

Planning and Environment Act 1987

Tranche 3 Report

Government Land Standing Advisory Committee

FT85: 510 Swan Street, Richmond

29 November 2016

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Government Land Standing Advisory Committee
Tranche 3 Report under Section 151 of the Act

29 November 2016



Cathie McRobert, Deputy Chair



Lynn Sweeney, Member

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List of Abbreviations

C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DHHS	Department of Housing and Human Services
DPO	Development Plan Overlay
FTGL Service	Fast Track Government Land Service
PPRZ	Public Park and Recreation Zone
PUZ	Public Use Zone
The Draft Structure Plan	The Draft Swan Street Structure Plan 2014
The Precinct	Burnley Station Village Precinct
VGLPG	Victorian Government Landholding Policy and Guidelines 2015

The Government Land Standing Advisory Committee

The Fast Track Government Land Service (FTGL Service) is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. As part of this process the Minister for Planning, in July 2015, approved Terms of Reference (Appendix A) to establish the Government Land Standing Advisory Committee (the Committee) under Part 7, section 151 of the *Planning and Environment Act 1987*.

The purpose of the Committee is:

... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

The Committee has dealt with one government owned site in this tranche. A rezoning proposal was prepared for the site, and the site was then referred to the Committee.

A public notice and exhibition process gave opportunity for people who may be affected to make submissions to be considered by the Committee and present at the Committee Hearings.

The referred site has been declared surplus to the needs of the government agency that manages the land (the site owner). There is clear policy¹ that government agencies must only hold land or an interest in land where state ownership of that land contributes directly to current or future service delivery outcomes expected of agencies.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Cathie McRobert
- Members: Gordon Anderson, Alan Chuck, John Collins, Mandy Elliott, Jenny Fraser, John Ostroff, Cazz Redding and Lynn Sweeney.

The Committee was assisted by Ms Elissa Bell, Senior Project Manager and Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state:

The Committee must produce a written report for the Minister for Planning providing:

- *An assessment of the appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
- *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
- *An assessment of submissions to the Standing Advisory Committee.*
- *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
- *A list of persons who made submissions considered by the Standing Advisory Committee.*

¹ Victorian Government Landholding Policy and Guidelines 2015.

- *A list of persons consulted or heard.*

This is the Committee's Tranche 3 Report for the Minister for Planning.

Executive Summary

On 28 July 2016 the Minister for Planning referred 510 Swan Street, Richmond (the Site) to the Government Land Standing Advisory Committee (the Committee). The Department of Education and Training (DET) is the Site owner and the proponent for this matter.

On 14 September 2016 the Department of Environment, Land, Water and Planning (DELWP) wrote to the Committee advising that the existing Public Parks and Recreation Zone (PPRZ) extended over a parcel of land to the south of the Site owned by VicTrack. The DELWP requested the Committee also consider the application of a public land zone to the site owned by VicTrack as part of the Tranche 3 process.

Table 1 sets out the existing and proposed planning provisions for the Site and the recommended zones and overlays that should be applied if the land is sold or transferred.

Table 1 510 Swan Street, Richmond current and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Committee Recommendation
Public Park and Recreation Zone (PPRZ)	Commercial 1 Zone (C1Z)	DET land: C1Z
Design and Development Overlay- Schedule 2 (Main Roads and Boulevards) (DDO2)	Development Plan Overlay (DPO) - New	New DPO
Design and Development Overlay 5- (City Link Exhaust Stack Environs) (DDO5)	Retain existing DDO2 and DDO5	Retain existing DDO2 and DDO5
		VicTrack land: Public Use Zone (Schedule 4 Transport) (PUZ4)
		Retain existing DDO2 and DDO5

The Site is different to other surplus sites that have been considered by the Committee. Usually sites are obsolete and ready for repurposing, whereas this site is zoned and actively used for the recreation facilities; it is known as Ryan's Reserve.

Recent strategic planning for this area, the Draft Swan Street Structure Plan 2014 (the Draft Structure Plan), does not contemplate an alternative use for Ryan's Reserve. The Draft Structure Plan maintains the Site as an open space focus for the Burnley Station Village Precinct (the Precinct), urban design improvements to Swan Street and the enhanced link to the railway station along Stawell Street.

Council proposes to exhibit a planning scheme amendment in 2017 to implement this Structure Plan.

The proposed planning framework for the Site was presented to the Committee in the context of a series of projects and a 'land swap' with the Department of Housing and Human Services (DHHS) to facilitate the development of a new high school in Richmond. Council has not been formally asked if it wishes to purchase the land for open space. DHHS advised that the Site is one of a number under consideration and assessment to determine its suitability

for their purposes is likely to be finalised from mid-2017, after the Committee and Minister's assessment.

The Committee has proceeded on the basis that there is no certainty that the Site will form part of the proposed land swap, or if it is ultimately offered to Council that Council will agree to purchase it.

The issues raised in submissions related to:

- lack of strategic planning support for the rezoning
- loss of a scarce active recreation facility in an area undergoing significant transformation and population increase
- inclusion of social housing on the Site
- impact of development on the Site on the Precinct.

The Committee's Terms of Reference require consideration of:

The appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks

There is strong strategic policy support for increased development in Activity Centres, including Swan Street, and the need to increase housing in well-serviced established areas. There is clear policy support for additional affordable housing, including social housing.

The Site is in a Precinct appropriate for redevelopment of a significant scale. However, this does not mean that this Site (and the level of development accommodated by the proposed planning framework for it) is critical to achieving these objectives.

It is clear that the proposed planning framework for the Precinct will need to be revised if the land does not remain as open space. In particular, the extent to which Ryan's Reserve is pivotal to the Precinct – in terms of relief from the intense urban form, implications for the 'eastern gateway' to the Swan Street Activity Centre and its potential open space role in an area transforming with intensive residential growth – will need to be reviewed.

If the Site is rezoned, consideration should be given to applying the same zone to privately owned adjoining land to the east of the Site, which is incorrectly in a public use zone. Consultation with the owner of that land would be required.

The Committee recommends:

If the land is to be sold or transferred, a planning scheme amendment should be prepared and approved to:

- a) Rezone the Department of Education and Training land to Commercial 1 Zone.**
- b) Rezone the southern adjacent parcel of land owned by VicTrack to Public Use Zone (Schedule 4 Transport).**
- c) Apply the Development Plan Overlay Schedule 13 (as revised by the Committee recommendations- included as Appendix E) to the Site.**
- d) Retain the existing Design and Development Overlays 2 and 5.**

1 Tranche 3 issues

1.1 Review of the decision to declare the land surplus

Submissions from residents challenged whether the land was surplus if a whole of government view was adopted. The Site was declared surplus by the Site owner (DET) on 6 June 2016.

