

Date: 8 October 2018

AMENDMENT C161

FAIRFIELD VILLAGE HERITAGE ASSESSMENT AND BUILT FORM GUIDELINES

PART A SUBMISSION – DAREBIN CITY COUNCIL

INTRODUCTION

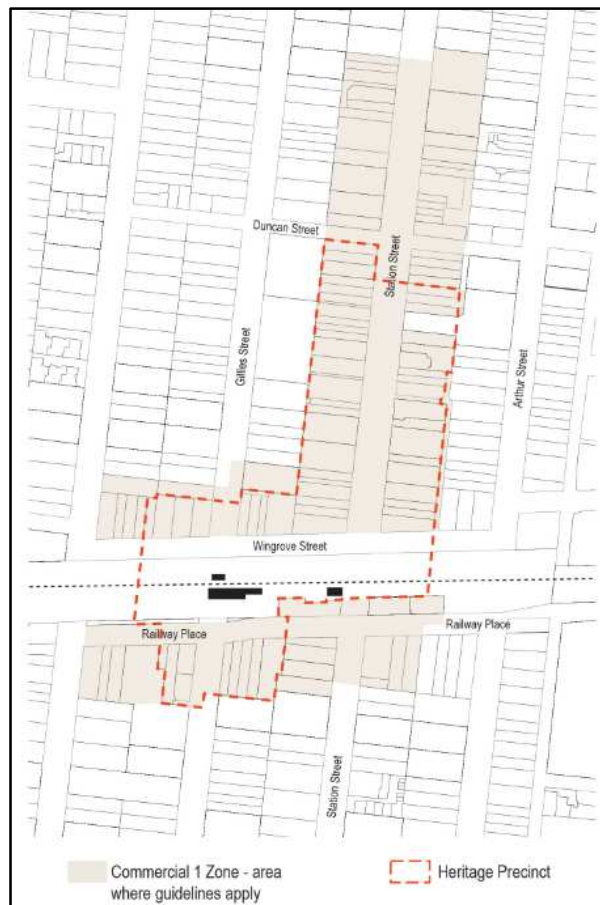
1. The Panel has requested that Darebin City Council (**Council**) provides its 'Part A' submission on 8 October 2018 prior to the commencement of the hearing.
2. Amendment C161 to the Darebin Planning Scheme (**Scheme**) (**Amendment**) proposes to implement the Fairfield Village Built Form Guidelines, 2017 (**Built Form Guidelines**) and the Fairfield Village Heritage Assessment, 2017 (**Heritage Assessment**).
3. This submission responds to that request under the following headings:
 - 3.1 Background to the Amendment;
 - 3.2 Chronology of Events;
 - 3.3 Strategic context and assessment;
 - 3.4 Other matters raised by the Panel at the Directions Hearing;
 - 3.5 Amendment VC148; and
 - 3.6 Proposed changes to the Amendment.
4. Council's Part B Submission will address all other matters set out in the Panel's Directions dated 27 August 2018, including a response to the submissions received.

BACKGROUND TO THE AMENDMENT

5. Council, in its capacity as the planning authority under the *Planning and Environment Act 1987* (**Act**), has prepared the Amendment.
6. This Panel has been appointed pursuant to section 153 of the Act to consider the submissions that have been referred to it pursuant to section 23(1)(b) of that Act.

Fairfield Village Activity Centre

7. The Amendment applies to land commonly referred to as the Fairfield Village Activity Centre (**Fairfield Village**), which generally consists of the commercial spine along Station Street and along either side of the train line between Station Street and Rathmines Street.
8. A part of Fairfield Village has been identified as having sufficient heritage value to warrant its inclusion within the Heritage Overlay (**HO**).
9. The relationship between the proposed area to be covered by the HO and the broader activity centre is depicted in Figure 1 of the Built Form Guidelines.



