
11.3 Amendment C269 - Yarra Planning Scheme - Rewrite of local policies

Executive Summary

Purpose

The purpose of this report is for Council to:

- (a) To present draft local planning policies that would form Amendment C269;
- (b) To provide a background to the preparation of the policies in the Yarra Planning Scheme;
- (c) To seek authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara which seeks to introduce new local planning policies into the Yarra Planning Scheme; and
- (d) To briefly outline the public exhibition process and the statutory process beyond exhibition.

Key Issues

Section 12B of the *Planning and Environment Act 1987* (The Act) requires a planning authority (Council) to regularly review its planning scheme to ensure the scheme achieves the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework (PPF).

A comprehensive review of the planning scheme was undertaken in 2014 and was reported to Council.

The “*Liveable Yarra*” process was then run to inform a re-write of the Yarra Planning Scheme.

To present Councillors with the draft local policies in the Yarra Planning Scheme following a number of briefing sessions.

Financial Implications

The costs associated have been anticipated and included in the City Strategy budget, which includes payment of a statutory fee for authorisation to the Department of Environment, Land, Water and Planning and costs associated with the exhibition of the amendment.

PROPOSAL

That Council:

- (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
- (b) notes the supporting documentation attached to this report;
- (c) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara; and
- (d) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.

That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act.

11.3 Amendment C269 - Yarra Planning Scheme - Rewrite of local policies

Reference: D19/208933
 Authoriser: Director Planning and Place Making

[Help](#)

Purpose

1. This report provides the background to the preparation of the draft local planning policies in the Yarra Planning Scheme that is proposed to be placed on exhibition.
2. The report also explains how the rewrite of the policies addresses the issues raised in the planning scheme review.
3. The report requests that Council seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara which seeks to introduce new local planning policies into the Yarra Planning Scheme.
4. An outline of the intended public exhibition process and the statutory process beyond exhibition is also presented.

Background

Planning and Environment Act requires a planning scheme review

5. Section 12B of the *Planning and Environment Act 1987* (The Act) requires a Planning Authority (Council) to regularly review its planning scheme to ensure the scheme achieves the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework (PPF).
6. A comprehensive review of the planning scheme was undertaken in 2014 and was reported to Council. The review was undertaken in accordance with Planning Practice Note 32 – *Review of Planning Schemes*. The review found that the scheme needed updating to:
 - (a) reflect Council’s updated policy positions;
 - (b) make the scheme easier to understand and use;
 - (c) address gaps in policy; and
 - (d) consider the diversity of views on key planning topics.
7. Table 1 outlines the key findings identified by the planning scheme review and explains how they have been addressed. Table 2 outlines findings related to specific themes / policies and explains how they have been addressed.
8. Table 1: Planning scheme review - key findings and officers’ response

Planning scheme review key findings	Officer response
a. Currency of the Scheme: data, information, policy updates are required	Policies have been drafted to reflect: <ol style="list-style-type: none"> a. the adopted <i>Housing Strategy and Spatial Economic and Employment Strategy (SEES)</i> in 2018 which includes data on development trends, housing projections, demographic profile and population projections, commercial floor space and the like; b. other adopted Council strategies and the Council Plan; c. State policies and <i>Plan Melbourne</i>. The directions and policies included in <i>Plan Melbourne</i> are one of the key drivers of updated local planning

Planning scheme review key findings	Officer response
	<p>policy. <i>Plan Melbourne</i> was considered in the preparation of the <i>Housing Strategy</i> and <i>SEES</i> (refer to c in the table).</p>
<p>b. Policy drafting: some policies are poorly structured, repetitive, ambiguous and sometimes contradictory</p>	<p>Draft policies have been drafted with DELWP officers to:</p> <ul style="list-style-type: none"> a. create policies that are structured to be consistent with the new Planning Policy framework (PPF) (discussed further under Amendment VC148); b. remove repetition, ambiguity and contradiction. <p>They have been drafted in accordance with the <i>Practitioner’s Guide to Victorian Planning Schemes</i> and use plain English and clearly articulate the objectives and strategies of the policies.</p>
<p>c. An evidence based narrative that establishes how Council intends to accommodate population and employment growth.</p>	<p>Along with <i>Liveable Yarra</i> (refer to external consultation), the <i>Housing Strategy</i> and the <i>Spatial Economic and Employment Strategy (SEES)</i> are two important strategic foundations that underpin the re write of local policy, forming part of the over-arching narrative about how and where to accommodate growth in the Municipal Planning Strategy.</p> <p>Both documents implement <i>Plan Melbourne 2017-2050</i>, which removed urban renewal areas in Yarra and the notion of strategic redevelopment sites.</p> <p>Preparation of the Strategy included: a review of policy context, demographics, housing trends and development activity; future land supply; capacity and community consultation.</p> <p>Based on the evidence, a preferred growth strategy was established. The strategy includes four strategic directions that articulate Yarra’s preferred growth strategy, including:</p> <ul style="list-style-type: none"> a. monitor population growth, land capacity and evolving development trends in Yarra to plan for future housing growth and needs; b. direct housing growth to appropriate locations; c. plan for more housing choice to support Yarra’s diverse community; and d. facilitate the provision of more affordable housing in Yarra. <p>The strategic directions relating to housing growth, choice and diversity set out in the <i>Housing Strategy</i> are articulated in:</p> <ul style="list-style-type: none"> a. the directions outlined in the Municipal Planning Strategy (MPS); b. Strategic Framework Plan; and c. clauses relating to Activity Centres, location of residential development, housing diversity and housing affordability.

