

YARRA PLANNING SCHEME AMENDMENT C191

SWAN STREET ACTIVITY CENTRE

Summary of individual submissions and officer responses

The following table provides a summary of the submissions received to Amendment C191 and officer responses to issues raised in the submissions.

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
1	Siddharth Prakash	Resident – Brighton Street	<p>Submission Position: Supportive with changes</p> <p><u>Swan Street Activity Centre boundary</u></p> <p>1.1 Submits that the Amendment is too limited in scope. Recommends that the protection zone should be expanded south of the railway reserve, up to Albert Street.</p> <p><u>Existing planning permit application</u></p> <p>1.2 Recommends that any major planning permit application (above 6 stories) awaiting a decision, should be declined pending the approval of the Amendment, including the application at 2-8 Brighton Street and 1-3 Wiltshire Street and 5 Little Lesney Street, Richmond (PLN18/0658).</p>	<p><u>Swan Street Activity Centre boundary</u></p> <p>1.1 The metropolitan planning strategy, Plan Melbourne 2017-2050 designates Swan Street as a major activity centre. <i>Planning Practice Note 58 Structure Planning for Activity Centres</i> informed the boundary for the Swan Street Major Activity Centre (PPN58). PPN58 includes a set of criteria/issues to consider in determining the potential location of an activity centre boundary, including but not limited to the location of existing commercial areas and land uses, the location of existing government and institutional areas and land uses, availability of strategic redevelopment sites, access to transport, heritage constraints etc.</p> <p>The Swan Street Activity Centre boundary includes commercial land along the length of Swan Street and its immediate surrounds. It does not include land south of the railway reserve, as it does not form part of the Centre.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Existing planning permit application</u></p> <p>1.2 Planning scheme amendments, such as Amendment C191, take a long time to be prepared and approved. While the amendment process for Amendment C191 is being completed, the Minister for Planning has applied interim controls to the Swan Street Activity Centre, including Schedule 17 to the Design and Development (DDO) and heritage protection for 15 places. The interim controls expire at the end of 2019. The interim controls protect the Centre from inappropriately intensive forms of development that could compromise the public realm amenity and heritage character of the Activity Centre.</p> <p>Pursuant to the <i>Planning and Environment Act 1987</i>, property owners still have the right to make an application for development pursuant to the provisions of the DDO and rights of appeal to Victorian Civil and Administrative Tribunal (VCAT).</p> <p>Recommended position: No change to the amendment.</p>
2	Luke Wigley	Resident – Lennox Street	<p>Submission Position: Supportive with changes</p> <p><u>Waste management:</u></p> <p>2.1 Notes that local businesses, that have rear access off Carroll Street, leave skips/bins out 24/7 days a week, blocking the footpath, creating litter and facilitating unsociable behaviour.</p>	<p><u>Waste management:</u></p> <p>2.1 Amendment C191 seeks to introduce planning controls and policy. The storage of trade waste by existing businesses is a compliance issue and outside the scope of this Amendment. For new development, Council considers building servicing such as loading, unloading, and waste collection at the planning permit stage.</p> <p>2.2 In regards to waste management, pursuant to Clause 56 of the <i>Yarra City Council General Local Law</i> (gazetted 1 September 2016) a person must not place a trade waste hopper (bin) on a road or Council land for longer than is practically required for the emptying of the trade waste hopper. The offence is subject to an infringement notice and Court penalty for contravention of this Local Law. Council's Compliance and Parking Services Branch has</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>2.2 Recommends that the Council should update or enforce regulations that require businesses to have appropriate waste management processes in place.</p> <p><u>Public realm:</u></p> <p>2.3 Recommends that the Council improve Carrol Street's lighting and presentation, as it is a residential street and is a pedestrian link to Swan Street. Notes that improvements to Carroll Street would:</p> <ul style="list-style-type: none"> – Change the behaviour of the businesses, and – help ameliorate impacts of the filth and numerous bins and skips <p><u>Parking / Traffic:</u></p> <p>2.4 Recommends that the Swan Street end of Carroll Street should include more loading zones to discourage double-parked trucks (that block the footpath) in the narrow one-way street. Notes that cars frequently "zoom" around the corner or race down Carrol Street the wrong way in an attempt to beat congestion.</p> <p>2.5 Recommends that trees and other plantings should be added along Carroll Street to slow traffic and discourage driving the wrong way down Carrol Street.</p>	<p>advised that the individual businesses along Carroll Street that were leaving bins out have now become compliant after a recent Council intervention.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Public realm:</u></p> <p>2.3 Amendment C191 seeks to introduce planning controls and policy to guide built form and land-use outcomes only. Specific public realm improvements are outside the scope of this Amendment. It is noted that an initiative of the adopted <i>Yarra Council Plan 2017- 2021</i> is to deliver a master plan for Swan Street, which will inform future public improvement to the areas (delivered through our capital works budget). The master planning process provides an opportunity for residents to provide feedback to Council on issues.</p> <p>In regards to street lighting, Council's City Works and Assets Branch has advised that the existing lighting scheme in Carroll Street, Richmond is considered adequate and provides a lighting level similar to many other streets in the municipality. There are no plans to upgrade the lighting scheme for Carroll Street, Richmond.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Parking / Traffic:</u></p> <p>2.4 The Amendment provides for access and movement requirements for future development only. The submitter's concerns are noted; however, improvements to existing traffic conditions are outside the scope of this amendment. An assessment of the traffic generated and private vehicle movement will be considered through the planning permit application process for individual developments.</p> <p>2.5 New tree planting is also outside the scope of this Amendment, however, it is noted that Carroll Street has been identified in the adopted <i>Urban Forest Strategy 2017</i> as a street where Council can introduce more roadside trees. Council's Urban Design unit has advised that this is anticipated to occur in the next 3 years.</p> <p>Recommended position: No change to the amendment.</p>
3	Hellier McFarland (Eve Dimitrakakis)	Consultant - 375-377 Punt Road Cremorne	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>3.1 Supports the overall intent of Amendment C191 to consolidate and increase the built form within the Swan Street Precinct.</p> <p><u>Existing planning permit application</u></p> <p>3.2 Notes that planning permit (PLN14/0318) was granted on 5 December 2015 for a 6 storey, 10 dwellings, mixed-use development at 375-377 Punt Road Cremorne.</p> <p><u>Heritage</u></p> <p>3.3 Supports the removal of 375 and 377 Punt Road Cremorne from the Heritage Overlay as these two dwellings have been demolished.</p> <p><u>Heights and setbacks</u></p> <p>3.4 Supports the proposed built form changes for 375-377 Punt Road, Cremorne under DD017 and welcomes the opportunity to deliver a building,</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>3.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Existing planning permit application</u></p> <p>3.2 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p> <p>3.3 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heights and setbacks</u></p> <p>3.4 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Rezoning</u></p> <p>3.5 The Amendment, as exhibited, does not propose to rezone the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street (known as the land) to Commercial 1. The following zones currently apply:</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>which identifies and emphasises to the entrance Swan Street Precinct.</p> <p><u>Rezoning</u></p> <p>3.5 Notes that the land at 375-377 Punt Road Cremorne is zoned Schedule 4 to the General Residential Zone (GRZ4) and is not proposed to be rezoned via Amendment C191.</p> <p>3.6 States that the new preferred heights limits have not considered the mandatory restrictions under the GRZ4 for a handful of properties in Precinct 1.</p> <p>3.7 Submits that if Amendment C191 was to be approved without rezoning properties in Precinct 1, the existing GRZ4 will directly conflict with what is allowed and preferred under the DDO17.</p> <p>3.8 Requests that the site be rezoned to Commercial 1 Zone (C1Z), given:</p> <ul style="list-style-type: none"> the location and context of the site within an activity centre precinct; the approved development on the sites (now being constructed) exceed the GRZ4 mandatory height; and the built form controls under Amendment C191 are a preferred height limit of 27 metres with a 5m minimum setback above 21m in height. <p>3.9 Submits that the rezoning to C1Z would also allow businesses to take advantage of the site's proximity of the Richmond Train Station and the public transport available along the other major transport corridors.</p>	<ul style="list-style-type: none"> Schedule 4 to the General Residential Zone applies to 377, 375, 371 Punt Road and 2-16 Swan Street and has a maximum height limit of 11.5m (approximately 3 storeys); and Schedule 2 to the General Residential Zone applies to 14 Swan Street and has a maximum height limit of 9m (approximately 2 storeys). Commercial 1 Zone partially applies to land at 371 Punt Road and 14 Swan Street (dual zoned sites) <p>3.6 The DDO proposes discretionary heights in Precinct 1 ranging from 21m (6 storeys) – 27m (8 storeys). The proposed built form controls under Amendment C191 exceed the GRZ4 mandatory height.</p> <p>3.7 Council officers consider that the Commercial 1 Zone is the most appropriate zone for the land given:</p> <ul style="list-style-type: none"> Amendment C191 proposes to apply preferred maximum building heights of 27m (8 Storeys) via DDO17, which exceeds the maximum height allowed under the current General Residential Zone. The land is included within the boundary of a major activity centre (Swan Street). Its corner location on a major boulevard (Punt Road) that offers good access to the Monash Freeway, services, open space and public transport, including buses, trains and trams. Streets running along the rear of the land's southern and eastern boundaries provides a buffer to the sensitive residential interfaces to the south. The land is unencumbered by heritage controls and provides significant redevelopment opportunities for the centre [the land contains a 6 storey, 10 dwellings, mixed-use development (375 -377 Punt Road) and VicRoads information centre and car park (371 Punt Road and 2-16, 14 Swan Street)]. The Yarra Housing Strategy identifies the area as moderate change, suitable for increased residential densities and housing diversity through mixed-use, infill and shop-top apartment development. The strategy states that the provisions of built form overlays (such as DDO17) in the Yarra Planning Scheme will determine the scale and form of residential growth in moderate change areas. <p>3.8 The purpose of the Commercial 1 Zone is to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses. It is also to provide for residential uses at densities complementary to the role and scale of the commercial centre. If rezoned to Commercial 1, the site would become available for a wider range of uses in accordance with provisions of the zone and would help facilitate a revitalisation of this section of Swan Street.</p> <p>3.9 The DDO will provide the built form certainty where there is residential amenity, and public realm sensitivities and allows for some discretion. It will facilitate development appropriate to a major activity centre, whilst ensuring that new development is site responsive, and improved amenity outcomes are achieved.</p> <p>3.10 If Council were to rezone the above land to Commercial 1, Council as the Responsible Authority would assess planning applications for new development and for Section 2 uses at the site. Council would be required to consider the impact of any proposal (that requires a planning permit) on the amenity of the surrounding area, in accordance with the decision guidelines of Clause 65, the C1Z and DDO17. Notice of application requirements and third party rights would still apply.</p> <p>Recommended position: Rezone land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to the Commercial 1 Zone.</p>
4	Steller (Andrew Bromley)	Consultant - 314-320 Swan Street (rear) and 236 Coppin Street,	<p>Submission Position: Supportive with changes</p> <p><u>Introduction of Built Form Controls</u></p> <p>4.1 Broadly supports the introduction of Schedule 17 to the DDO.</p> <p><u>Rezoning</u></p>	<p><u>Introduction of Built Form Controls</u></p> <p>4.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Rezoning</u></p> <p>4.2 Noted</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
		Richmond (Site).	<p>4.2 Supports of rezoning 314-320 Swan Street and 236 Coppin Street, Richmond from the Commercial 2 Zone (C2Z) to the C1Z.</p> <p><u>Existing planning permit application</u></p> <p>4.3 A planning permit for the use and development of land at 314-320 Swan Street and 236 Coppin Street Richmond (for a 29.5m high / approximately 10 storey building) was issued 6 July 2017</p> <p>4.4 Submits that DDO17 should reflect the height (29.25m or approximately 8 storeys) of the development at 314-320 Swan Street and 236 Coppin Street Richmond (approved under planning application PLN16/0034).</p> <p><u>Heights</u></p> <p>4.5 Supports preferred height limits on the south side of Swan Street in Precinct 3 and would oppose mandatory height limits on 314-320 Swan Street and 236 Coppin Street, Richmond.</p>	<p>Recommended position: No change to the amendment.</p> <p><u>Existing planning permit application</u></p> <p>4.3 A planning permit for the use and development of land at 314-320 Swan Street and 236 Coppin Street Richmond (for a 29.5m high / approximately 10 storey building) was issued 6 July 2017, prior to the introduction of the interim built form controls in September 2018. This development is not seen as a large departure from the proposed preferred height of 27m (also approximately 8 Storeys) as contained in the DDO.</p> <p>4.4 On some larger sites, the DDO could potentially yield taller buildings, providing the proposal complies with the set of criteria contained in the DDO and the height is within the “mid-rise” vision (generally 5 to 12 storeys) for the centre, which provides for a horizontal plane cap on building heights. Where building heights of each site ultimately sit will be the subject of detailed analysis of development proposals at the permit stage. Heights for larger sites can be assessed on an individual basis within discretionary controls at that time.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heights</u></p> <p>4.5 Noted – Amendment C191 does not propose to apply mandatory heights to the land at 314-320 Swan Street and 236 Coppin Street, Richmond. That land is proposed to have a preferred height of 27m (8 storeys) because it is not a heritage area and does not abut a sensitive interface.</p> <p>Recommended position: No change to the amendment.</p>
5	Paula De Angelis	Resident - 271 Swan Street, Richmond	<p>Submission Position: Supportive</p> <p><u>The overarching intent of Amendment C191</u></p> <p>5.1 Supports the Amendment to the Yarra Planning Scheme.</p> <p>5.2 Submits that as Swan Street, Richmond is a designated major activity centre the Amendment offers controlled future growth in housing and employment, satisfying progressive opportunities.</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>5.1 Noted.</p> <p>5.2 Noted.</p> <p>Recommended position: No change to the amendment.</p>
6	Margo Sheahan and Marcus Weyland	Resident – 60 Stanley Street, Richmond	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>6.1 Supports key aspects of the proposed amendments, such as strategies to protect views to Dimmays clock tower and preservation of sunlight to the south side of Swan Street.</p> <p><u>Height/bulk/residential interface</u></p> <p>6.2 Notes that 60 Stanley is bound by 101-103 Swan Street, 99 Swan Street, and 95-97 Swan Street. Submits that the proposed controls would allow for development (of the above 3 sites) that would block views to the sky from to ground level living areas and courtyard entertainment area of 60 Stanley Street and also create excessive visual bulk.</p> <p>6.3 Recommends that Council consider revising the Height and Interface Plan of DDO17 for the</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>6.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Height/bulk/residential interface</u></p> <p>6.2 The residential site 60 Stanley Street (northern side of Precinct 2) abuts 3 Swan Street properties along its south western bouny. The site at 60 Stanley Street is the only instance where a residential dwelling shares a side and rear boundary with three commercial properties.</p> <p>6.3 The DDO includes the following to protect residential amenity:</p> <ul style="list-style-type: none"> – A general design objective ‘to ensure that the overall scale and form of new buildings provide a suitable transition to low scale residential areas and protects these properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.’ – A decision guideline the responsible authority to consider whether side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings. <p>6.4 Clause 58 of the Yarra Planning Scheme applies in the Commercial 1 Zone properties abutting 60 Stanley Street. This clause does not include a setback measure, rather it only seeks to limit views into habitable room windows</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>boundaries between 60 Stanley Street, 101-103 Swan Street, 99 Swan Street, and 95-97 Swan Street, Richmond.</p>	<p>and private open space of new and existing dwellings. The exhibited Amendment provides more protection for adjoining residents than is provided by Clause 58 by increasing the rear setback requirement.</p> <p>6.5 In the case of 60 Stanley Street, DDO17 would allow for development (at the rear of 101-103, 99, and 95-97 Swan Street) to be built to a height of 8 metres along the rear and side boundaries of the (two storey) residential property. The DDO would then require the development to be set back at an angle of 65° for two floors then set back at an angle of 45° for subsequent floors to reduce the unreasonable loss of amenity through visual bulk, overlooking and overshadowing to 60 Stanley Street.</p> <p>6.6 As discussed below (refer 13.6), Council is proposing to increase the front upper level setback along Swan Street from 5m to 6m. This would lower the proposed height at 99–103 Stanley Street from 18m (approximately five storeys) to 14m (approximately four storeys). GJM Heritage have also recommended that the heritage places at 91 and 97 Swan Street be lowered from 21m (approximately six storeys) to 14m (approximately four storeys), given their level of significance (contributory and individually significant, respectively). 3D Modelling indicates that these lower heights would substantially improve the amenity outcomes of 60 Stanley Street, Richmond if the sites at 91–103 Swan Street were to be developed to their full capacity.</p> <p>Recommended position:</p> <ul style="list-style-type: none"> – Reduce the height of land at 91–103 Swan Street to 14m.
