

Expert Witness Report - Heritage

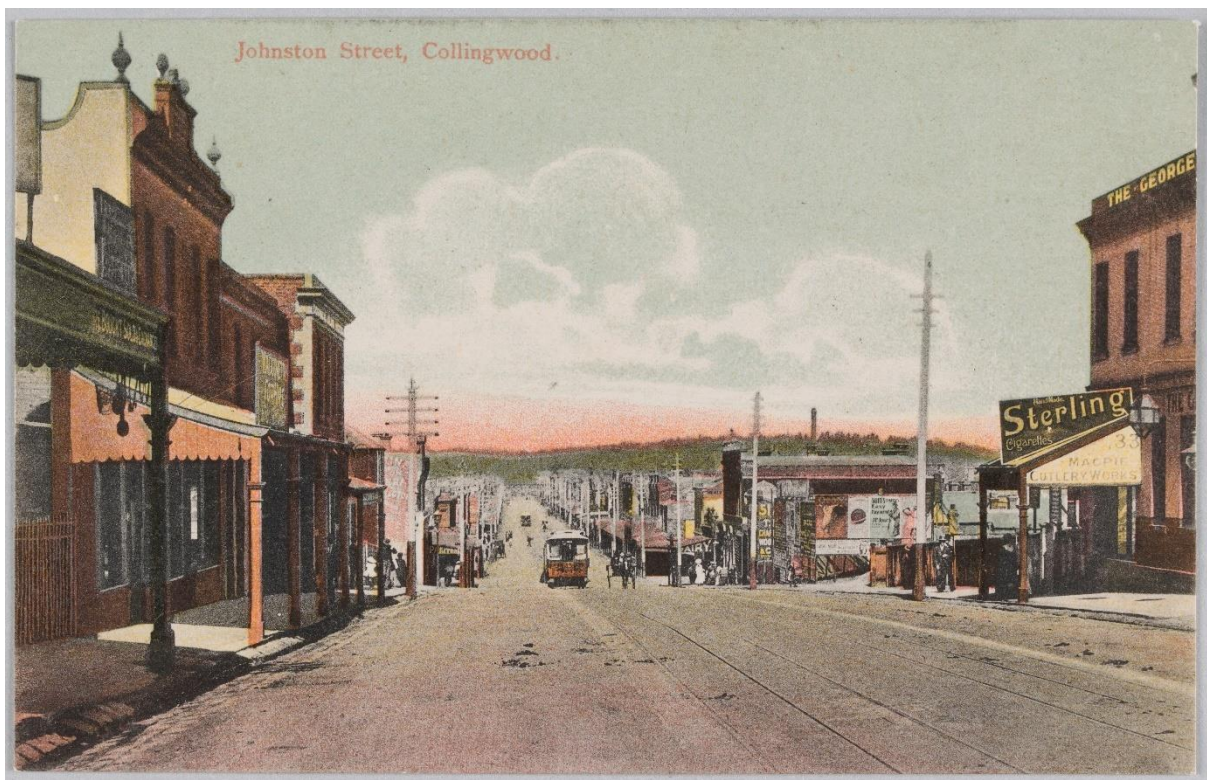
for

Johnston Street, Collingwood and Abbotsford

Yarra Planning Scheme Amendment C220

Proposed Design and Development Overlay DPO15

Proposed Heritage Overlay HO515



Postcard view of Johnston Street Collingwood looking east and dated 1906. The George Hotel building is shown on the right and the Council Club Hotel (with the plain white cornice) is shown on the left. Note the cable tram service down the centre of the street.

Source: State Library of Victoria

Prepared for and under instruction of Harwood Andrews
on behalf of Yarra City Council
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Bruce Trethowan B. Arch., FAIA

trethowan
architecture interiors heritage

ABN 44168657823

47 Dove Street Telephone 613 9421 5448
Richmond Victoria 3121 Facsimile 613 9421 5449
P O Box 221 bruce@trethowan.com.au
East Melbourne Victoria 8002
Australia

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1. Introduction

THE NAME AND ADDRESS OF THE EXPERT

- [01] Bruce Trethowan B. Arch., FAIA
Trethowan Architecture
47 Dove Street, Richmond 3121

THE EXPERT'S QUALIFICATIONS AND EXPERIENCE

- [02] A statement of my qualifications and experience with respect to heritage and urban conservation issues is appended (Appendix A) to this report.

A STATEMENT IDENTIFYING THE EXPERT'S AREA OF EXPERTISE TO MAKE THE REPORT

- [03] I have provided expert witness evidence on similar matters before Planning Panels on many occasions in the past, and have been retained in such matters variously by municipal councils, property owners and objectors to planning amendments and proposals.

A STATEMENT IDENTIFYING ANY OTHER SIGNIFICANT CONTRIBUTORS TO THE REPORT AND WHERE NECESSARY OUTLINING THEIR EXPERTISE

- [04] No other contributors.

ALL INSTRUCTIONS THAT DEFINE THE SCOPE OF THE REPORT

- [05] This statement of evidence has been prepared under the instructions of Harwood Andrews on behalf of Yarra City Council in relation to Amendment C220 of the Yarra Planning Scheme (Appendix B). I was requested to consider and respond to the following matters:
- Peer review of report entitled *Heritage Gap Study: Review of Johnston Street East, Final Report* undertaken by Context Pty Ltd.
 - Consider whether the proposed controls are appropriate in heritage terms in the context of Council's preferred DDO15.
 - My opinion in relation to further refinements to DDO15 as proposed by Council officers.
 - Respond to any relevant submissions made in response to the Amendment.
 - View the 3D model.

INSPECTION OF THE SUBJECT AREA

- [06] I have inspected the subject area recently. My inspection was limited to those areas that could be viewed from the public realm.

AN UNAMBIGUOUS REFERENCE TO THE REPORT, OR REPORTS THAT THE EXPERT RELIES UPON

[07] This statement draws upon the information related to Amendment C220, primarily:

- *Amendment C220 Exhibited documents* specifically the Clauses and Schedules, related map sheets and the *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8*.
- *Heritage Gap Study Review of Johnston Street East*, Final Report April 2018 By Context Pty Ltd.
- *Submissions* received in response to the Amendment, principally Submissions 11,14,15,18,19,22 and 23
- *Collingwood Conservation Study Review* by Andrew Ward, May 1995; where the report provided individual site specific citations for identified buildings within the area identified as part of Amendment C220.
- *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 7*, where the report provided individual site specific citations for identified buildings within the area identified as part of Amendment C220.
- *Victorian Heritage Database*. For a typical individual building citation for a property located with HO324. The particular example being 151 Johnston Street, Collingwood
- DDO15 Post Exhibition with Track changes included
- *VCAT Decision* 23 May 2018 in relation to the redevelopment of 23-33 Johnston Street, Collingwood (VCAT reference P1963/2017)
- *City of Yarra Gaps Study 2012 (Heritage Gaps Study Amendment two)* by Lovell Chen

A STATEMENT IDENTIFYING THE ROLE THAT THE EXPERT HAD IN PREPARING OR OVERSEEING THE EXHIBITED REPORT(S)

[08] I confirm I had no role in the preparation or overseeing of the exhibited report(s) or planning controls.

ANY QUESTIONS FALLING OUTSIDE THE EXPERT'S EXPERTISE

[09] No questions were raised that fall outside my expertise.

ANY KEY ASSUMPTIONS MADE IN PREPARING THE REPORT

[10] In the preparation of this statement, it was assumed that all documents referred to, including both Amendment documents and reference documents utilised by the aforementioned Amendment documents, were current and correct in the information they contained at the time of completion of this statement.

WHETHER THE EXHIBITED REPORTS ARE INCOMPLETE OR INACCURATE IN ANY RESPECT.

[11] Not to my knowledge.

THIS REPORT

[12] This sequence of the opinions provided in this report matches the sequence of matters that I was requested to consider (refer Paragraph 5). Following this principal response, I have concluded with some general comments.

2. Review of the Johnston Street East Precinct HO505

- [13] I have read the *Heritage Gap Study Review of Johnston Street East*, Final Report dated April 2016, prepared by Context Pty Ltd and inspected the subject area.
- [14] The report identifies the Johnston Street East Heritage Precinct as significant at a local level for its historic and aesthetic values and recommends the introduction of the Johnston Street East Heritage Overlay Precinct, HO505. I strongly agree with the report's identification and the methodology adopted to establish the Precinct's significance. I also agree that the Precinct is of local significance and worthy of inclusion in a Heritage Overlay.



Figure 1. Planning Scheme Map showing the extent of Proposed HO505

- [15] Having read through the report and inspected the subject properties, I have the following comments.
- The property at 270 Johnston Street is listed as contributory in Appendix B. I note that the existing building on the property (currently under construction) is entirely new. On this basis the listing should be revised with the site designated non-contributory.
 - The pair of shop/dwellings at 262-4 Johnston Street is listed as contributory in Appendix B. In my view these properties are individually significant. In particular No 262 where the original first floor window detailing to the elevation to the street is very well preserved. The serlian motif to the first floor street elevation of both buildings is unusual and interesting and this is enhanced by the unpainted (original) treatment to the brickwork and render.
 - The shop/ dwelling at 230 Hoddle Street is individually significant. It is not included within the proposed Heritage Overlay. I recommend that the Heritage Overlay be extended to include this property at some future date.
 - The former bank at 217 Johnston Street is individually significant. It is not included within the proposed Heritage Overlay. I recommend that at some future date, the Heritage Overlay be extended accordingly or a site specific Heritage Overlay introduced to include this property.

