

## YARRA PLANNING SCHEME

### AMENDMENT C269yara

#### EXPLANATORY REPORT

##### Who is the planning authority?

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

##### Land affected by the amendment

The amendment applies to all land within the City of Yarra.

##### What the amendment does

The amendment proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Yarra Planning Scheme with a Municipal Planning Strategy and local policies within the Planning Policy Framework (PPF), consistent with the structure introduced by Amendment VC148. Specifically, the amendment proposes to:

##### Purpose and Vision

1. Introduce a new Municipal Planning Strategy (MPS) at Clause 02.

##### Planning Policy Framework

- 4.2. Introduce new and revised local policy content into the Planning Policy Framework (PPF) at Clauses 11 Settlement, 12 Environment and Landscape Values, 13 Environmental Risks and Amenity, 15 Built Environment and Heritage, 16 Housing, 17 Economic Development, 18 Transport and 19 Infrastructure.

##### Particular Provisions

- 2.3. Replace the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained in the local policy at Clause 22.15 (Gaming) of the Local Planning Policy Framework.

##### Operational Provisions

- 3.4. Replace the Schedule at Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that:

- i. Includes an updated version of the City of Yarra ~~Appendix 8 (the name of which will be changed through Amendment C245yara to Database of Heritage Significant Areas, April 2022)~~. It updates the ~~description grading definition of each grading~~.
- ii. Includes a new document called "Guidelines – Managing noise impacts in urban development, ~~October 2019~~April 2022" that supports Clause 13.07-1L, Interfaces and amenity.

- 4.5. Introduce a new Schedule to Clause 72.08 that consists of a list of background documents used to underpin the MPS and local policies in the PPF. It includes new documents ~~endorsed adopted~~ by Council as well as strategies previously adopted by Council. The new documents include:

- i. Activity Centres – roles and boundaries, City of Yarra, ~~October 2019~~April 2022

~~ii. Landmarks and Views Assessment – Ethos Urban – October 2019~~

~~iii.ii. Noise and Vibration Considerations – SLR – October 2019~~ March 2022

~~iv.iii. Residential Heritage Policy Review – Context - 31 October 2019~~

~~v.iv. Yarra Industrial Heritage Policy – GJM Heritage – 15 October 2019~~

Previously adopted documents include: Yarra Housing Strategy 2018, the Yarra Spatial Economic and Employment Strategy 2018 and the Building for Diversity – Yarra’s Social and Affordable Housing Strategy (Yarra City Council, November 2019).

5-6. Introduce 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 controls on the use and development of land in the planning scheme.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to update the local planning policies in the Yarra Planning Scheme. It facilitates the integration of the new local policy into the PPF. The policies respond to the findings of the Planning Scheme Review undertaken in 2014 and is informed by: consultation with the community; technical reports on acoustics, former industrial and residential heritage and activity centre boundaries; adopted structure plans, local area plans, the strategic work undertaken by Council in the preparation of design and development controls (including new Design and Development Overlays (DDO)) for Yarra’s Activity Centres; Council strategies; and *Plan Melbourne*.

### Planning Policy Framework

Amendment VC148 was introduced as part of the Victorian Government’s Smart Planning Program to simplify and modernise Victoria’s planning policy and rules to make planning schemes more efficient, accessible and transparent. The amendment implemented changes to the Victoria Planning Provisions (VPP) and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation on 31 July 2018. More specifically, the amendment:

- introduced a new Planning Policy Framework (PPF),
- enabled the future introduction of a Municipal Planning Strategy (MPS),
- introduced a new state, regional and local integrated policy structure,
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content,
- created new operational provisions.

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.

The MPS provides:

- the foundation for the planning scheme’s policy based on a municipality’s location, regional context, assets and strengths, opportunities and challenges,
- an understanding of the matters that are important to the municipality from a planning perspective,
- the context for the local and relevant state policies in Clauses 10-19,
- an outline of what planning outcomes the municipality seeks to achieve, which are then implemented through controls and policy within the planning scheme.

