

Original annotated notes by Glen McCallum

02 Municipal Planning Strategy

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/5015/9738/6900/02_Municipal_Planning_Strategy.pdf

The MPS is supposed to be underpinning Plan Melbourne 2017-2050 (<https://www.planmelbourne.vic.gov.au/the-plan>), a bedrock aspect of which is the idea of the “20 minute neighbourhood”:

“Plan Melbourne is guided by the principle of 20-minute neighbourhoods.

The 20-minute neighbourhood is all about ‘living locally’—giving people the ability to meet most of their daily needs within a 20-minute walk from home, with safe cycling and local transport options.”

.. and detailed further here:

https://www.planning.vic.gov.au/__data/assets/pdf_file/0031/428908/Creating-a-more-liveable-Melbourne.pdf

While planners may argue that the *concept* underpins their thinking and is embedded in the document, the 20 minute neighbourhood doesn’t seem to be mentioned.

Indeed the document seems to be at odds with some of the PM 2017-2020 “20 minute neighbourhood” directions in places.

02.02 Vision

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/1915/9738/5811/02.02_MPS_Vision_Exhibition.pdf

“..

Through environmentally sustainable development the municipality will reduce its carbon footprint and become resilient to climate change. Yarra will be a city proud of its history and prepared for the future.”

Is this strong enough? If this iteration of the scheme lasts the same amount of time as the previous one, Yarra will need to be carbon-neutral - not just “reduce its carbon footprint”.

Something indicating the urgent need to drive towards carbon-neutrality would be more in line current community needs/aspirations and Yarra policy.

The document talks about Yarra council working towards negating its *own* carbon footprint (e.g. by efficiency measures in council offices & buildings, green energy generation and purchase, etc.). However at this late stage in the climate emergency, while that's necessary and welcome, Yarra must drive all endeavours in the areas for which it's responsible towards carbon-neutrality - and fairly urgently at that. Since emissions from buildings in Yarra amount to 80% of Yarra's total carbon emissions, and since most of them are **not** council-controlled buildings and most are not being rebuilt or renovated any time soon, we have a massive policy challenge that must be led by planning policy.

02.03 Strategic Directions - Activity Centres

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/5115/9738/5811/02.03_MPS_Strategic_directions_Exhibition.pdf

“Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments.”

Note that elsewhere it says that **mid-rise is anything up to 14 storeys**, nor do any of the preceding statements regarding the differing commercial roles of Major, Neighbourhood and Local Activity Centres have anything to say about what the expectations are regarding the capacity for residential growth and greater height across those three very different scenarios.

In the hands of developer's lawyers at VCAT this will be used as an argument that “My client's proposal is in an activity centre. The planning scheme says this is where we should have mid-rise of up to 14 storeys. Therefore my client's proposal for 14 storeys is supported by the scheme.”

In Queens Parade C231 the concept of the 20 minute neighbourhood was crucial in directing higher development to the right places while protecting the heritage shops. The catchment of the 20 minute neighbourhood is explained in the relevant PM document as being able to access the bulk of one's day-to-day goods and services within 800 metres of where one lives. It's clear, therefore, that there's no imperative to build accommodation **in** the activity centres - just sufficiently **near** the activity centres. Moreover PM makes it clear that expectations will vary depending on whether the AC is major, neighbourhood or local.

With QP C231 it was clear there was ample scope - indeed 3x the required projected increase in housing - on offer on the more “out-of-centre” ex-industrial sites, and that therefore there was no strategic reason for C231 to encourage residential development over and behind the heritage Queens Parade shops.

However, there was ample strategic reason for C231 to preserve the heritage shops because of their heritage value, their social and economic value, and to maintain the diverse local retail experience they offer.

That is how QP C231 arrived at 3 storeys in-centre, and heights of 5, 8, 10 up to 17 storeys in the brownfields redevelopment sites out of centre.