Planning scheme review key findings	Officer response
	<p>Council adopted the <i>SEES</i> in 2018. It was prepared to understand and capitalise on Yarra’s economic strengths and respond to key trends and economic drivers over the next 10 to 15 years. The <i>SEES</i> includes 6 directions which has informed new policy in the planning scheme. These are:</p> <ul style="list-style-type: none"> a. support employment growth in activity centres; b. retain and grow Yarra’s major employment precincts; c. identify preferred locations for housing growth to reduce pressures or conversion of employment land for housing; d. support the expansion of Yarra’s health related employment and services in Yarra’s health precincts; e. retain other C2 zoned land to support the diversity of business and employment opportunities; and f. plan for the transition of Yarra’s remaining industrial areas. <p>The directions set out in the <i>SEES</i> are articulated in:</p> <ul style="list-style-type: none"> a. the directions outlined in the Municipal Planning Strategy (MPS); b. Strategic Framework Plan; and c. clauses relating to Activity Centres, employment, retail and tourism. <p>Draft policies referred to above, in conjunction with urban design, heritage and built form related clauses inform the appropriate scale of growth across the municipality. This is supported by zone provisions and Design and Development Overlays that have been prepared for Yarra’s Activity Centres.</p>
<p>d. Local spatial plans: are needed to support decision making in activity centres and employment areas.</p>	<p>Yarra has a network of Activity Centres - major, neighbourhood and local – as well as a range of employment areas.</p> <p>The draft policies include the following plans to clearly define spatial areas to assist with decision making.</p> <ol style="list-style-type: none"> 1. A <u>Spatial Framework Plan</u>: which includes all locations referred to in policy including: residential, employment areas, major employment areas, activity centres and health and education precincts. This plan is supported by text in draft policy and the MPS. 2. <u>Activity Centre Plans</u>: the boundary of each activity centre is defined on plans included in clause 11.03. Defining the boundaries has taken into consideration field work; Council strategies, planning policy and the criteria included in Planning Practice Note 58 <i>Structure Planning for Activity Centres (Activity Centres Roles and Boundaries, 2019)</i>

Planning scheme review key findings		Officer response
		<p>The draft policy includes clauses on Activity Centres and major employment areas that sets out a policy context for the role and function of these places.</p> <p>Importantly, Council has also been implementing spatial plans (Swan Street Structure Plan, Johnston Street Local Area Plan) through separate amendments that introduce Design and Development Overlays (including interim DDOs). In addition, Council has been preparing built form frameworks for Bridge Road, Queens Parade, Victoria Street, Brunswick Street, Smith and Gertrude Streets Activity Centres to guide decision making on built form outcomes. These have been pursued through separate amendments.</p>
e.	More effective mapping to address housing, open space, built form across Yarra rather than by neighbourhood.	<p>The maps in the current local policies are hard to read and lack key information.</p> <p>The maps in the new policies are produced in colour, have clear legends and more clearly illustrate and supplement the text in the policy.</p> <p>The draft maps relating to housing are produced at a sufficient scale to show the cadastre below (showing allotments), making it clear exactly which land is included in each of the hierarchy of change areas.</p>
f.	Need for ongoing systematic data collection to support evidence based spatial planning.	As an outcome of the <i>Housing Strategy</i> and <i>SEES</i> , officers in strategic planning are monitoring planning permits for residential development of 10 units and over and office developments.

9. Table 2: Planning scheme review issues - specific findings and officers' response

Planning scheme review issue specific finding		Officer response
a.	Current MSS: clearer articulation of the opportunities, challenges and vision is required	<p>The MSS is to be replaced with the <u>Municipal Planning Strategy</u> which reflects the changes in Yarra since the existing scheme was written. It is arranged into the PPF themes of:</p> <ul style="list-style-type: none"> a. activity centres; b. natural environment; c. climate change; d. built environment and heritage; e. housing; f. economic development; and g. transport <p>The Council Plan and Community Health and Wellbeing Plan 2017-2021 is relevant. It envisages “A vibrant, liveable and sustainable inner-city that the community can be proud of”.</p> <p>The Yarra Planning Scheme forms the spatial response to the Council’s vision. In this regard, the draft MPS includes a vision that forms a spatial response to the Council’s vision.</p>

Planning scheme review issue specific finding	Officer response
	<p>The MPS also includes strategic direction for each theme which includes challenges and opportunities to respond to the challenges.</p>
<p>b. Environment: the review concluded that the existing clause 21.07 Environmental Sustainability makes appropriate reference to biodiversity, flora and fauna protection and protection of water quality</p>	<p>Draft environmental policy has been prepared based on a review of:</p> <ul style="list-style-type: none"> a. <i>Yarra Environment Strategy 2017</i>; and b. Existing local planning policy, including clause 22.16 <i>Stormwater management</i> which was introduced in March 2014 and Clause 21.07 <i>Environmental sustainability</i> which was introduced by C133 in November 2015.
<p>c. Landscape and Built form:</p> <ul style="list-style-type: none"> - clarify and simplify built form policies to remove repetition, ambiguity and (occasional) contradiction. - separate heritage policy from more generalised built form policy - prepare policy that expresses the expectation of the height and form of development. - express neighbourhood descriptions in the context and vision 	<p>The draft policies have been redrafted to remove repetition, ambiguity and contradiction.</p> <p>The built form provisions are separated into:</p> <ul style="list-style-type: none"> a. urban design; b. building Design; c. landmarks; d. heritage; and e. World Heritage Environs Area. <p>The expectation on heights and form of development is set out in a narrative that extends through the draft policy from MPS, Activity Centres, built form provisions to the implementation of Zones and Design and Development overlays.</p> <p>The MPS describes the existing scale of development within the municipality.</p>
<p>d. Heritage: need to address</p> <ul style="list-style-type: none"> - duplication between policy and overlay; - lack of guidance on commercial and industrial heritage; - application of sight line test. 	<p>The Planning Policy Framework (PPF) translation has removed this duplication.</p> <p>The draft policy includes strategies for former industrial and commercial heritage places. GJM Heritage Consultants were engaged to provide advice on former industrial heritage and their recommendations have been incorporated.</p> <p>Heritage work associated with the introduction of DDOs in Activity Centres has provided guidance on commercial heritage.</p> <p>In residential heritage, the draft policy removes the sightline diagrams and replaces them with a “depth of two rooms” test. These tests are used to determine the visibility of rear additions. The “depth of two rooms” test is clearer and easier to administer. It is an accepted test to determine visibility among heritage professionals. This was informed by the <i>Residential Heritage Policy Review</i> (Context, October 2019).</p>
<p>e. Housing: update housing strategy</p>	<p>Refer to item (c) in table 1.</p>
<p>f. Activity Centres:</p> <ul style="list-style-type: none"> - clarity of role - improve mapping 	<p>Refer to item (d) in table 1.</p>

