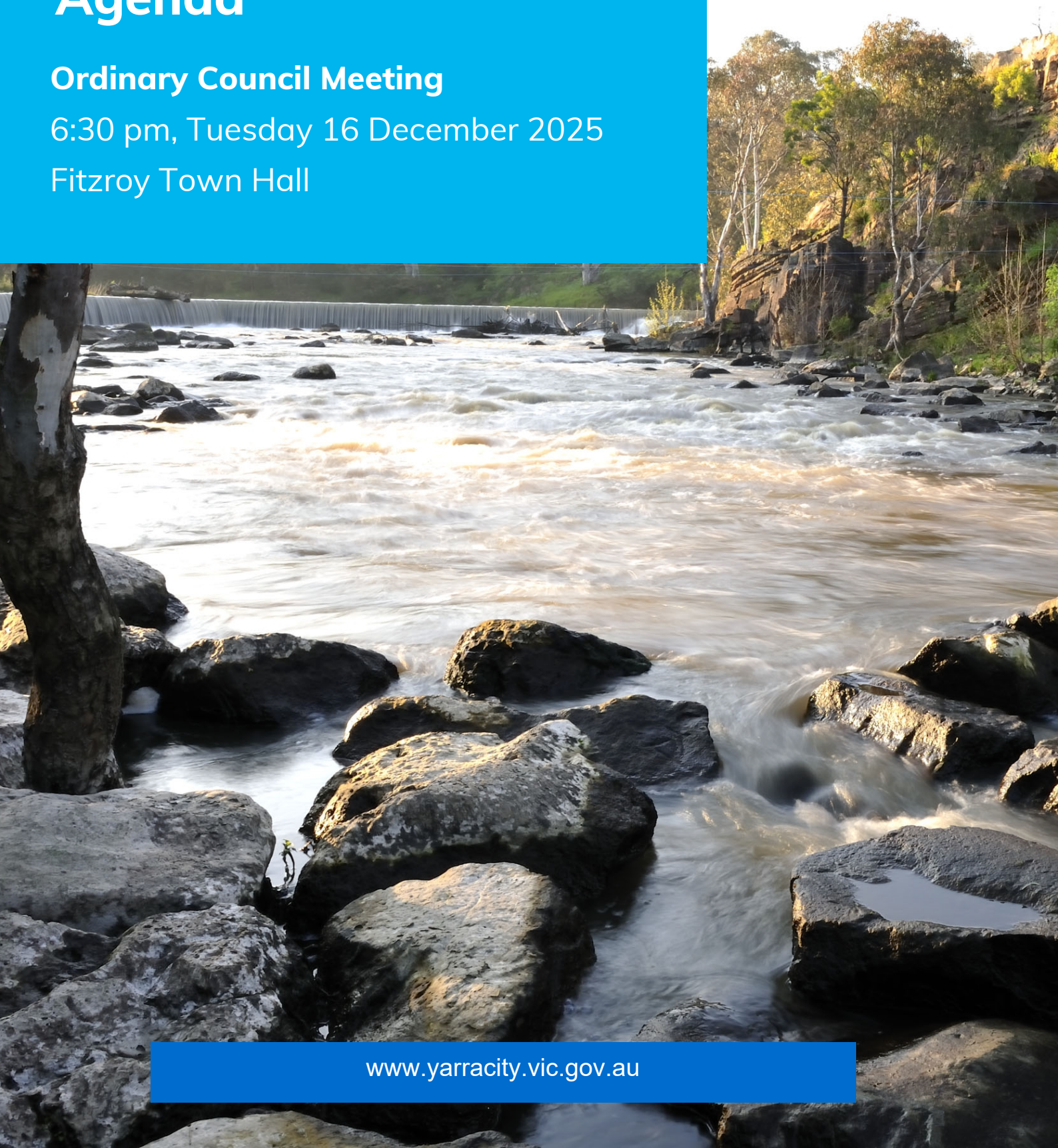
Agenda

Ordinary Council Meeting

6:30 pm, Tuesday 16 December 2025

Fitzroy Town Hall



www.yarracity.vic.gov.au

Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

Question Time

Yarra City Council welcomes questions from members of the community.

Asking your question

During Question Time, the Mayor will invite a person wishing to ask a question to come forward to the microphone.

Please:

- state your full name;
- direct your question to the Mayor;
- don't ask questions about matter listed on tonight's agenda;
- don't engage in debate; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

You may be asked to provide your contact details for the purpose of any necessary follow-up response to the matter raised.

Comments not allowed

A question may be disallowed by the Chair if the Chair determines that it:

- relates to a matter that is being considered by Council at this meeting;
- relates to something outside the powers of the Council;
- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deals with a subject matter already answered;
- is aimed at embarrassing a Councillor or a member of Council staff;
- includes or relate to confidential information; or
- relates to something that is subject to legal proceedings.

Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

Registration

To address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Arrangements to ensure our meetings are accessible to the public

Access to the building is available either by the stairs or lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to be seated at the table to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop;
- reconfiguring the room to facilitate access; and
- modification of meeting rules to allow you to participate more easily.

Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

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7.13. Planning permit trigger removals for businesses and permit exemptions in Heritage Overlays

Author Adam Quintiliani – Strategic Planner

Authoriser General Manager City Sustainability and Strategy

Executive Summary

The purpose of this report is for Council to:

- Consider the findings and recommendations of the analysis to remove planning permit triggers for business as part of Yarra's Cutting Red Tape - Supporting Local Businesses project and in response to the Notice of Motion No.14 resolved by Council 9 July 2024 Council Meeting.
- Consider exempting solar panels from planning permits in heritage overlays, subject to conditions in response to Notice of Motion No. 6 from 25 April 2025.
- Consider the proposed Amendment C334yara to the Yarra Planning Scheme.
- Note the context of the broader work program across Council regarding Yarra's Cutting Red Tape - Supporting Local Businesses project.

Officer Recommendation

That Council:

1. Adopt the proposed Amendment documentation in relation to C334yara at Attachments 1 to 6 as the general basis for the Amendment, subject to any changes required.
2. Request the Minister for Planning (the Minister) under the Planning and Environment Act 1987 (the Act), authorisation to prepare and exhibit the Amendment to the Yarra Planning Scheme under section 8A of the Act.
3. Exhibit the Amendment in accordance with sections 17, 18 and 19 of the Act, if authorisation is received; or 10 business days after the Minister receives the application.
4. Authorise the Manager City Strategy to make changes to the Amendment documentation as required to correct administrative errors, to meet any conditions of authorisation, or to meet the intent of the Council resolution.
5. Writes to the Minister for Planning and the Department of Transport and Planning requesting changes to the State planning provisions as outlined in the officers' report and SGS Pty Ltd Report *Supporting Local Businesses – Streamlining Planning Permit for City of Yarra dated 21 May 2025.*

History and background

1. Following engagement between Councillors, officers and several traders, Council resolved the Notice of Motion No.14 on the 9 July 2024 Council Meeting. It resolved:

   "*That Council:*

   (e) requests a report to a Council Meeting in the next six months that explores opportunities and advocacy avenues to streamline and simplify processes for local business, and support and promote local businesses and live music."

2. Following significant economic reforms by State Government, a report was presented to Council at the 11 February 2025 Council Meeting. Council resolved to proceed with further work to support a possible planning scheme amendment aimed at reducing planning permit triggers for businesses.

3. Officers engaged SGS Economics and Planning (SGS) to assist in identifying opportunities to reduce regulatory burden for small businesses in Yarra. (SGS Pty Ltd Report *Supporting Local Businesses – Streamlining Planning Permit for City of Yarra dated 21 May 2025*, **Attachment 1**).

4. In addition, Notice of Motion 6 from 25 April 2025 officers were asked amongst other items, to prepare a report regarding facilitating sustainability improvements in heritage overlay areas.

5. In response, officers investigated the potential to include a permit exemption for solar panels in the *Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay* (the Incorporated Plan).

6. Officers will continue to work on and report on other matters in this Notice of Motion separately.

Discussion

Supporting Local Business Project and Streamlining Planning Permits – SGS Report

7. SGS was asked to prepare a report that focused on:

   (a) Reducing the regulatory burden on local businesses by reviewing planning permit trigger requirements;

   (b) Identifying changes to the planning scheme to reduce permit triggers (where appropriate); and

   (c) Fast track permits that will have the most impact on small businesses in Yarra.

8. SGS reviewed four years of permit data and the eight case studies provided by Council and undertook consultation with Council's Statutory Planning and Economic Development Teams.

9. The SGS Report found that on average, 348 business/commercial related permits are submitted each year relating to change of use, new building, extension to buildings, demolition, liquor licensing (no longer required by Councils), signage, and car parking reductions.

10. Internal stakeholder workshops were also held to seek input from Council statutory planners into key opportunities for further reform. The internal stakeholder workshops found:
    (a) Signage applications are a key cause of workload and delay;
    (b) Heritage controls triggered a substantial number of planning applications;
    (c) Buildings and works applications for commercial buildings contribute to the number of applications; and
    (d) Applications for parking reductions contribute to workloads and delays, but these did not appear to be a “top of mind” issue for officers.
11. The SGS Report identified possible remedies that were open to Council to consider. These were grouped as follows:
    (a) Local changes;
    (b) Recent and pending State reforms;
    (c) Local VicSmart categories; and
    (d) Advocacy.
12. Changes to local provisions such as schedules to overlays were a key priority of the review, as they provide the most direct path for council to lighten burdens upon small business and can represent a duplication for permit triggers that are already contained within the relevant zone.
13. Next to local planning scheme change recommendations, the SGS Report could inform Council's advocacy position for further State reforms.

Local changes to the Yarra Planning Scheme

14. The SGS Report recommends Council explore permit exemptions for:
    (a) Business identification signs;
    (b) Rear additions and some changes to ground floor facades in the Design and Development Overlays (DDOs) and Heritage Overlay (HO);
    (c) Notice and review for some signs and also in DDOs (except where sites are less than 30m from residential land, hospitals and education centres); and
    (d) Minimum parking requirements for many commercial uses – especially on smaller sites - was also suggested.

    Table 1 below and **Attachment 2** provide a summary and high-level analysis of the recommendations made in the SGS report, with officers response and recommendation.

VicSmart

15. VicSmart is the current fast-tracked permit application process established by the State.
16. The SGS Report does not recommend Council use the VicSmart program to reduce regulatory burden due to complications in the processing and assessment of applications and offering limited benefit given many applications do not qualify as a VicSmart application.
17. As a result, the SGS report recommends that Council focus on removing permit requirements rather than shift them into VicSmart categories.

Advocacy

18. The review identified that there are limited opportunities within the Victorian planning system for Council to significantly streamline the planning system. Many changes will require action by the State Government, including a review of:
    (a) Signage;
    (b) Car parking; and
    (c) Buildings and works triggers (in the zones).
19. The SGS Report recommends Council continue to advocate to the State Government to reform these elements of the State Planning provisions.

Heritage review of recommendations affecting heritage places

20. The SGS Report recommended Council explore permit exemptions in the Heritage Incorporated Plan (HIP) and seek heritage advice on the impact of removing the following permit triggers for non-residential uses/buildings:
    (a) Business identification signs; and
    (b) Rear additions, alterations and outbuildings.
21. GJM Heritage was engaged by Council to:
    (a) Review the HIP to identify exemptions that are no longer applicable; and
    (b) Review the SGS Report with respect to heritage-related recommendations and provide their heritage advice.
22. GJM Heritage recommended a number of updates to the HIP to align with the updated Yarra Planning Scheme and minor clarifications. Other recommendations included:
    (a) To include exemptions to non-residential buildings for alterations and outbuildings to be consistent with residential buildings; and
    (b) To include an exemption for signage in Commercial 1 (C1Z) and Commercial 2 (C2Z) zones, subject to conditions.
23. Due to the complex nature of single storey additions to the rear of heritage buildings, further analysis was required. For details see Table 1 and solar panel section below.

Recommended permit trigger removals

24. To implement the recommended permit trigger removals an amendment to the planning scheme is required.
25. Officers recommend that Council proceed with an Amendment to implement some of the recommendations by SGS. These are outlined in **Attachment 3** and summarised in Table 1 below.

Table 1: Summary of recommendations to remove permit triggers

Existing Permit Trigger	Recommendations

Alterations to existing building facades at ground level in DDOs require a planning permit. Single storey rear additions and outbuildings in DDOs	Based on SGS recommendations, officers recommend introducing an exemption applicable to relevant DDOs to allow alterations to existing building facades subject to conditions. This will mirror the existing permit exemptions under e.g. the Commercial 1 Zone (C1Z) and assist with either remove unnecessary permit triggers in the DDOs or simplify the application process and assessment as they may remain VIC Smart applications under the Mixed Use Zone (MUZ). Based on SGS recommendations, officers recommend introducing an exemption to applicable DDOs to allow for single storey rear alterations, extensions and outbuildings if the maximum building height is not more than 4 metres above ground level. This will simplify the application and assessment process. Under the “Buildings and works” section of the relevant DDO the revised planning permit exemption would read (with adjustments applicable to the specific zone that applies to the land the DDO covers): “A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: - the alteration does not include the installation of an external roller shutter; - in a C1Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls • rear alterations, extensions or outbuildings no higher than 4 metres above natural ground level.”
Notice and review requirements in DDOs	Based on SGS recommendations, officers recommend introducing an exemption to applicable DDOs to allow applications to subdivide land, construct buildings or carry out works to be exempt from the notice requirements, subject to conditions. This would be applied to DDOs within employment precincts where properties that are located further than 30 metres from a residential zone, land used for hospital, education centre or land in a Public Acquisition Overlay is more common than in activity centres. Officers recommend this be applied to DDO11 (Gipps Precinct). The exemption already exists in DDO51, DDO52 and DDO53

	(Cremorne Enterprise Precinct). It potentially would be applied to future DDOs for employment precincts as well. This would simplify the application and assessment process for commercial proposals. The exemption would read: “An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.”
For single storey rear additions and outbuildings in the HO	Based on SGS and GJM recommendations, officers recommend introducing exemptions to the Heritage Incorporated Plan to allow for modifications, alterations, outbuildings, pergolas, verandahs and decks for non-residential buildings/uses, subject to conditions. These exemptions to non-residential uses would match the current exemptions for residential uses. This will mainly apply to contributory and non-contributory buildings. Whilst SGS see merit in exempting rear extensions to non-residential buildings/uses in the Heritage Overlay, officers were unable to identify sufficient permit data to inform conditions in relation to this exemption. As such, officers do not recommend exemptions for rear extensions to non-residential buildings/uses in the Heritage Overlay. In combination with the permit exemptions to DDOs described above, this will assist in simplifying application and assessment processes for smaller proposals.
For business identification signs in the HO	Based on SGS and GJM recommendations, officers recommend introducing exemptions to the Heritage Incorporated Plan to allow for small, low-impact business identification signage on Individual Significant, Contributory and Not Contributory buildings within Commercial 1 and Commercial 2 zones, subject to specified conditions. This will simplify the application and assessment process (also see changes to Clause 52.05 below). The exemption in Section 2.10 Signage of the incorporated plan to the Heritage Overlay would read: “Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where:

	• The display area does not exceed 1.5 sqm and is below a verandah or, if there is no verandah, is less than 3.7m above pavement level; and • The sign is not a LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign."
From notice and review for business identification signs	Based on SGS recommendations, officers recommend introducing an exemption to the schedule to Clause 52.05-5 to exempt certain signs from the notice requirements and review rights, subject to conditions. In addition to SGS' recommendations, Officers propose to include internally illuminated signage from notice and review to align Clause 52.05 schedule with the proposed changes to the incorporated plan as above. This will simplify the application and assessment process for low-impact signs, such as simple business identification or internally illuminated signs. The exemption in the schedule to Clause 52.05 would read: "An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign: • Is in a commercial zone • The sign is a business identification sign (including internally illuminated), and is not a LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign."

26. The sample DDOs with track changes are in **Attachment 5** with local policy changes, and statutory amendment documents contained in **Attachment 6**.

27. The SGS Report recommends undertaking further work to apply the Parking Overlay to turn off minimum parking rates for commercial uses in the Commercial 1 Zone and lots under 1,000m² in the Commercial 2 Zone.

28. On 2 December 2025, State Government announced that it will implement new car parking requirements for areas close to frequent public transport. The announcement indicated that this will likely include introducing maximum car parking rates for developments (currently expressed as minimum car parking rates) and accessible parking rates will remain the same. Exact details on the parking rates are not yet known.

29. The State Government has indicated that it will identify specific areas where reduced car parking provisions may be appropriate. Given this review, it is recommended that Council consider the outcomes of the State's work before progressing local changes to the Parking Overlay.

30. Items identified for advocacy with the State Government are listed in Table 2 of **Attachment 2**. These include:

    (a) Permit exemptions for low-impact business identification signs;

(b) Removal of car parking minimums for businesses and exemption from notice and review rights, particularly for an inner urban context such as Yarra's (now potentially addressed by the proposed changes, depending on details); and

(c) Small buildings and works exemptions in commercial zones.

Exempting solar panels from planning permits under the heritage overlay

31. Currently, an exemption for solar panels in the Yarra Planning Scheme is contained within the head provision of the Heritage Overlay at Clause 43.01-1. This provision exempts solar energy systems, provided they are not visible from the street.

32. The State Government has introduced a 'yes/no' mechanism within the schedule to the Heritage Overlay. This allows Councils to exempt solar panels from a planning permit requirement.

33. Currently, solar panels are not exempt under the Yarra Heritage Overlay Schedule.

34. Officers have completed an initial permit analysis regarding solar panels. Of the case studies that were investigated, most applications were approved with one application having been refused. Of those that were reviewed:

    (a) There have been very few applications for proposed solar panels adjacent to street frontages; and

    (b) The single refusal was associated with another issue and not solely due to the solar panel proposal. Therefore, permit outcomes alone may not provide sufficient guidance for determining conditions to achieve an appropriate balance between heritage protection and sustainability.

35. The built form in Yarra is historically varied, with diverse subdivision patterns and building typologies and features. Investigations of streets across different locations throughout the municipality indicate:

    (a) A mix of double-storey and single storey buildings with parapets, which would restrict visibility to solar panels, therefore already exempt (as per Cl. 43.01-1);

    (b) Not many buildings appear to face north where the roof plane is highly visible (e.g. on hipped roofs). Most of these that are visible seem to be of a small scale;

    (c) Some examples of larger roof planes visible from the street do exist, with buildings of similar features often being grouped into three to five buildings. The overall streetscape does not appear to be made up of consistent roof forms; and

    (d) Some of roof planes are obscured by vegetation when viewed from the street.

    Examples of the above, including properties with and without solar panels, are included in **Attachment 7**.

36. Solar panels are not considered to be permanent structures; they can be installed and removed with relative ease. Solar panels do not cause permanent damage to the heritage fabric.

37. Depending on the roof material, installation may require small insertions into a small number of tiles, such as slate or terracotta. Corrugated iron appears to be most common, followed by slate and terracotta.

38. It has to be noted that some roofs include specific features, often associated with more ornate fabric or features of the building overall.

39. Solar panels should not result in permanent alterations to the overall 'roof-scape' of a street.

40. Visible roof forms with suitable orientation are often located within mixed heritage contexts in Yarra. In such cases, the installation of solar panels may result in a change to the appearance of some of these roof forms, but it would be limited due to the mixed heritage fabric in Yarra's streets.

41. A clear distinction through an exemption could avoid unintended impacts on specific heritage fabric, while still allowing panels in situations where they do not result in permanent changes to the fabric or cause detriment to the Heritage Overlay of the precinct or place.

42. Any conditions should prevent unintended impacts on buildings with distinctive roof forms or architectural features. More general exemptions may not be appropriate to respond to these cases due to the individuality of such buildings.

43. Distinguishing between individually significant, contributory and non-contributory buildings appears to be a blunt measure in this context. The appearance of some contributory buildings is very similar to individually significant ones, making this distinction too unreliable for exemption conditions (see **Attachment 7**, e.g. 52 & 54 Cecil Street, Fitzroy).

44. Two main approaches could be considered.

Option 1: Including main frontages

45. Solar panels on roof planes towards main frontages and side streets are exempt where all of the conditions below are met:

    (a) The panel is flush with the existing roof plane and not tilt-mounted;

    (b) The panel is not protruding over existing roof ridge lines;

    (c) The panel is not located on a verandah, canopy, bay windows or similar; and

    (d) The roof of the building does not have any of the following features: turret, tower, spire, dormer (e.g. with windows or vents).

Option 2: Excluding main frontages

46. Solar panels on roof planes of heritage buildings that are visible from the street (excluding main frontages) are exempt where all of the below conditions are met:

    (a) The roof plane does not face the main frontage of the building;

    (b) The solar panel is flush with the existing roof plane and not tilt-mounted;

    (c) The panel is not protruding over existing roof ridge lines;

    (d) It is not located on a verandah, canopy, bay windows or similar; and

    (e) The roof does not have any of the following features: turret, tower, spire, dormer (e.g. with windows or vents).

47. In either case, an exemption within the incorporated plan would operate in addition to the existing exemption under the Heritage Overlay head provision (Cl. 43.01-1).

48. Strategic Planning officers recommend that Option 1 be included and exhibited within the Incorporated Plan (see page 13 in **Attachment 4**).

49. This approach is broader in scope and will allow testing of whether the proposed conditions require further refinement, or whether this strikes the balance.

50. It is noteworthy that based on current guidelines, Council's heritage advisors do not recommend creating an exemption for solar panels towards the frontage.

Required planning policy changes

51. Technically, the current heritage policy does not support solar panels that are visible from the street. In *Services and Equipment* under Clause 15.03-1L Heritage it reads:

    "*Conceal solar panels, water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services*."

52. To acknowledge the change in potentially allowing solar panels that are visible from the street (in case of either option), it is recommended to amend it as below and in Attachments 3 and 6:

    "*Conceal water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services.*

    Minimise the visual impact of solar panels on the heritage place where the panels cannot be concealed from street view."

53. The views of the Heritage and Planning Advisory Committee will be sought at the next meeting. The proposed exemption would also remain subject to formal exhibition, public submissions and a likely panel hearing process to inform the final conditions.

Other Initiatives to support local businesses in Yarra

54. There are several new and existing Yarra led initiatives underway to support local businesses in Yarra, including the Fast Track Service for food and health business registrations, the creation of a new business stream within the Statutory Planning Branch, and a review of local laws. The outcomes of the local laws review will be presented in a separate Council meeting report.

55. An overview of the initiatives is provided below:

Figure 1: Overview of Cutting Red Tape initiatives in Yarra



56. This project is just one avenue that Council is exploring to make it easier to do business in Yarra.

Options

Option 1 – Resolve to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C334yara to the Yarra Planning Scheme and advocate items for the State Government reform - Recommended

57. This approach is recommended as it aligns with Council's adopted position from 11 February 2025 and broader goals in the Council Plan. It demonstrates responsiveness and reinforces Council's commitment to local business.

Option 2 – Not proceed with an Amendment to the Yarra Planning Scheme, continue with business as usual and advocate items for the State Government reform -Not recommended

58. It is not recommended that Council proceed with this approach as the benefits to local businesses in Yarra and efficiencies in the Planning Scheme outweigh the costs attributed to Council.

Community and stakeholder engagement

59. The formation of this project involved an initial consultative process with the Business Advisory Committee, 1-1 business meetings, calls and emails between officers and operators, meetings with small groups of businesses, officers and Councillors to discuss challenges and opportunities, as well as being circulated more broadly to members of

trader associations, including the Bridge Road, Victoria Street, Brunswick Street and Nicholson Street,

60. Findings of the SGS Report were based on internal stakeholder workshops conducted by SGS with Council to seek input from Council Statutory and Strategic planners and Economic Development officers into key opportunities for reform calls.

61. Broadly speaking, there was a strong desire from all engaged for Council (and the State government) to do more to remove barriers, find further efficiencies and to provide ongoing support to businesses of all types.

Strategic Analysis

Alignment to Council Plan

Strategic Objective three - Working and Playing in the City
Strategy 8: Make it easier for local businesses to thrive.

62. The aim is to make it easier for local businesses to thrive in Yarra by reducing regulatory burden which involves identifying and reducing planning permit trigger requirements for businesses.

Climate emergency

63. By supporting business broadly in Yarra, we are indirectly making Yarra the place to be for sustainable business, which directly supports action 4.2.1 of the Climate Emergency Plan.

64. Yarra is in a position to capitalise on being a leader in the climate and sustainability space. By reducing barriers and ensuring ongoing support, we will attract the best that industry has to offer.

Community and social implications

65. A well supported business community leads to a vibrant and thriving Yarra. If our streets are filled with great operators, and we create an inviting environment that is accessible to all, our community will be more connected, and Yarra becomes an even more attractive place to live, work, visit and play.

Economic development implications

66. Although Yarra has seen steady growth in terms of the number of business operators, jobs creation and overall GDP contribution – a lot of this is thanks to our proximity to the CBD, relative lower land and leasing costs, and access to key transportation links. There is however an underlying perception that council is seen by many within the business sector as a barrier to setting up and running a business.

67. Addressing this concern by looking at removal of red tape, finding further efficiencies and partnering with the private sector, we will start to change the narrative of council being a blocker to that of a facilitator.

68. In turn this will see a stronger local economy driven by an increase in local employment, a reduction in commercial vacancies, as well as an increase in visitation and spend.

Human rights and gender equality implications

69. No adverse human rights and gender equality implications have been identified.

Finance and Resource Impacts and Interdependencies

70. The fees associated with requesting the Minister for Planning authorise the amendment for exhibition are covered within the Strategic Planning budget.

Legal and Legislative obligations

Conflict of interest disclosure

71. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

72. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Risks Analysis

73. There are no identified Strategic Risks associated with this matter. There is a risk that without the Council's support for improvements and commitment to initiatives that offer businesses direct cost and time savings, the diversity and number of businesses attracted to Yarra may be reduced over time. Additionally, existing businesses may be lost to neighbouring LGAs perceived as more supportive or offering more favourable trading conditions.

74. There is a risk that reducing red tape limits Council's involvement and regulation of issues and resolving disputes. However, any changes to planning permit requirements and other Council regulations will be carefully considered and balanced.

Implementation Strategy

Timeline

75. There are six steps in the process to consider the amendments. If Council were to resolve at the December Meeting the project would progress to Stage 1 -'Authorisation'.



76. Should Council endorse this, following the Council Meeting, the next steps are:

(a) Formally request the Minister authorise Amendment C334yara for exhibition. Officers will also be seeking advice from the Business, Heritage and Planning Advisory Groups prior to exhibition;

(b) Publicly exhibit the amendment and engage with the community for 4 weeks/one month;

(c) Council considers all submissions and issues raised during exhibition and could refer all submissions to an independent planning panel, with a public hearing following this; and

(d) Upon receiving the Panel's report, Council would consider this and form its final position on the amendment, with the option to request the Minister to approve it.

77. Should Amendment C334yara be approved by the Minister for Planning, the amendment would become part of the Yarra Planning Scheme upon notice in the Victorian Government Gazette.

Communication

78. If exhibited, Council will write to all interested parties, prescribed authorities and relevant stakeholders to notify them of the public exhibition of the amendment.

Report attachments

1. 7.13.1 Attachment 1 - SGS Report
2. 7.13.2 Attachment 2 - Summary of SGS Recommendations
3. 7.13.3 Attachment 3 - Ordinance Changes Summary
4. 7.13.4 Attachment 4 - Incorporated Plan
5. 7.13.5 Attachment 5 - Sample DD Os and Cl.52.05
6. 7.13.6 Attachment 6 - Policy Explanatory Report and Instruction Sheet
7. 7.13.7 Attachment 7 - Solar panels and heritage places and streetscapes

ATTACHMENT 1

SGS Economics & Planning

Certified B Corporation

Supporting Local Business – Streamlining Planning Permits

City of Yarra

21 | 05 | 2025







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OFFICES IN CANBERRA, HOBART, MELBOURNE, AND SYDNEY ON THE COUNTRY OF THE NGAMBRI/NGUNNAWAL/NGARIGO, MUWININA/PALAWA, WURUNDJERI, AND GADIGAL PEOPLES.

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1. Introduction: Business and planning “red tape”

This report will review the planning framework in Yarra to identify opportunities to reduce regulatory burden on local businesses.

1.1 Regulatory impacts on local business

Yarra’s inner-city location - with its vibrant mix of hospitality venues, service businesses, offices and other businesses mixed with housing, and including strong daytime and nighttime economies – makes it a haven for wide range of local businesses.

Given the economic and cultural value of small business it is understandable that reducing obstacles for the establishment and operation of these ventures is a priority for council. Planning is only one of the regulatory regimes that such businesses must navigate, but it is especially important.

Planning’s importance derives from several factors. The planning scheme has a relatively broad scope – covering aspects such as amenity issues, urban design, direction of the degree of urban change, preservation of heritage fabric, and management of car parking. This can be contrasted with other regulatory regimes such as the liquor licensing system that have a narrower and more specific focus.

This breadth of focus simultaneously increases the total volume of matters for which planning permission will be required, while also increasing the complexity of those applications when they are needed. This makes the planning system more challenging for businesses to navigate.

The planning system is also notable in that it may require public notice and can be subject to appeal processes. This introduces levels of delay and uncertainty that have greater regulatory impact than many other regulatory systems. Small businesses also frequently bear greater burden than other kinds of applicants as these processes resolve. For example, in many cases – such as when planning permission is required to commence operation – they may be unable to trade. This is a potentially intolerable burden for small businesses.

For all these reasons there is considerable benefit in pursuing planning reforms that can lighten this load.

The purpose of this report is to identify changes to the planning scheme Council can undertake to reduce the burden that the planning system places upon businesses – and especially small businesses – in Yarra.

1.2 Red tape and regulatory reform

The Victorian planning system has long been subject to criticism that it creates excessive regulatory burden. These criticisms have centred on the number of permits triggered by the system, excessive delays in processing those permits, excessive complexity in navigating planning obligations, and lack of clarity in planning guidance.

Multiple waves of reform at state government have not quelled those concerns. In many respects the Victorian system is now more complex than it was when the current system, based on the Victoria Planning Provisions, was introduced in the late 1990s. In particular, layers of ad hoc changes have increased the procedural complexity of planning system, even when these changes are notionally directed at increasing efficiency.

More productive system reform should focus on improved targeting of the system (reducing the regulatory burden of the system) and simplifying provisions wherever possible.

