

# Special Meeting of Council Agenda

**to be held on Tuesday 25 February 2020 at 7.00pm  
Fitzroy 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 Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Council business reports**

## 1. Acknowledgment of Country

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

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

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

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

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

## 2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

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

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

## 4. Council business reports

Item		Page	Rec. Page	Report Presenter
4.1	Amendment C231 - Queens Parade	4	25	Fiona Van der Hoeven, Assistant 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 Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

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## 4.1 Amendment C231 - Queens Parade

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### Executive Summary

#### Purpose

The purpose of this report is to:

- (a) provide an overview of the Panel Report regarding Amendment C231 arising from the Panel that considered Amendment C231; and
- (b) note that at a subsequent Council meeting on 17 March 2020 Council will formally consider:
  - (i) the Panel's report; and
  - (ii) the officer recommendation,

before determining whether to adopt Amendment C231, with or without changes or to abandon it.

#### Key Issues

The report from the Panel, appointed to consider Amendment C231, has been received.

The Panel largely supported the Amendment but with changes as advocated by Council in the form of Council's *preferred version* of the Amendment as endorsed by Council on 28 May 2019, except for building heights in Precinct 4 and Precinct 5C and a small number of less significant proposed changes.

The *Planning and Environment Act 1987* now requires the planning authority (Council) to:

- (a) consider the Panel's report; and then
- (b) either abandon all or any part of the Amendment; or
- (c) adopt all or part of the Amendment with or without changes.

The next statutory step in the Amendment's progression will be carried out over two council meetings. This will enable any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure rules to do so (this first meeting). Then at a subsequent Council meeting, Council will make a decision on the Amendment.

#### Financial Implications

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

#### PROPOSAL

In summary it is proposed that Council:

- (a) considers the officer report on Amendment C231 arising from the Panel's consideration of Amendment C231; and
- (b) notes that at a subsequent meeting, likely to be convened on 17 March 2020, Council will formally consider the Panel's report and the officer recommendation before determining whether to adopt Amendment C231, with or without changes, or to abandon it.

## 4.1 Amendment C231 - Queens Parade

Reference: D20/18744  
 Authoriser: Director Planning and Place Making

### Purpose

1. The purpose of this report is to:
  - (a) provide an overview of the Panel Report regarding Amendment C231 arising from the Panel that considered Amendment C231; and
  - (b) note that at a subsequent Council meeting on 17 March 2020 Council will formally consider:
    - (i) the Panel's report; and
    - (ii) the officer recommendation,
 before determining whether to adopt Amendment C231, with or without changes or to abandon it.

### Background

2. Council prepared Amendment C231 to introduce built form controls for new development along Queens Parade, Fitzroy North/Clifton Hill.
3. Council requested that the Minister for Planning introduce built form controls on a temporary basis through the introduction of two Design and Development Overlays - DDO16 and DDO20 to the Yarra Planning Scheme. The interim DDOs will expire in December 2020.
4. Amendment C231 is intended to replace these interim controls with permanent controls.
5. The table below sets out a timeline of the Amendment.

*Table 1: Amendment timeline*

<i>Date</i>	<i>Event</i>
22 Nov 2016 Ordinary Council Meeting	Council resolves to undertake an <b>urban design and heritage assessment</b> of Queens Parade to assist with future planning controls.
7 Feb 2017 Ordinary Council Meeting	Council resolves to request the Minister for Planning approve Amendment C229 to introduce an interim Design and Development Overlay (DDO16) for the western end of Queens Parade. The Minister approved the Amendment and the control was introduced into the planning scheme on 28 March 2017.
19 Dec 2017 Ordinary Council Meeting	Council resolves to request the Minister for Planning to: <ol style="list-style-type: none"> <li>a) Approve Amendment C241 to introduce an interim DDO (DDO20) across the remainder of Queens Parade. The Minister approved the Amendment and the control was introduced into the planning scheme on 23 August 2018; and</li> <li>b) Authorise Amendment C231, which implements permanent controls, to go on exhibition.</li> </ol>
30 July 2018	Minister for Planning authorises Amendment C231 for exhibition.
1 Oct to 30 Nov 2018	Exhibition of Amendment C231. 397 submissions received during the exhibition period.
12 March 2019	Council hears verbal submissions.

Special Council Meeting	
28 May 2019 Ordinary Council Meeting	Council endorses a preferred version of the DDO to be presented to Panel in response to submissions. Council resolves to request the Minister for Planning appoint an independent Planning Panel. Submissions are referred to the Panel.
29 May 2019	Officers write to land owners and submitters to advise of Council's <i>preferred version of the DDO</i> .
12 Aug to 2 Sep 2019	Independent Planning Panel sits for 12 days and hears submissions. 414 submissions received in total by the Panel hearing.
1 Nov 2019	Panel Report released to Council for officer consideration.
14 Nov 2019	Panel Report publicly released.

**Panel Hearing**

6. The Panel hearing was held over 12 days.
7. Council was represented by Susan Brennan SC, and Jane Sharp, Barrister, instructed by Maddocks Lawyers. Council called six expert witnesses: Jim Gard'ner (GJM Heritage) - heritage, David Helms – heritage peer review, Larry Parsons (Ethos Urban) - urban design, Sarah Ancell (Echelon Planning) - planning, Andrew Spencer (SGS) - economics/capacity and Charmaine Dunstan (Traffix Group) - traffic and parking.
8. There were 34 other parties who made submissions to the panel at the panel hearing including land owners, the National Trust, various heritage and resident groups and individual residents and traders.
9. The Panel Report was received by Council on 1 November 2019 and released publicly on 14 November 2019. A copy of the report is on Council's website: see attached and also at <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments/amendment-c231-queens-parade>.

**Panel Report**

10. The Panel supported Amendment C231 but subject to certain changes.
11. The Panel concluded that Amendment C231:
  - (a) is '*well founded and strategically justified, and generally supported by submitters who acknowledged the need to accommodate change but questioned how much change was required*' (Page 18);
  - (b) was responsive to submissions and was subject to an extensive process of review by Council following exhibition and during the Panel hearing; and
  - (c) has been underpinned by comprehensive strategic work that supports the use of a combination of *mandatory* and *preferred* height and setback controls in DDO16.
12. The key aspects of Amendment C231 that were supported by the Panel were:

Issue	Panel comments
A mix of mandatory and preferred controls	The Panel supported the balance of the <b>mandatory and preferred</b> controls sought by Council as it will assist to provide certainty in areas where distinctive heritage fabric warrants greater protection from inappropriate development. It noted Council had undertaken comprehensive strategic work to support the application of mandatory controls and there is evidence of increasing development pressure within the area.

