

Agenda

Council Meeting

7.00pm, Tuesday 15 December 2020

MS Teams

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Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- don’t raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

Order of business

1. **Statement of recognition of Wurundjeri Woi-wurrung Land**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest (Councillors and staff)**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **Urgent business**

1. Acknowledgment of Country

"Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future."

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Gabrielle de Vietri — Mayor
- Cr Claudia Nguyen — Deputy Mayor
- Cr Edward Crossland — Councillor
- Cr Stephen Jolly — Councillor
- Cr Herschel Landes — Councillor
- Cr Anab Mohamud — Councillor
- Cr Bridgid O'Brien — Councillor
- Cr Amanda Stone — Councillor
- Cr Sophie Wade — Councillor

Council officers

- Vijaya Vaidyanath — Chief Executive Officer
- Brooke Colbert — Group Manager Advocacy and Engagement
- Ivan Gilbert — Group Manager Chief Executive's Office
- Lucas Gosling — Director Community Wellbeing
- Gracie Karabinis — Group Manager People and Culture
- Chris Leivers — Director City Works and Assets
- Diarmuid McAlary — Director Corporate, Business and Finance
- Bruce Phillips — Director Planning and Place Making
- Rhys Thomas — Senior Governance Advisor
- Mel Nikou — Governance Officer

3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

4. Declarations of conflict of interest (Councillors and staff)

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confidential business reports

Nil

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ceremonial Council Meeting held on Thursday 16 November 2020 be confirmed.

7. Public question time

An opportunity is provided for questions from members of the public.

8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Endorsement of Yarra LGBTIQ+ Strategy 2021-2024	9	14	Andrea Travers, Manager Organisational Culture, Capability and Diversity
8.2	Emergency Management Reforms - Resolution	56	58	Gavin Dyche, Manager Risk and Safety
8.3	Yarra Planning Scheme Amendment C191yara - Swan Street Major Activity Centre	59	75	Fiona van der Hoeven, Assistant Manager City Strategy
8.4	Extension of the Licence and Funding Agreement for the Studio 1 Community Hub	691	699	Malcolm McCall, Manager Social Strategy and Community Development
8.5	Edinburgh Gardens	707	713	Diarmuid McAlary, Director Corporate Business and Finance
8.6	Finance Report - September 2020	714	715	Mark Montague, Chief Financial Officer
8.7	2020/21 Annual Plan Progress Report - September	730	733	Julie Wyndham, Manager Corporate Planning and Performance
8.8	Council Meetings Operations Policy	771	775	Rhys Thomas, Senior Governance Advisor
8.9	Council Meeting Schedule 2021	789	791	Rhys Thomas, Senior Governance Advisor
8.10	Appointment of Councillors to the Metropolitan Local Government Waste Forum	792	794	Rhys Thomas, Senior Governance Advisor

9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Motion No. 21 of 2020 - Grey Headed Flying Foxes	795	799	Bridgid O'Brien, Councillor

10. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

11. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

12. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

13. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

8.1 Endorsement of Yarra LGBTIQ+ Strategy 2021-2024

Executive Summary

Purpose

To seek endorsement of the inaugural Yarra LGBTIQ+ Strategy 2021-2024.

Key Issues

Council is looking to take on a more active role in engaging with Yarra's LGBTIQ+ community, and fundamental to this role is the development of a LGBTIQ+ Strategy.

A cross-section of both Yarra's LGBTIQ+ community and the wider community have fed into the development of the Yarra LGBTIQ+ Strategy 2021-2024. The three key priorities – Welcoming & Celebrating Diversity, An Inclusive Yarra, and Supporting, Participating & Connecting – identified through the initial consultations, form the basis of Council's future work for the next four years.

The majority of the feedback on the draft Strategy was overwhelmingly supportive, and as such only a few changes or additions have been made.

The Strategy aims to support the LGBTIQ+ community more broadly. It does not reflect all the incredible work Yarra City Council does in this space; Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with a number of policies and strategies.

Financial Implications

The first year of the Strategy will be delivered within existing budgets.

PROPOSAL

That Councillors take note of, and endorse, the inaugural Yarra LGBTIQ+ Strategy 2021-2024.

8.1 Endorsement of Yarra LGBTIQ+ Strategy 2021-2024

Reference: D20/130689
Authoriser: Group Manager People and Culture

Purpose

1. To seek endorsement of the inaugural Yarra LGBTIQ+ Strategy 2021-2024.

Background

2. Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.
3. Since 2014, Council's internal working group – QnA – has implemented a number of key initiatives, including LGBTIQ+ awareness training for staff, reviewing internal Council policies, procedures, and forms, including LGBTIQ+ content in Council's corporate induction, and participating in key events such as IDAHOBIT (International Day Against Homophobia, Biphobia, Interphobia and Transphobia) and Midsumma.
4. Council is looking to take on a more active role in engaging with Yarra's LGBTIQ+ community, and fundamental to this role is the development of a LGBTIQ+ Strategy.
5. To date, the process to develop the Yarra LGBTIQ+ Strategy 2021-2024 (the Strategy – see attachment 1 – Final Yarra LGBTIQ+ Strategy 2021-2024) has involved:
   (a) a desktop review into other strategies and policies on LGBTIQ+ issues, and research to identify best practice approaches in Australia in relation to the LGBTIQ+ community, to inform the development of a Background & Discussion Paper;
   (b) a review of relevant Council consultations;
   (c) an initial consultation with the LGBTIQ+ community at Midsumma Carnival in January 2020;
   (d) a wider consultation with key internal stakeholders including LGBTIQ+ identifying staff, and key external stakeholders from the wider LGBTIQ+ community including a number of services, organisations and advocates to develop the draft Strategy; and
   (e) a public exhibition period where key internal and external stakeholders had the opportunity to provide feedback on the draft Strategy.
6. The aim of the Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally.
7. In consultation with key stakeholders (see attachment 2 – Consultation Report: Yarra LGBTIQ+ Strategy 2021-2024) the following key priorities were developed. These priorities will form the basis of Council's future work:
   (a) Key priority 1: Welcoming and Celebrating Diversity:
      (i) Strategic goal 1.1: Recognising and celebrating Yarra's LGBTIQ+ community; and
      (ii) Strategic goal 1.2: Raising awareness around the issues affecting LGBTIQ+ people;
   (b) Key priority 2: An Inclusive Yarra:
      (i) Strategic goal 2.1: An inclusive organisational culture that is reflective of Yarra's diverse communities; and
      (ii) Strategic goal 2.2: An inclusive, appropriate and responsive Council;
   (c) Key priority 3: Supporting, Participating and Connecting:

(i) Strategic goal 3.1: Providing opportunities for people to join and connect with each other; and

(ii) Supporting and nurturing Yarra's LGBTIQ+ Spaces.

8. The majority of the feedback on the draft Strategy was overwhelmingly supportive, and as such only a few changes or additions have been made. As previously noted, Council already does a huge amount of work in this space. Many suggestions proposed by stakeholders are already being actioned in other strategies or responded to by other branches. Formal responses to these can be seen in the Response Summary (see attachment 3 – Response Summary: Yarra LGBTIQ+ Strategy 2021-2024).

9. Additions to the Strategy include:

(a) Promoting the LGBTIQ+ Strategy and related actions;

(b) Celebrating Bi Visibility Day;

(c) Investigating Rainbow Tick accreditation and reporting back to Council on options;

(d) Investigating models for a suitable inclusion audit for Council facilities and services (brought forward from Year 2);

(e) Investigating the establishment of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members (brought forward from Year 2) with the Reference Group to be convened in Year 2 (2022);

(f) Broadening the scope of exploring links and LGBTIQ+ representation with Council Advisory Groups to include the Disability Advisory Committee and Active Ageing Advisory Committee;

(g) Working across Council to ensure a consistent organisational response to key LGBTIQ+ issues; and

(h) Including convening Council's LGBTIQ+ Reference Group under 'Further Actions' for the Year 2 Action Plan.

10. Other changes include revising the order of the Strategy to bring the action plan closer to the front of the document, and updating and combining the 'Our Commitment to the LGBTIQ+ Community' and 'Our LGBTIQ+ Community' sections.

11. Finally, the appendix 'Language & Terms' has been removed. Wording and understanding in this space changes incredibly quickly, and the appendix would soon have been out of date. Instead, a link to the Victorian Public Sector's LGBTIQ+ Inclusive Language Guide has been included, which will be updated as needed.

External Consultation

12. As previously mentioned, Officers held an initial consultation with the LGBTIQ+ community at Midsumma Carnival in January 2020.

13. Officers held a wider consultation with key external stakeholders from the LGBTIQ+ community including a number of services, organisations and advocates to develop the draft Strategy.

14. Following this, key external stakeholders were also approached to provide feedback on the draft Strategy during the public exhibition period.

Internal Consultation (One Yarra)

15. Council's Community Partnerships, Arts & Culture, Family & Middle Years, Youth Services, Library Services, Aged & Disability Services, Leisure Services, and Diversity & Inclusion branches, Council's LGBTIQ+ Working Group, QnA, and LGBTIQ+ identifying staff were consulted in the development of the Strategy.

Financial Implications

16. The first year of the Strategy will be delivered within existing budgets.

Economic Implications

17. Council recognises that certain groups in the community face various and sometimes intersecting barriers, and the Yarra LGBTIQ+ Strategy will outline ways in which these barriers can be understood and ultimately addressed.

18. This provides opportunities for self-determination and community engagement, which ultimately contributes to a richer and more diverse participation in the economic life of Yarra. The municipality can only benefit with a diverse and engaged workforce.

19. In drafting the Yarra LGBTIQ+ Strategy, economic implications have been considered through the application of Yarra's Quadruple Bottom Line (QBL) assessment tool. The tool results demonstrate that considerable consideration was given to the economic pillar, in particular, creating vibrant and thriving precincts.

Sustainability Implications

20. Sustainability implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that standard consideration was given to the environment and adaptation pillars.

Climate Emergency Implications

21. The hierarchies of social inequality and vulnerability are replicated in disasters. The impacts of climate change disproportionately affect those who are already marginalised, including LGBTIQ+ people.

Social Implications

22. The Yarra LGBTIQ+ Strategy plays a key role in breaking barriers to access, participation and inclusion for the community, recognising that certain groups have intersecting and more complex barriers to overcome.

23. Social implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that outstanding consideration was given to promoting access and inclusion, wellbeing, and community pride and identity.

Human Rights Implications

24. Council's Social Justice Charter acknowledges that the City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri Woi Wurrung, and a place of special significance for the broader Aboriginal and Torres Strait Islander community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.

25. Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.

26. Council's strong commitment to achieving social justice is articulated by being signatories to a number of international Human Rights treaties.

27. Further, Council is bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

Communications with CALD Communities Implications

28. It is recognised that language and cultural background can be a barrier to community members fully participating in community life.

29. Once the Strategy is adopted, translated copied will be available as needed.

Council Plan, Strategy and Policy Implications

30. The Yarra City Council, Council Plan 2017 – 2021 commits to:

(a) a Healthy Yarra - Community health, safety and wellbeing are a focus in everything we do; and

(b) an Inclusive Yarra - Inclusion, diversity and uniqueness are welcomed, respected and celebrated.

Legal Implications

31. Some of the legislation related to this area include:

(a) Universal Declaration of Human Rights 1948;

(b) Human Rights and Equal Opportunity Commission Act 1986;

(c) Charter of Human Rights and Responsibilities Act 2006 (Vic); and

(d) Local Government Act 2020 (Vic).

32. The Charter of Human Rights and Responsibilities Act 2006 (Vic) requires local Councils to act compatibly with human rights and to consider human rights when developing policies, making laws, delivering services and making decisions.

Other Issues

33. The Strategy aims to support the LGBTIQ+ community more broadly. It does not reflect all the incredible work Yarra City Council does in this space.

34. A number of Council services have been working with, and supporting, the LGBTIQ+ community for a long time, including Arts & Culture, Aged & Disability, Family Youth & Children's, Libraries, and Recreation & Leisure.

35. Their specific work is not reflected in the Strategy, but is supported more broadly through action 3.1.1 Support and promote events, groups and programs from service delivery teams such as Recreation & Leisure, Libraries, Arts & Culture, Aged & Disability and Family Youth & Children's Services to foster increased community engagement.

36. Additionally, Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with a number of policies and strategies including:

(a) Gender Equity Action Plan 2019-2021;

(b) People Strategy 2017-2020;

(c) Strategic Advocacy Framework 2018-2021;

(d) Family Violence Organisational Statement;

(e) 0-25 Years Plan 2018-2022;

(f) Library Strategic Plan 2017-2020;

(g) Access and Inclusion Plan 2018-2024;

(h) Active and Healthy Ageing Strategy 2018 – 2024, Council Plan 2017-2021; and

(i) Yarra Social Justice Charter.

Options

37. There are no options.

Conclusion

38. A cross-section of both Yarra's LGBTIQ+ community and the wider community have fed into the development of the Yarra LGBTIQ+ Strategy 2021-2024. The three key priorities – Welcoming & Celebrating Diversity, An Inclusive Yarra, and Supporting, Participating & Connecting – identified through the initial consultations, form the basis of Council's future work for the next four years.

39. Under these priorities sit a number of strategic goals. The Strategy also includes a Year 1 Action Plan.

40. Actions responding to the three key priority areas and strategic goals outlined in the Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.

RECOMMENDATION

1. That:
   (a) Councillors note the inaugural Yarra LGBTIQ+ Strategy 2021-2024; and
   (b) Councillors endorse the inaugural Yarra LGBTIQ+ Strategy 2021-2024.

CONTACT OFFICER: **Sarah Jaggard**
TITLE: **Senior Diversity and Inclusion Advisor**
TEL: **9205 5160**

Attachments
1⇩ Final Yarra LGBTIQ+ Strategy 2021-2024
2⇩ Consultation Report Yarra LGBTIQ+ Strategy 2021-2024
3⇩ Response Summary Yarra LGBTIQ+ Strategy 2021-2024

Attachment 1 - Final Yarra LGBTIQ+ Strategy 2021-2024

Yarra LGBTIQ+ Strategy

2021 - 2024

CITY OF YARRA



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Acknowledgement of Country

Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. We acknowledge their creator spirit Bunjil, their ancestors and their Elders. We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have survived European invasion and never ceded sovereignty. We also acknowledge the significant contribution made by the many other Aboriginal and Torres Strait Islander people to life in Yarra.

We acknowledge that Fitzroy and Collingwood are areas of special significance to Aboriginal and Torres Strait Islander people—as the cradle of Aboriginal and Torres Strait Islander affairs in Victoria, the birthplace of important Aboriginal and Torres Strait Islander organisations, the centre of political activism and a meeting place for Aboriginal and Torres Strait Islander people to link in with family, community and services. We acknowledge the role played by past federal and state government policies in the social and cultural dispossession of Aboriginal and Torres Strait Islander people—and the dispossession of land—which has caused the current disadvantages faced by many Wurundjeri Woi Wurrung Aboriginal and Torres Strait Islander people. And we believe that having an awareness of, and taking steps towards, mending this disadvantage is the shared responsibility of all residents in the City of Yarra

Council pays its respects to all in the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community and Elders from all nations here today—and to their Elders past, present and future.

Mayor's Foreword

To be included

Our Commitment to Human Rights

The City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri Woi Wurrung, and a place of special significance for the broader Aboriginal community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.

Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.

Council also recognises that the community continues to evolve and the strengths and barriers of diverse groups will also continue to change. Council's Social Justice Charter is a commitment for Council to continue to understand these changes and to respond accordingly.

Council's strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties. Further, we are bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

Our Commitment to our LGBTIQ+ Community

According to the Health and Wellbeing of the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Population in Victoria: Findings from the Victorian Population Health Survey 2017 (Victorian Agency for Health Information 2020), 10% of Yarra's population identify as lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ+)*, almost double the Victorian estimate of 5.7%. [1]

2016 Census data (ABS 2016) on same sex families indicates that over 5% of Yarra's families are same sex couples (male same sex couple – 3.6% and female same sex couple 1.7%). This is a significantly higher proportion that the state figure (1%).[2]

It is important to note that ABS data fails to account for anything outside of same sex live-in relationships, including those living in separate households, married overseas, or people who are not out to their parents.

Evidence about the health and wellbeing of our LGBTIQ+ community is crucial for the development and delivery of appropriate and inclusive policy responses.

The data from the Victorian Population Health Survey 2017 confirms results from previous studies, including Council's own Health and Wellbeing Status Report 2016 which show that LGBTIQ+ people experience significant health inequalities, including being more vulnerable to poorer health and wellbeing outcomes. These health issues are intrinsically linked to people who experience social isolation and discrimination.

Equality and freedom from discrimination are fundamental human rights that belong to all people, irrespective of sexual orientation, gender identity or because they are intersex.

Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.

Yarra's Council Plan 2017 – 2021 commits to a healthy and inclusive Yarra, where community health, safety and wellbeing are a focus in everything we do, and inclusion, diversity and uniqueness are welcomed, respected and celebrated.

Council remains committed to protecting the rights of our more vulnerable residents, and those more likely to be at risk of discrimination, including our LGBTIQ+ community.

* It should be noted that the terminology used to describe and identify members of the LGBTIQ+ communities can vary. Yarra City Council uses the LGBTIQ+ acronym in alignment with the Victorian Public Sector's LGBTIQ+ Inclusive Language Guide. Throughout this document the acronym changes in some cases if a direct reference from another source.

[1] https://www.bettersafercare.vic.gov.au/sites/default/files/2020-09/The-health-and-wellbeing-of-the-LGBTIQ-population-in-Victoria.pdf
[2] https://www.communityprofile.com.au/yarra/families/same-sex-couple#!bar-chart;i=0;b=AAgB[2] https://lgbtihealth.org.au/wp-content/uploads/2016/03/LGBTI-Data-Online-Version-1.pdf

Consultation

Representation was sought from the LGBTIQ+ community, and a number of key advocates, services, organisations, and businesses. A big thanks to everyone who took the time to comment on the draft, with special thanks to BJ from Eagle Leather, Chris and the team from Sircuit, the Fitzroy Resident's Association, and the Victorian Pride Lobby for taking the time to provide such considered feedback.

Thanks to Yarra City Council's Community Partnerships, Arts & Culture, Family & Middle Years, Youth Services, Library Services, Aged & Disability Services, Leisure Services, and Diversity & Inclusion branches, Council's LGBTIQ+ Working Group, QnA, and LGBTIQ+ identifying staff for contributing to the development of this Strategy.

Related documents

Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with the following policies and strategies:

- Gender Equity Action Plan for 2019-2021
- People Strategy 2017-2020
- Strategic Advocacy Framework 2018-2021
- Family Violence Organisational Statement
- 0-25 Years Plan 2018-2022
- Library Strategic Plan 2017-2020
- Access and Inclusion Plan 2018-2024
- Active and Healthy Ageing Strategy 2018 – 2024
- Council Plan 2017-2021.

Strategy

Themes

The following key priorities were developed in consultation with the LGBTIQ+ community.

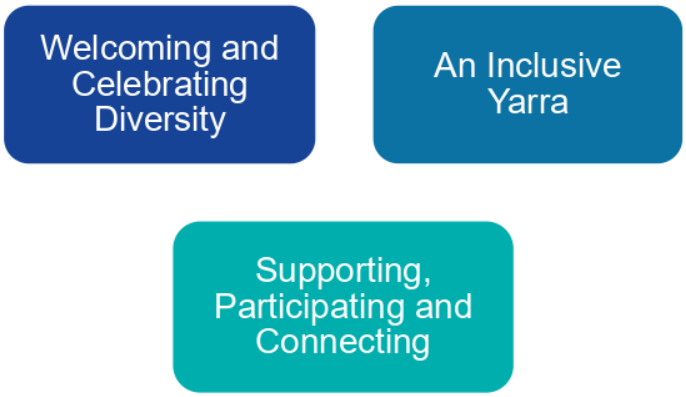
The aim of the Yarra LGBTIQ+ Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally.

The LGBTIQ+ community deserve to have fulfilled human rights, be empowered, have equitable access to services and programs, and be included and able to participate freely in day to day life.

These priorities are the rights of any member of the Yarra community.

Priority Areas

The key priority areas for this strategy are:



Priorities & Strategic Goals

Key priority 1	*Welcoming and Celebrating Diversity*
Strategic goal 1.1	Recognising and celebrating Yarra's LGBTIQ+ community
Strategic goal 1.2	Raising awareness around the issues affecting LGBTIQ+ people
Key priority 2:	*An Inclusive Yarra*
Strategic goal 2.1	An inclusive organisational culture that is reflective of Yarra's diverse communities
Strategic goal 2.2	An inclusive, appropriate, and responsive Council
Key priority 3:	*Supporting, Participating and Connecting*
Strategic goal 3.1	Providing opportunities for people to join and connect with each other
Strategic goal 3.2	Supporting and nurturing Yarra's LGBTIQ+ spaces

Review & Reporting

Actions responding to the three key priority areas outlined in this Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.

At the beginning of each year, a report will be presented to Council, outlining activities which have been undertaken in the previous calendar year, as well as those planned for the coming year. Elements of the Strategy will be updated when it is apparent that this is required. These updates will be presented to Council for endorsement. At the point of major changes to Council's policy positions and/or the broader policy environment a new Strategy should be developed.

YEAR 1 ACTION PLAN*

Key Priority 1: Welcoming & Celebrating Diversity

* All actions will be delivered within existing budgets

Strategic Goal	Action	Implementation	Who
1.1 Recognise and celebrate Yarra's LGBTIQ+ community	1.1.1 Continue to recognise and promote key days and events such as IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness, Trans Day of Visibility and Midsumma	Fly rainbow and trans flags to celebrate and acknowledge key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Bi Visibility Day, Trans Day of Awareness and Trans Day of Visibility Continue to participate in key Midsumma events such as Carnival and the Pride March Continue to hold events in recognition of key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness and Trans Day of Visibility Promote key days and events through corporate social media and other Council communique	Diversity & Inclusion, Communications, Arts & Culture, Libraries, Aged & Disability, Family Youth & Children's, Leisure
	1.1.2 Ensure Council communications reflect our diverse community	Build a library of images of intersectional and intergenerational LGBTIQ+ people for use in Council communications Ensure all Council communications use LGBTIQ+ inclusive language Promote LGBTIQ+ services and businesses where appropriate	Diversity & Inclusion, Communications
1.2 Raise awareness around the issues affecting LGBTIQ+ people	1.2.1 Continue to identify issues and advocate on behalf of Yarra's LGBTIQ+ community	Identify emerging issues via media monitoring and discussion with key stakeholder groups Ensure Council responds to State and Federal reviews relating to LGBTIQ+ inclusion Work with local networks and organisations to	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure

Strategic Goal	Action	Implementation	Who
		advocate on issues related to LGBTIQ+ inclusion Work across Council to ensure a consistent organisational response to key issues	

Key Priority 2: An Inclusive Yarra

Strategic Goal	Action	Implementation	Who
2.1 An inclusive organisational culture that is reflective of Yarra's diverse communities	2.1.1 Continue to provide strategic leadership in relation to LGBTIQ+ issues	Investigate Rainbow Tick accreditation Promote the LGBTIQ+ Strategy and related actions Continue to coordinate bi-monthly meetings of QnA Develop a strategy to increase visibility of QnA and its activities across Council Ensure continued leadership by an Executive sponsor in the LGBTIQ+ space Provide safe spaces and support for LGBTIQ+ staff	Diversity & Inclusion, People & Culture
	2.1.2 Use data to monitor Council's culture	Make improvements, and use internal surveys, to examine shifts in inclusive culture and adjust internal initiatives accordingly	Diversity & Inclusion, People & Culture
	2.1.3 Include the voices of LGBTIQ+ staff in the development of policies, strategies and programs that affect them	Ensure community engagement processes involve QnA Ensure representatives from QnA are invited to attend relevant meetings and networks	Diversity & Inclusion, Communications
	2.1.4 Continue to educate staff on issues affecting the LGBTIQ+ community	Hold twice yearly lunchbox learning sessions to raise awareness around issues affecting LGBTIQ+ people Distribute merchandise to staff to support inclusion	Diversity & Inclusion

Strategic Goal	Action	Implementation	Who
		initiatives, such as ally and pronoun badges	
2.2 An inclusive, appropriate and responsive Council	2.2.1 Ensure Council has data required to respond appropriately to Yarra's LGBTIQ+ community	Scope an appropriate method of collecting data to build an understanding of Yarra's LGBTIQ+ community	Diversity & Inclusion, Social Policy & Research
	2.2.2 Continue to provide training to staff around LGBTIQ+ inclusion	Continue to provide training to staff to working directly with LGBTIQ+ people through Council's service arms Continue to review and include LGBTIQ+ content in Council's corporate induction Develop content re LGBTIQ+ inclusion for Council's online induction Develop a series of short policy statements that staff can refer to when responding to queries and complaints Provide updates to staff on changes to inclusive language as needed	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Access Yarra
	2.2.3 Include the voice of LGBTIQ+ people in the development of policies, strategies and programs that affect them	Ensure community engagement processes involve the LGBTIQ+ community Ensure representatives from the LGBTIQ+ community are invited to attend relevant meetings and networks	Diversity & Inclusion, Communications
	2.2.4 Facilitate networking and collaboration between Council, service providers and groups	Explore links and LGBTIQ+ representation with Council Advisory Groups, including the Yarra Multicultural Advisory Group, Disability Advisory Committee, Active Ageing Advisory Committee, and Yana Ngargna Advisory Group, to look at further understanding and responding to intersectionality within Yarra	Diversity & Inclusion

Strategic Goal	Action	Implementation	Who
		Identify and participate in relevant local government networks including the Northern Councils Rainbow Alliance, LG Pro Rainbow SIG, Yarra LGBTIQ+ Network Investigate ways in which to connect with LGBTIQ+ people living on the Richmond, Collingwood and Fitzroy Housing Estates	
	2.2.5 Investigate establishing of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members	Investigate models for appropriate LGBTIQ+ representation	Diversity & Inclusion

Key Priority 3: Supporting, Participating & Connecting

Strategic Goal	Action	Implementation	Who
3.1 Provide opportunities for people to join and connect with each other	3.1.1 Support and promote events, groups and programs from service delivery teams such as Leisure, Libraries, Arts & Culture, Aged & Disability and Family Youth & Children's Services to foster increased community engagement	Develop a dedicated webpage for the LGBTIQ+ community, providing information on local events and opportunities to connect Promote events through key networks, social media and other Council communique	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Arts & Culture
3.2 Supporting and nurturing Yarra's LGBTIQ+ spaces	3.2.1 Continue to support LGBTIQ+ related projects and events through Council's community grants program	Provide LGBTIQ+ groups with information on Council's community grants program	Diversity & Inclusion, Arts & Culture, Community Grants
	3.2.2 Promote safe and inclusive services, groups and venues within Yarra	Investigate models for a suitable inclusion audit for Council facilities and services	Diversity & Inclusion

Further Actions

The following actions will be included in the Year 2 Yarra LGBTIQ+ Strategy action plan:

- Convene Council's LGBTIQ+ Reference Group
- Develop and promote an online resource listing LGBTIQ+ friendly services, businesses and networks
- Develop a series of resources for Council facilities that promote inclusion and celebrate diversity
- Explore ways of creating opportunities for intersectional, intergenerational and inclusive activities for the LGBTIQ+ community
- Promote safe and inclusive services, businesses, groups and venues within Yarra, including promoting LGBTIQ+ venues as potential event spaces

Conventions & Legislation

International conventions and legislation inform Council's work in the LGBTIQ+ space.

INTERNATIONAL CONVENTIONS

- United Nations

"The case for extending the same rights to lesbian, gay, bisexual and transgender (LGBT) persons as those enjoyed by everyone else is neither radical nor complicated. It rests on two fundamental principles that underpin international human rights law: equality and non-discrimination. The opening words of the Universal Declaration of Human Rights are unequivocal: All human beings are born free and equal in dignity and rights."

Navi Pillay United Nations High Commissioner for Human Rights 2012[3]

In June 2011, the UN Council adopted resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity. The resolution was approved, and significantly, received support from Council members from all regions. Its adoption paved the way for the first official United Nations report on the same subject, prepared by the Office of the High Commissioner for Human Rights ("Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity").

The High Commissioner's report presented evidence of a pattern of systematic violence and discrimination directed at people in all regions because of their sexual orientation and gender identity – from discrimination in employment, health care and education, to criminalization and targeted physical attacks, even killings. The report included a set of recommendations addressed to States designed to strengthen protection of the human rights of lesbian, gay, bisexual and transgender (LGBT) persons.

In 2015, the Council requested the High Commissioner update the above-mentioned report with a view to sharing good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standards. The updated report reiterated that that all States have well-established obligations to **respect**, **protect** and **fulfil the human rights** of all persons within their jurisdiction, including LGBT and intersex persons.[4] These obligations extend to refraining from interference in the enjoyment of rights, preventing abuses by third parties and proactively tackling barriers to the enjoyment of human rights, including, in the present context, discriminatory attitudes and practices.

[3] https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf
[4] https://www.refworld.org/docid/5571577c4.html

The report concludes that whilst there is there is as yet no dedicated human rights mechanism at the international level that has a systematic and comprehensive approach to the human rights situation of LGBT and intersex persons, there are a number of actions that can be taken to address obligations. Actions recommended to address violence against LGBTIQ community were:

a) Enacting hate crime laws that establish homophobia and transphobia as aggravating factors for purposes of sentencing;
b) Conducting prompt, thorough investigations of incidents of hate motivated violence against and torture of LGBT persons, holding perpetrators to account, and providing redress to victims;
c) Collecting and publishing data on the number and types of incidents, while providing for the security of those reporting;
d) Prohibiting incitement of hatred and violence on the grounds of sexual orientation and gender identity, and holding to account those responsible for related hate speech;
e) Training law enforcement personnel and judges in gender-sensitive approaches to addressing violations related to sexual orientation and gender identity;
f) Ensuring that police and prison officers are trained to protect the safety of LGBT detainees, and holding to account State officials involved or complicit in incidents of violence;
g) Banning "conversion" therapy, involuntary treatment, forced sterilization and forced genital and anal examinations;
h) Prohibiting medically unnecessary procedures on intersex children; and,
i) Ensuring that no one fleeing persecution on grounds of sexual orientation or gender identity is returned to a territory where his or her life or freedom would be threatened, that asylum laws and policies recognize that persecution on account of sexual orientation or gender identity may be a valid basis for an asylum claim; and eliminating intrusive, inappropriate questioning on asylum applicants' sexual histories, and sensitizing refugee and asylum personnel.

The report identifies that States should address discrimination by:

a) Revising criminal laws to remove offences relating to consensual same sex conduct and other offences used to arrest and punish persons on the basis of their sexual orientation and gender identity or expression; ordering an immediate moratorium on related prosecution; and expunging the criminal records of individuals convicted of such offences;
b) Repealing so-called "anti-propaganda" and other laws that impose discriminatory restrictions on freedom of expression, association and assembly;
c) Ensuring that anti-discrimination legislation includes sexual orientation and gender identity among prohibited grounds, and also protects intersex persons from discrimination;
d) Integrating analysis of violations based on sexual orientation and gender identity in national plans of action, thereby ensuring coordination and adequate resourcing of related activities, accountability for perpetrators, and redress for victims;
e) Sensitising health-care workers to the health needs of LGBT and intersex persons, including in the areas of sexual and reproductive health and rights, suicide prevention, HIV/AIDS and trauma counselling;

f) Establishing national standards on non-discrimination in education; developing anti-bullying programmes and establishing helplines and other services to support LGBT and gender-non-conforming youth; and providing comprehensive, age-appropriate sexuality education;
g) Ensuring that housing policies do not discriminate against tenants based on sexual orientation and gender identity; and establishing shelters for homeless LGBT persons, with specific attention to youth, older persons and those in emergency situations;
h) Providing legal recognition to same-sex couples and their children, ensuring that benefits traditionally accorded married partners – including those related to benefits, pensions, and taxation and inheritance – are accorded on a non-discriminatory basis;
i) Issuing legal identity documents, upon request, that reflect preferred gender, eliminating abusive preconditions, such as sterilization, forced treatment and divorce;
j) Supporting public education campaigns to counter homophobic and transphobic attitudes, and addressing negative, stereotypical portrayals of LGBT persons in the media;
k) Ensuring that LGBT and intersex persons and organizations are consulted with regard to legislation and policies that have an impact on their rights.

In 2016, the UNHRC passed a resolution to appoint an **Independent Expert** to find the causes of violence and discrimination against people due to their gender identity and sexual orientation, and discuss with governments about how to protect those people. In the discharge of the mandate, the Independent Expert[5]:

a) transmits urgent appeals and letters of allegation to States with regard to cases of violence and discrimination against persons on the basis of their sexual orientation or gender identity.
b) undertakes fact-finding country visits.
c) submits annual reports to the Human Rights Council, and General Assembly, on the activities, trends and methods of work.

- The Yogyakarta Principles

In 2006 a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and identity.

These were called the Yogyakarta Principles and have been frequently referred to as an authoritative statement of the principles of international human rights relating to these fields. In November 2017 the principles were updated. The Yogyakarta Principles +10 (10-year anniversary of document) has been referred to in national and international courts, as guidance on how to apply international human rights standards to LGBTI persons.

The YP+10 document supplements the original 29 Yogyakarta Principles with nine Additional Principles and 111 Additional State Obligations. The expanded document covers a range of rights that have emerged from developments in international human rights law interacting with the new understandings of violations suffered by persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.[6]

[5] In 2017 the UNHRC appointed Mr. Madrigal-Borloz as UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity for a three years period starting on 1 January 2018.

[6] http://yogyakartaprinciples.org/principles-en/

The principles address a LGBTIQ persons rights to: recognition; non-discrimination in life circumstances – e.g. housing, employment and cultural expression; freedom from violence, torture and intimidation; safety; have a family; participate in public affairs; and be free from any form of criminalisation or sanction.

- World Health Organisation

The World Health Organization (WHO) have recently addressed an outstanding LGBTIQ issue by removing the stigma around transgender people in its latest changes to the global manual of diagnoses (ICD -11). In the prior version, ICD-10, being transgender was considered a gender identity disorder under a chapter entitled mental and behavioural disorders. The newly-approved version instead places issues of gender under a chapter on sexual health.

While ICD-11 is being celebrated by many as a step in the right direction, activists are keen to highlight that there is still work to be done. GATE, an organization advocating on issues of gender identity, gender expression and bodily diversity, will be focusing their efforts on contributing to the WHO's forthcoming reviewing and updating process and encouraging people to put pressure on their own governments to adopt ICD-11 in the coming years.[7]

NATIONAL LEGISLATION

In Australia, it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. Australia's federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The **protection** of the human rights of some LGLBTI people in Australia really took a step forward when discrimination against same-sex couples was removed from most Commonwealth laws. States and territories began granting domestic partnership benefits and relationship recognition to same-sex couples from 2003 onwards, with federal law recognising same-sex couples since 2009 as de facto relationships. This included laws about taxation, superannuation, pharmaceutical benefits, aged care, veterans' entitlements, workers' compensation and employment entitlements. Further, Australia legalised same-sex marriage on 9 December 2017.

[7] http://time.com/5596845/world-health-organization-transgender-identity/

Discrimination on the basis of sexual orientation and gender identity or expression was officially prohibited in every state and territory, with concurrent federal protections for sexual orientation, gender identity and intersex on 1 August 2013. The Sex Discrimination Act makes it unlawful to treat a person less favourably than another person in a similar situation because of their sexual orientation. The Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill Act 2013 (Cth) amended the Sex Discrimination Act 1984 (Cth) to introduce these changes.

These legal protections were complemented by the Australian Government Guidelines on the Recognition of Sex and Gender, which commenced in July 2013. The guidelines recognise that individuals may identify as a gender other than the sex they were assigned at birth, or may not identify as exclusively male or female, and that this should be reflected in records held by the government. The guidelines also standardise the evidence required for a person to change their sex/gender in personal records held by Australian Government departments and agencies.

The guidelines apply to all Australian Government departments and agencies that maintain personal records (including employee records), and/or collect sex and/or gender information. The guidelines commenced on 1 July 2013, and Australian Government departments and agencies were expected to have progressively aligned their existing and future business practices with the guidelines by 1 July 2016.[8]

STATE & LOCAL GOVERNMENT LEGISLATION

The Charter of Human Rights and Responsibilities Act 2006 is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. All LGAs must ensure that:

- all Council decisions give proper consideration to human rights;
- all actions, policies and services are compatible with human rights;
- local laws are interpreted and applied consistently with human rights; and,
- people who work on behalf of councils do so in a way that respects human rights.

The Equal Opportunity Act 2010 (Vic) makes it against the law to discriminate against a person on the basis of their sex, sexual orientation and gender identity. It is also against the law to discriminate against someone because of their lawful sexual activity and physical features.
Victoria is considered progressive in respect of introducing and/or amending legislation to ensure the rights of LGBTIQ communities are protected.

In 2015 Victoria established Australia's first Equality portfolio. It has a Minister for Equality and a Commissioner for Gender and Sexuality.

[8] https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australian-Government-Guidelines-on-the-Recognition-of-Sex-and-Gender.aspx

The Commissioner has a broad role aimed at integrating the advocacy of LGBTI rights within the Government. Types of roles initially under scrutiny of the Commissioner included the streamlining of federal and state laws to ensure passports and birth certificates align with a person's affirmed gender, as well as strengthening anti-discrimination protections in the workplace for transgender workers.

Since September 2015, a person or representative of a deceased person can apply to remove old convictions for homosexual sexual activity that is no longer a criminal offence. This is known as expungement.

In September 2016, changes to the Adoption Amendment (Adoption by Same-Sex Couples) Act 2015 in Victoria now allow couples to adopt regardless of their sex or gender identity.

The State Government has also announced (February 2019) its intention to bring in laws to denounce and prohibit LGBTI conversion practices.

In May 2020, the Births, Deaths and Marriages Registration Act 1996 was amended to enable transgender, gender diverse and intersex adults and children to alter the record of sex in their Victorian birth registration without having to undergo sex affirmation surgery.

Benchmarking & Best Practice

Outlined below are examples of strategic approaches to ensuring the rights of LGBTIQ+ people are being addressed at a local, national and international level. When reviewing the different approaches, it is interesting to note that whilst the manner of delivery might vary, many of the same themes and measures are being considered.

INTERNATIONAL APPROACHES

- ILGA-Europe[9]

ILGA-Europe are an independent, international non-governmental umbrella organisation bringing together nearly 600 organisations from 54 countries in Europe and Central Asia. They are part of the wider international ILGA organisation. The two main pillars of ILGA-Europe work are:

1. Advocating for human rights and equality for LGBTI people at European level, before organisations such as the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) in particular in relation to asylum, hate crime and hate speech, education, employment, family, freedom of assembly, association and expression, health , legal gender recognition and bodily integrity; and,
2. Strengthening the LGBTI movement in Europe and Central Asia by providing training and support to its member organisations and other LGBTI groups on advocacy, fundraising, organisational development and strategic communications.

ILGA-Europe's annual benchmarking tool is the Rainbow Europe Map. Rainbow Europe brings together an index of LGBTI equality based on an overview of the social climate for LGBTI people in each European country. The rankings are based on how the laws and policies of each country impact on the lives of LGBTI people.

Rainbow Europe ranks all 49 European countries on a scale between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality). They rank the countries on the basis of laws and policies that have a direct impact on the LGBTI people's human rights under **6 categories**: **equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; civil society space; and asylum**.[10]

[9] https://www.ilga-europe.org/
[10] https://rainbow-europe.org/country-ranking

The index results have Malta (90%), Belgium (73%) and Luxembourg (70%) as the 3 top countries in terms of respecting LGBTIQ human rights. Those at the bottom of the scale (gross violations) were Turkey (6%), Armenia (5%) and Azerbaijan (3% - see Top 10 in table below).

Top 10 Rankings	Bottom 10 Rankings
Malta	Poland
Belgium	Latvia
Luxembourg	Moldova
Finland	Liechtenstein
Denmark	Belarus
Norway	San Marino
Portugal	Monaco
France	Russia
United Kingdom	Armenia
Sweden	Turkey

Given Malta's No 1 status it is interesting to note some of the work being done by the key agencies in that country. The Malta LGBTIQ Rights Movement (MGRM), despite its limited resources, has contributed to putting LGBTIQ equality high on the political agenda leading to significant legal advances in Malta. It forms part of the LGBTIQ Consultative Council set up by the Government in 2013 and is also a founding member of the Platform for Human Rights Organisations in Malta. The goals in their most recent strategic plan (2015 – 2019) are:

- To achieve legal equality for LGBTIQ individuals.
- To have policies that refer to and are inclusive of sexual orientation, gender identity, gender expression and sex characteristics.
- To bring about positive societal attitudes towards and the social inclusion of LGBTIQ people.
- To empower the LGBTIQ community to engage in social and political issues that are of direct concern.
- Provide support, assistance and information on LGBTIQ issues to LGBTIQ persons and their families.

The tools to deliver their goals are advocacy, communication, lobbying, capacity development and service delivery.[11]

[11] http://maltagayrights.org/about-us/

- United Kingdom

In July 2017, the UK government launched a survey to gather more information about the experiences of LGBT people. The survey response was unprecedented. Over 108,000 people participated, making it the largest national survey of LGBT people in the world to date. Key findings from the survey included:

- LGBT respondents are less satisfied with their life than the general UK population (rating satisfaction 6.5 on average out of 10 compared with 7.7). Trans respondents had particularly low scores (around 5.4 out of 10).
- More than two thirds of LGBT respondents said they avoid holding hands with a same-sex partner for fear of a negative reaction from others.
- At least two in five respondents had experienced an incident because they were LGBT, such as verbal harassment or physical violence, in the 12 months preceding the survey. However, more than nine in ten of the most serious incidents went unreported, often because respondents thought 'it happens all the time'.
- 2% of respondents had undergone conversion or reparative therapy in an attempt to 'cure' them of being LGBT, and a further 5% had been offered it.
- 24% of respondents had accessed mental health services in the 12 months.

A comprehensive LGBT Action Plan ("Improving the Lives of Lesbian, Gay, Bisexual and Transgender People") that sets out what steps the government will take in response to the survey findings was published in July 2018. Concurrently, they established an 'LGBT Implementation Fund' to deliver the Action Plan. The Government Equalities Office allocated £4.5 million of funding, for the period to March 2020, and will seek additional funding in future years. The Plan outlines key strategies and actions addressing the following areas:

- Health
- Education
- Safety
- Workplace
- Rights and the law
- Data and monitoring
- Representation
- International Rights[12]

[12] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf

- Vancouver, Canada

Vancouver is home to the largest lesbian, gay, bisexual, trans, gender diverse, queer, and Two-Spirit (LGBTQ2+) community in Western Canada. The key driver of their local government policy is the LGBTQ2+ Advisory Committee. The mandate of the LGBTQ2+ Committee is to advise Council and staff on enhancing access and inclusion for lesbian, gay, bisexual, transgender, two-spirit and queer communities to fully participate in City services and civic life. Terms of reference outline the role of the Committee and a Work Plan is developed each year with strategic actions outlined.[13]

Vancouver City Council approved the signing of a proclamation to declare 2018 "The Year of the Queer" in Vancouver, in recognition of decades of queer contributions to the artistic, cultural, and social landscape of Vancouver.

NATIONAL & STATE APPROACHES

- National

The **National LGBTI Health Alliance** is the national peak health organisation in Australia for organisations and individuals that provide health-related programs, services and research focused on lesbian, gay, bisexual, transgender, and intersex people and other sexuality, gender, and bodily diverse people and communities. The Alliance provides a national voice on policy related to the health and wellbeing of people with same-gender attractions and/or relationships, people of trans experience, and people with intersex variations. They work with a wide variety of stakeholders to produce evidence-based policy.

In 2017 the National LGBTI Health Alliance released the National LGBTI Mental Health and Suicide Prevention Strategy, a national plan for coordinated action and strategic response to prevent mental ill-health and suicide, and promote mental health and wellbeing for LGBTI populations.[14]
The purpose of the strategy is to respond to LGBTI people in current need, to provide interventions to those who are at risk, and to interrupt the structural factors that contribute to overrepresentation of LGBTI people in mental health and suicide statistics. The Strategy principles are:

- **Intersectionality** – the diversity of LGBTI people and communities is identified, acknowledged and respected with individual experiences being recognised as fundamental to appropriate care.
- **Evidence** – Evidence must be informed from both practice and research, and form the foundation of quality care to meet the support needs of LGBTI populations.
- **Access** – LGBTI people and communities must receive welcoming, equitable and inclusive care without encountering barriers to accessing support on the basis of their sexuality, gender, body, relationships, identities or history.
- **Lived Experience** – LGBTI people and communities are acknowledged as the experts in their own lives which have been shaped by personal and cultural history of both stigma and resilience.
- **Social Inclusion** – LGBTI people and communities must be included in the fabric of Australian society through reducing discrimination, eliminating violence and removing legal barriers that affect the ability of LGBTI people to experience connection.

[13] https://vancouver.ca/your-government/lgbtq-advisory-committee.aspx
[14] https://lgbtihealth.org.au/resources/national-lgbti-mental-health-suicide-prevention-strategy/

The Strategic Goals and actions are:

- **Inclusive and Accessible Care** – LGBTI people will experience equitable access to mental health and suicide prevention services and receive support that is appropriate to their experience and responsive to their needs.
- **Evidence, Data Collection and Research** – Establish evidence base about LGBTI populations that adequately represents their histories, lives, experiences, identities, relationships and accurate recording of deaths by suicide.
- **Diversity of LGBTI Population** – The diversity within and between LGBTI populations will be recognised and responded to with strategies and approaches that take into account their individual and unique needs.
- **Intersectionality and Social Inclusion** – LGBTI people from across all populations, backgrounds and circumstances will experience an increase in social inclusion and a reduction in stigma and discrimination.
- **Skilled and Knowledgeable Workforce** – The mental health and suicide prevention sector workforce will be knowledgeable regarding LGBTI people, and skilled, confident, and competent in responding to their support needs.
- **Promotion and Prevention** – Mental health promotion and suicide prevention programs, activities and campaigns will address the underlying factors that compound the mental health outcomes for LGBTI populations.

VICTORIA

- LGBTI Taskforce

The LGBTI taskforce provides high level, strategic advice to the Minister for Equality and government departments on current and emerging LGBTIQ issues and on government policy, programs and services to address those issues. The taskforce works closely with Victoria's Commissioner for Gender and Sexuality to ensure that the government's equality initiatives are underpinned by genuine community consultation.

- Rural and Regional Victoria

In November 2016, Victoria Government's first Gender and Sexuality Commissioner, undertook an "LGBTI Equality Roadshow" across rural and regional Victoria. The LGBTI Equality Roadshow visited over 29 towns. The Roadshow empowered an overwhelming number of LGBTI community members to connect with their communities and supporters. The Roadshow has led to the following outcomes:

- 90% of towns had local government Councillors commit to supporting LGBTI Inclusion during their terms
- 5 local councils committed to incorporating LGBTI into their Diversity Plans, with other councils reviewing their diversity plans, protocols and promotional materials;
- 13 LGBTI working groups formed in communities with other communities in discussion. Members included representatives from council, mainstream health providers, Victoria Police, community organisations and LGBTI community members;
- 3 Pride Sporting games were held in Roadshow towns following the Roadshow. The model was shared to empower other communities to implement;

- 23 Inclusion plans created with the local community of initiatives that could be initiated within 6 months of the Roadshow visit;
- Switchboard Victoria, a volunteer run support service for LGBTI people and their allies, being enabled to establish regional ambassadors;
- All-gender toilet signs being implemented on the Hume Highway through VicRoads, at Horsham Secondary College, East Gippsland Water and Barwon Water;
- an LGBTI position being created in a mainstream organisation (Headspace Horsham); and
- The launch of a Gender Service at Gateway Health in Wodonga providing support, information and referral for trans and gender diverse young people, with the model shared across Victoria.

- Department of Premier and cabinet (DPC)

DPC's Lesbian, Gay, Bisexual, Trans and Gender Diverse, Intersex, and Queer and/or Questioning (LGBTIQ) Inclusion Plan (the Plan) 2019-2021 sets out clear and measurable strategies on how DPC will work towards achieving and sustaining an equitable and LGBTIQ inclusive workplace.

It builds on previous initiatives and actions which focused on LGBTIQ inclusive employment practices, culture and leading LGBTIQ inclusion within DPC and across the Victorian Public Sector (VPS) and the community. The Plan sits under the Diversity and Inclusion Strategy 2019-2021. The priority areas of the Plan include:

- Employment practices: equitable employment opportunities and outcomes for LGBTIQ employees.
- Inclusive culture: work environment is welcoming, safe and inclusive of LGBTIQ employees.
- Leadership, visibility, measurement and accountability: LGBTIQ inclusion is championed by senior leaders.[15]

LOCAL GOVERNMENT APPROACHES

- Banyule City Council

The Banyule Council Lesbian, Gay, Bisexual Transgender and Intersex (LGBTI) Plan 2017 – 2021 was developed to tackle discrimination, celebrate the diverse community, and to ensure that Banyule is a safe and welcoming place for LGBTI community members. The Plan uses Banyule's Inclusion, Access and Equity Framework (IAEF) which identifies five goals for their diverse communities. The five goals are:

1. Ensure Council facilities, activities and services are accessible, inclusive and equitable.
2. Work in partnership with local services to increase inclusion and address service gaps.
3. Work in partnership to build the capacity of disadvantaged groups to be involved in community life.
4. Education, celebration and awareness raising contributing to building inclusive and equitable communities.
5. Advocate on behalf of and with our community to reduce discrimination and disadvantage.

Targeted actions related to the LGBTIQ+ community have been developed to address each of the above goals.

[15] https://www.vic.gov.au/dpcs-lgbti-inclusion-plan

- Moonee Valley City Council

Adopted in June 2015, Moonee Valley's first LGBTIQ Action Plan aims to support the lesbian, gay, bisexual, transgender, intersex and queer community members and their families.
The Action Plan is one of three plans which sit under the Diversity, Access and Equity Policy which supports an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life. The other two action plans are the Disability Action Plan (2014-23) and Multicultural Action Plan.

The LGBTIQ Action Plan aims to: improve access and equity; acknowledge and celebrate sexual and gender diverse community members; and promote participation for all regardless of sexuality or gender identity. The 4 themes of the Action Plan are:

1. Fostering respect and celebrating diversity;
2. Promoting participation;
3. Creating accessible places and spaces; and,
4. Leadership and representation.

- Port Phillip City Council

This council has a Statement of Commitment (no date) to its Lesbian, Gay, Bi-Sexual, Transgender, Intersex and Queer (LGBTIQ) Community.

The Statement of Commitment pledges:

- The Council's policies and strategies are designed to promote inclusiveness of the LGBTIQ community.
- Council will, at all times, ensure access for LGBTIQ to the City's services and administration.
- Council supports the community and cultural development of LGBTIQ.
- The Council supports and recognises the contribution of the LGBTIQ community to the social, economic and cultural life and ongoing development of the City of Port Phillip.

- Moreland City Council

In the Moreland Human Rights Policy 2016-2026, Council commits to ensuring that Moreland is a safe and welcoming city for Lesbian, Gay, Bisexual, Trans, Gender Diverse and Intersex (LGBTIQ) communities. It states that Council will strive to ensure that its services are accessible and appropriate to the needs of our LGBTIQ residents and visitors.

This policy gives precedence to specific groups which are recognised as being at greatest risk of exclusion from social, economic and political life because of access barriers and discrimination. These are:

- Aboriginal and Torres Strait Islander communities;
- Migrant and refugee communities;
- People with disability;
- Women; and,
- Gay, lesbian, bisexual, transgender, intersex and queer (GLBTIQ) communities.

Attachment 2 - Consultation Report Yarra LGBTIQ+ Strategy 2021-2024

Consultation Report – Yarra LGBTIQ+ Strategy 2021-2024

This report provides information on the various consultation methods used, and the data that has fed into, in the development of the Yarra LGBTIQ+ Strategy 2021-2024 (the Strategy). Engagement and consultation occurred via a range of initiatives throughout 2019-2020.

1. Review of relevant Yarra City Council consultations

Over recent years, the Community Partnerships branch conducted engagement around a number of strategies whose data fed into the LGBTIQ+ Strategy; this ensured a One Yarra approach in responding to the needs of the community.

Extensive community consultation has occurred in the last few years in the development of the following:

- Yana Ngargna Plan 2020-2023
- Multicultural Partnerships 2019-2023
- Yarra Homelessness Strategy 2020-2024

Yarra's whole of Council approach to LGBTIQ+ inclusion intersects with these strategies and consultations.

Officers also conducted a large scale consultation called 'Inclusive Yarra', which invited participants to share their stories and ideas around inclusiveness.

Consultations conducted in the development of the above strategies included engagement with hard to reach groups, were extensive and widely diverse, and provided a rich resource and valuable information with application to the Strategy.

2. Communications and Engagement

A range of communication and engagement activities were undertaken to inform, consult and involve participants across the community.

Yarra City Council's Community Partnerships, Arts & Culture, Family & Middle Years, Youth Services, Library Services, Aged & Disability Services, Leisure, Diversity & Inclusion and LGBTIQ+ identifying staff have contributed to the development of the Strategy.

Council's LGBTIQ+ Working Group, QnA, played a key role.

Representation was also sought from the wider LGBTIQ+ community, and a number of key advocates, services, organisations, and businesses including the Department of Premier and Cabinet (Equality Portfolio), Rainbow Families Victoria, Bent Twig Alliance, St Vincent's, The Drum, Queer Space, Minus 18, the Neighbourhood Justice Centre, Thorne Harbour Health, Transgender Victoria, Eagle Leather, The Laird, the Peel, Vaud d' Vile, Hares & Hyenas, Melbourne Rubber, The 86, and Sircuit/Mollies.

Broad promotion of the public engagement opportunity was through a range of corporate communication channels and community networks including:

- distribution of consultation postcards at Midsumma Carnival 2020
- corporate communications including Council's website
- social media promotion via Twitter, Facebook, and Instagram to direct people to the Your Say Yarra project page
- Yarra Life e-newsletter, distributed to over 10 000 subscribers
- formal and informal email networks and e-newsletters.

Engagement and consultation occurred across three key periods.

Officers had a stall at Midsumma Carnival in January 2020, a key event on the LGBTIQ+ calendar attended by thousands of people.

People attending the stall were asked to fill in a consultation postcard with the question 'How can your Council be more LGBTIQ+ inclusive?'

The second consultation period consisted of one on one meetings with key internal and external stakeholders.

These two consultations fed in the development of the draft Strategy.

The third consultation period occurred over the public exhibition period where the draft Strategy was presented to the wider community. Engagement and consultation occurred primarily throughout June-July 2020 and included the following:

a. Online

Your Say Yarra
The Your Say Yarra website (yoursayyarra.com.au/LGBTIQyarra) invited participants to comment on key areas of the Strategy.

The engagement activity was predominantly to gauge whether or not participants agreed with the priorities, goals and actions in the Strategy, and offered an additional forum for further comments.

b. In person

One on one meetings
One on one meetings were held with key stakeholders

As per the project plan, key stakeholders were approached to review the draft Framework. Officers organised one on one meetings with key stakeholders who were keen to provide feedback.

Some key stakeholders opted to provide feedback via email rather than in person.

Over 180 stakeholders were engaged across a range of methods, offering almost 1000 ideas. A summary of engagement is listed in Table 1 overleaf.

Table 1: Engagement summary

	Method	How we engaged	Who we engaged
Online	**Your Say Yarra Online portal** *June – July 2020*	yoursayyarra.com.au/ LGBTIQyarra	- 57 people engaged participants - >650 comments
	Written Submissions	Open at any time during the public engagement period	- 3 submissions via email - 57 comments
In Person	**Midsumma Carnival**	Distribution of consultation postcards	- 109 participants - >109 comments
	Key internal stakeholders	Meetings with relevant internal stakeholders	- 7 participants - 13 comments
	Key external Stakeholders	One on one meetings were held with key stakeholders	- 10 participants -104 comments

Consultation Results

The engagement process attracted feedback from a cross-section of both Yarra's LGBTIQ+ community and the wider community. Collation and analysis of the data fed into three key priorities identified through the initial consultations. These priorities form the basis of Council's future work for the next four years:

- Welcoming and celebrating diversity
- An Inclusive Yarra
- Supporting, Participating and Connecting.

Under these priorities sit a number of strategic goals. The Strategy also includes a Year 1 Action Plan.

Attachment 2 - Consultation Report Yarra LGBTIQ+ Strategy 2021-2024

Appendix 1: Examples of Qualitative Reponses

"Intersectionality would be great. I always find that representation is always the G in LGBTQ+. Reach out to those who identify as Bi, Trans, Queer. Another big thing is First Nations representations. This is something so important"

"Good balance of community-based objectives and internal organisational culture targets"

"Great to see the arts included, this nurtures diverse cultures, celebrates our differences and helps the arts industry"

"What sort of costs does this project have? Why wasn't the community consulted first on whether they even wanted this plan? Looks to me like decisions have already been made, and anyone not supporting it will not be listened to anyway"

"The website-related actions are a particularly good idea - providing useful, practical resources for LGBTIQ+ locals and significantly increasing community awareness of LGBTIQ+ existence and issues (providing the resources are kept up to date)"

Attachment 3 - Response Summary Yarra LGBTIQ+ Strategy 2021-2024

Response Summary: Yarra LGBTIQ+ Strategy Stakeholder Consultations *

Comment	Council Response
Strategy	
Comments regarding the order of the Strategy (ie actions buried in the back).	Noted. The Strategy has been revised so that the actions sit as close to the front as possible.
Review and incorporate action plan ideas as appropriate from the list below, which includes ideas from the recently released "Rainbow Resource for Victorian Councils" by the Victorian Local Governance Association. Please see https://www.vlga.org.au/resources/vlga-rainbow-resource-victorian-councils. While the draft action plan is overarching, the FRA suggest more detailed implementation actions with a greater community focus need to be added.	The action plan was developed in consultation with the community; Council was involved in the development of the Rainbow Resource and has already implemented many of the actions in the resource.
While the Pride Centre is opening in St Kilda later this year, Yarra does not need one specific space to elevate the LGBTIQA+ communities, organisations, businesses and residents that live and work here. And should work toward continuously highlighting and elevating LGBTIQA+ resources, business and artists across Yarra.	Noted. There are a number of actions around promoting sectors of the LGBTIQ+ community, including 'promoting key days and events...', 'promoting LGBTIQ+ services and businesses...' , 'develop a dedicated LGBTIQ+ webpage for the LGBTIQ+ community, providing information...' and 'promote an online resource listing LGBTIQ+ friendly services, businesses and networks'. There are also a number of relevant actions slated for the second year of the Strategy.
That the Strategy is creative in its priorities, not based on jargon, rather a document that talks to the community that it's intended for - so they understand it, own it and benefit from it.	Noted.
The inclusion of an action plan aligned to each priority/theme to ensure trust and positive sentiment within the community that demonstrates Council's authenticity and commitment.	The Strategy includes a Year One Action Plan which is aligned to each priority; these will also be developed for subsequent years.
Endorsement from Ro Allen, Commission for Gender and Sexuality and LGBTIQ+ advocate and supporting message in foreword to garner potential Victorian Government support and funding.	The inaugural Yarra LGBTIQ+ Strategy will be endorsed by Council's new Mayor, however Officers will make sure to engage with the Commissioner for LGBTIQ+ Communities.
Use of plain and accessible language to ensure the Strategy reaches each LGBTIQ+ person from all social, cultural and linguistic backgrounds.	Noted – the Strategy will be promoted using plain and accessible language, and the Strategy can also be translated upon request.

Attachment 3 - Response Summary Yarra LGBTIQ+ Strategy 2021-2024

Appoint LGBTIQ+ Liaison Officer to assist in implementation of the Strategy and lead stakeholder conversations to ensure buy-in and value-add. Funding options available through Victorian Government Equality Branch.	The Senior Advisor, Diversity & Inclusion will be responsible for implementing the Strategy. Officers will investigate option for funding the strategy from year 2 onwards.
The Strategy takes into consideration coronavirus [COVID-19] to ensure the effective implementation of the strategy and its ultimate success in a changed environment where social cohesion will be more important than ever.	Noted. Council is taking into consideration the impact that Covid 19 is having on the LGBTIQ+ community, including the need to allocate more time to building relationships and supporting the LGBITQ+ community in general.
Annual evaluation of the Strategy to ensure accountability and continued support from community.	Officers will report back to Council on Strategy outcomes to ensure accountability and continued community support
The work done so far is great but as the strategy and its action plan are devised to span four-years actions need to be added that cater more toward the mid and longer-term needs of the Victorian LGBTIQ+ community. Yarra is a key hub within Victoria for the LGBTIQ+ community with a diverse range of services and businesses. The draft Yarra actions are internally focussed (and hence the plan for public/external consultation). The internal focus is acknowledged in the strategy (p.6) given the Yarra QnA working group established in 2015 appears to have been aligned to bolster council capacity (which is valuable in itself).	Actions plans will be developed yearly - Council needs the ability to be responsive. The Strategy will be revised at the end of its term. It was always intended that the first year of the Strategy would have a greater internal focus and this would gradually shift outwards.
Acknowledge the poorer health status of members of the LGBTIQ+ community compared to the general population.	This has been acknowledged - see 'Our Commitment to our LGBTIQ+ Community'.
Compare the actions with the current and future work planned within key City Councils.	A desktop review of other local government LGBTIQ+ strategies was completed prior to the development of the draft Strategy.
Port Phillip has an excellent outward Statement of Commitment which Yarra should develop and incorporate into its strategy section. See http://www.portphillip.vic.gov.au/default/Statement_of_Commitment_to_our_LGBTIQ_updated(1).pdf	Yarra's recently endorsed inaugural Social Justice Charter contains a Statement of Commitment to all Yarra's diverse communities.
Ensuring Yarra's employment practices are inclusive. Does The City of Yarra employ trans people?	Yarra prides itself on being an inclusive employer, and Council employs a number of gender diverse people. Council's goal is to be an employer of choice that promotes an inclusive and diverse workplace culture where everyone can be their true selves. This goal is made explicit in Council's Diversity & Inclusion Statement.
Think this is council has gone big. Think we should start with basic things for our community. Community support. Get support community for	This Strategy is about supporting the LGBTIQ+ community more broadly. Council also has specific strategies for young people, leisure & recreation,

Attachment 3 - Response Summary Yarra LGBTIQ+ Strategy 2021-2024

young members coming out and get mental health support for LGBTIQ? Social. Get them a night at the gym or sports activity for people to gather? Job and place to live. Do a media campaign about what it's like to live in Yarra job and housing? Connect them, with project or volunteers like Fareshare.	housing & homelessness and volunteering which also support Yarra's LGBTIQ+ community.
Key Priorities	
Supporting, participating and connecting is very important. Particularly for your trans community. Do you have data on trans people in the City of Yarra?	The only data we have is census data, and the newly released data from the Victorian Population Health Survey. Council has committed to looking at how it can gather data to further support its LGBTIQ+ community – see action 2.2.1 Ensure Council has data required to respond appropriately to Yarra's LGBTIQ+ community.
Strategic Goals	
I would like to know more around the support of spaces and events in Yarra and a roadmap to where it's heading.	This will be further developed in conjunction with the new Advisory Group in Year 2 – Officers are happy have a chat with you about how this might look.
Action Plan **Arts & Culture**	
Develop and implement complimentary events specifically in Yarra that are unique to its suburbs during Midsumma and Pride.	Council often funds activities that are part of the Midsumma program through our grants programs. We support PRIDE events through partnerships with other organisations through the Community Arts funding. Currently we are working with Midsumma on the decriminalisation celebration event/s for 2021.
Support and promote at least two Yarra annual events in conjunction with stakeholders independent of Midsumma and Pride.	Council supports and promotes many LGBTIQ+ projects as part of the Arts and Culture Annual and Small Project Grant program. Discussions of supporting events in partnership with other organisations can be had with the Community Arts Officer.
Develop an arts festival (short film, painting, sculptor etc) and award to acknowledge LGBTIQA+ resident's profile and talents, emerging and known, and utilise Yarra facilities and spaces for exposure and exhibitions.	City of Yarra could provide support or partnership rather than driving a festival of this kind.
Partnering with the state on festival and event support as well as how to Save the Yarra Castro and facilitate further safe spaces for the long term.	This is has been raised by numerous business owners within Yarra and the action plan has been adjusted accordingly.

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Consider what ongoing role could play to support LGBTIQ+ art programs (with an initial focus on Midsumma Festival venues within Yarra).	City of Yarra receives a high volume of applicants to the Arts and Culture funding program who identify as LGBTIQ+ or deliver programs to the LGBTIQ+ community (e.g. LGBTI elders dance club, Artful Dodgers, Fast Fashun to name a few). Midsumma venues the Melba Speigeltent and Hares and Hyenas have received funding for projects as part of the festival and have been connected to other departments of Council to market their events e.g. Yarra Youth Services, Aged Care and Disability and Family and Children Services.
Strategic Goal 1.1 should include a specific action "To use the arts to show support for and celebrate the LGBTIQ community and to engage the broader community" with the following implementation tasks: (a) Develop specific funding for LGBTIQ arts and artists under Yarra City Arts' grants programs and its Room to Create artist residencies program; (b) Develop a commitment to include LGBTIQ arts and artists within the City of Yarra's Exhibition Program; (c) Identify, exhibit and expand LGBTIQ arts and the work of LGBTIQ artists within the City of Yarra's Arts and Heritage Collection; and (d) Develop a commitment to include LGBTIQ arts and artists within the City of Yarra's criteria/brief for public art commissions and acquisitions, and specific opportunities for public art commissions and acquisitions that recognise and celebrate LGBTIQ diversity.	Strategic goal 1.1 is already being achieved to a large extent with representation of LGBTIQ artists across program areas. City of Yarra receives a high volume of applicants to the Arts and Culture funding program who identify as LGBTIQ+ or deliver programs to the LGBTIQ+ community (e.g. All the Queens Men, Artful Dodgers, Fast Fashun, Popomoco to name a few). Specific funding could be discussed if more funds were available.
Please make efforts to support local music venues which are a key source of community for LGBTQI+ people.	The Leaps and Bounds Music Festival and Changes Festival supports the Yarra live music scene by providing grants to venues to present events over 10 days in July. This has included many LGBTIQ+ identifying artists and events including Thursgay, LGBTI Elders Dance Club, Hares and Hyenas and individual artists.
Designate space for small podcast/online studio with equipment and make available to potential Yarra multimedia artists to not only develop their skills but the development and visibility within Yarra.	Yarra Youth Services runs an Artist In Residence program which can accommodate multimedia artists; interested people can apply through the annual Expression of Interest process.
Communications	
Tap into new media professionals e.g. podcasts, print media and regular video stories across all social channel. Provide funding for a Yarra resident	This is something that could potentially be funded through Council's community grants program.

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to provide content for monthly content that would build upon 'Yarra Day on Radio'.	
Adopt JOY 94.9 as a media partner to explore mutually beneficial opportunities to bring the Strategy to life and promote the City of Yarra as a place of choice for the LGBTIQA+ community and businesses.	Given the first year of the Strategy will be delivered within existing budgets, Council is unable to sponsor JOY 94.9 at this time.
Design and develop "Yarra Day" to promote strategy and actions – this should include an outside broadcast with JOY 94.9.	Noted. This has been included under action 2.1.1 Continue to provide strategic leadership in relation to LGBTIQ+ issues.
The implementation task under Action 2.2.2, "provide updates to staff on changes to inclusive language as needed" should be replaced with "develop a resource to guide staff in the use of inclusive language on forms, surveys and communications material, including translation and interpreter services and ensuring material is presented in a culturally sensitive and inclusive way"	It is important to be able to provide information to staff as needed, given that language and understanding changes so quickly in the LGBTIQ+ space. Council is already in the process of developing a guide on inclusive language, and has a guide on using interpreter and translation services.
Very little information in Yarra News. As a gay person (and ratepayer) Yarra News doesn't have much publicity about LGBTQ's as the ethnic and indigenous community receives over a twelve month period.	This will be looked at under action 1.1.2 Ensure Council communications reflect our diverse community.
The website-related actions are a particularly good idea - providing useful, practical resources for LGBTIQ+ locals and significantly increasing community awareness of LGBTIQ+ existence and issues (providing the resources are kept up to date).	Noted (and thanks!).
Engagement	
Consult and possibly promote Yarra LGBTIQ+ young families playgroups (post COVID-19)	Rainbow Families Victoria contributed to the development of this Strategy. Additionally, Council runs a Rainbow Families Playgroup for queer families and their children at Bargoonga Nganjin in Fitzroy North. Officers will continue to consult with these groups.
Comments regarding the need for broad consultation	The draft Strategy was developed in an inclusive, intersectional and intergenerational consultation with key external (and internal) stakeholders. Representation was sought from the wider LGBTIQ+ community, and a number of key advocates, services, organisations, and businesses. These same stakeholders had the opportunity to provide feedback on the draft once it was completed.

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Contact the LGBTIQ Reference Group (https://www.police.vic.gov.au/LGBTIQ-liaison-officers) in the Priority Communities Division of the Victorian Police to discuss what (if anything) is best done to engage police stationed within Yarra on the Council's LGBTIQ+ plans.	Noted. Council will be engaging with Victoria Police on the LGBTIQ+ Strategy.
There are tons of organisations with similar followers like 94.9Joy Radio, Globe Melbourne, Other festivals and even the chill out festival. Plus our council has Johnson street festival and Victoria Street Lunar Festival. The city would be better off to work with existing organisers and include the council program and it might be cheaper and get better results.	Noted. Council will be taking the time to develop relationships with LGBTIQ+ organisations to see how we can best support each other and subsequent events.
Utilize the existing Yarra LGBTIQ+ active aging Bent Twigs elders group to input to Yarra's strategy.	The Bent Twig Alliance were involved development of the Strategy and contributed to actions.
Inclusive Services & Facilities	
Comments regarding Rainbow Tick accreditation.	Officers will investigate Rainbow Tick accreditation. It is outside Council's remit to work with external organisations to achieve Rainbow Tick accreditation - this would be a decision for individual services to make.
Action 1.1.2 should include an implementation task to "Display rainbow families posters and promote rainbow families resources at family and children's facilities, including maternal and child health centres, kindergartens, childcare centres and libraries"	Under action 3.2.2 Promote safe and inclusive services, groups and venues within Yarra, Council will investigate models for a suitable inclusion audit for Council facilities and services. This will look at ways in which we can promote Councils inclusivity, including to diverse families.
Promote inclusiveness by encouraging businesses to display rainbow in Windows	This has been under discussion, however an audit would need to be undertaken to ensure that businesses not run by the LGBTIQ+ community are truly inclusive.
Moreland list local LGBTIQ+ community services on their website https://moreland.vic.gov.au/community-health/moreland-youth/get-help-with/gay-lesbian-bisexual-transgender-intersex-and-queer/. Moreland has LGBTIQ library resources highlighted, lists events and connect services and businesses to residents at https://moreland.vic.gov.au/community-health/advocacy-services/LGBTIQ/	See action 3.1.3 – promote safe and inclusive services, groups and venues within Yarra.
Intersectionality	

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Comments stating that intersectionality needs to be a consideration.	Under Action 2.2.4, Council has committed to explore links with Council Advisory Groups, including the Yarra Multicultural Advisory Group, Disability Advisory Committee, Active Ageing Advisory Committee, and Yana Ngargna Advisory Group, to look at further understanding and responding to intersectionality within Yarra. Council will also be looking at how to engage with the LGBTIQ+ community on Yarra's housing estates.
Supporting and celebrating LGTBIQ seniors is very important.	Council will continue to support older LGBTIQ+ people under the guidance of the Bent Twig Alliance
Leisure	
Investigate what LBGTIQ+ sporting associations Yarra could partner with to bolster community involvement.	Council's physical activity plan is currently under development and a key focus of the plan will be to investigate and facilitate working groups that address activity levels of underrepresented community groups (one of which is the LGBTIQ+ community). Additionally, LGBTIQ+ sporting groups are supported through Council's grants program
Strategic Goal 3.1 should include a specific action on sport with an implementation task to "develop a targeted engagement, social and pathway program aimed at increasing sports participation rates amongst the LGBTIQ community"	Council's Sport Development Officer is currently reviewing a number of sports related policies which address the need for inclusive sporting club environments, and aims to incentivise those clubs that provide meaningful opportunities for underrepresented community groups. Due to the high operational demands on the Recreation Unit, this work although prioritised is subject to available resources, therefore timelines are fluid (noting this work is fairly progressed).
Libraries	
Designate space in library for LGQTQI+ image collection digital/non digital images and archives that are created by emerging LGBTIQA+ artists.	The Library service subscribes to the Gale Archives of Sexuality and Gender for the collection and curation of artefacts for the LGBTIQ+ community. The Library service maintains a digital image repository of historical images and artefacts pertaining to the history of City of Yarra and will accept submissions from emerging LGBTIQ+ artists if provenance can be proven.
Utilise this same space as an information centre for gay businesses and services, with small meeting space for planned gatherings that acts as a hub for Yarras' LGBTIQA+ strategy.	The Library service is happy to provide meeting spaces and to help facilitate gatherings/events that support this strategy.

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Ensure LGBTIQ+ books and library resources are highly visible and promoted.	The Library service has a dedicated category on its eBook platform cloudLibrary which showcases LGBTIQ+ literature, and welcomes suggestions on how to further promote LGBTIQ+ resources.
Consider drag story reading time for Yarra children and families. See https://pridecentre.org.au/events/drag-queen-storytime/	The Library service intends to continue working with the LGBTIQ+ community to deliver inclusive programs and host additional Rainbow Storytimes. Earlier this year, we engaged Dolly Diamond to read this year's chosen title for National Simultaneous Storytime, and in recent years worked with local drag queen Karen From Finance on a queer history bus tour. In recognition of IDAHOBIT, we delivered a special storytime (delivered online via Facebook and Vimeo) that featured a story about a boy playing dress-ups ('Julian is a Mermaid') and intend to continue reading diverse and inclusive stories for all.
Action 1.1.2 should include an implementation task to "Acquire a library collection that reflects our diverse community, including LGBTIQ people and families"	The Library service strives to develop collections that reflect our community, including LGBTIQ+ people and their families, CALD communities and also welcomes suggestions for purchase. We are committed to improving the visibility of our collections and will undertake a review of our catalogue search terms and subject headings to increase discoverability.
Procurement	
Strategic Goal 2.2 should include a specific action to end discrimination against LGBTIQ people in council-funded products and services with an implementation task to "update the Yarra City Council Procurement Policy to mandate that Council officers seek products, services and providers that do not discriminate against LGBTIQ people in employment and goods and services provision"	Council's Procurement Policy 2020 states that Yarra draws pride and strength from our diverse community and recognises that our procurement practices can have substantial benefit to reducing barriers faced by some people and help to address inequality in our community. This includes people who identify as gay, lesbian, bisexual, transgender, intersex or queer (amongst others). Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and positive community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible. Council's Procurement Policy is being updated in 2021 and Officers will continue to work in this space to ensure that LGBTIQ+ people – and other marginalised groups – are not discriminated against.

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Representation	
Voices of LGBTQIA+ people should not be "included" in the development of policies etc that affect us. LGBTQIA+ council staff voices should be prioritised, centred and entrusted with decision making and vetoing power. -it is not enough to recognise and celebrate the LGBTQIA+ and raise awareness of LGBTQIA+ issues - there needs to be an explicit commitment to ending violence, abuse and discrimination against the LGBTQIA+ community and providing safe and accessible places for LGBTQIA+ peoples to get mental health help and support.	Action 2.2.3 'Include the voice of LGBTIQ+ people…' is about ensuring an intersectional approach to broader policy development, for example, Council's Multicultural Partnerships Plan. LGBTIQ+ voices will always be central to LGBTIQ+ strategies and polices. Council has a number of LGBTIQ+ staff working in this space, and in addition to this, an LGBTIQ+ Working Group. Council will also be looking at appropriate models for an LGBTIQ+ Advisory Committee, comprising external stakeholders.
Comments regarding the establishment of an LGBTIQ+ Reference Group.	See Action 2.2.5 Investigate establishing of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members. The Reference Group will be intersectional and intergenerational, representing people from all stages of life.
Resourcing	
Consider a defined annual funding pool to underpin collaborative support with community organisations and State Government to bolster the action list developed within the strategy. Implementation costs appear undefined and hence the actions proposed may be uncertain.	All initial actions will be completed within existing budgets. Further funding will be sought for year 2 onwards. Additionally, a larger number of LGBTIQ+ groups and services are supported through Council's Community Grants Program.
What sort of costs does this project have? Why wasn't the community consulted first on whether they even wanted this plan? Looks to me like decisions have already been made, and anyone not supporting it will not be listened to anyway.	The first year of the Strategy will be delivered within existing budgets. The Strategy was developed through extensive consultation with the LGBTIQ+ community, who are very supportive of the initiative.
The implementation task under Action 3.2.1 "provide new LGBTIQ+ groups with information on Council's community grants program" should be replaced with "provide LGBTIQ+ groups with information on Council's community grants program"	Noted - Action Plan has been updated.
Visibility	
Enhancing LGBTIQ+ visibility in Yarra (just loving the rainbow footpaths established on Smith St and Gertrude St).	See strategic goal 1.1 Recognise and celebrate Yarra's LGBTIQ+ community – we will be looking at further strategies to enhance visibility
Bi Visibility Day should be added to the list of key dates and events under Action 1.1.1	Noted - this has been included.

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* Yarra's LGBTIQ+ Strategy aims to support the LGBTIQ+ community more broadly. It does not reflect all the incredible work Yarra City Council does in this space. Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with a number of policies and strategies including Gender Equity Action Plan 2019-2021, People Strategy 2017-2020, Strategic Advocacy Framework 2018-2021, Family Violence Organisational Statement, 0-25 Years Plan 2018-2022, Library Strategic Plan 2017-2020, Access and Inclusion Plan 2018-2024, Active and Healthy Ageing Strategy 2018 – 2024, Council Plan 2017-2021, and the Yarra Social Justice Charter.

8.2 Emergency Management Reforms - Resolution

Executive Summary

Purpose

Disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under the *Emergency Management Act 1986.*

This authorises the Chief Executive Officer of City of Yarra ('Council') to facilitate the establishment of the MEMPC in accordance with the *Emergency Management Legislation Amendment Act 2018*.

Key Issues

The current MEMPC that was outlined in Emergency Management guidelines have been repealed and replaced as of the 1st of December 2020.

This resolution will enable the MEMPC to operate in line with the current legislation which is now in effect.

Financial Implications

Council must employ at least one full-time permanent Municipal Emergency Management Officer (MEMO) role, currently occupied by a temporary officer resource.

PROPOSAL

- That council authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21 (3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December these provisions are repealed by s82 (2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*.
- That council authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Muncipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020).
- That council notes that, under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

8.2 Emergency Management Reforms - Resolution

Reference	D20/165010
Author	Gavin Dyche - Manager Risk and Safety
Authoriser	Group Manager People and Culture

Purpose

1. Disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under the *Emergency Management Act 1986.*
2. This authorises the Chief Executive Officer of City of Yarra ('Council') to facilitate the establishment of the MEMPC in accordance with the *Emergency Management Legislation Amendment Act 2018*.

Critical analysis

History and background

3. The MEMPC has traditionally been a council lead committee to produce the Council owned Municipal Emergency Management Plan (MEMP). While this process has always had key stakeholder input it has remained under the ownership and responsibility of Council.

Discussion

4. The new legislation takes the ownership from council and place it on seven key stakeholders as part of the new MEMPC, including:

   (a) City of Yarra;
   (b) Victoria Police;
   (c) Ambulance Victoria;
   (d) Department of Health and Human Services (DHHS);
   (e) Red Cross Australia;
   (f) Victorian State Emergency Service (SES); and
   (g) Fire Rescue Victoria (FRV).

5. These stakeholders provide the opportunity to invite and involve other relevant parties and community representatives.
6. It will be the responsibility of the MEMPC to develop and produce a new Municipal Emergency Management Plan, in line with current requirements for the municipality of Yarra, with City of Yarra retaining input in this committee as a key stakeholder and chair of the committee.

Options

7. There is no alternative option available in order to comply with the Emergency Management Reform and to meet legislated obligations of Council.

Community and stakeholder engagement

8. Community and stakeholder engagement will be sort after the first meeting of the key members of the Committee.

Policy analysis

Alignment to Council Plan

9. N/A

Climate emergency and sustainability implications

10. N/A

Community and social implications

11. Reform is designed to enhance community safety

Economic development implications

12. N/A

Human rights and gender equity implications

13. N/A

Operational analysis

Financial and resource impacts

14. Council must employ at least one full-time permanent Municipal Emergency Management Officer (MEMO) role, currently occupied by a temporary officer resource.

Legal Implications

15. Legal advice informs this course of action must be taken to comply with new legislation.

16. This legal advice has been offered by Emergency Management Victoria (EMV) and the Municipal Association of Victoria (MAV) after both bodies sort independent legal advice on the implications of the legislation.

Conclusion

17. Changes required under the reforms have followed legislative changes and, whilst not supported financially by State Government, remain a legislative requirement of Council to undertake and comply with.

RECOMMENDATION

1. That:

    (a) Council endorses the resolution to allow compliance with emergency management reforms and current legislation.

Attachments

There are no attachments for this report.

8.3 Yarra Planning Scheme Amendment C191yara - Swan Street Major Activity Centre

Executive Summary

Purpose

The purpose of this meeting is to consider:

(a) the report of the independent *Planning Panel* concerning Amendment C191yara regarding Swan Street; and

(b) the officer recommendations in respect of the Panel Report.

Key Issues

Council prepared Amendment C191yara to:

(a) better manage and respond to increased development activity along the Swan Street Major Activity Centre area;

(b) provide a higher level of clarity and certainty for Council and the community; and

(c) facilitate an appropriate balance between accommodating population and employment growth, retaining and protecting heritage fabric, limiting amenity impacts and improving liveability.

The report from the independent *Planning Panel*, appointed to consider Amendment C191yara, has been received.

The Panel supported the Amendment but with changes largely as advocated by Council in the form of Council's preferred version of the Amendment as endorsed by Council at its meeting on 10 September 2019.

Council must now make a decision on the Amendment in accordance with the *Planning and Environment Act 1987* (Act). This is the final step for Council in the C191yara amendment process.

Financial Implications

Costs associated with the Panel process have been met through the City Strategy Branch budget.

PROPOSAL

The Act now requires Council to consider the Panel Report and then:

(a) either abandon all or any part of the Amendment; or

(b) adopt all or part of the Amendment with or without changes.

The officer recommendation is to pursue option (b) - to adopt the amendment with changes based on the justification outlined in this report.

8.3 Yarra Planning Scheme Amendment C191yara - Swan Street Major Activity Centre

Reference: D20/151542
Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report for Council to consider:
   (a) the report of the independent *Planning Panel* concerning Amendment C191yara regarding Swan Street; and
   (b) the officer recommendations in respect of the Panel Report.

Background

2. As a designated Major Activity Centre, Swan Street is required to play a significant role in achieving the directions of the State Government's metropolitan planning strategy, *Plan Melbourne 2017-2050,* in relation to both housing and employment. Swan Street, Richmond is also a highly intact turn-of-the-century 'high street' of consistent scale and architectural quality.

   Amendment C191yara

3. Council has prepared Amendment C191yara to:
   (a) better manage and respond to increased development activity along the Swan Street Major Activity Centre area;
   (b) provide a higher level of clarity and certainty for Council and the community; and
   (c) facilitate an appropriate balance between accommodating population and employment growth, retaining and protecting heritage fabric, limiting amenity impacts and improving liveability.

4. The land affected by the Amendment is included in four precincts along Swan Street, between Punt Road and Park Grove, shown on the map below (Figure 1).

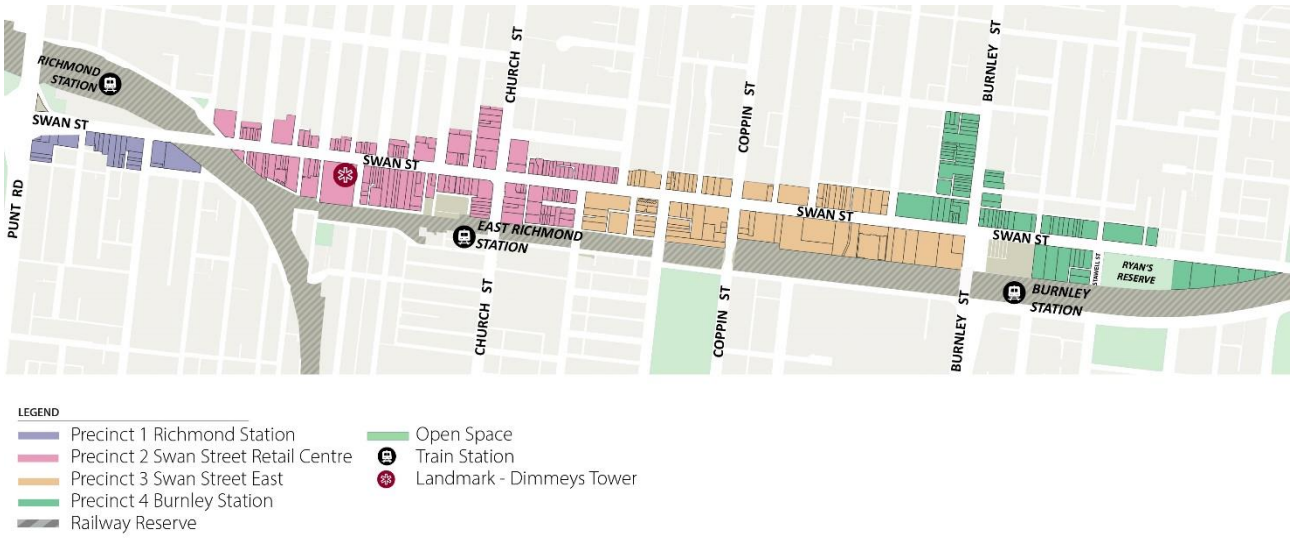


Figure 1. Swan Street Major Activity Centre precincts

5. The Amendment has taken a comprehensive approach to planning the centre, consistent with the expectations for activity centre planning across metropolitan Melbourne.

6. Amendment C191yara implements findings of the following strategic work:

(a) principles set out in the *Swan Street Structure Plan*, (David Lock Associates 2014);

(b) built form principles and objectives of the *Swan Street Activity Centre Built Form Framework*, (Tract Consultants September 2017);

(c) built form findings of the *Swan Street Built Form Heritage Review*, (GJM Heritage September 2017);

(d) heritage recommendations of the *Swan Street Built Form Study Heritage Assessments & Analysis*, (GJM Heritage October 2017); and

(e) access and movement recommendations of the *Traffic Engineering Assessment Traffic and Access Review: Swan Street Activity Centre, Richmond*, (Traffix Group July 2017).

7. Specifically, the Amendment proposes to:

(a) apply the Design and Development Overlay (DDO) to guide built form;

(b) introduce a new section on the Swan Street Activity Centre into Clause 21.12 Local Areas Policy;

(c) re-zone Commercial 2 zoned land to Commercial 1 to allow for a greater range of land uses, including residential land uses;

(d) correct mapping anomalies and update reference documents in the local policies;

(e) amend the Heritage Overlay (including adding 15 new places into the Heritage Overlay); and

(f) apply the Environmental Audit Overlay to land that is potentially subject to land contamination.

8. Amendment C191yara is intended to replace the interim built form controls, which currently apply, with permanent controls. Council's Statutory Planning Unit has assessed applications against the interim DDO17 since 22 November 2018.

The Amendment process

9. The process began when Amendment C191yara was *'authorised'* by the Minister for Planning in September 2018 (NB. for a detailed chronology of key events please refer to Attachment 1). It was then publicly exhibited from 28 February to 15 April 2019 (six weeks), during which Council received 30 submissions.

10. On 10 September 2019, Council considered the 30 submissions and resolved to refer all submissions to an independent *Planning Panel*.

11. At that meeting, Council also endorsed a set of proposed changes to the Amendment to be advocated for at the Hearing, specifically:

(a) dividing the exhibited Schedule 17 to the Design and Development Overlay - Swan Street Major Activity Centre (DDO17) which applied to the length of Swan Street into four separate 'preferred' DDOs (Council's Preferred DDO25, DDO26, DDO27 and DDO28), one for each precinct:

(i) preferred Schedule 25 to the Design and Development Overlay (DDO25): Swan Street Activity Centre - Precinct 1 Richmond Station;

(ii) preferred Schedule 26 to the Design and Development Overlay (DDO26): Swan Street Activity Centre - Precinct 2 Swan Street Retail Centre;

(iii) preferred Schedule 27 to the Design and Development Overlay (DDO27): Swan Street Activity Centre - Precinct 3 Swan Street East; and

(iv) preferred Schedule 28 to the Design and Development Overlay (DDO28): Swan Street Activity Centre - Precinct 4 Burnley Station.

(b) rezoning additional land at 377, 375, 371 Punt Road, 2-16 Swan Street from the General Residential Zone to the Commercial 1 Zone.

12. Given these proposed changes to the exhibited Amendment, Council gave additional notice on 12 September 2019 to all materially affected properties. Council subsequently received and referred seven additional submissions to the Panel (a map showing the location of the submitters to the Amendment in can be found at Attachment 2).

Planning Panel Hearing

13. The Panel consisted of Mr Con Tsotsoros (Chair) and Mr John Roney (Member).

14. The Panel commenced on 2 December 2019, however, it was adjourned on 5 December 2019 for technical reasons. The adjournment enabled Council to call on further urban design evidence and circulate it in a timely manner.

15. The Hearing recommenced on 27 July 2020 and concluded on 2 September 2020.

16. Council was represented by Susan Brennan SC and Jane Sharp of Counsel, instructed by Maddocks Lawyers, with assistance from Council officers.

17. Council's submission to the Panel was based on the position endorsed at the Council meeting on 10 September 2019.

18. Together with Part A, Part B(1&2) and Part C submissions, Council provided evidence from the following expert witnesses:

    (a) Leanne Hodyl, Hodyl & Co, (Urban Design);

    (b) Jim Gard'ner, GJM Heritage (Heritage);

    (c) David Helms, David Helms Heritage Planning (Heritage);

    (d) Charmaine Dunstan, Traffix Group (Traffic);

    (e) Andrew Spencer, SGS Economics and Planning (Capacity Analysis);

    (f) David Barnes, Hansen Partnership (Planning); and

    (g) Michael Eaddy, MEL Consultants (Wind).

19. Although the Panel considered the Amendment as exhibited, the Panel also had regard to Council's Preferred DDO25, DDO26, DDO27 and DDO28. At the close of the hearing, Council was directed to submit its final 'panel version' of its preferred DDOs (Part C version) to the Panel and all parties.

20. The 'Panel preferred version of the planning provisions', which are set out in Appendix D of the Panel Report are based on Council's Preferred DDO25, DDO26, DDO27 and DDO28.

21. The Amendment was rigorously reviewed, scrutinised and tested during the Panel Hearing process.

Planning Panel Report

22. The Panel Report was received by Council on 15 October 2020 and released publicly on 12 November 2020. A copy of the Panel Report can be viewed at Attachment 3.

23. The Panel determined that Amendment C191yara is well founded and strategically justified, supporting key aspects of the Amendment such as the majority of proposed mandatory provisions specified for building heights, street wall heights and setbacks, upper level setbacks and overshadowing. The proposed application of mandatory controls by Council was heavily challenged by other parties during the course of the Panel Hearing.

24. In its Panel Report, the Panel found that the Amendment would provide the community, Council and permit applicants with a clear planning framework to assess future planning permit applications, and the Amendment would also deliver net community benefit and sustainable development.

25. The Panel specifically commended Council for:

    (a) effectively assessing the issues through a comprehensive program of strategic work, since the adoption of Swan Street Structure Plan in 2014;

(b) actively listening to, and continuously responding to issues raised by submitters, as evidenced through the evolving form and content of the Amendment since it was exhibited;

(c) proactively responding to submissions and the learnings from recent Scheme Amendments with similar issues;

(d) notifying all submitters and affected landowners and occupiers of its preferred DDO schedules;

(e) seeking three-dimensional modelling as further context to inform its views;

(f) it's clearly presented submissions with useful cross references; and

(g) its support for the Panel Hearing process, generally within short timeframes. The Panel noted that Council went beyond the usual standards to respond to the challenges associated with the COVID-19 related government restrictions.

26. The Panel recommended that the Amendment should be adopted subject to recommended changes including replacing DDO17 with four new schedules (DDO25, DDO26, DDO27 and DDO28) and amending Council's Preferred DDO25, DDO26, DDO27 and DDO28 as shown in Appendix D to the Panel Report.

27. The next step in the Amendment process is the final step for Council (Figure 2).

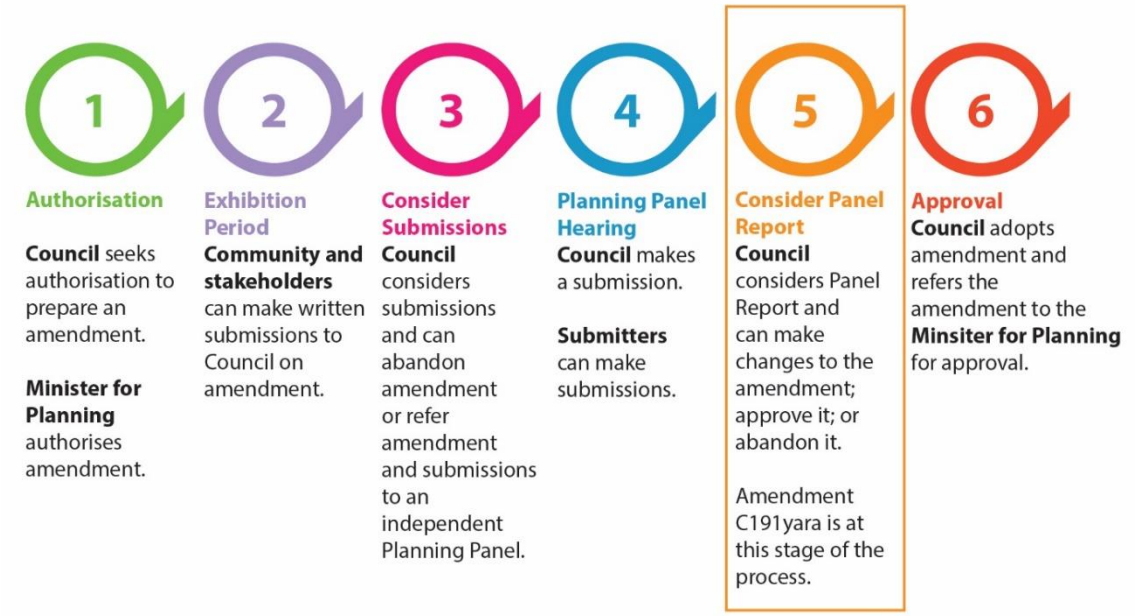


Figure 2. Steps in the Amendment process

28. Council must now consider the Panel Report, and decide whether or not to adopt the Amendment (with or without changes). If Council decides not to accept one or more of the Panel's recommendations, it must give its reasons for this when it submits the adopted Amendment to the Minister under section 31 of the *Planning and Environment Act 1987* (Act).

Panel recommendations and officer response

29. A detailed officer response to the Panel's recommendations is provided at Attachment 4. Attachment 4 outlines all the changes recommended by the Panel and provides the officer response to each recommended change.

30. Officers agree with all the recommendations made by the Panel.

31. Officers consider that the Amendment will provide a clear framework for the assessment of future planning applications in the Activity Centre and guide the Activity Centre to transform into its envisaged scale while making it a place for people to work, live and visit.

DDO25, DDO26, DDO27 and DDO28

32. Council officers have reviewed and considered the Panel's recommended changes to Council's Preferred DDO25, DDO26, DDO27 and DDO28 as set out in the Panel Report. The versions of DDO25, DDO26, DDO27 and DDO28 recommended by officers for adoption can be viewed at Attachment 5.

33. The following sections detail the key changes to Council's Preferred DDO25, DDO26, DDO27 and DDO28 as recommended by the Panel. It also highlights where the Panel supported key aspects of Council's Preferred DDO25, DDO26, DDO27 and DDO28 and suggested no/little change.

Schedule structure

34. The Amendment, as exhibited, proposed to apply a single schedule to the DDO (DDO17) to Swan Street. In response to several submissions that criticised the form and drafting of DDO17, Council proposed to separate DDO17 into four DDO schedules and simplify the structure of the provisions.

35. The Panel found that the Council's Preferred DDO25, DDO26, DDO27 and DDO28 schedules were a significant improvement on the exhibited DDO17, strengthening the design objectives and providing greater clarity and certainty regarding the intent of built form outcomes for each precinct. The Panel agreed with Council and recommended that DDO17 be separated into four schedules relating to each of the precincts in the Activity Centre.

Mandatory provisions

36. Council's Preferred DDO25, DDO26, DD27 and DDO28 propose to apply a combination of discretionary and mandatory built form provisions to the Major Activity Centre. Mandatory controls are proposed to be applied to:

    (a) locations of intact heritage streetscape;

    (b) locations with a sensitive interface with low scale residential properties; and

    (c) protect southern footpath of Swan Street from overshadowing.

37. The Panel supported the majority of the mandatory controls proposed by Council in Council's Preferred DDO25, DDO26, DDO27 and DDO28.

38. While discretionary provisions are the preferred tool by the State Government in the Victorian planning system, the Panel concluded that Council had made an appropriate case for introducing mandatory controls, consistent with *Planning Practice Notes 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)* and *60: Height and Setback Controls for Activity Centres (PPN60).*

39. PPN59 requires that mandatory controls must be strategically justified, suitable for the majority of proposals and whether they provide for the preferred outcome. Conversely, PPN59 also requires an assessment of the likely outcome and the administrative burden in the absence of a mandatory control. PPN60 considers whether mandatory controls are 'absolutely necessary' to achieve the preferred built form outcomes, whether they are supported by robust and comprehensive strategic work or where 'exceptional circumstances' warrant their introduction.

40. The Panel concluded that mandatory controls were applied in circumstances where they were absolutely necessary having regard to heritage fabric, streetscape amenity and residential interfaces. The Panel found the controls were based on comprehensive built form analysis and commended Council for undertaking a thorough approach to the formulation of the controls.

41. The Panel also found that the proposed controls strike an appropriate balance in achieving development growth in a major activity centre and protecting the centre's heritage context and public realm.

Upper level setback requirements

42. The DDO17, as exhibited, included a minimum upper level setback (where 'upper levels' means development above the height of the street wall) of 5m and included a discretionary view line requirement. This requirement was for the upper levels of development of heritage buildings to occupy the upper one-third of the view from the street and the heritage façade would occupy the lower two-thirds (1/3:2/3 rule).

43. At its meeting on 10 September 2019, Council endorsed the Preferred DDO25, DDO26, DDO27 and DDO28, which included a 6m upper level setback (rather than 5m) and removed the discretionary 1/3: 2/3 rule (as a consequence of the upper level setbacks being increased).

44. The Panel supported this approach, finding that for typical Swan Street frontages:

    (a) a minimum 5m upper level setback is insufficient;

    (b) a *mandatory* minimum 6m upper level setback for all heritage properties is appropriate;

    (c) a *discretionary* minimum 6m upper level setback for all non-heritage properties is appropriate; and

    (d) replacing the '1/3:2/3 rule' with a simple 6m upper level setback would simplify the provisions and continue to result in acceptable outcomes.

45. The Panel concluded that a 6m setback would ensure that the front of a heritage building could still be read as a three-dimensional form and retain sufficient heritage features and meaning. It would also ensure a greater potential for consistency in the streetscape.

Building separation requirements

46. Council's Preferred DDO25, DDO26, DDO27 and DDO28 required that, where development shares a common boundary and no interface treatment is shown, setbacks should be provided at a minimum of:

    (a) 4.5m where a habitable room window or balcony is proposed; and

    (b) 3m where a commercial or non-habitable room window is proposed.

47. At the Panel Hearing, officers advocated for an additional requirement for buildings taller than 28m based on advice from Council's expert urban designer, who observed that Council's Preferred DDO25, DDO26, DDO27 and DDO28 did not make this distinction.

48. Given building separation requirements play an important role in breaking up the visual 'wall' of buildings and also in providing appropriate amenity for occupants, the Panel supported the inclusion of the requirement that would require any portion of a building over 28m in height to be setback a minimum of 6m.

Overshadowing provisions

49. Council's Preferred DDO25, DDO26, DDO27 and DDO28 proposed *mandatory* overshadowing requirements to the southern side of Swan Street and the eastern, western sides of Church and Burnley Streets.

50. The Panel noted that solar access to footpaths is critical to the success of the Major Activity Centre, particularly as retail, hospitality and residential uses intensify. The absence of dedicated public open spaces in the centre means that the footpaths are particularly important.

51. The Panel concluded that it is appropriate to apply *mandatory* overshadowing provisions across the entire length of Swan Street. It noted that *mandatory* provisions would help protect the amenity of the southern footpath as overshadowing from tall development on the

north side of Swan Street could have a significant and irreversible impact on the southern footpath.

52. The Panel, however, recommended *discretionary* overshadowing requirements should apply for the western footpaths of Church and Burnley Streets Burnley Street based on the recommendations contained in the *Swan Street Activity Centre Built Form Framework*, Tract 2017. Officers support the Panel's recommendations as the Burnley Street and Church Street footpaths play a lower order pedestrian role in the Centre.

53. The Panel also did not support overshadowing being measured within 4m of the southern road reserve boundary of Swan Street. The Panel noted that although it is mentioned in the *Swan Street Activity Centre Built Form Framework, Tract 2017*, there is no technical analysis to justify the metric of 4m. On this basis, the Panel recommended that the metric for defining the area for solar access be revised for all streets and should only relate to the area between the property boundary and the existing kerb.

54. Officers support the alternate metric proposed by the Panel as it would still sufficiently protect the existing footpath (and any verge) from shadowing. It is noted that the average width of the southern side of the Swan Street footpath is just 3.1m and not 4m.

Heritage design requirements

55. The DDO17 as exhibited included 'Heritage design requirements' section to guide decision-making for buildings in Swan Street.

56. The Panel acknowledged the importance of the heritage fabric and the identified significant and contributory heritage places located throughout Swan Street.

57. At the Panel Hearing, Council noted that it is updating its Scheme via Amendment C269yara in line with the recently introduced integrated Planning Policy Framework structure by the State Government. This process seeks to update Clause 22.02 – Council's Heritage Policy and provide new policy for retail, commercial and industrial buildings.

58. The Panel recommended that the 'Heritage design requirements' section be deleted in DDO25, DDO26, DDO27 and DDO28. It considered that the Heritage Design Requirements duplicate existing provisions found within Clause 22.02 (Development Guidelines for Sites Subject to a Heritage Overlay) and within the Decision Guidelines of Clause 43.01-8 (Heritage Overlay). It further considered the schedules to the DDO appropriately consider the impact of heritage on development.

59. The Panel did recommend that two provisions regarding visually recessive upper level development and glazing be slightly modified and transferred to the 'Design quality requirements'.

60. Officers agree with the Panel's findings that the heritage design requirements duplicate existing provisions. It is considered that the combination of the schedules to the DDO and Heritage Overlay would provide a comprehensive set of design requirements for heritage properties. It is also appropriate to retain and transfer the two requirements as they are fundamental design principles. The subtle changes to the wording of the requirements improves the clarity of the intent of the provisions.

Building height requirements

61. The schedules to the DDO include a list of building height requirements that should be met for development to exceed the preferred building height specified. This was challenged by several parties who submitted that all the requirements should not have to be met by permit applicants.

62. The Panel concluded:

    (a) it is appropriate for the DDO schedules to include requirements that specify the circumstances when it may be appropriate for a permit to be granted to construct a building or construct or carry out works that exceed the *preferred* height; and

    (b) the proposed building height requirements are appropriate and justified.

63. The Panel recommended that the building height requirements should be revised to clearly apply to both residential and non-residential development, where relevant. Council officers support this change.

Building heights

64. As noted above, Council officer's submitted a 'Part C' version of DDO25, DDO26, DDO27 and DDO28 at the close of the Panel Hearing. The 'Part C' version of DDO25, DDO26, DDO27 and DDO28 proposed some variations to building heights in response to expert evidence and submissions made at the Hearing. The Panel supported the variations to the buildings heights in the 'Part C' version of DDO25, DDO26, DDO27, and DDO28, except in Precinct 1.

DDO25: Precinct 1 specific recommendations

65. The Panel considered the *preferred* maximum building heights in Council's Preferred DDO25 for Precinct 1 to be appropriate and justified, except for the land between Wellington Street and Cremorne Street. The Panel recommended that the *preferred* maximum building height for this land be increased from 21m to 28m.

66. Council officers support this recommendation for the following reasons:

    (a) the sites are opposite an important strategic location. Richmond Station is a key railway station in the Metropolitan network, flagged for redevelopment. Developing the land on the south side of Swan Street should be seen in this context;

    (b) the Cremorne precinct to the south is undergoing significant growth and renewal. A *preferred* maximum building height of 28 metres would be consistent with many developments to the south. Much of the land to the immediate south is currently in the Commercial 2 Zone so interfaces are less sensitive in these locations;

    (c) the land between Wellington and Cremorne Street generally has a very generous lot depth, particularly in some portions of the eastern half. The deeper sections of the block provide greater opportunities for increased height; and

    (d) any permit application to exceed the *preferred* height would be assessed against the Precinct 1 design objectives and the criteria set out in the 'Building height requirements' section (amongst other things).

67. In addition, the Panel recommended an additional provision in the 'Building height requirements' section for Precinct 1, requiring that when a proposal on land within the Heritage Overlay seeks to exceed the *preferred* maximum height, the proposal should achieve the following:

> *Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.*

68. Officer support this additional building height requirement as it would help ensure that upper level development, above the *preferred* height, is visually recessive and the does not overwhelm the heritage buildings.

69. In regards to street interface requirements, Council's urban design expert gave evidence at the Hearing that Precinct 1 did not include specified interface provisions for Jessie Street. Having regard to the recent development of land on the south side of Jessie Street, Council's expert recommended that Interface F be applied to Jessie Street.

70. Council's urban design expert also gave evidence that there should be a requirement that development at 40 Swan Street (not built on a common boundary) should provide a minimum setback distance of 4.5 metres to that common boundary. She recommended this be a discretionary (*preferred*) rather than *mandatory* provision.

71. The Panel supported these changes as they would help ensure that the amenity of surrounding residential properties is appropriately protected. Officers also support these changes.

DDO26: Precinct 2 specific recommendations

72. The Panel found the maximum building heights in Council's Preferred DDO26 for Precinct 2 to be appropriate and justified, except land bound by Little Lesney, Wiltshire and Brighton Streets and also 189 Swan Street and 421-423 Church Street.

73. The Panel recommended that the *preferred* maximum building height of land bounded by Little Lesney, Wiltshire and Brighton Streets be increased from 21m to 28m.

74. This recommendation is consistent with the 'Part C' version of DDO26.

75. Officers support this recommendation as the land:

    (a) is predominantly in the Mixed Use Zone and represents a viable future redevelopment opportunity;

    (b) is located near East Richmond Station and the corner of Swan and Church Streets;

    (c) has no sensitive interfaces, and has no valuable heritage fabric; and

    (d) has the following approved planning permits, which enable the sites to be developed at greater heights:

        (i) PLN18/0658 2 - 8 Brighton Street and 1 - 3 Wiltshire Street and 5 Little Lesney (approved height approximately 32m); and

        (ii) PLN14/1000 1 Little Lesney Street and 9 Wiltshire Street Richmond (approved height approximately 33m).

76. Officers agree with the Panel, that a 28m building height is appropriate as it more realistically reflects heights approved through recent permits. An increase in height was also supported by Council's planning expert witness at the Hearing.

77. Any heights beyond this measure can be more closely scrutinised through the permit application process as it is considered that DDO26 sets an appropriate framework for assessing future permit applications.

78. The Panel also recommended the *mandatory* maximum building height of 189 Swan Street and 421-423 Church Street be decreased from 21m to 18 metres.

79. This recommendation is consistent with the evidence of Council's two heritage expert witnesses and the 'Part C' version of DDO26.

80. Council's heritage expert witnesses recommended that the height of 189 Swan Street and 421-423 Church be lowered to 18m to maintain the prominence of the Swan Hotel and reflect the rhythm of the surrounding heritage streetscape. Officers agree with this recommendation as it would enable a building height that retains the Swan Hotel and M Ball building as the dominant landmarks at the intersection of Swan and Church Street. It would also help ensure development sensitively responds to its surrounding heritage fabric.

81. In regards to 57-61 Swan Street (Corner Hotel), the Panel found that it is a unique property in Precinct 2 due to its prominent location, four street frontages and its interface with the elevated railway line to the west and the higher density mixed use land to the north. The Panel's site specific recommendations reflect the Corner Hotel's unique circumstances.

82. Specifically, the Panel recommended that the proposed 28m *mandatory* height of the Corner Hotel's rear car park (approximately 550m^2) be discretionary (the Panel supported the application of a *mandatory* maximum height to the Corner Hotel building).

83. The Panel also recommended that 'Interface F' (discretionary (*preferred*) 6m upper level setback), applied to the Hotel's Botherambo Street and Wangaratta Street frontages, be replaced by new 'Interface K', which includes a reduced discretionary (*preferred*) 3m minimum upper level setback requirement. They similarly recommended that the Hotel's Stewart Street frontage be redesignated from 'Interface B' (*mandatory* 6m upper level setback) to 'Interface F' (discretionary (*preferred*) 6m upper level setback).

84. These recommendations relating to the Corner Hotel are consistent with the 'Part C' version of DDO26.

85. Given the Hotel's car park is located 30m from its Swan Street frontage, officers consider that *mandatory* height controls for the car park are not necessary to protect Swan Street's heritage streetscape or southern footpath from overshadowing. Furthermore the car park abutting the Corner Hotel's northern boundary is on a separate property title and does not contain any heritage fabric.

86. It is also considered that reduced upper level setbacks along Botherambo Street and Wangaratta Street would still create a distinct street wall, maintain the 'human scale' of the area and limit unreasonable visual bulk impacts from new development.

87. In regards to Stewart Street, it has a robust interface opposite the elevated railway line, including its concrete walls. Given 'Interface B' is intended for Swan Street's more sensitive heritage streetscape, it is more appropriate to apply 'Interface F' to Stewart Street.

88. Officers accept the Panel's recommendations relating to the Corner Hotel.

DDO27: Precinct 3 specific recommendations

89. The Panel found the *preferred* maximum building heights in Council's Preferred DDO27 for Precinct 3 to be generally appropriate and justified except for 370-374 Swan Street and the land to its south, which should have an increased *preferred* maximum building height of 40 metres (rather than 34m, which was proposed in exhibited DDO17).

90. This recommendation is consistent with the evidence of Council's planning expert witness and the 'Part C' version of DDO27.

91. Council's planning expert witness supported the 40m *preferred* maximum building height being extended to the west to include these sites because he considered this a relatively minor adjustment that would retain the design principle of development stepping up in height towards Burnley Station, to the east.

92. Officers support this recommendation given it is consistent with the adjoining land to the east and the approved planning permit (PLN16/0915) for the site. It is considered that the height transition from 34m to 40m is at a logical and appropriate point as it aligns with the proposed upper level building break, the proposed north south access ways and the western boundary of 370-374 Swan Street.

93. It is noted that the building heights proposed along the south side of Swan Street in Precincts 3 and 4 are greater than the north side due to the absence of heritage and sensitive interfaces. In addition, there are a number of large allotments that can accommodate more development. These sites on the south side of Swan Street provide an excellent opportunity to accommodate growth without unreasonably affecting the amenity of existing residential properties. The rail corridor (which ranges in depth from 29m-45m) provides a significant buffer between these sites and the low scale residential areas to the south.

DDO28: Precinct 4 specific recommendations

94. The Panel found that it is appropriate to include a provision in the design quality requirements to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by the Heritage Overlay (HO474). This recommendation is consistent with the 'Part C' version of DDO28. Officers accept this recommendation.

<u>Heritage</u>

95. The Planning Policy Framework in Victoria seeks to conserve and enhance those places which have local heritage significance. The issue at the Panel Hearing was whether the Corner Hotel (circa 1955) is intact enough and of sufficient historical and social significance to meet the threshold of local heritage significance.

96. The Panel concluded that the Corner Hotel site at 57-61 Swan Street does not achieve criteria A (historical) or criteria G (social) significance to justify its grading as an individually

significant place. The Panel also found that while it is appropriate and justified to apply the Heritage Overlay (HO335 – Swan Street Precinct) to 57-61 Swan Street (excluding land currently being used as a car park), the Corner Hotel should be regraded as a 'non-contributory' property. The Panel considered that the Corner Hotel 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.

97. A considerable amount of evidence regarding the Corner Hotel was presented to the Panel. Through rigorous interrogation of this information, it became apparent that the1955 building had been significantly altered through changes in the 1990s and 2016 and that it is no longer sufficiently intact to represent its original form.

98. Officers support the Panel's recommendations, 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. This is in accordance with *Planning Practice Note 01: Applying the Heritage Overla*y (PPN01) which guides planning professionals on the correct application and use of the Heritage Overlay.

99. By including the Corner Hotel building in HO335, albeit as a place that does not contribute to the broader precinct, any development to the Corner Hotel would still have to have regard to its impact on the surrounding heritage streetscape. A planning permit would also still be required to demolish, subdivide and alter the Corner Hotel building under the Heritage Overlay.

100. It is noted that while the Corner Hotel is regarded as an iconic live music venue in Victoria, the Heritage Overlay is fundamentally a built form control and cannot protect the live music use of the Corner Hotel.

101. It is also noted that on 2 October 2020, Amendment VC183 (which was prepared by the Minister for Planning) came into effect which encourages the retention of existing and the development of new live music entertainment venues.

102. Specifically, Amendment VC183 introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions by:

    (a) introducing new state planning policy for live music to recognise the social, economic and cultural benefits of live music and encourage, create and protect opportunities for the enjoyment of live music;

    (b) adding a purpose to Clause 53.06 to encourage the retention of existing and the development of new live music entertainment venues;

    (c) including an application requirement that requires an assessment of the impact of a proposal on the functioning of live music venues; and

    (d) adding new decision guidelines requiring consideration of the social and economic significance of an existing live music entertainment venue and the impact of a proposal on the functioning of live music venues.

103. These changes to the planning scheme mean that, when a site that accommodates an existing live music venue is proposed to be redeveloped, Council will need to consider the objectives and decision guidelines of the new policy and amended clause 53.06 when assessing any new proposal.

Changes to zoning

104. Following exhibition, one submission requested that their property at 375-377 Punt Road be rezoned from the General Residential Zone to the Commercial 1 Zone to better reflect its current conditions, use and strategic intent.

105. At its meeting on 10 September 2019, Council supported this proposed rezoning, along with the proposed rezoning of 371 Punt Road and 2-16 Swan Street to the Commercial 1 Zone, as it is the most appropriate zone for the land, given:

(a) the Amendment proposes to apply *preferred* maximum building heights of 27m (8 Storeys) via DDO25, which exceeds the maximum height allowed under the current General Residential Zone;

(b) the land is included within the boundary of a major activity centre (Swan Street);

(c) its corner location on a major boulevard (Punt Road) offers good access to the Monash Freeway, services, open space and public transport, including buses, trains and trams;

(d) the streets running along the rear of the land's southern and eastern boundaries, provide a buffer to the sensitive residential interfaces to the south;

(e) the land is unencumbered by heritage controls and provides redevelopment opportunities at 2-16 and 14 Swan Street (VicRoads information centre and car park);

(f) the Yarra Housing Strategy identifies the area as a 'moderate change' area, suitable for increased residential densities and housing diversity through mixed-use, infill and shop-top apartment development; and

(g) rezoning all of Precinct 1 to the Commercial 1 Zone would remove several prominent mapping anomalies (dual zoned sites).

106. The Panel concluded that rezoning 371 and 375-377 Punt Road, 2-16 Swan Street to the Commercial 1 Zone is logical and strategically supported. Accordingly, the Panel recommended that 371 and 375-377 Punt Road and 2-16 Swan Street be rezoned to the Commercial 1 Zone.

107. The Panel noted that from a procedural perspective, submitters had an opportunity to express their views on these proposed rezonings. Officers support this recommendation.

Other matters

493-497 Swan Street, Richmond

108. In their submission (Submission 21) to Council, the owners of 497 Swan Street requested that their property be included in the proposed Design and Development Overlay boundary.

109. At its meeting on 10 September 2019, Council considered the Amendment and submissions received. Council resolved, amongst other things, to:

> *Refer Submission 21 to officers for further advice as to the opportunity to include properties at 493-497 Swan St Richmond into DD017.*

110. The Panel considered Submission 21 together with additional written and verbal submissions made by the owners of 497 Swan Street during the Panel Hearing.

111. Council officers did not advocate for an extension to the boundary of Council's Preferred DDO28 to include 493-497 Swan Street at the Panel Hearing because notice had not been given to surrounding owners and occupiers who may be affected by any proposed building height and setback requirements specified for the properties.

112. Council officers did, however, ensure that the resolution was identified by advocating for an amendment to the Swan Street Framework Plan in Clause 21.12 to identify the properties at 493-497 Swan Street as 'land subject to further strategic work'.

113. Ultimately, the Panel did not support the Precinct 4 boundary being realigned to include 493-497 Swan Street through the Amendment because:

(a) there is insufficient strategic work to support the proposal;

(b) the implications of applying the DDO provisions need to be clearly understood; and

(c) it is beyond the scope of the Amendment and should be reviewed through a separate process.

114. The Panel supported Council's proposed change to Swan Street Framework Plan in Clause 21.12 Local Areas Policy.

115. While there is no timeframe specified in the resolution above, officers will commence the work requested in the resolution as soon as workloads permit.

17 Dickmann and 408 Church Street, Richmond

116. On 8 July 2020, Council received correspondence from the Department of Environment, Land, Water and Planning alerting Council to a mapping error.

117. The exhibited Yarra Planning Scheme DDO Map No. 08 incorrectly included 17 Dickmann and 408 Church Street, Richmond in the DDO boundary. These properties are in the Neighbourhood Residential Zone Schedule 1 and it was not and is not Council's intention to include these properties in the Amendment. This error was not included in maps contained in DDO17, as exhibited.

118. This mapping error is proposed to be corrected in Attachment 6 (Amendment documents for adoption), which does not show 17 Dickmann and 408 Church Street, Richmond as being within the DDO boundary.

Next steps in the Amendment process

119. The process for Council's consideration of an amendment is prescribed in the Act.

120. Under Sections 27, 28 and 29 of the Act, Council must:

(a) consider the Panel's report before deciding whether or not to adopt the Amendment; and then;

(b) either abandon all or part of the Amendment; or

(c) adopt all or part of the Amendment with or without changes.

121. Section 9 of the *Planning and Environment Regulations 2015* (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act. Council must provide the following:

(a) the reasons why any recommendations of a Panel were not adopted; and

(b) a description of and the reasons for any changes made to the Amendment before adoption.

122. Attachment 4 to this report sets out what the Panel recommended and explains why the recommendations are supported.

123. Numerous VCAT cases, including *Steller 250 Pty Ltd v Frankston CC [2019]* and *Lend Lease Apartments (Armadale) Pty Ltd v Stonnington CC [2013]*, have highlighted the need to strictly adhere to the requirements of the Act as a way of avoiding a procedural review of Council's decision being lodged at the Tribunal under Section 39 of the Act.

Amendment C191yara – Version for adoption

124. The version of Amendment C191yara recommended for adoption is included at Attachment 6. A marked up version of the amendment that highlights changes between the exhibited documents and the documents for adoption is at Attachment 7(only documents with changes have been included in the attachment).

125. Attachment 8 and 9 describes the changes between the exhibited Amendment and the version of the Amendment for adoption and sets out the reasons for each change. This forms part of the prescribed information required to be submitted to the Minister under Section 31 of the Act.

External Consultation

126. Amendment C191yara was publicly exhibited from 28 February to 15 April 2019 (six weeks). Notification and exhibition of the Amendment was carried out via the following measures:

(a) emails sent on Tuesday 19 February 2019 to Richmond resident groups and societies, advising of Council's intent to exhibit Amendment C191yara;

(b) letters mailed on Monday 25 February 2019 that included notice of preparation and a brochure, sent to over 7,000 owners and occupiers, government agencies and prescribed authorities;

(c) notices placed in The Age on Thursday 28 February 2019 and the Government Gazette on Thursday 28 February 2019;

(d) package of Amendment documentation placed on Council's and the Department of Environment, Land, Water and Planning's websites on Thursday 28 February 2019;

(e) hard copies of the Amendment documentation made available to view at Richmond Town Hall and the Richmond Library during standard business hours; and

(f) interactive online map on Council's website (there were 647 visits to the interactive map with an average time of 8 minutes spent on the webpage).

127. Council also held three, 3 hour information sessions at the Richmond Library.

128. Following the Council meeting of 10 September 2019, Council gave notice of its resolution by sending a letter to:

(a) all submitters;

(b) landowners and occupiers of land within the activity centre boundary; and

(c) landowners and occupiers of and abutting the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street.

129. The letter noted additional submissions could be made by Wednesday 16 October 2019.

Internal Consultation (One Yarra)

130. There has been consultation with officers from the Statutory Planning Unit and with the Senior Advisor, City Heritage.

Financial Implications

131. The financial costs of Scheme Amendments have been included in Council's Legal Budget in 2020/2021.

Economic Implications

132. The Amendment may provide further stimulus to the retail precinct. No other economic implications are apparent.

Sustainability Implications

133. There are no known sustainability implications relating to the Amendment. Specific ESD aspects of planning applications would be considered at the planning permit stage.

Climate Emergency Implications

134. The Amendment would facilitate the redevelopment of the land which would provide for an opportunity to address climate emergency objectives including:

(a) opportunity for greater levels of sustainability through the redevelopment of land in keeping with Council's ESD policy; and

(b) facilitate sustainable communities that are walking distances to sustainable transport options, employment and services.

Social Implications

135. There are no significant social implications. The planning provisions would provide some added certainty in relation to future development in the centre.

Human Rights Implications

136. There are no known human rights implications.

Communications with CALD Communities Implications

137. Public exhibition of the Amendment contained information for CALD communities including how to access translator services.

Council Plan, Strategy and Policy Implications

138. The Amendment supports the following strategy in the Council Plan 2017-2021:

> *Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing.*

Legal Implications

139. The approach outlined in this report accords with the requirements of the *Planning and Environment Act 1987*.

Other Issues

140. Council must meet all the requirements of the *Planning and Environment Act 1987* to ensure natural justice to all parties and to maintain the integrity of the Amendment process.

141. Under section 4(6) of *Ministerial Direction No. 15: The Planning Scheme Amendment Process*, Council needs to decide whether to abandon or adopt an Amendment within 40 business days of the date the planning authority receives the Panel's report, which is 14 December 2020. Officers have sought an extension to this requirement.

Options

142. Sections 27, 28 and 29 of the *Planning and Environment Act 1987* require that the Planning Authority (Council):

    (a) must consider the Panel's report; and can then either

    (b) abandon all or part of the Amendment; or

    (c) adopt all or part of the Amendment with or without changes.

143. Any changes to the exhibited Amendment must be justified in writing to the Minister for Planning.

Conclusion

144. Council has received the Planning Panel Report in relation to Amendment C191yara. The Panel is supportive of the majority of the Amendment. The Panel found that Amendment C191yara is well founded, strategically justified and will deliver net community benefit and sustainable development, as required by clause 71.02-3 of the Scheme.

145. Based on the reasons set out in its Report, the Panel recommended that Amendment C191yara be adopted subject to recommended changes. Officers support all of the Panel's recommendations.

146. Council must now decide whether to adopt all or part of the Amendment, with or without changes; or abandon the Amendment or parts of the Amendment.

147. Officers consider that the implementation of built form, heritage and access controls through the Amendment provides added certainty and clarity for development along Swan Street. Without permanent built form controls, the Scheme does not adequately guide the extent of change envisaged for the Major Activity Centre, having regard to the balance that needs to be struck when considering competing factors such as: urban consolidation; housing diversity; protection and enhancement of the heritage significance of the street and individual buildings; the quality and consistency of the streetscape; and the amenity of adjoining residential properties.

RECOMMENDATION

1. That Council:
   (a) notes the officer report regarding Amendment C191yara (Amendment), officer recommendations and Attachments 3, 4, 5, 6, 7, 8 and 9;
   (b) notes the public release of the Panel Report for the Amendment under Section 26 of the *Planning and Environment Act 1987* (Vic) (Act);
   (c) having considered the Panel report under section 27 of the Act, adopts the Amendment in accordance with section 29(1) of the Act with the changes as set out in Attachment 7, 8 and 9 to this report;
   (d) delegates to the CEO the authority to finalise the Amendment in accordance with Council's resolution, and to make any administrative or formatting changes to the Amendment documentation and maps required to give effect to Council's resolution;
   (e) authorises officers to submit the adopted Amendment as set out in Attachments 5 and 6 to this report to the Minister for Planning for approval, in accordance with section 31(1) of the Act; and
   (f) authorises officers to submit the information prescribed under section 31(1) of the Act with the adopted Amendment, including a description of and reasons for the changes made to the Amendment between exhibition and adoption as outlined in Attachment 7, 8 and 9 to this report.
2. That Council authorises officers to notify:
   (a) all submitters to the Amendment;
   (b) all owners and occupiers of land that Council believes may be materially affected by the Amendment;
   (c) any other person, Minister, public authority or municipal council who previously received notice of the Amendment in accordance with section 19(1) of the Act; and
   (d) to advise them of this Council resolution.

CONTACT OFFICER: **Alayna Chapman**
TITLE: **Senior Strategic Planner**
TEL: **9205 5332**

Attachments
1⇩ C191yara Chronology of key events
2⇩ C191yara Location of submitters
3⇩ C191yara Panel Report
4⇩ C191yara Panel recommendations and officer response
5⇩ C191yara DDO25, DDO26, DDO27, DDO28 for adoption
6⇩ C191yara Amendment documents for adoption
7⇩ C191yara Marked up amendment documentation since exhibition
8⇩ C191yara Amendment documentation comparison
9⇩ C191yara Amendment map comparison

Attachment 1 - C191yara Chronology of key events

Yarra Planning Scheme Amendment C191yara

Chronology of key events

Date	Event / Description
17 December 2013	Council adopts the Swan Street Structure Plan.
May 2014	The State Government releases Plan Melbourne 2014.
1 September 2015	Council resolves to pursue the rezoning of the Commercial 2 Zone land along the eastern end of Swan Street to a Commercial 1 Zone and planning controls to commercially zoned land along Swan Street from Punt Road to Park Grove.
March 2017	The State Government releases Plan Melbourne 2017-2050.
17 October 2017	Council resolves to (amongst other things): • endorse the Swan Street Activity Centre Built Form Framework as a basis for Amendment C191yara; • note the supporting Swan Street Heritage Built Form Review prepared by GJM Heritage and the Traffic, Access and Movement Review prepared by Traffix; • seek authorisation from the Minister for Planning to prepare Amendment C191yara to the Yarra Planning Scheme. • request the Minister for Planning to introduce Schedule 17 to the Design and Development Overlay on an interim basis (via Amendment C236yara).
31 October 2017	Council writes to the Department of Environment, Land, Water and Planning requesting Ministerial Authorisation to prepare Amendment C191yara.
2 November 2017	Council requests a ministerial amendment (Amendment C236yara) under 20(4) of *Planning and Environment Act 1987* to introduce Schedule 17 to the Design and Development Overlay (DDO17) on an interim basis.
8 November 2017	The Minister for Planning advises Council that the protocol for seeking interim heritage controls had been revised due to the significant resource burden associated with issuing interim Heritage Overlays on a case-by case basis.

5 December 2017	Council resolves to (amongst other things):
	• request the Minister for Planning to introduce the Heritage Overlay to parts of the Swan Street activity centre, as part of Amendment C236yara, on an interim basis; and that this request apply to the following specific 15 places:
	  ○ 30 - 42 Swan Street, Richmond;
	  ○ 273A Swan Street, Richmond;
	  ○ 323 - 325 Swan Street, Richmond; and
	  ○ 223 - 239 Swan Street, Richmond.

4 September 2018	Yarra Spatial Economic and Employment Strategy adopted by Council
4 September 2018	Yarra Housing Strategy adopted by Council
13 September 2018	Ministerial authorisation issued by the Minister for Planning for Amendment C191yara.
10 October 2018	The Minister for Planning issues new Ministerial Direction No.19 and a new Ministerial Requirement for information to ensure that a planning authority seeks early advice from Environment Protection Authority Victoria (EPA).
22 November 2018	Amendment C236yara gazetted by the Minister for Planning (with changes), introducing the DDO17 and the Heritage Overlay to 15 places on an interim basis.
18 December 2018	Council as the planning authority, seeks the written views of the Environment Protection Authority Victoria (EPA) about the potential impacts of the proposed amendment on the environment, amenity, and human health, noting that the Amendment C191yara Explanatory Report will include a statement of how the proposed Amendment addresses any views of the EPA.

Attachment 1 - C191yara Chronology of key events

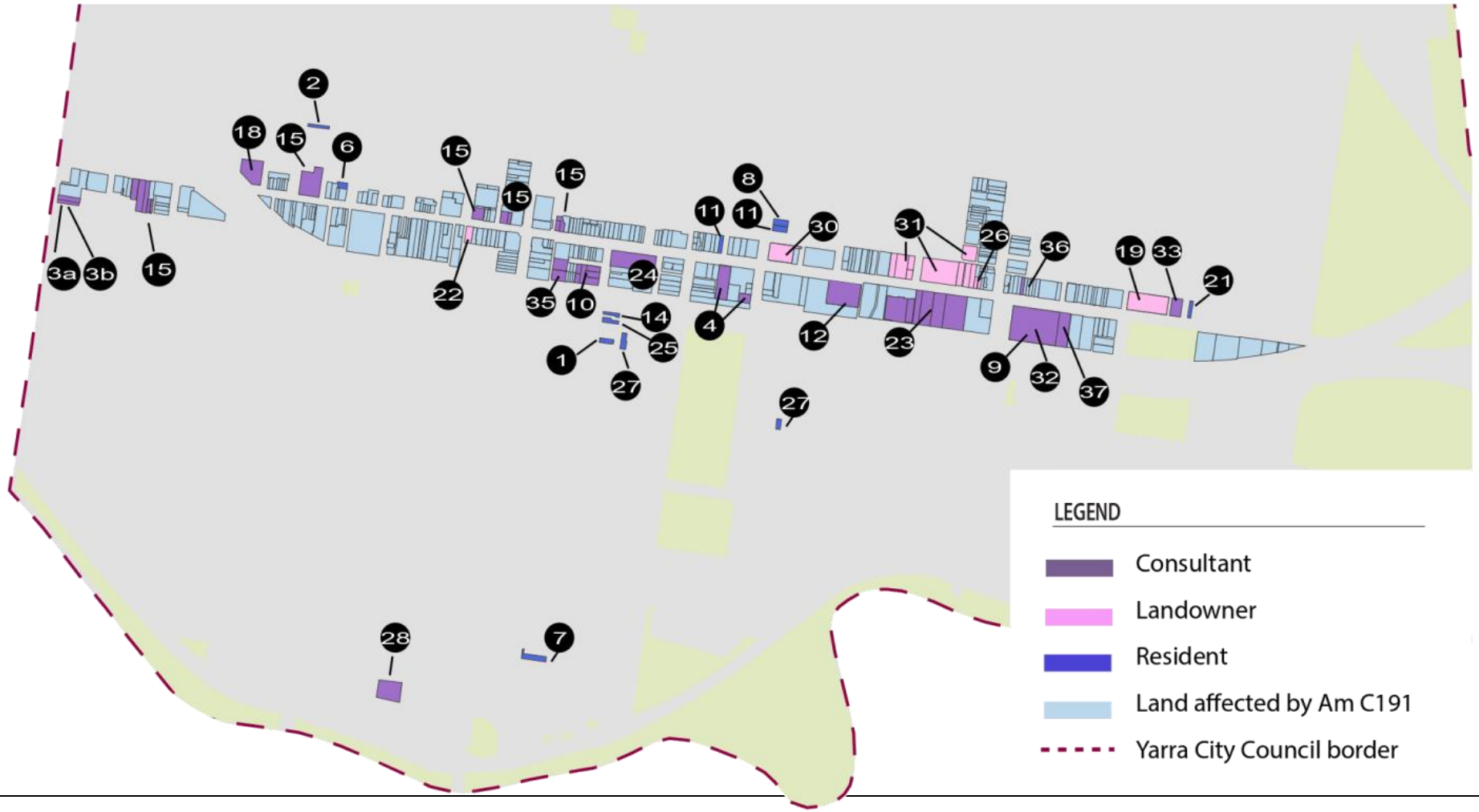
Date	Event / Description
28 February - 15 April 2019	Amendment C191yara is formally exhibited for six weeks.
June 2019	Council engages Tract Consultants to prepare a 3D model of the 4 precincts along Swan Street.
10 September 2019	Council considers 30 submissions (received by Council at that time) to the Amendment and hears from submitters. At its ordinary meeting, Council resolves that it: • *receives and notes submissions received following the exhibition of Amendment C191;* • *notes the officer report and attachments in relation to the current interim Yarra Planning Scheme provisions and officer response to submissions on Amendment C191 and endorses for the purposes of advocacy before a panel the recommended changes to the amendment including the preferred version of the DDO schedules;* • *adopts as its submission to the panel the position of support for Amendment C191subject to the recommended proposed changes;* • *requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C191 in accordance with Section 23 of the Planning and Environment Act 1987;* • *writes to all landowners and occupiers directly affected by Amendment C191 and to all submitters to advise:* o *of the Council resolution;* o *of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;* o *that any new or varied submission made in relation to the recommended changes to Amendment C191, including the preferred version of the DDO schedules, will be referred directly to the planning panel; and* o *that officers will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;* • *writes to all landowners and occupiers of and abutting the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to advise:* o *of the Council resolution;* o *of the Council's position of support for the recommended rezoning of the land at 377, 375, 371 Punt Road, 2-16, and 14 Swan Street to the Commercial 1 Zone;* o *of Council's position in support of the recommended changes to Amendment C191, including the preferred version of the DDO schedules;* o *that any new or varied submission made in relation to the recommended changes to Amendment C191will be referred directly to the planning panel; and* o *that officers will provide a further report to Council after the planning panel report is received from Planning Panels Victoria to enable further consideration of Amendment C191 by Council;* • *refer all submissions, including new or modified submissions in response to the further notice above to the Panel;* • *note, in preparing C191 Council acknowledge that there was a strategic justification to maintain the current C1 Zoning at 493-497 Swan Street Richmond.* • *requests the Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20A of the Planning and Environment Act 1987, to extend the expiry date of Schedule 17 to the Design and Development Overlay (DDO17) and the following interim heritage controls until 30 December 2020:* o *HO524: Swan Street West Heritage Precinct (30-42 Swan Street, Cremorne);* o *HO522: 273A Swan Street, Richmond;* o *HO523: 323-325 Swan Street, Richmond; and* o *HO501: Swan Street Heritage Precinct (223-239 Swan Street, Richmond);* • *authorises officers to prepare the relevant amendment documentation, under section 20A of the Planning and Environment Act 1987, for submission to the Minister for Planning, seeking an extension of the dates of the interim planning controls; and* • *Refer Submission 21 to officers for further advice as to the opportunity to include properties at 493-497 Swan St Richmond into DD017.*
12 September 2019	Council requests a prescribed amendment (Amendment C268yara) under 20A of *Planning and Environment Act 1987* to extend the interim controls along Swan Street for 12 months.
12 September - 16 October 2019	Council gives further notice of Council's preferred DDO25, DDO26, DDO27 and DDO28 and rezoning.

Attachment 1 - C191yara Chronology of key events

Date	Event / Description
8 November 2019	Directions Hearing is held for Amendment C191yara.
2 December 2019	Panel Hearing commenced.
5 December 2019	Panel Hearing adjourned.
24 December 2019	Notice of approval of Amendment C268yara (which extends the interim built form and heritage controls that apply to the Swan Street Activity Centre until 26 November 2020) is published in the Government Gazette.
30 December 2019	Notice of approval of Amendment C276yara (which extends the expiry date of the interim Heritage Overlay that applies to 223-239 Swan Street until 26 November 2020) is published in the Government Gazette.
6 February 2020	A second Directions Hearing is held.
6 July 2020	Council requests a prescribed amendment (Amendment C278yara) under 20A of *Planning and Environment Act 1987* to extend the interim controls along Swan Street for 12 months.
27 July 2020	Panel Hearing recommences.
2 September 2020	Panel Hearing concludes.
15 October 2020	Council receives the Panel Report.
15 October 2020	Notice of approval of Amendment C268yara (which extends the interim built form and heritage controls that apply to the Swan Street Activity Centre until 15 October 2021) is published in the Government Gazette.
12 November 2020	Panel Report publicly released.

Attachment 2 - C191yara Location of submitters

YARRA PLANNING SCHEME AMENDMENT C191yara
SWAN STREET MAJOR ACTIVITY CENTER
Location of Submitters Plan



Attachment 3 - C191yara Panel Report

Planning and Environment Act 1987

Panel Report

Yarra Planning Scheme Amendment C191
Swan Street Activity Centre

15 October 2020

VICTORIA State Government | Planning Panels Victoria

Attachment 3 - C191yara Panel Report

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the Planning and Environment Act 1987 (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the Planning and Environment Regulations 2015]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Yarra Planning Scheme Amendment C191

Swan Street Activity Centre

15 October 2020

Con Tsotsoros, Chair

John Roney, Member

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Glossary and abbreviations

3D	Three dimensional
Act	*Planning and Environment Act 1987*
the Activity Centre	Swan Street Activity Centre
Council	Yarra City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
Heritage Review	Swan Street Built Form Heritage Review, GJM Heritage, 27 September 2017
Heritage Study	Swan Street Built Form Study Heritage Assessments & Analysis, GJM Heritage, October 2017
Swan Street Framework	Swan Street Activity Centre Built Form Framework, Tract Consultants, September 2017
Swan Street Structure Plan	Swan Street Structure Plan, David Lock Associates, January 2014
Traffic Engineering Assessment	Traffic Engineering Assessment of the Swan Street Activity Centre, July 2017
VCAT	Victorian Civil and Administrative Tribunal
VHR	Victorian Heritage Register
YSEES	Yarra Spatial Economic and Employment Strategy

Note: Any number after a zone or schedule refers to the schedule number

Attachment 3 - C191yara Panel Report

Overview

Amendment summary	
The Amendment	Yarra Planning Scheme Amendment C191
Common name	Swan Street Activity Centre
Brief description	Implements built form principles and objectives of the Swan Street Activity Centre Built Form Framework, September 2017 and recommendations of the Swan Street Built Form Study Heritage Assessments & Analysis, October 2017
Subject land	Swan Street Activity Centre, as shown in Figure 1
Planning Authority	Yarra City Council
Authorisation	13 September 2018, subject to conditions
Exhibition	28 February to 15 April 2019
Submissions	Number of Submissions: 37 (including five late submission)

Panel process	
The Panel	Con Tsotsoros (Chair), John Roney
Assisted by	Chris Brennan, Office of Planning Panels Victoria
Directions Hearing	8 November 2019 at Richmond Library 6 February 2020 at Planning Panels Victoria
Panel Hearing	2 and 5 December 2019 at Amora Hotel, Richmond 27, 28, 29, 30, 31 July and 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19 August and 2 September 2020 by video conference (Webex)
Site inspections	Unaccompanied, 25 November 2019
Parties to the Hearing	see Appendix B
Citation	Yarra PSA C191 [2020] PPV
Date of this Report	15 October 2020

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Executive summary

The Swan Street Activity Centre (Activity Centre) focuses around an approximately 2.1 kilometre commercial spine and is about 1.5 kilometres from Melbourne's Central City. It has three train stations and trams with access to Melbourne's central city, sports precinct and services including medical.

The Activity Centre has identified heritage buildings, though most are concentrated in the Swan Street Heritage Precinct (HO335) between the railway overpass and just past Church Street to the east. There is strong interest to develop larger scale development in the Activity Centre. This is evident through existing new developments, permits issued, permit applications and owner intentions.

The Swan Street Structure Plan is a high-level strategy document which does not consider detailed conditions in the study area. To progress a more detailed understanding, Council engaged consultants to concurrently prepare the Swan Street Activity Centre Built Form Framework, September 2017 (Swan Street Framework) and the Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (Heritage Study). The Heritage Study informed the built form assessment in the Swan Street Framework.

Yarra Planning Scheme Amendment C191 (the Amendment) seeks to implement the built form principles, objectives and recommendations of these reports.

The Amendment was exhibited from 28 February to 15 April 2019 and received 35 submissions, including five late submissions. Key issues raised in submissions related to heritage, development opportunity, building height, setbacks and other built form provisions, the modelling prepared for Council, land zoning, mandatory provisions, Swan Street Activity Centre capacity and growth, overshadowing, and vehicle and pedestrian access. Issues also related to the form and content of the Amendment including drafting and the Design and Design Overlay Schedule 17 structure.

Three dimensional modelling images

Since exhibiting the Amendment, Council had consultants prepare three dimensional modelling, presented as images in reports. The images have issues, for example the street level perspective is not realistic, but provide useful context when considering the appropriateness of proposed built form provisions, subject to the limitations being kept in mind. They would have benefitted from a more realistic street level perspective.

Strategic justification

The background studies form a sound basis for the Amendment. The policy to maintain 15-year residential land supply should be considered on a municipal basis. On that basis, the exhibited and preferred versions of the Amendment will contribute towards Yarra providing sufficient residential and commercial capacity across its municipality to meet future demand.

Council has clearly understood the complicated intersection of interrelated and contradictory objectives related to the Activity Centre. The Amendment recognises and appropriately balances policies which on the one hand seek growth in a major activity centre while on the other seek to protect existing heritage in the centre. The common thread between both policies is the need to plan for present and future generations.

The Amendment, based on its robust strategic justification, is supported by an extensive suite of planning policies. These include housing affordability and sustainability.

For the reasons set out in this report, the Panel finds the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified. It will deliver net community benefit and sustainable development, as required by Planning Scheme Clause 71.02-3. The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in this report.

Heritage

The Panel concludes that the Yarra High Streets: Statements of significance have been prepared appropriately for heritage places in the Activity Centre. However, it should refer to 377 and 380 Burnley Street as individually significant places within precincts and should replace 413-15 Burnley Street with the correct address of 413-415 Swan Street.

Development opportunity is not relevant when assessing potential heritage significance but may be relevant during the planning permit application stage.

It is appropriate and justified to:

- recategorise 67 Docker Street from a contributory property in the Richmond Hill Precinct (HO332) to non-contributory
- apply the Heritage Overlay (HO524) to 30-40 Swan Street
- recategorise 218 Swan Street from a contributory property to non-contributory in the Swan Street Precinct (HO335).

The Corner Hotel site at 57-61 Swan Street does not achieve criteria A (historical) and G (social) significance to justify it as an individually significant place. It is appropriate and justified to apply the Heritage Overlay (HO335 – Swan Street Precinct) to 57-61 Swan Street excluding land currently being used as a car park. It should be categorised as a non-contributory property. The statement of significance for 57-61 Swan Street should be deleted and the City of Yarra Database of Heritage Significant Areas should be revised to better reflect the place.

Centre-wide issues

The Swan Street Framework Plan appropriately applies the precinct boundaries. Figure 1 (Swan Street Framework Plan) in Clause 21.12 should be amended to redesignate the car park land to their envisaged use. Land north of Precincts 1 and 2 and land east of Precinct 4 needs further strategic work to better understand their relationship with the Activity Centre and should be designated accordingly.

It is appropriate and justified to rezone land in the Activity Centre, as exhibited, and to rezone further land. Specifically, 371 and 375-377 Punt Road, 2-16 and 14 Swan Street should be rezoned to the Commercial 1 Zone to reflect existing built form and to reduce the number of zones on individual lots. Land at 65 and 67 Docker Street should remain in the Commercial 1 Zone because it is inappropriate and unjustified to rezone them through the Amendment.

The methodology for applying the Environmental Audit Overlay is appropriate.

Design and Development Overlay

The content in the exhibited Design and Development Overlay (DDO) Schedule 17 should be separated into four schedules relating to each of the precincts in the Activity Centre. Specifically, DDO25 for Precinct 1, DDO26 for Precinct 2, DDO27 for Precinct 3 and DDO28 for Precinct 4.

The mandatory provisions for specified building heights, street wall heights and setbacks, upper level setbacks and overshadowing are justified and necessary unless specified otherwise in this report.

It is appropriate for the DDO schedules to include requirements that specify the circumstances when it may be appropriate for a permit to be granted to construct a building or construct or carry out works that exceeds the preferred height.

The proposed building height requirements are generally appropriate and justified but should be revised to ensure that they apply to both residential and non-residential development.

Changes to the building height requirements proposed by Council in its closing submission are appropriate and are supported.

For typical Swan Street frontages, a minimum 6-metre upper level setback should be applied because a minimum 5 metre upper level setback is insufficient to respond to the heritage streetscape. The 6-metre upper level setback should be applied as a mandatory provision for all heritage properties and as a discretionary provision for all non-heritage properties.

It is appropriate to include building separation requirements and the proposed building separation requirements are generally satisfactory. They could be improved by providing for greater separation for taller buildings. It is not appropriate to introduce a specific provision to limit the height of a party wall.

The heritage design requirements at Clause 2.3 in the DDO schedules are not appropriate because they duplicate existing provisions in Clause 22.02 and should be deleted.

The amenity of identified footpaths should be protected through overshadowing requirements. Mandatory overshadowing requirements are appropriate and justified for the Swan Street southern footpath and discretionary requirements are justified and supported for all other nominated footpaths.

The metric for defining the area for solar access should be revised for all streets and should relate to the area between the property boundary and the existing kerb. The use of the equinox between 10.00am and 2.00pm as the measure for solar access is appropriate.

A desktop wind effects assessment should be required for a permit application proposing a building 15 metres or higher from natural ground level.

Precinct 1

The design objectives for Precinct 1 are appropriate. It is appropriate to include a design quality requirement which seeks to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape on land with the Heritage Overlay (HO524).

The preferred maximum building heights in Precinct 1 are generally appropriate and justified except for the land between Wellington Street and Cremorne Street. Land between Wellington Street and Cremorne Street should have a preferred maximum building height of 28 metres.

An additional provision should be added to the building height requirements for Precinct 1 to require upper levels in the Heritage Overlay that exceed the preferred maximum building height should have increased setbacks.

It is appropriate to apply Interface F to Jessie Street.

A discretionary boundary wall setback requirement should be applied to 40 Swan Street to require a minimum setback of 4.5 metres to the common boundary if a building is not built on a common boundary.

Precinct 2

The Precinct 2 design objectives are appropriate.

The mandatory maximum building heights in Precinct 2 are generally appropriate and justified except for 57-61 and 187-189 Swan Street, land bounded by Little Lesney, Whiltshire and Brighton Streets, and 421-423 Church Street.

The part of 57-61 Swan Street currently being used as a car park should have a discretionary maximum building height of 28 metres. Land bounded by Little Lesney, Whiltshire and Brighton Streets should have a discretionary maximum building height of 28 metres. 187-189 Swan Street and 421-423 Church Street should have a mandatory maximum building height of 18 metres.

Interfaces C and I are generally appropriate for Precinct 2 and do not need to be amended. The discretionary Interface I provisions can be varied for individual circumstances such as the interface between the Activity Centre and 60 Stanley Street.

The Corner Hotel has unique circumstances which justify a new Interface K along Botherambo and Wangaratta Streets. Interface K should apply a discretionary maximum 11-metre street wall and a discretionary minimum 3-metre upper level setback. Stewart Street should be redesignated from Interface B to Interface F to recognise its robust interface opposite the elevated railway line including its concrete walls.

The southern elevation of 468 Church Street should be redesignated from Interface H to Interface F to protect the heritage fabric along its visible side elevation.

Precinct 3

The Precinct 3 design objectives are appropriate.

It is appropriate and justified to require discretionary upper level building breaks on the south side of Swan Street in Precinct 3 in their proposed location. There should be no uplift in building height based on providing such a building break.

The side setback provisions for upper level building breaks as proposed in the Hearing version of DDO27 are appropriate.

The preferred maximum building heights in Precinct 3 are generally appropriate and justified except for 370-374 Swan Street and the land to its south. 370-374 Swan Street and land to its south should have a preferred maximum building height of 40 metres. The boundary between 34 metres and 40 metres should be the upper level building break opposite Lord Street shown on DDO27 Plan 1.

Interface E should include a provision in the 'preferred requirements' column of the street wall height to "*match the parapet height of the taller adjoining heritage building for a minimum length of 6 metres from the heritage building*". It should also include a mandatory requirement in the upper level setback for a "*minimum 6 metres for heritage buildings*".

Interface F should apply the discretionary minimum 6-metre upper level setback to all heritage buildings. Interface G on the eastern side of Bell Street should be replaced with Interface F whereas Interface G in front of 232-234 Coppin Street should be replaced with Interface C.

The vehicle and pedestrian access requirements in Precinct 3 are generally appropriate and should be changed to reflect left in-left out access. Plan 2 Access and Movement Plan – Precinct 3 Swan Street East should be revised to:

- replace 'new laneway required' with 'new laneway preferred' to reflect the intended outcome
- provide flexible left in-left out access between 356 and 408-442 Swan Street.

Precinct 4

The Precinct 4 design objectives are appropriate. It is appropriate to include a provision in the design quality requirements to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by the Heritage Overlay (HO474).

It is appropriate and justified to require upper level building breaks on the south side of Swan Street in Precinct 4. The location of the upper level building breaks are appropriate.

The side setback provisions for upper level building breaks in the Hearing version of DDO28 are appropriate.

The maximum building heights in Precinct 4 are generally appropriate and justified except for 487 Swan Street. Land at 487 Swan Street should have a mandatory maximum building height of 18 metres.

Interface F should be revised regarding upper level setbacks to ensure that the preferred 6 metres minimum setback applies to all heritage buildings. The interface type on the eastern side of 487 Swan Street should be revised by replacing Interface I with Interface H.

General comments

Council is commended on numerous fronts. Since the Swan Street Structure Plan, it has effectively assessed the issues through a comprehensive program of strategic work. Council has actively listened to, and continuously responded to issues raised by submitters, as evident through the evolving form and content of the Amendment since it was exhibited. It sought three-dimensional modelling as further context to inform its views.

The Hearing process was challenged by the large volume of evidence and different Amendment versions. Council's clearly presented submissions with their useful cross references has assisted the Panel.

Finally, the Panel acknowledges Council's support for the Hearing process, generally within short timeframes. While the Act requires a planning authority to support the process, Council went beyond the usual standards to respond to the challenges associated with the Novel Coronavirus Disease 2019 related government restrictions.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Planning Scheme Amendment C191 be adopted as exhibited subject to the following:

1. **Amend the Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage) to:**
   a) **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**
   b) **replace 413-15 Burnley Street with 413-415 Swan Street under 'What is significant?'.**
2. **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.**
3. **Amend the HO335 statement of significance to delete the Corner Hotel from 'Individually significant places within precincts'.**
4. **Amend the City of Yarra Database of Heritage Significant Areas (January 2019) to recategorise 57-61 Swan Street from individually significant to non-contributory.**
5. **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.**
6. **Amend Figure 1 (Swan Street Framework Plan) in Clause 21.12, as shown in Appendix D5, to:**
   a) **redesignate the car park land to 'potential future public park' and 'Mixed activity'**
   b) **redesignate land north of Precincts 1 and 2 and land east of Precinct 4 as 'Land subject to future strategic work'.**
7. **Rezone 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone.**
8. **Replace Design and Development Overlay Schedule 17 with:**
   a) **a new Design and Development Overlay Schedule 25, which includes planning provisions relevant to Precinct 1 (Richmond Station)**
   b) **a new Design and Development Overlay Schedule 26 which includes planning provisions relevant to Precinct 2 (Swan Street Retail Centre)**
   c) **a new Design and Development Overlay Schedule 27 which includes planning provisions relevant to Precinct 3 (Swan Street East)**

d) **a new Design and Development Overlay Schedule 28 which includes planning provisions relevant to Precinct 4 (Burnley Station).**

9. **Amend Design and Development Overlay Schedule 25, as shown in Appendix D1.**
10. **Amend Design and Development Overlay Schedule 26, as shown in Appendix D2.**
11. **Amend Design and Development Overlay Schedule 27, as shown in Appendix D3.**
12. **Amend Design and Development Overlay Schedule 28, as shown in Appendix D4.**

1 Introduction

1.1 The Amendment

Yarra Planning Scheme Amendment C191 (the Amendment) seeks to implement:

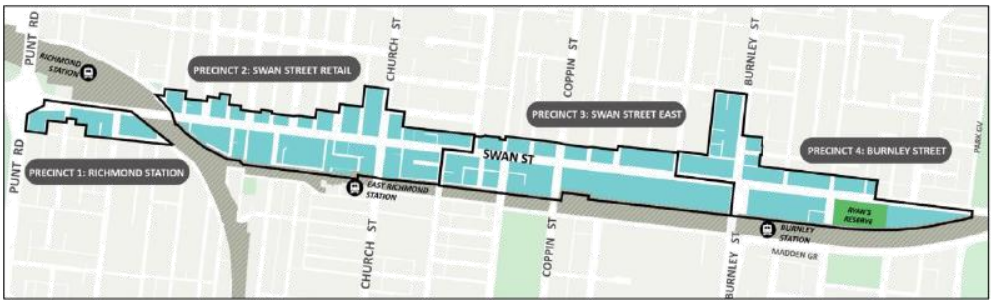
- built form principles and objectives of the Swan Street Activity Centre Built Form Framework, September 2017 (Swan Street Framework)
- recommendations of the Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (Heritage Study).

Specifically, the exhibited Amendment proposes to:

- amend Clause 21.12 to introduce a Swan Street Activity Centre Local Area Policy which implements the Swan Street Framework
- amend Clause 21.08 to make minor corrections and to reflect DDO17 and the new Swan Street Activity Centre Local Area Policy
- apply Design and Development Overlay Schedule 17 (DDO17) permanently to land in the Swan Street Activity Centre
- amend Clause 21.11 to reference:
  - the Swan Street Framework
  - the Heritage Study
  - Yarra High Streets: Statements of Significance October 2017 (GJM Heritage)
- amend Clause 22.02 to reference:
  - the Heritage Study
  - Yarra High Streets: Statements of Significance October 2017 (GJM Heritage)
- apply the Heritage Overlay permanently to 30-42, 223-239, 273A and 323-325 Swan Street Richmond.

The Amendment applies to land in the Swan Street Activity Centre shown in Figure 1.

Figure 1 Subject land



The subject land focuses around an approximately 2.1 kilometre commercial spine and is about 1.5 kilometres from Melbourne's Central City. It has direct access to three train stations and trams.

This report refers to the following versions of the Amendment:

- **Exhibited** – DDO17 and other provisions exhibited between 28 February and 15 April 2019
- **Resolved** – DDO25, DDO26, DDO27, DDO28 and other provisions resolved at 10 September 2019 Council meeting after considering submissions

- **Hearing** – provided by Council to all parties on 20 August 2020 (Documents 181, 182, 183, 184, 185 and 186).

1.2 Background

17 December 2013	Council adopted the Swan Street Structure Plan
May 2014	State government released Plan Melbourne
17 October 2017	Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment
5 December 2017	Council resolved to request the Minister for Planning to apply the Heritage Overlay on an interim basis to 15 properties (30 – 42, 223-239, 273A and 323-325 Swan Street, Richmond)
25 January 2018	462-482 Swan Street, Richmond was rezoned from the Commercial 2 Zone to the Commercial 1 Zone and DDO14 and EAO were applied to the land [Amendment C185]
4 September 2018	Council adopted the Yarra Spatial Economic and Employment Strategy and the Yarra Housing Strategy
13 September 2018	The Minister for Planning authorised the Amendment conditional to removing the requirement for a wider laneway in Precinct 2 and a laneway in Precinct 3 from DDO17
10 October 2018	The Minister for Planning issued Ministerial Direction 19
22 November 2018	An interim Heritage Overlay was applied to the 15 Swan Street properties with an expiry date of 30 December 2019 [Amendment C236]
28 February to 15 April 2019	Amendment C191 was formally exhibited for six weeks
June 2019	Council engaged Tract Consultants to prepare a 3D model of the four precincts along Swan Street
10 September 2019	At its meeting, Council considered 30 submissions and resolved to refer all submissions to a Panel
12 September 2019	Council requested the Minister for Planning to extend the interim Heritage Overlay on the 15 Swan Street properties for 12 months
12 November 2019	Council adopted the Yarra Heritage Strategy 2019-2030
24 December 2019	The interim Heritage Overlay for the 15 Swan Street properties was extended to 30 December 2020 [Amendment C268yara]
30 December 2019	The interim Heritage Overlay for 223-239 Swan Street was extended to 26 November 2020 due to a technical error with Amendment C268yara [Amendment C276yara]
30 December 2020	The interim Heritage Overlay for the 15 Swan Street properties will expire

1.3 Procedural matters

(i) Access to 3D model information

Issue 1

Loubeck Pty Ltd and Swancom Pty Ltd wrote to the Panel on 22 November 2019 requesting that the Panel:

- direct Council to provide the 3D model of Swan Street in SketchUp[1] format by close of business on 22 November 2019
- direct that any evidence which has regard to the three-dimensional model be circulated by midday on Thursday 28 November 2019.

The Panel referred to Council's invitation to make the 3D model information available through a report, videos and appointment from 13 November 2019. It encouraged parties to cooperate with each other regarding any further information requests. On the second request, the Panel upheld its direction for expert reports to be circulated by the specified date.

Issue 2

At the second Directions Hearing, Council advised that it was now able to offer the 3D model in SketchUp software format from 21 February 2020 to any party subject to a signed agreement. Council added that its urban design expert witness, Ms Hodyl, would present the model at the Hearing.

Cremorne Properties, Swan-Lennox and Loubeck sought further direction. Collectively, they requested that:

- the Panel direct Council to write to all parties to explain the process and attach the agreement to be signed
- the usage period be at least 30 days after the Panel's report is publicly released to align with the timeframe for procedural defects in section 39 of the Act.

Loubeck questioned why there should be any usage end date.

In its directions letter dated 10 February 2020, the Panel stated:

- the invitation to view the 3D model should attach the agreement which specifies:
  - the software and data can only be used for the purposes of the Hearing process
  - the ability for parties to use the software for up to 30 days after the Panel report is publicly released
- Council should arrange access to their interactive 3D model at the Hearing when explaining the Amendment to show perspectives from any vantage point.

(ii) Request for advanced notice of Council's response to evidence

On 2 December 2019, Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd submitted that parties were entitled to know Council's position on Mr Parsons' urban design evidence before Mr Parsons was cross-examined. They considered it unsatisfactory and unfair to not know Council's position at that stage.

Council responded that:

[1] Licensed software which enables 3D modelling to be viewed

- its preferred position reflects the position resolved at its 10 September 2019 meeting
- each party has an opportunity to cross-examine Mr Parson's evidence
- each party can raise any points of disagreement in their submission to the Panel.

Cremorne Properties and Swan-Lennox responded that:

- it is not the way the process always works or how it should work
- for procedural fairness, Council should have expressed its position to expert evidence.

The Panel acknowledged Council's position to the Amendment, and noted that it would be of assistance if Council explained any Council officer response to expert evidence before each expert witness appeared.

(iii) Urban design expert witness declaration

Council originally called Mr Parsons of Ethos Urban as an urban design expert witness. At the beginning of his evidence-in-chief, he declared that he applied for, and was offered, a position as a Sessional Panel Member at Planning Panels Victoria. Mr Parsons explained that he had not accepted the offer from the Minister for Planning to become a member of Planning Panels Victoria. Council informed the Panel that neither its officers nor Ms Brennan SC representing Council were aware of this declaration before that morning.

Cremorne Properties and Swan-Lennox and Loubeck Pty Ltd raised issues regarding Mr Parsons' declaration. Cremorne Properties and Swan-Lennox submitted that Mr Parsons could not be called as an expert witness that day because there was an apprehension of bias. They add that this was an unfortunate circumstance which required further information before they could respond.

All three parties requested further information regarding the circumstances surrounding Mr Parsons' declaration and the Panel directed that their questions be provided in writing. Ms Davidov wrote to Planning Panels Victoria on 2 December 2019[2] with an extensive list of probing questions for Mr Parsons and each of the Panel members.

The Panel referred the questions to the Business Manager of Planning Panels Victoria because a considerable proportion of the information sought related to a selection process managed by him. Planning Panels Victoria provided all parties responses from the Business Manager[3] and from the Panel.[4]

(iv) Reserving costs

On 2 December 2019, Loubeck submitted that:

- the Panel has the power to order costs associated with an adjournment
- if an adjournment is granted, there is a strong possibility that it would be requesting that Mr Parsons pay all or part of their costs.

On 5 December 2019, Swan Street Sales advised of its intent to request that the Panel reserve costs associated with the adjournment to the Hearing. It confirmed its request in writing through a letter dated 9 December 2019 to all parties and Planning Panels Victoria stating:

[2] Document 25
[3] Document 29
[4] Document 30

> At the hearing on 5 December 2019, Counsel on behalf of our client requested that the Panel make an order that costs relating to the adjournment are to be reserved. This request was supported by other parties at the hearing.
>
> Section 165 of the *Planning and Environment Act 1987* states that:
>
> *"A panel may from time to time adjourn a hearing to any times and places and for any purposes it thinks necessary and on any terms as to costs or otherwise which it thinks just in the circumstances."*
>
> We respectfully request that the Panel make an order that costs relating to the adjournment are reserved.

No party sought a specific order for payment of costs and the Panel made no order as to costs.

(v) Revised Hearing dates and format

At the Hearing on 5 December 2019, Council advised that it would:

- no longer call urban design evidence from Mr Parsons
- remove Mr Parsons' evidence from its webpage and note that it would no longer be relying on his report.

On 5 December 2019, Council requested that the Hearing be adjourned to enable Council to engage another urban design expert witness and to circulate evidence by a reasonable timeframe. Most parties preferred to recommence the Hearing in the second half of 2020. The Panel provided some time during the Hearing to enable Council and parties to explore potential dates. After this discussion, Council advised that 12 October 2020 was the soonest possible date for the Hearing.

On 11 December, the Panel asked parties to provide detailed information regarding their availability beyond March 2020. This process identified an opportunity to recommence the Hearing on 27 July 2020.

The Panel held a second Directions Hearing on 6 February 2020 at Planning Panels Victoria where no party objected to the Hearing commencing on 27 July 2020. In March 2020, the Novel Coronavirus Disease 2019 (COVID-19) pandemic resulted in government restrictions which did not enable an in-person hearing.

The *COVID-19 Omnibus (Emergency Measures) Act 2020* was subsequently introduced on 25 April 2020. This Act, among many other sections, states that a "*panel is not required to hear the person in person, but may instead require the person or their representative to appear and be heard at a specified time by electronic means*".

The Panel issued further directions to facilitate the electronic Hearing process.

(vi) Request for Counsel assisting or a third panel member

On 3 December 2019 Council wrote to Planning Panels Victoria[5] stating that, given the legal issues which had arisen, the Panel may wish to consider engaging Counsel assisting or requesting that it be reconstituted with a member with legal qualifications. There were varying views among several parties ranging from not seeing the need for either option to seeing some benefit in engaging Counsel assisting.

[5] Document 27

Council later explained that it asked the Panel to consider a third member after experiencing the 'mood' in the room of the first day of the Hearing. It considered that the mood had somewhat calmed down since then.

On 5 December 2019, the Panel advised that it did not need Counsel assisting but would reserve the option of requesting a third member, if needed.

At the second Directions Hearing, there was repeated discussion about the possibility of a third member being added to the Panel. Loubeck again raised concern about this process and referred particularly to the Panel achieving a quorum. The Panel reiterated its previous response.

(vii) Submission changes and late submissions requests

On 23 July 2020, Crestall Nominees advised parties that it no longer sought to appear at the Hearing but instead relied on a further written submission.[6]

On 13 August 2020, Charter Hall advised parties that it no longer sought to appear at the Hearing but instead relied on its original submission to the Amendment.

Following Kellehers Australia appearing at the Hearing, the owners of 493 and 495 Swan Street sent correspondence with issues directly to Planning Panels Victoria addressed to the Panel. As the correspondence were not submissions formally referred to the Panel, they were forwarded to Council for its response. Council decided to not consider the correspondence as late submissions[7], given the advanced stage of the Hearing. The Panel notes the issues raised in each owner's correspondence were addressed through Kellehers Australia's comprehensive submission.

1.4 3D modelling

(i) The issue

The issue is whether the 3D modelling prepared for Council by Tract and Hodyl & Co is sufficiently reliable to inform the appropriate of proposed built form provisions.

(ii) Background

Council engaged Tract to develop modelling to test various height and setback related submissions made in response to the exhibited Amendment. GJM Consultants provided heritage advice to inform the testing. The modelling in the 3D Modelling Report:

- was presented on a precinct-by-precinct basis
- informed Council's resolved version of DDO25, DDO26, DDO27 and DDO28
- included discussions and the evolution of Councils resolved DDO schedules
- was available on Council's webpage since 14 November 2019.

Flyover videos of the model for each precinct were also available on the Council website since 14 November 2019.

[6] Documents 59 and 60

[7] section 22(2) of the *Planning and Environment Act 1987*

(iii) Submissions

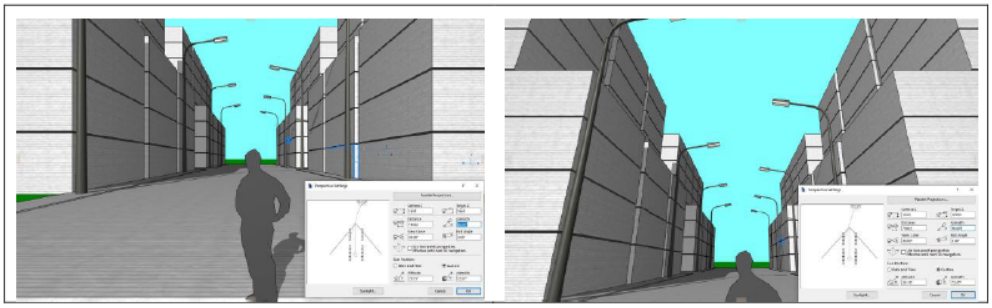
Loubeck, Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd were among parties with concerns about Council's 3D modelling. Collectively, they submitted:

- the 3D modelling is of little assistance, not available throughout the Hearing and its creator was not called to be cross-examined
- given the 3D model has not been tested, it should be given less weight when considering issues such as overshadowing
- the Panel was not given the opportunity to make its own assessment of the 3D images
- many of the selected 2D images are inaccurate, prone to significant visual distortion, or labelled in a misleading and inaccurate manner
- Council did not comply with the Panel direction to have the 3D model available.

Loubeck referred to the *Stonnington PSA C272 [2020] PPV* report which commented on modelling which informed the proposed mandatory provisions for Hawksburn Village.

Swan Street Sales submitted that Ms Hodyl's work sought to illustrate, influence and persuade the Panel about the appropriateness of her recommended built form outcomes through inappropriate and distorted perspectives. It presented two different perspectives to illustrate distortion. These are replicated in Figure 2.

Figure 2 Comparison of perspectives from two different vantage point angles



Source: Document 217

Swan Street Sales explained that the left image represents a two-point perspective looking at 1.65 metres to avoid any bias of dominance. The right image introduces a third perspective point by raising the viewer's focal point 30 metres above the vanishing point on the horizon.

Ms Hodyl explained that her images applied the same angle as the one used in Council's 3D modelling for comparison reasons.

Council accepted that tilting the camera impacts the verticality of the building by 'leaning' the building into the street. Council considered this to be a minor effect but not a significant flaw.

(iv) Discussion

Parties which expressed concern about Council's 3D modelling presented their own modelling through expert witnesses. The Panel has benefited from being able to review different perspectives and scenarios.

The Panel has focussed primarily on the metrics specified in the proposed planning provisions and given weight to expert witness evidence. All modelling presented to the Panel provides additional context. Before 3D modelling, people relied on plans, elevations, and where

feasible, artist impressions. The rest was left to the imagination. Now computer generated 3D modelling can provide endless perspectives in an interactive environment.

Modelling can range from the more affordable and commonly seen building envelope perspectives, as presented by Council and all expert witness, through to a detailed version that more closely resembles the Activity Centre in its ultimate form. The latter generally costs more.

The building envelope modelling provided by all parties is sufficient to understand potential impacts associated with the planning framework proposed through the Amendment and with changes sought by submitters. This includes overshadowing and visual impacts. Further details will be relevant during a permit application when design details are known, and their impacts can be accurately measured.

The Panel agrees there were some issues associated with Council's modelling which informed the Swan Street Framework and errors with image labels in the Swan Street Activity Centre 3D modelling report issued 18 October 2019. However, when reviewed in combination with other modelling presented throughout the Hearing, it has assisted the Panel to consider issues regarding the Amendment.

The 3D modelling has limitations and it has been used cautiously by the Panel when assessing potential outcomes. Indeed, modelling of any type is often not perfect, however if read with care, it is a useful tool to help interpret and compare different scenarios. To that end, the Panel found the modelling presented by Council to be of general utility and it was augmented by a variety of other modelling presented by other parties and witnesses. The Panel notes that although useful, the modelling was not a critical factor in determining the appropriateness of applying mandatory provisions.

