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**11.4 Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions**

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## **Executive Summary**

### **Purpose**

The purpose of this report is for Council to:

- (a) consider the nine submissions received following exhibition of Amendment C245 to the Yarra Planning Scheme;
- (b) present officers' responses to submissions;
- (c) outline the key recommendations for changes to the Amendment C245 documentation;
- (d) request the Minister of Planning to appoint an independent Planning Panel to consider submissions; and
- (e) outline the next steps for the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

### **Key Issues**

Amendment C245 was publicly exhibited from 18 July to 19 August 2019 (1 month) and 9 submissions were received. Under Section 23 of the *Planning and Environment Act 1987*, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submissions to an independent Planning Panel; or
- (c) abandon the amendment or part of the amendment.

Officers recommend option (b) – refer the submissions to an independent Planning Panel for consideration and to provide recommendations back to Council.

### **Financial Implications**

The financial cost of planning scheme amendments and the panel process, including panel fees, legal representation and other experts, is included in the budget of Council's Strategic Planning Unit for 2019/20.

### **PROPOSAL**

In summary, it is proposed that Council:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer report in response to submissions on Amendment C245 and split it into two parts, with:
  - (i) Part 1 – Places that received no submissions seeking changes;
  - (ii) Part 2 – Places which received submissions seeking changes; and
  - (iii) abandon the part of Amendment C245 proposing changes to HO109, including 14 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.
- (c) adopt Part 1 and submit it to the Minister for Planning for Approval;
- (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 Part 2 in accordance with Section 23 of the *Planning and Environment Act 1987* and refer all submissions, including late submissions to the panel;

- (e) refer the submissions and C245 Part 2 to a Panel and adopt a position of support for Amendment C245 Part 2 and responses to submissions, as set out in this report and the associated attachments;
- (f) write to all submitters to advise of this decision; and
- (g) officers provide a further report to Council after the Planning Panel report is received about how to proceed with C245 Part 2.

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**11.4 Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions**

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Reference: D19/191633

Authoriser: Director Planning and Place Making

[Help](#)**Purpose**

1. The purpose of this report is for Council to:
  - (a) consider the nine submissions received following exhibition of Amendment C245 to the Yarra Planning Scheme;
  - (b) present officers' responses to submissions;
  - (c) outline the key recommendations that will be included in a report to Council on 12 November 2019, to request the Minister of Planning to appoint an independent Planning Panel to consider submissions; and;
  - (d) outline the next steps for the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

**Background**

2. This amendment is derived from a number of separate projects:
  - (a) *Thematic Study of Theatres in the City of Yarra*, Context Pty Ltd (2017);
  - (b) *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*, GJM Heritage (2018); and
  - (c) Corrections to zone and heritage overlay anomalies, based on queries and requests received from land owners and other interested parties.

Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)

3. Context Pty Ltd was engaged in June 2015 to conduct the *Thematic Study of Theatres in the City of Yarra* to assess the existing properties and recommend potential controls.
4. Context found 38 places, which warranted investigation. Of these 38 places:
  - (a) 17 had been demolished;
  - (b) 15 did not require further protection (controls were sufficient);
  - (c) 3 could no longer be located; and
  - (d) 3 theatres had inadequate protection and insufficient controls for the level of significance:
    - (i) 200-202 Johnston Street, Fitzroy - Austral Theatre (former);
    - (ii) 365 Swan Street, Richmond - Burnley Theatre (former); and
    - (iii) 311-317 Bridge Road, Richmond - Richmond Cinema.
5. The amendment to the Yarra Planning Scheme proposes to:
  - (a) apply the Heritage Overlay (HO) to (i) and (ii), which includes internal controls; and
  - (b) add internal controls for the existing heritage overlay for (iii).

Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)

6. In June 2018, Council sought interim heritage planning controls for a number of places in the Victoria Street and Bridge Road activity centres.