C269 needs to lay the groundwork for a more nuanced approach to development in and around activity centres, lest we all end up spending our lives and money arguing at VCAT (again!) for what should have been made clearer up-front.

11.03-1L Activity Centres

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/9615/9738/8230/11_03-1L_yara_Activity_centres_Exhibition.pdf

Objective is fine: *“To manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction.”*

Unfortunately the strategies then go on to assume that “appropriate” is mid-rise or higher development:

“Support high quality mid-rise buildings in major and neighbourhood activity centres as identified in the relevant Design and Development Overlay.”

The above is poor phrasing that will be putty in the hands of lawyers at VCAT. In Queens Parade we have all of low-rise, mid-rise and genuine high-rise development in different precincts. The assumption that introductions will be “mid-rise” doesn’t do anyone any favours. This seems to be a warm-over of the former “generally no more than 5 or 6 storeys” from the previous planning scheme that was tortured to death at VCAT. That was mid-rise back then. Now it’s anything up to 14 storeys according to C269!

Right now there are relatively few activity centres which have DDOs. If guidance in relation to activity centres remains “mid-rise” and “mid-rise” means “up to 14 storeys” that will be the developer expectation.

That’s not to say that some activity centres won’t have 14 storeys or perhaps more - Queens Parade being an example. However, where that growth is to be directed and what the constraints are that guide where growth is directed - e.g. heritage, type of activity centre, etc. - will be crucial.

Having higher forms *in* activity centres, rather than merely near or adjacent to them, (particularly if neighbourhood ACs and especially if local ACs) is not required by PM 2017-2050. Indeed a number of planning considerations can mitigate against it:

- Preservation of valued neighbourhood character
- Preservation of heritage appearance and heritage fabric
- Maintaining an AC as a social and community hub
- Maintaining diverse, fine-grained retail
- Maintaining activated street frontages (e.g. the horror of Dan Murphy's in Smith St, Coles, Woolworths).
- Conflicts of uses (e.g. residential use conflicts with nighttime economy uses)

More of the “it depends” nature of built-form expectations in ACs needs to be clearer all the way through.

Residents should have a look at the sections for their own ACs (whether major, neighbourhood or local). Things to consider:

- Will this protect the valued character of this precinct?
- Is the character statement fair and accurate?
- Are there any significant landmarks and/or views to landmarks not considered that should be?
- If development is proposed, does its nature and suggested placement seem appropriate?

Residents are particularly encouraged to look at the section “Neighbourhood Activity Centres” in respect of the places they live.

While there are larger passages written for places like Johnston St and Heidelberg Road, smaller but important NACs only score a couple of sentences.

And what's written varies in odd ways, e.g.:

Nicholson St, North Fitzroy (i.e. Nicholson Village) has:

- *Protect the heritage shopfronts and verandahs.*
- *Retain the visual prominence of the heritage streetscape and buildings*

.. and yet ***doesn't*** have:

- *Support a mix of uses along Nicholson Street, in particular uses which provide the day to day needs of the local community.*

.. where virtually all other NACs ***do*** have that clause.

If we contrast with Rathdowne St, North Carlton (i.e. Rathdowne Village), we have:

- *Support low-rise development where it respects the heritage character of the activity centre.*
- *Protect the historic significance of the precinct, which includes heritage shopfronts and verandahs.*

.. where there we still “protect” but don’t “retain”, and the “support low-rise development” is included that’s notably absent for Nicholson Village.

If we move to St George’s Road, North Fitzroy (North Fitzroy Village), we have:

- *Support a mix of uses along St Georges Road, in particular uses which provide the day to day needs of the local community.*
- *Support development that contributes to attractive pedestrian links to community facilities and Edinburgh Gardens.*

.. but there’s no mention at all of heritage or any protection of historic significance, despite there being a great many contributory and individually-significant buildings in that precinct, and one that’s actually a State-listed heritage building - the former Post Office (now the Pinnacle Hotel).