The Panel considers the time spent at the Hearing discussing Council's 3D modelling was disproportionate to the issues associated with it. It also considers the potential implications of identified issues to be generally overstated.

The Panel does not comment on *Stonnington PSA C272 [2020] PPV* because the Hawksburn Village 3D modelling was not presented to the C191 Panel to compare the differences. The Panel has considered the Swan Street 3D model on its own merits.

(v) Conclusions

The Panel concludes that the 3D modelling images prepared for Council:

- have issues but can be relied on as context when considering the appropriateness of proposed built form provisions, subject to being conscious of these limitations
- would have benefitted from being captured at more realistic street level perspectives
- would have enabled a more exploratory process if available in its interactive form throughout the Hearing.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

Attachment 3 - C191yara Panel Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Heritage
- Centre-wide issues
- Design and Development Overlay
- Precinct 1 – Richmond Station
- Precinct 2 – Swan Street Retail (Historic Core)
- Precinct 3 – Swan Street East
- Precinct 4 – Burnley Station
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework

Table 1 summarises the Planning Policy Framework clauses relevant to the Amendment, as set out in the Explanatory Report.

Table 1 Planning Policy Framework clauses

State

11 Settlement

Provides context and implements the key principles of Plan Melbourne 2017- 2050, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas.

15 Built Environment and Heritage

Seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance.

16 Housing

Emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne.

17 Economic development

Seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

18 Transport

Promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport.

Local

21 Municipal Strategic Statement

21.04

- **21.04-1 Accommodation and housing**

  Objective 1 - To accommodate forecast increases in population.
  - Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

  21.04-2 Activity centres

  Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
  - Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.
  - Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

  Objective 5 - To maintain the long term viability of activity centres.
  - Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

- Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.
- Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

21.05

▶ **21.05-1 Heritage**

Objective 14 - To protect and enhance Yarra's heritage places.
- Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
- Strategy 14.2 Support the restoration of heritage places.
- Strategy 14.3 Protect the heritage skyline of heritage precincts.
- Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

21.05-2 Urban design

Objective 16 - To reinforce the existing urban framework of Yarra.
- Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

Objective 19 - To create an inner city environment with landscaped beauty.
- Strategy 19.1 Require well resolved landscape plans for all new development.
- Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.

Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
- Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

Objective 21 - To enhance the built form character of Yarra's activity centres.
- Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.
- Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.
- Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

2.2 Relevant planning strategies and policies

(i) Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Directions relevant to the Amendment are:

- **Direction 1.1** – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment, which seeks to strengthen the competitiveness of Melbourne's employment land.
- **Direction 5.1** – Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes a policy for local governments to prepare structure plans for activity centres to accommodate growth.

(ii) Yarra Housing Strategy

The Yarra Housing Strategy:

- is a housing growth framework that sets a preferred vision for Yarra over the next 15 years
- was prepared with regard to relevant planning strategies and policies, which set the parameters for what should be addressed through local strategic policy
- refers to the Swan Street Activity Centre with low estimated supply of new dwellings
- identifies land along Swan Street to be rezoned from Commercial 1 to Commercial 2 Zone to enable additional residential land supply through Amendment C191.

Council adopted the Housing Strategy on 4 September 2018.

(iii) Yarra Spatial Economic and Employment Strategy

The Yarra Spatial Economic and Employment Strategy (YSEES) seeks to understand and capitalise on Yarra's economic strengths and respond to key trends and economic drivers over the next 10 to 15 years. Relevant strategic directions of the YSEES are to:

- support employment growth in Yarra's Activity Centres, including major activity centres such as the Swan Street Activity Centre
- identify preferred locations for housing growth and demonstrate sufficient capacity to accommodate housing demand in those locations.

Council adopted the YSEES on 4 September 2018.

(iv) Yarra Heritage Strategy 2019-2030

The City of Yarra Heritage Strategy defines Council's strategic approach to managing heritage. It defines key priorities that are important for developing and promoting a greater understanding of heritage within the community and recommends key actions and measures intended to better protect and manage the City's heritage places and assets. It refers to the Swan Street Built Form Heritage Review, GJM, 2017, as one of Yarra's key heritage studies.

Council adopted the Heritage Strategy on 12 November 2019.

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

Table 2 Zone and overlay purposes

Zone and overlays	
Zones	
Commercial 1	To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.
Commercial 2	To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.
Overlays	
Design and development	To identify areas which are affected by specific requirements relating to the design and built form of new development.
Heritage	To conserve and enhance heritage places of natural or cultural significance. To conserve and enhance those elements which contribute to the significance of heritage places. To ensure that development does not adversely affect the significance of heritage places. To conserve specified heritage places by allowing a use that would otherwise be prohibited if this. will demonstrably assist with the conservation of the significance of the heritage place.
Environmental Audit	To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

2.4 Relevant planning scheme amendments

Amendment VC148

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the Planning Policy Framework, as well as other provisions in the Planning Scheme. This includes:

- requiring the Heritage Overlay schedule to specify a statement of significance for each heritage place included in the schedule after Amendment VC148, except for a heritage place:
  - proposed through an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after Amendment VC148 commenced
  - registered in the Victorian Heritage Register
  - included on an interim basis
- enabling heritage design guidelines for a heritage place included in the schedule to be incorporated into a planning scheme.

Yarra Amendment C185

Amendment C185 rezoned 462-482 Swan Street from the Commercial 2 Zone to the Commercial 1 Zone on 25 January 2018, applied a site-specific DDO14 and the EAO on 25 January 2018.

Yarra Amendments C236 and C268

Amendment C236 applied the planning provisions proposed through Amendment C191 to the Swan Street Activity Centre on an interim basis until 30 December 2019. They were extended until 30 December 2020 through Amendment C268.

Yarra Amendment C269yara

Amendment C269yara seeks to rewrite local policy and was exhibited while this report was prepared, between 20 August to 20 November 2020.

2.5 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46). That discussion is not repeated here.

Council submitted that the Amendment was prepared in accordance with:

- Ministerial Direction 1: Potentially Contaminated Land
- Ministerial Direction 9: Metropolitan Planning Strategy
- Ministerial Direction 11: Strategic Assessment of Planning Scheme Amendments
- Ministerial Direction 15: The Planning Scheme Amendment Process
- Ministerial Direction 19: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health and Ministerial Requirement for Information for Authorisation or Preparation of Amendments that may Significantly Impact the Environment, Amenity and Human Health.
- Ministerial Direction: The Form and Content of Planning Schemes. This numberless direction is referred to as Ministerial Direction 7(5) for the purposes of this report.

(ii) Planning Practice Notes

Council submitted that the following planning practice notes are relevant to the Amendment:

- Planning Practice Note 1: Applying the Heritage Overlay (PPN1)
- Planning Practice Note 30: Potentially Contaminated Land (PPN30)
- Planning Practice Note 58: Structure Planning for Activity Centres (PPN58)
- Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)
- Planning Practice Note 60: Height and Setback Controls in Activity Centres (PPN60).

Planning Practice Note 1

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

> Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Planning Practice Note 30: Potentially contaminated land, June 2005

Planning Practice Note 30 guides on: how to identify if land is potentially contaminated; the appropriate level of assessment of contamination for a planning scheme amendment; and circumstances where the Environmental Audit Overlay should be applied or removed.

Planning Practice Note 59: The role of mandatory provisions in planning schemes, June 2015

Planning Practice Note 59 sets out criteria that can be used to decide whether mandatory provisions may be appropriate in planning schemes.

Planning Practice Note 60: Height and setback controls for activity centres, June 2015

Planning Practice Note 60 guidance on the department's preferred approach to applying height and setback controls for activity centres.

3 Strategic justification

Council submitted that:

- the Amendment is needed to manage and respond to increased development activity in the Activity Centre
- Plan Melbourne 2017-2050 designates Swan Street as a major activity centre and requires it to achieve housing and employment directions
- its recently adopted Housing Strategy seeks to:
  - direct new housing within or near activity areas with good access to public transport, open space, and other services
  - limit housing growth in established residential areas.

Council explained that the Activity Centre is a "*highly intact turn of the century 'high street' of consistent scale and architectural quality*". It added:

> Currently, the centre does not have permanent built form planning controls to ensure that new development has regard to the potential impacts on the heritage significance of Swan Street, or the surrounding low scale (heritage) residential neighbourhoods.

Since 2013, Council has engaged consultants to undertake strategic work which ultimately informed the planning provisions proposed through the Amendment. This work resulted in:

- Swan Street Structure Plan – high-level strategy
- Swan Street Framework – guidance for future development
- Swan Street Heritage Review – prepared concurrently with the Framework to inform the built form response.

3.1 Background studies

(i) The issue

The issue is whether the background studies form a sound basis for the Amendment.

(ii) Swan Street Structure Plan

The Swan Street Structure Plan is a high-level strategy document which does not consider detailed conditions in the study area. The Structure Plan, prepared by David Lock Associates, defined a study area which goes beyond the area subject to the Swan Street Framework.

The Structure Plan applies seven urban design principles:

- Principle 1 – Walkability
- Principle 2 – Street wall
- Principle 3 – A consistent street wall
- Principle 4 – Visually recessive upper levels
- Principle 5 – Solar access
- Principle 6 – Residential interfaces
- Principle 7 – Building separation.

Council adopted the Structure Plan on 17 December 2013 (dated January 2014). The Structure Plan is not referenced in the Planning Scheme.

(iii) Swan Street Framework

After adopting the Swan Street Structure Plan, Council engaged Tract Consultants to prepare the Swan Street Framework concurrently with the Swan Street Heritage Review. The Swan Street Framework sets out a preferred built form framework with supporting design principles to guide future development in the Swan Street Activity Centre. Council adopted the Framework in September 2017.

The Framework states that the following provide relevant strategic direction and guidance:

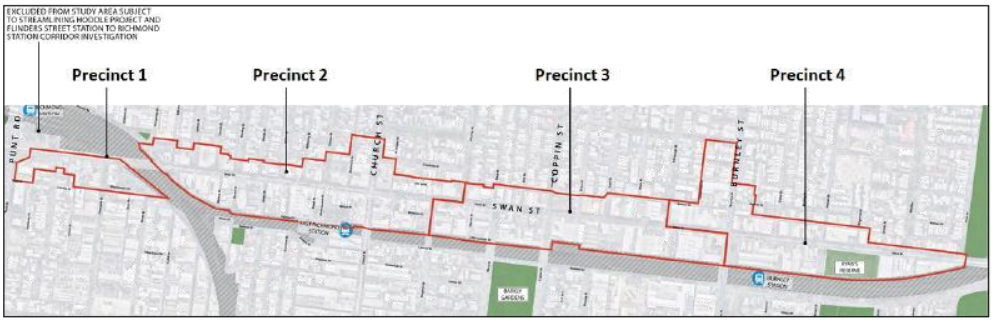
- Plan Melbourne 2017-2050: Directions 1.2 and 2.2
- Clauses 21.05, 22.02, 22.03 and 22.10 of the Planning Scheme.

The Swan Street Framework, like the exhibited planning provisions, designates Swan Street into four precincts:

- Precinct 1 – Richmond Station
- Precinct 2 – Swan Street Retail (Historic core)
- Precinct 3 – Swan Street East
- Precinct 4 – Burnley Station.

Figure 3 shows where these precincts apply within the Swan Street Activity Centre.

Figure 3 Swan Street Framework study area and precincts



Source: based on Swan Street Framework, Figure 1, p5

To understand the built form implications and inform the built form framework, Swan Street Framework analysed:

- heritage
- built form character
- public realm and pedestrian access
- lot width and depth typologies
- development activity
- relevant Victorian Civil and Administrative Tribunal (VCAT) decisions
- access and servicing.

The Structure Plan's seven urban design principles were tested and resulted in three additional principles intended to guide built form in the Activity Centre:

- New Principle 1 – Mid-rise character
- New Principle 2 – Protect and enhance key views to the Dimmeys Tower
- New Principle 3 – Servicing of new development.

The built form framework establishes for each precinct:

- constraints and opportunities
- preferred character
- built form objectives with urban context and associated built form elements derived from the identified 10 principles.

Table 3 compares the built form requirements in the Swan Street Structure Plan and the Swan Street Framework.

Table 3 Swan Street Structure Plan and Framework built form requirements

Principle	Swan Street Structure Plan	Swan Street Framework
Street wall height	Preferred 10m maximum everywhere	Mix of mandatory and preferred maximum of 11m to 14m and a new minimum of 8m
Upper level setbacks	Preferred 6m setback everywhere	Mix of mandatory and preferred minimum setbacks of 0m, 3m, 5m, 10m and 20m
Visually recessive upper levels	one-third – two third rule everywhere	one-third – two third rule in heritage areas
Residential interface	One preferred approach for everywhere	Preferred approach to respond to direct abuttal and laneway abuttal
Building separation	Preferred setbacks of 12m to 24m	Preferred setback of 3m to 4.5m with greater setbacks in specified locations

Source: Council Part A submission

Table 4 compares the building heights in the Swan Street Structure Plan and the Swan Street Framework. (P) refers to a preferred (discretionary) provision and (M) refers to a mandatory provision.

Table 4 Swan Street Structure Plan and Framework building heights

Precinct	Structure Plan	Framework	Exhibited provisions
Precinct 1 – Richmond Station			
South of Swan St:	3 to 6 storeys (P) (11.5 to 19m)	6 to 8 storeys (P) (20.8 to 27.2m)	21 to 27m (P)
Precinct 2 – Swan Street Retail (Historic core)			
North of Swan St:	4 storeys (P) (13m)	5 to 8 storeys (M) (17.6 to 27.2m)	18 to 27m (M)
South of Swan St:	5 to 10 storeys (P) (19 to 30m)	6 to 10 storeys (M) & (P) (20.8 to 33.6m)	21 to 34m (M) & (P)
Precinct 3 – Swan Street East			
North of Swan St:	4 storeys (P) (13m)	6 to 8 storeys (M) (20.8 to 27.2m)	21 to 27m (M)
South of Swan St:	5 to 10 storeys (P) (19 to 30m)	8 to 12 storeys (P) (27.2 to 40m)	27 to 40m (P)

Precinct	Structure Plan	Framework	Exhibited provisions
Precinct 4 – Burnley Station			
North of Swan St:	4 to 6 storeys (P) (13 to 19m)	5 to 8 storeys (M) (17.6 to 27.2m)	18 to 27m (M)
South of Swan St:	4 to 12 storeys (P) (13 to 36m)	6 to 12 storeys (P) (20.8 to 40m)	21 to 40m (P)

(iv) Swan Street Heritage Review

GJM Heritage prepared the Swan Street Built Form Heritage Review, September 2017 (Heritage Review) concurrently with the Swan Street Framework to provide specific heritage advice for the study area.

The Heritage Review is based on the Structure Plan, Framework Plan and relevant Statements of Significance and heritage studies for heritage places and precincts in the study area. GJM Heritage reviewed:

- Planning Practice Notes 1, 59 and 60
- relevant Planning Policy Framework clauses
- the Heritage Overlay and Schedule in the Planning Scheme
- Yarra Planning Scheme Amendments C149, C157 and C183
- selected Planning Panel Reports and VCAT decisions
- the extent of the Heritage Overlay cross-checked with online street views.

GJM Heritage inspected buildings and structures from the public realm between 17 and 24 October 2016, and between February and June 2017. The inspections sought to:

- review the suitability of the extent of the existing Heritage Overlay and identify any gaps
- review the suitability of existing Statements of Significance for heritage places and precincts against the heritage fabric and identify any updates needed to properly manage a proposal to change the place
- review the heritage buildings and streetscapes in the study area to identify the architectural and streetscape heritage features that are relevant when considering built form recommendations
- review the suitability of the preliminary built form recommendations against the heritage fabric of the study area, which was informed by the three-dimensional view shed analysis prepared by Tract Consultants.

Following the fieldwork, GJM Heritage:

- identified draft recommendations for updates to the Statements of Significance and the extent of the Heritage Overlay coverage
- formulated issues and options for the Heritage Study.

These were presented at a workshop on 27 October 2016, attended by representatives from GJM Heritage, Council and Tract Consultants. The proposed built form parameters were tested at a workshop and its outcomes informed the Heritage Review.

(v) Swan Street Built Form Study Heritage Assessments and Analysis

Council engaged GJM Heritage to conduct further heritage assessment and analysis in response to recommendations in the Heritage Review. This resulted in the Swan Street Built Form Study Heritage Assessments and Analysis report (October 2020) which made the following recommendations:

- Update the statements of significance for:
  - Swan Street Precinct
  - Bendigo Street Precinct
  - 60-62 Swan Street (Former Greyhound Hotel)
  - 365 Swan Street (Former Burnley Theatre)
  - 15 Wellington Street (House).
- Include 30-42 Swan Street as contributory properties in a new Swan Street West Precinct.
- Apply the Heritage Overlay to 273A and 323-325 Swan Street as individual places.
- Include nine properties at 223-239 Swan Street to the Swan Street Precinct (HO335).
- Identify 208 and 218 Swan Street and 67 Docker Street as non-contributory properties to the Swan Street Precinct.
- Remove 375-377 Punt Road from the Wellington Street Precinct.
- Remove 416-418 Church Street from the Church Street Precinct.
- Remove 57 Swan Street (The Corner Hotel) from the Richmond Hill Precinct (HO332) and include it as an individually significant place in the Swan Street Precinct (HO335).

(vi) Discussion

Council built upon the Swan Street Structure Plan by engaging consultants to further explore built form opportunities while better understanding the Activity Centre's heritage. The outcome of this process was the Swan Street Framework and Swan Street Heritage Review reports. The Swan Street Framework was informed by the Heritage Review and prepared within the context of planning policy, including those related to the public realm and amenity. It defined the additional built form that could be achieved without negatively affecting existing heritage.

The Amendment generally translates the Swan Street Framework and Swan Street Heritage Review into planning provisions proposed through the DDO schedules.

(vii) Finding

The Panel finds that the background studies form a sound basis for the Amendment.

3.2 Population and economic forecasts

(i) The issue

The issue is whether the exhibited and preferred versions of the Amendment will provide sufficient capacity to meet future demand.

(ii) Background

Planning Scheme Clause 11.02-1S seeks to "*ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*". Two relevant strategies include:

- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

(iii) Evidence and submissions

Planning and economic experts stated that the Amendment would increase opportunities for residential development by rezoning land from the Commercial 2 Zone to the Commercial 1 Zone.

Council called evidence on capacity analysis from Mr Spencer of SGS Economics and Planning. Regarding residential development, Mr Spencer found:

- an additional 7,330 dwellings are projected for the Richmond SA2 area between 2016 and 2031[8]
- an estimated 34 per cent of this growth might be accommodated in the Activity Centre
- the preferred version of the Amendment provides capacity for an estimated 2,500 to 4,000 dwellings, which is likely to be sufficient for new dwellings in the Activity Centre
- there is considerable capacity for new dwellings across Yarra's other activity centre to meet demand to 2031, if there is a shortfall in the Activity Centre.

Regarding commercial development, he found:

- an additional 30,300 square metres would be needed in the Activity Centre between 2016 and 2031, resulting in a net increase of 1,600 jobs
- the Activity Centre has capacity for 72,500 to 269,800 square metres, based on different scenarios
- Yarra has capacity for about 4.9 million square metres of employment land which exceeds:
  - the 3.59 million square metres of employment floor space in 2016
  - the need for 3.9 million square metres by 2031.

Mr Spencer considered the Amendment:

- is likely to provide greater certainty for property owners, developers and the community about the preferred built form outcomes through the DDO schedule provisions
- could reduce the realisation of commercial development, although this is difficult to determine.

Mr Spencer found that Council's resolved version of the Amendment would result in 1 per cent less capacity than the exhibited version. He considered there was little reason to distinguish between both versions. He concluded that both the exhibited and resolved

[8] Victoria in the Future 2019 forecast

versions of the Amendment provide sufficient capacity for dwelling and employment floorspace to meet demand by 2031.

Council accepted the findings in the YSEES and Mr Spencer's evidence that Yarra's activity centres, including the Swan Street Activity Centre, have sufficient capacity to meet demand for residential, commercial and retail demand over the next 15 years and beyond.

There were parties who were critical of Mr Spencer not presenting a more current 15-year timeframe because four years have already lapsed since the forecast baseline of 2016. He explained that he applied this baseline because it was readily available through existing Australian Bureau of Statistics Census figures and reports such as the YSEES.

Council submitted that Mr Spencer's demand and capacity figures were conservative because they:

- do not allow for any increase above preferred building heights
- include variable employment floorspace projections
- do not take into account COVID-19 implications for population growth.

Council added:

> Council agrees and submits that planning for MACs on an assumption of infinite growth of every suburb is flawed. The consequence if the Swan Street Activity Centre nears or reaches capacity at or around 2041 is that residential and commercial growth will occur elsewhere, either in Yarra or other municipalities. This is not a bad outcome for Melbourne.

(iv) Discussion

Clause 11.02-1S seeks to consider residential land supply over a 15-year period on a municipal basis, rather than a smaller scale. The Activity Centre therefore forms part of the overall land supply throughout the municipality. Capacity would be an issue for the Activity Centre if Yarra was unable to achieve sufficient land to meet demand in 15 years.

The Panel is satisfied that Yarra has sufficient land in its municipality to accommodate additional dwellings and employment floorspace to satisfy future demand over the next 15 years. Generally, capacity is not a reflection of actual floorspace that will eventuate over time. However, the Activity Centre has been experiencing robust and larger scale developments and there is no sign of it slowing.

The evidence of Mr Spencer would have benefitted from his assumptions, estimates and forecasts being based on a more current baseline. The Panel understands that it is not always possible to find matching data sets across consistent timeframes to enable more current forecasts. Mr Spencer's conservative approach to his forecasts and the extent of capacity in other parts of the municipality has persuaded the Panel that Council can achieve sufficient residential and commercial capacity to meet demand in 15 years.

The Panel agrees with Council that space is finite and there may be a time when Yarra will no longer be able to achieve 15 years supply in its municipality. This is not the case now.

(v) Finding

The Panel finds:

- 15-year residential land supply should be considered on a municipal basis.

- The exhibited and preferred versions of the Amendment will contribute towards Yarra providing sufficient residential and commercial capacity across its municipality to meet future demand.

3.3 Policy support

(i) The issue

The issue is whether there is sufficient policy support to strategically justify the Amendment.

(ii) Evidence and submissions

Referring to the clauses shown in Chapter 2, Council submitted that there is clear strategic justification to support the Amendment. This included its resolved DDO25, DDO26, DDO27, DDO28 and the rezoning resolved at its 10 September 2019 meeting.

Council explained that the Amendment is consistent with the Planning Policy Framework, including Plan Melbourne, because it would:

- facilitate opportunities for a mix of office, retail, and residential development in an activity centre well serviced by public transport to serve a growing population
- accommodate future housing growth at an appropriate scale and consolidated in an existing urban area
- reduce ongoing living costs by increasing housing supply near public transport and services
- develop sustainable communities by offering convenient access to jobs, services, infrastructure and community facilities
- reduce the number of private motorised trips by concentrating activities
- improve access by walking, cycling and public transport to services and facilities
- ensure the conservation of places of heritage significance
- ensure development responds appropriately to Swan Street's valued heritage character, its heritage streetscapes and other sensitive interfaces
- protect views to key heritage landmarks and the integrity of historical streetscapes
- provide a sound framework for the orderly planning of the Activity Centre, consistent with the directions of Plan Melbourne.

Council considered the Amendment strikes an appropriate balance between:

- achieving housing and overall development growth consistent with its major activity centre classification; and
- protecting the Activity Centre's valued heritage context and public realm.

No submitter requested the Amendment be abandoned due to insufficient policy support. Halastanis Nominees objected to the Amendment but did not explain why.

(iii) Discussion

The Amendment, based on its robust strategic justification, is supported by an extensive suite of planning policies. These policies have a complicated intersection of interrelated or contradictory objectives related to the Activity Centre. There are policies which seek growth in a major activity centre with three train stations and trams with access to Melbourne's central city, sports precinct and services including medical. There are also policies seeking to

protect an existing heritage precinct for present and future generations. These are intersected by other policies related to issues such as housing affordability and sustainability.

There are many State and local planning policies which support how and where the Heritage Overlay is proposed to be applied to properties with identified local significance. The proposed provisions strike an appropriate balance in achieving development growth in a major activity centre and protecting the Activity Centre's heritage context and public realm. The Amendment proposes changes to Clauses 21 and 22 to make them consistent with the strategic direction in the Swan Street Framework.

State policy and Ministerial Direction 1 support the Environmental Audit Overlay being applied to properties with potential land contamination.

The Amendment will provide the community, Council and permit applicants with a clear planning framework to assess future planning permit applicants. It will guide the Activity Centre to transform into its envisaged scale while making it a place for people to work, live, visit and recreate. The Amendment will deliver net community benefit and sustainable development as required by Clause 71.02-3.

(iv) Finding

The Panel finds that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework.

3.4 Conclusions

For the reasons set out above, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will deliver net community benefit and sustainable development, as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Heritage

This chapter discusses heritage issues related to the statements of significance, development opportunity and individual places.

4.1 Statements of significance

(i) The issue

The issue is whether the Yarra High Streets: Statements of significance accurately reflects the Burnley Street Precinct (HO474).

(ii) Evidence and submissions

Mr Helms suggested changes to the Yarra High Streets: Statements of significance to better reflect the Burnley Street Precinct (HO474). He suggested that the Burnley Street Precinct:

- add 377 Burnley Street (former Bank of Australasia) and 380 Burnley Street (Shop) because they are individually significant places with an existing statement of significance
- refer to '413-415 Swan Street' rather than '413-15 Burnley Street' under 'What is significant'.

Council agreed to these changes.

(iii) Discussion

Like Council, the Panel agrees with Mr Helms' suggested changes.

The properties at 377 and 380 Burnley street have been previously identified as individually significant, have their own statements, and are referred to in the Burnley Street Precinct statement of significance. Acknowledging them in the 'Individually significant places within precincts' section of Appendix A would accurately reflect this.

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.

(iv) Conclusion and recommendation

The Panel concludes that the Yarra High Streets: Statements of significance has been prepared appropriately for considering heritage places in the Activity Centre but should:

- refer to 377 and 380 Burnley Street as individually significant places within precincts
- replace 413-15 Burnley Street with the correct address of 413-415 Swan Street.

The Panel recommends:

Amend the Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage) to:

a) 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

b) replace 413-15 Burnley Street with 413-415 Swan Street under 'What is significant?'.

4.2 Development opportunity

(i) The issue

The issue is whether development opportunity is relevant when assessing potential heritage significance.

(ii) Evidence and submissions

Several submissions were concerned that applying the Heritage Overlay would unreasonably impact development opportunity.

For example, Cremorne Properties submitted that the location of 30-40 Swan Street properties opposite Richmond Station and near the Punt Road and Swan Street intersection presented a development opportunity. It considered that this opportunity outweighed "*any potential benefit derived from the heritage nomination*".

(iii) Discussion

To consider how development opportunity is relevant to properties with identified heritage significance, the Panel has explored:

- how local heritage significance should be assessed to justify the Heritage Overlay
- if justified, whether the Heritage Overlay restricts development opportunities
- when taking into account the above, whether it is appropriate to consider development opportunity during the planning scheme amendment stage.

Assessing heritage significance

Planning Practice Note 1 provides guidance on how to identify and assess properties with potential local heritage significance as candidates for the Heritage Overlay. The Heritage Review's methodology is consistent with that guidance. The extent of assumed development opportunity does not form part of the practice note guidance or the review's methodology.

There is a distinct difference between assessing the impact of proposed built form provisions and assessing whether a property has sufficient heritage significance to justify the Heritage Overlay. The Heritage Review may inform the built form response, however the extent of development opportunity in no way influences the heritage significance of the identified properties.

Applying development opportunity as a criterion for assessing heritage significance would result in inappropriate outcomes. Not applying the Heritage Overlay to such properties would be inconsistent with state planning policy which seeks to "*protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*".

Does the Heritage Overlay prohibit development?

The Heritage Overlay does not prohibit development. Rather, it ensures that any new development sensitively responds to, and does not compromise the existing heritage fabric identified along and around Swan Street. It achieves this by requiring a planning permit to, among other things, demolish or remove a building, and construct a building or construct or

carry out works. This enables Council to assess development plans and details (forming part of the permit application) to determine whether it appropriately responds to the identified heritage.

Is it appropriate to consider development opportunities at this stage?

The Amendment seeks to apply the Heritage Overlay to properties with local heritage significance. Any discussion regarding development opportunity is hypothetical during the planning scheme amendment stage because a specific development would need to be assessed through a permit application process when all proposal details are known. It is not possible to determine the extent of development opportunity for each property in the Activity Centre at this stage. Like other properties in the Activity Centre, properties with the Heritage Overlay would be assessed against relevant planning policy and provisions during the permit application stage. This is when the interrelationship between heritage and development opportunity may be relevant.

(iv) Conclusion

The Panel concludes that development opportunity is not relevant when assessing potential heritage significance but may be relevant during the planning permit application stage.

4.3 67 Docker Street

Figure 4 67 Docker Street



Source: Document 8

(i) The issue

The issue is whether it is appropriate to recategorise 67 Docker Street from a contributory property in the Richmond Hill Precinct (HO332) to non-contributory.

(ii) Evidence and submissions

Ms Wadsworth, who generally supported the Amendment, did not agree with recategorising 67 Docker Street from a contributory property in the Swan Street Precinct to a non-contributory property. One reason was because it forms part of the historic Docker subdivision. She submitted the building's alterations, while not preferred by many people, are of historic value. Ms Wadsworth added:

> At the very least I would like to recommend it be subject to photographic essay, as perhaps should all our historic properties if they are unable to be protected or saved.

Mr Gard'ner supported the proposed categorisation of 65 and 67 Docker Street from contributory to non-contributory because they had been significantly altered. The near-identical alterations include:

- a low rendered wall, probably between the Inter-War and very early Post-War periods
- the verandah and front gardens being filled in with weatherboard cladding
- the original front doors perhaps being relocated to the new cladded frontage
- second storey additions set back about 8 metres from the front boundary, probably constructed in the 1990s
- roofs reclad when the rear additions were constructed.

Mr Gard'ner explained that both buildings had been altered to the point where they no longer demonstrated the contributory elements of the Richmond Hill Precinct defined in the HO332 statement of significance. He noted that the Heritage Overlay would continue to apply to the properties so if a planning permit proposed to demolish either building, Council could apply a permit condition requiring an archival photographic record of the extant fabric.

Council relied on Mr Gard'ner's evidence for this matter.

(iii) Discussion

Whether a property contributes to a heritage precinct depends on whether it demonstrates the elements identified in the associated statement of significance. The scale and nature of alterations are a key determinant.

The Panel considers that 65 and 67 Docker Street have been altered to the point where they no longer contribute to the Richmond Hill Precinct. Their original facades, including the front windows, have been removed from the public realm. The buildings have lost their integrity as intact Victorian cottages.

The Panel notes that a planning permit can require an archival photographic record.

(iv) Conclusion

The Panel concludes that it is appropriate to recategorise 67 Docker Street from a contributory property in the Richmond Hill Precinct (HO332) to non-contributory.

4.4 30-40 Swan Street

Figure 5 30-40 Swan Street



(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO524) to 30-40 Swan Street.

(ii) Evidence and submissions

Cremorne Properties which owns, among other properties, 36-46 Swan Street, objected to the Heritage Overlay being applied to 30-40 Swan Street. It submitted that the varying heights, scale and dates of construction of these buildings and their subsequent alterations limit their heritage significance. It considered the buildings to be separated from the balance of the Activity Centre.

Cremorne Properties called heritage evidence from Mr Raworth of Bryce Raworth Pty Ltd. Mr Raworth and Mr Gard'ner considered the proposed Swan Street West Precinct to be significant and intact, and found the inclusion of 36-42 Swan Street to be appropriate.

Mr Gard'ner referred to the Heritage Review which found the four buildings achieved criterion A (historical) and criterion D (representativeness). He explained that they demonstrate the principle characteristics of a major Victorian and Edwardian High Street through their use, visual form, architecture, and construction period. This is the same development period represented in the Swan Street Precinct (HO335).

Mr Gard'ner said that the four buildings varied by one storey. He considered this to be typical of street wall heights found in similar heritage streetscapes throughout the municipality.

After reviewing Mr Raworth's evidence, Cremorne Properties no longer objected to the Heritage Overlay being applied to 30-40 Swan Street.

(iii) Discussion

The Panel considers that 30-42 Swan Street form a highly intact heritage precinct. The precinct, while small, plays an important role in demonstrating the early phase of the Swan Street shopping strip's evolution. The Panel accepts the evidence of Mr Raworth and Mr Gard'ner on this matter.

Like most buildings in a predominantly Victorian era shopping strip, the ground level shop fronts have experienced considerable alterations. This is expected with approximately 100-year-old buildings that do not have the Heritage Overlay. The buildings' original first floor façade features, parapets and chimneys continue to enable them to be appreciated as representative examples of Victorian and Edwardian buildings forming part of a broader commercial strip.

The Panel notes that Cremorne Properties no longer objects to the Heritage Overlay being applied to 30-40 Swan Street.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO524) to 30-40 Swan Street.

4.5 57-61 Swan Street (Corner Hotel)

Figure 6 Corner Hotel



(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO335) to 57-61 Swan Street (otherwise referred to as the Corner Hotel)
- whether the Corner Hotel should be categorised as an individually significant place
- whether the HO335 statement of significance appropriately reflects the place
- whether the Heritage Overlay should apply to the car park at the rear of the Corner Hotel.

(ii) Background

The Corner Hotel is currently categorised as an individually significant place in the Richmond Hill Precinct (HO332). The Amendment proposes to remove the Corner Hotel from the Richmond Hill Precinct and include it as an individually significant place in the Swan Street Precinct (HO335).

(iii) Evidence and submissions

Council submitted that there is documentation which unambiguously establishes that the Corner Hotel achieves criteria A (historical) and G (social) significance as a live music venue. It referred to Planning Practice Note 1 which defines criterion G as *"a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons"*. Council considered the Corner Hotel had a strong and special association with a particular community – its live performing musicians and their audiences.

Council referred to the Heritage Council publication 'Guidance on identifying places and objects of state-level social value in Victoria' (Heritage Council guidelines) which explains:

> Places of public entertainment can often provide challenges when collecting evidence to demonstrate the existence of a community and the strength of their attachment as the groups who value these places are frequently large, diverse and dispersed. While in many cases strong attachment to a place might be considered self-evident by virtue of the community's attendance at a regular event at the place, this should not be assumed and evidence in the form of some sort of commentary from the relevant community/s needs to be provided to show that it is the place and its association with the event and not just the event itself that the community values. The other types of evidence that can be presented to build the case that these types of places demonstrate

> the three facets of social value could consist of newspaper articles (both archival and contemporary), event programs and attendance records, interviews with organisers and communities who attend the relevant events, oral histories and/or social media surveys or transcripts.

Council submitted that there are many places without built form fabric or architectural significance which satisfy criterion G. It referred to the former Benalla Migrant Camp, Bells Beach Surfing Recreation Reserve, Central Park Stawell, and Festival Hall as examples. Council could see no reason why this State level test could not be applied at the local level.

Council added that all Planning Practice Note 1 seeks is for "*something to be managed*". It does not require that something to be of architectural significance.

Referring to the Heritage Review, Mr Gard'ner considered the Corner Hotel has historical and social value because it is an important live music venue.

Loubeck, as trustee for the owner and operator of the Corner Hotel at 57-61 Swan Street, was concerned with how the Heritage Overlay was to be applied on that property. It explained that the building is not individually significant because it was rebuilt in the mid-1960s and altered considerably since. Loubeck considered the Heritage Overlay to be inappropriate for protecting social value because it cannot regulate land uses.

Loubeck submitted that the impact of adding further regulation to a live music venue should be better understood before applying the Heritage Hotel to the Corner Hotel site. It added that, should the Heritage Overlay be applied, the statement of significance should provide guidance to not confuse the built fabric with the social significance.

Loubeck called heritage evidence from Mr Raworth of Bryce Raworth Pty Ltd. In his evidence, he considered the Corner Hotel should be included in the Swan Street Precinct, but recategorised as a non-contributory place. He explained:

- the building was built well after the Precinct's identified period of significance and does not contribute to the heritage streetscape character
- the place is not individually significant because it has no architectural and aesthetic significance and insufficient social value.

Mr Raworth included images of the original hotel building, as shown in Figure 7 and Figure 8 of this report, before it was demolished in 1955 to make way for the current building. He disputed claims in the Heritage Review and by Mr Gard'ner that the building was constructed in the mid-1960s.

Mr Gard'ner and Council referred to the statement of significance which stated the Corner Hotel had live music in the 1980s. This included Pink Floyd guitarist Dave Gilmour with an all-star band known as The Fisherman in February 1988 and Mick Jagger in October 1988.

Several submissions referred to the Corner Hotel ceasing to operate a couple of times after that period. This is recognised in the statement of significance:

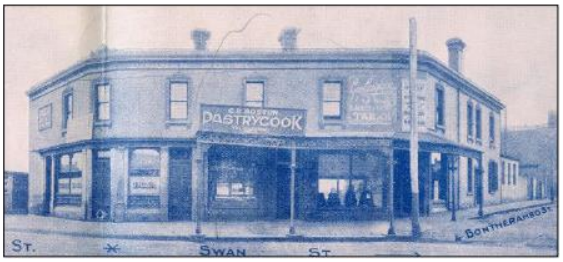
> By 1993, The Corner was near-derelict. Biker gangs had claimed the smaller public bar as their own and it had turned into a no-go zone and eventually it was deserted. New owners swooped, and Michael Geoghagen bought the lease in late 1993. He found The Corner "wrecked". The cellars were flooded, he says, the bar was vandalised, the upstairs rooms were damaged and there was evidence of squatters. He spent $14,000 on renovations, and tried to get the bands back. It worked, to a degree, but Geoghagen left The Corner after only a year, and it lay idle for another six months. Then the current

owners came in, Tim Northeast and Mat Everitt, who bought the place in 1995. The Corner is now universally considered the best medium-sized rock venue in town.

Mr Raworth explained that the Corner Hotel was significantly altered in the 1990s before being further altered in 2016. Alterations over time include:

- an extensive refurbishment of the roof top beer garden
- painting over the face brickwork
- new first floor wall to the Botherambo Street elevation
- most ground floor window openings to Stewart and Wangaratta Streets being infilled
- some windows to the Botherambo Street elevation being enlarged
- changes to a section of the Swan Street elevation where the bottle shop once existed.

Figure 7 Original Corner Hotel building in its c1869 form



Source: Mr Raworth's evidence

Figure 8 c1925-40 aerial photograph of Richmond showing the original Corner Hotel



Source: Mr Raworth's evidence

Mr Raworth considered the Amendment provided an opportunity to review the Corner Hotel's existing category as an individually significant place.

Mr Raworth said that the 1953 plans[9] shown in his evidence did not appear to provide for live music performances. He found one source which indicated live music performances from 1983. He acknowledged the Corner Hotel had social value as a live music venue to certain members of the community but considered it was too recent to be sufficiently significant.

At the Hearing, he explained that about 30 years of live music at the Corner is not sufficient to achieve historical association because the social value should be for a historic activity. It should not be for a current activity. Mr Raworth referred to the former Bennetts Lane venue

[9] Plans sourced from Public Records Victoria

which he said, hosted some of the finest jazz musicians. He added that nobody sought the Heritage Overlay for that property.

The Panel sought Mr Raworth's thoughts on the fact that the Precinct Hotel had 17,208 followers on Facebook whereas the Corner Hotel had 72,015 followers. He considered this to be an indication of communication rather than a measure of how people valued the Corner Hotel, as sought by criterion G.

During cross-examination, Mr Raworth cited Festival Hall and the former Commonwealth note printing office (now Australian Catholic University) as examples of places of social and historical significance without building fabric. He explained that these are state level examples and he could not think of any local level example.

Mr Raworth recommended that the Heritage Overlay exclude the car park behind the Corner Hotel. He found that it had no heritage value and forms part of the surrounding mixed industrial streetscape to the north.

Mr Gard'ner did not support the rear car park being excised from the Heritage Overlay. He explained that this would contradict established practice for mapping the Heritage Overlay. He referred to Planning Practice Note 1 which advises:

> The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.
>
> ...
>
> In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).

Mr Gard'ner added that, although it has no built form that contributes to the significance of the Swan Street (HO332) and Richmond Hill (HO334) heritage precincts, removing the car park would create a small island of land surrounded by Heritage Overlay but not included in it.

Mr Helms gave evidence[10] that the Corner Hotel:

- has unique characteristics which set it apart from the balance of Precinct 2
- is outside the identified period of the Swan Street Precinct's heritage significance
- makes like or no contribution to the historical, architectural or aesthetic values of the heritage precinct
- has existing and proposed statements which refer to it as an individual place with only historical and social values
- historical and social values are primarily associated with the use rather than the fabric
- is not in the viewsheds of any landmark or State significant buildings.

During cross-examination, Mr Helms agreed that the rear car park, which is on a separate property title, could be excised from the Heritage Overlay. He acknowledged the Amendment did not propose internal heritage controls and that the Heritage Overlay had no provision to compel the property to continue as a licensed venue. Mr Helms considered that there was insufficient evidence to understand whether and how people valued the building.

[10] Document 51

Council responded that the fact the Heritage Overlay does not regulate the land use is not the point. It added the Corner Hotel's fabric clearly communicates its use as a hotel. If the place meets the criteria and threshold for significance, then there is something to manage and the Heritage Overlay should be applied. Council added:

> The social significance of the place then becomes a consideration in future decisions about management of the place: whether buildings and works facilitate the ongoing significance of the place as a live music venue; whether demolition and replacement development facilitates the ongoing significance of the place as a live music venue. Those are questions for another day, but ones which should be made having regard to the social significance of the Corner Hotel.

(iv) Discussion

The Panel was presented with considerable evidence and submission regarding the Corner Hotel. Consistent with this information, the Panel has reviewed:

- what is being assessed
- whether the building is sufficiently intact to be an individually significant place
- if intact, whether it achieves the threshold for historical and social significance as an individually significant place
- if it is not intact, whether it should be included in the Swan Street Precinct
- if included in the Precinct whether it contributes to the heritage streetscape
- whether the car park abutting the Corner Hotel's northern boundary should form part of the place.

What is being assessed?

The Panel disagrees with the place's statement of significance that the existing Corner Hotel building has made a strong contribution to the commercial and social life of Richmond since the early 1870s. The building fabric which demonstrated where members of the community once gathered and socialised has not existed since the original building was demolished. The Panel accepts Mr Raworth's evidence that the building was constructed in 1955, and not the mid-1960s, as specified in the statement of significance. The Panel has assessed the Corner Hotel as a post-war building constructed in 1955.

Is the 1955 building sufficiently intact?

The Panel is aware that the property is currently included as an individually significant place in the Richmond Hill Precinct. The Panel has not explored how or when its current categorisation was determined. Rather, it has assessed the property based on existing circumstances and in response to issues raised in submissions and evidence.

The threshold for an individually significant heritage place is higher than a contributory place in a heritage precinct. This includes a relatively higher level of intactness.

The 1955 building has been significantly altered through changes in the 1990s and in 2016. The existing external façade does not inform someone about how hotels were constructed during that era. Its original public bar area no longer exists so it does not represent how people used the hotel during that era. The current building is no longer sufficiently intact to represent its original form or altered 1980s form. The Panel notes that criteria D (representativeness) and E (aesthetic significant) are not proposed for the Corner Hotel, nor are internal controls through the Heritage Overlay Schedule.

The Panel then turned its mind to whether the Corner Hotel can have historical and social significance as an individual place without an intact building.

Does the Corner Hotel have historical and social significance as an individually significant place?

The Panel has explored whether the place has something else, other than built fabric, for the Heritage Overlay to manage. The Planning Policy Framework seeks to conserve and enhance only those places which have local heritage significance.

The statement of significance identifies live music on the property in the late 1980s and recognises the building lay derelict until late 1993, with limited success until 1995. Mr Raworth has measured live music at the venue from 1990s and considers that this timeframe is too short to consider the Corner Hotel for heritage. All properties older than today have a history. However, a place should be at least a generation old, or roughly 30 years, to have heritage significance. The Panel accepts the Corner Hotel has had live music for roughly a generation, though disrupted through two closures.

The statement of significance explains that the Corner Hotel is significant because it "*has made a strong contribution to the commercial and social life of Richmond*". This could be said of any hotel in any local community. The Corner Hotel is different to most other hotels because it is regarded as an iconic live music venue. However, the question is whether this simply reflects its popularity or whether this contribution meets the threshold of local heritage significance.

Whether the Corner Hotel meets this threshold is complicated by:

- the building not being sufficiently intact to enable someone to interpret the original place
- the absence of work to:
  - inform future decisions about what needs to be managed through the Heritage Overlay, if it is not the built fabric
  - provide primary or secondary evidence to confirm that the relevant communities value the place and its association with live music events.

Regarding what needs to be managed, Planning Practice Note 1 advises:

> An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has 'something' to be managed. This 'something' is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic.

The Panel accepts that there may be unusual circumstances where a place may have a special and intangible characteristic to manage. Council referred to examples of State significance. The Heritage Review and the Amendment would have benefitted from clarifying the place's special characteristic and its association with live music being sought to be managed.

Regarding evidence about relevant communities, research about whether, and how, patrons value the Corner Hotel building should have informed the citation in the Heritage Review. It would have confirmed:

- the proportion of patrons and musicians who reside within or outside the Yarra municipality
- whether either community value the Corner Hotel for its historical and social association as a place and its association with live music

- whether either community simply go where their favourite music is being played, with little regard to the venue itself.

Based on available information, the Panel considers that the Corner Hotel does not meet criteria A or G and therefore cannot be regarded as an individually significant place.

The Panel disagrees with Loubeck that applying the Heritage Overlay would have affected the ability to operate the venue. The Amendment does not propose to apply internal controls to the Corner Hotel.

Should the Corner Hotel be included in the Swan Street Precinct?

Having found the Corner Hotel is not intact and does not have sufficient historical and social significance as an individually significant place, the Panel explores whether the property should be included in the Swan Street Precinct. Both Mr Raworth and Mr Gard'ner supported the Corner Hotel being included in the Precinct. The Panel agrees.

Mr Raworth believed it should be a non-contributory place while Ms Gard'ner opted for it to be an individually significant place. The Panel disagrees with Mr Gard'ner for reasons outlined above. The remaining categories are contributory and non-contributory.

As a heavily altered post-war 1955 building, the Corner Hotel 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. The Panel's view is consistent with the Heritage Review, where it found elsewhere that "*223-227 Swan Street are mid to late twentieth century facades which do not contribute to the Swan Street Precinct*".

The Corner Hotel is surrounded by Victorian and Edwardian era buildings and opposite the former Richmond South Post Office which is on the Victorian Heritage Register. While the site itself does not contribute to the Precinct, any new development may negatively impact on the surrounding heritage fabric. The Panel considers that the Corner Hotel should be included in the Swan Street Precinct as a non-contributory property.

Should the car park be included?

To determine whether the Heritage Overlay should apply to the car park, the Panel has explored:

- whether future built form may negatively affect either the heritage fabric in the Richmond Hill or Swan Street heritage precincts
- whether the car park forms part of the same property title as the Corner Hotel.

The Panel considers that 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. The car park abuts a robust and transforming industrial area that is accommodating greater height. 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. The hotel building's blank rear walls along the car park boundary and recesses to enable windows demonstrate that this land did not form part of the original place.

Ministerial Direction 11 requires changes proposed for the Planning Scheme to be justified. The Panel cannot find good reason why the Heritage Overlay is needed to manage future development on the car park or to assess its potential impact on surrounding heritage fabric.

Filling a 'gap' between two heritage precincts on a Planning Scheme Map is inappropriate and insufficient justification.

The Panel is not persuaded that a separate abutting vacant property that has been later used as an asphalt patron car park can justify the Heritage Overlay or its inclusion in the Swan Street Precinct. It should not be used as curtilage to the Corner Hotel site simply because it is in the same ownership.

(v) Conclusions and recommendations

The Panel concludes:

- 57-61 Swan Street does not achieve criteria A (historical) and G (social) significance to justified it as an individually significant place.
- It is appropriate and justified to apply the Heritage Overlay (HO335) to 57-61 Swan Street excluding land currently being used as a car park.
- 57-61 Swan Street should be categorised as a non-contributory property.
- The statement of significance for 57-61 Swan Street should be deleted and the City of Yarra Database of Heritage Significant Areas should be revised to better reflect the place.

The Panel recommends:

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.

Amend the HO335 statement of significance to delete the Corner Hotel from 'Individually significant places within precincts'.

Amend the City of Yarra Database of Heritage Significant Areas (January 2019) to recategorise 57-61 Swan Street from individually significant to non-contributory.

4.6 218 Swan Street

Figure 9 218 Swan Street



(i) The issue

The issue is whether it is appropriate to recategorise 218 Swan Street (Berties Butcher) from contributory to non-contributory in the Precinct.

(ii) Evidence and submissions

Mr Verstoep, a local resident, objected to 218 Swan Street being recategorised from contributory to non-contributory. Reasons for her objection include:

- it was constructed about the 1850s, making it one of the oldest original buildings in Swan Street
- it was originally one of three attached houses (218-222 Swan Street) set back about 3.7 metres from the front property boundary
- the shopfront was added about the 1870s.

Mr Gard'ner referred to the Heritage Review, which assigns a broad construction date range of 1850 to 1890. He referred to the Sands & McDougall Directories which identified butchers occupying the building from 1893. Mr Gard'ner added that the property is proposed to be categorised from contributory to non-contributory because it cannot be appreciated as a reasonably intact Victorian shop. He explained that:

- the pitched roof form had been replaced with a flat roof
- the simple parapet had been partially over-cladded
- the original verandah evident in 1896 plans had been removed
- a cantilever canopy had been added
- the shopfront windows were replaced in the mid-twentieth century.

Mr Gard'ner considered this level of alteration to be more than what is evident of other contributory buildings in the Swan Street Precinct (HO335). He found the building had insufficient integrity to justify being categorised as a contributory element of the Precinct.

(iii) Discussion

The Panel agrees with Mr Verstoep that the property has a long history, as acknowledged by the Heritage Review. The building was constructed and altered during the Victorian era – within the timeframe sought to be captured in the Swan Street Precinct. This is evident in the building's brickwork when viewed from the rear.

Subsequent alterations have resulted in the building no longer presenting itself as a Victorian building. The Swan Street Precinct comprises properties which contribute to its theme and era and those which do not but may affect the surrounding heritage fabric. The building at 218 Swan Street has transformed into the latter.

The Panel agrees with the Heritage Review and Mr Gard'ner that 218 Swan Street should be recategorised to non-contributory to reflect its current circumstances.

(iv) Conclusion

The Panel concludes that it is appropriate to recategorise 218 Swan Street from contributory to non-contributory in the Precinct.

5 Centre-wide issues

This chapter discusses issues common to more than one precinct, related to Clause 21.12, rezonings and the Environmental Audit Overlay.

5.1 Swan Street Framework Plan (Clause 21.12)

(i) The issue

The issues related to Clause 21.12 are:

- whether the boundary between Precincts 1 and 2 has been appropriately aligned
- whether Precinct 1 should form part of the Richmond Station and broader Cremorne area
- whether there should be six precincts rather than four
- how car park land should be designated in Figure 1 (Swan Street Framework Plan)
- whether the Precinct 4 eastern boundary along the north side of Swan Street has been appropriately aligned.

(ii) Background

Figure 1 in the exhibited Clause 21.12:

- divides Precincts 1 and 2 along the Swan Street railway overpass, with 57-61 Swan Street (Corner Hotel) in Precinct 2
- defines the southern boundary of Precinct 1 along the rear of Punt Road and Swan Street properties and Jesse Street
- shows the existing use of car park land (shaded in yellow)
- shows land designated as 'Mixed activity' (shaded in blue):
  - north of the Precinct 1 boundary
  - east of the Precinct 4 boundary.

(iii) Evidence and submissions

Loubeck submitted that 57-61 Swan Street (Corner Hotel) should be in Precinct 1 because it considered the Precinct 2 built form provisions to be inappropriate for its property. Loubeck called urban design evidence from Ms Bell of Kinetica and planning evidence from Ms Horsfield of Urbis.

Ms Bell recommended that the Precinct 1 boundary be realigned to include 57-61 Swan Street. She explained the Swan Street Structure Plan included the site in Precinct 1 to articulate its relationship with the rail bridge, Richmond Station and scale and character of the Mixed Use Zone pocket directly north and west. She added:

> From a contextual analysis, I consider the Corner Hotel poses a physical difference in character and capacity to the balance of Precinct 2. I also consider that the subject site was included in Precinct 2 not because of its contribution to the turn of the century High Street, but rather its location on the eastern side of the rail bridge, which forms a barrier or break between the two precincts.

Ms Horsfield also referred to the Swan Street Structure Plan which recognised that the Corner Hotel in the context of the Richmond Station Precinct which extended to the mixed use area to its north and west.

Ms Hodyl disagreed that 57-61 Swan Street should be in Precinct 1. She explained that the land is in a continuous frontage of buildings east of the Swan Street rail overpass. She considered the overpass to be a significant logical demarcation between Precincts 1 and 2.

Cremorne Properties called planning evidence from Mr McBride-Burgess of Contour. Mr McBride-Burgess considered there is opportunity for Precinct 1 to be the junction between Richmond Station and two important strategic commercial areas – the Activity Centre and Cremorne Enterprise Precinct to its south. He considered Precinct 1 to be an entranceway to the broader Cremorne area.

Mr McBride-Burgess explained that Cremorne has experienced significant change and is at the 'front door' to Richmond Station. He referred to numerous planning permits south of Precinct 1 which propose or have resulted in larger scale developments.

SZM Holdings Pty Ltd, which owns lands near but outside the Activity Centre, considered Richmond Station and the Activity Centre form the key northern gateway to the Cremorne precinct. It explained the Amendment "*has the potential to cement Cremorne's role as a key location for creative production, employment and innovation in Melbourne*".

Kellehers Australia requested that Clause 21.12 Figure 1 be changed to include 493-497 Swan Street within the Precinct 4 boundary. It explained that these properties are:

- designated Mixed activity in Figure 1
- in the Commercial 1 Zone
- included in the Swan Street Structure Plan.

Mr Daley considered there should be six precincts rather than four. He sought to use Swan Street as an alignment to separate the north and south sides of Precincts 3 and 4. He explained that the north side of these precincts adjoin low rise residential neighbourhoods which should be protected while the south side adjoins the railway line and can accommodate taller form.

During the Hearing and in relation to Clause 21.12, the Panel questioned how car park land should be depicted in Figure 1, the boundary between Precincts 1 and 2, and the Precinct 4 eastern boundary along the north side of Swan Street.

Council responded that the car park land in Figure 1 should be replaced with a blue shading to designate a future mixed activity role. It explained that the land is to remain in the DDO to guide its future development, even though it is currently in public ownership (VicTrack and Council).

Council proposed to introduce a new designation and colour for land currently designated Mixed activity and outside the precinct boundary. The Hearing version of Clause 21.12 Figure 1[11] designated:

- land north of Precincts 1 and 2 and land east of Precinct 4 'Land subject to future strategic work'
- the car park next to East Richmond Station as 'Potential future public park'
- the other two car parks as Mixed activity.

[11] Document 187

(iv) Discussion

The Panel considers that the Swan Street Framework Plan in Clause 21.12 should be forward looking and informed by the Swan Street Framework. Council's proposed changes achieved this by clarifying the envisaged use of three existing car parks. They also highlight that further strategic work is needed to better understand the relationship between land north of Precincts 1 and 2 and land east of Precinct 4 and the current Activity Centre area. Excluding land beyond the proposed Activity Centre boundary:

- does not affect the integrity of the provisions proposed to be introduced through the Amendment
- would not hinder any future strategic work for the Richmond Station and Cremorne areas.

The Panel considers that the precinct boundaries have been appropriately aligned across four precincts. Precincts 3 and 4 do not need to be further separated along Swan Street because the Swan Street Framework already applies different built form responses for land abutting lower rise residential land uses to the north and the railway line to the south.

The Corner Hotel is located within Precinct 2 boundary, with little relationship to Precinct 1. Whether driving or walking, the Swan Street railway overpass:

- is a significant visual physical barrier between both precincts
- obscures views between the two precincts through its approximately 100-metre long dark tunnel appearance.

The Panel agrees with Ms Hodyl that the railway overpass is a logical demarcation between Precincts 1 and 2.

The Panel does not support the Precinct 4 boundary being realigned to include 493-497 Swan Street through the Amendment because:

- there is insufficient strategic work to support the proposal
- the implications of applying the DDO28 provisions need to be clearly understood
- it is beyond the scope of the Amendment and should be reviewed through a separate process.

(v) Conclusion and recommendations

The Panel concludes:

- The Swan Street Framework Plan appropriately applies the precinct boundaries.
- Figure 1 (Swan Street Framework Plan) in Clause 21.12 should be amended to redesignate the car park land to their envisaged use.
- Land north of Precincts 1 and 2 and land east of Precinct 4 needs further strategic work to better understand their relationship with the Activity Centre and should be designated accordingly.

The Panel recommends:

Amend Figure 1 (Swan Street Framework Plan) in Clause 21.12, as shown in Appendix D5, to:

a) redesignate the car park land to 'potential future public park' and 'Mixed activity'

b) redesignate land north of Precinct 1 and 2 and land east of Precinct 4 as 'Land subject to future strategic work'.

5.2 Rezonings

5.2.1 Centrewide

(i) The issue

The issue is whether it is appropriate and justified to rezone all remaining Commercial 2 Zone land in the Activity Centre to the Commercial 1 Zone, as exhibited.

(ii) Evidence and submissions

Council submitted that the Amendment proposed to rezone all remaining Commercial 2 Zone land in the Activity Centre to the Commercial 1 Zone to allow a greater range of land uses, including residential. It explained that the land proposed to be rezoned is suitable for residential development, based on policy and physical characteristics, and would achieve an employment outcome through the requirement for active ground floor uses. Council considered the rezonings are consistent with the Swan Street Structure Plan, the Yarra Spatial Economic and Employment Strategy and State and metropolitan planning policy.

Mr Armstrong and Ms Wadsworth each objected to the Commercial 2 Zone land being rezoned to the Commercial 1 Zone. Mr Armstrong considered the rezoning would enable apartment towers without respecting or considering the surrounding heritage houses. Ms Wadsworth said the needs of retail activity using the small lanes would clash with new residents accommodate potentially large buildings.

Mr Barnes, a town planner from Hansen Partnership, gave evidence that rezoning the Commercial 2 Zone land to the Commercial 1 Zone was appropriate. He explained that it would:

- provide mixed-use development, including residential, that is currently prohibited
- provide an incentive for further renewal and development in the central and western parts of the Activity Centre.

Mr Barnes said that the rezoning is supported by the Swan Street Structure Plan and YSEES and is consistent with the Yarra Housing Strategy.

Council did not support the Commercial 2 Zone being retained in the Activity Centre. It noted that this zone does not have permanent maximum building heights. Council added that the proposed planning provisions would give the community, Council and permit applicants greater certain and guidance on future built form.

(iii) Discussion

Rezoning the remaining Commercial 2 Zone land in the Activity Centre to the Commercial 1 Zone forms an important part of implementing the Swan Street Framework. It is consistent with how land is zoned in most of the Activity Centre. The Panel agrees with the evidence of Mr Barnes that the rezoning is appropriate and justified.

The Commercial 1 Zone would require commercial activity on the ground floor while enabling the Activity Centre to increase its housing capacity. The Commercial 1 and 2 Zones do not

specify any maximum building heights therefore any issues associated with potential maximum building heights relate to the DDO schedules. These are discussed further in Chapters 7, 8, 9 and 10.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to rezone land in the Activity Centre, as exhibited.

5.2.2 371 and 375-377 Punt Road and 2-16 Swan Street (Precinct 1)

(i) The issue

The issue is whether it is appropriate and justified to rezone 371 and 375-377 Punt Road and 2-16 Swan Street from the General Residential Zone to the Commercial 1 Zone.

(ii) Evidence and submissions

Crestall Nominees Pty Ltd requested that its property at 375-377 Punt Road be rezoned from the General Residential Zone to the Commercial 1 Zone to better reflect its current conditions, use and strategic intent.

Council officers supported the rezoning because:

- the current General Residential Zone does not enable the 27-metre (8 storeys) maximum building height sought through the Amendment
- the properties are in the Activity Centre with good access to the Monash Freeway, services, open space and public transport
- the streets at the rear buffer sensitive residential interfaces to the south
- the properties provide redevelopment opportunities and do not have the Heritage Overlay
- the Yarra Housing Strategy identifies the area as moderate change, suitable for increased residential density and housing diversity.

At its 10 September 2019 meeting, Council resolved to rezone 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone and notified affected owners of its resolved changes. This included all properties along Punt Road and Swan Street between Rout and Wellington Streets.

Council did not receive any objecting submission to the proposed rezoning.

(iii) Discussion, conclusion and recommendation

Rezoning 375-377 Punt Road to the Commercial 1 Zone is clearly logical. The General Residential Zone provisions may have once been appropriate for the site, however its current mandatory maximum building height does not reflect the existing and relatively new building built form.

Rezoning 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone would address the issue of multiple zones on individual lots. From a procedural perspective, submitters had an opportunity to express their views on these proposed rezonings.

The Panel concludes that 371 and 375-377 Punt Road, 2-16, and 14 Swan Street should be rezoned to the Commercial 1 Zone.

The Panel recommends:

Rezone 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone.

5.2.3 65 and 67 Docker Street (Precinct 2)

(i) The issue

The issue is whether it is appropriate and justified to rezone 65 and 67 Docker Street from the Commercial 1 Zone to the Neighbourhood Residential Zone.

(ii) Evidence and submissions

In his heritage evidence, Mr Gard'ner commented that the Commercial 1 Zone applied to 65 and 67 Docker Street whereas the Neighbourhood Residential Zone applied to properties immediately to the north. In his view, he considered the zoning for 65 and 67 Docker Street to be an anomaly and suggested they be rezoned to the Neighbourhood Residential Zone.

Council provided no view on the suggested rezoning in its closing submission.

(iii) Discussion

There may be strategic and fundamental reasons why the Commercial 1 Zone applies to 65 and 67 Docker Street. Ministerial Direction 11 requires a planning authority to comprehensively evaluate the strategic basis for changes proposed in the Planning Scheme and the outcomes in produces. For fairness, directly affected owners need to be notified and notified of something as serious as rezoning their property.

The Panel does not support rezoning 65 and 67 Docker Street through the Amendment because:

- it needs to be strategically justified
- the Swan Street Framework did not recommend this change
- the change is beyond the scope of the Amendment
- affected owners have not been notified and provided with an opportunity to respond.

(iv) Conclusion

The Panel concludes that 65 and 67 Docker Street should remain in the Commercial 1 Zone because it is inappropriate to rezone them through the Amendment.

5.2.4 493-497 Swan Street (Precinct 4)

At its 10 September 2019 meeting, Council noted that in preparing the Amendment, it acknowledged that there was strategic justification to maintain the Commercial 1 Zone at 493-497 Swan Street.

The Panel acknowledges that Kellehers Australia did not seek to rezone 493-497 Swan Street and considers this matter to be outside the scope of the Amendment.

5.3 Environmental Audit Overlay

(i) The issue

The issue is whether the methodology for applying Environmental Audit Overlay (EAO) is appropriate.

(ii) Evidence and submissions

Council sought the views of the Environment Protection Authority (EPA) when preparing the Amendment. In January 2019, EPA responded with:

> ... EPA has concerns with the broad application of the EAO to all land parcels subject to the current rezoning, without adequate justification that individual parcels are potentially contaminated.

Later that month, Council advised EPA that it had amended the application of the EAO. In early February 2019, EPA responded that it was satisfied and sought no further changes. The Amendment was exhibited accordingly. EPA prepared a submission, confirming that its changes appear to have been made and that Council had conducted 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)*".

Zagame Group, which owns 408-442 Swan Street, submitted:

> It is proposed to apply an EAO to the subject site. A review of the appropriateness of this proposal is being undertaken by a contaminated land specialist. This should be completed within the next two weeks. We reserve the right to challenge the application of the EAO, pending the outcome of this review.

(iii) Discussion

The Panel has reviewed how the EAO is proposed to be applied to properties in the Activity Centre against Ministerial Direction 1 and Planning Practice Note 30. The Amendment appropriately proposes to apply the EAO to properties which will introduce sensitive land uses and may have potential land contamination. This is consistent with the matrix in Planning Practice Note 30 and is consistent with Ministerial Direction 1.

The Panel notes that Zagame Group did not pursue its potential issue any further.

(iv) Conclusion

The Panel concludes that the methodology for applying the Environmental Audit Overlay is appropriate.

6 Design and Development Overlay

This chapter addresses the following key centre-wide issues common to the Design and Development Overlay:

- Schedule structure
- Mandatory provisions
- Building height requirements
- Upper level setbacks
- Building separation requirements
- Heritage design requirements
- Overshadowing provisions
- Application requirements.

6.1 Schedule structure

(i) The issue

The issue is whether the Amendment should proceed on the basis of a single DDO schedule or four separate DDO schedules.

(ii) Background

The exhibited Amendment proposed a single DDO schedule (DDO 17) to apply to the entire Activity Centre. DDO17 divided the Activity Centre into four separate precincts and included separate built form requirements for each precinct.

After exhibiting the Amendment, Council proposed to divide DDO17 into four separate DDO schedules (DDO25, DDO26, DDO27 and DDO28). Each DDO schedule relates to a separate precinct designated in the exhibited DDO17.

(iii) Evidence and submissions

Several submissions criticised the form and drafting of DDO17 on the basis that it was poorly structured, vague, complex and repetitive. For example, Icon Developments Australia Pty Ltd considered DDO17 to be "*poorly drafted, cumbersome and difficult to interpret*".

In response, Council redrafted DDO17 into four separate DDO schedules and simplified the structure of the provisions. Council submitted this approach was 'policy neutral' as DDO17 had four distinct sections for each precinct. It explained the revised schedules took account of recommendations and outcomes from the Yarra Planning Scheme Amendments C220 and C231 panel reports.

The four separate DDO schedules were prepared as Council's resolved DDO schedules.

Changes to DDO17 included:

- replacing the word 'must' with the word 'should' where the design requirement is preferred (discretionary)
- amending section 1.0 (Design objective) to ensure they are precinct specific and translated from the Swan Street Built Form Framework
- amending section 2.2 (Design requirements) to include:
  - a new theme heading 'Building separation requirements'

  - a new theme heading 'Design quality requirements' locating all the discretionary, design-based requirements together
  - 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*"
- deleting section 2.3 Precinct design requirements and relocating content elsewhere
- amending Interface I to round down from 11.5 metres to 11 metres
- amending Plan 1: Height and Interface Plan to increase the designated height of some sites from 27 metres to 28 metres, where relevant
- amending Figure 1 to round down the rear boundary wall height from 11.5 metres to 11 metres.
- amending Interface B, C and J to replace the words "*match the parapet height of the taller adjoining heritage building*" with the words "*match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building*"
- amending the Height and Interface Plans to shift the upper-level building breaks to align with title boundaries or with the north-south vehicle access points.

DDO26 (Precinct 2) Section 2.3 (Building Separation) included the following 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 resident properties adjacent to the development.

Further specific changes are identified in Chapters 7 to 10 of this report.

Council notified all submitters, landowners and occupiers directly affected by the Amendment of its resolved DDO schedules and provided opportunities for further submissions on the redrafted documents. There were no submissions objecting to the revised format of the DDO schedules.

Council called planning evidence from Mr Barnes of Hansen Partnership. He gave evidence that:

> In my opinion the use of four DDOs rather than one is an improved outcome for the Amendment. It simplifies the wording of the Amendment and clarifies where controls are discretionary or mandatory.
>
> The application of four DDOs has the benefit of allowing specific 'design objectives' to be set out for each precinct. However, it does result in added duplication within the planning scheme, as definitions, permit requirements etc, have to be restated in each DDO. However, in my mind, the simplicity of the Amendment in relation to each precinct, overcomes that disadvantage.[12]

(iv) Discussion

The Panel agrees that the structure of the resolved DDO schedules is a significant improvement on the exhibited DDO17. A separate DDO schedule for each precinct provides the opportunity for precinct specific design objectives and provisions. This strengthens the design objectives and provides greater clarity and certainty regarding the intent of outcomes.

[12] Document 6, para 118-119

The Panel commends Council for:

- proactively responding to submissions and the learnings from recent planning scheme amendments with similar issues
- notifying all submitters and affected landowners and occupiers of its resolved DDO schedules, which resulted in no objection.

The Panel agrees with Mr Barnes that separating DDO17 into four separate DDO schedules is a sound approach and improves the Amendment. This approach provides a more consistent approach to the drafting of provisions in the Planning Scheme. The various refinements to each schedule's drafting have generally helped improve the readability, clarity and efficiency of the provisions. The Panel recommends further minor drafting changes in Chapter 11. No expert witness considered the restricted DDO schedules to be inappropriate.

Council's resolved version of the DDO schedules include various changes to the exhibited DDO17 but does not transform the Amendment into a different planning scheme amendment.

(v) Conclusion and recommendations

The Panel concludes that content in the exhibited DDO17 should be separated into four schedules relating to each of the precincts in the Activity Centre.

The Panel recommends:

Replace Design and Development Overlay Schedule 17 with:

a) a new Design and Development Overlay Schedule 25, which includes planning provisions relevant to Precinct 1 (Richmond Station)

b) a new Design and Development Overlay Schedule 26 which includes planning provisions relevant to Precinct 2 (Swan Street Retail Centre)

c) a new Design and Development Overlay Schedule 27 which includes planning provisions relevant to Precinct 3 (Swan Street East)

d) a new Design and Development Overlay Schedule 28 which includes planning provisions relevant to Precinct 4 (Burnley Station).

6.2 Mandatory provisions

(i) The issue

The issue is whether the proposed mandatory provisions for specified building heights, street wall heights and setbacks, upper level setbacks and overshadowing are appropriate and justified.

(ii) What does the Amendment propose?

The Amendment proposes to apply a combination of discretionary and mandatory built form provisions in the Activity Centre.

Mandatory provisions are generally proposed:

- in locations with intact heritage buildings and streetscapes
- in locations with a sensitive interface with low scale residential properties
- to protect the footpaths of designated streets from overshadowing.

Specifically, mandatory provisions have been proposed for:

- upper level setbacks for heritage buildings in Interfaces B, C, D and J in Precincts 1, 3 and 4
- street wall heights in Interfaces B and D in Precinct 2
- upper level setbacks in Interfaces B, C and D in Precinct 2
- building heights on the north and south side of Swan Street in Precinct 2, and on the north side in Precincts 3 and 4
- solar access to footpaths along Swan Street, Church Street and Burnley Streets.

(iii) Background

Planning Practice Notes 59 and 60 are relevant when considering mandatory provisions.

Planning Practice Note 59

Planning Practice Note 59 (The Role of Mandatory Provisions in Planning Schemes) applies to all locations, including activity centres. It notes that:

- Victorian planning schemes are predominately performance based
- a performance based provision provides for flexibility in the approaches or variation in the measure to achieve the required outcome
- performance based provisions require a judgement to be made to assess and decide whether a proposal meets the relevant objectives or achieves an appropriate balance between competing planning policies
- mandatory provisions are the exception
- a mandatory provision must be met and provides for no opportunity to vary the requirement
- there will be circumstances where mandatory requirements will provide certainty and ensure preferable and efficient outcomes (these cannot be common practice)
- some examples where mandatory provisions may be appropriate include areas of high heritage value, and strong and consistent character themes.

Planning Practice Note 59 specifically refers to built form provisions such as building heights and setbacks, and sets out the following criteria to assist in determining whether mandatory provisions are justified:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

Planning Practice Note 59 notes that the DDO is the most appropriate tool for expressing mandatory built form requirements.

Planning Practice Note 60

Planning Practice Note 60 (Height and Setback Controls for Activity Centres) provides guidance about built form provisions in activity centres. It notes that:

- height and setback provisions can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes

- proposed height and setback provisions must be soundly based on the outcomes of strategic research and background analysis that demonstrates consistency with state and regional policy and includes a comprehensive built form analysis
- a council will need to demonstrate that any proposed height and setback provisions allow for an appropriate level of change over time
- height provisions must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements.

Planning Practice Note 60 advises:

> A council will need to demonstrate that proposed height and setback controls are based on identifiable objectives or outcomes. Proposed height controls must be selected as a result of undertaking a comprehensive built form analysis that achieves the following:
>
> - identifies significant opportunities for change within an activity centre and explores alternative built form objectives and outcomes to accommodate this change
> - includes an analysis of visual and amenity impacts, solar access and overshadowing impacts and any impact on environmental conditions within the centre, including in respect of wind
> - identifies any significant physical features, such as views to or from the activity centre or topography that needs to be considered
> - identifies and articulates how new development should address street frontages and laneways or relate to adjacent residential areas
> - selects appropriate heights and built form outcomes at a precinct level through evaluation of built form objectives, land use outcomes and economic growth consistent with state and regional policy.

Planning Practice Note 60 confirms that the application of discretionary provisions, combined with clear design objectives and decision guidelines is the preferred form of height and setback provisions. It states that built form provisions can be discretionary or mandatory or a combination of both.

Consistent with Planning Practice Note 59, Planning Practice Note 60 states:

> Mandatory height and setback controls … will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction.
>
> Mandatory height or setback controls should only be applied where:
>
> - Exceptional circumstances exist; or
> - Council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
> - They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

Where mandatory provisions are proposed a council will be assessed against all of the following:

- Consistency with state and regional policy
- Currency of work
- Capacity to accommodate growth in the activity centre.

Where mandatory provisions are proposed over most or all of the entire activity centre, rigorous strategic justification should include a housing strategy and an activity

centre/economic strategy which examines the role of the centre as part of a network of centres.

Planning Practice Note 60 also discusses what is meant by 'exceptional circumstances':

> Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include:
>
> ...
>
> - significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values
> - significant physical features, such as views to or from the activity centre or topography, where it can be demonstrated that discretionary controls would be inadequate to deliver the desired built form objectives or outcomes for the activity centre
> - sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance and major waterways.
>
> Where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis. Where mandatory controls are proposed, it will need to be demonstrated that discretionary controls could result in an unacceptable built form outcome.

(iv) Evidence and submissions

Council submitted that the Amendment included a combination of mandatory and discretionary provisions to address specific elements of the character of the Activity Centre. It said most of the proposed provisions were discretionary and included:

- street wall heights in all precincts except Precinct 2
- heights adjacent to the railway corridor in Precincts 2 and on south side of Swan Street in Precincts 3 and 4
- street wall setback in interfaces A, F, G, H, I
- upper level setbacks in interfaces A, E, F, H, I
- corner site requirements
- residential interface requirements
- building separation requirements
- vehicle and pedestrian access arrangements
- design quality requirements.

Council submitted that mandatory provisions were only applied in limited circumstances and in accordance with the guidelines set out in Planning Practice Notes 59 and 60. It considered that the Amendment meets all of the 'tests' outlined in Planning Practice Note 60. That is:

- exceptional circumstances exist
- Council has undertaken comprehensive strategic work and has demonstrated that mandatory provisions are appropriate in the context
- mandatory provisions are absolutely necessary to achieve the preferred built form outcomes and exceeding these development parameters would result in unacceptable built form outcomes.

Council said that exceptional circumstances existed in the Activity Centre because of the heritage qualities of the area generally, the setting and views to the local landmark of the

Dimmeys building including its clock tower and ball, and the sensitive residential abuttals to the north.

Council explained that the heritage qualities were recognised through the existing Heritage Overlay and the Victorian Heritage Register (VHR) registration of three important buildings:

- the Former Richmond Post Office at 90-92 Swan Street (VHR H0082, HO357)
- Dimmeys at 140- 160 Swan Street (VHR H2184, HO360)
- Former State Bank at 216 Swan Street (VHR H732, HO288).

Council noted the Activity Centre's heritage significance is documented though:

- the Statement of Significance for the Swan Street Precinct (HO335) which refers to the 'highly intact streetscape'
- the Heritage Study
- evidence of Mr Gard'ner and Mr Helms
- submissions of the Royal Historical Society of Victoria and National Trust of Australia (Victoria).

Council submitted that its robust and comprehensive strategic work justified the proposed mandatory provisions. This included the Swan Street Structure Plan, Swan Street Framework, extensive heritage analysis and assessment and detailed modelling. Council added the Housing Strategy, the SEES and the capacity analysis evidence provided by Mr Spencer provided appropriate and supporting contextual assessment of how the Activity Centre fitted in with the broader network of activity centres. Council submitted that:

- the strategic work was consistent with State and regional policy to intensify Swan Street as an inner city major activity centre while balancing the protection of the heritage character of the centre, the quality of the public realm and the amenity of adjoining residential areas
- the Built Form Framework involved a detailed review of the Structure Plan
- there will be sufficient capacity in the Activity Centre and in Yarra's activity centres more generally to accommodate residential and commercial demand for a 15 year horizon and beyond.

Council submitted that achieving certain and consistent built form outcomes was necessary to protect the unique heritage and streetscape characteristics of the Activity Centre and the amenity of its immediately abutting properties. It added, when tested by 3D modelling, the design objectives of the DDO schedules which relate to sensitive heritage buildings, residential interfaces and public realm considerations will only be achieved through the selected application of mandatory provisions for building height, street wall, upper level setbacks and overshadowing.

Council referred to the recent 5-storey development at 125-133 Swan as an example of a site with a relatively shallow lot depth, excessive overall new building height and insufficient upper level setbacks to the Swan Street heritage street wall. This was an example why the proposed mandatory provisions in Precinct 2 were "*absolutely necessary*".

Council submitted that if development of this height and upper level setback were reproduced for the four blocks between Carroll and Waverley Streets, flanked by even taller forms to its east and west, that the prominence of the heritage street wall would be irretrievably lost. The heritage character of the historic high street would be overtaken by new, tall development that would diminish the special and distinct qualities of this significant place.

Council acknowledged that Planning Practice Notes 59 requires demonstration that exceeding mandatory provisions would result in unacceptable built form outcomes. It considered:

- this should not be treated as an inflexible 'rule' that must be satisfied without exception for all land in every precinct before mandatory provisions can be applied
- a broader assessment is required, otherwise there would be no precinct-wide mandatory provisions in any planning scheme.

Council referred to a wide range of other recent planning scheme amendments in the City of Yarra and elsewhere in metropolitan Melbourne that introduced a combination of mandatory and discretionary built form provisions in activity centres. It submitted:

- mandatory provisions are not incompatible with intensifying the highest order activity area in Victoria
- mandatory provisions have been approved for other major activity centres, notwithstanding their important strategic role
- the criterion of 'absolute necessity' has been satisfied in other cases without demonstrating a site-by-site or case-by-case basis that any other outcome would be unacceptable
- the threshold for approval of mandatory provisions is high, but not out of reach when a suitable body of recent, thorough and informed analysis has been undertaken
- comparable settings in terms of heritage values and sensitive interfaces have been regarded as suitable for mandatory provisions.

Council also referred to the DELWP Activity Centre Pilot Project (Better Height Controls in Activity Centres 2017-2018), in which Council participated with the Johnston Street Neighbourhood Activity Centre. It said although the 'Key Findings Report' affirmed that preferred maximum height provisions are generally effective, the report also noted:

- precedents can be set by previous approvals
- consideration of off-site impacts can vary in decision making
- mandatory height provisions do not necessarily inhibit development.

Council explained the Pilot Project resulted in:

- permanent mandatory provisions for Johnston Street and interim mandatory provisions for Moonee Ponds
- broadening the criteria for introducing mandatory provisions in activity centres in Planning Practice Note 60.

Mr Barnes, Mr Gard'ner, Mr Helms and Ms Hodyl all agreed that the proposed mandatory provisions were justified and appropriate.

Mr Barnes considered the Amendment to be consistent with Planning Practice Notes 59 and 60 and explained:

- Council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in parts of Swan Street and they are strategically supported.
- Mandatory controls are necessary in some parts of Swan Street to ensure acceptable built form outcomes.
- Mandatory controls will be appropriate for the majority of proposals.
- Mandatory provisions will reduce administrative costs.
- There is a clear logic and rationale as to those parts of Swan Street where mandatory controls have been applied. Mandatory controls generally relate to heritage areas

and to land along the north side of Swan Street, where greater building height or lesser setbacks would either overshadow the footpath on the southern side of the street, or unreasonably impact on the amenity of adjoining residential areas.

- Discretionary controls have been applied to those parts of Swan Street which are less sensitive.[13]

Mr Gard'ner considered the proposed mandatory provisions had a sound strategic basis and would:

- clearly implement a policy of protecting the consistent streetscapes in Swan Street, particularly within Precinct 2
- respond to views to, and the setting of, landmark and State significant buildings including the Dimmeys Clocktower.

Mr Gard'ner noted the Dimmeys Clocktower is recognised in the 'Landmarks and Tall Structures Policy' at Clause 22.03 of the Planning Scheme.

Mr Helms peer reviewed the Heritage Review completed by GJM Heritage and stated:

- there is a sound strategic basis for the proposed mandatory provisions having regard to the planning policy framework
- the provisions will implement a policy of protecting the consistent streetscapes in Swan Street, and views to and the setting of landmark and State significant buildings
- the provisions are appropriate and will lead to the outcomes prescribed in the vast majority of cases (such as consistency of street wall, visually recessive development and protection of views to landmarks) and will avoid the risk of adverse outcomes
- the provisions will resolve divergent views when a consistent outcome is required, and will avoid the risk of adverse outcomes due to development pressure
- development applications in the Activity Centre provide evidence of development exceeding the proposed provisions resulting in inappropriate outcomes
- having regard to the heritage significance of Swan Street and the above matters, the proposed mandatory provisions qualify for the 'exceptional circumstances' cited in Planning Practice Note 60.

Ms Hodyl supported the strategic rationale for applying the mandatory provisions because:

- they applied to most of Precinct 2 where the existing heritage streetscape is largely intact
- they applied to the northern side of Swan Street in Precincts 3 and 4 to protect the amenity of adjoining low-scale areas
- they were applied as an upper level setback from the street above the street wall in all precincts
- they were applied to overshadowing provisions to protect solar access to the southern footpath along Swan Street
- discretionary provisions were used outside the Heritage Overlay and away from sensitive interfaces.

Many submissions objected to the mandatory provisions. They consider the provisions should be discretionary with respect to their land. Many of these same submissions also objected to the proposed metric.

[13] Document 6, para 113

Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd submitted:

- the Victorian planning system is built on the assumption that discretionary provisions are, in all but the most exceptional circumstances, the preferred method of planning regulation
- discretionary provisions allow for flexibility to respond to the individual constraints and opportunities of land, and to deliver tailored outcomes that maximise net community benefit
- the fact that mandatory provisions have been approved in another activity centre tells us nothing about whether they are justified in the Swan Street Activity Centre
- Amendment C220 and C231 Panel Reports relate to radically different strategic and physical contexts and in lower order activity centres which are very different to the Swan Street major activity centre
- achieving a net community benefit in a major activity centre must commence with an expectation that the centre will accommodate significantly increased densities beyond the densities proposed in lower order centres and any reduction in that density should be rigorously scrutinised to ensure it is absolutely necessary
- allowing more people to live and work in and around Swan Street will deliver all the numerous benefits that flow from urban consolidation in a higher order, inner urban activity centre
- the community costs of underdevelopment are extremely high and these costs must be properly accounted for, and measured against, the costs of built form impacts that are said to flow from allowing for higher buildings, or lesser setbacks
- there was no evidence that discretionary provisions have, to date, led to unacceptable outcomes in Swan Street
- the most definitive study of mandatory provisions in activity centres (the Activity Centre Pilot Program) found that discretionary heights were generally effective
- where mandatory provisions are proposed, the burden of persuasion that those provisions are absolutely necessary lies upon those who propose them, in this case the Council
- the requirement to demonstrate that a mandatory provision is absolutely necessary extends not just to the nature of the control itself, but to the specific metric that is proposed
- the Tract modelling is problematic and should not be relied upon
- expert evidence called by Council is inconsistent, lack rigour and detailed analysis
- Mr Spencer's capacity analysis is superficial and inadequate
- the proposed mandatory provisions are inconsistent with Planning Practice Note 60.

Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd called Mr Raworth, who gave heritage evidence that the upper level setback in Precinct 1 should be discretionary. They also called Mr McBride-Burgess who did not support the mandatory building heights and setback provisions in Precinct 2. He considered that discretionary provisions coupled with appropriate objectives, requirements and decision guidelines along with performance based tests would be sufficient to guide future development in this location.

Pelligra Build Pty Ltd owns land on the north side of Swan Street between Stawell Street and Belgravia Street, in Precinct 4. It submitted that:

- the Heritage Overlay does not apply to the land and the area has no consistent built form character
- the justification for any mandatory built form control is limited to:
  - managing the amenity impacts at the residential interface and providing for a scale that is compatible with the adjoining one and two storeys residential context
  - achieving solar penetration to the southern footpath of Swan Street
- the residential interface in the vicinity of the subject land is robust
- Council does not seek a mandatory rear interface control, which undermines any justification for a mandatory height control based on the need to preserve residential amenity
- development of the subject land (and other sites) above the 24 metre proposed mandatory height control can occur without any unreasonable adverse amenity consequences
- mandatory provisions for this site are contrary to State planning policy supporting higher density development in and around major activity centres.

Pelligra Build called expert evidence from Mr Linke and Ms Roberts, who both agreed that mandatory provisions were not appropriate for 471-473 Swan Street.

Killara Quest Pty Ltd did not support mandatory height or overshadowing provisions for its properties in Precinct 4 because they would result in development constraints and missed opportunities. It said discretionary provisions would ensure creative design solutions and architectural freedom can be contemplated and full development potential can be realised for each site. Killara Quest referred to the approval at 484-486 Swan Street as evidence for applying the discretionary provisions.

Swan Street Sales Pty Ltd objected to the proposed mandatory height, setback and overshadowing provisions proposed to various properties on the north side of Swan Street in Precinct 4. It adopted the position of Cremorne Properties, Swan-Lennox and Pelligra Build but emphasised:

- the bar is set high in terms of the justification required to demonstrate that mandatory height provisions are appropriate
- Council needs to demonstrate that exceptional circumstances exist, or that the mandatory provisions are both absolutely necessary to achieve the objectives that are sought by them and that exceeding the mandatory height would result in acceptable outcomes
- Council needs to demonstrate the need for such provisions for large sites and why they should not be developed to their full potential according to performance based outcomes
- mandatory height provisions are illegitimate and unjustified if they are aimed at restricting the built form, rather than facilitating good design outcomes
- consideration of applying mandatory provisions needs to balance of the full suite of competing policies in favour of net community benefit
- it is appropriate to factor into this balancing exercise the strategic designation of the relevant activity centre – the higher order the activity centre the greater weight should be placed on optimising development capacity and minimising built form constraints

- the eastern end of Swan Street is mixed and variable and does not exhibit a strong heritage or other cohesive character
- there are no exceptional circumstances that warrant mandatory provisions on the Swan Street Sales land.

(v) Discussion

The Panel agrees with Council, submitters and expert witnesses that discretionary provisions are the preferred tool in the Victorian planning system. Although a principal focus during the Hearing was on mandatory provisions, the Panel notes that the majority of the proposed requirements are discretionary.

Council has generally applied an acceptable combination of discretionary and mandatory built form provisions to manage the future growth of the Activity Centre. Council has applied a range of discretionary provisions where appropriate and the use of mandatory provisions in circumstances where absolutely necessary having regard to heritage fabric, streetscape amenity and residential interfaces.

The Panel agrees that the Activity Centre exhibits an exceptional character as an inner-city high street shopping and entertainment strip, with important VHR buildings and an acknowledged and recognisable consistency in heritage fabric, particularly within its intact historic core (Precinct 2).

Mandatory provisions have been based on a comprehensive built form analysis that has considered a range of matters including:

- detailed heritage assessments, including peer review
- a multi-disciplinary approach to formulating the provisions
- the desire for high quality urban design outcomes
- 3D modelling (noting the issues discussed in Chapter 1.4).

The Panel is satisfied that this work has been completed to a satisfactory standard sufficient to warrant and justify the proposed mandatory provisions. It acknowledges that some of this work was criticised by various parties throughout the course of the Hearing, however the Panel considers that Council should be commended for what has been a generally thorough and comprehensive approach to the formulation of the provisions.

The proposed mandatory provisions are aimed primarily at addressing:

- the minimum metrics required to protect heritage buildings and the heritage streetscape, as appropriate
- the adequate protection of the residential amenity of adjoining residential areas within the context of site constraints
- the protection of solar access to the southern footpath along Swan Street to ensure a high-quality pedestrian environment and opportunities for comfortable outdoor dining and associated experiences.

The various discretionary and mandatory provisions combine to facilitate specific outcomes and the Panel is convinced that, where applied, the mandatory provisions are absolutely necessary to achieve these outcomes. The Panel is satisfied that the mandatory provisions are not aimed at restricting development; rather they are aimed at facilitating good design and heritage outcomes.

The mandatory height and setback provisions will enable an appropriate level of growth and change in the Activity Centre over time. The Activity Centre has the potential for significant growth, consistent with its status as a Major Activity Centre and this was confirmed by a detailed capacity analysis. Over time, it will experience substantial change and the provisions recognise and facilitate a high level of change in many parts of the centre.

Submissions and evidence that promote growth in the Activity Centre with no or few limitations fail to give appropriate weight to the policy directions of Plan Melbourne and the Planning Scheme that support the creation of distinctive, attractive, liveable places. Planning has an important role in facilitating high growth and high-quality design outcomes. As has been demonstrated by Council, the Swan Street Activity Centre is an example where some mandatory provisions are required to ensure acceptable outcomes.

There is a very real risk that the existing high-quality heritage buildings and streetscapes in Swan Street could be overwhelmed by new development and debased without careful planning. The sensitive residential interface to the north also requires special consideration given the likely pressure for increased height in these areas as the Activity Centre grows. Similarly, solar access to the footpath on the southern side is appropriately controlled by mandatory provisions and further discussion on this issue is provided in Chapter 6.7 of this report.

The Panel agrees with Council that planning for these issues needs to be considered on a precinct basis. It is concerned that discretionary provisions alone would reduce the quality of the heritage streetscape, amenity of the residential interface and solar access to the south side of Swan Street through a series of piecemeal and cumulative planning decisions.

The Panel has considered the need for mandatory provisions in the Activity Centre based on its specific circumstances. The Panel has reviewed the various other panel reports referred to by parties, but notes that every activity centre is unique and built form provisions need to be carefully considered with respect to the nuanced differences and similarities between centres.

Council has made an appropriate case for introducing mandatory provisions, consistent with Planning Practice Notes 59 and 60.

Discussion regarding the specific metrics for various provisions is provided in later sections of this report.

(vi) Conclusion

The Panel concludes that the mandatory provisions for specified building heights, street wall heights and setbacks, upper level setbacks and overshadowing are justified and necessary unless specified otherwise in this report.

6.3 Building height requirements

(i) The issue

The issue is whether the building height requirements are appropriate and justified.

(ii) Background

Clause 2.3 of the DDO schedules include 'Building height requirements' that provide guidance when exercising discretion to exceed the preferred building height specified on the 'Height and Interface Plan'.

Council's resolved version of the building height requirements stated:

> A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:
>
> - the built form outcomes that result of the proposed variation satisfies the design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and
> - the proposal achieves each of the following:
> - greater building separation than the minimum requirement in this schedule;
> - housing for diverse households types;
> - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;
> - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;
> - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
> - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
> - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.

Additional provisions specify exemptions for architectural features, service equipment and other similar matters where structures may exceed the preferred or mandatory height.

At the Hearing, Council proposed several changes to the building height requirements.

(iii) Evidence and submissions

Council submitted that:

- the building height requirements are discretionary and are not pre-conditions to approving height over the preferred height
- all the requirements should be met in order for a building to exceed the preferred building height
- not all requirements have a direct nexus with building height.

Council added that, in circumstances where a permit application seeks to exceed the preferred height, it is reasonable and commonplace that additional benefits are provided either for the benefit of the development itself (such as building separation, communal open space, end-of-trip facilities) or for the community more broadly (such as diverse housing, Environmentally Sustainable Design, no additional amenity impacts).

Council submitted that the proposed provisions were consistent with Strategy 17.2 of the planning scheme and cited a range of other examples where similar provisions exist, including:

- Stonnington Planning Scheme Activity Centre Zone
- Moreland Planning Scheme Activity Centre Zone

- Melbourne Planning Scheme, DDO63 (Macaulay Urban Renewal Area, Kensington and North Melbourne).

Council noted that similar provisions were considered and supported for the Johnson Street Neighbourhood Activity Centre in the Amendment C220 panel report.

Ms Hodyl gave evidence that:

- the requirements lack clarity on their strategic rationale
- the proposed provisions do not define specific quantities of each requirement
- high design quality should not be seen as a 'bonus'
- any uplift scheme should be defensible, transparent and fair
- the proposed provisions could lead to unintended consequences.

Ms Hodyl recommended that the provisions be replaced with the following requirements:

- the proposal leads to an improved overall design outcome that cannot be achieved by complying with the preferred maximum building height
- the proposal does not introduce additional amenity impacts to adjacent properties or the pedestrian experience within the public realm.[14]

Mr Biles identified several issues with the Council resolved provisions, including that:

- they apply to different land uses
- some of the requirements are easily assessed while others are very subjective
- there is only one test (the second last dot point dealing with amenity impacts) that deals with the impacts of additional height.

Mr Biles concluded that the test for exceeding a preferred height should require:

- minimal additional amenity impacts to residentially zoned properties or the public realm, beyond that which would be generated by a proposal that complies with the preferred building height.[15]

In response to questions from the Panel, Mr Biles indicated that he intended that only the text of the second last building height requirement be revised (from "*no additional amenity impacts..*" to "minimal additional amenity impacts..") and that he was happy for all of the other requirements to remain.

Mr McBride-Burgess stated that, having regard to the content of the provisions, it appeared as though only residential buildings could exceed the preferred height. For example, he noted that a non-residential building would have difficulty in providing 'housing for diverse household types'.

Council responded that the building height requirements are intended to apply to residential and non-residential development. In its closing submission, Council provided an updated version of the provisions that addressed the issue raised by Mr McBride-Burgess. The revised structure and wording differentiate which provisions are applicable to all development and which are specific to residential development. It states:

> A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

[14] Document 43, para 188
[15] Document 20, Para 37

- the built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd submitted that all the requirements should not need to be met and that the wording should be revised to refer to a proposal achieving one or more of the specified dot points.

(iv) Discussion

The Panel supports the broad approach of the building height requirements. Consistent with the Amendment C220 panel conclusions, the Panel considers that higher built form should not be a reward for meeting a requirement. If a development is to exceed the preferred maximum height, it should be a good development and the requirement should specify what a good development is in this context.

Some of the requirements are not clearly defined and would be the subject of debate in relation to each permit application. Although it might be desirable to be more specific regarding these matters, it is noted that all these matters are discretionary. It will always be a matter of balancing up a wide variety of factors when it comes to determining whether a specific proposal should exceed the preferred height.

Importantly, the Panel notes that the building height requirements ensure that built form outcomes that exceed the preferred height should continue to meet the design objectives and the other design requirements in each DDO schedule.

The Panel does not support the recommendations of Ms Hodyl or Mr Biles with respect to this issue. It considers that the proposed provisions are satisfactory.

The Panel agrees with the comments of Mr McBride-Burgess with respect to non-residential uses and supports the changes proposed by Council in its closing submission. These modifications are sensible and ensure that residential and non-residential developments are considered under criteria relevant to their circumstance.

The Panel accepts Council's view that all the building height requirements should be met in order to exceed the preferred height. The Panel emphasises 'should' because they are discretionary. This provides some potential flexibility, if required.

(v) Conclusions and recommendation

The Panel concludes:

- It is appropriate for the DDO schedules to include requirements that specify the circumstances when it may be appropriate for a permit to be granted to construct a building or construct or carry out works that exceeds the preferred height.
- The proposed building height requirements are appropriate and justified.
- The building height requirements should be revised to ensure that they apply to residential and non-residential development.

The Panel recommends:

> **Amend the building height requirements in the Design and Development Overlay schedules, as shown in Appendices D1, D2, D3 and D4.**

6.4 Upper level setback

(i) The issue

The issue is whether the centre-wide approach to upper level setbacks is appropriate and justified in the Activity Centre.

(ii) Background

The DDO schedules include provisions regarding the minimum setbacks for upper levels (where 'upper levels' means development above the height of the street wall). The upper level setbacks were exhibited at 5 metres and then varied in the Council resolved version to 6 metres. The upper level setbacks for properties with the Heritage Overlay were proposed as mandatory requirements, while non-heritage properties are discretionary provisions.

The chapter relates to typical upper level setbacks. Specialised site-specific upper level setbacks are generally dealt with in the precinct chapters.

(iii) Evidence and submissions

Council submitted that upper level setbacks were a key feature of the Amendment. It explained that a core principle of the Swan Street Structure Plan and the Swan Street Framework was to ensure visually recessive upper levels. This is particularly important in the heritage parts of the streetscape to ensure that heritage buildings are not overwhelmed by new built form.

Council submitted that this was initially translated into the DDO schedules in the heritage design requirements and then later transferred into the design quality requirements with the provision:

> Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage overlay should be visually recessive and not visually dominate the heritage building and the heritage streetscape.[16]

Specific metrics for upper level setbacks were also formulated. This was implemented in the exhibited DDO17 through a 'one-third – two third rule' in conjunction with mandatory and discretionary heights, street wall heights and upper level setbacks of 5 metres.

[16] This issue is dealt with by the Panel in Chapter 6.3

The resolved DDO schedules removed the one-third – two third rule and replaced it with an increased upper level setback (from 5 metres to 6 metres) and some reduced mandatory building heights.

Council submitted that, for visually recessive upper levels behind heritage buildings to be achieved along Swan Street, it was important that the balance sought to be achieved by the resolved DDOs was retained. It explained the mandatory street wall height, 6 metres upper level setback and mandatory heights (except in Precinct 1) work together to ensure that behind and above the heritage street wall, the allowable built form (which will be considerably taller than the existing form) does not overly dominate the streetscape. Council submitted that eroding one or other of the provisions or replacing mandatory provisions with discretionary ones would lead to unacceptable outcomes for all of Precinct 2 if each property development sought to "*push the envelope*".

Council relied on the evidence of Mr Gard'ner, who explained that:

> The 5 metres upper level setback was originally established in the 2014 Swan Street Structure Plan which preceded both the Built Form Framework prepared by Tract and the Heritage Review. Having considered modelling undertaken of other comparable commercial high streets in the City of Yarra, the recommendations included in the Panel Report into Yarra C220 and C231, and the revised modelling for Swan Street using more accurate and realistic base data, I consider than a 6 metres setback is necessary to achieve a satisfactory outcome that retains the visual prominence of the heritage street wall.[17]

Mr Gard'ner was extensively cross-examined about the 6 metres upper level setback metric and maintained it was necessary because:

- it avoids 'facadism'
- it retains the legibility of the heritage building as being part of a three-dimensional form
- it is typical of the approximate depth of the front room of the shop/residence nineteenth century building type
- approximately 75 per cent of the front chimneys are set back 6 metres or less.

Mr Gard'ner noted that in Precinct 2, the mean depth of the rear face of 50 chimneys that he measured was 5 metres. He said that a 6-metre setback would enable sufficient space around the chimney to ensure that it was retained in a meaningful setting.

Under cross-examination, Mr Gard'ner said that the proposed upper level setbacks were the minimum required to achieve an acceptable outcome. He acknowledged that other submitters thought that the setbacks should be greater (and lesser) but his view was based on detailed consideration of multiple factors. He said there was a significant difference between a 5 and 6 metres upper level setback on heritage buildings given the future potential building heights envisaged in Swan Street. He said a 6-metre upper level setback retained the visual prominence of the street wall.

Mr Gard'ner explained that Swan Street has a very diverse linear streetscape. Although Precinct 2 was a generally consistent and intact heritage streetscape, the other precincts included scattered heritage buildings or small groups of heritage buildings among mid to late twentieth century and more contemporary architecture. Despite these differences, Mr

[17] Document 8, page 54

Gard'ner said that Swan Street generally demonstrated a consistent 'High Street' typology that needed to be respected. He noted the proposed provisions addressed the cumulative effects of development along the length of Swan Street through the adoption of consistent metrics and conditions.

Mr Gard'ner highlighted the importance of the Dimmeys Tower and how the upper level setbacks had been designed to ensure that the tower retained its prominence and role as a significant landmark. Special upper level setback provisions were proposed on the south side of Swan Street to ensure the views to this site were protected.

Mr Gard'ner also noted that the design of the former Burnley Theatre meant that an upper level setback of 6 metres was inappropriate and it required a setback of 10 metres to ensure the front portion of the building was readily understood in a three dimensional form.

Mr Gard'ner's opined that for development above 18 metres in height, it was desirable to adopt a 45-degree plane sightline test similar to that applied in the Johnson Street Neighbourhood Activity Centre. He said this would ensure that upper levels were recessive to the heritage building. In his view, Mr Gard'ner noted that upper level setbacks were often more important to achieve an acceptable outcome than the building height. He acknowledged that both worked together.

Mr Gard'ner did not accept that alternative treatments such as building colour or materials could substitute for upper level setbacks as it was important to ensure that a heritage building was 'legible' and in context. He pointed to the example at 129 Swan Street where he said despite the retention of architectural decoration, the facade of the building very clearly presents as a thin surface appended to a new development rather than a heritage building with a three dimensional form. He said the loss of context for this facade was an "*unfortunate outcome*" and in his view it meant the property no longer contributed to the significance of the Swan Street precinct. As such, he recommended that the property be re-graded to non-contributory.

Mr Gard'ner (and Council) referred to the Amendment C220 panel report finding regarding the Johnson Street activity centre and concluded:

- a 3-metre upper level setback is unlikely to create a distinct enough street wall
- whether the upper level setback should be a minimum of 5 or 6 metres is a somewhat arbitrary choice
- the Panel preferred a 6-metre setback because:
  - it would better protect heritage buildings
  - it would retain the 'human scale' of Johnston Street
  - the distinction between the street wall and upper levels and would reduce the potential for overshadowing and adverse wind conditions.

Mr Helms supported the overall approach to upper level setbacks adopted by Mr Gard'ner. He supported the 6-metre upper level setback (combined with the reduced building height in Precinct 2) and gave evidence that it achieves a distinct historic street wall with a second wall behind. He said that the combined 5 metre upper level setback and the 'one-third – two third rule' as exhibited in DDO17 had the potential to result in inconsistent outcomes compared to the 'straight' 6 metres upper level approach in the resolved DDO schedules. Mr Helms said this resulted in a 'cleaner' built form, avoided a 'wedding cake' typology and simplified the provisions.

Mr Barnes gave evidence that a key difference between the exhibited DDO and resolved DDO schedules was that the proposed height had been reduced by one storey for some sections along the north side of Swan Street, and that this appeared to be a result of an increased upper level setback from 5 metres to 6 metres and the shallow depth of properties. Mr Barnes did not consider that there was a meaningful difference between an upper level setback of 5 metres or 6 metres from a planning perspective. He had no issue with the exhibited DDO heights.

Mr Barnes supported the distinction of mandatory upper level setbacks in heritage areas and discretionary upper level setbacks in non-heritage areas. He noted that:

> From a planning perspective I would normally suggest that consideration be given to a lesser upper level setback in non-heritage areas. However, I understand the depth of urban design testing and modelling that has been undertaken as background to the proposed controls. I understand and am supportive of the need to moderate the impacts of significant and continuous taller built form along the southern side of Swan Street, in the central and western parts of the street. The discretionary nature of the requirement in these locations provides flexibility and distinguishes the requirement compared to heritage areas.[18]

Ms Bell acknowledged that the exhibited 5-metre setback was intended to operate with the one-third – two third principle. She added this combination has since been replaced with a 6-metre setback without an evident rationale. She referred to her experience in preparing the Built Form Framework for Bridge Road and Victoria Streets which applied the following rationale for upper level setbacks:

> Where significant heritage fabric is retained or within a significant heritage streetscape, a mandatory upper level setback of 6 metres is recommended to maintain a clear distinction between the heritage fabric and the addition.

Based on this rationale, Ms Bell accepted that the 6-metre upper level setback should be applied to create a clear distinction between the heritage fabric and new additions.

Many submitters contested the proposed upper level setbacks along the Swan Street frontage. Several submitters including the Royal Historical Society of Victoria and the National Trust of Australia (Victoria) considered the proposed upper level setbacks to be insufficient. They said upper level setbacks of 5 or 6 metres did not adequately protect a heritage building and would result in unacceptable facadism. The Royal Historical Society of Victoria submitted that an upper level setback of at least 10 metres was needed to retain the significance of heritage buildings.

Mr Gard'ner responded to this submission in his evidence:

> The setting back of new built form a minimum of 6 metres from the retained street frontage will not in my view result in facadism. It is my view that facadism is appropriately defined as occurring when only the principal façade (or facades) of a building are retained while constructing a completely new building behind. The retention of a minimum 6 metres depth behind the front of the building will, in the majority of cases, avoid 'facadism' and will retain the legibility of the façade as being part of a three-dimensional form.
>
> …

[18] Document 6, para 143

> While a 10 metres (or greater) setback may achieve a 'better' heritage outcome, I consider 6 metres to be an acceptable minimum setback to enable the prominence of the heritage streetscape to be retained.[19]

Council submitted that retaining the entire original building fabric would be inconsistent with the Activity Centre's strategic objectives.

Many other submitters expressed the view that the proposed upper level setbacks were excessive. Some submitted that the metric should remain as the exhibited 5 metres and some also said that the upper level setbacks should be discretionary in heritage areas.

Cremorne Properties sought a 5-metre discretionary upper level setback. It called heritage evidence from Mr Raworth, whose evidence statement indicated support for a 6 metres discretionary provision. At the Hearing, Mr Raworth indicated that he supported a 5 metres discretionary provision as "*a reasonable alternative*". While Mr Raworth did not place as much importance on retaining chimneys as Mr Gard'ner, he agreed in cross-examination and in questions from the Panel that, from a heritage perspective, the greater a setback, the better. He agreed that the taller a building is behind the street wall, then the greater the required setback.

Swan-Lennox Pty Ltd relied on the evidence of Mr McBride-Burgess, who said that in heritage areas in Precinct 2, a discretionary 5-metre upper level setback was appropriate. He said this would provide sufficient separation between retained heritage fabric and new built form above.

Swan Street Sales Pty Ltd submitted that the proposed mandatory 10 metres upper level setback to the former Burnley theatre is a "*blunt tool*" that does not recognise the particular characteristics of the theatre and will impede innovative and flexible design outcomes for the future development of the site.

Pelligra Build Pty Ltd objected to a 6-metre discretionary upper level setback and wanted a 5 metres discretionary provision. It relied on the evidence of Ms Roberts and Mr Linke who said that a 5 metres setback was, in their view, sufficient to distinguish the podium level. Ms Roberts thought upper level setbacks of only 3 metres could be sufficient in some circumstances.

Namreh Properties Pty Ltd objected to the 6-metre discretionary provision. It submitted that the exhibited 5 metre discretionary control should be retained and noted that:

- there is no justification for increasing the upper level setbacks in non-heritage areas
- there is no appreciable urban design difference between a 5 or 6 metres upper level setback in non-heritage areas and therefore the lower setback should be applied
- a discretionary 5 metres upper level setback is appropriate for non-heritage areas.

The Panel was presented with numerous 3D computer models and other images from a variety of submitters and expert witnesses. These covered a range of precincts and purported to show the implications of various metrics on a site or block.

[19] Document 8, pages 53-54

(iv) Discussion

Council has completed a thorough and comprehensive strategic assessment with respect to applying upper level setbacks across all precincts. The Panel understands that this was an iterative process based on factors including:

- the Swan Street Structure Plan
- the Swan Street Framework
- expert heritage advice from Mr Gard'ner
- a peer review of heritage considerations from Mr Helms
- planning panel reports associated with Amendment C220 and C231
- a review of submissions received to the exhibited Amendment
- extensive modelling completed by Tract
- consideration of Planning Practice Notes 59 and 60
- input from the Council's planning department.

Council is commended for a very thorough review of multiple issues and for considering various alternatives and options. The Panel agrees with Council's general approach for upper level setbacks. Council has prepared a reasonable and balanced set of provisions having regard to all of the competing issues.

The Panel has reached it conclusion based on several factors. No single issue has been determinative; rather, it has been the sum of the parts that has been important in ultimately concluding to accept the metrics and the distinction between mandatory and discretionary provisions.

The proposed building heights in the DDO schedules envisage significant growth in the Activity Centre so future growth needs to be carefully managed. Without appropriate care, the impact of new built form on existing heritage buildings has the potential to negatively change the character of the streetscape. The Panel agrees that upper level setbacks are necessary to ensure that the streetscape (in heritage and non-heritage areas) retains a human scale and that upper levels do not overwhelm the public realm.

Good strategic planning takes account of the broader context beyond an individual site and considers the cumulative effect of development on the long linear streetscape and surrounding area. This is an important consideration even in areas that may have relatively modest future heights proposed. The Panel considers that the proposed provisions address this issue with appropriate balance having regard to:

- the status of the Swan Street Activity Centre as a Major Activity Centre, which clearly identifies the need for significant growth
- the need to protect heritage significance
- the need to protect the reasonable amenity of the residential areas to the north of Swan Street from the impacts of growth in the Activity Centre
- the need to retain and enhance the pedestrian scale and comfort of Swan Street in heritage and non-heritage areas
- avoiding a long and narrow 'canyon' of tall development built close to the street wall.

The Panel agrees with Mr Gard'ner that a mandatory 6-metre minimum upper level setback is appropriate in typical areas in Swan Street with heritage buildings. This is the minimum setback to achieve an acceptable outcome for these areas. Having regard to all the information provided and inspections of numerous properties along the full length of Swan

Street, the Panel considers that there is a difference between a 5-metre and 6-metre upper level setback. A 6-metre setback would ensure that the front of the building will be read in a three-dimensional form and retain sufficient heritage features and meaning.

The Panel does not consider that a 6-metre upper level setback will result in facadism. Although a 10-metre setback would ensure retention of more of a heritage building, planning provisions should ensure the minimum needed to ensure an acceptable outcome. The Panel agrees that outcomes like at 129 Swan Street are not acceptable and are an example of why a 6-metre upper level setback is warranted.

The Panel notes that increasing the setback from 5 metres (in DDO17) to 6 metres was in part a function of the removal of the 'one-third – two third rule'. It is important to recognise that the 'one-third – two third rule' had significant implications for the setbacks of upper levels and that it is erroneous to simply compare 5 metres to 6 metres without recognising this. Indeed, if Council was of the view that it should revert back to a 5-metre upper level setback then it should consider the need to also reinstate the 'one-third – two third rule' (or similar) as well.

However, replacing the 'one-third – two third rule' with a simple 6-metre upper level setback will simplify the provisions and continue to result in acceptable outcomes. The Panel does not agree with Mr Gard'ner that an additional 45-degree sight line test is required for buildings greater than 18 metres.

The Panel considers that a minimum 6-metre discretionary upper level setback is appropriate for non-heritage places. It will ensure a greater potential for consistency in the streetscape while recognising that there may be some circumstances that may warrant a lesser setback. Non-heritage areas have potential for significant additional growth and from an urban design perspective, a 6-metre upper level setback will enhance the rhythm of the built form in a high growth environment. The exhibited DDO17 included the same metric for heritage and non-heritage areas (although at 5 metres) and there is a logic in continuing this principle to maximise the potential for greater consistency in the streetscape.

The findings made by other panels (such as Amendments C220 and C231) provide interesting context. However, the Panel has applied a 'first principles' approach to considering the upper level setbacks for Swan Street and concludes that they are appropriate in the circumstances.

Where relevant, further consideration of site-specific upper level setbacks are provided in the precinct chapters of this report.

(v) Conclusions and recommendation

The Panel concludes that for typical Swan Street frontages:

- a minimum 5-metre upper level setback is insufficient
- a minimum 6-metre upper level setback is appropriate
- a mandatory minimum 6-metre upper level setback for all heritage properties is appropriate
- a discretionary minimum 6-metre upper level setback for all non-heritage properties is appropriate.

The Panel recommends:

> **Amend the upper level setbacks in the Design and Development Overlay schedules, as shown in Appendices D1, D2, D3 and D4.**

6.5 Building separation requirements

(i) The issue

The issue is whether the building separation requirements for all precincts are appropriate and justified.

(ii) Background

All precincts include a provision that where development shares a common boundary and no interface treatment is shown on Plan 1, setbacks should be provided at a minimum of:

- 4.5 metres where a habitable room window or balcony is proposed
- 3 metres where a commercial or non-habitable room window is proposed.

These provisions are discretionary.

The resolved DDO27 and DDO28 (Precincts 3 and 4) include 'Upper Level Building Breaks' provisions (shown on Plan 1) which require buildings to have side setbacks of at least 4.5 metres from the common boundary where a habitable window is proposed and at least 3 metres where a non-habitable window is proposed. These precinct-specific issues are discussed in further detail in Chapters 9 and 10.

(iii) Evidence and submissions

Ms Hodyl considered that the building separation requirements:

- ensure that development does not present as a 'wall' of continuous development
- provide adequate internal amenity to the occupants of the buildings.

Ms Hodyl stated that it is a generally accepted urban design principle that as the building height increased, the building separation distance should also increase. She observed that the resolved provisions did not make this distinction and recommended that all buildings taller than 28 metres should be setback a minimum of 6 metres from the boundary (above the street wall). She recommended that:

> Where development shares a common boundary and no interface is shown in Plan 1, upper level development should:
>
> - for buildings up to 28 metres (8 storeys), be set back a minimum of 4.5 metres from the common boundary where a habitable window or balcony is proposed
> - for buildings up to 28 metres. (8 storeys), be setback a minimum of 3.0 metres from the common boundary where a commercial or non-habitable window is proposed.
> - for buildings taller than 28 metres (8 storeys), be setback a minimum of 6 metres (this is not dependent on internal use).
>
> These separation requirements should be a preferred outcome, not a mandatory control. [20]

[20] Doc 43, Recommendation 1, para 105

In response to questions from the Panel, Ms Hodyl explained she intended to apply additional setback for buildings taller than 28 metres to all the upper levels of the building, not just that portion above 28 metres.

Council generally supported Mr Hodyl's recommendation, subject to the increased setback only applying to the portion taller than 28 metres.

370 Swan Street Pty Ltd, LPC 10 Nominee Pty Ltd and Mr Zois opposed the changes proposed by Ms Hodyl and submitted that the building separation requirements should remain as shown in Council's resolved version.

Ms Hodyl said greater consideration should be given to the visual impact of high single sided party walls when viewed from the street. She noted that party walls were typically blank concrete that have low visual interest and that once party walls were taller than 6 storeys they became particularly unappealing. She recommended a new discretionary maximum party wall height of 6 storeys in all precincts.

Council did not support Ms Hodyl's party wall recommendation. It submitted that the internal and external amenity impacts of party walls were satisfactorily addressed in other DDO schedule provisions, through other changes recommended by Ms Hodyl regarding greater building separation above 28 metres in height, and the Planning Scheme more generally.

Mr Barnes generally supported the building separation requirements proposed in the resolved versions of the DDO schedules.

No party objected to including building separation requirements.

(iv) Discussion

The Panel agrees with Ms Hodyl that building separation requirements play an important role in breaking up the visual 'wall' of buildings and also assist in providing appropriate amenity to the occupants of the buildings. The resolved requirements are generally satisfactory, however there should be greater setbacks for taller buildings.

The Panel supports Ms Hodyl's recommended 6 metre setback and threshold of 28 metres, however prefers Council's approach to apply the increased setback to only the portion of a building taller than 28 metres. This is a more balanced approach that will continue to deliver good outcomes.

There is no apparent need to introduce a new requirement to manage the height of party walls through the Amendment.

(v) Conclusions and recommendations

The Panel concludes:

- It is appropriate to include building separation requirements.
- The proposed building separation requirements are generally satisfactory although they could be improved by providing for greater separation for taller buildings.
- It is not appropriate to introduce a specific provision to limit the height of a party wall.
- Changes to the building height requirements proposed by Council in its closing submission are appropriate and are supported.

The Panel recommends:

> **Amend the building separation requirements in the Design and Development Overlay schedules, as shown in Appendices D1, D2, D3 and D4.**

6.6 Heritage design requirements

(i) The issue

The issue is whether it is appropriate and justified to apply the heritage design requirements.

(ii) Background

The exhibited and resolved DDO schedules include heritage design requirements that relate to:

- building facades and street frontages
- upper level setbacks (above street wall height).

The requirements specify general architectural design guidance and apply to land with a Heritage Overlay or land immediately adjoining a Heritage Overlay.

Planning Scheme Clause 22.02 deals with 'Development guidelines for sites subject to the Heritage Overlay'.

(iii) Evidence and submissions

At the Hearing, Council submitted it no longer sought to pursue the heritage design requirements as exhibited or as shown in its resolved version of the DDO schedules. Council said it supported deleting these requirements because:

- it accepted the Panel's findings in Amendment C231 that the heritage design requirements in the proposed DDO16 for Queens Parade duplicate existing provisions in Clause 22.02
- the heritage design requirements for Swan Street duplicate the provisions in Clause 22.02
- Clause 22.02 will be replaced by a new Heritage Policy (Clause 15.03-1L) as part of the rewrite of the Yarra Planning Scheme Local Policies review currently underway through Amendment C269.

The Hearing version of the DDO schedules (Documents 181-184) did not include heritage design requirements.

Mr Gard'ner gave evidence that despite the Amendment C231 panel, there was value in including heritage design guidelines where they augment but do not duplicate existing provisions. He said this was particularly the case while the review of Clause 22.02 and its integration into Clause 15.03-1L was underway.

Mr Helms initially considered the heritage design requirements were not essential, for the reasons outlined by Council. He said this was based on the imminent introduction of the new heritage policy in the Planning Scheme. In his supplementary evidence, he retained his view but noted that as an alternative, the heritage design requirements could be retained in the DDO schedules until Amendment C269 is finalised.

Mr Barnes gave evidence that it was "*somewhat unusual, but not necessarily inappropriate or incorrect, to include requirements in a DDO that relate to land in a heritage overlay*". Although he said he had "*no issue*" with the heritage design requirements, he acknowledged that the Amendment C231 panel had recommended that similar provisions not be included in that instance.

During the Hearing, Council proposed to relocate two provisions from the heritage design requirements to the design quality requirements. This included a provision in the heritage design requirements that stated:

> Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage building should be visually recessive and not visually dominate the heritage building and the heritage streetscape.

Council submitted that visually recessive upper levels was a core principle of the Swan Street Framework (Principle 4) and that no expert witness disagreed with this key issue.

Mr Gard'ner gave evidence that an additional dot point in the heritage design requirements should be included to encourage the upper level (or levels) of any new development to be set further back from the secondary street wall to encourage a greater level of concealment of 'penthouse' or 'roof top' elements. He said such a requirement should read:

> The top-most level (or levels) of new development should be set further back from the principal heritage frontage and secondary street wall and treated as a penthouse or roof top element.[21]

Council did not support Mr Gard'ner's recommendation and did not consider it necessary to modify either the heritage design requirements or the design quality requirements with respect to this issue.

Ms Hodyl gave evidence that the heritage design requirement to "*avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts*" could inadvertently deliver poor design outcomes that are not complementary to the heritage fabric.

Ms Hodyl said the current character of Swan Street consists of a mix of materials and includes a variety of solids and voids to create a highly articulated and visually interesting streetscape. She said the streetscape does not include large expanses of glass fronting the street.

Ms Hodyl recommended the provision be modified to say:

> Avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.[22]

Council supported this slight modification and proposed a new design quality requirement that integrated both heritage related design issues:

> Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:
>
> - be visually recessive and not visually dominate the heritage building and the heritage streetscape
> - avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

[21] Document 8, para 99
[22] Document 43, para 218

(iv) Discussion

The Panel agrees that the heritage design requirements should be deleted from the DDO schedules for the reasons expressed by Council.

The existing Clause 22.02 provisions provide appropriate guidance for developing land with the Heritage Overlay. Many of the provisions in the DDO schedules have been prepared through the lens of a detailed heritage assessment. The combination of the DDO schedules and Clause 22.02 provide a comprehensive set of design requirements for heritage properties.

The broader review of the Planning Scheme associated with Amendment C269 will afford a further opportunity to update municipal-wide heritage guidelines. There is no need to include heritage design requirements in the DDO schedules before Amendment C269 is finalised.

That said, the Panel accepts it is appropriate to transfer the two provisions identified by Council from the Heritage design requirements to the Design quality requirements.

The requirement that upper level development be visually recessive and not dominate the heritage building or the streetscape is a fundamental design principle that is supported. The Panel supports the inclusion of Council's revised requirement and considers that this should sufficiently address the concerns of Mr Gard'ner. The Panel considers that Mr Gard'ner's additional provision is not necessary.

The Panel agrees with Ms Hodyl's subtle change to the wording of the requirement regarding glazing and agrees with Council that this improves the clarity of the intent of the provision.

(v) Conclusions and recommendations

The Panel concludes that the heritage design requirements at Clause 2.3 in the DDO schedules are not appropriate and should be deleted.

Two provisions from the Heritage design requirements should be modified and transferred to the Design quality requirements. These provisions should require upper level development within a Heritage Overlay or on land immediately adjoining a heritage building to:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape
- avoid large expanses of glazing with a horizontal emphasis.

The Panel recommends:

Delete the Heritage design requirements in the Design and Development Overlay schedules, as shown in Appendices D1, D2, D3 and D4.

Amend the Design quality requirements in the Design and Development Overlay schedules in accordance with the Panel preferred versions in Appendices D1, D2, D3 and D4.

6.7 Overshadowing provisions

(i) The issues

The issues are:

- whether it is appropriate and justified to apply a mandatory provision which seeks to not overshadow footpaths during specified times at the equinox

- how the overshadowing provisions should be measured.

(ii) Background

The Amendment proposes mandatory overshadowing requirements to the southern side of Swan Street and the eastern and western sides of Church and Burnley Streets. It requires no shadowing within an area 4 metres from the relevant road boundary.

Other overshadowing provisions are required for a range of nominated 'side streets', including Cremorne Street, Lennox Street, Stanley Street, Clifton Street, Docker Street, Mary Street, Coppin Street and Stawell Street. These provisions are discretionary and require no shadowing within an area 2 metres from the relevant kerb.

There are also site-specific discretionary shadowing requirements for two public open spaces – Ryans Reserve in Precinct 4 and a future potential open space near the East Richmond Station in Precinct 2.

All overshadowing requirements relate to between 10.00am and 2.00pm on 22 September.

(iii) Evidence and submissions

Council submitted that protecting the footpath on the southern side of Swan Street was a fundamental planning outcome from the Swan Street Structure Plan. This principle was tested during the formulation of the Swan Street Framework, which states:

> This principle is strongly supported in the Built Form Framework Study. Solar access to footpaths is critical to the success of the centre, particularly as retail and hospitality uses intensify. The absence of dedicated public open spaces in the centre means that the footpaths are particularly important.
>
> …
>
> The southern footpath of Swan Street is a key public space in the Activity Centre that will become even more important as the population increases. New development on the north side of Swan Street has potential to overshadow this footpath and will need to be carefully controlled. The Built Form Framework recommends that buildings do not overshadow the southern footpath of Swan Street from 10am at the equinox (22 September).
>
> A footpath width of 4m is identified for Swan Street. Although the existing footpath is narrower in some locations, the 4m width ensures that sunlight is provided to the footpath if it is widened into the future.
>
> …
>
> A number of north-south streets are also identified … as locations for solar access. These include Church Street, Burnley Street and local streets. The recommendation ensures sunlight is maintained to either the eastern or western footpath between 10am and 2pm at the equinox (22 September). This is applied as a discretionary requirement because of the lower order pedestrian role these streets play.
>
> For Church Street and Burnley Street, a 3m footpath width is identified and for local streets a 2m footpath width is identified.
>
> In addition to the footpaths, two other spaces are recommended for solar access including Ryans Reserve and the potential park adjacent to East Richmond Station.[23]

[23] Swan Street Framework, page 32

Council submitted that the importance of public streets and maintenance of the quality of the streets is, in principle, not a controversial objective or indeed, a particularly unusual one. It said that there was a very real risk that the southern footpath could be continuously shadowed because:

- it has an east-west orientation
- of the length of blocks along Swan Street and the narrowness of side streets
- of the intensity of development anticipated for the Activity Centre.

Council submitted that public places with solar access are a finite and highly valued resource and irreplaceable once lost. It said these places were very vulnerable to cumulative impacts where site specific planning applications are decided on an individual basis and any one proposal only results in a small amount of additional shadow. It submitted that:

> Unless one applies the "first in best dressed" principle and only the first few applications are permitted to cast shadow, solar access to public places is very vulnerable to "death by a thousand cuts". There is no clear threshold at which a tipping point is reached and shadow which was deemed acceptable in a previous application is regarded as unacceptable in a subsequent application.[24]

Council added that for this reason, it was critical that the southern footpath is protected by mandatory overshadowing provisions. It referred to other main east-west streets in inner urban activity centres which have been protected by mandatory solar access provisions, including:

- Coventry Street and York Street, South Melbourne Major Activity Centre (DDO8, Port Phillip Planning Scheme)
- Johnston Street Neighbourhood Activity Centre (DDO15, Yarra Planning Scheme)
- Fitzroy Street, St Kilda (DDO6, Port Phillip Planning Scheme – 6 metres deep and a winter solstice measure).

Ms Hodyl supported the proposed overshadowing provisions and considered the approach to be common and necessary. She noted that same approach has been adopted by numerous Councils. She said that the southern footpath is an important component of the public realm that needs to be protected from overshadowing that detrimentally affects the amenity of pedestrians and outdoor diners.

Mr Barnes supported the overshadowing requirements because:

- streets are the primary public spaces throughout much of the Activity Centre
- their amenity is fundamental to the attractiveness and character of the Activity Centre
- as Swan Street is an east-west street, increased building heights on the northern side can result in a loss or reduction of sunlight
- the proposed date and time of the equinox and 10am to 2pm are reasonable and reflect when many people will be using the street for outdoor leisure
- the use of the street will change over time in accordance with policy directions
- the southern side of Swan Street is the only side of the street that has the potential to receive meaningful levels of sunlight.

He considered the mandatory provisions for the southern footpath to be justified.

[24] Document 193, para 53

Most of the planning and urban design expert witness supported mandatory solar protection to the southern footpath. Mr Linke, who had a contrary view, did not identify when it would be appropriate to a cast shadow on the footpath without diminishing the quality of the pedestrian realm.

Submitters were concerned with the mandatory nature and metrics of the overshadowing provisions. Pelligra Group, Killara Quest and Swan Street Sales considered the overshadowing provisions should be discretionary.

Numerous submitters were concerned that measuring overshadowing at 4 metres from the southern road boundary did not reflect the width of the existing footpath.

Council submitted that the 4 metres metric originated from the Swan Street Framework. It acknowledged that the footpath width along Swan Street varies in dimension and provided the following examples:

- Precinct 2 – between 2.72 and 3.84 metres
- Precinct 3 – between 2.8 and 5.3 metres
- Precinct 4 – between 1.78 and 2.91 metres.

Council maintained that, although the existing footpath is less than 4 metres wide in some locations, a requirement to protect a width of 4 metres ensures that sunlight is provided to the footpath if it is widened in the future. It also allows for a generous thoroughfare for the clear passage of pedestrians, and space for tables and chairs, street furniture and planting.

Council acknowledged that it had not prepared a comprehensive study into the existing footpath widths and the potential for expansion but submitted that safe-guarding the amenity of the southern side of Swan Street having regard to its future potential was an appropriate strategic objective.

Council submitted that preserving the amenity of footpaths is a common strategic objective across Melbourne and in some instances is combined with the potential widening of footpaths.

Several expert witnesses and submitters considered the existing conditions of Swan Street make it very unlikely that the footpath will be widened to 4 metres. There were submissions that:

- footpath widening would need either private land to be acquired or the carriageway to be narrowed
- footpath widening is extremely unlikely given the existing parking, vehicle movement and tram routes that extend the length of the street
- works associated with footpath widening would involve the substantial and costly relocation of utility services and reconfiguration of kerb, channel and other infrastructure
- in some places, such as the section under the rail overpass at the western end of Swan Street, it is "*fanciful*" to contemplate footpath widening given the existing road reserve and carriageway widths.
- a metric of 4 metres was too onerous and lacked proper justification.

Alternative approaches to the metric were recommended. For example, Ms Roberts stated:

> I support the protection of Ryan's Reserve and the footpath from overshadowing however I consider the 'blanket' 4 metres resulting in the potential protection of on-street

> car parking to be excessive. I therefore recommend that the overshadowing requirement over the southern footpath of Swan Street (where adjoining Ryan's Reserve) be reworded to define the footpath as 2.5m from the property boundary (or the accurate measured distance averaged across the front of Ryan Reserve if the footpath meanders from a straight course parallel with the property boundary).[25]

In response to questions from the Panel, Ms Roberts conceded that her figure of 2.5 metres related only to the width of the existing footpath and she conceded that in this part of Swan Street there was also a grassy verge between the footpath and the kerb. She did not know the precise measurement of the verge. At the Hearing, Mr Linke acknowledged he had not measured that section of Swan Street but estimated the total width of the footpath and verge to be approximately 3 metres.

Ms Bell gave evidence that at the western end of Swan Street opposite the Corner Hotel the footpath was approximately 3.6 metres wide and that it narrowed as it went under the railway overpass. She recommended that the requirement relate to "*any part of the southern footpath of Swan Street measured from the property boundary to 1 metre from the kerb*".[26] She said this was acceptable because if a person stood at the kerb, only their ankles would be in shadow. In response to questions from the Panel, she was not able to identify where this metric had been used in other locations.

In her evidence statement, Ms Hodyl recommended deleting the words "*unless the overshadowing would not unreasonably prejudice the amenity of the public space*" from the overshadowing provisions. Ms Hodyl explained this would remove a subjective assessment criterion that did not sufficiently consider that the design and use of public space changes over time.

Council did not support Ms Hodyl's recommendation and submitted that the resolved DDO provisions will assist in guiding discretion.

Council further submitted that if the Panel was not satisfied that protection of a 4-metre future footpath width was required as part of this Amendment, then:

- the overshadowing provision should nonetheless remain mandatory
- the period of 10am to 2pm on the equinox should remain the designated time and date for protection
- at the very least, the existing footpath width should be protected as measured from the boundary of the footpath to the existing kerb.

(iv) Discussion

The Panel agrees that solar access to footpaths is critical to the success of the Activity Centre, particularly as retail, hospitality and residential uses intensify. Limited dedicated open spaces near the centre means that the footpaths are particularly important.

The Panel agrees that it is important to protect the amenity of the southern footpath. Overshadowing from tall development on the north side of Swan Street would have a significant and irreversible impact on the southern footpath.

The Panel considers the equinox to be reasonable for measuring solar access for footpaths in the Activity Centre.

[25] Document 22, para 62
[26] Document 17, para 144

The Swan Street Framework provides a satisfactory justification for applying mandatory provisions on the southern footpath. The Panel considers it is appropriate to apply a consistent mandatory overshadowing provision across the entire length of Swan Street. Mandatory provisions will help avoid the 'death by a thousand cuts' scenario discussed by Council. It is clear to the Panel that mandatory provisions are absolutely necessary along Swan Street.

The Panel does not support overshadowing being measured within 4 metres of the southern road reserve boundary of Swan Street. Council has not provided sufficient justification for this metric. Although it is mentioned in the Swan Street Framework, there is no technical analysis to justify 4 metres.

It became apparent at the Hearing that Council has not completed any detailed analysis of the existing footpath conditions and it has no strategic plan to progressively widen the footpaths. The Swan Street footpath widening may be an aspirational goal of Council, but it needs to complete a more comprehensive assessment of the opportunities, constraints and viability of these works before mandatory provisions purporting to implement such a goal are introduced into the Planning Scheme.

The Panel agrees that widening the Swan Street southern footpath to 4 metres is likely to be problematic. It is unrealistic to assume that, at this stage, any footpath widening will occur. On this basis, the Panel prefers an alternative metric.

The Panel supports the extent of shadowing avoiding the area defined from the property boundary to the existing kerb. This protects the existing footpath (and any verge) from shadowing. If Council extends the width of the footpath in the future, the extent of the 'protected area' will, by definition, also be extended.

For consistency, the Panel considers it is appropriate to adopt the 'kerb' measure across all the overshadowing requirements in the DDO schedules.

The Panel does not support Ms Hodyl's recommended changes to the discretionary provisions. It agrees with Council that it is appropriate to have some level of guidance as to when discretion may be exercised.

The Panel has considered all built form provisions in the DDO schedules based on mandatory overshadowing provisions to the footpath on the south side of Swan Street.

The Swan Street Framework states that discretionary provisions are appropriate for Burnley Street and Church Street *"because of the lower order pedestrian role these streets play"*. The Panel considers there is no strategic basis for mandatory overshadowing provisions for Burnley Street and Church Street. These streets should have discretionary provisions.

(v) Conclusions and recommendations

The Panel concludes:

- The amenity of identified footpaths should be protected through overshadowing requirements.
- Mandatory overshadowing requirements are appropriate and justified for the Swan Street southern footpath.
- Discretionary overshadowing requirements are appropriate and justified for all other identified footpaths.

- The metric for defining the area for solar access should be revised for all streets and should relate to the area between the property boundary and the existing kerb.
- The use of the equinox between 10.00am and 2.00pm as the measure for solar access is appropriate.

The Panel recommends:

Revise the overshadowing requirements in the Design and Development Overlay schedules, as shown in Appendices D1, D2, D3 and D4.

6.8 Application requirements

(i) The issue

The issue is whether it is appropriate and justified to require a desktop wind effects assessment for a permit application proposing a building taller than 15 metres.

(ii) Evidence and submissions

Council called evidence on wind engineering from Mr Eaddy of MEL Consultants. He gave evidence regarding 'environmental wind conditions' in the area subject to the Amendment.

Mr Eaddy stated:

- he supported the DDO schedule decision guideline for a permit application relating to "*the wind effects created by the development*"
- wind conditions have a significant influence in the success of streetscapes as safe and attractive places
- a performance assessment of the wind conditions should be completed at the time of a development application
- the DDO schedules do not require a permit application to include a desktop or wind tunnel study wind effects assessment
- a desktop wind effects assessment should be required for all permit applications proposing a building 15 metres or taller
- the assessment should be undertaken by a suitably qualified person and a report provided that assesses the wind conditions in the surrounding streetscapes against recognised pedestrian wind comfort criteria
- if the proposed development does not achieve the relevant criteria, then Council can manage the process through the 'request for further information' process and require the applicant to undertake wind tunnel model measurements to quantify the environmental wind conditions and the effectiveness of wind mitigation strategies.

Mr Eaddy recommended an Application requirement in all DDO schedules that states:

> A desktop wind effects assessment for the proposed development when the building is 15 metres or higher from natural ground level.[27]

Council supported the conclusions of Mr Eaddy and agreed to include the application requirement. No party objected to this recommendation.

[27] Document 12, page 17

(iii) Discussion

The parent DDO enables specific application requirements to be included in its schedule. There were no application requirements included in any of the exhibited or resolved DDO schedules.

The Panel accepts the evidence of Mr Eaddy and agrees that wind can play a significant role in the safety, comfort and enjoyment of outdoor spaces. Given the expected level of development in the Activity Centre, it is appropriate to consider the effects how new buildings will affect wind patterns.

Mr Eaddy's recommendation is measured and proportionate to addressing the effects of wind on development. A desktop wind assessment is an appropriate starting point and further information can be provided during the permit application process, depending on the results of the desk-top assessment.

(iv) Conclusion and recommendation

The Panel concludes that it is appropriate and justified to require a desktop wind effects assessment for a permit application proposing a building 15 metres or higher from natural ground level.

The Panel recommends:

> **Include an 'Application requirement' in the Design and Development Overlay schedules that requires a desktop wind assessment for a permit application for a development at 15 metres or higher, as shown in Appendices D1, D2, D3 and D4.**

7 Precinct 1 – Richmond Station

7.1 What is proposed?

Figure 10 Precinct 1 exhibited and resolved building heights and street wall interfaces

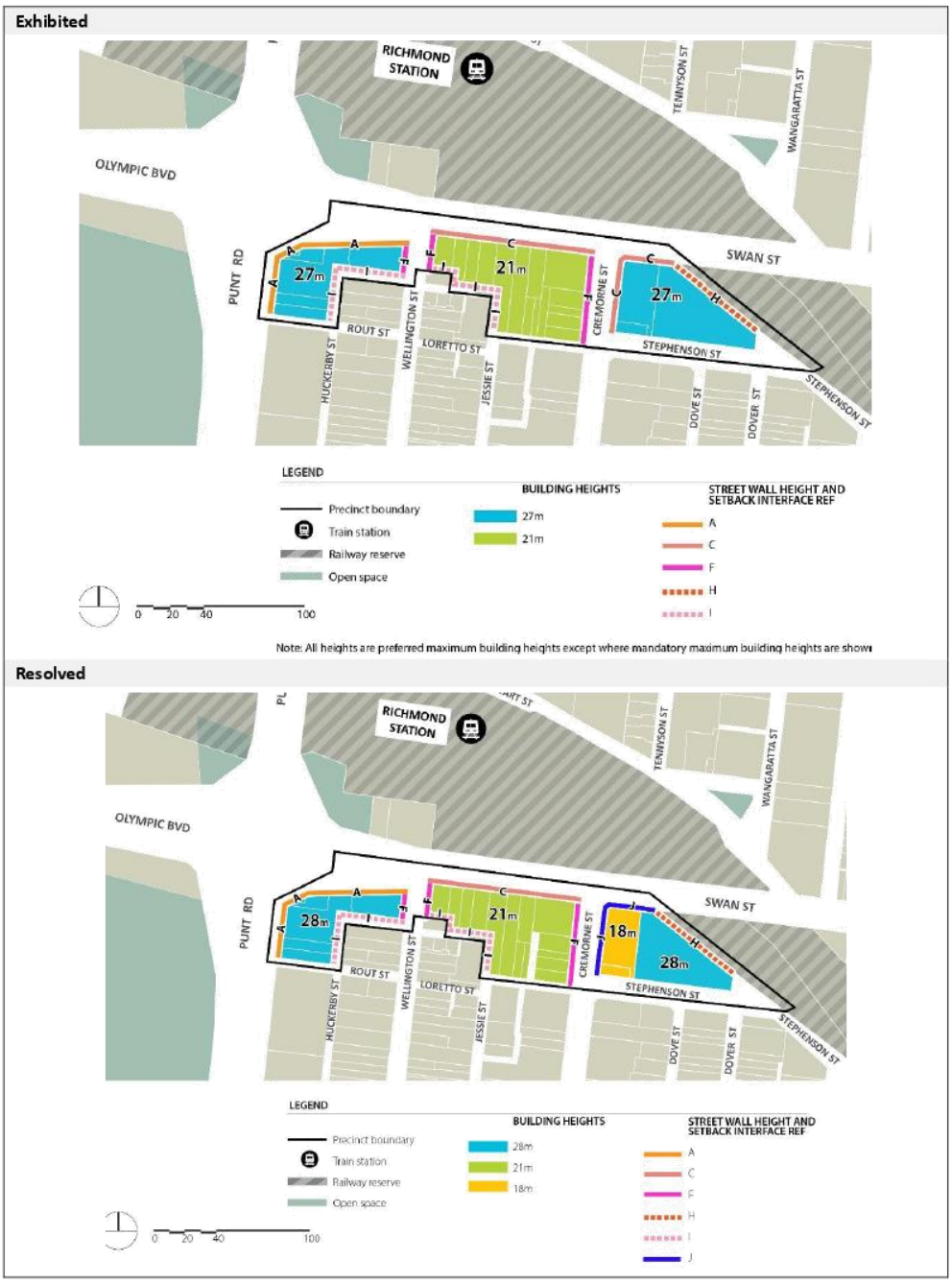


Table 5 Precinct 1 exhibited and resolved planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**DDO17 exhibited requirements**	**DDO25 requirements**
A	Street wall height	**Preferred:** 21m maximum	**Preferred:** 21m maximum
	Street wall setback	**Preferred:** 0m	**Preferred:** 0m
	Upper level setback	**Preferred:** 5m minimum	**Preferred:** 6m minimum
C	Street wall Height	**Preferred:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.	**Preferred:** 11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 0m	**Mandatory:** 0m
	Upper level setback	**Mandatory:** Minimum 5m for individually significant heritage buildings.	**Preferred:** Minimum 5m elsewhere. 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 1.7m (on the opposite side of the street).
F	Street wall height	**Preferred:** 11m minimum.	**Preferred:** 11m minimum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 3m minimum.	**Preferred:** 3m minimum.
H	Street wall height	**Preferred:** N/A.	**Preferred:** N/A.
	Street wall setback	**Preferred:** 0m minimum unless setback is identified on Plan 2.	**Preferred:** 0m minimum unless setback is identified on Plan 2.
	Upper level setback	**Preferred:** 0m.	**Preferred:** 0m.
I	Side and rear wall height	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback	**Preferred:** Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise repetitive stepped form.	**Preferred:** Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise repetitive stepped form.

What is sought for Precinct 1?

The exhibited preferred future character for Precinct 1 at Clause 21.12 states:

> Precinct 1 – is an exciting place anchored by the Richmond Train Station with shops, entertainment uses and alfresco dining areas that is a destination for visitors and the workers and students from the surrounding employment and education uses in Cremorne. The entry to the centre is more defined with high quality contemporary buildings that wrap the corner with Hoddle Street. Looking east the Precinct Hotel and other heritage buildings sit comfortably next to more contemporary buildings that reflect a similar scale at street level with new development above and behind a well defined street wall.

7.2 Design objectives

(i) The issue

The issue is whether the Precinct 1 design objectives proposed since exhibiting the Amendment are appropriate.

(ii) Background

The exhibited DDO17 included 'General Design Objectives' for all of the Activity Centre. After DDO17 was restructured into four separate schedules, Council prepared specific objectives for each precinct.

The Precinct 1 design objectives seek:

- To create an entry to the activity centre, anchored by Richmond Station, that is defined by high quality, contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.
- To provide taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre.
- To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.
- To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floor frontages and improvements to the public realm.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.

(iii) Evidence and submissions

Council submitted that the design objectives were based on and are consistent with the Swan Street Framework, which conveys the intention for the corner of Punt Road and Swan Street to support "*higher change required to deliver new future character*" and for properties east of Wellington Street to support a "*higher change responding to existing character*".

Council submitted that the intent was to have two distinct areas of change.

Ms Roberts and Mr McBride Burgess considered that the land between Wellington Street and Cremorne Street should be treated as part of the western entry to the Activity Centre, although they did not recommend any specific changes to the design objectives.

Ms Roberts said that it would be more appropriate to have taller buildings and street walls in the central portion of Precinct 1, consistent with the land on the corner of Punt Road and Swan Street.

(iv) Discussion

The Panel accepts that the design objectives are satisfactory and based on a sound strategic base.

The Swan Street Framework identifies Precinct 1 as an area of 'higher change'. The key difference is that the western portion is to deliver a 'new future character', while new development in the central and eastern portions are to respond to the 'existing character'. The Panel considers the distinction based on the heritage buildings in the central and eastern sections of the precinct to be a reasonable proposition.

The Panel notes that a design response to the existing character of an area does not in and of itself require a lower height than in an area where a new character is preferred. This is demonstrated in the far eastern end of the precinct where there is a preferred maximum building height of 28 metres in an area required to respond to existing character, which is the same preferred height for the western end of Precinct 1 (which is located in a new future character area).

It is important to note that the design objectives do not call for building height to define the entry to Precinct 1. Indeed, the design objectives are silent about building height or the need for different building heights to be achieved in any part of the precinct to distinguish an entry to the area.

The second objective refers to "*taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre*". The objective clearly relates to street walls. In this respect, the Panel notes this objective is translated into the DDO schedule with Interface A having a maximum street wall height of 21 metres, which is significantly greater than any other interface type in the precinct.

Further discussion regarding building height is provided in Chapter 7.4.

(v) Conclusion

The Panel concludes the design objectives for Precinct 1 are appropriate.

7.3 Design quality requirements

(i) The issue

The issue is whether it is appropriate to include a specific design quality requirement for land within the Heritage Overlay (HO524).

The broader issue of heritage design requirements is addressed in Chapter 6.6.

(ii) Evidence and submissions

The Swan Street West Precinct (HO524) includes 30-42 Swan Street.

In his evidence statement, Mr Helms noted the exhibited DDO17 included the following design objective that applied to the whole of the Activity Centre:

> To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

In the Council resolved version of the DDO schedules, this objective is retained for Precinct 2 but deleted in Precincts 1, 3 and 4. Mr Helms stated, although this objective was not required in Precinct 3 (as it does not have a defined heritage street wall), it is required in Precinct 1 and Precinct 4 because they have heritage street walls. He explained that in Precinct 1, these areas correlate with the Heritage Overlay (HO524).

Mr Helms recommended that the following design objective be reinserted for Precinct 1:

> To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.

Council supported Mr Helm's recommendation in principle, however given that there are already five design objectives in DDO25 (the maximum number permitted in a DDO schedule[28]), it recommended that this provision be included in the design quality requirements.

[28] Ministerial Direction 7(5)

No party objected to including this provision as a design quality requirement.

(iii) Discussion

The Panel supports the requirement recommended by Mr Helms to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape on land affected by the Heritage Overlay (HO524). It is appropriate to include this provision as a design quality requirement for Precinct 1.

(iv) Conclusion and recommendation

The Panel concludes that it is appropriate to include a design quality requirement which seeks to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape on land with the Heritage Overlay (HO524).

The Panel recommends:

> **Amend Design and Development Overlay Schedule 25, as shown in Appendix D1, to include a heritage related provision in the 'Design quality requirements'.**

7.4 Building height

(i) The issue

The issue is whether the proposed maximum building heights in Precinct 1 are appropriate and justified.

(ii) Evidence and submissions

Council submitted the proposed building heights in Precinct 1 seek to emphasise the sites on the corner of Punt Road with a 28-metre discretionary height (and 21-metre street wall). A lower discretionary building height of 21 metres is between Wellington and Cremorne Streets. An 18-metre discretionary height is proposed on the Precinct Hotel site and a discretionary 28-metre building height is proposed for land adjacent to the railway overpass.

Precinct 1 includes two Heritage Overlays:

- HO524 Swan Street West Precinct (30-42 Swan Street) with a discretionary building height of 21 metres
- HO405 (Precinct Hotel, 60-62 Swan Street) with a discretionary height of 18 metres.

Council submitted that the exhibited DDO17 showed the Precinct Hotel with a discretionary height of 27 metres, however this was reduced to 18 metres in the resolved DDO25 following further advice from Mr Gard'ner after testing several development scenarios. Mr Gard'ner said the reduced discretionary height (and increased upper level setbacks) were introduced to retain the prominence and three-dimensional form of the Precinct Hotel, which is an individually significant heritage building.

Mr Helms agreed with the changes to the Precinct Hotel recommended by Mr Gard'ner.

There was no submission from the Precinct Hotel.

Council submitted the land is, to some degree, connected to the Cremorne Enterprise Precinct to the south and is removed from the rest of Swan Street by the railway overpass. It said while the land on the corner of Punt Road is intended to deliver a new future character, the balance of the street is expected to respond to existing character, including the lower scale and heritage fabric between Wellington Street and the railway. Council submitted that a height limit in the centre of Precinct 1 which is the same or higher than the east and west ends will dilute the "bookend" intention recorded in the design objectives.

Mr Gard'ner gave evidence that the maximum building height for land with the Heritage Overlay (HO524 – 30-42 Swan Street) should be 18 metres "*to avoid visually dominating the heritage buildings*". Council responded that the discretionary 21-metre maximum building height achieved an acceptable balance between protection of the heritage significance of the buildings in the block and the opportunity for redevelopment, given the size and location of the land. It added it was appropriate to have a consistent height control across the block between Wellington and Cremorne Streets.

Ms Hodyl considered that 21 metres represented an acceptable starting point which established an appropriate proportionate relationship between the street wall and new higher development behind. She stated:

> A taller building can be considered on this site as the height control is discretionary. A taller building would need to be respectful of the heritage building and be a site- specific response that met all of the design objectives. This could best be considered through detail design.[29]

Ms Hodyl and Mr Helms supported the proposed discretionary maximum building heights for Precinct 1.

Cremorne Properties owns land at 36-46 Swan Street and 2 and 4 Jessie Street. This land is identified as having a discretionary height of 21 metres. Cremorne Properties submitted that Precinct 1:

- is dominated by the Richmond Station immediately north of the Cremorne Properties land, and it has been identified as a significant redevelopment site within Plan Melbourne
- is physically and visually separated from the high street heritage character in Precinct 2 by the existing railway overpass which creates a strong barrier
- is an architecturally diverse and robust area
- has undergone substantial change in the twentieth century
- does not have a contiguous or substantial heritage character and the heritage places in Precinct 1 are limited to those proposed to be included in the Heritage Overlay (HO524) which are contributory heritage buildings, and the Precinct Hotel, which is an isolated, individually significant heritage building
- should be seen in the context of the Cremorne area to the south and south east, which is a commercial enterprise precinct undergoing significant growth and renewal with many approved and constructed buildings of 8 storeys and higher.

Cremorne Properties submitted that the location and physical characteristics of Precinct 1 warranted a "*fundamentally different approach*" to building height compared to other parts

[29] Document 43, para 150 – corrected during Hearing

of the Activity Centre. It considered the preferred building height should be no less than 28 metres and relied on the evidence of Mr Raworth, Ms Roberts and Mr McBride-Burgess.

Mr Raworth said that greater height could be achieved on the Cremorne Properties site without harming the heritage values of the streetscape, although he did not specify a preferred maximum height. In cross-examination, he agreed that greater heights may require increased upper level setbacks.

Ms Roberts gave evidence that, from an urban design perspective, there was no reason to restrict building heights to 21 metres and she recommended a discretionary 28 metres. Ms Roberts presented modelling to show her concerns with Council's resolved height provisions for Precinct 1. She opined that all of Precinct 1 should be considered as the 'entry' to the Activity Centre.

Mr McBride-Burgess gave evidence that the maximum building heights proposed in DDO25 were "*too modest*" and fail to have proper regard to the strategic context of Precinct 1, including the fact that it is located in Cremorne. He said high quality medium scale buildings of up to 10 storeys (34 metres) should be encouraged in this location, consistent with an emerging character in Cremorne.

In response, Council provided a detailed assessment of building heights in Cremorne and submitted that proper analysis of development in the wider Cremorne area shows an emerging character of 7-8 storeys interspersed with lower scale traditional workers' cottages. It found 10 storeys to be the exception. It said taller development in Cremorne was typically on larger sites unencumbered by heritage constraints.

Council submitted that, if the Panel was inclined to increase the discretionary building height on the land between Wellington Street and Cremorne Street, then an additional provision should be added to the building height requirements that states:

> Where the proposal is on land within a Heritage Overlay, it also achieves the following:
>
> - Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.[30]

Crestall Nominees Pty Ltd owns land at 375-377 Punt Road and supported the discretionary maximum height of 28 metres for its land.

(iii) Discussion

The Panel generally supports the maximum building heights specified in DDO25. The building heights are based on thorough research and appropriate testing and Council has considered a variety of competing issues to achieve a well-balanced outcome. However, the Panel accepts the views of Cremorne Properties that the preferred maximum height for the land between Wellington Street and Cremorne Street is too low. This land should have a discretionary maximum height of 28 metres for the following reasons.

First, the site is opposite an important strategic location. Richmond Station is a key railway station in the Metropolitan network and although redevelopment of the site has had a long history and plans are yet to be finalised, good planning should anticipate a significant future development on the station land. Developing the land on the south side of Swan Street should

[30] Document 181

be seen in this context. The Panel considers that a maximum height of 28 metres will sit comfortably in this robust future streetscape.

Second, the Cremorne precinct to the south is clearly undergoing significant growth and renewal and it is reasonable to assume that this growth will continue into the future. The Panel accepts that the emerging character for this area is typically a little greater than what is proposed in DDO25, although not as great as thought by Mr McBride-Burgess. A preferred maximum building height of 28 metres will be consistent with many developments to the south. Much of the land to the immediate south is currently in the Commercial 2 Zone so interfaces are less sensitive in these locations.

Third, the land between Wellington and Cremorne Street is generally deep, particularly in some portions of the eastern half. The deeper sections of the block provide greater opportunities for increased height. The Panel notes that just because a site has a designation of a preferred maximum height of 28 metres does not mean that a development can 'automatically' achieve an acceptable outcome for a development at that height. It is not the 'preferred height'; it is a preferred maximum height. All development is required to meet a range of other parameters in addition to height provisions.

Fourth, all maximum building heights in Precinct 1 are discretionary, so any permit application to exceed the preferred height will be assessed against the Precinct 1 design objectives (among other things). As noted in Chapter 7.2, the design objectives are silent on building height; rather, they discuss taller street walls on Swan Street, west of Wellington Street, to define the entry to the Activity Centre. The Panel considers that it is the taller street walls on the Punt Road – Swan Street corner that are important to define the entry to Precinct 1 and the Activity Centre. Additional building height in the central portion of the precinct will not undermine the design objectives.

Finally, the Panel is satisfied that heritage considerations can be appropriately managed. The land within HO524 has a mandatory minimum 6 metres upper level setback and the Panel considers this is appropriate (refer Chapter 6.4). The detailed design of a specific development proposal may necessitate a greater upper level setback, particularly at the highest levels of the building. This is a common occurrence and would often be expected in a building of 28 metres in height.

The Panel notes a preferred 28-metre maximum building height is consistent with the recommendations of Ms Roberts, although the Panel does not accept all of her recommendations.

The Panel supports an additional provision in the building height requirements in Precinct 1 suggested by Council. A proposal on land with the Heritage Overlay seeking to increase the building height above the preferred maximum height would have increased upper level setbacks at levels that exceed the preferred maximum height. The Panel agrees with the wording of this provision provided by Council.

The Panel considers that buildings of 28 metres in height can be appropriately designed to ensure that the prominence of the Precinct Hotel is retained. This is a design objective for Precinct 1.

(iv) Conclusions and recommendations

The Panel concludes:

- The preferred maximum building heights in Precinct 1 are generally appropriate and justified except for the land between Wellington Street and Cremorne Street.
- Land between Wellington Street and Cremorne Street should have a preferred maximum building height of 28 metres.
- An additional provision should be added to the building height requirements for Precinct 1 to require upper levels in the Heritage Overlay that exceed the preferred maximum building height should have increased setbacks.

The Panel recommends:

Amend Design and Development Overlay Schedule 25, as shown in Appendix D1, to:

a) specify a preferred maximum building height of 28 metres for land between Wellington Street and Cremorne Street in 'Plan 1: Height and Interface Plan'

b) add a provision in the 'Building height requirements' for upper levels in the Heritage Overlay.

7.5 Street wall heights and setbacks

(i) The issues

The issues are:

- whether Jessie Street should have specified interface provisions.
- whether boundary wall setback requirements are appropriate.

(ii) Evidence and submissions

Ms Hodyl gave evidence that the resolved version of DDO25 did not include specified interface provisions for Jessie Street. Having regard to the recent development of land on the south side of Jessie Street, she recommended that Interface F be applied to Jessie Street.

Council agreed with Ms Hodyl and included this change in the Hearing version of DDO25.[31]

Ms Hodyl recommended additional guidance for building setbacks when buildings are not built on the common property boundary (below the street wall). She said this would ensure the amenity of surrounding residential properties was appropriately protected.

Ms Hodyl considered there should be a requirement that development not built on a common boundary (below the street wall) should provide a minimum setback distance of 4.5 metres to that common boundary. She recommended this be a preferred development outcome; not a mandatory provision. Council supported this for 40 Swan Street only, and proposed including this requirement in a new design element called 'Boundary wall setback' in Interface I.[32]

No party objected to these changes.

[31] Document 185
[32] Document 181

Attachment 3 - C191yara Panel Report

(iii) Discussion, conclusions and recommendations

The Panel agrees with the changes recommended by Ms Hodyl and finalised by Council in Documents 181 and 185. They are appropriate changes that will enhance the protection of the amenity of adjoining properties.

The Panel concludes:

- It is appropriate to apply Interface F to Jessie Street.
- It is appropriate to apply a discretionary boundary wall setback requirement to 40 Swan Street that requires a minimum setback of 4.5 metres to the common boundary if a building is not built on a common boundary.

The Panel recommends:

Amend Design and Development Overlay Schedule 25, as shown in Appendix D1, to:

a) specify Interface F to Jessie Street in 'Plan 1: Height and Interface Plan'

b) specify a 'Boundary wall setback' for Interface I in 'Table 1 - Street Wall Heights and Setbacks for Precinct 1 Richmond Station'.

8 Precinct 2 – Swan Street Retail (Historic core)

8.1 What is proposed?

Figure 11 Precinct 1 exhibited and resolved building heights and street wall interfaces

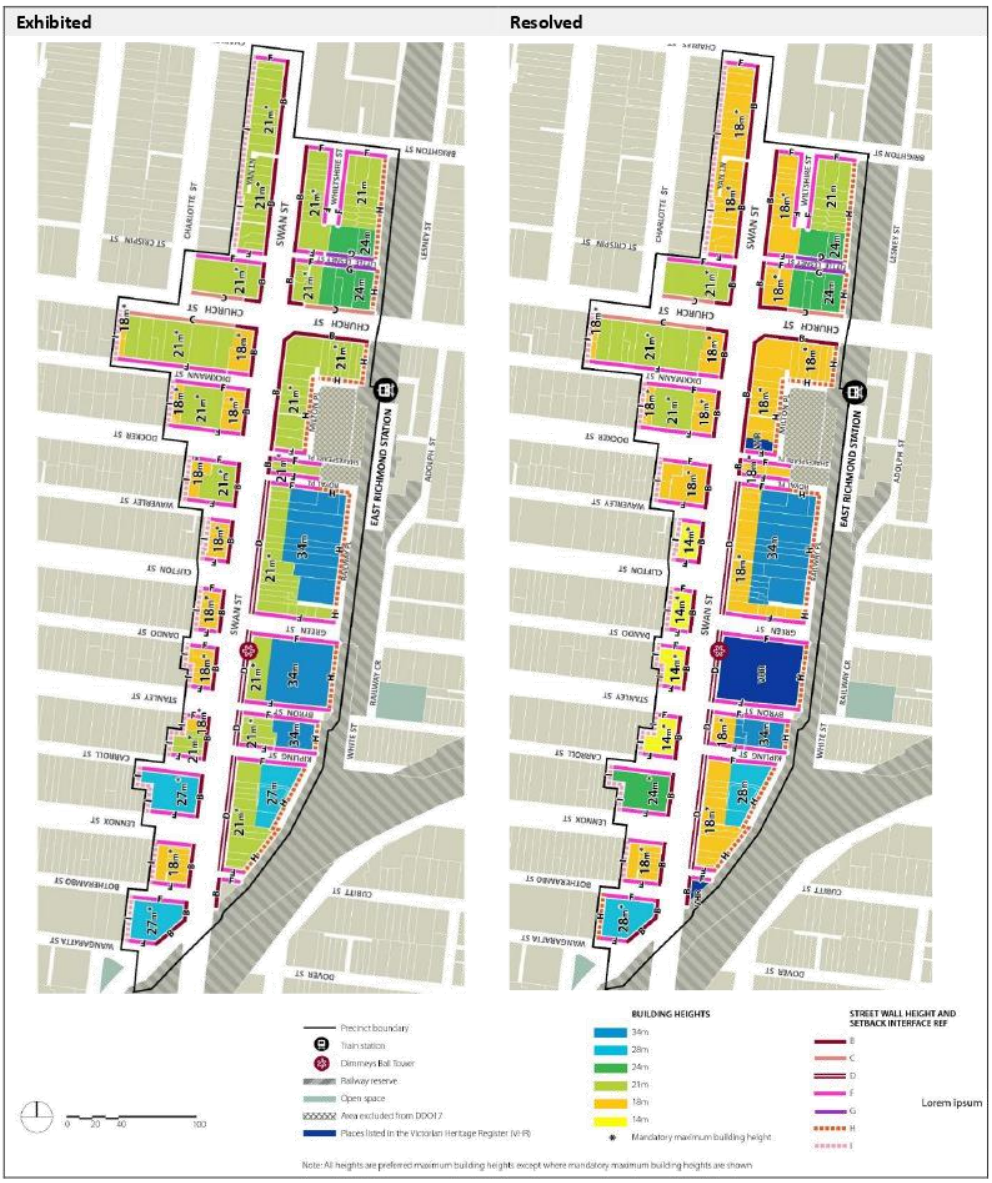


Table 6 Precinct 2 exhibited and resolved planning provisions

IR	Design Element	Exhibited DDO17 requirements	DDO26 requirements
B	Street wall height	**Mandatory:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m.	**Mandatory:** 11m maximum. 8m minimum. **Preferred:** Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 0m.	**Mandatory:** 0m.
	Upper level setback	**Mandatory:** 5m minimum setback. **Preferred:** For all development in a heritage overlay, any part of the building above the heritage street wall should 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 1.7m (on the opposite side of the street).	**Mandatory:** 6m minimum setback.
C	Street wall Height	**Preferred:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.	**Preferred:** 11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 0m.	**Mandatory:** 0m.
	Upper level setback	**Mandatory:** 5m minimum for individually significant heritage buildings. **Preferred:** Minimum 5m elsewhere. Any part of a building above the street wall should 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 1.7m (on the opposite side of the street).	**Mandatory:** 6m minimum for heritage buildings. **Preferred:** Minimum 6m elsewhere.
D	Street wall height	**Mandatory:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m.	**Mandatory:** 11m maximum. 8m minimum. **Preferred:** Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 8m minimum.	**Preferred:** Match the parapet height of the taller adjoining heritage building.
	Upper level setback	**Mandatory:** 0m.	**Mandatory:** 10m minimum for development up to 21m. 20m minimum for any height above 21m.
F	Street wall height	**Preferred:** 11m maximum.	**Preferred:** 11m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 5m minimum for land affected by HO335 and individually significant buildings.	**Preferred:** 6m minimum for land affected by HO335 and individually significant buildings. 3m minimum elsewhere.

IR	Design Element	Exhibited DDO17 requirements	DDO26 requirements
G	Street wall height	**Preferred:** 14.5m maximum.	**Preferred:** 14m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 3m minimum.	**Preferred:** 3m minimum.
H	Street wall height	**Preferred:** N/A.	**Preferred:** N/A.
	Street wall setback	**Preferred:** 0m minimum unless setback is identified on the Plan 4.	**Preferred:** 0m minimum unless setback is identified on the Plan 2.
	Upper level setback	**Preferred:** 0m.	**Preferred:** 0m.
I	Side and rear wall height	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback	**Preferred:** Development must be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.	**Preferred:** Development must be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

What is sought for Precinct 2?

The exhibited preferred future character for Precinct 2 at Clause 21.12 states:

> Precinct 2 – is the major focus for retail and entertainment uses located within existing fine grain heritage shop fronts. The footpaths are the key public spaces providing opportunities for outdoor dining and public engagement. Activated linkages connect people to East Richmond Station and a potential new public park. Looking along Swan Street, the intact heritage buildings remain prominent defining a valued heritage streetscape where new development above and behind the street wall is visually recessive. The Dimmey's Tower remains a clear focal point in the street standing out from surrounding buildings. Taller development along the railway line is visible and provides a greater sense of enclosure along side streets and laneways but is designed and spaced to contribute to a varied skyline that remains subservient to the heritage streetscape.

8.2 Design objectives

(i) The issue

The issue is whether the Precinct 2 design objectives proposed since exhibiting the Amendment are appropriate.

(ii) Background

The exhibited DDO17 included a series of General Design Objectives for all the Activity Centre. After DDO17 was restructured into four separate schedules, Council prepared specific objectives for each precinct. The design objectives for Precinct 2 are:

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.

- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to an varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

(iii) Evidence and submissions

Council submitted that Precinct 2 is the retail heart of the Activity Centre where it is important to protect the public realm's amenity. It added that this includes minimising overshadowing on the southern Swan Street footpath for the growing number of pedestrians expected from additional residential and commercial uses.

Council explained that Precinct 2 has the most intact heritage streetscape in the Activity Centre, comprising buildings from the late nineteenth and early twentieth centuries, of which most are either individually significant or contributory. The Heritage Overlay (HO335) applies to these properties. The former Richmond South Post Office (90-92 Swan Street), Dimmeys (140-160 Swan Street), and former State Bank (216 Swan Street) are in the Victorian Heritage Register.

No submitter or witness took issue with the Precinct 2 design objectives.

(iv) Discussion and conclusion

The Panel considers the design objectives to be satisfactory and based on sound strategic planning. They are generally consistent with the outcomes in the Swan Street Framework and provide an appropriate platform to help manage the future growth of the area.

The Panel concludes that the Precinct 2 design objectives are appropriate.

8.3 Building heights

(i) The issue

The issue is whether the proposed maximum building heights in Precinct 2 are appropriate.

(ii) Evidence and submissions

Council submitted that the exhibited building heights in DDO17 were about 1 storey higher than those in the resolved DDO26. It explained the resolved DDO26 specifies heights of:

- generally 14 to 18 metres on the northern side of Swan Street
- 21, 24, 28 and 34 metres on deeper sites on both sides.

Council explained that the revised DDO26 heights were informed by:

- Mr Gard'ner's opinion after he:
  - reviewed 3D modelling prepared by Tract on 26 July 2019

  - further analysed roof forms, as recorded in his 30 August 2019 report attached to his evidence
- a review of the recommendations in the Yarra PSA C220 [2020] PPV report (Johnson Street) which recommended a 6 metre setback above the heritage street wall
- a review of the potential building envelope with regard to a typical depth of a residential floorplate increased from 8 to 10 metres, the upper level setback requirements and the residential interface requirements to the rear.

Council referred to its 10 September 2019 meeting report, where it acknowledged that increasing the upper level setback to 6 metres would result in the heights of some sites on the north side of Swan Street being lowered by one storey. Mr Helms and Ms Hodyl supported the reduced heights. Mr Helms stated:

> The combination of an increased upper level setback with reduced building heights will ensure that new development is recessive, allowing the street wall to retain its prominence.

Ms Hodyl noted the building height provisions progressed through extensive built form testing and the integration of urban design, architectural and heritage considerations.

Mr Gard'ner supported the maximum mandatory building height of 18 metres (5 storeys) being generally applied to properties facing Swan Street in Precinct 2. He said this was consistent with the advice provided in the Preliminary Heritage Advice on 30 August 2019. He considered the Precinct 2 building heights should be informed by a 45-degree sight-line test which would lower the building height is some parts of the precinct. Council did not accept the sight-line test and submitted the heights in DDO26 strike a suitable balance.

The Royal Historical Society of Victoria acknowledged that the reduced DDO26 building heights:

- substantially contribute to easing the impact on heritage buildings and streetscape compared to the exhibited heights
- continue to be excessive and will "*seriously damage*" the Swan Street Precinct's heritage fabric.

The Society sought heights which did not overwhelm the heritage buildings and a requirement that no development to the rear of shops be visible from the footpath on the opposite side of Swan Street. It considered that Swan Street's 20-metre width enabled this outcome. The Society referred to the Yarra C231 (Queens Parade) Panel Hearing where the Society made a similar submission and the C231 Panel supported an 8-metre setback and a reduced building height. The Society sought to direct significant development outside of Precinct 2.

Ms Thomson submitted that:

- building height along the north side of Swan Street should be restricted to a maximum of four storeys to ensure connectivity to the abutting residential areas
- building height for new development between heritage properties which has a street frontage should blend with the adjacent existing heritage facades
- development should be restricted to seven storeys on the south side of Swan Street where there is greater distance between the street and the railway line.

57-61 Swan Street (Corner Hotel)

Loubeck objected to the mandatory maximum building height of 28 metres proposed for its site at 57-61 Swan Street.

Ms Bell and Ms Horsfield relied on Mr Raworth's evidence that the Corner Hotel building did not contribute to the Swan Street Precinct heritage streetscape when assessing preferred built form provisions for the site.

Ms Bell supported the 28-metre maximum building height specified in DDO26 but sought to have it applied as a discretionary provision. Ms Bell considered the mandatory nature of the provision to be inappropriate because the site:

- does not contribute to the heritage streetscape, as stated by Mr Raworth
- has greater opportunity for increased height and scale through its size, width, depth and least constraints
- has no sensitive interfaces to the west, northwest and north.

Ms Bell presented 3D modelling which showed built form consistent with DDO26 and another with 10 storeys (about 35 metres). The latter modelling showed that the site could achieve about 35 metres without overshadowing the southern footpath at the equinox between 10.00am and 2.00pm.

Council responded that the site's size and development potential are acknowledged by the Swan Street Framework and through DDO26. Both provide 57-61 Swan Street the highest maximum building height of all land along the north side of Swan Street. Council supported the building height for the car park behind the Corner Hotel building to be applied as a discretionary provision. The Hearing Version of DDO26 notated this as "*Mandatory maximum building height applies to land up to 30m from Swan Street*".

