



Ordinary Meeting of Council Agenda

**to be held on Tuesday 20 February 2018 at 7.00pm
Richmond Town Hall**

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.

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Daniel Nguyen (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle
- Cr Amanda Stone

Council officers

- Bruce Phillips (Acting Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Justin Hanrahan (Acting Director - Planning and Place Making)
- Jane Waldoock (Assistant Director - Planning and Place making)
- Fred Warner (Group Manager – People, Culture and Community)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters/ matters relating to legal advice

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) contractual matters; and
 - (b) matters relating to legal advice.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 6 February 2018 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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 meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Amendment C218 (Trenerry Crescent) Consideration of Panel Report	7	19	David Walmsley – Manager City Strategy
11.2 Amendment C219 (Trenerry Crescent) Consideration of Panel Report	21	31	David Walmsley – Manager City Strategy
11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission	32	39	David Walmsley – Manager City Strategy

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Amendment C218 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20568

Responsible Officer: Senior Coordinator Strategic Planning

Purpose

1. The purpose of this report is:
 - (a) to provide Councillors with an overview of the key recommendations of the independent Planning Panel that considered Amendments C218 and C219 at a joint Planning Panel hearing that occurred in August 2017; and
 - (b) to recommend an alternate version of Amendment C218 (the Amendment) for adoption for the reasons outlined in this report.
2. Council must decide whether to:
 - (a) adopt the Amendment as recommended by the Panel Report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
 - (b) adopt the Amendment in the form recommended in this report which includes an alternate version of the amendment based for reasons outlined in the report, and submit it to the Minister; or
 - (c) adopt the Amendment as exhibited and submit it to the Minister; or
 - (d) abandon the Amendment and advise the Minister that Council has abandoned it.
3. In accordance with Section 27 of the *Planning and Environment Act 1987 (the Act)*, a Planning Authority (Council) must consider the Panel's recommendations before adopting an amendment and must justify any variations to the Panel's recommendations.

Background

4. Amendment C218 proposes to rezone land at 18-62 Trenerry Crescent from Commercial 2 Zone to Commercial 1 Zone and apply an Incorporated Plan Overlay and an Environmental Audit Overlay.
5. The Amendment would facilitate urban renewal of underutilised commercial land, and supports the achievement of Council's preferred vision for the subject sites, as articulated in the adopted Johnston Street Local Area Plan, 2015.
6. Conditional authorisation was received for the amendment on 8 November 2016 which stated that:
 - (a) *"The Amendment must be consistent (with) the Yarra River controls currently being prepared by DELWP prior to submission for approval to the Minister for Planning under Section 35 of the P & E Act 1987."*
7. The Amendment was exhibited from 24 November to 24 December 2016 and received 16 submissions, of which 14 were by the same people or organisation. Most of the submissions covered similar issues.
8. On 4 July 2017 Council resolved to seek the appointment of a Planning Panel in accordance with Section 23 of the Act as there were a number of issues raised in submissions that could not be resolved through changes to the Amendment.
9. At that meeting, Council endorsed the Amendment with a number of changes in response to submissions (Attachment 1). Particular issues relating to traffic, heritage and building heights were addressed in the revised Amendment submitted to the Panel.
10. A joint Panel hearing (for Amendments C218 and C219) was conducted in August 2017, with appearances made by: proponents and their legal representatives; VicRoads; and the Collingwood Historical Society.

11. A number of issues were common to both amendments and these were outlined in the Panel report.
12. Council had legal representation, which called on expert witnesses for heritage and traffic.

Submissions and Issues considered by the Panel

13. Across the 16 submissions received for both amendments, the following key issues of concern were expressed at the Panel hearing:
 - (a) traffic impacts;
 - (b) building heights and setbacks (which was sometimes related to consistency with DDO1);
 - (c) protection of heritage buildings;
 - (d) increased population and infrastructure requirements;
 - (e) character and amenity;
 - (f) removal of third party notice and review rights; and
 - (g) visual impact of new development (on the Yarra River corridor).
14. Some of the issues raised in submissions could not be addressed through changes to the amendments and often had broader implications. These included the following issues:
 - (a) traffic volumes throughout the local area; and
 - (b) a growing population resulting in pressure on existing infrastructure and amenity of the local area.

Panel Report and Recommendations

15. The Panel report was received by Council officers on 25 October 2017 and the Panel's recommended changes (the Panel preferred version of the Amendment) is in the Appendices (Appendix C) of the Panel report (Attachment 2 to this report).

Officer Recommended Changes

16. The version of the Amendment (Schedule 2 to the IPO) being recommended for adoption is found as Attachment 3 to this report.

Issues Common to Both Amendments

17. In addressing Amendments C218 and C219 (as a combined Panel hearing) the Panel considered the following issues that were common to both Amendments:
 - (a) Duplication of provisions in the Design and Development Overlay Schedule 1(DDO1) Yarra (Birrarung) River Corridor Protection; and
 - (b) Traffic (conditions and impacts from new development).

Duplication of provisions in DDO1 (Amendment C218)
18. One of the key issues considered by the Panel was how (or whether) the controls in DDO1 should be reflected in the proposed Schedule 2 to the IPO (IPO2). DDO1 was revised in February 2017 to introduce mandatory maximum height controls that were previously discretionary. The DDO1 control expires in January 2021 but is expected to become permanent at some stage.
19. The Panel considered whether the proposed Schedule to the IPO should duplicate the provisions of DDO1 to avoid potential future inconsistency or confusion. The proponent emphasised that DDO1 is interim (or temporary) and could therefore change in the future. However, officers consider that there is a level of certainty - based on the work that underpins DDO1 - it will remain in place and become permanent (in some form).

20. Experts for the proponents presented evidence to the Panel that favoured including an additional discretionary building height control - expressed as a 'preferred maximum 25 metres' - in IPO2. The Panel considered that it would be consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.
21. **The Panel made the recommendation to delete any duplication of the DDO1 provisions in the Incorporated Plan Overlay and Development Plan Overlay Schedules but include a reference to applicable DDO1 requirements and retain specific provisions that add to DDO1.**

Officer Response

22. Officers agree with the changes recommended by the Panel to refine the content of the Schedule to the IPO and Incorporated Plan. Council officers however, disagree with the Panel's view to include a 'preferred' maximum height as the Minister's authorisation to prepare and exhibit the Amendments required that they be consistent with any future changes to the planning controls for the Yarra River. DDO1 was revised and gazetted on 24 February, 2017 and contained mandatory height and setback provisions.
23. It can be assumed - due to the ongoing and collaborative work with the Department of Environment, Land, Water and Planning (DELWP) on protecting the Yarra River corridor from inappropriate development - that DDO1 will become permanent in some form. The mandatory heights and setbacks provisions contained in DDO1 reflect the community's (and Council's) strong desire for certainty in planning controls.
24. Council agreed during the Panel that duplication of (the general) provisions of DDO1 in Schedule 2 to the IPO and the Incorporated Plan is not absolutely necessary and some elements of the schedule can be deleted provided that the 25 metre building height control is inserted, as exhibited.
25. It should be noted that the endorsed post-exhibition version of the Amendment removed the height shown on the Incorporated Plan, deferring the application of a height limit to the already applicable DDO1 (a mandatory 25m height limit). This change was considered to comply with the conditional authorisation for the Amendment and remove confusion (duplication) with DDO1.

Traffic

26. The issue considered by the Panel was whether the potential development outcomes under Amendment C218 would have an impact on traffic in the local area and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works – in particular, a signalised intersection at Johnston Street.
27. The Panel considered the issue of traffic for Amendments C218 and C219 simultaneously.
28. For Amendments C218 and C219, the evidence provided by Council's expert (GTA Consultants) and the experts engaged by both sets of proponents, concluded that the impact of future development on the overall traffic volumes would be minimal and that it was unreasonable to impose the cost of a signalised intersection on either one or both sets of proponents.
29. Based on their traffic modelling, GTA Consultants estimated that the additional traffic added to the network by assumed development outcomes for Amendments C218 and C219 is approximately 3% for the two combined amendments.
30. The VicRoads representative acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. VicRoads relinquished the requirement that the proponents pay for works to be carried out for a signalised intersection.

31. The Panel made the following recommendation:

- (a) ***Retain the provision in Amendment C218 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.***

Officer Response

32. Council officers acknowledge the Panel’s advice and commentary in response to the evidence presented on traffic. It is clear that there is an existing traffic issue which occurs mainly during peak periods and that a signalised intersection is, in the view of Council’s expert, needed now. However, it was concluded that it is not the direct responsibility of either proponent.
33. Amendment C218 may have some impact on the local road network (when a development is completed on the site) and as such a future permit application should consider those impacts and whether any mitigation measures should be introduced as a result.
34. The Schedule to the IPO in Attachments 3, which is recommended for adoption by Council, includes the following changes in response to the Panel recommendation:

Panel Recommendation	Officer Recommended Change for Adoption
Retain the provision requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.	The following wording has been inserted into the Schedule to the IPO which officers believe is acceptable in relation to the Panel’s recommendation: <ul style="list-style-type: none"> • <i>the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed. (Change 1 – found in the schedule to the IPO)</i>

Traffic Further Actions/Council Projects

35. On January 17, 2018, VicRoads announced via their web site, funding for traffic lights at the Abbotsford Convent. This follows several years of advocacy to the State Government by Council.
36. These lights are in addition to lights already in operation at Paterson Street in Abbotsford, (85m to the east of Trenerry Crescent) and Nicholson Street (325m to the west). This means there will be 3 signalised intersections along Johnston Street within a length of around 400m.
37. The combination of lights would have the cumulative effect of calming traffic along Johnston Street, but not necessarily ease traffic conditions for Trenerry Crescent, where the key concern is pedestrian and cyclist safety.
38. A further traffic study to determine the broad network conditions relating to traffic originating from (or travelling through) Clifton Hill towards (and from) Johnston Street is recommended and this would take the form of a future or updated Local Area Place Management Plan (LAPM).

