PLANNING POLICIES & CONTROLS

This section identifies the relevant sections of the Planning Policy Framework, the Zone, Overlay and particular Provisions of the Yarra Planning Scheme as applicable to the proposed development.

4.1 Planning Policy Framework

To ensure planning schemes further the objectives of planning in Victoria, planning authorities must take into account and give effect to the general and specific policies contained in the Planning Policy Framework (PPF).

The PPF clauses that are most relevant to this proposed development are detailed below.

- Clause 11 (Settlement) seeks to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

- Clause 11.01.15 (Settlement) seeks “To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements”.

- Clause 11.01.1R (Settlement — Metropolitan Melbourne) seeks “to create a more consolidated, sustainable city and protect the values of non-urban land”.

- Clause 11.02-1s (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

- Clause 11.03-15 (Activity Centres) seeks “To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community”.

- Clause 11.03-1R (Activity Centres — Metropolitan Melbourne) seeks “To create a distinctive and liveable city with quality design and amenity”.

- Clause 15 (Built Environment and Heritage) seeks to ensure all new land uses and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

- Clause 15.01-1S (Urban Design) aims to create safe and functional urban environments which are good quality and which display a sense of place and cultural identity.

- Clause 15.01-1R (Urban Design — Metropolitan Melbourne) seeks “To create a distinctive and liveable city with quality design and amenity”.

- Clause 15.01-2S (Building Design) aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
Clause 15.01-45 (Healthy Neighbourhoods) aims 'To achieve neighbourhoods that foster healthy and active living and community wellbeing'.

Clause 15.01-4R (Healthy Neighbourhoods) aims to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or public transport trip.

Clause 15.01-55 (Neighbourhood character) aims to recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.02-15 (Energy and Resource Efficiency) encourages efficient land use and development which minimises greenhouse gas emissions.

Clause 16.01-15 (Integrated Housing) seeks 'To promote a housing market that meets community needs'.

Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne) seeks to 'Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas'.

Clause 16.01-25 (Location of residential development) seeks 'To locate new housing in designated locations that offer good access to jobs, services and transport'.

Clause 16.01-2R (Housing opportunity areas – Metropolitan Melbourne) seeks to 'Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne'.

Clause 16.01-35 (Housing diversity) seeks 'To provide for a range of housing types to meet diverse needs'.

Clause 16.01-3R (Housing diversity – Metropolitan Melbourne) seeks 'Create mixed-use neighbourhoods at varying densities that offer more choice in housing'.

Clause 17 (Economic Development) seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Clause 18 (Transport) seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitate economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Clause 18.01-15 (Land use and transport planning) aims to create a safe and sustainable transport system by integrating land-use and transport.

Clause 18.02-15 (Sustainable Personal Transport) seeks to promote the use of sustainable personal transport.

Clause 18.02-25 (Public Transport) seeks 'To facilitate greater use of public transport and promote increased development close to high-quality public transport routes'.

Clause 18.02-45 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 19 (Infrastructure) aims for strategic planning to facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Clause 21.02 (Municipal Profile) provides an overview of the City of Yarra. It identifies that Yarra plays a critical role in the inner Metropolitan region through its hosting of a range of opportunities for inner city living. Analysis of Yarra's built form shows a clear picture of a low-rise urban form punctuated by pockets of higher development. Yarra's housing stock has also become less affordable. As such, Major Activity Centres are identified as a powerful economic engine for the municipality. Accordingly, new housing developments will be encouraged on strategic redevelopment sites located in proximity to activity centres and public transport.

Clause 21.03 (Vision) specifies:
- "Yarra will have increased opportunities for employment.
- The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community.
- Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks.
- Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks"
Clause 21.04-1 (Accommodation and housing) seeks to ensure Yarra continues to accommodate its share of the housing growth of the inner Melbourne Metropolitan region. The objectives of this clause are:
- To accommodate forecast increases in population.
- To retain a diverse population and household structure.
- To reduce potential amenity conflicts between residential and other uses.

Clause 21.04-2 (Activity Centres) seeks to maintain the long term viability of activity centres.

Clause 21.05-2 (Urban Design) seeks:
- To reinforce the existing urban framework of Yarra.
- To retain Yarra’s identity as a low-rise urban form with pockets of higher development.
- To retain, enhance and extend Yarra’s fine grain street pattern.
- To create an inner city environment with landscaped beauty.
- To ensure that new development contributes positively to Yarra’s urban fabric.
- To enhance the built form character of Yarra’s activity centres.
- To encourage the provision of universal access in new development.

In particular Strategy 17.2 states that development within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
- Significant upper level setbacks
- Architectural design excellence
- Best practice environmental sustainability objectives in design and construction
- High quality restoration and adaptive re-use of heritage buildings
- Positive contribution to the enhancement of the public domain
- Provision of affordable housing.

Clause 21.05-3 (Built Form Character) aims to ensure new development must respond to Yarra’s built and cultural character, its distinct residential ‘neighbourhoods’ and individualised shopping strips, with combine to create a strong local identity.
- Specifically, development within ‘residential areas’ must seek to “To maintain and reinforce preferred character”

Clause 22.05-4.1 (Dwelling Design) states that all ‘New residential development located in Mixed Use, Business Zones, or in a Residential 1 Zone within 30 metres of a Business or Industrial Zone or 30 metres of an existing industrial or business use, is to be designed to:
- Incorporate appropriate measures to protect the residents from unreasonable noise, fumes, vibration, light spillage and other likely disturbances.
- Locate noise-sensitive rooms (in particular, bedrooms) and private open space away from existing and potential noise sources, and where appropriate incorporate other measures such as acoustic fencing, landscaping and setbacks.
- Incorporate appropriate measures to minimise the effects of fumes or air emissions from nearby business or industrial operations upon those living in the dwellings, including through the orientation of windows and ventilation systems.
- Minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.