79-89, 161-165, 173-179 and 191-197 Swan Street

Swan-Lennox owns 79-89, 161-165, 173-179 and 191-197 Swan Street.

Mr McBride-Burgess reviewed Council's 3D modelling and other modelling, plans and sections prepared by Jackson Clements Burrows Architects to inform his planning evidence. The latter modelling and plans, as appended to his evidence, shows:

- 79-89 Swan Street at 27 metres and 161-165, 173-179 and 191-197 Swan Street at 24 metres
- no overshadowing to the southern Swan Street footpath based on these building heights.

Mr McBride-Burgess found the building heights for the four properties to be too conservative and recommended the following heights:

- the exhibited 27 metres for 79-89 Swan Street rather than the 24 metres proposed through DDO26
- 24 metres for 161-165, 173-179 and 191-197 Swan Street rather than the exhibited and resolved 18 metres.

Having also reviewed Planning Practice Notes 59 and 60, he considered the building heights for the Swan-Lennox properties should be applied as discretionary provisions.

Council asked the Panel to prefer Mr Gard'ner's recommended 24-metre maximum building height for 79-89 Swan Street because it was informed by heritage advice. It explained the new development exceeding 24 metres would:

- have a negative visual impact to heritage properties to the rear
- dominate the heritage fabric of Swan Street, including oblique views from the east and west.

Land bounded by Little Lesney, Whiltshire and Brighton Streets

The same consultants prepared separate submissions for Icon Developments Australia Pty Ltd and LPC Nominee 10 Pty Ltd.

Icon Developments Australia is the developer for 2-8 Brighton, 1-3 Wiltshire and 5 Little Lesney Streets. Since preparing its submission, a planning permit was issued to develop on 1 August 2019. LPC Nominee 10 Pty Ltd owns 1 Little Lesney and 9 Wiltshire Streets with a total area of 914 square metres. A planning permit was issued on 28 August 2017 for a 10 storey building with a ground floor food and drink premises.

Icon Developments and LPC Nominee 10 were critical of the building height requirements but did not request a change to the building height.

At the Hearing, LPC Nominee 10 made new submissions that the exhibited discretionary maximum building height of 24 metres on its land should be increased to 34 metres. It sought to apply this increased height across the entire area bound by its land, Little Lesney Street, Wiltshire Street and Brighton Street which includes land owned by Icon Developments.

LPC Nominee 10 explained that its predominantly Mixed Use Zone land represents a viable future redevelopment opportunity, is located near East Richmond Station and the corner of Swan and Church Streets, has no sensitive interfaces, and has no valuable heritage fabric. It considered the discretionary height of 6 and 7 storeys to be too low and submitted the emerging character in this pocket was 8 to 10 storeys. This includes permits issued for Icon Developments and LPC Nominee 10.

LPC Nominee 10 called planning evidence from Mr Biles of Ratio Consultants. He recommended:

> Change the height provision at 1 Little Lesney and 9 Wiltshire Street to 34m.
>
> The extent of this modified sub-precinct could also be placed over the consolidated parcel on the corner of Little Lesney and Brighton Street.

Mr Biles explained the DDO26 building heights have been constrained by lot size and do not account for lot consolidation. He added that the permit approval for 32.2 metres for the Icon Developments land recognises that the LPC Nominee 10 land can accommodate higher built form.

Mr Barnes stated that there should be consideration for increasing the Icon Developments land height from 21 to 24 metres, consistent with land to the west. He noted the Icon land does not abut residential zoned land, abuts the railway and is located behind land with a mandatory maximum 18-metre building height.

Council did not support the LPC Nominee 10 submission and Mr Bile's recommendation to increase the height to 34 metres because it was not considered to be a suitable benchmark for development in Precinct 2. Reasons for its response included the relatively small lot sizes,

the desire for building separation to enable internal amenity, and the need to mitigate negative impacts on the public realm. Council supported the maximum building height being increased to 28 metres.[33]

187-189 Swan Street and 421-423 Church Street

Mr Gard'ner and Mr Helms considered the maximum building height for 187-189 Swan Street and 421-423 Church Street should be reduced from 21 to 18 metres. They explained that this would enable a consistent building height at the north-east corner of Church Street and Swan Street while retaining the Swan Hotel and M Ball building as the dominant landmarks on the opposite corners. Council agreed to this change.

(iii) Discussion

The Panel generally supports the maximum building heights specified in DDO26. The Swan Street Framework has comprehensively considered the heritage fabric in the Swan Street Precinct. The Heritage Review and Heritage Built Form Study informed the Framework, enabling it to carefully respond to the interrelationship between:

- heritage buildings including their existing features, overall heights and street wall heights
- building height, street wall heights, and upper level setbacks from the heritage parapets of new built form
- the amenity of the public realm.

The Panel considers that the building heights specified in DDO26 were thoroughly tested to achieve a generally well-balanced outcome. Testing, including a post-exhibition assessment which recommended revised building heights, resulted in a sound understanding of interrelated issues and was partly informed by 3D modelling.

The Panel explores 57-91, 79-89 and 187-189 Swan Street and 421-423 Church Street in further detail.

57-61 Swan Street

The property at 57-61 Swan Street has frontage to four streets and comprises the Corner Hotel building and a car park to the rear. The Panel has already found that the site, except the rear car park, should be included as a non-contributory property in the Swan Street Precinct (HO335).

The entire site is one of the largest sites on the northern side of Swan Street in the Activity Centre and can accommodate greater building height than other parts of this section of Precinct 2. It has a robust northern interface to a Mixed Use Zone area where lower scale industrial buildings are transforming into taller and predominantly residential developments. The site's built form will have no overshadowing impacts to the evolving mixed use area to its north.

The question of building height relates to its visual impact to its surrounds, particularly the Swan Street heritage streetscape, and overshadowing to the southern Swan Street footpath. The mandatory overshadowing provisions, which the Panel supports, provide an evidence

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base to establishing the appropriate building height for the site. The impact on surrounding heritage fabric is another consideration.

The Panel considers the mandatory maximum 28-metre building height on the Corner Hotel building part of the site to be necessary to respond to overshadowing and heritage. This would result in development not exceeding 28 metres within a 30-metre deep parallel to Swan Street. It may not be possible to achieve this height on all parts of the site but it is appropriate for considering any future permit application.

The Panel was persuaded through modelling presented by Ms Bell that the rear car park can accommodate greater height without negative impacts on the Swan Street heritage streetscape and without overshadowing the southern footpath. Any further height should be assessed on a proposal by proposal basis. The Panel considers the specific 28-metre building height to be the appropriate measure for the discretionary provision.

79-89, 161-165, 173-179 and 191-197 Swan Street

The modelling, plans and elevations in the evidence of Mr McBride-Burgess were useful in understanding his position regarding taller built form on the Swan-Lennox properties. The modelling was based on the exhibited 5 metre upper level setback which the Panel has found to be insufficient for Swan Street's heritage streetscape.

The Panel agrees that the sites can accommodate taller form without overshadowing the southern Swan Street footpath. However, it is concerned that the taller built form will negatively dominate the surrounding heritage fabric.

The Panel agrees that 79-89 Swan Street is relatively large and can accommodate greater height than other parts of Precinct 2. This is reflected in both the exhibited and resolved versions of DDO26 which provide the site the second tallest building height along Swan Street in the precinct. The site has a similar depth to 57-61 Swan Street, however it has a sensitive northern interface with properties subject to the Neighbourhood Residential Zone and Heritage Overlay (HO332 – Richmond Hill Precinct).

The sites at 161-165 and 173-179 Swan Street are about 20 metres deep and with a six-metre mandatory upper level setback from the Swan Street heritage parapets and do not have the same sensitive interface affecting 79-89 Swan Street. However, the Panel considers that built form above 18-metres across a 14-metre deep floorplate would not sensitively respond to its surrounding heritage fabric.

The site at 191-197 Swan Street is about 27 metres deep, in the Swan Street Heritage Precinct (HO335) and has a sensitive northern interface with properties subject to the Neighbourhood Residential Zone and Heritage Overlay (HO319 – Elm Grove Precinct). This site has similar attributes of other land in Precinct 2 where it was found that exceeding 18 metres would negatively affect the heritage fabric along Swan Street.

The Panel was not persuaded that the specific heights for these sites should depart from those tested and recommended by the Swan Street Framework.

Land bounded by Little Lesney, Whiltshire and Brighton Streets

The Panel notes that exhibited DDO17 and resolved DDO26 both consistently propose to apply a discretionary 24-metre maximum building height to the LPC Nominee 10 land and 21 metres to the remaining pocket bounded by Little Lesney, Wiltshire and Brighton Streets. Like other

land in Precinct 2 with less constraints, DDO26 acknowledges that higher built form will be considered subject to responding to other clauses in the Planning Scheme.

The Panel agrees with Council that the DDO26 sets an appropriate framework for assessing future permit applications. The discretionary heights can be exceeded subject to further scrutiny. Like Council, the Panel considers that a 28-metre building height continues to be appropriate for this pocket and more realistically reflects heights approved through recent permits. Any heights beyond this measure should be more closely scrutinised through the permit application process.

Icon Developments and LPC Nominee 10 have approved planning permits which enables them to develop at greater heights.

187-189 Swan Street and 421-423 Church Street

The Panel supports an 18-metre maximum building height 187-189 Swan Street and 421-423 Church Street. It would enable the Swan Hotel to retain its landmark presentation.

Applying a mandatory maximum building height of 18 metres to land fronting the north side of Swan Street between Waverley Street (west of Church Street) and Charles Street (east of Church Street) would result in a consistent built form rhythm. This consistency is entrenched in the Victorian heritage streetscape.

(iv) Conclusions and recommendations

The Panel concludes:

- The mandatory maximum building heights in Precinct 2 are generally appropriate and justified except for 57-61 and 187-189 Swan Street, land bounded by Little Lesney, Whiltshire and Brighton Streets, and 421-423 Church Street.
- The part of 57-61 Swan Street currently being used as a car park should have a discretionary maximum building height of 28 metres.
- Land bounded by Little Lesney, Whiltshire and Brighton Streets should have a discretionary maximum building height of 28 metres.
- 187-189 Swan Street and 421-423 Church Street should have a mandatory maximum building height of 18 metres.

The Panel recommends:

Amend Design and Development Overlay Schedule 26, as shown in Appendix D2, to:

a) apply the building heights shown in the resolved version in Figure 11 of this report except for 57-61 and 187-189 Swan Street, land bounded by Little Lesney, Whiltshire and Brighton Streets, and 421-423 Church Street

b) apply a discretionary maximum building height of 28 metres to the part of 57-61 Swan Street currently being used as a car park

c) apply a discretionary maximum building height of 28 metres to land bounded by Little Lesney, Whiltshire and Brighton Streets

d) apply a mandatory maximum building height of 18 metres to 187-189 Swan Street and 421-423 Church Street.

8.4 Street wall heights and setbacks

(i) The issue

The issue is whether the street wall heights, setbacks and interface types for Precinct 2 in Table 1 of DDO26 are appropriate and justified.

(ii) Evidence and submissions

Mr Gard'ner stated that the heritage streetscape in Precinct 2 along Swan Street remains predominantly two-storey. He supported the DDO26 Table 1 interface provisions and noted:

- the Interface B and D mandatory street wall heights are appropriate in the Heritage Overlay
- the Interface I side and rear wall heights would moderate built form down to the low scale Heritage Overlay places.

Interface C

Mr Helms recommended that the Interface C street wall height specify that the preferred requirement to match the parapet height of the taller adjoining heritage buildings only applied to the north side of Swan Street.

Corner Hotel site interfaces

Ms Horsfield recommended a discretionary 3-metre side street upper level setback from the street walls of 57-61 Swan Street. This includes land accommodating the Corner Hotel building and car park. She considered this measure to be the starting point rather than the 6 metres specified in DDO26 for preparing future permit applications. Ms Horsfield noted the approved development at 45 Wangaratta Street has a 3-metre upper level setback.

Ms Horsfield considered the site could accommodate additional development because of its distance to existing dwellings and its interface with:

- garages on the opposite side of Botherambo Street
- the railway overpass solid walls and small reserve on Stewart Street
- 51 Wangaratta Street (non-contributory building) which she expected would be developed.

Ms Horsfield included a shadow analysis in her evidence showing 3 and 6 metre upper level side street setbacks at 2.00pm and 3.00pm. She found the 3-metre setback did not cause unreasonable overshadowing impacts at the lower levels of the tower.

Ms Hodyl supported the upper level setback for 57-61 Swan Street along the Botherambo Street frontage being reduced from 6 metres to 3 metres subject to it being retained as a mandatory provision. Council agreed to this change. In its Hearing version of DDO26, Council:

- redesignated Stewart Street from Interface B to Interface F
- redesignated Botherambo and Wangaratta Streets from Interface F to a new Interface K which:
  - applied a discretionary maximum 11-metre street wall
  - applied a discretionary minimum 3-metre upper level setback
  - replicated several Interface F requirements.

Little Lesney Street interface

Mr Biles considered the Interface G maximum 14-metre street wall height (he referred to as 4 storeys) and minimum 3-metre preferred upper level setback to be appropriate along Little Lesney Street. He explained that these provisions adequately separate built form from properties to the west.

Mr Biles supported the 0-metre street wall setback, noting that it recognises the minimal potential amenity impacts associated with the rail cutting to the south. He added greater building volume should provide sufficient articulation to limit the visual presentation of the building when viewed south of the rail reserve.

60 Stanley Street interface

The owners of 60 Stanley Street were concerned that the extent of development enabled by the Amendment would create excessive visual bulk and block their view of the sky from ground floor living areas.

Ms Hodyl noted that 60 Stanley Street is outside the Activity Centre but would be surrounded by increased development scale to the west and south. She considered the proposed interface provisions to the south of this land to be insufficient after reviewing 3D modelling prepared by Hodyl & Co that showed DDO26 Interface I (2:1 setback (64 degrees). Ms Hodyl tested an alternative model which showed an additional 3 metre setback above the maximum 8 metre boundary wall height. She recommended that this new interface be applied to 60 Stanley Street.

Council did not support Ms Hodyl's recommendation. It considered that DDO26 Figure 2 adequately addresses the interface along the north side of the Activity Centre. Council added that each permit application would be assessed on its merits and specific context having regard to the discretionary interface provisions and design quality requirements. These both seek to protect the amenity of existing residential properties.

468 Church Street southern interface

Mr Gard'ner noted that Interface H, which specifies a 0-metre upper level setback, is proposed for the southern elevation of 468 Church Street. This building interfaces the railway reserve and it southern elevation is visually exposed. He recommended a discretionary 6-metre upper level setback to protect the primacy of the extant heritage fabric. Mr Gard'ner stated that Interface F provided this built form response.

Council agreed with Mr Gard'ner and the Hearing version of DDO26 redesignated the 468 Church Street southern interface from Interface H to Interface F.

(iii) Discussion

Interface C

Interfaces C is generally appropriate for Precinct 2. Interface C includes a discretionary provision to match the parapet height of the taller building adjoining the heritage building for a minimum length of 6 metres.

Corner Hotel site interfaces

The Corner Hotel site has unique circumstances. Unlike most parts of the precinct, it interfaces with a robust industrial area which continues to transform into a higher density

taller form. The site interfaces with an open area comprising a street junction and the Stewart Street Reserve along Wangaratta Street. In some respects, a reduced upper level setback may better define this space.

Stewart Street has a robust interface opposite the elevated railway line including its concrete walls. Stewart Street Interface B is intended for Swan Street's more sensitive heritage streetscape and is not warranted for Stewart Street. The Panel supports redesignating Stewart Street from Interface B to Interface F.

Interface F is not appropriate or justified for the Corner Hotel site along Wangaratta and Botherambo Streets. The Panel supports a new Interface K with a discretionary upper level setback of 3 metres combined with a discretionary maximum street wall height of 11 metres along these two streets.

Little Lesney Street interface

The Panel notes that no submission sought to amend Interface G along Little Lesney Street.

60 Stanley Street interface

Interface I is generally appropriate along the boundary of residential properties. It is a discretionary provision that can be varied to respond to individual circumstances such as the interface between the Activity Centre and 60 Stanley Street.

468 Church Street southern interface

The Panel agrees with the 468 Church Street southern interface being redesignated from Interface H to Interface F. The building's southern elevation is clearly visible from different vantage points so its heritage fabric should be protected. Interface F provides an appropriate built form response and the discretionary 6-metre upper level side setback can be varied to suit individual circumstances.

(iv) Conclusions and recommendations

The Panel concludes:

- Interfaces C and I are generally appropriate for Precinct 2 and do not need to be amended.
- The Corner Hotel has unique circumstances which justify:
  - redesignating Stewart Street from Interface B to Interface F
  - a new Interface K along Botherambo and Wangaratta Streets with a discretionary maximum 11-metre street wall and a discretionary minimum 3-metre upper level setback.
- The southern elevation of 468 Church Street should be redesignated from Interface H to Interface F.

The Panel recommends:

Amend Design and Development Overlay Schedule 26, as shown in Appendix D2, to:

a) redesignate Stewart Street from Interface B to Interface F

b) redesignate Botherambo and Wangaratta Streets to a new Interface K

c) redesignate the southern elevation of 468 Church Street from Interface H to Interface F.

9 Precinct 3 – Swan Street East

9.1 What is proposed?

Figure 12 Precinct 3 exhibited and resolved building heights and street wall interfaces



Table 7 Precinct 3 exhibited and resolved planning provisions

IR	Design Element	Exhibited DDO17 requirements	DDO27 requirements
C	Street wall height	**Preferred:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.	**Preferred:** 11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 0m.	**Mandatory:** 0m.
	Upper level setback	**Preferred:** Minimum 5m elsewhere. Any part of a building above the street wall should 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 1.7m (on the opposite side of the street).	**Mandatory:** Minimum 6m for heritage buildings. **Preferred:** Minimum 6m elsewhere.
E	Street wall Height	**Preferred:** 14.5m maximum.	**Preferred:** 14m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 5m minimum.	**Preferred:** 6m minimum.
F	Street wall height	**Preferred:** 11m minimum.	**Preferred:** 11m minimum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 5m minimum for individually significant buildings. 3m minimum elsewhere.	**Preferred:** 6m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height	**Preferred:** 14.5m maximum.	**Preferred:** 14m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 3m minimum.	**Preferred:** 3m minimum.
H	Street wall height	**Preferred:** N/A.	**Preferred:** N/A.
	Street wall setback	**Preferred:** 0m minimum unless setback is identified on the Plan 6.	**Preferred:** 0m minimum unless setback is identified on the Plan 2.
	Upper level setback	**Preferred:** 0m.	**Preferred:** 0m.
I	Side and rear wall height	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Upper level setback	**Preferred:** Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.	**Preferred:** Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

What is sought for Precinct 3?

The exhibited preferred future character for Precinct 3 at Clause 21.12 states:

> Precinct 3 - is a true mixed use precinct providing for a range of retail, commercial and residential uses within new mid rise developments of varying heights, widths and character. The consistent front setback and continuation of the broad scale of the street

wall of Precinct 2 provides a continuity with the balance of the centre and an improved pedestrian experience at street level. On the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape and development is scaled and sited sensitively to the adjoining low scale residential area. On the south side of Swan Street high quality taller buildings gradually scale up to Burnley Street denoting the importance of the station. Breaks between these buildings maintain views to the sky from street level and create a varied skyline and backdrop to the shopping strip when viewed from surrounding residential and commercial areas. New and improved laneways connecting to Swan Street offer opportunities for interesting public spaces that complement improvements to the public realm along Swan Street.

9.2 Design objectives

(i) The issue

The issue is whether the Precinct 3 design objectives proposed since exhibiting the Amendment are appropriate.

(ii) Background

The exhibited DDO17 included a series of General Design Objectives for all the Activity Centre. After DDO17 was restructured into four separate schedules, Council prepared specific objectives for each precinct. The design objectives for Precinct 3 are:

- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

(iii) Evidence and submissions

Council submitted the Swan Street Framework conveys the intention for the north side of Swan Street to support a 'higher change responding to existing character' and for the south side of the street to accommodate both 'higher and 'significant' change required to deliver 'a new future character'. It added that the objectives reflected this intent.

Regarding Precinct 3, Council explained that:

- the northern side of Swan Street generally comprises smaller, finer-grain lots that abut residential properties, with some separated by laneways
- Neighbourhood Residential Zone Schedule 1 and General Residential Zone Schedule 4 apply to residential properties to the north and the Heritage Overlay is generally not applied
- there are heritage properties on the northern side of Swan Street, except for 234 Coppin Street to the south, scattered throughout a mixed area

- the southern side of Swan Street comprises generally larger, deeper lots located between Swan Street and the railway reserve with smaller lots along Harvey and Mary Streets in the western part of the Precinct.

Council submitted that these characteristics of Precinct 3 present different opportunities and constraints for the future development of the area and this has been reflected in the design objectives (and the detailed built form provisions). It considered the resolved DDO27 provides scope for redevelopment in Precinct 3, particularly on the southern side of Swan Street where there were fewer constraints.

Council submitted that it applied a more constrained approach to the more sensitive northern side of Swan Street, where individual heritage properties and residential interfaces required protection. It considered the impact of development on the north side of Swan Street needed to be moderated to protect the footpath on the south side of Swan Street from being overshadowed. Council added that the Amendment still provided significant opportunities for future growth on the north side of Swan Street, however mandatory maximum building heights were needed to manage greater certainty of the built form outcome.

Council submitted that all these factors were reflected in the design objectives for Precinct 3. No submitter or expert witness took issue with the Precinct 3 design objectives.

(iv) Discussion and conclusion

The Panel considers the design objectives to be satisfactory and based on sound strategic planning. They are generally consistent with the outcomes in the Swan Street Framework and provide an appropriate platform to help manage the future growth of the area.

The Panel concludes that the Precinct 3 design objectives are appropriate.

9.3 Building separation requirements

Chapter 6.5 discussed building separation requirements applicable across all of the precincts. This section discusses special building separation requirements applicable to Precinct 3.

(i) The issues

The issues are:

- whether 'Upper Level Building Breaks' are appropriate
- whether the side setbacks associated with the 'Upper Level Building Breaks' are appropriate.

(ii) Background

The resolved DDO27 provisions require that 'Upper Level Building Breaks' be provided to 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. This is a discretionary requirement.

The required upper level building breaks are shown on Plan 1 in DDO27. There are two upper level building breaks shown on Plan 1 – one is nearly opposite Lord Street and another is opposite Edinburgh Street.

(iii) Evidence and submissions

Council submitted that the upper level building break in the exhibited DDO17 was directly opposite Lord Street. Council explained that in DDO27, it moved the location of the break slightly to the west to align with a property boundary in response to submissions. It added that this provided a more practical outcome while maintaining the intent of the provision.

Council referred to the clause which requires:

> Development of properties in the locations shown as 'Upper Level Building Breaks' on Plan 1 should incorporate side setbacks greater than:
>
> - a minimum of 4.5 metres from the common boundary, where a habitable window or balcony is proposed
> - a minimum of 3 metres from the common boundary where a commercial or non-habitable window is proposed.

The two requirements related to setback distances applicable to upper level development on common boundaries, which was a separate provision in the same clause. At the Hearing, the Panel questioned Council about whether the wording *"greater than a minimum of …"* should be simplified.

In response, Council proposed to reword the provision:

> Development of properties in the locations shown as 'Upper Level Building Breaks' on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.[34]

370 Swan Street Pty Ltd objected to the revised upper level setback requirements. It said the requirements in the preferred version of DDO27 should be retained.

Council submitted that the revised requirements were in response to the expert evidence of Ms Hodyl regarding upper level development on common boundaries. It considered building breaks and separation requirements necessary for public realm and internal amenity purposes, given the intensity and height of development that is encouraged along the southern side of Swan Street in Precinct 3.

Council submitted that as a discretionary provision, there will be scope to vary the metric in appropriate circumstances.

Zagame Group Pty Ltd objected to the upper level building break shown south of Edinburgh Street because it aligns through the centre of its land holdings at 408-442 Swan Street. It submitted that, although the planning rationale for including a building break in this location was recognised, the imposition of such a requirement through its land was *"not ideal"*.

Zagame Group sought a provision in DDO27 that enabled the preferred maximum building height for the property (which was exhibited at 40 metres) to be exceeded if a building break is provided.

In response, Council did not support Zagame Group's change and noted the requirement for the upper level building break was directly responsive to the design objective:

> To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.

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Council submitted the large size of the Zagame Group land holding (approximately 7,860 square metres with a frontage to Swan Street of approximately 136 metres) means that a break in upper level building form will inevitably be required to achieve appropriate levels of internal amenity. It said the indicative location of the building break allows flexibility in the precise delivery of building separation.

(iv) Discussion

The Panel agrees there is a sound justification to provide upper level building breaks in Precinct 3. This is consistent with the DDO27 design objective to support physical and visual permeability through the built form edge along Swan Street by providing breaks in the built form. The Panel accepts this is appropriate in the circumstances of the characteristics of the area.

The Panel agrees with the locations of the upper level building breaks as shown in the resolved version of DDO27. Although the alignment of the breaks shown on DDO27 Plan 1 are indicative, it is logical to realign the break along a property boundary.

The Panel does not support a provision that enables a building height uplift if an upper level building break is provided. The Panel agrees with Council that it would be unrealistic to expect there would be no breaks on a site that has over 130 metres of frontage to Swan Street. The proposed location of the upper level building break is central to the site and can be readily accommodated in the future development of the land. The Panel notes that the upper level building break also coincides with a future vehicle access route shown on DDO27 Plan 2.

The Panel agrees with Council's proposed side setbacks associated with the upper level setbacks. These changes are consistent with the approach in the resolved DDO27 with adjusted metrics based on the recommendations by Ms Hodyl (where development shares a common boundary). The Panel supports the simplified language of the provision in the Hearing version of DDO27.[35]

(v) Conclusion and recommendation

The Panel concludes:

- It is appropriate and justified to require discretionary upper level building breaks on the south side of Swan Street in Precinct 3.
- The location of the upper level building breaks are appropriate.
- There should be no uplift in building height based on providing an upper level building break.
- The side setback provisions for upper level building breaks as proposed in the Hearing version of DDO27 are appropriate.

The Panel recommends:

> **Amend Design and Development Overlay Schedule 27, as shown in Appendix D3, to revise the 'Building separation requirements'.**

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9.4 Building heights

(i) The issue

The issue is whether the proposed maximum building heights in Precinct 3 are appropriate.

(ii) Evidence and submissions

Council submitted that the maximum building heights between the exhibited DDO17 and resolved DDO27 did not change in any material sense with the exception of the northern side of Swan Street between Coppin Street and Lord Street (255-309 Swan Street). These properties have been reduced from a maximum height of 24 metres (mandatory) to 21 metres (remaining mandatory) in response to more detailed assessment and consideration of the heritage fabric of the Central Club Hotel and the Drill Hall.

Mongomero Pty Ltd, owner of the Central Club Hotel, objected to the proposed mandatory height provision in the exhibited DDO17. Council submitted that it notified Mongomero of the resolved DDO27 changes and it did not provide any further submission and did not seek to be heard at the Hearing. Council considered the reduced building height from 24 to 21 metres was justified because of the existing heritage fabric.

Mr Gard'ner and Mr Helms accepted the maximum building heights in the resolved DDO27. Mr Gard'ner considered that the maximum building heights for heritage properties in Precinct 3 should be informed by a 45-degree angular plane. Council did not support this approach and preferred to rely on the combination of building heights, street wall heights and upper level setbacks to moderate built form outcomes.

Ms Hodyl considered the proposed heights on the north side of Swan Street to be appropriate and the mandatory provisions warranted. She stated:

> While heritage is not a significant driver of height along Swan Street in these precincts, as with Precinct 2, the shallow depth of sites immediately adjacent to low-scale residential areas means that the potential for taller buildings is highly constrained without compromising visual amenity for these low-scale properties

Ms Hodyl was concerned that the proposed building heights on the south side of Swan Street were too high for the 20-metre width of Swan Street and would dominate the streetscape. She recommended:

> In DDO27 … reduce the 40 metre building height proposed along the southern side of Swan Street in Precinct 3 … to 34 metres for the first 24 metres of the property depth. This should be a preferred development outcome, not a mandatory control.

Council did not support Ms Hodyl's recommendation on the basis that:

- the heights proposed along the southern side of Swan Street would not create overshadowing
- there would be no adverse impact on abutting residential properties
- a 6-metre upper level setback would acceptably reduce the impact of visual bulk to the street
- there is no heritage building on the south side of Swan Street in Precinct 3 that would be affected by development.

Council referred to the DDO27 'Design Quality Requirements' which require urban design and architectural excellence, well-spaced and sited development to avoid visual bulk, equitable access to an outlook and daylight, street activation, and detail on all facades.

370 Swan Street Pty Ltd owns 370-374 Swan Street. In November 2017, a planning permit (PLN16/0915) was issued for a 10-storey (37 metres to the top of the parapet) mixed use office building for the site. The Amendment proposes a discretionary maximum building height of 34 metres. 370 Swan Street Pty Ltd objected to the proposed building height provisions and submitted the maximum preferred building height should be 40 metres. It explained that this is consistent with the adjoining land to the east and the planning permit for the site.

Mr Barnes supported the 40-metre maximum building height area being extended to the west to include 370-374 Swan Street. He considered this relatively minor adjustment would retain the design principle of development stepping up in height towards Burnley Station, to the east.

Mr Biles supported a discretionary 40-metre maximum building height for 370-374 Swan Street and noted:

- the Swan Street Framework refers to development gradually scaling up to Burnley Street from west to east
- preferred maximum building heights transition 12 metres (3-4 storeys) over a distance of more than 600 metres
- the transition in height will be mainly seen in oblique perspective along Swan Street and most noticeably where height changes at an intersecting street
- the location of the proposed upper level building break opposite Lord Street is an appropriate place to transition in height
- street interface provisions such as upper level setbacks will moderate any impact of building height on the streetscape
- there is no heritage consideration to limit building height in this location.

Ms Hodyl accepted the logic in extending the 40-metre height to the west, although she did not support a height of 40 metres on the street frontage to Swan Street.

Council submitted that extending the 40-metre height to the west up to the proposed upper level building break will have a minimal impact on the streetscape and it supported the change requested by 370 Swan Street Pty Ltd.

Council noted that 370-374 Swan Street did not extend all the way south to the railway reserve. A smaller section of land associated with the lot further to the west sits between 370-374 Swan Street and the railway line. Council submitted that:

- the section of land immediately to the south of 370-374 Swan Street should also be included in the 40-metre height provision
- the part of the lot west of the upper level building break should remain in the 34-metre height provision.

Zagame Group owns 408-442 Swan Street, which is proposed to have a discretionary 40-metre maximum building height. It "*strongly supported*" the proposed discretionary maximum building height for the site.

Swan Street Sales Pty Ltd owns land at 349-363 Swan Street and 80 Edinburgh Street on the north side of Swan Street and west of Edinburgh Street. This land is proposed to have a

mandatory 28-metre maximum building height. Swan Street Sales submitted the land is a development opportunity site and is suitable for taller development because:

- it is 1,501 square metres
- it is near Burnley Station and is opposite land identified for development with a height of 12 storeys (40 metres) so development on part of the site at a height taller than 28 metres would still result in a balanced streetscape
- there is no overshadowing issue or other direct amenity impacts to nearby residential land, or the south side of Swan Street
- the land is relatively deep, allowing for flexibility and variation in setbacks and overall form without the need for a 'wedding cake' typology
- three development sites in the near vicinity are either developed with or have approvals for 6 to 7 storey development
- if development exceeded 28 metres in height, it would be far enough from the residential land to the north to not be visually overwhelming
- the capacity to increase height in this location should be realised given there is no material adverse impact
- greater development on the site would be consistent with the vision and aspiration for a Major Activity Centre with such strategic importance.

Swan Street Sales submitted that the height provision should be discretionary.

Regarding the Swan Street Sales land, Mr Linke gave evidence that:

> I do not think that the amenity considerations of a development proposal on the residential properties to the north is assisted by mandating a maximum building height. To the contrary, I think that for some sites, particularly large sites, it will impose an unnecessary constraint on development.[36]

Council maintained that the proposed provisions had been carefully considered and modelled to achieve a balance between development potential and public realm impacts.

The Panel notes Swan Street Sales also owns land in Precinct 4 and those land holdings are discussed in Chapter 10.

(iii) Discussion

The Panel finds the proposed DDO27 building heights to be consistent with the design objectives for Precinct 3. The heights have been informed by extensive analysis of a variety of relevant opportunities and constraints affecting the development of the area. This analysis has been reviewed and refined and has resulted in a coherent and logical approach to building heights in the precinct.

The sophisticated interrelationship between the building heights, street wall heights, upper level setbacks and rear interface provisions for residential properties to the north is appropriate for achieving the design objectives. This approach does not need any additional provisions such as the 45-degree plane test.

The Panel agrees with Mr Biles and Mr Barnes that 370-374 Swan Street should be included in the area designated with a discretionary 40-metre maximum building height. This is a logical and relatively minor extension to the area exhibited in DDO17 with a preferred

[36] Document 21, para 108

maximum 40-metre height and it will have no material impact on surrounding properties. The Panel considers the proposed upper level building break is an appropriate point to transition height and this matches the western boundary of 370-374 Swan Street. It is logical and appropriate to include the small section of land south of 370-374 Swan Street and north of the railway reserve in the 40-metre height area. Council supported these changes in the Hearing version of DDO27 Plan 1.

The Panel does not support a maximum building height greater than 28 metres for 349-363 Swan Street and 80 Edinburgh Street. It considers the proposed DDO27 height provisions:

- will facilitate significant development opportunities of up to 8 storeys, consistent with the expectations for growth in a Major Activity Centre
- do not unreasonably or unnecessarily restrict development
- are necessary to reasonably protect the amenity of the residential land to the north
- form part of a suite of provisions needed to address building bulk and visual impact
- are generally consistent with the maximum heights in recent development approvals on the north side of Swan Street in Precinct 3.

The Built Form Framework clearly envisages different building heights on the north and south side of Swan Street for sound reasons. DDO27 provides for significantly greater building heights on the south side of Swan Street (for example, discretionary heights of 34 and 40 metres) in large parts of Precinct 3. This important differentiation needs to be carefully managed to ensure that a series of discretionary planning decisions do not undermine the strategic intent for the area. The Panel considers that without mandatory height provisions on the north side of Swan Street, there is a real risk that development proposals will seek to leverage additional height on the basis of the significant heights on the south side of Swan Street. The Panel considers the cumulative effects of 'height creep' would present a significant threat to implementing Built Form Framework's strategic vision for the area. This reaffirms the Panel's earlier conclusion that mandatory provisions are necessary and appropriate on the north side of Swan Street in Precinct 3.

(iv) Conclusions and recommendations

The Panel concludes:

- The preferred maximum building heights in Precinct 3 are generally appropriate and justified except for 370-374 Swan Street and the land to its south.
- 370-374 Swan Street and land to its south should have a preferred maximum building height of 40 metres.
- The boundary between 34 metres and 40 metres should be the upper level building break opposite Lord Street shown on DDO27 Plan 1.

The Panel recommends:

> **Amend Design and Development Overlay Schedule 27, as shown in Appendix D3, to specify a preferred maximum building height of 40 metres for land at 370-374 Swan Street and the section of land to its south in 'Plan 1: Height and Interface Plan'.**

9.5 Street wall heights and setbacks

(i) The issue

The issue is whether the street wall heights, setbacks and interface types for Precinct 3 in Table 1 of DDO27 are appropriate and justified.

Evidence and submissions

Mr Gard'ner gave evidence that minor changes should be made to DDO27 Table 1 and Plan 1:

- Interface E should be revised regarding:
  - Street wall height – a provision should be added under the 'preferred requirements' to require development abutting a heritage building to match the parapet height of the taller adjoining heritage building for a minimum 6 metres from the heritage building.
  - Upper level setback – a mandatory 6-metre setback should apply to heritage buildings.
- Interface F upper level setback should be revised so that the preferred 6-metre minimum setback applies to all heritage buildings (not just individually significant buildings)
- on the eastern side of Bell Street, Interface G should be replaced with Interface F to protect the visual prominence of 273A Swan Street (HO522)
- 232-234 Coppin Street (HO245) should have a 6-metre mandatory upper level setback.

Mr Gard'ner said these changes were necessary to correct minor errors or oversights.

Council accepted all changes and included them in the Hearing version of DDO27. Council proposed to change the interface type for 232-234 Coppin Street from 'G' to 'C' to implement Mr Gard'ner's recommendation regarding those properties. Interface C has been applied more broadly to other heritage buildings in this precinct and has a mandatory 6 metres upper level setback.

Mr Helms recommended changes to Interface E Street wall height, Interface F upper level setback and the eastern side of Bell Street in Table 1, consistent with Ms Gardner's recommendations.

Mr Helms recommended that the Central Club Hotel at 291 Swan Street (HO285) have minimum upper level setbacks, similar to those proposed for the Precinct Hotel in DDO25 and the parapet of new development should not match the parapet of the Central Club Hotel. He considered these changes were necessary to protect and maintain the visual prominence and three-dimensional form of the hotel.

Mr Helms opined the unique characteristics of the former Drill Hall at 309 Swan Street (HO440) meant that more site-specific provisions should be considered for this site. He added this could include a preferred (rather than mandatory) street wall setback, removing the requirement for the street wall to match the parapet and increasing the upper level setbacks.

Council did not support Mr Helm's recommendations for the Central Club Hotel or the former Drill Hall. It considered them to be unnecessary to achieve an acceptable heritage outcome.

(ii) Discussion

The Panel accepts the recommendations of Mr Gard'ner as expressed in the Hearing version of DDO27 regarding changes to 'Table 1 – Street Wall Heights and Setbacks for Precinct 3' and 'Plan 1: Height and Interface Plan – Precinct 3 Swan Street East' for DDO27.

The Panel agrees these are appropriate minor changes that enhance future built form outcomes and improve the protection of heritage places.

The Panel agrees with Council that the changes recommended by Mr Helms regarding the Central Club Hotel and the former Drill Hall are not needed to achieve an acceptable heritage outcome.

(iii) Conclusions and recommendations

The Panel concludes:

- Interface E should:
  - include a provision in the 'preferred requirements' column of the street wall height to "*match the parapet height of the taller adjoining heritage building for a minimum length of 6 metres from the heritage building*"
  - include a mandatory requirement in the upper level setback for a *"minimum 6 metres for heritage buildings"*
- Interface F should apply the discretionary minimum 6-metre upper level setback to all heritage buildings.
- Interface G on the eastern side of Bell Street should be replaced with Interface F.
- Interface G in front of 232-234 Coppin Street should be replaced with Interface C.

The Panel recommends:

Amend Design and Development Overlay Schedule 27, as shown in Appendix D3, to:

a) revise 'Plan 1: Height and Interface Plan – Precinct 3 Swan Street East'

b) revise 'Table 1 - Street Wall Heights and Setbacks for Precinct 3'.

9.6 Vehicle and pedestrian access

(i) The issue

The issue is whether the vehicle and pedestrian access requirements are appropriate in Precinct 3.

(ii) Evidence and submissions

Traffix Group prepared a report titled 'Traffic Engineering Assessment of the Swan Street Activity Centre' (Traffic Engineering Assessment) in July 2017. Council submitted the report formed the basis of the transport engineering related requirements included in the proposed provisions.

Ms Dunstan, a traffic engineer from Traffix Group, gave evidence that a key finding of the report was that the traffic impacts of increased development on Swan Street can be accommodated by the arterial road network. She said this was based on a case study of Victoria Street, Richmond, where the transport demand associated with increased development was taken up by combination of alternative transport modes and suppression

of through traffic, instead of increased traffic volumes on Victoria Street. Ms Dunstan expected similar outcomes in Swan Street.

Ms Dunstan explained a focus of the Traffic Engineering Assessment report and the proposed DDO provisions was to avoid using Swan Street for vehicle access to individual properties. Instead, there was a preference for using rear and side access points to local streets and laneways. Ms Dunstan considered limiting vehicle access to Swan Street to be beneficial because it would:

- reduce barriers and conflicts to pedestrian movements along Swan Street
- reduce impediments to creating future accessible tram stops
- limit vehicle access to Swan Street to public road intersections, which improves the efficiency and safety of the road network for all users
- reduce the number of locations where right turn movements occur, thereby potentially reduce delays to trams and improving road safety
- potentially reduce the number of conflict with cyclists travelling along the roads from vehicles entering or leaving private property
- have non-traffic engineering benefits including increased active building frontages and minimised impact on heritage streetscapes.

Ms Dunstan considered the DDO schedules had appropriately translated the intent and recommendations of the Traffic Engineering Assessment.

The vehicle and pedestrian access requirements for Precinct 3 are expressed in DDO27, including that:

> Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.
>
> ...
>
> Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
>
> ...
>
> Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.

The DDO27 'Access and Movement Plan 2' shows:

- a 'new laneway required' extending along the southern boundary of the precinct from Burnley Street to a point east of Duke Street (but not extending through to Coppin Street)
- three 'north-south access' lanes generally aligning with Edinburgh Street, Glass Street and Lord Street extending from Swan Street south to the 'new laneway required' on the southern boundary of Precinct 3.

The location of the 'north-south access' opposite Edinburgh Street and Lord Street generally align with the 'upper level building breaks'.

Ms Dunstan preferred that:

- the 'new laneway required' be extended from Burnley Street to Coppin Street to help spread traffic through the area
- turning movements in and out of the north-south accessways and any other vehicle entrances in this section of Swan Street should be limited to 'left in-left out' only.

Zagame Group Pty Ltd owns 408-442 Swan Street and is affected by the eastern 'north-south access' and the 'new laneway' at the rear. It objected to the requirement for the new laneway behind its property and considered it would be "*unachievable*" because:

- it requires all landowners to coordinate the creation of the laneway in an area where development will be fragmented
- the laneway is only beneficial if all landowners are involved
- the entire laneway is reliant on the property at 446 Swan Street who will not necessarily benefit from the laneway given that they have direct frontage to Burnley Street
- the laneway is not proposed to extend the full length of the block (noting that this is unachievable given the existing metro office building which is built to the boundary of the rail corridor).[37]

Zagame Group submitted that if the laneway was to be realised then:

- the laneway should be acquired by applying the Public Acquisition Overlay on the land, or
- Council should purchase a portion of the VicTrack land for the laneway without impacting the private land abutting the railway land.

In response, Council submitted that:

- the new laneway is not subject to the Public Acquisition Overlay
- there is no requirement for development to be generally in accordance with that aspect of Plan 2
- the new laneway has been identified as a strategic objective for consideration when the parcels of land abutting the new laneway are redeveloped
- the new laneway is identified as a discretionary element in the vehicle and pedestrian access requirements.

Council added:

> The depiction of the proposed laneway in Plan 2 creates no obligation on a land owner to set aside land for the laneway or to construct a laneway, but it does signal to prospective permit applicants the clear benefit of making provision for a rear laneway for access, consistent with the preference expressed for this outcome in the vehicle and pedestrian access requirements. The provision of a new laneway condition voluntarily by a permit applicant would be a relevant consideration weighing in favour of approval of a proposal in any net community benefit assessment.[38]

Regarding the 'north-south access' shown on Plan 2, Council submitted:

- these accessways would provide vehicle access to these properties in the short-term
- 6 metre wide accessways will be initially required
- the accessways will be shared between adjoining properties
- over time, as the east-west laneway at the rear is established, the function of the north-south accessways would be reduced
- the accessways would be left in-left out only
- the accessways are identified as a discretionary element in the vehicle and pedestrian access requirements.

[37] Document 99, para 32
[38] Document 193, para 87

Council acknowledged the difficulty with extending the rear laneway from Burnley Street to Coppin Street.

In the Hearing version of DDO27, Council proposed to:

- show all of the land from 356 Swan Street to 408-442 Swan Street as 'left in- left out access permitted'
- add the following underlined words to one of the DDO27 requirements:

> Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.[39]

- add a new requirement:

> Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

(iii) Discussion

The Panel accepts that the DDO27 vehicle and pedestrian access requirements are generally based on sound planning principles. The Traffic Engineering Assessment appropriately justifies the proposed provisions.

The Panel acknowledges and shares concerns expressed by Zagame Group regarding the implementation of the rear laneway. Council advised the laneway is more aspirational than necessary, however, it is expressed in DDO27 as 'new laneway required'. This should be expressed as 'new laneway preferred' to align with Council's submission.

The Panel supports additional flexibility for left in-left out access between 356 and 408-442 Swan Street. The Panel agrees with the additional laneway related provisions set out in the Hearing version of DDO27.

The Panel accepts that the locations of the three north-south accessways are indicative and are a discretionary requirement. Co-locating two of the accessways with upper level building breaks into a central accessway will provide a useful additional break to the building form along Swan Street. The Panel is satisfied that there is sufficient flexibility in the provisions to ensure a range of possibilities to achieve appropriate access to the properties in this section of Swan Street.

(iv) Conclusions and recommendations

The Panel concludes:

- The vehicle and pedestrian access requirements in Precinct 3 are generally appropriate.
- The notation in the legend on 'Plan 2 Access and Movement Plan – Precinct 3 Swan Street East' that states 'new laneway required' should be revised to state 'new laneway preferred'.
- 'Plan 2 Access and Movement Plan – Precinct 3 Swan Street East' should be changed to provide flexible left in-left out access between 356 and 408-442 Swan Street.

[39] Document 183

- Vehicle and pedestrian access requirements should be changed to reflect left in-left out access.

The Panel recommends:

Amend Design and Development Overlay Schedule 27, as shown in Appendix D3, to:

a) revise 'Plan 2: Access and Movement Plan - Precinct 3 Swan Street East

b) revise 'Vehicle and pedestrian access requirements'.

10 Precinct 4 – Burnley Station

10.1 What is proposed?

Figure 13 Precinct 4 exhibited and resolved building heights and street wall interfaces



Table 8 Precinct 4 exhibited and resolved planning provisions

IR	Design Element	Exhibited DDO17 requirements	DDO28 requirements
C	Street wall height	**Preferred:** 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building	**Preferred:** 11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	**Mandatory:** 0m.	**Mandatory:** 0m.
	Upper level setback	**Mandatory:** 10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 5m for other individually significant heritage buildings. **Preferred:** Minimum 5m elsewhere. Any part of a building above the street wall should 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 1.7m (on the opposite side of the street).	**Mandatory:** 10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 6m for other heritage buildings. **Preferred:** Minimum 6m elsewhere.
E	Street wall Height	**Preferred:** 14.5m maximum.	**Preferred:** 14m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 5m minimum.	**Preferred:** 6m minimum.
F	Street wall height	**Preferred:** 11m minimum.	**Preferred:** 11m minimum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 5m minimum for individually significant buildings. 3m minimum elsewhere.	**Preferred:** 6m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height	**Preferred:** 14.5m maximum.	**Preferred:** 14m maximum.
	Street wall setback	**Preferred:** 0m.	**Preferred:** 0m.
	Upper level setback	**Preferred:** 3m minimum.	**Preferred:** 3 metre minimum.
H	Street wall height	**Preferred:** N/A	**Preferred:** N/A
	Street wall setback	**Preferred:** 0m minimum unless setback is identified on the Plan 8.	**Preferred:** 0m minimum unless setback is identified on the Plan 2.
	Upper level setback	**Preferred:** 0m.	**Preferred:** 0m.
I	Side and rear wall height	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.	**Preferred:** 8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Upper level setback	**Preferred:** Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.	**Preferred:** Development should be setback in accordance with Figure 1 and Figure 2. Development must minimise stepped form.

What is sought for Precinct 4?

The exhibited preferred future character for Precinct 4 at Clause 21.12 states:

> Precinct 4 - is anchored around Burnley Station and the Burnley Street Village. High quality new buildings adjoining Burnley Station with a range of retail, office, hospitality, residential and personal services activate new and improved pedestrian connections to the station. Along Burnley Street, the heritage buildings remain prominent with new infill development integrating as a cohesive part of the streetscape. Buildings behind Burnley Street and along the north side of Swan Street scale sensitively to the adjoining low scale residential area. Breaks between buildings at upper levels maintain views to the sky from street level and create a varied skyline when viewed from surrounding residential areas.

10.2 Design objectives

(i) The issues

The issue is whether the Precinct 4 design objectives proposed since exhibiting the Amendment are appropriate.

(ii) Background

The exhibited DDO17 included 'General Design Objectives' for the Activity Centre. After DDO17 was restructured into four separate schedules, Council prepared specific objectives for each precinct. The design objectives for Precinct 4 are:

> To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
>
> To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
>
> To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
>
> To provide for taller development on the south side of Swan Street that delivers significant public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
>
> To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

(iii) Evidence and submissions

Council submitted the Swan Street Framework conveys the intention for the north side of Swan Street to support a 'higher change responding to existing character' and for the south side of the street to accommodate both 'higher' and 'significant' change required to deliver a 'new future character'. The properties in Burnley Street were designated for 'moderate change responding to existing character'. Council explained the design objectives reflected the intent of the Swan Street Framework.

Precinct 4 includes properties centred around the Burnley Street Station and Burnley Street Heritage Precinct (HO474). It extends to 491 Swan Street (one property beyond Belgravia Street) on the northern side, and to the far eastern end of Swan Street on the south.

The exclusion of the properties at 493-499 Swan Street from Precinct 4 is discussed in Chapter 5.1.

The former Burnley Theatre at 365 Swan Street on the corner of Edinburgh Street is an individually significant heritage place (HO286) in DDO28.

Mr Gard'ner recommended that the following design objective be added:

> To maintain the prominence of the former Burnley Theatre on the corner of Edinburgh Street and Swan Street within the streetscape.

Council did not consider it was necessary to include this design objective.

No submitter or witness took issue with the design objectives articulated for Precinct 4.

(iv) Discussion

The Panel accepts that the design objectives are satisfactory and are based on sound strategic planning. The design objectives are generally consistent with the outcomes from the Swan Street Framework and provide an appropriate platform to help manage the future growth of the area.

The Panel agrees with Council that it is not necessary to include the design objective suggested by Mr Gard'ner. It notes that there are already five design objectives (the maximum number permitted in a DDO schedule[40]) and that other proposed changes to the design quality requirements outlined adequately address this issue.

The Panel supports the proposed design objectives.

(v) Conclusions

The Panel concludes the Precinct 4 design objectives are appropriate.

10.3 Design quality requirements

(i) The issue

The issue is whether it is appropriate to include a specific design quality requirement relating to HO474.

(ii) Evidence and submissions

HO474 (Burnley Street Precinct) includes a range of properties in Burnley Street and Swan Street. Mr Helms noted the exhibited DDO17 included the following design objective that applied to the Activity Centre:

> To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

In the resolved version of the DDO schedules, this objective is retained for Precinct 2 but deleted in Precincts 1, 3 and 4. Mr Helms considered that, although this objective was not required in Precinct 3 (as it does not have a defined heritage street wall), it was required in Precinct 1 and Precinct 4 as there are heritage street walls in these areas. These areas correlate with the Heritage Overlay (HO474) in Precinct 4.

Mr Helms recommended that the following design objective be reinserted for Precinct 4:

[40] Ministerial Direction 7(5)

> To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Council supported this in principle, however given that there are already five design objectives in DDO28, it recommended that this provision be included within the design quality requirements.

No party objected to including this provision as a design quality requirement.

(iii) Discussion

The Panel supports the requirement recommended by Mr Helms to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape in land affected by the Heritage Overlay (HO474).

It is appropriate to include this provision as a design quality requirement for Precinct 4.

(iv) Conclusions and recommendations

The Panel concludes that it is appropriate to include a provision in the design quality requirements to ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by the Heritage Overlay (HO474).

The Panel recommends:

> **Amend Design and Development Overlay Schedule 25, as shown in Appendix D4, to include a heritage related provision in the 'Design quality requirements'.**

10.4 Building separation requirements

Chapter 6.5 discussed building separation requirements applicable across all precincts. This chapter discusses special building separation requirements applicable to Precinct 4.

(i) The issues

The issues are:

- whether the 'Upper Level Building Breaks' are appropriate
- whether the side setbacks associated with the Upper Level Building Breaks are appropriate.

(ii) Evidence and submissions

The resolved DDO28 provisions require 'Upper Level Building Breaks' to enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street. This is a discretionary requirement.

The location of the required upper level building breaks are shown in DDO28 Plan 1. There are two upper level building breaks shown on Plan 1 on the south side of Swan Street – one is opposite Cutter Street and the other is near Bendigo Street.

No submission objected to the location of the upper level breaks in Precinct 4.

At the Hearing, the Panel questioned Council about whether the clause wording "*greater than a minimum of …"* should be simplified. This is detailed in Chapter 9.3 and not repeated here.

Mr Zois objected to the revised upper level setback requirements. He submitted the requirements in the resolved version of DDO28 should be retained.

Council submitted that the revised requirements were in response to the expert evidence of Ms Hodyl regarding upper level development on common boundaries (see Chapter 6.5). Council added that building breaks and separation requirements were needed for public realm and internal amenity purposes, given the intensity and height of development that is encouraged along the southern side of Swan Street in Precinct 4.

Council submitted that as a discretionary provision, there will be scope to vary the metric in appropriate circumstances.

(iii) Discussion

There is sound justification to provide upper level building breaks in Precinct 4. The location of the upper level building breaks shown in the resolved version of DDO28 are appropriate.

The Panel agrees with the side setbacks proposed by Council associated with the upper level setbacks. The changes are consistent with the approach in the resolved DDO28 with adjusted metrics based on Ms Hodyl's recommendations (where development shares a common boundary). The Panel supports the simplified language of the Hearing version of the provision.

The Panel notes that this approach is consistent with the building separation requirements in Precinct 3 discussed in Chapter 9.3.

(iv) Conclusion and recommendation

The Panel concludes:

- It is appropriate and justified to require upper level building breaks on the south side of Swan Street in Precinct 4.
- The location of the upper level building breaks are appropriate.
- The side setback provisions for upper level building breaks in the Hearing version of DDO28 are appropriate.

The Panel recommends:

> **Amend Design and Development Overlay Schedule 28, as shown in Appendix D4, to revise the 'Building separation requirements'.**

10.5 Building height

(i) The issues

The issue is whether the proposed maximum building heights in Precinct 4 are appropriate.

(ii) Evidence and submissions

The resolved DDO28 building heights consist of mandatory maximums on the north side of Swan Street, including:

- 28 metres in Swan Street west of Burnley Street
- 24 metres in Swan Street between Burnley Street and Belgravia Street

- 21 metres in Burnley Street
- 14 metres east of Belgravia Street.

On the south side of Swan Street, discretionary maximum heights are generally 28 metres except for:

- 40 metres applied to three lots at the west end
- 21 metres applied to an irregular shaped lot at the east end.

Council submitted the proposed heights from the Swan Street Framework were translated into the exhibited DDO17 and have remained in the resolved DDO28, except for a reduction in height from 18 metres to 14 metres east of Belgravia Street.

Council acknowledged that the DDO28 heights for the north side of Swan Street and in Burnley Street have been converted from discretionary provisions in the Built Form Framework to mandatory provisions.

Mr Gard'ner gave evidence that the mandatory 21 metres, 24 metres and 28 metres building heights on the northern side of Swan Street and along Burnley Street *"are likely to be excessive in the context of the modestly scaled single and two-storey buildings within HO474."* He recommended the maximum height for the areas with heritage buildings be reduced to 14 metres or 18 metres, depending on property depth. He explained this would avoid new development visually dominating the heritage fabric.

Mr Gard'ner recommended that the building height on land subject to the Heritage Overlay in Precinct 4 should be informed by a 45 degree angular plane to avoid visually dominating the heritage street wall in the Heritage Overlay (HO474) and the former Burnley Theatre.

Mr Helms considered the proposed building heights in the Heritage Overlay should be reduced. He explained a maximum height of 18 metres was needed to achieve acceptable heritage outcomes and this would be consistent with heights applied to similar streetscapes in the Heritage Overlay (HO335) in Precinct 2. He was concerned that heights of 21 metres in Burnley Street and 24 metres in Swan Street (east of Burnley Street) would result in overly dominant upper level development.

Council disagreed with the recommendations of Mr Gard'ner and Mr Helms regarding the reduced building heights.

Ms Hodyl generally agreed with the proposed maximum building heights in Precinct 4. She noted that on the north side of Swan Street, the shallow depth of sites immediately adjacent to low-scale residential areas meant that the potential for taller buildings was highly constrained without compromising visual amenity for these properties.

Ms Hodyl recommended that the area designated for a maximum height of 40 metres on the south side of Swan Street should be reduced to 34 metres in height for a distance of 24 metres from the frontage (with the balance of the site having a 40-metre height provision). Council did not support her recommendation and noted that this was consistent with its response to Ms Hodyl's similar recommendation in Precinct 3.

365-387 Swan Street

Ms Hodyl gave evidence regarding the former Burnley Theatre at 365-387 Swan Street (on the east corner of Edinburgh Street). It has a site-specific Heritage Overlay (HO286) and is proposed to have:

- a 28-metre mandatory building height
- an 8-11-metre discretionary street wall height on Swan Street
- an 11-metre discretionary minimum street wall height on Edinburgh Street
- a 10-metre mandatory minimum upper level setback on Swan Street
- a 6-metre discretionary upper level setback on Edinburgh Street.

Ms Hodyl recommended that the site's mandatory maximum height be reduced from 28 metres to 18 metres. She said this should be in conjunction with a 0-metre setback to Edinburgh Street and an 18-metre mandatory maximum street wall height on Edinburgh Street. This was to retain the internal building space for use as a theatre and to ensure that the overall building height did not become visually dominant. Ms Hodyl acknowledged that she had not inspect the building's interior.

The owner of the former Burnley Theatre, Swan Street Sales, submitted that Ms Hodyl's intent to facilitate the reuse of the former theatre building was *"academic, purist and unrealistic"*. It said Ms Hodyl:

- did not present any evidence regarding the demand for a theatre use in this location
- had no understanding of whether the reuse of the theatre is a viable or attractive commercial proposition
- had not inspected the theatre before making these recommendations
- had no appreciation of the structural condition of the theatre and whether it could be retained whilst accommodating new development
- gave a rationale for the significant reduction in the height of the building, which was both difficult to follow and illogical.

Swan Street Sales submitted that Ms Hodyl is not qualified to assess the structural composition of the building and its likely impact on the development potential of the site, with or without an upper level setbacks from Edinburgh Street. It added that her recommendation to reduce the mandatory maximum building height should be dismissed as lacking any sound rational or strategic basis.

Swan Street Sales called planning evidence from Mr Linke, who stated:

- mandatory height and setback provisions are not necessary and have the potential to unnecessarily limit development potential
- DDO28 should not apply to the former Burnley Theatre site
- any redevelopment proposal for the site should be assessed against the provisions of Clause 22.02 (Development guidelines for sites subject to the Heritage Overlay).

Council did not agree with Ms Hodyl or Mr Linke and submitted that applying DDO28 to the site is entirely appropriate for a precinct-wide overlay, where a suite of provisions is proposed to address heritage, urban design and amenity considerations. It noted that no other individually significant building with the Heritage Overlay had been excluded from DDO28.

Council submitted that the heritage significance of the former Burnley Theatre required a conservative approach to its upper level form to not dominate or overwhelm the heritage fabric. It noted that there had been a range of heights recommended by various witnesses at the Hearing and considered the proposed 28 metres building height should be the maximum building height permitted, balancing the heritage and urban design issues against the development potential for the land.

471-473 Swan Street

Pelligra Build Pty Ltd (Pelligra) owns 471-473 Swan Street (between Belgravia and Stawell Streets). The resolved DDO28 applies a mandatory 24 metres building height to the land with discretionary street wall and upper level setbacks.

Pelligra objected to the mandatory maximum building height and called urban design and planning evidence from Ms Roberts and Mr Linke respectively. They considered the mandatory application of the proposed building height was unjustified on streetscape, amenity and overshadowing grounds. Ms Roberts stated that an additional level (to at least 8 storeys) could be achieved on the site if the Swan Street upper level setback and the rear interface setbacks were reduced. She added that this demonstrates a mandatory 24 metres (7 storey) height limit "*suffocates contextual design outcomes*".

Ms Hodyl reviewed Ms Robert's evidence and considered that the modelling attached to the statement of evidence showed an unacceptable residential interface to the rear, and that without Ms Robert's proposed rear interface, a building higher than 24 metres was not possible.

Council agreed Ms Hodyl's assessment and submitted that the DDO28 building heights were consistent with the emerging character on the north side of Swan Street at around 6 to 7 storeys (demonstrated in Council's Development Analysis[41]).

487 Swan Street

Namreh Properties Pty Ltd (Namreh) owns 487 Swan Street. The Heritage Overlay does not apply to the site, and the exhibited DDO17 specifies an 18-metre mandatory maximum building height. The resolved version of DDO28 reduces it to 14 metres. Namreh objected to the reduced height and submitted that Council had justified this change based on an increase to the upper level setback from 5 to 6 metres. Council explained the lot depth and other setback requirements reduced the potential height by one storey.

Namreh submitted that:

- the depth of 487 Swan Street was similar to the depth of the lots to the west all the way to Burnley Street, yet their heights were not reduced
- the eastern interface of the site has been identified as Type I (Residential Interface) in DDO28 Plan 1, however the land to the east is in the C1 Zone and the interface should be amended
- the original mandatory 18-metre maximum building height should be reinstated.

Namreh noted that Ms Hodyl had identified the inconsistency with applying Interface I and she had recommended it be revised.

At the Hearing, Council proposed to change the eastern interface to Interface H and this was supported by Namreh. Council submitted that, as a consequence of this change to the setback, it was appropriate to reinstate the 18-metre mandatory maximum height to the site.

389-393 and 484-486 Swan Street

Killara Quest Pty Ltd owns two separate parcels of land in Precinct 4.

[41] Document 65 Folder A, Item 3

389-393 Swan Street is approximately 515 square metres and is on the northern side of Swan Street, west of the intersection of Swan and Burnley Streets. The Amendment proposes a mandatory maximum building height of 28 metres.

484-486 Swan Street is approximately 2,300 square metres and is on the southern side of Swan Street, east of the intersection of Swan and Burnley Streets. The Amendment proposes a discretionary building height of 40 metres.

Killara submitted that discretionary heights on the north side would provide greater flexibility and realise the full development potential for the site.

In response, Council submitted that this proposition assumes that all parts of Precinct 4 have similar development potential and it overlooks the intentional differentiation between the north and south sides of Swan Street in Precinct 4. It said lower heights were needed on the north side because of the sensitive interface conditions, the presence of heritage fabric and typically smaller lot sizes.

(iii) Discussion

The Panel generally accepts the proposed DDO28 building heights are consistent with the design objectives for the precinct. The Panel is satisfied that the proposed heights have been determined following detailed analysis of a variety of relevant factors affecting the development of the area.

The Panel does not accept that changes are required to any of the proposed heights in Precinct 4 other than 487 Swan Street. It does not agree with Mr Gard'ner or Mr Helms that reducing building heights on land with the Heritage Overlay is required. The Panel is satisfied that the current suite of height and setback provisions will ensure the acceptable protection of heritage buildings. For the reasons outlined in Chapter 9, the Panel does not support a 24-metre upper level setback on Swan Street for development taller than 34 metres.

365-387 Swan Street

The Panel accepts the proposed DDO28 building height provisions for the former Burnley Theatre are appropriate. It does not agree with Ms Hodyl or Mr Linke that the height should be varied. Council has achieved an acceptable balance. A maximum height of 28 metres will provide for significant redevelopment opportunity while appropriately protecting the heritage fabric and public realm.

The Panel does not agree with Mr Linke that DDO28 should not be applied to the former Burnley Theatre site. This would be entirely inconsistent with every other individually significant heritage site in the Activity Centre. DDO28 appropriately integrates heritage and urban design provisions.

389-393, 471-473 and 484-486 Swan Street

The Panel does not support the submissions of Pelligra or Killara Quest regarding the proposed heights for these properties. The Panel is satisfied that the proposed heights on the north side of Swan Street in DDO28:

- will generally facilitate significant development opportunities of 7 to 8 storeys in height consistent with the expectations for growth in a MAC
- do not impose unreasonable or unnecessary restrictions on the development of the land

- are necessary to ensure that the cumulative impact of development along the north side of Swan Street does not detrimentally affect the residential areas to the north with respect to building bulk and visual impacts
- are generally consistent with the maximum heights in recent development approvals on the north side of Swan Street in Precinct 4.

The Panel agrees with Ms Hodyl that the examples of additional height in Ms Roberts' evidence was contingent on a significant relaxation of the rear interface provisions. This would present an unacceptable outcome for the residents to the north and is demonstrative of the need for the proposed provisions.

487 Swan Street

The Panel agrees with Namreh and Council that the mandatory maximum height for 487 Swan Street should remain at the original exhibited height of 18 metres. This is an appropriate height having regard to the revised setbacks and the context of the site.

(iv) Conclusions and recommendations

The Panel concludes:

- The maximum building heights in Precinct 4 are generally appropriate and justified except for 487 Swan Street.
- 487 Swan Street should have a mandatory maximum building height of 18 metres.

The Panel recommends:

> **Amend Design and Development Overlay Schedule 28, as shown in Appendix D4, to specify a mandatory maximum building height of 18 metres for land at 487 Swan Street in 'Plan 1: Height and Interface Plan'.**

10.6 Street wall heights and setbacks

(i) The issues

The issues are:

- whether the content of 'Table 1 - Street wall heights and setbacks for Precinct 4 in DDO28 is appropriate.
- whether the interface types in 'Plan 1: Height and Interface Plan - Precinct 4 Burnley Station' in DDO28 are appropriate.

(ii) Evidence and submissions

Mr Gardner and Mr Helms gave evidence that the upper level setback for Interface F should be revised to ensure that the preferred 6-metre minimum setback applies to all heritage buildings (not just individually significant buildings). Council supported this change.

Council and Mr Gard'ner considered the mandatory 10-metre upper level setback for the former Burnley Theatre (HO286) necessary to ensure upper level development does not overwhelm the heritage frontage to Swan Street and allows for the retention of the original foyer and the upper level parapet.

Swan Street Sales opposed the application of a mandatory upper level setback. It considered it to be a blunt tool that does not recognise the particular characteristics of the theatre and

will foreclose the opportunity to adopt an innovative design approach that appropriately responds to all of the theatre's characteristics. It added that this would constitute a serious development constraint where design flexibility should be maintained.

Mr Gard'ner considered there was no need for an upper level setback to Edinburgh Street on heritage grounds. He supported no upper level setback. Ms Hodyl also expressed the view that no upper level setback was required, although she proposed that in the context of a lower building height.

Swan Street Sales supported either no upper level setback requirement, or if one was to be applied, a discretionary upper level setback of 3 metres above the street wall.

Ms Roberts gave evidence that for 471-473 Swan Street, the rear Interface I has a discretionary rear wall height of 8 metres on a common boundary or 11 metres abutting a laneway. Discretionary upper level setbacks are defined in Figure 1 and Figure 2 of DDO28. She recommended a 14-metre boundary wall requirement with a 2:1 upper level setback.

Ms Hodyl disagreed with Ms Roberts and stated these changes:

> would create a significant scale of building immediately adjacent to the low-scale residential areas. The views of these upper levels would be unacceptable as they would significantly reduce the visual amenity within the rear private open space of these properties.[42]

Ms Hodyl noted that, without a change to the rear interface provisions, a taller building on the site was not possible. Council agreed with Ms Hodyl and considered Ms Robert's revised provisions had no precedent in commercial/residential interface provisions in other activity centres.

Namreh Properties considered Interface I to be inappropriate for the eastern boundary of 487 Swan Street. It said this was not a residential interface and a different interface type should apply. Council agreed and proposed to revise it to Interface H. Namreh agreed with this change.

The Panel queried the application of Interface C to the Swan Street frontage, having regard to the mandatory requirement for the street wall to have a 0-metre setback and the adjoining heritage properties to the east were set back from the street. Council submitted that the value of creating a strong street edge was more important than a setback to align with the adjoining heritage buildings.

Mr Zois (Submission 36) is the applicant for Planning Permit Application PLN19/0655 for 413 Swan Street. He submitted, among other things, that a transitional provision should be included to consider current permit applications complying with the mandatory 5-metre upper level setback provision of Interface C in DDO17. He submitted that a transitional clause could be included in Table 1 that states:

> The mandatory minimum 6 metres upper level setback for Interface C does not apply to an application made prior to the approval of Amendment C191 to this Planning Scheme.[43]

[42] Document 43, para 203
[43] Document 205

(iii) Discussion

The Panel agrees with Mr Gardner regarding upper level setbacks in Interface F, as expressed in changes to the Hearing version of DDO28 'Table 1 – Street Wall Heights and Setbacks for Precinct 4'.[44] These are appropriate minor changes that enhance future built form outcomes and improve the protection of heritage places.

The Panel agrees with the changes to the east interface type for the property at 487 Swan Street. Interface H is an appropriate treatment and the Panel notes that this was accepted by Council and Namreh at the Hearing.

The Panel does not agree with the other changes to street wall heights, street wall setbacks or upper level setbacks requested by submitters or expert witnesses. It considers that the proposed provisions are appropriate and will result in acceptable outcomes.

The Panel notes:

- a 10-metre mandatory upper level setback for the front of the former Burnley Theatre will ensure the retention of sufficient fabric to enable the heritage components to be read in three-dimensional form
- a discretionary 6-metre upper level setback in Edinburgh Street will minimise the building bulk along this interface but will provide opportunities for a lesser setback if a particular proposal can demonstrate a better outcome can be achieved
- the rear interface provisions recommended by Ms Roberts are based on a flawed assessment and analysis and would result in demonstrably poor urban design outcomes
- there are no transition provisions proposed as part of the Amendment and there is no justification for transition provisions to apply to one element in a single interface type (upper level setbacks in Interface C) in the built form provisions.

(iv) Conclusions and recommendations

The Panel concludes:

- Interface F should be revised regarding upper level setback to ensure that the preferred 6 metres minimum setback applies to all heritage buildings.
- The interface type on the eastern side of 487 Swan Street should be revised by replacing Interface I and with Interface H.

The Panel recommends:

Amend Design and Development Overlay Schedule 28, as shown in Appendix D4, to:

a) revise 'Plan 1: Height and Interface Plan – Precinct 4 Burnley Station'

b) revise 'Table 1 - Street Wall Heights and Setbacks for Precinct 4'.

[44] Document 184

11 Form and content of the Amendment

The Panel provided an opportunity for parties to make 'without prejudice' drafting comments regarding the planning provisions. Towards the end of the Hearing, suggested drafting changes were explored further.

(i) Background document

The Amendment proposes to reference the Swan Street Framework through Clause 21.11. The Panel considers the Swan Street Framework in its current form no longer accurately reflects the proposed provisions sought to be introduced through the considerably refined version of the Amendment. The version which the Panel supports has departed from the exhibited version which more faithfully translated the Swan Street Framework.

Consistent with guidance in Planning Practice Note 1, a background document referenced in the Planning Scheme is intended to provide further context about the basis for relevant planning provisions. They are not used to exercise discretion when assessing a permit application. Referring to the Swan Street Framework would not explain the many changes proposed to be introduced since exhibiting the Amendment and it should not be referenced in the Planning Scheme.

Having said that, the Panel notes:

- the most important elements from the Framework have been translated across into the Amendment
- the Swan Street Framework can still be made available through Council's webpage even though it is not referenced in the Planning Scheme.

(ii) Other drafting changes

Having reviewed drafting related comments, the Panel considers the DDO schedules should:

- redefine a Laneway to mean "*a road reserve, public highway or right of way 9 metres or less wide*"
- redefine Heritage building to mean "*any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register)*"
- replace 'must' with 'should' for any provision in the 'preferred requirements' column of Table 1
- replace the Interface I 'upper level setback' terminology with 'side and rear setbacks'
- replace the Figures 1 and 2 'residential interface' terminology with 'Interface with an existing laneway' in Figure 1 and 'Interface direct abuttal' in Figure 2
- delete 'existing residential' in the Figure 1 and 2 cross-sections
- not include text under 'Building heights requirements' noting the preferred height may not be exceeded on every site because it is unnecessary
- not include a decision guideline regarding adaptable floor heights because it is commonly accepted that discretionary provisions such as the proposed street wall heights are sufficiently flexible to respond to individual circumstances

- ensure the punctuation of dot points follows prescribed practice[45], including avoiding the use of 'and' and 'or'
- not define terms which are already defined in the Yarra Planning Scheme[46], such as 'Building height'
- correct minor typographical errors and language refinements which would improve their clarity and operation.

In addition to substantive changes referred to in Appendices D1 to D4, Council identified minor drafting changes to Plans 1 and 2 in Documents 181, 182, 183 and 184. The Panel finds these changes to be appropriate, but they are not shown in the Appendices.

The Panel has also not shown some drafting changes such as dot list format and duplicated definitions. Council with DELWP are best placed to progress these drafting matters.

(iii) Recommendations

The Panel recommends:

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.

Amend Design and Development Overlay Schedule 25, as shown in Appendix D1.

Amend Design and Development Overlay Schedule 26, as shown in Appendix D2.

Amend Design and Development Overlay Schedule 27, as shown in Appendix D3.

Amend Design and Development Overlay Schedule 28, as shown in Appendix D4.

[45] A Practitioner's Guide to Victorian Planning Schemes (Version 1.4), April 2020
[46] Clause 73.01

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Siddharth Prakash	20	Environment Protection Authority Victoria
2	Luke Wigley	21	Kellehers Australia
3	Crestall Nominees Pty Ltd	22	Terri Stynes
4	Andrew Bromley	23	Zagame Group
5	Paula De Angelis	24	AA Holdings Pty Ltd
6	Margo Sheahan and Marcus Weyland	25	Yoland Wadsworth
7	Graham Karutz	26	Killara Quest Pty Ltd (1)
8	Belinda Hanneberry	27	Dr Judith Smart
9	Mitchell Investment Holdings Pty Ltd	28	SZM Holdings Pty Ltd
10	Icon Developments Australia Pty Ltd	29	National Trust of Australia (Victoria)
11	Stephen Daley	30	Mongomero Pty Ltd
12	370 Swan Street Pty Ltd	**Late submissions:**	
13	Kirsteen Thomson	31	Swan Street Sales Pty Ltd
14	Nick Armstrong	32	Charter Hall
15	Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd	33	Namreh Properties Pty Ltd
16	Royal Historical Society of Victoria Inc	34	Halastanis Nominees
17	Nelly Verstoep	35	LPC Nominee 10 Pty Ltd
18	Loubeck Pty Ltd	36	John Zois
19	Pelligra Build Pty Ltd	37	Killara Quest Pty Ltd (2)

Appendix B Parties to the Hearing

Submitter	Represented by
Yarra City Council	Susan Brennan SC and Jane Sharp of Counsel, instructed by Kristin Richardson of Maddocks, with Alayna Chapman, Senior Strategic Planner, and Fiona Van der Hoeven, Assistant Manager City Strategy, who called expert evidence on: - heritage from Jim Gard'ner of GJM Heritage - heritage from David Helms of David Helms Heritage Planning - wind engineering from Michael Eaddy of MEL Consultants - urban design from Leanne Hodyl from Hodyl & Co - capacity analysis from Andrew Spencer of SGS Economics - planning from David Barnes of Hansen Partnership - traffic from Charmaine Dunstan of Traffix Group
370 Swan Street Pty Ltd | LPC Nominee 10 Pty Ltd | Namreh Properties Pty Ltd	Chris Taylor of Planning & Property Partners, who called expert evidence on planning from Tim Biles of Contour Planning
Cremorne Properties Pty Ltd | Swan-Lennox Pty Ltd	Nick Tweedie SC and Jennifer Trewhella of Counsel, instructed by Romy Davidov of Best Hooper, who called the expert evidence on: - heritage from Bryce Raworth of Bryce Raworth Pty Ltd - urban design from Amanda Roberts of SJB Urban - planning from Tim McBride Burgess of Contour Consultants
Crestall Nominees Pty Ltd	Sebastien Delamare of Hellier McFarland through written submission (Document 61)
Kellehers Australia	Hubert Algie of Kellehers Australia
Loubeck Pty Ltd (trustee for the Everett Family Trust and Swancom Pty Ltd)	Peter O'Farrell of Counsel, instructed by Jessica Kaczmarek of Norton Rose Fulbright, who called expert evidence on: - heritage from Bryce Raworth of Bryce Raworth Pty Ltd - planning from Sarah Horsfield of Urbis - urban design from Julia Bell of Kinetica
Mitchell Investment Holdings Pty Ltd	Kris Wilson of Wilcon Projects Pty Ltd
National Trust of Australia (Victoria)	Caitlin Mitropoulos
Pelligra Build Pty Ltd	Andrew Walker of Counsel, instructed by David Passarella of Mills Oakley, calling the following expert evidence on: - planning from Amanda Roberts of SJB Urban - urban design from Shayne Linke of Contour Consultants

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Killara Quest Pty Ltd	Madison Sztefek of Urbis
Royal Historical Society of Victoria	Ian Wight of Ian Wight Planning and Heritage Strategies
Swan Street Sales Pty Ltd	Nicola Collingwood of Counsel, instructed by Norton Rose Fulbright, who called expert evidence on planning from Shayne Linke of Contour Consultants
Zagame Group	Tim Retrot of proUrban
Namreh Properties Pty Ltd	Grant Logan of Ratio Consultants

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Appendix C Document list

No.	Description	Provided by
8 November 2019		
1	Map – Planning Panel Member Site Inspection	Council
12 November 2019		
2	Letter – from Mr Montebello regarding 3D modelling and expert witnesses, as emailed to all parties	Council
22 November 2019		
3	Letter – from Ms Kaczmarek to the Panel Chair and all parties regarding 3D modelling and timing of expert evidence – with attachments including letter dated 21 November 2019 from Mr Montebello to Ms Kaczmarek	Ms Kaczmarek
4	Letter – from Mr Montebello to Planning Panels Victoria (PPV) regarding Document 3	Council
26 November 2019		
5	Part A Submission	Council
6	Evidence – David Barnes	Council
7	Evidence – Larry Parsons	Council
8	Evidence – Jim Gard'ner	Council
9	Evidence – David Helms	Council
10	Evidence – Charmaine Dunstan	Council
11	Evidence – Andrew Spencer	Council
12	Evidence – Dr Michael Eaddy	Council
13	Evidence – Tim McBride-Burgess (36-42 Swan St and 2 & 4 Jesse St)	Ms Minney, Best Hooper
14	Evidence – Amanda Roberts (36-42 Swan St and 2 & 4 Jesse St)	Ms Minney
15	Evidence – Bryce Raworth (36-42 Swan St and 2 & 4 Jesse St)	Ms Minney
16	Evidence – Sarah Horsfield (57-61 Swan St)	Ms Kaczmarek
17	Evidence – Julia Bell (57-61 Swan St)	Ms Kaczmarek
18	Evidence – Bryce Raworth (57-61 Swan St)	Ms Kaczmarek
19	Evidence – Tim McBride-Burgess (79-89 and 161-165 and 173-179 and 191-197 Swan St)	Ms Minney
20	Evidence – Tim Biles (370 Swan St, 1 Lesney St and 9 Wiltshire St)	Mr Hughes, Planning and Property Partners

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No.	Description	Provided by
21	Evidence – Shayne Linke (349-363 and 365-387 Swan St and 75-77 Canterbury St)	Ms Vilagosh, Norton Rose Fulbright
22	Evidence – Amanda Roberts (471-473 Swan St)	Mr Passarella
23	Evidence – Shayne Linke (471-473 Swan St)	Mr Passarella
2 December 2019		
24	Additional Panel Documents	Council
25	Letter – Ms Davidov to PPV	Ms Minney
3 December 2019		
26	Letter – Ms Davidov to PPV	Ms Minney
27	Letter – Mr Montebello to PPV	Council
4 December 2019		
28	Email – Mr Bryce to the Panel Chair	Mr Bryce, Norton Rose Fulbright
29	Panel response to Document 25 with attached response from PPV Business Manager	Mr Brennan, PPV
30	PPV response to Document 25 with attachments	Mr Brennan
31	Letter – Mr Montebello to PPV	Council
5 December 2019		
32	Letter – Ms Davidov of Best Hooper to PPV	Ms Minney
33	Letter – Mr Rantino of Maddocks to PPV clarifying Document 31 and in response to Document 29 and 30	Council
34	Letter – Panel to all parties advising of Hearing adjournment and next steps	Mr Brennan
9 December 2019		
35	Letter – Ms Vilagosh of Norton Rose Fulbright to PPV	Ms Vilagosh
11 December 2019		
36	Letter – Requesting parties to detail preferred dates with reasons	Mr Brennan
16 December 2019		
37	Letter – Mr Montebello to PPV	Council
23 December 2019		
38	Letter – Confirming 2020 Hearing timeframe based on party-preferred dates, with attached draft timetable	Mr Brennan
10 February 2020		
39	Panel Directions, Distribution List and Timetable Version 5 (Reissued)	Mr Brennan

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No.	Description	Provided by
28 February 2020		
40	Letter – Mr Montebello to PPV	Council
1 April 2020		
41	Letter – Mr Montebello to PPV	Council
42	Revised Part A Submission and relevant attachments	Council
43	Evidence – Leanne Hodyl	Council
16 June 2020		
44	Letter – Mr Montebello to PPV	Council
16 June 2020		
45	Letter – Panel response to Document 44 regarding Hearing venue	Mr Brennan
9 July 2020		
46	Draft Panel Directions, Distribution List and Timetable Version 6	Mr Brennan
13 July 2020		
47	Letter – Mr Montebello to PPV enclosing supplementary evidence	Council
48	Supplementary evidence – Jim Gard'ner	Council
49	Supplementary evidence – David Barnes	Council
50	Supplementary evidence – Andrew Spencer	Council
51	Supplementary evidence – David Helms	Council
15 July 2020		
52	Letter – Mr Montebello to PPV	Council
53	Draft index of documents for electronic hearing book	Council
17 July 2020		
54	Final Panel Directions, Distribution List and Timetable Version 6	Mr Brennan
20 July 2020		
55	Letter – Mr Montebello to PPV dated 8 July 2020 attaching post exhibition Submission 37 from Killara Quest Pty Ltd and formal referral letter from Council	Council
56	Distribution List Version 6a	Mr Brennan
57	Letter – Best Hooper to Panel on behalf of Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd	Ms Davidov
21 July 2020		
58	Email – PPV to all parties in response to Document 57	Mr Brennan
23 July 2020		
59	Email – Planning Panels Victoria to all parties regarding 'Test run' with attached IT tips and guidelines	Mr Brennan

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No.	Description	Provided by
60	Letter – Hellier McFarland on behalf of Crestall Nominees Pty Ltd withdrawing from Hearing dated 23 July 2020	Mr Delamare
61	Supplementary submission – Crestall Nominees Pty Ltd dated 15 October 2019	Mr Delamare
24 July 2020		
62	Final Panel Directions, Distribution List and Timetable Version 7 and circulation of Documents 60 and 61	Mr Brennan
27 July 2020		
63	Email – Suggested Expert Witness Declaration prepared by Council	Council
64	Council Part B (1) submission, 27 July 2020	Council
65	Council Electronic Document Folder	Council
66	PowerPoint presentation - Mr Gard'ner	Council
29 July 2020		
67	PowerPoint presentation – Mr Spencer	Council
68	City of Yarra Population Forecast, id, August 2018	Mr Tweedie SC
69	Plan 1 extract of DDO26 with hand mark-up identifying land in Little Lesney Street	Mr Taylor
70	Page 38 extract of Mr Gard'ner evidence statement with hand mark-ups	Mr Taylor
71	Page 13 extract of Tract 3D Modelling Report (18 October 2019) with hand mark-ups	Mr Taylor
72	Extract from Council 3D model with hand mark-ups	Mr Taylor
73	Table - Dwelling Capacity vs Demand Analysis	Mr Tweedie SC
74	Table – Dwelling Supply vs Demand in Yarra Activity Centres	Mr Tweedie SC
75	Table – Shortfall of Dwellings in Yarra	Mr Tweedie SC
76	Photo – Nearmap image outside Domino's at 189A Swan Street looking west	Mr O'Farrell
77	Photo – Nearmap image from the middle of Swan Street (corner Docker Street) looking west	Mr O'Farrell
30 July 2020		
78	PowerPoint presentation – Ms Hodyl	Council
79	Swan Street cadastral map with street numbers	Council
80	Shadow diagrams – Corner Hotel and properties to the north	Mr O'Farrell
81	Human field of view – vertical and horizontal	Mr O'Farrell
82	Perspective- extract from Ms Hodyl's evidence statement (page 28) with red line mark-up	Mr O'Farrell

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No.	Description	Provided by
83	Line drawing describing perspective	Mr O'Farrell
84	Planning Property Report, 51 Wangaratta Street, Richmond	Mr O'Farrell
85	Oblique aerial photo – Stewart Street Reserve	Mr O'Farrell
3 August 2020		
86	Planning Permit PLN18/0658, 2-8 Brighton Street, 5 Little Lesney Street and 1-3 Wiltshire Street	Council
87	Extracts of plans regarding Condition 1 Planning Permit PLN16/0915, 370-374 Swan Street	Mr Taylor
88	3D image extract from approved plans regarding Planning Permit PLN/1000, 1 Little Lesney Street and 9 Wiltshire Street	Mr Taylor
89	NearMap images of 1 Little Lesney Street/9 Wiltshire Street and 2-8 Brighton Street/5 Little Lesney Street/1-3 Wiltshire Street	Mr Taylor
90	Summary of substantive differences – Development Analysis	Council
91	Annotated Index to Council Document Folder	Council
92	Endorsed Plans for 140-160 Swan Street (Dimmeys) PLN 10/0734, endorsed 17/01/14	Council
4 August 2020		
93	Submission – Council Part B (2), 4 August 2020	Council
94	Memorandum – Mr Spencer, 4 August 2020, regarding preliminary advice	Council
95	Clause 21.12-2 with mark-ups put to Mr Barnes	Mr O'Farrell
96	Response by Council to three Panel questions	Council
5 August 2020		
97	Submission – Royal Historical Society of Victoria	Mr Wight
98	PowerPoint presentation – Royal Historical Society of Victoria	Mr Wight
99	Submission – Zagame Group Pty Ltd	Mr Retrot
100	Plans – 171-173 Swan Street (not endorsed)	Council
101	Plans – 45 Wangaratta Street (endorsed)	Council
102	Plans – 25-43 Wangaratta Street (application)	Council
103	Plans – 497 Swan Street (endorsed)	Council
104	Plans – 17-23 Wangaratta Street/68 Tanner Street (application)	Council
105	Figures – from Built Form Framework	Council
106	Submission – Killara Quest Pty Ltd	Ms Sztefek
6 August 2020		
107	PowerPoint presentation – Ms Horsfield	Mr Bryce

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No.	Description	Provided by
7 August 2020		
108	Evidence Statement – Mr Raworth, Stonnington C172, Chapel Street Activity Centre	Council
109	Evidence Statement – Mr Raworth, Stonnington Am C272, Hawksburn Village	Council
110	Glen Eira DDO10	Council
111	Stonnington DDO19	Council
112	Stonnington DDO21 (exhibited)	Council
113	Swancom v Yarra CC [2009] VCAT 923	Council
114	Yarra DDO21	Council
115	Photo 1 - Mural	Council
116	Photo 2 - Mural	Council
117	Heritage Grading Map extract	Council
118	Stonnington C272 Panel Report	Mr Bryce
119	PowerPoint presentation – Ms Bell, 57-61 Swan Street	Mr Bryce
10 August 2020		
120	Submission – Swan-Lennox Pty Ltd and Cremorne Properties Pty Ltd	Ms Davidov
121	PowerPoint presentation- Ms Roberts	Ms Davidov
122	Table – Ms Roberts response to Ms Hodyl's recommendations	Ms Davidov
123	Aerial Photo – Mr McBride-Burgess with annotations	Ms Davidov
124	Table – Mr McBride-Burgess response to Ms Hodyl's recommendations	Ms Davidov
125	Victoria Street and Bridge Road Activity Centres Built Form Framework, June 2018	Council
126	3D Computer Modelling – Ms Roberts	Ms Davidov
11 August 2020		
127	Plan extracts – endorsed plans for PLN180328, 459-471 Church Street, Richmond	Mr Taylor
128	Photos – aerial and ground photos prepared by Mr Biles	Mr Taylor
129	PowerPoint presentation 1 -Mr Biles, plans and diagrams from circulated evidence	Mr Taylor
130	PowerPoint presentation 2 – Mr Biles, dimensions, photos and sections	Mr Taylor
131	Submission – 370 Swan Street Pty Ltd	Mr Taylor
132	Submission – LPC Nominee 10 Pty Ltd	Mr Taylor

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No.	Description	Provided by
133	Letter – from Norton Rose Fulbright to Panel on behalf of Drill family (Swan Street Sales) requesting rescheduling of presentation to Panel	Ms Vilagosh
134	Plan of subdivision – 43 Exhibition Street, Melbourne	Mr Taylor
12 August 2020		
135	Aerial photographs – 36-46 Swan Street and 2-4 Jessie Street	Ms Davidov
136	Aerial photographs – Precinct 2	Ms Davidov
137	Ground photographs – Cremorne Properties Pty Ltd	Ms Davidov
138	Ground photographs – Group 1 – Swan-Lennox Pty Ltd	Ms Davidov
139	Ground photographs – Group 2 – Swan-Lennox Pty Ltd	Ms Davidov
140	Letter – from Norton Rose Fulbright to Panel on behalf of Loubeck Pty Ltd regarding Timetable Version 10 issued 12 August 2020	Ms Kaczmarek
141	Email – from Best Hooper to Panel on behalf of Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd regarding scheduling issues	Ms Davidov
142	Plan – Cremorne development analysis	Council
13 August 2020		
143	Letter – from Panel to all parties – Further Directions	Panel
144	Submission – Namreh Properties Pty Ltd	Ms Noble, Cadre
145	Letter – from Human Habitats to Panel on behalf of Charter Hall, including attached letter from Minister for Planning	Mr Pearce, Human Habitats
14 August 2020		
146	Submission – Pelligra Build Pty Ltd	Ms Wilson
147	PowerPoint presentation – Mr Linke (471-473 Swan Street)	Ms Wilson
148	PowerPoint presentation – Ms Roberts (471-473 Swan Street)	Ms Wilson
149	Modelling Process notes – Ms Roberts	Ms Wilson
150	Sightline Section, Swan Street-Farmer Street	Ms Wilson
151	Photos – 471-473 Swan Street	Ms Wilson
17 August 2020		
152	Table – Precinct 2 sites (put to Mr McBride Burgess during cross examination)	Council
153	Table – Cremorne sites (put to Mr McBride Burgess during cross examination)	Council
154	Footpath widths - Swan Street (south side), selected locations	Council
155	Submission – Loubeck Pty Ltd	Mr Bryce
156	DDO26 Plan 1 - Corner Hotel Image – recommendations sought	Mr Bryce
157	Annotated photo – Swan Street /Punt Road looking east	Mr Bryce

Attachment 3 - C191yara Panel Report

No.	Description	Provided by
158	Panel Report – Stonnington C172, Chapel Street Activity Centre – Bookmarked by Mr O'Farrell	Mr Bryce
159	Panel Report – Stonnington C272, Hawksburn Village – Bookmarked by Mr O'Farrell	Mr Bryce
160	Submission – Kellehers Australia	Mr Algie
161	Plans – 497 Swan Street, Revision J, July 2020	Mr Algie
162	VCAT decision – LPD Property Pty Ltd v Yarra CC [2015] VCAT 1409	Mr Bryce
18 August 2020		
163	Plan and Section (revised) – 471-473 Swan Street – Farmer Street	Ms Wilson
164	Submission – Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd	Ms Davidov
165	Activity Centre Pilot Program – Key Findings Report, DELWP, 2018	Ms Davidov
166	Table – Building Height Analysis – Cremorne/Richmond Office Developments	Ms Davidov
167	Link – Corner Hotel – 'Corner Mag' referenced by Mr Raworth	Mr Bryce
168	Statement – Ms Bell, regarding dimensions in her modelling	Mr Bryce
19 August 2020		
169	Aerial photo – Precinct 2 (put to Mr Biles during cross-examination)	Council
170	Aerial photo – Precinct 4 (put to Mr Linke during cross-examination)	Council
171	Yarra Planning Scheme extract - Clause 22.09 - Licensed Premises (put to Ms Horsfield during cross-examination)	Council
172	Cremorne and Church Street Precinct Urban Design Framework, September 2007 (put to Mr McBride-Burgess during cross-examination)	Council
173	Cremorne Issues and Opportunities Paper, November 2007 (put to Mr McBride-Burgess during cross-examination)	Council
174	Yarra Planning Scheme extract Heritage Overlay Map Number 8HO	Council
175	Photo – Aerial view of Johnson Street showing average lot depths and precincts	Council
176	VCAT decision – Liodakis v Yarra CC [2012] VCAT 1394 (put to Ms Horsfield during cross-examination)	Council
177	Photos – 429 Swan Street (put to Ms Roberts during cross-examination)	Council
178	Photos - Street view and aerials of Precinct 1 (put to Ms Roberts during cross-examination)	Council
179	Witness statement of Mr McGurn – Application for Review of Amendment to Permit, August 2012 (put to Ms Horsfield during cross-examination)	Council

Attachment 3 - C191yara Panel Report

No.	Description	Provided by
180	Witness statement of Mr Northeast (address and DOB redacted) – VCAT No 3101/2011, August 2012 (put to Ms Horsfield during cross-examination)	Council
20 August 2020		
181	DDO25 Precinct 1 – Part C version, 20 August 2020	Council
182	DDO26 Precinct 2 – Part C version, 20 August 2020	Council
183	DDO27 Precinct 3 – Part C version, 20 August 2020	Council
184	DDO28 Precinct 4 – Part C version, 20 August 2020	Council
185	Statement of Proposed Changes – DDO25-28, Plan 1 Height and Interface Plans, Part C version, 20 August 2020	Council
186	Statement of Proposed Changes – DDO25-28, Plan 2 Access and Movement Plans, Part C version, 20 August 2020	Council
187	Clause 21.12 Swan Street Activity Centre Framework Figure 1 – Part C version, 20 August 2020	Council
27 August 2020		
188	Email – from Panel to all parties in response to attached email from Ms Richardson of Maddocks requesting extension of time to circulate closing submission	Mr Brennan
189	Email – from Best Hooper to Panel requesting extension of time to provide comments to Council drafting documents	Ms Davidov
28 August 2020		
190	Email – from Panel to all parties in response to Document 189	Mr Brennan
191	Email – from Kellehers Australia to Panel supporting extension of time requested by Best Hooper (Document 189)	Mr Algie
192	Email – from Panel to all parties in response to Document 191	Mr Brennan
193	Submission – Council closing submission	Council
194	Upper level setback analysis	Council
195	Plans – 79 Swan Street (application)	Council
196	Plans – 345 Swan Street (advertised application)	Council
197	Plans - 2-8 Brighton Street and 1-3 Wiltshire Street and 5 Little Lesney Street (submitted for endorsement)	Council
198	Plans – 389-393 Swan Street (advertised application)	Council
199	Plans - 395 Swan Street (advertised application)	Council
200	Plans – 439 Swan Street (advertised application)	Council
201	Plans – 9-11 Cremorne Street (endorsed)	Council
202	Report – 'Assessing the cultural heritage significance of places and objects for possible state heritage listing: The Victorian Heritage	Council

Attachment 3 - C191yara Panel Report

No.	Description	Provided by
	Register Criteria and Threshold Guidelines', Heritage Council, of Victoria, April 2019	
203	Report – 'Guidance on Identifying Place and Objects of State-Level Social Value in Victoria', Heritage Council of Victoria, July 2019	Council
204	Report – 'Assessing and Managing Social Value -Report and recommendations', prepared for Heritage Council of Victoria, June 2018	Council
205	Letter – response from Planning and Property Partners on behalf of 370 Swan Street Pty Ltd, LPC 10 Nominee Pty Ltd and Mr Zois regarding Council Part C drafting changes issued 20 August 2020	Mr Taylor
206	DDO26 - Tracked changes version on behalf of LPC 10 Nominee Pty Ltd	Mr Taylor
207	DDO27 - Tracked changes version on behalf of 370 Swan Street Pty Ltd	Mr Taylor
208	DDO28 - Tracked changes version on behalf of Mr Zois	Mr Taylor
209	DDO25 – Tracked changes version on behalf of Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd	Ms Davidov
210	DDO26 – Tracked changes version on behalf of Cremorne Properties Pty Ltd and Swan-Lennox Pty Ltd	Ms Davidov
211	Letter – from Kellehers Australia in response to Council Part C drafting changes issued 20 August 2020	Mr Algie
212	Section – enlargement of page 7 Council closing submission	Council
213	Letter – from Norton Rose Fulbright on behalf of Drill family (Swan Street Sales) regarding block modelling prepared by SJB Urban	Ms Vilagosh
214	Block modelling prepared by SJB Urban on behalf of Drill family	Ms Vilagosh
215	Technical memorandum regarding SJB Urban block modelling	Ms Vilagosh
1 September 2020		
216	Letter – from Mr Montebello to PPV regarding Council's decision not to consider two late submissions	Council
2 September 2020		
217	Submission – Swan Street Sales	Ms Vilagosh
218	Photographs – Former Burnley Theatre	Ms Vilagosh
219	Email – from Norton Rose Fulbright to Panel on behalf of Loubeck Pty Ltd in response to Council closing submission (Document 193)	Mr Bryce
220	Letter – from Kellehers Australia to Panel with attachments	Mr Algie
221	Letter – from Maddocks to Panel on behalf of Council in response to SJB block modelling provided by Ms Vilagosh (Document 214)	Council
222	Presentation – Mr Linke (amended version)	Ms Vilagosh

Attachment 3 - C191yara Panel Report

No.	Description	Provided by
223	Email – from Norton Rose Fulbright to Panel on behalf of Loubeck Pty Ltd making correction to Document 219	Mr Bryce
3 September 2020		
224	Letter – From Panel to all parties regarding further directions for Council right of reply	Panel
10 September 2020		
225	Letter – from Maddocks to Panel on behalf of Council in response to Document 224	Council

Attachment 3 - C191yara Panel Report

Appendix D Panel preferred version of the planning provisions

Tracked Added

~~Tracked Deleted~~

For legibility, changes in the resolved version of the DDO schedules are not tracked.

Heritage related changes referred to in Chapter 4 are not included in Appendix D.

Appendix D1 Design and Development Overlay Schedule 25 (Precinct 1)

SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO25**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 1 RICHMOND STATION

1.0 Design objectives

- To create an entry to the activity centre, anchored by Richmond Station, that is defined by high quality, contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.
- To provide taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre.
- To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.
- To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floor frontages and improvements to the public realm.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, ~~of a~~ public highway or right of way 9 metres or less wide.

Building height means the vertical distance from *natural ground level* to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following~~:~~ design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respect the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height~~s~~ requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome~~s~~ that result~~s~~ ~~of~~ from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule~~,~~ and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - ~~housing for diverse households types;~~
  - ~~accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - ~~communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and

- provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and.

- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and
- where the proposal is on land within a Heritage Overlay, it also achieves the following:
  - Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, stairs, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels);
- The equipment/structures does not cause additional overshadowing of adjoining properties; and
- The equipment/structures does not extend higher than 3.6 metres above the maximum building height.

Street wall and setbacks requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred ~~mandatory~~ minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome~~s~~ that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome ~~as a~~that results ~~of~~ from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, ~~and~~ building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- ~~be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~
- ~~be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

~~**Heritage design requirements**~~

~~The following design requirements apply on land within a Heritage Overlay or immediately adjoining a Heritage Overlay.~~

~~Design Element~~	~~Design Requirement~~
~~Building facades and street frontages~~	~~Façade treatments and the articulation of infill buildings and of new buildings adjoining a heritage building should:~~ ~~▪ Be simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)~~ ~~▪ respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)~~ ~~▪ avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts~~ ~~▪ maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.~~ ~~**Adaptation and reuse of contributory or individually significant buildings should:**~~ ~~▪ maintain existing openings and avoid highly reflective glazing in historic openings~~ ~~▪ encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings~~ ~~▪ maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.~~
~~Upper level setbacks(above street wall height)~~	~~**Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage building should:**~~ ~~▪ be visually recessive and not visually dominate the heritage building and the heritage streetscape~~ ~~▪ retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'~~ ~~▪ 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~~ ~~▪ incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape~~ ~~▪ reflect the fine grained character and subdivision pattern of the wider streetscape, especially on larger sites.~~

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Cremorne Street (measured from the property boundary to the existing ~~as 2.0 metres from the~~ kerb of Cremorne Street between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.

Development with redundant vehicle access points to Swan Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

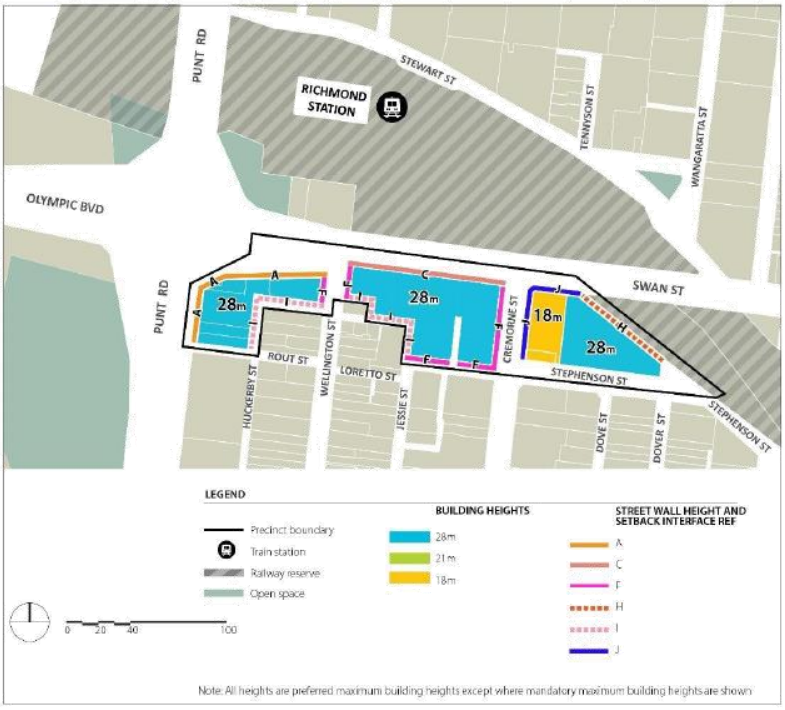
Table 1 – Street Wall Heights and Setbacks for Precinct 1 Richmond Station

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
C	Street wall Height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
F	Street wall height		11m ~~minimum~~maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	~~Upper level setback~~ Side and rear setback		Development ~~must~~ should be setback in accordance with Figure 1 and Figure 2. Development ~~must~~ should minimise repetitive stepped form.
	Boundary wall setback		At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.

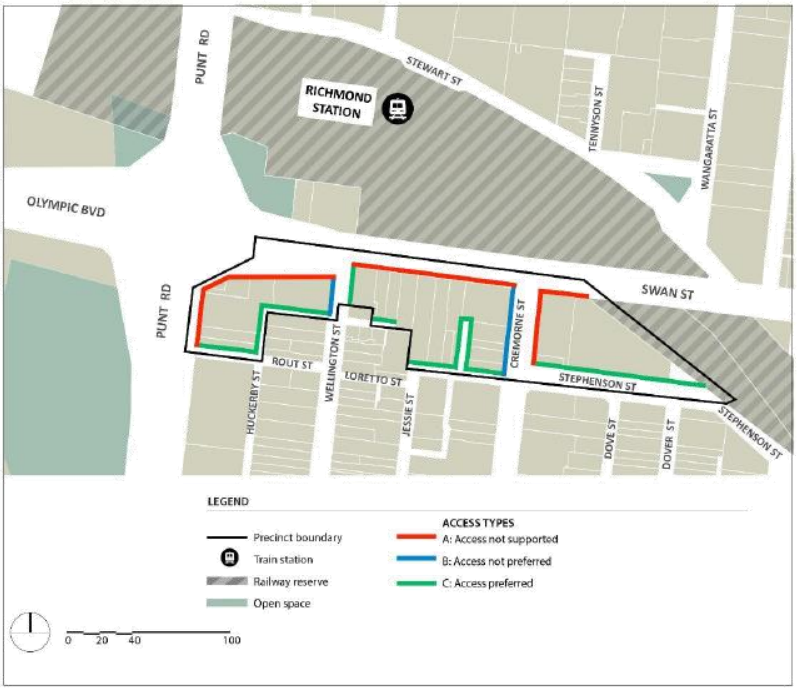
Attachment 3 - C191yara Panel Report

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
J	Street wall Height		11m maximum 8m minimum Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 10m from Swan Street setback. Minimum 8.5m from Cremorne Street setback.	

Plan 1: Height and Interface Plan – Precinct 1 Richmond Station



Plan 2: Access and Movement Plan – Precinct 1 Richmond Station



3.0 Subdivision

None specified.

4.0 Advertising

None specified.

5.0 Application requirements

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

~~5~~6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the ~~General~~ Design Requirements in Clause 2.0~~0~~3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street~~,,~~ and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 25 – ~~Residential i~~Interface with an existing laneway

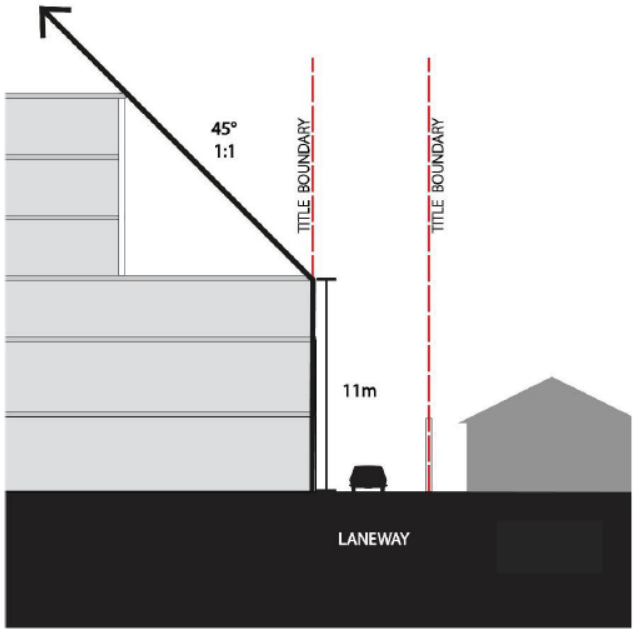
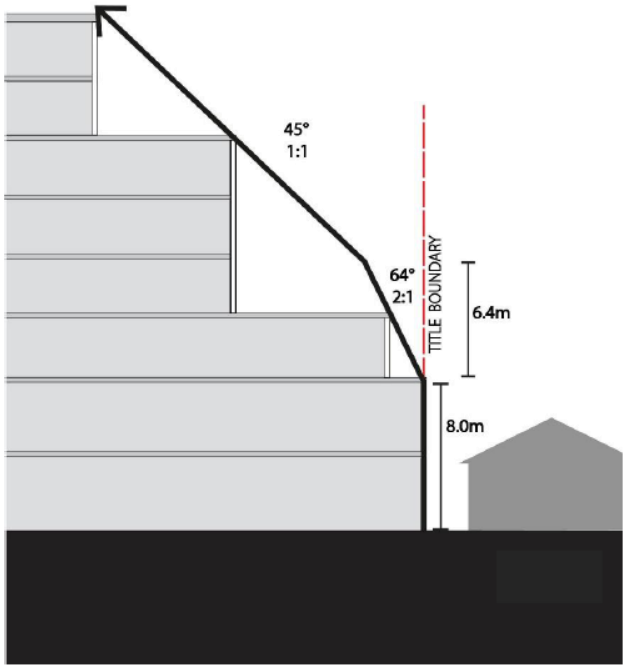


Figure 2 to schedule 25 – ~~Residential i~~Interface direct abuttal



Appendix D2 Design and Development Overlay Schedule 26 (Precinct 2)

SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE

1.0 Design objectives

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a~~n~~ varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, ~~of a~~ public highway or right of way 9 metres or less wide.

Building height means the vertical distance from *natural ground level* to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height~~s~~ requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - ~~housing for diverse households types;~~

- ~~Accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;~~
- ~~communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;~~
- excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
- no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
- provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms~~;~~ and

- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing of adjoining properties; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setbacks requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred ~~mandatory~~ minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome~~s~~ that~~-~~ result~~s~~ from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome ~~as~~ that~~a~~ result~~s~~ from ~~of~~ the proposed variation satisfies the relevant design requirements specified in this schedule; and
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, ~~and~~ building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- ~~be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~

- ~~be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~
- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

~~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, residential properties adjacent to the development and local streets south of the rail corridor.~~

~~**Heritage design requirements**~~

~~The following design requirements apply on land within a Heritage Overlay or immediately adjoining a Heritage Overlay.~~

~~Design Element~~	~~Design Requirement~~
~~Building facades and street frontages~~	~~Façade treatments and the articulation of infill buildings and of new buildings adjoining a heritage building should:~~ ~~• Be simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)~~ ~~• respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)~~ ~~• avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts~~ ~~• maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.~~ ~~**Adaptation and reuse of contributory or individually significant buildings should:**~~ ~~• maintain existing openings and avoid highly reflective glazing in historic openings~~ ~~• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings~~ ~~• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.~~
~~Upper level setbacks(above street wall height)~~	~~**Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage building should:**~~ ~~• be visually recessive and not visually dominate the heritage building and the heritage streetscape~~ ~~• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'~~ ~~• 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~~ ~~• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape~~ ~~• reflect the fine grained character and subdivision pattern of the wider streetscape, especially on larger sites.~~

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, ~~as 4.0m from the southern road boundary of Swan Street,~~ measured from the property boundary to the existing kerb.
- ~~any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street.~~

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured ~~as 2.0 metres from the kerb of the street~~ from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 94-98 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 2.

Development should 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.

Table 1 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	
C	Street wall Height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 ~~and~~ or ~~individually significant~~heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone.

Attachment 3 - C191yara Panel Report

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
			11m maximum if boundary abuts a laneway.
	~~Upper level setback~~ Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

Attachment 3 - C191yara Panel Report

Plan 1: Height and Interface Plan – Precinct 2 Swan Street Retail Centre



Plan 2: Access and Movement Plan – Precinct 2 Swan Street Retail Centre



3.0 Subdivision

None specified.

4.0 Advertising

None specified.

5.0 Application requirements

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6~~5~~.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the ~~General~~ Design Requirements in Clause 2.3~~0~~ are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmeys Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to schedule 26 – ~~Residential i~~Interface with an existing laneway

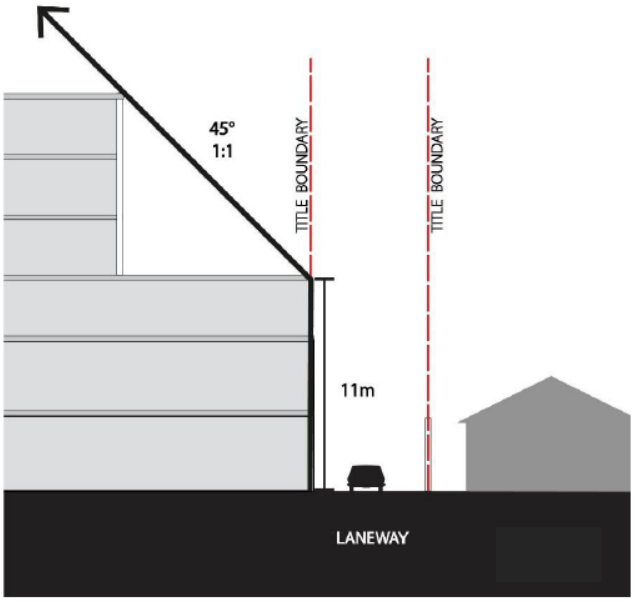
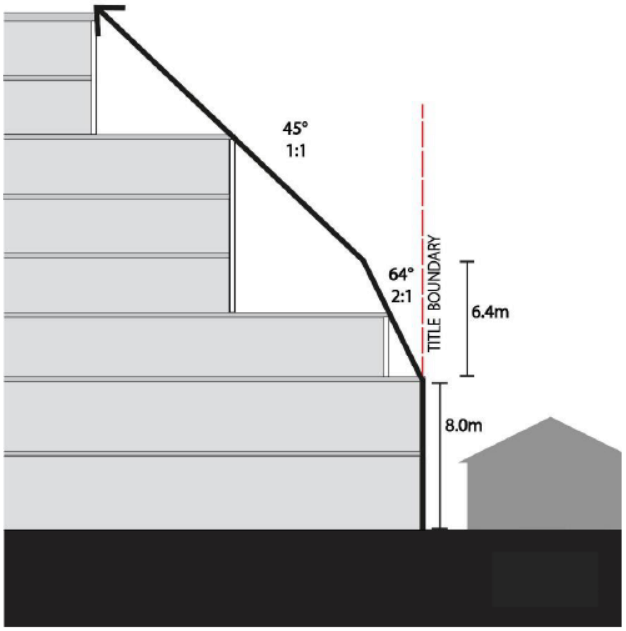


Figure 2 to schedule 26 – ~~Residential i~~Interface direct abuttal



Appendix D3 Design and Development Overlay Schedule 27 (Precinct 3)

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 3 SWAN STREET EAST

1.0 Design objectives

- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, ~~of a~~ public highway or right of way 9 metres or less wide.

Building height means the vertical distance from *natural ground level* to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence, demonstrating improved streetscape outcomes.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height~~s~~ requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule; and
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - ~~housing for diverse households types;~~
  - ~~Accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - ~~communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;~~.~~

- provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and.

- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels); and
- The equipment does not cause additional overshadowing; and.
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setbacks requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred ~~mandatory~~ minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcomes that ~~as a~~ result from ~~of~~ the proposed variation satisfies the ~~general~~ design objectives in Clause 1.0 of this schedule,
- The built form outcome ~~as a~~that results from ~~of~~ the proposed variation satisfies the relevant design requirements specified in this schedule
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, ~~and~~ building services and architectural features must not intrude into a setback.

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.

Development should create a sense of enclosure to Swan Street through the height and setback of its street wall.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- ~~be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~
- ~~be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~
- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.

- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above. ~~greater than:~~

~~a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~

~~a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should 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.

~~**Heritage design requirements**~~

~~The following design requirements apply on land within a Heritage Overlay or immediately adjoining a Heritage Overlay.~~

~~Design Element~~	~~Design Requirement~~
~~Building facades and street frontages~~	~~Façade treatments and the articulation of infill buildings and of new buildings adjoining a heritage building should:~~ ~~• Be simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)~~ ~~• respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)~~ ~~• avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts~~ ~~• maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.~~ ~~**Adaptation and reuse of contributory or individually significant buildings should:**~~ ~~• maintain existing openings and avoid highly reflective glazing in historic openings~~ ~~• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings~~ ~~• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.~~
~~Upper level setbacks(above street wall height)~~	~~**Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage building should:**~~ ~~• be visually recessive and not visually dominate the heritage building and the heritage streetscape~~ ~~• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'~~ ~~• 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~~ ~~• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape~~ ~~• reflect the rhythm of the wider streetscape, fine grained character and subdivision pattern of the streetscape, especially on larger sites.~~

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured ~~as 4.0m from the southern road boundary of Swan Street~~ from the property boundary to the existing kerb.
- ~~any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street.~~

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street, Mary Street and Coppin Street (measured ~~as 2.0m from the~~ from the property boundary to the existing kerb between 10 am and 2 pm at 22nd September) unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule~~.~~ except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 2.

Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.

Table 1 – Street Wall Heights and Setbacks for Precinct 3

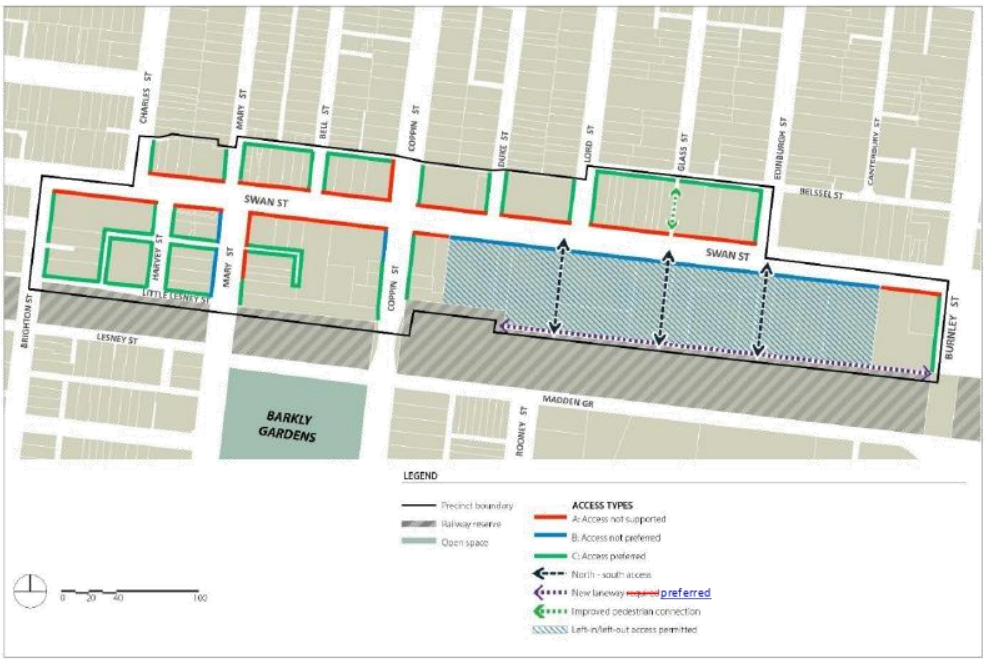
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback		0m.
	Upper level setback	Minimum 6m for heritage buildings.	6m minimum.
F	Street wall height		11m ~~minimum~~maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for ~~individually significant~~heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	~~Upper level setback~~ Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Plan 1: Height and Interface Plan – Precinct 3 Swan Street East



Plan 2: Access and Movement Plan – Precinct 3 Swan Street East



3.0 Subdivision

None specified.

4.0 Advertising

None specified.

5.0 Application requirements

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

56.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the ~~General~~ Design Requirements in Clause 2.0~~0~~3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Attachment 3 - C191yara Panel Report

Figure 1 to schedule 27 – ~~Residential i~~Interface with an existing laneway

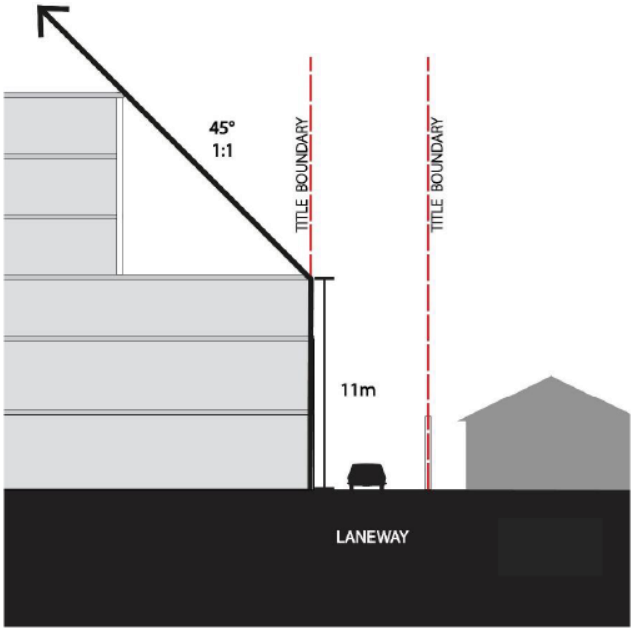
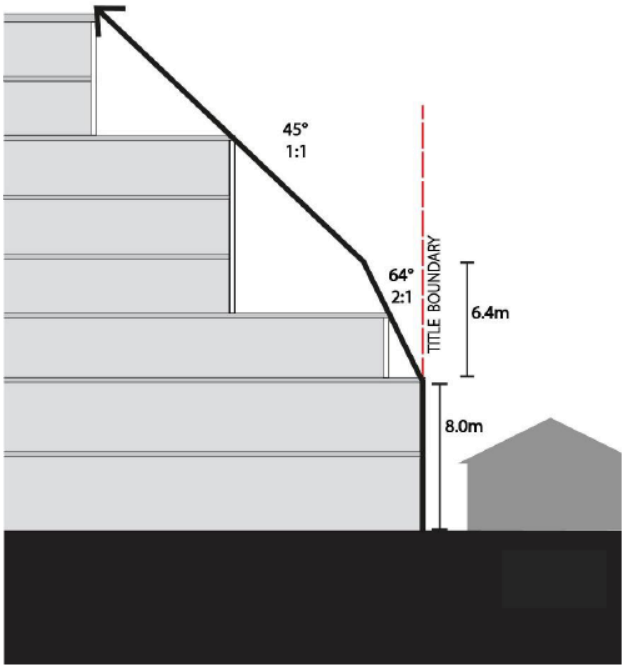


Figure 2 to schedule 27 – ~~Residential i~~Interface direct abuttal



Appendix D4 Design and Development Overlay Schedule 28 (Precinct 4)

SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION

1.0 Design objectives

- To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To provide for taller development on the south side of Swan Street that delivers significant public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
- To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, ~~of a~~ public highway or right of way 9 metres or less wide.

Building height means the vertical distance from *natural ground level* to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 ~~General d~~Design requirements

The following ~~general~~ design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height~~s~~ requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposed variation ~~ding elements permitted by the proposed variation~~ satisfies the ~~general~~ design objectives in Clause 1.0 of this schedule, and the relevant ~~precinct~~ design requirements specified in this schedule; and
- the proposal ~~will~~ achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - ~~housing for diverse households types;~~
  - ~~Accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - ~~communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;~~
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;

- no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;~~.~~
- provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and~~.~~

- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels); and
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setbacks requirements

Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred ~~mandatory~~ minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that ~~as a~~ results from ~~of~~ the proposed variation satisfies the ~~general~~ design objectives in Clause 1.0 of this schedule,
- The built form outcome that ~~as a~~ results from ~~of~~ the proposed variation satisfies the relevant design requirements specified in this schedule.
- ~~-~~The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, ~~and~~ building services and architectural features must not intrude into a setback.

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.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- ~~be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~
- ~~be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

~~greater than:~~

- ~~a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed~~
- ~~a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.~~

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.

~~**Heritage design requirements**~~

~~The following design requirements apply on land within a Heritage Overlay or immediately adjoining a Heritage Overlay.~~

~~Design Element~~	~~Design Requirement~~
~~Building facades and street frontages~~	~~Façade treatments and the articulation of infill buildings and of new buildings adjoining a heritage building should:~~ • ~~Be simple and do not compete with the more elaborate detailing of the adjoining heritage building(s)~~ • ~~respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)~~ • ~~avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts~~ • ~~maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.~~ ~~**Adaptation and reuse of contributory or individually significant buildings should:**~~ • ~~maintain existing openings and avoid highly reflective glazing in historic openings~~ • ~~encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings~~ • ~~maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.~~
~~Upper level setbacks(above street wall height)~~	~~**Upper level development on land within a Heritage Overlay and on land immediately adjoining a heritage building should:**~~ • ~~be visually recessive and not visually dominate the heritage building and the heritage streetscape~~ • ~~retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'~~ • ~~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~~ • ~~incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape~~

~~Design Element~~	~~Design Requirement~~
	~~▪ reflect the rhythm of the wider streetscape, fine grained character and subdivision pattern of the streetscape, especially on larger sites.~~

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September.

- any part of the southern footpath of Swan Street, measured ~~as 4.0m from the southern road boundary of Swan Street,~~ from the property boundary to the existing kerb.
- ~~any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street~~

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured ~~as 2.0m from the~~ from the property boundary to the existing kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Development should maintain solar access to Ryan's Reserve as follows:

- Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September
- At the western boundary of the reserve until 2 pm on 22 September.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted". ~~in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule~~.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

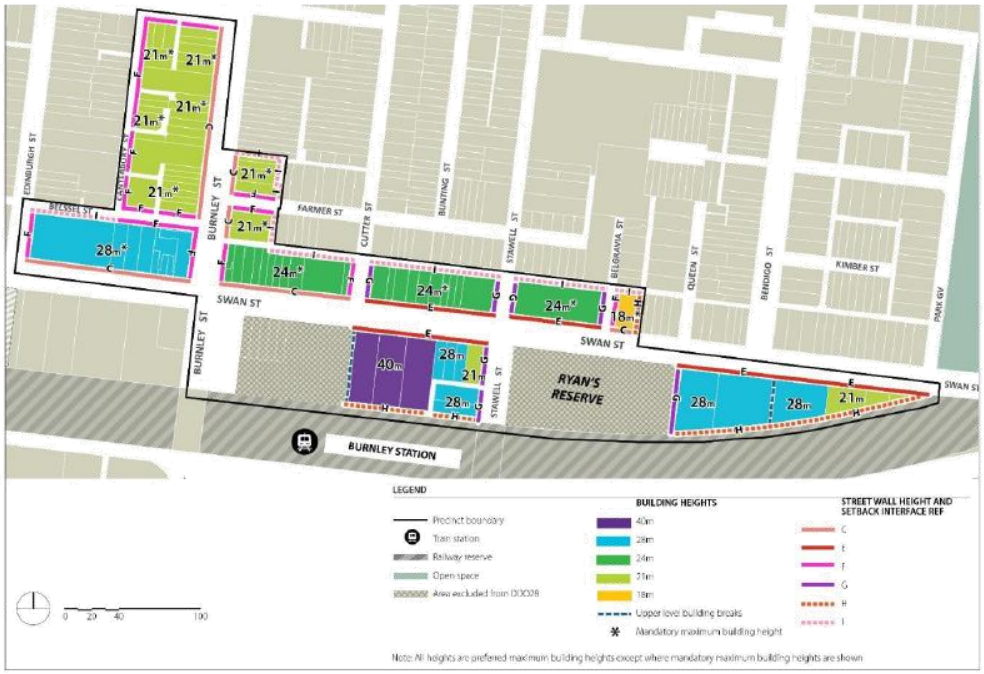
Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 1 – Street Wall Heights and Setbacks for Precinct 4

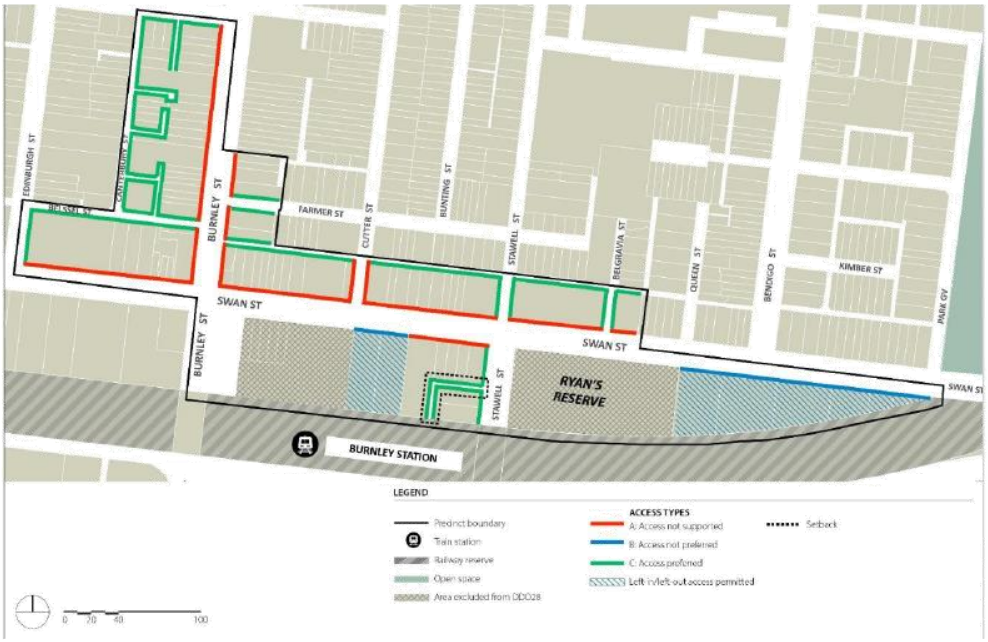
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO 286 (365 Swan Street). Minimum 6m for other heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
F	Street wall height		11m ~~minimum~~maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for ~~individually significant~~heritage ~~-~~buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	~~Upper level setback~~ Side and rear setback		Development ~~must~~ should be setback in accordance with Figure 1 and Figure 2. Development ~~must~~ should minimise stepped form.

Attachment 3 - C191yara Panel Report

Plan 1: Height and Interface Plan – Precinct 4 Burnley Station



Plan 2: Access and Movement Plan – Precinct 4 Burnley Station



3.0 Subdivision

None specified.

4.0 Advertising

None specified.

5.0 Application requirements

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

~~5~~6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the ~~General~~ Design Requirements in Clause 2.0~~0~~3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 28 – ~~Residential i~~Interface with an existing laneway

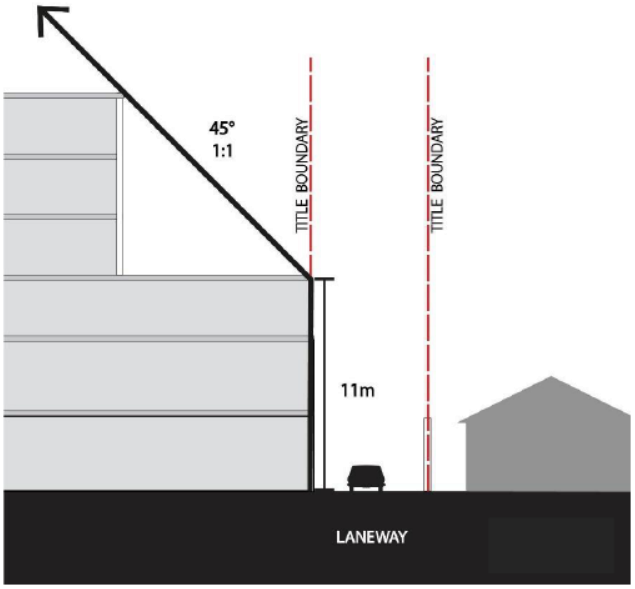
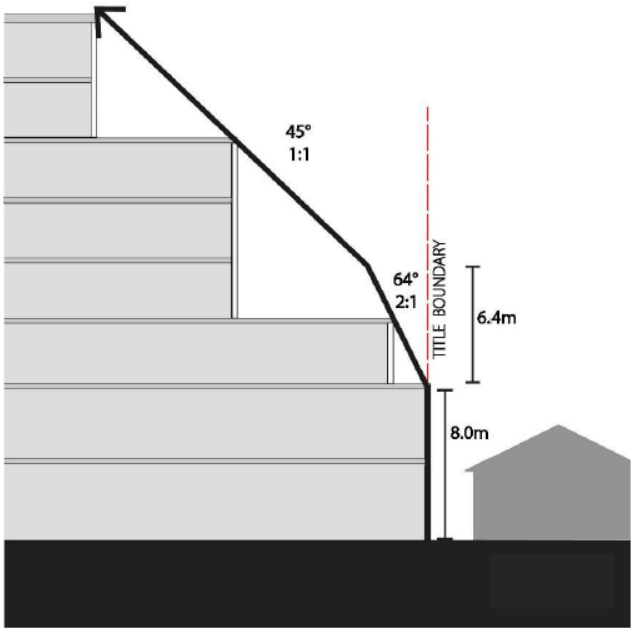
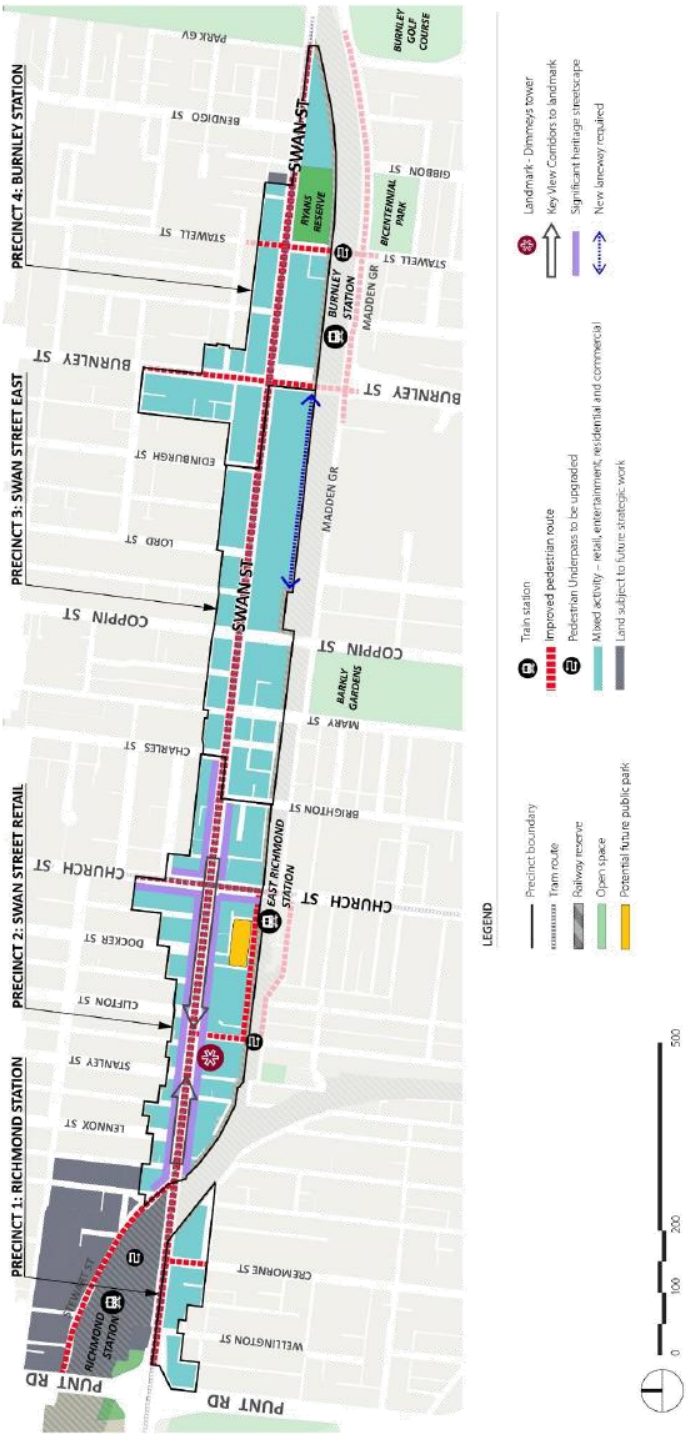


Figure 2 to schedule 28 – ~~Residential i~~Interface direct abuttal



Attachment 3 - C191yara Panel Report

Appendix D5 Clause 21.12 Figure 1 (Framework Plan)



Attachment 4 - C191yara Panel recommendations and officer response

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.	*Amend the Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage) to:* *a) 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* *b) replace 413-15 Burnley Street with 413-415 Swan Street under 'What is significant?'.*	**Recommended changes accepted by officers** The existing Statement of Significances for heritage places 377 and 380 Burnley Street were mistakenly omitted from *Yarra High Streets: Statements of Significance, October 2017* (GJM Heritage). 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 *Yarra High Streets: Statements of Significance, October 2017* (GJM Heritage) would accurately reflect this. 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.
2.	*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.*	**Recommended change accepted by officers** 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. 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. 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.
3.	*Amend the HO335 statement of significance to delete the Corner Hotel from 'Individually significant places within precincts'.*	**Recommended change accepted by officers** 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

Attachment 4 - C191yara Panel recommendations and officer response

ROW NO.	CHANGE RECOMMENDED BY THE PANEL	OFFICER RESPONSE TO PANEL RECOMMENDATION AND REASONS FOR RESPONSE
		sufficient historical and social significance to meet the threshold of local heritage significance. 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. 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 *Planning Practice Note 01: Applying the Heritage Overlay* which guides planning professionals on the correct application and use of the Heritage Overlay.
4.	*Amend the City of Yarra Database of Heritage Significant Areas (January 2019) to recategorise 57-61 Swan Street from individually significant to non-contributory.*	**Recommended change accepted by officers** 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. 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. 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.
5.	*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.*	**Recommended change accepted by officers** Officers support amending Clause 21.11 to delete the reference to *Swan Street Activity Centre Built Form Framework* (Tract, September 2017) for the following reasons: • The most important elements from the Swan Street Framework have been translated across into the Amendment; • The Swan Street Framework can still be made available through Council's webpage even though it is not referenced in the Planning Scheme; and

Attachment 4 - C191yara Panel recommendations and officer response

ROW NO.	CHANGE RECOMMENDED BY THE PANEL	OFFICER RESPONSE TO PANEL RECOMMENDATION AND REASONS FOR RESPONSE
		• 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.
6.	*Amend Figure 1 (Swan Street Framework Plan) in Clause 21.12, as shown in Appendix D5, to:* *a) redesignate the car park land to 'potential future public park' and 'Mixed activity'* *b) redesignate land north of Precincts 1 and 2 and land east of Precinct 4 as 'Land subject to future strategic work'.*	**Recommended changes accepted by officers** 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'. 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.
7.	*Rezone 371 and 375-377 Punt Road and 2-16 Swan Street to the Commercial 1 Zone.*	**Recommended change accepted by officers** 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: • 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; • 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; • 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; • 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 • 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.

Attachment 4 - C191yara Panel recommendations and officer response

ROW NO.	CHANGE RECOMMENDED BY THE PANEL	OFFICER RESPONSE TO PANEL RECOMMENDATION AND REASONS FOR RESPONSE
		Furthermore rezoning all of Precinct 1 to the Commercial 1 Zone will remove several prominent mapping anomalies (dual zoned sites).
8.	*Replace Design and Development Overlay Schedule 17 with:* *c) a new Design and Development Overlay Schedule 25, which includes planning provisions relevant to Precinct 1 (Richmond Station)* *d) a new Design and Development Overlay Schedule 26 which includes planning provisions relevant to Precinct 2 (Swan Street Retail Centre)* *e) a new Design and Development Overlay Schedule 27 which includes planning provisions relevant to Precinct 3 (Swan Street East)* *f) a new Design and Development Overlay Schedule 28 which includes planning provisions relevant to Precinct 4 (Burnley Station).*	**Recommended changes accepted by officers** 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. In response, officers divided DDO17 into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17. By dividing DDO17 into four new schedules DDO25, DDO26, DDO27 and DDO28, this: • Allows the Schedules to the DDO to be precinct specific reducing unnecessary text and duplication in the provisions; • Provides an opportunity to better translate objectives from the Built Form Framework; • Strengthens the design objectives to provide more planning certainty; • Removes the precinct specific design requirements (which can be relocated elsewhere); • Reduces the length and complexity of the provisions (the exhibited version of DDO17 was 22 pages long); and • Creates other realignments and efficiencies to improve the readability of the control. Officers support this recommendation and had advocated for the DDO17 to be divided into 4 separate DDOs at the Panel hearing.
9.	*Amend Design and Development Overlay Schedule 25, as shown in Appendix D1.*	**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** Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.
10.	*Amend Design and Development Overlay Schedule 26, as shown in Appendix D2.*	**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** Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.
11.	*Amend Design and Development Overlay Schedule 27, as shown in Appendix D3.*	**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**

Attachment 4 - C191yara Panel recommendations and officer response

ROW NO.	CHANGE RECOMMENDED BY THE PANEL	OFFICER RESPONSE TO PANEL RECOMMENDATION AND REASONS FOR RESPONSE
		Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.
12.	*Amend Design and Development Overlay Schedule 28, as shown in Appendix D4.*	**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** Refer to Attachment 8 of the Council report for a description of these changes and the reason why Council officers accept these changes.

Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO25**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 1 RICHMOND STATION

1.0 Design objectives

--/--/----
Proposed C191yara

- To create an entry to the activity centre, anchored by Richmond Station, that is defined by high quality, contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.
- To provide taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre.
- To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.
- To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floor frontages and improvements to the public realm.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respect the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and

- where the proposal is on land within a Heritage Overlay, it also achieves the following:
  - Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, stairs, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels);
- The equipment/structures does not cause additional overshadowing of adjoining properties; and
- The equipment/structures does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Cremorne Street (measured from the property boundary to the existing kerb of Cremorne Street between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.

Development with redundant vehicle access points to Swan Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Table 1 – Street Wall Heights and Setbacks for Precinct 1 Richmond Station

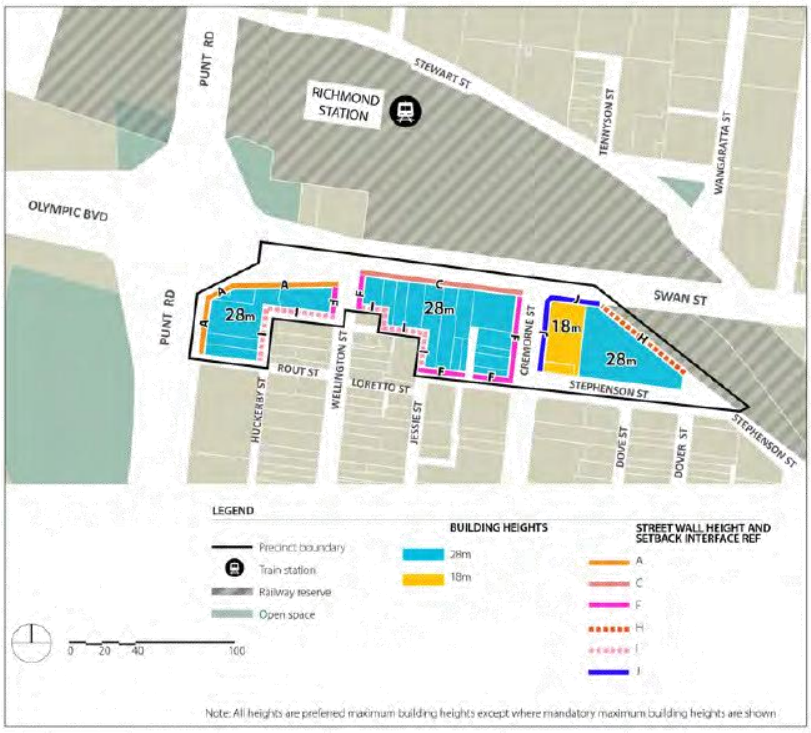
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise repetitive stepped form.

YARRA PLANNING SCHEME

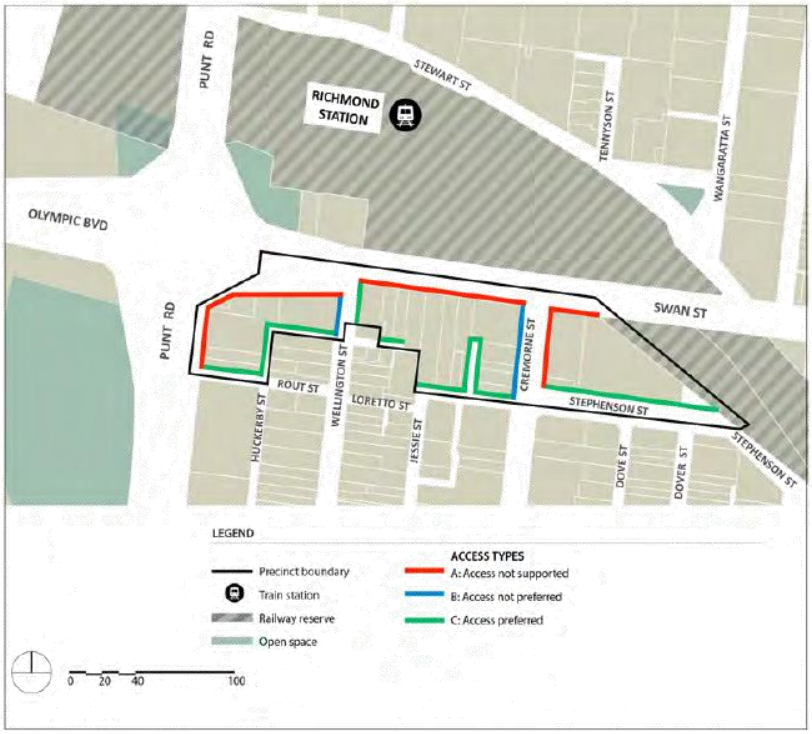
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Boundary wall setback		At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.
J	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 10m from Swan Street setback. Minimum 8.5m from Cremorne Street setback.	

YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 1 Richmond Station



Plan 2: Access and Movement Plan – Precinct 1 Richmond Station



3.0 Subdivision

--/--/---
Proposed C191yara

None specified.

4.0 Advertising

--/--/---
Proposed C191yara

None specified.

5.0 Application requirements

--/--/---
Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---
Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

YARRA PLANNING SCHEME

Figure 1 to schedule 25 – Interface with an existing laneway

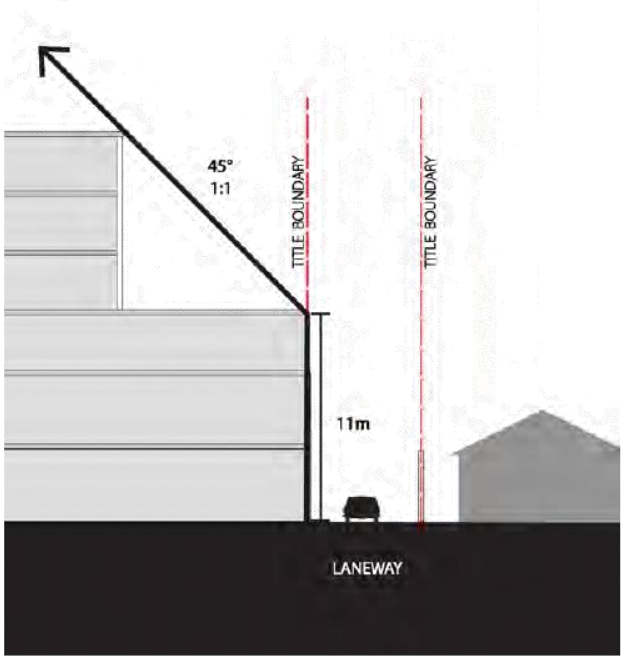
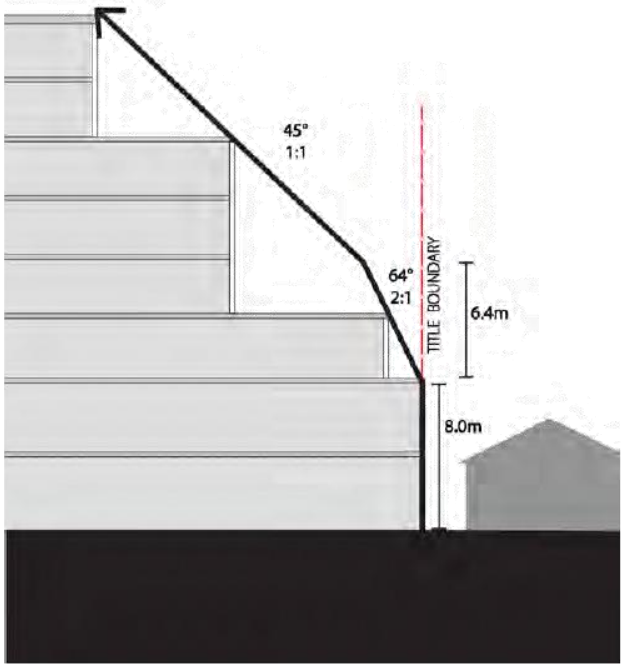


Figure 2 to schedule 25 – Interface direct abuttal



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing of adjoining properties; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 94-98 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 2.

Development should 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.

Table 1 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	

YARRA PLANNING SCHEME

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 or heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 2 Swan Street Retail Centre



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 2 Swan Street Retail Centre



3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmeys Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to schedule 26 – Interface with an existing laneway

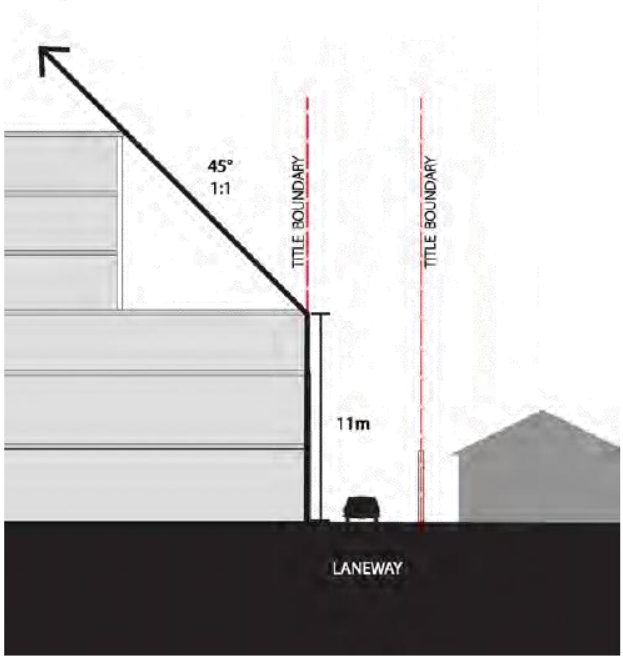
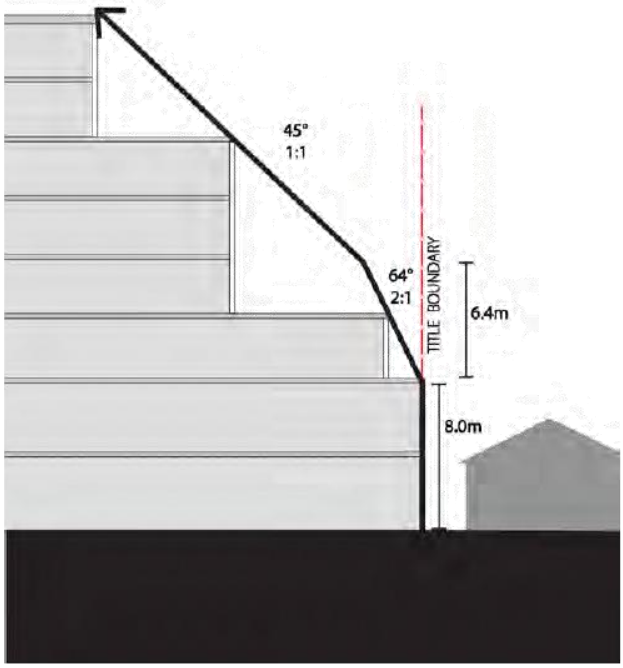


Figure 2 to schedule 26 – Interface direct abuttal



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 3 SWAN STREET EAST

1.0 Design objectives

--/--/----
Proposed C191yara

- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design Requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence, demonstrating improved streetscape outcomes.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule; and
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcomes that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Development should create a sense of enclosure to Swan Street through the height and setback of its street wall.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should 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.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street, Mary Street and Coppin Street (measured from the property boundary to the existing kerb between 10 am and 2 pm at 22nd September) unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 2.

Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.

Table 1 – Street Wall Heights and Setbacks for Precinct 3

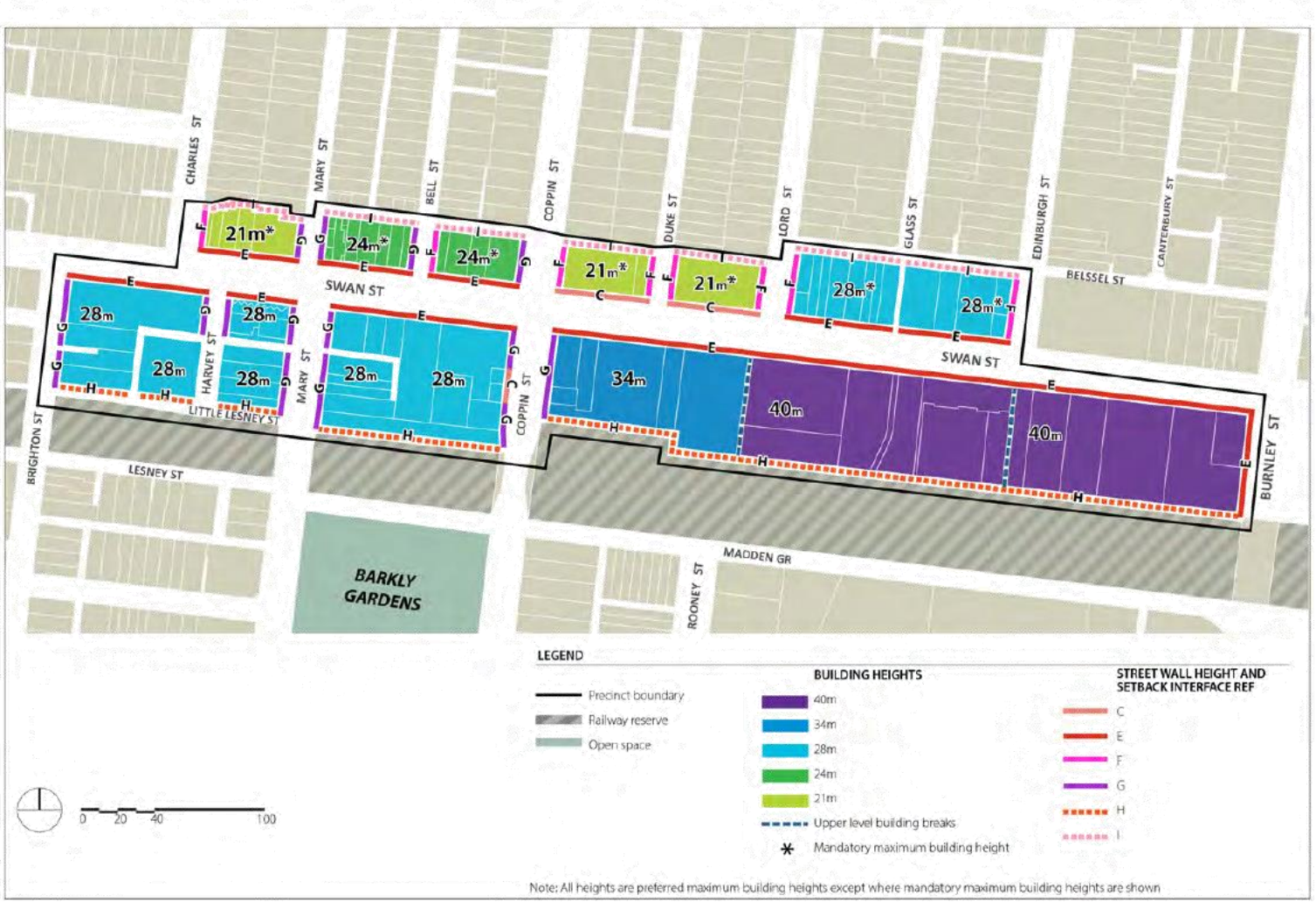
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback		0m.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Upper level setback	Minimum 6m for heritage buildings.	6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

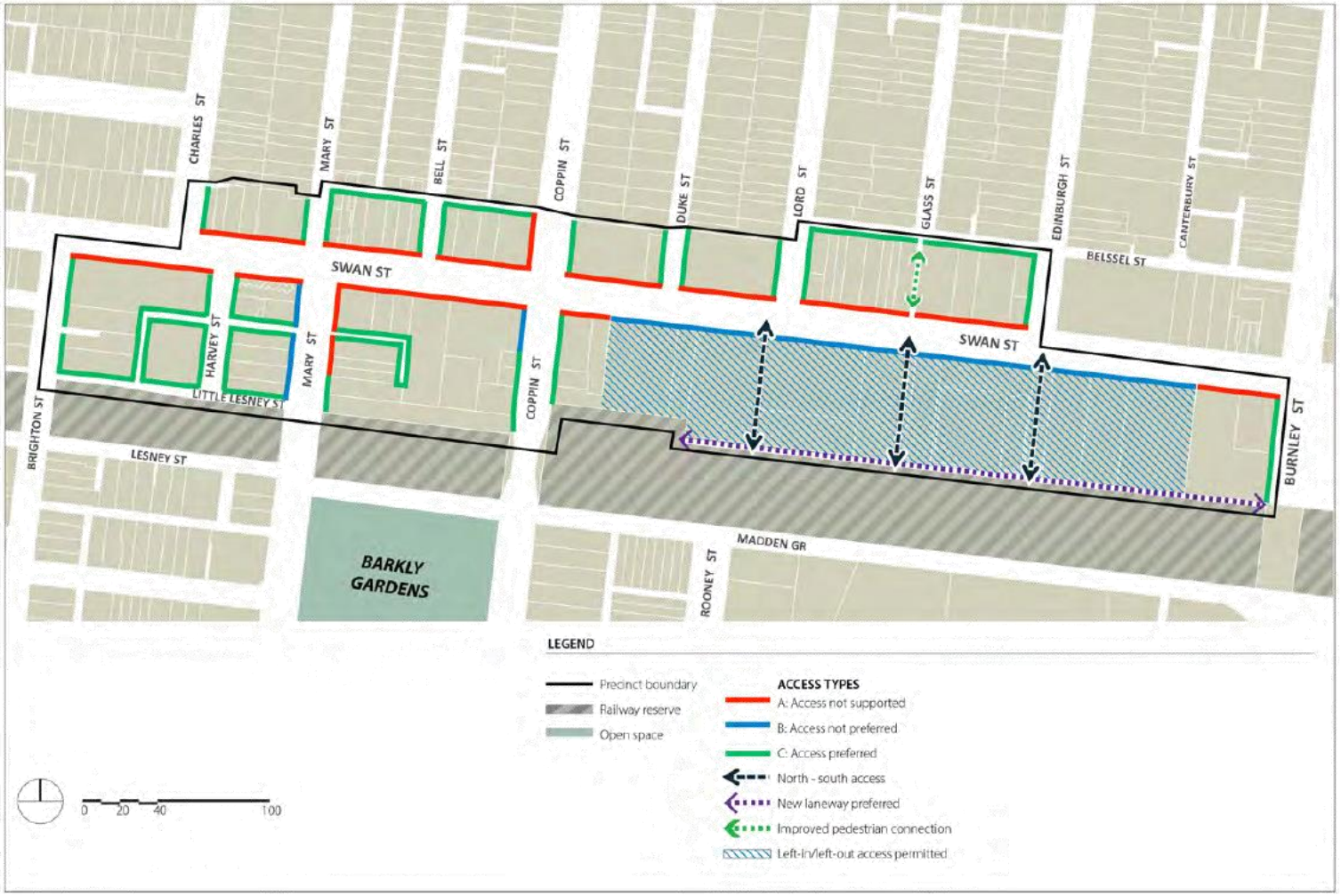
Plan 1: Height and Interface Plan – Precinct 3 Swan Street East



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 3 Swan Street East



3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 27 – Interface with an existing laneway

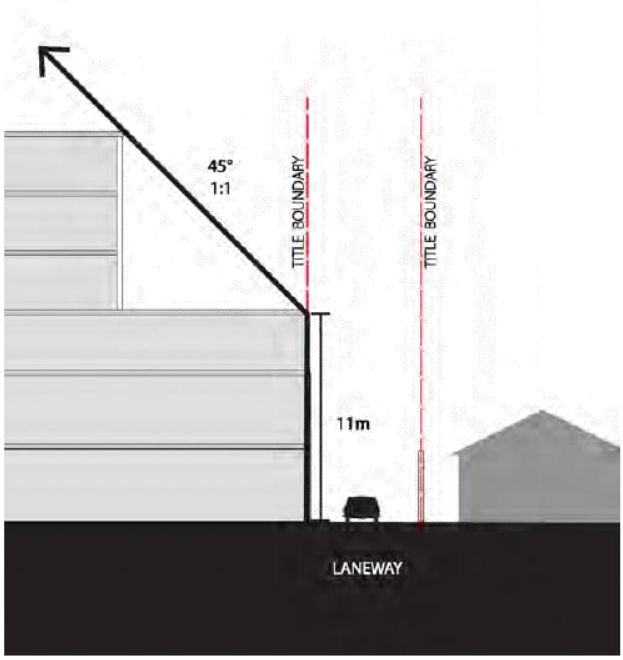
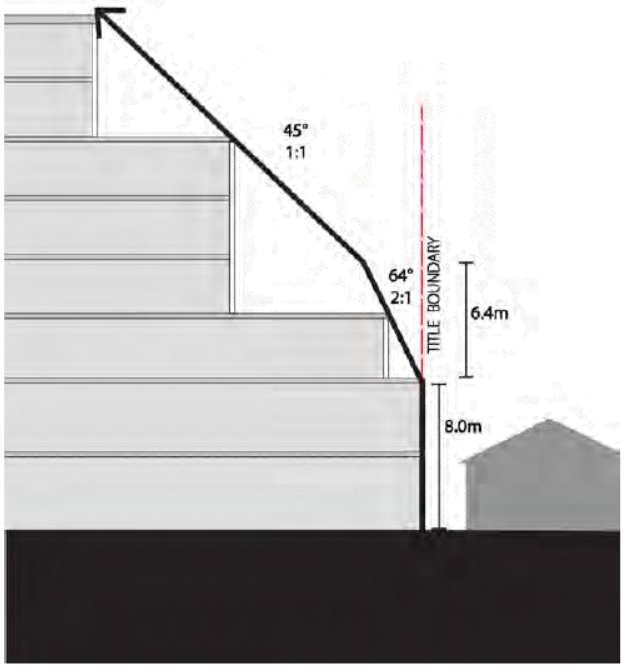


Figure 2 to schedule 27 – Interface direct abuttal



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

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Proposed C191yara

SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To provide for taller development on the south side of Swan Street that delivers significant public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
- To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposes variation satisfies the design objectives in Clause 1.0 of this schedule, and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:

- housing for diverse households types;
- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September.

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured from the property boundary to the existing the kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Development should maintain solar access to Ryan's Reserve as follows:

- Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September.
- At the western boundary of the reserve until 2 pm on 22 September.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted".

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 1 – Street Wall Heights and Setbacks for Precinct 4

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.

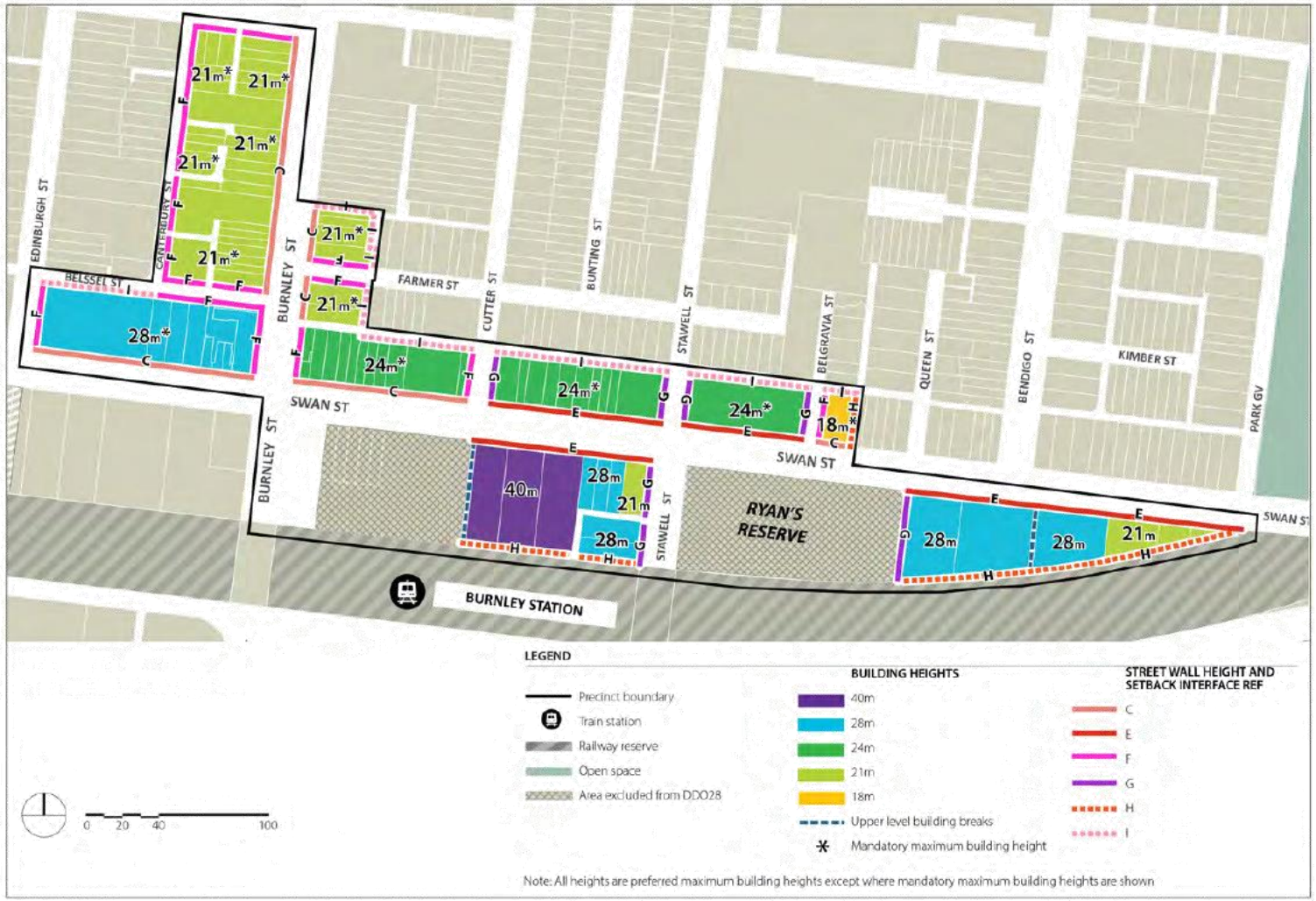
Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 6m for other heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

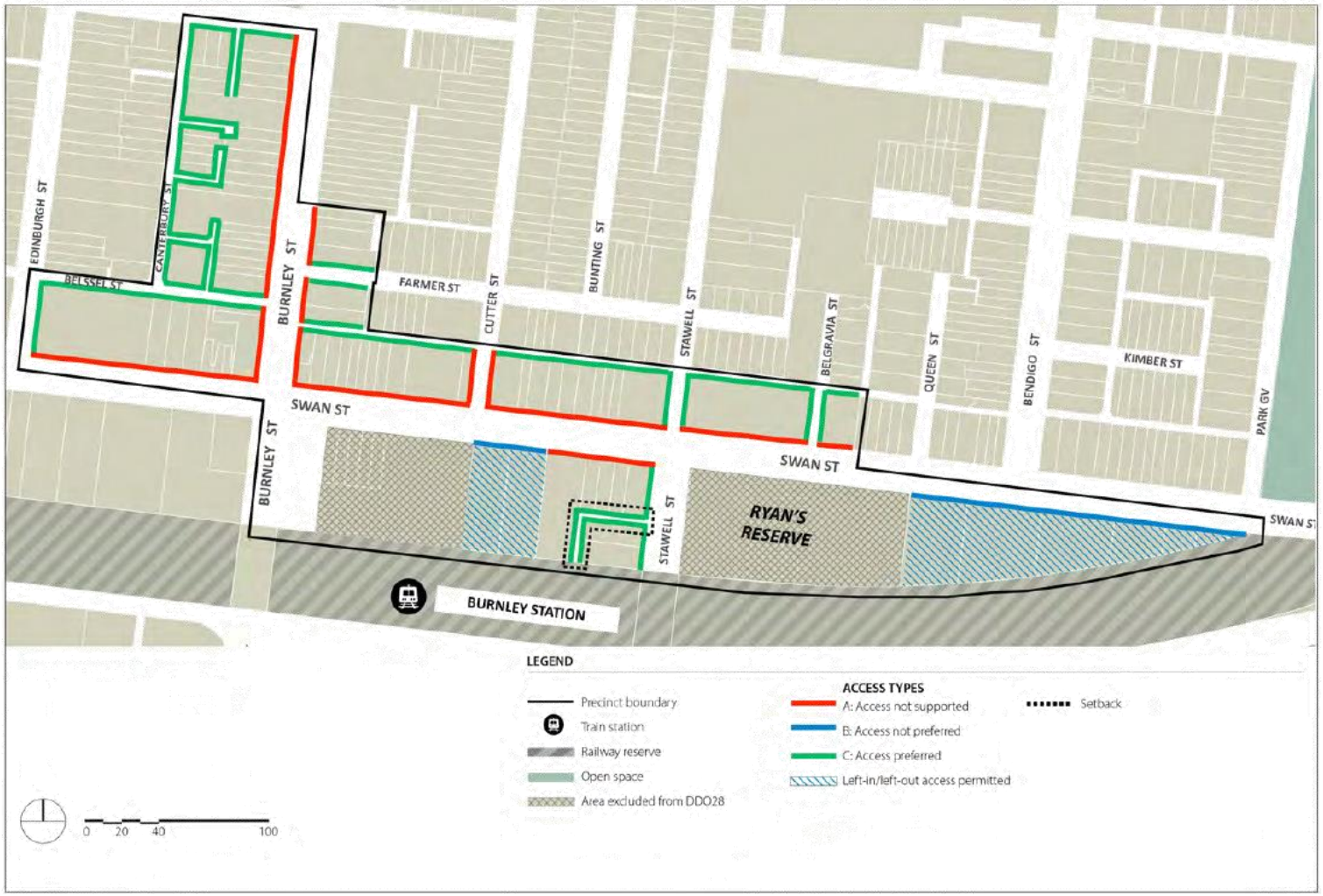
Plan 1: Height and Interface Plan – Precinct 4 Burnley Station



Attachment 5 - C191yara DDO25, DDO26, DDO27, DDO28 for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 4 Burnley Station



3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 28 – Interface with an existing laneway

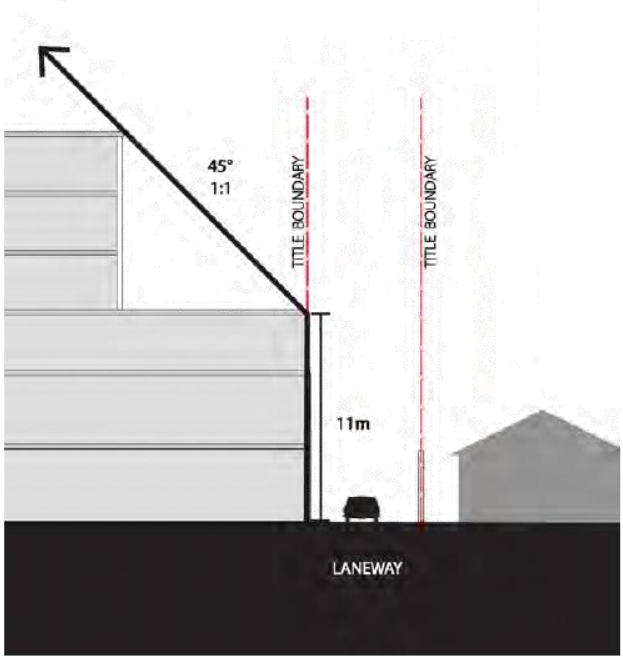
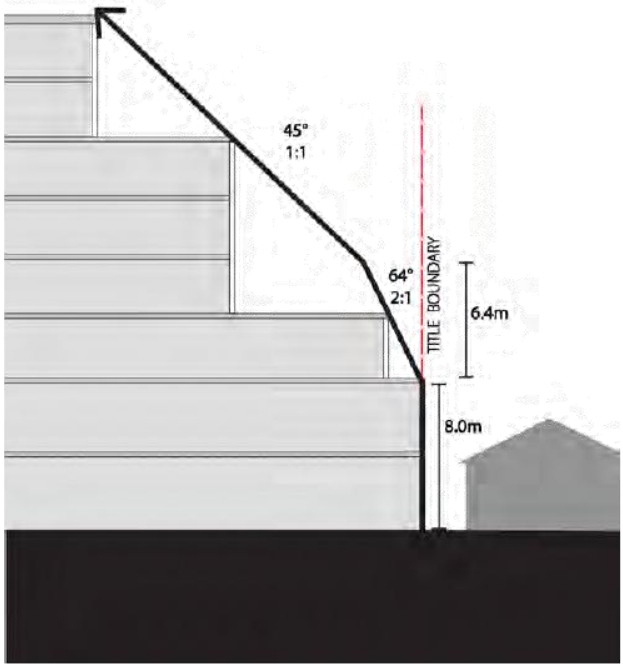


Figure 2 to schedule 28 – Interface direct abuttal



Attachment 6 - C191yara Amendment documents for adoption

21.08 NEIGHBOURHOODS

12/04/2012
C104

This section sets out the locally specific implementation of the objectives and strategies of clauses 21.04 to 21.07 for Yarra's neighbourhoods of:

- Abbotsford
- Burnley - Cremorne– South Richmond
- North Carlton - Princes Hill
- Clifton Hill
- Collingwood
- Fairfield – Alphington
- Fitzroy
- North Fitzroy
- North Richmond (north of Bridge Road)
- Central Richmond (between Swan Street and Bridge Road)

Attachment 6 - C191yara Amendment documents for adoption

FIGURE 4. YARRA NEIGHBOURHOODS



21.08-1 Abbotsford

13/08/2009
C84

bbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development located in the vicinity of Hoddle Street and the Yarra River.