	It considered <i>exceptional circumstances</i> exist for the application of mandatory controls as Queens Parade includes a number of significant and contributory heritage places and heritage fabric set within a consistent streetscape form.
Heritage and growth	<p>The Panel acknowledged the importance of the overall heritage setting, significance and importance of maintaining and protecting the identified heritage places and fabric of Queens Parade. It supported the protection of view lines to the former ANZ Bank building and St John the Baptist’s Church.</p> <p>It agreed with Council that the ‘heart’ of the Activity Centre is particularly sensitive with consistent and fine-grain development whereas the larger lots and less sensitive surroundings at the ‘bookends’ of Queens Parade lend itself to development of appropriately designed taller and larger buildings.</p> <p>The Panel found that the Amendment is responsive to and consistent with the projected economic growth and population estimates and forecasts and plans for appropriate urban growth and renewal, consistent with State planning policy.</p>
Built form	<p>The Panel generally supported the heights and setbacks in Council’s <i>preferred DDO</i> except in Precinct 4 where it recommended Council’s preferred 4 storey height be reduced to 3 storeys in three of the four quadrants.</p> <p>In Precinct 5C, the Panel also recommended a different height to Council’s preferred DDO - increasing the preferred height from 43 metres to 49 metres.</p>
Residential interfaces	The Panel supported the protection of the sensitive residential interfaces through the use of overshadowing controls and a modified ResCode standard for side and rear interfaces. It also supported building separation controls in Precincts 2 and 5.

13. The Panel noted that the *preferred version* of the DDO, as advocated by Council, responded to the 414 submissions received and agreed with Council that while the changes between the exhibited amendment and *preferred version* of the DDOs were significant, the changes did not transform the Amendment.
14. The Panel supported the structure and intent of the Amendment. However it recommended yet further changes to the DDO (in addition to those contained in the *preferred version of the DDO*), to ensure consistency with State Policy and Planning Practice Notes 59 and 60, and to improve clarity.
15. The Panel Report makes three key recommendations:
  - (a) adopt Amendment C231 to the Yarra Planning Scheme as exhibited subject to the Panel’s preferred version of DDO16 (Refer Attachment 1) (note that the Panel’s preferred version is different to the Council’s *preferred version of the DDO*);
  - (b) undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a ‘contributory’ grading within the context of HO330; and
  - (c) correct the spelling of Raines Reserve (from ‘Rains’ to ‘Raines’) and correct the street numbering for the St Johns Church complex in Appendix 8.

**Next steps in the amendment process**



16. Under Sections 27, 28 and 29 of the *Planning and Environment Act 1987*, Council must:
  - (a) consider the Panel's report before deciding whether or not to adopt the amendment; and then;
  - (b) either abandon all or part of the Amendment; or
  - (c) adopt all or part of the Amendment with or without changes.
17. It is proposed that Council will consider the Amendment and undertake the next statutory step in stages over the course of two meetings:
  - (a) first meeting (Stage 1) - The purpose of this first meeting is to ensure that any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure rules is able to do so. While any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure rules is able to do so, the verbal presentations do not constitute part of the formal submission to the Amendment as contemplated by Section 21 of the *Planning and Environment Act 1987*; and
  - (b) second meeting (Stage 2) - Council will make a decision on the Amendment.
18. When adopting an amendment, Council must provide reasons why any recommendations of the Panel were not adopted. It must also describe and give reasons for any changes to the amendment.

#### **Key Panel recommendations and officer response**

19. Council's submission to the Panel was based on the position endorsed at the Ordinary Council meeting on 28 May 2019. At that meeting, Council considered formal submissions to the Amendment and endorsed a set of proposed changes to the Amendment. (The officer report for that meeting outlines reasons for the proposed changes to the DDO in response to submissions.) Those proposed changes were reflected in a document which is called the Council's *preferred version* of the DDO component of the Amendment.
20. Although the Panel considered the Amendment as exhibited, the Panel also had regard to Council's *preferred version* of the DDO. At the close of the hearing, Council was directed to submit its *final version* of DDO16 to all parties. The Panel used this *final version* of DDO16 as the basis for its recommendations as found in the Panel report.

#### ***Design and Development Overlay 16 (DDO16)***

21. A copy of the Panel's *final version* of DDO16 is included as Attachment 1.
22. Council officers have considered and reviewed the Panel's recommended changes to DDO16 as set out in the *final version* of DDO16 and agree with the majority of recommendations made by the Panel. Attachment 2 provides a detailed officer response to the changes to the Amendment recommended by the Panel.
23. The following details the key changes to DDO16 as recommended by the Panel. It also highlights where the Panel supported key requirements of Council's preferred version of DDO16 and suggested no/little change.

#### **Preferred character statements**

24. Council's *preferred version* of DDO16 included preferred character statements (a change proposed in response to submissions). They were added to better define the future character sought by the controls.
25. The Panel supported their inclusion but has redrafted them to make their intent clearer. The Panel considered the preferred character statements must describe an appropriate outcome and the design requirements must demonstrably assist in achieving this outcome. They edited some preferred character statements to read as more positive outcomes and removed repetition.

26. Officers recommend the acceptance of the changes to the preferred character statements proposed by the Panel because they improve clarity and remove repetition. The edits are consistent with the intent of the preferred character statements as proposed by Council.

Use of 'must' and 'should' in mandatory and preferred controls

27. The *exhibited DDO16* used the word *must* in relation to both mandatory and preferred controls. However, where the control was intended to be mandatory, the words '*A permit cannot be granted to vary these requirements*' were included. This approach was taken in response to advice received by Council, which was based on the way the head clause of the Design and Development Overlay is drafted. However, in practice this made the DDO more difficult to understand.
28. Council's *preferred version* of DDO16 used *must* and *should* to distinguish between mandatory and preferred controls respectively. While there are different opinions on the proper approach the use of the words *must* and *should* in the *preferred version* of DDO16 was supported by the Panel.

