

Planning and Environment Act 1987

Panel Report

Banyule Planning Scheme Amendment C120

Postcode 3081 Urban Design Framework

23 August 2019

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Banyule Planning Scheme Amendment C120

Postcode 3081 Urban Design Framework

23 August 2019



Con Tsotsoros, Chair



Stephen Axford, Member

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Glossary and abbreviations

| | |
|---------------|---|
| Act | <i>Planning and Environment Act 1987</i> |
| Council | Banyule City Council |
| DELWP | Department of Environment, Land, Water and Planning |
| GRZ | General Residential Zone |
| La Trobe NEIC | La Trobe National Employment and Innovation Cluster |
| RGZ | Residential Growth Zone |
| the UDF | Postcode 3081 Urban Design Framework |

Overview

Amendment summary

| | |
|---------------------------|---|
| The Amendment | Banyule Planning Scheme Amendment C120 |
| Common name | Postcode 3081 Urban Design Framework |
| Brief description | Implements the Postcode 3081 Urban Design Framework by, among other changes, rezoning land and applying the Design and Development Overlay |
| Subject land | Land in Heidelberg West, Bellfield and Heidelberg Heights, shown in Figure 3 |
| Planning Authority | Banyule City Council |
| Authorisation | 3 July 2018 |
| Exhibition | 23 August to 2 November 2018 |
| Submissions | 50 submissions were received in response to exhibition 5 submissions were received in response to further notice See Appendix A for details |

Panel process

| | |
|----------------------------|--|
| The Panel | Con Tsotsoros (Chair), Stephen Axford |
| Directions Hearings | Banyule City Council, Greensborough, 22 May and 18 June 2019 |
| Panel Hearing | Banyule City Council, Greensborough, 9 and 11 July 2019 |
| Site inspections | Unaccompanied, 22 May 2019 |
| Appearances | <ul style="list-style-type: none"> - Banyule City Council represented by David Vorchheimer of HWL Ebsworth, calling the following expert evidence: <ul style="list-style-type: none"> - Urban design from Julia Bell of David Lock Associates - Strategic planning from Paul Buxton of Plan 2 Place - Banyule Ratepayers Action Group represented by David Mulholland - Benjamin O'Neill - Duncan Murray - Rosamund Krivanek - Rising Tempest Pty Ltd represented by Henry Wood of SJB Planning - Sohil Ronagh - Sue Owen |
| Citation | Banyule PSA C120 [2019] PPV |
| Date of this Report | 23 August 2019 |

Executive summary

(i) Summary

In March 2017, the Victoria Planning Authority released the *La Trobe National Employment and Innovation Cluster Draft Framework Plan*. The La Trobe National Employment and Innovation Cluster (La Trobe NEIC) comprises a concentration of education, health, industrial and other employment.

The centre of the La Trobe NEIC is a predominantly residential area generally bounded by Dougharty Road, Waterdale Road, Shelley Park and surrounding properties, Bell Street, Liberty Parade, Perkins Avenue and the Darebin Creek corridor (subject area). The subject area has smart bus connections to train stations and activity centres, including Northland Activity Centre. Council has invested, and has committed to invest, over \$64 million in community facilities in and around the subject area.

Following a grant from the Victoria Planning Authority, Council began the background work that supports the Postcode 3081 Urban Design Framework (the UDF) in May 2017. This includes two phases on community consultation. The UDF divides the subject area into five areas so that they can have individual design responses. They are Area 1 (Bell Street); Area 2 (Main Roads); Area 3 (Creekside); Area 4 (Local Park Interface) and Area 5 (Hinterland).

Banyule Planning Scheme Amendment C120 (the Amendment) seeks to implement the built and landscape form outcomes of the Postcode 3081 Urban Design Framework (the UDF) to guide housing change and the future identity of land in Heidelberg West, Bellfield and Heidelberg Heights. It proposes to achieve this by revising the Planning Policy Framework and introducing new provisions to the UDF areas.

The Amendment was exhibited from 23 August to 2 November 2018 and Council received 50 submissions. Council proposed considerable change to the Amendment in response to submissions and decided to conduct additional notice with an opportunity to make a submission within 14 days. Four submissions were received in response to further notice.

Key issues raised in submissions included extent of community consultation, building scale, height, setbacks and materials, neighbourhood character, zoning, overshadowing, overlooking, impact on infrastructure and services, affordable housing, employment opportunities, traffic, road access, transport, footpath requirement, privately owned public pedestrian links, and property value.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel considers that the planning framework proposed through the Amendment strikes a practical balance between community aspirations and housing growth to capture the opportunity provided by the emerging La Trobe NEIC. Council is commended for proposing provisions that seek to transform Postcode 3081 into a vibrant community where people can live, work and recreate.

Strategic matters

The UDF and proposed provisions instil the 20-minute neighbourhood principle found throughout *Plan Melbourne 2017-2050*. The Amendment provides the framework to increase density, and activate new built form towards the street and public open spaces to transform the subject area into a safe, accessible and well connected environment for pedestrians and cyclists. The subject area's strategic location within the emerging La Trobe NEIC provides direct access to existing and expanded employment opportunities.

The future population density will support more viable services and transport. Council's completed and future investment in community infrastructure will contribute towards high quality public realm and open spaces which support the future population.

Generally, the proposed building heights in each residential zone and design requirements in each Design and Development Overlay schedule will ensure a well landscaped neighbourhood with quality amenity outcomes.

The Panel considers that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Amendment has sufficiently considered employment because it recognises its strategic location near growing employment opportunities.

Common issues

The preferred future neighbourhood character envisaged through the UDF will appropriately respond to the existing character. The Amendment has appropriately considered infrastructure, service and community facility capacity; traffic and public transport; and affordable housing opportunities. It is appropriate to consider matters such as overlooking and overshadowing during the planning permit process when proposal design details are known.

The Panel agrees with post-exhibition changes to more the requirement for a public footpath on public open space. Requiring a development to contribute towards a public path on public land is a development contribution which should be justified through relevant sections of the *Planning and Environment Act 1987* and Victoria Planning Provisions. It is not appropriate as a requirement in a Design and Development Overlay schedule.

Property value is outside the scope of the *Planning and Environment Act 1987* and the Victoria Planning Provisions, and its therefore not relevant to the Amendment.

Area 1 – Bell Street

The maximum building height proposed for the Bell Street area is appropriate and justified and would be complemented by specifying that the 18 metres cannot exceed five storeys. The post-exhibition changes to building setbacks in Design and Development Overlay Schedule 13 are appropriate and justified. The Amendment has appropriately considered

potential overshadowing impact and vehicular access for mid-block properties along Bell Street.

Area 2 – Main Roads

The maximum building height proposed for the Main Roads area is appropriate and justified and would be complemented by specifying that the 21.5 metres cannot exceed six storeys. The post-exhibition changes to building setbacks in DDO14 are also justified.

Residential Growth Zone Schedule 8 and Design and Development Overlay Schedule 14 should be applied to properties on Malahang Street and Coral Street, and the east side of Waterdale Road, between Altona Street and Bell Street.

The Amendment has appropriately considered potential overshadowing impact on the neighbouring lower scale residential development.

The Urban Design Framework decision guideline for lot amalgamation in the Main Roads area has sufficient strength to direct future development and should remain as exhibited.

Area 3 – Creekside

It is appropriate and justified to have a different planning response for the western and eastern portion of the Creekside area. The maximum building height proposed in the post-exhibited Residential Growth Zone Schedule 7 is justified for the western part of the Creekside area and would be complemented by specifying that the 18 metres cannot exceed five storeys.

Reducing the maximum building height to 14.5 metres (four storeys), as proposed by post-exhibited Residential Growth Zone Schedule 9, will better transition to the Hinterland area to the east. The building setbacks proposed in the post-exhibited Design and Development Schedules 15 and 17 are appropriate and justified. Design and Development Overlay Schedule 15 should require light-weight materials such as glass and timber in all upper building levels.

The Amendment has appropriately considered potential overshadowing on public spaces in the Creekside area.

There is strategic justification to increase public access between Liberty Parade and the Darebin Creek corridor. However, there is insufficient justification to achieve public access through privately owned land. Council should consider other means to achieve its intended outcome.

While the opportunity for a linear park with play equipment has merit, it is outside the scope of the Amendment.

Area 4 – Local Park Interfaces

The maximum building height proposed in Residential Growth Zone Schedule 7 for the Local Park Interfaces area is appropriate and justified and would be complemented by specifying that the 14.5 metres cannot exceed four storeys. The revised building setbacks in the post-exhibition version of Design and Development Overlay Schedule 16 should be applied.

The exhibited Residential Growth Zone Schedule 7 and Design and Development Overlay Schedule 16 should not apply to properties surrounding Olympic Village Primary School,

Narvik Crescent Reserve, the south side of Ramu Reserve and the south side of Buna Reserve. The Amendment has appropriately considered potential overshadowing impact on local parks and zoning and overlay provisions for the Buna Street site.

Area 5 – Hinterland

A maximum building height of 11 metres (three storeys) is appropriate and justified for the Hinterland area. However, reducing the site coverage from 60 per cent to 40 per cent in an area would unreasonably restrict moderate growth envisaged through the Urban Design Framework. The Panel therefore considers there is no strategic justification to apply General Residential Zone Schedule 2. General Residential Zone Schedule 1 should continue to apply to the Hinterland area.

Properties along Oriel Road south of Bell Street between Area 1 and Area 4 could accommodate building height of up to 21.5 metres (six storeys). However, this should be considered through a separate process so that it can be informed through public consultation.

Form and content of the Amendment

The Amendment and Urban Design Framework would benefit from drafting changes which improve their clarity and operation. This includes renaming the zone and overlay schedule numbers to align with the post-exhibited version.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Banyule Planning Scheme Amendment C120 be adopted as exhibited subject to the following:

AREA 1 – BELL STREET

- 1. Amend Residential Growth Zone Schedule 4 (to be renumbered Schedule 5), as shown in Appendix C1, to:**
 - a) specify a maximum building height of 5 storeys to operate with the exhibited 18 metres**
 - b) make drafting related changes which improve its clarity and operation.**
- 2. Amend Design and Development Overlay Schedule 13, as shown in Appendix C6, to:**
 - a) specify additional setback requirements in Table 1**
 - b) make drafting related changes which improve its clarity and operation.**

AREA 2 – MAIN ROADS

- 3. Rezone the following to Residential Growth Zone Schedule 8, as shown in Appendix C4:**
 - a) properties on Malahang Street and Coral Street**
 - b) properties the east side of Waterdale Road, between Altona Street and Bell Street.**
- 4. Apply Design and Development Overlay Schedule 16, as shown in Appendix C9, to properties on Malahang Street and Coral Street.**

5. Apply Design and Development Overlay Schedule 14, as shown in Appendix C7, to properties the east side of Waterdale Road, between Altona Street and Bell Street.
6. Amend Residential Growth Zone Schedule 5 (to be renumbered Schedule 6), as shown in Appendix C2, to:
 - a) specify a maximum building height of 6 storeys to operate with the exhibited 21.5 metres
 - b) make drafting related changes which improve its clarity and operation.
7. Amend Design and Development Overlay Schedule 14, as shown in Appendix C7, to:
 - a) revise the table to specify additional setback requirements and delete the preferred minimum setback from common boundary with a park
 - b) make drafting related changes which improve its clarity and operation.

AREA 3 – CREEKSIDE

8. Apply Residential Growth Zone Schedule 6, as shown in Appendix C3, only to the western portion of the Creekside area.
9. Apply a new Residential Growth Zone Schedule 9, as shown in Appendix C5, to the eastern portion of the Creekside area.
10. Apply Design and Development Overlay Schedule 15, as shown in Appendix C8, only to the western portion of the Creekside area.
11. Apply a new Design and Development Overlay Schedule 17, as shown in Appendix C10, to the eastern portion of the Creekside area.
12. Amend Residential Growth Zone Schedule 6 (to be renumbered Schedule 7), as shown in Appendix C3, to:
 - a) specify a maximum building height of 5 storeys to operate with the exhibited 18 metres
 - b) make drafting related changes which improve its clarity and operation.
13. Amend Design and Development Overlay Schedule 15, as shown in Appendix C8, to:
 - a) revise the table to specify additional setback requirements and delete the preferred minimum setback from front boundary facing the creek
 - b) delete the requirement for a 1.5-metre wide shared footpath within the creek reserve
 - c) require *"Light-weight materials such as glass and timber are to be incorporated in all upper levels"*
 - d) make drafting related changes which improves it clarity and operation.

AREA 4 – LOCAL PARK INTERFACES

14. Amend Residential Growth Zone Schedule 7 (to be renumbered Schedule 8), as shown in Appendix C4, to:
 - a) specify a maximum building height of four storeys to operate with the exhibited 14.5 metres

- b) make drafting related changes which improve its clarity and operation.
- 15. Amend Design and Development Overlay Schedule 16, as shown in Appendix C9, to:
 - a) delete the requirement for a 2-metre wide shared path within the open space reserve
 - b) make drafting related changes which improve its clarity and operation.
- 16. Abandon the exhibited Residential Growth Zone Schedule 7 or Design and Development Overlay Schedule 16 being applied to:
 - a) properties surrounding Olympic Village Primary School
 - b) properties on the south side of Buna Reserve, the south side of Ramu Reserve, and properties surrounding Narvik Crescent Reserve.

AREA 5 – HINTERLAND

- 17. Abandon General Residential Zone Schedule 2 being applied to the Hinterland area.

OTHER CHANGES

- 18. Amend Clauses 21.06, 21.08, 21.09 and 22.02 to make consequential drafting changes which improve their clarity and operation.
- 19. Amend the Postcode 3081 Urban Design Framework to:
 - a) introduce a requirement to review the document every 10 years
 - b) make consequential changes in response to the Panel's recommendations.

1 Introduction

1.1 The Amendment

The Amendment seeks to implement the built and landscape form outcomes of the Postcode 3081 Urban Design Framework (the UDF) to guide housing change and the future identity of land in Heidelberg West, Bellfield and Heidelberg Heights, shown in Figure 3. It proposes to achieve this by revising the Planning Policy Framework and introducing new provisions to the following areas identified in the UDF:

- Area 1 (Bell Street)
- Area 2 (Main Roads)
- Area 3 (Creekside)
- Area 4 (Local Park Interface)
- Area 5 (Hinterland).

Specifically, the Amendment, as exhibited, proposes to:

Planning Policy Framework

- amend Clause 21.06 (Built Environment) to identify the Postcode 3081 renewal area as a Diversity Area and the Hinterland areas as Accessible and Incremental Areas
- amend Clause 21.08 (Local Places) to add a new section for the UDF Study area and include a new reference document, *Postcode 3081 Urban Design Framework 2018*
- amend Clause 22.02 (Residential Neighbourhood Character) objectives and design response table in Garden Suburban 6 to reflect the design objectives to be achieved in UDF study area
- amend Clause 21.09 (Reference Documents) to reference *Postcode 3081 Urban Design Framework 2018*.

Area 1 (Bell Street)

- rezone General Residential Zone Schedule 1 (GRZ1) land to a new Residential Growth Zone Schedule 4 (RGZ4) with a maximum height of 18 metres
- apply a new Design and Development Overlay Schedule 13 (DDO13) with a 3-metre front setback; 6-metre rear setback; and 4.5-metre side setback.

Area 2 (Main Roads)

- rezone GRZ1 land to a new RGZ5 with a maximum height of 21.5 metres
- apply a new DDO14 to Area 2 with a 4-metre front setback (3 metres above three storeys and 3 metres above five storeys); 6-metre rear setback; 2-metre side setback; and 3-metre setback from common property with park.

Area 3 (Creekside)

- rezone GRZ1 land to a new RGZ6 with a maximum height of 18 metres
- apply a new DDO15 to Area 3 with a 4-metre front setback (3 metres above three storeys); 6-metre rear setback; 2-metre side setback; and 3-metre setback from common property with park.

Area 4 (Local Park Interface)

- rezone GRZ1 land to a new to RGZ7 with a maximum height of 14.5 metres
- apply a new DDO16 to Area 4 with a 4-metre front setback (3 metres above three storeys), 6-metre rear setback; 2-metre side setback; and 3-metre setback from common property with park.

Area 5 (Hinterland)

- rezone GRZ1 land to GRZ2 with a maximum height of 11 metres (three storeys).

1.2 Subject area and context

The subject area comprises land in Heidelberg West, Bellfield and Heidelberg Heights, generally bounded by Dougharty Road, McEwan Road, Edwin Street, Waterdale Road, Perkins Avenue and Darebin Creek, as shown in Figure 3.

The northwest part of the area, north of Southern Road, includes the former Olympic Village which was constructed for the 1956 Melbourne Olympic Games. About 30 per cent of dwellings in the subject area, including a considerable proportion of the former village, are public housing managed by the Department of Health and Human Services.

The subject area is centrally located in the La Trobe National Employment and Innovation Cluster (La Trobe NEIC), providing it with multi-directional access to education, health, research, industrial, retail and other employment uses. These uses include La Trobe University and its research and development area, Austin Health, Mercy Hospital, Heidelberg West industrial estate, Heidelberg Major Activity Centre, Northland Major Activity Centre.

Darebin Creek traverses in a north-south direction between the subject area to the east and the industrial area and Northland Activity Centre to the west.

