

Ordinary Meeting of Council Agenda

**to be held on Tuesday 4 February 2020 at 7.00pm
Fitzroy Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

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Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Acknowledgment of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

3. Declarations of conflict of interest (Councillors and staff)

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of matters prejudicial to Council and/or any person.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

1. That the minutes of the:
 - (a) Ordinary Council Meeting held on Tuesday 26 November 2019;
 - (b) Ceremonial Council Meeting held on Thursday 28 November 2019;
 - (c) Ordinary Council Meeting held on Tuesday 3 December 2019; and
 - (d) Ordinary Council Meeting held on Tuesday 17 December 2019,be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- not raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Burnley Golf Course Discussion Paper	8	16	Sally Jones – Manager Recreation and Leisure Services
11.2 Appointment of Chair for Audit Committee	17	18	Ivan Gilbert – Group Manager Chief Executive Office
11.3 Proposed Discontinuance of Road abutting 25 Balmain Street, Cremorne	19	22	Bill Graham – Coordinator Valuations
11.4 Proposed Discontinuance of Road abutting 75-119 Cubitt Street, Cremorne	23	26	Bill Graham – Coordinator Valuations
11.5 Proposed Discontinuance of Road between 2 and 6 Fitzgibbon Street, Cremorne.	27	31	Bill Graham – Coordinator Valuations
11.6 Proposed Discontinuance of road abutting 12-20 Victoria Crescent, Abbotsford	32	36	Bill Graham – Coordinator Valuations
11.7 Heidelberg Road corridor - Local Area Plan and proposed building form and heritage protection	37	50	David Walmsley – Manager City Strategy
11.8 Appointment of Authorised Officers - Planning and Environment Act 1987	51	52	Ivan Gilbert – Group Manager Chief Executive Office

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 1 of 2020 - Proposal for Yarra City Council to Host the 2020 Australian Local Government Women's Association (ALGWA) Regional Conference	53	55	Misha Coleman - Councillor
12.2	Notice of Motion No. 2 of 2020 - Australian Citizen Julian Assange	57	58	Stephen Jolly - Councillor
12.3	Notice of Motion No. 3 of 2020 - Protection of the Grey Headed Flying Fox	59	62	Bridgid O'Brien - Councillor
12.4	Notice of Motion No. 4 of 2020 - Local Government Bill 2019	63	64	James Searle - Councillor

13. Urgent business

Nil

11.7 Heidelberg Road corridor - Local Area Plan and proposed building form and heritage protection

Executive Summary

Purpose

This report outlines the strategic planning work undertaken between Darebin and Yarra Councils that aims to set a common vision and key land use and planning directions for the Heidelberg Road Corridor between the Merri and Darebin Creeks in form of a local area plan.

Based on this work the report recommends that Council submit a request to the Minister for Planning to introduce interim Heritage Overlays to several properties and an interim Design and Development Overlay Schedule for the commercially zoned land along Heidelberg Road (within the City of Yarra).

Key Issues

Yarra's activity centres are identified as key locations for employment and residential growth in both State and Local Policy.

Land along Heidelberg Road in Fairfield and Alphington is experiencing development pressure due to its good access to Melbourne CBD, proximity to public transport and other employment and activity centres.

The communities in Fairfield and Alphington have expressed concerns about the scale and amount of development and have sought stronger planning provisions to achieve greater certainty and a balance between allowing some development, retaining a sense of place and protecting adjacent residential areas.

In response, officers have prepared a draft Local Area Plan and draft interim planning provisions for the Heidelberg Road corridor in conjunction with officers from Darebin Council. The Plan includes a strategic framework for the corridor and proposes the introduction of an interim Design and Development Overlay (DDO) for the Commercial 1 and Commercial 2 Zone areas and some Heritage Overlays along Heidelberg Road.

The provisions would be sought on an interim basis until such time as strategic planning work is completed by Darebin City Council so that Local Area Plan can be finalised and permanent planning scheme amendments can be prepared and exhibited for both Yarra and Darebin. That would then involve consultation with the local community as a standard planning scheme amendment process.

Financial Implications

The costs associated with obtaining expert advice assessing building form, heritage and traffic / access issues is within the 2019/20 Strategic Planning budget.

PROPOSAL

That Council request the Minister for Planning to introduce interim planning provisions, including a DDO and Heritage Overlay for the Heidelberg Road corridor through Yarra Planning Scheme Amendment C272.