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 the Department of

Environment, Land, Water and Planning Smart Planning to be one of the first councils to participate in the Local Planning Policy Framework translation project.

The PPF addresses 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.

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:

- within the scope of the *Planning and Environment Act 1987* and strategically justified,
- 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
- drafted to be clear and unambiguous.

### Yarra Planning Scheme Review

The Yarra Planning Scheme Review was completed in 2014 as required by Section 12B of the *Planning and Environment Act 1987*. Periodic reviews ensure planning schemes provide the necessary framework to achieve a council's land use vision for the municipality. While the review was completed prior to the reforms brought about by Amendment VC148, council considered all recommendations in context of Smart Planning initiatives and the likely changes to create an integrated planning policy framework model that includes:

- Updated data;
- Better drafted policies that address policy gaps;
- Improved mapping; and
- An evidence based narrative of how council intends to accommodate population and employment growth.

### Liveable Yarra

In 2015 Yarra conducted The *Liveable Yarra* process which was a conversation with the community to inform the preparation of draft local policy.

The *Liveable Yarra process* provided clear direction to Council on the key issues under seven key themes: heritage; diversity; adaptability; communal open space; affordable housing; transport and infrastructure; and sustainability and economic development.

### Yarra Housing Strategy and Yarra Spatial Economic and Employment Strategy (SEES)

Two key pieces of strategic work that underpin [Amendment C269](#) ~~the draft local policy~~ are the Housing Strategy and the SEES. Both were adopted by Council on 4 September 2018.

The Housing Strategy provides guidance to:

- direct housing growth to appropriate locations;
- plan for more housing choice to support Yarra's diverse community; and
- facilitate the provision of more affordable housing in Yarra.

The SEES builds on the diverse economic strengths in the municipality and allows Council to respond to future changes. It includes 6 key strategic directions to: support employment growth in Activity Centres; retain and grow Yarra's major employment areas; identify preferred locations for housing growth; support the expansion of Yarra's health precincts; retain Commercial 2 zone precincts and industrial precincts for manufacturing and urban services.

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

The amendment implements the following objectives of planning in Victoria, set out in section 4(1) of the *Planning and Environment Act 1987*:

- (a) *To provide for the fair, orderly, economic and suitable use, and development of the land.*
- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- (c) *To ensure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- (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.*
- (e) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*
- (f) *To facilitate development in accordance with the objectives of planning in Victoria.*

The amendment will provide for the orderly use and development of the municipality consistent with these objectives.

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

#### Environmental

The new local policies have a strong focus on the environment. They aim to make Yarra's built and natural environments more resistant to the impacts of climate change and promote more sustainable development. The policies seek to:

- Direct growth to activity centres and employment areas that are well serviced by public transport.
- Protect and enhance the environments of the Yarra River and Darebin and Merri Creek corridors.
- Increase the quality and quantity of the city's biodiversity.
- Enhance the urban forest and increase greening initiatives.
- Reduce flood risk from intense rainfall events and improve the health of waterways by minimising storm water flows and pollutants.
- Promote environmentally sustainable design of new buildings.
- Promote a transport hierarchy that prioritises walking, cycling and public transport over cars.

#### Social and economic

The new local policies also have a strong social and economic focus. The policies seek to:

- Provide the framework for decision making, which Council will use to strategically accommodate growth in the municipality.
- Promote high quality buildings, public spaces and landscapes.
- Protect valued heritage.
- Encourage diverse and more affordable housing to better respond to housing need.
- Protect employment land and enable job growth to capitalise on Yarra's economic strengths and respond to future change.
- Support and strengthen the vibrancy and local identity of Yarra's network of activity centres.
- Manage interface issues in an inner-city environment where there are sensitive residential uses located close to businesses that generate noise.
- Provide for new, renewal or adaptation of social and physical infrastructure to meet the needs of the growing population and employment base.

### Does the amendment address relevant bushfire risk?

The land affected by the amendment is not located within an area of identified bushfire risk.

