Amendment C220 to the Yarra Planning Scheme

40, 196-202 and 288 Johnston St

Expert Urban Design Evidence

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October 2018

Instructed by

Norton Rose Fulbright, Rigby Cooke Lawyers and Best Hooper Lawyers

On behalf of

AA Holdings Pty Ltd, De Luca Property Group and 288 Johnston Street Abbotsford

DAVID LOCK ASSOCIATES
TOWN PLANNING & URBAN DESIGN

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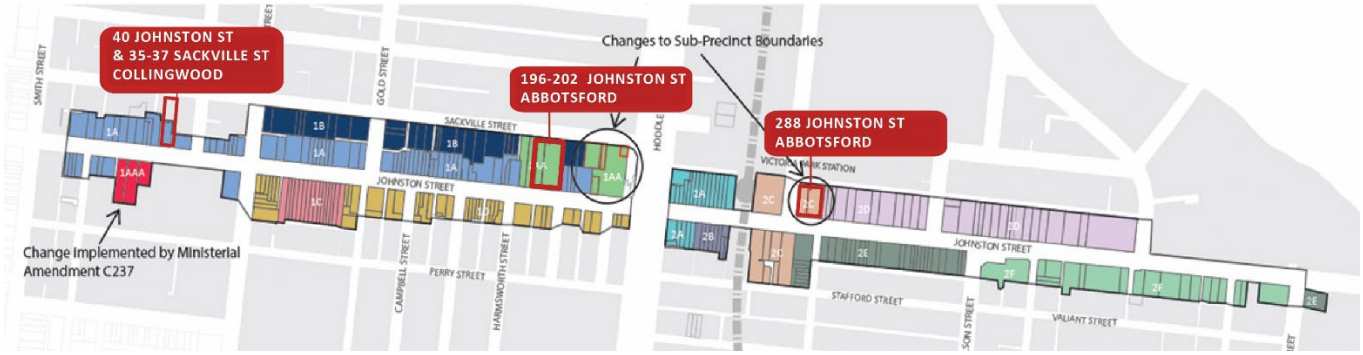
1.0 Introduction

[1] I am a Principal of town planning and urban design consultants David Lock Associates (Australia) Pty Ltd. I hold qualifications in architecture and urban design. I have over twenty-five years' professional experience and have practised exclusively in the field of urban design since 1993. Further details of my qualifications and experience are outlined in Appendix A.

[2] In September and October 2018, I was requested to provide an independent urban design assessment of proposed Amendment C220 to the Yarra Planning Scheme as it relates to three properties, as follows:

- Norton Rose Fulbright, on behalf of AA Holdings Pty Ltd:
  - → *40 Johnson Street and 35-37 Sackville Street, Collingwood*
  - → *Sub-precinct 1A*
- Rigby Cooke Lawyers, on behalf of De Luca Property Group:
  - → *196-202 Johnston Street, Abbotsford*
  - → *Sub-precinct 1AA*
- Best Hooper Lawyers, on behalf of 288 Johnston Street Abbotsford Pty Ltd:
  - → *288 Johnston Street Abbotsford*
  - → *Sub-precinct 2D in the Exhibited version of DDO15; 2C in the Post Exhibition version*



The properties I have been requested to focus my assessment on in relation to proposed DDO15

[3] I know the Amendment area well, having previously given urban design evidence to VCAT in relation to the following properties within the Amendment area:

- 23-33 Johnston Street, Collingwood
- 247-259 Johnston street, Abbotsford
- 288 Johnston Street, Abbotsford
- 329 Johnston Street, Abbotsford
- 370 Johnston Street, Abbotsford

[4] I have also given urban design advice to the applicant and the City of Yarra respectively in relation to proposals for 80-90 Johnston Street, Collingwood and 316-322 Johnston Street, Abbotsford.

[5] I recently led the preparation of a Built Form Framework for Bridge Road and Victoria Street for the City of Yarra. I also led the preparation of built form controls for Sydney Road, Brunswick. These corridors share many similar characteristics as Johnston Street.

[6] My evidence is focused on proposed DDO15, as it contains the primary built form and design provisions. I have reviewed the Exhibited version of the DDO schedule, but focused my evidence on the Post Exhibition version as I understand it represents Council's position.

