

**PLANNING AND ENVIRONMENT ACT 1987**  
**VICTORIA PLANNING PROVISIONS**  
**AMENDMENT VCXXX**  
**EXPLANATORY REPORT (DRAFT)**

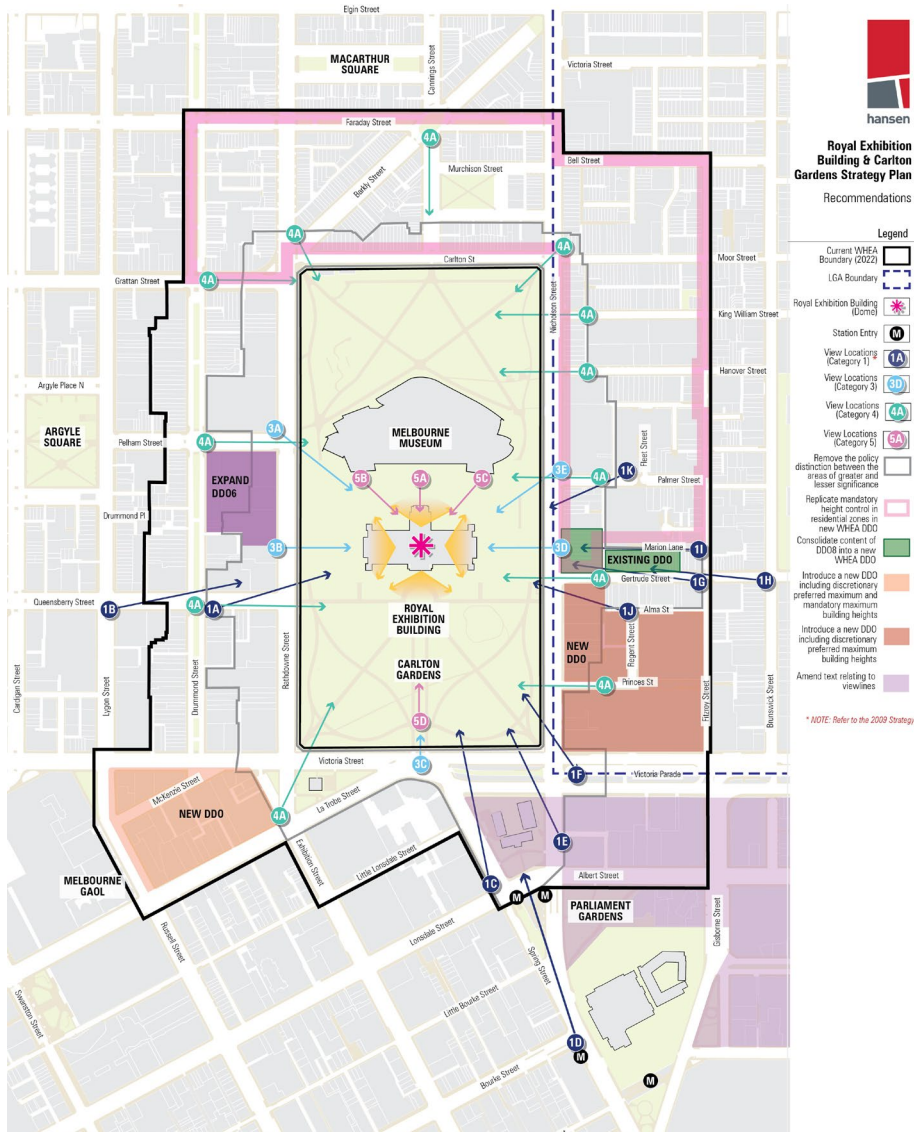
**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

This amendment has been made at the request of the Minister for Planning.

**Land affected by the amendment**

Land affected by the amendment is broadly referred to as the World Heritage Environs Area (WHEA), which surrounds the World Heritage listed Royal Exhibition Buildings & Carlton Gardens (REB&CG). The area of land affected by the amendment spans the City of Melbourne and the City of Yarra. Some elements of proposed amendments apply to the entire WHEA, while other aspects apply to specific land. The full extent of land affected by the amendment is illustrated on the map below.



## What the amendment does

The amendment implements new and updates planning policies and controls to improve the protection of and maintenance of the prominence of the World Heritage listed REB&CG. This is to be achieved through new and amended planning policy controls applying to land within the surrounding WHEA. The recommendations have their basis in the *World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Environment, Land, Water and Planning, 2022)* (the Strategy Plan).