11.7 Heidelberg Road corridor - Local Area Plan and proposed building form and heritage protection

Reference: D20/6667

Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report is to outline:
 - (a) the Background Issues and *Discussion Paper* and the *draft Local Area Plan* for the Heidelberg Road Corridor;
 - (b) the content of the draft interim heritage and built form provisions for the Commercial 1 and Commercial 2 Zone areas along the Heidelberg Road corridor (within City of Yarra);
 - (c) the process for requesting interim provisions (i.e. a request for a Ministerial amendment to the Yarra Planning Scheme through under Section 20(4) of the *Planning and Environment Act 1987*); and
 - (d) how permanent provisions would be progressed in collaboration with Darebin City Council.

Background

Managing Growth in Yarra's activity centres

2. Demand for housing within the City of Yarra is high due to its proximity to employment and public transport and Yarra's heritage character, amenity and cultural offerings. State and Local policy support directing employment opportunities and higher density housing to activity centres. Council's adopted *Housing Strategy 2018* sets out Council's approach for managing population and housing growth across the municipality.
3. Yarra's communities acknowledge a need for a degree of change to accommodate growth. However, the community place great importance on planning provisions that better manage change and provide as much certainty as possible about future development outcomes. This includes ensuring a balance between maintaining heritage fabric in the shopping centres and protecting sensitive residential interfaces whilst guiding new development.
4. In response, Council has been progressively introducing interim planning provisions across activity centres to improve guidance for the development occurring in activity centres.

The Heidelberg Road Corridor Local Area Plan (HRCLAP)

5. The former Alphington Paper Mill site (APM) is a significant redevelopment site referenced in *Plan Melbourne* and marked as a high change area. Redevelopment is guided by a site specific Development Plan Overlay and an approved Development Plan. Redevelopment of this site will see a very significant increase in the local population and housing and an expanded economic role of the Heidelberg Road *Neighbourhood Activity Centre*. The APM site is a strategic site where the major growth and change will occur along the corridor. The site will accommodate the tallest forms of buildings along the corridor and it is intended that the other development areas will be lower in height and subservient in their proposed height and scale.

Discussion

6. The local community and representatives on the Council Community Reference Group (CRG) for the former Amcor site, raised concerns about the developments being proposed outside the APM site along Heidelberg Road and requested Darebin and Yarra Councils undertake strategic planning work to prepare new planning provisions to better guide development and provide greater certainty to the community.

7. Darebin and Yarra City Council CEO's agreed to commence a joint strategic planning study for the Heidelberg Road corridor to provide a common strategic basis for a Local Area Plan and new planning provisions. A collaborative approach has assisted achieving coordinated outcomes between Councils.
8. To overcome the differences in resource commitments and timing between Darebin and Yarra City Council, the approach has been to prepare a common strategic framework, (the Local Area Plan), for the Heidelberg Road Corridor and for Yarra to commence detailed work on built form and heritage provisions for those areas within the Yarra municipality.
9. It is not proposed to change the boundaries of the APM development area. The APM will continue to be guided by what is affected by the current Development Plan Overlay.

Approach

10. The projects outlined in this report consist of two components:
 - (a) a Background Issues and Discussion (the Paper); and
 - (b) the Heidelberg Road Corridor Local Area Plan (HRC LAP), both undertaken in conjunction with officers from the City of Darebin.
11. Detailed built form and heritage assessments undertaken by the City of Yarra, with City of Darebin input includes:
 - (a) urban context analysis;
 - (b) heritage report;
 - (c) transport report;
 - (d) Built Form Framework, Design Strategy and Recommendations; and
 - (e) preparation of interim Heritage Overlays and an interim Design and Development Overlay.
12. Yarra's detailed built form, heritage and transport work is focused on the commercial zones in the three precincts identified in the Local Area Plan along the south side of Heidelberg Road.
13. All the work considers but does not propose changes to the approved Development Plan for the APM site.
14. The overall project and the draft Paper was discussed with the Alphington Paper Mill Community Reference Group (APM CRG). Subsequently, the Alphington-Fairfield Appropriate Development Association (AFADA) has responded to the Paper and provided comments in a written submissions.
15. The key points made by the community included:
 - (a) support urgent introduction of interim planning provisions;
 - (b) mandatory heights, generally 4 storeys and 5 storeys on larger sites (+1,000 sqm);
 - (c) transitional rear setbacks, based on 2 storey podium height, dependent on rear interface/overshadowing impact);
 - (d) change designation in Yarra Housing Strategy from 'moderate' to 'incremental';
 - (e) see higher ESD standards;
 - (f) no roof tops terraces;
 - (g) no on-street parking permits for new residents;
 - (h) change some rear lots associated to Heidelberg Rd frontages from C1Z to NRZ;
 - (i) heritage protection for some sites (all within residential land, not within C1Z), and
 - (j) upgrades to bike paths, street furniture, some intersections and public transport.