Planning scheme review issue specific finding	Officer response
<p>g. Industry, Office and Commercial Areas: need to consider the</p> <ul style="list-style-type: none"> - interface between residential; entertainment and commercial activities - consider the scale and of future employment growth and spatial implications - improve mapping 	<p>Amendment C209 introduced the licenced premises policy into the current scheme in February 2018. This policy has been translated into the new PPF format.</p> <p>Refer to items (c) and (d) in table 1 for discussion on updated evidence for employment growth, spatial implications and improved mapping.</p>
<p>h. Community development: need to consider the</p> <ul style="list-style-type: none"> - limited direction about education and health; - gaming, entertainment and the arts should be separately considered - limited direction in the licenced premises policy. 	<p>Draft policy includes reference to the health and education precincts.</p> <p>Gaming provisions are proposed to be included in the Particular Provisions (clause 52.28)</p> <p>Arts is proposed to be included under employment in the draft PPF.</p> <p>NB: Refer above to discussion on Amendment C209 licenced premises.</p>
<p>i. Open space: need to consider any updated Open Space Strategy</p>	<p>A draft Open Space Strategy is currently being prepared. Until adopted the draft local policy will continue to reflect the current strategy.</p>
<p>j. Transport: the scheme would be assisted with a clear direction on facilitation greater use of sustainable transport modes and circumstances for reduced parking.</p>	<p>Council has an established position on transport, as articulated in the Strategic Transport Statement, which prioritises sustainable transport modes.</p> <p>The draft PPF includes policy which prioritises transport modes and sets out criteria for supporting a reduction in car parking spaces.</p>
<p>k. Update list of reference documents (now called background documents in the PPF).</p>	<p>The background documents are now included in Clause 72.08. It has been refreshed to remove outdated documents and includes up to date background documents.</p>

Other work that has informed the rewrite

10. In addition to the work described in the table above, other strategic foundations of the planning scheme rewrite include:
- (a) additional consultation with Council’s Advisory Committees;
 - (b) internal consultation with relevant Council officers including statutory planning, strategic transport, sustainability, heritage advisor and open space;
 - (c) technical reports on acoustics, former industrial and residential heritage, activity centre boundaries (these are described in more detail in the table at table 3) and
 - (d) adopted structure plans, local area plans, built form frameworks for activity centres, Council strategies and *Plan Melbourne*.

Amendment VC148

11. Amendment VC148 is part of the State Government’s *Smart Planning* programme to reform and modernise Victoria’s planning policy aimed at simplifying planning schemes, particularly the language, to make schemes more efficient, accessible and transparent.

12. The amendment was brought into all Victorian planning schemes on 31 July 2019. It introduced the *Planning Policy Framework (PPF)* which replaced the *State Planning Policy Framework (SPPF)* and provides a means of better integrating Council’s local planning policies into the overall policy structure. The PPF also includes regional policies into planning schemes. Yarra’s Amendment C269 proposes to replace the existing *Local Policy Planning Framework (LPPF)* with redrafted policy in the PPF format.
13. **The PPF provides a thematic structure for policies which is included at Attachment 1. The structure is standard across all Victorian Planning Schemes.** Attachment 1 illustrates in light blue text where Yarra’s local policies will sit within the thematic structure.
14. **The amendment also provides a standardised format for policies that includes objectives and strategies and where necessary, policy guidelines. It removes “application requirements” and “decision guidelines”. The new PPF structure is aimed at significantly reducing repetition in the planning scheme and using language that is more easily understood.**
15. In addition, VC148 introduced a *Municipal Planning Strategy (MPS)* which supports, but does not form part of the PPF. It provides the policy foundation for the planning scheme and is a succinct statement of Council’s planning and land use vision and directions. It provides a more focussed message about Council’s planning aspirations than the current *Municipal Strategic Statement (MSS)*.
16. Other structural changes were also introduced by the Amendment. It restructured Particular Provisions, integrated *Vic Smart* applications and reorganised operational and administrative provisions of the scheme among other changes.
17. Officers have worked closely with officers from DELWP to ensure that the policies have been prepared in accordance with the requirements of Amendment VC148.

Strategic justification

18. *Planning Practice Note 46 Strategic Assessment Guidelines* makes clear that any change in policy must be supported by a strategic study or report. The draft local policy has been based on current and relevant reports and strategies. There are some areas such as transport and environment where new Council strategies are underway but have not yet been adopted, e.g. Nature Strategy, Open Space Strategy, Integrated Transport Strategy. Accordingly, the policies in the planning scheme on these subjects are based on current policy.
19. Table 3 lists the *Municipal Planning Strategy* and draft planning policy clauses and outlines if the policy content is new or a translation of existing policy and the key sources that informed the policy content. The policies are included in full at Attachment 2.

