

-----Original Message-----

From: [REDACTED]

Sent: Monday, 13 September 2021 10:00 PM

To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>

Subject: Amendment C286yara - submission

[REDACTED]

[REDACTED]

Congratulations on this proposal, I support it, developers who increase the density of a city need to also make a serious contribution to increasing public open space, to cater for the additional population, and keep the city livable.

[REDACTED]

(business owner in North Fitzroy)

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Monday, 13 September 2021 5:02 PM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]

*Absolutely support the decision to require more public open space contributions from developers in Yarra. There's little enough as it is, and these high-density developments put significant pressure on existing public spaces.*

**From:** [REDACTED]  
**Sent:** Tuesday, 14 September 2021 5:14 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED]

I would like to draw the council's attention to the petition below. I do not know the person who started it but it has some terrific points.  
On many occasions I have tried to have pedestrian access improved.

The Vaocluse could be a very creative open space for all, not just a short cut for speeding motorists.

Regards

[REDACTED]

Rate payer.

[https://www.change.org/p/city-of-yarra-petition-to-close-the-vaocluse-richmond-to-through-traffic-that-poses-a-danger-to-pedestrians?recruiter=614801225&utm\\_source=share\\_petition&utm\\_medium=email&utm\\_campaign=psf\\_combo\\_share\\_initial&utm\\_term=2fea999d773e46a0a7bb8dc28297af54&recruited\\_by\\_id=72c9d360-98b9-11e6-9cd1-7f00a88b3b1d](https://www.change.org/p/city-of-yarra-petition-to-close-the-vaocluse-richmond-to-through-traffic-that-poses-a-danger-to-pedestrians?recruiter=614801225&utm_source=share_petition&utm_medium=email&utm_campaign=psf_combo_share_initial&utm_term=2fea999d773e46a0a7bb8dc28297af54&recruited_by_id=72c9d360-98b9-11e6-9cd1-7f00a88b3b1d)

---

Sent from my iPad

From: [REDACTED]  
Sent: Tuesday, 14 September 2021 7:23 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification.>]

Yes! Great idea.

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Tuesday, 14 September 2021 8:21 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara

You don't often get email from [REDACTED] [Learn why this is important](#)

I am writing to express my support for planning amendment C286. I believe that this will contribute to facilitating good quality medium density housing in Yarra council.

Thank you

From: [REDACTED]  
Sent: Tuesday, 14 September 2021 9:00 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Such a fantastic idea for developers to contribute \$ to providing green spaces in the City of Yarra - particularly where I live as we are extremely impacted by ongoing developments that are poorly designed and planned to give developers maximum profits.

There is currently a huge amount of development near to our home - multi-unit dwellings that are unattractive and contribute to a heat island effect, over shadowing and more people using the limited amenities we have.

We reside in Keele St and we have one small park in the corner of Keele and Gold St and we can't even take our dog there. We deserve to have the types of green spaces enjoyed by residents in other parts of the municipality - particularly North Fitzroy and Clifton Hill.

Thanks for putting this initiative forward, I sincerely hope you get it done!

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from my iPhone

From: [REDACTED]  
Sent: Tuesday, 14 September 2021 9:16 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification.>]

Hi there,

I would like to express that I am in favour for the open space contribution from developers on 10.1%. Our cities are under threat from climate change and growing population. We have seen how important open spaces are during covid 19, therefore it is crucial that we continue to grow the portfolio of well funded and equipped open spaces that support our community and native wildlife.

This is a great initiative by the Yarra council.

Thank you,

[REDACTED]

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Tuesday, 14 September 2021 9:45 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

100% support more accountability on developers to support the area they develop with this open space increase.

[REDACTED]  
Collingwood local



**From:** [REDACTED]  
**Sent:** Tuesday, 14 September 2021 11:20 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I am in support of this amendment.

Regards,

[REDACTED]

[REDACTED]

--

Kind Regards, [REDACTED]

From: [REDACTED]  
Sent: Wednesday, 15 September 2021 8:42 AM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment c286

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

To whom it may concern,

Wanted to express my support for the proposed 10.1% of new developments to include public open space. A great initiative from the yarra council

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 10:36 AM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission (support)

You don't often get email from [REDACTED]. [Learn why this is important](#)

**Attention: Strategic Planning,**

**I am emailing in support of Amendment C286. Should you wish to contact me myiling in support of Amendment C286. Should you wish to contact me, my details are as follows.**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Thanks,**

---

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 11:55 AM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I am a Yarra resident and property owner. I fully support the amendment as it is written.

Thanks

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 12:27 PM  
**To:** [mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>](mailto:mbxStrategicPlanning@yarracity.vic.gov.au)  
**Subject:** AMENDMENT C286 - PUBLIC OPEN SPACE CONTRIBUTIONS

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi,

I completely support this amendment.

As someone who has lived in the inner suburban belt for most of my life, I can say that we don't have enough public open space. The best cities that I have visited in the world all have large and frequent public spaces, here in Melbourne however, we are subject to property developers who are trying to sell/develop every last inch and have no interest in creating spaces that can be used by all. We, the community, need these spaces. Life shouldn't be confined to your residence. We need access to community and socialisation. And we need to plan for it NOW.

[REDACTED]

--

[REDACTED]

[REDACTED] <<<<

[REDACTED] <<<<<

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 12:33 PM  
**To:** [mbxStrategicPlanning](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment c286- Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

**HI I just wanted to say that this proposal is terrific.**

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 1:38 PM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Amendment c286 - Submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Good Afternoon,

I am writing to voice my support for this amendment.  
Property developers should absolutely have to pay the 10.1% open space contribution.  
This is a fantastic idea and has wide community support.  
Please pass this amendment.

Kind Regards,

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]



**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 1:53 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern,

Just wanted to voice my support for Amendment C286. As a resident of Collingwood and having spent much of my life going out and playing football around here, make developers pay as much as possible into development of quality public spaces.

[REDACTED]



**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 3:14 PM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Amendment c286

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear council,

As a concerned Fitzroy home owner I am writing in support of this amendment. We live in such a beautiful, vibrant area but with all of the new infrastructure, it is making a small suburb rather cramped. We thrive due to our sense of community and public spaces need to be prioritized in order to continue the charm of this special place. If we end up like Southbank, people will leave or become disengaged completely.

Please prioritize what is true to our community and neighborhood and represent us well.

Kind regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** Thursday, 16 September 2021 8:57 AM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment c286 - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I am writing in support of the above submission relating to developments in the City of Yarra. I am in full support that when a developer subdivides land, 10.1% of its value must go to creating new or improve existing open spaces. I would like to see a proposal that requires new spaces to be distributed equally throughout the relevant suburb to avoid clusters of open spaces, which in turn means some regions of the suburb would be/remain devoid of open spaces.

Sincerely,

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 10:09 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I strongly support this amendment. I live in a small apartment in Clifton Hill that doesn't even have a balcony. I'm really lucky that I live so close to parkland, though.

But there are pockets of Yarra that don't have that access, which is a shame.

It's also important to note that I will most likely live in a property without access to private open space for most of my adult life. So this amendment would add to my quality of life and encourage me further to stay within the City of Yarra.

Thanks,

[REDACTED]

Writer | Producer | Performer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Living and working on unceded Wurundjeri land.

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 9:36 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

**I would like to indicate my full support for Amendment C286 to the Yarra Planning Scheme.**

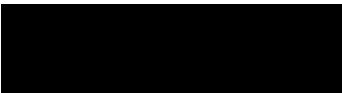
**As a resident and ratepayer in Fitzroy, public space is incredibly important to me, and is what makes me want to keep living in this council.**

**Thank you,**

[REDACTED]  
[REDACTED]

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--  
[REDACTED]



[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Thursday, 16 September 2021 8:56 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

I object to this increase as it is at a time where finance is at crisis point and the rise is too great.

Kind regards

[REDACTED]

Sent from my iPhone

-----Original Message-----

From: [REDACTED]  
Sent: Thursday, 16 September 2021 9:38 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

To whom it may concern,

I am writing in support of the amendment C286yara.

I have lived and worked in the Yarra city council area for the better part of the past 10 years.

Many changes to the urban landscape has, In my opinion, had a negative impact on the vibrancy and community oriented vibe of the streets and spaces I once cherished.

Asking developers to contribute to the maintenance and character of the community they wish to build in seems like a fair exchange.

It is my hope the developers do not see this as a compromise or an opportunity to cashing in on their “community contribution” in exchange for substandard developments.

The health of a community is amplified by the abundance of equitable and accessible public spaces.

I truly hope this amendment passes.

[REDACTED]  
[REDACTED]



Strategic Planning  
City of Yarra  
Po Box 168  
Richmond VIC 3121  
Via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Mr Ballock

### Yarra Planning Scheme Amendment C286yara

Thank you for notifying us of your planning scheme amendment C286yara which proposes to increase the open space contribution rate for all subdivisions in Yarra to a flat rate of 10.1% in the planning scheme.

Darebin is also progressing our planning scheme amendment to increase the open space levy in the Darebin Planning Scheme to 10% and we will notify you when our amendment is on public exhibition. We believe it is important to protect and improve liveability while our cities densify by ensuring we have the funding to increase the quality and quantity of open spaces in our municipality.

We commend the work you have done to support this increase to the open space levy rate in the planning scheme and wish you all the best for the planning scheme amendment process.

If you have any queries please contact [REDACTED] Senior Strategic Planner by email at [planningservices@darebin.vic.gov.au](mailto:planningservices@darebin.vic.gov.au) or telephone [REDACTED]

Yours sincerely

[REDACTED]

**Coordinator Strategic Planning**

Darebin City Council  
ABN 75 815 980 522

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
[darebin.vic.gov.au](http://darebin.vic.gov.au)

**National Relay Service**  
TTY dial 133 677  
or Speak & Listen  
1300 555 727 or  
[relayservice.gov.au](http://relayservice.gov.au)  
then enter  
03 8470 8888

**Speak your language**  
T 03 8470 8470  
العربية  
繁體中文  
Ελληνικά  
हिंदी  
Italiano  
Македонски  
Soomalii  
Tiếng Việt



1<sup>st</sup> October 2021

Coordinator – Strategic Planning  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121

Via email to [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam,

**AMENDMENT C280YARA – SUBMISSION  
93 WELLINGTON STREET, COLLINGWOOD**

Duke Ventures Pty Ltd is the registered proprietor of the land at 93 Wellington Street, Collingwood.

We note that the Amendment proposes to implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate for all subdivisions. To that end, we note that the Amendment seeks to increase the applicable Planning Scheme rate for public open space contributions to 10.1% from the current 4.5%. A revised Local Policy associated with public open space contributions also forms part of the Amendment.

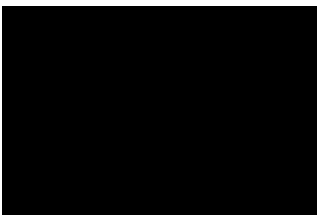
We have sought advice in relation to the Amendment, and we object to the Amendment on the following grounds:

- The size of the proposed increase;
- The lack of strategic justification for the increase;
- The need for provisions to offset the contributable amount where the particular circumstances justify it;
- The need for transitional provisions if you have a development permit in place prior to any Amendment being gazetted.

We trust these grounds for objection will be properly considered, and our intention is to ventilate the issues at the forthcoming Panel Hearing.

We would also like to be kept informed of Council's consideration of the submissions.

Yours sincerely,



**DUKE VENTURES Pty Ltd**  
ACN 624 179 184

e: [info@dukeventures.com.au](mailto:info@dukeventures.com.au)

**From:** [REDACTED]  
**Sent:** Tuesday, 5 October 2021 7:22 AM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED] [Learn why this is important](#)

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I am writing in support of this amendment. Housing density is growing in Yarra and population is rapidly increasing which puts pressure on our public transport parks and gardens. This has been particularly apparent during the last 20 months with Edinburgh gardens filled with people enjoying picnics. This is wonderful, but can mean limited space for children to kick a ball with friends.

Public space is precious and developers should take responsibility for the increase in population brought about by their developments. Cities are becoming more unbearable in hot weather- we need as many trees as possible to mitigate the effects of climate change.

Kind Regards

[REDACTED]  
[REDACTED]

**From:** [REDACTED]

**Sent:** Monday, 4 October 2021 7:54 PM

**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>; [REDACTED]

**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I support the Amendment.

Best wishes from [REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Monday, 4 October 2021 6:42 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

I strongly support the proposed amendment to increase the open space contribution required as part of new developments to 10.1%.

The amount of open space is very low in some parts of Yarra, with so many apartment blocks and closely built houses. And this will get worse with so many new developments.

Open space is so important for physical and mental health - it's used for relaxation, exercise, shared activities among families and communities.

Thanks for the opportunity to comment.

[REDACTED]

[REDACTED]

4 October 2021

Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

## AMENDMENT C286 TO THE YARRA PLANNING SCHEME - SUBMISSION

The owners of land affected by Amendment C286 ('the Amendment'), are as follows:

- DPG Management Pty Ltd  
196-202 Johnston Street, Collingwood; and
- Delpar Residential Investments Pty Ltd  
422 Brunswick Street, Fitzroy.

The Amendment seeks to apply a 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

While it is accepted that the need for additional public open space will likely increase with population growth, and there may be need to incrementally increase rates of public open space contributions over time, the Amendment proposes an excessive rate and increase – more than double the current rate of 4.5%.

The municipal wide 'flat rate' is also contrary to most comparable municipalities within Metropolitan Melbourne.

It is submitted that the Amendment lacks sufficient justification for such a significant increase.

The City of Yarra is a broad and diverse municipality, and it is submitted that there is no basis for the 'one-size-fits-all' approach to all areas.

The Amendment also does not provide the opportunity to agree specific arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one-size-fits-all' rate is flawed and should not be supported.

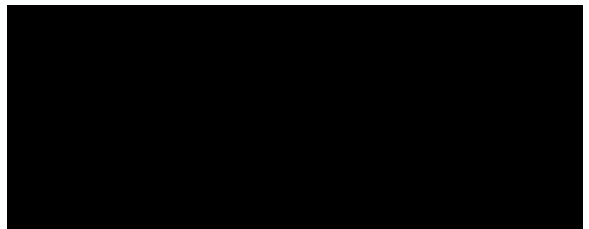
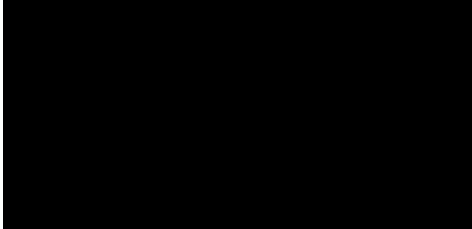
Lastly, the amendment fails to include transitional provisions, raising issues of fairness and places an unreasonable burden on permit-holders actively looking to act on planning permits and deliver approved developments.

Accordingly, the Amendment warrants wholesale review and reconsideration and further detailed analysis is required.

In summary, the proposed rate is excessive and the blanket approach is without basis.

It is therefore submitted that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely



**Strategic Planning**

Yarra City Council  
PO Box 168, Richmond  
VIC 3121

via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

1 October 2021

Attn: Strategic Planning

**RE: Submission to Planning Scheme Amendment C286 – Yarra Public Open Space Contribution**

Tract acts on behalf of DJC Property Group Pty Ltd in regards to the above matter. DJC Property Group Pty Ltd owns 315-317 Johnston Street, Abbotsford.

Having received notice of the proposed Amendment C286 to the Yarra Planning Scheme (Amendment), it is our client's position that the proposed public open space contribution flat rate of 10.1% is an inappropriate and unjustified increase from the current rate of 4.5%.

This letter sets out our reasons why the proposed increase is completely unjustified and the additional works we believe that is required of Council to propose *any* change to the current rate of 4.5%.

**Preliminary matters**

We understand that the intent of the Amendment is to:

- Replace the existing Clause 22.12 with a new Clause 22.12.
- Introduce the Yarra Open Space Strategy 2020 (YOSS) and supporting technical document as in Incorporated Document to the Scheme under Clause 72.08 Background Documents; and
- Amend the Schedule to Clause 53.01 to require all subdivisions to provide a public open space contribution at a rate of 10.1%.

On behalf of our client, we have reviewed the Amendment materials and provide the following comments for Council's consideration.

**Outdated Data**

Underpinning the need for public open space and the proposed contribution rate are population, housing and employment data for the City of Yarra. The YOSS is based on population forecasts over the next 15 years. However, this is clearly incorrect. The YOSS and proposed Clause 22.12 states that the open space needs assessment and directions are based on forecasts within the *Yarra Housing Strategy* and *Yarra Spatial Economic and Employment Strategy*. Both of these documents use data from the 2016 census, and subsequently the 15 years which the YOSS is based upon begins in 2016 (not 2020). This is best represented on page 87 of the YOSS. Therefore, it could be assumed that a significant proportion of the 40 per cent increase of the resident population and 47 per cent increase in the worker population for this 15-year period has already been accommodated for in recently built development sites.

It is unlikely this Amendment will be approved prior to mid-2022. Therefore, the increased contribution rate of 10.1% would unfairly apply to landowners who subdivide their land once the Amendment has been approved, although the population data which the increased contribution rate is based upon is from 2016 to 2031. Whilst it is accepted that planning scheme amendments cannot always utilise 'up to the moment' data, the changes proposed have a significant consequence on landowners across the municipality and to be utilising data that is 6-8 years old is unacceptable.

## Covid-19 Pandemic and 2021 Census

The COVID-19 Pandemic has dramatically changed how and where we work and residential demand across inner city suburbs.

The *Yarra Spatial Economic and Employment Strategy* forecasts a growth of 3,000 jobs annually over the next 15 years. Retail trade, professional services and health care are projected to grow most rapidly. Figure 16 of the Strategy forecasts the number of professional workers to significantly increase and this would explain the flow-on effects onto retail trade, health care and other professional services. Having regard to the worker population, the YOSS found that more than 80 per cent of workers visit public open space during the day.

Under the *Yarra Housing Strategy*, 52.6% of residents were new to their address in the last 5 years, 41.4% moved from elsewhere in Australia and 11.2% moved from overseas in 2016. Of the 41.4% that have come from elsewhere in Australia, it can be assumed that many in this group have also moved recently from overseas. Council has presumably used this existing residential pattern to estimate the population forecast for beyond 2016.

