
11.1 Amendment C245 - Theatres Studies and Fix Up Amendment - Panel Report

Executive Summary

Purpose

The purpose of the meeting is to consider the report of the independent Planning Panel in relation to Amendment C245 and consider the officer recommendations. Council needs to decide whether to adopt the Amendment with or without changes, or whether to abandon the Amendment.

Key Issues

The report from the Panel, appointed to consider Amendment C245, has been received.

The Panel concluded that the Amendment is generally supported by, and implements the relevant section of the Planning and Policy Framework. It also considered the Amendment generally well founded and strategically justified, although there were some elements the Panel did not support.

Council must now consider whether or not to adopt the Amendment, with or without changes. Alternatively under the *Planning and Environment Act 1987*, Council could choose to abandon the Amendment or parts of the Amendment.

Financial Implications

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

PROPOSAL

In summary, it is proposed that Council considers the Planning Panel and officer report for Amendment C245 and decides whether to:

- (a) adopt all or part of the Amendment, with or without changes; or
- (b) abandon all or part of the Amendment.

The report concludes that Council should adopt the Panel's recommendations.

11.1 Amendment C245 - Theatres Studies and Fix Up Amendment - Panel Report

Council at its meeting on 27 August 2020 resolved that the matter be deferred to the meeting to be held on 01 September 2020.

Reference: D20/122149

Authoriser: Director Planning and Place Making

[Help](#)

Purpose

1. The purpose of the meeting is to consider the report of the independent Planning Panel in relation to Amendment C245 and consider the officer recommendations. Council needs to decide whether to adopt the Amendment with or without changes, or whether to abandon the Amendment.

Background

2. Amendment C245 proposes to correct identified heritage overlay errors and zone anomalies within the Yarra Planning Scheme and implement the recommendations and findings of recent heritage studies and citations.
3. It applies to 72 different places, of which 44 include errors or anomalies within Heritage Overlays, 11 with zoning and 17 are recommendations from recent heritage studies. A complete summary of places affected and the exhibited proposed changes is at **Attachment 1**.

Exhibition and Submissions

4. Amendment C245 was placed on public exhibition from 18 July – 19 August 2019.
5. Nine submissions were received (including four late submissions) prior to Council considering submissions on 26 November 2019. Two submissions were received after the Council meeting.
6. At the Ordinary Council Meeting of 26 November 2019, Council considered the nine submissions and resolved to refer Amendment C245 and all submissions to an independent Planning Panel.
7. At that meeting Council also resolved to:
 - (a) advise the Panel of its intention to abandon the proposal for internal controls for the former Richmond Cinema and Burnley Theatre;
 - (b) continue to pursue the internal heritage controls for the former Austral Theatre; and
 - (c) advise the Panel of its intention to abandon the proposal to remove HO109 (which applies to the Former William Peatt Boot Factory) from 14 Glasgow Street, Collingwood to enable further work to be undertaken.
8. The two further late submissions received after the Council meeting were also referred to the Panel. These submissions objected to the proposed deletion of the internal controls for the former Richmond Cinema and the former Burnley Theatre.

Planning Panel Hearing

9. A single person panel (Mr. John Roney) was appointed by the Minister for Planning.
10. At the hearing, Council was represented by legal counsel and called two heritage witnesses, Anita Brady and David Helms.
11. The Panel Hearing was held from 22 - 24 April 2020 via video conferencing rather than the usual face to face format due to COVID19.

12. Seven parties were heard by the independent Planning Panel, including the three owners of the theatres, one of the owners of 202-206 Church Street (representing two of the properties), the Collingwood Historical Society and two individual submitters with an interest in heritage. A further submitter made a written submission only to the Panel.

Overall Panel Findings

13. The Panel Report was received on 27 May 2020 and released on 16 June 2020. It is at **Attachment 2**.
14. The Panel recommended the Amendment should be adopted as exhibited subject to changes.
15. The Panel concluded that the Amendment is generally supported by, and implements the relevant section of the Planning and Policy Framework. It also considered the Amendment generally well founded and strategically justified, although there were some elements the Panel did not support.

