

# Yarra Planning Scheme Amendment C191yara

Changes recommended by the Panel to the exhibited Amendment and Council's final preferred versions of DDO25, DDO26, DDO27 and DDO28 and the officer response.

This table is based on the exhibited Amendment and Council's final preferred versions of DDO25, DDO26, DDO27 and DDO28, which were requested by the Panel (as part of Council's Part C submissions to Panel). Council officers provided the final preferred versions of DDO25, DDO26, DDO27 and DDO28 to the Panel on 20 August 2020. They include some revisions to the DDOs endorsed by Council at its meeting on 10 September 2019 in response to the evidence of Council's expert witnesses. It is these versions that the Panel used to base its recommendations.

This table should be read in conjunction with the Panel Report and Attachments 5, 6, 7, 8 and 9.

ROW NO.	CHANGE RECOMMENDED BY THE PANEL	OFFICER RESPONSE TO PANEL RECOMMENDATION AND REASONS FOR RESPONSE
1.	<p><i>Amend the Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage) to:</i></p> <p>a) <i>add 377 and 380 Burnley Street as individually significant properties forming part of the Burnley Street Precinct in the 'Individually significant places within precincts' section of Appendix A</i></p> <p>b) <i>replace 413-15 Burnley Street with 413-415 Swan Street under 'What is significant?'.</i></p>	<p><b><u>Recommended changes accepted by officers</u></b></p> <p>The existing Statement of Significances for heritage places 377 and 380 Burnley Street were mistakenly omitted from <i>Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage)</i>. The properties at 377 and 380 Burnley Street have been previously identified as individually significant, have their own statements of significance, and are referred to in the Burnley Street Precinct statement of significance. Acknowledging them in the 'Individually significant places within precincts' section of <i>Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage)</i> would accurately reflect this.</p> <p>Furthermore, the shops and residences at 413-415 Swan Street are correctly referenced in the 'Individually significant places within precincts' section but incorrectly referenced as Burnley Street in the Burnley Street Precinct statement of significance. This error should be corrected.</p>
2.	<p><i>Amend the Heritage Overlay Planning Scheme Map to remove the part of 57-61 Swan Street comprising the car park abutting the Corner Hotel building.</i></p>	<p><b><u>Recommended change accepted by officers</u></b></p> <p>The future built form on the car park is unlikely to negatively affect the heritage fabric in the Richmond Hill and Swan Street heritage precincts.</p> <p>The car park abuts a robust and transforming industrial area. It is 30 metres from the finer grain heritage form along Swan Street. The car park abutting the Corner Hotel's northern boundary is on a separate property title and does not contain any heritage fabric.</p> <p>The Corner Hotel building's blank rear walls along the car park boundary and recesses to enable windows to demonstrate that this land did not form part of the original place.</p>
3.	<p><i>Amend the HO335 statement of significance to delete the Corner Hotel from 'Individually significant places within precincts'.</i></p>	<p><b><u>Recommended change accepted by officers</u></b></p> <p>The Planning Policy Framework in Victoria seeks to conserve and enhance only those places which have local heritage significance. An issue raised by a submitter and considered by the Panel was whether the Corner Hotel (circa 1955) is intact enough and of</p>