7	Graham Karutz	Resident - 166 Brighton Street Richmond.	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>7.1 Supports the Amendment and recommends that it be included permanently in the Yarra Planning Scheme.</p> <p><u>Height and setbacks</u></p> <p>7.2 Submits there is no clear guidance on which requirement prevails when differing wall height and setback requirements intersect at a corner.</p> <p>7.3 Submits that where a site has non-mandatory requirements for street wall height and setback interface (under example D where preferred requirements are “match the parapet height of the taller adjoining heritage building”), it is not clear what the requirements are if there is no adjoining heritage building.</p> <p><u>DDO17 Plans</u></p> <p>7.4 Recommends that the man symbol on “Access and Movement Plan” should be removed if the plan relates to vehicle movement only.</p> <p><u>Heritage</u></p> <p>7.5 Notes that recommendations in the Amendment, in relation to façadism, heights, setbacks, and maintaining clear views to heritage buildings, appears to be a balanced response and assumes it is consistent with the best current practice across other municipalities.</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>7.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Height and setbacks</u></p> <p>7.2 The mix of mandatory and discretionary street wall and upper-level setback requirements in the DDO are intended to produce a consistent street wall to maintain street definition within Swan Street.</p> <p>Where there are two differing discretionary controls that intersect at a corner, Council officers acknowledge that there are limited provisions to guide decision-making. This may produce an inconsistent building street edge by allowing a lower street wall to turn into Swan Street. As such is it is recommended DDO17 include a design requirement to ensure a generally consistent street wall along Swan Street.</p> <p>7.3 In the Street Wall Height and Setback Table, under interface “D”, the street wall height must be:</p> <ul style="list-style-type: none"> – 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. – 8m minimum. <p>This is a mandatory requirement that applies to all building (not just heritage buildings) that have an interface labelled “D” in the Height and Interface Plan.</p> <p>To clarify, where there are no adjoining heritage buildings, the street wall should have a minimum height of 8m or a maximum height of 11m. The additional discretionary requirement, provided under interface “D”, is to determine a street wall height, between 8m and 11m where there is an adjoining heritage building only, otherwise, it does not apply. Officers’ recommend that the discretionary requirement be amended to include the words “for a minimum length of 6m from the heritage building” to provide further guidance and be consistent with similar requirements in Queens Parade DDO16.</p> <p>GJM Heritage has reviewed the street wall requirements in the DDO and has noted that the intention is for the street wall height of infill development to match the taller of the adjacent heritage graded building.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>It was never intended that the street wall should match a neighbouring heritage building that happened to be taller than 11m. As such, officers' recommend that the requirement for the street wall height match <i>"the parapet height of the adjoining individually significant or contributory building if higher than 11m"</i> be deleted.</p> <p>Recommended position: Include the following setback design requirement in the DDO:</p> <ul style="list-style-type: none"> – <i>"On corner sites where two different street wall heights are nominated, buildings should 'turn the corner' and apply the Swan Street wall height. If the Swan Street wall is higher it should transition to the lower nominated street wall height on the side street"</i> – Amend the street wall height discretionary requirement to include the words <i>"for a minimum length of 6m from the heritage building."</i> – Delete the requirement <i>"parapet height of the adjoining individually significant or contributory building if higher than 11m"</i>. <p><u>DDO17 Plans</u></p> <p>7.4 Council officers cannot locate the "man symbol" referred to, on the Access and Movement Plan.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p> <p>7.5 Noted – the DDO reflects advice prepared by GJM Heritage, contained in <i>the Swan Street Heritage Built Form Review</i>, September 2017. The advice in relation to façadism, heights, setbacks, and maintaining views to heritage buildings, is consistent across other municipalities. The advice was prepared in the context of the Yarra Planning Scheme and the relevant Planning Practice Notes (PPNs) published by the Department of Environment, Land, Water and Planning (DELWP):</p> <ul style="list-style-type: none"> – PPN1: Applying the Heritage Overlay (July 2015) – PPN59: The role of mandatory provisions in the planning schemes (June 2015) – PPN60: Height and setback controls for activity centres (June 2015) <p>The following recent Planning Panels Victoria (Panel) also informed the advice:</p> <ul style="list-style-type: none"> – Banyule Planning Scheme Amendment C93 'Implementation of the Ivanhoe Structure Plan' (1 July 2014) – Moreland Planning Scheme Amendment C134 'Brunswick Activity Centre' (15 May 2015) – Melbourne Planning Scheme Amendment C240 'Bourke Hill' (4 May 2015) – Bayside Planning Scheme Amendments C113, C114 and C115 'Mandatory provisions for the Sandringham Village, Bay Street and Church Street Activity Centres' (14 January 2015). <p>These panel reports are relevant as they consider the appropriateness of DDOs (containing both mandatory and discretionary provisions) within activity centres (or in the case of Melbourne Amendment C240, the Capital City Zone) that are also, in part, in the Heritage Overlay.</p> <p>Recommended position: No change to the amendment.</p>
8	Belinda Henneberry	Resident – 209 Coppin Street, Richmond	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>8.1 Supports Council trying to manage anticipated growth/development and ensure there is a vision for how it should occur.</p> <p><u>Urban consolidation</u></p> <p>8.2 Acknowledges that Council has to facilitate growth, however, notes there is a need to be conscious of</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>8.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Urban consolidation</u></p> <p>8.2 Noted - Melbourne's metropolitan planning strategy, Plan Melbourne 2017-2050 directs growth to activity centres, including the Swan Street Major Activity Centre, that offer good access to jobs, services and public transport.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>how it affects the lives of residents around these developments.</p> <p>Notes that future residents of new high-rise development along Swan Street will be detached from the streetscape and suffer health impacts.</p> <p><u>Height</u></p> <p>8.3 Submits that the proposed heights along the north side of Swan St of Precinct 2 (which stipulates 7-storeys) are too high given the area's proximity to the low-lying residential area to the north.</p> <p>Recommends a maximum of 5-storeys on both sides of Swan Street in Precinct 2 would be sufficient to allow for growth.</p> <p>Recommends a good compromise would be for Council to acknowledge the need to fit more people into key areas while providing homes that people want to live in and that does not affect greatly upon the low-rise residential areas adjoining them.</p> <p><u>The capacity of Infrastructure and service provision</u></p> <p>8.4 Questions how local amenities will be affected with such large amounts of growth planned for the area, in particular, the strain on public transport, roads, parks (already so few around), schools, and local community facilities.</p> <p><u>Traffic</u></p> <p>8.5 Submits that more development along Swan Street would increase traffic, and in turn, increase air pollution, reduce on-street parking for residents, hinder public transport and compromise safety for pedestrians and cyclists.</p>	<p>As increased density and population is directed to activity centres, both the State Government and the City of Yarra have implemented a number of recent planning initiatives to improve the standard of apartment living and provide attractive living opportunities for a variety of household types in Victoria. The Particular Provisions at Clause 55.07 and Clause 58 (Apartment Developments) now provide requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones. The requirements seek to improve:</p> <ul style="list-style-type: none"> – The layout of apartment developments, including building setbacks, communal open space and landscaping; – The internal amenity of apartments, including daylight access, outlook, visual and acoustic privacy and storage; – The functionality of apartments, including minimum room size and accessibility requirements; and – The environmental sustainability of apartment developments, including water and stormwater management, waste and recycling, energy efficiency, natural ventilation and noise attenuation in noise-affected locations. <p>The Yarra Housing Strategy, adopted September 2018 also defines locations best able to support housing growth in activity centres such as Swan Street, in a way that maintains the city's liveability and also creates additional benefits, including:</p> <ul style="list-style-type: none"> – Increased supply of affordable housing; – Greater choice and diversity of housing; and – Well designed internal and outdoor communal spaces in new development to better cater to family and share households. <p>Recommended position: No change to the amendment.</p> <p><u>Height</u></p> <p>8.3 The <i>Swan Street Built Form framework 2017</i>, which provides strategic justification for the building heights in the DDO, notes that the solar access requirements to the southern footpath of Swan Street combined with the residential interface requirement restrict development from the front and back of an allotment to determine an overall building height. These considerations were applied to each property along the northern side of Precinct 3 and resulted in the proposed the mandatory maximum heights, ranging from 18m (5 storeys) to 27m (8storeys), depending on the lot depth. These proposed heights allow for intensification within the activity centre whilst managing amenity impacts at the residential interface and providing for a scale that is compatible with the adjoining one and two storeys residential context.</p> <p>In regards to the northern side of Precinct 2 which has a mandatory maximum height of 24m (7 storeys), the mandatory height was intended as an overall maximum building height 'cap' to prevent excessive development and it was not intended to indicate that every site could be built to 7 storeys. Given the mix of property sizes and constraints, buildings would most likely range in height from 4 storeys.</p> <p>However, Council is proposing to increase the upper level setback from 5m to 6m (refer to 13.6 below) and, this would lower the heights of sites along the northern side of Swan Street by one story, which would improve the amenity of the residential properties to the rear, even more.</p> <p>Recommended position: Amend the DDO to:</p> <ul style="list-style-type: none"> – Increase setbacks along Swan Street from 5m to 6m. – Reduce the height on the following places from a mandatory maximum of 18m (approximately 5 storeys) to a mandatory maximum 14m (approximately 4 storeys): <ul style="list-style-type: none"> o 99-147 Swan Street – Reduce the height on the following places from a mandatory maximum of 21m (approximately 6 storeys) to a mandatory maximum 18m (approximately 5 storeys):

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<ul style="list-style-type: none"> ○ 191-235 Swan Street ○ 218-236 Swan Street; ○ 456 – 468 Church Street ○ 425 (Swan Hotel) Church Street; and ○ 242-248 Swan Street. <p><u>The capacity of Infrastructure and service provision</u></p> <p>8.4 Population growth is occurring across Melbourne. Growth puts pressure on all services and providers are aware of the greatest pressure points and are planning new services accordingly. Increase in population and demand on infrastructure is expected to increase in along Swan Street. Council will monitor the need for greater capacity of infrastructure across the whole municipality commensurate with growth and continue to advocate for more frequent services as part of its ongoing discussions with Public Transport Victoria. Council frequently advocates State Government for improvements to infrastructure such as transport in areas where increased density is anticipated. Council is also preparing a draft Open Space Strategy which will identify gaps in terms of open space provision and identify opportunities for new spaces across the city.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Traffic</u></p> <p>8.5 Refer to response to submission 2 (2.4).</p> <p>Recommended position: No change to the amendment.</p>
9	Wilcon Projects (Kris Wilson)	Consultant - 462-482 Swan Street, Richmond (Timberyard Site)	<p>Submission Position: Objection</p> <p><u>Inconsistencies between Amendment C185 (462-482 Swan Street) and Amendment (Swan Street Activity Centre)</u></p> <p>9.1 Notes that 462-482 Swan Street, Richmond was subject to planning scheme Amendment C185 to the Yarra Planning Scheme and has been referred to, within strategic documentation from Yarra City Council, as a 'Strategic Redevelopment Site' given its gateway status, proximity to Burnley Station and lack of sensitive interfaces.</p> <p>9.2 Submits that that 462-482 Swan Street, Richmond is a site that can sustain the greatest level of change (which includes height) in the area and this should be made prominent within Amendment C191.</p> <p><u>Existing planning permit application/height</u></p> <p>9.3 Notes that the adjoining development at 484 - 486 Swan Street (permitted height of 53.5m / 12 storeys, PLN17/0448-4) exceeds the 47m height of the development at 462-482 Swan Street, diminishing its role as a 'Strategic Redevelopment/Gateway Site'.</p> <p>9.4 Submits that the approval of a 53.5m / 12 storeys development at 484 - 486 Swan Street is indicative of the capacity for greater development in the area than what is considered in Amendment C191.</p>	<p><u>Inconsistencies between Amendment C185 (462-482 Swan Street) and Amendment (Swan Street Activity Centre)</u></p> <p>9.1 The land 462-482 Swan Street, Richmond (former Timberyard Site) was excluded from Amendment C191 (and as such, is outside the scope of Amendment C191) as it was subject to another recent amendment (Amendment C185) and a separate process of review. Schedule 14 to the Design and Development Overlay came into effect September 2018 (via Yarra Amendment C185) and specifies that the building height for 462-482 Swan Street, Richmond should not exceed a maximum of 42 metres.</p> <p>It is noted that the adopted Yarra housing Strategy (September 2018) takes a holistic approach to housing growth beyond directing housing growth to designated SRSs and provides certainty about the levels of growth in activity centres. The Yarra Housing Strategy designates the south-eastern side of Swan Street (from Coppin Street up to Park Gove and which includes the former Timberyard Site) as a high change area. It is expected that high change areas in Yarra will support increased residential densities and housing diversity through mixed-use, infill and urban renewal apartment development that will establish a new character for a site or precinct. The Yarra Housing Strategy will be implemented as, a reference document in the Yarra Planning Scheme and new local planning policy in the Yarra Planning Scheme.</p> <p>9.2 The approval of the major development on the former Timberyard Site informed the proposed mid-rise heights across the southern side Precinct 4, as per the Swan Street Built Framework. This development provides for a three-storey podium and three towers of between 10 and 12 storeys.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Existing planning permit application/height</u></p> <p>9.3 A planning permit for the use and development of land at 484 - 486 Swan Street (which neighbours the former Timberyard Site) for a 53.5m high / 12 storey mixed-use building was issued 2 May 2018, prior to the introduction of the interim built form controls in September 2018. This development is not seen as a large departure from the proposed preferred height of 40m (also approximately 12 Storeys) as contained in the DDO.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>9.4 The proposed preferred height designated for the land 484-486 Swan Street appropriately responds to the development potential of the land given the relatively larger lot size and lack of heritage controls.</p> <p>Recommended position: No change to the amendment.</p>
10	Planning & Property Partners (Mark Naughton)	Consultant - 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street, Richmond	<p>Submission Position: Objection</p> <p><u>Existing planning permit application</u></p> <p>10.1 Notes that current Planning Permit Application PLN/0658 (lodged 3 September 2018) seeks permission for the construction of a mixed-use development comprising 3 residential 'towers' comprising dwellings and a ground floor food and drink premises.</p> <p>10.2 Notes that at the time the application was lodged, there were no applicable built form controls applying to the site.</p> <p>10.3 Notes that application is currently before the Victorian Civil and Administrative Tribunal (VCAT).</p> <p><u>Heights</u></p> <p>10.4 Submits that the Amendment (including the proposed updates to the Policy) fails to acknowledge the ability for consolidated sites exceed preferred height limits.</p> <p><u>Mandatory vs Discretionary</u></p> <p>10.5 Submits the proposed DDO17 fails to allow for variations from the preferred height or setback requirement where such variations would result in improved or positive architectural or urban design outcomes.</p> <p><u>The form and drafting of DDO17</u></p> <p>10.6 Submits that discretionary height and setback controls within the proposed DDO17 are prescriptively worded, and can only lead to the rigid application of policy which will result in poor design outcomes.</p> <p>10.7 Submits that the proposed DDO17 is poorly drafted, cumbersome and difficult to interpret. Submits that the exhibited documents should be redrafted to prior to being referred to any Panel for consideration.</p>	<p><u>Existing planning permit application</u></p> <p>10.1 Noted</p> <p>10.2 Noted</p> <p>10.3 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heights</u></p> <p>10.4 Council officers acknowledge that this area provides a different character to other parts of Precinct 2 because of its small east-west laneway network and separation from Swan Street. There is a small group of three-storey townhouses (5-7A Wiltshire Street and 3A-3D Little Lesney Street) and an individually significant heritage place (Union House, 270 Swan Street) located within this area.</p> <p>While development opportunities exist in this area, they should allow for an appropriate transition to these existing buildings. Numbers 2-8 Brighton Street and 1-3 Wiltshire Street and 5 Little Lesney Street have a proposed height in Amendment C191 of 21m (6 storeys) and a discretionary upper-level setback of 3m. Identical interim built form controls currently apply until December 2019.</p> <p>The building heights, street wall heights and upper-level setbacks were proposed to ensure new development provides a compatible street wall scale with the existing townhouses and heritage buildings.</p> <p>At the rail line interface, a zero upper-level setback is proposed given the absence of a residential interface. It will be important to provide upper-level articulation to minimise the visual bulk of these buildings when viewed from surrounding areas south of the rail line.</p> <p>The proposed planning provisions, including the preferred maximum building heights, have been designated in consideration of the context of the sites to other sites, including adjacent townhouses and the individually significant heritage place on the corner. A departure from these proposed provisions is not supported.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Mandatory vs Discretionary</u></p> <p>10.5 The controls that apply to the land at 2-8 Brighton Street, 1-3 Wiltshire Street & 5 Little Lesney Street, Richmond are discretionary due to the development potential of the sites and can be varied if a number of requirements can be met. This allows for design innovation, in accordance with the requirements for the use of discretionary controls noted in PPN59.</p> <p>It is important to highlight that, where there are discretionary controls, within a discretionary regime, the merits of individual sites can be dealt with at the permit stage when detailed proposals can be assessed. A number of Panels including the Moreland Amendment C81 Panel and the Moonee Valley Amendment C100 Panel have upheld this view.</p> <p>Recommended position: No change to the amendment.</p> <p><u>The form and drafting of DDO17</u></p> <p>10.6 Council officers acknowledge that the exhibited DDO should be redrafted to correct ambiguity, particularly in relation to the whether provisions are mandatory or discretionary. The <i>Ministerial Direction: The Form and Content of Planning Schemes</i>, May 2017 (the Ministerial Direction) directs that planning controls be written in plain English. DDO schedules that are expressed using 'should' and 'must' for requirements, best fit with plain English principles. Since the DDO was prepared, the <i>Practitioner's Guide to Victorian Planning Schemes</i>,</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>Department of Land, Water and Planning, October 2018, (the Guide) has been revised and also reinforces that the appropriate language for a DDO is 'should' and 'must'. As reiterated in the Melbourne C230 Panel Report, this approach will not dilute DDO but will strengthen it. It is recommended that the language in the DDO be refined to avoid an overly prescriptive interpretation of discretionary controls.</p> <p>10.7 Council officers consider the DDO, in its exhibited form, is overly complex in its structure, particularly in relation to its number of general design objectives, general design requirements and precinct design requirements. The structure of the exhibited version of DDO17 is in accordance with the recently introduced Ministerial Direction. It is based around general design objectives (which specify the outcomes that should be achieved through the DDO) and mandatory and discretionary design requirements (which impose limitations on how land may be developed).</p> <p>It is noted, that the Ministerial Direction limits the number of general design objectives to five and as such, those included in DDO17 were intentionally broad to provide guidance for the length of Swan Street. General design objectives are key to the interpretation and application of the discretion created by a planning control, such as DDO17. All decisions will be tested against them.</p> <p>Officers acknowledge that the general design objectives in Section 1.0 of DDO17, whilst having urban design merit, are self-evident and duplicate existing policy.</p> <p>The Guide recommends, where schedules need multiple objectives (such as for Swan Street with four distinct precincts), separate schedules each with clear objectives may be a better solution. As such, Officers recommend that DDO17 be "divided" into four separate DDOs. This would:</p> <ul style="list-style-type: none"> – Allow the Schedules to the DDO to be precinct specific reducing unnecessary text and duplication in the control; – Provide an opportunity to better the translate objectives of the Built Form Framework; – Strengthen the design objectives to provide more planning certainty; – Remove the precinct specific design requirements (which can be relocated elsewhere in the DDO); and – Reduce the length and complexity of the DDO (the exhibited version of DDO17 was 22 pages long); – Other realignments and efficiencies to improve the readability of the control. <p>The above approach was adopted for the recently approved Port Phillip Amendment C159, which split the St Kilda Road South Precinct – St Kilda Road and Wellington Street Neighbourhoods DDO post-exhibition to improve its clarity. As the DDO already includes four distinct "sections" for each precinct, this would be a policy-neutral change.</p> <p>Recommended position: Incorporate and divide the content of Schedule 17 to the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme into the following four new schedules to the Design and Development Overlay:</p> <ul style="list-style-type: none"> – Schedule 25 to the Design and Development Overlay (DDO25): Swan Street Activity Centre - Precinct 1 Richmond Station – Schedule 26 to the Design and Development Overlay (DDO26): Swan Street Activity Centre - Precinct 2 Swan Street Retail Precinct – Schedule 27 to the Design and Development Overlay (DDO27): Swan Street Activity Centre - Precinct 3 Swan Street East – Schedule 28 to the Design and Development Overlay (DDO28): Swan Street Activity Centre - Precinct 4 Burnley Station <p><i>All schedule changes:</i></p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<ul style="list-style-type: none"> Replace the word “must” with the word “should” where the design requirement is preferred (discretionary provision). Amend section 1.0 (design objective) to ensure they are precinct specific and translated from the Swan Street Built Form Framework. Amend section 2.2 (design requirements) to include : <ul style="list-style-type: none"> <i>a new theme “Building separation requirements”.</i> <i>a new theme “Design quality requirements”.</i> <i>the following discretionary requirement under the theme Street wall and setback requirements “On corner sites where two different street wall heights are nominated, buildings should ‘turn the corner’ and apply the Swan Street wall height. If the Swan Street wall is higher it should transition to the lower nominated street wall height on the side street”.</i> Delete the section 2.3 precinct design requirements and relocate contents elsewhere.