Next steps in the amendment process

16. The next phase of the Amendment is the final step in the process for Council. The way in which Council considers the adoption is prescribed in the *Planning and Environment Act 1987* (the Act).
17. Under Sections 27, 28 and 29 of the Act, Council must:
- (a) consider the Panel's report before deciding whether or not to adopt the amendment; and then;
 - (b) either abandon all or part of the Amendment; or
 - (c) adopt all or part of the Amendment with or without changes.
18. Section 9 of the *Planning and Environment Regulations 2015* (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act. Council must provide the following:
- (a) the reasons why any recommendations of a Panel were not adopted; and
 - (b) a description of and the reasons for any changes made to the amendment before adoption.
19. **Attachment 3** to this report sets out what the Panel recommended. It explains why or why not recommendations were adopted.
20. **Attachment 4** describes every change made by Council to the Amendment from exhibition to the version of the amendment proposed for adoption and gives reasons for the change.
21. **Attachments 5-18** contain the amendment documents for adoption.

Site-specific Panel findings and officer recommendations

22. Officers recommend accepting all changes proposed by the independent Planning Panel (see Attachment 3). (NB - Appendix D of the Panel Report provides a marked-up version of the Panel's proposed changes to the Amendment.)
23. The Panel's findings and officer recommendations for the seven places discussed at the hearing are as follows:

Former Burnley Theatre

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Site specific (individual) Heritage Overlay (HO286).</p> <p><i>Proposed</i></p> <p>No change is recommended to the current HO</p>	<p>The Panel agrees with Council's intention to abandon the internal controls.</p> <p>The Panel found the interior of the building has been extensively modified and does not justify internal heritage controls.</p>

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p>controls and level of significance.</p> <p>Internal controls for the site were proposed, however, after considering submissions Council resolved to indicate to Panel an intention to abandon these controls.</p> <p>New Statement of Significance exhibited reflecting the Theatres Study, work by GJM and the proposal for internal controls. (At the Panel Hearing to align with Council's resolution of 26 November 2019, officers proposed to delete references to interiors.)</p>	<p>No changes should be made to the existing Statement of Significance at this time. Any changes should only proceed following further consideration of the heritage significance of the place and through a separate public process.</p>

Commentary

24. Prior to the Panel hearing, significant water damage had occurred to the interior of the building and large portions of the interiors were removed (an issue of concern to a number of submitters.) However, this was investigated by Council's Planning Enforcement Coordinator and Building Surveyor and it was determined that no planning enforcement was required as there are no current internal controls in the Yarra Planning Scheme that apply to the site. Therefore there was no breach in removing the interior panelling.
25. At the Panel, officers submitted that Council no longer sought the inclusion of internal heritage controls for the former Burnley Theatre (consistent with resolution passed on 26 November 2019).
26. The Panel supported Council's position. It noted that the bar for applying internal controls to buildings is very high. *Planning Practice Note 1 (PPN01) – Applying the Heritage Overlay* is the starting point for the assessment of internal heritage controls. PPN01 states that '*This provision should be applied sparingly and on a selective basis to special interiors of high significance*'.
27. It concluded that having regard to the high threshold required to justify internal controls as set out in PPN01, internal alteration controls were not justified on the former Burnley Theatre.
28. It was also acknowledged at the hearing that a significant amount of the internal fabric which was recognised in the Statement of Significance, included in the Theatres Study, has now been removed (due to the water damage).
29. However the Collingwood Historical Society and two individual submitters submitted that the elaborate ground floor foyer and the balcony appeared to remain intact and should be individually protected. The Panel concluded that the interior (or selected parts) did not meet the required threshold to warrant heritage controls.
30. Officers support the Panel's position and recommends Council abandon internal controls for the former Burnley Theatre. This is consistent with resolution passed by Council on 26 November 2019.
31. The Panel did not support Council's proposed changes (based on the GJM Heritage report and the Theatres Study) to the existing Statement of Significance for the Burnley Theatre. It noted that the GJM Heritage report (which partly informed the Statement of Significance) is the subject of review at the forthcoming Amendment C191 Panel Hearing for Swan Street. The Panel considered that changes to the Statement of Significance should be based on more thorough and comprehensive assessments with the input of heritage experts.
32. The Panel accepted that there may be benefit in updating the existing Statement of Significance at some point in the future, however it did not support changes at this time. Any changes to the Statement of Significance should only proceed following a more considered perspective of the heritage significance of the place and through a separate amendment process.
33. Officers accept the Panel's recommendation.