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		<p>sufficient historical and social significance to meet the threshold of local heritage significance.</p> <p>A considerable amount of evidence regarding the Corner Hotel was presented to the Panel. Through rigorous interrogation of this information, it was determined that the 1955 building has been significantly altered through changes in the 1990s and 2016. The current building is no longer sufficiently intact to represent its original form or altered 1980s form. Based on this information, the Panel considered that the Corner Hotel does not achieve heritage criteria A (historical) and G (social significance) to justify it as an individually significant place.</p> <p>Officers support this recommendation. Given the Corner Hotel has been found to be significantly altered and to not have identified historical and social significance to meet the threshold of local heritage significance, it should not be graded as an individually significant place. This is in accordance with <i>Planning Practice Note 01: Applying the Heritage Overlay</i> which guides planning professionals on the correct application and use of the Heritage Overlay.</p>
4.	<p><i>Amend the City of Yarra Database of Heritage Significant Areas (January 2019) to recategorise 57-61 Swan Street from individually significant to non-contributory.</i></p>	<p><b><u>Recommended change accepted by officers</u></b></p> <p>The Panel found that it was still appropriate and justified include the Corner Hotel building in Heritage Overlay (HO335 - Swan Street Precinct, Richmond), albeit as a place that does not contribute to the broader precinct.</p> <p>The Panel recommended the Corner Hotel be graded 'not contributory' as it is a heavily altered post-war 1955 building and does not contribute to Swan Street's Victorian or Edwardian era or architectural expression, sought to be captured by the updated HO335 statement of significance.</p> <p>Officers support the recommendation as the Corner Hotel does not meet the threshold for local heritage significance. While the building itself does not contribute to the Precinct it is still important that it is included in HO355 as it is surrounded by highly intact Victorian and Edwardian era buildings and opposite the former Richmond South Post Office, which is on the Victorian Heritage Register. By including the Corner Hotel in the HO335, development to the Corner Hotel will have to have regard to its impact on the surrounding heritage landscape of Swan Street. A permit will still be required to demolish, subdivide and alter the Corner Hotel under the Heritage Overlay.</p>
5.	<p><i>Amend Clause 21.11 to delete the reference to 'Swan Street Activity Centre Built Form Framework (Tract, September 2017)', if the Framework's contents are not reconciled with the provisions proposed to be introduced through Yarra Planning Scheme Amendment C191.</i></p>	<p><b><u>Recommended change accepted by officers</u></b></p> <p>Officers support amending Clause 21.11 to delete the reference to <i>Swan Street Activity Centre Built Form Framework</i> (Tract, September 2017) for the following reasons:</p> <ul style="list-style-type: none"> <li>• The most important elements from the Swan Street Framework have been translated across into the Amendment;</li> <li>• The Swan Street Framework can still be made available through Council's webpage even though it is not referenced in the Planning Scheme; and</li> </ul>

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		<ul style="list-style-type: none"> <li>The Swan Street Framework in its current 2017 form no longer accurately reflects the proposed provisions sought to be introduced through the considerably refined version of the Amendment. The DDOs for adoption have departed from the exhibited version of DDO17 (for the reasons set out above) which reflected amore faithful translation of the Swan Street Framework.</li> </ul>
6.	<p><i>Amend Figure 1 (Swan Street Framework Plan) in Clause 21.12, as shown in Appendix D5, to:</i></p> <p>a) <i>redesignate the car park land to 'potential future public park' and 'Mixed activity'</i></p> <p>b) <i>redesignate land north of Precincts 1 and 2 and land east of Precinct 4 as 'Land subject to future strategic work'.</i></p>	<p><b><u>Recommended changes accepted by officers</u></b></p> <p>Officers support the Framework Plan being adjusted to depict the laneway condition at the rear of properties on the south side of Swan Street so that it matches the 'new laneway required' in Plan 2 in DDO27. Officers also support the Framework Plan being adjusted to provide a new colour and designation for the land presently shaded blue but outside the boundary of the precincts. The land to the north of Precinct 1 and the east of Precinct 4 should be identified as 'land subject to future strategic work'.</p> <p>For the two car parks which are not earmarked for a future park, Officers agree that the yellow shading in the Framework should be replaced with blue to designate a future mixed activity role. Although it is presently in public ownership of VicTrack or Council, the land is to be retained in the DDO to guide its future development.</p>
7.	<p><i>Rezone 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone.</i></p>	<p><b><u>Recommended change accepted by officers</u></b></p> <p>Officers support this recommendation because the Commercial 1 Zone is the most appropriate zone for 371 and 375-377 Punt Road and 2-16 Swan Street, given:</p> <ul style="list-style-type: none"> <li>As exhibited, Amendment C191yara proposes to apply preferred maximum building heights of 27m to the sites which exceeds the maximum height allowed under the current General Residential Zone. The panel supported the application of 28m to the sites in DDO25;</li> <li>The land is included within the boundary of a major activity centre (Swan Street);</li> <li>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;</li> <li>The streets running along the rear of the land's southern and eastern boundaries, which provide a buffer to the sensitive residential interfaces to the south;</li> <li>the land is unencumbered by heritage controls and provides redevelopment opportunities at 2-16 and 14 Swan Street (VicRoads information centre and car park); and</li> <li>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.</li> </ul>

