

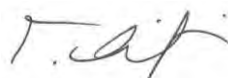
CONTACT

Larry Parsons	Director	lparsons@ethosurban.com	0433028123
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This document has been prepared by:

This document has been reviewed by



Larry Parsons	30 July 2019	Tania Crisafi	1 August 2019
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Ethos Urban Pty Ltd
ABN 13 615 087 931.
www.ethosurban.com
Level 8, 30 Collins St, Melbourne
VIC 3000 t 61 3 94197226

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Attachment

Attachment 1- Initial Peer Review

Appendix

Summary of Experience & Personal Details

1.0 Introduction

1. The City of Yarra (Council) has prepared Amendment C231 to the Yarra Planning Scheme (Scheme), covering the Queens Parade Activity Centre and formalising the current Interim Controls introduced via Amendment C229 in February 2017 and Amendment C241 in August 2018. A Planning Panel Hearing is scheduled to start on 12 August 2019.
2. Amendment C231 covers a number of matters including rezoning of specific sites and adjustment to heritage overlays, but the focus of this report is the built form requirements which are to be introduced by way of Schedule 16 to the Design and Development Overlay (DDO16). DDO16 includes Design Objectives and specific controls relating to height and setbacks in five identified precincts. These 'focus areas' now forming the DDO16 precincts exclude land in the General and Neighbourhood Residential Zones and are therefore discontinuous along Queens Parade (refer yellow outlined areas from Hansen Report **Fig.1.1**).



Fig.1.1- Queens Parade Built Form Review – Study Area (red) & Focus Area (yellow), Hansen, Dec 2017

3. On 20 December 2018, Maddocks engaged Ethos Urban on behalf of Council, requesting the preparation of a 3D digital model of the DDO16 areas which was undertaken following the preparation and exhibition of Amendment C231. This modelling included:

- a. The existing built form and street layout with indicative trees and superimposed façade imagery;
 - b. 'Plug-in' models of recent permits and applications (from plans supplied by Council);
 - c. Theoretical building envelopes assuming the proposed controls were built out to their full extent.
4. Further modelling was commissioned in March 2019, to illustrate alternative built form scenarios proposed by Council to assist with their response to submissions. This modelling covered multiple options for overall heights and upper level setbacks, particularly for Precincts 3 and 4.
5. Having reviewed the above modelling, on 8 April 2019 Maddocks then commissioned me to undertake a peer review of DDO16 as exhibited with particular reference to:
 - a. The qualitative statements in the general design objectives, general design requirements and precinct specific design requirements in DDO16, and
 - b. The appropriateness of the quantitative requirements (such as height and setbacks) having regard to these qualitative statements.
6. I was also asked to review 12 specific public submissions relating to built form and urban design issues (refer to Initial Peer Review dated 14 May 2019 in **Attachment 1**).
7. On 2 May 2019 Maddocks added a further instruction to specifically review:
 - a. The rear interfaces in Precincts 3 and 4, including overshadowing,
 - b. The building heights and setbacks in Precincts 3 and 4 particularly,
 - c. The potential overshadowing of Napier Reserve from Precinct 2,
 - d. The transition between Precincts 2C and 2B (formerly known as 2D), and
 - e. Separation distances (for upper levels) in Precincts 2C and 5C.
8. A further request in May 2019 related to gross floor area estimates based on the modelling, to be used in assessing likely maximum yields and traffic volumes for distinct sectors indicated by Council. As the capacity analysis and its interpretation forms part of evidence by other experts, I make no comment.
9. On 2 July 2019, I was engaged to prepare an Expert Witness Statement regarding urban design matters related to Amendment C231, with particular reference to the built form controls in the proposed DDO16. I am to consider two versions, the Exhibited Version and the Preferred Version prepared by Council and adopted on 28 May 2019 as its formal response to submissions.
10. I had no involvement in the preparation of the background documentation leading to the drafting of Amendment C231, nor the similar Interim Controls of Amendment C229 and C241. The content and options included in the 3D modelling was commissioned by Maddocks and directed by Council staff. I provided no formal advice nor recommendations until my Initial Peer Review of 14 May 2019.

2.0 Modelling Parameters

11. Throughout my report are 3D model screen shots from the DDO16 controls as modelled for Council, both the Exhibited Version (October 2018) and the Preferred Version (May 2019). Following is an overview of the modelling conditions and assumptions.
12. It is important to note that the 3D modelling is used to illustrate maximum building envelopes for new development according to the DDO16 controls. It does not purport to represent actual building footprints which will be influenced by complex design considerations, including economic floorplate sizes, appropriate building depths for daylighting, vehicle access requirements, Planning Scheme Clause 58 Apartment Standards and market preferences generally. The capacity represented is therefore a theoretical maximum rather than a precise expectation.
13. The 3D model (refer sample screenshots in **Figs.2.1 and 2.2**) was created using the City of Yarra's professionally supplied 3D mesh data with photogrammetry used as façade textures. This was supplemented with Council's CAD data of kerb lines and trees and the Victorian Government's Datamart information on ground plane contours and lots cadastre which ensures that the changing topography of Queens Parade is taken into account from southwest to northeast. All of the former were accurately geolocated at source. A limited number of new building envelopes, permit approvals and live permit applications were modelled by Ethos Urban from officially considered or endorsed plans supplied by Council.
14. The built form parameters used by Ethos Urban to create new building envelopes are:
 - a. 4m floor to floor ground floor (representing potential commercial use).
 - b. 3-4m floor to floor first floor to generally match heritage heights.
 - c. 3m floor to floor heights above first floor (representing common residential use) but adjusted upward to meet the actual control height (e.g. 4m ground plus 2 x 3m upper levels to provide 10m).
 - d. Only building volumes/floorplates over 5m deep were modelled as feasible.
 - e. Amalgamation was assumed for pairs or groups of narrower sites, particularly at upper levels in Precinct 2C.
 - f. Modelling complied with all preferred and mandatory controls without variation.
 - g. Heritage facades and roofs (individually significant and contributory) appear as photo textures with new development envelopes removed or set back to expose these facades and roofs as retained. The depth of the roof reflects the controls being modelling in each case, for example the Exhibited and Preferred DDOs differ in Precinct 4 from 6m to 8m. In addition, coloured lines on the footpath immediately adjoining significant buildings demonstrate its heritage status, red for significant buildings and orange for contributory buildings.
 - h. New buildings (white colour), approved planning permits (yellow colour) and permit applications (orange colour) are modelled from either endorsed or considered plans provided by the City of Yarra (i.e. publicly available plans).
 - i. The building envelopes are colour-coded with pink representing floors up to the theoretical maximum street wall height and blue being upper floors above the theoretical street wall height.

15. Shadow analysis was conducted and analysed within the proposed control period from 9am – 3pm on the 22nd of September along Queens Parade which is referred to as an east-west street. Specifically, due to the nature of shadowing falling southwards, testing considered Napier Reserve and the rear yards of residential properties to the south of potential development.



Fig.2.1- 3D modelling Precinct 4 (permits in yellow)



Fig.2.2- 3D modelling Precincts 1 and 2 (street wall in pink and upper floors in blue) with permits in yellow

3.0 Matters considered in preparing the evidence

16. In preparing this statement I have undertaken the following:
 - a. Reviewed the exhibited documentation as part of the Amendment with particular detailed scrutiny of proposed Schedule 16 to Clause 43.02 Design and Development Overlay;
 - b. Reviewed the Council adopted Queens Parade, Clifton Hill, Built Form Review (Hansen, Dec.2017);
 - c. Reviewed the Queens Parade Built Form Heritage Analysis and Recommendations (GJM Heritage, Dec.2017);
 - d. Reviewed relevant planning controls and policies of the Yarra Planning Scheme;
 - e. Reviewed selected written submissions lodged during the exhibition period and supplied by Council;
 - f. Reviewed the Yarra Council Agenda reports relevant to the Amendment;
 - g. Reviewed the relevant permit approvals and applications supplied by Council;
 - h. Reviewed the proposed controls for the Gasworks site contained in DPO16;
 - i. Reviewed Practice Note 59 The Role of Mandatory Provisions in Planning Schemes and Practice Note 60 Height and Setback Controls for Activity Centres;
 - j. Undertaken inspections of specific sites and the broader precinct that is generally affected by the Amendment.
17. The following statement of evidence provides a summary of my assessment and opinions in relation to the Amendment and the urban design merits of the proposed controls in the context of the local conditions and the Yarra Planning Scheme. Specifically, my evidence focuses on the urban design implications of the Amendment and the following key points:
 - a. The application of Design and Development Overlay Schedule 16; and
 - b. The use of mandatory and discretionary requirements in the built form provisions.
18. In preparing my evidence I have reviewed relevant written submissions made and considered the broader issues relating to the Amendment as well as individual sites, considering the possible impacts on future development and the anticipated outcomes.
19. I note that expert evidence will be presented on matters relating to heritage, traffic, planning and economic development parameters. I will not comment on these matters in any detail given they are outside my area of expertise.
20. For the purposes of this report included in the **Appendix** is a summary of my experience and other relevant particulars.

4.0 Planning Framework Context

21. The Amendment seeks to make a number of changes to the controls that specifically affect the Queens Parade Activity Centre. However as for every Amendment, there is always a broader policy context to consider. This context articulates the current Planning Policy Framework that guides decision making on strategic and statutory planning matters.
22. The following summarises the relevant provisions of the Yarra Planning Scheme, which I have taken into account in the preparation of this evidence statement.

Planning Policy Framework

23. The Planning Policy Framework (PPF) seeks to develop the objective for planning in Victoria (as set out in the *Planning and Environment Act 1987*) to foster appropriate land use and development, planning policies and practices that encompass relevant environmental, social and economic factors. As such, planning can be understood as the balancing of the requirements of strategic support of development, protection of amenity, and general fit within the particular context.
24. Plan Melbourne (2017-2050 Metropolitan Planning Strategy) is of particular relevance to the Amendment given the importance of the inner city in the context of the commercial and residential growth of Melbourne and more broadly Victoria. Specifically, Direction 2.1 of Plan Melbourne identifies initiatives including to “manage the supply of new housing in the right locations to meet population growth and create a sustainable city”. The overarching objective is also supported by Policy 2.1.2 which seeks to “facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport”. The Amendment lies within the Inner Metro Region of Plan Melbourne where increased development is anticipated.
25. It is therefore clear that strategically Queens Parade has a role to play in accommodating increased housing and employment uses. However, this should not be at any cost and I understand that work by others indicates that there is ample capacity within the area and the City of Yarra to accommodate proposed housing growth.

Local Planning Policy Framework

26. The Local Planning Policy Framework (LPPF) includes both the Municipal Strategic Statement (MSS) and local policies. I consider the following clauses of the LPPF to be most relevant to the Amendment:
 - a. Clause 21.02-Clause 21.11 covers the Municipal Profile and Vision and is themed around Land Use, Built Form, Transport, Environmental sustainability, and includes strategies for implementation to specific neighbourhoods.
 - b. Clause 21.04 (Land Use)
 - c. Clause 21.05 (Built Form)
 - d. Clause 21.08 (Clifton Hill and North Fitzroy)
 - e. Clause 22.10 (Built Form and Design Policy)

27. I note that Strategy 1.2 at Clause 21.04 specifies ‘direct higher residential development to Strategic Redevelopment Sites identified at Clause 21.08 and other sites identified through any structure plans or urban design frameworks’. Sites within Precincts 2 and 5, are identified as Strategic Redevelopment Sites in Clause 21.08.
28. Specifically, in Clause 21.04-2, Activity Centres are identified as having a retail, hospitality and service focus. The policy distinguishes between the Major Activity Centres with a regional focus and the Neighbourhood Activity Centres such as Queens Parade which serve local needs. It also notes the commonly sensitive interfaces between the strip centres and abutting residential areas.
29. Specific commentary regarding Clifton Hill and North Fitzroy is at Clauses 21.08-4 (Clifton Hill) and Clause 21.08-8 (North Fitzroy). The MSS within these sections identifies Clifton Hill and North Fitzroy as “largely residential neighbourhoods” (Clause 21.08-4 and Clause 21.08-8) and Queens Parade is identified as a “mixed use centre with strong convenience retailing” (Clause 21.08-4). There is a need to support development that maintains and strengthens the preferred character of the area.
30. Clause 21.05-1 (Heritage) specifically notes at Strategy 14.6 *Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and in surrounding areas.*
31. Clause 21.05-2 (Urban Design) identifies the low-rise urban form that constitutes much of the municipality and is sought to be reinforced with pockets of higher development. Strategy 17.2 specifically encourages:

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

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

32. Strategy 21.2 states:

Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.

33. Clause 22.10 (Built Form and Design Policy) seeks to ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character. The policy in turn discusses general guidelines for urban form and character; setbacks and building height; street and public space quality; environmental

sustainability; site coverage; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

34. In summary, Local Planning Policy requires strategic intensification to be balanced against a respect for context, particularly in heritage precincts where intrusion of new built form is to be controlled (Clause 21.05-1).

Zoning

35. The land affected by the Amendment is included within the Commercial 1 Zone (C1Z), Commercial 2 Zone (C2Z), and the Mixed Use Zone (MUZ), with intervening residentially zoned land excluded from the built form controls of proposed DDO16 (refer **Fig.4.1**).
36. The properties in Precincts 1, 2A and 5A, B & C are to remain as MUZ with an expectation of predominantly residential use. Precincts 2B (formerly 2D) and 2C are to remain as C2Z to support their employment use. Precinct 3A (in the Preferred Version) is to be rezoned from C2Z to C1Z to allow residential use (noting that the southern corner is already C1Z) and Precinct 4 is to remain as C1Z with a mixed use and residential expectation.
37. With the exception of a small area of General Residential Zone (GRZ3) north of Precincts 1 and 2A, the abutting interfaces are Neighbourhood Residential Zone (NRZ1) with sensitive low-scale single dwellings, within precinct heritage overlays.

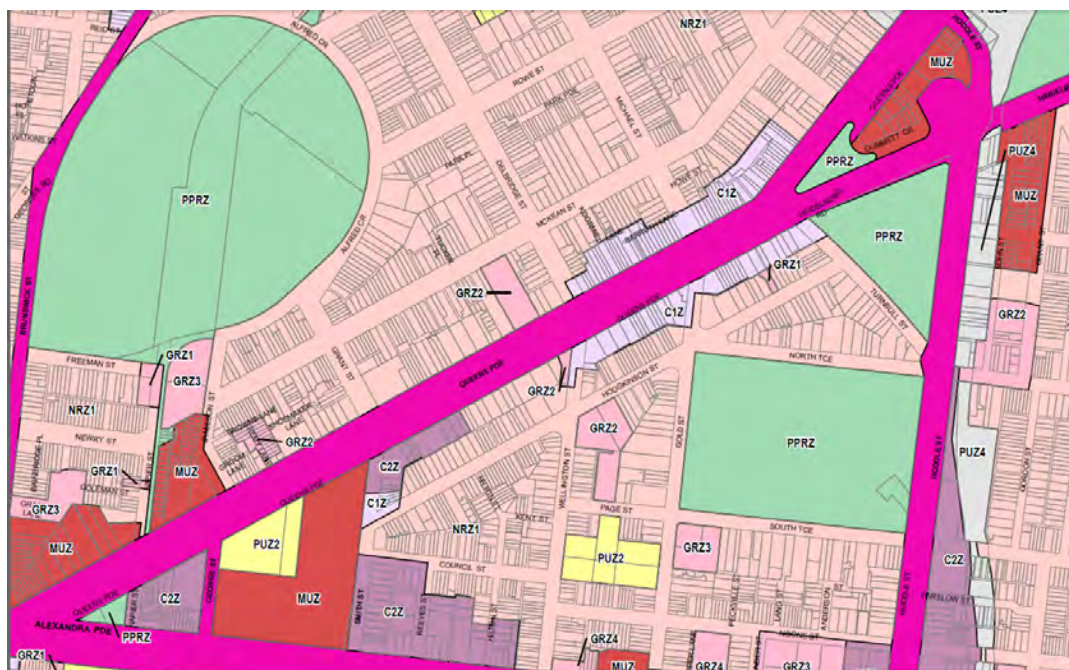


Fig. 4.1- Current Zoning (Note: Precinct 3 to be rezoned from C2Z to C1Z)

Overlays

38. The land affected by the Amendment is subject to a number of overlays, however most of these are not being modified, with the notable exception of varying and adding to site specific heritage overlays and the addition of the EAO to the C2Z land in Precinct 3A that is to be rezoned to C1Z. I will not comment on the merits of these heritage changes (which are outside my field of expertise) but note that the 3D modelling does distinguish the proposed contributory and significant heritage buildings by retaining their front section with photo-realistic surfaces.
39. The built form controls, which are subject to review and are the focus of this evidence, are covered in the proposed Design and Development Overlay Schedule 16, which includes general requirements plus precinct by precinct detailed controls (**Fig.4.2**).



Fig. 4.2- DDO16 control precincts in different colours (Source: Council agenda report dated 28 May 2019)

5.0 Existing Physical Context

40. Queens Parade is notable as a broad tree-lined boulevard some 60m wide, with service lanes to each side and a central tram route for most of its length. Its historic character is open with extensive sky views. It is not a tightly defined urban space. The significant heritage frontages along the boulevard are low and reinforce the permanence of this open character, where the trees are often the dominant element.
41. Amendment C231, and its proposed DDO16 built form controls, apply to the areas towards either end that are zoned Commercial or Mixed Use, with extensive low residential frontage in the central portion of the boulevard not covered by Amendment C231. The Amendment and the 2017 Built Form Review by Hansen on which it is based, rightly identify several quite distinct character areas.
42. **Precinct 1**, at the western end in the triangle between Queens Parade and Brunswick Street, is an area of one and two storey heritage dwellings with a former bank on the corner. It is an area of limited potential change, with infill possible around the bank and discreetly placed behind heritage frontages (**Fig.5.1**).



Fig.5.1- Queens Parade west with Precinct 1 (houses) and 2A (pink building)

43. **Precinct 2A** abutting Precinct 1 to the north, is a single large site at 26-56 Queens Parade with a live permit approved via VCAT for a 10-storey residential building in a stepped format around a central space (modelled at **Fig.5.2**), retaining the art deco façade (pink building in **Fig.5.1**)



Fig.5.2- 26-56 Queens Parade permit (2A, left) and 81-89 Queens Parade permit (2C, right)

44. **Precinct 2B** (designated as 2D in the Exhibited version) is a row of heritage terrace houses facing onto Napier Reserve. Although zoned as C2Z (**Fig.5.3**), there is probably only limited redevelopment potential to their rear.



Fig.5.3- Napier Street terraces (Precinct 2B, formerly 2D)

45. **Precinct 2C** consists of the rest of the super block around the terraces of 2B and is occupied by low-grade commercial buildings ripe for redevelopment. There is a live permit for 81-89 Queens Parade, corner of George Street, for an 8-storey building with a mix of uses including retail, office and serviced apartments (**Fig.5.2**).

46. To the east of Precinct 2C, across George Street, is the former North Fitzroy Gasworks' site with a Development Plan Overlay anticipating mixed use development up to 10 storeys (**Fig.5.4**).

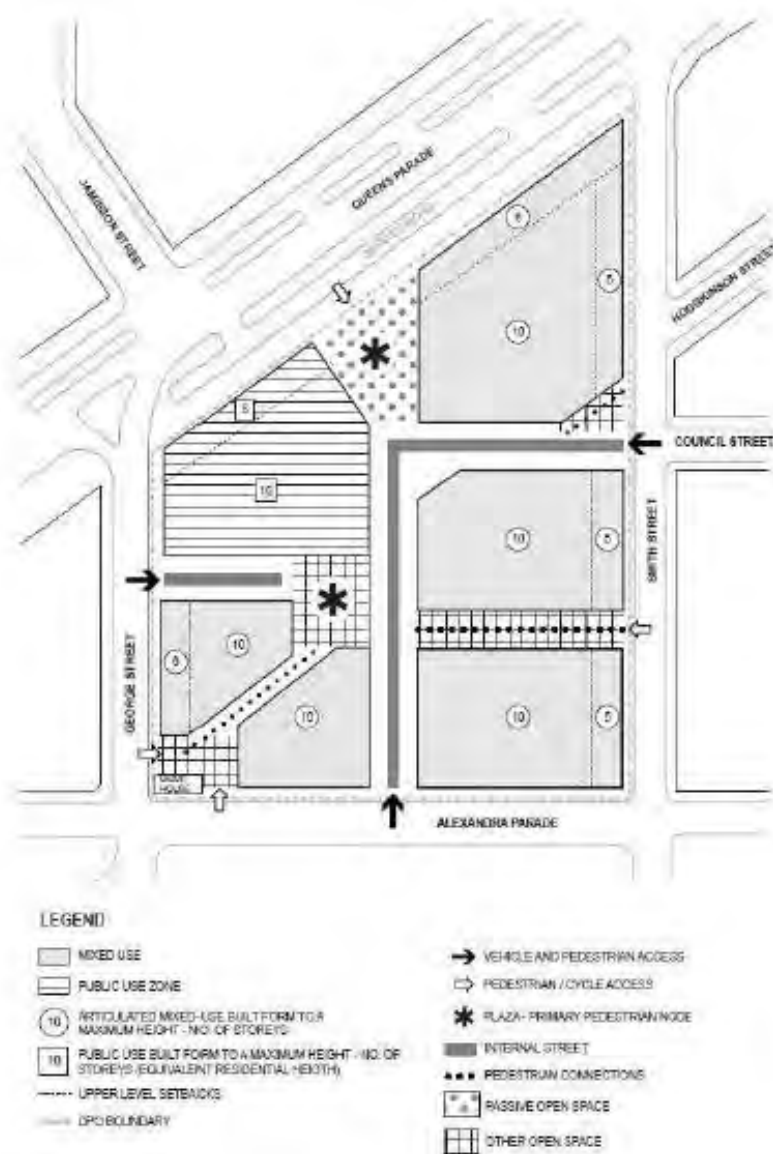


Fig.5.4- Gasworks DPO16

47. Precinct 3 is a mixed-use strip turning the corner from Smith Street into Queens Parade south side. It has some heritage buildings particularly at the southern end (**Fig.5.5**) but with redevelopment potential around the corner and further east. There are clear views to the St Johns Church spire from Queens Parade in front of this precinct (**Fig.5.6**).
48. The rear interface of Precinct 3 is to sensitive heritage houses, not all separated by a laneway and potentially overshadowed as they are to the south.

