

**Date:** 20 September 2021

**Submission on behalf of the Planning Authority**  
Amendment C269yara to the Yarra Planning Scheme

**Council's submission: Part A**

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## INTRODUCTION

1. This submission is made on behalf of Yarra City Council (**Council**).
2. Council is the Planning Authority for Amendment C269yara (**Amendment**) to the Yarra Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.
3. In broad terms, the Amendment proposes to update Council's local policies in the Scheme by replacing the Municipal Strategic Statement (**MSS**) at clause 21 and local planning policies at clause 22 of the Scheme with a Municipal Planning Strategy (**MPS**) and local policies within the Planning Policy Framework (**PPF**), consistent with the structure introduced by Amendment VC148.
4. On 26 November 2019, Council resolved to request authorisation from the Minister for Planning to prepare and exhibit the Amendment.
5. Council received conditional authorisation from the Minister for Planning on 7 July 2020.
6. The Amendment was exhibited between 20 August 2020 and 4 December 2020 for 12 weeks in total (not including the pause for council elections).
7. In response to exhibition, 429 submissions were received (including late submissions).
8. On 3 August 2021, Council resolved to request the Minister appoint a Planning Panel to consider the submissions.
9. On 12 August 2021, a Planning Panel was appointed to consider the submissions.

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## THE AMENDMENT

### Summary of Amendment

10. The purpose of the Amendment is two-fold in that it:
  - 10.1 revises and updates local planning policies in the Scheme by implementing the findings of the Yarra Planning Scheme Review undertaken in 2014 (**2014 Planning Scheme Review**) and other key pieces of strategic work undertaken since that time; and
  - 10.2 facilitates the integration of Council's local policy into the PPF as required by Amendment VC148 and the Victorian Government's Smart Planning Program which seeks to simplify and modernise Victoria's planning policy, and to make planning schemes more efficient, accessible and transparent.
11. More specifically, the Amendment:
  - 11.1 introduces a new MPS at clause 02.00 of the Scheme;
  - 11.2 introduces new and revised local policy content into the PPF at clauses 11-19;
  - 11.3 replaces the schedule to clause 52.06 (Gaming) with a new schedule that includes content previously contained in clause 22.15 (Gaming) of the LPPF;
  - 11.4 replaces the schedule to clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that:

- 11.4.1 includes an updated version of the *City of Yarra Heritage Review Appendix 8* (the name of which has been changed through Amendment C245yara to Database of Heritage Significant Areas); and
- 11.4.2 includes a new document called '*Guidelines – Managing noise impacts in urban development, October 2019*' that supports clause 13.07-1L (Interfaces and amenity);
- 11.5 introduces a new schedule to clause 72.08 (Background Documents) comprising a list of background documents that informed the revised content in the MPS and PPF; and
- 11.6 introduces a new Schedule to clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives and strategies, and the Scheme controls on the use and development of land.

12. These proposed changes are set out in further detail below.

### **New Municipal Planning Strategy at Clause 02.00**

- 13. The Amendment introduces a new MPS at clause 02.00 of the Scheme. In line with the structure outlined in Amendment VC148, the MPS supports, but does not form part of the PPF.
- 14. The new MPS provides the policy foundation for the Scheme and is a succinct statement of Council's planning and land use vision and directions. When compared to the current MSS in the Scheme, the new MPS seeks to provide a focused message about Council's planning aspirations.
- 15. In particular, the proposed MPS (as exhibited) is structured as follows:
  - 15.1 Clause 02.01 (Context), which describes the Scheme's policy foundation, based on the City of Yarra's location, regional context, history, assets, strengths, key attributes and influences. In particular, the proposed Context incorporates changes in Yarra since the current Scheme was written and is based on updated data and adopted Council strategies. Exhibited clause 02.01 is arranged into the following themes of the PPF:
    - 15.1.1 activity centres;
    - 15.1.2 natural environment;
    - 15.1.3 climate change;
    - 15.1.4 built environment and heritage;
    - 15.1.5 housing;
    - 15.1.6 economic development; and
    - 15.1.7 transport.
  - 15.2 Clause 02.02 (Vision), which sets out Council's spatial vision for its municipality.
  - 15.3 Clause 02.03 (Strategic Directions), which comprises new content derived from adopted Council strategies and the strategic work undertaken to inform the Amendment. In particular, it provides Council's response to the implementation of *Plan Melbourne 2017-2050*.

- 15.4 Clause 02.04 (Strategic Framework Plan), which contains a map of the City of Yarra identifying key strategic areas such as activity centres and assets such as open space, industrial land and sector precincts. The framework plan also identifies key projects and areas earmarked for development such as future strategic crossings and proposed bus routes.

### **Revised Local Policy Content**

16. In accordance with the changes implemented by Amendment VC148, the Amendment proposes to replace the existing LPPF with redrafted policy (including new content) in the PPF format.
17. In addition to the new and translated content, the Amendment also introduces a standardised format to the policies so that, consistently with the current PPF, policies are broken down into:
- 17.1 objectives;
  - 17.2 strategies; and
  - 17.3 where necessary, policy guidelines.
18. As a result, the headings 'application requirements' and 'decision guidelines' currently in the LPPF have been removed.
19. The Amendment proposes to insert the following local policy into the existing Scheme structure at:
- 19.1 Clause 11.03-1L (Activity Centres);
  - 19.2 Clause 11.03-6L (Victoria Street East);
  - 19.3 Clause 12.01-1L (Biodiversity);
  - 19.4 Clause 12.03-1L (Yarra River, Darebin and Merri Creek corridors);
  - 19.5 Clause 13.03-1L (Flood Management);
  - 19.6 Clause 13.07-1L (Interfaces and Amenity);
  - 19.7 Clause 13.07-1L (Caretaker's House);
  - 19.8 Clause 13.07-1L (Licensed Premises);
  - 19.9 Clause 15.01-1L (Signs);
  - 19.10 Clause 15.01-1L (Signs in a Heritage Overlay);
  - 19.11 Clause 15.01-1L (Urban Design);
  - 19.12 Clause 15.01-2L (Building Design);
  - 19.13 Clause 15.01-2L (Landmarks);
  - 19.14 Clause 15.02-1L (ESD);
  - 19.15 Clause 15.03-1L (Heritage);
  - 19.16 Clause 15.031L (World Heritage Environs Area);

- 19.17 Clause 16.01-2L (Location of Residential Development);
- 19.18 Clause 16.01-3L (Housing Diversity);
- 19.19 Clause 16.01-4L (Housing Affordability);
- 19.20 Clause 17.01-1L (Employment);
- 19.21 Clause 17.02-1L (Retail);
- 19.22 Clause 17.04-1L (Tourism, Arts and Culture);
- 19.23 Clause 18.02-1L (Sustainable Transport);
- 19.24 Clause 18.02-3L (Road System);
- 19.25 Clause 18.02-4L (Car Parking);
- 19.26 Clause 19.02-1L (Yarra's Health Precincts);
- 19.27 Clause 19.02-2L (Yarra's Education Precincts);
- 19.28 Clause 19.02-6L (Open Space);
- 19.29 Clause 19.02-6L (Public Open Space Contribution);
- 19.30 Clause 19.03-2L (Development Contributions);
- 19.31 Clause 19.03-3L (Water Sensitive Urban Design); and
- 19.32 Clause 19.03-5L (Waste).

20. The table in **Attachment A** identifies whether the policy is a neutral translation of current policy, or whether new policy content is proposed<sup>1</sup>.

## **Particular Provisions and Operational Provisions**

### *Particular Provisions*

21. The Amendment makes changes to the Schedule to Clause 52.28 (Gaming) by translating existing policy from clause 21.06-7 and clause 22.15 into a new Schedule. No new policy content is proposed with the exception of a minor correction to the name of a shopping complex.

### *Background Documents*

22. The Amendment makes changes to the Schedule to Clause 72.08 (Background Documents) by adopting the format of VC148 to the current clause 72.08 and inserting a number of new background documents that informed the revised content in the MPS and PPF, including (among others):

- 22.1 *Activity Centres – Roles and Boundaries*, City of Yarra (October 2019);
- 22.2 *Landmarks and Views Assessment*, Ethos Urban (October 2019);
- 22.3 *Noise and Vibration Considerations Report*, SLR Consulting Pty Ltd (October 2019);

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<sup>1</sup> In response to Direction 10(c) of the Panel's Directions dated 2 September 2021.

- 22.4 *Residential Heritage Policy Review, Context* (31 October 2019); and
- 22.5 *Yarra Industrial Heritage Policy*, GJM Heritage (15 October 2019).
23. A number of strategies previously adopted by Council will also be included in the new Schedule to clause 72.08 (Background Documents), including (among others):
- 23.1 *Yarra Housing Strategy*, City of Yarra (September 2018);
- 23.2 *Yarra Spatial Economic and Employment Strategy*, SGS Economics (2018); and
- 23.3 *Building for Diversity – Yarra’s Social and Affordable Housing Strategy*, Yarra City Council (November 2019).
24. The table in **Attachment B** identifies each background document listed in the Schedule to Clause 72.08 and identifies whether it is a new document proposed to be referenced in the Scheme or a previously adopted document already referenced in the Scheme<sup>2</sup>.
25. Council is aware that the Schedule to Clause 72.08 may need to be further updated as a result of Council’s ongoing strategic work seeking to apply built form controls across a range of its Activity Centres, as well as recent Amendments such as Amendment VC197 which introduced the following background documents to the Schedule to Clause 72.08:
- 25.1 *Lower Yarra River Study - Recommendations Report* (Department of Environment, Land Water and Planning, 2016);
- 25.2 *Yarra Bend Park Strategy Plan* (Parks Victoria, 1999);
- 25.3 *The Middle Yarra Concept Plan – Dights Falls to Burke Road* (Melbourne Parks and Waterways, 1990); and
- 25.4 *The Lower Yarra Concept Plan – Dights Falls to Punt Road* (Melbourne Metropolitan Board of Works, 1986).

#### *Incorporated documents*

26. The Amendment makes changes to the Schedule to Clause 72.04 (Documents incorporated in this Scheme) by inserting the document entitled *Guidelines – Managing noise impacts in urban development, October 2019* as an incorporated Document and including an updated version of the *City of Yarra Heritage Review Appendix 8* (the name of which has been changed through Amendment C245yara to *Database of Heritage Significant Areas*).

#### *Clause 74.02 - Application of Zones, Overlays and Provisions*

27. The Amendment makes changes to the Schedule to Clause 74.02 (Application of Zones, Overlays and Provisions) by listing the Application of Zones and Overlays in accordance with VC148.

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## **PANEL DIRECTIONS**

28. This submission responds to direction 10 of the Panel Directions issued on 2 September 2021 (**Panel’s Directions**) directing Council to circulate its ‘Part A’ submission. It is arranged under the following headings, in accordance with the Panel’s Directions (Direction 10):
- 28.1 Background to the Amendment (in response to Direction 10a, d, e, f);

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<sup>2</sup> In response to Direction 10(d) of the Panel’s Directions dated 2 September 2021.

- 28.2 Preparation of the Amendment;
  - 28.3 Strategic Context and Assessment (in response to Direction 10b);
  - 28.4 Issues Identified in Submissions (in response to Direction 10g, h); and
  - 28.5 Suggested Changes to the Amendment in Response to Submissions (in response to Direction 10i).
29. A series of attachments are also provided with this submission, including:
- 29.1 **Attachment A** – a summary table identifying whether each policy is a neutral translation of current policy, or whether new policy content is proposed;
  - 29.2 **Attachment B** – a summary table identifying whether each background document listed in the Schedule to Clause 72.08 is a new document proposed to be referenced in the Scheme or a previously adopted document already referenced in the Scheme;
  - 29.3 **Attachment C** – a chronology of events;
  - 29.4 **Attachment D** – a summary table identifying the status of other relevant amendments under preparation or recently approved; and
  - 29.5 **Attachment E** – a summary table identifying the issues raised in submissions considered to be outside the scope of this Amendment but which may form part of Council's proposed further strategic work program.
30. Together with its 'Part A' submission, Council circulates the evidence of its expert witnesses:
- 30.1 Planning – Sarah Ancell of Echelon Planning;
  - 30.2 Heritage – Jim Gard'ner of GJM Heritage;
  - 30.3 Urban Design (Landmarks) – Leanne Hodyl of Hodyl & Co;
  - 30.4 Capacity and Economics – Julian Szafraniec of SGS Economics; and
  - 30.5 Noise – Jim Antonopoulos of SLR Consulting.
31. Council's 'Part B' submission will be circulated on Monday 4 October 2021 and will cover the following key themes in accordance with Direction 20(a) to 20(h) of the Panel's Directions:
- 31.1 Activity Centres;
  - 31.2 Environmental and Landscape Values;
  - 31.3 Built Environment and Heritage;
  - 31.4 Environmentally Sustainable Design;
  - 31.5 Housing;
  - 31.6 Economic Development;
  - 31.7 Infrastructure; and
  - 31.8 Form and Content.