It is unrealistic to not consider the impact of the COVID-19 Pandemic on where we work and population forecasts. Most professionals have and will continue to work from home to some extent, and international migration, including international students to Australia has been paused for nearly two years. It is important that the YOSS considers how these critical issues affect worker and resident population in the future for the City of Yarra. The 2021 Census would provide up to date resident and worker population forecasts (as opposed to 2016 data) that reflects the impact of the COVID-19 Pandemic. The YOSS should use 2021 Census data once released in June 2022.

## Existing Public Open Space

The YOSS states the following:

*'13.5 per cent of the total area of the City of Yarra is public open space, including areas of significant biodiversity and bushland'.*

However, the *Yarra Housing Strategy* states the following:

*'In Yarra, 24% of land is zoned for public open space (Public Park and Recreation Zone) and community use (Public Use Zone and Special Use Zone). This includes the many parks and gardens in Yarra as well as community and education facilities. These areas provide spaces to relax, play, walk and cycle. They also support an abundance of trees, plants, animals and waterways that are essential to the local environment and biodiversity.'*

It is unclear how Council has arrived at the lesser figure of 13.5% for public open space and unlike the more accurate calculation of 24% of land zoned for public open space, it is unclear what land is included within



the 13.5%. This 24% presumably includes the largest regional public open space area within the inner eastern corridor, Yarra Bend Park, which is managed by Parks Victoria.

With 24% of land in the City of Yarra already zoned for public open space, the proposed public open space contribution rate of 10.1% is unjustified.

### **Funding only for Small Parks**

The Explanatory Report for Amendment C286 states the following:

*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 Open Space Framework on page 6 of the YOSS identifies the different open spaces across the municipality. Diagram B indicates that most open space within the municipality is Regional or City-Wide open space. Therefore, the proposed contribution will only be going towards the upgrade or establishment of local and small neighbourhood parks. The YOSS estimates that the total value of public open space contributions that Council will require within the next 15 years is \$382,535,769. This equates to \$25.5 million per year from 2016 to 2031. \$25.5 million per year to upgrade and establish local and small neighbourhood parks is an exorbitant amount and begs the question, is Council effectively and efficiently planning and constructing public open spaces.

### **Inappropriate and Unjustified Rate**

There is currently no municipality in Victoria that includes a Schedule to Clause 53.01 that requires a public open space contribution rate of 10.1% across the entire municipality.

While we acknowledge that some municipalities do require a 10% contribution or above, these rates are only applicable to site / precinct specific areas. Examples of these include: Mornington Peninsula (1 – 12%), Surf Coast (1-10%), Greater Geelong (3.1-10%), Whittlesea (0.8-11.3%), Casey (1.5-11%), Ballarat (5-10%), Wyndham (2-10%) and Greater Dandenong (5%, but a range of 10-20% for site specific areas).

Further, we note in Central Melbourne, which remains the fastest growing municipality in the State (and indeed the nation), the maximum rate applied to the urban renewal areas (Hoddle Grid, Southbank, Fishermans Bend, Arden-Macaulay, etc) is 7.06%.

A proposed blanket 10.1% contribution rate is unjustifiable as it overlooks significant site-specific contextual factors, such as easements and other site constraints that may affect yield of development. Without a clearer delineation between land and public open space cash contributions, this flat rate contribution may also lead to equity issues.

### Negative Impact on Affordable Housing

An increase to the current public open space contribution rate will add to the challenges of providing well built, quality affordable housing. The impact of the COVID-19 pandemic has led to shortages in building materials and supplies, and subsequently many developers, including our client are now met with increased costs associated with the construction of all new dwellings. Developers' margins are increasingly constrained under the current housing situation and any increase to the public open space contribution rate will ultimately be passed onto the end-purchaser and exacerbate the problem of (un)affordable housing across the City of Yarra.

### Conclusion

As discussed in our submission above, our client is of the strong view that an increase to the public open space contribution rate to 10.1% is unjustified by the City of Yarra. We recommend that Council review the Amendment against relevant population data, accurately measure existing public open space across the municipality, and most importantly clarify how, where and when the contributions will be used.

We are pleased to have had the opportunity to provide a submission on Amendment C286 to the *Yarra Planning Scheme*. Should you wish to discuss the above in further detail please contact me on [REDACTED]

Yours sincerely

[REDACTED]

Tract

[REDACTED]

**From:** [REDACTED]  
**Sent:** Saturday, 2 October 2021 4:37 PM  
**To:** [mbxStrategicPlanning](mailto:mbxStrategicPlanning@yarracity.vic.gov.au) <[mbx.StrategicPlanning@yarracity.vic.gov.au](mailto:mbx.StrategicPlanning@yarracity.vic.gov.au)>  
**Subject:** Amendment C286yara - submission

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear City of Yarra,

Streets Alive Yarra supports the proposal to increase the open space contributions from developments that subdivide land in Yarra, to help support our growing population.

Regards,

[REDACTED]  
[streets-alive-yarra.org](http://streets-alive-yarra.org)



5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

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

Dear Sir/Madam,

**Amendment C286 to the Yarra Planning Scheme  
Submission: Lendlease Apartments Pty Ltd as trustee for the Lendlease RL  
Richmond No. 2 Trust**

We thank Council for the opportunity to make this submission to Amendment C286 to the Yarra Planning Scheme.

Lend Lease Apartments Pty Ltd as trustee for the Lendlease RL Richmond No.2 Trust is the owner of the site formerly occupied by the Channel 9 Studio at 22 Bendigo Street, Richmond (subject site) and reference is made to Planning Scheme Amendment C286 which is on public exhibition until 5pm on Tuesday 5 October, 2021.

We provide our submission in relation to the proposed changes associated with the Amendment.

**Background**

In April 2012 Planning Scheme Amendment C104 to the Yarra Planning Scheme was approved, and it rezoned the former Channel 9 studios site from the Industrial 1 Zone to the Mixed Use Zone and applied the Development Plan Overlay and the Environmental Audit Overlay. The Amendment applied to the land generally bound by Wertheim Street to the north, Bendigo Street to the east, Moore Street to the south, and Stawell Street to the west.

Concurrent with the consideration of Amendment C104 was assessment of a draft Development Plan, and the draft Development Plan was prepared in response to the draft Development Plan Overlay Schedule provisions that formed part of the Amendment.

The Panel and Advisory Committee ultimately recommended that Amendment C104 and the draft Development Plan be approved.

At the Council Meeting on 20 December 2012, Council considered the Panel and Advisory Committee Report and resolved to adopt Amendment C104 and approve the associated Development Plan.

**Lendlease Apartments Pty Ltd ACN 132 930 495  
as trustee for the Lendlease RL Richmond No. 2 Trust ABN 50 314 059  
303**

Level 6, One Melbourne Quarter  
699 Collins Street  
Docklands VIC 3008

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[www.lendlease.com.au](http://www.lendlease.com.au)

Following gazettal of Amendment of C104 on 12 April 2012, and following changes being made in response to the earlier Council resolution, Council approved the '22 Bendigo Street Richmond Development Plan'.

Following the approval of the original Development Plan, the site has been partially developed with approvals via a series of planning permits. More specifically, development of the site generally includes 2 and 3 storey townhouses to Stawell Street north and Wertheim Street, 4 and 6 storey residential apartments south of Kennedy Avenue and north of Studio Walk and heritage residential apartments in the converted Wertheim building at the northern end of the Bendigo Street frontage. A café and a 400 square metre community facility have also been developed in the former Wertheim building.

In May 2018 Council approved a new Development Plan (referenced as the Central and South Precinct Development Plan) that supersedes the earlier approval for that part of the site generally defined by Studio Walk to the North, Stawell Street to the West, Barnet Way to the East and Moore Street to the South; together with the block at the north-west corner of Bendigo Street and Khartoum Street. The 2018 Development Plan is to facilitate development of the site remainder predominantly for Aged Care and Retirement Living. The 2018 Development Plan also includes the provision of publicly accessible open space.

The figure below identifies the land developed under the 2012 Development Plan (depicted in green) and land to be developed under the 2018 Development Plan (depicted in red).



Figure 1 – Aerial Photograph (nearmap.com.au)

### **Proposed Planning Controls (Amendment C286)**

Based on our review of Amendment C268, it is understood that the Amendment seeks to apply a 10.1% public open space contribution rate to all subdivision within the municipality of Yarra, unless the subdivision benefits from an exempt from a public open space requirement in the Scheme under Clause 53.01-1 or under Section 18 of the Subdivision Act 1988.

### **Public Open Space Contributions Required under Existing Planning Permits**

Council issued Planning Permit No. SP13/0017 on 12 June 2013 which allows:

*Subdivision of PS 649659U (Stage 1 and Stage 2).*

Condition 3 of the Permit requires:

*A cash contribution of four and a half per cent (4.5%) of the site value of all the land in PS 649659U (excluding the community centre area) must be made to Council for public open space. The public open space contribution must be made as follows:*

- *At least nine per cent (9%) of the total amount paid prior to the issue of a Statement of Compliance for Stage 1;*
- *At least thirty-six per cent (36%) of the total amount paid prior to the issue of a Statement of Compliance for Stage 2.*

*NOTE: Nine per cent (9%) of the total amount will be collected for the further subdivision of lots D, E and F, under PS 706798P, PS 706799M and PS 706805V. The balance of the contribution (46%) will be collected when lots S3 and G are further subdivided.*

*NOTE: In accordance with Section 19(5) of the Subdivision Act 1988, if the contribution is not made within 12 months of the issue of the permit, Council may obtain a revaluation of the land, and vary the amount of the payment accordingly.*

Council issued Planning Permit No. SP18/0057 on 21 January 2019 which allows:

*Subdivision (PS 819021C).*

Condition 3 of the Permit requires:

*Before a Statement of Compliance is issued, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 which provides for the following:*

- *A cash contribution of four and a half per cent (4.5%) of the site value of all the land in the subdivision must be made to Council for public open space, before a Statement of Compliance is issued for any subsequent subdivision of residential lots.*

*The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.*

*The requirement for an agreement under Section 173 of the Planning and Environment Act 1987 is waived if the contribution is paid in full under this subdivision.*

Clause 5 of Section 18 of the Subdivision Act 1988 states:

**Lendlease Apartments Pty Ltd ACN 132 930 495**  
**as trustee for the Lendlease RL Richmond No. 2 Trust ABN 50 314 059**  
**303**

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[www.lendlease.com.au](http://www.lendlease.com.au)

*A public open space requirement may be made only once in respect of any of the land to be subdivided whether the requirement was made before or after the commencement of this section, unless subsection (6) applies.*

On the basis that the subject land has either met, or has Agreements in place, which satisfy the public open space contribution for the land and that the rate is set at 4.5%, we seek written confirmation from Council that the agreed public open space contribution rate is fixed at 4.5% and that no further public open space contribution will be required for the subject land.

Until such time that the above is confirmed, we reserve the right to submissions relating to the excessive nature of the public open space contribution proposed, that the municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne, and that the Amendment lacks sufficient justification for such a significant increase.

### **Conclusion**

We trust that the concerns we have raised will be given proper consideration during the process. In the event that this matter proceeds to a Panel, we wish to appear before the Panel to present our submission. We also reserve our right to add to or amplify the grounds upon which we seek to rely at any hearing.

Should you wish to discuss this further please do not hesitate to contact the undersigned on + [REDACTED]

Yours sincerely,

[REDACTED]

Retirement Living, Lendlease



# Milieu

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

**By email to:** [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

## **SUBMISSION TO AMENDMENT C286 TO THE YARRA PLANNING SCHEME**

Milieu Property Pty Ltd is the owner of land at 1-3 Otter Street, Collingwood VIC 3066.

Amendment C286 ('**Amendment**') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.



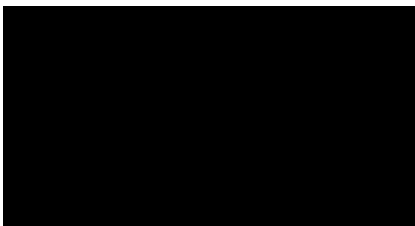
# Milieu

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand this submissions if the Amendment progresses to a Council meeting or Planning Panel.

Your sincerely



Milieu Property Pty Ltd



5 October 2021

Coordinator Strategic Planning  
Yarra City Council  
PO Box 168  
Richmond VIC 3121

By email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Coordinator Strategic Planning

### City of Yarra Planning Scheme Amendment C286 – Public Open Space Contributions

The Urban Development Industry of Australia, Victoria (UDIA Victoria) welcomes the opportunity to make a submission in response to the Yarra Planning Scheme Amendment C286 (Amendment C286), which seeks to increase the public open space contributions from all developments that subdivide land in the municipality.

UDIA Victoria does not support Amendment C286 as exhibited. We consider the 10.1 per cent flat rate open space contribution for all subdivisions is too high, and does not take into consideration the existing open space available to new home buyers into established areas. The provision significantly exceeds other Local Government open space contributions in established areas and is an excessive increase on the current contribution.

Further, the increase will directly increase the cost of new housing within the City of Yarra and adversely impact housing affordability.

Amendment C286 fails to set any clear reporting requirements to ensure transparency regarding the collection of funds and their use within the community, specifically in the creation or acquisition of new Public Open Space.

The reports underpinning Amendment C286 clearly show that there is a high degree of variation across the municipality in terms of the existing supply of open space, with substantial areas of open space in the north east and south east parts of the municipality. The reports also indicate that the proposed open space additions and improvements are focused on the western and south western parts of the municipality. However, the Amendment proposes a blanket 10.1 per cent contribution over the entire municipality. This is unfair, unjustified and inequitable.

We recommend that Yarra City Council does not proceed with Amendment C286 in its current form.

### UDIA Victoria

UDIA Victoria is the peak industry body representing the urban development industry. UDIA Victoria is a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria's public service. We are committed to working with both industry and Government to deliver housing, infrastructure, and liveable communities for all Victorians.

## Proposed Amendment C286

UDIA Victoria supports the provision of public open space, however we consider that the approach taken in Amendment C286 is at odds with Yarra City Council's own commitment to public open space expansion and expenditure. Yarra City Council makes considerable collection of open space and Development Contribution Levy's through redevelopment within the Municipality annually. However, it is not clear how Yarra City Council has applied these funds in the *acquisition, expansion and creation* of new open spaces for the residents and workers of Yarra to enjoy and gain the full benefit to date.

Further, whilst the Amendment C268 documents identify that a contribution is being proposed, they do not provide clarity regarding the short-term or the long-term targets for *creation and acquisition* of Public Open Space.

In addition, it appears that those subdividing land for any purpose will be subsidising the existing population who will benefit from the proposed additions to public open space and open space improvements. The proposed contributions arrangement is that subdividers will pay for all improvements based on the forecast population increase to total population, whilst the existing population will pay for their share through general rate revenue, existing open space reserve funds, grants and so on.

The result of this arrangement is that the new population will pay twice – once at the subdivision stage, and secondly through the ongoing payment of rates which will go towards funding the existing population's share.

## Request for Change to Amendment C286

UDIA Victoria makes the following request for changes to Amendment C286:

- That Amendment C286 is changed to replace the required public open space contribution of 10.1 per cent in the proposed Schedule to Clause 53.01, with a revised and reduced figure determined through an evidence-based assessment of open space needs within the municipality, which considers the relationship between locations in terms of need, type and scale of development, and an equitable sharing of costs between existing development and new development.
- That clear short-term and long-term targets are set within the policy framework and reported, audited, and included within the public records and Council Meeting Minutes at least annually.
- That a transparent process be established that acknowledges funds collected annually from new development, and how these funds are applied towards the creation or acquisition of Public Open Space for the Community.
- That an assurance that collected funds are not applied towards the maintenance, upkeep or refurbishment of pre-existing Yarra public open space. This is a matter for the Council to administer and fund through its own annual budgets via rate payer and alternative revenue collection streams.

## Summary of Issues

The proposed 10.1 per cent flat rate public open space requirement set out in Amendment C286 is a blanket approach that has no regard for the:

- land use proposed – be it residential, commercial, industrial, or mixed use;
- scale of development proposed – be it a two-lot subdivision or a high-density apartment development;
- access to existing open space within the City of Yarra and the location of that open space;
- funds already collected by new developments already within the City of Yarra
- extent of restricted public open space or communally accessible private open space that would serve the open space needs of residents or workers in student accommodation, apartment, commercial, industrial or mixed-use developments; or
- impact that such a significant contribution requirement will have on development feasibility, affordability of new housing and the resulting impact on the provision of the homes and places of employment for the Yarra City Council community, and metropolitan Melbourne more broadly.

As with all Developer Contributions, UDIA Victoria has advocated for a nexus between the collection of funds and the expenditure of funds to ensure they are spent for the purpose that they were collected. Despite a significant increase in public open space contributions, there is a lack of transparency in how both the current and future funds are spent on open space.

Further, the proposed public open space contribution rate will adversely impact on the delivery of private market affordable housing. For example, a development site bought and developed in 2019 for \$7.8 million with a yield of 25 apartments would have triggered a total contribution of circa \$351,000. The same site in 2021 would require a contribution of \$409,000 with the introduction of the Development Contributions Plan. Should Amendment C286 be adopted, the developer contributions would increase to \$846,000, constituting a 240% increase over two years in contributions. In this example, the increase would result in an additional \$19,800 of direct cost to each apartment.

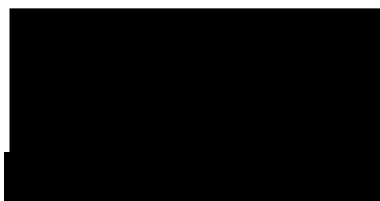
Overall, UDIA Victoria submits that the proposed increase to the public open space contribution proposed in the amendment is an excessive and onerous tax on new development that is unjustifiable. It provides a disincentive for infill development in the City of Yarra, competing against the *Plan Melbourne* objective to encourage development in Melbourne's well-served established areas. This increased developer tax is likely to stall or cease new developments, at a time when the State is trying to stimulate the construction sector to support the economy.

In light of the above, UDIA Victoria requests that Amendment C286 be changed to ensure the required public open space contribution is determined through an evidence-based assessment of open space needs within the municipality, which considers locational need, type and scale of development, and is fair and equitable.

## Contact

If you require further information or clarification, please contact [REDACTED] UDIA Victoria Policy and Research Director by emailing [REDACTED]

Yours sincerely



Urban Development Institute of Australia, Victoria

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Tuesday, 5 October 2021 2:56 PM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Amendment C286yara - Submission

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Strategic Planning,

**RE: Amendment C286 – Public Open Space Contributions**

Fortis is an active property developer within the City of Yarra. We love the area and plan to remain active in Yarra in the years to come. We are however concerned with the proposed increase to the public open space contributions detailed in Amendment C286.