- [16] By way of explanation to the last two points above, in December 1889 tenders were called for the construction of 4 shops and a bank at the corner of Johnston and Hoddle Streets. The architects were Hyndman and Bates and the successful tenderer was Pierson and Wright. Hyndman and Bates were an important Melbourne architectural practice (still in practice today under the name Bates Smart) and were also the architects of additions (in 1900) to *Dodgshun House*, 9 Brunswick Street, Fitzroy. The two buildings have similar details. Three of the shops had a frontage to Johnston Street and one shop had a frontage to Hoddle Street. All of the shops survive. They collectively form an identifiable group. The bank was located directly at the street intersection and was initially occupied by the Commercial Bank of Australia however the branch was closed by 1900. In later years the building was occupied by the ES&A Bank. It survived until c1970 when it was demolished and replaced by the present former ANZ Bank building. This building was designed by architects Montgomery, King & Associates, a notable Melbourne architectural firm of the period. Despite its strikingly contrasting design to the adjacent nineteenth century buildings that characterise the study area, the bank has been cited as of 'especial note for its unusual diagonal planning and bold monumental form, with pier-like brick elements projecting above the roof. This striking building was illustrated in Barry Humphries 1980 anthology, *A Treasury of Australian Kitsch* under the wry title of 'Bank of Cromlech' ' (Heritage Victoria *Survey of Post-war Buildings in Victoria* undertaken by Heritage Alliance in 2008). A cromlech is a Celtic term for a circle of standing stones (for example Stonehenge). The bank is significant as a striking and well preserved example of architectural design from the late 1960s/early 1970s, exhibiting the architectural ethos of post WW2 graduates.
- [17] In relation to the inclusion of these additional properties within HO505 as presently proposed, I am instructed that for procedural reasons the Panel will not be in a position to make such a recommendation. However, I have provided my opinion for the record, recognising that Yarra City Council may wish to consider these properties for inclusion within Heritage Overlay controls through a future Planning Scheme amendment.
- [18] In relation to the proposed Heritage Overlay area, each property scheduled as individually significant or contributory requires detailed research and a physical survey with a related statement of significance including a precise description of the section of the subject building that is designated to be of significance and requiring retention.
- [19] I note that statements have been prepared in the recent past for the collections of buildings at 219-223 and 258-260 Johnston Street. I have reviewed these statements and recommend that in the light of DDO15 they are updated to clearly set down those parts of these buildings that are significant and require retention. In addition, the statement for 219-223 Johnston Street is lacking the historical data set down in this report and should be updated accordingly.
- [20] It is noted that sections of original shopfronts survive at 268 and 229 Johnston Street.

3. Are the Proposed DDO15 Controls Appropriate in Heritage Terms?

[21] I have been asked to reply to two specific sets of questions. These questions and their accompanying replies are set out below. Having replied to these questions I will follow with some general comments.

[22] Are the proposed 'street wall heights' appropriate and should they be mandatory?

The short answer to both of these questions is YES.

The nominated street wall heights will maintain the scale of Johnston Street where the Heritage Overlay and DDO areas overlap. It is essential that the scale of the street as derived from the individually significant and contributory buildings is maintained.

Outside the Heritage Overlay Areas, the design criteria is based only partially on heritage (in terms of general compatibility with the small group of individually significant buildings that exist in the east arm of Johnston Street east of the railway overpass). Clearly there is a desire here that the surviving heritage listed buildings are not overscaled by new development. The proposed street wall heights will achieve this objective. The overriding design criteria is based more on urban design considerations and the objective of creating a street scale that avoids a canyon like street perspective.

[23] Is the minimum setback of 6 metres for upper levels from the street appropriate and should this requirement be mandatory?

Again, the short answer to both of these questions is YES.

The nominated minimum setbacks will maintain the scale of Johnston Street where the Heritage Overlay Areas and DDO15 areas overlap. It is essential that the scale of the street, as derived from the individually significant and contributory buildings, is maintained. This scale is derived from both the height of the street wall and the setback of upper floors above the street wall and from the street boundary. 6 metres is an appropriate minimum dimension and its application would apply particularly on properties which do not include heritage listed buildings.

[24] The introduction of a 'street wall height' raises the issue of what is the 'street wall height' on a property that is occupied by a heritage building? Is it the nominated street 'street wall height' or is it the height of the heritage building? This issue relates particularly to the height of a proposed development behind the retained section of a heritage building. The issue has been considered by VCAT in the case of 23-33 Johnston Street, refer to Paragraph 46 of the Decision. Having considered this decision, it is my view that the 'street wall height' on a property occupied by a listed heritage building should be the nominated 'street wall height' OR the street wall height of the retained heritage building whichever is the greater. This should be clarified under the DDO controls as it relates to new development on sites occupied by heritage buildings.

[25] On a more general level, I have concerns with the use of the words 'streetscape', 'façade' and 'wall' in Clause 21.12-1 and in Schedule 15 to Clause 43.02. My concern is that the use of these words can imply a meaning that is not appropriate in heritage terms and in particular with Clause 22.02. In detail, the word 'streetscape' (which is a word not used in general heritage parlance and is not used in Clause 22.02) can often be misinterpreted to be a term that encapsulates only the front façade of buildings fronting onto the street. This is not the case as streetscape comprises all of the visual elements of a street including the buildings lining the street, however, this meaning is not generally understood and this can be accentuated when it is used in conjunction with other words such as 'street edge', 'street wall' and 'façade'. This is the case particularly in relation to Table 1 of Clause 21.12-1. While

Streetscape is a valid terminology when referring to the overall collective appearance of a street, I would recommend that this meaning be clarified under the DDO definitions to eliminate any misinterpretation and that the word is use only when referring to the collective appearance of the street.

- [26] The use of the word facade could imply that façade retention is a generally acceptable outcome in situation where DDO controls and Heritage Overlay controls overlap. This is not the case and the wording of the Planning Scheme should avoid this implication. Finally, the generally accepted terminology of a 'wall' is that it is a structure that emphatically divides two places or spaces (for example The Berlin Wall or the Great Wall of China). I am discouraged by the use of the term in the Planning Scheme when the whole concept behind DDO controls is embrative. My recommended approach would be that the use of these words be avoided in the drafting of Planning Schemes. Instead of referring to a 'street wall', I would substitute 'street elevation'. Elevation is a straightforward and technically used term to refer to a particular external face of a building. Descriptively 'street elevation' it is much more accurate term than 'street wall'.
- [27] Two additional points. Firstly, words such as restoration and reinstatement should be used correctly as defined under Clause 22.02. On this basis restoration AND reinstatement should be encouraged where appropriate. Secondly, matching adjacent heritage listed building heights is in my view too prescriptive and perhaps banal. Compatibility would be a more appropriate response.
- [28] On this basis, I propose the following refinements to the wording of Clause 21 .12-1 (Omissions are crossed out and additions are highlighted in bold.)

- [29] In Table 1:

Precinct 1, the initial paragraph of the Precinct Vision Statement to read (changes are noted in bold):

*The Victorian and Edwardian-era heritage character will remain the prominent feature of the streetscape west of Hoddle Street, with taller built form setback from the street edge to provide separation between the heritage ~~streetscape~~ **listed buildings** and newer built form.*

*Precinct 1 will continue to become and reinforce the consistent street edge through generous setbacks from the street ~~wall~~ **at upper levels**.*

A mix.... people on the street.

- [30] Precinct 2, the initial paragraph of the Precinct Vision Statement to read:

*The Victorian and Edwardian-era heritage character ~~heritage character~~ will remain the prominent feature of the streetscape between Hoddle Street, and the railway line, with taller built form setback from the street edge to provide separation between the heritage ~~streetscape~~ **listed buildings** and newer built form.*

- [31] Under Local Area Implementation; Land Use and Character: *Heritage Character* to read:

- *Protect the Victorian and Edwardian-era heritage ~~streetscape~~ character of Johnston Street as a significant part of its urban fabric, where the heritage Overlay is present.*
- *Encourage the sensitive re-use and restoration/**reinstatement** of heritage buildings.*

[32] Recommended changes to wording under Schedule 15 to Clause 43.02 include:

[33] In 1.0 Design objectives, dot point one should read:

- *To preserve the valued ~~heritage~~ character of the **Johnston Street** streetscape and ensure that the predominantly two storey Victorian and Edwardian era heritage ~~street wall~~ **listed buildings** remains the visually prominent built form of Johnston Street west of the railway line bridge.*

[34] In 2.0 Definitions

[35] I suggest that the 'Street **elevation** height' should be substituted for 'Street **wall** height'. This term should be used consistently throughout the Schedule instead of 'street wall' or 'street-wall' including under.

Rear Interface is the rear ~~wall~~**elevation** of any proposed...

Upper Level Development refers to the levels of building that are above the street ~~wall~~ **elevation**.

[36] I suggest **Streetscape** is defined as **comprising the visual elements of the street viewed collectively including the road, adjoining buildings and their related structures (such as fences), the spaces between buildings including adjoining side streets and laneways, footpaths, gutters, street furniture, landscape elements and signage.**

[37] Under Design Requirements the last open dot point, the final sentence in brackets to read

*(primarily through the retention and full-restoration/**reinstatement** of the front facade and external features visible from the street **those sections of heritage buildings visible from Johnston Street and adjoining side streets and side laneways**).*

[38] Under Street Frontages the paragraph beginning 'West of the railway line bridge' to read:

*West of the railway line bridge, new infill development should ensure that heritage ~~facades~~ **buildings** remain the visual dominant feature in the ~~streetscape~~ **street**. ~~Facade treatments~~ and articulation of new infill development within this area should:*

- *respond to the rhythm and pattern of the ~~heritage~~ streetscape and adjoining heritage buildings*
- *~~match~~ be visually compatible with the parapet height of a neighbouring Contributory or Individually Significant buildings identified under the Heritage Overlay...*

[39] Under Upper Level Development to read:

Within areas, and on individual properties covered by the Heritage Overlay, upper level development should:

- *Ensure that heritage ~~facades~~ **buildings** remain the visually prominent feature within the ~~streetscape~~ **street** when viewed from ground level.*
- *Be visually recessive in terms of mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape buildings.*

Upper level development should be designed so that side walls are articulated, and read as part of the overall building design **and do** not detract from the streetscape when viewed from direct and oblique views along the **streetscape street**.