Table 3: Draft *Municipal Planning Strategy* and planning policies and strategic sources

	Clause no.	Clause name	Commentary
Municipal Planning Strategy (MPS)			
1	02.01	Context	The context describes the planning scheme’s policy foundation, based on the municipality’s location and regional context, history, assets, strengths, key attributes and influences. The context reflects the changes in Yarra since the existing scheme was written. It is based on updated data and adopted council strategies.
2	02.02	Vision	The Council Plan establishes a vision for Yarra to be <i>a vibrant, liveable and sustainable inner-city that the community can be proud of.</i> The vision sets out the spatial response to the Council Plan vision.

	Clause no.	Clause name	Commentary
3	02.03	Strategic directions	<p>This content is new and derived from adopted strategies across Council and strategic work completed in preparing the draft planning policy (included as Background reports).</p> <p>It provides Yarra’s response to the implementation of <i>Plan Melbourne</i>, the metropolitan planning strategy.</p>
Settlement			
4	11.03-1L	Activity centres	<p>This is largely new content. It addresses deficiencies in current scheme identified in the planning scheme review; being where current policy does not distinguish between the hierarchy of centres (“major” versus “neighbourhood” centre) or its vision for the centres. These shortcomings are addressed in this policy.</p> <p>It also provides guidance about supporting high-quality development that is consistent with the capacity of each centre while maintaining heritage fabric that provides part of the essential character of each centre.</p> <p>It incorporates themes from recent work regarding the built form DDO projects including Johnston Street, Queens Parade and Swan Street.</p> <p><i>Plan Melbourne</i> identifies Activity Centres as places for housing, retail, commercial and civic functions and in many centres, will be the focus of higher density housing because they are well serviced by public transport. This policy supports that direction.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres; • Clause 21.08 Neighbourhoods; • <i>Activity Centre Roles and Boundaries</i> (Yarra Council 2018); (Refer Attachment 3) • <i>Spatial Economic and Employment Strategy</i> (SGS 2018); • <i>Public Place</i> (background document to licenced premises policy) 2015; • <i>Plan Melbourne</i>; and • Supporting Local area plans, structure plans, technical reports and Panel reports that informed the preparation of the Design and Development Overlays for Johnston Street, Swan Street, Victoria Street, Bridge Road and Queens Parade.
5	11.03-6L	Victoria Street East	<p>This is a translation of existing policy. No new content.</p> <p>The content has been edited based on approvals, DDO1 and the Comprehensive Development Zone.</p> <p>It is in line with the <i>Plan Melbourne</i> direction to support development of an urban renewal precinct that delivers a high quality mixed-use neighbourhood.</p>

	Clause no.	Clause name	Commentary
			<p>The policy is to be revised as <i>Victoria Street Structure Plan</i> progresses.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.11 Victoria Street East. • DDO1 Yarra (Birrarung) River Corridor Protection.
Environmental and landscape values			
6	12.01-1L	Biodiversity	<p>This seeks to retain existing biodiverse landscapes and promote development that provides habitats for biodiversity and links between habitats.</p> <p><i>Plan Melbourne</i> notes that Melbourne will need to manage its natural environment in a more integrated and sustainable way. This policy supports <i>Plan Melbourne's</i> aim of protecting and restoring natural habitats.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07 Environmental Sustainability. • Clause 22.08 Protection of Biodiversity. • <i>Yarra Environment Strategy 2013 – 2017</i>.
7	12.03-1L	River corridors	<p>This is a translation of existing content.</p> <p>It seeks to prevent intrusion of development and additional overshadowing of the waterways at the winter solstice.</p> <p>It includes policy on improving access to the river and providing recreation opportunities and cycle and walking paths.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07-2 Yarra River, Merri Creek, Darebin Creek. • DDO1 Yarra (Birrarung) River Corridor Protection.
Environmental risks and amenity			
8	13.01-1L	Climate change	<p>This is new content.</p> <p>The policy aims to ensure new development mitigates and adapts to climate change. It also supports similar direction in <i>Plan Melbourne</i>.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07 Environmental sustainability • <i>Urban Forest Strategy 2017</i>
9	13.03-1L	Flood management	<p>This aims to reduce the flood risk brought by heavy rains. It also supports a similar direction in <i>Plan Melbourne</i>.</p> <p>It complements and adds to the Special Building Overlay and the Land Subject to Inundation Overlay.</p>

	Clause no.	Clause name	Commentary
10	13.07-1L	Caretaker's houses	<p>This is a translation of existing content. There have been minor changes made to clarify the intent of the policy.</p> <p>The policy seeks to protect business by preventing dwellings that are not associated with a business or industry from establishing in industrial and commercial zones where a dwelling is prohibited.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.06 Caretaker's House.
11	13.01-7L	Interfaces and amenity	<p>This has been updated to address shortcomings identified in the planning scheme review.</p> <p>It translates existing Clause 22.01 and 22.05 policies into one document and provides additional policy based on input from acoustic consultants to address noise.</p> <p>It introduces a new incorporated document called <i>Guidelines – Managing noise impacts in urban development, October 2019</i> to provide additional guidance for deciding applications where noise is an issue.</p> <p>The revised policy seeks to ensure that new residential development in proximity to live music venues and main roads and train lines protects itself from noise.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.01 Discretionary Uses in the Residential 1 Zone • Clause 22.05 Interface Uses. • <i>Guidelines - Managing Noise Impacts in Urban Development</i> (City of Yarra, October 2019) (Refer Attachment 4) • <i>Noise and Vibration Considerations. Discussion Report</i> (SLR, October 2019) (Refer Attachment 5)
12	13.01-7L	Licenced premises	<p>This is a translation of existing policy. There is no new policy.</p> <p>The existing policy includes extensive application requirements. These have been recast as strategies and policy guidelines.</p> <p>NB: An <i>application checklist</i> on the permit application webpage could address the removal of "application requirements" in the new policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.09
Built environment and heritage			
14	15.01-1L	Signs - heritage	<p>This updates the existing policy. NB: The new PPF format splits heritage signs from general sign policy.</p>