11	Stephen Daley	Resident – Coppin Street	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>11.1 Supports the plans for Swan Street given its very good public transport links.</p> <p><u>Height/ Residential interface</u></p> <p>11.2 Objects to some areas of the plan overwhelming and dominating the existing low-rise residential neighbourhoods.</p> <p>11.3 Submits that, while the south side of Swan Street is ideal for rezoning and taller residential/commercial buildings, the low-rise residential neighbourhoods to the north should be protected from dominating build forms.</p> <p>11.4 Submits that the proposed 24 metres/7 storeys along the north side of Swan Street (within Precinct 3) is too high and will dominate the low-rise residential neighbourhoods.</p> <p><u>Swan Street Precincts</u></p> <p>11.5 Recommends that Precinct 3 and 4 could be further split along a North/Southside of Swan Street – forming 6 precincts.</p> <p>11.6 Notes that the north side of Swan Street is characterised by retail/commercial uses adjoining low-rise residential neighbourhoods while the Southside adjoins the railway lines.</p> <p><u>Heritage</u></p> <p>11.7 Submits that, as Amendment proposes many new tall buildings, the heritage assessment should provide for all proposed new viewing angles, not just street level.</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>11.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Height/ Residential interface</u></p> <p>11.2 Refer to response to submission 8 (8.3).</p> <p>11.3 Refer to response to submission 8 (8.3).</p> <p>11.4 Refer to response to submission 8 (8.3).</p> <p>Recommended position: No change to the amendment.</p> <p><u>Swan Street Precincts</u></p> <p>11.5 The Swan Street Built Form Framework recognises that within all four precincts (not just precinct 3 and 4), the south side of Swan Street has a substantially different character to the north side. Council does not support dividing the precincts further.</p> <p>11.6 Noted - Properties that abut the rail reserve on the south side of Swan Street present good development opportunities, as there is no sensitive interface. The north side of Swan Street, in contrast, contains a mixture of nineteenth-century commercial buildings, single and two-storey buildings on small lots. The heights are limited due to the requirement to provide solar access to the southern footpath of Swan Street adjoining low scale residential area.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p> <p>11.7 To clarify, the Amendment does not propose new tall buildings along Swan Street, rather it seeks to provide a clear and robust planning framework for the assessment of development along Swan Street. It would be inappropriate to include a specific reference to views from the private realm as this would be inconsistent with the purpose of DDO, which is to manage views from the public realm.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Public realm improvements</u></p> <p>11.8 Amendment C191 includes a number of provisions, which seek to enhance the Activity Centre’s public realm, including lower-level activation and overshadowing controls of key public spaces, including footpaths. The use of the footpath for commercial activities is outside the scope of this Amendment. However, the Council is legally responsible for the regulation of trading activities in public places in Yarra and are committed to</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p><u>Public realm improvements</u></p> <p>11.8 Notes that Swan Street is not currently a pedestrian-friendly street and resembles an obstacle course at times.</p> <p>Notes that outside tables for restaurant/cafe/hotel use and shop displays and signage do combine (together with motorcycle parking) to obstruct pedestrian flow.</p> <p>Notes that there is no proposal to widen the footpaths to accommodate both commerce and pedestrian traffic.</p>	<p>ensuring safe access for all people to move along footpaths. To obtain a Public Space Licence, an applicant must consider (as outlined in the City of Yarra Footpath Trading Policy, June 2013) :</p> <ul style="list-style-type: none"> Footpaths in Yarra include an area (from 1.5m to 1.8m) that is a designated walkway zone. All items must be placed towards the kerbside in the designated trading zone. Access to other businesses or services must not be blocked. A 0.5 metre clearance area must be maintained on either side of your business to allow clear access for pedestrians. No item may be permanently fixed to any footpath or roadway without the express written approval of Council. Any signs put up must be safe and appropriate for display in a public place. No items are permitted to be placed within the area of a tram stop or within 5 metres of a 'super tram stop'. <p>Council instigates enforcement action if there is non-compliance with any part of the Policy.</p> <p>Specific public realm improvements such as the widening of footpath are also outside the scope of this Amendment.</p> <p>Recommended position: No change to the amendment.</p>
12	BMDA Development Advisory (Bernard McNamara)	Consultant – 370 Swan Street Pty Ltd.	<p>Submission Position: Supportive with changes</p> <p><u>Existing planning permit application</u></p> <p>12.1 Notes that Planning Permit (PLN16/0915) allows for a 10-level commercial building on the site at 370 Swan Street, Richmond.</p> <p>12.2 Notes that the preferred maximum building height of 34 metres is lower than the building height approved on the site, at 37.5 metres.</p> <p>12.3 Submits that under the exhibited Amendment, the site would be caught midway between the two preferred maximum building height areas with a building, at approximately 40 metres to the east, and a building at approximately 34 metres to the west.</p> <p><u>Rezoning</u></p> <p>12.4 Supports to changing the zone C2Z to C1Z to encourage more retail and residential uses, along with commercial uses.</p> <p><u>Height</u></p> <p>12.5 Submits that the line of delineation on Plan 5 between the maximum preferred building heights of 34 metres (approximately 10 storeys) and 40 metres (approximately 12 storeys) would operate more in line with the urban design methodology if the step-up in the maximum preferred building height were to occur at the upper-level building break.</p> <p>12.6 Submits that by including all the properties east of the Upper-Level Building break in the 40-metre area,</p>	<p><u>Existing planning permit application</u></p> <p>12.1 Noted.</p> <p>12.2 Noted.</p> <p>12.3 The strategic intent behind the differing building heights, along the southern side of Swan Street, is for development to gradually scale up to Burnley Street, denoting the importance of the station.</p> <p>Furthermore, the DDOs discretionary built form controls could potentially yield taller and lower buildings on some larger sites, the controls should be read within the “mid-rise” vision for Swan Street. Where the building height ultimately sits will be the subject of detailed analysis of development proposals at the permit stage. Heights for larger sites can be assessed on an individual basis within discretionary controls at that time.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Rezoning</u></p> <p>12.4 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Height</u></p> <p>12.5 Refer to response to submission 4 (4.4).</p> <p>12.6 The controls are discretionary and the merits of individual sites can be dealt with at the permit stage when detailed proposals can be assessed. A key consideration is minimising the visual bulk of upper levels of development, particularly on wider sites and whether the development meets the “mid-rise” (5-12) vision for the centre.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Access way</u></p> <p>12.7 Noted.</p> <p>12.8 Noted.</p> <p>12.9 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Upper-level building breaks</u></p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>an anomalous, single building height area would be avoided.</p> <p><u>Access way</u></p> <p>12.7 Notes that the access way is on the title of 362 Swan Street and has a width of 5.08m and the property at 370 Swan Street has a right of access over this lane, at ground level.</p> <p>12.8 Notes that an energy supplier also possesses access rights to a substation located on the 370 Swan Street title.</p> <p>12.9 Notes that under planning permit PLN 6/0915 the access way would be widened into the title of the Site to provide a 6.1m wide access way, capable of accommodating two-way traffic, supporting the Authority's Access and Movement Plan 6.</p> <p><u>Upper-level building breaks</u></p> <p>12.10 Notes that, as per the Height and Interface Plan 5, a required Upper-Level Building Break of an unspecified width affects 370 Swan Street.</p> <p>12.11 Submits that the application of the 'break' strip across the site will have major detrimental impacts on the opportunities to redevelop the Site in accordance with the zone objectives and with the objectives for the Swan Street Activity Centre.</p> <p>12.12 Submits that, based on the plan scale:</p> <ul style="list-style-type: none"> – The land sliver to the west of the designation would be undevelopable above the street podium. – The area east of the 'break' would at best constitute about two-thirds of the Site, resulting in a major lost opportunity. <p>Submits that the application of the 'break' as shown, would produce:</p> <ul style="list-style-type: none"> – An access way within No. 362 Swan Street continuing in a narrow one-way from – A low-rise street front building running across to podium level – Levels above the podium restricted to the eastern section of the Site. <p>12.13 Recommends that the upper-level building break be combined with the North-South vehicle access to form a practical and beneficial opening. The outcome would see a 'city-like' laneway developed between the site and 362 Swan Street.</p>	<p>12.10 The proposed DDO17 includes discretionary requirements for four upper-level building breaks, located on sites that have deep/ wide lots (including 370 Swan Street), along the southern side of Swan Street. The purpose is to create separation and visibility of sky between developments. The Swan Street Framework identifies locations where these upper-level breaks should occur.</p> <p>12.11 The proposed side setbacks are appropriately discretionary to provide sufficient flexibility to effectively deal with different development proposals.</p> <p>12.12 The Precinct 3 Height and Interface Plan shows the location of the "upper-level building break". To clarify the "break" on the plan is not to scale, rather it relates to the following Precinct 3 design requirement :</p> <ul style="list-style-type: none"> – <i>Development of properties in the locations shown as "Upper-Level Building Breaks" on Plan 5 must incorporate side setbacks greater than the standards in Clause 2 and enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Lord Street and Edinburgh Street.</i> <p>12.13 Following further modelling and testing of different built form outcomes, it is recommended that the upper level building breaks (shown on the DDO Height and Interface plans) be repositioned on the plans to align with the proposed north-south vehicle access points (shown on the DDO Access and Movement plans). These changes would help facilitate practical openings and provide some relief of built form when approaching Swan Street from residential areas.</p> <p>Recommended position: Amend mapping to align the locations of the upper-level building break with the proposed north-south vehicle access points.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
13	Kirsteen Thomson	Resident and a declared member of the Yarra Heritage Advisory Committee	<p>Submission Position: Objection</p> <p><u>Urban design and placemaking</u></p> <p>13.1 Notes DDO17 focuses on providing a framework to control development to minimise its impact on the heritage facades of Swan Street.</p> <p>Submits that the focus on development control is fundamentally flawed as it does not consider placemaking or the character of the area.</p> <p><u>Activity Centre vision</u></p> <p>13.2 Submits that proposed DDO17 lacks any vision, which would give developers and investors a clear picture of what Council is aiming to achieve. Submits that Council should ensure that the development of this important area meets the Council's stated goals – Diverse, Vibrant, Exciting, Inclusive - added to this should be heritage and quality placemaking.</p> <p>13.3 Proposes new vision for Swan Street: To create a new quality mixed-use zone with an emphasis on larger-scale office, commercial and housing development in the eastern part of Swan Street (Church Street to Burnley Park).</p> <p><u>Precincts</u></p> <p>13.4 Submits that the four precincts need detailed guidance to realise their vision.</p> <p>13.5 Provides the following commentary on Precinct 1, including:</p> <ul style="list-style-type: none"> – That area fronting Punt Road is a gateway plot to the centre. – Along the middle of the precinct, a small set back with public open space could be provided to form a better walkway into the centre. – Along the middle of the precinct, a building with a larger footprint could provide for an internal courtyard with public open space. – No development should detract from or compromise the ensemble which forms the Precinct Hotel's façade on Swan Street and Cremorne Street. <p>13.6 Provides the following suggestions for Precinct 2, including:</p> <ul style="list-style-type: none"> – A 10m development exclusion should be applied to both sides of Swan Street irrespective of heritage listing. 	<p>Submission Position: Objection</p> <p><u>Urban design and placemaking</u></p> <p>13.1 Noted- The DDO17 seeks to manage development along Swan Streets to achieve the desired preferred midrise built form outcomes, as contained in the Swan Street Built Form Framework.</p> <p>Amendment C191, including the DDO, proposes to implement the detailed built form and land use principles and objectives of the Swan Street Activity Centre Built Form Framework, September 2017 (Framework). The framework reviews and builds upon the strategic work undertaken by Council to date, including the Swan Street Structure Plan, DLA January 2014 (Structure Plan). The Structure Plan includes key principles, which seek to guide the built form outcomes, including placemaking initiatives, along Swan Street. Three additional principles were identified in the Swan Street Built Form Framework:</p> <ul style="list-style-type: none"> – Walkability; – Street wall / Human Scale; – A Constant Street wall; – Visually recessive upper levels; – Solar access; – Residential Interface; – Building Separation; – Mid-Rise Character; – Protect and enhance key views to the views prominence of Dimmeys Clock Tower; and – Servicing of new development. <p>Recommended position: No change to the amendment.</p> <p><u>Activity Centre vision</u></p> <p>13.2 The exhibited Local Area Plan at Clause 21.12 includes Council's vision for Swan Street, which is:</p> <ul style="list-style-type: none"> – <i>To develop Swan Street Activity Centre into a vibrant and thriving mixed-use centre that allows for well designed midrise commercial and residential development whilst preserving the prominence of the heritage streetscape and buildings and maintaining acceptable levels of amenity.</i> <p>13.3 The above vision implements the recommendations contained in the Swan Street Structure Plan, which was developed by urban design professionals following extensive consultation in 2013, and in the Swan Street Built Form Framework.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Precincts</u></p> <p>13.4 Refer to response to submission 10 (10.7).</p> <p>13.5 For Precinct 1:</p> <ul style="list-style-type: none"> – The Swan Street Built From framework states that a key development outcome for Precinct 1 to create a stronger presence of built form on corners at the entry to the activity centre. The provisions in the DDO should be amended to better reflect this outcome. – It is not the intent of DDO (nor is it the correct planning mechanism), to acquire private land for public benefit (such as for public open space). The Amendment seeks to guide future development outcomes. – As noted above, the provision of public open space on private land is outside the scope of this Amendment.