[7] I have organised my evidence as follows:

- A summary of the key existing conditions within the Amendment area, and its strategic context, to set the scene for my assessment of the Amendment.
- An assessment of the overall vision and design objectives for the Amendment area.
- An assessment of the parts of the proposed DDO that apply to Precinct 1 (which affect 40 and 196-202 Johnston Street, Collingwood).
- An assessment of the parts of the proposed DDO that apply to Precinct 2 (which affect 288 Johnston Street, Abbotsford).
- An assessment of the parts of the proposed DDO that apply to the whole of the Amendment area.
- Conclusion and recommendations.

2.0 Existing Conditions

[8] The following conditions are relatively consistent throughout the length of Johnston Street within the Amendment Land:

- A road reserve width of approximately 20m
- Continuous (boundary-to-boundary) built form, with a zero front setback
- Relatively low built form scale relative to the street width, resulting in a sense of openness and generous sky views, but also a sense that the street is dominated by traffic (reinforced by gantries supporting traffic lane direction signs)
- Relatively old and 'tired' buildings
- Predominantly masonry buildings, including a mix of painted and unpainted brick, and render
- Heritage facades featuring a fine-grain rhythm, narrow/ vertically-proportioned, 'punched' window openings, and decorative parapets and cornices
- Highly active ground floor frontages
- Inconsistent weather protection over footpaths

[9] The Amendment land can be divided into six distinct character areas, distinguished primarily by zoning, heritage values, slope and adjoining zoning:

A: Johnston Street between Smith Street and Wellington Street

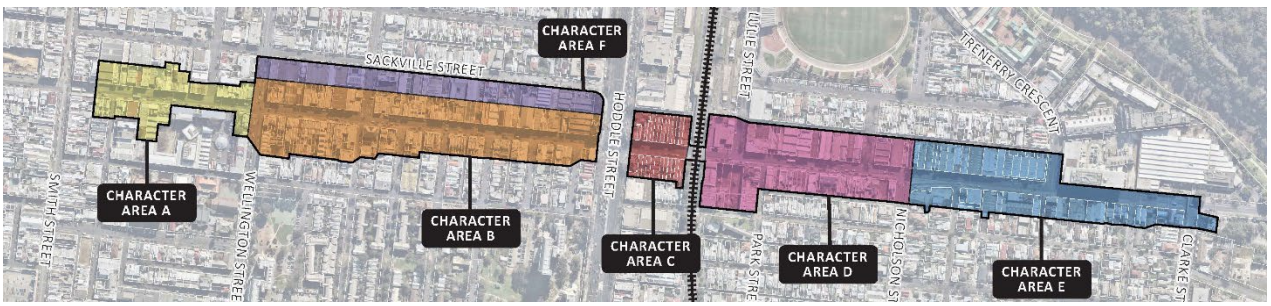
B: Johnston Street between Wellington Street and Hoddle Street

C: Johnston Street between Hoddle Street and the rail bridge

D: Johnston Street between the rail bridge and Nicholson Street

E: Johnston Street between Nicholson Street and Trenerry Crescent/ Clarke Street

F: Sackville Street



Character areas

[10] The key existing conditions in each of these character areas are described below.

Character area A: Johnston St between Smith St and Wellington St

Zoning	C2Z on north side C1Z on south side, except CAP SUZ6 & PUZ2
Heritage	HO324 8 Johnston St HO107 35 Johnston St (CAP) HO354
Built form character	Predominantly 2-storey buildings, except CAP which rises to a substantial 3-storey high form at its eastern end (approximately 16m) 'Patchy' mix of heritage and 'functional' modern buildings on north side, with varied front setbacks Relatively consistent heritage buildings on south side
Emerging built form character	Recent 6-storey predominantly residential building at 2 Johnston St Approved 9-storey predominantly residential building at 23-33 Johnston St Recent 4-storey office building at 64 Johnston St
Typical lot frontage widths	~ 6-15m
Typical lot depths	~ 30m on north side (note 40 Johnston St and 35 Sackville St are in the same ownership and have been jointly developed) ~ 25-30m on south side (except CAP and 23-33 Johnston St)
Slope	Significant fall from west to east
Adjoining zone/ heritage	C2Z to north Generally C1Z to south, with pockets of SUZ and PUZ