At Fortis we are relationship built, detail driven and community inspired. Our most recent planning application within Yarra (2-8 Brighton Street, Richmond) is a true testament to these words – a proposed carbon neutral development including apartments, commercial and retail elements. This will activate the immediate streetscape and transform the surrounding area once complete.

There is of course a commercial reality to what we, and every other developer does and how we are able to pursue the exciting opportunities like 2-8 Brighton Street.

Every developer has a minimum financial threshold that must be achieved before pursuing a development opportunity. The additional cost resulting from an increase in public open space contribution from 4.5% to 10.1% will need to be offset for future developments to still achieve these minimum financial thresholds. The only possibility to offset this is by increasing apartment prices and passing these costs onto the consumer.

Melbourne is in the midst of a housing affordability crisis. Barriers to entry have never been higher and property price increases are not abating. The City of Yarra in particular is an incredibly desirable area to live and is reflected in already high house and apartment prices.

Modest off the plan purchasing concessions do remain to encourage purchasers to purchase off the plan and encourage new development. If apartment prices are driven up due to the public open space contribution being passed onto purchasers, this will disincentivise off the plan apartment purchases. This has the potential to result in stagnant development sites across Yarra if developers are unable to secure adequate pre-sales to commence construction.

If the market does not accept the apartment price increases it will likely see purchasers turn to the established housing market for which stamp duty is applicable but open space contributions are not. There is again potential for this to impact the number of active development sites across Yarra, lower new apartments with open space payable and lower economic activity across the area.

It's also very unlikely that land owners would accept a lower sale price for development sites if the open space increase is introduced. The land rate has been set by site acquisitions over recent times and no land owner will be open to selling for a lower rate than a comparable site.

As there is a commercial reality for property developers, we appreciate there is also a commercial reality for the City of Yarra. We are not opposed to a slight increase to the open space contribution percentage, however we believe the contemplated 10.1% is excessive and will have negative impacts on the local community, including purchasers, developers, Council and local land owners.

Thank you for considering this email

Regards,

[Redacted signature block]

Fortis

L5, 30-36 Bay Street, Double Bay, NSW 2028  
L4, 412 St Kilda Road, Melbourne, VIC 3004

[fortis.com.au](http://fortis.com.au)  
[Instagram](#) [Facebook](#) [LinkedIn](#)

5 October 2021

**Practice Leader, Strategic Planning  
City of Yarra**

*Via email: [strategicplanning@yarracity.com.au](mailto:strategicplanning@yarracity.com.au)*

Dear Ms van der Hoeven

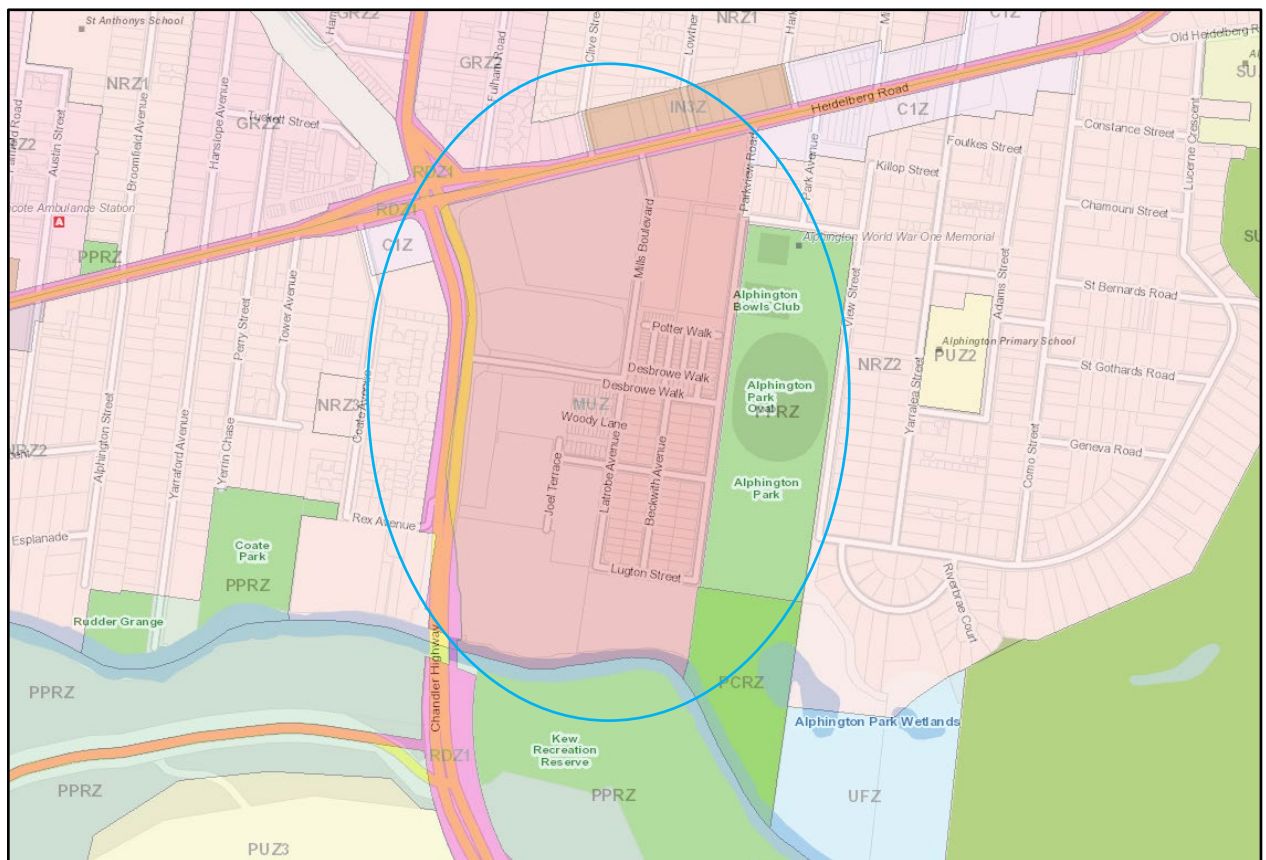
## **Submission to Amendment C286 – Yarra Planning Scheme**

### **Alphington Paper Mill Development Plan - Alphington Developments Pty Ltd**

Alphington Developments Pty Ltd is the owner and developer of a large portion of the land contained in the Alphington Paper Mill Development Plan, being the land bounded by Heidelberg Road, Parkview Road, Chandler Highway and the Yarra River in Alphington.

The land contained in the Alphington Paper Mill Development Plan is the land contained in the Mixed Use Zone outlined in Figure 1 below.

**Figure 1 – Alphington Paper Mill Development Plan Area**



**Never Ordinary.**

480 Church Street, Richmond VIC 3121  
Telephone 03 9573 8393 Facsimile 03 9429 1657  
[enquiry@glenvill.com.au](mailto:enquiry@glenvill.com.au) [www.glenvill.com.au](http://www.glenvill.com.au)

Glenvill P/L - ABN 71150874356



The Alphington Paper Mill Development Plan land is contained in the Mixed Use Zone (MUZ) and affected or partly affected by the following overlay controls:

- Development Plan Overlay – Schedule 11 (DPO11)
- Significant Landscape Overlay – Schedule 1 (SLO1)
- Environmental Audit Overlay (EAO)
- Heritage Overlay – Schedule 70 (HO70)
- Development Contributions Overlay Plan – Schedule 1 (DCPO1)
- Land Subject to Inundation Overlay (LSIO)

The Alphington Paper Mill Development Plan land comprises existing dwellings, townhouses and apartments; approved development under construction; and vacant land.

### **Alphington Paper Mill Development Plan 2016**

The Alphington Paper Mill Development Plan was approved by the City of Yarra on 27/05/2016 pursuant to the requirements of the Development Plan Overlay (DPO11).

The Alphington Paper Mill Development Plan (p. 42) states the following in relation to the Public Open Space Requirement:

*The public open space areas identified in the Development Plan (including Alphington Square, Artisan Park, Workshop Park and Industrial Heritage Park) and referenced in Figure 27 will be vested with the City of Yarra in satisfaction of the public open space requirements for any future planning permit applications for the land shown in Figure 06, p.16 (Title Plan) under the provisions of the planning scheme and/or the Subdivision Act 1988.*

*The Development Plan shall provide not less than 7,500m<sup>2</sup> (4.5% of the total titled site area) as Public Open Space to the satisfaction of the Responsible Authority. This land shall be unencumbered and vested in Yarra City Council.*

*The detailed designs of the proposed Public Open Space shall be to the satisfaction of the Responsible Authority and will be determined at the Planning Permit stage. The Proponent shall pay for the detailing and construction of the Public Open Space areas.*

*All Open Space Vested in Yarra City Council shall be unencumbered by any new structures below ground and be certified as suitable and fit for use as Open Space through the Environmental Audit process.*

A copy of Figure 27: Public Realm Strategy from the Alphington Paper Mill Development Plan is included in Figure 2 below. This figure identifies the four areas of public open space within the Development Plan area and the 30m wide area adjacent to the Yarra River identified as River Park.

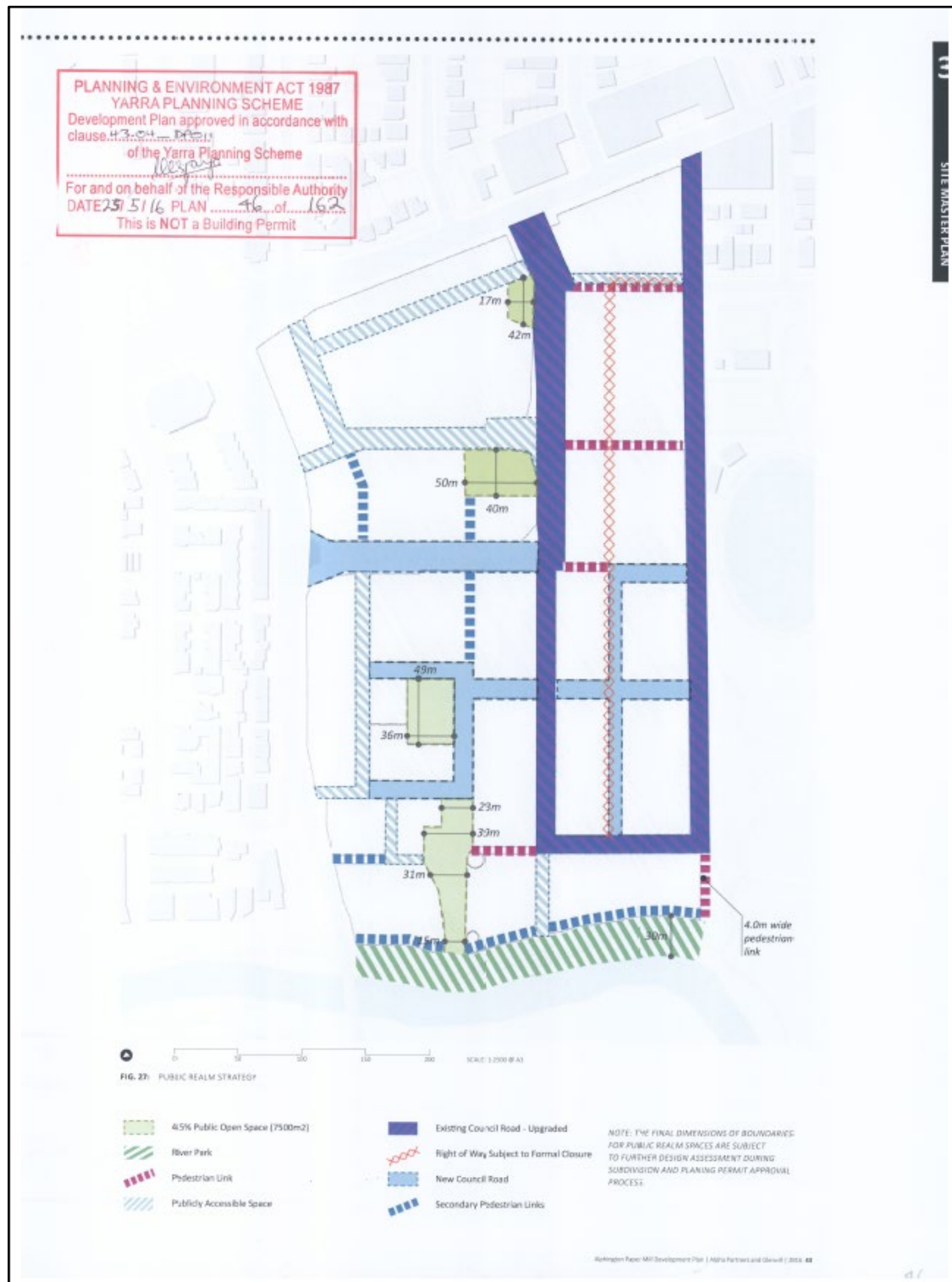
**Never Ordinary.**

480 Church Street, Richmond VIC 3121  
Telephone 03 9573 8393 Facsimile 03 9429 1657  
enquiry@glenvill.com.au www.glenvill.com.au

Glenvill P/L - ABN 71150874356

# GLENVILL

**Figure 2 – Figure 27: Public Realm Strategy, Alphington Paper Mill Development Plan**



**Never Ordinary.**

480 Church Street, Richmond VIC 3121  
Telephone 03 9573 8393 Facsimile 03 9429 1657  
enquiry@glenvill.com.au www.glenvill.com.au

Glenvill P/L - ABN 71150874356

The public open space contribution associated with the Alphington Paper Mill Development Plan was discussed in the Agenda for the City of Yarra Special Council Meeting dated 20/12/2015 which considered the subdivision of part of the Development Plan land into two lots. In relation to the public open space contribution the Council report states:

*32. The public open space provision, as part of the overall redevelopment of the AMCOR site, is proposed as part of the Development Plan arrangements – this is shown on that proposal (see other Agenda item) to provide 4.5 % of the total land site area (inclusive of the approximately 7,800m<sup>2</sup> area of land in the 30 m strip of land along the river frontage as part of the overall land titled area).*

*33. The developer contribution of open space provision (the 4.5%) for the overall redevelopment of the AMCOR paper mill site (as foreshadowed in the revised Development Plan submitted to Council in August 2015) is required to be protected in any subdivision arrangements.*

*34. As said above, Lot 1 of this proposed 2 lot subdivision includes the 30 m strip of land along the river – this was requested by officers so that it is not, at this stage, excised from the overall parcel of land until such time as the Development Plan is approved which will then formally show the open space allocations in the proposed layout of the new estate. It is noted that the revised Development Plan (see report in this Agenda) proposes 4 ‘spaces’ as public open space to accord with the 4.5 % provision of the overall titled land. Note: the 30 m strip of land is further space to the 4 spaces of public open space proposed.*

*35. In this regard, the 30 m strip of land would (by virtue of the proposed subdivision), for the time being, remain in private ownership (as part of the proposed lot 1) pending further subdivision that would accord with the then approved Development Plan – it is at that further subdivision stage that the 30 m strip of land (that is shown as ‘open space’ in the proposed ‘Development Plan’) could be vested in a public agency such as the Council or Melbourne Water – or remain in private ownership but that has not yet been determined.*

*36. Other than protecting the Council interest in the open space provision there are no financial implications.*

## **Amendment C286 – Yarra Planning Scheme**

The Amendment seeks to implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate in the Schedule to Clause 53.10 for all subdivisions. The public open space contribution rate is proposed to increase from 4.5% to 10.1%.

The Explanatory Report forming part of the amendment documentation states:

*The land affected by the amendment is all land in the City of Yarra.*

*The amendment proposes implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate for all subdivisions.*

*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% and apply it to the entire City of Yarra municipal area.*
- *Replaces Clause 22.12 Public Open Space Contribution with a new Clause 22.12.*

**Never Ordinary.**

480 Church Street, Richmond VIC 3121  
Telephone 03 9573 8393 Facsimile 03 9429 1657  
enquiry@glenvill.com.au www.glenvill.com.au

Glenvill P/L - ABN 71150874356

- *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.*

The key reason that the new Yarra public open space contribution rate is proposed to increase from 4.5 to 10.1 per cent is that there is a substantial level of residential and employment population growth forecast in the City of Yarra.

Figure 1 of the Yarra Open Space Strategy 2020 identifies the public open space areas in the Alphington Paper Mill Development Plan area as 'Future Open Space'.

The Alphington Paper Mill Development Plan land is affected by Amendment C286 as the Schedule to Clause 53.10 indicates that the proposed public open space contribution rate of 10.1% will apply to all land within the municipality.

### **Submission**

The identified public open space in the approved Alphington Paper Mill Development Plan has a total area of approximately 7,500 square metres which is equivalent to a public open space contribution of approximately 4.58% of the overall site area. This provision is consistent with the current requirement of Clause 53.10 of the Yarra Planning Scheme (4.5%) and that in place when the Development Plan was approved in 2016.

In addition, the 30 m wide strip of land adjacent to the Yarra River (referred to in the Development Plan as 'River Park') has an area of approximately 8,400 square metres and will function as an area of public open space. We note that it has not yet been determined if this land will remain within private ownership (owners corporation) or will be vested with a public agency (Melbourne Water, Parks Victoria or City of Yarra), however it will be accessible to the public and will function as public open space.

This land adjacent to the Yarra River (with an area of approximately 8,400 square metres) is equivalent to approximately 5.13% of the overall site area. As a result, the combination of the identified future public open space and the land adjacent to the Yarra River equates to approximately 9.72% of the site area. This is marginally less than the proposed 10.1% public open space contribution proposed by this amendment.

The identified public open space areas are required to be designed and constructed to the satisfaction of the Responsible Authority prior to these spaces being vested with Council. The 'River Park' is also required to be designed and constructed to the satisfaction of the Responsible Authority. In addition to providing the land, the design and construction of these areas will be completed at the cost of the developer.

We request that the proposed amendment be modified to apply a site specific contribution of 4.5% to the land in the Alphington Paper Mill Development Plan area (DPO11) in the proposed Schedule to Clause 53.10 Public Open Space Contribution and Subdivision. The proposed site specific contribution of 4.5% will recognise and acknowledge the agreed public open space contribution associated with the approved Alphington Paper Mill Development Plan 2016.