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<ul style="list-style-type: none"> Consolidation of sites should be encouraged. New open space behind the heritage properties, where there is greater plot depth between the street and the railway line, should be encouraged. Any development around the car park areas should be treated as a street frontage, not a rear entrance. There should be some guidance on the design and signage of the shop canopies for them to be presented in a more unified way. <p>13.7 Provides the following commentary on Precinct 3 and 4, including:</p> <ul style="list-style-type: none"> The area on the south side of the street can accommodate higher/ larger buildings as it is bounded by the railway line. Consideration should be given to how the buildings behind Burnley Station are defined. There have been a number of developments and planning approvals, which may act as a precedent for the development approach taken. <p><u>Heights/setbacks</u></p> <p>13.8 Notes that the space between the high rise developments, between 27-40M high, will cause:</p> <ul style="list-style-type: none"> Wind turbulence Poor air quality, with pollution being trapped in the Swan Street area A visual barrier between Richmond/Burnley and to the wider city. <p>13.9 Submits that for Precinct 1</p> <ul style="list-style-type: none"> The rear two blocks of the properties fronting Punt Road should have a height restriction of 21m to match the existing planning permit PLN14/0318 which has consent for a 6-storey building. The area to the North West could have a higher building, which would act as the gateway signifier and could be 27m. Recommends a maximum height of 21m or 6 storeys for the majority of the Precinct, bar the Punt/Swan corner properties which should have a height of 24m (7 Storeys) – 34m (11 storeys). 	<ul style="list-style-type: none"> The Swan Street Built Form framework states that a key development outcome for Precinct 1 is that the dominance of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape is maintained. The DDO should be amended to better reflect this outcome. <p>The Precinct Hotel is an individually significant place. The proposed height, as exhibited, is 27m (approximately 8 Storeys) with an upper level setback of 5m. GJM Heritage have reviewed the exhibited controls and have recommended a proposed height of 18m (5 Storeys) to protect the visual prominence of the landmark building. They have also recommended a proposed upper-level setback of 10m from Swan Street and 8.5m from Cremorne Street to retain the primary roof form of the Precinct Hotel. Officers agree with this approach, given the Hotel's distinguished, corner location at the intersection of Cremorne and Swan Street. The proposed lower height and greater upper-level setbacks would help ensure the Precinct Hotel can be read as a three-dimensional form from both streets.</p> <p>An application for the development of the Precinct Hotel must be assessed against both DDO and HO. It is noted that the "statement of significance" for individually significant places, such as the Precinct Hotel is critical to achieving good heritage outcomes. It describes the built form elements that need to be retained, which in this instance includes <i>"the corner building which addresses both Swan Street and Cremorne Street by continuing the pattern of openings and parapet detailing"</i>.</p> <p>13.6 For Precinct 2:</p> <ul style="list-style-type: none"> Precinct 2 is a highly intact heritage streetscape. The Amendment seeks to create a visual distinction between the lower (street-wall) levels and upper levels of a building through setbacks / recessed development, well-articulated design and the use of varying materials and colour. The setbacks are critical in maintaining the primacy of heritage places. <p>Generally, a 5m upper-level setback has been applied across Swan Street. For heritage streetscapes and clusters of heritage streetscapes, these setbacks have been made mandatory to ensure upper levels do not visually dominate heritage places. It is important to note that the majority of the south side in Precinct 2 has an upper level set back of 10m to protect views to the Dimmeys Ball Tower.</p> <p>In response to the submissions and the further testing undertaken and the recommendation contained in the Amendment Yarra C220 Panel Report, it is recommended that the setbacks be increased from 5m to 6m across Swan Street to make the upper levels of new development more recessive and maintain the character of the existing heritage streetscape.</p> <p>A 6m minimum is an improved heritage outcome ensuring a larger proportion of the principal building roof is retained. The outcome also ensures that the parapets/silhouettes of buildings remain prominent with the greater retention of key building elements including chimneys. The proposed new 6-metre setback as a mandatory minimum requirement appropriately responds to the heritage context of the Swan Street precinct.</p> <p>It is important to note, that by increasing the upper level setback from 5m to 6m, the proposed heights (on some sites) along the northern side of Swan Street will be lowered by one storey. On sites that have a shorter depth, a greater upper level setback combined with the proposed rear residential interface requirement would restrict development from the front and back of the site. Assuming a minimum apartment envelope (that has a depth of 10m), the overall building height would be lowered by one storey.</p> <p>Council officers do not support the proposal to vary upper-level setbacks and heights further. Council officers suggest that increasing of the setbacks requirements and a resultant reduction in height along the north side of Swan Street strikes an acceptable balance between providing good heritage protection and reasonable development capacity within the activity centre.</p> <ul style="list-style-type: none"> As a key characteristic of Precinct 2 and the broader Swan Street Activity Centre, is the consistent fine grain subdivision pattern that provides walkability and visual interest along the street. It is not considered necessary to encourage the consolidation of lots. Through the built form provisions in the DDO, most

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<ul style="list-style-type: none"> – Recommends a maximum height of less than 14m for the car park abutting the Precinct Hotel at 60-62 Swan Street, Cremorne. <p>13.10 Submits that for Precinct 2:</p> <ul style="list-style-type: none"> – No development should be higher than seven storeys and no further forward to the south than the building line of the multi-storey at Dimmeys. – The modern buildings on the north side of Swan Street should have a height restriction of no higher than the parapet of the Swan Hotel with an additional storey setback on these modern interventions as the scale of the site permits. – Recommends that on the north side and parts of the south side of the street, height could be restricted to a maximum of 18m to ensure connectivity to the residential areas to the north. – Recommends that the rear lots of the southern Swan Street properties should have a maximum height of 24m or 7 storeys. <p>13.11 Submits that that for Precinct 3 and 4:</p> <ul style="list-style-type: none"> – The street should have a similar set back line for buildings over 3 storeys. <p><u>Heritage</u></p> <p>13.12 Heritage facades should be retained and enhanced.</p> <p>13.13 Submits that any new infill development should be given a height, which reflects the adjacent existing heritage facades.</p> <p>13.14 For Precinct 2, submits that:</p> <ul style="list-style-type: none"> – The retail street should retain heritage buildings (not just the facades), which should be conserved and enhanced by any development. – A 10m development exclusion should be applied to both sides of Swan Street irrespective of heritage listing. – A secondary gateway could be created at the Swan Street / Church Street intersection but utilising the remaining quality heritage properties. – Lighting schemes should be considered for the key heritage buildings in the street. – The heritage buildings on the south of Swan Street and Eastern Church Street fall under the 	<p>development can still be commercially viable and deliver high-quality urban design outcomes without being consolidated.</p> <ul style="list-style-type: none"> – It is unclear whether the submitter is referring to public or private open space. The provision of public open space on private land is outside the scope of this Amendment. In regards to private open space, the provisions in the DDO17 are supported by policy and provisions elsewhere in the planning scheme such as Clause 58, which includes a standard to provide adequate private open space in new development for the reasonable recreation and service needs of residents. – The car park, south of Swan Street and abutting East Richmond Station is in public ownership and has been identified as potential future open space. The DDO includes the following provisions to ensure street activations where development has multiple frontages, including those to the car park: <ul style="list-style-type: none"> o <i>Development must improve the pedestrian environment and amenity of streets and laneways that provide a pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.</i> o <i>Development adjoining Milton Place must be designed to address the potential future public park adjoining East Richmond Railway Station.</i> <p>No upper-level setback is proposed to Stephenson Street. This will create a stronger urban character and would reflect the built form outcome of a recent approval opposite.</p> <p>Council officers consider that these provisions adequately guide development frontages to car parks.</p> <ul style="list-style-type: none"> – The DDO states that façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must: <ul style="list-style-type: none"> o <i>ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)</i> o <i>respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)</i> o <i>avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts</i> o <i>maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.</i> <p>DDO17 also states that adaptation of contributory or individually significant buildings must:</p> <ul style="list-style-type: none"> o <i>avoid highly reflective glazing in historic openings</i> o <i>encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</i> <p>Council officers consider that these provisions adequately guide the future development of shopfronts along Swan Street.</p> <p>13.7 For Precinct 3 and 4:</p> <ul style="list-style-type: none"> – Noted. – The Swan Street Built Form Framework notes that a key Precinct 4 outcome is high-quality new buildings adjoining Burnley Station that activate new and improved pedestrian connections to the Station. Council officer considers that the DDO should be amended to better reflect this outcome. – The Built Form Framework 2017 analysed approved developments throughout the study area, ranging from six to ten levels in height. These existing / recently approved/constructed developments provided some guidance and precedent in relation to heights, building setbacks and residential interfaces. These developments include: <ul style="list-style-type: none"> o 123 Swan Street;

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>recommendation that a 10m development exemption zone should be applied to all categories of heritage properties within Precinct 2.</p> <p>13.15 Provides the following commentary on Precinct 3 and 4, including:</p> <ul style="list-style-type: none"> – Retain heritage facades, and enhance those heritage properties of higher quality <p><u>Traffic</u></p> <p>13.16 Recommends a review of the capacity of current on and off-site parking together with a projection of requirements be required to ensure that Swan Street has the capacity to absorb the increased demand for access and parking.</p>	<ul style="list-style-type: none"> ○ 140 Swan Street; ○ 429 Swan Street; ○ 1-3 Railway Place; and ○ 381 Punt Road. <p>Further modelling has also tested the built form outcome of recent planning permit applications.</p> <p>Recommended position: Amend the DDO to:</p> <ul style="list-style-type: none"> – Amend interfaces’ A, B, C, D, E and F to increase the upper level setback from 5m to 6m – Amend height as a result of a new setback. – Amend section 1.0 (design objective) to ensure they are precinct specific and translated from the Swan Street Built Form Framework. – Reduce the height on the following places from a preferred maximum height of 27m (approximately 8 storeys) to a preferred maximum 18m (approximately 5 storeys): <ul style="list-style-type: none"> ○ 60 Swan Street; and ○ 5 Cremorne Street. – Insert a new interface (Interface J) to the front of 60 Swan Street (Precinct Hotel) and 5 Cremorne Street. <p><u>Heights/setbacks</u></p> <p>13.8 In regards to taller development:</p> <ul style="list-style-type: none"> – The exhibited DDO includes a decision guideline, which requires consideration of the ‘wind effects created by the development’. Expert wind evidence provided to the Johnston Street Panel hearing (Amendment C220) identified that it was important to ensure upper levels are sufficient to avoid wind down draughts. The evidence also recommended there should be gaps between higher elements to avoid continuous walls of buildings that promote downdrafts. Officers consider that proposed upper level building breaks and setbacks sufficiently assist in the management of wind effects. – Air pollution generated by new development is outside the scope of this amendment. It is noted that the provisions in the DDO are supported by policy and provisions elsewhere in the planning scheme such as 22.17 Environmentally Sustainable Development at Clause 22.17 which includes an objective to reduce indoor air pollutants by encouraging the use of materials with low toxic chemicals. – The DDO17 includes discretionary requirements for four upper-level building breaks, located on sites that have deep/ wide lots along the south side of Swan Street, to create separation and visibility to the sky, between developments. <p>13.9 For Precinct 1:</p> <ul style="list-style-type: none"> – Planning permit (PLN14/0318) was granted on 5 December 2015 to the site (prior to the application of interim controls) for a 6 storey, 10 dwellings, mixed-use development at 375-377 Punt Road Cremorne to allow for a consistent streetscape – The entry sites on the southern side of Swan Street provides an opportunity to create a stronger presence of built form. The overall building height of 27m (approximately 8 storeys) will ensure these sites mark the entry to Swan Street with buildings of a significant scale. A building height of 21m (approximately 6 storeys) is proposed for properties between Wellington Street and Cremorne Street. This recommendation responds to the presence of heritage buildings, partial residential interface and fragmentation of property holdings. – The car park abutting the Precinct Hotel is proposed for a height of 27m (approximately 8 storeys). This car park site is larger than others in the area and could accommodate taller built form with less impact on the heritage value of the Precinct Hotel. This height is also consistent with a recent planning permit approval on the southern side of Stephenson Street. The Precinct Hotel’s new recommended height of 18m and upper-

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>level setback of 10m from Swan Street and 8.5m from Cremorne Street would ensure the heritage building is dominant within the streetscape.</p> <p>13.10 Submits that for Precinct 2:</p> <ul style="list-style-type: none"> – The majority of the south side in precinct 2 has an upper level set back of 10m to protect views to the Dimmeys Ball Tower. – Refer to response to submission 13 (13.14 below). – The Swan Street Retail Precinct provides the strongest heritage built form character in the Activity Centre. Precinct 2 is an intact example of a turn of the century 'high street' and includes two storey heritage shopfronts, with occasional higher scale heritage buildings such as the Maples Building, Dimmeys Tower and the Swan Hotel. The primary focus for the built form provisions for Precinct 2 is to retain the prominence of the intact heritage buildings along Swan Street. <p>GJM Heritage have reviewed the issues raised in the submissions and have noted that, in Precinct 2, the front parts of the sites along Swan Street (that have a proposed mandatory maximum height of 21m) are not likely to achieve an acceptable heritage outcome as the development would likely to visually dominate the heritage streetscape. It is their view that a maximum height of 18m (5 storeys) should be applied to these sites in Precinct 2.</p> <p>Upon further modelling, testing, and discussions with GJM Heritage, officers agree that the 21m heights of these sites (that are not being reduced as a result of the increased setback, as discussed above) should be lowered to 18m, given the heritage significance of Precinct 2. Officers also recommend that the proposed mandatory maximum height of 27m (approximately 8 storeys) at 85 Swan Street be lowered to 24m (approximately 7 storeys), as this would produce a more consistent 'secondary street wall height' along Swan Street and produce a taller form that that is less distracting.</p> <ul style="list-style-type: none"> – In regards to lowering the rear heights of the sites along the southern side of Swan Street, recent development (Dimmeys apartment development) demonstrate the potential for taller development of up to 10 storeys (34m) on the south side away from the Swan Street frontage. Furthermore, officers recommend that the Height and Interface Plan be amended to show the taller built form, along the southern side of Swan Street, consistently setback from the lower built form fronting Swan Street. This would better reflect the actual outcomes of the design requirements. <p>Officers do not support varying the heights of Precinct 2 further outside of what has been recommended.</p> <p>13.11 Submits that that for Precinct 3 and 4:</p> <ul style="list-style-type: none"> – It is unclear whether the submitter is referring to the street wall setback or upper-level setback for buildings over 3 storeys. A consistent minimum of 6m upper-level setback is now proposed for all development above the street wall in precincts 1, 2, 3 and 4. A consistent street wall setback of 0m is also proposed also for the length of Swan Street. <p>Recommended position:</p> <ul style="list-style-type: none"> – Reduce the height on the following places (or part of) from a mandatory maximum of 21m (approximately 6 storeys) to a mandatory maximum 18m (approximately 5 storeys): <ul style="list-style-type: none"> ○ 94-138 Swan Street; ○ 149 Swan Street; ○ 166-212 Swan Street; ○ 191-235 Swan Street; ○ 218-236 Swan Street; ○ 456 -468 Church Street;

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<ul style="list-style-type: none"> ○ 425 Church Street (Swan Hotel); and ○ 242-272 Swan Street. <ul style="list-style-type: none"> – Reduce the height on the following place from a mandatory maximum of 27m (approximately 8 storeys) to a mandatory maximum 24m (approximately 7 storeys): <ul style="list-style-type: none"> ○ 85 Swan Street. – Amend the Height and Interface Plan to show taller form along the southern side of Swan Street setback (approx. 20m) from the lower built form fronting Swan Street (from 130-138 Swan Street and 168-208 Swan Street). <p><u>Heritage</u></p> <p>13.12 The DDO includes the following provision to ensure that heritage places (not just the façades) be retained and enhanced:</p> <ul style="list-style-type: none"> – For Building facades and street frontages, Adaptation of contributory or individually significant buildings must: <ul style="list-style-type: none"> ○ <i>encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings.</i> – Upper-level development on land within a heritage overlay and on land immediately adjoining a heritage building must: <ul style="list-style-type: none"> ○ <i>be visually recessive and not visually dominate the heritage building and the heritage streetscape</i> ○ <i>retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</i> ○ <i>utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades.</i> <p>13.13 Precinct 2 is characterised by a highly intact three-storey street wall and new built form within the heritage precinct should seek to ensure heritage remains the dominant streetscape element. The DDO includes a mix of mandatory and preferred street wall height requirements to ensure new development matches the parapet height of adjoining individually significant or contributory building. Where there are no adjoining heritage buildings, the street wall should have a minimum height of 8m or a maximum height of 11m.</p> <p>13.14 For Precinct 2:</p> <ul style="list-style-type: none"> – Refer to response to submission 13 (13.6). – The mandatory minimum upper level setback at the intersection of Church and Swan is 5m. As discussed above (13.6) it is recommended that the setback be increased to 6m. <p>The southern side of Swan Street has a proposed mandatory maximum height of 21m. As discussed above (refer 13.10), it is recommended that the proposed heights of the properties facing Swan Street be lowered one storey to 18m (5 storeys). GJM have also recommended that the places along the south-western side of Church Street be lowered to 18m given their heritage significance. Further 3D modelling indicates that the lower heights at the intersection of Church and Swan Street would have a greater impact in reducing visual bulk impacts to the heritage streetscape than a larger (e.g. 10m) setback, given lot depths/width. Modelling also shows the 6m setback is sufficient to maintain the prominent splay on the south-west corner of Swan Street and the pitched roof form of the Swan Hotel – which has a tall street wall height of 14.5m.</p> <ul style="list-style-type: none"> – The consideration of lighting schemes is outside the scope of this Amendment, which seeks to manage built form and heritage outcomes through pious and controls. – Refer to response to submission 13 (13.6). <p>13.15 One of the precinct design requirements for Precinct 3 is:</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<ul style="list-style-type: none"> Development must respect the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct. <p>Council offers recommend that general design objective should be amended to address heritage in Precinct 4.</p> <p>Recommended position:</p> <ul style="list-style-type: none"> Amend section 1.0 (design objective) to ensure they are precinct specific and translated from the Swan Street Built Form Framework; and Amend setback and heights as referred to in response to submission 13.6, 13.14 and 13.10. <p><u>Traffic</u></p> <p>13.16 A Traffic, Access and Movement Review was prepared by Traffix Group with input from Transport for Victoria and Vic Roads to assist in considering the traffic, access and movement implications of the potential new development. The key design recommendations from this report have been incorporated into the Built Form Framework and Amendment documentation. The Review identifies that Swan Street operates close to capacity during peak times but is not forecast in the State transport model to see significant increases in additional traffic despite the potentially large increase in new development. Traffix have recommended that a planned and coordinated approach to access is the most important means to manage traffic impacts associated with the new development. This is principally achieved by requiring vehicular access from new and existing laneways and limiting direct vehicular access from new development onto Swan Street.</p> <p>An assessment of the traffic generated and private vehicle movement will be considered through the planning permit application process for individual developments.</p> <p>Recommended position: No change to the amendment.</p>