4. Council Officers' Further Refinements to DDO15

- [40] I have been asked to comment on further changes proposed to Schedule 15 as indicated by 2 comment boxes in a submitted redraft (Appendix C).
- [41] In relation to comment box 1, I disagree with the terminology 'street wall' as set down in the previous section of this report and I prefer the original definition (amended with the substitution of 'elevation' for 'wall') over the revised definition.
- [42] In relation to comment box 2, I understand that it is the Council's intention in making this change to seek a minimum 8 metre street wall, even when a new building is adjacent to a single storey heritage building. I agree with this sentiment, however the proposed wording is poor and does not convey this meaning. I note that in Council's revised draft Schedule, clauses dealing with rhythm and pattern in the streetscape have been omitted. In addition, I have commented previously on the need for new infill development to be visually compatible with the parapet height of a neighbouring Contributory or Individually Significant buildings (para 38). Perhaps these comments will prove helpful in consideration of a further redraft.

5. Review of Submissions

- [43] I have briefly reviewed all of the submissions. Most of the submissions do not mention heritage and do not relate to heritage listed properties and on this basis I see no need to comment on them. I have been asked to specifically review and respond to Submissions 11, 14, 15, 18, 19, 22 and 23. These submissions include all of the submissions that relate directly to heritage properties. My responses are set out below. Preparing these responses has provided the opportunity to assess how the Yarra Planning Scheme might respond to planning applications under Amendment C220, in particular any shortcomings that could potentially be encountered. These issues are discussed at the end of this section.

Submission 11

Subject properties: 329 Johnston Street, 236 Nicholson Street and 37 Hunter Street Abbotsford.

Response.

- [44] The points made in the submission appear to be self-serving maximizing the consolidated property's development potential. No issues related to heritage were raised in the submission. Heritage would comprise a very minor consideration in any development proposal for this property, the only issue being the impact of any development proposal on the integrity of adjacent Heritage Overlay Areas H0412 and H0313.
- [45] I see no reason why the mandatory setback and height limits set down in Schedule 15 should not be applied in this case.

Submission 14

Subject properties: 424 Johnston Street, Abbotsford

- [46] The points made in the submission appear to be self-serving maximizing the consolidated property's development potential. No issues related to heritage were raised in the submission. Heritage would comprise a very minor consideration in any development proposal for this property, the only issue being the impact of any development proposal on the integrity of adjacent Heritage Overlay Area H0337
- [47] I see no reason why the setback and height limits set down in Schedule 15 should not be applied in this case.

Submission 15

Subject properties: 166-176 Johnston Street and 121 Sackville Street, Collingwood

Background

- [48] 166 Johnston Street forms a pair with 164, collectively the buildings are listed as individually significant, noting the name and date of the buildings on the parapet as 'N Edwards, AD 1883'. To my knowledge there is no individual statement of significance relating to these properties.
- 168 Johnston Street is a large industrial property with a single storey shop and a factory building (equivalent to two stories in height) located along the street frontage. It is listed as not contributory.
- 174-176 Johnston Street are a pair of single storey shops with a parapeted façade and are listed as contributory. There is no detailed information available in relation to these buildings other than their probable date of 1900-1915. They are in a poor state of repair, however several original features to the street elevation remain including elements of the original shopfronts.

Submission.

- [49] The submission seeks the removal of any mandatory controls in order to maximise the site's development potential. It makes no mention of Heritage issues.

Analysis

- [50] There is very limited detail heritage information and guidelines available for the property. Ideally there would be a detailed Statement of Significance for 164-166 and a brief statement dealing with 174-176. Both statements would set down clearly the sections of the subject buildings that require retention given the redevelopment potential realised under Amendment C220. In relation to 166, an acceptable outcome would be the retention of the principal 2 storey wing (approximately 12 metres in depth) and including the chimney which is visible from the street. As it is not contributory, the building at 168 could be demolished. Little is visible of the building at 174-176 except for the street elevation and it is most likely (given the apparent condition of these buildings) that this elevation would be the only section of the building that Council would require to be retained on the condition (presumably) that the retained section would be reinstated to its original appearance.
- [51] Having dealt with an acceptable heritage outcome: 12 metre retention of 126, demolition of 168, façade retention restoration of 174-176, one can turn to the DDO15 controls.
- [52] In this case, given the special setting of the site within the DDO and HO areas, it is my opinion that the new infill building at the street frontage of 168 should modulated; to retain the vertical grain of the built face it should be a minimum of 8 metres high with a higher section in part to provide the vertical grain. These heights should be perpetuated for a depth of 12 metres to ensure the single/double storey rhythm of the street elevation along this section of the street is retained. Such an arrangement would also ensure that the chimney at 166 retains its visibility from the street. The infill building behind the retained façade of 174-176 would retain the height of the façade for a depth of 12 metres to emphasise the street rhythm and the presence of the 2 storey pair of shops to the east. The upper level requirements as set out in Figure 1 of Schedule 15 would come into play after this initial setback depth applying the 'street wall height' of 8 metres (preferred) 11 metres (mandatory) across the site as the derivative for the 45-degree angular plane.

Response.

- [53] From this perspective it can be concluded that heritage listings need to be more detailed with each site within both DDO and HO controls separately evaluated on its individual merits. General guidelines or requirements cannot be relied upon. Detailed heritage listings will provide firm guidance for Council officers, property owners and consultants. Having addressed these site specific requirements, the development constraints set down in Schedule 15 can be applied consistently and would appear to be workable in this case at least from a heritage perspective. I see no reason why the setback and height limits set down in Schedule 15 should not be applied in this case.

Submission 18

Subject properties: 40 Johnston Street and 35-37 Sackville Street, Collingwood

Background

- [54] 40 Johnston Street is listed as contributory. There is no detailed information related to the building provided other than it dates back from 1850-1890 and was once known as Council Club Hotel. This building is mentioned in the Precinct Statement of Significance. The structure is poorly preserved, it includes of 2 storey elevation to a side laneway. The surviving building appears to have been constructed in stages and has been heavily altered in the late twentieth century particularly on the ground floor.

Submission.

- [55] The submission seeks the removal of any mandatory controls and the property's relocation to another sub-precinct where greater development potential can be achieved. It makes little mention of heritage and reads as if the property is not occupied by a heritage building.

Analysis.

- [56] The building itself has heritage merit. On the Johnston Street frontage there are no ground floor elements that could be regarded of heritage level. In contrast the laneway elevation, except for the painted brickwork, appears to be well preserved. The lack of the detail information makes any heritage assessment difficult. Because the site is located on a side laneway, there is a three dimensional appearance when viewed from the south with the

street elevation being the dominant feature. An appropriate response would be the retention of the building's south and east elevations with a new structure built within this envelope. With these works in place DDO15 principles can be applied. Presumably the side laneway is not within the property's curtilage.

Response.

- [57] The heritage listing needs to be more detailed to provide better guidance. Once an appropriate heritage outcome is established the principles of Schedule 15 can be applied to provide an appropriate development outcome.
- [58] I see no reason why the setback and height limits set down in Schedule 15 should not be applied in this case.

Submission 19

Subject properties: 196-202 Johnston Street, Collingwood

Background

- [59] 196 Johnston Street is listed as non contributory.
- [60] 200-202 Johnston Street is listed as individually significant (Austral Theatre, later Austral Picture Theatre, 1921) An individual site specific Statement of Significance has now been prepared for the Austral Theatre citing all of the building fabric from the building's creation date as significant.
- [61] It is noted that approximately two thirds of the southern section of the Theatre building is located within the HO Area HO304, the remainder of the building is not within the HO area. I have not inspected the buildings internally.

Submission.

- [62] The submission seeks the removal of the mandatory controls.

Analysis.

- [63] The site is unusual in that a site specific Statement of Significance has been prepared. The obvious dilemma is that some of the heritage building is located outside the Heritage Overlay. Former theatre buildings have a high degree of difficulty from a heritage perspective given their voluminous internal space, the retention of which is outside any usual Heritage Overlay controls because it is not visible from the street or surrounding area.
- [64] While the Statement of Significance requires that the whole of the original theatre be retained, given the conflicting heritage overlay delineation and the nature of the original building it is perhaps appropriate in these circumstances to require that only the first 12-15 metres of the building be retained (the cut off point being defined by the roof structure of the main auditorium space which is presumably divided into bays.). While retaining the external walls to the east, north and south the remaining auditorium space could be treated innovatively as an integral part of the development, an atrium type space for instance. The building at 196-198 could be demolished. The vacated area of the property could then be redeveloped adopting the principles outlines in Schedule 15.

Response.

- [65] The heritage listing needs to be revised to provide better guidance. Once an appropriate heritage outcome is established the principles of Schedule 15 can be applied to provide an appropriate development outcome planning.
- [66] I see no reason why the setback and height limits set down in Schedule 15 should not be applied in this case.

Submission 22

Subject properties: 288-298 Johnston Street, Collingwood

Response.:

- [67] No heritage related issues were raised in the submission. The properties are not covered by any Heritage Overlay Control.

Submission 23

Subject properties: 220-222A Johnston Street and 153-155 and 165 Sackville Street, Collingwood
Background

- [68] 220 Johnston Street is listed as contributory (Cumberland Home 1870-1890). This building is a 2 storey late Victorian shop and dwelling and original elements of the ground floor shopfront survive. It is flanked on both sides by driveways allowing views of the building's east and west. The 1901 MMBW Survey Plan confirms that the eastern driveway was part of the 220 (then 202) property and lead to a rear service yard. 2 chimneys (one intact) are visible from Johnston Street on this eastern side.

The properties at 222 and 222A are listed as non contributory.

Submission.

- [69] The site is presently shown as covered by 3 sub-precincts under Table 1 / Map 1 of Schedule 15. The submission seeks to rectify this situation with the site listed under one sub-precinct and seeks the removal of the height and setback limitations given this site's prominent position on the corner of Johnston and Hoddle Streets.

Analysis and Response

- [70] The 220 Johnston Street heritage listing needs to be more detailed to provide better guidance. It is appropriate that this property is listed separately from the remainder of this consolidated property given its heritage value and the presence of other heritage properties to the west.
- [71] An appropriate heritage response to this site would be to retain the principal 2 storey wing of the Victorian building fronting onto Johnston Street along with adjoining driveway to the east to an equivalent depth. Retention would include the 2 chimneys that are visible from Johnston Street.
- [72] As far as I can establish, Schedule 15 makes no mention of requiring setbacks along this property's Hoddle Street frontage, neither does it concern itself with the redevelopment of this prominent corner site. This could be a matter that is further addressed. From a heritage perspective there is a need to transition to the scale and setting of Johnston Street if a 'landmark' urban design approach was adopted at two sites flanking the western side of the Hoddle/Johnston Streets direction.