There is a large industrial precinct centred around Carlton United Beverages. Due to requirements under SEPP N-1 the viability of this industrial precinct has the potential of being undermined by new residential development located too close. The introduction of offices does not present a similar threat and would aid the development of underutilised land to the west of Victoria Crescent south of Gipps Street.

Similarly, east of Grosvenor Street there is an opportunity to develop underutilised sites along the Yarra River for commercial as well as residential development. So that residential development in this location does not bring CUB into non-compliance with SEPP N-1, any rezoning must be accompanied by a DDO which addresses noise.

Victoria Park is a major cultural and recreational asset of Yarra. Surrounding Victoria Park is a residential area which is Victorian in origin. To the south of Johnston Street residential areas consist of Victorian and Edwardian streetscapes with a substantial amount of weatherboard housing. These residential neighbourhoods have a consistent character which must be protected.

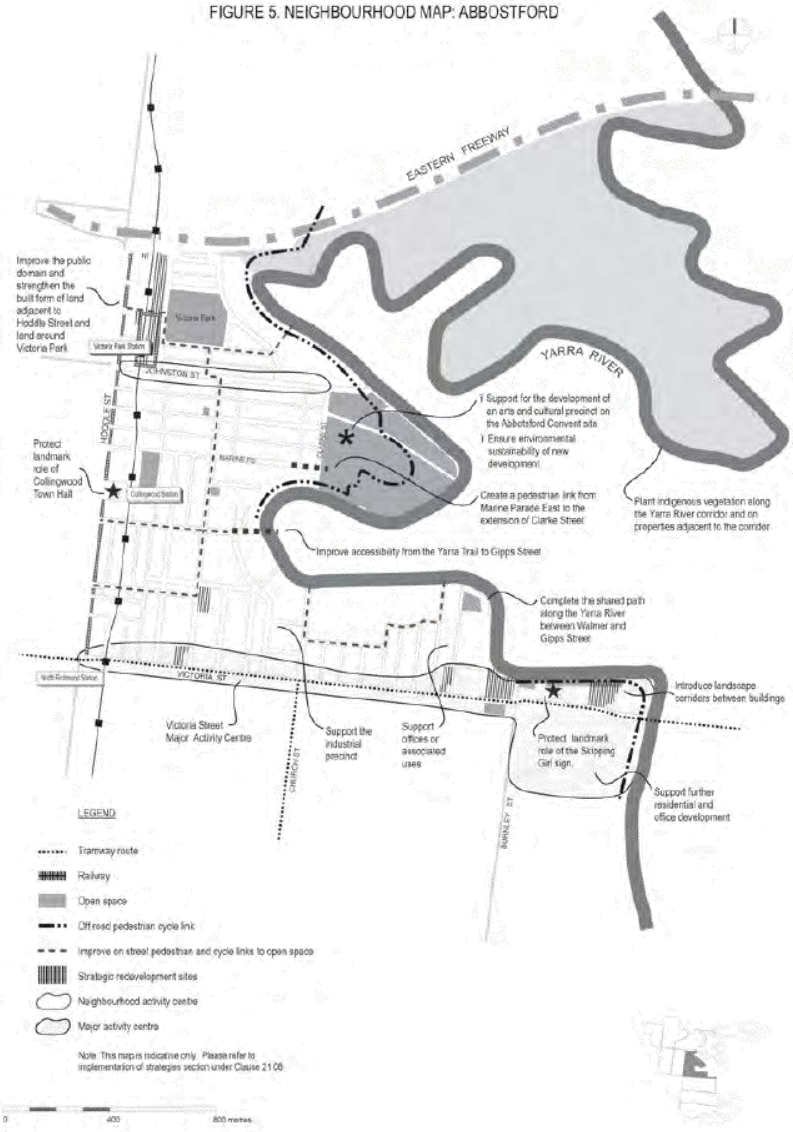
The Collingwood Children's Farm and the Abbotsford Convent site comprise a regional arts and cultural destination. Care must be taken that future development of these facilities do not compromise the amenity of nearby residential areas.

Total population:	4,331 (2006 Census)
Total area:	179Ha
Total dwellings:	2,120 (2006 Census)

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

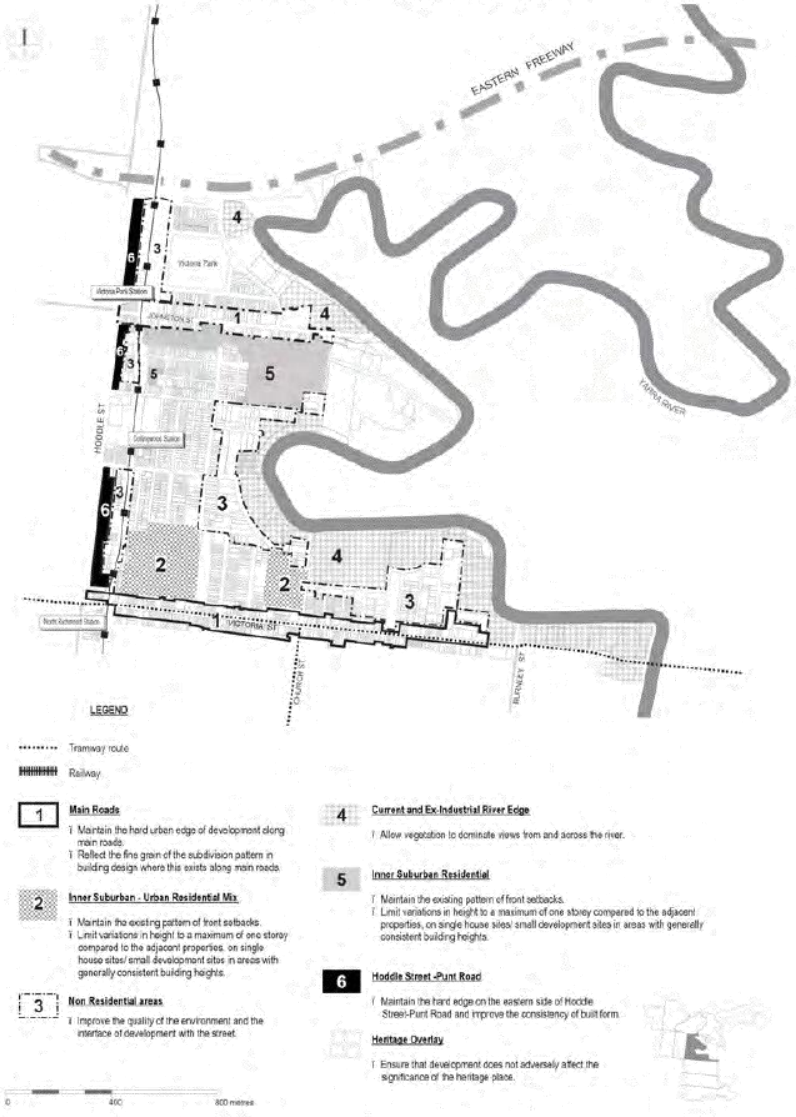
FIGURE 5. NEIGHBOURHOOD MAP: ABBOTSFORD



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

FIGURE 6: BUILT FORM CHARACTER MAP: ABBOTSFORD



Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting the development of the Abbotsford Convent site as an arts and community precinct.
- Supporting the existing industrial precinct in the vicinity of Carlton and United Beverages.
- Supporting offices and associated uses in the area between Grosvenor Street and the Yarra River to the extent that would not adversely impact the regulatory compliance of existing industrial operations.
- Supporting rezonings of Industrial 1 and 3 land to permit a mix of offices and industry west of Victoria Crescent south of Gipps Street.
- Supporting a land contribution to open space in preference to a monetary contribution when residential subdivision occurs.

The implementation of **built form** strategies in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where covered by a Heritage Overlay, protects the heritage of the site and of the area, and where relevant, maintains and reinforces the identified built form character of the area:
  - Site 1 - 48 – 60 Nicholson Street (Former Denton Hat Mill).
  - Site 2 - 313 – 321 Victoria Street.
  - Site 3 - Railway Land adjacent to Victoria Park Station.
  - Site 4 - 627 Victoria Street (MFB site).
  - Site 5 - 601 Victoria Street.
  - Site 6 - 675 – 677 Victoria Street.
- Strengthening the consistency and character of the built form of:
  - land adjacent to Alexandra Parade
  - land adjacent to Hoddle Street
  - land around Victoria Park Station
- Softening the appearance of development on the north side of Victoria Street to the east of Walmer Street by including well-landscaped "corridors" between buildings.
- Maintaining the visual prominence of the Clock Tower of Collingwood Town Hall and the Skipping Girl Sign.

The implementation of **transport strategies** in clause 21.06 includes:

- Creating a pedestrian link between Marine Parade east and the extension of Clarke Street
- Completing the shared path link along the southern bank of the Yarra between Walmer Street and Gipps Street

Planning Scheme Response

- Apply the Victoria Street East Precinct policy at clause 22.11.

21.08-2 Burnley, Cremorne, South Richmond

-/-/---
Proposed C191yara

The neighbourhood provides a range of residential opportunities:

- the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered
- the established residential area surrounding Barkly Gardens provides a range of housing opportunities in small cottages and larger period dwellings
- the area east of Burnley Street includes the Golden Square residential area which comprises predominantly cottages of heritage significance.

This area includes the visually and historically significant silos which host the also significant Nylex Plastics clock and temperature indicator. Views of and to these Melbourne landmarks need to be protected.

This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.

The Barkly industrial precinct, south of Swan Street and west of Burnley Street, has the opportunity to establish itself as a new business employment node. This should include a mix of industrial and related activities as well as service business and offices.

On the east side of the neighbourhood is an important open space and recreation area along the Yarra River, also the University of Melbourne Horticultural College and Botanica office park.

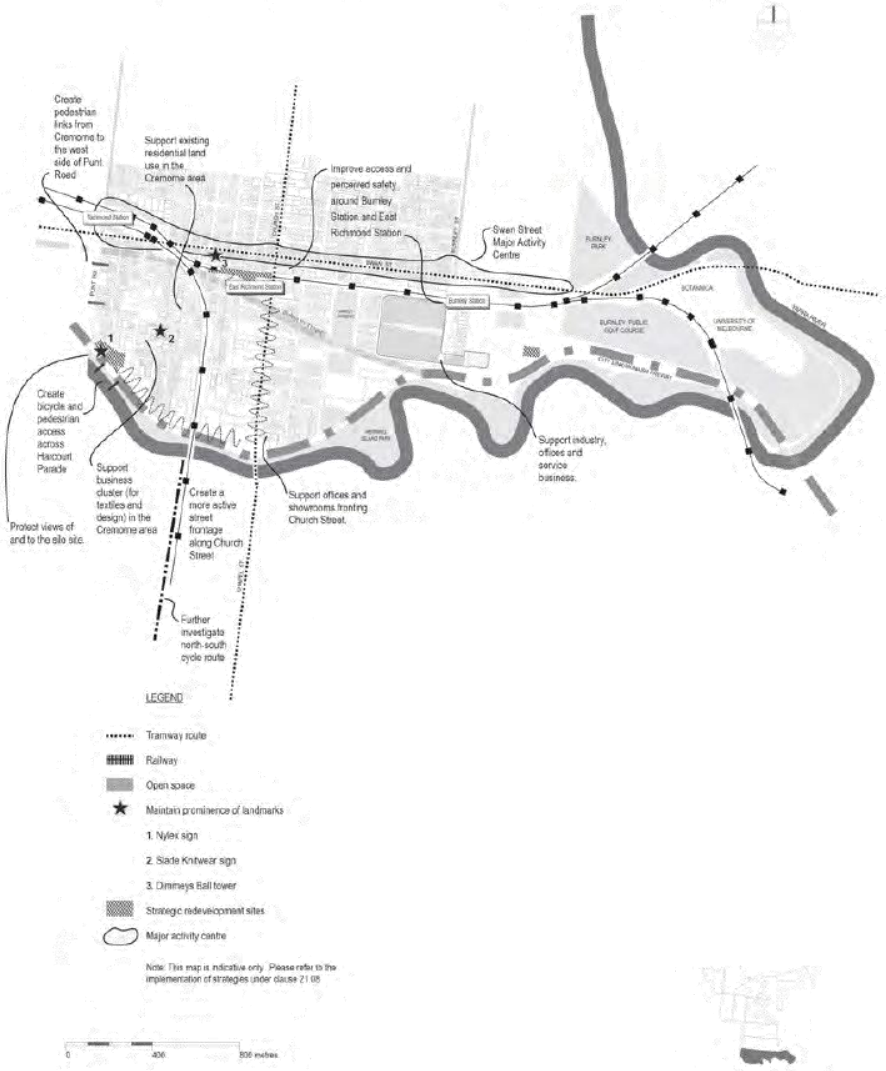
Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.

The Swan Street major activity centre lies along the northern boundary of this neighbourhood.

Total population:	3,600 (2006 Census)
Total area:	233Ha
Total dwellings:	1,863 (2006 Census)

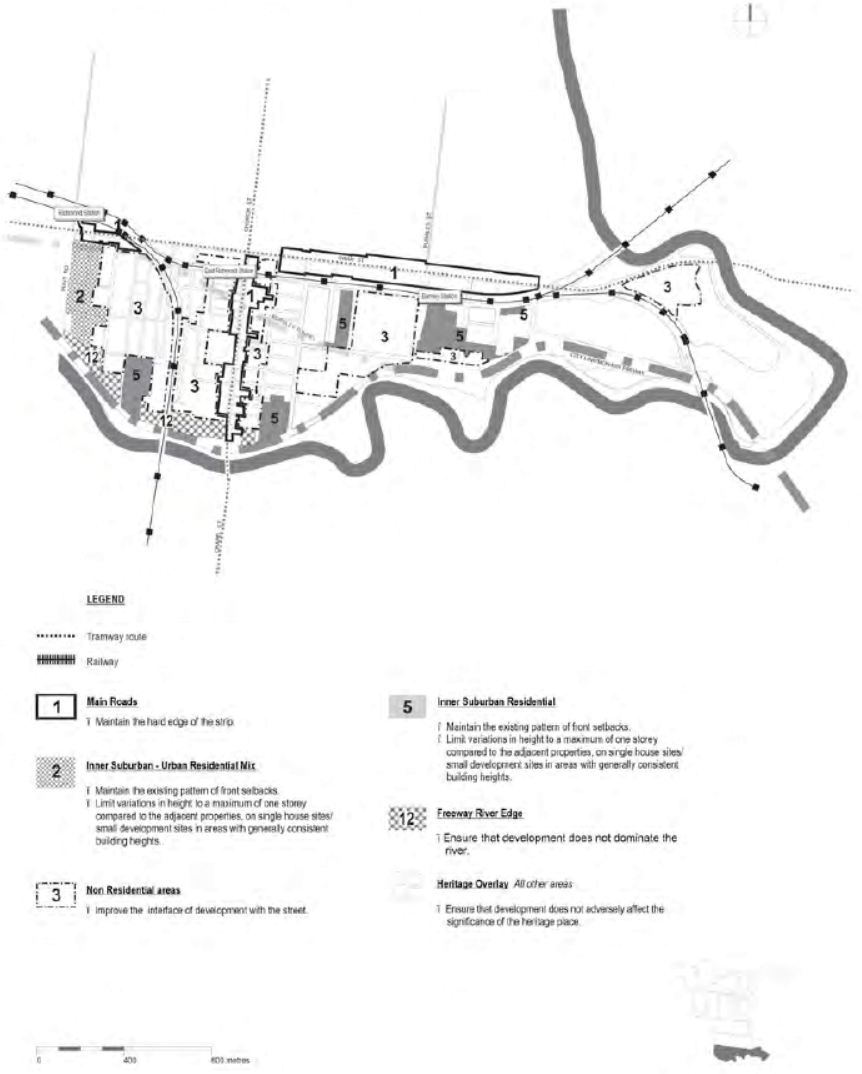
Attachment 6 - C191yara Amendment documents for adoption

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



Attachment 6 - C191yara Amendment documents for adoption

FIGURE 8. BUILT FORM CHARACTER MAP: BURNLEY, CREMORNE, SOUTH RICHMOND



Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting the mixed use nature of development in the Cremorne area.
- Supporting offices and showrooms fronting Church Street south of Swan Street
- Supporting the Barkly Industrial Precinct as an area for industry, offices and service businesses.
- Supporting a monetary contribution in preference to land contribution in Cremorne, and a land contribution in preference to a monetary contribution in the remaining areas of this neighbourhood, for open space when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to a Heritage Overlay, protects the heritage of the site and the area:
  - Site 1 - 33 – 45 Gibdon Street, Burnley.
  - Site 2 - 2 Gough Street, Cremorne (Burston Maltings site).
- Creating a more active street frontage along Church Street.
- Strengthening and improving the built form of land adjacent to Punt Road
- Ensuring that development of land adjacent to the Yarra River downstream of Church Street does not dominate the River.
- Maintain the visual prominence of the Ball Tower of Dimmeys, the Nylex Sign, and Slade Knitwear Sign.

The implementation of **transport strategies** in clause 21.06 includes:

- Ensuring that the development of land around the railway stations enhances access to the East Richmond and Burnley stations and the amenity of the area.
- Creating a through block link to support a pedestrian and cycle link across Harcourt Parade to the Yarra River.

21.08-3 North Carlton - Princes Hill

13/08/2009
C84

This residential neighbourhood is noted for the consistency of its spacious brick or render late Victorian and Edwardian streetscapes and for its consistent residential character. Linear Park is a significant park in this neighbourhood. The area has excellent accessibility to tertiary institutions in central Melbourne. Little change is expected for this neighbourhood.

The Rathdowne Village neighbourhood activity centre is a mixed use centre with a convenience retailing and hospitality function with a local and regional focus. The centre has a strong complement of heritage buildings and attractive streetscaping and landscaping.

The Nicholson Village neighbourhood activity centre includes business and community facilities with convenience retailing, restaurants and cafes.

The strength of both centres lies in the character of the built form.

Total population:	8,200 (2006 Census)
Total area:	140Ha
Total dwellings:	4,068 (2006 Census)

Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting a mix of uses in existing commercial buildings along Rathdowne Street and Nicholson Street and in particular uses which provide the day to day needs of the local community.
- Not support use or development which prejudices the present function of the neighbourhood activity centres.
- Supporting a monetary contribution to open space in preference to land contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

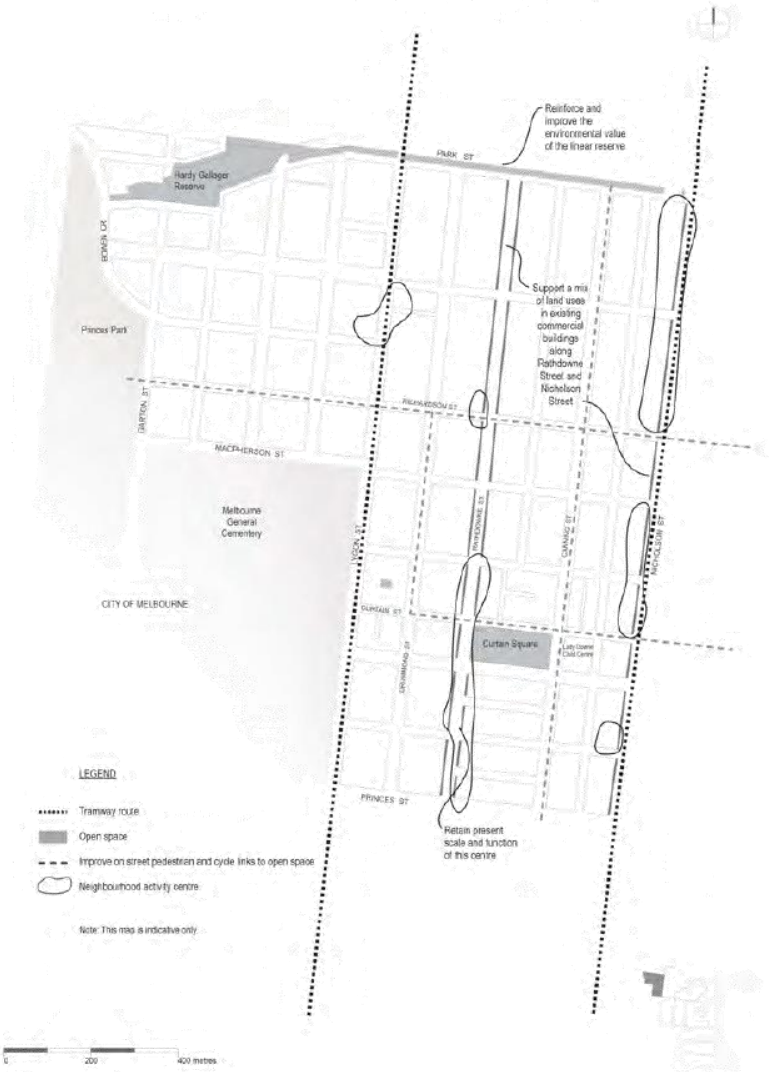
- Supporting development that maintains the present scale of the neighbourhood activity centres.

The implementation of **environmental sustainability strategies** in clause 21.07 includes:

- Reinforcing and improving the environmental value of the Linear Park.

YARRA PLANNING SCHEME

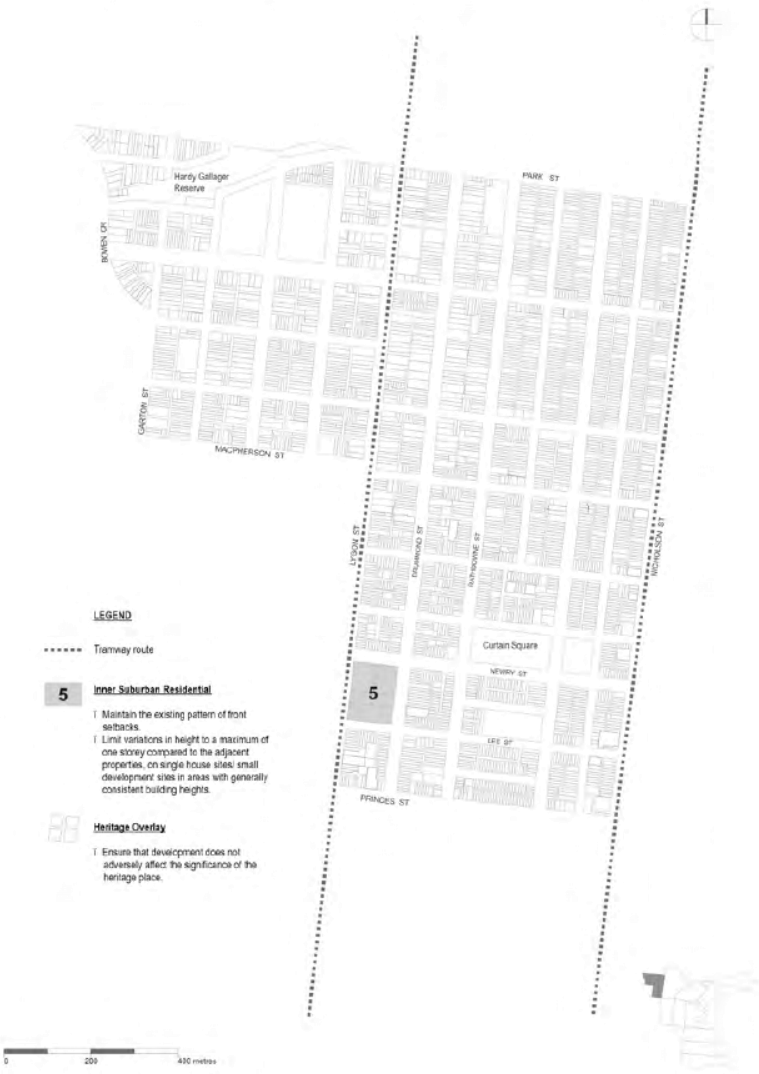
FIGURE 9. NEIGHBOURHOOD MAP: NORTH CARLTON / PRINCES HILL



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YARRA PLANNING SCHEME

FIGURE 10. BUILT FORM CHARACTER MAP: CARLTON NORTH/ PRINCES HILL



21.08-4 Clifton Hill

13/08/2009
C84

This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.

Clifton Hill has two neighbourhood activity centres.

The Spensely Street centre is a small convenience centre based around the intersection of Spensely and Berry streets. The centre has a village atmosphere and an attractive streetscape and landscaping. There is limited scope for more intense development of this centre.

The Queens Parade centre is a mixed use centre with strong convenience retailing. There is an opportunity to create stronger linkages between the community facilities to the east and the centre.

A small industrial/ business precinct exists on the north side of Alexandra Parade between Smith Street and Wellington Street. The business focus of this precinct should remain, however flexibility should exist for residential development on the upper levels of buildings and on underutilised sites abutting residential properties.

Total population:	5,385 (2006 Census)
Total area:	169 Ha
Total dwellings:	2,524 (2006 Census)

Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting rezoning of the precinct on the north side of Alexandra Parade between Smith Street and Wellington Street to Business 2 with a local policy to ensure the precinct retains a business focus.
- Supporting a monetary contribution to open space in preference to land contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

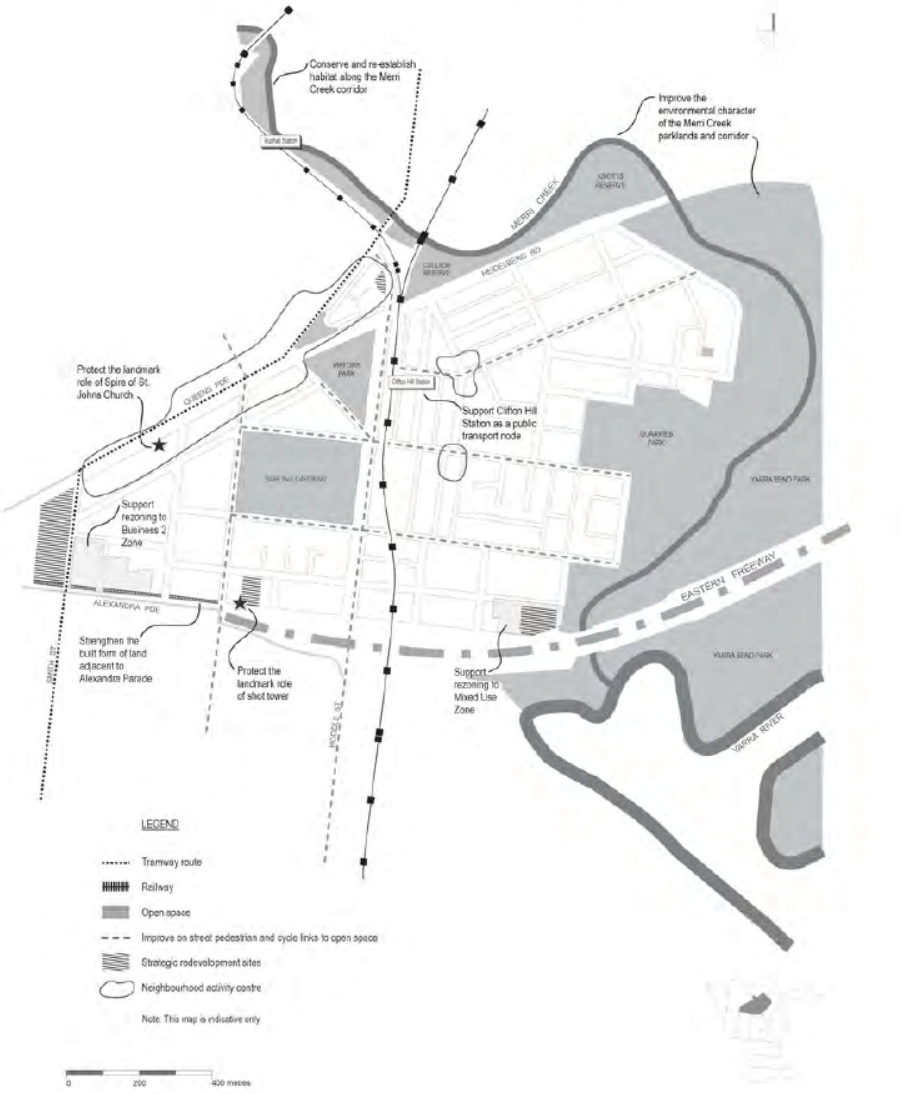
- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to a Heritage Overlay, protects the heritage of the site and of the area:
  - Site 1 94 Alexandra Parade, Clifton Hill (shot tower site)
  - Site 2 135 – 169 Noone Street (Australian Dyeing Company Precinct).
  - Site 3 Dummet Crescent.
- Strengthening the built form of land adjacent to Alexandra Parade
- Maintaining the visual prominence of the Spire of St Johns and the Shot Tower.

The implementation of **transport strategies** in clause 21.06 includes:

- Supporting Clifton Hill Station as a public transport node.

YARRA PLANNING SCHEME

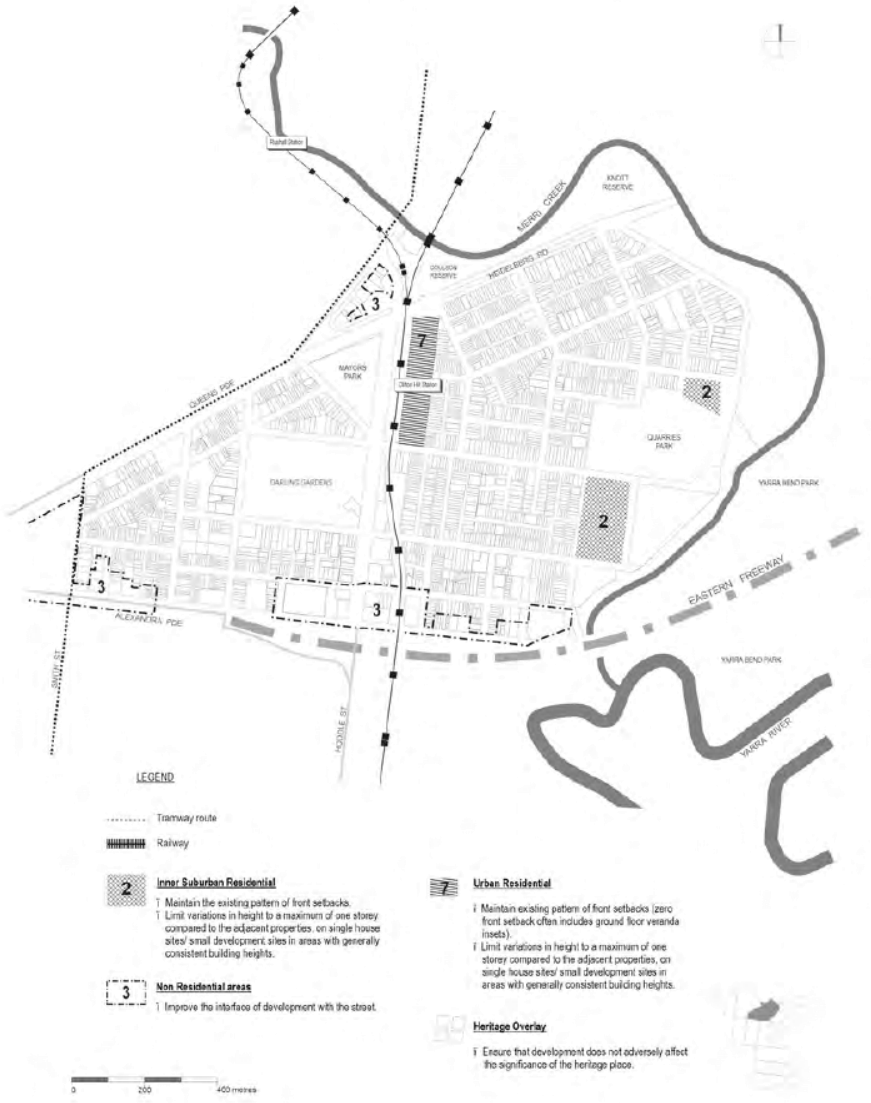
FIGURE 11. NEIGHBOURHOOD MAP: CLIFTON HILL



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YARRA PLANNING SCHEME

FIGURE 12. BUILT FORM CHARACTER MAP: CLIFTON HILL



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21.08-5 Collingwood

13/08/2009
C84

Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.

North of Johnston Street, the residential area is late Victorian and Edwardian retaining some of its original weatherboard cottage character. South of Johnston Street is a large area of public housing generally comprising large blocks of apartments set in grounds.

To the south of Johnston Street development is Victorian overlaid with subsequent periods of development. This part of Collingwood is varied in built form and character, ranging from large Victorian factory buildings to small pockets of low rise residential development. The most outstanding feature of the precinct is the Foy and Gibson complex of retail and warehouse of buildings which belong to the suburb's commercial past. The buildings have large dominating built forms with rhythmic facade design. They are imposing and visually cohesive.

The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.

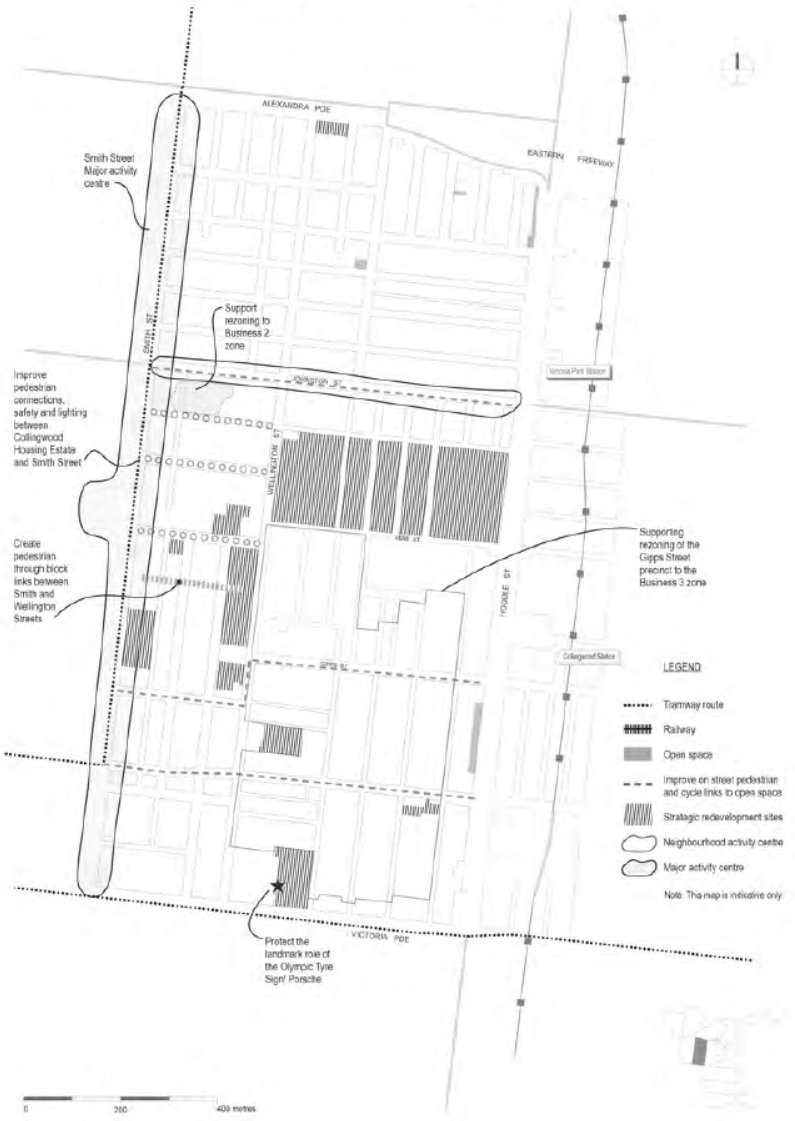
The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes. The southern precinct, south of Gertrude Street is home to an array of galleries and clothing stores.

The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.

Total population:	5,500 (2006 Census)
Total area:	129Ha
Total dwellings:	3,036 (2006 Census)

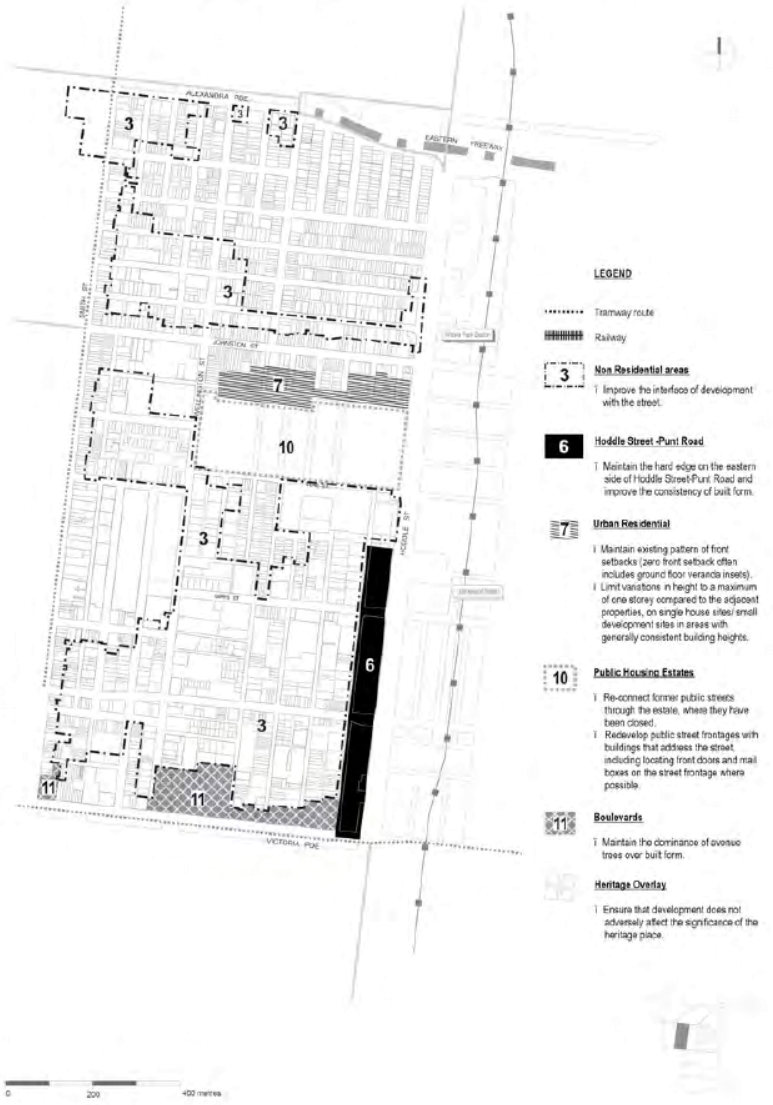
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FIGURE 13. NEIGHBOURHOOD MAP: COLLINGWOOD



YARRA PLANNING SCHEME

FIGURE 14. BUILT FORM CHARACTER MAP: COLLINGWOOD



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Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting the rezoning of the Gipps Street industrial precinct to the Business 3 Zone.
- Supporting the rezoning of the Bedford Street pocket to Business 2.
- Supporting opportunities for convenience and fresh food shopping.
- Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra. Redevelopment should also protect the heritage of the site and of the area where subject to the Heritage Overlay and where relevant, maintain and reinforce the built form character of the area.
  - Site 1 - 132 – 170 Smith Street & 63-71 Little Oxford Street.
  - Site 2 - 106 Cambridge Street.
  - Site 3 - 113 Wellington Street (Police Workshop).
  - Site 4 - 1 - 21 Robert Street.
  - Site 5 - 59 Alexandra Parade.
  - Site 6 - Collingwood Housing Estate, block bounded by Hoddle, Vere, Wellington and Perry Streets.
  - Site 7 - 37 - 67 Islington Street
  - Site 8 - 105 – 133 Victoria Street (Porsche site)
  - Site 9 - 34 - 44 Stanley Street.
- Strengthening the built form of:
  - land adjacent to Alexandra Parade
  - land adjacent to Hoddle Street
  - Collingwood Housing Estate
- Maintain the visual prominence of the Olympic Tyre Sign/ Porsche on Victoria Parade.
- In the precinct bounded by Johnston Street, Wellington Street, Victoria Parade and Smith Street (including both sides of Smith Street depicted as the 'Smith Street Major Activity Centre' in the Built Form Character Map).
  - Maintaining the varied profile of the skyline and the built form character of Smith Street.
  - Ensuring that no new development presents as a dominating built form along Smith Street.
  - Retaining the prominence of the key ‘icon’ (landmark) buildings in the Smith Street streetscape such as Pattersons, Safeway, Post Office.
  - Maintaining the Foy and Gibson complex of buildings as a large dominating visually cohesive group of buildings.
  - Retaining the uniformity of the streetscapes associated with the Foy and Gibson buildings.

- Ensuring new development respects the scale of adjoining existing clusters of low rise residential development.

The implementation of **transport strategies** in clause 21.06 includes:

- Improving pedestrian permeability and creating pedestrian through block links between Wellington Street and Smith Street.

21.08-6 Fairfield-Alphington

13/08/2009
C84

To the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of TAFE and the Victorian Institute of Forensic Mental Health lie within the parkland.

The Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.

Total population:	2,275 (2006 Census)
Total area:	346Ha
Total dwellings:	942 (2006 Census)

Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

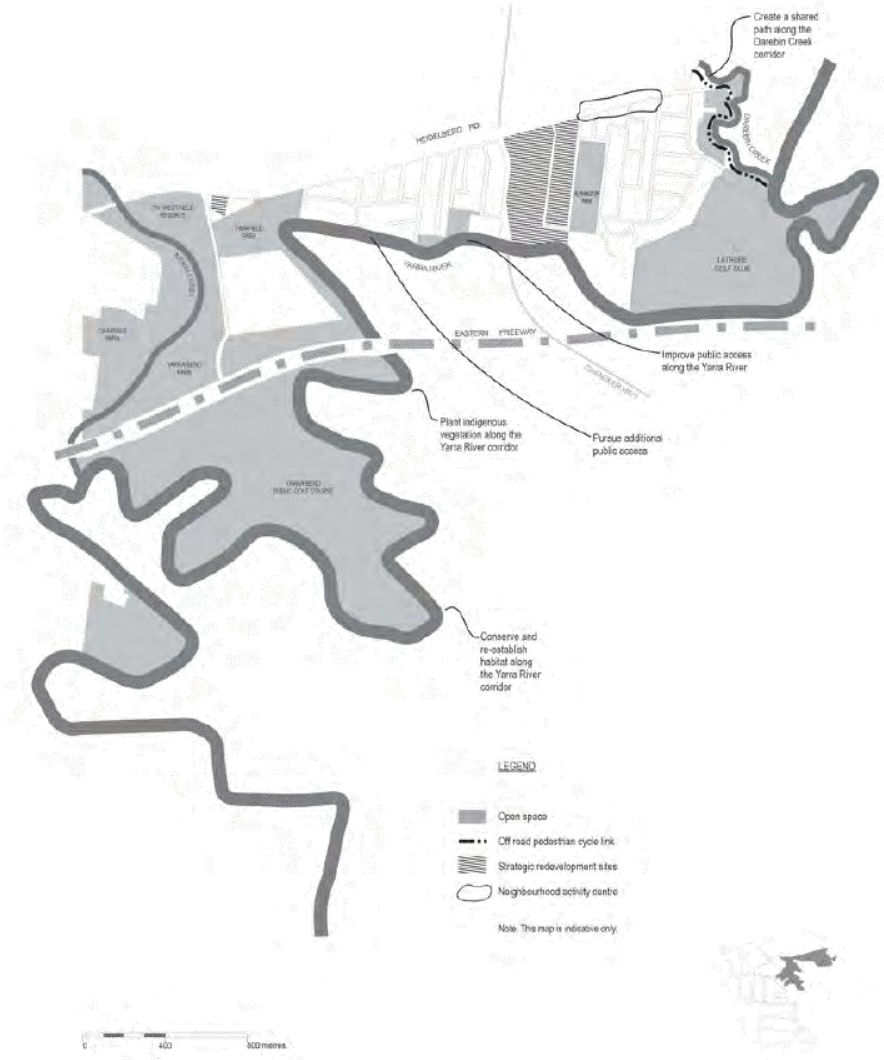
- Supporting opportunities for convenience shopping.
- Supporting a monetary contribution to open space in preference to land contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the area:
  - Site 1 - 626 Heidelberg Road (AMCOR).
  - Site 2 - 224 – 252 Heidelberg Road.
- Supporting the creation of a shared path along the Darebin Creek.

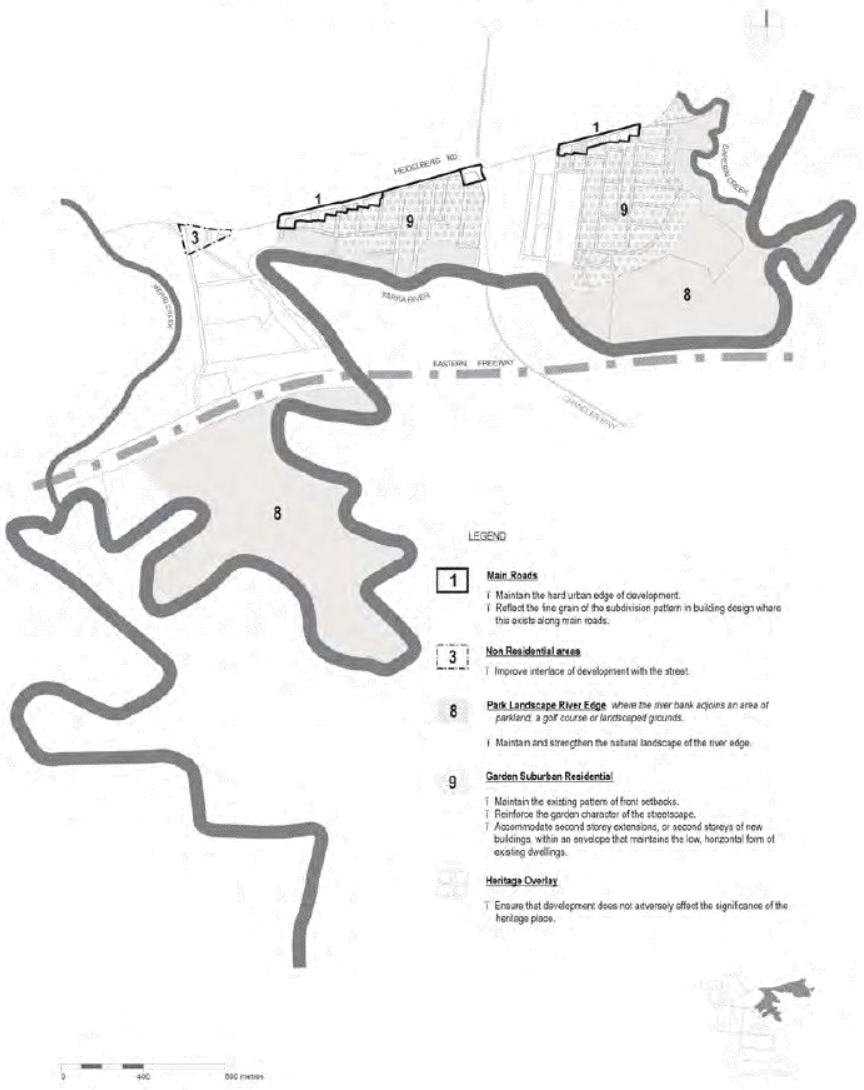
YARRA PLANNING SCHEME

FIGURE 15. NEIGHBOURHOOD MAP: FAIRFIELD/ALPHINGTON



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FIGURE 16. BUILT FORM CHARACTER MAP: FAIRFIELD/ALPHINGTON



Attachment 6 - C191yara Amendment documents for adoption

21.08-7 Fitzroy

13/08/2009
C84

Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.

Victoria Parade, an important boulevard with substantial office development and the St Vincent's Hospital precinct, is on the south side of this neighbourhood. The Brunswick Street and Smith Street major activity centres run north south through the middle, while the Johnston and Gertrude Streets neighbourhood activity centres run east west through the neighbourhood. The Smith Street centre borders on Collingwood and is discussed in clause 21.08-5.

The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.

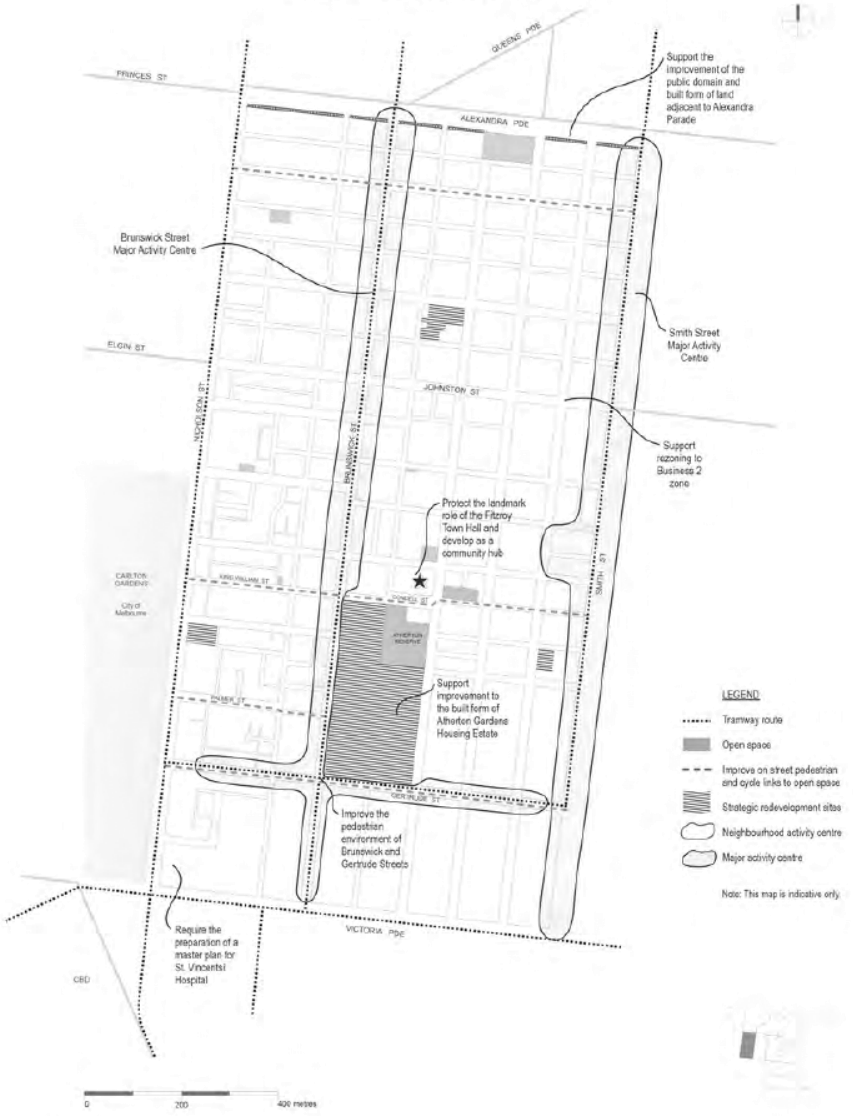
The Gertrude Street centre has a number of eclectic and innovative retailers as well as heritage buildings which help to give the centre an individual and unique sense of place. Gertrude Street also has an arts focus which should be retained and fostered.

The part of Johnston Street between Brunswick Street and Smith Street is undergoing revitalisation as a focal point for furniture manufacture and showrooms. The Business 2 Zone is considered appropriate for this area as it will provide the opportunity to encourage restricted retail uses at ground level with residential or offices uses above.

Total population:	8,800 (2006 Census)
Total area:	140Ha
Total dwellings:	4,274 (2006 Census)

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FIGURE 17. NEIGHBOURHOOD MAP: FITZROY



YARRA PLANNING SCHEME

FIGURE 18. BUILT FORM CHARACTER MAP: FITZROY



Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Encouraging restricted retail uses at ground level with offices and residential use above, along Johnston Street between Brunswick and Smith Streets.
- Requiring the preparation of a master plan for St Vincent's Hospital.
- Supporting a land contribution to open space in preference to monetary contribution where residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and, where subject to the Heritage Overlay protects the heritage of the site and of the area:
  - Site 1 - 98 Nicholson Street.
  - Site 2 - 166 – 182 Gore Street.
  - Site 3 - Atherton Gardens Housing Estate, bounded by Brunswick, Gertrude, Condell and Napier Streets.
  - Site 4 - 300 Young Street Site bounded by Napier, Kerr, Young & Argyle Streets.
- Supporting the improvement to the built form of:
  - land adjacent to Alexandra Parade
  - Atherton Gardens Housing Estate
- Maintaining the visual prominence of the Fitzroy Town Hall and Spire of St Marks.
- Supporting the existing scale and character of the Brunswick Street and Gertrude Street activity centres.

The implementation of **transport strategies** in clause 21.06 includes:

- Improving pedestrian links through the Atherton Gardens Estate.

21.08-8 North Fitzroy

13/08/2009
C84

North Fitzroy is known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens and bocce links, remnants of the old Melbourne rail loop, and a heritage listed grandstand.

The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.

Linear Park which is a significant park in this neighbourhood, would benefit from casual surveillance from new development.

The North Fitzroy Village neighbourhood activity centre is a mixed use centre with strong convenience retailing located on St Georges Road. Further north along St Georges Road is the North Fitzroy neighbourhood activity centre. This centre provides a number of specialist business services. Linkages between the two parts of the centre should be improved.

Total population:	10,200 (2006 Census)
Total area:	231Ha
Total dwellings:	5,030 (2006 Census)

Implementation of strategies

The implementation of **land use strategies** in Clause 21.04 includes:

- Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs.

The implementation of **built form strategies** in Clause 21.05 includes:

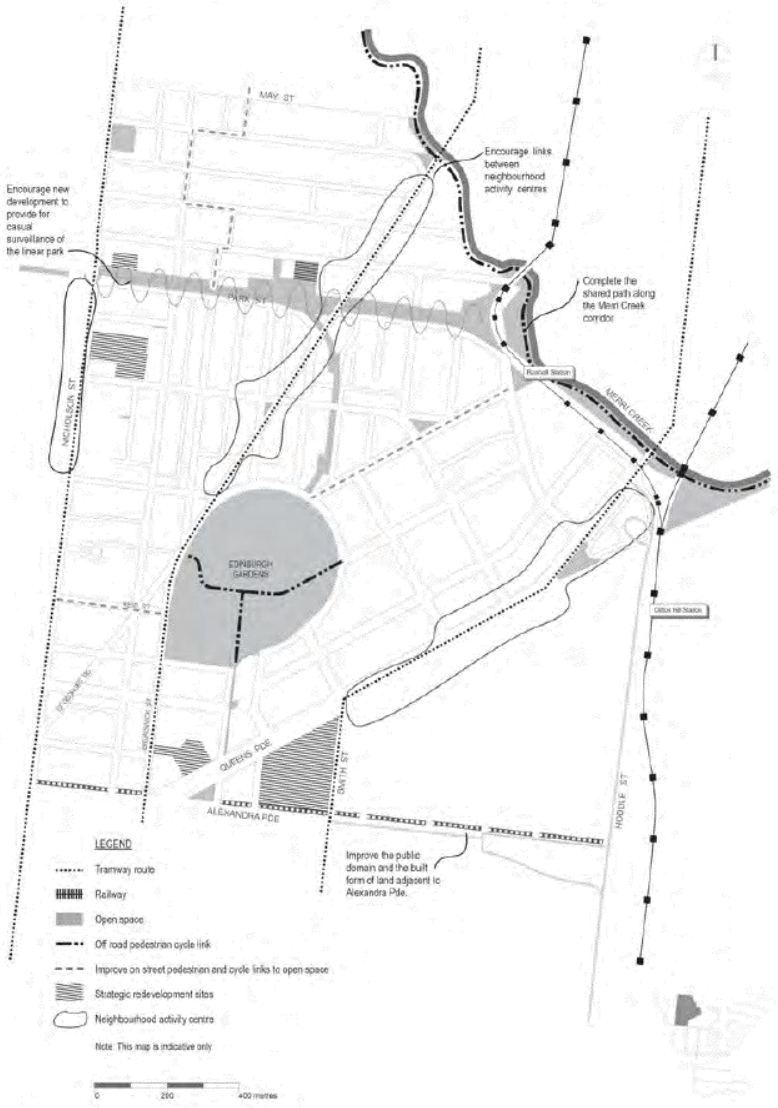
- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the area:
  - Site 1 - 818 Nicholson Street.
  - Site 2 - Lot 8 Railway Street (Railway Street Aged Care).
  - Site 3 - Former Gas & Fuel site and Yarra Council Depot site, bounded by Alexandra and Queens Parade and Smith & George Streets.
  - Site 4 - 26 – 56 Queens Parade.
  - Site 5 - 500 Brunswick Street.
  - Site 6 - 9 - 49 Scotchmer Street (Ventura National Bus Company site).
- Encouraging improved public domain and built form of land adjacent to Alexandra Parade.
- Encouraging new development to provide casual surveillance of the old railway line linear park

The implementation of **transport strategies** in clause 21.06 includes:

- Completing the shared path link along the Merri Creek.
- Improving linkages between the two sections of the North Fitzroy neighbourhood activity centre.

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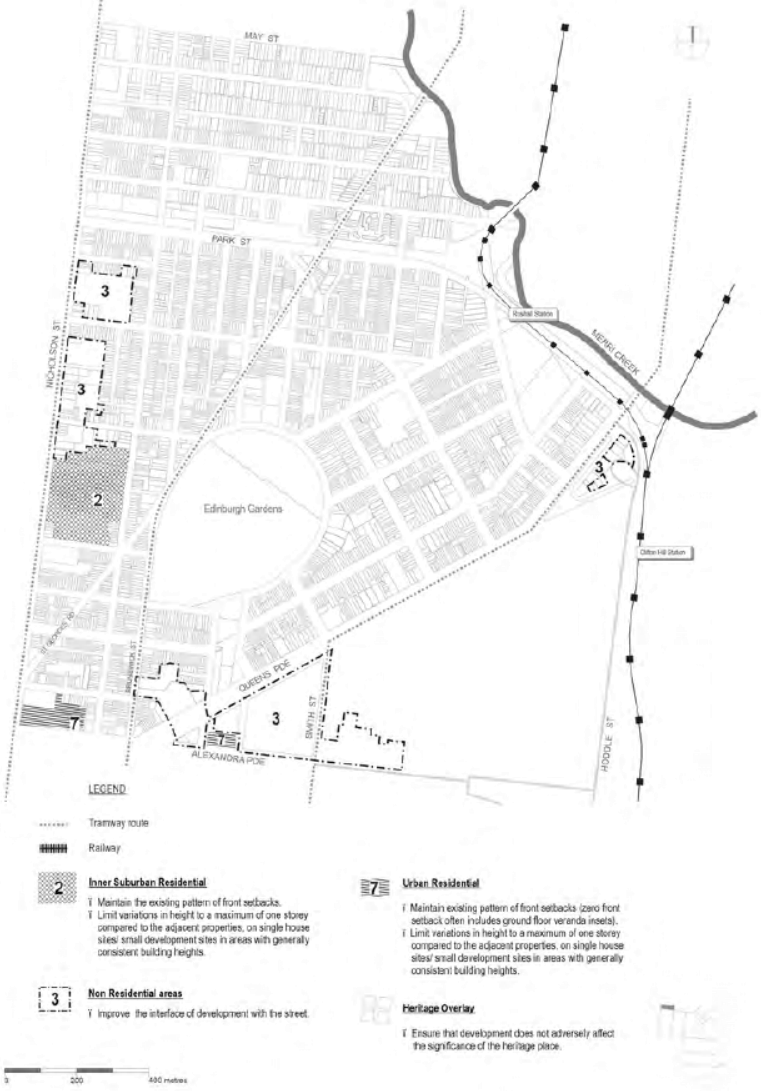
FIGURE 19. NEIGHBOURHOOD MAP: NORTH FITZROY



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YARRA PLANNING SCHEME

FIGURE 20. BUILT FORM CHARACTER MAP: FITZROY NORTH



21.08-9 North Richmond (area north of Bridge Road)

13/08/2009
C84

This part of Richmond is largely residential and Victorian and Edwardian in its origins. The consistent character of the residential areas must be protected.

The Victoria Street Major Activity centre runs along the northern boundary of this neighbourhood. This activity centre spans approximately 2 kilometres and incorporates a variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage. Within the centre are three precincts:

Victoria Street West

This precinct extends from Hoddle Street to Church Street. Asian cuisine, footpath trading and remnant industrial /warehouse areas dominate this vibrant area. The heart of the precinct is between Shelley and Church Streets and is characterised by a wide array of restaurants, bakeries, grocers, fishmongers, butchers, cafes, electrical and bric-a-brac shops.

Victoria Street link

This precinct spans the area between Church Street and Grosvenor Street. This linking area includes residential and commercial development and a wide range of land uses. New development in this part of the precinct must include active frontages.

Victoria Street East

This precinct incorporates the area between Grosvenor Street in the west and the Yarra River to the east. It includes a combination of retail, bulky goods, entertainment, residential and office land uses. The centre has a key interface with the Yarra River, which defines its northern and eastern boundaries. Significant parts of this precinct have recently undergone extensive redevelopment. With a number of key sites in the area still up for redevelopment, it will continue to evolve. New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. The Victoria Gardens development has the capacity to incorporate further residential development.

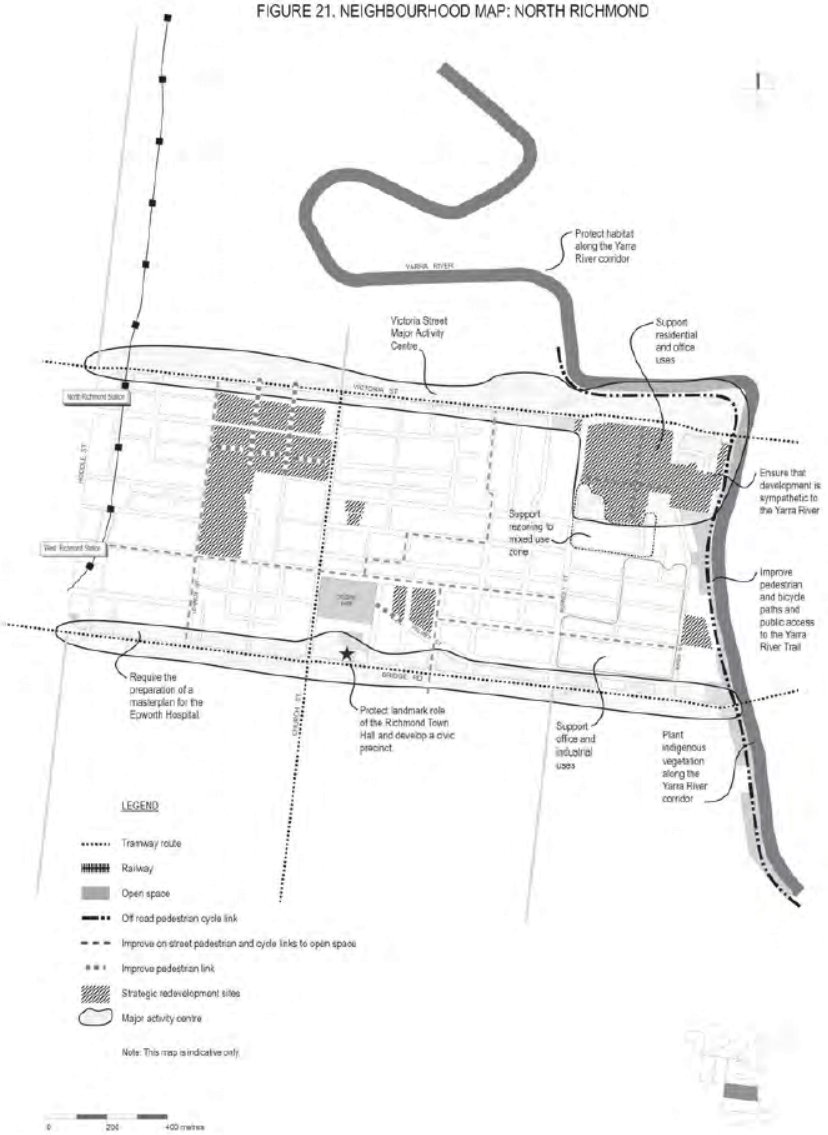
To the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:

- Protect the pocket of Residential 1 zoned land.
- Provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses.
- Continue to retain industry but allow office development further south and east of the Residential 1 and Mixed Use areas.

Total population:	10,240 (2006 Census)
Total area:	192 Ha
Total dwellings:	5,026 (2006 Census)

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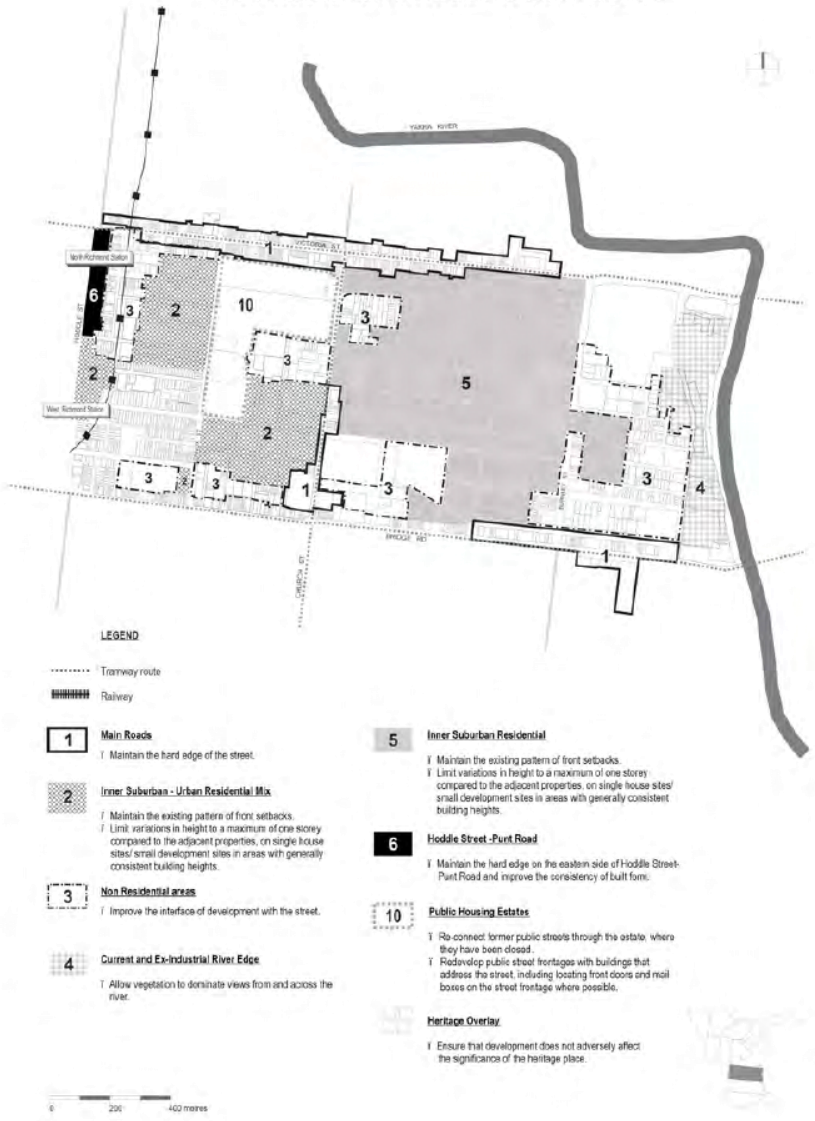
FIGURE 21. NEIGHBOURHOOD MAP: NORTH RICHMOND



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YARRA PLANNING SCHEME

FIGURE 22. BUILT FORM CHARACTER MAP: NORTH RICHMOND



Attachment 6 - C191yara Amendment documents for adoption

Implementation of strategies

The implementation of **land use strategies** in clause 21.04 includes:

- Supporting a change of use to residential plus mixed uses in the industrial area abutting the southern boundary of Victoria Gardens.
- Supporting industry and new office development in the industrial area, generally south of Appleton Street.
- Protecting the neighbourhood character and residential amenity of the existing Residential 1 areas to the south and west of Victoria Gardens.
- Supporting residential and office growth on the Victoria Street Gardens site.
- Encouraging a mix of commercial uses at ground level along Victoria Street (east of Grosvenor Street).
- Supporting the creation of a civic and cultural node around the Richmond Town Hall.
- Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where within an identified built form character precinct, it respects the built form character of the area:
  - Site 1 - 1 Palmer Street (Jaques).
  - Site 2 - 4 Griffiths Street (Former State School site).
  - Site 3 - Richmond Housing Estate, block bounded by Highett, Elizabeth, Lennox and Church Streets.
  - Site 4 - 43 – 67 River Street.
- Supporting and enhancing the traditional scale of Victoria Street.
- Ensuring the improved built form of:
  - land adjacent to Hoddle Street
  - land adjacent to Church Street
- Maintaining the landmark role of Richmond Town Hall.
- Requiring the preparation of a masterplan for the Epworth Hospital.

The implementation of **transport strategies** in clause 21.06 includes:

- Linking the eastern part of the Victoria Street Major Activity Centre with the open space along the Yarra River.
- Creating a fine-grained network of pedestrian-friendly streets east of Burnley Street and north of Doonside Street.
- Creating or upgrading pedestrian links:
  - from Victoria Street to the Richmond Housing Estate
  - through the Richmond Housing Estate
  - from Palmer Street to Citizens Park
  - from Victoria Street to Citizens Park

Planning Scheme Response

- Apply the Victoria Street East Precinct policy at clause 22.11

21.08-10 Central Richmond (area between Bridge Road and Swan Street)

12/04/2012
C104

The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.

The Bridge Road major activity centre is an important regional centre. It can be split into three distinct precincts:

- Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.
- Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.
- Bridge Road East has a strong home wares focus particularly on the north side. This part of the centre also does not have a consistent built form.

Total population:	10,760 (2006 Census)
Total area:	196Ha
Total dwellings:	5,773 (2006 Census)

Implementation of strategies

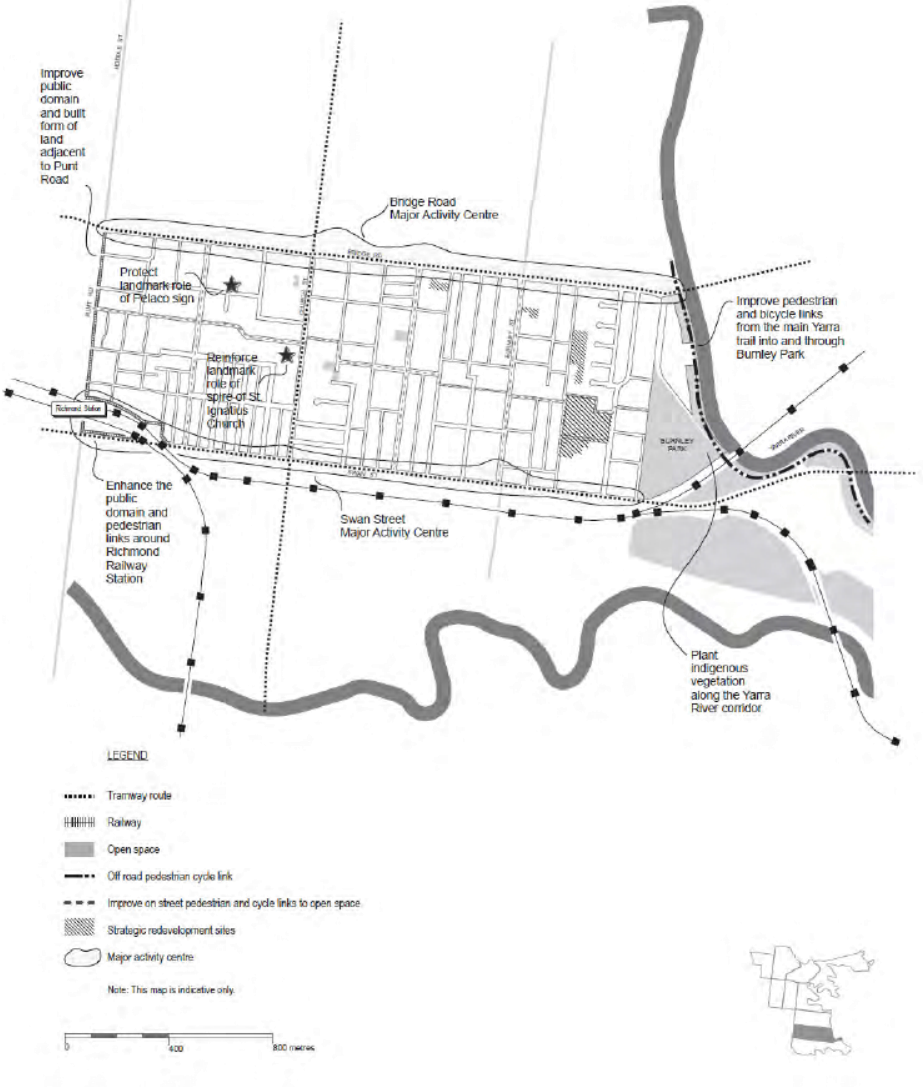
The implementation of **land use strategies** in clause 21.04 includes:

- Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs.

The implementation of **built form strategies** in clause 21.05 includes:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.
- Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra and supports the built form character of the area:
  - Site 1 - 2 – 6 Lord Street
  - Site 2 - 203 – 205 Burnley Street
  - Site 3 - 59 Stawell Street (Former Cussons site)
  - Site 4 - 12 Glasshouse Street (Kennards site)
  - Site 5 - 47 - 65 Coppin Street, 63 - 67 Abinger Street and 81 Lord Street
  - Site 6 - 26 – 52 Bendigo Street and 171 Stawell Street (Former Channel Nine Site)
- Ensuring new residential development includes the provision of ample private open space.
- Improve the built form of:
  - land adjacent to Punt Road
  - land around Richmond Station
- Reinforcing the continuity of built form along Bridge Road, east of Church Street
- Maintaining the visual prominence of the Pelaco sign and the Spire of St Ignatius Cathedral

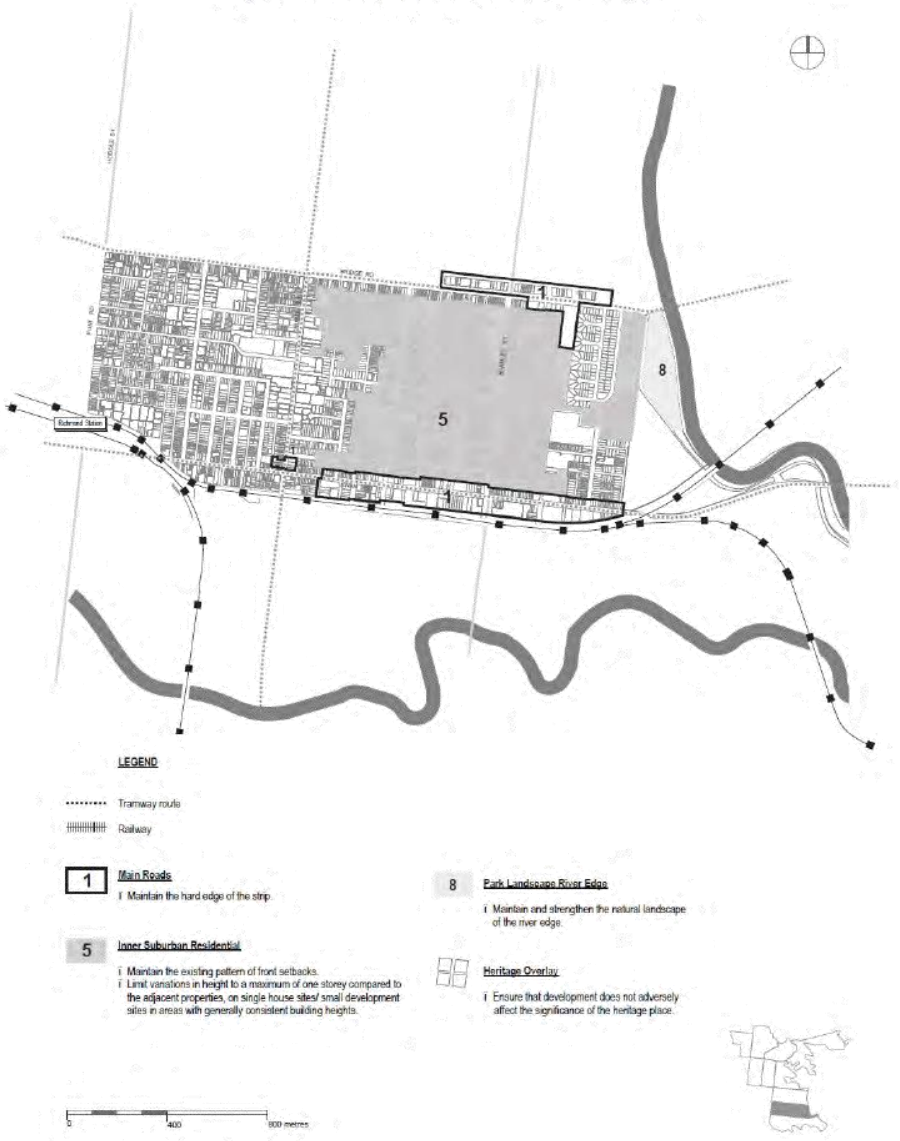
FIGURE 23. NEIGHBOURHOOD MAP: CENTRAL RICHMOND



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YARRA PLANNING SCHEME

FIGURE 24. BUILT FORM CHARACTER MAP: CENTRAL RICHMOND



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21.11 REFERENCE DOCUMENTS

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Proposed C191yara

General

Council Plan 2005-2009.

Inner Melbourne Action Plan (October 2005).

Yarra City Council Access and Inclusion Policy (November 2004)

City of Yarra Access and Inclusion strategy 2004-2009

Disability Action Plan 2001—2004

Land Use

Yarra Residential Interface Study 2001 (City of Yarra, 2001)

Accommodation and housing

Inner Regional Housing Statement (January 2006)

Retail, entertainment and the arts

Yarra City Council Arts and Cultural Plan, 2005-2009

Inner City Entertainment Precincts Taskforce "A Good Night for All"

Industry, office and commercial

Yarra Economic Development Strategy 2001-2004

Yarra Industrial and Business Land Strategy Review (Hansen Partnerships & Charter, Keck, Cramer, September 2004).

Parks, gardens and public open space

Yarra City Council Recreation Strategy Plan 2003/2008

Built Form

Heritage

Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (GJM Heritage)

Yarra High Streets (Swan Street) Statements of Significance: Reference Document, December 2020 (GJM Heritage)

Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies 2014.

City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.

City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.

City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.

City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.

City of Yarra Heritage Gaps Review Two 2013.

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City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007 updated 2013.

Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.

Development Guidelines for Heritage Places (City of Yarra, 1999).

City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.

Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.

The Burra Chater. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.

Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.

Collingwood Conservation Study, Andrew Ward and Associates 1989.

Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.

Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.

City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.

South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.

North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

Built form character

Urban Design Guidelines for the Yarra River Corridor (City of Yarra, 1998), as amended April 2004

City of Yarra Built Form Review 2003

Transport

Yarra Strategic Transport Statement City of Yarra 2006

Encouraging and increasing walking strategy, City of Yarra 2005

Environmental Sustainability

The Yarra Environment Strategy: Our Sustainable Future (City of Yarra, November 2000).

Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road: Consultant Report (Planisphere and Jones & Whitehead, June 2005).

Middle Yarra Concept Plan (Dept. of Planning and Urban Growth, Dept. of Conservation and Environment, 1990)

Lower Yarra (Punt Road to Dights Falls) Concept Plan (Ministry for Planning and Environment, 1986)

Lower Darebin Creek Concept Plan (Darebin Creek Co-ordinating Committee, 1995)

Merri Creek Management Plan (Merri Creek Management Committee, 1997)

Merri Creek Concept Plan (Draft) (Merri Creek Management Committee, 1997)

Yarra River Corridor Strategy (City of Yarra, 1999)

Yarra Catchment Action Plan (YarraCare, 1996)

Port Phillip and Western Port Regional Catchment Strategy 2004 – 2009 (Port Phillip and Westernport Catchment Management Authority 2004)

Herring Island Enhancement Plan (Acer Wargon Chapman and EDAW AUST, 1995)

Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996)

Yarra Bend Park Strategy Plan (Parks Victoria, 1998)

Yarra Bend Park Environmental Action Plan (Parks Victoria, April 2000)

Yarra Bend / Fairfield Area: Development Opportunities (Chris Dance Land Design and Fulcrum Town Planners, 1997)

City of Yarra Stormwater Management Plan (AWT, December 2000)

Neighbourhood Plans

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Victoria Street Activity Precinct Urban Design Framework, July 2004;

Victoria Street East Precinct, Richmond, Urban Design Framework prepared for the City of Yarra 16 November 2005 (mgs in association with Jones and Whitehead Pty Ltd)

Structure Plans and Local Area Plans

Johnston Street Local Area Plan, 2015

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YARRA PLANNING SCHEME

21.12 LOCAL AREAS

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Proposed C191yara

This Clause focuses on the local area implementation of the objectives and strategies set out in the MSS. Each Section relates to a particular precinct within the municipality and should be read in conjunction with the rest of the Municipal Strategic Statement and not in isolation.

The sections are organised under the Local Area headings.

Johnston Street Activity Centre (east of Smith Street)

This policy applies to the section of Johnston Street shown on Map 1 to this schedule, extending east from Smith Street through to the Yarra River, which is characterised by a range of commercial activities including a mix of service industries, offices, artist studios, galleries, retail, cafés and bars. Higher density residential uses are starting to emerge within the Commercial 1 Zone and this trend is expected to continue.

VISION

Johnston Street will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.

High quality corner buildings at the intersection of Johnston and Hoddle Streets will create a point of entry into Johnston Street, complemented by streetscape improvements.

Precinct Vision Statements

Precinct	Precinct Vision Statement
Precinct 1: Johnston Street Central	The Victorian and Edwardian-era heritage character will remain the prominent feature of the streetscape west of the railway line, with taller built form set back from the street edge to provide separation between the heritage streetscape and newer built form. Precinct 1 will continue to become a vibrant, mixed-use precinct which comprises medium scale (mid-rise) buildings that contribute positively to the active footpaths of Johnston Street. New buildings will respect the heritage qualities of the precinct and reinforce a consistent street edge through generous building setbacks from the street-wall. A mix of uses including cafes, bars, retail shops, offices and gallery/studio spaces will provide activity and visual engagement for people on the street.
Precinct 2: Johnston Street East	East of the railway line bridge at Victoria Park Station, a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades. Taller built form set back from the main façades. The vibrant mixed-use strip will link Hoddle Street to Victoria Park Station and through to the Yarra River and associated activities of the Abbotsford Convent and Collingwood Children's Farm. A vibrant hub of shops, residential, commercial and entertainment activities, cafes and bars will contribute to the lively street environment, particularly around the train station entrance.

LOCAL AREA IMPLEMENTATION

Ensure that any proposed use or development within the Johnston Street Activity Centre is generally consistent with the following policy objectives:

Land use and character

Heritage Character

- Protect the Victorian and Edwardian-era heritage streetscape character of Johnston Street as a significant part of its urban fabric, where the Heritage Overlay is present.
- Encourage the sensitive, adaptive re-use and restoration of heritage buildings.

Commercial and Creative Industries

- Promote Johnston Street as an economically viable activity centre.Foster new business opportunities and facilitate spaces for creative industries.
- Strengthen the role of Johnston Street in providing employment and business opportunities.
- Foster and support education, arts and community based activities at 35 Johnston Street (Collingwood Arts Precinct).
- Encourage commercial uses at the lower levels of new development, in addition to ground floor commercial uses.

Population and Mix of Uses

- Accommodate a growing population by integrating higher density residential and commercial uses as part of new mixed use developments.
- Provide a range of retail, entertainment and services that cater for local residents.
- Encourage land uses that generate street activity and increase pedestrian engagement.
- Discourage residential activity at the ground floor of new or existing buildings.

Access and Amenity

- Facilitate development close to Victoria Park Station that enhances the role and function of the station.
- Provide active interfaces and passive surveillance of public spaces, as part of new development close to the station.
- Reinforce connections and access to public transport stops and stations through well designed ground floor frontages, accommodating active uses.
- Improve pedestrian amenity along the length of Johnston Street and adjoining side streets through well designed ground floor frontages, accommodating active uses.
- Improve interfaces along the southern side of Sackville Street through improved building design and/or landscape treatments.
- Minimise potential conflicts between residential amenity and commercial uses.
- Limit vehicle access to new development from Johnston Street and discourage car parking in developments that only have access from Johnston Street.
- Encourage sustainable transport measures in new development.

Equitable Development

- Ensure that new development considers the future development opportunities of adjacent properties.
- Encourage consolidation of finer grain sites to achieve more efficient and equitable built form outcomes.
- Ensure that built form is spaced appropriately at the upper levels to maintain views to the sky from adjacent residential areas.

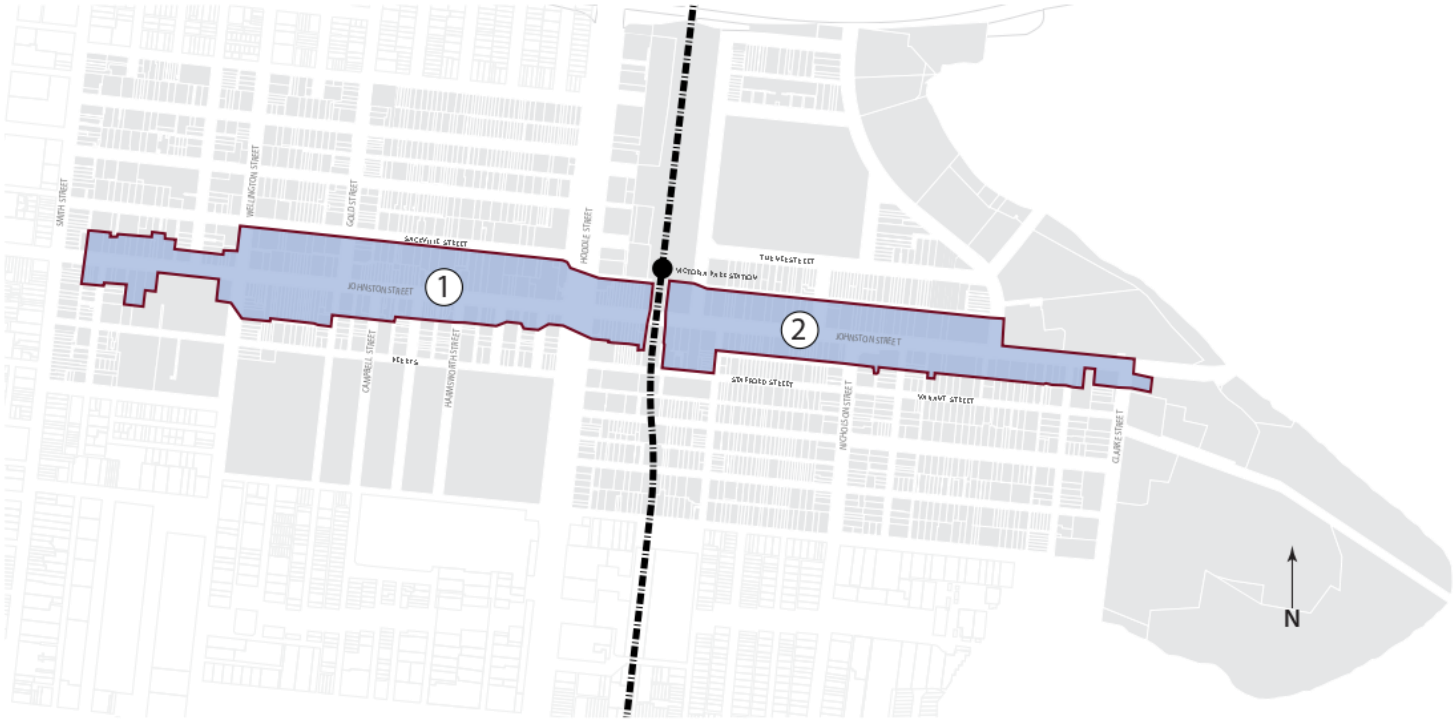
Reference Documents

Johnston Street Local Area Plan – December, 2015

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YARRA PLANNING SCHEME

Map 1: Johnston Street Local Area Plan (Precincts 1 and 2)



YARRA PLANNING SCHEME

Swan Street Activity Centre

Swan Street's diverse range of entertainment and retail activities, public transport options and close proximity to Melbourne's Central Business District and Sports and Entertainment Precinct have attracted residents, visitors and workers to the Activity Centre for well over a 100 years.

The character of the Activity Centre varies significantly along the length of Swan Street, moving from a cohesive and highly intact turn of the century 'High Street' with a prominent fine grain subdivision pattern, to a diverse and less historically intact retail and residential area towards the eastern end. The Activity Centre contains a number of landmark heritage commercial buildings, including the Dimmeys Clock Tower.

The preferred future character of each precinct reflects this diversity with moderate built form change planned for the highly intact heritage area west of Brighton Street and higher change at the eastern end of the Activity Centre where there is currently a more mixed built form character. This built form change will support the Activity Centre's role as a location for an extensive mix of retail, entertainment and commercial uses, and high quality apartment living.

The Framework Plan as shown in Map 2 illustrates the boundary of the Swan Street Major Activity Centre and the precincts, which make up the centre:

- Precinct 1: Richmond Station
- Precinct 2: Swan Street Retail
- Precinct 3: Swan Street East
- Precinct 4: Burnley Station

VISION

Council's vision is 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.

LOCAL AREA IMPLEMENTATION

Ensure that any proposed use or development within the Swan Street Activity Centre is generally consistent with the Swan Street Built Form Framework Plan as shown in Map 2.

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – is an exciting place anchored by the Richmond Train Station with shops, entertainment uses and alfresco dining areas that is a destination for visitors and the workers and students from the surrounding employment and education uses in Cremorne. The entry to the centre is more defined with high quality contemporary buildings that wrap the corner with Hoddle Street. Looking east the Precinct Hotel and other heritage buildings sit comfortably next to more contemporary buildings that reflect a similar scale at street level with new development above and behind a well defined street wall.

  Precinct 2 – is the major focus for retail and entertainment uses located within existing fine grain heritage shop fronts. The footpaths are the key public spaces providing opportunities for outdoor dining and public engagement. Activated linkages connect people to East Richmond Station and a potential new public park. Looking along Swan Street, the intact heritage buildings remain prominent defining a valued heritage streetscape where new development above and behind the street wall is visually recessive. The Dimmey's Tower remains a clear focal point in the street standing out from surrounding buildings. Taller

development along the railway line is visible and provides a greater sense of enclosure along side streets and laneways but is designed and spaced to contribute to a varied skyline that remains subservient to the heritage streetscape.

Precinct 3 – is a true mixed use precinct providing for a range of retail, commercial and residential uses within new mid rise developments of varying heights, widths and character. The consistent front setback and continuation of the broad scale of the street wall of Precinct 2 provides a continuity with the balance of the centre and an improved pedestrian experience at street level. On the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape and development is scaled and sited sensitively to the adjoining low scale residential area. On the south side of Swan Street high quality taller buildings gradually scale up to Burnley Street denoting the importance of the station. Breaks between these buildings maintain views to the sky from street level and create a varied skyline and backdrop to the shopping strip when viewed from surrounding residential and commercial areas. New and improved laneways connecting to Swan Street offer opportunities for interesting public spaces that complement improvements to the public realm along Swan Street.

Precinct 4 – is anchored around Burnley Station and the Burnley Street Village. High quality new buildings adjoining Burnley Station with a range of retail, office, hospitality, residential and personal services activate new and improved pedestrian connections to the station. Along Burnley Street, the heritage buildings remain prominent with new infill development integrating as a cohesive part of the streetscape. Buildings behind Burnley Street and along the north side of Swan Street scale sensitively to the adjoining low scale residential area. Breaks between buildings at upper levels maintain views to the sky from street level and create a varied skyline when viewed from surrounding residential areas.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precinct 2: Swan Street Retail as a compact, fine grain retail precinct.
- Support the area west of Church Street as a core entertainment precinct that contains a range of licensed premises that make a significant contribution to the Night Time Economy.
- Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor.
- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for midrise development (5 -12 storeys) that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Swan, Church, and Burnley Street.
- Ensure development respects a consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings within the Activity Centre.
- Promote a gradual transition in height along Swan Street towards Burnley Train Station.
- Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

- Allow for taller buildings with highly articulated street walls in side streets and laneways on the southern side of Swan Street.
- Ensure development contributes to the evolution of Precinct 3: Swan Street East and Precinct 4: Burnley Station into vibrant mixed-use precincts with built form that enhances the streetscape character.
- Enhance and mark the entry to the centre from Hoddle Street.
- Protect key views lines on Swan Street to the Dimmey's Clock Tower.

Access and Movement

- Facilitate widened laneways and new laneways to provide for safe vehicular access to and from new development.
- Ensure that pedestrian movement is given priority along Swan Street.
- Limit direct vehicular access on to Swan Street, Burnley Street and Church Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.

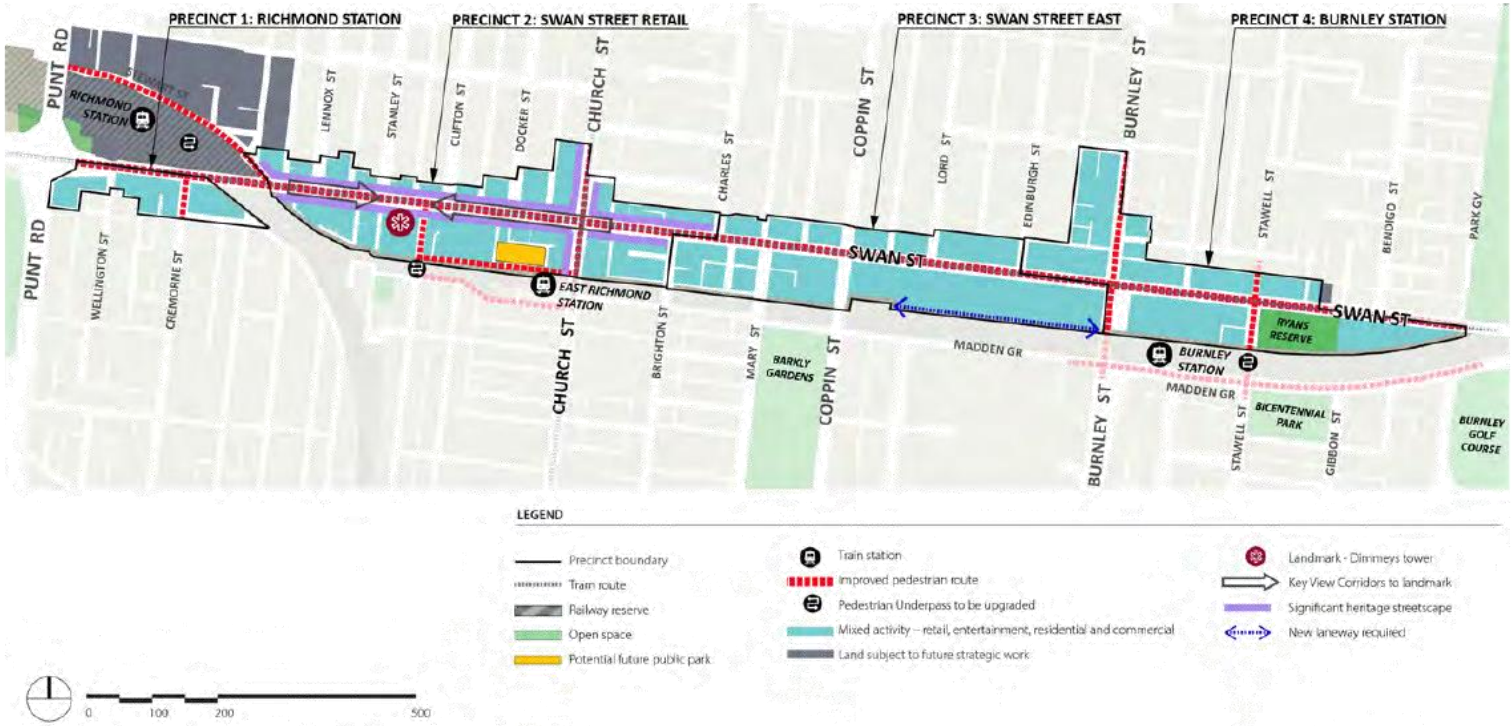
Public Realm

- Maintain daylight and sunlight to the key streets and public spaces.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections to Swan Street and the railway stations.
- Safeguard the future amenity of the potential public park at the carpark adjoining East Richmond Train Station.
- Improve amenity and pedestrian safety under the railway bridge in Swan Street.
- Ensure that new development provides adequate weather protection for footpaths along Swan, Burnley, and Church Street.

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YARRA PLANNING SCHEME

Map 2: Swan Street Framework Plan



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22.02 DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

18/10/2018
C232

This policy applies to all land within a Heritage Overlay.

22.02-1 Policy Basis

30/09/2010
C85

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

22.02-2 Definitions of Words used in this Policy

30/09/2010
C85

- Adaptation: modifying a place to suit the existing use or a proposed use.
- Architectural integrity: the quality of closely reflecting the architecture of the period in which a building was created.
- Conservation: the process of looking after a place so as to retain its cultural significance.
- Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: all the physical material of the place including components and fixtures, and can include building interiors.
- Heritage place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

22.02-3 Levels of Significance

18/06/2020
C220yara

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.
- Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time). Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)*, *City of Yarra Heritage Gaps Review Two 2013, City of Yarra Hertiage Gaps Study July, 2014 – Smith Street South (Anthemion), Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014 and Heritage Gap Study: Review of Johnston Street East, March 2016.*

22.02-4 Objectives

30/09/2010
C85

To conserve Yarra's natural and cultural heritage.

To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.

To retain significant view lines to, and vistas of, heritage places.

To preserve the scale and pattern of streetscapes in heritage places.

To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.

To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.

To ensure that additions and new works to a heritage place respect the significance of the place.

To encourage the retention of 'individually significant' and 'contributory' heritage places.

To protect archaeological sites of cultural heritage significance.

22.02-5 Policy

19/10/2017
C235

It is policy to:

22.02-5.1 Demolition

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
  - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Review of Heritage Areas 2007 Appendix 8* (as updated from time to time)and
  - the building does not form part of a group of similar buildings.

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For a contributory building:
  - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
  - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

22.02-5.2 Original Location

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

22.02-5.3 Reconstruction and Restoration

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

22.02-5.4 Painting and Surface Treatments

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

22.02-5.5 Culturally Significant Trees

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

22.02-5.6 Subdivision

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

22.02-5.7 New Development, Alterations or Additions

22.02-5.7.1 General

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

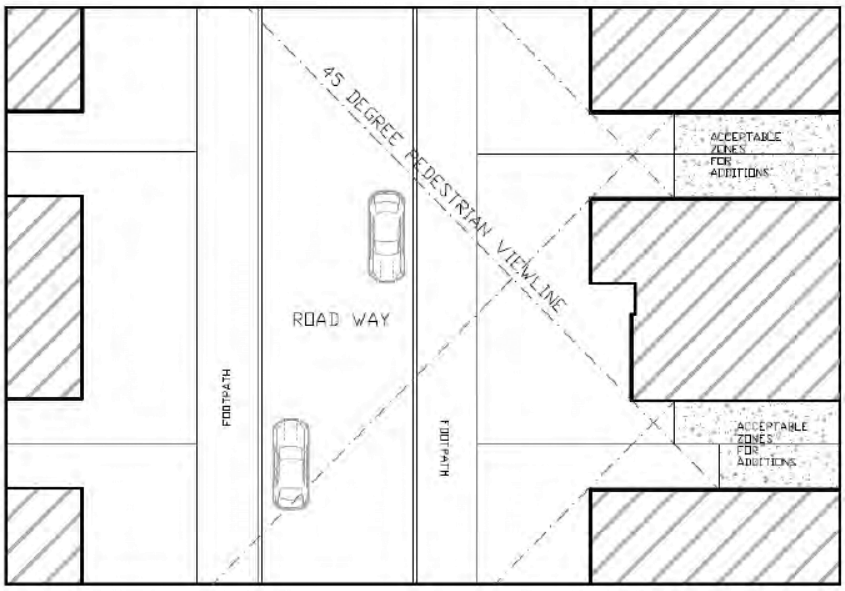


Figure 1 acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.

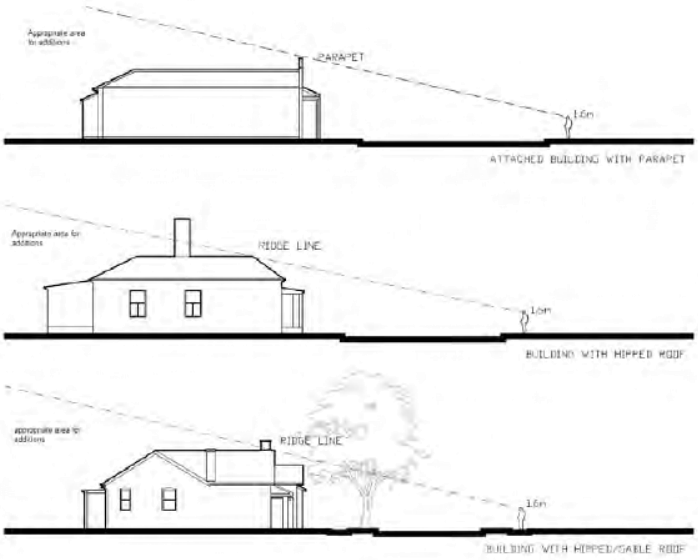


Figure 2 – appropriate areas for upper level additions to contributory buildings are sited within the 'envelope' created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

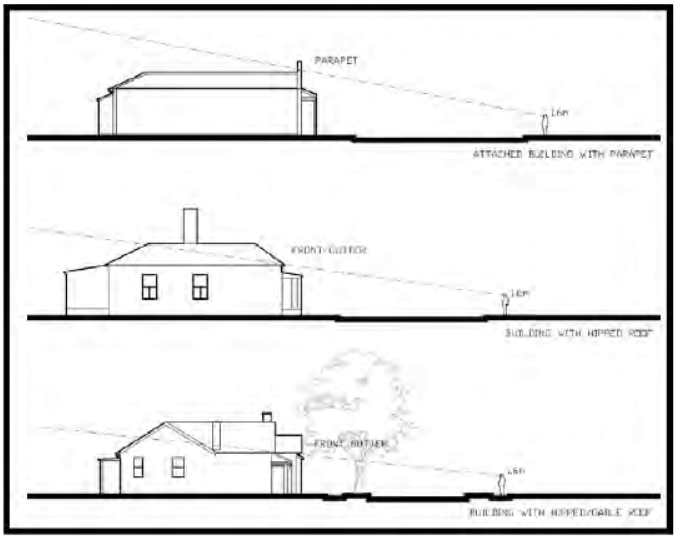


Figure 3 – appropriate areas for upper level additions to individually significant buildings are sited within the 'envelope' created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.
- Incorporate treatments which make them less apparent.

Carports, Car Spaces, Garages, and Outbuildings

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

Front Fences and Gates

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Ancillaries and Services

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

22.02-6 Archaeological Sites

30/09/2010
C85

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

22.02-7 Decision Guidelines

30/09/2010
C85

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

22.02-8 References

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Proposed C191yara

Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (GJM Heritage).

Yarra High Streets (Swan Street) Statements of Significance: Reference Document, December 2020 (GJM Heritage).

Heritage Citation: 112-124 Trenerry Crescent, Abbotsfod. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsfod. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

City of Yarra Heritage Gaps Study – Smith Street South,Anthemion Consultancies 2014.

City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.

City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.

City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.

City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.

City of Yarra Heritage Gaps Review Two 2013.

City of Yarra Heritage Gaps Study – 233-251 Victoria Street, Abbotsford, Anthemion Consultancies 2012.

City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007 updated 2013.

Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.

City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.

Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.

The Burra Charter. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.

Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.

Collingwood Conservation Study, Andrew Ward and Associates 1989.

Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.

Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.

City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.

South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.

North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

NB: Given the size of the document, only relevant extracts from the *Schedule to Clause 43.01 Heritage Overlay* are shown.

14/03/2019
C261yara

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

1.0 Application requirements

22/11/2018
C236

None specified.

2.0 Heritage places

--/--/----
Proposed C191yara

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO1	40 ABBOTSFORD STREET ABBOTSFORD Timber Cottage **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	No	No	No	No
HO2	42 ABBOTSFORD STREET ABBOTSFORD Gothick House **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	No	No	No	No
HO3	2-4 BOND STREET ABBOTSFORD Former Grosvenor Common School	-	-	-	-	Yes Ref No H654	No	No
HO4	31-35 CHURCH STREET ABBOTSFORD Terrace **Incorporated plan:**	Yes	No	No	No	No	No	No

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YARRA PLANNING SCHEME

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014							
HO498	472-484 NAPIER STREET, FITZROY NORTH **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO502	115 VICTORIA PARADE FITZROY Former Commonwealth Note and Stamp Printing Department	-	-	-	-	Yes Ref No H2372	No	No
HO503	2 JAMES STREET, ABBOTSFORD Former Commerical Stables and Hitching Posts	No	No	No	No	No	No	No
HO505	JOHNSTON STREET EAST *The heritage place includes 219-41 & 246-74 Johnston Street and the Johnston Street railway bridge including the brick and bluestone abutments* **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes – 219-23 & 258-60 Johnston St only	No	No	No	No	No	No
HO506 *Interim control* *Expiry Date 30/04/2021*	33-45 DERBY STREET, COLLINGWOOD **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO507 *Interim control*	18-22 DERBY STREET, COLLINGWOOD **Incorporated plan:**	No	No	No	No	No	No	No

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YARRA PLANNING SCHEME

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
Expiry Date *30/04/2021*	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014							
HO508 *Interim control* *Expiry Date* *30/04/2021*	32-34 THOMAS STREET, RICHMOND **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO509 *Interim control* *Expiry Date* *30/04/2021*	200-206 CHURCH STREET, RICHMOND **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO522	273A SWAN STREET, RICHMOND Shop And Residence **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO523	323-325 SWAN STREET, RICHMOND Pair of Shops and Residences **Incorporated plan:** Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	No	No	No	No	No	No
HO524	Swan Street West Precinct **Incorporated plan:**	No	No	No	No	No	No	No

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YARRA PLANNING SCHEME

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014							

22/11/2018 C236

SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO17**.

SWAN STREET ACTIVITY CENTRE

1.0 General design objectives

22/11/2018 C236

- To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.
- To ensure that vehicular access to development does not adversely impact the level of service, efficiency and safety of the arterial and tram network.

2.0 Buildings and works

22/11/2018 C236

2.1 Definitions

22/11/2018 C236

Street wall is the facade of a building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Building height does not include non-structural elements and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that all of the following criteria are met:

- The total roof area occupied by the equipment (other than solar panels) is minimised;
- The service equipment is located in a position on the roof so as to minimise its visibility;
- The non-structural elements and service equipment minimise additional overshadowing of neighbouring properties and public spaces;
- The equipment does not extend higher than 3.6 metres above the maximum building height; and
- The non-structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.

Setback is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features, to the boundary.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary is theboundary between the public road and the private property.

Shared zone is a road or network of roads where pedestrians, cyclists and vehicles share the roadway.

Upper level is development above the height of the street wall.

~~2.2~~
~~22/11/2018 C236~~

~~General design requirements~~

~~The following general design requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements.~~

~~Building heights~~

~~A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule.~~

~~A permit may be granted to construct a building or construct or carry out works which exceeds the preferred building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule where all the following requirements are met to the satisfaction of the responsible authority:~~

- ~~the built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule;~~
- ~~the proposed building height achieves the preferred future mid-rise character for Swan Street of generally 5 to 12 storeys; and~~
- ~~the proposal will achieve each of the following:~~
  - ~~greater building separation than the minimum requirement in this schedule~~
  - ~~housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations~~
  - ~~universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58~~
  - ~~excellence for environmental sustainable design measured as a minimum BESS project score of 70%~~
  - ~~no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.~~

~~Street wall and setbacks~~

~~A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum street wall height and/or reduces the mandatory minimum setback requirements specified in the Precinct Tables in this schedule.~~

~~A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:~~

- ~~The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule,~~
- ~~The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule~~

~~The following requirements also apply to the design of the street wall and upper levels:~~

- ~~Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity.~~
- ~~Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.~~
- ~~Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form.~~

- Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.
- Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development must:
  - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed
  - be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.
- Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Heritage design requirements

The following design requirements apply on land within a heritage overlay or immediately adjoining a heritage overlay.

Design Element	Design Requirement
Building facades and street frontages	**Infill Buildings and Development Adjoining a Heritage Building** 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: ▪ 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) ▪ respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s) ▪ avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts ▪ maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building. **Contributory or Individually Significant Buildings** Adaptation of contributory or individually significant buildings must: ▪ avoid highly reflective glazing in historic openings ▪ encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings ▪ maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.
Upper Levels (above street wall height)	**Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:** ▪ be visually recessive and not visually dominate the heritage building and the heritage streetscape ▪ retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism' ▪ 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 ▪ incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape ▪ be articulated to reflect the fine grained character of the streetscape.

Overshadowing

A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10am and 2pm at 22nd September:

- any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,
- any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street
- any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access

Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must reinstate the kerb, linemark parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.

2.3 Precinct design requirements

22/11/2018 C230

The following specific Precinct Design Requirements apply in addition to the general design requirements.

Precinct 1 – Richmond Station

Shown on the planning scheme map as **DDO17-1**

The Precinct Design Requirements for Precinct 1 are as follows:

- Development must provide a consistent built form edge to the street.
- The street wall of development on the corner of Swan Street and Punt Road must mark the entry into the Swan Street Activity Centre.
- The street wall of new development east of Wellington Street must reflect the height and fine grain articulation of the heritage buildings.
- Development must improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to the Cremorne Employment Precinct through high quality architectural design and improvements to the public realm.
- Development must not overshadow any part of the opposite footpath of Cremorne Street (measured as 2.0 metres from the boundary of Cremorne Street between 10am and 2pm at 22nd September).

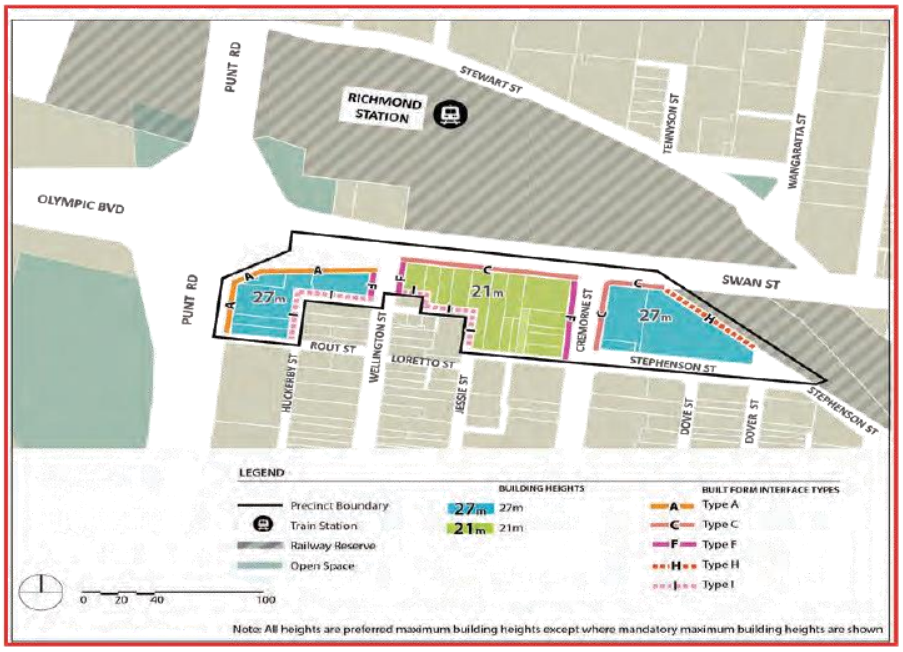
YARRA PLANNING SCHEME

~~**Table 1 – Street Wall Heights and Setbacks for Precinct 1**~~

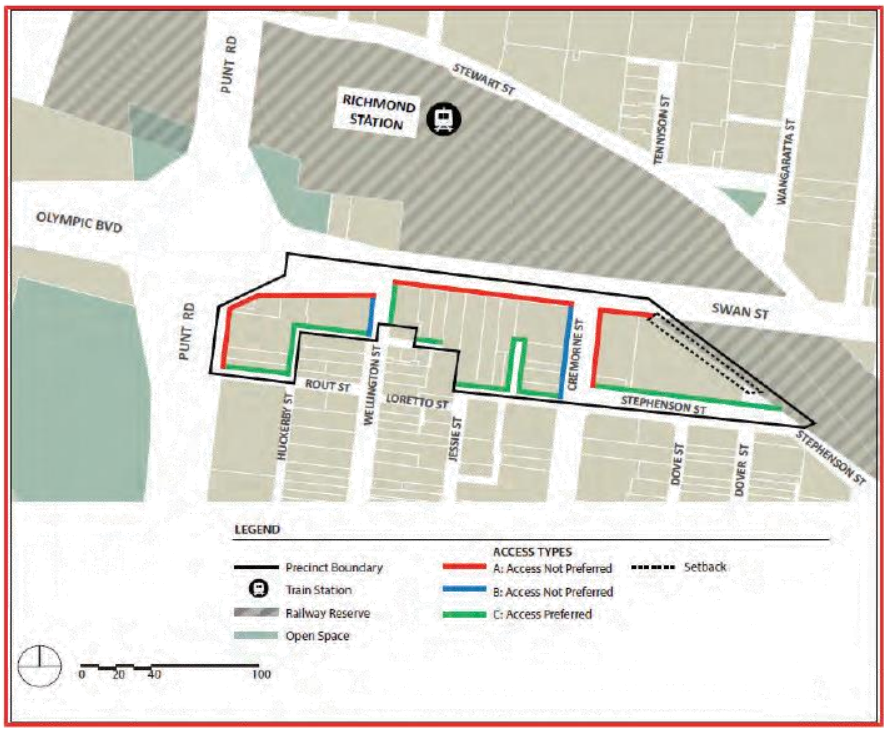
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum
	Street wall setback		0m
	Upper level setback		5m minimum
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. 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).
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise repetitive stepped form.

YARRA PLANNING SCHEME

~~**Plan 1: Height and Interface Plan – Precinct 1 – Richmond Station**~~



~~**Plan 2: Access and Movement Plan – Precinct 1 – Richmond Station**~~



YARRA PLANNING SCHEME

Precinct 2 – Swan Street Activity Centre

Shown on the planning scheme map as **DDO17-2**

The Precinct Design Requirements for Precinct 2 are as follows:

- Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.
- Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
- Development on the south side of Swan Street must maintain Dimmey's Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- Taller built form adjoining the rail corridor must not compete with the architectural form and complexity of the Dimmey's Clock Tower.
- Development must improve the pedestrian environment and amenity of streets and laneways that provide pedestrian connection to Swan Street, Church Street, East Richmond Train Station, and entrances to buildings.
- Development adjoining Milton Place must be designed to address the potential future public park adjoining East Richmond Railway Station.
- Development must not overshadow any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street and Docker Street, (measured as 2.0 metres from the road boundary of the street between 10am and 2pm at 22nd September).
- Development must not overshadow any part of the potential future open space adjacent to the East Richmond Station (measured as beyond 7.0m from the eastern road boundary of Milton Place and beyond 10.0m from the southern road boundary of Milton Place between 10am and 2pm at 22nd September).

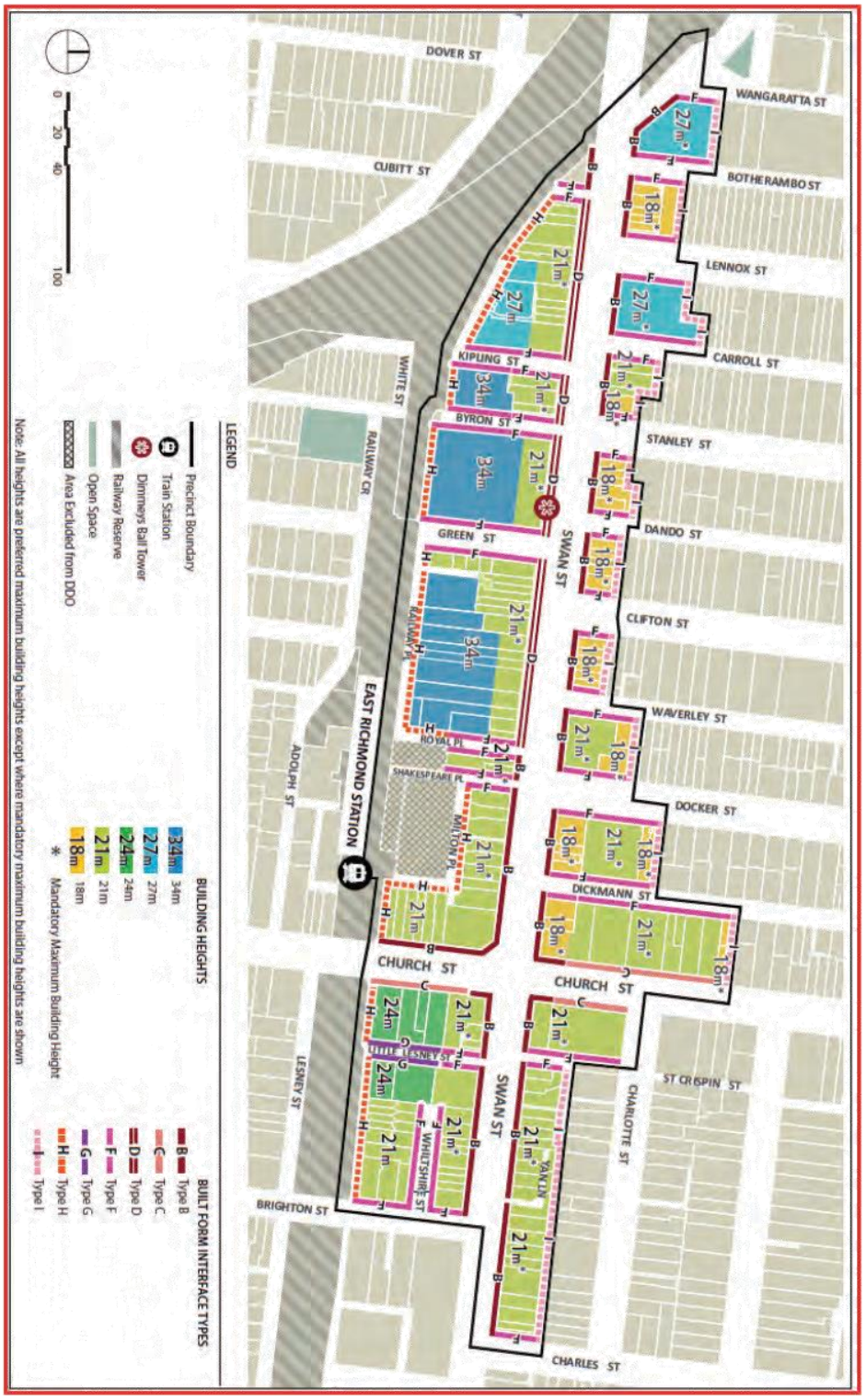
Table 2 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	- 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. - 8m minimum.	- Match the parapet height of the adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	5m minimum setback	For all development in a heritage overlay, any part of the building above the heritage street wall should 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).
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback	0m	
	Upper level setback	5m minimum for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
D	Street wall height	11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum.	Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum
	Street wall setback		0m.
	Upper level setback		5m minimum for land affected by HO335 and individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 4.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

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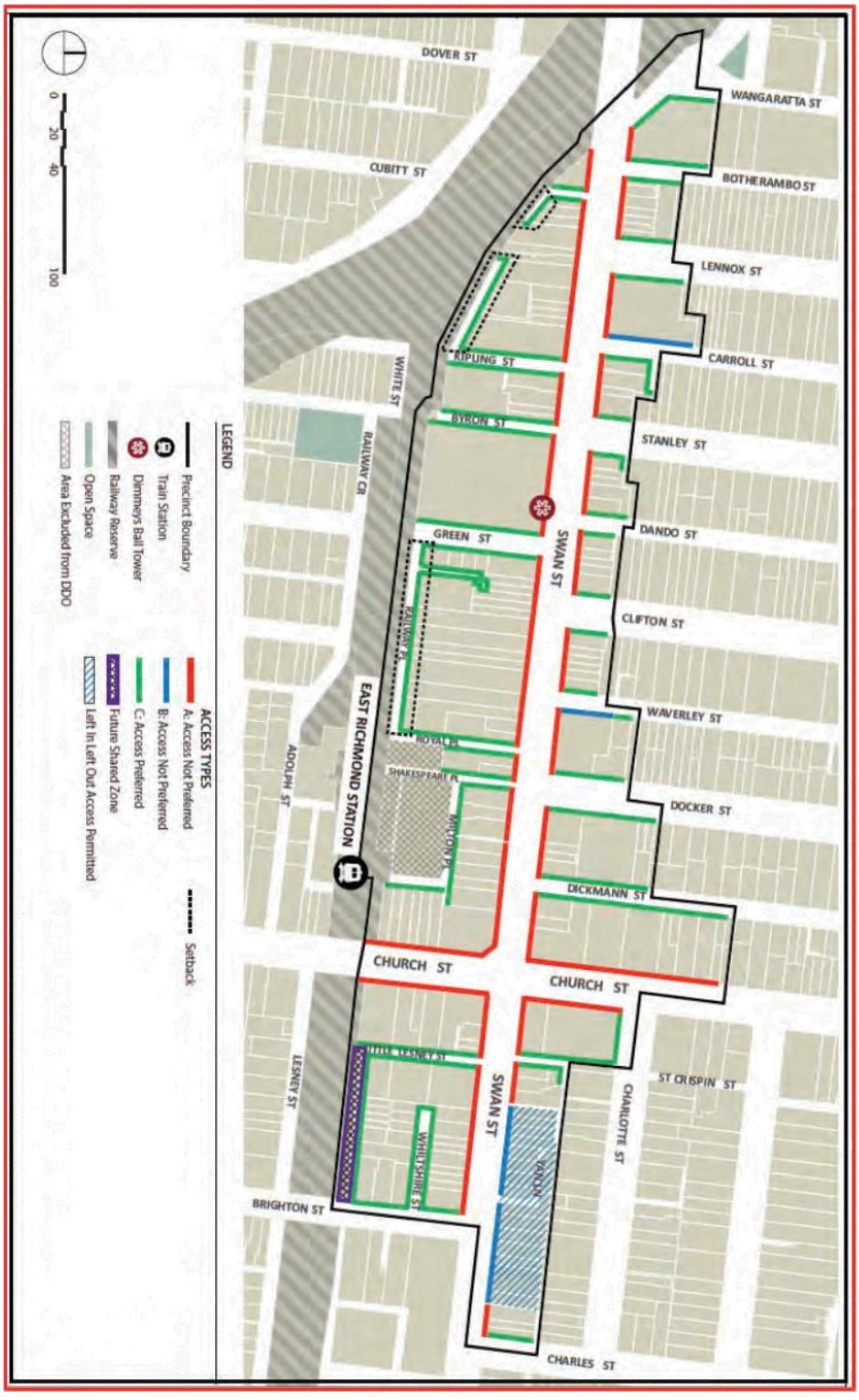
~~Plan 3: Height and Interface Plan – Precinct 2 – Swan Street Retail Centre~~



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YARRA PLANNING SCHEME

~~**Plan 4: Access and Movement Plan – Precinct 2 – Swan Street Retail Centre**~~



YARRA PLANNING SCHEME

Precinct 3 – Swan Street East

Shown on the planning scheme map as **DDO17-3**

The design requirements for Precinct 3 are as follows:

- Development along Swan Street must continue the street level experience of the Swan Street and Burnley Street heritage precincts by maintaining a consistent and prominent street wall.
- Development must improve the pedestrian environment and amenity of Swan Street, and easements and laneways that provide pedestrian connection to Swan Street and to the entrances to new developments.
- 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.
- Development must not overshadow any part of the opposite footpath of Mary Street and Coppin Street (measured as 2.0m from the road boundary between 10am and 2pm at 22nd September).
- Development should be designed to enhance, activate and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 6.

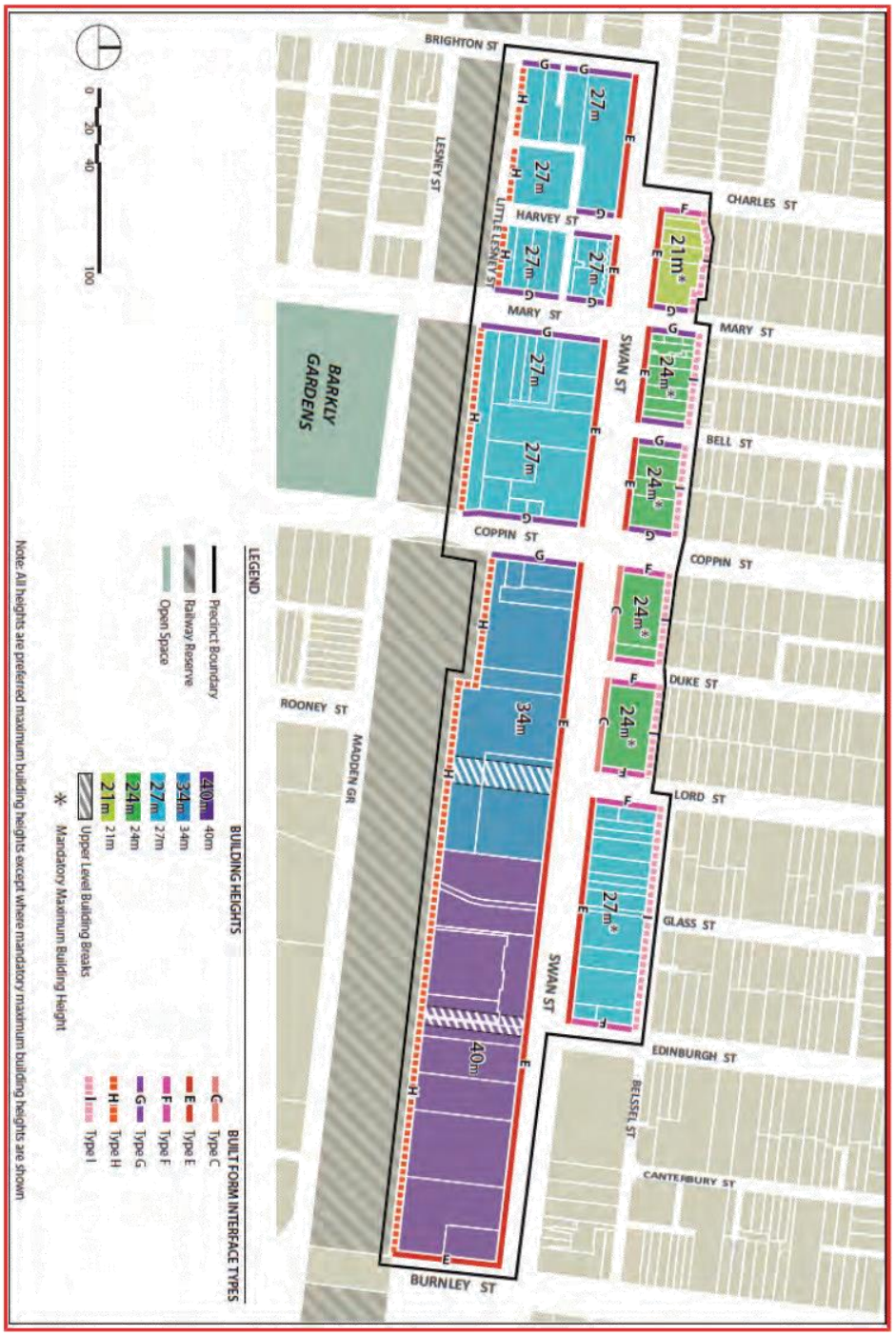
Table 3 – Street Wall Heights and Setbacks for Precinct 3

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. - Match the parapet height of the taller adjoining heritage building
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
E	Street wall height		14.5m maximum .
	Street wall setback		0m.
	Upper level setback		5m minimum.
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		5m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

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Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 6.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

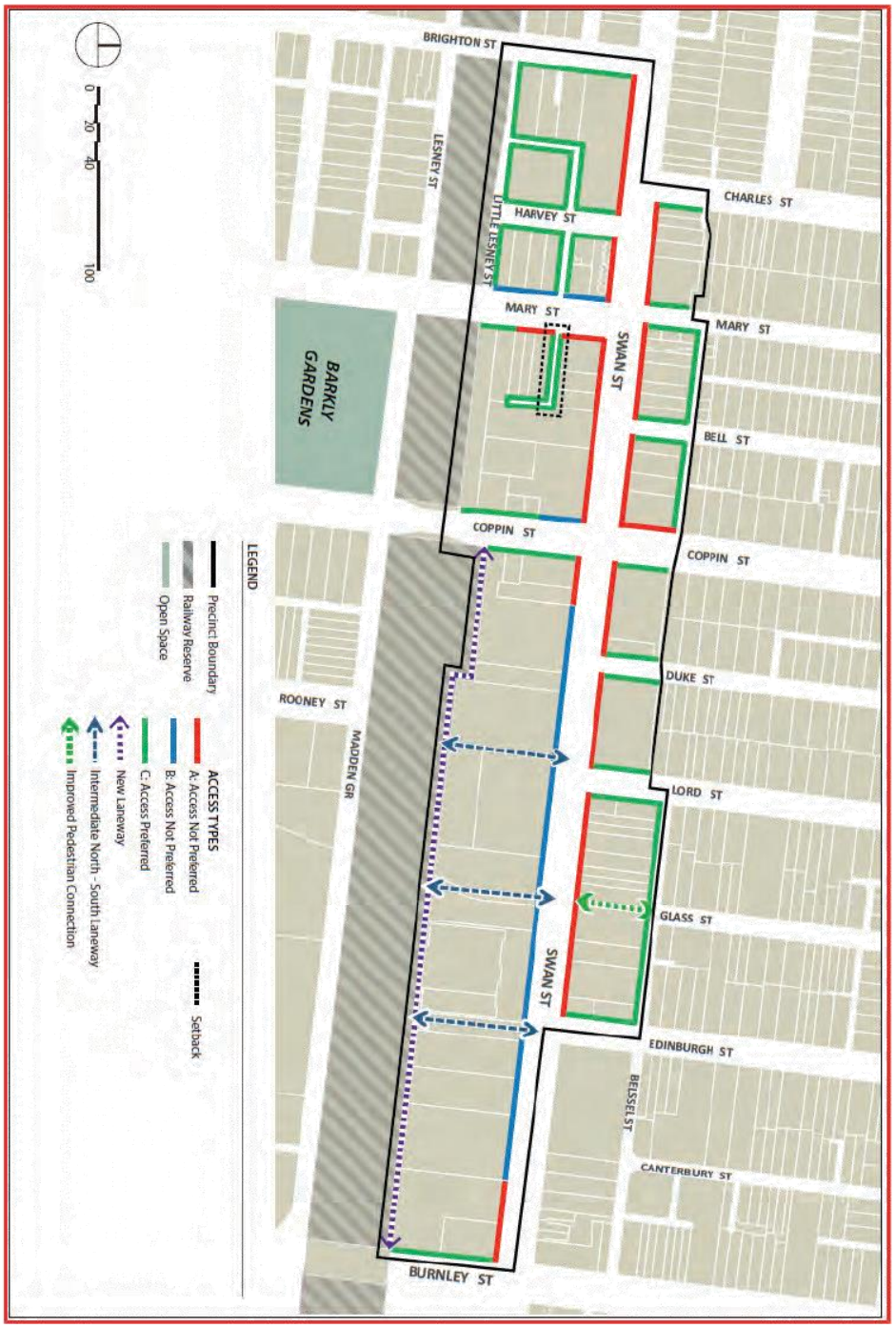
~~**Plan 5: Height and Interface Plan – Precinct 3 – Swan Street East**~~



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YARRA PLANNING SCHEME

~~**Plan 6: Access and Movement Plan – Precinct 3 – Swan Street East**~~



YARRA PLANNING SCHEME

Precinct 4 – Burnley Station

Shown on the planning map as **DDO17-4**

The Precinct Design Requirements for Precinct 4 are as follows:

- Development must respect the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.
- Development must maintain the amenity of Ryan's Reserve.
- Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 7 must incorporate side setbacks greater than the standards in Clause 2 to enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street, and along Cutter Street and Bendigo Street.
- Development must not overshadow the opposite footpath of Stawell Street (measured as 2.0m from the road boundary between 10am and 2pm at 22nd September).
- Development must maintain solar access to Ryan's Reserve as follows:
  - Beyond 16m of the eastern boundary of the reserve from 10am onwards on 22 September
  - At the western boundary of the reserve until 2pm on 22 September.

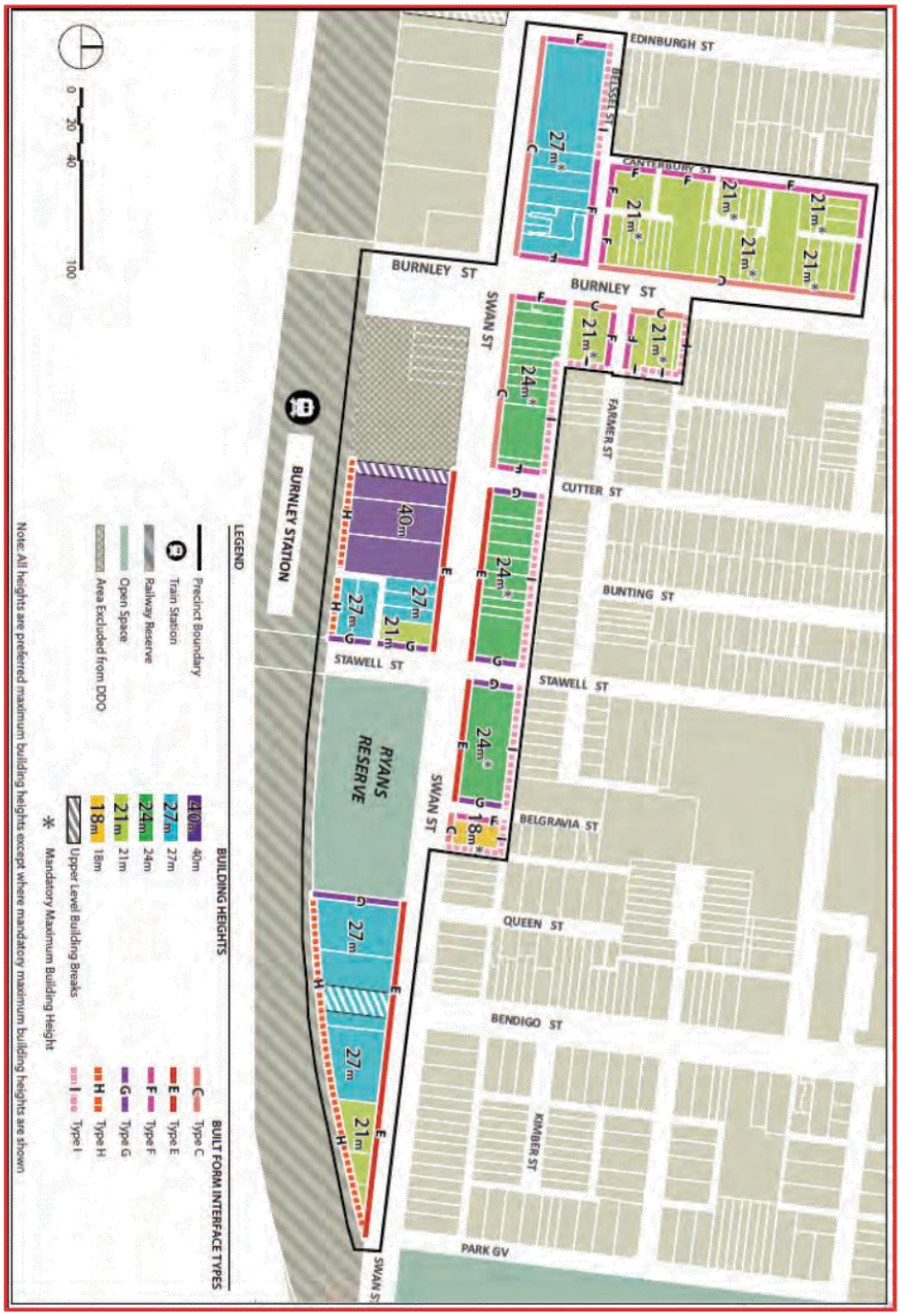
Table 4 – Street Wall Heights and Setbacks for Precinct 4

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO 286 (365 Swan Street). Minimum 5m for other individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
E	Street wall height		14.5m maximum
	Street wall setback		0m.
	Upper level setback		5m minimum.
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		5m minimum for individually significant buildings. 3m minimum elsewhere.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 8.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise stepped form.

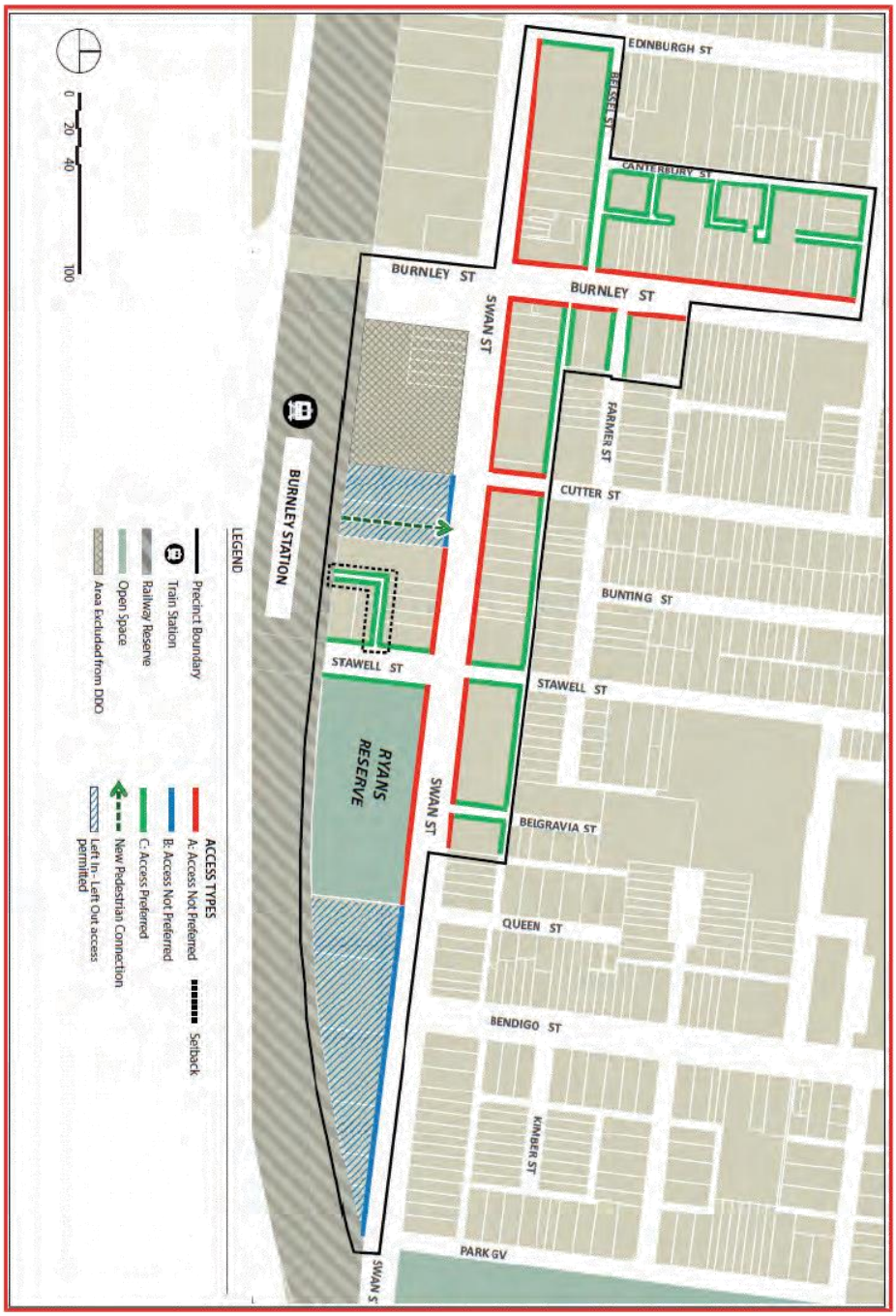
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~~**Plan 7: Height and Interface Plan – Precinct 4 – Burnley Station**~~



YARRA PLANNING SCHEME

~~**Plan 8: Access and Movement Plan – Precinct 4 – Burnley Station**~~



~~3.0~~
~~22/11/2018 C236~~

~~Subdivision~~

~~None specified.~~

~~4.0~~
~~22/11/2018 C236~~

~~Advertising~~

~~None specified.~~

~~5.0~~
~~15/10/2020 C270yara~~

~~Decision guidelines~~

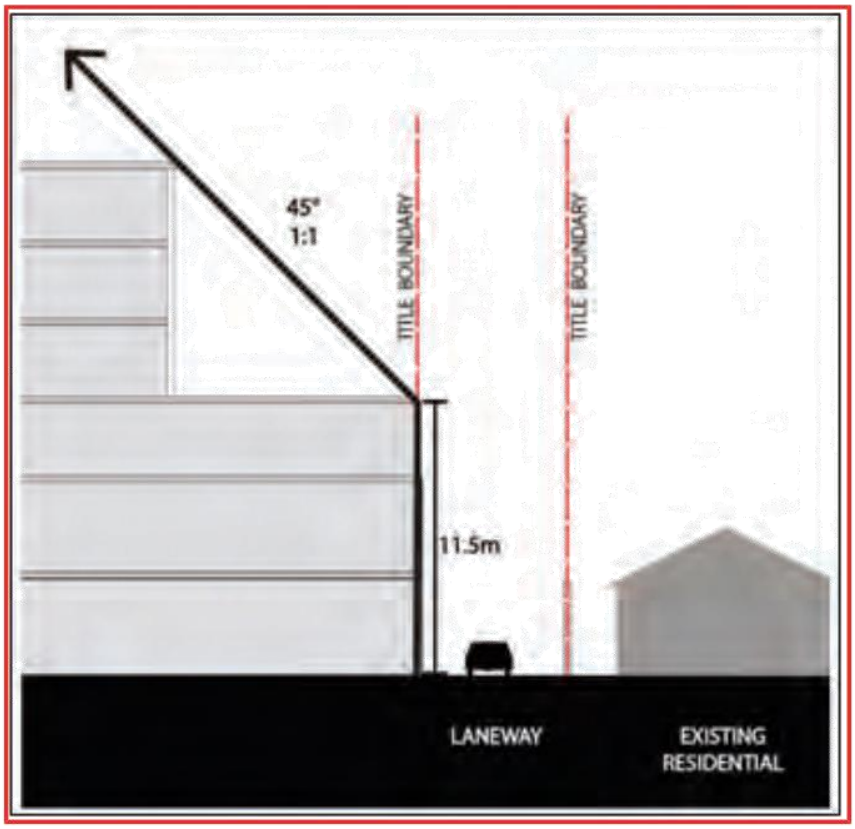
~~The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

- ~~Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.~~
- ~~The design of the streetscape interface and its contribution to an active street environment.~~
- ~~Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.~~
- ~~The shadowing impacts of the development on footpaths and public spaces.~~
- ~~The wind effects created by the development.~~
- ~~The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.~~
- ~~The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.~~
- ~~Whether heritage buildings on street corners retain their prominence when viewed on both streets.~~
- ~~Whether heritage buildings retain their three-dimensional form as viewed from the public realm.~~
- ~~Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.~~
- ~~The impact of development on view lines to the Dimmey's Clock Tower.~~
- ~~The impact of development on the operation of the tram routes along Swan Street and Church Street.~~

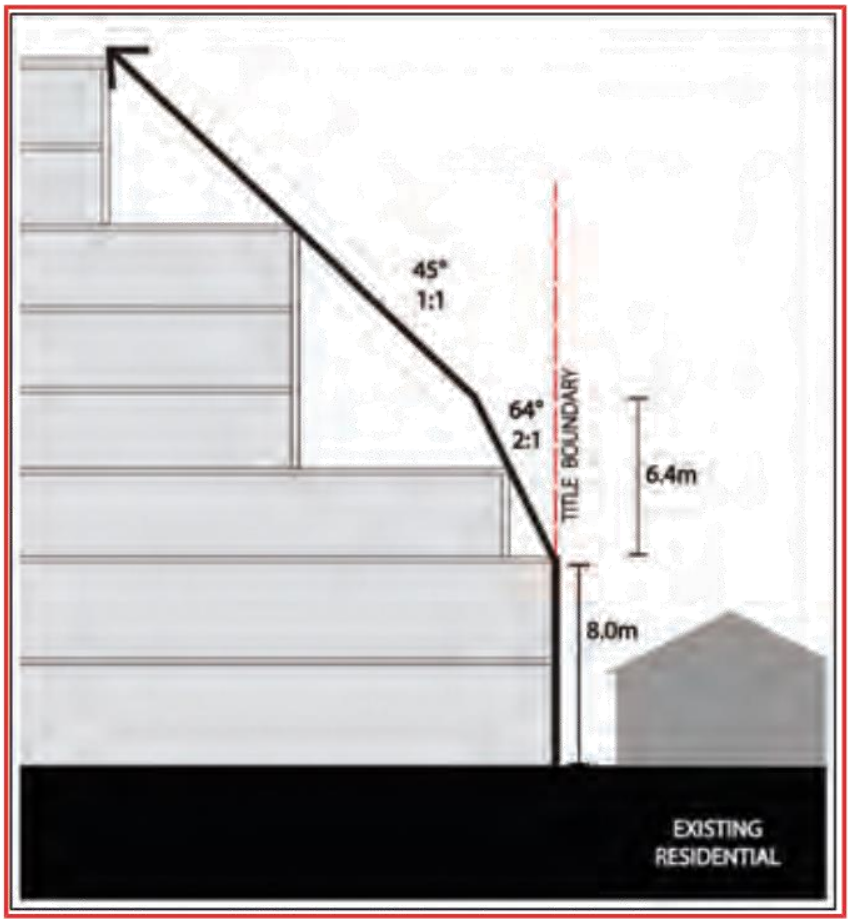
~~Expiry~~

~~The requirements of this overlay cease to have effect after 15 October 2021.~~

~~**Figure 1 to schedule 17 – Residential interface with an existing laneway**~~



~~**Figure 2 to schedule 17 – Residential interface direct abuttal**~~



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO25**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 1 RICHMOND STATION

1.0 Design objectives

--/--/----
Proposed C191yara

- To create an entry to the activity centre, anchored by Richmond Station, that is defined by high quality, contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.
- To provide taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre.
- To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.
- To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floor frontages and improvements to the public realm.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respect the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and

- where the proposal is on land within a Heritage Overlay, it also achieves the following:
  - Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, stairs, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels);
- The equipment/structures does not cause additional overshadowing of adjoining properties; and
- The equipment/structures does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Cremorne Street (measured from the property boundary to the existing kerb of Cremorne Street between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.

Development with redundant vehicle access points to Swan Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Table 1 – Street Wall Heights and Setbacks for Precinct 1 Richmond Station

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise repetitive stepped form.

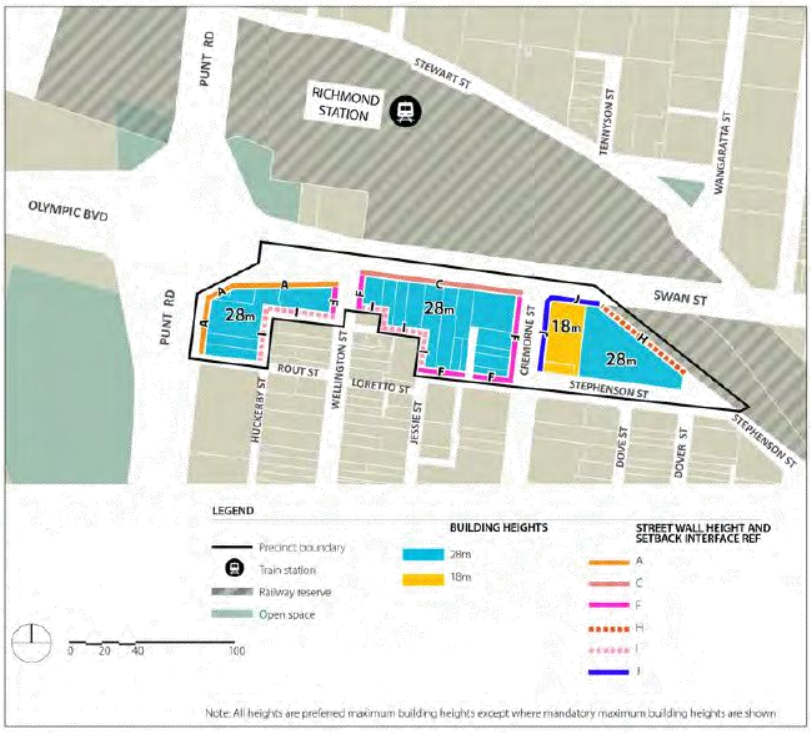
Attachment 6 - C191yara Amendment documents for adoption

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Boundary wall setback		At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.
J	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 10m from Swan Street setback. Minimum 8.5m from Cremorne Street setback.	

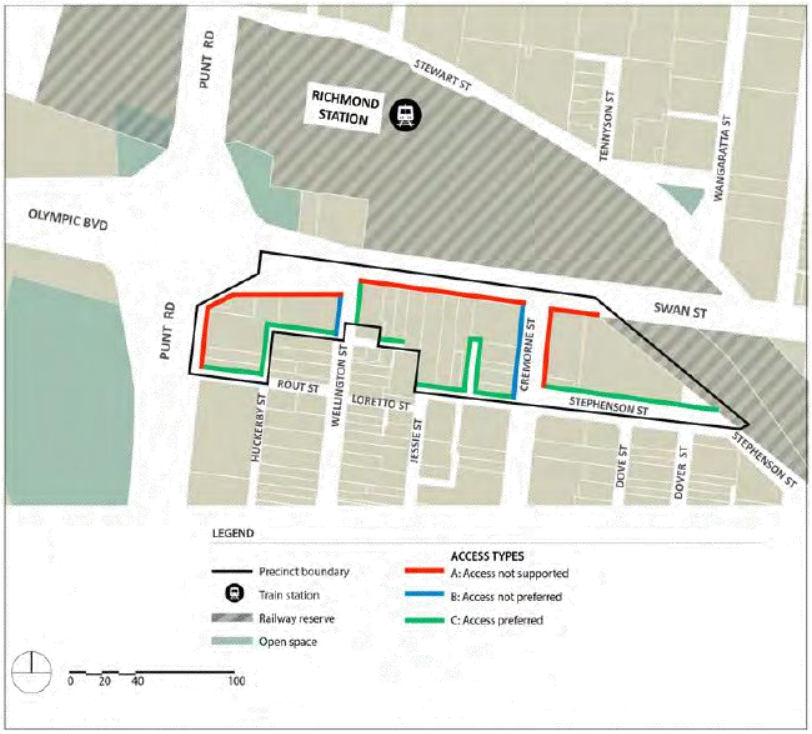
Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 1 Richmond Station



Plan 2: Access and Movement Plan – Precinct 1 Richmond Station



Attachment 6 - C191yara Amendment documents for adoption

3.0 Subdivision

--/--/----
Proposed C191yara

None specified.

4.0 Advertising

--/--/----
Proposed C191yara

None specified.

5.0 Application requirements

--/--/----
Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/----
Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 25 – Interface with an existing laneway

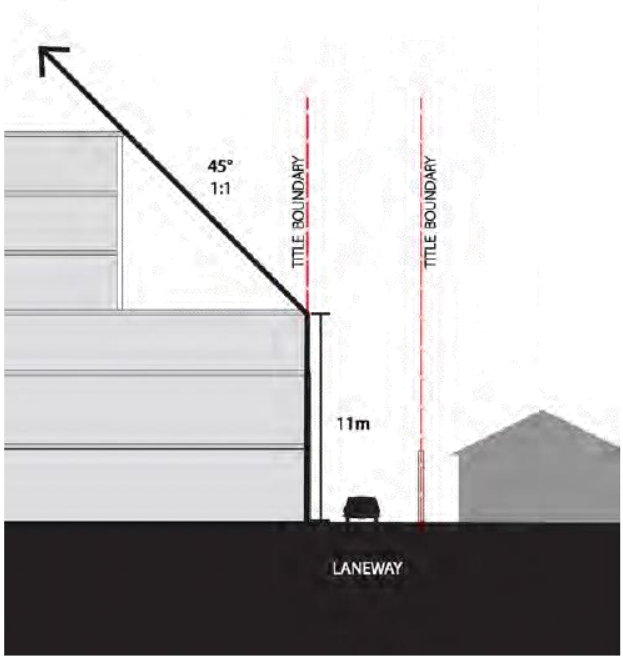
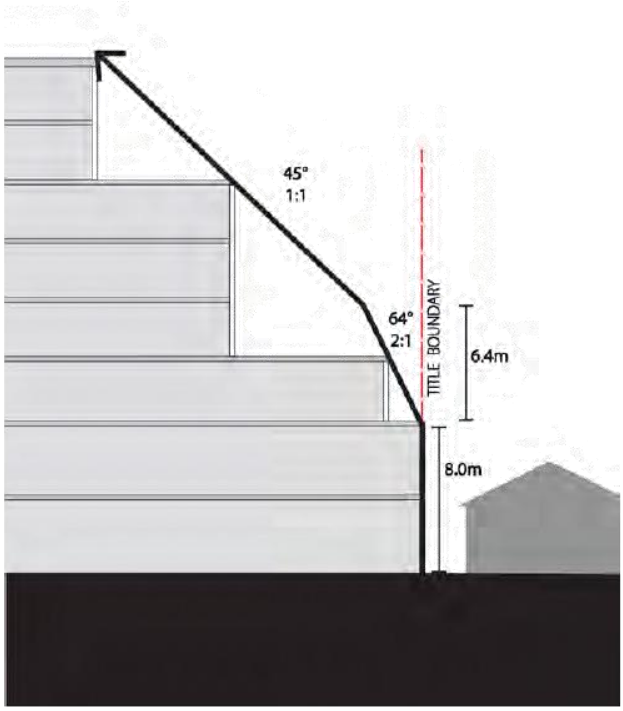


Figure 2 to schedule 25 – Interface direct abuttal



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

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Proposed C191yara

SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing of adjoining properties; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule; and
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 94-98 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 2.

Development should 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.

Table 1 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	

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Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 or heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 2 Swan Street Retail Centre



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 2 Swan Street Retail Centre



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3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmeys Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to schedule 26 – Interface with an existing laneway

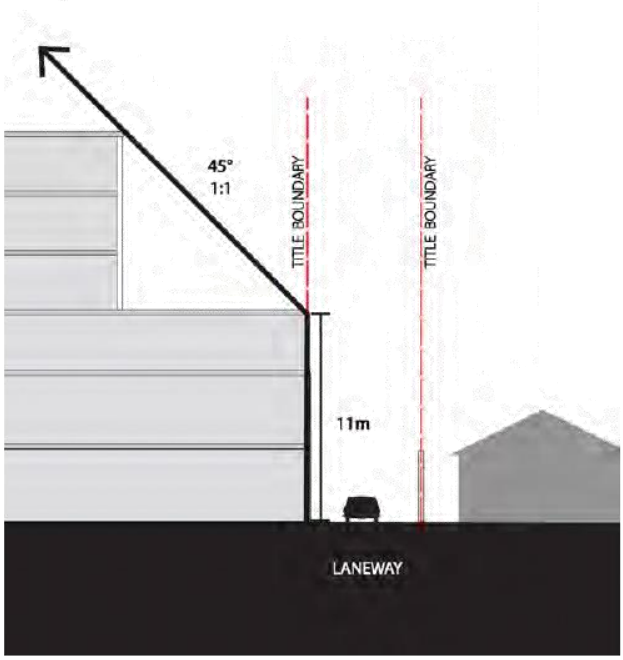
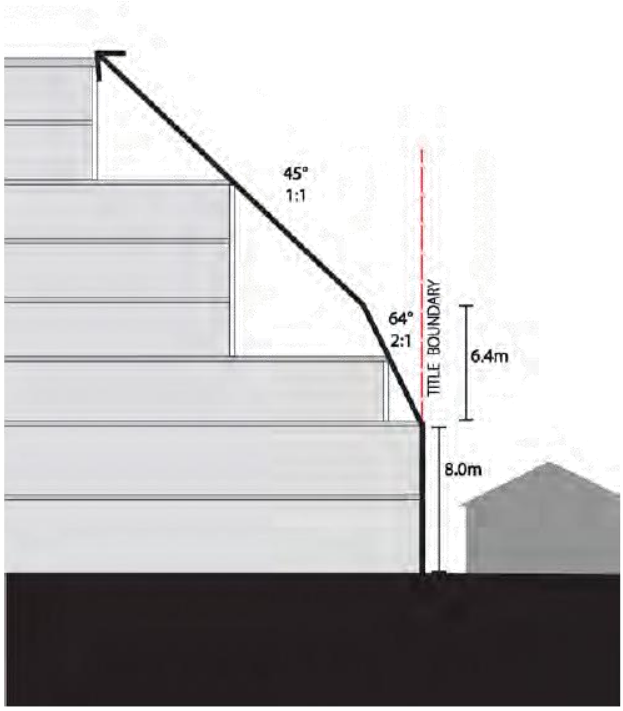


Figure 2 to schedule 26 – Interface direct abuttal



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YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 3 SWAN STREET EAST

1.0 Design objectives

--/--/----
Proposed C191yara

- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design Requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence, demonstrating improved streetscape outcomes.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule; and
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcomes that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Development should create a sense of enclosure to Swan Street through the height and setback of its street wall.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should 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.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street, Mary Street and Coppin Street (measured from the property boundary to the existing kerb between 10 am and 2 pm at 22nd September) unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 2.

Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.

Table 1 – Street Wall Heights and Setbacks for Precinct 3

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback		0m.

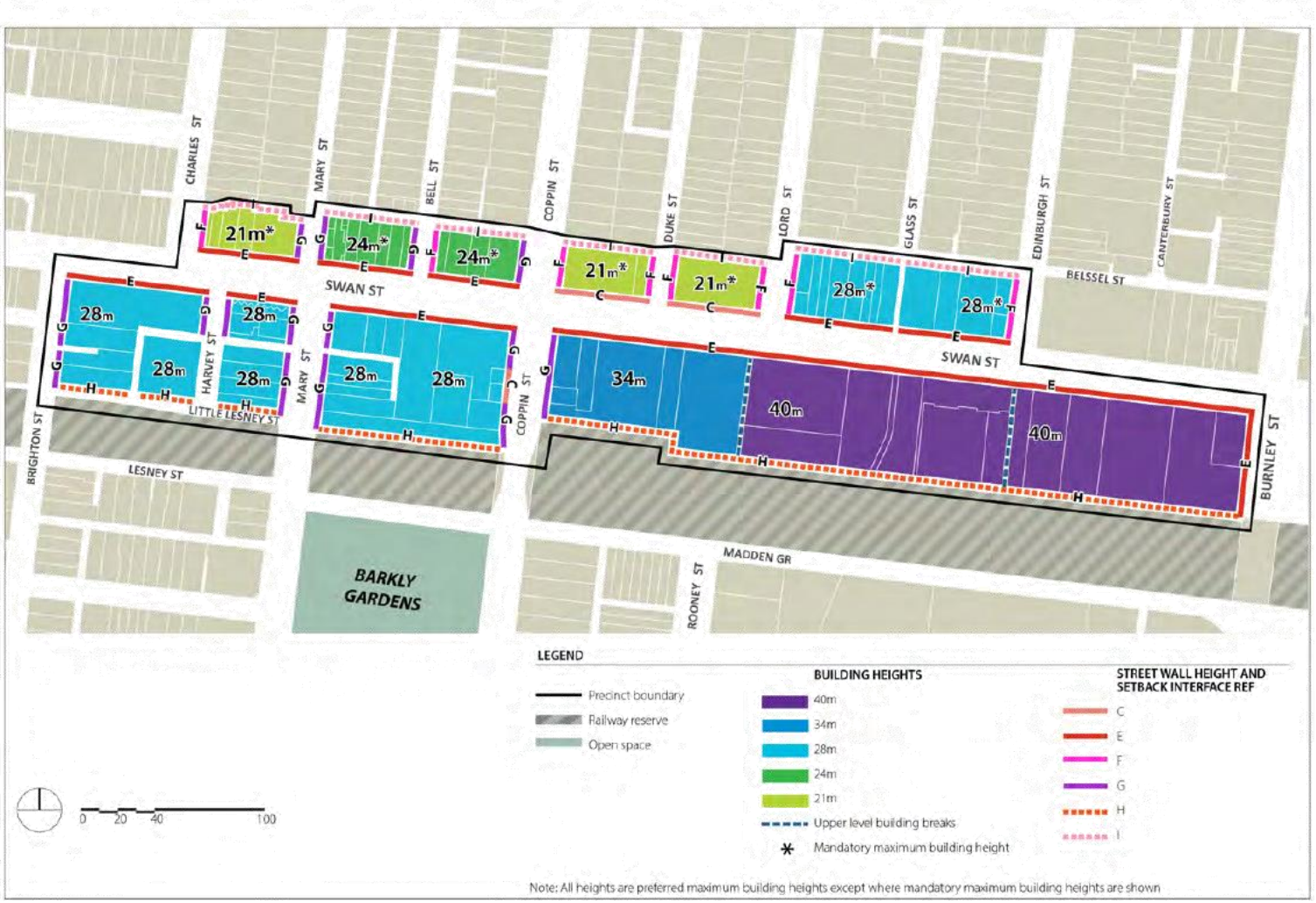
YARRA PLANNING SCHEME

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Upper level setback	Minimum 6m for heritage buildings.	6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

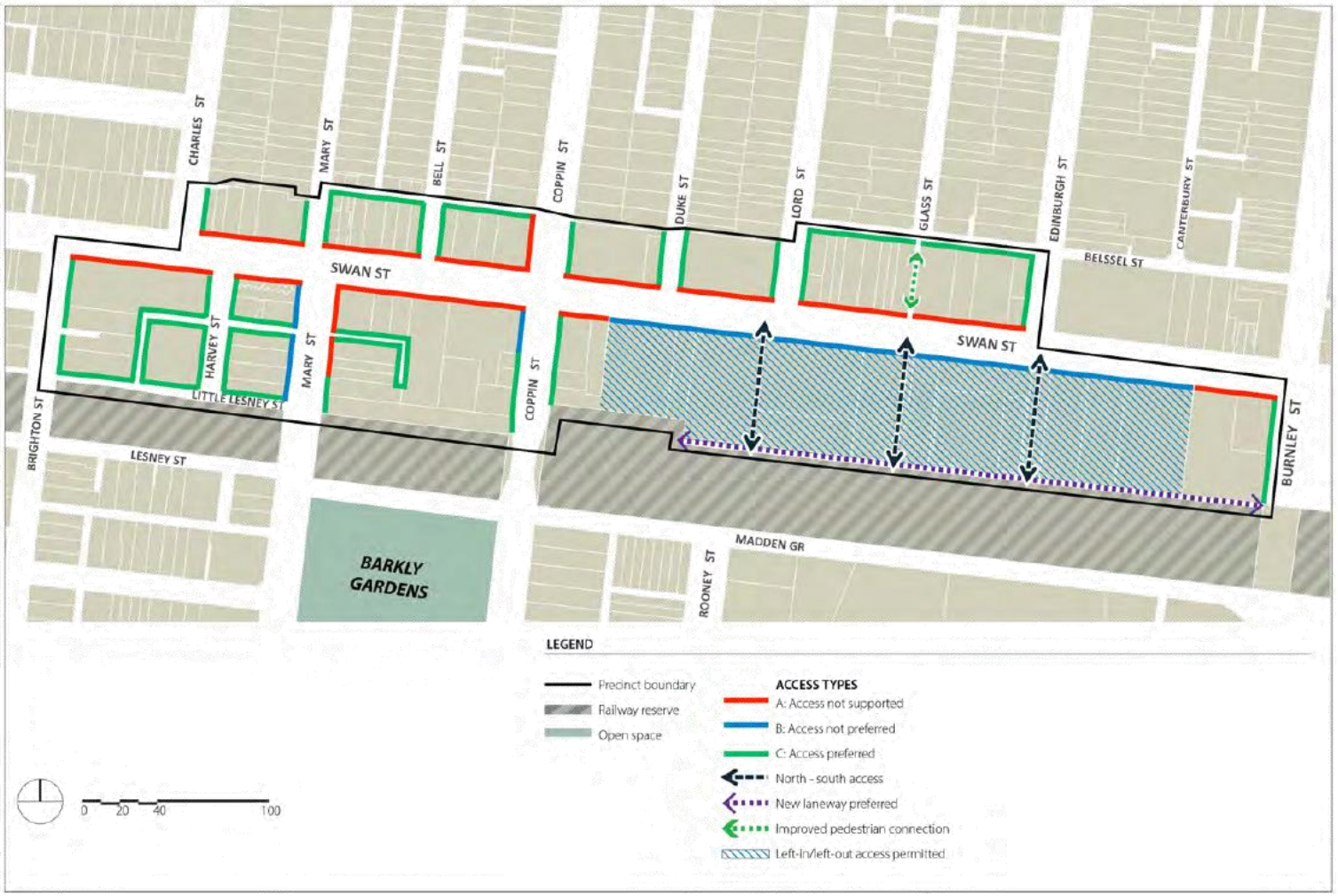
Plan 1: Height and Interface Plan – Precinct 3 Swan Street East



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 3 Swan Street East



YARRA PLANNING SCHEME

3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 27 – Interface with an existing laneway

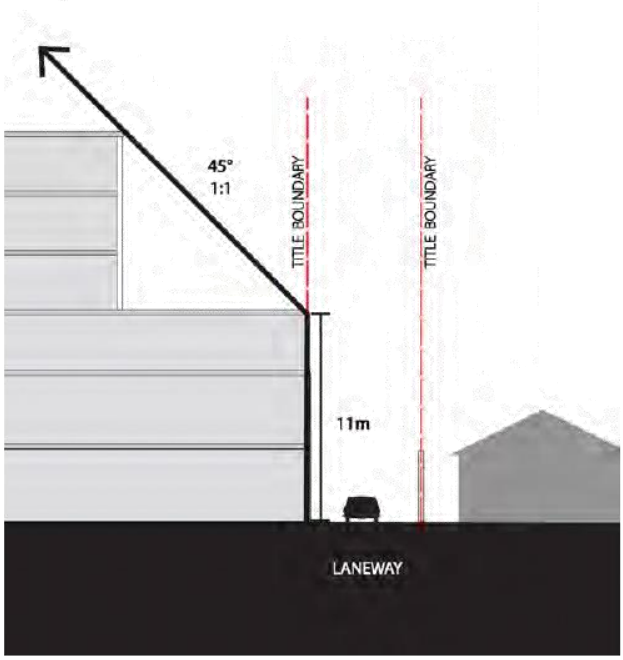
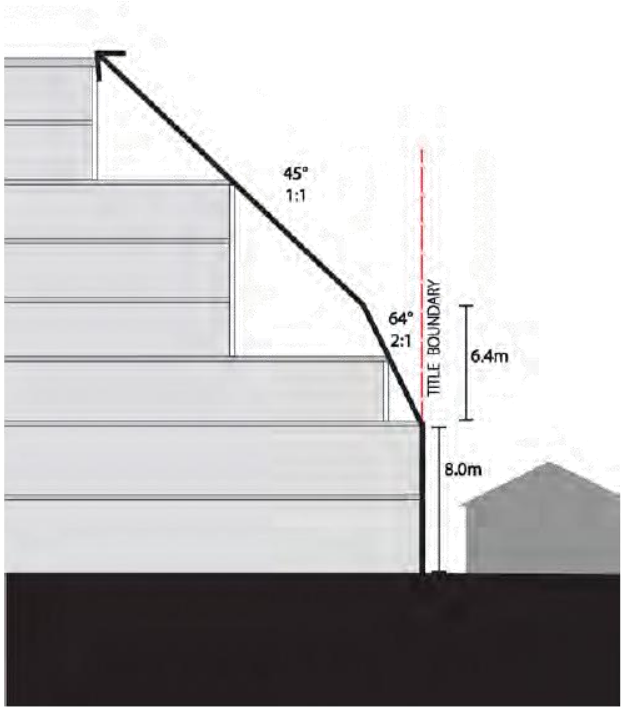


Figure 2 to schedule 27 – Interface direct abuttal



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

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Proposed C191yara

SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To provide for taller development on the south side of Swan Street that delivers significant public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
- To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposes variation satisfies the design objectives in Clause 1.0 of this schedule, and the relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:

- housing for diverse households types;
- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September.