Issues Specific to Amendment C218: 18-26 Trenerry Crescent

39. Issues specified to Amendment C218 are:
- (a) Heritage;
- (b) Discretionary heights; and
- (c) Form and content of Amendment C218 and IPO.
40. The officer recommended changes that are discussed in this report are numbered (as changes) within the Schedule to the IPO and on the Panel recommended version of the 18-62 Trenerry Crescent Framework Plan (Attachments 3 and 5 respectively).

Heritage

41. The building(s) at 18-62 Trenerry Crescent are graded as *Individually Significant* and form part of HO337.
42. The proponents relied on evidence from Bryce Raworth and Peter Lovell, two well respected heritage experts. Council relied on advice leading up to the Panel and expert evidence during the Panel from Jim Gardner of GJM Heritage.
43. There were two main issues that were contested: (1) heritage citation and (2) design response (as expressed through the Incorporated Plan).

Heritage Citation

44. The current Statement of Significance for HO337 only refers to former industrial buildings (generally) and some of the heritage and architectural features that contribute to the streetscape.
45. Council commissioned a heritage citation for the site from GJM in June 2016 which was used to inform changes to the amendment in response to submissions on heritage issues. The GJM prepared citation identified the 1984 additions, designed by Darryl Jackson AO, as contributing elements to the cultural and historic significance of the place.
46. Peter Lovell of Lovell Chen, put forward a revised Statement of Significance of the site that lessened the significance of both the Daryl Jackson designed extension, as well as the 1924 component. It was shown that the 1924 eastern building component had been significantly altered from the original building and therefore had less heritage significance; this has been accepted by Council's heritage consultant.
47. **The Panel recommended that Council:**
 - (a) ***Adopt the statement of significance for 18-62 Trenerry Crescent Abbotsford as presented by Mr Lovell for the C218 Proponent and included at Appendix D.***

Officer Response

48. The evidence put forward by Peter Lovell put into question how much of the heritage fabric should be retained on the site (further discussed below in design response). The Daryl Jackson additions, according to the evidence, do not have the significance that GJM Heritage had attributed to them. The Lovell Chen citation is based on the citation prepared by Council's consultants incorporating changes regarding the significance of the buildings on the site.
49. The Panel has considered the different versions of the citation and the evidence presented by the heritage consultants. The Panel in its recommendations has supported the citation prepared by Mr Lovell and essentially found that the 1911 building has the highest significance, the 1924 and the Jackson 1984 building a reduced level of significance.
50. GJM Heritage have reviewed the Statement of Significance submitted to the Panel by the proponent and have indicated that with changes to reflect GJM's assessment of the integrity of the buildings, and a number of minor descriptive changes, the Statement of Significance is acceptable and should be adopted by Council.
51. Officers consider this will strengthen the consideration of the heritage significance of these buildings at the time of a planning permit.
52. The revised Statement of Significance that is recommended for adoption is found as Attachment 4. To give the Statement of Significance effect, it needs to be referenced in clauses 21.11 and 22.02 in the Planning Scheme, as set out in attachments 6 and 7.

Panel's Recommended version of the Incorporated Plan

53. The Panel also accepted changes that relate to the heritage elements identified on the Incorporated Plan as put forward by the proponents and recommended those changes for adoption (Appendix C of the Panel report at Attachment 2).

54. Specifically, the Panel made the following key recommendations in relation to the Incorporated Plan:
- (a) *Modify the reference to the 1924 building and label as “Other Heritage Fabric”; and*
 - (b) *Reduce the setback from the retained heritage façades to a preferred 2m.*

55. **The Panel has recommended that Council:**

- (a) *Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to improve form and content of the overlay and the Indicative Framework Plan (Correction: 18-62 Trenerry Crescent Framework Plan).***

Design Response – Minimum Setbacks from façades

56. The exhibited version of the Incorporated Plan included a 3m upper level setback (not stated as “preferred”) to achieve an appropriate setback distance that allows the reading of the 3-dimensional form of the heritage building.
57. Heritage advice received post-exhibition (in response to submissions) recommended an upper level setback distances of at least 6m (approximately the depth of a bay of the saw-tooth roof form) along the Trenerry Crescent and Turner Street frontages to ensure that the 3-dimensional form of the building was maintained when new development occurs.
58. The experts presenting on behalf of the proponents argued against the need for a minimum 6m setback when other design responses can be used to retain and respond to the heritage elements of the existing building on the site. In his evidence Bryce Raworth stated that:
- (a) *In terms of setbacks, it is instructive to review some of the recently approved and/or constructed precedents within Yarra in terms of industrial and commercial heritage buildings that have received upper level additions, and a number of examples are adduced below. While the examples exhibit a range of outcomes, the site bears close comparison in terms of interest, scale and character with several examples that have minimal setbacks in the order of 3m or less, or no setback (sometimes employing a shadow-line technique rather than a setback per se). Having regard for these examples, it is suggested that any boundary setbacks may reasonably be minimal in extent.*
59. The Panel accepted the evidence put forward by the proponent that there are alternative design responses that do not require a setback of 6m. The Panel therefore accepted the proponent’s revised version of the Incorporated Plan.

Officer Response – Minimum Setback from Heritage Façades

60. Officers disagree with the Panel on how the evidence put forward by the proponent and their experts has been reflected (or translated) on the *18-62 Trenerry Crescent Framework Plan* in the Incorporated Plan.
61. In its conclusion on heritage matters (page 44 of the Panel report), the Panel does not provide any commentary about the merits of the various setbacks distances, other than to accept the version of the Incorporated Plan submitted during the Panel hearing by the proponent.
62. The Panel has recommended that a preferred setback of 2m is provided for in the Incorporated Document. The setback only relates to the frontages of the 1911 building and not to the Turner Street frontage of the 1924 building.
63. The figure below illustrates the minimum setbacks considered acceptable by GJM Heritage Consultants, to the heritage façades of the 1911 and 1924 buildings:



Figure 23. Minimum acceptable setbacks, roof retention and façade retention (including the 1984 link structure and projecting elements on Yarra River elevation of the 1920s factory building)

KEY: minimum set back (6m) ■ roof to be retained - - - façade to be retained

64. It is evident from the heritage advice and the Panel's recommendations that the 1984 Jackson building is not considered to be of individual significance warranting retention. Further, the 1924 building has less heritage significance than the 1911 building and therefore is not required to be retained to the same extent.
65. The Panel's recommendation supports the retention of the facades of the 1911 building along Trenerry Crescent and Turner Street and allows for upper level development. Based on this the panel has then turned its consideration to the necessity for upper level setback to the 1911 building.
66. The Panel has accepted the evidence of the proponent's heritage consultants that upper level setbacks need only be minimal and that there are other architectural treatments that could be used and still enable the retention and interpretation of the 1911 building. The panel has recommended a discretionary 2m upper level setback.
67. Clearly the Panel's recommendation varies from both the exhibited amendment (proposing a 3m setback) and the revised amendment which proposed 6m. It should be noted that the DELWP is likely to give significant weight to the Panel's recommendation given it has had the opportunity to consider and interrogate the heritage evidence in forming its recommendations to Council.
68. One of the key considerations for Council in considering and balancing the recommendations of the Panel report, the proponent's expert heritage evidence and the advice of Council's heritage expert, is what outcome is sought by the proposed setback distance within the planning control.
69. Having regard to the evidence presented to the Panel by the three heritage experts, officers consider that a reduced setback could be provided that would still allow the façade to maintain a 3 dimensional form, and be set apart from new development. However, officers consider that the "preferred" 2m setback recommended by the Panel is insufficient.
70. The advice from GJM heritage states that an absolute minimum setback distance of 6m is needed to:
 - (a) retain a sufficient amount of heritage fabric; and
 - (b) allow the legibility of the 3-dimensional form of the heritage building.
71. Council officers had regard to this advice in preparing the post-exhibition version of the amendment, which was endorsed by Council and presented at Panel.
72. As the roof form is not visible (apart from the gable section that connects the 1911 and 1924 buildings) it does not contribute to the reading of the heritage building. GJM concedes that this roof structure can be demolished without any consequence to the reading of the building(s).

73. Therefore, in trying to balance the recommendation of the Panel against the advice received from GJM Heritage, officers consider that a 3m setback (as originally exhibited) is appropriate to retain the legibility of the three dimensional form of the heritage façades to be retained. This setback would also be consistent with the upper level setbacks of new development on the Trenerry Crescent frontage.