14	Nick Armstrong	Resident - 17 Brighton St in Richmond	<p>Submission Position: Objection</p> <p><u>Mandatory controls</u></p> <p>14.1 Submits that they are generally agreeable to council making mandatory height restrictions for parts of Swan Street.</p> <p><u>Rezoning</u></p> <p>14.2 Objects to the change of use from Commercial 2 to Commercial 1.</p> <p>14.3 Submits that applying the Commercial 1 would allow apartment towers to the north, with no respect or consideration given to the impacts to peoples' houses (to the south in a heritage precinct).</p> <p><u>Height/Residential interface</u></p> <p>14.4 Objects to the preferred height of 27m for the block opposite 17 Brighton Street to the north, as it is the highest point of Swan Street and should be a lot lower.</p> <p>14.5 Submits that the proposed preferred height of 27m will have a direct impact on 17 Brighton Street and the broader heritage streetscape (HO308).</p>	<p><u>Mandatory controls</u></p> <p>14.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Rezoning</u></p> <p>14.2 The land along Swan Street is zoned a combination of C1Z and C2Z. Residential development is prohibited on land within the C2Z. It is proposed to rezone all remaining C2Z land along Swan Street to C1Z. This rezoning is required to provide the opportunity for mixed-use development along the length of Swan Street consistent with the Swan Street Structure Plan and the Yarra Spatial Economic and Employment Strategy, September 2018 (SEES). The C1Z will provide an incentive for further renewal and mixed-use redevelopment within the centre, consistent with State and metropolitan planning policy.</p> <p>14.3 The SEES seeks to provide sufficient employment land and capacity to support projected growth. A key strategy is to support employment growth in Activity Centres. One of its key strategic directions is to implement recommendations of the Swan Street Structure Plan to rezone areas of C2Z land to support mixed-use outcomes. It notes the land has been deemed suited for residential development, based on policy and physical characteristics, and would still achieve an employment outcome through the requirement for active ground floor uses.</p> <p>Council officers note that no permanent height limits apply to the C2Z area. The proposed planning controls provide greater certainty and guidance to the local community, Council and applicants on future development form. Issues of impact on surrounding properties, heritage character, and built form will also be addressed through the planning permit application process, within the parameters of the proposed DDO.</p> <p>Recommended position: No change to the amendment.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>14.6 Notes that everything to the north of Swan Street is 2 storeys and while 6 storeys would be more acceptable it would still dwarf houses to the south.</p> <p><u>Residential amenity issues for existing residents</u></p> <p>14.7 The residents of Brighton and Lesney streets were there first and should not be impacted by the Council giving permission for glass box residential towers.</p> <p>Submits that development at the proposed heights would overlook into private open space and rear windows along the north side.</p>	<p><u>Height/Residential interface</u></p> <p>14.4 The land at 314-320 Swan Street and 236 Coppin Street, Richmond is proposed to have a preferred height of 27m (8 storeys). Building heights along the south side of Swan Street are greater than the north side because of the absence of sensitive interface issues and large allotments. The Heights scale-up towards the Burnley Street intersection, which aims to provide a focus for activity in the future. The proposed 27m height achieves that outcome.</p> <p>14.5 While the rail corridor does provide a buffer between the southern side of Swan Street and the low scale residential areas to the south, a key consideration in determining the heights, in the Swan Street Built Form Framework, was still to minimise the visual bulk of upper levels of development, particularly on wider sites.</p> <p>14.6 Council officers consider, following additional testing, that the proposed heights can be justified, given the land's interface with the rail corridor. The land is also appropriate for taller form as it would not overshadow properties to the south.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Amenity issues for existing residents</u></p> <p>14.7 There is guidance within the DDO for new development to consider existing residential amenity. Given the rear setback is discretionary, Officers support strengthening the design requirements to ensure new buildings responding to existing conditions, including a design objective consistent with the Framework, which expressly acknowledges the importance of protecting and maintaining existing residential amenity.</p> <p>Recommended position: Amend the DDO to insert new theme, 'Design quality requirements' at Section 2.2 to include</p> <ul style="list-style-type: none"> – <i>Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.</i>
15	Contour (Tim McBride-Burgess)	Consultant – 2 & 4 Jessie Street and 30-40 Swan Street 36-46, 79-89 Swan Street, 161-165 Swan Street, 173-179 and 191-197 Swan Street.	<p>Submission Position: Objection</p> <p><u>The overarching intent of Amendment C191</u></p> <p>15.1 Supports strategic review into the overall built form opportunities for the Swan Street Activity Centre.</p> <p><u>Capacity analysis/Height</u></p> <p>15.2 Notes the lack of capacity analysis to substantiate building heights contemplated in throughout the centre.</p> <p><u>Mandatory controls</u></p> <p>15.3 Objects to the introduction of mandatory building height and setback controls.</p> <p>15.4 Submits that the proposed mandatory building height and setbacks are insufficiently justified and are unwarranted.</p> <p>15.5 Submits that mandatory controls would constrain development and the regeneration that has occurred along Swan Street over the past decade.</p> <p>15.6 Submits that mandatory controls would cause uniform built for outcomes contrary to PPN59: The Role of Mandatory Provisions in Planning Schemes</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>15.1 Noted</p> <p>Recommended position: No change to the amendment.</p> <p><u>Capacity analysis/Height</u></p> <p>15.2 A large body of strategic work underpins the Amendment, including the SEES, and the Yarra Housing Strategy, both adopted September 2018. As stated in the Yarra C220 Panel Report, "this strategic work is extensive, robust and up to date" (Page ii).</p> <p>Assessing the ability of Yarra's activity centres such as Swan Street to accommodate future housing and employment growth is critical to plan for the spatial distribution of growth in Yarra. To ensure there is the capacity to grow Yarra's economy, the SEES provides strategic directions and future opportunities for employment land. The SEES recognises a series of employment areas that accommodate business needs and additional employment to support the growth of the local economy.</p> <p>The Yarra Housing Strategy includes an analysis of Yarra's capacity for future residential growth in its activity centres, including Swan Street. An analysis of Yarra's activity centres indicates that the centres, alone, can supply approximately 14,300 dwellings by 2031 (greater than the 13,341 new dwellings required by VIF2016 for the whole of the municipality). The capacity analysis shows that the level of housing growth is expected to differ across and also within the activity centres, due to the varying amount of land available for residential development.</p> <p>The housing capacity analysis indicates there is enough capacity within Yarra's activity centres to accommodate sufficient housing growth. The analysis confirms that, while Yarra's established residential neighbourhoods will continue to accommodate some housing growth, Yarra does not need to rely on these areas to supply projected housing growth. The capacity analysis also demonstrates that the application of building height controls to the</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>and PPN60: Height and Setback Controls for Activity Centres.</p> <p><u>Heritage</u></p> <p>15.7 Objects to the application of proposed new Heritage Overlay on the properties at No. 30-40 Swan Street, Richmond.</p> <p>15.8 Submits that the varying height, scale, and dates of the construction of the places, along with the extent of intervention that has occurred, reduces their heritage significance.</p> <p>15.9 Submits that the isolation of these places from the balance of the activity centre and their strategic redevelopment opportunities outweigh any potential benefit derived from their protection.</p> <p>15.10 Submits that heritage protection would constrain the future development of these properties.</p>	<p>activity centres will not limit the supply of dwellings, but will provide more certainty for residents and developers and maintain the midrise character of Yarra.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Mandatory controls</u></p> <p>15.3 Noted. GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>The Built Form Heritage Review does not specifically address the use of mandatory controls over this land, but I note that DDO17 establishes a preferred overall building height of 21m (approx. 6 storeys) and a mandatory 5m upper-level setback from Swan Street. The application of a mandatory control to Swan Street is considered appropriate to maintain the consistent two-storey street wall along the high street and ensure the new built form is setback adequately from the street frontage. We note that a consistent mandatory setback control is supported by the Panel Report into Yarra Amendment C220.</i> <p>15.4 Council has been very selective in its application of mandatory controls to where it is ‘absolutely necessary’. Mandatory controls have been applied to the following specific locations:</p> <ul style="list-style-type: none"> – in locations of intact heritage streetscapes – in locations with a sensitive interface with low scale residential properties where taller form could have adverse impacts. The issue is whether mandatory controls are justified. <p>Mandatory controls offer an opportunity to provide that certainty, provided the controls are justified. The DDO is underpinned by comprehensive strategic work that meets the requirements of PPN60. In particular this work:</p> <ul style="list-style-type: none"> – Is consistent with state and regional policy – DDO proposes a preferred future character for Swan Street that aligns with the aspirations of Plan Melbourne and state policies. – Is current and takes account of recent trends and approvals, and has been subject to a program of public consultation. – Provides capacity to accommodate growth within Swan Street consistent with: <ul style="list-style-type: none"> o the role of Swan Street in the broader activity centre network for Yarra o the location of the centre and its access to services, such as public transport o potential for redevelopment having regard to urban form, lot sizes and topography o key sites that can accommodate more intense development when compared with the remainder of the activity centre. <p>GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>In relation to similar built form on Johnston Street, the Panel Report into Yarra C220 concluded that mandatory controls should be applied for mid-level setbacks above the street wall and that this should not vary dependant on the heritage status or gradings applied.</i> <p>15.5 Noted.</p> <p>15.6 As noted in the Yarra C220 Planning Panel Report, mandatory controls will affect the amount of development that can be included on a site, but within those limits, they do not constrain the creativity of the designer (Page 36 of 94). Designers can conceive of high-quality projects that fit within the proposed mandatory controls. The advantage of mandatory controls is that they can be more certainty.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>15.7 GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>The four buildings that make up 30-42 Swan Street have been assessed through the Heritage Assessments and Analysis as meeting Criterion A – Historical (Importance to the course or pattern of the City of Yarra’s cultural history) and Criterion D – Representativeness (Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments) at a local level, and therefore the inclusion of this precinct on the Schedule to the Heritage Overlay is appropriate.</i> <p>15.8 GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>The heights of the four buildings vary by only one storey, which is typical of the difference of street wall heights found in similar places included on the Heritage Overlay. Likewise, the period of construction, including alterations (between the late nineteenth and early twentieth century) represents the same period for which the buildings within HO335 – Swan Street Precinct are recognised. It is our view that this, albeit small, precinct demonstrates cohesiveness in terms of use, visual form, architectural language, scale and period of construction to the degree necessary to warrant inclusion on the Schedule to the Heritage Overlay.</i> <p>15.9 GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>The Swan Street West Precinct is illustrative of historical development along a major, early commercial thoroughfare in the City of Yarra and has been identified as a separate and distinct group of buildings (from those included within HO335) that warrants inclusion on the Heritage Overlay. While small, the precinct is highly intact and clearly demonstrates the principal characteristics of a major Victorian and Edwardian commercial High Street. Consistent with numerous panel decisions it is our view that the strategic redevelopment opportunities that this, or any other site, should not influence the decision on whether or not to include a place on the Schedule to the Heritage Overlay.</i> <p>15.10 The key issue to be considered at the Amendment stage is whether the proposed places reach the relevant threshold for heritage protection. Other issues, such as development constraints and private economic considerations (although important in other contexts) are not a relevant factor to take into account. The appropriate mechanism to consider specific aspects of the development of a heritage place is through the planning permit application process, where the heritage conservation will be balanced against other planning objectives for growth and adaptability.</p> <p>GJM Heritage was engaged to consider Submissions 15. In relation to the heritage places 30-40 Swan Street, GJM found that:</p> <ul style="list-style-type: none"> – <i>This is not a relevant matter when considering whether or not to include a place on the Schedule to the Heritage Overlay. Numerous Planning Panel reports have reiterated that the decision as to whether or not to include a property on the Heritage Overlay should be based on whether the place meets the threshold of ‘locally significant’ against one or more of the heritage criteria as set out in PPN1.</i> – <i>We remain of the view that the properties at 30-42 Swan Street, Cremorne meet Criteria A (historical) and D (representativeness) at a local level and together form a small but cohesive precinct. Therefore, it is our view that Interim HO524 should be made permanent.</i> <p>Recommended position: No change to the amendment.</p>
16	Ian Wight Planning and Heritage Strategies on	Consultant on behalf of the	Submission Position: Objection <u>Heritage</u>	<p><u>Heritage</u></p> <p>16.1 The Amendment was informed by a heritage study – <i>Swan Street Built Form Heritage Analysis & Review</i> (December 2017) prepared by GJM Consultants.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
	behalf of the Royal Historical Society of Victoria	Advocacy organisation	<p>16.1 Submits that the Amendment will result in the destruction of the heritage character of the centre.</p> <p>16.2 Submits that the design requirements in DDO17 promote facadism, a practice long discredited as an approach to heritage conservation and specifically discouraged by the heritage guidelines in the Yarra Planning Scheme.</p> <p>16.3 States that heritage fabric in activity centres needs to be afforded the same level of protection as residential areas.</p> <p>16.4 Notes that Precinct 2, the historic core, should be protected as urban intensification can be accommodated elsewhere along Swan Street (Precincts 3 and 4).</p> <p>16.5 Compliments Council for undertaking the detailed lot-by-lot examination that is required to protect heritage fabric and identify areas that can accommodate development that is more intensive.</p> <p>16.6 Notes that the amount of detail in the data supporting Amendment C191 is exemplary.</p> <p><u>Heights/upper-level setbacks</u></p> <p>16.7 Submits that the 1/3 to 2/3 approach to upper setbacks of heritage places is arbitrary.</p> <p>16.8 States that it is inappropriate for taller development to be set back from the facade only five metres. Recommends that, for contributory places, the principal roof or at least 10 metres from the frontage (whichever is the greater) should be retained. Also Recommends that individually significant places should be retained in their entirety and not assigned building heights that exceed the existing built form.</p> <p><u>Urban Consolidation/State Policy</u></p> <p>16.9 States that, due to the State Government designating all of Melbourne's historic strip shopping centres as activity centres, it takes some serious work to reconcile the conservation of these centres', with the policies for intensification of development.</p> <p>16.10 Notes that State bureaucrats have orchestrated a relentless tide of inappropriate controls for activity centres.</p> <p>16.11 Submits that these amendments create precedents that threaten the proper administration of the Heritage Overlay across the State of Victoria.</p> <p><u>Development yield</u></p>	<p>The purpose of the Analysis and Review was to help ensure that the Swan Street Built Form Framework and subsequent DDO appropriately responded to the heritage fabric and values of Swan Street, leading to fully integrated decision-making when considering new development within Swan Street.</p> <p>The report considered:</p> <ul style="list-style-type: none"> – The suitability of the extent of the Heritage Overlays for places and precincts within the Study Area. – The heritage grading of each property within the Heritage Overlay in Appendix 8. – The currency of the existing Statements of Significance for places and/or precincts to ensure they provide adequate guidance for the management of important heritage features. – Places not currently included in the Heritage Overlay but which warrant further consideration for inclusion in the Heritage Overlay. – Built form parameters necessary to appropriately manage increased commercial and residential development within the context of the existing heritage place and/or precinct. <p>16.2 There is an important distinction between the HO and a DDO. The HO (and the associated policy in the Planning Policy Framework) deals with heritage matters. The DDO deals with built form matters.</p> <p>A planning scheme must be read in its entirety – policy, zones, overlays, particular provisions etc. A DDO is not a one-stop-shop to include every planning control within it. It can only include matters relevant to the built form.</p> <p>The Heritage Policy at Clause 22.02 makes clear that the retention of a building with an individually significant or contributory grading is encouraged and their demolition is discouraged. The DDO does not encourage the demolition of heritage buildings. It merely determines the form of new buildings if an application is received.</p> <p>The heritage design requirements in the DDO seek to ensure that new development is appropriate in the heritage overlay. They address:</p> <ul style="list-style-type: none"> – building facades and street frontages for new infill development that adjoins a heritage building – adaption of individually significant or contributory buildings – upper-level development on land within a heritage overlay (height/setback) – upper-level development on land immediately adjoining a heritage building (height/setback) <p>16.3 The current heritage policy at Clause 22.02 of the Yarra Planning Scheme has a residential focus. The heritage policy in the planning scheme is being rewritten as part of a broader planning scheme rewrite. The revised policy will strengthen protection for commercial and former industrial heritage.</p> <p>To address the shortcomings of commercial heritage in the current heritage policy and to reflect the fact that heritage is an important component of the built form in Swan Street, the DDO introduced heritage design requirements at clause 2.3 of the schedule.</p> <p>16.4 The Swan Street Built Form Framework recognises Precinct 2 as the historic core of the Centre and the primary focus of the built form provisions for Precinct 2 is to retain the prominence of the intact heritage façades along Swan Street by ensuring development above the street wall is recessive to this facade. Given the level of development potential elsewhere in Swan Street and the intact nature of the heritage in Precinct 2, officers have recommended increased setbacks and lower height for properties in Precinct 2 (as discussed above 13.6).</p> <p>However, some development will still occur as the controls cannot and should not preclude development form occurring within a major activity centre.</p> <p>Council's adopted Housing Strategy identifies Swan Street as an opportunity for well-located housing growth/renewal. The strategy identifies all of precincts 1, 2, and parts of precincts 3 and 4 as suitable for moderate housing growth. Moderate housing growth areas are anticipated to see increased residential densities and housing diversity, however, this must respond to existing heritage character. The Strategy recognises that</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>16.12 Submits that conserving the significant fabric of the historic core would have only a minor impact on the development yield of the centre as a whole, given the significant potential within precincts 1, 3, and 4.</p>	<p>heritage and other built form provisions will determine the scale and form of this growth. The Strategy does recognise the development potential of Precinct 3 and 4, designating parts for high change growth.</p> <p>16.5 Noted.</p> <p>16.6 Noted.</p> <p>Recommended position: Refer to response to submission 13 (13.6).</p> <p><u>Heights/upper-level setbacks</u></p> <p>16.7 The DDO includes a requirement for the upper levels of development to occupy the upper one-third of the view from the street (the heritage façade would occupy the lower two-thirds). That is a ratio of 1/3 upper-level development to 2/3 street wall, when viewed at eye level (1.7m above ground level).</p> <p>The inclusion of this sightline test was informed by a number of matters, in particular its use in the Swan Street Structure Plan (which formed the strategic basis for the Tract Built Form Framework and the GJM Built Form Heritage Review).</p> <p>Since the preparation of the DDO, Planning Panels Victoria have considered Yarra C220 (Johnston Street Activity Centre), which also proposed a sightline test for determining the height of new upper level development. The Panel Report identified that ratio-based sight line tests were potentially inequitable and difficult to apply. GJM Heritage have reviewed Submission 16 and in regards to this issue note:</p> <ul style="list-style-type: none"> – <i>“The use of a sight line test was removed from DDO16 as part of Yarra Amendment C231 following exhibition and replaced with setback and height controls. It is recommended that the approach taken for C191 is consistent with the Johnston Street and Queens Parade precincts”.</i> <p>Given the DDO includes clear mandatory setback and height controls for heritage places, in addition to design requirements, officers’ agree that the discretionary 1/3:2/3 ratio design requirement is arbitrary and should be removed from the DDO.</p> <p>16.8 Refer to response to Submission 13 (13.6).</p> <p>In regards to preventing upper level development of individually significant places and applying a 10m setback to contributory places, recent Panel Hearings have not supported this approach as it would result in a poor urban design outcome (inconsistent setbacks). The Yarra C220 Panel in their report noted:</p> <ul style="list-style-type: none"> – <i>“The Panel does not agree that less significant sections warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid-level form. It is an urban design outcome as much as a heritage one.”</i> <p>Given the above, officers do not support treating individually significant and contributory places differently. Furthermore, it is recommended that the upper level setback requirement of Interface C in the DDO be amended to delete the words “individually significant” and replaced with just “heritage buildings”.</p> <p>Recommended position:</p> <ul style="list-style-type: none"> – Refer to response to Submission 13 (13.6). – amend interfaces’ B and C (upper level setback) to delete the following requirement that <i>“Any part of a building above the street wall must be designed to ensure that it occupies no more than one third of the vertical angle defined by the whole building in the view from a sight line of 1.7 metres (on the opposite side of the street).”</i> – Amend interface C (upper level setback) to delete the words <i>“individually significant”</i>. <p><u>Urban Consolidation/State Policy</u></p> <p>16.9 Noted - The State Government has designated as a Swan Street as a ‘major activity centre’, suitable as a focus for services, employment, housing, transport and social interaction.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