Former Richmond Cinema

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Partly within in the Bridge Road Precinct, Richmond (HO310). Graded 'contributory'.</p> <p><i>Proposed</i></p> <p>Replace the precinct control with a site specific (individual) Heritage Overlay control, which covers the whole of the property.</p> <p>Change grading from 'contributory' to 'individually significant'.</p> <p>Internal controls for the site were proposed, however, after considering submissions Council resolved to indicate to Panel an intention to abandon these controls.</p> <p>New site specific Statement of Significance exhibited reflecting the Theatres Study and the proposal for internal controls. (At the Panel Hearing to align with Council's 26 November 2019, officers proposed to delete references to interiors but include changes to reflect the historical information from the Theatres Study.)</p> <p>New Precinct Statement of Significance also exhibited.</p>	<p>The Panel agrees with Council's intention to abandon the internal controls. The Panel found the interior of the building has been extensively modified and does not justify internal heritage controls.</p> <p>The proposed site-specific Heritage Overlay (HO504) is not supported, however, the current precinct Heritage Overlay (HO310) should be extended to cover the entire property.</p> <p>The Panel did not support Council's proposal to change the cinema to 'individually significant'.</p> <p>The theatre should remain 'contributory' within HO310.</p> <p>Abandon the proposed site specific Statement of Significance and apply the exhibited version for HO310.</p>

Commentary

34. At the Panel, officers submitted that Council no longer sought the inclusion of internal heritage controls for the former Richmond Cinema (consistent with resolution passed on 26 November 2019).
35. Expert evidence provided to the Panel noted the building's interior had been substantially modified. This evidence noted that the most distinctive spaces and elements from the main phases of the building (i.e. roller skating rink, conversion to a cinema, construction of a theatre) have largely been removed or demolished.
36. The Collingwood Historical Society and the two individual submitters acknowledged that the building had undergone significant change, but submitted that the trussed ceiling should be protected. One submitter noting about a quarter of the roof was still visible at the rear.
37. The Panel found that *'The extensive modifications to the interior of the building has diminished the heritage significance of the place to such an extent that it does not meet the required threshold to warrant internal heritage controls.'*
38. Officers support the Panel's position and recommends Council abandon internal controls for the former Richmond Cinema. This is consistent with resolution passed by Council on 26 November 2019.
39. Officers also accept that Panel's recommendations that:
 - (a) the site should remain in the Precinct Heritage Overlay (HO310) rather than being included in its own specific Heritage Overlay (HO504). The site specific Heritage

Overlay was required to enable Council to specify that internal controls would apply to the site; and

- (b) HO310 should be extended to cover the whole of the site. This is consistent with *Planning Practice Note 1* and Council's exhibited position.
- 40. The Panel also did not support the proposed change of grading for the former Richmond Cinema from 'contributory' to 'individually significant'. It based its decision on the evidence from the expert acting for the theatre owner who concluded the site was only just worthy of 'contributory' status.
- 41. Officers accept the Panel's recommendation based on the further evidence presented at the Panel noting that the extensive changes to the building which had made interpretation of the former uses difficult to understand.
- 42. Having concluded that the site does not justify a grading of 'individually significant', the Panel found it would be inappropriate and unnecessary to require a Statement of Significance for a 'contributory' building and rejected the proposed site specific Statement of Significance. It also rejected minor changes made to the Precinct Heritage Overlay reflecting work from the Theatres Study.
- 43. Officers support the Panel's recommendation. The updated Statement of Significance for the Bridge Road Precinct (HO310) as updated in the *Victoria Street and Bridge Road Precinct Review, GJM Heritage (2018)* provides a sound basis to manage the heritage significance of the place.

Former Austral Theatre

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Partly included as an individually significant place in the HO324 Johnston Street Precinct.</p> <p><i>Proposed</i></p> <p>Replace the precinct control with a site specific (individual) Heritage Overlay control, which covers the whole of the property.</p> <p>Internal controls were also proposed.</p> <p>New Statement of Significance exhibited reflecting the Theatres Study and the proposal for internal controls.</p>	<p>The application of internal heritage controls was not supported. The Panel found the interior of the building has been extensively modified and does not justify internal heritage controls.</p> <p>The proposed site-specific Heritage Overlay (HO499) is not supported, however, the current precinct Heritage Overlay (HO324) should be extended to cover the entire property.</p> <p>The theatre should remain 'individually significant' within HO324.</p> <p>No changes should be made to the Statement of Significance at this time. Any changes should only proceed following further consideration of the heritage significance of the place and through a separate amendment process.</p>