Character area B: Johnston St between Wellington St and Hoddle St

Zoning	C2Z on north side C1Z on south side
Heritage	HO324
Built form character	Predominantly 2-storey buildings Patchy mix of heritage and 'functional' modern buildings on north side Relatively consistent heritage buildings on south side
Emerging built form character	Approved 9-storey predominantly office building at 80-90 Johnston St & 59 Sackville St Recent 4-storey predominantly residential building at 105-107 Johnston St Approved 4-storey predominantly residential building at 145 Johnston St Recent 3-storey predominantly residential building at 183 Johnston St Approved 5-storey building at 203 & 205 Johnston St
Typical lot frontage widths	~ 5-20m
Typical lot depths	~ 30m on north side ~ 50m on south side west of Dight St ~ 24-28m on south side east of Dight St
Slope	Flat
Adjoining zone/ heritage	C2Z to north (Sackville St character area) Generally GRZ to south, with pockets of NRZ and HO

Character area C: Johnston St between Hoddle St and the rail bridge

Zoning	C1Z (both sides)
Heritage	HO505 HO411 on 258-260 Johnston St HO409 on 219-203 Johnston St
Built form character	Predominantly 2-storey buildings Relatively consistent heritage buildings
Emerging built form character	-
Typical lot frontage widths	~ 5-6m
Typical lot depths	~ 40m on north side ~ 30m on south side
Slope	Flat
Adjoining zone/ heritage	C2Z (No heritage)

Character area D: Johnston St between the rail bridge and Nicholson St

Zoning	C1Z (both sides) except GRZ2 at the eastern end of the south side (303-325 Johnston St)
Heritage	Few heritage properties
Built form character	Predominantly 1-2 storey buildings Patchy mix of low quality older buildings and 'functional' modern buildings Predominantly zero front setback
Emerging built form character	Approved 8-storey predominantly residential building at 288 Johnston St Approved 8-storey predominantly residential building at 316-322 Johnston St Approved 7-storey predominantly residential building at 344 Johnston St Approved 12-storey predominantly residential building at 247-259 Johnston St
Typical lot frontage widths	5-6m
Typical lot depths	~ 40m on north side ~ 30m on south side
Slope	Flat
Adjoining zone/ heritage	Generally NRZ to north, with PUZ and C1Z at western end GRZ to south HO337 to north (except behind 288 Johnston St) HO313 to south behind most of character area

Character area E: Johnston St between Nicholson St and Trenery Cres/ Clarke St

Zoning	C2Z (both sides)
Heritage	Few heritage properties
Built form character	Predominantly 1-2 storey buildings Patchy mix of 'functional' modern buildings Predominantly zero front setback
Emerging built form character	Recent 6-storey predominantly residential apartment building at 370 Johnston St Approved 7-storey predominantly serviced apartment building at 329 Johnston St NB: 5-storey office building just beyond Amendment area at 444 Johnston St
Typical lot frontage widths	~ 10m
Typical lot depths	~ 40m on north side ~ 30m on south side
Slope	Flat
Adjoining zone/ heritage	NRZ to north Generally NRZ to south, with GRZ at western end HO337 to north

Character area E: Sackville St

Zoning	C2Z
Heritage	-
Built form character	Predominantly single storey buildings Varied front setbacks Low-grade light industrial buildings
Emerging built form character	Approved 9-storey predominantly office building at 80-90 Johnston St & 59 Sackville St
Typical lot frontage widths	~ 9-30m
Typical lot depths	~ 30m
Slope	Flat
Adjoining zone/ heritage	Generally NRZ to north, with pockets of GRZ HO321 to north, and HO134 on 136a Sackville St (opposite 196 Johnston)

[11] In summary, the land fronting Johnston Street can be divided into three character types:

- Relatively consistent heritage streetscapes (primarily on the south side west of Hoddle Street, and both sides between Hoddle Street and the rail bridge)
- 'Mixed' heritage and non-heritage streetscapes (primarily on the north side west of Hoddle Street)
- Non-heritage streetscapes (primarily east of the rail bridge)

[12] The map below indicates (in blue) sections of 'mixed' streetscape in Johnston Street between Smith Street and Hoddle Street. (See also pages 62 and 64-66 of JSLAP Appendix B.)