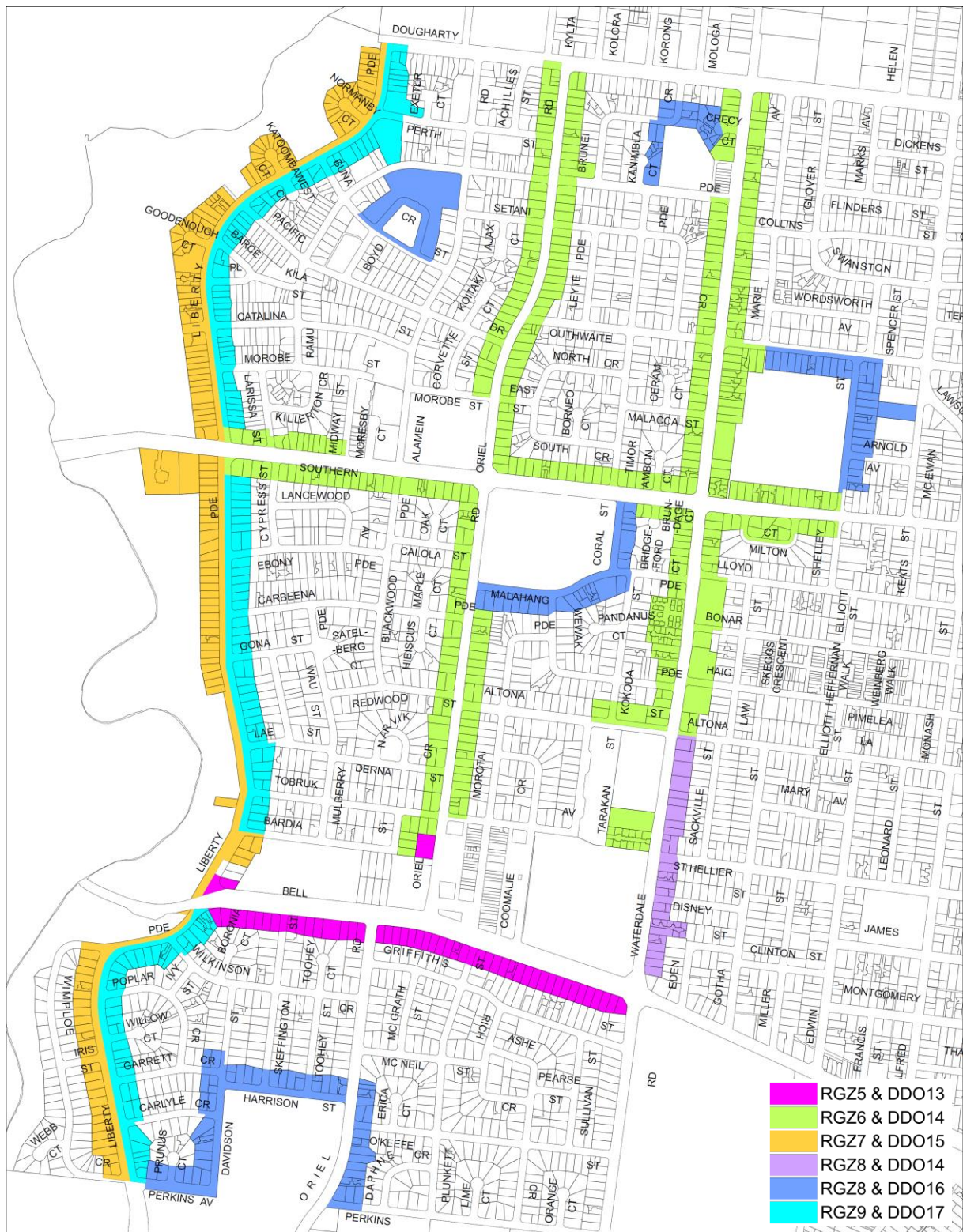
1.3 Proposed changes to the exhibited Amendment

At its 8 April 2019 meeting, Council considered submissions to the exhibited Amendment and resolved to propose changes to the Amendment which would:

- realign the application of some of the zones and overlays
- change the zone and overlay provisions, such as specifying the number of storeys in the RGZ schedules
- abandon rezoning the GRZ1 land in the Hinterland area to GRZ2
- reduce the maximum building height for:
 - properties along Malahang Parade and Coral Street from six to four storeys
 - the eastern side of the Creekside area (except for properties at the corner of Liberty Parade and Bardia Street) from five to four storeys
 - properties along Waterdale Road, between Altona Street and Bell Street, from six to four storeys
 - the southern side of the Local Park Interfaces area at Buna Street and Ramu Parade from four to three storeys
- make consequential changes to the Planning Policy Framework and the UDF.

Council provided a map which showed how it proposed to apply zones and overlays since exhibiting the Amendment (see Figure 1).

Figure 1 Amendment zone and overlays since exhibition



1.4 Procedural matters

(i) Additional notice and further directions

At the first Directions Hearing on 23 May 2019, Council explained that it sought to provide additional notice to land owners and tenants of properties affected by proposed changes to the Amendment resolved at its 8 April 2019 meeting. The Panel made directions associated with Council's further notice and set 18 June 2019 for a second directions hearing to consider any further timetable and directions matters resulting from the outcomes of the additional notice. Council directed that:

- any person receiving notice must be provided with at least 14 days to submit a submission to Council
- any further submissions must be referred to the Panel by 17 June 2019
- Council's letter of notice invites the recipient to concurrently request to be heard at the Hearing.

Following additional notice, Council received five submissions from:

- previous submitters – Banyule Ratepayers Action Group, Rising Tempest Pty Ltd and Department of Transport (formerly Transport for Victoria)
- new submitters – Michael Keating and Godwin Farrugia.

(ii) Parties to the Hearing

Department of Health and Human Services and Rising Tempest Pty Ltd were originally parties to the Hearing. On 14 June, Department of Health and Human Services advised that it no longer sought to be a party. On 10 July 2019, Rising Tempest Pty Ltd advised that it also no longer sought to be a party.

The additional notice process resulted in the Banyule Ratepayers Action Group joining the Hearing as a party.

1.5 Background

| | |
|-------------------------|---|
| 2016 | |
| 14 December | Victorian Planning Authority provided an \$80,000 grant to Council to facilitate the development of the UDF |
| 2017 | |
| May/June | The first phase of the community consultation conducted to inform the preparation of the UDF |
| September | Council prepared and approved the UDF |
| 9 October to 3 November | Second phase of community consultation conducted |
| 11 December | Council resolved to seek authorisation to prepare and exhibit the Amendment |
| 2018 | |
| 3 July | The Minister for Planning authorised the Amendment |

| | |
|-------------------------|---|
| 23 August to 2 November | Council exhibited the Amendment for 10 weeks |
| 2019 | |
| 25 February | Council considered a petition of 239 signatures after the exhibition period |
| 8 April | Council considered submissions and resolved to: <ul style="list-style-type: none"> - propose further changes to the Amendment - request the Minister for Planning to appoint a planning panel to consider the unresolved submissions to the Amendment |
| 23 May | Directions Hearing held and the Panel directed additional notice of the Amendment |
| 30 May to 14 June | Additional notice period |
| 18 June | Second Directions Hearing held |

1.6 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic matters
- Common issues
- Area 1 – Bell Street
- Area 2 – Main Roads
- Area 3 – Creekside
- Area 4 – Local Park Interfaces
- Area 5 – Hinterland
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised in Table 1.

Table 1 Council response to relevant Planning Policy Framework clauses

| State | |
|-----------|--|
| Clauses | |
| 11 | Settlement |
| ▶ | 11.01 Victoria |
| ▶ | 11.01-1R Settlement - Metropolitan Melbourne |
| | <ul style="list-style-type: none"> - Focus investment and growth in places of state significance, including National Employment and Innovation Clusters - Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities |
| ▶ | 11.02-1S Supply of urban land |
| | Planning for urban growth should consider: |
| | <ul style="list-style-type: none"> - Opportunities for the consolidation, redevelopment and intensification of existing urban areas - Neighbourhood character and landscape considerations |
| 15 | Built environment and heritage |
| ▶ | 15.01 Built environment |
| ▶ | 15.01-1S Urban design |
| | To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity |
| ▶ | 15.01-1R Urban design – Metropolitan Melbourne |
| | To create a distinctive and liveable city with quality design and amenity |
| ▶ | 15.02 Sustainable development |
| ▶ | 15.02-1S Energy and resource efficiency |
| | <ul style="list-style-type: none"> - Objective - To encourage land use and development that is energy and resource efficient, supports a cooler - environment and minimises greenhouse gas emissions - Strategies - Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development - Promote consolidation of urban development and integration of land use and transport |

16 Housing

- ▶ - Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure
- Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space
- Planning for housing should include the provision of land for affordable housing

17 Economic development▶ **17.01 Employment**▶ **17.01-1R Diversified economy – Metropolitan Melbourne**

Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses

18 Transport▶ **18.01 Integrated transport**▶ **18.01-1S Land use and transport planning**

To create a safe and sustainable transport system by integrating land use and transport

Local**Clauses****21 Municipal Strategic Statement**▶ **21.02 Vision and strategic framework**

The Strategic Framework Plan identifies The Mall as a Neighbourhood Centre and Bell Street and Waterdale Road arterial roads

▶ **21.04 Land use**

- To guide new dwellings to preferred locations, including in Activity Centre Zones while continuing to promote appropriate urban consolidation to satisfy housing demand.
- To provide a greater diversity of affordable housing opportunities in appropriate locations, including in Activity Centre Zones to address the needs of those seeking to reside in Banyule.
- To improve housing affordability

▶ **21.06 Built environment**

In accordance with Clause 21.05, the Amendment:

- updates mapping in respect of land subject to flood and inundation by virtue of the Middle Creek and Tributary N1 waterway
- discourages development at higher levels of the valley and on land which slopes greater than 20% or areas subject to high levels of erosion
- ensures that bushfire protection measures are considered in the layout, staging and design of development and local street network, thus minimising the risk of bushfire to life and property.

▶ **21.07 Transport and infrastructure**

- To promote a safe, efficient and effective integrated transport network for all abilities that reduces our reliance on private cars
- To facilitate land use and development in Banyule that will support sustainable transport and reduce the distance travelled
- To reduce the detrimental effects of transport on amenity
- To reduce the detrimental effects of transport on the natural environment of Banyule

▶ **21.08 Local places**

Recognises the emerging La Trobe National Employment Cluster

22 Local planning policy**► 22.02 Residential neighbourhood character**

The policy designates different residential character precincts in Banyule and applies design objectives and design responses for each precinct

Parts of the subject land are in Garden Suburban Precinct 2 and Garden Suburban Precinct 6

2.2 Other relevant planning strategies and policies**(i) Plan Melbourne**

Plan Melbourne 2017-2050 (Plan Melbourne) sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

One of Plan Melbourne's nine principles is:

Living locally—20-minute neighbourhoods Creating accessible, safe and attractive local areas where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip, will make Melbourne healthier and more inclusive. Due to the specialised and diverse nature of work, many people will still need to travel outside of this 20-minute neighbourhood for their jobs.

The 20-minute neighbourhood principle is a common thread throughout Plan Melbourne:

- Direction 1.2: seeks to improve access to jobs across Melbourne and closer to where people live
- Direction 3.3: Improve travel options to support 20-minute neighbourhoods
- Direction 5.1: Create a city of 20-minute neighbourhoods.

Specifically, it states that a 20-minute neighbourhood must:

- be safe, accessible and well connected for pedestrians and cyclists to optimise active transport
- offer high-quality public realm and open space
- provide services and destinations that support local living
- facilitate access to quality public transport that connects people to jobs and higher-order services
- deliver housing/population at densities that make local services and transport viable
- facilitate thriving local economies.

The subject area is in the La Trobe NEIC. Regarding the La Trobe NEIC, Plan Melbourne states:

There are around 28,700 jobs in the cluster. Each location in the cluster has different strengths, but together they represent an opportunity to increase the number and diversity of jobs in the region.

The cluster includes a number of significant employment activities (such as La Trobe University and its industrial surrounds, the Northland Shopping Centre and the Austin Biomedical Alliance Precinct) as well as a concentration of other health, research, commercial and retail activities in and around the Heidelberg Major Activity Centre.

La Trobe University has an expanding education and research role, including a growing student and research population and the recently completed AgriBio Centre.

...

La Trobe University plans to grow its research activities (especially in the biosciences) and encourage the commercialisation of research and the evolution of existing businesses. Land around the Northland Shopping Centre also has significant capacity to accommodate new jobs and housing.

(ii) La Trobe National Employment and Innovation Cluster Draft Framework Plan

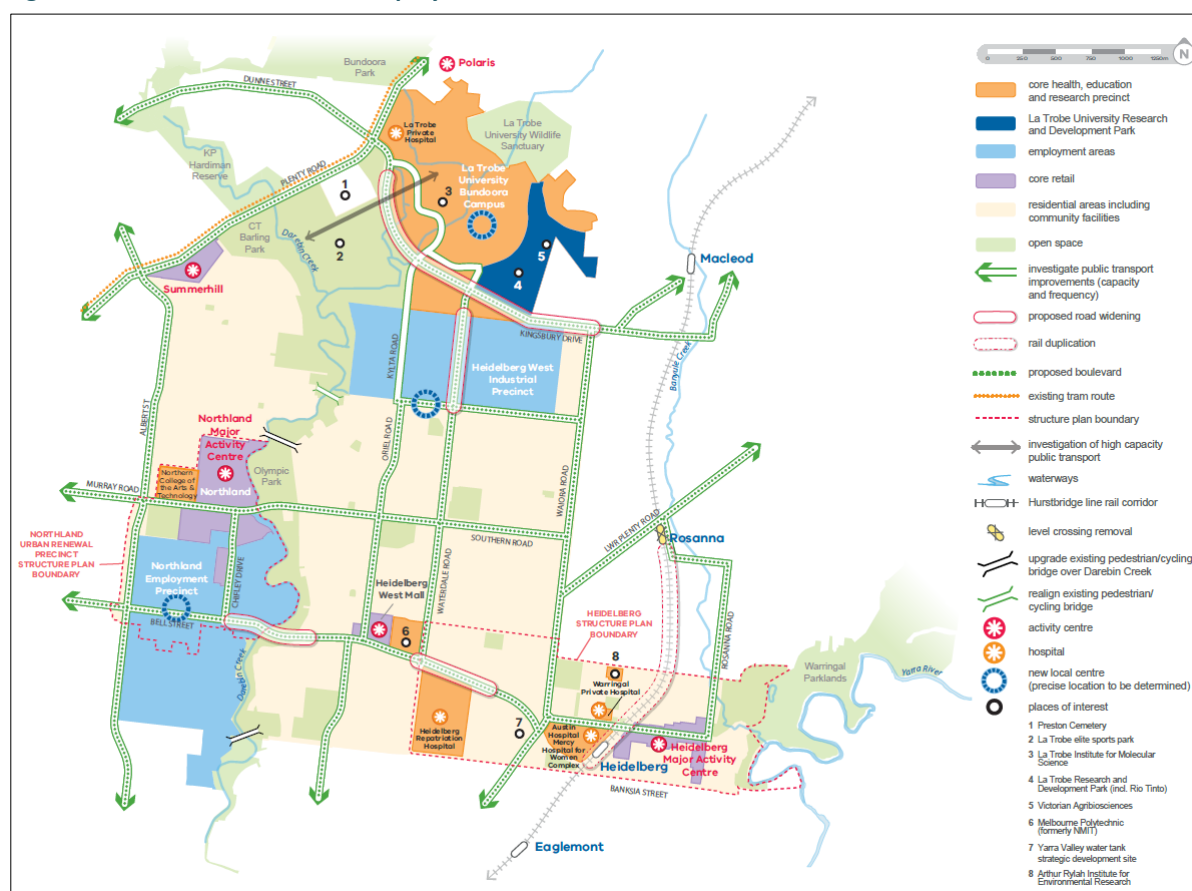
The La Trobe NEIC Draft Framework Plan was prepared by the Victorian Planning Authority in March 2017 with a vision:

The Latrobe Cluster will transform from a place with a number of separate important institutions and places to an integrated, hyper-productive city focussing on boosting jobs in education and research, health and advanced manufacturing. Strategic investment in transport improvements, amenity and sustainable initiatives will accelerate growth and prosperity in the region.

The Draft Framework Plan is founded on the following strategic outcomes which have associated actions:

- Strategic Outline 1: A transformed transport network that supports the economic growth of the cluster.
- Strategic Outline 2: Employment growth with innovation in the health, education and research industries with higher jobs density.
- Strategic Outline 3: A boost in jobs growth and the development of attractive public domains in employment area with new town centres.
- Strategic Outline 4: Improved public open space and community infrastructure to meet changing needs.
- Strategic Outline 5: Sustainable development in future transport, public realm and built form activities.
- Strategic Outline 6: Structure plans that support future growth of key education, health, employment precincts and activity centres.

The NEIC Framework is replicated in Table 2

Figure 2 La Trobe National Employment and Innovation Cluster Framework Plan

2.3 Planning scheme provisions

The exhibited Amendment proposes to rezone land from the General Residential Zone to the Residential Growth Zone and apply the Design and Development Overlay.

Table 2 Zone and overlay purposes

| Zones | | Overlay |
|---|---|---|
| General Residential | Residential Growth | Design and Development |
| Common purpose | | |
| To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. | | |
| Other purposes | | |
| <ul style="list-style-type: none"> - To encourage development that respects the neighbourhood character of the area. - To encourage a diversity of housing types and housing growth | <ul style="list-style-type: none"> - To provide housing at increased densities in buildings up to and including four storey buildings. - To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres. - To encourage a scale of development that | <ul style="list-style-type: none"> - To identify areas which are affected by specific requirements relating to the design and built form of new development. |

| Zones | | Overlay |
|--|---|------------------------|
| General Residential | Residential Growth | Design and Development |
| <p>particularly in locations offering good access to services and transport.</p> <ul style="list-style-type: none"> - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. | <p>provides a transition between areas of more intensive use and development and other residential areas.</p> <ul style="list-style-type: none"> - To ensure residential development achieves design objectives specified in a schedule to this zone. - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. | |

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Planning Practice Notes

The following Ministerial Directions Apply to the Amendment:

- Ministerial Direction: Form and Content of Planning Schemes (referred to as Ministerial Direction 7(5) in this report)
- Ministerial Direction 11: Strategic Assessment of Amendments
- Ministerial Direction 15: The Planning Scheme Amendment Process.

3 Strategic matters

3.1 Postcode 3081 Urban Design Framework

(i) Purpose and vision

The UDF seeks to: guide urban development in the subject area to 2050; help Council make planning decisions; and create certainty for developers. The UDF vision is:

Postcode 3081 will be a model balanced community featuring innovative and affordable medium density housing. It will be known for its social cohesion and attractively treed streetscapes.

(ii) Consultation

The UDF was informed by feedback from two phases of community consultation in May to June 2017 and 9 October to 3 November 2017. Capire Consulting Group summarised the final feedback in a report dated 11 October 2018. Community feedback within the scope of the UDF related to:

- heights, density, overshadowing and overlooking
- setbacks, site coverage and developing individual properties
- impact on parks, the creek and vegetation
- built quality
- encouraging diverse and affordable housing
- provision of community spaces.

