

YARRA PLANNING SCHEME

AMENDMENT C286

EXPLANATORY REPORT

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 proposes to increase the public open space contribution rate in the schedule to clause 53.01 from 4.5% to 10.1% to collect funds to support the implementation of the Yarra Open Space Strategy 2020. Specifically, the amendment:

- Amends the Schedule to Clause 53.01 to require that all subdivision provides a public open space contribution at a rate of 10.1%.
- Replaces Clause 22.12 Public Open Space Contribution with a new Clause 22.12.
- Amends Clause 72.08 to insert the following documents into the table at Clause 1.0.
 - *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

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 percent 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 the Yarra Open Space Strategy considered several factors 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 10.1 percent 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 of planning in Victoria contained in Section 4 of the Planning and Environment Act 1987, in the following ways:

- Providing an equitable method to collect contributions for public open space based on the need created by the new development.
- Providing certainty and consistency as to the required public open space contributions.
- Providing 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 Minister's Direction applicable to the amendment?

The Amendment complies with the requirements of Ministerial Directions on the Form and Content of Planning Schemes.

The Amendment is affected by Ministerial Direction 9 Metropolitan Strategy. The amendment is consistent with this Ministerial Direction as it:

- 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.

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 for 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.
- Clause 15: Built Environment, in particular the objective in Clause 15.01-3S for 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*'. 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 for 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*.' The amendment supports this objective by seeking to protect and expand the public open space network to address the current and future gaps of provision.

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

The Amendment supports Clause 22.12 of Yarra's Municipal Strategic Statement which addresses open space contributions. This includes the following objectives:

- To implement the Yarra Open Space Strategy.
- To identify when and where land contributions for public open space are preferred over cash contributions.
- To ensure that where appropriate, land suitable for public open space is set aside 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.

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.
- Ensuring that adequate public open space is provided for development, including sites that seek higher residential densities.
- Improving the diversity, functionality and inclusiveness of public open space facilities and landscape settings to meet the needs of the community.

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 any relevant agency will be sought during the 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

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

Where you may inspect this amendment

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 3121 VIC

and Planning website at www.delwp.vic.gov.au/public-inspection or on the City of Yarra website at <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments>

Submissions

Any person who may be affected by the amendment make a submission to the planning authority. Submissions about the amendment must be received by 30 September 2021.

A submission must be sent to:

Strategic Planning Unit

Yarra City Council

PO Box 168

Richmond VIC 3121

Or via email: info@yarracity.vic.gov.au (please use Amendment C286 in the subject header)

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions Hearing: week of 8 November, 2021.
- Panel Hearing: week of 6 December, 2021

22.12 PUBLIC OPEN SPACE CONTRIBUTION

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This policy applies to all applications for development or subdivision of land.

22.12-1 Policy Basis

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As an established inner urban municipality, the City of Yarra is experiencing significant change and growth. The analysis of the distribution of public open space in the Yarra Open Space Strategy 2020 has identified there are areas of the City where the community does not have any adequate open space within easy walking distance of where they live or work. The Strategy has identified and prioritised a series of new open spaces, with priority given to gaps in the network and locations where higher levels of growth is forecast to occur. The need for the proposed additional open spaces is based on a range of factors including:

- Areas where the public existing open space is experiencing high levels of use or over- use. This includes providing new open space to take the pressure off existing spaces to meet everyone's needs.
- Where there is a gap in the provision of any public open space.
- Medium and high density precincts where the substantial change is forecast and the new community will create a need for additional public open space.
- In medium and high density precincts where the provision of well distributed green public open space will assist to mitigate urban heat island effect.

The forecast development over the next 15 years is significant with a 41 per cent increase in the resident population and a 47 per cent increase in the worker population. This means there will be more people 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. Minimal growth is forecast in Princes Hill-Carlton North and Clifton Hill, compared to high Levels in North Richmond, Collingwood, Fitzroy and Cremorne. The locations for where forecast residential growth will occur is based on the *Yarra Housing Strategy 2018*. The forecast employment growth and change is based on the *Yarra Spatial Economic and Employment Strategy 2018*.

A total of 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.

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. The 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.

As urban densities increase in the future this Strategy has identified opportunities to increase the local open space network to support and sustainably meet the open space needs of the existing and future community.

Public open space contributions from developers are one of a number of potential sources of funding towards the acquisition of land for public open space and improvement of existing facilities. Because public open space contributions can only be imposed at the subdivision stage, it is important for developers to ascertain at the site analysis stage of the design process whether any part of the site might be required for public open space purposes where the site:

- is in an area where a land contribution may be required under Strategies in clause 22.12-3 or on Map1.
- fits the selection criteria for public open space in clause 22.12-4.