	Clause no.	Clause name	Commentary
			<p>The update includes new content to ensure new signs do not detract from the significance of the heritage buildings.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.04-3.8 Advertising Signs • Updates are adapted from Moreland, Port Phillip and Stonnington Councils' signs policies
15	15.01-1L	Signs	<p>This is revised to provide additional guidance sourced from other planning schemes and strengthens the provisions for residential, commercial and industrial areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.04-3.8 Advertising signs • Updates are adapted from Moreland, Port Phillip and Stonnington Councils' signs policies
16	15.01-1L	Urban design	<p>This is a translation of existing policy and expands the application of the policy to apply to all development not only areas outside the heritage overlay.</p> <p>The new PPF format splits “urban design” and “building design”. This policy retains the intent of existing guidance but language in this version makes the intent clearer. It removes repetition which was recommended in the planning scheme review.</p> <p>The new policy consolidates a number of existing policies into one, reducing fragmentation and repetition. It supports <i>Plan Melbourne</i>'s aim of promoting urban design excellence in the built environment.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.07 Development abutting laneways • Clause 22.10 Built Form and Design • Strategic work undertaken to inform the DDOs for the Activity Centres
17	15.01-2L	Building design	<p>The commentary provided above in relation to Urban Design also applies to this policy.</p> <p>Building Design includes policy on equitable development which was identified as a shortcoming of the existing scheme in the planning scheme review.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.10 Built Form and Design • Clause 22.13 Residential Built Form • Strategic work undertaken to inform the DDOs for the Activity Centres
18	15.01-2L	Landmarks	<p>The existing policy is strengthened to clarify the exact location of primary views and to identify which</p>

	Clause no.	Clause name	Commentary
			<p>elements of the landmark Council is seeking to protect. <i>Ethos Urban</i> were engaged to prepare a report that provides the strategic basis for the policy.</p> <p>St Luke's North Fitzroy has been added as a landmark. The Olympic Tyre Sign has been removed as the sign no longer exists.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.03 Landmarks and Tall Structures • <i>Landmarks and Views Assessment</i> (Ethos Urban October 2019) (Refer Attachment 6)
19	15.02-1L	Environmentally sensitive design	<p>This is a translation of existing policy. There is no new content.</p> <p>Yarra is one of 17 Councils that has this policy in its planning scheme. Yarra is a member of the <i>Council Alliance for Sustainable Built Environment</i> (CASBE). CASBE does not support all the revisions DELWP made to this policy in its translation to the PPF format and has prepared its own version.</p> <p>It is largely similar but includes a definition of best practice in the objective, makes minor drafting changes and requires a sustainable design assessment or a sustainability management plan accompany an application. In the DELWP version this is a matter for Councils to "consider", rather than "require".</p> <p>The intent of the amendments made by CASBE are generally supported.</p> <p>As Council is a member of CASBE, the CASBE version has been included in this draft local policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.17 Environmentally sustainable development • CASBE draft policy
20	15.03-1L	Heritage	<p>This updates and strengthens existing policy in line with <i>Plan Melbourne's</i> aim of respecting the city's heritage.</p> <p>The planning scheme review highlighted the lack of policy in relation to commercial and former industrial heritage. This policy addresses that shortcoming. <i>GJM Heritage Consultants</i> were engaged to provide advice on former industrial heritage and their recommendations have been incorporated.</p> <p>GJM has worked on a number of built form projects in Yarra's Activity Centres and this work has helped inform the heritage policy in commercial areas. The DDOs include heritage design guidelines which could be removed once this policy is in place.</p>

	Clause no.	Clause name	Commentary
			<p>In residential heritage, the policy removes the sightline diagrams and replaces them with a “depth of two rooms” test. These tests are used to determine the visibility of rear additions. The “depth of two rooms” test is clearer and easier to administer. It is an accepted test to determine visibility among heritage professionals.</p> <p>The planning scheme review also identified that there was a duplication of heritage policy at state and local level. The PPF translation has removed this duplication.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built form • Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay • <i>Yarra Industrial Heritage Policy</i> (GJM, October 2019) (Refer Attachment 7) • <i>Residential Heritage Policy Review</i> (Context, October 2019) (Refer Attachment 8) • Council strategic work relating to Activity Centres.
21	15.03-1L	World Heritage Environs Area	<p>This is a translation of the existing World Heritage Environs Area policy. There is no new content.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.14 Development Guidelines for Heritage Places in the World Heritage Environs Area
Housing			
22	16.01-2L	Location of residential development	<p>This is largely new content supported by the adapted <i>Housing Strategy</i>. Based also on recast policy from Clause 21.04.</p> <p>It introduces the hierarchy of change areas into the planning scheme which are included in the <i>Housing Strategy</i> – “minimal”, “incremental”, “moderate” and “high change”.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-1 Accommodation and Housing • <i>Yarra Housing Strategy</i>, Sept 2018
23	16.01-3L	Housing diversity	<p>This is new content based on the <i>Housing Strategy</i> aimed at improving housing diversity.</p> <p>The majority of new housing in Yarra is provided in apartments and the policy seeks the provision of some larger units to accommodate families and share households.</p> <p>The policy also provides support for emerging housing models such as co-housing. <i>Plan Melbourne</i></p>