The Committee's Terms of Reference make it clear that this decision is not a matter for the Committee:

It is outside the scope of the Standing Advisory Committee to review the decision that a subject site is surplus to Government needs.

1.2 Retaining the site as open space

The Yarra Open Space Strategy 2006 locates the Site within subprecinct 3121F of the Richmond Precinct. Based on increased residential development, increased demand for, and pressure on, existing open space is anticipated. Recommendations for the subprecinct include retaining Ryan's Reserve.

Council submitted that the Site should be retained and enhanced for recreational purposes given the importance and growing demand for this facility within the local area. While Council has not been offered the Site through the first right of refusal process, it had advised the Site owner that it wished to exercise an option to extend the current management agreement with the Site owner (which expired on 23 October 2016) for a further 5 years. However, the Site owner gave it notice that it will terminate the agreement and offered Council a short term lease over the Site until facilities in the new Richmond High School are available.

The Committee Terms of Reference state:

It is not open to the Standing Advisory Committee to consider the application of any public land zones unless requested to by DELWP.

Submissions on behalf of residents argued that the Committee is not bound to endorse the proposed planning framework. At the very least, it was submitted that the PPRZ for the Site should remain until the first right of refusal process properly occurs.

Any decision on the ongoing use of the land for public open space can run parallel to the Committee's process and this does not preclude the Committee making its recommendations on what it must consider in accordance with its Terms of Reference. The Committee notes that its role is to determine an appropriate zoning based on the presumption that the land will not be given over to a public use.

1.3 The Draft Swan Street Structure Plan (January 2014)

Council adopted the Draft Swan Street Structure Plan 2014 (the Draft Structure Plan) in December 2013. Council advised that it anticipates the Draft Structure Plan will be the subject of an Amendment in 2017.

The Draft Structure Plan includes objectives and strategies relating to land use, built form, public realm, and access/movement for each precinct in the Swan Street Activity Centre.

The Site is in the Burnley Station Village Precinct (the Precinct) at the eastern end of the Activity Centre. The 'vision' for this Precinct is:

A vastly transformed village precinct accommodating a diversity of activity including residential, local convenience, retail, entertainment and commercial.

The Precinct Plan identifies Ryan's Reserve as existing open space that "provides good opportunities for public realm improvements."

The rationale for the Precinct Plan notes that:

Large lot sizes on south side of Swan Street have good separation from existing residential uses to the north and less potential for adverse amenity impacts.

Less opportunity for development on the north side of Swan Street because of the direct interface with residential areas to the north and protection of amenity to Swan Street and Ryan's Reserve ...

Active uses adjacent to Ryan's Reserve will help to improve the amenity and safety of pedestrian links between Burnley Station and Ryan's Reserve.

Relevant strategies include:

Land use: *Establish a variety of land use activities that are orientated towards Burnley Station and Swan Street*

Investigate appropriate zoning to achieve land use outcomes sought for the precinct

Accommodate housing growth in the precinct

Built Form: *Encourage the orientation of development towards Ryan's Reserve and Stawell Street*

Encourage taller buildings on the south side of Swan Street between Burnley and Stawell Street

Public Realm: *Investigate public realm improvements linked to Ryan's Reserve in Stawell Street*



Figure 1 Burnley Station Village precinct²

1.3.1 Submissions

The Site owner submitted that the proposal satisfies State and local planning policy to provide for increased housing opportunities and more intensive land use within the Swan Street Activity Centre. While the redevelopment of Ryan's Reserve was not contemplated in the Draft Structure Plan, the Site owner submitted that the proposed C1Z zoning is consistent with Council's zoning intention for the transformation of the Precinct. Further, it submitted that the DPO conforms to the 'emerging character' of the Precinct and the proposed height of up to 10 storeys (32 metres) achieves the Structure Plan principles of a transition of height down from the corner of Burnley Street.

At the Hearing, the Site owner submitted that the replacement of open space at Ryan's Reserve with a 7 to 10 storey form would still achieve the Draft Structure Plan principles.

Ms Sharp, for Mr Oliver and others, submitted that despite the FTGL process, the Committee's recommendations to the Minister must be based on a thorough analysis of the strategic and statutory basis of the rezoning having regard to Section 4.0 of the *Planning and Environment Act 1987* and Clause 10.04 of the Planning Scheme:

Planning authorities and responsible authorities should endeavour to integrate the range of activities relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Mr McNeill submitted that the framework in the Draft Structure Plan for this Precinct is predicated on the retention of Ryan's Reserve as "a pivotal element around which high density development is to be encouraged." He noted:

² Source: Adopted Draft Swan Street Structure Plan, Page 38

- it refers to the *'public space at the eastern end of the precinct providing good opportunities for public realm investments'*
- the rationale for the direction and scale of development indicates that *'active uses adjacent to Ryan's Reserve will help to improve the amenity and safety of pedestrian links between Burnley Station and Ryan's Reserve,'* with a strategy to *'investigate public realm improvements linked to Ryan's Reserve in Stawell Street.'*

He submitted the proposed rezoning is premature because:

The key element it needs to consider the matter, the Swan Street Structure Plan, has not yet been considered by an independent Panel or approved by the Minister for Planning

The current planning scheme is well out of date in terms of precinct level planning and the expectations of future development in the Burnley Station Village Precinct area

This amendment represents a material change to the local framework established in the Swan Street Structure Plan and it is highly doubtful the Swan Street Structure Plan would have progressed to the stage it has had the rezoning of Ryan's Reserve been known.

1.3.2 Discussion

There is strong strategic planning support for increased development in Activity Centres, including Swan Street, and the need to increase housing in well-serviced established areas. However, this does not mean that this Site (and the level of development envisaged by the proposed planning framework for it) is critical to achieving these objectives.

The Committee accepts that there is clear policy support and expressed need for additional social housing in this location, and across the metropolitan area.

The most recent strategic planning for this area, namely the Draft Structure Plan, includes Ryan's Reserves as open space. While it is noted that the Draft Structure Plan has not been progressed to the amendment stage, it does not contemplate the use of Ryan's Reserve as anything other than open space.

The Committee is conscious that its role has a specific focus on the Site. It does not extend to consideration of the whole precinct and the Committee is not in a position to assess the impact of the proposed rezoning on the Precinct.

The timing of the rezoning does not provide the benefit of a comprehensive review of the implications on the Precinct, for example taking account of the concurrent combined Yarra C185 Amendment/application for a 10 to 12 storey development on the corner site to the west with supermarket, traffic assessments, streetscape assessments, retail and housing demand implications.