Clause 21.06-1 (Walking and cycling) seeks “to provide safe and convenient pedestrian and bicycle environments.”

Clause 21.06-2 (Public Transport) seeks “to facilitate public transport usage.”

Clause 21.06-3 (The Road System and Parking) seeks “to reduce the reliance on the private motor car” and “to reduce the impact of traffic.”

Clause 21.07-1 (Ecologically Sustainable Development) seeks “to promote ecologically sustainable development.”

Clause 21.08-2 (Burnley, Cremorne, South Richmond) identifies the Sites location within Burnley, Cremorne, South Richmond that: “…is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.”
■ **Clause 22.05** (Interface Uses Policy) aims to ensure the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.

■ **Clause 22.10** (Built Form and Design Policy) applies to all new development not included in a heritage overlay. The policy comprises of ten design elements that address the following issues: Urban form and character, Setbacks and building heights, Street and public space quality, Environmental sustainability, Site coverage, On-site amenity, Off-site amenity, Landscaping and fencing, Parking, traffic and access, and Service infrastructure.

■ **Clause 22.12** (Public Open Space Contribution) applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The objectives of the clause are:
  ■ To implement the Yarra Open Space Strategy.
  ■ To identify when and where land contributions for public open space are preferred over cash contributions.
  ■ To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.

■ **Clause 22.16** (Stormwater Management (Water Sensitive Urban Design)) seeks to ensure new developments achieve a high standard of water quality performance in terms of mitigating detrimental downstream effects on waterways. The policy seeks to encourage on site retention of water and to minimise peak stormwater flows, inter alia.

■ **Clause 22.17** (Environmentally Sustainable Development) applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. For development of 10 or more dwellings, the permit needs to be accompanied by a Sustainability Management Plan (SMP).

Refer to **Figure 5 – Neighbourhood Map – Burnley, Cremorne, South Richmond**
Refer to **Figure 6 – Built Form Character Map - Burnley, Cremorne, South Richmond**
YARRA PLANNING SCHEME

FIGURE 7. NEIGHBOURHOOD MAP: BURNLEY, CREMORNE, SOUTH RICHMOND

Subject Site

Create pedestrian access from Swan Street to east side of Port Road
Create pedestrian access across North Road
Position existing open space
Support business cluster for textiles and design in the Cremorne area
Create new active street frontage along Church Street
Support offices and commercial fronting on Church Street
Further integrate with surrounding parks
Create pedestrian links from streets.

LEGEND

[Legend with various symbols and colors]

Note: This map is indicative only. Please refer to the implementation of strategies under Clause 21.08.

MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.08

Figure 5 – Neighbourhood Map: Burnley, Cremorne, South Richmond (Source: Yarra Planning Scheme)
Figure 8 - Built Form Character Map: Burnley, Cremorne, South Richmond (Source: Yarra Planning Scheme)
4.2 Zoning

The Site is subject to the Mixed Use Zone (MUZ). The purpose of the MUZ is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The key provisions of the MUZ that are relevant to the proposal include:

- Clause 32.04-2
  - In accordance with Table 1 to Clause 32.04-2 a permit is required to use the land for a Food and drink premises with a leasable floor area that exceeds 150 sqm.
- Clause 32.04-6
  - A permit is required to construct two or more dwellings on a lot.

Refer to Figure 7 - Zone Plan

4.3 Overlays

4.3.1 Clause 43.02 – Design and Development Overlay

The Site is subject to Schedule 5 of the Design and Development Overlay (DDO5).

The purpose of the Design and Development Overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.

The key provisions of the DDO that are relevant to the proposal include:

- Clause 43.02-2
  - (Buildings are works) requires a permit to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required.

DDO5 – City Link Exhaust Stack Environs

The design objectives of DDO5 include:

- To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.
- To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.
- To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.

The key provision of DDO5 relevant to the proposal include:

- Sub-clause 2.0
  - (Buildings and works) a permit is not required to construct a building or construct or carry out works.

4.3.2 Clause 45.03 – Environmental Audit Overlay

The Site is subject to the Environmental Audit Overlay (EAO). The purpose of the EAO includes:

- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The key provision of the EAO that are relevant to the proposal include:

- Clause 45.03-1
Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

"A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or

An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use."

Refer to Figure 8 – Overlay Plan (Affecting the Site)
Figure 7 - Zone Plan
Figure 8 - Overlay Plan (Affecting the Site)
4.4 Particular Provisions

4.4.1 Clause 52.06 Car Parking

The purpose of Clause 52.06 includes:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Number of car parking spaces required under Table 1

Pursuant to Clause 52.06-5 Column B rates within Table 1 of the clause apply if:

- Any party of the land is identified as being within the Principal Public Transport network Area as shown of the Principal Public Transport Network Area Maps (State Government of Victoria, 2018).

The Site is situated within the Principal Public Transport Network Area therefore Column B rates apply.

Permit Requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

Refer to Figure 9 – PPTN Map (Yarra)
Principal Public Transport Network Area Maps

Yarra Planning Scheme

Legend
- Yarra LGA Boundary
- Principal Public Transport Network Area

Subject Site

0 500m 1000m 1500m 2000m

Map 32 of 33

August, 2018

Figure 9 – PPTN Map (Yarra) (Source: Yarra Planning Scheme)
4.4.2 Clause 52.34 - Bicycle Facilities

The purpose of Clause 52.34 includes:

- "To encourage cycling as a mode of transport.
- "To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities."

Permit Requirement

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

4.4.3 Clause 52.36 – Integrated Public Transport Planning

The purpose to this clause is:

- "To ensure development supports public transport usage.
- "To ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provided as part of new development.
- "To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops.
- "To ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport."