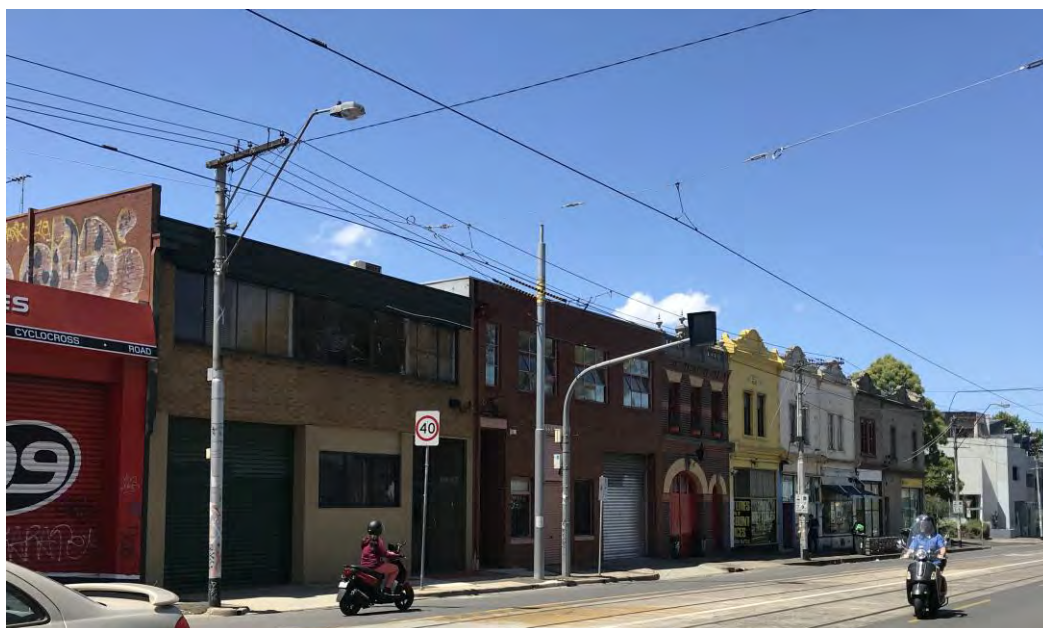


Fig.5.5- Smith Street frontage of Precinct 3



Fig.5.6- St Johns Church east of Precinct 3

49. Further east of Precinct 3 and separated by an area of low heritage buildings, are the four frontage blocks of Precinct 4. This precinct is the main retail centre for the area with a near continuous shopping strip to both the north and south sides of Queens Parade. These are mostly two-storey heritage buildings (either contributory or individually significant) with a fine grain lot structure, long sections of rear laneways, varied 19th and early 20th Century architecture and a high degree of heritage integrity with very limited new development (**Fig.5.7**).



Fig.5.7- Precinct 4 Queens Parade north side with landmark ANZ Bank Building

50. Precinct 4 remains one of the most original stretches of heritage shopping strip, with only one recently constructed building and five permits (**Fig.5.8**). The view of the low historic streetscape across Queens Parade is remarkably intact, with low roof lines and open sky views.
51. The rear interfaces of all four elongated blocks of Precinct 4 are occupied by sensitive heritage housing, some without a laneway separation and those to the south being susceptible to overshadowing.



Fig.5.8- Precinct 4 from the south with permits (in yellow)

52. Precinct 5 is a large island site comprising two blocks at the very eastern end of Queens Parade, surrounded by main roads and without sensitive external interfaces. The west block contains two significant art deco heritage buildings in the former Clifton Motors and the former UK Hotel (now McDonalds) (**Figs.5.9 & 5.10**). The farther or east block contains two recently completed 12-storey towers and further large developable sites with one permit and one application for a 22-storey tower (**Fig.5.11**).



Fig.5.9- Former Clifton Motors Building



Fig.5.10- Former UK Hotel



Fig.5.11- Precinct 5 permit (in yellow), applications (in orange), newly constructed buildings (in white) and two heritage buildings

6.0 Proposed Built Form Controls: General Requirements

53. Ministerial Practice Note 60 Height and Setback Controls for Activity Centres makes clear that built form controls, and particularly mandatory height controls, require robust justification. It states that mandatory controls should generally only be applied where up-to-date, comprehensive built form analysis has been undertaken (in this case the work undertaken by Hansen for the Queens Parade Built Form Review and the recent 3D modelling by Ethos Urban) and where special circumstances apply, such as heritage protection (in this case particularly Precinct 4). The recent Planning Panels Victoria review of City of Yarra Amendment C220 for the Johnston Street Activity Centre agreed that street wall height and upper level setbacks are special considerations which can justify mandatory controls even when not directly linked to heritage protection. Against this background, the Queens Parade built form requirements propose mandatory controls when protection of heritage or precinct amenity is crucial.
54. I also consider that the mandatory controls proposed meet the guidance of Ministerial Practice Note 59 The Role of Mandatory Provisions in Planning Schemes in that “the majority of proposals not in accordance with the (mandatory) requirements fail to meet the objectives of the control” and “lead to unacceptable planning outcomes”. Greater heights or lesser setbacks than those proposed as mandatory would unduly damage the heritage integrity of the precinct or would create unacceptable amenity issues in terms of visual dominance or disjointed alignments exposing party walls.
55. The DDO16 introductory section contains lists of General Design Objectives plus General Design and Heritage Requirements. These parameters in the Preferred version of the DDO have been updated by Council since my Initial Peer Review and are generally sound.

Design Objectives (Preferred DDO Clause 1.0)

56. The Exhibited DDO had a generic ‘mid-rise’ design objective for Precincts 2-5, whereas the Preferred version appropriately distinguishes the low-rise character of Precincts 1, 4 and part of 5 (UK Hotel); the mid-rise character and consistent street wall of Precincts 2, 3 and part of 5 (Clifton Motors); and the higher rise development of Precinct 5 **east** of Dummett Crescent (potential typo in preferred version suggests ‘west’).
57. The reference to development responding to the grand tree-lined boulevard in the Exhibited version may lead to an assumption that higher scale enclosure is appropriate. In the Preferred version, this has been caveated with “where historic trees remain the dominant visual feature”, to indicate that large tree height is the more appropriate scale parameter.
58. The continued emphasis on heritage protection, even to the point of “limiting new development” in those sections of heritage significance, and on transitioning to low scale residential areas to protect their amenity, remain appropriate and necessary.

Definitions (Preferred DDO Clause 2.1)

59. The ‘1.1 ratio heritage street wall to new built form’ definition of the Exhibited DDO is complex to measure and very limiting considering the wide street. As it applies only to

the former Clifton Motors site, the Preferred version deleted this definition and replaces it with specific height controls. This is a more manageable outcome.

General Requirements (Preferred DDO Clause 2.2)

- 60. The Preferred version helpfully reinforces the interpretation of mandatory and preferred design parameters and clarifies the nature of acceptable projections beyond the specified building envelope.
- 61. The Table describing boundary setbacks has been removed as this is now better described in each precinct control, as the requirements do vary.

Street wall requirements (Preferred DDO Clause 2.3)

- 62. This is a new section in the Preferred version which helpfully clarifies that the matching of the parapet height of a heritage neighbour should be for at least 6m façade length. This is aligned with the similar measure introduced by C220 for Johnston Street.

Upper level requirements (Preferred DDO Clause 2.4)

- 63. This is a translation of Exhibited DDO requirements into a specific section to assist interpretation.

Corner site requirements (Preferred DDO Clause 2.5)

- 64. This is a new section to clarify how the return street wall is treated on a corner site.

Ground floor design requirements (Preferred DDO Clause 2.6)

- 65. This is a modification from the Exhibited version, now requiring commercial floor heights in the Commercial Zones. It now excludes the Mixed Use Zone, which is correct for residentially focussed Precinct 1, but is potentially an issue for Precinct 5 where commercial ground floors should be provided to activate the street. It would also be helpful to specify a preferred minimum height of say 4m where heritage elements are not a constraint, as was done in C220 for Johnston Street.

Vehicular access, car parking, and loading area requirements (Preferred DDO Clause 2.7)

- 66. This requirement has been modified in the Preferred version to reinforce not only that laneway access is preferred, but that “new vehicle crossovers onto Queens Parade must be avoided”. I believe the avoidance of new Queens Parade crossovers is fundamental they would disrupt pedestrian prioritisation along the street. In due course, this might require a review of parking policy and local parking rates.

Heritage design requirements (Preferred DDO Clause 2.8)

- 67. The table of design requirements has been refined in the Preferred version to reduce overlap (such as regarding glazing) and has added a section about ‘Upper level setbacks’. This new section provides needed advice on when a setback greater than the minimum specified may be required. This is particularly important in conserving heritage roof forms which are a key part of the streetscape profile and should normally be retained as intact 3D elements.

7.0 Proposed Built Form Controls: Precinct Requirements

69. As indicated in my review of the Existing Physical Conditions (4.0 above) and as correctly identified in the Hansen Built Form Review of 2017, Queens Parade is marked by a number of quite distinct character areas. It is therefore appropriate that DDO16 is structured around 'Precinct design requirements' each precinct having its own map, its own specific 'Design requirements' and its own table of 'Street wall heights, building height and setbacks'.
70. In my Initial Peer Review, I noted the absence of specific precinct character narrative and the Preferred DDO now includes a helpful 'Preferred character statement' for each precinct.

Precinct 1 (formerly 1B)

71. This is a low-scale heritage precinct of mostly single-storey terrace housing with the former bank on the 460 Brunswick Street landmark corner. The two sections, 460 Brunswick Street corner and the remainder, were initially separated in the Exhibited controls but are now combined. With some adjustments, these have now been combined which is simpler.
72. Given the residential and heritage character, the proposed mandatory retention of existing street wall heights and the overall 9m height limitation is appropriate, I agree that adjacent to the former bank, the 9m should be mandatory and elsewhere a preferred 9m allows for minor variation of infill building works.
73. Due to the higher than average heights of to-be-retained heritage frontages and the option of non-residential in what is a Mixed Use Zone, it is probable that infill heights will rarely exceed two storeys. In this context, the zoning is questionable and could be reconsidered at some stage. The precinct is more akin to the NRZ areas in central Queens Parade, which were excluded from the DDO.
74. The proposed application of preferred ResCode B17 side and rear setbacks is appropriate to the low scale residential use. However, and for consistency, it might be changed to the modified version proposed in Figures 1 and 2 of the Preferred DDO. This modified B17 has a 4m high ground floor which is more suited to the heritage (and mixed use) context.
75. The Exhibited upper level front setback is 5m mandatory for the 460 Brunswick Street corner, but 6m preferred for the rest of Precinct 1. Considering the difference is small and not clearly justified, the Preferred version rightly establishes a consistent setback throughout. An upper setback of 6m appears to be the most common requirement throughout all DDO16 precincts and also aligns with the upper setback adopted in Johnston Street (Exhibited and Preferred modelling in **Figs.7.1 & 7.2**).
76. In Precinct 1 there is often an additional front garden setback, so the upper setback starts from the façade line, rather than the street boundary. This has been clarified in the definition of 'street wall' in the Preferred version.



Fig. 7.1- Precincts 1 and 2A as EXHIBITED: corner setbacks 5m



Fig.7.2- Precincts 1 and 2A as PREFERRED: corner setbacks 6m

Precinct 2

77. Precinct 2 is a preferred location for housing and employment growth within the activity centre due to larger sites and more limited impacts on neighbours. Therefore, higher development is appropriate when guided by the proposed interface and shadowing controls. Precinct 2A (the permitted site at 26-56 Queens Parade) is to be predominantly residential, whereas Precincts 2B (formerly 2D) and 2C are to be commercial and remain zoned C2Z which restricts residential uses.
78. The Precinct 2 'Design requirements' protect solar access to Queens Parade and Napier Reserve, with a preferred shadowing restriction between 9am and 3pm on 22 September. This control is relevant to the heights along the western side of Precincts 2B and 2C to protect Napier Reserve, but Precinct 2A development at the permitted height only affects the roadway of Queens Parade, which I do not consider significant. The reference to Queens Parade solar access should be reconsidered (refer **Figs.7.3 & 7.4**).



Fig.7.3- EXHIBITED DDO controls: Napier Reserve shadowing 9am on 22 September

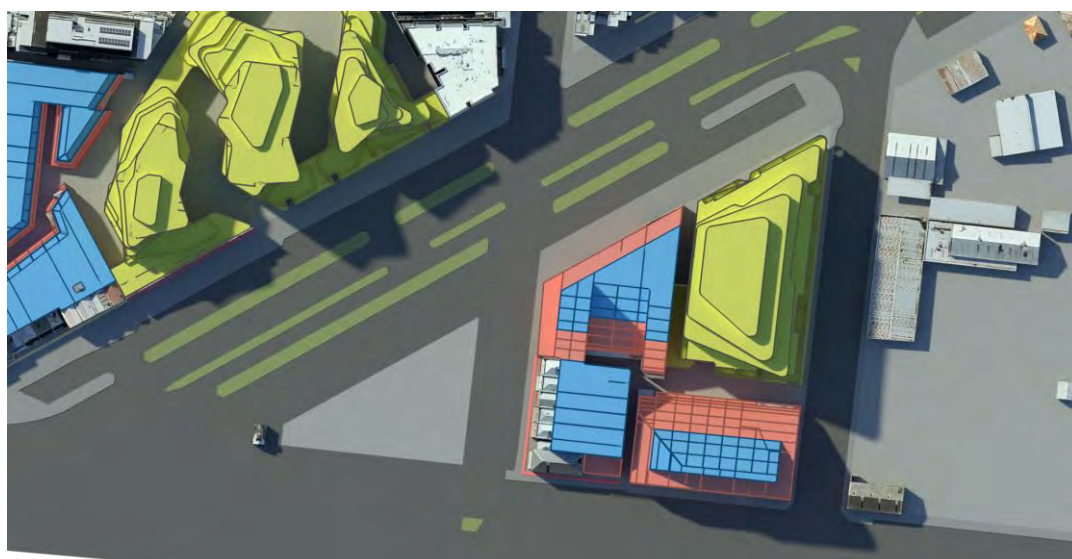


Fig.7.4- EXHIBITED DDO controls: Queens Parade shadowing 3pm on 22 September

Precinct 2A

79. The Preferred version of the DDO makes no modification to Precinct 2A controls which is reasonable given the scrutiny they have been subject to the application of interim controls and the VCAT permit application hearing.
80. I would only note that the proposed combination of B17 boundary setbacks converting to 45° above 10m height is possibly unnecessary, as B17 is already 45° at upper heights. The B17 setback might also be replaced by reference to the modified control with a 4m ground floor contained in Figures 1 and 2 of the Preferred DDO. This would provide consistency throughout the DDO.

Precinct 2B (formerly 2D)

81. The proposed controls allow the heritage terrace to be infilled behind the retained front sections with development up to a preferred height of 18m, with a setback behind the retained street wall of a mandatory 6m minimum. The Exhibited and Preferred versions are the same in this regard and in my view provide sufficient protection for amenity and character bearing in mind the development's commercial use. However, I believe the overall 18m height should be a mandatory maximum given its relationship to a heritage frontage half that height, and due to the overshadowing of Napier Reserve which a greater height would begin to introduce (refer **Fig.7.3** above).
82. The rear setback controls have been varied between the Exhibited version which was undefined, and the Preferred version which rightly matches the new rear setback controls for Precinct 2C with a preferred 4.5m fixed setback from the centreline of the laneway. I would make this rear setback mandatory to ensure consistency of alignment between lots.

Precinct 2C

83. Precinct 2C has considerable development potential due to larger or potentially consolidated sites and limited impact on neighbours. It is also adjacent to the contextually similar Gasworks site with buildings up to 10 storeys proposed by the corresponding Gasworks DPO16.
84. Except for its interface with the Napier Street heritage frontage and limits on shadowing Napier Reserve, constraints are few, so the non-mandatory height controls are appropriate. The overall height of 28m reflects the committed height of the 81-89 Queens Parade permit (around 31m + plant) and the likely scale of the adjoining Gasworks site.
85. The 18m street wall is also rightly preferred and once again closely matches the DPO preferred 6-storey street wall across George Street on the Gasworks site. To Napier Reserve the street wall has been changed from an Exhibited "match adjoining heritage", to a mandatory 10m maximum in the Preferred version. To secure a consistent street wall relationship and limit overshadowing, discretion is not appropriate here.
86. The proposed upper level setback above the street wall is a preferred 5m as Exhibited. The Preferred version changes this to the more common 6m but this remains discretionary except along Napier Street where a mandatory upper level setback is

proposed. I recommend this upper setback be mandatory everywhere to ensure consistent upper façades alignment.

87. It is noted that in order to avoid overshadowing Napier Reserve, 9am on 22 September being the most critical, the upper level setback of any development will need to be increased further along Napier Street. This will need to be addressed as part of any development proposal and a note in the Table 2 Precinct 2C 'upper setbacks' preferred requirement would be helpful.
88. The Exhibited version prefers side and rear setbacks according to B17 and at 45° above a 12m height behind the Precinct 2B heritage terraces. This is unnecessarily restrictive, especially in a non-residential area (refer **Fig.7.5**). At my suggestion, the Preferred version incorporates a fixed 4.5m rear setback from the laneway centreline. The DDO indicates a preferred rear setback, but for consistency of alignment along the laneway I believe it should be mandatory. If a mandatory 4.5m setback was required to the lane centreline this would achieve an accessible 6m widened lane, even with redevelopment of only one side (4.5m setback + 1.5m being approx. half existing lane width). If both sides were redeveloped it would achieve a 9m total separation, assuring the standard measure to avoid screening. Although a commercial zone, I believe amenity in terms of direct overlooking and daylight access remains critical. Notably, the approved 81-89 Queens Parade permit already incorporates a similar rear setback (refer **Fig.7.6**).

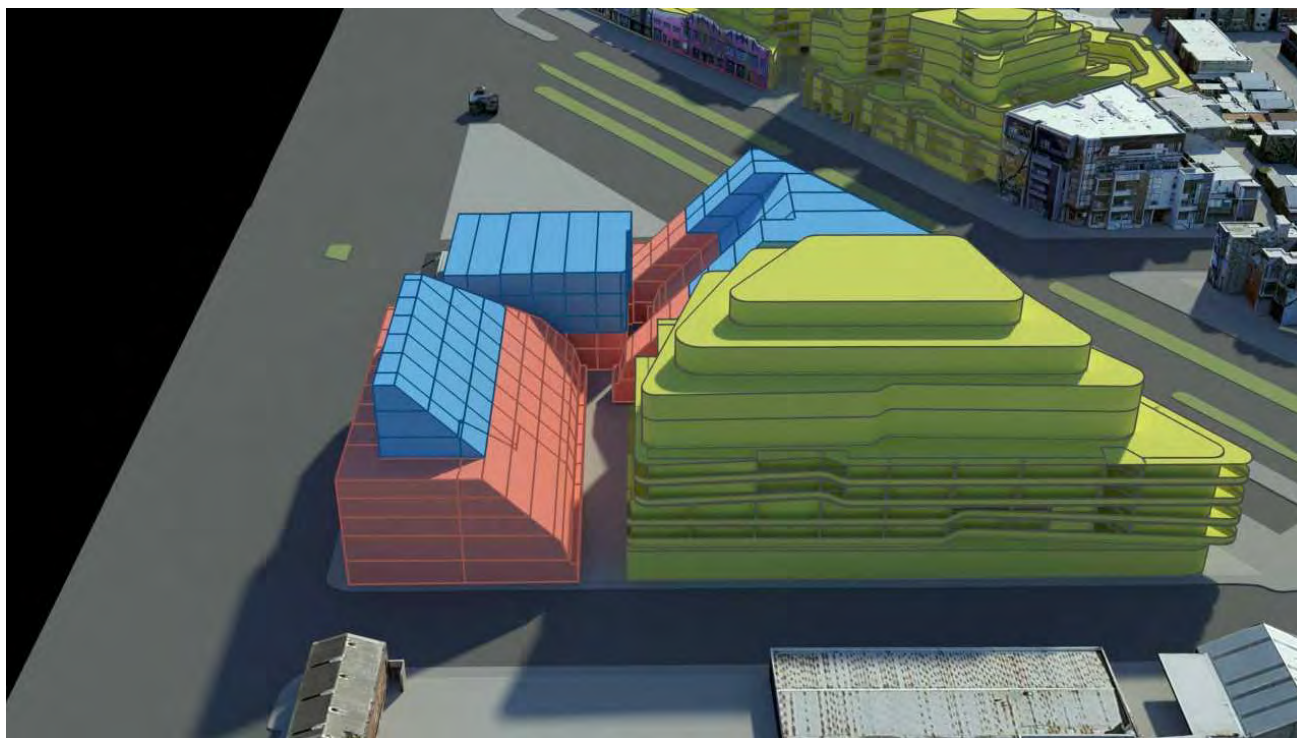


Fig.7.5- EXHIBITED Precinct 2B (formerly 2D) & 2C with B17 rear setbacks looking from George Street

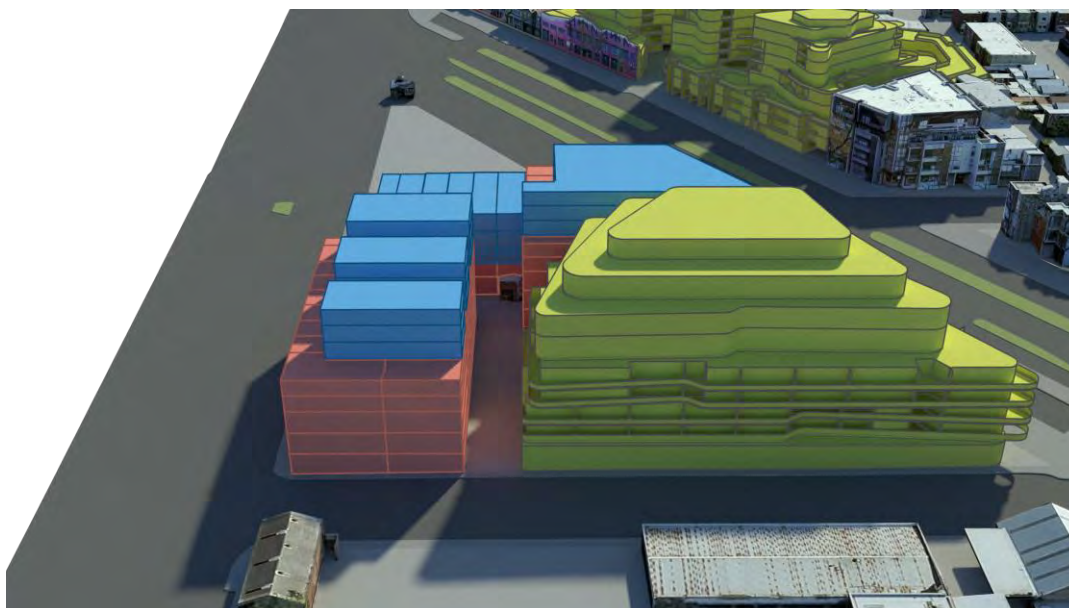


Fig.7.6- PREFERRED Precinct 2C + permit with 4.5m to lane centre looking from George Street