The Committee notes that, while it has been two years since Council adopted the Draft Structure Plan, an amendment to implement it is anticipated in early 2017. The Committee is of the firm view that the broader assessment of the proposed planning framework for the Precinct should occur. In particular, the extent to which Ryan's Reserve is pivotal to the Precinct in terms of relief from the intense urban form, implications for the 'eastern

gateway' to the Swan Street Activity Centre and open space role in an area transforming with intensive residential growth envisaged by the Draft Structure Plan, has not been tested. An improved link to the station, including the urban design treatment and management of potential conflicts associated with access to the Site, requires consideration.

The Committee is not in a position to form a view on the implications of the proposed change on the Precinct. Nor have other stakeholders had the opportunity to present their view on the consequential changes to the Draft Structure Plan. However, the Committee observes:

- Yarra Council advice that the Draft Structure Plan is likely to progress to the amendment stage in the new year.
- DHHS advice that its exploration of potential land swaps will take a minimum of six months. It advised that it requires time to evaluate the various options for a land swap and this will be informed by the outcomes of the Committee and Minister's view from the current process.

1.3.3 Conclusion

The Committee agrees with submissions that Ryan's Reserve has a pivotal role in plans for the Precinct; it provides the community hub, and visual relief. It is important in the context of the strong urban form envisaged for the Precinct. Orientation of development towards, and public realm improvements linked to Ryan's Reserve are specific strategies for the Precinct.

It is clear that the proposed planning framework for the Precinct will need to be revised if the land does not remain as open space.

1.4 Affordable housing

Council submitted that, given the State Government ownership of the Site, the DPO should require the provision of a minimum 5 per cent of total dwellings as affordable housing.

The Site owner responded to Council's proposal to include an affordable housing requirement by noting:

This has been a deliberate omission, on the basis of advice received from previous Advisory Committees in relation to 'draft policies' or requirements specific to one Council which have not been tested through a Panel process or consistently applied across the municipality.

...

We understand that the State Government is in the process of preparing a whole of government housing strategy, and a package of affordable housing measures. ...Once an affordable housing policy is formally introduced into the Planning Scheme this will be (the) appropriate mechanism to require the provision of affordable housing on the site.

Several submissions acknowledged there is a need for more social and affordable housing but were sceptical about whether it would be provided on the Site.

Both State and local planning policy support the provision of affordable housing, particularly in activity centres and strategic redevelopment sites that are close to jobs, transport and services³.

The Site has conspicuous positive attributes for low and moderate income residents, having excellent access to public transport, jobs, services and community infrastructure. It is the Committee's understanding that, if social housing occurs on the Site, it would form part of a mix of housing and commercial uses.

The Committee adopts the approach that 'draft policies' or requirements specific to one Council which have not been tested through a Panel process or consistently applied across the municipality should not be applied to individual surplus government land sites unless supported by the Site owner.

³ 16.01-5 Housing affordability, 21.04-1 Accommodation and housing.

2 510 Swan Street, Richmond

2.1 Details of the Site and process

Table 2 Amendment summary

Summary	
Tranche and site	Tranche 3: Site reference FT85
Current use	4 netball/tennis courts and pavilion
Site owner	Department of Education and Training (DET)
Council	City of Yarra
Exhibition	22 August - 30 September 2016
Submissions	89 submissions were received and are listed in Appendix C. The issues raised in submissions related to: <ul style="list-style-type: none"> • lack of strategic planning support for the rezoning • loss of a scarce active recreation facility in an area undergoing significant transformation and population increase • inclusion of social housing on the Site • impact on the Precinct of development on the Site.

Table 3 Proposed planning scheme changes

Existing controls	Proposed controls
Public Park and Recreation Zone (PPRZ)	Commercial 1 Zone (C1Z)
Design and Development Overlay – Schedule 2 (Main Roads and Boulevards) (DDO2)	Retain DDO2
Design and Development Overlay – Schedule 5 (City Link Exhaust Stack Environs) (DDO5)	Retain DDO5
	Development Plan Overlay (DPO)

Table 4 Committee process

Committee process	
Members	Cathie McRobert (Deputy Chair), Lynn Sweeney
Information session	6 September 2016
Hearing	24, 26 and 27 October 2016
Site inspections	3 November 2016 (unaccompanied)
Appearances	Set out in Appendix D

2.2 Process issues for this site

A number of process issues that have broader implications for the work of the Committee are discussed in Chapter 1.

Land swap arrangements

The FTGL Service advised that there are, in effect, four separate but interrelated government projects which provide the context for the proposal to rezone the Site:

- Planning and construction of a new high school in Richmond (Stage one to be opened for the 2018 school year) (Project lead: DET)
- Planning for new social housing in Richmond (Project lead: Director of Housing, DHHS)
- Supporting the relocation of existing netball users to other facilities, (Project lead: Sports and Recreation Victoria, DHHS)
- Changes of planning provisions at 510 Swan Street, Richmond (Project lead: FTGL Service, DELWP).

The Information Sheet for the Site states:

It is proposed a 'land swap' occur, which would provide an additional site for the new secondary school (Highett Street) and a new mixed use development that may include social housing (Swan Street). This will enable the best locations possible for both the new schools precinct – which will be able to offer a range of educational and sporting facilities in the one location, and new housing options.

The FTGL Service advised that:

The DET/DHHS land swap proposal complies with the policy and guidelines of the Victorian Government Landholding Policy Guidelines (VGLPG). This is demonstrated by the transfer of land between landholding and acquiring Minister 'to contribute to other Government objectives as may be set from time to time.' (Section 2(a)(iii) VGLPG 2015).

While the information sheet associated with public notice suggested that the land swap would occur, DHHS advised at the Hearing that the Site is one of a number of DET site exchange options that are being explored to ensure that DHHS has a site with the equivalent land value to 280 Highett Street, Richmond. The suitability of the exhibited planning framework for DHHS purposes has not been evaluated. This assessment is likely to occur after the Committee and Ministers assessment (from mid-2017).

The Committee has proceeded on the basis that there is no certainty that the Site will form part of the proposed land swap.

2.3 The Site and surrounds

The Site is used for active recreation and is known as 'Ryan's Reserve.' It is described in the information sheet as follows:

The Site is approximately 5540 square metres and is mostly flat. It currently accommodates four netball/tennis courts and is located in a well-established mixed use area consisting of residential, business, industrial land uses and excellent transport access.

The Site has a primary frontage of over 100 metres to Swan Street and a second frontage to Stawell Street. It is configured as four fenced netball courts with a landscaped setback to both Swan and Stawell Street.