Heritage design requirements

29. The *exhibited version* of DDO16 included Heritage Design Requirements to guide decision-making for commercial buildings in Queens Parade.
30. The Panel acknowledged the importance of the heritage fabric and the identified significant and contributory heritage places located throughout Queens Parade.
31. At the Panel hearing, Council noted that it is updating its Planning Scheme in line with the recently introduced integrated Planning Policy Framework structure. This process of updating will review Clause 22.02 – Council's Heritage Policy and provide new policy for retail, commercial and industrial buildings.
32. The Panel recommended that the Heritage Design Requirements are not required in DDO16 and should be deleted. It considered that the Heritage Design Requirements duplicate existing provisions found within Clause 22.02 (Development Guidelines for Sites Subject to a Heritage Overlay) and within the Decision Guidelines of Clause 43.01-8 (Heritage Overlay). It further considered the amended preferred character statements (which were included post exhibition) and the amended design requirements for each Precinct appropriately consider the impact of heritage on development.
33. Officers do not agree with the Panel's finding that the Heritage Design Requirements duplicate existing provisions.
34. The Heritage Design Requirements addresses gaps in the scheme provisions. For example Clauses 43.01 and 22.02, do not apply to buildings adjacent to but not in a heritage overlay area as the Heritage Design Requirements do.
35. Additionally although Clause 22.02 applies to all buildings in a heritage overlay area, it is principally drafted to inform new development, alterations and additions in a residential setting, rather than commercial and industrial buildings, and it does not address elements such as architectural features and glazing, as proposed in the Preferred DDO16.
36. Officers do not accept the Panel's recommendation and support retention of the Heritage Design Requirements. They address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended to more comprehensively address industrial, commercial and retail places.
37. Clause 22.02 will be amended by Amendment C269 (Planning Scheme Local Policy rewrite). Officers propose that after Amendment C269 is gazetted, an administrative amendment would be undertaken and the Heritage Design Requirements in this (and other) DDO(s) would be removed.
38. The inclusion of the Heritage Design Requirements was supported by the Panel considering Amendment C220 (which seeks to apply new built form controls for Johnston Street) and

also by the Department of Environment, Land, Water and Planning (DELWP) on the basis they were interim.

Access via laneways

39. The *exhibited version* of DDO16 sought to ensure vehicle access is provided to the side and rear of lots, wherever possible. This is partly to maximise the efficiency and safety of the arterial roads e.g. Queens Parade and to ensure the historic Queens Parade shopping strip is not dominated by car access points (and further promoting a safe and friendly walking environment, reducing conflict points and retaining the historic streetscape).
40. To ensure this expectation about access points on Queens Parade was explicit, in the Council *preferred version* of DDO16 as presented to Panel, Council deleted the following: '*Future vehicle access and services must be provided from a rear laneway or side street where possible*' and replaced it with '*New vehicle crossovers onto Queens Parade must be avoided.*'
41. The Panel recommended Council reinstate the requirement that '*Future vehicle access and services must be provided from a rear laneway or side street where possible.*'
42. The Panel also recommended that Napier and Brunswick Streets are added to the requirement seeking to limit access points on Queens Parade as both are significant heritage streetscapes.
43. Officers support this recommended change to the Council preferred version of DDO16. Both requirements should be reintroduced into the Council preferred version of DDO16 to provide clarity around access.

Building separation/side and rear setbacks

44. The *exhibited version* of DDO16 included various side and rear setbacks.
45. In response to submissions, the Council *preferred version* of DDO16 proposed changes to side and rear setbacks.
46. For Precincts 2B and 2C, a revised rear setback of 4.5 metre from the centre point of the laneway was included. Additionally, in Precincts 2B and 2C and 5B and 5C, a setback requirement was included which applies to upper levels and requires a building separation of 4.5 / 3 metres from the centre point of the laneway where a habitable room window or non-habitable window is proposed. Both of these proposed changes to setbacks were supported by the Panel.
47. For side/rear setbacks in Precincts 3 and 4, a modified version of the ResCode B17 standard that accommodated a 4 metre commercial height ground level was proposed. In circumstances where there is no laneway, it provides a 3 metre ground level setback (similar to the separation provided by a laneway). Where there is a laneway, a setback similar to the B17 standard in ResCode applies. This was also supported by Panel.

Overshadowing

48. Council's preferred version of DDO16 included the addition of overshadowing controls in Precincts 3 and 4 to protect adjoining residential properties from additional overshadowing at the September equinox.
49. The Panel supported this addition but recommended that it be relocated to the General Requirements section of DDO16. Officers support this recommendation but propose that a new heading, *Overshadowing* is added to aid navigation of the numerous requirements.

Building heights, street wall heights and upper level setbacks

50. The Panel generally supported the changes to the heights, street wall heights and upper level setbacks proposed by Council in the Council *preferred version* of DDO16, except in Precinct 4 and 5C.

## **Precincts 1 & 2**

51. The Panel considered Precinct 1 '*owes a significant part of its character to the distinction between the building on the corner at 460 Brunswick Street and the surrounding buildings on either side*' created by the street wall height and street setback.
52. The Panel supported the revised street setbacks and upper level setbacks proposed by Council in the preferred DDO to ensure 460 Brunswick Street retains its prominence.
53. The Panel agreed Precinct 2 has the capacity to accommodate higher forms of residential development than other, more sensitive precincts.
54. The Panel considered that the size of Precinct 2A coupled with controls for amenity, heritage and character, justifies the mandatory maximum of 31 metres. Further, the retention of the heritage façade establishes an appropriate street wall height.
55. The Panel considered it appropriate that development in Precinct 2C (bound by Queens Parade, George Street and Alexandra Parade) should provide a transition between the Gasworks site and the lower scale heritage buildings in Precinct 2B (Elizabeth Terraces on Napier Street). It supported the preferred heights in Precincts 2B and 2C.
56. In the preferred DDO, Council also proposed changes to ensure the street wall along the whole of Napier Street to reflect the two storey heritage terraces. The Panel noted the Elizabeth Terraces make an important contribution to the experience of Napier Gardens and it supports the controls on building heights and street wall heights to minimise overshadowing of Napier Gardens and respect that contribution.