7. GJM Heritage consultants were engaged by Council to prepare the *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*. This document included recommendations for 12 places:
  - (a) 2 places were recommended to have grading changes from 'individually significant' to 'not contributory', because they have been redeveloped;
  - (b) 1 place was recommended to be removed from HO mapping to correct an error;
  - (c) 1 mapping correction was recommended to extend the HO over an entire significant place;
  - (d) 6 places were recommended to be transferred from a precinct HO to an individual Heritage Overlay control; and
  - (e) 2 places, 32 & 34 Thomas Street, Richmond and 202-206 Church Street, Richmond, were recommended to be included into new Heritage Overlays. These were requested on an interim basis through Amendment C251.
8. The recommendations also included amending the incorporated document, *Appendix 8 - City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates (2007)* (which is to be renamed *City of Yarra Database of Heritage Significant Areas, September 2018*) to include the above changes.

#### Corrections to zone and heritage overlay anomalies

9. Council maintains a list of heritage and zone anomalies, which arise from public queries or requests for corrections. From time to time, Council progresses an amendment to the Yarra Planning Scheme, in order to ensure that there are no discrepancies between how places are identified in Zones, Heritage Overlay schedule, and subsequent maps.
10. A majority of errors and anomalies included in this amendment are in the Heritage Overlay. These changes are in accordance with *Practice Note: 01 Applying the Heritage Overlay*.
11. At its meeting on 18 September 2018, Council resolved to seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C245.

#### **Amendment C245**

12. Amendment C245 proposes to correct identified heritage overlay errors and zone anomalies within the Yarra Planning Scheme and implement the recommendations and findings of the recent heritage studies and citations.
13. A complete summary of places affected and the proposed changes is **Attachment 1**.

#### Exhibition

14. Amendment C245 was placed on public exhibition between Thursday 18 July 2019 and Monday 19 August 2019. The closing date for submissions on the amendment was at 5pm on Monday 19 August 2019.
15. Notification and exhibition of the amendment was carried out via the following measures including:
  - (a) letters, including notice of preparation and fact sheet (**Attachment 2**), sent to 649 owners and occupiers of affected properties, advising of Council's intent to exhibit Amendment C245;
  - (b) letters, including notice of preparation and fact sheet, sent to the Heritage Advisory Committee (HAC) and other heritage related interest groups;
  - (c) letters, including notice of preparation and fact sheet, sent to government agencies and prescribed authorities;
  - (d) an interactive map, as well as more detailed information about the Amendment online at [yarracity.vic.gov.au/amendmentC245](http://yarracity.vic.gov.au/amendmentC245);
  - (e) notices placed in The Age and the Government Gazette;

- (f) full amendment documentation on the Department of Environment, Land, Water and Planning website; and
  - (g) hard copies of the amendment documentation at Richmond Town Hall and the Collingwood Town Hall.
16. Council also offered appointments with Council officers to all affected parties. These appointments were held during the exhibition period. These were made at the interested parties' request.

#### Submissions

17. As a result of exhibition, nine submissions were received (a register and summary of submissions is listed in **Attachment 3**). 5 submissions were submitted by the close of exhibition and four were sent to Council as late submissions. All submissions responded to site specific changes. In summary:
- (a) 3 of the submissions were from the owners or proprietors, objecting to the proposed heritage controls for three former theatres set out in the *Thematic Study of Theatres in the City of Yarra* for land at:
    - (i) 200 - 202 Johnston Street, Collingwood (Austral Theatre);
    - (ii) 365-377 Swan Street, Richmond, (the former 'Burnley Theatre'); and
    - (iii) 311-317 Bridge Road, Richmond, (the former Richmond Theatre).
  - (b) 1 submission (from the Catholic Church) supported the heritage overlay over the south section of 378A and 378B Nicholson Street, Fitzroy North, and 27 Alexandra Parade, but objected to the current heritage overlay on St. Brigid's hall and adjoining school building (378C Nicholson Street, Fitzroy North). This submission also raises issues about whether the significant buildings are properly identified;
  - (c) 1 submission from the Collingwood Historical Society (CHS), which:
    - (i) supported most of the changes proposed in Amendment;
    - (ii) did not support the removal of 14 Glasgow Street, Collingwood until further heritage assessment had been done;
    - (iii) noted that a number of changes were as a result of total demolition of buildings and raised concern that '*when contributory buildings are approved for demolition, the City of Yarra appears to the community to place little value on the heritage status of buildings.*'; and
    - (iv) noted that the Collingwood College Doll's House was in disrepair and requires attention;
  - (d) 1 submission from the 3068 Group Inc. (Fitzroy North) indicated the extension of HO93 to protect the landscape in Queens Parade was not sufficient and should be extended; and
  - (e) 3 submissions objected to the HO proposed for 202-206 Church Street, Richmond.
18. The key issues raised in submissions, and proposed responses to these issues, are addressed below. A detailed response to specific issues raised is provided in **Attachment 4**.