10. Fairfield Village is identified in the Strategic Framework Plan at clause 21.01 of the Scheme as a 'Neighbourhood Centre'. Fairfield Village sits within an established activity centre hierarchy where Preston and Northland are classified as 'Activity Centre (Sub-regional role)', being the highest order activity centre within Darebin, followed by Northcote and Reservoir which are classified as an 'Activity Centre'. Fairfield, together with a number of other smaller centres, are classified as 'Neighbourhood Centres'.
11. The broader strategic context is also influenced by the decision of Yarra City Council to approve a development plan for the Alphington Paper Mills site. The approved development plan includes the following features:¹
 - 11.1 4.5% open space;
 - 11.2 1700 square metres of community facilities and multi-purpose sports court;
 - 11.3 30 metre wide buffer to the Yarra River;

¹ See <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/current-projects/alphington-papermill> (Accessed 3 October 2018).

- 11.4 5% affordable housing provision;
 - 11.5 13,500 square meters of retail and commercial floor space; and
 - 11.6 an estimated 2500 dwellings in the form of town houses and apartments.
12. An extract of the approved development plan is provided with this Part A submission at Attachment 1.

Amendment C161 to the Darebin Planning Scheme

13. In broad terms, the Amendment, as exhibited, seeks to implement the recommendations of Heritage Assessment and the Built Form Guidelines by:
- 13.1 introducing HO313 to the Fairfield Heritage Precinct, which includes the land along either side of Station Street and to the north and south of Fairfield Station;
 - 13.2 introducing HO314 to St Andrew's Alphington and Fairfield Uniting Church at 85-87 Gillies Street, Fairfield;
 - 13.3 removing HO106 (North and South Platform Building and Signal Box at Fairfield Station, Wingrove Street, Fairfield);
 - 13.4 amending City of Darebin Heritage Study Incorporated Plan – Permit Exemptions (2011);
 - 13.5 introducing Design and Development Overlay – Schedule 21 (**DDO21**) to all of the land within Fairfield Village;
 - 13.6 including various changes to the municipal strategic statement and the local policies; and
 - 13.7 including two site specific rezonings to address two anomalies.
14. A more detailed description of the Amendment is outlined in the Explanatory Report.

CHRONOLOGY OF EVENTS

15. On 19 March 2018, Council resolved:
- That Council:
- (1) Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Darebin City Council to prepare Amendment C161 to the Darebin Planning Scheme;
 - (2) When authorised by the Minister for Planning, exhibit Amendment C161 to the Darebin Planning Scheme for a period of one month and/or in accordance with notice requirements under Section 19 of the *Planning and Environment Act 1987*;

- (3) Authorise the Manager City Futures to make minor alterations and corrections, where necessary, to Amendment C161 material as attached at **Appendices A-G** prior to the lodgement of the authorisation request with the Minister for Planning and/or the exhibition period.

16. Council subsequently sought authorisation from the Minister for Planning.

Authorisation

17. By letter dated 30 April 2018, the Minister for Planning authorised Council to prepare the Amendment.

18. The Minister for Planning's delegate authorised the Amendment subject to one condition, namely that:

Council is advised to consider the edited Schedule 21 to the Design and Development Overlay attached to the email from State Planning Services officers on 24 April 2018 prior to submitting the amendment to the Department of Environment, Land, Water and Planning for exhibition.

19. After considering the advice from the Minister's delegate, Council decided to amend the proposed schedule to generally accord with the suggestions made by the Minister's delegate.
20. A compare of the DDO21 document provided to Council from DELWP and the version of DDO21 placed on exhibition has been undertaken. This document highlights the changes that were not accepted by Council and the further changes Council made to the DELWP suggestions. A short explanation for each difference has been included in the compare document for the Panel's convenience.
21. The condition of authorisation did not require Council to adopt each and every change in the DELWP document. Rather, Council was required to consider those changes, which it did by accepting most of the suggested changes, not accepting others or making other consequential changes. A copy of the compare document is provided in Attachment 2.