4.4.4 Clause 58 - Apartment Developments

The purpose of Clause 58 includes:

- "To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- "To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- "To encourage apartment development that is responsive to the site and the surrounding area."

Subject to this clause, an apartment development in the MUZ must meet all the objectives of this clause and should meet all of its standards. A comprehensive assessment of the Proposal against clause 58 demonstrating the compliance of the development with all objectives and standards is included at Appendix 2.

4.5 Strategic Documents

4.5.1 Swan Street Structure Plan

The Swan Street Structure Plan was adopted by Council in January 2014 and covers the area in which the subject site is located.

The Study Area comprises ten precincts – the Subject Site is located within "Swan Street Retail". The land use objectives for the precinct encourage housing to accommodate the growth within the precinct. Furthermore, the built form objectives and strategies seek development to provide active frontages to the street and to ensure that the prevailing fine-grain pattern is preserved where site consolidation or development of larger sites occurs.

The Swan Street Structure Plan identifies redevelopment to a preferred maximum height of 5-6 storeys (19 metres) with no indication of preferred street wall heights. The Structure Plan does not nominate any mandatory street wall heights or building heights.

Whilst we understand that the SSSP has been adopted by Council, we note that this document did not proceed to a planning scheme amendment, and in a strategic planning sense this document has effectively been superseded by proposed planning scheme amendment C191 (see below).

Refer to Figure 10 – Swan Street Structure Plan – Precinct 2: Swan Street Retail.
4.5.2 Proposed Amendment C191

Yarra Council adopted proposed Amendment C191 on 17 October 2017. This amendment seeks to introduce Schedule 17 to the Design and Development Overlay (DDO17) into the Yarra Planning Scheme to guide future heights and setbacks of new development so that their scale and form responds to the heritage character of Swan Street.

At the time of writing this report proposed Amendment C191 is awaiting authorisation, and is not currently seriously entertained. Notwithstanding, we acknowledge that significant strategic work has been undertaken by and on behalf of the City of Yarra to establish the future vision and built form controls for the Site and context, which has been considered in the formulation of this proposal.

It is submitted that the proposed application is generally consistent with the future design and development vision for the Swan Street Activity Centre.

It is also understood that Yarra City Council seek to introduce interim controls into the planning scheme, however the timing and progress of this Amendment is unknown.

Refer to Figure 11 – Height and Interface Plan and Figure 12 – Access and Movement Plan.

4.5.3 City of Yarra Urban Design Strategy

The Urban Design Strategy (UDS) was adopted by Council in June 2011 and covers the entire municipality. The UDS acts as a guide for planners, designers and decision-makers to help improve Yarra’s urban design outcomes.

4.5.4 Plan Melbourne

Plan Melbourne is a reference document and the Victorian Government’s metropolitan planning strategy that will guide the city’s growth to 2050 (‘the Strategy’).

The Strategy’s primary aim is to house, employ and connect more people to jobs and services closer to where they live. The Site is located within the Inner Metro Region.

Refer to Figure 13 – Plan Melbourne – Inner Metro Region.
Figure 10 - Swan Street Structure Plan - Precinct 2: Swan Street Retail (Source: Swan Street Activity Centre - Built Form Framework)
Plan 3: Height and Interface Plan – Precinct 2 – Swan Street Retail Centre

Figure 11 – Height and Interface Plan (Source: Proposed Schedule 17 to Clause 43.02, Yarra Planning Scheme)
Figure 12 – Access and Movement Plan (Source: Proposed Schedule 17 to Clause 43.02, Yarra Planning Scheme)
**Inner Metro Region**

- **Central Business District**
- **Naratral employment and innovation cluster**
- **Health and education precinct**
- **Health precinct**
- **Major urban renewal precinct (2015 - 2051)**
- **Priority precinct**
- **Other precinct**
- **Industrial area — existing**
- **Major activity center**
- **Port of Melbourne precinct**

**Transport**
- **Transport gateway — seaport**
- **State significant road corridor**
- **Road network**
- **Rail network**
- **New station**
- **Train network**
- **Transport projects — committed**
- **Western Distributor**
- **Metro Tunnel (ari)**
- **Citylink/Suburban widening**

**Environment**
- **Public open space**
- **Water's edge parklands**
- **Watebody**

**Administration**
- **Inner Metro Region boundary**
- **Urban area**
- **Local government area boundary**

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**Figure 13 — Plan Melbourne — Inner Metro Region (Source: DELWP)**
Overview

The planning permit application for the construction of a residential apartment building at the Site raises the following key considerations:

- Are the proposed building and works appropriate having regard to the relevant planning controls and site context?
- Is the proposal consistent with Plan Melbourne?
- Is the Site suitable for use as a residential building?
- Does the proposal result in any unreasonable off site amenity impacts?
- Does the proposal allow for equitable development to adjoining properties?
- Does the planning permit application provide adequate traffic, bicycle parking facilities and waste management arrangements?

5.1 Are the proposed building and works appropriate having regard to the relevant planning controls and site context?

It is submitted that the proposal is consistent with the various policy provisions outlined in the Yarra Planning Scheme, including Plan Melbourne, the PPF and LPFF and having regard to both the land use zoning and overlay provisions that affect the Site and the relevant particular provisions.

At State, regional and local policy levels the Site and proposed development respond to a range of objectives and strategies that encourage the consolidation of residential and mixed use development at higher densities in proximity to fixed rail infrastructure and in particular where located within established activity centres. The Site, which comprises five consolidated land titles, is exceptionally well located within the Swan Street Activity Centre and the proposed development contributes positively toward the provision of a diversity of well-designed dwellings within this highly serviced location.