Scope and study area

16. The Heidelberg Road Corridor between the Merri and Darebin Creeks marks the municipal boundary between the cities of Darebin and Yarra.
17. The Local Area Plan has considered a wider study area including residential land along the Heidelberg Road Corridor generally between the Merri and Darebin Creek and the Hurstbridge Railway Line and Yarra River.
18. The primary focus of the Discussion Paper and HRC LAP has been the commercial and industrial zone land adjoining Heidelberg Road in both Darebin and Yarra. The context plan below (see Figure 1) shows the study area, the three precincts identified and some of the key features along the corridor.
19. The boundary of Precinct 3: Heidelberg Road Neighbourhood Activity Centre, is consistent with the boundary in the study *Activity Centres – Roles and Boundaries, March 2018*, which includes land at 512 Heidelberg Road, west of the Chandler Highway.

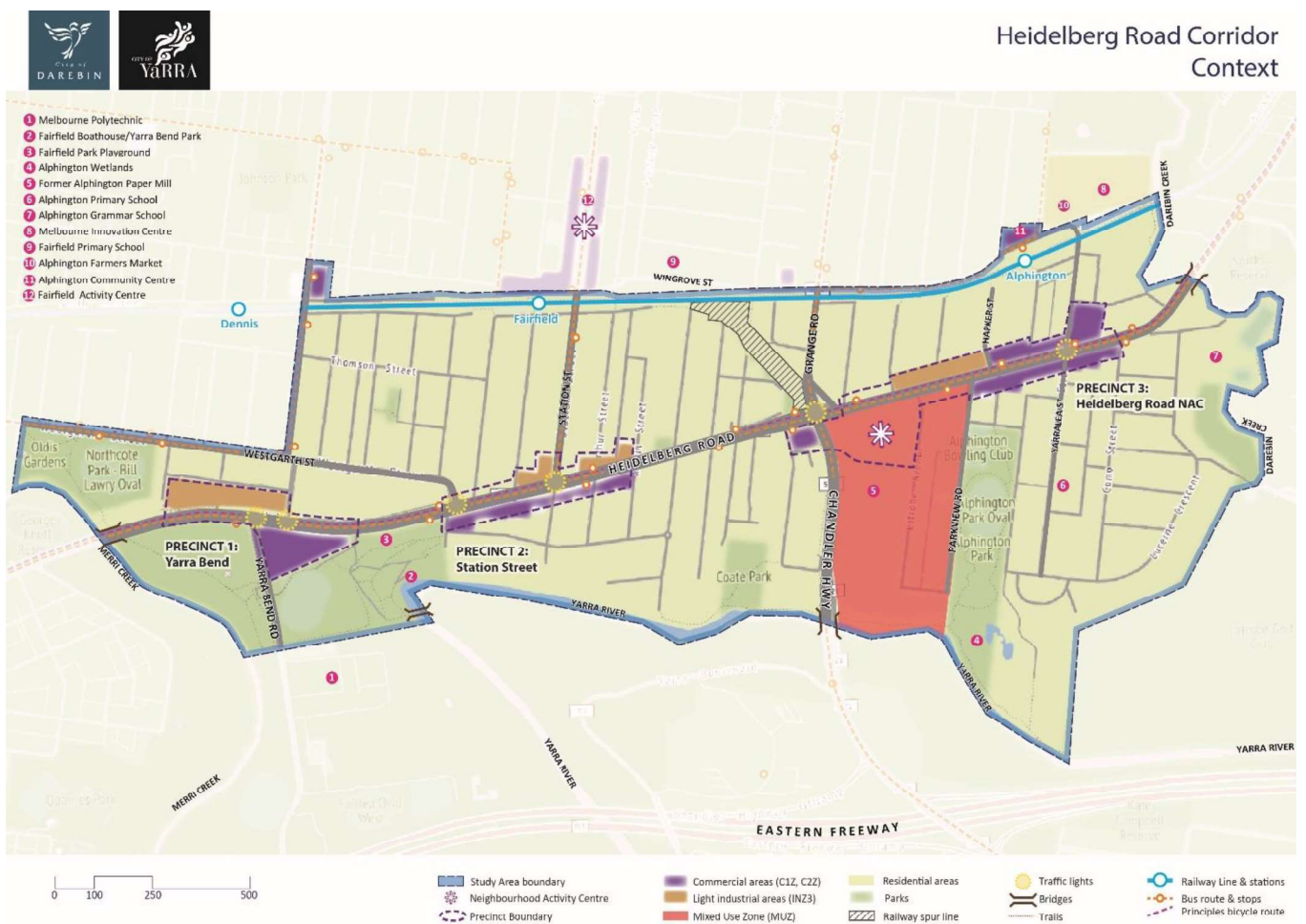


Figure 1: Heidelberg Road Corridor Context

Heidelberg Road Background and Discussion Paper

20. The Paper provides an understanding of the existing context and main issues along the Heidelberg Road Corridor based on information from existing policies, strategies, and workshop discussions between Darebin and Yarra officers and verbal and written submissions from the APM CRG and AFADA.
21. The Paper identifies three precincts along Heidelberg Road (see Figure 1 and Attachment 1):
 - (a) Precinct 1 – Yarra Bend;
 - (b) Precinct 2 – Station Street; and

- (c) Precinct 3 – Heidelberg Road Neighbourhood Activity Centre (not including the APM land).