	Clause no.	Clause name	Commentary
			<p>seeks to facilitate housing that offers choice and meets household needs.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Housing Strategy</i>, Sept 2018
24	16.01-4L	Housing affordability	<p>This is largely new content supported by the <i>Housing Strategy</i>.</p> <p>The policy seeks to facilitate the provision of new and upgraded social housing and affordable housing. <i>Plan Melbourne</i> supports the increase of social and affordable housing.</p> <p>It sets a target for affordable housing.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-1 Accommodation and Housing • <i>Yarra Housing Strategy</i>, Sept 2018 • <i>Policy Guidance Note: Affordable Housing Outcomes at Significant Redevelopments</i> • <i>Building for Diversity – Yarra’s Social and Affordable Housing Strategy</i> (Yarra City Council, November 2019)
Economic development			
25	17.01-1L	Employment	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-3.</p> <p>The policy seeks to maintain and grow Cremorne and the Gipps Street precinct as employment areas. It also seeks to provide good amenity for workers, affordable and co-working spaces and support for the creative industries.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-3 Industry, Office and Commercial • <i>Yarra Spatial Economic and Employment Strategy</i> (2018)
26	17.02-1L	Retail	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-2.</p> <p>It aims to support high quality retail development that sustains activity centres.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity centres • <i>Yarra Spatial Economic and Employment Strategy</i> (2018)
27	17.04-1L	Tourism	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-2.</p>

	Clause no.	Clause name	Commentary
			<p>It aims to promote Yarra as a tourism, arts and cultural destination in Melbourne.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres • <i>Yarra Spatial Economic and Employment Strategy (2018)</i>
Transport			
28	18.01-1L	<i>Integrated transport</i>	<p>The policy aims to ensure that structure plans deliver improved safety and connectivity for pedestrians and cyclists, improved access to public transport, efficient road networks and minimising the impact of development on local transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
29	18.02-1L	<i>Sustainable transport</i>	<p>This is largely new content. It is partly based on recast content from Clause 21.06. Sustainable transport was highlighted in <i>Plan Melbourne</i> as a key feature of a connected and well-functioning city.</p> <p>It introduces a transport hierarchy that encourages walking and cycling over private car use. It also encourages lower car parking rates in new development with an increased focus on active transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Plan Melbourne</i> • <i>Yarra Strategic Transport Statement 2006</i>
30	18.02-2L	<i>Public transport</i>	<p>This is largely new content. It is partly based on recast content from Clause 21.06.</p> <p>The policy seeks to improve access to public transport and supports the provision of new and upgraded services.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
31	18.02-3L	<i>Road system</i>	<p>This is largely new content. It is partly based on recast content from Clause 21.06.</p> <p>The policy addresses road and junction reconfiguration to improve reliability and safety for all users. It promotes public realm improvements. It also addresses access to car parking, vehicle crossings and avoiding delays to public transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport

	Clause no.	Clause name	Commentary
			<ul style="list-style-type: none"> • <i>Yarra Strategic Transport Statement 2006</i>
32	18.02-4L	Car parking	<p>This is largely new content. It is partly based on recast content from Clause 21.06-3.</p> <p>The Planning scheme review identified the need to identify in what circumstances a parking reduction and car sharing would be considered. Updated policy addresses these policy gaps.</p> <p>The policy ensures parking is supplied and managed consistent with promoting sustainable travel. It sets out circumstances in which parking can be reduced, promotes car sharing and seeks to maintain high levels of pedestrian safety.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
Infrastructure			
33	19.02-1L	Health precincts	<p>This is largely new content.</p> <p><i>Plan Melbourne</i> identifies the need to reinforce the specialised economic function of health precincts, noting they are also well served by public transport.</p> <p>The policy identifies St Vincent’s Hospital / ACU and Epworth as Yarra’s health precincts. It encourages allied health care and ancillary uses to locate close by and addresses the need to manage interface impacts on adjacent areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Spatial Economic and Employment Strategy (2018)</i> • <i>Plan Melbourne</i> • Clause 21.04-4 Community Facilities, Hospitals and Medical Services.
34	19.02-2L	Education precincts	<p>This is largely new content.</p> <p><i>Plan Melbourne</i> identifies the need to reinforce the specialised economic function of health and education precincts, noting they are also well served by public transport.</p> <p>The policy seeks to support the growth of ACU as an education and research employment hub and to support development that promotes the teaching role of St Vincent’s and Epworth Hospitals.</p> <p>It encourages allied health care and ancillary uses to locate close by and addresses the need to manage interface impacts on adjacent areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Spatial Economic and Employment Strategy (2018)</i>