**Never Ordinary.**

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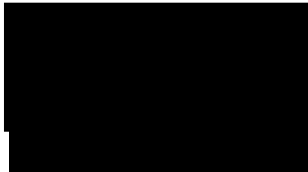
Glenvill P/L - ABN 71150874356

# GLENVILL

We do not seek to challenge the strategic basis, or the technical reports underpinning the Amendment, although reserve the right to do so should that become necessary.

This submission provides a summary of our interests in this Amendment and we reserve the right to add to or amplify our concerns at any time. In the event that this matter is referred to a Panel to consider submissions relating to the proposed Amendment, we will request the opportunity to be heard.

Yours sincerely



**Never Ordinary.**

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enquiry@glenvill.com.au www.glenvill.com.au

Glenvill P/L - ABN 71150874356

# Astrodome

81-95 Burnley Street  
Richmond, Victoria 3121

5 October 2021

Strategic Planning Unit  
Yarra City Council  
PO Box 168  
Richmond Vic 3121  
By email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam,

## C286yara - SUBMISSION AMENDMENT C286 – YARRA PLANNING SCHEME

Astrodome currently is the owner of, and is developing the property located within the City of Yarra at 85-91 Burnley Street and 26-34 Doonside Street, Richmond (development plan for a major mixed-use development currently being prepared consistent with a recent site-specific planning scheme amendment).

We therefore have an interest in the above-mentioned proposed Planning Scheme Amendment, which seeks to increase the applicable Planning Scheme rate for public open space contributions from 4.5% to 10.1% across the City of Yarra and to revise the associated Local Policy at Clause 22.12 of the Planning Scheme. We object to the proposed Planning Scheme Amendment based on the following concerns:

1. The lack of strategic justification for the proposed increase.
2. The excessive size of the proposed increase.
3. The inequities associated with applying a blanket rate across the whole municipality.
4. The difficulties and inequities associated with providing land contributions over cash contributions on a site by site basis, as required in different areas of the municipality, including land contributions that meet the policy requirements.

We request that the Council acknowledges receipt of this submission and trust that our concerns will be properly considered.

We would also like to be kept informed of the Council's consideration of our submission ahead of the Directions Hearing, as well as the time and date of the Directions Hearing, which we note from the Amendment Notice and Explanatory Report has been set down for "Week of 8 November 2021".

Yours sincerely

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**Piedimonte Properties Pty Ltd**  
**As Trustee for the Piedimonte Properties Unit Trust**  
ABN: 29 443 865 569 ACN: 168 219 216  
Registered Office: 37-43 Best Street, North Fitzroy Vic 3068  
T: (03) 9481-1600 F: (03) 9482-2117

5 October 2021

Coordinator – Strategic Planning  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121

Via email to [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

**Submission to Amendment C286 to the Yarra Planning Scheme**  
**27-29 Best Street, 102 -114 Scotchmer Street Fitzroy North**

As Council is aware, Piedimonte Properties Pty Ltd owns / occupies the land at 27-29 Best Street and 102 – 114 Scotchmer Street, Fitzroy North. The land is subject to Planning Permit No: PLN17/0618 which was approved in May this year, and which allows a mixed-use development on the land.

We have reviewed the relevant Planning Scheme Amendment C286 documentation, and we understand that it proposes changes to the Yarra Planning Scheme to implement the recommendations of the Yarra Open Space Strategy (2020) and to increase the public open space contribution rate from the 4.5% (current) to 10.1% (proposed), along with policy changes.

We object to the amendment for the following reasons:

- The Amendment proposes to impose a uniform contribution rate across the whole municipality which is inequitable. Fitzroy North is already very well served by open space and it is unreasonable to impose a high contribution requirement to offset public open space upgrades for other areas within the municipality that are poorly served by public open space and that require significant upgrades. The Amendment should provide a more sophisticated demand assessment for areas within the municipality where public open space upgrades are required, and adopt a suburb / precinct approach to contribution rates.
- The size of the proposed increase and overall rate is excessive and unreasonable having regard to the current rate, the 5% rate provided for in the *Subdivision Act* 1988, contribution rates round in other inner city municipalities and those found in growth areas of Melbourne.
- There is a lack of strategic justification for the proposed rate, noting the Strategy's predicted demand for open space by workers and non-residential land uses. To that end, we note that the Strategy assesses demand for public space upgrades based on both residential and non-residential users and it attempts to apply a uniform contribution rate to both residential and non-residential subdivisions, both of which are unreasonable.
- The Amendment should make provisions for contribution offsets where there are particular circumstances that justify it.



- There should be transitional provisions for subdivision of developments that have a planning permit for development in place prior to the Amendment being gazetted into the Planning Scheme.

Thank you for the opportunity to provide these submissions in response to **Amendment C286** and we look forward to being involved in the process.

If Amendment C286 proceeds to a Panel, we wish to appear before the Panel and present submissions and may call expert evidence. We also reserve our right to add to, modify or amplify the grounds upon which we seek to rely at any Panel hearing.

Yours sincerely,



**Strategic Planning**

Yarra City Council

PO Box 168

RICHMOND VIC 3121

via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

4 October 2021

Attn: Strategic Planning

**Submission to Planning Scheme Amendment C286 – Yarra Public Open Space Contribution**

Tract acts on behalf of Paul Cusmano in relation to the following sites:

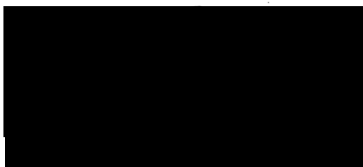
- 435-451 Bridge Road, Richmond
- 483-485 Bridge Road, Richmond
- 406 Victoria Street, Richmond

We are writing to you in relation to Amendment C286 to the Yarra Planning Scheme ('the Amendment') which seeks to increase the public open space contribution rate from 4.5% to 10.1%.

Having reviewed the Amendment, we wish to object to the levy being increased. A comparison to other Councils with similar contextual characteristics reveals that a 10.1% contribution rate is exorbitant and unjustified.

We reserve our right to make further submissions on this Amendment in due course.

Yours sincerely



Tract





██████████  
Director Planning and Place Making  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121  
E: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Date: 5 October 2021

Re: Submission Opposing Proposed Amendment C286 to the Yarra Planning Scheme

Dear Mr Phillips,

We act on behalf of Outline JV Smith Pty Ltd, the owner of land at 131-141 Smith Street, Fitzroy.

Amendment C286 ('Amendment') proposes to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

We advise our client does not support the Amendment in its current form, as the Amendment is not strategically justified and as a consequence, should be abandoned.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate', is contrary to most comparable municipalities within Metropolitan Melbourne. The work accompanying the Amendment fails to justify such a high rate of open space provisions, as well as the broad-brush approach of a municipal-wide 'flat rate'.

Accordingly, the Amendment lacks sufficient justification for such a significant increase in the public open space contribution requirement.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions, nor such a substantial increase to the existing residential rate.

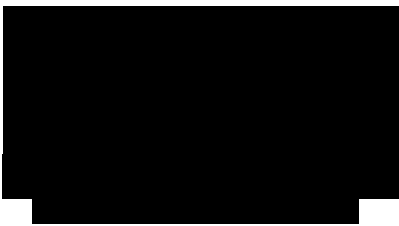
The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unrealised.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely

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██████████  
Director Planning and Place Making  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121  
E: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Date: 4 October 2021

Re: Submission Opposing Proposed Amendment C286 to the Yarra Planning Scheme

Dear Mr Phillips,

We act on behalf of Nijon Nominees Pty Ltd, the owner of land at 6-8 Hull Street, Richmond.

Amendment C286 ('Amendment') proposes to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

We advise our client does not support the Amendment in its current form, as the amendment is not strategically justified and as a consequence, should be abandoned.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate', is contrary to most comparable municipalities within Metropolitan Melbourne. The work accompanying the amendment fails to justify such a high rate of open space provision, as well as the broad-brush approach of a municipal-wide 'flat rate'.

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For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely

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Director Planning and Place Making  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121  
E: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Date: 5 October 2021

Re: Submission Opposing Proposed Amendment C286 to the Yarra Planning Scheme

Dear Mr Phillips,

We act on behalf of Dare Property Group Pty Ltd, the developer of the land at 235 Napier Street, Fitzroy and 48 Gipps Street, Collingwood.

Amendment C286 ('Amendment') proposes to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

We advise our client does not support the Amendment in its current form, as the Amendment is not strategically justified and as a consequence, should be abandoned.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate', is contrary to most comparable municipalities within Metropolitan Melbourne. The work accompanying the Amendment fails to justify such a high rate of open space provisions, as well as the broad-brush approach of a municipal-wide 'flat rate'.

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The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

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For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely,

A large black rectangular redaction box covering the signature and name of the sender.



Tuesday 5 October 2021

Practice Leader, Strategic Planning  
City of Yarra

Sent via email: [strategicplanning@yarracity.com.au](mailto:strategicplanning@yarracity.com.au)

Dear Ms van der Hoeven

**SUBMISSION TO AMENDMENT C286 – YARRA PLANNING SCHEME**

**ALPHINGTON PAPER MILL DEVELOPMENT PLAN – CAYDON PROPERTY GROUP PTY LTD**

Caydon Property Group Pty Ltd is the owner and developer of the land located at 626 Heidelberg Road, Alphington. The land forms part of the area contained in the Alphington Paper Mill Development Plan, being the land bounded by Heidelberg Road, Parkview Road, Chandler Highway and the Yarra River in Alphington.

Planning Permit PLN17/0978 was issued by the City of Yarra on 08/11/2018 for the construction of a multi-level residential development. The development is under construction.

The land contained in the Alphington Paper Mill Development Plan is outlined in Figure 1 below, noting that the land owned by the Caydon Property Group Pty Ltd forms part of Precinct 2A on the Precinct Map.

Figure 1 – Alphington Paper Mill Development Plan Area – Figure 93: Precincts Map



FIG. 93: PRECINCTS MAP

PLANNING ENVIRONMENTAL 1987  
YARRA PLANNING SCHEME  
Development Plan approved in accordance with  
clause 43.04 DPO11  
of the Yarra Planning Scheme  
For and on behalf of the Responsible Authority  
DATE 27/5/16 PLAN 99 of 162  
This is NOT a Building Permit

The Alphington Paper Mill Development Plan land is contained in the Mixed Use Zone (MUZ) and affected or partly affected by the following overlay controls:

- Development Plan Overlay – Schedule 11 (DPO11)
- Significant Landscape Overlay – Schedule 1 (SLO1)
- Environmental Audit Overlay (EAO)
- Heritage Overlay – Schedule 70 (HO70)
- Development Contributions Overlay Plan – Schedule 1 (DCPO1)
- Land Subject to Inundation Overlay (LSIO)

The Alphington Paper Mill Development Plan land comprises existing dwellings, townhouses and apartments; approved development under construction; and vacant land.

## Alphington Paper Mill Development Plan 2016

The Alphington Paper Mill Development Plan was approved by the City of Yarra on 27/05/2016 pursuant to the requirements of the Development Plan Overlay (DPO11).

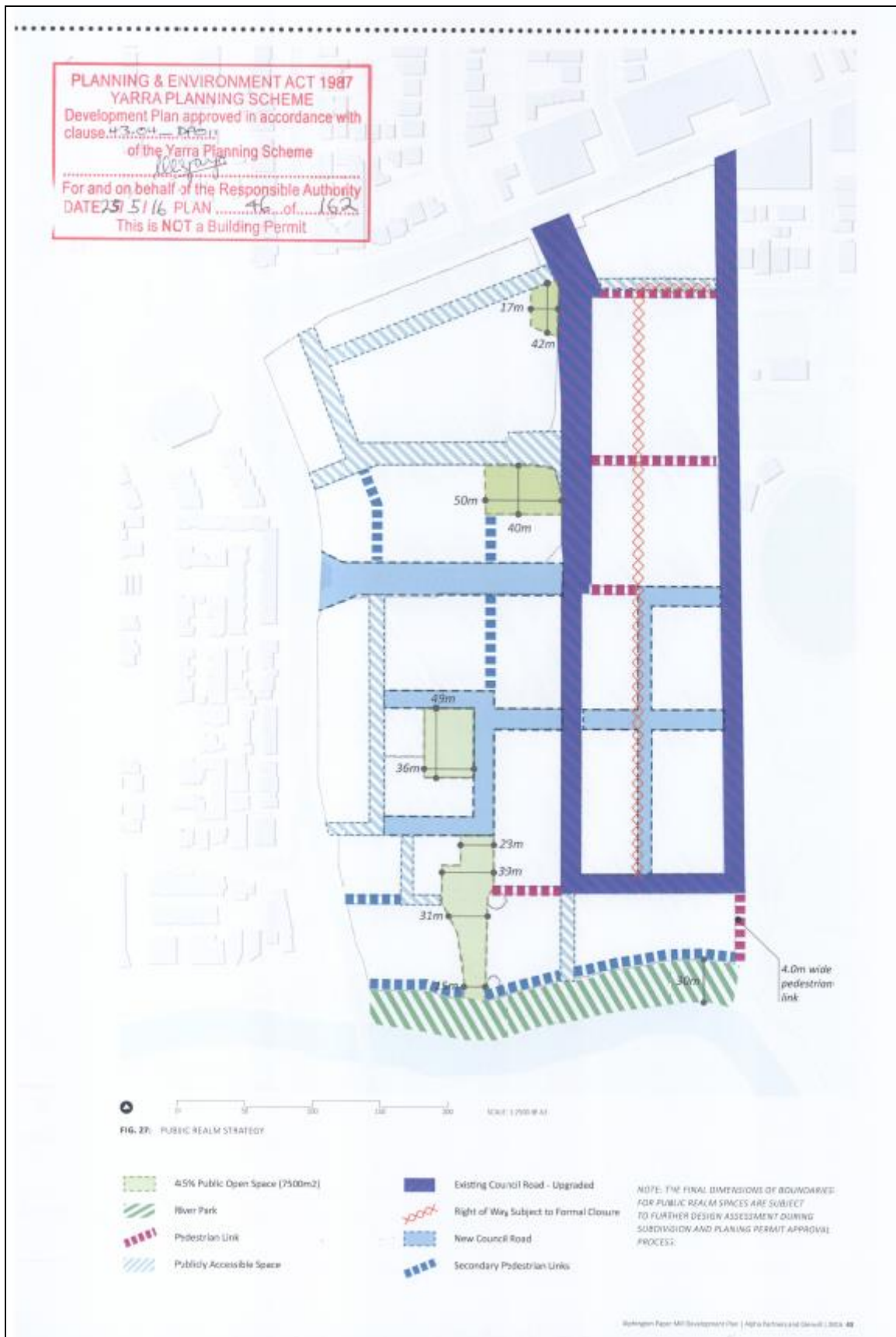
The Alphington Paper Mill Development Plan (p. 42) states the following in relation to the Public Open Space Requirement: *The public open space areas identified in the Development Plan (including Alphington Square, Artisan Park, Workshop Park and Industrial Heritage Park) and referenced in Figure 27 will be vested with the City of Yarra in satisfaction of the public open space requirements for any future planning permit applications for the land shown in Figure 06, p.16 (Title Plan) under the provisions of the planning scheme and/or the Subdivision Act 1988.*

*The Development Plan shall provide not less than 7,500m<sup>2</sup> (4.5% of the total titled site area) as Public Open Space to the satisfaction of the Responsible Authority. This land shall be unencumbered and vested in Yarra City Council. The detailed designs of the proposed Public Open Space shall be to the satisfaction of the Responsible Authority and will be determined at the Planning Permit stage. The Proponent shall pay for the detailing and construction of the Public Open Space areas.*

*All Open Space Vested in Yarra City Council shall be unencumbered by any new structures below ground and be certified as suitable and fit for use as Open Space through the Environmental Audit process.*

A copy of Figure 27: Public Realm Strategy from the Alphington Paper Mill Development Plan is included in Figure 2 below. This figure identifies the four areas of public open space within the Development Plan area and the 30m wide area adjacent to the Yarra River identified as River Park.

## Figure 2 – Figure 27: Public Realm Strategy, Alphington Paper Mill Development Plan





The public open space contribution associated with the Alphington Paper Mill Development Plan was discussed in the Agenda for the City of Yarra Special Council Meeting dated 20/12/2015 which considered the subdivision of part of the Development Plan land into two lots. In relation to the public open space contribution the Council report states:

32. *The public open space provision, as part of the overall redevelopment of the AMCOR site, is proposed as part of the Development Plan arrangements – this is shown on that proposal (see other Agenda item) to provide 4.5 % of the total land site area (inclusive of the approximately 7,800m<sup>2</sup> area of land in the 30 m strip of land along the river frontage as part of the overall land titled area).*

33. *The developer contribution of open space provision (the 4.5%) for the overall redevelopment of the AMCOR paper mill site (as foreshadowed in the revised Development Plan submitted to Council in August 2015) is required to be protected in any subdivision arrangements.*

34. *As said above, Lot 1 of this proposed 2 lot subdivision includes the 30 m strip of land along the river – this was requested by officers so that it is not, at this stage, excised from the overall parcel of land until such time as the Development Plan is approved which will then formally show the open space allocations in the proposed layout of the new estate. It is noted that the revised Development Plan (see report in this Agenda) proposes 4 ‘spaces’ as public open space to accord with the 4.5 % provision of the overall titled land. Note: the 30 m strip of land is further space to the 4 spaces of public open space proposed.*

35. *In this regard, the 30 m strip of land would (by virtue of the proposed subdivision), for the time being, remain in private ownership (as part of the proposed lot 1) pending further subdivision that would accord with the then approved Development Plan – it is at that further subdivision stage that the 30 m strip of land (that is shown as ‘open space’ in the proposed ‘Development Plan’) could be vested in a public agency such as the Council or Melbourne Water – or remain in private ownership but that has not yet been determined.*

36. *Other than protecting the Council interest in the open space provision there are no financial implications.*

## Amendment C286 – Yarra Planning Scheme

The Amendment seeks to implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate in the Schedule to Clause 53.10 for all subdivisions. The public open space contribution rate is proposed to increase from 4.5% to 10.1%.

The Explanatory Report forming part of the amendment documentation states:

*The land affected by the amendment is all land in the City of Yarra.*

*The amendment proposes implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate for all subdivisions.*

*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% and apply it to the entire City of Yarra municipal area.*
- *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.*

*The key reason that the new Yarra public open space contribution rate is proposed to increase from 4.5 to 10.1 per cent is that there is a substantial level of residential and employment population growth forecast in the City of Yarra.*

*Figure 1 of the Yarra Open Space Strategy 2020 identifies the public open space areas in the Alphington Paper Mill Development Plan area as ‘Future Open Space’.*

The Alphington Paper Mill Development Plan land is affected by Amendment C286 as the Schedule to Clause 53.10 indicates that the proposed public open space contribution rate of 10.1% will apply to all land within the municipality.