More specifically, the proposal responds to the Planning Policy Framework of the Yarra Planning Scheme as follows:

Residential Development

The Site is located within the Mixed Use Zone (Clause 32.04), where one of the express purposes is ‘To provide for housing at higher densities’. The Site is located within a designated housing opportunity area as identified by Clause 16.01-2R and can facilitate significant housing supply contributions within the established and well serviced inner city municipality of Yarra, strengthening the role of Richmond and its environs as one of the key ‘20 minute neighbourhoods’ within Metropolitan Melbourne.

Importantly, the Site is close to existing services, jobs and public transport and the proposal introduces a diversity of housing options that provide choice to the market and respond to changing household and
demographic needs within the Municipality. This is achieved through the introduction of a meaningful mix of housing typologies including multi-level townhouses with individual address, one-, two-, and three-bedroom apartments and the employment of universal design principles. Accordingly, the proposal seeks to support the growing and evolving housing needs within the Municipality as is encouraged by State, regional and local policy within mixed-use development precincts and locations.

Notwithstanding the above, the proposal further supports the residential related provisions of the PPF within the Yarra Planning Scheme as it:

- Provides certainty about the scale and growth of suburbs by promoting appropriate height and scale for consolidated sites;
- Seeks to introduce a diversity of dwelling typologies in a location that is well established and highly integrated with public transport, services and employment, consolidating the role of Swan Street Activity Centre as a major contributor to 20 minute city within the metropolitan area.
- Consolidates five (5) existing land titles previously used for small-scale commercial activities and private residences. In the context of the Swan Street Activity Centre it is considered that this land is presently underutilised and the consolidated site therefore provides significant opportunity to address the housing demands of the municipality, assisting to relieve pressure on Melbourne’s urban fringes to accommodate new housing supply, whilst contributing to more sustainable development models.

The following clauses of the Yarra Planning Scheme have been addressed through the above response: Clauses 11, 15, 16, 18, 19, 21.04-1, 21.05-2, 21.05-3 & 22.10).

Built Form

The proposal is generally consistent with the land use and built form objectives of the Mixed Use Zone as it will achieve or contribute to the following:

- The proposal appropriately responds to the purpose of the zoning and the Site’s location within the Swan Street Major Activity Centre. The proposal contributes to dwelling diversity in the area through the provision of higher density housing in an existing activity centre which is connected to public transport, cycling and walking networks. The proposal will provide housing in a convenient location and will respond to the established mixed use character of Swan Street.
- An attractive, transparent and engaging street interface that includes an attractive form with a high degree of fenestration, the provision of balconies and planting beds at upper levels, and an open, communal entry space for users to utilise and congregate as they further enter the building;
- The removal of vehicle crossovers to Wiltshire Street which provides the opportunity to reinstate the pedestrian footpath and improve the quality of the public realm in this location. We note this design element provides further opportunity for a car share parking spot, loading zone, new street trees and Council on-street bicycle parking.
- The proposed building contributes positively to existing streetscape character and has particular regard to the streetscape along Brighton Street and Little Lesney Street. The design contributes to the activation of the street and creates physical connection, incorporating safety by design through the introduction of clear glazing along the ground level to Brighton Street and Little Lesney Street and active uses within. In addition, the proposal introduces a glazed ‘splay’ at the south and north east corner to Brighton Street, Little Lesney Street and Wiltshire Street, which coupled with streetscape improvements along Brighton Street and Little Lesney Street will significantly improve the public realm.
- As the Site is suitably set behind the Swan Street and Church Street shopping strips, it provides an opportunity for residential development at higher densities without detracting from the heritage and amenity value of the Swan Street strip.
- The proposal is designed so that balconies from residential apartments address street interfaces, therefore promoting passive surveillance and improving safety. Further, the proposal will contribute to the activation of the Site’s triple frontage through multiple entry points to the building core, townhouses and food and drink premises (currently private businesses and blank brick walls and concealed entry points). The proposal will be designed with lighting and signage to ensure safe pedestrian and vehicle access.
- Respecting the existing heritage character of the adjacent retail strip through sufficient setbacks and a positive and distinct architectural response, whilst acknowledging and responding to the emerging and preferred character of land adjacent to the Richmond rail corridor to the south of Swan Street.
- The height of the proposed development has been reached through a considered review and response to the immediate and broader Swan Street Activity Centre context and is considered
appropriate and generally consistent with the nature of residential development approvals and applications in the activity centre context and future vision for the precinct.

- It is further submitted that the overall height of the proposal as seen from the public realm of Church and Swan Streets is reasonable within the context of the Swan Street Major Activity Centre, Richmond Hill and Melbourne CBD backdrops beyond. Whilst the proposed development exceeds the preferred maximum height for the Site as identified within the Swan Street Structure Plan the proposal achieves a multitude of objectives in line with the future vision of the Swan Street Activity Centre. Furthermore, it is understood that this document is not a statutory consideration of the Yarra Planning Scheme, as supported in the Tribunal’s decision in D & Pulitano Pty Ltd v Yarra CC [2014] VCAT 1277. Rather, the SSSP represents Council’s former strategic framework for the precinct (noting the forthcoming Amendment C191) and the height controls applied to this precinct can be critiqued for not fully accounting for nuanced changes such as the consolidation of land, as is the case in this proposal. Accordingly, it is submitted that the Site benefits from a range of Planning Policy encouraging urban consolidation on this consolidated Site, responding to local policy considerations and being sufficiently setback from sensitive heritage and residential receptors and highly proximate to public transport infrastructure and the broader Activity Centre.

- The design response recognises its relationship to the wider public realm and is representative of the type and scale of development that will be encouraged in this precinct into the future. In this respect it is considered that the proposal is consistent with Clauses 11.01.15, 15.01-15, 15.01-4R, 16.01-15, 18, 21.03, 21.04-1, 21.05-2, 21.05-3 & 22.10.