				<p>16.10 Noted.</p> <p>16.11 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Development yield</u></p> <p>16.12 Refer to response to submission 16 (16.4).</p> <p>Recommended position: No change to the amendment.</p>
17	Nelly Verstoep	Resident	<p>Submission Position: Objection</p> <p><u>Heritage</u></p> <p>17.1 Refutes that assertion that, 218 Swan Street (Berties the Butcher) is "not contributory to the heritage overlay or precinct".</p> <p>17.2 States that it is a deliberate mistake by both Yarra and Tract Consultants to grade the 218 Swan Street as non-Contributory (and therefore should be removed from the Heritage Overlay).</p> <p>17.3 States that the place is one of the oldest original buildings in Swan St (c 1850s) and its early construction date is evidenced by the original building's size and form, having the simple gabled roof pitch running parallel to the street.</p> <p>17.4 States the place was originally a house when first built, as part of a 2 or 3-dwelling row (218-222 Swan MMBW map shows 3 former houses) set back from the street front about 8 - 12 feet.</p> <p>17.5 Suggests that that Westpac Bank at 220 -222 Swan Street should be deemed "non-contributory" rather than 218 Swan Street.</p> <p><u>Mapping</u></p> <p>17.6 States that as the Amendment maps do not include labels of the street names, which form the 'boundary' of affected areas, the proposed changes are unclear.</p> <p>Submits that all directly-affected parties are entitled to be provided with open, clear, accurate and reliable information in matters, and furthermore have the right and opportunity to have input into the process and outcome.</p> <p><u>Heights/Setbacks</u></p> <p>17.7 Submits that the heights proposed along Swan Street are excessive and unwarranted.</p> <p>17.8 Submits that there are no, or very limited building setbacks or permeation between the various buildings permitted, meaning a "fortress wall" of</p>	<p><u>Heritage</u></p> <p>17.1 It is proposed to "re-grade" the place at 218 Swan Street (H0335) from "contributory" to "not contributory" to the heritage character of the area. It is flanked by an 'individually significant' building to the west and a 'non-contributory' building to the east. The pitched roof form facing Swan Street has been removed leaving a free-standing brick gable visible from Swan Street. The shopfront and verandah have also been altered leaving very limited original fabric visible from the public realm</p> <p>GJM was engaged to consider the submissions which called for a review of the proposed change in heritage grading and investigate whether there was new evidence presented which could justify maintaining the current grading. In summary, GJM found that there had been no new evidence presented which changed their views about the grading:</p> <ul style="list-style-type: none"> – <i>It remains our view that 218 Swan Street cannot be readily appreciated as a reasonably intact Victorian shop, and it is therefore recommended that the property be re-graded to 'not contributory' to the Swan Street Precinct in Appendix 8.</i> – <i>The level of alteration to 218 Swan Street is greater than that evident to other 'contributory' graded buildings within H0335, and the extant fabric demonstrates relatively few of the contributory elements within the precinct.</i> – <i>The alterations have greatly altered the visual appearance of 218 Swan Street, and it is our view that the building now lacks integrity and makes little or no contribution to H0335.</i> <p>17.2 GJM heritage note:</p> <ul style="list-style-type: none"> – <i>While elements of the extant building may date from an early period of the development of Swan Street, this is not clearly evident from the public realm with perhaps the exception of the (now freestanding) gable ends. It remains our view that the extant building at 218 Swan Street lacks the intactness required to warrant a 'contributory' grading and is not legible as a contributory part of H0335.</i> <p>17.3 GJM heritage note:</p> <ul style="list-style-type: none"> – <i>We note that there is no proposal to remove the land at 218 Swan Street from the Heritage Overlay and agree that this should remain part of H0335 – Swan Street Precinct.</i> <p>17.4 GJM heritage note:</p> <ul style="list-style-type: none"> – <i>The 1895 MMBW Detail Plan confirms that the building had been constructed by this date, while Sands & McDougall Directories identifies that Pope & Sons Butchers occupied the building from 1893.</i> <p>17.5 Westpac Bank at 220 -222 Swan Street is already graded at "non-contributory".</p> <p>Recommended position: No change to the amendment.</p> <p><u>Mapping</u></p> <p>17.6 The Department of Land Water and Planning prepared the maps exhibited (which show location-based zone and overlay information). To assist residents and landowners identify their properties Council also created an online</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>continuous built form up to (in some cases) 20 levels above ground could be developed.</p> <p><u>Urban consolidation</u></p> <p>17.9 Submits that no other Major Activity Centre within Yarra is subject to a similar proposal. States that Richmond is being sacrificed to excessive heights and over-dense, overdevelopment to protect other parts of Yarra (i.e. Fitzroy, Carlton, Clifton Hill, Collingwood) from development.</p>	<p>interactive map, accessible through our website, where people could search their property and seek additional information.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heights/Setbacks</u></p> <p>17.7 Refer to submission 8(8.3). It is noted that the height proposed along Swan Street has been informed by the detailed analysis and testing contained in the Swan Street Built Form Framework. Key determinants for the heights along Swan Street are lot depth, rear sensitive interfaces, heritage controls and providing adequate solar access to the southern footpath.</p> <p>17.8 Refer to response to submission 16 (16.8).</p> <p>Recommended position: refer to submission 16 (16.8) and 8(8.3).</p> <p><u>Urban consolidation</u></p> <p>17.9 Council has or is undertaking work to inform the preparation of structure plans, built form frameworks and local plans for its major and neighbourhood activity centres. Built form frameworks have been prepared for Swan, Victoria, and Johnston Streets, along with Queens Parade and Bridge Road. This work had formed the strategic basis for new site-specific built form controls including.</p> <ul style="list-style-type: none"> – Interim controls now in the Yarra Planning Scheme <ul style="list-style-type: none"> ○ Swan Street Major Activity Centre ○ Johnston Street Neighbourhood Activity Centre ○ Queens Parade Neighbourhood Activity Centre ○ Collingwood South Mixed-Use Precinct (part of Smith Street Major Activity Street) ○ Bridge Road Major Activity Centre ○ Victoria Street Major Activity Centre – Permanent controls being progressed through the full amendment process <ul style="list-style-type: none"> ○ Swan Street Major Activity Centre via C191 ○ Johnston Street Neighbourhood Activity Centre via C220 ○ Queens Parade Neighbourhood Activity Centre via C231 <p>Recommended position: No change to the amendment.</p>
18	SJB Planning (Henry Wood)	Consultant - Corner Hotel at 57-61 Swan Street, Richmond.	<p>Submission Position: Objection</p> <p><u>Heritage</u></p> <p>18.1 Submits that the Heritage Overlay is not the most appropriate tool to protect the use of the live music venue as it regulates the development of the land.</p> <p>18.2 Notes that the best approach is to examine whether the Heritage Overlay and ‘individually significant’ designation helps or hinders the ongoing use of the site for live music.</p> <p>18.3 Submits that protecting the place makes it less adaptable to meet its purpose and is not critical to the social values of the place.</p> <p>18.4 States that, while the Corner Hotel is valued as a live music venue, the building itself (which according to</p>	<p><u>Heritage</u></p> <p>18.1 GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> – <i>The Heritage Overlay is the appropriate mechanism to recognise places of historical and social significance. Planning Practice Note 1 – Applying the Heritage Overlay includes criteria in relation to these values. We note that the Corner Hotel is already included within the Heritage Overlay and Yarra C191 does not change this status.</i> <p>18.2 The property at 57 Swan Street (the Corner Hotel) is already included in the Heritage Overlay and a threshold of significance of “individually significant” has been applied to the place. Amendment C191 proposes to remove it as an individually significant place from the Richmond Hill Precinct (H0332) and include it as an individually significant place within the Swan Street Precinct (H0335) as the hotel has formed an important part of the social and recreational history of Swan Street. GJM found that:</p> <ul style="list-style-type: none"> – <i>Inclusion on the Heritage Overlay should not constrain the current or future use of the property. We note that this property is already subject to the Heritage Overlay and is currently a popular live music venue; the heritage status of this property is not intended to change.</i>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>the GJM Heritage Report was rebuilt in the mid-1960s) has been altered considerably and could not be considered significant in its own right.</p> <p>18.5 States that, if the Heritage Overlay is to be applied, it is essential that the Statement of Significance provide an appropriate level of guidance (so as not to confuse the built fabric with the social significance).</p> <p><u>Mandatory controls</u></p> <p>18.6 Submits that the mandatory maximum building height of 27 metres (along with a mandatory upper-level setback of 5 metres along Swan and Stewart Streets) is unreasonable, given that the heritage significance of the Corner Hotel is 'social' rather than 'physical'.</p> <p>18.7 Submits that the proposed mandatory maximum building height does not take into account the context of the site, the opportunity for urban consolidation, and the opportunity for architectural excellence to be achieved with taller and more intensive built form.</p> <p><u>Heights and setbacks</u></p> <p>18.8 Submits that the discretionary northern/ rear wall height and setback requirements (shown in Figure 2 of the draft DDO17) are unreasonable due to the site's interface to the north being Mixed Use Zone. As such recommends the following built form controls:</p> <p>A discretionary (rather than mandatory) maximum height limit at the site.</p> <ul style="list-style-type: none"> Discretionary (rather than mandatory) upper-level setbacks along Swan and Stewart Streets. The 1/3, 2/3 rule not be applied at the site. Deletion of the discretionary northern/ rear wall height and setback requirements having regard to the predominantly commercial uses behind the Corner Hotel. <p><u>Residential interface</u></p> <p>18.9 States that the redevelopment of the site's car park could potentially provide screening benefits to residential land to the north.</p> <p><u>Precinct boundary</u></p> <p>18.10 Recommends that Council consider whether the site might be a more appropriate fit within Precinct 1 (Richmond Station). Submits that is if the site is to</p>	<p>18.3 The Heritage Overlay also does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials. Additionally, no interior controls are proposed and so the interiors of the places may be upgraded without the need for a permit. GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> <i>The statement of significance prepared as part of the Heritage Assessments and Analysis is intended to recognise the social significance of its current use to help provide for this to continue with fewer encumbrances than if the statement of significance for HO332 was used as the basis for decision making on the property.</i> <p>18.4 In relation to managing places with social or historic values that have little or no heritage fabric poses, The Advisory Committee established to review the Heritage Overlay, (Heritage Provisions Review Final Report, 16 August 2007), noted that:</p> <ul style="list-style-type: none"> <i>An appropriate 'threshold' that a heritage place should be required to pass is that it has something to be managed. This 'something' is usually tangible fabric but it may, for example, be a significant absence of built form, special spatial characteristic or a pattern of ownership. If such things are present, then however ephemeral they are, there will be something to manage.</i> <p>The Corner Hotel, Richmond is significant, as it has made a strong contribution to the commercial and social life of Richmond from its establishment in the early 1870s and an important and highly influential contribution to the music industry as an important live music venue since its rebuilding in the mid-1960s and renovation in the 1990s. The Corner Hotel, Richmond is of particular social significance for its long-term and continued use as a live music venue, however long it lasts.</p> <p>18.5 GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> <i>The property is already subject to the Heritage Overlay and graded 'Individually significant,' and this status is not proposed to change. The change from HO332 to HO335 is intended to better recognise that the Corner Hotel forms part of the Swan Street commercial high street rather than the residential and industrial Richmond Hill Precinct. The Statement of Significance in Appendix A is intended to clearly articulate the significance of the property and to inform future development.</i> <p>Recommended position: No change to the amendment.</p> <p><u>Mandatory controls</u></p> <p>18.6 GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> <i>In relation to this property, the Heritage Assessments and Analysis note that "[The Corner Hotel] is atypical in its form and its heritage value resides more heavily in its social and historical significance than its architectural significance or its contribution to the wider streetscape. Mandatory setbacks other than those proposed to the Swan Street frontage would appear to be unnecessary". The application of a mandatory control to Swan Street is considered appropriate to maintain the consistent two-storey street wall along the high street and ensure the new built form is setback adequately from the street frontage. We note that a consistent mandatory setback control is supported in the Yarra C220 Panel Report.</i> <p>18.7 Refer to response to submission 15 (15.6).</p> <p>GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> <i>While not subject to any specific recommendation within the Built Form Heritage Review, I note that the proposed 27m height limit is the highest within the draft DDO17 on the northern side of Swan Street within Precinct 2 – Swan Street Retail Centre. A 27m height limit would allow for an eight (8) storey building. GJM's Built Form Heritage Review identified that the maximum building height within Precinct 2 on the north side of Swan Street should not exceed five (5) to six (6) storeys, and it is my view that the corner hotel site could not</i>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>remain within Precinct 2, the built form controls should be reconsidered and more appropriately tailored to the context of the site.</p>	<p><i>accommodate a building of this, or greater, height without adversely affecting the heritage significance of HO332 or HO335.</i></p> <p>Recommended position: No change to the amendment.</p> <p><u>Heights and setbacks</u></p> <p>18.8 The rear title boundary of the site at 57 Swan Street abuts the mix use zone. It is acknowledged that the character of this area differs from the low scale, established residential areas (zoned General Residential and Neighborhood Residential) further east. While the Mixed Use Zone is a residential zone, its purpose differs as it seeks to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality and to provide for housing at higher densities. It is recommended to apply the interface “H” to the rear interface, which removes the discretionary northern/ rear wall height and setback requirements.</p> <p>In regards to the 1/3, 2/3 principal, refer to response to Submission 16 (16.7).</p> <p>Recommended position:</p> <ul style="list-style-type: none"> – Apply the interface “H” to the rear interface, which removes the discretionary northern/ rear wall height and setback requirements. – Remove the discretionary 1/3 upper level to 2/3 street wall principle design requirement from the DDO. <p><u>Residential interface</u></p> <p>18.9 The appropriate mechanisms to consider the redevelopment of the site’s car park and future alterations is through the planning permit approval process and not through this Amendment process.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Precinct boundary</u></p> <p>18.10 The boundary of Precinct 1 and 2 is clearly demarcated by the rail viaduct. As noted in the heritage citation prepared by GJM Heritage in both its earlier Victorian form and its current c1960s form, the hotel has directly addressed this section of Swan Street (Precinct 2).</p> <p>GJM Heritage was engaged to consider Submissions 18. In relation to this issue, GJM found that:</p> <ul style="list-style-type: none"> – <i>The Corner Hotel is located east of the rail viaduct and is visually and physically separated from Precinct 1 – Richmond Station. It, like the former post office at 90 Swan Street the Corner Hotel, serves as the western ‘entry’ to the Swan Street commercial high street and should remain within Precinct 2.</i> – <i>The built form controls provided within DDO17 for this site are considered to be the minimum necessary to protect the heritage values of the Swan Street commercial corridor. The controls proposed have adequately considered the nature of the site at 57 Swan Street.</i> <p>Recommended position: No change to the amendment.</p>
19	Luke Pirrie (Resi Commercial)	Landowner - 471-473 Swan Street	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>19.1 Supports the broad ambitions for the site and the precinct, including the vision to create Swan Street Activity Centre a vibrant and thriving mixed-use centre.</p> <p><u>Mandatory controls</u></p> <p>19.2 Objects to the use of mandatory built form controls of any kind.</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>19.1 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Mandatory controls</u></p> <p>19.2 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p>19.3 – 19.5 Refer to response to submission 15 (15.4 and 15.6).</p> <p><u>Residential interface</u></p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>19.3 Notes that planning in Victoria is primarily based on the principle that there should be discretion for most developments and development applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements.</p> <p>Submits that the proposed mandatory controls for 471-473 Swan Street are too rigid in their approach to building height and will prevent innovative and site-responsive design.</p> <p>Submits that performance-based planning controls can accommodate design variation, innovation, unforeseen uses and development.</p> <p>19.4 Submits that the introduction of the mandatory provisions to 471-473 Swan Street is unwarranted and unjustified having regard to the guidelines set out in the PPN59: The Role of Mandatory Provisions in Planning Schemes.</p> <p>19.5 Submits that that general design requirements outlined within Precinct 4 can be appropriately managed without the introduction of mandatory built form controls.</p> <p><u>Residential interface</u></p> <p>19.6 Objects to the application of a 45-degree setback envelope for new developments that adjoin a laneway above the street wall. The introduction of a 45-degree envelope above the street wall where it adjoins a laneway has failed to have regard to the interfaces of the site with car parking structures generally sited adjacent the laneway to the north of the subject site.</p> <p>19.7 Submits that the 45-degree angle precludes innovates approaches to building design, will potentially stifle good architectures and will inevitably result in repetitive stepped form. Submit that greater flexibility should be afforded in terms of building massive given the physical characteristics of the subject site and its ability to deliver significant housing and commercial opportunities.</p>	<p>19.6 It is proposed to apply an upper-level setback angle at 45-degree envelope above a specified height. The 45 degrees rear building envelope requirement is necessary to ensure development achieves the preferred future character and principles outlined in the Swan Street Built From the framework, including:</p> <ul style="list-style-type: none"> – A prominent (heritage) street wall – Recessive upper levels – A human scale to development – Solar access to the street; and – A transition in setbacks and heights too low scale residential properties. <p>19.7 The requirement is discretionary, not mandatory. Development that does not comply with the requirement may be permitted if key design objectives and the preferred character are met. It is considered that this gives flexibility and potential design innovation for developers while at the same time providing clear direction on the form of development that is needed to achieve the preferred character.</p> <p>The modelling work confirms the importance of the 45-degree requirement in achieving visually recessive upper levels.</p> <p>Recommended position: No change to the amendment.</p>