32. It will also provide Council's response to submissions and a preliminary response to evidence in accordance with Direction 20(j) of the Panel's Directions.
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## **BACKGROUND TO THE AMENDMENT**

33. The relevant background is described below. A chronology of events is also set out in **Attachment C**.
34. As noted above, the motivation for the Amendment is two-fold, in that it seeks to:
- 34.1 facilitate the integration of Council's local policy into the PPF as required by Amendment VC148 and the Victorian Government's Smart Planning Program; and
  - 34.2 implement the findings of the 2014 Planning Scheme Review and other key pieces of strategic work undertaken since that time across a range of disciplines, including:
    - 34.2.1 *Activity Centres – Roles and Boundaries*, City of Yarra (October 2019);
    - 34.2.2 *Review and Development of the City of Yarra Landmarks Policy*, Ethos Urban (March 2018);
    - 34.2.3 *Landmarks and Views Assessment*, Ethos Urban (October 2019);
    - 34.2.4 *Noise and Vibration Considerations Report*, SLR Consulting Pty Ltd (October 2019);
    - 34.2.5 *Residential Heritage Policy Review*, Context (31 October 2019);
    - 34.2.6 *Yarra Industrial Heritage Policy*, GJM Heritage (15 October 2019);
    - 34.2.7 *Yarra Housing Strategy*, City of Yarra (September 2018);
    - 34.2.8 *Yarra Spatial Economic and Employment Strategy*, SGS Economics (2018); and
    - 34.2.9 *Building for Diversity – Yarra's Social and Affordable Housing Strategy*, Yarra City Council (November 2019).
35. Each of these documents are considered in further detail below.

### **PPF Translation**

36. Smart Planning was introduced by the State government as a reform program to make Victoria's planning system more efficient and accessible.
37. The PPF translation involves translating the LPPF content in the planning schemes into the new integrated PPF and MPS, consistent with the structure introduced by Amendment VC148 in July 2018.
38. The Amendment is required to implement the PPF translation.

## 2014 Planning Scheme Review

39. The 2014 Planning Scheme Review was undertaken in accordance with Planning Practice Note 32 – *Review of Planning Schemes*, in order to address Council’s obligations under s 12B of the PE Act to regularly review its planning scheme.
40. The 2014 Planning Scheme Review found that the Scheme needed updating to:
  - 40.1 reflect Council’s updated policy positions;
  - 40.2 make the Scheme easier to understand and use;
  - 40.3 address gaps in policy; and
  - 40.4 consider the diversity of views on key planning topics.
41. In particular, the 2014 Planning Scheme Review identified issues in the:
  - 41.1 currency of the Scheme in terms of data, information and policy;
  - 41.2 Scheme’s policy drafting, in that some policies were poorly structured, repetitive, ambiguous and sometimes contradictory;
  - 41.3 lack of evidence-based narrative establishing how Council intends to accommodate population and employment growth;
  - 41.4 absence of local spatial plans required to support decision making in activity centres and employment areas;
  - 41.5 need for more effective mapping to address housing, open space and built form across Yarra, rather than by the neighbourhood; and
  - 41.6 need for ongoing systematic data collection to support evidence-based spatial planning.
42. Council’s response to the above issues is outlined in the Officer Report dated 26 November 2019 (at pages 2-5 (Table 1)).
43. Specific findings in relation to the content of policies, and Council’s response to those issues, are also outlined in the Officer Report dated 26 November 2019 (at pages 5-7 (Table 2)).

## **Activity Centres – Roles and Boundaries and strategic planning in Yarra’s Activity Centres**

44. The *Activity Centres – Roles and Boundaries, City of Yarra* (October 2019) report (**Activity Centres Report**) was prepared by Council in 2019 to define the network of activity centres in the City of Yarra.
45. In particular, the Activity Centres Report assesses the policy context for the system of activity centres in the City of Yarra by reviewing the current planning scheme provisions and analysing the roles, extent and boundaries of all the City’s activity centres.
46. In doing so, it:
  - 46.1 provides a rationale for the boundaries and role of major and neighbourhood activity centres and the smaller local centres; and
  - 46.2 includes clearer mapping of the activity centre boundaries and identifies the categories of precincts in each centre.

47. The methodology undertaken in the Activity Centres Report is based on Planning Practice Note 58 *Structure Planning for Activity Centres (PPN58)* including by responding to the relevant criteria and issues to consider in determining the potential location of activity centre boundaries.
48. The Amendment implements a number of outcomes and findings of the Activity Centres Report in proposed clause 11.03-1L (Activity Centres).
49. The Activity Centres Report is proposed to be included as a background document in the Schedule to clause 72.08 (Background Documents).
50. Activity centre policy is also found in proposed clause 02.01 (Context) and in the strategic framework plan proposed at clause 02.04-1.
51. Importantly, Council has also been implementing spatial plans (such as the Johnston Street Local Area Plan) through separate amendments that introduce Design and Development Overlays (**DDOs**) to Yarra's activity centres. In addition, Council has been preparing built form frameworks (supported by heritage reviews) for numerous Activity Centres, including Swan Street, Bridge Road, Queens Parade, Victoria Street, Brunswick Street, Smith Street and Gertrude Street to support built form controls and guide decision making on built form outcomes in those activity centres. These have been (or will be) pursued through separate amendments.
52. The table in **Attachment D** sets out the status of other relevant amendments under preparation or recently approved, including relevant amendments prepared by Council in relation to its Activity Centres<sup>3</sup>.

### ***Review and Development of the City of Yarra Landmarks Policy & Landmarks and Views Assessment***

53. In 2018, Council engaged Ethos Urban to undertake a review of Council's Landmarks and Tall Structures Policy at clause 22.03 in order to provide a strategic basis for a strengthened landmarks and views policy.
54. Following that review, Ethos Urban prepared a report entitled *Review and Development of the City of Yarra Landmarks Policy* (March 2018) (**Landmarks Policy Review**). The purpose of the Landmarks Policy Review was to review the list of nominated landmarks in clause 22.03 and make recommendations as to how the policy could be improved to protect the City's landmarks.
55. That review involved:
  - 55.1 documenting and identifying the architectural characteristics and significance of each landmark;
  - 55.2 defining the important view lines towards each landmark and the architectural elements of each landmark that make the most significant contribution to each key viewpoint; and
  - 55.3 providing recommendations that could be included in a local planning policy to protect the landmark's characteristics, such as mechanisms to manage impacts of building heights and setbacks. In particular, this included policy guidance on the important view lines to each landmark, suitable application requirements and decision guidelines.

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<sup>3</sup> In response to Direction 10(f) of the Panel's Directions dated 2 September 2021.

56. A detailed analysis of each landmark within Yarra and their key viewpoints was included within the *Landmarks and Views Assessment* prepared by Ethos Urban (October 2019) (**Landmarks and Views Assessment**).
57. Each landmark included in the Landmarks and Views Assessment is either subject to a Heritage Overlay or is included on the National Heritage Trust Register.
58. The Landmarks Policy Review and Landmarks and Views Assessment provide the strategic basis for the revised landmarks policy proposed to be contained in clause 15.01-2L of the Scheme.
59. Clause 15.01-2L (Landmarks) has been prepared to strengthen local policy presently contained in clause 22.03 and clarifies the location of primary views and identifies which elements of the landmark Council is seeking to protect.
60. The Landmarks and Views Assessment is proposed to be referenced under 'Policy Guidelines' in new clause 15.01-2L (Landmarks). It is also proposed to be included in the new Schedule to clause 72.08 (Background documents).
61. The Landmarks Policy Review is not proposed to be included as a background document in the Schedule to clause 72.08 but was exhibited by Council as a supporting document to the Amendment.

***Noise and Vibration Considerations Report & Guidelines – Managing noise impacts in urban development***

62. The report entitled *Guidelines – Managing noise impacts in urban development, October 2019 (Noise Guidelines)*<sup>4</sup> was prepared by Council based on the strategic work undertaken in the report prepared by SLR Consulting entitled *Noise and Vibration Considerations Discussion Report, SLR Consulting Pty Ltd (October 2019) (Noise Discussion Report)*.
63. The Noise Discussion Report is proposed to be introduced as a Background Document in the Schedule to clause 72.08 (Background Documents).
64. The Noise Guidelines are proposed to be introduced as:
  - 64.1 a policy guideline in clause 13.07-1L; and
  - 64.2 an Incorporated Document in the Schedule to clause 72.04 (Incorporated Documents).
65. Proposed clause 13.07-1L has been prepared to address shortcomings identified in the 2014 Planning Scheme Review relating to noise amenity issues. Clause 13.07-1L translates the existing clause 22.01 (Discretionary uses in the Residential 1 Zone) and clause 22.05 (Interface uses policy) of the Scheme into one document, and provides additional policy based on the strategic work undertaken in the Noise Guidelines and Noise Discussion Report.
66. In particular, under clause 13.07-1L it is policy that the Noise Guidelines be considered as relevant when assessing applications for non-residential use and development and certain types of accommodation. The Noise Guidelines seek to provide additional guidance for making planning decisions when considering noise impacts from urban development.
67. The Noise Guidelines deal with noise (and in some cases vibration) impacts from:
  - 67.1 road traffic;

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<sup>4</sup> We note that, following advice from SLR in response to submissions, this document was updated and the updated version of the report forms part of the Panel Version of the Amendment Documentation.

- 67.2 rail and trams;
- 67.3 commercial and industrial plant and equipment;
- 67.4 music;
- 67.5 patrons; and
- 67.6 apartments.

### ***Residential Heritage Policy Review & Yarra Industrial Heritage Policy***

- 68. Both the 2014 Planning Scheme Review and the heritage related background reports commissioned by Council identify a number of issues in the current Scheme relating to residential, industrial and commercial heritage as well as heritage signs and heritage landmarks and views.
- 69. The Amendment addresses a number of issues identified in relation to the Scheme's approach to heritage including duplication between policy and overlay provisions, the lack of guidance on commercial and industrial heritage and the application of the sight line test.
- 70. This is largely achieved through strengthening and consolidating policy previously found in clause 21.05 (Built Form), clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay) and strategic work undertaken by Council (which is explained in further detail below), into proposed clause 15.03-1L (Heritage).
- 71. Policy relevant to heritage also arises in exhibited clauses:
  - 71.1 11.03-1L (Activity Centres) which provides broad guidance for heritage places in major, neighbourhood and local activity centres;
  - 71.2 15.01-1L (Signs in a Heritage Overlay); and
  - 71.3 15.01-2L (Landmarks) which seeks to maintain the visual prominence of and protect views to Yarra's valued landmarks, all of which are either included in a Heritage Overlay or on the National Trust Heritage Register.
- 72. The strategic basis for these proposed policies (insofar as they relate to heritage) is found in the *Residential Heritage Policy Review*, Context (31 October 2019) (**Residential Heritage Policy Review**) and *Yarra Industrial Heritage Policy*, GJM Heritage (15 October 2019) (**Industrial Heritage Policy Report**).
- 73. These documents are considered in further detail below.

### Residential Heritage Policy Review

- 74. In 2017-2018, Council engaged Context to undertake a review of Council's residential heritage policy in order to address shortcomings identified in the 2014 Planning Scheme Review.
- 75. The review undertaken by Context involved:
  - 75.1 analysing a sample of recent developments in the City of Yarra, both 'good' and 'bad';
  - 75.2 identifying different residential typologies that may benefit from particular policies;
  - 75.3 assessing the common heritage policy tests for visual impact assessment and how they apply to different typologies; and

- 75.4 identifying specific heritage and design considerations for additions and infill development.
76. The Amendment incorporates the findings of the Residential Heritage Policy Review, including by removing the sightline diagrams previously contained in local content and replacing them with a 'depth of two rooms' test in clause 15.03-1L (Heritage) used to determine the visibility of rear additions<sup>5</sup>.
77. The Residential Heritage Policy Review is proposed to be included as a background document in the Schedule to clause 72.08 (Background Documents).

#### Industrial Heritage Policy Report

78. In 2018, Council engaged GJM Heritage to provide advice on planning policy to manage change within industrial heritage sites in the City of Yarra.
79. The scope of GJM Heritage's work included:
- 79.1 a review of the Northern Suburbs Factory Study (Vines & Churchward, 1992), particularly as it relates to suburbs within the City of Yarra. The categories of industrial building types relevant to Yarra were identified and extant examples of the various building typologies were identified in Abbotsford, Collingwood, Clifton Hill, Fitzroy North and Fitzroy. Citations were also reviewed;
- 79.2 site visits to identified typological examples. These site visits also considered the built heritage context within which they are located. Where the buildings or complexes had been redeveloped, photographs were taken, and positive and negative features of the redevelopment were identified;
- 79.3 the sourcing and review of existing policy guidance relating to the management of industrial heritage sites; and
- 79.4 drafting of policy relevant to the Yarra context, drawing on the above material.
80. The results of this work are contained in the Industrial Heritage Policy Report, the recommendations of which have been incorporated into proposed clause 15.03-1L (Heritage).
81. The Industrial Heritage Policy Report is proposed to be included as a background document in the Schedule to clause 72.08 (Background Documents).

#### Commercial heritage

82. As noted above, Council has been implementing spatial plans and built form frameworks through separate amendments introducing DDOs to relevant Activity Centres.
83. The work associated with the introduction of these DDOs in Activity Centres has provided guidance in relation to commercial heritage now contained in proposed clause 15.03-1L.

#### Heritage signs

84. Proposed clause 15.01-1L (Signs – heritage) updates existing policy and, in line with the new PPF structure, splits heritage sign policy from the general sign policy.
85. The updated content in clause 15.01-1L is sourced from existing clause 22.04-3.8 (Advertising signs) and adapts content from the Moreland, Port Phillip and Stonnington policies on signs.

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<sup>5</sup> We note the word 'minimum' was added to 'depth of two rooms' in the Panel Version of clause 15.03-1L (Heritage).

### Heritage landmarks and significant views

86. As noted above at paragraphs 53-61, in 2018 Council commissioned Ethos Urban to undertake a review of Council's landmarks policy in order to provide a strategic basis for a strengthened landmarks and views policy.
87. Following that review, Ethos Urban prepared the Landmarks and Views Assessment. A detailed analysis of each landmark within Yarra and their key viewpoints is included within the Landmarks and Views Assessment. Each landmark included in the Assessment is either subject to a Heritage Overlay or is included on the National Heritage Trust Register.