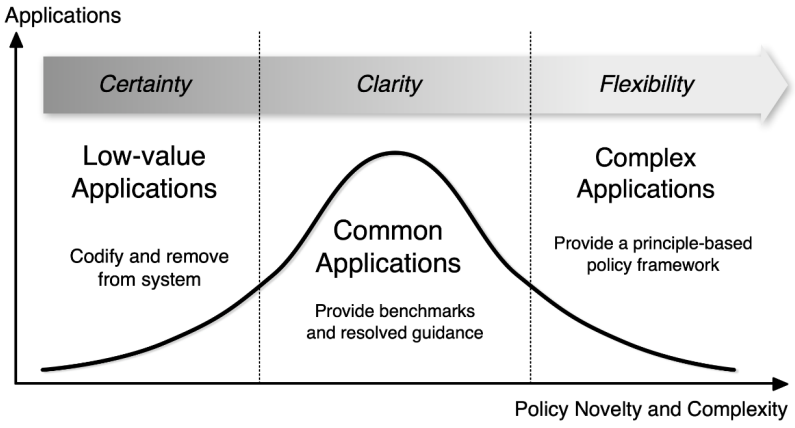
In considering how to lighten the burden of regulation, it is important to distinguish between *regulation* and the notion of *red tape*. While the terms are often used interchangeably, red tape is more usefully understood as regulatory requirements that exceed the minimum amount of intervention necessary to tackle an identified social or economic problem.[1]

While some degree of regulation is required within any advanced society, this definition highlights red tape as those element of the regulatory framework that are unnecessary, more burdensome than needed, or which causes a burden disproportionate to the benefit they achieve.

A proper review of the planning system's impact on local business therefore needs to balance those impacts against the purpose and benefits of the planning controls and the views of other stakeholders.

One model for thinking about where the system can best be improved is shown in Figure 1.

Figure 1: The "shape" of a well-functioning planning system



[1] Arie Freiberg, Monica Pfeffer, and Jeroen van der Heijden, "The 'Forever War' on Red Tape and the Struggle to Improve Regulation," *Australian Journal of Public Administration* 81, no. 3 (2022): 437.

Source: The Victorian Planning System: Practice, Problems and Prospects (Stephen Rowley, 2023).

This diagram shows a model for thinking about the "shape" of a planning system that is helpful for conceptualising the best opportunities for reform. It conceives the applications passing through the system as falling into three broad groups:

- *Low value applications*: These are applications where the planning system adds little value and ideally no permit is required. In a well-structured system there should be as few of these applications as possible.
- *Common applications*: These are applications that are not practical to fully codify and remove from the system, and where planning assessment is adding significant value in terms of final outcomes. These should be the bulk of day-to-day work.
- *Complex applications*: These are matters that either raise unexpected issues, or which are consequential enough that they require detailed first principles analysis. The heavily policy oriented and principle-based approach of the Victorian system is essentially tuned for these applications, and these are not a key focus for red tape reduction due to both their importance and inherent complexity.

The planning system needs to respond to these different types of applications in different ways.

A key criticism of the Victorian planning system is that it is poorly targeted – for example through broad buildings and works triggers and an excessive number of permit applications. This means that there are far too many applications on the left-hand side of the diagram, which ideally should not be in the system at all.

These kinds of applications are therefore of particular interest in reducing impacts upon local businesses. They can be removed through better targeting of the system so that permits are not required. Opportunities for removing such applications from the system will be a key focus of this report.

Applications in the middle of the above spectrum are not as readily removed from the system. However, there may be scope to reduce burden on applicants through improved policy and guidance.

There may also be opportunities to reduce the risk associated with these applications for business. For example, some applications in this category of application may be moderately complex to assess and therefore not suitable for complete removal from the system, but not have significant impact on neighbours. Applications of this type may be suitable for exemption from normal public notice and appeal mechanisms. This can considerably reduce the risk associated with the application process for applicants.

1.3 Layers of the system and previous reform

A challenge in reducing the impact of the system at council level is the limited influence local governments have over key levers in the planning system. Permit triggers are consolidated in the standard state provisions of the planning scheme – although council can influence some of these with changes to schedules (notably exemption clauses in overlays).

In addition, some of the classic low-value application categories that previously affected businesses have slowly been addressed by state government, or have reform on the horizon.

For example:

- The commercial zones were heavily liberalised a decade ago, making many more uses as-of-right, reducing the number of permit applications in commercial centres.
- The impact of minimum parking provisions has been eased – although not removed – through the alignment of many standard rates (which reduces the need for a permit when premises change use) and the use of Column B rates close to the Principal Public Transport Network. Further parking reform is mooted in *Plan for Victoria* (Action 5).
- The proposed removal of the permit requirement for licensed premises under cl 52.27 – Licensed Premises will further reduce the planning system's role in governance of the hospitality sector (previous commercial zone reform already made most of these uses as-of-right in the Commercial 1 Zone).

These reforms have already achieved some benefits for business in Yarra. They have, however, somewhat narrowed the pathway for further reform, especially reform led by council.

1.4 Structure of this report

This report will review opportunities for further system improvements that can reduce burden on local businesses – especially small business – in Yarra.

The report is structured as follows:

- Section 1 is this introduction.
- Section 2 uses a review of permit data to understand the system's "footprint" upon small business, in particular through understanding those clauses that create the most permits.
- Section 3 reviews key state and local planning scheme provisions to assess where opportunities to reduce regulatory burden may exist.
- Section 4 includes case studies of planning applications to better understand factors that contribute to burden upon business.
- Section 5 discusses the views of internal stakeholders to inform opportunities for reform.
- Section 6 outlines possible system improvements, including those that could be implemented by council and those that might be pursued through advocacy to state government.

2. The system's footprint

This section uses permit data to consider the types of application that affect businesses in Yarra. This helps to identify key causes of delay and the best opportunities for reform.

2.1 Planning permit data review

Council provided four years of permit data to allow understanding of the impact of the planning system upon local businesses. This data can help to isolate the most useful areas of focus for system improvement.

The data covered applications from April 2021 to April 2025. A total of 1392 applications were made in that time for key categories identified as being entirely or substantially associated with businesses. This is an average of 348 applications a year. This includes both permit applications and amendments to existing permits. The data was sourced from state government Planning Permit Activity Reporting System data. Under this system permits are sorted into specified categories.

A number of application categories, relevant to businesses, were identified:

- Change of use
- New building (commercial)
- Extension to building (commercial)
- Demolition (commercial)
- Liquor licence
- Signage (commercial)
- Car park reduction
- Vegetation removal (commercial)

Note some categories – notably change of use and car parking reduction applications – are not exclusively lodged by commercial applicants. For example car parking reductions can be associated with residential applications.

The number of standard (non-VicSmart) applications in each of various application categories is shown in Figure 2, below. The bars separate applications where the specific category was the only permit trigger (yellow) from those where the trigger was one of several triggers (blue).

VicSmart is a system for fast-tracking certain categories of applications. VicSmart applications are exempt from typical public notice and objector appeal requirements. The Chief Executive Officer of council is also the formal decision-maker for these applications (meaning that they cannot be decided by councillors).

The application data discussed above and shown in Figure 2 does not include VicSmart applications. The equivalent data for VicSmart applications is shown in Figure 3.

Figure 2: Number of standard planning permit applications, key commercial categories, 2021 to 2025

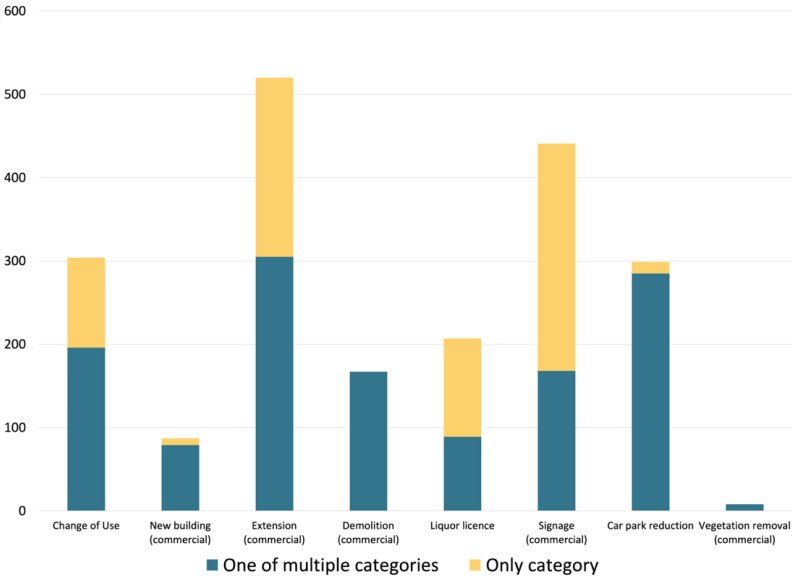
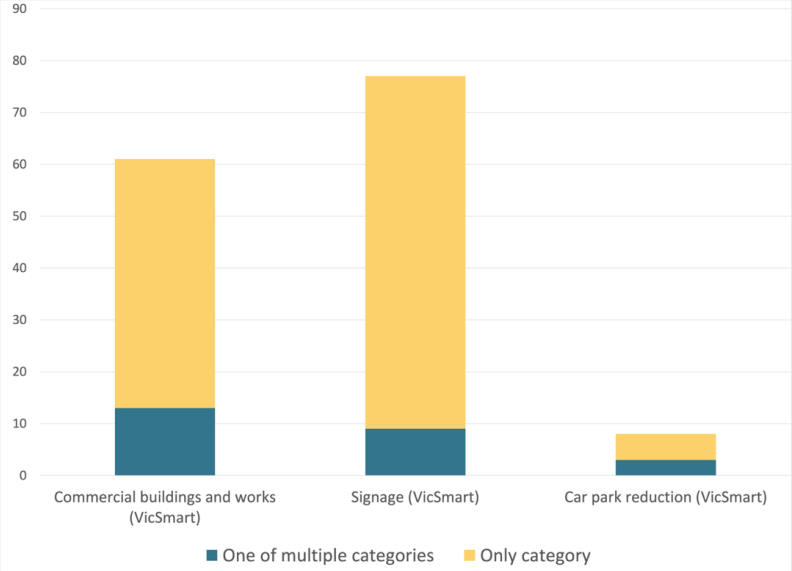


Figure 3: Number of VicSmart planning permit applications, key commercial categories, 2021 to 2025



As applications can fall within more than one category, the combined total of these bars is greater than the total number of applications lodged. Presenting the data this way provides an understanding of the impact of different kinds of application to the total permit load.

Identifying the number of applications for which only one category of application applied helps to isolate prime opportunities to remove permits from the system. These can more readily be removed from the system than those applications that fall in multiple categories.

A crucial limitation of this data, however, is that it does not identify the specific permit triggers in the scheme. This makes the data difficult to analyse and extract. While some categories – such as car park reduction, liquor licence applications, and demolition – correlate either directly or very closely with an individual permit trigger, others do not. For example, signage applications might be required because of the heritage overlay, the state-wide signage provisions at cl 52.05, or both. This will not be clear from looking only at the permit category. The relationship between categories and permit triggers is shown in Table 1, below.

Table 1: Relationship between permit categories and permit triggers

Category of application	Provisions likely triggering the permit/ notes
Change of use	Various zones This includes all change of use applications. While these are expected to be substantially business-related, some other use applications will be included.
New building (commercial) Buildings and works trigger	Commercial zones Industrial zones Design and Development Overlays Heritage Overlay
Extension (commercial) Buildings and works trigger	Commercial zones Industrial zones Design and Development Overlays Heritage Overlay
Demolition (commercial)	Heritage Overlay
Liquor licence	Cl 52.27 – Licensed Premises
Signage (commercial)	Cl 52.06 – Signs Heritage Overlay
Car parking reduction	Cl 52.06 – Car Parking This category will include a mix of residential and business-related applications.
Vegetation removal (commercial)	Unclear, possibly Significant Landscape Overlay

The permit requirements outlined above are discussed in more detail in Section 3.

2.2 Key application types

The following observations are made about the breakdown of application types shown in Figure 2 and Figure 3. References are to "standard" (non-VicSmart) applications except where noted.

Extensions to commercial buildings

Extensions to commercial buildings account for 520 applications, more than a third (37%) of the total applications lodged in the period studied. Of these, 215 (15% of the total selected applications) included no other category of application. However as noted above, these will include applications under several permit triggers. This makes it harder to identify the precise permit triggers most

responsible for drawing these applications into the system. This is also true of the smaller number of wholly new buildings.

Signs

Signage applications are the next largest category of applications, with 441 applications (32% of the total applications). More of these are only for signage, with signage-only applications accounting for 273 (just less than 20% of the total applications).

Importantly, however, many of the single category applications will include more than one permit trigger (as these applications will include permission under the standard signage controls at cl 52.05 – Signs and the Heritage Overlay).

Liquor

The next largest group of single-category applications were the liquor licence applications. Unlike many other categories, these can be linked to a single permit trigger (cl 52.27 – Licensed premises).

The state government has foreshadowed removal of this clause. This change would have completely removed 118 applications from this dataset, equivalent to nearly 30 applications a year.

Car parking

Car park reductions account for a considerable volume of applications. Importantly, however, a significant volume of these would be associated with residential development. The data does not allow separation of these applications.

The overwhelming majority of parking reduction applications also involve another permit category (change of use, extension to buildings, or new buildings). There is therefore less scope for complete removal of such applications from the system.

Nevertheless, removal of the parking component of applications may still have considerable benefits for applicants. However, as discussed in Section 5.1, the statutory planning officers noted that car parking reductions can generate significant community concern. This has flow-on effects for business with reduced certainty, increased timeframes, and risk of appeals.

VicSmart applications

The VicSmart data in Figure 3 shows that some minor buildings and works applications and signage applications are being assessed through the VicSmart process. This remains, however, a relatively small proportion of all applications.

3. Planning scheme review

The planning scheme includes a range of key permit requirements that affect business. The ability of council to influence these requirements varies.

3.1 Zones and overlays

Yarra's commercial areas are within the standard state zones (the Commercial 1 and 2 zones). There are also notable areas of Mixed Use Zone, which allows for both residential and commercial uses.

Unlike some similar inner city councils, Yarra does not use the Activity Centre Zone.

Multiple overlays are relevant to businesses and impose permit requirements for construction and alteration of buildings. These include Design and Development Overlays used to regulate design and height of buildings.

Most of the council area is within a Heritage Overlay, including most of the commercial strips.

3.2 Key state permit requirements

The planning permit data discussed in Section 2 of this report identifies the key scheme clauses that trigger planning permission. Many of these were noted in Table 1. The following briefly summarises the key triggers affecting businesses and provides preliminary notes on possible avenues for system improvement.

The discussion below separates these into state and local triggers, although this is not a straightforward divide. The structure of Victorian schemes means that strictly speaking all permit requirements are within core state-wide clauses. However the distinction drawn here is the level of choice council has about the application of the trigger.

The Commercial 1 Zone, for example, includes permit triggers set by the state. Council has some ability to control where the zone applies, however in practice there is little alternative to its use in standard commercial precincts and there are few changes Council can make to the zone with schedules.

On the other hand, provisions where the core control is a state government provision but council has considerable control over the choice to apply them (such as the Heritage Overlay) and the form they take (such as Design and Development Overlays) are addressed under local controls, at Section 3.3 below.

By their nature, the state permit triggers are outside of the direct control of council. However they are important to understand to appreciate the limitations to streamlining that council can achieve, and also to identify possible avenues for advocacy.

Change of use

Changes of use accounted for just over 300 applications in the permit data discussed in Section 2 – just over 75 a year. While this encompasses all zones, of particular relevance to this report are the changes of use where a permit is required under the Commercial 1 Zone.

The commercial zones have been considerably liberalised in the past 15 years, most notably through changes made in 2013. Many uses – such as many hospitality venues – have been made Section 1 (no permit required for use) in the Commercial Zone. This means many new businesses do not need a permit for the change of use. Instead they are "caught" through other associated activity such as buildings and works, liquor licenses, car parking reductions and signage.

As a result of this liberalisation, it is more likely that uses that require a permit genuinely involve matters warranting a planning assessment (the centre of the bell curve discussed in Section 1). These are not prime candidates for system streamlining.

For these reasons the zone's use provisions are considered to have relatively little relevance to streamlining the system for business uses.

Commercial zones – buildings and works

Zones also include permit requirements for buildings and works. The most relevant of these at present current is the Commercial 1 Zone. This has the following buildings and works permit requirement at cl 34.01-4:

> A permit is required to construct a building or construct or carry out works.
>
> This does not apply to:
>
> - The installation of an automatic teller machine.
> - An alteration to an existing building façade provided:
>
> - The alteration does not include the installation of an external roller shutter.
>
> - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
>
> - An awning that projects over a road if it is authorised by the relevant public land manager.

(The same requirement applies in the Commercial 2 Zone, at cl 34.02-4).

It can be seen that this is framed in a manner that catches most buildings and works, with limited exemptions. These permit triggers account for a significant proportion of the new building and extension categories shown at Table 1, although the exact contribution of each permit trigger is not reported in the data.

The exemptions provided interact and partially correspond with exemptions provided under local Design and Development Overlays, as discussed below at Section 3.3.

Liquor licences

These applications are triggered by cl 52.27 – Licensed premises, which requires a planning permit to be issued for venues that need a liquor licence. As already noted in Section 2, the state government has indicated that this planning requirement will be removed from the system, with the liquor licensing regime taking over the management of such applications.

This is expected to remove a significant element of regulatory duplication from local businesses, and will reduce the permit load on council's planning staff.

Signage

Signage controls are contained primarily at cl 52.05 – Signs, with the permit requirement laid out at cl 52.05-2. Commercially zoned land is within signage Category 1 – commercial areas.

A key trigger in these controls for this report is the requirement in Category 1 areas for business identification signs. This will trigger a permit if the business identification signs do not satisfy the following requirement:

> The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

The sign controls include a complex set of exemptions that cover many minor forms of signage.

Clause 52.05-7 allows for signs to be exempted from notice and review requirements, but this option is not used within the City of Yarra.

Importantly, many signs will also need permission due to the Heritage Overlay, as discussed below at Section 3.3.

Car parking

The car parking provisions are at cl 52.06 – Car Parking. This specifies minimum rates of car parking to be provided. Lower rates – *Column B rates* – are used in a designated "Principal Public Transport Network Area," defined by proximity to major public transport routes. All of Yarra is within this area.

The Parking Overlay can be used to vary these standard rates. This could be used to turn off parking requirements for selected areas or categories of application. Currently Yarra uses this overlay for only two precincts, the Collingwood Arts Precinct and the Victoria Gardens Shopping Centre.

Reforms over the last fifteen years have reduced, although not eliminated, the burden caused by car parking controls for small business. Applications for parking reductions previously accompanied a large proportion of changes of use applications, but these impacts have been reduced through several reforms:

- The introduction of Column B rates which have reduced the rates applicable within well-located areas such as Yarra.
- The alignment of many rates at the same value of 3.5 spaces per sqm of leasable floor area – this reduces the chance that a change of use will trigger planning permission.

- A permit is not required for a reduction of 10 spaces or less in commercial areas where gross floor area of the building is not increased (cl 52.06-3).
- Applications for a reduction of 10 spaces or less are VicSmart applications (cl 52.06-3).
- All applications are notice exempt if no other trigger applies, or if an application is notice exempt under all other clauses (cl 52.06-4).

These reforms have reduced the extent of workload caused by parking waivers, and in the statutory planning workshop these were not considered a leading cause of workload.

3.3 Key local requirements

Heritage Overlay

The Heritage Overlay is applied across a very large proportion of the municipality. The provisions of this overlay are among the more restrictive in the Victorian planning system, with cl 43.01-1 requiring a planning permit to construct a building and to carry out works. It opts in many categories of application that would normally be exempt from the need for a permit under the general exemptions at cl 62.02-1.

The Heritage Overlay also requires a permit to construct or display a sign. While the permit data does not allow the precise number of these applications to be determined, in the workshop with statutory planners (see Section 5.1), it was clear that this included a significant volume of applications.

The heritage values of the City of Yarra are doubtless highly valued by its residents. Removing or reducing the application of the heritage overlay would be contentious and require considerable further justification and investigation. This report therefore proceeds on the assumption that the Heritage Overlay will remain in place with approximately its current coverage.

The question that arises is therefore a more limited question – can the overlay's permit requirements to reduce the impact on business? Without a detailed review of the heritage provisions, the current analysis needs to focus on possible changes with relatively low risk of causing unintended consequences or impact upon heritage places.

The Heritage Overlay allows (at cl 43.01-3) that anything done in accordance with an incorporated plan specified in the schedule to the overlay does not need a permit. Yarra applies an incorporated plan identifying permit exemptions to many of its heritage precincts.

It appears likely that the state government's allowance for the incorporated plan mechanism was intended to implement site-specific heritage management plans. The use of this mechanism to create a series of widely-used buildings and works exemptions is, however, considered a commendable "hack" of the standard VPP controls. The use of such a mechanism points to the need for a more standardised way to add such exemptions.

The exemptions under the incorporated plan cover the following headings (with the heading numbers retained to streamline the discussion that follows):

- 2.1 – Repairs and maintenance.
- 2.2 – Roofing.

- 2.3 – Painting.
- 2.4 – Modifications and alterations.
- 2.5 – Outbuildings.
- 2.6 – Pergolas, verandahs and decks.
- 2.7 – Fences and roller doors.
- 2.8 – Domestic services normal to a dwelling, utility installations and rainwater tanks.
- 2.9 – Domestic swimming pools and spas.
- 2.10 – Signage.

In each of the above categories, criteria are provided separately for individually significant, contributory, and non-contributory buildings.

The exemptions are considered to have two main avenues of impact that may affect businesses. Firstly, they can likely impact upon additions and alterations to commercial buildings (addressed in categories 2.1, 2.4, 2.5, and 2.6). Secondly, the exemptions regarding signage have obvious relevance to businesses.

A separate review is being undertaken of this document. This current report cannot attempt a full analysis of these exemptions, particularly with regards to the heritage values they protect. However some opportunities may exist to identify potential exemptions for low value applications in the two main categories of exemption identified above.

With regards to the exemptions affecting additions and alterations to commercial buildings, one key low risk category is likely to be ground floor rear additions. Some complexity arises with regards to these applications because of the slightly different exemptions that apply under categories 2.4, 2.5, and 2.6 of the incorporated document. Each has somewhat different diagrams for the exemptions applying to contributory and non-contributory buildings, as shown in Figure 4.

Figure 4: Yarra heritage exemptions for alterations, outbuildings and verandahs

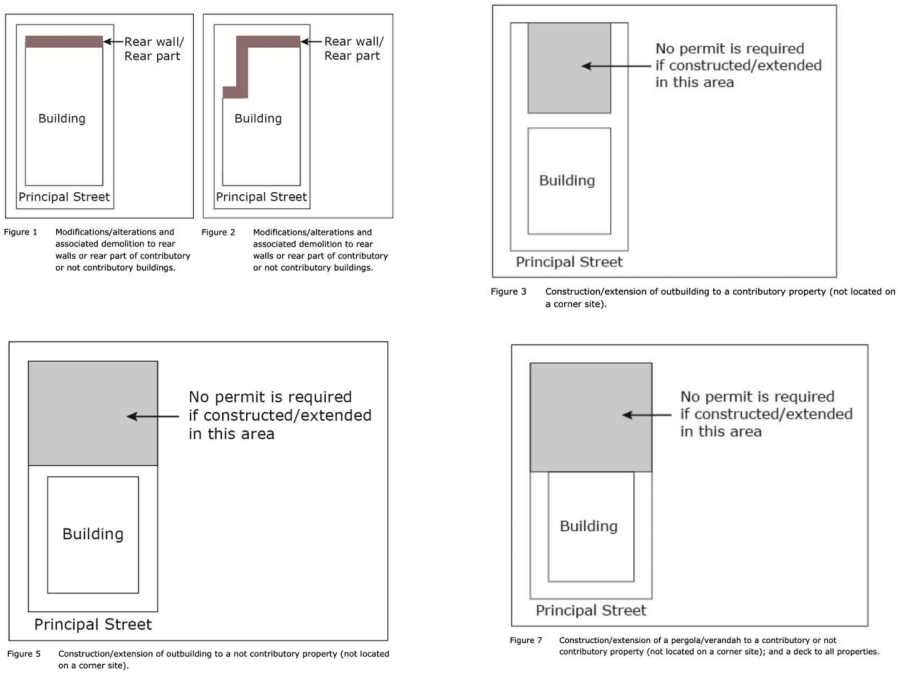


Figure 1 Modifications/alterations and associated demolition to rear walls or rear part of contributory or not contributory buildings.

Figure 2 Modifications/alterations and associated demolition to rear walls or rear part of contributory or not contributory buildings.

Figure 3 Construction/extension of outbuilding to a contributory property (not located on a corner site).

Figure 5 Construction/extension of outbuilding to a not contributory property (not located on a corner site).

Figure 7 Construction/extension of a pergola/verandah to a contributory or not contributory property (not located on a corner site); and a deck to all properties.

An opportunity may exist to rationalise and simplify these exemptions. This is discussed in Section 6.2.

The existing signage exemptions are relatively limited, essentially applying to the renewal of signage and decal signage applied to ground floor windows.

Design and Development Overlays

Yarra uses Design and Development Overlays (DDOs) as its principal provisions to manage the built form of activity centres.

Like most overlays in the Victorian system, the DDO uses a broad buildings and works trigger (in this case, at cl 43.02-2). It then allows the schedules to exempt out categories of application. The standard exemptions in the DDO State header clause are limited and only cover residential development. This places great reliance on the schedules to outline the exemptions.

Yarra's schedules typically have purposes relating change management in terms of both overall scale (such as height) as well as qualitative design quality elements such as street activation.

There are four key exemptions identified in Yarra's DDO schedules. One, relating to buildings less than 8.5m high, is used in a single overlay (Desing and Development Overlay Schedule 4, which applies around the World Heritage Royal Exhibition Building). The other three vary slightly in their wording but can be summarised as exempting:

- Rear ground floor additions no higher than 4m.

- Alterations to existing facades subject to meeting specified standards of activation.
- Awnings projecting over a road where authorised by a public land manager.

Table 2, below, shows the application of these exemptions in these overlays. It can be seen that many DDO schedules do not have buildings and works exemptions. However the above three exemptions have been applied, with minor differences, in multiple of the more recently applied overlays. (These are currently interim provisions, set to expire on 30 June 2025. An extension to these interim controls has been requested).

This alignment of exemptions has clear advantages with regards to simplifying the administration of the system.

Table 2: Design and Development Overlay Exemptions

Overlay	Buildings less than 8.5m in height (in nominated area)	Rear ground floor extensions no higher than 4m	An alteration to an existing building facade (no roller shutter, 80% glazing or entry requirement)	Awning with public land manager consent
DDO1				
DDO2				
DDO3				
DDO4				
DDO5				
DDO6				
DDO7				
DDO8				
DDO9				
DDO10				
DDO11				
DDO12				
DDO13				
DDO14				
DDO15				
DDO16				
DDO18*				
DDO19				
DDO21				
DDO22				
DDO23				
DDO25				
DDO26				
DDO27				
DDO28				
DDO30*				
DDO35*				
DDO36*				
DDO37*				
DDO38*				
DDO39*				
DDO40*				

* Indicates interim provisions currently expiring 30 June 2025.

3.4 Bespoke controls and future changes

A notable aspect of Yarra's planning scheme is that – in contrast to some other comparable councils such as Stonnington and Merri-bek – it does not use the Activity Centre Zone. Instead, standard zones such as the Commercial 1 Zone are applied over commercial centres, with Design and Development Overlays applied to guide built form.

There are considerable advantages from this approach. Standard zones are simpler to use than the Activity Centre Zone and their familiarity can benefit both council officers and business. As discussed at Section 3.2 above, the Commercial 1 Zone is permissively framed, which means that the zone has a small regulatory footprint with regards to use applications

However the zone is less targeted with regards to buildings and works, with a widely-framed permit requirement for development that council cannot customise. A bespoke zone would allow council to tailor buildings and works triggers to be more targeted. This is a benefit of zones such as the Activity Centre Zone that should be acknowledged and weighed against the disadvantages.

It is not expected that the state government will approve new applications of the Activity Centre Zone, with its role in the system replaced by the new Precinct Zone and Built Form Overlay. This is discussed further at Section 6.1.

4. Case studies

Selected applications were reviewed in detail to help understand the key causes of delay for businesses and identify potential planning scheme improvements.

Council provided the plans and delegate report for eight case studies. These allowed deeper understanding of the actual process of assessment that was undertaken, and helped to fill out the broader quantitative view provided by the permit data.

Categories outlined for each application in the discussion that follows are the categories used in Section 2, to assist in comparison of the discussion across sections.

4.1 617-619 Victoria St Abbotsford – Education Centre

Zone and overlays	PDZ1, SLO1, DDO2, DCPO1
Categories	Change of use, signage (commercial)
Permit triggers	PDZ1 – Cl 37.06 -1 – Section 2 Use Signs – Cl 52.-05-1 / cl 52.05-13– permit is required for business identification signs, advertising signs, and internally illuminated signs.
Notice exempt?	No (though see below).
VicSmart?	No.
Advertised?	Yes.
Statutory days	128

This application sought permission for a change of use for an education centre, as well as associated signage, within the Victoria Street East precinct.

With regards to the use, the key point of note here was the regulatory burden created by the application process, and particularly the notice process. The application was widely notified but did not attract any objections.

The burden associated with the use component of the application can be attributed to several factors:

- The use “education centre” is arguably treated somewhat conservatively in the zone, in that the use needs a permit when a training centre such as this is very akin to an office use, which is Section 1 subject to conditions.

- The decision regarding notice under the *Planning and Environment Act 1987* is relatively conservative, in that the responsible authority must advertise unless the application causes no material detriment caused to any person.
- The framing of the notice requirement under the Act means that once notice is given, that notice must go to all adjoining owners and occupiers. This can cause disproportionate notice exemption.

In this case, Council could likely have sustained a judgement that there was no material detriment caused by the application. However given the framing of the test under the legislation, which is set at a low bar, it is not considered appropriate to second guess the judgement of the officers in that regard. In particular, it is dangerous to focus on a material detriment judgement through an outcome-focussed analysis.

The Priority Development Zone does, at cl 37.06-6, provide a notice exemption for any application that is generally in accordance with the incorporated plan under the zone. In this case, that plan is largely silent on use matters, and the judgement was therefore made that this exemption did not apply. While this is considered a sound reading of the scheme, it is worth noting that it is different to the way a similar provision in the Development Plan Overlay is typically applied. That provision requires all permits to be in accordance with an approved development plan. The restrictive nature of that requirement means that if the plan is silent on a matter about an application, applications are usually treated as in accordance with the plan.