20	Environment Protection Authority Victoria (Julia Noel)	Government Authority	<p>Submission Position: Supportive</p> <p><u>EAQ</u></p> <p>20.1 Submits that Council has general addressed matters raised previously by the EPA and are pleased to see</p>	<p><u>EAQ</u></p> <p>20.1 Noted.</p> <p>20.2 Noted.</p> <p>20.3 Noted.</p> <p>Recommended position: No change to the amendment.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>progress in this regard reflected in the final amendment.</p> <p>20.2 They note that the city of Yarra has provided greater justification for the application of the EAO through providing EPA with a table documenting the historical land uses and potential for contamination at each site.</p> <p>20.3 They also accept that Council has now been through a rigorous process to determine the EAO extent in accordance with the planning policy as outlined in Ministerial Direction 1 and the General Practice Note – Potentially Contaminated Land (DSE, 2005).</p>	
21	Kellehers Australia (Hubert Algie)	A trader at 497 Swan Street	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>21.1 Generally supports the attempt to increase and control mixed-use development around the Burnley Station Precinct, with facilitation of opportunities for office and commercial development that benefit the area and enhance economic activity consistent with amenity, retention of active recreational space and suitable traffic, car parking and pedestrian management.</p> <p><u>Height</u></p> <p>21.2 Supports the clear specification of height controls, particularly on both the north and south sides of Swan Street.</p> <p>21.3 Notes that maximum height controls play an important role in protecting amenity and managing development expectation.</p> <p>21.4 Notes that maximum height controls should be included on the southern side of Swan Street within Precinct 4 on Ryans' Reserve to encourage, protect and enhance its ongoing recreational use, amenity and appearance, particularly as the Reserve are being currently enhanced and upgraded by Council for local female netball teams.</p> <p><u>Activity Centre Boundary</u></p> <p>21.5 Submits that the exclusion of the Kellehers Australia Office, although still zoned Commercial 1, from the existing Activity Centre area has no apparent justification and lacks logic and is poor planning.</p> <p><u>Traffic</u></p>	<p><u>The overarching intent of Amendment C191</u></p> <p>21.1 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Height</u></p> <p>21.2 Noted.</p> <p>21.3 Noted.</p> <p>21.4 Ryan's Reserve is included within the public Park and Recreation Zone. The purpose of this zone is to provide for public recreation and open space. While Ryan's Reserve is included in the Activity Centre Boundary (as the parks and courts sit centrally within Precinct 4), the DDO is not proposed to apply to Ryan's Reserve given its zoning. It is noted that the DDO includes solar access requirements to Ryan's Reserve, which restricts heights in the immediate area. The recommendations require sunlight to the eastern edge of the playing courts from 10 am and the western boundary of the site until 2 pm.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Activity Centre Boundary</u></p> <p>21.5 Refer to response to submission 1 (1.1). Council officers note that the place at 497 Swan Street, Richmond (Kellehers Australia Office) is included in HO309 (Bendigo Street Heritage Precinct). The precinct is significant for its Edwardian residential houses examples, particularly in Swan Street, being both typical and highly decorated dwelling types. It is not proposed to include this residential area in the Activity Centre Boundary.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Traffic</u></p> <p>21.6 Refer to response to submission 13 (13.6).</p> <p>21.7 Refer to response to submission 8 (8.4).</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p> <p>21.8 The GJM Heritage Consultant report, the Swan Street Built Form Study Heritage Assessments & Analysis (October 2017). A key part of the Assessments and Analysis was to analyse the existing Statements of Significance for the heritage precincts and individually significant places within the Activity Centre Boundary to ensure that they remained current and useful. GJM did not consider the Heritage Significance of the Bendigo Street Heritage Precinct (HO309) as it is outside the Major Activity Centre Boundary.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>21.6 Submits that traffic impacts from increased density within this already congested area require particular attention and careful controls.</p> <p>21.7 Submits that consideration should be had to improve the train line crossings as well as freeway access arrangements and to ensure that both the traffic and car parking consequences of increased development are fully controlled.</p> <p><u>Heritage</u></p> <p>21.8 Submits that their site and adjoining terraces be removed from the Heritage Overlay HO309 Bendigo Street Precinct as these terraces are ungraded and contribute insignificantly to the Heritage Character of the area and, in this location, impede the strategic purpose of commercial intensification along Swan Street.</p>	<p>To clarify the place at 497 Swan Street forms part of a cohesive row (493-499 Swan Street) of Edwardian terraces that share a single roof from (constructed 1900-1915). They are all graded “contributory” (not ungraded as stated in the submission) to the significant to the heritage precinct.</p> <p>Recommended position: No change to the amendment.</p>
22	Terri Stynes	Landowners: 214-216 Swan Street, Cremorne	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>22.1 Broadly supports the overall vision for the area.</p> <p><u>Mandatory Controls</u></p> <p>22.2 Objects to the use of mandatory controls.</p> <p>22.3 The mandatory setback requirements for the site are too restrictive, particularly given lot sizes/widths in the area, and should be discretionary.</p> <p>22.4 Considers that the criteria under <i>PPN59: The Role of Mandatory Provisions in Planning Schemes</i> have not been met to justify mandatory controls.</p> <p>22.5 Submits that the introduction of mandatory controls has not had sufficient regard to lot sizes and widths in the surrounding area.</p> <p>22.6 Submits that, while the site is located in an area of identified heritage significance and is of heritage significance, the objectives of DDO17 relating to heritage can still be achieved through discretionary provisions.</p> <ul style="list-style-type: none"> Submits discretionary street wall heights will allow site-specific responses to adjoining heritage properties to ensure that an appropriate street wall height is struck. Submits discretionary upper-level setbacks will still require heritage considerations to ensure an appropriate design response for any new additions. 	<p><u>The overarching intent of Amendment C191</u></p> <p>22.1 Noted.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Mandatory Controls</u></p> <p>22.2 Noted.</p> <p>22.3 Refer to response to submission 15 (15.4).</p> <p>22.4 Refer to response to submission 15 (15.4).</p> <p>22.5 Council officers note that the key determinants for the heights along the Swan Street Activity Centre are lot depth, rear sensitive interfaces, heritage controls and providing adequate solar access to the southern footpath (as noted in the Swan Street Built Form Framework).</p> <p>22.6 The art nouveau commercial building at 214-216 (Former State Bank) Swan Street is listed on the Victorian Heritage Register (VHR).</p> <p>Precinct 2 also includes the following two properties listed in the VHR:</p> <ul style="list-style-type: none"> Dimmeys (H2184), 140-160 Swan Street <ul style="list-style-type: none"> <i>The site has already been recently redeveloped.</i> Former Richmond South Post Office (H0048), 90-92 Swan Street Cremorne <ul style="list-style-type: none"> <i>The small, triangular site adjacent to the railway overpass is highly constrained. As per its VHR citation, “the post office was planned to cleverly fit on a tight triangular site”.</i> <i>The place is unlikely to be redeveloped given its innovative pyramidal roof form (which incorporates a tower and three pavilions) is a key element of its significance.</i> <p>Places included in the VHR have been determined to be of State significance and, as such, have the highest level of protection.</p> <p>Heritage Victoria (not Council) manages the protection of these places under the Heritage Act 2017 (not the Planning and Environment Act). A permit applicant (who is typically the landowner) must provide Heritage Victoria with a Heritage Impact Statement.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p><u>Administrative / council costs</u></p> <p>22.7 States that mandatory blanket provisions are undesirable and will not reduce administrative costs that would significantly outweigh the benefits of a performance-based approach.</p> <p><u>Heritage</u></p> <p>22.8 States that, whilst there are obvious reasons for seeking to protect heritage sites, heritage-listed properties and precincts differ from one another and therefore require unique and case-by-case design responses to ensure appropriate outcomes are achieved.</p> <p><u>The form and drafting of DDO17</u></p> <p>22.9 States that the requirements to vary a preferred maximum height are significant and subjective. States that the drafting of the controls provides no certainty that discretion will be afforded where a proposal seeks to exceed the preferred built form requirements. Submits that the requirements for proposals seeking to exceed the preferred building heights, street wall heights and setback requirements should be limited to achieving the objectives of DDO17 only.</p> <p>22.10 Recommends that the preferred upper-level setbacks for the site be redrafted, as the requirement is unclear. States that the preferred setbacks for Precinct 2-B, which appear to relate to certain sightline distances, are unclear and need to be clarified.</p> <p>22.11 States that there is ambiguity as to whether the overshadowing controls are mandatory or discretionary.</p> <p><u>Amenity</u></p> <p>22.12 Notes that, given the location of the future park directly south of a row of buildings along Swan Street, it is inevitable that the development of these properties (in accordance with DDO17) will result in some overshadowing to this space. Submits that the overshadowing controls, combined with the proposed mandatory built form requirements, significantly constrains the development opportunities and would likely require significant front and rear setbacks to be provided.</p>	<p>GJM Heritage has reviewed the three VHR sites in Precinct 2, including the Former State Bank, and have recommended that they are identifiable in the DDO and that the heights are removed (for Heritage Victoria to determine), given they are subject to a separate process of review and that two sites are unlikely to be redeveloped. They recommend that the proposed interface requirements remain to be consistent with the broader Precinct. Officers agree and support this approach.</p> <p>Recommended position: Identify the VHR sites and remove heights in the DDO.</p> <p><u>Administrative / council costs</u></p> <p>22.7 The Amendment will have some impact on the general operation of Council's Statutory Planning Branch, as it will facilitate some new forms of development and land use. The application of planning controls in general, not just the application of the mandatory controls, would provide a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty to the community.</p> <p>Recommended position: No change to the amendment.</p> <p><u>Heritage</u></p> <p>22.8 Refer to response to submission 16 (16.4).</p> <p>Recommended position: No change to the amendment.</p> <p><u>The form and drafting of DDO17</u></p> <p>22.9 The DDO provides for preferred and maximum building heights, including requirements to be met when exceeding a preferred height. Criteria have been included in DDO to ensure a high standard of design outcome and community benefit including housing diversity, environmental sustainability and amenity.</p> <p>22.10 Refer to response to submission 16 (16.7).</p> <p>22.11 Refer to response to submission 10 (10.6).</p> <p>Recommended position: Refine the drafting of the DDO to:</p> <ul style="list-style-type: none"> Present the requirements as standards using 'should' or 'must', in particular, replace the word "must" with the word "should" where the design requirement is preferred (discretionary). <p><u>Amenity</u></p> <p>22.12 Development adjoining the potential open space (the current car park near East Richmond Station) will need to consider solar access to the future open space. Solar access requirements to the future park will restrict heights in the immediate area that is included in the DDO.</p> <p>In regards to the site at 214-216 Swan Street, Cremorne, refer to response to submission 22 (22.6) above.</p> <p>Recommended position: No change to the Amendment.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
23	proUrban (Time Ryder)	Consultant – 408-442 Swan Street, Richmond	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>23.1 Strongly supports the incorporation of discretionary built form controls, which will help facilitate the future growth of Swan Street Activity Centre.</p> <p><u>The form and drafting of DDO17</u></p> <p>23.2 Suggests rewording the vehicle access design requirement to be obviously “discretionary” (by replacing must with should).</p> <p>23.3 Notes that the DDO17 design requirement is unclear in relation to rear laneway access. They state that the ‘new laneway required’ on Plan 6 Access and Movement Plan – Precinct 3 is misleading given there are no related planning requirements proposed to enable the creation of the laneway. Recommends revising plan 6: Access and Movement Plan – Precinct 3 to either reflect the ‘visionary’ nature of the new rear laneway requirement or remove all reference to the laneway.</p> <p><u>Access way</u></p> <p>23.4 Supports the intent of the north-south access points on Plan 6 and the discretionary nature of north-south access points.</p> <p>23.5 Recommends that Plan 6 Access and Movement Plan – Precinct 3 should be updated to better reflect the discretionary nature of the north-south access points. Recommends that discretion be applied to the location of the laneway to ensure it does not unreasonably restrict the further design of the development.</p> <p>23.6 States that the preferred future character of Precinct 3 is misleading as it implies the laneways will be public land. As such, this should be clarified as to whether the north-south access points are envisioned as private or public access ways.</p> <p><u>Upper-level building breaks</u></p> <p>23.7 Supports intent of the upper-level setbacks</p> <p>23.8 Recommends that the design requirement of the upper-level breaks should be reworded to ‘should incorporate’ rather than ‘must incorporate’ to allow a level of discretion.</p> <p>23.9 Notes that there is no design requirement for upper-level breaks within a consolidated landholding. Submits that requiring a 9m upper level be provided</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>23.1 Noted.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>The form and drafting of DDO17</u></p> <p>23.2 To clarify the vehicle access design requirement is discretionary and should be amended by replacing the word “must” with “should” to remove ambiguity regarding this matter.</p> <p>23.3 The DDO17 design requirement enabling the creation of the laneway access to 408-442 was removed by the Department of Land, Water, and Planning prior to the exhibition (as a condition of authorisation). The stated:</p> <ul style="list-style-type: none"> – <i>Remove the requirement for a new laneway in Precinct 3. A Design and Development Overlay is not the appropriate mechanism to acquire land. While it may remain in the DDO17 as visionary, the Council should explore other mechanisms to achieve the desired outcome.</i> <p>DDO17 was amended prior to exhibition to include the “new laneway” as a “visionary” element on the Access and Movement Plan only. Its practicality can be assessed through the permit application process.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Access way</u></p> <p>23.4 Noted.</p> <p>23.5 Refer to response to submission 12 (12.10-12.13).</p> <p>23.6 Noted – However, the City of Yarra is part of the first group of councils to participate in the Local Planning Policy Framework Translation Project, which will translate the Yarra Planning Scheme into the new Planning Policy Framework. Following the outcome of this project, Council will review the Local Area Policy to align with the new format. No changes will be made to the Local Area Policy at this stage in the Amendment Process.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Upper-level building breaks</u></p> <p>23.7 Noted.</p> <p>23.8 Refer to response to submission 10 (10.6). The proposed side setbacks are appropriately discretionary to provide sufficient flexibility to effectively deal with different development proposals.</p> <p>23.9 Council is not proposing to include upper level building breaks within a consolidated landholding for precincts 3 and 4, given there are specific locations designated for upper level building breaks. It is however proposed for Precinct 2 where no specific locations are shown.</p> <p>23.10 Following further modelling and testing of different built form outcomes and of approved planning applications, it is recommended that the upper level building breaks should, where there are no proposed north-south vehicle access points, be shifted to the boundary of the affected landholding.</p> <p>Recommended position: Refine the drafting of the DDO to:</p> <ul style="list-style-type: none"> – Replace the word “must” with the word “should” where the design requirement is preferred (discretionary). – Amend mapping to shift the location of the upper-level building break to align with the title boundary. – Include the following design requirement “development above 21 metres should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Swan Street and from residential properties adjacent to the development” for Precinct 2 only. <p><u>Rezoning</u></p> <p>23.11 Noted</p> <p>23.12 noted</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>by a single landowner is unreasonable and a burden to the landowner.</p> <p>23.10 Submits that the upper-level breaks should be shifted to the boundary of the landholding or alternatively, the requirement be reworded to allow greater flexibility in the design response.</p> <p><u>Rezoning</u></p> <p>23.11 Strongly supports the proposed rezoning from Commercial 2 Zone to Commercial 1 Zone.</p> <p>23.12 Submits that the rezoning will allow for mixed-use development, which is appropriate given the location and context of the site.</p> <p>23.13 Submits that the site is well located to accommodate future population growth.</p> <p><u>Environmentally Audit Overlay</u></p> <p>23.14 Notes that a contaminated land specialist is undertaking an assessment and the right to challenge the application of the EAO is reserved.</p>	<p>23.13 Noted</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Environmentally Audit Overlay</u></p> <p>23.14 The City of Yarra considers that it is important that the application of the Environmental Audit Overlay (EAO) be undertaken in accordance with relevant policy, including The Department of Sustainability and Environment (DSE) General Practice Note – Potentially Contaminated Land (PPN 30). As such, the Council has undertaken an assessment (inline PPN30) to determine the risk of contamination on a site-by-site basis and applied the EAO is based on:</p> <ul style="list-style-type: none"> – Site inspections to determine current land uses and activities; – Whether the EAO already applies to some or all of the site; – Current Zoning of a site; – City of Richmond rate register: Years 1920-21, 1945-46, 1960-61, 1971-72; – Sands & McDougall's directory of Victoria - Melbourne & suburban profession & trade directory: Years 1900, 1905, 1910, 1920, 1930, 1940, 1950, 1955, 1960 and 1970; – Review of the EPA Priority Site Register; and – A site's proximity to land uses and activities with high potential for contamination. <p>Recommended position: No change to the Amendment.</p>
24	proUrban (Time Ryder)	Consultant – 274-282 Swan Street, Richmond	<p>Submission Position: Supportive with changes</p> <p><u>Dictionary controls</u></p> <p>24.1 Strongly supports the incorporation of discretionary built form controls, which will help facilitate the future growth of the Swan Street Activity Centre.</p> <p><u>Vehicle Access</u></p> <p>24.2 Objects to the restriction on access from Swan Street as the site currently has three large crossovers to Swan Street. States that a high volume of traffic currently accesses the site from these crossovers at all times of the day/night with limited conflicts.</p> <p>Suggest rewording of the control to 'access not preferred' consistent with the Precinct 3 controls further to the east to ensure flexibility of future development design and use.</p>	<p><u>Discretionary controls</u></p> <p>24.1 Noted</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Vehicle Access</u></p> <p>24.2 The Amendment provides for access and movement requirements for proposed future developments only via the planning permit process. The concerns are noted however, changing existing traffic conditions are outside the scope of this amendment. The parking arrangements for new developments would be determined during the planning permit stage.</p> <p>Council officers note however that the control "access not preferred" is a discretionary (not mandatory) requirement, which means that vehicle access to a site must be considered on its merits. It enables flexible design approaches to be undertaken.</p> <p>Recommended position: No change to the Amendment.</p>
