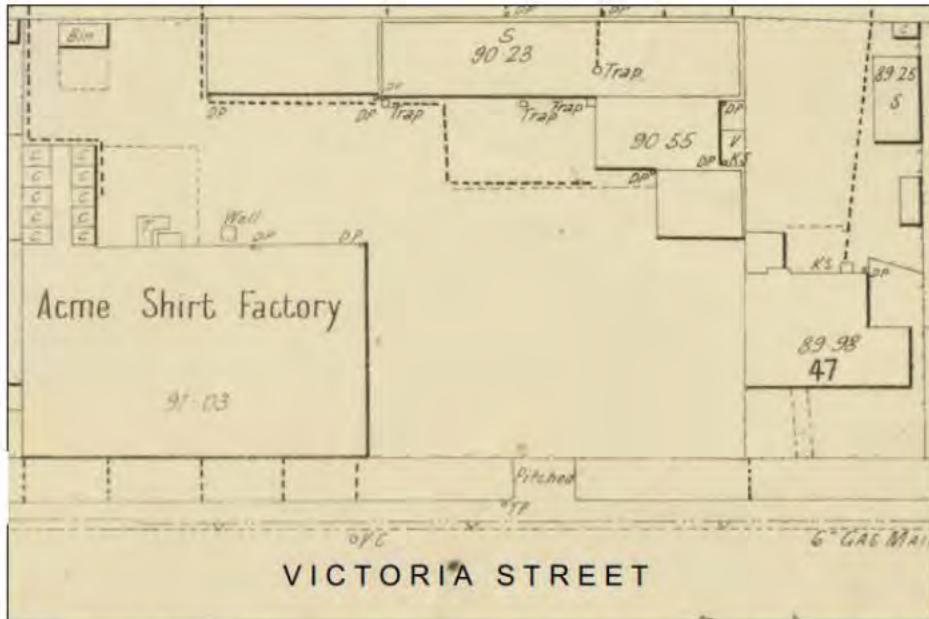
Yours sincerely



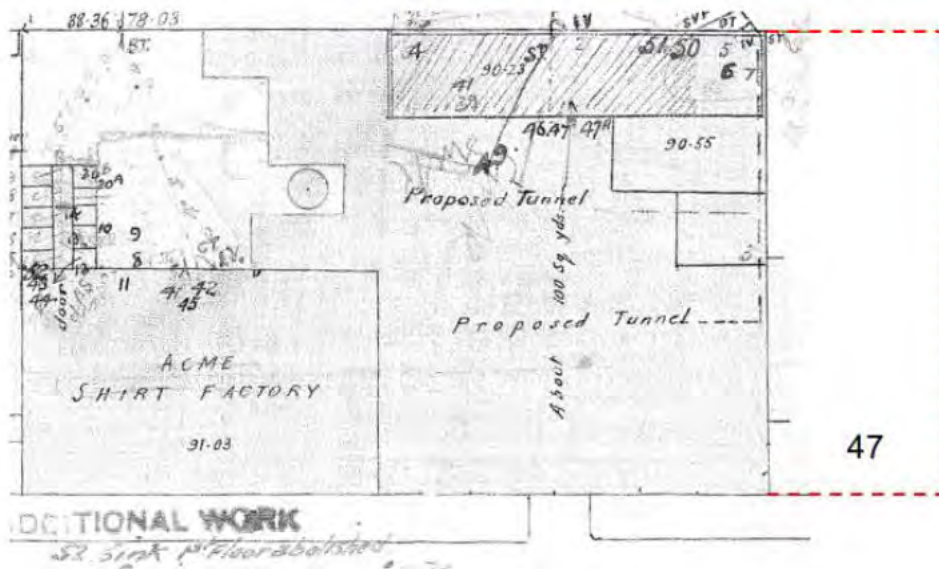
Principal Town Planner
Tract



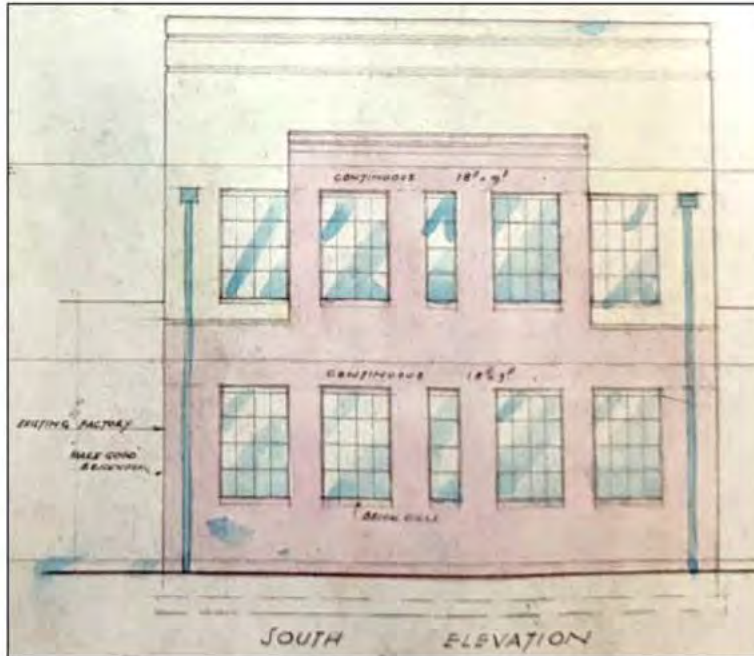
Appendix A Materials supporting analysis of chronology of construction at 25-37 Victoria Street, Fitzroy



1900 MMBW Plan extract showing development on the subject site by this time, which now includes the site further to the east at number 47 that then contained a dwelling. The three storey 1882 Acme Shirt Factory occupied the western side of the site with open space to the east and north and a stable adjacent the rear laneway. Source: <http://handle.slv.vic.gov.au/10381/120555>



c.1903 base property service plan extract showing the eastern portion of the original Acme site (the middle portion of the present site) had been built over by this time. Source: CIS Services.



1938 drawing of the Victoria Street façade to a double-storey addition by Harry Norris to the east side of the complex on the land formerly occupied by the dwelling at 47 Victoria Street. Source: VPRS 16127, P0002, Box 10.



1948 view showing scaffolding in front of the intermediate structure between the 3 storey former Acme factory (centre) & the 1938 addition (far right), with the central first floor possibly under construction.

Source: https://www.picturevictoria.vic.gov.au/site/yarra_melbourne/Fitzroy/15233.html



c. 1970-74 view of the complex from the south-east showing second floor windows between the former Acme factory & 1938 addition. Source: <http://handle.slv.vic.gov.au/10381/4211985>

From: [REDACTED]
Sent: Monday, 24 February 2025 4:26 PM
To: [REDACTED]
Subject: Amendment C271yara - Submission - partial support
Attachments: AMC271 Submission.pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Council

ASK Planning has been engaged to appraise Amendment C271 on behalf of [REDACTED] of 239-241 Gore Street Fitzroy.

We have uploaded a submission online but have not received a confirmation or acknowledgment as yet.

As such, please find attached the submission for Council's records.

Thank you.

Kind regards

[REDACTED]
Senior Associate

(Work days: Monday - Wednesday)

askplanningservicesptyltd

[REDACTED]

Advice | Solutions | Knowledge

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Strategic Planning
Yarra City Council

24 February 2025

Submission to Amendment C271 – Fitzroy and Collingwood

ASK Planning has been engaged to appraise Amendment C271 on behalf of [REDACTED] of 239-241 Gore Street Fitzroy. Our client [REDACTED] the individually significant former Ackmans Factory Warehouse as shown in the image below.



In preparing this submission, we have reviewed the exhibited documents available on Council's website. We understand that the Amendment seeks to:

- Apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis.
- Delete redundant DDO Schedules 10 and 13.
- Delete redundant DDO2 mapping.
- Apply the Heritage Overlay to two places on a permanent basis
- Rezone several properties in the municipality and;
- Make other associated changes to the Yarra Planning Scheme.

Submissions

Our client genuinely appreciates the activity centre location proximate to Smith Street. However, expectations for intensive change must be tempered by land zoning. In this case our client's site is located in a Neighbourhood Residential Sone, Schedule 1 and located within a Heritage Overlay (HO334).

The statement of significance for the HO334 heritage overlay area is:

- As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;
- For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement.
- As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners;
- As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.
- For the relatively large number of individually significant buildings, being predominantly solid masonry rather than clad with timber, largely as a result of the Melbourne Building Act, 1849
- For the ornate and exuberant detail of many late nineteenth and early twentieth century buildings in the suburb, reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century.
- For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings.
- For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb; and
- For the major early institutions that developed on its fringes, in particular, St Vincent's Hospital and The Convent of Mercy, as closely linked with the area's history, education and welfare within the metropolitan area.

The significance of the area along with the lower order nearby zoning such as our client's site, demands careful design responses of nearby future development, that is sensitive to the low peripheral scale and form as is existing and as anticipated through zone and overlay provisions that apply along Gore Street, and nearby residential streets along with policy guidance.

Planning Policy

We rely upon a series of key policy statements (inter alia) and objectives.

Clause 15.01-1S Urban Design includes strategies to:

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

Clause 15.01-2S Building Design also includes an objective:

- To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Clause 15.01-2L Building Design applies to all development.

Building form

Design development to:

- Reflect and respond to streetscape elements.
- Make a positive contribution to the streetscape through high quality architecture and urban design.
- Discourage blank or unarticulated walls.
- Use articulation or massing or change of surface treatment or a combination of these to minimise visual bulk and integrate with the surrounding character.

Building heights

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

Clause 15.01-5S Neighbourhood Character includes strategies to:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Recognise the unique features and special characteristics of these areas and landscapes.
- Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

- Support use and development where it enhances the valued characteristics of these areas.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

It is noted that a further aspect of the draft Amendment is to update local policy at Clause 11.03-1L Activity Centres under the Brunswick Street, Smith Street, Gertrude Street and Johnston Street subheadings to include strategies to reinforce expectations around use and development in the Major and Neighbourhood Activity Centres. Any future applications for the DDO30 (and other exhibited proposed DDO's) should also adhere to Policy guidance in the Yarra Planning Scheme.

Design and Development Overlay, Schedule 30 - Submissions

The proposed Design and Development Overlay Schedule 30 (DDO30) seeks some key objectives (as relevant to our client's site):

- To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:
 - a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street.
 - a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

Proposed Overall Building Height Requirements

Guidance of the application of mandatory controls is provided in the State Government Planning Practice Note 59 and 60.

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.

It is noted that in the Amendment, the mandatory controls are applied selectively and are not proposed to apply across all precincts and/or to all requirements within the proposed DDOs.

In relation to the proposed DDO30, new wording regarding height is that development must not exceed the mandatory maximum heights as shown in Maps 1 and 2. It is noted that the Interim DDO30 wording is:

Development should not exceed the heights shown on Maps 1 (per below) and 2, as applicable.



Land to directly to the east of our client's site, at the corner of Gore Street and Hodgson Street, includes a proposed mandatory maximum 24m height at the rear with further transitional requirements at the street edge (Gore Street) for a 43m depth.

Land to the south-east (shaded dark green in the Map above) at the opposite corner of Hodgson Street, corner Gore St, includes a proposed 30.4m height with further transitional requirements at the street edge.

Notably, architectural features may exceed the building height. Service equipment and structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.
- The equipment/structures are no higher than 2.6 metres above the preferred maximum height; and

- The equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).

Any proposed roof top structures may add significant visual bulk depending on heights of lift core over-runs above finished floor level and any acoustic screens and the like. They could add to the equivalent of a further storey. This is not supported.

Interface Requirements

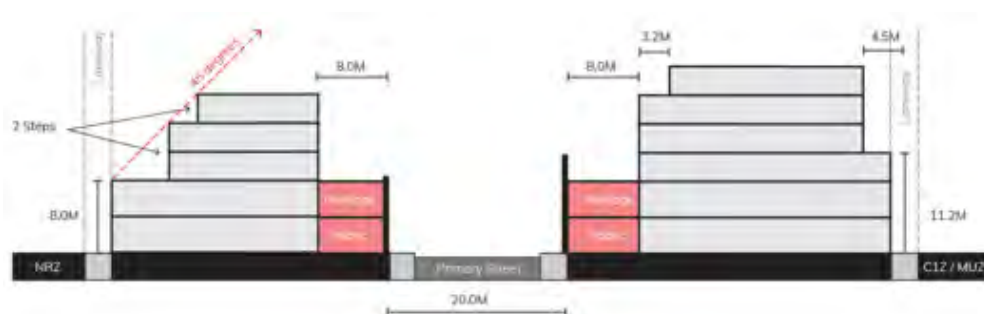
Development on a rear boundary should not exceed the maximum heights in Table 1. It is noted that the wording regarding rear boundaries in the Interim and proposed DDO is the same ("should", rather than "must").

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed-Use Zone interface.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.



Based on the proposed DDO, a mandatory maximum building height of 24m is anticipated directly opposite our client's site and 30.4m further north on the opposite corner of Hodgson St. The proposed mandatory 24m provides a good measure for the broad degree of fit expected in this sensitive setting, unlike other parts of the precinct along Smith Street which is adjoined by commercial zoning.

The mandatory proposed 30.4m at the opposite corner is questioned, given there is the same/similar zoning and overlay context. We would request that Council reconsider this height and propose a mandatory maximum of 24m.

The proposed height at 24m may limit unreasonable impact on adjoining residential land use and overshadowing of the public realm. It may also assist in limiting unreasonable visual bulk impacts along St David Street, Hodgson Street and Gore Street.

The context and local urban structure are clearly established and consistently at a zero-lot line up to approximately 9m in height, the exception being 246 Gore Street which adopts a podium scale but then more respectfully adopts a lower scale and transitions on its south side along Moor Street.

The proposed DDO30 will allow at street level, a podium, for some degree of reasonable integration with the consistent zero lot lines and equivalent 2-3 storey scale along the length of the residential precinct in Gore Street. This should also apply to the sites at the south corner of Gore St and Hodgson St.

The anticipated mandatory maximum 24m height may also be reasonable in relation to the heritage place (including our client's site). It may also assist in limiting visual dominance (of future development) to the existing scale and massing of Gore Street.

Conclusion

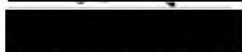
It is our view that the proposed DDO30 may generally be able to achieve good outcomes.

It appears that it provides a balance between guiding development that appropriately responds to heritage buildings and minimising negative impacts upon public and residential amenity.

A lower height of 24m should be considered by Council for the sites at the south corner of Gore St and Hodgson St and a reconsideration of architectural features and the like above/at roof height.

We look forward to an opportunity to present submissions at a public hearing if the Minister for Planning resolves to refer the matter to the Yarra Activity Centres Standing Advisory Committee.

Kind regards



Senior Associate

askplanningservicesptyltd

Town Planning

Date

24 February 2025

To

Strategic Planning Department
City of Yarra

Sent

Via email: [REDACTED]

Dear Sir/Madam,

Submission to Draft Amendment C271yara

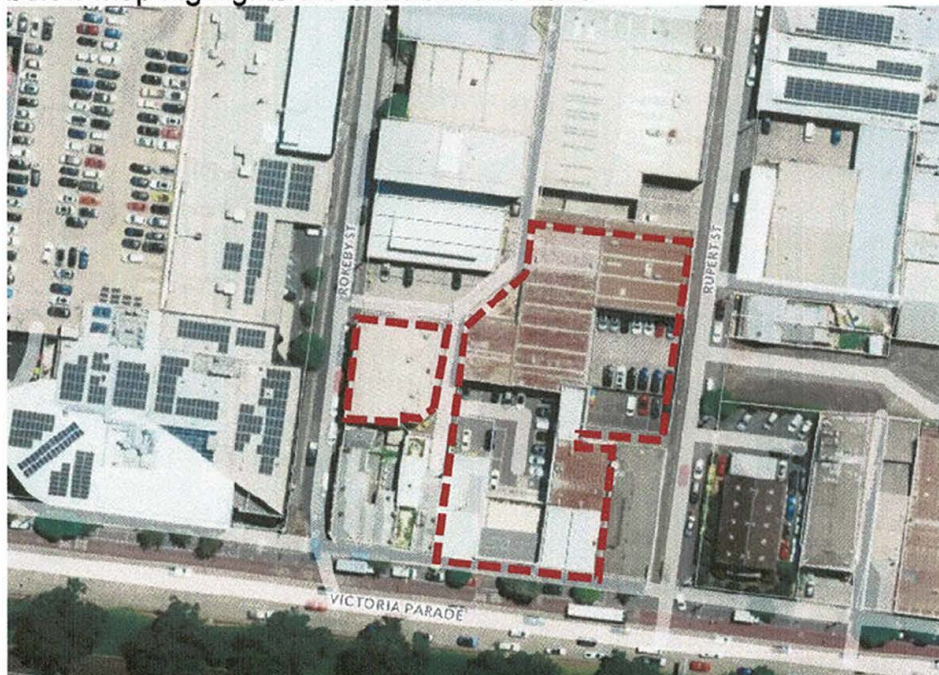
143 – 145, 147-151, & 153-155 Victoria Parade, 2-12 Rokeby Street, & 1 - 5, & 7-13 Rupert Street, Collingwood

We thank Council for the opportunity to provide feedback on Draft Amendment C271 to the Yarra Planning Scheme which, amongst other things, proposes to introduce permanent Design and Development Overlay (DDO) controls to parts of Fitzroy and Collingwood.

We represent an owner consortium that own the following properties in Collingwood:

- 143-145 Victoria Parade
- 147-155 Victoria Parade
- 2-12 Rokeby Street
- 1 - 5 Rupert Street
- 7-13 Rupert Street

Combined, this Land has an overall area of approximately 3,500 square metres. The below map highlights the extent of this Land



Site Aerial 5/12/2024 (landchecker.com.au)

Yarra's Strategic Framework contains directions that include a well-established network of Activity Centres, accompanied by guidance for their role and character. The scheme sets out that these Activity Centres will and should continue to accommodate most of the city's growth given their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

Victoria's Housing Statement, The Decade Ahead 2024-2034 aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing growth is irrefutable and both State policy and Yarra's Strategic Framework clearly set out Activity Centres as the ideal location for this growth.

The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

Despite best efforts, the development of the lands owned by the consortium has been constrained to date, appreciating that there is, and has been for some time (from the COVID-19 pandemic), a significantly limited market demand for significant commercial / office offerings. It is not anticipated that this demand will change in the short to medium term.

Importantly for the consortium of the lands referred to in this submission, the proposed change from Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z) through an extension of the C1Z boundary and related DDO39 boundary will unlock the potential for development of this land, which presents a significant infill opportunity site, for the delivery of housing.

Background / Existing Planning Controls

The controls applicable to the Land are detailed in the below table:

Property	Zoning	Overlays
143-145 Victoria Parade, 147-151 Victoria Parade, & 153-155 Victoria Parade	Commercial 1 Zone (C1Z)	Design and Development Overlay Schedule 2 (DDO2) Design and Development Overlay Schedule 39 (DDO39) Development Contributions Plan Overlay Schedule 1 (DCPO1)
2-12 Rokeby Street	Commercial 2 Zone (C2Z)	Design and Development Overlay Schedule 2 (DDO2) Design and Development Overlay Schedule 11 (DDO11) Design and Development Overlay Schedule 39 (DDO39) Development Contributions Plan Overlay Schedule 1 (DCPO1)

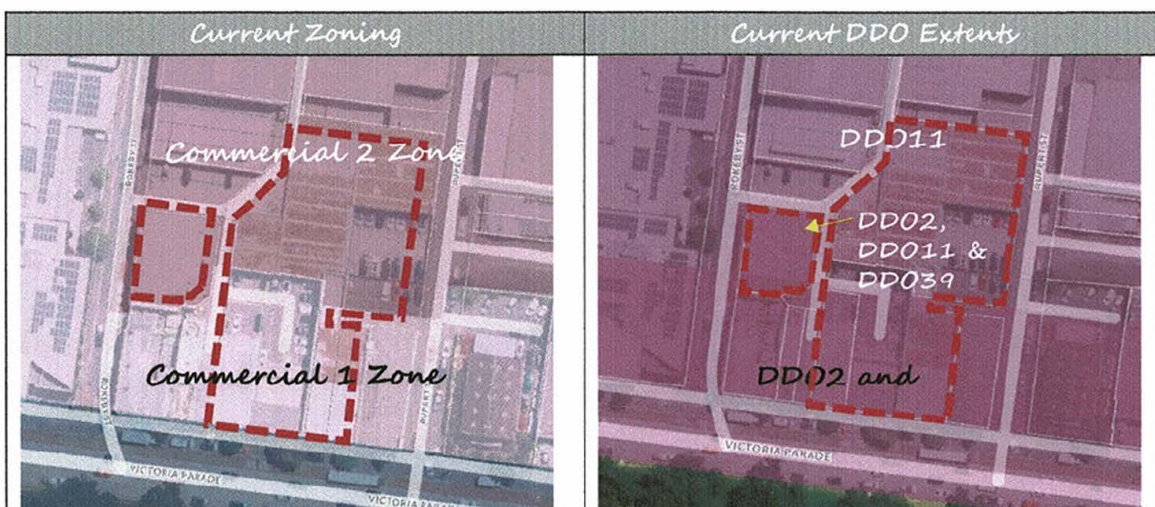
1 – 5 Rupert Street, & 7-13 Rupert Street	Commercial Zone (C2Z)	2	Design and Development Overlay Schedule 11 (DDO11) Development Contributions Plan Overlay Schedule 1 (DCPO1)
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Parts of the Land are subject to the existing interim DDO39, which is one of the seven interim DDOs introduced to the Yarra Planning Scheme via Amendments C270yara and C288yara on 27 August 2021 and 22 October 2021, respectively. These interim controls are due to expire on 30 June 2025.

Importantly, the interim controls were introduced to guide development outcomes whilst further strategic work is undertaken and permanent provisions undergo an amendment process, including exhibition and public hearings prior to approval. No public notification occurred, and therefore this is the first opportunity for the public to provide formal submissions on the changes.

To this end, the opportunity of this public exhibition process is not limited to the amendments between the interim and permanent controls, but rather it is an opportunity to provide submissions on the controls in full.

The below figures identify the existing zoning, and the existing extent of the DDO39 and DDO11.



DDO11 applies to the 'Gipps Precinct'. Key elements of DDO11 are:

- A business and commercial environment with a fine grain industrial nature.
- Preferred character that includes 3-4 storey street facades.
- Preferred requirement that development above 4 storeys be of a high architectural standard and cause minimum overshadowing of streets, public spaces and private properties.

Draft Amendment C271

The Amendment seeks to:

- Introduce permanent Design and Development Overlay (DDO) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduce two new Heritage Overlays in Collingwood and Clifton Hill.
- Amend minor zoning errors in various locations.
- Introduce local policy updates in Clause 11.03-1L Activity Centres.

It is supported by the strategic built form and heritage investigations prepared by Hansen Partnership and GJM Heritage.

The built form controls of the existing and proposed DDO39 are outlined below / on the page over.

	Existing (interim) DDO39	Proposed (permanent) DDO39
Building height	Preferred 6 storeys / 20.8 metres	Preferred 6 storeys / 20.8 metres
Street wall height	Preferred 3 storeys / 11.2 metres Preference for the street wall of infill development adjacent a heritage building to match the parapet height of the adjoining heritage building for 6 metres	Preferred 3 storeys / 11.2 metres Mandatory requirement for the street wall of infill development adjacent a heritage building to match the parapet height of the adjoining heritage building for 6 metres, with a mandatory maximum street wall height of 11.2 metres
Upper level setbacks	Preferred 6 metres for the primary frontage and where adjacent to the Heritage Overlay	Preferred 6 metres for primary frontage (along Victoria Parade) Mandatory 6 metres for sites immediately adjacent to land within the Heritage Overlay (along Victoria Parade)
Rear boundary interface	Preferred that upper levels contained within a 45 degree envelope	Mandatory requirement for upper levels to be contained within a 45 degree envelope
Overshadowing	Preference to not cause overshadowing to the northern edge of the Victoria Parade median at 12pm, or the first floor upwards of properties	Mandatory requirement to not overshadow the northern edge of the Victoria Parade median at 12pm.

	fronting Rokeby and Rupert Streets between 10am and 2pm (all on 22 September)	Preference to not cause overshadowing to the first floor upwards of properties fronting Rokeby and Rupert Streets between 10am and 2pm (all on 22 September).
--	---	---

The proposed DDO39 also includes guidelines that **should be met** in order to support a development which exceeds the preferred building height:

- Satisfies the design objectives.
- Satisfies the overshadowing and solar access requirements.
- Exceedance of minimum building separation requirements.
- No additional overshadowing to residentially zoned secluded private open space, parkland or reserves beyond what a compliant proposal would generate.

Submissions

Having reviewed the exhibited material and considered the implications for the subject site, we make submissions in relation to the following:

1. Zoning
2. Design and Development Overlay Boundary
3. Building Height
4. Flood Level Considerations
5. Use of Mandatory Controls
6. Mandatory Street Wall Height / Upper Level Setbacks
7. Rear Boundary Interface
8. Mandatory Overshadowing Requirements

A discussion in relation to each is provided below.

Zoning

As outlined earlier in this submission, the properties that comprise the Land are either in the C1Z or the C2Z. A component of this Amendment is the proposed change in Zone Schedule of certain properties. We submit that consideration should be given to a change to the C2Z properties (2-12 Rokeby Street, 1-5 Rupert Street & 7-13 Rupert Street) to the C1Z for the following reasons:

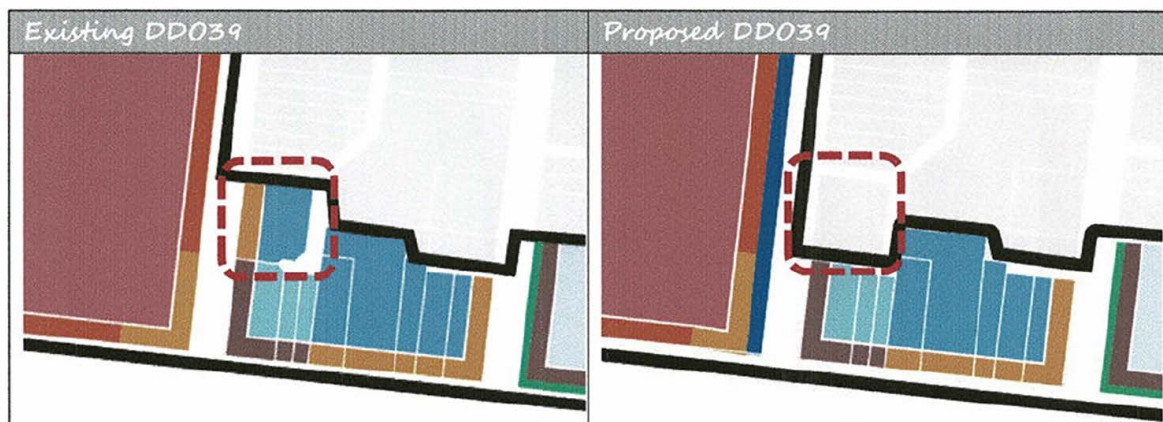
- 2-12 Rokeby Street is currently within DDO39 and is the only property zoned C2Z, not C1Z (see also below discussion).

- Whilst in separate ownership, the owner consortium represents a unique opportunity for site consolidation and uplift which represents a strategic opportunity site which can accommodate 'significant infill'.
- The nuances between C1Z and C2Z, more specifically, the issues associated with land-uses that are permitted within the C1Z but prohibited in the C2Z, have the potential to cause conflict in terms of proposed uses across the consolidated site.
- The proposed change in Zone schedule will still retain the properties as 'commercially zoned' properties, with the amendment limited to a change in schedule; it does not seek a "rezoning" from one categorisation of zoning to another.
- The consortium has a desire to deliver housing.

As a consequence of this proposed change from the C2Z land to C1Z, it is submitted that the applicable properties should also be included within DDO39.

Design and Development Overlay Boundary

The existing DDO39 encompasses 2-12 Rokeby Street. The proposed DDO39 **excludes** 2-12 Rokeby Street. This comparison is demonstrated below.



Deletion of the Rokeby Street property from DDO39 is inconsistent with the *Victoria Parade Built Form Framework* prepared by Hansen Partnership, which reflects the boundary of the existing DDO39.

The property fronts Rokeby Street, rather than Victoria Parade, but is opposite a site that extends well into Rokeby Street (~120m) and is designated for 12 storeys.

It is separated from other properties in Rokeby Street via a laneway and its width and overall area are distinct to the fine grain nature of these properties to the north of the laneway.

Notwithstanding the above arguments pertaining to the opportunities the land / owner consortium represents, the location and features of the property make it better suited to inclusion in DDO39 rather than DDO11.

It is therefore submitted that it should be retained within the DDO39 and, if the intent is to avoid conflict between schedules, should be removed from DDO11.

Building Heights

Following on from the above zoning discussion, we submit that the opportunity presented by the consolidated sites warrants a building height greater than 6 storeys in order to facilitate a substantial level of change and dense redevelopment of the Land commensurate to its overall area.

The *Victoria Parade Built Form Framework* states:

... significant infill can occur at the eastern end of the Boulevard in response to deeper and larger lot sizes, generally not constrained by sensitive residential abutments.

It is acknowledged that the Framework identifies the Land within the DDO boundaries as appropriate for 'moderate infill', however this ignores the opportunity that consolidated sites can present.

The Land is in a location identified in the strategic background documents and in the proposed DDO as being appropriate for a mid- to higher-rise character of up to 12 storeys.

The Land is not constrained by any sensitive zoning interfaces but rather abuts C2Z properties to the rear (north). None of the properties are within the Heritage Overlay.

It is acknowledged that there are heritage implications that need to be considered given the proximity to heritage properties at 135-141 Victoria Parade and 159 Victoria Parade, however, impacts can be appropriately managed through the design objectives and decision guidelines which are already drafted in the proposed DDO, which seek to avoid overwhelming or dominating the heritage place.

We note the overall area of the consolidated properties (~3,500sqm) is not dissimilar to the properties to the east and west that are nominated for a 12 storey preferred height.

It is also larger (even if the Rupert Street properties were excluded) than 207-209 Victoria Parade and 1-3 Smith Street, Fitzroy, which received a permit at the direction of VCAT for a 13 storey building, despite being in a Heritage Overlay.

In summary, the combined landholding represents an strategic site opportunity beyond 'moderate infill' and actually has the characteristics which warrant an uplift to a 'Significant infill' site and a preferred building height of 12 storeys.

Even without the consolidation of multiple properties, for instance, the property of 143-155 Victoria Street which has a land size of 1,333 sqm, or extending the boundary of DDO39, the aforementioned VCAT decision supports greater heights on the Victoria Parade properties. The location of these properties between areas designated for 12

storeys also support greater heights to ensure greater consistency along the streetscape.

Flood Level Considerations

We note that Council have been exploring an update to flood maps will inform planning controls that will ensure future developments are better designed to avoid the impacts of overflow in our stormwater network created during a severe storm. The updated stormwater maps are proposed to apply under the Building Regulations and may also include the introduction of a Special Building Overlay (SBO). These are additional preventative measures and are designed to set appropriate conditions and floor levels to mitigate possible flood risk.

Consistent with proper and orderly planning principles, now is the opportune time for Council to consider what impact this flood prone land work will have on the DDO36 precinct and to respond appropriately.

We understand from preliminary discussions with Council that the subject site may be impacted by the flood mapping.

Consistent with many Victorian Planning Provision zone controls, the following should be included as part of DDO39.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Failing to account for future flood level considerations and linking them to preferred building height will have unintended consequences.

Use of Mandatory Controls

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines that mandatory controls should only be applied in exceptional circumstances, where they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

'Exceptional' circumstances do not apply in this instance and mandatory controls are not warranted.

In this regard, all provision in DDO39 should be preferred and not mandatory.

Mandatory Street Wall Height / Upper Level Setbacks

Similar to the above consideration to building height, heritage implications associated with street wall heights and upper level setbacks should be managed through the design objectives and decision guidelines of the schedule, not through the use of mandatory controls.

As outlined earlier in this submission, 'Exceptional' circumstances do not apply in this instance and mandatory controls are not warranted and preferred controls should be adopted.

Rear Boundary Interface

The drafting of this requirement provides no guidance for preferred rear boundary wall heights for the Land, which interfaces with properties in the C2Z. Despite this, the proposed DDO39 subsequently contains a **mandatory** requirement for upper levels above a rear boundary wall to be contained within a 45 degree envelope. An exemption only applies for C1Z or Mixed Use Zone (MUZ) abutments.

This exemption should be extended to include the C2Z, which is more comparable to the C1Z or the MUZ than the Neighbourhood or General Residential Zone (NRZ or GRZ) to which the control otherwise applies. This will also ensure there is no confusion when interpreting the control.

Mandatory Overshadowing Requirements

In addition to the earlier argument around the unwarranted use of mandatory controls, the use of **mandatory** overshadowing controls is inappropriate for the following reasons:

- The central median of Victoria Parade is not a Public Park and Recreation Zone (PPRZ) or similar, but is zoned Transport Zone 2 (TZ2).
- The central median is not identified within Yarra's Open Space Strategy as an existing open space area, nor is it identified for protection or enhancement.
- The central median is not identified as a 'key pedestrian connection' or 'green street' within the *Victoria Parade Built Form Framework*.
- The street edge of the central median includes intermittent footpaths and road infrastructure. Directly opposite the Land, it does not contain any formal, sealed footpath. It is not a consistent sensitive edge or an area where the space is used for an extended period of time, which would warrant mandatory controls.
- The Tribunal, in approving a 13 storey building at 207-209 Victoria Parade and 1-3 Smith Street considered some overshadowing of the median and the tram stop as reasonable and inevitable. In particular, it noted that the footpath and tram stop were "*transitional areas for pedestrians and commuters*" (107).

As outlined earlier in this submission, 'Exceptional' circumstances do not apply in this instance and mandatory controls are not warranted and preferred controls should be adopted.

We thank Council for the opportunity to participate in this process and would welcome the opportunity to discuss this further.

Should you have any queries in relation to the submission, please do not hesitate to contact the undersigned at [redacted] [redacted] by email or on my mobile below.

