

Attachment 1

Amendment C231 Part 2 to the Yarra Planning Scheme

DDO16 – changes recommended by the Panel to Council’s *preferred version of the DDO* (in respect of the land at 390A Queens Parade and the surrounding precinct ie the north side of Queens Parade in Precinct 4) and the officer response

This table is based on the *final preferred version* of the DDO that was requested by the Panel (as part of Council’s Part C submissions to Panel). Council officers provided it to the Panel on 4 September 2019. It is the version the Panel used to base its recommendations.

The *final preferred version* made minor changes to the preferred version of the DDO endorsed by Council on 28 May 2019 in response to comments received during the drafting session on the final day of the hearing.

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
1.0	Design objectives	<p>The Panel considered the five Design objectives at Clause 1.0 are appropriate for Queens Parade, subject to some minor modifications.</p> <p>The reference to <i>limiting new development</i> has been removed from the second objective and the <i>promotion of design excellence</i> has been added to the fourth objective.</p>	<p>Accepted.</p> <p>The changes would frame the objectives more positively.</p> <p>The addition of ‘design excellence’ is strongly supported.</p> <p>The removal of by limiting new development does not significantly change the intent of the objective.</p> <p>Design objectives 2 and 4 would read:</p> <ul style="list-style-type: none"> ▪ <i>To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality by limiting new development.</i> ▪ <i>To <u>promote design excellence</u> that ensures new development respects the wide, open boulevard character of Queens Parade and including where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.</i>
2.0	Buildings and works	The permit trigger to construct a building or carry out works has been removed.	<p>Accepted.</p> <p>It repeats the requirement in Clause 43.02 and is not needed. The permit trigger would be deleted.</p>
2.1	Definitions	The definition of <i>setback</i> has been removed.	<p>Accepted.</p> <p><i>Setback</i> is already defined in Clause 73.01 of the Planning Scheme and is unnecessary. The definition would be deleted.</p>
2.2	General requirements	The requirement from Precinct 3 which seeks to provide ‘ <i>appropriate transition to low adjoining low scale residential development</i> ’ and the	<p>Accepted.</p> <p>The requirements which require an ‘<i>appropriate transition to low adjoining low scale residential development</i>’ and the protection of ‘<i>sunlight to open space</i>’ were supported by</p>

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	<p>'<i>sunlight to open space</i>' requirements from Precincts 3 and 4 have been moved to this section.</p>	<p>the Panel to address the interface with neighbouring residential properties. However the Panel recommended relocating the clauses to General Requirements to help to reduce repetition within the DDO.</p> <p>Officers support this recommendation, however instead of including these clauses under the General Requirements (Clause 2.2), officers propose to create a sub-clause number for the requirements to aid in readability ie <i>2.9 Interface to residential properties in NRZ or GRZ</i>.</p> <p>The reference to Hodgkinson Street has been deleted in the requirement on scale (as recommended by the Panel). This requirement would apply to all precincts with an interface to the Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ).</p> <p>The requirement protecting <i>sunlight to the open space</i> has been amended to include a reference to Precinct 4. This reflects Council's position in the <i>preferred version of the DDO</i> presented to Panel. Precinct 1 and 2 have not been included as the precincts either interface with other zones eg Mixed Use Zone (MUZ) or the interfaces with the NRZ and GRZ are to the north and the adjoining properties would not be overshadowed.</p> <p>The requirements would read:</p> <p><u>2.9 Interface to residential properties in NRZ or GRZ</u></p> <ul style="list-style-type: none"> ▪ <i>Development should respond to the low scale form of existing development outside Precinct 3 on Hodgkinson Street through an appropriate transition in building height and setbacks to ensure a reasonable standards of amenity.</i> ▪ <i>ensure thatIn Precinct 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>