While discussing the Pinnacle Hotel, there’s a strong case that this very prominent building is a local landmark and that views to and of it deserve a measure of protection.

Indeed the section from the Pinnacle Hotel, past the Park View Hotel, across the Best St parklet and now book-ended by the Bargoonga Nganjin North Fitzroy Library is an example of a locally-significant space now of some civic significance and perhaps should be recognised as such.

The above are examples and observations drawn from three different NACs all in close proximity to each other and sharing significant similarities in terms of their heritage characters and roles.

It’s important that residents focus on their own particular NACs and LACs and ensure they all get due and proper consideration in the Yarra Planning Scheme. If this is not done then developer’s lawyers will impart their own “interpretations” at VCAT!

12.01-1L Biodiversity

Strategies

The role of the many older native and non-native trees we have in Yarra as habitat for wildlife should also be a factor when it is proposed to remove healthy established trees in favour of some replacement purely on the basis that it fits some plan.

An example is the proposed removal of well-established, healthy elms in Edinburgh Gardens in favour of Chinese elms on the basis the former are not immune to elm beetle and the latter are “in the plan”.

Tree hollows of older trees are houses for a variety of native birds and mammals. A new tree, however meritorious, cannot fulfill this role.

15.01-1L Urban Design

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/6515/9739/0316/15.01-1L_yara_Urban_Design_Exhibition.pdf

Strategies

Laneways

Promote development abutting a laneway that:

...

- *Enables all essential services to be provided to the development.*

In this section I want to highlight there are a number of good provisions in respect of laneways, and point to this one above, since a number of times residents raise the issue of access particularly for fire and medical emergency services in these laneway situations.

There is another provision which says:

Avoid development that:

...

- *Requires multiple vehicle manoeuvres to enter or exit the site.*

Responding to another issue that arises where developments may require multi-point turns to negotiate garages because they've left too little room or provided too narrow an opening. Multi-point turns in a laneway give rise to safety concerns, and result in unnecessary noise and fumes while vehicles engage in them.

However, as a recent VCAT case showed, Yarra rarely enforces this provision in practice, so it may be down to residents to pursue the matter through objections and submission to VCAT.

Development adjacent to a public open space

This subsection looks like a sub-section of "Boulevards" above it based on its typeface, but that must surely be a mistake. Assuming this does apply to all development adjacent to public open space, where it says:

Facilitate development that:

..

- *Avoids overshadowing of public open space between 11am and 2pm on 22 September.*

..

This is surely not sufficient for a densely-populated place like Yarra where we rely so heavily on POS. Covid-19 has shown just how extensively we need these places!

Melbourne CC has Am C278 under way that requires all development higher than 2-3 storeys (9m) to guard against overshadowing of public parks. These are divided into 3 categories with varying levels of protection:

15.01-2L Building design

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/9915/9739/0316/15.01-2L_yara_Building_Design_Exhibition.pdf

Policy application

This policy applies to all development.

Strategies

Building heights

Ensure the height of new buildings respond to the height of adjoining development, unless indicated otherwise in the planning scheme.

Ensure that development reflects the predominant low-rise character of the area, except in the areas below:

- *Activity centres ...*
- *Employment areas ...*
- *Major regeneration areas ...*
- *Boulevards (as defined in clause 02.03).*

Avoid high-rise development unless specified by a schedule to the Design and Development Overlay.

Provisions above are OK - note that **high-rise is > 14 storeys**.

Some difficulty may arise in directing inappropriate development from above or to the immediate rear of the commercial/retail street frontage to brownfields industrial land further from the frontage - because there's no strategy to prevent erosion of commercial and retail space through residential development at that interface. If there are no negative effects of that kind then obviously residential uses even at those commercial/retail frontages are obviously fine.

15.01-2L Landmarks

“Objective

Maintain the visual prominence of and protect primary views to Yarra's valued landmarks.

Strategies

Preserve primary views to landmarks as identified in Table 1.