Commentary

- 44. The former Austral Theatre was the only theatre of the three proposed for inclusion in C245 which Council resolved to progress internal controls following the receipt of submissions.
- 45. The Collingwood Historical Society submitted that the building and its interior are of architectural significance, was of a high level of social importance to the local community in the Depression of the 1920s and 1930s and reflects its working class context.
- 46. Expert evidence put to the Panel did not support the application of the internal controls as the interior of the building did not reach the required threshold to justify interior controls and has been extensively modified over time.
- 47. Council submitted that the Austral Theatre was one of the only surviving picture palaces in Yarra and while the condition and intactness of some internal areas to the theatre have been compromised, the remaining heritage fabric in the interior is of heritage significance. The decorated ceiling in the foyer of the theatre is highly intact as are several ceiling roses on the

ceiling of the ground floor room beneath the upper level tier. While other parts of the interior are of varying levels of intactness, the original design and use of the theatre is still evident in the remaining heritage fabric.

48. As with the other theatres, the Collingwood Historical Society and two individual submitters suggested the option to list selected parts of the interior of the former theatre to ensure that those features are protected.
49. The Panel considered the interior of the building had been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
50. It did not consider that the Theatres Study (which informed the proposed controls) provides appropriate justification for the inclusion of internal heritage controls for the former Austral Theatre.
51. As with the former Burnley Theatre, the Panel did not believe that the remaining features within the building warrant selective protection.
52. Officers accept that the interior has undergone extensive adaptation including the removal of several key components such as the stage and proscenium. Numerous aspects of the interior emphasised in the Theatres Study are either no longer in evidence or are no longer intact. Officers therefore agree with the Panel and recommend Council abandon internal controls for the former Austral Theatre.
53. Officers also accept the Panel's recommendations that the:
 - (a) existing Heritage Overlay should be extended to the entire property. All parties at the hearing agreed with this approach; and
 - (b) site should remain in the Precinct Heritage Overlay (HO324) rather than being included in its own specific Heritage Overlay (HO499) as a site specific Heritage Overlay. (Noting the site specific overlay is not required if internal controls are not pursued.)
54. The Panel did not support the changes proposed by Council to the Statements of Significance (i.e. the overall statement for the precinct and the 'individually significant' citation for the former Austral Theatre). It considered that the existing Statements of Significance for the site are adequate and should not be modified at this time.
55. Officers support the Panel's recommendation.

Halls Buildings, 202-206 Church Street, Richmond

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Currently not within a Heritage Overlay.</p> <p><i>Proposed</i></p> <p>Include in a site-specific (individual) Heritage Overlay control with an individually significant grading.</p> <p>New Statement of Significance</p>	<p>The Panel found there is appropriate strategic basis for the application of heritage controls.</p> <p>It is appropriate to apply HO526 to the properties as exhibited.</p> <p>The exhibited grading of 'individually significant' is appropriate.</p> <p>Proposed Statement of Significance is supported.</p>

Commentary

56. One of the owners of 202-206 Church Street appeared at the hearing (on behalf of himself and another property owner) and outlined numerous concerns about the application of a Heritage Overlay, including:
 - (a) the proposed heritage controls would be a burden given the commercial zoning of the buildings;
 - (b) the area surrounding the site is undergoing significant change and development; and

- (c) the building has been significantly altered and the facade is poor condition.
57. The Panel accepted there is sufficient strategic justification to apply the Heritage Overlay to the Hall's Buildings in Church Street, Richmond. It also accepted the buildings should be graded 'individually significant'.
58. It did not consider that the contemporary and changing environment surrounding the site detracts from the heritage significance of the place. The Panel did not accept that the imposition of a Heritage Overlay would create an unacceptable burden on the owners nor that the condition of the building as reasons to not apply the Heritage Overlay. But noted it would be a consideration at the planning permit stage.
59. Officers support the Panel's recommendation to include the property in a Heritage Overlay. Officers note that the Heritage Overlay is necessary to ensure places with heritage value are recognised and appropriately managed within the municipality, but does not preclude buildings, works or demolition of a property altogether.