### ***Yarra Spatial Economic and Employment Strategy***

88. In 2018, Council adopted the *Yarra Spatial Economic and Employment Strategy*, SGS Economics (2018) (**SEES**).
89. The SEES was prepared to assist Council to understand and capitalise on Yarra's economic strengths as well as respond to key trends and economic drivers over the next 10 to 15 years.
90. The purpose of the SEES is to provide guidance on managing growth and change in employment and economic activity and has been prepared having regard to planning contextual considerations, capacity for employment growth and trends and drivers.
91. The SEES identifies Yarra's stock of employment land as a strategic resource that accommodates a large and diverse range of business and jobs and provides employment opportunities.
92. To manage Yarra's employment land over the next 10-15 years, the following strategic directions have been developed:
  - 92.1 strategy 1 - support employment growth in Yarra's Activity Centres;
  - 92.2 strategy 2 - retain and grow Yarra's major employment precincts;
  - 92.3 strategy 3 - identify preferred locations for housing growth;
  - 92.4 strategy 4 - support the expansion of health-related employment and services in Yarra's health precincts;
  - 92.5 strategy 5 - retain other Commercial 2 zoned precincts and sites; and
  - 92.6 strategy 6 - retain Yarra's existing industrial precincts for manufacturing and urban services.
93. The Amendment articulates these strategic directions in:
  - 93.1 directions outlined in the MPS;
  - 93.2 the Strategic Framework Plan at clause 02.04;
  - 93.3 clauses:
    - 11.03-1L (Activity Centres);
    - 17.01-L (Employment);
    - 17.01-2L (Retail);

- 17.04-1L (Tourism);
- 19.02-1L (Health Precincts); and
- 19.02-2L (Education Precincts).

94. The SEES is proposed to be included in the new Schedule to clause 72.08 (Background Documents).

***Yarra Housing Strategy***

95. In 2018, Council adopted the *Yarra Housing Strategy*, City of Yarra (September 2018) (**Housing Strategy**).

96. The Housing Strategy provides a housing growth framework for Yarra for 15 years to ensure clear policy direction about where residential development will be focused, and where it will be limited, in order to meet the changing needs of the Yarra community.

97. The Housing Strategy provides guidance to:

97.1 direct housing growth to appropriate locations;

97.2 plan for more housing choice to support Yarra's diverse community; and

97.3 facilitate the provision of more affordable housing in Yarra.

98. The Housing Strategy recognises the importance of heritage in the context of managing growth, including in Yarra's activity centres and calls for future growth to respond to heritage significance within activity centres.

99. The Housing Strategy was prepared in the context of State and regional policy, including Plan Melbourne, and is based on demographic profiling and housing trends. It identifies land opportunities for over 13,000 new dwellings over the next 15 years.

100. The Housing Strategy identifies that current or proposed strategic land use planning is or will be underway for all its major and neighbourhood activity centres.

101. Four strategic directions are articulated, outlining Yarra's preferred growth strategy as follows:

101.1 strategic direction 1 - Monitor population growth and evolving development trends in Yarra to plan for future housing growth and needs;

101.2 strategic direction 2 - Direct housing growth to appropriate locations;

101.3 strategic direction 3 - Plan for more housing choice to support Yarra's diverse community; and

101.4 strategic direction 4 - Facilitate the provision of more affordable housing in Yarra.

102. The strategic directions relating to housing growth, choice and diversity as set out in the Housing Strategy are articulated in the Amendment through:

102.1 the directions outlined in the MPS;

102.2 the Strategic Framework Plan at clause 02.04;

102.3 clauses:

- 11.03-1L (Activity Centres);
- 16.01-2L (Location of Residential Development);
- 16.01-3L (Housing Diversity); and
- 16.01-4L (Housing Affordability).

103. The Housing Strategy is proposed to be included in the new Schedule to clause 72.08 (Background Documents).

### ***Affordable Housing Strategy***

104. In November 2019, Council adopted the *Building for Diversity – Yarra’s Social and Affordable Housing Strategy*, Yarra City Council (November 2019) (**Affordable Housing Strategy**).

105. The Affordable Housing Strategy facilitates Yarra’s commitment to sustaining a diverse population by providing a diversity of housing available at prices that can be afforded by households with modest or low incomes.

106. The Affordable Housing Strategy is a key policy source for proposed clause 16.01-4L (Affordable Housing).

107. The Affordable Housing Strategy is proposed to be included in the new Schedule to clause 72.08 (Background Documents).

## **PREPARATION OF THE AMENDMENT**

### **Resolution to prepare Amendment**

108. At its meeting on 26 November 2019, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

109. The Panel has been previously provided with a copy of the Council meeting minutes and officer report of 26 November 2019.

### **Authorisation**

110. On 7 July 2020 Council received authorisation to prepare the Amendment from the Minister for Planning (under delegation), subject to the following conditions:

- 110.1 at Clause 12.03-1L ‘Yarra River, Darebin and Merri Creek’, relocate overshadowing provisions under strategies to policy guidelines at Clause 15.01-2L ‘Building Design’;
- 110.2 relocate and consolidate all the content of Clause 13.01-1L ‘Climate Change’ to other relevant sections of Clause 15;
- 110.3 at Clause 15.01-1L ‘Urban Design’, relocate overshadowing provision under ‘Development adjacent to a public open space’ to policy guidelines at Clause 15.01-2L ‘Building Design’;
- 110.4 replace Clause 15.02-1L ‘Environmentally Sustainable Development’ with the enclosed updated Environmentally Sustainable Development (ESD) template to ensure consistency with the State position on ESD for Council Alliance for a Sustainable Built Environment (CASBE) councils;

- 110.5 at Clause 15.03-1L 'Heritage', clarify that 'reflective materials' and 'reflective glazing' are referring to glass being used as building materials (not as discouragement of solar panels);
- 110.6 at Clause 15.03-1L 'Heritage', replace the word 'require' with 'encourage' in 'require all applications for demolition to be accompanied by an application for new development';
- 110.7 at Clause 16.01-2L 'Location of Residential Development', remove social housing (Department of Health and Human Services properties) from the legend in the strategic housing framework plans and update areas to be shaded white as non-residential/uncategorised;
- 110.8 at Clause 16.01-2L 'Location of Residential Development', update the Strategic Housing Framework Plans legend to reflect the correct 'change areas' in line with the Housing Strategy;
- 110.9 at Clause 16.01-4L 'Affordable Housing' under policy guidelines, remove the term 'requirement' and change the policy guidelines to require the 'capacity' of a rezoning or residential development of 50 or more dwellings to provide a minimum of 10 per cent affordable housing;
- 110.10 at Clause 18.01-1L 'Integrated Transport', delete policy as it is unnecessary duplication of State policy;
- 110.11 at Clause 18.02-2L 'Public Transport', delete policy as it is unnecessary duplication of State policy; and
- 110.12 at Clause 19.03-3L 'Water Sensitive Urban Design' delete:
- 'these water quality performance objectives require:*
- *Suspended solids – 80% retention of typical urban annual load.*
  - *Total Nitrogen – 45% retention of typical urban annual load.*
  - *Total Phosphorus – 45% retention of typical urban annual load.*
  - *Litter – 70% reduction of typical urban annual load.'*

111. Council confirms that it has complied with these conditions of authorisation.

112. On 12 August 2020, Council received a letter from DELWP stating:

Department of Environment, Land, Water and Planning (DELWP) officers have reviewed council's proposed changes to the amendment documentation as submitted on 16 July 2020 and consider they comply with the intent of the conditions of authorisation.

### **Exhibition**

113. The Amendment was exhibited from 20 August 2020 to 4 December 2020 (12 weeks in total with a pause for council elections) in accordance with the *Planning and Environment Act 1987 (PE Act)*.

114. Section 19 of the PE Act requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment. Where the affected number of owners and occupiers makes it impractical to notify all of them individually, sections

19 (1A) and (1B) of the PE Act allow a Planning Authority to take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment.

115. For this Amendment, it was impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
116. Instead of individual notification, Council supported a community engagement approach at its meeting on 26 November 2019. The following notification was undertaken:
  - 116.1 emails sent to all submitters who engaged in Council's informal consultation phase;
  - 116.2 Amendment documentation published on Council and DELWP websites;
  - 116.3 notice published in The Age newspaper on Monday 17 August 2020 (in the absence of hard copy circulation of a local paper);
  - 116.4 notice published in the Herald Sun newspaper on Monday 17 August 2020 (in the absence of hard copy circulation of a local paper);
  - 116.5 notice published in the Government Gazette on Thursday 20 August 2020;
  - 116.6 notice published in the Yarra News on Wednesday 24 August 2020;
  - 116.7 emails sent to prescribed Ministers, relevant government agencies and neighbouring municipal councils on Thursday 20 August 2020;
  - 116.8 emails sent to over 300 key community stakeholder groups and individuals on Monday 17 August 2020, including:
    - 116.8.1 resident groups;
    - 116.8.2 trader associations;
    - 116.8.3 housing organisations;
    - 116.8.4 members of the community who had expressed interest during previous engagement relating to the Amendment;
    - 116.8.5 community and volunteer groups;
    - 116.8.6 sporting groups;
    - 116.8.7 health and education organisations; and
    - 116.8.8 advisory committees.
117. In addition, during exhibition, Officers continued to promote the Amendment through a number of other channels not outlined formally in the PE Act, such as:
  - 117.1.1 Council's email newsletter to over 10,000 subscribers;
  - 117.1.2 emails to Yarra's Your Say subscriber list;
  - 117.1.3 email newsletters to specific interest groups, including Yarra's Economic Development newsletter and Environment newsletter;
  - 117.1.4 a number of social media posts; and

117.1.5 through Facebook advertising.

### **Submissions**

118. In response to exhibition, Council received a total of 429 submissions (including late submissions). Of the 429 submissions, a total of 53 were received after exhibition (including 5 new submissions and 3 'part (b)' submissions (i.e. additional content received to supplement existing submissions) which were received after the Council officer report was finalised).
119. Given the large number of submissions received and the detail in submissions, it is not possible to categorise the submissions as supporting or objecting.
120. Of the 429 submissions, a significant number requested changes to the Amendment.
121. A summary of the key issues raised in the submissions is set out below at paragraph 182.

### **Council consideration of submissions**

122. Council officers considered submissions in preparation for Council's Meeting on 3 August 2021.
123. To assist Council's consideration of submissions, officers engaged:
- 123.1 GJM Heritage to provide advice in relation to a range of submissions that raised detailed heritage-related issues; and
  - 123.2 SLR Consultants to provide advice in relation to the submission from the EPA.
124. Each submission has been considered in detail, however, the large volume of submissions presented difficulties for officers in responding to each submission individually. Given the similar themes and issues raised across the submissions, the process undertaken for responding to submissions is set out below.
125. The issues raised in submissions have been summarised in table form using key 'Themes' and 'Sub-Themes' as headings. The 'Themes':
- 125.1 are generally taken from the new format of the planning scheme introduced by State Government; and
  - 125.2 were also identified on Council's C269 webpage as part of the exhibition of the Amendment (as a way of grouping together the policies that are included in the Amendment).
126. It was not possible for officers to summarise the submissions that included detailed requests for changes using tracked change (rewritten) versions of the exhibited policies. These submissions have been identified in Attachment 2 of the officer report dated 3 August 2021.
127. The issues raised in submissions (excluding detailed requests for changes to the proposed policies using tracked changes) have been responded to by officers under the key 'Themes' and 'Sub-Themes' in Attachment 3 of the officer report dated 3 August 2021.
128. In order to consider the 29 submissions that included detailed requests for changes to the proposed policies using tracked changes, an Assessment Criteria was prepared by officers to assist officers in assessing whether to recommend changes to the Amendment documentation in response to these submissions. This is set out in Attachment 4 of the officer report dated 3 August 2021.

129. Officers made a number of recommended changes to the Amendment documentation, which are identified in track changes in the Amendment documentation in Attachments 3, 5, 6, and 7 to the officer report dated 3 August 2021.
130. Where changes were recommended by officers in response to the 29 submissions that included detailed requests for changes to the proposed policies using tracked changes, it was for one or more of the following reasons:
- 130.1 errors and corrections;
  - 130.2 language improvements;
  - 130.3 additional content of benefit;
  - 130.4 points of clarification.
131. On 3 August 2021, at its Council meeting, Council considered all submissions (received to that date) and resolved (among other things) to:
- 131.1 request the Minister for Planning appoint an independent Planning Panel to consider all submissions referred in relation to the Amendment;
  - 131.2 endorse the recommended changes to the Amendment outlined in the officer report and Attachments 3, 5, 6, and 7 of the officer report for the purposes of Council's advocacy position before the Panel, with the following further changes to Attachment 5:
    - 131.2.1 in proposed Clause 02.01 Context, under the heading "Location", insert the following words after "Yarra stands on the traditional lands of the Wurundjeri people":

*"Yarra acknowledges their creator spirit Bunjil, their ancestors and their Elders. Yarra acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion."*
    - 131.2.2 in proposed Clause 02.01 Context, under the heading "Built Environment and Heritage", insert the word "high-rise", as bolded, so that the sentence reads:

*"The large public housing estates provide a contrasting built form character of **high-rise** apartment buildings set in landscaped grounds."*
    - 131.2.3 in proposed Clause 02.01 Context, under the heading "Transport", insert reference to separated bike routes, as bolded, so that the sentence reads:

*"Yarra benefits from an extensive transport system that includes public transport (train, tram and bus services); a network of arterial roads and local streets; **separated bike routes**; and a compact urban form and mix of land uses that facilitates walking and cycling."*
    - 131.2.4 in proposed Clause 02.01 Context, under the heading "Climate Change" make the following bolded change to the paragraph:

*"Yarra will need to continue to mitigate greenhouse gas contributions and act locally. To mitigate its contribution to climate change, **Council has reached zero net emissions from its operations and is seeking to***

**achieve zero net emissions in our community by 2030.** In doing so, Council will contribute to global climate change commitments – as well as national and state targets.