### 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 and Environment Act 1987*.

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendment* made under Section 12 of the *Planning and Environment Act 1987*.

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

The amendment introduces a new Municipal Planning Strategy at Clause 02 and local planning policies included at Clauses 11,12,13,15,16,17,18 and 19. The new structure is summarised below:

New Clause	Content
11 Settlement	<p>Introduces policy that defines Yarra's hierarchy of activity centres and sets out the vision for each centre consistent with its capacity.</p> <p>Redrafts the existing Victoria Street East policy.</p>
12 Environmental and Landscape Values	<p>Retains biodiverse landscapes and promotes development that provides habitats for biodiversity and links between habitats.</p> <p><del>Prevents intrusion of development and additional overshadowing of the waterways at the winter solstice.</del></p> <p>It includes policy on improving access to the river and providing recreation opportunities and cycle and walking paths</p>
13 Environmental risks and amenity	<p>Introduces policy to ensure new development mitigates and adapts to climate change and reduce flood risks.</p> <p>Updates existing policy to manage interface issues between residential development and noise generating uses.</p> <p>Translates existing policy to manage the impacts of licensed premises.</p>
15 Built environment and heritage	<p>Streamlines existing urban design policy and divides it between building design and urban design.</p> <p>Introduces policy on equitable development.</p> <p>Strengthens landmark policy by identifying exactly where the key view lines are and which elements of the view to the landmark are to be protected.</p> <p>Translates and updates environmentally sensitive design policy.</p>

New Clause		Content
		<p>Strengthens existing heritage policy by introducing policy on commercial and former industrial heritage.</p> <p>Translates existing world heritage environs area policy.</p> <p>Updates signs policy and splits heritage signs from general signs <a href="#">and includes heritage signs under the heritage policy.</a></p> <p><a href="#">Prevents intrusion of development and additional overshadowing of the waterways at the winter solstice.</a></p>
16	Housing	<p>Introduces hierarchy of minimal, incremental, moderate and high change areas for housing growth.</p> <p>Seeks diverse housing for families and share households to offer better housing choices.</p> <p>Facilitates provision of new and upgraded social and affordable housing.</p>
17	Economic development	<p>Maintains and grows Cremorne and Gipps Street, Collingwood employment areas.</p> <p>Seeks good amenity for workers and promotes affordable and co-working spaces for the creative industries.</p> <p>Supports high quality retail development that sustains activity centres.</p> <p>Promotes Yarra as a tourism, arts and cultural destination.</p>
18	Transport	<p>Reinforces the need for structure plans to deliver improved safety and connectivity for pedestrians and cyclists and improve access to public transport.</p> <p>Promotes sustainable travel by introducing a transport hierarchy that favours walking, cycling and public transport over car based transport.</p> <p>Identifies in what circumstances a parking reduction and car sharing will be considered.</p>
19	Infrastructure	<p>Identifies St Vincents/ACU and Epworth as Yarra's health and education precincts.</p> <p>Protects existing open space and seeks to increase the quantity and quality of open space that meets existing and future needs.</p> <p>Seeks development contributions to fund the infrastructure and open space needed to meet future demand.</p> <p>Translates existing water sensitive urban design policy.</p> <p>Introduces policy to make provision for waste, recycling and composting in new development.</p>

New Clause	Content
52.28 Gaming	Translates existing gaming policy. This will sit as a schedule to the particular provision rather than in the PPF.
72.04 Schedule to incorporated documents	Updates and expands the existing schedule.
72.08 Schedule to background documents	Consolidates documents into one schedule and updates the list of documents
74.01 Schedule to application of zones and overlays	Explains the application of zones and overlays

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

The amendment introduces a new Municipal Planning Strategy at Clause 02 of the Yarra Planning Scheme. The new content is summarised below:

New Clause	Content
02.01 Context	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 <i>Plan Melbourne 2017-2050: Metropolitan Planning Strategy</i> (2017).
02.02 Vision	Establishes a vision for Yarra <del>to be a vibrant, liveable and sustainable inner-city that the community can be proud of.</del> The vision sets out the spatial response to the Council Plan <del>and Yarra 2036 Community</del> vision.
02.03 Strategic directions	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.
02.04 Strategic Framework Plan	A spatial plan that expresses the strategic framework for the municipality

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

The amendment introduces local policy consistent with Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

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). ~~and the relevant local policy content relating to heritage (currently at Clause 22.01) has been placed in the Schedule to Clause 43.01 (Heritage Overlay).~~

Where local schedules have been amended, the form of the schedule has been modified to accord with the current Ministerial Direction.

