



Level 3, 124 Exhibition Street
[GPO Box 2634, Melbourne 3001]
Melbourne, Victoria 3000

enquires@gjmheritage.com

+61 (0)481 284 130

gjmheritage.com

ABN: 62 348 237 636

ARBV: 16044

Expert Witness Statement

for

Yarra Planning Scheme Amendment C223:

81-95 Burnley Street & 26 Doonside Street, Richmond

Planning Panels Victoria Hearing

8 May 2020

Prepared for the City of Yarra under the instruction of Adeline Lane, Principal, Marcus Lane Group,
by

Jim Gard'ner | Director

BArch(Hons), BBSoc, GradDip(Conservation), GradCert (Visual Arts), RAlA, M.ICOMOS

1. Introduction

1.1 Name and address of expert

- [1] James (Jim) Maitland Gard'ner, Director, GJM Heritage, Level 3, 124 Exhibition Street, Melbourne, VIC 3000.

1.2 Expert's qualifications and experience

- [2] I hold a Bachelor of Building Science and an Honours Degree in Architecture from Victoria University of Wellington (New Zealand), a post graduate diploma in building conservation from the Architectural Association of London and a graduate certificate in visual arts from Harvard University. I am registered with the Architects' Registration Board of Victoria (16044) and am a member of the Australian Institute of Architects, the Victorian Planning & Environmental Law Association and Australia ICOMOS (International Council on Monuments and Sites).
- [3] I have practiced as an architect on heritage buildings and new design projects in New Zealand and the United Kingdom, and have specialised in heritage conservation since 1997. I have worked as Project Architect on commercial projects in the World Heritage Listed City of Bath and, as a Historic Buildings Architect at English Heritage, I provided technical and regulatory advice on a diverse range of heritage places including Stonehenge, Bolsover Castle, Derbyshire and the Wellington Arch in London. At the National Trust of Australia (Victoria), I led the classification of heritage places on the National Trust Register and the development of responses to heritage and planning permit applications.
- [4] In my role as the Director, Strategy and Policy and then Executive Director at Heritage Victoria I developed and implemented heritage policy and guidance to assist in the interpretation of the provisions of the *Heritage Act 1995* including in relation to: the assessment of 'reasonable or economic use' under s73(1)(b) of the Heritage Act; *Victoria's Framework of Historical Themes*; *The Victorian Heritage Register Criteria and Threshold Guidelines*; and the *Victorian Government Cultural Heritage Asset Management Principles*. I previously Chaired the Royal Exhibition Building and Carlton Gardens World Heritage Steering Committee and have been a member of the Heritage Chairs and Officials of Australia and New Zealand. From 2012-15 I held the position of Executive Director, Statutory Planning and Heritage in the Victorian State Government where I administered the *Environment Effects Act 1978* (Vic) and advised the Minister for Planning on planning scheme amendments and permit decision making under the *Planning and Environment Act 1987* (Vic).
- [5] As an independent heritage consultant, I have advised on heritage assessment, management and works to heritage places including private dwellings, places of worship, institutional and commercial buildings, and industrial properties. I continue to advise local and State Governments on statutory planning approvals and strategic planning matters and have undertaken place specific assessments and area heritage studies.
- ### 1.3 Statement identifying the expert's areas of expertise to make this report
- [6] I am expert in the assessment of cultural heritage significance of historic heritage places, the administration of legislation to regulate and manage historic heritage places and objects, and

in providing advice and preparing documentation to support conservation and redevelopment of heritage places. I have experience and expertise in formulating and implementing policy and controls for heritage places.

- [7] As Executive Director under the Heritage Act I have been the independent statutory decision maker for heritage permits for works to heritage places and objects, and consents for the disturbance or destruction of historical archaeological sites.
- [8] As a consultant I have prepared numerous Heritage Impact Statements detailing the impact of proposed works upon places included on both the Victorian Heritage Register and the Heritage Overlay, and have provided independent peer review of development proposals on behalf of local planning authorities.
- [9] I have provided expert evidence to VCAT, Planning Panels Victoria and the Heritage Council of Victoria under the instruction of private property owners, developers and local government.

1.4 Statement identifying other significant contributors to the report

- [10] This report was prepared without the assistance of others. The views expressed in this report are my own.

1.5 The identity and qualifications of the person who carried out any tests or experiments upon which the expert relied in making the report

- [11] No tests or experiments were relied upon in making this report.

1.6 Relationship between the expert witness and the client

- [12] Beyond providing heritage advice on discrete heritage matters there is no private or business relationship between myself and Marcus Lane Group (instructing solicitor) or the City of Yarra (Council).

1.7 Instructions

- [13] On 13 April 2020 (and as amended on 15 April 2020) I was instructed in writing by Ms Adeline Lane, Principal, Marcus Lane Group Lawyers to prepare a written preliminary advice about the heritage aspects of Amendment C223yara (the Amendment) affecting 81-95 Burnley Street & 26 Doonside Street, Richmond (the subject land), including Council's preferred version of the DPO15. This preliminary advice was provided to the Marcus Lane Group on 24 April 2020.
- [14] On 23 April 2020 I was instructed by email to provide advice on the vantage points for a site inspection to be undertaken by Panel after the Hearing, in accordance with Direction 5 of Panel. This advice was provided to Marcus Lane Group on 24 April 2020 and is attached to this evidence at Annexure C.
- [15] I was further instructed by email on 28 April 2020 to prepare a statement of evidence that:
- considers and expresses opinions about the heritage aspects of the Amendment; and
 - considers and responds to heritage issues raised in submission numbers 1, 2, 5, 23, 31, 43 and 44 referred to the Panel.

[16] I was provided with a copy of Planning Panels Victoria's 'Guide to expert evidence' (April 2019) and Panel Directions for the Amendment dated 21 April 2020.

1.8 Statement identifying the role the Expert had in preparing or overseeing the exhibited report(s)

[17] GJM Heritage has previously provided the following advice to the City of Yarra in relation to the Amendment and/or the heritage buildings at 81-95 Burnley Street & 26 Doonside Street, Richmond:

- *Memorandum of advice in relation to Yarra Amendment C223* (dated 8 March 2017)
- *Supplementary memorandum of advice in relation to Yarra Amendment C223* (dated 24 July 2017)
- *Yarra Industrial Heritage Policy Advisory Report* (dated 15 October 2019)
- *Memorandum of advice reviewing Submissions 1, 2 and 44 to Yarra Planning Scheme Amendment C223: 81-95 Burnley Street & 26 Doonside Street Richmond* (dated 9 January 2020).

[18] In addition, Ms Renae Jarman of GJM Heritage prepared an expert witness statement under instruction of Maddocks Lawyers in relation to Yarra Amendment C173(2), which proposed the introduction of the Doonside Industrial Precinct (dated 16 November 2015). I prepared an expert witness statement under instruction of Maddocks Lawyers in relation to Yarra Amendment C214, which proposed the introduction of the Doonside Industrial Precinct (dated 27 April 2017).

1.9 Facts, matters and assumptions upon which statement proceeds

[19] I have made a number of inspections of the subject land since 2015, most recently on 5 April 2020. All inspections have been from the public realm.

[20] All photos in this report were taken by me in April 2020 unless otherwise stated.