(iii) Design objectives

The UDF general design objectives for the subject area are:

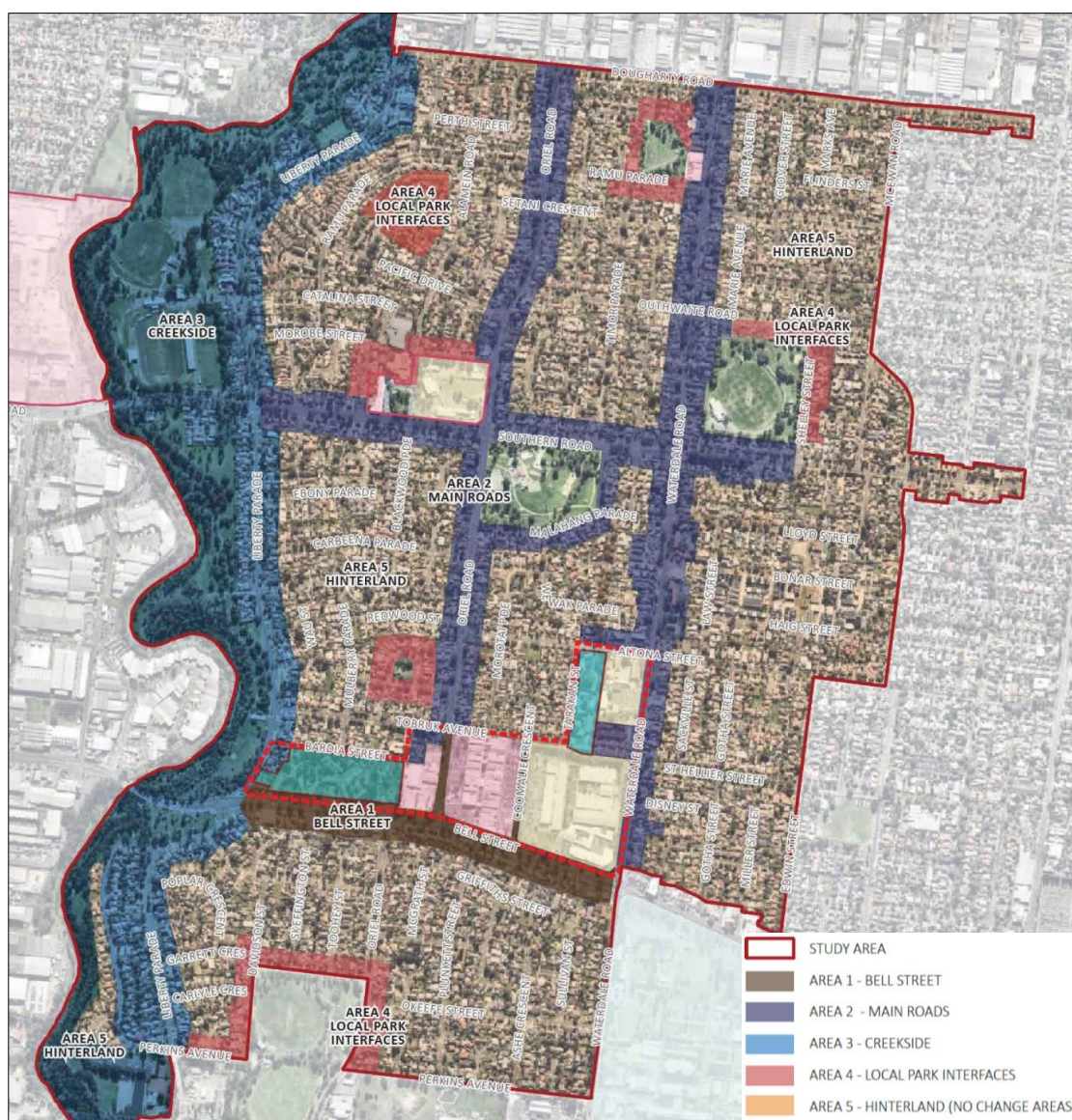
- To encourage urban renewal whilst responding sensitively to existing and surrounding neighbourhoods.
- To encourage site consolidation to enable preferred scale and dwelling form outcomes and to improve housing diversity and facilitate high quality development.
- To support well designed co-housing and provide housing options for all residents' needs and lifestyles.
- To create a new high density and mid-rise built form identity along arterial and other main roads around centres and at interfaces with parks with treed landscapes.
- To ensure the scale and form of higher density housing complements the existing character.
- To respond to local natural attributes and landscape opportunities.
- To protect existing trees within the public realm.
- To ensure landscape design enhances the new character to be created and integrates the development into its surroundings.
- To establish a cohesive architectural character that responds to the natural creek environment and treed character of the suburb.
- To create an inviting, safe and vibrant public realm.
- To maintain good solar access to key pedestrian streets in addition to existing and proposed public open space.

- To ensure buildings are of a high quality design and construction that include the use of materials and colours of muted tones that blend in with the surrounding environment.
- To discourage the underdevelopment of land by not permitting dwellings or entrenching uses that are inconsistent with the preferred scale and dwelling form.
- To maintain the low-rise character building form, height and scale of the Hinterland areas.

(iv) Future Diversity Areas

The UDF applies to land in Heidelberg West, Bellfield and Heidelberg Heights and designates five future diversity areas, as shown in Figure 3. It sets out design objectives and guidelines for each future diversity area. The design objectives are shown at the beginning of the subchapters in Chapter 5.

Figure 3 UDF Future Diversity Areas



Source: Postcode 3081 Urban Design Framework

3.2 Employment

(i) The issue

The issue is whether the Amendment has sufficiently considered employment.

(ii) Submissions

Both Council and Department of Health and Human Services submitted that more residential development capacity is needed so that there can be more housing renewal and improved diversity to support employment growth in the La Trobe NEIC. A local submitter, Mr Walker considered that there were insufficient local jobs to support the number of people anticipated in the UDF. He saw no evidence increases in local industry to support additional residents and questioned how the jobs would be generated.

(iii) Discussion

There is considerable planning policy support for future investment in the La Trobe NEIC. Clause 11.01-1R designates the cluster as a place of state significance, with a focus on investment and growth.

Plan Melbourne states that, as one of Melbourne's seven national employment and innovation clusters, La Trobe NEIC needs to evolve into a place where people reside and work. The Panel considers that La Trobe NEIC is unique because its centrally located residential area (the area subject to the Amendment) gives residents multi-directional access to the surrounding employment areas. The cluster's 28,700 jobs provide the critical mass to expand its employment base.

(iv) Conclusion

The Amendment has sufficiently considered employment because it recognises its strategic location in the emerging La Trobe NEIC with growing employment opportunities.

3.3 Strategic justification

(i) Evidence and submissions

Regarding the Amendment's justification, Council submitted:

- Plan Melbourne has identified Heidelberg West as part of the Latrobe National Employment and Innovation Cluster where housing renewal and improved diversity is needed to support expanded job opportunities and employment growth.
- The proposed UDF will help guide future urban renewal and appropriate built form and landscape outcomes for housing change and the area's future identity and further the objectives of Plan Melbourne.
- The existing housing framework in the Planning Scheme supports urban renewal across Heidelberg West with more change along major roads, around centres and at interfaces with parks.
- Clause 21.06 (Residential Areas Framework) identifies Heidelberg West as an area for urban renewal.

- Rezoning parts of Areas 1 to 4 to the Residential Growth Zone will support the preferred housing density and built environment in the Study Area.
- Rezoning parts of Area 5 (Hinterland) to GRZ2 was proposed to provide a focus on single dwellings and townhouses within treed neighbourhoods.
- Applying DDOs will guide preferred urban design outcomes in Areas 1 to 4.
- Proposed changes to local planning policy reflect the urban renewal and preferred development and built form outcomes for the Study Area.

Council added that the Amendment will support or implement the Planning Policy Framework by achieving key policy objectives outlined in Chapter 2.1 of this report.

Mr Buxton considered that the Amendment, with its post-exhibition changes, would effectively implement the UDF into the Planning Scheme. He found the Amendment to make proper use of the Victoria Planning Provisions and Ministerial Direction 7(5) and to be consistent with the Planning Policy Framework.

(ii) Discussion

The Panel accepts Mr Buxton's evidence, agrees with Council's submission and makes further comment. The UDF and proposed planning provisions are consistent with, and directly respond to State and local planning policy.

Specifically, the UDF and proposed provisions instil what is sought through the 20-minute neighbourhood principle. The Amendment will increase density, and activate new built form towards the street and public open spaces to transform the subject area into a safe, accessible and well connected environment for pedestrians and cyclists. The subject area's strategic location within the emerging La Trobe NEIC provides direct access to existing and expanded employment opportunities.

The future population density will support more viable services and transport. Council's completed and future investment in community infrastructure will contribute towards high quality public realm and open spaces which support the future population.

Generally, the proposed building heights in each residential zone and design requirements in each Design and Development Overlay schedule such as nuanced building setbacks, establish a suitable planning framework for ensuring that future permit applications contribute towards a well landscaped neighbourhood with quality amenity outcomes.

The Panel considers that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Common issues

4.1 Neighbourhood character

(i) The issue

The issue is whether the preferred future neighbourhood character envisaged through the UDF will appropriately respond to the existing character.

(ii) Evidence and submissions

Several submitters such as Mr Borthwick-Betts, Mr and Ms Podbury, Ms Owen and Ms Southwell were concerned that the Amendment would enable built form which negatively affects the neighbourhood character. Ms Krivanek considered that the Amendment would not achieve one of the community's strong desires identified in the UDF community consultation to *"keep building heights in line with the existing Postcode 3081 character"*.

Ms Bell gave evidence that the Amendment will change the subject area's character, consistent with Council's strategic vision for the suburb. She considered the planning provisions proposed by the Amendment and guided by the UDF will ensure that change responds to the existing urban character. For example, front setbacks would provide opportunities for gardens and small trees that would complement the existing street trees. Ms Bell stated that the proposed rear setbacks could provide significant landscaping including shade trees and the side setbacks would ensure breaks between buildings with space for lower landscaping. She explained that this reflected the treatment between existing buildings.

Ms Bell said that the design guidance in the UDF would require new development to be sensitive to the existing urban character. For example, upper levels would need to be visually recessive through appropriate materials and colour.

Council relied on the evidence of Ms Bell regarding setbacks providing opportunities for trees and gardens, and the need to provide visually recessive upper floors. Council explained that many submissions related to neighbourhood character related to the Hinterland area, which it now no longer proposes to rezone. It added that Clause 22.02 (Neighbourhood character), which is proposed to be changed to reflect outcomes sought by the UDF, would be relevant to future planning permit applications.

Council noted that the changes to Areas 1 to 4 are anticipated to occur over an extended period of time and will consider existing neighbourhood character through the UDF's objectives and strategies.

(iii) Discussion

Existing planning policy supports the subject area evolving into an area of increased density to capture opportunities provided through its location in the NEIC and close to Melbourne's Central City. The Panel supports the preferred neighbourhood character sought through the UDF and enabled through the Amendment because it is consistent with planning policy which directs that change should build on the existing character of moderate scale buildings

and generous open space and gardens. Their tailored planning responses to each identified preferred character areas enables increased density while retaining neighbourhood character attributes sought by the community. For example, development of up to six storeys is permitted in the Main Roads area along relatively wide streets but subject to setbacks to retain the area's landscaped character. Council's post-exhibition proposal to no longer rezone the Hinterland area would result in most of the subject area not experiencing any neighbourhood character change beyond what is enabled through the existing GRZ1.

The Panel acknowledges that not all properties throughout the subject area will be able to achieve the maximum development area specified in the proposed planning provisions for reasons such as size, shape and orientation. The subject area's ultimate neighbourhood character is therefore likely to:

- comprise a mixture of existing and preferred built form
- be reviewed and, possibly changed one or more times, over the area's longer-term horizon.

(iv) Conclusion

The Panel concludes that the preferred future neighbourhood character envisaged through the UDF will appropriately respond to the existing character.

4.2 Footpath requirement

(i) The issue

The issue is whether it is appropriate and justified to require a contribution towards public infrastructure through the Design and Development Overlay schedule.

(ii) Background

The Amendment proposes to require:

- a 1.5-metre wide footpath within the creek reserve (Creekside) through DDO15
- a 2-metre wide footpath within open space reserves (Local Park Interface) through DDO16.

(iii) Evidence and submissions

Rising Tempest Pty Ltd generally supported the Amendment but submitted that the proposed design requirements for 1.5 and 2 metre footpaths in the creek reserve (Creekside) and open space reserves (Local Park Interface) respectively are unclear. It requested that DDO15 and DDO16 be redrafted to specify circumstances when the footpath would be a relevant consideration.

Council proposed to remove the footpath requirement from both Design and Development Overlay schedules in the re-exhibited version. In her evidence, Ms Bell acknowledged that the footpath requirements regarding public land had been removed from DDO15 and DDO16.

(iv) Discussion

The Panel agrees with Rising Tempest Pty Ltd that the exhibited DDO15 and DDO16 did not provide sufficient detail to clarify how the footpath requirement would be implemented. The Panel is concerned that this requirement appears to be a development contribution, sought to be included in a Design and Development Overlay schedule. Such a requirement should be implemented through other planning tools such as the Development Contributions Plan Overlay which is support by relevant sections of the Act and Victoria Planning Provisions.

The Panel therefore supports Council's post-exhibition proposal to remove the footpath requirement from DDO15 and DDO16.

(v) Conclusions and recommendations

The Panel concludes that requiring a development to contribute towards a public path on public land:

- is a development contribution which should be justified through relevant sections of the Act and Victoria Planning Provisions
- is not appropriate as a requirement in a Design and Development Overlay schedule.

The Panel recommends:

Amend Design and Development Overlay Schedule 15, as shown in Appendix C8, to:

- a) delete the requirement for a 1.5-metre wide shared footpath within the creek reserve.**

Amend Design and Development Overlay Schedule 16, as shown in Appendix C9, to:

- a) delete the requirement for a 2-metre wide shared path within the open space reserve.**

4.3 Overlooking**(i) The issue**

The issue is whether it is appropriate to consider overlooking during the Amendment stage of the planning process.

(ii) Evidence and submissions

Numerous submitters, including Ms Lamers and Ms Owen, were concerned that building heights along the Main Roads would enable unreasonable overlooking onto neighbouring properties.

Ms Bell responded that overlooking would be managed through the planning permit process in accordance with Clause 55.04-6 (Overlooking Objective) and Clause 58.04 of the Planning Scheme. She explained that this would appropriately limit views into secluded private open space and habitable room windows.

(iii) Discussion

The Amendment establishes a new planning framework but does not propose development with potential overlooking. The Panel therefore agrees with Ms Bell that it is appropriate to consider overlooking during the planning permit process when design details. During this stage, Council would assess whether the permit proposal has been appropriately designed to meet relevant planning provisions, including the overlooking objective in Clause 55.04-6.

(iv) Conclusions

The Panel concludes that it is appropriate to consider overlooking during the planning permit process when design details are known.

4.4 Infrastructure, services and community facilities**(i) The issue**

The issue is whether the Amendment has appropriately responded to infrastructure, service and community facility capacity.

(ii) Evidence and submissions

There were submissions concerned that the Amendment would have a negative impact on existing and future infrastructure, services and community facilities. Ms Wilson described the subject area as having no amenities with *“poor pedestrian and bike track infrastructure, no local shops, poor local park infrastructure”*. Ms Humphries submitted that area’s limited access to childcare, schools (no secondary school), shops and entertainment has contributed to higher crime rates and social issues. Local resident, Mr Walker, said that local schools such as Heidelberg Primary, Ivanhoe Primary, and Viewbank are overcrowded and have resorted to relocatable classrooms on school ovals. This was identified by another submitter who attributed the issue to the closure of three local schools over the years.

The Banyule Ratepayers Action Group considered that the relevant authorities should provide details on what future sewerage, water, electricity and gas infrastructure would be needed to cope with the anticipated additional population. Mr Mezzalira, Ms Lewis, Ms Sieracka and Mr Lloyd said that he had not seen such information.

Mr Walker expressed concern for the lack of community infrastructure, including walking/bike tracks, local park amenities, schools, community facilities to accommodate increased population.

Ms Bell responded that the Amendment proposes to increase the population near public transport and services. She added that further infrastructure planning will be required to accommodate increased demand for services and infrastructure resulting from increased population.

Council submitted that the Planning Scheme requires future planning permits for development in the subject area to consider the impact that a proposed development will have on existing infrastructure, utility services and community facilities. It added that utility and service providers would have the opportunity to require any development incorporate additional measures to address impacts through the planning permit process.

Council used drainage infrastructure as an example of how the impact of future demand would be managed through existing Planning Scheme provisions and Council and Melbourne Water processes. It explained that Melbourne Water, the relevant drainage authority for the subject area, conducts stormwater modelling, yearly drainage upgrades and modelling along creeks and main drains so that there are measures to manage excessive water flows or potential flooding. Council added that:

- it conducts a continuous drainage design and improvement program to ensure that Council assets have the capacity to handle existing and future water flows
- the Council Plan and 2019/20 Budget direct \$2.1 million towards improving the drainage network in the municipality.

Council submitted that its comprehensive Stormwater Catchment Analysis helped to better understand drainage system and overland flow paths and inform Melbourne Water's Special Building Overlay Schedule 2 which was introduced in the Planning Scheme in 2005. During the permit application process, Council's drainage engineers would review the proposal and include any conditions of the planning permit so that drainage and stormwater can be appropriately managed.

Regarding community facilities, Council presented an overview of its completed and proposed investment in and around the study area. The Panel has summarised it in Table 3.

Table 3 Council investment in community facilities

| Category | Project | Recently completed | Proposed |
|--|---|--|---|
| Leisure and recreation | Latrobe University Regional Sports Stadium* | - | Six court multi-purpose regional high ball facility under construction (Council contribution \$5 million) |
| | Ivanhoe Aquatic and Leisure Centre* | Stage 1: - Upgraded change rooms and spa - Expanded and renewed gym - General upgrade (\$6 million) | Stage 2: (2021/2022): Review and revitalize pool & aquatic spaces. (Committed Council contribution \$6 million) |
| Open space and active sports fields | Olympic Park Masterplan | Upgrade female friendly change rooms (approx. \$300,000) | Stage 1 (Committed): - Sports field upgrades - Pavilion upgrade - Car parking - Landscaping (\$6.6 million over 3 years from Council and State Government) |
| | Malahang Reserve | - Regional playground - Paths - Landscaping | Half-court basketball (about to commence construction) (\$270,000) |
| | Darebin Creek Shared Trail | Darebin Creek Bridge (\$1 million) | Upgraded shared paths and associated landscaping (\$5 million by Council over next 4 years) |

| Category | Project | Recently completed | Proposed |
|-----------|---|--|--|
| | Cartledge Reserve | Pavilion and sports field lights (approx \$2 million) | - |
| Community | Bell Street Mall | - Shop 48 Community Centre (\$1 million) - Public realm upgrade works (\$1 million) | |
| | Bellfield Community Centre & Community Garden | - | (Proposed by 2022) - Community Centre - Maternal & Child Health - Community Garden - Social Housing (minimum 30 dwellings) (\$20,000+) |
| | Ivanhoe Library and Cultural Hub* | - | Under construction completion 2020: - Library - Arts space - Meeting rooms - Car parking - Public space and landscaping (approximate \$29 million Council allocation plus \$750,000 State Government contribution) |

(iii) Discussion

The Panel acknowledges that existing residents in the subject area are concerned that additional people may negatively impact existing infrastructure. The subject area's good access to public transport, community facilities and services provides a good base to attract more people into the area but was never expected to support the increased population.

Planning is about understanding the needs of the future community and the Panel agrees with Ms Bell that further infrastructure planning will be required to accommodate increased demand for services and infrastructure. This can be done through Planning Scheme provisions and Council and infrastructure provider processes.

Council's completed and proposed investment of over \$64 million in community facilities is evidence that infrastructure is not static. No submission provided information which persuaded the Panel that these facilities and services cannot be expanded to meet the needs of additional residents.

(iv) Conclusion

The Panel concludes that the Amendment has appropriately responded to infrastructure, service and community facility capacity.

4.5 Traffic and transport

(i) The issue

The issue is whether the Amendment has appropriately considered traffic and public transport.

(ii) Evidence and submissions

There were 16 submissions which were concerned about traffic and transport related matters, including public transport and car parking provisions.

Vehicular traffic

Council submitted that the Banyule Integrated Transport Strategy (2015-2035) provides an overarching framework to guide its decisions for a safe, accessible integrated transport system. It includes preparing and implementing Green Travel Plans as part of a planning permit process to help encourage public transport use.

Council provide figures for relevant road capacity, and existing and future traffic volumes based on additional dwellings which would be enabled through the Amendment. They showed that there is sufficient road capacity, except for Waterdale Road (north) and Outhwaite Road to accommodate the potential traffic growth. It noted that the two roads can be expanded to meet future demand.

Public transport

Ms Humphries was concerned the high density is not suitable because it is not near rail infrastructure. Ms Bell stated that the smart bus route forms part of the Principal Public Transport Network and provides efficient connections to rail infrastructure.