Clause 21.05-2 (Urban design)

Clause 21.05-2 has regard to the built form within Yarra, with particular emphasis on retaining “Yarra’s identity as a low-rise urban form with pockets of higher development”. Strategy 17.2 of Clause 21.05 is of particular relevance to this proposal as it seeks to limit development to no greater than 5-6 storeys, unless it can be demonstrated that the proposal can achieve specific benefits such as:

- ‘Significant upper level setbacks
- Architectural design excellence
- Best practice environmental sustainability objectives in design and construction
- High quality restoration and adaptive re-use of heritage buildings
- Positive contribution to the enhancement of the public domain
- Provision of affordable housing.’

In response to the above, we submit the following responses:

Significant upper level setbacks

In contrast to the often default approach to designing built form above podium level, which may include an over-reliance on upper level setbacks as prescribed by Strategy 17.2 of Clause 21.05; the proposal seeks to introduce an independent and site responsive approach to combat visual bulk and provide an overall net improvement to the resulting built form than may otherwise be achieved by a design that directly responds to this strategy by way of significant upper level setbacks.

Importantly, the large consolidated nature of the Site warrants and affords a more innovative approach to addressing matters of visual bulk. The architectural response has therefore deliberately sought to avoid a conventional design approach where bulk and mass is consolidated at the centre of the site with upper levels concealed via cascading setbacks.

Conversely, the proposal constructs prominently to the title boundary with zero setback to all upper level forms, instead addressing matters of visual bulk through a sophisticated façade design, delineation of upper levels into three distinct forms and the interjection of landscaping elements at podium and rooftop levels with opportunity for additional vertical greening. In detail, the proposal responds to this design consideration as follows:

- The proposal softens the built form via a central ‘T’ shaped landscaped area at podium level and rooftop garden set within the expressed frame of the north-east upper level form. The podium level landscaping delineates the building into three distinct upper level forms, with the two lower and narrower 10 storey forms set toward the more prominent Brighton Street interface and larger 12 storey form recessed to the centre block. The 12 storey form is further articulated to the western elevation by the introduction of a central rebate.
The separation of upper level form into three distinct masses introduces sight lines through the proposal from the street, creating visual interest whilst also reducing shadowing impact and visual bulk when compared to singular consolidated massing.

As has been the intention of the design team since the outset, the proposal introduces a building that positively contributes to the streetscape through a high level of architectural integrity and conviction. In keeping with the mid-century architectural reference the design maintains proportionality and architectural authenticity through its solid rectilinear form constructed to the title boundary with zero setback at upper levels.

Overall, the massing, integrated landscaping and architectural finesse within the upper form results in a sympathetic built form outcome that proudly contributes to the immediate context.

Accordingly, we submit that a more standard design response with recessed upper level setbacks would detract from the architectural intent, urban design principles and overall internal and external amenity contribution of the building.

Architectural design excellence

The proposal in its entirety introduces an exceptional example of site responsive modern architecture that celebrates the emerging character of the Swan Street Major Activity Centre and contributes to the City of Yarra's future vision for this area.

The proposed building adopts a consistent expressed frame design with strong reference to the 'Fairlie Flats', designed by Yuncken Freeman and constructed in 1961. A modern interpretation of traditional modernist form, the proposal provides an exceptional experience from street level with the building's cantilevered podium extending vertically with clear breaks between upper level forms, interjected by soft landscaping at podium and rooftop terrace levels to provide visual interest to the street.

The use of precast concrete provides a robust and textured materiality that ensures structural capacity for expressed framework and cantilevered elements whilst delivering an aesthetic value true to the stylistic design references of mid-century Yuncken-Freeman architectural design.

The building's prominent concrete materiality is contrasted by full height glazing visible through the breaks in the expressed façade. This is most prominent at ground floor where the full height curved splay glazing of the food and drink tenancy addresses the Site's triple frontage.

Integrated and highly considered landscape interventions are introduced throughout the building at ground, podium and rooftop levels. The landscape design contrasts with the materiality of the building and provides opportunities for engaging views from street level.

Importantly, the highly considered organisation of upper level form challenges existing expectations of internal amenity on large format consolidated development sites, with a large number of apartments benefiting from dual corner aspect and exceptional access to light and ventilation whilst maintaining a sense of enclosure and privacy.

Best practice environmental sustainability objectives in design and construction

As outlined earlier in the report, a holistic and transparent approach to ESD performance has been adopted for the proposal, with a strong design focus on indoor environmental quality, energy efficiency, water efficiencies and stormwater management. Significantly, the proposal achieves ESD 'Excellence', obtaining a BESS score of 71% with no mandatory category below 50%.

An integrated approach to ESD has been adopted from project inception, with the design maximising opportunity for passive light access and cross ventilation, in particular at upper levels.

We note the proposal will implement the following ESD initiatives:

- 80% of the development's apartments are naturally cross ventilated;
- 52% of apartments achieve at least 3 hours of sunlight;
- The development is to achieve a 6.5 Star average NatHERS Energy Rating result;
- A 33.75kW Solar PV system is to be located on the roof of the proposal;
- Water efficient fixtures are applied throughout;
- A 15,000 litre rainwater tank will harvest rainwater from all non-trafficable roofs. This tank will be connected to all ground floor-level 2 apartment WCs and commercial WCs;
- The majority of landscaping consists of native vegetation;
The proposal includes 131 bicycle spaces, including 77 spaces as wall mounted racks and 54 spaces as horizontal rails. A number of nearby roads accommodate bicycle lanes, including Swan Street and Church Street. The development is provided with an end of trip facility including 1 shower, 4 lockers and changing facilities; and

- 178sqm of communal space will be provided at the north-east rooftop.

