

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C85

EXPLANATORY REPORT

Who is the Planning Authority?

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

Land affected by the Amendment.

The amendment applies to all land in the City of Yarra subject to the Heritage Overlay.

What the Amendment does.

The amendment:

- Replaces Clause 22.02 (Development Guidelines for Heritage Places) with a new Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay);
- Incorporates a new heritage database which identifies each property subject to the Heritage Overlay and its level of heritage significance;
- Incorporates Statements of Significance for the City of Yarra, for each Heritage Overlay (excluding individual building Overlays), and for each individually significant building within an Overlay that is not from the primary development period of the Overlay; and
- Incorporates the document titled City of Yarra Heritage Review, Building Citations, Volume 2 Parts I and II, Allom Lovell and Associates. These are building citations for the individual building heritage overlays, that is, buildings which are geographically isolated from the precincts but which are heritage places in their own right. A review of the citations in order to produce statements of significance was not part of the 2007 Study. The Allom Lovell citations are to be incorporated so that there is a consistent level of control for all individually significant buildings.

Strategic Assessment of the Amendment

Why the Amendment is required?

The City of Yarra is constantly subject to pressure for development and needs to accommodate its share of Inner Region housing under Melbourne 2030. The City's heritage is highly valued by the community and it is important that there are clear guidelines as to how any new development in Heritage Overlay areas should proceed. The amendment is required in order to update and improve the consistency of heritage protection in existing Heritage Overlay areas. Current heritage protection does not distinguish between the heritage value of elements (buildings) in a Heritage Overlay or clearly articulate the attributes and elements that contribute to the heritage value of a place.

In 2001, in order to address these issues, Council exhibited a heritage amendment (Amendment C43). Most of the Amendment was abandoned by Council based on the recommendations of an independent planning Panel. However the Panel was clear in supporting refinement of the amendment and its re-exhibition, and made a number of recommendations in this regard. Amendment C85 is based on these recommendations. The amendment provides a regime of clear guidelines for heritage protection in the City.

How does the amendment implement the objectives of planning in Victoria? (S.4 of the Planning and Environment Act 1987)

The amendment implements a number of objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987*, in particular:

- To provide for the fair, orderly, economic and sustainable use and development of land; and
- 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.

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

The amendment aims to encourage reuse, reconstruction, restoration and adaptation of existing heritage places. This will allow for the recycling of existing building stock and minimise building waste associated with demolition and construction of new buildings.

The amendment aims to protect the City's heritage which is an integral part of its social fabric. It supports community expectation that the City's heritage assets will be protected.

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

The amendment is consistent with the Ministerial Direction on the *Form and Content of Planning Schemes* under Section 7(5) of the Planning & Environment Act 1987 and meets the requirements of Ministerial Direction No.9 – *Metropolitan Strategy* which has been designed to ensure that all planning scheme amendments have regard to and are consistent with Melbourne 2030 (the Metropolitan Strategy). Direction No. 9 requires that planning authorities have regard to five matters when making decisions about planning scheme amendments. Each of these matters in relation to Amendment C85 is addressed below.

What aspects, if any, of the Metropolitan Strategy are relevant?

The following aspects of Melbourne 2030 are particularly relevant to the Amendment:

- Direction 5

Direction 5 relates to good urban design and the quality of living and working environments. Policy 5.4, "Protect heritage places and values" is particularly relevant to Amendment C85 which aims to improve heritage protection of the City's heritage assets.

- Direction 9

The amendment aims to improve guidance and certainty in the decision making process for applications subject to heritage controls, by improving the existing local planning policy (clause 22.02) and by incorporating a heritage database (which identifies the significance of each property in a heritage precinct) and the statements of significance for each precinct and individually significant property.

How does the Metropolitan Strategy affect the amendment?

The proposed planning scheme amendment seeks to give effect to *Melbourne 2030* at a municipal level.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

The Amendment does not raise any conflict with *Melbourne 2030* and supports its directions and policies.

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

The amendment supports the achievement of the objectives and initiatives outlined above and *Melbourne 2030* in general.

Will the amendment compromise the implementation of the Metropolitan Strategy?