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

The views of relevant agencies were considered in the preparation of strategic foundation documents including the Housing Strategy and SEES.

All relevant agencies and stakeholders will be consulted during exhibition for the amendment.

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

The amendment will not have a significant impact on the transport system of on the *Transport Integration Act 2010*.

### **Resource and administrative costs**

The amendment is not expected to impose additional resource or administrative costs on the responsible authority.

The burden on the responsible authority will be reduced by introducing a clearer framework that integrates state and local policy and uses clearer language and avoids repetition. The policies provide a greater level of certainty about where growth and change will occur in the municipality and make clear how council will use its discretion when deciding planning permit applications.

### **Where you may inspect this amendment**

The amendment is available for public inspection, free of charge at the following places:

- Yarra City Council's website at [www.yarracity.vic.gov.au/amendmentC269](http://www.yarracity.vic.gov.au/amendmentC269)
- Department of Environment, Land, Water and Planning's website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### **Submissions**

~~Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 20/11/2020.~~

~~A submission must be in writing and sent to:~~

~~Strategic Planning Unit  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121~~

~~Email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)~~

### **Panel hearing dates**

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

- ~~• directions hearing: the week commencing 7/6/2020~~
- ~~• panel hearing: the week commencing 9/8/2020~~

*Planning and Environment Act 1987*

**YARRA PLANNING SCHEME**

**AMENDMENT C269yara**

**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 **Purpose and Vision** - insert Clause 02.01 in the form of the attached document.
2. In **Purpose and Vision** - insert Clause 02.02 in the form of the attached document.
3. In **Purpose and Vision** - insert Clause 02.03 in the form of the attached document.
4. In **Purpose and Vision** - insert Clause 02.04 in the form of the attached document.
5. In **Planning Policy Framework** - insert Clause 11.03-1L and 11.03-6L in the form of the attached documents.
6. In **Planning Policy Framework** - insert Clause 12.01-1L and 12.03-1L in the form of the attached documents.
7. In **Planning Policy Framework** - insert Clause 13.03-1L and 13.07-1L in the form of the attached documents.
8. In **Planning Policy Framework** - insert Clause 15.01-1L, 15.01-2L, 15.02-1L and 15.03-1L in the form of the attached documents.
9. In **Planning Policy Framework** - insert Clause 16.01-2L and, 16.01-3L and 16.01-4L in the form of the attached documents.
10. In **Planning Policy Framework** - insert Clause 17.01-1L, 17.02~~4~~-1~~2~~L and 17.04-1L in the form of the attached documents.
11. In **Planning Policy Framework** - insert Clause 18.02-1L, 18.02-3L and 18.02-4L in the form of the attached documents.
12. In **Planning Policy Framework** - insert Clause 19.02-1L, 19.02-2L, 19.02-6L, 19.03-2L, 19.03-3L and 19.03-5L in the form of the attached documents.
13. In **Local Planning Policies** – delete Clause 21.00, 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11 and 21.12.
- 12-14. In **Local Planning Policies** – delete Clause 22.00, 22.01, 22.02, 22.03, 22.04, 22.05, 22.06, 22.07, 22.08, 22.09, 22.10, 22.11, 22.12, 22.13, 22.14, 22.15, 22.16 and 22.17.

~~13.15.~~ In **Particular Provisions** - Clause 52.28, replace the Schedule with a new Schedule in the form of the attached document.

~~14.16.~~ In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

~~15.17.~~ In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

~~16.18.~~ In **Operational Provisions** – Clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document