#### Discussion of key issues

##### ***Justification and impact of internal heritage controls***

19. Three submissions objected to the application of internal heritage controls applied to the theatres identified in the *Thematic Study of Theatres in the City of Yarra*.

##### ***Officer Response:***

20. These submissions object to a key element of the recommendations in the Theatres Study which is to protect the internal features of the identified theatres. These internal features are

a major part of the significance of the places. The Amendment should not be changed to meet the submitter objections. These submissions should be referred to a Panel for review.

### ***Heritage significance***

21. Six submissions requested changes to the heritage significance or proposed HO of specific sites. These included:

- (a) 378 Nicholson Street, Fitzroy North (St Brigid's Church);
- (b) 14 Glasgow Street, Collingwood;
- (c) 200-202 Johnston Street, Collingwood; and
- (d) 202-206 Church Street, Richmond.

### **378 Nicholson Street, Fitzroy North – St Brigid's Catholic Church, school, former convent and presbytery**

22. The submission on behalf of the Catholic Church, objects to the existing heritage overlay over the northern section of the property because:

*"the buildings are of:*

- *Ordinary red bricks,*
- *Simple architectural design*
- *Not old for more than 100 years"*

23. **Figure 1** shows the existing extent of HO327, the church land boundary and the buildings with dates. The buildings which the submission indicates are not significant are the schoolroom (1897) and school (1924).

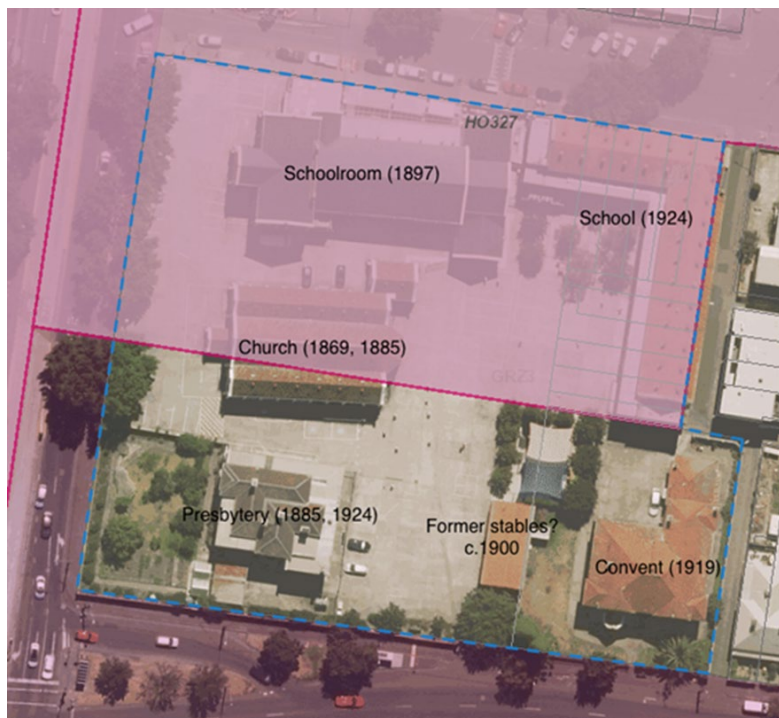


Figure 1: Current extent of HO327 shown in pink shading, boundary of St Brigid's indicated by blue dotted line

### ***Officer Response:***

24. Council referred this submission to an independent heritage advisor who has advised that the proposed extension of the heritage overlay is justified and is consistent with the identified significance of the buildings on the land (**Attachment 5** - Amendment C245 heritage advice – St Brigid's Catholic Church complex – D Helms September 2019). This advice also suggested that a new citation should be prepared for the whole place (all the church land) which would list the significant buildings.

