Planning and Environment Act 1987

# YARRA PLANNING SCHEME

# AMENDMENT C173 (Part 1)

# 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.

## The amendment has been made at the request of the Yarra City Council. Land affected by the amendment

The amendment applies to land in Fitzroy and Collingwood. A full list of properties affected by the amendment is located within the proposed reference document.

## What the amendment does

The amendment proposes to make the following changes to the Yarra Planning Scheme:

* Apply the Heritage Overlay over one new heritage precinct (with properties graded either individually significant, contributory or not contributory):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Precinct name | Provisions under the HO schedule? | Number of places being added to the precinct that are already in the HO | Number of new places being added to the HO in the precinct that are in C149 | Number of new places being added to the HO in the precinct (including C149, (excluding places already in the HO) |
| Smith Street South | Yes - paint controls  Yes - internal controls (limited to 51, 51A, 53, 59, 61, 67 and 69 Smith Street, Fitzroy) | 54 | 0 | 38 |

* Insert a new reference document titled *City of Yarra Heritage Gaps Study July 2014 - Smith Street South* within clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay.
* Amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and gradings of all new and revised places.
* Rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 81.01 to refer to the new revised date.
* Amend the Schedule to Clause 43.01 (Heritage Overlay).
* Amend Planning Scheme Maps.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to formally protect places of local heritage significance in the Yarra Planning Scheme.

The proposed heritage precinct for part of the southern end of Smith Street in Collingwood and Fitzroy has been assessed as having significance by Anthemion Consultancies. The area was identified as a potential gap in heritage protection in a 2004 report by Graeme Butler and Associates.

The places in the amendment are at risk of potential demolition and the amendment will ensure that a planning permit is required for their demolition and development.

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

The amendment implements the following applicable objectives for planning in Victoria as outlined in section 4 of the *Planning and Environment Act* *1987*:

* *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.*
* *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
* *To balance the present and future interests of all Victorians.*

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

*Environmental*

The amendment will not have detrimental impacts on the environment. The retention of heritage places significantly reduces building waste and conserves embodied energy in existing buildings.

*Social and Economic*

The amendment will have positive social effects through retaining and protecting places of heritage significance for present and future generations. These places are valued by the community and contribute to Yarra’s character.

The amendment will increase the number of sites subject to the heritage overlay provisions in the Yarra Planning Scheme, therefore potentially resulting in additional planning applications. However, the economic effects of the amendment will be offset by the public benefit of the contribution that the heritage places offer to the broader community over many generations. Furthermore, Council has recently adopted an amendment (Amendment C178) relating to an Incorporated Plan to introduce planning permit exemptions for certain minor works triggered by the Heritage Overlay.

The Heritage Overlay does not prohibit development, but instead requires the significance of a place to be considered when assessing applications. Furthermore, there are many parts of the municipality not subject to heritage controls. Data demonstrates that significant development has occurred in the City of Yarra both inside and outside of Heritage Overlay areas.

A report (titled *Amendment C173 to the Yarra Planning Scheme - Consideration of social and economic impacts*) has been prepared to accompany this Explanatory Report.

### Does the amendment address relevant bushfire risk?

There is no relevant bushfire risk associated with the amendment.

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

The amendment complies with the requirements of Ministerial Direction 9: Metropolitan Planning Strategy and Ministerial Direction 11: Strategic Assessment of Amendments.

*Ministerial Direction No. 9 - Metropolitan Planning Strategy.*

In preparing the amendment, regard has been given to the Metropolitan Planning Strategy. In particular:

Direction 4.7 - Respect our heritage as we build for the future

Furthermore, the amendment will not compromise the implementation of the Metropolitan Planning Strategy.

*Ministerial Direction No. 11 - Strategic Assessments of Amendments*

The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

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

The amendment provides for the fair, orderly, economic and sustainable use and development of land and as such gives effect to the State Planning Policy Framework (SPPF).

The SPPF at Clause 10.03 (Application) specifies that policies in the SPPF:

* *....must be taken into account when preparing amendments to this scheme or making decisions under this scheme.*
* *Planning and responsible authorities must take account of and give effect to the policies applicable to issues before them to ensure integrated decision making.*

The State Planning Policy Framework is structured around the following themes:

* Settlement
* Environmental and landscape values
* Environmental risk
* Natural resource management
* Built environment and heritage
* Housing
* Economic development
* Transport
* Infrastructure

The proposed amendment is consistent with, and gives effect to, the State Planning Policy Framework (SPPF), particularly:

Clause 15 - Built Environment and Heritage which seeks to ensure that development appropriately responds to its landscape, valued built form and cultural context, and that places and sites with significant heritage, architectural, aesthetic, scientific and cultural value are protected. Furthermore the policy includes:

* Clause 15.01-1 which seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
* Clause 15.01-5 which seeks to recognise and protect cultural identity, neighbourhood character and sense of place.
* Clause 15.03-1 which seeks to ensure the conservation of places of heritage significance. Specifically, a strategy of this clause is to identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

The amendment has also given consideration to other parts of the SPPF, particularly clauses that facilitate development. Data demonstrates (refer to the Amendment C173 - Consideration of social and economic impacts report) that significant development has occurred in the City of Yarra both inside and outside of Heritage Overlay areas and the amendment will not unreasonably affect development opportunities within the municipality.

Accordingly, the amendment has appropriately balanced conflicting objectives and has achieved a net community benefit.

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

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 highlighted within the Municipal Strategic Statement (MSS). Clause 21.05-1 - Heritage seeks to protect and enhance Yarra's heritage places.

Additionally, Local Policy at Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay has an objective to conserve Yarra’s natural and cultural heritage and to conserve the historic fabric and maintain the integrity of places of cultural heritage significance.

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

The amendment makes proper use of the Victoria Planning Provisions (VPPs) by using appropriate planning tools to implement the objectives and planning strategies of the Yarra Planning Scheme. The Heritage Overlay is the appropriate tool for the protection of places of local heritage significance, as per the recommendations of the Planning Practice Note *Applying the Heritage Overlay (revised September 2012).*

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

The exhibition of the amendment provides the opportunity for relevant agencies to comment on the proposed amendment. The amendment does not propose to create any new referral authority or referral requirements. Additionally, all interested people and parties have the opportunity to comment and make submissions through the statutory exhibition process.

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

The amendment will not have a significant impact on or undermine the functionality of the existing transport system.

## 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 increase the number of sites subject to the heritage overlay provisions in the Yarra Planning Scheme, therefore potentially resulting in more planning applications and broader assessment requirements for some applications. The anticipated increase in planning applications is not expected to have a significant impact on resource and administrative costs.

Furthermore, to manage this impact, Council is also currently undertaking a planning scheme amendment (Amendment C178) to introduce an Incorporated Plan under Clause 43.01-2 (Heritage Overlay schedule) of the Yarra Planning Scheme to introduce planning permit exemptions for certain minor works under the Heritage Overlay. Once implemented, this will reduce the number of planning applications requiring a planning permit under 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 places:

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| --- |
| * City of Yarra Richmond Town Hall 333 Bridge Road, Richmond |

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dtpli.vic.gov.au/publicinspection> and on Council’s website at <http://www.yarracity.vic.gov.au/planning--building/Yarra-planning-scheme/Planning-Scheme-Amendments/>