Overall Review of the Submissions

Having reviewed the submissions and the context of future possible development, it is my view that the controls to be introduced under DDO15 are workable, set an appropriate framework for guiding new development behind retained heritage buildings and have the potential to produce appropriate design outcomes. I can see no reason to change the setback and height controls set out in Schedule 15 or remove any mandatory controls. It would appear that many future planning applications will be related to consolidated properties and the DDO controls should be drafted in the knowledge that planning permit applications for large consolidated properties will take place. A critical aspect of design responses will be their ability to respond to the rhythm and pattern of the buildings in the street and the individual heritage buildings adjoining the subject property. At an appropriate time, consideration should also be given to the two 'landmark' sites located on the western side of Hoddle Street at the Johnston Street intersection.

- [73] The DDO controls are the second half of the process required in assessing and proposing development of the properties along Johnston Street. The first half comprises heritage assessment and controls. There is presently a lack of site specific detailed information available to both derive appropriate heritage outcomes and assess them. This is a shortcoming that needs to be addressed in order to allow the integrated implementation of the Heritage Overlay and DDO controls.

6. General Comments

- [74] I used one of the incorporated documents in my survey of the area, the *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8*, revised May 2017. I found the schedule to be a little inaccurate in places because the numbering system in Johnston Street is complex. In addition, the numerical order of the schedule does not allow terraces of shop buildings to be listed collectively, making it difficult to perceive the unity of a single building despite the number of addresses. Periphery street elements such as side walkways on private property between buildings were unlisted. I have checked through the other incorporated documents and there appears to be a scarcity of statements of significance for individually significant buildings; there is no detailed reference for contributory buildings. Often statements date back to 1995; they have passed their use by date and require revision. There is no consistency. The requirement to retain stipulated sections of heritage buildings is not mentioned in detail in any document. Clause 22.02-5.1 encourages the retention of buildings in heritage places however retention is not required. This overall situation will leave Council officers and their advisers very vulnerable as and when development applications pertaining to heritage listed properties within the DDO area take place. As discussed in other sections of this advice, this situation needs to be comprehensively addressed. Priority should be given to areas such as Johnston Street where development is encouraged to take place and DDOs are in place.
- [75] In the course of preparing this report, I was asked to undertake 'an explanation and analysis of how assessment of heritage street scapes (sic) are undertaken' and 'an explanation of how I determine what design controls are required to a property to properly protect heritage characteristics of street scape(sic)'. My two responses are reproduced below.

Assessment of Heritage Streetscapes

What is a 'Heritage Streetscape'?

- [76] A streetscape comprises the visual elements of a street, including the road, adjoining buildings and their related structures (such as fences) and gardens, the spaces between buildings including adjoining side streets and laneways, footpaths, gutters, street furniture and landscape elements such as trees and street planting.
- [77] Buildings are perhaps the most critical factor in the appreciation of a streetscape. In the case of streetscapes such as Johnston Street, these buildings are often perceived as facades, however, this is not the case. A building is a three-dimensional object and needs to be treated as such. In the case of Johnston Street, there are cases when only one element of a building when viewed from the principal street and adjoining side streets is the street façade; for instance, in the case of a single storey terrace of shops located between a series of two storey shops and midway within a block. In this case while it is the façade that provides the only physical presence to the streetscape, the space above that facade provides views of the sides of adjacent buildings adding a three dimensionality to the streetscape that would not have been the case if the streetscape was a consistent two stories. At the other end of the scale, some buildings are wholly freestanding, the Bendigo Hotel is a good example, and other buildings have rear and side elevations that are visible from Johnston Street or from adjoining side streets providing a further understanding of the three dimensional quality of the buildings that constitute the street and the overall visual appreciation of the streetscape.
- [78] A further contributing factor in the constitution of a streetscape such as Johnston Street is the presence of adjoining side streets and laneways and in special cases adjoining walkways that open from the major street. Not only do these gaps in the built edge of the streetscape facilitate an appreciation of an individual building's three-dimensional appearance but also they provide views beyond into neighbouring areas. This contribution needs to be identified in the same way as built elements are identified.



Figure 2. View of the 152-168 Johnston Street. Note how the presence of single storey buildings allow views of the side elevations of adjacent two storey buildings including their chimneys. Note also the gap in the built edge along the street between numbers 158 and 160.



Figure 3. View of the Bendigo Hotel 125 Johnston Street and the streetscape of building stretching east. Note the freestanding quality of the hotel.



Figure 4. View of the two terraces of shops Williams' Buildings at 49-157 Johnston Street and beyond 159 to 167 Johnston Street. Note the freestanding nature of these two sets of buildings given their location on street corners and the prospect to the smaller scale residential development further to the south in Palmer Street.



Figure 5. View from Palmer Street of the rear of the terraces illustrated in Figure 3. Note the pronounced rhythm of the rear sections of the two storey wings with their roof and parapet lines and the well preserved row of chimneys. Note also the utilitarian single storey service wings again with their chimneys.

- [79] Consistency of built form, in some way or other, across a whole street or a significant section of a street, is often the way in which streetscapes are evaluated or appreciated.
- [80] From an urban design perspective, a street displaying a visual consistency would be considered generally a better urban design outcome than a street lined with buildings of diverse height and setbacks.
- [81] On this basis, I would interpret a 'heritage streetscape' as a term describing a street comprised consistently of heritage buildings. Collectively, these buildings may derive from a specific period or exhibit consistent characteristics.
- [82] In assessing the heritage value of a streetscape, a thorough understanding of its history and development over time is essential. This would need to be complemented by a comprehensive survey of the street under review. The survey would include all elements of the streetscape including laneways and street furniture as well as buildings. From this survey, important characteristics and important individual elements of the streetscape can be identified and scheduled. From this, further statements can be prepared setting down clearly the significance of the heritage streetscape along with further detailed statements setting out the significance of individually important and contributory elements and the physical extent of these individually important and contributory elements that is required to be retained in order to preserve both their individual and contributory significance and the significance of the streetscape as a whole.
- [83] Such an evaluation needs to be comprehensive, identifying detail elements such as early surviving shopfronts, gutters and drains, fences and signage.
- [84] The assessment process set down above is identical to the assessment process that would take place within an identified Heritage Overlay Area and for all intents and purposes there is no difference between a 'heritage streetscape' and a Heritage Overlay Area except for the fact the former term is not used in the context of heritage planning. I also note that within the Yarra Planning Scheme as it presently exists there is no mention of 'heritage streetscapes' under the heritage related clauses and I find the inclusion of the term under the proposed Design and Development Overlay controls confusing. In addition, it has the potential to conflict with the Heritage Overlay controls.
- [85] The streetscapes of the Subject Land fall into two categories. Those streetscapes that are within both a Heritage Overlay and the DDO and those within a DDO area only (refer Figure 6).
- [86] The former category includes properties within a collective Heritage Overlay such as HO324 and site specific Heritage Overlays such as HO413. In these cases, the properties' or property's streetscape value is encapsulated in the Heritage Overlay's statement of significance and need not be repeated. From an initial examination of the available statements that have been prepared to date, I recommend that these statements be reviewed and perhaps redrafted to facilitate their scrutiny in concert with the application of DDO controls. In addition, it appears that many properties, both individually significant and contributory, have no site specific statement of significance. In the long term this situation needs to change with all properties within Heritage Overlays provided with a site specific statement of significance. In the case of contributory properties this statement would be brief but should always include a description of the section of the building and any related on site features that are required to be retained.
- [87] In terms of the that section of the DDO that does not have any Heritage Overlay control, basically the stretch of Johnston Street from the Railway overpass to the river, this section of Johnson Street could not considered to have sufficient value to be considered as a Heritage Overlay Area because there are few buildings that could be considered to have heritage value, either as individually significant or as contributory within a group of buildings. Furthermore, there is no readily identifiable consistency of scale or usage in terms of the heritage buildings that do survive. On this basis it is best to treat those buildings that do demonstrate a degree of significance individually. This appears to be the situation that has been adopted as part of the planning process. The only question to remain is whether any significant buildings have been overlooked. Having traversed the street, most of the building of heritage value have been covered. There could be a case to identify and list the properties at 303-305 Johnston Street. These properties comprise a reasonably well preserved two storey pair of shops dating from c1890. Their scale echoes the hotel (HO21) further to the west and the another pair of shops (HO413) further to the east.



Figure 6. Extract from the Planning Scheme Maps showing (top) extent of Heritage Overlays along Johnston Street and (below) extent of DDO15. Comparing the two maps provides an understanding of the areas along Johnston Street that are covering by both Heritage Overlay and DDO controls. (source: Planning Schemes on line.)



Figure 7. View of Johnston Street looking east with the Yarra Hotel in the foreground. The consistency of heritage buildings is insufficient to warrant Heritage Overlay controls. Note the pair of two storey shops just beyond the hotel providing a bookmark between the hotel and presently listed pair of shops in the distance located on the corner of Nicholson Street.

Design Controls

- [88] Within a Heritage Overlay area, the first control that needs to be put in place is the extent of an existing built element that requires retention. This description should form part of the site specific statement of significance. Precision and clarity are essential.

For example:

- [89] The entire two storey wing of the hotel including the roof
or
[90] The entire two storey section of the row of shops facing the street and extending back to a depth of 12 metres and including the upper section of the rear elevation, the remaining chimneys and the roof.
or
[91] The entire two storey section of the row of shop/dwellings facing onto the street and extending back to a depth of 10 metres including the exposed side elevation facing the laneway and the upper section of the rear elevation, the remaining chimneys and the roof. In addition, the single storey wing fronting onto the side laneway to the extent of the rendered elevation treatment, the roof and related walls to a depth of 3 metres.

Design controls for additions and redevelopment of heritage properties.

Control 1

- [92] All nominated parts of the building as set out in the statement of significance are to be retained.