## Submission

The identified public open space in the approved Alphington Paper Mill Development Plan has a total area of approximately 7,500 square metres which is equivalent to a public open space contribution of approximately 4.58% of the overall site area. This provision is consistent with the current requirement of Clause 53.10 of the Yarra Planning Scheme (4.5%) and that in place when the Development Plan was approved in 2016.

In addition, the 30 m wide strip of land adjacent to the Yarra River (referred to in the Development Plan as 'River Park') has an area of approximately 8,400 square metres and will function as an area of public open space. We note that it has not yet been determined if this land will remain within private ownership (owners corporation) or will be vested with a public agency (Melbourne Water, Parks Victoria or City of Yarra), however it will be accessible to the public and will function as public open space.

This land adjacent to the Yarra River (with an area of approximately 8,400 square metres) is equivalent to approximately 5.13% of the overall site area. As a result, the combination of the identified future public open space and the land adjacent to the Yarra River equates to approximately 9.72% of the site area. This is marginally less than the proposed 10.1% public open space contribution proposed by this amendment.

The identified public open space areas are required to be designed and constructed to the satisfaction of the Responsible Authority prior to these spaces being vested with Council. The 'River Park' is also required to be designed and constructed to the satisfaction of the Responsible Authority. In addition to providing the land, the design and construction of these areas will be completed at the cost of the developer.

We request that the proposed amendment be modified to apply a site specific contribution of 4.5% to the land in the Alphington Paper Mill Development Plan area (DPO11) in the proposed Schedule to Clause 53.10 Public Open Space Contribution and Subdivision. The proposed site specific contribution of 4.5% will recognise and acknowledge the agreed public open space contribution associated with the approved Alphington Paper Mill Development Plan 2016.

We do not seek to challenge the strategic basis, or the technical reports underpinning the Amendment, although reserve the right to do so should that become necessary.

This submission provides a summary of our interests in this Amendment and we reserve the right to add to or amplify our concerns at any time. In the event that this matter is referred to a Panel to consider submissions relating to the proposed Amendment, we will request the opportunity to be heard.

Yours sincerely,





██████████  
Director Planning and Place Making  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121  
E: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Date: 5 October 2021

Re: Submission Opposing Proposed Amendment C286 to the Yarra Planning Scheme

Dear Mr Phillips,

We act on behalf of UEM Sunrise (Collingwood Development) Pty Ltd, the developer of the land at 21-53 Hoddle Street, Collingwood.

Amendment C286 ('Amendment') proposes to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

We advise our client does not support the Amendment in its current form, as the Amendment is not strategically justified and as a consequence should be abandoned.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate', is contrary to most comparable municipalities within Metropolitan Melbourne. The work accompanying the amendment fails to justify such a high rate of open space provisions, as well as the broad-brush approach of a municipal-wide 'flat rate'.

Accordingly, the Amendment lacks sufficient justification for such a significant increase in the public open space contribution requirement.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions, nor such a substantial increase to the existing residential rate.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unrealised.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely,

A large black rectangular redaction box covering the signature and name of the sender.



Our ref: **REA: 20211003**  
Your ref: **C286yara**

Direct dial: 03 9321 7832  
Direct email: randerson@rigbycooke.com.au  
Page: 1/2

5 October 2021

Yarra City Council  
C/o Strategic Planning  
PO Box 168  
RICHMOND VIC 3121

**By Email: strategicplanning@yarracity.vic.gov.au**

Dear Sir/Madam

### **Amendment C286 Yarra Planning Scheme**

We act on behalf of Porta Investments Pty Ltd (**Porta**), the owner of land at 224-256 Heidelberg Road, Fairfield (**Land**).

Amendment C286 to the Yarra Planning Scheme (**the Amendment**) will have a significant impact on the financial viability of the future development of the Land. Our client wishes to express a strong objection to the Amendment on the basis that the public open space contribution rate sought in the Amendment is excessive and not strategically justified.

### **The Amendment**

The Land is in the Fairfield sub-precinct in the Yarra Open Space Strategy 2020. Pursuant to the draft clause 22.12-3, a cash contribution equal to the amount specified in clause 53.01 is required for the Fairfield sub-precinct. The draft schedule to clause 53.01 specifies a public open space contribution of 10.1%. The public open space contribution is proposed to increase from 4.5% as is currently required by the schedule to clause 53.01 in the Yarra Planning Scheme.

This is a substantial and unprecedented increase which warrants a rigorous analysis to justify the quantum of the increase and the implications of that increase to all development in the entire municipality. The reports underpinning the Amendment analyse open space supply and future needs across the ten precincts. The analysis shows that there is significant variation in the amount of existing open space that exists within each precinct and a significant variation in the forecast population growth across the precincts. Notwithstanding this analysis, a "one size fits all" approach has been adopted with the proposal to apply a substantial public open space contribution to all development, irrespective of the supply of open space and future needs for open space within the vicinity of any development.

The analysis determines the need for public open space on a precinct basis, therefore, the contribution rates should also be applied on a precinct basis, rather than introducing a blanket rate where it cannot be demonstrated there is a nexus between the development and the contribution sought.

Our ref: **REA: 20211003**  
Your ref: **C286yara**

Letter to: Yarra City Council  
Page: 2/2

## Justification for a precinct approach

The Land is adjacent to, and close to, significant parklands and open space including Yarra Bend Park, Fairfield Park, TH Westfield Reserve, Hall Reserve, Fairlea West and Fairlea East Ovals. The Yarra Open Space Strategy Public Open Space Contributions Report dated December 2020 (**POS Contributions Report**) demonstrates that there is a substantial amount of open space in the south-east and north-east parts of the municipality and much lower levels of open space in the balance of the municipality.

Table 4.4 in the Yarra Open Space Strategy, Technical Report 2020 (**Technical Report**) shows that Fairfield-Alphington precinct has the highest amount of open space in absolute terms of any precinct (96.92 ha) as well as the highest forecast open space per capita in 2041 of any precinct (98 sq m per person). This compares with Collingwood which has the lowest amount of open space (0.34 ha) and the lowest forecast amount in 2041 (0.24 sq m per person). The POS Contributions Report and Technical Report reflect this variation in the open space provision by proposing additional open space and open space improvements in those parts of the municipality where the existing supply is low and where the forecast population change is high. The contribution rate should reflect the need for future open space land and improvements.

In the Panel Report for Amendment C148 to the Monash Planning Scheme dated 7 April 2020, the Panel considered an increase in public open space contributions from 5 per cent to 10 per cent. The Panel were critical of Council for not having an implementation plan which included the identification of precincts in which open space acquisitions are a priority with an indicative budget. Porta submits that this Amendment has the same shortcomings and more detailed work is required to properly consider the public open space contribution amount for each precinct.

## Substantial and unprecedented increase

The proposed public open space contribution of 10.1% far exceeds the rates currently being applied in other inner-city municipalities, including Boroondara (a standard 5% under section 18 of the *Subdivision Act 1988*), Stonnington (5-8% - determined based on where the subdivision is located), Maribyrnong (5.7% for subdivisions of 10 lots or greater), Whitehorse (4%), Darebin (2-5% - determined based on the number of allotments proposed).

Porta submits that the proposed 10.1% contribution is excessive and based on the analysis in the supporting documents to the Amendment, the public open space contribution for the Fairfield precinct should remain 4.5%.

Our client reserves the right to make further submissions and expand on this submission in relation to the Amendment

Please direct all future correspondence in relation to the Amendment to our office.

Yours faithfully



Rigby Cooke  
Lawyers



---

**WE CREATE  
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EXPERIENCES**

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ABN 56 308 101 445

**FOR PRESENT  
+ FUTURE  
GENERATIONS**

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

**By email to:    [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)**

Dear Sir/Madam

**SUBMISSION TO AMENDMENT C286 TO THE YARRA  
PLANNING SCHEME**

Beulah International Holdings Pty Ltd is under contract to purchase the land at 430 – 434 George Street Fitzroy.

Amendment C286 (**‘Amendment’**) seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide ‘flat rate’ is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

# BEULAH

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## WE CREATE TRANSFORMATIONAL SPACES + EXPERIENCES

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AUSTRALIA

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W BEULAHINTERNATIONAL.COM

ABN 56 308 101 445

## FOR PRESENT + FUTURE GENERATIONS

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved. The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand this submissions if the Amendment progresses to a Council meeting or Planning Panel.

Your sincerely

[REDACTED]

[REDACTED]

[REDACTED]



Salta Properties Pty Ltd  
ACN 005 011 049

Level 26, 35 Collins Street,  
Melbourne VIC 3000

GPO Box 1700,  
Melbourne VIC 3001  
Ph: 03 9673 1111  
Fax: 03 9673 1188

WWW.SALTA.COM.AU

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [sstrategicplanning@yarracity.vic.gov.au](mailto:sstrategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

#### AMENDMENT C286 TO THE YARRA PLANNING SCHEME – SUBMISSION

Salta Properties is the owner of multiple properties within the City of Yarra, including but not limited to the following: 647-649 Victoria Street, Abbotsford, 467-469 Church Street, Richmond, 249 Queens Parade, Clifton Hill

Amendment C286 ('Amendment') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on all subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might



otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand this submission if the Amendment progresses to a Council meeting

Your sincerely

**Salta Properties Pty Ltd**



# ZERO NINE

5 October 2021

105 Johnston Street  
Collingwood VIC  
3066

Coordinator – Strategic Planning  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121

Via email to strategicolanninci yarracity.vic.qov.au

Dear Sir/Madam

## Submission to Amendment C286 to the Yarra Planning Scheme 378 - 380 Smith Street, Collingwood

This submission is made on behalf of the owner ATJ Holdings Pty Ltd, in relation to the land at 378-380 Smith St, Collingwood. We thank Council for the opportunity to make this submission to Amendment C286 to the Yarra Planning Scheme.

As noted, ATJ Holdings Pty Ltd is the owner of the land at 378-380 Smith Street, Collingwood and reference is made to Planning Scheme Amendment C286 which is currently on public exhibition.

Based on our review of the amendment material we understand that it generally proposes to implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate for all subdivisions, more specifically applying an increase from the current 4.5% to 10.1%.

We object to the proposed increase in the public open space contributions on the following grounds:

- The proposed contribution rate of 10.1% is excessive, noting the existing rate of 4.1%, the existing rate of 5% in the Subdivision Act 1988, and the contributions within other Councils in metropolitan Melbourne.
- The City of Yarra is currently very well supplied with open spaces.
- The Strategy includes reliance of demand for open space by workers to justify the rate, which is unreasonable and inequitable.
- The strategic justification for the increase is flawed.
- Transitional arrangements should be included where the current 4.1% should apply to developments that were granted planning permission prior to the Gazettal of Amendment C286.

On this basis, we oppose Planning Scheme Amendment C286 and we look forward to being involved in the Amendment process moving forward.

Should the Amendment proceed to a Panel, we wish to appear before the Panel, present submissions and may call expert evidence.

Yours sincerely,

  
ZERO NINE Pty Ltd

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

**By email to: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)**

Dear Sir/Madam,

## **SUBMISSION TO AMENDMENT C286 TO THE YARRA PLANNING SCHEME**

Goldfields Richmond Pty Ltd is the owner of land at 587-593 Church Street, Richmond.

Amendment C286 ('**Amendment**') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

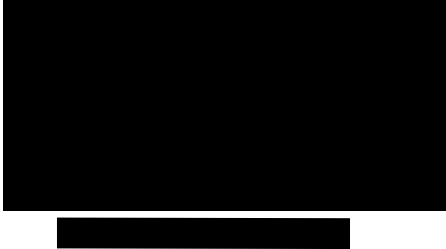
The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

Office 1.02, Level 1  
Building 5, 658 Church Street  
Richmond, VIC 3121  
[Goldfieldsgroup.com.au](http://Goldfieldsgroup.com.au)



For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand these submissions if the Amendment progresses to a Council meeting or Planning Panel.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.

Contact:  
Direct line:  
Email:  
Principal:  
Our Ref:

DHS:LE:211478



5 October 2021

Yarra City Council  
*By email only: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)*

Dear Sir/Madam,

**288-295 Johnston Street, Abbotsford Vic 3067**  
**Re: Amendment C286**

---

We act on behalf of 288 Johnston Street Abbotsford Pty Ltd, the owner of 288-296 Johnston Street, Abbotsford ("subject site").

Our client has instructed us to make a submission in response to Amendment C286 to the Yarra Planning Scheme ("Planning Scheme"). Amendment 286 proposes to amend the Planning Scheme to prescribe a public open space contribution of 10%. This contribution would be set out at Clause 53.01 of the Planning Scheme.

Our client objects to the changes proposed by Amendment C286 and submits:

1. The increased levy will impact upon the future development of the municipality.
2. The methodology and documentation which underpins the amendment is flawed. It lacks strategic justification.
3. The amendment contains clause similar to those identified by the Panel which considered Amendment C148 to the Monash Planning Scheme.
4. In particular the amendments lacks detail on the proposed implementation save for the increasing levies and Councils amendment does not include an indicative landscape budget.
5. Our client opposes a blanket open space contribution for all land i.e. it does not distinguish between different development typologies and concessions associated with the provision of affordable housing.

For these reasons we request Council resolve to abandon its pursuits in respect of this amendment. We otherwise we request that the Council keep up informed of any developments in relation to the amendment including any referral to Panel for further consideration.

Yours faithfully  
**BEST HOOPER**

**Best Hooper Pty Ltd**

Level 9/451 Little Bourke Street  
Melbourne VIC 3000, Australia

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Law Courts 8010

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ACN 137 307 692  
288 0001\_211478 Page 82 of 126

5 October 2021

Strategic Planning Unit  
Yarra City Council  
PO Box 168  
Richmond Vic 3121  
By email:

Dear Sir/Madam,

N

**AMENDMENT C286 – YARRA PLANNING SCHEME**

GURNER™ currently has an interest in and is developing numerous properties within the City of Yarra, including the following:

- *1-57 Wellington Street, Collingwood* (major mixed-use development currently under construction).
- *2-12 Cambridge Street, Collingwood* (current approval for an apartment development)
- *23-33 Johnston Street, Collingwood* (major mixed-use development currently under construction).
- *368-374 Smith Street, Collingwood* (current approval for a mixed use development)
- *26-52 Queens Parade, North Fitzroy* (current approval for a major mixed-use development).
- *Rear of 26-52 Queens Parade, North Fitzroy* (current approval for a townhouse development).
- *81-89 Queens Parade, North Fitzroy* (current approval for a major mixed-use development).
- *85-91 Burnley Street and 26-34 Doonside Street, Richmond* (development plan for a major mixed-use development currently being prepared consistent with a recent site-specific planning scheme amendment).



ABN 64 754 223 432

MELBOURNE | 168 WILLIAMS RD | PRAHRAN, VIC 3181 | SYDNEY | 3 GOLDMAN LANE | DOUBLE BAY, NSW 2028  
WWW.GURNER.COM.AU | P: 03 9654 6222

We therefore have an interest in the above- proposed Planning Scheme Amendment C286yarr, which seeks to increase the applicable rate for public open space contributions required by the Planning Scheme from 4.5% to 10.1% across the City of Yarra, for both commercial and residential subdivisions, and to revise the associated Local Policy at clause 22.12 of the Planning Scheme.

We object to the proposed Planning Scheme Amendment based on the following concerns:

1. The lack of strategic justification for the proposed increase.
2. The excessive size of the proposed increase.
3. The inequities associated with applying a blanket rate across the whole municipality
4. The difficulties and inequities associated with providing land contributions over cash contributions on a site by site basis, as required in different areas of the municipality, including land contributions that meet the policy requirements.
5. The inequities and unfairness associated with applying the proposed increased rate to approved developments and developments that are under construction, including in the absence of any transitional provisions.

It is accepted that as population growth increases, the need for additional public open space likely will too, and acknowledged that there may be a need for incremental increases in rates of public open space contributions over time. The Amendment however proposes an excessive rate, which is more than double the current rate of 4.5%, and simply lacks sufficient justification.

Furthermore, a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne.

We request that the Council acknowledges receipt of this submission and trust that our concerns will be properly considered.

We would also like to be kept informed of the Council's consideration of our submission ahead of the presently listed Directions Hearing, as well as the time and date of the Directions Hearing, which we note from the Amendment Notice and Explanatory Report has been set down for the week of 8 November 2021.

Yours sincerely,

[Redacted Signature]



ABN 64 754 223 432

MELBOURNE | 168 WILLIAMS RD | PRAHRAN, VIC 3181 | SYDNEY | 3 GOLDMAN LANE | DOUBLE BAY, NSW 2028  
WWW.GURNER.COM.AU | P: 03 9654 6222

5 October 2021

**Attn: Strategic Planning**  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

**By email to:** [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

**Re: AMENDMENT C286 TO THE YARRA PLANNING SCHEME – SUBMISSION**

Victoria Gardens Retail Trust (VGRT), co-owned by Vicinity Centres and Salta Properties, is the owner of land at 620 Victoria Street, 53-77 Burnley Street and 1-9 Doonside Street, Richmond (Victoria Gardens Shopping Centre precinct).

Amendment C286 ('Amendment') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

This is particularly apparent having regard to VGRT's various landholdings at Victoria Gardens Shopping Centre precinct. The land is zoned Comprehensive Development Zone – Schedule 1 and Mixed Use Zone forms part of the broader strategic redevelopment of the area. The redevelopment of the area will occur in stages and proposes significant public realm upgrades, including areas of public open space, pocket courtyards and additional pedestrian connections, providing more direct linkages to the Yarra River Trail.

In addition to the volume of public realm improvements to be delivered through the redevelopment of this area, considerable public open space contributions for these landholdings have already been paid.

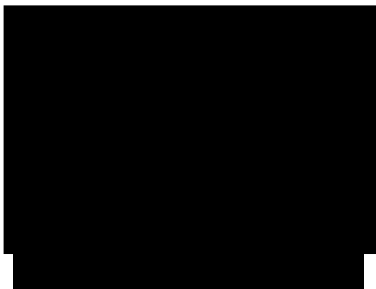
Accordingly, it is entirely unreasonable and unjust that this land would be caught by the blanket requirements of the Amendment.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned.