Specifically, the amendment seeks to:

- Amend *Clause 15.03-1S Heritage Conservation* within the State Planning Policy Framework to include specific reference to the retention, protection and management of World Heritage listed sites.
- Implement a new *Clause 15.03-1R Heritage Conservation* with the Regional Planning Policy Framework to address the heritage conservation, protection and management of the World Heritage listed REB&CG and the associated WHEA.
- Amend *Clause 22.21 The World Heritage Environs Area* of the Melbourne Planning Scheme to expand the WHEA boundary in selected areas, remove the distinction between Areas of Greater and Lesser Sensitivity, and make other changes to improve the operation of the control, including protection of primary viewlines, and discouraging a number of types of signs.
- Amend *Clause 22.14 Development Guidelines for Heritage Places in the World Heritage Environs Area* of the Yarra Planning Scheme to expand the WHEA boundary in selected areas, remove the distinction between Areas of Greater and Lesser Sensitivity, and make other changes to improve the operation of the control, including protection of primary viewlines and discouraging a number of types of signs.
- Amends *Clause 22.03 Landmarks and Tall Structures* of the Yarra Planning Scheme to refer to the updated version of the Strategy Plan.
- Implement a new *Design and Development Overlay* to apply to the entire WHEA within the City of Melbourne, and with targeted built form controls for land north of Grattan & Carlton Streets; and south of Victoria Street and west of Exhibition Street, to include: design objectives and decision guidelines to protect the World Heritage values and prominence of the REB&CG; apply building height controls to replicate the mandatory maximum height controls of the NRZ3 (9 metres) and GRZ1 (11 metres); and apply preferred maximum and mandatory maximum building height controls to MUZ sites west of Exhibition Street (bounded by Victoria Street, Russell Street and La Trobe Street).
- Extend *Design and Development Overlay Schedule 6* of the Melbourne Planning Scheme to include properties at 15-31 Pelham Street, 107-151 Rathdowne Street and 110-150 Drummond Street, Carlton.
- Amend *Design and Development Overlay Schedule 6* of the Melbourne Planning Scheme to: update the structure of the schedule consistent with the *Ministerial Direction – The Form and Content of Planning Schemes*.
- Amend *Design and Development Overlay Schedule 13* of the Melbourne Planning Scheme to: update the structure consistent with the *Ministerial Direction – The Form and Content of Planning Schemes* and to include specific outcomes to address key views from designated vantage points.
- Implement a new *Design and Development Overlay* to apply to the entire WHEA within the City of Yarra to include: design objectives and decision guidelines to protect the World Heritage values and prominence of the REB&CG; apply building height controls to replicate the mandatory maximum height controls of the NRZ1 (9 metres), GRZ1 (10.5 metres) GRZ2 (9 metres) and GRZ3 (11 metres); replicate the built form controls of *Design and Development Overlay Schedule 8*; apply discretionary maximum building heights for C1Z sites (bounded by Nicholson Street, Gertrude Street, Regent Street and Princes Street); and apply a discretionary maximum building height for the St Vincent's Hospital Site (PUZ).
- Delete *Design and Development Overlay Schedule 8* from Yarra Planning Scheme which currently applies to properties to the north side of Gertrude Street between Nicholson to Fitzroy Streets.

- Amend the *Schedule to Clause 66.04 Referral of permit applications* of the Melbourne and Yarra Planning Schemes to nominate Executive Director, Heritage Victoria as a Determining Referral Authority for all applications for new buildings, or additions to existing buildings which would be 3 storeys/11m or greater in height.
- Amend the *Schedule to Clause 66.06 Notice of permit applications* of the Melbourne and Yarra Planning Schemes to align with changes to Design and Development Overlay schedules.
- Amend *Clause 72.08 Background Documents* of the Melbourne and Yarra Planning Schemes to list the updated version of the Strategy Plan as a background document.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The Victorian Government has committed to protecting the REB&CG from inappropriate development within the WHEA which may detrimentally encroach on the heritage character and values of this World Heritage listed site.

The REB & Carlton Gardens, Carlton was inscribed in the UNESCO World Heritage List on 1 July 2004. It is a requirement of the Heritage Act 2017 (Vic), that a World Heritage Management must be reviewed every 7 years. The updated Strategy Plan undertook a review of planning controls which currently apply to the WHEA and identified a range of required modifications to improve the protection of the REB&CG from potential development within the WHEA.

As the Central Activities District of Melbourne, and the surrounding suburbs of Carlton and Fitzroy continues to grow, greater pressure is being placed on the REB&CG from larger scale urban development. The suite of proposed amendments seek to improve development guidance and associated built form controls to strengthen the protection of and maintenance of the prominence of the World Heritage listed REB&CG. This is to be achieved through new and amended controls applying to land within the surrounding WHEA.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of Section 4 of the *Planning and Environment Act 1987* (the Act). It supports the objectives to:

- a) provide for the fair, orderly, economic and sustainable use, and development of land;
- b) provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- c) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- d) conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- f) facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c) and (d); and
- g) balance the present and future interests of all Victorians.