	Clause no.	Clause name	Commentary
			<ul style="list-style-type: none"> • <i>Plan Melbourne</i> • Clause 21.04-4 Community Facilities, Hospitals and Medical Services.
35	19.02-6L	Open space	<p>This is a translation of existing policy. There is no new content.</p> <p>It seeks to protect existing open space and increase the quality and quantity of open space that meets existing and future needs in line with <i>Plan Melbourne</i> objectives.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-5 Parks, gardens and public open space • <i>Yarra Open Space Strategy (2006)</i>
36	19.02-6L	Public open space contribution	<p>This is a translation of existing Clause 22.12. There is no new policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.12 Public Open Space Contribution
37	19.03-2L	Development contributions	<p>This is new content and is partly based on Clause 21.04-4</p> <p>Amendment C238 is seeking the introduction of the <i>Development Contributions Plan Overlay (DCPO)</i>. A planning panel has recommended its approval. Council has adopted the amendment and it is awaiting Ministerial approval and gazettal. This policy will support the DCPO.</p>
38	19.03-3L	Water sensitive urban design	<p>This is a translation of existing policies in Clause 21.07-3 and Clause 22.16. There is no new content.</p> <p>It removes “application requirements” and recasts them as strategies and policy guidelines.</p> <p>The policy seeks to minimise impact of development on waterways and to minimise peak stormwater flows through collection and reuse of rainwater on site.</p> <p>It provides local policy in support of Clause 53.18 – stormwater management in new development. Provides support to <i>Plan Melbourne</i> direction of reducing pressure on water supplies by making best use of all water sources.</p> <p>It includes an expiry when either new state wide planning scheme or building code regulations are introduced by the Minister for Planning.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07-3 Waterway Quality • Clause 22.16 Storm Water Management (Water sensitive urban design.)
39	19.03-5L	Waste	<p>This is largely new content with some input from Clause 22.05-4.3.</p>

	Clause no.	Clause name	Commentary
			<p>The policy aims to make provision for waste, recycling and composting in new development.</p> <p>It supports the <i>Plan Melbourne</i> direction of reducing waste and improving waste management and resource recovery.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.05-4.3 Commercial Waste • City of Yarra <i>Waste Minimisation and Resource Recovery Strategy 2018-2022</i>.
Schedule to particular provisions			
40	52.28	Gaming	<p>This is a translation of existing policies in Clause 21.06-7 and 22.15. There is no new policy content.</p> <p>This policy will sit as a schedule to the Particular Provision of Clause 52.28 Gaming; rather than in the Planning Policy Framework.</p> <p>The policy discourages gaming machines in disadvantaged areas and seeks to ensure their location minimises risks, avoids worsening problem gambling and delivers a net community development in Yarra.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres • Clause 22.15 Gaming Policy
Reference documents			
41	72.08	Schedule to background documents	<p>The list of background documents has been totally revised and updated.</p> <p>This is currently called “reference documents”. The new Planning Policy Framework structure lists only background documents in this clause. Currently, each policy contains a list of reference documents at the end of the policy. Amendment VC148 changed the structure.</p>
Incorporated documents			
42	74.01	Schedule to incorporated documents	<p>The document called <i>Guidelines – Managing noise impacts in urban development</i> prepared by the City of Yarra in consultation with SLR Consultants has been added to the Schedule of incorporated documents.</p> <p>The guidelines have been prepared to assist with decision making in relation to noise under proposed Clause 13.01-7L – Interfaces and amenity.</p>
Application of zones, overlays and provisions			
43	74.01	Schedule to Application of zones, overlays and provisions	<p>This lists Application of Zones and Overlays in accordance with VC148.</p>

External Consultation

Liveable Yarra

20. In 2015, Council had an in-depth conversation with the community about how Yarra could adapt to the challenges and opportunities brought about by growth and change in Yarra.
21. The Planning Scheme Review identified policy gaps in a number of key fundamental policy areas, and the *Liveable Yarra* engagement subsequently focused on these. Background papers were prepared on each topic.
 - (a) People and Housing;
 - (b) Business and Employment;
 - (c) Movement and Access; and
 - (d) Built Environment.
22. The consultation included a People's Panel comprised of 60 community members that enabled detailed discussion and debate of the issues. Consultation also included engagement with Advisory Committees, targeted community workshops and a baseline survey.
23. Detailed findings from this engagement are in *Liveable Yarra Engagement Summary Report* (Capire & City of Yarra October 2015). A copy is on Council's web site.
24. Consultation continued with the *Liveable Yarra Reference Group* comprising of members of the Initial Panel who wanted an ongoing involvement in Council's strategic work. There have been a number of workshops on topics including heritage, housing, built form in the activity centres and economic development.
25. The *Liveable Yarra* project has informed the review of the Yarra Planning Scheme and draft policy.
26. The project supported *Plan Melbourne's* aim of strengthening community participation in the planning of the city.

Consultation with Heritage Advisory Committee (HAC)

27. Officers formally consulted with the HAC on three occasions:
 - (a) November 2017: where officers discussed the gaps identified in the current policy and addressed a submission from the (previous) HAC on the heritage policy;
 - (b) May 2018: where officers presented a working draft of the policy and considered comments from individual HAC members; and
 - (c) October/November 2019: a copy of the draft policy was circulated to the HAC. Officers have accommodated relevant comments received from the HAC.

Statutory Framework

28. Consultation in the review of the planning scheme included discussion with users of the *Yarra Planning Scheme* – Councillors, Council planners, community groups and other regular users. The consultation process indicated that there is a diversity of views in the community particularly regarding car parking, built form and heritage. Strategic investigations have formed the draft policy positions. The process of statutory exhibition will allow the divergent views in the community to be considered and responded to in a formal, transparent and fair process.
29. Section 19 of the *Planning and Environment Act* requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment. The Act also requires Council to publish notice of the amendment in a newspaper circulating in the area (The Age) and in the Government Gazette. The amendment must be on exhibition for no less than one month.