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2.3	Street wall height requirements	Added the word 'taller' into the street wall requirement which requires a transition from an abutting heritage building to new built form.	<p>Not accepted.</p> <p>The addition of the word 'taller' is not supported.</p> <p>The purpose of this requirement in the <i>preferred version of the DDO</i> was to deal with situations where the abutting heritage building was lower than the street wall required in the Design Requirements and was seeking a step up or down from the new wall to the abutting heritage wall. The insertion of the word 'taller' would mean this transition, ie a step up from the lower street wall of heritage building to a taller street wall in an infill building would not apply.</p> <p>Council's <i>preferred version of the DDO</i>, provides an exception in Precinct 4 to deal with the situation where a minimum mandatory 8m street wall was required but there are abutting heritage buildings which are single storey and it not considered necessary to match them.</p>
2.4	Upper level requirements	A requirement to protect the contribution made by chimneys, parapets and other features has been included in this section.	<p>Accepted.</p> <p>The Panel's addition ensures heritage elements such as chimneys and the like are retained through upper level setbacks and is supported.</p> <p>Officers have made minor changes to the third and fourth sub-points to improve language and make the section more readable. The changes do not alter the intent of the requirements.</p> <p>Officers also propose to strengthen the requirement for the design of side walls. This is in response to the Panel's concerns about the impacts of blank side walls at upper levels when viewed from the public realm.</p> <p>The requirements would read:</p> <ul style="list-style-type: none"> ▪ Development Upper level development should: <ul style="list-style-type: none"> - provide Provide setbacks to ensure that upper level additions seen from the public realm do not diminish the appreciation of the heritage building and streetscape. - avoid Avoid repetitive stepped built form at upper levels. - ensure Ensure that upper level development is <u>Be</u> visually recessive. - use Use materials at upper levels that are recessive in finish and colour.

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		<ul style="list-style-type: none"> - include <u>Include articulated side walls, visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.</u> - avoid <u>Avoid continuous built form at upper levels.</u> - ensure <u>Ensure balconies at upper levels do not dominate the solid façades of heritage street walls.</u> - Minimise <u>Minimise the visual intrusion of equipment and services.</u> - <u>Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.</u>
2.6	<p>Ground floor requirements</p> <p>Minor wording changes to the second design requirement to frame the desired outcome positively.</p> <p>The Panel recommended including a new requirement to orientate commercial windows, habitable rooms and pedestrian entrances to the public realm.</p>	<p>Accepted.</p> <p>Edits to the second requirement make the language in the DDO more positive and outline what outcome is required rather than what isn't required. (This is in line with comments made by the Panel.)</p> <p>The new requirement addresses a gap in the DDO and will strengthen the interface of development with the public realm.</p> <p>The second and third design requirements would read:</p> <ul style="list-style-type: none"> ▪ <u>Building services and service cabinets should be located away from the street frontage of heritage facades. Where unavoidable, they and should be designed and located so they do not dominate <u>complement</u> the street frontage or detract from and the character and appearance of the heritage building.</u> ▪ <u>Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.</u>
2.7	<p>Vehicle access, car parking and loading area requirements</p> <p>The Panel reinstated the (exhibited) requirement to provide future vehicle access via a rear lane or side street where possible. This would be in addition to the <i>preferred DDO</i> requirement that sought to <i>avoid vehicle crossings on Queens Parade</i>.</p>	<p>Accepted.</p> <p>A Design Requirement which required future vehicle access and services off a rear laneway or side street where possible was included in the <i>exhibited version of the DDO</i> but was replaced by the requirement which sought to avoid new vehicle crossovers <i>onto Queens Parade</i> in the <i>preferred version of the DDO</i>. At the Panel, Council's traffic expert recommended its inclusion to make the role of laneways and side streets clearer. The Panel</p>

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		<p>considered this requirement requiring servicing off laneways and side streets should not have been removed and was helpful to give appropriate weight to outcome sought.</p> <p>The design requirements would read as follows:</p> <ul style="list-style-type: none"> ▪ <i>New vehicle crossovers onto Queens Parade should be avoided.</i> ▪ <i>Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure <u>a high quality standard</u> of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.</i> ▪ <i>Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.</i> ▪ <i><u>Future vehicle access and services must be provided by a rear laneway or side street, where possible.</u></i> ▪ <i>Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.</i>
2.8	<p>Heritage design requirements</p>	<p>Delete</p> <p>The Panel considered the Heritage Design Requirements were not required and repeated policy in Clause 22.02, the decision guidelines in the Heritage Overlay and the Preferred Character Statements in the <i>preferred version of the DDO</i>.</p>
2.9.4**	<p>Precinct 4 – Activity Centre Precinct</p>	<p><u>Preferred character statement:</u></p> <p>Changed wording to make the statements clearer and more succinct.</p>