The amendment aligns the content and operation of the VPP and the Melbourne and Yarra Planning Schemes with new and amended heritage focused policies and tools for the WHEA. The amendment directly supports the protection of the World Heritage listed REB&CG in planning decision-making for development within the WHEA.

### **How does the amendment address any environmental, social and economic effects?**

The amendment will deliver broad heritage and social benefits through development outcomes within the WHEA which respect and protect the World Heritage listed REB&CG.

The amendment will ensure development outcomes better address interaction between developments within the WHEA by preserving and enhancing the prominence of and cultural and heritage values and significance of the REB&CG for the benefit of current and future residents and visitors.

The provisions preserve the REB&CG as a site and major tourism attraction by mitigating potential development impacts which could permanently alter the valued heritage setting and attributes of this significant World Heritage listed asset.

The amendment will improve planning outcomes by improving consistency of planning controls within the WHEA to protect the World Heritage listed REB&CG.

### **Does the amendment address relevant bushfire risk?**

As the amendment relates to an inner urban area the risk of bushfire is not a relevant consideration, noting the amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire. Furthermore the amendment does not remove or modify provisions that relate to planning for bushfire.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with all relevant ministerial directions issued under section 12 of the Act.

The amendment complies with the *Ministerial Direction - The Form and Content of Planning Schemes* issued under section 7(5) of the Act.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment will ensure planning permit requirements and guidance for development within the WHEA in support of the following State policy elements of the PPF:

- **Clause 15, Built Environment and Heritage** – The amendment supports relevant objectives and strategies under *Clause 15.01 Built environment* and *Clause 15.03 Heritage* by ensuring future development within the WHEA continues to provide an appropriate setting and context for the REB&CG.
- **Clause 17, Economic Development** – The amendment will seek to ensure the protection of the prominence of the REB&CG as a valuable tourism destination and World Heritage listed site, through appropriately controlling development within the surrounding WHEA.

### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment will support the Local Planning Policy Framework within the Melbourne and Yarra Planning Schemes, by ensuring future development within the WHEA continues to provide an appropriate setting and context for the REB&CG. Relevant LPPF Clauses within the Melbourne and Yarra Planning Schemes include:

#### **Melbourne Planning Scheme**

- *Clause 21.06 Built Environment & Heritage*
- *Clause 21.06-1, Urban Design*
- *Clause 21.06-2 Heritage*
- *Clause 22.04 Heritage Places in the Capital City Zone*
- *Clause 22.05 Heritage Places outside the Capital City Zone*
- *Clause 22.21 Heritage Places Within the World Heritage Environs Area* (including proposed amendments to this Clause)

## **Yarra Planning Scheme**

- *Clause 21.02 Municipal Profile*
- *Clause 21.05-1 Heritage*
- *Clause 22.03 Landmarks Design Response*
- *Clause 22.14 Development Guidelines for Heritage Places in the World Heritage Environs Area (including proposed amendments to this Clause)*

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the VPP through relevant updates and additions to the Planning Policy Framework, overlays, particular provisions, general provisions and operational provisions to implement new heritage protection legislation and guidance. It does not duplicate other requirements of the planning scheme.

Further, the amendment makes proper use of the VPP by providing mandatory planning requirements that are consistent with Planning Practice Note 59 which supports such requirements when there is a matter of high significance requiring management or protection, which in this instance is the World Heritage listed REB&CG.

### **How does the amendment address the views of any relevant agency?**

Consultation occurred with Heritage Victoria and the two affected local councils of the City of Melbourne and the City of Yarra, and their views have been considered when developing the provisions.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have a significant impact on the transport system.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

This amendment maintains the consistent, focused and contemporary planning approach to the development of land within the WHEA. The amendment will ensure the controls continue to assist responsible authorities with improved decision making by providing a clear policy and regulatory basis for orderly planning outcomes within the WHEA. It is not anticipated that there will be any negative impacts on the resource and administrative costs for responsible authorities.

However, there is anticipated to be a resourcing implication for Heritage Victoria / Department of Environment, Land Water & Planning, due to the proposed amendment to *Clause 66.04 -Referral of permit applications* which nominates the Executive Director, Heritage Victoria as a determining Referral Authority. The elevated role of the Executive Director, Heritage Victoria in decision making on application within the WHEA is in direct recognition of the importance of the World Heritage listed REB&CG. Resourcing implications have been sought to be managed by on triggering a referral for larger development proposals, being applications for new buildings or 3 storeys/11m or greater in height, or additions to existing buildings which would be 3 storeys/11m or greater in height.

### **Where you may inspect this amendment**

Changes have been made to the Planning and Environment Act 1987 to address planning processes affected by coronavirus (COVID-19) public health restrictions. The changes relate to public-facing processes affected by social distancing requirements and the closure of state and local government offices to the public.

The amendment documents are available for online inspection at:

[www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection)