

Background Notes on Making Submissions to Amendment C269¹: Revised Local Policies of the Yarra Planning Scheme

– Original annotated notes by Ian Wight

1. Context

These revised local policies have been arranged under a series of themes that have been devised by the State government for all planning schemes. They have been introduced under Amendment VC148 and are apparently being implemented in stages. This new format has the advantage that the State and local policies relating to the same theme will appear together. The idea is that this should make it easier for the user who does not need to access two parts of the planning scheme to access all policies on the same topic. (See Diagram at:)

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yarra-yoursay.files/8215/9737/6844/Local_policies_in_PPF_structure.pdf

This amendment covers only those policies that are particular to Yarra and comprise a new Municipal Planning Strategy that replaces the former Municipal Strategic Statement and 34 local policies.

Not all these policies are new. Some are simply a translation of the current policy into the new format. Quite a few do not have policies at all but just list a few 'strategies'. Some on the other hand have quite specific guidelines on what is to be discouraged or encouraged in considering planning permits.

So what should we be mainly concerned about?

Resident groups are primarily concerned about avoiding inappropriate development and risk to heritage places. So it makes sense to concentrate on the Built Environment and Heritage group of policies at Clause 15, especially the Heritage Policy as this is a complete rewrite of the existing policy which has been in the making for some time but has been held up so the rewrite could be part of this amendment..

2. Policies of Key Interest

Clause 15 Built Environment and Heritage

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_yarra_Urban_Design_Exhibition.pdf

This policy is generally benign with an excellent new section on Development adjacent to land in a Heritage Overlay:

Provide a transition from any adjacent building with an individually significant or contributory heritage grading, having regard to height, street wall height, setbacks, building form and siting.

Provide a sympathetic and respectful design response that does not dominate an adjacent heritage place.

Use materials and finishes that do not detract from the fabric of the heritage place.

Adopt a street wall height to the street frontage that is no higher than an adjoining heritage building with an individually significant or contributory grading.

It also says nice things about laneways, boulevards, and development adjacent to public open space including:

Facilitate development that: Avoids overshadowing of public open space between 11am and 2pm on 22 September.

This standard is commonly used to assess the impact of development on secluded private open space in a residential area. Should a higher standard apply to public open space?

This policy, like many others, makes the right noises but the real urban design issues only really arise with the introduction of Design and Development Overlays is being considered.

However there is little to object to under Urban Design.

15.01-1L Signs

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/9515/9739/0316/15.01-1L_yara_Signs_Exhibition.pdf

This policy reads as though it is simply an insertion of the existing policy. However it is part of the amendment and if there are serious issues with the current policy this would be an opportunity to raise the matter.

15.01-1L Signs in a Heritage Overlay

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/2415/9739/0315/15.01-1L_yara_Signs_-_Heritage_Exhibition.pdf

This has been newly separated out from the general signage policy. Some minor changes have been suggested by David Young and circulated to the Group to make the heritage principles clearer.

15.01-2L Building Design

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

This policy is concerned with making sure that built form of new buildings are consistent with the scale, bulk and character of the area and while the terms are general (there are few dimensions) most of the provisions are positive. A couple of items seem to require attention:

- It directs Mid-rise development to appropriate locations within Major and Neighbourhood Activity Centres. While there is no definition as to what mid-rise

development is, there should be some doubt that this would be appropriate in a Neighbourhood Activity Centres like Queens Parade.

- It suggests a site coverage not exceeding 80%. This seems high at least for residential areas. Perhaps there needs to be lower site coverage in residential zones.

15.01-2L Landmarks

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/1615/9739/0315/15.01-2L_yara_Landmarks_Exhibition.pdf

This policy is useful in that it lists key landmark buildings and specifies locations from which the view of these buildings should be protected. However it lists relatively few buildings thus creating the opportunity for the view to important local landmarks to fail to be protected because they are not on the list. This policy demands close scrutiny and serious objection. This policy appears to be an elite list but in this context it is surprising to see that the magnificent Bryant and May clock tower has not been included.

It is likely that the view specification for Royal Exhibition Buildings is inadequate, as a detailed view analysis has been undertaken as part of the current review of the World Heritage Environs Strategy Plan. However the work on this review is far from complete so incorporation of these findings should await completion of the Review.

15.02-1L Environmentally Sustainable Development

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/7815/9739/0316/15.02-1L_yara_ESD_Exhibition.pdf

This addresses conservation of energy and water, waste management, sustainable forms of transport etc. It sets a requirement for a Sustainable Design Assessment for large buildings and developments. There does not appear to be anything of concern here.

15.03-1L Heritage

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/6415/9739/0316/15.03-1L_yara_Heritage_Exhibition.pdf

This is a fairly comprehensive re-write of the existing policy with some improvements. However the policy does need considerable further work. To assist this process suggested changes to the policy have been prepared and these are shown as track changes in a separate attachment to this email.

Most of these changes are small if important technical improvements. Correct Burra Charter terminology (<https://australia.icomos.org/publications/charters/>) is suggested in a number of places to improve clarity and avoid places where unnecessary definitions have been inserted in the text.