22. Table 1 below provides a summary of the matters considered in the Paper:

Table 1: Heidelberg Road Background Issues and Discussion Paper - Key Findings

Issues	Key Findings
Economic	<ul style="list-style-type: none"> • Investigate the options for the future development and zoning of industrial land in City of Darebin. • Consider applying the C1Z to the Alphington Village (the retail core of APM) to replace the existing Mixed Use zone with no change to the existing DPO approved Development Plan (not part of this proposal).
Population, Community Facilities and Housing	<ul style="list-style-type: none"> • Housing affordability is an issue, common to Melbourne. The APM redevelopment would contribute approximately 2,500 dwellings with a mix of apartments and town houses to the local area. • As part of the APM redevelopment new community facilities will be provided and located within the APM site.
Transport and Movement	<ul style="list-style-type: none"> • High vehicle traffic volumes and the width of Heidelberg Road exacerbates the disconnection and barriers between the north and south side of Heidelberg Road. • Limited bus operation hours and poor services make use of bus public transport unattractive. • The corridor has good access to the rail network. • The APM redevelopment, in conjunction with Darebin Council will contribute to improvements in pedestrian and cycling connections. • Bicycle lanes on Heidelberg Road are unsafe. • Walking environment along Heidelberg Road can feel unsafe and has poor amenity due to limited pedestrian crossings, short duration of pedestrian light cycles, fast moving traffic, and the lack of separation from traffic. • A Public Acquisition Overlay (PAO) affects the corridor and if implemented for vehicle traffic would further exacerbate the issues.
Public Realm and Built Form	<ul style="list-style-type: none"> • There is a lack of landscaping along Heidelberg Road creating a harsh environment that can make walking and cycling uncomfortable. • No built form planning provisions are in place to guide development which can lead to poor development outcomes and uncertainty in planning decisions. • Some development proponents use the APM as a benchmark, leading to out of scale proposals being lodged for consideration. • Each precinct lacks a strong urban design identity.
Open Space and Environment	<ul style="list-style-type: none"> • Improved connectivity across Heidelberg Road would make open space to the south more accessible. • Lack of canopy trees along Heidelberg Road exacerbates the heat island effect along the corridor.

Heidelberg Road Corridor Local Area Plan

23. The LAP proposes a vision for the Heidelberg Road Corridor and its three precincts. It outlines a set of overarching directions, outcomes and objectives to achieve the vision. Strategic actions guide the realisation of the vision.
24. The proposed Vision for the LAP is '*A better connected community, more diverse business activity and greener, quality streetscapes in Heidelberg Road's precincts.*' It aims to provide a guide for how future development and changes within the three precincts along the corridor can achieve the vision.
25. The framework directions are:
 - (a) allow a greater land use diversity across the corridor;
 - (b) advocate for better public transport services;
 - (c) increase cycling and walking connections and route safety;
 - (d) improve housing diversity and affordability;
 - (e) improve the public realm in each precinct;
 - (f) create a stronger place identity in each precinct; and
 - (g) allow moderate levels of change, sensitive to the adjacent residential areas and heritage fabric.
26. The key outcomes and objectives in the LAP are summarised in Table 2 below:

Table 2: Heidelberg Road Corridor Local Area Plan – Key Outcomes and Objectives

Diverse economic activity	Community well-being	Improved active transport services and accessibility	Individual precinct identity
Attract a wide range of businesses now and into the future.	Support locating community services closer to the area of need.	Improve public transport services to and along Heidelberg Road.	Create a more pedestrian-oriented, attractive and safe public realm.
Ensure employment-generating land uses are attracted to and retained within the corridor.	Increasing housing diversity and affordability.	Improve access to existing public transport	Ensure public realm and built form achieve a stronger place identity for each precinct.
	Pursue new green space opportunities north of Heidelberg Road.	Increase connections and safety for bike riders.	Ensure new development is sensitive to adjacent residential areas.
		Increase number of pedestrian crossing points along Heidelberg Road.	
		Increase safety for pedestrians.	
		Minimise pressure for parking in residential areas adjoining Heidelberg Road.	

