

Yarra Planning Scheme

Amendment C286

Explanatory Report

Overview

This amendment implements the *Yarra Open Space Strategy 2020* by increasing the public open space contribution rate from 4.5 per cent for residential subdivisions to 8.65 per cent for all subdivisions across the Yarra municipality, applying updated planning policy at Clause 19.02-6L Open Space to guide public open space contributions in Yarra and inserting the *Yarra Open Space Strategy 2020* and Technical Report as background documents in the planning scheme.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Yarra City Council website at [C286yara Amendment Webpage](#)

And

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

- the office of the planning authority, City of Yarra Richmond Town Hall, Town Planning Counter, 333 Bridge Road, Richmond.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Yarra City Council.

Land affected by the amendment

The amendment applies to the whole municipality.

What the amendment does

The amendment seeks to implement the recommendations of the *Yarra Open Space Strategy (2020)* and update the public open space contribution rate for all subdivisions.

Specifically, the amendment proposes the following changes:

- Amends the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to require that all subdivision provides a public open space contribution at a rate of 8.65%.
- Replaces Clause 19.02-6L (Open Space) with an updated Clause 19.02-6L.
- Amends the Schedule to Clause 72.08 (Background Documents) to insert the following documents into the table:
 - *Yarra Open Space Strategy 2020* Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd
 - *Yarra Open Space Strategy 2020* Technical Report Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd

Strategic assessment of the amendment

Why is the amendment required?

The forecast development over the next 15 years is significant with a 40 per cent increase in the resident population and a 47 per cent increase in the worker population visiting and using open space, thereby increasing demand on the existing space and facilities. The extent of forecast growth changes across different parts of the City. Less than 10 per cent growth is forecast in Princes Hill-Carlton North, compared to 106 per cent in Cremorne-Richmond South-Burnley and 214 per cent in Fairfield-Alphington.

Over 85 per cent of Yarra's population live in medium and high density dwellings compared to 33 per cent in Greater Melbourne. This means that residents have less private open space available to them which increases their reliance on public open space. Typically, this adds to the amount of people using public open space and increases the diversity of reasons why they use it.

In calculating an appropriate contribution rate, several factors were considered including:

- The existing open space reserves, their function, location and qualities, and the improvements to open space that the City of Yarra has undertaken since the adoption of the 2006 Strategy.
- The significant population growth, demographic change and land use change that has occurred in Yarra since the adoption of the 2006 Strategy.
- The increased open space use by the employment population in Yarra.
- The substantial redevelopment that will occur in Yarra in the short and medium term, leading to the forecast increases in both residential and employment populations.
- The need for the City of Yarra to acquire land for new open space and fund capital improvements to open space based on the detailed analysis undertaken for this Strategy.
- The value of providing an updated set of open space upgrades and new open space to respond to the changes in Yarra for a 15 year period to 2031 and beyond.
- The expectation that contributions should fund a reasonable proportion of the future open space program having regard to population growth and demographic changes, so that the open space contributions levied provide for the open space needs of the population on whose behalf the contributions are collected.
- The value of land purchase for new open space is to be included in the calculation of the new contribution rate.
- The application of the rate to all eligible subdivisions in the City of Yarra irrespective of land use type.

Many of the areas in the city that are forecast to change are the former industrial and manufacturing areas. These areas are being redeveloped to mixed use precincts with a combination of residential, commercial and business use. Historically, the industrial areas did not have public open space.

With the proposed changes, these areas are being redeveloped with increased building heights and a change to a predominantly office-based professional workforce. Surveys undertaken as part of the Development of the *Yarra Open Space Strategy* found that more than 80 per cent of workers visit public open space during the day. With increased numbers of people working and living in the former industrial precincts there is a need to provide new areas of public open space.

The amendment is required to better meet the public open space needs within the City of Yarra of a growing population. The City of Yarra's Open Space Strategy (YOSS) was adopted in September 2020. The YOSS identifies the public open space needs of existing and future residents of Yarra, gaps in the provision of public open space and opportunities to address those gaps. Currently the amount, quality

and accessibility of open space varies considerably across the suburbs of Yarra.