Design Response – Retention of Heritage Fabric (Façades)

74. The issues relate to defining the extent of the heritage façade to be retained and appropriate setbacks from heritage façades.
75. The heritage elements identified on the Panel preferred version of the Incorporated Plan reduce the significance of heritage elements (heritage fabric) on the site and as a result, a degree of uncertainty has been introduced in terms of what should be retained on the site.
76. The Panel does not seek to prescribe the extent of buildings to be retained on the *Framework Plan* in the Incorporated Plan, but amends IPO2 to allow retention issues to be resolved at the planning permit stage.
77. The Panel concluded that IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that:
- *retains heritage features including parts of the heritage fabric of the buildings with the façade of the 1911 buildings and part of the Turner Street fabric.*

Officer Response – Retention of Heritage Fabric (Façades)

78. To provide certainty about the extent of retention and need for further investigation, it is recommended that Council adopt the following change to the amendment, which differs from the Panel’s recommendations:
- (a) Alter the second dot under *Heritage Principles* within the Incorporated Plan to read as follows:
- (i) *Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and encourage the retention of other heritage fabric to provide a contextual link to historical industrial uses along Trenerry Crescent.*
79. The officer recommended changes (numbered on the *18-62 Trenerry Crescent Framework Plan*) to the Panel’s recommended version of the amendment is attached to this report (Attachment 5). The Incorporated Plan and Schedule to the IPO attached to this report (Attachment 3) is recommended for adoption by Council, and includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
<p>Modify the wording relating to the retention of the heritage buildings on the site by referring to the 1924 heritage component as “other heritage fabric”</p> <p>Adopt the Incorporated Plan as provided at Appendix C of the Panel Report which includes the following changes to the Incorporated Plan:</p> <ul style="list-style-type: none"> • Identifying the 1924 building as “other heritage fabric” on the Incorporated Plan • Reducing the 6m setback to a preferred 2m setback • Reinstating arrows that indicate “opportunities for increased activation” 	<p>(a) Alter the second dot under <i>Heritage Principles</i> within the Incorporated Plan to read as follows:</p> <ul style="list-style-type: none"> (i) <i>Retain the identified heritage façades shown on the 18-62 Trenerry Crescent Framework Plan in Figure 1 and encourage the retention of other heritage fabric to provide a contextual link to historical industrial uses along Trenerry Crescent. (Change 2)</i> <p>(b) Accept the distinction made on the plan between the 1911 and 1924 heritage façades but modify the wording to reflect the intention to retain the 1911 heritage façade as well as the 1924 façade subject to structural and heritage advice (Change 3)</p> <p>(c) Reinstate a 3m setback as illustrated on the exhibited Incorporated Plan (Change 4)</p> <p>(d) Delete (2) arrows that encourage “opportunities for activation” through the façades of the heritage building to be retained (Change 5)</p>

	(e) Adopt the revised Statement of Significance submitted by Peter Lovell subject to any recommended changes by GJM Heritage (Attachment 4)
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Discretionary Heights – Street wall height to Trenerry Crescent

80. The Panel appears to support the street-wall height as illustrated on the Incorporated Plan in the exhibited amendment:
- (a) *The IPO2 and the Incorporated Framework Plan should be amended to allow a future permit applicant the opportunity to justify a proposal that... has a street wall height on the Trenerry Crescent frontage as exhibited in the Incorporated Plan in Amendment C218 that depicts 'maximum height 4 storeys (15m)'.*
81. The exhibited Incorporated Plan in Amendment C218 depicted the street wall height as a “*maximum height 4 storeys (15m)*”. In its submission during exhibition, the Proponent of C218 sought changes to the IPO Schedule that *allows a degree of discretion in height and setbacks*.
82. The C218 Proponent proposed the street wall height to be changed from a mandatory to discretionary height and the Panel has recommended the IPO Schedule depicts “*15 metres preferred height*”.

Officer Response

83. Council considered the mandatory street wall height proposed in Amendment C218 to be justified, having regard to the JSLAP and the urban design analysis that underpins it; heritage significance of 18-62 Trenerry Crescent; and the proposed application of the IPO.
84. GJM’s position on the controls proposed for this site assumed a four storey street wall height, which was considered *appropriate in the context of the broader precinct*.
85. The heights on the Incorporated Framework Plan do not need to be expressed as either preferred or mandatory because of how the Incorporated Plan Overlay operates. The parent clause to the Incorporated Plan Overlay states:
- (a) *A permit granted must:*
- (i) *be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise; and*
- (ii) *include any conditions or requirements specified in a schedule to this overlay.*
86. The Incorporated Plan and Schedule to the IPO recommended by Council officers for adoption (Attachment 3) removes the term “preferred”, but maintains a reference to *15M maximum street wall height*, noting that *a permit must be generally in accordance with the Incorporated Plan*.
87. This is consistent with the IPO introduced via Amendment C170 to land in Mollison Street, Abbotsford. The heights and setbacks on the incorporated plan in Amendment C170 did not specify whether they were mandatory or discretionary because the parent clause states that they must be generally in accordance with the incorporated plan.

Panel Recommendation	Officer Recommended Change for Adoption
Identify street-wall height to Trenerry Crescent as preferred in legend	Remove references to preferred height and setback in relation to the street-wall height (plan and legend) as will be assessed under the provisions of the Incorporated Plan Overlay (Change 6)

Discretionary Heights – Maximum Building Height

88. As discussed from paragraphs 16-19, the Panel considered issues of duplication and concluded that Amendment C218 should be amended so that the Incorporated Plan to the IPO includes a note that the revised DDO1 applies and expresses a preferred maximum 25 metre building height (not including the street wall height). Any duplication of DDO1 building height and set back provisions should be deleted and any reference to heights in storeys should be deleted.
89. It was argued that because DDO1 is an interim control - and subject to change - the building heights applied to the site should be based on this amendment proposal and not strictly comply with the existing DDO1. This discussion was “driven” by the preference for an overall discretionary maximum height of 26m for the site by the proponents (one metre higher than DDO1).
90. The Incorporated Plan that was endorsed by Council prior to the Panel process, stated as a note on the plan:
- (a) *Maximum building heights (not including the street-wall height) must be in accordance with DDO1.*
91. In accordance with the conditional authorisation, Council’s endorsed post-exhibition version of the Amendment, removed the overall maximum height from the Incorporated Plan to avoid the confusion being caused between this control and DDO1.
92. The Panel recommended that a preferred maximum height of 25m be shown on the Incorporated Plan, despite Council’s attempt to comply with the conditional authorisation. The Panel also included wording in the schedule that refers to the need to consider DDO1.
- 93. The Panel’s Recommendation**
- (a) ***Adopt the form of Incorporated Plan Overlay Schedule 2 as contained at Appendix C to clarify building height controls; and***
- (b) ***Delete parts of the Incorporated Plan for the building height and set back provisions of Design and Development Overlay Schedule 1 and add a note that Design and Development Overlay Schedule 1 applies, and express a discretionary preferred maximum 25 metre height (see Appendix C).***

Officer Response

94. The *preferred* maximum height that was advocated for by the proponent, not only undermines the certainty that the control aims to achieve but also the intent of DDO1, which applies as a mandatory control regardless.
95. The Panel report states that Council agreed with a 25m discretionary height limit for the site, however, this was corrected during the Panel hearing and a corrections report was issued in December acknowledging Council’s position on the matter of mandatory heights.
96. It was made clear (to the Panel) that Council did not support a preferred height as it contradicted Council’s expectations for the site, the conditional authorisation and the wider Yarra River corridor.
97. The provisions of DDO1 apply despite the height and setback requirements on the Incorporated Plan. Whilst DDO1 is an interim control that expires in 2021, it has been indicated to Council through a letter from the Minister for Planning, that an amendment process to bring in permanent controls is planned for 2018. At this stage, it is unclear that this will occur this year.
98. As discussed at paragraph 68, the parent clause to the Incorporated Plan Overlay states:
- (a) *A permit granted must:*
- (i) *be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise; and*
- (ii) *include any conditions or requirements specified in a schedule to this overlay.*

99. The Incorporated Plan and Schedule to the IPO attached to this report (Attachment 3) removes references to being either mandatory or discretionary because firstly, they must comply with DDO1 and secondly, they must be generally in accordance with the Incorporated Plan.
100. The Incorporated Plan and Schedule to the IPO recommended by officers for adoption by Council includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
Express a (discretionary) preferred maximum 25 metre height on the Incorporated Plan and express all other heights and setbacks as preferred.	<p>The following changes to the <i>18-62 Trenerry Crescent Framework Plan</i> are recommended for adoption:</p> <p>(a) References to building heights and setbacks from the river as “preferred” will be removed (including from the legend) and the heights and setbacks expressed so that the numerical value corresponds with DDO1. (Change 7)</p> <p>(b) The 25m height limit has been reinstated on the plan as recommended by the Panel, with no reference to being either preferred or mandatory – the provisions of the IPO apply as well as DDO1 (which takes precedence as a mandatory control). (Change 7)</p>

Form and Content of the amendment

101. The issue of form and content was discussed as it related to the Ministerial Direction on Form and Content for Planning Schemes which sets out the guidelines for provisions in planning schemes and includes templates which need to be complied with, where specified.
102. In terms of “form and content”, the conditional authorisation was referring simply to the headings and structure of the proposed schedule to the IPO and as pointed out by Council, and acknowledged by the Panel, revisions were made prior to the Panel hearing to comply with the authorisation.
103. The Panel further added:
- (a) *It is sufficient for the Panel that the planning authority will recheck the form of the amendment papers taking account of the Panel recommendations prior to adoption of the Amendment*
104. Council officers have reviewed the form of the amendment papers taking account of the Panel recommendations and further changes are required.

Commitment to Public Realm Improvements

105. The proponents for Amendment C218 have continually expressed their desire to improve elements of the public realm surrounding the site through the planning permit and development phase, and have provided a letter to Council stating their intent to do so.
106. A conceptual outline of public realm improvements has been provided to Council that aims to address and improve elements of the public realm including the following:
- (a) the footpath and public realm along the Trenerry Crescent frontage;
- (b) the footpath and public realm along the Trenerry Crescent frontage, including the installation of way-finding signage, bicycle hoops and facilities, Water Sensitive Urban Design (WSUD) treatments;
- (c) improving the river bank east of the property boundary through revegetation and potentially public art work (a mural) of the exposed retaining wall; and
- (d) other detailed public realm works outlined within the conceptual proposal.
107. The proposed works are not in a final form but give an indication of the scope of works the proponent is willing to deliver as part of a development proposal.

External Consultation

108. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act and submitters have been notified as the Amendment has progressed through to the Planning Panel stage.

Internal Consultation (One Yarra)

109. The Amendment has had input from statutory planning and the traffic (engineering and sustainable transport) department at Council.

Financial Implications

110. The Amendment costs are being covered by the proponent.

Economic Implications

111. The Amendment will have positive economic effects on the local area through employment opportunities created on the site.

Sustainability Implications

112. The Amendment encourages the use of sustainable transport initiatives to reduce the impacts of traffic on the local area.

Social Implications

113. There are no direct social implications.

Human Rights Implications

114. There are no known human rights implications.

Communications with CALD Communities Implications

115. The Amendment has been consulted upon through a variety of media options that Council offers including accessible web pages and translation services outlined on fact sheets and letters distributed as part of the amendment process.

Council Plan, Strategy and Policy Implications

116. The Amendment implements the following Council Plan objective:

- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

Legal Implications

117. The Amendment has been undertaken in accordance with the relevant provisions of the Planning and Environment Act 1987.

Options

118. There are three main options for Councillors to consider in relation to adopting the Amendment:

- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
- (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
- (c) adopt the Amendment as exhibited; or
- (d) abandon the amendment.

Conclusion

119. The Panel has considered the Amendment (C218) at a Planning Panel that occurred in August 2017 and has made a number of recommendations for changes as outlined in this report.

120. Council officers have reviewed the recommendations, sought further advice from GJM Heritage, and made subsequent changes to the Amendment in order to:

- (a) maintain the integrity of the Amendment and the purpose for introducing the Incorporated Plan Overlay to the site (Schedule 2);
 - (b) comply with the conditional authorisation which was specifically aimed at ensuring that heights and setbacks were consistent with DDO1, which is mandatory in nature;
 - (c) comply with the Minister's Direction on the Form and Content of Planning Schemes – some of the Panel's recommended changes were put forward on this basis and are generally accepted by Council officers;
 - (d) improve the graphic content of the 18-62 Trenerry Crescent Framework Plan contained within the Incorporated Plan; and
 - (e) respond to expert advice that Council had received in relation to heritage matters for the site, and to submissions from community members expressing concerns about the heritage building and how those concerns are responded to through a future development proposal.
121. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
122. Officers have proposed departures from some of the recommended Panel changes to improve the planning control and ensure it complies with the conditional authorisation for the Amendment.

RECOMMENDATION

1. That Council notes:
 - (a) the report of officers in relation to the Panel's findings in relation to Amendment C218;
 - (b) the findings and recommendations of the Panel regarding Amendment C218; and
 - (c) the letter to Council stating an intention to undertake public realm upgrades related to a future planning permit application and improvements as outlined in the 18-62 Trenerry Crescent Public Realm Concept, prepared by Tract Consultants, dated 15 December 2017 (Attachment 8).
2. That Council:
 - (a) having considered the report of the Planning Panel, adopts Amendment C218 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
 - (b) adopts the Statement of Significance (citation) for 18-62 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 6 and 7 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
 - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel recommendations as outlined in the officer report.
4. That officers notify submitters to Amendment C218 of Council's decision.

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Attachments

- 1** Post-Exhibition IPO Schedule and Incorporated Plan C218
- 2** Yarra C218 and C219 Panel Report
- 3** Amendment C218 IPO Schedule and Plan for Adoption
- 4** C218 Post Panel Heritage Citation (GJM)
- 5** Yarra C218 Panel Recommended Plan (Officer Changes)
- 6** Municipal Strategic Statement Clause 21.11 - Amendment C218 - Reference Documents
- 7** Local Planning Policy Schedule 22.02 - Amendment C218 - Development Guidelines for sites subject to the Heritage Overlay
- 8** (C218) Letter with Public Realm Concept Plan

11.2 Amendment C219 (Trenerry Crescent) Consideration of Panel Report

Trim Record Number: D18/20571

Responsible Officer: Senior Coordinator Strategic Planning

Purpose

1. The purpose of this report is:
 - (a) To provide Councillors with an overview of the key recommendations of the independent Planning Panel that considered Amendments C218 and C219 at a joint Planning Panel hearing that occurred in August 2017; and
 - (b) To recommend an alternate version of Amendment C219 for adoption for the reasons outlined in this report.
2. Council must decide whether to:
 - (a) adopt the amendment as recommended by the Panel Report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
 - (b) adopt the Amendment in the form recommended in this report which includes an alternate version of the amendment based for reasons outlined in the report, and submit it to the Minister; or
 - (c) adopt the Amendment as exhibited and submit it to the Minister; or
 - (d) abandon the Amendment and advise the Minister that Council has abandoned it.
3. In accordance with Section 27 of the *Planning and Environment Act 1987 (the Act)*, a Planning Authority (Council) must consider the Panel's recommendations before adopting an amendment and must justify any variations to the Panel's recommendations.

Background

4. Amendment C219 proposes to rezone land at 112–124 and 126-142 Trenerry Crescent from Commercial 2 Zone to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay.
5. The Amendment facilitates urban renewal of underutilised commercial land, and supports the achievement of Council's preferred vision for the subject sites, as articulated in the adopted Johnston Street Local Area Plan, 2015.
6. Conditional authorisation was received for the Amendment on 8 November 2016 which stated that:
 - (a) *"The Amendment must be consistent (with) the Yarra River controls currently being prepared by DELWP prior to submission for approval to the Minister for Planning under Section 35 of the P & E Act 1987."*
7. The Amendment was exhibited from 24 November to 24 December 2016 and received 16 submissions, of which 14 were by the same people or organisation. Most of the submissions covered similar issues.
8. On 4 July 2017 Council resolved to seek the appointment of a Planning Panel in accordance with Section 23 of the Act as there were a number of issues raised in submissions that could not be resolved through changes to the Amendment.
9. At that meeting, Council endorsed the Amendment with a number of changes in response to submissions (Attachment 1). Particular issues relating to traffic, heritage and building heights were addressed in the revised amendment submitted to the Panel.
10. A joint Panel hearing was conducted in August 2017, with appearances made by: proponents and their legal representatives; VicRoads; and a representative of the Collingwood Historical Society.

11. A number of issues were common to both amendments and these were outlined in the Panel report.
12. Council had legal representation, which called on expert witnesses for heritage and traffic.

Submissions and Issues considered by the Panel

13. Across the 16 submissions received for the Amendment, the following key issues of concern were expressed at the Panel hearing:
 - (a) traffic impacts;
 - (b) building heights and setbacks (which was sometimes related to consistency with DDO1);
 - (c) protection of heritage buildings;
 - (d) increased population and infrastructure requirements;
 - (e) character and amenity;
 - (f) removal of third party notice and review rights; and
 - (g) visual impact of new development (on the Yarra River corridor).
14. Some of the issues raised in submissions could not be addressed through changes to the Amendment and often had broader implications. These included the following issues:
 - (a) traffic volumes throughout the local area; and
 - (b) a growing population resulting in pressure on existing infrastructure and amenity of the local area.

Panel Report and Recommendations

15. The Panel report was received by Council officers on 25 October 2017 and the Panel's recommended changes (the Panel preferred version of the Amendments) are in the Appendices of the Panel report (Attachment 2).

Officer Recommended Changes

16. The version of the Amendment (Schedule 14 to the DPO) being recommended for adoption is found as Attachment 3 to this report.

Issues Common to Both Amendments

17. In addressing Amendments C218 and C219 (as a combined Panel hearing) the Panel considered the following issues that were common to both Amendments:
 - (a) Duplication of provisions in the Design and Development Overlay Schedule 1(DDO1) Yarra (Birrarung) River Corridor Protection; and
 - (b) Traffic (conditions and impacts from new development).

Duplication of provisions in DDO1 (Amendment C219)
18. The Panel considered whether the Schedule 14 to the DPO should duplicate the provisions of DDO1. DDO1 was revised in February 2017 to introduce mandatory maximum height controls that were previously discretionary. The DDO1 control expires in January 2021 but is expected to become permanent at some stage.
19. Experts for the proponent presented evidence to the Panel that favoured including an additional discretionary building height control - expressed as a 'preferred maximum 25 metres' - on the Indicative Framework Plan within the DPO14 schedule. The Panel considered that it would be consistent with the building height limits envisioned in the JSLAP and the mandatory controls in DDO1, and would only apply if DDO1 is amended or expires in 2021 without being extended.
20. **The Panel made the recommendation to delete any duplication of the DDO1 provisions in the Development Plan Overlay Schedule but include a reference to applicable DDO1 requirements and retain specific provisions that add to DDO1.**

Officer Response

21. Officers agree with the changes recommended by the Panel to refine the content of the Schedule to the DPO. Council officers however, disagree with the Panel's view to include reference to a 'preferred' maximum height as the Minister's authorisation to prepare and exhibit the Amendment required it to be consistent with any future changes to the planning controls for the Yarra River. DDO1 was revised and gazetted on 24 February, 2017 and contained mandatory height and setback provisions.
22. The proponent emphasised that DDO1 is interim (or temporary) and could therefore change in the future. Officers, however, consider that it can be assumed - due to the ongoing work and collaboration with DELWP towards the protection of the state significant Yarra River corridor from inappropriate development - that DDO1 will become permanent in some form. The mandatory heights and setbacks provisions contained in DDO1 reflect the community's (and Council's) strong desire for certainty in planning controls.
23. Council agreed during the Panel that duplication of (the general) provisions of DDO1 in the Schedule to the DPO is not absolutely necessary and some elements of the schedule can be deleted provided that the 25 metre building height control is inserted, as exhibited.

Traffic

24. The issue considered by the Panel was whether the potential development outcomes under Amendment C219 would have a significant impact on traffic in the local area and whether the proponents should be required to conduct traffic impact assessments and make a proportional contribution to traffic mitigation works – in particular, a signalised intersection at Johnston Street.
25. The Panel considered the issue of traffic for Amendments C218 and C219 simultaneously.
26. For Amendments C218 and C219, the evidence provided by Council's expert (GTA Consultants) and the experts engaged by both sets of proponents, concluded that the impact of future development on the overall traffic volumes would be minimal and that it was unreasonable to impose the cost of a signalised intersection on either one or both sets of proponents.
27. Based on their traffic modelling, GTA Consultants estimated that the additional traffic added to the network by assumed development outcomes for Amendments C218 and C219 is approximately 3% for the two combined amendments.
28. The VicRoads representative acknowledged that in light of the traffic evidence it would not be equitable to require the proponents to fund installation of new traffic signals. VicRoads relinquished the requirement that the proponents pay for works to be carried out for a signalised intersection.
29. **The Panel made the following recommendation:**
 - (a) ***Retain the provision in Amendments C218 and C219 requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.***

Officer Response

30. Council officers acknowledge the Panel's advice and commentary in response to the evidence presented on traffic. It is clear that there is an existing traffic issue which occurs mainly during peak periods and that a signalised intersection is, in the view of Council's expert, needed now. However, it was concluded that it is not the direct responsibility of either proponent.
31. The amendments may have some impact on the local road network and as such a future permit application should consider those impacts and whether any mitigation measures should be introduced as a result.

32. The changes to the Schedule to the DPO in Attachment 3, which are recommended for adoption by Council, include the following changes in response to the Panel recommendation:

Panel Recommendation	Officer Recommended Change for Adoption
<p>Retain the provision requiring the proponent to provide a traffic and car parking impact assessment but delete reference to it being to the satisfaction of VicRoads and the requirement for proponents to contribute to mitigation works.</p>	<p>The following wording has been inserted into the schedule (DPO14) which officers believe is acceptable in relation to varying the Panel's recommendation:</p> <ul style="list-style-type: none"> • <i>the impact of any additional traffic on the surrounding road network, and how any necessary mitigation measures should be addressed. (Change 1 – found in the schedule to the DPO)</i> <p>The following additional dot point has also been inserted in the Schedule to the DPO: (A Traffic Management Report identifying)</p> <ul style="list-style-type: none"> • <i>other mitigation measures identified through a traffic and car parking report. (Change 1a)</i>

Traffic Further Actions/Council Projects

33. On January 17, 2018, VicRoads announced via their web site, funding for traffic lights at the Abbotsford Convent. This follows several years of advocacy to the State Government by Council.
34. These lights are in addition to lights already in operation at Paterson Street in Abbotsford, (85m to the east of Trenerry Crescent) and Nicholson Street (325m to the west). This means there will be 3 signalised intersections along Johnston Street within a length of around 400m.
35. The combination of lights would have the cumulative effect of calming traffic along Johnston Street, but not necessarily ease traffic conditions for Trenerry Crescent, where the key concern is pedestrian and cyclist safety.
36. A further traffic study to determine the broad network conditions relating to traffic originating from (or travelling through) Clifton Hill towards (and from) Johnston Street is recommended and this would take the form of a future or updated Local Area Place Management Plan (LAPM).

Issues Specific to Amendment C219

37. Issues specified to Amendment C219 are:
- (a) Heritage;
 - (b) Height;
 - (c) Form and content of Amendment C219 and DPO; and
 - (d) Requirement for public shared pathway.
38. The officer recommended changes that are discussed in this report are numbered (as changes) within the Schedule to the DPO and on the Panel recommended version of the Indicative Framework Plan (Attachment 3 and 6 respectively).

Heritage

39. The Panel has recommended that Council adopt the citation (Statement of Significance) for 112-124 Trenerry Crescent, as provided by GJM Heritage and submitted to the Panel by Council officers. In order to give the Statement of Significance effect, it needs to be referenced in in clauses 21.11 and 22.02 in the Planning Scheme, as set out in attachments 7 and 8.

40. The former Austral Silk and Cotton Mills (Austral) building at 112-124 Trenerry Crescent is graded as *Individually Significant* and is part of HO337.
41. The Panel, having regard to the expert evidence report submitted by the proponent, recommended the following change to the Indicative Framework Plan that affects the heritage elements of the site at 112-124 Trenerry Crescent:
 - (a) the addition (or wrap-around) of a building envelope along the northern façade of the heritage building based on the proponent's heritage expert report; and
 - (b) removal of reference to an 8m height limit for any building envelopes surrounding the heritage building.
42. The Panel also recommended removing from the Schedule, the need for a Conservation Management Plan, as a Heritage Impact Statement is the standard report to produce for a permit application involving a heritage building.
43. It should be noted that an expert report was submitted to the Panel but the proponent's expert was not called to give evidence or allowed to be cross examined by Council's legal representative. Therefore the views contained within the report were not open to questioning during the planning Panel process, which was a point made to the Panel by Council.
44. The expert's view relates to the wrap-around building envelope. The expert report justified the additional building envelope by noting that there were (at some previous time) industrial/warehouse buildings to the north of the current heritage building and in fact, the two sites were almost completely occupied with warehouse buildings from varying periods.

Officer Response

45. Officers agree that a requirement for a Conservation Management Plan is unnecessary as a Heritage Impact Statement is more appropriate and agree to the changes to the Schedule to the DPO as proposed by the Panel.
46. Officers however, disagree with a number of graphic changes to the Indicative Framework Plan that relate to the heritage building. Further independent heritage advice was sought in relation to the recommendations. The independent advice supports Council officers proposed variations to the Panel's recommendations (found as Attachment 6).
47. The post-Panel advice received from GJM Heritage comments on the negative impacts of both the potential for built form at the northern side of the heritage building and the removal of the 8m height limit at the eastern interface:
 - (a) *It is our view that a development constructed to the north of the heritage building in accordance with the recommended Indicative Framework Plan is unacceptable in heritage terms; and*
 - (b) *a discretionary height control of 8m is necessary to ensure that the height of any new development east of the former Austral Silk and Cotton Mills Factory/Warehouse does not reduce its landmark qualities and visual prominence when viewed from key public vantage points along the Yarra River.*
48. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
<p>Insert an additional key view-point on the Indicative Framework Plan at Freeway edge</p> <p>Identify a future building envelope (in addition to the one already at the rear) at the northern edge of the heritage building</p> <p>Remove reference to an 8m height limit on the pink building envelope in the legend</p>	<p>Delete added view point as it cannot be achieved if the site at 126-142 Trenerry is developed (of minor consequence to the plan) (Change 2)</p> <p>Remove added/extended building envelope as conflicts with the objective to retain a view corridor through the site as well as the heritage advice from GJM heritage. (Change 3)</p> <p>Expert evidence by the proponent noted that the southernmost part of the heritage building has a façade facing Trenerry Crescent. Views of this facade should be protected. Council's expert agreed with this and as such the Schedule DPO has been amended to protect views to southernmost part of the heritage building (Change 4).</p> <p>Reinstate 8m height limit in legend (Change 5) in accordance with the advice received from GJM Heritage in relation to a suitable built form response at the eastern side of the heritage building.</p>

Maximum Heights

49. The Panel accepted a revised version of the Schedule to the DPO, submitted by the proponent that has significantly modified the Indicative Framework Plan, including a preferred 25m maximum height (not including the street wall height).

Officer Response

50. The Panel's version of the plan allows for 25m across the entire site, because it removes the setback lines that were previously on the Plan to illustrate the transition in maximum heights across the site. This is inconsistent with DDO1 which includes setbacks and transitional heights towards the river. The Panel's version does not comply with the conditional authorisation as it is inconsistent with DDO1. Indeed the transition in building heights towards the Yarra River were part of the previous DDO 1.
51. The post-exhibition version of Amendment C219 expresses a maximum height of 25m for the two affected sites, which was drafted and amended in accordance with DDO1, as specified in the conditional authorisation letter to Council.
52. The change to the hatching across the site now confuses where it should apply and what it means for built form on the site. It is simpler to remove the hatching, reinstate the setback lines, and combine wording in the legend relating to the provisions of DDO1 and SLO1 with the general built form aspirations for the site (Change 8 – Attachment 6).
53. The heights, setbacks and other elements on the Indicative Framework Plan do not need to be expressed as either preferred or mandatory because of how the Development Plan Overlay operates.
54. The Schedule to the Development Plan Overlay states the following requirement:
- (a) *The development plan must be generally in accordance with the Indicative Framework Plan as shown in Figure 1 to the satisfaction of the responsible authority.*
55. In addition the parent clause (43.04) to the DPO states:
- (a) *A permit granted must:*
- (i) *be generally in accordance with the development plan; and*
- (ii) *include any conditions or requirements specified in a schedule to this overlay.*

- 56. Simply labelling the maximum heights on the plan is sufficient, and as stated previously, DDO1 applies already.
- 57. The Panel also included wording in the schedule that refers to the need to consider DDO1 – again, this removes the need to identify a preferred maximum height on the Indicative Framework Plan.
- 58. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
Label maximum height as preferred 25m	Remove reference to “preferred” 25m height limit as it is inconsistent with DDO1 and non-compliant with conditional authorisation – label as 25m maximum. (Change 6)
Label street wall height as preferred (northern site)	Remove word “preferred” (Change 7)
Extend hatching south of property boundary (126-142 Trenerry Crescent)	Remove hatching which has been extended by panel and combine wording in legend with first entry in legend relating to site are (Site Area – DDO1 applies) (Change 8)

Requirement for Public Shared Pathway

- 59. The Panel concluded that there was not a strong justification for a public pathway:
 - (a) *The Panel accepts that the gap between the buildings at 112-124 and 126-142 Trenerry Crescent provides the best of few opportunities to view the river corridor from the street. However, the Panel does not accept the gap should be preserved forever as it is today.*
- 60. The Panel report also provided commentary that supports a view corridor to be retained:
 - (a) *The Panel accepts the merit of utilising the gap between buildings on the site(s) to allow view lines to the river corridor but does not support the pedestrian and cycling link on the property at 112-124 Trenerry Crescent as an essential element in achieving a better experience in accessing the river corridor; and*
 - (b) *The Panel has amended the Indicative Framework Plan to identify a view corridor but has deleted the requirement for the link.*

Panel Recommendation:

- (c) **Delete the requirement for the publicly accessible shared path shown on the Indicative Framework Plan and adopt the wording of the Panel preferred form of the Indicative Plan at Appendix E.**

Officer Response

- 61. Identifying opportunities to improve linkages to the Yarra River corridor is identified in State Planning Policy (Clause 12.05-2 Yarra River Protection):
 - (a) *Retain and enhance people’s enjoyment of the river and its environment by:*
 - (i) *ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.*
- 62. The opportunity for a shared public link is also identified in the *Johnston Street Local Area Plan* as an opportunity to strengthen the network of pedestrian and cycling links in close proximity to the Capital City Trail and to utilise existing opportunities to provide pedestrian/cycling links through larger sites, which is suitable in this location.
- 63. The current pedestrian path along Trenerry Crescent becomes difficult to navigate at the north-west corner of the site which is a sharp right turn along a narrow footpath at this location. If the shared public link is not achieved in the future, the improvement to the north-west corner of the site should be undertaken at a minimum.

64. The Panel’s recommended changes in relation to ‘form and content’ to the DPO Schedule are generally accepted with the exception, that the Vision section of the DPO, should include a reference to the publicly accessible link opportunity. This provides a consistency between the DPO and the Indicative Framework Plan.
65. The Panel’s recommended changes to the Indicative Framework Plan, in relation to the public link opportunity, are not supported by officers for the following reasons:
 - (a) the link is not legible, it should be more clearly illustrated; and
 - (b) the wording relating to the public link being “negotiated with the land owner” should be revised to achieve an improved planning control. When a Development Plan is submitted this matter would be “negotiated with the land owner”, prior to approval.
66. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
<p>Remove all references to the requirement to provide a shared link from the Schedule to the DPO</p> <p>Modify references to the shared link on the Indicative Framework Plan</p>	<p>Officers agree with some of the changes but have re-inserted the following wording into the schedule under the Vision section to establish a relationship to the <i>potential</i> for a shared link within the Schedule:</p> <ul style="list-style-type: none"> • <i>Explore the potential for a publicly accessible shared link as identified on the Indicative Framework Plan. (Change 9 – Vision section of Schedule to DPO)</i> <p>The symbol representing the shared link opportunity has been modified (Change 10) and the reference in the legend also modified (Change 11) as follows:</p> <ul style="list-style-type: none"> • “Public link opportunity”

Form and Content

Changes to the Indicative Framework Plan (IFP)

67. The Panel considered evidence from the proponent that reduced the amount of graphic details on the Indicative Framework Plan and some of the changes are supported by Council officers as the plan has gone through several iterations before the endorsed post-exhibition version submitted to the Panel.
68. Changes (suggested by the proponent) to the wording of various components within the legend were accepted by the Panel without any explanation in the Panel report or during the Panel hearing.
69. The Panel recommended the following change in order to remove repetition with DDO1:
 - (a) The removal of the setback lines along with the 18m and 11m maximum heights.
70. This suggests that in the absence of DDO1, the maximum (preferred) height across the entire site is 25m without any transition in height towards to river corridor. The Panel’s recommended change appears to have overlooked this possibility, keeping in mind that both sets of proponents repeatedly emphasised the interim nature of DDO1 during the Panel process. Again, there is a need to comply with the conditional authorisation for the amendments.
71. The Panel recommended version of the IFP also modifies the graphic relating to the view corridor through the site. However, the poorly modified graphic creates a conflict with another graphic element which was discussed previously (the heritage envelope identified in pink).
72. The view corridor was discussed previously in relation to the *Public Shared Pathway (or Shared Link Opportunity)* and the Panel provided support for the provision of spacing between buildings to enable the view corridor to be achieved.

Changes to the Schedule to the DPO

73. Within Section 2.0 – Conditions and Requirements for Permits – there is a requirement for a Landscape Plan but the Panel’s recommended version deletes all of the detail that the landscape plan would include. Officers consider that this change is unnecessary and unjustified as it is a reasonable requirement at the permit stage.
74. The DPO Schedule recommended by officers for adoption by Council includes the following changes:

Panel Recommendation	Officer Recommended Change for Adoption
<p>Delete the setback reference lines that relate to DDO1 and identify the transition of height across the site</p> <p>Change graphic that relates to the retention of a view corridor through the site</p> <p>Remove detail in schedule to DPO relating to the requirement for a landscape plan at the permit stage</p> <p>Change wording that relates to improving the north-west corner for pedestrians and cyclists</p>	<p>Retain the setback lines as they identify the desired transition of building height across the site. (Change 12)</p> <p>Delete faint arrow and apply hatching across an area that indicates where view corridor is to be retained (Change 13)</p> <p>Reinstate detail (at Clause 2.0) as is considered reasonable and a good outcome considering the context of the site which abuts the Yarra River corridor (Change 14)</p> <p>Modify wording to make more certain and clarify that this is in negotiation with <u>Council</u>:</p> <ul style="list-style-type: none"> • <i>Improve corner for pedestrians and cyclists through discussions with Council – (Change 15)</i>

External Consultation

75. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act and submitters have been notified as the Amendment has progressed through to the Planning Panel stage.

Internal Consultation (One Yarra)

76. The Amendment has had input from statutory planning and the traffic (engineering and sustainable transport) department at Council.

Financial Implications

77. The Amendment costs are being covered by the proponent.

Economic Implications

78. The Amendment would have positive economic effects on the local area through employment opportunities created on the site.

Sustainability Implications

79. The Amendment encourages the use of sustainable transport initiatives to reduce the impacts of traffic on the local area.

Social Implications

80. There are no direct social implications.

Human Rights Implications

81. There are no known human rights implications.

Communications with CALD Communities Implications

82. The Amendment has been consulted upon through a variety of media options that Council offers including accessible web pages and translation services outlined on fact sheets and letters distributed as part of the amendment process.

Council Plan, Strategy and Policy Implications

83. The Amendment implements the following Council Plan objective:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

Legal Implications

84. The Amendment has been undertaken in accordance with the relevant provisions of the Planning and Environment Act 1987.

Options

85. There are four main options for Councillors to consider in relation to adopting the Amendment:
- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
 - (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
 - (c) adopt the Amendment as exhibited; or
 - (d) abandon the amendment.

Conclusion

86. The Panel has considered the Amendment (C219) at a Planning Panel that occurred in August 2017 and has made a number of recommendations for changes as outlined in this report.
87. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
88. Council officers have reviewed the recommendations, sought further advice heritage and legal advice, and made subsequent changes to the Amendment in order to:
- (a) maintain the integrity of the Amendment and the purpose for introducing the Development Plan Overlay to the site (Schedule 14);
 - (b) comply with the conditional authorisation which was specifically aimed at ensuring that heights and setbacks were consistent with DDO1, which is mandatory in nature;
 - (c) comply with the Minister's Direction on the Form and Content of Planning Schemes – some of the Panel's recommended changes were put forward on this basis and are generally accepted by Council officers;
 - (d) improve the graphic content of the Indicative Framework Plan; and
 - (e) respond to expert advice that Council had received in relation to heritage matters for the two sites, and to submissions from community members expressing concerns about the heritage building on the site and how it is responded to through the creation of a Development Plan for the site.
89. Officers have concluded that many of the recommended changes by the Panel result in a poor planning control which does not comply with the conditional authorisation for the Amendment.
90. The use of the DPO as a planning tool was agreed to through discussion between Council officers and the proponent to provide a level of certainty in terms of the potential outcomes on the site(s), particularly as the DPO removes third party notification and review rights during the planning permit stage.

RECOMMENDATION

1. That Council notes the report of officers in relation to the Panel's findings in relation to Amendment C219; and the findings and recommendations of the Panel regarding Amendment C219.
2. That Council:
 - (a) having considered the report of the Planning Panel, adopts Amendment C219 in accordance with the officer recommended changes to the Amendment (found as Attachment 3);
 - (b) adopts the Statement of Significance (citation) for 112-124 Trenerry Crescent and the changes to Clause 21.11 and Clause 22.02 (Attachments 7 and 8 respectively) of the Yarra Planning Scheme to include the citation as a reference document; and
 - (c) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act.
3. That Council note the reasons for varying from the Panel report as outlined in the report.
4. That officers notify submitters to Amendment C219 of Council's decision.