89. No lower level side setbacks are required (up to the proposed 18m street wall). However, with potentially larger buildings of around 28m height it becomes necessary to specify upper level side setbacks to secure amenity and avoid a continuous built wall. An upper boundary setback should be applied above the street wall, particularly if windows open towards the boundary. The Exhibited DDO had none but the Preferred DDO includes 3m to non-habitable or commercial windows and 4.5m to habitable windows.
90. My recommendation is for a standard 4.5m preferred upper setback whatever the window use. Uses change over time and offices require as much amenity as apartments (particularly daylight). It is also possible that only one neighbour may have windows, so the gap may be reduced to only 4.5m (refer **Fig.7.7**)

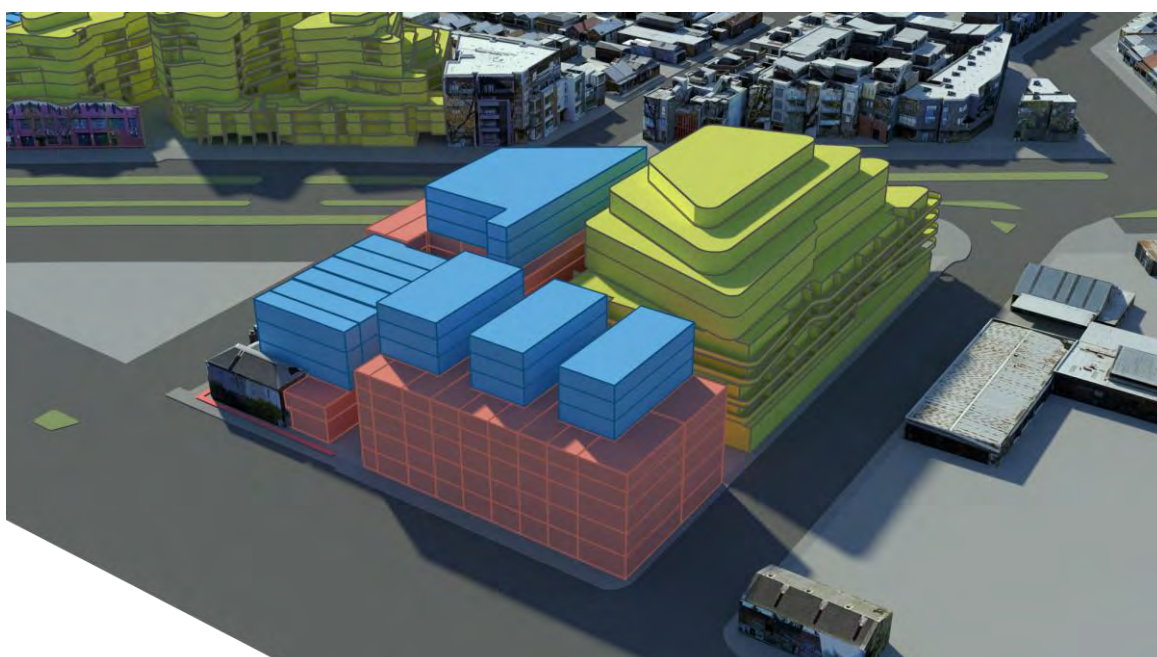


Fig.7.7- Precinct 2C with upper level side setbacks of 4.5m above the 18m street wall (permits in yellow)

Precinct 3

91. Precinct 3 contains differing sections with intact heritage frontage at its southern end in Smith Street and capacity for new mid-rise development to the corner of Smith Street returning east along Queens Parade. For this reason, the Preferred DDO appropriately creates a new Precinct 3B down Smith Street (Nos.652-662) with Precinct 3A being the remainder with more flexible built form controls (refer map at **Fig.7.8**).



Fig.7.8- PREFERRED DDO new Precincts 3A & B map, with St John's view line

92. The Precinct 3 'Design requirements' include preservation of the view to St John's belfry and spire surrounded by clear sky, as seen from "the centre of the footpath on the south-east corner of the intersection with Queens Parade and Smith Street", from where the spire is barely visible due to existing buildings. However, the Preferred DDO now specifies and maps the "south-west" corner of the Smith Street intersection, which I understand to be the pedestrian crossing further out into the road space, and which does enjoy views of the church spire. This is a mandatory requirement where a permit cannot be granted if clear sky is not retained around the spire and belfry. In effect, the amended location is not impacted by the proposed mandatory 11m street wall to the north of Precinct 3A, nor even a higher street wall, so the requirement may be unnecessary (refer **Fig.7.9** amended viewpoint with 14m street wall and trees removed).
93. New buildings in Precinct 4 are distant enough and low enough to have no adverse visual impact on the silhouetting of St John's spire against the sky.



Fig.7.9- St John's spire view from amended viewpoint in Precinct 3 showing the Preferred Version of DDO16

Precinct 3A

94. The preferred maximum overall building height of 18m is relatively imposing, but there is considerable lot depth and there is no consistent heritage frontage, except at the south end of Smith Street past the former Fire Station (which is proposed to be excised as a separate 3B sub-precinct) (refer **Figs.7.10 & 7.11**). The Preferred DDO version for Precinct 3A makes the 18m maximum height mandatory considering its visual impact on the rear housing (in an NRZ with heritage overlay). This accords with my recommendation in my initial review.
95. The street wall heights are mandatory, requiring retention of heritage frontages at 35-37 Queens Parade with 11m height either side, at No.41 and Nos.15-31. GJM Heritage recommends correction to change from contributory to non-contributory, other buildings nearer the corner at Queens Parade 7-11, which allows for the rest of the frontage turning the corner down Smith Street to be a mandatory maximum 14m street wall, which I agree is appropriate to mark the corner with somewhat higher form, being opposite the Gasworks site with a proposed 5-6 storey street wall.
96. The upper levels are consistently to be setback 6m, but this is only proposed to be mandatory in some areas (15-41 Queens Parade), whereas a consistent mandatory treatment is preferable. I recommend standardising to a mandatory maximum 6m setback to align upper facades throughout and ensure a physical distinction of upper levels.



Fig.7.10- EXHIBITED Precinct 3 with consistent 18m preferred overall height



Fig.7.11- PREFERRED Precincts 3A: 18m height and 3B (to left): 14m height

97. The rear has a direct NRZ interface of individual heritage houses fronting Hodgkinson Street, part with and part without a lane. This is a sensitive interface both from a visual dominance point of view, as well as potential overshadowing, therefore I support some form of inclined setback, preferably one which is clear to interpret.
98. The rear setbacks exhibited for DDO16 were a preferred boundary wall height (8m without a lane or 5m with a lane) then above within a 45° incline. The Preferred DDO version, changes this to a modified B17 with a higher ground floor of 4m (**Fig.7.12**). This is helpfully illustrated in Figures 1 and 2 included with the DDO Schedule.
99. Importantly the requirement in the Preferred version and the figures continue to recognise whether there is a lane serving as a buffer along the interface. If there is no lane, they require a 3m ground level setback to provide the buffer space which I believe makes an important amenity contribution. I understand it is not meant to be acquired for public access but is a potential landscape space and avoids new walls directly on the boundary of residential open spaces. Whereas my initial advice supported the requirement of a buffer space of up to 6m, I now agree that 3m is sufficient, but recommend that it be a mandatory control due to the sensitive nature of the residential interface.

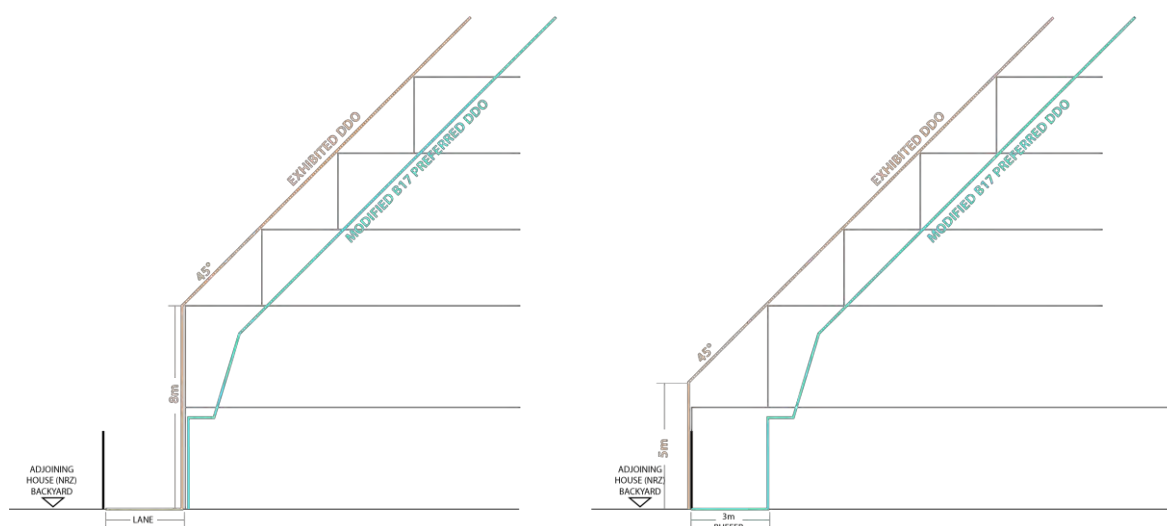


Fig.7.12- Rear setback alternatives (Exhibited and Preferred), with and without lane

100. However, the preferred DDO also includes a 'Design requirement' limiting shadowing of properties to the rear which basically replicates ResCode standards with: "ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75% or 40m² with minimum dimension of 3m, whichever is the lesser area, is of the secluded open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22September."
101. This standard is challenging to assess in a complex urban setting with multiple developments potentially shadowing the neighbours at different times. It also adds a further restriction which overlaps with the function of the rear setback control described above. I believe that the angled rear setback adequately controls shadowing, especially if it were made mandatory, so the overlapping shadowing requirement could be removed.
102. Testing undertaken on nine typical sample back yards with the Preferred DDO setbacks and the shadowing requirement described above (**Fig.7.13**), indicates that shadowing of the majority of properties complies if the modified B17 setback is applied. Two narrower properties in precinct 4 (south side) missed the 5-hour requirement by just 30 minutes (until 1:30 pm rather than 2 pm). This is reasonable, so I contend that the shadowing requirement adds unnecessary complexity, so long as the rear setback is mandatory.



Precinct 3 samples

PRECINCT 3			
Parcel	Open Space area	75% Area	Time overshadows
01	107.7 m ²	81 m ² (40 m ²)	-
02	87.9 m ²	65.9 m ² (40 m ²)	-
03	115.4 m ²	86.5 m ² (40 m ²)	-
PRECINCT 4			
Parcel	Open Space area	75% Area	Time overshadows
01	23.3 m ²	17.3 m ²	1.30 pm
02	44.5 m ²	33.9 m ²	2 pm
03	51.5 m ²	38.6 m ²	2 pm
04	57.8 m ²	43.35 m ² (40 m ²)	2 pm
05	44.2 m ²	33.15 m ²	1.30 pm
06	53 m ²	42.75 m ² (40 m ²)	2 pm



Precinct 4 samples

Fig. 7.13- Backyard overshadowing tests

103. Finally, in both the Exhibited and Preferred versions in Precinct 3A there is a side setback control which in practice affects only 41 Queens Parade at the east end of the frontage and requires a B17 side setback. This is inappropriate as it produces a frontage gap between the neighbouring two-storey house and the inclined B17 first floor setback (**Fig.7.14**). This could be replaced by an 8m height with a 45° incline above.



Fig.7.14- PREFERRED Precinct 3 rear view with modified B17 setback

Precinct 3B

104. The overall height of the new Preferred version Precinct 3B is 14m mandatory, which retains the visual prominence of the intact heritage facades along Smith Street and is commensurate with the now proposed heights in heritage-focused Precinct 4 (see below).
105. Otherwise, the street wall is to retain the heritage frontages (all contributory or individually significant) with a mandatory 6m upper setback. I support all of these refinements.
106. The rear setbacks apply the modified B17 (DDO Figures 1 & 2) as described and commented above for Precinct 3A. In 3B the B17 side setback to NRZ is unnecessary as the circumstance does not actually occur.

Precinct 4

107. For its significance to the local community and for its wider reflection of an intact heritage shopping strip, Precinct 4 is the most special precinct along Queens Parade as is recognised in its - 'Preferred character statement' added in the preferred DDO, which describes: "The unique and vibrant Victorian era shopping strip is reinforced as the retail and activity focus of Queens Parade". This statement is appropriately supported by a series of more specific 'Design requirements' relating particularly to heritage protection but also noting the amenity issues with the rear low-scale NRZ interfaces.
108. In this sense I believe the Exhibited DDO was inadequate in describing and protecting the intrinsic characteristics of Precinct 4, including insufficient consideration of appropriate heights and setbacks to both the street and rear residential interfaces.
109. Following the public submissions and my initial review, Council is recommending important changes to the built form controls for Precinct 4. The overall height is to be reduced from 21.5m to 14m and the upper level setback is to be increased from 6m to 8m and become mandatory throughout (**Figs.7.15 & 7.16**).

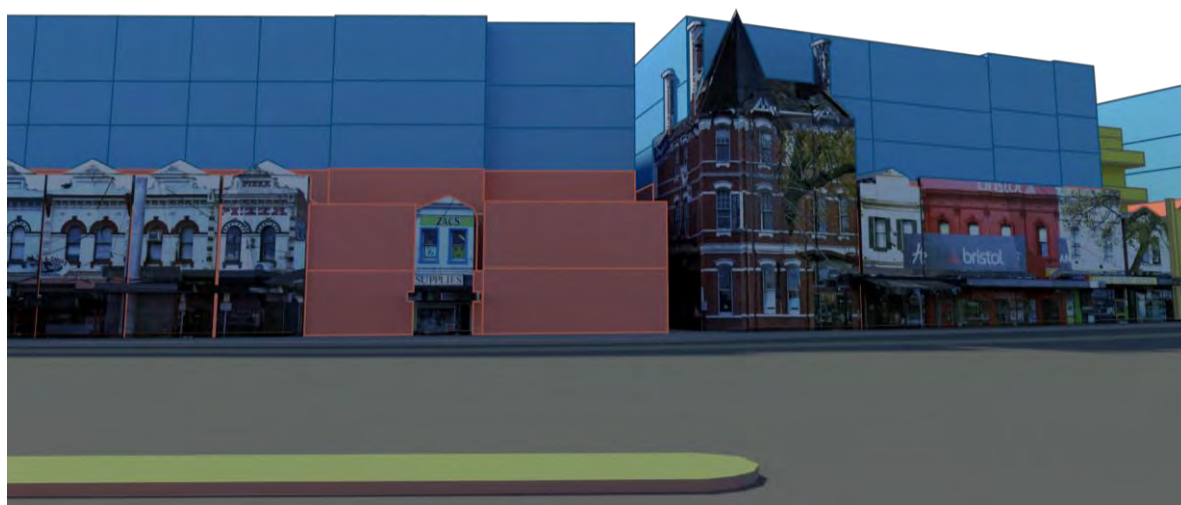


Fig.7.15- Precinct 4 with ANZ Bank EXHIBITED: 21.5m height and 6m upper setback (permit in yellow)

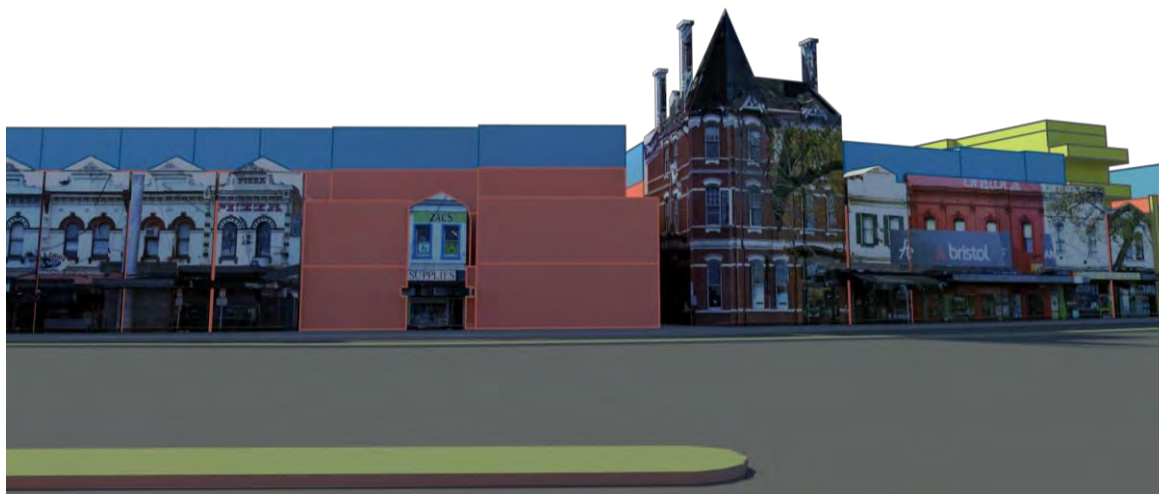


Fig.7.16- Precinct 4 with ANZ Bank PREFERRED: 14m height and 8m upper setback (permit in yellow)

110. Precinct 4 is the strip retail heart of the activity centre with a remarkable consistency of low-scale, fine grain and mostly heritage building stock. The adjoining heritage residential areas are strictly protected (through the application of the Heritage Overlay) in terms of the visibility of any additions, and I do not see why the equally intact and in many ways more publicly significant commercial streetscape should be less important and significantly less protected. Strategically Queens Parade is only a neighbourhood activity centre rather than a higher order centre and as a heritage and urban design setting it is unique and intact.
111. The current building heights are in the 8-11m range, with an identified 'significant heritage streetscape' mapped in the Exhibited DDO16 for most of the Queens Parade frontage. Therefore, the proposed 21.5m mandatory maximum height is exceedingly generous, especially when combined with a limited 6m setback above the historic street wall. Modelling shows the upper levels are not only visible but quite dominant when seen across the wide expanse of Queens Parade. This is counter to the precinct's stated design requirements and warrants critical review. I note that the Hansen Built Form Review recommends an 18m maximum height, but even this is excessively dominant behind the heritage streetscape. Modelling indicates that anything above 14m overall height becomes visually dominant.
112. Another issue is that infill is likely to be narrow and sporadic, leaving higher side walls exposed in views along and across Queens Parade.
113. A final point is that the 14m overall height retains the visual dominance of heritage landmarks such as the former ANZ Bank which is specifically highlighted in the DDO.
114. Due to the importance of Precinct 4 the height should be a mandatory maximum as proposed in the preferred DDO.
115. The mandatory street wall height range of 8-11m is appropriate between retained heritage buildings and its extension to the side street returns ensures built form integrity. However, the return height should also be mandatory, bearing in mind the high visibility and the residential and heritage character of these side streets.

116. The Exhibited DDO16-proposed upper level setback is 6m and is a mandatory minimum within defined 'significant heritage streetscapes'. This denomination is ill-defined and therefore unhelpful, so I recommend a more general application of setbacks throughout (noting that the DDO map in the Preferred version removes the 'streetscape' denomination). In the Exhibited version, the setback is extended to 8m on the corner immediately south of the former ANZ Bank (364 Queens Parade) to help protect views of the Bank but is discretionary in other areas such as the south-east frontage from 167-197 Queens Parade.
117. Due to the significance and intactness of this stretch of streetscape I recommend consistency throughout with a greater setback of 8m mandatory minimum, especially as 8m generally coincides with the depth of the original heritage roofs whose retention provides visual integrity to the heritage buildings viewed as a row (refer **Fig.7.17** for a sample roof plan of Precinct 4 with 8m and 10m setbacks marked and **Fig.7.18** for a Precinct-wide table of heritage roof depths).



Fig.7.17- Sample Precinct 4 roof plan with 8m (green) and 10m (blue) setbacks

Heritage roofs	
Distance from boundary	Number of roofs
<8m	3
8m	21
10m	13
>10m	37

Fig.7.18- Whole of Precinct 4 analysis of heritage roof depths

118. The roofs over 10m deep are generally full-building gable forms which if retained entirely would exclude any redevelopment, which I consider excessive. The rest are more commonly discreet hipped-roof forms, and as can be seen, the 8m setback protects 60% without the need for further assessment. It is noted that a greater mandatory setback would leave an unnecessary gap between all those of 8m or less and the new built form. In cases where a significant heritage roof is deeper than 8m, a greater retention depth can naturally be sought, as is detailed in the general 'Heritage design requirements'. In other cases, longer heritage roofs may be acceptably truncated without undue heritage impact.
119. The upper level setback in side streets is also 6m but preferred not mandatory (in both the Exhibited and Preferred versions of the DDO). I support this discretion for what are commonly narrower sites where a lesser upper setback may be adequate.
120. With the now proposed 14m overall height and 8m upper setback (both mandatory), views to and visual pre-eminence of the former ANZ Bank will be secured. Likewise, other heritage buildings will not be overwhelmed by any infill behind the frontage, without a need for this to be totally invisible. In particular, I do not believe that upper infill is unlikely to be continuous and will therefore not be as evident as even the full 'build-out' modelling indicates. The recent 13.5m (4-storey) development at 137 Queens Parade (corner of Gold Street) is a good example of how the proposed scale can be integrated (refer **Fig.7.19**).



Fig.7.19- Precinct 4 Infill development (shown in white) 137 Queens Parade (corner Gold Street) 13.5m high

121. The proposed rear setbacks repeat the same interface issues as discussed above in Precinct 3. Likewise, the proposal was modified between the Exhibited and Preferred versions (refer **Figs.7.20 & 7.21**). Therefore, I support and recommend the same controls as for Precinct 3, that is, modified B17 with an additional 3m ground level buffer setback if there is no laneway. The Preferred DDO proposes this, but once again adds a preferred overshadowing control which I consider is an unnecessary complication that, according to our testing, provides very similar outcomes to the simpler setback control. However, this modified B17 should be mandatory, rather than the current 'preferred' status, as neighbouring residential amenity is a critical issue.



Fig.7.20- Precinct 4 south side EXHIBITED 21.5m height and rear setback controls (permits in yellow)



Fig.7.21- Precinct 4 south side PREFERRED 14m height and rear setback controls (permits in yellow)

Precinct 5

122. Precinct 5 is substantially committed with the modelling of recent construction (white), permits (yellow) and applications (orange) showing a dense, higher-rise precinct including a current application of up to 69m (22 storeys). There are no major amenity impacts in this location, except potentially wind, and the threat to the visual integrity of the Former UK Hotel (now McDonalds) and the Clifton Motors frontage. The proposal for the Clifton Motors' site already has heritage approval but not a planning permit (refer **Fig.7.22**).