30. Where the affected number of owners and occupiers makes it impractical to notify all of them individually, Sections 19 (1A) and (1B) of the Act allow a Planning Authority *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. For this amendment, it is impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
31. Instead of individual notification, strategic planning officers have worked with the communications unit to commence the preparation of a community engagement strategy that will form the basis of the statutory consultation.
32. The objectives of the engagement are:
 - (a) to assist a diverse range of stakeholders understand what the planning scheme is and how it works;
 - (b) to explain the changes proposed to the planning scheme and the planning scheme process;
 - (c) to help people make informed submissions that address their areas of interest;
 - (d) to include deliberate outreach and promotion to communities who may be affected but might be underrepresented and/ or not usually engaged;
 - (e) to use plain English descriptions and messaging that assists understanding of what the planning scheme is, how it works and proposed changes;
 - (f) to present lengthy and complex information in an easily accessible format; and
 - (g) to clearly communicate the statutory requirements of the submission process.
33. The engagement process will *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. This includes notification in:
 - (a) *Yarra News* which is distributed to every household in Yarra;
 - (b) *Yarra Life* fortnightly eNews which reaches 13,000 recipients;
 - (c) *Economic Development Teams Business eBulletin* which has some 11,000 subscribers;
 - (d) eBulletins / newsletters sent from other teams across Council; and
 - (e) Social media platform.
34. In addition, direct emails would be sent to Council's Advisory Committees, community groups; organisations, people who had previously participated consultation and those that have registered interest in this topic.
35. A purpose built website will be used to provide material in a visually pleasing way and in an easily understood format.

Internal Consultation (One Yarra)

36. The planning scheme's local policy rewrite has been prepared with extensive input from statutory planning, urban design, open space, sustainability, strategic transport and senior heritage advisor.

Financial Implications

37. The costs associated have been anticipated and included in the City Strategy budget, which includes payment of a statutory fee for "authorisation" to the Department of Environment, Land, Water and Planning and costs associated with the exhibition of the amendment.

Economic Implications

38. The economic policies seek to maintain and grow employment in Yarra's major employment precincts. They protect employment land by maintaining zoning that supports commercial activity and seek to make employment areas attractive to existing and future businesses by encouraging public realm and pedestrian improvements.

39. The policies also seek to support targeted growth in Yarra which will stimulate the economy through jobs in construction.

Sustainability Implications

40. The updated planning policies have a stronger focus on reducing the impacts and mitigating the impacts of climate change within the ambit of planning scheme discretion. The new policies build on the strengths of the existing Environmentally Sustainable Design and Water Sensitive Urban Design policies.
41. The new policies have a stronger focus on sustainable transport and retention of wildlife habitats.

Social Implications

42. The revised local policies are clearer about directing growth to Activity Centres, major regeneration areas and major employment areas than the current scheme. This clarity will help people understand how Council's vision for growth will be managed in the built environment.
43. The implementation of Council's *Housing Strategy* through the various housing policies will promote more diverse housing to support a range of household sizes and forms and provide the potential for affordable housing to be provided.

Human Rights Implications

44. There are no known human rights implications.

Communications with CALD Communities Implications

45. Extensive notification will be undertaken as part of this proposed planning scheme amendment and it will include advice about the use of interpreter services by residents. The amendment process involves the steps outlined in Council's strategy to engage and assist CALD communities.

Council Plan, Strategy and Policy Implications

46. The Council Plan is one of the key documents that underpins the policy in the planning scheme. It includes the following strategy: (To) *manage change in Yarra's built form and activity centres through community engagement*.
47. The proposed planning scheme amendment provides the spatial response to the vision set by the Council Plan.
48. A number of Council strategies provide strategic support for various planning scheme policies.

Legal Implications

49. The approach outlined in this report accords with Council's obligations under the *Planning and Environment Act 1987*.

Other Issues

50. There are no other issues associated with Council seeking "authorisation" of the planning scheme amendment from the Minister for Planning.

Options

51. Council can either:
- (a) agree to proceed with the amendment, with or without changes, and request the Minister for Planning to "authorise" it for public exhibition, or
 - (b) not to proceed with the amendment at this stage.

Conclusion

52. Amendment C269yara (the formal name) proposes to introduce rewritten and updated local planning policies into the Yarra Planning Scheme.

53. They have been prepared in accordance with the new Planning Policy Framework (PPF) introduced as part of the state government's Smart Planning initiative.
54. The draft local policies build on the strengths of the current scheme and addresses gaps identified in the review and through the *Liveable Yarra* process.
55. Updated Council strategies and background documents provide a strong strategic foundation to support the policies.
56. A community engagement strategy has been prepared to ensure the statutory exhibition of the amendment will meaningfully engage a range of stakeholders and allow them to make informed submissions.
57. Once submissions are received, officers will report further to Council and potentially request that Council asks the Minister for Planning to refer submissions to an independent Planning Panel. The Panel would consider submissions and provide recommendations for Council to consider.
58. In considering the Panel's recommendations, Council could make adjustments to the policies before sending it to the Minister for Planning for final approval.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
 - (b) notes the extensive strategic work supporting the draft policy positions including the adopted *Housing Strategy 2018* and the *Yarra Spatial Economic Employment Strategy 2018* and other adopted strategies and policies outlined in the report;
 - (c) notes the supporting documentation attached to this report;
 - (d) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara; and
 - (e) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act and as outlined in the report at paragraph 33-35.

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Attachments

- 1 Local policies in PPF structure
- 2 YPS Rewrite - 2019 October
- 3 Activity Centres Roles and Boundaries (October 2019)
- 4 Guidelines - Managing Noise Impacts in Urban Development (October 2019) - Incorporated Document
- 5 Noise and Vibration Considerations: Discussion Report, SLR (October 2019)
- 6 Landmarks and Views Assessment, Ethos Urban (October 2019)
- 7 Former Industrial Heritage, GJM Heritage (1 October 2019)
- 8 Residential Heritage Policy Review, Context Pty. Ltd. (October 2019)