

YARRA PLANNING SCHEME

AMENDMENT C231

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Yarra City Council is the planning authority for this amendment.

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

Land affected by the Amendment

The Amendment applies to land in five precincts along Brunswick Street and Queens Parade, Fitzroy North and Clifton Hill between Alexandra Parade and Hoddle Street.

Precinct one	460-498 Brunswick Street 8-24 Queens Parade
Precinct two	26-88 Queens Parade 67-81 Queens Parade 472-484 Napier Street 157-177 Alexandra Parade 537-541 George Street
Precinct three	1-87 Queens Parade 652-668 Smith Street
Precinct four	89-197 Queens Parade 272-428 Queens Parade
Precinct five	199-271 Queens Parade 2-12 Dummett Crescent 501-513 Hoddle Street



The land affected by this amendment sits inside the areas marked in red

What the amendment does

The Amendment:

1. Introduces a Design and Development Overlay DDO16 to provide permanent built form controls along Queens Parade. These would replace the two interim controls that are currently in place along Queens Parade (DDO16 and DDO20);
2. Rezones land at 660-668 Smith Street and 1-41 Queens Parade from Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z)
3. Applies the Environmental Audit Overlay to land at 660-668 Smith Street and 1-41 Queens Parade
4. Introduces a new reference document into Clause 22.02 of the Yarra Planning Scheme called *Yarra High Streets: Statements of Significance* by GJM Heritage October 2017 (updated November 2017)
5. Makes a number of updates to the Heritage Overlay which are detailed below
6. Updates the Incorporated Document called Appendix 8 (which is the list of heritage gradings) to reflect the changes made to the heritage overlay.

Changes to the heritage overlay

- i. Applies a site specific heritage overlay (HO496) to 57-87 Queens Parade (the St John's Church complex) to provide for internal heritage controls on the organ
- ii. Applies a site specific heritage overlay (HO504) to 205-211 Queens Parade (former Clifton Motors Garage)
- iii. Applies the Heritage Overlay (HO498) to 472-484 Napier Street, Fitzroy North
- iv. Applies Heritage Overlay HO327 to the full extent of the Moderne façade of the former K.G. Luke factory site at 26 Queens Parade
- v. Applies the Heritage Overlay HO330 to include all of Raines Reserve
- vi. Deletes 201-217 Queens Parade and 10-12 Dummett Crescent from HO330
- vii. Deletes 390A Queens Parade and the rear of 304, 312 and 316 Queens Parade from HO327 (North Fitzroy Precinct), includes them in HO330 (Queens Parade Precinct) and gives them a heritage grading
- viii. Amends the heritage grading of the following properties:
 - a. 662 Smith Street (former Fire Station) from contributory to individually significant
 - b. 7-11 Queens Parade from contributory to not contributory
 - c. 137 Queens Parade from contributory to not contributory
 - d. Rear of 304 Queens Parade from ungraded to not contributory
 - e. Rear of 312 Queens Parade from ungraded to contributory
 - f. Rear of 316 Queens Parade from ungraded to not contributory
 - g. 350 Queens Parade from ungraded to contributory
 - h. 380 Queens Parade from ungraded to not contributory
 - i. 390A Queens Parade (two storey building in north-east corner) from ungraded to contributory
 - j. 390A Queens Parade (all other buildings except two storey building in NE corner) from ungraded to not contributory
 - k. 402 Queens Parade from contributory to not contributory
 - l. 88 Queens Parade from ungraded to not contributory

- m. 32, 33 and 34 Jamieson Street from ungraded to not contributory

Strategic assessment of the Amendment

Why is the Amendment required?

Council engaged Hansen Partnership (Urban Designers) and GJM (Heritage Consultants) to assist in the preparation of the controls. This amendment is required to implement the recommendations of the *Queens Parade Clifton Hill Built Form Review* prepared by Hansen Partnership and *Queens Parade Built Form Heritage Analysis and Recommendations* prepared by GJM.