Yours sincerely



Vicinity Centres

5 October 2021

## LITTLE PROJECTS

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

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

Dear Sir/Madam

**Amendment C286 to the Yarra Planning Scheme**  
**Submission: LPC 10 Nominee Pty Ltd & LPC 30 Nominee Pty Ltd**

LPC 10 Nominee Pty Ltd is the owner of the land at 1 Little Lesney Street and 9 Wiltshire Street, Richmond.

LPC 30 Nominee Pty Ltd is the owner of the land at 9 – 15 Brighton Street, Richmond.

Amendment C286 ('**Amendment**') seeks to apply a 10.1% public open space contribution rate for the subdivision of "all land" within the municipality of Yarra.

The Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts; noting that the existing public open space contribution is applicable to residential subdivision only.

The proposed Amendment lacks the required analysis, justification and evidence that supports the notion that the demand for open space generated by employment uses is equivalent to the demand from residential uses.

The Amendment also fails to detail specific existing public open space arrangements made for strategic redevelopment sites. Similar to the earlier submissions made, due to the lack of a detailed analysis across the municipality to ascertain the particular public open space demands suburb to suburb, a 'one size fits all' rate has been applied and this is a fundamentally flawed approach.

For the abovementioned reasons we object to the proposed Amendment.

We trust that the concerns we have raised will be given proper consideration during the process. In the event that this matter proceeds to a Panel, we wish to appear before the Panel to present our submission. We also reserve our right to add to or amplify the grounds upon which we seek to rely at any hearing.

Should you wish to discuss this further please do not hesitate to contact the undersigned on [REDACTED]

Yours sincerely,

[REDACTED]





5 October 2021

Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

**AMENDMENT C286 TO THE YARRA PLANNING SCHEME – SUBMISSION**

Fenwick 84 Pty Ltd is the owner of land affected by Amendment C286 ('the Amendment') at **188-202 Swan Street, Richmond**. CostaFox Developments Pty Ltd has been instructed by the landowner to lodge this submission.

The Amendment seeks to apply a 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

A revised Local Policy associated with public open space contributions is also proposed.

Having reviewed the Amendment documentation and supporting information, we wish to confirm our objection and opposition to the Amendment.

Our grounds are summarised as follows:

- The proposed rate and extent of the increase is excessive.
- The lack of strategic justification for the increase.
- The use of a municipal wide 'flat rate' is without basis and contrary to most comparable municipalities within Metropolitan Melbourne.
- The need for provisions to offset the contributable amount where the particular circumstances justify it.
- The need for transitional provisions for development permits in place prior to gazettal of the Amendment.

In summary, the proposed rate is excessive and the blanket approach is without basis.

It is therefore submitted that Amendment C286 in its current exhibited form should be abandoned.

Your sincerely



CostaFox Developments Pty Ltd

**Strategic Planning**

Yarra City Council  
PO Box 168, Richmond  
VIC 3121

via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

5 October 2021

Attn: Strategic Planning

**RE: Submission to Planning Scheme Amendment C286 – Yarra Public Open Space Contribution**

Tract acts on behalf of JCL Prime Development Pty Ltd in regard to the above matter. JCL Prime Development Pty Ltd owns 15-33 Queens Parade, Clifton Hill.

Having received notice of the proposed Amendment C286 to the *Yarra Planning Scheme (Amendment)*, it is our client's position that the proposed public open space contribution flat rate of 10.1% is an inappropriate and unjustified increase from the current rate of 4.5%.

This letter sets out our reasons why the proposed increase is completely unjustified and the additional works we believe that is required of Council to propose *any* change to the current rate of 4.5%.

**Preliminary matters**

We understand that the intent of the Amendment is to:

- Replace the existing Clause 22.12 with a new Clause 22.12.
- Introduce the Yarra Open Space Strategy 2020 (YOSS) and supporting technical document as in Incorporated Document to the Scheme under Clause 72.08 Background Documents; and
- Amend the Schedule to Clause 53.01 to require all subdivisions to provide a public open space contribution at a rate of 10.1%.

On behalf of our client, we have reviewed the Amendment materials and provide the following comments for Council's consideration.

**Outdated Data**

Underpinning the need for public open space and the proposed contribution rate are population, housing and employment data for the City of Yarra. The YOSS is based on population forecasts over the next 15 years. However, this is clearly incorrect. The YOSS and proposed Clause 22.12 states that the open space needs assessment and directions are based on forecasts within the *Yarra Housing Strategy* and *Yarra Spatial Economic and Employment Strategy*. Both of these documents use data from the 2016 census, and subsequently the 15 years which the YOSS is based upon begins in 2016 (not 2020). This is best represented on page 87 of the YOSS. Therefore, it could be assumed that a significant proportion of the 40 per cent increase of the resident population and 47 per cent increase in the worker population for this 15-year period has already been accommodated for in recently built development sites.

It is unlikely this Amendment will be approved prior to mid-2022. Therefore, the increased contribution rate of 10.1% would unfairly apply to landowners who subdivide their land once the Amendment has been approved, although the population data which the increased contribution rate is based upon is from 2016 to 2031. Whilst it is accepted that planning scheme amendments cannot always utilise 'up to the moment' data, the changes proposed have a significant consequence on landowners across the municipality and to be utilising data that is 6-8 years old is unacceptable.

## Covid-19 Pandemic and 2021 Census

The COVID-19 Pandemic has dramatically changed how and where we work and residential demand across inner city suburbs.

The *Yarra Spatial Economic and Employment Strategy* forecasts a growth of 3,000 jobs annually over the next 15 years. Retail trade, professional services and health care are projected to grow most rapidly. Figure 16 of the Strategy forecasts the number of professional workers to significantly increase and this would explain the flow-on effects onto retail trade, health care and other professional services. Having regard to the worker population, the YOSS found that more than 80 per cent of workers visit public open space during the day.

Under the *Yarra Housing Strategy*, 52.6% of residents were new to their address in the last 5 years, 41.4% moved from elsewhere in Australia and 11.2% moved from overseas in 2016. Of the 41.4% that have come from elsewhere in Australia, it can be assumed that many in this group have also moved recently from overseas. Council has presumably used this existing residential pattern to estimate the population forecast for beyond 2016.

It is unrealistic to not consider the impact of the COVID-19 Pandemic on where we work and population forecasts. Most professionals have and will continue to work from home to some extent, and international migration, including international students to Australia has been paused for nearly two years. It is important that the YOSS considers how these critical issues affect worker and resident population in the future for the City of Yarra. The 2021 Census would provide up to date resident and worker population forecasts (as opposed to 2016 data) that reflects the impact of the COVID-19 Pandemic. The YOSS should use 2021 Census data once released in June 2022.

## Existing Public Open Space

The YOSS states the following:

*'13.5 per cent of the total area of the City of Yarra is public open space, including areas of significant biodiversity and bushland'.*

However, the *Yarra Housing Strategy* states the following:

*'In Yarra, 24% of land is zoned for public open space (Public Park and Recreation Zone) and community use (Public Use Zone and Special Use Zone). This includes the many parks and gardens in Yarra as well as community and education facilities. These areas provide spaces to relax, play, walk and cycle. They also support an abundance of trees, plants, animals and waterways that are essential to the local environment and biodiversity.'*

It is unclear how Council has arrived at the lesser figure of 13.5% for public open space and unlike the more accurate calculation of 24% of land zoned for public open space, it is unclear what land is included within

the 13.5%. This 24% presumably includes the largest regional public open space area within the inner eastern corridor, Yarra Bend Park, which is managed by Parks Victoria.

With 24% of land in the City of Yarra already zoned for public open space, the proposed public open space contribution rate of 10.1% is unjustified.

### **Funding only for Small Parks**

The Explanatory Report for Amendment C286 states the following:

*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 Open Space Framework on page 6 of the YOSS identifies the different open spaces across the municipality. Diagram B indicates that most open space within the municipality is Regional or City-Wide open space. Therefore, the proposed contribution will only be going towards the upgrade or establishment of local and small neighbourhood parks. The YOSS estimates that the total value of public open space contributions that Council will require within the next 15 years is \$382,535,769. This equates to \$25.5 million per year from 2016 to 2031. \$25.5 million per year to upgrade and establish local and small neighbourhood parks is an exorbitant amount and begs the question, is Council effectively and efficiently planning and constructing public open spaces.

### **Inappropriate and Unjustified Rate**

There is currently no municipality in Victoria that includes a Schedule to Clause 53.01 that requires a public open space contribution rate of 10.1% across the entire municipality.

While we acknowledge that some municipalities do require a 10% contribution or above, these rates are only applicable to site / precinct specific areas. Examples of these include: Mornington Peninsula (1 – 12%), Surf Coast (1-10%), Greater Geelong (3.1-10%), Whittlesea (0.8-11.3%), Casey (1.5-11%), Ballarat (5-10%), Wyndham (2-10%) and Greater Dandenong (5%, but a range of 10-20% for site specific areas).

Further, we note in Central Melbourne, which remains the fastest growing municipality in the State (and indeed the nation), the maximum rate applied to the urban renewal areas (Hoddle Grid, Southbank, Fishermans Bend, Arden-Macaulay, etc) is 7.06%.

A proposed blanket 10.1% contribution rate is unjustifiable as it overlooks significant site-specific contextual factors, such as easements and other site constraints that may affect yield of development. Without a clearer delineation between land and public open space cash contributions, this flat rate contribution may also lead to equity issues.

### **Negative Impact on Affordable Housing**

An increase to the current public open space contribution rate will add to the challenges of providing well built, quality affordable housing. The impact of the COVID-19 pandemic has led to shortages in building materials and supplies, and subsequently many developers, including our client are now met with increased costs associated with the construction of all new dwellings. Developers' margins are increasingly constrained under the current housing situation and any increase to the public open space contribution rate will ultimately be passed onto the end-purchaser and exacerbate the problem of (un)affordable housing across the City of Yarra.

### **Conclusion**

As discussed in our submission above, our client is of the strong view that an increase to the public open space contribution rate to 10.1% is unjustified by the City of Yarra. We recommend that Council review the Amendment against relevant population data, accurately measure existing public open space across the municipality, and most importantly clarify how, where and when the contributions will be used.

We are pleased to have had the opportunity to provide a submission on Amendment C286 to the *Yarra Planning Scheme*. Should you wish to discuss the above in further detail please contact me on [REDACTED]

Yours sincerely

[REDACTED]  
[REDACTED]

Tract  
[REDACTED]

**Strategic Planning**

Yarra City Council  
PO Box 168, Richmond  
VIC 3121

via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

5 October 2021

Attn: Strategic Planning

**RE: Submission to Planning Scheme Amendment C286 – Yarra Public Open Space Contribution**

Tract acts on behalf of Assembly House Pty Ltd in regards to the above matter. Assembly House Pty Ltd owns 28-30 Stephenson Street, Cremorne.

Having received notice of the proposed Amendment C286 to the *Yarra Planning Scheme (Amendment)*, it is our client's position that the proposed public open space contribution flat rate of 10.1% is an inappropriate and unjustified increase from the current rate of 4.5%.

This letter sets out our reasons why the proposed increase is completely unjustified and the additional works we believe that is required of Council to propose *any* change to the current rate of 4.5%.

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### Conclusion

As discussed in our submission above, our client is of the strong view that an increase to the public open space contribution rate to 10.1% is unjustified by the City of Yarra. We recommend that Council review the Amendment against relevant population data, accurately measure existing public open space across the municipality, and most importantly clarify how, where and when the contributions will be used.

We are pleased to have had the opportunity to provide a submission on Amendment C286 to the *Yarra Planning Scheme*. Should you wish to discuss the above in further detail please contact me on [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Tract

[REDACTED]

Aheron Investments Pty Ltd  
ABN: 48 215 863 118  
PO Box 313  
MOONEE PONDS VIC 3039

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

#### SUBMISSION TO AMENDMENT C286 TO THE YARRA PLANNING SCHEME

Aheron Investments Pty Ltd is the owner of land at 220-222A Johnston Street, and 153-155 & 161 Sackville Street, Collingwood.

Amendment C286 ('Amendment') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing a significantly higher rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

The Amendment requires further consideration, having regard to both the excessive rate proposed and the blanket approach taken in its application.

For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand upon this submission if the Amendment progresses to a Council meeting or Planning Panel.

Yours sincerely,

14



Aheron Investments Pty Ltd



Salta Properties Pty Ltd  
ACN 005 011 049

Level 26, 35 Collins Street,  
Melbourne VIC 3000

GPO Box 1700,  
Melbourne VIC 3001  
Ph: 03 9673 1111  
Fax: 03 9673 1188

WWW.SALTA.COM.AU

5 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [sstrategicplanning@yarracity.vic.gov.au](mailto:sstrategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

**AMENDMENT C286 TO THE YARRA PLANNING SCHEME – SUBMISSION  
VICTORIA GARDENS LAND HOLDINGS**

Salta Properties is one of the landowners at Victoria Gardens Richmond which includes principally all of the land subject to the Comprehensive Development Zone, Schedule 1 ('CDZ1') and other properties along Doonside Street.

Amendment C286 ('Amendment') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones such as the CDZ1 and comprehensive master planning that has been undertaken, is continuing and will provide significant public realm upgrades, including areas of public open space, pocket parks and additional pedestrian connections, providing more direct linkages to the Yarra River and Main Yarra River Trail.

In addition to the volume of public realm improvements to be delivered through the redevelopment of this land, Salta has already paid considerable public open space contributions historically and has met the relevant obligations under the Planning Scheme as it relates to public open space contributions. Accordingly, it is entirely unreasonable and unjust that this land would be further caught by the blanket requirements of the Amendment.



For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand this submission if the Amendment progresses to a Council meeting or Planning Panel.

Your sincerely

Salta Properties Pty Ltd



5 October 2021

3190287

  
Practice Leader, Strategic Planning  
City of Yarra  
C/o Strategic Planning  
PO Box 168  
Richmond  
VIC 3121  
Sent by email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Ms Van der Hoeven,

## **Amendment C286yara – Public Open Space Contribution Rate Submission**

Ethos Urban act on behalf of Development Victoria in relation to the currently exhibited Amendment C286yara.

Amendment C286yara seeks to implement the recommendations of the Yarra Open Space Strategy (2020) and update the public open space contribution rate for all subdivisions across the Municipality.

Ethos Urban have been engaged by Development Victoria as the lead planner for the significant Fitzroy Gasworks Urban Renewal site located at 433 Smith Street, North Fitzroy 3068. Having been directly involved in this site since 2019, we are aware of the strategic history of this site leading to its current status of lodgement of Background Technical Reports and the Development Plan in response to Development Plan Overlay Schedule 16 (DPO16) to the Responsible Authority - Department of Environment, Land, Water and Planning (DELWP).

Development Victoria have a number of concerns in relation to Amendment C286yara. This submission is made in response to the implications that this Amendment will have on the Fitzroy Gasworks site. Concerns can be grouped into the following key areas:

- 1. Planning history;**
- 2. Conflicting planning controls affecting the site;**
- 3. The public and net community benefit that will be gained from the redevelopment of this site;**
- 4. Council's approach to other Gazetted developer funded mechanisms – Amendment C238yara – Yarra Development Contributions Plan.**

All of which demonstrate that the Fitzroy Gasworks site should be excluded from the above Amendment in line with other Council wide developer contribution initiatives.

### **1. Planning History**

Extensive engagement on the future of this site has occurred with Council, Referral Authorities and the community since Development Victoria initiated this project in 2016. Throughout this process, one of the many key elements to be drawn from feedback received, and a significant driver in the development of this precinct, has been the importance of the inclusion of open space and recreation.

Such information was incorporated into the draft Master Plan and subsequent Planning Scheme Amendment C243yara, which rezoned the site from Public Use Zone 1 (Service and Utility) (PUZ1) and Commercial 2 Zone (C2Z) to Mixed Use Zone (MUZ) and Public Use Zone 2 (Education) (PUZ2), introduced Schedule 16 to the Development Plan Overlay (DPO16), applied an Environmental Audit Overlay (EAO) to the land and amended the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority. This Planning Scheme

Amendment was Gazetted on 19<sup>th</sup> July 2018 and has formed the basis for the design of the current Development Plan to be submitted to DELWP.

## **2. Conflicting planning controls affecting the site**

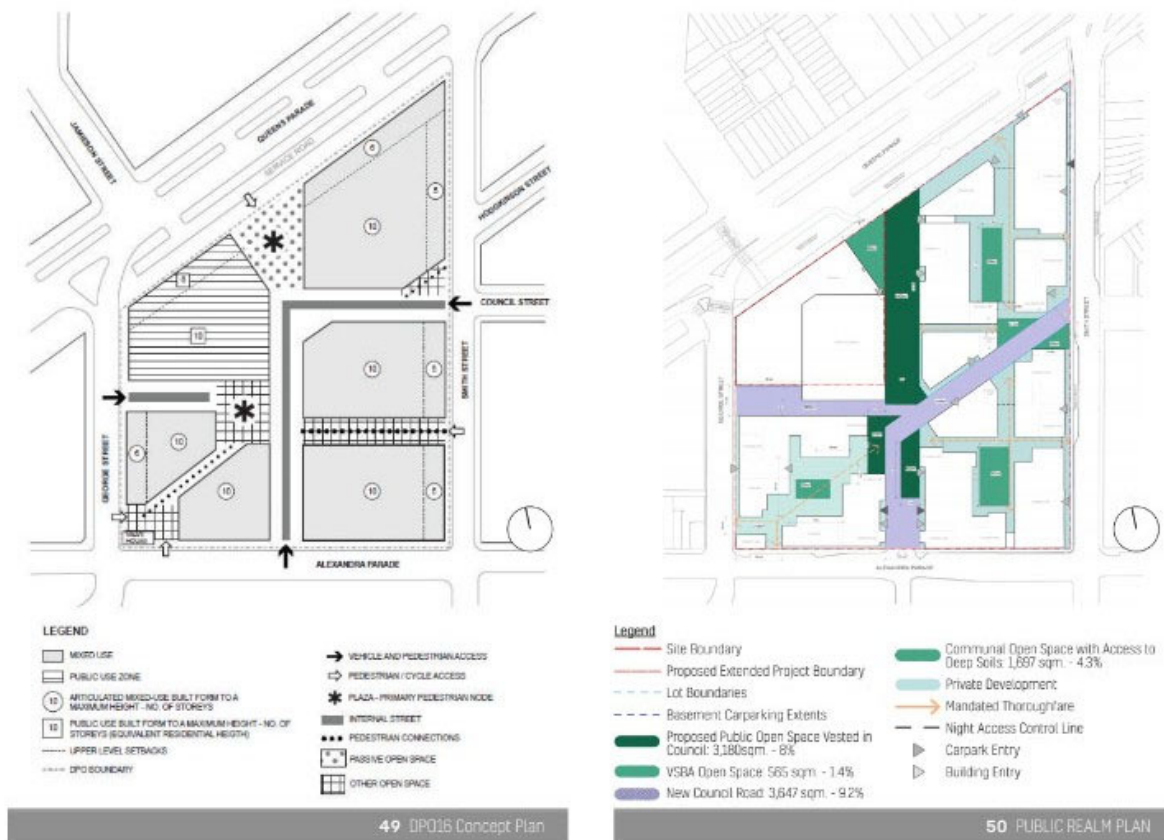
Section 3.0 (Requirements for a Development Plan) of DPO16 provides a prescriptive list of mandatory design and land use requirements to be incorporated into the Development Plan for this site. This includes “a *minimum of 8% of the site to be provided as public open space*.” Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) of Amendment C286yara proposes to increase the current public open space contribution rate from 4.5% to 10.1% across all land within the Municipality in order to collect funds to support the implementation of the Yarra Open Space Strategy 2020.