## **Precinct 3**

57. The Panel supported the protection of view lines to the St John's Church and supported Council's clarification of the viewpoint presented at the end of the Panel hearing. (The interim controls, exhibited controls and background work had included different viewpoints.)
58. The Panel supported the splitting of Precinct 3 into two sub-precincts – Precincts 3A and 3B.
59. Additionally, it supported mandatory heights in Precinct 3 to protect the amenity of the immediately adjacent properties. It also considered the varied built form in Precinct 3A justifies the greater heights in Precinct 3A than in Precincts 3B and 4.
60. The Panel considered that the preferred street wall heights and upper level setbacks were appropriately nuanced to address local circumstances and will allow change to occur. The 6 metre upper level setbacks would achieve an appropriate level of separation between the heritage streetscape and new development above and behind it.

### Precinct 3A - Corner element

61. To emphasise the corner of Smith Street and Queens Parade, the Panel recommended a taller element be added to the street wall at that corner. The Panel recommended the street wall height be increased from 14 metres to 17 metres for a length of 6 metres from the corner on both Smith Street and Queens Parade.
62. This recommendation was not the subject of discussion at the hearing and had not been proposed by any of the parties.
63. Officers support this recommendation as it reinforces this historic corner and will not impact on the heritage streetscapes along Queens Parade or Smith Street or the amenity of the residential properties to the rear on Hodgkinson Street.

## **Precinct 4**

64. Building heights in Precinct 4 were the subject of significant expert evidence, cross-examination and discussion at the Panel Hearing.
65. Many community submitters expressed concern about the six storey height proposed in the *exhibited version* of DDO16. They submitted it would have a negative impact on the valued heritage character of Queens Parade and on the amenity of adjoining residential properties.

- 66. In response to the submissions and as a result of further built form testing, Council submitted to the Panel that building heights in Precinct 4 should be reduced from 21.5 metres (six storeys) *mandatory* (as exhibited) to 14 metres (four storeys) *mandatory*.
- 67. The community submitters on the other hand, argued in favour of three storeys as it provided better heritage protection to highly valued commercial heritage buildings.

Panel recommendations on building heights

- 68. The Panel recommended a height of 10.5 metres (three storeys) in the majority of Precinct 4 with the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street to remain at 14 metres (four storeys) (see Map 1). The Panel explained that it considered:
  - (a) the contribution made to the character of the area by the consistent and fine grained detail and heritage features in this area warrant a mandatory height limit of 10.5 metres (three storeys); and
  - (b) the quadrant between Gold and Turnbull Streets has larger lots, two street corners and less consistent heritage qualities; blank side walls may have less impact and there is capacity for more development.

Map 1: Panel’s recommended heights in Precinct 4



- 69. In reaching its recommendation the Panel identified the following advantages and disadvantages of three and four storeys for three of the four quadrants (see Panel Report Pages 70-71).

Three storey development
<b>Advantages</b>
<ul style="list-style-type: none"> <li>• supported by evidence as providing a better heritage outcome</li> <li>• may diminish impact of blank walls</li> <li>• may minimise likely erosion of character that will come from selective development of wider lots and corner lots</li> </ul>

<ul style="list-style-type: none"> <li>• <i>may assist retention of small shops - may allow greater visual pre-eminence to the former ANZ Bank than four storey development.</i></li> </ul>
<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• <i>may constrain development in some parts of Precinct 4 by making it less viable</i></li> <li>• <i>may marginally reduce the capacity for this area to accommodate new development.</i></li> </ul>
<b>Four storey development</b>
<b>Advantages</b>
<ul style="list-style-type: none"> <li>• <i>supported by evidence as providing the best balance of different objectives</i></li> <li>• <i>more attractive proposition for redevelopment than other scenarios</i></li> <li>• <i>may yield a greater number of dwelling units.</i></li> </ul>
<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• <i>may increase development pressure which in turn is likely to lead to a faster turnover of shops - larger lots likely to be developed first which may mean the present fine grain of frequent small architectural features defining the character may become inconsistent with wider lots becoming the highest buildings</i></li> <li>• <i>highly prominent side walls - the shorter lots to the south of Queens Parade may limit development because of overshadowing to the rear.</i></li> </ul>

In relation to the area between Gold and Turnbull Streets (proposed for 14 metres / four storeys by the Panel), the advantages and disadvantages identified by the Panel were:

<b>Four storeys between Gold and Turnbull Streets</b>
<b>Advantages</b>
<ul style="list-style-type: none"> <li>• <i>responsive to community, and heritage, urban design, economics evidence that development is more likely on unconstrained larger lots and corners (this area has larger lots, two street corners and less consistent heritage qualities)</i></li> <li>• <i>blank walls may have less impact in the area where there is a greater capacity to accommodate them</i></li> <li>• <i>typically, wider lots in this area may mean that a residential door and a viable shopfront can both be provided onto Queens Parade</i></li> <li>• <i>may yield more units than a blanket three storey height limit</i></li> <li>• <i>may allow greater visual pre-eminence to the former ANZ Bank than a blanket four storey development.</i></li> </ul>
<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• <i>the four storey area is only partially served by laneways so vehicular access might be problematic</i></li> <li>• <i>as the residential area is to the south, solar access may become more of an issue</i></li> <li>• <i>may yield fewer units than a blanket four storey height limit.</i></li> </ul>

*Development capacity*

70. The Panel also noted that a fourth storey is not required to deliver development capacity across Queens Parade.

71. The Panel noted and agreed with Council's position that development at either end of Queens Parade would adequately accommodate future residential and commercial growth and that therefore Precinct 4 was not required to deliver a large number of dwellings.

*Retaining the fine grain character and features*

72. The Panel strongly emphasised the fine grain architectural detailing of the buildings in Queens Parade. It noted that the pattern and rhythm of fine-grained architectural elements such as chimneys, piers and ridges contributed a great deal to its character.

73. The Panel was concerned that four storey development could mean '*larger lots likely to be developed first which may mean the present fine grain of frequent small architectural features defining the character may become inconsistent with wider lots becoming the highest buildings*'.

74. It is further noted that the Panel did not support full concealment of new development which would have ensured prominence of the street's fine grain features; e.g. The Panel did not consider it necessary for the revised HO330 Statement of Significance to include the statement of a '*picturesque shop-row skyline, visible from across Queens Parade*'.

*Visibility of the sidewalls of buildings*

75. It seems that the Panel were focussed on the return of walls along the sides of buildings as part of its key thinking – that is, that the chimneys and other heritage type features should be kept clearly visible to ensure the heritage flavour of the Precinct is maintained.

76. The Panel placed a strong emphasis on the visual impacts of sidewalls. It considered new development at four storeys may '*typically reveal larger expanses of blank side walls in an otherwise finely detailed streetscape. This could interrupt the delicate pattern of heritage chimneys, piers, decorated parapets with elements of different size and grain*'.