The signage trigger included all business identification signage, with no minimum threshold for the area. This is because Victoria Street East is treated as within Category 3 – High Amenity Areas. This is the default under the zone, but the schedule also specifies that this precinct is within category 3. This is the second most restrictive signage category.

Possible scheme remedies

It is likely that education centres are treated more conservatively than offices because the category includes uses such as schools and child care centres that feature external play areas. It is arguable that the table of uses in the zone schedule could make "Education centre (other than child care centre, primary school, or secondary school)" a Section 1 use.

While a detailed analysis of the built form of the precinct has not been undertaken, it may be that the precinct in question could reasonably be placed within Category 2 – Office and Industrial rather than Category 3 – High Amenity Areas. It may also be that there is room for refinement of the standard signage categories to better account for high amenity office precincts such as this (noting, for example, that Category 2 does allow for construction and display of pole signs without permission). This would require state government review of the signage provisions.

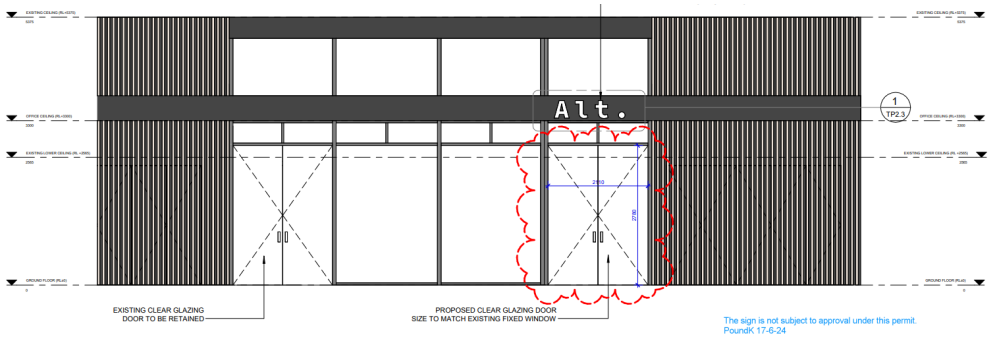
While the above changes would both have facilitated this application, the triggers involved are relatively specific and the Prioroty Development Zone is applied to only this small precinct in Yarra These changes, if made, would therefore have minimal broader impact on business.

4.2 318 Johnston St Abbotsford – Facade Alterations

Zone and overlays	C1Z, DDO15, EAO, DCPO1
Categories	Extension (commercial)
Permit triggers	C1Z – cl 34.01-4 – construction of buildings and works DDO15 – cl 43.02-2 – construction of buildings and works
Notice exempt?	Yes under zone (cl 34.01-7), but not overlay.
VicSmart?	No.
Advertised?	No.
Statutory days	115

This was a proposal for ground floor alterations to a building facade. The permit was triggered under the zone because 80% of the glazing was not kept open. However the change did not alter the extent of ground floor glazing an activation, as it simply involved a new door being added in to replace a window (Figure 5).

Figure 5: Plan extract showing facade change



Possible scheme remedies

The DDO in question here does not include the standard exemption for ground floor alterations that is included in many of Yarra's recent DDOs (discussed in Section 3.3). That exemption closely mirrors the Commercial 1 Zone's exemption. The DDO used here could benefit from that change. However, neither form of the exemption would apply in this case as the existing glazing is already below the 80% glazing threshold.

Consideration could be given to broadening the exemption to apply to situations where the extent of glazing and active frontage is not decreased.

4.3 100-102 Webb St Fitzroy – Demolition, Alterations, Signage

Zone and overlays	C1Z, HO334, DDO30, DCPO1
Categories	Extension (commercial)
Permit triggers	C1Z – cl 34.01-4 – construction of buildings and works DDO15 – cl 43.02-2 – construction of buildings and works HO334 – cl 43.01-1 - construction of buildings and works, demolition, construction or display of a sign.
Notice exempt?	Some elements were exempt under HO (cl 43.01-1), but not all elements, and no exemption applied under the other triggers.
VicSmart?	No.
Advertised?	No.
Statutory days	69

This application was for alterations, additions and demolition to an existing building associated with the establishment of a new business, as well as signage. The building was individually significant.

Possible scheme remedies

The application involved multiple minor changes, none of which were considered of note. However it would be difficult to codify exemptions that would catch all the alterations required in this case, given:

- The site was on the corner of a laneway meaning the proposed changes were visible from multiple directions.
- The building was individually significant, meaning that consideration of impact upon building fabric was required – this means exemptions tied to factors related to visibility from the precinct would not be appropriate.

There are therefore not simple scheme changes that would have avoided this application.

4.4 Floor 1 62-70 Johnston Street Fitzroy – Signage and alterations for pet store

Zone and overlays	C1Z, HO334, EAO, DCPO1
Categories	Extension (commercial)
Permit triggers	C1Z – cl 34.01-4 – construction of buildings and works DDO15 – cl 43.02-2 – construction of buildings and works HO334 – cl 43.01-1 - construction of buildings and works, demolition, construction or display of a sign. Signs – cl 52.05-2 – construct or display a sign
Notice exempt?	Some elements were exempt under the zone (cl 34.01-7) and HO (cl 43.01-1), but not all elements and no exemption applied under the other triggers.
VicSmart?	No.
Advertised?	No.
Statutory days	71

This proposal was for signage, buildings and works, and demolition associated with a pet supplies premises. The use did not need a permit. The building was 'not contributory'.

Permit requirements for signage included that the total area of signage was above that allowed for business identification signs in the zone.

Possible scheme remedies

The number of triggers here means that complete removal of the application from the system is unlikely. However removal of some of the triggers would have simplified assessment.

This application is an example of a permit being required because the signage exceeded the 8m^2 size threshold for business identification signs.

While notice of this application was not given, it does highlight the lack of alignment between notice and review exemptions under different provisions. For example, signs are automatically exempt from notice under the statewide heritage provisions, but not under cl 52.05 – Signs.

The opportunity exists for council to widen the notice exemptions for signs using the schedule to cl 52.05-7.

4.5 449 Punt Road Cremorne – Amendment to change doors

Zone and overlays	C1Z, DDO1, DDO2, LSIO, DCPO1
Categories	Extension (commercial) Note: S 72 amendment
Permit triggers **(original permit)**	C1Z – cl 34.01-4 – construction of buildings and works DDO15 – cl 43.02-2 – construction of buildings and works LSIO1 – cl 44.04-2– construction of buildings and works
Notice exempt?	No.
VicSmart?	No.
Advertised?	No.
Statutory days	21

This was an extremely small change (amended balcony doors) to existing endorsed plans.

Possible scheme remedies

Applications such as this are a quirk of the operation of permits. Since the original development *as a whole* needed a permit, the development is required to be constructed in accordance with the endorsed plans. This means that even minor subsequent alterations will require a new approval as an amendment to the permit.

This means that an application such as this cannot be easily removed from the system through additional permit exemptions under the original scheme controls.

While a process review is outside of the scope of this review, the 9 pages of assessment contained in the delegate report may point to opportunities to streamline reports for simple permit amendment applications (even allowing that much of this would be standard content repeated from report to report).

4.6 148 Victoria St Richmond – Signs and roller shutter

Zone and overlays	C1Z, DDO22, DCPO1
Categories	Buildings and works (commercial), signs
Permit triggers	C1Z – cl 34.01-4 – construction of buildings and works DDO22 – cl 43.02-2 – construction of buildings and works Signs – cl 52.05-11 – construction and display an internally illuminated sign
Notice exempt?	No.
VicSmart?	No.
Advertised?	No.
Statutory days	21

This was an application for signage and a roller shutter for an existing shopfront. The signage required a permit despite being smaller than an existing approved sign, as described in the officer report:

> The proposed sign results in lesser amenity impact as it will replace a larger internally illuminated sign within the same location and only fails to be exempt from a planning permit as it is 0.5m under the 30m distance from a pedestrian/traffic light requirement.

The roller shutter was not supported. While procedurally this was managed as a condition of permit requiring its removal from the plans, this was effectively a refusal of that aspect of the application.

Possible scheme remedies

This application highlights the complexity of some aspects of the operation of the statewide signage provisions, in this case the separation distances between illuminated signs and traffic lights.

Review of those provisions would need to be undertaken by the state government. (A previous review of the sign provisions was undertaken by the state Government in 2007 and was never fully implemented). That said, the purpose of the trigger here is understood to relate to visually separating signs from pedestrian lights. It is likely that this cannot be simply codified to remove the need for a permit.

The permit requirement for the roller shutter is considered appropriate as this is not a design element that is, or should be, supported. Streamlining such applications would only be achieved by making such shutters prohibited. This is not considered appropriate as it would have almost no benefit (as few such applications would currently be lodged) and would remove flexibility for the occasional situation where a shutter may be acceptable.

4.7 246 Victoria St Richmond – Alteration to Facade

Zone and overlays	C1Z, DDO22, DCPO1
Categories	Buildings and works (commercial), signs
Permit triggers	C1Z – cl 34.01-4 – construction of buildings and works DDO22 – cl 43.02-2 – construction of buildings and works Signs – cl 52.05-11 – construction and display an internally illuminated sign
Notice exempt?	No.
VicSmart?	No.
Advertised?	No.
Statutory days	24

This application was for alterations to a shopfront, along with signage.

The permit was required because:

- The shopfront alterations resulted in less than 80% of the frontage being clear glazing or entry; and
- The signage varied several criteria in the permit exemptions.

With regards to the shopfront alterations, while the area of glazing was lower than the standard, it was considered the intent of the control was met. In particular, the premises provided a cold bar opening onto the street which, while not an entry or clear glazing, did contribute to an active frontage.

With regards to signage triggers, the officer report notes as follows:

> Pursuant to Clause 36.04-6, a permit is required to construct or put up for display a sign over a road carriageway or over land within 600 millimetres of a carriageway. While the applicant has not provided a measurement of the proposed signs from the carriageway, using aerial imagery to calculate the distance from the awning to the carriageway, it is considered that the proposal does not require a planning permit under the Transport Zone.
>
> Two (2) different dates of aerial imagery have been utilised to demonstrate that the angle of the aerial imagery has not skewed the calculation and both calculations demonstrate greater distance than the 600mm requirement under the Transport Zone. Therefore, the proposal can be considered exempt from a planning permit under the Transport Zone.

The provisions discussed here relate to the signage within Victoria Street, which is in a different zone (Transport Zone) to the rest of the building. This zone, unusually, has a signage trigger at clause 36.04-6, separate to the main signage provisions. While no permit was required in this instance, this passage highlights the complexity of these provisions, in a manner similar to the application at 148 Victoria Street discussed above.

Possible scheme remedies

As noted at Section 4.6 above, thorough reform and streamlining of the signage provisions would require action by the state government and would not be a simple project. The trigger causing difficulty here would not necessarily be simple to remove, as it does serve some purpose (although it may be that clearance from roadways is adequately addressed under building regulations).

Similarly, while the variation to the active frontage requirements was not problematic in this case, it would be difficult to codify a workable exemption that would have removed this application from the system. Attempting to fully codify situations such as this – where an unglazed section of the building still served the purpose of the provision – would increase the complexity of the provision in a manner that would likely outweigh the benefits of occasionally removing an unproblematic development from the system.

4.8 5-13 Little Charles St Abbotsford - Office

Zone and overlays	Mixed Use Zone, DDO22, EAO, DCPO1
Categories	Change of use, buildings and works (commercial), car parking reduction
Permit triggers	MUZ – cl 32.04-2 –office is a Section 2 Use and requires a permit MUZ – cl 32.04-10 – construction of buildings and works associated with a Section 2 Use DDO22 – cl 43.02-2 – construction of buildings and works Parking – cl 52.06-3 – reduce standard car parking requirement
Notice exempt?	No.
VicSmart?	No.
Advertised?	Yes (no objections)
Statutory days	104

This was an application for use of an existing building as an office.

This needed a permit for reduction of parking partly because the land is not within a commercial zone. In a commercial zone, it appears this would have been exempt as the waiver was less than 10 spaces and the gross floor area of the building is not increased (see cl 52.06-3).

A permit was required for minor buildings and works under the DDO. This is dealt with very expeditiously in the officer report, suggesting that there was no real merits issue to be assessed, but also that the application was not notably complicated or delayed by the requirement.

Possible scheme remedies

The approval of use of the land as an office was relatively straightforward in this instance, and this is sometimes indicative of an unneeded permit requirement. However that is not clearly the case here. In

many locations in the Mixed Use Zone, and for some types of offices, this permit requirement would serve a clear purpose.

It is possible that parts of Yarra would be well-served by a mixed-use style zone that allowed offices without a permit. However this would require further investigation, and a single case study is not considered basis to make such a recommendation.

This is an example of how the broad-based buildings and works requirement in DDOs catches applications of very little value. A DDO exemption that applied where active frontage is not affected, as suggested in the discussion of 318 Johnston Street at Section 4.2 above, would benefit applications of this type (although a permit would still be required under the zone, assuming the use remains Section 2).

The parking component of the application could be removed with a broader removal of minimum parking requirements.

5. Internal stakeholders

Councils' statutory planning and economic development staff provided further insight into causes of delay for business.

5.1 Statutory planning workshop

A workshop was held with Council's statutory planning staff on 29 April 2025.

The purpose of the workshop was to seek input from Council statutory planners into key opportunities for reform. Statutory planners provide the direct interface between the planning system and local business, and the workload issues for statutory planners indirectly reflect the regulatory burdens upon business.

Statutory planners' experience with the system is also of value due to their understanding of the system. They are uniquely placed to understand the precise cause of delays given their familiarity with the specific planning permit triggers that are generating applications. As discussed in Section 3, this is only imperfectly captured in planning permit data.

The staff were invited to reflect upon types of applications:

- that contribute significantly to their workload.
- where they feel they add little value.
- where the outcome seemed clear even before a permit was lodged (for example at enquiry stage).
- that consume time disproportionate to any public benefit created.
- that could readily be codified / exempted from needing a permit.

A preliminary version of the analysis included in Section 2 was also presented to the officers and discussed as a group.

The officers highlighted signage applications as a key cause of workload and delay. They noted that the technicalities of the permit requirements for signs were complex and often hinged on precise details (such as distance from carriageways and traffic lights). Heritage controls were also mentioned as contributing to these permit requirements. Officers noted that many commercial signage applications related to ground floor signs with slight exceedances of standard sizes. These were perceived as adding little value in established commercial areas.

They noted that a great deal of existing signage existed without planning permission having been granted. This increased the complexity of administering the provisions, as the need for a permission when renewing a sign could hinge on whether the existing sign was legally erected. This also added to a sense of unfairness with regards to delays for those businesses that did seek permission.

Buildings and works applications for commercial buildings were also discussed as contributing to the number of applications. There was general agreement that it would be desirable to provide more exemptions for ground floor rear alterations to buildings.

It was agreed that applications for parking reductions were a contributor to workloads and delays, but these did not appear to be a "top of mind" issue for officers.

5.2 Economic development officer

An interview with one of councils' economic development officers who provides concierge services to business was held on 8 May 2025. This was of assistance in representing the concerns of business more directly than the statutory planning officers.

The officer noted that planning requirements were a considerable factor in the regulatory burden upon local businesses.

Like the statutory planning officers, they cited signage as a significant contributor to these delays. Their comments directly echoed their concerns about these controls, including the complexity of permit triggers and the apparent inequity of business that seek permission (or enquire about the need for permission) needing to apply when many signs are erected without permission.

Buildings and works applications were not cited as a major contributor to regulatory burden for businesses.

While less urgent than some other issues, parking reductions were noted as a contributor to regulatory burden. While many smaller applications are removed from the system by the exemption for applications for reductions of less than 10 spaces within commercial zones, some applications could not take advantage of this exemption. Medical centres, for example, can exceed a 10 space parking requirement with only a few practitioners.

6. Possible remedies

Previous reforms have taken some low-hanging fruit with regards to reducing the impact of the system upon small business. However there are still some further opportunities for system improvement by council, as well as matters that may be the subject of advocacy to state government.

6.1 State reforms and pending improvements

As noted in the Introduction, there has been some reform over the last 15 years of planning provisions that affect business, notably through removal of permit requirements under zones and parking provisions.

The state government has also foreshadowed the removal of permit requirements for liquor licenses. While the exact details of how licensed premises will be managed are not yet clear, this can be expected to reduce regulatory burden on businesses from the planning system.

The state government has recently gazetted several new planning tools that are relevant to this report, the Precinct Zone and the Built Form Overlay (BFO). These are anticipated to be central to the planning for activity centres, with the recent *Plan for Victoria* identifying the entirety of Yarra as an activity centre.

While it is too early to be clear if and how widely applied these provisions may be in the City of Yarra, they are of relevance in the current study as both include the ability to provide bespoke built form controls. Recommendations in the sections that follow regarding controls relating to development – such as alignment of built form exemptions – should be considered should these new provisions be proposed / applied.

If the BFO is adopted in the future, its application should be carefully evaluated to ensure it is not adding burden. The provision includes extensive "standard" built form controls that can be applied by default. There are potential advantages to this approach, including consistency across the state, and reducing the burden on councils to formulate their own built form approaches. The overlay also allows council to make applications notice exempt.

However it is also possible that the default controls may overregulate some aspects of built form, or introduce additional complexity. As an example, this report has highlighted the desirability of aligning approaches to active frontages between the Commercial 1 zones and overlays controlling built form. The BFO includes a default active frontage control (at Standard BF09) that is broadly consistent in intent with the Commercial 1 zone, but which differs in detail. Application of this provision in its default form may reduce alignment between the provisions compared to the newer of the DDOs being used by council.

There are considerable unknowns with regards to how the BFO will affect workload and regulatory burden. It is therefore recommended that the experience of other councils with the provision be closely monitored as the new provisions are rolled out.

The Precinct Zone could also be used to customise use controls. However, as discussed at Section 3.2, the commercial zones have already been reformed to be highly permissive. This review has not identified clear examples of further changes needed to use provisions under the zones.

A final point to note is that the Precinct Zone can also include customised built form controls. Unlike the use of a combination of the Commercial 1 Zone and BFO, this would allow removal or alteration of the broad buildings and works trigger under the zone.[2] While in isolation that would be desirable, it is not considered that this feature alone should dictate the choice of zone. Previous "bespoke" zones such as the Activity Centre Zone have been complex to administer, and the disadvantages of the zone may outweigh the ability to tweak permit triggers.

As with the BFO, further monitoring and understanding of other councils' experience with the operation of the Precinct Zone should inform the use of these tools.

6.2 Local changes

Changes to local provisions such as schedules to overlays are a key priority in this review, as they provide the most direct path for council to lighten burdens upon small business.

Buildings and works – exemptions under DDOs

The permit data (Section 2), scheme review (Section 3), case study analysis (Section 4) and discussion with council statutory planners (Section 5) all highlight that a significant volume of permits is generated by buildings and works requirements. This is partly due to the Commercial 1 zone, which uses a very broadly framed buildings and works trigger. However as noted in Section 3.3, many of Yarra's DDOs do not include exemptions that align with the Commercial 1 zone's exemptions.

Council's most recent DDOs have largely remedied this problem. They include a set of exemptions that largely reflect, and slightly extend, the existing exemptions under the Commercial 1 Zone. However there are still many DDOs in the scheme that do not include any form of exemption for minor buildings and works.

It is suggested that a preferred form of the exemption be consistently applied across all DDOs (and other future built form tools such as BFOs). The exact program for applying these will need to be determined, but it is considered that having a consistent approach of applying these exemptions whenever a scheme control is introduced or modified, should be a minimal first step. Ideally the goal should be to apply the exemption universally in every built form control, unless some other contrary objective prevents this. (The interaction with the heritage overlay is a special case discussed in more detail below).

A suggested drafting of the exemption is to have it apply to the following buildings and works:

> Rear alterations, extensions or outbuildings that are no higher than 4m.

[2] The BFO includes a provision (cl 43.06-4) that allows the schedule to the overlay to override other provisions of the scheme. However this relates to *outcomes and standards*, not permit requirements. It therefore appears doubtful that this could override the need for a permit in the zone. However there is considered some uncertainty about this point.

an alteration to an existing building façade provided:

- the alteration does not include the installation of an external roller shutter;
- in a Commercial 1 zone, the building façade at ground floor level that is entry or window with clear glazing is either maintained at not less than 80 per cent, or not further reduced.
- in a Mixed Use Zone, the alterations do not reduce the extent of the building facade at ground level that is entry or window with clear glazing.

The first exemption is based upon the exemption used in the most recent DDOs. However it is broadened to also apply to rear ground floor alterations and outbuildings. These are not considered to cause a higher risk of inappropriate outcomes than rear extensions. It is noted that the DDOs are overwhelmingly applied in commercial areas, where 4m high buildings should be well within reasonable expectations, reducing the risk of such an exemption.

The provisions about building facades are similarly based upon the most recent DDOs (which themselves have adapted the exemptions that apply under the Commercial 1 Zone). The following minor adaptations are suggested:

- An exemption is suggested that would allow buildings where the existing extent of active frontage was less than 80 per cent to be exempt as long the extent of window or clear gazing is not further reduced.
- The exemption for the Mixed Use Zone has been reworded to simply require that the current extent of active frontage not be reduced.

In considering the first point above, council should consider whether it is desirable to trigger permits for these buildings with less than 80 per cent active frontage. It may be considered desirable to retain such applications in the system to at least consider whether it is reasonable to require improved activation of such frontages. In considering the implications of this change it is important to note that the exemption only applies to alterations to existing building frontages. It should remain the expectation that wholesale reconstruction of a building or a new build should meet the 80% standard.

The wording above suggests a change to the exemption applicable in the Mixed Use Zone. The exemption currently covers “alterations [that] include and/or retain existing windows and pedestrian entry points and do not create blank walls.”

It appears that the 80% requirement has been removed for these areas because shopfronts are not the norm in this zone and therefore the 80% standard will often not be appropriate or desirable (and there is not an obvious alternative metric to use). The current wording does, however, introduce some ambiguity, notably around what is considered a “blank wall.” It is therefore suggested that a reasonable and workable starting point for this exemption might simply be that the extent of active frontage is not further reduced.

That said, there has not been evidence that the Mixed Use Zone exemption is currently causing major difficulties. Council may therefore prefer to retain its current wording.

Buildings and works – exemptions under the Heritage Overlay

As discussed at Section 3.3, the use of the incorporated plan to customise exemptions under the Heritage Overlay is a creative use of this mechanism and helps to reduce the regulatory burden of a restrictive provision. However the document's exemptions are quite complex.

A separate review of this document is underway and it is presumed that this will be considering whether there is a chance to both simplify and broaden these controls. This will involve expert heritage advice which has not been sought as part of this review. However the following comments are offered for further consideration as part of that review.

Given the complexity of the various exemptions applying to ground floor ground floor additions alterations and outbuildings, as discussed at Section 3.3, consideration should be given to the potential to collapse these into a single exemption modelled on that used in the DDO.

The incorporated document could therefore exempt:

> Rear alterations, extensions or outbuildings to a building where:
>
> - There is no individually significant building on the land;
>
> - The building is not on a corner site; and
>
> - The alteration, extension or outbuilding is no higher than 4m.

This exemption would retain assessment of sites where an individually significant building might be affected. This would mean that the issues in play from a heritage perspective would relate primarily to their impact on the visual presentation to a wider precinct. If a site is not on a corner, it is considered that buildings at the rear up to 4m should have little if any detrimental impact upon the precinct.

The use of a 4m height is different from the current exemptions in the incorporated plan, which use a 3m height as their key reference. However given the above comments it is considered that this should be acceptable. If there was concern about this in the context of residential architectural forms, the use of the 4m figure could be limited to commercial zones.

The exemption outlined above should increase the number of rear additions and alterations that will be exempt under both the DDOs and heritage overlay. This change would simplify applications, although without reform of the Commercial 1 zone applications for rear additions would not be removed from the system completely. These state provisions are discussed below at Section 6.4.

Further heritage advice and testing would be needed to assess the risk of poor outcomes from the above exemption. It is recommended that this be investigated as part of the review of the incorporated plan.

Buildings and works – exemptions from notice and review

Each of the commercial zones includes in is standard state provisions the following notice and review exemption (for example at cl 34.01-7 of the Commercial 1 Zone):

> An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply

> to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

This implicitly accepts that applications with some separation from residential areas (or the nominated sensitive uses) should be exempt from notice and review in commercial areas. In Yarra, however, those areas are typically covered by Design and Development Overlays that do not have a corresponding notice exemption. In most cases, it is not considered that there is a basis for areas within DDOs that guide change to have narrower notice exemptions than they would with only the Commercial 1 Zone.

In practice, it is likely that that the effect of this misalignment is minimal, as most of Yarra's commercial zones are strip shopping centres that are typically one line of properties deep, meaning that the separation would not normally be achieved. However there are a few areas where it appears that the thresholds could be met, such as the Commercial 2 Zone area in Collingwood covered by DDO11.

It is suggested that these areas, at least, should have a corresponding notice and review exemption added to the DDO, as allowed for by cl 43.02-2. Equivalent exemptions should be considered if new built form controls are introduced through new DDOs or the Built Form Overlay.

Signage – exemptions under the Heritage Overlay

It was apparent from the internal stakeholder discussion that signage is a key cause of regulatory burden. Signs were also the second most numerous business-related category of application in the permit data (and the most numerous that is solely associated with businesses).

The current signage exemptions in the incorporated plan under the heritage overlay are quite limited. Consideration should be given to exempting:

> all business identification signs at ground level, including under a verandah, provided that:
>
> - the sign is not an animated sign, bunting sign, electronic sign, floodlit sign, internally illuminated sign or reflective sign.
>
> - The building is not individually significant.

It is noted that size restrictions would still apply under the standard signage provisions, so this would not be a free-for-all in terms of business identification signage. It is not suggested that this exemption apply to promotional signs.

It is suggested heritage advice be sought as to whether there are particular scenarios where such an approach may be of concern, such as side walls of corner sites. It is also possible that some precincts may have a character that warrants exclusion from such an exemption.

Signage – exemptions from notice and review

Clause 52.05-7 allows signs to be made exempt from notice and review requirements. Based on the case studies and internal stakeholder discussions, it does not seem likely that notice is regularly given for signs. This is therefore not considered a major contributor to delays associated with such applications.

Nevertheless, there are few, if any, circumstances where a public notice process should be needed for typical business identification signs within commercial areas. It is therefore considered that the schedule could be utilised to exempt such signs from notice and review. The schedule could therefore be completed as shown in Table 3.

Table 3: Recommended schedule to cl 52.05-7

Land	Condition
Land within the following zones: ▪ Any commercial zone ▪ Precinct Zone	The sign is a business identification sign, and is not an animated sign, bunting sign, electronic sign, floodlit sign, internally illuminated sign or reflective sign.

The Precinct Zone is not currently used in Yarra but is suggested for inclusion in the schedule should it be applied. (The Activity Centre Zone could also be listed but it is understood that the state government will not be supporting applying this to new precincts).

Areas subject to the Comprehensive Development Zone and Priority Development Zone could be considered for inclusion in the above schedule, but this would require review of the expected outcomes in each area to which those zones are applied.

Car parking – Parking Overlay

As discussed at Sections 3.2, reforms to the standard controls for car parking have reduced the regulatory burden flowing from these provisions. In particular, many small businesses will be able to take advantage of the exemptions for reductions of less than 10 spaces. However, as noted in Section 5, there are still circumstances where parking reductions are required. Where needed, these can involve significant documentation and cost for businesses. Furthermore, parking has long been recognised as a factor that often attracts objections and sometimes appeals, which increases risk and uncertainty for business.[3]

Council can use the Parking Overlay to broaden exemptions from minimum parking controls. Given its inner-city location, walkability, and exceptional access to public transport infrastructure, it is considered that broadening of the standard parking exemptions could be justified. However this case would ultimately need to be justified to the state government.

It is therefore recommended that council consider using the Parking Overlay to turn off minimum parking rates for all sites within the Commercial 1 or Commercial 2 zone - except for:

- Accommodation (including dwellings).
- Lots over 1000m^2.

[3] For the prevalence of parking as an issue prompting appeals, see Elizabeth Taylor, "'Fight the Towers! Or Kiss Your Car Park Goodbye': How Often Do Residents Assert Car Parking Rights in Melbourne Planning Appeals?," *Planning Theory & Practice* 15, no. 3 (July 2014): 328–48.

This is intended to have a similar effect to the standard 10 space exemption noted above, in terms of ensuring that applications for changes of tenancy in commercial areas do not usually need a permit. However it will be more all-encompassing, helping to avoid higher-rate uses (such as medical centres) or minor increases in floor area causing the need for a permit.

The categories suggested for exclusion are intended to reduce the risk of unintended outcomes and to recognise areas of community concern.

Accommodation is excluded to recognise that the operation of parking controls on residential uses is somewhat different than for business. The decision not to provide parking for a business impacts a choice to drive on a trip-by-trip basis – the presence or absence of parking may affect people's choice to drive or take another mode. However for residential uses, the choice not to have parking affects the long-term choice of whether residents will own a car. This is a more profound shift that is harder to influence. Excluding accommodation from the exemption recognises this, and would mean that the parking impact of parking buildings still needs to be considered.

Retaining parking for larger sites (with 1000m^2 suggested as a threshold) is intended to limit the exemption to applications involving small lots of land where there is little, if any, opportunity to provide car parking. Maintaining larger sites within the provisions recognises that larger developments not only have more potential parking impact, but may more legitimately be expected to accommodate car parking on site. It would also mean that major strategic redevelopment sites could still be assessed on an individual basis.

A 1000m^2 threshold would also mean that certain parking intensive uses (supermarkets, or restricted retail premises such a big box retail and hardware stores) were still assessed. Supermarkets, for example, are typically 1500m^2 or larger.

6.3 Local VicSmart categories

This report has focussed on opportunities to remove applications entirely from the system, in accordance with the principles outlined in the Introduction. This is considered the favoured mode of reform. However council has only limited avenues to control its own permit load.

The Victorian system does afford more opportunity for council to add local categories to VicSmart. This would be an option for any kinds of application identified in this report as potentially removable from the system, if that complete removal cannot be achieved for any reason.

However VicSmart has some significant drawbacks in lightening regulatory burden for local government and hence, in turn, local business. In particular:

- Determining whether applications qualify for VicSmart adds a layer of complication to processing and assessment of applications.
- VicSmart applications are assessed against different clauses, complicating assessment and creating needless difference in assessment approaches between VicSmart and non-VicSmart applications.
- VicSmart will not apply where another non-VicSmart permit trigger exists. If a significant proportion of applications within a category do not qualify for VicSmart, the mechanism will be adding complexity with minimal benefit.