This will ensure that public open space requirements are identified and allowed for at the earliest possible time.

22.12-2 Objectives

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- To fund a fair proportion of the open space projects contained in the Strategy that will meet the needs of the forecast residential commercial and business population.
- To contribute to improvements to existing public open space and provide new public open space on behalf of the forecast population.
- To expand the public open space network to accommodate the growth in population predominantly in medium to high density urban development located across the municipality.

22.12-3 Policy

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22.12-4 Policy Guidelines

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Consider as relevant:

- The suitability of land to be contributed as public open space at the time of the subdivision of the land or building, should be consistent with the requirements of the Yarra Open Space Strategy 2020 including the following selection criteria:
- Land to be contributed:
 - Should be of a shape and size that will be adequate for the proposed use, having regard to the nature of public open space in an inner-city environment or be able to meaningfully contribute to the assembly of a parcel of land with these attributes.
 - Should be free of structures and protrusions, such as balconies or other building projections that may encroach into the public open space reserve, except for historic buildings or structures relating to the designated public open space use.
 - Should be located or be capable of being designed to provide a high degree of casual surveillance.
 - Should be physically suitable for use as public open space including that there are no inherent issues such as contamination and significant financial or safety implications, including the land being open to the sky.
 - Should contribute to the connectivity and accessibility of the open space network. This includes consideration of the other strategic planning projects including linear open space corridors, and local links to improve accessibility within the local street network and links and connections to improve accessibility into existing or proposed future open space.
 - Should be free of services and easements that affects or encumbers the development and use of the land as public open space. This includes roadways, overhead structures, underground structures (e.g. underground car parking), water supply, power supply, gas supply, telecommunications, flood mitigation and drainage.
 - Must be accessible to people of all abilities.
 - Should be visible from adjacent thoroughfares with at least two access points, local access streets to at least two sides and be provided on natural ground (not elevated or roofed structures).
 - Must have no additional overshadowing beyond any 9 metre built form height between 10am and 3pm on June 21.

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- Should be located away from major or secondary arterial roads.
- Whether any building on land adjacent to public open space set aside under this clause has been designed to accommodate public open space in a manner that meets the majority of the above selection criteria.

Open Space Contribution Plan (Yarra Open Space Strategy 2020 sub-precincts)



Policy references

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

Yarra Open Space Strategy 2020 Public Open Space Contributions, Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd

22.12-3

Proposed C286yara

Strategies

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.

The Yarra Open Space Strategy 2020 has identified the need for new public open space and land contributions for public open space will be preferred over cash contributions in the following areas shown in the City of Yarra Open Space Sub-precincts plan to this clause.

- Alphington

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- Abbotsford C and D
- Central Richmond A and B
- Collingwood A, B, C and D
- Cremorne
- Fitzroy A, B, C and D
- Fitzroy North A, B and E
- Richmond North A, B and C

In all other areas of the municipality, a cash contribution equal to the amount specified in Clause 53.01 is required.

In locations where a preference for a land contribution has been identified, set aside land for public open space early in the planning of a development or subdivision.

Design buildings adjacent to any public open space set aside under this clause and any existing open space to facilitate high quality and accessible public open space

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VC148

SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

1.0

Subdivision and public open space contribution

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Type or location of subdivision	Amount of contribution for public open space
All land	10.1%

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**1.0**

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Background documents

Name of background document	Amendment number - clause reference
<i>Lower Yarra River Study - Recommendations Report</i> (Department of Environment, Land Water and Planning, 2016)	VC197 - Schedule 1 to Clause 42.03 (SLO) and Schedule 1 to Clause 43.02 (DDO)
<i>Yarra Bend Park Strategy Plan</i> (Parks Victoria, 1999)	VC197 - Schedule 1 to Clause 42.03 (SLO)
<i>The Middle Yarra Concept Plan – Dights Falls to Burke Road</i> (Melbourne Parks and Waterways, 1990)	VC197 - Schedule 1 to Clause 42.03 (SLO)
<i>The Lower Yarra Concept Plan – Dights Falls to Punt Road</i> (Melbourne Metropolitan Board of Works, 1986)	VC197 - Schedule 1 to Clause 42.03 (SLO)
<i>Yarra Open Space Strategy 2020</i> Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd	C286 - Schedule to Clause 53.01
<i>Yarra Open Space Strategy 2020 Technical Report</i> Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd	C286 - Schedule to Clause 53.01

Planning and Environment Act 1987

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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 **Local Planning Policy Framework** – replace Clause 22.12 with a new Clause 22.12 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