Accordingly, the proposal surpasses the ‘Best Practice’ ESD objectives set by the Strategy.

**High quality restoration and adaptive re-use of heritage buildings**

Properties consolidated within the Site are not subject to the Heritage Overlay or possess identified heritage values. Accordingly, we submit that this application does not qualify for this particular requirement of Strategy 17.2. Notwithstanding, the design response is sympathetic to the surrounding heritage fabric of Swan Street and environs. In particular, the Site is well setback to the north (via Wiltshire Street) from the commercial heritage buildings aligning Swan Street.

**Positive contribution to the enhancement of the public domain**

The proposal introduces numerous improvements to the public domain. Historically, much of the Site’s frontage has been dominated by large blank walls to Little Lesney Street, an at-grade carpark to Wiltshire Street and a lack of street trees. The proposed development makes a significant improvement from what is a compromised relationship with the public domain as follows:

- New street trees are proposed to Wiltshire Street and Brighton Street to soften the built form and beautify the road network around the proposal.
- The ground floor setback accommodates landscaping to Brighton Street and widens the pedestrian walkway to improve the amenity of Brighton Street and create an attractive entrance to the proposed food and drink premises.
- Removal of the ‘double width’ crossover to Wiltshire Street allows the reinstatement of the footpath and provides opportunity for additional street parking and street activation. A loading zone, car share pod and visitor bicycle parking are proposed.
- The basement entry and services are deliberately located at the north western corner to direct these uses away from the pedestrian domain.
- Clear glazing is proposed at the ground floor that creates sightlines to open up the corners of Little Lesney Street and Wiltshire Street as well as improving sightlines to the Brighton Street pedestrian bridge.
- Ground floor townhouses garden terraces activate the street interface and provide additional greening elements. The proposed townhouses to Wiltshire and Little Lesney Street activate the north and south street interfaces to facilitate passive surveillance encourages pedestrian activity by increasing safety elements to the often neglected Little Lesney Street.
- The proposal forms a key component of long term upgrade works to the pedestrian environment along Little Lesney Street, in line with the City of Yarra’s future vision for this corridor. The proposal has been designed to contribute toward a more pedestrianised thoroughfare in place of the existing dilapidated laneway condition. It is understood that the City of Yarra seeks to upgrade this corridor, with works potentially including the full or partial pedestrianisation of Little Lesney Street toward East Richmond Station, integrating with envisaged pedestrian links along Milton and Railway Place.

**Provision of affordable housing**

Whilst the proposal does not include formal affordable housing the proposal positively contributes to the provision of diverse housing options within the Swan Street Activity Centre, catering to a diversity of household needs.

Importantly this is a development that does not discriminate in its provision of smaller and more accessible housing stock, including a range of 1 bedroom apartments which form a vital role in providing greater choice and accessibility in housing stock within this building and location. This results in a building that can be accessed by a broad spectrum of the market without compromising amenity.

*Little Laneway Nominees Pty Ltd v Yarra CC (2017) VCAT1449 (28 August 2017)*

Considering the above assessment against general strategy 17.2 of Clause 21.05, we also refer specifically to *Little Laneway Nominees Pty Ltd v Yarra CC (2017) VCAT1449 (28 August 2017)* whereby the Tribunal determined to vary the City of Yarra’s decision and permit the construction of a 10 storey residential building at 1 Little Lesney Street and 9 Wiltshire Street, Richmond.
In response to its decision, the City of Yarra maintains that this application did not “deliver on any of the stated benefits [of strategy 17.2 of Clause 21.05] such as to warrant higher form.”

Notwithstanding, the Tribunal determined that “whilst there is some disagreement as to whether or not 5-6 storey height is a ‘jumping off point’ or a ‘de facto height limit’ the basic premise remains, the proposed development presents a contextually thoughtful response to the streetscape. I am not persuaded that the height of the development [9 storeys] from within Little Lesney is inappropriate.”

As outlined previously in this assessment, the proposal seeks to make substantial improvements to the public realm and provides for an exceptional architectural and ESD outcome. It follows that the height of 9 storeys for 1 Little Lesney Street, whilst comparable to the current proposal, is not reflective of an application that fully responds to the strategies outlined at 17.2 of Clause 21.05 of the Yarra Planning Scheme.

In following, it is considered that the proposed built form outcome with upper level forms extending to 10 and 12 storeys respectively is appropriate for this Site and context on the basis that the design introduces an exceptional outcome in accordance with strategy 17.2 of Clause 21.05.

**Environmentally Sustainable Development (Clause 22.17)**

The proposal is consistent with the Planning Policy Framework regarding environmental sustainability and transport as it:

- Provides for an innovative energy and water efficient development that promotes alternative forms of transport - both through its location proximate to public transport (particularly Swan Street tram routes and proximity to East Richmond station), provides ample bicycle storage for residents and visitors and proposes the installation of a shared car service to Wiltshire Street.
- Has been designed and laid out to maximise potential for natural cooling and insulation, as well as providing water sensitive urban design elements such as a 15,000 litre rainwater tank to be reticulated to all WCs at Ground Floor, Level 1 and Level 2.
- Adopts an architectural response that embodies sustainable design principles to achieve passive design outcomes that improve the internal environmental quality of dwellings, coupled with a robust choice of materiality that contributes to the longevity of the building, both structurally and architecturally.

**5.2 Is the planning permit application consistent with Plan Melbourne?**

Plan Melbourne reinforces the importance of encouraging higher density residential development close to activity centres and near public transport routes to maximise the significant investment that has already been made in existing infrastructure and services, and to facilitate housing affordability and control the cost of living. This has been a state government planning principle that has underpinned an array of past metropolitan planning strategies.