The key advantage for council in terms of ease of processing with a VicSmart application is the exemption from notice and review. The case studies and internal stakeholder discussions undertaken for this report have not suggested that public notice has been a significant contributor to delays for routine applications associated with small business, with the possible exception of applications for reduction of car parking (discussed above).

Given the above, while VicSmart applications are subject to a shorter statutory timeframe, they do not provide mechanisms that notably assist councils in achieving those timeframes. This suggests that if timeframe improvements are achieved from VicSmart, it is achieved through reallocation of resources and therefore at the expense of other categories of application.

It is therefore suggested that council pursue removing unnecessary permit requirements from the system, and additional notice and review exemptions for inconsequential applications, as its primary mode of system streamlining.

Where this does not prove possible, VicSmart categories could be considered if council believes it will yield procedural efficiencies. This is expected to most likely be the case where there is no other method for making a matter exempt from notice and review.

6.4 Advocacy

It is clear from the preceding discussion that there are limited opportunities within the Victorian planning system for council to dramatically streamline the system. Many worthwhile changes will require action by the state government.

The following section summarises some of the key provisions which could usefully be reviewed by the state government. These should be considered as items for council to advocate for the state government to reform.

Signs – permit exemptions

The standard allowance for business identification signage without a permit of $8m^2$ in commercial areas may be overly restrictive and could be reviewed. This includes a provision relating to the size of signs below a verandah, which was cited by the statutory planners as triggering permits when slightly exceeded.

In most commercial areas, it may not be feasible or necessary to tightly manage ground floor signage. It is also noted that some of the practices that contribute to unsightly shopfronts, such as entire buildings painted in corporate colours or shopfronts obscured by window displays, already fall outside of the scope of signage controls.

The state government could therefore consider removing or easing limitations upon ground floor business identification signs at ground floor level. This would perhaps need to include a standard acceptable format or maximum size for signs suspended under the verandah to avoid these becoming excessive or bothersome.

In this approach, existing criteria relating to illumination and the like should remain in place.

Car parking – permit requirements

The recommendations above have suggested use of a Parking Overlay to remove minimum parking requirements from the City of Yarra for many commercial uses.

While a detailed critique of minimum car parking controls is beyond the scope of this report, there has long been criticism of the use of this mechanism as the default approach to managing parking supply in Victoria. The patchwork of exemptions highlighted in Section 3.2 represent a somewhat reactive response to these concerns.

Further state government leadership would reduce the need for councils such as Yarra to undertake scheme-by-scheme reviews, and improve the consistency of approach between similar councils. It is noted that further parking reform is foreshadowed in Action 5 of *Plan for Victoria*, though it is unclear what form this will take.

Car parking – notice and review exemptions

As discussed at Section 3.2, applications for reduction of car parking are currently notice exempt if no other permit trigger applies, or if an application is notice exempt under all other clauses (cl 52.06-4). They also qualify for VicSmart (and will therefore be notice exempt) if the application is for 10 spaces or less. VicSmart qualification also depends on their not being another non-VicSmart clause that triggers permission (see cl 71.0-6-1).

This arrangement is needlessly complicated.

The mechanism of having a notice and review exemption depend on the existence of another trigger is illogical, since the merit or otherwise of the parking application will be unaffected by that aspect of the proposal. This is not consistent with normal VPP drafting approaches where the question of notice and review under each clause stands alone.

The state government should simplify this mechanism to make some or all parking reduction applications exempt from notice. In descending order of boldness this could involve:

- Making all applications under cl 52.06 exempt from notice and review. While this might be controversial, such applications are already exempt under cl 52.06-4 if no other trigger exists, as noted above.
- Making all applications other than accommodation exempt from notice and review. As was argued above in the discussion of the Parking Overlay, residential applications can legitimately be distinguished from commercial applications.
- Making all applications subject to Column B rates exempt from notice and review, in recognition that these are in (notionally) well-located areas.

As has been discussed in this report, parking reductions have diminished in their total impact upon small business over time, due to previous reforms. However they do cause considerable uncertainty when they do arise. Notice and review exemptions would considerably reduce the associated delay and risk for business.

Buildings and works – scheduled exemptions

This project has highlighted a general need for the ability to schedule in exemptions from triggers under state VPP clauses.

In this project, the clear example is the buildings and works permit requirement under the commercial zones (such as cl 34.01-4 of the Commercial 1 Zone). As has been discussed, council could eliminate some local permit triggers by adopting a standard set of building and works exemptions across its DDOs and heritage incorporated document. However the very broad permit trigger under the Commercial 1 Zone reduces (although not eliminates) the benefit of doing so.

This buildings and works trigger should have a simple ability to add exemptions, as follows (with this text inserted as part of the existing list of matters to which the trigger does not apply):

> [This does not apply to] Buildings and works which:
>
> - Are to be constructed on land specified in the schedule to this clause; and
>
> - Meet any condition specified in the schedule to the clause.

While this project has highlighted how this could be useful in the Commercial 1 Zone, there is no reason that an approach such as this should not be universally applied to any standard state clause permit trigger. A schedule to this effect could also be added to the broad exemptions at cl 62.

In addition to allowing for flexibility for individual councils, this approach would allow councils to trial exemptions that might be more universally applied.

A similar approach could be taken to notice and review exemptions. This report has highlighted that an option to add a notice and review exemption exists for signage at cl 52.05-7. However this mechanism should also be available using a schedule for other permit triggers.

6.5 Recommendations

The following table summarises the key recommendations of this report. Many of these recommendations require further investigation or expert advice, as explained in the relevant sections of this report.

Table 4: Summary of recommendations

Recommendation (summarised)	Section of report
Monitor roll-out of the Precinct Zone and Built Form Overlay in other councils to understand: ▪ Whether they would be useful in implementing recommendations of this report. ▪ Whether they would be beneficial or otherwise for business. If these provisions are applied, consider applying the recommended exemptions for DDOs.	6.1

Standardise and broaden DDO exemptions for rear additions, and investigate applying to all current and future DDOs.	6.2
Standardise DDO exemptions to align with Commercial 1 Zone exemptions for alterations to building facades, and investigate applying to all current and future DDOs.	6.2
Broaden the DDO facade alteration exemption so that it does not trigger permission if active frontage is not further reduced.	6.2
Consider simplifying facade alteration control under the DDOs as it applies in the Mixed Use Zone.	6.2
Consider simplifying and broadening the exemptions in the heritage incorporated document for buildings that are not individually significant, aligning the treatment of rear additions with the DDOs.	6.2
Align notice and review exemptions in the DDOs with cl 34.01-7 of the Commercial 1 Zone where there is a prospect that the precinct is large enough that applications may qualify for the exemption.	6.2
Consider broadening exemptions under the heritage incorporated document for low impact ground level business identification signs.	6.2
Exempt business identification signs in commercial areas from notice and review requirements using the schedule to cl 52.05-7.	6.2
Consider applying the Parking Overlay to turn off minimum parking rates for all sites within the Commercial 1 or Commercial 2 zone - except for: - Accommodation (including dwellings) - Lots over 1000m^2.	6.2
If matters identified for removal of permit triggers or notice and review exemptions cannot be removed from the system, consider those categories for local VicSmart categories if it can be demonstrated that this will simplify, not further complicate, assessment.	6.3
Advocate to the state government for the review of permit requirements for low impact business identification signs.	6.4
Advocate to the state government for the review of statewide standard car parking requirements for commercial uses.	6.4
Advocate to the state government for simplified and more consistent notice and review exemptions for applications to reduce standard car parking requirements.	6.4
Advocate to the state government for a broad allowance to exempt categories of application from standard buildings and works permit triggers.	6.4

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Attachment 2 - Supporting Local Business – Streamlining Planning Permits
Summary of SGS recommendations

Local changes

Changes to local provisions such as schedules to overlays were a key priority of the review, as they provide the most direct path for council to lighten burdens upon small business.

This document focuses on local changes, as these are the only components of the recommended actions that fall within Council's direct control. All proposed changes below relate to amendments within the Yarra Planning Scheme and documents, which Council has the authority to initiate and implement. Advocacy related recommendations require action from external bodies (such as the Minister for Planning) and are outside Council's ability to initiate.

The SGS report recommends Council implement the following exemptions (Table 1). It provides guidance on further advocacy in Table 2 below.

Table 1 – Recommended local changes

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
Alterations to existing building facades at ground level in DDOs	**Recommendations** Standardise DDO exemptions to align with Commercial 1 Zone exemptions for alterations to building facades, and investigate applying to all current and future DDOs. Broaden the DDO facade alteration exemption so that it does not trigger permission if active frontage is not further reduced.	In response to the SGS recommendations, officers recommend adding the below exemptions to all DDOs listed in *Ordinance changes*, with variations depending on the zone within the DDO: A permit is required to construct a building or construct or carry out works, except for: • alter an existing building façade, provided:	Schedule 6, 9-11, 13-16, 19, 21-22, 25-28 to Clause 43.02 Design and Development Overlay

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
	Consider simplifying facade alteration control under the DDOs as it applies in the Mixed Use Zone. Update the existing exemptions to: • allow buildings where the existing extent of active frontage is less than 80 per cent to be exempt as long the extent of window or clear gazing is not further reduced. • Apply a similar approach for the Mixed Use Zone – i.e. the current extent is not reduced. **Comments** A significant volume of permits are generated by buildings and works requirements from the DDOs. Recent DDOs have largely remedied this problem. Preferred form of the exemption should be consistently applied across all DDOs. Current wording in some DDOs allow alterations to the building façade in the Commercial 1 Zone so long as at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.	○ the alteration does not include the installation of an external roller shutter; ○ in a C1Z and/or C2Z at least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing; and ○ in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls.	

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
Single storey rear additions and outbuildings in DDOs	**Recommendations** Standardise and broaden DDO exemptions for rear additions, and investigate applying to all current and future DDOs. Suggested changes include permit exemptions for: • rear ground floor alterations, extensions and outbuildings less than 4m in height	In response to the SGS recommendations, officers recommend adding the following exemption to all DDOs listed in *Ordinance changes (being in MUZ, C1 and C2Z)*: A permit is required to construct a building or construct or carry out works, except for: • rear alterations, extensions or outbuildings no higher than 4 metres above natural ground level.	Schedule 6, 9-11, 13-53 to Clause 43.02 Design and Development Overlay
From notice and review in DDOs	**Recommendations** Align notice and review exemptions in the DDOs with cl 34.01-7 of the Commercial 1 Zone where there is a prospect that the precinct is large enough that applications may qualify for the exemption. Suggests a corresponding notice and review exemption could be added to DDOs. **Comments** Each of the commercial zones includes a standard state level notice and review exemption, except for land within 30m of	In response to the SGS recommendations, officers recommend introducing the following exemption to applicable DDOs in *Ordinance changes*: An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public	Schedule 11 to Clause 43.02 Design and Development Overlay

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
	a residential zone or used for a hospital / education centre. However, in Yarra many commercial areas in activity centres are affected by DDOs which do not include the same exemptions. It is suggested to align the DDOs where appropriate to reflect the requirements (i.e. no notification is required for buildings and works except for land within 30m of a residential zone or used for a hospital / education centre).	Acquisition Overlay to be acquired for a hospital or an education centre. Upon review, many DDOs are applied in activity centres and land is within 30 metres of a residential zone (this includes the MUZ as it is considered a residential zone). Practically, this means the exemption should be applied to DDOs that affect employment precincts / larger precincts. Therefore, it is recommended for this to be implemented to DDO11 (Gipps Precinct). This exemption already exists in DDO51, DDO52 and DDO53 (Cremorne Enterprise Precinct).	
For single storey rear additions and outbuildings in the HO	**Recommendations** Consider simplifying and broadening the exemptions in the heritage incorporated document for buildings that are not individually significant, aligning the treatment of rear additions with the DDOs. Suggested changes include permit exemptions for:	In response to the SGS recommendations, officers recommend introducing the following exemptions to the Heritage Incorporated Plan: **Clause 2.4 Modifications and Alterations:** *applies to residential buildings/uses* and non-residential buildings/uses ~~only~~ **Clause 2.5 Outbuildings:** *applies to residential buildings/uses* and non-residential buildings/uses ~~only~~	City of Yarra *Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay* (Planning Permit Exemptions, July 2014)

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
	• rear ground floor alterations, extensions and outbuildings less than 4m in height	**Clause 2.6 Pergolas, verandahs and decks:** *applies to residential buildings/uses* and non-residential buildings/uses ~~only~~ (note: these exemptions to non-residential uses matches the current exemption for residential uses. This will mainly apply to contributory and non-contributory buildings). Both SGS and a heritage consultant see merit in exempting rear extensions to non-residential buildings/uses. Officers are currently undertaking permit analysis to confirm evidence for conditions to be formulated. If confirmed, this exemption will also be included	
For business identification signs in the HO	**Recommendations** Consider broadening exemptions under the heritage incorporated document for low impact ground level business identification signs. Consideration should be given to exempting: • all business identification signs at ground level, including under a verandah, provided that the sign is not an animated sign, bunting sign,	In response to the SGS recommendations and in accordance with the advice from an external Heritage Advisor, officers recommend adding the following exemptions which are to apply to Individual Significant, Contributory and Not Contributory heritage buildings: Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where: • The display area does not exceed 1.5 sqm and is below a verandah or, if no	City of Yarra *Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay* (Planning Permit Exemptions, July 2014)

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
	electronic sign, floodlit sign, internally illuminated sign or reflective sign and the building is not individually significant. **Comments** Signage is a key cause of regulatory burden. The current signage exemptions in the incorporated plan under the heritage overlay are quite limited.	verandah, is less than 3.7m above pavement level; and • The sign is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.	
From notice and review for business identification signs	**Recommendations** Exempt business identification signs in commercial areas from notice and review requirements using the schedule to cl 52.05-7. The schedule could exempt business identification sign, and is not an animated sign, bunting sign, electronic sign, floodlit sign, internally illuminated sign or reflective sign. Schedule to Clause 52.05-7 allows signs to be made exempt from notice and review requirements. **Comments** There are few, if any, circumstances where a public notice process should be	In response to the SGS recommendations, officers recommend adding the following exemption to Schedule to Clause 52.05-5 Exemption from notice and review: An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign: Located within the following zones: • Any commercial zone Condition: The sign is a business identification sign (including internally illuminated), and is	Schedule to Clause 52.05 Signs

Exemptions	SGS Recommendations and Comments	Officer Recommendations	Ordinance changes
	needed for typical business identification signs within commercial areas.	not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.	

VicSmart

VicSmart is the current fast-tracked permit application process for certain types of minor developments (e.g. constructing a fence in a Heritage Overlay). Once the correct information is submitted with an application, it is a 10 day permit process. Applications are not advertised.

The Victorian planning system does allow more opportunity for council to add local categories to VicSmart. However, the report highlights that while the intent of VicSmart was to relieve regulatory burden by reducing timeframes, its overall benefits are less clear. The report does not recommend Council use the VicSmart program to reduce regulatory burden as any recommendations would likely have minimal impact.

The report recommends that Council should focus on removing permit requirements rather than shift them into VicSmart categories. VicSmart should only be considered where other changes are not considered desirable.

Advocacy

There are limited opportunities within the Victorian planning system for council to dramatically streamline the system. Many worthwhile changes will require action by the State Government.

These should be considered as items for Council to advocate to the State Government to reform.

The report identified the following provisions could be reviewed by the State Government:

Table 2 – Recommended State Government advocacy

Exemptions	SGS Recommendations and comments
Signs – permit exemptions	**Recommendation:** Advocate to the state government for the review of permit requirements for low impact business identification signs. The Report comments the current exemption for business identification signage (8m^2 in commercial areas) may be overly restrictive and could be reviewed. Noting it may not be feasible or necessary to tightly manage ground floor signage in commercial areas. State Government could consider: • Remove or ease limitations upon ground floor business identification signs • Include a standard acceptable format or maximum size for signs suspended under the verandah • Retain existing criteria for illuminated signs and the like.
Car parking – permit requirements	**Recommendation:** Advocate to the state government for the review of statewide standard car parking requirements for commercial uses. The Report notes there has been long-term criticism of the current standard for car parking. The removal of car parking minimums would be likely be beneficial for local businesses in the City of Yarra. A Statewide change would reduce the need for Councils to undertake extensive work to apply their own Parking Overlays. Depending on details of the revised car parking rates announced by State Government on 2 December 2025, this may have been addressed.
Car parking - notice and review exemptions	**Recommendation:** Advocate to the state government for simplified and more consistent notice and review exemptions for applications to reduce standard car parking requirements. The Report comments that the current mechanism for notice and review exemptions are complicated and illogical. It notes that reform is needed by State Government to simplify the mechanism. Possible remedies include:

Exemptions	SGS Recommendations and comments
	• Making all applications under cl 52.6 exempt from notice and review; • Making all applications other than accommodation exempt from notice and review; and • Making all applications subject to Column B rates exempt from notice and review. Notice and review exemptions would considerably reduce delays and risk for businesses.
Buildings and works – scheduled exemptions	**Recommendation:** Advocate to the state government for a broad allowance to exempt categories of application from standard buildings and works permit triggers. The project highlighted a need to include exemptions from triggers in State VPP clauses (e.g. the zones). For example, the permit trigger under Commercial 1 Zone for buildings and works should have the ability to add exemptions as follows: This does not apply to Buildings and works which: • Are to be constructed on land specified in the schedule to this clause; and • Meet any condition specified in the schedule to the clause. A similar approach could be taken to notice and review exemptions.

Attachment 3 - Recommended Ordinance Changes as part of Amendment C334yara

The Supporting Local Business - Streamlining Planning Permits Report (SGS Economics) outlines recommended changes to the Yarra Planning Scheme. In many cases one recommendation would apply to a number of ordinances. Attachment 2 outlines the proposed permit exemption that are to be added to provisions (in addition the existing exemptions in the sample ordinance), identifies an example ordinance and which corresponding ordinances are recommended to be changed in the same manner as the example ordinance.

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
Alterations to existing building facades at ground level in DDOs	Schedule 6 to Clause 43.02 Design and Development Overlay (DDOs within the Commercial 1 Zone) Under “Buildings and works” add: “A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: – the alteration does not include the installation of an external roller shutter; – in a C1Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing.”	Schedule 6, 10, 13-15, 25, 27-28 to Clause 43.02 Design and Development Overlay
	Schedule 9 to Clause 43.02 Design and Development Overlay (DDOs within the Mixed Use Zone) Under “Buildings and works” add:	Schedule 9, 19 to Clause 43.02 Design and Development Overlay

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
	"A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: – the alteration does not include the installation of an external roller shutter; – in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls."	
	Schedule 11 to Clause 43.02 Design and Development Overlay (DDOs within the Commercial 2 Zone) Under "Buildings and works" add: "A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: – the alteration does not include the installation of an external roller shutter; – in a C2Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing."	Schedule 11 to Clause 43.02 Design and Development Overlay
	Schedule 16 to Clause 43.02 Design and Development Overlay (DDOs within the Mixed Use Zone, Commercial 1 Zone and Commercial 2 Zone) Under "Buildings and works" add:	Schedule 16, 21-22 to Clause 43.02 Design and Development Overlay

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
	"A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: – the alteration does not include the installation of an external roller shutter; – in a C1Z and C2Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing. – in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls."	
	Schedule 26 to Clause 43.02 Design and Development Overlay (DDOs within the Mixed Use Zone and Commercial 1 Zone) Under "Buildings and works" add: "A permit is required to construct a building or construct or carry out works, except for: • an alteration to an existing building façade, provided: – the alteration does not include the installation of an external roller shutter; – in a C1Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing. – in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls."	Schedule 26 to Clause 43.02 Design and Development Overlay

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
Single storey rear additions and outbuildings in DDOs	Schedule 6, 9, 11, 16 and 26 to Clause 43.02 Design and Development Overlay Under "Buildings and works" add: "A permit is required to construct a building or construct or carry out works, except for: • rear alterations, extensions or outbuildings no higher than 4 metres above natural ground level."	Schedule 6, 9-11, 13-53 to Clause 43.02 Design and Development Overlay
From notice and review in DDOs	Schedule 11 to Clause 43.02 Design and Development Overlay Under "Buildings and works" add: **Exemption from notice and review** An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.	Schedule 11 to Clause 43.02 Design and Development Overlay
From notice and review for business identification signs	Schedule to Clause 52.05-7 Signs Under "Clause 1.0 Exemption from notice and review" add:	Schedule to Clause 52.05 Signs

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
	"An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign: Located within the following zones: • Any commercial zone Condition: The sign is a business identification sign (including internally illuminated), and is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign."	
For single storey rear alterations and outbuildings in the HO	City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay (Planning Permit Exemptions, July 2014) Under "Clause 2.4 Modifications and Alterations" add/change (in **bold**) *applies to residential buildings/uses* ***and non-residential buildings/uses*** ~~only~~ Under "Clause 2.5 Outbuildings" *applies to residential buildings/uses* ***and non-residential buildings/uses*** ~~only~~ Under "Clause 2.6 Pergolas, verandahs and decks" *applies to residential buildings/uses* ***and non-residential buildings/uses*** ~~only~~ (note: these exemptions to non-residential uses match the current exemption for residential uses. This will mainly apply to contributory and	City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay (Planning Permit Exemptions, July 2014)

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
	non-contributory buildings – for variations see the track changes in the Incorporated Plan)	
For business identification signs in the HO	City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay (Planning Permit Exemptions, July 2014) Under "Clause 2.10 Signage" add: To apply to Individual Significant, Contributory and Not Contributory heritage buildings. Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where: • The display area does not exceed 1.5 sqm and is below a verandah or, if no verandah, is less than 3.7m above pavement level; and • The sign is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.	City of Yarra *Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay* (Planning Permit Exemptions, July 2014)
For solar panel installations in the HO	City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay (Planning Permit Exemptions, July 2014) Under Clause 2.8 "Services normal to a dwelling" add: Exempt solar panels on roof planes towards main frontages and side streets where all of the below conditions are met: • The panel is flush with the existing roof plane and not tilt-mounted; • The panel is not protruding over existing roof ridge lines; • The panel is not located on a verandah, canopy, bay windows or similar; and	City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay (Planning Permit Exemptions, July 2014)

Exemption	Example ordinance and recommended exemption wording to be added to the existing exemptions in the ordinance	Other ordinances recommended to be amended as per sample ordinance
	• The roof of the building does not have any of the following features: turret, tower, spire dormer (e.g. with windows or vents).	
	Under Clause 15.03-1L Heritage change/add: Conceal ~~solar panels,~~ water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services. Minimise the visual impact of solar panels on the heritage place where the panels cannot be concealed from street view.	Clause 15.03-1L Heritage

ATTACHMENT 4

INCORPORATED PLAN

UNDER THE PROVISIONS OF CLAUSE
43.01 HERITAGE OVERLAY

Prepared for

City of Yarra

Planning permit exemptions

July 2014 (Amended November 2025)

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1.0 Introduction

This Incorporated Plan establishes planning permit exemptions for properties included in Yarra's Schedule to the Heritage Overlay, under the provisions of *Clause 43.01 Heritage Overlay*. In accordance with *Clause 43.01-2*, no permit is required for works identified in this Incorporated Plan. People using this document should contact Council to confirm that there are no planning permit requirements triggered under other parts of the planning scheme. Confirmation should also be sought regarding whether a planning permit is required under the Heritage Overlay provisions at *Clause 43-01-1* and whether works are already exempt from requiring a planning permit under *Clause 62 General Exemptions* ~~*Uses Buildings, Works, Subdivisions and Demolition not Requiring a Permit*~~. A building permit may also be required.

The provisions of this Incorporated Plan variously apply to properties graded individually significant, contributory and not contributory in Heritage Overlay precincts;[1] and to properties individually included in the Heritage Overlay. Reference to 'all properties' below includes all these properties. The plan does not apply to places included on the Victorian Heritage Register.

Types of properties to which the exemptions apply are clearly stated as being residential buildings/uses or non-residential buildings/uses, or both. These broad categories include residential, commercial, industrial/manufacturing and institutional properties, reflective of the range of places included in Yarra's Heritage Overlay.

In some instances, exemptions do not apply to corner located properties.

Exemptions vary depending on the grading of the heritage place. Contact Council to confirm property gradings.

1.1 Definitions

Some definitions of terms used in this Incorporated Plan are provided below.[2]

1.2 Exemptions from permits within the Planning Scheme (Heritage Overlay)

Under the provisions of *Clause 43.01-~~2~~3 No Permit Required*, no permit is required under the Heritage Overlay for a limited number of work types. These are:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the Cemeteries and Crematoria Act 2003.
- To develop a heritage place which is included on the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Clause 43.01-1 Permit Requirement also identifies works which do not require a permit under the Heritage Overlay.

---

1 ~~*Yarra's Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay*~~

The *City of Yarra: Database of Heritage Significant Areas* at Clause 72.04 includes definitions for these property gradings.

2 Definitions cited are based on those included in Clause 43.01 Heritage Overlay~~, Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay,~~ and ~~Clause 72 General Terms~~ Clause 73 Meaning of Terms (Yarra Planning Scheme).

2.0 Permit Exemptions

Under *Clause 43.01-~~2~~3* the following works are exempt from the requirement for a planning permit.

2.1 Repairs and maintenance

Repairs and routine maintenance works that change the appearance of a heritage place or are not undertaken to the same details, specifications and materials as existing are permit exempt where (applies to residential buildings/uses and non-residential buildings/uses):

Individually significant	Contributory	Not contributory
Does not apply.	Does not apply.	All maintenance and repair works.

2.2 Roofing

New and replacement roofing material (including full or part demolition of the existing roofing material) is permit exempt where (applies to residential buildings/uses only):

Individually significant	Contributory	Not contributory
Does not apply.	Does not apply.	All new or replacement roofing.

2.3 Painting

Painting is permit exempt where (applies to residential buildings/uses and non-residential buildings/uses):

For unpainted surfaces:

Individually significant	Contributory	Not contributory
Does not apply.	Does not apply.	Painting an unpainted surface unless the painting forms part of an advertisement, artwork or mural.

In precincts with external paint controls:

Individually significant	Contributory	Not contributory
Repainting already painted surfaces of buildings and structures in the same colours.	Repainting already painted surfaces of buildings and structures in the same colours.	Repainting already painted surfaces of buildings and structures in the same colours.

2.4 Modifications and alterations

Modifications and alterations to rear walls or rear parts of buildings, including associated demolition (excluding the modification, alteration and demolition of roofs, rear property boundary walls or structures located on rear boundaries) are permit exempt where (applies to residential buildings/uses and non-residential buildings/uses ~~only~~):

Individually significant	Contributory	Not contributory
Does not apply.	The works are to ground floor rear building walls or rear parts of buildings on the ground floor as shown on Figure 1 & Figure 2.	The works are to the rear building walls or rear parts of buildings as shown on Figure 1 & Figure 2.

Definition

Modification includes changes to the appearance of a building, involving some removal of existing fabric, form and details, and introducing new fabric (can include windows and doors). It does not include an extension to the building.

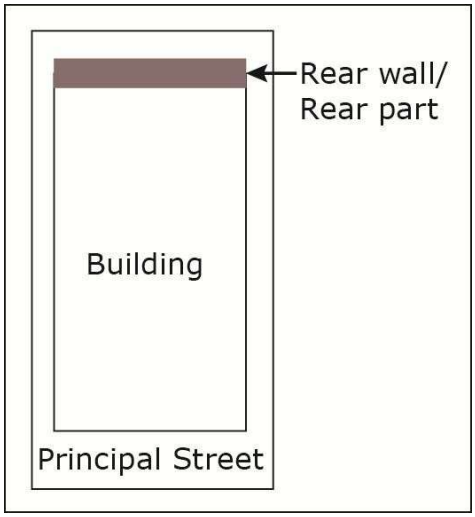


Figure 1 Modifications/alterations and associated demolition to rear walls or rear part of contributory or not contributory buildings.

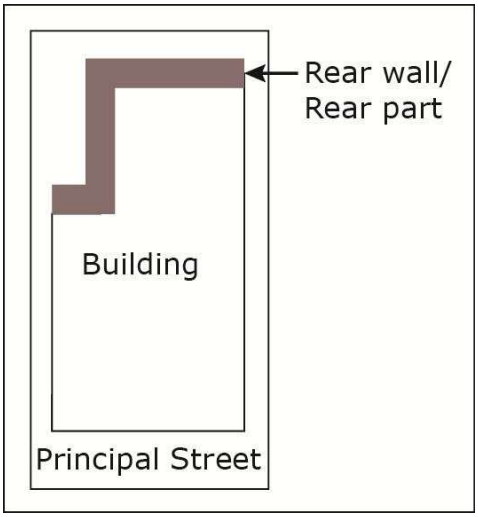


Figure 2 Modifications/alterations and associated demolition to rear walls or rear part of contributory or not contributory buildings.

2.5 Outbuildings

Construction or extension of an outbuilding is permit exempt where (applies to residential buildings/uses and non-residential buildings/uses ~~only~~):

Individually significant	Contributory	Not contributory
Does not apply.	The outbuilding is situated within the rear yard area as shown in Figure 3 and Figure 4 and: the eave height of the outbuilding (from natural ground level) does not exceed the eave height of an existing single-storey building on the site, or the ground floor height of an existing two-storey building on the site (see eaves height as indicated in Figure 6); and the outbuilding is not attached to the existing building; and the outbuilding does not extend beyond the line of the side elevations of the existing building.	The outbuilding is situated within the rear yard area as shown in Figure 5, and: the eave height of the outbuilding (from natural ground level) does not exceed the eave height of an existing single-storey building on the site, or the ground floor height of an existing two-storey building on the site (see eaves height as indicated in Figure 6); and the outbuilding is not attached to the existing building.
	This exemption does not apply to: Corner located properties. An outbuilding, other than a garage or carport, where the gross floor area of the outbuilding exceeds 10 square metres and the maximum building height is greater than 3 metres above ground level.	This exemption does not apply to: Corner located properties. An outbuilding, other than a garage or carport, where the gross floor area of the outbuilding exceeds 10 square metres and the maximum building height is greater than 3 metres above ground level.

Demolition of outbuildings is permit exempt where (applies to residential buildings/uses and non-residential buildings/uses):

Individually significant	Contributory	Not contributory
Does not apply.	Does not apply.	Any outbuilding on the property.

Definition

Outbuildings include a carport, garage, shed, children's cubby house or similar structure which is detached from (not a component of) the main building.