Yours sincerely,

[redacted]

[redacted]
[redacted]
[redacted]
on behalf of the Consortium
[redacted]
[redacted]
[redacted]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Amendment C271yara - Further Discussions
Date: Tuesday, 12 August 2025 12:38:27 PM
Attachments: [REDACTED]

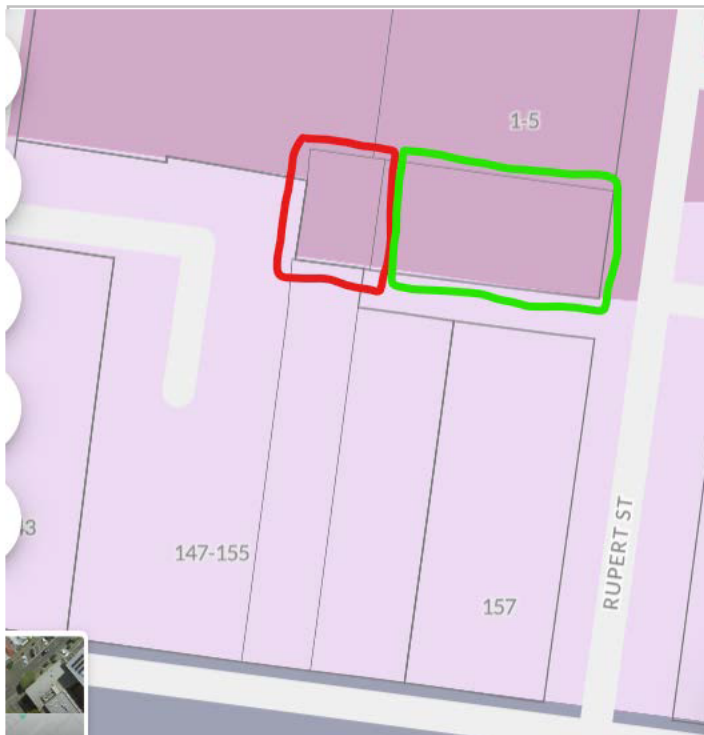
Hi [REDACTED],

Thank you again for the opportunity to meet.

Please note that our client supports the proposed zone change of 2-12 Rokeby St Collingwood from C2Z to C1Z.

As discussed, we make separate submissions on each of the sites below for your consideration; we view them as candidates for a C2Z to C1Z correction on the basis that:

1. As per the aerial photo below and the attached photos, the building at the rear of 143-145 Victoria Pde (identified with the red outline) is in a split C2Z to C1Z arrangement which should be corrected. It is one building, as per the attached photos and floor plan.
2. The area to the east of 143-145 Victoria Pde (identified with the green outline) is not split zoning, but is the car parking area associated with the 143-145 Victoria Pde building (identified with the red outline), so it would be sensible for it to also be included in the C1Z.





[Redacted]
Director

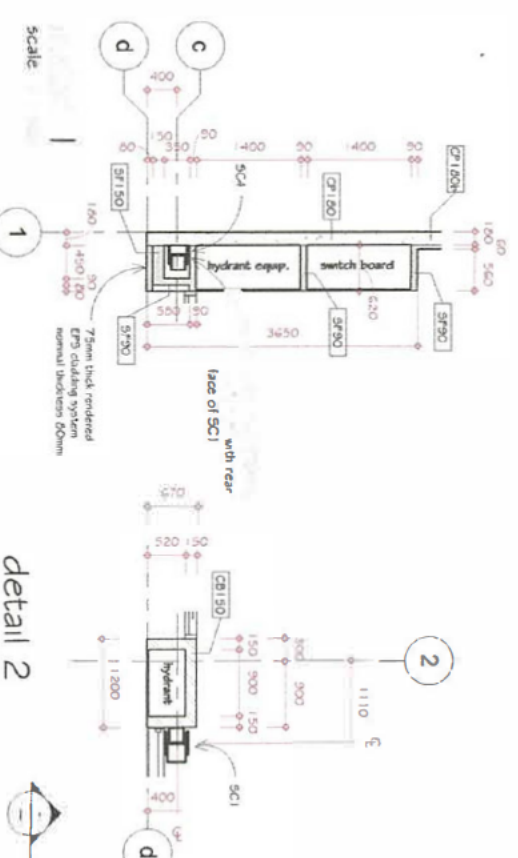
[Redacted]
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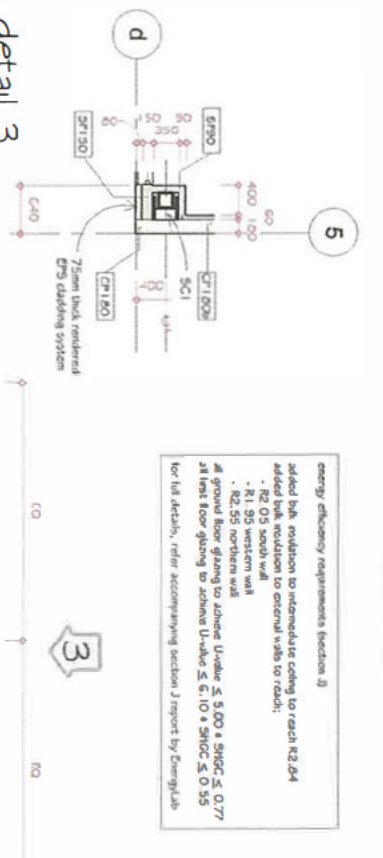
[Redacted]

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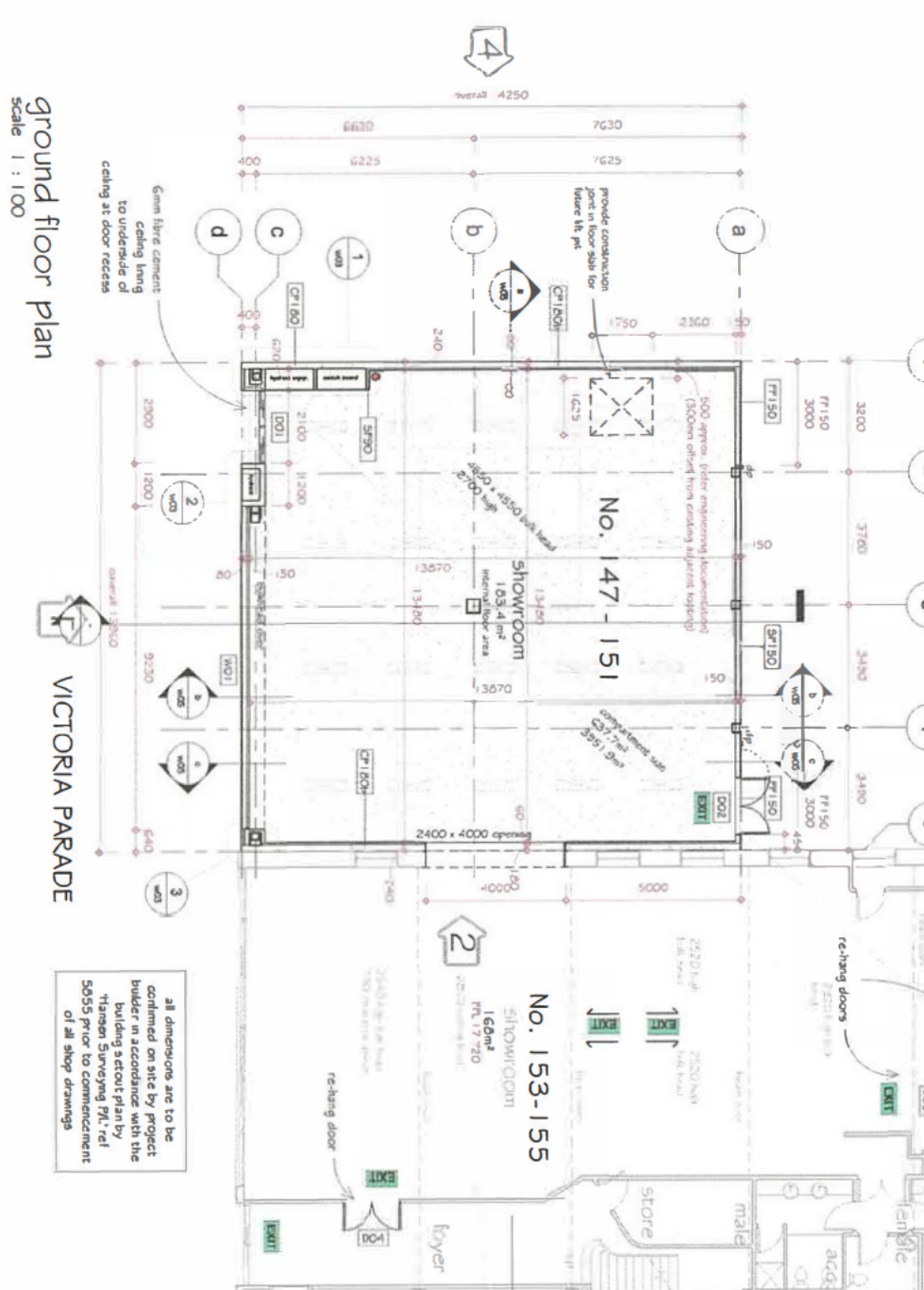




detail 2
scale 1 : 50



detail 3
scale 1 : 50



ground floor plan
scale 1 : 100

Legend

- Fire extinguishers - refer to SFR drawings HO1 - HO2 (215300)
- EXIT - refer to SFR drawings EO1 - EO2 (215300)
- cut sign - refer to SFR drawings EO1 - EO2 (215300)
- stable ground surface indicators to be provided in accordance with AS1420.4:1-2009
- TC9 - downpipes as per accompanying civil engineering documentation
- 1200x300mm LED tube

NOTES:
refer to SFR drawings EO1 - EO2 (215300) for cut and emergency lighting and fire alarm system design and detailing

replace roller door and gate with approved sliding fire exit door able to be opened with a force of no more than 110N, opening directly to driveway in accordance with NCC Part D2.1.9

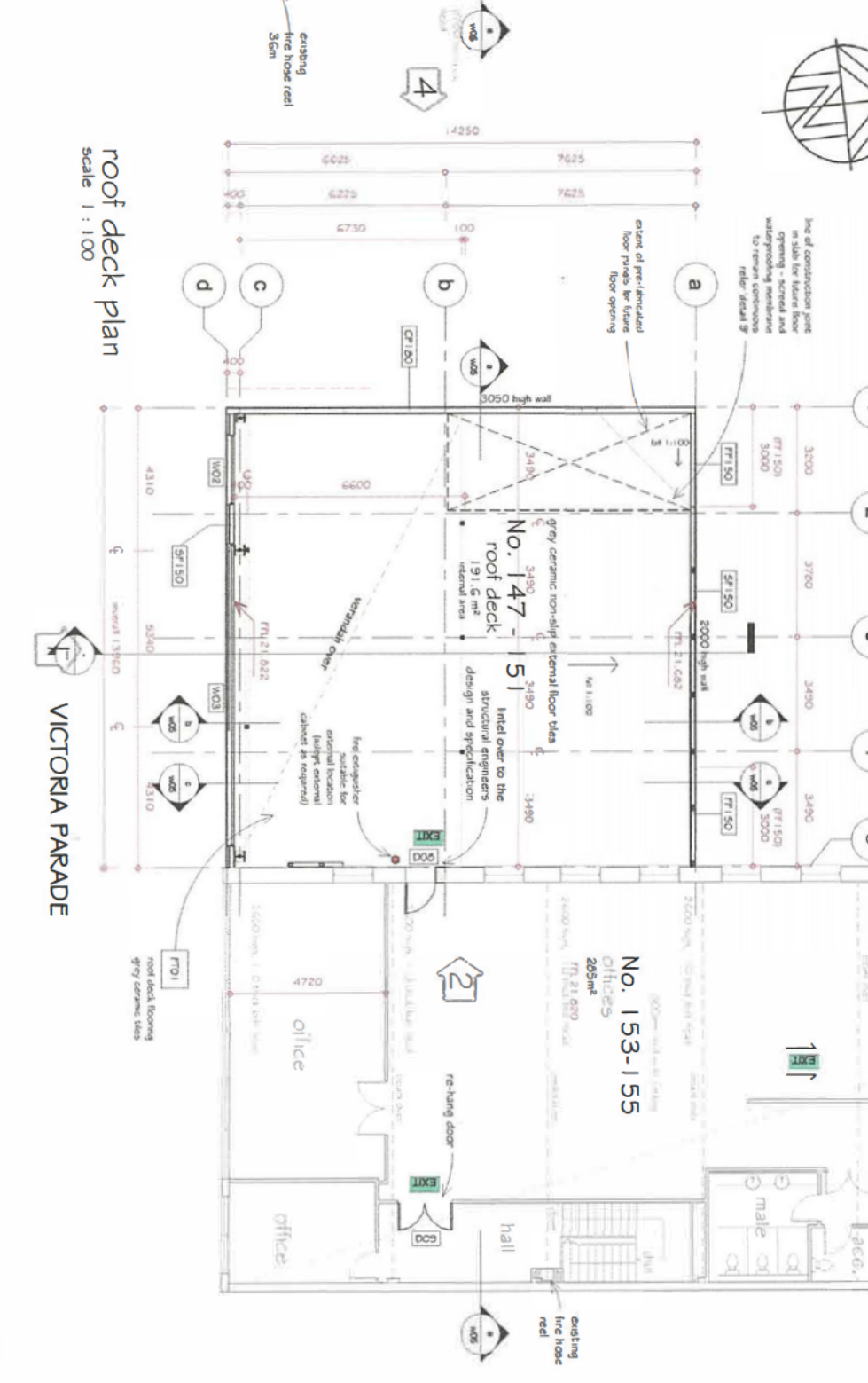
area schedule (overall building area)

area	squares
No. 147-151 - proposed ground floor	198.9 m ²
No. 147-151 - roof deck	21.4 m ²
No. 153-155 - existing first floor	198.9 m ²
No. 153-155 - existing ground floor	438.6 m ²
	47.2 m ²

all windows to comply with AS1288 and AS2047
all windows to be aluminium framed
window sashes are nominal only - sizes are to be confirmed with window manufacturer prior to construction of wall openings
all external windows and doors to be fitted with weatherslips or similar to restrict air infiltration

mark	height	width	location	comments	location
WO1	2400	9200	bed window	showroom	
WO2	1870	2060	bed window	roof deck	
WO3	1870	9200	bed window	roof deck	

mark	height	width	location	comments
I3	2040	920		
I4	2040	920		
DO1	2930	2100	showroom	glass sliding
DO2	2400	1640	showroom	side hung metal fire exit door
DO4	2040	1640	foyer	21020 side hung
DO5	2040	920	showroom	side hung
DO6	2040	1640	showroom	27020 side hung
DO7	2100	1200	del verms	sliding fire exit door able to be opened with a force of no more than 110N
DO8	2100	920	roof deck	glass side hung
DO9	2040	1640	hall	2820 side hung
DO10	2040	870	offices	side hung



roof deck plan
scale 1 : 100

wall legend

- CR160 - concrete panel 150mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR180 - concrete panel 180mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR190 - concrete panel 190mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR200 - concrete panel 200mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR210 - concrete panel 210mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR220 - concrete panel 220mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR230 - concrete panel 230mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR240 - concrete panel 240mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR250 - concrete panel 250mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR260 - concrete panel 260mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR270 - concrete panel 270mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR280 - concrete panel 280mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR290 - concrete panel 290mm thick to achieve min RFL of 300000 refer to the structural engineers documentation
- CR300 - concrete panel 300mm thick to achieve min RFL of 300000 refer to the structural engineers documentation

proposed office/showroom development
at 147-151, 153-155 Victoria Parade, Collingwood
for [redacted]

all dimensions are to be confirmed on site by project builder in accordance with the Hansen Surveying Pty. Ltd. 5055 prior to commencement of all shop drawings

revisions:

revisions	date	description
A	25.08.2017 DT	lift shaft location
B	12.12.2017 DT	additional cockle into
C	16.12.2017 DT	scored 100mm, roof deck steel RL adjusted
D	21.12.2017 DT	scored reinforced, roof deck steel/slab angled
E	19.01.2018 DT	30mm scored on graded patterns
F	15.02.2018 DT	grading design/bulkhead information added
G	04.04.2019 DT	roof deck veranda added
H	12.07.2019 DT	roof deck veranda updated

Project / sheet #: 12 059W03
scale: 1:100 (or as indicated)
Project date: 24/03/2012
03/06/15 12/07/2019
drawn by: [redacted] 12:34:35 PM
D Sheers

building practitioner
reg no. DP 1056
all dimensions, levels & components indicated on this drawing to be checked & verified on site prior to commencement of work

From: [REDACTED]
Sent: Monday, 24 February 2025 4:52 PM
To: [REDACTED]
Subject: Amendment C271 Submission 65 - [REDACTED] Resident

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Strategic Planning Team,

I am writing regarding Amendment C271yara as a resident of [REDACTED]. I have several concerns about the proposed changes and request responses to the following.

Concerns Requiring Response:

1. Building Height and Development Impact

- How will the proposed 3-6 story height allowance affect sunlight and overshadowing on my property?
- What protections are in place to prevent overlooking into my private spaces from these taller developments, which already occurs with the Trilby development.
- How will the 8m-11.2m rear boundary walls impact my property's natural light and amenity?

2. Residential Character and Livability

- What measures will protect the existing residential character of Emma Street?
- How will increased development affect street parking availability for current residents?
- What traffic management plans will be implemented to handle increased vehicle movement?

3. Implementation and Enforcement

- What is the process for enforcing the 45-degree setback rule?
- How will Council monitor and enforce privacy protections during and after development?
- What compensation or remediation is available if developments negatively impact our property?

I request written responses to these concerns and wish to be kept informed of any changes to the amendment. I also plan to attend the Committee Hearing in October 2025.

Kind regards,
[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, 24 February 2025 4:59 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Amendment C271yara - Submission
Attachments: Submission to Draft Amendment C271yara - 224-226 Smith Street, Collingwood.pdf

You don't often get email from [REDACTED] [learn why this is important](#)

Dear Sir or Madam

SUBMISSION TO DRAFT AMENDMENT C271YARA
224-228 Smith Street, Collingwood

We act for [REDACTED] ('Client'), the owner of 224-228 Smith Street, Collingwood.

Please find **attached** submissions in respect of the proposed amendment C271yara, by way of filing on behalf of our Client.

We confirm the attached has also been filed via the online form at [REDACTED].

Please contact [REDACTED] on [REDACTED] (email: [REDACTED]) if you have any questions or queries.

Yours faithfully

[REDACTED]
Lawyer

PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

[REDACTED]

Planning & Property Partners Pty Ltd

[REDACTED]

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24 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Via email only: [REDACTED]

Dear Sir/Madam,

**SUBMISSION TO DRAFT AMENDMENT C271YARA
224-226 SMITH STREET, COLLINGWOOD**

We act for [REDACTED] in relation to the above. Our client is the owner and proposed developer of land at 224-228 Smith Street, Collingwood (**Site**).

This submission has been prepared in response to Draft Amendment C271 (**Draft Amendment**) to the Yarra Planning Scheme (**Scheme**).

Background

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 respectively. These Amendments applied 7 interim DDOs to parts of Fitzroy and Collingwood.

Unless extended, the interim controls will expire on 30 June 2025.

Community consultation was held in September 2022 and feedback was sought on the proposed Fitzroy and Collingwood Planning Controls. Following this, revised draft permanent controls were reviewed at a Council Meeting on 6 December 2022.

Subject Site

The Subject Site is a large holding in the activity centre with a frontage to Smith Street and rear boundary to Little Oxford Street and displays a significant slope of around 4m from west to east.

It contains a non-descript building with a 'non-contributory' heritage building.

The image below shows the Site in its context:



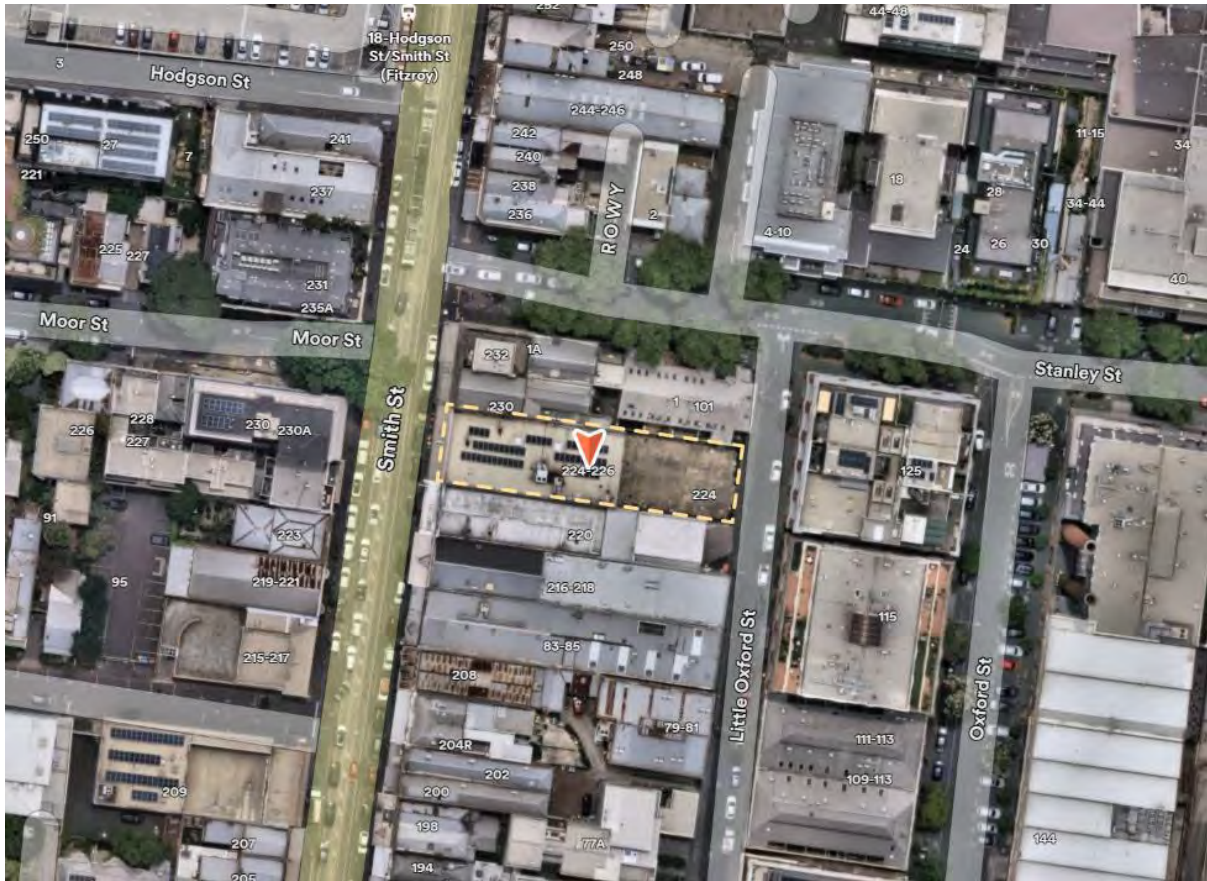


Figure 1 – Subject Site

Permit Application History

An application for a planning permit was lodged to Yarra City Council (**Council**) in 2023 for the construction of an 8-9 storey mixed use building.

Following an appeal to the Victorian Civil and Administrative Tribunal (**VCAT**) in 2024, in [REDACTED] v Yarra CC¹ that permit application was refused by VCAT, including because of an inappropriate street wall design and response to surrounding heritage fabric.

While the particular development considered in *224 Smith Street* was found to be unacceptable, in its reasons, the Tribunal noted that an acceptable response (including to the slope of the land) would result in a 'modest exceedance' of the preferred DDO heights.

A revised development has been lodged to Council under Planning Permit Application PLN24/0589 (**Revised Application**).

The Revised Application has comprehensively responded to the decision in *224 Smith Street* and importantly has reduced the height of the proposed building and extent of exceedance of DDO30. The Revised Application maintains some exceedances of DDO30 – including to manage the slope of the land.

Current Planning Scheme Provisions

Pursuant to the provisions of the Scheme, the following provisions apply to the Site:

- Commercial 1 Zone (**C1Z**).
- Design and Development Overlay – Schedule 30 (**DDO30**)
- Heritage Overlay – Schedule 333 and 334 (**HO333**)
- Development Contributions Plan Overlay – Schedule 1 (**DCPO1**)

¹ [2024] VCAT 472.

DDO30 specifically relates to Smith Street Shops and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls as relevant to the Subject Site are:

- *Preferred* 11.2 metre high street wall height elsewhere.
- *Preferred* upper level setback above the Smith Street street wall of 8 metres.
- *Preferred* requirement, for development over 16.4 metres, for the top most level above a heritage building to be setback an additional 3.2 metres from the Smith Street frontage.
- *Preferred* maximum building height of 24 metres.

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to not overshadow the opposite footpath of Smith Street (and side streets over 10 metres wide) between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas

HO333 covers the 'Smith Street Precinct, Fitzroy/Collingwood'. The Site is 'non-contributory'.

Planning Scheme Amendment C271

Proposed Amendment C271 to the Scheme proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill.
- Amending of minor zoning errors in various locations.
- Introduction of local policy updates in Clause 11.03-1L Activity Centres.

Within the exhibited documentation, the following applies to the Subject Site:

- Updated Schedule 30 to the Design and Development Overlay
- Updated Clause 11.03-1L Activity Centres

The strategic work that underpins the Amendments is the Smith Street Built Form Framework prepared by Hansen Partnership, and the Brunswick Street and Smith Street Built Form Review Heritage Analysis and Recommendations prepared by GJM Heritage.

With respect to the proposed Design and Development Overlay Schedule 30 (**DDO30**), it includes the following built form requirements for the Subject Site:

- **Mandatory** 11.2 metre / 3 storey high street wall height. Infill development adjoining a heritage building must not be higher than the height of the adjoining heritage building for at least 6 metres along the frontage.
- **Mandatory** upper level setback above the Smith Street street wall of 8 metres.
- *Preferred* requirement, for development over 16.4 metres, for the top most level above a heritage building to be setback an additional 3.2 metres from the Smith Street frontage.
- **Mandatory** maximum building height of 24 metres / 7 storeys

In addition to the above specific built form controls, the draft DDO30 also provides the following guidance:

- **Mandatory** requirement to not overshadow the opposite footpath of Smith Street (and side streets over 10 metres wide) between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas

Key Submissions

Our client supports the proposition of refining and implementing built form controls for the activity centre.

However, the form of those controls should properly reflect the role of the centre and contemporary local and state housing policy.

In that regard, our client queries the currency of the proposed controls in circumstances where they have largely remained unaltered for several years but where the 'Victorian Housing Statement' and Plan Victoria initiatives have and will soon be implemented.

In our view, there is a disconnect between the proposed controls and more contemporary policy directives to provide housing density in inner areas such as this.

Mandatory Controls

In our client's view, there is simply no case for the imposition of mandatory controls in this activity centre – there are no exceptional circumstances which would justify such provisions.

Further, the slope of land on both sides of Smith Street is a notable and recognised challenge to the design of infill development.

It is noted that in many instances, for example the VPP residential zones and many other built form controls throughout Victoria, height controls provide scope for variation to accommodate design responses to slope.

In a context where heritage planning, slope and increased dwelling density are all relevant influences, the use of mandatory controls is a blunt instrument which will limit design flexibility and ultimately curtail the provision of housing.

Building & street wall heights

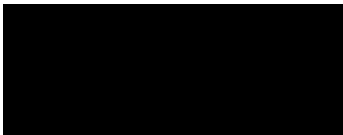
Our client is of the view that building heights should be reviewed in light of recent housing policy.

At the very least, the heights in DDO30 should be preferred.

Our client anticipates this submission being referred to an independent Advisory Committee and looks forward to the opportunity to expand on these matters further.

Please contact the writer if you wish to discuss any aspect of the above further.

Yours faithfully




Planning & Property Partners Pty Ltd
Encl.

From: [REDACTED]
Sent: Monday, 24 February 2025 4:58 PM
To: [REDACTED]
Subject: Amendment C271yara - Submission
Attachments: 12 Smith Street Collingwood_AmendmentC271yara Submission.pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir / Madam,

Please find the attached Amendment C271yara submission on behalf of [REDACTED].

Please note that this submission was lodged via the online platform last week, however no receipt / confirmation was received.

As such, should this be a duplication, please consider this one submission.

Kind regards,

[REDACTED]
Associate: Planning

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]



Planning | Waste Management
Transport | Landscape Architecture
Urban Design | Circular Economy

Instagram | LinkedIn

We acknowledge the Traditional Owners of the land we work, live and travel on, and appreciate the rich cultures of Aboriginal and Torres Strait Islander Peoples and their enduring connection to Country.

██████████
██████████
██████████

21 February 2025

Strategic Planning Department
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Sent via email to:
████████████████████

12 Smith Street, Collingwood
Submission to Draft Amendment C271yara

Dear Sir / Madam,

Introduction

Ratio Consultants acts on behalf of ██████████ in relation to the above-mentioned matter.

Our client is the landowner of No. 12 Smith Street Collingwood and intends to redevelop the site ('the subject site').

Relevant to the subject site, the Draft Amendment C271yara ('the amendment') proposes a revised Design and Development Overlay – Schedule 37.

On behalf of our client, we oppose the Amendment as drafted, with our reasons detailed in this submission.

Site Context

The subject site is located within the Commercial 1 Zone (C1Z) and is affected by the Design and Development Overlay – Schedule 37 (interim DDO37), the Heritage Overlay – Schedule 464 (HO464), and the Development Contributions Plan Overlay – Schedule 1 (DCPO1) pursuant to the Yarra Planning Scheme.

The key features of the site are summarised as follows:

- The subject site is located on the southern corner of the Smith Street and Mason Street intersection.
- The subject site is located approximately 70 metres north from the intersection between Victoria Parade and Smith Street.
- The subject site is rectangular in shape and has a frontage to Smith Street of approximately 17.1 metres, a frontage to Mason Street of approximately 23.02 metres, and a total site area of approximately 398.88 sqm.
- The subject site comprises an existing 2 storey warehouse / shop that occupies the entire site.

With respect to the adjoining properties, we note the following:

- To the north of the site is Mason Street, a local east-west one-way road with parking.
- To the east is an unnamed laneway / ROW which extends across the entire length of the boundary. Beyond the laneway is a car park which is connects to the existing McDonalds fronting Victoria Parade, with access provided through either Mason Street, Smith Street or Victoria Parade.
- To the south of the subject site is No. 10 Smith Street, a heritage property that comprises a small 2 storey commercial building.
- To the west of the site is Smith Steet, the core thoroughfare of the Smith Street Major Activity Centre.

The subject property is located within an established mixed use area to the south of Gertude Street and to the north of Victoria Parade, forming part of the Smith Street Major Activity Centre. All abutting / surrounding land proximate to the subject site is located within the **Commercial 1 Zone**.

Further, we note there are various heritage places properties located within the surrounds, including the Smith Street South Precinct, Fitzroy and Collingwood (HO464) and the Victoria Parade Precinct, Collingwood (HO336).

Land within the surrounding area is undergoing a high degree of change, with a growing number of mixed-use developments commonly ranging from 7-13 storeys in scale within 100 metres of the site, even where subject to Heritage Overlays.

Lot sizes vary significantly and range from approx. 130sqm to 1,000sqm fronting Smith Street and larger 1000sq.m to 2000sq.m + lots fronting Victoria Parade to the south and abutting the subject site.

Figure 1: Aerial Image



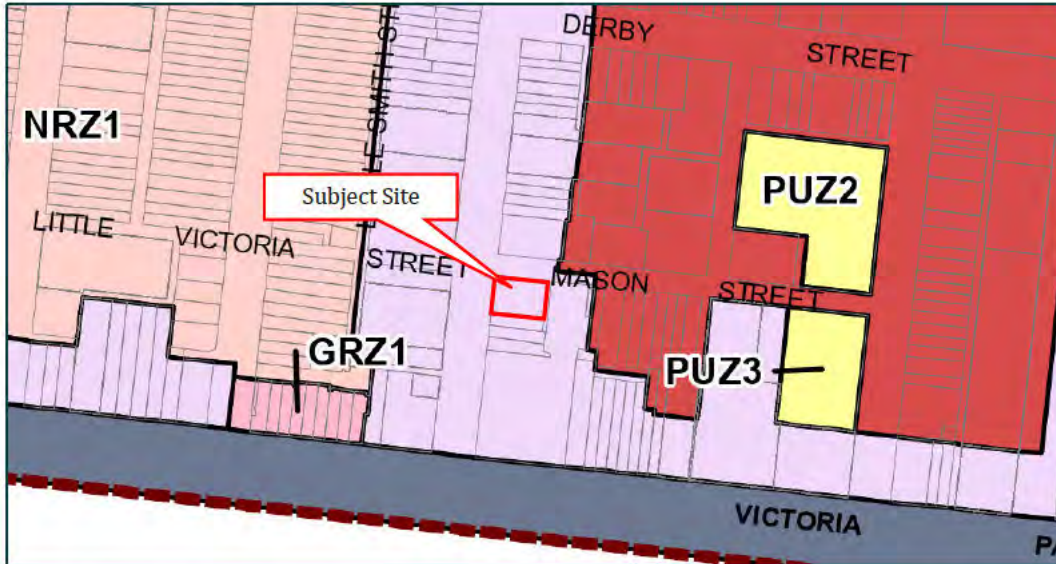
Source: Nearmap (<https://apps.nearmap.com/maps>)

Planning Controls and Policy

Zone

The subject site is located within the Commercial 1 Zone (C1Z).