1.10 Reports and documents relied upon

[21] The documents I have relied upon in the preparation of my evidence are:

- Agenda and minutes from the Ordinary Meeting of Yarra Council on 16 July 2019
- Minister for Planning's authorisation letter dated 9 August 2019
- Council preferred version of Schedule 15 to Clause 43.04 - Development Plan Overlay - 81-95 Burnley Street & 26 Doonside Street Richmond
- Exhibited materials for the Amendment with particular reference to:
 - Schedule 15 to Clause 43.04 - Development Plan Overlay - 81-95 Burnley Street & 26 Doonside Street Richmond
 - Yarra Planning Scheme Amendment C223 Explanatory Report.
- Supporting documents, with particular reference to:

- Report to Council entitled 'Former Repco Factory – 85-91 Burnley Street & 26-34 Doonside Street, Richmond: Amendment C223 to the Yarra Planning Scheme – Analysis of heritage issues' prepared by Bryce Raworth Pty Ltd and dated December 2018 (Report to Council).
- Schedule to Clause 43.01 – Heritage Overlay
- City of Yarra Statement of Significance for HO252 'Recco Offices & Laboratories (Former), 26 Doonside Street, Richmond, Yarra City' (Victorian Heritage Database (VHD)) (Annexure A)
- City of Yarra Statement of Significance for HO375 'Russell Manufacturing Company Pty Ltd (Later Repco), 81-95 Burnley Street, Richmond, Yarra City' (VHD) (Annexure B)
- Heritage Citation entitled 'Doonside Industrial Precinct' prepared by GJM Heritage and dated 3 October 2016 (as it relates to the history of the area only).
- 'City of Yarra Heritage Review' prepared by Allom Lovell & Associates, 1998.
- The following submissions:
 - Submission 1 – private individual
 - Submission 2 – private individual
 - Submission 5 – Tract (supporting submission)
 - Submission 23 – private individual
 - Submission 31 – private Individual
 - Submission 43 – private Individual
 - Submission 44 – private Individual.

1.11 Any questions falling outside the expert's expertise

[22] No questions have been raised that fall outside my expertise.

1.12 Summary opinion

[23] It is my view that the inclusion of HO252 - Repco Offices & Laboratories (Former), 26 Doonside Street, Richmond and HO375 - Russell Manufacturing Company Pty Ltd later Repco, 81-95 Burnley Street, Richmond in the Heritage Overlay of the Yarra Planning Scheme is appropriate.

[24] It is my view that the mapped extents of HO252 and HO375 in the Yarra Planning Scheme are appropriate.

[25] It is my view that the Bryce Raworth Pty Ltd Report to Council provides a satisfactory heritage analysis to support the preparation of DPO15 and implementation of the Amendment.

[26] It is my view that Council's preferred version of DPO15 and the associated Indicative Framework Plan should enable a satisfactory heritage outcome subject to the following recommended changes:

- Update the 'Built Form Guidelines' within DPO15 to amend the guidance on new built form above or adjacent to heritage fabric
- Clarify the role and contents of the various heritage documents required by DPO15, in particular the comprehensive heritage analysis and heritage impact statement
- Amend DPO15 to require the owner to enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to ensure the owner undertakes archival recording, building conservation (repair, restoration and reconstruction) works and heritage interpretation
- Correct the minor typographical and spelling errors within DPO15.

1.13 Declaration

[27] 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 the Panel.

A handwritten signature in blue ink, appearing to read 'Jim Gardner', with a long horizontal flourish extending to the right.

Jim Gardner, Director - GJM Heritage

2. 81-95 Burnley Street and 26 Doonside Street, Richmond

2.1 Location

[28] The subject land at 81-95 Burnley Street & 26 Doonside Street is located in a former industrial part of Richmond that developed in proximity to the Yarra River (to the east). The subject land is an irregular shaped site orientated east-west that is bound by Doonside Street to the north, the 9-13 storey Embassy Apartment complex to the east, Burnley Street to the west, and Appleton Street to the south.

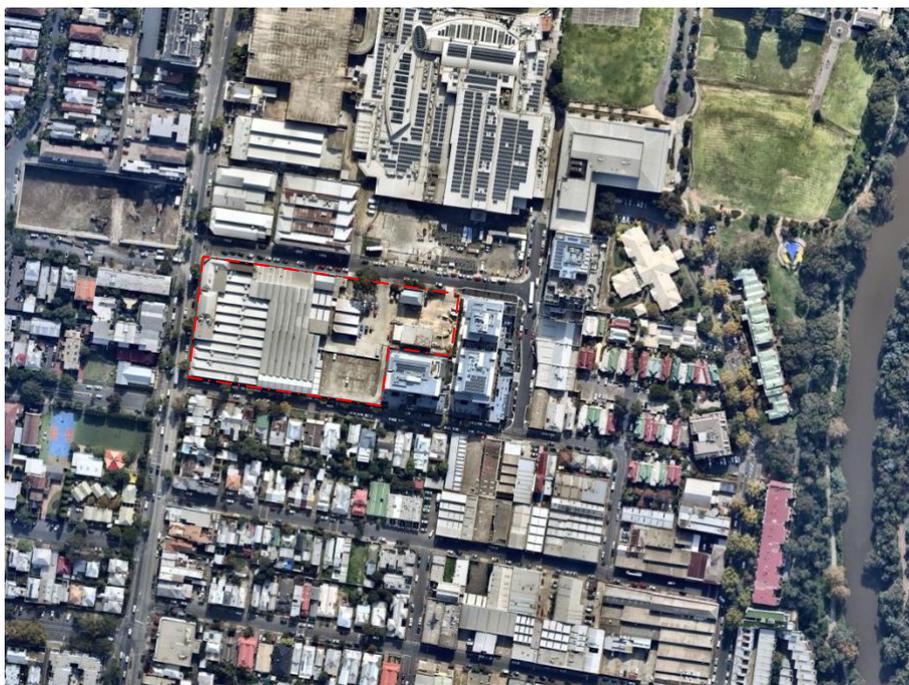


Figure 1. Location plan – subject land outlined in red (source nearmap, 28 April 2020)

2.2 Context

[29] The subject land is located at a transition point between former industrial and retail uses to the north and low-scale residential development to the south. The land north of the former industrial sites on Doonside Street is occupied by the Victoria Gardens Shopping Centre and mixed used development that includes Ikea. The land to the east of the subject land is occupied by the recently developed Embassy Apartments complex comprising:

- A nine storey block at 35-39 Appleton Street
- A 10 storey block at 14-16 David Street
- A 13 storey block at 36-44 Doonside Street.

East of David Street is the remnants of a heritage-listed industrial building, the Former Builders Steel Form Supply Co. at 11 David Street (HO250), which has been redeveloped as a 6-12 storey apartment building, located in part behind the restored façade of the Builders Steel Form Supply Co. building.

The southern side of Appleton Street opposite the subject land is made up of single storey Late-Victorian and Edwardian-era dwellings that are subject to HO369, HO370, HO374 and HO450 of the Yarra Planning Scheme. Further east along Appleton Street, towards the intersection with David Street, the building stock is made up of small scale mid-twentieth century factory/warehouses.

The land west of Burnley Street has been developed over the past 20 years as 2-5 storey townhouses/apartments around the red brick Congregational Church and neighbouring Victorian-era weatherboard house at 88-90 Burnley Street that are subject to HO233.

- [30] The subject land is in a highly mixed area that has undergone a high level of change as inner urban industrial uses have diminished during the second half of the twentieth century and new retail, commercial and multi-unit residential developments have been constructed, particularly following the construction of the Victoria Gardens Shopping Centre in the early 2000s. More recent and emerging built form has included mid-rise (4-13 storey) development to the west and east of the subject land on Appleton, Burnley, David and Doonside Streets.