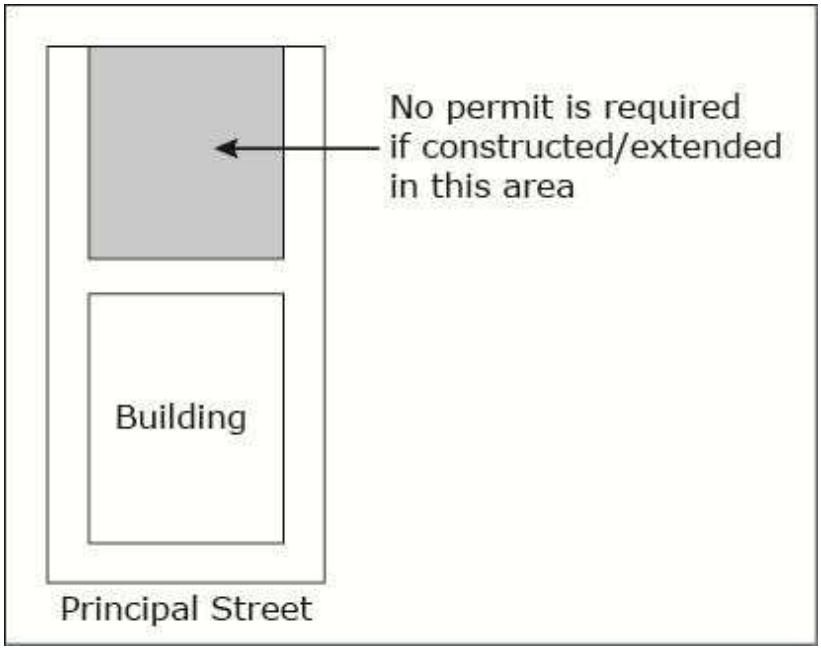


Figure 3 Construction/extension of outbuilding to a contributory property (not located on a corner site).

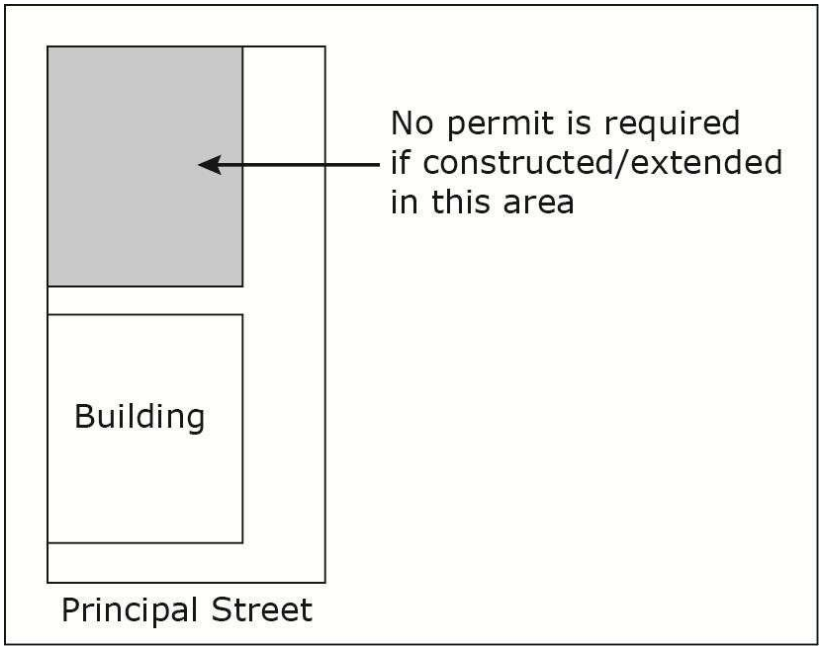


Figure 4 Construction/extension of outbuilding to a contributory property (not located on a corner site).

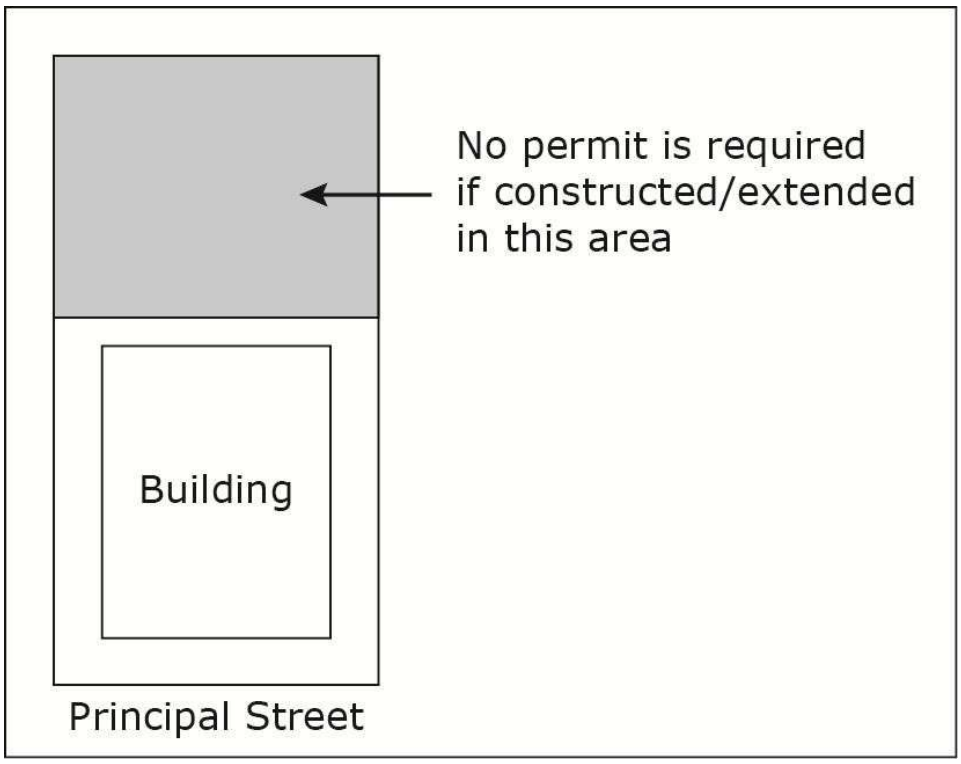


Figure 5 Construction/extension of outbuilding to a not contributory property (not located on a corner site).

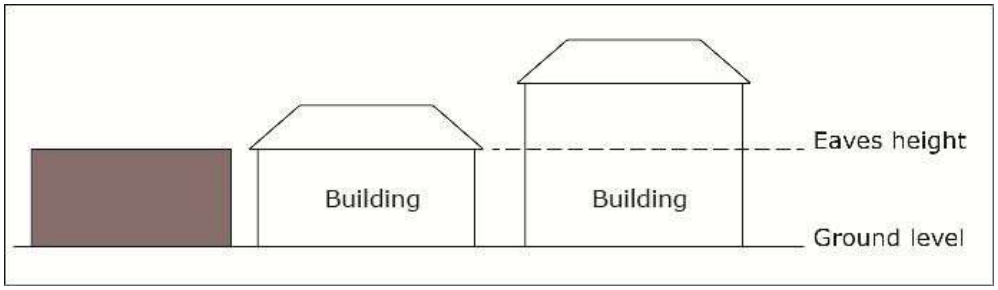


Figure 6 Eave height envelope for construction of an outbuilding to a contributory or not contributory property; pergola/verandah to a contributory or not contributory property (see 2.6 below); and shade sail to all properties (see 2.8 below).

2.6 Pergolas, verandahs and decks

Construction or extension of an open-sided pergola or verandah, including those attached to an existing building, are permit exempt where (applies to residential buildings/uses and non-residential buildings/uses ~~only~~):

Individually significant	Contributory	Not contributory
Does not apply.	The pergola/verandah is to the rear of an existing building in the area shown in Figure 7; and where (from ground level) the top of the new structure does not exceed the eave height of an existing single-storey building on the site, or the ground floor height of an existing two-storey building, as per Figure 6.	The pergola/verandah is to the rear of an existing building in the area shown in Figure 7; and where (from ground level) the top of the new structure does not exceed the eave height of an existing single-storey building on the site, or the ground floor height of an existing two-storey building, as per Figure 6.
	This exemption does not apply to: Corner located properties. A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level more than 800mm above ground level and a maximum building height greater than 3 metres above ground level.	This exemption does not apply to: Corner located properties. A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level more than 800mm above ground level and a maximum building height greater than 3 metres above ground level.

Construction or extension of a deck, which can be attached to an existing building, is permit exempt where (applies to residential buildings/uses and non-residential buildings/uses ~~only~~):

Individually significant	Contributory	Not contributory
The deck is to the rear of an existing building in the area shown in Figure 7, and the finished floor level of the deck does not exceed 800mm above ground level.	The deck is to the rear of an existing building in the area shown in Figure 7, and the finished floor level of the deck does not exceed 800mm above ground level.	The deck is to the rear of an existing building in the area shown in Figure 7, and the finished floor level of the deck does not exceed 800mm above ground level.

Any demolition works associated with construction or extension of the deck, involving the existing rear yard surface treatment, building, outbuildings or other structures, is not covered by this exemption, but may be covered under a different section of this plan.

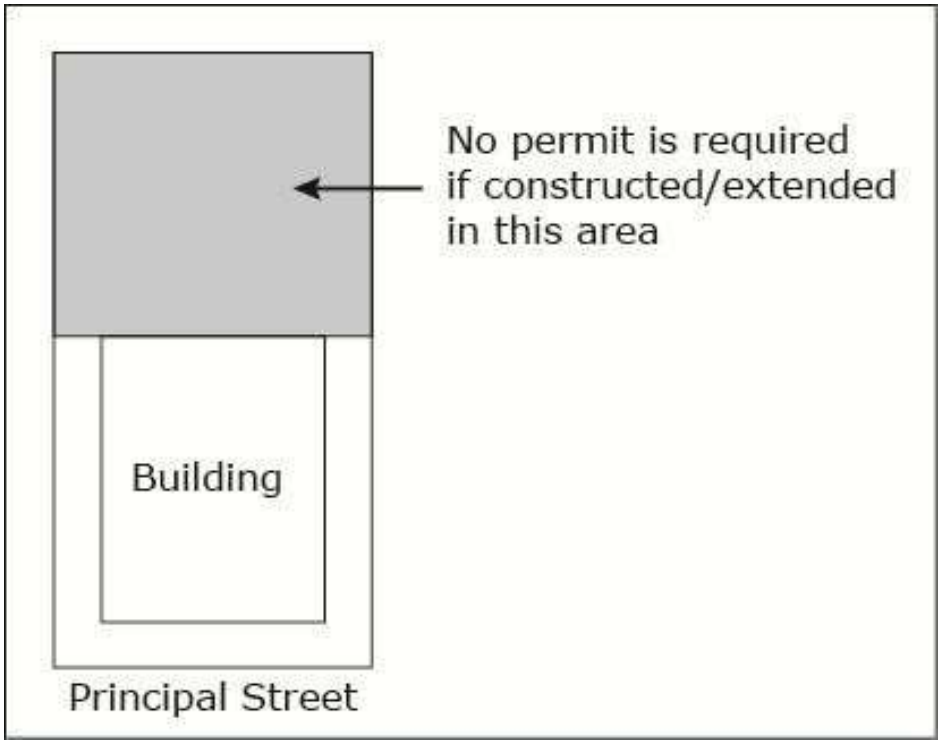


Figure 7 Construction/extension of a pergola/verandah to a contributory or not contributory property (not located on a corner site); and a deck to all properties.

2.7 Fences and roller doors

Demolition (unless the fence is specified in the schedule to the Heritage Overlay) and construction of fences and roller doors visible from a street (other than a lane) or public park are permit exempt where (applies to residential buildings/uses and non-residential buildings/uses):

Individually significant	Contributory	Not contributory
The demolition and construction involves timber paling fences to rear and side property boundaries, with the replacement fence being of the same material and in the same location, and does not exceed the height of the existing fence.	The demolition and construction involves timber paling fences to rear and side property boundaries, with the replacement fence being of the same material and in the same location, and does not exceed the height of the existing fence.	The demolition and construction involves timber paling fences to rear and side property boundaries, with the replacement fence being of the same material and in the same location, and does not exceed the height of the existing fence.
Does not apply.	Does not apply.	The demolition and construction of the rear fence (any material) where the new fence is constructed of any materials, provided the replacement fence is in the same location and does not exceed the height of the existing rear fence.
The demolition and construction of roller doors to rear and side property boundaries, involves a replacement roller door of the same materials and dimensions, in the same location, and the size of the opening remains unaltered, as per the existing roller door.	The demolition and construction of roller doors to rear and side property boundaries, involves a replacement roller door of the same materials and dimensions, in the same location, and the size of the opening remains unaltered, as per the existing roller door.	The demolition and construction of roller doors to rear and side property boundaries, involves a replacement roller door of the same materials and dimensions, in the same location, and the size of the opening remains unaltered, as per the existing roller door.
This exemption does not apply to: Fences and roller doors located at the front (principal address) of properties. A side fence within 3 metres of the principal street.	This exemption does not apply to: Fences and roller doors located at the front (principal address) of properties. A side fence within 3 metres of the principal street.	This exemption does not apply to: Fences and roller doors located at the front (principal address) of properties. A side fence within 3 metres of the principal street.

2.8 Domestic services normal to a dwelling, utility installations and rainwater tanks

The installation (and associated demolition) of the following domestic services normal to a dwelling if visible from a street (other than a lane) or public park are permit exempt where:

Air conditioners, cooling or heating systems, access ladders, hot water services and barbeques (applies to residential buildings/uses only):

Individually significant	Contributory	Not contributory
The ancillaries and services are attached to the rear wall of the building, or within the rear setback. Where attached to a side wall, or within a side setback, the ancillaries and services are setback not less than 4 metres from the front facade of the building.	The ancillaries and services are attached to the rear wall of the building, or within the rear setback. Where attached to a side wall, or within a side setback, the ancillaries and services are setback not less than 4 metres from the front facade of the building.	The ancillaries and services are attached to the rear wall of the building, or within the rear setback. Where attached to a side wall, or within a side setback, the ancillaries and services are setback not less than 2 metres from the front facade of the building.
This exemption does not apply to corner located properties.	This exemption does not apply to corner located properties.	This exemption does not apply to corner located properties.

Downpipes and flues, water meters, shade sails, rooftop mounted lighting, roof skylights, security screens/bars to windows and doors, and external security systems and cameras (applies to residential buildings/uses only):

Individually significant	Contributory	Not contributory
The downpipes, flues and water meters are attached to the rear wall of the building or within the rear setback. Where the water meter is attached to the side wall or within a side setback, the setback is not less than 4 metres from the front facade of the building. This exemption does not apply to corner located properties.	The downpipes, flues and water meters are attached to the rear wall of the building or within the rear setback. Where the water meter is attached to the side wall or within a side setback, the setback is not less than 4 metres from the front facade of the building. This exemption does not apply to corner located properties.	The downpipes, flues and water meters are attached to the rear wall of the building or within the rear setback. Where the water meter is attached to the side wall or within a side setback, the setback is not less than 2 metres from the front facade of the building.
The shade sail is to the rear of the building. The height of the shade sail does not exceed the maximum height for a verandah or pergola as	The shade sail is to the rear of the building. The height of the shade sail does not exceed the maximum height for a verandah or pergola as	The shade sail is to the rear of the building. The height of the shade sail does not exceed the maximum height for a verandah or pergola as

shown in Figure 6.	shown in Figure 6.	shown in Figure 6.
Does not apply.	Does not apply.	The rooftop mounted lighting is located on any part of the roof.
Does not apply.	Does not apply.	The roof skylights are located on any part of the roof.
The security screens/bars are located on windows or doors on the rear wall of the building.	The security screens/bars are located on windows or doors on the rear wall of the building.	The security screens/bars are located on windows or doors on the rear wall of the building.
Does not apply.	Does not apply.	The external security systems and cameras are attached to any part of the building.

Rainwater tanks where visible from a street (other than a lane) or public park (applies to residential buildings/uses and non-residential buildings/uses):

Individually significant	Contributory	Not contributory
Does not apply.	The rainwater tank does not exceed 3000 litres in capacity, is located to the rear or sides of the building, and is setback not less than 4 metres from the front facade of the building. This exemption does not apply to corner located properties.	The rainwater tank does not exceed 3000 litres in capacity, is located to the rear or sides of the building, and does not extend beyond the front facade of the building.

Demolition of domestic services and utility installations for all properties (applies to residential buildings/uses and non-residential buildings/uses) is permit exempt (for all property gradings) if one of the following:

Satellite dishes, solar panels, shade canopies and sails, access ladders, air conditioners, cooling or heating systems, hot water services, security systems and cameras, wall and roof top mounted lighting, water meters, telecommunications infrastructure, barbeques, security screens and aerials.

Demolition of rainwater tanks is also permit exempt for all properties (applies to residential buildings/uses and non-residential buildings/uses), and for all property gradings.

Exempt solar panels on roof planes towards main frontages and side streets where all of the below conditions are met:

- The panel is flush with the existing roof plane and not tilt-mounted;
- The panel is not protruding over existing roof ridge lines;
- The panel is not located on a verandah, canopy, bay windows or similar; and
- The roof of the building does not have any of the following features: turret, tower, spire, dormer (e.g. with windows or vents).

2.9 Domestic swimming pool and spa

Construction or extension of an existing domestic swimming pool or spa and associated mechanical equipment and safety fencing to all properties is permit exempt (for all gradings) where:

- the pool is situated within the rear yard area as shown in Figure 7; and
- the pool is not elevated more than 1 metre above natural ground level.

This exemption applies to residential buildings/uses only. Any demolition works associated with construction or extension of the pool, involving the existing rear yard surface treatment, building, outbuildings or other structures, is not covered by this exemption, but may be covered under a different section of this plan.

2.10 Signage

The replacement or renewal of a lawfully displayed advertising sign in the same location is permit exempt where (applies to non-residential buildings/uses only):

Individually significant	Contributory	Not contributory
The replacement or renewal works (for non-painted and non-leadlight signage) do not increase the size of the existing sign; and there is no change to the type of sign, meaning no change to the material, format or illumination of the existing sign; and the existing sign is located on the fascia of a verandah; at ground floor level under a verandah or canopy; or at ground floor level where there is no existing verandah or canopy.	The replacement or renewal works (for non-painted and non-leadlight signage) do not increase the size of the existing sign; and there is no change to the type of sign, meaning no change to the material, format or illumination of the existing sign; and the existing sign is located on the fascia of a verandah; at ground floor level under a verandah or canopy; or at ground floor level where there is no existing verandah or canopy.	The replacement or renewal works do not increase the size of the existing sign; and there is no change to the type of sign, meaning no change to the material, format or illumination of the existing sign; and the existing sign is located on the fascia of a verandah; at ground floor level under a verandah or canopy; or at ground floor level where there is no existing verandah or canopy.
Does not apply.	Does not apply.	Painted signage on a wall or building, including a parapet, provided the replacement or renewal works do not increase the size of the sign.
Does not apply.	Does not apply.	The replacement of leadlight signage provided the replacement works do not increase the size of the sign.
Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where: - The display area does not exceed 1.5 sqm and is below a verandah or, if no verandah, is less than 3.7m above pavement level; and - The sign is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.	Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where: - The display area does not exceed 1.5 sqm and is below a verandah or, if no verandah, is less than 3.7m above pavement level; and - The sign is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.	Signage in Commercial 1 (C1Z) or Commercial 2 (C2Z) zoned land where: - The display area does not exceed 1.5 sqm and is below a verandah or, if no verandah, is less than 3.7m above pavement level; and - The sign is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.

This exemption does not apply to any signs or signage identified as significant in the property-specific statement of significance or precinct statement of significance (copies of statements can be obtained from Council).	This exemption does not apply to any signs or signage identified as significant in the property-specific statement of significance or precinct statement of significance (copies of statements can be obtained from Council).	

Decal signage is permit exempt where (applies to non-residential buildings/uses only):

Displayed on a ground floor window, not exceeding 1sqm in total size and for the purpose of advertising the name of a business or the history of the subject site/area.	Displayed on a ground floor window, not exceeding 1sqm in total size and for the purpose of advertising the name of a business or the history of the subject site/area.	Displayed on a ground floor window, not exceeding 1sqm in total size and for the purpose of advertising the name of a business or the history of the subject site/area.

YARRA PLANNING SCHEME

ATTACHMENT 5

- DDO6 pg.1-3
- DDO9 pg.4-6
- DDO11 pg.7-9
- DDO16 pg.10-28
- DDO26 pg.29-38
- Cl. 52.05 pg.39

21/07/2022 C263yara

SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**.

601-603 VICTORIA STREET, ABBOTSFORD

1.0 Design objectives

21/07/2022 C263yara

To ensure that development:

- Responds to the industrial nature of the area, including the Abbotsford Brewery, by resolving the potential impacts of industry, including noise, light, odour and 24 hour traffic movements, in the design and construction of buildings so as not to prejudice the ongoing operation of surrounding non-sensitive uses.
- Incorporates appropriate acoustic measures to attenuate audible noise levels within habitable indoor and outdoor areas of buildings containing residential or other noise sensitive uses so that they do not adversely affect the operations of industry.
- Makes a positive contribution to Victoria Street as an active pedestrian environment and retail and commercial strip through high quality architecture
- Improves physical and visual linkages between the surrounding area and the Yarra River.
- Does not adversely impact on local traffic conditions.
- Is of an appropriate height and scale for its strategic location and respects the predominant character of Victoria Street between Church and Burnley Streets.
- Does not dominate the skyline when viewed from the Yarra River corridor and Yarra Bend Park.
- Improves the pedestrian environment along all street frontages.
- Responds to the predominantly industrial built form character of the area.

2.0 Buildings and works

~~21/07/2022 --/--/---- C263yara~~Proposed C334yara A permit is required to construct a building or construct or carry out works, except for:

- an alteration to an existing building façade, provided:
  - the alteration does not include the installation of an external roller shutter;
  - in a C1Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing.
- rear ground floor alterations, extensions or outbuildings no higher than 4 metres above natural ground level.

Development of the site must include an open thoroughfare that:

- Provides access and direct viewlines for pedestrians between Grosvenor and Shamrock Streets.
- Has a minimum width of 10 metres.
- Be landscaped and substantially fronted by development.
- Can form part of a development contribution requirement of any subsequent subdivision application.

Buildings and works should be constructed in accordance with the requirements specified in Table 1 to this schedule.

Table 1

Maximum building height	Upper level setbacks	Built form outcomes
Victoria Street frontage: 11 metres (RL26)	Victoria Street frontage: development above 11 metres (RL 26) to be set back a minimum of 10 metres.	The scale of the building reinforces the strategic importance of Victoria Street. The dominant parapet height of surrounding development along the north side of Victoria Street is maintained and reinforced.
Flockhart Street frontage: 16.5 metres (RL26)	Flockhart Street frontage: development above 16.5 metres (RL 26) is to be set back a minimum 4 metres.	Development responds to the slope of the site and lower scale development to the north.
Grosvenor Street frontage: 13.5 metres (RL26)	Grosvenor Street frontage: development above 13.5 metres (RL 26) is to be set back a minimum 5.5 metres	The visual impact of upper levels is minimised when viewed from Victoria Street east and west of the site. Development responds to the lower scale (one to two storey) of buildings on the south side of Victoria Street and west side of Grosvenor Street.
Overall maximum height: 21 metres (RL 30.5) elsewhere on the site	Northern boundary of the site: development above 16.5 metres (RL 26) is to be set back a minimum 8.5 metres	Development responds to the medium scale (up to five storeys) of industrial buildings on the east side of Flockhart Street and to the north of the site.

Development that includes residential or other sensitive uses must:

- Include design and noise attenuation measures that achieve the noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of State Environment Protection Policy No. N-1 'Control of Noise from Commerce, Industry and Trade' (SEPP N-1) for calculation of noise limits.
- Locate, and if necessary screen, private open spaces, including balconies, to attenuate industrial noise to meet the requirements of SEPP N-1.
- Incorporate design measures that minimise the potential impact of non-routine odour emission.

At ground level, development must:

- Provide physical and visual connections between the land, or buildings on the land to the Yarra River corridor and Victoria Street.
- Use Grosvenor Street for pedestrian access and Flockhart Street for vehicle access.
- Provide visual interest for pedestrians and opportunities for passive surveillance through the location and design of building entries windows, and balconies and façade articulation.
- Minimise vehicle crossovers, blank walls and blind corners.

3.0 Subdivision

21/07/2022 C263yara

A permit is not required to subdivide land.

4.0 Signs

21/07/2022 C263yara

None specified.

5.0 Application requirements

21/07/2022
C263yara

An application must be accompanied by a site analysis and a design response explaining how the development achieves the Design objectives of this schedule and Built form outcomes in Table 1 to this schedule.

An application that includes residential or other sensitive uses must be accompanied by an acoustic assessment, prepared by a qualified acoustic consultant, to the satisfaction of the responsible authority, that demonstrates how the noise attenuation measures will achieve noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of SEPP N-1 for calculation of noise limits.. The acoustic assessment must include:

- The internal and external noise levels and the method of calculation used.
- Details of the design of walls, roof, windows, door, external glazing and the air- conditioning or ventilation system and how these will achieve the required noise levels.

6.0 Persons or body to be notified

In accordance with section 52(1)(c) of the Act, notice of an application under this schedule must be given to the owner and occupier of the Abbotsford Brewery site at 4-6 Southampton Crescent, Abbotsford.

7.0 Decision guidelines

21/07/2022
C263yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal responds to the industrial context of the area, in particular, the measures employed to ensure that non-residential uses will protect residential amenity from noise, light, and odours emitted from commercial uses on the site.
- How ground level commercial occupancy provides an active, physically and visually connected interface along the Victoria Street frontage.
- How the design, height and form of development responds to the built form character of Victoria Street and existing development in Flockhart Street and Grosvenor Street.
- How the design, height and visual bulk of building/s on the site address potential negative amenity impacts on surrounding development.
- How the proposal improves the street environment for pedestrians along street frontages.
- The effect on the local road network of the location of, and access to, parking facilities.
- The extent to which the Design objectives and the Built form outcomes in Table 1 to this schedule are met.

YARRA PLANNING SCHEME

21/07/2022 C263yara

SCHEDULE 9 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO9**.

DOONSIDE PRECINCT

1.0 Design objectives

21/07/2022 C263yara

To recognise this Precinct, being on the edge of an activity centre and abutting low rise residential development, as transitional in its location and function.

To ensure building design responds to the industrial character of the precinct but respects the character of the established residential areas to the south and east of the Precinct.

To respect the scale of development on the south side of Appleton Street.

To provide a pedestrian friendly environment along all street frontages.

To encourage improvements to the public domain, including the provision of public open space.

To ensure that new development does not adversely impact on local traffic conditions.

To ensure a high standard of architectural design.

To ensure that new development does not prejudice the ongoing operation of nearby commercial, industrial and warehouse businesses.

2.0 Buildings and works

~~21/07/2022~~ ~~-/-/----~~ ~~C263yara~~ Proposed C334yara

A permit is required to construct a building or construct or carry out works, except for:

- an alteration to an existing building façade, provided:
  - the alteration does not include the installation of an external roller shutter;
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls.
- rear ground floor alterations, extensions or outbuildings no higher than 4 metres above natural ground level.

The following requirements apply:

Building heights and setbacks

Buildings on Doonside, Burnley and David Streets should be built to the property frontage.

The height of any development in the precinct should not exceed:

- 11 metres along street frontages.
- 15.5 metres with appropriate setbacks above 11 metres.

Development above 15.5 metres:

- Should demonstrate a high standard of architectural design.
- Should not overshadow adjoining streets, public spaces or private properties beyond that caused by a building of 11 metres when measured between the hours of 10.00am and 2.00pm at the Equinox.

This does not apply to:

- Any rooftop building, plant or equipment which is located and designed to minimise its visibility from any adjoining road to the satisfaction of the responsible authority.
- Any architectural feature which is located and designed to the satisfaction of the responsible authority.

Building design

Development should be designed to:

- have active and attractive frontages
- relate to and address all frontages
- be well articulated and modulated
- use materials and finishes which respect adjacent development and the transitional role of the Precinct
- incorporate appropriate acoustic measures to attenuate audible noise levels within habitable indoor and outdoor areas of buildings containing residential or other noise sensitive uses
- incorporate upper level setbacks to Appleton Street so as to respect the scale of development on the south side of the street.

Traffic

Vehicular access and traffic movements in Appleton Street should be minimised.

Permeability and public spaces

Through block connections for pedestrians should be provided wherever possible to link Appleton Street, Doonside Street and Victoria Gardens.

Public open space should have a street frontage.

Amenity

Development that includes residential or other sensitive uses should:

- Minimise the potential impacts of local business (including noise, light, odour and 24 hour traffic movements), in the design and construction of buildings.
- Include design and noise attenuation measures that achieve the noise levels (within any noise sensitive areas) that are calculated by applying the method in Schedule B of State Environment Protection Policy No. N-1 'Control of Noise from Commerce, Industry and Trade' (SEPP N-1) for calculation of noise limits.
- Locate, and if necessary screen, private open spaces, including balconies, to attenuate industrial noise to meet the requirements of SEPP N-1.
- Incorporate design measures that minimise the potential impact of non-routine odour emission.

Landscaping

Public and private open space and other public realm areas should be appropriately landscaped.

3.0 Subdivision

21/07/2022
C263yara

None specified.

4.0 Signs

21/07/2022
C263yara

None specified.

5.0 Application requirements

21/07/2022
C263yara

An application must be accompanied by a site analysis and a design response explaining how the development achieves the 'Design objectives' and 'Buildings and works' provisions of this schedule.

An application that includes residential or other sensitive uses must be accompanied by an acoustic assessment, prepared by a qualified acoustic consultant that demonstrates how the noise attenuation measures will achieve noise levels (within any noise sensitive area) in accordance with Part 2.0 Amenity.

6.0 Decision guidelines

21/07/2022
C263yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect of the development on the identified heritage places within the precinct.
- The impact of traffic generated by the proposal and whether it is likely to require additional traffic management control works in the neighbourhood.
- How ground level commercial occupancy addresses the Burnley Street frontage.
- How the design, height and form of development responds to the built form character of Victoria Gardens and existing development in Appleton Street.
- How the design, height and visual bulk of building/s on the site address potential negative amenity impacts on surrounding development.
- How the proposal improves the street environment for pedestrians along street frontages.
- The location of, and access to, parking facilities and their effect on the local road network.
- The effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial, industrial, and warehouse businesses.

YARRA PLANNING SCHEME

21/07/2022
C263yara

SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

GIPPS PRECINCT

1.0 Preferred Future Character

A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest.