Queens Parade Road Reserve

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Partly included in Queens Parade Street Trees (HO93).</p> <p><i>Proposed</i></p> <p>Extend HO93 to include the entire width of Queens Parade (from Alexandra Parade to Delbridge Street, Clifton Hill).</p> <p>New Statement of Significance.</p>	<p>Panel concluded the proposed changes and mapping should proceed as exhibited.</p> <p>The exhibited Statement of Significance is satisfactory.</p> <p>Council should consider a future planning scheme amendment that deals with the unresolved anomalies and gaps in the heritage controls for the place.</p>

Commentary

60. The *3068 Group* submitted that HO93 should be extended further south-west to include the Napier Reserve and the existing substation. They also submitted that the Statement of Significance does not distinguish between plantings of different eras.
61. The Panel supports the extension of HO93 to include the full width of the Queens Parade road reserve. This makes the Heritage Overlay map consistent with the heritage citation and the significance of the place. It did not support the inclusion of Napier Reserve as part of Amendment C245.
62. However it also recommended that Council consider a number of other fix-ups in a future planning scheme amendment (e.g. updating the format of the Statement of Significance to a contemporary format; including a history of the plantings and hard landscaping in an updated Statement of Significance; reviewing where a number of Heritage Overlay's overlap; and considering whether Napier Reserve should be included in HO93).
63. Officers support the Panel's recommendations but note that any changes to the extent of HO93 and the Statement of Significance will require further study. Officers note this could occur as part of a future amendment.

St Brigid's Catholic Church Complex

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Part of the site is included as an individually significant place in North Fitzroy Precinct (HO327).</p> <p>Schoolroom (the 1897 school and hall), Presbytery and Church are graded 'individually significant'.</p> <p>There is no grading for the 1924 school at 20 York</p>	<p>The Panel found that all land within the St. Brigid's Catholic Church complex should be included within HO327.</p> <p>The City of Yarra Database of Heritage Significant Areas (Appendix 8) should be modified to include all buildings in the complex.</p>

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p>Street or the convent at 27 Alexandra Parade.</p> <p><i>Proposed</i></p> <p>Extend the Heritage Overlay to cover the entire property.</p> <p>No changes to gradings were proposed by Council (however at the Panel hearing, changes were suggested in expert evidence).</p> <p>At the hearing, officers submitted that the Statement of Significance should be modified to update references to the St Brigid's church complex. (No changes to the existing Statement of Significance were exhibited.)</p>	<p>The Panel supported the application of 'contributory' gradings to 27 Alexandra Parade (St Brigid's former convent) and 20 York Street (St Brigid's School).</p> <p>The Statement of Significance for HO327 should not be modified at this time. Panel recommended the preparation of an individual citation for the St Brigid's precinct, implemented through a separate planning scheme amendment process.</p>

Commentary

64. The Panel agreed that the boundary to HO327 should be modified as exhibited to include all of the land within the St Brigid's Catholic Church complex to include all buildings of significance.
65. It also supported the application of 'contributory' gradings to 27 Alexandra Parade (St Brigid's former convent) and 20 York Street (St Brigid's School).
66. The Panel supports a more detailed review to determine whether the site should be part of a site specific Heritage Overlay (noting this appeared to be the case). It also recommends work is undertaken to prepare an individual citation for the St Brigid's complex. This should be subject to a separate study and a separate planning scheme amendment process.
67. The Panel did not support any changes to the existing Statement of Significance (noting none were proposed by the amendment). It recommended that work be undertaken to prepare an individual citation for the St Brigid's precinct should be subject to a separate study and a separate planning scheme amendment process.
68. Officers support the Panel's recommendations.

51 Langridge Street and 14 Glasgow Street, Collingwood

Current controls & proposed changes under Amendment C245	Summary of Panel recommendations
<p><i>Current</i></p> <p>Part of 14 Glasgow Street, Collingwood is included in HO109, the Former William Peatt Boot Factory.</p> <p><i>Proposed</i></p> <p>Remove the existing Heritage Overlay (HO109) from the land at 14 Glasgow Street, Collingwood and change the address to 61-75 Langridge Street, Collingwood.</p> <p>Council resolved to advise the Panel of its intent to abandon these proposed changes at the 26 November 2019 Ordinary Meeting (as the issue required further review).</p>	<p>Panel agrees with Council that the proposed changes to HO109 should not proceed at this time.</p> <p>Panel recommends further investigation be conducted for a future planning scheme amendment that deals with the site.</p>

Commentary

69. At the Panel, officers outlined Council's intent to abandon the proposed changes to HO109 pending further study to establish the correct title boundaries of 14 Glasgow Street and the appropriate address of HO109.