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured from the property boundary to the existing the kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Development should maintain solar access to Ryan's Reserve as follows:

- Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September.
- At the western boundary of the reserve until 2 pm on 22 September.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted".

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 1 – Street Wall Heights and Setbacks for Precinct 4

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.

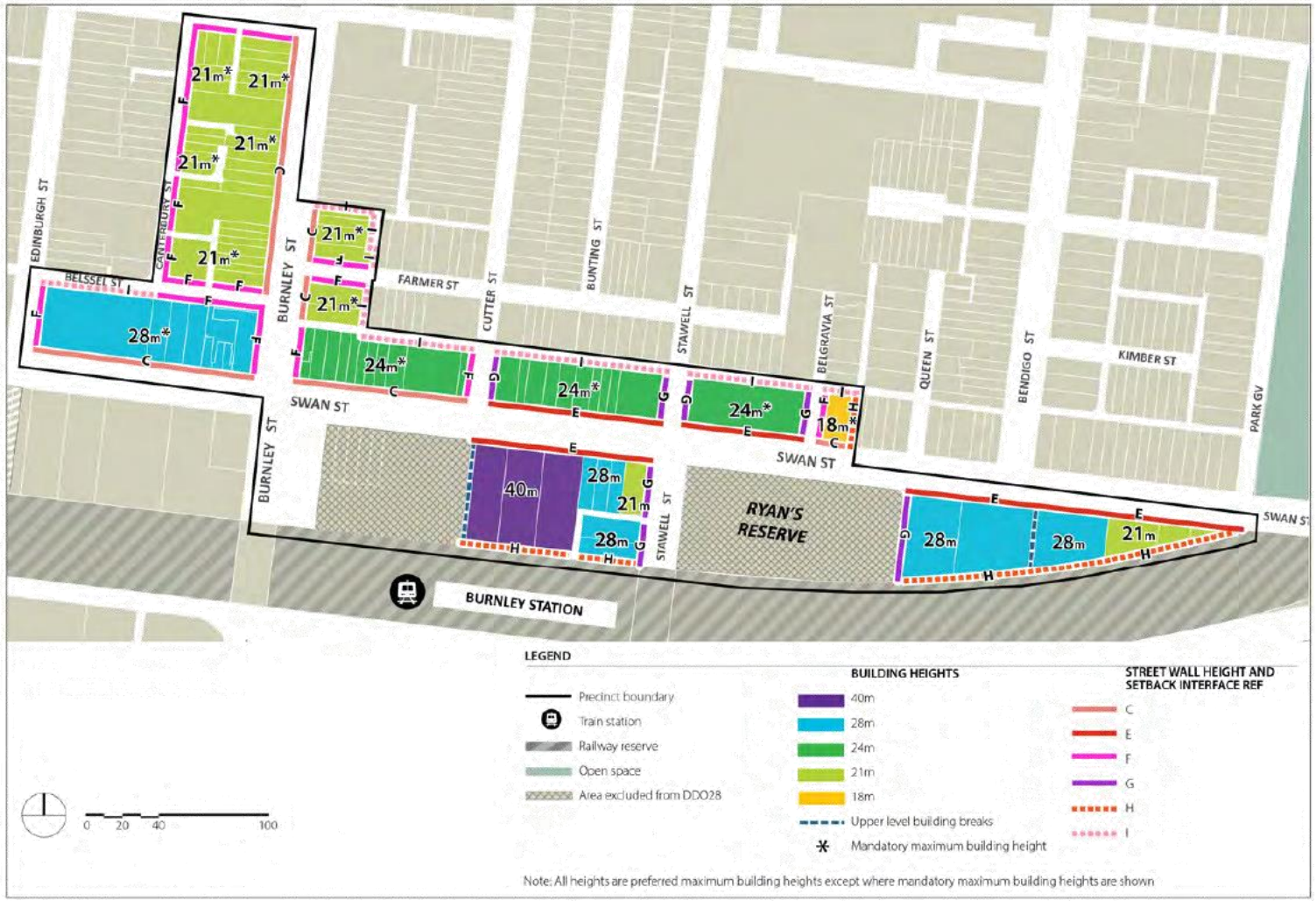
YARRA PLANNING SCHEME

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 6m for other heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

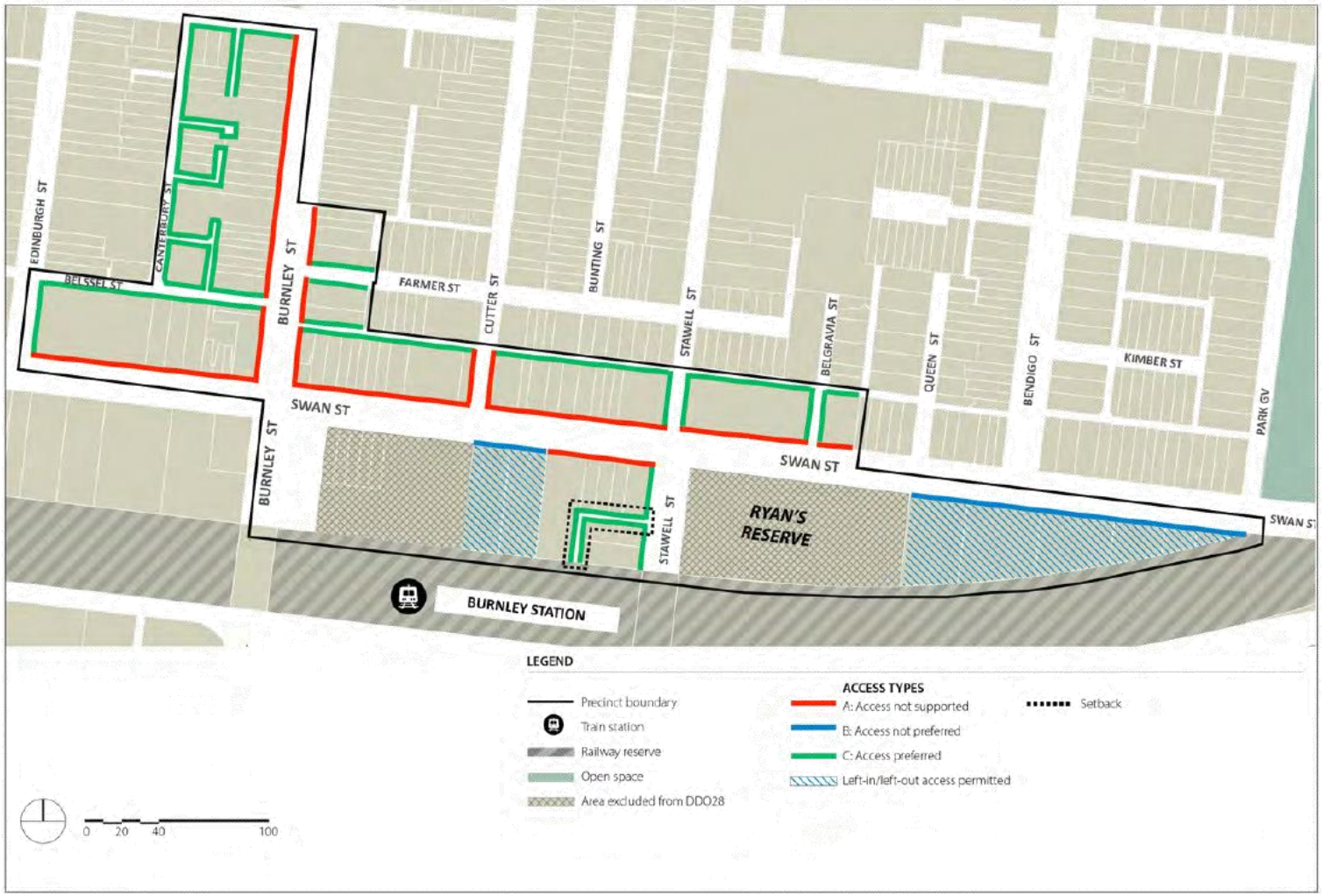
Plan 1: Height and Interface Plan – Precinct 4 Burnley Station



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 4 Burnley Station



YARRA PLANNING SCHEME

3.0 Subdivision

--/--/---- Proposed C191yara

None specified.

4.0 Advertising

--/--/---- Proposed C191yara

None specified.

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 28 – Interface with an existing laneway

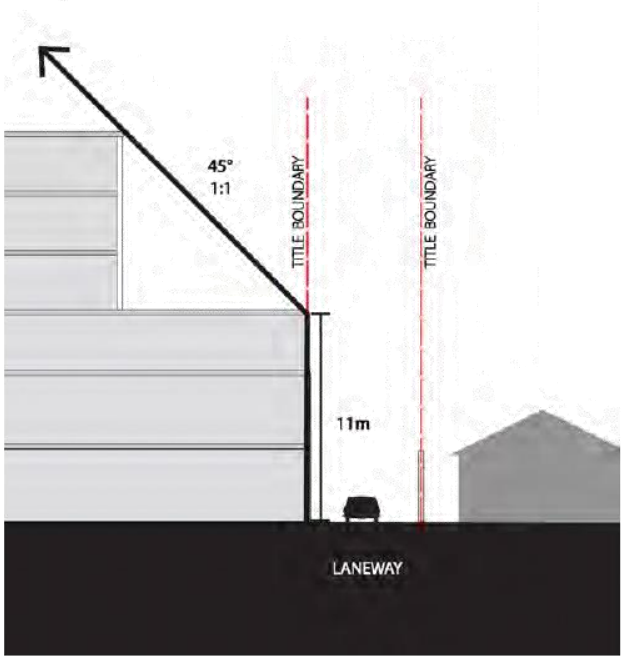
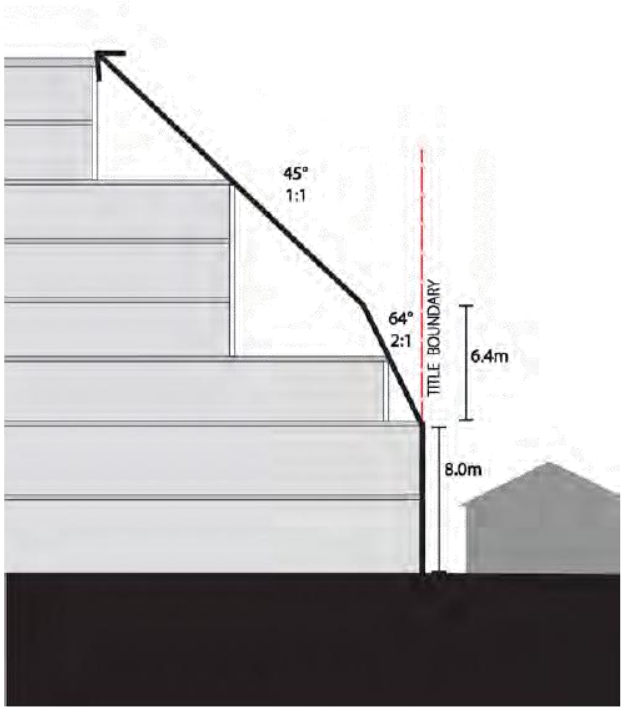


Figure 2 to schedule 28 – Interface direct abuttal



Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME

18/04/2019
C225

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0 Incorporated documents

--/--/----
Proposed C191yara

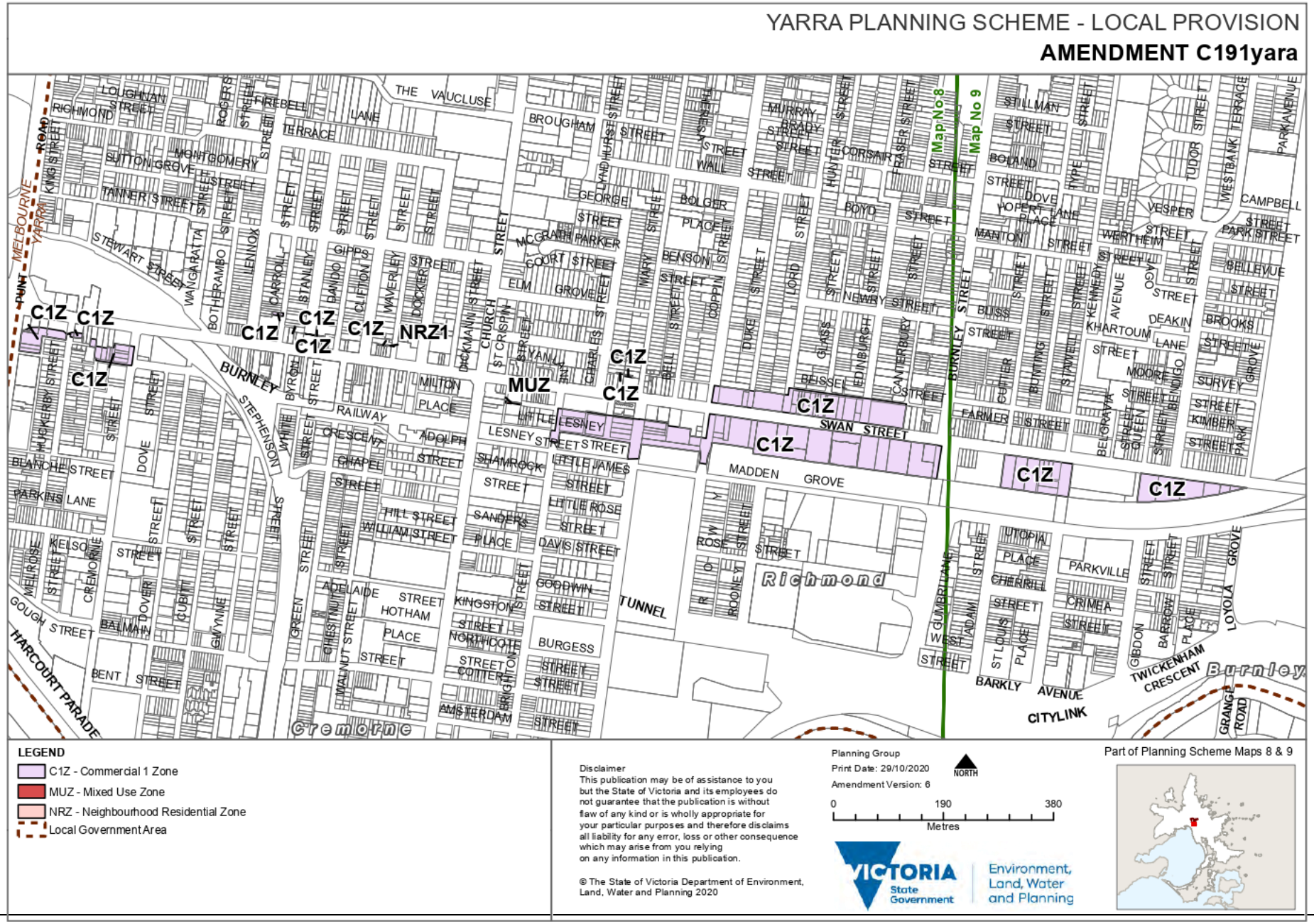
Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
36-52 Wellington Street, Collingwood - Incorporated Document, September 2020	C285yara
351-353 Church Street, Richmond – Incorporated Document, February 2019	C225
462-482 Swan Street, Richmond Incorporated Document, September 2020	C282yara
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Database of Heritage Significant Areas, December 2020	C191yara
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
North East Link Project Incorporated Document, December 2019	GC98
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7

Attachment 6 - C191yara Amendment documents for adoption

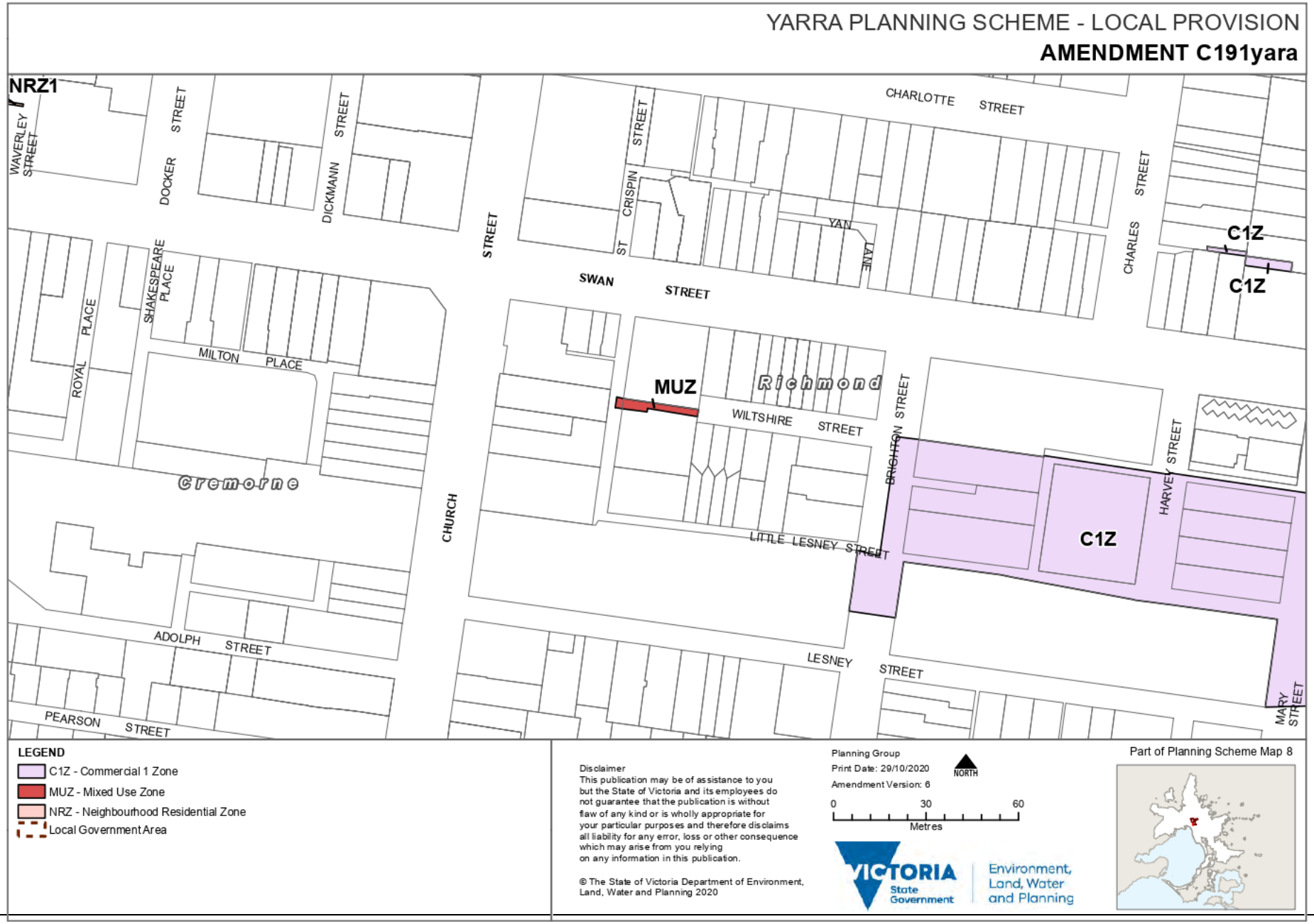
YARRA PLANNING SCHEME

Name of document	Introduced by:
Victoria Gardens Urban Design Guidelines	NPS1
Victorian Institute of Forensic Mental Health Thomas Embling Hospital Incorporated Document, August 2020	C279yara
Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020	C283yara
Yarra Gardens Precinct Plan, December 2009	C128
Yarra High Streets: Statements of Significance (Yarra City Council, March 2020)	C231yarapt1yara

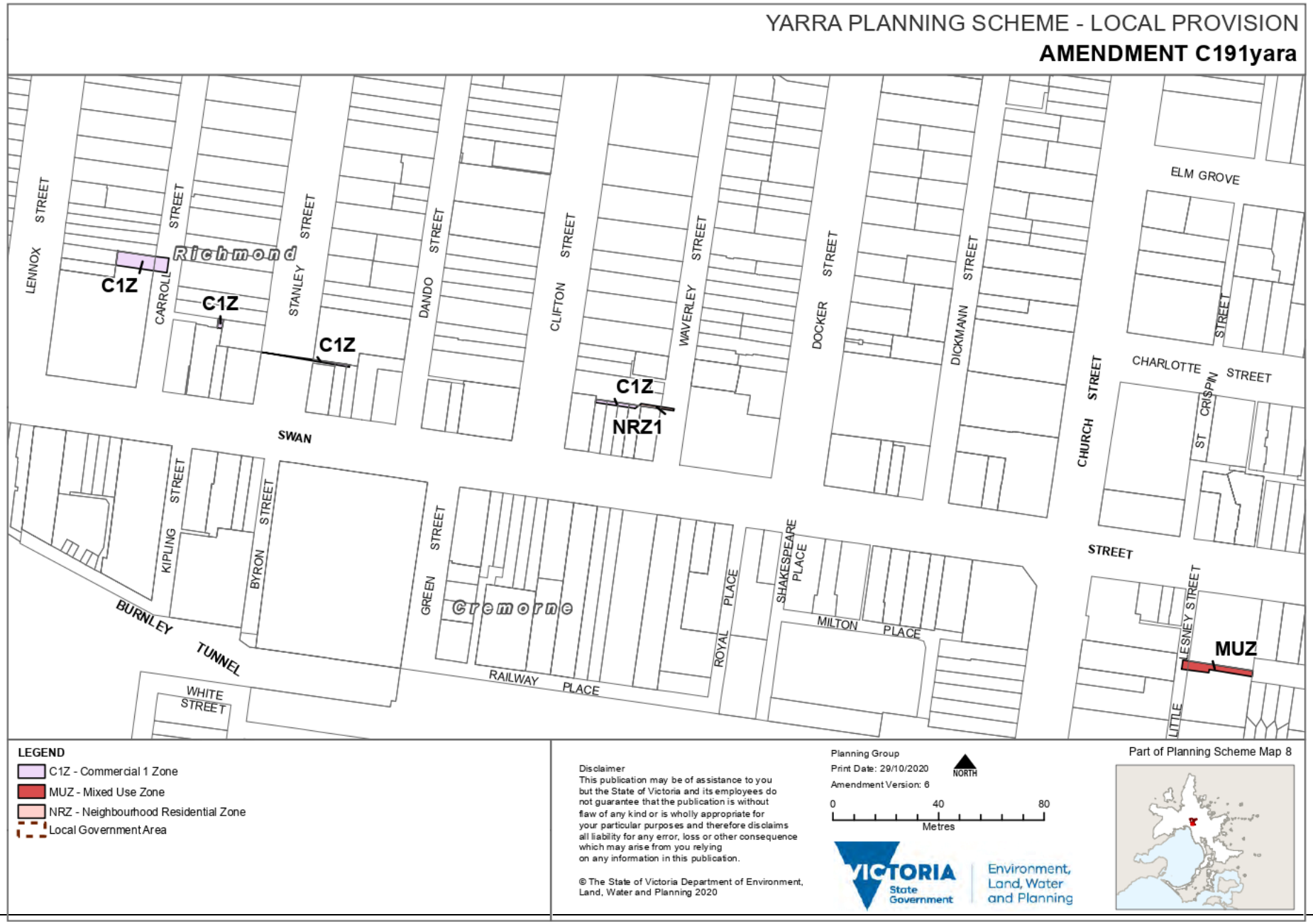
Attachment 6 - C191yara Amendment documents for adoption



Attachment 6 - C191yara Amendment documents for adoption



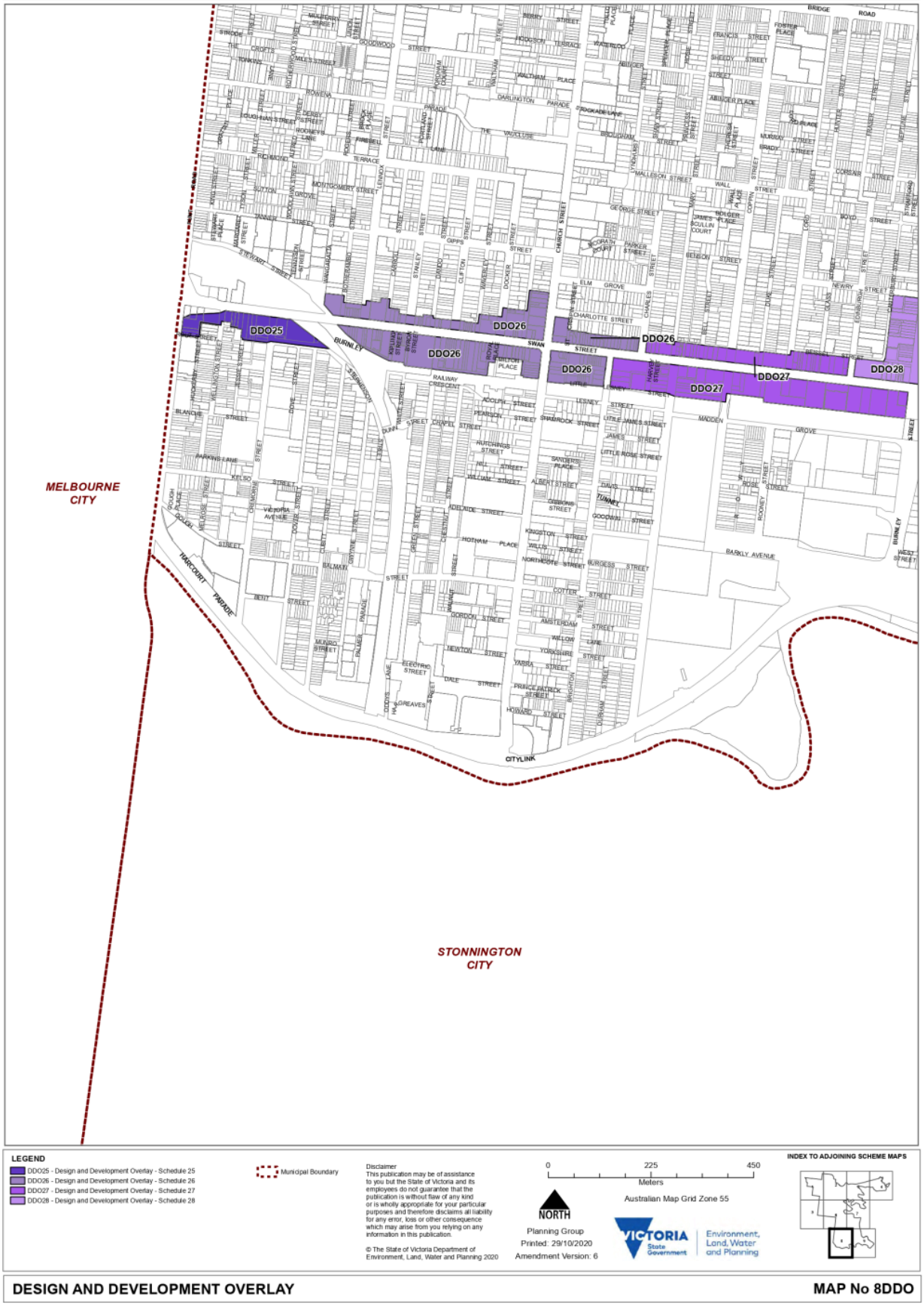
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Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C191yara

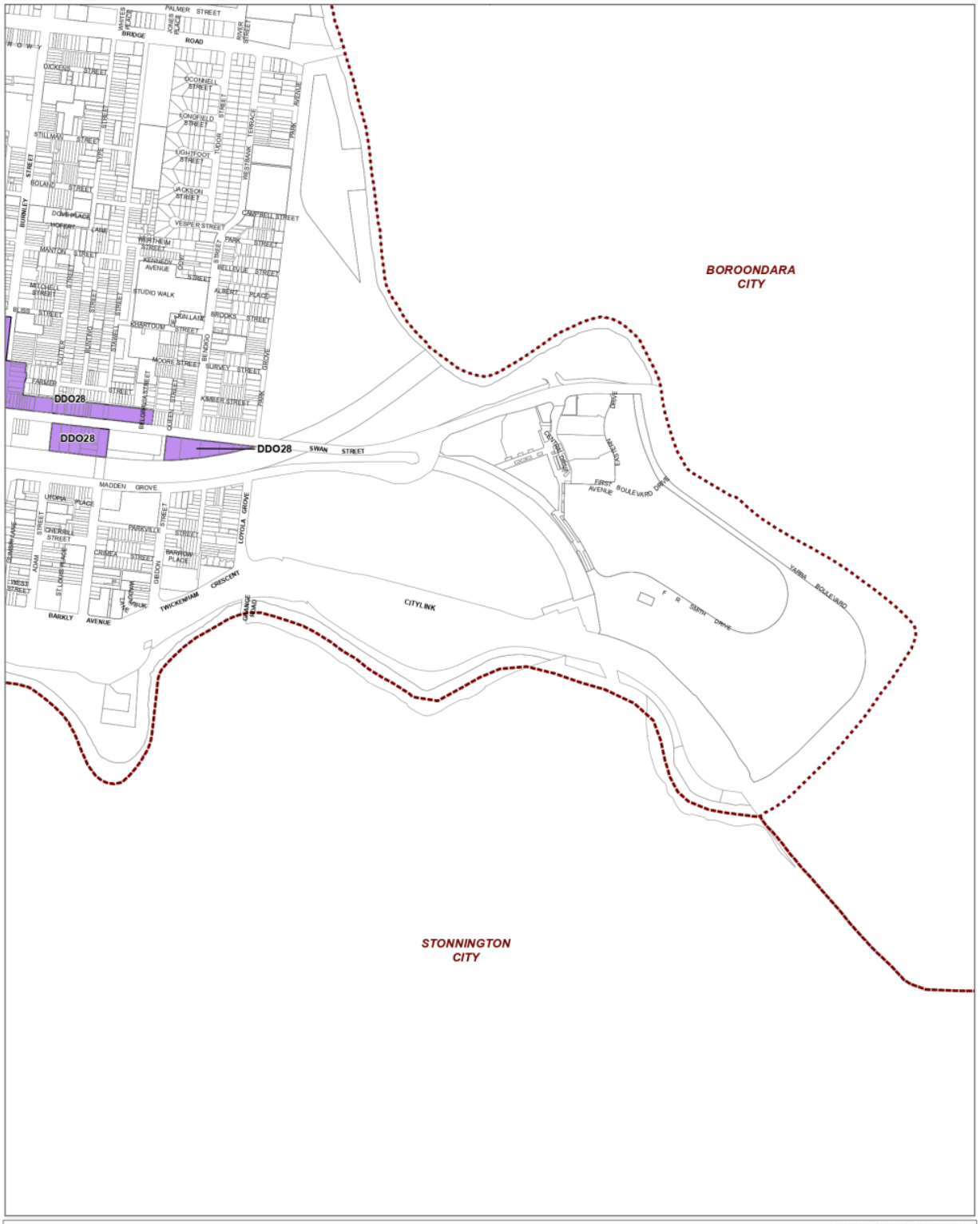


DESIGN AND DEVELOPMENT OVERLAY **MAP No 8DDO**

Attachment 6 - C191yara Amendment documents for adoption

YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C191yara



LEGEND

DDO28 - Design and Development Overlay - Schedule 28

Municipal Boundary

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0 225 450

Meters

Australian Map Grid Zone 55

NORTH

Planning Group

Printed: 29/10/2020

Amendment Version: 6

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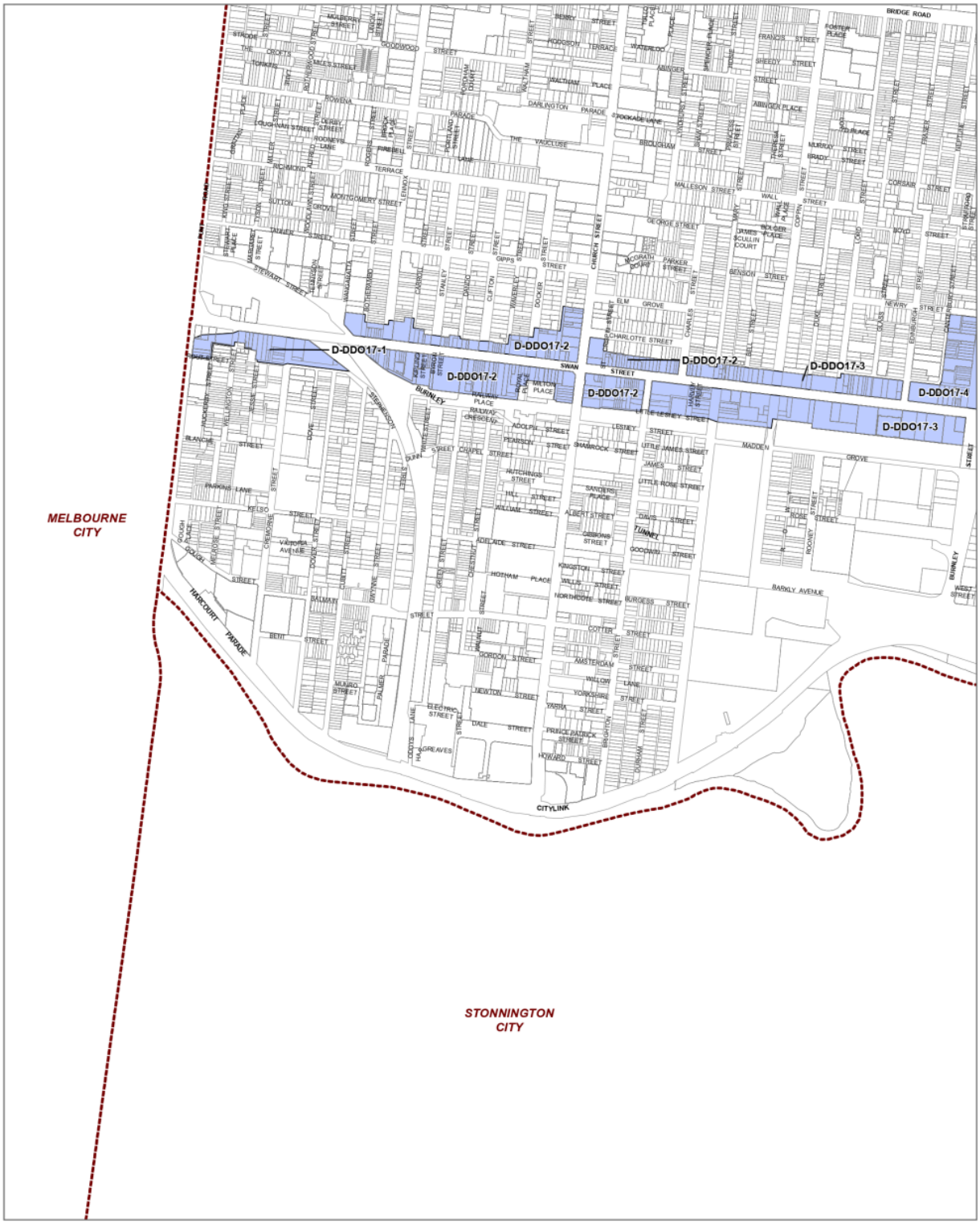
INDEX TO ADJOINING SCHEME MAPS

DESIGN AND DEVELOPMENT OVERLAY **MAP No 9DDO**

Attachment 6 - C191yara Amendment documents for adoption

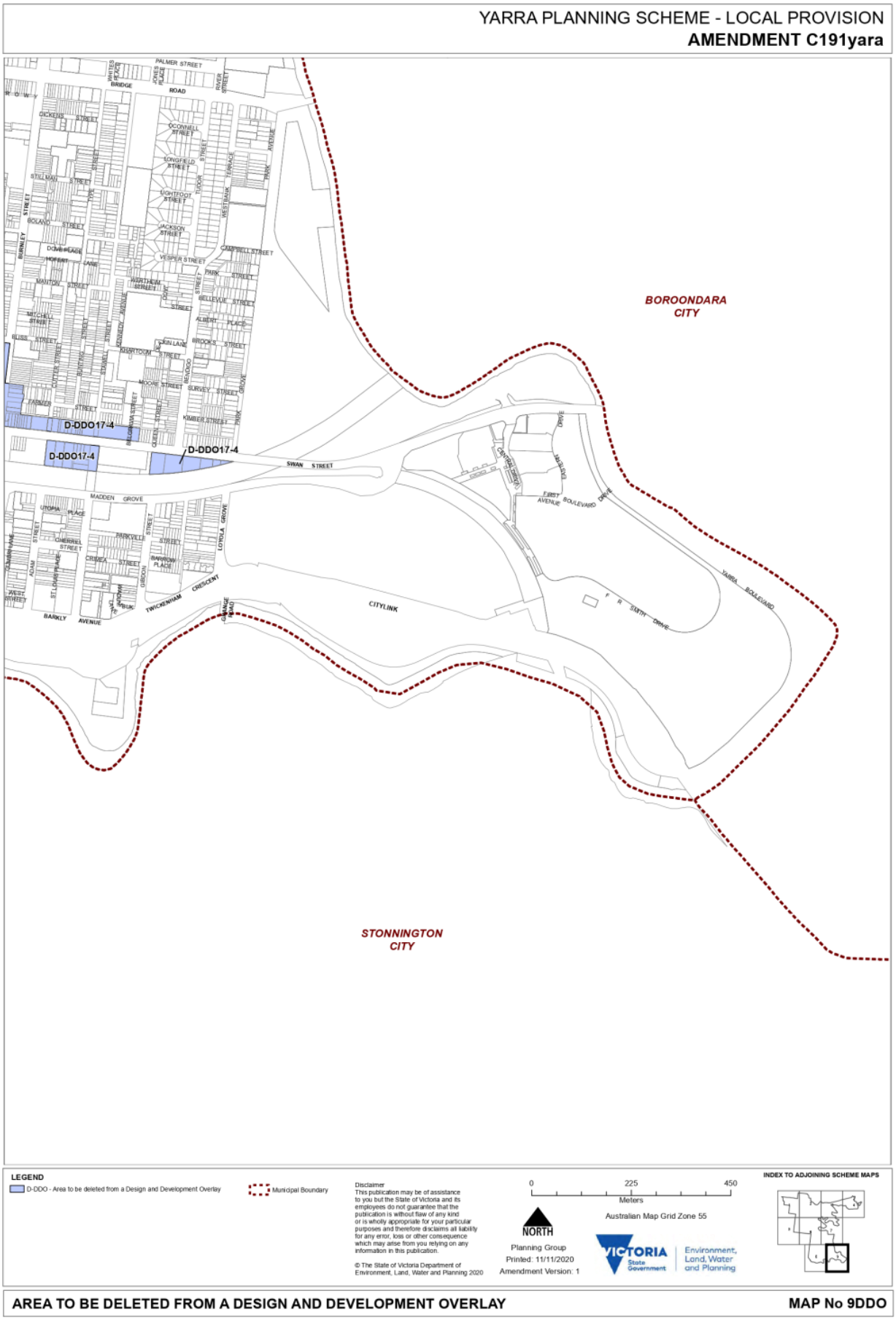
YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C191yara

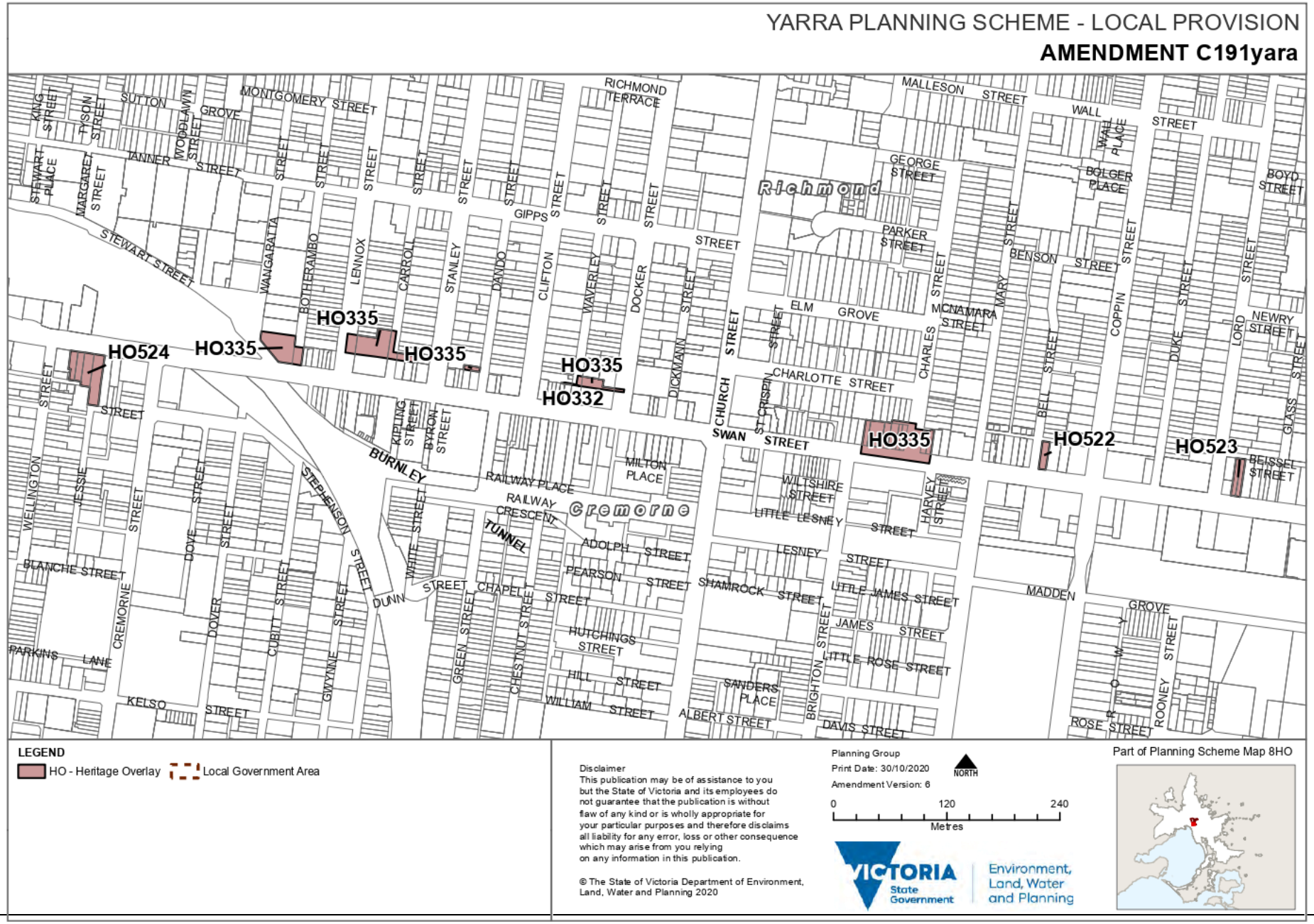


AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY **MAP No 8DDO**

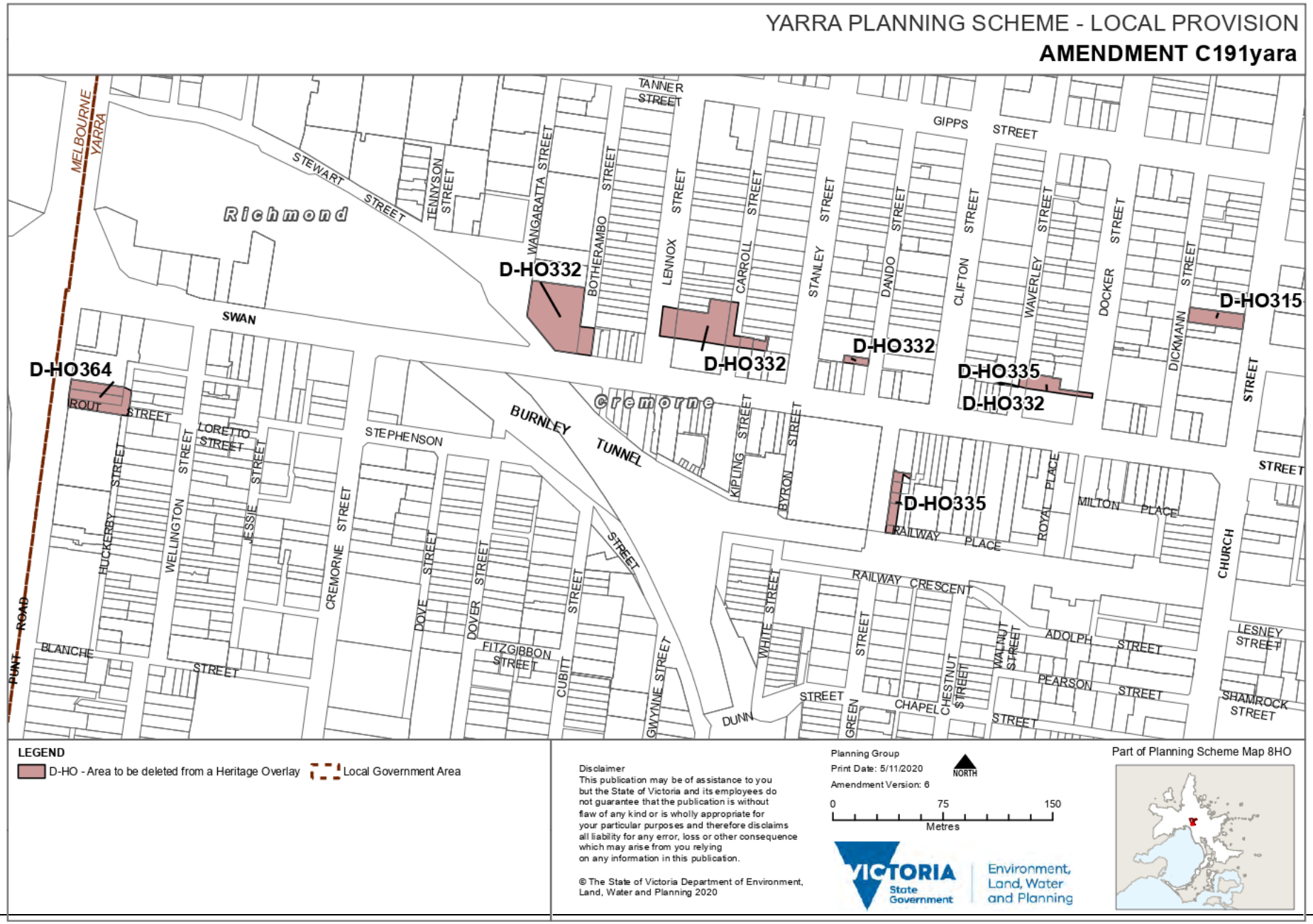
Attachment 6 - C191yara Amendment documents for adoption



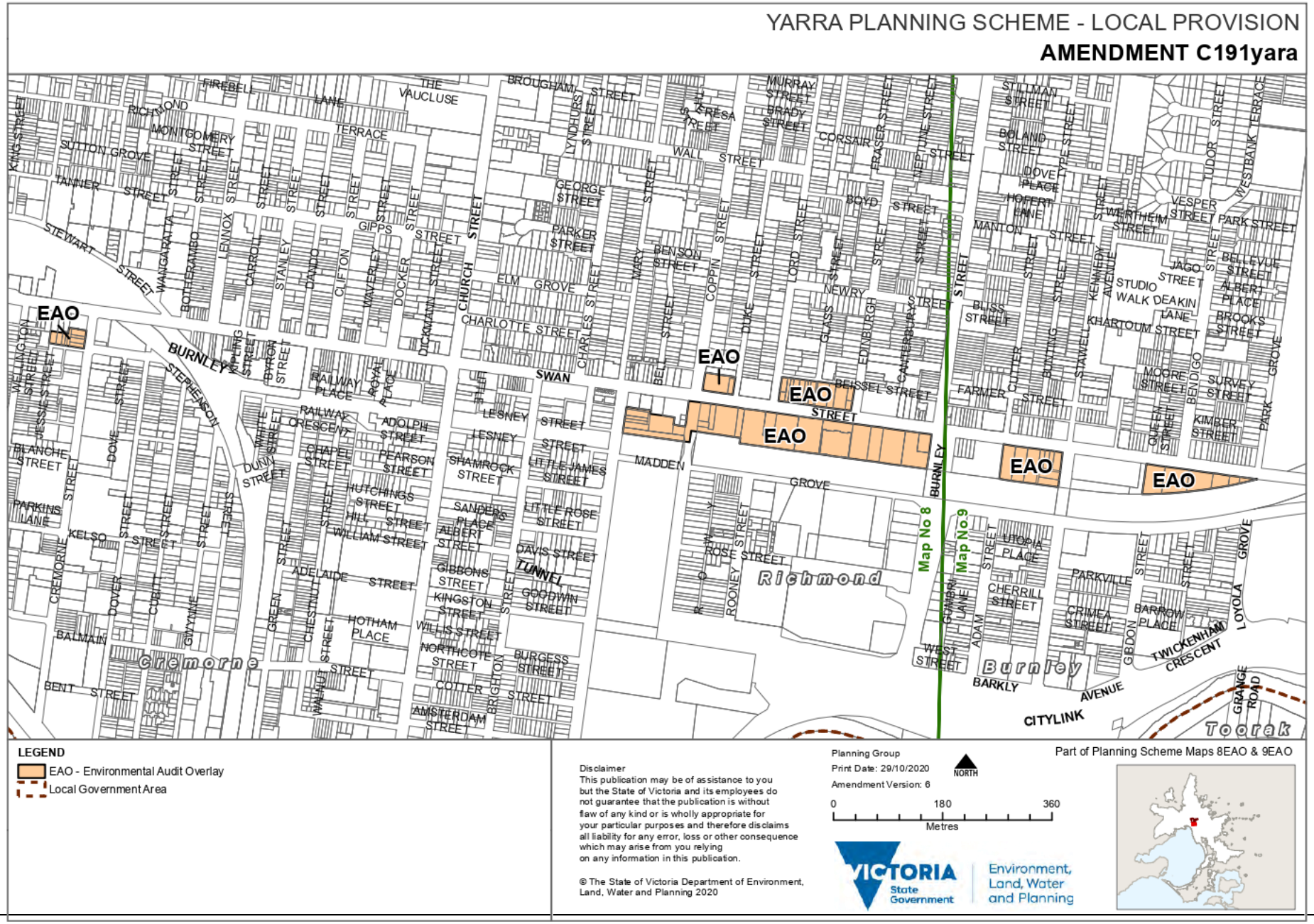
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Attachment 6 - C191yara Amendment documents for adoption



Attachment 6 - C191yara Amendment documents for adoption



Attachment 6 - C191yara Amendment documents for adoption

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C191yara

INSTRUCTION SHEET

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of ten attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos. 8ZN and 9ZN affected in the manner shown on the three attached maps marked "Yarra Planning Scheme, Amendment C191yara."

Overlay Maps

2. Amend Planning Scheme Map Nos. 8DDO, 9DDO, 8D-DDO, 9D-DDO, 8EAO, 9EAO, 8HO, 8D-HO, in the manner shown on the seven attached maps marked "Yarra Planning Scheme, Amendment C191yara".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.08 with a new Clause 21.08 in the form of the attached document.

4. In Local Planning Policy Framework – replace Clause 21.11 with a new Clause 21.11 in the form of the attached document.

5. In Local Planning Policy Framework – replace Clause 21.12 in the form of the attached document.

6. In Local Planning Policy Framework – replace new Clause 22.02-8 in the form of the attached document

7. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.

8. In Overlays – Clause 43.02, delete Schedule 17.

9. In Overlays – Clause 43.02, insert a new Schedule 25 in the form of the attached document.

10. In Overlays – Clause 43.02, insert a new Schedule 26 in the form of the attached document.

11. In Overlays – Clause 43.02, insert a new Schedule 27 in the form of the attached document.

12. In Overlays – Clause 43.02, insert a new Schedule 28 in the form of the attached document.

Attachment 6 - C191yara Amendment documents for adoption

13. In Operational Provisions – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C191yara

EXPLANATORY REPORT

Who is the planning authority?

This Amendment was prepared by the Yarra City Council, which is the planning authority for this amendment.

Land affected by the amendment

The Amendment applies to land within the Swan Street Activity Centre as shown in Figure 1 below.



Figure 1: Swan Street Activity Centre

What the amendment does

The amendment implements the recommendations of the following strategic planning work:

- Built form principles and objectives of the S*wan 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, January 2014 (Structure Plan); and
- Heritage recommendations of the *Swan Street Built Form Study Heritage Assessments & Analysis,* October 2017.

The amendment:

- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO25) on a permanent basis, which applies to Precinct 1: Richmond Station in the Swan Street Activity Centre.
- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO26) on a permanent basis, which applies to Precinct 2: Swan Street Retail in the Swan Street Activity Centre.

- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO27) on a permanent basis, which applies to Precinct 3: Swan Street East in the Swan Street Activity Centre.
- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO28) on a permanent basis, which applies to Precinct 4: Burnley Station in the Swan Street Activity Centre.
- Deletes Schedule 17 to Clause 43.02 Design and Development Overlay (DDO17), which applies to the Swan Street Activity Centre on an interim basis.
- Amends Local Area Policy at Clause 21.12 to insert a new section on the Swan Street Activity Centre to guide land use and built form within the activity centre.
- Amends Clause 21.08 (Neighbourhoods) to make minor corrections and reflect the application of the DDO17 and the Swan Street Activity Centre Local Area Policy.
- Amends Clause 21.11 Reference Documents to include the S*wan Street Built Form Study Heritage Assessments & Analysis*, October 2017 (GJM Heritage) and Y*arra High Streets: Statements of Significance,* December 2020 (GJM Heritage) as reference documents in the planning scheme.
- Amends the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to include the new incorporated document titled "City of Yarra Database of Heritage Significant Areas (December 2020)".
- Amends Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay to include the *Swan Street Built Form Study Heritage Assessments & Analysis*, October 2017 (GJM Heritage) and *Yarra High Streets: Statements of Significance,* December 2020 (GJM Heritage) as reference documents.
- Amends the Schedule to Clause 43.01 Heritage Overlay and Map No. 8HO to apply heritage controls to the following 15 places on a permanent basis:
  - 30-42 Swan Street, Cremorne (new Swan Street West Precinct HO524)
  - 273A Swan Street, Richmond (new HO522)
  - 323-325 Swan Street, Richmond (new HO523)
  - 223-239 Swan Street, Richmond (include into Swan Street Precinct HO335)
- Amends Planning Scheme Map No. 8HO to remove the following ungraded 4 places from the Heritage Overlay in the activity centre:
  - The rear car park of 57-61 Swan Street (the Corner Hotel) (HO332)
  - 375 Punt Road, Cremorne (Wellington Street Precinct HO364)
  - 377 Punt Road, Cremorne (Wellington Street Precinct HO364)
  - 416-418 Church Street, Richmond (Church Street Precinct HO315)
  - Units 5-0 / 3 Green Street, Richmond (Swan Street Precinct HO335)
- Amends Planning Scheme Map No. 8HO by removing the Heritage Overlay (HO332) from 57-61 Swan Street (the Corner Hotel) and replacing with Heritage Overlay (HO335), excluding the rear car park.
- Amends Map Nos. 8DDO and 9DDO to delete interim Schedule 17 to the Design and Development Overlay to land in the Swan Street Activity Centre.
- Amends Map Nos. 8DDO and 9DDO to apply Schedules 25, 26, 27 and 28 to the Design and Development Overlay to land in the Swan Street Activity Centre.
- Amends Map No. 8ZN and 9ZN to rezone land within the Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z) to facilitate additional retail and housing in the activity centre.

- Amends Map Nos. 8EAO and 9EAO to apply the Environmental Audit Overlay to potentially contaminated land in the Swan Street Activity Centre.
- Amends Maps Nos. 8EAO, 8ZN, 9ZN and 8HO to correct a number of mapping anomalies.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C191yara manages and responds to increased development activity along the Swan Street Activity Centre area.

As a designated major activity centre, Swan Street, Richmond is required to play a significant role in achieving the directions of Plan Melbourne 2017-2050, in relation to both housing and employment. Council's recently adopted Housing Strategy also seeks to direct new housing to areas within or close to activity areas that have good access to public transport, open space, and other services and limit housing growth in established residential areas, consistent with Plan Melbourne, state and regional policy

Swan Street, Richmond is a highly intact turn of the century 'high street' of consistent scale and architectural quality. The permanent built form planning controls ensure that new development has regard to the potential impacts on the heritage significance of Swan Street, or the surrounding low scale (heritage) residential neighbourhoods.

Design and Development Overlay Schedules 25, 26, 27, and 28

Amendment C191yara implements the built form recommendations of the Swan Street Activity Centre Built Form Framework, September 2017 (framework) through the introduction of Schedules 25, 26, 27 and 28 to the Design and Development Overlay (DDO25, DDO26, DDO27 and DDO28) on a permanent basis. The framework was prepared by Tract (urban design) with extensive input from GJM Heritage (heritage) and Traffix Group (access and movement). It implements and builds upon the vision and key principles for change outlined in the Swan Street Structure Plan and provided a strong strategic basis for the future planning of the area.

DDO25, DDO26, DDO27 and DDO28 each include precinct specific controls. Mandatory heights are applied to the majority of Precinct 2 in response to the Precinct's intact heritage streetscape and also to Precincts 3 and 4 to protect the amenity of adjoining low scale residential areas. The framework was a comprehensive piece of strategic work that demonstrated mandatory controls are appropriate in this context and necessary to achieve the preferred built form outcomes.

Discretionary height controls are applied to land outside of the Heritage Overlay, where there are no sensitive interfaces, for example, land on the south side of Swan Street that is in close proximity to the railway line and commercial land (Precincts 1, 3 and 4). These are appropriate locations for discretionary controls to provide more flexibility to accommodate contextual variations and innovative design. Where discretionary building heights were applied, a range of performance-based provisions need to be met to ensure appropriate development.

Importantly, the DDO schedules provide built form certainty where there are heritage, residential amenity, and public realm sensitivities and allow for some discretion where there are fewer site constraints. Amendment C191yara facilitates development appropriate to a major activity centre, whilst ensuring that new development is site responsive, and improved amenity outcomes are achieved.

Heritage Overlay

Amendment C191yara gives effect to the heritage recommendations of the Swan Street Built Form Study Heritage Assessments & Analysis (GJM Heritage, October 2017), including applying the Heritage Overlay to 15 places of heritage significance and removing 4 places from the Heritage Overlay, as they do not contribute to the significance of their broader heritage precincts.

The assessment recommended that Appendix 8 of the Yarra Planning Scheme be amended to identify 3 places as 'not contributory' to the Swan Street Precinct, Richmond (HO335) and the

Richmond Hill Precinct (HO332) as they have undergone substantial alterations, which have irrevocably reduced their heritage significance.

The assessment also recommended including 57-61 Swan Street within the Swan Street Precinct (HO335).

Rezoning Commercial 2 Zone to Commercial 1 Zone

The land along Swan Street was zoned a combination of C1Z and C2Z. Residential development is prohibited on land within the C2Z. All remaining C2Z land along Swan Street has now been rezoned to C1Z. This rezoning was required to provide the opportunity for residential development along the length of Swan Street. Rezoning the remaining C2Z land to C1Z was appropriate as it provides an incentive for further renewal and mixed-use redevelopment within the centre, consistent with State and metropolitan planning policy.

Environmental Audit Overlay

The rezoning of the land from C2Z to C1Z allows for residential uses, which are defined as sensitive uses. The Environmental Audit Overlay (EAO) was applied to land assessed as having high potential for contamination.

The application of an EAO must 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, Council undertook an assessment (inline PPN30) to determine the risk of contamination on a site-by-site basis.

The application of the EAO was based on:

- 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.

The application of the Environmental Audit Overlay (EAO) to the nominated sites was required to address any potential site contamination issues to meet the requirements of Ministerial Direction No. 1 – Potentially Contaminated Land. The potential for contamination results from past and current industrial activities in on these sites.

The EAO requires an environmental audit to be undertaken on the land and for certificate or statement to be obtained from an environmental auditor in accordance with the Environment Protection Act 1970. The audit is carried out prior to the construction of the buildings and works in association with a dwelling or other sensitive use.

Correction of mapping errors

Amendment C191yara corrected a number of historical mapping errors. There was a large number of mapping anomalies in the Swan Street Activity Centre where two zones applied to a single site. The existence of dual-zones occurs for a number of reasons, mostly due to historical mapping errors. Dual zoned sites should be corrected in order to 'provide for the fair, orderly, economic and sustainable use and development of land' in accordance with the objectives (in part) of the Planning and Environment Act 1987. Now that the anomalies have been corrected, the land can be developed and used in accordance with the zone provisions.

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

The Amendment implements the objectives in Section 4 of the Planning and Environment Act 1987 (the Act), in particular:

a) to provide for the fair, orderly, economic and sustainable use, and development of land;

c) to secure a pleasant, efficient and safe working, living and recreational environment; and

d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

g) to balance the present and future interests of all Victorians.

The Amendment facilitates housing growth as well as economic growth and creates a more economically viable mixed-use activity centre that has economic benefits for the local area.

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

The Amendment integrates relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The Amendment generates positive social and economic benefits as it facilitates development within a major activity centre, providing opportunities for economic development and housing growth. The Amendment responded to the local demand for housing and provide housing and employment in a location, which has strong access to public transport infrastructure and social services.

The Amendment addresses any environmental effects or risks through the application of the Environmental Audit Overlay.

Does the amendment address relevant bushfire risk?

The land affected by the Amendment is not located within an area of identified bushfire risk.

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

The Amendment complies with Ministerial Direction No. 1 in addressing the risk from potentially contaminated land.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and Direction 11 - Strategic Assessment under Section 12(2) of the Act. During the Amendment process, Direction No. 15 – The Planning Scheme Amendment Process, which sets times for completing steps in the Amendment process, was followed.

The Amendment was prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to Plan Melbourne 2017-2050). Plan Melbourne 2017-2050 identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the desired outcomes and objectives.

The Amendment is consistent with the following Directions contained in Plan Melbourne 2017-2050:

- Direction 1.1 – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment, which seeks to strengthen the competitiveness of Melbourne's employment land. The Amendment provides appropriate policy direction for the planning and development of the Swan Street Activity Centre to ensure that the activity centre continues to meet community needs.

- Direction 5.1- Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes a policy for local governments to prepare structure plans for activity centres to accommodate growth. The amendment facilitates the renewal of a major activity centre which improves local employment, housing and commercial opportunities.

The Amendment is consistent with Ministerial Direction 19, as the City of Yarra (as the planning authority) sought the written views of the EPA about the potential impacts of the proposed amendment on the environment, amenity, and human health and has included a statement, in this Explanatory Report, of how the proposed amendment addresses the final views of the EPA.

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

The amendment supports and implements relevant objectives of the State Planning Policy Framework (SPPF) including:

Clause 11 – Settlement provides context and implements the key principles of Plan Melbourne 2017-2050, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas. The Amendment provides a framework for the orderly planning and high-quality development of the Swan Street Activity Centre in a manner consistent with the directions of Plan Melbourne 2017-2050.

Clause 15 – Built Environment and Heritage seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance. The Amendment supports this clause by providing appropriate built form guidance to ensure that development is site responsive and appropriate in the context of heritage places.

Clause 16 – Housing emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne. The Amendment provides strategic guidance on the appropriate scale of development including housing in the Activity Centre.

Clause 17 – Economic Development seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The Amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centre.

Clause 18 – Transport promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport. The Amendment implements the objectives of this clause by facilitating development in an Activity Centre, which is well serviced by public transport.

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

The vision for the City of Yarra in the existing Municipal Strategic Statement in relation to built form is that by 2020, all new development will demonstrate design excellence.

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

- *Clause 21.04-1 - Accommodation and Housing*
- *Objective 1 - To accommodate forecast increases in population.*
    - *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
- *Clause 21.04-2 - Activity centres*

- *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
    - *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
    - *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*
- *Objective 5 - To maintain the long term viability of activity centres.*
    - *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
    - *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
    - *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

- *Clause 21.05-1 - Heritage*
    - *Objective 14 - To protect and enhance Yarra's heritage places.*
        - *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
        - *Strategy 14.2 Support the restoration of heritage places.*
        - *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
        - *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

- *Clause 21.05-2 - Urban design*
    - *Objective 16 - To reinforce the existing urban framework of Yarra.*
        - *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
    - *Objective 19 - To create an inner city environment with landscaped beauty.*
        - *Strategy 19.1 Require well resolved landscape plans for all new development.*
        - *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
    - *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

        Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
    - *Objective 21 - To enhance the built form character of Yarra's activity centres.*
        - *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*
        - *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.*
        - *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

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

The Amendment makes suitable use of the Victoria Planning Provisions (VPP) through the selection of appropriate tools to achieve guidance for future land use and development outcomes for the centre.

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

Council sought the views of the then Department of Planning and Community Development (now DELWP) VicRoads, Department of Transport (DoT) and Yarra Trams in the drafting of the Swan Street Structure Plan which informs the Amendment. The views of VicRoads and Transport for Victoria were sought in the drafting of the Design and Development Overlay as it relates to vehicular access.

In accordance with Ministerial Direction No. 19, the City of Yarra, as the planning authority, sought the written views of the EPA about the potential impacts of the amendment on the environment, amenity, and human health. The Environment Protection Authority Victoria (EPA) was generally supportive of the Amendment, subject to the City of Yarra addressing the further comments made in respect to the matrix of land contamination and associated application of the EAO. The City of Yarra updated its Potential Contamination of Sites in the Swan Street Major Activity Centre - Historic and Current Land Use Assessment Matrix in accordance with the EPA's comments.

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

The Amendment is consistent with the requirements of the Transport Integration Act 2010 and facilitates development outcomes that promote the principles of transit-oriented development.

Particular consideration was given to ensuring that vehicular movements do not impact on the Principal Public Transport Network.

Resource and administrative costs

The Amendment has some impact on the general operation of Council's statutory planning department as it facilitates some new forms of development and land use.

The application of planning controls provides a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty to the community.

Where you may inspect this amendment

The Amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning's website at https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes and at the City of Yarra's website at www.yarracity.vic.gov.au/amendmentC191.

Attachment 6 - C191yara Amendment documents for adoption

NB: Given the size of the document, only relevant extracts from the *Database of Heritage Significant Areas* are shown.

CITY OF YARRA

Database of Heritage Significant Areas

December 2020

Formerly

'Appendix 8 - City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates (2007)'



City of Yarra - Database of Heritage Significant Areas

The following is an extract from the City of Yarra Heritage Database listing the heritage status of properties within each Heritage Overlay. As requested by the City of Yarra, the table is arranged in heritage overlay number order and then address order within that group. Victorian Heritage Register (VHR) properties have a second listing within Heritage Overlay Areas as recognition of their contribution to each area.

Data fields in City of Yarra Heritage Database extract

Name
Typically as place type only i.e. *Shop and Residence*, if not a house/residence or with no known historical name

Address
Street name and number, suburb

City of Yarra property number
The City of Yarra Property number as at 2005-2018

Significance
(From given range as below)

Significance	Definition
Unknown	Insufficient data to allow an assessment from the public domain.
Not Contributory	Not contributory to identified cultural value of heritage overlay area as stated in the Statement of Significance.
Contributory	Contributory to identified cultural values of heritage overlay areas as stated in the Statement of Significance.
Individually Significant	Aesthetically, historically, scientifically, and/or socially significant at the Local level and contributory or complementary to the Heritage Overlay Area.
Victorian Heritage Register	On the Victorian Heritage Register (VHR) as aesthetically, historically, scientifically, and/or social significant at the State level and contributory or complementary to the Heritage Overlay Area.

Date range
Estimated primary creation date of typically publically visible fabric only.

Attachment 6 - C191yara Amendment documents for adoption

Overlay	Address	Type	Number	Suburb	Property Type	Property No.	Heritage Status	Estimated Date
HO315 - Church Street Precinct, Richmond								
HO315	Church	Street	408	Richmond		329420	Contributory	1860-1880
HO315	Church	Street	410	Richmond	Shop & residence	329440	Contributory	1860-1880
HO315	Church	Street	412	Richmond	Shop & residence	190290	Contributory	1925-1935
HO315	Church	Street	414	Richmond	Shop & residence	190300	Contributory	1925-1935
HO315	Church	Street	418 (rear)	Richmond	Hall, former, part later shops, unit development	274790	Contributory	1900-1910
HO332 - Richmond Hill Precinct								
HO332	Sutton	Grove	26	Richmond		186400	Contributory	1870-1890
HO332	Sutton	Grove	28	Richmond		186395	Contributory	1870-1890
HO332	Sutton	Grove	30	Richmond		186390	Contributory	1850-1890
HO332	Sutton	Grove	32	Richmond		186385	Contributory	1850-1890
HO332	Tanner	Street	1-3	Richmond		186580	Contributory	1850-1890
HO335 - Swan Street Precinct, Richmond								
HO335	Kipling	Street	7	Cremorne	Apartment	303370	Not contributory	1950-2010
HO335	Swan	Street	57-61	Richmond	Corner Hotel	190660	Not contributory	1966?
HO335	Swan	Street	63	Richmond	Shop	190655	Not contributory	1925-1935?
HO335	Swan	Street	65	Richmond	Shop	190650	Not contributory	1925-1935?
HO335	Swan	Street	69	Richmond	H.E. McNaughton ironmongery & residence, former	190645	Individually Significant	1924
HO335	Swan	Street	213A	Richmond	Vacant land	288595	Not contributory	Unknown
HO335	Swan	Street	215	Richmond	Shop & residence	288590	Contributory	1850-1890
HO335	Swan	Street	216	Cremorne	State Bank, Former	157930	Victorian Heritage Register	1907
HO335	Swan	Street	217	Richmond	Shop	191010	Not contributory	Unknown
HO335	Swan	Street	218	Cremorne	Shop & residence	157935	Not Contributory	1850-1890
HO335	Swan	Street	219	Richmond	Shop & residence	191005	Individually Significant	1870-1890
HO335	Swan	Street	220	Cremorne	Bank of Melbourne	157940	Not contributory	1980-2000
HO335	Swan	Street	221	Richmond	Shop	190995	Not contributory	1950-1960?
HO335	Swan	Street	223	Richmond	Shop	191000	Not contributory	1950s-1960
HO335	Swan	Street	224	Cremorne	Shop & residence	157945	Individually Significant	1870-1890
HO335	Swan	Street	225	Richmond	Office	500380	Not contributory	2000-2010
HO335	Swan	Street	226	Cremorne	Shop & residence	157950	Individually Significant	1915-1925
HO335	Swan	Street	228	Cremorne	Shop & residence	157965	Individually Significant	1870-1890
HO335	Swan	Street	229	Richmond	Shop & residence	415990	Contributory	1914-1918
HO335	Swan	Street	230	Richmond	Shop & residence	157970	Individually Significant	1888
HO335	Swan	Street	231	Richmond	Shop & residence	416080	Contributory	1914-1918

Attachment 6 - C191yara Amendment documents for adoption

HO335	Swan	Street	232	Richmond	Shop & residence	157980	Individually Significant	1870-1890
HO335	Swan	Street	233	Richmond	Shop & residence	190975	Contributory	1860-1870
HO335	Swan	Street	234	Richmond	Shop & residence	157990	Individually Significant	1870-1890
HO335	Swan	Street	235	Richmond	Shop & residence	190970	Contributory	1860-1870
HO335	Swan	Street	236	Richmond	M.Ball & Co, former part	158000	Individually Significant	1870-1880
HO335	Swan	Street	237	Richmond	Shop & residence	190965	Contributory	1880-1890
HO335	Swan	Street	238	Richmond	M.Ball & Co, former part	158005	Individually Significant	1860-1870
HO335	Swan	Street	239	Richmond	Shop & residence	190960	Contributory	1880-1890
HO335	Swan	Street	240	Richmond	M.Ball & Co, former	158010	Individually Significant	1860-1870
HO335	Swan	Street	242-244	Richmond	Shop	158015	Not contributory	1950-1960?
HO335	Swan	Street	246	Richmond	Shop & residence	158020	Contributory	1900-1915
HO335	Swan	Street	248	Richmond	Shop & residence	158025	Contributory	1900-1915
HO335	Swan	Street	250	Richmond	Whitehorse Hotel, former	158030	Individually Significant	1845-1855

HO364 - Wellington Street, Cremorne Precinct								
HO364	Melrose	Street	15	Cremorne		165920	Contributory	1850-1890
HO364	Melrose	Street	16	Cremorne		165915	Contributory	1850-1890
HO364	Punt	Road	379	Cremorne	Parkview Flats, Former	166515	Contributory	1879-1930
HO364	Punt	Road	381	Cremorne	Parkview Flats, Former	166520	Contributory	1870-1930

HO522								
HO522	Swan	Street	273A	Richmond	Shop	190905	Individually Significant	1885-1890

HO523								
HO523	Swan	Street	323	Richmond	Shop	190865	Individually Significant	1886
HO523	Swan	Street	325	Richmond	Shop	190860	Individually Significant	1886

HO524 - Swan Street West Precinct								
HO524	Swan	Street	30	Cremorne	Shop	157620	Contributory	1901-1918
HO524	Swan	Street	34	Cremorne	Shop	318580	Contributory	1875-1901
HO524	Swan	Street	36	Cremorne	Shop	157635	Contributory	1860-1875
HO524	Swan	Street	40-42	Cremorne	Shop	157645	Contributory	1901-1918

Attachment 6 - C191yara Amendment documents for adoption

Yarra High Streets (Swan Street) Statements of Significance: Reference Document

December 2020

This reference document contains the Statement of Significance for all Heritage Precincts and Individually Significant Places (where a Statement of Significance has been prepared) within the Swan Street Major Activity Centre.

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Precincts

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3.	HO332	Richmond Hill Precinct	4
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Individually Significant Places

	Individual HO No. / VHR No.	Name	Address	Page No.
1.	HO245	House	234 Coppin Street, Richmond	18
2.	HO285	Former Central Club Hotel	291 Swan Street, Richmond	18
3.	HO286	Former Burnley Theatre	365 Swan Street, Richmond	18
4.	HO288 **VHR H732**	Former State Bank	214-216 Swan Street, Richmond	18
5.	HO294	House	15 Wellington Street, Cremorne	18
6.	HO357 **VHR H48**	Former Richmond South Post Office	90-92 Swan Street, Richmond	19
7.	HO360 **VHR H2184**	Dimmeys	140-160 Swan Street, Richmond (Cremorne)	19
8.	HO405	The Greyhound Hotel, later Depot Hotel, now Precinct Hotel	60-62 Swan Street, Richmond	19
9.	HO429	-	400-402 Burnley Street, Richmond	20
10.	HO440	Swan Street Drill Hall	309 Swan Street, Richmond	20
11.	HO441	-	319 Swan Street, Richmond	21
12.	HO522	Shop and Residence	273A Swan Street, Richmond	22
13.	HO523	Pair of Shops	323-325 Swan Street, Richmond	22

Individually Significant Places within a Precinct

	Precinct HO No.	Name	Address	Page No.

1.	HO335	Shops and Residences	454-456 Church Street, Cremorne	24
2.	HO335	H. E. McNaughton ironmongery & residence, former	69 Swan Street, Richmond	24
3.	HO335	National Bank of Australasia	105 Swan Street, Richmond	24
4.	HO335	Shop and residence	232-234 Swan Street, Richmond	24
5.	HO335	M. Ball & Co, former	236-240 Swan Street, Richmond	25
6.	HO335	Whitehorse Hotel, former	250-252 Swan Street, Richmond	25
7.	HO474	Shop and Residence	413-415 Swan Street, Richmond	25
8.	HO474	Bank of Australasia (Former)	377 Burnley Street, Richmond	26
9.	HO474	Shop and Residence	380 Burnely Street, Richmond	26

STATEMENTS OF SIGNIFICANCE

PRECINCTS

1. Bendigo Street Precinct, Richmond (HO309)

Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas*
Updated by GJM Heritage (2017), *Swan Street Built Form Review*

What is significant?

The Bendigo Street Heritage Overlay Area was part of Crown Allotment 16 as sold to J M Chisholm in 1840.17 Plans from 1895 show that, by then, three-quarters of the area was developed with housing, mostly in Park Grove, Kimber, Brooks and Survey Streets. The Wertheim Piano Factory (HO224), later the GTV9 television studios, dominated the area from the Edwardian-era. The factory was once the largest piano factory in Australia, occupying a four acre site, complete with its own power generator and tramline. Designed c1909 by architect Nahum Barnet, the buildings are important heritage elements in the streetscape.

Nearby Richmond Park (now Burnley Park was the pleasure ground for this area as well as the rest of inner Melbourne and now forms the eastern boundary of the area.

Main development era

The main development era evident in the heritage overlay is that of the Victorian and Edwardian-eras, with a contribution from well preserved inter-war buildings and individually significant places of all eras, such as the former Wertheim Piano Factory.

Contributory elements

The contributory buildings in the Bendigo St Heritage Overlay Area include mainly (but not exclusively) small attached and detached Victorian-era and Edwardian-era one-storey houses, but with some well preserved residential examples from the immediate post First-War era, having typically:

- Consistent building scale and setbacks
- Pitched gabled or hipped roofs, with some façade parapets;
- One storey wall heights;
- Weatherboard, face brick (red, bichrome and polychrome), bluestone, or stucco walls;
- Corrugated iron roof cladding, Marseilles pattern terra-cotta tiles, with some slate roofing;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah or porch elements facing the street;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, originally bordered by typically timber picket front fences or wire fences (inter-war) of around 1m height; also
- Corner shops and residences with large display windows and zero boundary setbacks.

Public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths

How is it significant?

HO309 Bendigo Street Heritage Overlay Area, Richmond is **aesthetically and historically** significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

The Bendigo Street Heritage Overlay Area is significant for:

PRECINCTS

- Its substantially intact single-storey Victorian-era housing that varies between modest and ornate;
- Edwardian house examples, particularly in Swan and Moore Streets, being both typical and highly decorated Edwardian dwelling types, complemented by the significant Edwardian-era former Wertheim Piano Factory;
- The retention of early materials and elements in the public domain, such as street construction, and the retention of many bluestone laneways;
- The demonstration of a typical 19th century suburban area with its attached and detached housing stock and corner shops, that has been subsequently lost in other parts of the inner suburbs; and
- The consistency of building scale and setbacks, creating cohesive and homogeneous streetscapes that are enhanced by mature plane tree avenue plantings.

2. Church Street Precinct, Richmond (HO315)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*

What is significant?

Subdivision

The Church Street Heritage Overlay Area includes parts of the first suburban Crown Allotments sold in the City, being Crown Portions 20, 21, 26 and 27, each 25 acres in area. Allotments 21 and 22 were purchased in 1839 by Rev. Joseph Docker (squatter), Allotment 20 by Charles Williams (auctioneer), and Allotment 26 by W H Yaldwyn (squatter, banker).

The Waltham Street and Darlington Parade areas were subdivided in 1853 and further subdivided in the 1880s. Docker had subdivided his two allotments by 1853, with plans for a model village set out on the flat below his townhouse at 370 Church Street. By the turn of the century, most of the Heritage Overlay Area was developed. The topography of the Heritage Overlay Area, the highest point in Richmond, attracted both the churches and the wealthier colonists with the result that the majority of the earliest residences were of a more substantial nature compared with other sections of Richmond.

This area has remained one of the most prestigious parts of Richmond for residential development. As an example, Howard Lawson's Elmhurst Flat block of 1934 aimed to tap into this prestigious residential location, paralleling with his significant Hollywood style Beverley Hills and Stratton Heights Flats, sited across the Yarra River at South Yarra.

Large villas

By 1855, villas with large gardens and orchards had been established in Church Street between Brougham and Elm Streets. Early houses which survive include Doery House (353 Church Street) and Messenger House (333 Church Street, formerly Stonehenge), the latter being built prior to 1843 for Captain John Roach4 and remodelled in the Edwardian period.

Major church complexes

Three major church complexes were established in the Heritage Overlay Area in the mid-1800s. St Stephen's Anglican Church (1850-1876) at 360 Church Street was designed by Blackburn and Newson on land donated to the church by the Rev. Joseph Docker and is one of the earliest bluestone churches built in Victoria. The Wesleyans began the construction of a temporary timber chapel (later the schoolhouse) in 1853, bluestone chapel in 1858, and added a schoolhouse (1871) and a parsonage (1876). St Ignatius' Roman Catholic Church (326) was built in stages between 1867 and 1928, to a design by prominent architect William Wardell, with the bluestone Presbytery added in 1872.

PRECINCTS

Civic buildings
Other non-residential developments in the Heritage Overlay Area included the former Richmond United Friendly Society Dispensary (1884; 294 Church Street), and the Hibernian Hall (1872; 316 Church Street), which was built as a temperance hall. The Richmond RSL was built in 1922, as an expression of the continuing premier civic status of this part of Church Street in the 20th century. The Richmond Library is the most recent civic development in the area.

Commercial development
Commercial development extended north from the major thoroughfares of Swan St and south from Bridge Road in the late Victorian and Edwardian-eras.

Main development era
The main development period evident in the heritage overlay is that of the Victorian and Edwardian-period, with a contribution from some well preserved inter-war buildings and individually significant places of all eras. Large houses, religious and public buildings from this period are the key elements in the heritage overlay.

Contributory elements
The Church Street Heritage Overlay contributory elements include (but not exclusively) large detached Victorian-era and Edwardian-era and small attached Victorian-era, one and two storey houses having typically:

- pitched gabled or hipped roofs, with some façade parapets;
- face brick (red, bichrome and polychrome) or stucco walls;
- corrugated iron, unglazed Marseilles pattern terra-cotta tiles, and slate roofing;
- chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- typically with post-supported verandah elements facing the street;
- less than 40% of the street wall face comprised with openings such as windows and doors; and
- front gardens, originally bordered typically by timber picket front fences of around 1m height;

Contributory elements also include shops and residences of the Victorian and Edwardian-eras, with:

- display windows and recessed entries;
- zero boundary setbacks;
- mainly one storey scale;
- attached rectilinear plan form, a parapeted roofline; and

Substantial Victorian-era ecclesiastical buildings with:

- free standing rectilinear form
- pitched roofs, some towers and spires positioned to be visible from a distance;
- fenced yards, with potential use of timber or iron pickets and a stone base for the frontage fence;
- two storey and greater wall heights;
- stone, masonry or stuccoed masonry facades, slate or tiled roofs; and
- less than 40% of the street wall face comprised with openings such as windows and doors.

Contributory elements also include:

- Public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths - mainly in side streets; and

PRECINCTS

- Many significant buildings within the Heritage Overlay Area have their own heritage overlay (HO241, HO242, and the St Ignatius complex) but nevertheless are contributory to the Church St Heritage Overlay Area.

How is it significant?

HO315 Church Street Heritage Overlay Area, Richmond is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4).

Why is it significant?

The Church Street Heritage Overlay Area is significant:

- As one of the first parts of Richmond to be subdivided and developed, as expressed by early buildings like Messenger House 333 Church Street, from the 1840s;
- As the chosen site for a high number of individually significant 19th and early 20th century buildings set in grounds and including early ecclesiastical and civic buildings, and some Melbourne landmarks, as well as substantial residential buildings that were attracted to the area by its elevated topography, high amenity and proximity to churches;
- As the site of key civic or institutional buildings in Richmond from the 19th century through to the 1920s (i.e. The Richmond RSL Hall); and
- For its significant architecture such as the William Wardell designed St. Ignatius Roman Catholic Church as a well known and prominent landmark across the metropolitan area.

The heritage character of the precinct is also supported by the commercial development extending up Church St from the Swan St and Bridge Road shopping areas with shops dating from the late 19th and early 20th centuries, as part of the cultural context of Victorian and Edwardian-era life on the hill.

3. Richmond Hill Precinct (HO332)

Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas* [see Study for footnote references]

ALL SUB-PRECINCTS

What is significant?

Subdivision types

The land which now comprises the Richmond Hill Area was purchased from the Crown in 1839 and consisted of six portions each of 25 acres in the parish of Jika Jika (CPs 21-26). The purchasers were Dr. Farquhar McCrae (CP24, surgeon), Rev. Joseph Docker (CP21-22, squatter), W H Yaldwyn (CP26, squatter, banker), Henry Gordon Brock (CP25), and John McNall (CP23, Melbourne's first butcher)96.

From 1840 onwards, Dr. McCrae sold parts of his allotment (at the north west corner of the heritage overlay) to prominent Melbourne figures, including Alexander McCrae , Alfred Woolley, Charles Williams, George Arden, and Thomas Strode (proprietors of the *Port Phillip Gazette*).97 He also subdivided off 36 half acre blocks, creating Rowena Parade, Sherwood and Rotherwood Streets. Further subdivisions took place in the 1870s and 1880s.

Yaldwyn sold his allotment (at the north-east corner of the heritage overlay) to William Meek in 1840 and, by 1853, the Waltham Street and Darlington Parade areas were subdivided, and further subdivided in the 1880s. The Vaucluse area was laid out in the 1860s and a private street was created to link Rowena Parade and Church Street, for the use of abutting landholders only. The Vaucluse, thought to be the only Victorian-era private street in the inner suburbs, has its eastern entry at St Ignatius Church. Large houses were erected on this section, including Richmond Hill for James Henty

(Waltham Street, 1851) and a two-storey Italianate house for distinguished architect, James Blackburn Jr.

Docker had subdivided his two allotments by 1853 (at the south-east corner of the heritage overlay), creating a model village (Village of Clifton) set out as 365 lots on a grid plan designed by Charles Laing. Its regular layout was unlike the other haphazardly planned private subdivisions in the area. The village was bordered by Wangaratta St (inclusive) on the west, the Richmond Terrace service lane on the north, the Church St on the east and Swan Street on the south98. By 1857 Docker still owned many of the houses built on these allotments. His own townhouse was at 370 Church Street. By the 1880s, this area was almost fully developed. (See South Residential Sub-precinct)

Brock's allotment (at the north-centre of the heritage overlay) was purchased by overlander John Gardiner99 who erected a villa on it when he retired from his grazing activities to take up the position of managing director of the Port Phillip Bank in 1840.100 By 1853, Lennox Street, Rowena Parade and Goodwood Street had been laid out. Further subdivisions occurred in the 1870s and 1880s.

The allotment purchased by McNall (at the south-west corner of the heritage overlay) had undergone minor subdivision by 1853. McNall erected his house there, and his widow continued to live there following his death in the 1850s.101 In 1859, the railway was established, and Richmond Station was constructed at the south-west corner of the allotment. The land had undergone major subdivision by the 1870s and 1880s.

Major industry development
In the early 20th century the expansion of manufacturing across the nation was reflected in new industrial centres that were developed close to rail and road transport, as distinct from the Victorian-era industrial development that had occupied coastal sites or river and creek banks. Near to the transport hub of Richmond Railway Station and busy Punt Road, grew a distinctive group of factories and warehouses, mainly associated with the growth of the clothing manufacturing industry in the City and dating substantially from the early decades of the 20th century. This area had previously been residential.102

The Australian Knitting Mills Ltd. (41-43 Stewart St, knitted goods manufacturers) complex was at the centre of the Stewart-Tanner Streets industrial area development area. It was developed from 1912 when the supply for World War One uniforms was an impetus for its expansion and had another major building addition in 1922-5.103 The company created the `Golden Fleece' and `Kookaburra' brands.

Inter-war residential estates
Set away from this concentrated industrial strip, but related historically to it, was the Pelaco factory (1922-1928), located on a hill on the former site of a Victorian-era mansion.
Houses in Fordham Court and the associated part of Goodwood Street were built speculatively in 1939 for Mrs B.E. Fordham of Yarradale Rd., Toorak, on land sold by Pelaco.104 These houses provide a distinctive enclave within the surrounding Victorian and Edwardian-era development.

A. RICHMOND HILL HERITAGE OVERLAY AREA (WEST SUB-AREA)

Main development era
The main development period evident in the Richmond Hill west sub-area of the Heritage Overlay Area is that of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements

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The Heritage Overlay Area contributory elements include (but not exclusively) mainly small, detached and some attached Victorian-era and Edwardian-era houses having typically:

- Pitched gabled or hipped roofs, with some façade parapets,
- One storey wall heights but with some two storey house rows,
- Face brick (red, dichrome and polychrome), weatherboard, or stucco walls;
- Corrugated iron roof and slate cladding, some unglazed Marseilles pattern terra-cotta tiles;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing for Victorian-era houses and typically timber for Edwardian-era;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Small front gardens, originally bordered by typically timber picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks.
- Well preserved buildings including typically one storey buildings from the pre Second War era.
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

B. RICHMOND HILL HERITAGE OVERLAY AREA (NORTH SUB-AREA)

Main development era
The main development period of the Richmond Hill north sub-area of the Heritage Overlay Area is that of the Victorian-era with a substantial contribution from the Edwardian-period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements
The Heritage Overlay Area contributory elements include (but not exclusively) mainly detached and some attached Victorian-era and Edwardian-era mainly one and two -storey houses having typically:

- Pitched gabled or hipped roofs, with some façade parapets,
- One and two storey wall heights but with some two storey house rows,
- Face brick (red, dichrome and polychrome), or stucco walls;
- Corrugated iron roof and slate cladding, some Marseilles pattern terra-cotta tiles;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing for Victorian-era houses;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, originally bordered by typically timber or iron picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks.
- Well preserved buildings including typically one storey buildings from the pre Second War era.
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

C. RICHMOND HILL HERITAGE OVERLAY AREA (PELACO, FORDHAM COURT/PART GOODWOOD STREET SUB-AREA)

PRECINCTS

Main development era
The main development period of the Richmond Hill Fordham Court/Goodwood Street sub-area of the Heritage Overlay Area is that of the Inter-war era.

Contributory elements

Contributory buildings in theFordham Court/Goodwood Street sub-area are typically:

- Residential;
- Single storey;
- Constructed in brick and rendered masonry;
- Of a hipped and gabled tiled roof form, some with a single hipped or gabled roof form over the two dwellings to appear as single larger houses;
- Semi detached duplexes;
- Set in relatively deep garden setbacks; and
- Fenced originally with front fences of low (500-700mm panel height) brick and rendered masonry pier and panel walls.

And

- Public infrastructure, part expressive of the Victorian and Edwardian-eras such as asphalt paved footpaths but most of the kerb and channel is concrete, as typical of the inter-war period.
- Former Pelaco factory (c1922) as an icon in the area, but unrelated in scale and form to the inter-war housing nearby.

D. RICHMOND HILL HERITAGE OVERLAY AREA (SOUTH SUB-AREA)

Main development era
The main development period evident in south sub-area of the Richmond Hill Heritage Overlay Area is that of the Victorian-era. There is also a contribution from the Edwardian-era and some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements
The Heritage Overlay Area contributory elements include (but not exclusively) mainly detached and some attached Victorian-era (some early Victorian-era), one-storey houses having typically:

- Steeply pitched gabled or hipped roofs;
- One storey wall heights;
- Weatherboard (square or bead edge), face brick (dichrome), stone, or stucco walls;
- Corrugated iron roof and slate cladding;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Simple post-supported timber verandah elements facing the street;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, sometimes minimal, originally bordered by typically timber picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks;
- Well preserved buildings, including typically one storey buildings from the pre Second War era.
- A regular subdivision plan with alternating wide principal streets and narrow service streets; and
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

PRECINCTS

E. RICHMOND HILL HERITAGE OVERLAY AREA (SOUTH INDUSTRIAL SUB-AREA)

Main development era
Main development period in the Richmond Hill south industrial sub-area of the Heritage Overlay Area is of the Edwardian-era and inter-war period.

Contributory elements
Contributory elements include (but not exclusively) industrial buildings from the early decades of the 20th century with typically:

- Wall heights ranging from 1-5 levels;
- Façade parapets, sometimes with proprietary logos, with pitched roofs behind;
- Limited or no setback from street frontages; and
- Walls of face red brick (some over-painted) with rendered bands.

Contributory elements also include:

- Public infrastructure, part expressive of the Victorian and Edwardian-eras such as some bluestone pitching and asphalt paved footpaths.

How is it significant?
HO332 Richmond Hill Heritage Overlay Area as a whole is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

A. The Richmond Hill Heritage Overlay Area (west sub-area)

The Richmond Hill Heritage Overlay Area (west sub-area) is significant:

- As an illustration of a typical early private subdivision and development in the City, shown by the irregular street patterns, widely varying allotment sizes, and unusual house siting (onto lanes);
- As one of the earliest private development areas in the City for worker housing, dating from the 1840s, as expressed today by the many early small cottages linked historically to developers who resided in the more salubrious elevated parts of this area;

B. The Richmond Hill Heritage Overlay Area (north sub-area)

The Richmond Hill Heritage Overlay Area (north) is significant:

- For the well preserved, well-situated and sometimes large Victorian and Edwardian period houses and for the contribution of well preserved buildings from the inter-war period and individually significant buildings from all periods;
- As one of the early private housing development areas for the wealthy, evolving from the 1840s, and associated with some of Melbourne's most prominent early settlers as seen in their gracious residences, elevated siting and proximity to religious centres of most denominations;
- As particularly indicative (like the west sub-area) of Victorian-era private subdivision with irregular street patterns and lot sizes, and one private road; and
- For the views, from both inside and outside the area, to The Vaucluse Convent, the church spires and towers of St Ignatius and the utilitarian four storey red brick Pelaco factory, with its early neon sign above.

PRECINCTS

C. The Richmond Hill Heritage Overlay Area (former Pelaco factory, Fordham Court/Goodwood Street sub-area)

The Richmond Hill Heritage Overlay Area (Pelaco, Fordham Court/Goodwood Street sub-area) is significant:

- For the well preserved and visually cohesive groups of inter-war and early post WW2 residential development
- For the historical and visual links of this inter-war development with the adjacent inter-war landmark Pelaco Factory;
- For the contribution of the iconic Pelaco factory complex and illuminated sign, that is well-preserved externally, large in scale and set prominently on the hill as, historically, a symbol of Richmond's special role in the development of key manufacturing centres in the first half of the 20th century.

D. The Richmond Hill Heritage Overlay Area (south residential sub-area)

The Richmond Hill Heritage Overlay Area (south) is significant:

- As one of the earliest private development areas in the City for worker housing, dating initially from the 1840s but extending in the gold-era of the 1850s, as early small cottages set on small allotments;
- For the historical links of the street layout and subsequent housing development with the Docker family and the estate's designer, the noted architect and surveyor, Charles Laing;
- As an illustration of a rare type of model private subdivision and development in the Melbourne area in the form of a planned `village', as shown by the regular street patterns, similar allotment sizes, and the originally residential land use.

E. The Richmond Hill Heritage Overlay Area (south industrial sub-area)

The Richmond Hill Heritage Overlay Area (south industrial sub-area) is significant:

- As a distinctive and visually related group of externally well-preserved factories and warehouses, associated with the growth of the clothing manufacturing industry in the City, dating from the early decades of the 20th century and symbolic of Richmond's special role in the development of key manufacturing centres in the first half of the 20th century.
- For the precinct's strategic location, next to major transport links (railway, Punt Road) and the resultant distinctive angled siting of key buildings to face the railway.

4. Swan Street Precinct, Richmond (HO335)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
Swan Street, Richmond from Botherambo Street to Brighton Street (nos. 63-221 & 90-272), Church Street, south of Swan Street to the railway line (nos. 421-425 & 454-468), Byron Street (nos. 2-8 & 140-160) and Kipling Street (nos. 1, 2, 2A, 3, 5 & 7).

History

Swan Street was designated as a road reserve in Hoddle's Crown survey of 1837. Allotments on the north side of Swan Street were sold from 1839 and the south side from 1846. By 1857 a number of commercial businesses had been established in Swan Street, particularly at the west end, and traders included butchers, drapers, fruiterers, tailors, shoemakers, hairdressers and hoteliers. Amongst the

early hotels was the Swan Inn after which the street was named, and the predecessor of the present three-storey Swan Hotel (1889) at the corner of Church Street.

Swan Street ran from Punt Road to the Survey Paddock (now Burnley Park) before extension to the Yarra River sometime between 1874 and 1888. In 1859 a railway line from Princes Bridge to Punt Road provided access to Swan Street and this was extended to Church Street (East Richmond Station) and beyond to the present Burnley Park the following year. Running south of, and parallel to, Swan Street, this railway line provided transport to and from the city. In 1916 an electric tram service provided additional transport along Swan Street, encouraging further development along the length of Swan Street.

The commercial western end of Swan Street experienced a development boom in the 1880s and much of the present commercial building stock, particularly between the railway line (which was raised above Swan Street in 1887) and the Church Street intersection, was constructed at this time. This included a number of predominantly two-storey shops with residences above, including the extensive Perrins Building, 128-38 Swan Street (1884), shops opposite at 95-97 Swan Street (1885) and a highly decorative group of buildings at 224-234 Swan Street.

Swan Street was sealed in 1901 and construction of commercial buildings continued on allotments at the western end of Swan Street. Substantial and distinctive commercial and public buildings, such as the Maples Piano Showroom and the Richmond South Post Office in 1905, and Dimmeys and the former State Savings Bank of Victoria in 1907 added an Edwardian presence to the existing Victorian character of the precinct. A highly prominent clock tower with ball, added to the Dimmeys store in the 1910s, became a landmark feature in Swan Street.

Swan Street's long history as a commercial centre has also seen it play a central role in the social life of Richmond. For over 150 years, the street has provided the community with social and recreational opportunities, with the long-term commercial success of the street being predicated upon its attractiveness as a social space. It is this rich social legacy that binds the various phases of the street's development together, and which continues today to attract new residents and visitors.

Description

The main development period of the Swan Street Precinct is from the 1880s to 1920 and the streetscape dates largely from this period. A small number of buildings from both earlier and later periods make a contribution to the precinct. A number of individually significant buildings are contained within the precinct, dating predominantly from the 1880s-1920 period.

Buildings are predominantly attached Victorian and Edwardian shops and residences. They are predominantly two-storey with some three/four and single-storey shops interspersed.

Elements that contribute to the significance of the place include (but are not limited to):

- A variety of simple and highly decorative façade parapets, with pitched roofs behind
- No front or side setbacks
- Face red brick (including polychrome) or rendered walls
- Rendered window frames, sills and hoods to upper stories
- Rendered ornament and incised decoration to upper stories
- Brickwork with corbelled capping courses
- Original post-supported street verandahs
- Strong horizontal lines formed by parapets, cornices, string courses
- Repetitive upper floor fenestration patterns

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- Consistent two-storey scale with some one and three-storey buildings
- Shop fronts with display windows, timber or tiled plinths, and entry recesses
- Some red brick storage or stable buildings at the rear or side lane frontage
- Corner buildings with secondary façades to side streets or lanes
- Splayed corners to buildings at intersections
- Corrugated iron and slate roof cladding
- Bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths.

How is it significant?
Swan Street, Richmond is of local historical, architectural and aesthetic significance to the City of Yarra.

Why is it significant?
The Swan Street Precinct is a major 'High Street' in the City of Yarra and has functioned continuously as one of Richmond's two key commercial centres since the 1840s. It retains a substantial collection of intact commercial buildings, predominantly from the Victorian and Edwardian periods, including shops and associated residences, hotels and other commercial and civic buildings. Together these buildings demonstrate the development of this major 'High Street', particularly from the 1880s to c1920 when substantial growth in the street occurred, and are illustrative of the enduring role the street has played in the economic and social life of Richmond since the establishment of the suburb [Criterion A].

The highly intact streetscape of the Swan Street Precinct clearly demonstrates the principal characteristics of a major turn of the century 'High Street' in the City of Yarra. Typical characteristics, including predominantly two-storey Victorian and Edwardian wall heights, parapeted rendered or red brick facades with repetitive upper floor fenestration, and ground floor shopfronts, are displayed in the original forms, fabric and detailing of many of the buildings. The streetscapes on the south side of Swan Street between the former Richmond Post Office and Church street, on the north side of Swan Street between Carroll and Dando Streets, and the west side of Church Street between Swan Street and the railway line are particularly intact and consistent in their architectural form and expression [Criterion D].

The Swan Street Precinct contains a number of landmark and individually significant buildings which are well-considered and carefully detailed examples of commercial and civic buildings. These include, among others, the former State Savings Bank of Victoria (216 Swan Street); the former Richmond South Post Office (90-92 Swan Street); large retail stores such as Maples Pianos (122-126 Swan Street); Dimmeys (140-48 Swan Street); and M Ball & Co (236-240 Swan Street), as well as hotels such as the Swan Hotel (425 Church Street). The clock tower and ball of the Dimmeys building is of particular prominence and is a local landmark. Variations in façade detailing throughout the precinct, including parapet ornamentation, balustrading and pediments, incised and applied decoration and polychromatic brickwork, make an aesthetic contribution to the overall character of the precinct [Criterion E].

5. Wellington Street Precinct (HO364)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*

What is significant?
Historical background
In 1839, two years after the first land sales in the township reserve of Melbourne, Crown allotments were auctioned in Richmond, Fitzroy and Collingwood. These allotments were mainly intended for development as farmlets. However many of the purchases in Richmond were speculative for, very soon, allotments were subdivided and advertised for sale in the ``Port Phillip Patriot''. The first was

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William Wilton's Crown allotment 46 which was to be sold in one or more acre lots. In 1840, at a subdivision sale of Dr. Farquhar McCrae's allotment 24, the auctioneer described Richmond as "...the abode of aristocracy, wealthy and retired opulence..." and 36 half-acre blocks were sold.

This was the boom period leading up to the recession of the early 1840s. As a sign of the times, subdivisions on the Richmond flats were advertised in 1842 as "...well deserving public attention among the working class", in contrast to earlier advertising of the higher parts of Richmond as for gentlemen only.

By the mid 1840s the depression had ended and resumption of the Immigration Act resulted in a new influx of workers. The sale of Crown allotments recommenced in Richmond in 1845 and by 1851 a further fifteen Crown Portions were sold. Reserves were also created for police purposes (Crown allotments 13-15), and for churches, recreation, produce market, schools and a mechanics' institute (Crown allotment 35). Thirty-one quarry sites were set aside on Crown allotments 9 to 15 where they abutted the river. The only other clay pits shown are at the locality of Yarraberg which David Mitchell operated in Crown Portion 42, off Burnley St.

Richmond's population in 1846 was 4029. At this time, Fitzroy and Collingwood were also being rapidly subdivided, St. Kilda and Port Melbourne were fashionable picnic spots and Williamstown a busy port. The village at Brighton was the leading pleasure resort, and Heidelberg a prosperous farming community. East Melbourne was little built upon until after 1848 when Bishop Perry chose a site there for the Anglican Bishop's Palace. This gave an impetus to building and the Richmond area went ahead as a select and convenient one in which to live. In 1852 North Melbourne, St. Kilda, South Melbourne, Port Melbourne, Essendon, Remington, Carlton and Hawthorn were laid out. Melbourne's population had trebled by 1853 with people returning from the goldfields, while in Richmond major residential subdivisions had occurred in the north and west. Within the next four years, men who established their suburban villas on the Richmond hills included senior Government officials, Alexander McCrae and William Hull; newspaper proprietors Thomas Strode, George Cavanaugh and George Arden; merchants Patrick Welsh, David Stodart Campbell and Alfred Woolley; and the bankers William Highett and John Gardiner. Their "...comfortable, if not architecturally stylish villas began to dot the place".

Richmond was created a separate municipality in 1855. The survey maps of Magee and Kearney show that at this time many of the existing major streets had been laid out but that almost all buildings, with the exception of those in the Yarraberg area to the northeast, were concentrated in the western half of Richmond, near to Melbourne town and the railway route: large suburban villas and gardens on the hill, and cottages on small blocks in the north and south, often in areas of relatively intense development isolated to individual streets. The factors influencing the location of the earliest development appear to have been a preference for high ground and a position on government roads, especially at cross roads.

Richmond's population in 1857 was 9,029 with 2,161 houses and five architects. The electors' roll for 1856-7 indicates an established retail and service trade in Swan Street and Bridge Road - butchers, drapers, shoemakers, hotels, fruiterers, tailors, hairdressers, grocers and blacksmiths.

With separation from Melbourne in 1855, Richmond, along with Collingwood, became exempt from the `Melbourne Building Act' of 1849 which controlled building and subdivision standards. Developers were free to plan streets, reduce frontages and build what they liked. Closer development of Richmond was also encouraged by the railway which was extended to Brighton from Melbourne by 1859, and by horse drawn omnibuses which connected Richmond with Melbourne along Bridge Road.

Melbourne's population in 1861 was 37,000 (including Carlton and East Melbourne); Richmond, Collingwood and Fitzroy each had about 12,000, Prahran 10,000, South Melbourne 9,000, North

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Melbourne 7,000 and St. Kilda 6,000. Development was apparent along Punt Road c.1860, with little development in south-east Richmond was in 1869. Unemployment was a major issue during the 1860s and in 1862 the Richmond Council sought the repeal of the `Yarra Pollution Prevention Act 'of 1855 (which forbade fellmongeries, starch and glue factories, and boiling down works discharging waste into the Yarra River upstream from Melbourne) so that the river frontages could be opened to manufacturing. By 1865 a quarry, stone crushing mill, fellmongery and abattoir had been established on the river flats in Burnley, and by the 1870's a panoramic view of Richmond carried the caption 'Industry in Arcady'.

As with Melbourne and its other suburbs, the most active period of development in Richmond was in the 1870s and 1880s. The eastern half of the town was partly subdivided by 1874 and by 1888 most subdivision patterns were complete, the major exception being Cole's paddock on Victoria Street. Richmond was proclaimed a town in 1872 and a city in 1882. Its population in 1880 was 23,395 and in 1890 it was 38,797. The residential development trend was a marked increase from the 1850s, steeply rising until c1881 and then a plateau into the 1890s Great Depression. The rate books list 52 industrial establishments in 1880.

Houses constructed between Federation and World War One make up a substantial proportion of Richmond's building stock particularly in the eastern half of the city. Cole's paddock was subdivided by this time.

Encouraged by high tariff protection, new factories and stores were also being established, most notably Bryant & May, Wertheim's piano factory, Dimmey's Model Store, Ruwolt, Rosella, Moore Paragon and Mayall's tannery. By 1919 there were nine tanneries.

This industrial expansion continued after World War One when small gaps in the urban development were filled by inter-war housing estate and Wren's race course was changed to public housing. The Second War was the end of the first wave of urban development in Richmond and hence forms a perceptible period in the historic environment that is the basis for proposed heritage precincts in Richmond, Cremorne and Burnley.

Specific history
This area is part of the 17 acre Crown Portion (CP) 1 sold to Messrs William Burnley, David Lyons and Matthew Cantler in 1849: land sales started immediately in the south-west corner with subdivided lots going to Burnley, Thomas King and Mitchell, Black & Follett. Inspired by the major population increase caused by gold finds in the Colony, William Burnley began to sell more house lots further north in 1852 from an estate plan that included the formation of today's Rout and Blanche Streets running east-west, joined by Wellington Street running north–south. Lots of 32-35 feet width faced onto Wellington Street and backed onto CP2 on the east or the 15 feet wide Huckerby Street, on the west, that Burnley had created to serve the lots facing Punt Road.

The 1853 plan shows Jessie and Cremorne Streets in place within Crown Portions 1&2 and the 1855 plan has buildings distributed across the north part of the Crown Portions, along Wellington (as far as Blanche) and Cremorne Streets, while to the south they front only Cremorne Street. The 1874 plan shows the north part of Wellington, Huckerby, Blanche and Jessie Streets in this precinct.
King, Mitchell, Black and Follett's block, created from the south part of Crown Portion 1 in 1849, was to eventually contain the residential subdivision of Melrose and Kelso Streets in 1884 (Lodged Plan 605) with lots of 33-45 feet frontages. This estate is shown on the Tuxen 1888 plan, along with added streets such as Rout, but still there was no continuity for Wellington Street which stopped at Blanche St. The MMBW Plan 911 of 1896 showed the extension of Wellington Street southwards, past Blanche Street, but named as Melrose Street.

PRECINCTS

Description
The Wellington Street, Cremorne Heritage Precinct is a largely Victorian-era residential area centred on Wellington Street and extends north from the riverside industrial precinct south of Gough Street to the commercial strip of Swan Street West on the north. The arbitrary crank in the line of Wellington Street shows the two development phases (early and late Victorian-era) and exemplifies the piecemeal nature of private development, generally, in the Richmond area.
The haphazard street alignments generate unexpected house groups and vistas. There is the long weatherboard cottage row in Gough Place that now faces out across a large development site towards Punt Road: its unbroken roofline is another testimony of how Richmond, as well as being planned on a free-market basis, was also outside of the building laws that initially applied to the other inner suburbs of Melbourne (Melbourne Building Act). The construction of small, weatherboard and brick cottages in the narrow confines of the early Huckerby and Jessie Streets is another illustration of this evasion of standard building codes. The Richmond Conservation Study (1985) notes of Cremorne Cottage, at 50 Jessie Street: `...Similar size building shown in similar location on Lands Dept 1855 Map of Richmond...' Other early houses such as 375-377 Punt Road can also be traced back in plan form to the 1855 survey map, adjoining the Rout Street entry to the precinct. A small Wellington Street house row (66-68) had rare and early brick-nogged wall construction as an indication of early construction techniques in this precinct. This method of wall construction involves brickwork placed between timber frame members and overclad with weatherboard providing for an uncommon and environmentally sound building method. The Australian Architecture Index cites two other brick nogged houses nearby in Cremorne St auctioned in 1879.

The precinct has a number of individually significant Victorian-era buildings and building rows within its boundaries.

Key buildings
Key buildings include late Victorian-era houses like the row-house pair at 397- 395 Punt Road, described in the 1990s as:

`... A double-storey, rendered, Boom terrace pair, set back with a parapet. The centrepiece is (set) *between abstracted Doric pilasters, supported by scrolls. Cornice and frieze-mould has vermiculated corbels; also to verandah, these on scrollbrackets. The skillion verandah, between wing-walls, has cast-iron lace valence and Composite posts, with first-storey balustrade in an unusual pattern of panels between balusters. Ground-window is tripartite with Tuscan fluted mullions. Doors have fan and sidelights. Chimneys have corbelled brick-bands' as an illustration of the range of ornament that was used in the late 19th century... '*

More typical, late Victorian-era masonry row houses line Wellington Street. Balino Cottage at 44 Wellington St, is an exception:

`A characteristic double-fronted, symmetrical, rendered, Boom cottage, on the street line, with rich decoration. There is a balustraded parapet between piers, surmounted by balloons. The centrepiece has a scallop-shell in a round arch, with acroterion. Piers are supported by small scroll-brackets. A frieze and cornice-mould is supported by brackets, between festoons. The parapet and verandah wing-wall corbels are vermiculated, the latter on scroll-brackets. The brickwork beneath the verandah was exposed, decorated with diamond ceramic tiles. The tripartite window has barleysugar Tuscan mullions and bluestone cill and fanlight over door. The verandah is convex, with cast-iron posts, lace-valence and brackets. There are encaustic geometric tiles. The chimney has deep rendered Classical mould'...

PRECINCTS

Edwardian-era development is seen in houses facing Kelso Street (5, 9) as well as the former grocer's shop at 12 Kelso Street (Peter Byrne's shop in 1904 and Marcus Steel's in 1920), providing the sense of a self contained domain where provisions were available to householders within walking distance. Intermixed with these are the numerous Victorian-era houses, mainly weatherboard clad, with corrugated iron clad hipped roofs (but with some parapeted forms such as 17 Kelso Street) and little in the way of front gardens. Cremorne Court Flats in Punt Road and the Old English style house Teragram in Wellington Street, represent the well-preserved inter-war buildings that make up a minority of sites in the precinct.

Main development period
The main development period evident in the heritage overlay is that of the Victorian and Edwardian-eras, with a contribution from well preserved interwar buildings and individually significant places of all eras.

Contributory elements
Contributory elements include mainly (but not exclusively) Victorian-era and Edwardian-era houses, with some well preserved residential examples from the immediate post First-War era, having typically:

- pitched gabled or hipped roofs;
- one storey wall heights;
- weatherboard, face brick, or stucco wall cladding; corrugated iron, with some slate roofing;
- chimneys of either stucco finish (with moulded caps) or of matching face brickwork with capping courses;
- post-supported verandah elements facing the street;
- less than 40% of the street wall face comprised with openings such as
- windows and doors; and
- front gardens, bordered by low front fences, typically of timber picket for the Victorian and Edwardian-eras.

Contributory elements also include public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths.

How is it significant?
The Wellington Street, Cremorne, Heritage Precinct is aesthetically and historically significant (National Estate Register Criteria E1, A4) to the locality of Cremorne and the City of Yarra.

Why is it significant?
Wellington Street, Cremorne, Heritage Precinct is significant:

- As a well defined area of Victorian and Edwardian-era houses that matches the major growth periods in Richmond's and the City's housing history, complementing the existing adjoining Cremorne Heritage Overlay Area and individual heritage overlays within its boundaries;
- For some distinctive house groups such as in Gough Place, well preserved inter-war examples such as Cremorne Court Flats, and significant individual house examples; and
- For its role as one of the first development plans launched in Richmond, with some houses reflecting the 1850s estates.

6. Burnley Street Precinct, Richmond (HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?

PRECINCTS

The Burnley Street Precinct, comprising 345-389 & 370-404 Burnley Street and 395-419 Swan Street, Richmond is significant. The following buildings and features contribute to the significance of the precinct:

- The buildings constructed from c.1880 to c.1940, as shown on the precinct map.
- The overall consistency of building form (buildings with roofs concealed by parapets, with residential quarters above if two storey and behind if single storey), materials and detailing (front walls of stucco with decorative parapets, some original timber or metal-framed shopfronts with timber or tiled stallboards and recessed entries), and siting (no front and side setbacks).
- The landmark qualities of the former Bank of Australasia.
- The nineteenth century subdivision pattern comprising regular allotments served by rear bluestone laneways.

The following places are Individually Significant and have their own statement of significance:

- Former Bank of Australasia, 377 Burnley Street,
- Former shop and residence, 380 Burnley Street,
- Shops and residences, 400-402 Burnley Street, and
- Shops and residences, 413-415 Swan Street.

Non-original alterations and additions to the Contributory buildings shown on the precinct map, and the buildings at 381 & 382 Burnley Street, and 411 Swan Street are Not Contributory.

How is it significant?

The Burnley Street Precinct is of local historic and architectural significance to the City of Yarra.

Why is it significant?

Historically, the precinct is a representative example of a shopping centre serving local needs that developed in response to the significant population growth of Richmond in the late nineteenth and early twentieth centuries. The terrace row at nos. 345-67 Burnley Street provides evidence of the first significant phase of residential development that created the need for the centre in the late nineteenth century. (Criterion A)

The location, close to a railway station, and around a major intersection and the mix of single and double storey commercial premises, some with original shopfronts, the corner hotel and former bank are all characteristic of these local centres. The mix of residential and commercial premises is also typical with places such as nos. 373 and 375 Burnley Street that combine a Victorian house with an Edwardian shopfront demonstrating the evolution of the precinct from residential to commercial. (Criterion D)

The precinct contains late Victorian, Federation, and Inter-war shops and one hotel with consistent and characteristic parapeted form, siting and detailing, including some original shopfronts, which contrast with the Victorian residential terrace row. The former Bank of Australasia is notable as a landmark within the precinct. (Criterion E)

7. Swan Street West Precinct (HO524)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?

PRECINCTS

The Swan Street West Precinct comprising 30-42 Swan Street, Cremorne.
Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the four buildings
- The high level of integrity of the buildings to their late nineteenth and early twentieth century design.

Later (post 1940) alterations and additions to the rear and shopfront are not significant.

How is it significant?

The Swan Street West Precinct is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The Swan Street West Precinct is illustrative of historical development along a major, early commercial thoroughfare in the City of Yarra. As the only remaining group of intact commercial buildings from the Victorian and Edwardian periods west of the Swan Street railway bridge, this precinct demonstrates the commercial development at the west entrance of the major Swan Street 'High Street' up to the 1920s [Criterion A].

The small but intact Swan Street West Precinct clearly demonstrates the principal characteristics of a major Victorian and Edwardian 'High Street' in the City of Yarra. Typical characteristics, including parapeted facades with repetitive upper floor fenestration, rendered facades and ground floor shopfronts, are displayed in the variety of original forms, fabric and detailing of the four buildings [Criterion D].

INDIVIDUALLY SIGNIFICANT PLACES

1. **House**
234 Coppin Street, Richmond (HO245)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*

234 Coppin Street, Richmond, is of local architectural significance. The house is representative of the late 19th century double-storey form, and is a good example of the Italianate style. The house is substantially intact, retaining most of the original cement render and cast iron decoration, and is notable for its unusual broken pedimented parapet.

2. **Former Central Club Hotel**
291 Swan Street, Richmond (HO285)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*

The former Central Club Hotel is of local architectural significance. The hotel is a good example of the late 19th century Italianate Boom style, notable for its lively asymmetrical facade composition ajid florid Victorian Mannerist cement rendered decoration. The three-storey building is a significant local landmark in Swan Street. Its association with the locally prominent Cremean family and their involvement in Catholic politics is of local historical interest.

3. **Former Burnley Theatre**
365 Swan Street, Richmond (HO286)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*;
Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

The former Burnley Theatre is of local social and architectural significance. Until its closure in 1958, the theatre was popular with the residents of Richmond as a social gathering place. The Swan Street facade, although not of individual architectural importance, contributes to the streetscape and is a notable local landmark.

Additional contributory elements:

- Capacious building with wide symmetrical façade to Swan Street
- Strong horizontal lines define levels
- Front façade has pattern of windows and engaged columns with wider central bay
- Located on a corner with undecorated side façade to Edinburgh Street
- Large gabled hall behind front façade.

4. **Former State Bank**
214-216 Swan Street, Richmond (HO288, VHR H732)

Refer to Victorian Heritage Database for Statement of Significance

5. **House**
15 Wellington Street, Cremorne (HO294)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*;
Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

INDIVIDUALLY SIGNIFICANT PLACES

The house at 15 Wellington Street, Richmond, is of local architectural significance. Although the overall form of the house is relatively common, this building is distinguished by its highly unusual Dutch gables, and also by the unusual proportions of the fenestration to the projecting bay. The house is an important heritage element in Wellington Street.

Works in 2016/2017 have resulted in the re-rendering of external walls, removal and replacement of cast iron friezes and balustrading and the reinstatement of a previously bricked in ground level window opening.

6. **Former Richmond South Post Office**
90-92 Swan Street, Richmond (HO357, VHR H48)

Refer to Victorian Heritage Database for Statement of Significance

7. **Dimmeys**
140-160 Swan Street, Richmond (Cremorne) (HO360, VHR H2184)

Refer to Victorian Heritage Database for Statement of Significance

8. **The Greyhound Hotel, later Depot Hotel, now Precinct Hotel**
60-62 Swan Street, Richmond (HO405)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*; Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

What is significant?
The Greyhound Hotel, later Depot Hotel and Precinct Hotel has been the site of a public house and gathering place since the 1850s-60s (as 52 Swan St) when licensees included John Davies and William Perrin. The Swan Street West area had consolidated by the 1890s with continuing commercial uses evolving around the new Bowling Club Hotel. The former Bowling Club Hotel, at 36-38 Swan Street, was licensed at another Richmond location to one John Smith in 1868, with a Miss Julia Topey keeping a hotel on this site by the 1880s. The hotel was kept by a M Fitzgerald in the early 1900s but as the new century progressed, the hotel had been delicensed such that by 1920, the only hotel that had survived in this part of Swan Street was the Greyhound Hotel at the Cremorne Street corner (and rebuilt in 1926). Meanwhile shops had occupied the former Bowling Club Hotel. The hotel is a 2 storey Neo-Grec style building, with a simple and boldly executed cemented facade. A deep projecting cornice with brackets underscores the raised parapet entablature with its symmetry to the two elevations expressed through panels, with the focus at the splayed corner. Leadlight glass is evident as is the upper level and ground level joinery (part).

Additional contributory elements include:
- Two-storey wall height
- Zero front setback
- Regular pattern of rectangular fenestration at upper level
- Corner building which address both Swan Street and Cremorne Street by continuing the pattern of openings and parapet detailing
- Splayed corner
- Strong horizontal lines defining levels.

How is it significant?

INDIVIDUALLY SIGNIFICANT PLACES

The building is aesthetically, socially and historically significant (National Estate Register Criteria E1, G1, A4) to Richmond.

Why is it significant?
The building is significant: - for its good representation of a key period in the City's history, being as a site, the initial growth of commercial Swan St and as a building, the rebirth of hotel development in the 1920s after the Licence Reduction Board had eliminated other less salubrious pubs; and - as a well-preserved example of a Greek revival style public house in the local context.

9. **400-402 Burnley Street, Richmond (HO429)**

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
The property at 400-402 Burnley Street, Richmond, dates from 1912, and comprises a pair of two storied Federation red brick shops with combined residences. No. 402 is the larger of the two, with both building components matching in terms of design. The buildings have transverse gable roof forms, and rear roof pitches concealed by brick parapet walls to form asymmetrical side gables. On the east façade to Burnley Street, both buildings are walled in exposed face brick with two oriel gabled bays to the first floors. The bays and the transverse gable roofs are clad in terracotta tiles; the expressed central and side walls are topped by stepped moulded brackets with orbs; and the gables to the bays are half-timbered with roughcast stucco, crown four-light bay windows, and have apron panels clad in roughcast stucco. The ground floor shopfronts are also original or early.

How is it significant?
The property at 400-402 Burnley Street, Richmond, is of local historical and aesthetic/architectural significance.

Why is it significant?
The property at 400-402 Burnley Street, Richmond, dates from 1912, and is of local historical significance. It is associated with the later development of eastern Richmond, in an area of Burnley Street, near the junction with Swan Street, which had developed by the early twentieth century into an established retail precinct. The property is also of local aesthetic/architectural significance. It is a well preserved and substantially externally intact example of a Federation two-storey combined residence and shop, in exposed face brick. It is distinguished by the transverse gable roof form, the prominent oriel gabled bays to the first floors, the substantially intact ground floor shopfronts, and the asymmetrical side gable evident on the south elevation which was increasingly common in early twentieth century shop design. Other elements of note include the roof decoration, brackets with orbs, half-timbered gables to the oriel bays, and the oriel apron panels clad in roughcast stucco.

10. **Swan Street Drill Hall**
309 Swan Street, Richmond (HO440)

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
The property at 309 Swan Street, Richmond, is a rectangular shaped allotment with three buildings dating from 1916 and 1937. The buildings comprise the large former drill hall abutting the Duke Street (west) boundary; the narrower storage building abutting the Lord Street (east) boundary; and a smaller brick building between these to the Swan Street boundary. Both the hall and storage shed date from 1916 and are single storey, gable-roofed and gable-ended structures, clad in corrugated

galvanised iron. Both buildings retain most of their original window framing, with some exceptions. The space between the two original buildings is concreted over. The third building dates from 1937, and is a single storey, overpainted brick building, with a transverse gable roof. The 1916 drill hall is the largest building on the site, has the distinctive 'drill hall' form, and was the focus of the original training operations and subsequent Commonwealth use. The 1916 storage shed, although original, and the later 1937 building, are less distinguished elements, and more utilitarian in character and form.

How is it significant?
The property at 309 Swan Street, Richmond, is of local historical and architectural significance.

Why is it significant?
The property at 309 Swan Street, Richmond, was established as a drill hall complex in 1916 and is of local historical significance. It dates from the period when compulsory military service was introduced, and a large number of drill halls were constructed in Australia. Richmond men between the ages of eighteen and thirty, who were called upon to enlist for military service in World War One, did so at the Swan Street drill hall. They were also given some training on the site. Later Commonwealth uses included housing the 2/11th Field Regiment in the 1940s; the Department of Technical Engineering copywriting section, and the Training Depot for the Australian Army's Royal Corps of Australian Electrical and Mechanical Engineers in the 1950s; and cadet battalions in the 1970s. The former drill hall building is also of local architectural significance for demonstrating some of the principal characteristics of World War One drill halls. These include the simple gabled form, albeit carried over a large building, and the large internal space. The galvanised and overpainted corrugated iron cladding is also typical of suburban and regional drill halls around the country. In addition, it is a comparatively externally intact example of a drill hall of this era.

11. **319 Swan Street, Richmond (HO441)**

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
No. 319 Swan Street, Richmond, was constructed in 1889 as a two storey corner shop and residence. The building is rectangular in plan form with a chamfered corner entry and a hipped roof clad in galvanized corrugated steel, with two stuccoed chimneys with cornices. The first floor is largely externally intact, with original detailing including moulded stringcourses, double-hung sashes with stilted segmental arches, and moulded architraves with accentuated keystones. Other details include half-fluted pilasters (piers) which support a dentilled entablature and above that a continuous bracketed cornice and parapet with waisted balustrading. The chamfered corner is capped with a triangular pediment on two broad piers, enclosing a cartouche panel and topped by an orb finial. At ground level, the shop front has been altered. The rear portion of 319 Swan Street, facing Lord Street, is largely externally intact, albeit more simply detailed than the corner shop component. Beyond this wing is an adjoining contemporary development which is not of heritage significance.

How is it significant?
No. 319 Swan Street, Richmond, is of local historical and aesthetic/architectural significance.

Why is it significant?
No. 319 Swan Street is of local historical significance, as a combined shop and residence constructed in 1889 for James Davison, a baker. At that time commercial development was being consolidating in Swan Street; the 1880s date is also consistent with the core period of commercial building construction in the street. Unusually, the bakery operation in the building was sustained until the

INDIVIDUALLY SIGNIFICANT PLACES

mid-1970s. No. 319 Swan Street is also of local aesthetic/architectural significance. While the building is broadly consistent with many nineteenth century two-storey shop and house combinations in inner suburban main road locations, it is distinguished by the complexity and vigour of the first floor elevations in particular, and the reasonably intact side elevation to Lord Street. The segmentally arched first floor windows are usual in terraced shops, enlivened here by the Corinthian pilasters with cornice breakfronts above. The parapet and corner pediment, with baluster waisting, dentil mouldings and bracketing, are also largely intact. The chamfered corner enhances the streetscape presentation.

12. **Shop and Residence**
273A Swan Street, Richmond (HO522)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond, built c1885-90.
Elements that contribute to the significance of the place include (but are not limited to):

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.

Later (post 1900) alterations and additions to the rear, shopfront and eastern side are not significant.

How is it significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s [Criterion A].

The two-storey corner shop and residence at 273A Swan Street, Richmond is a fine, intact and representative example of a Victorian shop and residence. It displays typical features of the Victorian style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive ground and upper floor fenestration, articulated facades to both streets with splayed corner, rendered facades and ground floor shopfronts [Criterion D].

13. **Pair of Shops**
323-325 Swan Street, Richmond (HO523)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
The two-storey pair of shops and residences at 323-325 Swan Street, Richmond, built in 1886.
Elements that contribute to the significance of the place include (but are not limited to):

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.

Later (post 1900) alterations and additions to the rear and shopfront are not significant.

How is it significant?

INDIVIDUALLY SIGNIFICANT PLACES

The pair of shops and residences at 323-325 Swan Street, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The pair of shops and residences at 323-325 Swan Street, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s [Criterion A].

The commercial premises at 323-325 Swan Street, Richmond are a fine, intact and representative example of a pair of Victorian shops and residences. They display typical features of the Victorian architectural style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted facade with repetitive upper floor fenestration, rendered facades and ground floor shopfronts [Criterion D].

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

1. **Shops and Residences**
   454-456 Church Street, Cremorne (within HO335)

   Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

   A distinctive group of gabled Edwardian shops by the distinguished architect Nahum Barnet.

2. **H. E. McNaughton ironmongery & residence, former**
   69 Swan Street, Richmond (within HO335)

   Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas*

   What is significant?
   The former H.E. McNaughton ironmongery and residence at 69 Swan Street, Richmond, was created in 1924 for Henry Ernest McNaughton and has a close association with him. The place has a good integrity to its creation date. Fabric from the creation date at the H.E. McNaughton ironmongery and residence is locally significant within the City of Yarra, compared to other similar places from a similar era.

   How is it significant?
   The H.E. McNaughton ironmongery and residence, former at 69 Swan Street, Richmond is architecturally significant to the locality of Richmond and the City of Yarra.

   Why is it significant?
   The H.E. McNaughton ironmongery and residence is significant as a well preserved inter-war parapeted brick and stucco shop and residence with original or early shopfront and the owner's name cemented in bas-relief on the parapet.

3. **National Bank of Australasia**
   105 Swan Street, Richmond (within HO335)

   Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

   This suburban branch of the National Bank of Australasia was erected in 1886-7 by the notable bank architect Albert Purchas. Its imposing three storey height, prominent corner location, and fine architectural detailing are important components of the building's significance.

4. **Shops and residences**
   232 & 234 Swan Street, Richmond (within HO335)

   Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

   A rare example of a pair of small shops designed in a boom style classicism, completely intact above verandah level.

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

5. **M. Ball & Co, former**
236 - 240 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A Richmond landmark used as a drapery since 1871, retaining some original shop fittings and a now rare aerial cash conveyor.

6. **Whitehorse Hotel, former**
250-252 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A rare example of an early 1850's stone commercial building designed in a colonial Regency style.

7. **Shops and Residences**
413 - 415 Swan Street, Richmond (within HO474)

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
Nos 413-415 Swan Street, Richmond is a Victorian two storey brick terrace pair of shops and combined residences. The ground floor shopfronts have been modified, but the rendered first floor facades are intact, with no. 413 remaining unpainted save for the c.1920s 'Monopole Magnum Cigars' sign. Intact details include double-hung sash windows, window architraves, brackets, supporting stringcourse and mouldings, plus pedimented parapets incorporating panels, brackets, cornices and mouldings, urn pedestals and dividers. The buildings have been extended to the rear; these later elements are not of heritage significance.

How is it significant?
Nos 413-415 Swan Street, Richmond is of local historical and aesthetic/architectural significance.

Why is it significant?
Nos 413-415 Swan Street is of local historical significance, as a pair of two storey brick shops and combined residences constructed for carpenter, J Wood in 1892. This was just after the period of commercial development consolidation in Swan Street, and unusually during the severe economic Depression of the early 1890s. The buildings were subsequently occupied by a range of retailers and commercial operations, typical for a main street of the late nineteenth and early twentieth century. These included sellers of dairy produce, a greengrocer, butcher, hairdresser and tobacconist. The subject property is also of local aesthetic/architectural significance. It is a well-preserved pair of two storey shops/residences, broadly consistent with many similar nineteenth century commercial buildings in inner suburban main road locations. However, the first floor facades retain their original form and detailing; in particular, the upper level to no. 415 has remained unpainted. This façade is further distinguished through the retention of the 'Monopole Magnum Cigars' sign. Both first floors also have prominent and well-detailed arched pedimented parapets.

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

8. **Bank of Australasia (Former)**
377 Burnley Street, Richmond (within HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?
The former Bank of Australasia, erected in 1889 to a design by the prominent bank designer, Anketell Henderson, of the firm Reed, Henderson and Smart, at 377 Burnley Street, Richmond is significant. It is a freestanding symmetrical two-storey rendered brick building. The ground floor facade has banded rusticated walls, and a central entrance door flanked by tripartite shallow arched windows, which are timber-framed with fixed central lights and double-hung sidelights. The first floor has a loggia-style balcony; the projecting entrance section extends up through the first floor and has an arched opening to the facade. There are three openings in the wall behind. The loggia has a simple patterned balustrade, and a skillion-profile roof; the wing walls have arched openings and their copings terminate in small pediments. There is a prominent parapet with a wide moulded cornice. There is also a string course below the loggia.

Non-original alterations and additions to the building are not significant.

What is significant?
The former Bank of Australasia, at 377 Burnley Street, Richmond, is of local architectural significance.

Why is it significant?
Architecturally, the building is a good example of an austere Classically-styled building which is in contrast to much of the more flamboyant boom style Italianate designs of the period. It is an important landmark within the Burnley Street commercial precinct. The building is an important work in the oeuvre of prominent bank architect, Anketell Henderson. Henderson was an important protagonist of the austere classical style of bank architecture of the 1880s. (Criteria D, E & H)

9. **Shops and Residences**
380 Burnley Street, Richmond (within HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?
The shop and residence, constructed by 1888, at 380 Burnley Street, Richmond is significant. This is a single storey late Victorian shop, one of a pair with no.378. The parapet has a moulded cornice above a stringcourse, each framed by vermiculated corbels inset with lions-heads. The semi-circular pediment has a small acroterion and is flanked by small scrolls, with small scrolls adjacent to the low piers at either end of the parapet that appear to have once supported orbs or urns. The shopfront has timber-framed windows with fixed display windows belong highlights, and panelled timber stallboards over a bluestone plinth. The window frames are slender, which is typical of the period, and the recessed central entry enhances the symmetry of the building.

Non-original alterations and additions to the building and signage are not significant.

How is it significant?
The shop and residence at 380 Burnley Street, Richmond is of local historic, architectural and aesthetic significance to the City of Yarra.

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

Why is it significant?

Historically, it is significant as one of the oldest surviving shops in Burnley Street and is associated with the beginnings of the transformation of the southern Burnley Street into a local shopping centre during the late nineteenth century. (Criterion A)

It is also significant as a representative example of a shop with typical late Victorian form and detailing including the parapet ornamentation and a timber-framed shopfront with stallboards and a recessed central entry below the pediment that emphasises the symmetry of the building. It is notable for its high degree of intactness, which includes the original shopfront. While many late Victorian shops survive in Richmond very few retain their original shopfront. (Criteria B, D & E)

Attachment 7 - C191yara Marked up amendment documentation since exhibition

21.11 REFERENCE DOCUMENTS

Dd/mm/yyyy
Proposed
C191

General

Council Plan 2005-2009.

Inner Melbourne Action Plan (October 2005).

Yarra City Council Access and Inclusion Policy (November 2004)

City of Yarra Access and Inclusion strategy 2004-2009

Disability Action Plan 2001—2004

Land Use

Yarra Residential Interface Study 2001 (City of Yarra, 2001)

Accommodation and housing

Inner Regional Housing Statement (January 2006)

Retail, entertainment and the arts

Yarra City Council Arts and Cultural Plan, 2005-2009

Inner City Entertainment Precincts Taskforce "A Good Night for All"

Industry, office and commercial

Yarra Economic Development Strategy 2001-2004

Yarra Industrial and Business Land Strategy Review (Hansen Partnerships & Charter, Keck, Cramer, September 2004).

Parks, gardens and public open space

Yarra City Council Recreation Strategy Plan 2003/2008

Built Form

Heritage

Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (GJM Heritage)

Yarra High Streets (Swan Street)~~:~~ Statements of Significance: Reference Document, ~~October 2017~~ December 2020 (GJM Heritage)

Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies 2014.

City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.

City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.

City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.

City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.

City of Yarra Heritage Gaps Review Two 2013.

City of Yarra Heritage Gaps Study – 233-251 Victoria Street, Abbotsford, Anthemion Consultancies 2012.

World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens, Department of Planning and Community Development 2009.

City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007 updated 2013.

Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.

Development Guidelines for Heritage Places (City of Yarra, 1999).

City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.

Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.

The Burra Chater. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.

Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.

Collingwood Conservation Study, Andrew Ward and Associates 1989.

Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.

Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.

City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.

South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.

North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

Built form character

~~*Swan Street Activity Centre Built Form Framework (Tract, September 2017)*~~

Urban Design Guidelines for the Yarra River Corridor (City of Yarra, 1998), as amended April 2004

City of Yarra Built Form Review 2003

Transport

Yarra Strategic Transport Statement City of Yarra 2006

Encouraging and increasing walking strategy, City of Yarra 2005

Environmental Sustainability

The Yarra Environment Strategy: Our Sustainable Future (City of Yarra, November 2000).

Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road: Consultant Report (Planisphere and Jones & Whitehead, June 2005).

Middle Yarra Concept Plan (Dept. of Planning and Urban Growth, Dept. of Conservation and Environment, 1990)

Lower Yarra (Punt Road to Dights Falls) Concept Plan (Ministry for Planning and Environment, 1986)

Lower Darebin Creek Concept Plan (Darebin Creek Co-ordinating Committee, 1995)

Merri Creek Management Plan (Merri Creek Management Committee, 1997)

Merri Creek Concept Plan (Draft) (Merri Creek Management Committee, 1997)

Yarra River Corridor Strategy (City of Yarra, 1999)

Yarra Catchment Action Plan (YarraCare, 1996)

Port Phillip and Western Port Regional Catchment Strategy 2004 – 2009 (Port Phillip and Westernport Catchment Management Authority 2004)

Herring Island Enhancement Plan (Acer Wargon Chapman and EDAW AUST, 1995)

Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996)

Yarra Bend Park Strategy Plan (Parks Victoria, 1998)

Yarra Bend Park Environmental Action Plan (Parks Victoria, April 2000)

Yarra Bend / Fairfield Area: Development Opportunities (Chris Dance Land Design and Fulcrum Town Planners, 1997)

City of Yarra Stormwater Management Plan (AWT, December 2000)

Neighbourhood Plans

Smith / Wellington Streets Mixed Use Precinct Urban Design Framework, March 2005

Victoria Street Activity Precinct Urban Design Framework, July 2004;

Victoria Street East Precinct, Richmond, Urban Design Framework prepared for the City of Yarra 16 November 2005 (mgs in association with Jones and Whitehead Pty Ltd)

Structure Plans and Local Area Plans

Johnston Street Local Area Plan, 2015

21.12 LOCAL AREAS

--/--/20--
C191

This Clause focuses on the local area implementation of the objectives and strategies set out in the MSS. Each Section relates to a particular precinct within the municipality and should be read in conjunction with the rest of the Municipal Strategic Statement and not in isolation.

The sections are organised under the Local Area headings.

21.12-2 Swan Street Acivtiy Centre

--/--/20--
C191

Swan Street's diverse range of entertainment and retail activities, public transport options and close proximity to Melbourne's Central Business District and Sports and Entertainment Precinct have attracted residents, visitors and workers to the Activity Centre for well over a 100 years.

The character of the Activity Centre varies significantly along the length of Swan Street, moving from a cohesive and highly intact turn of the century 'High Street' with a prominent fine grain subdivision pattern, to a diverse and less historically intact retail and residential area towards the eastern end. The Activity Centre contains a number of landmark heritage commercial buildings, including the Dimmeys Clock Tower.

The preferred future character of each precinct reflects this diversity with moderate built form change planned for the highly intact heritage area west of Brighton Street and higher change at the eastern end of the Activity Centre where there is currently a more mixed built form character. This built form change will support the Activity Centre's role as a location for an extensive mix of retail, entertainment and commercial uses, and high quality apartment living.

The Framework Plan as shown in ~~Figure 1~~Map 2 illustrates the boundary of the Swan Street Major Activity Centre and the precincts, which make up the centre:

- Precinct 1: Richmond Station
- Precinct 2: Swan Street Retail
- Precinct 3: Swan Street East
- Precinct 4: Burnley Station

Vision

Council's vision is 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.

Local area implementation

Ensure that any proposed use or development within the Swan Street Activity Centre is generally consistent with the Swan Street Built Form Framework Plan as shown in ~~Figure 1~~Map 2.

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – is an exciting place anchored by the Richmond Train Station with shops, entertainment uses and alfresco dining areas that is a destination for visitors and the workers and students from the surrounding employment and education uses in Cremorne. The entry to the centre is more defined with high quality contemporary buildings that wrap the corner with Hoddle Street. Looking east the Precinct Hotel and other heritage buildings sit comfortably next to more contemporary buildings that reflect a similar scale at street level with new development above and behind a well defined street wall.

Precinct 2 – is the major focus for retail and entertainment uses located within existing fine grain heritage shop fronts. The footpaths are the key public spaces providing opportunities for outdoor dining and public engagement. Activated linkages connect people to East Richmond Station and a potential new public park. Looking along Swan Street, the intact heritage buildings remain prominent defining a valued heritage streetscape where new development above and behind the street wall is visually recessive. The Dimmey's Tower remains a clear focal point in the street standing out from surrounding buildings. Taller development along the railway line is visible and provides a greater sense of enclosure along side streets and laneways but is designed and spaced to contribute to a varied skyline that remains subservient to the heritage streetscape.

Precinct 3 – is a true mixed use precinct providing for a range of retail, commercial and residential uses within new mid rise developments of varying heights, widths and character. The consistent front setback and continuation of the broad scale of the street wall of Precinct 2 provides a continuity with the balance of the centre and an improved pedestrian experience at street level. On the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape and development is scaled and sited sensitively to the adjoining low scale residential area. On the south side of Swan Street high quality taller buildings gradually scale up to Burnley Street denoting the importance of the station. Breaks between these buildings maintain views to the sky from street level and create a varied skyline and backdrop to the shopping strip when viewed from surrounding residential and commercial areas. New and improved laneways connecting to Swan Street offer opportunities for interesting public spaces that complement improvements to the public realm along Swan Street.

Precinct 4 – is anchored around Burnley Station and the Burnley Street Village. High quality new buildings adjoining Burnley Station with a range of retail, office, hospitality, residential and personal services activate new and improved pedestrian connections to the station. Along Burnley Street, the heritage buildings remain prominent with new infill development integrating as a cohesive part of the streetscape. Buildings behind Burnley Street and along the north side of Swan Street scale sensitively to the adjoining low scale residential area. Breaks between buildings at upper levels maintain views to the sky from street level and create a varied skyline when viewed from surrounding residential areas.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precinct 2: Swan Street Retail as a compact, fine grain retail precinct.
- Support the area west of Church Street as a core entertainment precinct that contains a range of licensed premises that make a significant contribution to the Night Time Economy.
- Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor.
- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for midrise development (5 -12 storeys) that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Swan, Church, and Burnley Street.

- Ensure development respects a consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings within the Activity Centre.
- Promote a gradual transition in height along Swan Street towards Burnley Train Station.
- Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.
- Allow for taller buildings with highly articulated street walls in side streets and laneways on the southern side of Swan Street.
- Ensure development contributes to the evolution of Precinct 3: Swan Street East and Precinct 4: Burnley Station into vibrant mixed-use precincts with built form that enhances the streetscape character.
- Enhance and mark the entry to the centre from Hoddle Street.
- Protect key views lines on Swan Street to the Dimmey's Clock Tower.

Access and Movement

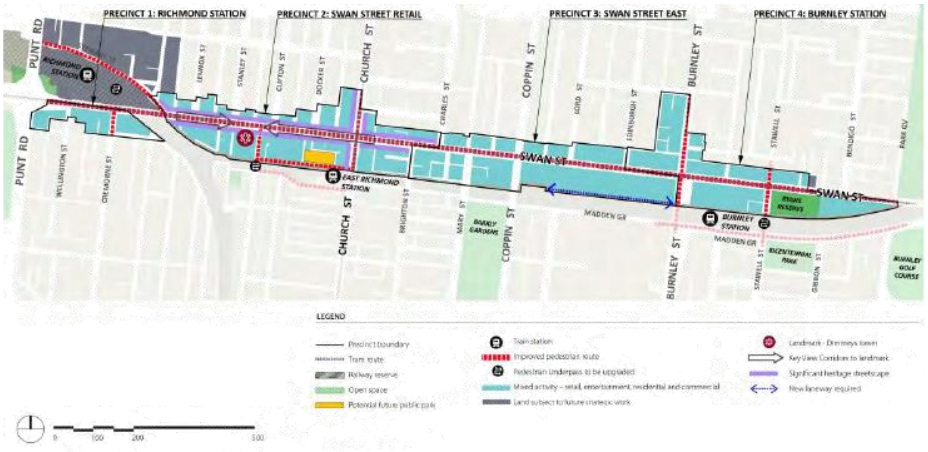
- Facilitate widened laneways and new laneways to provide for safe vehicular access to and from new development.
- Ensure that pedestrian movement is given priority along Swan Street.
- Limit direct vehicular access on to Swan Street, Burnley Street and Church Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.

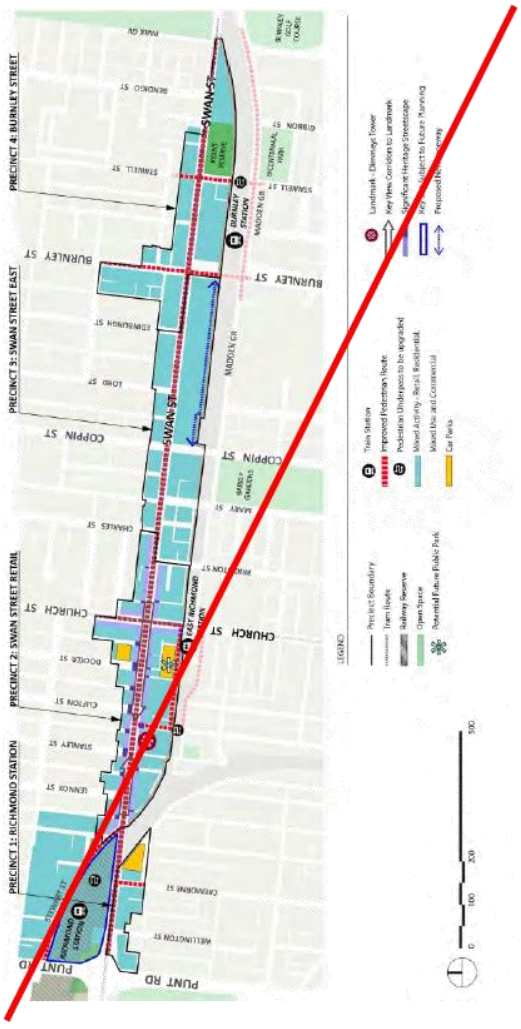
Public Realm

- Maintain daylight and sunlight to the key streets and public spaces.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections to Swan Street and the railway stations.
- Safeguard the future amenity of the potential public park at the carpark adjoining East Richmond Train Station.
- Improve amenity and pedestrian safety under the railway bridge in Swan Street.
- Ensure that new development provides adequate weather protection for footpaths along Swan, Burnley, and Church Street.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

Map ~~Figure 21~~: Swan Street Framework Plan





22.02 DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

18/10/2018
C232

This policy applies to all land within a Heritage Overlay.

22.02-1 Policy Basis

30/09/2010
C85

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

22.02-2 Definitions of Words used in this Policy

30/09/2010
C85

- Adaptation: modifying a place to suit the existing use or a proposed use.
- Architectural integrity: the quality of closely reflecting the architecture of the period in which a building was created.
- Conservation: the process of looking after a place so as to retain its cultural significance.
- Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: all the physical material of the place including components and fixtures, and can include building interiors.
- Heritage place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

22.02-3 Levels of Significance

19/10/2017
C235

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

- Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time). Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates), City of Yarra Heritage Gaps Review Two 2013, City of Yarra Hertiage Gaps Study July, 2014 – Smith Street South (Anthemion),* and *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014.*

22.02-4 Objectives

30/09/2010 C85

To conserve Yarra's natural and cultural heritage.

To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.

To retain significant view lines to, and vistas of, heritage places.

To preserve the scale and pattern of streetscapes in heritage places.

To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.

To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.

To ensure that additions and new works to a heritage place respect the significance of the place.

To encourage the retention of 'individually significant' and 'contributory' heritage places.

To protect archaeological sites of cultural heritage significance.

22.02-5 Policy

19/10/2017 C235

It is policy to:

22.02-5.1 Demolition

19/10/2017 C235

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
  - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Review of Heritage Areas 2007 Appendix 8* (as updated from time to time)and
  - the building does not form part of a group of similar buildings.

Note: *The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.*

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For a contributory building:
  - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
  - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

22.02-5.2 Original Location

30/09/2010 C85

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

22.02-5.3 Reconstruction and Restoration

30/09/2010 C85

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

22.02-5.4 Painting and Surface Treatments

30/09/2010 C85

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

22.02-5.5 Culturally Significant Trees

30/09/2010 C85

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

22.02-5.6 Subdivision

30/09/2010
C85

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

22.02-5.7 New Development, Alterations or Additions

30/09/2010
C85

22.02-5.7.1 General

30/09/2010
C85

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

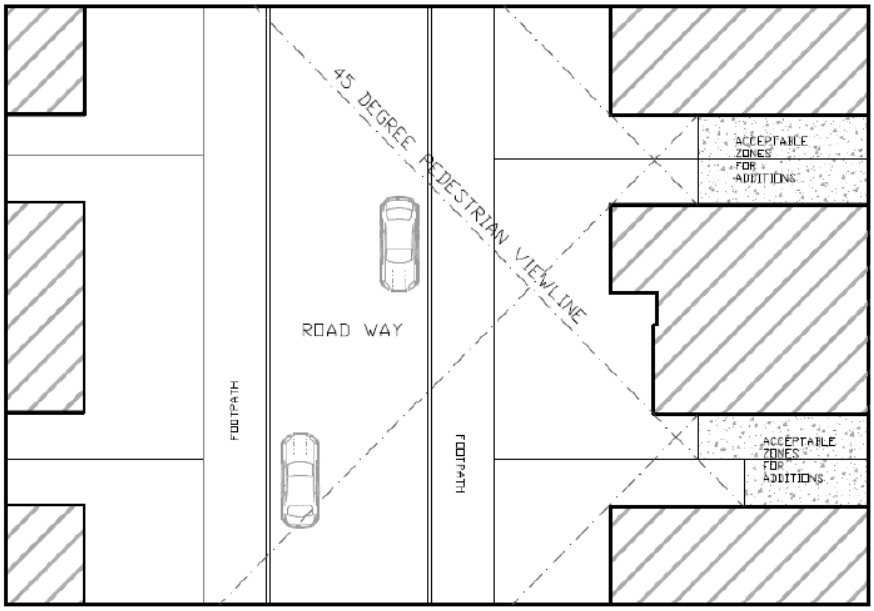


Figure 1 acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.

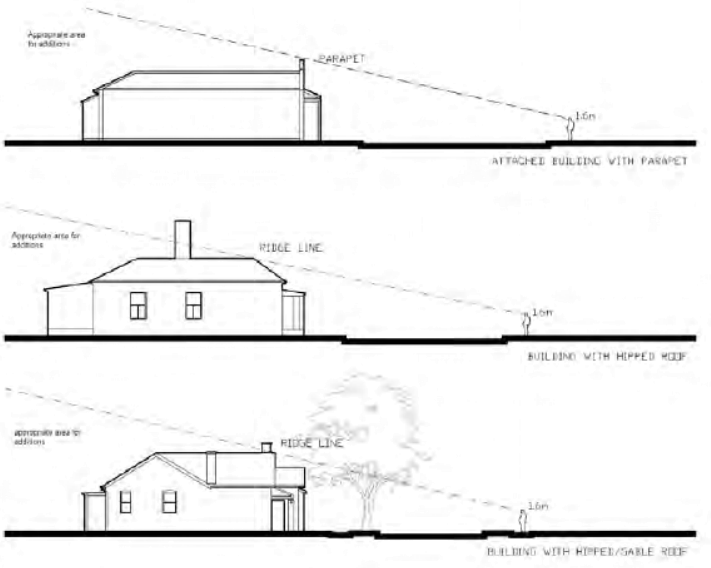


Figure 2 – appropriate areas for upper level additions to contributory buildings are sited within the 'envelope' created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

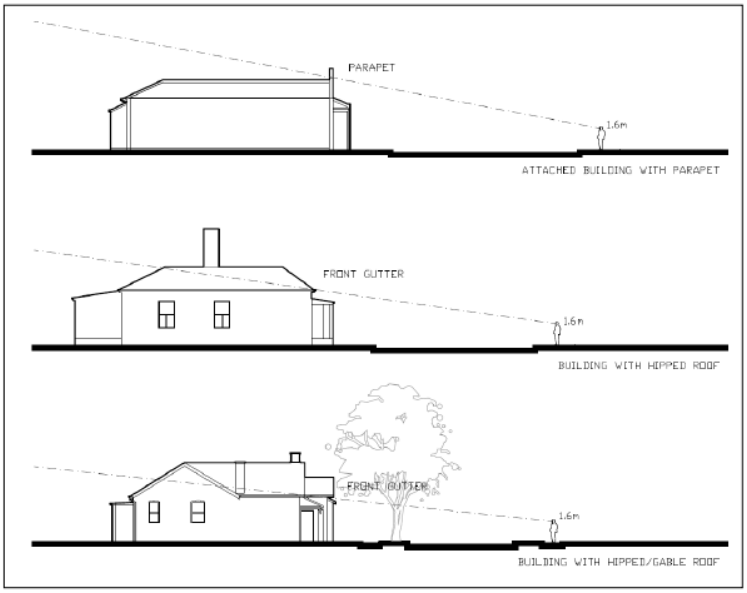


Figure 3 – appropriate areas for upper level additions to individually significant buildings are sited within the 'envelope' created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

30/09/2010
C85

Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the 'envelope' from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form

elements. Each higher element should be set further back from lower heritage built forms.

- Incorporate treatments which make them less apparent.

Carports, Car Spaces, Garages, and Outbuildings

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

Front Fences and Gates

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Ancillaries and Services

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

22.02-6 Archaeological Sites

30/09/2010
C85

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

22.02-7 Decision Guidelines

30/09/2010
C85

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

22.02-8 References

18/10/2018
C232

Swan Street Built Form Study Heritage Assessments & Analysis, ~~GJM Heritage,~~ October 2017 (GJM Heritage).

Yarra High Streets (Swan Street): Statements of Significance: Reference Document, December 2020 (GJM Heritage); ~~GJM Heritage, October 2017~~.

Heritage Citation: 112-124 Trenerry Crescent, Abbotsfod. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsfod. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

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City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.

City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.

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City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.

City of Yarra Heritage Gaps Review Two 2013.

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Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.

City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.

Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.

The Burra Charter. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.

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Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.

City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.

South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.

North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

dd/mm/yyyy Proposed C191

SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO17**.

SWAN STREET ACTIVITY CENTRE

1.0 General design objectives

dd/mm/yyyy Proposed C191

- To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.
- To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.

2.0 Buildings and works

dd/mm/yyyy Proposed C191

2.1 Definitions

dd/mm/yyyy Proposed C191

Street wall is the facade of a building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Building height does not include non structural elements and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that all of the following criteria are met:

- The total roof area occupied by the equipment (other than solar panels) is minimised;
- The service equipment is located in a position on the roof so as to minimise its visibility;
- The non structural elements and service equipment minimise additional overshadowing of neighbouring properties and public spaces;
- The equipment does not extend higher than 3.6 metres above the maximum building height; and
- The non structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.

Setback is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features, to the boundary.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Road boundary is the boundary between the public road and the private property.

Shared zone is a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level is development above the height of the street wall.

2.2 General design requirements

dd/mm/yyyy
Proposed
C191

The following general design requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements.

Building heights

A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule.

A permit may be granted to construct a building or construct or carry out works which exceeds the preferred building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule;
- the proposed building height achieves the preferred future mid-rise character for Swan Street of generally 5 to 12 storeys; and
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule
  - housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations
  - universal access, and communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.

Street wall and setbacks

A permit cannot be granted to construct a building or construct or carry out works which exceed the mandatory maximum street wall height and/or reduces the mandatory minimum setback requirements specified in the Precinct Tables in this schedule.

A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule,
- The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule
- The following requirements also apply to the design of the street wall and upper levels:
  - Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity.

- Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

- Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form.
- Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.
- Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development must:
  - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed
  - be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.
- Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Heritage design requirements

The following design requirements apply on land within a heritage overlay or immediately adjoining a heritage overlay.

Design Element	Design Requirement
Building facades and street frontages	**Infill Buildings and Development Adjoining a Heritage Building** 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: • 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) • respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s) • avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts • maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building. **Contributory or Individually Significant Buildings** Adaptation of contributory or individually significant buildings must: • avoid highly reflective glazing in historic openings • encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings • maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.
Upper Levels (above street wall height)	**Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:** • be visually recessive and not visually dominate the heritage building and the heritage streetscape • retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism' • 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

Design Element	Design Requirement
	• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape • be articulated to reflect the fine grained character of the streetscape.

Overshadowing

A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,
- any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street
- any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access

Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.

Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must reinstate the kerb, linemark parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.

2.3 Precinct design requirements

dd/mm/yyyy Proposed C191

The following specific Precinct Design Requirements apply in addition to the general design requirements.

Precinct 1 – Richmond Station

Shown on the planning scheme map as **DDO17-1**

The Precinct Design Requirements for Precinct 1 are as follows:

- Development must provide a consistent built form edge to the street.

- The street wall of development on the corner of Swan Street and Punt Road must mark the entry into the Swan Street Activity Centre.
- The street wall of new development east of Wellington Street must reflect the height and fine grain articulation of the heritage buildings.
- Development must improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to the Cremorne Employment Precinct through high quality architectural design and improvements to the public realm.
- Development must not overshadow any part of the opposite footpath of Cremorne Street (measured as 2.0 metres from the boundary of Cremorne Street between 10 am and 2 pm at 22nd September).

Table 1 – Street Wall Heights and Setbacks for Precinct 1

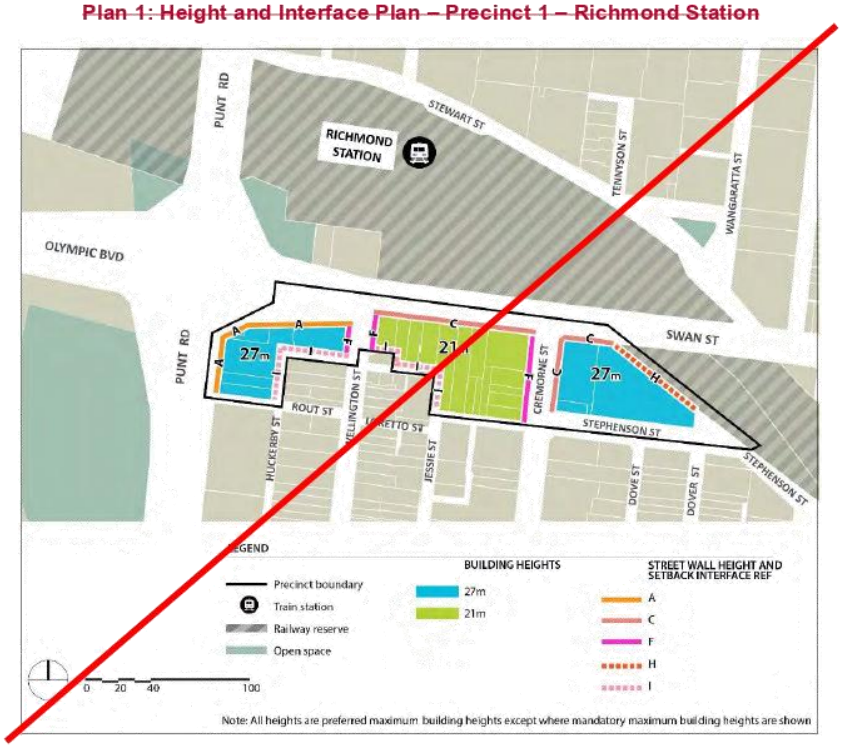
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum
	Street wall setback		0m
	Upper level setback		5m minimum
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. 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).
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

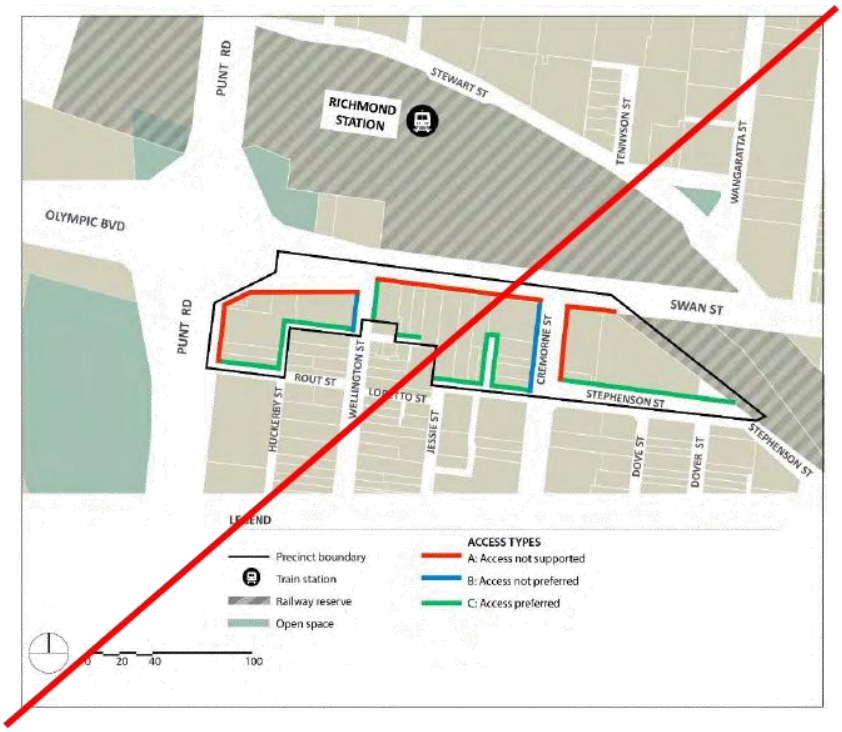
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	~~Upper level setback~~		~~Development must be setback in accordance with Figure 1 and Figure 2.~~ ~~Development must minimise repetitive stepped form.~~

Attachment 7 - C191yara Marked up amendment documentation since exhibition

Plan 1: Height and Interface Plan – Precinct 1 – Richmond Station



Plan 2: Access and Movement Plan – Precinct 1 – Richmond Station



Precinct 2 – Swan Street Activity Centre

Shown on the planning scheme map as **DDO17-2**

The Precinct Design Requirements for Precinct 2 are as follows:

- Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.
- Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.
- Development on the south side of Swan Street must maintain Dimmey's Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- Taller built form adjoining the rail corridor must not compete with the architectural form and complexity of the Dimmey's Clock Tower.
- 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.
- Development adjoining Milton Place must be designed to address the potential future public park adjoining East Richmond Railway Station.
- Development must not overshadow any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, (measured as 2.0 metres from the road boundary of the street between 10 am and 2 pm at 22nd September).
- Development must not overshadow any part of the potential future open space adjacent to the East Richmond Station (measured as beyond 7.0m from the eastern road boundary of Milton Place and beyond 10.0m from the southern road boundary of Milton Place between 10 am and 2 pm at 22nd September).
- Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 4, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.
- Development of 94-98 Swan Street, as shown in Plan 4, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.
- Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 4.

Table 2 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum.	Match the parapet height of the adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	5m minimum setback	For all development in a heritage overlay, any part of the building above the heritage street wall should

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
			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).
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	5m minimum for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
D	Street wall height	11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum.	Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum
	Street wall setback		0m.
	Upper level setback		5m minimum for land affected by HO335 and individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

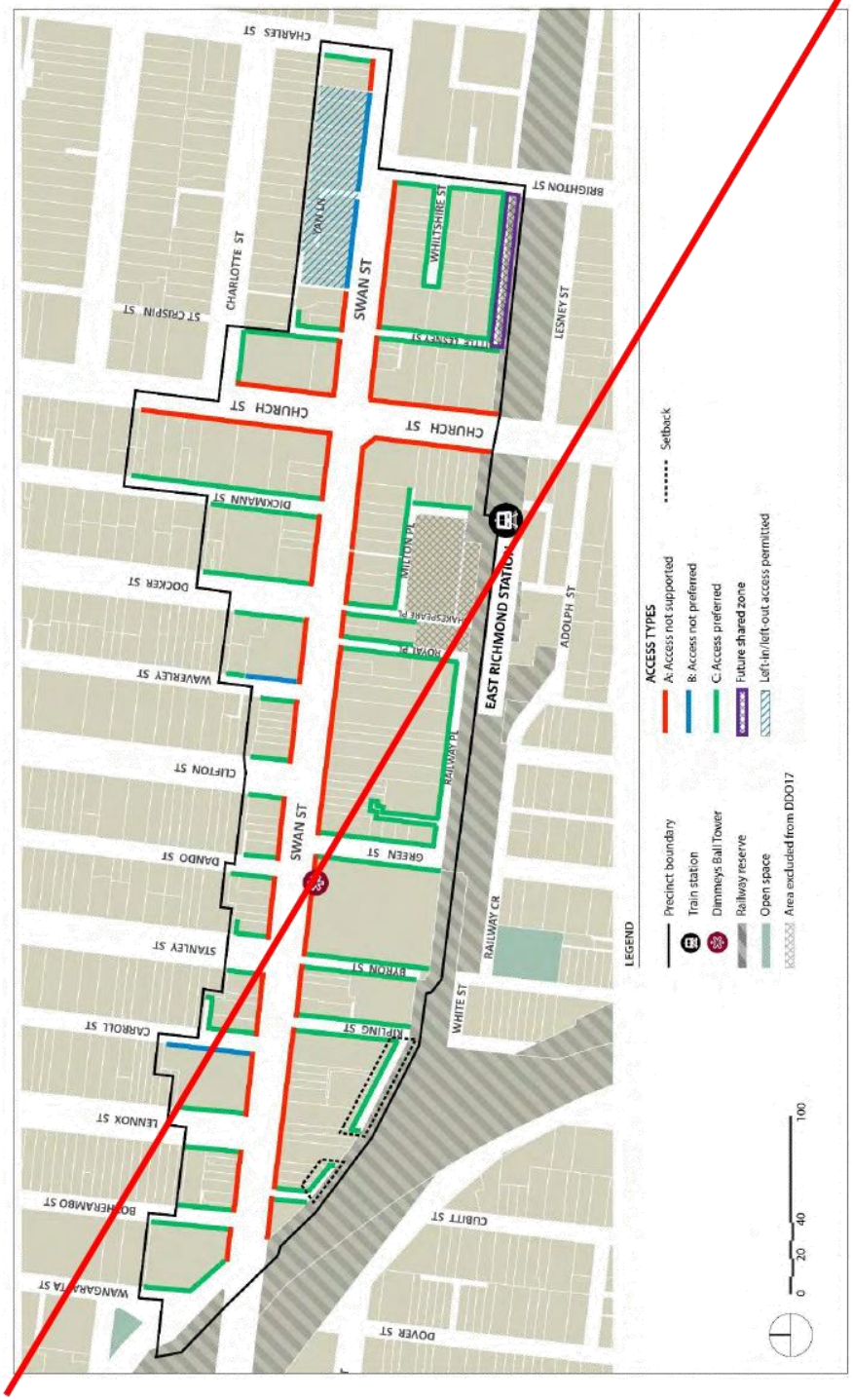
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 4.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

~~Plan 3: Height and Interface Plan – Precinct 2 – Swan Street Retail Centre~~



Attachment 7 - C191yara Marked up amendment documentation since exhibition

Plan 4: Access and Movement Plan – Precinct 2 – Swan Street Retail Centre



Precinct 3 – Swan Street East

Shown on the planning scheme map as **DDO17-3**

The design requirements for Precinct 3 are as follows:

- Development along Swan Street must continue the street level experience of the Swan Street and Burnley Street heritage precincts by maintaining a consistent and prominent street wall.
- Development must improve the pedestrian environment and amenity of Swan Street, and easements and laneways that provide a pedestrian connection to Swan Street and to the entrances to new developments.
- 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.
- Development must not overshadow any part of the opposite footpath of Mary Street and Coppin Street (measured as 2.0m from the road boundary between 10 am and 2 pm at 22nd September).
- Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 6.
- Development should include north-south access in the locations shown on the Access and Movement Plan 6 to allow for building services and car park access.