25. Independent advice from a heritage expert notes;
- (a) *St Brigid's Catholic Church complex, comprising the church and front fence, school & hall (and remnants of front and side fences), presbytery and outbuilding (and remnant front fence), 1924 school and 1919 convent, is of local significance to the City of Yarra;*
  - (b) *there is a reasonable case for Council to proceed with the proposed extension of the HO over the balance of 378 Nicholson Street, Fitzroy North, as:*
    - (i) *this will resolve the anomaly where the current HO327 boundary cuts through the middle of the church and excludes the presbytery, which is currently listed in Appendix 8 incorporated document as an Individually Significant place; and*
    - (ii) *it will ensure that all the St Brigid's church buildings are included within the heritage overlay;*
  - (c) *as a place of individual significance comprising a complex of buildings and other features the preparation of an individual citation and statement of significance for St Brigid is required. In the interim, the significance of St Brigid's is recognised by the HO327 precinct statement of significance; however, it emphasises the importance of the church and excludes specific references to the other buildings forming part of the complex;*
  - (d) *also, the associated incorporated document listing the gradings of buildings, as updated by Amendment C245, still only lists the 1897 school and hall ('schoolroom'), church and presbytery as being of Individual significance, and does not identify the grading of the 1924 school and the 1919 convent;*
  - (e) *on this basis, I believe that the proposed changes to St Brigid's should be included in Amendment C245 – Part 2 and referred to an independent Planning Panel with the following changes:*
    - (i) *renaming the 'schoolroom' as 'School & hall' and listing the 1924 St Brigid's School at 20 York Street, and the former St Brigid's convent at 27 Alexandra Parade as 'Contributory' places in the updated incorporated document 'City of Yarra Database of Heritage Significant Areas, September 2019'; and*
    - (ii) *making a minor change to the HO327 precinct statement of significance to include specific reference to the whole of St Brigid's church complex. This is shown below.*
  - (f) *as a priority, the City of Yarra should prepare an individual citation for St Brigid's complex. This assessment should also consider whether an individual HO would be justified. For example, to provide interior controls for the church (e.g., for the organ) or for significant fences, as was done as part of the recent assessment of St John's, Clifton Hill.*
26. Officers believe that the Amendment should not be changed to meet the submitter objections. This submission should be referred to a Panel for review.
- 14 Glasgow Street, Collingwood:
27. The CHS objected to the removal of 14 Glasgow Street, Collingwood from HO109 (*Former William Peatt Boot Factory*) until the heritage significance of the building had been addressed.
28. **Figure 2:** Shows the existing HO boundaries in relation to 14 Glasgow Street, which is indicated by the dotted blue line (Source: VicPlan). The red arrow indicates the section of the c.1937 William Peatt building that appears to be within 14 Glasgow Street.





Figure 2: Current extent of HO420 and HO109 shown in pink shading, boundary of 14 Glasgow Street indicated by blue dotted line

*Officer Response:*

29. Independent advice was sought from a heritage expert (**Attachment 6** Amendment C245 heritage advice – 14 Glasgow Street, Collingwood – D Helms September 2019) who advised that:
- (a) *the part of 14 Glasgow Street proposed for removal from HO109 contains a car park that has no heritage value. However, it also appears to include a small part of the significant c.1937 William Peatt building – this finding is based on the aerial image overlaid with the HO109 boundary shown in **Figure 2**, which is derived from VicPlan;*
  - (b) *the proposed new address for HO109 in the HO schedule and incorporated document is incorrect;*
  - (c) *in accordance with Planning Practice Note 1, there should be a single citation and HO number for the former William Peatt Boot Factory complex;*
  - (d) *on this basis, I believe the proposed changes to HO109 should be removed from Amendment C245 pending a further review, which should include:*
    - (i) *a desktop review of the two separate citations to make a single citation for the William Peatt Boot Factory; and*
    - (ii) *a more detailed investigation of the title boundary to determine whether or not the c.1937 William Peatt building is partially within 14 Glasgow Street.*
30. Having considered the heritage advice the part of Amendment C245 that includes 14 Glasgow Street, changes to the extent of HO109 and the associated change of address for HO109 from 51 to 61-75 Langridge Street, Collingwood should be abandoned and no longer form part of C245.

200-202 Johnston Street, Collingwood

31. 1 submission objected to the inclusion of 200-202 Johnston Street, Collingwood as an 'individually significant' place and objected to the extension of the HO to cover the entire site.