70. The Collingwood Historical Society generally supported Council's position to review the extent of the Heritage Overlay and correct the property address.
71. The Panel agreed with Council that the proposed changes to HO109 as part of Amendment C245 should not proceed at this time. The Panel noted the clear need for further assessment of the William Peatt Boot Factory. It considered this further investigation should inform a future planning scheme amendment that deals with the site.
72. Officers support the Panel's recommendations.

Proposed changes to Incorporated and Reference Documents

73. The Panel recommended a number of changes to the form and content of the exhibited Amendment.
74. During the hearing, the Panel questioned the proposed reference and incorporated documents and how Statements of Significance for the places subject of the Amendment were to sit within the Scheme.
75. The specific issues raised were:

Issues raised by Panel	Explanation
Whether the Amendment had addressed State-wide amendment, Amendment VC148	<p>VC148 requires that any 'new' heritage place in the Schedule to the Heritage Overlay must include a reference to its Statement of Significance (which must now be in the form of an incorporated document).</p> <p>If a site is already within a Heritage Overlay (e.g. in a precinct or a site specific overlay), the requirements of VC148 do not apply.</p>
The workability of a large single document containing all the Statements of Significance for Yarra's high streets	<p>At its meeting of 26 November 2019, Council resolved to update the <i>Yarra High Streets: Statement of Significance</i> with documents from Amendment C245. (This was in part as a result of changes since Amendment C245 was exhibited.)</p> <p>This meant that the Yarra High Streets document would include the statements of significance for the Queens Parade street trees, the GJM Victoria Street and Bridge Road Heritage Assessment and the Theatres Study as well as Statements of Significance proposed for inclusion in other amendments such as Amendment C231 – Queens Parade.</p> <p>The Panel thought the use of the Yarra High Streets document as the single source of all statements of significance for all Yarra's high streets was unwieldy.</p>
The proposal to make all statements of significance part of an Incorporated Document rather than a reference document	<p>In Council's Part B submission to the Panel, officers proposed that all statements of significant should be included in an Incorporated Document rather than a reference document.</p> <p>The purpose was to align with the approach taken for Amendment C231 - Queens Parade and to meet the requirements of VC148.</p> <p>However during the hearing other submitters commented that they considered this a transformation of the Amendment as it was not exhibited. It was also clarified that only 'new' heritage places needed to be included as incorporated documents.</p>

76. In Council's closing submission, officers responded to the Panel's questions and presented a restructure of the reference and incorporated documents. The proposed approach was to:
 - (a) include only the Statements of Significance for the eight new heritage places created by the Amendment in an Incorporated Document (in line with the requirements of Amendment VC148). Other statements of significance would remain in reference documents;
 - (b) create a new reference document which would include the Statements of Significance for properties in Bridge Road and Victoria Street. Officers proposed that instead of one

single document called 'Yarra High Streets', going forward a series of separate 'Yarra High Streets' documents that address the different high streets, such as Bridge Road and Victoria Street or Swan Street, would be created; and

- (c) retain background documents such as the Theatres Study and the GJM Victoria Street and Bridge Road Heritage Assessment as reference documents to the Scheme.