Reduce or limit vehicle crossovers onto Heidelberg Road to minimise conflicts with pedestrians / vehicles.

27. Key strategic actions from the LAP include:
- (a) each Council to prepare built form frameworks and planning scheme provisions;
 - (b) advocate for improved transport and traffic conditions along the corridor including walking and cycling infrastructure and public transport service and facility improvements;
 - (c) support a range of housing forms and affordable housing in new development;
 - (d) investigate streetscape improvements in key precincts; and
 - (e) investigate zone changes in some locations on the northern (Darebin) side of the corridor.
28. An overview of the issues, framework, opportunities and improvements maps strategic actions (and the interim DDO control maps) is provided in **Attachment 1**.
29. The full Background Paper is in **Attachment 2** and the Local Area Plan is in **Attachment 3**.
30. Alongside the overarching strategic work, Yarra investigated heritage, transport and built form matters to inform the draft built form provisions.
- Heritage Report
31. Yarra commissioned a heritage report which investigated potential gaps in local heritage significance and planning scheme protection. This work was in two stages:
- (a) the *Heidelberg Road Heritage Review (Stage 1) 2019 RBA Architects* (see **Attachment 4**) made a preliminary assessment of heritage places and a built form review which provided input into the Built Form Framework; and
 - (b) the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (recommendations & citations for proposed heritage overlays)* RBA Architects finalised the recommended additions to the Heritage Overlay and provided the citations for each of the proposed Heritage Overlays (see **Attachment 5**).
32. The Heidelberg Road corridor has relatively little heritage building stock. The heritage reports recommend five additional properties in three new Heritage Overlays and provides heritage related recommendations and built form guidance for these places and two existing Heritage Overlays:
- (a) New **HO510** – 358 Heidelberg Road, Fairfield – Garage – car repairs and dwelling;
 - (b) New **HO511** - 730-734 Heidelberg Road, Alphington – three shops;
 - (c) New **HO512** - 760 Heidelberg Road, Alphington – former shops;
 - (d) Existing **HO71** – Former Butcher Shop, 756-758 Heidelberg Road, Alphington (HO71); and
 - (e) Existing **HO421** – Porta Factory, 224 Heidelberg Road, Fairfield.
33. The built form guidance for these proposed and existing heritage places has been used in the proposed built form framework. These included the visibility of the brick chimney at the Porta site and setbacks above the heritage street walls of 6 metres to create a sufficient separation between upper level development and heritage fabric below.
34. Other properties fronting Heidelberg Road that were considered, but did not meet the threshold for local heritage protection, is given at Section 4.3 and 4.4 of the Stage 1 report.

35. The property at 2 Killop Street, Alphington is proposed to be removed from the existing Heritage Overlay (Alphington East Precinct HO362). The dwelling which occupies 2 Killop Street is a late 20th Century structure which does not contribute to the Alphington East Precinct which is 'largely characterised by Victorian, Edwardian and Interwar houses with pitched, gabled or hipped roofs.' The Stage 1 Heritage Report concludes at page 13:

"The building is not related to the significance of the precinct (HO362) and should be omitted."

Transport Report

36. The transport report (see **Attachment 6**) analyses the existing and future movement and access conditions within the three precincts. Based on the analysis, it makes recommendations on the location of preferred vehicle access and provides advice on the content of the proposed built form control,
37. Key recommendations are to:
- (a) avoid vehicle access from Heidelberg Road;
 - (b) support pedestrian friendly development;
 - (c) provide the required car parking amounts on development sites;
 - (d) utilise side streets and laneways where possible; and
 - (e) support the improvement of key intersections for pedestrians and cyclists.

Built Form Framework

38. The built form analysis for the three commercial precincts on the south side of Heidelberg Road consists of two reports.
39. The *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis - Hodyl & Co, July 2019* (see **Attachment 7**), provides an in-depth analysis of the urban context, recognising the parklands, sensitive residential properties, urban design conditions and heritage advice.
40. The *Heidelberg Road Built Form Framework – Design Strategy & Recommendations - Hodyl & Co, September 2019* (see **Attachment 8**), formulates a design strategy and outlines the approach used for preparing built form recommendations for each precinct. This was used to guide proposed built form planning scheme provisions and respond to the relevant issues and actions in the Discussion Paper and LAP. The heritage advice discussed above has informed the built form framework.
41. The proposed provisions aim to balance heritage values, rear residential interface impacts and development opportunities. Key factors to determine the potential built form envelope were:
- (a) a street wall height that provides a sense of enclosure to the road without being overwhelming;
 - (b) overshadowing of rear residential properties to comply with ResCode;
 - (c) visibility of building bulk from the front and rear;
 - (d) existing and proposed heritage fabric;
 - (e) VCAT decisions; and
 - (f) property lot depths and size.
42. The Built Form Framework uses the same precincts as those in the LAP but splits Precinct 3 into two parts:
- (a) Precinct 3A deals with a single large site between Chandler Highway and Coate Avenue (572 Heidelberg Road) which has been the subject of a recent VCAT decision; and