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		<p>The preferred character statement would read:</p> <p><i>Buildings and works in Precinct 4 should deliver the following preferred precinct character:</i></p> <ul style="list-style-type: none"> ▪ <i>A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade <u>building on its distinctive heritage qualities.</u></i> ▪ <i>The distinctive heritage qualities of this Victorian era shopping strip are protected.</i> ▪ <i>New-Development <u>development that complements the scale of heritage buildings and the patterns and rhythm of heritage features.</u></i> ▪ <i>The consistent heritage streetwall height is continued.</i> ▪ <i>Sympathetic-Upper <u>upper-level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions down to residential abuttals to the rear.</u></i> ▪ <i>Enhanced pedestrian experience with well <u>Well designed building frontages and public realm reinforcing that reinforces the pedestrian experience of this part of Queens Parade as a vibrant retail centre and the central hub for the local community.</u></i> ▪ <i>Development that retains the prominence of the Significant heritage corner forms and key view lines to local landmarks (former ANZ Building) retained by sensitive upper-level development.</i>
	<p><u>Design requirements:</u></p> <p>Minor wording changes and removal of text.</p> <p>The Panel added a design requirement to ensure shop front widths are not reduced to the extent that they become commercially unviable.</p> <p>Relocated requirements relating to a low scale transition and overshadowing provisions from Precinct 4 to General Requirements.</p>	<p>Accepted.</p> <p>Removed text that repeats General Requirements (see comments above in General Requirements).</p> <p>The new requirement proposed by the Panel addresses concerns raised by residents and traders that a residential entry in a narrow shop would reduce the viability of the retail space. Its inclusion is supported to ensure the issue is considered in any development.</p> <p>See 2.2 General Requirements for comments on relocation of the low scale transition and overshadowing requirements.</p>

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		<p>The design requirements would read:</p> <p><i>Development in Precinct 4 must:</i></p> <ul style="list-style-type: none"> ▪ Development must <u>Protect-protect</u> and maintain key views lines and visual prominence of the former ANZ Building from the south-west and north-east (<u>as indicated on Map 1</u>), in particular to the upper floor, roof form and chimneys. A permit cannot be granted to vary this requirement. <p><i>Development in Precinct 4 should:</i></p> <ul style="list-style-type: none"> ▪ Respect <u>respect</u> the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct. ▪ Retain <u>retain</u> the visual prominence of heritage buildings, their street wall and heritage streetscape when viewed from the opposite side of Queens Parade. ▪ Facilitate <u>facilitate</u> the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade. ▪ Ensure <u>ensure</u> that any upper level development is set back from the heritage façade, is visually recessive and does not detract from the heritage streetscape. ▪ Retain <u>retain</u> the visual prominence and heritage fabric of the return facades of heritage buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets. ▪ Ensure <u>ensure</u> that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs. ▪ Retain <u>retain</u> chimneys visible from the public realm. ▪ Enhance <u>enhance</u> the amenity and safety of laneways that provide pedestrian and vehicular access to buildings. ▪ Maintain <u>maintain</u> service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade. ▪ <u>Ensure shopfront widths are not reduced to the extent they become commercially unviable.</u>

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		<ul style="list-style-type: none"> ▪ respect the low scale, fine grain subdivision pattern of existing development on Hodgkinson Street and McKean Street through an appropriate transition in building height and setbacks. ▪ ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.
	<p><u>Table of requirements:</u></p> <p>The Panel reduced the building height in three of the four quadrants in Precinct 4 from Council's recommended 14 metre (4 storeys mandatory) height to 10.5 metres (3 storeys mandatory).</p> <p>It supported Council's recommended 14 metre (mandatory) height in the fourth quadrant, bounded by Queens Parade, Gold Street and Turnbull Street.</p> <p>The Panel recommended that the part of Precinct 4, in which the land at 390A Queens Parade is located, should have a maximum mandatory building height of 10.5m (3 storeys)</p>	<p>The Panel recommended a mandatory height limit of 10.5 metres (3 storeys) in three of four quadrants of Precinct 4. The Panel recognised the value of the heritage in this precinct and prioritised its protection over facilitating development.</p> <p>390A Queens Parade is located in one of the quadrants that the Panel recommended a three storey maximum building height should apply.</p> <p>At the 17 March 2020 Ordinary Council, Council adopted the Panel's recommendations of three storeys in three of the four quadrants in Precinct 4. However it varied from the Panel's recommendation of four storeys in the Fourth Quadrant (located between Gold and Turnball Streets) and adopted 3 storeys (11 metres) for 141-167 Queens Parade and four storeys (14 metres) for the remainder of the quadrant.</p> <p>It is noted that Council also adopted 11 metres where a three storey height applied instead of 10.5 metres as recommended by the Panel. The height was increased to 11 metres to ensure heritage floor plates can be carried through into the new development and provide for residential amenity.</p> <p>Council adopted three storeys (11m) in Precinct 4 (excepting for 169-193 and 390A Queens Parade) on the basis that Queens Parade is a special case where future growth can be restricted on the basis of a combination of circumstances:</p> <ul style="list-style-type: none"> • Queens Parade is unusually wide at 60 metres. This means that any new development in Queens Parade will be more visible than in other high streets. • Higher levels of growth can be accommodated elsewhere within the centre or nearby.