77. Strong concerns were expressed at Panel in particular that the exhibited height of 6 storeys in particular would lead to infill development that was likely to be narrow and sporadic, leaving higher side walls exposed in views along and across Queens Parade.

*Loss of shopfronts*

78. It is also noted that the commercial viability of the ground floor premises was endorsed by the Panel as important; this is a matter that had been reinforced by the local community in its submissions.

79. The Panel stated a further reason for limiting heights to three storeys was that the increase in development pressure would lead to a quicker turnover of shops.

*Amenity considerations*

80. Panel also argued that shorter lots on the south side of Queens Parade may limit development because of overshadowing to the rear.

**Options regarding Precinct 4**

81. Council led evidence at the Panel that 14m or four storeys (mandatory) for development in this precinct was reasonable having regard to:
- (a) balancing the important heritage character aspects of the area within an urban design context;
  - (b) the specifics of this precinct having regard to the 60 metre width of Queens Parade, and
  - (c) reasonable development potential that would maintain the heritage qualities of the shopping centre and produce acceptable urban design outcomes.
82. This position was based on 3D modelling and also urban design and heritage *subject matter experts* who provided evidence to the Panel on behalf of the Council.

83. The community also provided significant commentary on the specific nature of the shopping centre and its importance from a heritage and local community perspective, arguing 10.5 metres or three storeys (*mandatory*) was more appropriate.
- 84. In this regard, it can be said that divergent opinions were put to the Panel on the appropriate heights in the majority of Precinct 4.**
85. The Panel considered all the submissions and (other than the south side of Queens Parade between Gold Street and Turnbull Street) considered that the height is more desirable at 10.5m (three storeys) (*mandatory*) for Precinct 4. (Noting - Officers raise the matter that given the height of the existing buildings in this Precinct, 10.5 metres may not be sufficient to accommodate a third storey and ensure the continuation of the existing floor levels in the heritage building into the new part of a building.)
86. Council officers and the Panel agree that:
- (a) Precinct 4 is not required for substantial growth – most growth in Queens Parade in be accommodated in Precincts 2, 5 and the Gasworks at either end of the Precinct (described as the *barbell's concept* in Council's submissions to the Panel);
  - (b) Precinct 4 is a significant heritage streetscape that is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments; and
  - (c) Queens Parade is unusually wide at 60m and this means that any new development in Queens Parade will be more visible than elsewhere.
87. However, the Panel was concerned about and placed a great deal of emphasis on the visibility of side wall of upper levels from the public realm and the need to retain the fine grain of small architectural features.
88. The key difference between the Panel's view and the position put by Council to the Panel is that the Panel considers '*the generally high and sensitive character and heritage values of this Precinct warrant protecting heritage over the facilitation of development*'.
89. The Panel also accepted evidence from Council's heritage expert (on questioning) who indicated that 3 storeys provided a better heritage outcome than 4 storeys.
90. The Council's position was that four storeys achieved an acceptable balance between heritage and other considerations such as reasonable development capacity in light of the centre's role as a '*neighbourhood activity centre*'.
91. Council needs to consider the Panel position when it finally determines on Amendment C231 regarding Precinct 4.
92. In this regard, Council will have the following options regarding Precinct 4 when it determines the Amendment at the next meeting:
- (a) resolve to determine that the Panel's recommendations are appropriate having regard to all the circumstances – that is three storeys mandatory (except the southern area between Gold and Turnbull Streets);
- OR
- (b) resolve to determine that due to the extensive modelling undertaken by the YCC advocacy team, underpinned by the considered positions of the Councils *subject matter experts*, that 14m or four storeys is reasonable for Precinct 4, having particular regard to the required balance that Council needs to adjudge between heritage retention, urban design, character and reasonable development potential.
93. While the issues identified were raised by subject experts and submissions at the hearing, their impacts need to be explicitly considered by officers in the context of three and four storeys.
94. Officers are further analysing these issues to understand the differences and impacts of three versus four storeys and will present a final recommendation to Council for consideration seeking a Council decision on 17 March.



## **Precinct 5**

### Precinct 5A

95. The Panel agrees the prominence of the former UK Hotel (and the Clifton Motors Garage in adjoining Precinct 5B) must be retained in this Precinct and Queens Parade more generally. It therefore supported the reduction in height from 18 metres preferred in the exhibited DDO to 11 metres mandatory in the preferred DDO.
96. It also supported the removal of land at 2 Dummett Crescent from Precinct 5B to 5A because it is in the same ownership as the former UK Hotel and is used as the drive through for the fast food restaurant that occupies the site.

### Precinct 5B – Building heights

97. The *exhibited version of DDO16* included a 1:1 ratio of heritage street wall to new built form to determine the height of the development behind the former Clifton Motor Garage. It was a difficult control to understand.
98. The Council's *preferred version of the DDO* replaced this with a mandatory maximum street wall height, minimum upper level setback and 18 metre height. This was supported by the Panel. The Panel considered that the building height transition and new built form behind Clifton Motors is an important consideration in this precinct.

### Precinct 5C - Building heights

99. The *exhibited version of DDO16* set the building height at 49 metres (preferred). Council's *preferred version of DDO16* reduced the height to 43 metres (preferred).
100. The Panel recommended the height be increased back to 49 metres (preferred) as the Precinct is less constrained by heritage and sensitive interfaces. Additionally the Panel did not agree with submitters that the site at the far north-eastern end should be designated a 'landmark site' but was satisfied that the design requirements and preferred character statements would ensure a high quality outcome. Officers agree that the site at the far north-eastern end is not a landmark site.
101. Officers do not agree however that a height of 49 metres is appropriate in Precinct 5C. The Panel emphasised a step up in transition from Precincts 5A and 5B and officers consider that a height of 43 metres represents a suitable step up in height. NB: The height proposed is not a mandatory height.