Control 2

- [93] All works to retained sections of individually significant and contributory building are to adopt conservation practices and principles.

Control 3

- [94] No new building or addition is to be constructed above a retained section of an individually significant or contributory building.

Control 4

- [95] No new building is to abut the nominated section of a rear elevation of a building where that section is nominated for retention. Visibility of rear elevations from side streets and laneways is to be maintained.
- [96] With the above controls in place, DDO controls for infill buildings and development over the remaining subject site can be overlaid.

7. Conclusions

I support the introduction of Heritage Overlay HO505, The Johnston Street East Precinct and the recommendations set down in the report prepared by Context

The proposed DDO controls are compatible with the existing Heritage Overlay controls, set an appropriate framework for guiding new development behind retained heritage buildings and have the potential to produce appropriate design outcomes. I can see no reason to change the setback and height controls set out in Schedule 15 or remove any mandatory controls.

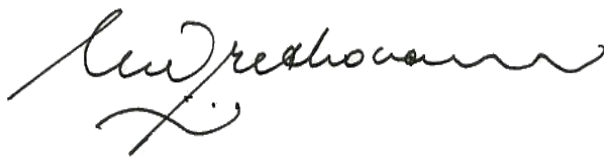
I recommend minor refinements to the wording of certain sections of the proposed Clauses 21.12-1 and Schedule 15 to Clause 43.02.

- [97] Development of sites which are subject to both the Heritage Overlay and the DDO will need to respond to both controls. In the absence of detailed site specific statements of significance, dealing with a particular building's importance and the required extent of retention (an absence which I recommend should be promptly addressed by the Council), it will be necessary for site specific assessment of significant and contributory buildings to determine the extent of retention having regard to Clauses 43.01 and 22.02 as and when planning permit applications are arising for particular properties.

8. Declaration

DECLARATION

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



Bruce Trethowan B.Arch FAIA

9 October, 2018

9. Appendices

9.1 Appendix A

BRUCE TRETHOWAN B.Arch FAIA Curriculum Vitae

EDUCATION

Bachelor of Architecture, University of Melbourne, 1975

Advanced Management Programme, University of Melbourne, Graduate School of Business, 1990.

MEMBERSHIP

Fellow, Australian Institute of Architects

REGISTRATION

Registered Architect, Architects Registration Board of Victoria

POSITION

Director	Trethowan Architecture and Interior Design
Director	Robert Peck von Hartel Trethowan, 1980-2001
Councillor	National Trust of Australia (Victoria), 1985-1989
Chairman	Como House Management Advisory Committee, 1985-
Deputy Member	Historic Buildings Council, 1985-1989
Member	Official Establishments Trust, 1996-2005
Vice President	Villa Alba Museum Inc, 1997-2005
Member	Australiana Fund, 1997-
Councillor	Melbourne Girls Grammar School, 2001- 2005
Member	Soirees Musicales Chamber Music Society, 2000-

AWARDS & PRIZES

While studying for a Degree in Architecture at the University of Melbourne, Bruce won the Nell Norris Award for three consecutive years from 1970, and in 1975 won both the First Prize in the Matthew Flinders Measured Drawing Competition and the James Hardie Prize for the best final year student.

Bruce Trethowan was part of the project team that won first prize in a limited competition for the design of No 1 Collins Street, which was also to win both the Cement and Concrete Association Award and the Royal Australian Institute of Architects, Victorian Chapter Merit Award for Commercial Buildings on its completion.

In 1986 Bruce received the inaugural Australian Heritage Award for the restoration of No 1 Collins Street and the Olderfleet Buildings, Melbourne.

In 1990 the practice was awarded an Honourable mention in the Medium Density Housing Competition for Southbank, Melbourne. In 1997 the practice was awarded the RAIA Conservation Merit Award for the restoration and refurbishment of the Regent Theatre, Melbourne. In 2002 the works at the former Royal Mint were awarded the MBA Excellence Award in the refurbishment category.

EXPERIENCE

In 1979, following an extensive period of work for the London practice of Michael Haskoll & Associates, combined with travel throughout Europe, particularly to investigate European architecture as the heritage of much of Australia's early development, Bruce joined Yuncken Freeman in Melbourne as an architect. At the same time, he took on a part-time position as Lecturer and Tutor in History at the Department of Architecture at the University of Melbourne.

In 1980, Bruce was a founding Director in the firm Robert Peck & Co. (In November 1988, the practice was renamed as Robert Peck von Hartel Trethowan reflecting the contribution of Bruce's achievements in architectural design and historic conservation). Since that time, he has been involved in a vast number of commercial, residential and institutional building projects. He has at all times maintained and applied the firm's high design standards. These standards have enabled the firm to be recognised not only for its building design ability but also for its skill in the urban context both in the retention and identification of significant buildings and in the overall planning context of new building in environmentally sensitive areas. In this capacity, the firm is often called upon to prepare urban design guidelines for critical building sites in Central Melbourne and the surrounding inner suburbs.

In 2001, Bruce retired from Robert Peck von Hartel Trethowan and established a practice of his own. The office deals in a variety of projects ranging in type from residential to commercial and institutional uses. The practice is known for its experience and expertise in conservation related projects.

Since 1980 Bruce has been involved in the design and documentation of a number of major restoration and refurbishment projects in Melbourne. Details of these projects are set out below. Many of the buildings described below are included on the State's Register of Historic Buildings.

Melbourne Convention Centre and Melbourne Maritime Museum

Charles Grimes Bridges. The project involves the restoration of the series of existing Cargo Sheds along the Yarra River and the renovation and refit of the sheds. The firm is acting as Heritage Architect to the Plenary Multiplex Group in relation to the redevelopment of the Southbank precinct between the Spencer Street and Melbourne Maritime Museum including a new museum building, conservation works to the Duke and Orr's Dry Dock and a new glass enclosure for the historic pump house associated with the dry dock's operation.

Project Value \$6 million

Parliament House, Melbourne

Preparation of design proposals for the completion of Melbourne's grandest public building with a series of additions which incorporate member's offices and facilities including refreshment room, library and underground carparking.

Project Value: \$80 million.

Former Royal Mint Building, William Street, Melbourne

Refurbishment of the interior of the historic Mint building including the conversion of upper floors to office use and the installation of a passenger lift, new toilets and facilities for the disabled and new services including information technology, electrical and air conditioning

Project Value: \$10 million.

Victoria Golf Club

Master plan for the Victoria Golf Club reviewing the existing facilities of the property and its immediate environment along with strategic objectives and vision statement. Refurbishment and additions to the Clubhouse including new member's facilities, Pro Shop and storage and new casual and outdoor dining area.

Project Value \$3.5 million

The Royce Hotel on St Kilda Road, 379 St Kilda Road, Melbourne

Construction of 72 room boutique hotel and restoration of the Historic Kellow Falkiner Showroom. The complex includes the *Dish* restaurant, *The Amberoom* bar and nightclub and a series of function rooms. The works included the restoration of terracotta faience panels to the external elevations and reinstatement of the interior based on its original appearance.

Project Value \$15 million.

Regent Theatre, Collins Street, Melbourne.

Restoration and refurbishment of this historic picture palace as a multi-purpose auditorium incorporating back of house facilities to enable the staging of large stage productions. The former Plaza Cinema was converted to a ballroom. The upper floors were converted for use as entertainment areas and offices.

Project Value \$32 million.

Albermarle, 86-92 Wellington Parade, East Melbourne

Reinstatement to residential use of a former Victorian residence including the construction of extensive new garage carparking, studio apartment and basement cellar. Works include the refurbishment of the interior and the installation of contemporary joinery and fittings along with the restoration and reinstatement of original finishes.

Project Value \$2 million.

Austral Buildings, 115 Collins Street, Melbourne

Restoration and refurbishment into offices and shops of an historically listed building including the retention of a series of artist studios located in the attic.

\$3 million.

86-88 Collins Street, Melbourne

Restoration of a pair of listed Victorian terraces and conversion into shops and offices.

Project value; \$1 million.

Former Carlton Court House, 345-349 Drummond Street, Carlton

Restoration and refurbishment of the former court house for use as a live theatre venue. Over the years the building was becoming run down and required substantial repair and restoration works including tuck pointing of the external brickwork, restoration of the external stonework, internal repainting and new wiring, toilets and kitchen facilities were required to bring the building up to an acceptable standard for leasing.

Project Value \$0.5 million.

Former Beaufort Court House, Livingstone Street, Beaufort

Restoration and refurbishment as a venue for the Beaufort Historical Society office and exhibition area. Works include restoration of internal plasterwork and retention of the original internal colour scheme, new wiring and conversion or derelict offices for use as addition study/storage area.

Project value; \$0.2 million.

Trades Hall and Literary Institute, 54 Victoria Street, Carlton South

Restoration works to the building, designs to provide disabled access and additional area for leasing to tenants and conference facilities.

Former Commercial Bank of Australia Banking Chamber 333 Collins Street, Melbourne

Retention and restoration of the former Banking Chamber and vestibule of the Commercial Bank of Australia including the preparation of Conservation Management Plan. These spaces were incorporated into the 333 Collins Street office project.

61 Spring Street and 5, 7 & 9 Collins Street, Melbourne

Relocation and restoration of this series of historic buildings at the intersection of Spring and Collins Street. As part of the works to 61 Spring Street, the interiors was restored and furnished as described in early inventories of the house.

The Olderfleet, Record Chambers and former South Australian Insurance Building

Retention and restoration of the facades of one of Australia's distinctive nineteenth century streetscapes.