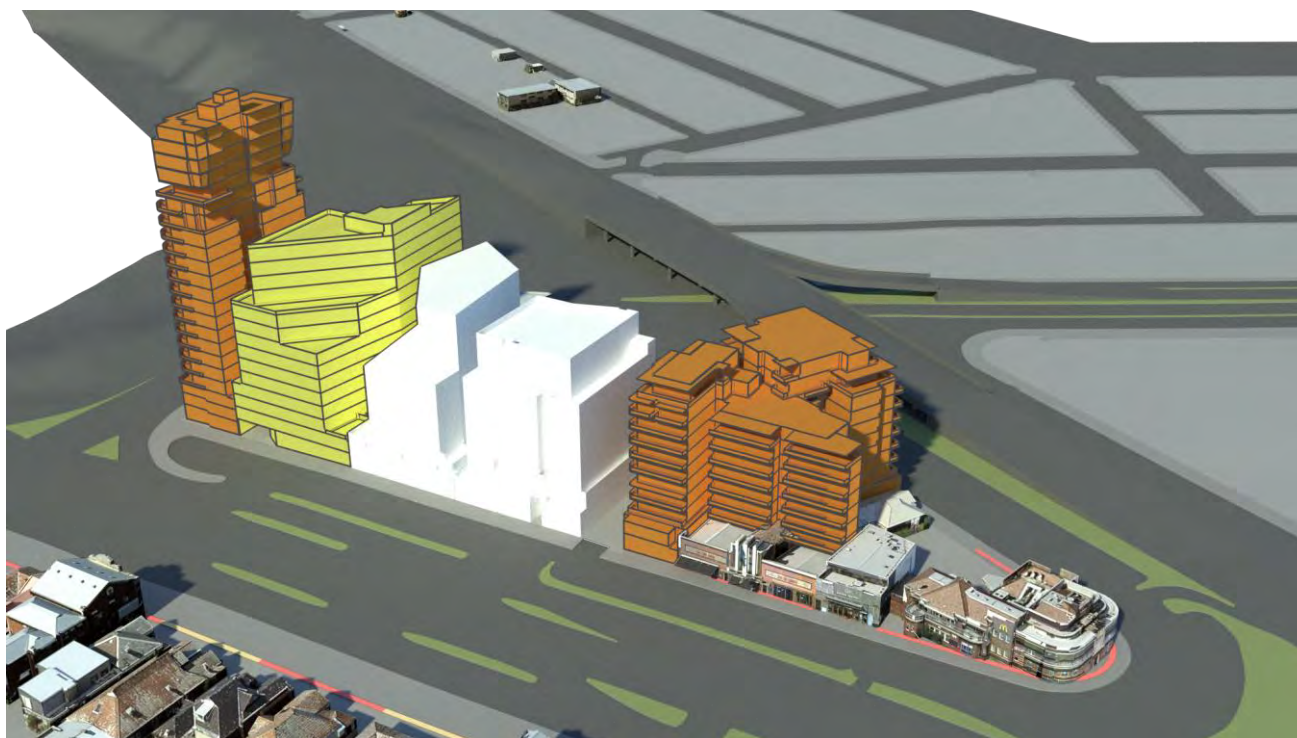


Fig.7.22- Precinct 5 with recent construction (white), permit (yellow), applications (orange)

123. The new 'Preferred character statement' indicates the potential for housing growth generally and higher-rise development toward the precinct's eastern end, when away from heritage buildings (UK Hotel and Clifton Motors). There should be separation between the higher buildings and a general transitioning down from the east (Precinct 5C) to the State significant heritage structures in the west (Precinct 5A and part of 5B). I support this design philosophy to transition to the rest of Queens Parade and not just the local heritage landmarks.
124. The requirement to design higher developments in 5B and 5C as separate buildings with upper level setbacks repeats the same issues discussed for the larger sites in 2C. That is, to secure amenity and avoid a continuous built wall, a 4.5m boundary setback should be applied above the street wall, particularly if windows open towards the boundary. This creates 9m total separation between two neighbouring developments.
125. As with Precinct 2C, the Preferred DDO distinguishes between setbacks to windows that are non-habitable (3m from boundary) and habitable (4.5m from boundary). Once

again, I support a standardised 4.5m setback as uses change and the extra height in 5B and 5C demand even greater visual separation.

Precinct 5A

126. Precinct 5A is the former deco UK Hotel (now McDonalds) and is a key local landmark and is State heritage listed. Any infill except to the open eastern corner of the site is liable to destroy the integrity of the complex parapet, finial and roof forms. Therefore, I recommended the 18m Exhibited height was challenging and the Preferred DDO has a more reasonable 11m height, with any development rightly limited to this rear (south-east) corner. The street wall is rightly to match the heritage UK Hotel.
127. The other change proposed in the Preferred DDO is the incorporation of the adjacent open corner of the McDonalds site with Precinct 5A (it was exhibited in 5B). This is marked in blue on the Preferred DDO map (**Fig.7.23**). This is reasonable but raises the question that this farther corner might well be somewhat higher to mask / transition to the adjoining Precinct 5B structures. I recommend the 11m height be 'preferred' to facilitate some height variation in this corner.



Fig.7.23- Map of Precinct 5 PREFERRED DDO (Note blue site extension)

Precinct 5B

128. As noted above, the Clifton Motors site already has a proposal which is approved by Heritage Victoria (though without an approved planning permit) and which does not comply with the Exhibited 1:1 ratio for visible upper development, having a 10-storey building behind the low deco façade. Hence, I recommended this complex requirement be deleted and the Preferred DDO replaces it with stepped overall heights of 18m to Queens Parade and the unchanged 28m to Dummett Crescent in the rear (**Figs.7.24 & 7.25**).



Fig.7.24- Precincts 5B (left, with 1:1 height ratio) and 5A (right, with 18m high infill)

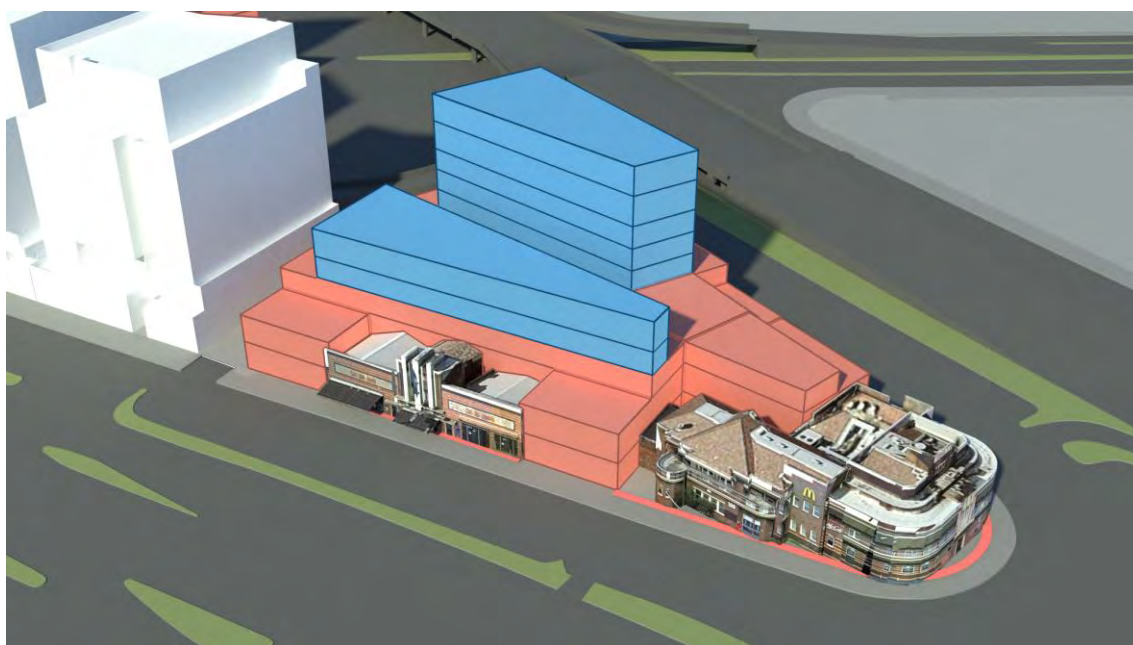


Fig.7.25- Precincts 5B (left, with 18m & 28m heights) and 5A (right, with 11m infill)

129. The Exhibited requirement of a mandatory setback of 6m behind the retained Clifton Motors façade with matching adjoining street wall height has been increased to 8m in the Preferred DDO. This is commensurate with the greater setback applied to significant heritage in Precinct 4.
130. Elsewhere, the 6m setback is preferred, above the preferred 11m street wall height. I agree, the street wall height could be discretionary in this case, but its upper setback should be made mandatory to ensure consistency and a clear visual separation.
131. Although much of 5B is amalgamated as one development site, as noted in the Precinct 5 General Requirements, it is important to include a requirement for tower separation, nominally 4.5m from site boundaries above the street wall or 'podium' height. As noted above, I support a standard 4.5m rather than a use dependent 3 or 4.5m.

Precinct 5C

132. This most easterly precinct is rather isolated, and development has limited impact on the neighbourhood, being surrounded by major roads and the railway. The DDO16 controls are discretionary and have been challenged by recent constructions and permit applications.
133. There are already two constructed towers up to 12-storeys, with a 22 -storey (64m) application adjoining, compared with a preferred 49m maximum height in the Exhibited DDO. The Preferred DDO reduces this to 43m discretionary height but there is no strong justification for locking in an absolute overall height, except that it closely matches the permit for 249-265 Queens Parade. Precinct 5C has no direct heritage interface and no specific overshadowing issues except for the on-ramp circular space which is of no current public utility. Therefore, the proposed 43m height provides an upper height similar to the constructed towers. I believe this height is a reasonable benchmark but does not need to be mandatory (refer **Figs.7.26 & 7.27**). A well designed tower might continue the upward transition further to the east, but the extra height should be justified by the specific design and not be regarded 'as of right'.

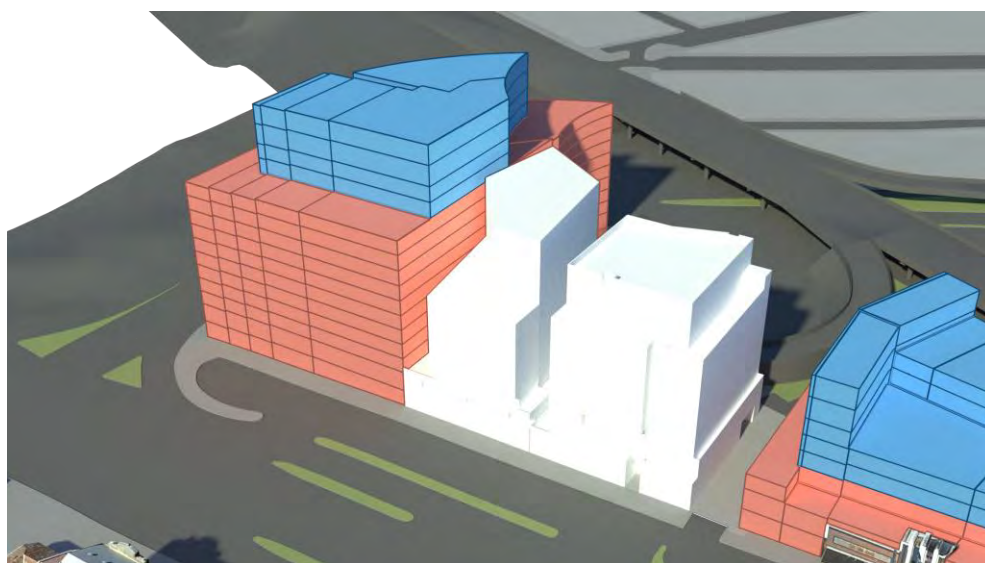


Fig.7.26- Precinct 5C EXHIBITED: 49m overall height, 35m street wall

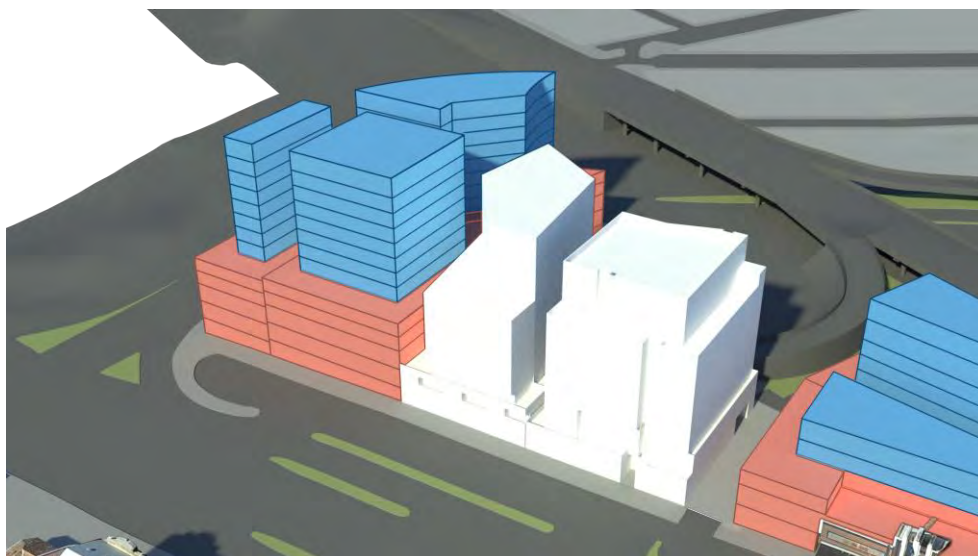


Fig.7.27- Precinct 5C PREFERRED: 43m overall height, 18m street wall

134. The Exhibited DDO includes an extremely high 35m street wall height (equivalent to Central City). This height of street wall may create wind down draughts in this exposed location as well as being well above the human scale at which a pedestrian relates to podium activity. Existing tower street walls are already 24m high, so the Preferred DDO reduction to 18m preferred maximum is supported to capture any new or revised permits.
135. The Exhibited upper setback was 10m, but with a reduced street wall this is appropriately reduced to the standard 6m in the Preferred DDO. As elsewhere I recommend this upper setback always be mandatory to secure consistent alignment of towers visually defined from the human scale street wall.
136. Most crucially, there is no provision regarding setbacks between towers to protect occupant amenity and ensure sky views between separate buildings in the Exhibited version of the DDO. This was discussed above in Precinct 2C and again in Precinct 5 generally. Although I recommend some discretion with these side and rear boundary setbacks, I support a standard 4.5m boundary setback whatever the adjoining window's role.
137. I note that the strict application of this separation (combined with the proposed street setback) would likely limit the high development of narrower sites such as 267-271 Queens Parade.
138. While Precinct 5C is largely committed, it is worth pursuing robust controls should permits not proceed. Setbacks for wind mitigation, privacy, outlook and daylight access are more important considerations than height per se in this location. With the potentially significant heights in this exposed location, a professional wind impacts report should be required.

8.0 Proposed Built Form Controls: Submissions Review

139. Council supplied the following submissions for my response from a generally urban design perspective. A summary of the key issues raised is included at the end of the individual submissions review:

Initial Submissions re Exhibited DDO

#11 (Hodgkinson Street)

- 140. The main concerns relate to impacts on low scale residential development to the rear of Precinct 4.
- 141. The 45° upper setback angle is claimed to be insufficient to protect neighbours to the south. This may be the case in mid-winter, but modelling shows that the 45° angle is less than the shadow angle at the equinox (normal control time) until around 2pm for the Queens Parade southside orientation. Council's Preferred DDO proposal has a modified B17 rear setback including the 45° limit above the lower setbacks so is in my view appropriate.
- 142. There is also concern regarding the impact of traffic on the laneways and the lack of buffer landscaping. Council's Preferred DDO proposal requiring a minimum 3m setback from any rear NRZ property boundary (without a lane), provides space for a buffer with landscape improvements, as well as moving shadows further away from the affected properties.
- 143. The submission is correct in identifying that thorough transport planning is critical to reduce development impacts, particularly related to site access. I understand there has been a traffic review and I recommend consideration of reduced parking rates.

#83 (Hodgkinson Street)

- 144. The main criticism is regarding a lack of heritage protection, with the Exhibited 6-storey heights in Precinct 4 in contrast to strict controls on quite limited upper extensions in the residential heritage areas. This does present an inconsistency and Council's Preferred DDO reduces heights to 4 storeys in Precinct 4, recognising that new development in this intact, low scale commercial precinct should be visually subservient (though not totally invisible).
- 145. The submission expresses concern regarding shadowing, including of solar panels though the latter seems unlikely according to the modelling (assuming the panels are located on main building roofs).
- 146. Concern regarding traffic in the laneways (see my comments re Submission #11).

#95 (Michael Street)

- 147. Main interest is in heritage conservation with consideration of individual buildings that I am not equipped to respond to. I do agree that the Queens Parade shopping strip in Precinct 4 is an asset that positively serves more than the immediate residents and therefore support a stronger level of amenity and heritage protection than initially

proposed (that is, 4-storey maximum with 8m upper setback, instead of 6-storeys with 6m setback exhibited). However, I do not go as far as to recommend a 'no visibility' of extensions rule as this is a live activity centre with some need for controlled change and limited growth.

148. Similar concerns regarding traffic in laneways to Submission #11 above.

#146 (24 Queens Parade)

149. Complains of the impacts of the development approval at 26-56 Queens Parade and the use of discretionary controls. While mandatory controls do need to be justified as necessary to support the desired outcomes, I support additional mandatory controls in many instances and recommend their use particularly with regard to street wall heights and upper level setbacks and more widely in Precinct 4, which the respondent specifically cited as sensitive.

150. Concerns are expressed about where the 45° upper setback is measured from, with a preference to start from the property boundary. Council's Preferred DDO now clarifies this with the modified B17 rear setback including illustrative figures.

#147 (Wellington Street)

151. Cites the intactness of Precinct 4's heritage shopping strip and the importance of key heritage landmarks, finding 6 storeys with a 6m setback excessive. I agree, hence my recommendation included in Council's Preferred DDO to limit the Precinct 4 height to 4 storeys with an 8m setback (both mandatory). This height and the greater setback will assist in the protection of the existing roofline features and sky views as requested by the respondent.

#266 (McKean Street)

152. The respondent asks in relation to Precinct 4: "why should there be a strong set of guidelines for the protection of residential heritage built form and a lesser set for the protection of commercial heritage built form". I generally agree and recommended substantial changes to Precinct 4 controls now included in Council's Preferred DDO (maximum 4 storeys with minimum 8m upper level setback), noting that this is a live activity centre with some need for controlled change and limited growth.

153. Requests inclusion of the south east section towards Mayors Park as equally a heritage streetscape, which I have also noted despite its more heterogeneous character. The Preferred DDO removes the 'significant streetscape' designation (which excluded the south-east section), effectively providing similar protection for all of Precinct 4 frontages.

154. Requests stronger tools to achieve 'high quality' development (a typical issue everywhere) and questions the rationale for the 1:1 visibility ratio, which I agree is complex is proposed to be replaced with the height and setback controls in Council's Preferred DDO.

#280 (Protect Fitzroy North)

155. While agreeing that Queens Parade can “largely cope with development elsewhere” the submission argues that the Precinct 4 shopping strip requires special protection. The respondent rightly notes the specific subdivision and row house structure with rear lanes, which is susceptible to damage by larger development and compares it to Lygon Street Carlton which has strict height controls. I support a strengthening of controls in Precinct 4 as a special place and recommended a maximum 14m height with minimum 8m upper setback above retained frontages, which are now included in Council’s Preferred DDO as mandatory controls.
156. The submission also recommends some reductions in Precinct 3 which in my view is not as sensitive (except for the rear interface which is now better protected by the Preferred DDO modified B17 with additional 3m where there is no lane) and a reduction in the Precinct 5 street wall to say 18m, which has also been included in the Preferred DDO, both for human scale and likely wind impact reasons.

#281 (Coleman Street)

157. Demands consideration of heritage above strategic growth with an analysis of planning policy and process and an emphasis on heritage. In detailed terms there is a request to apply B17 setbacks from rear boundaries. Council’s Preferred DDO now includes a modified B17 rear setback with 3m extra where there is no lane.

#296 (McKean Street)

158. The main concern is the height over the Precinct 4 shopping strip, which I agree is excessive at 6 storeys and therefore recommended a maximum 4 storeys setback a minimum of 8m (as included in Council’s Preferred DDO). Particular reference is made to the impact of side walls of sporadic 6-storey additions and to the roof profile and sky views. The 8m setback is chosen to respect most of the existing roof forms and the 4 storeys protects sky views as well as limiting views of any new party walls.

#297 (Roseneath Street)

159. The main argument once again concerns the uniqueness and intactness of Precinct 4 and protection of its roof profile. My recommendations address these concerns with specific recommendation regarding 4 storey maximum height and 8m minimum upper setbacks, as included in Council’s Preferred DDO.

#298 (McKean Street)

160. Protecting Precinct 4 is a major concern with support for a 4-storey height cap, which matches my recommendation, and concern to preserve the roof profile, for which I recommend a minimum 8m setback (as discussed above).
161. Concerned about the rear setbacks in terms of amenity with a request for modelling (which has now been undertaken). Council’s Preferred DDO with modified B17 rear setback generally addresses this concern.
162. Also concerned about traffic in laneways, which I agree is a potential issue (see my comments in Submission #11 above).

#338 (3068 Group)

163. Long response with strong heritage focus and recommendations regarding particular heritage sites which I am not equipped to comment on. Argues that there are other areas which can accommodate strategic growth.
164. Comments on the inadequacy of Hansen's urban design assessment of key sites, which require specific studies. As the particular inadequacies are not specified, it is hard to comment without comprehensive individual site reviews that I am not commissioned to undertake.
165. Generally supports the DDO Objectives but claims the tools do not deliver the required outcomes. My recommendations regarding reduced heights and increased setbacks with greater use of mandatory provisions (generally incorporated in Council's Preferred DDO) go some way to addressing these concerns.
166. Points out that the boulevard width renders inadequate the visibility ratio rules. I agree and support fixed height and setbacks instead, now included in Council's Preferred DDO for the affected Clifton Motors site.

Additional Submissions re Preferred DDO**#400 (Hodgkinson Street)**

167. Objects to the 18m maximum height in Precinct 3 due to visual impact and winter shadowing on their property to the rear and seeks a 3-4 storey (14m) height limit. It is true that new development may overshadow rear properties at mid-winter, but as this is an activity centre and there are limited heritage buildings in Precinct 3A (unlike Precincts 3B and 4), the controls are designed for a reasonable compromise restricting shadowing at the equinox which is the common benchmark in the planning scheme.

#401 (217-241 Queens Parade)

168. General support for Amendment C231 and its guidance particularly for Precinct 5 where submitter is located (in Precinct 5C). Supports Preferred DDO with stricter controls and reduced heights for Precincts 5A & 5B to protect former Clifton Motors and the former UK Hotel, but apparently regards the 28m height limit to the 'rear' Dummett Crescent as unreasonably high and would prefer a greater stepping down from Precinct 5C. I consider that 28m is a sufficient transition downward from the 43m allowed in Precinct 5C and that it is reasonable to allow some extra height well set back from the Clifton Motors frontage with its 18m height limit.