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TITLE: Strategic Planner
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Attachments

- 1 Revised DPO Schedule C219 Endorsed Post-Exhibition
- 2 Yarra C218 and C219 Panel Report
- 3 Amendment C219 Final Version for Adoption
- 4 GJM C218 C219 Post Panel Advice 25 Jan 2018
- 5 GJM Heritage citation - 112-124 Trenerry Crescent C219
- 6 Yarra C219 Panel Recommended Plan (Officer Changes)
- 7 Municipal Strategic Statement Clause 21.11 - Amendment C219
- 8 Development Guidelines for sites subject to the Heritage Overlay

11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission

Executive Summary

Purpose

The purpose of this report is:

- (a) to outline the proposed planning provision changes to land at 64 Alexandra Parade, Clifton Hill; and
- (b) for Council to adopt a position on Amendment C244 and make a submission for lodgement with the Advisory Committee prior to the deadline of 23 February 2018.

Key Issues

The land at 64 Alexandra Parade, Clifton Hill is now considered surplus land following the termination of the East West Link Project. The Department of Treasury and Finance (DTF) is managing the sale of the land along with proposing site specific planning provision changes (via Amendment C244), including:

- (a) rezoning the land from General Residential Zone (GRZ4) to Mixed Use Zone; and
- (b) applying a new Design and Development Overlay (DDO), drafted by Urbis Planning Consultants.

The existing overlays that apply to 64 Alexandra Parade, including DDO2 and HO317 are not proposed to be removed as part of this process.

Council officers have reviewed Amendment C244 and have recommended a number of changes to the exhibited documents to ensure that future development of the site strengthens the character of Alexandra Parade, maintains key views to the Shot Tower, provides affordable and diverse housing, and protects neighbouring residential amenity.

Financial Implications

The costs associated with the exhibition of the Amendment, statutory fees, and panel fees would be met by the proponent (DTF). Other aspects would be met by the strategic planning 2017/18 budget.

PROPOSAL

Council should make a submission to the Advisory Committee based on the officer recommendations outlined in this report and Attachment 3 and request to be heard at the public hearing on 15 March 2018.

11.3 Planning Changes Proposed for Land at 64 Alexandra Parade, Clifton Hill - Council Submission

Trim Record Number: D18/29538

Responsible Officer: Senior Coordinator Strategic Planning

Purpose

1. The purpose of this report is:
 - (a) to outline the proposed planning provision changes to land at 64 Alexandra Parade, Clifton Hill; and
 - (b) for Council to adopt a position on Amendment C244 and make a submission for lodgement with the Advisory Committee prior to the deadline of 23 February 2018.

Background

2. The land at 64 Alexandra Parade, Clifton Hill (the site) was acquired by the Victorian Government for the previously proposed East West Link Project (EWL Project). As the EWL Project is no longer proceeding, 64 Alexandra Parade has been declared 'surplus land' and must be sold, in accordance with requirements of the *Victorian Government Landholding Policy and Guidelines* (Policy). Amongst other things, the purpose of the Policy is to promote the highest and best use of land by providing the opportunity for government agencies to unlock the value inherent in their land.
3. The Department of Treasury and Finance (DTF) is managing the sale of the land along with proposing site-specific planning provision changes via Planning Scheme Amendment C244. While Council officers provided preliminary advice on the changes, Council has no formal role in the preparation or management of Amendment C244 (other than as an affected party that must be notified as part of the process).
4. The Minister for Planning has appointed the Government Land Standing Advisory Committee (Advisory Committee) to provide independent advice on Amendment C244 and is publically exhibiting the Amendment from **15 January - 23 February 2018** (six weeks).
5. Following exhibition and a public hearing (15 March 2018) on Amendment C244, the Advisory Committee will provide a report on their recommendations to the Minister for Planning by mid-2018. The Minister then makes a decision on the recommendations (the Advisory Committee report does not come back to Council).

Site Context

6. The large corner site (approx. 3,000sqm with frontage to Alexandra parade of 72m and to Gold Street of 42m) contains a mix of one and two storey buildings and has been used for industry since the latter part of the 19th century (Figure 1). The former Box's Hair Curling Works factory fronting Alexandra Parade is the oldest building on the site (constructed c. 1880) and is 'contributory' to the wider heritage precinct (HO317). The two-storey timber-framed structure has been altered over time, with most of the building's original cladding replaced with corrugated iron.
7. Laneways running along the site's northern (in part) and western boundaries provides separation from the more sensitive residential interfaces to the west and north. Alexandra Parade to the south is characterised by large 1-3 storey industrial buildings and the visually dominant Shot Tower, which is of local (Heritage Overlay - HO85) and state (Victorian Heritage Register H0709) significance. The freestanding Shot Tower is the tallest structure in the locality and there are clear, long-range views to the tower from the intersection of Brunswick Street and Alexandra Parade, the Eastern Freeway and Darling Gardens.

8. While the site is not located within an activity centre, it is situated along a major boulevard that offers good access to the Eastern Freeway, services, open space and public transport, including buses, trains and trams. It is also in close proximity to the Smith and Brunswick Street Major Activity Centres and the Queens Parade Neighbourhood Activity Centre.



Figure 1: 64 Alexandra Parade, Clifton Hill and surrounds

Existing Planning Controls

9. The existing planning controls for the site are as follows:
- (a) Schedule 4 to the General Residential Zone (GRZ4 – this has an 11.5m maximum building height);
 - (b) Schedule 2 to the Design Development Overlay (DDO2 - Main Roads and Boulevards); and
 - (c) Heritage Overlay (HO317 - Clifton Hill Western Precinct).
10. The site is not a nominated strategic redevelopment site in Council’s Municipal Strategic Statement, however it has the site attributes to be considered an infill development site. The planning scheme built form policies provide some guidance about building heights being in the range of 5-6 storeys.
11. Council’s landmarks policy seeks to protect the views to the heritage Shot Tower, located further to the east on Alexandra Parade. The views to the Shot Tower from the west are a consideration when preparing development guidelines for this site.
12. Amendment C244 proposes to retain the existing Heritage Overlay on the site as well as the Design and Development Overlay. As such, the overlays will continue to remain relevant in assessing any proposed development for the site in the future.

Proposed Planning Controls

13. Amendment C244 proposes the following changes (**Attachment 1**):
- (a) rezone the land from General Residential Zone (GRZ4) to Mixed Use Zone (MUZ); and
 - (b) apply Schedule 19 to the Design and Development Overlay (DDO19), drafted by Urbis Planning Consultants.
14. If the Minister for Planning approves Amendment C244, Council as the Responsible Authority would assess planning applications for new development and for Section 2 uses at the site. Council would be required to consider the impact of any proposal (that requires a planning permit) on the amenity of the surrounding area, in accordance with the decision guidelines of Clause 65, the MUZ and DDO19. Notice of application requirements and third party rights would still apply.

15. Amendment C244 has been informed by the *64 Alexandra Parade East Clifton Hill Urban Context Report*, May 2017 (UCR) prepared by Urbis (Attachment 2). In summary the UCR concludes:
- (a) a preferred maximum of eight (8) storeys (approximately 25 metres) would be appropriate;
 - (b) taller buildings should be setback from Alexandra Parade to frame views to the Shot Tower, particularly when viewed from the western approach; and
 - (c) setbacks to the north and west should be incorporated to limit overshadowing to the adjoining residential properties between 11am-2pm on the September 22nd equinox.

Discussion

Proposed Rezoning

16. The purpose of the MUZ is to provide for a range of residential, commercial, industrial, and other uses, which complement the mixed-use function of the locality. Its purpose is also to provide for housing at higher densities whilst responding to the existing or preferred neighbourhood character of the area. No specific height limit applies within the MUZ, although meeting the height requirements of DDO19 and ResCode objectives to residential boundaries would be required.

Officer Recommendation:

17. State Policy (*Plan Melbourne 2017-2050*) recognises that a number of former industrial sites around Melbourne are currently underutilised and encourages government (at all levels) to repurpose these sites to create jobs and accommodate housing growth.
18. It is considered that the MUZ is the most appropriate zone for the former industrial site, given its size, corner location on a major boulevard and good access to key services, employment, and transport. The rezoning would support mid-rise development for the corner site. *Note: the existing residential zone (GRZ4) specifies a maximum height of 11.5 metres or a three storey building.*
19. If rezoned, the site would become available for a wider range of uses in accordance with provisions of the zone and would help facilitate a revitalisation of this section of Alexandra Parade. The Victorian government is proposing that there would be a mix of retail and commercial uses at ground level and residential uses above.

Proposed Schedule 19 to the Design and Development Overlay

20. Proposed DDO19 applies site-specific discretionary requirements relating to the design and built form of new development.

Building Height and setbacks

21. In summary, DDO19 includes a discretionary maximum height of 8 storeys (25 metres), with a street wall height of 3 storeys fronting Alexandra Parade and Gold Street. The overall height of any new building would need to protect the retention of views to the upper third of the shot tower to the east.
22. The setbacks to the west and north would be determined to ensure that heights and setbacks prevent overshadowing, provide a transition in heights and manage overlooking and building mass.

Officer Recommendation:

23. It is considered the proposed maximum height requirement of 8 storeys could achieve an appropriate mid-rise building form within the site without dominating the Alexandra Parade boulevard character and low rise residential settings. The proposed height would also not result in overshadowing to the east/ north/ west/ south (when taking into consideration the site's significant size and the laneways running along its northern (in part) and western boundaries).

24. The submission by the State Government's consultant examines possible scenarios for different building heights on the site which demonstrates this height still retains views of the Shot Tower.
25. The maximum street wall height of 3 storeys (12 metres) proposed for Alexandra Parade and Gold Street is also considered to be appropriate for a site that is situated along a wide and prominent boulevard.
26. The discretionary height requirements for the site, along with the other design objectives should ensure that new development appropriately responds to the site's context, whilst providing enough flexibility to accommodate innovative design.

