

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.1

**Planning Scheme Amendment C259 – Application of DDO32 over 120-162  
Capel Street and 135-159 Peel Street**

7 June 2016

**Presenter:** Emma Appleton, Manager Urban Strategy

**Purpose and background**

1. The purpose of this report is to:
  - 1.1. provide an overview of the public exhibition of Melbourne Planning Scheme Amendment C259 (the amendment)
  - 1.2. request that the Future Melbourne Committee (FMC) recommend Council adopt the Amendment (Attachment 2) and submit the Amendment as adopted to the Minister for Planning for approval.
2. Council Plan action 1.1.5 is "*Undertake a planning scheme amendment to introduce DDO32 and its 14-metre height limit over land at 94-112 Courtney Street (corner Harcourt Street), 104-162 Capel Street and 135-159 Peel Street*".
3. In December 2015 a report from Management was presented to the Future Melbourne Committee indicating that two changes were required to be made to Council Plan action 1.1.5 as follows:
  - 3.1. As the rezoning of the land at 94 -112 Courtney Street was not approved by the Minister for Planning with the gazettal of Amendment C196, the land remains in General Residential Zone 1 (GRZ1). This negates the need to introduce DDO32 to this property.
  - 3.2. Numbers 104-118 Capel Street are already covered by DDO32.
4. The Amendment now proposes to extend DDO32 to cover 120-162 Capel Street and 135-159 Peel Street North Melbourne, in order to introduce maximum mandatory 14 metre height controls consistent with adjoining Mixed Use Zone properties.

**Key issues**

5. The Amendment was placed on exhibition from Thursday 3 March 2016 to Friday 22 April 2016. No submissions were received.
6. The Amendment applies height controls to the affected properties that are consistent with the City North Structure Plan 2012.
7. As no submissions were received, no panel hearing is required and Council is able to adopt the Amendment.

**Recommendation from management**

8. That the Future Melbourne Committee recommends Council:
  - 8.1. adopts Melbourne Planning Scheme Amendment C259 as exhibited, pursuant to Section 29 of the *Planning and Environment Act 1987*
  - 8.2. submits the Amendment to the Minister for Planning for approval.

**Attachments:**

1. Supporting Attachment (page 2 of 8)
2. Amendment Documents (page 3 of 8)

## Supporting Attachment

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### Legal

1. No submissions were received by Council.
2. Section 29(1) of the *Planning and Environment Act 1987* (the Act) provides that after complying with Divisions 1 and 2 of the Act in respect of a planning scheme amendment, the planning authority may adopt the amendment with or without changes.
3. Section 188(2) of the Act provides that the decision to adopt the Amendment cannot be made under delegation.

### Finance

4. Under Section 6 of the *Planning and Environment (Fees) Regulations 2000* Council is required to pay a fee of \$798 when requesting the Minister approve an amendment and giving notice of approval of an amendment. Once the planning scheme amendment is approved, Council will also be required to place a notice in a newspaper circulating in the local area.
5. The cost of advertising and the fee referred to above is provided for in the 2015-16 branch operating budget.

### Conflict of interest

6. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

7. Prior to FMC considering the Amendment for Ministerial authorisation on 1 December 2015, all affected residents and occupiers were notified by mail. No person has requested to address FMC or contacted the City of Melbourne as a result of this notification.
8. The Amendment has been publicly exhibited in accordance with the *Planning and Environment Act 1987*. A notice of preparation of an amendment was placed in the Government Gazette, The Age and the Melbourne Times. Notification of the Amendment was sent to the Minister for Planning, prescribed Ministers and affected residents and occupiers.
9. An error appeared in the original exhibition notifications incorrectly listing the subject addresses as belonging to West Melbourne, instead of North Melbourne. A special government gazette ran on 10 March 2016 to give notice of the error and clarify the address (corrigendum notice). Additional letters were also sent to the Minister for Planning, prescribed Ministers and affected residents and occupiers, advising them of the correction. The exhibition closure date was also extended by a week (from the 15 April to the 22 April 2016).

### Relation to Council policy

10. The Amendment aligns with the key strategic directions set out in the City North Structure Plan 2012 and with Clause 21.14-1 in the Melbourne Planning Scheme.

### Environmental sustainability

11. As the Amendment is a minor change to limit maximum building heights, environmental sustainability issues or opportunities were not considered.



*Planning and Environment Act 1987*

## MELBOURNE PLANNING SCHEME

### AMENDMENT C259

#### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the City of Melbourne, which is the planning authority for this amendment.