The YOSS uses the Preliminary Opinion of Probable Cost (POPC) as the basis for costing for the individual open space projects included in the Strategy (i.e. the Strategy implementation plan) for the purposes of calculating the open space contribution rate. It does not represent the total cost of providing all open space in the City of Yarra. The method used for the Strategy POPC follows the same method used to develop the 4.5 per cent open space contribution rate that is currently in Clause 53.01 of the Yarra Planning Scheme.

The Strategy POPC only includes projects that would be fully or partially funded by an open space contribution under Clause 53.01 of the Yarra Planning Scheme. These include the provision and establishment or upgrade of neighbourhood, small neighbourhood, local and small local open space. The Strategy POPC also includes the costs of providing facilities for the local community in higher order open space including the regional and city-wide open space.

The YOSS addresses all levels of open space provision, design and management, however only the local provision is to be funded by open space contributions using Clause 53.01. Provision of open space and facilities to meet the open space needs of the broader regional catchment of visitors and the structured sport facilities would be funded by other mechanisms such as rate revenue and grants.

The Strategy POPC does not include any costs associated with the ongoing maintenance of open space or the open space asset renewal program.

A contribution rate of 8.65 per cent has been determined as necessary to deliver a reasonable standard of open space provision across the whole of Yarra and reflects the need to ensure that all residents in the future have contributed to providing an appropriate level of public open space and facilities.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987*, in particular:

- a) *To provide for the fair, orderly, economic, and sustainable use, and development of land.*
- c) *To secure a pleasant, efficient, and safe working, living and recreational environment.*
- d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- g) *To balance the present and future interests of all Victorians.*

The amendment provides:

- An equitable method to collect contributions for public open space based on the need created by the new development.
- Certainty and consistency as to the required public open space contributions.
- Public open space to meet the needs of the future population.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The amendment provides the opportunity for new public open space and the ability to upgrade existing open space. Open space is aesthetically pleasing, it can minimise the impacts of climate change and increase opportunities for active travel. Open space can also include areas of high value vegetation that can be conserved and provide new open space links to improve habitat corridors.

Social Effects

The amendment will provide a strong benefit for the community through the provision of new public open space and the upgrade of existing open space. Open space provides for a range of social and community benefits by increasing social interaction, improving physical and mental health and providing for sporting pursuits and recreation.

Economic Effects

The amendment will result in more accurate financial resources to fund public open space projects. It will also provide certainty to developers allowing improved cost planning and a more equitable means of distributing costs.

Does the amendment address relevant bushfire risk?

The amendment does not affect any areas of identified bushfire risks and has no implications.

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

The amendment complies with Ministerial Direction No. 9 in addressing and responding to the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*.

The amendment is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

- *4.1 Create more great public places across Melbourne*
- *5.1 Create a city of 20-minute neighbourhoods*
- *5.2 Create neighbourhoods that support safe communities and healthy lifestyles*

- 5.4 Deliver local parks and green neighbourhoods in collaboration with communities
- 6.4 Make Melbourne cooler and greener
- 6.5 Protect and restore natural habitats

Plan Melbourne 2017-2050 identifies public open space as a distinguishing characteristic of Melbourne. The amendment will ensure that open space continues to be an important part of the 'Melbourne experience'. Open space contributes to ecological resilience and sustainability, strong and healthy communities, social and economic participation, and infrastructure investment to support growing populations, all principles of Plan Melbourne. Expanding the distribution of open space will help deliver 20-minute neighbourhoods.

The amendment also:

- Provides a greater understanding of public open space needs for the City of Yarra.
- Increases the availability, usability and access to public open space.
- Provides opportunities for social interaction.
- Greens the urban environment.

The amendment complies with the requirements of *Ministerial Direction - Form and Content of Planning Schemes*.

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

The amendment supports the Planning Policy Framework, in particular the following:

- Clause 12: Environmental and Landscape Values, in particular the objective in *Clause 12.05-2S Landscapes* which is 'to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.'