The planning permit application is supported by Plan Melbourne by delivering an increase in housing close to jobs and transport. Essentially, the proposed development will increase the supply and variety of housing, supporting the state’s progress towards increased affordability, inclusiveness, sustainability of housing, and integration between land use and transport planning.

The locational characteristics of the Site, coupled with the current utilisation of the Site, suggest that it is an ideal candidate for more intensive and site appropriate development.

The proposal will foster economic growth through temporary construction related jobs. At a local level, the Yarra Municipal Strategic Statement recognises that household sizes within the municipality are declining, creating a growing need to provide smaller dwellings than the existing single dwelling on a lot housing stock currently provided. It also identifies the importance of locating higher density developments in locations near activity centres and public transport infrastructure.

The planning permit application also supports the city’s environmental aspirations, providing residents with the opportunity to access quality public transport and amenities without use of a private vehicle.

**5.3 Is the Site suitable for use as a residential building?**

The land is zoned for mixed uses; the use of land for housing at higher density is expressly encouraged within the MUZ – noting that a dwelling is a ‘Section 1’ (or permit not required) land use within the zone.
Perhaps most significantly, Icon Developments Australia has consolidated a total of five (5) existing land titles for the purpose of this project. The existing urban condition is characterised by a fine grain composition of small-scale commercial and residential uses which typically acts as an impediment to the efficient development of land within activity centres for medium density residential buildings. It follows that the consolidation of five existing titles this location presents an uncommon opportunity to accommodate higher residential densities than may otherwise be expected.

The Site also benefits from its location within the central commercial area of the Swan Street Activity Centre. In this respect, sensitive issues of overlooking and overshadowing are largely mitigated, allowing the design to integrate with commercial uses to the east, whilst maintaining a sympathetic and complementary design response to the public realm of Swan and Church Streets to the north and east. It is noted that residential land to the south of the Richmond rail trench occupies a contrasting urban environment however consolidated development outcomes to the north of the rail trench (such as the proposal) are expected at this interface.

Within the MUZ, the standard of development for residential buildings is partially assessed via the objectives, standards and decision guidelines of Clause 58. As detailed by the Clause 58 Assessment accompanying this submission, the proposal meets, and often exceeds the requirements of Clause 58 and therefore the Site shows suitability for use as a residential building.

It is respectfully submitted that providing a residential apartment building on a consolidated site is a rare opportunity that provides a significant contribution to the thriving Swan Street Activity Centre.

On balance, the existing and future character of this area supports a residential building which will contribute positively to the public domain of the area, and the wider municipality.

5.4 Does the proposal result in any unreasonable off site amenity impacts?

The site presents an opportunity within the Swan Street Activity Centre for a mixed use residential development in a location that does not detract from or impact heritage buildings and precincts, and is appropriately setback from residentially zoned land so as to ensure any amenity impacts to existing sensitive uses are minimised. It is noted that the proposal does not introduce any unreasonable overlooking or overshadowing impacts to existing residentially zoned land.

As outlined above, the Site enjoys a unique triple fronted corner location that benefits from train infrastructure to the south. The Site's only direct interface occurs with the two storey, seven townhouse development at 5-7A Wiltshire Street and 3A-3D Little Lesney Street also within the Mixed Use Zone.

With respect to the above matters we would make the following submission:

5-7A Wiltshire Street and 3A-3D Little Lesney Street, Richmond

The properties at 5-7A Wiltshire Street and 3A-3D Little Lesney Street form part of a series of seven fine grain townhouses, connected via adjoining walls and built hard up to their adjoining eastern and western boundaries. The townhouses are two storeys in height (roughly 8 metres), of contemporary style, feature metal finished, north and south facing second storey terraces and below-grade car parking.

It is acknowledged there may be some limited shadow impact to the southern balconies and central driveway light courts to these properties in the morning period (9am-12pm). However, it is submitted that by nature of their design, the abutting southern balconies are overshadowed for a majority of the day with the proposal not increasing this overshadowing. In addition, the light courts do not provide light to habitable rooms, rather the below-grade car parks.

In terms of visual bulk, the proposal has sought to mitigate any potential bulk impacts to the properties by introducing clear breaks between upper level forms with interjected by soft landscaping at podium. The abutting townhouses do not include habitable room windows facing directly to the proposal which further serves to mitigate issues regarding visual bulk.

Overshadowing

Shadow diagrams have been prepared by the project architects and are provided for 9am, 10am, 11am, 12pm, 1pm, 2pm and 3pm on 22 September in the application plans (please see below).

We note that as a benefit of the Site's orientation and location, particularly with regard to the rail corridor to the south, there is no potential for any unreasonable overshadowing to any residentially zoned land to
the south. Specifically, the building height and design has been proposed to ensure no overshadowing at the equinox to properties situated to the south of the rail corridor.

Overlooking

Whilst there are a number of windows and balconies to the north, east and south elevations of the proposed development it is respectfully submitted that there is no 'unreasonable' overlooking as:

- The surrounding land uses to these orientations are largely zoned for commercial use. Accordingly, there are therefore by definition no 'habitable' room windows to overlook.
- The proposal avoids habitable room windows and balconies to the west elevation. This inhibits the proposal's ability to overlook the abutting townhouses to the west.
- Immediately to the south of the Site is Little Lesney Street, which the proposal will provide for passive surveillance to during office hours – which is a matter expressly encouraged by policy.

5.5 Does it provide an appropriate standard of Internal Amenity

The proposal seeks to surpass accepted internal amenity standards for residential development on large consolidated sites of this nature. Typically, the development of large format sites often result in a singular podium and tower form which provides a large volume of single-loaded apartment dwellings with compromised internal amenity and restricted access to light, air and outlook.