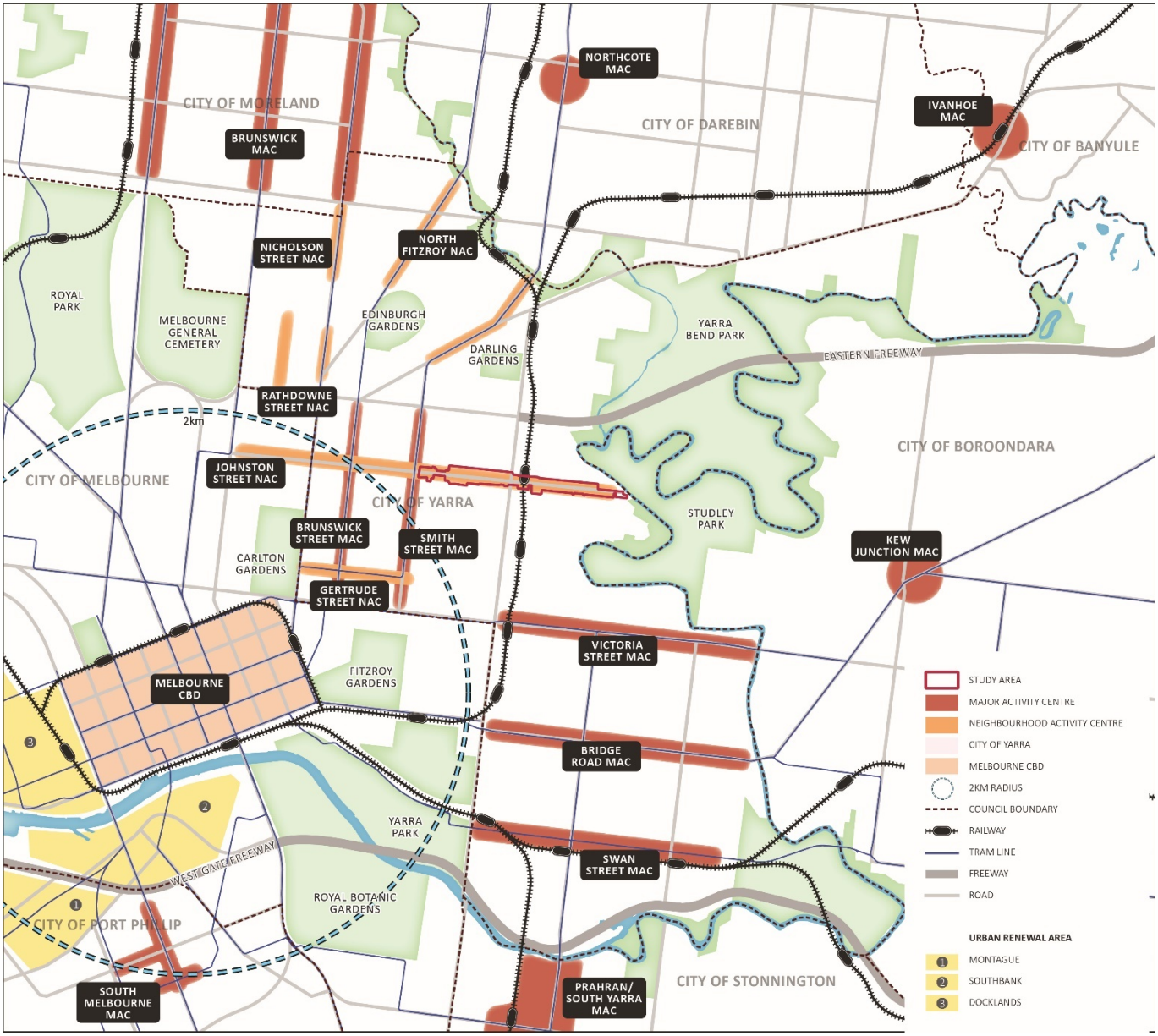
Mixed heritage and non-heritage streetscapes

Mixed streetscape on the north side of Johnston Street between Smith Street and Budd Street

Mixed streetscape on the north side of Johnston Street immediately west of Budd Street (with 40 Johnston Street highlighted)

Mixed streetscape on the north side of Johnston Street between Gold Street and Hoddle Street (with 196-202 Johnston Street highlighted)

3.0 Strategic Context



Strategic Context – Plan Melbourne Major Activity Centres (MAC) and Yarra Neighbourhood Activity Centres NAC (Clause 21.03)

[13] This section provides a summary of the strategic and planning context of the Amendment area, which forms part of the Johnston Street Neighbourhood Activity Centre (NAC).