The amendment supports this objective by ensuring natural features are protected and enhanced. Open space design and management will be sustainable, protect and enhance ecological communities and cultural assets and provide urban cooling.

- Clause 15: Built Environment, in particular the objective in *Clause 15.01-3S Subdivision Design*, which aims to 'ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods' and *Clause 15.01-04S* for Healthy Neighbourhoods, which aims to 'achieve neighbourhoods that foster healthy and active living and community wellbeing'.

Clause 15.01R – Urban Design – Metropolitan Melbourne also seeks 'To create a distinctive and liveable city with quality design and amenity.'

The amendment supports these objectives by promoting a diversity of public open space to support future subdivision development that foster a healthy lifestyle and achieve community benefit from well-designed neighbourhoods.

- Clause 19: Community Infrastructure, in particular the objective in *Clause 19.02-6S Open Space*, which aims to *'establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.'*

Clause 19.02-6L Open Space seeks to *'To protect and enhance existing public open space, increase the quantity and quality of open space and provide a linked network that meets existing and future community needs.'*

Existing policy at Clause 19.02-6L-01 Public Open Space Contribution (to be updated by this amendment) which currently applies to subdivisions that include a residential use includes to:

- *To identify when and where land contributions for public open space are preferred over cash contributions.*
- *To set aside land suitable for public open space as part of the design of a development so that it can be transferred to or vested in council, in satisfaction of the public open space contribution requirement specified in the schedule to clause 53.01.*

The amendment supports these objectives by addressing current and future gaps in the provision of public open space to support the needs of new residents and workers.

It also seeks to ensure adequate public open space is provided for development, including sites that seek higher residential densities. Open space is to be provided within safe walking distance of residents and workers and designed to improve the diversity, functionality and inclusiveness of public open space facilities and landscape settings to meet the needs of the community.

The Council will achieve these objectives through creation of new open spaces, master planning and upgrade works, and the use of contributions funding.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports the Vision (Clause 02.02) for Yarra by ensuring that future subdivisions will make an adequate financial contribution to enable Council to *'provide new public and open spaces, and improved connections for walking and cycling'* in response to the increased demand generated by future population growth.

The amendment implements the strategic directions for built environment and

heritage (Clause 02.03-4) by enabling Council to *'maintain and enhance the unique character [...] of the city [by maintaining] The Yarra River, Darebin and Merri Creeks and adjacent open spaces [and] parks and gardens'*.

The amendment implements the strategic directions for Open Space (Clause 02.03-9) by recognising the value of open spaces in Yarra; providing *'passive and active recreation, [contributing] to the city's tree canopy and [possessing] cultural values in places of post-contact and indigenous heritage'*. The increased contribution rate will enable Council to *'provide the community with access to high quality open space'* and to *'improve and extend Yarra's open space network.'* Due to the increase in land value over recent years, the proposed (higher) contribution rate is required to ensure Yarra is able to acquire land to create new public open space, particularly in those areas that have an undersupply.

Does the amendment make proper use of the Victoria Planning Provisions?

The Schedule to Clause 53.01 is specifically provided in the Victorian Planning Provisions to allow Councils to establish open space contribution rates appropriate for their local circumstances. It is the most appropriate tool to guide decision making in determining where land and financial contributions should be sought.

How does the amendment address the views of any relevant agency?

The views of relevant agencies were sought during exhibition of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

This amendment does not have any significant impacts on the objectives and decision making principles set out in the *Transport Integration Act 2010*.

Resource and administrative costs

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

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority as there is already a process in place to gather public open space contributions under Clause 53.01 of the Yarra Planning Scheme.

Planning and Environment Act 1987

Yarra Planning Scheme

Amendment C286

Instruction sheet

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Planning Policy Framework**- insert a new Clause 19.02-6L in the form of the attached document.
2. In **Particular Provisions** – Clause 53.01, replace the Schedule with a new Schedule in the form of the attached document.
3. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

End of document