Figure 2 - Zone Map



Source: Planning Schemes Online (<https://planning-schemes.app.planning.vic.gov.au/Yarra/maps>)

Overlays

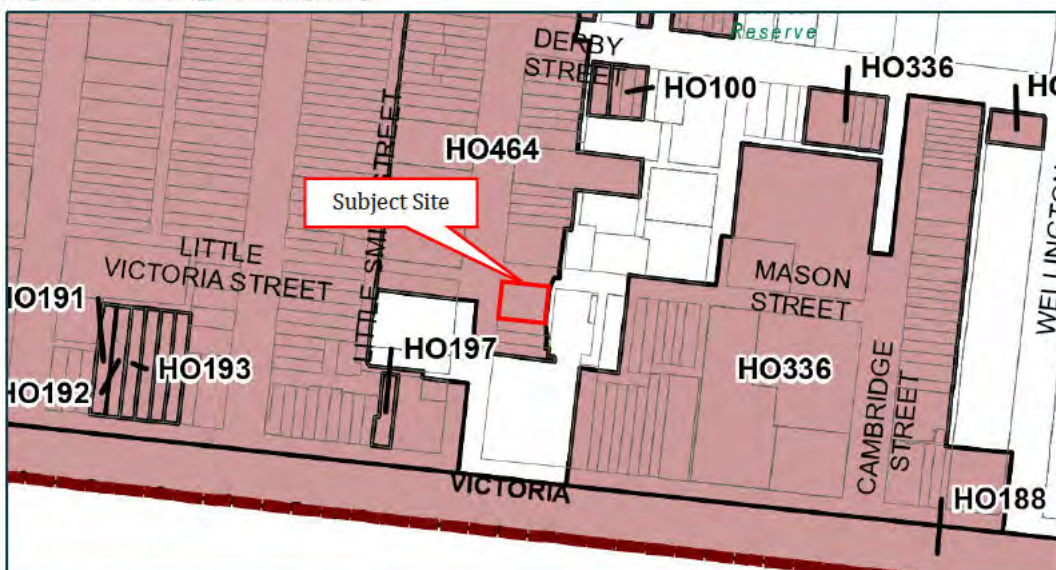
The subject site is affected by the Heritage Overlay – Schedule 464 (HO464); the Design and Development Overlay – Schedule 37 (interim DDO37); and the Development Contributions Plan Overlay – Schedule 1 (DCPO).

Heritage Overlay

Heritage Overlay Schedule 464 (HO464) is a heritage precinct overlay relating to the ‘Smith Street South Precinct, Fitzroy and Collingwood’.

The site is identified as ‘not significant’ pursuant to the HO464.

Figure 3 - Heritage Overlay Map



Source: Planning Schemes Online (<https://planning-schemes.app.planning.vic.gov.au/Yarra/maps>)

Design and Development Overlay

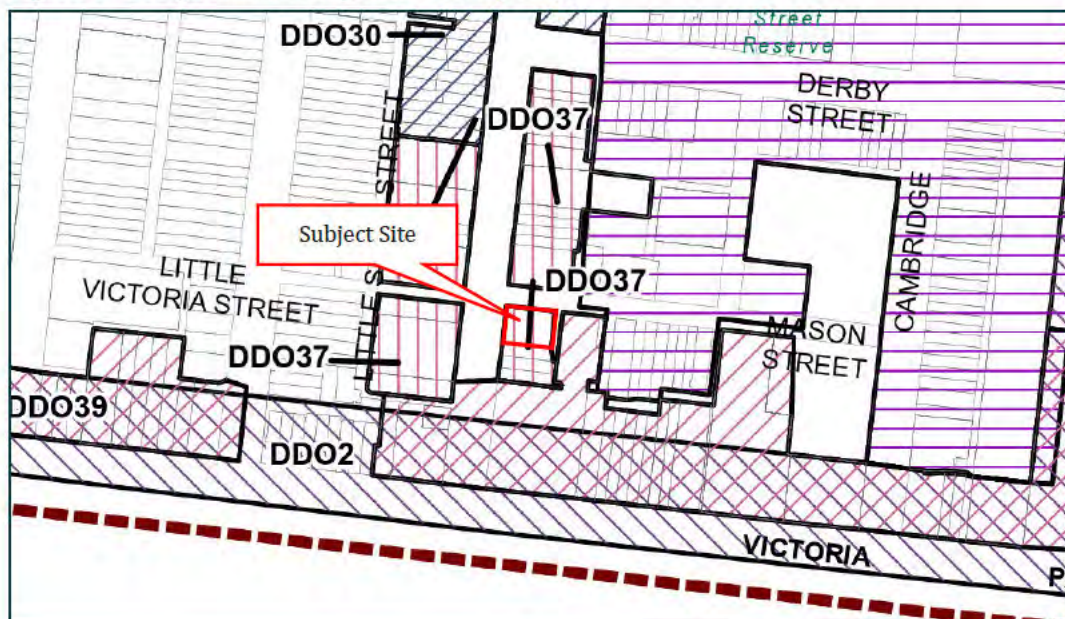
Design and Development Overlay Schedule 37 (DDO37) is an interim control relating to 'Smith Street North and South' (noting expiry date of 30 June 2025).

DDO37 seeks to support mid-rise development ranging from 6-10 storeys along Smith Street, and lower rise development ranging from 3-6 storeys along side and rear streets.

The DDO37 applies the following discretionary buildings and works built form requirements to the subject site:

- 17.6 metres preferred maximum overall building height.
- 11.2 metre preferred maximum street wall height.
- 8 metre preferred upper level setback to Smith Street.
- 6 metre preferred upper level setback to Mason Street.
- New development should not overshadow the following:
 - The opposite footpath of Smith Street and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and
 - Any opposite kerb outstands, seating and or planning areas, between 10am and 2pm on 22 September.
- Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:
 - Be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists; and
 - Be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Figure 4 - Design and Development Overlay Map



Source: Planning Schemes Online (<https://planning-schemes.app.planning.vic.gov.au/Yarra/maps>)

Draft Amendment C271yara

Yarra City Council is proposing to introduce permanent built form and design requirements for the Major and Neighbourhood Activity Centres of Fitzroy and Collingwood through 12 x Design and Development Overlay Schedules (DDOs).

The Amendment is supported by background documents, whilst Design and Development Overlay Schedule 37 (DDO37) will be amended and have built form implications to the subject site.

Smith Street Built Form Review

The Smith Street Built Form Review incorporated the preparation of (as applicable) a background analysis report, a built form framework report, and a heritage analysis. These reports are dated November 2019.

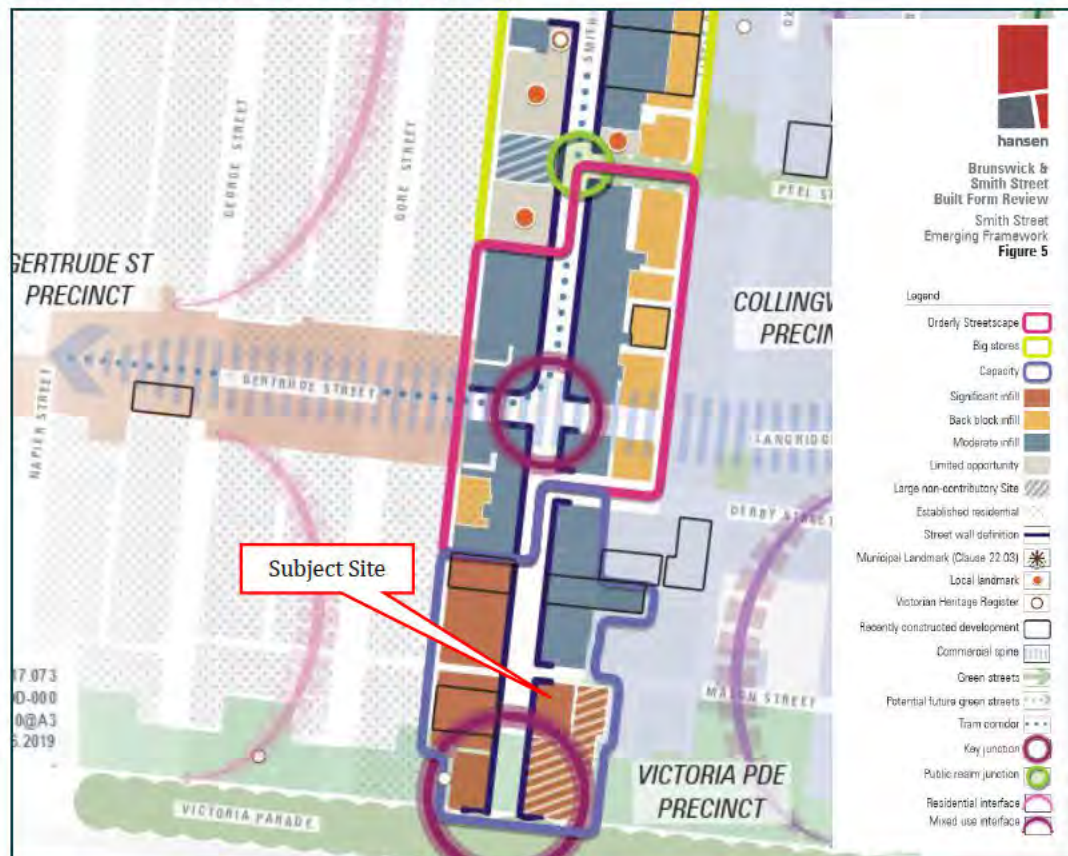
The reports outline the strategic review undertaken and set out the rationale for proposed controls along Smith Street. A subsequent draft heritage recommendations report was prepared and is dated November 2022.

The Built Form Framework report nominates the subject site within Precinct 1 (Smith Street).

The Built Form Framework acknowledges recent development trends within the Smith Street MAC include medium to high density development along the corridor, particularly to the northern end with forms ranging in scale from 7 to 10 storeys. More recent planning permit approvals within the Precinct are typically 6 to 9+ storeys.

The preferred precinct character statement outlines that at the northern and southern ends of Smith Street, development opportunities will manifest with areas subject to significant infill and rising forms set back behind the prevailing street wall profile. Similarly, Part 2.2 of the Built Form Framework acknowledges that at either end of Smith Street, significant infill can occur, as reflected in the existing and emerging context.

Figure 5 - Built Form Framework (Figure 5)



Source: Smith Street Built Form Framework (Hansen Partnership, November 2019)

Proposed Amendment C271yara Controls

C271 Draft Amendment C271yara seeks to implement permanent planning controls for the Fitzroy and Collingwood Major and Neighbourhood Activity Centres by applying Design and Development Overlay Schedules 29-40. The amendment aims to replace existing interim controls, delete redundant DDO Schedules 10 and 13, and remove obsolete DDO2 mapping.

It also seeks to apply permanent Heritage Overlay protections to two specific sites, rezone various properties within the municipality (not applicable to the subject site), and make associated adjustments to the Yarra Planning Scheme.

Specifically relating to the subject site, the amendment proposes a revised Design and Development Overlay - Schedule 37 (DDO37).

As such, the following built form outcomes in relation to overall height and street wall height would apply:

Figure 6 - Existing and Proposed DDO37 Controls

	Existing Controls	Proposed Controls
Overall height	17.6 metres (preferred)	5 storeys / 17.6 metres (preferred)
Street wall height	11.2 metres (preferred)	11.2 metres (preferred)
Upper level front and side setback	8 metres where a heritage overlay applies (preferred)	8 metres where a heritage overlay applies (mandatory)
Overshadowing and solar access requirements	<p>New development should not overshadow:</p> <ul style="list-style-type: none"> the opposite footpath of Smith and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September. 	<p>New development must not overshadow:</p> <ul style="list-style-type: none"> the opposite footpath of Smith and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Figure 7 - Existing building and street wall heights map under DDO37



Source: Yarra Planning Scheme

Figure 8 - Proposed building and street wall heights map under DDO37



Source: City of Yarra (<https://yoursayyarra.com.au/fitzroycollingwood/exhibition-documents-draft-amendment-c271yara>)



Submission

The subject site represents a significant opportunity for urban renewal within the Smith Street Major Activity Centre. At present, the existing and proposed controls do not reflect the realistic redevelopment opportunities afforded to the subject site and Smith Street Major Activity Centre. Specifically, the DD037 should be amended to increase the preferred maximum building height to at least seven (7) storeys and mandatory controls should not be introduced as to ensure that there is design flexibility, particularly on properties which are not identified as having heritage significance.

Our reasons follow.

Plan Melbourne 2017-2050

Currently, Plan Melbourne 2017-2050 (Plan Melbourne) is a metropolitan planning strategy that seeks to provide direction for the future of the city.

Outcome 2 of Plan Melbourne is for Melbourne to provide housing choices in location close to jobs and services.

Direction 2.1 focuses on delivering more medium and higher-density developments near services, jobs and public transport supports the objectives of consolidation and housing choice. The policies aim to encourage mixed-use developments and greater housing diversity and density near employment and transport will create opportunity and choice for medium- and low-income households.

Direction 2.5 seeks to provide greater choice and diversity of housing within Melbourne. As housing diversity relates to the size, cost, number of bedrooms, character and age of dwellings. Alternate and diverse housing options can offer opportunity for both small-scale and large-scale developments within established areas with the planning system aiming to cater for different types of housing and accommodation, whether it is small or large scale.

The current discretionary and proposed mandatory controls should be reconsidered to better support the provision of housing as sought by Plan Melbourne.

Housing Targets and Victorian Housing Statement

In 2024, the Victorian State Government released draft housing targets to achieve 2.24 million new homes by 2051 in Victoria. These targets will form part of a new plan for Victoria which is intended to supersede Plan Melbourne.

Within the City of Yarra, there are currently 52,600 homes as of 2023, whilst the draft target is 48,000 new homes by 2051¹.

The housing targets designed for each Council to aim to create and encourage more housing choice in areas with existing and planned public transport, jobs, and services in Melbourne.

The Victorian Housing Statement was also published in 2024 and emphasised the importance of increasing the supply of housing, noting that the provision of housing within activity centres is a key focus of the statement.

The statement seeks to place increased policy emphasis on the need to provide more housing in better locations, mindful of the current housing crisis.

Planning Practice Notes

Planning Practice Notes (PPN's) provide advice regarding the operation of the Victoria Planning Provisions, planning schemes, planning processes and topics.

Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes (September 2018) (PPN59) notes that the VPPs are largely performance based and that mandatory provisions are the exception (i.e. are only warranted in specific circumstances).

Planning Practice Note 60: Height and setback controls for activity centres (September 2018) (PPN60) similarly notes that the application of discretionary controls, combined with clear design objectives and decision guidelines, is the preferred form of height and setback controls within activity centres.

Specifically, PPN60 notes that mandatory controls should only be applied where:

- *Exceptional circumstances exist; or*
- *council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and*
- *they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

¹ As identified at <https://engage.vic.gov.au/project/shape-our-victoria/page/housing-targets-2051>

Further, PPN60 notes that where there is reliance on strategic work, that the controls should be specifically reviewed every five years to ensure they are aligned to any updated census data or revisions to the metropolitan planning strategy.

Of note, there are no exceptional circumstances that require mandatory controls for the Smith Street Major Activity Centre, whilst the current strategic documents (from 2019) do not demonstrate the necessity of the mandatory controls. Further, the strategic documents are almost five years old – which would indicate that they should already be reviewed.

Ultimately, the introduction of mandatory controls, including upper level front setbacks requirements, rear setbacks, shadowing etc. is inconsistent with the directions provided by Planning Practice Notes.

Smith Street Major Activity Centre – Clause 11.03-1L

As mentioned, the subject site is located within the Smith Street Major Activity Centre (Smith Street MAC).

The aim of the Smith Street MAC is to provide and support high quality mid-rise building within the MAC and support development that improves the built form character of activity centres, while conserving heritage places, streetscapes and views to identified landmarks.

At present, Clause 11.03-1L of the Yarra Planning Scheme notes the following strategies (as relevant to the subject site) for the Smith Street MAC:

- *Encourage development that responds to different built form conditions in the Collingwood South precinct, with taller built form towards Wellington Street and south of Peel Street.*
- *Encourage the retention of the visual dominance and integrity of existing industrial warehouse buildings.*
- *Encourage taller built form at the northern end (generally north of Hotham and Kerr Streets) and the southern end (generally south of Mason Street) of Smith Street.*
- *Retain the visual prominence of the Victorian and Edwardian heritage streetscape, including local landmarks, street corner sites and former department stores, particularly in the traditional retail core.*
- *Encourage employment through mixed use and commercial development, including in the Mixed Use Zone land adjoining Smith Street.*

We note that the subject site is located to the south of Mason Street along Smith Street – where local policy specifically seeks to encourage taller built form.

The proposed amended Clause 11.03-1L continues to support high quality mid-rise development within the activity centres, with ‘Precinct 2 Smith Street North and South’ having the following relevant strategies:

- *Support retail, office and other commercial uses at ground and first floors and residential uses above to strengthen the activities in the precinct.*
- *Support taller mid-rise developments that respond to the locally varied industrial and commercial heritage context.*

The Smith Street Major Activity Centre is a significant activity centre which can and should readily accommodate increased development.

Emerging Context

The subject site is located proximate to various emerging approved, under construction, or completed developments within the southern end of Smith Street.

Examples include:

- 9-13 Smith Street, Fitzroy – 7 storeys (constructed)
- 25 Smith Street, Fitzroy – 8 storeys (under construction)
- 46-54 Smith Street, Collingwood – 7 storeys (approved)
- 207-209 Victoria Parade, Fitzroy (also known as No. 1 Smith Street) – 13 storeys (approved)

This emerging character remains consistent with the Smith Street MAC strategies, focusing on development taller built form toward the southern end of Smith Street.

The encouragement of higher density development and taller built form within the southern portion of the Smith Street MAC is supported by the proximity of the area to the Central Business District and various community facilities in the area, in addition to the excellent public transport access, including access to tram routes (12, 86, and 109) and various bus routes.

Importantly, the emerging 7 + storey built form character within the southern extent of Smith Street is reflective of the preferred mid-rise / taller built form generally sought by policy.

Adjacent Interfaces and Zoning

The subject site is ideally located to accommodate increased development opportunities having regard to the existing interfaces and zoning.

The subject site has two street interfaces to the north and west (Mason Street and Smith Street), and a laneway interface to the east, which provides a physical break from another commercial property currently used as a car park. To the south of the subject site at No's 6, 8, and 10 Smith Street are smaller commercial tenancies.

The subject site is located within the Commercial 1 Zone, and all abutting properties (including properties on the opposite sides of Mason Street, Smith Street, and the eastern laneway) are within the Commercial 1 Zone.

Building Height Requirements

Amendment C271yara does not seek to amend the preferred height controls applying to the subject site and surrounds, however we recommend that, at minimum, a preferred 7-storey built form for the subject site should be introduced. The following key factors demonstrate the appropriateness of this preferred height:

- The subject site can better accommodate setbacks and articulation measures that mitigate visual bulk, ensuring a respectful interface with the heritage properties to the south.
- The design allows for a sensitive transition between the proposed and potential higher-density development character of Victoria Parade and the lower-scale forms along Smith Street and to the north of Mason Street, facilitating a consistent and deliberate shift in the overall height of the built form.
- A 7-storey height ensures the proposal contributes positively to the urban realm and character of the southern portion of Smith Street while avoiding excessive visual dominance over the adjoining heritage properties.
- The provision of a 7-storey preferred height would be consistent with the controls on the opposite side of Smith Street, where there is a preferred maximum height of 24.0 metres (~7 storeys), noting that these properties have residential interfaces to the rear (east). Developments at No's 9-13 Smith Street, and No. 25 Smith Street, of 7 and 8 storeys respectively, are consistent with the preferred heights and strategic policy which seeks to encourage taller built form within the southern portion of Smith Street, despite having residential interfaces.
- The provision of a 7-storey preferred height would be consistent with existing policy and height transitions envisioned under the existing and proposed Design and Development Overlays, noting:
 - Within the northern portion of the Smith Street MAC, in DDO37 south of the Alexandra Parade and Smith Street junction, DDO37 provides for a height transition from a preferred maximum height of 10-storeys down to a preferred maximum height of 7 storeys for sites along the eastern side of Smith Street.
 - Within the southern end of the Smith Street MAC, development transitions from preferred heights of 8 storeys (207-209 Victoria Parade, Fitzroy – also known as No. 1 Smith Street) under DDO39, to 7 storeys on the western side of Smith Street opposite the subject site.
 - The current transition in building height of 10 storeys (at No. 1-13 Victoria Parade, Collingwood) to 5 storeys (at No's 6, 8, 10, and 12 Smith Street) represents a significant differentiation in maximum height which is inconsistent with the transitions elsewhere along Smith Street.

Figure 9 - Extract of building and street wall heights in DDO37 and DDO39



Source: City of Yarra (<https://yoursayyarra.com.au/fitzroycollingwood/exhibition-documents-draft-amendment-c271yara>)

Having regard to the above, it is considered that Amendment C271yara should revise the preferred maximum building height relating to the southern portion of the Smith Street MAC to reflect the significant development potential of the area, to ensure consistency with applicable policy and emerging development context, and to provide a respectful transition to the surrounds.

Upper Level Front Setback Requirements

Amendment C271yara seeks to introduce mandatory upper level front setbacks where a Heritage Overlay applies, as outlined within Section 2.4 of the proposed DDO37.

Specifically, the Amendment seeks to require that upper level setbacks above the street wall along Smith Street **'must'** be set back by a minimum of 8 metres where a heritage overlay applies.

We note HO464 applies to the subject, and that the subject site is identified as 'not contributory'.

We understand that these controls are seeking to protect heritage streetscape along Smith Street, however as currently worded, the controls would significantly restrict not contributory / not significant properties within the Heritage Overlay, which could readily accommodate a more robust design response as part of any redevelopment of these properties.

Accordingly, we recommend that either:

- The wording is retained as per the current wording, where the upper level setbacks are preferred (i.e. **'should'** be set back by a minimum of 8 metres where a heritage overlay applies); or
- The wording is amended to instead specify that the upper level setback **'must'** be set back by a minimum of 8 metres where the property comprises a **heritage building**².

Specifically, establishing the above upper level front setbacks requirements would be appropriate, noting:

- As the subject site is graded as 'not contributory', this provides for a redevelopment opportunity in accordance with various activity centre policies and the strategic directions of the Yarra Planning Scheme, noting that given the site is a not contributory property, it should not be confined to the same mandatory restrictive controls of an individually significant heritage property.
- Whilst we understand the requirement aims to protect the contributory and significant heritage building located on Smith Street but does not consider equal development opportunities for non-contributory and not significant buildings and limits the overall design response to maintain consistency along Smith Street and with the emerging character of the Smith Street MAC as outlined above.

Overshadowing and Solar Access Requirements

Amendment C271yara seeks to introduce mandatory shadowing restrictions to prohibit any shadowing to the opposite footpath of Smith Street and side streets between 10am and 2pm on 22 September.

The proposed mandatory shadowing controls are generally considered to be inappropriate, noting:

- As outlined above, the best practice approach is to provide discretionary controls with policy outlining design objectives and decision guidelines required to achieve the desired form.
- Amendment C271yara indicates that these mandatory shadowing controls are required to protect footpaths due to the lack of open space within the area, however:
 - There is negligible justification as to why this could not be achieved via discretionary controls; and
 - The southern end of the Smith Street MAC is located within 300 metres of Fitzroy Gardens, a 26 hectare public park, which is an accessible, high-quality open space immediately proximate to the area.

Given the above, it is unclear why the overshadowing controls are proposed to be mandatory, and we thus recommend that the shadowing controls remain as discretionary controls supported by design objectives and decision guidelines.

² As outlined in Section 2.1 of the Schedule 37, a heritage building is defined "as any building subject to a Heritage Overlay graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register)."

Conclusion

For the reasons outlined above, it is submitted that the proposed Design and Development Overlay – Schedule 37 should be amended to:

- Identify the subject site (and No’s 6, 8, and 10 Smith Street) to have a preferred maximum height of at least seven (7) storeys;
- Vary the wording of the upper level setback requirements to either ensure that the control is not mandatory, or revise the wording as to not limit non-contributory properties affected by the Heritage Overlay; and
- Retain the existing discretionary overshadowing requirements which are supported by design objectives and decision guidelines.

In our opinion, the subject site is clearly capable of accommodating heights well in excess of the recommended 5 storeys (17.6 metres) and providing a respectful design response that should not be constrained by mandatory setback requirements which are designed to protect heritage properties, when the subject site and other non-contributory properties are not considered to be of heritage value.

The subject site and surrounds are located within a Major Activity Centre which has excellent access to amenities, and thus revised controls should be considered ensure that they are commensurate to the strategic context of the area.

If you have any further queries in relation to the submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

C/- Ratio Consultants Pty Ltd



From: [REDACTED]
Sent: Monday, 24 February 2025 5:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Amendment C271yara - Submission [P&PP-PRODUCTION.FID87271]
Attachments: Submission to Draft Amendment C271yara.pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir or Madam

SUBMISSION TO DRAFT AMENDMENT C271YARA
243-255 SMITH STREET, FITZROY

We act for [REDACTED] ('Client'), the owner of 243-255 Smith Street, Fitzroy.

Please find **attached** submissions in respect of the proposed amendment C271yara, by way of filing on behalf of our Client.

We confirm the attached has also been filed via the online form at [REDACTED].

Yours faithfully

[REDACTED]
Lawyer

PLANNING & PROPERTY **PARTNERS**
LAWYERS & CONSULTANTS

[REDACTED]

Planning & Property Partners Pty Ltd

[REDACTED]

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24 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Via email only: strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

**SUBMISSION TO DRAFT AMENDMENT C271YARA
243-255 SMITH STREET, FITZROY**

[REDACTED], is the owner of the abovementioned land and makes this submission in response to Draft Amendment C271 to the Yarra Planning Scheme (**Scheme**) currently being exhibited.

Background

The Minister for Planning approved Amendment C270yara and C288yara on 27 August 2021 and 22 October 2021 respectively. These Amendments applied 7 interim DDOs to parts of Fitzroy and Collingwood. Unless extended, the interim controls will expire on 30 June 2025.

Community consultation was held in September 2022 and feedback was sought on the proposed Fitzroy and Collingwood planning controls. Following this, revised draft permanent controls were reviewed at a Council Meeting on 6 December 2022.

Subject Site

The Subject Site is an 'island' site located on the west side of Smith Street and has a frontage to St David Street to the north, Hodgson Street to the south and Gore Street to the west. The Subject Site is currently occupied by a single storey building behind a retained heritage façade, which is three storeys at its highest point.

The heritage façade is a remnant of the former Ackman's Furniture Warehouse, the former Fitzroy Coffee Palace and a 1910's extension further north along Smith Street.

The total overall site area is approximately 4,148.75m² with a significant fall (5m) from west to east.





Figure 1 – Subject Site

Permit Application

A permit application to use and develop the land was lodged with Yarra City Council (**Council**) in July 2024. Broadly, the application seeks permission for the construction of an eleven (11) storey mixed use development comprising retail premises and a community space at ground level, and apartments above.

An application to review the Responsible Authority's failure to grant a permit was filed with the Victorian Civil and Administrative Tribunal (**VCAT**) in November 2024. The Proceeding is scheduled for a hearing, commencing 8 April 2025.

Current Planning Scheme Provisions

Pursuant to the provisions of the Scheme, the following provisions apply to the Subject Site:

- Commercial 1 Zone (**C1Z**).
- Design and Development Overlay – Schedule 30 (**DDO30**)
- Heritage Overlay – Schedule 333 and 334 (**HO333, HO334**)
- Development Contributions Plan Overlay – Schedule 1 (**DCPO1**)

DDO30 specifically relates to Smith Street Shops and provides guidance in terms of the design objectives and height and setback requirements for land within this precinct.

The key built form controls as relevant to the Subject Site are:

- Retention of the heritage street wall and *preferred* 11.2 metre high street wall height elsewhere
- *Preferred* upper level setback above the Smith Street street wall of 8 metres
- *Preferred* upper level setback above other street walls of 6 metres
- *Preferred* requirement, for development over 16.4 metres, for the top most level above a heritage building to be setback an additional 3.2 metres from the Smith Street frontage
- *Preferred* maximum building height of:
 - 30.4 metres; and
 - 24 metres within 43 metres of the rear (Gore Street) boundary

In addition to the above specific built form controls, the DDO also provides the following guidance:

- *Preferred* requirement to not overshadow the opposite footpath of Smith Street (and side streets over 10 metres wide) between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas

HO333 covers the 'Smith Street Precinct, Fitzroy/Collingwood'. **HO334** covers the 'South Fitzroy Precinct'. The 'City of Yarra Database of Heritage Significant Areas' nominates the Subject Site as 'Individually Significant'.

Planning Scheme Amendment C271

Proposed Amendment C271 to the Scheme proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood, and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill
- Amending of minor zoning errors in various locations
- Introduction of local policy updates in Clause 11.03-1L Activity Centres

Within the exhibited documentation, the following is intended to apply to the Subject Site:

- Updated Schedule 30 to the Design and Development Overlay
- Updated Clause 11.03-1L Activity Centres

The strategic work that underpins the Amendment is the Smith Street Built Form Framework prepared by Hansen Partnership, and the Brunswick Street and Smith Street Built Form Review Heritage Analysis and Recommendations prepared by GJM Heritage.

With respect to the proposed Design and Development Overlay Schedule 30 (**DDO30**), it includes the following built form requirements for the Subject Site:

- Retention of the heritage street wall and **mandatory** 11.2 metre / 3 storey high street wall height elsewhere. Infill development adjoining a heritage building must not be higher than the height of the adjoining heritage building for at least 6 metres along the frontage
- **Mandatory** upper level setback above the Smith Street street wall of 8 metres
- *Preferred* upper level setback above other street walls of 6 metres
- *Preferred* requirement, for development over 16.4 metres, for the top most level above a heritage building to be setback an additional 3.2 metres from the Smith Street frontage
- **Mandatory** maximum building height of:
 - o 30.4 metres / 9 storeys; and
 - o 24 metres / 7 storeys within 43 metres of the rear (Gore Street) boundary

In addition to the above specific built form controls, the draft DDO30 also provides the following guidance:

- **Mandatory** requirement to not overshadow the opposite footpath of Smith Street (and side streets over 10 metres wide) between 10am and 2pm on 22 September, including any kerb outstands, seating and/or planting areas

Submissions

Having reviewed Amendment C271 and considered the implications for the Subject Site, we have been instructed to make submissions in relation to the following matters arising out of the proposed DDO30 control:

1. Overarching policy
2. Use of mandatory controls
3. Building heights
4. Street wall heights
5. Upper level setbacks

1. Overarching Policy

Direction for development is provided at both the local and state level within the 'Yarra Strategic Planning Framework' and by the 'Victorian Housing Statement'. These will be further supported by the anticipated release of 'Plan Victoria' in the course of this year.

Yarra's Strategic Framework includes directions that include a well-established network of Activity Centres, as well as guidance for their role and character. The scheme sets out that these Activity Centres *will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Victoria's Housing Statement, The Decade Ahead 2024-2034, was released by the State Government in September 2023 and aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan for the government work required to facilitate housing supply across Victoria. This document will underpin the guidance found within the Victoria Planning Provisions (**VPPs**) and the directions for development within Victoria's Housing Statement.

The demand for housing and employment growth is undeniable and Yarra's Strategic Framework clearly sets out Activity Centres as the ideal location for this growth.

The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

2. Use of Mandatory Controls

The VPPs are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPPs is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure, and are identified as locations for urban renewal.

Planning Practice Note 59 (**PPN59**) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (**PPN60**) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

Further, in light of the recent Victorian housing policy identified above, the case for mandatory controls in this instance simply cannot be made out.

3. Building Heights

The *Brunswick Street & Smith Street Built Form Review: Smith Street Built Form Framework* (Hansen, 2019) identified the Subject Site as an 'opportunity site'.

The *Brunswick Street and Smith Street Built Form Review Heritage Analysis & Recommendations* (GJM Heritage, 2019) suggests: 'Mandatory controls are necessary to protect the heritage character of the street as a whole.'

An application to develop an 11-storey building on the Subject Site was submitted to Council last year and is currently subject to a Section 79 VCAT appeal. Noting no permit has been granted for the proposed development, the application seeks to accommodate 2 additional levels above 9 storeys / 30.4 metres but with an additional setback from the street wall and the levels below so as to reduce its visibility. Similarly, recessed additional levels are proposed toward the rear, above the 7 storeys / 24 metre control.

The Subject Site is the largest property in this precinct and given its size, can clearly accommodate additional upper-level recesses that reduce the visibility of these levels so that they are appropriately responsive to the heritage streetscape character of Smith Street, the lower scale character of other streets, and do not cause overshadowing to the footpath on the opposite side of Smith Street. Such a design response does not appear to be contemplated by the DDO which, instead, seeks to impose unreasonable and unnecessary limitations on a site identified as an 'opportunity site'.

The northern and southern ends of Smith Street (**DDO37**) have preferred maximum heights. The northern end includes a number of properties that were identified as 'opportunity sites' in the Built Form Framework. Whilst they have been nominated with heights comparable to that of the Subject Site, they do not have their development opportunity hamstrung through the application of a mandatory control. This is largely due to the less 'intact' nature of the heritage streetscape, however, as outlined above, the Subject Site can accommodate built form greater than the proposed heights whilst still responding to the heritage context, and this is not a reason to constrain the site.

Frankly, there is little to no recognition in the proposed controls of where larger sites, perhaps through consolidation or under existing conditions, are able to accommodate taller form without compromising any of the broader design objectives. Nor is there any recognition of slope – which is a key feature and design challenge for many sites in the centre. A blunt control, as proposed, does not provide any mechanisms for design to deal with these opportunities and challenges.

It is also noted that the current Planning Permit application before Council and VCAT was the subject of independent expert urban design and heritage advice from Brodie Blades and GJM Heritage, respectively. In respect of the building height, both independent experts were supportive of the proposed height.

4. Street wall heights

The proposed controls dictate a mandatory 11.2-metre high street wall for the Subject Site (excluding the heritage street walls) and walls within 6m of a heritage building to be no higher than the street wall height of the heritage building (or less than 11.2 metres).

Firstly, mandatory controls are not warranted along the side streets given the varied nature of existing street walls along St David, Hodgson and Gore Streets. This includes the prominent street walls at 250 Gore Street, which vary between 4-6 storeys along Hodgson and Gore Streets, as well as variation in the character of contributory heritage buildings. With no consistent street wall character there is no justification for a mandatory street wall control.

Secondly, the uniform nomination of 11.2 metres along the length of St David Street and Hodgson Street (excluding the heritage corner turnarounds) is not responsive to the sloping nature of these

streets, which angle upwards away from Smith Street, and would result in a street wall that appears to step up towards Gore Street. Designating this control as discretionary would allow for a more nuanced approach that responds to this context with a taller form towards Smith Street, countering the impact of the site's topography.

Lastly, the requirement for walls within 6m of a heritage building to be no higher than the street wall height of the heritage building, or less than 11.2 metres, will lead to a poor streetscape outcome when applied to the Subject Site. The current application at VCAT seeks to restore the heritage façade to its original height of 4 storeys / 19.53 metres at the corner of Smith Street and Hodgson Street. The requirement for the Hodgson Street street wall to be no greater than 11.2 metres would result in a notable disruption along Hodgson Street. The control should be written so as to allow the street wall to match / be no higher than the heritage street wall without imposing an additional height that it must not exceed.