A vibrant and safe street environment due to an increasing amount of street oriented development, particularly on Gipps and Langridge Street.

A consistent streetscape with active street-frontages and well articulated buildings with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries and spaced to create new interest and variety in building forms.

2.0 Design objectives

21/07/2022
C263yara

To recognise the Precinct as a vibrant commercial precinct with a narrow street network.

To provide a pedestrian friendly environment along all street frontages.

To ensure building design responds to the inherent industrial character of the Precinct.

To ensure building design will protect the amenity of existing pockets of residential development.

To encourage improvements to the public domain, including the provision of public open space.

To ensure that new development does not adversely impact on pedestrian, cycling and vehicular accessibility.

To ensure a high standard of architectural design.

3.0 Buildings and works

~~21/07/2022 -/-/----~~
~~C263yara~~Proposed C334yara A permit is required to construct a building or construct or carry out works, except for:

- an alteration to an existing building façade, provided:
  - the alteration does not include the installation of an external roller shutter;
  - in a C2Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing.
- rear ground floor alterations, extensions or outbuildings no higher than 4 metres above natural ground level.

Exemption from notice and review

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

The following requirements apply:

Building heights and setbacks

Taller built form may be appropriate on larger sites able to provide adequate setbacks that respect the narrow streetscape character of the Precinct and avoid overshadowing of neighbouring properties.

Development above 4 storeys should:

- Demonstrate a high standard of architectural design
- Minimise overshadowing of adjoining streets, public spaces or private properties
- Be set back from along the northern side of the following streets:
  - Gipps Street
  - Langridge Street

Building design

Development should be designed to:

- have active and attractive frontages.
- address street activity in its interface design, avoiding recessed car parking at street level.
- be well articulated and modulated.
- use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network.

Traffic and access

For any development:

- the number of vehicular access points to a site should be limited and where possible, consolidated and shared with adjoining sites.
- multiple garages in a continuous row along the street frontage will not be supported and recessed parking spaces at the ground level of buildings will be discouraged.
- the impact of traffic and parking generated by the proposal on the local road network must be considered.

Permeability and public spaces

Any new public open space should have a street frontage.

New development should explore opportunities to create pedestrian connections and through links where the property is accessible from at least two streets.

Amenity

The design and construction of buildings should minimise potential off-site impacts (including noise, light, odour and 24 hour traffic movements).

Landscaping

Landscaping should be considered as a means of providing attractive street frontages.

Public and private open space and other public realm areas should be appropriately landscaped.

4.0 Subdivision

21/07/2022
C263yara

None specified.

5.0 Signs

21/07/2022
C263yara

None specified.

6.0 Application requirements

21/07/2022
C263yara

An application must be accompanied by a detailed site analysis and design response explaining how the development achieves the 'Design objectives' and 'Buildings and works' provisions of this schedule.

An application must also be accompanied by a traffic impact assessment plan for the site which addresses the effects of traffic generated by the proposed development, vehicular access, traffic movements and parking.

7.0 Decision guidelines

21/07/2022
C263yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of traffic generated by the proposal and whether it is likely to require additional traffic management control works in the neighbourhood.
- How the design, height and form of development responds to the preferred built form character of the Precinct.
- How the design, height and visual bulk of building/s on the site address potential negative amenity impacts on surrounding development.
- How the proposal improves the street environment for pedestrians along street frontages.
- The location of, and access to, parking facilities and their effect on the local road network.

YARRA PLANNING SCHEME

01/10/2020
C231yarapt1yara

SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO16**.

QUEENS PARADE

1.0 Design objectives

01/10/2020
C231yarapt1yara

- To ensure development responds to the heritage character and streetscapes and varying development opportunities and supports:
  - the existing low-rise character in Precincts 1, 3B, 4 and 5A
  - a new mid rise character behind a consistent street wall in Precincts 2, 3A and 5B
  - higher rise development in Precinct 5C.
- To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality.
- To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the St John the Baptist church belfry and spire, the former ANZ Bank building, the former United Kingdom Hotel and the former Clifton Motors Garage.
- To promote design excellence that ensures new development respects the wide, open boulevard character of Queens Parade including where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

~~24/07/2022 -/-/----~~
~~C263yara~~Proposed C334yara

A permit is required to construct a building or construct or carry out works, except for:

- an alteration to an existing building façade, provided:
  - the alteration does not include the installation of an external roller shutter;
  - in a C1Z and C2Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing; and
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls.
- rear alterations, extensions or outbuildings no higher than 4 metres above natural ground level.

2.1 Definitions

Heritage building means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

Laneway means a road reserve of a public highway 9 metres or less in width. This does not include Dummett Crescent.

Parapet does not include features such as brackets, pediments, urns, finials or other decorative elements.

Public Realm means all streets (including Dummett Crescent) and spaces open to the public but does not include laneways.

Street wall means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

Street wall height means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

Upper level means development above the height of the street wall.

Upper level setback means the setback of the upper level measured from the street wall of the building.

2.2 General Requirements

The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.

- A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or construct or carry out works which exceed the mandatory maximum building height, mandatory maximum street wall height or mandatory maximum street wall setback or are less than the mandatory minimum street wall height or mandatory minimum upper level setbacks specified in the relevant Precinct Tables. A permit cannot be granted to vary these requirements.
- A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceeds the preferred building height and setbacks specified in the relevant Precinct Tables unless all the following requirements are met, to the satisfaction of the responsible authority:
  - The built form outcome as a result of the proposed variation satisfies the design objectives in Clause 1.0.
  - All other relevant requirements specified in this schedule.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels).
- The equipment does not cause additional overshadowing of private open space, Napier Reserve and Queens Parade.
- The equipment does not extent higher than 3.6 metres above the maximum building height.

Projections such as balconies and building services should not intrude into a setback or upper level setback.

2.3 Street wall height requirements

- Except in Precinct 4, the street wall height should be no higher than the parapet height of an abutting heritage building/s for a minimum length of 6 metres measured from the edge of the heritage building/s.

2.4 Upper level requirements

- Upper level development should:

- Provide setbacks to ensure that upper level additions seen from the public realm do not diminish the appreciation of the heritage building and streetscape.
- Avoid repetitive stepped built form at upper levels.
- Be visually recessive.
- Use materials that are recessive in finish and colour.
- Include articulated side walls, where visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.
- Avoid continuous built form at upper levels.
- Ensure balconies at upper levels do not dominate the solid façades of heritage street walls.
- Minimise the visual intrusion of equipment and services.
- Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.

2.5 Corner site requirements

- New development on a corner site with a frontage to Queens Parade should continue the Queens Parade street wall height along the side street, with a transition in height to match the rear interface where required. This requirement does not apply to Napier Street in Precinct 2C, Precinct 5C or to a laneway except where specified. This requirement applies to the laneway abutting 215 Queens Parade in Precinct 5B to a height of 11m.

2.6 Ground floor design requirements

- Facades at ground level should be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone, Mixed Use Zone and the Commercial 2 Zone.
- Building services and service cabinets should be located away from the street frontage of heritage facades. They should be designed and located so they complement the street frontage and character and appearance of the heritage building.
- Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.

2.7 Vehicular access, car parking, and loading area requirements

- New vehicle crossovers onto Queens Parade, Brunswick Street and Napier Street should be avoided.
- Future vehicle access and services must be provided by a rear laneway or side street, where possible.
- Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
- Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.
- Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.

2.8 Interface to residential properties in NRZ or GRZ requirements

- Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.
- In Precincts 3 and 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

2.9 Precinct design requirements

The following precinct specific design requirements apply in addition to the General Requirements outlined in Clauses 2.2-2.9.

2.9.1 Precinct 1 - Brunswick Street

Shown on the planning scheme map as **DDO16-1**

Preferred character statement

Buildings and works should deliver:

- Properties fronting Brunswick Street and turning the corner to Queens Parade defined by fine grained low scaled heritage buildings with moderate low rise future infill behind the main heritage frontage, accessed by rear laneways.
- Visual prominence of the individually significant heritage building on the corner of Brunswick Street and Queens Parade retained.

Design requirements

Development in Precinct 1 should:

- Ensure low rise additions behind the front sections of the terraced houses of Brunswick Street and Queens Parade respect the prevailing streetscape character and subdivision grain which retain and conserve its heritage values.
- Ensure upper level elevations are high quality, visually recessive and enhance the appreciation of the heritage building at 460 Brunswick Street.

Map 1 to Schedule 16 to Clause 43.02 - Precinct 1



Table 1 – Street wall height, building height and setbacks for Precinct 1

Built Form	Mandatory Requirement	Preferred Requirement
Maximum building height	460 Brunswick Street and Lot 1 on Title Plan TP806921 - 9 metres	Elsewhere - 9 metres
Maximum street wall height	460 Brunswick Street - Match the tallest parapet height of the existing heritage building Elsewhere - Retain the height of the existing heritage street wall	None specified
Maximum and minimum street setback	460 Brunswick Street - Match the setback of the existing heritage building	Elsewhere - Should not be less than the setback of an adjacent heritage building
Minimum upper level setback	6 metres	None specified
Minimum setbacks from side and rear boundary	None specified	ResCode Standard B17

2.9.2 Precinct 2 - Boulevard Precinct

Shown on the planning scheme map as **DDO16-2**

Preferred character statement

Buildings and works should deliver:

- A preferred location for housing and employment growth with well designed mid-rise development that complements Queens Parade through a transition in scale to the Gas Works site.
- Development that complements the visual contribution of the double avenue of trees along the south western part of Queens Parade.
- Precinct 2A - Mid-rise infill behind a distinct moderne heritage frontage that addresses Queens Parade and its heritage context and responds to the sensitivity of the interface with abutting low scale fine grained residential uses to the north and west.
- Precincts 2B and 2C - A vibrant and attractive mid-rise business area that addresses Napier Street, Queens Parade and George Street with a mix of innovative new architecture and heritage buildings to accomodate a wide range of commercial development and employment opportunities.

Design requirements

Development in Precinct 2 should:

- Respect heritage values of the Queens Parade streetscape and deliver an appropriate interface to neighbouring properties that minimises visual bulk and mass.
- Orientate active frontages and provide passive surveillance to the surrounding streets.
- Ensure solar access is provided to Queens Parade and Napier Street Reserve at the equinox from 9am to 3pm.

Development in Precinct 2A should:

- Provide an interface to neighbouring residential properties that minimises visual bulk and mass and provides building separation along side and rear boundaries abutting existing properties.
- Maintain the prominence and significance of the art deco facade.
- Retain, enhance and incorporate the existing heritage facade into the redevelopment of the site and to create a consistent parapet height along the streetscape.
- Recognise the low scale, buildings and fine grain subdivision pattern of exisiting development to the north and west.
- Encourage pedestrian permeability within and through the precinct.
- Avoid a repetitive stepped form within the 45 degree angle profile.
- Ensure development above the street wall is designed as a series of separate development parts with building separation to enable views to the sky.

Development in Precincts 2B and 2C should:

- Provide and appropriate transition in scale from the heritage buildings in Precinct 2B to new built form in Precinct 2C and the higher development form of the Gas Works site.
- Create a new commercial frontage to George Street to form an active edge complementary to the proposed Gas Works redevelopment.

Map 2 to Schedule 16 to Clause 43.02 - Precinct 2

YARRA PLANNING SCHEME

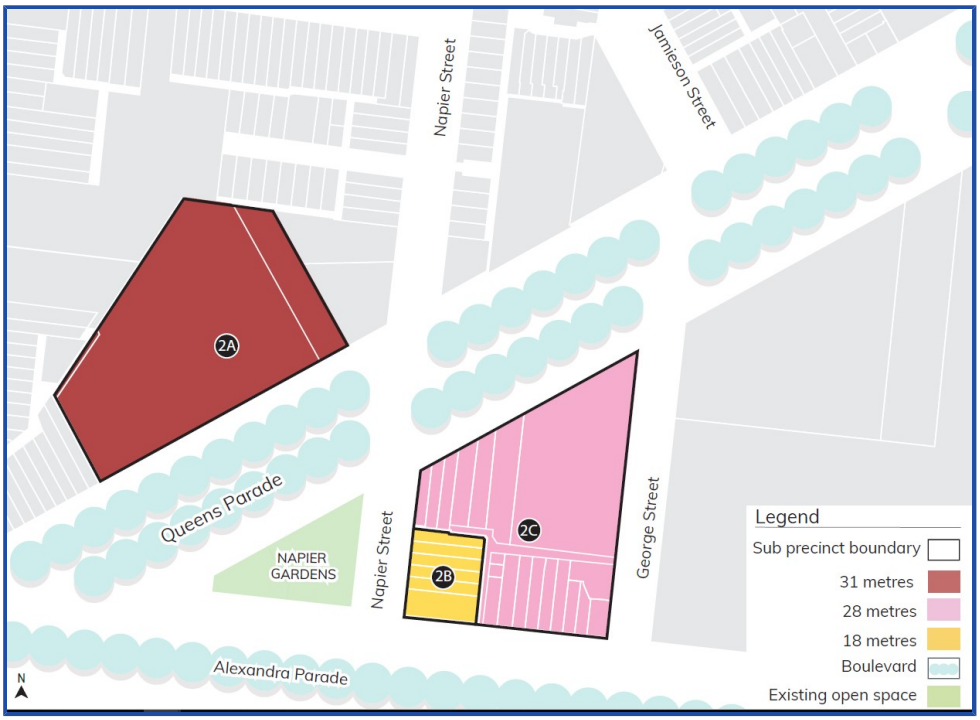


Table 2 - Street wall height, building height and setbacks for Precincts 2A, 2B and 2C

Built Form	Mandatory Requirement	Preferred Requirement
Precinct 2A		
Maximum building height	31 metres	None specified
Maximum street wall height	Retain height of existing heritage facade 10 metres where no heritage facade exists	None specified
Minimum & maximum setback to Queens Parade	None specified	0 metres to maximum 10 metres
Minimum upper level setback	None specified	Above existing heritage facade: ▪ 8 metre setback from 10 metres to 16 metres ▪ 10 metre setback from 16 metres Above new street wall (where no existing heritage facade): ▪ 5 metre setback from 10 metres to 16 metres ▪ 8 metre setback from 16 metres

YARRA PLANNING SCHEME

Built Form	Mandatory Requirement	Preferred Requirement
Minimum setback(s) from rear boundaries - north and west adjacent to NRZ and GRZ	None specified	ResCode Standard B17 from rear boundary of adjoining properties to 10 metres Setback within 45 degree angle measured from 10 to 25 metres
Minimum setback(s) from side boundary - east adjacent to NRZ	None specified	0 metre setback to match party wall of existing adjoining development to 10 metres Setback within 45 degree angle measured from 10 to 25 metres
Minimum setback(s) from side boundary - east adjacent to MUZ	None specified	0 metre setback to match party wall of existing adjoining development, or 10 metre where no party wall exists 9 metre setback from the windows / balconies of adjoining apartments up to 16 metres 15 metre setback above 16 metres
Minimum setback(s) from side and rear boundaries west and north-west adjacent to MUZ	None specified	0 metre setback to match party wall of existing adjoining development, or 10 metre where no party wall exists Setback within 45 degree angle measured from 10 to 25 metres
Precinct 2B		
Maximum building height	None specified	18 metres
Maximum street wall height	Napier Street - retain existing parapet height	None specified
Minimum upper level setback	6 metres	None specified
Minimum rear setback	None specified	4.5 metres from centreline of laneway for height of the entire building
Precinct 2C		
Maximum building height	None specified	28 metres
Maximum street wall height	Napier Street - 10 metres	Queens Parade, George Street and Alexandra Parade - 18 metres
Minimum upper level setback	Napier Street - 6 metres	Elsewhere - 6 metres

Built Form	Mandatory Requirement	Preferred Requirement
Minimum side and rear setback	None specified	Rear setback: 4.5 metres from centreline of laneway for height of the entire building Side setbacks: For upper levels, where a habitable room window is proposed: ▪ 4.5 metres from the common boundary or from the centreline of the laneway For upper levels, where a non-habitable room window or commercial window is proposed: ▪ 3 metres from the common boundary or from the centreline of the laneway

2.9.3 Precinct 3 - St John's Precinct

Shown on the planning scheme map as **DDO16-3**

Preferred character statement

Buildings and works should deliver:

- An attractive mixed use area comprising residential and commercial uses with active frontages to the street that retains the primacy of the St John's Church landmark and views to its belfry and spire.
- New development that articulates the higher profile of the corner of Queens Parade and Smith Street, relative to its immediate surroundings.
- Intact streetscape on Smith Street retained with new development set back from the facade and designed to compliment the Victorian era buildings and street wall.
- An effective transition provided to the residential areas to the south and east.

Design requirements

Development in Precinct 3 should:

- Reflect the fine grain character of heritage streetscapes and minimise the dominance of wide building frontages.
- Deliver high quality architectural detailing that respects the heritage qualities and rhythms of Queens Parade and Smith Street.
- Create a consistent street wall that maintains the prominence of the heritage street wall in the streetscape.
- Provide an interface with neighbouring residential properties on Hodgkinson Street that minimises visual bulk and mass and provides building separation along side and rear boundaries abutting existing properties.

Development in Precinct 3A must:

- Maintain views of the belfry and spire of St John's Church and maintain clear sky between the belfry and spire and new development when viewed from the pedestrian refuge on the south-west corner of the intersection with Queens Parade and Smith Street (as indicated on Map 3). A permit cannot be granted to vary this requirement.

Development in Precinct 3A should:

- Emphasise the corner of Queens Parade and Smith Street with a higher street wall and distinct architectural treatments.

Development in Precinct 3B should:

- Reinforce the traditional street wall on Smith Street.
- Ensure that upper level development is visually recessive to complement the heritage streetscape.

Map 3 to Schedule 16 to Clause 43.02 - Precinct 3

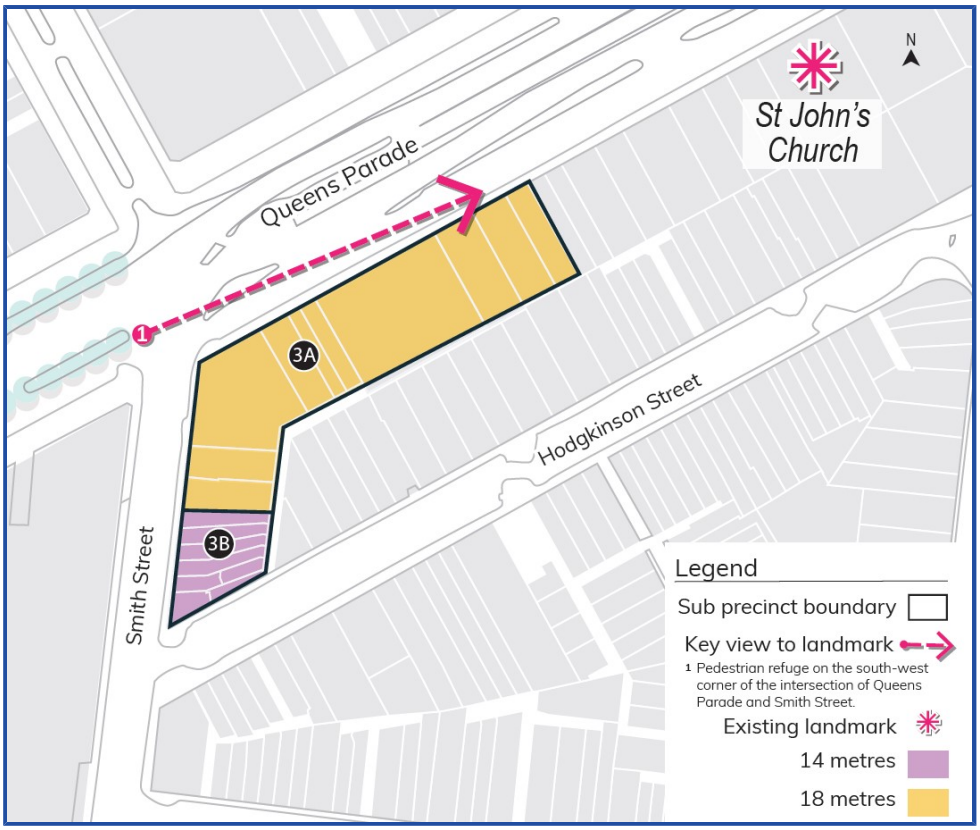


Table 3 - Street wall height, building height and setbacks for Precincts 3A and 3B

Built Form	Mandatory Requirement	Preferred Requirement
Precinct 3A		
Maximum building height	18 metres	None specified
Maximum street wall height	15-33 & 41 Queens Parade - 11 metres 35-37 Queens Parade - retain the height of the existing heritage facade 6 metres on either side of the corner of Smith Street and Queens Parade - 17 metres Elsewhere - 14 metres	None specified

Built Form	Mandatory Requirement	Preferred Requirement
Minimum upper level setback	6 metres	None specified
Maximum street wall setback	None specified	0 metres - built to front boundary at ground level
Minimum rear setback	None specified	Where there is a laneway: ▪ Height and setbacks as shown in Figure 1 Where there is no laneway: ▪ Height and setbacks as shown in Figure 2
Minimum side setback	None specified	If side boundary adjoins NRZ and abuts an existing boundary wall, 0 metre to a height of 8 metres and a setback with a 45 degree angle above a height of 8 metres. Elsewhere - 0 metres
Precinct 3B		
Maximum building height	14 metres	None specified
Maximum street wall height	Retain height of existing heritage facade	None specified
Minimum upper level setback	6 metres	None specified
Maximum street wall setback	None specified	0 metres - built to front boundary at ground level
Minimum rear setback	None specified	Where there is a laneway: ▪ Height and setbacks as shown in Figure 1 Where there is no laneway: ▪ Height and setbacks as shown in Figure 2

2.9.4 Precinct 4 - Activity Centre Precinct

Shown on the planning scheme map as **DDO16-4**

Preferred character statement

Buildings and works should deliver:

- A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade building on its distinctive heritage qualities.
- Development that complements the scale of heritage buildings and the patterns and rhythms of heritage features.

- Upper level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions to residential abuttals to the rear.
- Well designed building frontages and public realm that reinforces the pedestrian experience of this part of Queens Parade as and the central hub for the local community.
- Development that retains the prominence of the former ANZ Building.

Design requirements

Development in Precinct 4 must:

- Protect and maintain key views of the former ANZ Building from the south-west and north-east (as indicated on Map 4), in particular to the upper floor, roof form and chimneys. A permit cannot be granted to vary this requirement.

Development in Precinct 4 should:

- Respect the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct.
- Retain the visual prominence of heritage buildings, their street wall and heritage streetscape when viewed from the opposite side of Queens Parade.
- Facilitate the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade.
- Ensure that any upper level development is set back from the heritage facade, is visually recessive and does not detract from the heritage streetscape.
- Retain the visual prominence and heritage fabric of the return facades of heritage buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets.
- Ensure that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.
- Retain chimneys visible from the public realm.
- Enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.
- Maintain service access from the laneways to facilitate commercial use of the properties fronting Queens Parade.
- Ensure shopfront widths are not reduced to the extent they become commercially unviable.

Map 4 to Schedule 16 to Clause 43.02 - Precinct 4

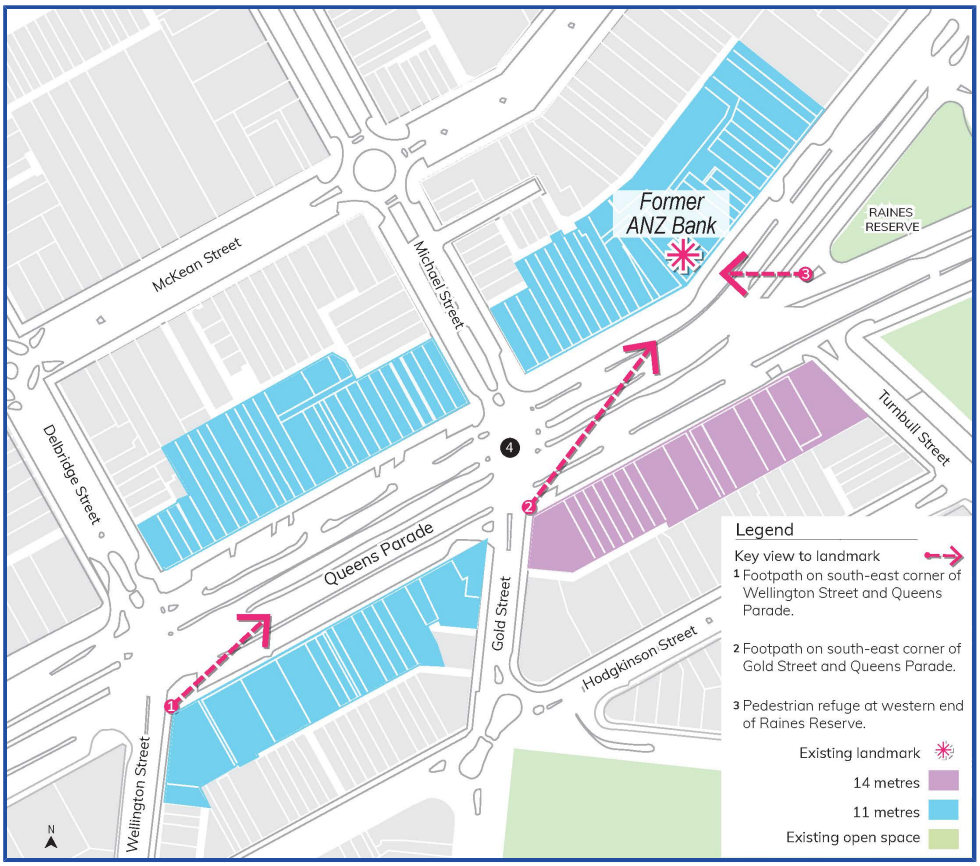


Table 4 – Street wall height, building height and setbacks for Precinct 4

Built Form	Mandatory Requirement	Preferred Requirement
Maximum building height	141-197 Queens Parade - 14 metres Elsewhere - 11 metres	None specified
Maximum and minimum street wall height on Queens Parade	For existing heritage facades: ▪ Retain height of the existing heritage facade Where no heritage facade exists and there is no adjacent heritage building(s): ▪ At least 8 metres in height and no higher than 11 metres in height. Where no heritage facade exists and there is an adjacent heritage building(s): ▪ At least 8 metres in height and no higher than 11 metres unless an adjacent heritage building has a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.	None specified

Built Form	Mandatory Requirement	Preferred Requirement
Maximum and minimum street wall height in side streets	None specified	For existing heritage facades: ▪ No higher than the existing heritage facade. Where there is no heritage facade and there is no adjacent heritage building(s): ▪ At least 8 metres in height and no higher than 11 metres in height. Where no heritage facade exists and there is an adjacent heritage building(s): ▪ At least 8 metres in height and no higher than 11 metres unless there is an adjacent heritage building with a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.
Minimum upper level setback on Queens Parade	8 metres	None specified
Minimum upper level setback in side streets	None specified	6 metres
Maximum and minimum street wall setback	0 metres - built to front boundary at ground level (except for 181, 189-191 and 193 Queens Parade)	181, 189-191 and 193 Queens Parade - Retain existing setback
Minimum setback to a NRZ interface	None specified	Where there is a laneway: ▪ Height and setbacks as shown in Figure 1 Where there is no laneway: ▪ Height and setbacks as shown in Figure 2
Minimum rear setback to a C1Z interface	None specified	3 metres above 11 metres

2.9.5 Precinct 5 – North Eastern Precinct

Shown on the planning scheme map as **DDO16-5**

Preferred character statement

Buildings and works should deliver:

- An area of contemporary higher rise development in a preferred location for housing growth within the activity centre where the significant heritage fabric (the former UK Hotel and the former Clifton Motors Garage) remains the prominent precinct feature.

- Steps up in distinct increments from the significant heritage buildings (the former Clifton Motors and UK Hotel buildings) to the north-east.
- Separation between buildings to enable equitable development equity and amenity and to diminish the bulk of the built form while contributing to a safe and legible walking environment that offers visual interest and and encourages passive surveillance throughout the Precinct.

Design requirements

Development in Precinct 5 should:

- Retain the visual prominence of the former United Kingdom Hotel when viewed from key viewpoints (as indicated on Map 5) - Raines Reserve and the former Clifton Motors Garage when viewed from the opposite side of Queens Parade.
- Retain and incorporate the former Clifton Motors Garage (205-211 Queens Parade) in any redevelopment of the site and ensure that the three dimensional form remains prominent and the decorative vertical fin remains as a freestanding element when viewed from the public realm.
- Adopt a street wall height for new development adjacent to the former United Kingdom Hotel that respects the facade height of the former hotel.
- Ensure buildings in Precincts 5B and 5C read as a series of seperate development parts with building separation above the street wall.
- Establish a transitional and gradual stepping down of building heights from taller forms in Precinct 5C to existing heritage form in Precinct 5A.
- Ensure that adverse wind affects on the public realm are avoided.

Development in Precinct 5C should:

- Reinforce the scale of existing high-rise buildings in the precinct trending higher to the north-east.
- Ensure high quality development enhances the prominent corner of Queens Parade and Hoddle Street creating a strong address to each street frontage that encourages active pedestrian movement and accessibility through the Precinct.
- Ensure that the height and design of the street wall creates and reinforces a 'human scale' to diminish the perceived bulk of the buildings and provide visual interest at street level along Queens Parade and Hoddle Street.