Formal Exhibition

22. Council exhibited the Amendment between 15 May 2018 and 18 June 2018 by:
 - 22.1 sending 1307 letters to the owners and occupiers affected by the Amendment on 15 May 2018;
 - 22.2 sending letters to the prescribed Ministers and authorities, local members of parliament, adjoining municipalities of Yarra and Banyule and Fairfield Traders Association on 1 May 2018;
 - 22.3 publishing a notice in the Northcote Leader on 16 May 2018;
 - 22.4 publishing a notice in the Government Gazette on 17 May 2018;

- 22.5 publishing a full copy of the amendment documentation on Department of Environment, Land, Water and Planning's and Council's websites; and
 - 22.6 having a copy of the amendment documentation available for public viewing at the Planning Counter at Council's Preston Office and at the Fairfield Library;
 - 22.7 posts across Council's social media channels at the commencement of exhibition and again on 6 June 2018 prior to close of submissions;
 - 22.8 running two drop-in information sessions between 5.30-7.30pm at Mamma Says Café, 120 Station Street, Fairfield on 23 May and 30 May 2018 to provide the community with the opportunity to talk directly to Council officers about the amendment and clarify any questions about the proposal and the process.
23. At the end of this exhibition period, 10 submissions were received, including one late submission being received before Council formally considered submissions. Four of the submissions expressed support for the Amendment. A further late submission was received by Council after Council had determined to refer the submissions to be Panel.
24. A more detailed explanation of the submissions and Council's response to them can be found in the Council report dated 23 July 2018.
25. In addition to the above exhibition, Council had already undertaken extensive consultation when preparing the Heritage Assessment and the Built Form Guidelines.
26. This consultation included:
- 26.1 a consultation program in October and November 2016 which included workshops and public drop in points to gather information about community views to inform the preparation of the Built Form Guidelines;
 - 26.2 the establishment of the Fairfield Village Community Reference Group (**Reference Group**) to provide feedback on the preparation of the Built Form Guidelines and other Council projects within Fairfield;
 - 26.3 in May 2017, Council consulted with the Reference Group on a draft of the Built Form Guidelines;
 - 26.4 between 2 September – 6 October 2017, Council undertook informal public consultation on a draft of the Heritage Assessment and the Built Form Guidelines, which generally received a positive response; and
 - 26.5 in November 2017, Council undertook directed consultation with Transport for Victoria regarding the issues surrounding Fairfield Station.

Council Meeting – 23 July 2018

27. On 23 July 2018, Council resolved:

That Council:

Having prepared and exhibited Amendment C161 to the Darebin Planning Scheme under section 19 of the *Planning and Environment Act 1987*:

- (1) Notes all submissions received in response to Amendment C161 to the Darebin Planning Scheme.
- (2) Endorses the response to submissions outlined in this report and attached at Appendix A to this report, to form the basis of Council's submission to an independent Planning Panel.
- (3) Endorses Amendment C161 as exhibited with policy-neutral modifications to Design and Development Overlay (Schedule 21) to meet conditions of authorisation from the Department of Environment, Land Water and Planning, as attached at Appendix B to this report.
- (4) Endorses further post-exhibition changes to the Design and Development Overlay (Schedule 21) and Clause 21.02 Built Environment to correct minor errors, as attached at Appendix B to this report.
- (5) Requests that the Minister for Planning appoint an independent Panel under Part 8 of the Planning and Environment Act 1987 to consider submissions to Amendment C161 to the Darebin Planning Scheme.
- (6) Authorises the Manager City Futures to make any further changes to Amendment C161 that may be required as part of Council's submission to the Panel.
- (7) Advise all submitters of Council's resolution.

STRATEGIC CONTEXT AND ASSESSMENT

Why is the Amendment required?

28. The following material is relevant to the strategic basis of the Amendment in varying degrees.

Objectives of Planning in Victoria

29. The Amendment will support and assist with implementing the objectives of planning in Victoria as outlined in Section 4 of the Act.

30. In particular, the Amendment responds to the following objectives:

- 30.1 to provide for the fair, orderly, economic and sustainable use, and development of land;
- 30.2 to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

- 30.3 to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
 - 30.4 to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
 - 30.5 to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
 - 30.6 to balance the present and future interests of all Victorians.
31. The Amendment will further these objectives by accommodating an increase in demand for new housing and retail space within Fairfield Village.

Minister's Directions

32. The following Ministerial Directions are relevant to the Amendment.

Form and Content of Planning Schemes

33. The Amendment will need to comply with the required Form and Content of Planning Schemes. The Amendment was prepared having regard to this Ministerial Direction.