Figure 2. West side of Burnley Street looking north from the intersection with Doonside Street



Figure 3. West side of Burnley Street looking south from the intersection with Doonside Street



Figure 4. West side of Burnley Street looking north from the intersection with Appleton Street – Congregational Church to left of image (HO233)



Figure 5. Northeast corner of the intersection of Burnley and Doonside Streets



Figure 6. North side of Doonside Street looking west



Figure 7. Northwest corner of the intersection of David and Doonside Streets



Figure 8. Southeast corner of the intersection of Appleton and Burnley Streets – houses within HO369



Figure 9. Southern side of Appleton Street looking east – houses within HO374



Figure 10. Southern side of Appleton Street looking west – houses within HO460



Figure 11. Single storey factory/warehouse buildings on the southern side of Appleton Street



Figure 12. Former Builders Steel Form Supply Co., 11 David Street (HO250)



Figure 13. Embassy Apartments from the intersection of David and Doonside Streets



Figure 14. Former Builders Steel Form Supply Co. apartments, 11 David Street (part HO250)



Figure 15. Embassy Apartments from the intersection of Appleton and David Streets

2.3 History¹

2.1.1 Historical Context

- [31] Crown allotments were auctioned in Richmond, Fitzroy and Collingwood in 1839, two years after the first land sales in the township reserve of Melbourne. Further sales were held in 1845. Between 1846 and 1857 the population in Richmond increased significantly from 402 to over 9,000 and this created a great demand for housing. Major residential subdivisions occurred in the north and west of Richmond and retail and commercial centres emerged along Bridge Road and Swan Street. The eastern part of Richmond remained largely undeveloped until the railway line was extended to Hawthorn, via Burnley, in 1861.
- [32] Industries such as wool washing and tanning were established in Richmond from as early as the 1850s, centred on the Yarra River. These grew in size and number in the 1860s and many workers found accommodation in small, newly constructed dwellings nearby. By 1880 rate books indicate that 52 industrial establishments, mainly associated with tanning and brewing, had been established in Richmond.
- [33] Little development occurred in Melbourne or the suburbs through the depression of the 1890s; however, by the early twentieth century construction recommenced and many large factories were built in Richmond close to rail and road transport. Industry no longer depended on close proximity to the river and instead became dispersed throughout Richmond. Industrial complexes were established for such prominent manufacturers as Rosella (1905), Bryant & May (1909), Wertheim Pianos and Braeside Shirts (later Pelaco) and engineering works such as Ruwolt (c1910).
- [34] Richmond developed into a centre of manufacturing by the 1930s and the Council chose to designate three areas in the municipality for industrial use. These included the Yarraberg area, east of Burnley Street between Victoria Street and Bridge Road. In this area, the mansion of prominent identity David Mitchell, known as Doonside, was demolished in 1931 to enable the development of an industrial precinct.
- [35] Plans for the subdivision of Mitchell's 'Doonside Estate' (c16 acres or 6.5 hectares) commenced in 1929 with the creation of Doonside and David Streets. In 1931 the large holdings in the area were subdivided into 50-56 feet (15-17 metres) wide lots facing Burnley, Doonside and David Streets. In May 1931, 34 factory sites in Burnley, Appleton, Doonside and David Streets were offered at auction.

¹ Adapted from the proposed citation for the Doonside Industrial Precinct prepared by GJM Heritage (October, 2016), Report to Council (Bryce Rayworth Pty Ltd, December 2018) and City of Yarra Heritage Review (Allom Lovell & Associates, 1998).

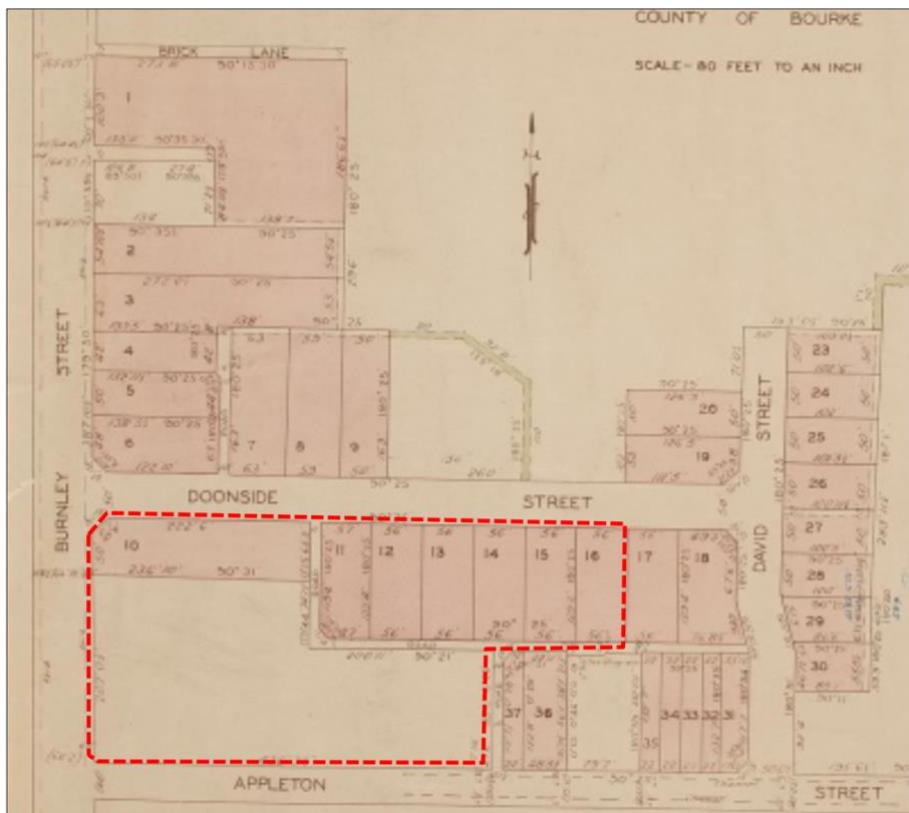


Figure 16. Part of the 1930 plan of subdivision for the Doonside Estate. The dashed lined marks the extent of the subject site.

(Source: Yarra Ranges Regional Museum. Reproduced from Fig 2, Report to Council)

[36] Changes to manufacturing practices during the interwar period led to the design of new single-storey factories on large blocks which could accommodate all production processes on a single level. Two-storey factories built at this time similarly accommodated all production at ground level and contained offices at the upper level. Subdivision of large estates accommodated this new requirement for large factory footprints. It was stated in *The Argus*, 20 January 1938, p6, that 'factories are moving to districts where the required space can be obtained at a reasonable price' and areas around Doonside Street provided space for this type of development. As a result, the area became an industrial precinct from the 1930s and was associated with such industries as Jex Steel Wool and Russell Manufacturing (later Repco). The large industrial landscape that was created in the vicinity of Doonside Street by 1945 has been greatly modified since this time with many factory buildings altered and others demolished including the Vickers Australia Limited engineering works which is now occupied by the Victoria Gardens Shopping Centre.

2.2.2 Russell Manufacturing Company Pty Ltd (Later Repco)

[37] Robert Geoffrey Russell set up the Russell Manufacturing Co. Pty Ltd (automotive spare parts, accessories and general equipment) in North Melbourne in 1927. In 1930 his factory moved to the former plaster-making factory, Stucold Plastic Art Co., on the north-east corner of Burnley and Appleton streets, Richmond as recorded in Sands and McDougall Directories. The trade name Repco was registered in that year.

- [38] The factory was first listed in the Sands and McDougall Directory in 1931 as Russell Manufacturing, motor accessories, at 89-95 Burnley Street. In 1938, *The Argus* reported that a new foundry and warehouse had been built. This is believed to be the Moderne building on the corner of Appleton Street, which would have replaced the earlier plaster factory.
- [39] The two-storey building at 26 Doonside Street was built for the Russell Manufacturing Co. c1939. The first floor of this building was used for laboratories, and the ground floor for offices. In March 1942, the Russell Manufacturing Co. purchased the land to the north of their existing property in Burnley Street, up to the corner of Doonside Street and the existing building on this corner was built that year. This factory expansion was described in a 1943 advertisement in the Sands & McDougall Directory:

Repcos is closely associated with Australia's war effort on the industrial front and is engaged in producing its quota of munitions and war equipment as well as a steady flow of automotive parts for essential services. To meet the extra strain placed on the manufacturing division, a new plant and extension of its foundry were completed.