*Officer Response:*



32. The property is already graded as an 'individually significant' heritage place in the Database of Heritage Significant Areas and the Amendment does not propose to change this heritage significance. Currently HO324 covers only a part of 200-202 Johnston Street, Collingwood. It cuts through the former Austral Theatre so that only part is protected. The Amendment proposes a new HO499 to cover the entire property so the building is protected.
33. It is proper planning practice to apply a heritage overlay to the whole extent of a property to ensure heritage protections and minimise any uncertainty about planning scheme requirements. No change is proposed to the exhibited amendment. This submission should be referred to a Panel for review.
34. 202 and 204 Church Street, Richmond
  - (a) Three submissions objected to 202-206 Church Street, Richmond being protected as 'individually significant' in the new HO526; and
  - (b) The grounds for opposing the new HO include that this would be an additional burden in the context of a commercial zone, significant development is occurring nearby, the condition or integrity of the buildings does not warrant heritage protection.

*Officer Response:*

35. These properties are part of a group of three shops, the 'Halls Buildings', identified by GJM in the *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*. GJM Heritage identified the shops and residences as being constructed in 1886, noting a number of elements that contributed to the significance of the place. The GJM Heritage Assessment found:

*'The buildings retain a high degree of integrity to the Victorian period in fabric, form and detail. Whilst the building has undergone some alterations, these have not diminished the ability to understand and appreciate the place as an example of a Victorian shop and residence.'*

36. The Amendment should not be changed to meet the submitter objections. These submissions should be referred to a Panel for review.

**Demolition of buildings**

37. The submission from the Collingwood Historical Society noted that a number of the proposed re-graded places in Amendment C245 resulted from demolition of buildings. The submission noted that five buildings had been entirely demolished and redeveloped or are in the process of being redeveloped.

*Officer Response:*

38. Council officers have investigated the circumstances around the demolition of the five buildings identified in the submission.
39. Of these buildings, three properties were graded 'contributory' prior to demolition, with the remaining two properties being ungraded or graded 'unknown'.
40. In the Yarra Planning Scheme, properties are graded 'unknown' where insufficient information is available to allow an assessment from the public domain.
41. The Yarra Planning Scheme and the Yarra City Council policy generally encourage the retention of a heritage place, unless;
  - (a) the building is identified as not contributory; and
  - (b) if the building is identified as a contributory building;
    - (i) new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *Database of Heritage Significant Areas* (formerly, *City of Yarra Review of Heritage Areas 2007 Appendix 8* [as updated from time to time]); and
    - (ii) the building does not form part of a group of similar buildings.

42. Table 1 outlines the circumstances of the demolition of buildings noted in the submission.

**Table 1 – Circumstances for demolition of ‘contributory’ buildings**

Address	Grading prior to demolition	Circumstances of demolition
<b>160 Gold Street, 1 &amp; 1A South Terrace, Clifton Hill</b>	‘contributory’	<p>The advertised heritage advice found new evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attribute to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review of Heritage Areas 2007 Appendix 8</i> [as updated from time to time]).</p> <p>Additionally, it was found that the building had been modified prior to the application to demolish and that the contributory nature had been diminished.</p> <p>The planning proposal was taken to VCAT after Council refused to grant a permit. Council’s grounds for refusal raised concerns for the demolition from a heritage perspective.</p> <p>VCAT set aside Councils decision and directed Council to issue a permit.</p>
<b>4 Eddy Court, Abbotsford</b>	<i>Not graded</i>	<p>The building was identified as being not contributory.</p> <p>The building was in disrepair (the floor had collapsed).</p>
<b>55 Park Street, Abbotsford</b>	<i>Not graded</i>	<p>The building was identified as being not contributory.</p> <p>The planning proposal was taken to VCAT after Council failed to grant a permit within the statutory timeframes.</p> <p>VCAT set aside Councils decision and directed Council to issue a permit.</p> <p style="text-align: right;">(VCAT Ref. No – PL06/1131)</p>
<b>18 Peel Street, Collingwood</b>	‘contributory’	<p>The advertised heritage advice found new evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attributed to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review of Heritage Areas 2007 Appendix 8</i> [as updated from time to time]).</p> <p>Additionally, the building did not form part of a group of similar buildings that contributed to the heritage of the area.</p>
<b>133 Keele Street, Collingwood</b>	‘contributory’	<p>New evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attributed to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review of Heritage Areas 2007 Appendix 8</i> [as updated from time to time]).</p> <p>Building was in disrepair and became a hazard.</p> <p>The demolition of the building was justified by the degradation of structural integrity and an emergency demolition was approved.</p>

**Collingwood College Doll's House**

43. The Collingwood Historical Society noted that the Collingwood College Doll's House is in poor condition and needs repair.