- (b) Precinct 3B deals with land east of the APM land from Parkview Road to Como Street.
43. The recommended building height provisions generally range between 4 to 6 storeys, depending on lot depth, rear interface context, existing recent developments and heritage fabric. The 8 storey maximum at Precinct 1 and Precinct 3A are the exceptions.
 44. The tallest forms of up to 8 storeys are proposed at the Porta site in Precinct 1 and in Precinct 3B. Heights ranging between 4 to 6 storeys are proposed in other precincts. Street wall heights range between 2 to 4 storeys. Requirements for ground floor rear setbacks are recommended where the adjoining dwelling is located within 15m of the lot boundary.
 45. The Porta site is large and relatively unconstrained, with two road frontages and very limited residential interfaces. It is identified as a strategic development site in the Yarra Planning Scheme (Porta Pty Ltd at the SE corner of Yarra Bend Road). The main sensitivity for this site is the adjoining Yarra Bend parkland and the heritage fabric of the factory and brick chimney. Requirements and guidelines are proposed to include ground floor and upper level setbacks towards Heidelberg and Yarra Bend Road, a mix of building heights and forms, the parkland and retaining key views to the chimney from Jeffrey Street, Yarra Bend Road and the rear parklands. Street wall heights are recommended to be 4 storeys but discretionary, which allows a more nuanced transition down towards the heritage factory.
 46. Precinct 2 is a non-residential precinct and recommended maximum heights range between 5 and 6 storeys. Some commercial properties front both Heidelberg Road and Park Crescent. The proposed interim DDO18 includes provisions and controls to ensure a transition to the otherwise residential street of Park Crescent. This includes controls and provisions regarding a low street wall, setbacks above and addressing residential interfaces. The precinct also includes a proposed interim heritage overlay, which has limited development opportunity due to the existing building footprints.
 47. The Precinct 3A land adjoins residential areas and has been the subject of a recent VCAT decision which refused a development proposal of 13 storeys. Evidence prepared on behalf of the City of Yarra at the VCAT hearing recommended a height of 8 storeys with the height and bulk of a development transitioning down towards Coate Avenue and adjoining residential interfaces, including ground floor setbacks. This approach has been tested further in the built form framework.
 48. In Precinct 3B, the site at 700-718 Heidelberg Road between Parkview Road and Park Avenue was also subject to a recent VCAT decision. The proposed 8 storey development was reduced to 5 storeys by VCAT, with the decision noting that design flaws resulted in a height reduction. The decision indicated that the large site could accommodate a higher form, subject to better design.
 49. 700-718 Heidelberg Road is a larger site in comparison to others in the precinct, but it is not listed as a strategic site in the Planning Scheme like the Porta site in Precinct 1. It is recommended to make a distinction based on the lack of Planning Scheme designation and the former APM site being able to accommodate sufficient housing growth in Precinct 3B. A maximum of 6 storeys is recommended for the site.
 50. Lower heights and more constrained built form of up to 5 storeys is recommended between Park Avenue and Yarralea Street, Alphington (in the centre of Precinct 3B), partially due to the location of a number of existing and proposed heritage places and a finer grain lot pattern. A lower street wall of 2 storeys is proposed to assist retaining a more intimate character for the centre.
 51. East of Yarralea Street, allotments are larger. A 12 metres wide Public Acquisition Overlay (administered by VicRoads) reduces the potential for development. Due to the sensitive residential interfaces directly abutting these sites, a maximum height of 5 storeys is recommended. The street wall height is recommended to increase to 4 storeys to provide for a stronger sense of enclosure as occurs with the development on the corner of Como Street.