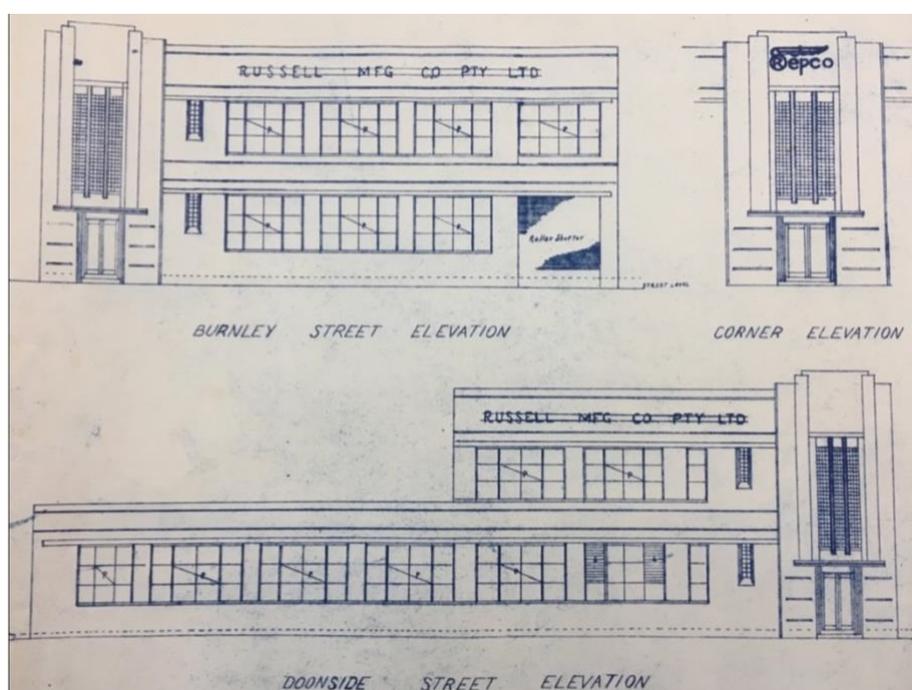


Figure 17. Undated (c1942) architectural drawings for the Repco building on the corner of Burnley and Doonside Streets.

(Source: Public Record Office Victoria.

Reproduced from Fig 3, Report to Council)

- [40] By the end of World War II, the majority of the Russell Manufacturing Co. factory development was completed, excluding the south-east corner at 81 Doonside Street. By 1958 the factory development extended to 13 and 15 Appleton Street. From 1962, Sands & McDougall Directories indicate that the Russell Manufacturing storage facility was located at 21-27 Appleton Street. The complex has, in recent years, been occupied by the Harry the Hirer marque and hospitality hire business.

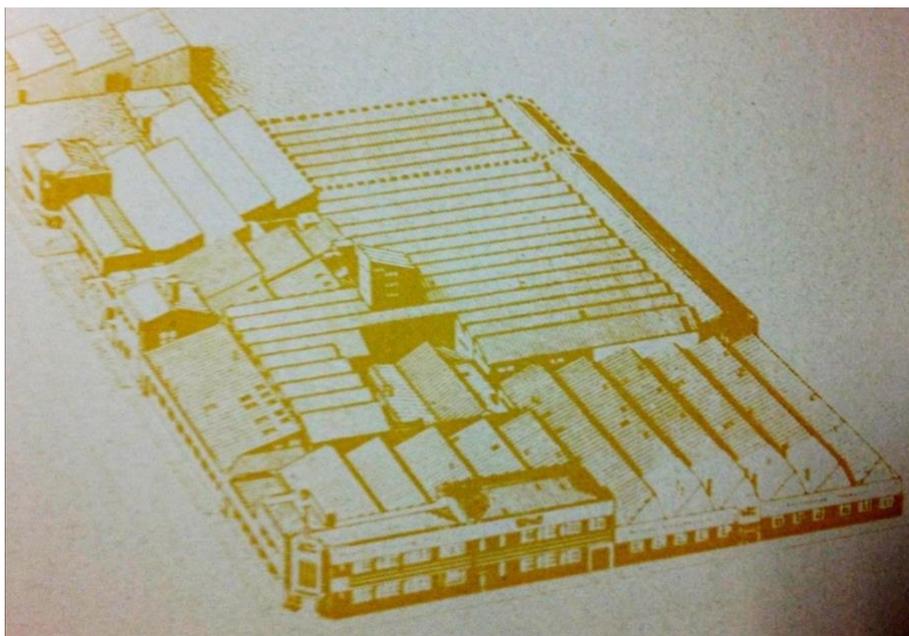


Figure 18. c1962 axonometric illustration of the Recco factory.

(Source: University of Melbourne Archives. Reproduced from Fig 6, Report to Council)

2.4 Description²

2.4.1 Russell Manufacturing Company Pty Ltd (Later Recco), 81-95 Burnley Street, Richmond

[41] The building at 81-95 Burnley Street was part of a larger complex developed by the Russell Manufacturing (later Recco) Company. It is a two-storey interwar Moderne style building with chamfered corner and no setback on either street frontage. External walls are constructed of face brick with rendered dressings and a rendered parapet concealing the roofline. All external surfaces have been overpainted with textured paint. There are regularly spaced multi-paned steel-framed windows on both sides, linked together by continuous projecting concrete hoods. Horizontal underscoring lines the two main facades. Contrasting with the horizontal character of the facades, the corner entry is marked by vertical glass brick windows with a rendered surround. The upper level was extended to the east and south along Doonside and Burnley Streets respectively after 1962.

² Adapted from the proposed citation for the Doonside Industrial Precinct prepared by GJM Heritage (October, 2016), Report to Council (Bryce Rayworth Pty Ltd, December 2018) and Statements of Significance for HO252 and HO375.



Figure 19. 1957 photograph of the Repco building on the corner of Burnley Street and Doonside Street.

(Source: University of Melbourne Archives. Reproduced from Fig 5, Report to Council)



Figure 20. 81-95 Burnley Street from the intersection with Doonside Street



Figure 21. 81-95 Burnley Street – Burnley Street (west) elevation



Figure 22. 81-95 Burnley Street – Doonside Street (north) elevation



Figure 23. 81-95 Burnley Street – Appleton Street (south) elevation

2.4.2 Repco Offices & Laboratories (Former), 26 Doonside Street, Richmond, Yarra City

[42] The Repco Offices & Laboratories building at 26 Doonside Street was built c.1939 and is a two storey Moderne style bichromatic brick building. It is approximately square in plan, with a curved corner at the northwest. The north and west elevations are of face manganese brick, while large panels of cream brick give the appearance of wrapping around the facade, leaving a vertical strip of dark brown brick above the entrance. This corner element is decorated with a narrower vertical strip of horizontally-striped tapestry brickwork, and surmounted by three white painted vertical concrete fins. The north elevation features two bands of windows, each comprising three panels of multi-paned steel-framed windows with manganese brick spandrels and sills. These windows turn the corner to the east elevation; to their right are two vertically placed circular windows. The building has been partially overpainted since December 2018.



Figure 24. 26 Doonside Street entrance (City of Yarra, source: VHD)



Figure 25. 26 Doonside Street viewed from the west



Figure 26. 26 Doonside Street – north elevation (City of Yarra, source: VHD)



Figure 27. 26 Doonside Street – east elevation (City of Yarra, source: VHD)

2.5 Heritage Status

[43] Of relevance to this statement of evidence, part of the subject land is affected by the Heritage Overlay:

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are Not exempt under Clause 43.01-4?	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO252	26 DOONSIDE STREET RICHMOND Former Repco Offices Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	No	No	No	No
HO375	81-95 BURNLEY STREET RICHMOND Russell Manufacturing Company Pty Ltd later Repco	Yes	No	No	No	No	No	No

[44] Both the Former Repco Office and the Russell Manufacturing Company buildings are graded ‘Individually Significant’ within *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8 (Revised May 2018)* (Appendix 8).