Department of Transport sought clarification on the proximity to Smart bus routes and walking catchment areas. It requested that the following objectives be included in the UDF:

- 'delivering residential intensification within locations that are supported by frequent public transport services; and
- ensuring that vehicle and service access from development does not have an adverse impact on public transport movements within the corridors.'

Council supported the principle behind the objectives and proposed the following objective in chapter 7 of the UDF:

To deliver increased densities in locations that are supported by frequent public transport services.

Ms Bell supported this objective. Council noted that the second objective was not included in the UDF because this matter would be considered by the relevant authority during the permit application stage.

Car parking

Numerous submissions were concerned that additional development would unreasonably impact on existing car parking in the subject area. Council submitted that each permit application proposing additional dwellings in the subject area would be appropriately managed through Clause 52.06 (Car parking) of the Planning Scheme. It added that, should

car parking become an issue in the future, it may consider a Parking Overlay or other measures such as parking restrictions and resident parking permits.

(iii) Discussion

The Panel considers that the Amendment of this scale and nature needs a strategic view on traffic capacity and management rather than solely relying on traffic engineering reports which support permit applications. The Panel directed that Council provide road capacity figures to gain a better perspective. Having reviewed the figures, the Panel is satisfied that all roads, whether in their existing or expanded form, can accommodate future traffic volumes. Transport measures in the Banyule Integrated Transport Strategy are likely to reduce reliance on private vehicles, thereby reducing the future number of vehicles on local roads.

(iv) Conclusion

The Panel concludes that the Amendment has appropriately considered traffic and public transport.

4.6 Affordable housing

(i) The issue

The issue is whether the Amendment has appropriately considered affordable housing opportunities.

(ii) Evidence and submissions

Mr Balgowan and Ms Devine each submitted that the Amendment should require social housing in multi-unit developments. Mr Balgowan requested that it be required for all developments proposing 10 or more dwellings rather than having stand-alone social housing developments.

Council responded that the Amendment has had appropriate regard for social housing, shared housing and co-housing. It explained that:

- Section 5 of the UDF specifically addresses housing innovation and affordability
- Section 9 of the UDF considers key redevelopment sites which require social housing – Bellbardia Estate (subject to Development Plan Overlay Schedule 5 (DPO5)) Tarakan Estate (subject to DPO6) and Buna Estate.

Council referred to affordable housing and social housing policies and provisions in the Planning Scheme and the Act which enable affordable and social housing to be provided in the UDF area in the future. It noted that the Bellfield site neighbours the UDF area.

(iii) Discussion

The Panel considers the Amendment's proposed planning framework will encourage the type of housing sought by Mr Balgowan and Ms Devine. Enabling varying building heights, setbacks and associated provisions in different area will provide diverse housing in different scaled multi-unit developments. The Panel agrees with Council that there is considerable

support in the UDF, existing planning policies and provisions, and the Act for affordable and social housing.

(iv) Conclusion

The Panel concludes that the Amendment has appropriately considered affordable housing opportunities.

4.7 Property value

(i) The issue

The issue is whether property value is relevant to the Amendment.

(ii) Evidence and submissions

Four submissions were concerned that the Amendment would negatively impact on the value of their property. Council acknowledged the concern and submitted that this matter is beyond the scope of the Panel's consideration. It added that:

Even if such matters were relevant, it is suggested that if anything, the Amendment would increase property values.

(iii) Discussion

The Panel was not presented with information which showed a direct relationship between the Amendment and property value. This is not surprising because there are many complicated and interrelated factors which determine property value and it is often difficult to single one out.

The Act requires the planning authority to consider economic matters when preparing the Amendment. However, when reading other sections of the Act, the Panel considers that this assessment is intended at the broader community level and does not extend to individual impacts. For example, section 4 seeks to balance the present and future interests of all Victorians. The Panel considers that the Amendment will result in net community benefit which far outweighs any individual.

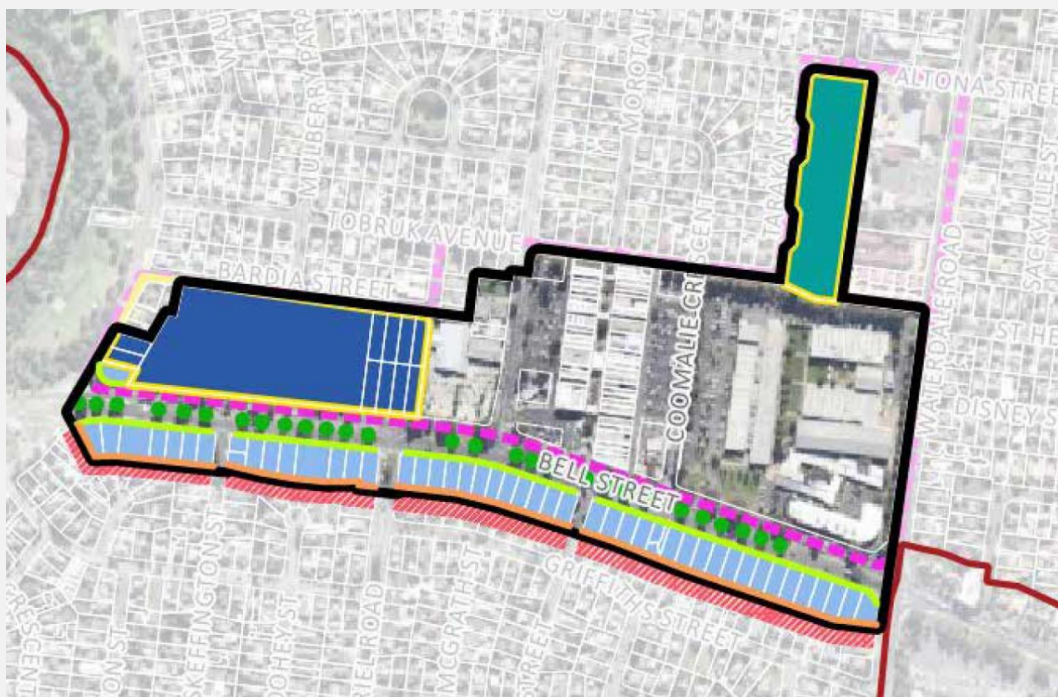
(iv) Conclusion

The Panel concludes that property value is outside the scope of the *Planning and Environment Act 1987* and the Victoria Planning Provisions, and its therefore not relevant to the Amendment.

5 Area 1 – Bell Street

Area 1 key information

Exhibited urban design framework



Design Objectives

- To encourage development within the Bell Street Emerging Activity Centre.
- To encourage higher density mixed use development that responds to the boulevard character of Bell Street and its access to public transport, shops and services.
- To ensure that institutional development contributes positively to the public realm
- To mark the entry to Postcode 3081.
- To improve the streetscape environment of Bell Street.
- To protect the amenity of adjacent residential properties.
- To provide equitable development opportunities for every property.
- To manage the built form character transition.

| Exhibited Amendment | Proposed post-exhibition changes |
|--|--|
| RGZ4 | RGZ5 |
| Maximum building height of 18 metres | Maximum building height: 18 metres or 5 storeys |
| DDO14 | DDO14 |
| Encourage podium base: 2-3 storeys | No specified podium base height |
| Setback from front street: 3 metres | 3 metres |
| Setback from the rear: 6 metres | 6 metres plus 1 metre for every metre of height over 10.9 metres |
| Setback from the side: 2 metres | 0 metres if located on the boundary or 4.5 metres if adjacent to a habitable room window |

5.1 Maximum building height and setbacks

(i) The issues

The issues are:

- whether the maximum building height proposed for the Bell Street area is appropriate and justified
- whether the post-exhibition changes to building setbacks in DDO13 are appropriate and justified.

(ii) Evidence and submissions

Several submitters were concerned about the potential impact of visual bulk on properties to the south of Bell Street area if the proposed maximum building height of five storeys was achieved on the south side of Bell Street.

They were concerned that larger buildings as envisaged would loom over the established smaller scale houses to the south resulting in a severe visual impact that would affect their amenity and property value.

Ms Bell gave evidence that the UDF has recognised the sensitive interfaces to the south and has proposed setbacks ensure a generous garden area that would provide a filter between existing residences and new development. In addition, the built form controls require setbacks at the upper levels reducing their visual impact. Design guidelines are provided to ensure that the visual impact of upper levels is further reduced through careful choice of materials and finishes.

Mr Buxton stated that because of the robust nature of Bell Street, with its generous width and tree planting, no street wall or upper level setback is proposed to the street. He said this allows development to be pushed towards Bell Street and away from the sensitive residential interface to the south.

In the exhibited Amendment, the proposed maximum building height was shown as 18 metres. Mr Buxton has proposed in the post exhibition changes that this be amended to indicate a maximum of five storeys or 18 metres.

Council said the evidence of Ms Bell and Mr Buxton demonstrates that the visual impact on the sensitive interface to the south has been appropriately considered. Council noted that Area 1 includes both the Bell Street Emerging Activity Centre and Bell Street Mall, with good access to services and public transport. It said that Bell Street has an existing boulevard character with a road reserve width of approximately 40 metres which can accommodate robust built form outcomes.

Council noted that the Bellbardia and Tarakan Public Housing Estates are in the Bell Street area. Both estates are subject to urban renewal and affected by separate Development Plan Overlay provisions which allow up to 10 storeys in the Bellbardia Estate and six storeys in the Tarakan Estate.

Council submitted that all of these characteristics demonstrate that the proposed 5 storey height controls are acceptable in the context of the Bell Street area.

(iii) Discussion

The Panel considers that the proposed maximum building height of 18 metres will provide an appropriate balance between maximising the development opportunity along Bell Street while protecting the amenity of the residential hinterland. This is because the ground level setbacks proposed will provide for a significant garden setting, while the upper level setbacks and design guidelines will further reduce the visual impact of the fifth level. The broad nature of Bell Street could absorb more than five storeys however, this would need to be moderated on the south side of Bell Street because of the existing lower scale dwellings to the immediate south.

The Panel agrees with Council that the maximum building height should be expressed in terms of both height in metres and the number of storeys. This will provide greater certainty for the community and the development industry.

(iv) Conclusions and recommendations

The Panel concludes:

- The maximum building height proposed for the Bell Street area is appropriate and justified and would be complemented by specifying that the 18 metres cannot exceed five storeys.
- The post-exhibition changes to building setbacks in DDO13 are appropriate and justified.

The Panel recommends:

Amend Residential Growth Zone Schedule 4 (to be renumbered Schedule 5), as shown in Appendix C1, to:

- a) specify a maximum building height of 5 storeys to operate with the exhibited 18 metres.**

Amend Design and Development Overlay Schedule 13, as shown in Appendix C6, to:

- a) specify additional setback requirements in Table 1.**

5.2 Overshadowing

(i) The issues

The issues are:

- whether the Amendment has appropriately considered potential overshadowing impact in the Bell Street area
- whether potential overshadowing of land in and abutting the Bell Street area can be considered through the permit application process.

(ii) Evidence and submissions

Several submitters considered that future development of up to 18 metre on the south side of Bell street may unreasonably overshadow properties south of the Bell Street area.

Ms Bell said the preferred minimum setbacks applied in Table 1 of DDO13 will ensure the future built form is sufficiently setback to ameliorate potential overshadowing. She referred to Figure 20 in her evidence which showed that future building envelopes in accordance with the proposed controls could achieve the Clause 55 provision for overshadowing at the equinox.

Council noted that the UDF identifies sensitive interfaces such as the southern interface of the Bell Street area with existing dwellings and explained that design guidelines sought to ensure appropriate design responses.

(iii) Discussion

The Panel accepts the evidence of Ms Bell that the minimum setback requirements will limit overshadowing to an acceptable level. This was further demonstrated at the Hearing with sections and three-dimensional model views of typical arrangements with shadows projected for the equinox. Based upon this analysis, the Panel finds that the built form that will result from the proposed heights and setbacks will limit shadow impacts to adjoining properties generally in accordance with requirements of the Planning Scheme.

In addition, the Panel notes that overshadowing and visual bulk will be assessed during the planning permit stage when design details such as height and setbacks are known.

(iv) Conclusions

The Panel concludes:

- The Amendment has appropriately considered potential overshadowing impact in the Bell Street area.
- Potential overshadowing of land in and abutting the Bell Street area can be considered through the permit application process when proposal design details are known.

5.3 Access

(i) The issue

The issue is whether the Amendment has appropriately considered vehicular access for mid-block properties in the Bell Street area.

(ii) Evidence and submissions

Several submissions considered that mid-block properties along Bell Street have restricted vehicular access and their development would generate parking issues and traffic congestion in side streets and affect emergency vehicles.

Council submitted that mid-block locations lots would have to be consolidated to achieve the maximum building height in RGZ5, and this would reduce the number of access points. It explained that mid-block properties along Bell Street would continue to use existing access points and that some corner properties may be accessed from the side streets.

(iii) Discussion

The Panel notes that Bell Street is in the Road Zone Category 1 and Clause 29.29 is relevant to a permit application proposing to create or alter access to that zone. The clause requires that the permit application be referred to the Roads Corporation under section 55 of the Act so that it can assess potential impacts. As a determining referral authority, the permit cannot be granted if the Roads Corporation objects due to vehicular access issues.

Traffic, access and parking are matters that would be considered in detail in the planning process.

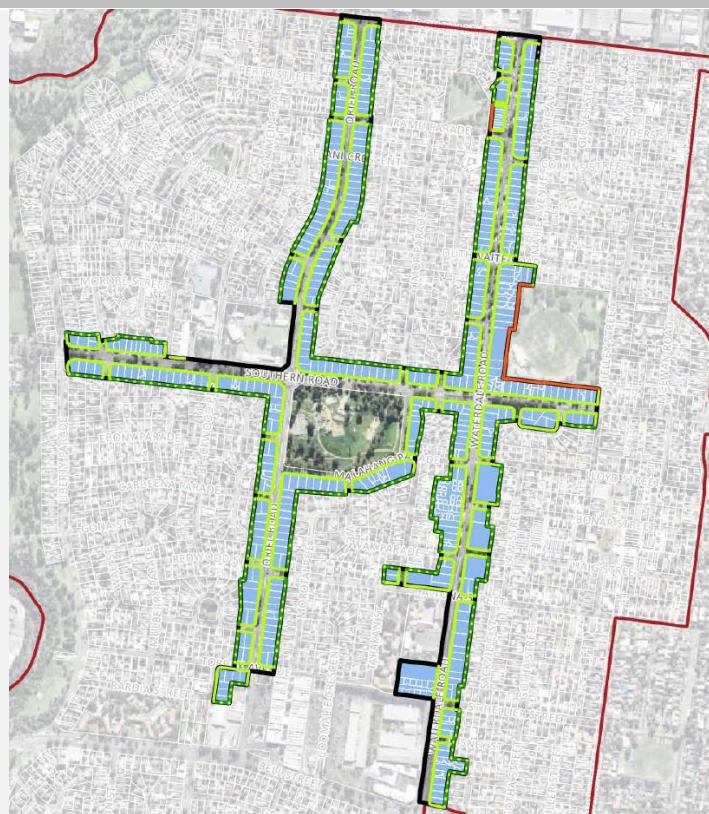
(iv) Conclusion

The Panel concludes that the Amendment has appropriately considered vehicular access for mid-block properties in Area 1.

6 Area 2 – Main Roads

Area 2 key information

Exhibited urban design framework



Design Objectives

- To enhance legibility by increasing height along main roads.
- To maintain the landscape character of the area.
- To ensure that upper levels visually recede.
- To ensure development is designed to respond to the grain, rhythm and materiality of the existing character.
- To protect the amenity and backyard character of adjoining residential properties.
- To contribute to the safety, and protect the solar access of, public open space.
- To manage the built form character transition.

| Exhibited Amendment | Proposed post-exhibition changes | |
|--|---|---|
| RGZ5 | RGZ6 | RGZ8 |
| Maximum building height of 21.5 metres | Maximum building height: 21.5 metres or 6 storeys | Maximum building height: 14.5 metres or 4 storeys |
| DDO14 | DDO14 | |
| Encourage podium base: 2-3 storeys | No specified podium base height | |
| Setback from front street: 4 metres – any part of the buildings above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | 4 metres from front street – any part of a building above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | |
| Setback from the rear: 6 metres | 6 metres plus 1 metre for every metre of height over 10.9 metres or where a building shares a boundary with a park, 3 metres | |
| Setback from the side: 2 metres | 2 metres plus 1 metre for each metre of height above 3 storeys | |
| Setback from common boundary with a park: 3 metres | No specified setback | |

6.1 Zoning

(i) The issues

The issues are whether it is appropriate and justified to:

- rezone properties along Malahang Street and Coral Street to RGZ8 and apply DDO16
- rezone the east side of Waterdale Road, between Altona Street and Bell Street to Main Roads to RGZ8 and apply DDO14.

(ii) Evidence and submissions

Several submitters considered 21.5 metres along Malahang Street and Coral Street, and the east side of Waterdale Road, between Altona Street and Bell Street to be too tall because it would negatively impact adjacent properties. They described the adjacent properties as predominantly one and two storey detached houses with some infill medium density in which is also generally one or two storeys. Submitters such as Mr Williams requested that the maximum building height for Malahang Parade and Coral Street be reduced to the Local park interfaces height of 14.5 metres.

In response, Council proposed to reduce the maximum building height from 21.5 metres to 14.5 metres because the lower heights would more appropriate response to the local context. Specifically, it proposed to rezone the following properties to RGZ8:

- Malahang Street and Coral Street
- east side of Waterdale Road, between Altona Street and Bell Street.

Ms Bell supported the change for Malahang Street and Coral Street because it would better respond to the neighbouring open space. However, she preferred the east side of Waterdale Road, between Altona Street and Bell Street to remain in its exhibited designation with a height of 21.5 metres because the properties were opposite the activity centre.

Council said that the properties to the immediate east of Waterdale Road south of Altona Street are particularly intact low scale residential, when compared to the existing properties north of Altona Street, which are more mixed. Council considered the reduced heights would still provide an appropriate relationship to the Activity Centre, noting that this part of the Activity Centre contains educational uses rather than retail.

(iii) Discussion

The Panel considers that properties on Malahang Street and Coral Street, and the east side of Waterdale Road, between Altona Street and Bell Street should be redesignated to Main Roads because the reduced built form would more appropriate response to the immediate context to the east.

(iv) Conclusions and recommendations

The Panel concludes that it is appropriate and justified to:

- rezone properties on Malahang Street and Coral Street, and the east side of Waterdale Road, between Altona Street and Bell Street to Main Roads to RGZ8
- apply the associated DDO14 to the same land.

The Panel recommends:

Rezone the following to Residential Growth Zone Schedule 8, as shown in Appendix C4:

- a) properties on Malahang Street and Coral Street**
- b) properties the east side of Waterdale Road, between Altona Street and Bell Street.**

Apply the revised Design and Development Overlay Schedule 16, as shown in Appendix C9, to:

- a) properties on Malahang Street and Coral Street**

Apply the revised Design and Development Overlay Schedule 14, as shown in Appendix C7, to:

- a) properties the east side of Waterdale Road, between Altona Street and Bell Street.**

6.2 Maximum building height and setbacks

(i) The issues

The issues are:

- whether the maximum building height proposed for the Main Roads area is appropriate and justified
- whether the post-exhibition changes to building setbacks in DDO14 are appropriate and justified.