Figure 2 Site Location⁴

(i) Zoning context



Figure 3 Current zoning⁵



Figure 4 Proposed zoning⁶

⁴ Source: Information Sheet for 510 Swan Street Richmond, DELWP, Page 1.

⁵ Source: Information Sheet for 510 Swan Street Richmond, DELWP, Page 1.

⁶ Source: Information Sheet for 510 Swan Street Richmond, DELWP, Page 1.

2.4 Constraints and opportunities

(i) Access and traffic management

Swan Street is a VicRoads ‘declared main road,’ a Tram Priority Route, Pedestrian Priority area and a Bicycle Priority Route. A tram stop for the No. 70 route is adjacent to the Site.

(ii) Interfaces

The Site is adjacent to commercial premises to the east and a large VicTrack substation to the south between the Site and the rail line. The single storey substation and open yards associated with the railway line will be retained for transport purposes.

The Burnley Railway Station is located approximately 40 metres to the southwest of the site, with access from Stawell Street via an underpass.

The Precinct to the west of the Site beyond Stawell Street contains a café and a number of trade supply businesses, which are generally 1–2 storeys with varying building setbacks.

The area to the north, across Swan Street, has built form of 1–2 storeys containing a mix of commercial premises, offices and residential uses. A Heritage Overlay applies to this area.

(iii) Environmental

Preliminary environmental investigations have been undertaken by Senversa. The Site owner advised:

Preliminary investigation into environmental contamination has identified that the land has no groundwater contamination but some imported fill. This is not considered to represent an unacceptable health or ecological risk under the existing site use, or under any likely future mixed use setting, on the basis that exposure to the contaminated fill is prevented by the presence of structures, pavements or landscaped areas filled with imported clean soil.

(iv) Vegetation and trees

Tree Logic’s Arboricultural Assessment (26 June 2016) identified six trees on the Site, with three being identified as ‘significant’ due to their size. The Draft Structure Plan identifies a need for ‘new/enhanced street trees’ along Swan Street.

(v) Open space

Golden Square Bicentennial Park is located south of the Site on the other side of the railway line. A range of passive and active open spaces are within 800 metres of the Site and include Burnley Park, Burnley Golf Club, Barkly gardens, Alan Bain Reserve, Athol J Brown Reserve and Twickenham Crescent.

2.5 Issues with the proposed changes

2.5.1 What zone is suitable

(i) The Site

Submissions

The Site owner submitted that:

- the existing Commercial 2 Zone (C2Z) that applies in the Precinct along the southern side of Swan Street is clearly outdated and would not achieve the vision for, or allow for the type of uses envisaged for the Precinct and Activity Centre
- the C1Z is the best fit zone for the Site.

While Council opposed the rezoning as premature, it submitted that C1Z was a better fit for the Site than C2Z. Council noted its intention to seek to rezone the Precinct to C1Z in accordance with the intentions of the Draft Structure Plan. A number of submissions encouraged the Committee to find the rezoning is not consistent with the Draft Structure Plan and that it is premature until it has been tested through an amendment process.

(ii) Discussion

The Committee agrees that the C2Z is clearly out of date and out of step with the development result sought for the Precinct. The preferred development outcome, articulated in the Draft Structure Plan, cannot be achieved with the existing C2Z on the south side of Swan Street. Accordingly, rezoning of land in the immediate area is appropriate and an Amendment proposing rezoning in the Precinct is imminent.

Options for the zoning of the Precinct (and the Site) could have included an Activity Centre Zone or Mixed Use Zone. However, the Draft Structure Plan envisages that the C1Z would apply to the southern side of Swan Street in this precinct and Council confirmed that the proposed Amendment will advance that zoning (rather than an Activity Centre Zone). The Committee notes the C1Z would better deliver existing policies for a mix of uses including residential in Activity Centres than a C2Z.

If the Site is rezoned, the same zone as applies to adjoining land should apply, which, at this stage, is likely to be C1Z.

(iii) Adjoining VicTrack and privately owned land

The Committee Terms of Reference state:

It is not open to the Standing Advisory Committee to consider the application of any public land zones unless requested to by DELWP.

The FTGL Service became aware the Site abuts a small portion of land owned by VicTrack that is zoned PPRZ but is used for transport purposes. The FTGL Service advised the Committee⁷ that, noting VicTrack's submission regarding the need to rezone this portion of

⁷ 14 September 2016

land to Public Use Zone (Schedule 4 Transport), it should consider the application of public zones for the VicTrack land portion only.

The Committee accepts that the VicTrack land and infrastructure is required for ongoing transport purpose and that the application of the PUZ4 (Transport) Zone is appropriate.

If the Site is rezoned, consideration should be given to applying the same zone to privately owned adjoining land to the east of the Site, which is incorrectly in a Public Use Zone. Consultation with the owner of that land would be required.

(iv) Conclusion

If the Site is to be developed, the C1Z is the appropriate zone.

The VicTrack land should be rezoned PUZ (Schedule 4 Transport).

2.5.2 What Overlays are suitable?

(i) Submissions

The Site owner submitted that the use of a DPO is appropriate as it:

Has been applied to a number of development sites within the City of Yarra, and has been supported by previous Advisory Committees as the appropriate tool to accompany the rezoning of surplus government land.

The Site owner submitted that the Draft DPO is appropriate and has intentionally not replicated existing policies and controls from the Planning Scheme.

While maintaining its opposition to the rezoning of the land, Council supported the use of a DPO as the appropriate tool. It sought changes to the proposed DPO to better respond to the Draft Structure Plan and the local context and, in the absence of a specific proposal for development and third party rights, to provide greater certainty about the outcome for the land. Council proposed an alternative DPO with the following being the key points of difference:

- Provision for a minimum of 5% of total dwellings as affordable housing
- Provisions for a contribution to shared space in Stawell Street and integration of any buildings to this space
- The inclusion of objectives relating to floor heights, housing diversity, pedestrian and bicycle connections to Burnley Station and a new public space on the western edge of the site fronting Stawell Street that integrates with the 'shared street' on Stawell Street, public realm improvements along the Swan Street frontage and safeguarding the potential for future integration of the land between the Site and train line (VicTrack land)
- Requirements for a landscape master plan, waste management plan, noise attenuation from the train line and measures to ameliorate wind conditions.

Third party notice

The main concern raised by submitters with the application of the DPO was the removal of third party rights. The concern is that in the absence of standards or specific guidance on

key issues in the schedule to the DPO, there can be no certainty for third parties about the implications of the development plan or subsequent permit applications.

The DPO Schedule provides:

An application under any provision of this Scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Planning Practice Note 23 on the application of the DPO states:

Because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas

Council did not support the requirement to display the DPO as:

it is unusual and that if the DPO provision set out a comprehensive suite of requirements and appropriate vision for the development plan, ...there is no need for exhibition of the development plan.