CONSERVATION STUDIES
& CONSERVATION
MANAGEMENT PLANS

Melbourne General Cemetery, South Western Section, College Crescent, Parkville

Albermarle, 86-92 Wellington Parade, East Melbourne

Government House, Melbourne

Carlton Court House, Drummond Street, Carlton

Former Warehouse Complex, Sussex Street, Sydney

Beaufort Court House

Avoca Court House

Residence, 5 Towers Road, Toorak

Residence, 31 Mitford Street, St Kilda

Ashby Presbytery, Malone Street, West Geelong

City of St Kilda, Twentieth Century Study

Footscray Fire Station, Ascot Vale Fire Station

The former Commercial Bank of Australia Banking Chamber, 333 Collins Street, Melbourne

Brunswick Town Hall and Municipal Offices

*The Olderfleet, Record Chambers and South Australian Insurance Building,
477 Collins Street, Melbourne*

'Summerhill' Homestead, Craigieburn

61 Spring Street, 5, 7 & 9 Collins Street, Melbourne

APA Building, Elizabeth Street, Melbourne

Williamstown Post Office

Portland Conservation Study

Banks In Victoria 1851-1939

Beechworth Historical Reconstruction

Public Works Department 1851-1900

9.2 Appendix B

Letter 27 September, 2018 from Harwood Andrews



Our ref: 5TXP:7CMM 21601027
Contact: Thomas Patereskis
Direct Line: 03 9611 0146
Direct Email: tpatereskis@ha.legal
Principal: Greg Tobin

70 Gheringhap Street
Geelong VIC 3220

DX 22019

PO Box 101
Geelong VIC 3220

T 03 5225 5225
F 03 5225 5222

ABN 98 076 868 034

harwoodandrews.com.au

27 September 2018

Mr Bruce Trethowan
Trethowan Architecture
Email: Bruce@trethowan.com.au

Subject to legal professional privilege

Dear Mr Trethowan,

Amendment C220 to the Yarra Planning Scheme – Johnston Street, Collingwood and Abbotsford

We act on behalf of Yarra City Council (**Council**) in relation to Amendment C220 to the Yarra Planning Scheme (**Amendment**). The Amendment was subject to exhibition in late 2017.

The Amendment applies to land in Precincts 1 and 2 (**Precinct**) as identified in the Johnston Street Local Area Plan (**Plan**).

Amendment C220 is strategically supported by the Plan, which was adopted by Council in December 2015. The Plan sets out a vision for the future of the precinct, covering the area around Johnston Street from the Yarra River to the east, through to Smith Street in the west. The Plan recommends creating a diverse mix of activity, with commercial uses generally at street level, and residential uses at upper levels to make the area more vibrant and accessible.

The Amendment proposes to make changes to the Yarra Planning Scheme including to:

- rezone properties within the Commercial 2 Zone and General Residential Zone to the Commercial 1 Zone;
- apply the Design Development Overlay (**DDO15**) to the Precinct;
- introduce a new MSS section and policy at Clause 21.12;
- apply a new Heritage Overlay precinct (HO505 Johnston Street East) (**HO505**);
- insert a new reference document at Clause 21.11 titled Heritage Gap Study: Review of Johnston Street East, March 2016 within clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
- amend the schedule to Clause 43.01 (Heritage Overlay); and
- apply the Environmental Audit Overlay to sites being rezoned from the Commercial 2 Zone.

Submissions closed on 18 December 2017.

Instructions

You are requested to review this letter and enclosed brief of documents and to prepare an expert witness report which considers and responds to the following items:

Letter to B Trethowan - 27 September 2018\IP.1 - S.1\IP:27/09/18 4:27 tp <<2407>>



1. Peer review the report entitled *Heritage Gap Study: Review of Johnston Street East Final Report* undertaken by Context Pty Ltd and comment on the outcomes of this Study as to whether any of the places warrant inclusion within a Heritage Overlay and the level of significance that should attach to each place. If any of your findings include recommendations to include additional properties within the Heritage Overlay, please make a note of this and include the following statement:

"I am instructed that the Panel will not be able to recommend adding additional properties to the Heritage Overlay for procedural reasons but I note my opinion that they should be added for the record and recognising that Council may wish to consider my recommendation through a future Planning Scheme amendment".

2. Consider whether the proposed controls are appropriate in heritage terms in the context of Council's preferred DDO15 (within tab 18 of your updated brief) including in particular whether in your opinion:

2.1 The Street wall heights are appropriate and whether they should be mandatory?

2.2 The minimum setback of 6 metres for upper levels from the Street wall is appropriate, and whether this requirement should be mandatory?

3. Since Council adopted its preferred DDO15, Council officers have considered further refinements to the DDO15, including:

3.1 Amending the definition of "Street wall" to reflect the definition in the Melbourne Planning Scheme DDO10 to mean "any part of the building constructed within 0.3 metres of a lot boundary fronting the street"; and

3.2 Amending the transitional Street wall requirement west of the railway to make clear that council seeks a minimum 8m Street wall, even when the new building is adjacent to a single storey heritage building.

These changes are shown in comments boxes on the DDO15 (within tab 20 of your updated brief). Your opinion is sought on these changes, and on whether there should be any further changes to the DDO15 nomenclature or substantive provisions.

4. A response to any relevant submissions made in response to the Amendment, and in particular to consider and respond to the below submissions that have lodged requests to be heard:

	Name	Land	Submission No.
1.	Pelican Capital 5 Pty Ltd	329 Johnston St 236 Nicholson St 37 Hunter St	11
2.	Malcolm Jack	424 Johnston St	14
3.	Titanium Property Investment	166-168, Johnston St 174-176 Johnston St 121 Sackville St	15
4.	AA Holdings Pty Ltd	40 Johnson St 35-37 Sackville St	18
5.	De Luca Property Group (DPG)	196-202 Johnston St	19
6.	K7 Developments Pty Ltd 288 Johnston Pty Ltd Shakespeare Property Group Pty Ltd	288-296 Johnston St	22
7.	Aheron Investments Pty Ltd	220, 222 and 222A Johnston St 153-155 and 165 Sackville St	23

5. To view the 3D model prior to finalising your expert witness report.

Your expert witness report must comply with the Guide to Expert Evidence included in your brief of documents.

3D Model

A 3D model has been prepared of the exhibited Amendment and Council's preferred controls. The 3D model includes all permits and permit applications within the study area. Please contact us to arrange a view.

Key Dates

The Panel's directions for the Amendment include for the following key dates:

- Opportunity for parties and experts to view 3D model on **3 October 2018**.
- Expert witness reports and Council's Part A submission must be circulated by **2pm on 9 October 2018**.
- The Hearing is listed for 16-26 October 2018. Council has been allocated **16-22 October 2018**.

We will confirm the witness order closer to the hearing but anticipate you will be called between 18-22 October.

Amendment C220 Authorisation

Your attention is drawn to the conditional authorisation for the Amendment which specifies to Council that it may consider the following:

In locations where discretionary controls are applied, Council could nominate both a preferred maximum height and an absolute mandatory maximum height and outline the requirements which must be met to enable development to exceed the preferred maximum height.

On the back of this authorisation, Council has been invited (and has agreed) to be part of a pilot project that explores the notion of providing more (built form) certainty in planning controls for activity centres. It is on this basis that the Amendment has been created and exhibited in its current form. Based on feedback from DELWP, it is speculated that Practice Note 60 – Height and Setback Controls for Activity Centres (PPN60) will be modified at some time this year.

Yarra Amendment C237 (Interim Controls)

On 2 March 2018, Yarra Planning Scheme Amendment C237 was gazetted. This Amendment introduces built form controls for part of the Johnston Street Activity Centre by introducing DDO15 and applies the Heritage Overlay to the Johnston Street East Precinct (HO505) on an interim basis until 31 December 2019.

Permit maps and plans

Council has prepared maps of current and approved permits on the Precinct. The permit application or endorsed plans are included in your brief and this information has been used to prepare the 3D model.

Properties with incorrect heritage status

We are instructed that heritage grading of the following properties from 'City of Yarra Review of Heritage Overlay Areas 2007 - Appendix 8 (Revised May 2017)' have been incorrectly identified on the Appendix B to the Plan – Built Form Analysis and Recommendations:

Property	Status originally given	Correct status
80-90 Johnston Street (factory)	Contributory	Non-contributory
149-157 Johnston Street (Williams Buildings)	Non-contributory	Individually significant
168-172 Johnston Street (BMI shop & factory)	Individually significant	Non-contributory

We will separately provide you with any statements of significance for each individual property in the Precinct.

Other work

Council anticipates that it will call expert evidence in the areas of urban design, planning, wind analysis, economics and heritage.

SGS Economics is undertaking an assessment of how the City of Yarra can accommodate the projected change across the municipality amongst its 5 MACs and other activity centres. This work is expected to demonstrate that there is substantial latent capacity, even with mandatory controls proposed by Council to over accommodate future population needs. A Spatial and Economic Strategy (SEES) was presented to Council for adoption on 4 September 2018 and is included in your brief.

On 4 September 2018, a report on the draft Yarra Housing Strategy was presented to Council to outline feedback received by the community and stakeholders, consider changes to the Yarra Housing Strategy, and to consider adopting the final Yarra Housing Strategy. Following adoption of the final version of the Yarra Housing Strategy by Council, it will be part of an Amendment to the Scheme, introducing a new local housing planning policy in the Planning Policy Framework to reflect the key strategies outlined in the Yarra Housing Strategy. The amendment would also include the Housing Strategy as a reference document in the Scheme.

A Residential Capacity in Activity Centres Report and Yarra Office Demand Study are also included in your brief which are Council internal documents used to assist in the preparation of other reports or studies.

Fees

If you require a further fee proposal to be approved, please send this and any future invoicing addressed to:

City of Yarra
c/o Harwood Andrews
By email to: tpatereskos@ha.legal

Legal Professional Privilege

We confirm that your professional opinion is sought in the context of our providing legal advice to Council in relation to the Amendment. Our advice, and your advice by virtue of your being engaged by us, attracts legal professional privilege. Council is therefore not required to disclose any advice provided by you to any other party unless that legal professional privilege is waived.

To ensure that legal professional privilege is maintained, we confirm that you should not advise anyone, other than Council or Harwood Andrews, that you have been requested to provide expert advice in relation to this matter. We will notify you if legal professional privilege is waived in respect of your advice.

Brief

We have provided you with an electronic copy only of the brief of documents which can be accessed at:

<https://spaces.hightail.com/receive/5xLnQvILVP>

Please advise if you would like us to provide a hard copy.

Contacts

If you have any queries or require any further information, please contact Thomas Patereskos on 9611 0146 or Greg Tobin on 5225 5252.