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			<ul style="list-style-type: none"> Queens Parade is an activity centre is that the heritage streetscape in Precinct 4 is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments which give it a greater sensitivity to redevelopment. <p>Officers consider that the justification for a three storey maximum height that applied for the majority of Precinct 4 more broadly (and as set out above in paragraph 58), equally applies to 390A Queens Parade. Officers recommend a three storey maximum building height (or 11 metres) should also be adopted for 390A Queens Parade to:</p> <ul style="list-style-type: none"> Ensure a consistent building height applies across this part of Precinct 4 Retain and reinforce the low-rise heritage built form character of the area.
		<p><u>Map:</u> Map updated to reflect the change of building heights in Precinct 4.</p>	See comments above.
3.0	Subdivision	No change.	Accepted.
4.0	Advertising	No change.	Accepted.
5.0	Application requirements	Minor grammatical changes to text.	<p>Accepted.</p> <p>Panel's changes are minor.</p> <p>The inclusion of a reference to the Preferred Character Statement is supported. Preferred character statements were proposed in the <i>preferred version of the DDO</i> to describe the vision and outcome sought.</p> <p>The application requirements would read:</p> <ul style="list-style-type: none"> A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives, <u>Preferred Character Statement and Design Requirements of this schedule.</u> Development For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.

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		<ul style="list-style-type: none"> ▪ <i>A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s.</i>
6.0	<p>Decision Guidelines</p> <p>Deletes the reference to General Design Requirements, Heritage Design Requirements and Precinct-Design Requirements.</p> <p>Deletes <i>'design response at the interface with existing, low scale residential properties'</i></p> <p>Recommends addition of controls on light spillage and noise when considering side and rear setbacks.</p>	<p>Accepted.</p> <p>The deletion of the first decision guideline is supported. The DDO already requires these elements to be taken into account.</p> <p>The deletion of the fifth design guideline relating to the interface with low scale residential properties is supported. The issue is already covered in other decision guidelines.</p> <p>The explicit addition of noise and light spillage in the seventh decision is supported as light and noise are potential amenity impacts which should be considered for existing dwellings.</p> <p>The Decision Guidelines would read:</p> <ul style="list-style-type: none"> ▪ Whether the General Design Requirements, Heritage Design Requirements and the Precinct Design Requirements in Clauses 2.2-2.9 are met. ▪ <i>Whether the proposal delivers design excellence.</i> ▪ <i>If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.</i> ▪ <i>The profile and impact of development along Queens Parade when viewed from the north side of McKean Street.</i> ▪ The design response at the interface with existing, low scale residential properties. ▪ <i>The design of the streetscape interface along the primary street frontage.</i> ▪ <i>Whether side and rear setbacks and controls on light spillage and noise are sufficient to appropriately limit the impact on the amenity of existing dwellings.</i> ▪ How any proposed buildings and works will <i>The impact on solar access to Queens Parade.</i> ▪ <i>Whether heritage buildings on street corners retain their prominence when viewed from both streets.</i>

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		<ul style="list-style-type: none"> ▪ <i>Whether heritage buildings retain their three-dimensional form when viewed from the public realm.</i> ▪ <i>Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.</i> ▪ <i>Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.</i> ▪ <i>The impact of development on views to the former ANZ Bank building's tower, roof, chimney and upper level</i> ▪ <i>The wind effects created by the development.</i> ▪ <i>The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.</i>
-	<p>Reference documents</p>	<p>The Panel raised the issue that some of the recommendations from the Built Form Review prepared by Hansen have now been changed by Council as its preferred position.</p> <p>The Panel agreed that the <i>Queens Parade Built Form Framework</i> and <i>Queens Parade Built Form Heritage Review</i> provided a catalyst and background for the amendment but not to the extent of being included as Reference Documents and recommended their deletion.</p> <p>Accepted.</p> <p>Officers agree that some of the positions in the Hansen work no longer reflect Council's position.</p> <p>The inclusion of the reports as Reference Documents could create confusion in the future. Their deletion avoids that confusion.</p>

** Clauses to be renumbered to address additional clause on interfaces.