*Officer Response:*

44. Council notes that the Collingwood College Doll's House is in poor condition and there is a threat to the conservation of the heritage place.
45. The Doll's House is part of the Collingwood College campus grounds and not a Council asset.
46. Council is, however, currently addressing potential funding, the responsibility of maintenance and actions necessary to repair the Doll's House.

**Heritage Overlay HO93 and Amendment C231**

47. The 3068 Group Inc. objects that the proposed extension of HO93 *'do not go far enough to protect the elm boulevard which is more extensive than that identified. The HO93 statement of significance does not distinguish between the 19th C plantings and the interwar plantings. HO93 should include Napier Reserve and the substation'*.
48. The submission referenced a previous submission made to Amendment C231 – Queens Parade Design and Development Overlay.

*Officer Response:*

49. HO93 was introduced, based on a 1998 heritage citation prepared by Allom Lovell and John Patrick Pty Ltd. A recent internal assessment identified an anomaly in the extent of HO93, which the C245 changes propose to address. The scope of those changes is based on the original 1998 assessment and a review carried out by John Patrick Landscape Architects Pty Ltd in November 2018. The 2018 review recommends the extension of HO93 so it applies to all the road reserve between Alexandra Parade and Delbridge Street, Clifton Hill. The 2018 review did not consider or propose any extension beyond this section of Queens Parade.
50. The 2018 review report includes **Figure 3** illustrating the extent of the current Heritage Overlays in the area and the gaps adjoining HO93. This shows the anomaly which excludes street trees and associated median strips and landscape features as detailed in **Attachment 7**.



Figure 3: Heritage Overlay HO93 of the Yarra Planning Scheme as indicated on Planning Maps Online

51. The revised HO93 extent and the revised citation are based on expert advice. The submission in part questions some aspects of that advice and the revised citation. The submission also suggests extending protection to other areas such as Napier Reserve (which is bounded by Napier Street, Queens Parade and Alexandra Parade) and other parts of Queens Parade.
52. Given the nature of a Planning Scheme amendment process, it is generally not possible to extend the geographic extent of the proposals after exhibition. This is for reasons which include potential impacts on other parties who might for example object to revised proposals.
53. The significance of the sub-station on Napier Reserve was considered as part of the Queens Parade Amendment C231 where heritage protection was not supported by the Council heritage expert. It may be that the report by the Planning Panel will provide recommendations regarding this matter.
54. In conclusion, the 3068 Group Inc. submission raises issues which do not warrant changes to the Amendment. This part of the Amendment should be referred to a Panel.

#### Split Amendment C245 into Part 1 and Part 2

55. An amendment may be split into parts and separately processed. Such a split is warranted in this instance, because it will allow those parts of the Amendment which do not have submissions seeking changes to be adopted and submitted for approval without further delay as C245 (Part 1). The balance of the items will be either referred to a Panel or in the case of the items dealing with 14 Glasgow Street, HO109 and 51 Langridge Street, Collingwood abandoned and removed from the Amendment.
56. It is recommended that the changes in Amendment C245 are split into two parts, as follows:
  - (f) Part 1 – Places that received no submissions seeking changes; and
  - (g) Part 2 – Places which received submissions seeking changes.

C245 (Part 1)

57. Part 1 includes **65** places that did not attract objections (listed in **Attachment 8**). It is recommended that Part 1 should be adopted and submitted to the Minister for Planning for Approval as 'Yarra Planning Scheme Amendment C245 (Part 1)'.

C245 (Part 2)

58. Part 2 of the Amendment includes **6** places for which an objection was received (listed in **Attachment 9**). It is recommended that all submissions in Part 2 be referred to an independent Planning Panel.