(ii) Discussion

The purpose of the DPO is to identify areas that require the planning of future use or development before a permit can be granted. The Overlay has two purposes:

To identify areas that require the form and conditions of future use or development to be shown on a plan before a permit can be granted to use or develop land.

To exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

A Design and Development Overlay (DDO) would allow for parameters to be specified over new development on the Site. It does not require that an overall plan for the land be developed and, unlike the DPO, cannot address use. The use of the DDO would increase the need for a strategic framework because it applies requirements on development (rather than on the development of a master plan as the DPO does) and these requirements would need to be justified. At this point in time this work has not been done.

In relation to whether the proposed DPO is appropriate the Committee considers that the DPO should be strengthened in the form proposed by Council.

Very few properties would benefit from third party rights if the Site is rezoned to either the C1Z or C2Z (assumed to be the underlying zoning by the Committee) as in these zones development applications are exempt from notice requirements and third party review,

except where the land within 30 metres of the land (not a road) is in a residential zone or other specified sensitive uses⁸.

The Committee notes the particular interests of adjoining properties in relation to issues such as vehicular access to Stawell Street. While these properties are not entitled to notice under the C1Z or C2Z, an informal exhibition process is proposed and this will provide an input to Council's assessment of the Development Plan. A Clause to require display of the development plan was exhibited as part of the controls, consistent with the recommendation of the Committees in earlier tranches.

The critical issue is whether the planning framework provides a level of comfort that key issues and the interests of third parties will be appropriately addressed. The DPO does give the Council as the responsible authority a clear role in approving a 'master plan.' Because there are no third party rights, the use of the DPO places more responsibility with Council to ensure the overall development properly balances their concerns with the need to efficiently develop land.

(iii) Conclusion

An Overlay is required to manage the redevelopment of the Site and a DPO is the appropriate Overlay.

2.5.3 Managing the form of the development

The Committee's consideration of the proposed planning framework has identified a number of other matters that were not the primary subject of submissions but should be considered. They are:

- The scale of development facilitated and street interface treatments
- The contribution of the Site to a shared space in Stawell Street and integration of development with this space
- Additional objectives to guide the development of the site.

(i) Submissions

Clause 21.05 (Built Form) recognises opportunities for higher development in Activity Centres. Strategy 17.2 provides:

Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- *Significant upper level setbacks*
- *Architectural design excellence*
- *Best practice environmental sustainability objectives in design and construction*
- *High quality restoration and adaptive re-use of heritage buildings*

⁸ Clauses 34.02-6 and 34.01-7

- *Positive contribution to the enhancement of the public domain*
- *Provision of affordable housing.*

Other local planning policies of general relevance include:

- Clause 21.08-2 (Neighbourhood) outlines the area as being in the “*Burnley-Cremorne-South Richmond*” neighbourhood. Policy relating to future development in this area includes:

‘Ensuring that the development of land around the Burnley train station enhances access and amenity of the area.’

- Clause 22.05 (Interface Uses Policy) addresses interfaces with residential areas
- Clause 22.10 (Built Form and Design Policy) includes 10 design elements and guidelines
- Clause 22.16 (Stormwater Management) requires a water sensitive urban design response for all new buildings
- Clause 22.17 (Environmentally Sustainable Design) requires a Sustainable Management Plan for all developments over 10 dwellings.

Scale of development and street interface

The Site owner submitted that development of 7 to 10 storeys is appropriate for the Site based on the principle of heights in the Precinct transitioning up from east to west. Further, the Site owner provided shadow diagrams (‘equinox’ 11am and 2pm) to show that a 10 storey form would not overshadow Bicentennial Park to the south of the railway line.

Many submitters, for example, Mr McNeill, submitted that the location of the Site at the eastern gateway to the activity centre, and the principle of transitioning height from the east to the west of the Precinct do not support the 10 storey proposal. The height supported in submissions ranged from 5 to 7 storeys, noting the Draft Structure Plan identifies 5 to 6 storeys immediately to the east, and 7 to 10 storeys to the west, across Stawell Street.

Submitters, including Ms Sharp and Mr Mc Neill, argued that the structure planning process, rather than a site-specific DPO, should determine the appropriate scale of the development. It was noted that the Yarra Municipal Strategic Statement⁹ recognises opportunities for higher development in Activity Centres. It provides:

Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

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

⁹ Clause 21.05 (Built Form) Strategy 17.2.

While not objecting to a 10 storey height limit for the Site, Council advocated for a mandatory limit to provide certainty in the context of a DPO that removes third party rights. The Site owner did not consider there is sufficient justification for a mandatory maximum height due to the lack of immediate sensitive uses or zones, and the requirements of the DPO Schedule.

A shared space in Stawell Street and integration of buildings with this space

Council submitted that the DPO should address the need for a contribution towards a shared space in Stawell Street and integration of any buildings with this space. To achieve this Council proposed additional DPO objectives:

The development will contribute to improved pedestrian and bicycle connections to Burnley Station, Burnley Village and Bicentennial Park, including a new public space on the western edge of the site fronting Stawell Street that integrates with the 'shared street' on Stawell Street.

The development will enhance the amenity and appearance of the public realm along the Swan Street frontage via elements such as widened and improved footpath treatments, lighting, street trees and street furniture

At the Hearing, the Site owner did not support the inclusion these provisions on the basis that there is not a clear understanding:

... around council's expectations and objectives for this area and the potential design outcome. On this basis, we do not support the inclusion of the requirement around the 'shared space' in Stawell Street, within the DPO schedule. This can be worked through with Council at the Development Plan stage.

Following the Hearing the Site owner submitted a revised DPO which included requirements for future development to provide a; *'positive contribution to the Swan and Stawell Street interfaces.'*

Many submitters, for example, Ms Morton spoke of the importance of Ryan's Reserve as its role as a social hub and relief from the intensive urban form already experienced by the community and objected to the potential *'cavern of development'* that the development could create.

Other objectives for the development of the Site

Council submitted that a range of other matters should be included in the DPO to ensure high quality urban design outcomes including:

- four metre floor to floor heights to accommodate commercial activity on the lower levels of buildings
- range of housing types to allow for a diversity of households
- improved bicycle connections
- requirements for a landscape masterplan, waste management plan, noise attenuation from the train line and measures to ameliorate wind conditions.

(ii) Discussion**Scale of development and street interface treatments**

The Committee notes that the current planning framework specifies that development should generally be no more than 5 to 6 storeys in activity centres, unless there are additional benefits associated with the development as specified in Clause 21.05. While the Committee understands that Council anticipates an amendment to allow higher forms in the Activity Centre, this has not yet been progressed. Further, the 'embryonic' nature of the proposal does not allow the Committee to consider the relative design merits which may support consideration of additional height or the implications for the Precinct as a whole. This should occur through the proposed Amendment to implement the Draft Structure Plan.