Although applying a blanket approach to the entire Municipality provides certainty, consistency and an equitable approach to collect contributions, this appears to contradict other mechanisms currently in the Yarra Planning Scheme, such as DPO16, that has already gone through a rigorous strategic planning exercise to determine the minimum 8% requirement. Given the significant progress that has been made to the overall design of the development plan for this site, in consultation with Council, to now apply an additional 2.1% public open space contribution requirement on top of that stipulated in DPO16 is unreasonable and an unnecessarily complex additional layer of control.

As can be seen from Figure 1: Public Realm Plan extract of the Development Plan on the following page, Development Victoria propose to provide ample public open space throughout the Fitzroy Gasworks precinct. A generous centrallinear open space area is proposed to be vested in Council (constituting approximately 3,180sqm / 8% of the total site area, as required by DPO16); in addition, the Development Plan will also incorporate a 565sqm / 1.4% open space area to be maintained by VSBA; a communal open space area of 1,697sqm / 4.3% and multiple opportunities for extensive landscaping throughout via the new Council Road 3,647sqm / 9.2% and various pedestrian links.

Existing underground utilities restrict any further landscaping opportunities due to deep soil requirements.

In providing this justification, the Yarra Open Space Strategy 2020 has been referenced.



**Figure 1: Extract from Fitzroy Gasworks Development Plan**

The proposed open space plan included on page 27 for the Fitzroy North Precinct within the 2020 Strategy notes the requirements of the DPO for the Fitzroy Gasworks site that 8% be provided as public open space, yet funding implementation on page 30 recommends a blanket 10% rate be applied across the Municipality. This appears to be an oversight of the Strategy.

In addition, clause 56.05 of the Yarra Planning Scheme requires at least 95 per cent of dwellings to be located no more than 400 metres walkable distance from a local park.

The proposed linear open space will address the open space planning principles of the 2020 Strategy and will comply with the requirement for access to open space in the Yarra Planning Scheme.

### 3. The public and net community benefit that will be gained from the redevelopment of this site

Clause 71.02-1 (Purpose of the Planning Policy Framework) states that the “*Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*”

In determining whether there will be an overall net community benefit, decision makers need to assess all positive and possible negative implications of the decision.

In this context, through remediation of what would ultimately have been an unused, under-utilised site, to that of a Green Star Energy Rating, vibrant, mixed-use precinct with approximately 1,200 new apartments (20% of which will be affordable housing); ground floor mixed-use tenancies; re-development of an existing heritage listed building to create a community heart; vast open space throughout; in addition to a new senior high school and sports facility for the area, an increase in net community benefit to both the precinct and surrounding local area will ultimately be provided.

### 4. Council’s approach to other Gazetted developer funded mechanisms – Amendment C238yara Yarra Development Contributions Plan

Amendment C238yarr was Gazetted on 1st February 2021 and implemented the municipal-wide Yarra Development Contributions Plan 2017. Section 4.0 of the Development Contributions Plan Overlay Schedule 1 (DCPO1) states *Land or development excluded from development contributions plan*, and specifies that Land at 111 Queens Parade and 433 Smith Street, Fitzroy North bound by Smith Street, Queens Parade, George Street and Alexandra Parade that is subject to Clause 43.04 – Development Plan Overlay Schedule 16 i.e. the Fitzroy Gasworks site, is excluded from the requirements of this plan.

The Fitzroy Gasworks site was excluded from this requirement due to the significant infrastructure contribution already being invested by Development Victoria upfront prior to any precinct within the overall site being developed. At the time this Amendment was under preparation, Development Victoria and Council negotiated this reasonable outcome. We respectfully request a similar approach be made to Amendment C286yara now in question.

### Conclusion

We trust that the above submission provides reasonable justification that the public open space area as defined in DPO16 and designed through the Fitzroy Gasworks Development Plan is an acceptable outcome for this significant site and no additional monetary value in addition to this land contribution is required to be made.

It is therefore respectfully requested that land bound by DPO16 Fitzroy Gasworks be exempt from the requirements of Amendment C286yara public open space contributions and wording similar to Amendment C238yara be applied to this effect.

Development Victoria welcome the opportunity to continue discussions with DELWP, Council and other relevant stakeholders with regards to this matter to ensure a reasonable and equitable result for all.

Please do not hesitate to contact me to discuss any details of this matter.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.



From: [REDACTED]  
Sent: Tuesday, 5 October 2021 11:21 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Hi,

I am a plotter at the Collingwood Community Gardens. Here is a perfect place for you to support us and stop the Children's Farm from locking us out! Allocation of plots has been left and not allocated to the Community! There are many vacant plots being left to grow weeds. Really disgusting behavior by the Children's Farm COM.

This is a current piece of land ready to be 100% utilized by the growing Community. Put your future vision in place by starting here! Get more of the Community into the plots.

One very unhappy Yarra resident!

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Friday, 17 September 2021 2:28 PM  
**To:** [mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>](mailto:mbxStrategicPlanning@yarracity.vic.gov.au)  
**Subject:** Support of Increase

You don't often get email from [REDACTED]. [Learn why this is important](#)

**Dear CoY council.**

**I [REDACTED], both live and work in the CoY.**

**I support the increase in development tax.**

**Developers and subdivors should be held to a higher account and should have to provide a higher contribution.**

"Under the Amendment, any development in the City of Yarra that subdivides land would be required to provide a contribution to public open space at a rate of 10.1%.

This is more than double the current rate, which is 4.5%.The Amendment also updates Clause 22.12 which provides guidance on the collection of open space contributions."

**I do also stress that Council should be doing more to make sure new apartment complexes are built further back from the street, and should require communal green space for residents. No more concrete buildings with no space. there needs to be better approvals and management of this. Very sad that the clifton hill has been developed the way it is especially after so much fighting from the local community.**

**Thank you**  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 2:37 PM  
**To:** mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
**Subject:** Developers Tax Support

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom this may concern,

I would like to put in my support for the initiative of placing a 10% tax on developers in the area to go towards public open space.

---

I am a resident and I think this approach would be very successful in mitigating developers who do not care about the quality of the broader Yarra City and the impact their development/s have on the area.

More public open space is essential for a better quality of life.

Regards,

[REDACTED]

# CHAPTER<sup>®</sup> GROUP

6 October 2021

Attn: Strategic Planning  
Yarra City Council  
PO Box 168  
RICHMOND VIC 3121

By email to: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

Dear Sir/Madam

## **SUBMISSION TO AMENDMENT C286 TO THE YARRA PLANNING SCHEME**

ACC Smith Street Pty Limited is the owner of land at 411-421 Smith Street, Fitzroy. Amendment C286 ('**Amendment**') seeks to apply a blanket 10.1% public open space contribution rate to all subdivision within the municipality of Yarra. It follows that the Amendment, if approved, will affect any future development of our land.

It is accepted that as population growth increases, the need for additional public open space likely will too. Accordingly, there may be a need for incremental increases in rates of public open space contributions over time. However, the Amendment proposes an excessive rate, which is more than double the current rate of 4.5%, and as a municipal wide 'flat rate' is contrary to most comparable municipalities within Metropolitan Melbourne. The Amendment lacks sufficient justification for such a significant increase.

Moreover, at present, public open space contributions are only applicable to residential subdivisions. The Amendment seeks to impose the obligation on *all* subdivisions, with no distinction between residential / commercial / industrial subdivisions, and no differentiation between suburbs or precincts.

In practice, this means that an industrial development in Abbotsford will attract public open space contributions at the same rate as a residential development in Richmond. This approach is nonsensical. There is simply no evidence to suggest that the demand for open space generated by employment uses is equivalent to the demand from residential uses. The documents exhibited with the Amendment fail to provide sufficient analysis or justification for applying an equivalent rate to employment-related subdivisions.

The Amendment also fails to provide bespoke arrangements for strategic redevelopment sites or land within special purpose zones. Applying a 'one size fits all' rate is a fundamentally flawed approach, and one which should not be further considered.

The flow-on effect of introducing such an exorbitant rate is that development costs are increased, which in turn undermines affordability for end users. Alternatively, it means that land which might otherwise have been developed sits dormant, and aspirations for housing density and diversity remain unachieved.

The Amendment needs to be seriously reconsidered, having regard to both the excessive rate proposed and the blanket approach taken in its application. For the foregoing reasons, we submit that Amendment C286 in its current exhibited form should be abandoned. We reserve the right to add to, vary or expand this submissions if the Amendment progresses to a Council meeting or Planning Panel.

# CHAPTER® GROUP

Your sincerely

[Redacted Signature]

Chapter Group



70 Jolimont Street  
Jolimont VIC 3002  
GPO Box 1614  
Melbourne VIC 3001  
t (03) 9280 8200  
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hia.com.au

5 October 2021

Amendment C286yara  
City of Yarra  
Via email: [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au)

## **PROPOSED CITY OF YARRA PLANNING SCHEME AMENDMENT C286yara**

Thank you for the opportunity to comment on proposed Amendment C286yara by the City of Yarra to update the public open space contribution rate. HIA objects to Amendment C286yara for the reasons outlined in this submission.

### *Overview*

The Housing Industry Association (HIA) is Australia's peak residential building industry association. HIA members comprise a diversity of residential builders, including all Top 100 buildings, all major building industry manufacturers and suppliers, as well as developers, small to medium builder members, contractors and consultants to the industry. In total, HIA members construct over 85% of the nation's new housing stock.

HIA exists to service the businesses it represents, lobby for the best possible business environment for building industry and to encourage a responsible and quality driven, affordable residential building and development industry. HIA is committed to working with all sectors of government to support a regulatory environment that facilitates growth in the economy, reduces red tape, and enable the delivery of affordable housing.

### *HIA Response Letter*

## **Projected population rise**

HIA notes council's projection that *"for the period between 2016 and 2031, which is the time period for the data used in preparing the Strategy, the forecast population will increase by over 77,000 people, which represents a 41 per cent increase in the number of residents"*.

HIA questions the veracity of such a significant growth projection in the City of Yarra on two fronts, firstly the short term effect on population growth from the Covid-19 pandemic; and secondly what is driving substantial population growth in the City of Yarra to 2031?

According to the July 2021 report *Strategic Transport Modelling Outcomes* by Arup and AECOM to support the development of *Victoria's infrastructure strategy 2021-2051*, committed major transport projects/upgrades by 2036 (and out to 2051) show marginal population growth in inner Melbourne compared to the middle, outer and growth areas. The report suggests as transport projects roll out and reduce travel times across Melbourne, particularly to traditionally strong employment destinations in inner Melbourne, more people will chose to permanently reside further out with access to lower cost housing.

HIA would like to understand the currency of the 41% population increase between 2016 and 2031 in the context of both the Covid-19 pandemic and the projections of the transport modelling to 2036 on Melbourne's population growth in the context of increasing the existing public open space contribution rate.

### **Not consistent with Section 18 of the Subdivision Act 1988**

HIA does not support the proposed Schedule to Clause 53.01 as part of Amendment C286yara, proposing that subdivisions are required to provide a public open space contribution at a rate of 10.1%. It is considered that the proposed Schedule represents a move away from the proportionate approach to levying public open space contributions at 4.5% that is currently in place in the City of Yarra.

HIA objects to the proposed amendment as it sets a public open space contribution rate above the maximum 5% pursuant to Section 18 of the Subdivision Act 1988. The proposed mandatory 10.1% to all subdivisions of 3 lots or more, apply regardless of the differences in 'need' within the municipality would set an undesirable precedent.

### **Not proven under the 'need' and 'nexus' principles**

HIA believes the setting of public open space rates through Clause 53.01 of the planning scheme should be cognisant of Section 18 of the Subdivision Act 1988. Specifically, HIA considers that given Council has proposed this amendment, at a minimum it should be justified or tested against the 'need' and 'nexus' principles for public open space contributions. Further, HIA believes to differentiate the need generated by different types of development across the municipality.

According to the August 2021 report *Development Contributions: How should we pay for new local infrastructure* by the National Housing Finance and Investment Corporation (NHFC), developer contribution funds are increasingly being used for social infrastructure with no clear nexus to development, as opposed to local essential infrastructure.

The NHFC report states *"If the scope of developer charges doesn't have a clear nexus to the new housing development or costs aren't apportioned appropriately between the beneficiaries of the local infrastructure, developer contributions ultimately can act like a tax and discourage development."*

*"Funding a much wider array of social infrastructure through developer contributions deliver broader community benefits but confer fewer clear, direct and immediate private benefits to new home buyers. This means developer contributions increasingly act like a tax on new housing, which can impede new housing supply and reduce housing affordability for buyers and renters."*

### **Erosion of housing affordability from development contribution escalation**

Indicative case studies sourced by NHFC show that developer contributions can ultimately amount to between \$37,000 and \$77,000 per dwelling in Victoria, which is a substantial cost levied on a new home. Increasing the open space provision from 4.5% to 10.1% in the City of Yarra would contribute to the cumulative impact of this ultimate charge and would be eroding housing affordability in the City of Yarra.

### **Legacy contribution land makes to capital works spending**

Using and increasing the development contribution scheme to generate funding above the maximum 5% pursuant to Section 18 of the Subdivision Act 1988 is a clear case of "double dipping" when considering the legacy contribution that land makes to capital works spending via rate collections. Land has been taxed by councils for decades with a significant proportion (e.g. one third) of this revenue being dedicated to capital works spending. Therefore increasing the open space contribution from 4.5% to 10.1% to boost the capital works budget is adding a hefty levy to what is already heavily taxed land towards capital works expenditure.

## **Undermining urban consolidation policies**

The proposed amendment raises implications for achieving urban consolidation and reducing the housing affordability problem in inner Melbourne. HIA is concerned that excessive open space contribution rates will increase land development costs and be a cost disadvantage for the more intensive redevelopment of existing urban areas. This is inconsistent with State and Local Planning Policy for urban consolidation and the provision of housing that is affordable.

## **Borrowing is another way to secure open space funding**

The NHIFC report indicates “aversion to debt” by councils is one of a few factors putting more pressure on the development contribution system to raise revenue. On 6 September, the Victorian Government via Acting Minister for Local Government Mary-Anne Thomas announced the new *Local Council Lending Framework*, giving councils access to lower interest rates financed through the Treasury Corporation of Victoria (TCV).

Under the lending framework councils will be able to access borrowings from TCV for general working capital requirements, in addition to project-specific infrastructure investment purposes. “Being able to borrow directly from the TCV will help councils to fund general working capital needs as well as project-specific infrastructure.”

Borrowing is another platform council can use to generate funding above the current public open space contribution rate to purchase land for future provision of open space.

In conclusion, HIA objects to Amendment C286yara for the following reasons:

- Whether projected population rise in the City of Yarra is a legitimate driver for acquiring funding in excess of the existing levy for public open space given the impact of the Covid-19 pandemic and major transport project modelling for Infrastructure Victoria.
- Increasing the public open space contribution rate to 10.1% is inconsistent with the maximum 5% pursuant to Section 18 of the Subdivision Act 1988.
- The proposed levy increase is not proven to meet the ‘need’ and ‘nexus’ principles for development contributions.
- An increase adds to the issue of eroding housing affordability in the City of Yarra.
- An increase disregards the legacy contribution that land has made to the capital works budget over previous decades through rates collections.
- An increase undermines motivation to deliver on urban consolidation policies due to the rising cost of development.
- Borrowing is another way council can secure appropriate funding to purchase land for public open space.

HIA will watch with interest the progress of this amendment. Please do not hesitate to contact [REDACTED] [REDACTED] [REDACTED] should you require anything further.

Yours sincerely

[REDACTED]

**HOUSING INDUSTRY ASSOCIATION LIMITED**





05 October 2021

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

Via Email to: [strategicplanning@yarractiy.vic.gov.au](mailto:strategicplanning@yarractiy.vic.gov.au)  
[info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au)

Dear Sir / Madam

**Amendment C286 to the Yarra Planning Scheme – Submission**

Piccolo Investment Group Pty Ltd is the purchaser of the land at 371-385 Gore Street and 195-197 Argyle Street, Fitzroy, settlement occurring in early 2022. We are in the process of preparing an application for the site's redevelopment and therefore have an interest in the subject Planning Scheme Amendment.

In this regard, we note that the Amendment seeks to increase the applicable Planning Scheme rate for public open space contributions from the current 4.5% to 10.1%. It follows that the Amendment, if approved, will affect any future development of our land. A revised Local Policy associated with public open space contributions is also proposed.

Having sought advice in relation to the Amendment, we confirm our objection and the grounds for our objection are:

- The Amendment introduces as municipal wide 'flat rate', it is contrary to most comparable municipalities within Metropolitan Melbourne.
- The Amendment proposes an increase that is more than double the current rate of 4.5%. The size of the proposed increase is excessive and there is a lack of sufficient strategic justification for such a significant increase.
- The Amendment fails to identify any circumstances that may require special considerations, and there is a need for provisions to offset the contributable amount where the particular circumstances justify it.
- The Amendment, if approved, would result in a significant increase in development costs, which in turn undermines the feasibility of current projects. As such, the Amendment should include transitional provisions for any applications lodged with the Council prior to any Amendment being gazetted.