Yours faithfully,


HARWOOD ANDREWS

Encl. Index to Brief of Documents

Index to Brief of Documents

Yarra Amendment C220
Johnston Street, Collingwood and Abbotsford

Document		Date
A. Authorisations		
1.	Council meeting regarding JSLAP Implementation – Proposed Amendment C220: a. Agenda extract [excludes attachments] b. Minutes	17 May 2016
2.	Minister for Planning authorisation to prepare the Amendment	8 March 2017
3.	DELWP letter invitation to Activity Centre Pilot Program	12 July 2017
4.	Council meeting regarding Amendment C220 – Johnston Street Rezoning and DDO Proposal (Revised Amendment for Exhibition): a. Agenda extract with attachments: 1) Amendment C220 Condition authorisation letter 2) Amendment C220 Draft DDO15 Johnston Street 3) Amendment C220 Johnston Street Clause 21.11 4) Amendment C220 Background Analysis (part 1) 5) Amendment C220 Background Analysis (part 2) b. Minutes	31 October 2017
B. Amendment C220 exhibited documents (exhibited on 16 November 2017)		
5.	Explanatory report	
6.	Instruction sheet	
7.	Clauses and schedules: • Clause 21.11 – Reference Documents • Clause 21.12 – MSS Policy • Clause 22.02 – Heritage Policy • Clause 43.01s – Schedule to Heritage Overlay • Clause 43.02s – Schedule 15 to Design and Development Overlay • Clause 81.01s – Incorporated Documents	
8.	Map sheets: • Yarra Zone map 6 • Yarra Zone map 6_7 • Heritage Overlay map 6 • Deleted Heritage Overlays map 6 • Yarra DDO map 6 • Yarra DDO map 6_7 • Environmental Audit Overlay map 6 • Environmental Audit Overlay map 6_7	
9.	Incorporated documents • City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8	revised November 2017
10.	Supporting documents, clauses and schedules in track changes format	
C. Johnston Street Local Area Plan (JSLAP)		
11.	Johnston Street Local Area Plan with attachments: a. Appendix A - Policy Basis b. Appendix B - Built Form Analysis and Recommendations c. Appendix C - Trenerry Crescent	December 2015

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	d. Appendix D - Economic Advice	
12.	Council meeting regarding JSLAP - Consideration of Submissions and Final Version of the Plan: a. Agenda extract [excludes attachments] b. Minutes	1 December 2015
D. Heritage Gap Study		
13.	Johnston Street East Heritage Study	April 2016
E. Submissions		
14.	28 submissions received in response to the Amendment	November/December 2017
15.	Council's summary table of submissions	July 2018
16.	Map of submitters	
F. Yarra Amendment C237 (Interim Controls)		
17.	Amendment documents including: a. Explanatory report b. Instruction sheet c. List of amendments d. Clauses and schedules e. Map sheets f. Approved incorporated documents g. Track changes format h. Reasons for Intervention Approval	2 March 2018
G. Post-exhibition preferred changes		
18.	Council Meeting Agenda extract regarding Amendment C220 – Consideration of Submissions with attachments: a. Attachment 1: Letter of Conditional Authorisation b. Attachment 2: Summary of Submissions and Officers Response to Submissions c. Attachment 3: Post Exhibition DDO15 (track changes included) d. Attachment 4: Post Exhibition DDO15 (clean version) e. Attachment 5: Clause 21 Policy f. Attachment 6: Map g. Attachment 7: Planning Practice Notes 59 to 60	21 August 2018
19.	Council Meeting Minutes	21 August 2018
20.	Preferred Council DDO15 (with track changes and comments)	27 September 2018
H. Council Strategies and Studies		
21.	Draft Yarra Spatial Economic and Employment Strategy prepared by SGS	August 2018
22.	Council meeting regarding the Spatial Economic and Employment Strategy: a. Agenda with attachments b. Minutes	4 September 2018
23.	Draft Yarra Housing Strategy	August 2018
24.	Council meeting regarding the Yarra Housing Strategy: a. Agenda with attachments b. Minutes	4 September 2018
25.	Residential Capacity in Activity Centres prepared by SGS [not formally adopted by Council]	June 2018
26.	Yarra Office Demand Study prepared by Urban Enterprise [not formally adopted by Council]	February 2018

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I. Panel documents		
27.	Letter to Council from Panels confirming appointment of Panel with attachments: a. Instrument of Appointment b. Checklist for Planning Authorities and Responsible Authorities	28 August 2018
28.	Panel directions letter	26 September 2018
J. Permit maps and plans		
29.	Map of permit applications and proposals	12 September 2018
30.	Table of permit information	12 September 2018
31.	Permit application or endorsed plans in precinct	
K. VCAT decisions considering Amendment C220		
32.	Gurner 23-33 Johnston Street Pty Ltd v Yarra CC [2018] VCAT 794	23 May 2018
33.	Pelican Capital 5 Pty Ltd v Yarra CC (Corrected) [2018] VCAT 12	17 January 2018
34.	Zero Nine JV (Abbotsford) Pty Ltd v Yarra CC [2017] VCAT 2121	21 December 2017
L. PPV Guide to Expert Evidence		
35.	Guide to Expert Evidence	April 2017

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9.3 Appendix C

Schedule 15 with further refinements and comment boxes

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C--**SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO15**.**JOHNSTON STREET ACTIVITY CENTRE****1.0****Design objectives**-/-/20--
C--

- To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey ~~Victorian and Edwardian era~~ heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge, ensuring that upper levels are visually recessive.
- To ensure that the overall scale and form of new buildings is mid-rise (5 to ~~10~~ storeys) and provides a suitable transition to low scale residential areas, protecting surrounding residential properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.
- To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing of open space areas and vehicle access.
- To activate the street edge, provide passive surveillance opportunities and accommodate commercial activity at the lower levels of new development ~~and to~~ enhance the public realm through high quality buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.
- To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.

2.0**Buildings and works**-/-/20--
C--**Definitions**

Building height is measured as the vertical distance between the footpath at the centre of the frontage and the highest point of the building. It does not include architectural features and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that the following criteria are met for the equipment or structure:

- Less than 50% of the roof area is occupied by the equipment (other than solar panels);
- Any equipment is located in a position on the roof so as to avoid additional overshadowing;
- Any equipment does not extend higher than 3.6 metres above the maximum building height; and
- Any equipment and any screening is integrated into the design of the building to the satisfaction of the Responsible Authority.

Heritage Building refers to any building subject to a heritage overlay, graded as either Contributory or Individually Significant.

Rear interface is the rear wall of any proposed building or structure at any level, whether on the property boundary or set back from the property boundary.

Setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary.

Street wall ~~← the facade of a building at the street boundary.~~

Council proposes to amend this to:

Street wall is any part of the building constructed within 0.3 metres of a lot boundary fronting the street.

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Street wall height is measured as the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features ~~and building services~~.

Upper Level Development refers to the levels of buildings that are above the street wall.

~~Corner site is a site with a frontage to both a main street and side street.~~

Design Requirements

Building Heights and Setbacks (including street-wall height and rear interface Height)

~~The maximum building height, street-wall height and minimum setback requirements are set out at Table 2 of this schedule.~~

~~The building height and setback requirements are set out at Table 1 of this schedule.~~

~~A development must comply with the mandatory building heights and street wall heights, and the mandatory minimum setbacks specified in Table 2 outlined in Table 1.~~

~~A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) for buildings and works which exceed the mandatory maximum building height, mandatory maximum street wall height or are less than the mandatory minimum upper level setback for a relevant sub-precinct specified in Table 2 to this Schedule.~~

A permit may be granted to exceed the preferred maximum building height and/or preferred maximum street-wall height specified in Table 2+ if the following criteria are met to the satisfaction of the Responsible Authority:

- the built form outcome as a result of the proposed variation satisfies the design objectives of Clause 1.0 and the provisions of Clause 21.12-1 ~~are satisfied~~;
- the proposed building height achieves the preferred future mid rise character within Johnston Street for the sub-precincts consistent with the preferred mid-rise character for Johnston Street of generally 5 to 12 storeys;
- the proposal will achieve each of the following:
 - housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
 - universal access, and communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70% or 5 Star Green Standard;
 - greater building separation than the minimum requirement in this schedule;
 - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
 - for Contributory or Individually Significant buildings under the Heritage Overlay/Heritage Buildings, the proposed development enhances the heritage fabric of the building (primarily through full restoration of the front façade and external features visible from the street).

~~A permit may be granted to vary the preferred maximum street-wall height and preferred minimum setbacks requirements in Table 1 if the development meets the Design Objectives to the satisfaction of the Responsible Authority. In addition to the overall building height requirements specified in Table 1 and Map 1, development above 18m (5 storeys) must be on a site, consisting of one or more titles, that has the following parameters:~~

- ~~A minimum lot depth of 20m~~
- ~~A minimum street frontage width of 10m~~

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Building Envelope Requirement

New development on sites with a north-south orientation fronting either Johnston Street or Sackville Street, should be setback from the front and rear property boundary, as illustrated in Figure 1 and as specified in Table 1.

The front and rear setback/envelope requirements are also illustrated in Figure 1.

In complying with the 45-degree envelope requirement, development should provide incremental setbacks of at least two storeys to avoid repetitive stepped form and 'wedding cake' outcomes.

In addition to the setbacks required by Table 1, new development on sites with a north-south orientation fronting either Johnston or Sackville Street, should be setback within a 45-degree envelope measured from above the street wall height and the rear interface height to the maximum overall height as shown in Figure 1. This does not apply to development in Precincts 1A, 1B, 2A and 2C (for the site on the northern side of Johnston Street), where new development should be setback within a 45-degree envelope from the primary street frontage only.