Pending more comprehensive considerations through the Amendment to implement the Draft Structure Plan, the Committee concludes that a 6 storey height is more appropriate having regard to:

- the existing policy context
- the context of lower scale development to the north and the gateway role of this precinct
- heights proposed by the Site owner are based on an ambitious interpretation of the transition of heights across the Precinct
- the intention of the Draft Structure Plan.

Contribution to shared space in Stawell Street

The Committee strongly supports the inclusion of a provision for a contribution to shared space in Stawell Street and integration of any buildings to this space. Improvements to the public realm in Stawell Street and improvements to the entry points to Burnley Station underpin the Draft Structure Plan's vision for the Precinct.

Other objectives for the development of the Site

The Committee supports the inclusion of objectives relating to the provision of appropriate floor heights (four metres on lower levels to accommodate commercial activity on the lower levels) and a range of housing types. Where so little is known of the form of the development, or its impact on the Precinct, it is prudent to be as explicit as possible as to the development expectations to be set out in the DPO.

(iii) Conclusion

The Committee concludes that, if the land is to be sold or transferred, the schedule to the DPO should be amended to:

- specify a preferred maximum building height of 6 storeys
- include objectives relating to:
 - the scale of the development and street interface with minimum floor heights
 - contribution of the development to improved public realm and a shared space in Stawell Street.

2.6 Recommendation

The Committee recommends:

If the land is to be sold or transferred, a planning scheme amendment should be prepared and approved to:

- a) Rezone the Department of Education and Training land to Commercial 1 Zone.**
- b) Rezone the southern adjacent parcel of land owned by VicTrack to Public Use Zone (Schedule 4 Transport)**
- c) Apply the Development Plan Overlay Schedule 13 (as revised by the Committee recommendations- included as Appendix E) to the Site.**
- d) Retain the existing Design and Development Overlays 2 and 5.**

Appendix A Terms of Reference

Government Land Standing Advisory Committee

Terms of Reference

Version: July 2015

Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to report on proposals to change the planning provisions to land owned by the Victorian Government.

Name

1. The Standing Advisory Committee is to be known as the 'Government Land Standing Advisory Committee'.
2. The Standing Advisory Committee is to have members with the following skills:
 - Statutory and strategic land use planning
 - Land development and property economics
 - Civil engineering and transport planning
 - Social and environmental planning.
3. The Standing Advisory Committee will include an appointed Chair, Deputy Chair and not less than five other appropriately qualified members.

Purpose

4. The purpose of the Standing Advisory Committee is to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

Background

5. The Victorian Government continuously reviews its land holdings to determine sites that are surplus to current or future service delivery requirements. It sells this land so as to:
 - Reinvest in new infrastructure such as schools, hospitals and public transport
 - Reduce the cost of government services and deliver more services
 - Eliminate unnecessary expenditure on maintenance and security services at vacated sites
 - Provide for the renewal of sites which are no longer required.
6. When a department or agency identifies land as surplus, it is first offered for sale to all other Victorian Government departments and agencies, as well as to the relevant local government and the Commonwealth Government. Once it is determined that there is no other government purchaser for future service delivery, the site is determined to be surplus to requirements. It is outside the scope of the Standing Advisory Committee to review the decision that a subject site is surplus to government needs.
7. Ensuring that appropriate planning provisions are in place on the subject site is critical. Often government sites are zoned Public Use Zone (PUZ) to reflect their public ownership and purpose. Sites zoned PUZ cannot be sold to the private sector, so an appropriate zone needs to be put in place, together with any other planning provisions that should be applied to ensure that the site has consistent requirements and opportunities as other privately held land.
8. The Standing Advisory Committee process has been established to provide a consistent and transparent process to facilitate changes to planning provisions of government land.



Department of Environment,
Land, Water & Planning

Method

9. The Minister for Planning or delegate will refer sites or groups of sites to the Standing Advisory Committee for advice on future planning provisions for the land.

Stage 1 – Exhibition

10. Once a referral has been received, the Standing Advisory Committee will meet with the Project Manager to discuss the procedures and timeframes, including pre-setting the Hearing dates.
11. The Department of Environment, Land, Water & Planning (DELWP) will write to each of the relevant councils, government agencies and services authorities with a copy of the planning proposals seeking comments within six weeks.
12. DELWP will notify nearby residents who may be affected by the rezoning of the sites and place a notice in local newspapers.
13. The Standing Advisory Committee will hold a briefing session with all relevant councils, government departments, agencies, service authorities and other interested parties three weeks after the commencement of the consultation period to discuss the Standing Advisory Committee process.
14. Submitters will have six weeks from notification to prepare written submissions, with all relevant submissions referred to the Standing Advisory Committee.
15. All submissions are to be collected at the office of Planning Panels Victoria in accordance with the *Guide to Privacy at PPV*. Hard copies will be made for each relevant council, DELWP and government land owning body, and electronic copies may also be provided to other submitters upon request.
16. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Standing Advisory Committee matters.

Stage 2 – Public Hearings

17. The Standing Advisory Committee is expected to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Submitters are not required to have formal representation at the Hearing.
18. The Standing Advisory Committee may limit the time of parties who wish to appear before it at the public Hearing and may regulate cross-examination. The Standing Advisory Committee will set time frames as follows:
 - local council – 3 hours
 - land owner – 3 hours
 - agency or statutory authority – 1 hour
 - community group – 1 hour
 - individual – 30 minutes
19. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two of the Committee members.

Stage 3 – Outcomes

20. The Standing Advisory Committee may inform itself in anyway it sees fit, but must consider:
 - The suitability of the proposed land rezoning, and any overlay, for each property in light of the relevant planning scheme, State and Local Planning Policy Frameworks and public open space contributions in line with current development requirements. It is not open to the Standing Advisory Committee to consider the application of any public land zones unless requested to by DELWP.
 - The extent to which the proposed planning framework is responsive to any key issues on the site or within the local context.
 - All relevant documentation prepared by or for DELWP, or otherwise provided to the Standing Advisory Committee.
 - All relevant submissions made in regard to the proposed planning controls for identified government land.

21. The Standing Advisory Committee must produce a written report for the Minister for Planning providing:
 - An assessment of the appropriateness of any changes of planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.
 - An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.
 - An assessment of submissions to the Standing Advisory Committee.
 - Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.
 - A list of persons who made submissions considered by the Standing Advisory Committee.
 - A list of persons consulted or heard.