The scale and density of development approved and currently being proposed along Queens Parade has increased significantly in recent years and Council wants to introduce built form controls to manage change along Queens Parade and guide the scale of future buildings to provide certainty about development outcomes.

The built form controls will be introduced through a Design and Development Overlay DDO16 to be included in the Yarra Planning Scheme. There will be minor changes to the Heritage Overlay including some changes to the heritage grading of some buildings which will be reflected in changes to the incorporated document in the planning scheme (Appendix 8).

Heritage buildings along Queens Parade are an important part of the character of the area and the controls have been designed to protect views to key historic landmarks and protect significant and intact streetscapes. There has been a detailed heritage review of Queens Parade undertaken by GJM Heritage Consultants which is one of the strategic documents that underpins the amendment. The GJM review has resulted in heritage being a significant driver of the planning controls.

The Environmental Audit Overlay (EAO) is required in order to address any site contamination issues to meet the requirements of Ministerial Direction No. 1 – Potentially Contaminated Land. The potential for contamination results from past industrial activities in the area. The rezoning of the land at 660-668 Smith Street and 1-41 Queens Parade from C2Z to C1Z would allow residential uses which are defined as sensitive uses by the Ministerial direction.

The introduction of an EAO would require an environmental audit to be undertaken on the land and for certificate or statement to be obtained from an environmental auditor in accordance with the *Environment Protection Act 1970*. The audit is carried out prior to the construction of the buildings and works in association with a dwelling or other sensitive use.

The rezoning of the land at 660-668 Smith Street and 1-41 Queens Parade is proposed facilitate renewal of that part of Queens Parade and Smith Street by providing opportunities for new housing and commercial development.

The controls will benefit the community because they provide certainty about future development outcomes.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by establishing planning controls along Queens Parade that provide for the fair and orderly use and development of land as they seek to facilitate future development demands while maintaining the heritage character of the street. They will provide an efficient and safe built environment for those that currently live, work and visit the area and for those that will do so in the future. Heritage has been an important consideration in preparing the planning controls which will ensure that those buildings which are of aesthetic, architectural and historical interest are conserved.

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

The Amendment is consistent with the overarching goal in the planning scheme to:

Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The Amendment is expected to generate positive social and economic benefits as it will facilitate development within a neighbourhood activity centre, providing opportunities for economic development, housing and employment growth. The Amendment will also respond to the local demand for housing and provide housing and employment in a location which has a good access to public transport infrastructure and community services.

It proposes to protect key views to landmark buildings and ensures that heritage is one of the key drivers of future built form.

Does the Amendment address relevant bushfire risk?

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

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with Ministerial Direction No. 1 in addressing the risk from Potentially Contaminated Land.

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes in section 7(5) of the *Planning and Environment Act 1987*. It has also been prepared in accordance with other relevant Ministerial directions.

The amendment has been prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to *Plan Melbourne 2017-2050*). *Plan Melbourne 2017-2050* identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the vision.

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

Direction 1.1 – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment seeks to strengthen the competitiveness of Melbourne's employment land. The amendment provides appropriate policy direction for the planning and development of the Queens Parade Neighbourhood Activity Centre to ensure that the activity centre continues to meet community needs.

Direction 5.1- Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport. The amendment will facilitate development within the Activity Centre which will improve local employment, housing and commercial opportunities.

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

The amendment supports and implements relevant objectives of the Planning Policy Framework (PPF) including:

Clause 11 – Settlement implements the key principles of *Plan Melbourne 2017-2050* which include providing housing choice by planning for expected housing needs and making that housing more affordable. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services. It encourages consolidation of residential activities within existing urban areas and development in existing residential areas. The amendment provides a framework for the orderly planning and high quality development of the Queens Parade Neighbourhood Activity Centre in a manner constant with the directions of *Plan Melbourne 2017-2050*.