5. Upper level setbacks

It is acknowledged that upper level setbacks are necessary to ensure that new built form does not overwhelm the heritage character of the building. The heritage character of this building though, consists of a two-four storey high street wall, with a maximum height of 19.53 metres (once restored). This height means that new levels immediately above this would have limited visibility even with a setback less than 8 metres when viewed from the opposite side of the street. In the case of the Subject Site, an 8-metre upper level setback is not essential to ensure an acceptable outcome.

Our client anticipates this submission being referred to an independent Advisory Committee and looks forward to the opportunity to expand on these matters further.

Please contact [REDACTED] on [REDACTED] (email: [REDACTED]) or [REDACTED] on [REDACTED] (email: [REDACTED]) if you wish to discuss any aspect of the above further.

Yours faithfully

[REDACTED]

[REDACTED]
Planning & Property Partners Pty Ltd
Encl.

From: [REDACTED]
Sent: Monday, 24 February 2025 5:03 PM
To: [REDACTED]
Subject: Amendment C271 Yarra Submission
Attachments: George St_Submission_[REDACTED].pdf

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi

Please find attached my submission in relation to Amendment C271.

Kindly

[REDACTED]

Kind regards

[REDACTED]

Development - Victoria

[REDACTED]

PAS

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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24 February 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent

Via email [REDACTED]

Dear Sir/Madam,

Submission to Draft Amendment C271yara

430 – 434 George Street, Fitzroy

I have an interest in the abovementioned land, as they are in discussions regarding potential purchase of the site. This submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme that is currently on exhibition.

Subject Site

The subject site is located on both George and Rose Streets, 150 metres (approx.) west of Smith Street.

The subject site is formally known as Plan CP107890.

In terms of context, the subject site is located within the Smith Street Major Activity Centre where a wide range of urban infrastructure is provided. In terms of surrounding development, buildings of varying heights and scales, with newer developments of up to 10-storeys in height exist within the immediate context.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the subject site:

- Mixed Use Zone (Clause 32.04).
- Heritage Overlay Schedule 334 (Clause 43.01).
- Design and Development Overlay Schedule 10 and Schedule 36 (Clause 43.02).
- Environmental Audit Overlay (Clause 45.03).
- Development Contributions Plan Overlay Schedule 1 (Clause 45.06).

More specifically, we note:

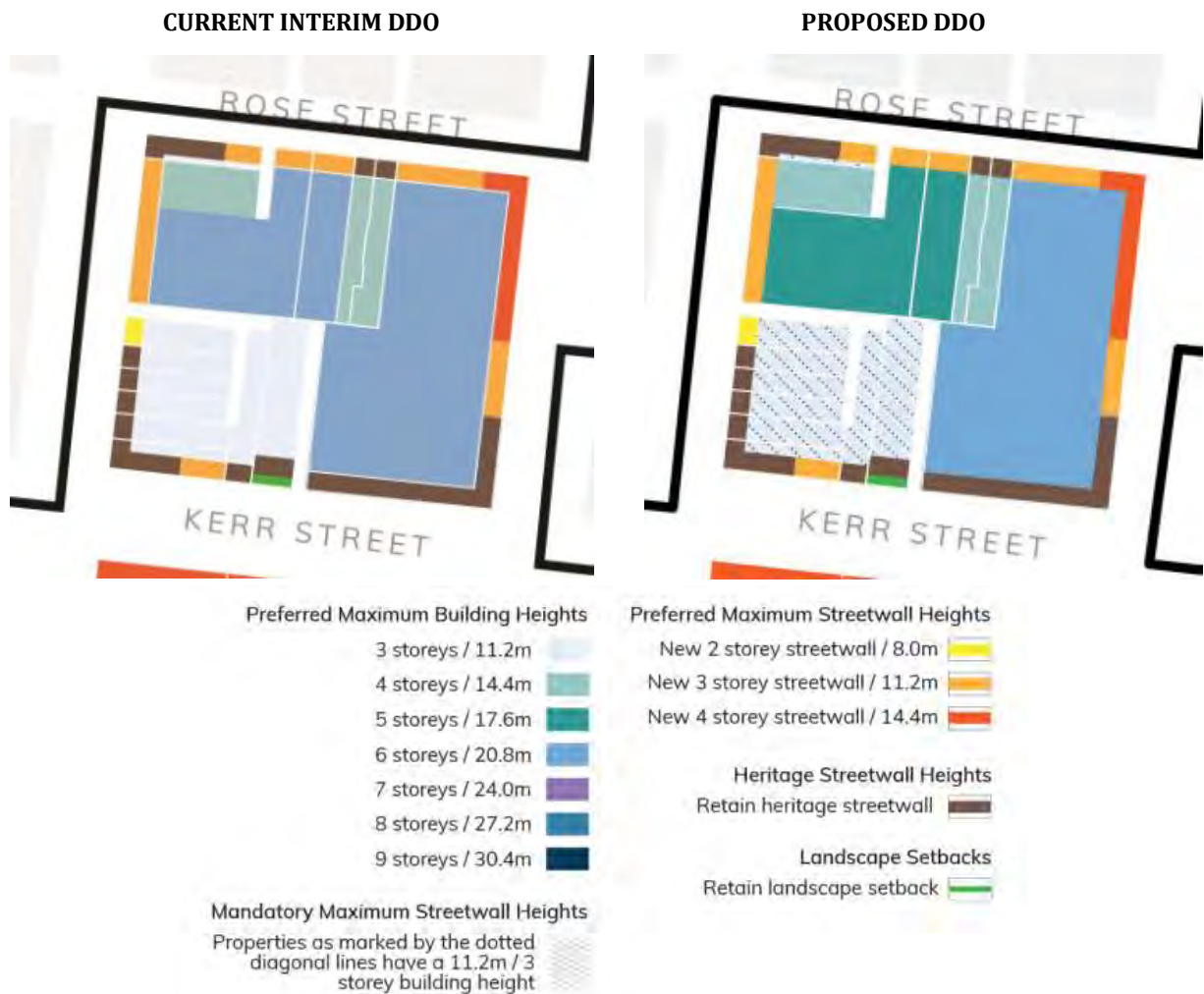
Design and Development Overlay Schedule 36

Schedule 36 to the Overlay identifies the site within the Fitzroy East and Johnston Street North precinct and provides the following built form parameters as relevant:

- A preferred 20.8 metre building height
- A preferred 11.2 metre street wall to George Street and Rose Street.
- Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.
- For development over 16.4 metres, the topmost upper level above a heritage building should be set back a further 3.2 metres from a street frontage.
- Upper level setbacks from side and rear boundaries of 3.2m-4.5m.
- Development on a rear boundary should not exceed 11.2 metres.
- Upper-level setbacks above a rear boundary wall should be contained within a maximum of two steps.
- New development should not overshadow the opposite footpath of George or Kerr Streets measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September.

Draft Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.



As it relates to the subject site, Amendment C271 to the Yarra Planning Scheme seeks to introduce an amended version of DDO36 on a permanent basis. The amended version of DDO36 includes the following key changes compared with the current interim version:

- A reduction in the preferred building height of 3.2 metres or 1 storey.
- Mandatory street wall heights where adjoining heritage buildings.
- Mandatory shadow requirements to George Street and Kerr Street.
- Revisions to drafting and formatting.

Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site, we make submissions in relation to the following:

1. Proposed reduction in preferred maximum building height
2. Street Wall Heights / Upper Level Setbacks
3. Mandatory shadow requirements
4. Use of mandatory controls
5. Flood level requirements

A discussion in relation to each is provided as follows:

1. Preferred Maximum Building Height

The proposed reduction in the preferred maximum building height is not supported.

The reduction in maximum building height to 17.6 metres is inconsistent with the *Fitzroy East Built Form Framework*, which underpins the amendment, and reflects a preferred maximum building height of six-storeys / 20 metres.



Source: *Fitzroy East Built Form Framework*, p.25

The preferred six-storey / 20.8m (approx.) maximum building height within the current interim DDO36 the *Fitzroy East Built Form Framework* is an appropriate 'fit' and is consistent with the existing and emerging built form character of inner-urban activity centres, within Yarra and other parts of inner-Melbourne.

2. Street Wall Heights / Upper Level Setbacks

Proposed DDO36 dictates a specific design response given the mandatory nature of the control. It removes the ability for a development to adopt a site specific design that responds to the variation in the street wall heights in this location and appropriately respond to the heritage character. The assertion that an alternate arrangement cannot achieve an acceptable outcome is incorrect. In this context, the controls should allow for the application of discretion to enable a considered design that responds to its individual context.

In regard to the newly proposed additional upper level setback to heritage buildings, while this is a discretionary provision it creates inherent expectations regarding what the minimum setback needs to be without site specific investigation and analysis. Upper level setbacks above a heritage building should be informed by an individual heritage assessment for the site.

3. Mandatory Shadow Requirements

Consistent with the above positions, we contend that the overshadowing requirements should remain a discretionary consideration. This will allow for them to remain relevant to the assessment of any planning application without overlay constraining development that is otherwise acceptable.

4. Use of Mandatory Controls

While the broad ambitions of the Amendment and the proposed DDO36 are generally supported, the use of mandatory provisions is not.

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as locations for urban renewal.

Yarra's Strategic Framework contains directions that include a well-established network of Activity Centres, accompanied by guidance for their role and character. The scheme sets out that these Activity Centres will and should continue to accommodate most of the city's growth given their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

Victoria's Housing Statement, The Decade Ahead 2024-2034 aims to support the supply of housing within Victoria. The statement aligns with other policy reform and has been updated to include the introduction of 25 new Activity Centres.

The new 'Plan Victoria', to replace 'Plan Melbourne 2017-2050', will be a strategic plan to facilitate housing supply across Victoria. This document will underpin the guidance found within the VPP and the directions for development within Victoria's Housing Statement.

The demand for housing growth is irrefutable and both State policy and Yarra's Strategic Framework clearly set out Activity Centres as the ideal location for this growth. The controls proposed to be introduced under Amendment C271, broadly, are not ambitious enough to reflect the vision for Activity Centres, particularly where they propose to implement mandatory controls that place unreasonable and unnecessary constraints on development.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are *absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

In consideration of the heritage context and implications associated with maximum building heights, it is submitted that these should be managed through design objectives and decision guidelines of the schedule, not through the use of mandatory controls.

'Exceptional' circumstances do not apply in this instance and mandatory controls are not warranted.

In this regard, all provision in DDO39 should be preferred and not mandatory.

5. Flood Level Requirements

We note that Council is in the process of updating its flood level requirements and flood mapping in partnership with Melbourne Water, which may impact the applicable local flood level for the site at Building Permit stage. It is submitted that the drafting of DDO36 should require that any preferred building height or street wall height be measured from the applicable flood level, consistent with other provisions within the VPPs.

We thank Council for the opportunity to participate in this process. Naturally, should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the undersigned.

Contribution ID: 39666

Member ID:

Date Submitted: Feb 23, 2025, 03:47 PM

Q1 I would like to...

Multi Choice

Type my submission

Q2 Please type your submission here

Long Text

Concerned to understand the nature of treatment of the 7 terraces which are noted in the Hansen 2019 background report as 'traditional fine grain' 'rows of continuous cottages'. Noting that this document will be a 'background report' rather than 'incorporated document', what weight will that statement hold?

For context, in the past 8-10 years I as owner of [REDACTED] sought and was granted approval for a 2-storey development at [REDACTED], on the proviso that the second storey not be visible AT ALL from the north side of Johnston Street. Subsequently developments that are substantially more bulky were approved at 178-182 Johnston Street, and 341-347 George Street. Experts presenting at VCAT for the former suggested that these terraces hold little value and recommended they be 'demolished' to make room for higher density development. The net effect of the approvals behind and adjacent to these 7 terraces on the 'fine grain' has been deleterious, and the amenity of those residing in the terraces compromised, particularly by the George Street development. We support intensification and increasing heights in a sensitive manner, as do other residents and landowners of these terraces. We seek simply to understand the exact implications of the new DDO35 provisions in this area, and the impact of the background reports and recommendations.

There is also a reference in these documents to rezoning these 7 terraces - what is Council's current thinking on that?

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: 39679
Member ID:
Date Submitted: Feb 24, 2025, 10:24 AM

Q1 I would like to...

Multi Choice Upload my submission

Q2 Please type your submission here

Long Text

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text

Q5 Physical address

Short Text

Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

Yes

Q10 What is the name of the community organisation or group?

Short Text



24 February 2025

Strategic Planning Team
Yarra City Council

Via email: [REDACTED]
Or via online: [REDACTED]

To whom it may concern,

DRAFT AMENDMENT C271YARA SUBMISSION

1. INTRODUCTION

Urbis Ltd acts on behalf of [REDACTED] with respect to the land at Nos.207-209 Victoria Parade, Fitzroy (also known as No.1 Smith Street, Fitzroy) (the subject site). Urbis has been instructed to review the draft Planning Scheme Amendment c271yara (draft amendment) and prepare a submission on behalf of the landowners with respect to their land holding.

Amendment c271yara is currently on exhibition, all submissions are due to be lodged by 24 February 2025. The draft amendment as it applies to the Fitzroy and Collingwood area broadly seeks *“to apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis, delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on a permanent basis, rezone several properties in the municipality and make other associated changes to the Yarra Planning Scheme.”*

Concerning the Fitzroy and Collingwood areas, the proposed draft amendment aims to manage growth by:

- Permanently applying Design and Development Overlay (DDO) Schedules 29-40 to the land in Fitzroy and Collingwood Manor and Neighbourhood Activity Centres.
- Removing redundant DDO Schedules 10 and 13, as well as DDO2 mapping.
- Permanently applying the Heritage Overlay to two locations.
- Proposing the rezoning of several properties and making other changes to the Yarra Planning Scheme.



2. THE SUBJECT SITE AND THE EFFECT OF THE DRAFT AMENDMENT

2.1. AFFECT OF THE DRAFT AMENDMENT

As part of the draft Amendment C271yara the subject site would be affected by the proposed changes under the new Design and Development Overlay controls:

- Remove the current and existing DDO2 affecting the subject site.
- The site would remain within the DDO39 (Victoria Parade) area which is proposed to be amended specifically as follows:
 - A preferred height limit of 8 storeys (27m).
 - Upper levels above the street wall must be set back a minimum of 6 meters along Victoria Parade and 8 meters along Smith Street.
 - Developments over 10 storeys must have upper levels further setback to be visually recessive.
 - Building heights should not exceed the preferred maximum shown on the provided maps.
 - Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay must be set back by a minimum of 6 metres along Victoria Parade (this was previously discretionary and is now proposed to be mandatory). Upper levels above the street wall for sites within the heritage overlay should be set back by a minimum of 6 metres from the secondary frontage.
 - For buildings over 27 meters, development above this height must be set back a minimum of 6 meters from the common boundary within C1Z, regardless of window placement.
 - Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping (this was previously discretionary and is now proposed to be mandatory). Different building heights are also specified for sites adjoining NRZ, GRZ, C1Z and MUZ land.
 - Shadow controls are proposed to be mandatory

We observe that the proposed amendment would contradict the existing approval on the subject site (as below Permit PLN19/0592).

Consequently, should a similar application be made for the subject site, the current approval would therefore not be approved under these draft controls. Urbis submits the current approval has undergone a thorough planning review and assessment confirming its appropriateness given its significant site location. The existing Planning Permit offers substantial financial and economic benefits to the local area and investment in Victoria Parade. Combined with the Permits high-quality architecture design, Urbis submits the draft DDO controls should be reviewed and should not limit strategic investment and architectural value for the area.



2.3. PLANNING PERMIT PLN19/0592.02

With respect to the subject site, No.1 Smith Street, Fitzroy, we note Planning Permit PLN19/0592.02, was approved on 10 June 2021 (at the direction of VCAT and recently amended) allows for:

“In accordance with the endorsed plans: Demolition of the existing building for the development of a mixed-use building and reduction in the car parking requirements associated with an office, restricted retail facility and food and drinks premises (no permit required uses)”

The current approved scheme is a mixed-use tower with an overall building height of 49.85 metres (to the top of the roof plant) containing office leasable floor area, commercial space and ground floor retail.

We note at the time of approval, the site was not subject to any relevant DDO height controls at the time however, several relevant Planning Policy provisions under the Yarra Planning Scheme were reviewed for consideration and assessed as part of the VCAT hearing and subsequent amendment application through Council. Urbis submits the high level of architectural quality and amenity offering was considered appropriate for the area and subsequently approved at VCAT.

The Permit has since undergone a significant amendment process via Council (approved on 23 March 2024). As part of the process, the amended scheme was supported by Council and specifically Urban Designer Christian Lundh, referral of support dated 12 December 2023. Urbis submits this recent endorsement of the architectural scheme significantly contradicts the draft C271yara proposed DDO controls, as the current approval would be prohibited should the new controls be implemented.

Therefore, we perceive the existing Permit as having accrued rights.

A copy of the Notice of Decision to Amend a Permit PLN19/0592.02 may be provided upon request.

Figure 1 Current endorsed architectural scheme



Source: [Endorsed Façade Strategy, TP308 prepared by six degrees architecture]

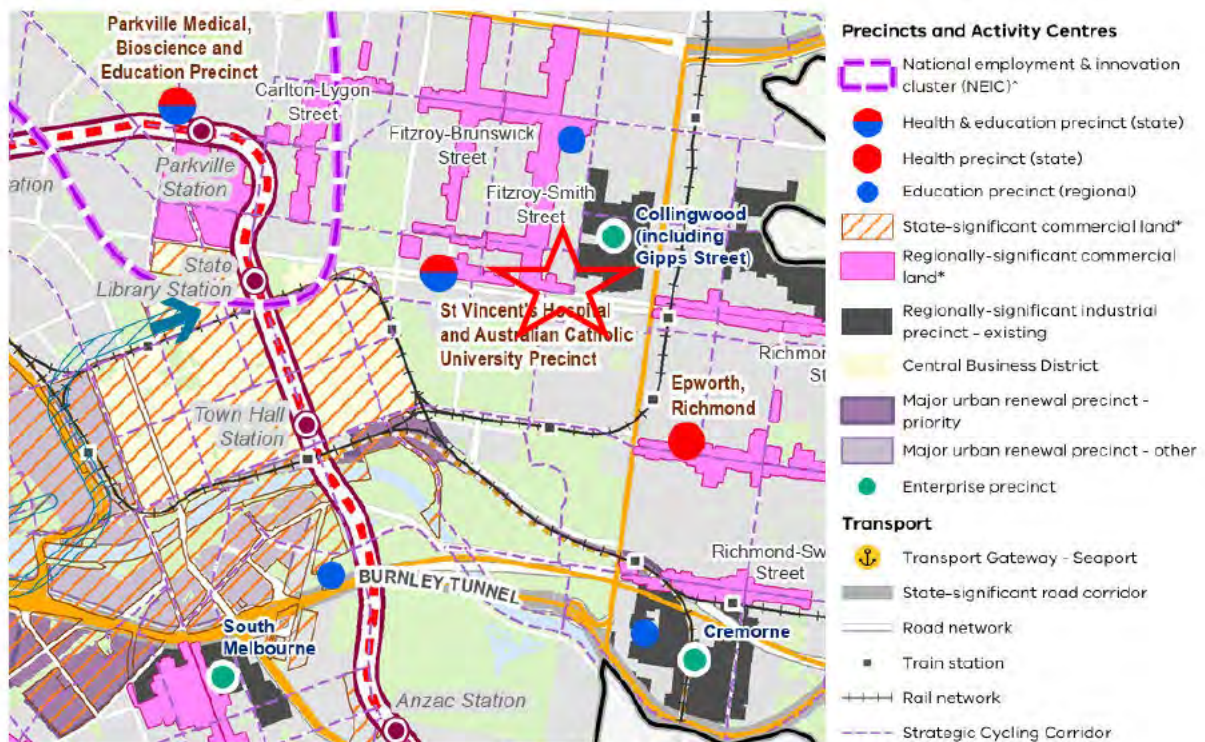


3. STRATEGIC SIGNIFICANCE OF THE SITE

The area is very well connected to Melbourne's CBD, St Vincent and Epworth medical precincts and a variety of university precincts. As identified within the consultation draft Plan Melbourne's Future Planning Framework (the draft Plan) the area is strategically identified as a key urban area, connected by tram and bus networks to a variety of local activity centres, major employment and residential precincts. A key Direction of the draft Plan is to "Facilitate well-designed, high amenity and quality medium- and higher-density environments ... to provide employment growth"

The subject site has been identified as "Regionally significant commercial land" *Following consultation in 2021, the draft Plan is being updated for consideration by the Minister for Planning.

Figure 2 Inner Metro Region Productivity 2050



Source: [Consultation draft land use framework plan – Chapter 4 Productivity, Map 2]

4. SUBMISSION

On behalf of the landowner, we submit that the draft 271yara Planning Scheme Amendment, as it relates to the subject site, is excessively restrictive to the site's strategic context and limits the provision of amenity, offering, investment and employment for the area.

Urbis recommends that further consideration be given to sites with better access to public transport, proximity to Melbourne's CBD, and key boulevards such as Victoria Parade, as well as their proximity to existing Activity Centres.



This approval is considered to have accrued rights over the land, the proposed draft DDO controls would therefore contradict the existing approval, further limiting investment and amenity offerings to strategic sites that are considered appropriate for this level of development. We consider the proposed draft controls to be overly restrictive and limit the site's development opportunity.

5. CONCLUSION

In conclusion, [REDACTED] opposes Amendment C271yara, arguing that it would restrict potential investment and diminish the amenity of an area deemed strategically significant by the Minister for Planning.

Given the site's strategic location on Victoria Parade with excellent access to public transport, Melbourne CBD, and key local amenities, the intent of the new proposed Design and Development Overlay controls would limit development potential and investment opportunities within these areas. We urge a reconsideration of the draft amendment to align with the strategic significance of the site, ensuring it can continue to contribute positively to the area's growth and development.

Kind regards,

[REDACTED]

[REDACTED]
Senior Consultant

[REDACTED]



Contribution ID: [REDACTED]

Member ID:

Date Submitted: Feb 24, 2025, 02:08 PM

Q1 I would like to...

Multi Choice

Type my submission

Q2 Please type your submission here

Long Text

To say I was surprised to discover the existence of this consultation process (communicated to me two days ago) is an understatement. I went in to the Richmond Town Hall (as we were invited to do in the notification we received re. the proposed DDO-busting development at 430-434 George Street, Fitzroy) shortly before Christmas (the notice period for this proposed development had been carefully arranged to fall over Christmas and the New Year holiday period). Anyway, I discussed this plan with urban planners at the Council then, and also later on the phone. If the Council genuinely wanted to engage with interested parties over a change to the relevant DDO why was the opportunity not taken at any point in this process to let me, and all other intervenors, know about the "community submissions" process set out on this Council webpage?

As to the substance of this proposal, I in part support but also in part oppose aspects of the suggested amendment to DDO36 (the relevant DDO to the development in question). I support the move to decrease the height limits, but I do not support the loosened language (especially the use of the word "preferred" in relation to the maximum height). I also do not believe that a five storey (17.6m) limit for the site at 430-434 George Street is appropriate. This site abuts one and two storey buildings on George Street. It is right next to the central, heritage protected, single-storey section of the block. Development there must transition toward and not dwarf that single storey form. Three stories would be an appropriate maximum in such a location (whereas substantially higher buildings make sense further away on Smith and Johnston Streets). Three storeys is in line with the State Government's announcement (reported yesterday by the ABC) that height limits in residential areas transitioning away from the eight-storey+ "activity centres" in suburban Melbourne will now be three storeys and not six storeys, as previously proposed. The Council should take a lead from this policy (developed following community consultation) and reduce the maximum for this site to three storeys from five storeys.

Q3 Please upload your submission here

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Q4 Name

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Q6 What is the best way to contact you about your submission?

Select Box

Email

Q7 Please enter your email here

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Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 24, 2025, 03:01 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text

In relation to DD036:

Application of "mandatory" height limits rather than "preferred" limits quoted on DDOs. The preferred limits lead to greater dispute and effectively result in outcomes, which in our view, are outside of those envisioned by the DDOs. Clear expression of height limits in metres. There are parts of the DDOs that are arguably unclear about height limits in certain areas and the use of "storeys" and metres leads to debate. Wording from "preferred" be amended to "mandatory" in DDOs.

We advocate for a mandatory height limit of 11.2m/3 storeys for future developments in the East Fitzroy precinct. We demand the historical legacy and layout of the East Fitzroy precinct of MacRoberston buildings and workers cottages, etc. remain cohesive and maintain a visual harmonious connection. Oversized, non-sympathetically aesthetic developments are being allowed to proliferate throughout the precinct, resulting in the loss of the integral history & heritage that it holds. Too much inappropriate development has been allowed to proceed that is not in harmony with the fabric of the East Fitzroy pocket and the significant historical legacy it holds. The historical legacy is being lost at a rapid pace and immediate steps need to be taken to halt the approval of the unsuitable planning proposals by a reduction of height and a need for design that is in harmony and not juxtaposed to the heritage charm. We understand the need for some development of the area but attention must be given so that new developments mesh with existing environment and not sit in the landscape as a contrast or eyesore.

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Q6 What is the best way to contact you about your submission?

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Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

Yes

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 24, 2025, 03:25 PM

Q1 I would like to...

Multi Choice Upload my submission

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Select Box

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Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Contribution ID: [REDACTED]
 Member ID:
 Date Submitted: Feb 24, 2025, 03:36 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text Strategic Planning

[REDACTED]

Dear Strategic Planning Team,

We are writing to formally oppose the proposed heritage planning change that impacts our property at [REDACTED]. We understand that heritage planning aims to preserve the historical and cultural significance of our community; however, we believe that applying such a designation to the western wall of my property is not justified and would impose undue restrictions on its future use and development.

Primarily our objection is against the proposed change to the existing controls which introduce a mandatory setback of both the front and side requirement at our property. We urge the Council to reconsider this requirement, as its mandatory implementation would impose undue restrictions on the site's development potential, limiting its practical and sustainable use.

This increased restriction on the current heritage listing invariably imposes strict guidelines on alterations, repairs, and potential future development. These constraints could limit our ability to maintain or adapt the property to evolving needs.

These proposed heritage designations also have ongoing practical implications and will significantly increase the complexity of property maintenance. The additional restrictions will affect our ability to make necessary improvements.

It is crucial that decisions regarding heritage designations and controls are made transparently and involve thorough consultation with affected property owners and local stakeholders. We respectfully request that the Council reassess the evidence and rationale behind this planning change, ensuring that all voices are heard and that the long-term impacts on both individual property owners and the community at large are fully considered.

We urge the Council to re-evaluate the proposed heritage listing controls and to consider alternative measures that balance heritage preservation with the rights and needs of current property owners.

Thank you for your time and consideration. We look forward to your response and to any further opportunities for public discussion on this matter. Please confirm receipt of this letter and inform us about any upcoming consultations or hearings.

Yours sincerely,

[REDACTED]

Q3 Please upload your submission here

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Q4 Name

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[REDACTED]

Q5 Physical address

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[REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box

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Q7 Please enter your email here

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[REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Provide a submission

Contribution ID: 39690
Member ID:
Date Submitted: Feb 24, 2025, 03:40 PM

Q1 I would like to...

Multi Choice Upload my submission

Q2 Please type your submission here

Long Text

Q3 Please upload your submission here

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Q4 Name

Short Text

Q5 Physical address

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Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

City of Yarra Design and Development Overlay proposed amendments

Fitzroy East and Johnston St North

We are long-term owners and residents of [REDACTED] 165 Rose St is a MacRobertson Building. Our building has a heritage overlay, which we are pleased to have. We are opposite a mixed used zone bounded by Rose St, Gore St, Kerr St and George St.

All our buildings were once all painted white and were known as MacRobertson's Great White City for chocolate and confectionery making. The Fitzroy History Society conducts walking tours here. They are very popular (booked out months in advance). The Fitzroy History Society note that what remains key about the heritage precinct today is the proximity and visual connection among buildings of a distinct and characteristic architectural style. Even if you did not know what the MacRobertson Buildings were originally for, you would know that there must be some story behind the architecture and clustering. So, we urge planning policy to preserve that sense of being in a cluster of special buildings, and the special feeling/curiosity that comes from walking around and appreciating them.

Therefore, beyond the preservation of any one building, we urge you to add a new clause to your DDOs about the preservation of the historic character of the East Fitzroy neighbourhood. In particular, we urge you to seek to preserve a visual connection between the MacRobertson buildings and not to let any new development dominate a MacRobertson Building in the vicinity.

Specifically, this translates to a mean height to be no more than 3 storeys (including ground floor). To put in another way, the DDO should make it clear that height should not exceed the height of the existing MacRobertson Buildings at 165 Rose, 156 Rose and 183 Kerr St, regardless of set back.

[REDACTED]

24 February 2025

Contribution ID: 39694

Member ID:

Date Submitted: Feb 24, 2025, 04:32 PM

Q1 I would like to...

Multi Choice

Type my submission

Q2 Please type your submission here

Long Text

Given that DDOs are already designed to allow for increased density, the Council needs to enforce requirements such as maximum heights and minimum setbacks, rather than supporting permit applications that breach DDO datums.

For example, Yarra Council is not supporting current resident objections to an 8-level Fitzroy development proposal which, according to the relevant DDO:

- o Provides an oversupply of car parking
- o Does not meet existing overshadowing requirements
- o Should be set back a further 3m on levels 6 to 8 over an extensive street frontage
- o Exceeds the maximum building height datum

Note that the height limit is being ignored even though the footprint of the site is very large, and the eighth level is large relative to the footprint.

More generally, I believe that:

- o There is no justification to continue to 'ratchet' up heights of permitted developments in the locality. Each development should be considered on it's own merits.
- o Permit assessments should consider the number of large-scale developments already approved for a local precinct and account for cumulative negative impacts on, for example, existing traffic issues and the actual condition of current infrastructure services.

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Q6 What is the best way to contact you about your submission?

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Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Provide a submission

Contribution ID: 39695
Member ID:
Date Submitted: Feb 24, 2025, 04:52 PM

Q1 I would like to...

Multi Choice Upload my submission

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Q6 What is the best way to contact you about your submission?

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Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice

No

Q10 What is the name of the community organisation or group?

Short Text

Amendment C271yara - Submission

Developments in DDO32 and DDO40 should:

- Minimise the impact on the amenity of side streets and residential areas. Where buildings (and particularly residences) are set back, adjoining buildings should also be set back to at least the same extent to reduce the impact on the streetscape and of overshadowing etc
- Be a maximum of 7 storeys high (inclusive of ground floors) to not overly impact the current amenity and feel of the area by looming over existing properties and streets, and in recognition of the already considerable growth in residential occupancy in the area with its resultant demands on street traffic, trams and parks. Even then, any higher developments should be concentrated on the wider, main thoroughfares with upper levels set back from both these thoroughfares (i.e. Johnston St, Brunswick St) as well as the streets they intersect with. This is needed to ensure the streetscapes of backstreets are cushioned from the impact of new higher developments and any overlooking into neighbouring properties is minimised.
- Side streets such as Spring St and Fitzroy St are already narrow, and in the case of Fitzroy St, heritage properties to the north of Johnston St are set back from the street (with small front yards) adding to the heritage amenity of the streetscape. Proposed developments on Fitzroy and similar streets (such as 63-83 Johnston St) should be required to respect the setback of adjacent buildings and streetscapes; not just the existing heritage building it is being built above (in that case not even setting back all the way along its east facing façade; only setting back to the end of the heritage building closest to Johnston St then jutting back out to the very edge of the street). This proposal will result in the building being set back above the existing heritage building on the corner then jutting back out on the remainder of its Fitzroy St interface and obscuring and being insensitive to the streetscape created by the heritage residences to its north which are set back with heritage front yards and fences. This will not result in a sensitivetransition of the development towards adjoining heritage buildings It will stand out along Fitzroy Street, especially from views directly across and from the north, making it look out of place against the low-scale heritage homes at 347-363 Fitzroy Street.
- Traffic on Fitzroy St is one way and travels south. It is the main thoroughfare for anyone travelling south from this DDO and people leaving the Coles carpark onto Argyle St. This funnels into the busy intersection Fitzroy St has with Johnston St, already often backed up due to the heavy traffic on Johnston St at busy times. Turning right into Johnston St from Fitzroy St is not really an option during these times, and turning left depends on the courtesy of drivers travelling east along

Johnston St. Further developments in this precinct (many have been or currently being proposed) need consider wholistically the increased traffic flow on local streets such as Fitzroy St to result from more residents or tenants

- Similarly, there is a very narrow bike lane that travels north on the west side of Fitzroy St which is the only street with a designated bike lane in the area. This is unlike the equivalent precinct to the east of Brunswick St which has sophisticated designated bike lanes in the Napier St (which is also much wider) and bike lanes in George St. The Fitzroy St bike path results in bikes travelling north into the face of oncoming traffic travelling south on the west side of one-way Fitzroy St. Further developments in the DDO 32 & DDO40 areas and surrounds will only increase associated vehicle traffic and (we assume the demand for bike lanes due the preference for not using vehicles by residents in the area). This will increase the existing danger to cyclists wanting to travel north and preferring not to take their chances on Brunswick St.
- There is very little parkland within the DDO32 and DDO40 precinct to provide close access to the increasing number of residents

Overall I believe these projects need to be considered in total (as well as individual applications) in the context of their cumulative impact on the multi-level streetscape, overshadowing of adjacent heritage buildings, light, wind tunnels, traffic flows, safety, demands on supporting infrastructure, etc.

I trust my concerns are given due consideration in reviewing the Dos and future developments.

Thank you

[REDACTED]
[REDACTED]

Contribution ID: [REDACTED]
Member ID:
Date Submitted: Feb 24, 2025, 04:28 PM

Q1 I would like to...

Multi Choice Type my submission

Q2 Please type your submission here

Long Text I want to make a submission to the planning panel on this amendment. I made submission in 2021. I need to Rd. Use this in light of the advertised amendment.

I will send an amended submission in next 14 days.

I'm happy to discuss with strategic planning officers if this is a problem. It has not been a problem on the past.

Thanks [REDACTED]

Q3 Please upload your submission here

File Upload

Q4 Name

Short Text [REDACTED]

Q5 Physical address

Short Text [REDACTED]

Q6 What is the best way to contact you about your submission?