Ministerial Direction No. 9 – Metropolitan Planning Strategy (Amended 30 July 2018)

34. The Amendment has had regard to the Metropolitan Planning Strategy, and the Explanatory Report discusses the relevant matters identified in this Ministerial Direction.

Ministerial Direction No. 11 – Strategic Assessment of Amendments (Amended 30 July 2018)

35. Ministerial Direction No. 11 seeks to ensure a strategic evaluation of a planning scheme amendment and the outcomes it produces.
36. The preparation of the Explanatory Report has fulfilled the requirements of this direction.

Ministerial Direction No. 15 – The Planning Scheme Amendment Process (Amended 30 July 2018)

37. The Amendment has complied with the directions contained in this Ministerial Direction.

Practice and Advisory Notes

38. The Amendment is consistent with the following Practice and Advisory Notes:
- 38.1 PPN1 – Applying the Heritage Overlay;
 - 38.2 PPN10 – Writing Schedules;

- 38.3 PPN46 – Strategic Assessment Guidelines;
- 38.4 PPN59 – The Role of Mandatory Provisions in Planning Schemes;
- 38.5 PPN60 – Height and Setbacks Controls for Activity Centres; and
- 38.6 PPN77 – Pre-setting Panel Hearing Dates.

Planning Policy Framework (PPF)

39. The following clauses of the PPF are relevant to the Amendment:

- Clause 11 – Settlement;
- Clause 11.01-1R – Settlement – Metropolitan Melbourne;
- Clause 11.02-2S – Structure Planning;
- Clause 11.03 – Planning for Places;
- Clause 11.03-6S – Regional and local places;
- Clause 15 – Built Environment and Heritage;
- Clause 15.01-2S – Building design;
- Clause 15.01 – Built Environment;
- Clause 15.01-1R – Urban design – Metropolitan Melbourne;
- Clause 15.02 – Sustainable Development;
- Clause 15.03 – Heritage;
- Clause 16 – Housing;
- Clause 16.01-4S – Housing affordability;
- Clause 16.01-3S – Housing diversity;
- Clause 16.01-3R – Housing diversity – Metropolitan Melbourne;
- Clause 16.01-2R – Housing opportunity areas – Metropolitan Melbourne;
- Clause 16.01-1R – Integrated housing – Metropolitan Melbourne;
- Clause 16.01-2S – Location of residential development;
- Clause 16.01-1S – Integrated housing;
- Clause 17 – Economic Development;
- Clause 17.01-1S – Diversified economy;
- Clause 17.02-1S – Business;

- Clause 18 – Transport;
 - Clause 18.01-1S – Land use and transport planning;
 - Clause 18.02-2R – Principal Public Transport Network; and
 - Clause 18.02-2S – Public Transport.
40. The Amendment will implement these clauses of the PPF for the reasons set out in the Explanatory Report, noting that following Amendment VC148, the various clause numbers referenced in the Explanatory Report have changed. Council adopts that assessment as part of this submission.

Local Planning Policy Framework (including MSS)

41. The following clauses of the LPPF are relevant to the Amendment:
- Clause 21.01 – Introduction;
 - Clause 21.02 – Environment, including clauses 21.02-3 – Built Environment and 21.02-4 – Heritage
 - Clause 21.03 – Housing, including clauses 21.03-1 – Strategic housing Framework, 21.03-2 – Housing Development, and 21.03-3 – Housing Diversity and Equity;
 - Clause 21.04 – Economic Development, including clauses 21.04-1 – Strategic Economic Development Framework and 21.04-3 – Commercial and Retail Activity;
 - Clause 21.05 – Transport and Infrastructure, including clause 21.05-2 – Integrated and Sustainable Transport; and
 - Clause 22.06 – Multi Residential and Mixed Use Development.
42. The Amendment will implement these clauses of the LPPF for the reasons set out in the Explanatory Report. Council adopts that assessment as part of this submission.

Strategic assessment guidelines

43. The strategic justification for the Amendment has been addressed under the questions that form the Strategic Assessment Guidelines as part of the Explanatory Report. Council adopts that assessment as part of this submission.