22. The Chair or the Deputy Chair must endorse and submit the report for each sites or group of sites.

23. The Standing Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.

Submissions are public documents

24. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.

25. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.

Timing

26. The Standing Advisory Committee is required to begin its hearings no later than 20 business days from the date of final date of submissions.

27. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings. The report may be submitted in stages for a site or a group of sites.

Fee

28. The fee for the Standing Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
29. The costs of the Standing Advisory Committee will be met by the relevant government land holding agency. Where there is more than one government land holding agency, the costs will be pro-rated between the agencies.

Project Manager

30. Day to day liaison for this matter will be through Kate Stapleton, Senior Planner, Department of Environment, Land, Water and Planning on 90948473 or kate.stapleton@delwp.vic.gov.au.
31. Inquiries regarding the Standing Advisory Committee Process can be made to Planning Panels Victoria on 8302 6369 or planning.panels@dewlp.vic.gov.au.



Hon Richard Wynne MP
Minister for Planning

Date: 19/7/15

Appendix B Documents tabled

Document No.	Description	Presented By
1	FTGL Service submission	Ms Stapleton
2	Vic Govt Landholding Policy & Guidelines	"
3	Vic Govt Land Transaction Policy & Guidelines	"
4	DET submission Pts A, B, C	Ms Kelly, Urbis
5	Yarra Council Report and Minutes 20.9.16	"
6	DHHS submission	Ms Dipietrantonio
7	Yarra Council submission	Ms Piskuric, for Yarra Council
8	FTGL Service Surplus Land Declaration	Ms Stapleton
9	Richmond Netball Association submission	Ms Barry
10	Submission	Mr Liberopoulos
11	Submission	Ms Nihill
12	Submission	Mr McNeill
13	Submission	Ms Starry
14	Submission	Mr Pinell
15	Submission	Mr Lee, Killara Pty Ltd
16	Submission	Ms Middlemass
17	Richmond Rec. Centre Parking brochure	Ms Middlemass
18	Submission	Mr Algie, Kellehers
19	Plan showing ownership 510 Swan Street	"
20	Current Planning Scheme Map for 510 Swan Street	"
21	Plan showing netball facilities in the region	"
22	Proposed DPO amendments	"
23	Council supplementary submission	Ms Piskuric for Yarra Council
24	Wilcon Proj submission to Yarra C185	"
25	Proposed plans for C185	"
26	GTA Traffic Report for 462-482 Swan Street	"
27	GTA supplementary Traffic analysis	"
28	GTA memo to Council on Swan Street Structure Plan	"
29	PTV submission to C185	"
30	VicRoads submission to C185	"
31	Yarra C87 Explanatory Report on Public Open Space Contributions Pts A, B	"
32	Submission	Ms Sharp

Document No.	Description	Presented By
33	VCAT decision for 429 Swan Street	“
34	Closing submission	Ms Kelly, Urbis
35	Dates of meetings with Richmond Netball Association on new netball facilities	“
36	DET proposed DPO amendments	“
37	Additional shadow diagrams for 510 Swan Street	“

Appendix C List of submitters

No.	Submitter	Organisation
1	Danielle Romani	
2	Prue Crommelin	
3	Dennis Minoski	
4	Gregory Cleave	
5	Tim Pirzas	
6	Christopher Hardisty	
7	Marc Doherty	
8	James Bruce	
9	Iain Scott	
10	Michael Taylor	
11	Rebecca Andrews	
12	Louise Papadopoulos	
13	Joseph Mark Lanteri	
14	Amy Hill	
15	Sara Ellis	
16	Stephen Bond	
17	Eloise Modun	
18	Marc Doherty	
19	Claire Hayes	
20	Alex Macdonald	
21	Nick Bull	
22	Jillian Harriott	
23	Filippa Shub	
24	Juliette Williams	
25	Rachael Eddy	
26	Angie Higgins	
27	Jane James	
28	Vicky Papageorgiou	
29	Jenny Hamilton	
30	Jodi Anderson	
31	Aleisha Wills	

No.	Submitter	Organisation
32	Bec Breheny	
33	Andrew Williams	
34	Kate Lewin	
35	Robin Nettleton	
36	Sharon Wildermuth	
37	Jude Chapman	
38	Alison Hilton	
39	Karren Clark	Richmond Netball Association Inc
40	Tanya Deery	
41	Emily Doherty	
42	Caroline Tinkler	
43	Mary McLaughlin	
44	Louise Crane	
45	Howard Date	
46	Joanne Date	
47	Zara Lawless	
48	Erika Walls	
49	Stavros Liberopoulos	
50	Sabrina Davies	
51	Brooke Shelton	
52	John Mackinnon	
53	Alana English	
54	Sarah Taylor	
55	Samantha Parkin	
56	Nick Corker	
57	Kerry White	
58	Claire Heaney	
59	Cecelia Ward	
60	Kelley Muster	
61	Rachel Lowrie	
62	Leann Middlemass	
63	Fiona Van Der Hoeven	City of Yarra

No.	Submitter	Organisation
64	Josephine Jane Millard	
65	Will Morton	
66	Kate Morton	
67	Maree Nihill	
68	Samantha Wischer	
69	Sinaead Wise	
70	Stephen Carlile	
71	Emma Demaine	VicTrack
72	Sarah Dallimore	
73	Sarah Gregson	
74	Yakov John Macak	
75	Kris Wilson	WILCON Projects Pty Ltd
76	Stephanie Buckland	
77	Chris McNeill	
78	Kieran Mcleod	
79	Elizabeth Stary	
80	Christopher John Walsh	
81	Greg Fryer	
82	Rachel Braun	
83	Theo Theodossiou	
84	P Maine	
85	David Lee	Killara Quest Pty Ltd
86	James Oliver	
87	Ron Pinell	
88	Nicole Opie	Department of Health and Human Services
89	Samantha Thorogood	Kellehers Australia

Appendix D Parties to the Hearing

Submitter	Represented by
Department of Environment, Land, Water and Planning	Ms Stapleton
Department of Education and Training	Ms Kelly, Urbis
Department of Health and Human Services	Ms Dipietrantonio, DHHS
City of Yarra	Ms Piskuric, Harwood Andrews
Richmond Netball Association Inc	Ms Barry, Ms Clark
Mr Liberopoulos	
Mr Morton	
Ms Morton	
Ms Stary	
Mr McNeill	
Mr Pinell	
Ms Middlemass	
Killara Quest Pty Ltd	Mr Lee, Killara Quest
Ms Nihill	
Kellehers Australia, Dr L Kelleher	Mr Algie, Kellehers
Ms Buckland	
Mr Oliver et al	Ms Sharp

Appendix E Recommended DPO

DPO 13 proposed by the Site owner (Post Hearing)

[Advisory Committee insertions](#)

~~[Advisory Committee deletions](#)~~

SCHEDULE 13 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO13**

Site Description

This schedule applies to land generally known as 510 Swan Street, Richmond.