[14] Key strategic features of the Johnston Street NAC include:

- Its location 2km north east of the Melbourne CBD.
- That it is well serviced by a range of public transport options, in particular Victoria Park Station, the Route 86 Tram along Smith Street and Smart Bus routes along Hoddle Street.
- Johnston Street forms an important east west arterial road through the City of Yarra, linking the municipalities of Melbourne and Boroondara.
- The growing nature of its retail, employment and housing role as new larger-developments are built.

[15] While Johnston Street is nominated as a NAC, its large size, public transport accessibility and emerging retail and employment role are not dissimilar to those of a MAC.

[16] The strategic policy context for the Amendment area is set out in Plan Melbourne and the Yarra Planning Scheme.

[17] The policy framework clearly seeks the creation of a new, higher density character within the Johnston Street NAC to accommodate growth, given its strategic location (see clauses 11.03, 21.03, 21.04 and 21.08). At the same time, development is expected to be shaped to ensure the public realm, heritage values and existing residential amenity is considered (see clauses 15.01, 16.01, 21.05, 22.02 and 22.05).

[18] The Johnston Street NAC has been the subject of a significant amount of strategic planning and urban design work to determine its future character in response to the policy above. This includes:

- *Yarra Business and Industrial Land Strategy 2012 (BILS)*
- *Johnston Street Local Area Plan (2015) (JSLAP)*
- *Johnston Street Local Area Plan Amendment C220 Supporting Document October 2017 (Supporting Document)*

[19] JSLAP identifies a preferred future built form character that seeks substantial change to accommodate growth while respecting heritage, public realm and residential amenity values.

4.0 Vision & Objectives

[20] The vision for the Johnston Street NAC contained within proposed clause 21.12-1 is consistent with that set out in JSLAP and strategic planning policy.

[21] The aspirations expressed in proposed DDO15's design objectives are sound. However, I consider that some of the objectives are unclear or too prescriptive. I recommend that the objectives be refined, as detailed below.

Proposed design objective (Post Exhibition version)	**Recommended design objective**	**Reason**
To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey 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 preserve the valued heritage character of the streetscape and ensure that low-rise street-walls remain the visually prominent built form of Johnston Street west of the railway line bridge, ensuring that upper levels are visually recessive.	There are substantial sections of streetscape west of the rail bridge that contain limited significant or contributory heritage fabric. This may result in confusion as to the application of this objective in those areas (see paragraphs 32-34 of VCAT decision 794 [2018] which relates to a proposal for 23-33 Johnston Street). Therefore, I recommend amending this objective to clearly apply to all properties in this part of the DDO area, including those where a new 3-storey street wall is provided for by the DDO.
To ensure that the overall scale and form of new buildings is mid-rise (5 to 12 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 the form of new buildings provides a suitable transition to adjacent low scale residential areas, protecting surrounding residential properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.	"*mid-rise (5 to 12 storeys)*" is a design solution, not a design objective.
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 and vehicle access.	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,	I do not consider that overlooking is a relevant amenity impact for an arts precinct. I note that this is consistent with the VCAT decision in relation to the proposal for 23-33 Johnston Street (VCAT 794 [2018]).

Proposed design objective (Post Exhibition version)	Recommended design objective	Reason
	overshadowing of open space 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 activate and maintain solar access to the public realm.	The consolidation of two objectives in the exhibited version of the DDO has resulted in a long and convoluted objective. I recommend that it be simplified.
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.	To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties.	The DDO does not make any particular provision for lot consolidation.

5.0 Precinct 1—Street Wall Height

[22] The proposed DDO contains a preferred street wall height of 8m and a mandatory maximum street wall height of 11m in sub-precinct 1A (which contains 40 Johnston Street). Sub-precinct 1AA (which contains 196-202 Johnston Street) has a mandatory maximum street wall height of 11m on Johnston Street, and a preferred maximum street wall height of 11m fronting Sackville Street.

[23] I support the use of a mandatory maximum street wall height in significant heritage streetscapes, in order to respect heritage values and protect their valued contribution to the streetscape.

[24] However, not all of Area 1A and 1AA contains heritage fabric. In particular, there are significant stretches on the north side of Johnston Street that have few or no individually significant heritage buildings and a significant proportion of non-heritage fabric, as identified in section 2.