- 131.2.5 in proposed Clause 02.01 Context, under the heading “Built environment and heritage”, delete “(above 14 storeys)” so that the sentence reads:

*“The existing scale of development within the municipality is mostly characterised by low to mid-rise buildings, with some taller buildings which are anomalies to the mid-rise character.”*

- 131.2.6 in proposed Clause 02.02 Vision replace:

*The vision in the Yarra City Council Plan and Community Health and Wellbeing Plan 2017-2021 is for the municipality to be:*

*“A vibrant, liveable and sustainable inner-city that the community can be proud of”*

*The Yarra Planning Scheme forms the spatial response to the council’s vision.*

with

*“The Yarra 2036 Community Vision statement:*

*Yarra is a vibrant, safe and inclusive environment. We celebrate and embrace our diversity and connection to each other and the land. Our community is empowered to work together and support one another with respect and trust”.*

- 131.2.7 in proposed Clause 15.01-1L under the heading Urban design – Strategies- Public Realm add the word “traders” to the phrase “ residents, workers, traders and visitors”

- 131.2.8 in proposed Clause 15.01-2L under the heading Building design – Strategies - Frontages add the words in bold:

*Design ground level street frontage of new development to provide a high level of pedestrian amenity, visual interest, **and contribute to strong ground floor relationships and high quality outcomes.***

- 131.2.9 in proposed Clause 02.03 Strategic directions, under the heading “Natural Environment”, under the strategy “Protect and enhance Yarra’s natural environment”, make the following bolded change to the strategy:

*“Improve pedestrian and cycle links across the Yarra River and Darebin and Merri Creeks to neighbouring municipalities **that enhance the natural environment.**”*

- 131.2.10 in proposed Clause 02.03 Strategic directions, under the heading “Climate change” under the strategy “Lead on sustainability and seek to manage the long term effects of climate change” make the following bolded addition:

(a) *Easier compliance with building requirements through passive design;*

- (b) *Reduction of costs over the life of the building;*
- (c) *Improved affordability over the longer term through reduced running costs;*
- (d) *Improved amenity and liveability;*
- (e) ***Reduced greenhouse gas emissions;***
- (f) *More environmentally sustainable urban form; and*
- (g) *Integrated water management”*

131.2.11 update the proposed Schedule to Clause 72.08 Background documents to include *Yarra Climate Emergency Plan 2020-2024* as a background document.

- 131.3 adopt as its submission to the Panel the position of support for Amendment C269 with those changes identified above;
- 131.4 note the large number of submissions focused on activity centres and shopping strips and Yarra’s heritage character and request the Panel to consider all issues in submissions, but in particular the issues raised about:
- 131.4.1 the term mid-rise and what mid-rise development will look like in Yarra’s activity centres;
  - 131.4.2 balancing tensions of introducing residential growth in and around activity centres versus the primary commercial and cultural roles of those activity centres;
  - 131.4.3 the boundary of the Swan Street activity centre and the inclusion of the precinct bound by Tanner, Stewart and Wangaratta Streets;
  - 131.4.4 the designation of Rathdowne Street, Carlton North as a Neighbourhood Activity Centre as identified in Clause 11.03-1L Activity Centres and its identification for incremental change;
  - 131.4.5 the inclusion of significant banks, pubs and clubs in proposed Clause 02.03 “Strategic directions”, under the heading “Built environment and heritage” and sub-heading “Manage development and growth in Yarra to maintain and enhance the unique character and heritage of the city”,
  - 131.4.6 in proposed Clause 02.03 “Strategic directions”, under the heading “Built environment and heritage” and sub-heading “Manage development and growth in Yarra to maintain and enhance the unique character and heritage of the city”, specific reference to historic street infrastructure such as bluestone laneways, bluestone kerbs & channel as well as the remnants of inner circle railway tracks and historic lampposts;
  - 131.4.7 the appropriateness of the use of the equinox when considering overshadowing of public open space, compared to the winter solstice; and
  - 131.4.8 the impact of slower population growth on housing projections for Yarra;
- 131.5 endorse the changes to the Noise Guidelines identified in Attachment 6; and

- 131.6 delegate to officers the authority to update the Noise Discussion Paper to address consequential changes consistent with the Noise Guidelines.
132. The Panel has been previously provided with a copy of the Council meeting minutes and officer report of 3 August 2021.

#### **Late submissions (after finalisation of Council officer report)**

133. Council received 5 submissions and 3 'part (b)' submissions (i.e. additional content received to supplement existing submissions) after the Council officer report was finalised for the 3 August 2021 Council meeting.
134. As such, these submissions were not considered by Council at the Council meeting on 3 August 2021.
135. Council has discretion under s 22(2) of the PE Act to consider these submissions.
136. Council officers recommended that these submissions be accepted and considered. Council's CEO, exercising her discretion to accept and consider the late submissions, has referred these late submissions to the Panel.
137. The Panel has been previously provided with a copy of these submissions and the CEO's memorandum considering these submissions.
138. The memorandum from Council's CEO and associated attachments provide a summary of the issues raised in the submissions and officer's response.
139. All but one of these submissions raises issues which have been previously considered in the officer report dated 3 August 2021 (and associated attachments). Accordingly, the officer response to the key issues raised in submissions as outlined in Attachment 3 to the officer report dated 3 August 2021 relevantly applies to these late submissions for the purpose of Council's advocacy position to the Panel.
140. One of the further late submissions received (submission no. 429) is site specific and includes a site-specific request, namely, that the land at 84-104 Johnston Street ought be redesignated from 'moderate change' to 'high change'. While this site specific request was not specifically responded to in Attachment 3 to the officer report dated 3 August 2021, similar site specific requests were made in submissions and considered in Attachment 3 to the officer report dated 3 August 2021. This particular site specific request has been responded to in Attachment 3 to the memorandum from Council's CEO.

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#### **STRATEGIC CONTEXT AND ASSESSMENT**

141. A strategic assessment of the Amendment was set out in the exhibited Explanatory Report. Council adopts that assessment for the purposes of this submission. The key issues pertinent to the Panel's consideration of submissions are expanded on below.
142. In particular, Council highlights the Amendment's role in implementing:
- 142.1 the Victorian Government's Smart Planning Program, by translating the LPPF content into the new integrated PPF and MPS; and
  - 142.2 the recommendations of the 2014 Planning Scheme Review and other key pieces of strategic work undertaken since that time.
143. A response to the strategic issues raised in the submissions to the Amendment, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's Part B submissions.

## **Amendment VC148 and the Smart Planning Program**

144. In July 2018, Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program.
145. Amendment VC148 implemented changes to the Victoria Planning Provisions and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation.
146. More specifically, Amendment VC148:
  - 146.1 introduced a new Planning Policy Framework;
  - 146.2 enabled the future introduction of an MPS;
  - 146.3 introduced a new State, regional and local integrated policy structure;
  - 146.4 modified the schedules to some existing zones, overlays and provisions to accommodate additional local content; and
  - 146.5 created new operational provisions.
147. A key objective of Stage 3 of the Smart Planning Program is to ensure that all schemes better align their local planning policies with State and regional policies. This is to be achieved by translating and integrating local policies into the new MPS and PPF.
148. The PPF is the policy content of a planning scheme containing State policy (which includes regional policy) and local policy in a thematically integrated form. The PPF is complemented by an MPS at Clause 02 of the planning scheme. The MPS is a succinct expression of the overarching strategic policy directions of the planning authority. The MPS replaces and updates the Municipal Strategic Statement.
149. The MPS provides:
  - 149.1 the foundation for the planning scheme's policy based on a municipality's location, regional context, assets and strengths, opportunities and challenges;
  - 149.2 an understanding of the matters that are important to the municipality from a planning perspective;
  - 149.3 the context for the local and relevant State policies in Clauses 10-19; and
  - 149.4 an outline of what planning outcomes the municipality seeks to achieve, which are then implemented through controls and policy within the planning scheme.
150. The Amendment seeks to update the Scheme with revised policy content in the three tiered format implemented by VC148 and which reflects the strategic directions for the municipality.
151. By doing so, the Amendment provides for the orderly use and development of the municipality, consistent with the objectives of planning in Victoria.
152. The Amendment adopts the new policy format to ensure the better alignment and integration of local planning policy with State planning policy. Yarra City Council was selected by DELWP and Smart Planning to be one of the first councils to participate in the Local Planning Policy Framework translation project.

153. The PPF reduces duplication, clarifies objectives and strategies, updates statistical data and improves the clarity of maps. Content is also proposed to be moved into (or added to) particular and operational provisions, as appropriate.
154. The Amendment content has been drafted in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:
- 154.1 within the scope of the PE Act and strategically justified;
  - 154.2 clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning; and
  - 154.3 drafted to be clear and unambiguous.
155. The Amendment is consistent with the form and structure of the VPPs and has been drafted with review by DELWP's Smart Planning Team as a part of a Pilot Program under VC148.

### **Planning Policy Framework (PPF)**

156. It is submitted that the strategic justification for the Amendment, and in particular the implementation of the key background documents (described above), is firmly grounded in the PPF. Some examples are outlined in the clauses below.
157. Clause 11 (Settlement) implements the key principles of *Plan Melbourne 2017-2050 (Plan Melbourne)* including providing housing choice by planning for expected housing needs and making that housing more affordable. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services, and encourages consolidation of residential activities within existing urban areas.
158. Clause 15 (Built Environment and Heritage) provides that planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
159. Clause 16 (Housing) emphasises the importance of providing quality housing that meets the growing and diverse needs of Victorians in locations in or around activity centres.
160. Clause 17 (Economic Development) seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and sustainability of commercial facilities.
161. Clause 18 (Transport) encourages the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport.
162. The Amendment introduces local policy in a format consistent with Amendment VC148 and the Ministerial Direction on the Form and Content of Planning Schemes.
163. Where appropriate, local policy content has been relocated to local schedules. For example, the relevant local policy content relating to gaming (currently at Clause 22.05) has been placed in the Schedule to Clause 52.28 (Gaming).
164. Where local schedules have been amended, the form of the schedule has been modified to accord with the current Ministerial Direction on the Form and Content of Planning Schemes.

## Municipal Planning Strategy

165. In addition to translating provisions of the LPPF to the PPF, the Amendment also translates the current MSS to the MPS format in accordance with the Smart Planning Program objectives (in addition to including new content).
166. In particular, the Amendment supports the MPS by translating Council's context, vision and strategic direction into new clauses 02.01, 02.02, 02.03 and 02.04 as follows:

Content	
<b>02.01</b> <b>Context</b>	Describes the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. It is based on updated data, adopted council strategies and Plan Melbourne.
<b>02.02</b> <b>Vision</b>	Establishes a vision for Yarra. The vision sets out the spatial response to the Council vision.
<b>02.03</b> <b>Strategic directions</b>	Derived from adopted strategies across Council and strategic work completed in preparing the draft planning policy. It provides Yarra's response to the implementation of Plan Melbourne, the metropolitan planning strategy.
<b>02.04</b> <b>Strategic Framework Plan</b>	A spatial plan that expresses the strategic framework for the municipality

## Clause 71.02 (Operation of the Planning Policy Framework)

167. Clause 71.02-1 sets out the purpose of the PPF as follows:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change. The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

168. Clause 71.02-3 requires Council as the Planning Authority (as well as in the context of considering an application a Responsible Authority) to:

... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

169. Council submits the Amendment strikes an appropriate balance in accommodating and facilitating growth while recognising and protecting the heritage significance and public realm amenity of Council's activity centres and other parts of the municipality.

## Ministerial Directions

170. The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under s 7(5) of the PE Act. The proposed ordinance changes

have been prepared in accordance with the relevant requirements of the Ministerial Direction.

171. The Amendment has also been prepared in accordance with other relevant Ministerial directions:
- 171.1 Ministerial Direction No. 9 – Metropolitan Planning Strategy;
  - 171.2 Ministerial Direction No. 11 – Strategic Assessment of Planning Scheme Amendments;
  - 171.3 Ministerial Direction No. 15 – The Planning Scheme Amendment Process; and
  - 171.4 Ministerial Direction No. 19 – Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health and Ministerial Requirement for Information for Authorisation or Preparation of Amendments that may Significantly Impact the Environment, Amenity and Human Health.
172. It demonstrates this by introducing a new MPS at Clause 02 and local policies at clauses 11, 12, 13, 14, 15, 16, 17, 18 and 19.
173. The Amendment also directly addresses the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* which seek to ensure that planning policies are:
- 173.1 within the scope of the PE Act and are strategically justified; and
  - 173.2 are clear, unambiguous, proportional to their outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions.