(ii) Evidence and submissions

Council submitted that the proposed maximum building height of six storeys proposed for the Main Roads area responds to the street width and access to existing public transport routes, activity centres, open space area and educational facilities. It noted that they generally comprise a minimum of a 20 metre road reserve with a minimum of a nine metre carriageway.

Numerous submitters considered six storeys along Main Roads to be tall because it may negatively impact adjacent properties with predominantly one and two storey houses and some infill medium density comprising one or two storeys. Submitters were concerned about the potential for visual bulk and overshadowing. They submitted that the six storey developments addressing the main roads would abruptly abut single storey houses addressing the internal roads.

Banyule Ratepayers Action Group submitted that the proposed maximum building height for the Main Roads area should only occur around activity centres and requested that the existing three storey maximum building height.

Mr Lunken requested that the buildings heights in the Main Roads area be reduced to five storeys to match the maximum heights proposed in the Bell Street area. He said that Bell Street is a wider road and part of the Activity Centre so there is no justification for taller built form in the Main Roads area.

Ms Bell stated that the height difference between the Main Roads area and the Hinterland area would often not be great. She explained that the properties in the Hinterland area are permitted to develop to three storeys through both the exhibited GRZ2 and existing GRZ1.

Ms Bell noted that some lots would remain as single storey houses in the longer term. She showed the visual relationship between a potential six storey development with the proposed heights and setbacks, and a single storey house and garden through cross-sections, model shadow analysis and three-dimensional views. This included potential views from an adjacent house garden towards a six storey compliant building envelope (a three dimensional model that represents the outside shape of a possible development but without any architectural detail such as balconies, windows, indentations or materiality).

Ms Bell stated that the proposed setback meant that there would be a significant garden setback of at least 6 metres, and further built form setbacks to the fourth and fifth levels, and again to the sixth levels, reducing the potential visual impact of the upper levels on adjoining properties. She said the shadow analysis demonstrated that Clause 55 standards could be met, and that these standards would be tested in a permit process in any case.

Ms Bell noted that permit applications would have to provide detailed landscape plans which achieve an effective garden setting with shade trees and respond to the existing garden character of the area.

Ms Bell's evidence showed why at least three properties may need to be consolidated to achieve six levels and comply with the proposed side setbacks. She explained that this is why it is unlikely that there will ever be continuous six storey built form along the main roads. Ms Bell considered that a mix of heights between four, five and six storeys would be a more likely outcome.

Ms Bell recommended a new guideline in the UDF which states "*New development on corner lots should address the main road as its primary address*". This was to ensure that side and rear setbacks appropriately protect development in the residential hinterland.

Council considered that the proposed maximum building height responds to the Hinterland area south of Bell Street. It explained that the proposed DDO14 design provisions include front, side and rear setbacks so that future development maintains an open feel and provides 'breathing space' between buildings. This would ensure an appropriate transition to lower scale development in the Hinterland area.

Council referred to the UDF figures which demonstrate that two typical lots would need to be consolidated to achieve five storeys, and three lots for six storeys. Council acknowledged that consolidating lots in separate ownership would take time, highlighting the long-term nature of the UDF.

(iii) Discussion

The Panel found the three-dimensional modelling helpful to illustrate how the visual impact of upper levels could be largely mitigated by the proposed setbacks. The Panel is confident that an appropriate relationship can be achieved between taller built form in the Main Roads area and a single storey house and garden arrangement on an abutting property. Examples of recent developments showed how this can be achieved through landscaping, architectural

detailing and the further visual relief provided by balconies, window openings and similar details.

The proposed policy guidelines that require lightweight and contrasting materials for upper levels will support architectural detailing which contribute towards a visually recessive upper level. Similarly, the proposed provisions will ensure that larger developments provide an effective landscape setting to offset any potential visual bulk.

The Panel agrees with Ms Bell the subject area is likely to evolve into a mix of building heights rather than a continuous streetscape of six storey buildings. As the Main Roads and Hinterland areas evolve over time, there is likely to be a harmonious difference between the intermittent six and three storey built form between the two areas.

(iv) Conclusions and recommendations

The Panel concludes:

- The maximum building height proposed for the Main Road area is appropriate and justified and would be complemented by specifying that the 21.5 metres cannot exceed six storeys.
- The post-exhibition changes to building setbacks in DDO14 are appropriate and justified.

The Panel recommends:

Amend Residential Growth Zone Schedule 5 (to be renumbered Schedule 6), as shown in Appendix C2, to:

- a) **specify a maximum building height of 6 storeys to operate with the exhibited 21.5 metres.**

Amend Design and Development Overlay Schedule 14, as shown in Appendix C7, to:

- a) **revise the table to specify additional setback requirements and delete the preferred minimum setback from common boundary with a park.**

6.3 Overshadowing

(i) The issues

The issues are:

- whether the Amendment has appropriately considered potential overshadowing from the Main Roads area to the residential hinterland
- whether potential overshadowing of existing residences can be considered through the permit application process.

(ii) Evidence and submissions

Several submitters were concerned that future development of up to six storeys in the Main Roads area may negatively overshadow properties in the abutting Hinterland area. Ms Owen considered the shadow diagrams associated with the UDF show that, even with the

proposed setbacks, adjoining properties would be shadowed, particularly when children are playing.

Mr O'Neill, Ms Madsen and Ms Humphries were concerned that future development on the east side of Waterdale Road would overshadow existing dwellings. Ms Owen took a similar view but considered impacts would extend to other streets such as Bonar Street, Kokoda Street and Setani Crescent (generally to the north and west).

Ms Bell gave evidence that the ground level setbacks and the upper level building setbacks seek to limit any overshadowing of adjacent residences to meet the Clause 55 standards in the Planning Scheme.

Council submitted that potential overshadowing would be assessed during the planning permit application stage when design details are known. It would comprehensively assess each proposal against Clauses 55 and 58 and the relevant provisions and guidelines proposed through the Amendment.

(iii) Discussion

The Panel considers that the proposed rear setbacks at ground level plus the additional upper level setbacks for levels 4 and 5, and again at level 6, will limit the potential for overshadowing to an acceptable level. It notes that the post exhibition changes, which the Panel supports, reduces the proposed maximum building height on Malahang Street, Coral Street and Waterdale Road (between Altona Street and Bell Street). The Panel considers this will address the concerns of submitters who addressed these areas, noting that generous rear setbacks still apply. The Panel accepts that these areas have a particular context, and considers that the controls within DDO14 will allow for acceptable mitigation of shadow impacts in Area 2 generally.

In any case, the Panel agrees with Council that the potential shadows for individual projects will be assessed in detail at the planning stage.

(iv) Conclusion

The Panel concludes:

- The Amendment has appropriately considered potential overshadowing impact on the neighbouring lower scale residential development.
- Potential overshadowing can be considered in detail through the permit application process when proposal design details are known.

6.4 Lot amalgamation

(i) The issue

A UDF decision guideline for the Main Roads area is *"Building heights must not exceed 6 storeys (21.5m) (6 storeys is only likely to be achieved with an amalgamation of 3 lots or more)"*. The issue is whether the guideline has sufficient strength to direct future development.

(ii) Evidence and submissions

Council submitted that testing conducted by the consultation's which prepared the UDF indicates that two typical 38-metre-deep lots would need to be amalgamated to achieve five storeys and three typical lots for six storeys.

Mr Lunken requested that the lot amalgamation guideline be reworded from *"6 storeys is only likely to be achieved with an amalgamation of three or more lots"* to *"6 storeys will only be allowed when three lots or more are consolidated"*. They were concerned that the wording proposed leaves a possibility of six storeys being developed on less than three lots.

Ms Bell stated that the decision guideline should remain as is. She explained the setbacks outlined in the UDF will effectively ensure six storeys can only be achieved with the amalgamation of three lots. She provided diagrams that demonstrated that, with the side setback, a development on two lots could not achieve a sixth storey.

Council adopted Ms Bell's evidence and submitted that the UDF and Council seek long-term outcomes to regenerate and renew the subject area.

(iii) Discussion

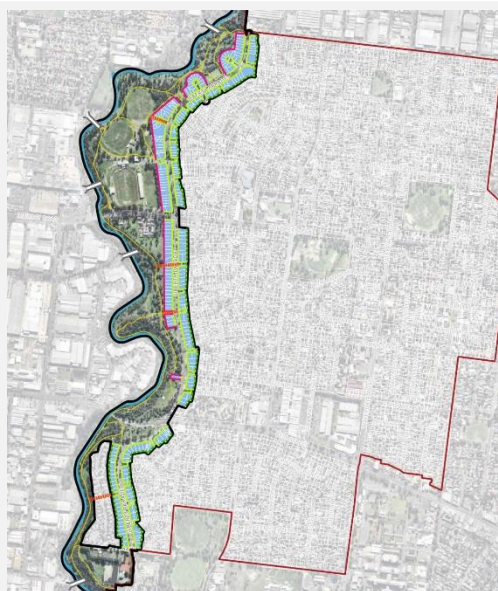
The Panel accepts Ms Bell's evidence and notes that words in brackets explain the likely impact of the guideline. It does not preclude six storeys on less than three lots if, through creative design, Council considers the permit application proposal appropriately responds to provisions such as setbacks and visual bulk.

(iv) Conclusion

The Panel concludes that the UDF decision guideline for the Main Roads area has sufficient strength to direct future development and should remain as exhibited.

7 Area 3 – Creekside

Area 3 key information



Exhibited urban design framework

Design Objectives

- To provide a safe and inviting creek environment.
- To improve pedestrian and cycle access to the creek corridor.
- To provide a visual link from the creek to the residential hinterland.
- To respond to the existing landscape character.
- To encourage increased density to activate the Creekside environment
- To encourage the use of colours and materials that are responsive to the natural creek environment.
- To protect the amenity of adjoining residential properties.
- To manage the built form character transition.

| Exhibited Amendment | Proposed post-exhibition changes | |
|--|---|--|
| RGZ6 | RGZ7 (West) | RGZ9 (East) |
| Maximum building height: 18 metres | 18 metres or 5 storeys | 14.5 metres or 4 storeys |
| DDO15 | DDO15 (West) | DDO17 (East) |
| Encourage podium base: 2-3 storeys | None specified | None specified |
| Setback from front street: 4 metres – any part of the buildings above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | 4 metres – any part of a building above 3 storeys should be setback a minimum of 3 metres from front building line | 4 metres – any part of a building above 3 storeys should be setback a minimum of 3 metres from front building line |
| Setback from the rear: 6 metres | 3 metres where there is a direct interface with the creek reserve plus above 3 storeys a setback of 4 metres from the building line 6 metres if there is no interface with the creek reserve plus 1 metre for every metre of height over 10.9 metres | 6 metres plus 1 metre for every metre of height over 10.9 metres |
| Setback from the side: 2 metres | 2 metres, or 3 metres where two or more lots are consolidated, plus 1 metre for every metre of height above 3 storeys | 2 metres plus 1 metre for every metre of height above 3 storeys |
| Setback from front boundary facing the creek: 3 metres | None specified | None specified |

7.1 Zoning

(i) The issue

The issue is whether it is appropriate and justified to have a different planning response for the western and eastern portion of the Creekside area.

(ii) Evidence and submissions

After exhibiting the Amendment, Council proposed to divide the Creekside area into two parts, predominantly along Liberty Parade, so that it could apply a different planning approach to each.

It proposed the western part to continue with a maximum building height of 18 metre but no more than five storeys, while the east side would have a lower height of 14.5 metres or four storeys. Both parts have more detailed setbacks than the original exhibited setbacks.

Ms Bell supported the two-prong approach in the Creekside area. She considered that the height difference of one storey would still achieve a fairly consistent emerging character along Liberty Parade.

(iii) Conclusion and recommendations

The Panel accepts Ms Bell's evidence and concludes that it is appropriate and justified to have a different planning response for the western and eastern portion of the Creekside area.

The Panel recommends:

Apply Residential Growth Zone Schedule 6 (to be renumbered Schedule 7), as shown in Appendix C3, only to the western portion of the Creekside area.

Apply a new Residential Growth Zone Schedule 9, as shown in Appendix C5, to the eastern portion of the Creekside area.

Apply Design and Development Overlay Schedule 15, as shown in Appendix C8, only to the western portion of the Creekside area.

Apply a new Design and Development Overlay Schedule 17, as shown in Appendix C10, to the eastern portion of the Creekside area.

7.2 Maximum building height and setbacks

(i) The issues

The issues are:

- whether the maximum building height proposed in RGZ6 is appropriate and justified
- whether the building setbacks proposed in the post-exhibition version of DDO15 and DDO17 are appropriate and justified.

(ii) Evidence and submissions

Several submissions considered the exhibited maximum building height of 18 metres to be too tall for the Creekside area. Banyule Ratepayers Action Group submitted that the proposed maximum building height should only occur around activity centres. It requested that the existing three storey maximum building height be reduced to two storeys.

Council explained that, since exhibiting the Amendment and in response to submissions, it proposed to reduce the east side of Liberty Parade to 14.5 metres (four storeys).

Ms Bell gave evidence that the exhibited maximum building heights, when combined with other design provisions, would not negatively overshadow adjoining properties or open space. She supported reducing the maximum building height on the east side of Liberty Parade to 14.5 metres (four 4 storeys) because it would allow a more gradual transition to the Hinterland area. Ms Bell noted that properties on the east side of Liberty parade have reduced access to the Darebin Creek corridor and are further from services and amenity. She considered that these reasons justify the reduced maximum building height.

Ms Bell was confident that the building height continue to provide a generally consistent street character along Liberty Parade.

Mr Buxton highlighted that, reducing the maximum building height on the east side of Liberty Parade may resolve several, but not all, submissions.

Council noted that Liberty parade is not a major road and agreed with Ms Bell that the reduced maximum building height for properties east of Liberty Parade would more appropriately transition to Hinterland area.

(iii) Discussion

The Panel considers that the UDF strategically justifies increased building heights in the Creekside area. The Panel was not presented with information which justified the need to either maintain the existing maximum building of three storeys or reduce it to two storeys.

The Darebin Creek Corridor is a generous public open space with potential to be enjoyed by many more people. The creek corridor varies in width and character, however it is generally large enough and with sufficient land slope to ensure that future development will not negatively impact the amenity of the open space and the linear trail. To the contrary, the Panel considers that the increased passive surveillance from more people in taller buildings would enhance the area.

The Panel considers it appropriate to reduce the maximum building height for properties on the east side of Liberty Parade to 14.5 metres (four storeys). This proposed post-exhibition change would provide a more appropriate transition to Hinterland area to the east, noting that Liberty parade is not a major road.

The Panel notes that, should it had supported a maximum height of two storeys, Ministerial Direction 7(5) specifies that:

- a Residential Growth Zone schedule must not specify a height lower than 13.5 metres

- a General Residential Zone schedule must not specify a height lower than 11 metres (three storeys).

(iv) Conclusions and recommendations

The Panel concludes:

- The maximum building height proposed in RGZ7 is appropriate and justified for the western part of the Creekside area and would be complemented by specifying that the 18 metres cannot exceed five storeys.
- Reducing the maximum building height to 14.5 metres (four storeys), as proposed by RGZ9, is appropriate because it would better transition to the Hinterland area to the east.
- The building setbacks proposed in the post-exhibition version of DDO15 and DDO17 are appropriate and justified.

The Panel recommends:

Amend Residential Growth Zone Schedule 6 (to be renumbered Schedule 7), as shown in Appendix C3, to:

- a) **specify a maximum building height of 5 storeys to operate with the exhibited 18 metres.**

Amend Design and Development Overlay Schedule 15, as shown in Appendix C8, to:

- a) **revise the table to specify additional setback requirements and delete the preferred minimum setback from front boundary facing the creek.**

7.3 Overshadowing

(i) The issues

The issues are:

- whether the Amendment has appropriately considered potential overshadowing on public open spaces in the Creekside area
- whether potential overshadowing of the Creekside area can be considered through the permit application process.

(ii) Evidence and submissions

Ms Owen submitted that development of up to five storeys would negatively overshadow:

- open space along the Darebin Creek corridor
- the linear path at key times of the day when residents are returning from school or work.

Ms Krivanek considered that the taller built form would block sunlight from reaching the corridor, which may impact plants, animals and people.

Ms Bell stated that any overshadowing of the linear path would be early in the morning. She referred to shadow diagrams in her evidence to show that development could comply with the proposed maximum building heights and setbacks. Specifically, there would be no shade

by 10am at the winter solstice (21 June) and by 9am at the September equinox (22 September). Ms Bell considered this to be acceptable because most activity would occur later in the day. The diagrams demonstrated that overshadowing on public open space would be minimal.

Council relied upon the evidence of Ms Bell which it said indicates minimal overshadowing on the Darebin Creek corridor. Council noted that each development proposal would have its shadow impacts assessed in detail at the application stage, where in addition to the policy proposed in this Amendment, they would be assessed against Clauses 55 and 58.

(iii) Discussion

The Panel accepts the evidence of Ms Bell which indicates shadow impacts on the Darebin Creek Corridor and the shared pathway would be limited to just after 9am at the equinox and just after 10am in mid-winter. It finds that this will be an acceptable outcome as most activities in the open space are likely to occur later in the day. The Panel notes that the heating value of sun will be less apparent until it rises in the sky because existing objects such as fences, trees and shrubs cast long shadows during its low elevation of the sun.

(iv) Conclusions

The Panel concludes:

- The Amendment has appropriately considered potential overshadowing on public spaces in the Creekside area.
- Potential overshadowing of the Creekside area can be considered through the permit application process when proposal design details are known.

7.4 Building materials

(i) The issue

After exhibiting the Amendment, Council proposed to change DDO15 to require an application to construct a building to include:

Light-weight materials such as glass and timber are to be incorporated in all upper levels.

The issue is whether it is appropriate to specify this requirement for permit applications.

(ii) Evidence and submissions

Rising Tempest submitted that timber or wood could be problematic as building materials on a five storey building because they may be combustible cladding. They considered “timber-look” to be more appropriate as this would allow more robust materials to be selected while still achieving the objective of visually softening the upper levels of a building.

Council considered the change to be unwarranted because the DDO15 provisions are discretionary and the detailed design, including building materials, will be assessed at the planning permit stage.

(iii) Discussion

The Panel agrees with Rising Tempest that there should be some discretion regarding building materials for the upper floors of buildings. The Panel finds that Council's proposed requirement achieves this outcome by seeking light-weight materials so that the upper floors differ from the base of the building. This is a fairly flexible requirement which offers glass and timber as two examples. Irrespective, Council has the discretion to avoid a certain building material if it does not meet relevant standards.

(iv) Conclusion and recommendation

The Panel concludes that it is appropriate for Design and Development Overlay Schedule 15 to require light-weight materials such as glass and timber in all upper building levels.

The Panel recommends:

Amend Design and Development Overlay Schedule 15, as shown in Appendix C8, to:

- a) require *"Light-weight materials such as glass and timber are to be incorporated in all upper levels"*.**

7.5 Privately owned public pedestrian links

(i) Background

The re-exhibited DDO15 included a new building and works requirement:

A publicly accessible pedestrian and cycle link (designed to meet Council standards) within one side setback unless a link already exists or is approved within a neighbouring development.

(ii) The issue

The issue is whether it is appropriate and justified to require public pedestrian links through privately owned residential land.