#### Land affected by the Amendment

The Amendment applies to the properties at 120–162 Capel Street and 135–159 Peel Street, North Melbourne, as shown on the map below.



**Figure 1: proposed amendment area covering 120–162 Capel Street and 135–159 Peel Street, North Melbourne**

## **What the amendment does**

The Amendment proposes to apply existing Development and Design Overlay - Schedule 32 (DDO32) to the subject properties to introduce a maximum mandatory 14 metre height control.

## **STRATEGIC ASSESSMENT OF THE AMENDMENT**

### **Why is the Amendment required?**

The City of Melbourne's City North Structure Plan 2012 sets out the strategic directions for City North, with a view to building a vibrant extension of the central city. The development of City North will help the municipality accommodate its growing residential and worker population.

Planning Scheme Amendment C196, gazetted on 15 October 2015, implements the zoning and built form controls of the City North Structure Plan 2012.

An additional planning scheme amendment is required as the properties at 120–162 Capel Street and 135–159 Peel Street, North Melbourne, which were rezoned from the General Residential Zone to Mixed Use under Amendment C196, are not subject to a Design and Development Overlay to manage built form, as is the case for every other Mixed Use Zone properties in the area.

The Amendment will ensure that the zoning and built form controls of the subject properties are consistent with that of the neighbouring properties. Where previously the potential scale of development of these properties was restricted by the provisions of the General Residential Zone, the shift to Mixed Use leaves the sites vulnerable to inappropriate scales of development.

Neighbouring properties in the Mixed Use Zone are subject to Design and Development Overlay Schedule 32 which restricts height to a maximum of 14 metres.

This Amendment proposes the logical extension of DDO32 to cover the properties at 120–162 Capel Street and 135–159 Peel Street, North Melbourne to protect the amenity of the area and ensure the objectives of the City North Structure Plan 2012 are met.

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

The amendment implements the following objectives of planning in Victoria:

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To balance the present and future interests of all Victorians.

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

The Amendment balances the need for economic development with the desire to protect and enhance the existing neighbourhood character. The Amendment is not likely to have any significant impact on the environment.

**Does the Amendment address relevant bushfire risk?**

Not applicable. The land affected by the amendment is not located in a bushfire prone area.

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

The amendment complies and is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes pursuant to Section 7(5) of the Planning and Environment Act 1987 (the Act). The amendment also complies and is consistent with the requirements of Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments.

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

The State Planning Policy supports the extension of the central city and development of higher densities, but also maintains that new development needs to respect and respond to the existing built context.

Clause 15.01-5 cultural identity and neighbourhood character – the height restrictions applicable to properties under DDO32 serve to “recognise and protect cultural identity, neighbourhood character and sense of place” as per Clause 15.01-5 to the State Planning Policy Framework.

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

The City of Melbourne Municipal Strategic Statements identifies City North as a proposed urban renewal area (Clause 21.04-1.3 Proposed urban renewal areas) and cites the City North Structure Plan 2012 as a key document for guiding development in this area. This amendment forms part of the continued absorption of the directions set out in the City North Structure Plan 2012 into the Melbourne Planning Scheme.

Clause 21.06-1 Urban Design centres on creating quality built form, streets and open spaces and safeguarding the character of the City of Melbourne against undesirable redevelopment. Building scale appropriate to the surrounding development is a key policy direction for this clause and the main motivation behind this amendment.

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

Yes. The Amendment uses an existing overlay tool under the Victorian Planning Provisions.

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

The relevant agencies will be notified as part of the planning scheme process.

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

The Amendment is not likely to have any significant impact on the transportation system.

**Resource and administrative costs**

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

The proposed amendment will have no marked effect on existing administration costs of the City of Melbourne.

**Where you may inspect this Amendment**

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

City of Melbourne website at [www.melbourne.vic.gov.au/planningamendments](http://www.melbourne.vic.gov.au/planningamendments)

City of Melbourne  
Level 3, 240 Little Collins Street  
MELBOURNE VIC 3000

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection).

*Planning and Environment Act 1987*

**MELBOURNE PLANNING SCHEME**

**AMENDMENT C259**

**INSTRUCTION SHEET**

The planning authority for this amendment is the City of Melbourne.

The City of Melbourne Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of one attached map sheet.

***Overlay Maps***

1. Amend Planning Scheme Map No. 5DDOPT3 in the manner shown on the attached map marked "Melbourne Planning Scheme, Amendment C259".

End of document

# MELBOURNE PLANNING SCHEME



## LEGEND

**DDO32** Design and Development Overlay - Schedule 32

Part of Planning Scheme Map 5DDOPT3

# AMENDMENT C259