The main failings are:

- the structure of the document

- the lack of overall objectives and of strategies for heritage conservation
- its failure to encourage the retention of the fabric of commercial buildings other than the façade
- the failure to fully implement the recommendations of the consultant report on industrial heritage.
- the lack of height control on rear extensions to residential buildings
- the lack of definitions of terms
- the need for a plain-English guideline document to support the policy.

Structure

Some of the provisions of this policy apply to all heritage places while some apply only to specific building types, namely commercial, industrial and residential.

This would suggest that, for clarity, all the policies with general application should occur first while those with limited application would follow. This is not the case and needs to be rectified.

Commercial Buildings

Unlike in residential areas there is no suggestion of how much of the building fabric should be retained. This is because the DDOs that have been installed in Activity Centres allow higher built form to occur after a minimal setback usually of 5 or 6 metres.

This battle has been lost in most of the Major Activity Centres but it would seem reasonable to impose some threshold in Local Activity Centres.

Industrial Heritage

This requires further work

Height Controls for Residential Extensions

The typical sight line diagram from across the street has been removed from the policy and replaced with the following:

Set back buildings and works to the depth of two front rooms to retain the original or early elements of the fabric of the individually significant or contributory building, its principal façade and primary roof form

And later:

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

- Appropriately set back from the front and side facades.
- Proportional to the scale of the individually significant or contributory building.
- Substantially concealed.

The intention is certainly good here but we do seem to be lacking some kind of measure. What does 'substantially concealed' mean and as viewed from where?

3. World Heritage

15.03-1L World Heritage Environs Area

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/5115/9739/0315/15.03-1L_yara_WHEA_Exhibition.pdf

The policies for this section have not been reviewed and updated as the Strategy Plan for the World Heritage Environs Area is currently being reviewed through Engage Victoria (<https://engage.vic.gov.au/rebcgreview>). This review could hopefully bring forward some much-needed reforms and when adopted this will be the time to amend the policies to accord with the revised Strategy Plan. There is therefore little point in making submissions in this place. However the point should be made that the Council should incorporate the recommendations of the review as soon as possible.

4. Related Policies from other Themes

There are a few other local policies outside the Build Environment and Heritage theme that have implications for the built environment.

4.1 11 Settlement – 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

This section sits under the Settlement theme and contains a number of built form and heritage strategies. One of the seven overall strategies reads:

Support development that improves the built form character of activity centres, whilst conserving heritage buildings, streetscapes and views to identified landmarks.

There are similar sentiments expressed in the strategies for each Activity Centre. For example in Swan Street Richmond:

Support development that responds to and respects the architectural form and qualities of heritage buildings and the significant heritage streetscape.

Where in fact the DDOs in Swan Street allow the higher form of development to start a mere 6 metres from the frontage of heritage buildings thus encouraging the destruction of a substantial part of each heritage place.

The built form policies generally follow the planned DDOs for each centre most of which are already in place or well on the way to final approval.

Furthermore because these strategies do not specify the dimensions of anything there is little to object to per se and little point in seeking any significant changes.

4.2 16 Housing – 16.01-2L Location of Residential Development

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

The maps in this section show the shopping/heritage parts of Neighbourhood Activity Centres like Queens Parade as sites of Moderate Change. It has been suggested that in the case of Queens Parade this is inappropriate and is a hangover from the time when 6-storey development was envisaged at the rear of the shops behind a set back of only 6 metres. Following extensive submissions and a long panel hearing the permanent control has emerged as a maximum of 3 stories behind a setback of 8 metres for most of the shopping area. It is suggested that a more appropriate designation would be an area of Incremental change.

These two rates of change are described as follows:

Moderate Change

medium density residential and mixed use development in the form of apartment buildings that respond to heritage significance and streetscape character.' With

'lot consolidation where appropriate to facilitate increased densities and efficient use of land'.

Incremental Change:

'single or town house type dwellings on individual lots or smaller scale apartment development.

- ...that respects character of the street'.

While apartment development is the more likely form of development in the shopping centre, the scale and density of the development now envisaged and where lot consolidation is not necessarily appropriate, the area could be more appropriately described as one of Incremental change.

5. Unrelated Policies, listed as maybe worth investigating

This discussion has considered only built environment issues but there may be other policies on which you or your group may wish to make submissions.

For example the following areas.

5.1 16.01-4L Housing affordability policy

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/8115/9739/0739/16.01-4L_yara_Housing_affordability_Exhibition.pdf

The Housing affordability policy talks about a possible 10% minimum of affordable housing to be provided in larger developments. Is this the right figure? Should it be 15% or even 20%?

5.2 13.07-1L Licensed premises

Does the Licensed premises policy need a revamp?

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/4015/9738/8850/13.07-1L_yara_Licenced_premises_Exhibition.pdf

5.3 12.03-1L River Corridors

Is the River Corridors policy sufficiently comprehensive?

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.yrra-yoursay.files/1615/9738/8693/12.03-1L_yara_River_corridors_Exhibition.pdf