(iii) Evidence and submissions

Council submitted that the post-exhibition requirement would facilitate pedestrian links in the Creekside area to increase access to the Darebin Creek corridor. It acknowledged that the requirement would only be required for several properties abutting the corridor and referred to Figure 16 of the UDF which identifies preferred pedestrian links. Council explained that the requirement can be varied through a planning permit.

Rising Tempest did not support the requirement for a 'publicly accessible' pedestrian/cycle link down one side of a property. It explained that it supported future residents directly accessing the reserve from their property. However, it opposed the general public using a private property as a 'thoroughfare', particularly when the reserve can be accessed from Southern Road about 50 metres away.

(iv) Discussion

The Panel considers that improved public access between Liberty Parade and the Darebin Creek corridor is strategically justified. There is currently restricted access to this recreational corridor which has potential to support an increased number of users.

The Panel supports the preferred pedestrian links in Figure 16 of the UDF but considers that the pedestrian link requirement should be removed from DDO15 for several reasons.

The Panel considers that there are fairness and equity issues associated with reserving a portion of private residential land for a public purpose. Council should consider other methods such as negotiating with relevant property owners to purchase the required part of the land. This would provide the property owner compensation, similar to what an owner with a Public Acquisition Overlay would receive. It would also address liability issues associated with a member of the public injuring themselves on the pedestrian link.

The Panel does not make a formal recommendation regarding this requirement because it does not form part of the exhibited Amendment.

(v) Conclusions

The Panel concludes:

- There is strategic justification to increase public access between Liberty Parade and the Darebin Creek corridor.
- It is inappropriate and unjustified to achieve public access through privately owned land.
- Council should consider other means to achieve its intended outcome.

7.6 Recreational facilities**(i) The issue**

The issue is whether further recreational facility opportunities should be considered in the Darebin Creek corridor.

(ii) Evidence and submissions

Council submitted the implementation framework included in the UDF sets out short, medium and long term actions. They include improved and additional recreation facilities, improved pedestrian and bicycle connections along and to Darebin Creek, and Darebin creek environmental/cultural improvements.

Ms Krivanek submitted that some sections of the wide verge on the eastern side of Liberty Parade may be suitable for a linear park with play equipment. She considered that this would improve opportunities for nature-based play, learning and recreation while achieving policy objectives.

Ms Bell responded that design controls proposed for Liberty Parade seek to improve linear connections to Darebin Creek.

(iii) Discussion

The Panel notes that the planning provisions proposed through the Amendment do not extend to public land along the Darebin Creek.

While outside the scope of the Amendment, the Panel considers that what Ms Krivanek is seeking has merit. The wide verge provides an opportunity for places of interest such with play equipment or other recreational facilities. Along with additional residents living on properties with activated frontages to the creek, additional places of interest would increase passive surveillance and help to address safety perceptions.

Council should consider this opportunity through a separate process such as its next recreation plan review.

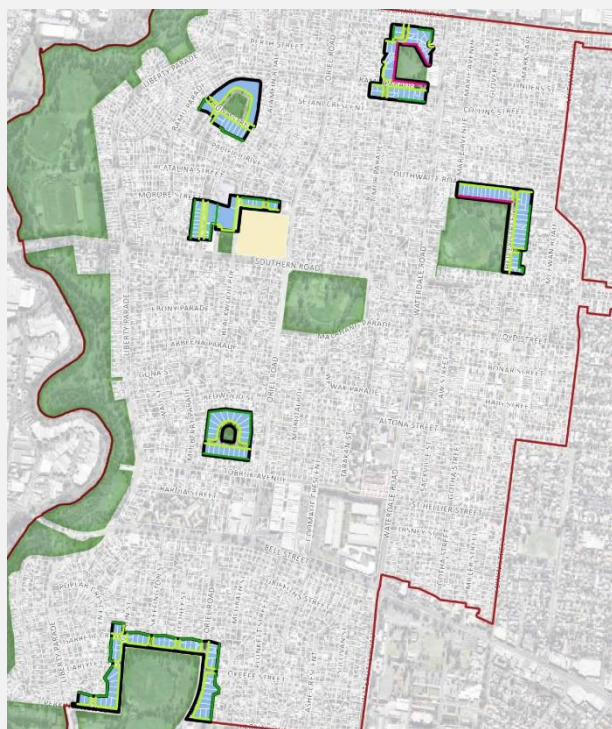
(iv) Conclusions

The Panel concludes that, while the opportunity for a linear park with play equipment has merit, it is outside the scope of the Amendment.

8 Area 4 – Local Park Interfaces

Area 4 key information

Exhibited urban design framework



Design Objectives

- To provide safe and inviting parks.
- To protect and enhance the amenity of existing public open spaces.
- To protect the amenity of adjoining residential properties.
- To manage the built form character transition.
- To respond to the existing landscape character.

| Exhibited Amendment | Proposed post-exhibition changes |
|--|--|
| RGZ7 Maximum building height of 14.5 metres | renamed to RGZ8 (Local Park and Hinterland Interfaces) Maximum building height of 14.5 metres or 4 storeys |
| DDO16 Encourage podium base of 2-3 storeys | DDO16 No specified podium base height |
| Preferred minimum setbacks: | Preferred minimum setbacks: |
| - 4 metres from front street – any part of the buildings above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | - 4 metres from front street – any part of a building above 3 storeys should be setback a minimum of 3 metres from the front building line |
| - 6 metres from rear | - 6 metres from rear plus 1 metre for every metre of height over 10.9 metres or 3 metres where a building shares a boundary with a park |
| - 2 metres from side | - 2 metres from side, plus 1 metre for every metre of height above 3 storeys |
| - 3 metres from common boundary with a park | - 3 metres from common boundary with a park |

8.1 Maximum building height and setbacks

(i) The issues

The issues are:

- whether the maximum building height proposed for the Local Park Interfaces area is appropriate and justified
- whether the building setbacks proposed in the post-exhibition version of DDO16 are appropriate and justified.

(ii) Evidence and submissions

Several submissions objected to the maximum building height proposed in the Local Park Interfaces area. Banyule Ratepayers Action Group submitted that a building height of this scale should only occur around activity centres. It requested that the existing three storey maximum building height be reduced to two storeys. It was concerned that taller buildings around parks would create visual intrusion and inhibit people from using the space. Mr Podbury considered that the proposed building height and setbacks would result in visually bulky development.

Council submitted that properties surrounding local parks have amenity benefits which present an opportunity for medium to higher density development. Since exhibiting the Amendment, Council proposed to:

- rename RGZ7 to RGZ8 (Local Park and Hinterland Interfaces)
- no longer rezone properties on the south side of Ramu Reserve, the south side of Buna Reserve and properties surrounding Narvik Crescent Reserve
- no longer rezone properties surrounding Olympic Village Primary School (along Alamein Road, Morobe Street and Corvette Street).

Council said that the post-exhibited RGZ8 recognised that local parks were within the residential hinterland, the interaction with the Buna Reserve and the reduced accessibility to public transport compared to the Main Road area. Council considered that the maximum building height of 14.5 metres (four storeys) in the post-exhibited RGZ8 and side and rear setbacks in DDO16 would result in built form which appropriately interfaces with local parks and existing dwellings in the Hinterland area. It submitted that the mandatory maximum height provision would provide certainty to the community and developers about built form outlines in these locations.

Council noted that Buna, Ramu and Narvik Crescent Reserves were smaller than others in the subject area. It no longer proposed to rezone properties on the south side of Buna Reserve because it considered the existing maximum building height of three storeys would better protect the urban character of abutting properties to the immediate south.

Council submitted that the exhibited RGZ7 should not have been applied to properties around Olympic Village Primary School because this is not a local park interface. It considered the existing GRZ1 more appropriate for properties around the two reserves and school.

Ms Bell supported Council's proposal to no longer rezone properties around Narvik Crescent Reserve and Olympic Village Primary School. She noted that Narvik Crescent Reserve is relatively small and would offer less space for additional residents to recreate than the larger parks in the subject area. Ms Bell recommended that post-exhibited RGZ8 and DDO16 continue to apply to properties south of Buna Reserve and Ramu Reserve and stated:

Any amenity impacts associated with a 4 storey building will be managed by the application of the rear setback requirements and Clause 55.04-1. Based on this, I recommend retention of the Local Park Interface Area over these properties.

(iii) Discussion

The Panel agrees that the post-exhibited maximum building height provides an acceptable response to local park interfaces and an appropriate transition to the Hinterland area. The difference in maximum building heights between the Local Park Interfaces area and Hinterland area would be 3.5 metres (one storey).

Regarding visual intrusion and overlooking of local parks, the Panel considers that the proposed maximum building height strikes the right balance between protecting the amenity of the local parks and encouraging development to take advantage that amenity. It accepts that having more people interacting with the parks and observing them will improve the perceived safety of these spaces, while the setback controls and design guidelines will assist minimise the visual impact of a taller element (noting that under the present zone, development could go to three storeys already).

Properties around Narvik Crescent Reserve and Olympic Village Primary School should not be rezoned because both locations provide limited amenity compared to larger public open spaces with facilities.

The Panel supports the maximum building height proposed in the post-exhibited RGZ8 on land surrounding Buna and Ramu Reserves, except for properties on their southern sides. It agrees with Ms Bell that the appropriate building height for land on the southern sides could be managed through Clause 55. However, the Panel considers that the proposed maximum height is likely to result in unreasonable overshadowing to abutting properties in virtually all circumstances. Abandoning the proposal to rezone properties on the south side of both reserves goes some way to address this interface issue.

The Panel has concluded that the properties on the east side of Waterdale Road, between Altona Street and Bell Street should be included in RGZ8.

(iv) Conclusions and recommendations

The Panel concludes:

- The maximum building height proposed for the Local Park Interfaces area is appropriate and justified and would be complemented by specifying that the 14.5 metres cannot exceed four storeys.
- The building setbacks proposed in the post-exhibition version of DDO16 are appropriate and justified.
- It is appropriate and justified to no longer apply the exhibited RGZ7 and DDO16 to properties surrounding Olympic Village Primary School and Narvik Crescent

Reserve, properties on the south side of Buna Reserve and properties on the south side of Ramu Reserve.

The Panel recommends:

Amend Residential Growth Zone Schedule 7 (to be renumbered Schedule 8), as shown in Appendix C4, to:

- a) specify a maximum building height of four storeys to operate with the exhibited 14.5 metres.**

Abandon Residential Growth Zone Schedule 7 or Design and Development Overlay Schedule 16 being applied to:

- a) properties surrounding Olympic Village Primary School**
- b) properties on the south side of Buna Reserve, the south side of Ramu Reserve and properties surrounding Narvik Crescent Reserve.**

8.2 Buna Street site

(i) The issue

The issue is whether the Amendment has appropriately considered zoning and overlay provisions for the Buna Street site.

(ii) Evidence and submissions

Department of Health and Human Services owns the Buna Street site, which the UDF designates as one of three key redevelopment sites. The Department requested that the Buna Street site be rezoned to a renamed RGZ5 (Main Roads and Buna Street sites) to enable development of up to 21.5 metres. It considered that the central north-east part of the site which abuts the Buna Street Reserve and has no direct residential interfaces could accommodate built form taller than 14.5 metres.

Mr Lunken queried why the Buna Street site could not have higher maximum building height to recognise its larger site area.

Both Ms Bell and Council referred to the UDF which states that the Buna Street site could accommodate five storeys and:

The UDF recommends that the Buna Street Site could achieve a maximum building height of 5 storeys. It recommended the application of further planning controls, such as a DPO, to guide the future development of the site.

Council submitted that the Local Park Interface area provisions, including a maximum four storey building height, should be applied to the Buna Street site until a separate Planning Scheme amendment proposing a Development Planning Overlay for the estate is prepared.

(iii) Discussion

The Panel agrees with Council's submission regarding the Buna Street site. While the UDF recommends a maximum five storey building height, there was insufficient information to support provisions which depart from the exhibited and post-exhibited versions of the

Amendment. In line with the UDF, this matter should progress through a separate process which considers site-specific provisions.

(iv) Conclusion

The Panel concludes that the Amendment has appropriately considered zoning and overlay provisions for the Buna Street site.

8.3 Overshadowing

(i) The issues

The issues are:

- whether the Amendment has appropriately considered potential overshadowing impact on local parks
- whether potential overshadowing of local parks in the Local Park Interfaces area can be considered through the permit application process.

(ii) Evidence and submissions

Several submitters such as Banyule Residents Action Group and Mr Ronagh considered that development of up to four storeys would unreasonably overshadow local parks and reduce the amenity for local residents. Specifically, Ms Lamers was concerned that future development would unreasonably overshadow the Narvik Crescent, Buna and Ramu Reserves.

Ms Bell gave evidence that DDO16 includes design objectives which require development to:

- activate the edges and enhance the amenity and surveillance of existing public open spaces
- enable at least two-thirds of the public open space to continue to receive sunlight between 11am and 2pm during the winter solstice.

Ms Bell explained that the proposed maximum building heights, setbacks and associated provisions around local parks were informed by shadow analysis. She referred to Figure 21 of her evidence, which shows a series of shadows on Narvik Crescent Reserve between 11am to 2pm during the winter solstice. It demonstrates that development which meets the specific heights, setbacks and associated provisions can achieve the design objective. Ms Bell explained that this modelling shows the worst case of mid-winter when the sun is at its lowest elevation. She added that although there would be some shadowing of Narvik Crescent Reserve, at no time would this exceed two thirds of the park and all parts would have access to direct sunlight at some time of the day.

Ms Bell considered that this is a reasonable outcome which accords with typical practice for other urban parks. She noted that mid-winter sunlight controls to open space is only applied in a very limited number of inner-city cases, such as Birrarung Marr in the Melbourne's Central City.

Council submitted that overshadowing is one of many potential impacts which would be considered during the permit application stage when proposal details are known.

(iii) Discussion

The Panel accepts Ms Bell's evidence and notes that the Amendment introduces the framework for assessing future permit applications. The DDO16 overshadowing design objectives are practical measures which would be considered with relevant overshadowing objectives and standards in Clauses 54 and 55 of the Planning Scheme when assessing a permit application.

There is no specific proposal with wall heights or setbacks to measure their potential overshadowing on a local park. Irrespective, at least two-thirds of Narvik Crescent Reserve would receive specific sunlight if all surrounding buildings filled the building envelope enabled by the proposed zone and overlay height and setbacks.

Potential overshadowing will be considered in more detail during the permit application stage when proposal design details are known.

(iv) Conclusions

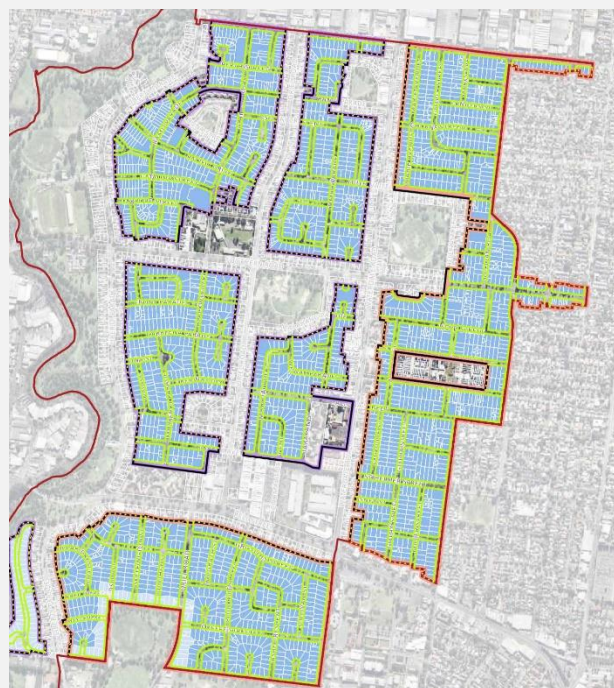
The Panel concludes:

- The Amendment has appropriately considered potential overshadowing impact on local parks
- Potential overshadowing of local parks in the Local Park Interfaces area can be considered through the permit application process when proposal design details are known.

9 Area 5 – Hinterland

Area 5 key information

Exhibited urban design framework



Design Objectives

- To maintain the low-rise character building form, height and scale of the hinterland.
- To ensure development respects the existing character.
- To ensure development is designed to respond to the grain, rhythm and materiality of the existing dwellings.
- To respond to the existing landscape character.
- To protect the amenity of adjoining residential properties.

Exhibited Amendment

GRZ2

Maximum building height of 11 metres (3 storeys)

Proposed post-exhibition changes

Abandon rezoning and retain GRZ1

Maximum building height of 11 metres (3 storeys)

9.1 General zoning

(i) The issue

The issue is whether the GRZ2 provisions are appropriate and justified for the Hinterland area.

(ii) Evidence and submissions

Council submitted that the Hinterland area does not benefit from good access to public transport, has narrow road reserves and a high-valued low-rise character.

Numerous submissions opposed GRZ2 being applied in the Hinterland area because its more restrictive provisions would reduce the net developable area and development opportunities. For example, Mr Kit Au supported the more flexible GRZ1 provisions because he considered that they would encourage new and better-quality development in an area which he considered to be 'tired'. Mr Farrugia considered GRZ1 to be more suitable because the area was close to facilities. A pro-forma submission signed by several residents stated

that it was counter-intuitive to reduce the development opportunities in the La Trobe NEIC were the Plan Melbourne encourages people to live and work.

Submitters such as Ms Borthwick-Betts and Mr Marotta opposed GRZ2 on the basis that it would increase the maximum building height to three storeys. One submitter compared the three storeys with existing building heights in the area while the other thought that the existing height was two storeys.

Council resolved to not proceed with rezoning the Hinterland area to GRZ2. It noted that GRZ1 would continue to allow incremental low scale infill development. Ms Bell agreed with the Hinterland area remaining in GRZ1.

(iii) Discussion

Maximum building height

GRZ1 currently applies to the Hinterland area. GRZ1 does not specify a maximum building height so the default height of 11 metres (three storeys) in the General Residential Zone applies. The exhibited Amendment proposes to apply GRZ2 which also does not specify a maximum building height. GRZ2 therefore does not propose to change the existing building height.

The Panel has determined that the General Residential Zone is appropriate for this area and it notes that Ministerial Direction 7(5) does not enable a schedule to the zone to specify a height lower than the height in the General Residential Zone.

No submission provided strategic reasons to justify lowering the existing maximum building height.

Other provisions

The existing GRZ1 is intended for accessible areas and the proposed GRZ2 is intended for incremental areas. According to Clause 21.06 (Built environment) of the Planning Scheme, an accessible area is typically within convenient walking distance to the business core of an activity centre or neighbourhood centre. An incremental area is typically located further away from these locations with less convenient pedestrian access. The Residential Areas Framework Map of that clause categorises the subject area as 'Accessible'.

The Panel supports Council's resolution to abandon applying GRZ2 so that GRZ21.

(iv) Conclusions and recommendation

The Panel concludes:

- A maximum building height of 11 metres (three storeys) is appropriate and justified for the Hinterland area.
- Reducing the site coverage from 60 per cent to 40 per cent in an area would unreasonably restrict moderate growth envisaged through the UDF.
- There is no strategic justification to applying General Residential Zone Schedule 2.
- General Residential Zone Schedule 1 should continue to apply to the Hinterland area.

Abandon General Residential Zone Schedule 2 being applied to the Hinterland area.

