Planning and Environment Act 1987

# YARRA PLANNING SCHEME

# AMENDMENT C183

#  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 a number of areas (precincts) and individual places across Richmond in the area bounded by Bridge Road, Swan Street, Church Street and the Yarra River.

A full list of properties affected by the amendment is located within the proposed reference document titled *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*.

## What the amendment does

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

1. Apply the Heritage Overlay over the following eleven new heritage precincts (with properties graded either individually significant, contributory or not contributory)

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| **HO Number** | **Precinct Name** | **Properties Included in HO** |
| HO471 | Abinger Street | 11-27, 27A & 16-46 Abinger Street10-50 & 19-53 Lyndhurst Street |
| HO472 | Bell Street | 1-29 & 2-22 Bell Street1A, 1-11 Benson Street170-210 Coppin Street139-157 Mary Street |
| HO473 | Bellevue Estate | 1-17 & 2-16 Bellevue Street1-21 & 2-24, 24A Park Street |
| HO474 | Burnley Street | 370-404 & 345-389 Burnley Street395-419 Swan Street |
| HO475 | Coppin Street | 52-154 & 71-107 Coppin Street |
| HO476 | Edinburgh Street | 44-58 Canterbury Street42-74 & 45-69 Edinburgh Street31-41 Glass Street9-17 & 12-36 Newry Street |
| HO477 | Hosie Street | 5-15 & 8 Hosie Street14-24 Mary Street |
| HO478 | Mitchell Street | 1-11 & 2-10 Bliss Street6-28 Cutter Street1-11 & 2-12 Mitchell Street |
| HO479 | Neptune Street | 21-31 Fraser Street22-46 Neptune Street |
| HO480 | Park Avenue | 12-26 Park Avenue13-45 Westbank Terrace |
| HO481 | Stawell Street | 6-28 Stawell Street |

1. Apply the Heritage Overlay over 25 individual properties (11 new heritage places not in precincts, under an individually significant HO). A number of these have paint controls (refer to HO schedule).

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| **HO Number** | **Description of Place** | **Properties Included in HO** |
| HO482 | W. James & Co. SackMerchants (former) | 84-86 Abinger Street |
| HO483 | House | 254 Burnley Street |
| HO484 | Greek Orthodox Church | 327-329 Burnley Street |
| HO485 | Opportunity Club forGirls (former) | 8 Corsair Street |
| HO486 | House | 30 Corsair Street |
| HO487 | House | 8 Dickens Street |
| HO488 | Terrace | 32-36 Farmer Street |
| HO489 | Houses | 85-91 Lord Street |
| HO490  | Houses | 72-80 Stawell Street |
| HO491 | Floyd Green & Co. Glassworks (former) | 69 & 89 Type Street |
| HO492 | Terrace | 33-39 Wall Street |

1. Amend the following three existing heritage precincts:

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| --- | --- | --- |
| HO Number | Precinct Name | Properties Added to the HO |
| HO310 | Bridge Road Precinct | 518-524, 534 & 534ABridge Road |
| HO315 | Church Street Precinct | (Transfer the following properties from HO319 to HO315) 361, 371 & 377 Church St |
| HO319 | Elm Grove Precinct | 1-17 Brougham St32-38 & 61-75 Charles St and21-35 & 20-42 Charlotte St2-16 & 9-19 Wall St |

1. Amend the following five individual places that are already in the Heritage Overlay:
* HO225 (19 Bendigo Street, Richmond - House and stables) - Revised description and statement of significance to include reference to the stables. Updated HO schedule to include reference to the stables and to include outbuilding controls
* HO235 (271-273 Burnley Street, Richmond - Burnley Presbyterian Church) - Revised address (to include 273 as per the correct address), history and statement of significance
* HO236 (290-300 Burnley Street, Richmond - St Bartholomew's Anglican Church complex) - Revised description and statement of significance. Extension of HO236 to include the vicarage at 290 Burnley Street. Updated HO schedule to include a revised address
* HO298 (Burnley Parklands - Corroboree Tree) - Updated HO schedule to include correct address, deletion of external paint controls and inclusion of tree controls
* HO299 (The Boulevard Parklands) - Revised history, description and statement of significance. Extension of HO299 to include north section of Yarra Boulevard. Updated HO schedule to include a revised description and address
1. Insert a new reference document titled *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014* within clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay
2. 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
3. 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
4. Amend the schedule to Clause 43.01 (Heritage Overlay)
5. 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 and to implement the findings within the *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*

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. This amendment was submitted to the Minister for Planning for a final decision in September 2014.

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 C183 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 C183 - 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 is considered to have 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 will provide 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 will 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 has sought 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 YarraRichmond Town Hall333 Bridge Road, Richmond 3121
 | * Richmond Library

415 Church StreetRichmond 3121 |

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/>

## 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 **31 August 2015.**

A submission must be sent to the following (either by email or mail): StrategicPlanning@yarracity.vic.gov.au

Yarra City Council, Strategic Planning Unit

PO Box 168 Richmond 3121

## 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: To commence in the week of **26 October 2015**.
* Panel hearing: To commence in the week of **16 November 2015**.