The Built Form Guidelines

44. The Built Form Guidelines is one of the key strategic documents which informed the Amendment. Ms Bell's evidence statement will explain the key aspects of the Built Form Guidelines so they are not repeated here.

45. As part of preparing the Built Form Guidelines, Council undertook a comprehensive strategic planning and engagement process. The Built Form Guidelines had been informed by a considerable body of historical strategic work.
46. A brief summary of this work and the context it was prepared is outlined below:
 - 46.1 In October 2004, the State Government announced new planning controls allowing councils to place interim height limits on neighbourhood activity centres. These new controls were intended to provide councils with the tools needed to control inappropriate development whilst undertaking further strategic planning work to determine the preferred built form of these centres.
 - 46.2 On 2 February 2006, the Minister for Planning introduced an interim Design and Development Overlay – Schedule 8 (**DDO8**) to the then Business 1 zoned land in Station Street and Railway Place. The control imposed a maximum building height of 9 metres, unless the slope of natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height was 10 metres.
 - 46.3 In 2008, Council engaged Hansen Partnership to prepare design guidelines for Fairfield Village. The guidelines were intended to inform a permanent Design and Development Overlay to replace DDO8. The project produced a *Background Report (July 2008)*. The findings were then translated into draft design guidelines – *Station Street Fairfield Design Guidelines (December 2008)*. The guidelines proposed a maximum building height of 3 or 4 storeys (10.5m or 13.5m), compared to 9 and 10 metre maximum building heights in the DDO8. The guidelines were released for informal community consultation in February/March 2009. Council received 10 submissions raising concerns about the proposed heights. These design guidelines were not adopted by Council.
 - 46.4 After being extended three times, DDO8 expired on 31 March 2010.
 - 46.5 On 19 March 2012, a notice of motion was carried stating:

That Council receive a report at a meeting in May 2012 regarding the possible introduction of a structure plan for Station Street, Fairfield and surrounds. The report should outline the process, timeline and investment required to develop a structure plan for this precinct.
 - 46.6 In November 2015, Hansen Partnership prepared the 'Fairfield Action Plan, November 2015' (**Action Plan**), as an internal working document to provide a framework to assist and guide Council in identifying strategic projects and works in the Fairfield Activity Centre to improve its amenity, guide development (through built form controls) and support long term viability. One of the recommendations

of the Action Plan was to prepare a set of design guidelines to inform built form controls that could be implemented through a planning scheme amendment. A copy of the Action Plan is included at Attachment 3.

- 46.7 In April 2016, Council endorsed, but did not adopt, the Action Plan.
- 46.8 In July 2016, work commenced on preparing new design guidelines for Fairfield Village and to engage a heritage consultant to review the village to identify whether there were any heritage values that should be protected.
- 46.9 During November 2016, Council engaged Codesign Studio to undertake consultation to inform the streetscape masterplan and the draft Built Form Guidelines. Running concurrently with the preparation of the Heritage Assessment and the Built Form Guidelines was a separation capital works project to prepare a streetscape masterplan. The results of the consultation are set out in 'Our Fairfield Village – Community Engagement Summary – Final Report, January 2017' (**Codesign Report**). The Codesign Report is provided as Attachment 4.
- 46.10 In January 2017, Council established the Fairfield Village Community Reference Group as a stakeholder and representative group to provide feedback on the draft Built Form Guidelines and other infrastructure projects in Fairfield.
- 46.11 In March 2017, Stage 1 of the Heritage Assessment was delivered.
- 46.12 In April 2017, Council was briefed on the progress of the project, including the initial conclusions reached as part of Stage 1 of the Heritage Assessment.
- 46.13 In June 2017, the Heritage Assessment was completed and delivered to Council and a draft of the Built Form Guidelines had been prepared.
- 46.14 In September-October 2017, Council undertook informal consultation on a draft of the Built Form Guidelines and the Heritage Assessment. The 'Community Engagement Key Findings Report – Exhibition of draft Fairfield Village Built Form Guidelines & Heritage Assessment recommendations, September-October 2017' (**Community Engagement Report**) provides a detailed overview of the consultation process which included traditional methods of consultation, social media and preparation of fact sheets. Approximately 3,500 personal letters were sent as part of this process. The Community Engagement Report is provided as Attachment 5.
- 46.15 On 18 December 2017, Council adopted the Built Form Guidelines and Heritage Assessment.