77. The details of the proposal and the Panel response to those proposals are outlined below.

What was proposed	Panel recommendation and comments
<p>Incorporated documents</p> <p>At the Panel, officers proposed Schedule to Clause 72.04 should be amended to include a new incorporated document - <i>Yarra High Streets (Victoria Street and Bridge Road) Statement of Significance: Incorporated Document (May 2020)</i>.</p> <p>This document would contain the Statements of Significance for the eight places which were 'new' heritage places:</p> <ul style="list-style-type: none"> • HO525 – Shop and Residence, 637-639 Bridge Road • HO526 – Hall's Building, 202-206 Church Street • HO527 – Pair of Terrace Houses, 32 and 34 Thomas Street • HO528 – James Boland Shop and Residence, 635 Bridge Road • HO529 – Royal Oak Hotel, 529-533 Bridge Road • HO530 – Whipps Terrace, 597-599 Bridge Road • HO531 – Flour Mill and Grain Store Complex (former), 534-534A Bridge Road • HO532 – Richmond Town Hall, 325-333 Bridge Road <p>NB – All are located within Richmond.</p> <p>The eight properties identified as 'new' heritage places reflect the officer's recommendations included in this report.</p>	<p>The Panel supported the inclusion of the <i>Yarra High Streets (Victoria Street and Bridge Road) Statement of Significance: Incorporated Document (May 2020)</i> as an incorporated document to the Scheme which will include the Statement of Significance for the eight new heritage places.</p>
<p>Reference documents</p> <p>At Panel, officers proposed to locate the other statements of significance in:</p> <ul style="list-style-type: none"> • <i>Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020)</i>; and • <i>Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty Ltd (2018)</i>. <p>As well as the documents above, the background studies which informed the amendment were proposed for inclusion as reference documents in Clauses 22.02 and 22.11:</p> <ul style="list-style-type: none"> • <i>Thematic Study of Theatres in the City of Yarra, Context Pty. Ltd. (2017) (Theatres Study)</i>; and • <i>Victoria Street and Bridge Road Built Form</i> 	<p>The Panel supported the inclusion of the following documents as the location for the Statements of Significance and as reference documents in Clauses 22.02 and 22.11:</p> <ul style="list-style-type: none"> • <i>Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020)</i> • <i>Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty Ltd (2018)</i>. <p>It did not support the inclusion of reference documents such as the Theatres Study and GJM Victoria Street and Bridge Road Heritage Assessment. It considered they would cause confusion and duplicate material. The Panel noted that key components of these documents</p>

Review: <i>Heritage Assessment, GJM Heritage (2018)</i> (GJM Victoria Street and Bridge Road Heritage Assessment).	had been distilled into the proposed new High Streets reference document.
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78. Officers accept the Panel's recommendations in relation to reference and incorporated documents.
79. Officers agree with the Panel's recommendation to abandon the Theatres Study and GJM Victoria Street and Bridge Road Heritage Assessment as reference documents as it will reduce confusion and the doubling up of Statements of Significance.

External Consultation

80. 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 (such as historical societies) Prescribed Ministers;
 - (c) published formal notice of the amendment in *The Age* and *Government Gazette*; and
 - (d) provided comprehensive information on the Council website.
81. Consultation provided the community, land owners and stakeholders the opportunity to make a submission about the proposed changes.
82. Council received 11 submissions to the Amendment:
 - (a) nine prior to the 26 November 2019 Council Meeting which considered submissions; and
 - (b) two received after this Council Meeting that were referred directly to the Panel.
83. Council officers had preliminary discussions about the amendment with the Department of Environment, Land, Water and Planning (DELWP).
84. Officers have written to the 11 submitters to the Amendment to advise them of the process for consideration of Amendment C245.

Internal Consultation (One Yarra)

85. 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.

Financial Implications

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

Economic Implications

87. There are no significant economic implications from the Amendment.

Sustainability Implications

88. There are no known significant sustainability implications from the Amendment.

Climate Emergency Implications

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

Social Implications

91. There are no known significant social implications from Amendment C245 identified.

Human Rights Implications

92. The Amendment complies with the *Victoria Charter of Human Rights and Responsibilities Act 2006*.
93. There are no human rights implications anticipated from the Amendment.

Communications with CALD Communities Implications

94. 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

95. The value of creating a liveable Yarra to Council and the community is acknowledged in the *Council Plan 2017-2021*.
96. A Liveable Yarra is identified as where development and growth are managed to maintain and enhance the character and heritage of the city.
97. 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

98. The Amendment complies with the requirements of the *Planning and Environment Act 1987*.
99. There are no known legal implications of this Amendment.

Other Issues

100. There are no other known issues with this Amendment.

Options

101. Council can either adopt the Panels recommendation or abandon in part or full.

Conclusion

102. At its meeting on 26 November 2019, Council resolved to refer Amendment C245 and all submissions to an independent Planning Panel.
103. Council also resolved to:
- (a) advise the Panel of its intention to abandon the proposal for internal controls for the former Richmond Cinema and Burnley Theatre;
 - (b) continue to pursue the internal heritage controls for the former Austral Theatre; and
 - (c) advise the Panel of its intention to abandon the proposal to remove HO109 from 14 Glasgow Street, Collingwood to enable further work to be undertaken.
104. The Panel Hearing was held from 22 – 24 April 2020.
105. Of the 72 places affected by Amendment C245, seven parties were heard by the independent Planning Panel. One additional party provided a written submission.
106. The Panel Report was received on 27 May 2020.
107. The Report recommended the Amendment be adopted as exhibited, subject to changes.
108. The key Panel recommendations were:
- (a) the Panel supported Council's intent to abandon internal controls for the former Richmond Cinema and Burnley Theatre, but did not support the proposal to regrade the former Richmond Cinema from 'contributory' to 'individually significant';
 - (b) the Panel recommended Council abandon the proposal for internal controls for the former Austral Theatre, however, supported extending the boundary of HO324 over the entire site;