Figure 28. Heritage Overlay Map – subject land outlined in red. Note: HO500 was an interim control and has lapsed. (VicPlan, retrieved 6 May 2020)

[45] It is my view that the heritage values of both the Former Repco Office and the Russell Manufacturing Company buildings are appropriately recognised within the Heritage Overlay of the Yarra Planning Scheme. Each property has an individual statement of significance, and while I note that these do not fully conform to the guidance provided in Planning Practice Note 1: *Applying the Heritage Overlay* (August 2018) (PPN1), they adequately describe the heritage values of the two places. The statements of significance of HO252 and HO375 are provided at Annexure A and B respectively.



Figure 29. Oblique aerial photograph of the site showing the extent of HO252 and HO375. (Source: Fig 7, Report to Council)

[46] I note that HO252 is subject to the Incorporated Plan entitled 'Planning permit exemptions' prepared by Lovell Chen Architects & Heritage Consultants and dated July 2014. However, this document does not provide any guidance that is relevant to the Amendment.

3. Yarra Planning Scheme Amendment C223

[47] Yarra Planning Scheme Amendment C223 (the Amendment) has been prepared by the City of Yarra (Council) at the request of Astrodome Hire Pty Ltd. The Amendment seeks to:

- rezone the land at 81-95 Burnley Street & 26 Doonside Street, Richmond (the subject land) from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ);
- apply Schedule 15 to the Development Plan Overlay (DPO15); and
- apply an Environmental Audit Overlay (EAO) to the land.

[48] DPO15 seeks to introduce built form controls to inform the development of the subject land through the preparation of a Development Plan following the rezoning of the land. In addition to building height, massing and setback controls, the DPO requires the owner (or another person in anticipation of becoming the owner) entering into agreements with the Responsible Authority (and where relevant VicRoads) under section 173 of the *Planning and Environment Act 1987* which requires the provision of affordable housing, public infrastructure and traffic mediation works. Of relevance to this evidence, DPO15 requires the preparation of a comprehensive heritage analysis and heritage impact statement to assist in the provision of archival recording, building conservation (repair, restoration and reconstruction) works and heritage interpretation. The Indicative Framework Plan at Figure 1 of DPO15 shows the intended building heights, setbacks, public open space provision, through-site laneway and the extent of the Heritage Overlay.

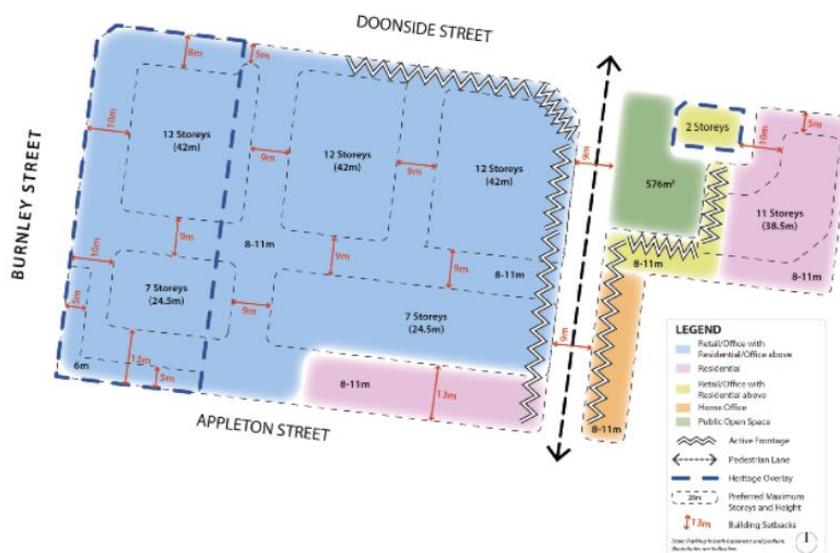


Figure 30. Indicative Framework Plan - Council preferred version DPO15

4. Heritage Opinion

[49] In preparing this statement of evidence I have been cognisant of Clause 71.02-3 of the Yarra Planning Scheme that requires an integrated approach to planning matters. This opinion therefore recognises the potentially conflicting planning outcomes of protecting recognised heritage places while enabling higher density developments in inner-urban areas such as the subject land. This advice also acknowledges that large industrial complexes provide the opportunity for taller built form than might be achieved within a primarily residential precinct.

4.1 Report to Council 'Former Repo Factory – 85-91 Burnley Street & 26-34 Doonside Street, Richmond: Amendment C223 to the Yarra Planning Scheme – Analysis of heritage issues'

[50] I have reviewed the Bryce Raworth Pty Ltd Report to Council and concur with the history of the site, the description of the two heritage buildings and analysis of historic fabric on the subject land. The report notes a number of changes that were made to DPO15 following the advice provided in the GJM Memorandum of Advice of 8 March 2017 and goes on to articulate differences in opinion between Bryce Raworth Pty Ltd and GJM. I consider the Bryce Raworth Pty Ltd Report to Council to be a satisfactory heritage analysis to support the preparation of DPO15 and implementation of the Amendment.

4.2 DPO15 - Indicative Framework Plan

[51] While not fully accommodating the advice provided by GJM Heritage to the City of Yarra in March and July 2017, it is my view that the proposed Indicative Framework Plan within the Council preferred version of DPO15 should enable key heritage fabric to be retained and adequate setbacks provided to retain the architectural integrity and three-dimensional form of the heritage fabric subject to the recommendations below. The proposed new tower heights of 24.5-42m (7-12 storeys) are consistent with recent development immediately to the east of the subject land and emerging built form in the immediate area, including industrial sites that are subject to the Heritage Overlay, such as the Former Builders Steel Form Supply Co. at 11 David Street.

[52] I note that the Council preferred version of DPO15 provides an additional notation indicating a two-storey height limit on the Indicative Framework Plan on the extent of HO252. This removes any ambiguity in relation to the potential to build above or cantilever over the former Repco Offices and Laboratory, which I consider would be an unacceptable heritage outcome. I support this amendment to the DPO and consider it necessary to ensure the retention of the three-dimensional form of the heritage building.

4.3 Built Form Guidelines

[53] The Built Form Guidelines at Clause 4.2 of DPO15 contain a number of design guidelines that seek to address heritage outcomes. I consider this appropriate as the new built form needs to consider the impact on the heritage places within and in the vicinity of the subject land. Where I recommend that text within DPO15 be amended, I have shown it as follows: red stikethrough - to be deleted; blue – new text.