Table 3 – Street Wall Heights and Setbacks for Precinct 3

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
E	Street wall height		14.5m maximum .
	Street wall setback		0m.
	Upper level setback		5m minimum.
F	Street wall height		11m minimum.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback		0m.
	Upper level setback		5m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 6.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

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~~Plan 5: Height and Interface Plan – Precinct 3 – Swan Street East~~



Plan 6: Access and Movement Plan – Precinct 3 – Swan Street East



Attachment 7 - C191yara Marked up amendment documentation since exhibition

Precinct 4 – Burnley Station

Shown on the planning map as **DDO17-4**

The Precinct Design Requirements for Precinct 4 are as follows:

- Development must respect the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.
- Development must maintain the amenity of Ryan's Reserve.
- Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 7 must incorporate side setbacks greater than the standards in Clause 2 to enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.
- Development must not overshadow the opposite footpath of Stawell Street (measured as 2.0m from the road boundary between 10 am and 2 pm at 22nd September).
- Development must maintain solar access to Ryan's Reserve as follows:
  - Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September
  - At the western boundary of the reserve until 2 pm on 22 September.
- Development of 500 to 506 Swan Street, as shown in Plan 8, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.
- Development of 130 to 136 Stawell, as shown in Plan 8, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 4 – Street Wall Heights and Setbacks for Precinct 4

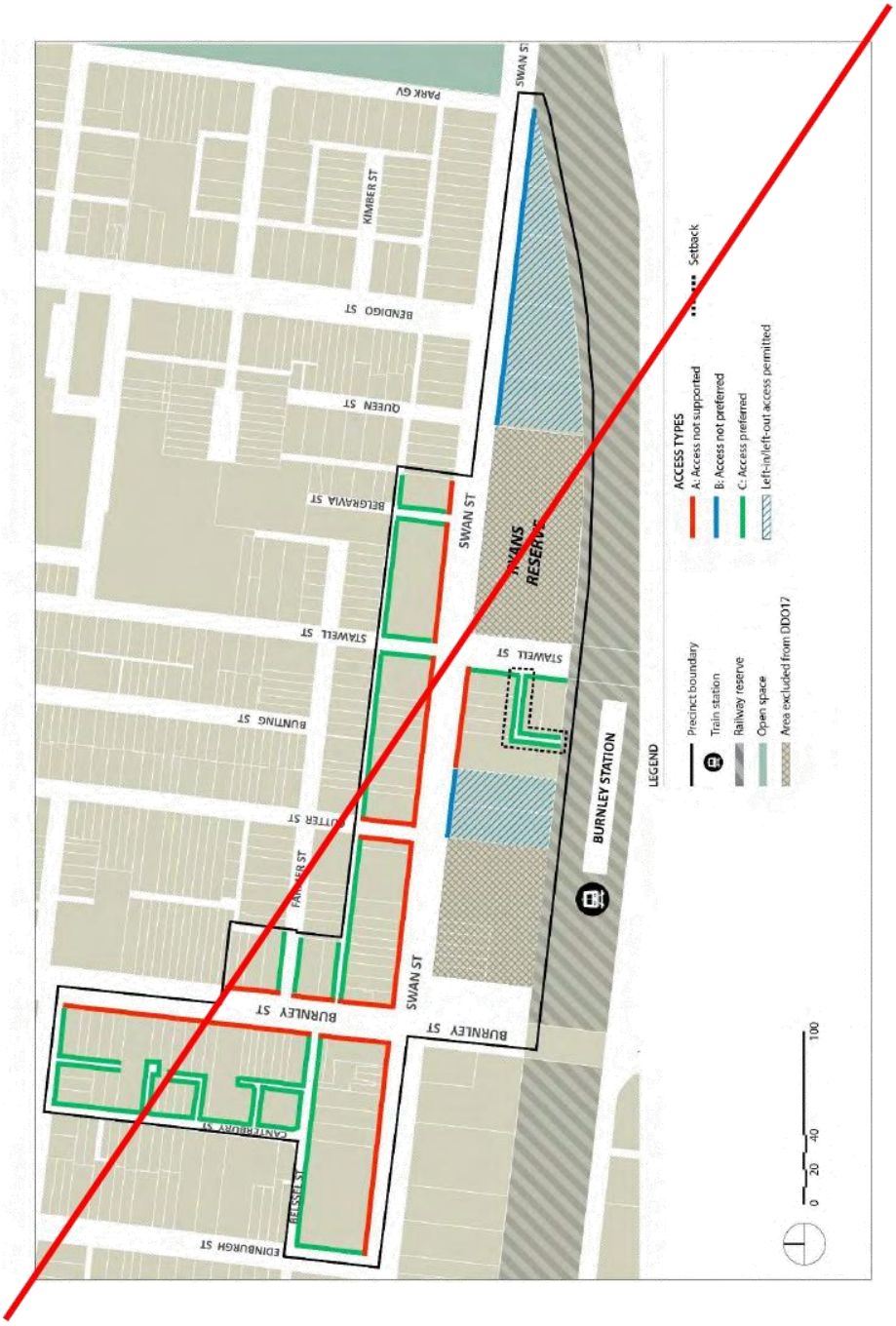
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO 286 (365 Swan Street). Minimum 5m for other individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
			1.7 metres (on the opposite side of the street).
E	Street wall height		14.5m maximum
	Street wall setback		0m.
	Upper level setback		5m minimum.
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		5m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 8.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise stepped form.

~~Plan 7: Height and Interface Plan – Precinct 4 – Burnley Station~~



Plan 8: Access and Movement Plan – Precinct 4 – Burnley Station



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3.0 Subdivision

dd/mm/yyyy
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None specified.

4.0 Advertising

dd/mm/yyyy
Proposed
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None specified.

5.0 Decision guidelines

dd/mm/yyyy
Proposed
C191

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority.

- Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmey's Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to schedule 17 – Residential interface with an existing laneway

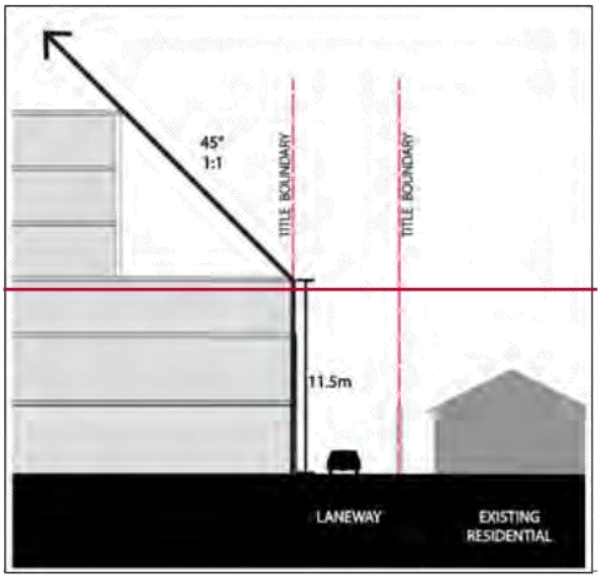
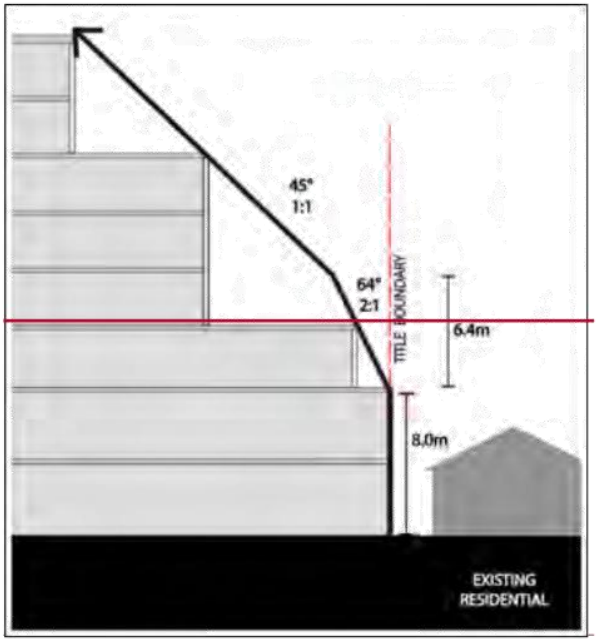


Figure 2 to schedule 17 – Residential interface direct abuttal



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YARRA PLANNING SCHEME

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Proposed C191yara

SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO25**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 1 RICHMOND STATION

1.0 Design objectives

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Proposed C191yara

- To create an entry to the activity centre, anchored by Richmond Station, that is define by high quality, contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.
- To provide taller street walls on Swan Street, west of Wellington Street to defin the entry to the Activity Centre.
- To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.
- To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floo frontages and improvements to the public realm.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significan (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finial or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floo should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respect the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposed variation satisfie the design objectives in Clause 1.0 of this schedule and the relevant design requirements specifie in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58;
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and

- where the proposal is on land within a Heritage Overlay, it also achieves the following:
  - Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, stairs, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels);
- The equipment/structures does not cause additional overshadowing of adjoining properties; and
- The equipment/structures does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specifie in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfie the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfie the relevant design requirements specifie in this schedule.
- The street wall at ground floo level is designed to allow floo to floo ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Cremorne Street (measured from the property boundary to the existing kerb of Cremorne Street between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.

Development with redundant vehicle access points to Swan Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflic between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Table 1 – Street Wall Heights and Setbacks for Precinct 1 Richmond Station

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise repetitive stepped form.

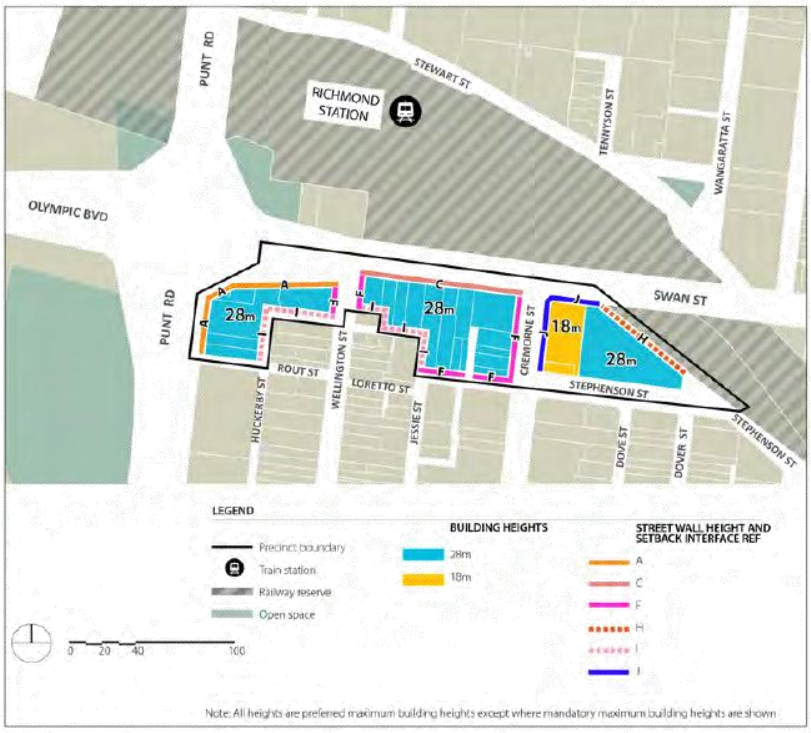
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Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Boundary wall setback		At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.
J	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 10m from Swan Street setback. Minimum 8.5m from Cremorne Street setback.	

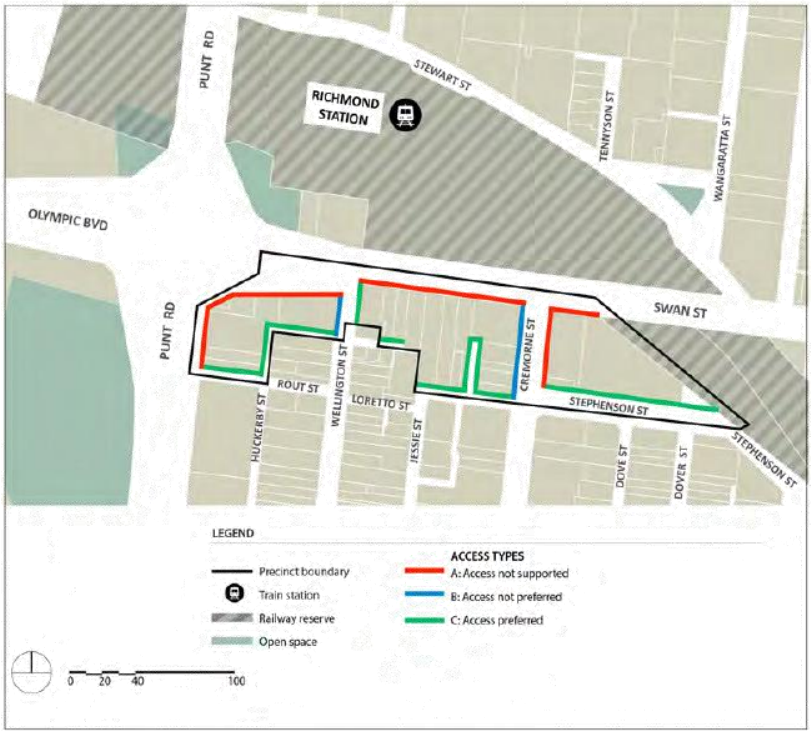
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YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 1 Richmond Station



Plan 2: Access and Movement Plan – Precinct 1 Richmond Station



Attachment 7 - C191yara Marked up amendment documentation since exhibition

3.0 Subdivision

--/--/---- Proposed C191yara

None specified

4.0 Advertising

--/--/---- Proposed C191yara

None specified

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specifie in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 25 – Interface with an existing laneway

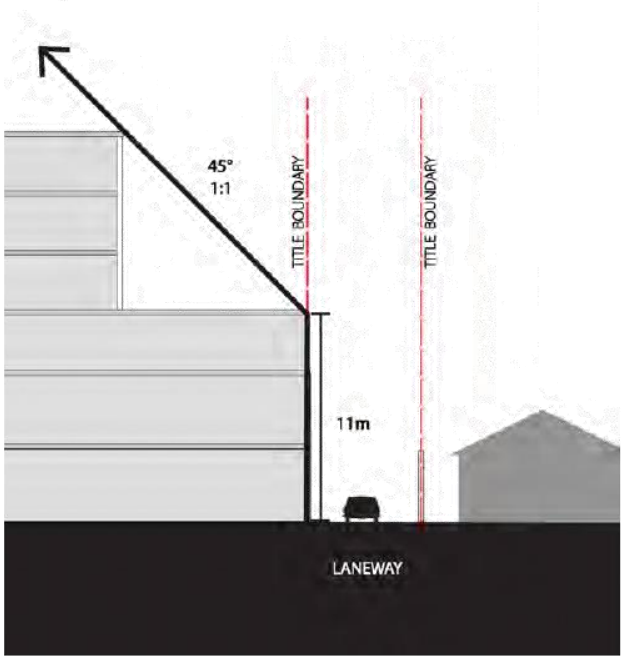
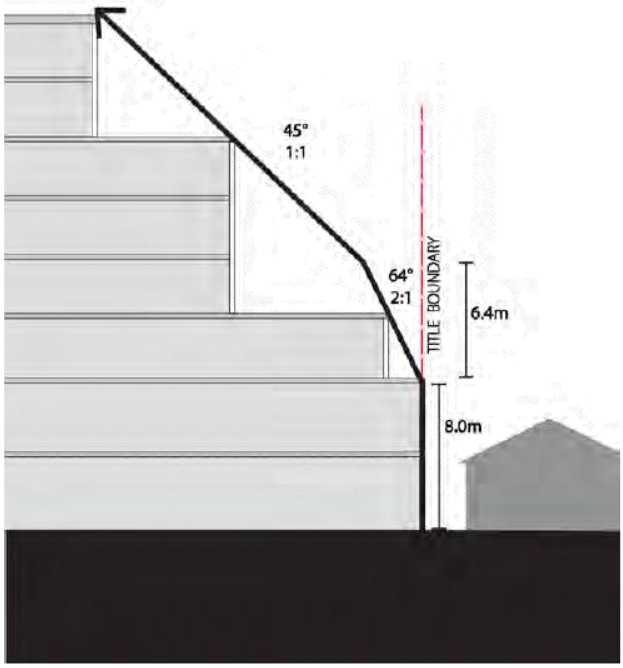


Figure 2 to schedule 25 – Interface direct abuttal



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YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.
- To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.
- To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fin grain, compact retail and entertainment focus of the precinct.
- To ensure development enhances the pedestrian experience through improved activation at ground floo and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.
- To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significan (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finial or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term ‘must’ or listed in a ‘Mandatory’ column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floo should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development adjoining Milton Place should be designed to address the potential future public park adjoining East Richmond Railway Station.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfie the general design objectives in Clause 1.0 of this schedule, the relevant design requirements specifie in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing of adjoining properties; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specifie in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfie the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfie the relevant design requirements specifie in this schedule; and
- The street wall at ground floo level is designed to allow floo to floo ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.
- any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.
- any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identifie as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identifie as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflic between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 2, should include a rear setback, at ground floo , to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 94-98 Swan Street, as shown in Plan 2, should include a rear setback, at ground floo , to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 2.

Development should 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.

Table 1 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	

Attachment 7 - C191yara Marked up amendment documentation since exhibition

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 or heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

Plan 1: Height and Interface Plan – Precinct 2 Swan Street Retail Centre



Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 2 Swan Street Retail Centre



Attachment 7 - C191yara Marked up amendment documentation since exhibition

3.0 Subdivision

--/--/---- Proposed C191yara

None specified

4.0 Advertising

--/--/---- Proposed C191yara

None specified

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specifie in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on view lines to the Dimmeys Clock Tower.
- The impact of development on the operation of the tram routes along Swan Street and Church Street.

Figure 1 to schedule 26 – Interface with an existing laneway

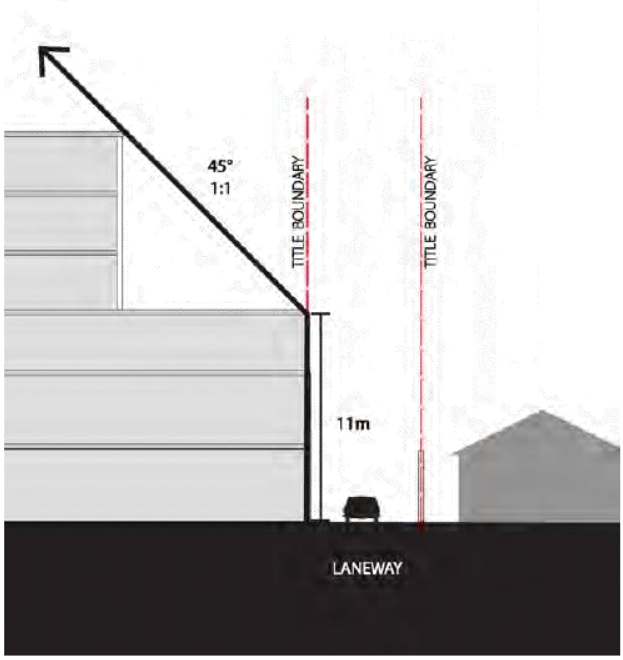
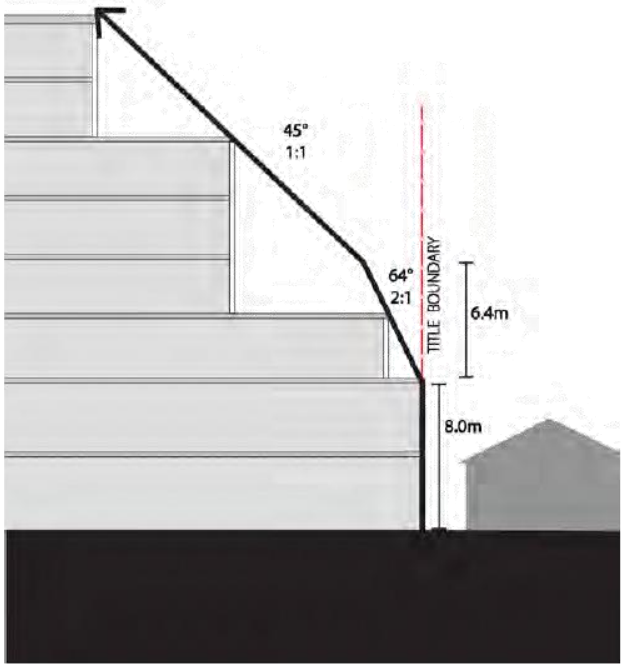


Figure 2 to schedule 26 – Interface direct abuttal



Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 3 SWAN STREET EAST

1.0 Design objectives

--/--/----
Proposed C191yara

- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.
- To create a safe and attractive pedestrian environment that protects solar access, enhances ground floo activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.
- To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.
- To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significan (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finial or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design Requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence, demonstrating improved streetscape outcomes.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floo should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the building elements permitted by the proposed variation satisfie the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specifie in this schedule; and
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types;

- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specifie in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcomes that results from the proposed variation satisfie the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfie the relevant design requirements specifie in this schedule.
- The street wall at ground floo level is designed to allow floo to floo ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Development should create a sense of enclosure to Swan Street through the height and setback of its street wall.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should 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.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street, Mary Street and Coppin Street (measured from the property boundary to the existing kerb between 10 am and 2 pm at 22nd September) unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identifie as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.

Development identifie as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflic between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 2.

Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.

Table 1 – Street Wall Heights and Setbacks for Precinct 3

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback		0m.

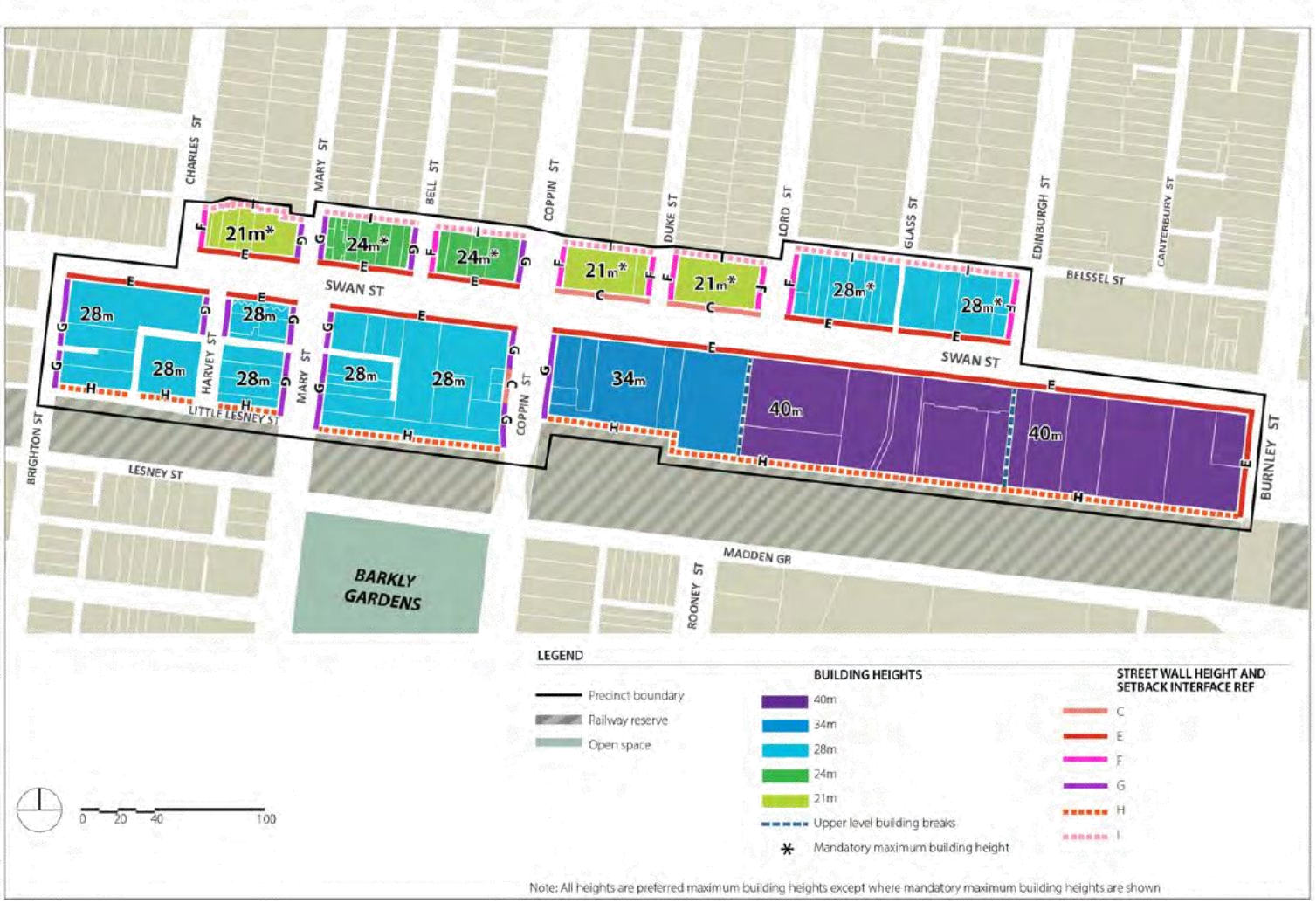
Attachment 7 - C191yara Marked up amendment documentation since exhibition

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Upper level setback	Minimum 6m for heritage buildings.	6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

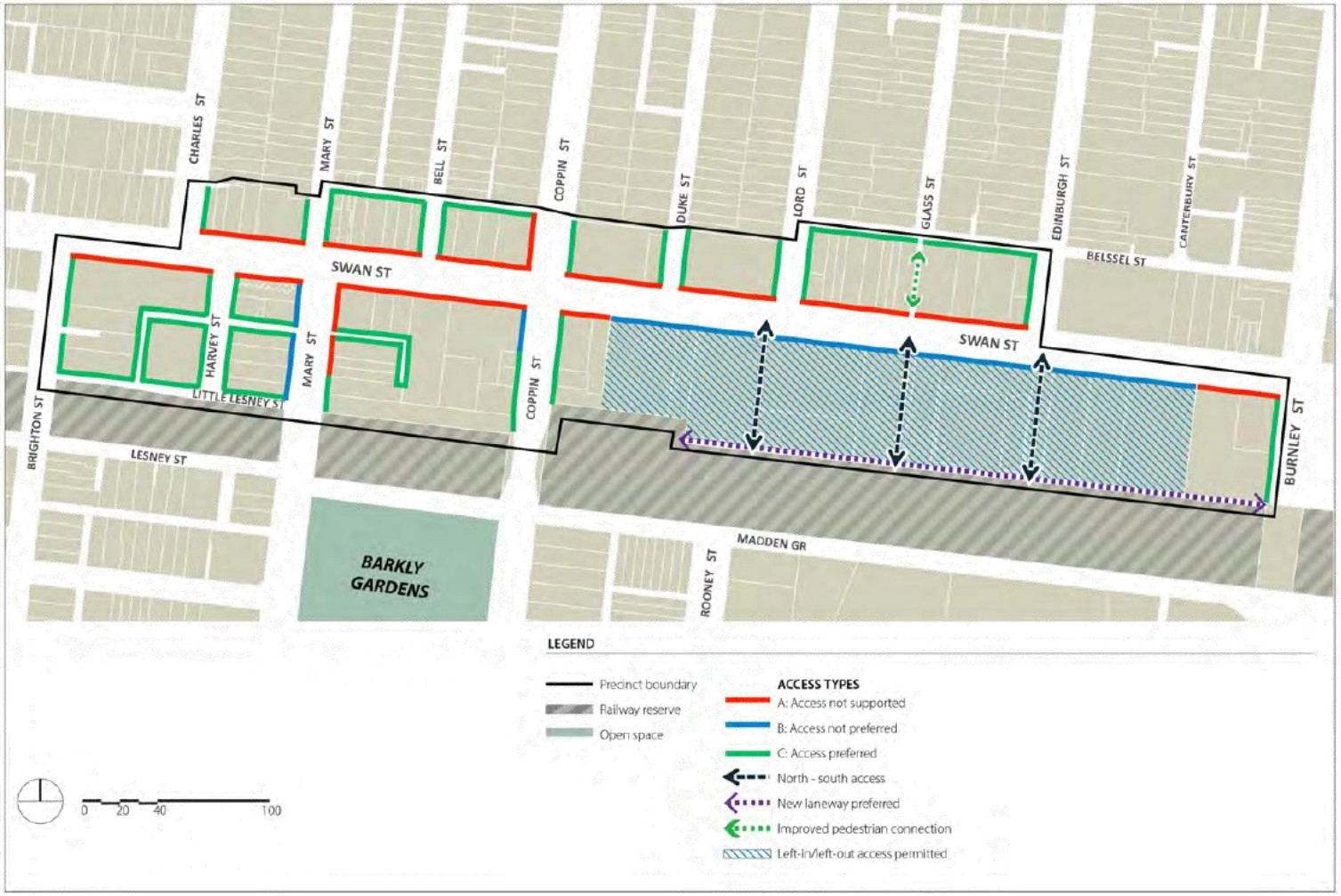
Plan 1: Height and Interface Plan – Precinct 3 Swan Street East



Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 3 Swan Street East



Attachment 7 - C191yara Marked up amendment documentation since exhibition

3.0 Subdivision

--/--/---- Proposed C191yara

None specified

4.0 Advertising

--/--/---- Proposed C191yara

None specified

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specifie in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

Figure 1 to schedule 27 – Interface with an existing laneway

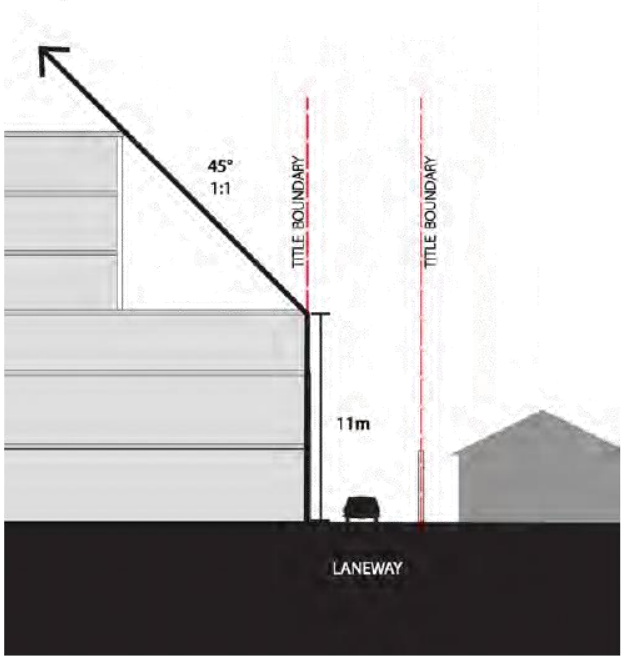
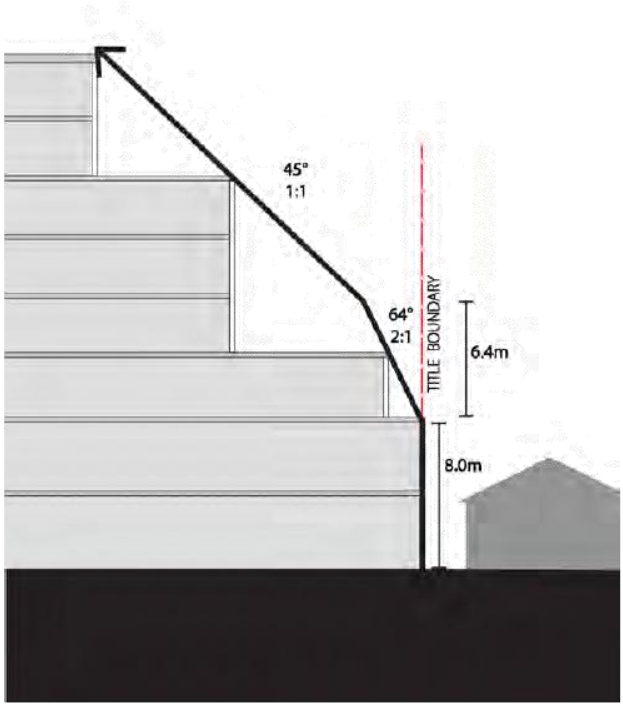


Figure 2 to schedule 27 – Interface direct abuttal



Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

--/--/----
Proposed C191yara

SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION

1.0 Design objectives

--/--/----
Proposed C191yara

- To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To provide for taller development on the south side of Swan Street that delivers significan public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
- To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

2.0 Buildings and works

--/--/----
Proposed C191yara

A permit is required to construct a building or construct or carry out works.

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significan (including properties on the Victorian Heritage Register).

Laneway means a road reserve, public highway or right of way 9 metres or less wide.

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

Parapet height does not include features such as brackets, pediments, urns, finial or other decorative elements.

Road boundary means the boundary between the public road and the private property.

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

Upper level means development above the height of the street wall.

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

The following design requirements apply to an application to construct a building or construct or carry out works.

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floo should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Building height requirements

A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome that results from the proposes variation satisfie the design objectives in Clause 1.0 of this schedule, and the relevant design requirements specifie in this schedule; and
- the proposal achieves each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:

- housing for diverse households types;
- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specifie in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfie the design objectives in Clause 1.0 of this schedule.
- The built form outcome that results from the proposed variation satisfie the relevant design requirements specifie in this schedule.
- The street wall at ground floo level is designed to allow floo to floo ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

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.

Building seperation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.

Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September.

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured from the property boundary to the existing the kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Development should maintain solar access to Ryan's Reserve as follows:

- Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September.
- At the western boundary of the reserve until 2 pm on 22 September.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identifie as "Left in - Left Out Access Permitted".

Development identifie as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflic between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floo , to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floo , to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 1 – Street Wall Heights and Setbacks for Precinct 4

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.

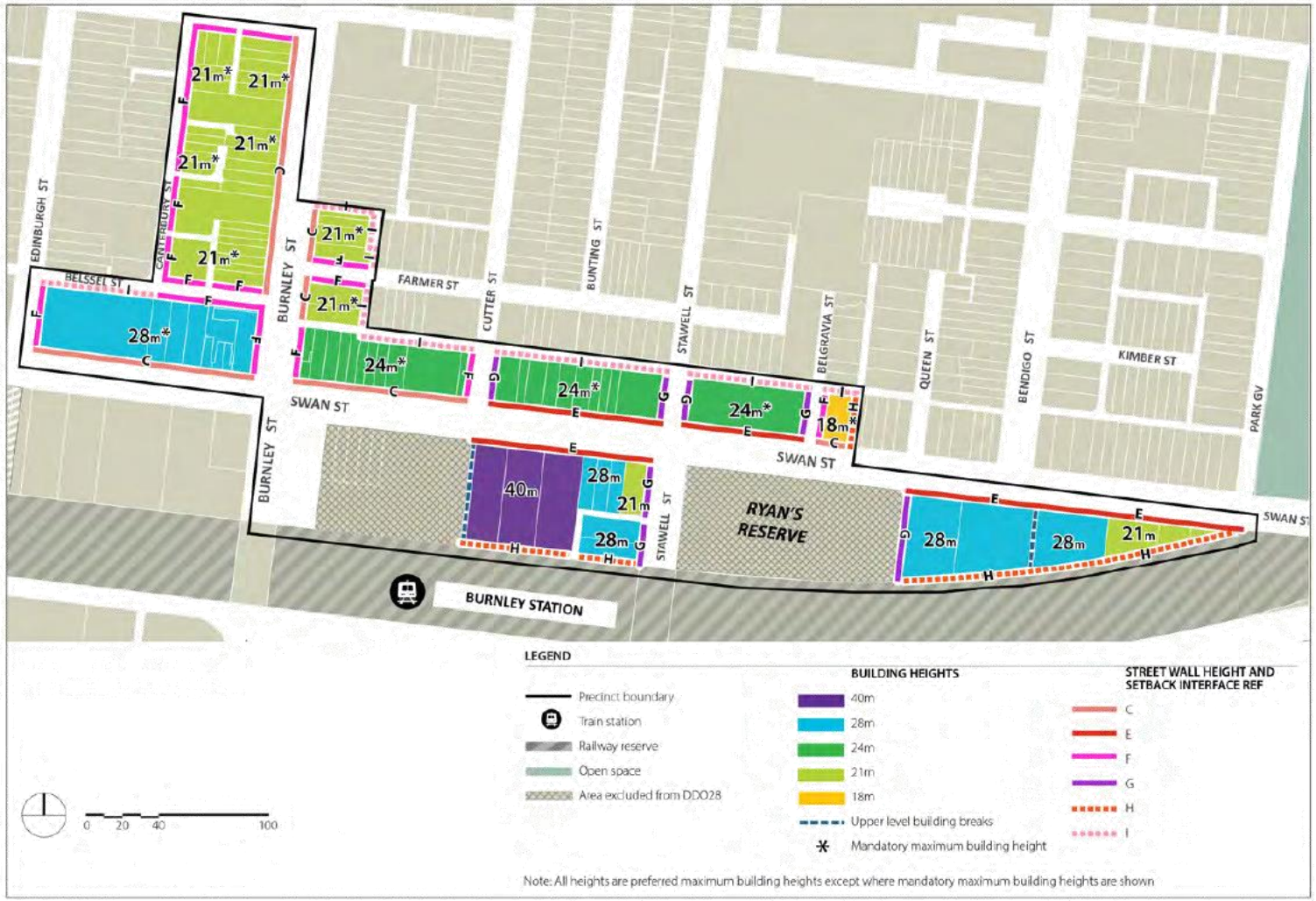
Attachment 7 - C191yara Marked up amendment documentation since exhibition

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 6m for other heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

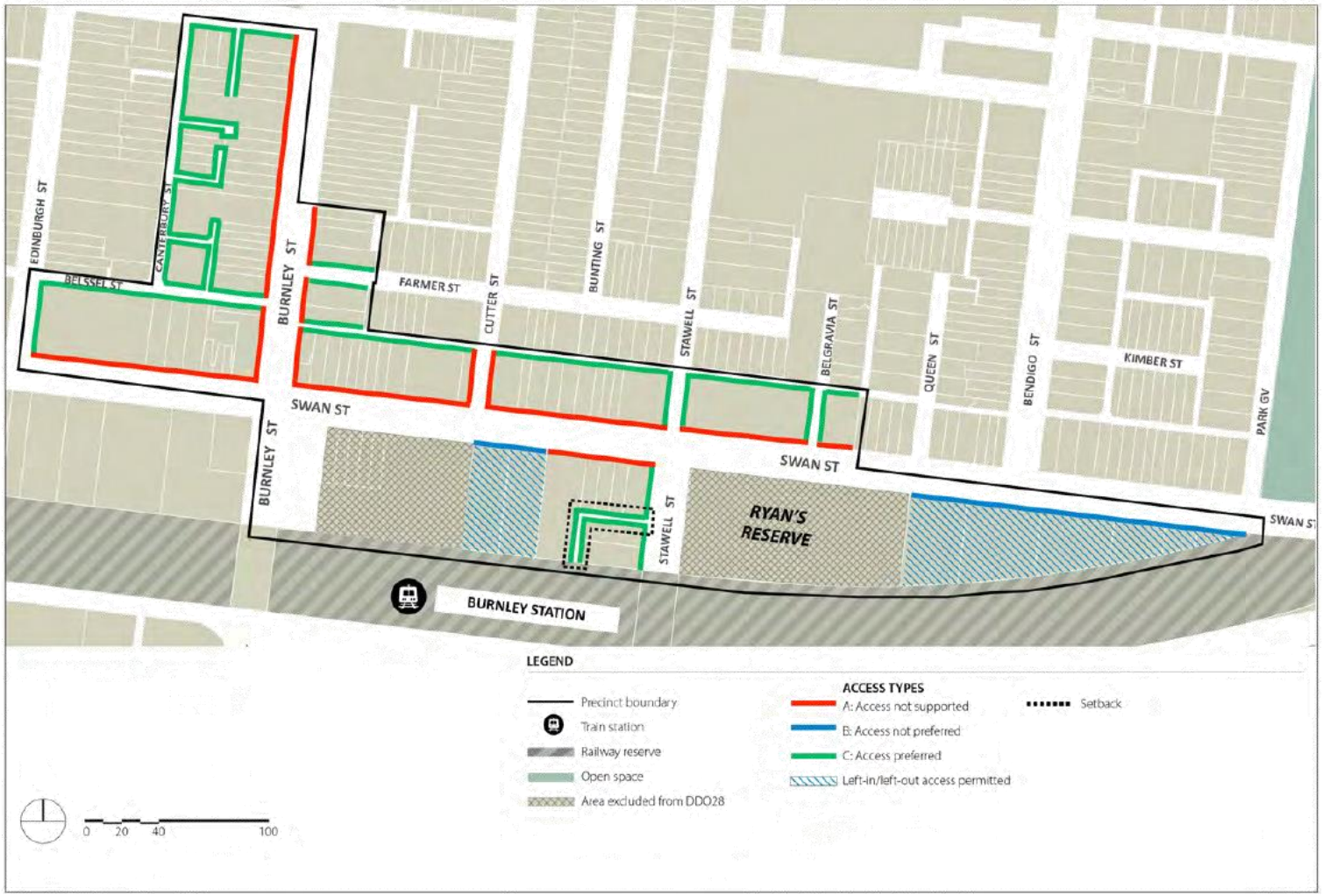
Plan 1: Height and Interface Plan – Precinct 4 Burnley Station



Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME

Plan 2: Access and Movement Plan – Precinct 4 Burnley Station



Attachment 7 - C191yara Marked up amendment documentation since exhibition

3.0 Subdivision

--/--/---- Proposed C191yara

None specified

4.0 Advertising

--/--/---- Proposed C191yara

None specified

5.0 Application requirements

--/--/---- Proposed C191yara

An application must be accompanied by:

- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

--/--/---- Proposed C191yara

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specifie in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 28 – Interface with an existing laneway

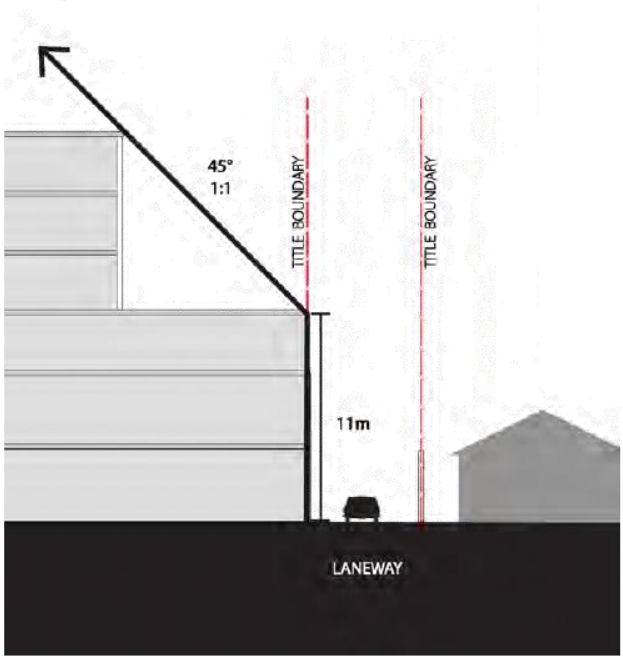
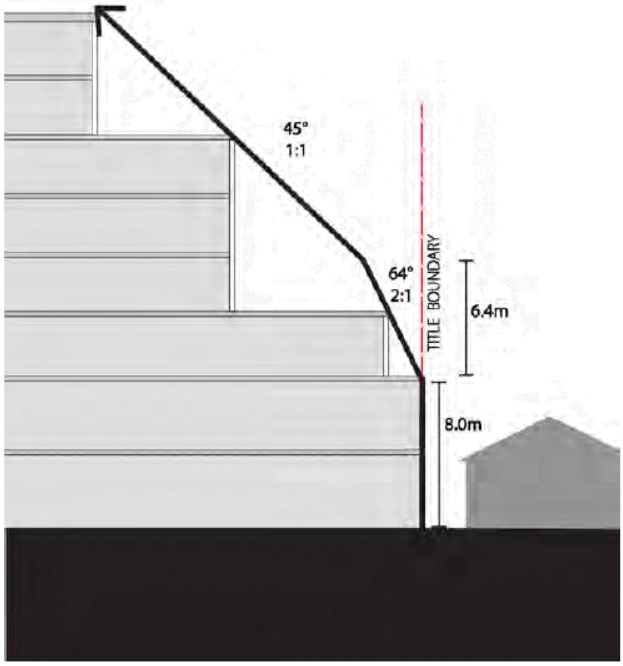


Figure 2 to schedule 28 – Interface direct abuttal



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C191

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0 Incorporated documents

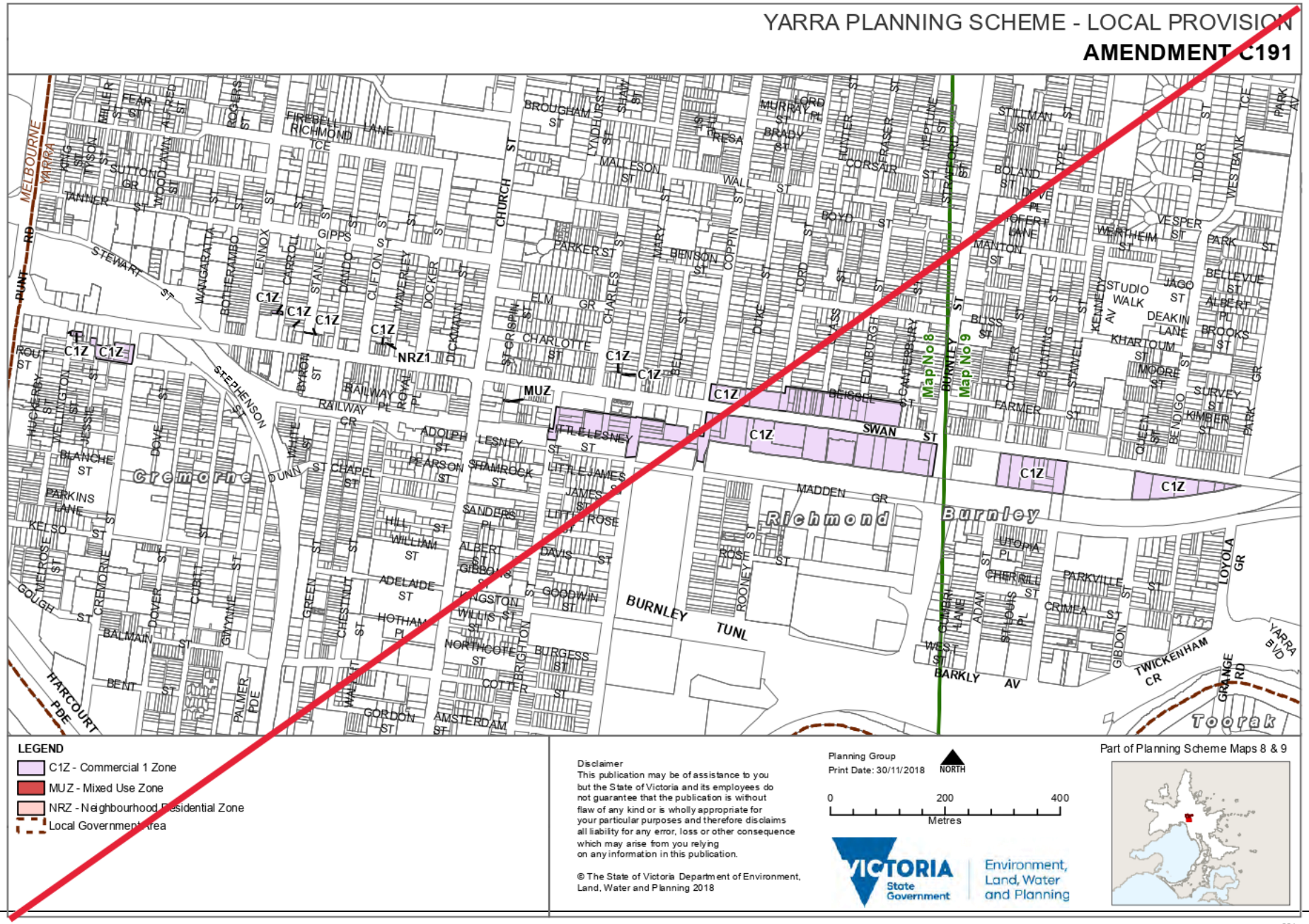
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C191

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Amcor Alphington Paper Mill Site Preparation – Incorporated Document, September 2012	C161
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Database of Heritage Significant Areas, ~~January 2019~~December 2020	C191yara
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project, October 2006	C86
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7

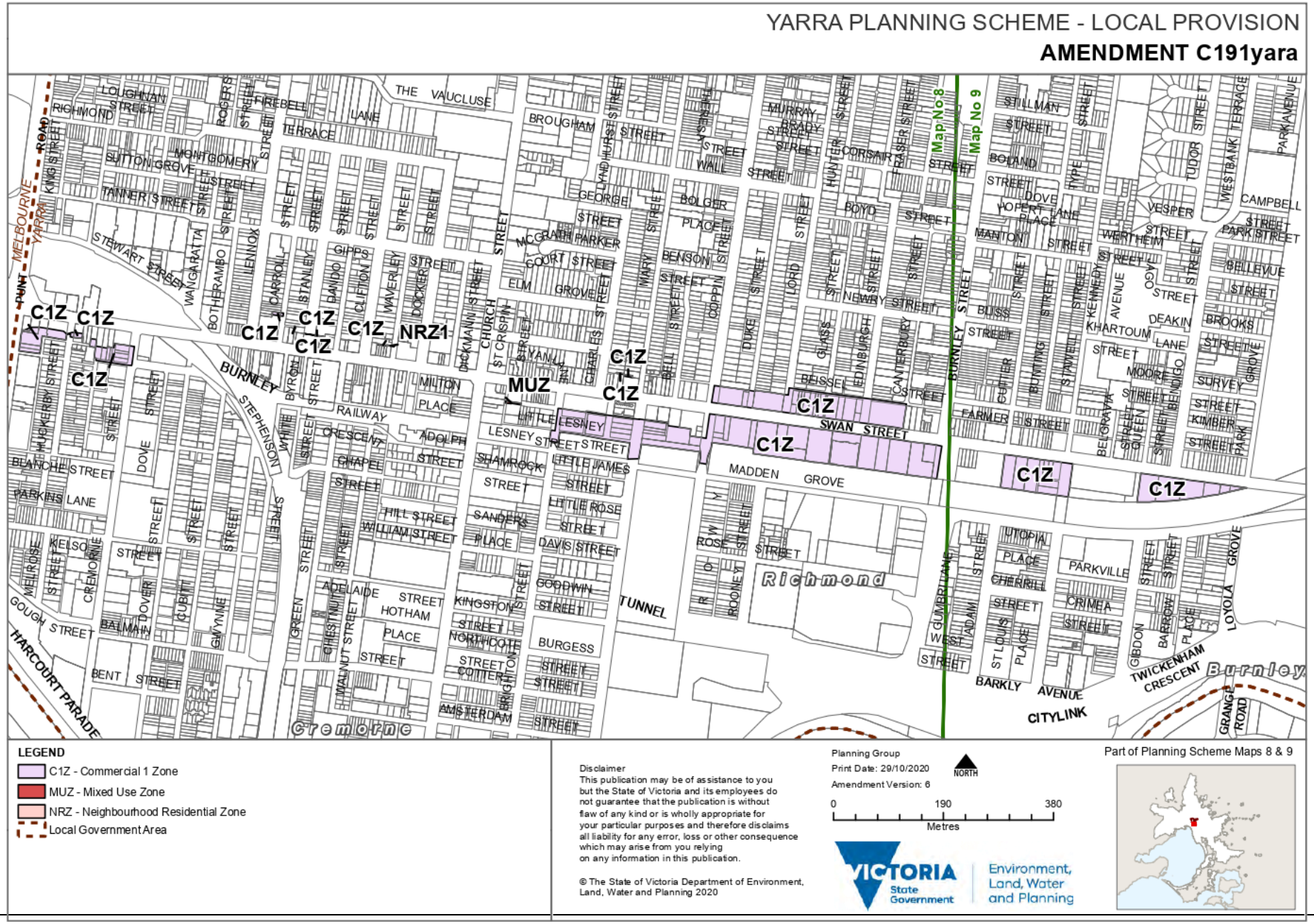
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Name of document	Introduced by:
Victoria Gardens Urban Design Guidelines	NPS1
Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)	NPS1
Yarra Gardens Precinct Plan, December 2009	C128

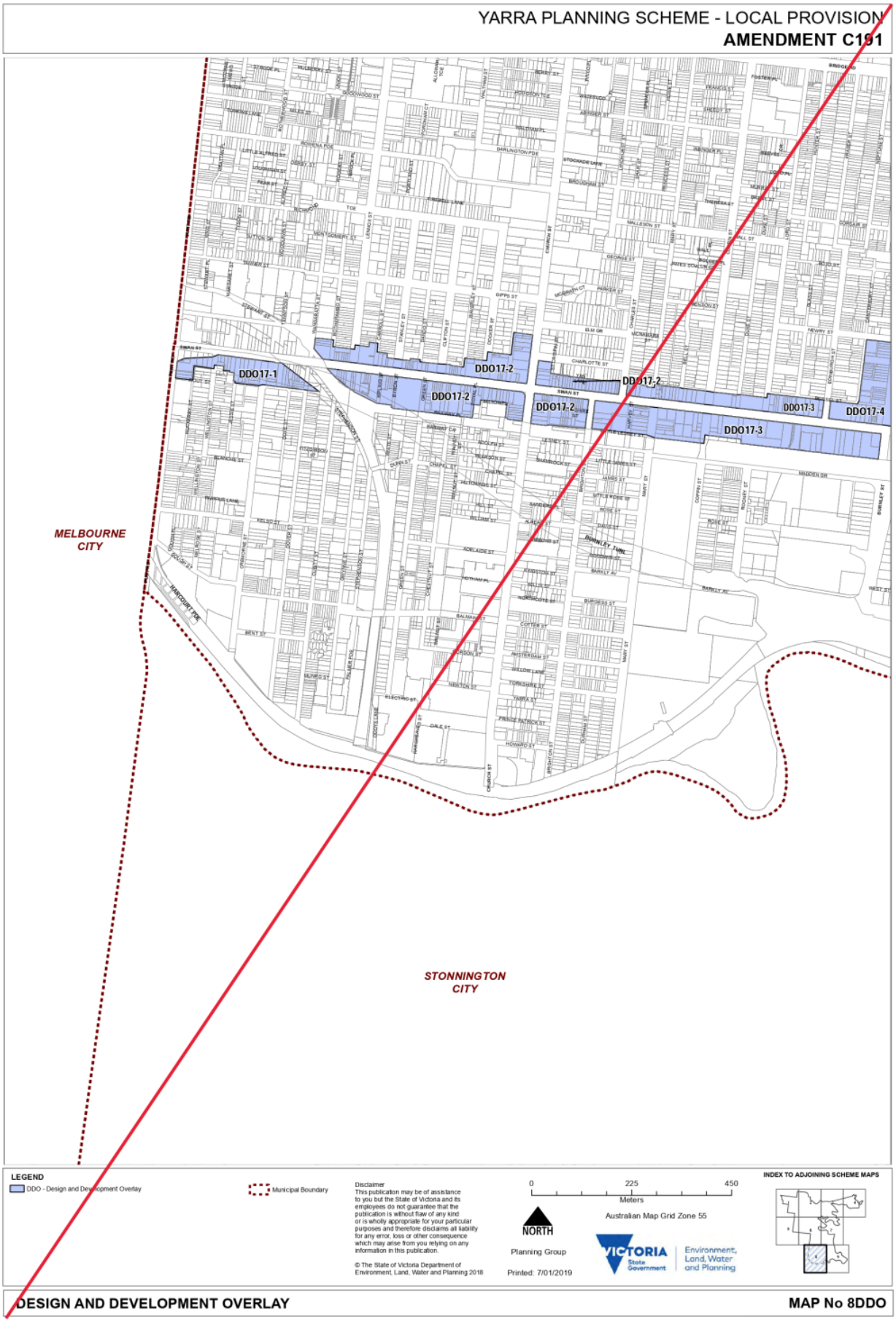
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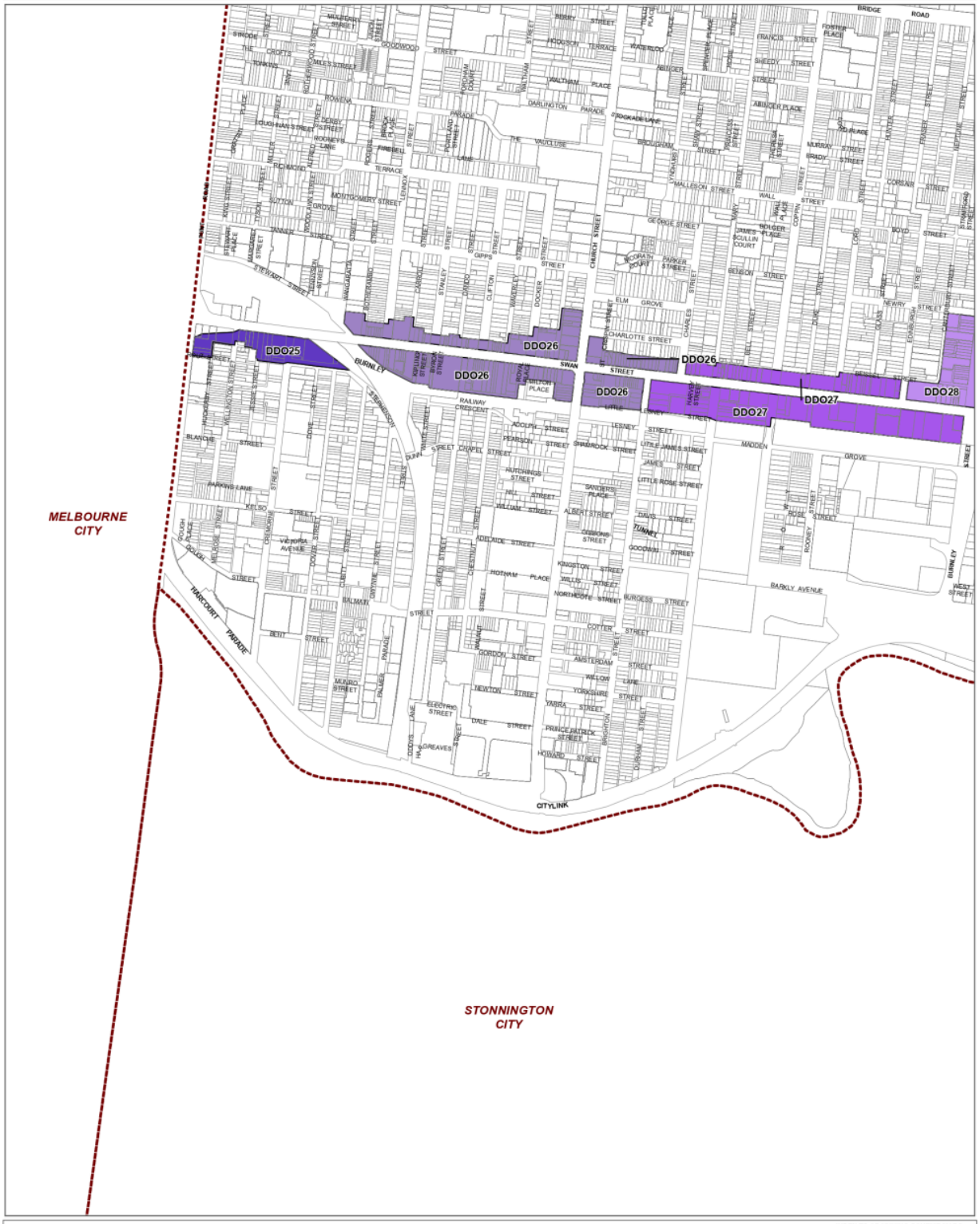
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Attachment 7 - C191yara Marked up amendment documentation since exhibition

YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C191yara



LEGEND

- DDO25 - Design and Development Overlay - Schedule 25
- DDO26 - Design and Development Overlay - Schedule 26
- DDO27 - Design and Development Overlay - Schedule 27
- DDO28 - Design and Development Overlay - Schedule 28
- Municipal Boundary

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Meters

Australian Map Grid Zone 55

NORTH

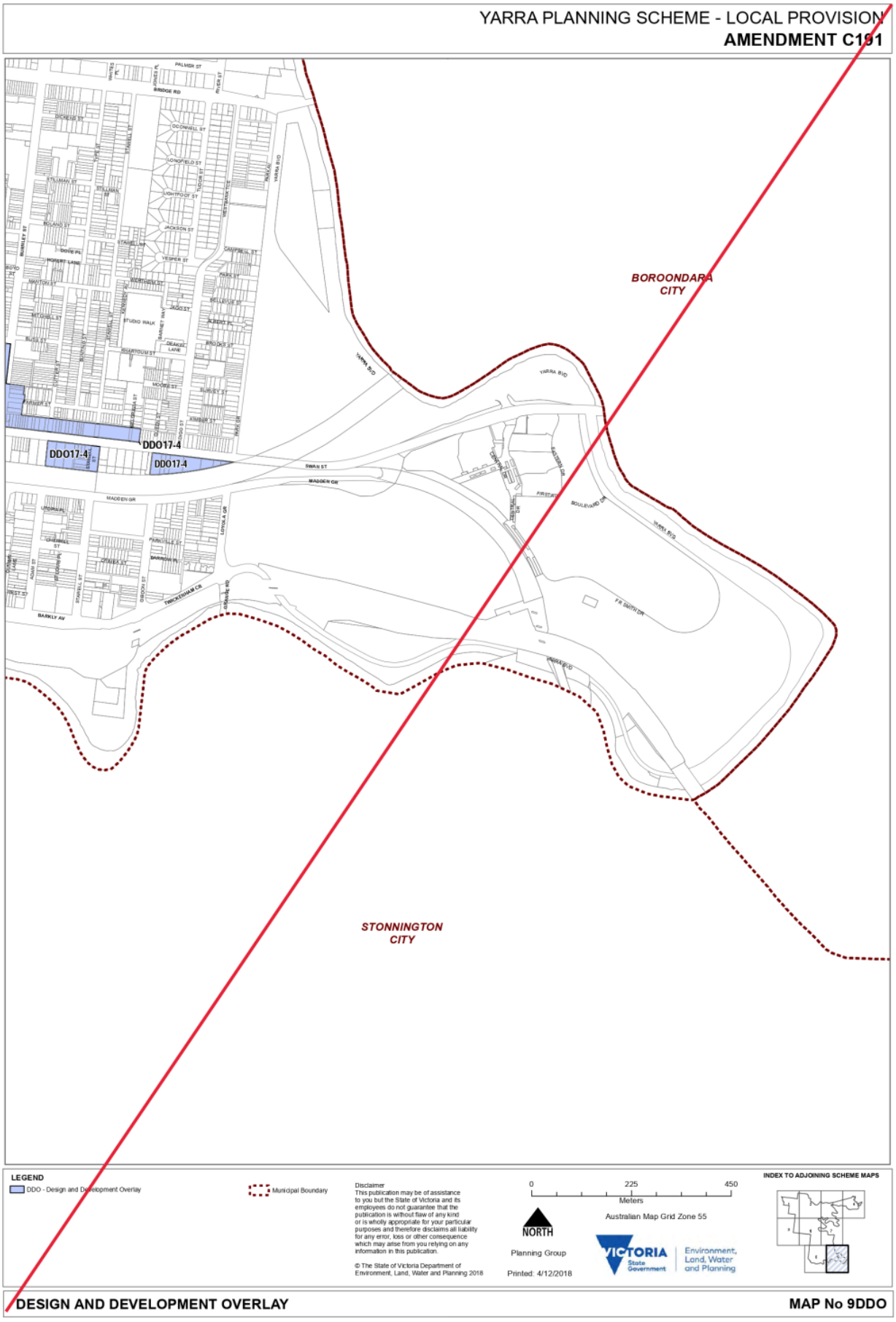
Planning Group
Printed: 29/10/2020
Amendment Version: 6

VICTORIA State Government | Environment, Land, Water and Planning

INDEX TO ADJOINING SCHEME MAPS

DESIGN AND DEVELOPMENT OVERLAY **MAP No 8DDO**

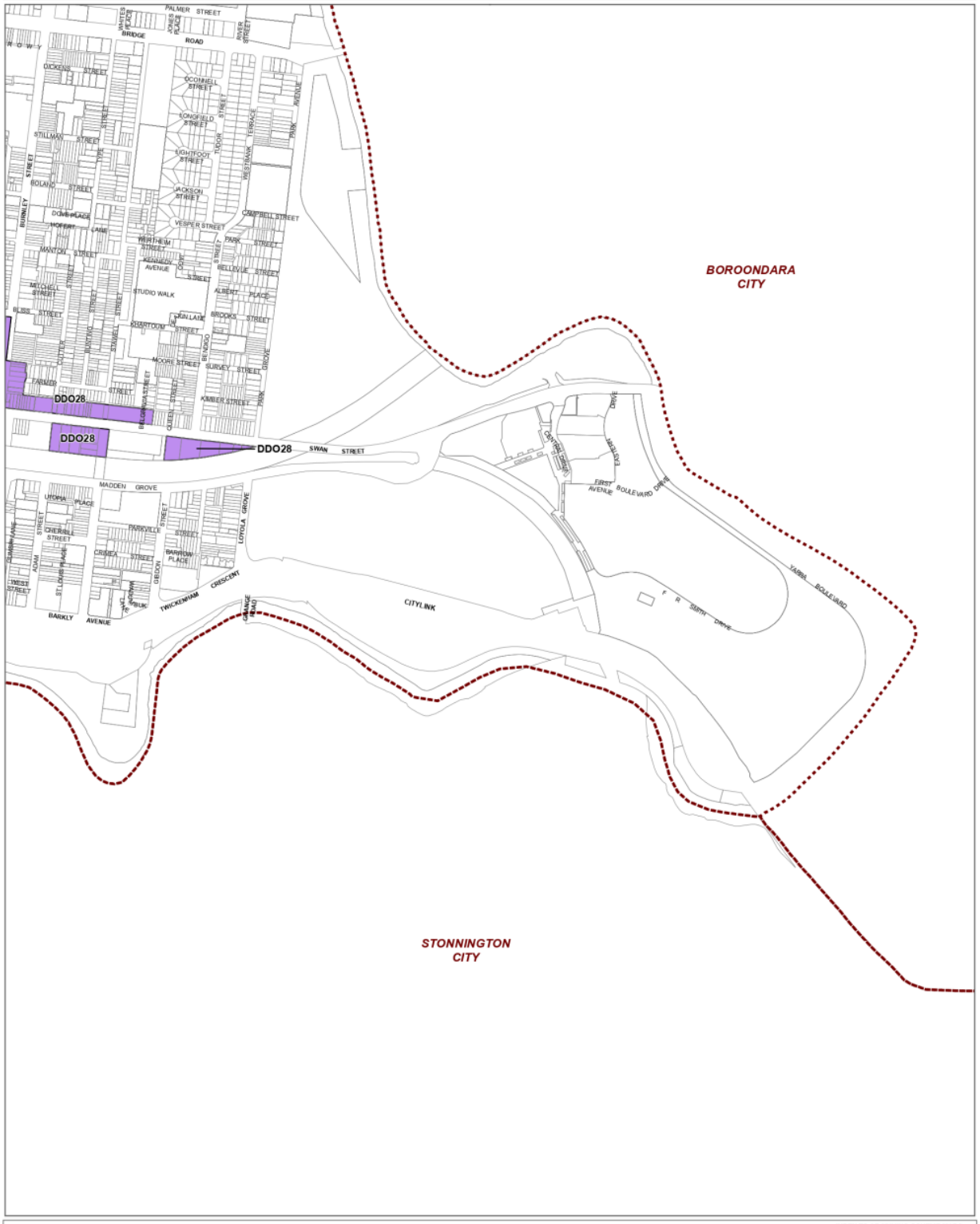
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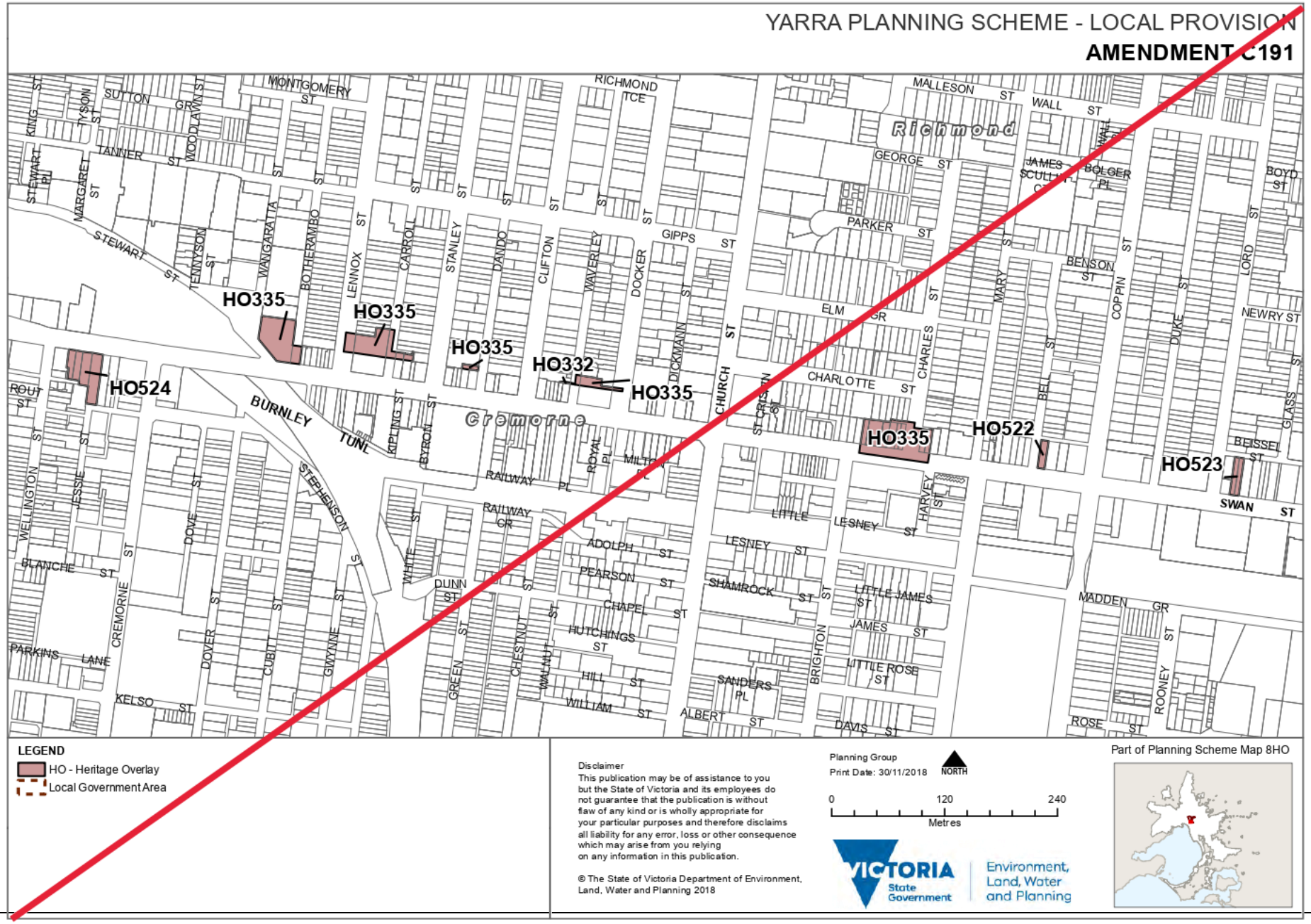
YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C191yara

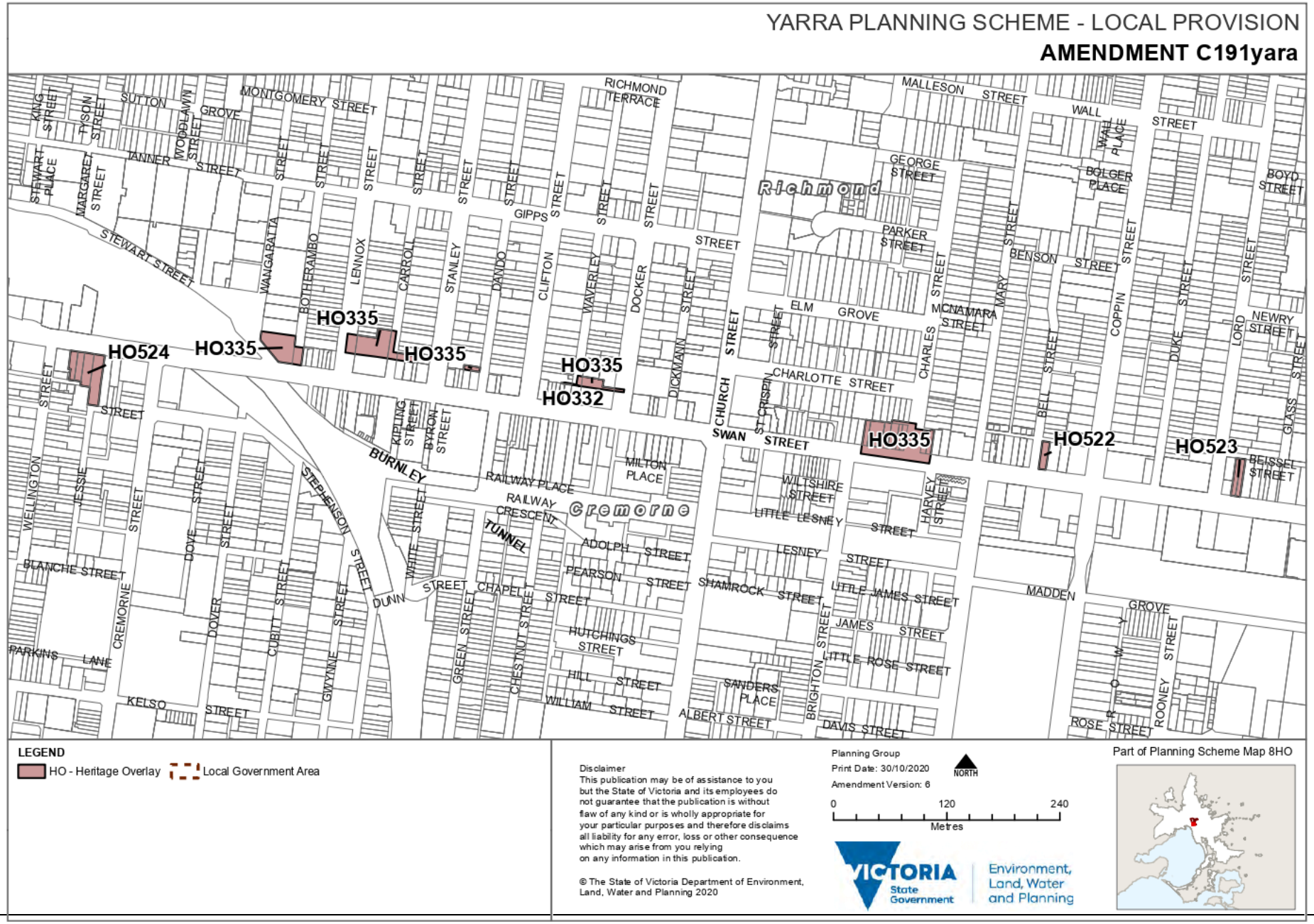


DESIGN AND DEVELOPMENT OVERLAY **MAP No 9DDO**

Attachment 7 - C191yara Marked up amendment documentation since exhibition



Attachment 7 - C191yara Marked up amendment documentation since exhibition



Attachment 7 - C191yara Marked up amendment documentation since exhibition

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C191yara

INSTRUCTION SHEET

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of ~~eight~~ ten attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos. 8ZN and 9ZN affected in the manner shown on the ~~two~~ three attached maps marked "Yarra Planning Scheme, Amendment C191yara."

Overlay Maps

2. Amend Planning Scheme Map Nos. 8DDO, 9DDO, 8D-DDO, 9D-DDO, 8EAO, 9EAO, 8HO, 8D-HO, ~~8ZN and 9ZN~~ in the manner shown on the ~~eight~~ seven attached maps marked "Yarra Planning Scheme, Amendment C191yara".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – replace Clause 21.08 with a new Clause 21.08 in the form of the attached document.

4. In Local Planning Policy Framework – replace Clause 21.11 with a new Clause 21.11 in the form of the attached document.

5. In Local Planning Policy Framework – ~~insert new~~replace Clause 21.12 in the form of the attached document.

6. In Local Planning Policy Framework – replace new Clause 22.02-8 in the form of the attached document

7. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.

8. In Overlays – Clause 43.02, delete Schedule 17.

9. In Overlays – Clause 43.02, insert a new Schedule 25 in the form of the attached document.

10. In Overlays – Clause 43.02, insert a new Schedule 26 in the form of the attached document.

11. In Overlays – Clause 43.02, insert a new Schedule 27 in the form of the attached document.

~~7.~~12. In Overlays – Clause 43.02, insert a new Schedule 28 in the form of the attached document.

Attachment 7 - C191yara Marked up amendment documentation since exhibition

~~8. In Overlays – Clause 43.02, insert a new Schedule 17 in the form of the attached document.~~

~~9.~~13. In Operational Provisions – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

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Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C191yara

EXPLANATORY REPORT

Who is the planning authority?

This Amendment ~~has been~~was prepared by the Yarra City Council, which is the planning authority for this amendment.

Land affected by the amendment

The Amendment applies to land within the Swan Street Activity Centre as shown in Figure 1 below.



Figure 1: Swan Street Activity Centre

What the amendment does

The Aamendment ~~C191 proposes to~~ implements the recommendations of the following strategic planning work:

- Built form 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, January 2014 (Structure Plan); and
- Heritage recommendations of the *Swan Street Built Form Study Heritage Assessments & Analysis,* October 2017.

The Aamendment ~~C191 seeks to~~:

- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (~~DDO17~~DDO25) on a permanent basis, which applies to Precinct 1: Richmond Station~~land~~ in the Swan Street Activity Centre ~~to guide built form within the centre~~.
- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO26) on a permanent basis, which applies to Precinct 2: Swan Street Retail in the Swan Street Activity Centre.

- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO27) on a permanent basis, which applies to Precinct 3: Swan Street East in the Swan Street Activity Centre.
- Inserts a new Schedule to Clause 43.02 Design and Development Overlay (DDO28) on a permanent basis, which applies to Precinct 4: Burnley Station in the Swan Street Activity Centre.
- Deletes Schedule 17 to Clause 43.02 Design and Development Overlay (DDO17), which applies to the Swan Street Activity Centre on an interim basis.
- Amends ~~Inserts a new Swan Street Activity Centre~~ Local Area Policy at Clause 21.12 to insert a new section on ~~implement~~ the Swan Street Activity Centre ~~Built Form Framework 2017 and~~to guide land use and built form within the activity centre.
- Amends Clause 21.08 (Neighbourhoods) to make minor corrections and reflect the application of the DDO17 and the Swan Street Activity Centre Local Area Policy.
- Amends Clause 21.11 Reference Documents to include the ~~*Swan Street Activity Centre Built Form Framework 2017,*~~ *Swan Street Built Form Study Heritage Assessments & Analysis*, October 2017 (GJM Heritage) and *Yarra High Streets: Statements of Significance*, ~~October 2017~~December 2020 (GJM Heritage) as reference documents in the planning scheme.
- Amends the Schedule to Clause 72.04 Ddocuments Iincorporated in this Pplanning Sscheme ~~Table of documents incorporated in this scheme~~ to include the new incorporated document titled "City of Yarra Database of Heritage Significant Areas (~~January 2019~~December 2020)".
- Amends Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay to include the *Swan Street Built Form Study Heritage Assessments & Analysis*, October 2017 (GJM Heritage) and *Yarra High Streets: Statements of Significance*, ~~October~~ December ~~2017~~ 2020 (GJM Heritage) as reference documents.
- Amends the Schedule to Clause 43.01 Heritage Overlay and Map No. 8HO to apply heritage controls to the following 15 places on a permanent basis:
  - 30-42 Swan Street, Cremorne (new Swan Street West Precinct HO524)
  - 273A Swan Street, Richmond (new HO522)
  - 323-325 Swan Street, Richmond (new HO523)
  - 223-239 Swan Street, Richmond (include into Swan Street Precinct HO335)
- Amends Planning Scheme Map No. 8HO to remove the following ungraded 4 places from the Heritage Overlay in the activity centre:
  - The rear car park of 57-61 Swan Street (the Corner Hotel) (HO332)
  - 375 Punt Road, Cremorne (Wellington Street Precinct HO364~~HO293~~)
  - 377 Punt Road, Cremorne (Wellington Street Precinct HO364~~HO293~~)
  - 416-418 Church Street, Richmond (Church Street Precinct HO315)
  - Units 5-0 / 3 Green Street, Richmond (Swan Street Precinct HO335)
- Amends Planning Scheme Map No. 8HO by removing the Heritage Overlay (HO332) from 57-61 Swan Street (the Corner Hotel) and replacing with Heritage Overlay (HO335), excluding the rear car park.
- Amends Map Nos. 8DDO and 9DDO to ~~apply~~ delete interim Schedule 17 to the Design and Development Overlay to land in the Swan Street Activity Centre.
- Amends Map Nos. 8DDO and 9DDO to apply Schedules 25, 26, 27 and 28 to the Design and Development Overlay to land in the Swan Street Activity Centre.

- Amends Map No. 8ZN and 9ZN to rezone land within the Commercial 2 Zone (C2Z) to Commercial 1 Zone (C1Z) to facilitate additional retail and housing in the activity centre.
- Amends Map Nos. 8EAO and 9EAO to apply the Environmental Audit Overlay to potentially contaminated land in the Swan Street Activity Centre.
- Amends Maps Nos. 8EAO, 8ZN, 9ZN and 8HO to correct a number of mapping anomalies.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C191yara ~~is required to~~ manages and responds to increased development activity along the Swan Street Activity Centre area.

As a designated major activity centre, Swan Street, Richmond is required to play a significant role in achieving the directions of Plan Melbourne 2017-2050, in relation to both housing and employment. Council's recently adopted Housing Strategy also seeks to direct new housing to areas within or close to activity areas that have good access to public transport, open space, and other services and limit housing growth in established residential areas, consistent with Plan Melbourne, state and regional policy

Swan Street, Richmond is a highly intact turn of the century 'high street' of consistent scale and architectural quality. The~~Currently, the centre does not have~~ permanent built form planning controls ~~to~~ ensure that new development has regard to the potential impacts on the heritage significance of Swan Street, or the surrounding low scale (heritage) residential neighbourhoods.

Design and Development Overlay Schedule ~~17~~ s 25, 26, 27, and 28

Amendment C191yara ~~proposes to~~ implements the built form recommendations of the Swan Street Activity Centre Built Form Framework, September 2017 (framework) through the introduction of Schedules ~~17~~ 25, 26, 27 and 28 to the Design and Development Overlay (~~DDO17~~DDO25, DDO26, DDO27 and DDO28) on a permanent basis. The framework ~~has been~~was prepared by Tract (urban design) with extensive input from GJM Heritage (heritage) and Traffix Group (access and movement). It implements and builds upon the vision and key principles for change outlined in the Swan Street Structure Plan and provide~~d~~s a strong strategic basis for the future planning of the area.

DDO25, DDO26, DDO27 and DDO28 each include precinct specific controls~~DDO17 includes general and precinct controls that respond to the changing context along Swan Street~~. Mandatory heights are ~~proposed to be~~ applied to the majority of Precinct 2 in response to the Precinct's intact heritage streetscape and also to Precincts 3 and 4 to protect the amenity of adjoining low scale residential areas. The framework ~~is~~ was a comprehensive piece of strategic work that demonstrate~~d~~s mandatory controls are appropriate in this context and necessary to achieve the preferred built form outcomes.

Discretionary height controls ~~are proposed to be~~are applied to land outside of the Heritage Overlay, where there are no sensitive interfaces, for example, land on the south side of Swan Street that is in close proximity to the railway line and commercial land (Precincts 1, 3 and 4). These are appropriate locations for discretionary controls to provide more flexibility to accommodate contextual variations and innovative design. Where discretionary building heights ~~are~~ were ~~proposed in DDO17~~ applied, a range of performance-based provisions ~~would~~ need to be met to ensure appropriate development.

Importantly, the DDO schedules provide~~s~~ built form certainty where there are heritage, residential amenity, and public realm sensitivities and allow~~s~~ for some discretion where there are fewer site constraints. Amendment C191yara ~~will~~ facilitates development appropriate to a major activity centre, whilst ensuring that new development is site responsive, and improved amenity outcomes are achieved.

Heritage Overlay

Amendment C191yara gives effect to the heritage recommendations of the Swan Street Built Form Study Heritage Assessments & Analysis (GJM Heritage, October 2017), including applying the Heritage Overlay to 15 places of heritage significance and removing 4 places from the Heritage Overlay, as they do not contribute to the significance of their broader heritage precincts.

The assessment ~~has also~~ recommended that Appendix 8 of the Yarra Planning Scheme be amended to identify 3 places as 'not contributory' to the Swan Street Precinct, Richmond (HO335) and the Richmond Hill Precinct (HO332) as they have undergone substantial alterations, which have irrevocably reduced their heritage significance.

The assessment ~~has~~ also recommended ~~removing the place at 57 Swan Street (the Corner Hotel) from the Richmond Hill Precinct (HO332) and~~ including 57-61 Swan Street ~~it as an individually significant place~~ within the Swan Street Precinct (HO335)~~, as the hotel has formed an important part of the social and reactional history of Swan Street~~.

Rezoning Commercial 2 Zone to Commercial 1 Zone

The land along Swan Street ~~is~~ was zoned a combination of C1Z and C2Z. Residential development is prohibited on land within the C2Z. ~~It is proposed to rezone a~~All remaining C2Z land along Swan Street ~~willare to be~~has now been rezoned to C1Z. This rezoning ~~is~~ was required to provide the opportunity for residential development along the length of Swan Street. Rezoning the remaining C2Z land to C1Z ~~was~~is appropriate as it ~~will~~ provides an incentive for further renewal and mixed-use redevelopment within the centre, consistent with State and metropolitan planning policy.

Environmental Audit Overlay

The ~~proposed~~ rezoning of the land from C2Z to C1Z ~~would~~ allows for residential uses, which are defined as sensitive uses. ~~It is proposed that t~~The Environmental Audit Overlay (EAO) ~~will be~~is was applied to land ~~(which is to be transitioned to a sensitive use)~~ assessed as having high potential for contamination.

~~The City of Yarra considers that i~~It ~~is important that the application of the an EAO~~The application of an EAO must 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, Council ~~has undertaken~~undertook an assessment (in line PPN30) to determine the risk of contamination on a site-by-site basis ~~and has subsequently amended the proposed application of the EAO~~.

The application of the EAO ~~is~~ was based on:

- 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.

~~TCouncil considers that t~~he application of the Environmental Audit Overlay (EAO) to the nominated sites ~~is~~ was required to address any potential site contamination issues to meet the requirements of Ministerial Direction No. 1 – Potentially Contaminated Land. The potential for contamination results from past and current industrial activities in on these sites.

The ~~introduction of an~~ EAO ~~would~~ requires an environmental audit to be undertaken on the land and for certificate or statement to be obtained from an environmental auditor in accordance with the Environment Protection Act 1970. The audit is carried out prior to the construction of the buildings and works in association with a dwelling or other sensitive use.

Correction of mapping errors

Amendment C191yara ~~proposes to~~ correcteds a number of historical mapping errors. There ~~are~~ was a large number of mapping anomalies in the Swan Street Activity Centre where two zones ~~appl~~applied~~y~~ to a single site. The existence of dual-zones occurs for a number of reasons, mostly due to historical mapping errors. Dual zoned sites should be corrected in order to 'provide for the fair, orderly,

economic and sustainable use and development of land' in accordance with the objectives (in part) of the Planning and Environment Act 1987. ~~Once~~ Now that the ~~the~~ anomalies ~~are~~ have been corrected, the land can be developed and used in accordance with the zone provisions.

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

The Amendment implements the objectives in Section 4 of the Planning and Environment Act 1987 (the Act), in particular:

a) to provide for the fair, orderly, economic and sustainable use, and development of land;

c) to secure a pleasant, efficient and safe working, living and recreational environment; and

d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

g) to balance the present and future interests of all Victorians.

The Amendment ~~will~~ facilitates housing growth as well as economic growth and creates a more economically viable mixed-use activity centre that has economic benefits for the local area.

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

The Amendment ~~seeks to~~ integrates relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The Amendment ~~is expected to~~ generates positive social and economic benefits as it ~~will~~ facilitates development within a major activity centre, providing opportunities for economic development and housing growth. The Amendment ~~will also~~ responded~~s~~ to the local demand for housing and provide housing and employment in a location, which has strong access to public transport infrastructure and social services.

The Amendment addresses any environmental effects or risks through the application of the Environmental Audit Overlay.

Does the amendment address relevant bushfire risk?

The land affected by the Amendment is not located within an area of identified bushfire risk.

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

The Amendment complies with Ministerial Direction No. 1 in addressing the risk from potentially contaminated land.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and Direction 11 - Strategic Assessment under Section 12(2) of the Act. During the Amendment process, Direction No. 15 – The Planning Scheme Amendment Process, which sets times for completing steps in the Amendment process, was ~~will also be~~ followed.

The Amendment ~~has also been~~was prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to Plan Melbourne 2017-2050). Plan Melbourne 2017-2050 identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the desired outcomes and objectives.

The Amendment is consistent with the following Directions contained in Plan Melbourne 2017-2050:

- Direction 1.1 – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment, which seeks to strengthen the competitiveness of Melbourne's employment land. The Amendment provides appropriate policy direction for the planning and development of the Swan Street Activity Centre to ensure that the activity centre continues to meet community needs.

- Direction 5.1- Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes a policy for local governments to prepare structure plans for activity centres to accommodate growth. The amendment ~~will~~ facilitates the renewal of a major activity centre which ~~will~~ improves local employment, housing and commercial opportunities.

The Amendment is consistent with Ministerial Direction 19, as the City of Yarra (as the planning authority) sought the written views of the EPA about the potential impacts of the proposed amendment on the environment, amenity, and human health and has included a statement, in this Explanatory Report, of how the proposed amendment addresses the final views of the EPA.

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

The amendment supports and implements relevant objectives of the State Planning Policy Framework (SPPF) including:

Clause 11 – Settlement provides context and implements the key principles of Plan Melbourne 2017-2050, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas. The Amendment provides a framework for the orderly planning and high-quality development of the Swan Street Activity Centre in a manner consistent with the directions of Plan Melbourne 2017-2050.

Clause 15 – Built Environment and Heritage seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance. The Amendment supports this clause by providing appropriate built form guidance to ensure that development is site responsive and appropriate in the context of heritage places.

Clause 16 – Housing emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne. The Amendment provides strategic guidance on the appropriate scale of development including housing in the Activity Centre.

Clause 17 – Economic Development seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The Amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centre.

Clause 18 – Transport promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport. The Amendment implements the objectives of this clause by facilitating development in an Activity Centre, which is well serviced by public transport.

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

The vision for the City of Yarra in the existing Municipal Strategic Statement in relation to built form is that by 2020, all new development will demonstrate design excellence.

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

- *Clause 21.04-1 - Accommodation and Housing*
- *Objective 1 - To accommodate forecast increases in population.*

- *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*

- *Clause 21.04-2 - Activity centres*
  - *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
    - *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
    - *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*
  - *Objective 5 - To maintain the long term viability of activity centres.*
    - *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
    - *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*
    - *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*
- *Clause 21.05-1 - Heritage*
  - *Objective 14 - To protect and enhance Yarra's heritage places.*
    - *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
    - *Strategy 14.2 Support the restoration of heritage places.*
    - *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
    - *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
- *Clause 21.05-2 - Urban design*
  - *Objective 16 - To reinforce the existing urban framework of Yarra.*
    - *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
  - *Objective 19 - To create an inner city environment with landscaped beauty.*
    - *Strategy 19.1 Require well resolved landscape plans for all new development.*
    - *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
  - *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

    Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
  - *Objective 21 - To enhance the built form character of Yarra's activity centres.*
    - *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*

- *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.*
- *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

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

The Amendment makes suitable use of the Victoria Planning Provisions (VPP) through the selection of appropriate tools to achieve guidance for future land use and development outcomes for the centre.

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

Council sought the views of the then Department of Planning and Community Development (now DELWP) VicRoads, Department of Transport (DoT) and Yarra Trams in the drafting of the Swan Street Structure Plan which informs the Amendment. The views of VicRoads and Transport for Victoria ~~have also been~~ were sought in the drafting of the Design and Development Overlay as it relates to vehicular access.

In accordance with Ministerial Direction No. 19, the City of Yarra, as the planning authority, sought the written views of the EPA about the potential impacts of the ~~proposed~~ amendment on the environment, amenity, and human health. The Environment Protection Authority Victoria (EPA) ~~is~~ was generally supportive of the ~~proposed~~ Amendment, subject to the City of Yarra addressing the further comments made in respect to the matrix of land contamination and associated application of the EAO. The City of Yarra ~~has~~ updated its Potential Contamination of Sites in the Swan Street Major Activity Centre - Historic and Current Land Use Assessment Matrix in accordance with the EPA's comments.

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

The Amendment is consistent with the requirements of the Transport Integration Act 2010 and ~~will~~ facilitates development outcomes that promote the principles of transit-oriented development.

Particular consideration ~~has been~~was given to ensuring that vehicular movements do not impact on the Principal Public Transport Network.

Resource and administrative costs

The Amendment ~~will have~~has some impact on the general operation of Council's statutory planning department as it ~~will~~ facilitates some new forms of development and land use.

The application of planning controls ~~is considered to~~ provides a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty to the community.

Where you may inspect this amendment

~~The Amendment is available for public inspection, free of charge, during office hours at the following places:~~

~~Planning Counter~~ ~~Richmond Town Hall~~ ~~333 Bridge Road~~ ~~Richmond VIC 3121~~	~~Service Counter~~ ~~Richmond Library~~ ~~415 Church Street~~ ~~Richmond VIC 3121~~

The Amendment can ~~also~~ be inspected free of charge at the Department of Environment, Land, Water and Planning's website at ~~https://www.planning.vic.gov.au/public-inspection~~https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes and at the City of Yarra's website at www.yarracity.vic.gov.au/amendmentC191.

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~~Submissions~~

~~Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Monday 15 April 2019.~~

~~A submission must be sent to:~~

~~Strategic Planning Unit~~

~~Yarra City Council~~

~~PO Box 168~~

~~Richmond VIC 3121~~

~~Or via email: info@yarracity.vic.gov.au (Subject line: Swan Street Amendment C191 – Submission)~~

~~Panel hearing dates~~

~~In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:~~

~~directions hearing: Week commencing 7 October 2019~~

~~panel hearing: Week commencing 11 November 2019~~

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NB: Given the size of the document, only relevant extracts from the *Database of Heritage Significant Areas* are shown.

CITY OF YARRA

Database of Heritage Significant Areas

~~*January 2019*~~ *December 2020*

Formerly

'Appendix 8 - City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates (2007)'



Attachment 7 - C191yara Marked up amendment documentation since exhibition

City of Yarra - Database of Heritage Significant Areas

The following is an extract from the City of Yarra Heritage Database listing the heritage status of properties within each Heritage Overlay. As requested by the City of Yarra, the table is arranged in heritage overlay number order and then address order within that group. Victorian Heritage Register (VHR) properties have a second listing within Heritage Overlay Areas as recognition of their contribution to each area.

Data fields in City of Yarra Heritage Database extract

Name

Typically as place type only i.e. *Shop and Residence*, if not a house/residence or with no known historical name

Address

Street name and number, suburb

City of Yarra property number

The City of Yarra Property number as at 2005-2018

Significance

(From given range as below)

Significance	Definition
Unknown	Insufficient data to allow an assessment from the public domain.
Not Contributory	Not contributory to identified cultural value of heritage overlay area as stated in the Statement of Significance.
Contributory	Contributory to identified cultural values of heritage overlay areas as stated in the Statement of Significance.
Individually Significant	Aesthetically, historically, scientifically, and/or socially significant at the Local level and contributory or complementary to the Heritage Overlay Area.
Victorian Heritage Register	On the Victorian Heritage Register (VHR) as aesthetically, historically, scientifically, and/or social significant at the State level and contributory or complementary to the Heritage Overlay Area.

Date range

Estimated primary creation date of typically publically visible fabric only.

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HO335 - Swan Street Precinct, Richmond								
HO335	Kipling	Street	7	Cremorne	Apartment	303370	Not contributory	1950-2010
HO335	Swan	Street	57-61	Richmond	Corner Hotel	190660	Not contributory~~Individually Significant~~	1966?
HO335	Swan	Street	63	Richmond	Shop	190655	Not contributory	1925-1935?
HO335	Swan	Street	65	Richmond	Shop	190650	Not contributory	1925-1935?
HO335	Swan	Street	69	Richmond	H.E. McNaughton ironmongery & residence, former	190645	Individually Significant	1924
HO335	Swan	Street	213A	Richmond	Vacant land	288595	Not contributory	Unknown
HO335	Swan	Street	215	Richmond	Shop & residence	288590	Contributory	1850-1890
HO335	Swan	Street	216	Cremorne	State Bank, Former	157930	Victorian Heritage Register	1907
HO335	Swan	Street	217	Richmond	Shop	191010	Not contributory	Unknown
HO335	Swan	Street	218	Cremorne	Shop & residence	157935	Not Contributory	1850-1890
HO335	Swan	Street	219	Richmond	Shop & residence	191005	Individually Significant	1870-1890
HO335	Swan	Street	220	Cremorne	Bank of Melbourne	157940	Not contributory	1980-2000
HO335	Swan	Street	221	Richmond	Shop	190995	Not contributory	1950-1960?
HO335	Swan	Street	223	Richmond	Shop	191000	Not contributory	1950s-1960
HO335	Swan	Street	224	Cremorne	Shop & residence	157945	Individually Significant	1870-1890
HO335	Swan	Street	225	Richmond	Office	500380	Not contributory	2000-2010
HO335	Swan	Street	226	Cremorne	Shop & residence	157950	Individually Significant	1915-1925
HO335	Swan	Street	228	Cremorne	Shop & residence	157965	Individually Significant	1870-1890
HO335	Swan	Street	229	Richmond	Shop & residence	415990	Contributory	1914-1918
HO335	Swan	Street	230	Richmond	Shop & residence	157970	Individually Significant	1888
HO335	Swan	Street	231	Richmond	Shop & residence	416080	Contributory	1914-1918
HO335	Swan	Street	232	Richmond	Shop & residence	157980	Individually Significant	1870-1890
HO335	Swan	Street	233	Richmond	Shop & residence	190975	Contributory	1860-1870
HO335	Swan	Street	234	Richmond	Shop & residence	157990	Individually Significant	1870-1890
HO335	Swan	Street	235	Richmond	Shop & residence	190970	Contributory	1860-1870
HO335	Swan	Street	236	Richmond	M.Ball & Co, former part	158000	Individually Significant	1870-1880
HO335	Swan	Street	237	Richmond	Shop & residence	190965	Contributory	1880-1890
HO335	Swan	Street	238	Richmond	M.Ball & Co, former part	158005	Individually Significant	1860-1870
HO335	Swan	Street	239	Richmond	Shop & residence	190960	Contributory	1880-1890
HO335	Swan	Street	240	Richmond	M.Ball & Co, former	158010	Individually Significant	1860-1870
HO335	Swan	Street	242-244	Richmond	Shop	158015	Not contributory	1950-1960?
HO335	Swan	Street	246	Richmond	Shop & residence	158020	Contributory	1900-1915
HO335	Swan	Street	248	Richmond	Shop & residence	158025	Contributory	1900-1915
HO335	Swan	Street	250	Richmond	Whitehorse Hotel, former	158030	Individually Significant	1845-1855

HO524 - Swan Street West Precinct								
HO524	Swan	Street	30	Cremorne	Shop	157620	Contributory	1901-1918
HO524	Swan	Street	34	Cremorne	Shop	318580	Contributory	1875-1901
HO524	Swan	Street	36	Cremorne	Shop	157635	Contributory	1860-1875
HO524	Swan	Street	40-42	Cremorne	Shop	157645	Contributory	1901-1918

Attachment 7 - C191yara Marked up amendment documentation since exhibition

Yarra High Streets (Swan Street)~~:~~ Statements of Significance: Reference Document

December~~October 2017~~ 2020

This reference document contains the Statement of Significance for all Heritage Precincts and Individually Significant Places (where a Statement of Significance has been prepared) within ~~:~~

~~The *Swan Street Built Form Review* Study Area (City of Yarra & Tract 2017).~~the Swan Street Major Activity Centre.

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Precincts

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2.	HO315	Church Street Precinct, Richmond	2
3.	HO332	Richmond Hill Precinct	4
4.	HO335	Swan Street Precinct, Richmond	9
5.	HO364	Wellington Street Precinct	11
6.	HO474	Burnley Street Precinct, Richmond	15
7.	HO524	Swan Street West Precinct	16

Individually Significant Places

	Individual HO No. / VHR No.	Name	Address	Page No.
1.	HO245	House	234 Coppin Street, Richmond	18
2.	HO285	Former Central Club Hotel	291 Swan Street, Richmond	18
3.	HO286	Former Burnley Theatre	365 Swan Street, Richmond	18
4.	HO288 **VHR H732**	Former State Bank	214-216 Swan Street, Richmond	18
5.	HO294	House	15 Wellington Street, Cremorne	18
6.	HO357 **VHR H48**	Former Richmond South Post Office	90-92 Swan Street, Richmond	19
7.	HO360 **VHR H2184**	Dimmeys	140-160 Swan Street, Richmond (Cremorne)	19
8.	HO405	The Greyhound Hotel, later Depot Hotel, now Precinct Hotel	60-62 Swan Street, Richmond	19
9.	HO429	-	400-402 Burnley Street, Richmond	20
10.	HO440	Swan Street Drill Hall	309 Swan Street, Richmond	20
11.	HO441	-	319 Swan Street, Richmond	21
12.	HO522	Shop and Residence	273A Swan Street, Richmond	22
13.	HO523	Pair of Shops	323-325 Swan Street, Richmond	22

Individually Significant Places within a Precinct

Attachment 7 - C191yara Marked up amendment documentation since exhibition

	Precinct HO No.	Name	Address	Page No.
~~1.~~	~~HO332~~	~~Corner Hotel~~	~~57-61 Swan Street, Richmond~~	~~24~~
~~2.~~1.	HO335	Shops and Residences	454-456 Church Street, Cremorne	24
~~3.~~2.	HO335	H. E. McNaughton ironmongery & residence, former	69 Swan Street, Richmond	24
~~4.~~3.	HO335	National Bank of Australasia	105 Swan Street, Richmond	2~~4~~5
~~5.~~4.	HO335	Shop and residence	232-234 Swan Street, Richmond	~~25~~24
~~6.~~5.	HO335	M. Ball & Co, former	236-240 Swan Street, Richmond	25
~~7.~~6.	HO335	Whitehorse Hotel, former	250-252 Swan Street, Richmond	25
~~8.~~7.	HO474	Shop and Residence	413-415 Swan Street, Richmond	25
8.	HO474	Bank of Australasia (Former)	377 Burnley Street, Richmond	26
9.	HO474	Shop and Residence	380 Burnely Street, Richmond	26

Attachment 7 - C191yara Marked up amendment documentation since exhibition

STATEMENTS OF SIGNIFICANCE

PRECINCTS

1. Bendigo Street Precinct, Richmond (HO309)

Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas*
Updated by GJM Heritage (2017), *Swan Street Built Form Review*

What is significant?

The Bendigo Street Heritage Overlay Area was part of Crown Allotment 16 as sold to J M Chisholm in 1840.17 Plans from 1895 show that, by then, three-quarters of the area was developed with housing, mostly in Park Grove, Kimber, Brooks and Survey Streets. The Wertheim Piano Factory (HO224), later the GTV9 television studios, dominated the area from the Edwardian-era. The factory was once the largest piano factory in Australia, occupying a four acre site, complete with its own power generator and tramline. Designed c1909 by architect Nahum Barnet, the buildings are important heritage elements in the streetscape.

Nearby Richmond Park (now Burnley Park was the pleasure ground for this area as well as the rest of inner Melbourne and now forms the eastern boundary of the area.

Main development era

The main development era evident in the heritage overlay is that of the Victorian and Edwardian-eras, with a contribution from well preserved inter-war buildings and individually significant places of all eras, such as the former Wertheim Piano Factory.

Contributory elements

The contributory buildings in the Bendigo St Heritage Overlay Area include mainly (but not exclusively) small attached and detached Victorian-era and Edwardian-era one-storey houses, but with some well preserved residential examples from the immediate post First-War era, having typically:

- Consistent building scale and setbacks
- Pitched gabled or hipped roofs, with some façade parapets;
- One storey wall heights;
- Weatherboard, face brick (red, bichrome and polychrome), bluestone, or stucco walls;
- Corrugated iron roof cladding, Marseilles pattern terra-cotta tiles, with some slate roofing;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah or porch elements facing the street;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, originally bordered by typically timber picket front fences or wire fences (inter-war) of around 1m height; also
- Corner shops and residences with large display windows and zero boundary setbacks.

Public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths

How is it significant?

HO309 Bendigo Street Heritage Overlay Area, Richmond is **aesthetically and historically** significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

The Bendigo Street Heritage Overlay Area is significant for:

PRECINCTS

- Its substantially intact single-storey Victorian-era housing that varies between modest and ornate;
- Edwardian house examples, particularly in Swan and Moore Streets, being both typical and highly decorated Edwardian dwelling types, complemented by the significant Edwardian-era former Wertheim Piano Factory;
- The retention of early materials and elements in the public domain, such as street construction, and the retention of many bluestone laneways;
- The demonstration of a typical 19th century suburban area with its attached and detached housing stock and corner shops, that has been subsequently lost in other parts of the inner suburbs; and
- The consistency of building scale and setbacks, creating cohesive and homogeneous streetscapes that are enhanced by mature plane tree avenue plantings.

2. Church Street Precinct, Richmond (HO315)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*

What is significant?

Subdivision

The Church Street Heritage Overlay Area includes parts of the first suburban Crown Allotments sold in the City, being Crown Portions 20, 21, 26 and 27, each 25 acres in area. Allotments 21 and 22 were purchased in 1839 by Rev. Joseph Docker (squatter), Allotment 20 by Charles Williams (auctioneer), and Allotment 26 by W H Yaldwyn (squatter, banker).

The Waltham Street and Darlington Parade areas were subdivided in 1853 and further subdivided in the 1880s. Docker had subdivided his two allotments by 1853, with plans for a model village set out on the flat below his townhouse at 370 Church Street. By the turn of the century, most of the Heritage Overlay Area was developed. The topography of the Heritage Overlay Area, the highest point in Richmond, attracted both the churches and the wealthier colonists with the result that the majority of the earliest residences were of a more substantial nature compared with other sections of Richmond.

This area has remained one of the most prestigious parts of Richmond for residential development. As an example, Howard Lawson's Elmhurst Flat block of 1934 aimed to tap into this prestigious residential location, paralleling with his significant Hollywood style Beverley Hills and Stratton Heights Flats, sited across the Yarra River at South Yarra.

Large villas

By 1855, villas with large gardens and orchards had been established in Church Street between Brougham and Elm Streets. Early houses which survive include Doery House (353 Church Street) and Messenger House (333 Church Street, formerly Stonehenge), the latter being built prior to 1843 for Captain John Roach4 and remodelled in the Edwardian period.

Major church complexes

Three major church complexes were established in the Heritage Overlay Area in the mid-1800s. St Stephen's Anglican Church (1850-1876) at 360 Church Street was designed by Blackburn and Newson on land donated to the church by the Rev. Joseph Docker and is one of the earliest bluestone churches built in Victoria. The Wesleyans began the construction of a temporary timber chapel (later the schoolhouse) in 1853, bluestone chapel in 1858, and added a schoolhouse (1871) and a parsonage (1876). St Ignatius' Roman Catholic Church (326) was built in stages between 1867 and 1928, to a design by prominent architect William Wardell, with the bluestone Presbytery added in 1872.

PRECINCTS

Civic buildings
Other non-residential developments in the Heritage Overlay Area included the former Richmond United Friendly Society Dispensary (1884; 294 Church Street), and the Hibernian Hall (1872; 316 Church Street), which was built as a temperance hall. The Richmond RSL was built in 1922, as an expression of the continuing premier civic status of this part of Church Street in the 20th century. The Richmond Library is the most recent civic development in the area.

Commercial development
Commercial development extended north from the major thoroughfares of Swan St and south from Bridge Road in the late Victorian and Edwardian-eras.

Main development era
The main development period evident in the heritage overlay is that of the Victorian and Edwardian-period, with a contribution from some well preserved inter-war buildings and individually significant places of all eras. Large houses, religious and public buildings from this period are the key elements in the heritage overlay.

Contributory elements
The Church Street Heritage Overlay contributory elements include (but not exclusively) large detached Victorian-era and Edwardian-era and small attached Victorian-era, one and two storey houses having typically:

- pitched gabled or hipped roofs, with some façade parapets;
- face brick (red, bichrome and polychrome) or stucco walls;
- corrugated iron, unglazed Marseilles pattern terra-cotta tiles, and slate roofing;
- chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- typically with post-supported verandah elements facing the street;
- less than 40% of the street wall face comprised with openings such as windows and doors; and
- front gardens, originally bordered typically by timber picket front fences of around 1m height;

Contributory elements also include shops and residences of the Victorian and Edwardian-eras, with:

- display windows and recessed entries;
- zero boundary setbacks;
- mainly one storey scale;
- attached rectilinear plan form, a parapeted roofline; and

Substantial Victorian-era ecclesiastical buildings with:

- free standing rectilinear form
- pitched roofs, some towers and spires positioned to be visible from a distance;
- fenced yards, with potential use of timber or iron pickets and a stone base for the frontage fence;
- two storey and greater wall heights;
- stone, masonry or stuccoed masonry facades, slate or tiled roofs; and
- less than 40% of the street wall face comprised with openings such as windows and doors.

Contributory elements also include:

- Public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths - mainly in side streets; and

PRECINCTS

- Many significant buildings within the Heritage Overlay Area have their own heritage overlay (HO241, HO242, and the St Ignatius complex) but nevertheless are contributory to the Church St Heritage Overlay Area.

How is it significant?

HO315 Church Street Heritage Overlay Area, Richmond is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4).

Why is it significant?

The Church Street Heritage Overlay Area is significant:

- As one of the first parts of Richmond to be subdivided and developed, as expressed by early buildings like Messenger House 333 Church Street, from the 1840s;
- As the chosen site for a high number of individually significant 19th and early 20th century buildings set in grounds and including early ecclesiastical and civic buildings, and some Melbourne landmarks, as well as substantial residential buildings that were attracted to the area by its elevated topography, high amenity and proximity to churches;
- As the site of key civic or institutional buildings in Richmond from the 19th century through to the 1920s (i.e. The Richmond RSL Hall); and
- For its significant architecture such as the William Wardell designed St. Ignatius Roman Catholic Church as a well known and prominent landmark across the metropolitan area.

The heritage character of the precinct is also supported by the commercial development extending up Church St from the Swan St and Bridge Road shopping areas with shops dating from the late 19th and early 20th centuries, as part of the cultural context of Victorian and Edwardian-era life on the hill.

3. Richmond Hill Precinct (HO332)

Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas* [see Study for footnote references]

ALL SUB-PRECINCTS

What is significant?

Subdivision types

The land which now comprises the Richmond Hill Area was purchased from the Crown in 1839 and consisted of six portions each of 25 acres in the parish of Jika Jika (CPs 21-26). The purchasers were Dr. Farquhar McCrae (CP24, surgeon), Rev. Joseph Docker (CP21-22, squatter), W H Yaldwyn (CP26, squatter, banker), Henry Gordon Brock (CP25), and John McNall (CP23, Melbourne's first butcher)96.

From 1840 onwards, Dr. McCrae sold parts of his allotment (at the north west corner of the heritage overlay) to prominent Melbourne figures, including Alexander McCrae , Alfred Woolley, Charles Williams, George Arden, and Thomas Strode (proprietors of the *Port Phillip Gazette*).97 He also subdivided off 36 half acre blocks, creating Rowena Parade, Sherwood and Rotherwood Streets. Further subdivisions took place in the 1870s and 1880s.

Yaldwyn sold his allotment (at the north-east corner of the heritage overlay) to William Meek in 1840 and, by 1853, the Waltham Street and Darlington Parade areas were subdivided, and further subdivided in the 1880s. The Vaucluse area was laid out in the 1860s and a private street was created to link Rowena Parade and Church Street, for the use of abutting landholders only. The Vaucluse, thought to be the only Victorian-era private street in the inner suburbs, has its eastern entry at St Ignatius Church. Large houses were erected on this section, including Richmond Hill for James Henty

(Waltham Street, 1851) and a two-storey Italianate house for distinguished architect, James Blackburn Jr.

Docker had subdivided his two allotments by 1853 (at the south-east corner of the heritage overlay), creating a model village (Village of Clifton) set out as 365 lots on a grid plan designed by Charles Laing. Its regular layout was unlike the other haphazardly planned private subdivisions in the area. The village was bordered by Wangaratta St (inclusive) on the west, the Richmond Terrace service lane on the north, the Church St on the east and Swan Street on the south98. By 1857 Docker still owned many of the houses built on these allotments. His own townhouse was at 370 Church Street. By the 1880s, this area was almost fully developed. (See South Residential Sub-precinct)

Brock's allotment (at the north-centre of the heritage overlay) was purchased by overlander John Gardiner99 who erected a villa on it when he retired from his grazing activities to take up the position of managing director of the Port Phillip Bank in 1840.100 By 1853, Lennox Street, Rowena Parade and Goodwood Street had been laid out. Further subdivisions occurred in the 1870s and 1880s.

The allotment purchased by McNall (at the south-west corner of the heritage overlay) had undergone minor subdivision by 1853. McNall erected his house there, and his widow continued to live there following his death in the 1850s.101 In 1859, the railway was established, and Richmond Station was constructed at the south-west corner of the allotment. The land had undergone major subdivision by the 1870s and 1880s.

Major industry development
In the early 20th century the expansion of manufacturing across the nation was reflected in new industrial centres that were developed close to rail and road transport, as distinct from the Victorian-era industrial development that had occupied coastal sites or river and creek banks. Near to the transport hub of Richmond Railway Station and busy Punt Road, grew a distinctive group of factories and warehouses, mainly associated with the growth of the clothing manufacturing industry in the City and dating substantially from the early decades of the 20th century. This area had previously been residential.102

The Australian Knitting Mills Ltd. (41-43 Stewart St, knitted goods manufacturers) complex was at the centre of the Stewart-Tanner Streets industrial area development area. It was developed from 1912 when the supply for World War One uniforms was an impetus for its expansion and had another major building addition in 1922-5.103 The company created the `Golden Fleece' and `Kookaburra' brands.

Inter-war residential estates
Set away from this concentrated industrial strip, but related historically to it, was the Pelaco factory (1922-1928), located on a hill on the former site of a Victorian-era mansion.
Houses in Fordham Court and the associated part of Goodwood Street were built speculatively in 1939 for Mrs B.E. Fordham of Yarradale Rd., Toorak, on land sold by Pelaco.104 These houses provide a distinctive enclave within the surrounding Victorian and Edwardian-era development.

A. RICHMOND HILL HERITAGE OVERLAY AREA (WEST SUB-AREA)

Main development era
The main development period evident in the Richmond Hill west sub-area of the Heritage Overlay Area is that of the Victorian era with a substantial contribution from the Edwardian-period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements

PRECINCTS

The Heritage Overlay Area contributory elements include (but not exclusively) mainly small, detached and some attached Victorian-era and Edwardian-era houses having typically:

- Pitched gabled or hipped roofs, with some façade parapets,
- One storey wall heights but with some two storey house rows,
- Face brick (red, dichrome and polychrome), weatherboard, or stucco walls;
- Corrugated iron roof and slate cladding, some unglazed Marseilles pattern terra-cotta tiles;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing for Victorian-era houses and typically timber for Edwardian-era;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Small front gardens, originally bordered by typically timber picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks.
- Well preserved buildings including typically one storey buildings from the pre Second War era.
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

B. RICHMOND HILL HERITAGE OVERLAY AREA (NORTH SUB-AREA)

Main development era
The main development period of the Richmond Hill north sub-area of the Heritage Overlay Area is that of the Victorian-era with a substantial contribution from the Edwardian-period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements
The Heritage Overlay Area contributory elements include (but not exclusively) mainly detached and some attached Victorian-era and Edwardian-era mainly one and two -storey houses having typically:

- Pitched gabled or hipped roofs, with some façade parapets,
- One and two storey wall heights but with some two storey house rows,
- Face brick (red, dichrome and polychrome), or stucco walls;
- Corrugated iron roof and slate cladding, some Marseilles pattern terra-cotta tiles;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Post-supported verandah elements facing the street, set out on two levels as required with cast-iron detailing for Victorian-era houses;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, originally bordered by typically timber or iron picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks.
- Well preserved buildings including typically one storey buildings from the pre Second War era.
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

C. RICHMOND HILL HERITAGE OVERLAY AREA (PELACO, FORDHAM COURT/PART GOODWOOD STREET SUB-AREA)

PRECINCTS

Main development era
The main development period of the Richmond Hill Fordham Court/Goodwood Street sub-area of the Heritage Overlay Area is that of the Inter-war era.

Contributory elements

Contributory buildings in theFordham Court/Goodwood Street sub-area are typically:

- Residential;
- Single storey;
- Constructed in brick and rendered masonry;
- Of a hipped and gabled tiled roof form, some with a single hipped or gabled roof form over the two dwellings to appear as single larger houses;
- Semi detached duplexes;
- Set in relatively deep garden setbacks; and
- Fenced originally with front fences of low (500-700mm panel height) brick and rendered masonry pier and panel walls.

And

- Public infrastructure, part expressive of the Victorian and Edwardian-eras such as asphalt paved footpaths but most of the kerb and channel is concrete, as typical of the inter-war period.
- Former Pelaco factory (c1922) as an icon in the area, but unrelated in scale and form to the inter-war housing nearby.

D. RICHMOND HILL HERITAGE OVERLAY AREA (SOUTH SUB-AREA)

Main development era
The main development period evident in south sub-area of the Richmond Hill Heritage Overlay Area is that of the Victorian-era. There is also a contribution from the Edwardian-era and some well preserved inter-war buildings and individually significant places of all eras.

Contributory elements
The Heritage Overlay Area contributory elements include (but not exclusively) mainly detached and some attached Victorian-era (some early Victorian-era), one-storey houses having typically:

- Steeply pitched gabled or hipped roofs;
- One storey wall heights;
- Weatherboard (square or bead edge), face brick (dichrome), stone, or stucco walls;
- Corrugated iron roof and slate cladding;
- Chimneys of either stucco finish (with moulded caps) or of matching face brickwork with corbelled capping courses;
- Simple post-supported timber verandah elements facing the street;
- Less than 40% of the street wall face comprised with openings such as windows and doors; and
- Front gardens, sometimes minimal, originally bordered by typically timber picket front fences of around 1m height.

Contributory elements also include:

- Corner shops and residences with display windows and zero boundary setbacks;
- Well preserved buildings, including typically one storey buildings from the pre Second War era.
- A regular subdivision plan with alternating wide principal streets and narrow service streets; and
- Public infrastructure, expressive of the Victorian and Edwardian-eras such as bluestone pitched road paving, crossings, stone kerbs, channels, and asphalt paved footpaths.

PRECINCTS

E. RICHMOND HILL HERITAGE OVERLAY AREA (SOUTH INDUSTRIAL SUB-AREA)

Main development era
Main development period in the Richmond Hill south industrial sub-area of the Heritage Overlay Area is of the Edwardian-era and inter-war period.

Contributory elements
Contributory elements include (but not exclusively) industrial buildings from the early decades of the 20th century with typically:

- Wall heights ranging from 1-5 levels;
- Façade parapets, sometimes with proprietary logos, with pitched roofs behind;
- Limited or no setback from street frontages; and
- Walls of face red brick (some over-painted) with rendered bands.

Contributory elements also include:

- Public infrastructure, part expressive of the Victorian and Edwardian-eras such as some bluestone pitching and asphalt paved footpaths.

How is it significant?
HO332 Richmond Hill Heritage Overlay Area as a whole is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

A. The Richmond Hill Heritage Overlay Area (west sub-area)

The Richmond Hill Heritage Overlay Area (west sub-area) is significant:

- As an illustration of a typical early private subdivision and development in the City, shown by the irregular street patterns, widely varying allotment sizes, and unusual house siting (onto lanes);
- As one of the earliest private development areas in the City for worker housing, dating from the 1840s, as expressed today by the many early small cottages linked historically to developers who resided in the more salubrious elevated parts of this area;

B. The Richmond Hill Heritage Overlay Area (north sub-area)

The Richmond Hill Heritage Overlay Area (north) is significant:

- For the well preserved, well-situated and sometimes large Victorian and Edwardian period houses and for the contribution of well preserved buildings from the inter-war period and individually significant buildings from all periods;
- As one of the early private housing development areas for the wealthy, evolving from the 1840s, and associated with some of Melbourne's most prominent early settlers as seen in their gracious residences, elevated siting and proximity to religious centres of most denominations;
- As particularly indicative (like the west sub-area) of Victorian-era private subdivision with irregular street patterns and lot sizes, and one private road; and
- For the views, from both inside and outside the area, to The Vaucluse Convent, the church spires and towers of St Ignatius and the utilitarian four storey red brick Pelaco factory, with its early neon sign above.

PRECINCTS

C. The Richmond Hill Heritage Overlay Area (former Pelaco factory, Fordham Court/Goodwood Street sub-area)

The Richmond Hill Heritage Overlay Area (Pelaco, Fordham Court/Goodwood Street sub-area) is significant:

- For the well preserved and visually cohesive groups of inter-war and early post WW2 residential development
- For the historical and visual links of this inter-war development with the adjacent inter-war landmark Pelaco Factory;
- For the contribution of the iconic Pelaco factory complex and illuminated sign, that is well-preserved externally, large in scale and set prominently on the hill as, historically, a symbol of Richmond's special role in the development of key manufacturing centres in the first half of the 20th century.

D. The Richmond Hill Heritage Overlay Area (south residential sub-area)

The Richmond Hill Heritage Overlay Area (south) is significant:

- As one of the earliest private development areas in the City for worker housing, dating initially from the 1840s but extending in the gold-era of the 1850s, as early small cottages set on small allotments;
- For the historical links of the street layout and subsequent housing development with the Docker family and the estate's designer, the noted architect and surveyor, Charles Laing;
- As an illustration of a rare type of model private subdivision and development in the Melbourne area in the form of a planned `village', as shown by the regular street patterns, similar allotment sizes, and the originally residential land use.

E. The Richmond Hill Heritage Overlay Area (south industrial sub-area)

The Richmond Hill Heritage Overlay Area (south industrial sub-area) is significant:

- As a distinctive and visually related group of externally well-preserved factories and warehouses, associated with the growth of the clothing manufacturing industry in the City, dating from the early decades of the 20th century and symbolic of Richmond's special role in the development of key manufacturing centres in the first half of the 20th century.
- For the precinct's strategic location, next to major transport links (railway, Punt Road) and the resultant distinctive angled siting of key buildings to face the railway.

4. Swan Street Precinct, Richmond (HO335)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
Swan Street, Richmond from Botherambo Street to Brighton Street (nos. 63-221 & 90-272), Church Street, south of Swan Street to the railway line (nos. 421-425 & 454-468), Byron Street (nos. 2-8 & 140-160) and Kipling Street (nos. 1, 2, 2A, 3, 5 & 7).

History

Swan Street was designated as a road reserve in Hoddle's Crown survey of 1837. Allotments on the north side of Swan Street were sold from 1839 and the south side from 1846. By 1857 a number of commercial businesses had been established in Swan Street, particularly at the west end, and traders included butchers, drapers, fruiterers, tailors, shoemakers, hairdressers and hoteliers. Amongst the

early hotels was the Swan Inn after which the street was named, and the predecessor of the present three-storey Swan Hotel (1889) at the corner of Church Street.

Swan Street ran from Punt Road to the Survey Paddock (now Burnley Park) before extension to the Yarra River sometime between 1874 and 1888. In 1859 a railway line from Princes Bridge to Punt Road provided access to Swan Street and this was extended to Church Street (East Richmond Station) and beyond to the present Burnley Park the following year. Running south of, and parallel to, Swan Street, this railway line provided transport to and from the city. In 1916 an electric tram service provided additional transport along Swan Street, encouraging further development along the length of Swan Street.

The commercial western end of Swan Street experienced a development boom in the 1880s and much of the present commercial building stock, particularly between the railway line (which was raised above Swan Street in 1887) and the Church Street intersection, was constructed at this time. This included a number of predominantly two-storey shops with residences above, including the extensive Perrins Building, 128-38 Swan Street (1884), shops opposite at 95-97 Swan Street (1885) and a highly decorative group of buildings at 224-234 Swan Street.

Swan Street was sealed in 1901 and construction of commercial buildings continued on allotments at the western end of Swan Street. Substantial and distinctive commercial and public buildings, such as the Maples Piano Showroom and the Richmond South Post Office in 1905, and Dimmeys and the former State Savings Bank of Victoria in 1907 added an Edwardian presence to the existing Victorian character of the precinct. A highly prominent clock tower with ball, added to the Dimmeys store in the 1910s, became a landmark feature in Swan Street.

Swan Street's long history as a commercial centre has also seen it play a central role in the social life of Richmond. For over 150 years, the street has provided the community with social and recreational opportunities, with the long-term commercial success of the street being predicated upon its attractiveness as a social space. It is this rich social legacy that binds the various phases of the street's development together, and which continues today to attract new residents and visitors.

Description

The main development period of the Swan Street Precinct is from the 1880s to 1920 and the streetscape dates largely from this period. A small number of buildings from both earlier and later periods make a contribution to the precinct. A number of individually significant buildings are contained within the precinct, dating predominantly from the 1880s-1920 period.

Buildings are predominantly attached Victorian and Edwardian shops and residences. They are predominantly two-storey with some three/four and single-storey shops interspersed.

Elements that contribute to the significance of the place include (but are not limited to):

- A variety of simple and highly decorative façade parapets, with pitched roofs behind
- No front or side setbacks
- Face red brick (including polychrome) or rendered walls
- Rendered window frames, sills and hoods to upper stories
- Rendered ornament and incised decoration to upper stories
- Brickwork with corbelled capping courses
- Original post-supported street verandahs
- Strong horizontal lines formed by parapets, cornices, string courses
- Repetitive upper floor fenestration patterns

- Consistent two-storey scale with some one and three-storey buildings
- Shop fronts with display windows, timber or tiled plinths, and entry recesses
- Some red brick storage or stable buildings at the rear or side lane frontage
- Corner buildings with secondary façades to side streets or lanes
- Splayed corners to buildings at intersections
- Corrugated iron and slate roof cladding
- Bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths.

How is it significant?
Swan Street, Richmond is of local historical, architectural and aesthetic significance to the City of Yarra.

Why is it significant?
The Swan Street Precinct is a major 'High Street' in the City of Yarra and has functioned continuously as one of Richmond's two key commercial centres since the 1840s. It retains a substantial collection of intact commercial buildings, predominantly from the Victorian and Edwardian periods, including shops and associated residences, hotels and other commercial and civic buildings. Together these buildings demonstrate the development of this major 'High Street', particularly from the 1880s to c1920 when substantial growth in the street occurred, and are illustrative of the enduring role the street has played in the economic and social life of Richmond since the establishment of the suburb [Criterion A].

The highly intact streetscape of the Swan Street Precinct clearly demonstrates the principal characteristics of a major turn of the century 'High Street' in the City of Yarra. Typical characteristics, including predominantly two-storey Victorian and Edwardian wall heights, parapeted rendered or red brick facades with repetitive upper floor fenestration, and ground floor shopfronts, are displayed in the original forms, fabric and detailing of many of the buildings. The streetscapes on the south side of Swan Street between the former Richmond Post Office and Church street, on the north side of Swan Street between Carroll and Dando Streets, and the west side of Church Street between Swan Street and the railway line are particularly intact and consistent in their architectural form and expression [Criterion D].

The Swan Street Precinct contains a number of landmark and individually significant buildings which are well-considered and carefully detailed examples of commercial and civic buildings. These include, among others, the former State Savings Bank of Victoria (216 Swan Street); the former Richmond South Post Office (90-92 Swan Street); large retail stores such as Maples Pianos (122-126 Swan Street); Dimmeys (140-48 Swan Street); and M Ball & Co (236-240 Swan Street), as well as hotels such as the Swan Hotel (425 Church Street). The clock tower and ball of the Dimmeys building is of particular prominence and is a local landmark. Variations in façade detailing throughout the precinct, including parapet ornamentation, balustrading and pediments, incised and applied decoration and polychromatic brickwork, make an aesthetic contribution to the overall character of the precinct [Criterion E].

5. Wellington Street Precinct (HO364)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*

What is significant?
Historical background
In 1839, two years after the first land sales in the township reserve of Melbourne, Crown allotments were auctioned in Richmond, Fitzroy and Collingwood. These allotments were mainly intended for development as farmlets. However many of the purchases in Richmond were speculative for, very soon, allotments were subdivided and advertised for sale in the ``Port Phillip Patriot''. The first was

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William Wilton's Crown allotment 46 which was to be sold in one or more acre lots. In 1840, at a subdivision sale of Dr. Farquhar McCrae's allotment 24, the auctioneer described Richmond as "...the abode of aristocracy, wealthy and retired opulence..." and 36 half-acre blocks were sold.

This was the boom period leading up to the recession of the early 1840s. As a sign of the times, subdivisions on the Richmond flats were advertised in 1842 as "...well deserving public attention among the working class", in contrast to earlier advertising of the higher parts of Richmond as for gentlemen only.

By the mid 1840s the depression had ended and resumption of the Immigration Act resulted in a new influx of workers. The sale of Crown allotments recommenced in Richmond in 1845 and by 1851 a further fifteen Crown Portions were sold. Reserves were also created for police purposes (Crown allotments 13-15), and for churches, recreation, produce market, schools and a mechanics' institute (Crown allotment 35). Thirty-one quarry sites were set aside on Crown allotments 9 to 15 where they abutted the river. The only other clay pits shown are at the locality of Yarraberg which David Mitchell operated in Crown Portion 42, off Burnley St.

Richmond's population in 1846 was 4029. At this time, Fitzroy and Collingwood were also being rapidly subdivided, St. Kilda and Port Melbourne were fashionable picnic spots and Williamstown a busy port. The village at Brighton was the leading pleasure resort, and Heidelberg a prosperous farming community. East Melbourne was little built upon until after 1848 when Bishop Perry chose a site there for the Anglican Bishop's Palace. This gave an impetus to building and the Richmond area went ahead as a select and convenient one in which to live. In 1852 North Melbourne, St. Kilda, South Melbourne, Port Melbourne, Essendon, Remington, Carlton and Hawthorn were laid out. Melbourne's population had trebled by 1853 with people returning from the goldfields, while in Richmond major residential subdivisions had occurred in the north and west. Within the next four years, men who established their suburban villas on the Richmond hills included senior Government officials, Alexander McCrae and William Hull; newspaper proprietors Thomas Strode, George Cavanaugh and George Arden; merchants Patrick Welsh, David Stodart Campbell and Alfred Woolley; and the bankers William Highett and John Gardiner. Their "...comfortable, if not architecturally stylish villas began to dot the place".

Richmond was created a separate municipality in 1855. The survey maps of Magee and Kearney show that at this time many of the existing major streets had been laid out but that almost all buildings, with the exception of those in the Yarraberg area to the northeast, were concentrated in the western half of Richmond, near to Melbourne town and the railway route: large suburban villas and gardens on the hill, and cottages on small blocks in the north and south, often in areas of relatively intense development isolated to individual streets. The factors influencing the location of the earliest development appear to have been a preference for high ground and a position on government roads, especially at cross roads.

Richmond's population in 1857 was 9,029 with 2,161 houses and five architects. The electors' roll for 1856-7 indicates an established retail and service trade in Swan Street and Bridge Road - butchers, drapers, shoemakers, hotels, fruiterers, tailors, hairdressers, grocers and blacksmiths.

With separation from Melbourne in 1855, Richmond, along with Collingwood, became exempt from the `Melbourne Building Act' of 1849 which controlled building and subdivision standards. Developers were free to plan streets, reduce frontages and build what they liked. Closer development of Richmond was also encouraged by the railway which was extended to Brighton from Melbourne by 1859, and by horse drawn omnibuses which connected Richmond with Melbourne along Bridge Road.

Melbourne's population in 1861 was 37,000 (including Carlton and East Melbourne); Richmond, Collingwood and Fitzroy each had about 12,000, Prahran 10,000, South Melbourne 9,000, North

Melbourne 7,000 and St. Kilda 6,000. Development was apparent along Punt Road c.1860, with little development in south-east Richmond was in 1869. Unemployment was a major issue during the 1860s and in 1862 the Richmond Council sought the repeal of the `Yarra Pollution Prevention Act 'of 1855 (which forbade fellmongeries, starch and glue factories, and boiling down works discharging waste into the Yarra River upstream from Melbourne) so that the river frontages could be opened to manufacturing. By 1865 a quarry, stone crushing mill, fellmongery and abattoir had been established on the river flats in Burnley, and by the 1870's a panoramic view of Richmond carried the caption 'Industry in Arcady'.

As with Melbourne and its other suburbs, the most active period of development in Richmond was in the 1870s and 1880s. The eastern half of the town was partly subdivided by 1874 and by 1888 most subdivision patterns were complete, the major exception being Cole's paddock on Victoria Street. Richmond was proclaimed a town in 1872 and a city in 1882. Its population in 1880 was 23,395 and in 1890 it was 38,797. The residential development trend was a marked increase from the 1850s, steeply rising until c1881 and then a plateau into the 1890s Great Depression. The rate books list 52 industrial establishments in 1880.

Houses constructed between Federation and World War One make up a substantial proportion of Richmond's building stock particularly in the eastern half of the city. Cole's paddock was subdivided by this time.

Encouraged by high tariff protection, new factories and stores were also being established, most notably Bryant & May, Wertheim's piano factory, Dimmey's Model Store, Ruwolt, Rosella, Moore Paragon and Mayall's tannery. By 1919 there were nine tanneries.

This industrial expansion continued after World War One when small gaps in the urban development were filled by inter-war housing estate and Wren's race course was changed to public housing. The Second War was the end of the first wave of urban development in Richmond and hence forms a perceptible period in the historic environment that is the basis for proposed heritage precincts in Richmond, Cremorne and Burnley.

Specific history
This area is part of the 17 acre Crown Portion (CP) 1 sold to Messrs William Burnley, David Lyons and Matthew Cantler in 1849: land sales started immediately in the south-west corner with subdivided lots going to Burnley, Thomas King and Mitchell, Black & Follett. Inspired by the major population increase caused by gold finds in the Colony, William Burnley began to sell more house lots further north in 1852 from an estate plan that included the formation of today's Rout and Blanche Streets running east-west, joined by Wellington Street running north–south. Lots of 32-35 feet width faced onto Wellington Street and backed onto CP2 on the east or the 15 feet wide Huckerby Street, on the west, that Burnley had created to serve the lots facing Punt Road.

The 1853 plan shows Jessie and Cremorne Streets in place within Crown Portions 1&2 and the 1855 plan has buildings distributed across the north part of the Crown Portions, along Wellington (as far as Blanche) and Cremorne Streets, while to the south they front only Cremorne Street. The 1874 plan shows the north part of Wellington, Huckerby, Blanche and Jessie Streets in this precinct.
King, Mitchell, Black and Follett's block, created from the south part of Crown Portion 1 in 1849, was to eventually contain the residential subdivision of Melrose and Kelso Streets in 1884 (Lodged Plan 605) with lots of 33-45 feet frontages. This estate is shown on the Tuxen 1888 plan, along with added streets such as Rout, but still there was no continuity for Wellington Street which stopped at Blanche St. The MMBW Plan 911 of 1896 showed the extension of Wellington Street southwards, past Blanche Street, but named as Melrose Street.

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Description
The Wellington Street, Cremorne Heritage Precinct is a largely Victorian-era residential area centred on Wellington Street and extends north from the riverside industrial precinct south of Gough Street to the commercial strip of Swan Street West on the north. The arbitrary crank in the line of Wellington Street shows the two development phases (early and late Victorian-era) and exemplifies the piecemeal nature of private development, generally, in the Richmond area.
The haphazard street alignments generate unexpected house groups and vistas. There is the long weatherboard cottage row in Gough Place that now faces out across a large development site towards Punt Road: its unbroken roofline is another testimony of how Richmond, as well as being planned on a free-market basis, was also outside of the building laws that initially applied to the other inner suburbs of Melbourne (Melbourne Building Act). The construction of small, weatherboard and brick cottages in the narrow confines of the early Huckerby and Jessie Streets is another illustration of this evasion of standard building codes. The Richmond Conservation Study (1985) notes of Cremorne Cottage, at 50 Jessie Street: `...Similar size building shown in similar location on Lands Dept 1855 Map of Richmond...' Other early houses such as 375-377 Punt Road can also be traced back in plan form to the 1855 survey map, adjoining the Rout Street entry to the precinct. A small Wellington Street house row (66-68) had rare and early brick-nogged wall construction as an indication of early construction techniques in this precinct. This method of wall construction involves brickwork placed between timber frame members and overclad with weatherboard providing for an uncommon and environmentally sound building method. The Australian Architecture Index cites two other brick nogged houses nearby in Cremorne St auctioned in 1879.

The precinct has a number of individually significant Victorian-era buildings and building rows within its boundaries.

Key buildings
Key buildings include late Victorian-era houses like the row-house pair at 397- 395 Punt Road, described in the 1990s as:

`... A double-storey, rendered, Boom terrace pair, set back with a parapet. The centrepiece is (set) *between abstracted Doric pilasters, supported by scrolls. Cornice and frieze-mould has vermiculated corbels; also to verandah, these on scrollbrackets. The skillion verandah, between wing-walls, has cast-iron lace valence and Composite posts, with first-storey balustrade in an unusual pattern of panels between balusters. Ground-window is tripartite with Tuscan fluted mullions. Doors have fan and sidelights. Chimneys have corbelled brick-bands' as an illustration of the range of ornament that was used in the late 19th century... '*

More typical, late Victorian-era masonry row houses line Wellington Street. Balino Cottage at 44 Wellington St, is an exception:

`A characteristic double-fronted, symmetrical, rendered, Boom cottage, on the street line, with rich decoration. There is a balustraded parapet between piers, surmounted by balloons. The centrepiece has a scallop-shell in a round arch, with acroterion. Piers are supported by small scroll-brackets. A frieze and cornice-mould is supported by brackets, between festoons. The parapet and verandah wing-wall corbels are vermiculated, the latter on scroll-brackets. The brickwork beneath the verandah was exposed, decorated with diamond ceramic tiles. The tripartite window has barleysugar Tuscan mullions and bluestone cill and fanlight over door. The verandah is convex, with cast-iron posts, lace-valence and brackets. There are encaustic geometric tiles. The chimney has deep rendered Classical mould'...

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Edwardian-era development is seen in houses facing Kelso Street (5, 9) as well as the former grocer's shop at 12 Kelso Street (Peter Byrne's shop in 1904 and Marcus Steel's in 1920), providing the sense of a self contained domain where provisions were available to householders within walking distance. Intermixed with these are the numerous Victorian-era houses, mainly weatherboard clad, with corrugated iron clad hipped roofs (but with some parapeted forms such as 17 Kelso Street) and little in the way of front gardens. Cremorne Court Flats in Punt Road and the Old English style house Teragram in Wellington Street, represent the well-preserved inter-war buildings that make up a minority of sites in the precinct.

Main development period
The main development period evident in the heritage overlay is that of the Victorian and Edwardian-eras, with a contribution from well preserved interwar buildings and individually significant places of all eras.

Contributory elements
Contributory elements include mainly (but not exclusively) Victorian-era and Edwardian-era houses, with some well preserved residential examples from the immediate post First-War era, having typically:

- pitched gabled or hipped roofs;
- one storey wall heights;
- weatherboard, face brick, or stucco wall cladding; corrugated iron, with some slate roofing;
- chimneys of either stucco finish (with moulded caps) or of matching face brickwork with capping courses;
- post-supported verandah elements facing the street;
- less than 40% of the street wall face comprised with openings such as
- windows and doors; and
- front gardens, bordered by low front fences, typically of timber picket for the Victorian and Edwardian-eras.

Contributory elements also include public infrastructure, expressive of the Victorian and Edwardian-eras such as stone pitched road paving, kerbs and channels, and asphalt paved footpaths.

How is it significant?
The Wellington Street, Cremorne, Heritage Precinct is aesthetically and historically significant (National Estate Register Criteria E1, A4) to the locality of Cremorne and the City of Yarra.

Why is it significant?
Wellington Street, Cremorne, Heritage Precinct is significant:

- As a well defined area of Victorian and Edwardian-era houses that matches the major growth periods in Richmond's and the City's housing history, complementing the existing adjoining Cremorne Heritage Overlay Area and individual heritage overlays within its boundaries;
- For some distinctive house groups such as in Gough Place, well preserved inter-war examples such as Cremorne Court Flats, and significant individual house examples; and
- For its role as one of the first development plans launched in Richmond, with some houses reflecting the 1850s estates.

6. Burnley Street Precinct, Richmond (HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?

PRECINCTS

The Burnley Street Precinct, comprising 345-389 & 370-404 Burnley Street and 395-419 Swan Street, Richmond is significant. The following buildings and features contribute to the significance of the precinct:

- The buildings constructed from c.1880 to c.1940, as shown on the precinct map.
- The overall consistency of building form (buildings with roofs concealed by parapets, with residential quarters above if two storey and behind if single storey), materials and detailing (front walls of stucco with decorative parapets, some original timber or metal-framed shopfronts with timber or tiled stallboards and recessed entries), and siting (no front and side setbacks).
- The landmark qualities of the former Bank of Australasia.
- The nineteenth century subdivision pattern comprising regular allotments served by rear bluestone laneways.

The following places are Individually Significant and have their own statement of significance:

- Former Bank of Australasia, 377 Burnley Street,
- Former shop and residence, 380 Burnley Street,
- Shops and residences, 400-402 Burnley Street, and
- Shops and residences, 413-415 ~~Burnley~~ Swan Street.

Non-original alterations and additions to the Contributory buildings shown on the precinct map, and the buildings at 381 & 382 Burnley Street, and 411 Swan Street are Not Contributory.

How is it significant?

The Burnley Street Precinct is of local historic and architectural significance to the City of Yarra.

Why is it significant?

Historically, the precinct is a representative example of a shopping centre serving local needs that developed in response to the significant population growth of Richmond in the late nineteenth and early twentieth centuries. The terrace row at nos. 345-67 Burnley Street provides evidence of the first significant phase of residential development that created the need for the centre in the late nineteenth century. (Criterion A)

The location, close to a railway station, and around a major intersection and the mix of single and double storey commercial premises, some with original shopfronts, the corner hotel and former bank are all characteristic of these local centres. The mix of residential and commercial premises is also typical with places such as nos. 373 and 375 Burnley Street that combine a Victorian house with an Edwardian shopfront demonstrating the evolution of the precinct from residential to commercial. (Criterion D)

The precinct contains late Victorian, Federation, and Inter-war shops and one hotel with consistent and characteristic parapeted form, siting and detailing, including some original shopfronts, which contrast with the Victorian residential terrace row. The former Bank of Australasia is notable as a landmark within the precinct. (Criterion E)

7. Swan Street West Precinct (HO524)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?

PRECINCTS

The Swan Street West Precinct comprising 30-42 Swan Street, Cremorne.
Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the four buildings
- The high level of integrity of the buildings to their late nineteenth and early twentieth century design.

Later (post 1940) alterations and additions to the rear and shopfront are not significant.

How is it significant?

The Swan Street West Precinct is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The Swan Street West Precinct is illustrative of historical development along a major, early commercial thoroughfare in the City of Yarra. As the only remaining group of intact commercial buildings from the Victorian and Edwardian periods west of the Swan Street railway bridge, this precinct demonstrates the commercial development at the west entrance of the major Swan Street 'High Street' up to the 1920s [Criterion A].

The small but intact Swan Street West Precinct clearly demonstrates the principal characteristics of a major Victorian and Edwardian 'High Street' in the City of Yarra. Typical characteristics, including parapeted facades with repetitive upper floor fenestration, rendered facades and ground floor shopfronts, are displayed in the variety of original forms, fabric and detailing of the four buildings [Criterion D].

Attachment 7 - C191yara Marked up amendment documentation since exhibition

INDIVIDUALLY SIGNIFICANT PLACES

1. **House**
234 Coppin Street, Richmond (HO245)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*

234 Coppin Street, Richmond, is of local architectural significance. The house is representative of the late 19th century double-storey form, and is a good example of the Italianate style. The house is substantially intact, retaining most of the original cement render and cast iron decoration, and is notable for its unusual broken pedimented parapet.

2. **Former Central Club Hotel**
291 Swan Street, Richmond (HO285)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*

The former Central Club Hotel is of local architectural significance. The hotel is a good example of the late 19th century Italianate Boom style, notable for its lively asymmetrical facade composition ajid florid Victorian Mannerist cement rendered decoration. The three-storey building is a significant local landmark in Swan Street. Its association with the locally prominent Cremean family and their involvement in Catholic politics is of local historical interest.

3. **Former Burnley Theatre**
365 Swan Street, Richmond (HO286)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*;
Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

The former Burnley Theatre is of local social and architectural significance. Until its closure in 1958, the theatre was popular with the residents of Richmond as a social gathering place. The Swan Street facade, although not of individual architectural importance, contributes to the streetscape and is a notable local landmark.

Additional contributory elements:

- Capacious building with wide symmetrical façade to Swan Street
- Strong horizontal lines define levels
- Front façade has pattern of windows and engaged columns with wider central bay
- Located on a corner with undecorated side façade to Edinburgh Street
- Large gabled hall behind front façade.

4. **Former State Bank**
214-216 Swan Street, Richmond (HO288, VHR H732)

Refer to Victorian Heritage Database for Statement of Significance

5. **House**
15 Wellington Street, Cremorne (HO294)

Source: Allom Lovell & Associates (1998), *City of Yarra Heritage Review*;
Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

INDIVIDUALLY SIGNIFICANT PLACES

The house at 15 Wellington Street, Richmond, is of local architectural significance. Although the overall form of the house is relatively common, this building is distinguished by its highly unusual Dutch gables, and also by the unusual proportions of the fenestration to the projecting bay. The house is an important heritage element in Wellington Street.

Works in 2016/2017 have resulted in the re-rendering of external walls, removal and replacement of cast iron friezes and balustrading and the reinstatement of a previously bricked in ground level window opening.

6. **Former Richmond South Post Office**
90-92 Swan Street, Richmond (HO357, VHR H48)

Refer to Victorian Heritage Database for Statement of Significance

7. **Dimmeys**
140-160 Swan Street, Richmond (Cremorne) (HO360, VHR H2184)

Refer to Victorian Heritage Database for Statement of Significance

8. **The Greyhound Hotel, later Depot Hotel, now Precinct Hotel**
60-62 Swan Street, Richmond (HO405)

Source: Graeme Butler & Associates (2012), *City of Yarra Heritage Gaps Review (Review 1)*; Updated by GJM Heritage (2017), *Swan Street Built Form Heritage Review*

What is significant?
The Greyhound Hotel, later Depot Hotel and Precinct Hotel has been the site of a public house and gathering place since the 1850s-60s (as 52 Swan St) when licensees included John Davies and William Perrin. The Swan Street West area had consolidated by the 1890s with continuing commercial uses evolving around the new Bowling Club Hotel. The former Bowling Club Hotel, at 36-38 Swan Street, was licensed at another Richmond location to one John Smith in 1868, with a Miss Julia Topey keeping a hotel on this site by the 1880s. The hotel was kept by a M Fitzgerald in the early 1900s but as the new century progressed, the hotel had been delicensed such that by 1920, the only hotel that had survived in this part of Swan Street was the Greyhound Hotel at the Cremorne Street corner (and rebuilt in 1926). Meanwhile shops had occupied the former Bowling Club Hotel. The hotel is a 2 storey Neo-Grec style building, with a simple and boldly executed cemented facade. A deep projecting cornice with brackets underscores the raised parapet entablature with its symmetry to the two elevations expressed through panels, with the focus at the splayed corner. Leadlight glass is evident as is the upper level and ground level joinery (part).

Additional contributory elements include:
- Two-storey wall height
- Zero front setback
- Regular pattern of rectangular fenestration at upper level
- Corner building which address both Swan Street and Cremorne Street by continuing the pattern of openings and parapet detailing
- Splayed corner
- Strong horizontal lines defining levels.

How is it significant?

INDIVIDUALLY SIGNIFICANT PLACES

The building is aesthetically, socially and historically significant (National Estate Register Criteria E1, G1, A4) to Richmond.

Why is it significant?
The building is significant: - for its good representation of a key period in the City's history, being as a site, the initial growth of commercial Swan St and as a building, the rebirth of hotel development in the 1920s after the Licence Reduction Board had eliminated other less salubrious pubs; and - as a well-preserved example of a Greek revival style public house in the local context.

9. **400-402 Burnley Street, Richmond (HO429)**

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
The property at 400-402 Burnley Street, Richmond, dates from 1912, and comprises a pair of two storied Federation red brick shops with combined residences. No. 402 is the larger of the two, with both building components matching in terms of design. The buildings have transverse gable roof forms, and rear roof pitches concealed by brick parapet walls to form asymmetrical side gables. On the east façade to Burnley Street, both buildings are walled in exposed face brick with two oriel gabled bays to the first floors. The bays and the transverse gable roofs are clad in terracotta tiles; the expressed central and side walls are topped by stepped moulded brackets with orbs; and the gables to the bays are half-timbered with roughcast stucco, crown four-light bay windows, and have apron panels clad in roughcast stucco. The ground floor shopfronts are also original or early.

How is it significant?
The property at 400-402 Burnley Street, Richmond, is of local historical and aesthetic/architectural significance.

Why is it significant?
The property at 400-402 Burnley Street, Richmond, dates from 1912, and is of local historical significance. It is associated with the later development of eastern Richmond, in an area of Burnley Street, near the junction with Swan Street, which had developed by the early twentieth century into an established retail precinct. The property is also of local aesthetic/architectural significance. It is a well preserved and substantially externally intact example of a Federation two-storey combined residence and shop, in exposed face brick. It is distinguished by the transverse gable roof form, the prominent oriel gabled bays to the first floors, the substantially intact ground floor shopfronts, and the asymmetrical side gable evident on the south elevation which was increasingly common in early twentieth century shop design. Other elements of note include the roof decoration, brackets with orbs, half-timbered gables to the oriel bays, and the oriel apron panels clad in roughcast stucco.

10. **Swan Street Drill Hall**
309 Swan Street, Richmond (HO440)

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
The property at 309 Swan Street, Richmond, is a rectangular shaped allotment with three buildings dating from 1916 and 1937. The buildings comprise the large former drill hall abutting the Duke Street (west) boundary; the narrower storage building abutting the Lord Street (east) boundary; and a smaller brick building between these to the Swan Street boundary. Both the hall and storage shed date from 1916 and are single storey, gable-roofed and gable-ended structures, clad in corrugated

INDIVIDUALLY SIGNIFICANT PLACES

galvanised iron. Both buildings retain most of their original window framing, with some exceptions. The space between the two original buildings is concreted over. The third building dates from 1937, and is a single storey, overpainted brick building, with a transverse gable roof. The 1916 drill hall is the largest building on the site, has the distinctive 'drill hall' form, and was the focus of the original training operations and subsequent Commonwealth use. The 1916 storage shed, although original, and the later 1937 building, are less distinguished elements, and more utilitarian in character and form.

How is it significant?
The property at 309 Swan Street, Richmond, is of local historical and architectural significance.

Why is it significant?
The property at 309 Swan Street, Richmond, was established as a drill hall complex in 1916 and is of local historical significance. It dates from the period when compulsory military service was introduced, and a large number of drill halls were constructed in Australia. Richmond men between the ages of eighteen and thirty, who were called upon to enlist for military service in World War One, did so at the Swan Street drill hall. They were also given some training on the site. Later Commonwealth uses included housing the 2/11th Field Regiment in the 1940s; the Department of Technical Engineering copywriting section, and the Training Depot for the Australian Army's Royal Corps of Australian Electrical and Mechanical Engineers in the 1950s; and cadet battalions in the 1970s. The former drill hall building is also of local architectural significance for demonstrating some of the principal characteristics of World War One drill halls. These include the simple gabled form, albeit carried over a large building, and the large internal space. The galvanised and overpainted corrugated iron cladding is also typical of suburban and regional drill halls around the country. In addition, it is a comparatively externally intact example of a drill hall of this era.

11. **319 Swan Street, Richmond (HO441)**

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?
No. 319 Swan Street, Richmond, was constructed in 1889 as a two storey corner shop and residence. The building is rectangular in plan form with a chamfered corner entry and a hipped roof clad in galvanized corrugated steel, with two stuccoed chimneys with cornices. The first floor is largely externally intact, with original detailing including moulded stringcourses, double-hung sashes with stilted segmental arches, and moulded architraves with accentuated keystones. Other details include half-fluted pilasters (piers) which support a dentilled entablature and above that a continuous bracketed cornice and parapet with waisted balustrading. The chamfered corner is capped with a triangular pediment on two broad piers, enclosing a cartouche panel and topped by an orb finial. At ground level, the shop front has been altered. The rear portion of 319 Swan Street, facing Lord Street, is largely externally intact, albeit more simply detailed than the corner shop component. Beyond this wing is an adjoining contemporary development which is not of heritage significance.

How is it significant?
No. 319 Swan Street, Richmond, is of local historical and aesthetic/architectural significance.

Why is it significant?
No. 319 Swan Street is of local historical significance, as a combined shop and residence constructed in 1889 for James Davison, a baker. At that time commercial development was being consolidating in Swan Street; the 1880s date is also consistent with the core period of commercial building construction in the street. Unusually, the bakery operation in the building was sustained until the

mid-1970s. No. 319 Swan Street is also of local aesthetic/architectural significance. While the building is broadly consistent with many nineteenth century two-storey shop and house combinations in inner suburban main road locations, it is distinguished by the complexity and vigour of the first floor elevations in particular, and the reasonably intact side elevation to Lord Street. The segmentally arched first floor windows are usual in terraced shops, enlivened here by the Corinthian pilasters with cornice breakfronts above. The parapet and corner pediment, with baluster waisting, dentil mouldings and bracketing, are also largely intact. The chamfered corner enhances the streetscape presentation.

12. **Shop and Residence**
273A Swan Street, Richmond (HO522)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond, built c1885-90.
Elements that contribute to the significance of the place include (but are not limited to):

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.

Later (post 1900) alterations and additions to the rear, shopfront and eastern side are not significant.

How is it significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?
The two-storey corner shop and residence at 273A Swan Street, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s [Criterion A].

The two-storey corner shop and residence at 273A Swan Street, Richmond is a fine, intact and representative example of a Victorian shop and residence. It displays typical features of the Victorian style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive ground and upper floor fenestration, articulated facades to both streets with splayed corner, rendered facades and ground floor shopfronts [Criterion D].

13. **Pair of Shops**
323-325 Swan Street, Richmond (HO523)

Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*

What is significant?
The two-storey pair of shops and residences at 323-325 Swan Street, Richmond, built in 1886.
Elements that contribute to the significance of the place include (but are not limited to):

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.

Later (post 1900) alterations and additions to the rear and shopfront are not significant.

How is it significant?

INDIVIDUALLY SIGNIFICANT PLACES

The pair of shops and residences at 323-325 Swan Street, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The pair of shops and residences at 323-325 Swan Street, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s [Criterion A].

The commercial premises at 323-325 Swan Street, Richmond are a fine, intact and representative example of a pair of Victorian shops and residences. They display typical features of the Victorian architectural style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted facade with repetitive upper floor fenestration, rendered facades and ground floor shopfronts [Criterion D].

Attachment 7 - C191yara Marked up amendment documentation since exhibition

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

~~1.~~ ~~**Corner Hotel**~~
~~**57-61 Swan Street, Richmond (within HO335)**~~

~~Source: GJM Heritage (2017), *Swan Street Built Form Study: Heritage Assessments & Analysis*~~

~~***What is significant?***~~
~~The two-storey hotel known as the Corner Hotel, 57-61 Swan Street, Richmond, built in the 1960s.~~

~~***How is it significant?***~~
~~The Corner Hotel, 57-61 Swan Street, Richmond is of local historical and social significance to the City of Yarra.~~

~~***Why is it significant?***~~
~~The Corner Hotel, Richmond 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 [Criterion A].~~

~~The Corner Hotel, Richmond is of particular social significance for its long-term and continued use as a live music venue. It is a well-established and well-known venue which is considered amongst the most pre-eminent in the City of Yarra and the broader community [Criterion G].~~

~~2.~~1. **Shops and Residences**
454-456 Church Street, Cremorne (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A distinctive group of gabled Edwardian shops by the distinguished architect Nahum Barnet.

~~3.~~2. **H. E. McNaughton ironmongery & residence, former**
69 Swan Street, Richmond (within HO335)

Source: Graeme Butler & Associates (2007, 2013), *City of Yarra Review of Heritage Overlay Areas*

What is significant?
The former H.E. McNaughton ironmongery and residence at 69 Swan Street, Richmond, was created in 1924 for Henry Ernest McNaughton and has a close association with him. The place has a good integrity to its creation date. Fabric from the creation date at the H.E. McNaughton ironmongery and residence is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?
The H.E. McNaughton ironmongery and residence, former at 69 Swan Street, Richmond is architecturally significant to the locality of Richmond and the City of Yarra.

Why is it significant?

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

The H.E. McNaughton ironmongery and residence is significant as a well preserved inter-war parapeted brick and stucco shop and residence with original or early shopfront and the owner's name cemented in bas-relief on the parapet.

~~4.~~3. **National Bank of Australasia**
105 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

This suburban branch of the National Bank of Australasia was erected in 1886-7 by the notable bank architect Albert Purchas. Its imposing three storey height, prominent corner location, and fine architectural detailing are important components of the building's significance.

~~5.~~4. **Shops and residences**
232 & 234 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A rare example of a pair of small shops designed in a boom style classicism, completely intact above verandah level.

~~6.~~5. **M. Ball & Co, former**
236 - 240 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A Richmond landmark used as a drapery since 1871, retaining some original shop fittings and a now rare aerial cash conveyor.

~~7.~~6. **Whitehorse Hotel, former**
250-252 Swan Street, Richmond (within HO335)

Source: O'Connor, John & Coleman, Roslyn et al. (1985), *Richmond Conservation Study : undertaken for the City of Richmond*

A rare example of an early 1850's stone commercial building designed in a colonial Regency style.

~~8.~~7. **Shops and Residences**
413 - 415 Swan Street, Richmond (within HO474)

Source: Lovell Chen (2012), *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*

What is significant?

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

Nos 413-415 Swan Street, Richmond is a Victorian two storey brick terrace pair of shops and combined residences. The ground floor shopfronts have been modified, but the rendered first floor facades are intact, with no. 413 remaining unpainted save for the c.1920s 'Monopole Magnum Cigars' sign. Intact details include double-hung sash windows, window architraves, brackets, supporting stringcourse and mouldings, plus pedimented parapets incorporating panels, brackets, cornices and mouldings, urn pedestals and dividers. The buildings have been extended to the rear; these later elements are not of heritage significance.

How is it significant?

Nos 413-415 Swan Street, Richmond is of local historical and aesthetic/architectural significance.

Why is it significant?

Nos 413-415 Swan Street is of local historical significance, as a pair of two storey brick shops and combined residences constructed for carpenter, J Wood in 1892. This was just after the period of commercial development consolidation in Swan Street, and unusually during the severe economic Depression of the early 1890s. The buildings were subsequently occupied by a range of retailers and commercial operations, typical for a main street of the late nineteenth and early twentieth century. These included sellers of dairy produce, a greengrocer, butcher, hairdresser and tobacconist. The subject property is also of local aesthetic/architectural significance. It is a well-preserved pair of two storey shops/residences, broadly consistent with many similar nineteenth century commercial buildings in inner suburban main road locations. However, the first floor facades retain their original form and detailing; in particular, the upper level to no. 415 has remained unpainted. This façade is further distinguished through the retention of the 'Monopole Magnum Cigars' sign. Both first floors also have prominent and well-detailed arched pedimented parapets.

8. **Bank of Australasia (Former)**
377 Burnley Street, Richmond (within HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?

The former Bank of Australasia, erected in 1889 to a design by the prominent bank designer, Anketell Henderson, of the firm Reed, Henderson and Smart, at 377 Burnley Street, Richmond is significant. It is a freestanding symmetrical two-storey rendered brick building. The ground floor facade has banded rusticated walls, and a central entrance door flanked by tripartite shallow arched windows, which are timber-framed with fixed central lights and double-hung sidelights. The first floor has a loggia-style balcony; the projecting entrance section extends up through the first floor and has an arched opening to the facade. There are three openings in the wall behind. The loggia has a simple patterned balustrade, and a skillion-profile roof; the wing walls have arched openings and their copings terminate in small pediments. There is a prominent parapet with a wide moulded cornice. There is also a string course below the loggia.

Non-original alterations and additions to the building are not significant.

What is significant?

The former Bank of Australasia, at 377 Burnley Street, Richmond, is of local architectural significance.

INDIVIDUALLY SINGIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

Why is it significant?
Architecturally, the building is a good example of an austere Classically-styled building which is in contrast to much of the more flamboyant boom style Italianate designs of the period. It is an important landmark within the Burnley Street commercial precinct. The building is an important work in the oeuvre of prominent bank architect, Anketell Henderson. Henderson was an important protagonist of the austere classical style of bank architecture of the 1880s. (Criteria D, E & H)

9. **Shops and Residences**
380 Burnley Street, Richmond (within HO474)

Source: Context Pty Ltd (2014), *Heritage Gap Study, Review of Central Richmond.*

What is significant?
The shop and residence, constructed by 1888, at 380 Burnley Street, Richmond is significant. This is a single storey late Victorian shop, one of a pair with no.378. The parapet has a moulded cornice above a stringcourse, each framed by vermiculated corbels inset with lions-heads. The semi-circular pediment has a small acroterion and is flanked by small scrolls, with small scrolls adjacent to the low piers at either end of the parapet that appear to have once supported orbs or urns. The shopfront has timber-framed windows with fixed display windows belong highlights, and panelled timber stallboards over a bluestone plinth. The window frames are slender, which is typical of the period, and the recessed central entry enhances the symmetry of the building.

Non-original alterations and additions to the building and signage are not significant.

How is it significant?
The shop and residence at 380 Burnley Street, Richmond is of local historic, architectural and aesthetic significance to the City of Yarra.

Why is it significant?
Historically, it is significant as one of the oldest surviving shops in Burnley Street and is associated with the beginnings of the transformation of the southern Burnley Street into a local shopping centre during the late nineteenth century. (Criterion A)

It is also significant as a representative example of a shop with typical late Victorian form and detailing including the parapet ornamentation and a timber-framed shopfront with stallboards and a recessed central entry below the pediment that emphasises the symmetry of the building. It is notable for its high degree of intactness, which includes the original shopfront. While many late Victorian shops survive in Richmond very few retain their original shopfront. (Criteria B, D & E)

Attachment 8 - C191yara Amendment documentation comparison

Yarra Planning Scheme Amendment C191yara

Comparison of the exhibited version of the amendment documents, excluding maps that are addressed separately in Attachment 8, and the version of the amendment documents for adoption, and the reasons for the changes.

The information in this document highlights the changes made to exhibited amendment documents: Schedule 17 to the Design and Development Overlay (DDO17): Swan Street Major Activity Centre (which applied to all four precincts in Swan Street); *Yarra High Streets: Statements of Significance (October 2017); City of Yarra Database of Heritage Significant Areas (January 2019); Clause 21.11 Reference Documents; and Clause 21.12 Local Areas Policy*.

This table should be read in conjunction with Attachments 4, 5, 6, 7 and 9. This table only highlights aspects where changes are proposed to the exhibited amendment documents. Elements of the amendment where no changes are proposed or very minor changes such as spelling mistakes and formatting issues are not included in this table.

Schedule 17 to the Design and Development Overlay (DDO17)

DDO17 has been divided into four separate DDO schedules (DDO25, DDO26, DDO27 and DDO28)

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.

In response, DDO17 has been 'divided' into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17:

- 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 Centre;
- Schedule 27 to the Design and Development Overlay (DDO27): Swan Street Activity Centre - Precinct 3 Swan Street East; and
- Schedule 28 to the Design and Development Overlay (DDO28): Swan Street Activity Centre - Precinct 4 Burnley Station.

The Panel supported this change in their report.

The *Practitioner's Guide to Victorian Planning Schemes* recommends, where schedules require multiple objectives (such as for Swan Street which has four distinct precincts), separate schedules each with clear objectives may be a better solution. By dividing DDO17 into four new schedules DDO25, DDO26, DDO27 and DDO28, this:

- Allows the Schedules to the DDO to be precinct specific reducing unnecessary text and duplication in the provisions;
- Provides an opportunity to better translate objectives from the Built Form Framework;
- Strengthens the design objectives to provide more planning certainty;
- Removes the precinct specific design requirements (which can be relocated elsewhere);
- Reduces the length and complexity of the provisions (the exhibited version of DDO17 was 22 pages long); and
- Creates other realignments and efficiencies to improve the readability of the control.

Each change to exhibited DDO17 and the reason for the change is provided in the tables below.