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved for the following:

- Subdivision
- Minor buildings or works
- Removal or creation of easements or restrictions

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan and future use and development of the land in an integrated manner and will not compromise the objectives for the site [as set out in this schedule](#).

The site may be developed in stages.

2.0 Development plan objectives

- Future development will provide for a mix of commercial uses at street level with residential uses above.
- The development will provide a range of dwelling types, as appropriate, to allow for a diversity of households.
- The development will minimise the impacts of vehicular access on pedestrian, cyclist, and tram movements along Swan Street.
- The development will support sustainable travel initiatives to minimise car travel.
- The design will be responsive to the site's diverse interfaces.
- The development will demonstrate a high quality architectural response, implement innovative Environmentally Sustainable Design features, and provide a high standard of internal amenity.
- The development will include building articulation at the upper levels to avoid long continuous façade treatments and to provide suitable amenity within the development.
- The development will enhance the amenity and appearance of the public realm along the Swan Street and Stawell Street frontages [via elements such as a new public space on the western edge of the site fronting Stawell Street that integrates with the 'shared street' on Stawell Street widened and improved footpath treatments, lighting, street trees and street furniture](#).
- [The development will contribute to improved pedestrian and bicycle connections to Burnley Station, Burnley Village and Bicentennial Park.](#)
- [The development will demonstrate a high quality architectural response, implement innovative Environmentally Sustainable Design features, and provide a high standard of internal amenity.](#)

3.0 Requirements for development plan

The development plan may be prepared for the whole site or in stages. The development plan must be consistent with the objectives for the site, which takes into account the site's strategic location on the edge of Burnley Village and excellent access to public transport.

Development plan components

The development plan must include the following [to the satisfaction of the responsible authority](#):

- A site analysis that identifies the key attributes of the land, its topography, and its relationship with existing or proposed uses on adjoining land.
- A context analysis identifying the adjoining roads, tram stops, walking and cycling connections, pedestrian crossings and the relationship of the site to Burnley Village and Burnley Train Station.
- Concept plans for the layout of the site which show:
 - [A site and context analysis including the relationship to Burnley Village, Burnley Station, and the shared street on Stawell Street.](#)
 - The siting and orientation of buildings.
 - The car and bicycle access locations, [vehicle and pedestrian access locations and waste storage and collection points.](#)
 - [Indicative staging and the proposed indicative uses of each building, communal areas and estimated floor area for each use including approximate residential yield and range of dwelling types.](#)
 - Three dimensional building envelopes for new buildings including indicative building heights, the separation distances between buildings and the setback from the street frontage.
 - [Plans which include indicative:](#)
 - [Elevations, building envelopes, building material and architectural styles](#)
 - [Shadow diagrams \(internal and external to the site for the equinox between 9am and 3pm\)](#)
 - [Treatments for key interfaces, including Swan and Stawell Streets, the rail corridor and land to the south and east.](#)
- A statement and/or concept plans identifying how the development will enhance the amenity and appearance of the public realm along Swan Street and Stawell Street frontages.
- [A statement or concept plan demonstrating how the approved development contributes to, and integrates with the 'shared street' and public space on the western edge of the site.](#)
- Shadow diagrams for the equinox (22 September / 20 March) between 11:00am and 2:00pm based on the building envelopes or arrangement shown in the proposed Development Plan.
- Design Guidelines for the site which reflect the following requirements:
 - The building heights should not exceed ~~32m (10 storeys)~~ [6 storeys, unless additional height is supported by the achievement of specific benefits such as the inclusion of affordable housing, enhancements to the public domain or architectural excellence](#), and provide an appropriate transition to site interfaces.
 - Appropriate floor to floor heights (four metres) to accommodate commercial activity on the lower levels of buildings.
 - The built form must provide adequate variety of building form and articulation across the site to avoid long and continuous facades along Swan Street.
 - The street wall height along Swan Street should create a consistent 3 storey built form.
 - The levels above 3 storeys should be setback:

- a minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.
- a minimum of 4.5m from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.
- The Golden Square Bicentennial Park and Stawell Street should generally be free of significant overshadowing between 11:00am and 2:00pm at the equinox (22 September / 20 March).
- Buildings [should](#) be well spaced and offset to distribute access to outlook and sunlight [between built forms, provide sunlight to communal open space areas and manage overlooking between habitable room windows.](#)
- Car parking should be obscured from the public realm.
- Building services, including roof top services/ elements, must be screened from the public realm.
- Buildings should provide for weather protection along Swan Street.
- Sustainable design principles to address water management, solar access and energy conservation.
- Landscape principles for the site.
- Proposed measures to provide noise attenuation from the train line and vehicular traffic on Swan Street.
- [Plans addressing noise attenuation and waste management](#)
- A Traffic Management Report outlining:
 - The existing capacity within the surrounding road network.
 - The likely traffic generation of the development [and proposed means to address the impacts.](#)
 - Indicative access arrangements for vehicles and recommendations for managing potential conflicts with pedestrians, cyclists, trams and vehicles on Swan [and Stawell](#) Streets.
 - Recommended car parking [and bicycle](#) rates for the development.

The development plan for any part of the development area may be amended from time to time to the satisfaction of the responsible authority.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular Development Plan or part of a Development Plan.

4.0 Display of Development Plan

Before deciding to approve a development plan, the responsible authority must display the plan for public comment. Notice of the development plan must be given to the owners and occupiers of adjoining land. A development plan must be displayed or further information required within 28 days after the plan is received by the responsible authority. The plan must be displayed within 14 days of satisfactory further information being received.

The development plan must be displayed for at least 14 days but no longer than 28 days.

The responsible authority may display an amendment to a development plan if it is considered to potentially impact the surrounding residential area.

5.0 Decision guidelines

Before deciding on a request to approve or amend a Development Plan, the responsible authority must consider:

- The provisions of this planning scheme including relevant local policies.
- [Whether additional building height is supported by the achievement of specific benefits, such as the provision of affordable housing, enhancement of the public domain or architectural excellence.](#)
- Yarra City Council's Swan Street Structure Plan, (as amended)
- The views of Public Transport Victoria, VicRoads, Vic-Track and Metro Trains that are received as appropriate.
- Shadow impacts on Golden Square Bicentennial Park and Stawell Street for the equinox between 11:00am and 2:00pm.

The likely traffic and car parking impacts.