[54] I note that, consistent with advice provided by GJM Heritage to Council on 9 January 2020, more specific requirements have been included in the Council preferred version of DPO15 to require the retention of heritage fabric. While it can be inferred within the exhibited version of DPO15 that the intention is to retain the Burnley, Doonside and Appleton Street elevations of 85-91 Burnley Street and the majority (if not all) of the exterior form of 26 Doonside Street, this is not clearly stated. It is my view that the additional wording included in the Council preferred version is necessary and appropriate to remove any ambiguity in relation to the intention to retain heritage fabric, subject to the correction of the address of 26 Doonside Street. This additional dot point in the Council preferred version of DPO15 should be amended to read:

- *Ensure the retention of heritage fabric of:*
 - *the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street (former Repco Factory) for the extent of the building within the heritage overlay; and*
 - *external form of ~~21~~ 26 Doonside Street (former Repco Offices and Laboratories).*

[55] Likewise, I support the amendments made to the Built Form Guidelines in the Council preferred version of DPO15 that addresses the heritage response in relation to new built form. Having said that, I recommend that the following further minor amendments be made to these guidelines:

- *Provide for high quality architecture and spaces throughout the site and respond to heritage places through, as appropriate:*
 - *Create an interesting and varied street wall and podium which is reinforced through the contemporary use of ~~common~~ typical historic industrial materials, a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street façade.*
 - *At upper levels use predominantly lightweight materials and detailing that complements the significant elements of heritage buildings*
 - *Simple architectural detail so as not to detract from significant elements of heritage buildings*
 - *Discouraging highly articulated facades with recessed and projecting elements above and immediately adjacent to retained heritage buildings*
 - *Ensuring the retention of solid built form behind retained facades and avoiding balconies behind existing openings*
 - *Providing high quality treatments to building facades facing the pedestrian lane and street.*

4.4 Heritage conservation documents and requirements

- [56] The exhibited and Council preferred versions of DPO15 require the preparation of two heritage-related documents, a Heritage Impact Statement (HIS) and a ‘conservation management plan or similar comprehensive heritage analysis’.
- [57] Clause 3.2 of DPO15 provides for a HIS to be prepared by a suitably qualified professional that:
*...assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places, as identified in the **conservation management plan** or similar **comprehensive heritage analysis** prepared for the site, along with relevant heritage studies and citations.* (emphasis added)
- [58] Further, Clause 4.2 includes within the section entitled ‘Heritage’ the requirement for an HIS to be prepared that:
- *Assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places; on the context and setting of heritage places in the vicinity of the site*
 - *Addresses the retention, restoration, redevelopment and adaptive reuse of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street); and heritage façade (Burnley Street);*
 - *Assesses the impact on the context and setting of heritage places in the vicinity of the site;*
 - *Addresses the retention, recording and interpretation of links to the site’s history and industrial past including interpretive panels depicting that past; and*
 - *Provides a siteline [sic] analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places, in particular 26 Doonside Street.*
- [59] Clause 4.1 – Development Plan Vision of DPO15 requires that a ‘comprehensive heritage analysis’ to be prepared. This document appears to be intended to fulfil much of the role typically served by a Conservation Management Plan (CMP), in that it:
- *articulates the significance of the heritage place, its component parts and its setting;*
 - *describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and*
 - *establishes principles for managing the significance of the heritage place and its relationship with its surroundings.*
- [60] In order to manage the heritage values of HO252 and HO375 in a holistic manner I support the preparation of a ‘comprehensive heritage analysis’ which articulates the significance of the heritage places and establishes principles or policy that will inform the developed proposals for works to the heritage buildings and associated new development. One (or more) Heritage Impact Statements would then assess the impacts of specific development proposals informed by the comprehensive heritage analysis.

- [61] As Clause 4.1 requires the preparation of a comprehensive heritage analysis, there is, in my view little benefit in referencing a CMP at Clause 3.2. While it is generally considered to be best practice to prepare a CMP for a heritage place, it is my view that the preparation of a comprehensive heritage analysis as described in DPO15 should provide appropriate guidance to inform future development. Given that the extent of demolition, and the form and massing of new development is largely being determined by DPO15, the Indicative Framework Plan, and the subsequent preparation of the Development Plan, it is my view that a full CMP is not likely to be required.
- [62] Further, it is my view that the separate requirements of the HIS (currently described both at Clause 3.2 and 4.2 – Heritage) should be consolidated into a single location within DPO15.

4.5 Use of a section 173 agreement to provide for heritage recording, conservation and interpretation

- [63] The HIS, as described at clause 4.2 of DPO15, appears to be intended to be the principal document for describing and requiring recording, conservation (repair, restoration and reconstruction) works and interpretation of the heritage buildings at 85-91 Burnley Street and 26 Doonside Street. In standard heritage practice, a HIS is a document that is used to assess the impacts of a proposal against the heritage values of the place and the heritage provisions of the local planning scheme rather than being a document that prescribes positive heritage actions. Further, a HIS is not normally formally endorsed as part of a planning permit in the way 'Condition 1 Plans' are and so therefore would be no obligation for an applicant to undertake the heritage actions identified within it.
- [64] I therefore recommend that the requirements for archival recording, conservation works and heritage interpretation of the site's history and industrial past be defined and enforced through an additional, heritage-specific, agreement entered into by the owner and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* in the same way it is proposed to provide for affordable housing, public infrastructure and traffic impact works.

4.6 Other matters

- [65] The reference to 'siteline analysis' in the second dot point under the heading 'Heritage Impact Statement' (top of page 3) of DPO15 should be amended to read 'sightline analysis' as that is the clear intention of that point.
- [66] I note that the word 'dwellings' in the second dot point under the heading 'Built Form Guidelines' (top of page 6) of DPO15 is spelt 'dwellings'; this should be corrected.
- [67] I note that Doonside Street in the sixth dot point under the heading 'Built Form Guidelines' (middle of page 6) of DPO15 is written as "Dooside Street"; this should be corrected.

5. Response to Submissions

[68] I have been instructed to consider and respond to Submissions 1, 2, 5, 23, 31, 43 and 44 insofar as they address heritage-related matters. My response to these submissions is provided below.

5.1 Submission 1

5.1.1 Summary

[69] Submitter 1 objects to the Amendment, asserting that multi-storey apartments represent over-development and that the development foreshadowed by the amendment would adversely affect the character of this part of Richmond, increase noise and traffic, reduce the availability of on-street parking, diminish views of the city, urban landscapes, trees and greenspaces, and increase incidental rubbish and litter. Of relevance to this advice, the submitter describes 85-91 Burnley Street as “...beautiful; a gorgeous example of Australian architecture of its time” and goes on to state that:

... the notion of using its [85-91 Burnley Street] facade to maintain some of Richmond’s rich architectural heritage is tokenistic. Developers often use this marketing tactic to attempt to mask the real and permanent scarring of our urban landscape.

5.1.2 Response

[70] I consider that both the extent of fabric of the Russell Manufacturing Pty Ltd (later Repco) building included in the Heritage Overlay and the Statement of Significance adequately capture the relevant values of the heritage place and that the heritage place is therefore appropriately recognised through the Yarra Planning Scheme.

[71] In relation to the amount of fabric proposed for retention through the Amendment, it is my view – consistent with Council’s heritage policies at Clause 22.02-5.1 – that it is appropriate to retain those elements which contribute to the significance of the heritage place and which are visible from the public realm. In this respect, the Statement of Significance clearly identifies the interwar Moderne styling of the factory building as being a key element of its significance. The Indicative Framework Plan includes upper level setbacks of 8m to Doonside Street, 10m to Burnley Street and 13m to Appleton Street to ensure the three-dimensional form of the original factory form remains legible. I acknowledge that these upper level setbacks are generally less than the 15m setback to Burnley and Appleton streets recommended in the GJM memorandum of advice (8 March 2017) which were informed by the modules of the historic roof forms (along with a recommendation to retain the existing roof form, particularly where visible from the public realm).

[72] Notwithstanding the lesser setbacks, it is my view that the setbacks proposed in the Indicative Framework Plan are sufficient to retain the key heritage values of the Russell Manufacturing Company building and the visual prominence and legibility of the three-dimensional form of the building when viewed from street level.