#402 (201-215 Queens Parade & 6-12 Dummett Crescent)

169. This submission relates specifically to the aggregated site including Clifton Motors. It considers the proposed Precinct 5B height and setbacks to be too restrictive, considering the strategic potential of the site, but does not offer detailed evidence. The Clifton Motors building is a significant heritage structure included in the Victorian Heritage Register and therefore justifies considered controls rather than an uncertain case-by-case approach that the submission seeks. The 18m height control of the Queens Parade section also relates to the lower built former of the former UK Hotel to

the immediate west and the general stepping down from Precinct 5C toward the heart of Queens Parade. The upper level setback of 8m behind the retained heritage frontage is consistent with similar sites in Precinct 4 and is relaxed to 6m where there is no heritage frontage. I therefore consider the proposed controls to be appropriate.

#403 (Hodgkinson Street)

170. This submission requests stricter controls for Precinct 3 beyond those proposed by Council's Preferred DDO. In particular, it asks why Precinct 3A should not also be reduced from 18m to 14m maximum height to match Precincts 3B and 4, as well as requesting greater setbacks generally. The reasoning in maintaining the greater height in Precinct 3A is that it does not now contain heritage frontages like the other named precincts and it includes the corner of Queens Parade and Smith Street where some higher building definition should match the even higher Gasworks proposed development across Smith Street (up to 10 storeys or in excess of 30m).
171. The rear interface controls with a modified B17 and 3m additional setback where there is no lane, protect rear yards from overshadowing on 22 September according to the normal ResCode standard (according to our sample testing) even without a specific shadowing control. I do state that the modified B17 must be mandatory and then support the removal of the overlapping shadowing control. Modelling shows that extra height with the 45° upper rear setback does not increase shadowing at the equinox. Mid-winter shadowing protection would be an adverse and uncommon measure to apply, especially in an activity centre. Any overlooking will be distant and must be controlled if less than 9m. This is a normal expectation in the inner city.
172. Commentary regarding the rear laneway largely focuses on traffic generation which is to be addressed by others (refer to my comments for Submission #11).

#404 (Unknown address)

173. This submission objects in a general manner to heights of up to 6 storeys along Queens Parade. No details are provided, so one can only assume that the reference is outdated (that is, referring to the Exhibited DDO for Precinct 4) or is against greater height in Precincts 2 and 5 where strategically higher development is justified as described in my report.

#405 (Heritage, Planning and Traders Group)

174. This group submission makes specific suggestions for further amending the DDO controls with a particular emphasis on heritage protection.
175. Precinct 4 Proposals:
 - a. No visibility of new development from the opposite side of very wide Queens Parade virtually limits any change except for rear infill with well setback rooftop pop-ups. This is unreasonably restrictive in my view and will overly block any development of isolated single storey buildings where infill may be positive to complete the streetscape.
 - b. Setback of upper development behind the heritage roof form or 10m (whichever is greater) would create many anomalous situations where an existing deep gable effectively blocks redevelopment completely or an existing short roof leaves a gap

- to the prescribed 10m (my report includes analysis of percentages). Potentially extreme variations in upper building depth also present side walls to view.
- c. The retention of the whole building, even if contributory rather than significant, below these retained roofs while protecting heritage integrity further compounds the impacts on redevelopment.
 - d. Likewise, there needs to be some flexibility for not retaining the whole of a significant building. If the significance is so high, then the building should be on the State Register and controlled through Heritage Victoria permits.
 - e. The return frontage down side streets is protected by Council's proposed controls, but once again some discretion regarding upper setbacks is desirable to meet specific circumstances.
 - f. The recommendations for laneways and rear setbacks generally match what is the Preferred DDO, as is the height of infill parapets to match heritage neighbours.
 - g. The need for further detailed heritage provisions is best addressed by the heritage expert.

176. Precinct 5 Proposals:

- a. The proposed 5A height control is to be a mandatory 11m, though with the expansion of the precinct area to the east some allowance for building to the higher neighbouring party wall may be desirable.
- b. The proposal for 5B retains the complex 1:1 view ratio which I believe to be better controlled by the now proposed 18m and 28m upper heights. Maximums of 11m and 19m would severely restrict development of large sites and create an uncomfortably significant step down from the proposed 43m of Precinct 5C.
- c. The proposed 5C height is left at 43m, but the suggested 28m street wall and 10m upper setback are best replaced by Council's Preferred 18m with 6m setback to provide a more consistent, human scale streetscape which actually better matches the recently constructed buildings.

#406 (271 Queens Parade)

177. This submission relates specifically to Precinct 5C and objects in general terms to the imposition of height and setback controls considered to unnecessarily inhibit strategic development of the sites. As always, the planning scheme and its interpretation must balance strategic development yield against amenity and contextual matters. I believe the balance has been met, noting that all of Council's Preferred controls for Precinct 5C are discretionary to allow for some interpretation of special circumstances. I do recommend the upper setback of 6m minimum be mandatory to distinguish street wall from towers and provide a wind down draught buffer, noting that the Exhibited setback was greater at 10m.

#9 Update (81-89 Queens Parade)

178. This updated submission relates to a site in Precinct 2C:

- a. Firstly, it requests that the overall height of 28m be measured in storeys (that is, 8 storeys in this case). I understand that the Ministerial preference for height measurement is in metres, being the actual physical height, which is the cause of any visual or amenity impacts. I also note that as the overall height is 'preferred' there is some discretion to consider special circumstances.

- b. Secondly, it objects to the application of ResCode B17 setbacks to a non-residential zone. The Council Preferred DDO removes B17 to replace it with a straight 4.5m setback from the lane centreline, which is less onerous and comparable to the existing permit in the precinct.

#291 Update (Hodgkinson Street)

- 179. General praise for the intact heritage nature of the precinct and apparent desire to prevent new development. The 'Rubber Duck' site is quoted as being problematic, but I consider it to be a relatively sensitive 4-storey infill. While I agree that the Exhibited controls were too lenient, particularly in Precinct 4, there does need to be allowance for update and evolution in the activity centre.

#338 Update (3068 Group)

- 180. This submission makes a case for the inclusion of Mayor's Park within the study area and the heritage overlay, particularly in regard to views to and from the park. I am unable to comment on heritage aspects of the park which may warrant further study and protection. From an urban design viewpoint, the park's relationship to Queens Parade is relatively limited, visible in the distance but separated by Heidelberg Road. It is probably more appropriately treated in its own right to better consider all interfaces, including the more direct nexus with Turnbull Street.
- 181. I am not qualified to comment on the heritage significance of the two hotels cited.

Summary of key issues raised by the reviewed submissions

- 182. The submissions fall into two groups, those generally from residents in abutting areas seeking stricter heritage and amenity protection, and those from owners of potential development sites seeking more flexibility to maximise strategic growth.

Submissions re heritage and amenity

- 183. The arguments around heritage and amenity overlap as they both seek reduced heights and greater setbacks. The focus is overwhelmingly on Precinct 4 being the intact Victorian era retail strip, with some demand for similar treatment in Precinct 3. Submission #405 from the Heritage, Planning and Traders Group covers the issues most comprehensively and proposes specific DDO provisions:
 - a. For Precinct 4 the proposed 'no visibility' of new structures drastically reduces development due to the width of the street and is in my view an unnecessary level of control. While being a significant heritage area the activity centre needs to be able to evolve. The 14m height limit achieves this with the added expectation that many sites will not redevelop.
 - b. The proposed upper setback to retain the whole of heritage roofs or 10m if greater, is also overly restrictive and does not allow for the large proportion of roofs at 8m or less depth. I continue to support 8m mandatory minimum, noting there are related objectives to guide a greater setback where needed.
 - c. The proposed rear setback provisions generally conform with the modified B17 setback proposed by Council's Preferred DDO. Other submissions continue to object to overshadowing even in winter. This is beyond normal practice especially for an

activity centre and I do not support the Preferred DDO's complex overshadowing provision which largely duplicates setbacks.

- d. The concerns regarding increased traffic in rear laneways are being addressed by separate traffic evidence. I note that front access from Queens Parade must be avoided and a review of parking rates might be advisable (see my comments in paragraph 66 above).

184. Precinct 3 submitters request imposition of a 14m height, but now that the heritage section down Smith Street has been separated as a separate Precinct 3B with 14m height, I see no reason why the limited heritage 3A cannot remain at 18m height.

Submissions re strategic Growth

185. The arguments for greater flexibility centre on Precinct 5 (especially Submissions 402 & 406). Without providing detailed evidence at this stage, they generally argue for the need to maximise growth to meet strategic planning goals. This translates into greater height and lesser setbacks. I support the Preferred DDO controls as a suitable balance between growth, character and amenity protection, noting that the Precinct 5 controls are generally discretionary to allow some flexibility (except in relation to the former Clifton Motors and UK Hotel sites). The setbacks between towers is an important consideration which must be addressed.
186. Submission 401, which is from an adjoining building, supports the Preferred DDO but with lower height behind Clifton Motors. I consider this unnecessary, particularly considering the required Heritage Victoria approval is a further safeguard. I support the relative height caps of 43m (5C), 28m (5B) and 11m (5A) as providing a suitable transition down to the heritage landmarks (especially the former UK Hotel).

9.0 Conclusion: Summary of Recommendations

187. In conclusion, I offer support for proposed Amendment C231 subject to refinements to the amendment as outlined within the table that follows.

LARRY PARSONS – Exhibited DDO16 v Preferred Version of DDO16				
	Exhibited DDO16	Opinion on Exhibited DDO16	Preferred Version of DDO16	Opinion on Preferred Version of DDO16
Precinct 1 At and Adjoining 460 Brunswick Street	Building height: 9m mandatory	Agree with 9m for any infill As this is realistically two storeys, so reconsider MUZ	Building height: 9m mandatory (inc. Lot 1 to lane)	Agree with 9m for any infill As this is realistically two storeys, so reconsider MUZ
	Street wall: Mandatory to match 460 Brunswick St	Agreed	Street wall: Mandatory to match 460 Brunswick St	Agreed
	Upper setback: 5m mandatory	Standardise heritage to 6m mandatory	Upper setback: 6m mandatory	Agreed
	Side and rear setbacks: ResCode B17 preferred	Modified B17: 4m ground as per Fig1 Preferred DDO16	Side and rear setbacks: ResCode B17 preferred	Modified B17: 4m ground as per Fig1 Preferred DDO16
Precinct 1 Elsewhere	Building Height: Lot 1 to lane 9m mandatory Elsewhere 9m discretionary	Agree with 9m for any replacement/infill As this is realistically two storeys, so reconsider MUZ	Building Height: 9m discretionary (exc. Lot 1 to lane)	Agree with 9m for any replacement/infill As this is realistically two storeys, so reconsider MUZ
	Street wall: Retain height of heritage facade Preferred to match adjacent heritage	All heritage, so all to be retained	Street wall: Retain height of heritage facade Preferred to match adjacent heritage	All heritage, so all to be retained
	Upper setback: 6m discretionary	Standardise heritage to 6m mandatory	Upper setback: 6m preferred	Standardise to 6m mandatory
	Side and rear setbacks: ResCode B17 preferred	Modified B17: 4m ground as per Fig1 Preferred DDO16	Side and rear setbacks: ResCode B17 preferred	Modified B17: 4m at ground level as per Fig1 Preferred DDO16
Precinct 2A	Building Height: 31m mandatory	Agreed	Building Height: 31m mandatory	Agreed
	Street wall: Retain height of heritage facade 10m mandatory where no heritage	Agreed	Street wall: Retain height of heritage facade 10m mandatory where no heritage	Agreed
	Upper setbacks: Heritage 8m from 10-16m height 10m above 16m height Non-heritage 5m from 10-16m height 8m above 16m height	Agreed	Upper setbacks: Heritage 8m from 10-16m height 10m above 16m height Non-heritage 5m from 10-16m height 8m above 16m height	Agreed

	Rear setbacks to NRZ / GRZ: ResCode B17 to 10m then 45° to 25m, preferred	Agreed, but B17 is 45° above 10m	Rear setbacks to NRZ / GRZ: ResCode B17 to 10m then 45° to 25m, preferred	Agreed, but B17 is 45° above 10m Prefer modified B17 with 4m ground
	Side setbacks to NRZ: 0m to 10m then 45° to 25m, preferred	Agreed	Side setbacks to NRZ: 0m to 10m then 45° to 25m, preferred	Agreed
	Side setbacks to MUZ east; 0m to party wall or 10m elsewhere / 9m to windows /balconies up to 16m then 15m above 16m	Agreed, to accommodate existing development amenity	Side setbacks to MUZ east; 0m to party wall or 10m elsewhere / 9m to windows /balconies up to 16m then 15m above 16m	Agreed, to accommodate existing development amenity
	Rear and side setbacks to MUZ west / north-west: 0m to party wall or 10m elsewhere / then 45° to 25m	Agreed	Rear and side setbacks to MUZ west / north-west: 0m to party wall or 10m elsewhere / then 45° to 25m	Agreed
Precinct 2B (formerly 2D)	Building height: 18m preferred	Agreed, matches street wall in adjoining 2C, but make mandatory due to heritage and also limits shadowing to Napier Reserve	Building height: 18m preferred	Agreed, matches street wall in adjoining 2C, but make mandatory due to heritage and also limits shadowing to Napier Reserve
	Street wall: Retain height of heritage facade	Agreed	Street wall: Retain heritage height mandatory	Agreed
	Upper setback: 6m mandatory	Agreed	Upper setback: 6m mandatory	Agreed
	Rear setback: ---	Recommend 4.5m from centreline of lane	Preferred 4.5m from centreline of lane for entire height	Agreed, but mandatory for consistency between lots along lane
Precinct 2C	Building height: 28m preferred	Agreed, noting that addition of preferred shadow control over Napier Reserve 9am-3pm on 22 Sept limits adjacent height	Building height: 28m preferred	Agreed, noting that addition of preferred shadow control over Napier Reserve 9am-3pm on 22 Sept limits adjacent height
	Street wall: 18m preferred Match heritage on Napier St preferred	18m agreed, but 10m mandatory to Napier St	Street wall: 18m preferred Napier St 10m mandatory	Agreed
	Upper setback: 5m preferred	Standardise to 6m mandatory to Napier Street Agreed, elsewhere 6m preferred	Upper setback: 6m mandatory to Napier Street Elsewhere 6m preferred	Standardise to 6m mandatory to align upper facades

	Setback to 472-482 Napier: 45° above 12m	Unnecessarily restrictive, replace with a single setback of 4.5m from centreline of lane	Setback to 472-482 Napier incorporated as single rear setback of 4.5m	Agreed
	Rear Setbacks: ResCode B17	Unnecessarily restrictive, replace with a single setback of 4.5m from centreline of lane (similar to 81-89 Queens Parade permit)	Rear setbacks: Preferred 4.5m from centreline of lane for entire height	Agreed, but mandatory for consistency between lots along lane (also side to lane)
	Side Setbacks: ResCode B17	Unnecessarily restrictive, replace with a single setback of 4.5m from centreline of lane	Side setbacks (upper floors): Preferred 4.5m from boundary for habitable room window Preferred 3.0m from boundary for non-habitable room or commercial window	Preferred 4.5m always, whatever the window type. Uses can change, and commercial requires equal amenity
Precinct 3A	Building height: 18m preferred	Make mandatory due to NRZ heritage context to south	Building height: Mandatory 18m	Agreed
	Street wall: mandatory 11m for 15-33 Queens Parade Mandatory to retain heritage heights and match adjoining heritage Mandatory 14m elsewhere	Assumed logic of higher height to Smith St corner Controlled view line to St John's Church is already blocked from south east corner of Smith St	Street wall: mandatory 11m for 15-33 and 41 Queens Parade Mandatory to retain heritage heights (inc. 35-37 Queens) and match adjoining heritage Mandatory 14m elsewhere	Agreed, but reduce 41 Queens Pde to 8m street wall as between 2-storey heritage buildings. Note: 35-37 Queens are setback, so street wall is the façade not the footpath line. Controlled view line to St John's Church is not blocked from south west corner of Smith St (newly defined)
	Upper setback: Mandatory 6m to 664 Smith St and 15-41 Queens Pde Preferred 6m elsewhere	Standardise to 6m mandatory to align upper facades	Upper setback: 6m mandatory at 15-41 Queens Parade 6m preferred elsewhere	Standardise to 6m mandatory to align upper facades
	Rear setback: Preferred 45° above 8m to lane 45° above 5m if no lane	Rear controls should be mandatory due to sensitive heritage NRZ	Rear setback: With lane. preferred modified B17 with 4m high ground floor (Fig.1 of DDO) Without lane, preferred modified B17 Fig.2 of DDO with extra 3m ground setback.	Agreed, but make mandatory due to sensitive NRZ interface, and remove complex preferred ResCode overshadowing control which provides similar outcome anyway.
	Side setback: Preferred ResCode B17 to NRZ	Effectively only to 2-storey 43 Queens to	Side setback: Preferred ResCode B17 to NRZ	Replace with 8m height then 45° for 41 Queens Pde

		north, so 3.6m ground leaves odd gap.		
Precinct 3B Formerly south part of 3A)	652-662 Smith St heritage properties previously not defined with separate controls	Heritage context justifies review	Building height: Mandatory 14m	Agreed
	N/A		Street wall: Retain heritage heights	Agreed
	N/A		Upper setback: Mandatory 6m	Agreed
	N/A		Rear setback: With lane, preferred modified B17 with 4m high ground floor (Fig.1 of DDO) Without lane, preferred modified B17 Fig.2 of DDO with extra 3m ground setback.	Agreed, but make mandatory due to sensitive NRZ interface, and remove complex preferred ResCode overshadowing control which provides similar outcome anyway.
	N/A		Side setback: ResCode B17 to NRZ	No side boundaries to NRZ (all are rear)
Precinct 4	Building height: Mandatory 21.5m	Too high for context	Building height: Mandatory 14m	Agreed
	Street wall: Retain height of heritage facade and match adjoining heritage Elsewhere between 8-11m or higher heritage neighbour	Agreed, but specify matching height is to a preferred minimum 6m width from heritage Remove reference to higher heritage neighbour (only ANZ and should be dominant)	Street wall: Retain height of heritage facade and match adjoining heritage Elsewhere between 8- 11m or higher heritage neighbour	Agreed, but specify matching height is to a preferred minimum 6m width from heritage Remove reference to higher heritage neighbour (only ANZ is higher and should remain so)
	Side streets street wall: Preferred to retain heritage heights Elsewhere preferred between 8-11m or higher heritage neighbour	Significant visible facades, make mandatory as for Queens Pde Remove reference to higher heritage neighbour (none are appropriate)	Side streets street wall: Preferred to retain heritage heights Elsewhere preferred between 8-11m or higher heritage neighbour	Mandatory retention of significant and contributory building returns Remove reference to higher heritage neighbour (none are appropriate)
	Upper setback: Mandatory 6m in 'significant heritage streetscape'; 8m at 364 Queens Pde (next to ANZ) Preferred 6m elsewhere	Mandatory 8m everywhere, due to general heritage significance including roof forms Remove confusing 'significant heritage streetscape' note	Upper setback: Mandatory 8m, with notes in general Heritage Design Requirements about greater setback to retain significant roof forms	Agreed
	Side street upper setback: Preferred 6m	Agreed, flexibility needed for commonly narrower sites	Side street upper setback: Preferred 6m	Agreed, flexibility needed for commonly narrower sites

	Side and rear setbacks: Preferred 45° above 8m to lane 45° above 5m if no lane	Rear controls should be mandatory due to sensitive heritage NRZ	Rear setback: With lane. preferred modified B17 with 4m high ground floor (Fig.1 of DDO) Without lane, preferred modified B17 Fig.2 of DDO with extra 3m ground setback.	Agreed, but make mandatory due to sensitive NRZ interface, and remove complex preferred ResCode overshadowing control which provides similar outcome anyway.
Precinct 5A	Building height: 18m preferred (area in east corner mapped)	11m to not dominate heritage landmark	Building height: Mandatory 11m (area in east corner mapped + adjoining section of same site added)	Agreed, logical to maintain control across rest of site, but now needs to revert to 11m preferred to allow east section of site to step up to neighbour
	Street wall: Mandatory to match heritage parapet or eaves height	Agreed	Street wall: Mandatory to match heritage parapet or eaves height	Agreed
	Upper setback: 5m preferred	Standardise to 6m mandatory	Upper setback: 6m preferred	Agreed, but should be mandatory
Precinct 5B	Building height: For Clifton Motors and 203 Queens preferred 1:1 view of new above heritage street wall from opposite side of Queens Preferred 28m elsewhere	1:1 ratio is challenging due to road width and complex to use, suggest fixed heights	Building height: For 201-215 Queens Parade 18m mandatory Elsewhere 28m preferred	Agreed, but single ownership through to Dummett Crescent, blurs change point
	Street wall: Mandatory to match heritage parapet or eaves height of Clifton Motors and UK Hotel Preferred 11m elsewhere	Agreed	Street wall: Mandatory to match heritage parapet or eaves height of Clifton Motors and UK Hotel (clarified 201-215 Queens Pde) Preferred 11m for 4-10 Dummett Crescent	Agreed, but could be worded as: 11m elsewhere
	Upper setback: Mandatory 6m Clifton Motors Preferred 6m elsewhere	Standardise to 6m mandatory	Upper setback: Mandatory 8m 201-215 Queens Parade Preferred 6m elsewhere	Agreed, 8m consistent with high heritage significance, but 6m mandatory elsewhere
	Side and rear setbacks: None specified	Upper separations required at this height, suggest 4.5m to boundary	Side and rear setbacks (upper floors): Preferred 4.5m from boundary for habitable room window	Preferred 4.5m always, whatever the window type. Uses can change, and commercial requires equal amenity

			Preferred 3.0m from boundary for non-habitable room or commercial window	
Precinct 5C	Building height; Preferred 49m	No real impacts on external context, but relationship to 5C neighbours must be considered	Building height: Preferred 43m	No real impacts on context, but aligns with permit at 249-265 Queens Parade
	Street wall: Preferred 35m	Excessive in relation to street character and pedestrian scale	Street wall: Preferred 18m	Agreed
	Upper setback: Preferred 10m	Unnecessarily large but standardise to 6m mandatory	Upper setback: Preferred 6m	Standardise to 6m mandatory
	Side and rear setbacks: None specified	Upper separations required at this height, suggest 4.5m to boundary	Side and rear setbacks (upper floors): Preferred 4.5m from boundary for habitable room window Preferred 3.0m from boundary for non-habitable room or commercial window	Preferred 4.5m always, whatever the window type. Uses can change, and commercial requires equal amenity

Appendix 1: Summary of Experience & Personal Details

Full Name and Address

Laurence (Larry) James Parsons

Ethos Urban Pty Ltd

Level 8, 30 Collins Street

MELBOURNE VIC 3000

Qualifications, experience and Area of Expertise

Qualifications

- Full Member of the Planning Institute of Australia (PIA)
- Member of Victorian Environmental & Planning Law Association (VPELA)
- Bachelor of Architecture (Hons), University of Melbourne, Australia, 1976
- Masters of Arts (Urban Design), Oxford Brookes University, United Kingdom, 1978
- Arquitecto Superior (Urbanismo), Spain, 1994

Professional experience

- Director, Ethos Urban, 2017 to present
- Director, Development Approvals & Urban Design, Department of Environment, Land, Water & Planning, 2013-2017
- Director, Urban Design, Department of Planning & Community Development (then Department of Transport, Planning & Local Infrastructure), 2009-2013
- Senior Urban Designer, Arup Melbourne, 2008-2009
- Principal, Navarra de Arquitectura y Gestion, Spain, 1989-2008
- Head, Urban Design Unit, City of Melbourne, 1985-1988

Area of Expertise

I have 35 years' experience in public and private practice with public authorities as well as architecture and urban design consultancies in Australia and Spain including over 15 years' solely practicing Urban Design.