**External Consultation**

59. Council has:
- (a) exhibited the amendment for one calendar month, in accordance with the requirements of the *Planning and Environment Act 1987*;
  - (b) posted notice of the proposal to all owners and occupiers of land directly affected by the changes, other interested parties and Prescribed Ministers;
  - (c) published formal notice of the amendment in the Age and Government Gazette; and
  - (d) provided comprehensive information on the Council website.
60. Consultation provided the community, land owners and stakeholders the opportunity to make a submission about the proposed changes.
61. Council officers have had preliminary discussion about the amendment with the Department of Environment, Land, Water and Planning (DELWP).

**Internal Consultation (One Yarra)**

62. The proposed amendment has been circulated internally with comments from different team members from the Strategic Planning unit and the Statutory Planning team of Council.
63. These comments form part of the assessment process leading to this report.

**Financial Implications**

64. The financial cost of planning scheme amendments is included in the budget of Council's Strategic Planning Unit for 2019/20.

**Economic Implications**

65. There are no significant economic implications from the amendment.

**Sustainability Implications**

66. The retention of heritage places reduces building waste and conserves embodied energy in existing buildings. However, older buildings are potentially less energy efficient than new buildings and the amendment may limit opportunities for future development of sustainable buildings.

**Social Implications**

67. There are no significant social implications from Amendment C245 identified.

**Human Rights Implications**

68. There are no human rights implications anticipated from the amendment.
69. The amendment complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Communications with CALD Communities Implications**

70. Consultation for the amendment is in accordance with the *Planning and Environment Act 1987* and Council's consultation policies.

**Council Plan, Strategy and Policy Implications**

71. The value of creating a liveable Yarra to Council and the community is acknowledged in the Council Plan 2017-2021.
72. A liveable Yarra is identified as where development and growth are managed to maintain and enhance the character and heritage of the city.
73. The amendment seeks to promote and conserve areas of growth and significance by:
  - (a) applying new Heritage Overlay provisions in the Planning Scheme; and
  - (b) correcting errors and anomalies in the Heritage Overlay and zones.

**Legal Implications**

74. The amendment complies with the requirements of the *Planning and Environment Act 1987*.
75. There are no known legal implications of this amendment.

**Other Issues**

*Changes to the Yarra High Streets: Statements of Significance – adding the citations and studies in this Amendment C245*

76. The *Yarra High Streets: Statements of Significance* is a reference document which contains the relevant heritage studies and citations for all the activity centres or 'high streets'. This needs to be updated in part as a result of changes since C245 was exhibited. The Panel process for Amendment C231 (Queens Parade) made changes to this reference document. The *Yarra High Streets: Statements of Significance* prepared by GJM Heritage in 2017, has been updated as part of the post-Panel direction for Amendment C231.
77. It is recommended that the *Yarra High Streets: Statements of Significance* be updated with the addition of the following from Amendment C245:
  - (a) *Heritage Citation: Queens Parade, Fitzroy North Street Trees*, John Patrick Landscape Architects Pty. Ltd. (2018);
  - (b) *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*, GJM Heritage (2018); and
  - (c) *Thematic Study of Theatres in the City of Yarra*, Context Pty. Ltd. (2017).
78. The updated *Yarra High Streets: Statements of Significance* is **Attachment 10**.

**Options**

79. Where submissions have been received to an amendment, Council has three options under Section 23 of the *Planning and Environment Act 1987*:
  - (a) change the amendment in the manner requested; or
  - (b) refer the submissions to an independent Planning Panel to consider the submissions and to provide recommendations to Council; or
  - (c) abandon the amendment or part of the amendment.
80. Council can forward the submissions and C245 (Part 2) to a Panel.
81. Council must make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will confirm the hearing dates.

**Conclusion**

82. Amendment C245 proposes to correct heritage and zoning anomalies in the City of Yarra and to implement recommendations from recent heritage studies and citations.
83. Exhibition of Amendment C245 has been completed. Nine submissions were received, relating largely to internal heritage controls for former theatres and the extension of the heritage overlay over some sites.