Select Box Email

Q7 Please enter your email here

Email [REDACTED]

Q8 Please enter your postal address here

Short Text

Q9 Are you submitting on behalf of a community organisation or group?

Multi Choice No

Q10 What is the name of the community organisation or group?

Short Text

From: [REDACTED]
To: [REDACTED]
Subject: Submission on Draft Amendment C271 yara
Date: Tuesday, 25 February 2025 8:57:52 AM
Attachments: [Proposed Amendment C271.docx](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

To Yarra City, Strategic Planning , Draft Amendment C271 yara.

Please find attached Submission on the Amendment.

From [REDACTED].

Submission to:

Yarra Planning Scheme Draft Amendment C271 yara [sic]

Introductory comments.

A] It is noted that there was no advice as to how to structure a submission in the sole letter drop of advertising, of this Proposed Amendment dated 18 November 2024.

B] Some main points of the following submission to the Amendment:

- **Insufficient Council public interface, advertising and consultation of Amendment C271 process**, relative to the substantial degree of change to the built environment of Fitzroy such as, need for precise maps to be letter dropped for each relevant area, for basic, area understanding, and need **public meetings** under shelter, which appear not, or will not be scheduled, refer **YACSAC Report 1 - Overarching Report Version ITEM 26**.
- **Representation process** - lack of a diverse, local steering committee, based in the impacted Fitzroy community, need checks and balances separate from 'planning professional' cohort.
Insufficient public explanation for decision to make the **Panel also the Advisory Committee [YACSAC]**, given fewer numbers of councillors, recent electoral boundary changes, democracy concern platforms, considerable election turnover, new Yarra Councillors, combined with declining transparency and local representation protocols.
- Importance of advisory and planning **decisions be made by the Council** and not by outside bodies e.g. the VCAT or state bureaucrats.
- **Democracy** must appear to be effective.
- **Non-transparency of some statutory Planning and heritage combined processes** increasingly stymie fairness, democracy and public participation and necessary community morale.
- Need guarantees of Council based, specialised and highly skilled personnel to focus on retention and enhancement of **heritage character and settings**, including VHR sites and human scale suburb.

ISSUES:

1. Community Consultation -

A] The impact of this proposed Amendment C271, has not been widely advertised and publicly introduced, via Town Hall Meeting, and has coincided with the significant change of composition of Yarra Council just elected to oversee the process.

The Proposal deserves more effective introduction and consultation, given the prior preparation work and degree of change, to a celebrated and distinctive urban area of earliest Melbourne heritage, and now a prime tourism hub in Yarra City. Melbourne.

This amendment needs to ensure there is thorough consultation with the community, to understand the potential changes to the built form and the amenity standards of a unique,

historic suburb of Melbourne.

The ongoing Amendment process will change Fitzroy more than at any time in its history, since it was the first suburb of Melbourne in the early 19th century, then later declared a city in 1878.

Through boom and decline, Fitzroy remained an artisan and hand-made, human scale city.

This contributed to its beauty, attractions and cultural values.

Fitzroy streets have a continuous variety of housing and historical building details which housed a range of population, making it a vibrant and inclusive place to live.

These streets spread out from the Eastern Hill to provide important street views, landmarks and vistas as far as the Dandenong Ranges and beyond.

Early initiatives in social welfare planning, conservation protection, traffic controls and regeneration, helped Fitzroy become both a magnet for escapees from suburban monotony, and also providing diverse housing options. Fitzroy became prime cultural and social hub of Victoria.

The historic character, must be preserved as a first priority of this Amendment to the built form, not inappropriate, increased, building heights simply for random 'densification', which is not visually considered, and does not strategically target **identified housing need**, [such as **retain public housing and essential workers** needed to service the inner area and being pushed to travel long distances to work].

B] The representation and composition of Amendment/Advisory committee.

It is understood **the Panel is also the Advisory Committee** in order to 'streamline' the Amendment, and that the previous Yarra Council decided against the standard Amendment Advisory structures of Council and community representation.

It therefore lacks the apparent usual structure for whole of community and local contribution, and it is unclear how the process takes its readings from the notified and informed community.

Surely effective local committee information would have ensured greater clarity of the process, Official public or Town Hall meetings were usually held during the advertising period or extended the advertising period, and especially given the degree of change to this Amendment area of Fitzroy, and the compact area affected. **Refer YACSAC Items 21, 23 and 26.**

SUGGEST:

This Amendment process requires more official, public introduction, public meeting in official Council venues or Town Hall, and an additional community consultation and public access to a locally based committee - and improved information of key matters, **against the mountain of detail.**

2. Save Fitzroy, Enhance Fitzroy.

Fitzroy is an important asset, to the people who live and work here and the Victorian tourism economy, and as situated adjacent to the City of Melbourne as a tourism and visitor hub for international visitors. This special, urban quality and its value, needs to be weighed against the results of poorly conceived or generic development, which could destroy the ambiance of Fitzroy.

The Amendment must ensure that this is not another repeat of attempts of fifty years ago, by inflexible bureaucrats, to destroy Fitzroy, Carlton and other inner-city areas, such as by the former Victorian Housing Commission 'slum clearances' [which at least provided public housing, unlike the current state government and previous Yarra Council]. Refer

recent *The Age* articles.

Also remembering the tradition of local efforts to protect amenity against the Eastern Freeway, the Richmond to Brunswick Powerline, and the Fitzroy Swimming Pool Campaign.

Fitzroy has already ‘done densification’, as the most dense and compact suburb of Melbourne. Parts of Yarra city are already denser than London and New York [recent media Report], and must not be further **engulfed** by bland and dull modern infills, which are largely machine-made, often enabling computer-generated, **over-dominant buildings**.

This results in a jarring inequality of design standards and scale.

Street life and amenity, and access to sunlight for a walkable city, are major considerations in this most densely settled suburb of Melbourne.

Under current controls these **over-builds** reduce the ambience of streets and surrounding areas, especially in winter, and have little or no design connection with the rich heritage of the area, unless designed by a notable architect or highly mandated design standards.

Streets, footpaths, windows and roof windows of opposite or adjacent buildings, are being needed in the Melbourne climate.

Clause 55 seems to ineffective or malleable, and needs review for such dense inner-city suburbs, now facing greater densification.

The dreaded ‘**black boxes**’ are appearing, so visually dominant as to engulf some areas.

They are **urban heat islands**, are not required to become ‘**greened buildings**’, they exploit their surroundings for development gain, without a corresponding high quality design contribution to this unique public domain.

QUESTION.

1. **Is the urban heat effect being measured or projected in the proposed infills, amendment, if not, why not?**

SUGGESTION:

1. **A suggestion of innovation for the next 50 years when climate change as the greatest challenge - mandate infill greened buildings over two storeys.**

All infill buildings over two storeys, facing main streets, side streets, back lanes and residential areas, **be mandated as greened exterior surfaces buildings**, to soften the hard edge impact, urban heat effect, and given the magnet Fitzroy is as a place to live it should not deter visionary developers. This would substitute beauty for such unprecedented and anxious degree of change. This is becoming a lost opportunity already in new developments in Smith St and Little Smith St.

3. **The best of Australian national and international standards of heritage protection and urban design enhancement, while maintaining the diversity of the human population, must be the aim for this special historic area are needed.**

Recent Federal Governments have allowed national heritage protection and environments to stagnate or decline.

Australia has been going backwards in consistent, high quality, urban design standards of infill and densification in the big cities. So much of Melbourne has become ‘same same,

‘boring boring’, replacing, but not enhancing ‘Marvellous Melbourne’s’ former heritage character and noted street grids.

Given the huge amount of Yarra Council preparation work, the outcome of this Amendment proposal must be **area enhancement**, in terms of national comparisons of best heritage design practices, as in the **first or early suburbs of other Australian capital cities- examples** such as Woolloomooloo, the Rocks and Millers Point in Sydney, Fremantle in Perth, Battery Point in Hobart, or remnant and similar areas in the other capital cities. Best international standards and models, investigate parts of such cities like Barcelona, etc, could also assist in this Amendment, as Fitzroy blends, but contrasts with an adjacent international city of Melbourne.

But perhaps the Fitzroy densification could be a new, superior model of urban design, and therefore has to finesse a new model that does not overwhelm the old suburb.

QUESTIONS.

1. Are other comparative historic areas being infilled, to the degree proposed for Fitzroy?
2. What are the best models of infill in heritage areas and such a defined suburb?
3. What are the appropriate planning and design principles, guarantees and credentials for those determining this substantial change to a unique historic area?
4. What is the projected or planned increase in:

A] housing units options

B] population increase for this infill area of this Amendment in Fitzroy?

5. What obligations or social licence will be required of developers for this windfall opportunity?

5. Overwhelming amount of Amendment and Report information of hundreds of pages, and short time frame of consultation.

The proposed Amendment document of hundreds of pages would really only be absorbed by a professional in the field. It takes a considerable amount of **available spare time** to read, absorb and understand, if one is a lay person.

Large numbers of residents would struggle to survey and understand this amount of material and technical detail, given the **timing of this Amendment** and **short advertising period** - which **should be 6 months, not 3 months**, given the proposed degree of severe change and impacts.

The Council lead-up preparation should not be a substitute period, for the usual advertised period of consultation and public meetings.

6. **This Amendment is a substantial public investment, building on previous public investment in state and Yarra planning and heritage research identification, and the previous Yarra Council has not ensured that all background Reports regarding the amendment are current.**

Some details require updating to include recent heritage and planning matters, before meaningful public consultation can take place.

For example the GJM Heritage Report [*Brunswick Street and Smith Street Built Form Review Heritage Analysis & Recommendations*] was completed in November [2019]. This information is over 5 years old, not contemporaneous.

The **GJM Report** is critical, and would provide a timely, recent, review of the existing Heritage Overlay Areas within the Amendment Area, as well as the places on the VHR.

The Report should also review those VHR places that are no longer respected, in unclarified state documents and processes, in regard to the **their original extent of state registration significance, purpose, intactness and identification.**

An example of this requirement is the collection of VHR places at the junction of Brunswick Street and Victoria Parade which have been omitted from **DDO33-Brunswick Street Grand Residential.**

On page 55, **Local landmarks - Brunswick St**, the former Eastern Hill Hotel on corner of Brunswick St and Victoria Parade, and Edensor no 9 Brunswick St, are omitted.

This is noted, given the recent **Fitzroy example of heritage permit P27682 impacts [2019 - 2022]**, and unresolved matters of late discovery of the applicant's many concealed heritage submissions, **impacting this A2 Conservation Area as identified in the South Fitzroy Conservation Study [March 1979], and substantive destruction of the extent of the birthplace allotment place of St Mary Mackillop [1842], No 7 Brunswick St [VHR1706].**

This site was an important national, Victorian, Fitzroy/Yarra, intact, cultural asset, one of the most revered and unique, cultural places in Australia, primarily for Catholics, and also for other cultural association cohorts [post -invasion/settlement period]. The site represents the originating historical place for the Aussie Camino and numerous national and international pilgrimage routes. The degree of impacts- included the **bulldozing of the Peace and Meditation Garden, and the substantive excavation and removal of the pilgrimage place area, for private development,[e.g, construction pylons and two storeys of hospital basements].**

Also, current, unresolved **Freedom of information barriers**, to obtaining documentation of heritage relevant details and necessary understanding, of such a **Victorian state cultural heritage area and significance** in Fitzroy.

These matters emerged since the granting of a HV heritage permit [2019].

This has destabilised confidence in the Victorian heritage system's ability to protect such a heritage rich area, so important to Fitzroy's identity.

In the **GJM Victorian Heritage Register table page 46**, is an omission of the Mackillop site [1842], which is/was arguably of greater historical significance and wider cultural recognition as a place of memory and association, or religious sacred site, [as situated adjacent to], than the later, historical architecture of Edensor/Dodgson House [1866-1899].

These heritage anomalies require a more current update, and heritage site identification, and document clarification, of the state registration site area and significance, compared to the site substantive development impacts, as an opportunity in this Amendment. [See further note below*]

7. Previous Panels have required three dimensional models for heritage areas to 'proceed'. Refer GJM.

Yarra Council's proposed Amendment consultation information, did not provide three dimensional models.

Refer **Whitehorse Amendment c175 (C175) 2017**, as cited in **GJM- Brunswick and Smith St Built Form Review Heritage Analysis and Recommendations, October 2017**, [eight years ago] [page 25] that:

The Panel would have benefitted from a more sophisticated analysis of the heritage precinct that utilised three-dimensional modelling, sight lines and view-sheds, to help understand the rationale for the proposed heritage related controls. Without this basic information it is difficult to determine whether the proposed controls are appropriate.....

And concluded in the absence of modelling:

The Built Form Responses regarding Heritage should not proceed in their current form.

REQUESTS:

1. The GJM Report covering heritage was prepared in November 2019.
Can this Report be upgraded and checked to ensure all the key issues outlined in this Report are current and have been understood and addressed. In particular the advice above for three-dimensional modelling?
2. Request Council Reports prepared for the Amendment are updated for the Panel review, and a three dimensional model be prepared for each map area.

8. **The Yarra Council election and composition change-over period, might explain the inadequate information in the single letter-drop advertising and information provided in November 2024, as assumed was initiated by the previous Council, but leaving a new Council to manage it forward.**

Despite prior Council preparation since 2022 or earlier, the critical, area specific information in area relevant street maps, was not provided in the only Amendment letter drop, which was a very general 'blanket map' of South Fitzroy, on an A4 double sheet of summary information. This leads to the following consultation matters:

9. **Inadequacy of the letter drop map, not including, proposed, relevant, map Amendment information impacting the specific area, of the letter drop area.**

That is, the area relevant map, of the specific, colour breakdown of proposed height changes, bulk and building envelopes for that specific street/area location, was not sent to residents e.g. Smith St Map.

Black and white area maps do not convey clear readability of the complexity of information.

Understanding of the Amendment necessitated access to a computer and a colour printer for the maps, or visit to Council sites holding the proposed Amendment, at the busiest period in the year.

The Fitzroy area colour maps taken from the Council website, are part- truncated with street names cut off or unreadable e.g. Little Smith St, in the Smith St shop map.

The Council web-site maps of Fitzroy streets are difficult to read and study without the area specific, hard copy with colour codes, for ease of use, to take to discuss with Council, street meetings or with other residents, or to get property advice.

10. Timing of this advertising period.

The timing of this Amendment combined with its voluminous detail and reports, combined with notification in a very general map of the whole Amendment area, without the specific area map, by letter drop, was insufficient, given it is so significant a change for the local area and the whole suburb's built form.

Late Nov – Feb period is the busiest time of the year, plus complex information of hundreds of pages, plus major impact change to a suburb and Ward boundary changes and new councillors - was overwhelming for a considered response - the distracted lead up to end of year, workloads requiring finalising, Christmas preparation and the holiday period and then settling into the new year.

11. Implications of major change of 2024 Yarra Council Wards structure, the delay in election results, and turnover and loss of most of Councillor representatives at the 2024 elections, impacted this consultation in relation to continuity of representation and councillors' corporate knowledge.

The timing of the single letter drop advertising was introduced at a major time of change in Yarra Council composition of councillors, after the 2024 elections and induction of new councillors, with the Amendment already set in train by the previous Council. This was too much representative change and disruption in a short period, for such important planning matters.

12. Reduced local government representation. Single representative Wards introduced to Yarra Council in late 2024, reduced representation and increased Councillor workloads.

Yarra citizens have also been impacted by reduced local government representation to single ward representation/change of Ward boundaries, which impacts the workload, oversight and governance of Councillors and in relation to this Proposed Amendment.

This Amendment area is covered by the **new Mackillop Electoral Ward** named after St Mary Mackillop born in Fitzroy in 1842, and has only one councillor representative, who also has the workload of being Mayor in 2024-2025. This is inadequate Councillor representation and councillor workload.

This has atomised democracy at a local level. This context needs to be considered and ameliorated to ensure thorough consultation.

13. Yarra Council's Amendment C271 community consultation venues, were on street corners in Fitzroy. This is inadequate for best practice modern consultation. The display of complex information and staff workplace and public amenity, requires more serious consideration of meeting venues appropriate to the important tasks of the whole Amendment process consultation.

The Council consultation was scheduled to occur on the **street corners in Fitzroy** on 4 or 5 occasions, from November 2024 to January- extended to February 2025, away from the sites of the Amendment documents and effective display of information/exhibition [at Richmond Town Hall and Fitzroy Library].

In at least two examples - one street meeting had to be cancelled due to **extreme heat**. Another meeting was in the blasting wind and cold of a **polar outbreak and noise of Brunswick St traffic**. [Kudos to the Council staff who were great listeners and assistance, but noted low public turn-out, despite a Saturday morning].

The consultation venues need to be improved - venues with seating and shelter are needed, seniors and the disabled need consideration.

14. There were no Town Hall Meetings for the community to gain or exchange information.

QUESTION.

1. Why were there no public meetings under shelter or at the Town Hall, as well as the street meetings?

The consultation process needs to be reset or be improved with detailed, area specific information sent to all residents and face to face meetings in Council facilities.

This Amendment deserves a consistent period of consultation - user friendly access to information, face to face discussion with new councillors, architects, heritage specialists, planners, and **state government attendance at such a momentous change to our environment or**

2. Has this change has been mandated by State Government?

Not an auspicious beginning?

15. Trade – offs. The Impacts of densification and infill in an already dense suburb, require trade-offs for Fitzroy and Yarra city.

These planned development changes don't appear overnight, but involve continual months and years of disruption for residents and businesses - construction pollution, excavation of public spaces for infrastructure upgrades, closed roads, lanes and footpaths, constant inconvenience, etc.

Twice our entire external residential area and streets has been blanketed in a layer of fine grit from an adjacent excavation for an underground carpark for a 5 storey building in a heritage overlay street.

Smith St and surrounding access have been closed periodically over recent years, multiple other local roads have been closed simultaneously, for similar developments. Businesses are impacted. This will increase.

QUESTIONS.

1. What are the trade-offs for Fitzroy and Yarra for this inevitable, continual disruption to daily living or permitted destruction of heritage sites, character and amenity of an area?
2. What is the process is monitoring the degree of impacts on the community?

3. Who is coordinating service upgrades and infrastructure planning? [e.g. improving the undergrounding of adjacent power infrastructure when apartment complex services are undergrounded- and to multiple services impacted by population increase].
4. How will local facilities be enhanced for projected increase in population? [swimming pools, recreation facilities, open space, supermarkets, health services, hospitals, schools, aged care etc.].
5. How is the concept of the so called 'value capture' being applied to Yarra and Fitzroy, which has always fought to retain the unique features of the area, which are now of tourist and economic value, and the suburb being richest in early heritage sites outside the Melbourne CBD?

16. Best practice design standards and stronger planning controls for a predominant heritage area of important, early and diverse VHR sites.

Melbourne and surrounding suburbs are at risk of losing distinctive advantages of liveability and urban identity. 'Marvellous Melbourne' has been largely demolished.

Melbourne is descending into architectural mediocrity and worse, in the current design standards or non-mandatory 'controls'.

The current situation is producing some of the most alienating, boring, uninspiring, unsustainable, or just plain dreadful, urban design outcomes in Melbourne, that fail to produce various stage of life housing options, or inspired design connection, to their historic or urban settings. Refer architectural layouts, scale, colours, textures, rhythm, articulation, artistic conceptualisation, sustainability standards, etc. These need to be mandated to higher standards of design.

QUESTIONS.

1. Where are the best international or local designers and architectural models, to ensure high design standards of this increase in infill development, of a very special and sensitive area of Melbourne?
2. Has the **necessary, updated, comprehensive strategic work** been completed for stronger or mandatory controls to protect heritage, been done and reviewed, as the principal or base, heritage document [not just the street amendment document, in isolation from the whole area?

17. Densification of 'old towns' and the need for a more rigorous level of mandatory requirements to ensure harmonious blending of new development with the ethos of a heritage suburb.

A uniform limit of six storeys is the most 'comfortable' and 'harmonious' height limit for a uniform historic area. Height limits of the City of Paris work, because it was city completely rebuilt with a unified concept, with entrancing period details. This is not Fitzroy. High quality infill densification requires refined, individual, architectural skills for each, scattered site.

There is a unity of scale and building design in the most authentic historic and visually attractive places. Many of these places grew organically and gradually, without modern developers' priorities of fast construction, mass housing and maximising profit, and before the period of rampant capitalism, individualism and local disconnection from the whole.

QUESTIONS.

1. Where among the unique, historic and picturesque 'old towns' and cities of the world, is such densification and lack of mandatory controls on scale, materials, colours, textures, articulation, being allowed ?
2. Could the Amendment process ensure there is a **thorough review of the above question and review heritage identification and all protections, and an updated heritage base document.**

SUPPORT:

The use of 'must and shall', and less use of discretionary, meaningless language, ['may' 'might', 'could', 'should,' 'is encouraged' 'nevertheless' other cliches, jargon and double-speak, etc.] Refer **Stonnington PSA, GJM, page 28.]**

18. Best models for heritage and planning protection and infill development for this Amendment.

QUESTIONS.

1. What is the prime model, inspired referencing, or overarching conceptualisation for this proposed Amendment?
2. Where are the best practice models in terms of world standards of cultural and built heritage planning and protection and infill?
3. Where do the Panel take their readings?

19. Sustainability and response to climate change.

QUESTIONS.

1. Where is the detailed work to address energy and climate change with greater densities and effectiveness?
2. How will urban heat islands and 'black boxes' be prevented?
3. Should green buildings be mandated?

20. Densification- Housing Target Groups.

QUESTIONS.

1. What is the housing target group for this densification, other than an opportunity for developers?
2. What is the specific response to housing needs for essential workers in this Amendment?
3. Where are the state government guarantees that enable increases in genuine public and affordable, now including middle class, housing, or will this increased housing be sold to overseas and investors for wealth accumulation and exploitation of the human scale, heritage aesthetic and amenity benefits of Fitzroy?

21. Local Heritage and the Victorian Heritage Register sites.

Heritage is the strongest feature of South Fitzroy, but further review and updating is needed in this Draft Amendment due to the following:

The **number and location of VHR properties in Fitzroy and Yarra, and local heritage**, needs updated review or audit, and assessment of the potential threats to heritage given this amendment densification, so heritage character is not engulfed by the scale of this development increase, as has occurred at the 3 VHR sites at the top of Brunswick St.

The Amendment needs to ensure **transparency of processes, enhanced, protective mechanisms**, and **more mandatory requirements**, compared to the **current laws which have recently failed to properly protect the identified existence, area, site or setting, of three landmark Fitzroy sites on the State Heritage Register, from private development, ‘not a state authority’**.

The current legislation allows great leniency, and lack of factual heritage checks and balances, under S. 73 (1A) (b) ‘*Any other relevant matter*’ of the *Victorian Heritage Act of 2017*.

This matter includes concern regarding the current capacity, and priorities of **Heritage Victoria and Department of Planning, for example:**

- **the recent rationalisation of substantive private development on sites of state heritage significance, when the applicant undertaking the development is ‘not a state authority’, according to the HV decision report.**
- The failure of application of the official **Statement of Cultural Significance** [including established historical facts], the confusion of how relevance is established, the use of nebulous or outdated heritage criteria or absence of demonstrated, professional heritage guidelines, methodology and assessment, in state heritage decisions, in keeping with the assumed purpose of administering and protecting registered and unique, state cultural heritage in Fitzroy.
- **The integrity concerns of the current Victorian state heritage/planning process, of a private applicant, largely conducting the reviewing of public submissions, for HV, in a statutory heritage permit process, and in the substantial amount of an applicant’s textual transpositions in Heritage Victoria decision Report.** [Refer applicant’s material sent to HV in a document described as a ‘*letter commentary*’, from an applicant’s heritage consultant, and an applicant’s documents and commentary in italics, significantly constituting and transposed, in the HV Report [Edensor 2019].
- **Clear transparency and conflict of interest protocols need to be established.**
- **This information was only obtainable under FOI application, post permit.**

QUESTIONS.

1. To what extent are our current heritage administration and heritage and planning laws, rigorous, fully accountable and heritage effective, in consistently protecting **unique, or pre-eminent, state heritage for present and future generations**, and given the substantive development impacts recently witnessed on the three VHR sites in Fitzroy? [This includes unique and irreplaceable sites of memory of social, cultural and religious significance],

2. To what extent do the combination of inadequate decision reports dubiously based methodology, ‘discretionary clauses’, euphemistic jargon, ‘non-mandatory instructions’, ‘get-out clauses’, and Victorian freedom of information laws, undermine public confidence, understanding, and public participation in planning and heritage applications matters?
3. What is the approved heritage methodology, and the status of the **Burra Charter** and current **ICOMOS Australia Practice Notes, in assessing state heritage applications?**

22. Public Trust issues in the Victorian Planning and Heritage System.

This Draft Amendment process must acknowledge need for reform of the current state of the public trust issues, the **‘secrecy creep’**, the consistency and efficacy of planning and heritage laws and administration, costs and barriers of planning applications, Appeals and State heritage submissions, under the Planning and Environment, and Heritage Acts.

23. **Victoria’s Freedom of Information laws** now present a barrier and major disincentive to informed and timely public participation in our planning and Heritage Victoria permit system on VHR sites-

This is because:

There appears to be no statutory requirement for the developer/applicant **to advertise and provide complete copies, of the complete set of relevant heritage and planning impact matters and documents-** [‘put all their cards on the table, facing up, up front’], at the following planning stages:

- at the initial scoping, referral advice, and planning determination process at a Municipal Council level,
- at any subsequent VCAT Appeal process,
- at the Heritage Victoria statutory heritage permit application [advertising] process and including later revisions, and the subsequent amendment applications, that often take place after the initial permit is issued.

These methods of **an applicants’ avoidance of completion**, will allow important matters of change and alteration of a VHR site, to evade the jurisdiction of the Heritage Council Victoria and other Responsible Authorities

That is, the applicant is not obliged to provide a statutory declaration and completed document/plans tabulation, to the Responsible Authority or the VCAT Tribunal or Heritage Victoria, that all relevant material, heritage impacts, documents, intentions, plans and maps are finalised, [excluding minor technical matters of a development].

Heritage Victoria, from a recent example impacting three Fitzroy sites on the State Heritage Register, **do not provide a copy of their permit decision Report to ANY submitters**, without a FOI application and payment of approximately \$29.50, and is unlike the VCAT, which provides the decision Report to all parties.

These obstacles to the timing and provision of information for the understanding of plans and decisions on sites on the State Heritage Register, is a matter of ongoing complaint to the Victorian Government by the concerned community.

Given the very high concentration [second highest in Victoria], of iconic and notable, state heritage sites in Fitzroy and Yarra, this lack of transparency and heritage decision information can particularly impact the City of Yarra

24. The example of the role of the VCAT Legal Rulings on a VCAT Tribunal in a VCAT Appeal process [removing protective planning conditions], impacting state heritage sites on the State Heritage Register.

A responsible Council will naturally wish to protect its state herige sites as important assets by imposing protective conditions in a planning permit.

The role of separate, internal **Legal Ruling** in the VCAT process/report, relating to heritage protection removal on VHR sites, during the progress of the VCAT Conditions Appeal Hearing, needs to be examined in the context of the large number of VHR sites in Fitzroy; and the adequacy of protection of sites on the State Heritage Register, **and the failure of the VCAT to accept the foundation work [and public investment] undertaken by the HVC to register a building/site in the first place.**

QUESTIONS.

1. Is the **VCAT Tribunal combined with potential VCAT legal rulings, now a superior heritage jurisdiction/authority, initiating heritage protection removal [planning conditions of VHR sites]**, leading to the dominating decision of the fate of the sites, or the facilitating, of an applicant's planned, substantive impacts on the subject VHR Fitzroy sites, **as compared to** the assumed heritage authority and responsibility roles of the HCV and HV for VHR heritage decisions?

Further, in the absence of a clear process from the start of the planning and or Appeal process or advertising - of mandatory obligations of required a statutory advertising of an applicant's complete documents, including all heritage intentions, [and the later introduced Application argument/document, for a Legal Ruling on state heritage sites], AND, given the unaccountable absence of attendance and advocacy/counter submission, by the two state heritage bodies, to the proposed application for a legal ruling on removing heritage conditions, on three VHR site.

Important areas of Fitzroy heritage appear to be on 'shaky ground'

2. **Why does the Victorian system, not clarify the planning processing of VHR SITES AS A PRIORITY, before they are put in potential jeopardy, by potential Legal Rulings at the VCAT, as influencing the VCAT Tribunal's removal of planning protection conditions?**
3. Why was the Yarra Council and the community **left solely, to defend critical protections** on three VHR sites, at the VCAT, and involving considerable costs to the Yarra Council and ratepayers?
4. Are Victoria's important heritage sites to be decided and put at risk by 'judge made law' at the VCAT, apparently acquiesced to, by Heritage Victoria, [now unfortunately referred to as a 'business unit' under the Planning Minister], or by effective administration of good heritage legislation?

The VCAT Appeal process and the VCAT separate 'Legal Rulings' as provided to the Tribunal by the legal Member, during a planning Appeal, has influenced the Tribunal on the VHR sites [to the

removal of protective heritage conditions], **at the VCAT Appeal stage**, in a planning process, **before HV or the HCV examined a heritage permit or site change and alteration application respectively.**

Just as VCAT proceeds to allow development on a VHR site, without adjournment, referral or comment from the HCV or HV, so too does Heritage Victoria proceed to process **both heritage change, and the development permit of a registered site**, without referral or comment from the HCV.

The role of the HCV must be brought back into the planning permit and heritage permit Process before the destruction of more pre-eminent Victorian heritage sites.

The role and sequence of HV's examination process, must be reviewed and clarified.

The planning and heritage review sequence, and VCAT'S heritage powers and rulings, also need overall review and administrative sequence and direction.

REQUEST:

1. The above matters need urgent review as they underly this Amendment proposal.

2.As a case study of numerous heritage problems, I request that the Panel/Advisory Committee be supplied with copy of the VCAT Decision Report on the above, three, Brunswick St VHR sites [2018] and the subsequent Heritage Victoria decision on the development [2019], and the HV amendment decisions since 2019 and the separate HV front fence decision 2022, see below point 24.

Note, Council and submitters are not given HV decision Report, must make FOI Application. Does this apply to the Panel also? This is why the informed ofaffected is community in high dudgeon regarding these heritage issues.

3. Also copy of HV decision Report No 11 Brunswick St, VHR site.

These sites illustrate how heritage landmark sites can be 'engulfed' by either design or planning inadequacies.

REQUEST:

A properly constituted legal/heritage/administrative review of these matters, is needed to restore clarity and public confidence in participation in the Victorian system.

25. The VHR sites impacted by the VCAT power of removal of heritage protection condition clauses, placed by Yarra Council to protect a cluster of three adjacent VHR sites in Fitzroy – a unique cluster of early Melbourne and Victorian heritage. Consideration of interim controls.

Refer, recent example [2018] of the VCAT 'S removal of Yarra's protective planning conditions in a conditions Appeal, [thus allowing substantive development and demolition impacts], followed by the subsequent acquiescence of Heritage Victoria in the heritage permit process, to the substantive development outcomes impacting the landmark registered heritage sites which included:

1.The former Eastern Hill Hotel 1854-1856, [HO816]. Place of memory of radical improvements to working conditions, the Eight Hour Day Movement, part demolition rationalised.

2. **The birthplace and pilgrimage place, of St Mary Mackillop 1842, [H1706]**, part Peace and Meditation Garden established by the Sisters of Saint Joseph of the Sacred Heart, St Mary Mackillop's Religious Order: site **bulldozed, excavated, substantively removed** and **reconfigured** by a separate religio-corporate entity. Incorrect heritage interpretation criteria and opinions asserted and accepted without question by HV, and confusion of understanding introduced. Destruction impacts rationalised.

3. **Edensor/Dodgshun House [H1706]**, architectural significance, [1866-1899], and important connections to Melbourne's First Lord Mayor and Federation celebrations 1901. Setting severely impacted, incorrect, factual and chronological heritage assertions introduced.

This was a very special heritage cluster site of social, religious and political initiatives/ significances to Australian history, and of wide communities of association.

QUESTIONS.

1. How well protected are Fitzroy's heritage and VHR sites?
2. What are the vulnerabilities of VHR sites, their checks and balances of proper, best practice protection?
3. What is the **principal heritage document for South Fitzroy Amendment Area?**
4. Has a principal heritage document replaced the ***SOUTH FITZROY CONSERVATION STUDY prepared by Jacob Lewis Vines Architects in conjunction with Dr. M.B. Lewis and the Fitzroy Urban Planning Office. March 1979?***
And on what heritage basis or review?

The example of map illustration lack of readability:

26. Two, landmark, historic VHR corner bank buildings at 167 and 169 -171 Smith St Fitzroy, including historic fence [pink heritage brick under layers of graffiti].

The Smith St map colour code is hard to read and understand the proposal for this site and the open space at rear.

27. Free standing, two-storey grand mansion, corner Gore St and Condell St, Fitzroy, has 5 stories at rear adjacent. This needs review either lowering of heights and finessing of step heights to prevent '**monstering**' of fine grained Victorian Era building and street.

28. Little Smith St is not clearly marked, or to scale, in colour map of Smith St.

FURTHER REQUESTS.

1. An audit of VHR sites and protection mechanisms, and improved mapping information to understand **height limits around VHR sites and settings**, such as open space on or **around the sites, to prevent development 'engulfing' the heritage setting.**

2. **Interim controls** or action to be considered, to protect some VHR sites which appear to be returning to serious risk of deterioration and neglect, such as **Osborne House in Nicholson St** and the urgency of action within and without the area of the current Street Amendment priorities e.g. **Glass Terrace at western end of Gertrude St.**

3. Some urgency and passion is required to lift this Amendment process beyond complacency which has affected attitudes and priorities to Fitzroy heritage in recent years.

29. Developers' contributions.

Despite questions to previous Yarra Councils, it has not been possible to discover the increase in developer contributions to Yarra Council from densification to Yarra, and how this will apply in future to this greater densification of the area.

QUESTION.

1. Can this be clarified and audit figures provided?

30. Lack of innovative housing developments and housing for the homeless.

The apartment boom has built cookie cutter apartments, described recently in the media **'for people who are just passing through'**, and for short stay accommodation and air B&B's, and which are now inadequate for the life stages of residents.

Many have motel style kitchens inadequate for long term family living. Despite endless reports there is a lack of evidence of innovative solutions to the housing crisis despite this increase in development.