It is also noted Clause 53.01 of Planning Scheme sets out exemptions from public open space requirements, and this includes the subdivision of existing commercial buildings. Therefore a newly constructed commercial building that is subdivided on completion is exempt, however the background documentation and the proposed local policy refers to all subdivisions, with no distinction between residential and existing or new commercial / industrial buildings.



It is also noted that what is proposed is a blanket contribution rate for the whole of the municipality where there are areas that enjoy better supply of public open space to others, and areas that have a commercial rather than residential character.

We trust these grounds for objection will be properly considered, and our intention is to ventilate the issues at the forthcoming Panel Hearing.

We would also like to be kept informed of Council's consideration of the submissions.

Regards,



Piccolo Investment Group Pty Ltd  
Level 5, 5 John Street,  
South Melbourne VIC 3205





5 October 2021

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

[info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au)

**CONSULTING SURVEYORS VICTORIA SUBMISSION  
AMENDMENT C286yarr  
YARRA PLANNING SCHEME**

Consulting Surveyors Victoria (CSV) is the industry body representing the businesses which employ the great majority of Licensed Surveyors in this state (refer to appendix 1 for details of our association). This association and its members have a keen interest in all matters related to subdivision activities in Victoria.

CSV was one of the major stakeholders involved in development and implementation of the Subdivision Act 1988 and a number of our Board members have intimate knowledge of the background and process involved therein. A key component of transition from subdivision under the Local Government Act 1958 to subdivision under the Subdivision Act 1988 was to clearly define the requirements for provision of public open space and the valuation of land for monetary payment for an open space contribution (refer to appendix 1 for additional relevant commentary).

We believe this association is well placed to comment on proposals such as this proposed amendment. In many instances, as is the case with this submission, our members do not derive any direct benefit (or detriment), from the matters raised in our submissions, rather we voice matters for consideration on the intent of relevant legislation, equity and potential unforeseen consequences of some proposals.

Amendment C286yarr proposes a new schedule to Clause 53.01 introducing a flat 10.1% open space contribution rate on subdivisions of all land within the scheme, primarily based on the reference document titled '*Yarra Open Space Strategy*'

**SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION**

**Subdivision and public open space contribution**

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

CSV does not consider it has the expertise or resources to comment on the validity or otherwise of the extensive work undertaken for the Yarra Open Space Strategy which provides the justification for the proposed open space contribution of 10.1%. Accordingly, this submission is restricted to commentary on ensuring that the Schedule to Clause 53.01 is fair and reasonable and properly deals with the matters of need, nexus, accountability and equity.

We note the following highlighted commentary in relation to part 2.3 of the Yarra Open Space Strategy:

## 2.3 Considerations in setting the public open space contribution rate

Planning Practice Note 70: Open Space Strategies supports financial and resource planning and the use of public open space contributions as part of a strategy implementation plan. It does not provide specific guidance in terms of setting a contribution rate.

Planning Panels have confirmed that setting a rate in the schedule to Clause 53.01 should be fair and reasonable and have regard to the principles of need, nexus, accountability and equity.

The new public open space contribution rate is consistent with these principles in the following ways:

- The public open space contribution rate is linked to Council's strategic assessment and forward planning of its open space program. *Accepted*
- The Council is able to strategically plan its open space program over 15 years. The open space projects included in the contribution rate provide an implementation guide to the timely expansion and upgrade of the open space network. *Accepted*
- The rate is uniform across the municipality providing consistency, policy neutrality and perceived equity. *Some concerns*
- There is financial accountability regarding the public open space levy to be paid for a particular piece of land. *Some concerns*
- Contributions are collected, allocated and accounted for in the Council's budget process and Annual Report. *Accepted*

The single public open space contribution rate is considered to meet the equity simplicity about what the rate will be. All subdivisions are treated equally, the principles of need, nexus, accountability and equity having been established in the setting of the rate. *Not Accepted*

This Association believes that the basic tenet of Section 18 (1A) of the Subdivision Act 1988 that '*Council may only make a public open space requirement if it considers that, as result of the subdivision, there will be a need for more open space*' should be part of any assessment/establishment of an open space contribution rate to apply under Section 18A: Requirement for public open space in planning scheme.

Section 18(1A) of the Subdivision Act states:

*The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to--*

- a) *the existing and proposed use or development of the land;*
  - b) *any likelihood that existing open space will be more intensively used after than before the subdivision;*
  - c) *any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;*
  - d) *whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;*
  - e) *how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;*
  - f) *any policies of the Council concerning the provision of places of public resort and recreation.*
- S. 18(1A) inserted by No. 48/1991 s. 14(2).*

At the time of introduction of the Subdivision (Miscellaneous Amendment) Act 1991, most Councils had no guidelines or policies relating to public open space. The guidelines issued for the administration of the changes to the Subdivision Act suggested that, as Section 18(1A)(f) provided for Councils to refer to policies when taking public open space, they should

consider establishing policies that have regard to the merits of a subdivision rather than the mere fact that a subdivision is to take place.

CSV believes any provision under Clause 53.01 should recognise that not every subdivision is for development purposes and the Clause should provide an opportunity for flexibility for either applicants or councils. Without a degree of flexibility, unforeseen implications, such as a relatively simple boundary re-alignment between neighbours\* requiring payment of a levy or stifling of innovation in design when a requirement cannot be varied in individual or exceptional circumstances even if all parties were to agree. (\*It is not uncommon for a relatively straight forward boundary re-alignment to not meet the standard planning permit exemption criteria).

We also note the proposed schedule to Clause 53.01 removes any ability for Council to assess an application on its merits and take into consideration how a particular development may have addressed the objectives of the open space strategy. It includes no consideration of the current and proposed land use and existing title configuration or how that may impact on the need generated for open space. We are particularly concerned that there will be no provision for consideration of existing land parcels, where for instance a re-subdivision of four existing lots into an equal or lesser number of lots may occur but would be subject to a mandatory open space contribution, when the re-subdivision may not create any need for additional open space.

We note that the Banyule Planning Scheme in its Schedule to Clause 53.01 (see Appendix 2) provides recognition and provision for the concerns we raised above, and we believe similar provisions should be included in any Schedule approved under this amendment.

For the reasons outlined above this association does not support this proposed amendment in its current context and strongly argues that any amendment to the schedule to Clause 53.01 should include provisions similar to those in the Banyule Planning Scheme schedule or alternative provisions that properly address the need, nexus, accountability and equity that may be applicable to some subdivisions.

Yours Faithfully,



Attachments

*Appendix 1 Yarra C286yarr 2021 10*

*Appendix 2 53\_01s\_banyule schedule*

## CONSULTING SURVEYORS VICTORIA

Consulting Surveyors Victoria (CSV) (the trading name of the Association of Consulting Surveyors Victoria Inc.), established in 1976, currently represents 114 member firms that have as principals or employees the vast majority of Licensed Surveyors that produce, lodge for certification and manage the plans of subdivision that create the more than 30,000 titles (including both land and building parcels) that come into existence in Victoria each year. On that basis the association's members have a distinct interest in any proposals and actions that affect all types of development and subdivision activities across the whole of Victoria, with residential development being a major component of our member's involvement in Victoria's growth and vitality.

Our members' clients range from the largest of national and international development companies through to a 'mum and dad' individual 'developer', undertaking a once in a lifetime dual occupancy development of their family home. Accordingly, CSV is in a unique position to offer an informed and considered viewpoint in relation to impacts and equity of specific actions and requirements by Councils, Authorities and other stakeholders as part of the subdivision approval process.

This association was one of the major stakeholders involved in development and implementation of the Subdivision Act 1988 and a number of our Board members have intimate knowledge of the background and process involved therein. A key component of transition from subdivision under the Local Government Act 1958 to subdivision under the Subdivision Act 1988 was to clearly define the processes and requirements for all subdivisional activity in Victoria.

In many of its representations in relation to legislative and operational processes related to development and subdivision activities CSV does not act as a matter of financial benefit to our members, rather as a matter of ensuring fair and equitable actions by stakeholders towards subdivision applicants and maintenance of a standardised and legislative compliant subdivision process.

The Subdivision Act 1988 was introduced to consolidate the legislative processes of subdivision into a single act. The Act is one that primarily defines a process, relying on subordinate legislation and planning controls to establish standards.

The intentions regarding public open space were simply to incorporate existing practices contained within in the Local Government Act into the new Act. However, in adopting a plain English drafting style for the Subdivision Act a number of ambiguities arose that resulted in a considerable number of appeals in the early years following its introduction. This led to the Subdivisions (Miscellaneous Amendment) Act 1991.

It is our understanding that the need for amendments to public open space provisions of the Subdivision Act were considered necessary by Government to:

- resolve anomalies arising from the wording of the original Act that had resulted in Councils seeking contributions in circumstances where they would not previously have been obtained
- clarify the intention that a contribution to public open space be paid only once
- introduce objective provisions to clarify the circumstances under which a public open space requirement may be made, as adequate exemptions for boundary re-alignments, subdivisions of existing buildings and subdivisions to provide land for public authorities did not exist

- clarify the meaning of *"capable of further division"*

Prior to introducing these amendments, we believe the Minister considered removing all public open space provisions from the Subdivision Act and incorporating them into the planning system, however, we understand that due to the urgency resulting from an excessive number of claims for public open space contributions, it was decided to proceed with a "patch-up" of the Subdivision Act.

For this reason, the amendments to Section 18 introduced planning style tests to the circumstances under which public open space contributions could be taken.

27/05/2019  
C154bany

## SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

### 1.0

31/07/2018  
VC148

#### Subdivision and public open space contribution

Type or location of subdivision	Amount of contribution for public open space
A subdivision that creates more than one additional separately disposable parcel of land (unless otherwise specified in this table).	5%
A subdivision that does not create more than one additional separately disposable parcel of land.	0%
A subdivision that creates an additional separately disposable parcel of land, where a permit is not required for the subdivision.	0%



From: [REDACTED]  
Sent: Thursday, 7 October 2021 9:27 PM  
To: mbxStrategicPlanning <mbx.StrategicPlanning@yarracity.vic.gov.au>  
Subject: Amendment C286yara - submission

[REDACTED]

I realise that I have just missed the deadline but I hope my submission can be accepted.

I would support an increase in the levy up to 6.5%, but I oppose the very large increase proposed, more than double the current rate. The high cost of housing is a major problem in Yarra and this proposal puts an unfair burden on people wanting to live here. New developments will usually generate many more rateable households than existed prior to the development, so council automatically gets a revenue boost from new developments - we need more of them and should not be discouraging new developments with excessive burdens.

If the council needs further revenue for green space it should stop wasting so much potential income with its massive subsidies for car parking. Instead of slugging people struggling to buy a new home, charge a fair,

market rate for parking which would bring in tens of millions of dollars per year, plus would bring so many advantages of cleaner, greener and safer streets and a more sociable and liveable city as residents and visitors are nudged towards socially responsible and healthy active transport.

[REDACTED]

Richmond

[REDACTED]

**Strategic Planning**

Yarra City Council  
PO Box 168, Richmond  
VIC 3121

via email: [strategicplanning@yarracity.vic.gov.au](mailto:strategicplanning@yarracity.vic.gov.au)

8 October 2021

Attn: Strategic Planning

**RE: Submission to Planning Scheme Amendment C286 – Yarra Public Open Space Contribution**

Tract acts on behalf of DCF Developing Group Pty Ltd in regard to the above matter. DCF Developing Group Pty Ltd owns 398-400 Johnston Street, Abbotsford.

Having received notice of the proposed Amendment C286 to the *Yarra Planning Scheme (Amendment)*, it is our client's position that the proposed public open space contribution flat rate of 10.1% is an inappropriate and unjustified increase from the current rate of 4.5%.

This letter sets out our reasons why the proposed increase is completely unjustified and the additional works we believe that is required of Council to propose *any* change to the current rate of 4.5%.

**Preliminary matters**

We understand that the intent of the Amendment is to:

- Replace the existing Clause 22.12 with a new Clause 22.12.
- Introduce the Yarra Open Space Strategy 2020 (YOSS) and supporting technical document as in Incorporated Document to the Scheme under Clause 72.08 Background Documents; and
- Amend the Schedule to Clause 53.01 to require all subdivisions to provide a public open space contribution at a rate of 10.1%.

On behalf of our client, we have reviewed the Amendment materials and provide the following comments for Council's consideration.

**Outdated Data**

Underpinning the need for public open space and the proposed contribution rate are population, housing and employment data for the City of Yarra. The YOSS is based on population forecasts over the next 15 years. However, this is clearly incorrect. The YOSS and proposed Clause 22.12 states that the open space needs assessment and directions are based on forecasts within the *Yarra Housing Strategy* and *Yarra Spatial Economic and Employment Strategy*. Both of these documents use data from the 2016 census, and subsequently the 15 years which the YOSS is based upon begins in 2016 (not 2020). This is best represented on page 87 of the YOSS. Therefore, it could be assumed that a significant proportion of the 40 per cent increase of the resident population and 47 per cent increase in the worker population for this 15-year period has already been accommodated for in recently built development sites.

It is unlikely this Amendment will be approved prior to mid-2022. Therefore, the increased contribution rate of 10.1% would unfairly apply to landowners who subdivide their land once the Amendment has been approved, although the population data which the increased contribution rate is based upon is from 2016 to 2031. Whilst it is accepted that planning scheme amendments cannot always utilise 'up to the moment' data, the changes proposed have a significant consequence on landowners across the municipality and to be utilising data that is 6-8 years old is unacceptable.

## **Covid-19 Pandemic and 2021 Census**

The COVID-19 Pandemic has dramatically changed how and where we work and residential demand across inner city suburbs.

The *Yarra Spatial Economic and Employment Strategy* forecasts a growth of 3,000 jobs annually over the next 15 years. Retail trade, professional services and health care are projected to grow most rapidly. Figure 16 of the Strategy forecasts the number of professional workers to significantly increase and this would explain the flow-on effects onto retail trade, health care and other professional services. Having regard to the worker population, the YOSS found that more than 80 per cent of workers visit public open space during the day.

Under the *Yarra Housing Strategy*, 52.6% of residents were new to their address in the last 5 years, 41.4% moved from elsewhere in Australia and 11.2% moved from overseas in 2016. Of the 41.4% that have come from elsewhere in Australia, it can be assumed that many in this group have also moved recently from overseas. Council has presumably used this existing residential pattern to estimate the population forecast for beyond 2016.

It is unrealistic to not consider the impact of the COVID-19 Pandemic on where we work and population forecasts. Most professionals have and will continue to work from home to some extent, and international migration, including international students to Australia has been paused for nearly two years. It is important that the YOSS considers how these critical issues affect worker and resident population in the future for the City of Yarra. The 2021 Census would provide up to date resident and worker population forecasts (as opposed to 2016 data) that reflects the impact of the COVID-19 Pandemic. The YOSS should use 2021 Census data once released in June 2022.

## **Existing Public Open Space**

The YOSS states the following:

*'13.5 per cent of the total area of the City of Yarra is public open space, including areas of significant biodiversity and bushland'.*

However, the *Yarra Housing Strategy* states the following:

*'In Yarra, 24% of land is zoned for public open space (Public Park and Recreation Zone) and community use (Public Use Zone and Special Use Zone). This includes the many parks and gardens in Yarra as well as community and education facilities. These areas provide spaces to relax, play, walk and cycle. They also support an abundance of trees, plants, animals and waterways that are essential to the local environment and biodiversity.'*

It is unclear how Council has arrived at the lesser figure of 13.5% for public open space and unlike the more accurate calculation of 24% of land zoned for public open space, it is unclear what land is included within

the 13.5%. This 24% presumably includes the largest regional public open space area within the inner eastern corridor, Yarra Bend Park, which is managed by Parks Victoria.

With 24% of land in the City of Yarra already zoned for public open space, the proposed public open space contribution rate of 10.1% is unjustified.

### **Funding only for Small Parks**

The Explanatory Report for Amendment C286 states the following:

*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 Open Space Framework on page 6 of the YOSS identifies the different open spaces across the municipality. Diagram B indicates that most open space within the municipality is Regional or City-Wide open space. Therefore, the proposed contribution will only be going towards the upgrade or establishment of local and small neighbourhood parks. The YOSS estimates that the total value of public open space contributions that Council will require within the next 15 years is \$382,535,769. This equates to \$25.5 million per year from 2016 to 2031. \$25.5 million per year to upgrade and establish local and small neighbourhood parks is an exorbitant amount and begs the question, is Council effectively and efficiently planning and constructing public open spaces.

### **Inappropriate and Unjustified Rate**

There is currently no municipality in Victoria that includes a Schedule to Clause 53.01 that requires a public open space contribution rate of 10.1% across the entire municipality.

While we acknowledge that some municipalities do require a 10% contribution or above, these rates are only applicable to site / precinct specific areas. Examples of these include: Mornington Peninsula (1 – 12%), Surf Coast (1-10%), Greater Geelong (3.1-10%), Whittlesea (0.8-11.3%), Casey (1.5-11%), Ballarat (5-10%), Wyndham (2-10%) and Greater Dandenong (5%, but a range of 10-20% for site specific areas).

Further, we note in Central Melbourne, which remains the fastest growing municipality in the State (and indeed the nation), the maximum rate applied to the urban renewal areas (Hoddle Grid, Southbank, Fishermans Bend, Arden-Macaulay, etc) is 7.06%.

A proposed blanket 10.1% contribution rate is unjustifiable as it overlooks significant site-specific contextual factors, such as easements and other site constraints that may affect yield of development. Without a clearer delineation between land and public open space cash contributions, this flat rate contribution may also lead to equity issues.

### Negative Impact on Affordable Housing

An increase to the current public open space contribution rate will add to the challenges of providing well built, quality affordable housing. The impact of the COVID-19 pandemic has led to shortages in building materials and supplies, and subsequently many developers, including our client are now met with increased costs associated with the construction of all new dwellings. Developers' margins are increasingly constrained under the current housing situation and any increase to the public open space contribution rate will ultimately be passed onto the end-purchaser and exacerbate the problem of (un)affordable housing across the City of Yarra.

### Conclusion

As discussed in our submission above, our client is of the strong view that an increase to the public open space contribution rate to 10.1% is unjustified by the City of Yarra. We recommend that Council review the Amendment against relevant population data, accurately measure existing public open space across the municipality, and most importantly clarify how, where and when the contributions will be used.

We are pleased to have had the opportunity to provide a submission on Amendment C286 to the *Yarra Planning Scheme*. Should you wish to discuss the above in further detail please contact me on [REDACTED]

Yours sincerely

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