Expertise to Prepare this Report

I have led strategic built form reviews including as Project Director of the Central City Built Form Review, Amendment C270 to the Melbourne Planning Scheme on behalf of the Victorian Minister for Planning. I have also had extensive experience as an advisor to both responsible authorities and applicants for planning permits for medium to high-rise development. This has involved assessment of issues regarding height, setbacks and neighbouring context, for around 50 significant developments in the CBD, Southbank, Docklands and elsewhere. As a practising architect in Spain, I have designed and supervised the construction of numerous apartment buildings, set within inner urban contexts.

Extent of relationship with commissioning client

I can confirm there is no private or business relationship between myself and the client for whom the report has been prepared.

Instructions which defined the scope of this report

- I am engaged by Maddocks on behalf of Yarra City Council.
- I have been requested to give expert evidence in relation to the key urban design aspects of the proposed Amendment.
- I have received verbal and written instructions from Maddocks, and various documents relating to the Amendment.

Facts, matters and assumptions relied upon

- Inspection of the subject site and surrounding area;
- Review of planning controls and policies affecting the area;
- Review of Amendment documentation as supplied by Maddocks; and
- 3D digital modelling of the area and the proposed control envelopes, commissioned by Maddocks on behalf of Yarra City Council and prepared by Ethos Urban.

Documents specifically taken into account

- The Yarra Planning Scheme (including DPO16 for former North Fitzroy Gasworks site), the proposed Amendment C231 documents (more specifically DDO16 as Exhibited and the Preferred Version produced by Council in response to submissions), and relevant submissions supplied by Maddocks;
- Queens Parade Built Form Review (Hansen, Dec. 2017);
- Queens Parade Built Form Heritage Review (GJM Heritage, Dec. 2017);

- Council Agenda and Minutes of 12 March 2019 and 28 May 2019 (Amendment C231 - response to submissions)

Summary of opinions

Refer to the conclusion of this statement (refer to section 9.0).

Provisional opinions

This report is complete and accurate to the best of my knowledge and does not contain any provisional opinions except where noted.

Questions outside my area of expertise, incomplete or inaccurate aspects of the report

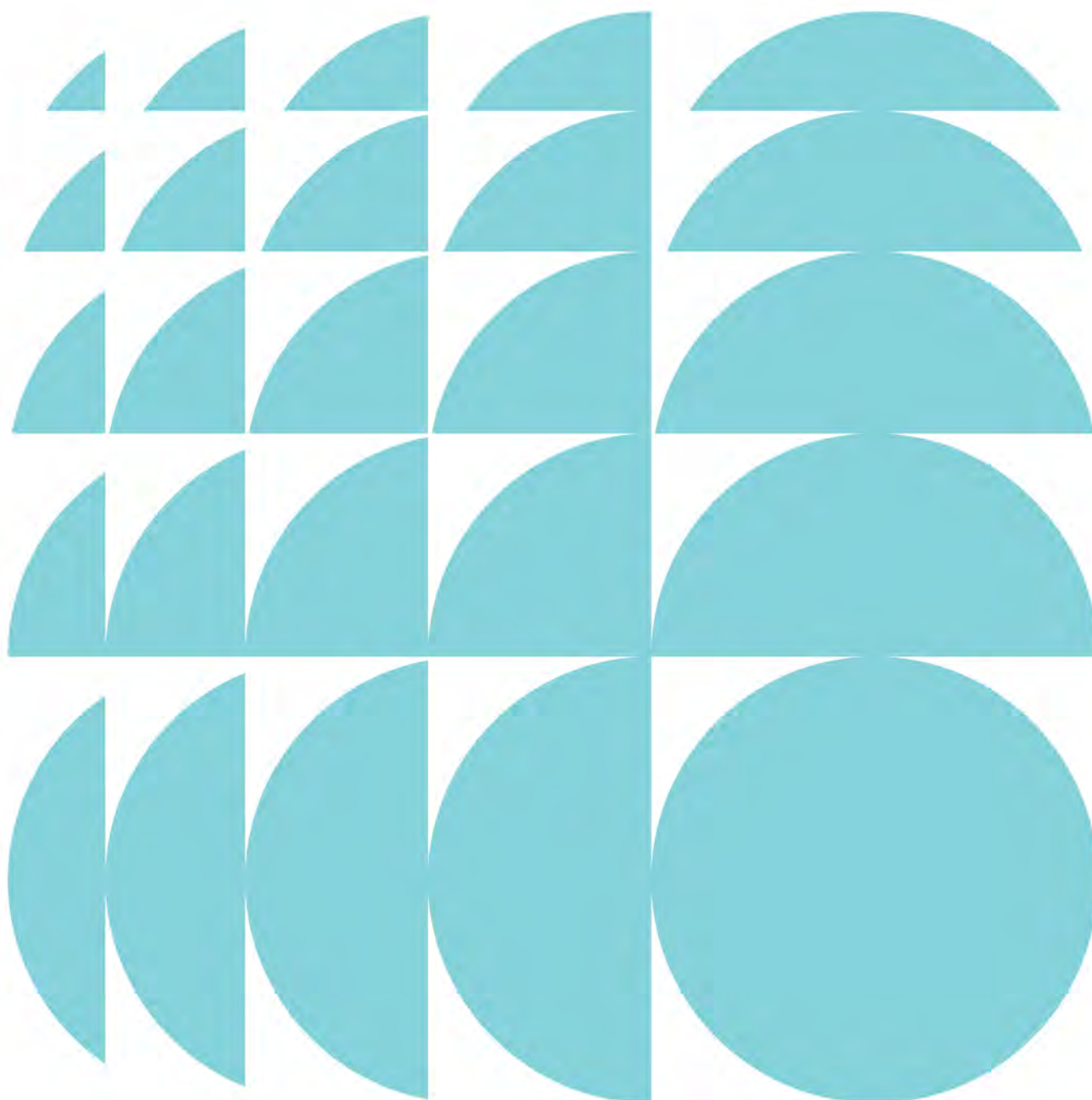
This report focuses on urban design matters and does not purport to analyse statutory planning, heritage, traffic, or other matters which fall outside of my expertise.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from Panel.

A handwritten signature in dark ink, appearing to read 'L. Parsons', is positioned above the printed name.

Larry Parsons

Attachment 1: Exhibited & Preferred DDO16 / Initial Peer Review



CONTACT

Larry Parsons Director lparsons@ethosurban.com 0433028123

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This document has been prepared by:

This document has been reviewed by:



Larry Parsons 8 may 2019

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VERSION NO. V2	DATE OF ISSUE 14 MAY 2019	REVISION BY LP	APPROVED BY
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Ethos Urban Pty Ltd
ABN 13 615 087 931.
www.ethosurban.com
Level 8, 30 Collins St, Melbourne
VIC 3000 t 61 3 94197226

1.0 Background

The City of Yarra (Council) has prepared Amendment C231 to the Yarra Planning Scheme (Scheme), covering the Queens Parade Activity Centre and formalising the current Interim Controls introduced via Amendment C229 in February 2017. A Planning Panel Hearing is scheduled to start on 12 August 2019.

Amendment C231 covers a number of matters including rezoning of specific sites and adjustment to heritage overlays, but the focus of this report are the built form requirements which are to be introduced by way of Schedule 16 to the Design and Development Overlay (DDO16). DDO16 includes Design Objectives and specific controls relating to height and setbacks in five identified precincts. These 'focus areas' now forming the DDO16 precincts exclude all residential zoned areas and are therefore discontinuous along Queens Parade (refer yellow outlined areas from Hansen Report on Fig.1).

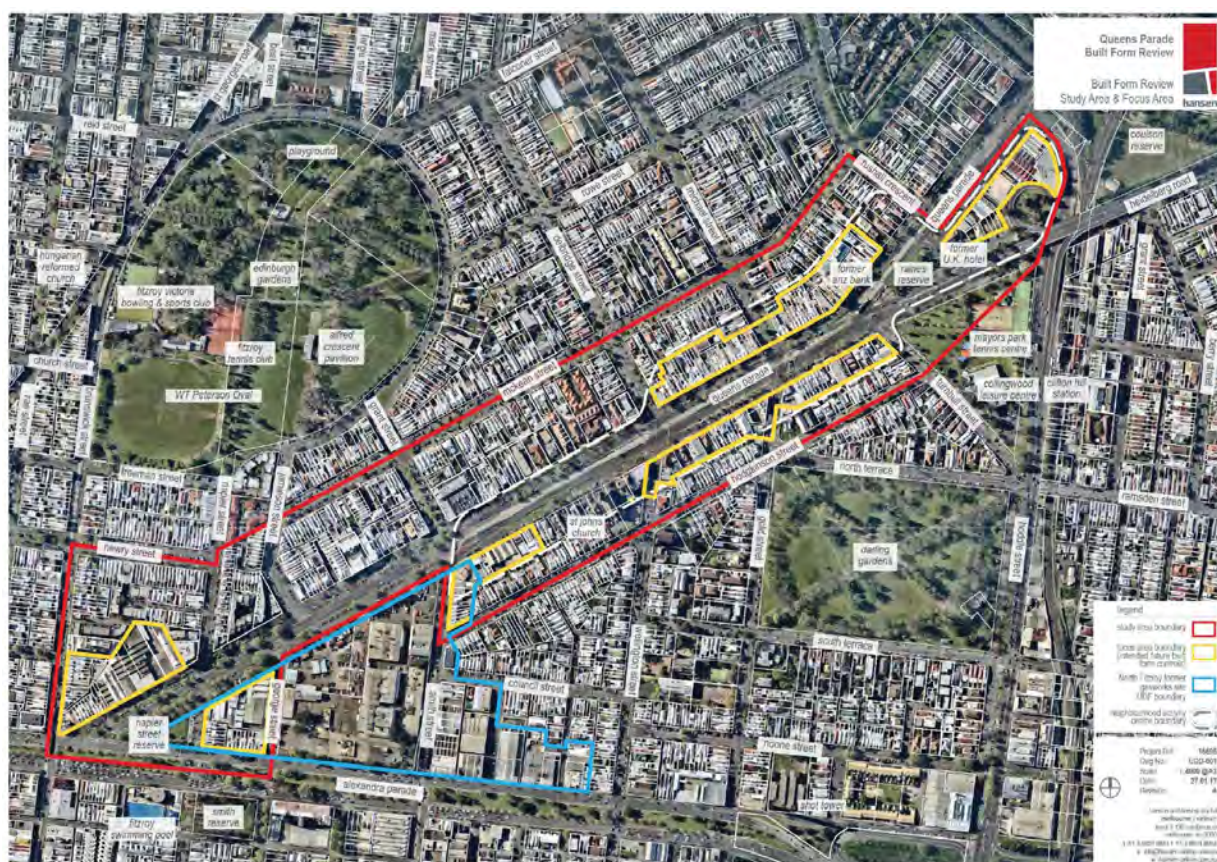


Fig.1 Queens Parade Built Form Review – Study Area (red) & Focus Area (yellow), Hansen, Dec 2017)

On 20 December 2018, Maddocks provided me with a Briefing on behalf of Council, requesting the preparation of a 3D digital model of the DDO16 areas. This modelling includes:

- The existing built form and street layout with indicative trees and superimposed façade imagery;
- 'Plug-in' models of recent permits and applications (from plans supplied by Council);
- Theoretical building envelopes assuming the proposed controls were built out to their full extent.

Having reviewed the above modelling, including additional control options for heights and setbacks, on 8 April 2019 Maddocks then commissioned me to undertake a peer review of DDO16 as exhibited with particular reference to:

- The qualitative statements in the general design objectives, general design requirements and precinct specific design requirements in DDO16, and
- The appropriateness of the quantitative requirements (such as height and setbacks) having regard to these qualitative statements.

I was also asked to review 12 specific public submissions relating to built form and urban design issues. On 2 May 2019 added a further instruction to specifically review:

- The rear interfaces in Precincts 3 and 4, including overshadowing,
- The building heights and setbacks in Precincts 3 and 4 particularly,
- The potential overshadowing of Napier Reserve from Precinct 2,
- The transition between Precincts 2C and 2D, and
- Separation distances (for upper levels) in Precincts 2C and 5C.

Throughout the report are 3D model screen shots from the original DDO16 scenario modelled for Council and new modelling of selected precincts where recommendations are made to change particular built form controls.

2.0 Design & Development Overlay DDO16

2.1 General & Heritage Design Requirements

The DDO16 introductory section contains lists of General Design Objectives plus General Design and Heritage Requirements. These parameters are generally sound, but I make the following detailed comments:

1.0 second point: The character statement needs to be more nuanced for each precinct, with Precincts 1 and 4 being more 'low-rise', 2 and 3 being mid-rise and 5 potentially being high rise, with a caveat that certain parts of each precinct are to have more reduced heights due to heritage sensitivity.

1.0 fourth point: Requiring development that "responds to the grand, tree-lined boulevard" needs rewording. As a bald statement this promotes larger-scale flanking buildings. It may be better expressed as "respecting the wide, open boulevard character where the historic trees remain the dominant visual feature".

1.0 additional point required: "To protect the integrity of largely intact historical streetscapes by limiting new development in areas where significant and contributory buildings of similar scale and materiality are grouped together or are closely spaced".

2.1 Definition of 1:1 ratio heritage street wall: With the substantial width of Queens Parade, this requirement becomes exceedingly challenging and may be reconsidered / removed. (Note: Precinct 5B is the only area where this ratio is specifically applied and is already compromised by the proposed building and adjoining overall building heights in excess of the ratio requirement.)

2.1 Definition of building height: would benefit from measurable parameters regarding architectural features and rooftop services (not occupiable and 30cm projection, 50m² or 10% of roof area, 3.6m high plant/stairs setback min. 3.0m, etc.)

2.2 second point: The requirements to exceed the preferred parameters should also refer to the introductory 'design requirements' for each precinct and not just the precinct schedules.

2.2 third point: My understanding is that all precincts are either C1Z or MUZ, so the commercial floor to floor height **always** applies, and should possibly have a minimum measure such as 4.0m (as in other local areas in Yarra)?

2.2 fourth point: add at end "with steps limited to one storey or 3m maximum".

2.2 fifth point: Limiting vehicle access from the Queens Parade frontage is crucial, so the 'where possible' proviso significantly weakens the requirement. Prohibit new vehicle access across the Queens Parade footpath (existing cross-overs may be retained).

2.2 sixth point: With regard to upper setbacks above heritage, replace meaningless 'high quality' with 'visually separated'.

Table to 2.2: My understanding is that this is unnecessary as the schedules contain boundary wall and setback requirements for all precincts with a residential interface. The additional information is therefore confusing.

2.3 Heritage Infill buildings second and third points: Repetition of glazing guidance, could remove from second point, which is about vertical proportions.

2.3 Upper level development and development adjoining heritage: Last two points are potentially conflicting; the fourth point suggests 'simple architectural detailing' presumably as a neutral background, but the fifth point suggests 'articulation to reflect the fine grained character' or trying to match heritage intricacy?

The precinct's built form requirements (which I discuss in detail below) are relatively complex, with a lack of consistency in heights and setbacks for fairly similar circumstances. I see significant merit in establishing a series of consistent metrics for heritage and amenity parameters to be applied across the DDO16 area, if not the municipality as a whole.

2.2 Precinct 1B Requirements

Precinct 1 (or rather 1B) as an eminently residential and heritage precinct merits, a specific precinct character statement as a low-rise, low development potential area. In fact, it might be more appropriately rezoned GRZ or even NRZ, particularly considering the 9m proposed overall height.

The specific Precinct 1 design requirements include "provide for vehicular access off the laneway". As the rear laneway varies between around 3 - 4m wide, it might be prudent to require a rear setback or widening of at least 1.5m on both sides (apart from any site-specific vehicle access path requirements).

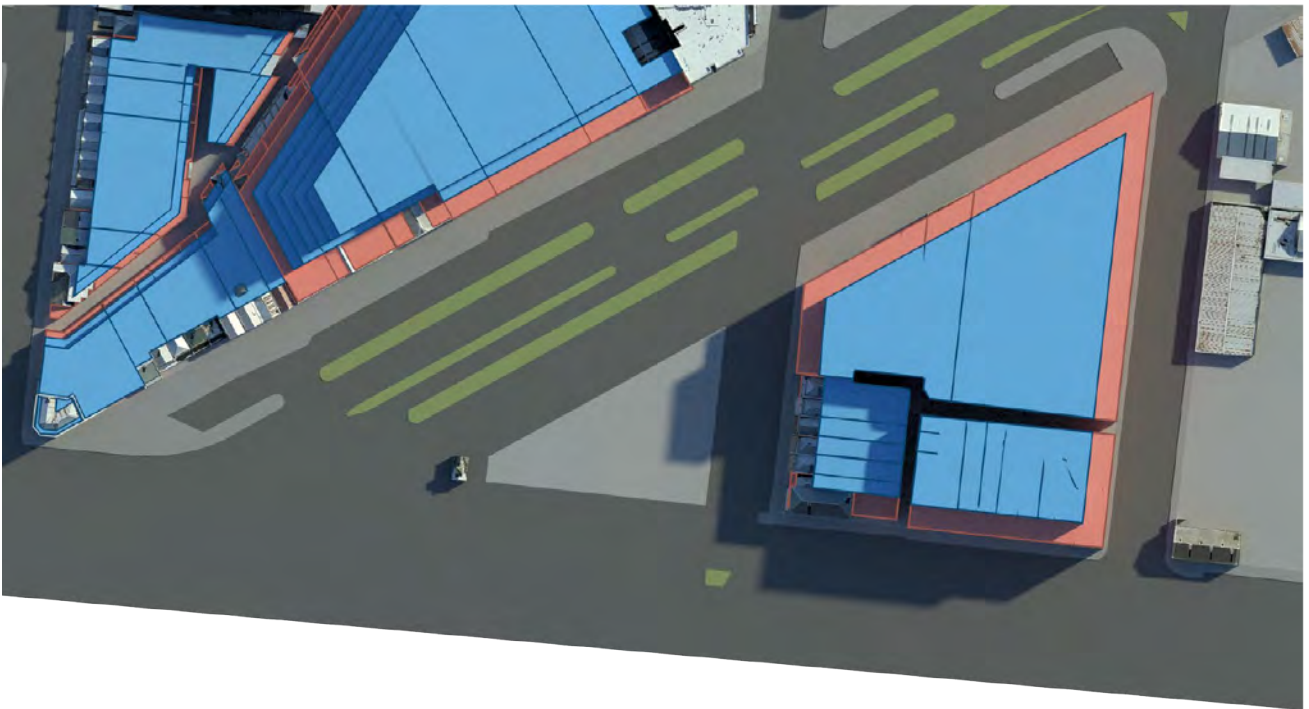
This is a low-scale heritage precinct of mostly single-storey terrace housing with the former hotel on the 460 Brunswick Street landmark corner. Therefore, the height limitation is appropriate and could be mandatory throughout and not just adjacent to the former hotel. However, if the Mixed Use zoning is retained, the height might be increased from 9m to 10m to allow for a potentially commercial, or historically-high, ground storey plus two upper storeys. This 10m height is also consistent with the preferred 10m boundary wall height of adjoining Precinct 2A. The preferred application of B17 side and rear setbacks will also curtail height on the generally narrow sites.

The upper level front setback is 5m mandatory for the 460 Brunswick Street corner, but 6m preferred for the rest of Precinct 1B (noting that there is often an additional front garden setback, so clarify if the upper setback starts from the street or more appropriately the façade line?). Considering the difference is small and not clearly justified, it would be useful to establish a consistent setback throughout when a heritage façade is to be retained (which is mandatory here). 6m appears to be the most common upper setback requirement throughout all DDO16 precincts.

2.3 Precinct 2 General Requirements

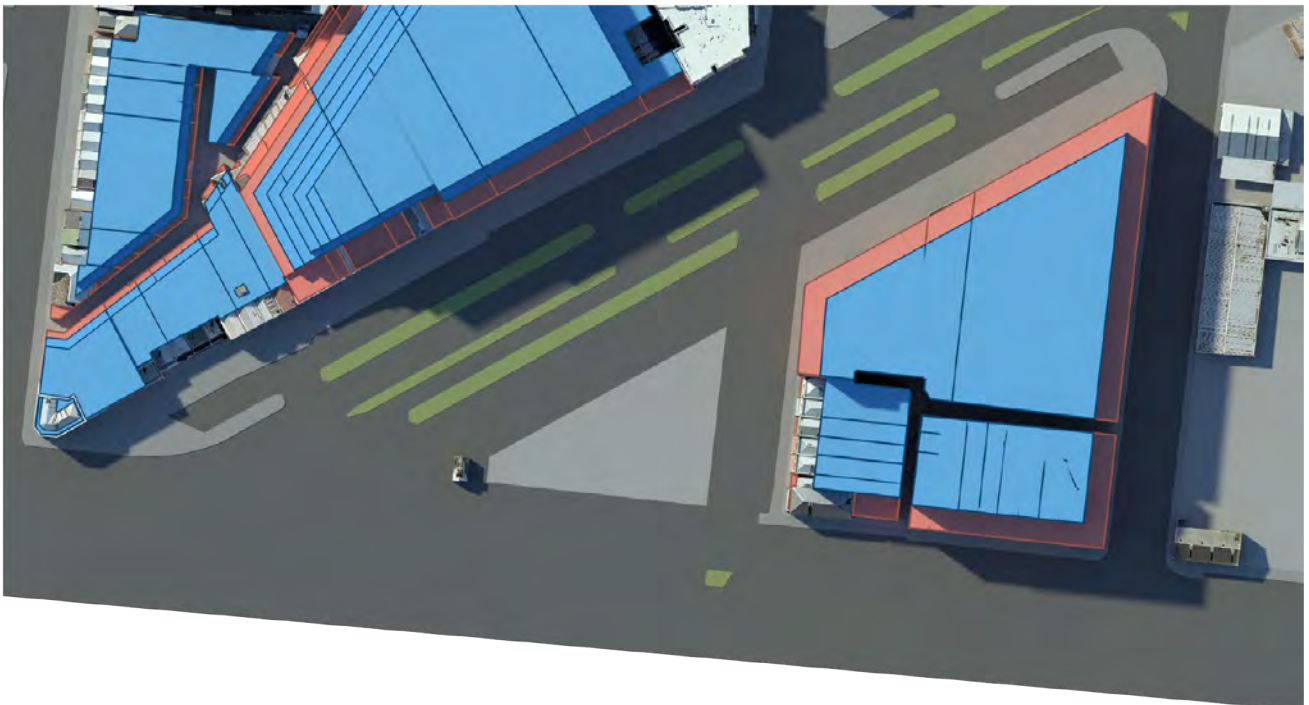
Once again, a specific precinct character statement would be helpful, this time noting the predominance of larger lots and the possibility for mid-rise development. As Precinct 2A is the approved 10-storey Gurner apartment development, the controls are really a fall-back position. Napier Street Precinct 2D on the other hand differs from 2C and should be separately noted as an intact heritage row with lesser development opportunity. The requirement to "not diminish or detract from the heritage values of the boulevard streetscape" needs definition. Does it relate to scale?