The proposed amendment does not compromise the policies of *Melbourne 2030*, but will contribute to the ongoing implementation of the Metropolitan Strategy.

How does the amendment support or implement the State Planning Policy Framework?

The Amendment is consistent with and gives effect to the State Planning Policy Framework (SPPF). The main provisions of the SPPF that underpin this amendment are:

Clause 11.03-2 Environment

The proposal will assist with protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values.

Clause 12.01-2 Housing

The amendment will assist with the objective to ensure that all new development appropriately responds to its landscape, valued built form and cultural context.

Clause 12.05-2 Cultural identity and neighbourhood character

The amendment aims to protect the cultural identity and neighbourhood character of heritage precincts.

Heritage

The amendment supports the identification, conservation, protection and management of cultural heritage. The amendment encourages appropriate new development that respects established heritage values and existing built form character.

Clause 15.11 – Heritage

Clause 15.11 of the State Planning Policy Framework outlines Objectives and General Implementation for heritage matters at a State level, as follows:

Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development. These include:

- *Places of botanical, zoological or other scientific importance, including national parks and conservation reserves and the habitats of rare or endangered plants and animals.*
- *Places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites.*
- *Places of Aboriginal cultural heritage significance, including historical and archaeological sites.*
- *Sites associated with the European discovery, exploration and settlement of Victoria.*
- *Important buildings, structures, parks, gardens, sites, areas, landscapes, towns and other places associated with the historic and cultural development of Victoria, including places associated with pastoral expansion, gold mining, industrial development and the economic expansion and growth of Victoria.*

How does the amendment support or implement the Local Planning Policy Framework?

This amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework of the Yarra Planning Scheme.

The importance of the cultural and natural heritage of Yarra is a consistent theme of the existing Municipal Strategic Statement (MSS). This is encapsulated in the following objective in Clause 21.05-7 - Element 7: Heritage Conservation:

To conserve places of aesthetic, archaeological, architectural, cultural, historical, scientific and social significance which reflect Yarra's historic development.

Council recently exhibited a revised MSS where part of the vision is to:

- reinforce the 19th century and early 20th century urban structure of the City; and
- preserve buildings and places of identified heritage significance.

The exhibited MSS states:

"Factors that contribute to the heritage character of particular neighbourhoods include the period of development and pattern of subdivision, predominant land uses, and the original socio-economic structure of the population. This has created unique neighbourhoods and retail activity centres which are identified in Yarra's Heritage Overlays. These factors must be considered when understanding a site's significance. The cultural significance of heritage places must not be compromised by new development.

In conserving areas of heritage significance there is also a need to provide for adaptive reuse and change.

The new MSS lists a number of strategies to achieve the overarching objective to protect and enhance the City's heritage places.

Does the amendment make proper use of the Victoria Planning Provisions (VPP)?

The amendment makes proper use of the VPP.

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

Amendment C85 will assist in the implementation of the key directions and strategies of the *Victoria's Heritage 2010*. There have been no other views of an agency expressed toward this amendment.

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

The amendment does not increase the number of properties subject to the provisions of the Heritage Overlay. The effect of the Amendment will be to introduce greater clarity and certainty in the assessment of applications under the provisions of the Heritage Overlay. This is expected to reduce the workload of Council staff.

Where you may inspect this Amendment

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

Department of Sustainability and Environment

Planning Information Centre
Ground Floor
8 Nicholson Street
East Melbourne 3002

City of Yarra

Richmond Town Hall
Town Planning Counter
333 Bridge Road
Richmond Vic 3121

City of Yarra

Collingwood Town Hall
Reception Desk
140 Hoddle Street
Abbotsford Vic 3067

Municipal Libraries located at: 415 Church Street Richmond; 240 St Georges Road North Fitzroy; 11 Stanton Street Abbotsford; 128 Moor Street Fitzroy; and 667 Rathdowne Street North Carlton.

In addition, the amendment documentation only may be viewed on **Yarra City Council's website: www.yarracity.vic.gov.au**

Submissions on the amendment should be sent to Strategic Planning, City of Yarra, PO Box 168 Richmond 3121 or by email to info@yarracity.vic.gov.au by 10 July, 2007.