## RECOMMENDATION

1. That Council:
  - (a) receive and note submissions received following the exhibition of Amendment C245;
  - (b) notes the officer report in response to submissions on Amendment C245 and split it into two parts, with:
    - (i) Part 1 – Places that received no submissions seeking changes as listed in **Attachment 8**;
    - (ii) Part 2 – Places which received submissions seeking changes (**Attachment 9**); and
    - (iii) abandon the part of Amendment C245 proposing changes to HO109, including 14 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.
  - (c) adopt Part 1 and submit it to the Minister for Planning for Approval;
  - (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 Part 2 in accordance with Section 23 of the *Planning and Environment Act 1987*;
  - (e) refer the submissions and C245 Part 2 to a Panel and adopt a position of support for Amendment C245 Part 2 and responses to submissions, as set out in this report and the associated attachments;
  - (f) update the *Yarra High Streets: Statements of Significance* with the addition of the documents from Amendment C245 set out in this report;
  - (g) write to all submitters to advise of this decision; and
  - (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with C245 Part 2.

**CONTACT OFFICER:** Madeline Riseborough  
**TITLE:** Strategic Planner  
**TEL:** 9205 5002

### Attachments

- 1 Summary of Places
- 2 Fact Sheet
- 3 Summary of Individual Submissions
- 4 Key Submitted Issues
- 5 Heritage advice - St Brigids Catholic Church complex
- 6 Heritage advice - 14 Glasgow Street
- 7 Heritage Citation QP, FN, John Patrick Landscape Architects Pty. Ltd. (2018)
- 8 Summary of Places - No Submission
- 9 Summary of Places - Submission
- 10 Yarra High Streets: Statements of Significance (October 2017, updated October 2019)

## Revised Recommendation



This motion has been prepared by the report author and replaces the Council Officer's recommendation which appears in the Council Agenda.

<b>Report Title</b>	Item 11.4 - Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions
<b>Date of Council Meeting</b>	26 November 2019

Additional words shown as underlined

Deleted words shown in ~~strikethrough~~

### MOTION

1. That:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer ~~report in~~ response to submissions on Amendment C245 within the report and in the following attachments, and split it into two parts, with:
  - (i) ~~Part 1—~~ Places that received no submissions seeking changes ~~as listed in~~ (Attachment 8);
  - (ii) ~~Part 2—~~ Places which received submissions seeking changes (Attachment 9); ~~and~~
  - (iii) ~~abandon the part of Amendment C245 proposing changes to HO109, including 4 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.~~
- ~~(c) adopt Part 1 and submit it to the Minister for Planning for Approval;~~
- (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 ~~Part 2~~ in accordance with Section 23 of the Planning and Environment Act 1987;
- (e) refer ~~the submissions and~~ Amendment C245 Part 2 to a Panel and adopt a position of support for Amendment C245 ~~Part 2~~ and responses to submissions, as set out in this report and the associated attachments, including the intent to abandon the part of Amendment C245 proposing changes to HO109, including 4 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment;
- (f) update the Yarra High Streets: Statements of Significance with the addition of the documents from Amendment C245 set out in this report;
- (g) write to all submitters to advise of this decision; and
- (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with Amendment C245 Part 2.

## Motion requested by Councillors



This motion has been prepared at the request of one of more Councillors to assist in the consideration of an item to be presented to Council. This alternative motion does not replace the Council Officer's recommendation which appears in the Council Agenda.

<b>Report Title</b>	Item 11.4 - Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions
<b>Date of Council Meeting</b>	26 November 2019

Additional words shown as underlined

Deleted words shown in ~~striketrough~~

### MOTION

1. That:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer response to submissions on Amendment C245 within the report and in the following attachments:
  - (i) Places that received no submissions seeking changes (Attachment 8);
  - (ii) Places which received submissions seeking changes (Attachment 9);
- (c) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 in accordance with Section 23 of the Planning and Environment Act 1987;
- (d) refer submissions and Amendment C245 to a Panel and adopt a position of support for Amendment C245 and responses to submissions, as set out in this report and the associated attachments, including the intent to abandon the part of Amendment C245 proposing changes to HO109, including 4 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61- 75 Langridge Street, Collingwood) so it no longer forms part of the Amendment;
- (e) advise the Panel that Council intends to abandon the proposal to apply internal alteration controls for the following properties:
  - (i) HO286 - Former Burnley Theatre, 365-377 Swan Street Richmond;
  - (ii) HO504 - Former Richmond Theatre, 311-317 Bridge Road, Richmond;
- (f) update the Yarra High Streets: Statements of Significance with the addition of the documents from Amendment C245 set out in this report;
- (g) write to all submitters to advise of this decision; and
- (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with Amendment C245.