The design requirement to provide "adequate solar access" at defined times to Queens Parade and Napier Reserve requires more definition if it is to be useful. For instance, **no** additional overshadowing of the Napier Reserve between 9am and 3pm on 22 September. This requirement is limited to Precinct 2A, but it must also apply to 2C and 2D. In fact, these are the areas that overshadow Napier Reserve at the equinox, and not 2A (refer Figs.2&3, modelled DDO16 shadows). Shadowing impacts on Queens Parade are mostly across road space and could be removed as a consideration.



Precinct 2 Development Shadow Study Napier Reserve 22nd September 9am

Fig.2



Precinct 2 Development Shadow Study Napier Reserve 22nd September 3pm

Fig.3

2.4 Precinct 2A Requirements

The upper levels setback varies with 8m for retained heritage or 5m for new 10m street wall and increases again above 16m. The rationale for this stepping is unclear and does not align with the approved permit.

The preferred side and rear setbacks vary according to the interface (B17 or 10m boundary wall, then 45° up to a 25m height) when the surrounding sites are not that dissimilar. This produces inconsistent built form outcomes, which are not always reflected in the permit.

However, it is appreciated that this site and its controls have been widely scrutinised, including at VCAT, so probably do not warrant further discussion.

2.5 Precinct 2C Requirements

This renewal precinct is largely unconstrained, except for its interface with the Napier Street heritage frontage, so the non-mandatory controls are appropriate. The overall height of 28m reflects the committed height of 81-89 Queens Parade (around 31m + plant) and the likely scale of the adjoining Gasworks site.

The proposed upper level setback above the 18m street wall is 5m, rather than the more common 6m and should be reviewed for consistency. Along Napier Street the street wall is to reduce to around 9m to match the heritage frontage of Precinct 2D. It is noted that in order to avoid overshadowing Napier Reserve, 9am on 22 September being the most critical, the upper level setback will need to be increased by a further 10m along Napier Street (refer Fig.4 with increased setback to Napier Street).



Fig.4

The side and rear setbacks are specified as B17, except to the interface of the Precinct 2D heritage properties where a 12m boundary wall then 45° above, is preferred. With the larger site, mid-rise

development proposed, these angled setbacks make limited sense and a direct rear setback to lanes would be more appropriate, as has been approved at 81-89 Queens Parade. If a mandatory 4.5m setback was required to the lane centreline this would achieve an accessible 6m widened lane, even with redevelopment of only one side (4.5m setback + 1.5m being approx. half existing lane width). If both sides were redeveloped it would achieve a 9m total separation, assuring the standard measure to avoid screening (refer Fig.5 with 4.5m rear setbacks to lane centrelines, including 81-89 Queens Parade permit).

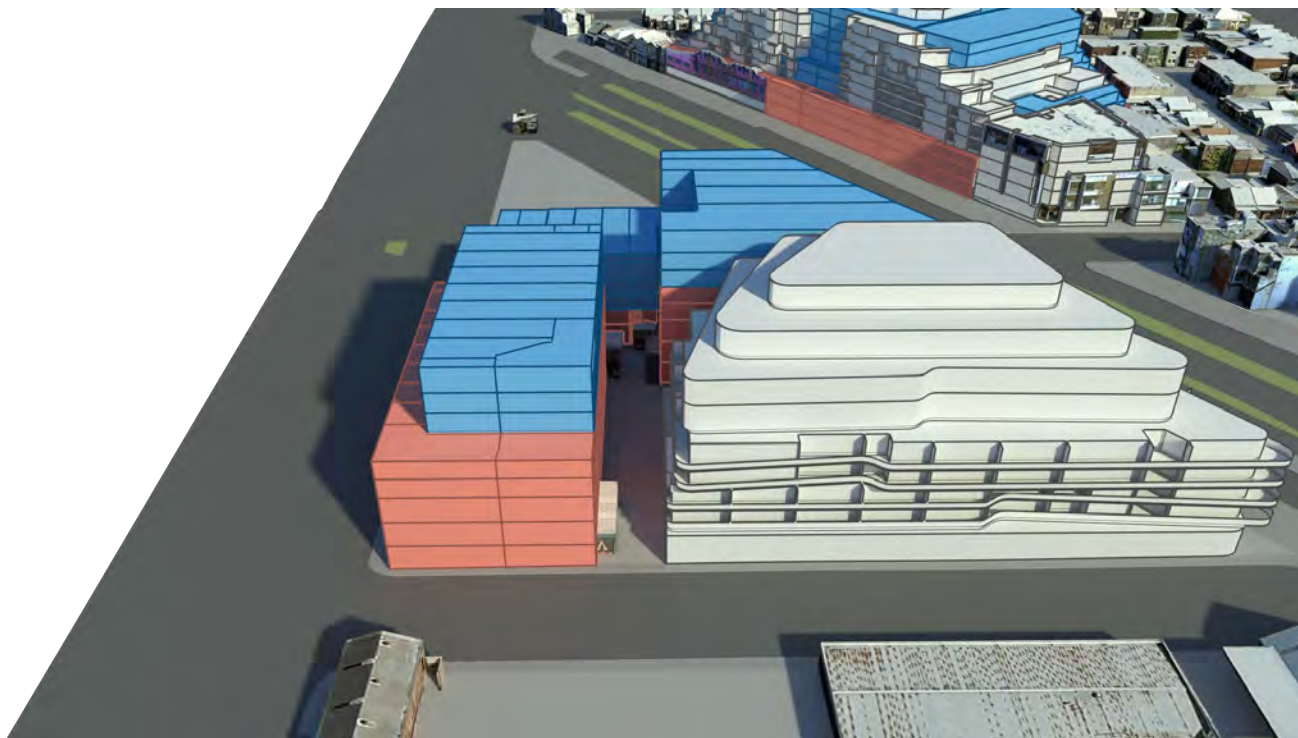


Fig.5

No lower level side setbacks are required (up to the proposed 18m street wall). However, with potentially larger buildings of around 28m height it becomes necessary to specify upper level setbacks to secure amenity and avoid a continuous built wall. A 4.5m boundary setback should be applied above the street wall, particularly if windows open towards the boundary. This creates 9m total separation should both neighbours develop high.

2.6 Precinct 2D Requirements

The requirements for the Napier Street Precinct 2D individually significant heritage properties are simple with a 6m mandatory setback above the retained frontage and an 18m preferred maximum height. However, there are no specified side and rear setbacks, which would theoretically allow an 18m wall to the lane. It is recommended that the same mandatory 4.5m setback from the laneway centreline be applied as in Precinct 2C, achieving an adequate 9m total separation if opposing sites across the lane are redeveloped.

2.7 Precinct 3A Requirements

The Precinct 3 (actually only Precinct 3A) design requirements include preservation of the view to St John's belfry and spire surrounded by clear sky, as seen from "the centre of the footpath on the south-east corner of the intersection with Queens Parade and Smith Street", from where the spire is barely visible due to existing buildings. However, GJM Heritage has apparently specified the "south-west" corner of the Smith Street intersection, which we understand to be the pedestrian crossing further out into the road space, and which does enjoy views of the church spire. This is a mandatory requirement where a permit cannot be granted if clear sky is not retained around the spire and

belfry. In effect, the amended location is not impacted by the proposed mandatory 11m street wall to the north of Precinct 3A, nor even a higher street wall, so the requirement may be unnecessary (refer Fig.6 amended viewpoint with 14m street wall and trees removed).

20100502_Precinct 3 Church from Smith Street.jpg



Fig.6

Other precinct design requirements include:

- “Deliver high quality architectural detailing that respects the heritage qualities of Queens Parade and Smith Street.”
- “Ensure that upper level development is visually recessive and does not detract from the heritage streetscape”, and repetitively
- “Use materials at upper levels that are recessive in finish and colour”.

These requirements are potentially contradictory (matching heritage qualities or being neutral). I would remove the first and last of these objectives as being too vague to be useful in any case.

The preferred maximum overall building height of 18m is relatively imposing, but there is not a consistent heritage frontage except down Smith Street past the former Fire Station and there is considerable lot depth. However, I recommend the 18m maximum height should be mandatory considering its visual impact on the rear housing (in an NRZ with heritage overlay).

The street wall heights are mandatory, requiring retention of heritage frontages, then 11m for 15-33 Queens Parade, but 14m elsewhere. This is basically allowing a higher 14m street wall marking the corner of Smith Street where no heritage structures need retaining (following GJM's proposed correction) and is appropriate. Matching the parapet height next to a heritage building requires specification of a minimum length of say 6m.

The upper levels are consistently to be setback 6m, but this is non-mandatory in some areas, whereas a consistent mandatory treatment is preferable.

Even though the rear has a direct NRZ interface, the rear setbacks exhibited for DDO16 are not B17 but rather a wall height plus 45°. There needs to be consistency of approach between precincts, noting that the wall height plus 45° is simpler to implement. However, modelling shows the 5m or 8m interface to the rear (Hodgkinson Street) is challenging in terms of shadowing and visual dominance. I believe the sensitive interface would benefit from a ground level setback of at least 6m from the NRZ property boundaries (with the 6m including any existing laneway, such as 3m lane + 3m Precinct 3 setback). The rear Precinct 3 height would then start from 8m and proceed at a 45°

incline (Fig.7 shows in section the alternative rear setback options: Exhibited DDO16, Rescode R17 and my proposed 6m ground setback).

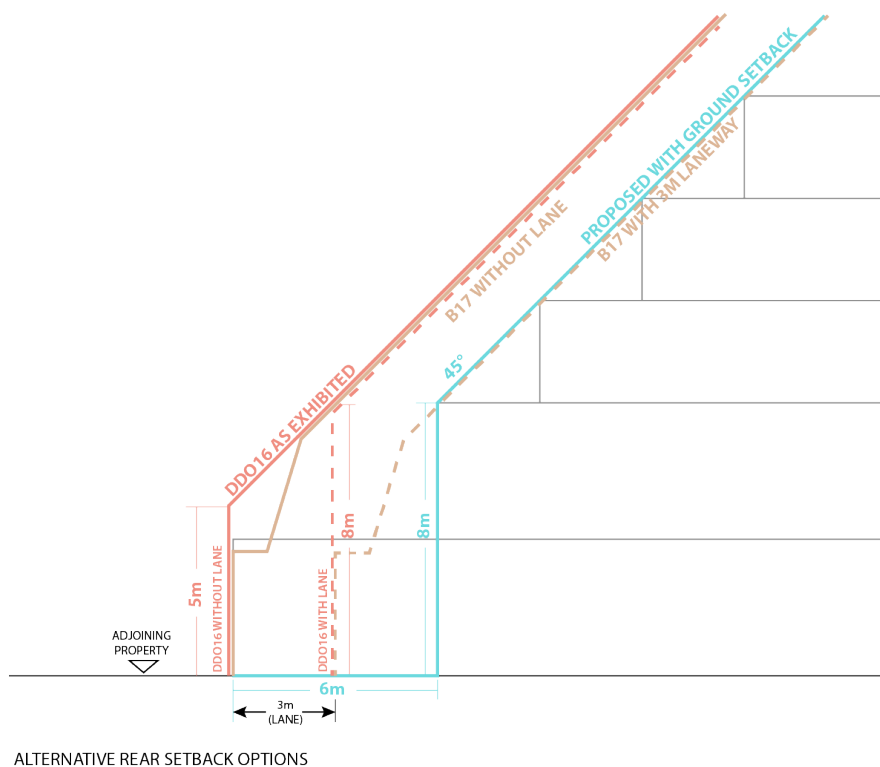


Fig.7

As can be seen from the different sections, there is no real difference between the Exhibited DDO16 controls and B17 when there is no laneway and an effective additional offset equal to the laneway width for B17 with a laneway. My proposed 6m ground level offset provides the same outcome with or without a laneway and is effectively equivalent to B17 with a laneway. This translates to a loss on each upper floor of 3m development depth compared to B17 without laneway but is the same as B17 with laneway. The top or fifth floor is still between 11m and 15m wide which is readily developable. It should also be noted that development depths greater than 18m will require some form of side setbacks or light courts to serve residential amenity.

The proposed 6m ground level setback has three distinct functions:

1. It avoids buildings with potentially blank 5m high walls to the north of low scale residential neighbours
2. It provides a consistent separation buffer which could accommodate landscaping
3. In some instances, it allows for new or improved vehicle access.

With this 6m separation provision, I believe no particular overshadowing provision would be necessary. Specifying a particular percentage of shadowing in private open space becomes complex, even if it was agreed to be 9am-3pm on 22 September. Specific overshadowing controls are not needed so long as the setback control (including the 45° incline) is mandatory, with the overall height then being of limited consequence. With the orientation of the south side of Queens Parade, the proposed 6m ground setback causes around 2.5m of shadow on neighbouring NRZ yards at the benchmark time of 3pm on 22 September (refer Fig.8) and the Exhibited DDO16 causes around double or 5m shadowing.



Precinct 3 new rear interface 6m from boundary and 45° 22nd September 3pm

Fig.8

2.8 Precinct 4 Requirements

Precinct 4 is the strip retail heart of the activity centre with a remarkable consistency of low-scale, fine grain and mostly heritage building stock. For the Design Requirements to allow for “mid-rise” infill is challenging. The adjoining heritage residential areas are strictly protected in terms of the visibility of any additions, and I do not see why the equally intact and in many ways more publically significant commercial streetscape should be less important and less protected. Strategically this is only a neighbourhood activity centre and as a heritage and urban design setting it is unique and intact.

The current building heights are in the 8-11m range, with an identified ‘significant heritage streetscape’ mapped in DDO16 for most of the Queens Parade frontage. Therefore, the proposed 21.5m mandatory maximum height is exceedingly generous, especially when combined with a limited 6m setback above the historic street wall. Modelling shows the upper levels are not only visible but quite dominant when seen across the wide expanse of Queens Parade. This is counter to the precinct’s stated design requirements and warrants critical review. I note that the Hansen Built Form Review recommends an 18m maximum height, but even this is excessively dominant behind the heritage streetscape. Modelling indicates that anything above 14m overall height becomes visually dominant, particularly as infill is likely to be narrow and sporadic, leaving higher side walls exposed in views along and across Queens Parade. Due to its importance, this height should be a mandatory maximum (refer Fig.9 with 21.5m overall height, Fig.10 with 18m overall height and Fig.11 with the recommended 14m overall height).

09_Precinct 4 Queens Parade elevation - 1



Fig.9

09_Precinct 4 Queens Parade elevation - 1

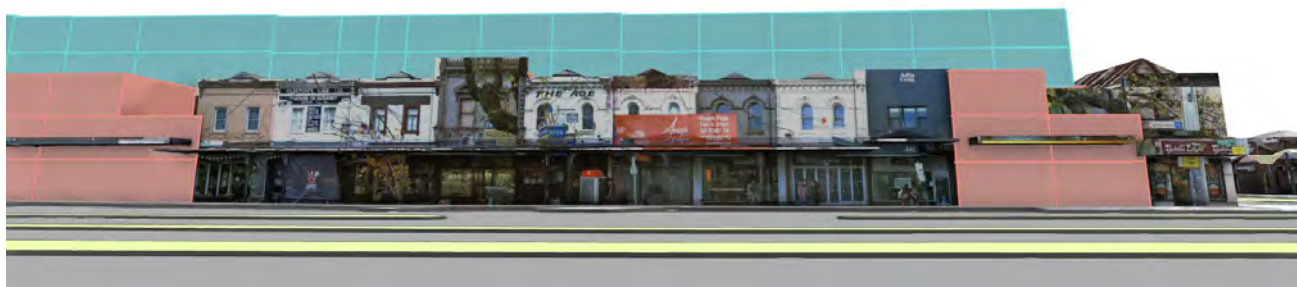


Fig.10

09_Precinct 4 Queens Parade elevation - 1

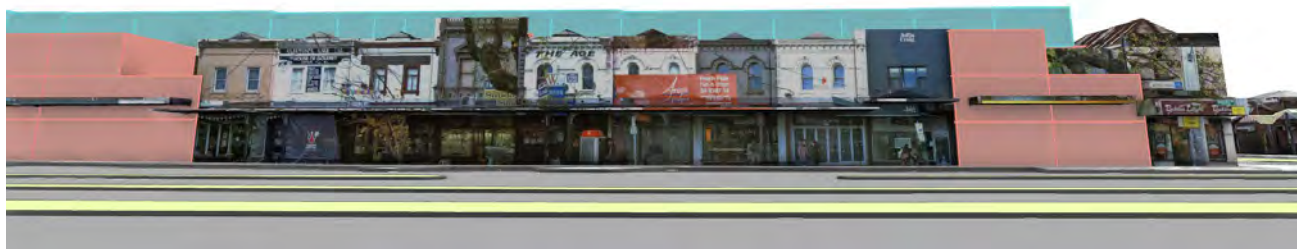


Fig.11

The mandatory street wall height range of 8-11m is appropriate between retained heritage buildings and its extension to the side street returns ensures built form integrity. However, the return should also be mandatory, bearing in mind the high visibility and the residential and heritage character of these side streets.

The DDO16-proposed upper level setback is 6m and is generally a mandatory minimum. It is extended to 8m on the corner immediately south of the former ANZ Bank (364 Queens Parade) to rightly protect views of the Bank but is discretionary across the road from 167-197 Queens Parade. Due to the significance and intactness of this stretch of streetscape, a greater setback of 8m is recommended, especially as 8m generally coincides with the depth of the original heritage roofs whose retention provides visual integrity to the heritage buildings viewed as a row (refer Fig.12 for a sample roof plan of Precinct 4 with 8m and 10m setbacks marked and Fig.13 for a Precinct-wide table of heritage roof depths).



Fig.12

Heritage roofs	
Distance from boundary	Number of roofs
<8m	3
8m	21
10m	13
>10m	37

Fig.13

From the table it is clear that an 8m retention depth captures the majority of heritage roofs, whereas a 10m control would mean a substantial proportion of cases would be overly constrained. In cases

where the roof is deeper than 8m, a greater retention depth could still be sought especially for 'individually significant' heritage buildings and in some cases the roof might be cut short without undue heritage impact. The 8m setback should be mandatory, to provide continuous well-setback distinction from the frontages and avoidance of visible upper party walls (Figs.9 shows the DDO16-proposed 6m setback and Fig.10 show a continuous 8m setback).

The south-east section of Queens Parade towards Mayor's Park (numbers 167-197) is not marked as a significant streetscape (green dotted line) in the DDO16 Map of Precinct 4. However, the meaning of this streetscape classification is not explained and confuses the official 'individually significant' and 'contributory' classifications. It should be removed from the DDO map. Although this stretch of streetscape is more heterogeneous, especially in terms of front setbacks and heritage styles, it still merits a similar degree of mandatory protection from an urban design viewpoint, to assure the low-scale boulevard character and fine grain subdivision is maintained.

While the precinct design objectives apply a mandatory protection of the views to the ANZ Bank building top floor, roof and chimneys from the south-west and north-east, views are unlikely to be impacted except across the immediately adjoining buildings. The proposed DDO16 contains a specific 8m upper setback control to the south at 364 Queens Parade (refer Fig.14 shows the DDO 21.5m height). The same might be considered for the building to the north (376 Queens Parade) to secure views of the side gable and chimney. My recommendation to apply a mandatory upper 8m setback and 14m overall height throughout Precinct 4 provides this view protection without special variation and ensures the continued visual dominance of the bank as a landmark (refer Fig.15 shows the recommend built form controls).