Building Form and Design

27. The built form and design guidelines aim to respond to identified heritage values of the site and broader precinct, including primary views to the Shot Tower, the changing context along Alexandra Parade and neighbouring and internal amenity.

Officer Recommendation:

28. Collectively, the built form and design guidelines provide clear guidance on the preferred type and design of new development. However, it is recommended that DDO19 include additional guidelines to ensure that future development strengthens the boulevard character of Alexandra Parade, does not encroach on key views to the Shot Tower, provides an appropriate transition to adjoining low rise residential areas and provides well designed, horizontal awnings/verandahs along Alexandra Parade and Gold Street.

Heritage

29. The DDO provides detailed guidance on maintaining views to the significant Shot Tower. Specifically DDO19 identifies primary views and requires new development to provide adequate setback and building separation to maintain the Shot Tower primacy when viewed in the round.
30. Advice from Council's heritage consultants recommends that, to ensure views to the Shot Tower, there needs to be sufficient building separation and that the tower should remain the highest element within the streetscape by ensuring its top third is visible.
31. The DDO does not provide any guidance regarding the site's contributory building (Box's Hair Curling Work factory and yard). The *Heritage Report for 64 Alexandra Parade, Clifton Hill* (May 2017, Trethowan Pty Ltd) prepared in support of Amendment C244 determines that the building is a significant component of the site and the crossovers and courtyards are contributory features that should be retained and considered in any proposed redevelopment of the site.
32. The DDO relies only on design of a development incorporating reference to the industrial history of the site. Images of modelling of development options indicates that the Victorian government's preferred option does not retain the factory building.

Officer Recommendation:

33. It is recommended that DDO19 be amended to encourage new development to retain and sensitively incorporate the original Box's Hair Curling Works factory, crossovers and internal courtyard into its design and layout and also encourage its adaptive reuse.

Other Issues

Management of Potential Site Contamination

34. The site has been used for timber manufacturing and other industrial uses, which could be potential sources for contamination, along with off-site sources including the Shot Tower and the former Fitzroy Gasworks.
35. The site is already zoned for residential purposes and no Environmental Audit Overlay exists over the land. The remediation of the site is therefore not occurring through the statutory environmental audit process.

36. An Environmental Assessment Report (EAR) has been prepared by Senversa environmental consultants to assess the potential for soil and groundwater contamination. The EAR identified some individual chemical concentrations that were greater than adopted criteria and notes that this could be appropriately managed by a future mixed use development (commercial on the ground floor with residences above).
37. The EAR recommends that further soil, soil vapour, and groundwater investigations may be still be required. As such, DDO19 includes a requirement for any permit application to include a Contamination Assessment of the site (prepared by a suitably qualified and experienced person).

Officer Recommendation:

38. It is considered that the proposed approach to managing potential site contamination is appropriate, given the advice by Senversa. The 'application requirement' included in DDO19 will ensure that any potential contamination can be managed as part of a normal development application process.
39. The provision should, however be strengthened by ensuring the report provides for a strategy for the remediation of the site and validation that the remediation has been completed and that the site is suitable for sensitive uses.

Affordable housing / housing diversity

40. Amendment C244 does not mandate the provision of any affordable housing, which is inconsistent with Council's adopted *Policy Guidance Note for Affordable Housing in Significant Redevelopments*, November 2017 (Policy Guidance Note). The Policy Guidance Note outlines Yarra's expectations relating to affordable housing outcomes at significant redevelopment sites. As part of significant rezonings, it is expected that a development proponent will provide for at least 5% affordable housing at sites likely to yield around 50 dwellings or more and to partner with a Registered Housing Association/Provider to deliver affordable housing.

Officer Recommendation:

41. It is considered that Council should pursue the provision of a minimum 5% of the overall number of dwellings as affordable housing. This would be secured by way of a Section 173 Agreement being included on the land title. This should be entered into prior to sale of the land.
42. Council should also seek an additional application requirement in DDO19 requiring applications to include a Housing Diversity Report. The purpose of a Housing Diversity Report is to undertake a demographic analysis of the types of people and households anticipated to live within the development and demonstrate how the development plan responds to the particular housing needs of the occupants across their lifetime - proposed dwelling design and bedroom mix.

Summary of Officer Recommendations

43. It is recommend that Council makes submission to the Advisory Committee seeking the provision of 5% of the overall number of dwellings as affordable housing via a section 173 agreement and also seeking an amended DDO (**Attachment 3**) that includes:
 - (a) a new application requirement for residential development to provide a Housing Diversity Report;
 - (b) a new built form guideline that requires new development to respond to the boulevard character of Alexandra Parade;
 - (c) two new built form guidelines to ensure buildings are expressed in the round and are articulated;
 - (d) two new built form guidelines that encourages development to retain and sensitively incorporate the original Box's Hair Curling Works factory, crossovers and internal courtyard into its design and layout and encourage its adaptive reuse;

- (e) a new built form guideline that encourages well designed horizontal awnings/verandahs along Alexandra Parade and Gold Street;
 - (f) a new guideline to ensure that development does not encroach on key views to the Shot Tower; and
 - (g) correction of minor drafting errors.
44. It is proposed that Council's position to the Advisory Committee at the Public Hearing will be based on the submission outlined in this report and **Attachment 3**.

External Consultation

45. Exhibition of the proposal is being managed by the Advisory Committee. Council provided advice on the extent of notification. In summary notification included:
- (a) public viewing file of at the Yarra City Council Planning Counter (Richmond Town Hall), Yarra City Council Information Centre (Collingwood Town Hall) and Fitzroy Library;
 - (b) exhibition documentation on the DELWP website;
 - (c) notice of preparation in the Age newspaper (15 January 2018); and
 - (d) letters, including an information sheet, sent to 269 property owners and occupiers, stakeholders and interest groups.
46. The Advisory Committee held a public information session on 5 February 2018 that included presentations from the proponent (DTF), consultants (Urbis) and Department of Environment, Land, Water, and Planning (DEWLP). Council officers attended the meeting to observe the process.

Internal Consultation (One Yarra)

47. Officers have sought internal comments from urban design, and statutory planning. These comments have informed the changes proposed exhibited documents.

Financial Implications

48. The costs associated with the exhibition of the Amendment, statutory fees, and panel fees would be met by the proponent (DTF). Other aspects would be met by the strategic planning 2017/18 budget.

Economic Implications

49. The economic implications of the planning provision changes are likely to include:
- (a) managing the growth in the local housing market in Yarra;
 - (b) flow on effects for Yarra's local economy as the municipality accommodates a growing population, with more people moving into the area and utilise local businesses and services; and
 - (c) reduce Council resources spent on complex decision making process.

Sustainability Implications

50. The Amendment provides for additional dwellings, in proximity to major activity centres, a neighbourhood activity centre, services and public transport.

Social Implications

51. Council advocates for more affordability housing and housing diversity.

Human Rights Implications

52. There are no anticipated human rights implications.

Communications with CALD Communities Implications

53. The Advisory Committee has prepared all of the exhibition material independent of Council.

Council Plan, Strategy and Policy Implications

54. The Yarra Council Plan (2017-2021) identifies the need to actively plan and manage growth in Yarra.
55. The proposed planning changes implements relevant objectives of the State Planning Policy Framework (SPPF), including Clause 16 – Housing Clause 16.01 (Residential Development). Clause 16 encourages consolidation of residential activities within existing urban areas and development in existing residential areas.
56. The current vision for housing in Yarra as outlined in the MSS is that by 2020 the City will accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged.

Legal Implications

57. There are no known legal implications for Council associated with this report.

Conclusion

58. The DTF are proposing the following changes to the Yarra Planning Scheme via Amendment C244 (Attachment 1):
 - (a) rezone the land from General Residential Zone (GRZ4) to Mixed Use Zone (MUZ); and
 - (b) apply Schedule 19 to the Design and Development Overlay (DDO), drafted by Urbis Planning Consultants.
59. The existing overlays that apply to 64 Alexandra Parade, including DDO2 and HO317 are not proposed to be removed as part of this process.
60. Council officers have reviewed proposed Amendment C244 and recommended a number of changes to the exhibited documents to ensure that future development and use of the site strengthens the character of Alexandra Parade, maintains key views to the Shot Tower, provides affordable and diverse housing and protects neighbouring residential amenity.
61. Council should make a submission to the Advisory Committee based on the officer recommendations outlined in this report and **Attachment 3** and request to be heard at the public hearing on 15 March 2018.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report in relation the Amendment C244 which seeks to rezone the land at 64 Alexandra Parade, Clifton Hill from General Residential Zone (GRZ4) to Mixed Use Zone; and apply Schedule 19 to the Design and Development Overlay;
 - (b) notes the process being undertaken by the Department of Treasury and Finance including to the sale of 64 Alexandra Parade, Clifton Hill and proposing site-specific planning provision changes via Planning Scheme Amendment C244;
 - (c) adopts a position on Amendment C244 generally in accordance with the officer's response contained in this report and Attachment 3;
 - (d) submits a written submission to the Advisory Committee on the proposed planning provision changes (Amendment C244) for lodgement with the Victorian Government prior to 23 February 2018;
 - (e) requests to be heard at the Public Hearing to advocate for Council's adopted position; and
 - (f) pursue an agreement with the land owner of 64 Alexandra Parade, Clifton Hill, under Section 173 of the *Planning and Environment Act 1987*, requiring a least 5% of the overall number of dwellings on the site to be affordable housing, in partnership with a Registered Housing Association or a Registered Housing Provider.

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Attachments

- 1 Amendment C244 Exhibited Documents
- 2 Urban Context Report, Urbis
- 3 Amended Schedule 19 to the Design and Development Overlay