[73] In addition, I note the Council preferred version of DPO15 requires that the Built Form Guidelines include objectives to avoid a built form outcome that could be considered facadism, including:

- *Building setbacks from street boundaries that ensure that new future development does not overwhelm the scale of the heritage buildings on the site or on heritage places in the vicinity of the site, including dwellings [sic] on the south side of Appleton Street;*
- *Building setbacks from the facades of 81-95 Burnley Street that ensure the heritage building can be understood as having a three dimensional form;*
- *Minimum upper level (above podium) setbacks of:*
 - *13 metres from the Appleton Street site boundary.*
 - *10 metres from the Burnley Street site boundary.*
 - *8 and 5 metres from the Doonside Street site boundary.*
 - *9 metres from habitable room windows or balconies of the Embassy building directly to the east and south.*
- *Ensure new buildings are well spaced (minimum 9 metres between buildings above podium);*
- *Buildings set back a minimum of 10 metres (above podium) from the heritage building at 26-34 Doonside Street;*
- *Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns.*

5.2 Submission 2

5.2.1 Summary

[74] Submitter 2 objects to the Amendment, noting that the development of the 13 storey ‘Embassy Apartments’ at 39 Appleton Street and the 11 storey ‘Supply Co. Apartments’ at 9-15 David Street (of which the submitter is an owner-occupant) means that there are too many new tall buildings being constructed in this location. The submitter asserts that the 12 storey building envelope identified on 85-91 Burnley Street will be a ‘monstrosity’ that will remove a large part of the view from the submitter’s apartment. The submitter also asserts that there will be an adverse impact of the development on traffic.

5.2.2 Response

[75] The scale of the approved near-by developments noted by Submitter 2 are similar to that proposed by the Amendment, although I note that the minimal setbacks (2m) behind the façade of the Former Builders Steel Form Supply Co. building at 9-11 David Street (HO250) has led to, what is in my view, a poor heritage outcome that visually dominates the retained

heritage fabric. I also note that private views of heritage places are not protected through the planning scheme.

- [76] The seven to 12 storey scale of the new towers proposed to be facilitated through the amendment are consistent with the emerging scale of recent developments in this part of Richmond including seven storey apartments at 2-30 Burnley Street (not subject to the Heritage Overlay), the nine to 13 storey Embassy Apartments immediately east of the subject land (not subject to the Heritage Overlay), and the 11 storey redevelopment at 9-15 David Street (part HO250). Taking into account other planning objectives, it is my view that the construction of medium-rise development of up to 24.5m (7 storeys) and 42m (12 storeys) in height (partially within the extent of HO375) can be accommodated while retaining the integrity of heritage buildings where adequate setbacks are provided and design objectives ensure the legibility of the three-dimensional form of heritage places is maintained.

5.3 Submission 5

5.3.1 Summary

- [77] Submitter 5 (Tract acting on behalf of Astrodome Hire Pty Ltd) supports the Amendment. The submission specifically references "...the restoration of heritage buildings including the entire building at 26 Doonside Street."

5.3.2 Response

- [78] As discussed above, it is my opinion that the Council preferred version of DPO15 – with the recommended amendments – help enable the appropriate restoration of the former Repco Office and the Russell Manufacturing Company buildings.

5.4 Submission 23

5.4.1 Summary

- [79] Submitter 23 objects to the Amendment and identifies a number of amenity, environmental, pedestrian and traffic concerns. They also propose that "... setbacks be established at level 2 to protect the current heritage buildings and the heights of the residences be limited to 5-6 stories - low rise."

5.4.2 Response

- [80] Having considered the setbacks proposed within the Council preferred version of DPO15, I consider that these are an appropriate minimum to protect the legibility of the three-dimensional form of the retained heritage fabric. While up to 2m less than that recommended in GJM Heritage's advice to Council on 24 July 2017, I agree the setbacks to Burnley Street included within Council's preferred version of DDO15 will achieve a similar outcome. I am of the view that the heights identified in DPO15, when combined with the required setbacks and considering the existing and emerging built form of the area, are appropriate and therefore it is not necessary to limit development to 5-6 storeys on heritage grounds. I remain of the view that it is necessary to maintain a lower height of built form 24.5m (7 storeys) on the southern

side of the site to transition to the single storey Late-Victorian and Edwardian-era dwellings on Appleton Street that are subject to HO369, HO370, HO374 and HO450.

5.5 Submission 31

5.5.1 Summary

[81] Submitter 31 objects to the Amendment but notes that the retention of heritage buildings is commendable. The submission primarily addresses amenity, traffic, environmental and economic impacts of the amendment. In relation to the urban design matters raised it is submitted that the proposed new towers are of a proposed number, height and size that are inconsistent with approved developments abutting Burnley Street, and inadequate set-backs are provided from the Burnley Street, Doonside Street and Appleton Street interfaces.

5.5.2 Response

[82] As noted previously, I consider that the scale of development is consistent with the emerging and established new built form of the area and the massing of the towers identified in DPO15 allows for a transition in height at the Appleton Street interface. The setbacks are, in my view, the minimum necessary to achieve an acceptable heritage outcome in terms of retaining the visual prominence of the retained heritage fabric, particularly when viewed from Burnley Street.

5.6 Submission 43

5.6.1 Summary

[83] Submission 43 opposes the Amendment on grounds of population density, traffic, parking, economic, environmental, design quality and public safety grounds. No heritage-related matters are raised, however the submitter identified that they are owner-occupiers of a house on Appleton Street, the majority of which is subject to the Heritage Overlay.

5.6.2 Response

[84] Since the development of this area in the early twentieth century, Appleton Street has formed the interface between industrial uses to the north and predominantly residential land to the south. It is my opinion that the 13m setback (above podium level) and 24.5 m (7 storey) height of the towers on the southern section of the subject land provides a satisfactory transition between the higher rise development of the emerging built form and the low-scale heritage-listed residential properties.

5.7 Submission 44

5.7.1 Summary

[85] Submitter 44 objects to the Amendment and makes submissions in relation to traffic, overshadowing and wind impacts. Of relevance to this advice the submitter supports the retention and restoration of the façades of 85-91 Burnley Street (HO375) but expresses concern about the dominance of adjacent development. In relation to the former Repco

Offices building at 26 Doonside Street (HO252), they seek increased setbacks to the proposed 12 storey building envelope to the west and that the 11 storey 'L' shaped building envelope (HO252) should be set back to ensure it does not compete with the heritage building and provides "...a visual presentation of the heritage building to the street".

- [86] In relation to height, Submitter 44 seeks a reduction in height down towards Burnley Street to match the scale of the recent seven storey development at 30 Burnley Street. They also recommend that heights be identified in metres rather than storeys and that a variety of heights be provided to create visual diversity and interest.
- [87] Submitter 44 recommends increasing upper-level setbacks to 9m from Doonside Street and pedestrian lanes, and that this setback be applied consistently within the development site. They also seek a diverse and high-quality architectural response in terms of massing, height, form and materiality.

5.7.2 Response

- [88] The Indicative Framework Plan within the Council preferred version of DPO15 shows upper level setbacks of generally 9m from heritage built form and between tower elements. Where this differs is the 8m upper level setback to Doonside Street, 10m to Burnley Street and 13m to Appleton Street within HO375. These amended setbacks should achieve the outcome sought by Submitter 44. Likewise, the Indicative Framework Plan shows public open space to the immediate west and (part) south of 26 Doonside Street with a 9m wide pedestrian lane beyond this. This will, in my view, achieve adequate separation between the Former Repco Offices building and new development to the west and south. The Indicative Framework Plan shows an 8m-11m podium height to the east and (part) south of the heritage building with a 10m upper level setback, which will achieve an acceptable separation of new built form between the heritage building and the new 38.5m (11-storey) tall tower.
- [89] While the lower (seven storey) height sought by Submitter 44 for the north-western tower would lead to reduced scale of new development, the emerging built form of the area and the proposed 8m and 10m setbacks from the heritage façades will, in my view, achieve an acceptable relationship between the retained heritage fabric and the new tower elements.
- [90] It is my view that the Built Form Requirements included within proposed DDO15 will address the matters raised by Submitter 44 in relation to architectural form, façade articulation and materiality. I also note that in accordance with Planning Practice Note 59: *Height and setback controls for activity centres* (September 2018) that heights are described in metres (as well as storeys), which addresses the submitter's concerns in relation to the articulation of height limits.