#### **Planning Practice and Advisory Notes**

174. The Amendment addresses the formatting changes required Planning Advisory Notes 71 and 72 relating to Amendment VC148.
175. *Planning Advisory Note 71 (PAN71)* provides information about the PPF introduced by Amendment VC148. In summary, PAN71 outlines:
- 175.1 what the PPF and MPS is;
  - 175.2 why the PPF has been introduced;
  - 175.3 how Amendment VC148 implements the PPF (including in relation to transitional provisions);
  - 175.4 how the PPF operates; and
  - 175.5 what other PPF related changes are included in Amendment VC148.
176. *Planning Advisory Note 72 (PAN72)* outlines changes to the VPP and planning schemes resulting from Amendment VC148. PAN72 identifies the strategic rationale for the changes to the VPP and describes the outcomes of the Smart Planning Program. It also outlines:
- 176.1 what Amendment VC148 does;
  - 176.2 the structure of the VPP;
  - 176.3 how Amendment VC148 affects (then) current permit applications;

- 176.4 changes that support the future translation into the MPS and PPF; and
- 176.5 changes which improve the structure and operation of specific provisions.
177. The Amendment has also been prepared in accordance with the following planning practice notes:
- 177.1 *PPN08 – Writing a Local Planning Policy (PPN08)*, which provides guidance on the role of Local Planning Policy in planning schemes, the need for a Local Planning Policy and how one should be written.
- 177.2 *PPN13 - Incorporated and Background Documents (PPN13)*, which explains the role of external documents in planning schemes, the difference between incorporated and background documents and when a document should be incorporated or be a background document.
- 177.3 *PPN32 - Review of Planning Schemes (PPN32)* explains what a planning scheme review is and suggests a process for conducting and reporting the review.
- 177.4 *PPN46 - Strategic Assessment Guidelines (PPN46)* (and Ministerial Direction No. 11 Strategic Assessment of Amendments) requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. This planning practice note explains what should be considered as part of the direction.
- 177.5 *PPN74 – Availability of planning documents (PPN74)* provides guidance on making planning documents available under the PE Act. Public access to these documents promotes a transparent and accountable planning system that encourages informed public participation. At the same time, the requirements of the PE Act must be balanced with rights that are protected by other legislation such as the *Privacy and Data Protection Act 2014*, *Freedom of Information Act 1982* and the *Copyright Act 1968*.
- 177.6 *PPN90 – Planning for Housing (PPN90)* provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.
178. The Amendment has also had regard to the following planning practice notes:
- 178.1 *PPN61 – Licensed premises: assessing cumulative impact (PPN61)* explains cumulative impact in relation to licensed premises in the planning system. It provides guidelines that assist a permit applicant when considering and responding to the potential cumulative impact of their proposal and support a council when assessing the cumulative impact of licensed premises as part of a planning permit application. It also provides guidance on preparing and assessing an application under Clause 52.27 of the planning scheme. Council notes that Council's licensed premises policy at 13.07-1L is a policy neutral translation of existing clause 22.09.
- 178.2 *PPN83 - Assessing external noise impacts for apartments (PPN83)* provides guidance about the operation of Clause 55.07-6 (Noise impacts) and Clause 58.04-3 (Noise impacts) for apartment developments. Council has had regard to PPN83 as explained in the Noise Guidelines.

## Other relevant strategic documents

### *Plan Melbourne 2017-2050*

179. The Amendment supports and facilitates the delivery of *Plan Melbourne 2017-2050* (**Plan Melbourne**).
180. The Amendment supports the following key directions and policies from Plan Melbourne:
- 180.1 Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment;
  - 180.2 Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live;
  - 180.3 Direction 2.1 - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city;
  - 180.4 Policy 2.1.2 – Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
  - 180.5 Policy 2.1.4 – Provide certainty about the scale of growth in the suburbs.
  - 180.6 Direction 2.2 – Deliver more housing close to jobs and public transport.
  - 180.7 Policy 2.2.3 – Support new housing in activity centres and other places that offer good access to jobs, services and public transport.
  - 180.8 Direction 2.3 - Increase the supply of social and affordable housing;
  - 180.9 Direction 2.4 - Facilitate decision-making processes for housing in the right locations; and
  - 180.10 Direction 2.5 - Provide greater choice and diversity of housing.
  - 180.11 Direction 4.3 – Achieve and promise design excellence.
  - 180.12 Policy 4.3.1 – Promote urban design excellence in every aspect of the built environment.
  - 180.13 Direction 4.4 – Respect Melbourne's heritage as we build for the future.
  - 180.14 Policy 4.4.1 – Recognise the value of heritage when managing growth and change.
  - 180.15 Direction 5.1 – Create a city of 20-minute neighbourhoods.
  - 180.16 Policy 5.1.1 – Create mixed-use neighbourhoods at varying densities.
  - 180.17 Policy 5.1.2 – Support a network of vibrant neighbourhood activity centres.
181. In particular:
- 181.1 Clause 02.01 (Context) is based on updated data, adopted council strategies and Plan Melbourne;
  - 181.2 Clause 02.03 (Strategic Directions) provides Yarra's response to the implementation of Plan Melbourne.

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## ISSUES IDENTIFIED IN SUBMISSIONS

### General themes in submissions

182. A number of general themes emerged from the submissions received, relating to:

182.1 Activity Centres

182.1.1 Height / Built form

182.1.2 Heritage and Character

182.1.3 Transport / Traffic / Car parking

182.1.4 Boundary

182.2 Environmental and landscape values

182.3 Environmental risk and amenity

182.3.1 Interface and amenity

182.3.2 Licensed venues

182.3.3 Climate change

182.3.4 Flood management

182.4 Built environment and heritage

182.4.1 Urban design

182.4.2 Building design

182.4.3 Landmarks

182.4.4 Heritage

182.4.5 World Heritage

182.4.6 Environmentally Sustainable Design

182.4.7 Signs

182.5 Housing

182.5.1 Location of residential development

182.5.2 Housing diversity

182.5.3 Affordable housing

182.6 Economic development

182.7 Transport

182.8 Infrastructure

- 182.8.1 Open space
  - 182.8.2 Development contributions
  - 182.8.3 Waste
  - 182.8.4 Water sensitive urban design
  - 182.9 Form and content of the Amendment
  - 182.10 Other (site specific issues).
183. The officer report dated 3 August 2021 provides a detailed summary of the key issues raised in the submissions, together with the officers' response to these issues. Attachments 2, 3 and 4 to the officer report includes a summary of the key issues raised in submissions and the officer's response to these issues.
184. The Council officers' response to submissions as refined by Council in its resolution of 3 August 2021 is adopted by Council for the purposes of the Panel hearing. Council will expand on the key issues raised by submitters through its Part B submissions at the Panel hearing.
185. The table in **Attachment E** identifies the issues considered by Council to be outside the scope of this Amendment but which may form part of Council's proposed further strategic work program<sup>6</sup>.
186. There were also a number of issues raised in submissions that were beyond the scope of this Amendment and that do not fall within the scope of Strategic Planning but that are relevant to other units within Council. These submissions have been provided to the relevant areas of Council for information purposes. The issues raised in these submissions include, but are not limited to:
- 186.1 improvements to transport infrastructure (provided to Yarra's Strategic Transport Unit);
  - 186.2 introduction of new routes for heritage walking tours (provided to Yarra's Senior City Heritage Advisor);
  - 186.3 introduction of a better way to document or catalogue heritage building, objects and other aspects (provided to Yarra's Senior City Heritage Advisor);
  - 186.4 requirements for commercial landowners to maintain their premises (provided to Yarra's Local Laws Department);
  - 186.5 car parking rates and availability (provided to Yarra's Strategic Transport Unit);
  - 186.6 increase in traffic in one way streets of Richmond Hill (provided to Yarra's Traffic Unit);
  - 186.7 maintenance of Yarra's public open spaces (provided to Yarra's Compliance Department);
  - 186.8 laneways being used as toilets and for drug use (provided to Yarra's Local Laws Department);
  - 186.9 penalties for misleading documentation in planning permit applications (provided to Yarra's Statutory Planning Unit);

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<sup>6</sup> In response to Direction 10(g) of the Panel's Directions dated 2 September 2021.

- 186.10 use of open space should be simpler and more affordable (provided to Yarra's Open Space Unit);
- 186.11 Yarra Primary School Council Submission (provided to Yarra's Executive Team);
- 186.12 safe injecting room (provided to Yarra's Social Strategy Team); and
- 186.13 construction noise (provided to the Construction Enforcement Unit).

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## **SUGGESTED CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS**

- 187. In response to submissions, Council officers made a number of recommended changes to the Amendment documentation for the purpose of Council's advocacy position at Panel. These are identified in track changes in the Amendment documentation in Attachments 3, 5, 6, and 7 to the officer report dated 3 August 2021.
- 188. The officer report dated 3 August 2021 also recommends some 'other changes' for the purpose of Council's advocacy position at Panel that were identified in the process of considering the submissions and reviewing the exhibited policies. These changes can generally be described as:
  - 188.1 consequential changes (as a result of changes in response to submissions), to ensure consistency through the new PPF;
  - 188.2 minor changes that clarify the intent of the exhibited policy where, on review, it was apparent that the language could be improved to ensure that the intent was clear; and
  - 188.3 grammatical and formatting fix ups.
- 189. These 'other changes' are also identified in track changes in the Amendment documentation in Attachments 3, 5, 6, and 7 to the officer report dated 3 August 2021.
- 190. The Council resolution of 3 August 2021 made some further changes to the Amendment documentation for the purpose of Council's advocacy position at Panel (which are set out in paragraph 131.2 above).
- 191. On 8 September 2021, Council circulated to the Panel and parties a 'Panel Version' of the Amendment documentation, which comprises a complete set of the Amendment documentation that Council will be advocating for at the Panel hearing, with track changes (where applicable). The track changes illustrate Council's proposed changes to the exhibited Amendment for the purposes of the Panel hearing, consistent with the Council resolution of 3 August 2021.

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## **CONCLUSION**

- 192. This completes the 'Part A' submission for the Council.

Susan Brennan SC & Jane Sharp  
Instructed by Maddocks  
Lawyers for the Planning Authority  
20 September 2021

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## LIST OF ATTACHMENTS

- **Attachment A** – a summary table identifying whether each policy is a neutral translation of current policy, or whether new policy content is proposed
- **Attachment B** – a summary table identifying whether each background document listed in the Schedule to Clause 72.08 is a new document proposed to be referenced in the Scheme or a previously adopted document already referenced in the Scheme
- **Attachment C** – a chronology of events
- **Attachment D** – a summary table identifying the status of other relevant amendments under preparation or recently approved
- **Attachment E** – a summary table identifying the issues raised in submissions considered to be outside the scope of this Amendment but which may form part of Council’s proposed further strategic work program

## ATTACHMENT A – NEW POLICY OR POLICY NEUTRAL TRANSLATION

Summary table identifying whether each policy is a neutral translation of current policy, or whether new policy content is proposed

Planning Scheme Clause:	Change Status:
<b>Clause 02 Municipal Planning Strategy</b>	This is new policy content. <i>Note: This is a blank head clause.</i>
<b>Clause 02.01 Context</b>	This is new policy content.
<b>Clause 02.02 Vision</b>	This is new policy content.
<b>Clause 02.03 Strategic Directions</b>	This is new policy content.
<b>Clause 02.04 Strategic Framework Plan</b>	This is new policy content.
<b>Clause 11.03-1L Activity Centres</b>	This is a new local policy.
<b>Clause 11.03-6L Victoria Street East Precinct</b>	This is a policy neutral translation of the existing policy into the new format.
<b>Clause 12.01-1L Biodiversity</b>	This is an update of the existing policy with new content.
<b>Clause 12.03-1L Yarra River, Darebin and Merri Creek</b>	This is an update of the existing policy with new content.
<b>Clause 13.03-1L Flood Management</b>	This is a new local policy.
<b>Clause 13.7-1L Caretaker's House</b>	This is a policy neutral translation of the existing policy into the new format.
<b>Clause 13.07-1L Interfaces and Amenity</b>	This is an update of the existing policy with new content.
<b>Clause 13.07-1L Licences Premises</b>	This is a policy neutral translation of the existing policy into the new format.
<b>Clause 15.01-1L Signs-Heritage</b>	This is an update of the existing policy with new content. <i>Note: The new format of the scheme includes two separate sections on signs.</i>

Planning Scheme Clause:	Change Status:
<b>Clause 15.01-1L Signs</b>	This is an update of the existing policy with new content. <i>Note: The new format of the scheme includes two separate sections on signs.</i>
<b>Clause 15.01-1L Urban Design</b>	This is an update of the existing policy with new content.
<b>Clause 15.01-2L Building Design</b>	This is an update of the existing policy with new content.
<b>Clause 15.01-2L Landmarks</b>	This is an update of the existing policy with new content.
<b>Clause 15.02-1L Environmentally Sustainable Development</b>	This is an update of the existing policy with new content.
<b>Clause 15.03-1L Heritage</b>	This is an update of the existing policy with new content.
<b>Clause 15.03-1L World Heritage Environs Area</b>	This is a policy neutral translation of the existing policy into the new format.
<b>Clause 16.01-2L Location of Residential Development</b>	This is a new local policy.
<b>Clause 16.01-3L Housing Diversity</b>	This is a new local policy.
<b>Clause 16.01-4L Housing Affordability</b>	This is a new local policy.
<b>Clause 17.01-1L Employment</b>	This is an update of the existing policy with new content.
<b>Clause 17.02-1L Retail</b>	This is an update of the existing policy with new content.
<b>Clause 17.04-1L Tourism</b>	This is an update of the existing policy with new content.
<b>Clause 18.02-1L Sustainable Transport</b>	This is an update of the existing policy with new content.
<b>Clause 18.02-3L Road Systems</b>	This is an update of the existing policy with new content.
<b>Clause 18.02-4L Car Parking</b>	This is an update of the existing policy with new content.