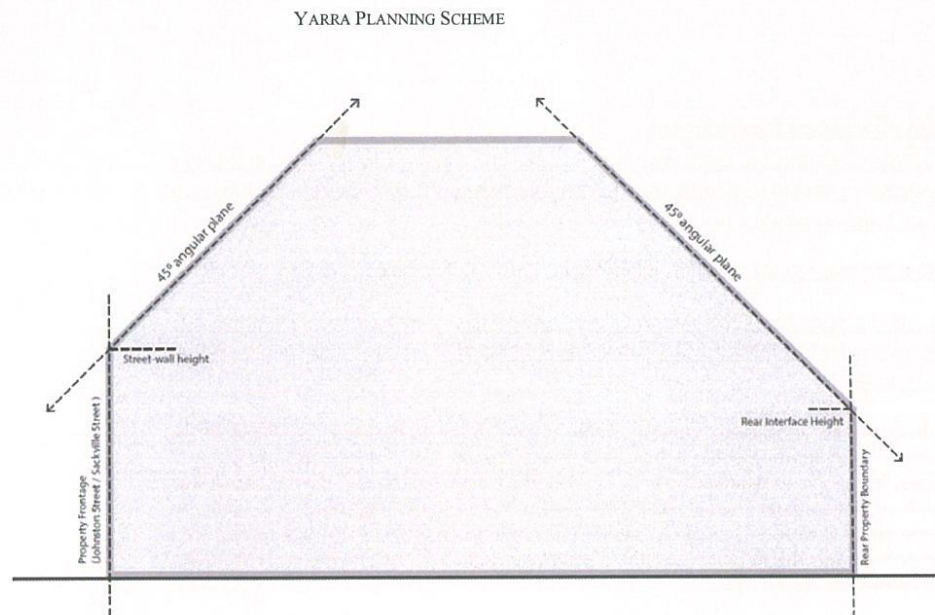
In Precincts 1A, 1B and 2B, the rear interface of new development should be designed to enable daylight and/or solar access to primary outlooks for existing or potential future residential development and to consider future development opportunities on neighbouring sites.

Development should avoid repetitive stepped form within the 45-degree envelope.

Table 1: 45° Envelope and Setback Requirements

Sub-precinct	Preferred upper level setback/envelope from property frontage (measured as the distance above ground level as specified below)	Preferred Minimum setback/envelope above from rear property boundary (measured from maximum rear-interface height 11m above ground level, above 9m for 2F)
1A	45° above 11m	4.5m
1AA	45° above 11m	4.5m
1AAA	45° above 11m	4.5m
1B	45° above 11m	4.5m
1C	45° above 11m	45°
1D	45° above 11m	45°
2A	45° above 11m	4.5m
2B	45° above 11m	4.5m
2C	45° above 18m	4.5m / 45° (Stafford Street)
2D	45° above 18m	45°
2E	45° above 18m	45°
2F	45° above 18m	45° above 9m

Figure 1 – Upper Level Setback Requirement Building Envelope Requirement



Building Separation Requirement

An application for development should provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk. Development should be setback from common side boundaries to provide separation between buildings at the upper levels to avoid a "wall" of development above the street wall when viewed from the opposite side of Johnston Street and Sackville Street.

Where development shares a common boundary, upper level development should:

- be set back a minimum of 4.5m from the side-common boundary where a habitable room window is proposed
- be set back a minimum of 3m from the side-common boundary where a non-habitable room window or commercial window is proposed.

Where the common side-boundary is a laneway, the setback is measured from the centre of the laneway.

Development above 21m should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Johnston and Sackville Streets and from residential properties adjacent to the development.

Corner Site Requirements

New development on a corner site (a site with a frontage to a side street) should:

- continue the street wall height established at the primary frontage with a transition in height to match the rear interface where required.
- upper level development along the side street of a corner site should be setback a minimum of 3m.

Overshadowing and Solar Access Requirements

New development must not overshadow the southern footpath of Johnston Street, measured as 3.0m from the boundary of Johnston Street, between 10am and 2pm at September 22. A permit cannot be granted to vary this requirement.

Development in Sub-Precincts 1C, 1D, 2C, 2E and 2F should be designed to minimise avoid additional overshadowing of residential zoned properties to the south measured from 10am to 2pm at the equinox (September 22).

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Street Frontage Requirements

New development should:

- be built to the front property boundary on in-fill (non-heritage) sites along Johnston Street and Sackville street.
- ensure that heritage facades remain the visually prominent feature in the streetscape.
- respond to the rhythm and pattern of the heritage streetscape and adjoining heritage buildings
- match the parapet height of a neighbouring Contributory or Individually Significant buildings identified under the Heritage Overlay.
- address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level.
- provide passive surveillance and active/visually interesting interface(s) with the public realm, areas of public open space and public transport stops, from upper levels.
- be designed to allow for accommodate commercial activity at the lowest two levels (as a minimum) incorporating commercial floor to floor heights suitable for commercial activity of at least 4m, where heritage elements are not a constraint.
- be designed to locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the façade of the building.

West of the railway line bridge, new infill development should ensure that heritage facades remain the visually dominant feature in the streetscape. Façade treatments and articulation of new infill development within this area should:

- respond to the rhythm and pattern of the heritage streetscape and adjoining heritage buildings
- match the parapet height of a neighbouring Contributory or Individually Significant buildings identified under the Heritage Overlay.

In Sub-Precincts 2C, 2D, 2E and 2F, new development should:

- contribute to a new, well-designed, contemporary urban character that provides articulation in building façades, reinforcing a finer grain street pattern

East of the railway bridge, new development should:

- contribute to a new, well-designed, contemporary urban character that provides articulation in building façades, reinforcing a finer grain street pattern; and
- provide a transitional street wall height (maximum one storey higher, but not less than 8m) on sites that are adjacent to Individually Significant heritage properties.
- provide a transitional street wall height on sites that are adjacent to Individually Significant heritage properties and respect the scale and character of the heritage building.

West of the railway bridge, new development should provide a street-wall façade height that matches the parapet height of a neighbouring heritage building, where present, for a minimum distance of 6m.

New development on Sackville Street should be setback 3m to accommodate landscaping, or incorporate a high quality public realm treatment into the design of the building to address and improve the amenity of the streetscape.

Council proposes to amend this to:

West of the railway bridge, new development should provide a minimum 8m Street wall height that matches the parapet height of a neighbouring Heritage Building, where present, for a minimum distance of 6m, including where adjacent to a single storey Heritage Building.

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Upper Level Development Design Requirements

Upper level development should be designed so that all façades, including side walls, are employ a high standard of architectural design and are well-articulated, and to be read as part of the overall building design and do not detract from the character of the streetscape when viewed from direct and oblique views along either Johnston Street or Sackville Streetscape.

Upper level development above retained heritage building façades and on sites adjacent to a heritage building should: Within areas, and on individual properties covered by the Heritage Overlay, upper level development should:

- Ensure that heritage façades remain the visually prominent feature within the streetscape when viewed from ground level.
- Be visually recessive in mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape.

Vehicle Access and Car Parking

New development should be designed to:

- Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.
- Conceal the provision of car parking within the building or by providing basement car parking.
- Avoid providing recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

3.0 Subdivision

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C--

None specified.

4.0 Advertising signs

--/20--
C--

None specified

5.0 Application requirements

--/20--
C--

None specified.

65.0 Decision guidelines

--/20--
C--

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the proposal satisfies the Design Objectives at Clause 1.0.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The profile and impact of development on the vista along Johnston Street.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site and whether an increased upper level setback is required having regard to the heritage significance and contributory features of the site.
- The design response at the interface with existing low-scale residential properties and the potential amenity impacts to neighbouring residential properties.

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- Whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment and other areas of the public realm.
- Whether new buildings cause overshadowing of southern side footpaths and public spaces along the south side of Johnston Street when measured 10am to 2pm at the spring equinox (September 22).
- Whether the design of the building addresses the potential for Whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment wind impacts.
- The wind impacts of the proposed development.

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Map 1: Johnston Street Sub-Precincts Plan



Table 2: Building Height and Setback Requirements (subject to the criteria outlined at Clause 2.0 of this schedule)

SoC-Front	Preferred Maximum Building Height	Preferred Minimum and maximum Street-Wall Height (four-average footage)	Mandatory Maximum Street-Wall Height (four-average footage)	Preferred Minimum Setback (for upper levels from Street Wall 12200)	Mandatory Minimum Setback (for upper levels from Street Wall 12200)	Preferred Maximum Key Intersect Height (on boundary)	Mandatory Maximum Intersect Height (on boundary)
16	24m	8m (Min)	11m	—	6m	11m	—
16A	28m	11m (fronting Sackville St.)	11m (fronting Johnson St.)	6m (fronting Sackville St.)	6m (fronting Johnson St.)	—	—
16AA	28m	11m (fronting Johnson St.)	11m (fronting Johnson St.)	—	—	11m	11m
16B	21m	11m (Max)	—	6m	6m	—	—
16C	21m	8m (Min)	11m	—	6m	—	—
16D	21m	8m (Min)	11m	—	6m	—	—
16E	21m	8m (Min)	11m	—	6m	—	—
16F	21m	8m (Min)	11m	—	6m	—	—
16G	21m	15m (Max)	18m	6m	—	11m	11m
16H	24m	15m (Max)	18m	6m	—	—	—
16I	24m	15m (Max)	18m	6m	—	—	—
16J	24m	15m (Max)	18m	6m	—	—	—
16K	24m	15m (Max)	18m	6m	—	—	—
16L	24m	15m (Max)	18m	6m	—	—	—
16M	24m	15m (Max)	18m	6m	—	—	—
16N	24m	15m (Max)	18m	6m	—	—	—
16O	24m	15m (Max)	18m	6m	—	—	—
16P	24m	15m (Max)	18m	6m	—	—	—
16Q	24m	15m (Max)	18m	6m	—	—	—
16R	24m	15m (Max)	18m	6m	—	—	—
16S	24m	15m (Max)	18m	6m	—	—	—
16T	24m	15m (Max)	18m	6m	—	—	—
16U	24m	15m (Max)	18m	6m	—	—	—
16V	24m	15m (Max)	18m	6m	—	—	—
16W	24m	15m (Max)	18m	6m	—	—	—
16X	24m	15m (Max)	18m	6m	—	—	—
16Y	24m	15m (Max)	18m	6m	—	—	—
16Z	24m	15m (Max)	18m	6m	—	—	—