6. Conclusion

[92] Having considered the previous advice provided by GJM Heritage to the City of Yarra in March and July 2017, the amendment documents for C223yara and submissions 1, 2, 5, 23, 31, 43 and 44 received during notification of the amendment, it is my view that the Council preferred version of DPO15 and the associated Indicative Framework Plan should enable a satisfactory heritage outcome subject to the recommended changes identified in this statement of evidence.

ANNEXURE A – HO252 - Former Repco Offices, 26 Doonside Street, Richmond

Statement of Significance

What is significant?

The building, built c.1939 as an office and laboratories for the Russell Manufacturing Co., which later became Repco at 26 Doonside Street, Richmond is significant. It is a two storey Moderne style bichromatic brick building. It is approximately square in plan, with a curved corner at the northwest. The building is oriented north-west, and the composition of the main panels of brickwork is approximately symmetrical about a diagonal axis which runs through the corner entrance, which has a cantilevered concrete canopy. The north and west elevations are of face manganese brick, whilst large panels of cream brick give the appearance of wrapping around this, leaving a vertical strip of dark brown brick above the entrance. This corner element is decorated with a narrower vertical strip of horizontally-stripped tapestry brickwork, and surmounted by three white painted vertical concrete fins. The north elevation features two bands of windows, each comprising three panels of multi-paned steel-framed windows with manganese brick spandrels and sills. These windows turn the corner to the east elevation; to their right are two vertically placed circular windows, probably to a staircase. The west wall of the building was once attached to a single-storey building which has since been demolished, with the exception of part of the front wall and cream brick parapet which adjoins No. 26.

How is it significant?

The former Repco office and laboratory building at 26 Doonside Street, Richmond, is of local architectural significance of the City of Yarra.

Why is it significant?

It is architecturally and aesthetically significant as a particularly sophisticated example of a small building in the Moderne style, which exhibits an interesting composition of a limited palette of materials. It is thus distinctive for a building of its size and type. The demolition of other adjacent buildings has increased the aesthetic contribution of this building to an otherwise architecturally undistinguished industrial streetscape. (Criteria D & E)

ANNEXURE B – HO375 -Russell Manufacturing Company Pty Ltd later Repco, 81-95 Burnley Street, Richmond

Statement of Significance

What is significant?

The Russell Manufacturing Company Pty Ltd (later Repco) building at 81-95 Burnley Street, Richmond is significant to the extent of the pre-1945 fabric. Built in stages for the Russell Manufacturing Company Pty Ltd, the brick (overpainted) building has a strong Moderne styling, with horizontal banding on the main elevations.

Post-1945 alterations and additions to the building are not significant.

How is it significant?

The Russell Manufacturing Company Pty Ltd (later Repco) building is aesthetically and historically significant to the locality of Richmond and the City of Yarra.

Why is it significant?

The Russell Manufacturing Company Pty Ltd (later Repco) building is aesthetically significant (Criterion E):

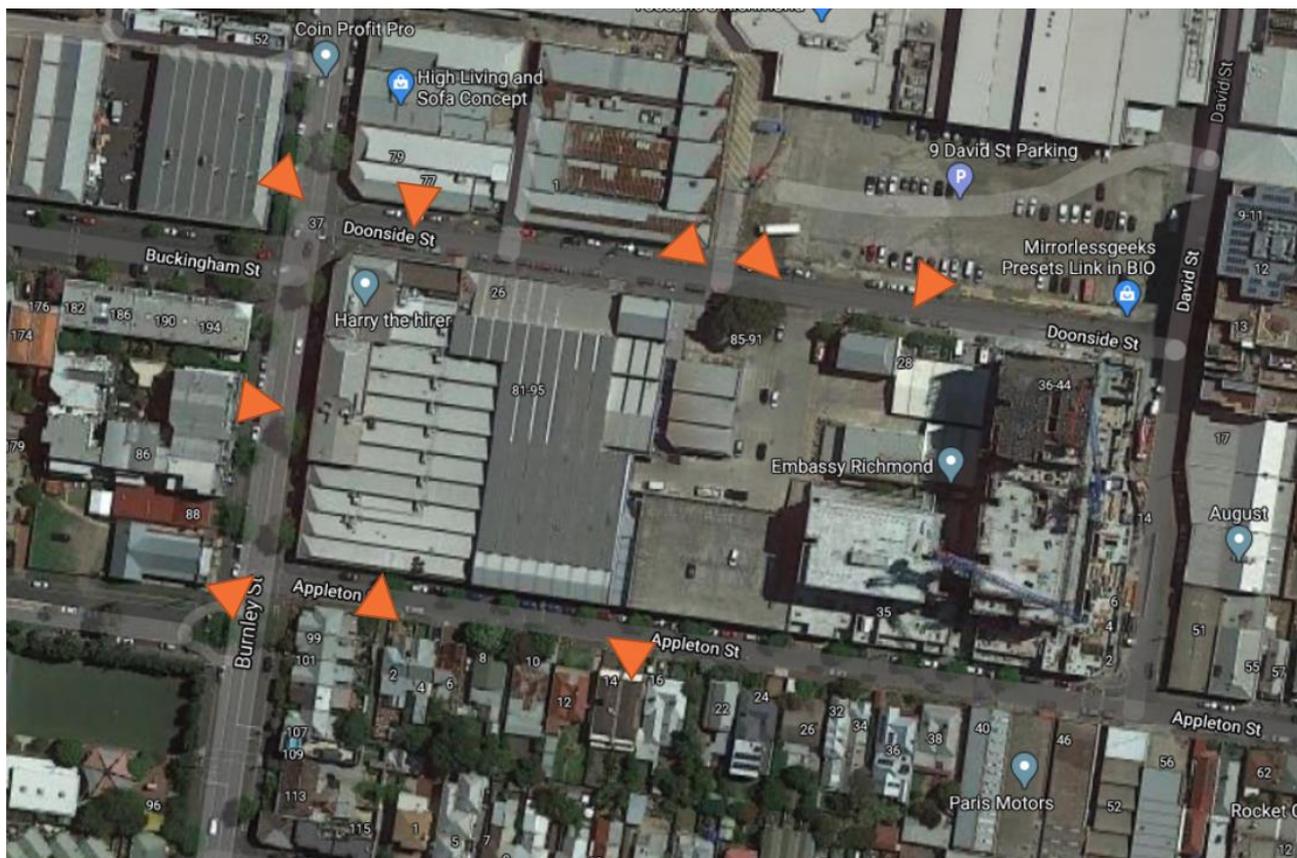
- for its strong Moderne styling as ideally presented on a corner site.
- for the relationship with the significant Moderne style former Repco Building at 26 Doonside Street (HO256).

The Russell Manufacturing Company Pty Ltd (later Repco) building is historically significant (Criteria A & H):

- as tangible evidence of the large factories built during the interwar period when Richmond became a centre of manufacturing in Victoria.
- for the association with the successful motor spare parts firm of Russell Manufacturing Company Pty Ltd.

ANNEXURE C: Recommended view locations for Panel considering C223yara to view 81-95 Burnley Street & 26 Doonside Street, Richmond

I recommend that the Panel consider views from the pavement on the opposite side of Appleton, Burnley and Doonside Street directly in front of heritage buildings as well as from oblique angles. Particular consideration should be given to locations where the public will stop and dwelling such as street corners and intersections. It is my view that there are no private views that are relevant to the heritage values of HO252 or HO375.



Prepared by Jim Gard'ner, Director, GJM Heritage (source Google Maps)

24 April 2020