Map 5 to Schedule 16 to Clause 43.02 - Precinct 5

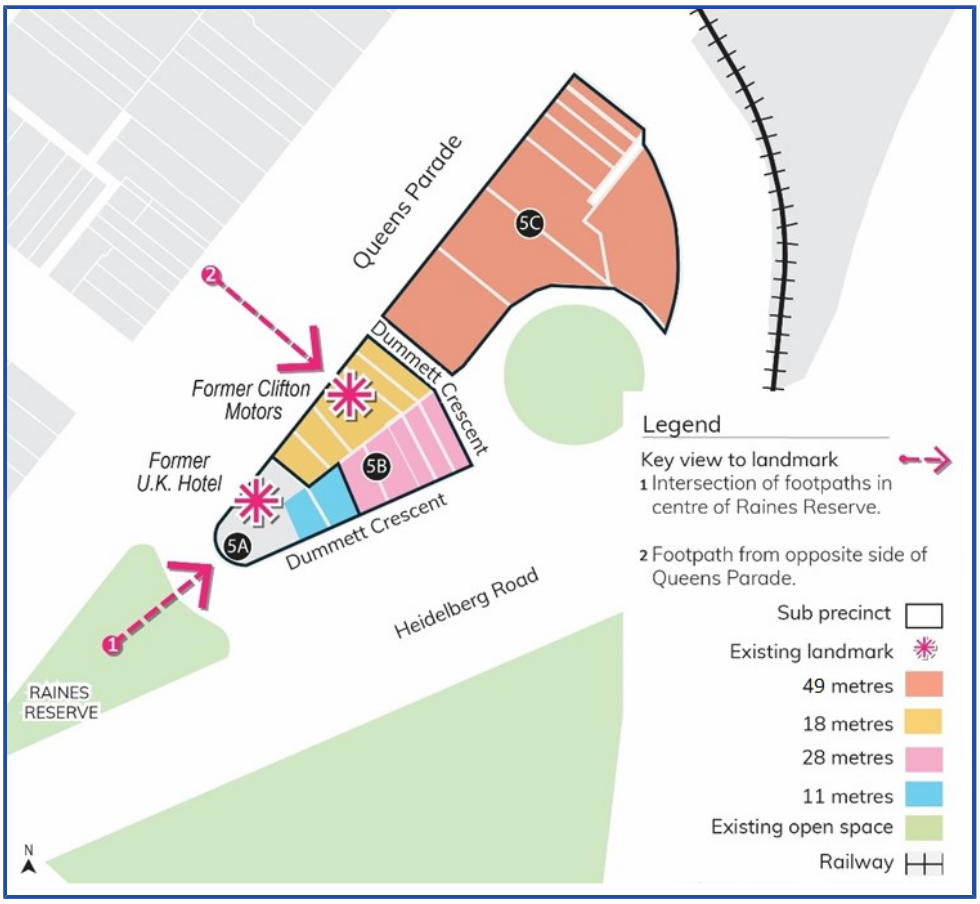


Table 5 – Street wall height, building height and setbacks for Precincts 5A, 5B and 5C

Built form	Mandatory requirement	Preferred requirement
Precinct 5A		
Maximum building height	11 metres	None specified
Maximum street wall height	No higher than the height of the exisiting eaves of the former UK Hotel	None specified
Minimum upper level setback	None specified	6 metres
Precinct 5B		
Maximum building height	201-215 Queens Parade - 18 metres	Elsewhere - 28 metres
Maximum street wall height	201-215 Queens Parade (including the frontage to north-east boundary to Dummett Crescent for distance of 8m) - no higher than the parapet height of the former Clifton Motor Garage and the eaves line of the former UK Hotel	4-10 Dummett Crescent (including the frontage to north-east boundary to Dummett Crescent) - 11 metres

Built form	Mandatory requirement	Preferred requirement
	Beyond a distance of 8m from the corner of Queens Parade, the street wall height along the north-east boundary of 215 Queens Parade - no higher than 11m	
Maximum street wall setback	0 metres - built to the boundary	None specified
Minimum upper level setback	201-215 Queens Parade - 8 metres from Queens Parade	Elsewhere - 6 metres
Minimum side and rear setbacks	None specified	For upper levels, where a habitable room window is proposed: ▪ 4.5 metres from the common boundary or from the centre line of the laneway. For upper levels, where a non-habitable room window or commercial window is proposed: ▪ 3 metres from the common boundary or from the centre line of the laneway.
Precinct 5C		
Maximum building height	None specified	49 metres
Maximum street wall height	None specified	18 metres
Minimum upper level setback	None specified	6 metres
Minimum side and rear setbacks	None specified	For upper levels, where a habitable room window is proposed: ▪ 4.5 metres from the common boundary or from the centre line of the laneway. For upper levels, where a non-habitable room window or commercial window is proposed: ▪ 3 metres from the common boundary or from the centre line of the laneway.

3.0 Subdivision

01/10/2020
C231yarapt1yara

None specified.

4.0 Signs

21/07/2022
C263yara

None specified.

5.0 Application Requirements

01/10/2020
C231yarapt1yara

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrated how the proposal achieves the Design Objectives, Preferred Character Statements and Design Requirements of this schedule.
- For development proposals for buildings over 20 metres in height, a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of ongoing functionality of laneway/s.

6.0 Decision Guidelines

01/10/2020
C231yarapt1yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal delivers design excellence.
- If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.
- The profile and impact of development along Queens Parade when viewed from the north side of McKean Street and the south side of Hodgkinson Street.
- The design of the streetscape interface along the primary street frontage.
- Whether side and rear setbacks and controls on light spillage and noise are sufficient to limit the impact on the amenity of existing dwellings.
- The impact on solar access to Queens Parade and Napier Street Reserve.
- Whether heritage buildings on street corners retain their prominence when viewed from both streets.
- Whether heritage buildings retain their three-dimensional form when viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to:
- - The former ANZ Bank building's tower, roof, chimney and upper level
  - The St John the Baptist Church belfry and spire
  - The former Clifton Motors Gararge's Moderne facade and fin.
- The wind effects created by the development.
- The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.

YARRA PLANNING SCHEME

Figure 1 - Setback where there is a laneway to the side or rear

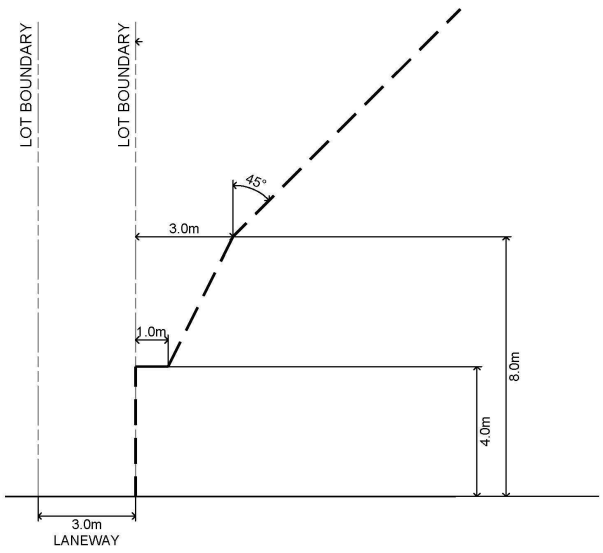
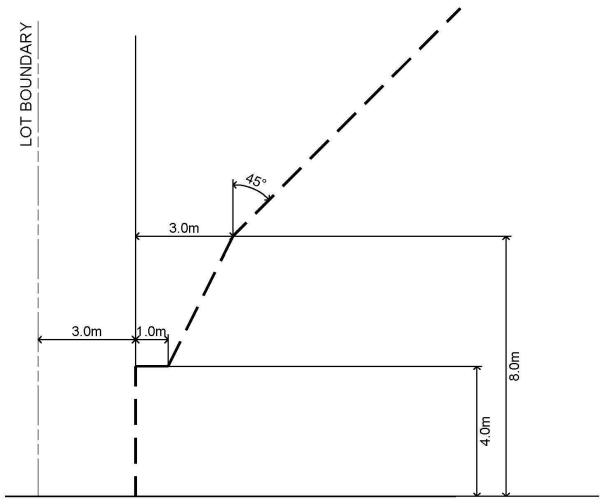


Figure 2 - Setback where there is no laneway to the side or rear



YARRA PLANNING SCHEME

10/02/2022
C191yara

SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE

1.0 Design objectives

10/02/2022
C191yara

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

2.0 Buildings and works

~~06/06/2022~~ ~~--/--/----~~
~~C302yara~~Proposed C334yara A permit is required to construct a building or construct or carry out works~~.~~
, except for:

- an alteration to an existing building façade, provided:
  - the alteration does not include the installation of an external roller shutter;
  - in a C1Z, at least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing; and
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls.
- rear alterations, extensions or outbuildings no higher than 4 metres above natural ground level.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Street boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Map 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Map 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Map 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;

- no additional overshadowing and overlooking to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and

- where the proposal includes dwellings, it also achieves each of the following:
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07-7 and 58.05-1 as relevant;
  - communal open space provision that exceeds the minimum standards in Clauses 55.07-2 and 58.03-2; and
  - private open space provision that exceeds the minimum standards in Clauses 55.07-9 and 58.05-3.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing of adjoining properties; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

On corner sites where two different street wall heights are nominated, buildings should ‘turn the corner’ and apply the Swan Street wall height. If the Swan Street wall is higher it should transition to the lower nominated street wall height on the side street.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Map 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Map 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Map 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Map 2 should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Map 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development at 108-120 Swan Street and 2 Kipling Street, as shown in Map 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 94-98 Swan Street, as shown in Map 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Map 2.

Development should improve the pedestrian environment and amenity of streets and laneways that provide a pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.

YARRA PLANNING SCHEME

Table 1 – Street Wall Heights and Setbacks for Precinct 2

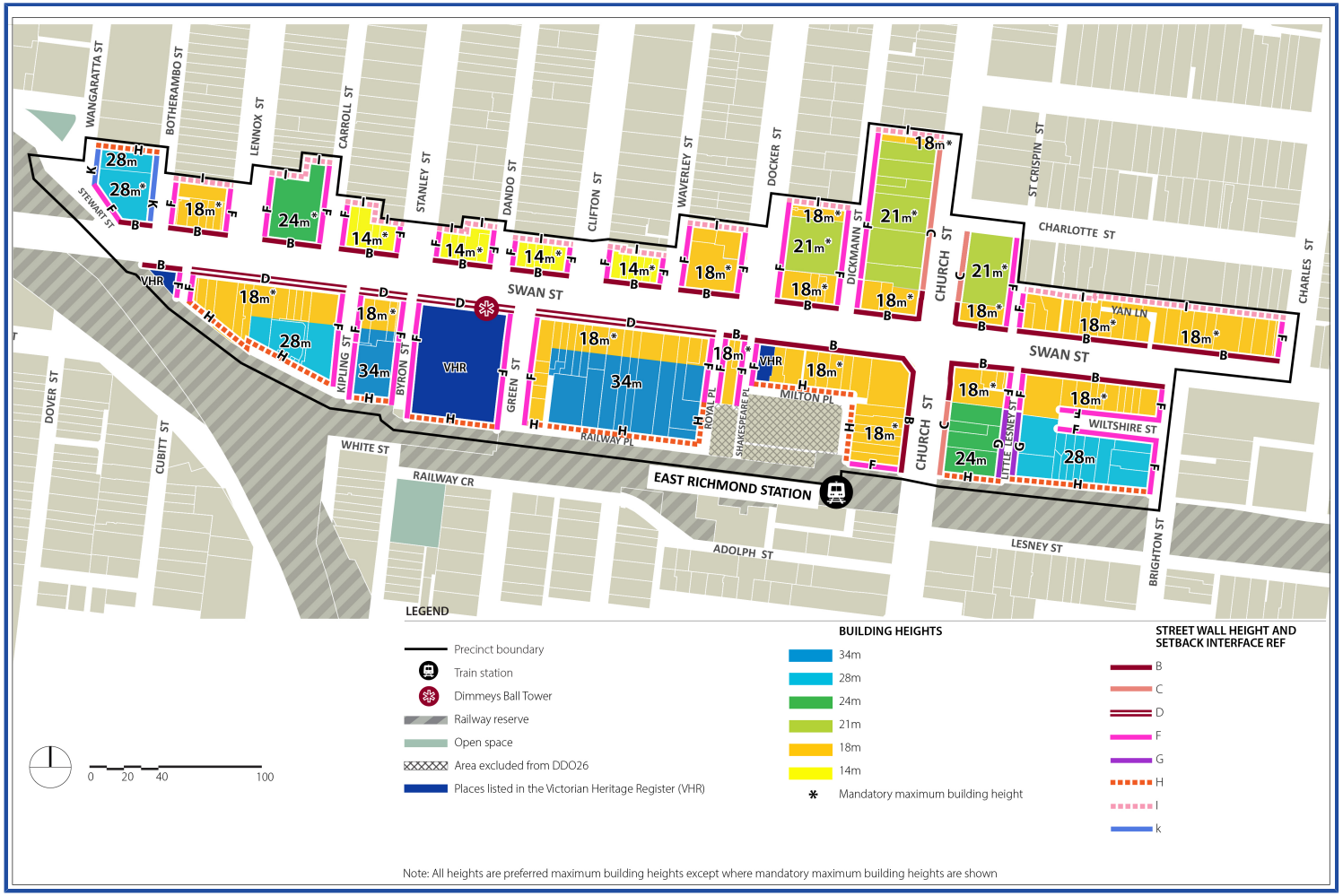
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 or heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Map 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.

YARRA PLANNING SCHEME

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback		0m.
	Upper level setback		3m minimum.

YARRA PLANNING SCHEME

Map 1 to Schedule 26 to Clause 43.02: Height and Interface Plan – Precinct 2 Swan Street Retail Centre



YARRA PLANNING SCHEME

Map 2 to Schedule 26 to Clause 43.02: Access and Movement Plan – Precinct 2 Swan Street Retail Centre



3.0 Subdivision

10/02/2022 C191yara

None specified.

4.0 Signs

10/02/2022 C191yara

None specified.

5.0 Application requirements

10/02/2022 C191yara

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

10/02/2022 C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmeys Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to Schedule 26 to Clause 43.02 – Interface with an existing laneway

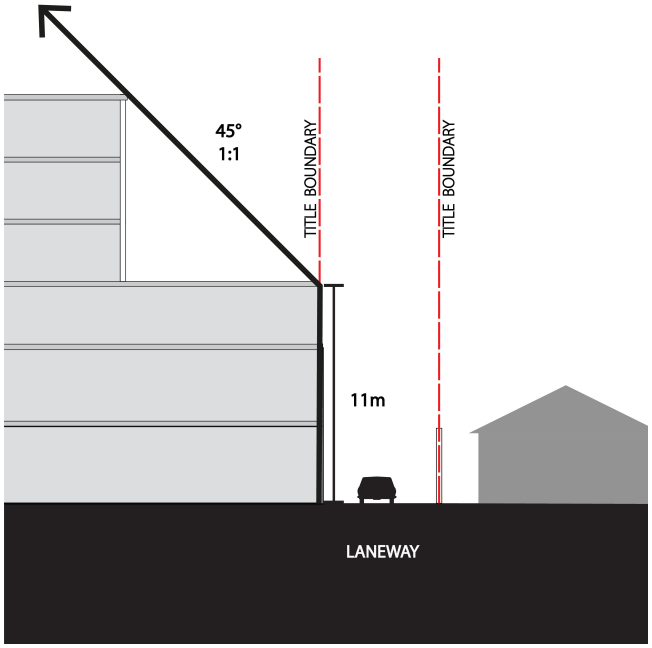
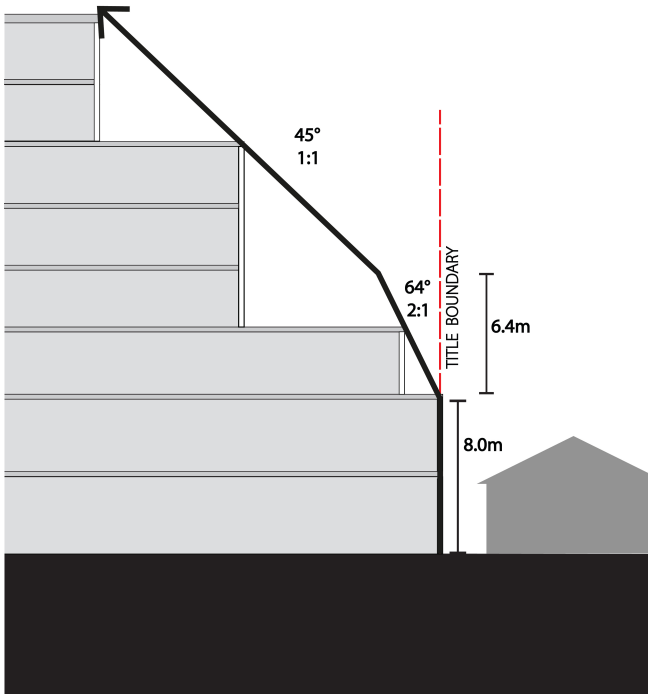


Figure 2 to Schedule 26 to Clause 43.02 – Interface direct abuttal



YARRA PLANNING SCHEME

21/07/2022
C263yara

SCHEDULE TO CLAUSE 52.05 SIGNS

1.0 Exemption from notice and review

~~21/07/2022~~ ~~-/-/----~~
~~C263yara~~Proposed C334yara

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

Land	Condition
~~None specified~~ Any commercial zone	The sign is a business identification sign (including internally illuminated), and is not an LED, digital or animated sign, bunting sign, electronic sign, floodlit sign or reflective sign.

YARRA PLANNING SCHEME

ATTACHMENT 6

- Policy Cl.15.03-1L pg.1-11
- Explanatory Report pg.12-18
- Instruction Sheet pg.19

15.03-1L Heritage

~~21/12/2023~~ ~~C269yara~~Proposed C334yara

Policy application

This policy applies to land within a Heritage Overlay and permit applications for signs in a Heritage Overlay (in addition to policies in clause 15.01-1L-01 (Signs)).

Objectives

To conserve and enhance Yarra's natural and cultural heritage.

To preserve the scale and pattern of streetscapes in heritage places.

To ensure the adaptation of heritage places is consistent with the principles of good conservation practices.

To promote signs that conserve and enhance the significance of a heritage place.

Strategies

New development, alterations or additions

Retain, conserve and enhance individually significant and contributory buildings as identified in the incorporated document in schedule to clause 72.04 'City of Yarra Database of Heritage Significant Areas.'

Promote development that is high quality and respectful in its design response by:

- Maintaining the heritage character of the existing building or streetscape.
- Respecting the scale and massing of the existing heritage building or streetscape.
- Retaining the pattern and grain of streetscapes in heritage places.
- Not visually dominating the existing heritage building or streetscape.
- Not detracting from or competing with the significant elements of the existing heritage building or streetscape.
- Maintaining the prominence of significant and contributory elements of the heritage place.
- Respecting the following elements of the heritage place:
  - Pattern, proportion and spacing of elements on an elevation.
  - Orientation to the street.
  - Setbacks.
  - Street wall.
  - Relationship between solid and void.
  - Roof form.
  - Chimneys.
  - Verandahs and canopies.
  - Materials.
- Being visually recessive against the heritage fabric through:
  - Siting.
  - Mass.
  - Scale.
  - Materials.

- Architectural detailing.
- Texture, colours and finishes.

Protecting and conserving the view of heritage places from the public realm (except from laneways, unless fabric visible from laneways is identified as being significant in the Statement of Significance for the place).

Maintain views to the front of an individually significant or contributory building or views to a secondary façade where the building has two street frontages by not:

- Building over the front of it.
- Extending into the air space above the front of it.
- Obscuring views of its principal façade/s.

Setback additions:

- To avoid facadism, where only the visible façade is retained and the remaining fabric is demolished.
- To maintain the visibility of the three-dimensional form and depth of a building.

Retain or reinstate historic street and laneway fabric and infrastructure, including bluestone.

In circumstances where primary pedestrian access is provided from a laneway, allow for any reinstatement of the laneway fabric to provide universal access.

Demolition

Prioritise the conservation and adaptive reuse of a heritage place over demolition.

Prevent the demolition of individually significant or contributory buildings unless all of the following can be demonstrated:

- The building is structurally unsound rather than in poor condition.
- Alternative stabilisation works have been investigated and are not feasible.
- The replacement building and/or works is appropriate for the heritage context.

Prevent the demolition of any part of an individually significant or contributory building unless all of the following can be demonstrated:

- The demolition will not adversely affect the significance of the heritage place.
- The partial demolition will contribute to the long-term conservation of the heritage place.
- The fabric does not contribute to the significance of the place or the area of demolition is not visible from:
  - The street frontage (other than a laneway), unless:
    - The principal façade addresses the laneway; or
    - The fabric visible from the laneway is identified in the Statement of Significance.
  - A park or public open space immediately adjoining the site.
- The demolition of part of the building allows its three-dimensional form to be retained and does not result in the retention of only the visible façade of the building and demolishing the remainder.
- The replacement building is a high quality design.

Encourage applications for demolition to be accompanied by an application for new development.

Prevent the demolition of an individually significant or contributory building unless new evidence has become available to demonstrate that the building is not of heritage significance and does not contribute to the significance of a heritage place.

Residential alterations or additions

Setback buildings and works to a minimum depth of two front rooms to retain the original or early fabric of the individually significant or contributory building, its principal façade and primary roof form.

Ensure that buildings and works to heritage places on corner sites or sites with dual frontages to roads are:

- Setback to match the setback of the individually significant or contributory building or the adjoining building, whichever is the lesser.
- Read as a secondary element when viewed from the adjoining street.

Discourage additions which are taller than the individually significant or contributory building except in circumstances where the development is:

- Appropriately setback from the front and side facades.
- Respectful of the scale of the individually significant or contributory building.
- Substantially concealed.

Residential infill development

Setback residential infill development to match the setback of the principal street frontage of adjoining heritage buildings.

Ensure that buildings and works associated with residential infill development are consistent with:

- Prevailing side setbacks and building spacing.
- Height relative to the surrounding context.

Encourage new residential infill development to reflect the prevailing roof pitch and form.

Discourage use of atypical buildings to determine the appropriate siting, form and appearance of new development in the context of its surrounds.

Commercial and industrial heritage places

Articulate new façades by incorporating simple architectural detailing that does not compete with the more elaborate detailing of adjoining individually significant or contributory building.

Retain the visual prominence of both façades of buildings on corner sites (not including laneways).

Discourage the following in the facades of individually significant and contributory buildings:

- New openings.
- Enlarging existing openings.
- New floor plates, walls, columns or structural supports cutting through openings.
- Highly reflective glazing in historic openings (not including solar panels).
- Large expanses of glazing with a horizontal emphasis, except for ground floor shop fronts.
- Unarticulated curtain glazing.
- Balconies in historic openings.

Commercial heritage places

Encourage buildings and works to respect and respond to the existing proportions, patterning and massing of nineteenth and early twentieth century facades and streetscapes.

Maintain the prominence of the street wall through appropriate upper level setbacks.

Encourage new development in activity centres to respect the prevailing street wall height in the immediate area.

Conserve and enhance heritage shopfronts and verandahs.

Encourage new shopfronts to complement the general form and proportion of glazing and openings of adjoining original or early shopfronts, if any.

Maintain the existing canopy/verandah height of adjoining heritage buildings and the heritage streetscape.

Encourage a simple contemporary verandah design, consistent with the form and scale of adjoining verandahs.

Encourage inset balconies above the street wall rather than projecting balconies.

Incorporate an angled splay to buildings on street corners where these are present on adjacent or opposite corners.

Industrial heritage places

Conserve and enhance roof forms that contribute to the significance of the building, particularly parts that are visible from the public realm or incorporate features such as lanterns, skylights and vents.

Conserve and enhance features such as steel trusses, lanterns, chimneys, silos, towers and their visual prominence within industrial sites.

Encourage new development on small scale one or two storey industrial buildings that does not visually dominate the historic form when viewed from the public realm.

Retain redundant equipment on significant industrial sites where it aids the understanding of the heritage place.

Relocation

Retain a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be demonstrated that the relocation is the only reasonable means of ensuring the retention of the heritage place.
- A suitable location is secured.

Restoration and reconstruction

Retain the significance of the heritage place and the original fabric through:

- Restoration (returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material).
- Adaptive re-use.
- Reconstruction, where evidence exists (returning a place to a known earlier state, including the introduction of new material).

Support the reconstruction of a building or works that previously existed in a heritage place if:

- The reconstruction will support the significance of the heritage place.
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of a missing building in an otherwise identical row or pair of buildings if it supports the cultural significance of the heritage place.

Painting and surface treatments

Support the removal of paint and other surface treatments from originally unpainted/untreated masonry surfaces by non-abrasive methods.

Retain historic painted signs.

Discourage painting, rendering or other surface treatments of unpainted surfaces.

Where external paint controls apply, ensure paint colours and types are consistent with the period of construction and architectural style of the heritage place.

Trees, landscapes, parks and gardens

Where tree controls apply, support the retention of significant trees in a heritage place unless it is demonstrated that the trees:

- Have deteriorated due to old age or disease to a point that retention is unsafe.
- Are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) are not possible.

Ensure works do not impact on the health or viability of significant trees.

Ensure that works are respectful of significant trees and significant garden layouts by siting development in a manner that will not impact on the cultural significance (including the aesthetic, historic, scientific, social or spiritual value for past, present or future generations) of the landscape.

Maintain the significance of historic parks, gardens and street trees by ensuring new development is sited and designed in a manner appropriate for the heritage place.

Subdivision

Retain the significant or contributory elements of a heritage place within a single lot, including buildings, outbuildings, trees or gardens.

Support subdivision that respects and responds to the significance of the heritage place including the original road and lot layout, the rhythm and pattern of building frontages and/or buildings in the streetscape.

Ensure that the subdivision of former industrial complexes reflects or interprets the historical arrangement of the heritage buildings or processes.

Services and equipment

Ensure that the location and installation of services and equipment does not detract from the significance of the heritage place or damage the heritage fabric.

Conceal ~~solar panels,~~ water tanks, hot water systems, air conditioners and other mechanical equipment from street view or where this is not possible, sensitively locate and install these services.

Minimise the visual impact of solar panels on the heritage place where the panels cannot be concealed from street view.

Ensure fixed mobility services and equipment (including wheel chair ramps and grab-rails) are designed having regard to the heritage place.

Roof terraces and roof decks

Set back roof terraces/roof decks so that they are concealed when viewed from the street and where on a corner, when viewed from the side street.

Encourage roof terraces/roof decks that are set back a minimum of one metre from chimneys and parapets.

Ensure that stairwells, lift wells and lift overruns are not visible when viewed from the public realm.

Fences and gates

Retain original fences and gates that contribute to the significance of the heritage place.

Support front fences and gates that allow views to heritage places or contributory elements from surrounding streets.

Discourage high fences, gates and boundary treatments (such as roller doors) on the principal street frontage which do not relate to the historic character of the area.

Ensure that fences and gates are sympathetic to the period of construction and architectural style of the heritage place.

Signs

Locate signs in traditional locations on a heritage building.

Discourage signs that disrupt a historic façade, parapet or roofline.

Ensure signs are sensitively designed and located to minimise damaging the heritage fabric.

Conserve original signs and advertising features.

Policy guidelines

Signs

Consider as relevant:

Discourage the following signs in heritage areas:

- High wall signs outside commercial areas.
- Major promotion signs.
- Promotion signs.
- Panel signs.
- Pole signs.
- Internally illuminated and electronic signs at upper levels.
- Animated signs.
- Sky signs.
- Above-verandah signs, unless they are part of the existing character.
- Signs that project from the verandah or building outside commercial areas.

15.03-1L-01 Heritage places within the World Heritage Environs Area

17/04/2025
VC251

Policy application

This policy applies to land within the World Heritage Environs Area (WHEA) as shown in Map 1 of this clause.

Objectives

To provide a buffer area for the World Heritage listed Royal Exhibition Building and Carlton Gardens which:

- Defines the immediate setting of, and important views to and from the Royal Exhibition Building and Carlton Gardens as a World Heritage place and presents the contemporaneous late 19th century context of the Royal Exhibition Building and Carlton Gardens.
- Protects, conserves, manages and provides certainty to the Outstanding Universal Values of the Royal Exhibition Building and Carlton Gardens, a place outside of the WHEA.
- Ensures appreciation of the building that housed and presented the International Exhibition.
- Provides a setting and context of significant historic character.

To protect significant views and vistas to and from the Royal Exhibition Building and Carlton Gardens.

To maintain and conserve the urban form and significant historic character including built form and landscapes of the area.

To ensure development responds to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

To ensure development does not detract from, or intrude on, the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

Strategies

Support the retention and conservation of valued heritage streetscape character.

Encourage retention of the predominantly lower scale form of development to provide a contrast with the dominant scale and form of the Royal Exhibition Building and Hoddle Grid.

Discourage consolidation of allotments in residential areas to protect typical nineteenth century subdivision and allotment patterns, where appropriate.

Protect direct views and vistas to the Royal Exhibition Building and Carlton Gardens from bordering streets and other views and vistas to the dome from streets within the WHEA.

Discourage permanent structures such as shelters, kiosks and signage (other than for historic interpretation purposes), around the perimeter of the Royal Exhibition Building and Carlton Gardens to:

- Avoid impact on the presentation of the Royal Exhibition Building and Carlton Gardens, including axial views along treed alleys and avenues.
- Minimise inappropriate visual clutter around the perimeter of the Royal Exhibition Building and Carlton Gardens.

Discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, electronic signs, and sky signs within the WHEA.

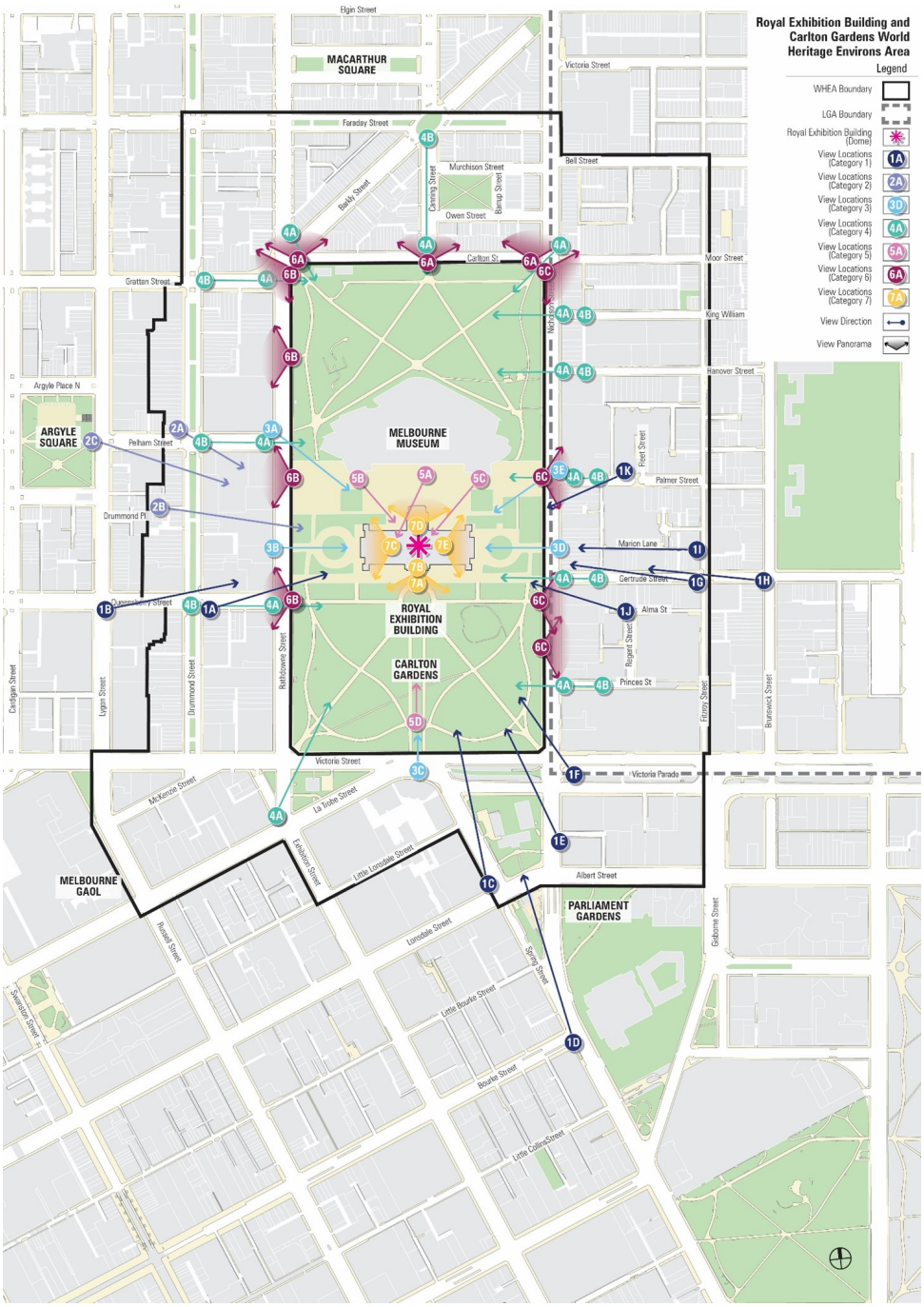
Policy document

Consider as relevant:

- *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens* (Department of Transport and Planning, August 2024).