QUESTION.

1. Is there a projection of potential beneficiaries of the housing and building densification?

31. Atherton Gardens, Brunswick St.

QUESTIONS.

1. What is the plan for this area if the housing towers are demolished, [as stated by the current State Government], and in terms of the Overlay height limits, open space and layout of any replacement buildings?
2. What are the humane relocation plan for residents, for such a traumatic demolition/rebuilding period?

32. Previous Yarra Council had a requirement to have 15 local objectors before Council consideration of citizens' planning concerns. The state government threatened/removed some objection rights, previously assumed to be a right. Yarra saw the community vote with their feet in 2024.

QUESTION.

1. Will Yarra Council, given this Amendment process, restore individual objector rights in planning applications, and also protest against state government plans to remove public objections on planning issues?

33. Fitzroy footpaths and street lighting/solar lighting.

A great improvement is needed to Fitzroy footpath construction and safety standards if the suburb is to be densified.

Pedestrian and street lighting needs review.

Best practice needs to be applied for inclusive public use of footpaths.

This should be a priority in any trade-offs.

34. Building material finishes.

An audit of newly introduced, non-historic, external building material finishes is needed, which is more appropriate or a mandated list for adjacent and within heritage Overlay areas.

For example, Alucobond and purple striped façade effects were proposed for the development around three state heritage sites in a historic precinct, Heritage Overlay Area. Despite requests at the VCAT Appeal and HV, the permit authorities failed to allay community fears, to clarify if this Alucobond was to be changed, despite the application occurring shortly after the devastating alucobond apartment fires and media focus.

Pebblecrete type material has recently appeared in a Little Smith St Apartment development dominating the rear of the most historically restored facades in Gore St.

Black glass and blank concrete walls are proliferating. The list could go on.

35. Tagging.

The external fabric of the environment and fine street buildings of this area of Fitzroy looks worse than it did fifty years ago, when it was still regarded as the slums, relative to the suburbs.

Infill development needs to be designed without further opportunity for increasing this problem, such as on blank walls.

The decline in respect for our built environment, sense of pride and place, the costs and impacts on others who value the built environment, and the psychological indications, are not being addressed.

Uncontrolled tagging sends a message 'nobody cares', or investigates the social disfunction, of which it is a symptom.

36. Conclusion.

We are at a point in time in Victoria's development when the public has never felt so ignored perhaps since the attitude of the Bolte and Kennett Governments, and Melbourne has never been so disrupted, in a continual 'demolition derby' driven by impersonal financial forces, investors and developers.

There is an apparent lack of state concern for the collateral damage of 'big builds' - **most concerning is the threatened demolitions of public housing to add to this on-going development blitz. But the contradictory housing crisis, appears without a solution or appropriate action, even with densification for those who most need housing.**

QUESTIONS.

1. Who specifically is the densification of Fitzroy being planned for, who will benefit?

2. Who are the planned and targeted housing clients, or is this a 'scatter gun' development for the sake of development, which has not ensured the people who need housing are served?
3. How is this local Amendment C271, going to be humanely and excellently planned and conducted?

***In very brief summary.**

The obfuscation affecting Yarra Council and public access to a planning applicant's relevant, heritage and planning permit application documentation, needed to enable reasonable public submission; prevented proper oversight, or review, or public scrutiny, of development impacts on VHR sites.

These concerns about the heritage process on Edensor and the Mary Mackillop birthplace allotment have been documented in detail, to relevant state authorities.

The substantive impacts combined with a process of document obfuscation, excluded Yarra Council from the referral process on the applicant's revised plans and heritage impact documents, for a development permit on VHR sites, that is, an applicant's late and different, unadvertised, second group of heritage impact documents [5 or 7, as can be identified, plus 4 late supplied VCAT planning Appeal documents - totalling about 10 or 11 applicant's documents, as can be identified]. The applicant's documents were either **non-promptly** advertised in the statutory advertising period, and **later** advertised by extension of time, or submitted privately, via their heritage consultant, and **never** advertised.

GJM inevitably, as Yarra Council's heritage advisor, was also excluded from this obfuscated heritage application material, impacting state heritage, along with the Yarra/Fitzroy community, other Peak Organisation heritage submitters, and the Victorian public.

This obfuscated, applicant document process, is why there is concern and doubts about Fitzroy heritage sites, and their rigorous protection, in any future planning impacts.

This cannot be ignored in relation to the efficacy of the Amendment purpose, in this most heritage rich suburb of the City of Yarra, in Melbourne.

It is hoped the Amendment process or Panel can assist in these submission matters.

Submission by,

[Redacted signature block]

22/02/2025

From: [REDACTED]
Sent: Monday, 3 March 2025 10:49 AM
To: [REDACTED]
Subject: AMC271 submission | partial support
Attachments: AMC271 Submission for 304-310 Gore St.pdf

Follow Up Flag: Follow up
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Dear Strategic Planning

Please find attached a submission in relation to AMC271 on behalf of our client at 304-310 Gore Street, Fitzroy.

Thank you.

Kind regards

[REDACTED]
Senior Associate

(Work days: Monday - Wednesday)

askplanningservicesptyltd

[REDACTED]

Advice | Solutions | Knowledge

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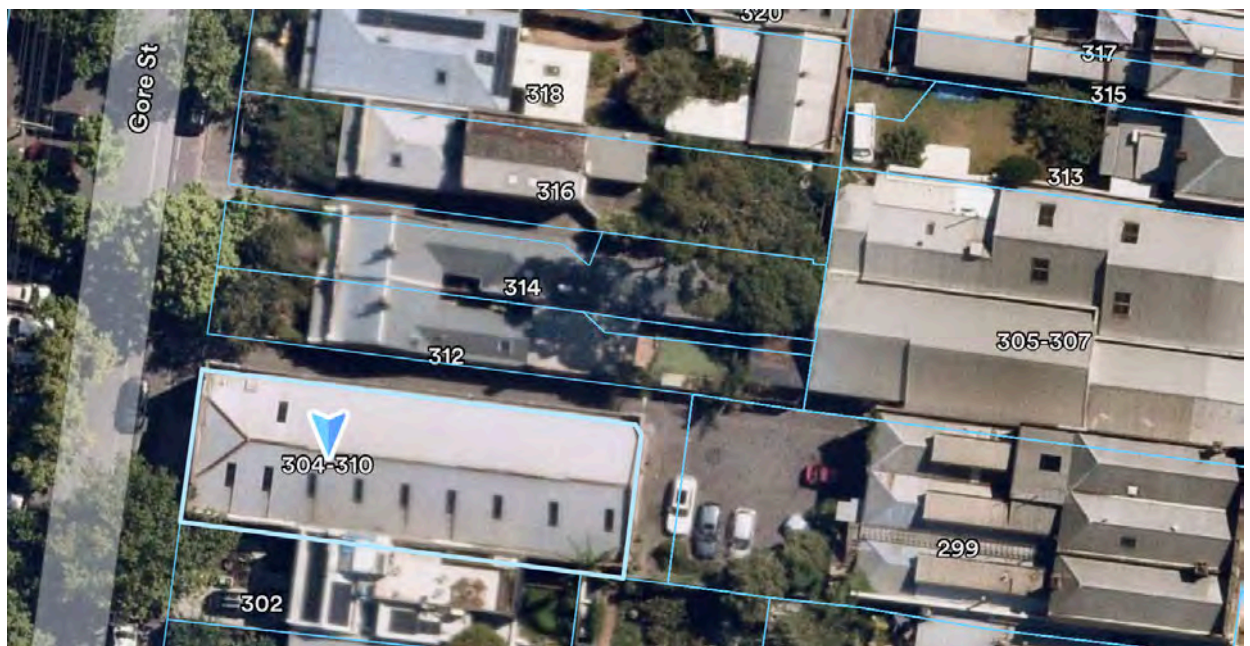
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Strategic Planning
Yarra City Council

3 March 2025

Submission to Amendment C271 – Fitzroy and Collingwood

ASK Planning has been engaged to appraise Amendment C271 on behalf of our client, [REDACTED] of 304-310 Gore Street, Fitzroy.



In preparing this submission, we have reviewed the exhibited documents available on Council's website. We understand that the Amendment seeks to:

- Apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis.
- Delete redundant DDO Schedules 10 and 13.
- Delete redundant DDO2 mapping.
- Apply the Heritage Overlay to two places on a permanent basis
- Rezone several properties in the municipality and;
- Make other associated changes to the Yarra Planning Scheme.

Submissions

Zoning – current and proposed

Our client genuinely appreciates the activity centre location proximate to Smith Street. However, expectations for intensive change must be tempered by land zoning. In this case our client's site is located in a General Residential Zone, Schedule 1 and located within a Heritage Overlay (HO334).

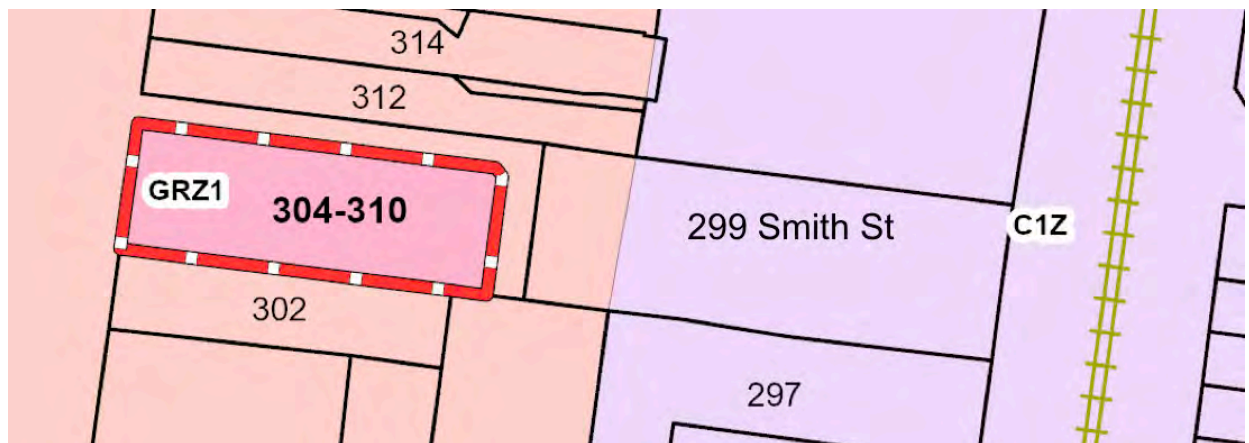
The statement of significance for the HO334 heritage overlay area is:

- As the earliest urban area outside the Melbourne City grid to be settled in the Melbourne municipality, with several buildings from the mid nineteenth century surviving as testimony to its early establishment;
- For the unusually high number of early Victorian-era and some Regency period buildings, being generally simply detailed and a clear reflection of the early date of Fitzroy's settlement.
- As evidence of early government planning controls or Acts of Parliament, from the 1850s, that aimed to solve street alignment problems in this privately planned suburb, arising from a hitherto lack of co-ordination between neighbouring allotment owners;
- As a substantially intact collection of predominantly mid to late nineteenth and early twentieth century building stock, interspersed with well preserved inter-war residential, commercial, retail and industrial buildings that contribute to the historical character of the area.
- For the relatively large number of individually significant buildings, being predominantly solid masonry rather than clad with timber, largely as a result of the Melbourne Building Act, 1849
- For the ornate and exuberant detail of many late nineteenth and early twentieth century buildings in the suburb, reflecting the affluence of many of the inhabitants of this area, particularly in the late 19th century.
- For the early street, lane and allotment layouts, some original bluestone kerbs, paving and guttering, and some mature exotic street trees, providing an appropriate setting for this collection of residential, retail, commercial and industrial buildings.
- For the landmark qualities of some large factory and warehouse buildings from the late 19th and earlier 20th century, such as the MacRobertson confectionary complex which are significant features in the skyline of this predominantly low rise suburb; and
- For the major early institutions that developed on its fringes, in particular, St Vincent's Hospital and The Convent of Mercy, as closely linked with the area's history, education and welfare within the metropolitan area.

The significance of the area along with the lower order nearby zoning such as our client's site, demands careful design responses of nearby future development, that is sensitive to the low peripheral scale and form as is existing and as anticipated through zone and overlay provisions that apply along Gore Street, and nearby residential streets along with policy guidance.

At the land directly to the rear of our client's site, at 299 Smith Street, Planning Permit PLN20/0743 was issued at the direction of the Victorian Civil and Administrative Tribunal and authorised *partial demolition, buildings and works for the construction of two multi-storey buildings to the rear of the existing building, and a reduction in the car parking requirements.*

The proposal included a six-storey mixed use building in the Commercial 1 Zone portion of the land, and a two-storey residential development at the General Residential Zone portion of the land – see zoning mapping below:



Via AMC271, It is proposed to rezone the portion of the land at 299 Smith St from Residential to Commercial with AMC271 citing the zoning as being an "anomaly".

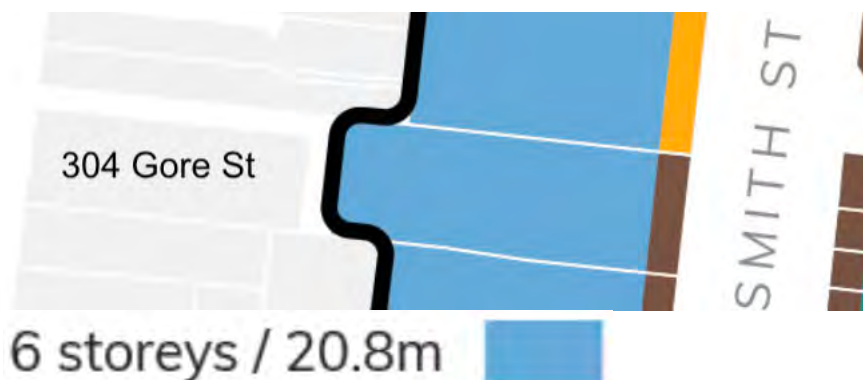
While in most cases, we agree that zoning boundaries should follow property boundaries, given the history of 299 Smith Street and the extensive VCAT process, the zoning should remain as is in order to ensure that the time, resources and costs associated with the VCAT appeal and the outcomes that were agreed to be upheld. If the zoning changes as proposed via AMC271, then there is the real possibility that an amended application can be lodged for Planning Permit PLN20/0743 which can undo all the hard work associated with the VCAT process and importantly, the agreements that were reached.

Zoning boundaries following lot boundaries are not a mandatory requirement. When the land was originally zoned, Council would have carefully taken into consideration the fact that 299 Smith Street is a longer site than the adjacent sites, set further west, encroaching into residential zoned land. It therefore made sense to zone the rear portion of 299 Smith St that extends into the residential zone as residential, while the remainder of 299 Smith Street, which adjoins a commercial zone, be a commercial zone. It clear that this was intentional and site specific and it makes sense in the context.

There is no reason why this should now change as part of Amendment C271. 299 Smith Street is unique in the context, and the existing application of the two zones to the property should remain, given the surrounding context (to the rear especially) and the VCAT decision of the site (at 299 Smith St).

Height

Land at 299 Smith St and adjacent sites, includes a proposed mandatory maximum height of 20.8m. While this is generally acceptable for the commercial zoned portion of the site, it is not acceptable for the residential zoned portion of the site which directly abuts residential zoned land.

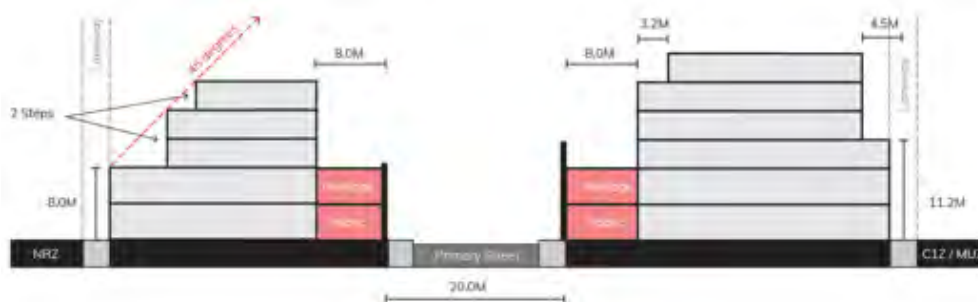


The Interface Requirements at Section 2.6 are applicable to the boundary shared between our client’s site and 299 Smith Street. In fact, our client’s site is the only site that shares a rear boundary with 299 Smith Street.

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway

Development should not visually dominate adjoining residential sites, including where separated by a laneway.



The proposed height at the rear may be acceptable in this sensitive setting, unlike other parts of the precinct along Smith Street which is adjoined by commercial zoning.

However, although there is technically a laneway at the rear, this laneway serves no other property other than our clients site. As such, the rear setback requirement should be 8m in this instance not the 11.2m as suggested by AMC271.

The proposed height/rear setback will not limit unreasonable impact on adjoining residential land use and overshadowing. It does not assist in limiting unreasonable visual bulk impacts to the adjoining and nearby properties at the rear.

The anticipated height is not reasonable in relation to the heritage place (including our client's site) and will not assist in limiting visual dominance (of future development) to the existing scale and massing of Gore Street.

Planning Policy

We rely upon a series of key policy statements (inter alia) and objectives as follows:

Clause 15.01-1S Urban Design includes strategies to:

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

Clause 15.01-2S Building Design also includes an objective:

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*

Clause 15.01-2L Building Design applies to all development.

Building form

Design development to:

- *Reflect and respond to streetscape elements.*
- *Make a positive contribution to the streetscape through high quality architecture and urban design.*
- *Discourage blank or unarticulated walls.*
- *Use articulation or massing or change of surface treatment or a combination of these to minimise visual bulk and integrate with the surrounding character.*

Building heights

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

Clause 15.01-5S Neighbourhood Character includes strategies to:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Recognise the unique features and special characteristics of these areas and landscapes.
- Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.
- Support use and development where it enhances the valued characteristics of these areas.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

It is noted that a further aspect of the draft Amendment is to update local policy at Clause 11.03-1L Activity Centres under the Brunswick Street, Smith Street, Gertrude Street and Johnston Street subheadings to include strategies to reinforce expectations around use and development in the Major and Neighbourhood Activity Centres. Any future applications for the DDO30 (and other exhibited proposed DDO's) should also adhere to Policy guidance in the Yarra Planning Scheme.

The proposed height (at the rear) needs to be lowered in order to ensure that future development responds to its context in terms of character and responds to its context and reinforces a sense of place and the valued features, including heritage valued features.

Design and Development Overlay, Schedule 30

The proposed Design and Development Overlay Schedule 30 (DDO30) seeks some key objectives (as relevant to our client's site):

- To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:
- a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street.

- a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

In response:

The proposed height via proposed DDO30 at the rear of 299 Smith St will not respond to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and will not protect these properties from an unreasonable loss of amenity through visual bulk and overshadowing.

Conclusion

It is our view that overall, the proposed DDO30 may generally be able to achieve good outcomes and may provide a reasonable balance between guiding development that appropriately responds to heritage buildings and minimising negative impacts upon public and residential amenity.

However, the zoning at the rear of 299 Smith St should remain as is, and a lower height considered at the residentially zoned portion of the land at 299 Smith St with greater setbacks from the rear.

We look forward to an opportunity to present submissions at a public hearing if the Minister for Planning resolves to refer the matter to the Yarra Activity Centres Standing Advisory Committee.

Kind regards



Senior Associate

askplanningservicesptyltd

Town Planning

SUBMISSION REGARDING PROPOSED AMENDMENT C271 FITZROY & COLLINGWOOD

1 MARCH 2025

INTRODUCTION

This submission is made by the owners of 1, 2 and 3 Charles Place - [REDACTED] respectively. Details of this property are:

Property Description: 3 residential townhouses with private and common areas

Current property use: Residential

Title details: [REDACTED]

Current Zone: Commercial 1 Zone

Interim DDO: DD030

Proposed DDO: DDO30 – Smith Street Shops

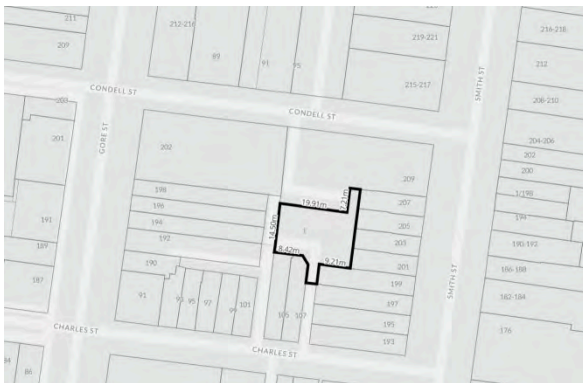


Image1. Source: City of Yarra C271 homepage

Image 2. Source: Landchecker

We believe that the proposed amendment is unfair and counterproductive to the purpose of the amendment in relation to our properties. This is explained in detail within this submission.

CONTEXT OF THE PROPOSED AMENDMENT C271

Draft amendment C271 is currently on exhibit, of which an overview is provided by the City of Yarra on its website as follows:

The City of Yarra is experiencing ongoing significant development activity, primarily in activity centres, and other areas of urban change, such as the municipality's employment precincts. A key challenge for council is balancing the municipality's economic role and opportunity for growth and investment (both for housing and employment) and protecting the built form fabric which defines the character and heritage of the area.

Activity centres and mixed-use areas across the municipality are experiencing development pressure with the addition of mid-rise commercial development and apartments. They will continue to accommodate much of the municipality's growth due to their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

To manage this growth, the amendment seeks to apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis, delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on a permanent basis, rezone several properties in the municipality and make other associated changes to the Yarra Planning Scheme.

The 12 proposed DDOs aim to provide a balanced approach, guiding different levels of potential development across Fitzroy and Collingwood activity centres, commercial and mix-use zoned properties.

The draft Amendment aims to ensure that new buildings and developments are sensitive towards heritage buildings and minimises impact on both residential and public spaces including:

- *backyards*
- *footpaths*
- *parks*
- *expanded street corners*

(Source:

<https://www.yarracity.vic.gov.au/planning-and-building/future-yarra/planning-scheme-and-amendments/current-amendments/amendment-c271-fitzroy-and-collingwood>)

The draft amendment does not ensure that new buildings are sensitive to and minimize impact to our residential spaces including our backyards.

OUR PROPERTY IN FURTHER DETAIL

We own [REDACTED] which is located to the south of 209-211 Smith St and to the east of buildings used as shops and restaurants directly on Smith St. Our homes were constructed as a purpose built residential complex of townhouses in approximately 1989. The Plan of Subdivision was registered on 30 October 1989.

Our homes enjoy rear northern facing private open spaces, and our living areas and habitable rooms also have a northern orientation. As demonstrated in the floor plans below, our living areas and main bedrooms are all reliant on northern windows as their source of light. The light to our homes is therefore vulnerable to the height and setback of any future development at 209-211 Smith St.



Image 3. Source: Landchecker



Image 4. 1 Charles Pl. Source: REA

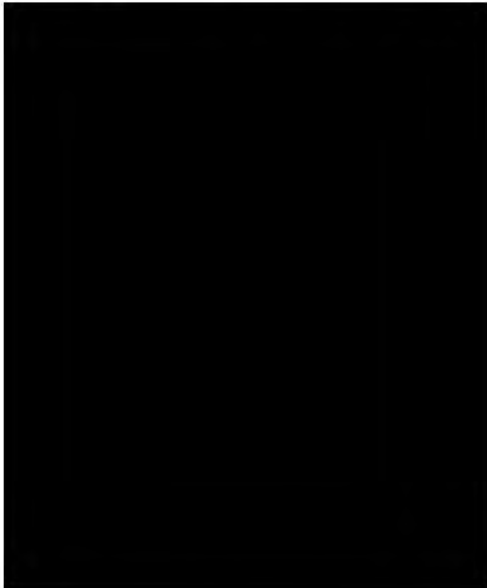


Image 5. 2 Charles Pl. Source: REA

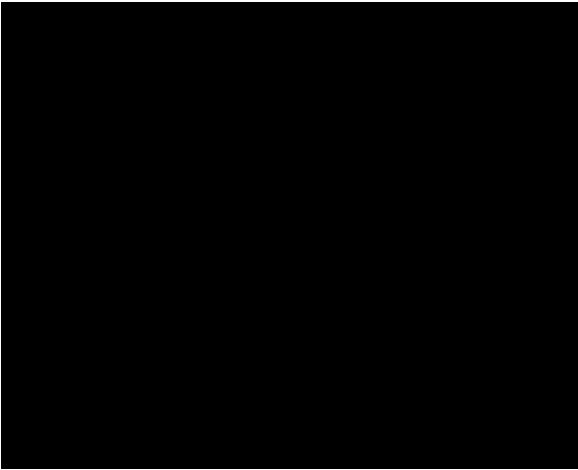


Image 6. 3 Charles PI. Source: REA



Image 7. Interior of 2 Charles PI (layout identical to 1 Charles PI). Source: REA

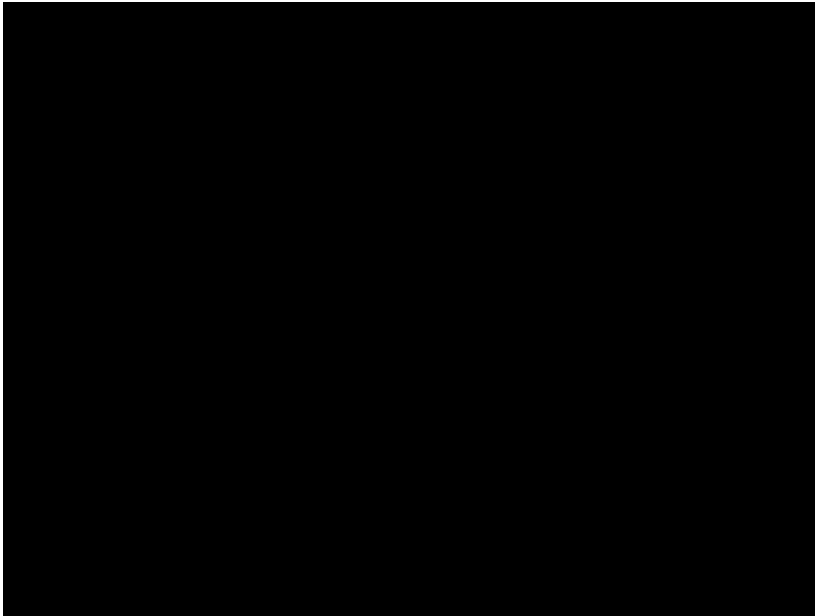


Image 8. Interior of 3 Charles PI

Our private open spaces are also dependent on receiving direct sunlight from our northern boundary, and would be adversely affected by any future development at 209-211 Smith St. In addition, the outdoor area at 3 Charles Place is set approximately 4m below the ground floor level and extends further north with a western boundary with 209-211 Smith St.

Of note, 3 Charles Pl has one of the largest trees in the block (over four storeys tall), sitting at the northern boundary of 2 – 3 Charles Pl. We would like to ask whether the DDO considers the protection of green spaces in this scenario.



Image 9 - Outdoor area of 2 Charles Pl (layout identical to 2 Charles Pl)



Image 10 - Outdoor lower area of 3 Charles Pl. North facing and North facing boundary line respectively.



Image 11 - Outdoor courtyard and tree of 3 Charles Pl

INTERIM DDO30 & PROPOSED DDO30 –SMITH STREET SHOPS

DD030 proposes to introduce mandatory maximum height controls as illustrated on maps 1 & 2 of the DDO. Extracts of the maps relevant to our property are below:



Image 12: Map 2 of DD030. Source: <https://planning-schemes.app.planning.vic.gov.au/Yarra/ordinance/43.02-s30>

EXHIBITED DOCUMENTS

The key exhibited documents considered in our submission are

- Smith Street Built form framework, Hansen Partnership (December 2020)
- DDO30 – Smith Street Shops

ERRORS, INCONSISTENCIES AND AMBIGUITIES WITHIN EXHIBITED DOCUMENTS

Several errors, inconsistencies and ambiguities have been identified within the exhibited documents which indicate that 1-3 Charles Place Fitzroy has been incorrectly considered in the development of proposed Amendment C271 particularly DDO30. These are explained as follows:

- i) Figure 4 (Smith Street Foundation information) Page 15 of the Smith Street Built Form Framework fails to identify 1-3 Charles Place Fitzroy as residential property. The purpose of the foundation information is to establish a catalogue of existing conditions. This study simply doesn't provide any assessment of 1-3 Charles Place Fitzroy. It does correctly identify 105 & 107 Charles Street as fine grain residential despite being within a commercial 1 zone which implies that not identifying 1-3 Charles Place as fine grain residential is an error in the study.

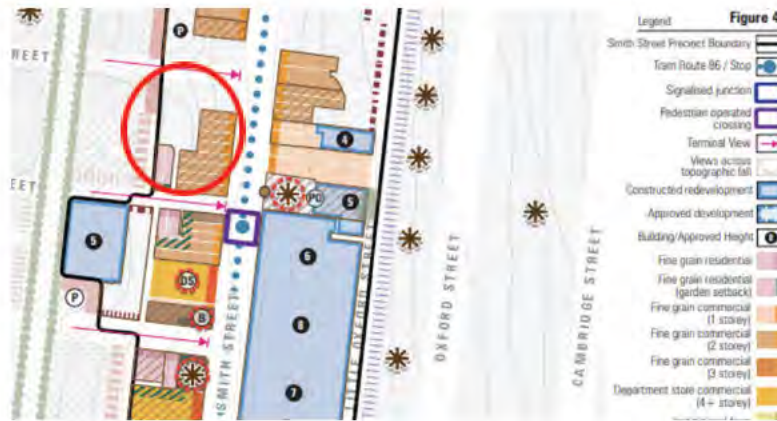


Image 13: Part of Figure 4 Smith Street Foundation Information. Source: Smith Street Built form framework, Page 15

- ii) Figure 5 (Smith Street emerging Framework) Page 18 of the Smith Street Built Form Framework identifies 1-3 Charles Place Fitzroy as a 'moderate infill' site. Notably the same classification as 193, 195, 197, 199, 201, 203, 205, 207 & 209 Smith Street.

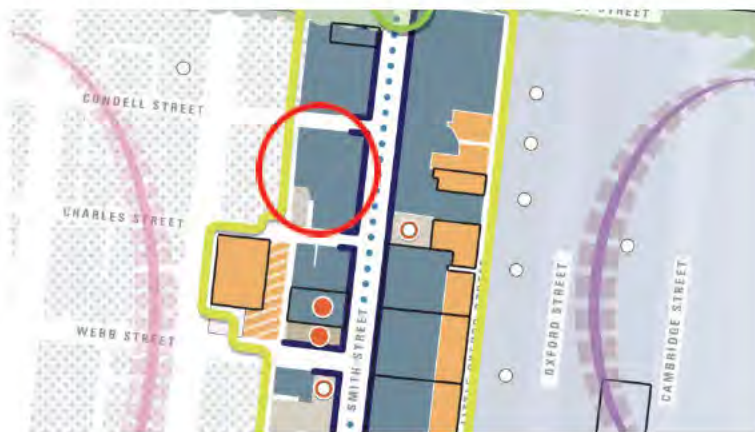


Image 14: Part of Figure 5 Smith Street emerging framework. Source: Smith Street Built form framework, Page 18

- iii) Figure 6 (Smith Street Built Form Control) Page 27 of the Smith Street Built Form Framework fails to identify the residential interface that exists between 1-3 Charles Place & 209 Smith Street.

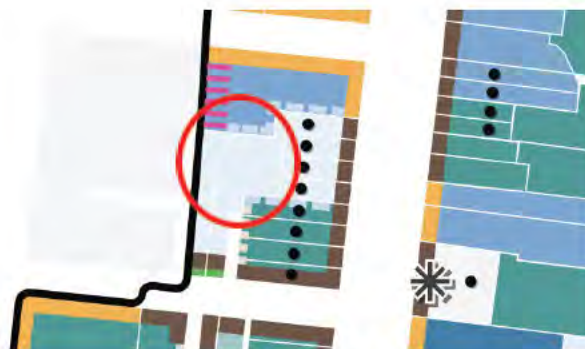


Image 15: Part of Figure 6 Smith Street built form control. Source: Smith Street Built form framework, Page 27

- iv) Figure 7 (Smith Street precincts) Page 30 of the Smith Street Built Form Framework illustrates 1-3 Charles Place as a 'Smith Street Big Stores' Precinct. Page 29 of the same document notes preferred maximum building heights of 'Big Stores' to be 11.2m to 29.6m.



Image 16: Part of Figure 7 Smith Street built form control. Source: Smith Street Built form framework, Page 30

CONCERNS WE HAVE WITH THE IMPACTS C271 WILL HAVE ON OUR PROPERTY

We have grave concerns that the proposed amendment C271 will have significant impact on the amenity of our homes. Specific concerns are as follows:

- i) **Unsuitable interface requirements.**

The proposed DDO30 addresses interfaces as follows:

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m - Whether or not separated by a laneway
GRZ	11.2m - Where there is an existing laneway 8m - Where there is no laneway
MUZ / C1Z	11.2m - Whether or not separated by a laneway

Image 17: 2.6 of DD030. Source: <https://planning-schemes.app.planning.vic.gov.au/Yarra/ordinance/43.02-s30>

This means that whilst we are a residential property the interface wall on our northern boundary could be 11.2m as our property is zoned Commercial Zone 1.

- ii) **No Overshadowing and Daylight Access interface protections.**

The proposed DDO30 addresses Overshadowing and Daylight Access as follows:

2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development should not overshadow:

- the opposite footpath of Smith, Johnston, Gertrude and Langridge Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties fronting Bedford, Little Oxford Street and Little Smith Street, from the first floor upwards between 10am and 2pm at 22 September.

Image 18: 2.7 of DD030. Source: <https://planning-schemes.app.planning.vic.gov.au/Yarra/ordinance/43.02-s30>

The problem with this proposed objective is that it is only applicable to Residential Zones. As our house is zoned Commercial 1 there are no considerations to overshadowing and daylight access. This means that if 209 Smith Street were to be developed a 11.2m high wall can be built on our northern boundary which will destroy daylight and sunlight to our current north facing habitable rooms and private open spaces. Shadow diagrams can be provided to confirm this if required.

It is also important to note the 209 Smith Street Fitzroy is currently advertised for sale. As a site with no heritage controls and a proposed permissible height limit of 20.8m it more than likely the site will one day be developed.