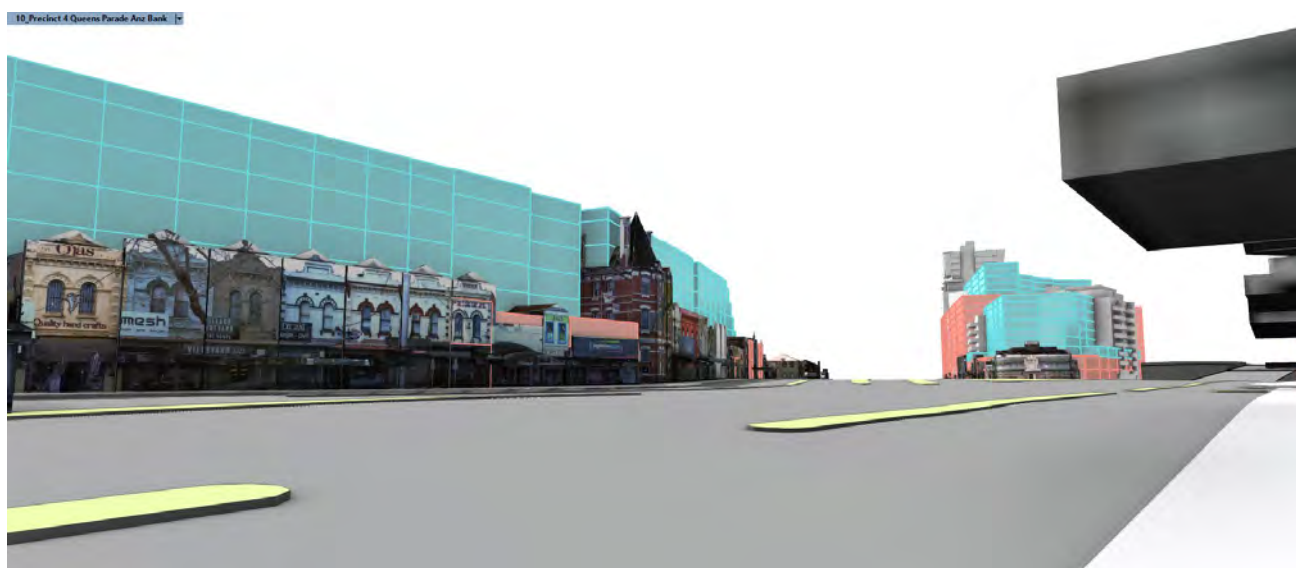


Fig.14

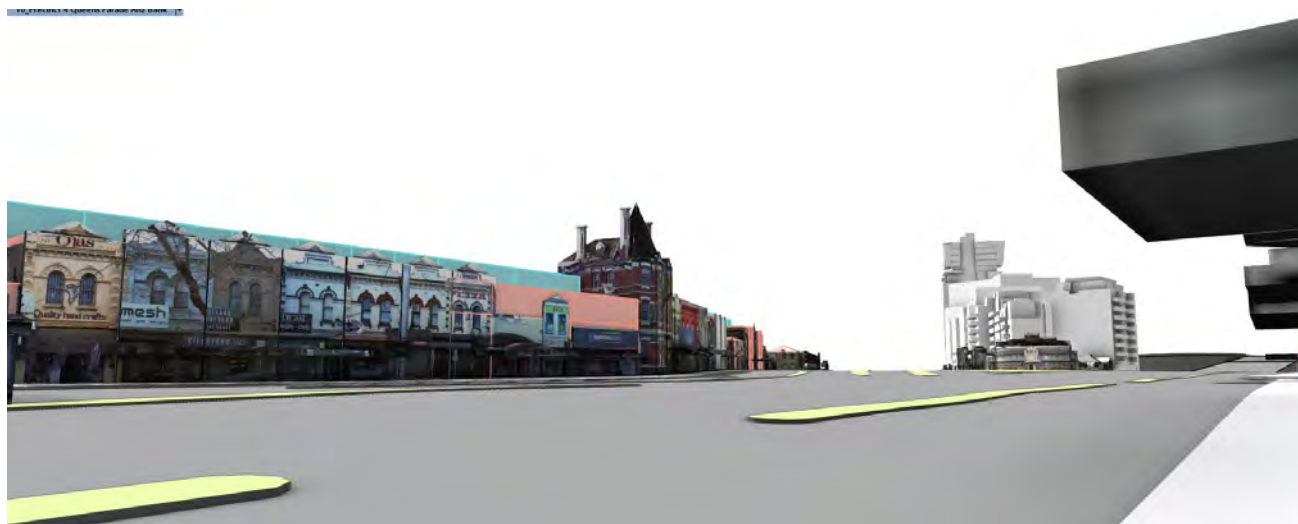


Fig.15

The side streets also enjoy a 6m upper setback, though in this case I support its proposed non-mandatory nature to allow some contextual flexibility, especially for narrower sites.

The side and rear setbacks (abutting NRZ) apply the preferred interface wall height plus 45° control, which I support as simpler to implement than B17. However, and as with Precinct 3 (refer to detailed commentary at end of 2.7 above), I believe the potential for a high neighbour a low scale residential development in a heritage overlay is challenging visually (towards McKean Street and Hodgkinson Street) and in terms of shadowing to the south (Hodgkinson Street). I therefore recommend the same mandatory provision of a ground level setback of 6m from the NRZ property boundaries (including any laneway), which allows a separation buffer which could accommodate landscaping and, in some instances, new or improved vehicle access (refer Figs.16 &17 showing a consistent 6m rear setback, including any lane).



Precinct new rear interface 6m from boundary and 45° 22nd September 3pm

Fig.16



Precinct new rear interface 6m from boundary and 45° 22nd September 3pm

Fig.17

Precinct 4 contains no specific design requirement mandating rear or side vehicle access to any development. The fine grain and retail nature of this precinct with its footpath activity would be seriously damaged by driveway access to Queens Parade, which in my view should simply be prohibited (with any 'inaccessible' development being garage free). The precinct design objective to "enhance the amenity and safety of laneways that provide pedestrian and vehicle access to buildings" has inherent conflicts where additional vehicles will impact amenity, especially if lanes remain narrow.

2.9 Precinct 5 General Requirements

Precinct 5 generally is almost fully committed with the modelling of recent construction and permits showing a dense, high-rise focal point including a current application of up to 22 storeys. There are no major amenity impacts in this location, except potentially wind, and the threat to the integrity of the Former UK Hotel, noting that a proposal for the Clifton Motors site already has heritage but not planning approval (refer Fig.18 which includes permit applications).

A precinct character statement would be helpful, indicating potential for high-rise development on larger sites in this precinct, when away from heritage buildings (UK Hotel and Clifton Motors).

The first two points regarding retaining the visual dominance of heritage buildings repeat. They should be combined into one. It would be helpful to add a new design requirement to avoid negative wind impacts on surrounding public realm.

The requirement to design higher developments in 5B and 5C as separate building needs strengthening with some measurable parameter. I suggest the same wording as recommended for similar sites in 2C: To secure amenity and avoid a continuous built wall, a 4.5m boundary setback should be applied above the street wall, particularly if windows open towards the boundary. This creates 9m total separation should both neighbours develop high.



Fig.18

2.10 Precinct 5A Requirements

Precinct 5A is the former deco hotel (now McDonalds) and is a key local landmark. Any infill except to the open eastern corner of the site is liable to destroy the integrity of the complex parapet, finial and roof forms. Therefore, I consider the 18m potential height is challenging with 11m being more reasonable, and any development should be limited to this rear (south-east) corner without the need for a 5m upper setback to Dummett Crescent. The DDO16 Map marks this area in yellow.

2.11 Precinct 5B Requirements

As noted above, the Clifton Motors site already has a proposal which is approved by Heritage Victoria and which does not respect the preferred 1:1 ratio for visible upper development (having a 10-storey building behind the low deco façade). Hence this complex requirement could probably be deleted. In any case, the discretionary 28m height for the rest of the sub-precinct makes a mockery of this visibility ratio provision.

The other requirements of a mandatory setback of 6m behind the retained Clifton Motors façade with matching adjoining street wall height are appropriate and generally met by the proposal. However, the preferred 6m setback elsewhere is not met, with building up to 10-storeys almost on the other frontages. The 6m setback above the preferred 11m street wall height is important to deflect wind down draughts and should be made mandatory.

Although much of 5B is amalgamated as one development site, as noted in the Precinct 5 General Requirements, it is important to include a requirement for tower separation, nominally 4.5m from site boundaries above the 18m street wall or 'podium' height.

2.12 Precinct 5C Requirements

This final precinct is rather isolated, and development has limited impact on the neighbourhood, being surrounded by major roads and the railway. The DDO16 controls are discretionary and have been challenged by the two recent constructions and permit applications.

There is already a 12-storey tower with a 22 -storey application adjoining, compared with a preferred 49m maximum height. The DDO talks about a transition down across Precinct 5 which is reasonable considering the heritage precinct to the south-west, and the current discretionary height variation does this. There is no strong justification for locking in an absolute overall height for Precinct 5C as there is no direct heritage interface and no specific overshadowing issues except for the on-ramp circular space which is of no current public utility. Therefore, the proposed 49m height provides an appropriate upper level transition height without it needing to be mandatory.

The 10m upper level setback is only met because the street wall height is set at a massive 35m high (equivalent to Central City). This height of street wall is likely to create wind down draughts in this exposed location. Existing tower street walls are already 24m high, but a reduction to 18m maximum is recommended to capture any new or revised permits.

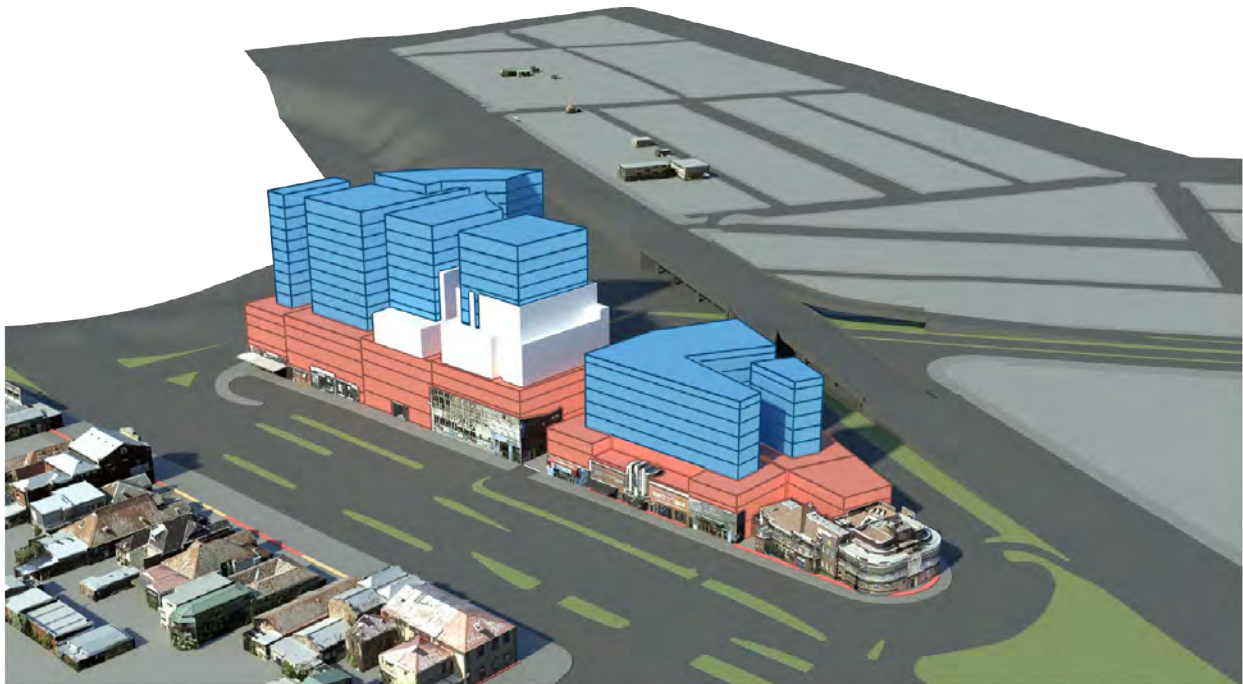
Most crucially, there is no provision regarding setbacks between towers to protect occupant amenity and ensure sky views between separate buildings. This was discussed above in 5B and under Precinct 5 General Requirements. Although I recommend some discretion with these side and rear boundary setbacks, their strict application (combined with the proposed street setback) would limit the high development of narrower sites such as 267-271 Queens Parade (refer Fig.19 Exhibited DDO Controls and Fig.20 Recommended Controls).

While the precinct is largely committed, it is probably worth pursuing prescriptive controls should permits not proceed. Setbacks for wind mitigation, privacy, outlook and daylight access are more important considerations than height per se in this location.



Precinct 5 Exhibited DDO Controls 22nd September 3pm

Fig.19



Precinct 5 Proposed DDO Controls 22nd September 3pm

Fig.20

2.13 Decision Guidelines

The Decision Guidelines as drafted tend to repeat parts of the main body of the DDO and its design requirements, rather than being an over-arching guide to decision making. They go into detail in some points (eg. roof decks could be better discussed under General Design Requirements but miss other requirements (eg. views to heritage landmarks are mentioned, but not to the Former UK Hotel?).

No Application Requirements are included, but there might need to be a mention for shadowing diagrams and wind reports, or more generally for non-residential uses not covered by Clause 58?

3.0 Submissions Response

Council supplied the following submissions for my response from a generally urban design perspective:

3.1 #11 [REDACTED] (Hodgkinson Street)

The main concerns are regarding impacts on low scale residential development to the rear of Precinct 4. The 45° upper setback angle is claimed to be insufficient to protect neighbours to the south. This may be the case in mid-winter, but modelling shows that the 45° angle is less than the shadow angle at the equinox (normal control time) until around 2pm for the cited Queens Parade southside orientation.

There is also concern regarding the impact of traffic on the laneways and the lack of buffer landscaping. My proposal to mandate a minimum 6m setback from any rear NRZ property boundary (with or without lane), provides space for vehicle access and landscape improvements, as well as moving shadows further away from the affected properties.

The respondent is correct in identifying that thorough transport planning is critical to reduce development impacts, particularly related to site access. I recommend the consideration of a reduction in parking rates.

3.2 #83 [REDACTED] (Hodgkinson Street)

The main criticism is regarding a lack of heritage protection, with the exhibited 6-storey heights in Precinct 4 in contrast to strict controls on quite limited upper extensions in the residential heritage areas. This does present an inconsistency and I recommend reducing heights to 4 storeys in Precinct 4, recognising that new development in this intact, low scale commercial precinct should be visually subservient (though not totally invisible).

Respondent expressed concern regarding shadowing, including of solar panels though the latter seems unlikely according to the modelling (assuming the panels are located on main building roofs).

Also expressed concern regarding traffic in the laneways (see my comments in 3.1).

3.3 #95 [REDACTED] (Michael Street)

Main interest is in heritage conservation with consideration of individual buildings that I am not equipped to respond to. I do agree that the Queens Parade shopping strip in Precinct 4 is an asset that positively serves more than the immediate residents and therefore support a stronger level of amenity and heritage protection than initially proposed (that is, 4-storey maximum with 8m upper setback, instead of 6-storeys with 6m setback exhibited). However, I do not go as far as to recommend a 'no visibility' of extensions rule as this is a live activity centre with some need for controlled change and limited growth.

Similar concerns regarding traffic in laneways to 3.1 above.

3.4 #146 [REDACTED] (Queens Parade)

Complains of the impacts of the Gurner approval at 26-56 Queens Parade and the use of discretionary controls. While mandatory controls do need to be justified as necessary to support the desired outcomes, I support additional mandatory controls in many instances and recommend their use particularly with regard to street wall heights and setbacks and in Precinct 4, which the respondent specifically cited as sensitive.

Concerns about where the 45° upper setback is measured from with a preference to start from the property boundary. My recommended 6m rear setback at ground will assist in this regard.

3.5 #147 [REDACTED] (Wellington Street)

Cites the intactness of Precinct 4's heritage shopping strip and the importance of key heritage landmarks, finding 6 storeys with a 6m setback excessive. I agree, hence my recommendation to limit Precinct 4 height to 4 storeys with an 8m setback (both mandatory). This height and the greater setback will assist in the protection of the existing roofline features and sky views as requested by the respondent.

3.6 #266 [REDACTED] (McKean Street)

The respondent asks in relation to Precinct 4: "why should there be a strong set of guidelines for the protection of residential heritage built form and a lesser set for the protection of commercial heritage built form". I generally agree

and recommend substantial changes to Precinct 4 controls (max 4 storeys with min 8m setback), noting that this is a live activity centre with some need for controlled change and limited growth.

Requests inclusion of the south east section towards Mayors Park as equally a heritage streetscape, which I have also noted despite its more heterogeneous character.

Requests stronger tools to achieve 'high quality' development (a typical issue everywhere) and questions the rationale for the 1:1 visibility ratio, which I agree is complex and better replaced with height and setback controls.

3.7 #280 [REDACTED] (Protect Fitzroy North)

While agreeing that Queens Parade can "largely cope with development elsewhere" the respondent argues that the Precinct 4 shopping strip requires special protection. The respondent rightly notes the specific subdivision and row house structure with rear lanes, which is susceptible to damage by larger development and compares it to Lygon Street Carlton which has strict height controls. I support a strengthening of controls in Precinct 4 as a special place and recommend a maximum 14m with minimum 8m upper setback above retained frontages (as discussed).

Respondent also recommends some reductions in Precinct 3 which in my view is not so sensitive (except for the rear interface where I recommend a minimum 6m ground setback) and a reduction in the Precinct 5 street wall to say 18m, which I also recommend, both for human scale and likely wind impact reasons.

3.8 #281 [REDACTED] (Coleman Street)

Demands consideration of heritage above strategic growth with an analysis of planning policy and process and an emphasis on heritage. In detailed terms there is a request to apply B17 setbacks from rear boundaries. I recommend the 45° setback angle is simpler and stronger, especially if the rear building interface is setback 6m from the NRZ property boundaries as I recommend.

3.9 #296 [REDACTED] (McKean Street)

The main concern is the height over the Precinct 4 shopping strip, which I agree is excessive at 6 storeys and therefore recommend a maximum 4 storeys setback a minimum of 8m (as discussed). Particular reference is made to the impact of side walls of sporadic 6-storey additions and to the roof profile and sky views. The 8m setback is chosen to respect most of the existing roof forms and the 4 storeys protects sky views as well as limiting views of any new party walls.

3.10 #297 [REDACTED] (Roseneath Street)

The main argument once again concerns the uniqueness and intactness of Precinct 4 and protection of its roof profile. My recommendations address these concerns with specific recommendation regarding 4 storey maximum height and 8m minimum upper setbacks.

3.11 #298 [REDACTED] (McKean Street)

Protecting Precinct 4 is a major concern with support for a 4-storey height cap, which matches my recommendation, and concern to preserve the roof profile, for which I recommend a minimum 8m setback (as discussed above).

Concerned about the rear setbacks in terms of amenity with a request for modelling (which has now been undertaken). My recommendation for a 6m ground setback to the rear supports the outcomes being sought. Also concerned about traffic in laneways, which I agree is a potential issue (see my comments in 3.1 above).

3.12 #338 The 3068 Group (Community Protecting Heritage)

Long response with strong heritage focus and recommendations regarding particular heritage sites which I am not equipped to comment on. Argues that there are other areas which can accommodate strategic growth. Complaints about the inadequacy of Hansen's urban design assessment of key sites, which require specific studies. As the particular inadequacies are not specified, it is hard to comment without comprehensive individual site reviews that I am not commissioned to undertake.

Generally supports the DDO Objectives, but claims the tools do not deliver the required outcomes. My recommendations regarding reduced heights and increased setbacks with greater use of mandatory provisions may go some way to addressing these concerns.

Points out that the boulevard width renders inadequate the visibility ratio rules. I agree and support fixed height and setbacks instead.

4.0 Appendix: Summary Table of Built Form Controls

The following table collects together and summarises all of the built form controls for the five precincts as proposed in the exhibited version of DDO16. Mandatory controls are marked in **bold** and preferred or discretionary controls in plain *italics*.

Recommended changes are marked in **red** (**bold** or *italics* as above, for mandatory or discretionary).

PROPOSED AMENDMENT YARRA C231 – Summary of DDO16 Built Form Controls (mandatory in bold) Larry Parsons proposed changes noted in RED						
PRECINCT	OVERALL HEIGHT	STREET WALL HEIGHT	UPPER SETBACK (above street wall)	REAR SETBACK	SIDE SETBACK	VIEWS & OTHER
1B 460 Bruns & adjoin.	9m 10m	Match 460 Brunswick	5m 6m	<i>B17</i> <i>1.5m lane widening</i>	<i>B17</i>	
1B Elsewhere	<i>9m</i> 9m Lot 1 All: 10m	Retain existing <i>Match adjoining heritage</i>	<i>6m</i> 6m	<i>B17</i> <i>1.5m lane widening</i>	<i>B17</i>	
2A	31m	Retain heritage <i>Match adjoining heritage</i> 10m elsewhere	<i>HERITAGE:</i> <i>8m from 10m height</i> <i>10m above 16m ht.</i> <i>ELSEWHERE:</i> <i>5m from 10m height</i> <i>8m above 16m ht.</i>	<i>N&W to NRZ/GRZ:</i> <i>B17 up to 10m, then 45° up to 25m</i> <i>W&NW to MUZ:</i> <i>0m to party wall or 10m if none, then 45° above to 25m</i>	<i>E to NRZ:</i> <i>0m to adjoining party wall or 10m, then 45° above to 25m</i> <i>E to MUZ:</i> <i>0m to party wall or 10m if none, with 9m to adjoining windows up to 16m, and 15m above</i> <i>W&NW to MUZ:</i> <i>0m to party wall or 10m if none, then 45° above to 25m</i>	<i>Avoid dominating views from Coleman, Newry and Edin. Gdns. 'Adequate' solar access Queens Pde & Napier Reserve 9-3 on 22 Sept</i> <i>No additional shadowing of Napier Reserve 9am - 3pm on 22 Sept (and exclude Queens Parade)</i> <i>Require wind report for developments over 20m</i>
2C	<i>28m</i>	<i>18m, but match heritage on Napier</i> 10m on Napier Street	<i>5m</i> <i>6m</i> 6m to Napier Street	<i>B17, except to 472-484</i> <i>Napier: 45° above 12m</i> Replace: min 4.5m setback	<i>B17, except to 472-484</i> <i>Napier: 45° above 12m</i> <i>To shared boundary up to</i>	<i>No additional shadowing of Napier Reserve 9am - 3pm on 22 Sept</i>

				from centre line of lane (from grd.)	18m, then min 4.5m setback above	Sept (and exclude Queens Parade)
2D	18m 18m	Existing parapet	6m	Replace: min 4.5m setback from centre line of lane (from grd.)		No additional shadowing of Napier Reserve 9am - 3pm on 22 Sept (and exclude Queens Parade)
3A	18m 18m	11m for 15-33 Queens Existing for heritage & adjoining. 14m elsewhere	6m at 664 Smith & 15-41 Queens. 6m elsewhere All: 6m	Lane: 8m wall then 45°. Boundary: 5m wall then 45° 6m ground setback from NRZ property (inc any lane), then max 8m wall with 45° above	Om except adjoining NRZ: B17	Retain clear sky view around belfry & Spire St Johns from footpath SE corner Queens & Smith Remove or redefine effective viewpoint
4	21.5m 14m	Existing heritage, elsewhere min 8 – max 11m (or more to match heritage) <i>SIDE STREET: Existing heritage, elsewhere min 8 – max 11m (or more to match heritage)</i>	6m in mapped significant heritage streetscape. 8m at 364 Queens (south of ANZ). 6m at 167-197 Queens Pde (SE end). 6m in <i>SIDE STREETS</i> All: 8m	Lane (NRZ): 8m wall then 45°. Boundary (NRZ): 5m wall then 45° 6m ground setback from NRZ property (inc any lane), then max 8m wall with 45° above	Lane (NRZ): 8m wall then 45°. Boundary (NRZ): 5m wall then 45° 6m ground setback from NRZ property (inc any lane), then max 8m wall with 45° above	Retain view to top floor, roof & chimneys of ANZ from SW & NE <i>Remove 'significant streetscape' from map (ie. all same inc 167-197 Queens Pde)</i>
5A	18m Heritage except 11m SE corner	Existing heritage	5m N/A			Mandate mapped SE corner as only dev. area
5B	28m except 203 & 205 Queens: 1:1 view above heritage wall from opposite. All: 28m	Match garage & hotel. 11m elsewhere.	6m at Clifton Motors (205). 6m elsewhere All 6m		To shared boundary up to 18m, then min 4.5m setback above	Require wind report for developments over 20m
5C	49m	35m 18m	10m 6m		To shared boundary up to 18m, then min 4.5m setback above	Require wind report for developments over 20m