Attachment 8 - C191yara Amendment documentation comparison

Changes common to all four schedules (DDO25, DDO26, DDO27 and DDO28)

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
1.	***2.0 Buildings and works***	***2.0 Buildings and works*** *A permit is required to construct a building or construct or carry out works.*	The permit trigger was added to be consistent with the structure of the *Ministerial Direction - The Form And Content Of Planning Schemes* local provision templates. This change was supported by the Panel.
2.	***2.1 Definitions*** ***Street-wall*** *is the facade of a building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.* ***Building height*** *does not include non structural elements and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that all of the following criteria are met:* • *The total roof area occupied by the equipment (other than solar panels) is minimised;* • *The service equipment is located in a position on the roof so as to minimise its visibility;* • *The non structural elements and service equipment minimise additional overshadowing of neighbouring properties and public spaces;* • *The equipment does not extend higher than 3.6 metres above the maximum building height; and* • *The non structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.* ***Setback*** *is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features, to the boundary.* ***Parapet height*** *does not include features such as brackets, pediments, urns, finials or other decorative elements.*	***2.1 Definitions*** ***Street-wall*** *means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.* ***Heritage building*** *means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).* ***Laneway*** *means a road reserve of a public highway or right of way 9 metres or less wide.* ***Building height*** *means the vertical distance from natural ground level to the roof or parapet at any point.* ***Parapet height*** *does not include features such as brackets, pediments, urns, finials or other decorative elements.* ***Road boundary*** *means the boundary between the public road and the private property.* ***Shared zone*** *means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.* ***Upper level*** *means development above the height of the street wall.*	The purpose of the definition section is to clarify the meanings of terms used throughout the control. The definitions should be used in addition to (and not contradict) those contained in Clause 73.01. The revised definitions in the version for adoption provide a more relevant list of the terms used in DDO25, DDO26, DDO27 and DDO28. The version for adoption deletes the following definitions: • Setback The version for adoption includes the following definitions: • Building height (amended) • Street wall (amended) • Heritage building (new) • Laneway (new) • Parapet Height (no change from exhibited) • Road boundary (amended) • Shared zone (amended) • Upper level (amended) The definitions for 'Building height', 'Street wall', 'Shared zone' and 'Upper level' have been amended. The drafting approach is consistent with the approved form of DDO16 for Queens Parade and DDO15 for Johnston Street. This supports a consistent approach to drafting Yarra's DDOs for its activity centres. The criteria included in the 'Building height' definition has been relocated to the 'Building height requirements' section of DDO25, DDO26, DDO27 and DDO28 as the criteria is a performance based requirement to be met.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	Road boundary *is the boundary between the public road and the private property.* ***Shared zone*** *is a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.* ***Upper level*** *is development above the height of the street wall.*		The definitions for 'Heritage building' and 'Laneway' were added. They are terms used in the DDO25, DDO26, DDO27 and DDO28 but were not defined. They assist in understanding the requirements (the same definitions as the approved Johnston Street, DDO15 and Queens Parade, DDO16 were used). The inclusion of VHR properties in the definition of heritage buildings for Swan Street is to ensure that the intended application of interfaces B, D and F to VHR properties is operational. These changes were supported by the Panel.
3.	Not included in the exhibited version.	***2.2 Requirements*** *A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.* *A permit cannot be granted to construct a building or construct or carry out works, which:* • *exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.* • *reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.*	The new section at 2.2 Requirements clarifies the use of 'must' in response to submissions received during exhibition. It better describes the mandatory elements of the amendment e.g. mandatory maximum building heights, mandatory maximum street walls etc. The language used in DDO17 applied the word 'must' to both discretionary and mandatory requirements. Since DDO17 was prepared, the *Practitioner's Guide to Victorian Planning Schemes* (the Guide) has been updated and reinforces that the most appropriate language for a DDO is 'should' for discretionary (preferred) requirements and 'must' for mandatory requirements. This change was supported by the Panel.
4.	***2.2 General design requirements*** *The following general design requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements.*	***2.3 Design requirements*** *The following design requirements apply to an application to construct a building or construct or carry out works.*	The title of section 2.2 was amended from 'General Design Requirements' to just 'Design Requirements'. Given there are no other requirements in the DDO schedules, as a result of DDO17 being divided into separate DDOs for each precinct, the word 'General' is redundant. The reference to 'precinct design requirements' has been removed as the 'Precinct design requirements' at section 2.3 has been removed from DDO25, DDO26, DDO27 and DDO28. This change was supported by the Panel.
5.	Not included in the exhibited version.	***Design quality requirements*** *Development should achieve urban design and architectural excellence.*	The new section 'Design quality requirements' seeks to achieve urban design and architectural excellence, well-spaced and sited

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
		Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight. *Development should provide for street activation at ground levels.* *Development should be designed to avoid repetitive stepped form at upper levels.* *Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.* *Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.* *Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.* *Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:* • *be visually recessive and not visually dominate the heritage building and the heritage streetscape; and* • *avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.*	development to avoid visual bulk and equitable access to an outlook and daylight, street activation and detail on all facades. Design quality requirements are a useful tool in understanding the intention and the focus for decision making pursuant to the provisions in the DDO. They assist in decision-making, particularly in assessing the acceptability of permit applications where discretionary built form controls are proposed to be varied. The design quality requirements are: • Written in plain English; • Have strategic justification, translated from *the Swan Street Activity Centre Built Form Framework,* Tract September 2017; • Clear in their purpose to achieve high quality urban design outcomes; • Built form requirements that fall within the controls enabled by the parent Design and Development Overlay provision Clause 43.02-1; and • Clearly drafted to reflect their discretionary status. The inclusion of design quality requirements in DDO25, DDO26, DDO27 and DDO28 intentionally lift the bar in terms of building design, urban design and architectural excellence. Three requirements from the 'Street wall and setbacks requirements' section have been relocated to the "Design quality requirements' sections, with light revisions to the wording. Two requirements from the 'Heritage design requirements' section have been relocated to the 'Design quality requirements' sections, with light revisions to the wording. This change was supported by Panel
6.	***Building heights*** *A permit cannot be granted to construct a building or construct or carry out works which exceeds the mandatory maximum building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule.* *A permit may be granted to construct a building or construct or carry out works which exceeds the preferred building height shown in the Height and Interface Plans (Plan 1, 3, 5 and 7) of this schedule*	***Building height requirements*** *A permit should only be granted to construct a building or construct or carry out works, which exceeds the preferred building height shown in the Height and Interface Plan 1 of this schedule where all the following requirements are met to the satisfaction of the responsible authority:* • *the built form outcome that results from the proposed variation satisfies the design objectives in*	This section provides guidance when exercising discretion to exceed the preferred building height specified on the 'Height and Interface Plan'. The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in DDO25, DDO26, DDO27 and DDO28. The section has been amended to remove duplication and to clarify when controls are mandatory or discretionary by the use of the words 'must' and 'should'.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE

	where all the following requirements are met to the satisfaction of the responsible authority:
	• *the built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule, the relevant precinct design requirements specified in this schedule;*
	• *the proposed building height achieves the preferred future mid-rise character for Swan Street of generally 5 to 12 storeys; and*
	• *the proposal will achieve each of the following:*
	  ○ *greater building separation than the minimum requirement in this schedule*
	  ○ *housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations*
	  ○ *universal access, and communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58*
	  ○ *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%*
	  ○ *no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.*
		Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
		• *the proposal achieves each of the following:*
		  ○ *greater building separation than the minimum requirement in this schedule;*
		  ○ *excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;*
		  ○ *no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and*
		  ○ *provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and*
		• *where the proposal includes dwellings, it also achieves each of the following:*
		  ○ *housing for diverse households types;*
		  ○ *accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and*
		  ○ *communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and*
		Architectural features may exceed the preferred or mandatory height.
		Service equipment/structures including plant rooms, lift overruns, stairs, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:
		• *Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels);*
		• *The equipment/structures does not cause additional overshadowing of adjoining properties; and*
			The requirement to achieve the preferred future mid-rise character for Swan Street of generally 5 to 12 storey was removed as it is already included as a design objective at Clause 1.0. This removes unnecessary duplication in DDO25, DDO26, DDO27 and DDO28.
			The building height requirements have also been amended to remove reference to other Height and Interface Plans outside of the relevant precinct. They have also been amended to apply to both residential and non-residential development, where relevant.
			The requirement regarding service equipment was relocated from 'Definitions', its location in the exhibited version, to this section for clarity. A total roof area was specified to help minimise the impact of equipment on rooftops of new buildings. Only measurable parameters have been included to aid with an assessment of compliance. The drafting approach is consistent with the approved form of DDO16 for Queens Parade. This supports a consistent approach to drafting Yarra's DDOs for its activity centres.
			These changes were supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
		• *The equipment/structures does not extend higher than 3.6 metres above the maximum building height.*	

7.	***Street wall and setbacks***
	A permit cannot be granted to construct a building or construct or carry out works which exceed the mandatory maximum street wall height and/or reduces the mandatory minimum setback requirements specified in the Precinct Tables in this schedule.
	A permit cannot be granted which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred mandatory minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:
	• *The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule,*
	• *The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule*
	• *The following requirements also apply to the design of the street wall and upper levels:*
	  ○ *Frontages at ground floor and within the street wall must be designed with floor to floor ceiling heights suitable to accommodate commercial activity.*
	  ○ *Frontages at ground floor must incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.*
	• *Development must be designed to adopt the same street setback from all interfaces for a minimum of 65% of the height of upper levels to avoid repetitive stepped form.*
	• *Upper level development must be designed to ensure buildings are expressed in the round and provide detail on facades when viewed from all directions.*
		Street wall and setback requirements
		A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:
		• *The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule.*
		• *The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.*
		• *The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.*
		• *Projections such as balconies, building services and architectural features must not intrude into a setback.*
		• *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.*
			The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO.
			The section has been amended to remove duplication and to clarify when controls are mandatory or discretionary by the use of the words 'must' and 'should'.
			Three requirements from the 'Street wall and setbacks requirements' section have been relocated to the 'Design quality requirements' section, with light revisions to the wording.
			An additional requirement has been added as the exhibited DDO17 did not include clear guidance on which street wall height requirement prevails when differing street wall heights intersect at a corner. The new design requirement makes it clearer that, where two different discretionary provisions intersect at a corner, the Swan Street wall height prevails, with the height transitioning down along the side street. As this would produce a more consistent building street edge along Swan Street.
			The building separation requirements have been included in their own new section for clarification purposes.
			These changes were supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE

	• *Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development must:*
	  ○ *be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed*
	  ○ *be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.*
	• *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.*		

8.	Not included in the exhibited version.	***Building separation requirements*** *Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:* • *For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.* • *For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed.* • *For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.* *Where the common boundary is a laneway, the setback is measured from the centre of the laneway.*	The new 'Building separation requirements' section includes building separation provisions relocated from the 'Street wall and setbacks requirements' section. This drafting approach is supported by drafting advice provided by the C220 Panel and consistent with the approved form of DDO15 for Johnston Street. The exhibited DDO17 required that, where development shares a common boundary and no interface treatment is shown, setbacks should be provided at a minimum of: • 4.5m where a habitable room window or balcony is proposed • 3m where a commercial or non-habitable room window is proposed. Given building separation requirements play an important role in breaking up the visual 'wall' of buildings and also in providing appropriate amenity for occupants, the exhibited requirements have been amended to include a new requirement for buildings taller than 28m, which will require any portion of a building over 28m in height to be setback a minimum of 6m. This approach was put forward by Council's urban design expert (Evidence Statement of Ms Hodyl, Recommendation 1, Page 3 at [18-19]) and adjusted by Council officers. These changes were supported by the Panel.
9.	***Heritage design requirements***	Not included in the version for adoption.	The version of DDO25, DDO26, DDO27 and DDO28 for adoption removes most of the 'Heritage design requirements'

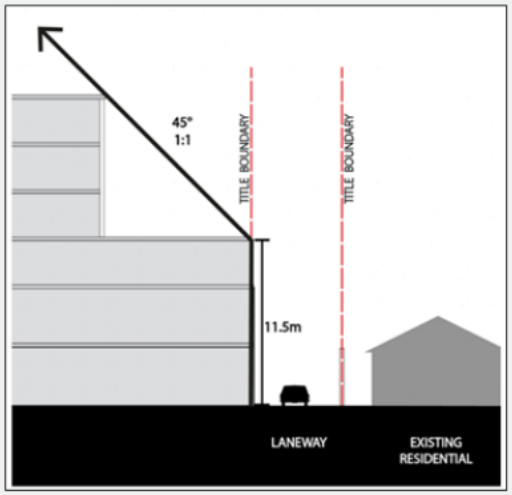
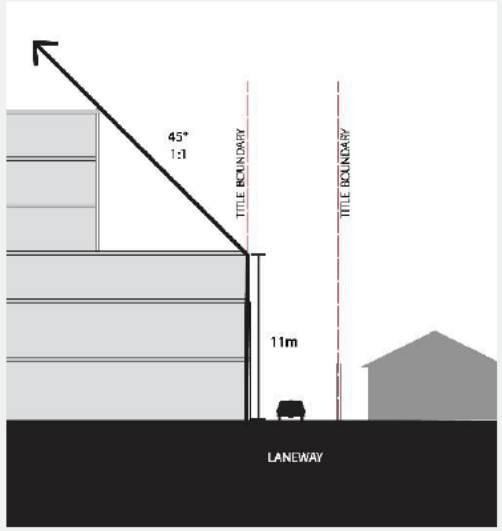
Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	The following design requirements apply on land within a heritage overlay or immediately adjoining a heritage overlay. *Building facades and street frontages* *Infill Buildings and Development Adjoining a Heritage Building* *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:* • *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)* • *respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s)* • *avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts* • *maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building.* *Contributory or Individually Significant Buildings* *Adaptation of contributory or individually significant buildings must:* • *avoid highly reflective glazing in historic openings* • *encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings* • *maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.* *Upper Levels (above street wall height)* *Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:*		and relocates the remaining requirements within 'Design quality requirements'. The 'Heritage design requirements' have been removed from the DDO for the following reasons: • They duplicate existing provisions found within Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay). • The existing Clause 22.02 provisions provide appropriate guidance for developing land with the Heritage Overlay. • Council is also updating its planning scheme via Amendment C269yara, in line with the integrated Planning Policy Framework (PPF). Amendment C269yara will afford a further opportunity to update municipal-wide heritage guidelines. • Many of the provisions in the DDO have been prepared through the lens of a detailed heritage assessment. • The combination of the DDO and Clause 22.02 provides a comprehensive set of design requirements for heritage properties. The Panel noted that there is also no need to include heritage design requirements in the DDO schedules before Amendment C269yara is finalised. However the following two requirements from the 'Heritage design requirements' have been slightly modified and transferred to the 'Design quality requirements' section of DDO25, DDO26, DDO27 and DDO28: • *be visually recessive and not visually dominate the heritage building and the heritage streetscape; and* • *avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts.* It is appropriate to retain and transfer these requirements regarding visually recessive upper level development and glazing as they are fundamental design principles. The subtle change to the wording of the requirements improves the clarity of the intent of the provision. These changes were supported by the Panel.

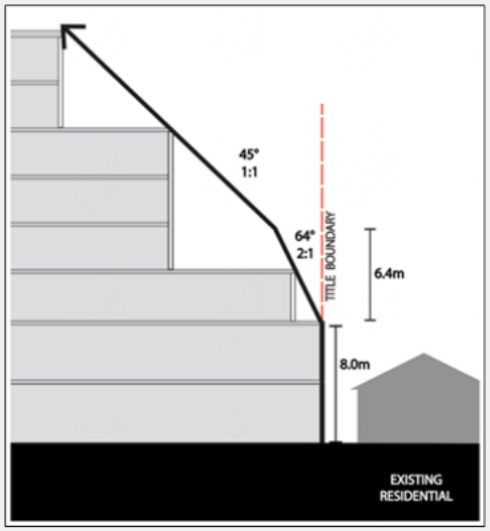
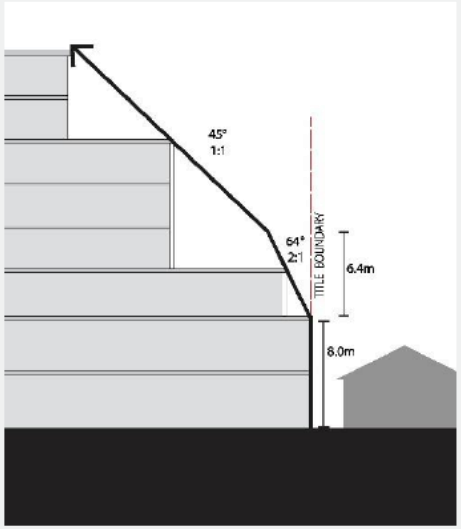
Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *be visually recessive and not visually dominate the heritage building and the heritage streetscape* • *retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'* • *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* • *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape* • *be articulated to reflect the fine grained character of the streetscape.*		
10.	Not included in the exhibited version.	***5.0 Application requirements*** *An application must be accompanied by:* • *A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.*	The parent DDO enables specific application requirements to be included in its schedules. DDO25, DDO26, DDO27 and DDO28 include a new application requirement relating to the wind effect of new development. Given wind can play a significant role in the safety, comfort and enjoyment of outdoor spaces and the expected level of development in the Activity Centre, it is appropriate to consider the effects of how new buildings will affect wind patterns. Council's Wind expert recommended a desktop wind effects assessment be submitted with a permit application for a proposed development when the building height is 15m or higher from natural ground level. This change was supported by the Panel.
11.	***Figure 1 to schedule 17 – Residential interface with an existing laneway***	***Figure 1 to schedules 25 – Interface with an existing laneway*** ***Figure 1 to schedules 26 – Interface with an existing laneway*** ***Figure 1 to schedules 27 – Interface with an existing laneway*** ***Figure 1 to schedules 28 – Interface with an existing laneway***	The version of the DDO25, DDO26, DDO27 and DDO28 for adoption: • Replace the description of Figure 1 from 'residential interface' to 'Interface with an existing laneway'; and • Delete the words 'existing residential' in Figure 1 cross-sections. These drafting changes will ensure that Figure 1 accurately reflect and relate to the rear interface provisions of 'Interface I' in Table 1 – Street Wall Heights and Setbacks.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
			The rear wall height requirement has also been rounded down to 11m in the schedules for adoption to be consistent with the approved form of DDO15 for Johnston Street. These changes were supported by the Panel.
12.	***Figure 2 to schedule 17 – Residential interface direct abuttal***	***Figure 2 to schedules 25 – Interface direct abuttal*** ***Figure 2 to schedules 26 – Interface direct abuttal*** ***Figure 2 to schedules 27 – Interface direct abuttal*** ***Figure 2 to schedules 28 – Interface direct abuttal***	The version of the DDO25, DDO26, DDO27 and DDO28 for adoption: • Replace the description of Figure 2 from 'residential interface' to 'Interface direct abuttal'; and • Delete the words 'existing residential' in Figure 2 cross-sections. These drafting changes will ensure that Figure 2 accurately reflect and relate to the rear interface provisions of 'Interface I' in Table 1 – Street Wall Heights and Setbacks. These changes were supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
			

Precinct specific changes: Schedule 25 to Design and Development Overlay (DDO25) Swan Street Activity Centre - Precinct 1 Richmond Station

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
13.	***SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO17**.* ***SWAN STREET ACTIVITY CENTRE***	***SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO25**.* ***SWAN STREET ACTIVITY CENTRE - PRECINCT 1 RICHMOND STATION***	The Swan Street DDO has been 'divided' into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17. As a consequence, the title has changed to reflect the new DDO schedule number (DDO25) and precinct (Precinct 1). This change was supported by the Panel.
14.	***1.0 General design objectives*** • *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.*	***1.0 Design objectives*** • *To create an entry to the activity centre, anchored by Richmond Station, that is defined by high quality,*	Title of section 1.0 was amended from 'General Design Objectives' to 'Design Objectives'. Given there are no other objectives in DDO25 e.g. for Precincts, the word 'General' is redundant.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* • *To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.* • *To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.*	*contemporary buildings that wrap around the corner from Hoddle Street into Swan Street.* • *To provide taller street walls on Swan Street, west of Wellington Street to define the entry to the Activity Centre.* • *To maintain the prominence of the Precinct Hotel on the corner of Cremorne Street and Swan Street within the streetscape.* • *To improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to Cremorne through activated ground floor frontages and improvements to the public realm.* • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.*	The new design objectives were translated from the *Swan Street Activity Centre Built Form Framework,* Tract September 2017. Objectives have been re-written to strengthen the design objectives and provide greater clarity and certainty regarding the intent of built form outcomes for Precinct 1. They will also better assist with decision-making, particularly where heritage issues are not applicable. These changes were supported by the Panel.
15.	Not included in the exhibited version.	***Design quality requirements*** Refer to Row No. 5 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following additional building height requirement in DDO25: … *Development should maintain the prominence of the heritage street wall and respect the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO524.* …	In addition to the changes and reasons for the changes set out in Row No. 5 above, an additional provision has been added to the 'design quality requirements' in DDO25. The precinct specific design requirement regarding HO524 will ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape on land affected by the Heritage Overlay. This change was supported by Panel.
16.	***Building heights*** Refer to Row No. 6 (DDO17 EXHIBITED SECTIONS) for exhibited text.	***Building height requirements*** Refer to Row No. 6 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following additional building height requirement in DDO25: …	In addition to the changes and reasons for the changes set out in Row No. 6 above, an additional provision has been added to the 'Building height requirements' in DDO25 for adoption to require development on land within the Heritage Overlay to have increased upper level setbacks at levels that exceed the preferred maximum height. This will ensure that buildings over 28m in height in the Heritage Overlay in Precinct 1 are appropriately designed to ensure that the prominence of the heritage buildings and Precinct Hotel are retained.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
		Where the proposal is on land within a Heritage Overlay, it also achieves the following: ○ *Upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape]*	These changes were supported by the Panel.
17.	***Overshadowing*** *A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:* • *any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,* • *any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street* • *any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street* *A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.*	***Overshadowing requirements*** *A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Cremorne Street (measured from the property boundary to the existing kerb of Cremorne Street between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space.*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The overshadowing requirements relating to the southern footpaths of Swan, Church and Burnley Streets have been removed as they are not relevant to Precinct 1. Furthermore, DDO25 only applies to the southern side of Swan Street and as such the overshadowing issues to southern footpaths are not applicable. The discretionary overshadowing requirement relating to Cremorne Street has been relocated from the 'Precinct design requirements' to 'Overshadowing requirements'. The requirement to not overshadow any part of southern footpath within 4m from the road boundary has been removed. The Panel recommended that the exhibited metric for defining the area for solar access be revised to relate to just the area between the property boundary and the existing kerb as, although it was mentioned in the *Swan Street Activity Centre Built Form Framework*, Tract September 2017, there was no technical analysis to justify the 4m metric. This alternative metric will still sufficiently protect the existing footpath (and any verge) from shadowing and was supported by the Panel. The section has been amended to clarify the requirement is discretionary by the use of the word 'should'.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
18.	***Vehicle and pedestrian access*** *Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must reinstate the kerb, linemark parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.*	***Vehicle and pedestrian access requirements*** *Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule.* *Development with redundant vehicle access points to Swan Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The section has been amended to clarify the requirements are discretionary by the use of the word 'should'. The vehicle and pedestrian access requirements relating to Church and Burnley Streets, in addition to 'Left in - Left Out Access' and have been removed as they are not relevant or applicable to Precinct 1. The vehicle and pedestrian access requirements have also been amended to remove reference to other 'Access and Movement Plans' outside of Precinct 1 and to ensure that they clearly apply to both residential and non-residential development. This change was supported by the Panel.
19.	***2.3 Precinct design requirements*** *The following specific Precinct Design Requirements apply in addition to the general design requirements.* ***Precinct 1 – Richmond Station*** *Shown on the planning scheme map as DDO17-1* *The Precinct Design Requirements for Precinct 1 are as follows:* • *Development must provide a consistent built form edge to the street.*	Not included in the version for adoption.	Section 2.3 'Precinct design requirements' has been deleted and its contents relocated to other sections of DDO25, namely the 'Design objectives' and 'Design requirements' sections to reduce unnecessary text and duplication in the provisions. This change was supported by the Panel.

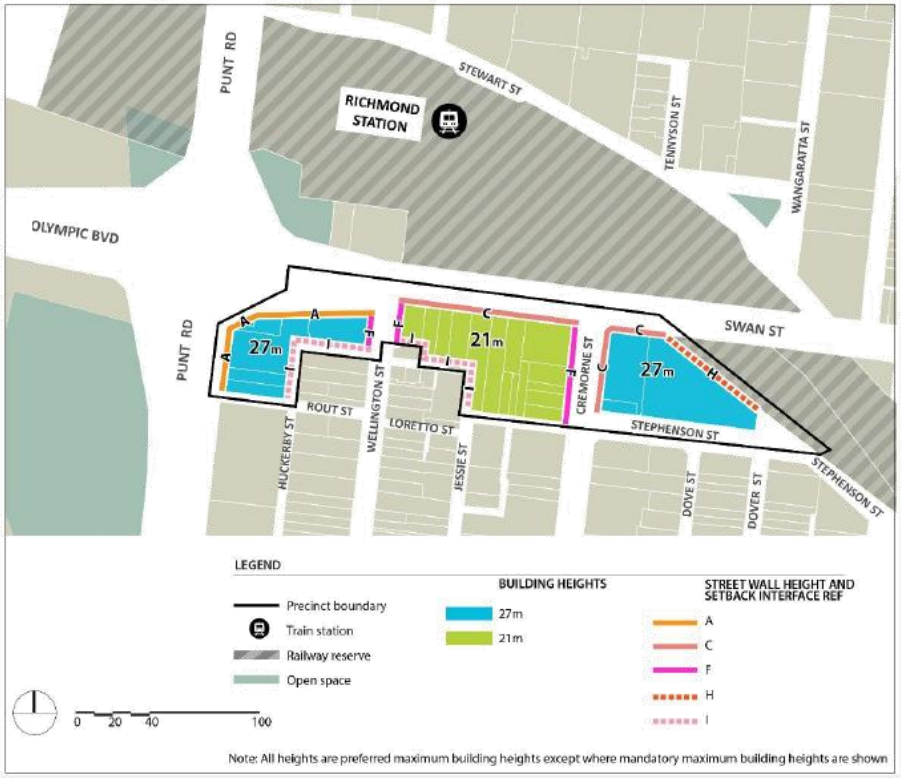
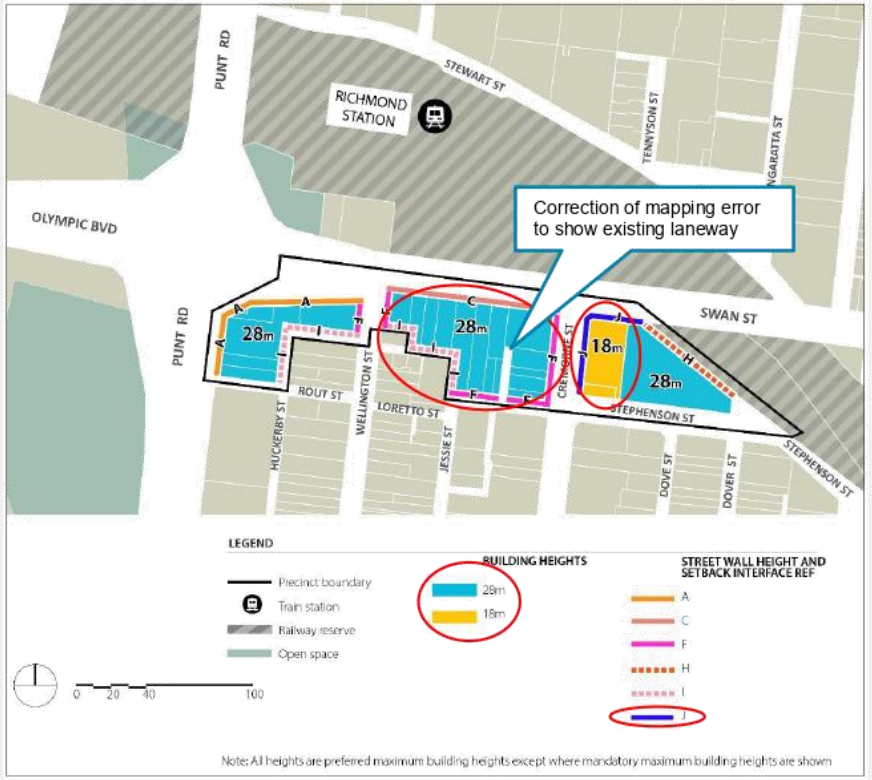
Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *The street wall of development on the corner of Swan Street and Punt Road must mark the entry into the Swan Street Activity Centre.* • *The street wall of new development east of Wellington Street must reflect the height and fine grain articulation of the heritage buildings.* • *Development must improve the pedestrian environment and amenity of the streetscape along Swan Street and the streets leading to the Cremorne Employment Precinct through high quality architectural design and improvements to the public realm.* • *Development must not overshadow any part of the opposite footpath of Cremorne Street (measured as 2.0 metres from the boundary of Cremorne Street between 10 am and 2 pm at 22nd September).*		
20.	***5.0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.*	***6. 0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the Design Requirements in Clause 2.3 are met.* • *Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.*	The decision guidelines relating to Church Street, Burnley Street and the Dimmeys Clock Tower have been deleted as they are not applicable or relevant to Precinct 1. The section has also been amended to remove reference to the 'Precinct Design Requirements' as it is no longer necessary. An additional decision guideline has been added regarding design excellence. Achieving design/architectural excellence is a key development outcome sought by DDO25 and should be considered when decision making. These changes were supported by the Panel.

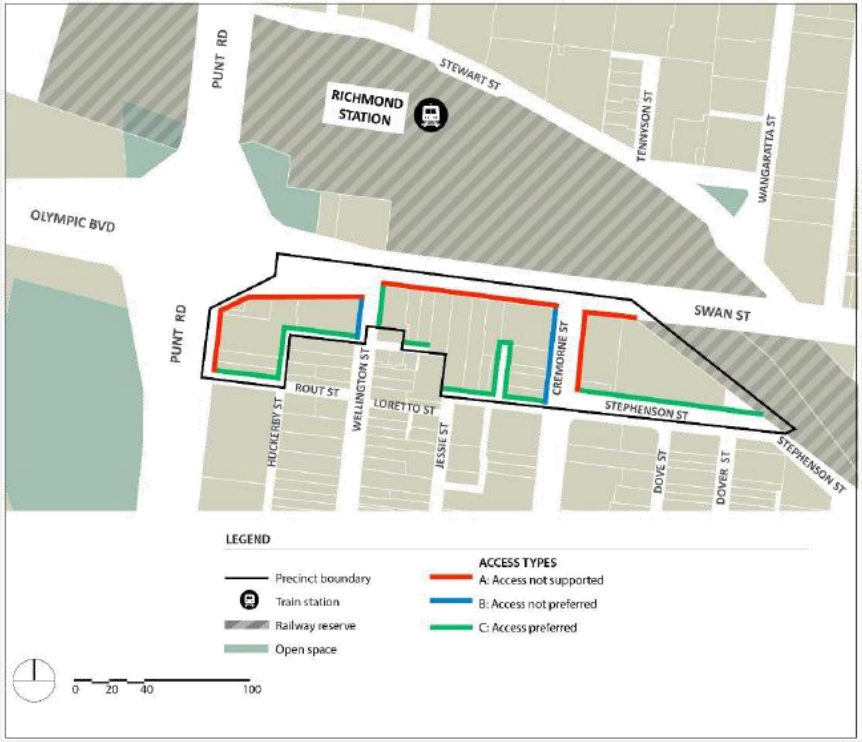
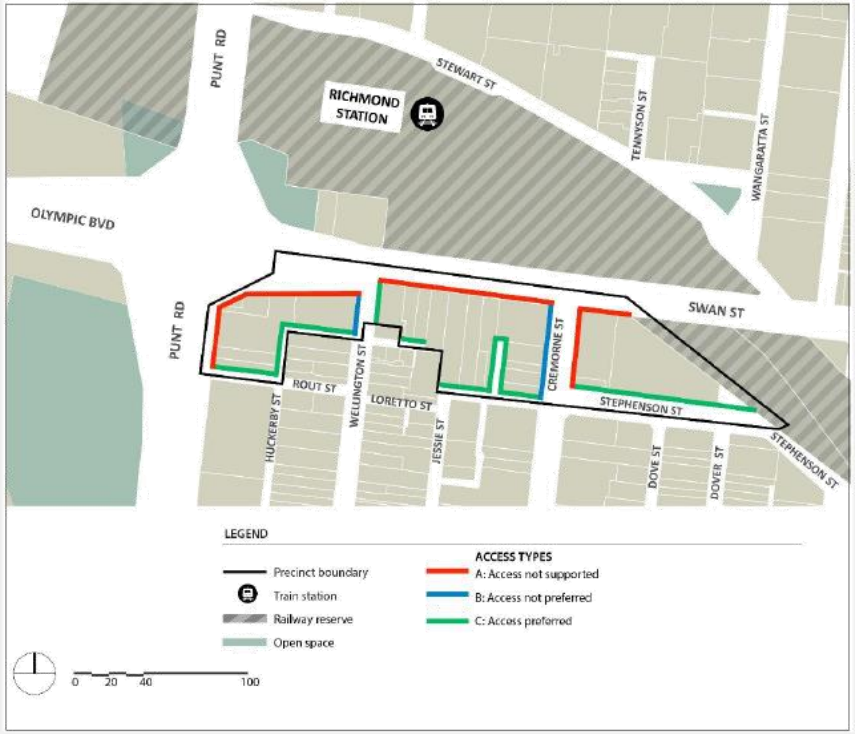
Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on view lines to the Dimmey's Clock Tower.* • *The impact of development on the operation of the tram routes along Swan Street and Church Street.*	• *The prominence of the heritage street wall in the vistas along Swan Street and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on the operation of the tram routes along Swan Street.*	

Attachment 8 - C191yara Amendment documentation comparison

DDO17 EXHIBITED HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)	DDO25 FOR ADOPTION HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)
Plan 1: Height and Interface Plan – Precinct 1 – Richmond Station	***Plan 1: Height and Interface Plan – Precinct 1 Richmond Station*** NB: The changes circled in red are explained in further detail in the table below.
	

Attachment 8 - C191yara Amendment documentation comparison

DDO17 EXHIBITED ACCESS AND MOVEMENT PLAN	DDO25 FOR ADOPTION ACCESS AND MOVEMENT PLAN
Plan 2: Access and Movement Plan – Precinct 1 – Richmond Station	***Plan 2: Access and Movement Plan – Precinct 1 Richmond Station***
	

Attachment 8 - C191yara Amendment documentation comparison

DDO17 INTERFACE TABLE

Table 1 – Street Wall Heights and Setbacks for Precinct 1

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum
	Street wall setback		0m
	Upper level setback		5m minimum
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. 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).
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development must minimise repetitive stepped form.

DDO25 FOR ADOPTION INTERFACE TABLE

Table 1 – Street Wall Heights and Setbacks for Precinct 1 Richmond Station

NB: Changes are explained in further detail in the table below.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
A	Street wall height		21m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise repetitive stepped form.
	Boundary wall setback		At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.
J	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 10m from Swan Street setback. Minimum 8.5m from Cremorne Street setback.	

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION METRICS (* DENOTES MANDATORY)	REASON FOR CHANGE
21.	Maximum building height	Height of 27m *60 Swan Street (Precinct Hotel)* *5 Cremorne Street*	Height of 18m *60 Swan Street (Precinct Hotel)* *5 Cremorne Street*	The Precinct Hotel is an individually significant place. Following exhibition, Council's heritage consultant GJM Heritage reviewed the controls and recommended a proposed height of 18m (approximately 5 storeys) to protect the visual prominence of the landmark building. The proposed lower height will help ensure the Precinct Hotel can be read as a three-dimensional form from both streets. The Panel supported this change.
22.		Height of 27m *371 – 377 Punt Road* *2-14 Swan Street*	Height of 28m *371 – 377 Punt Road* *2-14 Swan Street*	The approved Queens Parade DDO (DDO16) assumes eight storeys can be accommodated within a 28m height limit, whereas the Swan Street DDO17 as exhibited, assumes eight storeys can be accommodated within a 27m height limit. As such, the schedules for adoption have been amended to show 28m instead of 27m, in accordance with the provisions contained in DDO16. This change supports a consistent approach to drafting Yarra's DDOs for its activity centres. The Panel supported this change.
23.		Height of 21m *26-48 Swan Street* *4-2 Jessie Street* *2-10 Cremorne Street*	Height of 28m *26-48 Swan Street* *4-2 Jessie Street* *2-10 Cremorne Street*	The Panel stated that the preferred maximum height for the land between Wellington Street and Cremorne Street is too low. The Panel recommended that the land should have a discretionary maximum height of 28m. A discretionary maximum height of 28m is appropriate for the land between Wellington Street and Cremorne Street for the following reasons: • The sites are opposite an important strategic location. Richmond Station is a key railway station in the Metropolitan network, flagged for redevelopment. Developing the land on the south side of Swan Street should be seen in this context. • The Cremorne precinct to the south is undergoing significant growth and renewal and it is reasonable to assume that this growth will continue. A preferred maximum building height of 28m will be consistent with many developments to the south. Much of the land to the immediate south is currently in the Commercial 2 Zone so interfaces are less sensitive in these locations. • The land between Wellington and Cremorne Street generally has a very generous lot depth, particularly in some portions of the eastern half. The deeper sections of the block provide greater opportunities for increased height.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION METRICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				• All maximum building heights in Precinct 1 are discretionary, so any permit application to exceed the preferred height will be assessed against the Precinct 1 design objectives (among other things). • Amendment C191yara proposed to include the places at 30-42 Swan Street in the Heritage Overlays (HO524 Swan Street West Precinct). The Panel supports the protection of these places. It is considered that heritage considerations can be appropriately managed at the planning permit stage. The additional provision in the 'Building height requirements' section in Precinct 1 (as set out in Row No. 14 above) provides that upper level development above the preferred building height on land within a Heritage Overlay should have increased setbacks to minimise its visibility above the heritage building and from the heritage streetscape any proposal.
24.	Upper level setback	Interface C *26-60 Swan Street* • 5m minimum for individually significant heritage buildings* • 5m elsewhere • 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).	Interface C *26-48 Swan Street* • 6m for heritage buildings* • 6m elsewhere	A 5m upper level setback was generally applied to the length of Swan Street in DDO17. In heritage streetscapes and clusters of heritage streetscapes, these setbacks are proposed as mandatory to ensure upper levels do not visually dominate heritage places. In response to the submissions, further 3D testing, additional heritage advice and the recommendations contained in the Amendment Yarra C220 Panel Report (Johnston Street Activity Centre), all four schedules for adoption have replaced the 5m upper level setback with a 6m upper level setback. For heritage buildings (as defined in the DDO25) this is a mandatory requirement. A 6m minimum mandatory upper level setback for heritage buildings is an improved heritage outcome, ensuring a larger proportion of the principal building roof is retained. The outcome also means that the parapets/silhouettes of buildings remain prominent with the greater retention of key building elements including chimneys. The Panel supported this change, considering that a 6m setback would ensure that the front of the building will be read in a three-dimensional form and retain sufficient heritage features and meaning. Where the Heritage Overlay does not apply, all four schedules for adoption have replaced the 5m discretionary upper level setback with a 6m discretionary upper level setback to maintain a consistent 'secondary street wall' above the lower levels along Swan Street and Burnley Street. The Panel supported this change, concluding that a minimum 6m discretionary upper level setback is appropriate for non-heritage places. They noted that non-heritage areas have the potential for significant additional growth and a 6m upper level setback will enhance the rhythm of the built form in a high growth environment. The minimum setbacks for upper levels were also exhibited with a discretionary view line requirement. This requirement was for the upper levels of development of heritage buildings to occupy the upper one-third of the view from the street and the heritage façade would

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION METRICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				occupy the lower two-thirds (1/3:2/3 rule). During exhibition several submitters criticised the 1/3:2/3 rule as arbitrary and confusing. The 1/3:2/3 rule has been deleted and replaced in all four DDO schedules with a simple mandatory 6m upper level setback for heritage buildings to simplify the provisions. The Panel concluded that this will continue to result in acceptable outcomes as the increased 6m setback will ensure that the front of the building will be read in a three-dimensional form and retain sufficient heritage features and meaning. DDO25 has been be amended to replace the words "individually significant buildings" with "heritage buildings" as recent Panel Hearings have not supported this approach. The Yarra C220 Panel noted on Page 66 of their report: *"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."* This change ensures that the requirement applies to all heritage buildings, as defined in the 'Definitions' section of DDO25, DDO26, DDO27 and DDO28. The Panel supported all these changes.
25.			New Interface J *60 Swan Street (Precinct Hotel)* *5 Cremorne Street* • 10m from Swan Street* • 8.5m from Cremorne Street*	Given the Precinct Hotel's distinguished, corner location at the intersection of Cremorne and Swan Street, Council's Heritage consultant GJM Heritage recommended a mandatory upper-level setback of 10m from Swan Street and 8.5m from Cremorne Street to retain the primary roof form of the Precinct Hotel. A new site-specific interface (Interface J) has been included in DDO25 for adoption for the properties at 60 Swan Street (Precinct Hotel) and 5 Cremorne Street, which reflects the above heritage advice. The Panel supported these changes.
26.		Interface A • 5m	Interface A • 6m	Refer to Row No. 24 (REASON FOR CHANGE) for the reason for this change.
27.		*4-2 Jessie Street* *40-44 Swan Street* *10 Cremorne Street* • No upper level setback specified in DDO17 along the Jessie Street frontage.	Interface F (along the Jessie Street frontage): *4-2 Jessie Street* *40-44 Swan Street* *10 Cremorne Street* • 3m minimum	No upper level setback was specified in DDO17 for land along Jessie Street. Having regard to the recent development of land on the south side of Jessie Street, Council's Urban Design expert witness recommended that Interface F be applied to Jessie Street (Ms Hodyl's evidence statement, Recommendation 6, Page 4 at [27]). This change will ensure the amenity of surrounding residential properties is appropriately protected. The Panel supported this change.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION METRICS (* DENOTES MANDATORY)	REASON FOR CHANGE
28.	Maximum side and rear wall height	Interface I • 11.5m if boundary abuts a laneway	Interface I • 11m if boundary abuts a laneway	DDO17, as exhibited included a requirement that allows for the height of the rear wall on the title boundary of commercial development (where it abuts a laneway) to be 11.5m high. The rear and side wall height of 11.5m has been rounded down to 11m in all four DDO schedules for adoption to match the front 11m street wall height requirement and also to be consistent with the approved form of DDO15 for Johnston Street. The Panel supported this change.
29.	Side and rear setback (previously called 'upper level setback' in DDO17)	Interface I • Development must be setback in accordance with Figure 1 and Figure 2. • Development must minimise repetitive stepped form.	Interface I • Development should be setback in accordance with Figure 1 and Figure 2. • Development should minimise repetitive stepped form.	The section has been amended to reflect the discretionary nature of the control by replacing the word 'must' with the word 'should'. It has also been renamed from 'upper level setback' to 'side and rear setbacks' to clarify the intent of the interface. The Panel supported this change.
30.	Boundary wall setback (new requirement inserted into DDO25 Table 1)	*40 Swan Street* • No proposed boundary wall setback for 40 Swan Street	Interface I *40 Swan Street* • At 40 Swan Street only, development not built on a common boundary should provide a minimum setback of 4.5 metres to the common boundary.	Council's Urban Design expert witness recommended there should be a requirement that development at 40 Swan Street (not built on a common boundary) should provide a minimum setback distance of 4.5m to that common boundary (Ms Hodyl's evidence report, Recommendation 6, Page 3 at [25]). She recommended this be a preferred development outcome and not a mandatory provision. This change is considered appropriate as it will enhance the protection of the amenity of adjoining properties. The Panel supported this change.
31.	Street wall Height	Interface C *26-48 Swan Street* • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m minimum. • Match the parapet height of the taller adjoining heritage building.	Interface C *26-48 Swan Street* • 11m maximum. • 8m minimum. • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	There was confusion from one submitter following exhibition regarding the street wall height requirements in DDO17 and what the requirements are if there are no adjoining heritage buildings to infill development. Following exhibition of DDO17, Council's heritage consultant GJM Heritage reviewed the requirement and recommended the removal of the words 'the street wall should match a neighbouring heritage building that happened to be higher than 11m' as it is arbitrary. All four DDO schedules for adoption include the discretionary requirement 'Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building' to provide further guidance and clarity regarding this requirement and to be consistent with similarly worded requirements in approved Queens Parade DDO16. The Panel supported this change.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO25 FOR ADOPTION METRICS (* DENOTES MANDATORY)	REASON FOR CHANGE
32.		Interface C *60 Swan Street (Precinct Hotel)* *5 Cremorne Street* • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m minimum. • Match the parapet height of the taller adjoining heritage building.	New Interface J *60 Swan Street (Precinct Hotel)* *5 Cremorne Street* • 11m maximum. • 8m minimum. • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	The new 'Interface J' includes the same street wall height requirements as 'Interface C' included in DDO25 for adoption. At approximately 10m in height, the Precinct Hotel's street wall is still a typical example of other historic three storey buildings along Swan Street.
33.		*4-2 Jessie Street* *40-44 Swan Street* *10 Cremorne Street* • No proposed street wall height along the Jessie Street frontage:	Interface F along the Jessie Street frontage: *4-2 Jessie Street* *40-44 Swan Street* *10 Cremorne Street* • 11m maximum	A discretionary street wall height requirement of 11m has been applied to Jessie Street. Council's Urban Design expert witness recommended that Interface F be applied to Jessie Street (Ms Hodyl's evidence statement, Recommendation 6, Page 4 at [27]). Establishing a street wall height at the street edge is important, to not only to create a scale that does not overwhelm the narrow streetscape, but also to provide a scale that is compatible with the surrounding properties (the street wall height of 10 Cremorne Street is approximately 7m).

Precinct specific changes: Schedule 26 to Design and Development Overlay (DDO26) Swan Street Activity Centre - Precinct 2 Swan Street Retail Centre

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
34.	***SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO17**.* ***SWAN STREET ACTIVITY CENTRE***	***SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as DDO26.* ***SWAN STREET ACTIVITY CENTRE - PRECINCT 2 SWAN STREET RETAIL CENTRE***	The Swan Street DDO has been 'divided' into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17. As a consequence, the title has changed to reflect the new DDO schedule number (DDO26) and precinct (Precinct 2). This change was supported by the Panel.

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
35.	***1.0 General design objectives*** • *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.* • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* • *To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.* • *To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.*	***1.0 Design objectives*** • *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* • *To ensure development, on the south side of Swan Street, maintains the Dimmeys Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.* • *To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low-rise residential areas that supports the fine grain, compact retail and entertainment focus of the precinct.* • *To ensure development enhances the pedestrian experience through improved activation at ground floor and promoting a sense of enclosure and continuity in built form along Swan Street, Church Street, side streets and laneways.* • *To ensure taller development on the south side of Swan Street, close to the railway line, is designed and spaced to contribute to a varied skyline and provides street walls that create a stronger sense of enclosure to the streets.*	Title of section 1.0 was amended from 'General Design Objectives' to 'Design Objectives'. Given there are no other objectives in DDO26 e.g. for Precincts, the word 'General' is redundant. The new design objectives were translated from the *Swan Street Activity Centre Built Form Framework,* Tract September 2017. Objectives have been re-written to strengthen the design objectives and provide greater clarity and certainty regarding the intent of built form outcomes for Precinct 2. They will also better assist with decision-making, particularly where heritage issues are not applicable. These changes were supported by the Panel.
36.	Not included in the exhibited version.	***Building separation requirements*** Refer to Row No. 8 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following additional building separation requirement in DDO26: *Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.* …	In addition to the changes and reasons for the changes set out in Row No. 8 above, an additional requirement has been relocated from the 'Precinct design requirements' section to the 'Building separation requirements' in DDO26. This change was supported by the Panel.

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
37.	***Overshadowing*** *A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:* • *any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,* • *any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street* • *any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street* *A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.*	***Overshadowing requirements*** *A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:* • *any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.* *A permit should not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:* • *any part of the opposite footpath of Church Street, measured from the property boundary to the existing kerb.* • *any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, measured from the property boundary to the existing kerb.* • *any part of the potential future open space adjacent to the East Richmond Station, measured as beyond 7.0m from the eastern kerb of Milton Place and beyond 10.0m from the southern kerb of Milton Place.*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The overshadowing requirement relating to the southern footpath of Burnley Street has been removed as it is not relevant to Precinct 2. The overshadowing requirements relating to Church, Lennox, Stanley, Clifton and Docker Streets have been relocated from the 'Precinct design requirements' to 'Overshadowing requirements'. The overshadowing requirement for the western side of Church Street has been made discretionary, based on the recommendations contained in the *Swan Street Activity Centre Built Form Framework,* Tract 2017. The requirement to not overshadow any part of southern footpath within 4m from the road boundary has been removed. The Panel recommended that the exhibited metric for defining the area for solar access be revised to relate to just the area between the property boundary and the existing kerb as, although it was mentioned in the *Swan Street Activity Centre Built Form Framework*, Tract September 2017 there was no technical analysis to justify the 4m metric. This alternative metric will still sufficiently protect the existing footpath (and any verge) from shadowing and was supported by the Panel. The section has been amended to clarify the requirement is discretionary by the use of the word 'should'. These changes were all supported by the Panel.
38.	***Vehicle and pedestrian access*** *Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit*	***Vehicle and pedestrian access requirements*** *Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in DDO26. The section has been amended to clarify the requirements are discretionary by the use of the word 'should'. The vehicle and pedestrian access requirement relating to Burnley Street has been removed as they are not relevant or applicable to Precinct 2. Three requirements have been relocated from the 'Precinct design requirements' section in DDO17 to the 'Vehicle and

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access. *Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must reinstate the kerb, linemark parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.*	*limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street and Church Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.* *Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.* *Development of 94-98 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.* *Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 2.* *Development should 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.*	pedestrian access requirements' section in DDO26 as they related to access and movement in Precinct 2. The vehicle and pedestrian access requirements have also been amended to remove reference to other 'Access and Movement Plans' outside of Precinct 2 and to ensure that they clearly apply to both residential and non-residential development. These changes were supported by the Panel.
39.	***Precinct 2 – Swan Street Activity Centre*** *Shown on the planning scheme map as* ***DDO17-2***	Not included in the version for adoption.	Precinct 2 design guidelines have been deleted and its content relocated elsewhere, namely the 'Design objectives'

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	The Precinct Design Requirements for Precinct 2 are as follows: • *Development must respect the consistent scale, grain and architectural quality of the highly intact heritage streetscapes and the individually significant buildings in the precinct.* • *Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.* • *Development on the south side of Swan Street must maintain Dimmey's Tower as the prominent landmark in the streetscape when viewed from the northern footpath of Swan Street east of the rail bridge and west of Church Street.* • *Taller built form adjoining the rail corridor must not compete with the architectural form and complexity of the Dimmey's Clock Tower.* • *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.* • *Development adjoining Milton Place must be designed to address the potential future public park adjoining East Richmond Railway Station.* • *Development must not overshadow any part of the opposite footpath of Lennox Street, Stanley Street, Clifton Street, and Docker Street, (measured as 2.0 metres from the road boundary of the street between 10 am and 2 pm at 22nd September).* • *Development must not overshadow any part of the potential future open space adjacent to the East Richmond Station (measured as beyond 7.0m from the eastern road boundary of Milton Place and beyond 10.0m from the southern road boundary of Milton Place between 10 am and 2 pm at 22nd September).* • *Development at 108-120 Swan Street and 2 Kipling Street, as shown in Plan 4, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services*		and 'Design requirements' sections to reduce unnecessary text and duplication in the provisions. This change was supported by the Panel.

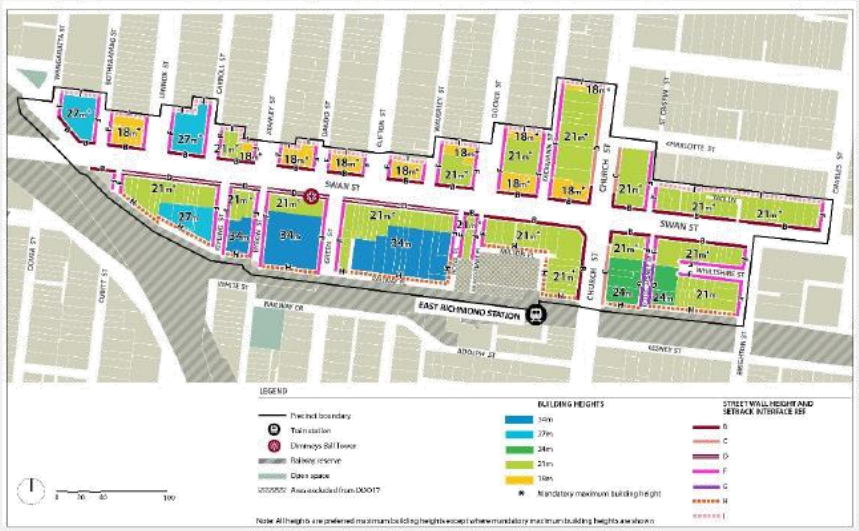
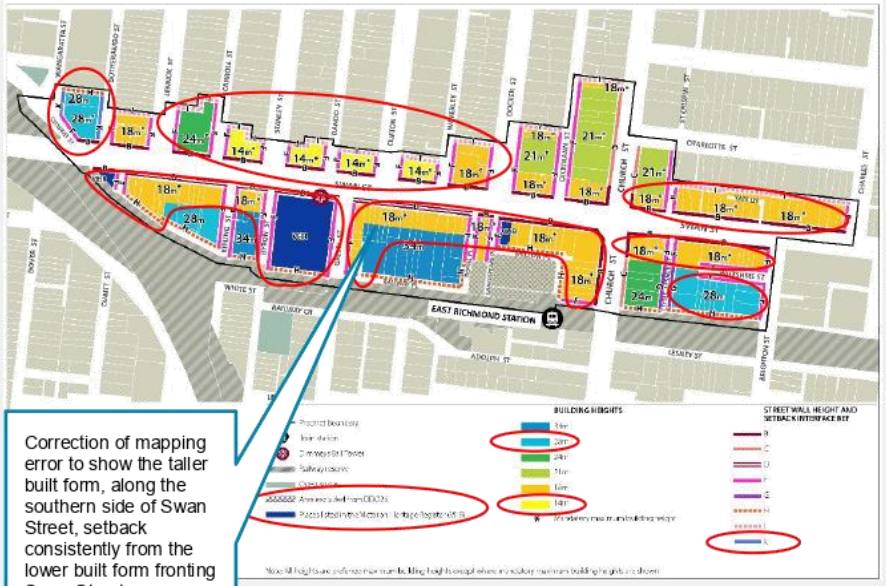
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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	and car park access. The setback and laneway should be a minimum width of 6m in total. • *Development of 94-98 Swan Street, as shown in Plan 4, should include a rear setback, at ground floor, to allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.* • *Development should facilitate the creation of a shared zone where properties abut a future shared zone as shown on Plan 4.*		
40.	***5.0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.*	***6. 0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the Design Requirements in Clause 2.3 are met.* • *Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Church Street, and local streets.*	The decision guideline relating to Burnley Street has been deleted as it is not applicable or relevant to Precinct 2. The section has also been amended to remove reference to the 'Precinct Design Requirements' as it is no longer necessary. An additional decision guideline has been added regarding design excellence. Achieving design/architectural excellence is a key development outcome sought by DDO26 and should be considered when decision making. These changes were supported by the Panel.

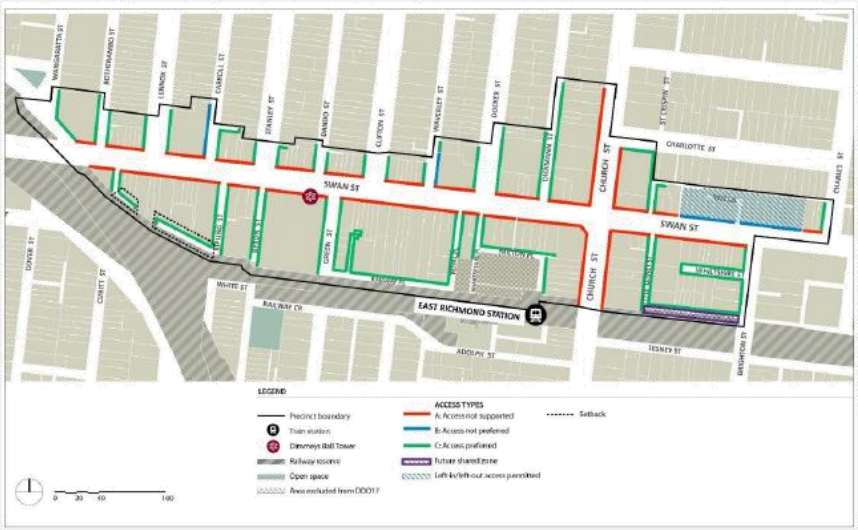
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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on view lines to the Dimmey's Clock Tower.* • *The impact of development on the operation of the tram routes along Swan Street and Church Street.*	• *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on view lines to the Dimmeys Clock Tower.* • *The impact of development on the operation of the tram routes along Swan Street and Church Street.*	

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DDO17 EXHIBITED HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)	DDO26 FOR ADOPTION HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)
Plan 3: Height and Interface Plan – Precinct 2 – Swan Street Retail Centre	***Plan 1: Height and Interface Plan – Precinct 2 Swan Street Retail Centre*** NB: The changes circled in red are explained in further detail in the table below.
	 Correction of mapping error to show the taller built form, along the southern side of Swan Street, setback consistently from the lower built form fronting Swan Street (properties 130-208 Swan Street). This better reflects the actual outcomes of the design requirements.

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DDO17 EXHIBITED ACCESS AND MOVEMENT PLAN	DDO26 FOR ADOPTION ACCESS AND MOVEMENT PLAN
Plan 4: Access and Movement Plan – Precinct 2 – Swan Street Retail Centre	***Plan 2: Access and Movement Plan – Precinct 2 Swan Street Retail Centre***
	

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DDO17 INTERFACE TABLE

Table 2 – Street Wall Heights and Setbacks for Precinct 2

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum.	Match the parapet height of the adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	5m minimum setback	For all development in a heritage overlay, any part of the building above the heritage street wall should 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).
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m	
	Upper level setback	5m minimum for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
D	Street wall height	11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum.	Match the parapet height of the taller adjoining heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum
	Street wall setback		0m.
	Upper level setback		5m minimum for land affected by HO335 and individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 4.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development must be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

DDO26 FOR ADOPTION INTERFACE TABLE

Table 1 – Street Wall Heights and Setbacks for Precinct 2

NB: Changes are explained in further detail in the table below.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
B	Street wall height	11m maximum. 8m minimum.	Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum setback.	
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	6m minimum for heritage buildings.	Minimum 6m elsewhere.
D	Street wall height	11m maximum 8m minimum.	Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	10m minimum for development up to 21m. 20m minimum for any height above 21m.	
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for land affected by HO335 or heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.
K	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
41.	Maximum building height	Height of 27m* *57-61 Swan Street*	Height of 28m* *57-61 Swan Street (excluding the car park)* Height of 28m *57-61 Swan Street (only applied to rear car park)*	DDO17, as exhibited proposed to apply a mandatory maximum height requirement of 27m to the entire Corner Hotel land holding, including the rear car park. The four schedules for adoption have been amended to show 28m instead of 27m, in accordance with the provisions contained in the approved Queens Parade DDO (DDO16). This change supports a consistent approach to drafting Yarra's DDOs for its activity centres and was supported by the Panel. While the Panel considered that a mandatory maximum 28m building height on the Corner Hotel building was necessary to respond to overshadowing and heritage, the rear part of 57-61 Swan Street currently being used as a car park should have a discretionary (rather than mandatory) maximum building height of 28m. Accordingly, the DDO27 for adoption includes a mandatory maximum building height of 28m for the Corner Hotel(excluding the rear car park) and a discretionary maximum building height of 28m for the rear car park because: • The rear car park may be able to accommodate greater height without negative impacts on the Swan Street heritage streetscape and without overshadowing the southern footpath. Any additional height should be assessed on a proposal by proposal basis. • The future built form on the car park is unlikely to negatively affect the heritage fabric in the Swan Street heritage precinct as the car park is located 30m from the finer grain heritage streetscape. • The car park abuts a robust and transforming industrial area. • The car park abutting the Corner Hotel's northern boundary is on a separate property title and does not contain any heritage fabric.
42.		Height of 24m *1 Little Lesney Street* *9 Wiltshire Street* Height of 21m *1-7 Wiltshire* *3-5 Little Lesney Street* *2-6 Brighton Street*	Height of 28m *1-5 Little Lesney street* *1-9 Wiltshire* *2-6 Brighton Street*	The heights have been increased from a mix of 24m and 21m to 28m in DDO26 as this pocket of land: • Is predominantly in the Mixed Use Zone and represents a viable future redevelopment opportunity; • Is located near East Richmond Station and the corner of Swan and Church Streets; • Has no sensitive interfaces, and has no valuable heritage fabric; and • Has the following approved planning permits, which enable the sites to be developed at greater heights: o PLN18/0658 2 - 8 Brighton Street and 1 - 3 Wiltshire Street and 5 Little Lesney (approved height approximately 25m-32m) o PLN14/1000 1 Little Lesney Street and 9 Wiltshire Street Richmond (approved height approximately 28m-33m). An increase in height was supported by Council's planning expert witness and the Panel.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				A 28m building height is appropriate for this pocket of land and more realistically reflects heights approved through recent permits. Any heights beyond this measure can be more closely scrutinised through the permit application process as DDO26 sets an appropriate framework for assessing future permit applications.

43.		Height of 21m* and 34m
		Dimmeys (H2184), 140-160 Swan Street
		Height of 21m*
		State Bank (H0732), 216 Swan Street
		No proposed Heights
		Former Richmond South Post Office (H0048), 90-92 Swan Street Cremorne
			Maximum building heights no longer specified
			Dimmeys (H2184), 140-160 Swan Street
			State Bank (H0732), 216 Swan Street
			Former Richmond South Post Office (H0048), 90-92 Swan Street Cremorne
				The art nouveau commercial building at 214-216 (Former State Bank) Swan Street is listed on the Victorian Heritage Register (VHR).
				Precinct 2 also includes the following two properties listed in the VHR:
				• Dimmeys (H2184), 140-160 Swan Street:
				  ○ The site has already been recently redeveloped;
				• Former Richmond South Post Office (H0048), 90-92 Swan Street, Cremorne:
				  ○ 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"; and
				  ○ The place is unlikely to be redeveloped given its pyramidal roof form (which incorporates a tower and three pavilions) is a key element of its significance.
				Places included in the VHR have been determined to be of State significance and, as such, have the highest level of protection.
				Heritage Victoria (not Council) manages the protection of these places via a heritage permit process 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.
				Following exhibition of DDO17 Council's heritage consultants, GJM Heritage reviewed the three VHR sites in Precinct 2, including the Former State Bank, and recommended that they are identifiable as 'VHR' sites in the DDO and that the specified heights are removed (for Heritage Victoria to determine), given they are subject to a separate approval process under the Heritage Act and that two of the sites are unlikely to be redeveloped.
				This change was supported by the Panel.

44.		Height of 27m *Rear of 110 – 126 Swan Street*	Height of 28m *Rear of 110 – 126 Swan Street*	The four schedules for adoption have been amended to show 28m instead of 27m, in accordance with the provisions contained in the approved Queens Parade DDO (DDO16). This change supports a consistent approach to drafting Yarra's DDOs for its activity centres and was supported by the Panel.
45.		Height of 18m* *99-147 Swan Street*	Height of 14m* *99-147 Swan Street*	As a result of increasing the proposed upper level setback in the DDO schedules for adoption from 5m to 6m, the heights of some shallow sites on the north side of Swan Street have been lowered by one storey.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				The potential building envelopes for sites is determined by the typical depth of a residential floor plate (10m), the front setback requirements and the residential interface requirements to the rear. The new 6m upper level setback combined with the proposed rear interface requirement restricts development from the front and back of the site, meaning that the overall possible building height is consequently lowered by one storey on these shallow sites. This change was supported by the Panel.
46.		Height of 21m* *91 to 97 Swan Street*	Height of 14m* *91 to 97 Swan Street*	Following exhibition of DDO17, one submitter noted that their property at 60 Stanley is bound by three Swan Street properties (101-103 Swan Street, 99 Swan Street, and 97 Swan Street). They submitted that the proposed planning provisions would allow for development that would block views to the sky and also create excessive visual bulk. The site at 60 Stanley Street (which is in the Neighbourhood Residential Zone) is the only instance where a residential dwelling shares a side and rear boundary with three commercial properties in the Commercial 1 Zone. As discussed above in Row No. 43, increasing the front upper level setback from 5m to 6m at 99–103 Swan Street would result in the need to lower the proposed height of 18m (approximately five storeys) by one story to 14m (approximately four storeys). Council's heritage consultant's, GJM Heritage 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 this would substantially improve the amenity outcomes of 60 Stanley Street if the sites at 91–103 Swan Street were to be developed to their full capacity. This change was supported by the Panel.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
47.		Height of 21m* *94-138 Swan Street* *149 Swan Street* *166-212 Swan Street* *189-235 Swan Street* *218-236 Swan Street* *456-468 Church Street* *421-425 Church Street (Swan Hotel)* *242-272 Swan Street*	Height of 18m* *94-138 Swan Street* *149 Swan Street* *166-212 Swan Street* *189-235 Swan Street* *218-236 Swan Street* *456-468 Church Street* *421-425 Church Street (Swan Hotel)* *242-272 Swan Street.*	Following exhibition, one submission recommended that given Precinct 2 is the historic core of the centre, Swan Street and part of Church Street be restricted to a maximum height of 18m. Council's heritage consultant, GJM Heritage reviewed the issues raised in the submission and noted that, in Precinct 2, these sites along Swan Street and Church Street (that have a proposed mandatory maximum height of 21m) are not likely to achieve an acceptable heritage outcome as development would likely visually dominate the heritage streetscape. GJM Heritage recommended a maximum height of 18m (5 storeys) is more suitable. As a result of further modelling, testing, and discussions with GJM Heritage, the 21m heights for these sites have been lowered to 18m in the DDO26 for adoption, given the heritage significance of Precinct 2. This will enable a building height that retains the Swan Hotel and M Ball building as the dominant landmarks at the intersection of Swan and Church Street. It will help ensure development sensitively responds to its surrounding heritage fabric. At the hearing two of Council's heritage expert witnesses (Mr Gard'ner's evidence statement Page 42-43 at [110] and Mr Helms' evidence statement, Page 7 at [Table 1]) also recommended that 189 Swan Street and 421-423 Church be lowered to 18m to maintain the prominence of the Swan Hotel. Applying a mandatory maximum building height of 18m to land fronting the north side of Swan Street between Waverley Street (west of Church Street) and Charles Street (east of Church Street) would result in a consistent built form rhythm. In addition, for the reasons discussed above in Row No. 43, increasing the front upper level setback from 5m to 6mat 191-235 Swan Street would result in the need to lower the proposed height of 21m by one storey to 18m. These changes were supported by the Panel.
48.		Height of 27m* *79-89 Swan Street*	Height of 24m* *79-89 Swan Street*	Given the site at 79-89 Swan Street is relatively large it can accommodate greater height than other parts of Precinct 2. This is reflected in both the exhibited DDO17 and DDO26 for adoption which specifies the second tallest building height along Swan Street in the precinct for this land. However, the proposed mandatory maximum height of 27m (approximately 8 storeys) at 85 Swan Street in DDO17 has been lowered to 24m (approximately 7 storeys), as the site has a sensitive northern interface with properties subject to the Neighbourhood Residential Zone and Heritage Overlay (HO332 – Richmond Hill Precinct). This lower height would produce a building envelope that is less distracting from the public realm along Swan Street. This change was supported by the Panel.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
49.	Upper level setback	Interface B *57-61 Swan Street (Stewart Street frontage)* • 6m* minimum	Interface F *57-61 Swan Street (Stewart Street frontage)* • 6m minimum for land affected by HO335 or heritage buildings. • 3m minimum elsewhere	Stewart Street has a robust interface opposite the elevated railway line including its concrete walls. Given Interface B is intended for Swan Street's more sensitive heritage streetscape, Interface F has been applied to Stewart Street. This change was supported by the Panel.
50.		Interface F *57-61 Swan Street (Wangaratta Street and Botherambo Street frontages)* • 6m minimum for land affected by HO335 and individually significant buildings. • 3m minimum elsewhere	Interface K (new interface) *57-61 Swan Street (Wangaratta Street and Botherambo Street frontages)* • 3m minimum	The Corner Hotel site has unique circumstances. Unlike most parts of the precinct, it interfaces with a mixed-use area. The Panel recommended a new 'Interface K', which includes a reduced discretionary 3m upper level setback requirement, be applied along Botherambo Street and Wangaratta Street. Council's expert urban design witness (Ms Hodyl's evidence statement, Recommendation 7, Page 4 at [28]) also supported a reduced upper level setback for 57-61 Swan Street along its Botherambo Street frontage. A reduced upper level setback along Botherambo Street and Wangaratta Street would still create a clear street wall, maintain the 'human scale' of the area and limit unreasonable visual bulk impacts from new development. Accordingly, this new 'Interface K' is included in DDO26 for adoption for 57-61 Swan Street (Wangaratta Street frontage and Botherambo Street frontage).
51.		Interface H *Southern title boundary of 486 Church Street* • 0m minimum unless setback identified on the Plan 2	Interface F *Southern title boundary of 486 Church Street* • 6m minimum for land affected by HO335 or heritage buildings. • 3m minimum elsewhere	Given the place at 486 Church Street is of heritage significance, Council's heritage expert witness (Mr Gard'ner's evidence statement, Page 45 at [Table 3]) recommended a preferred upper level setback of 6m minimum for the southern elevation (end of terrace) of 468 Church Street, to be consistent with interface F and protect the primacy of extant heritage fabric. This change was supported by the Panel.
52.		Interface B • 5m* • For all development in a heritage overlay, any part of the building above the heritage street wall should be designed to ensure that it occupies no more than one third of	Interface B • 6m*	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
		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).		
53.		Interface C • 5m minimum for individually significant heritage buildings* • 5m elsewhere • 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).	Interface C • 6m for heritage buildings* • 6m elsewhere	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change.
54.		Interface F • 5m minimum for land affected by HO335 and individually significant buildings • 3m minimum elsewhere	Interface F • 6m minimum for land affected by HO335 or heritage buildings • 3m minimum elsewhere	The wording has been amended to better clarify the intent of the control in DDO26. Given the 6m minimum setback is intended to apply to all land in the HO335 irrespective of its grading, and to all heritage buildings (including those on the VHR) outside the HO335, the words 'individually significant buildings' have been replaced with 'heritage buildings'. This change was supported by the Panel.
55.	Side and rear wall height	Interface I *Rear title boundary of 57-61 Swan Street (Corner Hotel)* • 8m if boundary abuts a residential property	Interface H *Rear title boundary of 57-61 Swan Street (Corner Hotel)* • No side and rear wall height is specified in Interface H	The rear title boundary of the site at 57-61 Swan Street abuts the Mixed Use Zone. The character of this Mixed Use Zone area differs from the low scale, established residential areas (zoned General Residential and Neighbourhood Residential) further east. While the Mixed Use Zone is a residential zone, its purpose differs to other residential zones as it seeks to provide for a mix of land uses and housing at higher densities. DDO26 applies Interface H to the rear interface, which removes the discretionary northern/ rear wall height and setback requirements (as Interface H does not specify a side and rear wall height). This change was supported by the Panel.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
		Interface I • 11.5m if boundary abuts a laneway	Interface I • 11m if boundary abuts a laneway	Refer to Row No. 28 (REASON FOR CHANGE) for reasons for change. The Interface I 'upper level setback' terminology will be replaced with 'side and rear setbacks' to clarify the intent of the interface.
56.	Street wall height	Interface B *57-61 Swan Street (Stewart Street frontage)* • 11m* maximum. • 8m* minimum. • Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.	Interface F *57-61 Swan Street (Stewart Street frontage)* • 11m maximum	Refer to Row No. 49 (REASON FOR CHANGE) for reasons for change.
57.		Interface F *57-61 Swan Street (Wangaratta and Botherambo Street frontages)* • 11m maximum	Interface K (new interface) *57-61 Swan Street (Wangaratta and Botherambo Street frontages)* • 11m maximum	The new 'Interface k' includes the same street wall height requirements as 'Interface F' included in DDO26 for adoption. An 11m maximum street wall will help to establish a street wall height at the street edge at a scale that does not overwhelm the narrow streetscape.
58.		Interface H • N/A	Interface F *Southern title boundary of 486 Church Street* • 11m maximum	A discretionary street wall height requirement of 11m has been applied along the southern title boundary of 486 Church Street. Establishing a street wall height at the street edge is important, to not only to create a scale that does not overwhelm the narrow streetscape, but also to provide a scale that is compatible with the surrounding heritage streetscape.
59.		Interface B • 11m* maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m* minimum.	Interface B • 11m* maximum. • 8m* minimum. • Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.	There was confusion from one submitter following exhibition regarding the street wall height requirements in DDO17 and what the requirements are if there are no adjoining heritage buildings to infill development. Following exhibition of DDO17, Council's heritage consultant GJM Heritage reviewed the requirement and recommended the removal of the words 'the street wall should match a neighbouring heritage building that happened to be higher than 11m' as it is arbitrary. All four DDO schedules for adoption include the discretionary requirement 'Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO26 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
		• Match the parapet height of the adjoining heritage building.		building' to provide further guidance and clarity regarding this requirement and to be consistent with similarly worded requirements in approved Queens Parade DDO16. The Panel supported this change.
60.		Interface C • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m minimum. • Match the parapet height of the taller adjoining heritage building.	Interface C • 11m maximum. • 8m minimum. • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	Refer to Row No. 31 (REASON FOR CHANGE) for reasons for change.
61.		Interface D • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m* • 8m minimum* • Match the parapet height of the taller adjoining heritage building.	Interface D • 11m maximum* • 8m minimum* • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	There was confusion from one submitter following exhibition regarding the street wall height requirements in DDO17 and what the requirements are if there are no adjoining heritage buildings to infill development. Following exhibition of DDO17, Council's heritage consultant GJM Heritage reviewed the requirement and recommended the removal of the words 'the street wall should match a neighbouring heritage building that happened to be higher than 11m' as it is arbitrary. All four DDO schedules for adoption include the discretionary requirement 'Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building' to provide further guidance and clarity regarding this requirement and to be consistent with similarly worded requirements in approved Queens Parade DDO16. The Panel supported this change.
62.		Interface G • 14.5m maximum	Interface G • 14m maximum	DDO17 as exhibited included a requirement allowing for a maximum street wall height of 14.5m for Interface G. The DDO schedules for adoption round down this number to 14m. This drafting approach is consistent with the approved form of DDO16 for Queens Parade and supports a consistent approach to drafting Yarra's DDOs for its activity centres. The Panel supported this change.

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Precinct specific changes: Schedule 27 to Design and Development Overlay (DDO27) Swan Street Activity Centre - Precinct 3 Swan Street East

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
63.	***SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO17**.* ***SWAN STREET ACTIVITY CENTRE***	***SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO27.*** ***SWAN STREET ACTIVITY CENTRE - PRECINCT 3 SWAN STREET EAST***	The Swan Street DDO has been 'divided' into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17. As a consequence, the title has changed to reflect the new DDO schedule number (DDO27) and precinct (Precinct 3). This change was supported by the Panel.
64.	***1.0 General design objectives*** • *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.* • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* • *To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.* • *To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.*	***1.0 Design objectives*** • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.* • *To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.* • *To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.* • *To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.*	Title of section 1.0 was amended from 'General Design Objectives' to 'Design Objectives'. Given there are no other objectives in DDO27 e.g. for Precincts, the word 'General' is redundant. The new design objectives were translated from the *Swan Street Activity Centre Built Form Framework,* Tract September 2017. Objectives have been re-written to strengthen the design objectives and provide greater clarity and certainty regarding the intent of built form outcomes for Precinct 3. They will also better assist with decision-making, particularly where heritage issues are not applicable. These changes were supported by the Panel.
65.	*Refer to Row No. 7 (DDO17 EXHIBITED SECTIONS) for exhibited text.*	***Street wall and setback requirements*** Refer to Row No. 7 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following additional street wall and setback requirement in DDO27: …	In addition to the changes and reasons for the changes set out in Row No. 7 above, an additional street wall and setback requirement has been relocated from the 'Precinct Design Requirements' in DDO17 to the 'Street wall and setback requirements' in DDO27. These changes were supported by the Panel.

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
		Development should create a sense of enclosure to Swan Street through the height and setback of its street wall. ….	
66.	Not included in the exhibited version.	***Building separation requirements*** Refer to Row No. 8 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following 3 additional building separation requirements in DDO27: … *Development along the rail corridor must avoid a continuous wall of taller development when viewed from local streets south of the rail corridor.* *Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.* *Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should 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* ….	In addition to the changes and reasons for the changes set out in Row No. 8 above, an additional three building separation requirements have been relocated from the Precinct Design Requirements' in DDO17 to the 'Building separation requirements' in DDO27. The DDO17 included 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. The proposed side setbacks are appropriately discretionary to provide sufficient flexibility to effectively deal with different development proposals. Following further modelling and testing of different built form outcomes, the upper level building breaks (shown on the DDO17 Height and Interface Plan) have been repositioned on the Height and Interface Plan in DDO27 to align with the proposed north-south vehicle access points (shown on the DDO27 Access and Movement plan). These changes will help facilitate practical openings and provide some relief of built form when approaching Swan Street from residential areas. These changes were supported by the Panel.
67.	***Overshadowing*** *A permit cannot be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:* • *any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,* • *any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street*	***Overshadowing requirements*** *A permit must not be granted to construct a building or construct or carry out works that would overshadow any of the following spaces between 10 am and 2 pm at 22nd September:* • *any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.* *A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street, Mary Street and Coppin Street (measured from the property boundary to the existing kerb between 10 am and 2 pm at 22nd*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The overshadowing requirements relating to the southern footpath of Church Street has been removed as it is not relevant to Precinct 3. The overshadowing requirements relating to Burnley, Mary and Coppin Streets have been relocated from the 'Precinct design requirements' in DDO17 to the 'Overshadowing requirements' in DDO27. The overshadowing requirement for the western side of Burnley Street has been made discretionary, based on the recommendations contained in the *Swan Street Activity Centre Built Form Framework,* Tract 2017.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street* *A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.*	*September) unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.*	The requirement to not overshadow any part of southern footpath within 4m from the road boundary has been removed. The Panel recommended that the exhibited metric for defining the area for solar access be revised to relate to just the area between the property boundary and the existing kerb as, although it was mentioned in the *Swan Street Activity Centre Built Form Framework*, Tract September 2017 there was no technical analysis to justify the 4m metric. This alternative metric will still sufficiently protect the existing footpath (and any verge) from shadowing and was supported by the Panel. The section has also been amended to clarify the requirement is discretionary by the use of the word 'should'. These changes were all supported by the Panel.
68.	***Vehicle and pedestrian access*** *Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must reinstate the kerb, linemark parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings*	***Vehicle and pedestrian access requirements*** *Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan 2 of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan should limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.* *Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The section has been amended to clarify the requirements are discretionary by the use of the word 'should'. The vehicle and pedestrian access requirements relating to Church Street have been removed as they are not relevant or applicable to Precinct 3. Two requirements have been relocated from the 'Precinct design requirements' section in DDO17 to the 'Vehicle and pedestrian access requirements' section in DDO27 as they relate to access and movement in Precinct 3. The vehicle and pedestrian access requirements have also been amended to remove reference to other 'Access and Movement Plans' outside of Precinct 3. These changes were supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

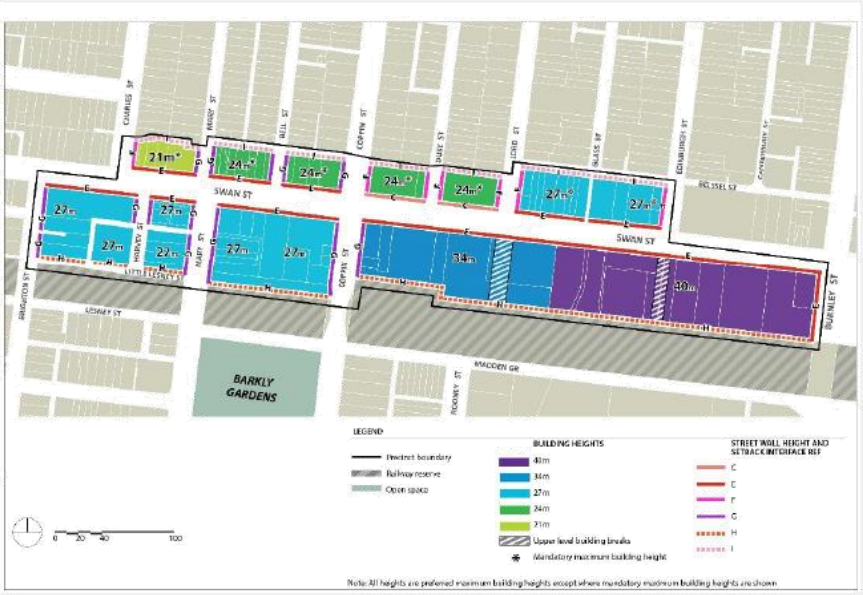
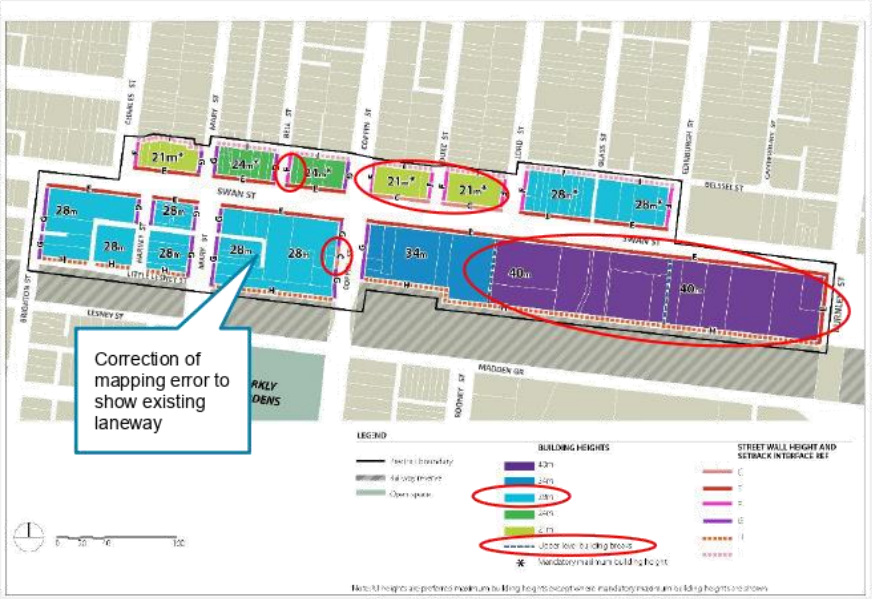
ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.	*entrance should be setback from the rear laneway and well-lit to enable safe access.* *Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 2.* *Development should include north-south access in the locations shown on the Access and Movement Plan 2 to allow for building services and car park access.*	
69.	***Precinct 3 – Swan Street East*** *Shown on the planning scheme map as **DDO17-3*** *The design requirements for Precinct 3 are as follows:* • *Development along Swan Street must continue the street level experience of the Swan Street and Burnley Street heritage precincts by maintaining a consistent and prominent street wall.* • *Development must improve the pedestrian environment and amenity of Swan* • *Street, and easements and laneways that provide a pedestrian connection to Swan Street and to the entrances to new developments.* • *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.* • *Development must not overshadow any part of the opposite footpath of Mary Street and Coppin Street (measured as 2.0m from the road boundary between 10 am and 2 pm at 22nd September).* • *Development should be designed to enhance, activate, and provide passive surveillance to the pedestrian connection between Glass Street and Swan Street as shown on Plan 6.*	Not included in the version for adoption.	Precinct 3 design guidelines have been deleted and its content relocated elsewhere, namely the 'Design objectives' and 'Design requirements' sections to reduce unnecessary text and duplication in the provisions. This change was supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

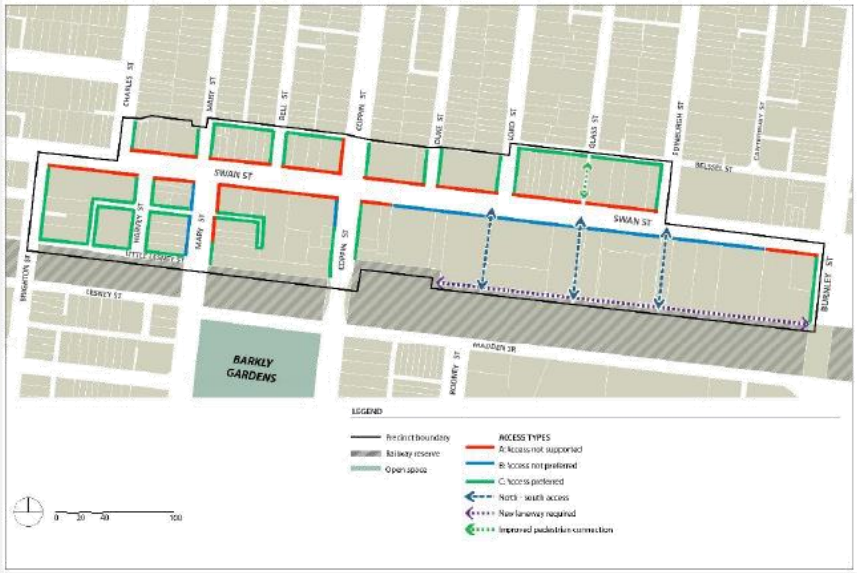
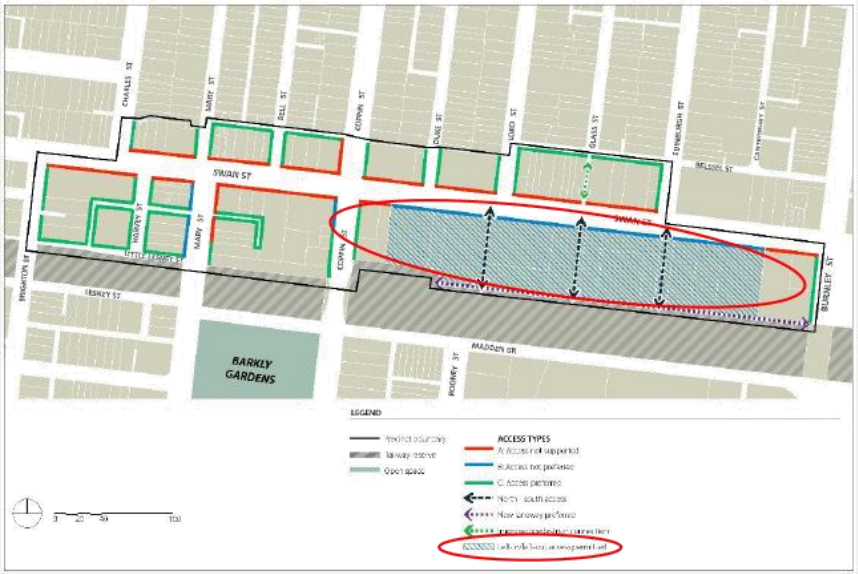
ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *Development should include north-south access in the locations shown on the Access and Movement Plan 6 to allow for building services and car park access.*		
70.	***5.0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on view lines to the Dimmey's Clock Tower.*	***6. 0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the Design Requirements in Clause 2.3 are met.* • *Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).* • *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.*	The decision guidelines relating to the Dimmeys Clock Tower and Church Street have been deleted as they are not applicable or relevant to Precinct 3. The section has also been amended to remove to reference to 'Precinct design requirements' as it is no longer necessary. An additional decision guideline has been added regarding design excellence. Achieving design/architectural excellence is a key development outcome sought by DDO25 and should be considered when decision making. These changes were supported by the Panel.

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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *The impact of development on the operation of the tram routes along Swan Street and Church Street.*	• *The impact of development on the operation of the tram routes along Swan Street.*	

DDO17 EXHIBITED HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)	DDO27 FOR ADOPTION HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)
Plan 5: Height and Interface Plan – Precinct 3 – Swan Street East	***Plan 1: Height and Interface Plan – Precinct 3 Swan Street East*** NB: The changes circled in red are explained in further detail in the table below.
	

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DDO17 EXHIBITED ACCESS AND MOVEMENT PLAN	DDO27 FOR ADOPTION ACCESS AND MOVEMENT PLAN
Plan 6: Access and Movement Plan – Precinct 3 – Swan Street East	***Plan 2: Access and Movement Plan – Precinct 3 Swan Street East*** NB: The changes circled in red are explained in further detail in the table below.
	

Attachment 8 - C191yara Amendment documentation comparison

DDO17 INTERFACE TABLE

Table 3 – Street Wall Heights and Setbacks for Precinct 3

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall Height		11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. 8m minimum. Match the parapet height of the taller adjoining heritage building
	Street wall setback	0m	
	Upper level setback	Minimum 5m for individually significant heritage buildings.	Minimum 5m elsewhere. Any part of a building above the street wall should 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).
E	Street wall height		14.5m maximum .
	Street wall setback		0m.
	Upper level setback		5m minimum.
F	Street wall height		11m minimum.
	Street wall setback		0m.
	Upper level setback		5m minimum for individually significant buildings. 3m minimum elsewhere.
G	Street wall height		14.5m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 6.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11.5m maximum if boundary abuts a laneway.
	Upper level setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

DDO27 FOR ADOPTION INTERFACE TABLE

Table 1 – Street Wall Heights and Setbacks for Precinct 3

NB: Changes are explained in further detail in the table below.

Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback	0m.	
	Upper level setback	Minimum 6m for heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.
	Street wall setback		0m.
	Upper level setback	Minimum 6m for heritage buildings.	6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
71.	Maximum building height	Height of 34m *370-380 and the rear of 362-368, Swan Street*	Height of 40m *370-380 and the rear of 362-368, Swan Street*	DDO17, as exhibited proposed a discretionary maximum building height of 34m for the land at 370-380 and the rear of 362-368 Swan Street. Council's planning expert witness supported the 40m maximum building height being extended to the west to include these sites. He considered this a relatively minor adjustment that would retain the design principle of development stepping up in height towards Burnley Station, to the east.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				A 40m maximum height for the land at 370-380 and the rear of 362-368 Swan Street is consistent with the adjoining land to the east and the planning permit (PLN16/0915) approved for the site at 370 Swan Street. The height transition from 34m to 40m is at a logical and appropriate point as it aligns with a proposed upper level building break and the western boundary of 370-374 Swan Street. It is noted that the building heights proposed along the south side of Swan Street in Precincts 3 and 4 are greater than the north side due to the absence of heritage and sensitive interfaces. In addition, several large allotments can accommodate more development. These sites on the south side of the street provide an excellent opportunity to accommodate growth without unreasonably affecting existing residential properties. The rail corridor (which ranges in depth from 29m-45m) provides a significant buffer between these sites and the low scale residential areas to the south. This change was supported by the Panel.
72.		Height of 24m* *291-309 Swan Street.*	Height of 21m* *291-309 Swan Street.*	Refer to Row No. 45 (REASON FOR CHANGE) for reasons for change.
73.		Height of 27m* *319 – 359 Swan Street*	Height of 28m* *319 – 359 Swan Street*	Refer to Row No. 22 (REASON FOR CHANGE) for reasons for change.
74.		Height of 27m *13 – 9 Brighton Church Street* *274 - 324 Swan Street* *10-16 Harvey Street* *202 – 196 Mary Street* *238-232 Coppin Street*	Height of 28m *13 – 9 Brighton Church Street* *274 - 324 Swan Street* *10-16 Harvey Street* *202 – 196 Mary Street* *238-232 Coppin Street*	Refer to Row No. 22 (REASON FOR CHANGE) for reasons for change.
75.	Upper level setback	Interface G *232-234 Coppin Street* *273 Swan Street (Bell Street frontage)* • 3m minimum	Interface C *232-234 Coppin Street* • 6m* minimum for heritage buildings	Council's heritage expert witness (Mr Gard'ner's evidence statement, Page 48 at [Table 4]) recommended a 6m mandatory front setback should apply to HO245 (232- 234 Coppin Street) to be consistent with 'Interface C' and protect the primacy of extant heritage fabric. This change was supported by the Panel.
76.			Interface F *273 Swan Street (Bell Street frontage)* • 6m minimum for individually significant buildings • 3m minimum elsewhere	Both of Council's heritage expert witnesses (Mr Gard'ner's evidence statement, Page 47 at [Table 4] and Mr Helms' evidence statement, Page 9 at [Table 1]) recommended that 'Interface G' be replaced with Interface F to the eastern side of Bell Street to protect the visual prominence of HO522.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				This change was supported by the Panel.
77.		Interface C • 5m* minimum for individually significant heritage buildings • 5m elsewhere • 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).	Interface C • 6m* for heritage buildings • 6m elsewhere	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change.
78.		Interface E • 5m minimum	Interface E • 6m minimum. • Minimum 6m* for heritage buildings.	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change. In regards to the additional provision ('Minimum 6m* for heritage buildings') for 'Interface E', Council's heritage expert witness (Mr Gard'ner's evidence statement, Page 47 at [Table 4]) recommended a mandatory 6m upper level setback be applied to sites subject to the Heritage Overlay to ensure that new development retains the primary heritage form. This change was supported by the Panel.
79.		Interface F • 5m minimum for individually significant buildings • 3m minimum elsewhere	Interface F • 6m minimum for heritage buildings • 3m minimum elsewhere	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change. The wording has been amended to better clarify the intent of the control. Given the 6m minimum setback is intended to apply to heritage buildings (including those on the VHR), the words 'individually significant buildings' have been replaced with 'heritage buildings'. This change was supported by the Panel.
80.	Side and rear wall height	Interface I • 11.5m if boundary abuts a laneway	Interface I • 11m if boundary abuts a laneway	Refer to Row No. 28 (REASON FOR CHANGE) for reasons for change.
81.	Street wall height	Interface G *232-234 Coppin Street* *273 Swan Street (Bell Street Frontage)*	Interface C *232-234 Coppin Street* • 11m maximum • 8m minimum	Council's heritage expert witness (Mr Gard'ner's evidence statement, Page 48 at [Table 4]) recommended that 'Interface C' be applied to 232- 234 Coppin Street as it is a heritage building (HO245).

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
		• 14 maximum	• Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.	This change was supported by the Panel.
82.			Interface F *273 Swan Street (Bell Street Frontage)* • 11m maximum	Council's two heritage expert witnesses (Mr Gard'ner's evidence statement, Page 47 at [Table 4] and Mr Helms' evidence statement, Page 9 at [Table 1]) both recommended that 'Interface G' be replaced with 'Interface F' to the eastern side of Bell Street to protect the visual prominence of HO522. This change was supported by the Panel.
83.		Interface C • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m minimum. • Match the parapet height of the taller adjoining heritage building.	Interface C • 11m maximum. • 8m minimum. • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	Refer to Row No. 31 (REASON FOR CHANGE) for reasons for change.
84.		Interface E • 14.5m maximum.	Interface E • 14m maximum • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	Refer to Row No. 62 (REASON FOR CHANGE) for reasons for change. Regarding the additional discretionary provision for 'Interface E' in DDO27 ('Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building'), Council's heritage expert witness (Mr Helms' evidence statement, Page 9 at [Table 1]) recommended adding 'Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building' to Interface E to ensure the rhythm of the heritage parts of the streetscape is maintained. This change was supported by the Panel.
85.		Interface G • 14.5m maximum.	Interface G • 14m maximum	Refer to Row No. 62 (REASON FOR CHANGE) for reasons for change.
86.	Plan 2: Access and Movement Plan – Precinct 3 Swan Street East	No land identified as "Left in – Left Out Access Permitted" *348-442 Swan Street*	Land identified as "Left in – Left Out Access Permitted" *348-442 Swan Street*	Council's traffic expert witness (Ms Dunstan's evidence in chief) recommended that turning movements in and out of the north-south access ways in Precinct 3 and any other vehicle entrances in this section of Swan Street should be limited to 'left in-left out' only.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO27 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				The 'Plan 2 Access and Movement Plan – Precinct 3 Swan Street East' in DDO27 has been changed to facilitate left in-left out access. This change was supported by the Panel.

Precinct specific changes: Schedule 28 to Design and Development Overlay (DDO28) Swan Street Activity Centre - Precinct 4 Burnley Station

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
87.	***SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO17**.* ***SWAN STREET ACTIVITY CENTRE***	***SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY*** *Shown on the planning scheme map as **DDO28.*** ***SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION***	The Swan Street DDO has been 'divided' into four separate DDOs, one for each of the four precincts designated in the exhibited DDO17. As a consequence, the title has changed to reflect the new DDO schedule number (DDO28) and precinct (Precinct 4). This change was supported by the Panel.
88.	***1.0 General design objectives*** • *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.* • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.* • *To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.* • *To ensure that vehicular access to development does not adversely impact the level of service, efficiency, and safety of the arterial and tram network.*	***1.0 Design objectives*** • *To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.* • *To support taller development on the south side of Swan Street that has regard to the north side of Swan Street and gradually scales up to Burnley Street, denoting the importance of the station.* • *To create a safe and attractive pedestrian environment that protects solar access, enhances ground floor activation along Swan Street and side streets and limits vehicle access from Swan Street to new development.* • *To reinforce a consistent built form edge to Swan Street while supporting physical and visual permeability through breaks in built form on the south side of Swan Street.*	Title of section 1.0 was amended from 'General Design Objectives' to 'Design Objectives'. Given there are no other objectives in DDO28 e.g. for Precincts, the word 'General' is redundant. The new design objectives were translated from the *Swan Street Activity Centre Built Form Framework,* Tract September 2017. Objectives have been re-written to strengthen the design objectives and provide greater clarity and certainty regarding the intent of built form outcomes for Precinct 4. They will also better assist with decision-making, particularly where heritage issues are not applicable. These changes were supported by the Panel.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
		• *To ensure that, along the north side of Swan Street, the heritage buildings remain visually prominent in the streetscape.*	
89.	Not included in the exhibited version.	***Design quality requirements*** Refer to Row No. 5 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following additional design quality requirement in DDO26: *Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.* …	In addition to the changes and reasons for the changes set out in Row No. 5 above, an additional requirement has been added. The additional precinct specific design requirement regarding HO474 will ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape on land affected by the Heritage Overlay.
90.	Not included in the exhibited version.	***Building separation requirements*** Refer to Row No. 8 (DDO25, DDO26, DDO27 and DDO8 FOR ADOPTION SECTIONS) for text for adoption, with the following 2 additional building separation requirements in DDO28: … *Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.* *Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.* ….	In addition to the changes and reasons for the changes set out in Row No. 8 above, an additional two provisions have been relocated from the 'Precinct Design Requirements' in DDO17 to the 'Building separation requirements' in DDO28. The DDO17 included 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. The proposed side setbacks are appropriately discretionary to provide sufficient flexibility to effectively deal with different development proposals. Following further modelling and testing of different built form outcomes, the upper level building breaks (shown on the DDO17 Height and Interface Plan) have been shifted to the boundary of the landholdings on the plan. These changes will help facilitate practical openings and provide some relief of built form when approaching Swan Street from residential areas. These changes were supported by the Panel.
91.	***Overshadowing*** *A permit cannot be granted to construct a building or construct or carry out works that would overshadow any*	***Overshadowing requirements*** *A permit must not be granted to construct a building or construct or carry out works that would overshadow any of*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	of the following spaces between 10 am and 2 pm at 22nd September: • *any part of the southern footpath of Swan Street, measured as 4.0m from the southern road boundary of Swan Street,* • *any part of the opposite footpath of Church Street, measured as 4.0 metres from the road boundary of Church Street* • *any part of the opposite footpath of Burnley Street, measured as 4.0 metres from the road boundary of Burnley Street* *A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the overshadowing requirements specified in Clause 2.3 of this schedule unless the resultant overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.*	*the following spaces between 10 am and 2 pm at 22nd September.* • *any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.* *A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured from the property boundary to the existing the kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.* *Development should maintain solar access to Ryan's Reserve as follows:* *Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September* *At the western boundary of the reserve until 2 pm on 22 September.*	The overshadowing requirement relating to the southern footpath of Church Street has been removed as it is not relevant to Precinct 4. The overshadowing requirements relating to Burnley and Stawell Streets have been relocated from the 'Precinct design requirements' in DDO17 to 'Overshadowing requirements' in DDO28. The overshadowing requirement for the western side of Burnley Street has been made discretionary, based on the recommendations contained in the *Swan Street Activity Centre Built Form Framework*, Tract 2017. The requirement to not overshadow any part of southern footpath within 4m from the road boundary has been removed. The Panel recommended that the exhibited metric for defining the area for solar access be revised to relate to just the area between the property boundary and the existing kerb as, although it was mentioned in the *Swan Street Activity Centre Built Form Framework*, Tract September 2017 there was no technical analysis to justify the 4m metric. This alternative metric will still sufficiently protect the existing footpath (and any verge) from shadowing and was supported by the Panel. The section has been amended to clarify the requirement is discretionary by the use of the word 'should'. These changes were all supported by the Panel.
92.	***Vehicle and pedestrian access*** *Development must provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule except in locations identified as "Left in - Left Out Access Permitted" in the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule.* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street, Church Street and Burnley Street must*	***Vehicle and pedestrian access requirements*** *Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as "Left in - Left Out Access Permitted".* *Development identified as "Left in - Left Out Access Permitted" in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate 'Left in' and 'Left out' only vehicle access.* *Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.*	The title was amended to add the word 'requirements' to be consistent with the naming convention of other sections in the DDO. The section has been amended to clarify the requirements are discretionary by the use of the word 'should'. The vehicle and pedestrian access requirements relating to Church Street have been removed as they are not relevant or applicable to Precinct 4. Two requirements have been relocated from the 'Precinct design requirements' section in DDO17 to the 'Vehicle and pedestrian access requirements' section in DDO28 as they relate to access and movement in Precinct 4.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	reinstate the kerb, linemark parking bays, and relocate any parking signs. *Vehicle ingress and egress into development, including loading facilities and building servicing, must be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone shown on the Access and Movement Plans (Plan 2, 4, 6 and 8) of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance must be setback from the rear laneway and well-lit to enable safe access.*	*Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.* *Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.* *Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.* *Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.*	The vehicle and pedestrian access requirements have also been amended to remove reference to other 'Access and Movement Plans' outside of Precinct 4. These changes were supported by the Panel.
93.	***Precinct 4 – Burnley Station*** *Shown on the planning map as* ***DDO17-4*** *The Precinct Design Requirements for Precinct 4 are as follows:* • *Development must respect the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.* • *Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.* • *Development must maintain the amenity of Ryan's Reserve.* • *Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 7 must incorporate side setbacks greater than the standards*	Not included in the version for adoption.	Precinct 4 design guidelines have been deleted in DDO28 and its content relocated elsewhere in DDO28, namely the 'Design objectives' and 'Design requirements' sections to reduce unnecessary text and duplication in the provisions. This change was supported by the Panel.

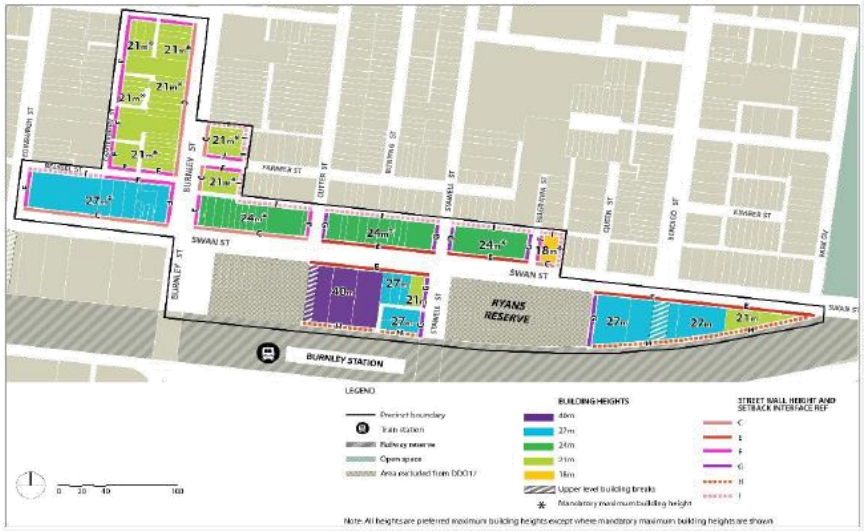
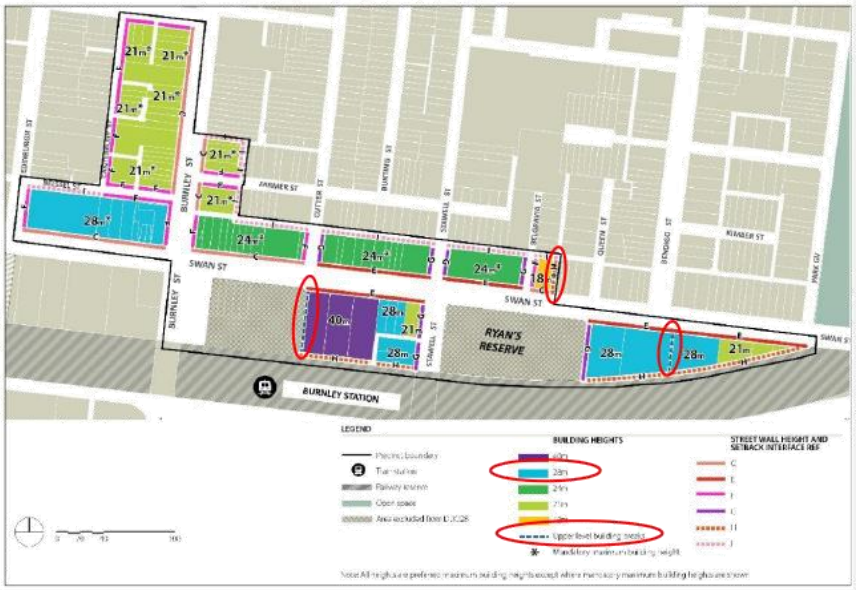
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ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	in Clause 2 to enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street. • *Development must not overshadow the opposite footpath of Stawell Street (measured as 2.0m from the road boundary between 10 am and 2 pm at 22nd September).* • *Development must maintain solar access to Ryan's Reserve as follows:* • *Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September* • *At the western boundary of the reserve until 2 pm on 22 September.* • *Development of 500 to 506 Swan Street, as shown in Plan 8, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.* • *Development of 130 to 136 Stawell, as shown in Plan 8, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.*		
94.	***5.0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the General Design Requirements and the Precinct Design Requirements in Clause 2.0 are met.* • *The design of the streetscape interface and its contribution to an active street environment.*	***6. 0 Decision guidelines*** *The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:* • *Whether the Design Requirements in Clause 2.3 are met.* • *Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).*	The decision guidelines relating to the Dimmeys Clock Tower and Church Street have been removed as they are not applicable or relevant to Precinct 4. The section has also been amended to remove to reference to 'Precinct Design Requirements' as it is no longer necessary. An additional decision guideline has been added regarding design excellence. Achieving design/architectural excellence is a key development outcome sought by DDO25 and should be considered when decision making. These changes were supported by the Panel.

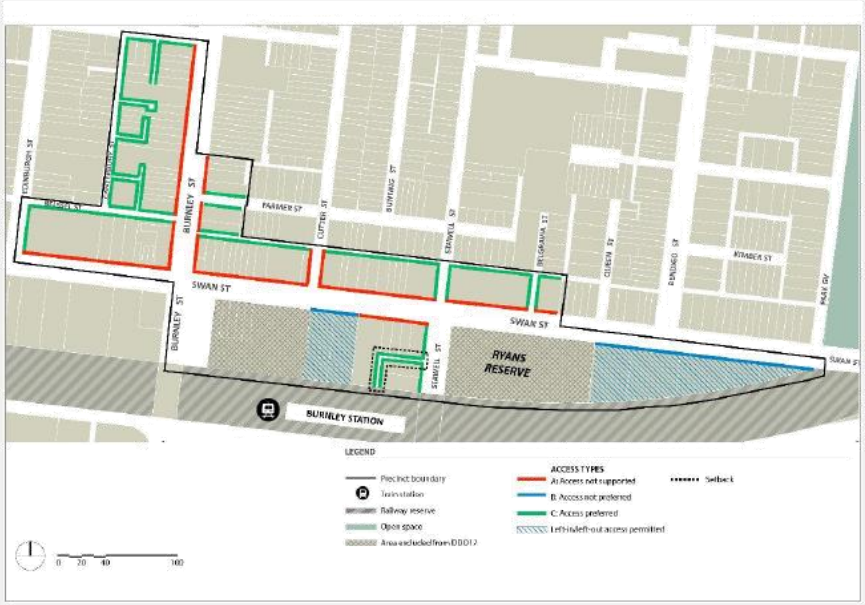
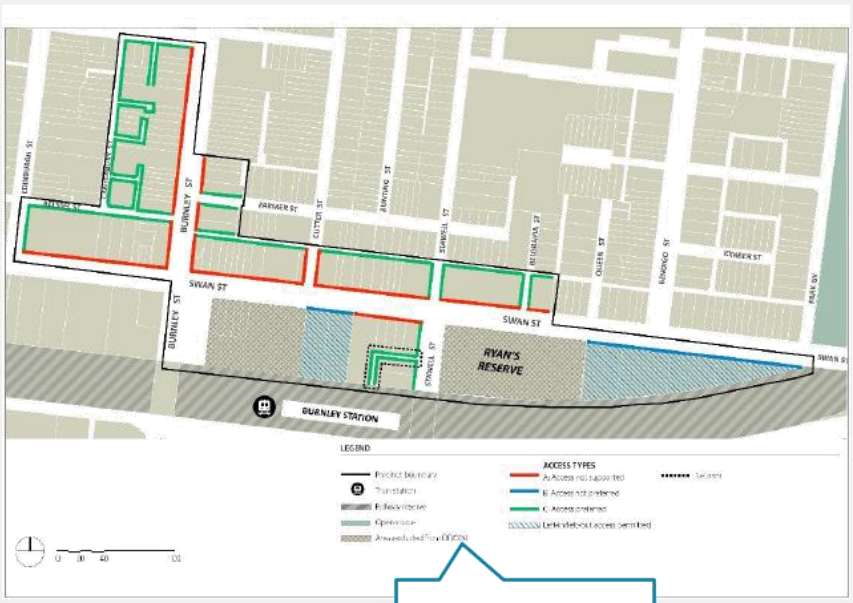
Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	DDO17 EXHIBITED SECTIONS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION SECTIONS (* DENOTES MANDATORY)	REASON FOR CHANGE
	• *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Church Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on view lines to the Dimmey's Clock Tower.* • *The impact of development on the operation of the tram routes along Swan Street and Church Street.*	• *The design of the streetscape interface and its contribution to an active street environment.* • *Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.* • *The shadowing impacts of the development on footpaths and public spaces.* • *The wind effects created by the development.* • *The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.* • *The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.* • *Whether heritage buildings on street corners retain their prominence when viewed on both streets.* • *Whether heritage buildings retain their three-dimensional form as viewed from the public realm.* • *Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.* • *The impact of development on the operation of the tram routes along Swan Street.*	

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DDO17 EXHIBITED HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)	DDO28 FOR ADOPTION HEIGHT AND INTERFACE PLAN (* DENOTES MANDATORY)
Plan 7: Height and Interface Plan – Precinct 4 – Burnley Station	***Plan 1: Height and Interface Plan – Precinct 4 Burnley Station*** NB: The changes circled in red are explained in further detail in the table below.
	

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DDO17 EXHIBITED ACCESS AND MOVEMENT PLAN (* DENOTES MANDATORY)	DDO28 FOR ADOPTION ACCESS AND MOVEMENT PLAN (* DENOTES MANDATORY)
Plan 8: Access and Movement Plan – Precinct 4 – Burnley Station	***Plan 2: Access and Movement Plan – Precinct 4 Burnley Station***
	

The word 'DDO17' replaced with 'DDO28'.

ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
95.	Building height	Height of 27m* *365 – 396 Swan Street*	Height of 28m* *365– 395 Swan Street*	Refer to Row No. 22 (REASON FOR CHANGE) for reasons for changes.
		Height of 27m *130-136 Stawell Street* *500-504 Swan Street*	Height of 28m *130-136 Stawell Street* *500-504 Swan Street*	Refer to Row No. 22 (REASON FOR CHANGE) for reasons for changes.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
		546-564 Swan Street	*546-564 Swan Street*	
96.	Upper level setback	Interface I *Eastern title boundary of 487 Swan Street* • Development must be setback in accordance with Figure 1 and 2. • Development must minimise repetitive stepped form.	Interface H *Eastern title boundary of 487 Swan Street* • 0m minimum unless setback is identified on Plan 2.	The exhibited DDO17 specifies an 18m mandatory maximum building height for 487 Swan Street. The eastern interface of the site has 'Interface I' (Residential Interface) in DDO17, however, the land to the east is in the Commercial 1 Zone. As such, the DDO28 for adoption applies 'Interface H' (rather than Interface I) to the eastern title boundary, to reflect the non-residential interface. This change was supported by the Panel.
97.		Interface C • 10m* minimum from Swan Street setback for land affected by HO 286 (365 Swan Street). • Minimum 5m* for other individually significant heritage buildings. • Minimum 5m elsewhere. • Any part of a building above the street wall should 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).	Interface C • 10m* minimum from Swan Street setback for land affected by HO286 (365 Swan Street). • Minimum 6m.* for other heritage buildings • Minimum 6m elsewhere.	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change.
98.		Interface E 5m minimum	Interface E • 6m minimum	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change.
99.		Interface F • 5m minimum for individually significant buildings • 3m minimum elsewhere	Interface F • 6m minimum for heritage buildings • 3m minimum elsewhere	Refer to Row No. 24 (REASON FOR CHANGE) for reasons for change. The wording has been amended to better clarify the intent of the control. Given the 6m minimum setback is intended to apply to heritage buildings (including those on the VHR), the words 'individually significant buildings' have been replaced with 'heritage buildings'.

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ROW NO.	REQUIREMENT	DDO17 EXHIBITED METRICS (* DENOTES MANDATORY)	DDO28 FOR ADOPTION METICS (* DENOTES MANDATORY)	REASON FOR CHANGE
				This change was supported by the Panel.
100.	Side and rear wall height	Interface I • 11.5m if boundary abuts a laneway	Interface I • 11m if boundary abuts a laneway	Refer to Row No. 28 (REASON FOR CHANGE) for reasons for change
101.	Street wall Height	Interface C • 11m maximum or the parapet height of the adjoining individually significant or contributory building if higher than 11m. • 8m minimum. • Match the parapet height of the taller adjoining heritage building.	Interface C • 11m maximum. • 8m minimum. • Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.	Refer to Row No. 31 (REASON FOR CHANGE) for reasons for change.
		Interface E 14.5m maximum.	Interface E • 14m maximum	Refer to Row No. 62 (REASON FOR CHANGE) for reasons for change.
		Interface G 14.5m maximum.	Interface G • 14m maximum	Refer to Row No. 62 (REASON FOR CHANGE) for reasons for change.

Clause 21.11 Reference Documents

ROW NO.	EXHIBITED CLAUSE 21.11 REFERENCE DOCUMENTS	CLAUSE 21.11 REFERENCE DOCUMENTS FOR ADOPTION	REASON FOR CHANGE
102.	*Swan Street Activity Centre Built Form Framework (Tract, September 2017)*	Reference to *Swan Street Activity Centre Built Form Framework (Tract, September 2017)* has been deleted.	Consistent with guidance in Planning Practice Note 1, a background document referenced in the Planning Scheme is intended to provide further context about the basis for relevant planning provisions. The Panel recommended that Clause 21.11 be amended to delete the reference to 'Swan Street Activity Centre Built Form Framework (Tract, September 2017) (Swan Street Framework). The version of Clause 21.11 for adoption reflects this recommendation for the following reasons: • The most important elements from the Swan Street Framework have been translated across into the Amendment; • The Swan Street Framework can still be made available through Council's webpage even though it is not referenced in the Planning Scheme; and

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ROW NO.	EXHIBITED CLAUSE 21.11 REFERENCE DOCUMENTS	CLAUSE 21.11 REFERENCE DOCUMENTS FOR ADOPTION	REASON FOR CHANGE
			• 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 a more faithful translation of the Swan Street Framework.

Clause 21.12 Local Areas

ROW No.	CLAUSE 21.12 SWAN STREET FRAMEWORK PLAN EXHIBITED	CLAUSE 21.12 SWAN STREET FRAMEWORK PLAN FOR ADOPTION	REASON FOR CHANGE
103.			Figure 1 in clause 21.12 is the 'Swan Street Framework Plan'. The Framework Plan has been revised to depict the laneway condition at the rear of properties on the south side of Swan Street so that it reflects the reference to 'new laneway preferred' in Plan 2 in DDO27. The Framework Plan has also been revised to provide a new colour and designation for the land presently shaded blue but outside the boundary of the DDO precincts. The land to the north of Precinct 1 and the east of Precinct 4 are now identified in the Framework Plan as 'land subject to future strategic work' as they are outside the precinct boundaries. Two of the car parks which were shaded yellow in the exhibited Framework Plan (denoting 'car parks') have been replaced with blue shading (denoting 'mixed activity – retail, entertainment, residential and commercial') to designate a future mixed activity role, given they are not earmarked for a future park.

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ROW No.	CLAUSE 21.12 SWAN STREET FRAMEWORK PLAN EXHIBITED	CLAUSE 21.12 SWAN STREET FRAMEWORK PLAN FOR ADOPTION	REASON FOR CHANGE
			The yellow shading in the legend has been changed to denote 'Potential future public park' to indicate the existing car park's future potential use. Several other minor changes have been made to the legend to reflect the changes made to the Framework Plan. These changes to the Framework Plan were supported by the Panel.

Yarra High Streets (Swan Street) Statements of Significance

ROW NO.	EXHIBITED YARRA HIGH STREETS: STATEMENTS OF SIGNIFICANCE, OCTOBER 2017 (GJM HERITAGE)	YARRA HIGH STREETS (SWAN STREET) STATEMENTS OF SIGNIFICANCE: REFERENCE DOCUMENT (DECEMBER 2020) FOR ADOPTION	REASON FOR CHANGE
104.	*Yarra High Streets: Statements Of Significance, October 2017 (GJM Heritage)*	*Yarra High Streets (Swan Street) Statements of Significance: Reference Document, December 2020 (GJM Heritage)*	The title of the Yarra High Streets document has been amended to refer to Swan Street and reflect its role and date of adoption.
105.	*The following places are Individually Significant and have their own statement of significance:* *Former Bank of Australasia, 377 Burnley Street,* • *Former shop and residence, 380 Burnley Street,* • *Shops and residences, 400-402 Burnley Street, and* • *Shops and residences, 413-15 Burnley Street.* (Page 16)	*The following places are Individually Significant and have their own statement of significance:* • *Former Bank of Australasia, 377 Burnley Street,* • *Former shop and residence, 380 Burnley Street,* • *Shops and residences, 400-402 Burnley Street, and* • *Shops and residences, 413-415 Swan Street.* (Page 16)	The Panel recommended that the Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage) be amended to replace 413-415 Burnley Street with 413-415 Swan Street under 'What is significant?'. The version of *Yarra High Streets (Swan Street) Statements Of Significance: Reference Document, December 2020 (GJM Heritage)* for adoption corrects this error.
106.	Statement of significance not included in the exhibited version.	***Bank of Australasia (Former)*** ***377 Burnley Street, Richmond (within HO474)*** *Source: Context Pty Ltd (2014), Heritage Gap Study, Review of Central Richmond.*	The Panel recommended that the *Yarra High Streets: Statements of Significance, October 2017* (GJM Heritage) be amended to add 377 and 380 Burnley Street (as individually significant properties forming part of the Burnley Street

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	EXHIBITED YARRA HIGH STREETS: STATEMENTS OF SIGNIFICANCE, OCTOBER 2017 (GJM HERITAGE)	YARRA HIGH STREETS (SWAN STREET) STATEMENTS OF SIGNIFICANCE: REFERENCE DOCUMENT (DECEMBER 2020) FOR ADOPTION	REASON FOR CHANGE
		What is significant? *The former Bank of Australasia, erected in 1889 to a design by the prominent bank designer, Anketell* *Henderson, of the firm Reed, Henderson and Smart, at 377 Burnley Street, Richmond is significant. It is a freestanding symmetrical two-storey rendered brick building. The ground floor facade has banded rusticated walls, and a central entrance door flanked by tripartite shallow arched windows, which are timber-framed with fixed central lights and double-hung sidelights. The first floor has a loggia-style balcony; the projecting entrance section extends up through the first floor and has an arched opening to the facade. There are three openings in the wall behind. The loggia has a simple patterned balustrade, and a skillion-profile roof; the wing walls have arched openings and their copings terminate in small pediments. There is a prominent parapet with a wide moulded cornice. There is also a string course below the loggia.* *Non-original alterations and additions to the building are not significant.* ***What is significant?*** *The former Bank of Australasia, at 377 Burnley Street, Richmond, is of local architectural significance.* ***Why is it significant?*** *Architecturally, the building is a good example of an austere Classically-styled building which is in contrast to much of the more flamboyant boom style Italianate designs of the period. It is an important landmark within the Burnley Street commercial precinct. The building is an important work in the oeuvre of prominent bank architect, Anketell Henderson. Henderson was an important protagonist of the austere classical style of bank architecture of the 1880s. (Criteria D, E & H)* ***Shops and Residences*** ***380 Burnley Street, Richmond (within HO474)*** *Source: Context Pty Ltd (2014), Heritage Gap Study, Review of Central Richmond.* ***What is significant?*** *The shop and residence, constructed by 1888, at 380 Burnley Street, Richmond is significant. This is a single storey late Victorian shop, one of a pair with no.378. The parapet has a moulded cornice above a stringcourse, each framed by vermiculated corbels inset with lions-heads. The semi-circular*	Precinct) to the 'Individually significant places within precincts' section of the Yarra High Streets document. The version of *Yarra High Streets (Swan Street) Statements Of Significance: Reference Document, December 2020 (GJM Heritage)* for adoption includes 377 and 380 Burnley Street as individually significant properties forming part of the Burnley Street Precinct. Their existing Statements Of Significances were unintentionally omitted from the exhibited *Yarra High Streets: Statements of Significance, October 2017* (GJM Heritage). 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 *Yarra High Streets (Swan Street) Statements Of Significance: Reference Document, December 2020* accurately reflects this.

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ROW NO.	EXHIBITED YARRA HIGH STREETS: STATEMENTS OF SIGNIFICANCE, OCTOBER 2017 (GJM HERITAGE)	YARRA HIGH STREETS (SWAN STREET) STATEMENTS OF SIGNIFICANCE: REFERENCE DOCUMENT (DECEMBER 2020) FOR ADOPTION	REASON FOR CHANGE
		pediment has a small acroterion and is flanked by small scrolls, with small scrolls adjacent to the low piers at either end of the parapet that appear to have once supported orbs or urns. The shopfront has timber-framed windows with fixed display windows belong highlights, and panelled timber stallboards over a bluestone plinth. The window frames are slender, which is typical of the period, and the recessed central entry enhances the symmetry of the building. *Non-original alterations and additions to the building and signage are not significant.* ***How is it significant?*** *The shop and residence at 380 Burnley Street, Richmond is of local historic, architectural and aesthetic significance to the City of Yarra.* ***Why is it significant?*** *Historically, it is significant as one of the oldest surviving shops in Burnley Street and is associated with the beginnings of the transformation of the southern Burnley Street into a local shopping centre during the late nineteenth century. (Criterion A)* *It is also significant as a representative example of a shop with typical late Victorian form and detailing including the parapet ornamentation and a timber-framed shopfront with stallboards and a recessed central entry below the pediment that emphasises the symmetry of the building. It is notable for its high degree of intactness, which includes the original shopfront. While many late Victorian shops survive in Richmond very few retain their original shopfront. (Criteria B, D & E)* (Page 26-27)	
107.	***INDIVIDUALLY SIGNIFICANT PLACES WITHIN PRECINCTS*** *Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.* ***Corner Hotel*** ***57-61 Swan Street, Richmond (within HO335)*** *Source: GJM Heritage (2017), Swan Street Built Form Study: Heritage Assessments & Analysis*	Reference to the Corner Hotel as an individually significant place within the HO335 precinct, and its associated text on page 24 of the *Yarra High Streets: Statements of Significance, October 2017* (GJM Heritage) document, has been deleted.	The Panel recommended that the HO335 statement of significance be amended to delete the Corner Hotel from the 'Individually significant places within precincts' section. This change is reflected in the *Yarra High Streets (Swan Street) Statements Of Significance: Reference Document, December 2020* for adoption.

Attachment 8 - C191yara Amendment documentation comparison

ROW NO.	EXHIBITED YARRA HIGH STREETS: STATEMENTS OF SIGNIFICANCE, OCTOBER 2017 (GJM HERITAGE)	YARRA HIGH STREETS (SWAN STREET) STATEMENTS OF SIGNIFICANCE: REFERENCE DOCUMENT (DECEMBER 2020) FOR ADOPTION	REASON FOR CHANGE
	What is significant? *The two-storey hotel known as the Corner Hotel, 57-61 Swan Street, Richmond, built in the 1960s.* ***How is it significant?*** *The Corner Hotel, 57-61 Swan Street, Richmond is of local historical and social significance to the City of Yarra.* ***Why is it significant?*** *The Corner Hotel, Richmond 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 [Criterion A].* *The Corner Hotel, Richmond is of particular social significance for its long-term and continued use as a live music venue. It is a well-established and well-known venue which is considered amongst the most pre-eminent in the City of Yarra and the broader community [Criterion G].* (Page 24)		

City of Yarra Database of Heritage Significant Areas

ROW NO.	*CITY OF YARRA DATABASE OF HERITAGE SIGNIFICANT AREAS (JANUARY 2019)*	*CITY OF YARRA DATABASE OF HERITAGE SIGNIFICANT AREAS (DECEMBER 2020)*	*REASON FOR CHANGE*
108.	*City Of Yarra Database Of Heritage Significant Areas (January 2019)*	*City Of Yarra Database Of Heritage Significant Areas (December 2020)*	The title of the *City Of Yarra Database Of Heritage Significant Areas* has been amended to reflect its date of adoption.

Attachment 8 - C191yara Amendment documentation comparison

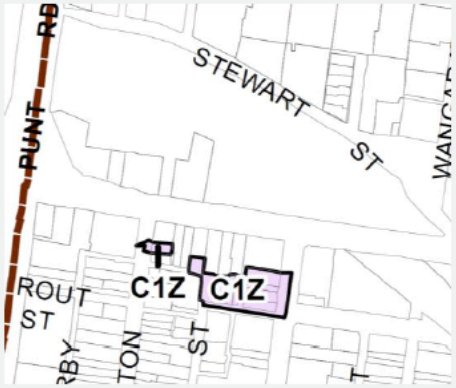
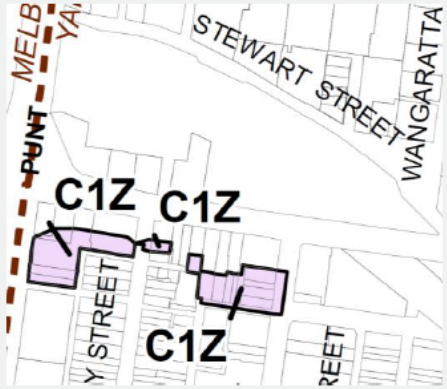
ROW NO.	CITY OF YARRA DATABASE OF HERITAGE SIGNIFICANT AREAS (JANUARY 2019)	CITY OF YARRA DATABASE OF HERITAGE SIGNIFICANT AREAS (DECEMBER 2020)	REASON FOR CHANGE
109.	**HO335 - Swan Street Precinct, Richmond** HO335 | Swan | Street | 57-61 | Richmond | Corner Hotel | 190660 | Individually significant | 1966? (Extract)	**HO335 - Swan Street Precinct, Richmond** HO335 | Swan | Street | 57-61 | Richmond | Corner Hotel | 190660 | Not contributory | 1966? (Extract)	The Panel recommended that the *City of Yarra Database of Heritage Significant Areas* incorporated document be amended to re-categorise 57-61 Swan Street from 'individually significant' to 'non-contributory'. The Panel found that it was still appropriate and justified to include the Corner Hotel in Heritage Overlay HO335 (Swan Street Precinct, Richmond), but as a place that does not contribute to the broader precinct. 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. The updated version of the *Database of Heritage Significant Areas* for adoption reflects this recommendation.

Attachment 9 - C191yara Amendment map comparison

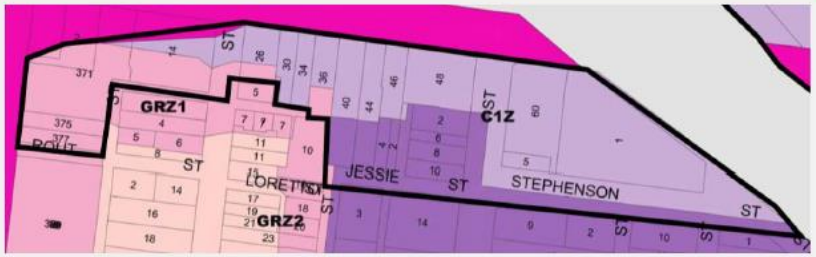
Yarra Planning Scheme Amendment C191yara

Comparison of the exhibited Yarra Planning Scheme maps and the maps for adoption and reasons for the changes.

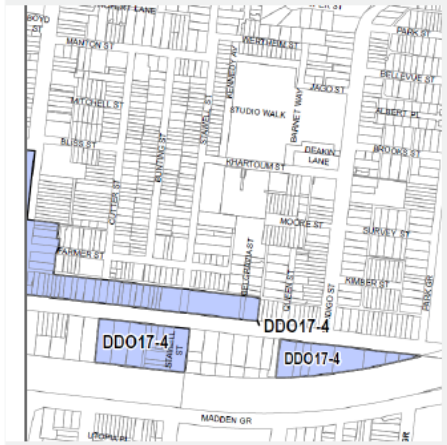
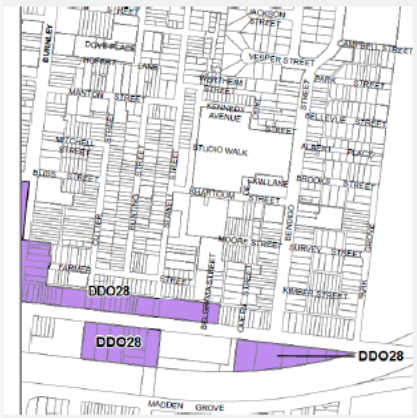
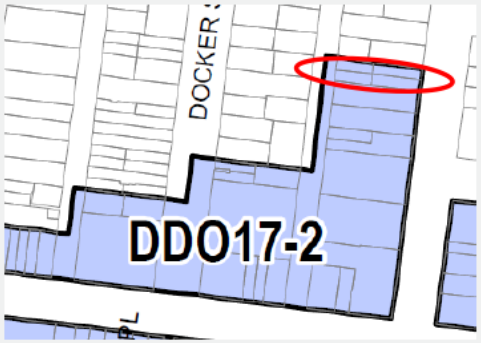
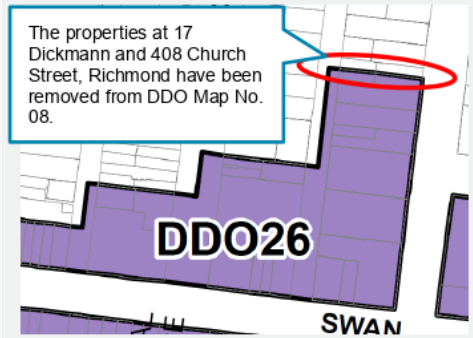
The information in this table is based on the exhibited version of Yarra Planning Scheme maps and the maps supported by officers for adoption. This table should be read in conjunction with Attachments 4, 5, 6, 7 and 8. This table only highlights aspects where changes are proposed to the exhibition maps. Elements of the amendment where no changes are proposed are not included in this table.

ZNMAPS08 EXHIBITED	ZNMAPS08 FOR ADOPTION	REASON FOR CHANGE
		Following exhibition, one submission requested that their property at 375-377 Punt Road be rezoned from the General Residential Zone to the Commercial 1 Zone to better reflect its current conditions, use and strategic intent. This rezoning, along with the rezoning of 371 Punt Road and 2-14 Swan Street to the Commercial 1 Zone is reflected in Yarra C191yara Zone Maps 08_09 for adoption because it is the most appropriate zone for the land, given: • as exhibited, Amendment C191yara proposed to apply preferred maximum building heights of 27m, which exceeds the maximum height allowed under the current General Residential Zone. The Panel supported the application of 28m to the sites in DDO25; • 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; • 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; • 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 • 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.

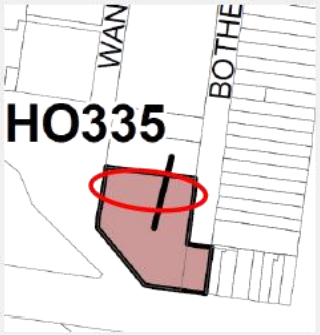
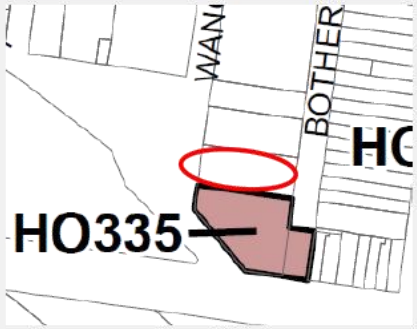
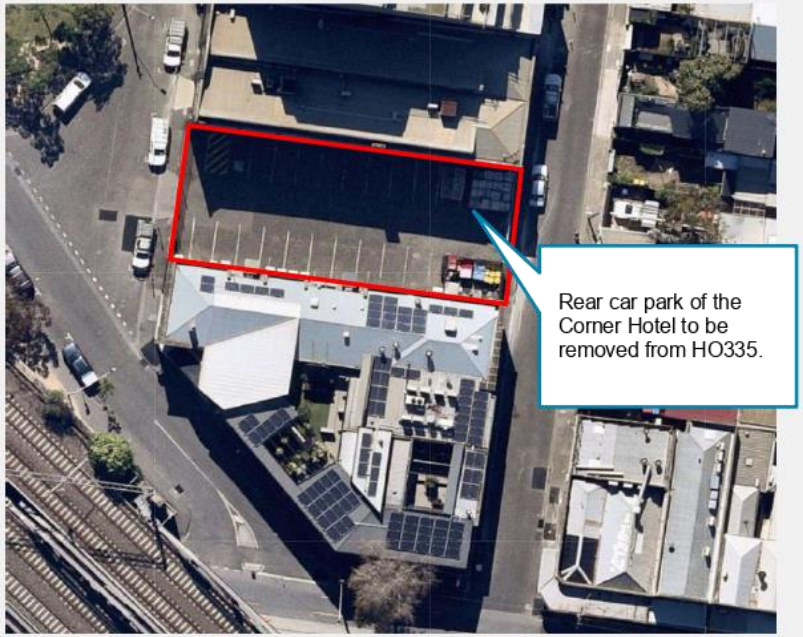
Attachment 9 - C191yara Amendment map comparison

ZNMAPS08 EXHIBITED	ZNMAPS08 FOR ADOPTION	REASON FOR CHANGE
		 *Image: Current zoning showing the Precinct 1: Richmond Station (DDO25) boundary* Furthermore rezoning all of Precinct 1 to the Commercial 1 Zone will remove several prominent mapping anomalies (dual zoned sites). A breakdown of the current zoning of each property within Precinct 1 is set out as follows: • Schedule 4 to the General Residential Zone applies to land at 377-375 and partially applies to land at 371 Punt Road and 2-16 Swan Street; • Schedule 2 to the General Residential Zone partially applies to land at 14, 26 and 36 Swan Street; • Commercial 1 Zone applies to land at 30-34 and 46-48 Swan Street, 1 Stephenson Street, 5 Cremorne Street and partially applies to land at 371 Punt Road, 14, 36 and 40-44 Swan Street; and • Commercial 2 Zones applies to land at 2-4 Jessie Street, 2-10 Cremorne Street and partially applies to 40-44 Swan Street. The Panel concluded that rezoning 371 and 375-377 Punt Road, 2-16 and 14 Swan Street the Commercial 1 Zone is clearly logical as the General Residential Zone provisions may have once been appropriate for the site, however, its current mandatory maximum building height does not reflect the existing and relatively new building built form. They noted that from a procedural perspective, submitters had an opportunity to express their views on the proposed rezoning. The Panel supported this change.

Attachment 9 - C191yara Amendment map comparison

DDOMAPS08_09 EXHIBITED	DDOMAPS08_09 FOR ADOPTION	REASON FOR CHANGE
 *Image: DDO MAP NO. 08*	 *Image: DDO MAP NO. 08*	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. In response, DDO17 has been 'divided' into four separate DDOs. Council officers divided the exhibited Schedule 17 to the Design and Development Overlay - Swan Street Major Activity Centre (DDO17) which applied to the length of Swan Street into 4 separate preferred DDOs, one for each precinct: • 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; and • Schedule 28 to the Design and Development Overlay (DDO28): Swan Street Activity Centre - Precinct 4 Burnley Station. Yarra Planning Scheme Map 08 and 09 for adoption reflects this change to Amendment C191yara. This change was supported by the Panel.
 *Image: DDO MAP NO. 09*	 *Image: DDO MAP NO. 09*	
 	 	On 8 July 2020, Council received correspondence from the Department of Environment, Land, Water and Planning alerting Council to a potential mapping error. The exhibited Yarra Planning Scheme DDO Map No. 08 incorrectly included 17 Dickmann and 408 Church Street, Richmond in the DDO17-2 boundary. These properties are in the Neighbourhood Residential Zone Schedule 1. Amendment C191yara primarily relates to commercially zoned land. The Amendment does not propose to include any NRZ zoned land in the DDO. This error was included in the DDO Map No. 08 exhibited map. It was not included in the exhibited DDO17 (i.e. the ordinance). This mapping error is proposed to be corrected, which will remove 17 Dickmann and 408 Church Street, Richmond from the DDO boundary.

Attachment 9 - C191yara Amendment map comparison

HOMAP08 EXHIBITED	HOMAP08 FOR ADOPTION	REASON FOR CHANGE
		The Panel concluded that it is appropriate and justified to apply the Heritage Overlay (HO335) to 57-61 Swan Street, excluding the land currently being used as a car park. The Panel considered that 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. The car park abuts a robust and transforming industrial area. It is 30 metres from the finer grain heritage form along Swan Street.  *Image: Aerial map showing 57-61 Swan Street (Corner Hotel) and rear carpark* The car parking area abutting the Corner Hotel's northern boundary has been removed from the extent of the HO335 because it is on a separate property title and does not contain any heritage fabric. It is considered that applying the Heritage Overlay to the car park is not needed to manage its future development or to assess its potential impact on surrounding heritage fabric. As noted above, the Panel supported this change.

8.4 Extension of the Licence and Funding Agreement for the Studio 1 Community Hub

Executive Summary

Purpose

The interim Licence and Funding Agreement for the Richmond Community Learning Centre (RCLC) to manage the Studio 1 Community Hub (Studio 1) is set to expire by January 2021. The COVID-19 pandemic meant that it was impractical and undesirable to run an expression of interest (EOI) process for the longer-term management of Studio 1 in 2020. This report seeks endorsement for a further one year extension to the operating Licence and Funding Agreement between Council and RCLC for the management of the Studio 1. A new EOI process for the management of Studio 1 needs to be completed in 2021.

Key Issues

The former GTV-9 television studios in Richmond have been redeveloped by Lend Lease. A total of 202 dwellings have been delivered and a vertical retirement village and aged care hub at Ardency Kennedy Place is being completed.

Part of the former GTV 9 studio building was transferred to Council for the purposes of a community centre at 15 Barnet Way Richmond. The Planning Permit was issued on 31 August 2012. Council entered into a Section 173 Agreement (s173 Agreement) with Lend Lease Apartments Pty Ltd on 4 April 2013.

Following an EOI process, in June 2014 Council selected the Richmond Community Learning Centre Inc. (RCLC) to enter into a strategic partnership for the co-management of Studio 1 from October 2015 to October 2018. After three-years of operation it became evident that there were impediments to the optimal utilisation of Studio 1, these included its inconspicuous location, close proximity to residential apartments, and the co-management model.

At its 18 December 2018 meeting, Council endorsed an extension of the strategic partnership with RCLC to operate Studio 1 for 2019, and supported strategic work by officers to consider a single management model and encumbrances to utilisation. There were delays in transitioning to the single-management model and an identified need to further engage with stakeholders. At its meeting on 3 December 2019, Council agreed to a further extension for 2020, with an EOI process scheduled for mid-2020.

By March 2020, RCLC and Council officers completed the transition to a single management model. The planned expression of interest (EOI) for the longer-term management of Studio 1 did not take place in 2020 due to the COVID-19 pandemic.

This year officers have been in dialogue with representatives of Lend Lease and RCLC concerning the future operations of Studio 1.

Conversations and correspondence with Lend Lease centred on enhancing the utilisation of Studio 1, particularly the recommencing of private functions while ensuring that local amenity is maintained. Officers have been informed by Lend Lease representatives that there are no objections to the resumption of private functions within these parameters. Lend Lease will remain an active stakeholder at this location through the vertical retirement village and aged care hub.

Officers have established that RCLC would welcome the opportunity to operate and manage Studio 1 for a further year, including the resumption of social functions, and are hoping to work with Council to broaden access to the space, improving its utilisation and delivering greater community benefit.

RCLC have worked closely with the local community to provide a range of inclusive programs, activities and events at Studio 1. These include: administering a co-working space for more than two dozen people; low cost or free IT courses (e.g. Technology Confidence Course and Tea, Tech & Talk sessions); guided meditation group; low cost Yoga Class; choir 3121; community lunches; co-worker collaborations across marketing, academia and fitness; and collaborations with Yarra Libraries, such as the community celebration Beat the 3121 Drum.

An extension of the operating Licence and Funding Agreement for Studio 1 for a further year would give RCLC the opportunity to demonstrate that they can maximise access and increase opportunities for community connection and wellbeing. An EOI process for the ongoing management of Studio 1 will be completed in 2021.

Financial Implications

Council provides an operational grant to RCLC to manage Studio 1. The grant costs for the 2019–20 financial year was $96,752, and $100,142 is budgeted for 2020–21 financial year.

PROPOSAL

That Council:

(a) Note the impacts of the COVID-19 pandemic upon the operation of Studio 1 by the Richmond Community Learning Centre;

(b) Note that the COVID-19 pandemic meant that it was impractical and undesirable to run an EOI process for the longer-term management of Studio 1 in 2020;

(c) Endorse a further extension to the operating Licence and Funding Agreement with Richmond Community Learning Centre for the management of the Studio 1 for one more year, covering the period 1 January 2021 – 31 December 2021;

(d) Support the provision of an operating grant of $100,142 to the Richmond Community Learning Centre for the management of Studio 1 for the calendar year of 2020, pending 2019–20 budget approval;

(e) Note the resumption of the hire of the Radio Room and the Womin Je Ka Room at Studio 1 for social functions in 2021; and,

(f) Endorse officers undertaking the strategic work required to inform a new EOI process for the management of Studio 1 to be conducted in 2021.

8.4 Extension of the Licence and Funding Agreement for the Studio 1 Community Hub

Reference	D20/164255
Author	Malcolm McCall - Manager Social Strategy and Community Development
Authoriser	Director Community Wellbeing

Purpose

1. The interim Licence and Funding Agreement for the Richmond Community Learning Centre (RCLC) to manage the Studio 1 Community Hub (Studio 1) is set to expire by January 2021. The COVID-19 pandemic meant that it was impractical and undesirable to run an EOI process for the longer-term management of Studio 1 in 2020.
2. This report seeks endorsement for a further one year extension to the operating Licence and Funding Agreement between Council and RCLC for the management of the Studio 1 and support to undertake a new EOI process for the management of Studio 1 in 2021.

Critical analysis

History and background

3. From 1957 to early 2011, GTV-9 operated its television studios out of a converted factory in Bendigo Street Richmond. In early 2010, Vivas Lend Lease purchased the site for redevelopment. This site was rezoned from Industrial Zone 1 to mixed-use. In phase one, a total of 202 residences, including townhouses and apartments, were delivered. Lend Lease, with their partners Catholic Healthcare, are now completing phase two which entails a vertical retirement village and aged care hub at Ardency Kennedy Place.
4. Part of the former GTV 9 studio building was transferred to Council for the purposes of a community centre at 15 Barnet Way Richmond. The Planning Permit was issued on 31 August 2012 **(see Attachment A)**. Council entered into a Section 173 Agreement (s173 Agreement) with Lend Lease Apartments Pty Ltd on 4 April 2013.
5. The Planning Permit records that the community centre (Studio 1) may only operate between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless prior consent is given by the Owners Corporation and the Responsible Authority.
6. The s173 agreement records that Council 'must not use the Community Centre Land for any purpose other than the Community Centre unless with the prior written consent of the Owners Corporation', and that the uses permitted within the Community Centre must be in accordance with the following set of activities and functions:
    (a) Services which support delivery of education, training, advice and information referral; borrowing of library materials; community meetings and events; indoor recreation such as fitness classes and hobby groups; child care and maternal child health; adult allied health services; and community business support; and
    (b) All services operated through the facility will be of nature and scale appropriate within a residential environment and will not cause undue disturbance to local residents or loss of amenity. The Community Centre must not provide for any facility for the injection, consumption or intake of illicit drugs, whether medically supervised or not.

7. Council engaged the architectural firm 'six degrees' to design a 600m^2, two-level community facility. Studio 1 includes the Green Room (co-worker space) and the Helen Porter Mitchell Room (a consultant area) on level one, and on the ground floor, the Womin Je ka Room (the largest space), Kitchen and Reception/Ticket Booth, Hugo Wertheim Room and the Radio Room.

8. From Studio 1's inception, it was determined that it would not be a simple venue for hire but a place that would build community and meet a range of local needs. In April 2014, Council invited expressions of interest (EOIs) to select a partner organisation to activate Studio 1 and provide 'caretaker' services in lieu of the rental and overhead costs.

9. The EOI stated that the selected lead tenant would:

    (a) undertake activities/programs that:

        (i) are compatible with the location;

        (ii) bring vibrancy to the precinct;

        (iii) have the potential to deliver creative and engaging programming within the facility;

        (iv) provide significant community benefit;

        (v) respond to identified community need; and

        (vi) bring experience in community development and engagement which will assist in activation of the facility; and

    (b) provide 'caretaker' services for the facility to ensure the building is open for core hours (30 hours per week);

    (c) bring experience in facility management and technical skills in centre management; and,

    (d) understand and reflect Council's vision that community activation of the space is an absolute priority.

10. In June 2014 Council selected the Richmond Community Learning Centre Inc. (RCLC) to enter into a strategic partnership for the co-management of Studio 1 from October 2015 to October 2018. One of the key terms of the licence was the management of spaces, specifically:

    (a) RCLC has exclusive sole management of approximately 16 percent of the total space, namely the ground floor office, Green Room and Helen Porter Mitchell Room; and,

    (b) Council manages the remaining spaces, which included Womin Je ka Room, Kitchen and Reception/Ticket Booth on the ground floor and the Hugo Wertheim Room and the Radio Room on level 1.

11. Studio 1 was opened in October 2015. A report was presented to Council at its meeting on 18 December 2018 concerning impediments to the optimal utilisation of Studio 1 and measures to address some of these issues.

12. Impediments to the optimal utilisation of Studio 1 reported included:

    (a) Studio 1 is not located on a main road or thoroughfare, nor is it proximate to other destination facilities (e.g. transport hubs, retail, etc.). This lack of visibility means it is less likely that community members will simply drop-in and enquire about its programs and facilities;

    (b) Noise and amenity issues must be tightly managed due to the close proximity of Studio 1 to residential apartments;

    (c) The hours of operation prescribed in the planning permit prevent the programming of activities or venue hire in the evenings (i.e. after 8pm Monday to Saturday and beyond 6pm on Sunday);

(d) Studio 1 was being hired out for private functions such as birthdays, christening parties, etc. Complaints were received from local residents about amenity impacts resulting from private functions, specifically noise and encroachment by some guests onto the common property. From 2016, Studio 1 was no longer available for hire for private functions; and

(e) The co-management model – where Council managed its spaces and RCLC its own – added a level of complexity to the running of Studio 1, especially around bookings and facility services. Customers, particularly walk-ins, enquiring about hiring a space within Studio 1 expected RCLC to help them with their enquiries. Venue bookings were managed by Council and RCLC were unable to enter bookings directly.

13. At the 18 December 2018 meeting, Council endorsed extending the strategic partnership for RCLC to operate Studio 1 for the calendar year of 2019, with an operating grant of $95,783. To promote broader community sector interest in applying to any future EOI processes to operate Studio 1 (mooted for 2019), Council also supported strategic work by officers to consider a single management model and encumbrances to utilisation. An interim licence and funding agreement was reached between Council and RCLC.

14. There were delays in the transition to the single management model and an identified need to further engage with the varied stakeholders on the means to optimise the facility utilisation. At the Council meeting on 3 December 2019, Council agreed to a further extension of the arrangement whereby RCLC manages and operates Studio 1 for the calendar year of 2020, with the EOI process scheduled for around mid-2020.

15. By March 2020, RCLC and Council officers completed the transition to a single management model, which entailed the reconciliation of fees and charges, transferring responsibility for bookings as well as relevant facility management operations.

16. From 16 March to 31 May 2020, and from 19 July to 27 October 2020, significant restrictions were imposed by the Victorian Government so as to stop the spread of COVID-19 in Greater Melbourne and regional Victoria. During this time human movement and face-to-face social interactions were severely limited. During these periods, the Neighbourhood Houses, including RCLC, had to cease all in-person programming and events and reorientate their efforts to address emerging community needs, engage communities and undertake programs by alternate means (e.g. online, by phone, etc.).

Discussion

17. The inconspicuous location of Studio 1 could impact its utilisation by the broader community. However, it is surrounded by two hundred households, and in the coming years there will be hundreds more people moving into the precinct in the new vertical retirement village and aged care hub. More research is needed into who is and who could be accessing Studio 1, including the residents of the GTV-9 redevelopment.

18. The hours of operation prescribed in the planning permit prevent Studio 1 from operating beyond 8pm six days a week and 6pm on Sundays. Council has historically pursued strategies to activate community facilities like libraries and neighbourhood houses into the evening so as to help diversify the night time economy (i.e. beyond patronising licensed premises), making it more accessible for people of all ages and interests. A number of neighbourhood houses have successfully provided night-time activities within the City of Yarra and beyond. However, it is important to acknowledge Studio 1 is immediately co-located with residential apartments which logically limits evening activity.

19. Access to community facilities for social functions by community members occurs at other neighbourhood houses within the City of Yarra. For neighbourhood houses like RCLC, the hiring of their facilities for private functions such as birthdays, christenings and anniversaries, etc. are both a service they provide to the local community and a source of income.

20. As previously stated, there are two spaces available for hire at Studio 1. The inability to hire out Studio 1 for private functions has compromised the ability to provide a valuable community function as well as generate revenue from this facility – income which cross

subsidises other community activities and programs – for the current licence holder and for any future manager of this community facility. In late 2018, the occupation rate for the Womin Je Ka Room was reported at 25 percent and close to 10 percent for the Radio Room.

21. Pandemic conditions have meant that it has been both impractical and undesirable to run an EOI process for the management of Studio 1 in 2020. RCLC could not be reasonably expected to demonstrate its capability as sole operations and facility manager of Studio 1 during the pandemic. At the same time, other potential operators (e.g. neighbourhood houses or other not-for-profit organisations) would be much less likely to have the capacity, or inclination, to prepare expressions of interest during pandemic conditions.

Options

22. There are no options provided.

Community and stakeholder engagement

23. Officers have been in dialogue with Lend Lease and RCLC concerning the future operations of Studio 1.

24. The conversation with representatives from Lend Lease centred on enhancing the utilisation of Studio 1, particularly the recommencing of private functions in the Radio Room and the Womin Je Ka Room, while ensuring that local amenity is maintained. Officers discussed how access to community facilities for social functions by community members is reasonably expected and occurs at other community centres within and beyond the City of Yarra.

25. Officers also noted that any recommencing of private functions would exclude the utilisation of the exterior common areas proximate to Studio 1. Officers wrote to Lend Lease in early November to seek feedback and have been informed that there are no objections to the resumption of private functions within these terms.

26. Lend Lease will remain an active stakeholder at this location through the vertical retirement village and aged care hub at Ardency Kennedy Place.

27. Officers spoke with representatives of RCLC in regards to the resumption of private function hire at Studio 1 and the possible extension of the interim agreement to operate and manage Studio 1 for another twelve month period (i.e. until December 2021) while officers investigate and consult on how to maximise the community benefits realised from Studio 1, and instigate an open expression of interest process in Quarter 1 of the financial year 2021–22.

28. Representatives of RCLC would welcome the opportunity to operate and manage Studio 1 for another year, including the resumption of social functions, and are hoping to work with Council to demonstrate that they can maximise access, improve its utilisation and deliver greater community benefit.

Policy analysis

Alignment to Council Plan

29. Studio 1 Community Hub is well supported by the Council Plan 2017 – 2021. The strategic objectives that directly support it are:

30. A healthy Yarra: Community health, safety and well-being are a focus in everything we do;

    (a) 1.2 – promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;

    (b) 1.3 – provide health promoting environments that encourage healthy eating and active living;

    (c) 1.6 – promote a gender equitable, safe and respectful community; and

    (d) 1.8 – provide opportunities for people to be involved in and connect with their community.

31. An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed respected and celebrated;

    (a) 2.1 – build resilience by providing opportunities and places for people to meet, be involved in and connect with their community;

    (b) 2.2 – remain a highly inclusive municipality, proactive in advancing and advocating for the rights and interests of specific groups in the community and community issues;

    (c) 2.4 - acknowledge and celebrate our diversity and people from all cultural backgrounds; and

    (d) 2.5 – support community initiatives that promote diversity and inclusion.

32. A sustainable Yarra: Council leads on sustainability and protects and enhances its natural environment.

33. A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive;

    (a) 5.3 – create local employment opportunities by providing targeted and relevant assistance to facilitate business growth, especially for small and medium size enterprises and entrepreneurs through the attraction and retention of businesses;

    (b) 5.6 – attract and retain creative and knowledge industries in Yarra; and

    (c) 5.7 – ensure libraries and neighbourhood houses, support lifelong learning, wellbeing and social inclusion.

34. A leading Yarra: Transparency, performance and community participation drive the way we operate.

Climate emergency and sustainability implications

35. The Yarra City Council and Neighbourhood Houses Partnership Strategy and Action Plan 2018–2021 (the Action Plan) identifies an important role in continuing a robust relationship between the Houses and Council's Open Space Planning and Design, Waste Minimisation and Urban Agriculture and Sustainability Units in educating and supporting Houses in their sustainability initiatives to inform and educate the local community.

36. All Neighbourhood Houses have contributed to the development of Council's Climate Emergency Action Plan and have engaged with Council's Climate Emergency Officer to participate in activities that inform and educate local communities on the urgency of climate change.

37. Sustainability programs and climate emergency activities were suspended due to the COVID-19 pandemic. With reduced staff and volunteers, Neighbourhood houses directed available resources to supporting the provision of food relief and engaging with socially isolated individuals. The easing of COVID-19 restrictions will enable these activities to recommence.

Community and social implications

38. The need for people to socially interact is a prerequisite for health and wellbeing and Studio 1 features high quality spaces in which people can engage and connect. The objective of the strategic partnership between Council and the RCLC at Studio 1 has been to decrease social isolation and build community.

39. RCLC have worked closely with the local community to provide a range of inclusive programs activities and events at Studio 1. RCLC have administered a co-working space for over two dozen people and provided a range of programmed activities.

Economic development implications

40. Studio 1 Community Hub provides a co-working space that can cater for a maximum of 14 people on any one day. The co-working space has only been operating since 2016 and was developed in response to an identified community need. The space is a shared working space which targets self-employed or small businesses and aims to connect people by offering affordable space away from the isolation of a home or small office. Pre-COVD-19, RCLC had a cohort of 26 people with either an ongoing membership or visit the centre regularly on a short-term or casual basis.

41. RCLC provides a variety of opportunities for paid employment through Studio 1 for teachers, project workers, community development workers, arts practitioners, financial and IT staff that are important sources of local employment. Studio 1 also provides volunteer opportunities that contribute to the local economy.

42. The Hugo Wertheim Room is still manage by Council and is being used to provide space to local artists under the City of Yarra's Room to Create Artist Residency program.

Human rights and gender equity implications

43. No significant human rights and gender equity implications have been identified.

Operational analysis

Financial and resource impacts

44. Council provides an operational grant to RCLC to manage Studio 1. The grant costs for the 2019–20 financial year was $96,752, and $100,142 is budgeted for 2020–21 financial year.

Legal Implications

45. The Planning Permit records that the community centre (Studio 1) may only operate between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless with prior consent of the Owners Corporation and the Responsible Authority.

46. The 2013 s173 agreement records that Council agrees to operate the community centre in accordance with the Owners Corporation Rules. It defines this community centre as a meeting place which is used by members of the community for social, cultural or recreation purposes, and excludes a drop-in centre, needle exchange centre and any use which would adversely impact on the amenity of the occupiers of the Land. This agreement includes, but does not limit, the kind of civic and community services functions that can be operated out of Studio 1.

47. The s173 agreement ends 3 April 2023 or at an earlier date by consent with Lend Lease, after which time Council would no longer be required to revert ownership of the Community Centre Land to Lend Lease for its purchase price of $1.00, and Council's use of the site would be governed by solely by the planning permit.

Conclusion

48. The impact of the COVID-19 restrictions upon the operations of neighbourhood houses is significant and while the RCLC has worked hard towards a smooth transition to the single management model, it has not been able demonstrate its capability during this time of pandemic.

49. The resumption of the hire of the Radio Room and the Womin Je Ka Room at Studio 1 for social functions – while adhering to hours of operation, ensuring noise is minimised and preventing the utilisation of the proximate exterior common areas – will mean that a valuable community service is again available and that income can be generated which can help cross subsidise other community development activities and programs for RCLC and any future operator.

50. RCLC has a high level of knowledge and expertise in community development. RCLC is well placed to drive Council's vision for Studio 1 and develop it into a vibrant community asset that meets current and future needs of the local community. An extension of the operating Licence and Funding Agreement for Studio 1 for a further year would give RCLC the opportunity to maximise access and increase opportunities for community connection and wellbeing. An EOI process for the management of Studio 1 will be completed in 2021.

RECOMMENDATION

1. That Council:

   (a) Note the impacts of the COVID-19 pandemic upon the operation of Studio 1 by the Richmond Community Learning Centre;

   (b) Note that the COVID-19 pandemic meant that it was impractical and undesirable to run an EOI process for the longer-term management of Studio 1 in 2020;

   (c) Endorse a further extension to the operating Licence and Funding Agreement with Richmond Community Learning Centre for the management of the Studio 1 for one more year, from 1 January 2021 – 31 December 2021;

   (d) Support the provision of an operating grant of $100,142 to the Richmond Community Learning Centre for the management of the Studio 1 for the calendar year of 2020, pending 2019–20 budget approval;

   (e) Note that the resumption of the hire of the Radio Room and the Womin Je Ka Room at Studio 1 for social functions in 2021; and,

   (f) Endorse officers undertaking the strategic work required to inform a new EOI process for the management of Studio 1 to be conducted in 2021.

Attachments

1⇩ Planning Permit - 31August 2012 - PLN12_0407

Attachment 1 - Planning Permit - 31August 2012 - PLN12_0407

Helping you understand your planning needs

PLANNING PERMIT

Permit No: PLN12/0407

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

26-50 Bendigo St Richmond VIC 3121

THE PERMIT ALLOWS:

Development of land (known as the Heritage Precinct) for use and construction of dwellings, a shop, food and drink premises (café) and a community facility and a waiver of the associated loading and unloading bay requirements generally in accordance with the Development Plan approved by Council on 11 May 2012.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

2. All works to the heritage building (the former Wertheim Piano Factory) must be carried out in accordance with permit 16172 dated 6 June 2011 issued by Heritage Victoria, and any subsequent permit or amendment issued at the direction of Heritage Victoria.

Environmental Sustainable Design (ESD)

3. Within one (1) month of the development commencing, an amended Environmentally Sustainable Report must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The report must be generally in accordance with the report by Murchie Consulting Pty Ltd dated 13 August 2012 but modified to address the following:

   a) a target-recycling rate of 80% of construction and demolition waste;
   b) evidence that the Biofilta system has been properly sized and performance modelled to ensure commitment to Victoria's best practice stormwater target;
   c) an average 5 Star NatHERS (BCA 2010 standard) rating for new dwellings;
   d) a minimum efficiency rating of 1 Star of the highest available or equivalent hot water system;
   e) the specification of efficient 3-star WELS ratings for fixtures and fittings;

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f) air-conditioning (HVAC) installed with a minimum efficiency rating at or within 1 Star of the highest available or equivalent co-efficient of performance (COP), meeting the Green Star ENE-12 Peak Energy Demand Reduction credit; and
g) an energy efficient lighting strategy for common areas.

Landscaping

4. Within one (1) month of the development commencing, an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with Landscape and Public Realm Report prepared by Oculus Architecture May 2012 and include the following changes:

   a) All existing trees to be retained and removed (including species, height and spread).
   b) Proposed plant schedule (with botanical name, common name, mature height and spread, installation size, spacing's, locations and quantities).
   c) A legend (with key features, materials and construction details).
   d) Existing and proposed levels including top wall and fence heights.
   e) Existing underground and overhead services.
   f) Any raised planter beds (including height and construction methods).
   g) Investigate opportunities for passive irrigation (kerb cut outs) to proposed streetscape planters.
   h) Alternatives to Environmental Weed Species such as Acanthus mollis and Cotoneaster dameri (as outlined in Gardening with Native Plants in Yarra: A home gardener's guide to protecting our natural heritage City of Yarra 2001).
   i) Details of upgrades to existing streetscape planting beds on Bendigo Street.
   j) Details of lighting, any gates and hand rails (if required) to assist with access within the public open space area.
   k) Delineation of all public and private areas.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.

7. Within one (1) month of the development commencing, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than 6 months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

8. Unfettered public access must be maintained at all times to the heritage courtyard and pedestrian walkway accessed from Bendigo Street.

Waste Management

9. Waste Management must be undertaken in accordance with the approved Waste Management Plan prepared by Leigh Design, dated 18 July 2012, to the satisfaction of the Responsible Authority.

10. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view.

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Road works

11. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.

Noise

12. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority

Shop and café use and operation

13. The shop and cafe may only operate between the hours of 6.00am and 7.00pm on any day, unless with the prior written consent of the Responsible Authority.

14. The café has a maximum of 40 seated patrons. The café floor space shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

15. All delivery and collection of goods associated with the shop and café must be conducted between the hours of 6.00am and 7.00pm on any day, unless with the prior written consent of the Responsible Authority.

16. The use of the shop and cafe must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.

17. The amenity of the area must not be detrimentally affected by the shop and café through:

    a) the transport of materials, goods or commodities to or from land;
    b) the appearance of any buildings, works or materials; and
    c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

Community Centre use and operation

18. The community centre may only operate between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless with prior consent of the Owners Corporation and the Responsible Authority.

19. The uses permitted within the community centre must be in accordance with the S173 agreement which encompasses the following set of activities and functions:

    a) Services which support delivery of education, training, advice and information referral; borrowing of library materials; community meetings and events; indoor recreation such as fitness classes and hobby groups; child care and maternal child health; adult allied health services; and community business support.
    b) All services operated through the facility will be of nature and scale appropriate within a residential environment, and will not cause undue disturbance to local residents or loss of amenity. The Community Centre must not provide for any facility for the injection, consumption or intake of illicit drugs, whether medically supervised or not.

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20. The community centre use and operation must meet all requirements and conditions under the S173 agreement, which includes the following:

    a) Council must not use or lease / licence the land for any other purpose than the Community Centre unless with the written consent of the Owners Corporation.
    b) Council must undertake the internal fit-out of the Community Centre at Council's cost in a manner that will not affect the structural integrity of the heritage building.
    c) Council must ensure that the Community Centre is used between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless with prior consent of the Owners Corporation.
    d) Council must ensure that the Community centre Land is not unoccupied for a period greater than 12 months.
    e) Council must not sell or agree to sell to any person without first offering to sell the Community centre land to the Owner under conditions outlined in the Agreement.

21. The community centre use and operation must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.

Car Parking

22. Prior to the subdivision of the development, car parking for the dwellings hereby approved by this permit must be provided in accordance with the Development Plan endorsed by Council in May 2012, and be located within the northern precinct basement car parking area.

23. Prior to the subdivision of the development, car parking for staff associated with the community centre, shop and café hereby approved by this permit must be provided in accordance with the Development Plan endorsed by Council in May 2012.

Bicycle Parking

24. A minimum of 34 bicycle parking spaces must be provided within the heritage building (the former Weretheim piano factory) to the satisfaction of the Responsible Authority.

25. Bicycle parking for the dwellings hereby approved by this permit will be provided in accordance with the Development Plan endorsed by Council in May 2012.

26. The bicycle area must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.

27. Bicycle parking for staff associated with the community centre, shop and café hereby approved by this permit will be provided in accordance with the Development Plan endorsed by Council in May 2012.

General

28. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

29. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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30. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Construction

31. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site, on site facilities for vehicle washing;
e) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
f) site security;
g) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
h) construction program ;
i) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
j) parking facilities for construction workers;
k) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
o) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
    (i) using lower noise work practice and equipment
    (ii) the suitability of the site for the use of an electric crane
    (iii) silencing all mechanical plant by the best practical means using current technology; and

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(iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Time Limit

32. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

33. This permit will expire if the development or use is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTES

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme.
All works are subject prior approval from Heritage Victoria.

A building permit may be required before use is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

The site is located within an Environmental Audit Overlay. Pursuant to clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of works permitted under the permit.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

The use and operation of the community centre is the subject of a S173 legal agreement.

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PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987.**)

WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

* An application for review must also be served on the Responsible Authority.

* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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8.5 Edinburgh Gardens

Executive Summary

Purpose

The purpose of the report is to provide Councillors with an update and potential options in relation to addressing community concerns regarding the anti-social behaviour associated with increased patronage of Edinburgh Gardens.

Key Issues

The issue involves anti-social behaviour being exhibited by some attendees at Edinburgh Gardens; with public urination, illegal drug use, and excessive consumption of alcohol.

Some of the actions by these attendees are creating amenity and safety issues for nearby residents and considerable additional costs to Council.

The majority of these offences are police matters and require ongoing attention and enforcement by the police to rectify.

Financial Implications

There have been significant costs incurred and will continue to be incurred by increased staffing levels, infrastructure provisions, such as additional temporary toilet facilities along with associated costs of cleansing and the removal and disposal of rubbish and graffiti cleaning.

The toilet facilities provided for the summer period within Edinburgh Gardens have more than doubled at a cost of $100,000.

Additional cleaning, rubbish removal etc. is costing approximately $8,000 per week.

Staffing levels have also increased significantly with additional Compliance patrols and the use of Park Ambassadors; primarily out of normal business hours.

Variable message signage has cost an additional $6,000.

It should be noted that the implementation of an alcohol ban may not impact these ongoing costs.

PROPOSAL

Council has the option of noting the continuation of the additional costs and efforts by Council to ameliorate the issues being experienced at Edinburgh Gardens; or it may consider the implementation of an alcohol ban for a temporary period of time.

8.5 Edinburgh Gardens

Reference	D20/164885
Author	Stewart Martin - Manager Compliance and Parking Services
Authoriser	Director Corporate, Business and Finance

Purpose

1. The purpose of the report is to provide Council with an update and potential options in relation to addressing community concerns regarding anti-social behaviour associated with increased patronage of Edinburgh Gardens.

Critical analysis

History and background

2. Edinburgh Gardens is an exceptionally popular park within the municipality that provides many facilities to the community such as sporting ovals, bike paths, and a skate park as well as a meeting place for members of the community.
3. Adjacent to the park on St Georges Rd is the Fitzroy Bowls Club which the land is leased from Council. The Bowls Club also holds functions which include the playing of music and the consumption of alcohol.
4. The park is utilised for many public and private events such as birthday parties and weddings.
5. The pathway out of lockdown under the Stage 4 COVID-19 restrictions advised the community that they could only meet with extended family and persons from other households in open public space. Therefore, the popularity of the park has increased significantly with crowds when the weather is good in the vicinity of 3,000 - 4,000 at certain times of the day.
6. In recent weeks, we have also seen an increased patronage at a number of parks within the municipality such as Barkly Gardens and Darling Gardens.
7. The current Consumption of Liquor in a Public Place Local Law allows for the consumption of liquor within a prescribed place between 9:00am and 9:00pm. Edinburgh Gardens is listed as a prescribed place that allows public drinking of alcohol under the above conditions.
8. There is currently a Council resolution that prohibits the consumption of alcohol within the entire municipality on New Year's Eve from 9:00am on 31 December until 9:00am 1 January.
9. This resolution was proposed after a large rave party on New Year's Eve 2014 within Edinburgh Gardens, where more than 20,000 people were in the park and there were numerous assaults reported, anti-social behaviour and many other dangerous situations allegedly fuelled by recreational drug use and alcohol consumption. There was also a considerable clean-up cost, damage to Council assets and the removal of rubbish.
10. Since this event, Council officers have implemented considerable planning around summer public holidays and other days of significance, such as New Year's Eve, 26 January and the Hottest 100. These days often draw significant crowds to the gardens and Council has provided additional toilets, cleaning, security and entertainment to promote a safer and family friendly environment.
11. However, this year, many of the behaviours these planned responses aim to mitigate have been presenting every weekend, especially when the weather is warm.
12. There have over the years been continual concerns raised by nearby residents in relation to noise generated by some park users playing amplified music and the use of drums. However, in recent years these complaints lessened considerably.

13. Of more recent times with the increase in patronage of the park there have been issues raised in relation to the lack of toilet facilities and public urination and defecation, specifically in nearby public laneways and within the park itself.

14. Despite the easing of COVID-19 restrictions in recent weeks, the park continues to remain a popular destination for many residents and visitors.

15. In recent weeks there have been issues raised in relation to the consumption of illegal drugs and excessive alcohol consumption within the parks.

16. People using the park are a combination of Yarra residents and visitors to the municipality and the park is a drawcard due to its location, amenity, and the ability to consume alcohol until 9:00pm. The park appears to be seen by some users as a party location and appears to be marketed as such on certain social media platforms and pages.

17. Approximately 12 used syringes have been found and removed within the precinct vicinity over the past four weeks. This is not a particularly high number relative to other locations. These numbers do not account for any syringes collected by community members or others that have not been recorded. Two used syringes have been found on the grounds of North Fitzroy Primary School.

18. Anecdotal feedback suggests that drug use in Edinburgh Gardens may be predominantly “party drugs” in nature; with syringes not necessarily the method of ingesting the drugs.

19. In response to concerns raised by some residents there have been a number of meetings convened between residents, Council officers and Councillors.

20. Victoria Police have conducted a number of operations specifically on weekends within the parks including the deployment of additional officers, bicycle patrols and the mounted branch. Each week, the local police meet with Council officers to discuss the issues identified at the park and plan for any eventualities.

21. The police have had a highly visible and active presence within Edinburgh Gardens and nearby streets over the past two months and this has increased in response to the increases in crowds and anti-social behaviour.

22. Some residents have asked for an alcohol ban within the park and the closure of laneways abutting the park.

23. Council has more than doubled the normal summer period number of toilets within the park, as well as placing additional portable toilets close to where there have been reports of public urination in laneways to discourage this behaviour.

24. Edinburgh Gardens has 10 permanent toilets, with eight unisex cubicles on the south side and two unisex cubicles on the north side.

25. In the past two months a urinal trough (catering for up to 20 men) has been added at the north side, a temporary toilet block (four female cubicles, two male cubicles and a urinal trough) at the south side and 10 additional cubicles and a urinal trough near the Alfred Crescent entrance. Two cubicles have also been opened within the Emely Baker Centre on weekends.