Proposed Built Form Provisions – Interim Design and Development Overlay 18

52. The Draft Interim DDO18 (see **Attachment 9**) proposes a mix of mandatory and discretionary height limits, upper level setbacks and street wall requirements which are designed to achieve these objectives. The provisions are summarised in **Table 3** and the proposed interim provision maps are in **Attachment 1**:

Table 3: Summary of proposed building form requirements in the proposed interim DDO

D = Discretionary

M = Mandatory

Requirement	Precinct 1 – Yarra Bend	Precinct 2 – Station Street	Precinct 3A – Coate Avenue (572 Heidelberg Road)	Precinct 3B – Heidelberg Road NAC
Ground floor setbacks - front	3m to Heidelberg Rd and Yarra Bend Rd – M	3m to Heidelberg Rd and Park Cres – D	3m to Heidelberg Rd – M 4.5m to Coate Ave – M	3m Parkview Rd to Park Ave – D; 0m Park Ave to Yarralea St – D PAO of 12m between Yarralea St to Como St (M)
Street Wall Heights	4-6 storeys to Heidelberg Rd – D	4 storeys to Heidelberg Rd – M 2 storeys – M to Park Cres	4-8 storeys to Chandler Hwy & Heidelberg Rd – M 3 storeys Coate Ave - M	4 storeys between Parkview Rd to Park Ave – M 2 storeys between Park Avenue to Yarralea Street – M 4 storeys – M east of Yarralea St
Upper level setbacks	6m – M	6m from frontage streetwall (Heidelberg Rd and Park Cres) and 3m from other side street – M	6m from Heidelberg Rd streetwall – D 10 metres from Coate Ave streetwall, further 10 metres above secondary street wall – M	6m from frontage streetwall – M 3m from side street – D
Overall Heights	8 storeys (Porta) - M	5-6 Storeys – M	8 storeys – M Note: at corner of Heidelberg Rd & Chandler Hwy	6 storeys Parkview Rd to Park Ave – M Note: NRZ requirements still apply to relevant parcel 5 storeys east of Park Ave – M
Rear Interface	3m setback from parklands – M	8m boundary wall height – D Envelope to be	8m boundary wall height – D Envelope to be	8m boundary wall height – D Envelope to be

	4 storeys height at park interface – M Envelope to be contained within 45 degree angle above – M	contained within 45 degree angle above – M	contained within 45 degree angle above – M	contained within 45 degree angle above – M Note: NRZ requirements still apply to relevant parcel
Design Requirements	View lines and setbacks from heritage place	No setback for heritage place at Panther Place	Setbacks vary from Coate Ave and rear interface	Setbacks and building form are influenced by the related PAO and VicRoads requirements for the areas covered by the PAO.

53. See Attachment 2 for a map of recommended street wall heights and overall building heights.

Next Steps

54. The Paper and draft Local Area Plan (LAP) have been prepared by officers from the City of Darebin and Yarra. It is proposed that the draft LAP would be used as an interim position until Darebin City Council has prepared its economic analysis and detailed built form work. After such time, the intention is to update the LAP and jointly consult/exhibit planning scheme amendments proposing permanent planning provisions.
55. The LAP would be implemented collaboratively between the two Councils and/or with state agencies, for example advocating for improved bus services. Other projects, such as preparing built form provisions or streetscape upgrades, would be undertaken individually with Councils keeping each other informed.

Request interim amendment – C272

56. Consultant reports and other formal planning scheme amendment documentation has been finalised.
57. Should Council chose to adopt the amendment, the necessary documentation (see **Attachment 10**) would be sent to the Minister for Planning.

Future permanent planning provisions

58. Once Darebin City Council has conducted necessary background work, it is envisaged to undertake a joined consultation effort to finalise the HRC LAP and for Yarra City Council to pursue permanent built form provisions.

External consultation

59. Council officers have consulted with Darebin City Council including:
- (a) Strategic Planning;
 - (b) City Design;
 - (c) Economic Development;
 - (d) Sustainable Transport;
 - (e) Traffic Engineering; and
 - (f) Community Wellbeing.
60. Council officers also sought input from the Department of Transport to understand the status of the Public Acquisition Overlay. It was advised that the likely intention is to retain the PAO.
61. Council has also briefed the APM CRG (which includes local groups WARI, SAFCA, APMAG).

62. Representation from the Alphington Fairfield Appropriate Development Association (AFADA) was also present at the APM CRG meeting. Written submissions were received from AFADA and residents following the Community Reference Group briefing.
63. The submissions were considered in preparing the Paper, HRC LAP and built form provisions.

Internal Consultation (One Yarra)

64. Internal consultation has included:
 - (a) Urban Design;
 - (b) Economic Development;
 - (c) Strategic Transport;
 - (d) Senior Heritage Advisor
 - (e) Traffic Engineering;
 - (f) Open Space; and
 - (g) Community Infrastructure Planning.

Financial Implications

65. The cost of work involved in preparing the current proposals is within the Strategic Planning budget.

Economic Implications

66. The proposals support Council's *Spatial Economic and Employment Strategy 2018* by providing moderate scale redevelopment on commercial zone land which could provide additional floor-space for offices and retail activities. The C2Z land between Panther Place, Station Street and Austin Street (Precinct 2) is retained and provides scope for increased office space and other commercial activity, but excludes apartment redevelopment.
67. There are no economic implications for requesting the Minister for Planning to introduce interim DDOs.