Given these considerations we refer back to the objectives of C271 which are described by the City of Yarra as follows:

“The draft Amendment aims to ensure that new buildings and developments are sensitive towards heritage buildings and minimises impact on both residential and public spaces including:

- *backyards*
- *footpaths*
- *parks*
- *expanded street corners”*

Our residential property will experience extreme impact as a result of the proposed DDO30 controls. The assessment above confirms that our property and its use have not been correctly considered within the studies conducted which have informed the proposed C271.

OPTIONS TO RESOLVE OUR CONCERNS

In our opinion there are 4 potential outcomes. These are:

1. **Rezone our property to a Residential Zone (either NRZ or GRZ)**

This will mean that our property will have improved interface protections with a maximum abutting wall on boundary height of 8m. Our property will also have the protections provided to residential zones for overshadowing and access to daylight as required by Clause 55.05-4 of the City of Yarra Planning scheme.

2. Amend the DDO to recognize and enforce the residential interface that exists between 1-3 Charles Pl and 209 Smith St

As outlined earlier, our primary concern is the grave impact of development to the north on the livability of our property. We feel the DDO should be amended to provide protections against development on properties that have clearly been longstanding residential properties, inappropriately zoned as commercial.

3. Reduce the Maximum Building Height control proposed to 209 Smith Street Fitzroy.

Reducing the maximum building height of 209 Smith Street to match our maximum building height of 11.2 and requiring a lower maximum wall on boundary height to ensure the amenity of our property is not impacted (as per the said objectives of C271).

4. Increase the Maximum Building Height to 1-3 Charles Place Fitzroy

The proposed DDO30 controls will permit neighbouring development that will destroy the amenity of our property. If the Council is unwilling to agree to any of the above options, we request that, to be fairer, our site be assigned a maximum building height the same as that of its northern neighbour (209 Smith Street) of 20.8m. The rationale is as follows:

- Our property is not a heritage property, the same as 209 Smith Street Fitzroy
- Our property has the same interfaces as 209 Smith Street Fitzroy.
- Two laneways could be used to allow access to the property (Charles Pl and the unnamed laneway to the west)
- Our property is not impacted by any street frontage concerns, as it is set back and largely unseen from the surrounding main roads.
- The property and development opportunities will become **Equitable**.
- Interfaces with neighbouring residential zones are treated as per the proposed DDO30 controls

We feel that the development potential for our site may have been overlooked in the development phase, and request consideration of this option which will at least provide equitable opportunity (rather than impose controls that will both severely impact the amenity of our property, while also restricting any opportunity to develop the property).

We trust that our submission will be considered and look forward to the opportunity to present in further detail at a Panel meeting in the near future.

██████████

██████████████████

██████████████████████████████

From: [REDACTED]
To: [REDACTED]
Subject: Draft Amendment C271yara Submission
Date: Friday, 7 March 2025 3:17:26 PM
Attachments: [image001.png](#)
[Submission to Amendment C271yara - 430-444 Brunswick Street Fitzroy.docx](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern,

Please find attached a late submission to Draft Amendment C271yara, prepared by [REDACTED] in relation to our interests at 430-444 Brunswick Street, Fitzroy.

We would appreciate the opportunity to make further comment on the proposed amendment if any changes are made following community consultation.

Kind Regards,

[REDACTED]



7 March 2025

Strategic Planning Department
Yarra City Council
PO Box 168
Richmond VIC 3121

To whom it may concern,

DRAFT AMENDMENT C271YARA SUBMISSION BY VALLI

[REDACTED] act in relation to the property at [REDACTED] (herein referred to as 'the subject site').

We seek to make a late submission in relation to Yarra City Council's proposed Draft Amendment C271yara to the Yarra Planning Scheme. Among other changes, the Amendment seeks to introduce a mandatory overshadowing control as part of the proposed Design and Development Overlay – Schedule 29 (DDO29) 'Brunswick Street Shops'.

Following a review of the documentation, we object to the Amendment and the DDO29 controls proposed, on the basis that they are conservative and will lead to the underdevelopment of the precinct. More particularly, we question the mandatory nature of the proposed DDO29 overshadowing control, which will have implications for the building height and setbacks achievable on the site.

PRIMARY CONCERNS

Whilst we recognise the importance of implementing robust built form guidance within this part of Fitzroy, which is undergoing significant development activity, we make the following submission to Amendment C271 and specifically proposed DDO29.

Fitzroy is an important inner-city suburb, abundant with amenities and services, and fit for accommodating higher density development. The imposition of mandatory controls generally, including height and setbacks, prevents a site-specific response to development and instead provides an "envelope" in which to paint between the lines. This approach does not recognise the specific characteristics or realise the full opportunity of the site and surrounds. As a general position, we support the inclusion of discretionary, performance-based controls.

More specifically, under DDO29:

New buildings must not overshadow the following streets:

- *The opposite sidewalk of Brunswick and Johnston Streets.*

- *The opposite footpath of side streets that are over 10 metres wide (property boundary to property boundary).*

The area on the above streets to be protected are:

- *A 3 metre distance from the property line (the edge of the property boundary), which is treated as the relevant footpath width.*

A permit cannot be granted to vary a requirement expressed with the term 'must'.

In relation to our interests at [REDACTED], this will affect both the western footpath of Brunswick Street and the southern footpath of Cecil Street. Cecil Street appears to be very marginally over 10 metres, and we add that the southern footpath is less than 3 metres in width.

Based on the above, even the permissible street wall under the proposed controls would be prohibited and a part of the area sought to be protected is in fact road, not a footpath. We believe this to be an unintended consequence of the current drafting.

We further note that this control is duplicated across other DDO schedules contained in the Yarra Planning Scheme, with the exception that it is discretionary. This includes DDO35 'Johnston Street South', DDO36 'Fitzroy East and Johnston Street North' and DDO37 'Smith Street North and South'. As such, we query whether this is an error and suggest that at a minimum, a consistent approach be applied to DDO29.

The current wording of the control will prevent meaningful development outcomes with respect to building height and scale, and conflicts with the Amendment's intent to intensify development along Brunswick Street.

CONCLUSION

Given the nature of this submission and obvious error raised, we respectfully request Council's acceptance of this late submission.

We reiterate the strategic importance of Fitzroy and note the impact these controls will have on the long-term planning of the area and ultimate housing delivery.

We welcome the opportunity to discuss this submission further with Council. If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Yours sincerely,

[REDACTED]

[REDACTED]
Director
Valli DM Pty Ltd

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: Response to your application for Planning scheme amendments [REDACTED]
Date: Thursday, 27 March 2025 3:37:02 PM
Attachments: [REDACTED]

Dear Strategic Planning,

Please refer to the attached correspondence in regards to the following application:

Your Melbourne Water reference number: [REDACTED]
Application purpose: Planning scheme amendments
Application submission date: 18/11/2024
Municipal council area: Yarra City Council

To respond to us regarding this application, please use [REDACTED] quoting [REDACTED] in the subject line.

This email is sent from a notification-only email address that does not accept incoming email.

For general development enquiries contact our Customer Service Centre on [REDACTED]

Regards,

[REDACTED] | Urban and Regional Strategic Planning | Melbourne Water
[REDACTED]

Enhancing Life and Liveability

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27/03/2025

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Strategic Planning,

Proposal "Draft Amendment C271yara Submission"

Locations: Land within Fitzroy, Collingwood and Clifton Hill

Melbourne Water reference: [REDACTED]

Thank you for providing Melbourne Water with an extension to provide a submission regarding draft Amendment C271yara - Fitzroy and Collingwood Planning Controls. Melbourne Water has reviewed the request from City of Yarra to provide a response to the proposed amendment.

The draft amendment proposes 12 permanent Design and Development Overlays (DDOs) to the Major and Neighbourhood Activity Centres in Fitzroy and Collingwood, and along areas of Alexandra and Victoria Parades. The amendment also seeks to apply two new Heritage Overlays in Collingwood, rezone several properties in the municipality and make other associated changes to the Yarra Planning Scheme.

As the relevant floodplain manager, drainage and water management Authority, Melbourne Water has reviewed the proposed amendment as requested and can now provide our (predominantly) high-level feedback and recommendations.

Broad feedback and recommendations on the proposed amendment

Whilst Melbourne Water generally supports the proposed planning scheme amendment to increase development within areas identified in the amendment, we would like to highlight that further development and urban intensification should be prioritised outside of flood affected areas within the Major and Neighbourhood Activity Centres identified in Fitzroy and Collingwood, and along areas of Alexandra and Victoria Parades.

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PO Box 4342 Melbourne VIC 3001 Australia
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Melbourne Water Assets

A review was undertaken by Melbourne Water (MW) on the land associated with this amendment to determine whether there is any impact on Melbourne Water Assets. This review found that the only land that may be affected is at 181 Victoria Parade, Fitzroy VIC 3065 where there is a MW Water Main (312986) 1200mm diameter pipeline, which was installed in 2020.

Hydrology and hydraulic assessment

Melbourne Water has undertaken a hydrology and hydraulic assessment for the following locations:

- Brunswick and Smith Street, Collingwood and Fitzroy
- Alexandra Parade, Clifton Hill, Fitzroy and Collingwood

This broad scale flood risk assessment has been undertaken considering the Planning report and maps provided by Yarra City Council, Guidelines for Development in Flood Affected Area (DWELP 2019) and the current 1%AEP flood level information available at Melbourne Water.

Both locations are subject to flooding from the 1%AEP storm event. In the event of a storm exceeding the design capacity of the Alexandra Parade Main Drain, the areas identified for intensification will be affected by flooding. Please note that the area may also be impacted by flooding from the local stormwater catchment.

Brunswick and Smith Street Collingwood and Fitzroy

The Northern section of this precinct is subject to flooding from breakaway flows from the Alexandra Parade Main Drain in the 1%AEP storm event. The 1%AEP overland flows run from northwest (Nicholson Street) in an easterly direction. The properties at the south of Rose Street are not subject to flooding from flows associated with the Melbourne Water Drainage system. However, these properties may be subject to flooding from local council drainage system.

Alexandra Parade Clifton Hill, Fitzroy and Collingwood

High-density development on the northern side of Alexandra Parade would be acceptable due to lower flood depths during a 1%AEP storm event.

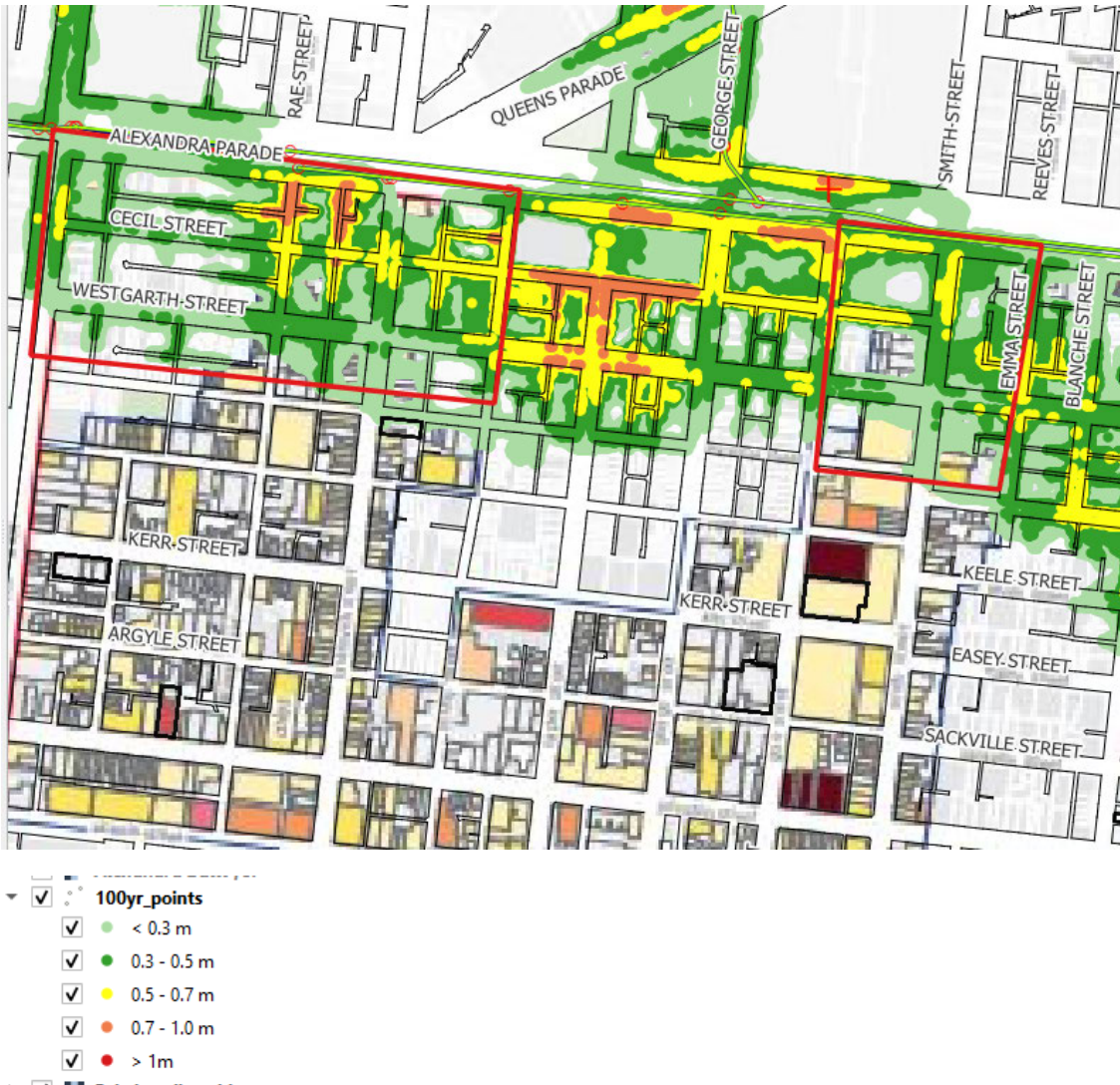
The 1%AEP flood depth at Cecil Street and at the T-intersection of Smith Street at Alexandra Parade varies from 0.5m to 0.7m. Therefore, any proposed high-density development for future residents would be unsafe at these locations as the depth of flooding is considered deep, and unsafe for both future residents and vehicles (*access and egress considerations*).

Melbourne Water does not recommend housing density intensification on Cecil Street and at the Smith Street T-intersection at Alexandra Parade.

High-density development for future residents is also considered to be unsafe at Cecil Street, Westgarth Street, Emma Street and George Street due to deep flooding. These streets do not provide safe access or egress to properties.

Refer to Map 1 below which shows the 1%AEP flood depths across the proposed amendment area detailing flood depths which vary from 0.3m to 1m deep.

Map 1 depicts the 1%AEP flood depth across the area of the proposed amendment and surrounds.



Guidelines for Development in Flood Affected Areas

In formulating our position, Melbourne Water is strongly directed by the Guidelines for Development in Flood Affected Areas (2019) (the 'Guidelines'), they were prepared by the (then) Department of Environment, Land, Water and Planning.

The Guidelines provide an assessment framework for assessing applications for development on flood affected land.

The Guidelines also observe that this assessment framework can be utilised in strategic planning exercises. It relevantly says (page 21):

Strategic planning

Inappropriate development in flood affected areas can lead to fundamental changes in the nature and impact of flooding. It can also increase the potential for loss of life and flood damages to the community and the environment. This is contrary to the objectives of planning in Victoria, listed in the Planning and Environment Act 1987.

The Development Assessment Framework in Part Three of the guidelines is primarily aimed at property-specific development. It can also be used by municipal councils for strategic planning. In principle:

- Land should not be rezoned for a higher density land use without adequate consideration of the flood risk, including the cumulative impacts, and loss of safe access during floods.*
- Land that is affected by flooding should be identified by a flood overlay, unless it is zoned for flood purposes. This makes the flood risk clear to all and provides the necessary trigger for development proposals to be referred to a floodplain management authority. It also enables future purchasers of land to be informed of the flood risk through vendor disclosure statements.*

Any rezoning to a higher density land use should consider 'the island effect,' where access to flood-free ground is lost during floods. Residents can be physically cut off from their home or workplace, which increases the risk of people entering floodwater.

Sustained isolation can affect the ability of residents or communities to function normally. They can also lose access to food and essential services such as water, sanitation and electricity. This increases the burden on emergency service providers to supply residents with basic needs and potentially risk the lives of their staff.

The overarching principle of the Guidelines is to ensure that development does not intensify the harmful effects of flooding. The Guidelines outline (at Part 3) the methodology used by floodplain management authorities when assessing development proposals. The assessment framework is guided around four objectives:

- Flood safety.
- Flood damage.
- Off-site impacts.
- Waterway and floodplain protection.

Each objective contains a series of guiding principles and assessment criteria, which are used in assessing the acceptability of each proposal. Access is a key criterion when considering the risk to life, health and safety, a key determinant is when flood depths and flow velocities become unsafe.

If a site or access is unsafe a planning permit proposal will be contrary to:

- the Guidelines,
- Clause 13.01-1S Natural hazards and climate change – direct population growth and development to low-risk locations; and
- Clause 13.03 Floodplains – assist protection of life, property and community infrastructure from flood hazard; avoid intensifying the impact of flooding through inappropriately located use and development.

This would result in objecting referral responses from Melbourne Water in its role as Determining Referral Authority.

Melbourne Water has adopted the Guidelines for the purpose of them becoming a policy guideline at Clause 13.03-1S 'Floodplain management' and therefore relevant in decision-making for planning permits triggered under the planning scheme and referred to it under section 55 of the Planning and Environment Act 1987.

Melbourne Water Flood modelling project - Yarra City Council

Yarra council officers would be aware that Melbourne Water is currently undertaking a flood modelling project to identify flood affected land for the municipality that will inform a future planning scheme amendment. This revised information is in the final deliverables phase and anticipated for completion shortly. It is understood that the flood modelling incorporates climate change inputs which will likely alter the risk and hazard relating to flood.

The proposed strategic planning scheme amendment should take into consideration the upcoming flood information as this will likely impact on the opportunities for development where land is identified to be subject to flooding. When the flood mapping is finalised, Melbourne Water recommends that Council updates the proposed areas identified for development within Fitzroy, Collingwood and Clifton Hill with the relevant flood information.

It is recommended that council officers consult with council engineers for relevant flood modelling updates.

Melbourne Water does not intend on participating in any Standing advisory committee hearing, should the submissions be referred following exhibition. Melbourne Water's efforts are currently focusing on its accelerated flood modelling programme. The intention is to model, map and importantly implement updated flood controls across all 38 council areas where it is the relevant floodplain manager – the modelling will incorporate climate change parameters based on projections for the year 2100. This is consistent with the Guidelines - as the appropriate mechanism for addressing flood hazard. We have provided this information so that Council and other strategic decision makers are informed of the current relevant flood risk and the context in which decision making is undertaken by floodplain managers. This may enable more comprehensive consideration as to whether their strategic development plan sufficiently responds to this risk to better facilitate development and provide certainty to landowners.

For general development enquiries contact our Customer Service Centre on [REDACTED]

Yours sincerely



Principal Planner Urban & Regional Strategic Planning Amendments

28/08/2025

[Redacted]

Dear [Redacted]

[Redacted] Amendment C271yara Melbourne Water supplementary submission

Thank you for your letter dated 30 July 2025, in response to the Melbourne Water submission to the above amendment and subsequent meeting on 21 August to discuss the matters raised in your preliminary response to our submission.

I would like to clarify that the Melbourne Water submission to Amendment C271 dated 27 March 2025 was not intended to be an objection to the amendment. The submission sought to advise Yarra City officers on the specific areas within the activity centres and surrounds that Melbourne Water considers are at risk of flooding from the current 1% Annual Exceedance Probability. And to reiterate, the internal review undertaken by Melbourne Water in relation to the areas identified as affected by flooding was informed by the current flood modelling data available for the year 2013. Flood models identify which areas are most likely to flood, how quickly, and how deep the water may get. Hence, consideration should be given to avoiding intensification of development within unsafe flooding areas. Please refer to map in submission showing the 1%AEP flood depth.

Melbourne Water is responsible for regional drainage and is the waterway and floodplain management authority for Port Phillip and Westernport Region under the Water Act 1989 (Vic). Flood management in Melbourne is a shared responsibility between Melbourne Water, councils, emergency services and

[Redacted]



other key partners. We use multiple strategies to limit the impact of floods before they happen, and keep the community safe when they do. More information is available on the Melbourne Water website: [Managing flood risk together | Melbourne Water](#).

As already mentioned in the original submission, Melbourne Water is strongly directed by the Victorian Department of Environment, Land, Water, and Planning, *Guidelines for Development in Flood Affected Areas (DELWP Guidelines)* that were released in 2019. The *DELWP Guidelines* are used to help Victorian floodplain managers assess development proposals consistently. They inform how we assess land use planning applications for development, particularly in relation to flood safety, flood damage, off-site impacts and waterway and floodplain protection.

And finally, as you are aware, the new flood modelling data for Yarra City Council is intended to be released for community consultation towards the end of September 2025. It is unclear at this stage what impacts this revised flood modelling information will have on the areas we have already identified as subject to flooding. Melbourne Water recommends council officers review the new flood data to ensure they are aware of the potential flood risks within the Fitzroy and Collingwood activity centres. The new flood modelling will result in a future planning scheme amendment process implementing the new flood information via flood specific planning controls.

In summary Melbourne Water:

- Has provided Council with flood information so that they are informed of current risks
- Advises that new flood modelling is currently nearing completion
- Does not object to the proposed Planning Scheme Amendment
- Advises separate future flood implementation process will follow the validation /approval of the flood modelling which will address flood concerns through flood controls.

Should you wish to discuss anything else in addition to the points raised above, please don't hesitate to get in touch.

Yours sincerely

[Redacted Signature]

[Redacted Name]

Acting Urban & Regional Strategic Planning Manager



From [Redacted]

Date Tue 1/04/2025 11:40 AM

To [Redacted]

Cc [Redacted]

1 attachment (219 KB)

Amendment C271yara - Submission.pdf;

You don't often get email from [Redacted] [Learn why this is important](#)

Dear Strategic Planning,

This submission is made to proposed Planning Scheme Amendment C271 – Fitzroy and Collingwood by [Redacted], the prospective landowners of the site at 79-81 Victoria Parade, Collingwood.

We acknowledge that the submission period for the draft Amendment has closed. However, due to the recent sale process of the site not being finalised earlier, we were unable to submit our comments within the designated timeframe. We respectfully request that our submission be considered.

Additionally, can we please be included in all future correspondence on this matter.

Kind regards,

[Redacted Signature]

CONSULTANT

D [Redacted]
E [Redacted]

**SHAPING
CITIES AND
COMMUNITIES**



[Redacted Address]

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1 April 2025

Strategic Planning
City of Yarra
PO Box 168
Richmond VIC 3121

Via email to: strategicplanning@yarracity.vic.gov.au

Dear Strategic Planning,

PLANNING SCHEME AMENDMENT C271YARA SUBMISSION 79-81 VICTORIA PARADE, COLLINGWOOD

1. INTRODUCTION

This submission is made to proposed Planning Scheme Amendment C271 – Fitzroy and Collingwood (the Amendment) by [REDACTED], the prospective landowners of the site at 79-81 Victoria Parade, Collingwood.

We acknowledge that the submission on the draft Amendment is closed; however, due to the recent sale process of the site not being finalised earlier, we were unable to submit our comments within the designated timeframe.

2. PROPOSED AMENDMENT C271

Amendment C271 proposes to introduce permanent Design and Development Overlay (DDO) schedules across Fitzroy, Collingwood and a small pocket of Clifton Hill. Having regard to our land, the Amendment seeks to:

- Replace the existing interim Design and Development Overlay – Schedule 39 'Victoria Parade' with a new permanent Design and Development Overlay – Schedule 39 'Victoria Parade' (DDO39).
- Remove Design and Development Overlay – Schedule 2 'Main Roads and Boulevards' from the site.

3. STRATEGIC JUSTIFICATION FOR AMENDMENT C217YARA

We understand that the background documents that informed the new DDO and planning scheme amendment included the *Victoria Parade Heritage Analysis and Recommendations* (GJM Heritage, November 2020) and the *Victoria Parade Built Form Framework* (Hansen Partnership, December 2020).



We note that these reports are over 5 years old and can be considered somewhat out of date given the significant changes that have occurred both within the immediate context of Collingwood and the multiple planning policies released since 2020, including:

- Victoria's Housing Statement September 2024
- Plan for Victoria 2025

Responding to the Housing crisis within Victoria, the current State policy framework places greater emphasis on higher-density development and the efficient use of land in key urban locations, particularly those well-served by public transport and in an Activity Centres.

The *Plan for Victoria 2025* introduces the Activity Centre Program, which seeks to establish 60 Activity Centres across Melbourne. Activity Centres 59 and 60 specifically focus on one centre that serves the entire Yarra and City of Melbourne areas, although specific details are still to be published. This highlights the importance of leveraging strategic development sites within Activity Centres as priority locations to accommodate additional housing. As such, the current background documents do not adequately reflect the strengthening of housing policy thereby limiting the site's overall development potential.

4. PLANNING PRACTICE NOTE 60 (PPN60)

We note that much of the DDO39 contains mandatory controls, and as such, Planning Practice Note 60 (PPN60) is relevant to the assessment of the new planning controls.

PPN60 states that the preferred approach for height and setback controls is the use of discretionary controls, supported by clear design objectives and decision guidelines. Mandatory height or setback controls should only be applied in the following situations:

- *Exceptional circumstances exist; or*
- *Council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context.*
- *They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

In this instance, we submit that the conditions for applying mandatory height and setback controls are not met for the following reasons:

- Exceptional circumstances do not exist in this case.
- Whilst we acknowledge that the Council has undertaken strategic work, there is a disconnect between the existing strategic framework and the evolving surrounding context, which supports higher built forms and a strengthening of housing policy.
- Preferred built form outcomes can be implemented and achieved through discretionary controls.

As such, imposing mandatory controls would unduly limit the development potential of the site and hinder the achievement of the preferred built form outcomes.



5. SUBMISSION IN RESPONSE TO AMENDMENT C217YARA

This submission acknowledges the ongoing role of the Yarra City Council in managing development activity centre development but highlights specific aspects of the Amendment which still require additional consideration and refinement.

While we recognise the importance of implementing built form guidance within this part of Collingwood which is undergoing significant development activity, we make the following submission to Amendment C271 and specifically the proposed DDO39:

- The preferred street wall height and mandatory upper-level setback requirements do not provide sufficient flexibility to consider alternative site-specific design approaches to providing for appropriate design, amenity and equitable development outcomes.
- The preferred maximum building height is conservative and does not reflect the context of the sites to which it applies, nor does it sufficiently support State planning policy objectives for higher densities in and around activity centres. Furthermore, the current preferred maximum heights within DDO39 hinder the area's potential for development as they undermine project feasibility, resulting in a scarcity of viable development opportunities in recent years.
- The introduction of mandatory overshadowing controls is unnecessary and will impede future development of the site and surrounds and their abilities to contribute to state and local government housing targets.

Further commentary is provided below with regards to Design and Development Overlay Schedule 39 'Victoria Parade'.

5.1. PROPOSED DDO39 – VICTORIA PARADE

The proposed DDO39 will affect the site at 79-81 Victoria Parade, Collingwood. With regards to the proposed DDO39 we make the following specific submission points:

Street wall height and front setback requirements

The interim DDO39 includes a discretionary street wall height of 4 storeys/14.4 metres and a discretionary requirement for no front setback to the street. The proposed DDO39 maintains these standards.

The subject site has extensive road frontages of approximately 51 metres to Victoria Parade and 100 metres to Wellington Street. The site is located on the prominent corner of Wellington Street and Victoria Parade and adjoins heritage buildings or sensitive interfaces.

Given this, we consider the proposed discretionary requirement for a 4 storey street wall at odds with the context of the site. Its location on a prominent corner presents a unique opportunity to enhance the streetscape and the visual appeal of the area. Exceeding the 4 storey street wall height would allow for a built form that accentuates and celebrates this corner, creating a stronger architectural presence that reinforces the site's prominence and contribution to Collingwood.

Upper level setback requirements



The interim DDO39 includes a discretionary upper level setback above the street wall of 6 metres to Wellington Street and Victoria Parade. The proposed DDO39 replaces this requirement with a mandatory upper level setback above the street wall of 6 metres.

As previously mentioned, on a site with such extensive frontages, mandatory upper level setback requirements are not appropriate. This mandatory requirement is particularly onerous and would significantly impact the development potential of the site.

A nearby site at 21-53 Hoddle Street, with similar frontages and site area, was recently approved under Ministerial Permit PA2403098. This site utilised a tiered approach to upper-level setbacks, ranging from 3 metres to 8.2 metres, to address different interfaces. Greater setbacks were applied to sensitive residential areas, while lesser setbacks were used where sensitivity was lower.

As such, we submit that the proposed DDO39 should allow for consideration to be given to alternative setbacks that are not limited by mandatory setback provision.

Building height requirements

The land at 79-81 Victoria Parade is afforded a preferred maximum building height of 12 storeys/40 metres. We note that this area of Collingwood is evolving and establishing a pattern of well-designed buildings of height and this is demonstrated by the nearby approved and constructed developments which exceed this preferred height:

Gurner Building

- 11-31 Wellington Street
- 10 storeys (varying)

Hines

- 36 Wellington Street
- 15 storeys (commercial storeys)

Wardle Wave building

- 68 Wellington Street
- 14 storeys

Porsche Building

- 105-133 Victoria Parade, Collingwood
- 17 storeys (2001 VCAT approval never acted on)

Our site at 79-81 Victoria is in an area of Collingwood that is undergoing significant urban renewal. The site is located on the prominent corner of Wellington Street and Victoria Parade, with the latter being one of Melbourne's key boulevards. The site is also adjacent to a Major Activity Centre, the Central City and is located on the Principal Public Transport Network along Victoria Parade.



The *2020 Built Form Review: Victoria Parade*, prepared by GJM Heritage notes that large sites towards the eastern half of the study area have few sensitive interfaces, allowing for a greater scale of development than in the heritage areas.

As such, the preferred building height of 12 storeys in this location is considered to unnecessarily constrain development and does not reflect the context of the site nor the aspirations of State planning policy to locate higher density developments in and around Activity Centres with high liveability near public transport and other important community infrastructure.

The size of the land, and its ideal location for housing lends itself to higher density development. It is put forward that building heights more closely aligned with the building to the north at 26 Wellington Street at a minimum would be more appropriate for the land at 79-81 Victoria Parade.

Overshadowing and solar access requirements

The interim DDO39 includes discretionary overshadowing requirements applicable to the northern edge of the Victoria Parade central median at 12pm on 22 September. The proposed DDO39 seeks to replace this discretionary requirement with a mandatory requirement.

As set out above, this requirement lacks strategic planning justification, is overly stringent and will impede future development of the site. We are of the view that imposing such a requirement would limit the optimisation of this prominent, large site within the Collingwood area.

The *2020 Victoria Parade Built Form Framework*, prepared by Hansen, describes the central median of Victoria Parade as a "broad central median lined with mature canopy planting and comprising a central tram line within a spacious grassed verge." The Hansen Report does not classify the central median of Victoria Parade as "open space" yet the DDO controls would create shadow requirements similar to those of a high-quality public park.

As Hansen's Report makes clear, the central median's primary function is to accommodate the tram line and support the canopy planting, not to serve as an area for pedestrian activity that would warrant mandatory controls.

The interim DDO39 also includes discretionary overshadowing requirements applicable to the eastern and western sides of Wellington Street. The proposed DDO39 seeks to replace this discretionary requirement with a mandatory requirement. This includes a mandatory requirement to not overshadow the eastern side of Wellington Street at 2pm and the western side at 10am on 22 September which will be relevant to any redevelopment of our site.

As above, we consider these mandatory overshadowing controls to be inappropriate for the context of the site and will significantly limit future development potential. Therefore, we submit that a more thoughtful, design-led approach that considers the context of the site is preferred. Mandatory controls are not appropriate for activity centre planning, nor for major strategic redevelopment sites.

Building separation and amenity requirements

The proposed DDO39 includes a discretionary requirement to set back development a minimum of 6 metres from the common boundary, where buildings exceed 27 metres in height. This applies whether or not windows are proposed on the site. We submit that the proposed DDO39 should allow for



consideration to be given to alternative setbacks, including building to the boundary, where this would appropriately provide for equitable development opportunities on adjoining sites.

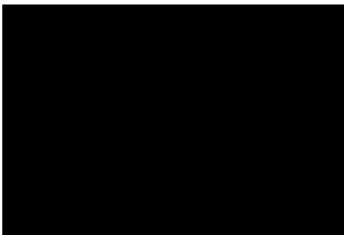
6. CONCLUSION

We respectfully request Council review the need and implications of the following:

- Mandatory overshadowing requirements which may undermine the intent of the area to deliver higher density development in a prime location for housing development.
- The preferred maximum building height which does not reflect the context of the site or sufficiently support State planning policy objectives for higher densities in and around activity centres.
- Street wall requirements and setbacks to ensure that these accurately reflect the existing and preferred context of the land to which they apply.

We welcome the opportunity to discuss this submission further with Council. If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Yours sincerely,



Director



From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]
Date: Thursday, 31 July 2025 1:29:07 PM
Attachments: [Redacted]

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Hi there,

On behalf of our client, please find attached our submission relating to C271.

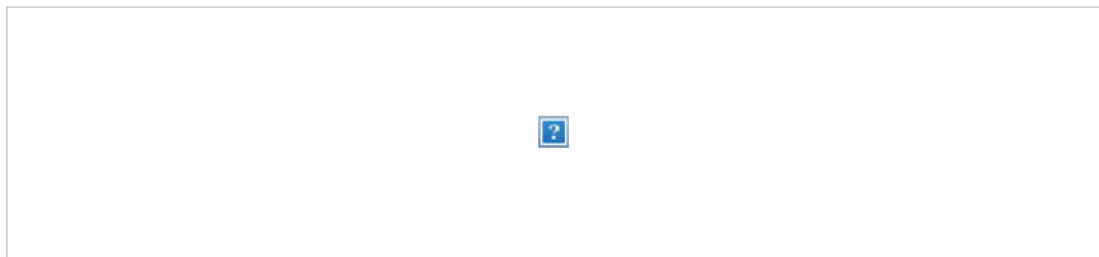
Any questions, let us know.