## **Changes to zoning**

### 245 Gold Street

102. The owner of 245 Gold Street made a submission to the Amendment that sought to have the land rezoned from Commercial 1 to Neighbourhood Residential Zone.
103. This was suggested by GJM in its *Built Form Heritage Analysis and Recommendations* (December 2019) but was not exhibited as part of Amendment C231.
104. In response to this and other submissions, Council at its ordinary meeting of 28 May 2019 supported the rezoning of the site and recommended this change to the Panel.
105. However the Panel considered that since this rezoning was not part of the Amendment and had not been exhibited, it could not consider the rezoning. Accordingly, officers accept that Council cannot progress the rezoning as part of Amendment C231.
106. In Council's submissions to the Panel, an assurance was given that Council would pursue the rezoning as part of a future amendment. Officers anticipate including the rezoning in an amendment making other changes to the residential zones. Officers have written to the landowner to advise them of this and will keep them up to date with the proposed timing.

### Rezoning land from Commercial 2 to Commercial 1 and application of the Environmental Audit Overlay

107. Amendment C231 proposes to rezone land at 660-668 Smith Street and 1-41 Queens Parade from Commercial 2 to Commercial 1 Zone and apply the Environmental Audit Overlay to manage past contamination prior to the use of the land for a sensitive use such as residential. The Panel supported this proposal.

***Heritage grading of various properties***

108. The Amendment proposed the following in relation to heritage gradings:

*Table 3: Changes to heritage gradings*

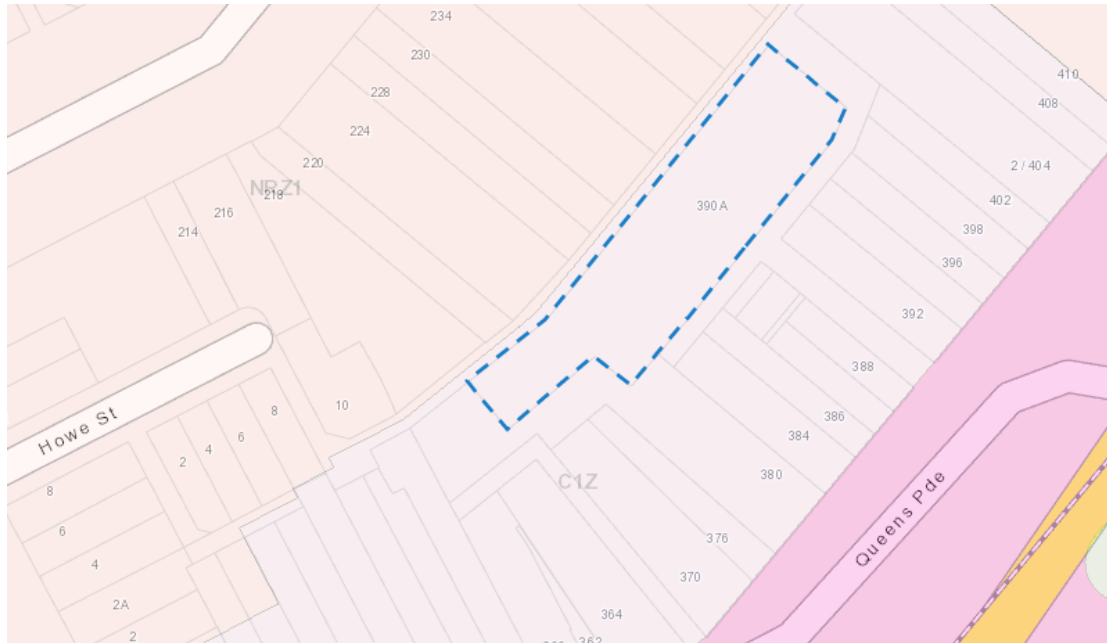
Grading change	Address of property
From contributory to individually significant	<ul style="list-style-type: none"> <li>662 Smith Street (former Fire Station)</li> </ul>
From contributory to not contributory	<ul style="list-style-type: none"> <li>7-11 Queens Parade</li> <li>137 Queens Parade</li> <li>402 Queens Parade</li> </ul>
From ungraded to contributory	<ul style="list-style-type: none"> <li>Rear of 312 Queens Parade</li> <li>350 Queens Parade</li> <li>380 Queens Parade</li> <li>390A Queens Parade (two storey building in north-east corner)</li> </ul>
From ungraded to not contributory	<ul style="list-style-type: none"> <li>Rear of 304 Queens Parade</li> <li>Rear of 316 Queens Parade</li> <li>390A Queens Parade (all other buildings except two storey building in NE corner)</li> <li>88 Queens Parade</li> <li>32, 33 and 34 Jamieson Street</li> </ul>
Other changes to the heritage overlay	<p><u>Move from Precinct HO to individual overlay</u></p> <ul style="list-style-type: none"> <li>St John the Baptist Church complex</li> <li>Former Clifton Motors Garage</li> </ul> <p>(These are discussed in more detail below)</p> <p><u>Apply site specific overlay</u></p> <ul style="list-style-type: none"> <li>472-484 Napier Street</li> </ul> <p><u>Correct extent of overlay</u></p> <ul style="list-style-type: none"> <li>26 Queens Parade</li> <li>Raines Reserve</li> </ul>

109. The Panel accepted the changes to heritage gradings but recommended Council undertake further assessment of the other buildings at 390A Queens Parade (refer below).

***Heritage assessment - 390A Queens Parade***

110. 390A Queens Parade is an “island” site located between the rear of the shops on the north side of Queens Parade and the rear of the houses in McKean Street.

**Map 3: Location of 390A Queens Parade**



111. There is currently a planning permit application being considered for the land. The planning permit seeks to demolish all existing buildings on the site and construct 15 four storey townhouses. The permit applicant appealed Council's 'failure to determine the application' within the statutory timeframe to the Victorian Civil and Administrative Appeals Tribunal (VCAT).
112. Officers from Council's statutory planning branch advised the VCAT that Council would have issued a refusal based on issues such as loss of heritage fabric, building bulk, impacts on the ability of neighbouring commercial properties to develop, internal amenity and street address.
113. The matter is listed for a full merits hearing scheduled for 24 March 2020.
114. There are five buildings located on this site. All five buildings are currently included in a Heritage Overlay (HO327 North Fitzroy) but do not have a heritage grading.
115. In the *Heritage Built Form Heritage Analysis and Recommendations*, GJM Heritage recommended that the buildings be included in HO330 (Queens Parade) instead of the North Fitzroy Precinct (HO327) as they historically serviced properties fronting Queens Parade and form part of the commercial area. The Panel supported this recommendation.
116. GJM also recommended that the substation in the north-east corner of the site be graded *contributory* and the remainder of the buildings on the site be graded *not contributory*.
117. During exhibition of the Amendment, submissions were received that questioned the *not contributory* grading of the remaining buildings. They considered the rest of the bakery building was significant and should be protected. They argued while some original openings have been closed, the original form and fenestration pattern remain. They said that the single storey building to the immediate south-east of the substation formed part of Wilmott's bakery and should be retained.
118. No submissions were received from the owners of this site in relation to the grading.
119. In response to the submissions that were received, GJM Heritage was asked to review the relevant submissions and gradings. GJM confirmed its original advice.
120. At the Panel hearing, submitters presented additional information about the site's history and its past use as Wilmott's bakery.