47. Council's submissions during the hearing will address these matters in more detail.

The Heritage Assessment

48. The Heritage Assessment is one of the key strategic documents which informed the Amendment. Ms Huddle's evidence statement will explain the key aspects of the Heritage Assessment so they are not repeated here.

Other matters raised by the Panel at the Directions Hearing

49. In response to the various matters raised by the Panel at the Directions Hearing, Council responds as follows:

49.1 The reference to the 'Darebin Housing Strategy 2013 (Revised 2015)' should be a reference to 'Darebin Housing Strategy 2013-2033'. Council intends to address this inconsistency in the next anomalies amendment. Council would also consider a recommendation from the Panel that the correct housing strategy is fixed as part of the Amendment.

49.2 There is a difference between the properties identified on the map forming part of the Explanatory Report and the written description of the properties. A review of the Explanatory Report has confirmed that the map showing the properties affected was correct, but the written description of the properties was not. The written description of the properties affected by the Amendment in the Explanatory Report should have read:

49.2.1 66-152 Station Street, Fairfield;

49.2.2 75-157 Station Street, Fairfield;

49.2.3 1-31 Railway Place and 36 Railway Place, Fairfield;

49.2.4 254-294 Wingrove Street, Fairfield;

49.2.5 41 Hanslope Avenue, Fairfield (Fairfield Railway Station and surrounding reserve);

49.2.6 50, 61 and 85-87 Gillies Street, Fairfield; and

49.2.7 86 Arthur Street, Fairfield.

49.3 The reference in the Explanatory Report to 'HO414' on page 2 in the second bullet point under the heading 'Clause 22 (Local Planning Policies)' should have read 'HO314'.

- 49.4 The reference in the Explanatory Report on page 3 to the Fairfield Village Heritage Precinct should have been referred to 'HO313' and not 'HO314' and the site specific HO for the St Andrew's Alphington and Fairfield Uniting Church should have been a reference to 'HO314' and not 'HO313'.
- 49.5 Council has historically referenced all strategic documents that have informed the preparation of a clause in the Scheme. This is evidenced by the Urban Design Charter for Victoria 2005 and the Safer Design Guidelines for Victoria 2005 in clause 21.02. This has been accepted by DELWP. This practice has also been adopted by the Amendment. Council acknowledges that following the introduction of VC148, the practice for citing reference documents in planning schemes has changed. Clause 72.08, including a schedule, now contains the location within a planning scheme to identify the documents which have informed specific clauses. A review of the Ministerial Direction on the Form and Content of Planning Schemes does not appear to restrict the referencing of State documents in the schedule to clause 72.08. Council expects that the referencing of background documents will be resolved through DELWP's consideration of the Amendment.
50. Council thanks the Panel for bringing these matters to its attention. The errors can be addressed if Council adopts the Amendment.

Amendment VC148

51. On 31 July 2018, Amendment VC148 was gazetted making various and significant changes to the planning schemes across Victoria.
52. Clause 43.01-5 states:
- The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148.
- This does not apply to a heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
53. By letter dated 30 April 2018, the Amendment was authorised by the Minister for Planning's delegate. VC148 was gazetted on 31 July 2018 which was well after the date the Amendment was authorised. Therefore, the Amendment takes the benefit of the transitional provision at clause 43.01-5. There is no need for the statement of significance for the two heritage places to be incorporated into the schedule to the HO.

Proposed changes to the Amendment

54. Aside from those changes identified in Appendix B to the Council report on 23 July 2018, Council has not identified any further changes to the proposed Amendment documents.

55. Council notes that Ms Huddle and Ms Bell as part of their evidence statements have recommended some changes to the amendment documents.
56. Council is considering these changes and will respond to them during its Part B submission.

CONCLUSION

57. This completes Council's Part A Submission.

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Darren Wong
Planology
Lawyers for the Darebin City Council
8 October 2018