26. Council has also increased the frequency of cleaning of the toilet facilities and laneways to later in the evening and have rostered staff on site across the weekends to maintain the areas. Cleaners are onsite permanently across the weekends from 8:00am until 9:00pm. This includes toilet cleaning, park cleaning and disinfecting of laneways.

27. There has been a significant increase in the provision of bins and the collections of rubbish in recent weeks. Additional staff are emptying rubbish bins on Saturdays and Sundays.

28. Park ambassadors on both Saturdays and Sundays have been introduced to patrol the park monitoring the cleanliness of facilities and park numbers as well as reporting potential breaches of the Local Law and other laws.

29. Local Laws officers have also been patrolling the park on both Saturdays and Sundays as well as providing the after-hours service to respond to any issues or engage with police as required.

30. After-hours officers need to engage and utilise police to assist them for occupational health and safety reasons in dealing with some situations, especially after dark.

31. The additional weekly patrols of Edinburgh Gardens of Local Laws officers, cleaning and waste staff, park ambassadors and management staff have placed an extra burden on resources.

32. Proactive patrols of parking officers have also been instituted to address issues of illegal parking as well as providing residents with relevant information if they wish to change the restrictions within their streets.

33. Numerous signs and variable message signage boards have been installed and utilised to deliver messaging around the local laws and amenity issues. These have included toilet way finding signage and reminders regarding local laws and behaviour.

34. Council has regular (multiple per week) social media posts to deliver important messages regarding the local laws, extra toilets facilities etc.

35. Weekly meetings are being held with police regarding the ongoing operations within the park and enforcement requirements.

Discussion

36. Anti-social behaviour and criminal offences fall under the jurisdiction of the police as well as the enforcement of the Consumption of Liquor in a Public Place Local Law.

37. All Victorian police officers are authorised to enforce the Consumption of Liquor in a Public Place Local Law.

38. The closure of laneways to prevent public urination may not resolve the situation and may cause some people to urinate on the street or in resident's properties.

39. The closure of public laneways due to anti-social behaviour may set a precedent throughout the municipality where there is a perceived threat by members of the community.

40. There is a Council policy that governs the closure of laneways and any consideration to close a laneway should follow this policy.

41. The banning of alcohol may not resolve a number of issues that are occurring and will require an ongoing commitment by the police to enforce.

42. The staffing requirements and efforts of Council and Victoria Police in relation to Edinburgh Gardens will potentially not be lessened by an alcohol ban.

43. The increased patronage of Edinburgh Gardens may lessen as the current COVID-19 restrictions reduce and licenced venues can have increased numbers as well as people having more freedom to socialise in their homes.

44. There have been in recent months an increased number of people in all our parks throughout the municipality, not just Edinburgh Gardens. This has also been the case throughout metropolitan Melbourne.

45. The main difficulty in relation to enforcement is at dusk (9:00pm) when the alcohol ban comes into place and getting people to stop drinking who may already be under the influence of alcohol. Potentially moving the times may not resolve this issue either.

46. The addition or removal of a park from the prescribed places under the Consumption of Liquor in a Public Place Local Laws must be done by resolution of Council.

Options

47. Two options are presented in relation to the application of the Consumption of Liquor in a Public Place Local Law for Councils consideration at this time.

48. The first option is for Council to maintain the current service level and facilities as well as continue to work with police to manage the issues at Edinburgh Gardens, but make no changes to the current prohibition on the consumption of alcohol in Edinburgh Gardens between the hours of 9.00pm and 9.00am.

49. This option would be achieved be replacing clause 2 of the officer recommendation with:

2. That Council:

(a) continue to monitor the situation at Edinburgh Gardens in line with current service levels and to respond to issues as they arise; and

(b) determine to make no changes to the Consumption of Liquor in a Public Place Local Law at this time.

50. The second option is to remove Edinburgh Gardens from among the prescribed places under the local law, banning the consumption of alcohol within the park at all times. The wording below is presented to make this change until 1 February 2021.

51. This option would be achieved be replacing clause 2 of the officer recommendation with:

2. That Council:

(a) pursuant to Part 4, clause 16 of the Consumption of Liquor in Public Places Local Law and effective from 16 December 2020, declare the Prescribed Areas for the purposes of that Part 4 as declared on 8 October 2020 be amended by removing those areas described in that declaration as:

(i) Edinburgh Gardens Oval (Alfred Crescent Oval), Alfred Cres Fitzroy 3065 (Melway 2C D1);

(ii) Edinburgh Gardens, cnr St Georges Rd / Brunswick St Fitzroy North 3068 (Melway 2C D1); and

(iii) W T Peterson Community Oval, Brunswick St Fitzroy North 3068 (Melway 2C C2)

with this declaration to continue to apply from 9.00 am to 8.59 pm; and

(b) pursuant to Part 4, clause 16 of the Consumption of Liquor in Public Places Local Law and effective from 1 February 2021, declare the Prescribed Areas for the purposes of that Part 4 as declared on 15 December 2020 be amended by adding those areas described in that declaration as:

(i) Edinburgh Gardens Oval (Alfred Crescent Oval), Alfred Cres Fitzroy 3065 (Melway 2C D1);

(ii) Edinburgh Gardens, cnr St Georges Rd / Brunswick St Fitzroy North 3068 (Melway 2C D1); and

(iii) W T Peterson Community Oval, Brunswick St Fitzroy North 3068 (Melway 2C C2)

with this declaration to continue to apply from 9.00 am to 8.59 pm.

Community and stakeholder engagement

52. There have been a number of meetings with residents who live near Edinburgh Gardens who have raised concerns regarding the consumption of alcohol, anti-social behaviour and illegal drug use. Residents have had particular concerns due to public urination and defecation in nearby laneways.

53. There have been a number of conversations and meetings with the police in relation to their attendance and actions in addressing anti-social behaviour, ensuring public order and the illegal consumption of alcohol.

Policy analysis

Alignment to Council Plan

54. This report does not directly relate to matters regarding the alignment to Council Plan.

Climate emergency and sustainability implications

55. There are no climate emergency and sustainability implications.

Community and social implications

56. The park is a meeting place for members of the community to enjoy the fresh air and socially interact. The consumption of alcohol, when conducted appropriately, is a significant part of the enjoyment and one of the reasons why it is a popular location for weddings and parties.

57. The park provides an excellent public place for social interaction after months of lockdown and allows for families and friends to meet up and enjoy each other's company.

58. The excessive consumption of alcohol is however a negative for the community and individuals as there are no controls in the amount of liquor consumed. Within licensed venues there are controls such as the responsible service of alcohol.

59. Public safety issues including excessive alcohol consumption and illegal drug use are a concern for many members of the public.

60. An alcohol ban will impact all park users including those who choose to drink responsibly, along with the use of the park for parties and weddings.

61. The effectiveness of any alcohol ban is also predicated on effective enforcement from Local laws officers and Police.

62. A ban on alcohol within Edinburgh Gardens may potentially result in the concerning behaviour shifting to other parks and gardens within Yarra.

Economic development implications

63. There are no economic development implications.

Human rights and gender equity implications

64. At the time of making of the Consumption of Liquor in Public Places Local Law, Council considered a Statement of Compatibility with the Human Rights and Responsibilities Charter. That statement found that the local law engaged the following human rights:

    (a) The right to freedom of movement;

    (b) The right of persons not to be deprived of his or her property other than in accordance with law; and

    (c) The right for a person charged with a criminal offence to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

65. For each of these human rights, an assessment was conducted on the nature of the local law's impacts of limitations on the right, the balance of interests to be considered and the reasonability of the limitation and solutions or measures to reduce the limitation. In all cases, the restriction imposed by the making of the local law were found to be compatible with the Human Rights and Responsibilities Charter.

66. There are no gender equity implications examined in this report.

Operational analysis

Financial and resource impacts

67. There are considerable ongoing costs with the management of Edinburgh Gardens such as staffing, provision of toilets, cleansing etc.

68. It is uncertain what effect an alcohol ban would have in relation to the ongoing costs of maintain the park. However, it would be expected that majority of the existing costs would remain.

Legal Implications

69. Any changes to the prescribed places attached to the Consumption to Liquor in a Public Place Local Law may only be affected by resolution of Council.

70. Changes to the Local Law itself would a formal process that will require consultation.

71. The enforcement of alcohol consumption and anti-social behaviour including public urination and illegal drug taking is a police responsibility. Therefore, a commitment from the police is required for enforcement; otherwise any changes to the Local Laws may be ineffective.

Conclusion

72. There will be a continuing need for ongoing enforcement and commitment from the police in relation to the issues at Edinburgh Gardens.

73. A potential ban on alcohol will need to be continually enforced, similar to bans imposed by the City of Port Phillip at beaches and beachside parks.

74. A ban on alcohol consumption will impact any person who wants to attend the park and enjoy an alcoholic drink.

75. Council may resolve to ban alcohol from Edinburgh Gardens if it wishes to do so.

76. Such a ban would be affected by a resolution that removes Edinburgh Gardens from the list of prescribed places listed under the Local Law.

77. Such a resolution may be date specific and allow for the reinstatement of Edinburgh Gardens to the list of prescribed places from a certain future date.

RECOMMENDATION

1. That Council:

   (a) notes the concerns raised by some residents on the current level of usage and behaviour in and around Edinburgh Gardens; and

   (b) notes the significant response provided by Council officers and the resources already dedicated to managing the issues.

2. That Council determine the appropriate course of action based on the options set out in this report.

Attachments

There are no attachments for this report.

8.6 Finance Report - September 2020

Reference	D20/165763
Author	Mark Montague - Chief Financial Officer
Authoriser	Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the September 2020 Finance Report.

Critical analysis

History and background

2. Under the Local Government Act, Council is required to report on its financial results on a quarterly basis.
3. The September 2020 Finance report is provided at **Attachment 1** for noting and discussion.
4. The September 2020 Capital Adjustments Running Table is provided at **Attachment 2** for noting.

Discussion

Financial Implications

Finance Report – September 2020 (Attachment 1)

5. As at 30 September 2020 Council is favourable to YTD Budget by $1.3m. This result is attributable in most part to the following:
   (a) Higher YTD grants received of $0.7m, mostly attributable to unbudgeted operating grants of $0.6m which have been received;
   (b) Higher YTD other income mostly attributable to unbudgeted income for road discontinuances, $2.5m;
   (c) Lower YTD materials and services expenditure, mainly due to the impact of COVID-19 restrictions on Council services and timing of associated contract payments, $3.3m; and
   (d) Lower YTD bad and doubtful debts resulting from the number of parking infringements issued being well below budget, $0.8m.
6. These favourable outcomes are offset by unfavourable variances of:
   (a) Lower YTD parking and infringement income due to lower than budgeted parking infringements issued and a reduction in traffic flow through the municipality as a result of COVID-19 restrictions, $4.7m; and
   (b) Lower YTD user fee income due in most part to the closure of recreation and leisure facilities due to COVID-19 restrictions, $1.7m.

   It is important to note that not all of these favourable results translate to additional cash as most are restricted for future use.

   It should also be noted that Council's October financial result is expected to show that the small positive variance to budget at end September, will have become a ($4.3m) negative variance to budget by end October.

Options

7. This report does not include any options.

Community and stakeholder engagement

8. This report was circulated to the Executive team on Wednesday 21 October 2020. No external consultation or engagement was required.

Policy analysis

Alignment to Council Plan

9. There are no Council Plan, Strategy and Policy implications.

Climate emergency and sustainability implications

10. There are no climate emergency and sustainability implications.

Community and social implications

11. There are no community and social implications.

Economic development implications

12. There are no economic development implications.

Human rights and gender equity implications

13. There are no human rights and gender equity implications.

Operational analysis

Financial and resource impacts

14. The financial impacts of the report are discussed under the financial implications heading.

Legal Implications

15. There are no legal implications.

Conclusion

16. At the end of September 2020 Council's operating result was $1.3m favourable to the YTD budget. By the end of October 2020, this result had substantially changed and Council was ($4.3m) unfavourable to YTD budget. This was change was largely the result of the ongoing impacts of the COVID-19 pandemic on Council income streams, coupled with increasing operating spend as lockdown restrictions began to be ease across Melbourne.

RECOMMENDATION

1. That Council:

   (a) note the September 2020 Finance Report.

Attachments

1⇩ Finance Report - September 20 (Council)

2⇩ Capital Works Program Adjustments - September 2020 Q1

Attachment 1 - Finance Report - September 20 (Council)

Finance Report

for the period
1 July 2020 to 30 September 2020

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Dashboard

Income Statement	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)
	$'000	$'000	$'000	$'000	$'000	%	$'000	$'000	%
Revenue from ordinary activities									
Rates and charges	115,869	115,869	115,211	115,396	185	0.2%	115,869	-	0.0%
Statutory fees and fines	25,454	25,454	7,086	2,392	(4,694)	-66.2%	25,454	-	0.0%
User Fees	25,427	25,427	5,555	3,820	(1,735)	-31.2%	25,427	-	0.0%
Reimbursements	1,074	1,074	362	278	(84)	-23.2%	1,074	-	0.0%
Grants - Operating	14,399	14,399	3,418	4,007	589	17.2%	14,399	-	0.0%
Grants - Capital	4,169	4,169	49	133	84	171.4%	4,169	-	0.0%
Contributions - OSR	4,500	4,500	285	45	(240)	-84.2%	4,500	-	0.0%
Contributions - Other monetary	1,156	1,156	127	290	163	128.3%	1,156	-	0.0%
Net gain/(loss) on disposal	160	160	40	-	(40)	-100.0%	160	-	0.0%
Other Income	1,204	1,204	175	2,668	2,493	1424.6%	1,204	-	0.0%
Total Revenue	**193,412**	**193,412**	**132,308**	**129,029**	**(3,279)**	**-2.5%**	**193,412**	**-**	**0.0%**
Expenses from ordinary activities									
Employee Costs	90,028	90,028	23,986	23,659	327	1.4%	90,028	-	0.0%
Materials and services	75,663	75,663	19,160	15,797	3,363	17.6%	75,663	-	0.0%
Bad and doubtful debts	5,000	5,000	1,250	409	841	67.3%	5,000	-	0.0%
Depreciation	23,800	23,800	5,950	5,807	143	2.4%	23,800	-	0.0%
Amortisation - right of use assets	880	880	220	263	(43)	-19.5%	880	-	0.0%
Borrowing costs	1,867	1,867	473	475	(2)	-0.4%	1,867	-	0.0%
Interest Expenses - Leases	118	118	30	35	(5)	-16.7%	118	-	0.0%
Total Expenses	**197,356**	**197,356**	**51,069**	**46,445**	**4,624**	**9.1%**	**197,356**	**-**	**0.0%**
Net Result	**(3,944)**	**(3,944)**	**81,239**	**82,584**	**1,345**	**1.7%**	**(3,944)**	**-**	**0.0%**

Income Statement by Division	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)
Chief Executive Revenue	1,940	1,514	429	210	(219)	-51.0%	1,514	-	0.0%
Chief Executive Expense	13,205	13,924	3,929	4,775	(846)	-21.5%	13,924	-	0.0%
Net (Exp)/Rev	*(11,265)*	*(12,410)*	*(3,500)*	*(4,565)*	*(1,065)*	*-30.4%*	(12,410)	-	0.0%
Corporate, Business and Finance Reven	151,546	148,008	122,654	120,877	(1,777)	-1.4%	148,008	-	0.0%
Corporate, Business and Finance Expen	66,114	63,383	17,243	15,187	2,056	11.9%	63,297	86	0.1%
Net (Exp)/Rev	*85,432*	*84,625*	*105,411*	*105,690*	279	0.3%	84,711	86	0.1%
Planning and Place Making Revenue	8,431	7,758	1,165	1,144	(21)	-1.8%	7,758	-	0.0%
Planning and Place Making Expense	16,524	16,428	4,446	4,452	(6)	-0.1%	16,428	-	0.0%
Net (Exp)/Rev	*(8,093)*	*(8,670)*	*(3,281)*	*(3,308)*	(27)	-0.8%	(8,670)	-	0.0%
Community Wellbeing Revenue	15,226	15,478	3,662	3,811	149	4.1%	15,478	-	0.0%
Community Wellbeing Expense	39,665	39,240	9,838	7,961	1,877	19.1%	39,326	(86)	-0.2%
Net (Exp)/Rev	*(24,439)*	*(23,762)*	*(6,176)*	*(4,150)*	2,026	32.8%	(23,848)	(86)	-0.4%
City Works and Assets Revenue	16,269	20,655	4,398	2,985	(1,413)	-32.1%	20,655	-	0.0%
City Works and Assets Expense	61,849	64,382	15,613	14,070	1,543	9.9%	64,382	-	0.0%
Net (Exp)/Rev	*(45,580)*	*(43,727)*	*(11,215)*	*(11,085)*	130	1.2%	(43,727)	-	0.0%
Total Net (Exp)/Rev	**(3,944)**	**(3,944)**	**81,239**	**82,584**	**1,345**	**1.7%**	**(3,944)**	**-**	**0.0%**

Legend:

> (50,000) and/or (5%)	Unfavourable variance
> = 50,000 and/or 5%	Favourable variance

No highlight indicates that the item is within tolerance

Cash Position	Full year Budget Target	Current period Result	Forecast result
Liquidity Ratio	2.68	3.85	2.68

VAGO Ranges for Liquidity

Low Risk	Medium Risk	High Risk
> 1	0.75 - 1	< 0.75

Greater detail is included in the VAGO Indicators section on page 8

EFT	Full year Budget	Current period Result	Forecast result
Establishment	866	891.4	891.4
Vacant positions (included in above)		60.5	

Greater detail is included in the EFT section on page 4

Transfers to/from the Open Space Reserve	Balance as at 30/06/2020	Current period balance	Movement Inc/(Dec)	Comments
	$'000	$'000	$'000	
Open Space Reserve	14,766	14,808	42	Movement in contributions received less expenditure YTD for 2020/21.

Greater detail is included in the Open Space Reserves section on page 6

Borrowings	Balance as at 30/06/2020	Current period balance	Movement Inc/(Dec)	Comments
	$m	$m	$m	
Total Borrowings	42.5	42.2	(0.3)	Principal repayment of $0.3M YTD

Greater detail is included in the Borrowings section on page 7

Debtors	Balance as at 30/06/2020	Current period balance	Movement Inc/(Dec)	Comments
	$'000	$'000	$'000	
Total Debtors	21,621	129,558	107,937	Debtors have increased due to the raising of 2020/21 Rates and FSL. Balance will progressively reduce throughout the year and convert to cash as rate installments are paid.

Greater detail is included in the Debtors section on page 5

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Income Statement by Revenue and Expenditure with Variance Commentary

Income Statement	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)	Variance Comments (including variance comments for adjusted budget changes)
	$'000	$'000	$'000	$'000	$'000	%	$'000	$'000	%	
Revenue from ordinary activities										
Rates and charges	115,869	115,869	115,211	115,396	185	0.2%	115,869	-	0.0%	YTD favourable variance to budget primarily due to higher than budgeted supplementary rate income at this point of the year.
Statutory fees and fines	25,454	25,454	7,086	2,392	(4,694)	-66.2%	25,454	-	0.0%	YTD unfavourable variance to budget due to a decline in parking activity as a result of the COVID-19 pandemic. There has been lower income received from parking meters and a reduction in the number of infringements issued.
User Fees	25,427	25,427	5,555	3,820	(1,735)	-31.2%	25,427	-	0.0%	YTD unfavourable variance to budget mostly attributable to the impact of reduced fee income from childcare and recreation and leisure (including Burnley Golf Course), which is a result of mandatory facility closures in response to the COVID-19 pandemic.
Reimbursements	1,074	1,074	362	278	(84)	-23.2%	1,074	-	0.0%	YTD unfavourable variance to budget mainly due to traffic and engineering works reimbursement being behind budget.
Grants - Operating	14,399	14,399	3,418	4,007	589	17.2%	14,399	-	0.0%	YTD favourable variance to budget mostly attributable to a unbudgeted grants received for community safety, glass bin rollout and kindergarten support activities.
Grants - Capital	4,169	4,169	49	133	84	171.4%	4,169	-	0.0%	YTD favourable variance to budget is due to an unbudgeted grant received for the Ramsden Reserve Stormwater Harvesting project.
Contributions - OSR	4,500	4,500	285	45	(240)	-84.2%	4,500	-	0.0%	YTD unfavourable variance to budget is due to open space development contributions being behind budget. This is determined by the progress completion of individual developments and funds are committed to be spent on eligible open space projects.
Contributions - Other monetary	1,156	1,156	127	290	163	128.3%	1,156	-	0.0%	YTD favourable variance to budget relates to unbudgeted contributions received for street tree planting and maintenance works.
Net gain/(loss) on disposal	160	160	40	-	(40)	-100.0%	160	-	0.0%	
Other Income	1,204	1,204	175	2,668	2,493	1424.6%	1,204	-	0.0%	YTD favourable variance to budget is primarily due to a unbudgeted revenue received from the discontinuance of the road abutting 53-77 Burnley Street.
Total Revenue	**193,412**	**193,412**	**132,308**	**129,029**	**(3,279)**	**-2.5%**	**193,412**	-	**0.0%**	
Expenses from ordinary activities										
Employee Costs	90,028	90,028	23,986	23,659	327	1.4%	90,028	-	0.0%	YTD favourable variance to budget is due to a number of vacant positions across the organisation, the impact of facility closures and the impact of salary increments taking effect from 1 September 2020. These favourable variances are partially offset by an increase in leave entitlements due to leave taken being below budgeted levels.
Materials and services	75,663	75,663	19,160	15,797	3,363	17.6%	75,663	-	0.0%	YTD favourable variance to budget is mainly due to delays in the timing of some contract payments; legal and consulting works expected to incurred later than budget. This variance is likely to reduce throughout the course of the year as these costs are incurred.
Bad and doubtful debts	5,000	5,000	1,250	409	841	67.3%	5,000	-	0.0%	YTD favourable variance to budget is due to the impact of the COVID-19 pandemic on the number of parking infringements being issued. This has resulted in a reduction in expected doubtful debts expense.
Depreciation	23,800	23,800	5,950	5,807	143	2.4%	23,800	-	0.0%	YTD favourable variance to budget driven by a reduction in the fair value of depreciable assets that occurred at June 2020. As a result, the depreciable asset base for 2020/21 is lower than budgeted, resulting in lower than anticipated depreciation expense.
Amortisation - right of use assets	880	880	220	263	(43)	-19.5%	880	-	0.0%	
Borrowing costs	1,867	1,867	473	475	(2)	-0.4%	1,867	-	0.0%	
Interest Exp - Leases	118	118	30	35	(5)	-16.7%	118	-	0.0%	
Total Expenses	**197,356**	**197,356**	**51,069**	**46,445**	**4,624**	**9.1%**	**197,356**	-	**0.0%**	
Net Result	**(3,944)**	**(3,944)**	**81,239**	**82,584**	**1,345**	**1.7%**	**(3,944)**	-	**0.0%**	

Legend:
> (50,000) and/or (5%) Unfavourable variance
> = 50,000 and/or 5% Favourable variance
No highlight indicates that the item is within tolerance

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
EFT

Directorate	Full Year Adopted Budget	Current period balance	Movement Favl(Unfav)
CEO Division			
Permanent	49.5	56.1	(6.6)
Temporary	6.0	5.8	0.2
Casual	3.0	1.2	1.8
	58.5	**63.1**	**(4.6)**
Corporate, Business & Financial Services			
Permanent	168.5	163.8	4.7
Temporary	-	3.0	(3.0)
Casual	11.3	11.3	(0.0)
	179.8	**178.1**	**1.7**
Community Wellbeing			
Permanent	262.6	277.3	(14.7)
Temporary	3.3	1.7	1.6
Casual	23.8	20.0	3.8
	289.7	**299.1**	**(9.4)**
City Works & Assets			
Permanent	213.8	219.5	(5.7)
Temporary	0.6	4.6	(4.0)
Casual	32.2	30.3	1.9
	246.6	**254.4**	**(7.8)**
Planning & Placemaking			
Permanent	87.8	91.6	(3.8)
Temporary	3.0	4.4	(1.4)
Casual	0.6	0.8	(0.2)
	91.4	**96.8**	**(5.4)**
Total Permanent	**782.2**	**808.3**	**(26.1)**
Total Temporary	**12.9**	**19.5**	**(6.6)**
Total Casual	**70.9**	**63.6**	**7.3**
Total EFT	**866.0**	**891.4**	**(25.4)**

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Debtors

Rate Debtors Aging (years)	<1 $'000	1 $'000	2 $'000	3+ $'000	Total $'000
Commercial	19,946	1,181	111	64	21,303
FSL - Commercial	6,729	457	36	22	7,245
Industrial	5,808	282	24	16	6,129
FSL - Industrial	2,721	80	36	22	2,859
Residential	67,293	3,525	899	1,131	72,849
FSL - Residential	5,411	283	70	73	5,837
FSL - Public Benefit	83	1	4	1	89
FSL - Vacant	45	4	1	1	50
FSL - Interest	-	35	11	9	55
Legal Fees	4	37	15	11	68
Bridge Road Special Charge	124	7	0	0	132
Garbage & Other	29	6	1	1	37
Prepayments	(81)	(82)	(38)	(22)	(223)
Sub Total	**108,114**	**5,816**	**1,171**	**1,330**	**116,431**

Parking Debtors	Balance as at 30/06/2020 $'000	Current period balance $'000	Movement Inc/(Dec) $'000	Comments
	3,809	3,131	(678)	Movement in additional parking infringement debtors raised less payments received and debt provision.

Parking Debtors Aging

Aging (days)	Total	Current	30	60	90+
	3,131	139	97	290	2,605

General/Sundry Debtors	Balance as at 30/06/2020 $'000	Current period balance $'000	Movement Inc/(Dec) $'000	Comments
	2,144	4,112	1,969	No adjustment to debt provision at this time.

General/Sundy Debtors Aging

Aging (days)	Total $'000	Current $'000	30 $'000	60 $'000	90+ $'000
Sundry Debtors (3250 / 3270)	5,158	3,166	105	80	1,807
Provision for Doubtful Debt (3252)	(1,046)	(1,046)	-	-	-
RAMs Debtors (3256) - Property development applications	1,061	137	448	43	433
Animal Debtors (3257)	26	(1)	0	-	26
PLUS Debtors (3258) - Misc. permits for advertising and footpath occupation	(1)	(3)	0	-	1
Local Laws Debtors (3259)	86	-	(3)	0	89
Salary Sacrifice (3264)	1	1	-	-	-
Fines and Costs (3265)	1,492	1,492	-	-	-
BAGS Control Debtors (3271) - Asset Protection applications	1,868	(23)	27	65	1,799
MCC Superannuation (3222)	(3)	(3)	-	-	-
GST Clearing (3249 / 3255)	913	913	-	-	-
WorkCover Wages / Receipts (3230 / 3232) - WorkCover wages claims	13	13	-	-	-
Perin Cheques - Parking (3273)	428	428	-	-	-
S/Total	**9,995**	**5,074**	**577**	**187**	**4,157**

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Open Space Reserve

Council receives contributions specifically for Open Space as part of development permits. This reserve is then expended on eligible open space projects. Contributions are received into Council's income statement first, as they are required to be recognised as revenue before being transferred into the reserve.

Open Space Reserve Account	Amount $'000
Opening Balance as at 30 June 2020	14,766

Funds Received (Transfers to Reserve)	Amount $'000
72 Regent St Richomond	45
Total	**45**

Projects (transfers from Reserve)	Amount $'000
King William St	3
Total	**3**

Open Space Reserve Account	Amount $'000
Closing balance as at September	14,808

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Borrowings

Amount $m	Lender	Type	Term years	Maturity Date	Balance as at 30/06/2020 $m	Current period balance $m	Movement Inc/(Dec)	Comments
$32.5M	NAB	Interest only	7	2021	32.5	32.5	-	Interest only
$13.5M	CBA	P&I	10	2027	10.0	9.7	(0.3)	YTD repayments made (approx $300k per quarter)
					42.5	**42.2**	**(0.3)**	

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Financial Sustainability Indicators

VAGO Indicators			VAGO Ranges			Commentary
Indicator/Description	**Formula**	**Current Period Result**	**Low Risk**	**Medium Risk**	**High Risk**	**It should be noted that all Financial sustainability indicators are intended to be measured on an annual basis to ensure an accurate picture is presented.**
Net Result (%)	Net Result / Total Revenue	64%	> 0%	-10% - 0%	< -10%	YTD result ahead of budget due to the annual rates being raised in Aug 20. Final result expected to be in line with budget placing Council in the Low Risk range.
A positive result indicates a surplus, and the larger the percentage, the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. The net result and total revenue are						
Liquidity (ratio)	Current assets / Current liabilities	3.85	> 1.0	0.75 - 1.0	< 0.75	YTD result ahead of budget due to the annual rates being raised in Aug 20. Final result expected to be in line with budget placing Council in the Low Risk range.
This measures the ability to pay existing liabilities in the next 12 months. A ratio of one or more means there are more cash and liquid assets than short-term liabilities.						
Internal financing (%)	Net operating cash flow / Net capital expenditure	-145%	> 100%	75% - 100%	< 75%	YTD result behind well budget due to net operating cash flows being in deficit as expected at this point of the year as cashflow from rates is yet to start coming in. Final result expected to be in line with budget placing Council in Low Risk range.
This measures the ability of Council to finance capital works from generated cash flow. The higher the percentage, the greater the ability for Council to finance capital works from their own funds. Net operating cash flow and						
Indebtedness (%)	Non-current liabilities / own-sourced revenue	38%	< 40%	40% - 60%	> 60%	Full year result expected to be more favourable than YTD result as Council continues to generate revenue from operations in line with budget. Low Risk range expected.
Comparison of non-current liabilities (mainly comprising borrowings) to own-sourced revenue. The higher the percentage, the less Council is able to cover non-current liabilities from the revenues Council generates itself. Own-						
Capital replacement (ratio)	Cash outflows for property, plant and equipment / Depreciation	0.9	>1.5	1.0 - 1.5	< 1.0	Full year result expected to be more favourable than YTD result as Capital spend continues to pick up throughout the year. Medium Risk range expected.
Comparison of the rate of spending on infrastructure with depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciation rate. This is a long-term indicator, as capital expenditure can be deferred in						
Renewal gap (ratio)	Renewal and upgrade expenditure/depreciation	0.4	>1.0	0.5 - 1.0	<0.5	Full year result expected to be more favourable than YTD result as Capital spend continues to pick up throughout the year. Low Risk range expected.
Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. Ratios higher than 1.0 indicate that spending on existing assets is faster than the depreciation						

Local Government Performance Reporting Framework Indicators					
Indicator/Description	**Measure**	**2019-20 Result**	**Current Period Result**	**Variance**	**Commentary**
Liquidity					
L1	Current assets compared to current liabilities	246.6%	384.6%	56.0%	YTD result higher than budget due to Rates being raised in Aug-20. Full year result expected to be in line with budget.
L2	Unrestricted cash compared to current liabilities	84.1%	306.0%	263.7%	YTD result higher than budget due to timing of cashflows. Full year result expected to be in line with budget.
Obligations					
O1	Asset renewal as a % of depreciation	121.0%	45%	-62.9%	YTD result impacted by timing in Capital spend. Full year result expected to be in line with budget.
O2	Loans and borrowings as a % of rates	37.9%	36.5%	-3.5%	
O3	Loans and borrowings repayments as a % of rates	2.8%	0.6%	-78.8%	
O4	Non-current liabilities as a % of own source revenue	25.2%	37.7%	49.5%	YTD result impacted by timing of revenues from operations. Full year result expected to be in line with budget.
Operating Position					
OP1	Adjusted underlying surplus (or deficit) as a % of underlying revenue	-1.0%	62.8%	-6381.1%	YTD result higher than budget due to timing of Rates being raised in Aug-20. Full year result expected to be in line with budget.

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Capital Works Program with Variance Commentary

Adopted Budget Classification	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)	Carry Over	Deferred	Variance Analysis/Comments (including explanation of budget movements)
	$'000	$'000	$'000	$'000	$'000	%	$'000	$'000	%	$'000	$'000	
Property												
Buildings	12,179	12,328	815	597	218	26.7%	12,233	94	0.8%	-	-	YTD variance due to a slower start than budgeted building projects, expected to catch up as the year progresses.
Total buildings	12,179	12,328	815	597	**218**	**26.7%**	12,233	**94**	**0.8%**	-	-	
Total property	**12,179**	**12,328**	**815**	**597**	**218**	**26.7%**	**12,233**	**94**	**0.8%**	-	-	
Plant and equipment												
Plant, Machinery and Equipment	2,179	2,179	10	86	(76)	-757.8%	2,179	-	0.0%	-	-	YTD variance due to the truck purchases being ahead of budget. Expected to finish in line with budget.
Computers & Telecommunications	2,738	2,738	98	79	20	19.9%	2,738	-	0.0%	-	-	
Total plant and equipment	**4,917**	**4,917**	**108**	**165**	**(56)**	**-51.8%**	**4,917**	-	**0.0%**	-	-	
Infrastructure												
Roads	9,709	10,060	1,899	1,370	529	27.8%	10,091	(31)	-0.3%	-	-	YTD variance due to a slower start on roads projects, expected to catch up as the year progresses.
Bridges	110	110	60	11	49	81.5%	110	-	0.0%	-	-	
Lanes	816	816	246	311	(66)	-26.7%	754	61	7.5%	-	-	YTD variance due to lanes projects are started earlier than phased.
Transport	1,500	1,500	350	27	323	92.3%	1,500	-	0.0%	-	-	YTD variance due to works on the Black Spots improvement program yet to commence. Expected to finish in line with budget.
Waste Management	75	75	-	-	-	0.0%	75	-	0.0%	-	-	
Parks, Open Space And Streetscapes	6,767	6,897	577	66	511	88.6%	6,929	(32)	-0.5%	-	-	YTD variance due to a number projects being behind schedule due to the impacts of COVID-19. Expected to finish in line with budget.
Street Furniture	255	255	0	-	0	100.0%	255	-	0.0%	-	-	
Retail Strips	-	-	-	-	-	0.0%	-	-	0.0%	-	-	
Priority Projects	644	644	65	11	54	83.2%	645	(1)	-0.1%	-	-	YTD variance due to the phasing of expenditure for UD-Bridge Road Activity Centre
Library Resources	640	640	230	86	144	62.6%	640	-	0.0%	-	-	YTD variance due to the timing of purchases. Expected to finish in line with budget.
Total infrastructure	**20,516**	**20,997**	**3,427**	**1,883**	**1,544**	**45.1%**	**20,999**	**(2)**	**6.7%**	-	-	
Total capital works expenditure	**37,611**	**38,241**	**4,350**	**2,645**	**1,705**	**39.2%**	**38,149**	**93**	**0.2%**	-	-	

Note: Full year adopted budget figure of $30.543M has been adjusted to incorporate unspent carry over funds of $7.067M from the 2019/20 Capital Works program.

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020

City of Yarra
Income Statement

For Period 03 - September

	20/21 CL Actuals YTD $'000	20/21 CL Bud Adjust YTD $'000	Actuals vs Budget YTD Variance $'000	Actuals vs Budget YTD Variance %	20/21 CL Bud Adopted Full Year $'000	20/21 CL Bud Adjust Full Year $'000	Current Forecast Full Year $'000	Budget vs Forecast Full Year Variance $'000
Revenue from ordinary activities								
Rates and charges	115,396	115,211	185	0%	115,869	115,869	115,869	0
Statutory fees and fines	2,392	7,086	(4,694)	-66%	25,454	25,454	25,454	0
User Fees	3,820	5,555	(1,735)	-31%	25,427	25,427	25,427	0
Reimbursements	278	362	(84)	-23%	1,074	1,074	1,074	0
Grants - Operating	4,007	3,418	589	17%	14,399	14,399	14,399	0
Grants - Capital	133	49	84	171%	4,169	4,169	4,169	0
Contributions - OSR	45	285	(240)	-84%	4,500	4,500	4,500	0
Contributions - Other monetary	290	127	163	128%	1,156	1,156	1,156	0
Net gain/(loss) on disposal of property, infrastructure, pla	0	40	(40)	-100%	160	160	160	0
Other Income	2,668	175	2,493	1425%	1,204	1,204	1,204	0
	129,029	132,308	(3,279)	-2%	193,412	193,412	193,412	0
Expenses from ordinary activities								
Employee Costs	23,659	23,986	327	1%	90,028	90,028	90,028	0
Materials and services	15,797	19,160	3,363	18%	75,663	75,663	75,663	0
Bad and doubtful debts	409	1,250	841	67%	5,000	5,000	5,000	0
Depreciation	5,807	5,950	143	2%	23,800	23,800	23,800	0
Amortisation - right of use assets	263	220	(43)	-20%	880	880	880	0
Borrowing costs	475	473	(2)	0%	1,867	1,867	1,867	0
Interest Exp - Leases	35	30	(5)	-17%	118	118	118	0
	46,445	51,069	4,624	9%	197,356	197,356	197,356	0
	82,584	81,239	1,345	2%	(3,944)	(3,944)	(3,944)	0

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Balance sheet

	Balance as at 30/06/2020 $'000	Balance as at period end $'000	Movement Inc/(Dec) $'000	Comments
ASSETS				
Current Assets				
Cash and cash equivalents	94,738	81,387	(13,351)	Cash reduction due to creditor payments for the year combined with reduction in receipts from parking and user fees as a result of the COVID-19 pandemic.
Receivables - Rates	9,826	116,431	106,605	Rates for 2020/21 were raised in August 2020. Receivable balance reduces with each payment instalment received throughout the year.
Receivables - Parking	3,809	3,131	(678)	Jul20 - Sep20 infringement debtors raised less payments and debt provision.
Receivables - Other	7,986	9,996	2,010	The increase in receivable relates to invoice raised for road discontinuance.
Accrued income	15	95	80	Accrued income relates to interest income that will be received in cash when term deposits mature.
Prepayments	1,080	22	(1,058)	Prepayments balance has reduced as expenditure is incurred throughout the year.
Inventories	166	166	-	
Assets Held for Resale	-	-	-	
Total Current Assets	**117,620**	**211,228**	**93,608**	
Non-Current Assets				
Financial assets	5	5	-	
Property, infrastructure ,plant and equipment	1,930,850	1,927,350	(3,500)	Depreciation expense for PPE YTD.
Right-of-use assets	2,307	2,044	(263)	Depreciation expense for Right-of-use assets YTD.
Total Non-Current Assets	**1,933,162**	**1,929,399**	**(3,763)**	
TOTAL ASSETS	**2,050,782**	**2,140,627**	**89,845**	
LIABILITIES				
Current Liabilities				
Payables	11,735	3,647	(8,088)	Payments have been made which reduce the payables owing amount. This will vary during the financial year.
Fire Services Levy	5,461	19,986	14,525	Raised at the same time as Rates for the financial year. Payments made quarterly to the SRO which will reduce the liability.
Trust funds	6,842	6,442	(400)	The movement is mainly due to receiving and holding trusts and bonds.
Accrued Expenses	3,655	3,560	(95)	Accruals raised for expenditure not yet paid. This will vary during the financial year. Accruals include contract payments and utilities.
Income in advance	2,365	2,190	(175)	The movement relates to income earned and recognised during the year as contract milestones have been met.
Employee benefits	15,520	17,530	2,010	Increase in employee benefits liability the result of reductions in leave taken.
Interest-bearing liabilities	1,270	957	(313)	Reduction in loan as a result of repayment of loan principal.
Lease liabilities	851	608	(243)	Reduction in lease liabilities as a result of payments being made.
Total Current Liabilities	**47,699**	**54,920**	**7,221**	
Non-Current Liabilities				
Non-current trade and other payables	2,645	2,645	-	
Non-current employee benefits	1,267	1,305	38	
Non-current interest bearing liabilities	41,203	41,203	-	
Non-current lease liabilities	1,539	1,539	-	
Non-current Trust Liability	374	374	-	
Total Non-Current Liabilities	**47,028**	**47,066**	**38**	
TOTAL LIABILITIES	**94,727**	**101,986**	**7,259**	
NET ASSETS	**1,956,054**	**2,038,641**	**82,587**	
Represented by:				
Accumulated surplus	670,892	670,852	(40)	
Asset revaluation reserves	1,270,317	1,270,317	-	
Other reserves	14,845	14,888	43	Open space contributions for the year less transfers out.
Retained Earnings	-	82,584	82,584	Net result for the year YTD.
EQUITY	**1,956,054**	**2,038,641**	**82,587**	

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Cash Flow Statement

	Balance as at period end $'000
Cash Flows from Operating Activities	
Rates and Charges	23,174
Parking Revenue	2,371
Government Grants Received	3,574
Victoria Grants Commission	-
User Charges, Fees and Other Fines Received	3,435
Reimbursements and Contributions Received	(45)
Interest Revenue	44
Other Revenue	1,928
Payments to Suppliers	(20,306)
Payments to Employees	(21,871)
Net GST	207
Net Cash Provided by Operating Activities	**(7,489)**
Cash Flows from Investing Activities	
Proceeds from Sale of Property, Plant & Equipment	-
Payments for Infrastructure, Property Plant & Equipment	(5,178)
Net Cash (Used in) Investing Activities	**(5,178)**
Cash Flows from/(used in) Financing Activities	
Finance Costs	(129)
(Proceeds from Borrowings)/Payments Towards	(555)
Net Cash (Used In) Financing Activities	**(684)**
Cash Balances	
Change in Cash Held	(13,351)
Cash at beginning of year	94,738
Cash at the End of the Financial Period	**81,387**

End of year Budgeted cash balance	**56,638**

Council needs to fund the following items from the current cash balance. This may include expenses associated with revenue received in a previous financial year (eg: grants)

Future items to be funded	**$'000**
Grant Commission Funding (2020-21 funds received in 2019-20)	1,292
Capital Carry Forwards	7,067
Depot Relocation Grant Funding	16,089
Other Capital Grants	2,995
Unspent Operational Grants	931
Open Space Reserve to be cash backed	14,808
Total	**43,182**

Attachment 1 - Finance Report - September 20 (Council)

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2020 to 30 September 2020
Capital Works Statement

Adopted Budget Classification	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)	Carry Over	Deferred
	$'000	$'000	$'000	$'000	$'000	%	$'000	$'000	%	$'000	$'000
Property											
Buildings	12,179	12,328	815	597	218	26.7%	12,233	94	0.8%	-	-
Total Property	**12,179**	**12,328**	**815**	**597**	**218**	**26.7%**	**12,233**	**94**	**0.8%**	-	-
Plant and equipment											
Plant, Machinery & Equipment	2,179	2,179	10	86	(76)	-757.8%	2,179	-	0.0%	-	-
Computers & Telecommunications	2,738	2,738	98	79	20	19.9%	2,738	-	0.0%	-	-
Total plant and equipment	**4,917**	**4,917**	**108**	**165**	**(56)**	**-51.8%**	**4,917**	-	**0.0%**	-	-
Infrastructure											
Roads	9,709	10,060	1,899	1,370	529	27.8%	10,091	(31)	-0.3%	-	-
Bridges	110	110	60	11	49	81.5%	110	-	0.0%	-	-
Lanes	816	816	246	311	(66)	-26.7%	754	61	7.5%	-	-
Transport	1,500	1,500	350	27	323	92.3%	1,500	-	0.0%	-	-
Waste Management	75	75	-	-	-	0.0%	75	-	0.0%	-	-
Parks, Open Space And Streetscapes	6,767	6,897	577	66	511	88.6%	6,929	(32)	-0.5%	-	-
Street Furniture	255	255	0	-	0	100.0%	255	-	0.0%	-	-
Retail Strips	-	-	-	-	-	0.0%	-	-	0.0%	-	-
Priority Projects	644	644	65	11	54	83.2%	645	(1)	-0.1%	-	-
Library Resources	640	640	230	86	144	62.6%	640	-	0.0%	-	-
Total infrastructure	**20,516**	**20,997**	**3,427**	**1,883**	**1,544**	**45.1%**	**20,999**	**(2)**	**0.0%**	-	-
Total capital works expenditure	**37,611**	**38,241**	**4,350**	**2,645**	**1,705**	**39.2%**	**38,149**	**93**	0.2%	-	-

Note: Full year adopted budget figure of $30.543M has been adjusted to incorporate unspent carry over funds of $7.067M from the 2019/20 Capital Works program.

Attachment 2 - Capital Works Program Adjustments - September 2020 Q1

Capital Works Program Adjustments - September 2020 Q1.xlsx

Project ID	Description	Project Budget Before Change $	Net Change to Project Budget $	Unbudgeted Income $	Change Request Type	Reason	Approval Date	2020/21 Adjusted Budget Running Total $	Cumulative Variance to Adopted Budget $
	2020/21 Budget Adopted Capital Works					2020/21 Budget Adopted Capital Works (incorporating changes as per budget resolution 4 August 2020)		30,543,450	
	2019/20 Capital Works Carried Forward		+7,067,440		Carry Forward	2019/20 Capital Works carried forward to 2020/21; Running total is the Baseline 2020/21 Capital Works Budget after application of budget amounts carried forward from prior budget year		37,610,890	
2852	Leisure Centre Accommodation Works	100,000	-		Scope Change	Project renamed to Leisure Centre Accommodation Works - to allow for works at all leisure centres	26/08/2020	37,610,890	-
2832	RRC Air Conditioning Works	521,000	-170,000	-	Project Split	Original budget allocation split into two separate projects; One project is for Aqua Plant works and the other is for Air-conditioning works	26/08/2020	37,440,890	-170,000
New	RRC Aqua Plant Works	0	+170,000		Project Split	Original budget allocation split into two separate projects; One project is for Aqua Plant works and the other is for Air-conditioning works	26/08/2020	37,610,890	-
New	Depot Redevelopment Project	0	+149,000	149,000	New Project	Urgent road safety works required at Burnley Street entrance plus additional works on site to improve depot operations	26/08/2020	37,759,890	+149,000
New	Ramsden Street Stormwater Harvesting	0	+351,315	263,900	New Project	Received a Grant from DELWP for stormwater harvesting other associated works at Ramsden Street Oval.	26/08/2020	38,111,205	+500,315
2819	Design Works - Implementation of the Open Space Strategy	200,000	-100,000		Project Split	Partition project into two separate projects for management and reporting; project 2819 to be retitled "Otter St New Park - Design" ($100K) and new project created for "Cambridge St Park Expansion - Design" ($100K)	23/09/2020	38,011,205	+400,315
New	Cambridge St Park Expansion - Design	0	+100,000		Project Split	Refer note above	23/09/2020	38,111,205	+500,315
New	Alan Bain Reserve Restoration Works	0	+130,000	130,000	New Project	New project to undertake restoration works to Alan Bain reserve, fully externally funded by AusNet Services	23/09/2020	38,241,205	+630,315
				542,900		**Adjusted 2020/21 capital works budget**		**38,241,205**	**+630,315**

This amount indicates an adjusted budget cumulative variance of $630,315 to the adopted budget (inclusive of final carry forwards from 2019/20) of $37,610,890 (noting the inclusion of a total $542,900 of net additional external funding not in the adopted budget)

8.7 2020/21 Annual Plan Progress Report - September

Executive Summary

Purpose

To present the 2020/21 Annual Plan Quarterly Progress Report September 2020 to Councillors for noting.

To propose two changes to the 2020/21 Annual Plan for consideration and endorsement.

Key Issues

The 2020/210 Annual Plan contains 48 actions. As at 30 September 46 Actions were scheduled to have commenced. Of the 46 Actions commenced 78% are On-track or Complete.

Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track (>90%) by 30 June each year.

The report proposes two changes to the 2020/21 Annual Plan for Council to consider and endorse.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the 2020/21Annual Plan Quarterly Progress Report for September.

That Council consider and endorse proposed changes to the 2020/21 Annual Plan.

8.7 2020/21 Annual Plan Progress Report - September

Reference	D20/164817
Author	Shane Looney - Corporate Planner
Authoriser	Manager Corporate Planning and Performance

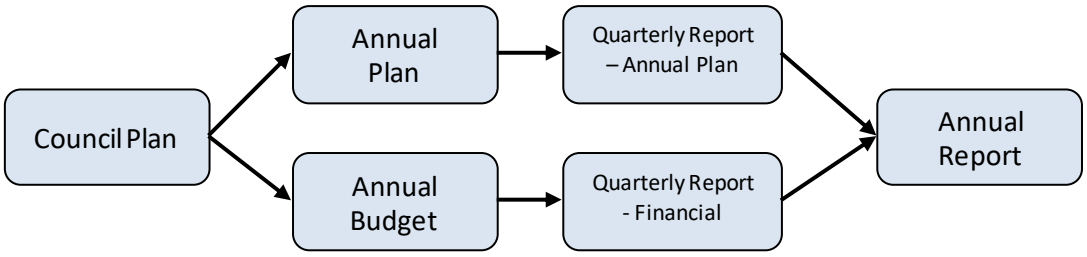
Purpose

1. To present the 2019/20 Annual Plan Quarterly Progress Report - September 2020 to Councillors for noting.
2. To propose two changes to the 2020/21 Annual Plan for consideration and endorsement.

Critical analysis

History and background

3. The Annual Plan is the organisation's annual response to Initiatives contained in the 4-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council's key accountability documents to the community.



5. This year, 2020/21 represents the fourth and final year of the 4-year Council Plan 2017-21 (incorporating the Municipal Public Health and Wellbeing Plan), adopted by Council on 1 August 2017.
6. The 2020/21 Annual Plan was endorsed by Council on 4 August 2020 and is fully resourced and funded within the 2020/21 Budget
7. Progress of Annual Plan actions are monitored and reported to Council quarterly in the Annual Plan Progress Report. Quarterly progress will be measured against a target of 75% of action targets achieved.

Discussion

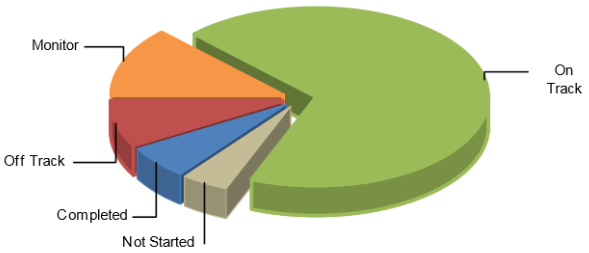
8. The 2020/21 Annual Plan contains 48 actions spread across the Council Plan's seven Strategic Objectives.
9. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
10. The following thresholds are used to determine the status of an action:

    (a) On track ≥ 90%

    (b) Monitor 75-89%

    (c) Off track < 75%.

11. Annual Plan Action progress summary as at 30 September 2020.



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	19	0	14	4	1	0
An inclusive Yarra	6	0	6	0	0	0
A sustainable Yarra	5	1	4	0	0	0
A liveable Yarra	5	0	2	2	1	0
A prosperous Yarra	2	0	2	0	0	0
A connected Yarra	3	0	3	0	0	0
A leading Yarra	8	2	2	0	2	2
	48 (100%)	3 (6.25%)	33 (68.75%)	6 (12.50%)	4 (8.33%)	2 (4.17%)

12. The Annual Plan has 48 Actions, 36 Actions achieved a result of On Track or Complete (75.00%). Two actions were not scheduled to commence in the first quarter. Of the 46 actions that have commenced, 36 On Track or Complete, which is a result of 78%. (Attachment 1).

13. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council. Officers and Councillors can propose changes to the Annual Plan over the course of the year as priorities change.

Options

14. Officers are proposing the following changes to the 2020/21 Annual Plan for Council to consider and endorse.

    (a) Action 1.16 Panther Pavilion – clubhouse facility design and boat storage, Council received advice that Heritage Victoria have accepted the heritage nomination for the Panther Pavilion structure. They will now be making further assessment of this nomination to make a recommendation to the Heritage Council of Victoria to include it or not in the Victorian Heritage Register. This is a lengthy process and will prevent both the Boat storage from being constructed and the Panther Pavilion design from being completed in 2020/21.

    As such officers recommend the project be deferred from the 2020/21 Council Annual Plan; and

    (b) Action 7.07 Your Say Yarra Youth forums. Milestone - Host opportunities for young people to meet with Councillors. Covid-19 has seriously disrupted school programs and student activities through school closures and remote learning.

    As such officers recommend the milestone be deferred from the 2020/21 Annual Plan.

15. If endorsed, these changes will be reflected in the December quarterly progress report.

Community and stakeholder engagement

16. Significant community engagement and consultation was undertaken during the development of the 2020/21 Budget and Council Plan 2017-21. The Plan reflects the community priorities identified during these processes.

17. Projects contained in the 2020/21 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Policy analysis

Alignment to Council Plan

18. The 2020/21 Annual Plan represents Year 4 of the Council Plan 2017-21 adopted on 1 August 2017.

Climate emergency and sustainability implications

19. The Council Plan 2017-21 includes the Strategic Objective A sustainable Yarra: a place where Council leads on sustainability and protects and enhances it natural environment. Action 3.01 in the 2020/21 Annual Plan specifically relates to Climate Emergency.

Community and social implications

20. The Council Plan 2017-21 includes the Strategic Objective A healthy Yarra: a place Community health, safety and wellbeing are a focus in everything we do. The 2020/21 Annual Plan includes 19 actions that respond to initiatives under this Strategic Objective.

Economic development implications

21. The Council Plan 2017-21 includes the Strategic Objective A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive. The 2020/21 Annual Plan includes 2 actions that respond to initiatives under this Strategic Objective.

Human rights and gender equity implications

22. The Council Plan 2017-21 includes the Strategic Objective An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated. The 2020/21 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.

Operational analysis

Financial and resource impacts

23. Actions in the 2020/21 Annual Plan were resourced within the 2020/21 Budget.

Legal Implications

24. There are no legal implications.

Conclusion

25. The 2020/21 Annual Plan Quarterly Progress Report - September is presented to Council for noting.

26. Officers recommend two changes to the 2020/21 Annual Plan for Council consideration.

RECOMMENDATION

1. That:

    (a) Council note the 2020/21 Annual Plan Progress Repot for September.

    (b) Council endorse the officer recommendations to:

        (i) Defer Action 1.16 Panther Pavilion, and

        (ii) Defer Milestone ‘Host opportunities for young people to meet with Councillors’ from Action 7.07 - Your Say Yarra Youth forums.

Attachments

1⇩ 2020-21 Annual Plan Progress Report - September

Attachment 1 - 2020-21 Annual Plan Progress Report - September



Attachment 1 - 2020-21 Annual Plan Progress Report - September

Introduction

The Yarra City Council adopted its Council Plan 2017 – 21 on 1 August 2017. The Council Plan 2017 – 21 sets out the medium-term direction of Council and the outcomes sought by Councillors for their term. For the first time, the Council Plan incorporates the Health and Wellbeing Plan. This financial year, 2020/21 is Year 4 of the Council Plan 2017 – 21.

Under the Local Government Act 1989 (the Act under which the current Council Plan was adopted), each council is required to produce a four-year Council Plan by 30 June in the year following a general election. The Plan must include Strategic Objectives, Strategies, Strategic Indicators and a Strategic Resource Plan.

Council has identified a number of initiatives under each Strategic Objective which are significant projects and activities that are proposed to be worked on over the term of the Council Plan, subject to approval through the annual budget process.

Council produces an Annual Plan alongside each year's Budget , setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives. This will include priority projects, capital works projects, actions in response to initiatives in the Council Plan and other Council strategies and plans as well as service reviews and improvements.

The Council Plan 2017 – 21 has seven Strategic Objectives which relate to a different aspect of service delivery :

A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do. Council plays a key role in contributing to our community's health and wellbeing . From delivering maternal and child health services to ensuring access to open space, enforcing noise regulations to supporting community and cultural initiatives, community health, safety and wellbeing is central to everything we do.

An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated. Identity was a passionate and recurring theme throughout community consultation for the Council Plan. Our community values its diversity. Creating a safe place where people of all ages, genders, sexualities, abilities, cultures and backgrounds feel welcome and connected is a priority for Council.

A sustainable Yarra: Council leads on sustainability and protects and enhances its natural environment. As Victoria's first carbon-neutral council, we are proud of our commitment to sustainability. Protecting our natural environment and supporting our community to reduce its environmental footprint will continue to be a priority for Council.

A liveable Yarra: Development and growth are managed to maintain and enhance the character and heritage of the city. With demand for inner city housing increasing, Council is mindful of the importance of balancing the needs of new and existing residents, and ensuring that development does not encroach on the amenity or heritage of our city.

A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive. Yarra is a great place to do business and to work. Supporting local businesses and creative industries not only contributes to Yarra's economy , but also increases local employment opportunities, enhances street life and fosters community connectedness.

A connected Yarra: Connectivity and travel options are environmentally sustainable, integrated and well-designed. Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car.

A leading Yarra: Transparency, performance and community participation drive the way we operate. Council is committed to change through an energised, cohesive team of professionals, recognised for our leadership, innovation and service.

In response to its Strategic Objectives, Council has committed to 48 projects and activities from a broad cross-section of services in the 2020/21 Annual Plan.

Progress of these projects and actions will be reported in the 2020/21 Annual Plan Quarterly Progress Reports.
Further information can be found in the published version of the Council Plan 2017 – 21 on the City of Yarra's website (https://www.yarracity.vic.gov.au/about-us/council-information/council-plan).

Attachment 1 - 2020-21 Annual Plan Progress Report - September

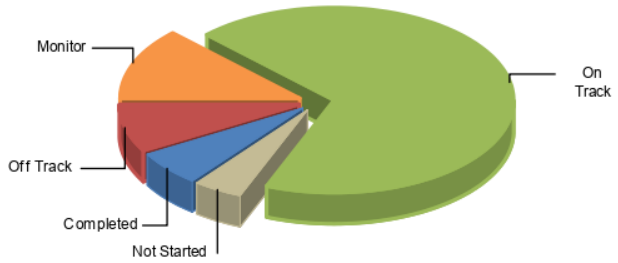
Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6

Quarter Summary

Council has committed to 48 actions across a range of services. Any variations to the Annual Plan are made openly and transparently in the context of priorities that arise over the course of the year.

The status of actions is classified based on the percentage of targets achieved as assessed by the responsible officer (forecast milestones compared to actual work completed).



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	19	0	14	4	1	0
An inclusive Yarra	6	0	6	0	0	0
A sustainable Yarra	5	1	4	0	0	0
A liveable Yarra	5	0	2	2	1	0
A prosperous Yarra	2	0	2	0	0	0
A connected Yarra	3	0	3	0	0	0
A leading Yarra	8	2	2	0	2	2
	48 (100%)	3 (6.25%)	33 (68.75%)	6 (12.50%)	4 (8.33%)	2 (4.17%)

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6

1 . A healthy Yarra

a place where…Community health, safety and wellbeing are a focus in everything we do

Council plays a key role in contributing to our community's health and wellbeing . From delivering maternal and child health services to ensuring access to open space, enforcing noise regulations to supporting community and cultural initiatives, community health, safety and wellbeing is central to everything we do.

Strategies

Council's work to achieve this Strategic Objective includes the following strategies :

1.1 Maintain and enhance Yarra's open space network to meet the diverse range of community uses
1.2 Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing
1.3 Provide health promoting environments that encourage healthy eating and active living
1.4 Assist to reduce the harms from alcohol and drugs on individuals and the community in partnership with State Agencies and key service providers
1.5 Promote environments that support safe and respectful sexual practices, reproductive choices and gender equity
1.6 Promote a gender equitable, safe and respectful community
1.7 Promote an effective and compassionate approach to rough sleeping and advocate for affordable , appropriate housing
1.8 Provide opportunities for people to be involved in and connect with their community

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A healthy Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
1.01 Advocate for gambling reform	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.02 Population Health Planning	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.03 Yarra Food Network	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.04 Yarra Homelessness Strategy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.05 Yarra's Community Grants	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.06 Richmond and Collingwood Youth Program Grants 2020-2021	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.07 Volunteering Strategy 2019-2023	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.08 National Aged Care and Disability Reform	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6

Action		Start Date / End Date	
1.09	Gender Equity Strategy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.10	Gender Equality Act 2020	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.11	Yarra Open Space Strategy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.12	State Government suburban parks program	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.13	Reid Street Park, North Fitzroy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.14	Open space improvements King William Street, Fitzroy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.15	New open space planning and design, Cremorne	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.16	Panther Pavilion - clubhouse facility design and boat storage construction	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.17	Ryan's Reserve Pavilion redevelopment	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.18	Brunswick Street Oval Precinct Redevelopment	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
1.19	Jack Dyer Pavilion Redevelopment	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

Attachment 1 - 2020-21 Annual Plan Progress Report - September

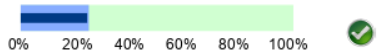
Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6

1.01 Advocate for gambling reform

Council Plan initiative
Participate in the Alliance for Gambling Reform and strive to be a pokie free municipality through advocacy to state government

Action
Council will undertake advocacy to Victorian and Federal governments for gambling reform.



Branch *Social Strategy and Community Development*

Quarterly Milestones

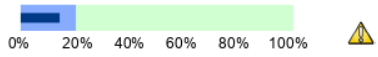
September	Continue advocacy, particularly focused on cohorts vulnerable post-COVID-19
December	Utilise the updated Health Status Report including focus on gambling impacts in Yarra, to inform Municipal Public Health and Wellbeing Plan (MPHWP) embedded in Council Plan 2021-25
March	Continue gambling reform advocacy
June	Continue gambling reform advocacy

Quarterly Progress Comments	Council staff attended the quarterly Victorian Commission for Gambling and Liquor Reform community gambling forum and prepared an advocacy letter to State Government calling for incentives to remove Electronic Gambling Machines from venues during the COVID-19 lockdown.

1.02 Population Health Planning

Council Plan initiative
Continue to provide a range of services and work collaboratively with external groups to improve the health and wellbeing of the Yarra community

Action
Council will undertake research and produce reports to inform the next Health Plan which will be incorporated into the development of the Council Plan 2021-25



Branch *Social Strategy and Community Development*

Quarterly Milestones

September	Prepare a Health Status Report to inform Municipal Public Health and Wellbeing Plan (MPHWP) embedded in Council Plan 2021-25
December	Utilise the updated Health Status Report to inform Municipal Public Health and Wellbeing Plan (MPHWP) embedded in Council Plan 2021-25 Re-establish the Health and Wellbeing Advisory Committee to consult on the Municipal Public Health and Wellbeing Plan (MPHWP) embedded in Council Plan 2021-25
March	Produce Discussion Paper: Community health and health promotion provisioning in the City of Yarra to inform MPHWP and integrate with local community health agencies' Integrated Health Promotion Plans)
June	Continue to finalise and integrate the Municipal Public Health and Wellbeing Plan (MPHWP) into the Council Plan 2021-25

Quarterly Progress Comments	The Health and Wellbeing Profile is currently being drafted and will be completed in December 2020. We are also producing twelve one-page snapshots to act as communication pieces for the profile.

1.03 Yarra Food Network

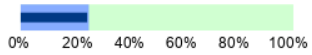
Council Plan initiative
Continue to provide a range of services and work collaboratively with external groups to improve the health and wellbeing of the Yarra community

Action
Council will support a coordinated Emergency Food Relief sector in Yarra in the short term, and create a sustainable food systems approach for Yarra in the long term.

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6



Branch *Social Strategy and Community Development*

Quarterly Milestones

September	Establish a YFN community of practice and focus initially on food relief coordination (COVID-19)
December	Host YFN meeting
March	Transition YFN to food systems approach and community of practice model
June	Host YFN meeting

Quarterly Progress Comments

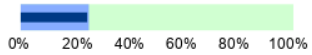
The COVID-19 pandemic has left many individuals and families experiencing food insecurity, some for the first time, placing unprecedented demand on the current sector.

Building on existing partnerships in the Emergency First Response sector, officers responded to provide immediate support to address food insecurity establishing the Yarra Food Network , establishing guidelines to coordinate a whole of community partnership response to emergency food relief issues in the City of Yarra. The first meeting held in July had 32 attendees. The group continues to meet monthly working to share resources and better service coordination.

1.04 Yarra Homelessness Strategy

Council Plan initiative
Develop and adopt a Homelessness Strategy

Action
The Yarra Homelessness Strategy will look to confirm Council's commitment to social equity and justice , and aim to find practical and compassionate ways to address homelessness and foster a caring and healthy community. The strategies presented will build upon Council's current work in homelessness and be based on local governments' strengths, opportunities and capacities.



Branch *Social Strategy and Community Development*

Quarterly Milestones

September	Present Homelessness Strategy to Council for adoption
December	Promote and publicise Homelessness Strategy
March	Commence implementation of Homelessness Strategy and provide update
June	Continue implementation of Homelessness Strategy and provide update

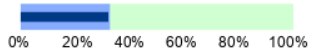
Quarterly Progress Comments

The Yarra Homelessness Strategy was adopted by Council in August 2020.

1.05 Yarra's Community Grants

Council Plan initiative
Continue to support community led activities through the provision of community grants and in-kind support

Action
Yarra provides a range of community grants to support local groups and community initiatives . Each year we distribute more than $2 million to strengthen our community and promote health and wellbeing. The grant program ranges across several areas including community development, arts and culture, environment, sport and recreation, youth and families.



Branch *Social Strategy and Community Development*

Quarterly Milestones

September	Open Small Project Grants process
December	Open Investing in Community Grants and Annual Grants processes

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

March Award Investing in Community Grants and Annual Grants

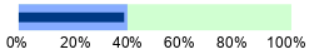
Quarterly Progress Comments The new round of Small Project Grants opened on 1 August 2020.

The Investing in Community Grants annual program will open in October and close 29 November.

1.06 Richmond and Collingwood Youth Program Grants 2020-2021

Council Plan initiative
Continue to support community led activities through the provision of community grants and inkind support

Action
Council will provide 3 year's funding to Drummond Street Services Incorporated to deliver a range of programs and initiatives for young people aged 8 – 21 on the Collingwood and Richmond public housing estates.



Branch *Family, Youth and Children's Services*

Quarterly Milestones

September Sign Funding Agreement 2020-23, including agreed KPIs
Commence programs and activities as per Project Plan
December Deliver programs and activities as per Project Plan, and against agreed KPIs
March Submit six-monthly Progress Report (July – December 2020) submitted
June Deliver programs and activities as per Project Plan, and against agreed KPIs

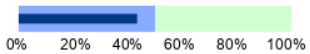
Quarterly Progress Comments The Drum youth services has continued to deliver programs remotely due to COVID-19 restrictions. This includes weekly online games night, monthly delivery of care packs to children, young people and families, and being available over the phone for 1-on-1 support. The Drum has also been active participants on local networking groups, including COVID-19 Response Network, and Vulnerable Youth Working Group.

Following meeting with The Drum, Yarra Youth Services and Council's Research and Evaluation Officer a funding agreement with agreed KPIs was signed.

1.07 Volunteering Strategy 2019-2023

Council Plan initiative
Encourage volunteering through community organisations, council's libraries and other services

Action
The Volunteering Strategy is a framework to guide Council in promoting, supporting and celebrating the active involvement of volunteering across the City of Yarra.



Branch *Social Strategy and Community Development*

Quarterly Milestones

September Provide update on the Year 1 Action Plan and seek endorsement of Year 2 Action Plan for the Volunteer Strategy 2019-2023
March Report on interim findings from the Library Services Volunteer Trial – delivering community outreach to address social isolation, digital exclusion and promote access to library services

Quarterly Progress Comments The Report is nearing completion having been delayed due to the second wave COVID-19 restrictions and impacts on volunteering sector activity. Councillors will receive the report at briefing in November after the close of caretaker and Council elections.

1.08 National Aged Care and Disability Reform

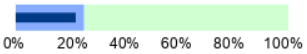
Council Plan initiative
Continue to implement the National Aged and Disability Care reforms and develop new strategic directions for support of older people and people with disability

Action

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

The Federal Government is making major changes to the aged and disability care service system and this requires Council to determine its role and implement changes already announced.



Branch *Aged and Disability Services*

Quarterly Milestones

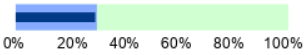
September	Finalise transition of residents in receipt of Linkages program support to Home Care Packages program
December	Establish, subject to agreement with Department of Health, community transport as a service option available to older residents under the CHSP program
March	Review progress on COVID19 CHSP meals support program with local agencies
June	Subject to Federal Government policy decisions, determine Council role in Commonwealth Home Service Program (CHSP), Home and Community Care Program for Young People (HACCPYP) and Assessment Service

Quarterly Progress Comments Council has successfully transitioned 12 of our 13 clients in receipt of Linkages program support to appropriate long term support. Last client delayed due to availability of Home Care Package through the national waitlist. The transition should be complete by the end of October.

1.09 Gender Equity Strategy

Council Plan Initiative
Continue to take a leadership role by implementing Gender Equity Strategy 2016-2021

Action
Council is progressively implementing its Gender Equity Strategy 2016-2021 to achieve its vision for an organisation which positively and proactively demonstrates a gender-inclusive culture that encourages leadership, participation and contribution from a diverse workforce. Work will commence this year to develop the next Gender Equity Strategy 2021-2026.



Branch *Organisational Culture, Capability and Diversity*

Quarterly Milestones

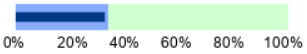
September	Commence planning for development of the Gender Equity Strategy 2021-2026 Continue to implement actions from the Gender Equity Strategy 2016-2021
December	Continue implementation of actions from the Gender Equity Strategy 2016-2021 Commence drafting Gender Equity Strategy 2021-2026
March	Continue implementation of actions from the Gender Equity Strategy 2016-2021 Present draft Gender Equity Strategy 2021-2026 to council for endorsement for public exhibition
June	Present final Gender Equity Strategy 2021-2026 to Council for adoption

Quarterly Progress Comments Gender Equity Strategy review planning session completed with Diversity and Inclusion team. High level working group established with Director Community Wellbeing , Group Manager People and Culture and Manager Organisational Culture, Capability and Diversity

Project work continuing on actions under Year 1 and 2 of the Gender Equity Action Plan. Business as usual work ongoing with focus on building capacity of Gender Equality Action Group and Family Violence response.

1.10 Gender Equality Act 2020

Council will undertake work to ensure compliance with the Gender Equality Act 2020 which aims to improve workplace gender equality across the Victoria public sector, universities and local councils.



Branch *Organisational Culture, Capability and Diversity*

Quarterly Milestones

Attachment 1 - 2020-21 Annual Plan Progress Report - September

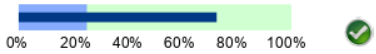
September	Present report to Council on obligations under the Gender Equality Act
December	Commence development of systems and processes to embed obligations under Gender Equality Act
March	Commence organisational obligations under the Gender Equality Act 2020
Quarterly Progress Comments	Information on obligations around Gender Impact Assessments under the Gender Equality Act presented to Council as part of the report on safety in public space (Social Strategy Unit).

1.11 Yarra Open Space Strategy

Council Plan initiatives
Develop an open space strategy to ensure Yarra's public open space is managed as a functional network that encourages shared use and active living, and
Prepare a Planning Scheme Amendment to introduce the open space strategy into the Yarra Planning Scheme and increase the rate of contribution towards open space (Strategic Objective 4: A liveable Yarra)

Action
The Yarra Open Space Strategy guides the future provision, planning, design and management of public open space in Yarra. The new Open Space Strategy is a renewed direction for the provision and enhancement of the open space network, including changes in community needs since the last strategy was developed. The strategy aims to achieve a cohesive, linked and well managed network of open space to meet the full range of residents' needs.

Following adoption of the new Open Space Strategy, Council will prepare a Planning Scheme amendment seeking an increase in the percentage of public open space contributions in the Yarra Planning Scheme.



Branch *City Strategy*

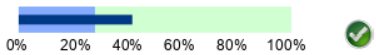
Quarterly Milestones

September	Present Open Space Strategy to Council for adoption
December	Formulate draft Planning Scheme amendment regarding proposed new open space contribution percentage
March	Report to Council to seek 'authorisation' from Minister for Planning for putting Planning Scheme Amendment on exhibition
June	If authorisation provided, exhibit planning scheme amendment
Quarterly Progress Comments	Open Space Strategy was adopted by Council in September 2020. Planning Scheme amendment C286 has been prepared to introduce proposed new open space contribution into the Planning Scheme. A report was presented to Council to seek 'authorisation' from Minister for Planning for putting Planning Scheme Amendment on exhibition in September 2020.

1.12 State Government suburban parks program

Council Plan initiative
Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas

Action
Council will undertake consultation, planning and design of two new open spaces (Cambridge Street extension and Otter Street Park) within the electorate of Richmond. This project is part of the State Government's Suburban Parks Program.



Branch *City Strategy*

Quarterly Milestones

September	Commission relevant background investigations (eg. Feature & Levels Survey) Complete initial internal consultation
December	Complete 'Initial Ideas' community consultation Appoint landscape architectural consultant

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	Complete traffic audits
March	Complete preliminary concept design
June	Complete road closure trial and associated community consultation

Quarterly Progress Comments Preliminary Internal Consultation has been completed. The focus is to understand all existing constraints. Further internal consulation will occur once the preliminary concept design has been completed.

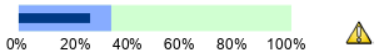
Feature and Levels Surveys and underground services proofing, heritage report for Otter Street and 'initial ideas' consultation have also been completed.

Briefs are being drafted for the appointment of a landscape architectural consultant.

1.13 Reid Street Park, North Fitzroy

Council Plan initiative
Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas

Action
Council will construct a small local park (300sqm) in Reid Street, Fitzroy North, providing additional open space for the local community.



Branch *City Strategy*

Quarterly Milestones

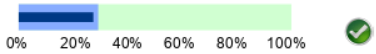
September	Prepare preliminary concept design
	Complete internal consultation
December	Complete community consultation for concept design
March	Engage contractor
	Complete documentation
June	Complete construction works

Quarterly Progress Comments Preliminary Internal Consultation completed. The preliminary concept design is in progress. Further internal consulation will occur once preliminary concept design is completed.

1.14 Open space improvements King William Street, Fitzroy

Council Plan initiative
Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas

Action
Council will undertake a feasibility study for open space improvement at the Condell Street and Young Street Community Hub.



Branch *City Strategy*

Quarterly Milestones

September	Complete internal stakeholder engagement
	Establish key working group
December	Complete workshops and engagement with key external stakeholders
March	Progress community consultation
	Prepare functional layouts
June	Complete consultation
	Agree functional layouts

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Quarterly Progress Comments The initial Internal stakeholder engagement has been extensive and is complete. Due to the complexity of the project, engagement will be ongoing throughout it's duration.

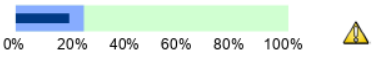
A key working group has been established and a schedule for meeting established.

1.15 New open space planning and design, Cremorne

Council Plan initiative
Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas

Action
Council will prepare design documentation for park extension and redevelopment of the following sites:

- Gwynne Street, Cremorne – small public space on the corner of Gwynne and Stephenson Street
- Stephenson Reserve, Cremorne – small public space on the corner of Dover and Stephenson Street



Branch *City Strategy*

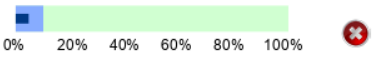
Quarterly Milestones

September	Complete preliminary concept design and internal consultation (Gwynne Street)
	Prepare preliminary concept design and complete internal consultation (Stephenson Reserve)
December	Complete community consultation for concept design (Gwynne Street)
	Complete community consultation for concept design (Stephenson Reserve)
March	Complete final design (Gwynne Street)
	Complete documentation and engage contractor (Stephenson Reserve)
June	Complete tender documentation (Gwynne Street)
	Complete construction works (Stephenson Reserve)

Quarterly Progress Comments Concept design for Gwynne Street and Stephenson Reserve completed and internal consultation almost complete. Awaiting some traffic analysis input which is unable to be undertaken due to changed traffic activity resulting from COVID. This work is proposed to occur early in 2021.

1.16 Panther Pavilion - clubhouse facility design and boat storage construction

Design for a redevelopment of Panther Pavilion clubhouse facility (Fairfield Park), and construction of an adjacent the boat storage facility (subject to a determination from VCAT to allow the demolition of the existing steel gazebo structure).



Branch *Building and Asset Management*

Quarterly Milestones

December	Report to Council on recommended concept design for redeveloped Panther Pavilion
	Commence construction of the new boat storage facility (subject to a determination from VCAT to allow the demolition of the existing steel gazebo structure)
June	Complete construction of the boat storage facility
	Report to Council on outcomes from community consultation on design for redeveloped Panther Pavilion

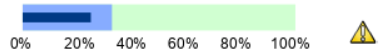
Quarterly Progress Comments Preliminary investigations (geotechnical engineering and heritage reports) undertaken for clubhouse facility. The boat storage project had been previously delayed by an appeal of Council's issuing of a permit for demolition of the steel gazebo structure, with the appeal being dismissed at VCAT. Subsequently, objectors applied to Heritage Victoria for heritage protection of the steel gazebo structure , and Heritage Victoria have (in Nov 2020) advised they have accepted the nomination and will now be making further assessment of this nomination to make a recommendation to the Heritage Council of Victoria to include it or not in the Victorian Heritage Register. This will prevent both the Boat storage from being constructed and the Panther Pavilion design from being completed in 2020/21. As such officers recommend the project be deferred from the 2020/21 Council Annual Plan.

1.17 Ryan's Reserve Pavilion redevelopment

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Redevelopment of the Ryan's Reserve netball and tennis centre pavilion including public toilet facilities , to complement the recently renewed courts.



Branch *Building and Asset Management*

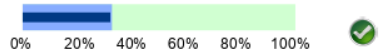
Quarterly Milestones

September	Issue tender for design and construction
December	Award tender for design and construction
March	Submit town planning application for new pavilion

Quarterly Progress Comments The tender was not issued by the end of Quarter 1 as planned, but is expected to be advertised on 31 October 2020. The preparation of the detailed specification for the modular pavilion design and construct tender was well advanced by the end of the quarter including spatial requirements and a concept plan layout endorsed by all project stakeholders. The design & construct contract form to support the procurement of a modular pavilion is a new approach for Council and the assembly of tender documents including the standard form of agreement attached to the tender has taken a little longer than anticipated.

1.18 Brunswick Street Oval Precinct Redevelopment

Council will undertake a major redevelopment that addresses the grandstand, tennis club and courts (being the original and continuously operated sporting facilities in Edinburgh Gardens) along with the community rooms. The Edinburgh Gardens Sporting Community (EGSC) has secured $6.5 million funding from the State government for the redevelopment of the buildings in this precinct, to be administered through Sport and Recreation Victoria (SRV). The EGSC comprises the Edinburgh Cricket Club, Fitzroy Football Club, Fitzroy Junior Football Club, and Fitzroy Tennis Club.



Branch *Building and Asset Management*

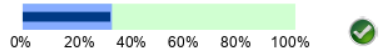
Quarterly Milestones

September	Submit heritage permit and town planning applications
March	Commence detailed design documentation (subject to heritage and town planning outcomes)
June	Finalise detailed design and documentation

Quarterly Progress Comments Heritage registration extent change and updated draft of Conservation Management Plan for Edinburgh Gardens has been completed. Development of design for heritage and town planning permit applications are in progress.

1.19 Jack Dyer Pavilion Redevelopment

Construction of a new replacement Jack Dyer Pavilion (in Citizens Park, Richmond) to provide modern and fit-for-purpose facilities and amenities for sporting clubs and the general community.



Branch *Building and Asset Management*

Quarterly Milestones

September	Award tender for construction
December	Commence contractor on-site and demolition
March	Commence construction

Quarterly Progress Comments Tender for redevelopment of pavilion was awarded on 15 September 2020.

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2 . An inclusive Yarra

a place where…Inclusion, diversity and uniqueness are welcomed, respected and celebrated

Identity was a passionate and recurring theme throughout community consultation for the Council Plan. Our community values its diversity. Creating a safe place where people of all ages, genders, sexualities, abilities, cultures and backgrounds feel welcome and connected is a priority for Council.

Strategies

Council's work to achieve this Strategic Objective will include the following strategies :

2.1 Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community
2.2 Remain a highly inclusive Municipality, proactive in advancing and advocating for the rights and interests of specific groups in the community and community issues
2.3 Continue to be a local government leader and innovator in acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners
2.4 Acknowledge and celebrate our diversity and people from all cultural backgrounds
2.5 Support community initiatives that promote diversity and inclusion

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of An inclusive Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
2.01 LGBTIQ+ Strategy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
2.02 Community support, resilience and recovery	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
2.03 Yarra Physical Activity Plan	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
2.04 Active and Healthy Ageing Strategy and Action Plan	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
2.05 Access and Inclusion Plan	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
2.06 Yana Ngargna Plan 2020-2023	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

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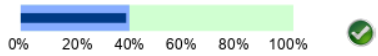
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2.01 LGBTIQ+ Strategy

Council Plan initiative
Advocate to support social justice and community issues including preventing family violence, LGBTIQ+ rights and welcoming refugees

Action
Council will seek community feedback on and adopt a whole-of-Council LGBTIQ+ strategy.



Branch *Organisational Culture, Capability and Diversity*

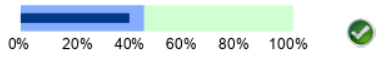
Quarterly Milestones

September Complete public exhibition of draft LGBTIQ+ Strategy
Present draft LGBTIQ+ Strategy to Council for endorsement
December Present final LGBTIQ+ Strategy to Council for endorsement
March Commence implementation of Year 1 Action Plan
June Continue implementation of Year 1 Action Plan

Quarterly Progress Comments The Draft Strategy went on public exhibition in July. Community submissions are being considered in the preparation of the final Strategy.

2.02 Community support, resilience and recovery

Council adopted the City of Yarra COVID-19 Community and Economic Support Package on 2 April 2020. The package entails a mix of new Council initiatives or enhanced services, foregoing of income in various forms, and the granting of funds to community organisations and local businesses. A total of $688k was distributed to the local community through grants in 2019/20. In 2020/21, there is $1.1167M remaining in the Emergency Community Support Fund and $340k remaining to deliver co-produced initiatives to promote local economic recovery



Branch *Social Strategy and Community Development*

Quarterly Milestones

September Award Bridging the digital divide – small and medium-sized grants
Award Recovery For Our Creative Community – small-sized grants
Award Addressing Family Violence grants
Award Material Aid Grants – Round 1
December Award Tackle social isolation and promoting community connection – small-sized grants
Award Recovery For Our Creative Community – medium-sized grants
Award Material Aid Grants – Round 2
Award Tackle Social Isolation And Promoting Community Connection – medium-sized grants

Quarterly Progress Comments Officers in Social Strategy and Community Development, with support from subject matter experts from other business units, have been producing guidelines, application forms and assessment processes for the next tranche of COVID-19 Quick Response Grants.

A total of $50,000 was directed to Supporting People Seeking Asylum and Other Temporary Visa Holders (i.e. with limited access to social security) to access material aid. The grants opened and closed in August, with funding being awarded to the Asylum Seeker Resource Centre ($35k) and Belgium Avenue Neighbourhood House Inc. ($15k). The funding provides food aid, as well as material and basic needs support in the form of nappies, other baby items, material or financial aid for essential items (e.g. household goods for cooking and heating/cooling, clothing, myki top-ups etc.) and financial aid for utilities and medication for people on temporary visas with limited financial support.

A second round of Food Security Grants was instigated to help support not-for-profit organisations to help address local food insecurity. The Grants opened in quarter one on 2 September 2020 and closed on 16 September 2020, with a funding pool of $200,000. There were eighteen applications submitted and the total requested funding was $440,500. In November (quarter 2) eleven organisations were funded, with eight just

receiving grant moneys and four, which service specific population cohorts, allocated a further $72,736 from CHSP funding (including cohealth who didn't receive a grant).

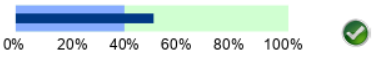
The STIMULATE Creative Grant Program is a $200,000 commitment to promote recover for our creative community through investing in a creative-led re-imagination of our community. Applications for this program opened in the first quarter (1 September) and closed on 4 October. A total of 201 applications were received, requesting $2,094,720 in funding. Given the extraordinary level of request for this extraordinary round, 28 applications to the total of $220,000 have been recommended for funding.
The Local Business and Precinct Support Fund, which is valued at $320k, will be drawn upon for two rounds of Precinct Business Recovery Grants. These grants support groups of businesses or community members with businesses to deliver projects which aim to activate, promote, or enhance our retail and services precincts. The first of two rounds was instigated in quarter one, with Expressions of Interest (EOIs) sought from 24 September and closed on 4 October. The funding pool was $160,000 with 76 EOIS received with a total funding request of $1,308,975. Eight projects have were awarded funding in November (quarter two), these are: Experience Japan in Yarra (Brunswick and Smith Streets), The Smith Street Artisan Christmas Market, Yarra Beer Trail across Collingwood, Creative Corner on Brunswick Street, Queens Parade Christmas Shopping Day, North Fitzroy Village - Your Hood with the Good and Gertrude Saturdays, People of Gertrude Street. One application related to Bridge Road Precinct was sent to the Traders Association for assessment and potential funding of $20,000

At the start of 2020/21, there was $1.1167M remaining in the Emergency Community Support Fund (ECSF). There are considerable funds remaining in the ECSF to either promote the social, cultural and economic recovery of the Yarra community or respond to community need if there was to be another wave of COVID-19 in Melbourne.

There has not been grantmaking in relation to bridging the digital divide (i.e. access to internet for under resourced communities). This can still occur, however, it is worth noting the Victorian Department of Education and Training has been providing laptops and other hardware to local state secondary school pupils in need of devices; and, officers are also working with NBN Co on the means by which broadband internet could made more accessible and affordable for public housing residents within the City of Yarra .

2.03 Yarra Physical Activity Plan

Develop a physical activity action plan to support the lifelong mental and physical health of all people who live, work, learn and play in Yarra, to combat inadequate levels of physical activity.



Branch *Recreation and Leisure Services*

Quarterly Milestones

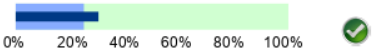
September	Undertake research and collaboration with key stakeholders. Draft Yarra physical activity plan
December	Brief Council on the Yarra physical activity plan
March	Launch the Yarra physical activity plan internally to build awareness and a One Yarra approach
June	Implement Yarra physical activity plan, including promotion to the Yarra community

Quarterly Progress Comments Physical Activity plan is being drafted including extensive research and internal stakeholder consultation . A report is being prepared for presentation to Councillors' Briefing in the next quarter.

2.04 Active and Healthy Ageing Strategy and Action Plan

Council Plan initiative
Work with the community and other levels of government and advocate to challenge discrimination , and address disadvantage, whether based on income, age, gender, sexuality, cultural background, religion or abilities

Description
Council will work with key stakeholders to develop the 2020-2022 Active and Healthy Ageing action plan.



Branch *Aged and Disability Services*

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Quarterly Milestones

September	Undertake consultations with key stakeholders on the 2020-2022 Active and Healthy Ageing Action Plan
December	Complete the 2020-2022 Active and Healthy Ageing Action Plan
March	Work with the Dementia Alliance to continue developing a dementia friendly community
June	Complete recruitment and training of community connectors as part of the Healthy Ageing project

Quarterly Progress Comments Stakeholder consultation via Council's Your Say Yarra portal has been completed. Internal engagement to assist planning to commence shortly.

2.05 Access and Inclusion Plan

Council Plan initiative
Work with the community and other levels of government and advocate to challenge discrimination , and address disadvantage, whether based on income, age, gender, sexuality, cultural background, religion or abilities

Action
Council will work with key stakeholders to develop the 2020-2022 Access and Inclusion Plan.

0% 20% 40% 60% 80% 100%

Branch *Aged and Disability Services*

Quarterly Milestones

September	Undertake consultations with key stakeholders on the 2020-2022 Access and Inclusion Action Plan
December	Complete the 2020-2022 Access and Inclusion Action Plan
March	Implement HACCPYP funded project to identify and support residents who are eligible but not accessing home based services.

Quarterly Progress Comments Stakeholder consultation via Council's Your Say Yarra portal has been completed. Internal engagement to assist planning to commence shortly.

2.06 Yana Ngargna Plan 2020-2023

Council Plan initiative
Implement the Aboriginal Partnerships Plan [renamed Yana Ngargna* Plan (*meaning Continuing Connection)]

Action
The Yana Ngargna Plan 2020-2023, developed through extensive consultation, lays the foundation for Council's partnerships and collaborative projects with the local Woi Wurrung , Aboriginal and Torres Strait Islander community. Council adopted the Yana Ngargna Plan in 2019/20 and will continue to implement the Year 1 action plan and adopt the Year 2 action plan.

0% 20% 40% 60% 80% 100%

Branch *Organisational Culture, Capability and Diversity*

Quarterly Milestones

September	Continue implementation of the 52 actions in the 2020 Yana Ngargna Year 1 Action Plan (calendar year) ensuring adaptions are made, where possible to meet Covid-19 restrictions
December	Commence report to Council on implementation of the actions in the 2020 Yana Ngargna Year 1 Action Plan (calendar year) Commence planning for the 2021 Yana Ngargna Year 2 Action Plan
March	Present 2021 Yana Ngargna Year 2 Action Plan to Council for adoption Present report to Council on the 2020 Yana Ngargna Year 1 Action Plan Present 2021 Yana Ngargna Year 2 Action Plan to Council for adoption
June	Continue implementation of the 2021 Yana Ngargna Year 2 Action Plan

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Quarterly Progress Comments

Implementation of the 2020 Yana Ngargna Action Plan continued, most notable achievements included:

Yarra's Aboriginal Support Network collaborated with Charcoal Lane and Yarra Libraries to support Co-health and the Billabong BBQ program supporting Yarra's disadvantaged Aboriginal people. Charcoal Lane produce culturally appropriate pre-cooked meals, fresh fruit and vegetables and activity packs for families with children.

KULIN-BULOK NANGA-GU QEEAP (COMMUNITY COOKING) was a four-part series available to watch on the Yarra City Arts YouTube Channel. Local community members were asked to share a story about a dish that was special to them. An interpretation of the dish was then prepared by Charcoal Lane restaurant and accompanied by a musical performance from some of Victoria's leading Aboriginal musicians.

SMITH STREET DREAMING RETROSPECTIVE - The Smith Street Working Group and City of Yarra partnered with 3CR to bring a retrospective of the past 7 years of the Smith Street Dreaming Festival during NAIDOC week on Saturday 18 July, The broadcast featured music from past festival performers and interviews with some of the key figures.

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3 . A sustainable Yarra

a place where…Council leads on sustainability and protects and enhances its natural environment

As Victoria's first carbon-neutral council, we are proud of our commitment to sustainability. Protecting our natural environment and supporting our community to reduce its environmental footprint will continue to be a priority for Council.

Strategies

Council's work to achieve this Strategic Objective will include the following strategies :

3.1 Investigate strategies and initiatives to better manage the long term effects of climate change
3.2 Support and empower a more sustainable Council and Community
3.3 Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.
3.4 Reduce the amount of waste-to-landfill with a focus on improved recycling and organic waste disposal
3.5 Promote responsible water usage and practices
3.6 Promote and facilitate urban agriculture with a focus on increasing scale and uptake in the community
3.7 Investigate strategies and initiatives to improve biodiversity

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A sustainable Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
3.01 Climate Emergency	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
3.02 Embedding Sustainability	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
3.03 Integrated Water Management Plan	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
3.04 Stormwater Harvesting Schemes feasibility study and concept design	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
3.05 Glass Bin Service	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

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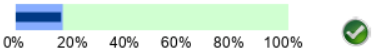
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3.01 Climate Emergency

Council Plan Initiatives
Promote programs that monitor and reduce emissions across the municipality and strive to achieve carbon neutral status, and
Continue to invest in initiatives to reduce energy use and emissions from Council operations

Action
Council adopted its first Climate Emergency Plan in 2019/20. This year, Council will mobilise and enable our community to take effective climate action



Branch *Sustainability*

Quarterly Milestones

September	Commence development of a '100% Renewable Yarra' campaign which supports renewable energy uptake in the community
December	Submit documentation for Council to remain a certified carbon neutral Council
	Provide status report on progress against the adopted Climate Emergency Plan actions
	Brief Councillors on a draft climate action program designed to enable and support the community to lead and participate in climate action
March	Continue with implementation of CEP programs as budget allows
June	Update Council on the status of implementation of the Climate Emergency Plan actions

Quarterly Progress Comments

Following adoption of the Climate Emergency Plan in June 2020, Officers have begun developing the key '100% Renewable Yarra' campaign, designed to accelerate the uptake of renewable energy across the community. Through this campaign we will support residents and businesses to increase installation of solar PV and switch to 100% renewable electricity.

There are a range of activities that will roll out to support this, including:

Information sharing: such as information on our website, webinars etc

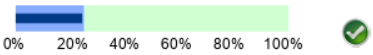
Normalising 100% renewable activities in the community: such as via case studies and other communications

Developing programs to make the switch easier: such as the Yarra Solar Program with the Yarra Energy Foundation

3.02 Embedding Sustainability

Council Plan Initiative
Embed adaptation sustainability across Council decision making processes

Action
Council will continue to embed sustainability and adaptation across its strategies, policies, and decision making processes.



Branch *Sustainability*

Quarterly Milestones

September	Update QBL tool, training, and Climate Adaptation Guidance Tool to align with Climate Emergency Plan commitments
December	Further integrate sustainability into Council's corporate planning processes
March	Engage Councillors in future strategic work for managing improved sustainability
	Embed climate adaptation considerations into all new budget bids (discretionary projects and strategies)

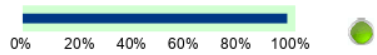
Council Plan 2017-2021 : Year 4

Quarterly Progress Comments The QBL Tool, 'Climate Adaptation in Local Government' training module and the Climate Adaptation Guidance Tool have all been updated to align with the Climate Emergency Plan commitments. This involved updating the language and images to reflect the speed and scale required to avoid catastrophic climate change. The questions in the 'environment' and 'climate adaptation' pillars of the QBL Tool were modified to closely align with the strategic priorities of the plan. As part of the process the subject matter experts for the 'social' and 'economic' pillars were consulted for updates to reflect new strategies or policies. The updated tools are available on the Yarra intranet and training has been integrated into the new online training platform - OWL. The QBL Tool has been applied to recent new strategies and policies. Internal discussion have been held around further use of the QBL Tool as a way to integrate policies/concepts across the organisation, such as the Social Justice Charter and Gender Equality Act.

3.03 Integrated Water Management Plan

Council Plan Initiative
Continue to implement and promote evidence based water conservation initiatives

Action
Council will consult the community to develop an Integrated Water Management Plan.



Branch *Infrastructure Traffic and Civil Engineering*

Quarterly Milestones

December Undertake public consultation to capture the community's priorities and feedback

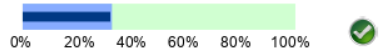
June Report to Council on the findings of the public consultation and the final Integrated Water Management Plan for endorsement

Quarterly Progress Comments Council adopted the Water Management Plan in September 2020.

3.04 Stormwater Harvesting Schemes feasibility study and concept design

Council Plan Initiative
Continue to implement and promote evidence based water conservation initiatives

Action
Council will investigate the feasibility of introducing storm water harvesting schemes at Council operated open spaces and venues.



Branch *Infrastructure Traffic and Civil Engineering*

Quarterly Milestones

September Prepare a project brief to investigate the feasibility of introducing stormwater harvesting schemes at Council-operated open spaces and venues

December Report to Council on the results of the investigation and nominate 3 sites to proceed

June Finalise the concept designs for the 3 nominated sites

Quarterly Progress Comments Investigation into the feasibility of introducing stormwater harvesting schemes at Council operated open spaces was completed with a number of options identified. Ramsden Street Reserve was identified for the next stormwater harvesting scheme.

3.05 Glass Bin Service

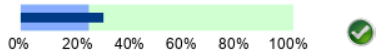
Council Plan Initiative
Reduce volume of kerbside waste collection per capita by behaviour change programs and increase of recycling

Action
Roll out of a glass-only bin across Yarra to provide a kerbside recycling system that will allow the separation of recycled glass out of the recycling bin.

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Branch *City Works*

Quarterly Milestones

September	Deliver the Community Engagement Program to inform the community about the roll out
December	Complete implementation of the glass-only bin across Yarra
March	Audit the recycling bin material and the glass bin material
June	Provide a status report to Council on the new service and outcomes to date

Quarterly Progress Comments Community engagement program delivered and roll out of glass recycle bins has commenced. The completion of the roll out and commencement of collections is expected late November 2020.

Attachment 1 - 2020-21 Annual Plan Progress Report - September

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4 . A liveable Yarra

a place where... Development and growth are managed to maintain and enhance the character and heritage of the city

With demand for inner city housing increasing, Council is mindful of the importance of balancing the needs of new and existing residents, and ensuring that development does not encroach on the amenity or heritage of our city.

Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

4.1 Protect Yarra's heritage and neighbourhood character
4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing
4.3 Plan, promote and provide built form, open space that is accessible to all ages and abilities
4.4 Protect Council assets through effective proactive construction management
4.5 Encourage and promote environmentally sustainable building, urban design, place-making and public realm outcomes
4.6 Provide direction and improve decision making on infrastructure projects through the application of the Strategic Community Infrastructure Framework
4.7 Encourage engagement with the community when developments are proposed

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A liveable Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action		Start Date / End Date	
4.01	Progress the Yarra Planning Scheme rewrite	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
4.02	Built Form Analysis for Major Activity Centres	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
4.03	Structure Planning for Major Activity Centres	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
4.04	Built Form Analysis for Heidelberg Road, Alphington	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
4.05	Develop a framework for management of Council's own heritage assets	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

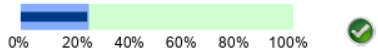
Attachment 1 - 2020-21 Annual Plan Progress Report - September

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4.01 Progress the Yarra Planning Scheme rewrite

The Planning Scheme sets out how land can be used, developed and protected. Council has been working on a major rewrite of the Planning Scheme to update areas of local policy that needed to be strengthened. This year Council will finalise the draft Planning Scheme



Branch *City Strategy*

Quarterly Milestones

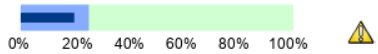
September	Exhibit Planning Scheme Amendment (if 'authorisation' provided)
December	Brief Councillors on submissions received (if authorisation provided)
March	Consider and prepare response to submissions
June	Report back to Council post-exhibition regarding submissions and recommend final planning scheme provisions

Quarterly Progress Comments Exhibition commenced in August 2020 and will continue until 4 December 2020.

4.02 Built Form Analysis for Major Activity Centres

Council Plan Initiative
Prepare a built form analysis as part of the preparation of structure plans for major activity centres

Action
Council will prepare Built Form Analysis for Alexandra Parade, Fitzroy West and Victoria Parade to inform Structure Plans for the Brunswick Street/Smith Street Major Activity Centres in Yarra and to support the future preparation of Design and Development Overlays in the Yarra Planning Scheme.



Branch *City Strategy*

Quarterly Milestones

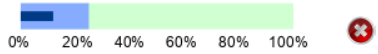
September	Complete Built Form Framework for Alexandra Parade, Fitzroy West and Victoria Parade
December	Finalise amendment documentation for interim planning controls
March	Report to Council to seek Council resolution to request interim controls from the Minister for Planning
June	Provide an update to Councillors on the status of the request to the Minister

Quarterly Progress Comments The Built Form Framework for Alexandra Parade, Fitzroy West and Victoria Parade is in progress and scheduled to be presented to Council with interim controls in February 2021.

4.03 Structure Planning for Major Activity Centres

Council Plan Initiative
Continue to develop structure plans for Yarra's major activity centres which build on the unique character of each precinct

Action
Council will prepare Built Form Analysis and Structure Plans for Major Activity Centres in Yarra to support the future preparation of Design and Development Overlays in the Yarra Planning Scheme.



Branch *City Strategy*

Quarterly Milestones

September	Complete background analysis report for Victoria Street and Bridge Road
December	Complete outline of draft structure plans
March	Brief Council on consultation with the community to inform the draft structure plans

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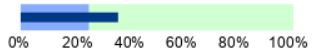
June Complete draft Structure Plan

Quarterly Progress Comments The initial research on the background analysis is being completed while officers review approach to structure plans.

4.04 Built Form Analysis for Heidelberg Road, Alphington

Council Plan initiative
Develop planning controls for Heidelberg Road, Alphington in conjunction with Darebin Council

Action
Council will preparation and exhibit a Local Area Plan and permanent planning controls for Heidelberg Road, Alphington.



Branch *City Strategy*

Quarterly Milestones

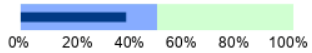
September Liaise with Darebin Council officers on a draft Local Area Plan
December Work with Darebin Council officers to complete the draft Local Area Plan
March Commence preparation of permanent planning scheme provisions
June Report to Council on draft Planning Scheme provisions recommending a preferred option to seek permanent controls

Quarterly Progress Comments Council completed the draft Local Area Plan as it relates to Yarra and Darebin Council is working its part of the project.

4.05 Develop a framework for management of Council's own heritage assets

Council Plan initiative
Strengthen the protection of Yarra's heritage through the planning scheme, education, and resource provision

Action
Council will identify and list its heritage assets and understand their heritage attributes so that their management can be integrated with Council's asset management framework and processes.



Branch *CEO Office*

Quarterly Milestones

September Present a draft framework to Executive
December Present a draft framework to Council

Quarterly Progress Comments A draft framework has been prepared and will be presented to Executive in October. The project has experienced delays due to engaged consultancy being impacted by COVID-19.

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5 . A prosperous Yarra

a place where…Local businesses prosper and creative and knowledge industries thrive

Yarra is a great place to do business and to work. Supporting local businesses and creative industries not only contributes to Yarra's economy, but also increases local employment opportunities, enhances street life and fosters community connectedness.

Strategies

Council's work to achieve this Strategic Objective include the following strategies :

5.1 Maintain and strengthen the vibrancy and local identity of retail and commercial precincts
5.2 Strengthen and monitor land use change and economic growth including new and emerging economic clusters
5.3 Create local employment opportunities by providing targeted and relevant assistance to facilitate business growth, especially for small and medium size enterprises and entrepreneurs through the attraction and retention of businesses
5.4 Develop Innovative Smart City solutions in collaboration with government, industry and community that use technology to embrace a connected, informed and sustainable future
5.5 Facilitate and promote creative endeavour and opportunities for the community to participate in a broad range of arts and cultural activities
5.6 Attract and retain creative and knowledge industries in Yarra
5.7 Ensure libraries and neighbourhood houses support lifelong learning, wellbeing and social inclusion

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A prosperous Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
5.01 Economic Development Strategy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
5.02 Develop Yarra as a Smart City	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

Attachment 1 - 2020-21 Annual Plan Progress Report - September

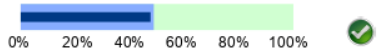
Council Plan 2017-2021 : Year 4

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5.01 Economic Development Strategy

Council Plan Initiative
Promote the benefits of doing business locally including the benefit of access by walking and cycling

Action
Council will adopt a new Economic Development Strategy outlining how Council can best support economic development by fostering greater investment and jobs growth in the municipality. Council is also providing assistance to the business community through its COVID-19 support package.



Branch *City Strategy*

Quarterly Milestones

September	Undertake consultation on draft Economic Development strategy
	Continue to support local business through COVID-19 period and assist where Council has the ability in recovery period
	Report to Council on outcomes of community consultation process
December	Finalise draft strategy and report back to Council seeking adoption of new Economic Development Strategy
March	Commence implementation of Economic Development Strategy action plan
June	Continue implementation of Economic Development action plan and report progress to Council

Quarterly Progress Comments

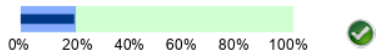
Council has supported the State Government's request for extended outdoor dining by offering multiple ways to increase their outdoor trading space. In conjunction, $160,000 in precinct support grants was made available to help revitalise our mainstreets.

A report was presented to Council on outcomes of community consultation process and adopted the Economic Development Strategy 2020-2025 in September.

5.02 Develop Yarra as a Smart City

Council Plan Initiative
Implement an innovation hub to bring people together to focus on creative solutions, enabling a culture of continuous improvement, innovation and collaboration, and
Develop innovative Smart City solutions in collaboration with government, industry and community which will use open data technology (Strategic Objective 7: A leading Yarra)

Action
Collaborate with the local community and relevant stakeholders to ensure Yarra becomes a Smart City which delivers a connected, informed and sustainable future.



Branch *Office of the Director City Works and Assets*

Quarterly Milestones

September	Commence the Public Safety Infrastructure Grant project in Victoria Street, Richmond
December	Host a City Works and Assets Data Strategy Workshop to explore the use of data to inform decision making and create value
March	Establish the IMAP Smart City Working Group
June	Develop a data roadmap for City Works and Assets that will enable data to be utilised to progress and inform decision making
	Implement Yarra Science Play within the Yarra Libraries program

Quarterly Progress Comments

The Public Safety Infrastructure Grant project commenced in July and is on track. Upcoming activities include completion of procurement and baseline data processes, internal stakeholder engagement and implementation of a community nighttime lighting survey and co-design workshop.

Attachment 1 - 2020-21 Annual Plan Progress Report - September

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6 . A connected Yarra

a place where…Connectivity and travel options are environmentally sustainable, integrated and well-designed

Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car.

Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

6.1 Manage traffic movement and promote road safety within local roads
6.2 Work in partnership with Vicroads and influence traffic management and road safety on main roads
6.3 Investigate and implement effective parking management options
6.4 Improve accessibility to public transport for people with mobility needs and older people
6.5 Develop and promote pedestrian and bicycle infrastructure that encourages alternate modes of transport, improves safety and connectedness
6.6 Advocate for increased infrastructure and performance of public transport across Melbourne

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A connected Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
6.01 Review parking practices and options throughout the municipality	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
6.02 Public Transport Advocacy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
6.03 LAPM Policy review	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

Attachment 1 - 2020-21 Annual Plan Progress Report - September

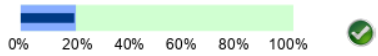
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6.01 Review parking practices and options throughout the municipality

Council Plan Initiative
Continue to utilise data, technology and community consultation to inform the management of parking

Action
Council will continue to promote and educate the community on the complexity and requirements of parking within Yarra and assess the use of appropriate data in decision making.



Branch *Compliance and Parking Services*

Quarterly Milestones

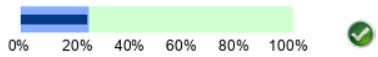
September	Review parking guidelines and enforcement practices in line with demand, occupancy rates, safety and the needs of businesses in commercial zone
December	Investigate and utilise technology options to evaluate available data to streamline enforcement practices and variable pricing options
March	Extend the roll-out of in-ground sensors and report to Council on actions taken to implement Council's policy of there being on 4 ways of legally parking in Yarra Examine and implement communication opportunities to educate the community in correct parking behaviour and Council polices
June	Examine and implement as appropriate consistent restrictions within identified commercial shopping strips
Quarterly Progress Comments	The parking guidelines and the parking enforcement policies and procedures have been reviewed and updated. This includes a new Blitz process to enforce identified areas with ongoing parking issues. Investigation and evaluation of data and technology options has commenced.

6.02 Public Transport Advocacy

Council Plan Initiative
Advocate to the State Government for improved accessibility to public transport services

Action
Advocate for improved public transport services to meet the needs of significant population growth in Yarra and advocate for:

- DDA (Disability Discrimination Act) tram stops in Bridge Road (east of Church St) and Swan Street,
- increased rollout of electric buses in routes through Yarra,
- improved interchanges amongst modes to better service users,
- trialling changed tram stop locations in Brunswick Street to assist in improved public spaces and safer cycling opportunities,
- Melbourne Metro 2 (MM2) linking the Clifton Hill rail group lines with the central city,
- NEL-Eastern Freeway busway remedying the gap east-west along Alexandra Parade, and
- bus or other public transport services for the AMCOR development and linking Victoria Street East with Richmond/Burnley.



Branch *Strategic Transport*

Quarterly Milestones

September	Continue to advocate to the State Government to require providers to increase electric buses on routes in Yarra Continue to advocate for DDA tram stops in Bridge Road east
December	Continue to advocate for east west public transport improvements along Alexandra Parade Actively advocate for changes to tram stops in Brunswick Street to enable improved public spaces and safer cycling Continue to advocate for a bus route from Burnley Station to the northern suburbs via Chandler Highway past the former AMCOR site
March	Continue to actively assist Department of Transport on any proposed improvement projects to the public transport system in Yarra

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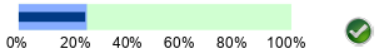
	Advocate to the State Government for MM2 to connect to the Clifton Hill group of lines
June	Continue to advocate for improved DDA compliance at train stations in Yarra
Quarterly Progress Comments	A meeting was held with the CEO of Yarra trams to discuss the roll out of DDA trams throughout Yarra including on Bridge Road. Council continue to advocate to the State Government to require providers to increase electric buses on routes in Yarra. This is raised with PTV regularly as part of on going discussions about bus network planning.

6.03 LAPM Policy review

Council Plan Initiative
Transition Local Area Traffic Management program to Local Area Place Making programs

Action
Council will review the LAPM Policy and determine an approach which will supersede the 2017 Local Area Place Making Policy. The proposed approach:

- Aims to ensure a proactive, consistent, fair and comprehensive approach to the investigation, consultation, design, implementation and monitoring of road safety
- Establishes clearly defined road safety/traffic management objectives to allow for a robust, focused approach to addressing safety issues
- Ensures the Council's responsibility as road manager focuses on road safety and the provision of safe and accessible streets, particularly for more vulnerable road uses as the primary objective
- Demonstrates a commitment to reduce the adverse impact of motor vehicles in the local street network, to improve road safety, prioritise active transport and enhance community amenity
- Looks to gain a strategic understanding of the value of place to the community (i.e. schools, libraries, cafes, parks, shopping strips etc.) and seeks opportunities to provide safe and accessible connections and/or improved infrastructure to these places for all road users
- Allows for the majority of traffic safety treatments to be funded via external channels such as Department of Transport (DoT) and Transport Accident Commission (TAC)



Branch *Infrastructure Traffic and Civil Engineering*

Quarterly Milestones

September	Develop draft LAPM Policy following internal consultation
December	Present draft LAPM Policy to Council
March	Present final LAPM policy to Council for endorsement
June	Commence implementation of LAPM Policy
Quarterly Progress Comments	Internal consultation has been completed and a draft LAPM Policy developed.

Attachment 1 - 2020-21 Annual Plan Progress Report - September

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7 . A leading Yarra

a place where…Transparency, performance and community participation drive the way we operate

Council is committed to change through an energised, cohesive team of professionals, recognised for our leadership, innovation and service.

Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

7.1 Ensure Council's assets and financial resources are managed responsibly to deliver financial sustainability
7.2 Continue to develop a culture of continuous improvement and innovation
7.3 Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making
7.4 Ensure Council services are efficient, well-planned, accessible and meet community needs
7.5 Provide the community with meaningful and genuine opportunities to contribute to and participate in Council planning and decision making processes with a focus on young people, hard to reach and traditionally underrepresented communities
7.6 Enable greater transparency and access to the conduct of Council Meetings
7.7 Develop innovative Smart City solutions in collaboration with Government, Industry and Community which will use open data technology
7.8 Continue a 'customer centric' approach to all service planning and delivery
7.9 Advocate for the best interests of our community

The following actions are being undertaken in 2020/21 to work toward achieving Council's strategic objective of A leading Yarra.

Action Progress Summary

- At least 90% of action target achieved
- Between 75 and 90% of action target achieved
- Less than 75% of action target achieved
- Not Started
- Completed

Target
% Complete

Action	Start Date / End Date	
7.01 Develop Governance Rules	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.02 Develop a Public Transparency Policy	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.03 Develop a Community Vision	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.04 Our Voice, Our Actions, Our Customer Experience (CX): CX Program 2020-2022	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.05 Mid-Year Budget Review	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.06 Business Improvement	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%
7.07 Your Say Yarra Youth Forums	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

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Action		Start Date / End Date	
7.08	Develop and implement the Risk Management Framework	01/07/20 30/06/21	0% 20% 40% 60% 80% 100%

Attachment 1 - 2020-21 Annual Plan Progress Report - September

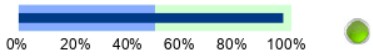
Council Plan 2017-2021 : Year 4

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7.01 Develop Governance Rules

Council Plan Initiative
Provide training and re-enforcement of good governance practices

Action
Council will develop Governance Rules to, among other things, guide the conduct of Council meetings, the disclosure of conflicts of interest, and the requirements during an election period.



Branch *CEO Office*

Quarterly Milestones

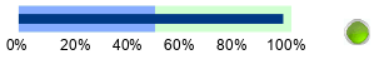
September Continue development of Governance Rules
December Present Governance Rules to Council for adoption

Quarterly Progress Comments The revised Governance Rules were adopted by Council in August 2020 after a period of public consultation.

7.02 Develop a Public Transparency Policy

Council Plan Initiative
Provide training and re-enforcement of good governance practices

Action
Council will develop a policy to give effect to the public transparency principles in the Local Government Act 2020, that sets out which information is freely available and how a member of the public may request further information.



Branch *CEO Office*

Quarterly Milestones

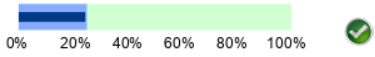
September Continue development of the Public Transparency Policy
December Present Public Transparency Policy to Council for Adoption

Quarterly Progress Comments The Public Transparency Policy was adopted by Council in August 2020.

7.03 Develop a Community Vision

Council Plan Initiative
Continue to implement strategies that enhance customer and community experience with Council across services

Action
Work with the community through a deliberative engagement model to develop a Community Vision that captures the future aspirations of our community. Our community's Vision will provide direction and guidance for all of Council's future strategic planning and demonstrate our compliance with the Victorian Local Government Act 2020 (Act).



Branch *Corporate Planning and Performance*

Quarterly Milestones

September Commence engagement with internal stakeholders on future issues and opportunities
June Commence targeted, deliberative engagement with community to develop a Community Vision
Commence preparation of the Community Vision for presentation to Counci
January Commence engagement with broad community on future issues and opportunities

Attachment 1 - 2020-21 Annual Plan Progress Report - September

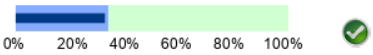
Council Plan 2017-2021 : Year 4

Quarterly Progress Comments A workshop with the Executive group was undertaken to establish the Commmunity Vision guiding parameters. Two visioning workshops were held with the senior management team to identify future issues that may impact the municipality. Reports on the results from these workshops will help inform other engagement processes across the Community Vision Project.

7.04 Our Voice, Our Actions, Our Customer Experience (CX): CX Program 2020-2022

Council Plan Initiative
Continue to implement strategies that enhance customer and community experience with Council across services

Action
Our CX Program frames a three year program of internal and external service experience improvements to build our vision of 'working together to build a better experience for all' into a reality.



Branch *Customer Service*

Quarterly Milestones

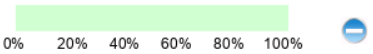
September Develop Organisation wide CX competencies
December Define and select business improvement projects to demonstrate value of CX
June Define and build a business partnering model

Quarterly Progress Comments Council has developed an organisational competency framework that includes Customer experience (CX) as a key segment.

7.05 Mid-Year Budget Review

Council Plan Initiative
Regularly review and update long-term financial planning to guide our budget decisions to ensure they are responsible and sustainable

Action
Council will undertake a detailed review of its mid-year financial performance compared to budget to ensure achievement of financial sustainability measures across Council and appropriate allocation of financial resources toward achievement of the Council Plan.



Branch *Finance*

Quarterly Milestones

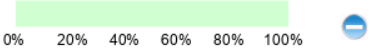
March Review half-yearly financial actuals against budget and identify any adjustments that are required to Council's full year forecast result to be reported in the half yearly finance report to Council

Quarterly Progress Comments No milestones to report on this quarter.

7.06 Business Improvement

Council Plan Initiative
Continue to train staff in the application of appropriate continuous improvement methodologies.

Action
Council's Business Improvement Framework identifies the operating context, goals, key activities, outputs and outcomes to be delivered. It incorporates a stronger and more consistent approach to continuous quality improvement. Implementation of the framework and staff training in continuous improvement methodologies will ensure that Yarra's business improvement priorities are driven by a stronger customer-focussed approach.



Branch *Corporate Planning and Performance*

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

Quarterly Milestones

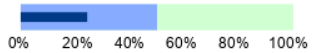
December	Design and deliver the Business Improvement Program
	Define, prioritise and action business improvement projects and activities
	Support Post Covid-19 recovery and business continuity improvement planning
June	Support Post Covid-19 Recovery and business continuity improvement planning
	Define, prioritise and action business improvement projects and activities
	Design and deliver the Business Improvement Program

Quarterly Progress Comments No milestones to report on this quarter.

7.07 Your Say Yarra Youth Forums

Council Plan Initiative
Promote programs to educate and encourage young people in decision making and participation in their local community

Action
Council will develop an advisory and engagement platform for young people to engage with Council and Councillors.



Branch *Family, Youth and Children's Services*

Quarterly Milestones

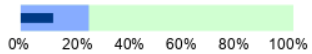
September	Host opportunities for young people to meet with Councillors
	Establish online platform for young people to have their say on issues affecting them in Yarra , and contribute to community consultations (via Your say Yarra website)
December	Provide advocacy and media training for young people
June	Support young people to meet with Councillors via Your Say Yarra Youth Forums (min. 4 per year)

Quarterly Progress Comments Young people have had several online opportunities to raise and discuss issues facing them druing COVID-19 pandemic. These have included Instagram Live! forums, and the Yarra Youth Ambassadors hosting community conversations on COVID-19, policing and mental health. Community consultations are also available via Your Say Yarra and promted to young people via Yarra Youth Service's Facebook and Instagram platforms.

The hosting of opportunities for young people to meet with Councillors has been deferred due to COVID-19 and the disruption to school programs and remote learning. As such officers recommend the milestone be deferred from the 2020/21 Annual Plan.

7.08 Develop and implement the Risk Management Framework

Council will develop and implement a Risk Management Framework.



Branch *Risk and Safety*

Quarterly Milestones

March	Develop Risk Management training program
June	Review effectiveness of Risk Management Framework
	Complete Risk Management training program
January	Present Risk Management Framework to Executive for approval

Quarterly Progress Comments A Draft Risk Management Framework continues to be developed with on-going discussions with Group Manager People and Culture. The completed draft Risk Management Framework is scheduled to be circulated for consultation with Executive mid-December.

18/11/2020 - RIsk Matrix to be consulted with key stakeholders prior to finalisation of new draft for

presentation to Executive in December.

Attachment 1 - 2020-21 Annual Plan Progress Report - September

Council Plan 2017-2021 : Year 4

2020/21 Annual Plan Quarterly Progress Report - September 6

8.8 Council Meetings Operations Policy

Reference	D20/158726
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To establish an effective meeting procedure and respond to the enactment of the Local Government Act 2020 ("2020 Act") and the repeal of sections of the Local Government Act 1989 ("1989 Act") by updating and adopting the Council Meetings Operations Policy to support the implementation of the Governance Rules.

Critical analysis

History and background

2. On 24 March 2020, the *Local Government Act* 2020 received Royal Assent, marking the end of a reform process that has taken place over the past three years.
3. One feature of the Act is that implementation will take place progressively, with a number of milestones triggering specific provisions of the 2020 Act, while simultaneously rescinding the equivalent provisions of the 1989 Act.
4. On 1 May 2020, Stage 2 took effect, and required, among other things, the adoption of a Council's Governance Rules on or before 1 September 2020. Council adopted its Governance Rules 2020 on 18 August 2020.
5. At the time of adopting the Governance Rules, Council determined to defer consideration of the supporting Council Meetings Operations Policy.

Discussion

6. The draft Council Meetings Operations Policy at **Attachment One** has been developed following a review of the existing policy adopted by Council in September 2019 which set out, for the first time, the processes for public question time, public submissions, live streaming and publication of certain matters on Council's website. The specific changes proposed may be identified in the marked up version at **Attachment Two.**
7. The review initially focussed on the making of those changes necessary to ensure compliance with the Local Government Act 2020 and the City of Yarra Governance Rules 2020. Following the receipt of feedback from Councillors, a number of further changes have been suggested.
8. Firstly, at section 2.1.1, it is proposed to change the way Public Question Time operates, in a number of ways.
    (a) Establishing a process so that after 20 minutes of questions, the remainder of questions can be taken at the end of the meeting. This decision would be made by resolution of Council and ensures that if a large number of members of the public are waiting to make a submission in relation to a specific item later on the agenda, they are not kept waiting longer than necessary;
    (b) Providing a mechanism that if a member of the public is in attendance, but needs to leave before the opportunity to ask their question arises, they are able to leave their question in writing with Council staff and will receive a guaranteed response within 24 hours;

(c) Establishing a time limit of three minutes to ask a question (rather than the existing five minutes). This ensures more time is available to provide a response to questions, and more questions can be answered in the time allowed. This time has been chosen as it the same time allocation provided to Councillors to ask a question without notice. Experience shows that at an average speaking pace, three minutes is sufficient to read approximately 500 words – or a full A4 typed page with 12 point font and single spaced lines; and

(d) Formalising the requirement include details of public questions (and public submitters) in the minutes of each meeting. This has been occurring, but has not been Council's formal policy.

9. Secondly, at section 2.3.1 and 2.3.2, it proposed to bring forward the publication of the agenda papers to ensure that more time is available to the community to read the papers before the meeting as follows:

(a) Council meeting papers will be published six days before meetings (for Tuesday meetings, this is the previous Wednesday); and

(b) Planning Decisions Committee papers will be published seven days before meetings (for Wednesday meetings, this is the previous Wednesday).

10. Thirdly, at section 2.6, it proposed to make changes to provisions relating to urgent business as follows:

(a) reflect the fact that sections 18(1)(h), 28(3) and 46(2)(d) of the 2020 Act, when read together require that items of urgent business can only be presented for inclusion on the agenda by the CEO after consulting with the Mayor;

(b) removal of the requirement to provide written notice by 5.00pm, to enable greater flexibility and in recognition of the legislative requirement that the Mayor be consulted in any case; and

(c) removal of the requirement that only motions requiring an urgent resolution may be determined (which had been in place in recognition of the fact that Councillors had previously been able to present items for consideration as items of urgent business without seeking officer advice).

11. Fourthly, at section 2.7, it proposed to include provisions relating the matters that may be considered as items of general business, in recognition that the previous restrictions were not carried over to the Governance Rules. It proposed that the provisions be expanded, and provide that in addition to calling for officer reports (the previous limitation), general business may also be used to:

(a) advance issues raised by Council's Advisory Committees;

(b) further advocacy regarding established Council policy; and

(c) consider matters that are symbolic or ceremonial in nature,

subject to limitations to ensure that Council finds are not committed, policy is not determined, motions outside of Council's powers and motions contrary to Council's interests are not made in the absence of officer advice.

12. Finally, there are a number of administrative policy changes proposed including:

(a) At section 2.13, clarity that it is formal parties to applications (applicants and submitters) that have a right to address the committee;

(b) the removal of section 2.1.4, which provided for the receipt of 'formal submissions', in recognition of the now limited application of section 223 of the Local Government Act 1989 and the establishment of Council's Community Engagement Policy;

(c) at section 2.2, incorporating processes for the receipt of petitions in the policy, rather than a standalone procedure, clarity around the acceptance of electronic petitions and a requirement that information about the petition process be published on Council's website;

(d) at 2.3.1, removal of the requirement to print hard copies of some Council reports, as experience has shown that they are rarely picked up and relied upon by attendees at meetings and are typically disposed of immediately following each meeting;

(e) the removal of the former section 2.7, which provided for the conclusion of meetings at 11.00pm which is now included in the Governance Rules;

(f) changing references to the former Internal Development Approvals Committee to the Planning Decisions Committee throughout the policy;

(g) removing references to "Special Meetings" (which are a type of meeting that no longer exists in the 2020 Act); and

(h) updating references to the 1989 Act to the equivalent provisions in the 2020 Act throughout the policy.

Options

13. In addition to the officer's recommendation, Council has a number of options available, including altering the draft policy or further deferring the matter.

14. To alter the draft policy, the appropriate form of words would be to resolve:

    1. That Council adopt the Council Meetings Operations Policy at Attachment One, subject to the following changes:

    (a) …

    (b) …

15. Deferral of the proposed policy adoption would be achieved by resolving:

    1. That Council defer consideration of the Council Meetings Operations Policy to enable further Councillor feedback to be considered.

Community and stakeholder engagement

16. Following Council's endorsement of the proposed Governance Rules on 21 July 2020, they were placed on exhibition via the YourSayYarra page from 22 July to 9 August 2020, together with a copy of the draft Council Meetings Operations Policy. During the exhibition period, the community were alerted to the opportunity to provide feedback via Council's website, the YourSayYarra portal and Council's social media channels.

17. During the period of public exhibition, there were 226 visits to the YourSayYarra page. No submissions were received when the page closed on Monday 10 August 2020.

18. Further refinements to the draft policy since Council's deferral of the matter in August 2020 have not been subject to community consultation. These primarily relate to changes to the process for Public Question Time.

Policy analysis

Alignment to Council Plan

19. As part of Objective 7: A leading Yarra, the City of Yarra Council Plan 2017-2021 contains the strategy *"Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making".* The review of the Council Meetings Operations Policy has given effect to this strategy by seeking to enliven the governance principles (and in particular the public transparency principles) set out in the 2020 Act.

Climate emergency and sustainability implications

20. The provisions of the existing policy relating to the provision of Council meeting papers electronically, rather than in hard copy, has been carried over into the attached draft. This has resulted in a significant reduction in paper waste over previous years (where hard copies were made available to the public gallery). The provision enabling hard copies to be provided to persons on request (who for whatever reason are unable to access the electronic version) has also been retained.

21. There are no other climate emergency or sustainability implications arising from this report.

Community and social implications

22. Council is committed to meaningful engagement with the community in decision-making, and in adopting the Governance Rules 2020 enshrined the right of members of the community to make submissions at Council meetings for the first time. This significant step in community involvement is underpinned by the proposed policy, which sets out the rights and responsibilities of all community members seeking to participate in Council meetings.

23. There are no other community or social implications arising from this report.

Economic development implications

24. There are no economic development implications arising from this report.

Human rights and gender equity implications

25. The Governance Rules 2020 contain a specific provision at Chapter 1, Clause 6 which encapsulates the principles of procedural fairness in decision-making. This provision has been the basis for the development of the Council meetings Operations Policy.

26. In the development of the Council Meetings Operations Policy, care has been taken to ensure the rights of persons (including Councillors) to participate in civic life are not infringed. Particular care has been taken in those areas where some limitations are proposed, vis:

    (a) Public Question Time:

        (i) Limitation on the number of questions that may be asked;

        (ii) Limitations on time available to ask a question;

        (iii) Prohibition on making statements or engaging in debate; and

        (iv) Restrictions of what matters may be raised;

    (b) Public Submissions (Council and Planning Decisions Committee):

        (i) Limitations on time available to speak;

        (ii) Restrictions of what matters may be raised; and

        (iii) Prohibition on asking questions or seeking comments.

27. In all cases, these limitations have been assessed as necessary and proportionate and on this basis it has been determined that the proposed Council Meetings Operations Policy Rules does not unreasonably interfere with a person's human rights.

28. No gender equality implications have been identified in the development of this policy.

Operational analysis

Financial and resource impacts

29. There are no financial or resource impacts arising from the consideration of the Council Meetings Operations Policy.

Legal Implications

30. With the changes from the 1989 Act to the 2020 Act, it is necessary for Council to comply with a number of new legislative requirements.

31. The adoption of the Council Meetings Operations Policy brings Council up to date with its legislative obligations.

Conclusion

32. No further changes are recommended, and the policy is now presented for adoption.

33. It is recommended that Council adopt the Council Meetings Operations Policy presented as **Attachment One** to this report.

RECOMMENDATION

1. That Council adopt the Council Meetings Operations Policy at **Attachment One**.

Attachments

1⇩ Draft Council Meetings Operations Policy

2⇩ Draft Council Meetings Operations Policy (marked up changes)

Attachment 1 - Draft Council Meetings Operations Policy

Council Meeting Operations Policy

Title	**Council Meeting Operations Policy**
Description	A policy to regulate the operation of certain aspects of Council and Committee Meetings.
Category	Council
Type	Policy
Approval authority	Council
Responsible officer	Senior Governance Advisor
Approval date	15 December 2020
Review cycle	Every four years
Review date	15 December 2024
Document Reference	D19/175081
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

This policy regulates the operation of meetings operated under the City of Yarra Governance Rules 2020, which includes meetings of Council and Council's Planning Decisions Committee.

2. Policy

2.1. Public participation at meetings

Council welcomes the opportunity for members of the public to participate in meetings of the Council and the Planning Decisions Committee.

2.1.1. Public Question Time

Members of the public shall be invited to ask a maximum of two questions each during Public Question Time at Council Meetings. In determining the order of questions, the Mayor shall first invite persons who have previously submitted their question the Council and then any other interested persons. At the Mayor's discretion, persons who have submitted two questions may be requested to ask their second question only after all other questioners have first had an opportunity to address the Council.

A period of 20 minutes shall be allocated to Public Question Time. If there are members of the public present who wish to ask questions at the conclusion of Public Question Time, Council shall determine, by resolution, whether to extend Public Question Time, or schedule an additional period for public questions at the conclusion of the meeting.

Members of the public present who are unable to ask their question may submit a question in writing if they wish, with a response to be provided within 24 hours.

All questioners accepting the invitation to address the meeting shall ask their questions in accordance with these guidelines (or a variation of these guidelines as determined by the Mayor at their sole discretion).

Questioners shall:

- Speak for a maximum of three minutes;
- Direct their question to the Mayor;
- Refrain from making statements or engaging in debate;
- Not raise operational matters which have not previously been raised with the Council administration;
- Not ask questions about matter listed on the agenda for the current meeting.
- Refrain from repeating questions that have been previously asked;
- If asking a question on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Where any question is not answered at the meeting, the Mayor may take the question on notice, in which case a response will be provided within 10 working days.

Questioners who are unable to ask their question personally may submit it in writing beforehand. Such questions will not be addressed at the meeting, but will be taken on notice with a response provided within 10 working days.

The meeting minutes shall record the name of the questioner, the subject matter of the question asked and whether a response was provided at the meeting or the question was taken on notice.

2.1.2. Council Meeting Submissions

Prior to the consideration of any Council business reports at a Council Meeting, members of the public shall be invited by the Mayor to make an oral submission. In determining the order of submissions, the Chair shall first invite persons who have previously notified of their intention to address the Council and then any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Mayor at their sole discretion).

Submitters shall:

- Speak for a maximum of five minutes;
- Direct their submission to the Mayor;
- Confine their submission to the subject under consideration;
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, Councillors will have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

The meeting minutes shall record the name of the submitter and the organisation or group they represent, if any.

Attachment 1 - Draft Council Meetings Operations Policy

2.1.3. Planning Decisions Committee Submissions

Prior to the consideration of any Committee Business Report at a meeting of the Planning Decisions Committee, parties to an application shall be invited by the Chair to make a verbal submission. In determining the order of submissions, the Chair shall first invite the applicant or their representatives to submit, followed by formal objectors.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chair at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chair;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Reflect on prior submissions, avoid repetition and refrain from restating matters that have already been raised;
- Not ask questions or seek comments from Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

The meeting minutes shall record the name of the submitter, whether or not they are an applicant or their representative and the organisation or group they represent, if any.

2.2. Petitions and joint letters

Council is committed to participatory democracy and will ensure that members of the public have convenient and practical means to contribute to Council's decision-making process. To that end, petitions and joint letters will be accepted where they comply with the Governance Rules and contain the name, address and signatures of at least twelve persons. Provided the intent of the Governance Rules is followed, reasonable accommodations shall be made to accept electronic petitions.

Where petitions are received, the Group Manager, Chief Executive's Office will ensure that:

- a letter of acknowledgment is sent to the individual or relevant organisation within seven days;
- petitions and joint letters are responded to as quickly as appropriate having regard to their size, nature and complexity;
- ; and
- other issues considered relevant by the Chief Executive Officer are addressed.

Council shall maintain a page on its website to provide assistance to community members as to how to prepare and submit petitions, including electronic petitions.

Attachment 1 - Draft Council Meetings Operations Policy

2.3. Access to meeting papers

2.3.1. Council Meetings

The agenda of each Council meeting and will be published on Council's website in advance of each meeting. Every endeavour shall be made to ensure the agenda and all accompanying documents are available for download at least six full days before the meeting (for Tuesday evening meetings, this is Wednesday evening). Where this is not possible, a note shall be placed on the website explaining when the agenda will be available.

In order to minimise paper use, hard copies of full meeting agendas will only be provided to members of the public on request. Attendees are encouraged to download relevant papers from Council's website but, if this is not practicable, hard copies may be requested by contacting Council's Governance department by midday on the day of the meeting. These hard copies will then be made available for collection at the meeting.

At each meeting, a summary document setting out the order of business will be available for attendees on a first come, first served basis.

The minutes of each Council meeting will be published on Council's website before the subsequent Council meeting. These minutes are to be considered a draft only, as they are still subject to ratification by Council. Where it is not possible to prepare the minutes prior to the subsequent meeting, a note shall be placed on the website explaining when the minutes will be available.

2.3.2. Planning Decisions Committee Meetings

The agenda of each Planning Decisions Committee meeting and will be published on Council's website in advance of each meeting. Every endeavour shall be made to ensure the agenda and all accompanying documents are available for download at least seven full days before the meeting (for Wednesday evening meetings, this is Wednesday evening). Where this is not possible, a note shall be placed on the website explaining when the agenda will be available.

In order to minimise paper use and for copyright reasons, hard copies of meeting agendas will not be provided. Attendees are encouraged to download relevant papers from Council's website.

The minutes of each Planning Decisions Committee meeting will be published on Council's website before the subsequent committee meeting. These minutes are to be considered a draft only, as they are still subject to ratification by the committee. Where it is not possible to prepare the minutes prior to the subsequent meeting, a note shall be placed on the website explaining when the minutes will be available.

2.4. Officer presentations at meetings

Presentations of officer reports at Council and Committee meetings shall take place prior to consideration of the agenda item, and prior to the receipt of any public submissions.

An officer presenting a report to any meeting of the Council or a Committee shall provide a brief summary of the report being considered on the agenda when so requested by the Chair.

The purpose of the presentation is to bring the meeting's attention to critical issues pertinent to the matter being considered and any additional information, which has come to light subsequent to the circulation of the report (it is not necessary to restate the recommendation contained in the report).

Officer presentations shall be concise and take no longer than three minutes, except in circumstances where it is necessary for more detailed and complex information to be provided.

Officers shall be prepared to take questions from Councillors in regards their report in addition to providing such other relevant information as may be requested.

Council Meeting Operations Policy

2.5. Transmission of meeting proceedings

It is Council's policy to support measures that increase transparency of Council's decision-making.

2.5.1. Council Meetings

The audio and video of all Council Meetings shall be streamed live to Council's website and will be available to members of the public, without a need for pre-registration.

Following each Council meeting, these recordings shall be freely available for viewing for a period of at least twelve months.

Where necessary, redactions may be made to the recording to ensure that the recording is suitable for lawful publication including compliance with (but not limited to) the following legislation:

- Copyright Act 1968 (Cth)
- Defamation Act 2005 (Vic)
- Local Government Act 2020 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

Determinations on the need for the redaction of meeting proceedings shall be made by the Group Manager Chief Executive's Office, with a view to keeping redactions to a minimum and ensuring the maximum amount of information is included.

Portions of a meeting which are closed to members of the public under section 66 of the Local Government Act 2020 shall not be transmitted or recorded.

A notation shall be placed in the minutes of the meeting to alert readers to the existence of the recording and how it may be obtained.

2.5.2. Planning Decisions Committee

The proceedings of the Planning Decisions Committee shall be audio recorded only for the purpose of assisting the minute clerk with the accurate recording of the minutes of meetings. Portions of a meeting which are closed to members of the public under section 66 of the Local Government Act 2020 shall not be recorded.

Audio recordings of meetings of the Planning Decisions Committee shall not be published and will not be available to members of the public, except where authorised under the Freedom of Information Act 1982.

The audio recording shall be retained only until Council has confirmed the minutes of that meeting.

2.6. Urgent Business

Under section 46(2)(d) of the Local Government Act 2020, the Chief Executive Officer may propose that items of urgent business be added to the agenda after consulting with the Mayor.

Urgent business shall only be admitted to an agenda if the Chair has approved the admittance of the item.

The Chair shall advise the meeting of any matter(s) of urgent business that has been approved.

2.7. General Business

General Business motions may only be considered where they:

- call for a report to be prepared for subsequent consideration by Council or a Delegated Committee;

Attachment 1 - Draft Council Meetings Operations Policy

- arise from a matter considered by a Council Advisory Committee and presented as part of a Delegate's Report.
- seek Council to undertake advocacy in relation a matter of established Council policy (such as sending a letter of setting out Council's position in a matter); or
- are symbolic or ceremonial in nature (such as a condolence motion or motion to congratulate a member of the public upon the receipt of an award).

General Business motions cannot be considered where they:

- would require a material expenditure or commitment of council resources;
- establish Council policy; or
- are beyond Council's powers to implement.

Where, in the opinion of the Chief Executive Officer, taking action on an item of General Business would be contrary to these provisions or the interests of Council, implementation of that resolution shall be placed on hold and a further report shall be brought to Council as soon as practicable to seek further direction.

3. Related Documents

- Yarra City Council Governance Rules 2020

DRAFT

Attachment 2 - Draft Council Meetings Operations Policy (marked up changes)

Council Meeting Operations Policy

Title	**Council Meeting Operations Policy**
Description	A policy to regulate the operation of certain aspects of Council and Committee Meetings.
Category	Council
Type	Policy
Approval authority	Council
Responsible officer	Senior Governance Advisor
Approval date	~~24 September 2019~~15 December 2020
Review cycle	Every four years
Review date	~~24 September 2023~~15 December 2024
Document Reference	D19/175081
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights ~~of~~ and Responsibilities

1. Purpose

This policy regulates the operation of meetings operated under the City of Yarra ~~City Council Meeting Procedures Local Law~~Governance Rules 2020, which includes ~~Ordinary and Special~~ meetings of Council and Council's ~~Internal Development Approvals~~Planning Decisions Committee.

2. Policy

2.1. Public participation at meetings

Council welcomes the opportunity for members of the public to participate in meetings of the Council and the ~~Internal Development Approvals~~Planning Decisions Committee.

2.1.1. Public Question Time

Members of the public shall be invited to ask a maximum of two questions each during Public Question Time at ~~Ordinary~~ Council Meetings. In determining the order of questions, the Mayor shall first invite persons who have previously submitted their question the Council and then any other interested persons. At the Mayor's discretion, persons who have submitted two questions may be requested to ask their second question only after all other questioners have first had an opportunity to address the Council.

A period of 20 minutes shall be allocated to Public Question Time. If there are members of the public present who wish to ask questions at the conclusion of Public Question Time, Council shall determine, by resolution, whether to extend Public Question Time, or schedule an additional period for public questions at the conclusion of the meeting.

Members of the public present who are unable to ask their question may submit a question in writing if they wish, with a response to be provided within 24 hours.

All questioners accepting the invitation to address the meeting shall ask their questions in accordance with these guidelines (or a variation of these guidelines as determined by the Mayor at their sole discretion).

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Questioners shall:

- Speak for a maximum of ~~five~~three minutes;
- Direct their question to the Mayor;
- Refrain from making statements or engaging in debate;
- Not raise operational matters which have not previously been raised with the Council administration;
- Not ask questions about matter listed on the agenda for the current meeting.
- Refrain from repeating questions that have been previously asked;
- If asking a question on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Where any question is not answered at the meeting, the Mayor may take the question on notice, in which case a response will be provided within 10 working days.

Questioners who are unable to ask their question personally may submit it in writing beforehand. Such questions will not be addressed at the meeting, but will be taken on notice with a response provided within 10 working days.

The meeting minutes shall record the name of the questioner, the subject matter of the question asked and whether a response was provided at the meeting or the question was taken on notice.

2.1.2. Council Meeting Submissions

Prior to the consideration of any Council business reports at a Council Meeting, members of the public shall be invited by the Mayor to make an oral submission. In determining the order of submissions, the ~~Chairperson~~Chair shall first invite persons who have previously notified of their intention to address the Council and then any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Mayor at their sole discretion).

Submitters shall:

- Speak for a maximum of five minutes;
- Direct their submission to the Mayor;
- Confine their submission to the subject under consideration;
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, Councillors will have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

The meeting minutes shall record the name of the submitter and the organisation or group they represent, if any.

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2.1.3. ~~Internal Development Approvals~~ Planning Decisions Committee Submissions

Prior to the consideration of any Committee Business Report at a meeting of the ~~Internal Development Approvals~~Planning Decisions Committee, ~~members of the public~~parties to an application shall be invited by the ~~Chairperson~~Chair to make a verbal submission. In determining the order of submissions, the ~~Chairperson~~Chair shall first invite the applicant or their representatives to submit, followed by formal objectors ~~and finally any other interested persons~~.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the ~~Chairperson~~Chair at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the ~~Chairperson~~Chair;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Reflect on prior submissions, avoid repetition and refrain from restating matters that have already been raised~~Avoid repetition and restating previous submitters~~;
- ~~Refrain from asking~~Not ask questions or seek~~ing~~ comments from ~~the~~ Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

The meeting minutes shall record the name of the submitter, whether or not they are an applicant or their representative and the organisation or group they represent, if any.

~~2.1.4. Formal Submissions~~

~~Where Council is considering a matter where a person has a right to make a submission under section 223 of the Local Government Act 1989, the provisions above applying to informal submissions shall apply, with the amendments below. All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).~~

- ~~Persons (or their representatives) who have notified of their intention to appear in person under section 223(1)(a)(iv) shall be given the first opportunity to address the Council, and no time limit shall apply (although submitters are encouraged to limit their submission to five minutes).~~
- ~~Submitters who have not notified Council of their intention to appear in person shall be given the next opportunity to address the Council, and a five minute time limit shall apply.~~

~~Following public submissions, Councillors will have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.~~

~~Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.~~

2.2. Petitions and joint letters

Council is committed to participatory democracy and will ensure that members of the public have convenient and practical means to contribute to Council's decision-making process. To that end, petitions and joint letters will be accepted where they comply with the Governance Rules and contain the name, address and signatures of at least twelve persons. Provided the intent of the Governance Rules is followed, reasonable accommodations shall be made to accept electronic petitions.

Where petitions are received, t~~T~~he Group Manager, Chief Executive's Office will ensure ~~a procedure is maintained for receiving and responding to petitions and joint letters received by Council. The Petitions and Joint Letters Procedure maintained by the Group Manager, Chief Executive's Office shall~~that:

- ~~Adhere to the spirit of this policy;~~
- ~~Ensure that~~ a letter of acknowledgment is sent to the individual or relevant organisation within seven days;
- ~~Ensure that the Mayor and relevant Ward Councillor(s), or where appropriate, all Councillors, are informed (formally or informally) of the receipt of petitions and joint letters promptly;~~
- ~~Ensure that~~ petitions and joint letters are responded to as quickly as appropriate having regard to their size, nature and complexity;
- ~~Ensure Council is advised of any changes to the Petitions and Joint Letters Procedure, when made with the Chief Executive Officer's approval from time to time;~~
- ~~Provide guidance~~ is provided to community members and staff alike as to the procedure to ~~be followed in preparing, submitting and responding to petitions and joint letters~~; and
- ~~Address any~~ other ~~issue~~issues considered relevant by the Chief Executive Officer are addressed.

Council shall maintain a page on its website to provide assistance to community members as to how to prepare and submit petitions, including electronic petitions.

2.3. Access to meeting papers

2.3.1. Council Meetings

The agenda of each Council meeting and will be published on Council's website in advance of each meeting. Every endeavour shall be made to ensure the agenda and all accompanying documents are available for download at least ~~four~~ six full days before the meeting (for Tuesday evening meetings, this is ~~Friday~~ Wednesday evening). Where this is not possible, a note shall be placed on the website explaining when the agenda will be available.

In order to minimise paper use, hard copies of full meeting agendas will only be provided to members of the public on request. Attendees are encouraged to download relevant papers from Council's website but, if this is not practicable, hard copies may be requested by contacting Council's Governance department by midday on the day of the meeting. These hard copies will then be made available for collection at the meeting. ~~Hard copies of papers for agenda items will be restricted to five copies and only provided for items for which multiple submissions are expected, as assessed by the Governance Officer or requested by a Councillor.~~

At each meeting, a summary document setting out the order of business will be available for attendees on a first come, first served basis.

The minutes of each Council meeting will be published on Council's website before the subsequent Council meeting. These minutes are to be considered a draft only, as they are still subject to

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ratification by Council. Where it is not possible to prepare the minutes prior to the subsequent meeting, a note shall be placed on the website explaining when the minutes will be available.

2.3.2. ~~Internal Development Approvals~~Planning Decisions Committee Meetings

The agenda of each ~~Internal Development Approvals~~Planning Decisions Committee meeting and will be published on Council's website in advance of each meeting. Every endeavour shall be made to ensure the agenda and all accompanying documents are available for download at least ~~five~~ seven full days before the meeting (for Wednesday evening meetings, this is ~~Friday~~ Wednesday evening). Where this is not possible, a note shall be placed on the website explaining when the agenda will be available.

In order to minimise paper use and for copyright reasons, hard copies of meeting agendas will not be provided. Attendees are encouraged to download relevant papers from Council's website.

The minutes of each ~~Internal Development Approvals~~Planning Decisions Committee meeting will be published on Council's website before the subsequent committee meeting. These minutes are to be considered a draft only, as they are still subject to ratification by the committee. Where it is not possible to prepare the minutes prior to the subsequent meeting, a note shall be placed on the website explaining when the minutes will be available.

2.4. Officer presentations at meetings

Presentations of officer reports at Council and Committee meetings shall take place prior to consideration of the agenda item, and prior to the receipt of any public submissions.

An officer presenting a report to any meeting of the Council or a Committee shall provide a brief summary of the report being considered on the agenda when so requested by the ~~Chairperson~~Chair.

The purpose of the presentation is to bring the meeting's attention to critical issues pertinent to the matter being considered and any additional information, which has come to light subsequent to the circulation of the report (it is not necessary to restate the recommendation contained in the report).

Officer presentations shall be concise and take no longer than three minutes, except in circumstances where it is necessary for more detailed and complex information to be provided.

Officers shall be prepared to take questions from Councillors in regards their report in addition to providing such other relevant information as may be requested.

2.5. Transmission of meeting proceedings

It is Council's policy to support measures that increase transparency of Council's decision-making.

2.5.1. Council Meetings

The audio and video of ~~Ordinary Council Meetings and Special~~all Council Meetings shall be streamed live to Council's website and will be available to members of the public, without a need for pre-registration.

Following each Council meeting, these recordings shall be freely available for viewing for a period of at least twelve months.

Where necessary, redactions may be made to the recording to ensure that the recording is suitable for lawful publication including compliance with (but not limited to) the following legislation:

- Copyright Act 1968 (Cth)
- Defamation Act 2005 (Vic)
- Local Government Act ~~1989~~2020 (Vic)

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- Privacy and Data Protection Act 2014 (Vic)

Determinations on the need for the redaction of meeting proceedings shall be made by the Group Manager Chief Executive's Office, with a view to keeping redactions to a minimum and ensuring the maximum amount of information is included.

Portions of a meeting which are closed to members of the public under section ~~89(2)~~66 of the Local Government Act ~~1989~~2020 shall not be transmitted or recorded.

A notation shall be placed in the minutes of the meeting to alert readers to the existence of the recording and how it may be obtained.

2.5.2. ~~Internal Development Approvals~~Planning Decisions Committee

The proceedings of the ~~Internal Development Approvals~~Planning Decisions Committee shall be audio recorded only for the purpose of assisting the minute clerk with the accurate recording of the minutes of meetings. Portions of a meeting which are closed to members of the public under section ~~89(2)~~66 of the Local Government Act ~~1989~~2020 shall not be recorded.

Audio recordings of meetings of the ~~Internal Development Approvals~~Planning Decisions Committee shall not be published and will not be available to members of the public, except where authorised under the Freedom of Information Act 1982.

The audio recording shall be retained only until Council has confirmed the minutes of that meeting.

2.6. Urgent Business

Under section 46(2)(d) of the Local Government Act 2020, the Chief Executive Officer may propose that items of urgent business be added to the agenda after consulting with the Mayor.

Urgent business shall only be admitted to an agenda if ~~written notice setting out the proposed matter to be raised has been given to the Chairperson by 5pm prior to the meeting~~ and ~~the Chairperson~~the Chair has approved the admittance of the item.

The ~~Chairperson~~Chair shall advise the meeting of any matter(s) of urgent business that has been approved.

~~In regard to matters of urgent business that have been admitted to the meeting agenda, unless it is imperative that a decision be made on a particular item, the motion shall be that a further report be presented to the appropriate meeting at a future date.~~

~~In addition to the requirement above, urgent business may not be admitted to a Special Council Meeting unless section 84(4) of the Local Government Act 1989 has been complied with, namely that *"unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted."*~~

~~*2.7. Conclusion of meetings*~~

~~All meetings of Council and Special Committees of Council shall conclude not later than 11.00 pm unless the meeting is extended beyond that time by a resolution of the meeting.~~

2.7. General Business

General Business motions may only be considered where they:

- call for a report to be prepared for subsequent consideration by Council or a Delegated Committee;
- arise from a matter considered by a Council Advisory Committee and presented as part of a Delegate's Report.

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- seek Council to undertake advocacy in relation a matter of established Council policy (such as sending a letter of setting out Council's position in a matter); or
- are symbolic or ceremonial in nature (such as a condolence motion or motion to congratulate a member of the public upon the receipt of an award).

General Business motions cannot be considered where they:

- would require a material expenditure or commitment of council resources;
- establish Council policy; or
- are beyond Council's powers to implement.

Where, in the opinion of the Chief Executive Officer, taking action on an item of General Business would be contrary to these provisions or the interests of Council, implementation of that resolution shall be placed on hold and a further report shall be brought to Council as soon as practicable to seek further direction.

3. Related Documents

- Yarra City Council ~~Meeting Procedures Local Law~~Governance Rules 2020

DRAFT

8.9 Council Meeting Schedule 2021

Reference	D20/166003
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To formally adopt the meeting schedule for the 2021 calendar year.

Critical analysis

History and background

2. In 2020 and for many years prior, Council Meetings and meetings of the Planning Decisions Committee (and the former Internal Development Approvals Committee) have been held fortnightly, with Council meetings on Tuesday evenings and planning committee meetings on Wednesday evenings.

3. Due to the declaration of the State of Emergency in Victoria during 2020 and limitations on public gatherings, meetings were held virtually from May 2020. Prior to this change, it had been determined to hold Council meetings at both Richmond and Fitzroy Town Halls and meetings of the Planning Decisions Committee at Richmond Town Hall. The move from Richmond to Fitzroy was aligned with the Ceremonial Meeting at the end of November, and the move from Fitzroy to Richmond occurred at the end of April.

Discussion

4. This report proposes that the meeting cycle generally follow the same pattern as has been used in recent years with:

   (a) Council Meetings on Tuesday evenings approximately every two weeks from the start of February; and

   (b) Planning Decisions Committee Meetings on Wednesday evenings approximately every two weeks from mid-January.

   with the exception of some weeks in proximity to public holidays, where gaps in the schedule will enable Councillors to balance their Council workload with their other commitments.

5. This report proposes that meeting times continue to be scheduled in the evenings, with:

   (a) Council Meetings to commence at 7.00 pm (for public sessions, with an earlier 6.30pm start where confidential items are to be considered); and

   (b) Planning Decisions Committee Meetings to commence at 6.30pm.

6. In order to ensure that meetings can be open to the public as soon as it is safe to do so, it is expected that a staged return to physical meetings will be required. It is envisaged that at least the following different formats will be required, depending on the advice from the Chief Health Officer:

   (a) Fully virtual meetings, with Councillors and registered members of the public participating online, with the meeting live streamed to Council's website;

   (b) Physical meetings that, apart from registered submitters, are closed to the public. Councillors and registered members of the public asking questions or making submissions would be present in person (while a specific matter is being considered), but no members of the public gallery would be present. The meeting would be live streamed to Council's website; and

(c) Physical meetings that are open to the public, with a COVID Safe plan in place. Councillors and registered members of the public making submissions would be present in person, as well as members of the public gallery, subject to capacity limitations. The meeting would be live streamed to Council's website.

7. This report proposes that the formal decision regarding:

   (a) the location of meetings;

   (b) the format of meetings; and

   (c) whether a meeting should be closed to the public under section 66(2)(b) or 66(2)(c) of the Local Government Act 2020 for security reasons or to enable it to proceed in an orderly manner shall be made by the Chief Executive Officer under delegation after consulting with Councillors. This delegation is required in order to retain flexibility to respond to the ongoing State of Emergency in Victoria.

8. Additional Council Meetings may also be called during 2021 as the need arises, with notice provided in accordance with the Governance Rules 2020.

Options

9. Council has the option of altering the proposed meeting arrangements by alternate resolution, of by a resolution at a subsequent meeting throughout the year.

Community and stakeholder engagement

10. No community engagement has been undertaken in the development of this report.

Policy analysis

Alignment to Council Plan

11. The City of Yarra Council Plan 2017-2021 commits Council to *"Enable greater transparency and access to the conduct of Council Meetings"*.

12. The establishment of a regular program of Council and Committee meetings underpins this strategy and enables members of the public to attend and participate in the meetings in accordance with Council's meeting procedures.

Climate emergency and sustainability implications

13. No climate emergency implications are presented in this report.

Community and social implications

14. No community or social implications are presented in this report.

Economic development implications

15. No economic development implications are presented in this report.

Human rights and gender equity implications

16. No human rights or gender equity implications are presented in this report.

Operational analysis

Financial and resource impacts

17. Council's Budget 2020-2021 contains a necessary provision for the conduct of the Council and committee meeting program as set out in this report. Altering the meeting frequency or schedule will not have a material impact on Council's budget.

Legal Implications

18. Chapter 2, Clause 6 of the City of Yarra Governance Rules 2020 provides that Council must fix the date, time and place of all Council meetings. Further, the rules provide that Council must provide reasonable notice of each meeting to the public by publishing the meeting details on its website.

Conclusion

19. It is recommended that Council generally continue the existing practice of fortnightly meetings for both Council and the Planning Decisions Committee throughout 2021.

RECOMMENDATION

1. That Council adopt the following Meeting Schedule for 2021:

   (a) Ordinary Council Meetings to commence at 7.00pm for public sessions, and 6.30pm for closed sessions where required on 2 February, 16 February, 2 March, 16 March, 30 March, 20 April, 4 May, 18 May, 1 June, 22 June, 20 July, 3 August, 17 August, 7 September, 5 October, 19 October, 9 November, 23 November, 7 December and 21 December 2021; and

   (b) Planning Decisions Committee meetings to commence at 6.30pm on 20 January, 10 February, 24 February, 10 March, 24 March, 28 April, 12 May, 26 May, 9 June, 14 July, 28 July, 11 August, 25 August, 15 September, 13 October, 27 October, 17 November, 1 December and 15 December 2021.

2. That Council authorise the Chief Executive Officer to determine or alter the location of Council Meetings and meetings of the Planning Decisions Committee under Chapter 2, Clause 6 of the City of Yarra Governance Rules 2020, subject to necessary public notification.

Attachments

There are no attachments for this report.

8.10 Appointment of Councillors to the Metropolitan Local Government Waste Forum

Reference	D20/166127
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To recommend that Council appoints a representative and a proxy representative to the Metropolitan Local Government Waste Forum for the 2021 calendar year.

Critical analysis

History and background

2. The Metropolitan Waste and Resource Recovery Group (MWRRG) is a Victorian Government statutory body responsible for coordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne.
3. MWRRG was established on 1 August 2014 by s49C (1) of the Environment Protection Act 1970 (EP Act), and succeeds the Metropolitan Waste Management Group.
4. The objectives of MWRRG are specified in Section 49G of the EP Act, and section 49H provides for the functions of MWRRG. MWRRG work with Melbourne's 31 metropolitan councils to:
   (a) plan for waste management and resource recovery facilities and services across metropolitan Melbourne;
   (b) facilitate joint procurement of facilities and services to provide better economic, environmental and waste management outcomes for councils; and
   (c) help build the capacity and knowledge of councils and their communities of world best practice waste minimisation and the opportunities and options available for improved services and infrastructure.
5. The Metropolitan Local Government Waste Forum (Forum) has been set up to support the effective operation of the MWRRG. The Forum consists of a councillor (voting member) and a council officer (as an advisory, non-voting member) from each of the 31 council areas that make up the MWRRG region. City of Yarra have been an active member of the forum since in inception in 2014.
6. Under the Act, the functions of the Forum are to:
   (a) Share knowledge and develop local governments' capacity to deliver effective, efficient and sustainable resource recovery and municipal waste planning and management across the MWRRG region;
   (b) engage with industry, government and community stakeholders to improve municipal waste management, resource recovery and planning;
   (c) advise and assist the MWRRG Board of Directors on matters and issues affecting the role of councils in waste management and resource recovery;
   (d) act as a conduit for consultation between the MWRRG and the councils in the region;
   (e) nominate the four people who are to be the council representatives on the Metropolitan Waste and Resource Recovery Group (MWRRG) Board of Directors; and
   (f) nominate a council representative to the MWRRG Board of Directors should there be a vacancy.

7. The Chair convenes Forum meetings and sets the agenda in consultation with the Strategies and Policy Advisory Group.

8. Elections for the Forum Chair and Deputy Chair are held at the first Forum meeting (usually February) each year. A detailed Election Pack that includes procedural details and nomination forms is distributed to all members prior to the meeting. All current councillor representatives of the Forum are eligible to nominate for either role.

9. For 2020 Cr Lina Messina (Darebin) is Chair and Cr Dot Haynes (Manningham) is Deputy Chair. MWRRG staff provide the secretariat for the Forum.

10. There are four councillors elected by the Forum to represent the 31 councils on the MWRRG Board. These councillors are nominated to the Minister for Energy, Environment and Climate Change for appointment to the Board. After consideration the Minister makes a recommendation to the Governor in Council on the representatives to be appointed as Directors on the Board.

11. The Forum has two Working Groups which support the board and MWRRG. The Strategies and Policy Advocacy Group (SPAG) and the Technical Advisory Reference Group (TARG) are the Forum's two working groups. Members of TARG are waste officers while members of SPAG are councillors who are representatives on the Forum. Both groups assist the Forum Chair set the agendas for meetings. MWRRG provides the secretariat for the Forum and its working groups.

12. The Strategies and Policy Advocacy Group (SPAG) assists the Forum to consider policies and strategies affecting the role of councils in waste management and resource recovery and to formulate a coordinated position on issues that are communicated to the MWRRG Board and other relevant stakeholders. It also acts as a conduit between MWRRG and the 31 member councils of the Forum.

13. The Technical Advisory Reference Group (TARG) investigates and makes recommendations to the Forum about the delivery of member council waste management services, including expert technical advice. City of Yarra's, Senior Waste Minimisation Advisor, is the chair of TARG.

14. A schedule of all 2021 Forum meetings will be provided to delegates once the nomination forms have the first Forum meeting next year is likely to be an online meeting via Zoom scheduled for Thursday 11 February 2021.

Discussion

15. At the Council Meeting on 16 November 2020, Council deferred appointment of a representative to the Metropolitan Local Government Waste Forum. In order to participate in the activities of the group in 2021, and appointment is now required.

Options

16. Regardless of whether or not it appoints a representative, Council is, but virtue of the Act, a member of the Metropolitan Local Government Waste Forum. While Council is not legislatively required to appoint a representative to the Forum, a decision not to do so would be most unusual, and would signal Council's intention to withdraw from all activities of the Forum. Should Council determine to consider this course of action, it is recommended that this decision be deferred so that the implications of withdrawal could be more fully explored in further advice.

17. Council does have the option of determining not to appoint a proxy representative. This would be achieved by omitting clause 1(b) of the recommendation.

Community and stakeholder engagement

18. This report has been prepared based on information provided by the MWRRG and Council officer experience.

Policy analysis

Alignment to Council Plan

19. Participating in the Forum aligns with the delivery of the Yarra's Waste Minimisation and Resource Recovery Strategy.

20. The Forum is a one of the ways in which the Climate Emergency Plan Action 5.5 – "*Advocate to state and federal government on waste and recycling issues"* - can be delivered.

Climate emergency and sustainability implications

21. Councillor representatives can use the Forum to advocate for a more sustainable, collaborative approach to waste management that is consistent with Council's declaration of a climate emergency.

Community and social implications

22. There are no community or social implications arising from this report.

Economic development implications

23. There are no economic development implications arising from this report.

Human rights and gender equality implications

24. There are no human rights or gender equality implications arising from this report.

Operational analysis

Financial and resource impacts

25. There are no financial or resource impacts arising from this report.

Legal Implications

26. There are no legal implications arising from this report.

Conclusion

27. Waste management is one of the largest responsibility and cost to Local Government. To represent Yarra at this Forum means access to all of the above benefits and ability to influence and advocate for a more sustainable, collaborative approach to the waste sector.

RECOMMENDATION

1. That Council appoint the following representatives to the Metropolitan Local Government Waste Forum for the 2021 calendar year:

   (a) Cr _____ (representative); and

   (b) Cr _____ (proxy).

Attachments

There are no attachments for this report.

9.1 Notice of Motion No. 21 of 2020 - Grey Headed Flying Foxes

Reference	D20/166632
Author	Mel Nikou - Administration Officer - Governance Support
Authoriser	Group Manager Chief Executive's Office

I, Councillor Bridgid O'Brien, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 December 2020:

That Council:

(a) Requests a brief report on strategies to mitigate the impact of any extreme heat events in the coming months to the Yarra Bend Grey headed flying fox colony, such report to further outline:

(i) what action the City of Yarra could take to prevent the large number of fatalities seen last December (2019); and

(ii) any associated costs;

(b) Request the Report include the specific proposed planting program of appropriate species in streets, reserves and parks that will provide Winter/Spring foraging opportunities for the Yarra Bend Grey Headed Flying Fox colony;

(c) Conduct an audit of triple strand barbed wire on Council property, and:

(i) remove it;

(ii) where it cannot be removed treating the barbed wire with anti-strike devices (either yellow tape or pegs) to prevent injury to wildlife; and

(iii) informing Council of the actions associated with this audit; and

(d) Requests an immediate community awareness campaign about the importance of wildlife safe fruit tree netting as per the attached document prepared in conjunction with wildlife rescue organisations.

Background:

The City of Yarra is home to Melbourne's largest Grey Headed Flying Fox colony at the Yarra Bend Park.

The Grey-headed flying fox is an endangered species, listed as:

- **Threatened** under Victoria's *Flora & Fauna Guarantee Act 1988;*
- a **Critical Priority** under the Federal Department of Environment and Heritage Protection's *"Back on Track" Species Prioritisation Framework*,
- **Vulnerable (to extinction)** under the *Environment Protection and Biodiversity Conservation Act 1999;* and
- **Vulnerable** under the Action Plan for Australian Mammals (2012).

The Grey headed flying fox is a nomadic species and although little research has been conducted on their migratory strategies between colonies, the Yarra Bend colony can swell to over 40,000 individuals in summer from less than 4,000 in winter. Other significant colonies in Victoria include Colac, Doveton, Geelong, Bendigo, Warrnambool, Bairnsdale and Mallacoota.

The Grey headed flying fox plays an important ecological role as a primary long distance pollinator of native plant species, travelling greater distances than birds or bees. A single flying fox can disperse 60,000 seeds in one night. The Grey headed flying fox is playing an important role in regenerating our native forests after the devastation of the bushfires last summer.

Sadly, Parks Victoria estimated the Yarra Bend Park colony saw an unprecedented 4,000 flying foxes perish in December 2019 due to heat events. Over 250 orphaned pups were taken in for care. Conservative estimates suggested we lost fifty percent of juvenile and infant pups across the range and approximately 15 – 20 % of the entire species due to heat events and starvation, in the latter part of 2019 alone.

Aside from extreme heat events other pressures on Yarra's Grey headed flying fox colony are the loss of individuals through fruit tree netting and barbed wire entanglements.

The changes to the Prevention of Cruelty to Animals Act Regulations 2019 will make wildlife unsafe fruit tree netting illegal. In Melbourne alone, between 350 and 500 flying foxes are rescued from netting every year (with unknown unreported deaths) along with other native species. When a Grey headed flying fox is rescued from netting, they require 21 days of care to ensure they have no wing die off. They will often be a mum foraging for fruit to produce milk for a pup who cannot survive more than two days alone. Further to this, if a Grey headed flying fox is able to successfully reproduce, they will only produce a single pup in any given year. Hence the impact of unsafe netting is far greater than it initially appears. Unfortunately, unsafe fruit tree netting laws will not come into effect until September 2021.

Further Triple strand barbed wire on high fencing is the second biggest killer of flying foxes in urban Australia next to fruit tree netting. Barbed wire also kills many native night birds such as owls and tawny frogmouths.

The State's only soft release facility for injured or orphaned flying foxes is located within the Yarra Bend Grey headed flying fox colony. As such, all flying fox rescues involving pups in Victoria come through Yarra.

Help Protect Yarra's Wildlife - Don't use wildlife unsafe fruit tree netting.

The devastating bushfires of last summer killed millions of native animals and wiped out numerous entire species. Help preserve Australia's unique and precious native wildlife for future generations, by doing your bit in Yarra.

The Victorian State Government has moved to ban fruit tree netting that can kill or harm wildlife, under the Prevention of Cruelty to Animals Act. Wildlife unsafe fruit tree netting will become illegal in September 2021. Thousands of native birds and animals are injured or killed in fruit tree nets each year.

Rather than netting a whole tree, use net bags or fruit socks to protect bunches of fruit or individual branches. Leave what you don't need to share with wildlife. Remove old netting that is not protecting fruit and check netted trees every day to ensure the nets are not loose and that no animals are trapped.

Quick tips:

- Mesh aperture (hole size) greater than 5mm X 5mm when fully stretched is UNSAFE. If you can poke your little finger through the net it can trap and injure wildlife.
- Netting with individual strand diameter of 500 microns or more (0.5mm) is UNSAFE.
- Wildlife can NOT easily see black, dark green or grey netting, use bright or white coloured netting.
- Dispose of old netting responsibly.

If you see someone using netting that is not safe for wildlife, you can print off the letter from Wildlife Victoria and put it in your neighbour's letterbox.

www.wildlifevictoria.org.au/images/fact-sheets/Safe_nets_letter_to_residents.pdf

If you see any wildlife trapped in netting, CALL Wildlife Victoria on 8400 7300 for rescue, or report it on the website: www.wildlifevictoria.org.au/wildlife-information/report-a-wildlife-emergency

Yarra's Grey headed flying fox colony

The City of Yarra is home to Melbourne's largest Grey headed flying fox colony at Yarra Bend Park. The colony can swell to over 40,000 individuals in summer from less than 4,000 in winter. The Grey headed flying fox is a primary long-distance pollinator of native plant species, travelling far greater distances than birds and bees. A single flying fox can disperse 60,000 seeds in one night. So, our Grey headed flying foxes will play an important ecological role in regenerating native forests across Victoria, after the devastation of the bushfires.

See: www.yarracity.vic.gov.au/news/2019/08/26/grey-headed-flying-foxes?fbclid=IwAR3an6hTG-y8sDmNcjyCrRuEvyMV5QA2TKEijz-GlFegNz-iDHLERVVdWaE

In Melbourne alone, between 350 and 500 Grey headed flying foxes are rescued from netting every year. Many of these do not survive and many more are found already dead. When a Grey headed flying fox is rescued from netting, it requires 21 days of care to ensure they have no wing die off. If a female is caught in a net, she may be foraging for fruit to produce milk for a pup. The pups cannot survive more than two days alone and Grey headed flying foxes only produce a single pup in any given year.

This species is already threatened, so help protect them and other native animals - **DON'T** use wildlife unsafe netting on fruit trees - even before the new laws come into place.



Female Grey headed flying fox rescued from wildlife unsafe fruit tree netting.

Note: photo of our bats in December 2019 just published in National Geographic. Via following link.

https:/www.nationalgeographic.com/animals/2020/12/these-are-our-best-animal-photos-of-2020/?cmpid=org=ngp::mc=crm-email::src=ngp::cmp=editorial::add=Animals_20201203&rid=4879D6269B29D159C4D3A7D6453C815F#/australia-flying-foxes-heat-13.jpg

RECOMMENDATION

1. That Council:

   (a) Requests a brief report on strategies to mitigate the impact of any extreme heat events in the coming months to the Yarra Bend Grey headed flying fox colony, such report to further outline:

      (i) what action the City of Yarra could take to prevent the large number of fatalities seen last December (2019); and

      (ii) any associated costs;

   (b) Request the Report include the specific proposed planting program of appropriate species in streets, reserves and parks that will provide Winter/Spring foraging opportunities for the Yarra Bend Grey Headed Flying Fox colony;

   (c) Conduct an audit of triple strand barbed wire on Council property, and:

      (i) remove it;

      (ii) where it cannot be removed treating the barbed wire with anti-strike devices (either yellow tape or pegs) to prevent injury to wildlife; and

      (iii) informing Council of the actions associated with this audit; and

   (d) Requests an immediate community awareness campaign about the importance of wildlife safe fruit tree netting as per the attached document prepared in conjunction with wildlife rescue organisations.

Attachments

There are no attachments for this report.