**Panel recommendations in relation to 390A Queens Parade**

121. The Panel concluded as follows:

- (a) it supported the 'contributory grading of the north-east corner building at 390A Queens Parade and 'not contributory' to other buildings on the subject land within HO330 as exhibited is appropriate and consistent with PPN01' (*Planning Practice Note 1 – Applying Heritage Overlays*);
- (b) it considered Council should 'undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading'; and
- (c) the Panel (page 100) observed there is remnant heritage fabric in all the buildings on the site, but accepts the buildings have been considerably altered over time. The Panel advised it 'therefore was unable to establish with enough certainty, that the level of physical fabric of the other buildings on this property would warrant these buildings to be graded as 'contributory' as sought by some community submitters'.

Response to Panel recommendations in relation to the heritage grading of 390A Queens Parade

- 122. Officers recommended that Council should progress the grading changes as proposed in the exhibited Amendment as recommended by the Panel (i.e. the building in the north-east corner of the site be graded *contributory* and the remainder of the buildings on the site be graded *not contributory*).
- 123. Officers subsequently engaged David Helms Heritage to undertake the further assessment of the other buildings (excepting the building in the north-east corner of the site).
- 124. David Helms found that:
  - (a) the remainder of the former Wilmott bakery building should also be graded *contributory* (see map 4 below and the report from David Helms, included as Attachment 3); and
  - (b) the proposed Statement of Significance should be updated to reference the buildings at the rear of the shops.

Map 4: Heritage grading of 390A Queens Parade proposed by David Helms



Red = Contributory grading proposed by C231 (Proposed by GJM and supported by David Helms)

Green = Extension of Contributory grading proposed by David Helms

Yellow = Not Contributory grading proposed by David Helms

125. The application of a *contributory* grading to the remainder of the Wilmott's bakery building and further changes to the Statement of Significance were not initially included as part of Amendment C231 and were not exhibited. Therefore, it is not proposed to include them in this Amendment at this late stage.
126. While the recommendations of David Helms are noted, there are varying and contradictory views offered by at least three well-credentialed heritage experts - David Helms, GJM and Lovell Chen (who prepared a Heritage Impact Statement for the permit applicant). There is also well-researched material presented by submitters to consider.
127. Accordingly, further work is required but the matter cannot be progressed as part of this Amendment. It cannot be progressed because it was never part of this Amendment, it was not exhibited and the owner has not been given a reasonable opportunity to test the propositions in the context of a panel hearing noting that the recommendation came out of the C231 Panel. Therefore, officers are of the view that the issue would need to be pursued as part of a future planning scheme amendment. This would enable the proposal to be fully and properly considered through a public process.

*Individual HO for former Clifton Motors*

128. Since exhibition of Amendment C231, the Minister for Planning has approved Amendment C267 to the Yarra Planning Scheme which was prepared by Heritage Victoria (to reflect the place's inclusion on the Victorian Heritage Register – VHR). Amendment C267 removed the Former Clifton Motor Garage from HO330 and included it in its own Heritage Overlay HO480.
129. Amendment C231 had proposed to include the Former Clifton Motors in its own Heritage Overlay but that is no longer required and accordingly will not now form part of the Amendment. (The version of Appendix 8 accompanying this Amendment already includes HO480 created by Amendment C267. This matter was highlighted by Council officers at the Panel hearing.)
130. The other issue arising in relation to the Former Clifton Motor Garage is that Heritage Victoria only included the land at 205-211 Queens Parade in HO480. The land at 10-12 Dummett Crescent, 201-203 and 213-215 Queens Parade is in the same ownership but was not included in HO480 (see Map 5).
131. The exhibited Amendment proposed to delete land at 10-12 Dummett Crescent from HO330 and give it its own Heritage Overlay. However, this change will not be progressed as it is no longer necessary. The site will therefore remain in HO330 along with the land at 201-203 and 213-215 Queens Parade. Council identified this in its submission to Panel and is noted in the Panel Report.

**Map 5: Heritage Overlays - Clifton Motors**



**Statement of Significance**

- 132. As part of Amendment C231, an updated Statement of Significance was prepared for HO330 – Queens Parade. Many submitters were concerned that text identifying the ‘picturesque shop-row skyline, visible from across Queens Parade’ was absent from the exhibited version.
- 133. The Panel considered these words are not required and may create unnecessary duplication between the Statement of Significance and Clause 22.02 provisions.
- 134. As highlighted in Council’s submission to the Panel, *Yarra High Streets: Statements of Significance*, (an Incorporated Document) will be edited to remove references to Richmond. Additional Statements of Significance for other high streets will be added over time as other amendments progress e.g. Amendment C191 – Swan Street. Additionally, the Statements of Significance will be reformatted to comply with *Planning Practice Note 1 – Applying the Heritage Overlay*.

**Other administrative matters**

- 135. The third recommendation from the Panel was to correct the spelling of Raines Reserve (from ‘Rains’ to ‘Raines’) and correct the street numbering for the St John’s Church complex in Appendix 8:
  - (a) officers have checked the spelling of Raines Reserve in the amendment documents and corrected the spelling of it in Appendix 8. The *Panel version of DDO16* includes the correct spelling of Raines Reserve; and
  - (b) street numbering for St John the Baptist Church was correct in Appendix 8; 61-87 Queens Parade. The Explanatory Report listed the number incorrectly. It was listed as 57-87 Queens Parade.
- 136. A further change proposed is for land at 137 Queens Parade. When exhibited, Appendix 8 showed land at 137 Queens Parade as vacant. Since that time, apartments have been constructed on the land. Appendix 8 will be updated to reflect that change.

**Expiry of interim controls**

- 137. The interim DDOs that currently apply to Queens Parade (DDO16 and DDO20) were due to expire on 12 January 2020.
- 138. Officers applied to the Minister for Planning for an amendment under Section 20A of the Planning and Environment Act 1987 to extend the interim controls via Amendment C274.