Site, scale and set back new development to avoid encroachment upon views to the identified architectural elements of landmarks.

Provide adequate setback and building separation to maintain clear sky between the identified architectural elements of the landmark and new development.

Minimise light spill from new development that would reduce the visual prominence of identified illuminated landmark signs at night time.”

Residents are encouraged to review that table and consider whether there are possible landmarks or key views which have been omitted.

(Note that I'd been initially concerned that St Luke's Hungarian Reformed Church in North Fitzroy had been omitted from the list - however it's there - near the bottom and titled only "St Luke's")

16.01-2L - Location of residential development

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/9215/9739/0740/16.01-2L_yara_Location_of_residential_development_Exhibition.pdf

- Identification of Queens Parade Precinct 4 as “moderate change” is at odds with C231. This should be harmonised as the outcome is incongruous and dangerous. In a “moderate change” zone site consolidation is encouraged for “efficient use of land” or “to

facilitate increased density” but this is at odds with the Panel's finding and the Minister's endorsement thereof.

- Likewise delineations of “incremental change” for precinct 1 are also at odds with C231 and the Panel findings.
- I also question whether marking the former railway sheds (now townhouse apartments) at the corner of Napier and Queens Parade is at odds with C231.

Residents of other precincts should review the 16.01-2L map closely to see if there are anomalies in their own areas.

16.01-4L Housing affordability

The goal of having 10% affordable housing on larger developments - particularly when over 50 apartments - is laudable.

However for reasons that aren't Yarra's fault, Yarra only has the “whip hand” when a rezoning is in prospect (which is what's contemplated by this clause). Since rezonings of Commercial 2 zoned land to some other zone that allows residential are fairly uncommon this means in practice that not much affordable housing is likely to be generated in this way.

Most ACs are Commercial 1, which permits residential uses as-of-right (subject to some restrictions). Therefore development of ACs will not deliver affordable housing.

Where government land is rezoned - such as Fitzroy Gasworks - a higher bar should be aimed for (20% affordable housing in that instance).

17.02-1L - Retail

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/3315/9747/1500/17.02-1L_yara_Retail_Exhibition.pdf

Strategies - “Support retail proposals that add to the sustainability and vitality of activity centres, including niche retailers that attract shoppers from the broader metropolitan area.”

This is a good strategy that serves to underline the point that mid-rise built form to 14 storeys is far from the only consideration in what development proposals will benefit an AC.

The existing heritage shopping strips already support “*niche retailers that attract shoppers from the broader metropolitan area*” - so encouragement of retention of this diversity and discouragement of its loss should be a more explicit strategy.

Moreover it's unlikely that - outside of certain discrete for-purpose offers like Victoria Gardens - Yarra will be a mecca for car-centric, “big-box” shopping.

So in most cases the creation/retention of a diverse and fine-grained retail experience - particularly at the road frontages of ACs - should be encouraged.

Another missing strategy - although PM 2017-2050 is very clear about it - is to **discourage** the conversion of commercial and retail spaces to residential uses - in particular those on the ground plane in commercial zones and *most* particularly in shopping strips in ACs.

19.02-6L1 - Public Open Space

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/4615/9747/2480/19.02-6L_yara_Open_space_Exhibition.pdf

Although there have been horrific attacks and safety issues that have occurred in public parks, this section doesn't mention safety anywhere.

Safety and provision for passive surveillance should be fundamental considerations in the design and provision of open space.

19.02-6L2 - POS Contribution

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/8615/9747/2480/19.02-6L_yara_POS_contribution_Exhibition.pdf

- “Reasonable sunlight” between 9am and 2pm seems very weak & quite lousy – at least 3pm and why not later? What’s “reasonable”? At what time of year is “reasonable” judged?

See also above – shouldn't provision of POS by developers be to the same quality and lack of overshadowing as other public open space? Why is the measure inconsistent with the open space shadowing objective at 15.01-1L?