Clause 15 – Built Environment and Heritage seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This clause also highlights the importance of ensuring the conservation of places which have identified heritage significance. The amendment supports this clause by developing planning controls which

have heritage as one of their primary considerations. The controls will see views to key heritage landmarks and intact streetscapes protected.

Clause 16 – Housing emphasises the importance of providing enough quality housing that meets the growing and diverse needs of Victorians in locations in or around activity centres. The location of this housing needs to offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in metropolitan Melbourne. The amendment provides strategic guidance about how to accommodate future housing growth at an appropriate scale in the activity centre.

Clause 17 – Economic Development seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and sustainability of commercial facilities. The amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centre.

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

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

The amendment will assist decision making in relation to development applications by council and will help people better understand what scale and type of development is appropriate in the activity centre. There are no changes to the Municipal Strategic Statement proposed by this amendment, but it nevertheless supports and implements the Local Planning Policy Framework (LPPF) by being consistent with the following clauses of the LPPF:

21.04-1 Accommodation and housing

Objective 1 - To accommodate forecast increases in population.

Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

21.04-2 Activity centres

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

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

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

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

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

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

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

Objective 7 - To encourage the arts and arts venues.

Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.

21.05-1 Heritage

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

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

Strategy 14.2 Support the restoration of heritage places.

Strategy 14.3 Protect the heritage skyline of heritage precincts.

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

21.05-2 Urban design

Objective 16 - To reinforce the existing urban framework of Yarra.

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

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

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

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

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

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

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

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

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

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

21.08 Neighbourhoods

The neighbourhood map for Clifton Hill identifies the spire of St John's Church as a landmark which should be protected. The planning controls in this amendment seek to protect the view of the St John's spire from relevant vantage points.

The land at 26-56 Queens Parade is identified as a site that should be developed in a way that contributes positively to the urban fabric and public domain of Yarra, and where it is subject to the Heritage Overlay, it should protect the heritage of the site and of the area. This amendment proposes controls for this site that allow redevelopment while protecting the heritage fabric.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment uses the most appropriate VPP tool to achieve its objectives. A Design and Development Overlay (DDO) is the best tool to control future built form. The amendment introduces a DDO which has been tested extensively to determine the most appropriate building and street wall heights and setbacks along Queens Parade. The Heritage Overlay (HO) is the best tool to manage and protect heritage. The HO in the area was implemented many years ago and the strategic work that underpins this amendment has re-examined the HO and made changes that include properties that were previously excluded, deleted properties that should not be included and made changes to the heritage grading of some properties.

The use of these tools by this amendment is consistent with the direction on the form and content of planning schemes.

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

Council has not sought the views of any government agencies such as Vic Roads or Yarra Trams as the amendment will not substantially affect the road network or the public transport network.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is consistent with the requirements of the *Transport Integration Act 2010* and will facilitate development outcomes along a tram route.

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

Resource and administrative costs

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

The new planning provisions will assist council as responsible authority in deciding development applications as they provide greater certainty as to the scale of future built form along Queens Parade. Council does not anticipate that there will be an increased number of applications as a result of the new controls; rather the controls will provide a more consistent assessment of planning permit applications.

Consequently, council does not anticipate that there will be higher administrative costs associated with implementing the new provisions or that there will be an impost on planning or heritage staff resources.

Where you may inspect this Amendment

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

Planning Counter Richmond Town Hall 333 Bridge Road Richmond	Bargoonga Ngangin Fitzroy North Library 182 St Georges Road Fitzroy North
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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection or on the City of Yarra website at www.yarracity.vic.gov.au/c231

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by Friday 16 November 2018.

A submission must be sent to:

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

Or via email: info@yarracity.vic.gov.au (please use Amendment C231 in the subject header)

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

⊗ directions hearing: Week commencing 18 March 2018

⊗ panel hearing: Week commencing 8 April 2019