Planning Scheme Clause:	Change Status:
<b>Clause 19.02-1L Health Precincts</b>	This is an update of the existing policy with new content.
<b>Clause 19.02-2L Education Precincts</b>	This is an update of the existing policy with new content.
<b>Clause 19.02-6L Open Space</b>	This is an update of the existing policy with new content.
<b>Clause 19.02-6L Public Open Space Contribution</b>	This is a policy neutral translation of the existing policy into the new format.
<b>Clause 19.03-2L Development Contributions</b>	This is a new local policy.
<b>Clause 19.03-3L Water Sensitive Urban Design</b>	This is generally a policy neutral translation of the existing policy into the new format with the exception of one change – the deletion of content in response to a condition of authorisation.
<b>Clause 19.03-5L Waste</b>	This is a new local policy.
<b>Clause 52.28 Gaming</b>	<p>This is generally a policy neutral translation of the existing policy into the new format, with the exception of a minor correction proposed in the 'Panel Version' of the Amendment documentation (correction of the name of the shopping complex).</p> <p><i>Note: The new format of the scheme moves this Clause to the Particular Provisions rather than the LPPF.</i></p>
<b>Schedule to Clause 72.04 Documents Incorporated in this Scheme</b>	This is an update of the existing operational provision with new content.
<b>Schedule to Clause 72.08 Background Documents</b>	This is an update of the existing operational provision with new content.
<b>Schedule to Clause 74.01 Application of Zones, Overlays and Provisions</b>	This is a new operational provision.

## ATTACHMENT B – BACKGROUND DOCUMENTS

Summary table identifying whether each background document listed in the Schedule to Clause 72.08 is a new document proposed to be referenced in the Scheme or a previously adopted document already referenced in the Scheme<sup>7</sup>

The name of each background document contains a hyperlink to the document

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<a href="#"><u>Activity Centres Roles and Boundaries (City of Yarra, Oct 2019)</u></a>	Clause 11.03-1L	Yes	N/A
<a href="#"><u>Built Environment Sustainability Scorecard 'BESS' (Council Alliance for a Sustainable Built Environment 'CASBE')</u></a>	Clause 15.02-1L	No	Clause 22.17-6
<a href="#"><u>Building for Diversity – Yarra's Social and Affordable Housing Strategy (Yarra City Council, November 2019)</u></a>	Clause 16.01-4L	Yes	N/A
<a href="#"><u>Burra Charter The Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS, 2013)</u></a>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<a href="#"><u>City of Yarra Community Infrastructure Plan (City of Yarra, April 2018)</u></a>	Clause 19.03-1L	Yes	N/A
<a href="#"><u>Collingwood South Built Form Review (Hansen Partnership, June 2018)</u></a>	Clause 15.03-1L	Yes, however Council has now resolved to proceed with draft Amendment C293 which may update this document and result in this reference document being replaced	N/A
<a href="#"><u>Collingwood South Built Form Review, Heritage Analysis and Recommendations (GJM Heritage, June 2018)</u></a>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<a href="#"><u>Council Plan 2017-2021 (City of Yarra, 2017)</u></a>	Clause 02.02 Clause 02.03	No	Clause 21.11 Clause 22.09-5

<sup>7</sup> All Council documents have been previously adopted by Council

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u><a href="#">Environmentally Sustainable Design Buildings Policy (City of Yarra, August 2014)</a></u>	Clause 15.02-1L	Yes	N/A
<u><a href="#">Fitzroy Urban Conservation Study Review (Allom Lovell and Associates, November 1992)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Green Star (Green Building Council of Australia)</a></u>	Clause 15.02-1L	No	Clause 22.17-6
<u><a href="#">Noise and vibration considerations – Discussion report (Yarra City Council, October 2019)</a></u>	Clause 13.07-3L	Yes, however this document will be updated in accordance with Council resolution 1(k) of the Council’s resolution dated 3 August 2021	N/A
<u><a href="#">Heritage Citation 112-124 Trenerry Crescent, Abbotsford (GJM Heritage, July 2016)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Citation 20-60 Trenerry Crescent, Abbotsford (GJM Heritage, July 2016)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Conservation Study, Carlton, North Carlton and Princes Hill (Nigel Lewis and Associates, July 1984)</a></u>	Clause 15.03-1L	No	Clause 22.02-8
<u><a href="#">Heritage Conservation Study, Collingwood (Andrew Ward and Associates, April 1989)</a></u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u><a href="#">Heritage Conservation Study Review, Collingwood (Andrew Ward and Associates, May 1995)</a></u>	Clause 15.03-1L	Yes	N/A
<u><a href="#">Heritage Conservation Study, Northcote (Graeme Butler Architect, February 1982)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Conservation Study, North Fitzroy (Jacob</a></u>	Clause 15.03-1L	No	Clause 21.11

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u>Lewis Vines Architects, July 1978)</u>			
<u>Heritage Conservation Study, Richmond (J and T O'Connor and Coleman and Wright Architects, January 1985)</u>	Clause 15.03-1L	No	Clause 21.11
<u>Heritage Conservation Study, South Fitzroy (Jacob Lewis Vines Architects, March 1979)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gaps An Overview (Graeme Butler &amp; Associates, 2004, updated March 2013)</u>	Clause 15.03-1L	No	Clause 22.02-8
<u>Heritage Gaps Review One (City of Yarra/Graeme Butler, 2013)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gap Review One; Incorporated Plan, Methodology Report (Lovell Chen, 2014)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gap Review Two Methodology Report (Lovell Chen, 2012)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gap Study Review of 17 Precincts Stage 2 Report (Context Pty Ltd, August 2014, Revised 16 October 2016)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gap Study Review of Central Richmond, Stage 2 Final Report (Context Pty Ltd, November 2014)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-3 Clause 22.02-8
<u>Heritage Gap Study Review of Johnston Street East (Context Pty Ltd, April 2016)</u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u>Heritage Gap Study Stage 1 (Graeme Butler and Associates, 2008)</u>	Clause 15.03-1L	No	Clause 22.02-8

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u><a href="#">Heritage Gap Study Stage 2 (Graeme Butler and Associates, 2009)</a></u>	Clause 15.03-1L	No	Clause 22.02-8
<u><a href="#">Heritage Gaps Study – Smith Street South (Anthemion Consultancies, July 2014)</a></u>	Clause 15.03-1L	No	Clause 22.02-8
<u><a href="#">Heritage Gaps Study 233-251 Victoria Street, Abbotsford (Anthemion Consultancies, October 2012)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Overlay Areas, Review of, Appendix 7 (Graeme Butler and Associates, 2007) Updated 2013</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Policy – Residential (Context, October 2019)</a></u>	Clause 15.03-1L	Yes	N/A
<u><a href="#">Heritage Policy - Industrial (GJM Heritage, 15 October 2019)</a></u>	Clause 15.03-1L	Yes	N/A
<u><a href="#">Heritage Review (Allom Lovell and Associates, June 1998)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Heritage Review of Predefined Areas in Abbotsford &amp; Collingwood Stage 2 Report (Context Pty Ltd, July 2015)</a></u>	Clause 15.03-1L	No	Clause 21.11 Clause 22.02-8
<u><a href="#">Inner Melbourne Action Plan 2016-2026 (Inner Melbourne Action Plan, August 2016)</a></u>	Clause 15.03-1L	No	Clause 21.11
<u><a href="#">Johnston Street Local Area Plan (City of Yarra, 2015)</a></u>	Clause 11.03-2L Schedule 15 to 43.02	No	Clause 21.11 Clause 21.12
<u><a href="#">Landmarks and Views Assessment (Ethos Urban, October 2019)</a></u>	Clause 15.01-2L	Yes	N/A
<u><a href="#">Model for Urban Stormwater Improvement</a></u>	Clause 15.02-1L	No	Clause 22.16-6

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u><a href="#">Conceptualisation 'MUSIC' (Melbourne Water)</a></u>			
<u><a href="#">Nature Strategy: Protecting Yarra's Unique Biodiversity (2020-2024)</a></u>	Clause 12.01-1L	Yes	N/A
<u><a href="#">Nationwide House Energy Rating Scheme 'NatHERS', (Department of Climate Change and Energy Efficiency)</a></u>	Clause 15.02-1L	No	Clause 22.17-6
<u><a href="#">Parking Management Strategy Action Plan 2013-2015 (City of Yarra, 2013)</a></u>	Clause 18.02-4L	Yes	N/A
<u><a href="#">Public Art Policy 2015-2020 (City of Yarra, 2015)</a></u>	Clause 15.01-1L	Yes	N/A
<u><a href="#">Licensed Premises Policy – Background Document (Public Place / 10 Consulting Group Dec 2015)</a></u>	Clause 13.07-1L	No	Clause 22.09-5
<u><a href="#">Queens Parade Built Form Heritage Review (GJM Heritage, December 2017)</a></u>	Clause 11.03-2L, Schedules 16 & 20 to 43.02	Yes, however this document can now be removed as a reference document in light of the recent gazettal of Amendment C231	N/A
<u><a href="#">Queens Parade Built Form Review (Hansen Partnership, December 2017)</a></u>	Clause 11.03-2L Clause 15.03-1L Schedules 16 & 20 to 43.02	Yes, however this document can now be removed as a reference document in light of the recent gazettal of Amendment C231	N/A
<u><a href="#">State Environment Protection Policy (Waters) (EPA 2018)</a></u>	Clause 15.02.1L	No	Clause 22.16-6
<u><a href="#">Stormwater Treatment Objective - Relative Measure 'STORM' (Melbourne Water)</a></u>	Clause 15.02.1L	No	Clause 22.17-6
<u><a href="#">Sustainable Design Assessment in the Planning Process (IMAP, 2015).</a></u>	Clause 15.02.1L	Yes	N/A

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<a href="#"><u>Swan Street Built Form Heritage Review (GJM Heritage, September 2017)</u></a>	Clause 11.03-2 Clause 15.03-1 Schedule 17 to 43.02	Yes, however this document can be removed as a reference document following the approval of Amendment C191	N/A
<a href="#"><u>Swan Street Built Form Review, Heritage Assessment and Analysis (GJM Heritage, October 2017)</u></a>	Clause 11.03-2 Schedule 17 to 43.02	No	Clause 21.11
<a href="#"><u>Swan Street Built Form Review (Tract Consultants, September 2017)</u></a>	Clause 11.03-2 Clause 15.03-1 Schedule 17 to 43.02	Yes, however this document can be removed as a reference document following the approval of Amendment C191	N/A
<a href="#"><u>Swan Street Traffic Engineering Assessment (Traffix Group, July 2017)</u></a>	Clause 11.03-2	Yes, however this document can be removed as a reference document following the approval of Amendment C191	N/A
<a href="#"><u>Urban Design Strategy (City of Yarra, June 2011)</u></a>	Clause 15.01-1L	Yes	N/A
<a href="#"><u>Urban Forest Strategy (City of Yarra &amp; Urban Forest Consulting, 2017)</u></a>	Clause 12.01-1L	Yes	N/A
<a href="#"><u>Urban Stormwater Best Practice Environmental Management Guidelines, (CSIRO, 1999)</u></a>	Clause 15.02-1L Clause 19.03-3L	No	Clause 22.17-6
<a href="#"><u>Victoria Street and Bridge Road Built Form Review (David Lock Associates, June 2018)</u></a>	Clause 11.03-2L Schedule 22 to 43.02	Yes, however Council has now resolved to proceed with draft Amendment C291 which may update this document and result in this reference document being replaced	N/A
<a href="#"><u>Victoria Street and Bridge Road Built Form Review, Heritage Assessment and Analysis (GJM Heritage, June 2018)</u></a>	Clause 11.03-2L Clause 15.03-1L Schedule 22 to 43.02	Yes, however Council has now resolved to proceed with draft Amendment C291 which may update this document and result in this reference document being replaced	N/A

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u><a href="#">Victoria Street and Bridge Road Activity Centres, Richmond – Traffic Engineering Assessment (Traffix Group, June 2018)</a></u>	Clause 11.03-2L	Yes, however Council has now resolved to proceed with draft Amendment C291 which may update this document and result in this reference document being replaced	N/A
<u><a href="#">Victoria Street East Precinct, Richmond Urban Design Framework (MGS Architects &amp; Jones and Whitehead, November 2005)</a></u>	Clause 11.03-6L	No	DDO4 – 6.0
<u><a href="#">Waste Minimisation and Resource Recovery Strategy 2018- 2022 (City of Yarra, 2018)</a></u>	Clause 19.03-5L	Yes	N/A
<u><a href="#">Water Sensitive Urban Design Guidelines for City of Yarra Works (City of Yarra, October 2012, revised February 2016)</a></u>	Clause 19.03-3L	Yes	N/A
<u><a href="#">WSUD Engineering Procedures: Stormwater (Melbourne Water, June 2005)</a></u>	Clause 19.03-3L	No	Clause 22.16-6
<u><a href="#">World Heritage Environs Area Strategy Plan Royal Exhibition Building and Carlton Gardens (Lovell Chen, October 2009)</a></u>	Clause 15.03-1L	No	DDO8 - 6.0
<u><a href="#">Yarra City Council Gaming Policy Framework (Coomes Consulting Group, November 2008)</a></u>	Schedule to Clause 52.28	No	Clause 22.15-6
<u><a href="#">Yarra Climate Emergency Plan 2020-2024</a></u>	Clause 02.01	Yes	N/A
<u><a href="#">Yarra Environment Strategy 2013-2017 (City of Yarra, 2013)</a></u>	Schedule to Clause 53.01 Clause 19.02-6L	Yes	N/A
<u><a href="#">Yarra Housing Strategy (City of Yarra, September 2018)</a></u>	Clause 16.01-2L Clause 16.01-3L Clause 16.01-4L	Yes	N/A