Sustainability Implications

68. The Paper and draft LAP include directions, desired outcomes, objectives and actions which would improve sustainability through improved access to services and open space, potential public realm improvements, the protection of access to sunlight and improved access to public transport.
69. There are no sustainability implications for requesting the Minister for Planning to introduce interim DDOs.

Social Implications

70. The building form proposals aim to improve conditions for pedestrians along Heidelberg Road.
71. There are no specific social implications for requesting the Minister for Planning to introduce interim DDOs, however, they would provide increased certainty to the community around the future built form in the area.

Human Rights Implications

72. There are no particular human rights implications anticipated.

Communications with CALD Communities Implications

73. CALD communities would be considered as part of the future proposed consultation.

Council Plan, Strategy and Policy Implications

74. The proposals are both consistent with and help to implement the Council Plan 2017 – 2021. Strategy 4.2 is to '*Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing*' and through Initiative 4.2.9 '*Develop planning controls for Heidelberg Road, Alphington in conjunction with Darebin Council.*'
75. The proposals are also consistent with the objectives and policy in the *Yarra Housing Strategy 2018* and the *Spatial Employment and Economic Strategy 2018* because they direct moderate scale growth to the commercial zones in the corridor and seek to strike a reasonable balance between growth and protecting heritage buildings, character and the amenity of the adjoining residential zones.

Legal Implications

76. There are no particular legal implications from the proposals. The proposed interim Amendment C272 would be sought from the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 (the Act).

Other Issues

77. The proposals are unusual because they involve a corridor which is split by the Yarra / Darebin municipal boundary. The current proposals aim to address this by preparing a Local Area Plan (LAP) and Discussion Paper which apply to both the Darebin and Yarra parts of the corridor. Adopting them as an interim position would allow their formal utilisation to inform the built form framework. The proposed interim provisions in Amendment C272 would apply to the Yarra Planning Scheme.
78. It is anticipated that once Darebin City Council has completed the preparation of land use and built form investigations, both Council could coordinate a joined consultation effort to finalise the LAP and align permanent built form provisions for the Heidelberg Road Corridor, as needed.

Conclusion

79. The *Heidelberg Road Background and Discussion Paper 2019* and the draft *Heidelberg Road Corridor Local Area Plan* have been developed in a collaborative process between Darebin and Yarra Council officers. They assist communicating existing issues and propose common directions and outcomes for future improvements. They provide a strategic justification for the proposed interim built form provisions for the City of Yarra areas of the corridor.
80. **Amendment C272 seeks to introduce interim provisions which provide balanced guidance for the City of Yarra areas along the Corridor while permanent provisions would be prepared, exhibited and reviewed in the future.** In particular, the provisions include a mix of mandatory and discretionary requirements which would reduce the risk of amenity impacts at the interface between the commercial and residential zones and provide greater planning certainty.
81. Seeking the introduction of the proposed Heritage Overlay and Design and Development Overlay schedules as interim provisions by the Minister for Planning under Section 8(1) b and Section 20(4) of the *Planning and Environment Act 1987* would be the quickest way of introducing necessary planning provisions while additional strategic studies are undertaken.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
 - (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
 - (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the *Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)* and the associated *Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)*; and
 - (d) endorse for the purpose of Amendment C272 the *Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)*, the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)*, the *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)* and the *Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)*.
2. That Council:
 - (a) resolve to seek Interim Design and Development Overlays to enable improved management of new development proposals along the south side of Heidelberg Road as outlined in the report;
 - (b) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) (**Attachment 10**) under S 20(4) of the Planning and Environment Act 1987; and
 - (c) note that a further report will be provided to Council regarding finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, once Darebin City Council has finalised similar proposals.

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Attachments

- [1](#) ⇨ Attachment 1 - Heidelberg Road Corridor Local Area Plan Overview
- [2](#) ⇨ Attachment 2 - Draft Background Issues and Discussion Paper
- [3](#) ⇨ Attachment 3 - Heidelberg Road Local Area Plan Draft
- [4](#) ⇨ Attachment 4 - Heidelberg Road Heritage Review Stage 1
- [5](#) ⇨ Attachment 5 - Heidelberg Road Heritage Review Stage 2
- [6](#) ⇨ Attachment 6 - Heidelberg Road Transport Engineering Advice
- [7](#) ⇨ Attachment 7 - Heidelberg Road Urban Context Analysis
- [8](#) ⇨ Attachment 8 - Heidelberg Road Built Form Framework
- [9](#) ⇨ Attachment 9 - Heidelberg Road DDO 18
- [10](#) ⇨ Attachment 10 - Yarra C272 Amendment Documents