9.2 Oriel Road south zoning

(i) The issue

The issue is whether properties along Oriel Road (south of Bell Street between the Bell Street area and the Local Park Interfaces area) should be rezoned to enable taller built form.

(ii) Evidence and submissions

Mr Murray and Mr Ronagh sought taller built form along Oriel Road, south of Bell Street and between Area 1 and Area 4. Mr Murray submitted that this section of Oriel Road had many of the characteristics of a main road. He described it as wide carriageway with a central treed median, serviced by a bus route, and is close to a hospital and the Bell Street Shops. He said that many of the houses are former public housing stock that are ready for renewal.

Mr Ronagh queried why this section of Oriel Road has not been identified for development intensification. He said this section is slightly wider than Oriel Road north of Bell Street which has been included in the Main Roads area.

Ms Bell agreed that this section of Oriel Road may warrant further investigation. She said that areas with opportunities for development intensification were generally influenced by wide streets, access to public transport and services, and access to parks. She said properties along Oriel Road around Ford Park was limited to a maximum height of four storeys because they are further from services. Ms Bell noted that, pending further investigation, the requested section of Oriel may become an area which links Areas 1 and 4 south of Bell Street.

Council indicated that it was open to the possibility as it appears this section of Oriel Road has similar characteristics to other locations in main roads. Council noted that it had not been informed through any consultation with landholders or other interested parties. Council indicated it would like to have the Panel to provide its advice on this matter.

(iii) Discussion

The Panel considers that Oriel Road south of Bell Street between Areas 1 and 4 is relatively wide, has tree plantings, and has generous open space through Ford Park, which after the Darebin Creek Corridor, is the largest open space asset in the subject area.

This section of Oriel Road has a north-south orientation, so it is not limited by sensitive interfaces to its south. It is approximately 300 metres long, which means that properties along this length are no more than 150 metres from either the Bell Street corridor of services and transport, or the open space of Ford Park (which has two ovals, a playground area and plans for further upgrading). The Heidelberg Repatriation Hospital is approximately 400 metres to the east and there is a small local activity centre on the corner of Banksia Street and Oriel Road to the south of Ford Park, just outside the study area.

Given these characteristics, the Panel considers that this section of Oriel Road could accommodate additional height of up to 21.5 metres (six storeys). This would suggest that it be included in the Main Roads area with the same zone provisions.

However, the Panel considers that this section of Oriel Road should not rezoned through the Amendment because the proposal has not been informed by broader community and consultation. Council is best to decide whether this is a proposal it seeks to pursue.

(iv) Conclusions

The Panel concludes that properties along Oriel Road south of Bell Street between the Bell Street area and the Local Park Interfaces area:

- could accommodate building height of up to 21.5 metres (six storeys)
- should not be rezoned through the Amendment because this change has not been informed through necessary public consultation.

10 Form and content of the Amendment

(i) Submissions

Council proposed changes to policy, zone and overlay provisions since exhibiting the Amendment in response to submissions and to make drafting changes which improve clarity and operation. It engaged Plan2Place Consulting to review, simplify and redraft the Amendment's planning provisions in accordance with Council's resolution from its 8 April 2019 meeting. The redrafted provisions, otherwise known as the post-exhibition version, formed part of the further notice conducted by Council in June 2019.

The post-exhibition changes responded to submissions as one from Department of Health and Human Resources which requested the following changes:

- Remove Diagram 1 in DDO13, DDO14, DDO15 and DDO16 or revise it to be consistent with Table 1 (Preferred setbacks) to avoid confusion
- Amend the UDF to:
 - correct the zoning for the Tarakan Estate in Figures 3 and 22
 - correct the zoning for the Bellbardia Estate in Figure 3
 - reference the Parking Overlay which applies to the area, including the Tarakan and Bellbardia Estates in Section 3.5 and Figure 4
- Remove the Incorporated Plan Overlay Schedule 2 (Olympic Village Precinct) because it has been superseded by the UDF and proposed planning provisions.

The Panel asked Council drafting related questions. It specifically asked whether it considered the following RGZ5 decision guideline, which includes a measure not found anywhere else in the schedule, to be neutral:

Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above it to the ceiling at the upper most level of a building.

Council responded that the decision guideline responds to the UDF, considered it to be neutral in its drafting, and sets a text for a decision on a planning application without providing an answer. Council added that it preferred to include the decision guideline because it was clearer than deleting it and relying on the UDF alone.

In response to a question from the Panel, Council submitted that it would support introducing a requirement in the UDF to periodically review the framework every 10 years.

(ii) Discussion and conclusion

The Panel has reviewed Council's proposed changes since exhibiting the Amendment. The Panel has accepted these changes unless it has concluded otherwise in this report. These include consequential changes to the UDF and Clauses 21.06, 21.08, 21.09 and 22.02 of the Planning Policy Framework.

Regarding the RGZ5 decision guideline, the Panel notes that it has not been drafted as a requirement because it commences with "*Whether*". The concern was raised because the guideline specifies a measure without understanding where it is derived from or the outcome sought to be achieved. The guideline would benefit from some additional context,

however, the Panel makes no formal recommendation because Council is best placed to consider this further.

The Panel concludes that the Amendment and Urban Design Framework would benefit from drafting changes which improve their clarity and operation.

(iii) Recommendations

The Panel recommends:

Amend Clauses 21.06, 21.08, 21.09 and 22.02 to make consequential drafting changes which improve their clarity and operation.

Amend Residential Growth Zone Schedule 4, as shown in Appendix C1, to:

- a) make drafting related changes which improve its clarity and operation**
- b) renumber it to Schedule 5.**

Amend Residential Growth Zone Schedule 5, as shown in Appendix C2, to:

- a) make drafting related changes which improve its clarity and operation.**
- b) renumber it to Schedule 6.**

Amend Residential Growth Zone Schedule 6, as shown in Appendix C3, to:

- a) make drafting related changes which improve its clarity and operation**
- b) renumber it to Schedule 7.**

Amend Design and Development Overlay Schedule 13, as shown in Appendix C6, to:

- a) make drafting related changes which improve its clarity and operation.**

Amend Design and Development Overlay Schedule 14, as shown in Appendix C7, to:

- a) make drafting related changes which improve its clarity and operation.**

Amend Design and Development Overlay Schedule 15, as shown in Appendix C8, to:

- a) make drafting related changes which improve its clarity and operation.**

Amend Design and Development Overlay Schedule 16, as shown in Appendix C9, to:

- a) make drafting related changes which improve its clarity and operation.**

Amend the Postcode 3081 Urban Design Framework to:

- a) introduce a requirement to review the document every 10 years**
- b) make consequential changes in response to the Panel's recommendations.**

Appendix A Submitters to the Amendment

| No. | Submitter | No. | Submitter |
|--------|---------------------------------|--------|---|
| 1 | Benjamin O'Neill | 27 | Wayne [no surname provided] |
| 2 | Nadja Micic | 28 | Andrew Podbury |
| 3 | Alexandra Devine | 29 | Duncan Murray |
| 4 | Greta Gillies | 30 | Rosamund Krivanek |
| 5 | Harris Williams | 31 | Tian Li |
| 6 | Anne Madsen | 32 | Danielle Podbury |
| 7 | Samaneh Ghaderi | 33 | Jess Watson |
| 8 | Peter Anderson | 34 | VT CM Pty Ltd |
| 9 | Matthew Balgowan | 35 | Tony Lunken |
| 10 | Elizabeth Lamers | 36 | Cheong Kit Au |
| 11 | John Richards | 37 | Jenny Lewis |
| 12 | Heather [no surname provided] | 38 | Claire Humphries |
| 13 | Grant Cooper | 39 | Jenny Lim |
| 14 | Jessica Wilson | 40 | Anna Sieracka and Ben Lloyd |
| 15 | James Cappellari | 41 | Jeff Kildea |
| 16/16b | Banyule Ratepayers Action Group | 42 | Rebecca Li |
| 17 | Louis Borthwick-Betts | 43 | Rosemary Vaughan |
| 18 | Sohil Ronagh | 44 | Murray Wells |
| 19 | Jennifer Whincup | 45 | Sue Owen |
| 20 | Mary Daaboul | 46 | Cameron Walker |
| 21 | Aro Ezackial | 47 | Stacey Morland |
| 22 | Adele Andreatta | 48 | Department of Health and Human Services |
| 23 | Margaret Ezackial | 49 | Paula Southwell |
| 24/24b | Rising Tempest Pty Ltd | 50/50b | Transport for Victoria |
| 25 | Aldo Marotta | 51 | Michael Keating |
| 26 | Ivan Mezzalira | 52 | Godwin Farrugia |

Appendix B Document list

| No. | Description | Provided by |
|---------------------|--|-------------|
| 22 May 2019 | | |
| 1 | Unallocated | |
| 2 | Draft letter for additional notice | Council |
| 3 | Part A Submission | Council |
| 4 | Expert witness statement – Julia Bell | Council |
| 5 | Expert witness statement – Paul Buxton | Council |
| 8 July 2019 | | |
| 6 | Submission – Ms Krivanek | Ms Krivanek |
| 9 July 2019 | | |
| 7 | Evidence presentation – Julia Bell | Ms Bell |
| 8 | Part B Submission | Council |
| 9 | Map – Council owned residential land in the UDF area | Council |
| 10 | Housing Strategy, Banyule City Council, adopted 16 March 2009 | Council |
| 10 July 2019 | | |
| 11 | Submission – Rising Tempest Pty Ltd | Mr Wood |
| 11 July 2019 | | |
| 12 | Without prejudice drafting discussion points | the Panel |
| 13 | Submission | Mr Ronagh |
| 14 | Submission | Ms Owen |
| 15 | Submission | Ms Krivanek |
| 16 | Photographs – throughout the subject area | Council |
| 26 July 2019 | | |
| 17 | Letter – Council response to Panel queries raised during the Hearing | Council |

Appendix C Panel preferred version of the provisions

Tracked Added

~~Tracked Deleted~~

Appendix C1 Residential Growth Zone Schedule 5 (exhibited as Schedule 4)

SCHEDULE 45 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ4RGZ5**

POSTCODE 3081 URBAN DESIGN FRAMEWORK BELL STREET

1.0 Design objectives

- To ~~encourage~~ ~~ensure the scale and form of~~ higher density, mixed use development ~~complements the existing character and~~ maximising access to public transport, shops and services.
- To ensure new development responds to a the boulevard character ~~of along~~ Bell Street and performs a gateway role for Postcode 3081. its access to public transport, shops and services.
- To encourage site consolidation ~~to enable~~ enabling preferred scale and dwelling form outcomes ~~and to that~~ improve housing diversity and facilitate high quality development.
 - * ~~To protect the amenity of adjoining residential properties.~~
 - * ~~To manage the built form character transition.~~
 - * ~~To respond to the existing landscape character.~~

2.0 Requirements of Clause 54 and Clause 55

| | Standard | Requirement |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6 | None specified |
| Site coverage | A5 and B8 | None specified |
| Permeability | A6 and B9 | None specified |
| Landscaping | B13 | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries | A11 and B18 | None specified |
| Private open space | A17 | None specified |
| | B28 | None specified |
| Front fence height | A20 and B32 | None specified |

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed 18 metres in height or 5 storeys.

4.0 Application requirements

~~None specified.~~

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- -Whether the proposal meets the objectives of this schedule.
- Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above or to the ceiling at the upper most level of a building.
- Whether the building provides a basement that extends no greater than 1 metre above ground level.
- Whether the design response ~~built form~~ and land use ~~response complies with Design and Development Overlay Schedule 13~~ meets the objectives, strategies and guidelines of the Postcode 3081 Urban Design Framework, 2019.

Appendix C2 Residential Growth Zone Schedule 6 (exhibited as Schedule 5)

SCHEDULE ~~56~~ TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as ~~RGZ5~~RGZ6

POSTCODE 3081 URBAN DESIGN FRAMEWORK MAIN ROADS

1.0 Design objectives

- To encourage ~~ensure the scale and form of~~ higher density development ~~complements the existing character along Main Roads by increasing heights with upper levels that visually recede to enhance legibility within Postcode 3081.~~
- To encourage site consolidation enabling preferred scale and dwelling form outcomes that improve housing diversity.
- ~~To encourage site consolidation to enable preferred scale and dwelling form outcomes and to improve housing diversity and facilitate high quality development.~~
- ~~To protect the amenity of adjoining residential properties.~~
- ~~To manage the built form character transition.~~
- ~~To respond to the existing landscape character.~~

2.0 Requirements of Clause 54 and Clause 55

| | Standard | Requirement |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6 | None specified |
| Site coverage | A5 and B8 | None specified |
| Permeability | A6 and B9 | None specified |
| Landscaping | B13 | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries | A11 and B18 | None specified |
| Private open space | A17 | None specified |
| | B28 | None specified |
| Front fence height | A20 and B32 | None specified |

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed 21.5 metres in height or 6 storeys.

4.0 Application requirements

~~None specified.~~

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- -Whether the proposal meets the objectives of this schedule.
- Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above or to the ceiling at the upper most level of a building.
- Whether the building provides a basement that extends no greater than 1 metre above ground level.
- Whether the design response ~~built form~~ and land use meets the objectives, strategies and design guidelines of the Postcode 3081 Urban Design Framework, 2019 ~~response complies with Design and Development Overlay Schedule 14.~~

Appendix C3 Residential Growth Zone Schedule 7 (exhibited as Schedule 6)

SCHEDULE ~~6~~7 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as ~~RGZ6~~[RGZ7](#)

POSTCODE 3081 URBAN DESIGN FRAMEWORK CREEKSIDE [WEST](#)

1.0 Design objectives

- To ~~encourage~~ ~~ensure the scale and form of~~ high density development that [responds to and complements the existing character and](#) activates the ~~Creekside~~ [creekside](#) environment.
- ~~To encourage site consolidation to enable preferred scale and dwelling form outcomes and to improve housing diversity and facilitate high quality development.~~
- [To encourage site consolidation enabling preferred scale and dwelling form outcomes that improve housing diversity.](#)
- ~~To protect the amenity of adjoining residential properties.~~
- ~~To manage the built form character transition.~~
- ~~To respond to the existing landscape character and provide a visual link from the creek.~~

2.0 Requirements of Clause 54 and Clause 55

| | Standard | Requirement |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6 | None specified |
| Site coverage | A5 and B8 | None specified |
| Permeability | A6 and B9 | None specified |
| Landscaping | B13 | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries | A11 and B18 | None specified |
| Private open space | A17 | None specified |
| | B28 | None specified |
| Front fence height | A20 and B32 | None specified |

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed 18 metres [in height or 5 storeys](#).

4.0 Application requirements

~~None specified.~~

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- -Whether the proposal meets the objectives of this schedule.
- Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above or to the ceiling at the upper most level of a building.
- Whether the building provides a basement that extends no greater than 1 metre above ground level.
- Whether the design response ~~built form~~ and land use meets the objectives, strategies and design guidelines of the Postcode 3081 Urban Design Framework, 2019 ~~response complies with Design and Development Overlay Schedule 15.~~

Appendix C4 Residential Growth Zone Schedule 8 (exhibited as Schedule 7)

SCHEDULE 78 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ7**RGZ8

POSTCODE 3081 URBAN DESIGN FRAMEWORK LOCAL PARK AND MAIN ROAD HINTERLAND INTERFACES

1.0 Design objectives

- To encourage mid-rise development that improves the interface and surveillance of adjacent local parks,~~ensure the scale and form of mid-rise development complements the existing character and enhances the amenity of existing public open spaces.~~
- To encourage mid-rise development on Waterdale Road to enhance legibility within Postcode 3081 and provide a transition to hinterland areas.
- ~~▪ To encourage site consolidation to enable preferred scale and dwelling form outcomes and to improve housing diversity and facilitate high quality development.~~
- ~~▪ To protect the amenity of adjoining residential properties.~~
- To encourage site consolidation enabling preferred scale and dwelling form outcomes that improve housing diversity.
- To manage the built form character transition.
- To respond to the existing landscape character.

2.0 Requirements of Clause 54 and Clause 55

| | Standard | Requirement |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6 | None specified |
| Site coverage | A5 and B8 | None specified |
| Permeability | A6 and B9 | None specified |
| Landscaping | B13 | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries | A11 and B18 | None specified |
| Private open space | A17 | None specified |
| | B28 | None specified |
| Front fence height | A20 and B32 | None specified |

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed 14.5 metres in height or 4 storeys.

4.0 Application requirements

~~-None specified.~~

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~-Whether the proposal meets the objectives of this schedule.~~
- Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above or to the ceiling at the upper most level of a building.
- Whether the building provides a basement that extends no greater than 1 metre above ground level.
- Whether the design response ~~built form~~ and land use meets the objectives and strategies of the Postcode 3081 Urban Design Framework, 2019 ~~response complies with Design and Development Overlay Schedule 16.~~

Appendix C5 Residential Growth Zone Schedule 9

SCHEDULE 9 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ9**

POSTCODE 3081 URBAN DESIGN FRAMEWORK CREEKSIDE EAST

1.0 Design objectives

- To encourage mid-rise development that responds to and activates the creekside environment and Liberty Parade.
- To encourage site consolidation enabling preferred scale and dwelling form outcomes that improve housing diversity.
- To provide an appropriate built form transition from the high density development along the creek to the residential hinterland.

2.0 Requirements of Clause 54 and Clause 55

| | Standard | Requirement |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6 | None specified |
| Site coverage | A5 and B8 | None specified |
| Permeability | A6 and B9 | None specified |
| Landscaping | B13 | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries | A11 and B18 | None specified |
| Private open space | A17 | None specified |
| | B28 | None specified |
| Front fence height | A20 and B32 | None specified |

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed 14.5 metres in height or 4 storeys.

4.0 Application requirements

None specified.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the objectives of this schedule.

- Whether the height of a storey is a minimum of 3.2 metres measured from finished floor level to finished floor level above or to the ceiling at the upper most level of a building.
- Whether the building provides a basement that extends no greater than 1 metre above ground level.
- Whether the design response and land use meets the objectives, strategies and guidelines of the Postcode 3081 Urban Design Framework, 2019.

Appendix C6 Design and Development Overlay Schedule 13

SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO13**

POSTCODE 3081 URBAN DESIGN FRAMEWORK BELL STREET

1.0 Design objectives

~~• The general design objective is to:~~

- ~~To Encourage urban renewal and~~ support a preferred character of development that creates a the development of a new built form identity that responds to the boulevard character of along Bell Street and enhances its role as a gateway to Postcode 3081 and its access to public transport, shops and services.
- ~~To encourage~~ site consolidation and discourage the under-development of land, to enable the preferred scale and dwelling form outcomes identified in this schedule, and to improve housing diversity and facilitate high quality development.
- ~~Discourage the underdevelopment of land by not permitting dwellings or entrenching uses that are inconsistent with the preferred scale and dwelling form identified in this schedule.~~
- ~~To Ensure~~ the scale and form of new dwellings development achieves the preferred character for the area and manages the potential adverse amenity impacts on adjoining residential properties through an appropriate built form transition.
- ~~complements~~ To ensure new development improves the streetscape environment and landscape character of Bell Street and surrounds.
- ~~the existing landscape character, responds to local natural attributes and landscape opportunities including protection of existing and planting of trees, and the desired future streetscape, building height, siting and built form character.~~
- ~~To Ensure~~ buildings are of a high quality design and construction that include the use of appropriate materials and colours of muted tones that blend in with the surrounding environment.