YARRA PLANNING SCHEME

Map 1 - WHEA including view locations



YARRA PLANNING SCHEME

Table 1 - Aspect and Prospect View Locations and Descriptions for Protection

Location	Description
Category 1- Aspect view: Direct/proximate views to the Dome (Flagpole, Lantern, Dome and Drum) from the public realm, including rear laneways, streets, or public spaces.	
1A	View 1A: Views to the Dome from the southern footpath of Queensberry Street between Drummond Street (east side) and Rathdowne Street.
1B	View 1B: Views to the Dome from the southern footpath of Queensberry Street between Lygon Street (east side) and Drummond Street.
1C	View 1C: Views to the Dome from the western footpath of Spring Street between Victoria Street and Lonsdale Street (north side).
1D	View 1D: Views to the Dome from the western footpath of Spring Street between Lonsdale Street and Bourke Street (south side).
1E	View 1E: Views to the Dome from the eastern footpath of Nicholson Street between Victoria Street and Evelyn Place (south side).
1F	View 1F: Views to the Dome from the Lansdowne Street and Victoria Parade tram stop (tram stop no. 10).
1G	View 1G: Views to the Dome from the southern footpath of Gertrude Street between Nicholson Street and Fitzroy Street (west side).
1H	View 1H: Views to the Dome from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side).
1I	View 1I: Views to the Dome from the western footpath of Fitzroy Street, along Marion Lane.
1J	View 1J: Views to the Dome from the northeastern corner of Regent Street and Alma Street junction.
1K	View 1K: Views to the Dome from the northern footpath of Palmer Street between Fleet Street and Little Fleet Street.
Category 2 - Aspect view: Glimpse/distant view of the Dome (in parts) from the public realm, including rear laneways, streets, or public spaces.	
2A	View 2A: View to parts of the Dome from the northwestern corner of Pelham and Drummond Streets.
2B	View 2B: View to parts of the Dome from the junction of Drummond Street and Drummond Place.
2C	View 2C: View to parts of the Dome from the junction of Lygon Street and Pelham Street (eastern edge of Argyle Square).
Category 3 - Aspect view: Direct view of the Royal Exhibition Building (REB) from within the public realm, including laneways, streets, or public spaces.	
3A	View 3A: Views to the REB from the western footpath of Rathdowne Street between Grattan Street and Pelham Street (north side).

YARRA PLANNING SCHEME

Location	Description
3B	View 3B: Views to the REB from the western footpath of Rathdowne Street (between 101 & 117 Rathdowne Street).
3C	View 3C: Views to the REB from the southern footpath of Victoria Street at the signalised junction of La Trobe Street and Spring Street and the La Trobe / Victoria Street tram stop (tram stop No. 9).
3D	View 3D: Views to the REB from the eastern footpath of Nicholson Street (adjacent to 60 Rathdowne Street).
3E	View 3E: Views to the REB from the eastern footpath of Nicholson Street between Hanover Street and Palmer Street (north side).
Category 4 - Aspect view: Views of the Carlton Gardens from within the public realm, including streets, or public spaces where Carlton Gardens are visible.	
4A	View 4A: Open views to the Carlton Gardens from the footpaths of perimeter streets, including Carlton Street, Nicholson Street, Victoria Street, Rathdowne Street and Exhibition Street (between Victoria Street and La Trobe Street).
4B	View 4B: Terminated views to the Carlton Gardens from the footpaths of perpendicular streets within 1 block of the perimeter streets, including: ▪ Canning Street between Faraday & Carlton Streets. ▪ King William Street between Nicholson & north – south laneway. ▪ Hanover Street between Nicholson & north – south laneway. ▪ Palmer Street between Nicholson & Lt Fleet Streets. ▪ Gertrude Street between Nicholson & north – south laneway. ▪ Princes Street between Nicholson & Regent Streets. ▪ Queensberry Street between Rathdowne & Drummond Streets. ▪ Pelham Street between Rathdowne & Drummond Streets. ▪ Grattan Street between Rathdowne & Drummond Streets.
Category 5 - Prospect view: Direct views towards the REB and Dome (Flagpole, Lantern, Dome and Drum) from within the Carlton Gardens and Melbourne Museum Forecourt.	
5A	View 5A: Views to the Dome and northern elevation of the REB from within the central sector of the Melbourne Museum forecourt, positioned adjacent to the central museum entry and external lift core (east side).
5B	View 5B: Views to the Dome and northern elevation of the REB from within the western sector of the Melbourne Museum forecourt, positioned adjacent to the iMAX entry.
5C	View 5C: Views to the Dome and northern elevation of the REB from within the eastern sector of the Melbourne Museum forecourt, positioned adjacent to the public seating area.
5D	View 5D: Views to the Dome and southern elevation of the REB from within the Grand Allee.

Location	Description
Category 6 - Prospect view: Oblique views of 19th century streetscape from the perimeter of the Carlton Garden and Melbourne Museum Forecourt.	
6A	View 6A: Views to the intact 19th century significant streetscape on the north side of Carlton Street from the southern footpaths of Carlton Street at designated entries into the Carlton Gardens.
6B	View 6B: Views to the intact 19th century significant streetscape on the west side of Rathdowne Street between Grattan and Queensberry Streets from the eastern footpaths of Rathdowne Street at designated entries into the Carlton Gardens and the Museum Forecourt.
6C	View 6C: Views to the intact 19th century streetscape on the east side of Nicholson Street between Moor and Princes Streets from the western footpaths of Nicholson Street at designated entries into the Carlton Gardens and the Museum Forecourt.
Category 7 - Prospect view: Long-range/ distant views of the World Heritage Environs Area (WHEA) and other prominent heritage landmarks from the elevated Promenade Deck.	
7A	View 7A: View to southern part of the WHEA and the Central City beyond from the Lower Deck.
7B	View7B: View to southern part of the WHEA and the Central City beyond from the Upper Deck.
7C	View 7C: View to western part of the WHEA from the Upper Deck.
7D	View 7D: View to northern part of the WHEA from the Upper Deck.
7E	View 7E: View to eastern part of the WHEA from the Upper Deck.

15.03-2S Aboriginal cultural heritage

31/07/2018
VC148

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006.*

Policy guidelines

Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Planning and Environment Act 1987

Yarra Planning Scheme

Amendment C334yara

Explanatory Report

Overview

The amendment proposes to remove several planning permit triggers, notice and review requirements to reduce the regulatory burden on businesses in the City of Yarra. C334yara includes permit exemptions for minor buildings and works and business identification signage in commercial areas, provided certain conditions are met. It includes exemptions from notice and review requirements for minor buildings and works and business identification signage in commercial areas, provided certain conditions are met.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Yarra City Council website at https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments.

And

The amendment is available for public inspection, free of charge, during office hours at the following place:

Planning Counter

Richmond Town Hall

333 Bridge Road

RICHMOND VIC 3121

The amendment can also be inspected free of charge at the Department of Transport and Planning website at planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

Yarra City Council
PO Box 168
Richmond VIC 3121

Panel hearing dates

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

- Directions hearing: [insert directions hearing date]
- Panel hearing: [insert panel hearing date]

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Yarra City Council.

Land affected by the amendment

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

What the amendment does

The amendment amends the Yarra Planning Scheme to remove several planning permit triggers and notice requirements to reduce the regulatory burden on local businesses.

Specifically, the amendment seeks to make the following changes to the Yarra Planning Scheme:

- Amend Planning Policy Framework under Clause 15.03-1L to include policy regarding exemptions for solar panels within the Heritage Overlay.
- Amend Schedules 6, 9-11, 13-16, 19, 21-22 and 25-28 to the Design and Development Overlay to include an exemption that states a permit is not required to alter an existing facade provided certain conditions are met.
- Amend Schedule 6, 9-11, 13-53 to the Design and Development Overlay to include an exemption that states a permit is not required for rear alterations, extensions or outbuildings provided the maximum building height is less than 4 metres.
- Amend Schedule 11 to the Design and Development Overlay - Gipps Street to include an exemption from notice and review requirements for applications to construct a building or construct or carry out works provided certain conditions

are met.

- Amend the "Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay Planning Permit Exemptions, July 2014" under Clause 72.04 Schedule 1 to make minor corrections and to include planning permit exemptions for:
    - Rear extensions for non-residential buildings or uses provided certain conditions are met.
    - Business identification signage provided certain conditions are met.
    - The installation of solar panels provided certain conditions are met.
- Amend the Schedule to Clause 52.05 Signs to include an exemption from notice and review requirements for business identification signage provided certain conditions are met.

Strategic assessment of the amendment

Why is the amendment required?

The amendment will reduce the regulatory burden on local businesses by introducing additional planning permit exemptions and exemptions for notice and review for minor buildings and works, alterations to the façade and business identification signage provided certain conditions are met.

Yarra's inner-city location, with its vibrant mix of hospitality venues, service businesses, offices and other businesses mixed with housing, and including strong daytime and nighttime economies makes it a haven for wide range of local businesses.

Given the economic and cultural value of small business, Council seeks to reduce obstacles for the establishment and operation of these ventures.

As part of Council's intention to explore opportunities to streamline and simplify processes for local businesses, SGS prepared the Supporting Local Business Project and Streamlining Planning Permits Report, 21 May 2025.

The Supporting Local Business Project and Streamlining Planning Permits Report made several recommendations, including possible changes to the Yarra Planning Scheme. These recommendations are detailed below:

<u>Various Design and Development Overlay schedules</u>

Minor buildings and works, including an alteration to an existing façade and rear alterations, extensions or outbuildings no higher than 4 metres be exempt from a planning permit in various schedules to the Design and Development Overlay.

<u>City of Yarra Incorporated Plan under the Provisions of Clause 43.01 Heritage Overlay Planning Permit Exemptions, July 2014 under Clause 72.04 Schedule 1</u>

Update the Incorporated Plan under the provisions of clause 43.01 Heritage Overlay,

Planning permit exemptions (July 2014) under Clause 72.04 Schedule 1 to exempt rear alterations, extensions and outbuildings and business identification signage from requiring a planning permit under the Heritage Overlay provided certain conditions are met. Also to exempt solar panels, provided conditions are met, to ease the pathway for more sustainable energy solutions for commercial and residential buildings within a Heritage Overlay.

Schedule to 52.05- Signs

Amend the Schedule to Clause 52.05 - Signs to exempt business identification signage from the notice and review requirements provided certain conditions are met.

Schedule 11 to the Design and Development Overlay

Amend Schedule 11 to the Design and Development Overlay to exempt buildings and works from the notice and review requirements provided certain conditions are met. This change is consistent with the state standard notice and review exemption that applies to Commercial 1 Zone.

All these changes will be introduced as part of C334yara, which will reduce the regulatory burden of small business in Yarra by exempting certain buildings and works and business identification signage from requiring a planning permit and providing an exemption from notice and review. Exempting solar panels subject to certain conditions being met will ease the pathway towards more sustainable energy solutions for buildings in a heritage overlay.

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

The amendment implement the objectives of planning in Victoria as outlined in sections 4(1) as follows:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

The amendment will result in the fair, orderly, economic and sustainable use and development of land by reducing the regulatory burden of small business in Yarra.

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The amendment will improve the efficiency of the working environment in Victoria by removing some of the planning permit triggers that apply to businesses.

(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

The amendment will facilitate development associated with businesses by reducing

their regulatory burden.

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

Environmental and Social

The amendment will have negligible environmental and social impacts. Creating more permit exemptions for solar panels will assist occupiers of residential and non-residential buildings to reduce energy bills and their carbon footprint.

Economic

The amendment will have positive economic impacts including:

- Improve the economic well-being of the Yarra's businesses by increasing the exemptions for planning permit applications for businesses and removing some notice and review requirements.
- Improving future private sector investment in Yarra.
- Improving the vitality and viability of existing commercial or retail activity in Yarra.
- Possibly leading to an increased range of goods and services in Yarra.
- Potentially increasing the number of jobs in Yarra.

Does the amendment address climate change?

The amendment considers climate change in accordance with Ministerial Direction 22- Climate Change Consideration under section 12A of the Planning and Environment Act.

The amendment will reduce the regulatory burden of businesses in Yarra. This will improve the viability of businesses in Yarra, which may reduce transport related emissions as residents can access more businesses locally.

Creating more permit exemptions for solar panels will assist occupiers of residential and non-residential buildings to reduce energy bills and their carbon footprint.

Does the amendment address relevant bushfire risk?

The land affected by the amendment is not subject to bushfire risk or a Bushfire Management Overlay.

Therefore, the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or the natural environment from bushfire

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment complies with the requirements of the Ministerial Direction No. 7(5) (Form and Content of Planning Schemes).

The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

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

The amendment is consistent with the following objective and strategy of the Planning Policy Framework:

Clause 17.01- Employment

Objective

- To strengthen and diversify the economy.

Strategy

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

The amendment ensures that Yarra's economy is strengthened and diversified by reducing businesses regulatory requirements and potential delays.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment will have no impact on Yarra's housing target set out in the Planning Policy Framework.

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

The Municipal Planning Strategy (MPS) recognises that Yarra has a strong and mixed economy and is well positioned to attract and retain businesses and workers.

Clause 02.03-3 (Environmental risks and amenity):

Lead on sustainability and seek to manage the long-term effects of climate change

The amendment supports this relevant Strategic Directive by including exemptions for solar panels within the Heritage Overlay to encourage sustainable energy solutions for commercial and residential buildings within a Heritage Overlay.

Clause 02.03-6 (Economic Development):

Promote Yarra as an attractive location for economic activities and an important part of Melbourne's inner-city economy.

The amendment supports this relevant Strategic Directive by reducing the regulatory burden of businesses in Yarra. Does the amendment make proper use of the Victoria Planning Provisions?

The amendment seeks to make minor amendments to existing planning provisions to reduce the regulatory burden for businesses. The amendment utilises the most appropriate Victoria Planning Provisions tools to give effect to the intended outcome.

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

The views of any relevant agencies will be sought during the public consultation process.

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

The amendment is not expected to have a significant impact on the transport system.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

Council has considered the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017.

There is land within the City of Yarra that is Yarra River land.

As the amendment applies to all land in Yarra, Council has considered the principles specified in Part 2 of the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017 including the general principles, environmental principles, social principles, recreational principles, cultural principles and management principles.

The amendment does not conflict with these principles.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is expected that the amendment will have a positive impact on the resource and administrative costs of the responsible authority as will reduce the number of planning permit applications that Council receives.

Planning and Environment Act 1987

Yarra Planning Scheme

Amendment C334yara

Instruction sheet

The planning authority for this amendment is the Minister for Planning.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Planning Policy Framework**- replace Clause 15.03-1L with a new Clause 15.03-1L in the form of the attached document.

2. In **Overlays** – Clause 43.02, replace Schedule 6, 9-11, 13-53 with a new Schedule 6, 9-11, 13-53 in the form of the attached document.

3. In **Particular Provisions** – Clause 52.05, replace the Schedule with a new Schedule in the form of the attached document.

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

End of document

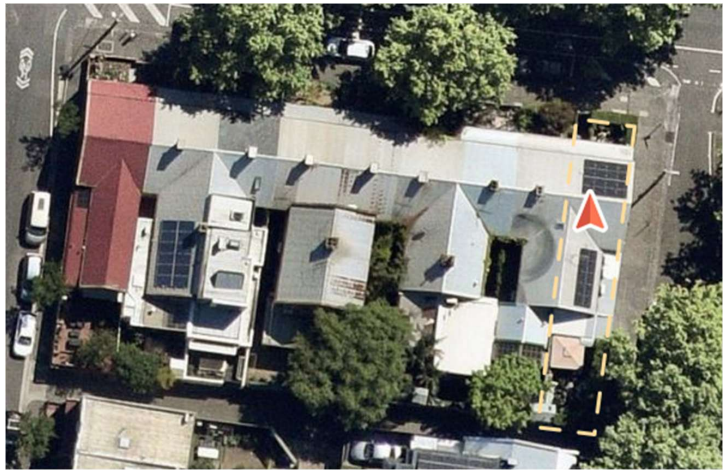


SOLAR PANELS ON HERITAGE BUILDINGS VISUAL ANALYSIS

Abbotsford

185 Gipps Street

Heritage grading	Contributory - HO313
Architectural features	Standard Victorian workers cottage.
Solar panel discussion	Standard solar panel flush with roof. Installed on front plane clearly visible from Gipps Street. All properties on street are contributory cottages included in HO313.
Construction date	1860-1880

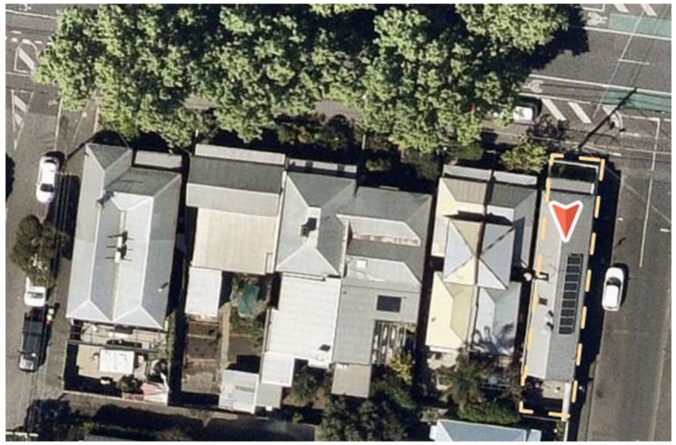


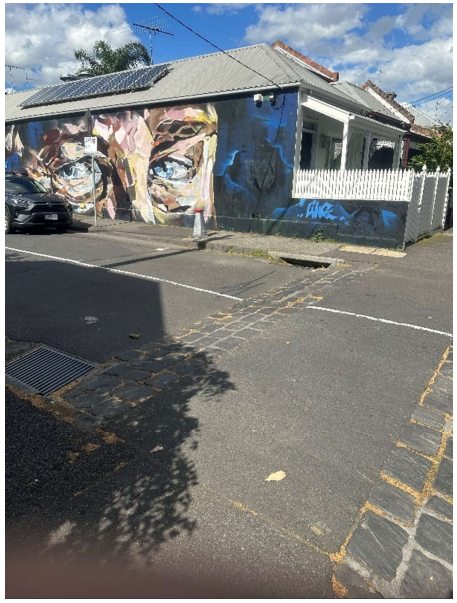


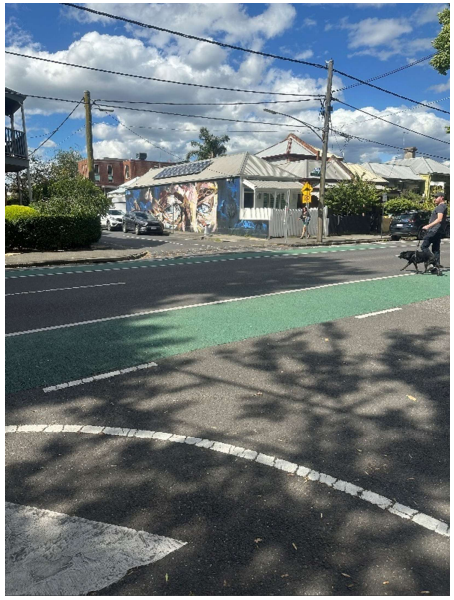


172 Gipps Street

Heritage grading	Not Contributory - HO313
Architectural features	Standard Victorian workers cottage.
Solar panel discussion	Standard solar panels flush with the roof. Installed on side plane fronting Park Street, visible from both Park and Gipps Street. Varied heritage form along Gipps Street.
Construction date	1870-1890



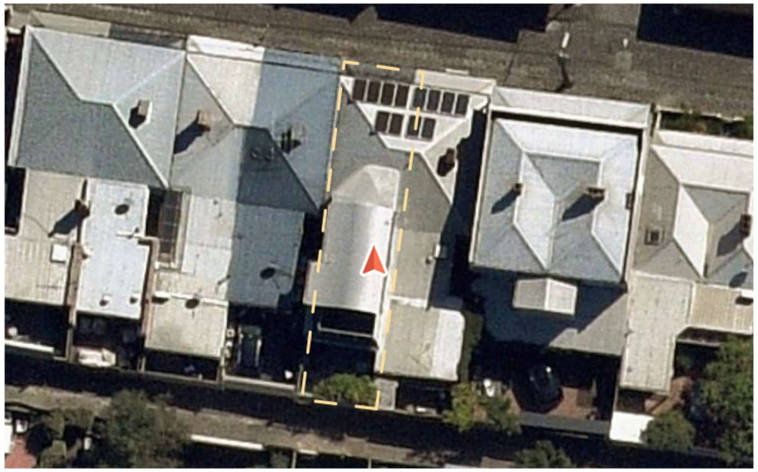


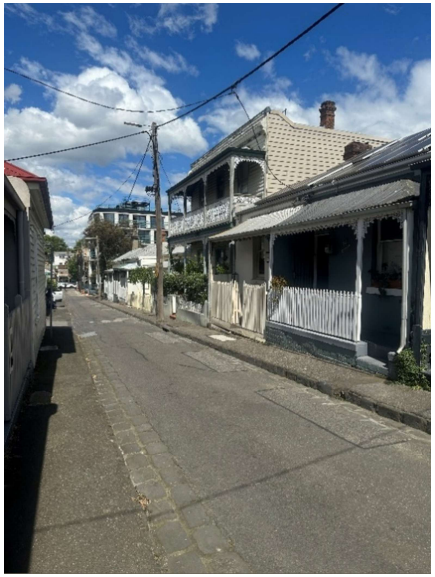


Richmond

14 & 16 Berry Street

Heritage grading	Contributory - HO332
Architectural features	Standard Victorian workers cottage.
Solar panel discussion	Standard solar panels flush with the roof, facing north. Installed on front plane, visible from Berry Street. Both properties are contributory with solar panels installed. While there is varied heritage form along the street, the majority is included in HO332 with 18 Berry Street, pictured on the left (double storey), being individually significant.
Construction date	1850-1890

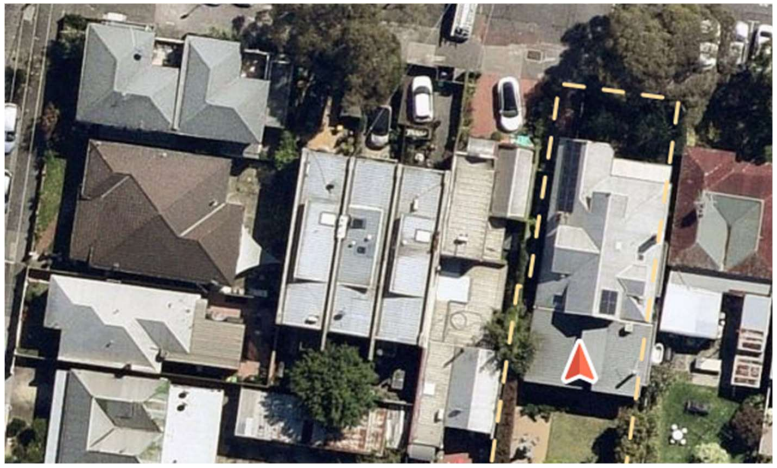






10 Wall Street

Heritage grading	Contributory - HO319
Architectural features	Edwardian House.
Solar panel discussion	Standard solar panels flush with the roof. Installed on west facing plane towards the front, visible from Wall Street. Varied heritage form on the street. Majority of these buildings are included in HO319.
Construction date	1900-1910



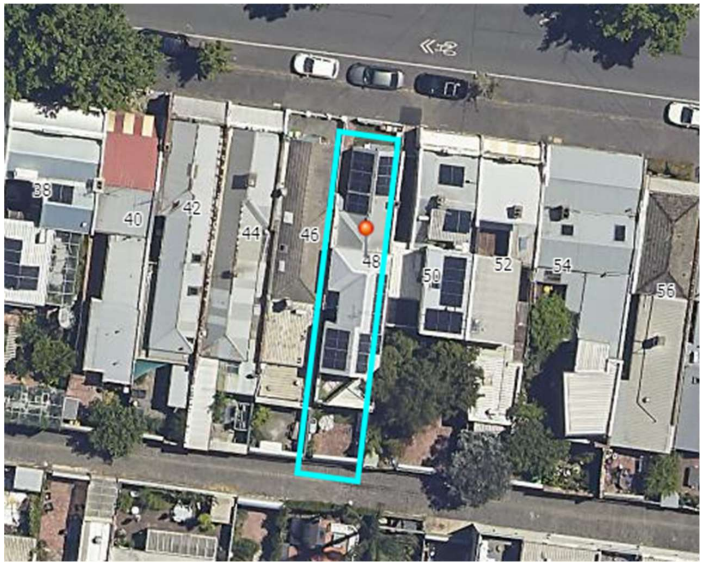


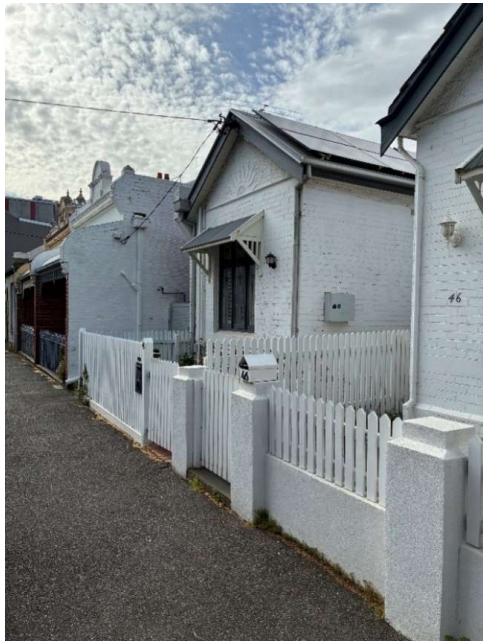


Fitzroy

48 Westgarth Street

Heritage grading	Contributory - HO334
Architectural features	Edwardian cottage.
Solar panel discussion	Standard solar panels flush with the roof. Installed on both planes towards the front, visible from Westgarth Street. Properties show the varied heritage and roof forms on Westgarth Street (bottom right photo).
Construction date	1900-1915

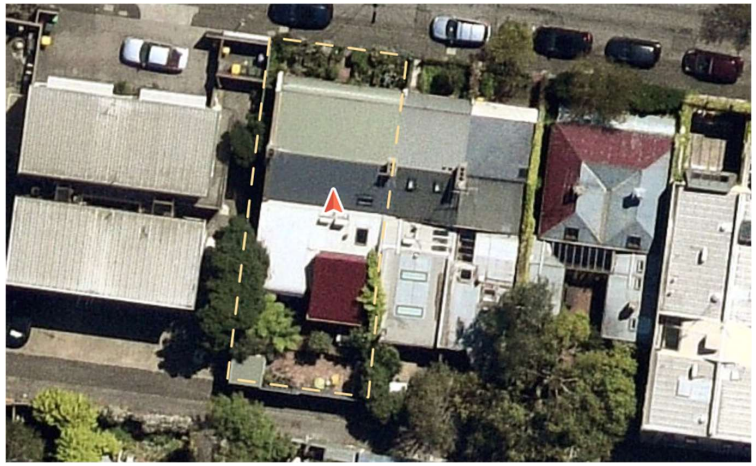






52 Cecil Street

Heritage grading	Individually Significant – HO334
Architectural features	Victorian cottage.
Solar panel discussion	Small row of Victorian cottages, with similar heritage form. 52 Cecil Street is listed as individually significant, whereas 54 Cecil Street is listed as contributory. Whilst no solar panels evident, the built form and roof form are similar.
Construction date	1860-1870







433 & 435 Napier Street

Heritage grading	Individually Significant – HO326
Architectural features	Carlo Pescia's Buildings, Shop & residence, former
Solar panel discussion	No solar panel installed on properties. Properties show the varied gradings and varied heritage form. 435 and 437 Napier Street are Individually Significant. Streetscape is heavily treed and visibility of roofs from opposite sides is limited.
Construction date	1885







Carlton North

349-353 Canning Street

Heritage grading	Contributory – HO326
Architectural features	Victorian cottage
Solar panel discussion	No solar panel installed on properties. Properties are an example of similar heritage forms within a small group, surrounded by more varied heritage streetscape.
Construction date	1870-1890







Princes Hill

61 Wilson Street

Heritage grading	Not Contributory – HO329
Architectural features	Victorian house.
Solar panel discussion	Standard solar panels on side plane, visible from the street. Properties are an example of a group of similar heritage and roof forms, surrounded by more varied heritage streetscape.
Construction date	1870-1930





Corner of Garten and Pigdon Streets

Heritage grading	Heritage built form and grading varies.
Architectural features	Varied.
Solar panel discussion	Group of similar heritage form in varied heritage streetscape along north-west corner (bottom right photo) and south-west corner (bottom left photo). Includes different roof forms. Bottom left photo shows 354 Pigdon Street and the varied heritage forms that follow, with varying levels of visibility of the roof forms. The northwest corner shows 345-360 Pigdon Street, a small collection of Victorian cottages with the side street roof panel being visible.
Construction date	-