In approaching this large format site the developer and architect have sought to challenge this design model and instead break up upper level form into three distinct massings. This design approach has allowed internal amenity and environmentally sustainable design principles to be integrated and prioritised as part of the overall design of the building.

The design achieves exceptional standards of internal amenity as follows:

- Floor-to-ceiling glazing set behind the building's exposed frame façade.
- Cross ventilation achieved in 80% of apartments.
- A large number of apartments featuring dual corner aspect.
- Inset balcony design to provide a sense of enclosure and protection from elements whilst maintaining visual outlook.
- Well-proportioned internal living spaces.
- Attractive and fully glazed bridge design connecting apartments in the two eastern forms with the lift core.
- Generous landscaping throughout internal circulation and podium areas.
- 178 square metre semi-enclosed communal space situated on roof top of north-eastern form.

The resulting design not only introduces a high number of apartments that benefit from amenity standards typically reserved only for premium or boutique apartment stock, but the approach to communal and circulation spaces ensures all residents have equitable access to a pleasant internal environment and large communal outdoor space with views to the surrounding area.
5.6 Does the proposal allow for equitable development to adjoining properties

The Site is located on the corner of Brighton Street, Wiltshire Street and Little Lesney Street. The only properties directly adjoining the Site are the series of two storey townhouses at 5-7A Wiltshire Street and 3A-3D Little Lesney Street along the western boundary. The properties are identified as within the MUZ.

To allow for the equitable development of the abutting lots, the proposal is built to the hard edge of the western boundary. The proposal does not incorporate windows or balconies to this interface. This design feature allows the neighbouring site to adopt a similar form.

Through clever and innovative design elements, the proposal provides separation between the three main built forms to distinguish the built form to mitigate the perception of a continuation of built form.

It is respectfully submitted that the proposal will provide for an attractive and compelling architectural proposition that will create visual interest when viewed from the streetscape and broader public realm without in any way compromising the development potential of the land to the west.

5.7 Does the planning permit application provide adequate traffic, bicycle parking facilities, waste management arrangements and noise mitigation?

5.7.1 Traffic Engineering Assessment

A detailed Traffic Impact Assessment has been prepared for the proposed development by Traffix (August, 2018) and forms part of the application package.

This report highlights statutory car parking and bicycle parking requirements, car parking demand and likely traffic generation and movements and concludes that the provision of car and bicycle parking proposed is appropriate, that a reduction in car parking can be supported, and that the road network can accommodate the traffic generated by the proposal. The proposal includes secure ground floor bicycle parking spaces, with ‘end of trip’ facilities.

For further detail regarding traffic, bicycle and car parking matters please refer to the submitted Traffic Impact Assessment.

5.7.2 Waste Management Plan

A Waste Management Plan (WMP) has been prepared for the proposed development by Leigh Design and forms part of the application package.

The WMP sets out the relevant waste generation rates and provides details on the nature of storage and collection arrangements.

For further detail regarding waste collection and storage matters please refer to the submitted WMP.

5.7.3 Acoustic

An Acoustic Report has been prepared for the proposed development by Marshall Day Acoustics and forms part of the application package.

The Acoustic Report provides details of potential noise impacts that may arise from the proposed development and suitable mitigation measures to minimise any potential noise impacts.

For further details regarding noise matters please refer to the submitted Acoustic Report.
CONCLUSION

This Planning and Urban Context Report has been prepared on behalf of Icon Developments Australia Pty Ltd in support of a residential development at 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street, Richmond.

A planning permit is sought for the use and development of a multi-storey residential development comprising of a mix of one, two and three bedroom dwellings with ground floor food and drink tenancy.

From the outset, the design response has sought to introduce a prominent architectural outcome to this Site, acknowledging the important location of this Site at the corner of key pedestrian thoroughfares via Little Lesney Street and the Brighton Street pedestrian bridge. The design seeks to contribute to the immediate and broader context through the embodiment of proven design principles rooted in minimalist mid-century design. This results in a building that sits proudly in its context and provides for exceptional standards of internal and external amenity.

Importantly the application is consistent with the purpose of the Mixed Use Zone, the Design & Development Overlay - Schedule 5, the Environmental Audit Overlay and relevant State and local planning policies.

The proposal will provide for a well located, high quality architecturally designed apartment building that will provide an excellent level of internal amenity for future residential occupants and does not introduce any unreasonable amenity impacts to nearby properties or the surrounding public realm.

The proposal has been designed with significant attention to environmentally sustainable design as well as its location within the Swan Street Activity Centre.

The design has been informed by inputs from specialist traffic and waste engineers and provides for appropriate car parking, bicycle parking, access, loading and waste arrangements.

Further, the proposal will significantly improve the public realm through substantial improvements to the immediate public realm of Wiltshire Street, Brighton Street and Little Lesney Street. The design incorporates a fully glazed commercial tenancy addressing Brighton Street at ground floor. The tenancy features a curved spay to the corner of Wiltshire and Little Lesney Streets offering opportunity for oblique views in replacement to the current hard rectilinear corners.

Furthermore, the project team acknowledges the City of Yarra’s strategic intent to improve the public realm along the Richmond rail corridor for pedestrian activity, including the intention for a future ‘shared zone’ along Little Lesney Street.

Having considered the proposal in the context of the Yarra Planning Scheme and Plan Melbourne, it is the conclusion of this report that the proposal in generally consistent with all relevant Planning Policy.

For the reasons outlines within this report, we would not hesitate to commend this application to the Council.
BETTER APARTMENT DESIGN STANDARDS

Overview

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents. To encourage apartment development that is responsive to the site and the surrounding area.

Requirements

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

Definition

An Apartment is defined in Clause 72 as:

- A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.