2.0 Buildings and works

A ~~planning~~ permit is not required to construct a building or construct or carry out works for:

- Construction ~~and or~~ extension of one dwelling on a ~~site lot~~ of 300 sqm or more.
- Works normal to a dwelling.
- Construction ion or ~~extend extension of~~ an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and a maximum building height is not more than 3 metres above ground level.

2.1 ~~General Requirements~~

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- ~~Require a green zone within the rear setback to retain existing trees and maintain backyard character.~~

- ~~▪ Require a landscaped front setback to respond to the existing treed streetscape character and protect existing trees and root protection zones.~~
- ~~▪ Require side setbacks to provide for breaks between built form to allow landscaping and protect amenity.~~
- ~~▪ Encourage a podium base of 2-3 storeys responding to existing character.~~
- ~~▪ Encourage upper levels to form a distinct lightweight element setback from the front, side and rear.~~
- ~~▪ Require upper level side setbacks to increase with height, encouraging lot consolidation to allow for greater height in the centre of sites.~~
- ~~▪ Allow balconies to encroach into the upper level setbacks provided they are lightweight and discontinuous.~~
- Use Building materials must include a range of non-reflective and natural materials such as brick and wood and with a muted colour palette that reflects the existing residential character through natural, non-reflective materials, such as brick and wood as well as muted colours.
- Discourage vehicle access from Bell Street unless. ~~Bell Street should only be used as a vehicle access point in case~~ other alternatives are not feasible.
- No more than 50% of the roof area is to be occupied by plant and equipment (other than solar panels).
- Plant and equipment must be located so as to avoid additional overshadowing of private or public open space or habitable room windows on adjoining land, is not to project higher than 3.6 metres above the building roof and be integrated into the design of the building.

2.2 ~~Design Requirements~~

~~The following buildings and works requirements apply to an application to construct a building or carry out works:~~

- Development should meet the preferred minimum building setback requirements specified in Table 1-, except for lightweight and discontinuous balcony forms ~~and must not exceed the maximum height requirement in Clause 32.07 Schedule 4.~~

Table 1: Preferred Built Form Area 1

| Preferred minimum front street setback | Preferred minimum rear setback | Preferred minimum side setback |
|--|---|---|
| 3 metres | 6 metres <u>plus 1 metre for every metre of height over 10.9 metres</u> | <u>0 metres if located on the boundary or 4.5 metres if adjacent to a habitable room window</u> |

Delete Diagram 1

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 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 relevant objectives and requirements of this schedule are satisfied.
- [Whether the design response meets the objectives, strategies and guidelines of the](#)~~The~~ Postcode 3081 Urban Design Framework, ~~2018~~[2019](#).

Appendix C7 Design and Development Overlay Schedule 14

SCHEDULE 14 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO14**

POSTCODE 3081 URBAN DESIGN FRAMEWORK MAIN ROADS

1.0 Design objectives

~~The general design objective is to:~~

- ~~To Encourage urban renewal and support~~ the development of a new built form identity along Main Roads ~~by increasing through increased~~ heights with upper levels that visually recede.
- To encourage site consolidation and discourage the under-development of land.
- To ensure the scale and form of development achieves the preferred character for the area and manages the potential adverse amenity impacts on adjoining residential and parklands properties through an appropriate built form transition.
- To ensure new development provides a positive contribution to the existing landscape character and enhances the amenity of any adjoining public open spaces.
- ~~Encourage site consolidation to enable the preferred scale and dwelling form outcomes identified in this schedule, and to improve housing diversity and facilitate high quality development.~~
- ~~Discourage the underdevelopment of land by not permitting dwellings or entrenching uses that are inconsistent with the preferred scale and dwelling form identified in this schedule.~~
- ~~Ensure the scale and form of new dwellings complements the existing landscape character, responds to local natural attributes and landscape opportunities including protection of existing and planting of trees, the desired future streetscape, building height, setbacks and built form character.~~
- To Ensure buildings are of a high quality design and construction that include the use of appropriate materials and colours of muted tones that blend in with the surrounding environment.

2.0 Buildings and works

A ~~planning~~ permit is not required to construct a building or construct or carry out works for:

- Construction ~~and or~~ extension of one dwelling on a ~~site~~ lot of 300 sqm or more.
- Works normal to a dwelling.
- Construction ion or ~~extend~~ extension of an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and a maximum building height is not more than 3 metres above ground level.

2.1 ~~General Requirements~~

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Landscaping in the rear setback of a building capable of accommodating at least one canopy tree.
- Light-weight materials such as glass and timber are to be incorporated in all upper levels.
- Building materials must include a range of non-reflective and natural materials, such as brick and wood with a muted colour palette.
- ~~Require a green zone within the rear setback to retain existing trees and maintain backyard character.~~

- No more than 50% of the roof area is to be occupied by plant and equipment (other than solar panels).
- Plant and equipment must be located so as to avoid additional overshadowing of private or public open space or habitable room windows on adjoining land, not project higher than 3.6 metres above the building roof and be integrated into the design of the building.
- Above ground parking is to be hidden behind habitable accommodation out of view of the public realm.
- ~~Require a landscaped front setback to respond to the existing treed streetscape character and protect existing trees and root protection zones.~~
- ~~Require side setbacks to provide for breaks between built form to allow landscaping and protect amenity.~~
- ~~Encourage a podium base of 2-3 storeys responding to existing character.~~
- ~~Encourage upper levels to form a distinct lightweight element setback from the front, side and rear.~~
- ~~Require upper level side setbacks to increase with height, encouraging lot consolidation to allow for greater height in the centre of sites.~~
- ~~Allow balconies to encroach into the upper level setbacks provided they are lightweight and discontinuous.~~
- ~~Use building materials and a colour palette that reflects the existing residential character through natural, non-reflective materials, such as brick and wood as well as muted colours.~~
- ~~Ensure above ground parking is hidden behind habitable accommodation out of view of the public realm.~~

~~2.2~~ **Design Requirements**

~~The following buildings and works requirements apply to an application to construct a building or carry out works:~~

- Development on lots interfacing directly with a park should:
 - Be designed to address the public open space to provide passive surveillance and take advantage of views.
 - Include a low to moderate height fence to clearly define the public realm while retaining the potential for visual interaction.
 - Ensure that at least two-thirds of the public open space will continue to receive sunlight between 11am and 2pm during the winter solstice.
- Development should meet the preferred minimum building setback requirements specified in Table 1, except for lightweight and discontinuous balcony forms ~~and must not exceed the maximum height requirement in Clause 32.07 Schedule 5.~~

Table 1: Preferred Setbacks

| Preferred minimum front street setback | Preferred minimum rear setback | Preferred minimum side setback | Preferred minimum setback from common boundary with a park |
|---|--|---|--|
| 4 metres Any part of the <u>a</u> buildings above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | -6 metres <u>plus 1 metre for every metre of height over 10.9 metres or where a building shares a boundary with a park, 3 metres</u> | 2 metres <u>plus 1 metre for each metre of height above 3 storeys</u> | 3 metres |

Delete Diagram 1

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 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 relevant objectives and requirements of this schedule are satisfied.
- Whether the design response meets the objectives, strategies and guidelines of the ~~The~~ Postcode 3081 Urban Design Framework, ~~2018~~ 2019.

Appendix C8 Design and Development Overlay Schedule 15

SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO15**

POSTCODE 3081 URBAN DESIGN FRAMEWORK CREEKSIDE WEST

1.0 Design objectives

~~The general design objective is to:~~

- ~~To Encourage urban renewal and support the development of a new mid-rise built form encourage a preferred character to that~~ activates the Creekside creekside environment and provide a visual link from the creek to the residential hinterland.
- To ensure new development positively contributes to the existing landscape character and improves access to the creek corridor.
- To encourage site consolidation and discourage the under-development of land.
- To ensure the scale and form of development achieves the preferred character for the area and manages the potential adverse amenity impacts on adjoining residential properties through an appropriate built form transition.
- ~~Encourage site consolidation to enable the preferred scale and dwelling form outcomes identified in this schedule, and to improve housing diversity and facilitate high quality development.~~
- ~~Discourage the underdevelopment of land by not permitting dwellings or entrenching uses that are inconsistent with the preferred scale and dwelling form identified in this schedule.~~
- ~~Ensure the scale and form of new dwellings complements the existing landscape character, responds to local natural attributes and landscape opportunities including protection of existing and planting of trees, the desired future streetscape, building height, siting and built form character.~~
- To Ensure buildings are of a high quality design and construction that include the appropriate use of materials and colours of muted tones that blend in with the surrounding creekside environment.

2.0 Buildings and works

A ~~planning~~ permit is not required to construct a building or construct or carry out works for:

- Construction ~~and or~~ extension of one dwelling on a ~~site lot~~ of 300 sqm or more.
- Works normal to a dwelling.
- Construction ion or ~~extend extension of~~ an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and a maximum building height is not more than 3 metres above ground level.

~~2.1~~ **General Requirements**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- ~~Require a green zone within the rear setback to retain existing trees and maintain backyard character.~~
- ~~Require a landscaped front setback to respond to the existing treed streetscape character and protect existing trees and root protection zones.~~

- ~~▪ Require side setbacks to provide for breaks between built form to allow landscaping and protect amenity.~~
- ~~▪ Encourage a podium base of 2-3 storeys responding to existing character.~~
- ~~▪ Encourage upper levels to form a distinct lightweight element setback from the front, side and rear.~~
- ~~▪ Require upper level side setbacks to increase with height, encouraging lot consolidation to allow for greater height in the centre of sites.~~
- ~~▪ Allow balconies to encroach into the upper level setbacks provided they are lightweight and discontinuous.~~
- ~~▪ Use building materials and a colour palette that reflects the existing residential character through natural, non-reflective materials, such as brick and wood as well as muted colours.~~
- Landscaping in the front setback of a building capable of accommodating at least one canopy tree.
- Light-weight materials such as glass and timber are to be incorporated in all upper levels.
- Building materials must include a range of non-reflective and natural materials, such as brick and wood with a muted colour palette.
- Provide pedestrian links defined by low landscaping and permeable front fences and development designed to address links and the creek reserve with entries, windows and balconies.
- No more than 50% of the roof area is to be occupied by plant and equipment (other than solar panels).
- Plant and equipment must be located so as to avoid additional overshadowing of private or public open space or habitable room windows on adjoining land, not project higher than 3.6 metres above the building roof and be integrated into the design of the building.

2.2 ~~Design Requirements~~

~~The following buildings and works requirements apply to an application to construct a building or carry out works:~~

- Development on lots interfacing directly with the creek reserve should include ~~a 1.5 metre wide footpath within the creek reserve alongside the common boundary to clearly define the public and private realms.~~
 - A publicly accessible pedestrian and cycle link (designed to meet Council standards) within one side setback unless a link already exists or is approved within a neighbouring development.
 - Low landscaping and permeable front fences along the edge of pedestrian links.
 - Entries, windows and balconies addressing the pedestrian link.
 - A landscaped setback from the property boundary facing the creek.
 - A low and permeable fence to clearly define the public realm while retaining the potential for visual interaction.
- Development should meet the preferred minimum building setback requirements specified in Table 1 ~~and must not exceed the maximum height requirement in Clause 32.07 Schedule 6 except balconies provided they are lightweight and discontinuous.~~

Table 1: Preferred Setbacks

| Preferred minimum front street setback | Preferred minimum rear setback | Preferred minimum side setback | Preferred minimum setback from front boundary facing the creek |
|---|--|--|--|
| 4 metres Any part of the a buildings above 3 storeys should be setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | 6 3 metres <u>where there is a direct interface with the creek reserve plus above 3 storeys a setback of 4 metres from the building line</u> 6 metres if there is <u>no interface with the creek reserve plus 1 metre for every metre of height over 10.9 metres</u> | 2 metres, <u>or 3 metres where two or more lots are consolidated, plus 1 metre for every metre of height above 3 storeys</u> | 3 metres |

Delete Diagram 1

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 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 relevant objectives and requirements of this schedule are satisfied.
- Whether the design response meets the objectives, strategies and guidelines of the ~~The~~ Postcode 3081 Urban Design Framework, ~~2018~~2019.

Appendix C9 Design and Development Overlay Schedule 16

SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO16**

POSTCODE 3081 URBAN DESIGN FRAMEWORK LOCAL PARK INTERFACES

1.0 Design objectives

~~The general design objective is to:~~

- ~~To Encourage urban renewal and~~ support a preferred character of ~~the~~ development of a new mid-rise built form to ~~which~~ activates the edges and enhances the amenity and surveillance of existing public open spaces.
- To ensure new development positively contributes to the existing landscape character and enhances the amenity of public open spaces.
- To encourage site consolidation and discourage the under-development of land.
- To ensure the scale and form of development achieves the preferred character for the area and manages the potential adverse amenity impacts on adjoining residential properties through an appropriate built form transition.
- ~~Encourage site consolidation to enable the preferred scale and dwelling form outcomes identified in this schedule, and to improve housing diversity and facilitate high quality development.~~
- ~~Discourage the underdevelopment of land by not permitting dwellings or entrenching~~
- ~~uses that are inconsistent with the preferred scale and dwelling form identified in this schedule.~~
- ~~Ensure the scale and form of new dwellings complements the existing landscape character, responds to local natural attributes and landscape opportunities including protection of existing and planting of trees, the desired future streetscape, building height, siting and built form character.~~
- To Ensure buildings are of a high quality design and construction that include the appropriate use of materials and colours of muted tones that blend in with the surrounding environment.

2.0 Buildings and works

A ~~planning~~ permit is not required to construct a building or construct or carry out works for:

- Construction ~~or and~~ extension of one dwelling on a ~~site~~-lot of 300 sqm or more.
- Works normal to a dwelling.
- Construct~~ion~~ or ~~extend~~-extension of an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and a maximum building height is not more than 3 metres above ground level.

~~2.1~~ General Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Landscaping in the front setback of a building capable of accommodating at least one canopy tree.
- Light-weight materials such as glass and timber are to be incorporated in all upper levels.

- Building materials must include a range of non-reflective and natural materials, such as brick and wood with a muted colour palette.~~Require a green zone within the rear setback to retain existing trees and maintain backyard character.~~
- No more than 50% of the roof area is to be occupied by plant and equipment (other than solar panels).
- Plant and equipment must be located so as to avoid additional overshadowing of private or public open space or habitable room windows on adjoining land, not project higher than 3.6 metres above the building roof and be integrated into the design of the building.
- ~~▪ Require a landscaped front setback to respond to the existing treed streetscape character and protect existing trees and root protection zones.~~
- ~~▪ Require side setbacks to provide for breaks between built form to allow landscaping and protect amenity.~~
- ~~▪ Encourage a podium base of 2-3 storeys responding to existing character.~~
- ~~▪ Encourage upper levels to form a distinct lightweight element setback from the front, side and rear.~~
- ~~▪ Require upper level side setbacks to increase with height, encouraging lot consolidation to allow for greater height in the centre of sites.~~
- ~~▪ Allow balconies to encroach into the upper level setbacks provided they are lightweight and discontinuous.~~
- ~~▪ Use building materials and a colour palette that reflects the existing residential character through natural, non-reflective materials, such as brick and wood as well as muted colours.~~
- Development on lots interfacing directly with a park should include:
 - A low and visually permeable fence should be included to clearly define the public realm while retaining the potential for visual interaction.
 - Entries, windows and balconies addressing the public open space.
 - Ensure that at least two-thirds of the public open space will continue to receive sunlight between 11am and 2pm during the winter solstice.
- ~~▪ Development on lots interfacing directly with a park should include a low and visually permeable fence and be designed to address the public open space with entries, balconies and windows.~~

~~2.2~~ **Design Requirements**

- ~~▪ The following buildings and works requirements apply to an application to construct a building or carry out works:~~
- Development should meet the preferred minimum building setback requirements specified in Table 1, except balconies provided they are lightweight and discontinuous~~and must not exceed the maximum height requirement in Clause 32.07 Schedule 7.~~
 - ~~▪ Development should include a 2 metre wide shared path within the open space reserve alongside the common boundary to clearly define the public and private realm.~~

Table 1: Preferred Setbacks

| Preferred minimum front street setback | Preferred minimum rear setback | Preferred minimum side setback | Preferred minimum setback from front boundary facing a park |
|---|--|--|---|
| 4 metres Any part of the <u>a</u> building s above 3 storeys should be | -6 metres <u>plus 1 metre for every metre of height over 10.9 metres or where a building</u> | 2 metres <u>plus 1 metre for every metre of height above 3</u> | 3 metres |

| | | | |
|---|---|-------------------------|--|
| setback a minimum of 3 metres from the front building line and a further 3 metres above 5 storeys | shares a boundary with a park, 3 metres | storeys | |
|---|---|-------------------------|--|

Delete Diagram 1

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 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 relevant objectives and requirements of this schedule are satisfied.
- [Whether the design response meets the objectives, strategies and guidelines of the](#) ~~The~~ Postcode 3081 Urban Design Framework, ~~2018~~ [2019](#).

Appendix C10 Design and Development Overlay Schedule 17

SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO17**

POSTCODE 3081 URBAN DESIGN FRAMEWORK CREEKSIDE EAST

1.0 Design objectives

- To support a preferred character of development that activates the creekside environment and incorporates appropriate setbacks to enable visual links from the Darebin Creek Forest Park to the residential hinterland.
- To encourage site consolidation and discourage the under-development of land.
- To ensure the scale and form of development achieves the preferred character for the area and manages the potential adverse amenity impacts on adjoining residential properties through an appropriate built form transition from the creek to the hinterland.
- To ensure buildings are of a high quality design and construction that include the appropriate use of materials and colours of muted tones that blend in with the surrounding environment.

2.0 Buildings and works

A permit is not required to construct a building or construct or carry out works for:

- Construction and extension of one dwelling on a lot of 300 sqm or more.
- Works normal to a dwelling.
- Construction or extension of an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and a maximum building height is not more than 3 metres above ground level.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Landscaping in the front and rear setbacks of a building capable of accommodating at least one canopy tree.
- Light-weight materials such as glass and timber are to be incorporated in all upper levels.
- Building materials must include a range of non-reflective and natural materials, such as brick and wood with a muted colour palette.
- No more than 50% of the roof area is to be occupied by plant and equipment (other than solar panels).
- Plant and equipment must be located so as to avoid additional overshadowing of private or public open space or habitable room windows on adjoining land, not project higher than 3.6 metres above the building roof and be integrated into the design of the building.
- Development should meet the preferred minimum building setback requirements specified in Table 1, except balconies provided they are lightweight and discontinuous.

Table 1: Preferred Setbacks

| Preferred minimum front street setback | Preferred minimum rear setback | Preferred minimum side setback |
|---|--|---|
| 4 metres Any part of a building above 3 storeys should be setback a minimum of 3 metres from the front building line | 6 metres plus 1 metre for every metre of height over 10.9 metres | 2 metres plus 1 metre for every metre of height above 3 storeys |

Delete Diagram 1

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 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 relevant objectives and requirements of this schedule are satisfied.
- Whether the design response meets the objectives, strategies and guidelines of the Postcode 3081 Urban Design Framework, 2019.