Name of background document	Amendment number Clause reference in exhibited planning scheme	Is the document new (proposed through C269) to the planning scheme?	Clause reference in the current planning scheme
<u><i>Yarra Open Space Strategy (Thompson Berrill Landscape Design, December 2006)</i></u>	Clause 19.02-6L	No	Clause 22.12-3
<u><i>Yarra Spatial Economic and Employment Strategy (SGS Economics and Planning, August 2018)</i></u>	Clause 17.01-1L Clause 17.02-1L Clause 17.03-1L Clause 17.04-1L	Yes	N/A

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## ATTACHMENT C – CHRONOLOGY OF EVENTS

Date	Event / Description
2014 - 2015	<i>Yarra Planning Scheme Review</i> undertaken
2018	<i>Yarra Housing Strategy</i> adopted
2018	<i>Yarra Spatial Economic and Employment Strategy</i> adopted
26 November 2019	Council resolved to request the Minister for Planning give authorisation to prepare the Amendment
November 2019	<i>Yarra Social and Affordable Housing Strategy</i> adopted
7 July 2020	Council received authorisation to prepare the Amendment
20 August 2020	Exhibition period commenced
22 September - 25 October 2020	Exhibition paused for Council elections
4 December 2020	Exhibition period concluded
3 August 2021	Council resolved to request the Minister for Planning appoint a Planning Panel to consider submissions received in relation to the Amendment
12 August 2021	Planning Panel appointed
27 August 2021	Directions hearing held
5 October 2021	Panel Hearing commences

## ATTACHMENT D – RELEVANT AMENDMENTS

Summary table identifying the status of other relevant amendments under preparation or recently approved

Amendment	Status	Comment
<b>C191yara - Swan Street</b>	Adopted by Council on 15 December 2020. Awaiting a decision from the Minister	The amendment proposes to introduce permanent built form controls for the Swan Street Activity Centre by way of DDO25, DDO26, DDO27 and DDO28, replacing interim DDO17. It also proposes to rezone land and make changes to the heritage overlay. Changes to policy relating to the Swan Street Activity Centre (clauses 21.08 and 21.12) are also proposed.
<b>C220 – Johnston Street</b>	Gazetted on 18 June 2020.	The amendment gives affect to the Johnston Street Local Area Plan by rezoning properties within the Commercial 2 Zone (and General Residential Zone) to the Commercial 1 Zone, rezoning land to Road Zone 1 and Public Use Zone 1, replacing Design and Development Overlay Schedule 15 with a revised schedule, introducing a policy at Clause 21.12, applies the Heritage Overlay to a new precinct on a permanent basis and applies the Environmental Audit Overlay to sites being rezoned from the Commercial 2 Zone.
<b>C231yara Part 1 and Part 3 - Queens Parade</b>	Approved by the Minister on 1 October 2020.	The amendment proposes to introduce permanent built form controls for the Queens Parade Activity Centre by way of DDO16 (excluding the land at 390A Queens Parade), replacing interim DDO20. It also proposes to rezone land and make changes to the heritage overlay.
<b>C231yara Part 2 - Queens Parade</b>	Adopted by Council on 2 June 2020. Awaiting a decision from the Minister	The amendment proposes to introduce permanent built form controls for the land at 390A Queens Parade.  Note: Interim DDO20 (which still applies to the land at 390A Queens Parade) has been extended via Amendment C295 to 12 September 2022.
<b>C245yara – Heritage overlay and zone fix-up</b>	Approved by the Minister on 11 February 2021.	The amendment corrected heritage overlays and zone anomalies in the Yarra Planning Scheme.  Amended the existing incorporated document 'Appendix 8 - City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates (2007), revised February 2018', to change the title to 'City of Yarra Database of Heritage Significant Areas, July 2019'.
<b>C270yara - Fitzroy / Collingwood stage 1 interim controls</b>	Section 20(4) request  Approval received from the Minister on	The amendment proposes to introduce interim built form controls for the Smith Street Activity Centre, Johnston Street Activity Centre (between Brunswick and Smith Streets) and the mixed-use pockets located behind these retail strips, by way of DDO30, DDO35, DDO36 and DDO37 to the Design and Development Overlay until 4 March 2023.

Amendment	Status	Comment
	<p>20 August 2021 in respect of DDO30, DDO35, DDO36 and DDO37</p> <p>No decision made by the Minister to date in respect of DDO29, DDO31, DDO32, DDO33 and DDO34</p>	<p>The amendment also proposes to introduce interim built form controls for</p> <ul style="list-style-type: none"> <li>• Brunswick Street;</li> <li>• Gertrude Street; and</li> <li>• Johnston Street (between Brunswick and Nicholson)</li> </ul> <p>by way of DDO29, DDO31, DDO32, DDO33 and DDO34.</p>
<b>C272yara – Heidelberg Road interim controls</b>	<p>Section 20(4) request.</p> <p>C272 approved by the Minister with changes on 12 September 2021.</p> <p>Awaiting gazettal.</p>	<p>The amendment proposes to introduce interim built form controls for commercially zoned land along Heidelberg Road.</p>
<b>C280yara - 32-68 Mollison Street, Abbotsford</b>	<p>Exhibition completed; submissions considered.</p> <p>Panel hearing set for the week commencing 4 October 2021 to consider submissions.</p>	<p>Site specific amendment which was made at the request of the landowners.</p> <p>The amendment proposes to replace the existing Incorporated Plan Overlay - Schedule 1 (IPO1) and Incorporated Document that applies to the site.</p>
<b>C281yara - Cremorne parking provisions</b>	<p>In correspondence dated 31 August 2021 the Minister has provided consent under stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference, for Council to prepare, give notice and receive submissions.</p>	<p>The amendment applies to commercial land within the Cremorne Enterprise Precinct. It proposes to set maximum parking rates to facilitate an appropriate provision of car parking spaces in this Enterprise Precinct.</p>
<b>C286yara - Open space</b>	<p>Ministerial authorisation received.</p> <p>On exhibition until 5 October 2021</p>	<p>The amendment proposes to implement the Yarra Open Space Strategy 2020.</p> <p>It proposes to increase the public open space contribution rate from 4.5% to 10.1%</p> <p>The Authorisation letter included a condition that <i>Clause 22.12 Public Open Space Contribution must form part of this amendment which reflects the new</i></p>

Amendment	Status	Comment
		<p><i>OSS and which updates policy and form and content as appropriate.</i></p> <p>At its meeting on 20 July 2021, Council resolved to endorse the revised Clause 22.12 (Public Open Space Contribution) policy.</p>
<b>C288yara - Fitzroy / Collingwood stage 2 interim controls</b>	<p>Section 20(4) request.</p> <p>Awaiting a decision from the Minister.</p>	<p>The amendment proposes to introduce interim built form controls for Alexandra Pde, Victoria Pde and Fitzroy West (a mixed use pocket west of Brunswick Street) by way of DDO38, DDO39 and DDO40.</p>
<b>C291yara - Victoria St and Bridge Road</b>	<p>Council is presently giving notice of the draft amendment (between 14 September and 27 October 2021).</p> <p>Note: approved interim controls apply.</p>	<p>The draft amendment seeks to progress the permanent built form controls for Victoria Street and Bridge Road via the Yarra Activity Centres Standing Advisory Committee process.</p> <p>The draft amendment proposes to introduce permanent built form controls to the Bridge Road and Victoria Street Activity Centres by replacing DDO21 and DDO22 with ten new DDOs (DDO41-DDO50). The draft amendment also removes DDO21 and DDO22 from the planning scheme.</p> <p>On 20 August 2021 the Minister (via delegation) granted conditional consent to Council to give notice of the draft amendment.</p>
<b>C293yara - Collingwood South</b>	<p>Council is presently giving notice of the draft amendment (between 14 September and 27 October 2021).</p> <p>Note: approved interim controls apply.</p>	<p>The draft amendment seeks to progress the permanent built form controls for Collingwood South via the Yarra Activity Centres Standing Advisory Committee process.</p> <p>The draft amendment proposes to introduce permanent built form controls for the Collingwood South Mixed-Use Precinct by way of DDO23.</p> <p>On 20 August 2021 the Minister (via delegation) granted conditional consent to Council to give notice of the draft amendment.</p>
<b>C296yara – Extension of existing interim DDO17 and Heritage Overlay relating to Swan Street Activity Centre</b>	<p>Request lodged with the Minister in September 2021.</p>	<p>The amendment proposes to extend built form and heritage controls on an interim basis (for one year).</p>

**ATTACHMENT E – FUTURE WORK PROGRAM**

Summary table identifying the issues raised in submissions considered to be outside the scope of this Amendment but which may form part of Council’s proposed further strategic work program

Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
<p>Activity Centres <i>Height / Built form</i></p>	<ul style="list-style-type: none"> <li>• Objection to mid-rise and high-rise development in activity centres.</li> <li>• Requests for mandated height limits.</li> <li>• Mid-rise may be too high in heritage activity centres.</li> <li>• Concerns about the impact of mid-rise and high-rise development on the heritage and community feel of the area.</li> <li>• Submits that mid-rise development must be redirected outside of the historic cores of shopping strips and an individual strategy for each centre should be prepared to guide this.</li> <li>• Queens Parade outcome - no logical reason why the results of that in-depth study should not be adopted Yarra-wide.</li> <li>• Transition policies need to be strengthened between activity centres and residential areas.</li> <li>• Allowing multiple multi-storey buildings will ruin the historic character of the neighbourhood.</li> <li>• Need to maintain the village atmosphere, does not want high rise buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Council is implementing a programme to manage built form in activity centres through Design and Development Overlays (DDOs). These controls address height, setbacks and, where relevant heritage considerations within the context of the particular activity centre. The programme to manage built form in activity centres through DDOs includes: <ul style="list-style-type: none"> <li>- <b>Heidelberg Road:</b> On 4 February 2020 Council resolved to request the Minister for Planning to introduce interim built form controls (DDO18) along Heidelberg Road via Amendment C272. An amendment for permanent DDOs is proposed to be progressed late 2021/early 2022.</li> <li>- <b>Swan Street:</b> Amendment C191 seeks to introduce permanent DDOs, update the Heritage Overlay and rezone land along Swan Street. C191 is presently with the Minister for Planning for approval.</li> <li>- <b>Johnston Street and Queens Parade:</b> Permanent DDOs were introduced via Amendments C220 and C231 respectively.</li> <li>- <b>Victoria Street and Bridge Road:</b> Both have existing interim built form controls. On 20 April 2021, Council resolved to request the Minister for Planning to refer draft Amendment C291 (which proposes to</li> </ul> </li> </ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
	<ul style="list-style-type: none"> <li>• Need to protect low rise heritage shopping strips.</li> <li>• Concerns regarding the impact of high-rise buildings in heritage shopping precincts.</li> <li>• If high rise is to be allowed on Heidelberg Road then it should be restricted to 3-5 storeys with appropriate staggering to minimise the impact on existing residential properties.</li> <li>• Keep all villages low-rise with no residential apartments/multi storey buildings visible/close from the road.</li> <li>• MAC's within the proposed planning scheme are too high and lack step down to residential terrace homes.</li> <li>• Council needs to be clearer in articulating the precise extent of urban change in local neighbourhoods especially those interfacing with key thoroughfares in activity centres and managing development along these sensitive residential interfaces.</li> <li>• Generous setbacks and the ability to see the sky.</li> <li>• Mandatory height controls should be applied to all heritage shopping streets – including:             <ul style="list-style-type: none"> <li>- Fitzroy North Village, St Georges Road that reflect the C231 overlay for Precinct 4 which restrict heights to 3-4 storeys with appropriate setbacks</li> <li>- Nicholson Street</li> <li>- Rathdowne Street</li> </ul> </li> <li>• St Georges Road and Nicholson Street Activity Centres require a Design and Development Overlay to ensure protection for the significant heritage low rise shopping centres and to provide a guide for</li> </ul>	<p>implement permanent built form provisions for the Bridge Road and Victoria Street Activity Centres), to an Advisory Committee under s 151 of the PE Act.</p> <ul style="list-style-type: none"> <li>- <b>Collingwood South (mixed use land):</b> has existing interim built form controls. On 18 May 2021, Council resolved to request the Minister for Planning to refer draft Amendment C293 (which proposes to implement permanent built form controls for Collingwood South) to an Advisory Committee under s 151 of the PE Act.</li> <li>- <b>Fitzroy/ Collingwood (Stage 1):</b> On 17 December 2019, Council resolved to request the Minister for Planning to introduce interim built form controls via Amendment C270. These cover the commercial and mixed-use land generally along Brunswick / Smith / Gertrude / Johnston Streets. Amendment C270 was approved in August 2021 <u>with changes</u>. Four of the 9 DDOs were approved by the Minister (with changes). A decision on the other 5 requested DDOs was not made.</li> <li>- <b>Fitzroy/ Collingwood (Stage 2):</b> On 30 March 2021, Council resolved to request the Minister for Planning to introduce interim built form controls via Amendment C288. The interim built form controls generally cover the commercial and mixed-use land in Fitzroy West (predominantly mixed-use land) and Alexandra / Victoria Parades.</li> <li>• Officers anticipate that work on the remaining activity centres (including Nicholson Street, Rathdowne Street, St Georges Road) could commence once the above projects have been completed, however there is no confirmed timeframe for those other projects at this stage.</li> </ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
	<p>appropriate and sensitive residential and commercial development.</p> <ul style="list-style-type: none"><li>• What is left of the unique, heritage and arty low-rise nature of Brunswick and Gertrude Streets Fitzroy (general height of 11.5 metres) be retained.</li><li>• Questions how the north side of Swan St between Burnley and Stawell St has had approvals for such greater height limits as per 439-441 Swan St.</li><li>• Highlights an existing architectural language in place for Fitzroy where taller buildings are on the intersections of streets and lower scale buildings either side. Considers that new scheme destroys this rhythm.</li><li>• Concerns in relation to the impact of development along Brunswick Street and Queens Parade.</li><li>• Concerned that 8+ storeys on Brunswick Street will overshadow, create a wind tunnel and be unpleasant.</li><li>• 'Old Paper Mill' site - concerned that without strict guidelines, developers will use it as a precedent to convert the commercial zones along Heidelberg Road into large apartment buildings and this will have a detrimental impact on the suburb.</li><li>• Heidelberg Road (on both sides) should be restricted to no more than 5 storeys.</li><li>• Nicholson Street Village is suffering from land banking.</li><li>• If Rathdowne Activity Centre becomes a NAC as proposed, clear limitations must be placed on height of development.</li><li>• Requests for Rathdowne and Nicholson to be identified as small scale villages.</li></ul>	