- (c) the Panel supported Council's intent to abandon changes to the Heritage Overlay 109 for 51 Landridge and 14 Glasgow Streets (William Peatt Boot Factory);
- (d) the Panel supported the inclusion of the entire St Brigid's Catholic Church complex in a Heritage Overlay and changes to gradings for some buildings on the site;
- (e) the Panel supported the changes to extent of Heritage Overlay 93 which applies to the road reserve and trees along Queens Parade (from Alexandra Parade to Delbridge Street);
- (f) the Panel supported applying HO526, the heritage grading and the Statement of Significance to the properties at 202-206 Church Street (Hall's Buildings); and
- (g) the Panel recommended modifications to the form and content of the Amendment, including incorporated and reference documents.

109. Officers support the Panel's recommendations, as set out in this report.

RECOMMENDATION

1. That Council notes the officer report regarding Amendment C245 including the Panel Report and officer recommendations.
2. That Council undertakes the further heritage work recommended by the Panel for the following places, as part of a future heritage amendment:
 - (a) 14 Glasgow Street, Collingwood;
 - (b) St Brigid's Catholic Church Complex, North Fitzroy; and
 - (c) Queens Parade Street Trees.
3. That Council adopts Amendment C245 to the Yarra Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987* with the changes set out in Attachment 4 to this report.
4. That Council submits the adopted Amendment C245 as set out in Attachments 5 - 18 to this report to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
5. That Council submits the information prescribed under Section 31 of the *Planning and Environment Act 1987* with the adopted amendment, including:
 - (a) the reasons why any recommendations of the Panel were not adopted as outlined in Attachment 3 of this report; and
 - (b) a description of, and reasons for, the changes made to Amendment C245 between exhibition and adoption as outlined in Attachment 4 of this report.
6. That Council delegates to the CEO the authority to finalise Amendment C245, in accordance with Council's resolution, and to make any administrative changes required to correct errors, grammatical changes and map changes.
7. That all submitters are advised of the Council's determination in relation to Amendment C245.

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Attachments

- 1 Attachment 1 - Summary of Places
- 2 Attachment 2 - Yarra C245 Panel Report
- 3 Attachment 3 - Panel recommendations and officer response
- 4 Attachment 4 - Yarra C245 - Comparison of exhibited version recommended for adoption
- 5 Attachment 5 - Yarra C245 - Database of Heritage Significant Areas July 2020
- 6 Attachment 6 - Yarra C245 - YHS (Victoria Bridge) Statements of Significance Incorporated Doc (May 2020)
- 7 Attachment 7 - Yarra C245 - YHS (Victoria Bridge) Statements of Significance Reference Doc (May 2020)
- 8 Attachment 8 - Yarra C245 - Collingwood Mixed Use Pocket: Heritage Analysis & Recommendations, GJM Heritage (2018)
- 9 Attachment 9 - Yarra C245 - Heritage Citation 18-22 Derby Street, Collingwood, Anthemion Consultancies (2018)
- 10 Attachment 10 - Yarra C245 - Heritage Citation 33-45 Derby Street, Collingwood, GJM Heritage (2018)
- 11 Attachment 11 - Yarra C245 - Heritage Citation QP, FN, John Patrick Landscape Architects Pty. Ltd. (2018)
- 12 Attachment 12 - Yarra C245 - Explanatory Report
- 13 Attachment 13 - Yarra C245 - Instruction Sheet
- 14 Attachment 14 - Yarra C245 - Mapping Changes
- 15 Attachment 15 - Yarra C245 - CLAUSE 21.11 - Adoption
- 16 Attachment 16 - Yarra C245 - CLAUSE 22.02 - Adoption
- 17 Attachment 17 - Yarra C245 - SCHEDULE TO CLAUSE 43.01 - Adoption
- 18 Attachment 18 - Yarra C245 - SCHEDULE TO CLAUSE 72.04 - Adoption