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		Furthermore rezoning all of Precinct 1 to the Commercial 1 Zone will remove several prominent mapping anomalies (dual zoned sites).
8.	<p><i>Replace Design and Development Overlay Schedule 17 with:</i></p> <p>c) <i>a new Design and Development Overlay Schedule 25, which includes planning provisions relevant to Precinct 1 (Richmond Station)</i></p> <p>d) <i>a new Design and Development Overlay Schedule 26 which includes planning provisions relevant to Precinct 2 (Swan Street Retail Centre)</i></p> <p>e) <i>a new Design and Development Overlay Schedule 27 which includes planning provisions relevant to Precinct 3 (Swan Street East)</i></p> <p>f) <i>a new Design and Development Overlay Schedule 28 which includes planning provisions relevant to Precinct 4 (Burnley Station).</i></p>	<p><b><u>Recommended changes accepted by officers</u></b></p> <p>Several submissions received during the exhibition of Amendment C191 were highly critical of the form and drafting of DDO17 on the basis that it was poorly structured, vague, complex, and repetitive. One submitter also noted that the four precincts needed better guidance to realise their vision.</p> <p>In response, officers divided DDO17 into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17.</p> <p>By dividing DDO17 into four new schedules DDO25, DDO26, DDO27 and DDO28, this:</p> <ul style="list-style-type: none"> <li>• Allows the Schedules to the DDO to be precinct specific reducing unnecessary text and duplication in the provisions;</li> <li>• Provides an opportunity to better translate objectives from the Built Form Framework;</li> <li>• Strengthens the design objectives to provide more planning certainty;</li> <li>• Removes the precinct specific design requirements (which can be relocated elsewhere);</li> <li>• Reduces the length and complexity of the provisions (the exhibited version of DDO17 was 22 pages long); and</li> <li>• Creates other realignments and efficiencies to improve the readability of the control.</li> </ul> <p>Officers support this recommendation and had advocated for the DDO17 to be divided into 4 separate DDOs at the Panel hearing.</p>
9.	<i>Amend Design and Development Overlay Schedule 25, as shown in Appendix D1.</i>	<p><b><u>All the amendments to Council's preferred version of DDO25 recommended by the Panel and shown in Appendix D1 to the Panel Report are accepted by officers</u></b></p> <p>Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.</p>
10.	<i>Amend Design and Development Overlay Schedule 26, as shown in Appendix D2.</i>	<p><b><u>All the amendments to Council's preferred version of DDO26 recommended by the Panel and shown in Appendix D2 to the Panel Report are accepted by officers</u></b></p> <p>Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.</p>
11.	<i>Amend Design and Development Overlay Schedule 27, as shown in Appendix D3.</i>	<p><b><u>All the amendments to Council's preferred version of DDO27 recommended by the Panel and shown in Appendix D3 to the Panel Report are accepted by officers</u></b></p>

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		Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.
12.	<i>Amend Design and Development Overlay Schedule 28, as shown in Appendix D4.</i>	<p><b><u>All the amendments to Council's preferred version of DDO28 recommended by the Panel and shown in Appendix D4 to the Panel Report are accepted by officers</u></b></p> <p>Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.</p>