Cheers

[Redacted]
Associate Town Planner
[Redacted]

Tract
[Redacted]
[Redacted]
[Redacted]
[Redacted]

We acknowledge the Traditional Custodians of Country throughout Australia, their Elders and ancestors. We recognise the rich heritage and profound connection to Country of First People, including their influence on land, waters, sky and community as skilled land shapers and place makers, which has endured for millennia.



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Strategic Planning Team
City of Yarra
Wurundjeri Country
Via email: [REDACTED]

31 July 2025

Dear Strategic Planning Team

Planning Scheme Amendment C271yara - Submission

We write to you on behalf of [REDACTED] who is the owner at 66-70 Hanover Street, Fitzroy.

We have reviewed the provisions of planning scheme amendment c271yara (the 'Amendment') and wish to make a submission on behalf of our client.

The Site comprises of two lots, which includes 64-66 Hanover Street and 70 Hanover Street, which are shown on the below aerial photograph.

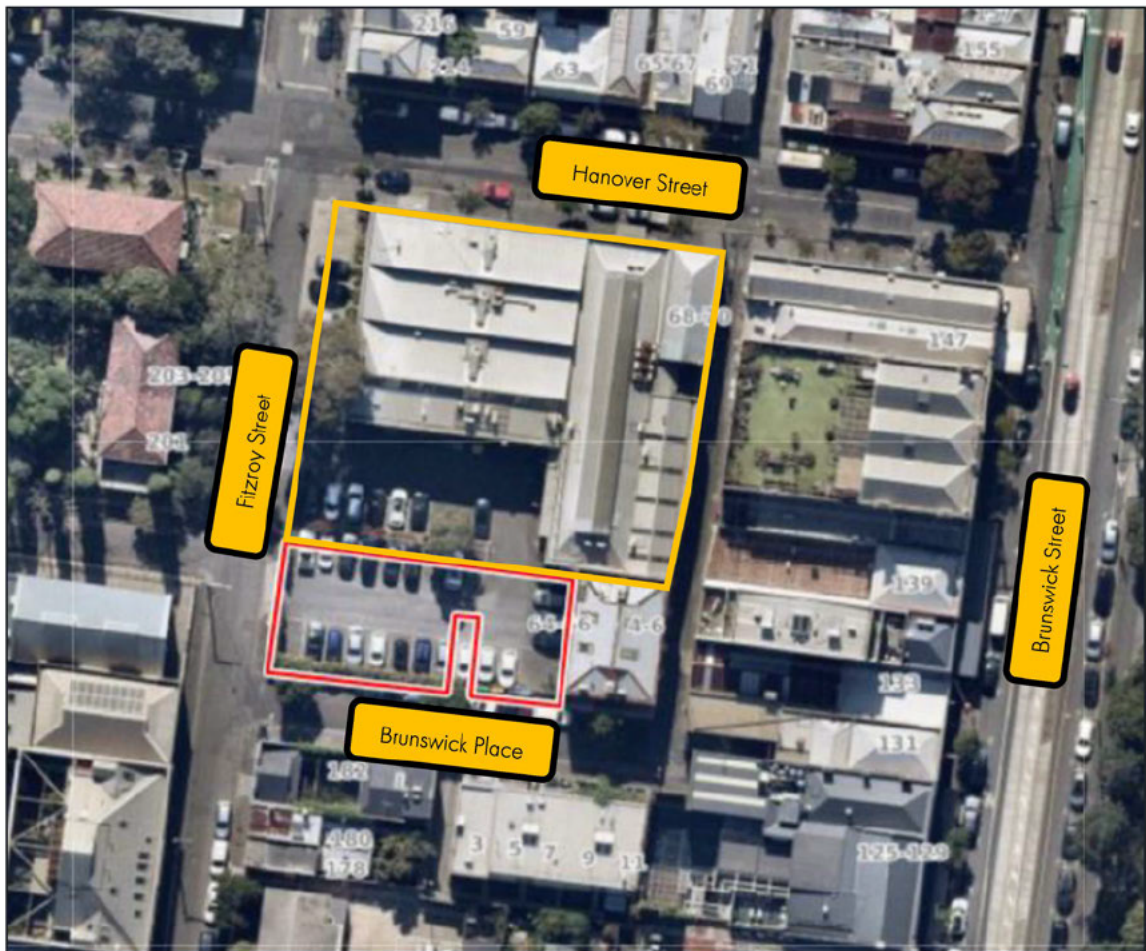


Figure 1 - Aerial Photography of the Site, showing 64-66 Hanover Street (red) and 70 Hanover Street (orange)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The currently applicable planning controls on each of these lots are as follows:

64 – 66 Hanover Street

- Zone:
 - Neighbourhood Residential Zone – Schedule 1 (NRZ1).
- Overlays:
 - Heritage Overlay – Schedule 334 (HO334).
 - Development Contributions Overlay – Schedule 1 (DCPO1).

70 Hanover Street

- Zone:
 - Commercial 1 Zone (C1Z).
- Overlays:
 - Heritage Overlay – Schedule 334 (HO334).
 - Development Contributions Overlay – Schedule 1 (DCPO1).

The Amendment seeks to:

- Update the zoning of 64-66 Hanover Street to the C1Z (consistent with 70 Hanover Street).
- Apply the Design and Development Overlay – Schedule 34 (DDO34) to both properties.

Submission

Our client provides in principle support for the rezoning of 64-66 Hanover Street to the C1Z. This will:

- Rectify the current zoning anomaly (where a property currently used as a car park for a commercial building, and adjoins commercial uses, is within a residential zone).
- Reflect best practice planning, by aligning the zone boundary in the centre of a road, rather than to the rear of properties.
- Ensure consistency with the current and historical use of the land (which is currently a car park associated with a commercial use).
- Provide a clear planning policy context to the broader Site (noting both properties are in the same ownership), and provide an opportunity for the redevelopment of the Site.

Whilst our client supports in principle the application of DDO34 to the Site, we object to and ask for the reconsideration of the following elements of the proposed DDO34:

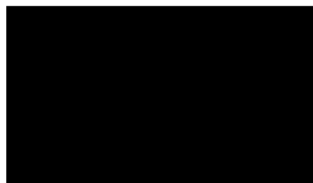
- Building Height:
 - The Site is a large 'island' land holding, with limited sensitive interfaces, located within a highly amenable inner-city area.
 - The City of Yarra is required to accommodate an additional 44,000 dwellings by 2051 (as per the housing target set under *Plan for Victoria*).
 - The Site presents an excellent opportunity for housing intensification, particularly given some of the planning constraints applicable to other land within the municipality.
 - We consider that an eight storey (discretionary) height limit would be better suited to the Site than the proposed six storey (discretionary) height limit.
 - Other controls will ensure appropriate transition to the NRZ land to the south.
- Mandatory Street Wall Height and Upper Level Setbacks:
 - The proposed maximum street wall heights of 11.2m / three storeys to Hanover Street and Fitzroy Place are unreasonably restrictive, particularly given the width of the streets, the inner city context and the opportunity for any development to significantly improve the streetscape at ground level.

- We suggest these proposed maximums are reviewed, noting 4 – 6 storey street walls within an inner-city context are common.
- Similarly, the proposed upper-level setback requirements of 6m to Hanover Street and 8m to Fitzroy Street are excessive. We also suggest these are reviewed, noting 3m to 5m is more common in an inner-city context.
- We also suggest that the proposed blunt nature of these mandatory street wall height controls are not consistent with the purpose of mandatory controls, as per *Planning Practice Note 59 (PPN59) – The role of mandatory provisions in planning schemes*.

We ask that we are kept informed of the progression of the Amendment and we reserve our right to make further comment at further stages of the Amendment to follow.

If you have any questions in relation to the above, do not hesitate to contact [REDACTED] of our office on [REDACTED]

Yours sincerely



Associate Town Planner
Tract

Hi [REDACTED]

Thanks for the discussion regarding the proposed DDO31 planning control for Gertrude Street, Fitzroy and for advising Council proposes to put a revised DDO31 up again later this year (for Standing Advisory Panel) - certainly keen to be involved.

Gertrude Street is a fantastic location, with many wonderful buildings, great transport and access to lots of community infrastructure (been here for 25 years) - we need to share it.

The draft DDO31 in its current form seems to unnecessarily lock down future improvement on infill sites with its recessive 'Must' height controls and onerous 8M setting back requirements from street wall.

Your Gertrude Street studies show the large number of heritage buildings, many two storey building, but also quite a few buildings of three, four and up to five storeys.

There is an urban design pattern established particularly on the south side of Gertrude Street where buildings in each block are one and two storeys higher than adjacent buildings.

This historical pattern does not include setting back from the street wall or from adjoining neighbours.

This previously delivered a cohesive, established pattern of transition which works well and should be continued.

More recently the new 5 storey building at No. 166 shows how well built form without being lower, recessive and overly setback works with adjacent heritage buildings.

However even the 5 storey success at No. 166 is now recoded on the draft DDO31 Map for only 3 storeys.

The concern about proposed DDO31 is the use of overly restrictive recessive/setting back requirements particularly for the small number of south side potential infill sites.

The draft DDO31 policy settings seem antagonistic to achieving high quality (and modest!) outcomes to continue the established pattern and support existing historical built form.

Proposed policy settings are fixated on extremely low built form requirements using recessive and aggressive setting back which does not respect the real and traditional built form diversity in the street.

The default is policy settings for infill sites using 'visually recessive', 'lesser height' built form requests adjacent to heritage buildings, with setbacks likely to create a missing tooth affect in the street.

At the southern side locations of 236, 234, 230, 232, 228 and 142 the prescribed building walls marked in yellow on Map are set too low with unhelpful 8 M setting back requirements.

It would be more appropriate to propose buildings heights for these (Map yellow) locations that are one and two storeys higher than adjoining buildings as it follows the existing historical pattern throughout the street (particularly on southern side) and require the building façade to

not set back and meet the street wall as all buildings have historically done so.

These limited number of infil sites on the south side with these modest height allowances would be in keeping with the established historical pattern in the street and importantly achieve your draft list of objectives listed (and would not overshadow Gertrude Street).

The yellow sites to the south could easily be considered 3 - 4 storey (rather than 'Must – 2 storey') to incorporate more building form to deliver more housing/mixed use and maintain a positive contribution to this well located transport rich location.

Appreciate your consideration of these matters and a revisit of the policy prior to further Council consideration and any future Standing Advisory Panel process.

Happy to meet on site and discuss.

Again thank you for your time last week.

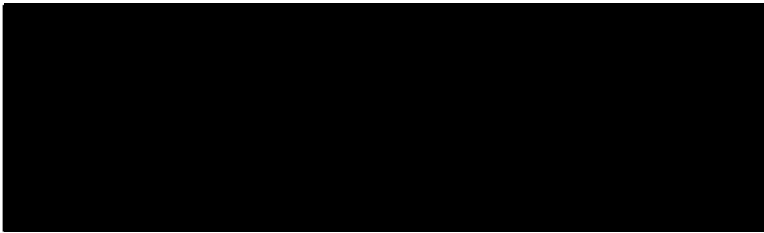
Thank you.

regards

[Redacted]

[Redacted]

[Redacted]



15 August 2025



Dear Sir/Madam,

ATTENTION: [Redacted]

SUBJECT: DRAFT YARRA PLANNING SCHEME AMENDMENT C271

This letter responds to the public notice regarding the proposed draft Amendment C271 with specific reference to the proposed Design and Development Overlay Schedule 31 (“DDO31”) in that draft amendment.

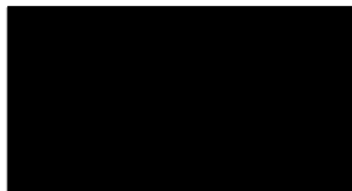
It is requested that this letter be considered as a submission to that Amendment C271 on behalf of [Redacted], the owner of 142 -144 Gertrude Street, FITZROY, for the past 30 years.

That property is currently developed with a double storey building with angled car parking off the laneway abutting the rear (south) boundary of the site. The building was constructed in the early 1970’s.

The following is an extract from Council’s web page that provides an overview of C271. The full document can be found at <https://www.yarracity.vic.gov.au/planning-and-building/future-yarra/planning-scheme-and-amendments/current-amendments/amendment-c271-fitzroy->

“Activity centres and mixed-use areas across the municipality are experiencing development pressure with the addition of mid-rise commercial development and apartments. They will continue to accommodate much of the municipality’s growth due to their proximity to transport infrastructure, shops and services making them the most suitable locations for development.

To manage this growth, the amendment seeks to apply the Design and Development Overlay (DDO) Schedules 29-40 to land in the Fitzroy and Collingwood Major and Neighbourhood Activity Centres on a permanent basis, delete redundant DDO Schedules 10 and 13, delete redundant DDO2 mapping, apply the Heritage Overlay to two places on



**Amendment C271
Yarra Planning Scheme**

a permanent basis, rezone several properties in the municipality and make other associated changes to the Yarra Planning Scheme.

The 12 proposed DDOs aim to provide a balanced approach, guiding different levels of potential development across Fitzroy and Collingwood activity centres, commercial and mix-use zoned properties.

The draft Amendment aims to ensure that new buildings and developments are sensitive towards heritage buildings and minimises impact on both residential and public spaces including:

- *backyards*
- *footpaths*
- *parks*
- *expanded street corners”.*

The main concern with C271 is the clear and stated intent of that Amendment to **ensure** (my emphasis) that new buildings and developments are sensitive towards heritage buildings and minimises impact on both residential and public spaces including:

- backyards
- footpaths
- parks
- expanded street corners.

This concern with C271 is what appears to be the total absence of any consideration by Yarra Council of the development pressures being experienced in activity centres and mixed use areas across the municipality with the addition of mid-rise commercial development and apartments.

Rather, the Council has determined that the priority of C271 is to ensure that any new development is sensitive to heritage buildings and residential and public spaces.

This letter is not producing yet further commentary on the nature of change experienced in the inner city areas in the majority of “first world” cities around the world. Suffice to say these are organic areas and change and evolve to the demands of the broader and local communities over time.

The Amendment documents do not provide any commentary on how the development pressures being experienced and identified by Council and specifically referred to in its overview of C271, associated mid-rise commercial development and apartments in Yarra’s activity centres.

The lack of any reference to such considerations in C271, is both baffling and disappointing.

The State Government, along with Melbourne’s inner-city Councils, on the one hand acknowledge that this form of development will continue to provide much of these municipalities’ growth due to their proximity to transport infrastructure, shops and services making them the most suitable locations for such development, as acknowledged by Yarra Council.

For example, the regular promotion of Smith and Brunswick Streets as recognised “world best precincts” for providing best inner-city experiences and neighbourhoods associated with metropolitan cities.

These inner-city precincts (activity areas) are not recognised as “best in class” entertainment and living precincts for their heritage buildings and the backyards of residential properties that have an interface with a car parks and service areas of commercial development on the other side of the service laneways servicing these commercial properties.

It is the eclectic mix and vibrant culture that has developed over the years and continues to evolve through changing demographics and functions of these areas that creates these interesting and active areas..

The drivers for change (development) across the activities areas in Yarra City can be managed by one of two ways.

From my many years in the planning profession and living in Fitzroy, I am coming to the firm view that there are two approaches to managing the expected increase demands for commercial and apartment type developments in the Council’ s activity areas. One is to simply introduce basic controls that limit the mass of the built form or alternatively, develop controls and supporting policies to ensure that there are detailed clear and coherent outcomes being sought for the activity areas. All new development in this scenario would need to demonstrate that the design process has addressed ALL the social, heritage and built form outcomes as detailed by Council.

As discussed below it is clear that Council has adopted the first of those two options.

COMMENT ON PROPOSED DDO 31.

Using the proposed **DDO31** as an example of the above, the proposed DDO simply identifies the heritage buildings to be “protected” and that any new development is subservient to that existing built form of those buildings and to treat the residential buildings at the interface of commercial and residential areas as having some form of priority rights at that interface.

Gertude Steet is a great and vibrant location , with many wonderful buildings, great transport options and access to a host of community infrastructure.

Using the provisions of Clause 54 or 55 of the Yarra Planning Scheme that deals with minimising the impact of overshadowing from new residential development, **DDO31** seeks to impose similar restrictions on commercial development on commercial zoned land to provide the same protections as if the land was zoned residential. The controls relating to rear walls and overshadowing are examples of this.

The existing streetscape along Gertude Street shows an established urban design pattern established in, particular along the southern side, where buildings in each block are one and two storeys higher than adjacent buildings.

This historical pattern does not include setting back higher levels of those buildings from the street wall or rear properties at the rear.

The proposed DDO's, including **DDO31** in Amendment C271 detail a very restrictive, negative approach to managing the anticipated future growth of the activity areas as detailed in Council's overview of Amendment C271.

For example the site at 142 – 144 Gertrude is developed with a two level non-contributory building as detailed in Council heritage study.

It has no heritage value. It has a site area of 427 square meters.

The proposed DDO31 provides for a maximum of three levels with the ground floor commercial or business.

The proposed mandatory setbacks in DDO31 results in the level 3 (maximum height) floor area of 172 square metres. Put another way, the proposed DDO31 removes over 60% of potential floor area for the level 3 of any future accommodation development.

This is just one example of the impact of the proposed provisions of the DDO's proposed in C271.

It is unclear how the Council's stated outcome sought through the C271 that :-

"They (the activity centres) will continue to accommodate much of the municipality's growth due to their proximity to transport infrastructure, shops and services making them the most suitable locations for development."

The proposed statutory set back from front street and rear wall will severely impact on the ability for these activity areas to *"continue to accommodate much of the municipality's to their proximity to transport infrastructure, shops and services making them the most suitable locations for development"*.

The fixation of Council on the heritage buildings to determine the new DDO's provisions results in extremely low built form requirements using recessive and aggressive setbacks which do not reflect the real and traditional built form diversity in Gertrude Street.

Furthermore, C271 appears to be based on the premise that the whole of the building/s on heritage identified site is/are "worthy of protection" and C271 has been designed solely on that basis.

It is submitted that a more balanced approach if giving a more robust analysis of the whole of the factors that create an inviting and invigorating streetscape, including the human scale and interaction and use of the street and services and activities, may result in a more responsive approach to managing the future built form that the Council has stated is keen to achieve.

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Again, the stated outcome sought by Council in preparing C271 to accommodate the identified continuing demand and growth that is being encouraged and expected in the Yarra activity areas has been lost, or at least overlooked, in the process of preparing C271.

The current approach is considered a poor and unbalanced outcome to that described by Council.

If the Council's position was to adopt / implement policies and controls to reduce the supply of commercial and apartment development in the activity areas then the proposed C271 would have a very high score in achieving such an outcome.

That is not what was intended or what the stated outcomes sought by Council as described by Council.

A committed approach to provide an opportunity for competent and site responsive design and built form ensuring the existing mix in the scale and style of the façades of the heritage buildings are retained and incorporated into any new development of say 5 levels.

This would provide opportunities for site consolidation to ensure there are sufficient floor areas to ensure a viable scale of future development whilst ensuring the integrity of the heritage features of the streetscape. An issue that I feel arises in many instances of the planning process is the goal of the project is lost due to the excessive energy and effort spent on ensuring the minutiae is observed to the highest level.

Yes protect the heritage fabric identified as a result of a thorough assessment applied when a State Heritage listing is being determined. The blanket approach that a strip of properties be included in a heritage precinct at the Local Level is often on the basis that the combined presentation of those buildings to the street is the driver for including those properties in that heritage precinct.

However, once the whole of the properties are included in the formal heritage overlay the original basis for the heritage classification is often lost.

The Council's Summary of the proposed new DDO's highlights this point. (Copy attached - Yarra Planning Scheme Draft Amendment C271yara Individual Design and Development Overlay (DDO) Summaries). This document at Page 3 of 12 refers to DDO31 and in respect to heights suggests that 4 level buildings are provided for blocks with greater depths. The extract below is that note.

"Note: 4 storeys / 14.4m is proposed for properties with greater depth. For these sites, visibility of the 4th level should be very minimal or placed behind the existing heritage form, including:

- 128 - 134 Gertrude Street,
- 158 - 164 Gertrude Street, and
- 169 - 171 Gertrude Street."

**Amendment C271
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It is assumed this allowance is provided as the mandatory setbacks proposed reduces the available floor area as you increase the number of levels in any new proposed development.

Again, in my opinion, most of the rear of these buildings identified in the whole of C271 have limited heritage value and, where there is a considered heritage value, it needs to be assessed against the other competing demands in these activity areas to accommodate the increasing demand for mixed commercial and apartment development.

The point being made is, again, these mandatory setbacks are proposed without any meaningful assessment of the sites apart from the area of the site and the height of on site existing, or nearby /adjoining heritage building/s.

No consideration appears to have been given to the possible consolidation of sites to get a better more practical floor plate for development, whilst protecting the heritage facades.

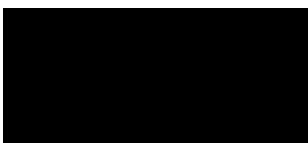
Again, the question of what does the building fabric add to the streetscape?? In my opinion the street facades are a major element to the great majority of persons driving or walking through the activity areas under investigations. A four or five level building behind the heritage facades would not detract from the experience of visiting the activity areas

In summary, the Amendment C271 has been prepared on a narrow assessment of the issues required to be assessed to develop a sound and positive response to the outcomes sought by Council.

In closing, it is requested that this submission is also requesting that an opportunity be provided for my client or their representative to make further representation at any future Standing Advisory Committee that may be appointed to consider the Amendment C271.

I will await your further advice in due course.

Yours sincerely



ENC.

From: [REDACTED]
Sent: Monday, September 1, 2025 4:09 PM
To: [REDACTED]
Subject: Gertrude Street proposed DDO31

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi City of Yarra Planning

Please find my feedback on proposed DDO31 planning control for Gertrude Street, Fitzroy.

I have been living in Gertrude Street for more than 10 years – it's a great place.

Draft DDO31 seems overly cautious and restrictive about any new buildings for the street particularly where non-heritage built form sites are located.

There are a range of building heights already in Gertrude Street which sit well together – yet the controls proposed want to force only one lower scale built form solution and with unnecessary 8M set backs on upper levels which would deter good urban form – and not match previous patterns of development.

I believe at least 3-5 storeys in each of the infill sites marked in yellow on the DDO31 Map should be considered appropriate.

The draft controls are too limiting and are not going to achieve the best outcomes for the street and for Melbourne as a vibrant and growing city.

The draft controls are not optimising the potential to deliver more housing in this great place where it is very well serviced.

There are many two storey buildings, however there are also buildings of three, four and up to five storeys which contribute positively to Gertrude Street – these are all modest heights.

Local building history has not been just low scale building everywhere, neither did the history pattern deliver upper storeys set-backs from neighbouring buildings – this is not suburbia!

Hope you are able consider these matters and can make changes to the policy prior to further Council consideration.

Thanks.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

23 December 2025

Strategic Planning Department
City of Yarra
PO Box 168
RICHMOND VIC 3121

Sent via email strategicplanning@yarracity.vic.gov.au

Dear Sir/Madam,

**Submission to Draft Amendment C271yara
230 Alexandra Parade, Fitzroy**

██████████ is the owner of the abovementioned land and this submission has been prepared in response to Draft Amendment C271 to the Yarra Planning Scheme.

Subject Site

The subject site comprises the land at 230 Alexandra Parade, Fitzroy and comprises the following land parcels: Lot 1 on Title Plan 398588; Lot 1 on Title Plan 330450; Lot 1 on Title Plan 837162; Lot 1 on Lodged Plan 21723; Lot 2 on Lodged Plan 21723; Lot 1 on Title Plan 514517; Lot 1 on Title Plan 643739; Lot 85A on PP2796; Lot 85B on PP2796; Lot 85C on PP2796; Lot 85D on PP2796.

Figure 1 – Aerial Photo of Subject Site



The subject site is an island site bound by Alexandra Parade to the north, Smith Street to the east, Cecil Street to the south and Gore Street to the west. The overall land parcel is approximately 4,900sqm.

The subject site is located towards the northern end of the Smith Street, Collingwood / Fitzroy Activity Centre (Clause 11.03-1L) where a wide range of urban infrastructure is provided. In terms of surrounding



development, buildings of varying heights and scales, with newer developments of up to 11 storeys in height exist within the immediate context.

Current Planning Scheme Provisions

Pursuant to the provisions of the Yarra Planning Scheme, the following provisions apply to the subject site:

- Commercial 1 Zone (Clause 34.01).
- Commercial 2 Zone (Clause 34.02)
- Design and Development Overlay Schedule 2 and Schedule 38 (Clause 43.02)
- Special Building Overlay (Clause 44.05)
- Environmental Audit Overlay (Clause 45.03).
- Development Contributions Plan Overlay Schedule 1 (Clause 45.06).

More specifically, we note:

Design and Development Overlay Schedule 2

Schedule 2 to the Overlay applies to 'Main Roads and Boulevards'.

It includes the following design objectives:

- *To recognise the importance of main roads to the image of the City.*
- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
- *To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To limit visual clutter.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

Design and Development Overlay Schedule 38

Schedule 38 to the Overlay identifies the site within the Alexandra Parade precinct and includes the following objectives:

- *To ensure development responds to the heritage character and varied streetscape of Alexandra Parade by supporting:

 - *a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall to the west of Emma Street on the south side and west of Hilton Lane on the north;*
 - *a new lower- to mid-rise character (ranging from 3 to 6 storeys) behind a consistent street wall between Emma and Charlotte Streets on the south side; and*
 - *a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall east of Gold Street on the north and south sides.**
- *To ensure development retains view lines to the Clifton Hill Shot Tower (municipal landmark) and maintains the prominence and integrity of corner heritage buildings.*
- *To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the prevailing character.*



- *To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on the opposite side of streets, central median of Alexandra Parade and public spaces.*
- *To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*

The Schedule provides the following built form parameters as relevant:

- Preferred building heights as follows:
 - Between 33.6m and 36 m (10 storeys) for the Commercial 1 Zone land
 - Between 33.6m and 36 m (9 storeys) for the northern portion of the Commercial 2 Zone land
 - Between 20.8m and 24m (6 storeys) in the south-west corner (Commercial 2 Zone land).
- Preferred street walls as follows:
 - A four storey street wall (14.4m) to the Commercial 1 Zone land fronting Alexandra Parade and the northern end of the Smith Street frontage
 - A four storey street wall (16m) to the Commercial 2 Zone land fronting Alexandra Parade and the northern end of the Gore Street frontage
 - A three storey street wall (11.2m) to the Commercial 1 Zone land fronting Cecil Street and the southern end of the Smith Street frontage
 - A three storey street wall (12m) to the Commercial 2 Zone land fronting Cecil Street and the southern end of the Gore Street frontage
- Upper levels above the primary and side street wall should be set back by a minimum of 3 metres.
- Upper-level setbacks above the street wall should be contained within a maximum of two steps.

New development should not overshadow:

- *the central median of Alexandra Parade at 12pm on 22 September;*
- *the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September;*
- *any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.*



Proposed Controls / Draft Amendment C271

The Amendment applies to land within the Brunswick Street and Smith Street Major Activity Centres, Johnston Street (west) and Gertrude Street Neighbourhood Activity Centres and nearby commercial and mixed-use zone areas in Fitzroy, Collingwood and Clifton Hill.

More specifically, the amendment proposes:

- Introduction of permanent Design and Development Overlay (DDOs) Schedules 29 - 40 to land within the Major and Neighbourhood Activity Centres and along areas of Alexandra and Victoria Parades in Fitzroy and Collingwood and to replace the current interim DDOs and permanent DDO Schedules 2, 10 and 13 where they would overlap with the new DDO schedules.
- Introduction of two new Heritage Overlays in Collingwood and Clifton Hill.
- Amendment to minor zoning errors in various locations.
- Introduction of local policy updates in Clause 11.03-1L Activity Centres.

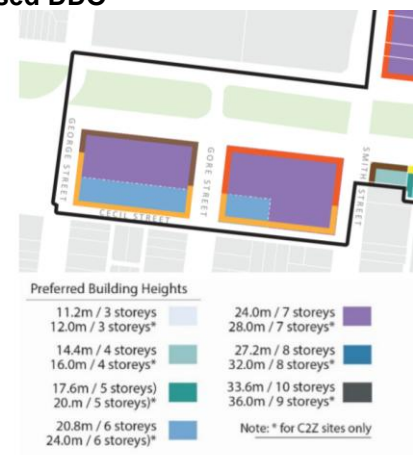
Within the exhibited documentation the following draft provisions are relevant:

- Updated Clause 11.03-1L Activity Centres
- New Design and Development Overlay Schedule 38

Current Interim DDO



Proposed DDO



As it relates to the subject site, Amendment C271 to the Yarra Planning Scheme seeks to introduce an amended version of DDO38 on a permanent basis. The amended version of DDO38 includes the following key changes compared with the current interim version:

- A reduction in the preferred building height from 9/10 storeys to 7 storeys (between 24 and 28 metres). The preferred building height in the south-west corner has been maintained at 6 storeys (between 20.8m and 24m).
- The preferred street wall heights have been maintained.
- Introduce a preferred upper level setback above the Smith Street street wall of 8 metres.
- The shadow requirements have been made mandatory.
- Revisions to drafting and formatting.
- Other design requirements



Submissions

Having reviewed Amendment C271 to the Yarra Planning Scheme and considered the implications for the subject site, we make submissions in relation to the following:

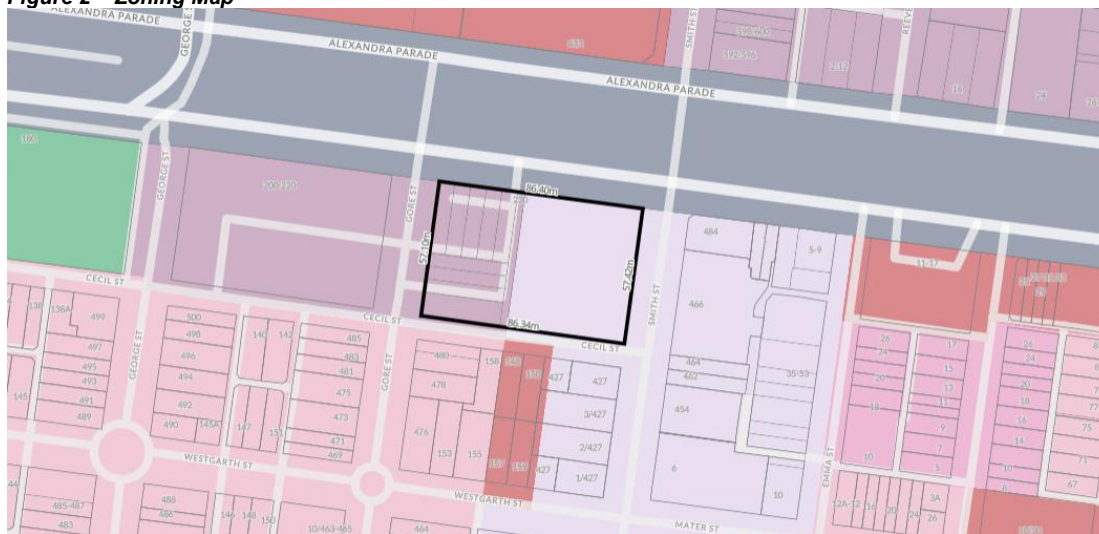
1. Rezoning - Correction of Zoning Anomaly
2. Proposed reduction in preferred maximum building height
3. Use of mandatory controls

A discussion in relation to each is provided as follows:

1. Rezoning - Correction of Zoning Anomaly

The subject land is located within two zones and represents a zoning anomaly which should be corrected as part of this amendment.

Figure 2 – Zoning Map



While the subject site includes multiple lots, the site is in single ownership and has been occupied and used by a single tenant (Officeworks) for over 30 years.

The principles of proper and orderly planning determine that the site should be included within a single zone.

Furthermore, the site shares many of the same characteristics as the other zoning anomalies identified in the 'Zoning Anomalies and Updates' document which supports the Amendment and forms part of the exhibited Amendment documents.

In our submission, the land is most appropriately included within the Commercial 1 Zone for the following reasons:

- The majority of the site is included within the C1Z.
- The remaining portion of the site within the C2Z belongs to an existing commercial use that forms part of the Smith Street retail corridor.
- Inclusion of the site within a single C1Z will enable its coordinated redevelopment and substantial provision for both housing and employment growth, consistent with State policy ambitions, the Yarra Strategic Framework Plan, and the role of Activity Centres more broadly.

For these reasons it is submitted that the land should be rezoned to the Commercial 1 Zone.



2. Preferred maximum building height

The proposed reduction in the preferred maximum building height is not supported.

The reduction in maximum building height to 7-storeys / 24 -28 metres is inconsistent with the Alexandra Parade Built Form Framework, which underpins the amendment, and reflects a preferred maximum building height of 10 storeys for the site.

It also unnecessarily diminishes the opportunity presented by the subject site given its size, limited constraints, island site context, its location along a boulevard and its proximity to the Gasworks Site. The reduction in the preferred height is directly at odds with State housing policy and the increasing demand for new housing in Activity Centres and well-serviced locations such as this.

The preferred ten storey / 33.6m and 36m maximum building height within the current interim DDO38 is an appropriate 'fit' and is consistent with the existing and emerging built form character of inner-urban activity centres, within Yarra and other parts of inner-Melbourne.

3. Use of Mandatory Controls

The use of mandatory provisions is not supported.

The Victorian Planning Provisions (VPP) are predominantly performance-based and rely on the principle that discretion should exist for most developments. Applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.

The key focus of the VPP is to establish a network of Major Activity Centres in areas that can accommodate ongoing investment in retail, office, service and residential markets, provide for a mix of activities, have the potential to support intensive housing developments, provide service and infrastructure and are identified as location for urban renewal.

Planning Practice Note 59 (PPN59) sets out that there are only a limited number of circumstances in which a mandatory control can be applied and provides criteria to be used to assess whether mandatory controls are appropriate.

Planning Practice Note 60 (PPN60) outlines 'exceptional circumstances' as circumstances where they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

'Exceptional' circumstances do not apply in this instance and the use of mandatory controls are not warranted having regard to the criteria within PPN59 and PPN60.

The current drafting of the interim DDO38, which reflects preferred overshadowing requirements, is sufficient to achieve the outcomes sought and should be retained.



We thank Council for the opportunity to participate in this process. Naturally, should you have any queries in relation to the submission, please do not hesitate to contact the undersigned.

Yours sincerely,



Director

On behalf of 