139. On 12 December 2019, Amendment C274 was gazetted and the interim controls were extended for 11 months until 12 December 2020.

### **External Consultation**

140. Officers have written to all 414 submitters as well as land owners and occupiers in Precinct 4 and Precinct 5 to advise them of the two stage meeting process for consideration of Amendment C231. Any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure rules may do so.
141. This Amendment has been the subject of substantial external consultation with residents, traders, land owners and occupiers, including exhibition of the Amendment, formal Council meetings, informal meetings with residents, landowners and community groups and the independent planning panel hearing.

### **Internal Consultation (One Yarra)**

142. There has been consultation with officers from statutory planning and with the Senior Advisor, City Heritage.

### **Financial Implications**

143. The financial costs of planning scheme amendments have been included in the budget of Council's City Strategy Branch in 2019/2020.

### **Economic Implications**

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

### **Sustainability Implications**

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

### **Social Implications**

146. There are no significant social implications. The recommended changes being considered respond mostly to community submissions. Approved planning provisions would provide certainty in relation to future development in the centre.

### **Human Rights Implications**

147. There are no known human rights implications.

### **Communications with CALD Communities Implications**

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

### **Council Plan, Strategy and Policy Implications**

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

### **Legal Implications**

150. All submitters had the opportunity to be heard at the independent planning panel hearing.
151. The purpose of this meeting is to ensure any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure rules is able to do so.
152. At the next meeting of Council, Council will need to make a decision on Amendment C231. Although dealing with this statutory step over two Council meetings is somewhat novel, it is still an approach in accordance with the requirements of the *Planning and Environment Act 1987*.



Section 39 proceeding

153. The owners of 390A Queens Parade have lodged an application at VCAT under Section 39 of the Act in relation to Amendment C231 claiming that there are defects in procedure. This is an administrative matter focussed on notification of the Amendment.
154. A hearing was held at VCAT on 10 February 2020 and officers await a decision on the matter.
155. Depending on the outcome of the Section 39 application, Council could opt to split the Amendment into two parts with the land at 390A comprising one part of the amendment and the balance of the land affected comprising the other part. This would mean that the remainder of the Amendment could be considered by Council as Part 1 (of C231) but the controls in the DDO relating to 390A Queens Parade would become Part 2 of the Amendment and considered by Council at a later date immediately upon the conclusion of the dispute in the Section 39 application.

**Other Issues**

156. There are no other town planning issues.

**Options**

157. Sections 27, 28 and 29 of the *Planning and Environment Act 1987* state that the Planning Authority (Council)
  - (a) must consider the Panel's report; and
  - (b) can then either abandon all or part of the amendment; or
  - (c) can then adopt all or part of the amendment with or without changes.
158. Any change to the Amendment must be justified in writing to the Minister for Planning.
159. Council will be requested to make a decision at a future Council meeting in the near future

**Conclusion**

160. Council has received the report of the Independent Planning Panel in relation to Amendment C231.
161. The Panel is generally supportive of the Amendment but recommends some changes. The next statutory step in the Amendment's progression will be carried out in a further Council meeting. This will enable any person who wishes to speak to the issue at the Council meeting in accordance with normal meeting procedure to do so. Then at a subsequent meeting, Council will make a decision on the Amendment.
162. The Panel's discussion in Precinct 4 is focussed around overall buildings heights of three or four storeys. The Panel did not discuss the exhibited 6 storey mandatory height and used the position in Council's preferred version of the DDO (i.e. four storeys) as its starting position.
163. The Panel supported the application of mandatory height controls in this Precinct acknowledging the *'number of significant and contributory heritage places and fabric set within a consistent streetscape form'*. It also supported the mandatory street wall requirements and minimum 8m upper level setback as well as other requirements proposed for the precinct including side and rear setbacks and overshadowing controls.
164. The Panel explored the advantages and disadvantages of three versus four storeys which included issues of visibility of side walls, impacts of development of wider sites and the need to retain the street's fine grain architectural features.
165. Officers agree with the Panel that:







- (a) Precinct 4 is not required for substantial growth – most growth in Queens Parade in be accommodated in Precincts 2, 5 and the Gasworks at either end of the Precinct (described as the *barbell's concept* in Council's submissions to the Panel);
  - (b) Precinct 4 is a significant heritage streetscape that is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments; and
  - (c) Queens Parade is unusually wide at 60m and this means that any new development in Queens Parade will be more visible than elsewhere.
166. In addition to the three issues outlined above the Panel placed a great deal of emphasis on the visibility of side wall of upper levels from the public realm, impacts of the development of wide sites and the need to retain the fine grain of small architectural features.
167. The Panel also expressed concerns about the impacts of development on the viability of shops within the centre and the impacts of overshadowing on development potential within the centre.
168. While these issues were raised by subject experts and submissions at the hearing, their impacts need to be explicitly considered by officers in the context of three and four storeys. Officers are further analysing these issues to understand the differences and impacts of three versus four storeys.
169. Council needs to consider the Panel position when it finally determines Amendment C231. It will have the following options. Council could resolve to:
- (a) accept the Panel's recommendations – that is three storeys in majority of Precinct 4 with 4 storeys applying to the quadrant between Gold and Turnbull Streets;
  - or
  - (b) not accept the Panel's recommendation and determine that based on the extensive modelling undertaken to inform Council's *preferred version of the DDO* presented to Panel and the considered position of Council's subject matter experts, the application of four storeys for Precinct 4 is reasonable, achieving acceptable heritage and urban design outcomes and a balance between heritage and other considerations such as providing reasonable development opportunities.
170. Alternatively under the Act, Council could chose to abandon the Amendment or parts of the Amendment.
171. Officers will analyse a couple of matters further, particularly around Precinct 4, and then present a final recommendation to Council for consideration seeking a Council decision on 17 March.

## RECOMMENDATION

1. That Council notes the officer report on Amendment C 231.
2. That Council notes that a further officer report will be presented to Council for a decision on Amendment C231 in a subsequent Council meeting; likely to be on 17 March 2020.

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## Attachments

- 1  Attachment 1 - DDO 16 Panel version 31 Oct 2019
- 2  Attachment 2 - Panel report and officer recommendations
- 3  Attachment 3 - David Helms heritage review 390A Queens Parade
- 4  Attachment 4 - Panel Report