25	Yoland Wadsworth	Resident - 21 Brighton Street	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>25.1 Strongly supports the general principles and purposes of the planning controls, which is to address projected population growth while simultaneously protecting valuable and irreplaceable heritage buildings and streetscapes.</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>25.1 Noted</p> <p>25.2 Noted.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Swan Street Structure Plan 2015</u></p> <p>25.3 Noted</p> <p>25.4 Noted.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>25.2 Supports the continuation of the interim provisions beyond the date of expiry (December 2019). <u>Swan Street Structure Plan 2015</u></p> <p>25.3 Submits that the application of controls is warranted given the several important years that have elapsed between the 2014 Swan Street Structure Plan and now.</p> <p>25.4 Appreciates the level of thought and detailed consideration by Officers preparing the proposal regarding the variable conditions that should apply in the various sections and sub-sections of the areas under consideration.</p> <p><u>Height/setbacks</u></p> <p>25.5 Submits that there is a small pocket of land on the south side of Swan Street, between Church Street and Coppin Street (on the peak of a small hill) that should have a mandatory height of 6 storeys (21m) rather than a preferred height of 6 storeys (21m), that could be exceeded. Submits that, given the small hill, there is potential for towers to loom over both the heritage streetscape of Swan and Church Streets and particularly over the largely 1-2 storey residential and heritage precincts nearby and to the south, thus failing to provide for appropriate transitions to these adjoining low-rise residential areas.</p> <p>Submits that a 24m (approximately 6 storeys) height should not be allowed in the section that abuts Church Street.</p> <p><u>Heritage</u></p> <p>25.6 Supports the increased heritage protection (application of HO) for 30-42, 273A, 323-325, and 223-239 Swan Street as these are valuable buildings.</p> <p>25.7 Supports the new individual significant place status of 57 Swan Street.</p> <p>25.8 Notes that, given the very high new buildings being allowed (between 5 and 12 storeys), the setback provisions that attempt to preserve the historic streetscape, and heritage buildings are inadequate. Submits that the shallow setbacks and looming effect of the buildings proposed behind the richest stretch of Precinct 2 Swan Street could result in heritage buildings being demolished.</p>	<p>Recommended position: No change to the Amendment.</p> <p><u>Height/setbacks</u></p> <p>25.5 Precinct 3 is located east of the apex of the hill on Swan Street. The streets and laneways, just south of Swan Street, between Church Street and Coppin Street (on the peak of a small hill) have a preferred height of between 6 storeys (21m) and 8 storeys (27m). Following additional modelling and testing, it is considered that these height are suitable, given the rail corridor separates the sites from adjacent resident areas.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Heritage</u></p> <p>25.6 Noted.</p> <p>25.7 Noted. To clarify, the property at 57 Swan Street (the Corner Hotel) is already included in the Heritage Overlay and a threshold of significance of “individually significant” has been applied to the place. Amendment C191 proposes to remove it as an individually significant place from the Richmond Hill Precinct (HO332) and include it as an individually significant place within the Swan Street Precinct (HO335).</p> <p>25.8 Refer to response to submission 13 (13.6)</p> <p>25.9 Noted.</p> <p>25.10 The single-storey Victorian cottage at 67 Docker Street, Richmond, is currently graded ‘contributory’ in the context of HO332 - Richmond Hill Precinct in Appendix 8. It forms a near-identical pair of terraced houses with 65 Docker Street which is currently graded ‘not contributory’ in Appendix 8. Both cottages have been significantly altered in a similar manner with infilled front verandahs, porch walls and rear two-storey hipped roof additions. GJM was engaged to consider the submission. In summary, they found that there had been no new evidence presented which changed their views about the grading:</p> <ul style="list-style-type: none"> – <i>It remains our view that both 65 and 67 Docker Street, being a near-identical, but much altered, pair of terraced houses should be graded the same within Appendix 8.</i> <p><i>The contribution that either make to HO332 Richmond Hill Precinct is considered relatively marginal and on balance, it is recommended that both buildings be graded ‘not-contributory’. We also note that if a planning permit was issued for the demolition of either or both of these buildings a condition could be applied by Council requiring that an archival photographic record be made of the extant fabric.</i></p> <p><i>The pair of terraced houses at 65 and 67 Docker Street were single-storey cottages with simple parapets to the front. Both have undergone near-identical alterations, which are assumed to have been undertaken by the same owner (or series of owners). These include:</i></p> <ul style="list-style-type: none"> ○ <i>The construction of a low rendered wall (probably dating from the Inter-War period or at the latest the very early Post-War period)</i> ○ <i>The filling-in of the verandah (and front gardens) in a weatherboard clad element built on the rendered wall (probably dating from the early Post-War period).</i> ○ <i>Second storey additions set back approx. 8m from the front boundary, which was probably erected in the 1990s</i> <p><i>Recladding of roofs at the time of the construction of the rear additions</i></p> <p><i>While it is acknowledged that the various elements of 65 and 67 Docker Street are reflected in the Statement of Significance for the South Sub-Area of HO332 - Richmond Hill Precinct, together they do not reflect a ‘well preserved’ example of Victorian, Edwardian or Inter-War period buildings.</i></p> <p><i>The alterations made to both houses have dramatically altered the visual appearance of both 65 and 67 Docker Street and it is our view their presentation to the streetscape does not demonstrate the contributory aspects of the precinct as defined in the Statement of Significance.</i></p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>Submits that the controls should be revisited and strengthened to avoid Swan Street becoming known for façadism.</p> <p>Recommends that preserving the first room or roofline and 10 metres (rather than only 6m) is a more effective standard.</p> <p>25.9 Supports the protection of views to the Dimmeys Clock tower.</p> <p>25.10 Asks Council to reconsider the regrading of 67 Docker Street, given its being part of the historic Docker subdivision or at the very least, the place is subject to the photographic essay if it cannot be saved.</p> <p><u>Rezoning</u></p> <p>25.11 Objects to the rezoning from Commercial 2 Zone to Commercial 1 Zone where there are tightly packed small lanes servicing retail/commercial needs, as new residents would only increase pressure on these lanes.</p> <p><u>Environmental Audit Overlay</u></p> <p>25.12 Supports the Environmental Audit Overlay being applied anywhere there is potentially contaminated the soil.</p> <p><u>Overshadowing controls</u></p> <p>25.13 Supports prevention of overshadowing of footpaths and public spaces.</p> <p><u>Public Transport</u></p> <p>25.14 Supports preventing adverse impact on the efficient operation of public transport.</p>	<p><i>On balance, it remains our view that neither 65 nor 67 Docker Street contributes to HO332 to the degree that warrants re-grading 65 Docker Street to 'contributory' when considered against the definition of this term provided within Clause 22.02 of the Yarra Planning Scheme. We, therefore, do not believe that the Heritage Assessments and Analysis report should be amended. It is, however, more important for consistency that the same grading is applied to both 65 and 67 Docker Street given their near-identical nature.</i></p> <p>Recommended position: No change to the Amendment.</p> <p><u>Rezoning</u></p> <p>25.11 Refer to response to submission 14 (14.2-14.4).</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Environmental Audit Overlay</u></p> <p>25.12 Noted.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Overshadowing controls</u></p> <p>25.13 Noted.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Public Transport</u></p> <p>25.14 Noted.</p> <p>Recommended position: No change to the Amendment.</p>
26	Riverlee (David Lee)	Landowner - 389-391 Swan Street	<p>Submission Position: Objection</p> <p><u>Cost burden to owners</u></p> <p>26.1 States that the proposed controls as exhibited will suppress ongoing investment and unreasonably constrain future development.</p> <p><u>Mandatory Control</u></p> <p>26.2 Objects to the application of mandatory building height and setback controls on the land. Notes flexible planning controls have assisted to facilitate the economic rejuvenation of the Activity Centre.</p> <p>26.3 The precinct represents a significant urban renewal opportunity centred around an existing railway station. Amendment C191 undervalues the</p>	<p><u>Cost burden to owners</u></p> <p>26.1 Council submits that the application of the DDO is but one of many components of regulating land use and development via the Planning Scheme, which is a long-established and accepted practice in Victoria. The DDO does not discourage development, additions, extensions or contemporary architecture nor does it relate to land use. It is officers' position that the introduction of the DDO will ensure that future development will be required to consider the existing and preferred neighbourhood character of the streetscape and respond to the key characteristics of the area, which are encouraged to be retained.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Mandatory Control</u></p> <p>26.2 Refer to response to submission 15 (15.4 and 15.6).</p> <p>The site at 389-391 Swan Street is located on the northern side of Swan Street in Precinct 4. The DDO proposes a mandatory height requirement of 27m (8 Storeys) to be applied to the site. The proposed mandatory controls allow for intensification within the activity centre whilst managing amenity impacts at the residential interface</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>opportunity presented by the subject site and the broader Burnley Station Precinct.</p> <p><u>Setbacks and overshadowing controls</u></p> <p>26.4 Questions the validity of the sightline requirements for upper building levels and the proposed desire to avoid shadowing the southern footpath within the Burnley Station Precinct. Notes that these requirements are not appropriate for the Burnley Station Precinct.</p>	<p>and providing for a scale that is compatible with the adjoining one and two storeys residential context. Development that exceeds these heights will start to overwhelm the low scale.</p> <p>It is noted that the front and rear setback requirements for the site are not mandatory and where there are particular constraints the permit process can assess the impacts of a proposal that departs from the nominated requirement against the objectives and decision guidelines.</p> <p>26.3 The Swan Street Framework recognises that the Burnley Street Precinct acts as a secondary activity hub within the Swan Street Activity Centre focused around the railway station and shops located along Burnley Street. It notes that the recently approved proposal for a mixed-use development on the south-east corner of Swan Street and Burnley Street provide for major retail uses and development of up to 12 storeys, reinforcing the importance of the Burnley precinct as an activity hub. The opportunities of the Precinct are its deep and wide lots on the south side of Swan Street and interface with the railway line with minimal amenity impacts and a general absence of heritage properties will enable a higher scale street edge on the south side of Swan Street. The DDO reflects the development opportunities present in Precinct 4.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Setbacks and overshadowing controls</u></p> <p>26.4 In regards to the sightline test, refer to response to submission 16 (16.7).</p> <p>Ensuring development avoids overshadowing of the southern footpath is a key urban design principle contained in the Swan Street Structure Plan and Framework, which underpins the controls in the DDO. Changes to this principle are not supported by officers' as it would undermine the intent of the DDO.</p> <p>Recommended position: No change to the Amendment.</p>
27	Dr Judith Smart	Resident – 5 James Street Richmond	<p>Submission Position: Objection</p> <p><u>Heritage</u></p> <p>27.1 Submits that the Amendment will result in the destruction of the heritage character of the centre.</p> <p>27.2 States that heritage fabric in activity centres needs to be afforded the same level of protection as residential areas.</p> <p>27.3 Key heritage precincts should be declared minimum change areas while new development would be encouraged to locate in the larger non-heritage areas.</p> <p>27.4 Submits that the design requirements in DDO17 promote facadism, a practice long discredited as an approach to heritage conservation and specifically discouraged by the heritage guidelines in the Yarra Planning Scheme.</p> <p>27.5 Notes that precinct 2, the historic core, should be protected as urban intensification can be accommodated elsewhere along Swan Street (Precincts 3 and 4).</p> <p>27.6 Compliments Council for undertaking the detailed lot-by-lot examination that is required to be able to identify and protect the heritage fabric and identify</p>	<p><u>Heritage</u></p> <p>27.1– 27.15 Refer to response to submission 16 (16.1-16.4).</p> <p>Recommended position: No change to the Amendment.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>areas that can accommodate development that is more intensive.</p> <p>27.7 Notes that the amount of detail in the data supporting Amendment C191 gathered for this project is exemplary.</p> <p><u>Heights/upper-level setbacks</u></p> <p>27.8 Submits that the 1/3 to 2/3 approach to upper setbacks of heritage places is arbitrary.</p> <p>27.9 States that it is inappropriate for taller development to be set back from the facade only five metres.</p> <p>27.10 Submits that, for contributory places, the principal roof or at least 10 metres from the frontage (whichever is the greater) should be retained.</p> <p>27.11 Submits that individually significant places should be retained in their entirety and not assigned building heights that exceed the existing built form.</p> <p><u>State Policy direction</u></p> <p>27.12 Notes that they understand that the Yarra Council has been under pressure from the responsible State department to maximise development in Activity Centres.</p> <p>27.13 Submits that the Amendment is part of a story of inappropriate controls orchestrated from the centre by State bureaucrats whose blinkered vision will result in the effective destruction of all our historic strip centres in the interests of developers.</p> <p>27.14 Submits that these amendments create precedents that threaten the proper administration of the Heritage Overlay across the State.</p> <p><u>Precincts</u></p> <p>27.15 Submits conserving the significant fabric of the historic core (Precinct 2) would have only a minor impact on the development yield of the centre as a whole, given the significant potential within precincts 1, 3, and 4.</p>	
28	Norton Rose Fulbright (Jessica Kaczmarek)	Special Council - Building 3, 658 Church Street, Cremorne	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>28.1 Supports strategic planning initiatives.</p> <p>28.2 Agrees with the vision under the proposed Swan Street Activity Centre Local Area Policy, that well-designed residential and commercial development should be balanced with the preservation of the</p>	<p><u>The overarching intent of Amendment C191</u></p> <p>28.1 Noted.</p> <p>28.2 Noted.</p> <p>28.3 Cremorne (including Church Street) has been recently identified as an Enterprise Precinct by the State Government and is currently subject to a separate piece of strategic work. The Cremorne Enterprise Precinct Place Implementation Plan (CPIP) is a joint initiative between the Victorian Planning Authority (VPA) and the City of Yarra, in partnership with the Department of Jobs Precincts and Department of Environment Land Water and Planning.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>heritage streetscape while maintaining acceptable levels of amenity.</p> <p>28.3 Submits that the Amendment C191 has the potential to cement Cremorne's role as a key location for creative production, employment, and innovation in Melbourne.</p> <p><u>Cremorne</u></p> <p>28.4 Notes that their client has prepared, at their expense, a strategic vision for Cremorne as part of its 'Cremorne Remix – Strategic Vision' project.</p> <p>28.5 Notes that the Cremorne Remix – Strategic Vision document highlights the challenge of "ensuring development adds to the precincts' economic functioning and 'buzz', maintaining it as a creative place to work for many years to come" and also a number of transport improvements, public amenity upgrades and creative uses of government landholdings.</p> <p>28.6 States that Richmond Station and the Swan Street Activity Centre form the key northern gateway to Cremorne and has the potential to cement its role as a key location for creative production, employment, and innovation in Melbourne.</p> <p><u>Local Area Policy</u></p> <p>28.7 Submits that Clause 21.12 presents an opportunity for strategic recognition of innovative transport and public realm improvements, which may be facilitated by the future development of the Swan Street precinct.</p> <p>28.8 Recommends that following opportunity which could be recognised in proposed clause 21.12:</p> <ul style="list-style-type: none"> – The improvement of the cycle and pedestrian connections between Richmond and South Yarra stations and the inclusion of the Green Street bicycle route on the Swan Street Framework Plan; – The inclusion of precinct parking silos on the Swan Street Framework Plan; and – Opportunities for public realm improvements including the introduction of green spaces and new parks and plazas to major redevelopment sites. 	<p>One of the aims of the CPIP is to cement Cremorne's role as a key location for creative production, employment, and innovation in Melbourne.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Cremorne</u></p> <p>28.4 Noted.</p> <p>28.5 Noted.</p> <p>28.6 The Swan Street Built Form framework states that a key development outcome for Precinct 1 is to create a stronger presence of built form on corners at the entry to the activity centre and Cremorne. The DDO should be amended to better reflect this outcome.</p> <p>Recommended position: Amend section 1.0 (design objective) to ensure they are precinct specific and translated from the Swan Street Built Form Framework.</p> <p><u>Local Area Policy</u></p> <p>28.7 Amendment C191 seeks to introduce planning controls and policy only to guide built form and land-use outcomes. Specific transport and public realm improvements are outside the scope of this Amendment. Initiatives within Cremorne can be addressed as part of the CPIP project.</p> <p>28.8 Noted – However, the City of Yarra is part of the first group of councils to participate in the Local Planning Policy Framework Translation Project, which will translate the Yarra Planning Scheme into the new Planning Policy Framework. Following the outcome of this project, Council will need to review the Local Area Policy to align with the new format. No changes will be recommended to the Local Area Policy at this stage in the Amendment Process.</p> <p>Recommended position: No change to the Amendment.</p>
29	Heritage National Trust of Australia	Advocacy organisation	<p>Submission Position: Objection</p> <p><u>Heritage</u></p>	<p><u>Heritage</u></p> <p>29.1– 29.12 Refer to response to submission 16 (16.1-16.4).</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
	(Victoria) (Caitlin Mitropoulos)		<p>29.1 States that the City of Yarra should either abandon or significantly revise DDO17.</p> <p>29.2 Strongly objects to the proposed DDO17 on the basis that it encourages the demolition of significant fabric, by requiring retention of the façade only.</p> <p>29.3 The proposed built form controls undermine the proper control of demolition and new development under the Heritage Overlay.</p> <p>29.4 Summits that DDO17 fails in the conservation of historic fabric and the maintenance of the heritage place as the development potential it offers will inevitably result in the demolition of all heritage fabric except the façade.</p> <p>29.5 Submits that there is insufficient upper-level setback between Royal Place and Church street to maintain views to the Dimmeys Tower</p> <p>29.6 Submits that DO17 fails to preserve the scale and pattern of the streetscapes in heritage places as the streetscape will become simply a collection of facades.</p> <p>29.7 Submits that DO17 discourages the preservation, maintenance, and restoration of heritage places by encouraging the demolition of most of the heritage fabric in the precinct.</p> <p>29.8 Submits that the extent of demolition that DDO17 encourages is contrary to Clause 22.02-5.1, which generally encourages the retention of a building in a heritage place unless the building is non-contributory.</p> <p>29.9 Submits that the Heritage Overlay should be administered fairly across the municipality and that there should not be one rule for the owner of a contributory dwelling and another for the owner of a contributory shop.</p> <p>29.10 Submits that the gazettal of this amendment will set a benchmark for other significant historic strip centres across the municipality, and potentially across the state, so it is essential that a robust planning outcome is set out in the first instance.</p> <p><u>Height/setback</u></p> <p>29.11 Submits that encouraging a higher built form of 5-6 storeys to be set back only 5m from the frontage will result in a new development that would visually overwhelm what remains of the heritage entity and</p>	<p>29.5 The Dimmeys viewing corridor is a key determinant for building heights and setbacks on the south side of Swan Street (in Precinct 2) between the railway line and Royal Place. In this area, the DDO includes a mandatory upper-level setback requirement of 10m from Swan Street (up to 21m high or approximately 6 storeys). If a building is taller than 21m, than it must be setback 20m from Swan Street (similar to the setback of the Dimmeys apartment tower). Visual testing of these building heights and setbacks indicates that the Dimmeys Ball Tower will retain its prominence and will have sufficient space to ensure it is visible in the round.</p> <p>Recommended position: No change to the Amendment.</p>

SUB NO	NAME OF SUBMITTER	INTEREST	SUMMARY OF SUBMISSION	RESPONSE
			<p>impose a street form and mass that is totally alien to these facades original context.</p> <p>29.12 Submits that the proposed DDO provides maximum visibility of new additions by allowing for 5-6 storeys of development set back only 5m from the frontage.</p>	
30	John Carayiannis (Montgomery Pty Ltd)	Landowner - 291 Swan Street, Richmond (Central Club Hotel)	<p>Submission Position: Supportive with changes</p> <p><u>The overarching intent of Amendment C191</u></p> <p>30.1 Generally supports the broad ambitions for the site and precinct including the proposed rezoning of the land.</p> <p><u>Current planning application</u></p> <p>30.2 Notes that application proposes partial demolition and construction of a multi-storey building for use as a Residential Hotel (serviced apartments), Food and Drinks Premises and Retail Premises, and a reduction in car parking requirements.</p> <p><u>Mandatory Controls</u></p> <p>30.3 Objects to the introduction of mandatory built form controls of any kind.</p> <p>Submits that any future built form controls for the subject site should provide flexibility to ensure that optimum development outcomes can be achieved, consistent with the purpose of zone provisions, strategic objectives for the activity centre and PPN59: The Role of Mandatory Provisions in Planning Schemes.</p> <p>Submits that the proposed mandatory controls for Precinct 3 – Swan Street East are too rigid in their approach to building massing, are overly prescriptive, and will prevent innovative and site-responsive design.</p> <p>Submits that there are no circumstances along the Swan Street Activity Centre that warrant the use of mandatory controls.</p> <p>Submits that innovation and contemporary design should be encouraged in urban renewal areas.</p> <p><u>The form and drafting of DDO17</u></p> <p>30.4 Submits that the drafting and operation of DDO17 are misleading and unnecessarily complex.</p>	<p><u>The overarching intent</u> of Amendment C191</p> <p>30.1 Noted</p> <p>Recommended position: No change to the Amendment.</p> <p><u>Current planning application</u></p> <p>30.2 Noted. The place at 291 Swan Street is currently individually significant (HO285). Its historical citation notes:</p> <ul style="list-style-type: none"> <i>The hotel is a good example of the late 19th century Italianate Boom style, notable for its lively asymmetrical facade composition and florid Victorian Mannerist cement rendered decoration. The three-storey building is a significant local landmark in Swan Street. Its association with the locally prominent Crimean family and their involvement in Catholic politics is of local historical interest.</i> <p><u>Mandatory Controls</u></p> <p>30.3 Refer to response to submission 15 (15.4 and 15.6)</p> <p>It is noted that the site at 291 Swan Street is proposed to be rezoned from C1Z to C2Z, which will facilitate and provide for a greater diversity of land uses and redevelopment potential for the site.</p> <p>Recommended position: No change to the Amendment.</p> <p><u>The form and drafting of DDO17</u></p> <p>30.4 Refer to response to submission 10 (10.6).</p> <p>Recommended position: No change to the Amendment.</p>