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
	<ul style="list-style-type: none"><li>Submission refers to November 2016 Council resolution to seek 4 storey height limits in all mixed-use zones in Yarra.</li></ul>	<ul style="list-style-type: none"><li>In accordance with the resolution of 22 November 2016, Council, on behalf of the Yarra Resident Coalition presented three proposals (as developed by the Resident Coalition), to the Minister for Planning which included a: <i>request the Minister for Planning to introduce immediate interim height control to the Mixed Use zone and General Residential Zones (Schedule 3) in the City of Yarra through the introduction of a Design and Development Overlay (DDO) specifying a maximum development height control of 13 metres and a development set-back of 10 metres and approve the advertising of a concurrent amendment to the planning scheme.</i></li><li>The Minister responded that: <i>While I value the proposals developed by the coalition, significant changes to the Yarra Planning Scheme must be underpinned by sound strategic planning work with opportunities for consultation with the community and industry.</i></li><li>Some of this work is being progressed through Council's DDO work programme (refer above).</li><li>In addition to the above, resolution (1)(g) of the Council resolution dated 3 August 2021 in respect of Amendment C269 specifically relates to MUZ north of Richmond Train Station, and states: <i>progress further strategic work as soon as practicable (subject to officers capacity and resources to undertake such work) for the land identified as Land subject to future strategic work at proposed Clause 11.03-1L Swan Street Activity Centre Plan in the attached preferred version of policies based on the recommendations of the independent Planning Panel report in relation to C269, when received;</i></li></ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
Activity Centres <i>Heritage AND Character</i>	<ul style="list-style-type: none"> <li>• Requests that the landscape quality of the Victorian boulevard, Victoria Parade, is retained by not allowing buildings to dominate.</li> </ul>	<ul style="list-style-type: none"> <li>• Built form controls to manage buildings along boulevards is being reflected through Council’s separate significant built form work programme (DDOs). Refer to Fitzroy/Collingwood Stage 2 work above.</li> </ul>
Activity Centres <i>Boundary</i>	<ul style="list-style-type: none"> <li>• Does not support: <ul style="list-style-type: none"> <li>- Stewart, Hoddle, Tanner and Wangaratta Streets being included in the Swan Street Major Activity Centre (<b>MAC</b>);</li> <li>- Swan Street MAC boundary should not be extended to include the Australian Knitting Mills complex just north of Richmond Station.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Resolution (1)(g) of the Council resolution dated 3 August 2021 in respect of Amendment C269 specifically relates to MUZ north of Richmond Train Station (which is extracted above).</li> </ul>
Built environment and heritage <i>Urban design</i>	<ul style="list-style-type: none"> <li>• Overshadowing of public open space should be based on the winter solstice, not the equinox.</li> </ul>	<ul style="list-style-type: none"> <li>• Council has progressed a body of built form work, which uses the measure of 10am to 2pm at the equinox to protect public realm and public open spaces from overshadowing in Yarra’s Activity Centres. This work is embodied in Amendments such as Amendments C220 (Johnston Street) and C191 (Swan Street).</li> <li>• A change to the winter solstice would require further strategic investigation, which would need to be work undertaken separate to Amendment C269.</li> <li>• This work does not presently form a part of Council’s strategic work program.</li> </ul>
Built environment and heritage <i>Building design</i>	<ul style="list-style-type: none"> <li>• Pursue inclusion of Universal Design and the Liveable Housing Guidelines and develop a position on mandatory minimum accessibility regulations for Class 1a residential buildings and internal parts of individual Class 2 buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• A report will be taken to Council in 2022 once the National Construction Code is released.</li> </ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
	<ul style="list-style-type: none"><li>• Encouraging mid-rise development in Cremorne is inappropriate in the absence of specific built form guidance in the form of a Structure Plan, Design and Development Overlay or similar control</li><li>• Please do not over-develop Cremorne and implement development height restrictions ASAP.</li></ul>	<ul style="list-style-type: none"><li>• The Cremorne Place Implementation Plan, December 2020 (<b>CPIP</b>) is a joint initiative between the State Government and Yarra City Council to guide the future of Cremorne, building on its unique attributes and location. A key action of the CPIP is to plan for and manage development in Cremorne.</li><li>• Council is currently progressing the actions in the CPIP, including:<ul style="list-style-type: none"><li>- preparing a streets and movement strategy to address how to manage the available space and pathways to support the existing and future community and visitors to Cremorne Enterprise Precinct;</li><li>- progressing an amendment to the Yarra Planning Scheme (by way of Amendment C281yara), which proposes to reduce (via the introduction of a new schedule to the Parking Overlay) the carparking requirements under the Scheme to a rate that reflects Cremorne’s context as an inner-city suburb well connected to public transport;</li><li>- reviewing relevant current planning policy and controls to better manage development, provide greater certainty and address local issues;</li><li>- updating the Cremorne Urban Design Framework to reflect the Cremorne vision statement and provide precinct-wide directions to guide future development and investment. This includes a built form framework to inform future planning controls to manage development pressure.</li></ul></li><li>• Any amendment(s) that would be required to introduce the recommendations of this work would be prepared by Council.</li></ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
<i>Landmarks</i>	<ul style="list-style-type: none"><li>• Requests for additional landmarks and additional primary views to be included.</li></ul>	<ul style="list-style-type: none"><li>• The focus of the work conducted in relation to Amendment C269 has been on the existing landmarks in clause 22.03. Consideration of additional landmarks would require further strategic investigation. Council has recorded the additional landmarks and views that have been proposed by submitters. This further work could progress as soon as practicable (subject to officers' capacity and resources to undertake such work). It could be considered as a separate landmarks amendment or as part of place based work.</li></ul>
<i>Heritage</i>	<ul style="list-style-type: none"><li>• Regarding providing a transition when development takes place adjacent to land in a Heritage Overlay – has concerns about the current direction of Gipps Street, which has been designated a “major employment precinct”. Without proper controls these developments will fundamentally change the skyline and literally overshadow the heritage cottages in Campbell Street.</li></ul>	<ul style="list-style-type: none"><li>• Gipps Street is identified as a Major Employment Precinct and proposed Clause 17.01-1L (Employment) applies.</li><li>• Council is progressing built form work for activity centres as well as the CPIP for Cremorne (also identified as a Major Employment Precinct). Once this work is complete, other areas including Gipps Street can be considered.</li></ul>
	<ul style="list-style-type: none"><li>• A single and definitive reference for Statements of Significance managed by a formal amendment process.</li></ul>	<ul style="list-style-type: none"><li>• When heritage amendments are progressed, new Statements of Significance are prepared and (if approved) incorporated in the Scheme in the correct form in accordance with VC148.</li></ul>
	<ul style="list-style-type: none"><li>• Requests for additional sites/areas to be heritage protected.</li></ul>	<ul style="list-style-type: none"><li>• Consideration of sites for inclusion in a heritage overlay would require further strategic investigation. Council has recorded these sites/areas. This further work could progress as soon as practicable (subject to officers' capacity and resources to undertake such work). It could be considered as a separate heritage amendment or as part of place based work.</li></ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
<i>World Heritage</i>	<ul style="list-style-type: none"><li>• Requests for additional content in Clause 15.03-1L World Heritage Environs Area.</li></ul>	<ul style="list-style-type: none"><li>• Proposed Clause 15.03-1L (World Heritage Environs Area) (<b>WHEA</b>) is a policy neutral translation of existing Clause 22.14 (Development Guidelines for Heritage Places in the World Heritage Environs Area).</li><li>• As a World Heritage listed site, management of the Royal Exhibition Building (<b>REB</b>) and Carlton Gardens is guided by the <i>World Heritage Environs Area Management Plan (2013) (Management Plan)</i>. The <i>World Heritage Environs Area Strategy Plan (2009) (Strategy Plan)</i> is a component document (Attachment D) to the Management Plan.</li><li>• Both the Management Plan and the Strategy Plan are statutory documents under the <i>Heritage Act 2017</i>.</li><li>• The Strategy Plan is a reference document in existing Clause 22.14.</li><li>• Heritage Victoria is currently undertaking a review of the Management Plan and its component documents (including the Strategy Plan).</li><li>• Heritage Victoria engaged Hansen (in partnership with HLCD Pty Ltd) to prepare a draft Strategy Plan for the World Heritage Environs Area (<b>Draft Strategy Plan</b>).</li><li>• The Draft Strategy Plan, together with draft planning scheme controls for the City of Melbourne and the City of Yarra, are presently on public exhibition (until 24 September 2021). The draft planning scheme controls give effect to the recommendations in the Draft Strategy Plan.</li><li>• In summary, the Draft Strategy Plan recommends:<ul style="list-style-type: none"><li>- proposed amendments to the planning schemes of the City of Melbourne and the City of Yarra, including the introduction of a new DDO for the City of Yarra relating</li></ul></li></ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
		<p>to the WHEA. The new DDO is proposed to apply to the entire WHEA and include:</p> <ul style="list-style-type: none"><li>○ appropriate design objectives and decision guidelines which function to protect the world heritage values and prominence of the REB and Carlton Gardens; and</li><li>○ height controls and built form guidance;</li></ul> <ul style="list-style-type: none"><li>- removing the distinction between areas of Greater and Lesser Sensitivity in the WHEA;</li><li>- implementing minor expansions of the WHEA boundary to the west and south-west in the City of Melbourne, and to the east in the City of Yarra;</li><li>- amending policy to discourage specific types of signage within the WHEA; and</li><li>- making the Executive Director, Heritage Victoria, a determining Referral Authority for certain scales of development in the WHEA.</li></ul> <ul style="list-style-type: none"><li>• New view locations have also been identified to protect additional views to and from the REB and Carlton Gardens.</li><li>• The proposed draft Planning Scheme Amendment proposes the following amendments to the Yarra Planning Scheme:<ul style="list-style-type: none"><li>- Amends Clause 15.03-1S (Heritage Conservation) to include specific reference to the retention, protection and management of World Heritage listed sites.</li><li>- Introduces a new Clause 15.03-1R (Heritage Conservation) to address the heritage conservation, protection and management of the REB and Carlton Gardens and the associated WHEA.</li></ul></li></ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
		<ul style="list-style-type: none"> <li>- Amends Clause 22.14 (Development Guidelines for Heritage Places in the World Heritage Environs Area) to expand the WHEA boundary in selected areas, remove the distinction between Areas of Greater and Lesser Sensitivity, and make other changes to improve the operation of the policy, including protection of primary view lines and discouraging a number of types of signs.</li> <li>- Amends Clause 22.03 (Landmarks and Tall Structures) to refer to the updated version of the Strategy Plan.</li> <li>- Introduces a new DDO (as mentioned above), which includes (amongst other things) height controls and other built form guidance for land within the WHEA, and deletion of the existing DDO8 which currently applies to properties to the north side of Gertrude Street between Nicholson and Fitzroy Streets.</li> <li>- Amends the Schedule to Clause 66.04 (Referral of permit applications of the Melbourne and Yarra Planning Schemes) to nominate Executive Director, Heritage Victoria as a Determining Referral Authority for certain applications in the WHEA.</li> </ul>
<i>ESD</i>	<ul style="list-style-type: none"> <li>• Requests for additional / strengthened standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Council is working with other CASBE member councils to pursue a planning scheme amendment that builds on the existing local ESD policies in the planning schemes of numerous Victorian Councils. The Elevating ESD Targets Planning Policy Amendment project aims to deliver revised and elevated ESD targets, including targets for zero carbon development.</li> </ul>
Infrastructure <i>Open space</i>	<ul style="list-style-type: none"> <li>• There needs to be more open space and comprehensive management plans to support these important assets. This should include integrating any</li> </ul>	<ul style="list-style-type: none"> <li>• Council has prepared Amendment C286yara which proposes to increase the open space contribution rate from 4.5% to 10.1% for all development to help fund open space for the growing population. This approach meets the</li> </ul>



Theme & Sub-Themes	Summary of issues raised in submissions	Proposed further strategic work program
	<p>available and underutilised private parcels of land into the public domain.</p>	<p>requirements of the State Government's guidelines on providing open space.</p> <ul style="list-style-type: none"><li>• The Minister's authorisation to prepare Amendment C286yara included a condition that Clause 22.12 Public Open Space Contribution must form part of Amendment C286yara which reflects the new Open Space Strategy and which updates policy and form and content as appropriate.</li><li>• At its meeting on 20 July 2021, Council resolved to endorse the revised Clause 22.12 (Public Open Space Contribution) policy.</li><li>• C286 is currently on exhibition (until 5 October 2021).</li></ul>
Form and content	<ul style="list-style-type: none"><li>• There should be an accompanying document – with well-illustrated set of guidelines in plain English to support the new policy.</li></ul>	<ul style="list-style-type: none"><li>• Council's Strategic Planning webpages will continue to be updated to ensure that information is user friendly, up to date and accessible to the public.</li></ul>