[25] I support the principle of maintaining a lower-rise street wall in these 'mixed' streetscapes, in order to respect the retained heritage facades and the low-rise nature of the existing character. However, I do not consider that the maximum street wall height in these areas needs to be mandatory. The variation provided for by a discretionary street wall height control will provide greater development flexibility (e.g. to allow three levels of commercial floorspace, or two levels of commercial floorspace and one residential level with a parapet/ balustrade above) without materially impacting heritage or character values, given the inconsistent character in these areas.

[26] I do not consider that these 'mixed' streetscapes contain any of the 'exceptional circumstances' listed in PPN60, or that the mandatory nature of the proposed maximum street wall height requirement in these areas is justified by the strategic work and absolutely necessary to achieve the preferred built form outcomes. Therefore, I recommend that the maximum street wall height requirement in 'mixed' streetscapes be discretionary.

[27] The DDO's Street Frontage Requirements include a provision requiring new street walls west of the railway bridge to match the parapet height of a neighbouring heritage building for a minimum distance of 6m. The Post Exhibition version of the DDO defines "heritage building" as any contributory or significant heritage building within a heritage overlay

[28] I accept that this may be an appropriate requirement for development abutting an individually significant heritage building. However, given that many contributory heritage buildings already abut buildings with different parapet heights, and new street walls west of the railway bridge are proposed to have a maximum height of 11m, I do not consider this

requirement to be necessary adjacent to contributory heritage buildings. Therefore, I recommend that the requirement be refined to only apply to development adjacent to an individually significant building.

[29] The rear of 196-202 Johnston Street abuts Sackville Street. The proposed DDO contains a preferred maximum street wall height at this street frontage of 11m. I consider that this is an appropriate requirement given that it lies opposite a single storey house in the NRZ and HO.

6.0 Precinct 1—Upper Form

6.1 Introduction

[30] The Amendment proposes distinct controls to address the form of upper levels as they relate to the street interface in each of Precincts 1 and 2, side interfaces and the rear interface. This section addresses the provisions specific to the Johnston Street interface in Precinct 1 (although they are probably applicable to sub-precincts 2A and 2B too).

[31] I interpret the upper form controls west of the rail bridge to be designed to balance provision for growth with respect for heritage values and the existing low-rise built form character. This is intended to be achieved through a minimum upper level front setback, and a control to ensure that the upper form is visually recessive in views from within the street.

6.2 Minimum upper level front setback

[32] In order to ensure development respects heritage values, the proposed DDO contains a mandatory minimum 6m setback requirement above the Johnston Street street wall. I accept that a 6m front setback requirement is an appropriate way to ensure that an upper form reads as a distinct element in a heritage streetscape.

[33] However, as noted above, not all of Precinct 1 contains heritage fabric. I do not consider that a 6m front setback is necessary above new street walls in the 'mixed' streetscapes, and question whether it is needed above retained contributory heritage facades in these areas.

[34] I do not consider that these 'mixed' streetscapes contain any of the 'exceptional circumstances' listed in PPN60, or that the mandatory nature of the proposed minimum upper level setback requirement in these areas is justified by the strategic work (which focuses on the form of the upper levels) and absolutely necessary to achieve the preferred built form outcomes.

[35] From an urban design perspective, I consider a 5m setback requirement to be sufficient to distinguish a low-rise street wall and upper form reaching heights in the order of 7-8 storeys. Therefore, I recommend that the minimum upper level setback requirement in 'mixed' streetscapes be changed to a discretionary 5m requirement.

[36] The Exhibited DDO contains a preferred upper level setback of 3m above the Sackville Street street wall. This is consistent with JSLAP, which provides for upper level setbacks as little as 3m, depending on the context and presence of heritage fabric. The Supporting Document also recommends a minimum upper level setback of 3m on Sackville Street.

[37] The Post Exhibition DDO increases this to 6m. The rationale for this is unclear, particularly given that there are no heritage buildings fronting Sackville Street within sub-precinct 1B or 1AA.

[38] I consider that a discretionary 5m setback is an appropriate minimum setback requirement at this interface, given that it lies opposite houses in land zoned NRZ and affected by an HO. This sensitivity will also require a recessive upper form. This is discussed in section 6.3 below.

[39] The Upper Level Design Requirements at the top of page 5 of the proposed DDO seek to ensure that upper level development above retained heritage facades is designed to ensure that the heritage facades remain the visually prominent feature within the streetscape when viewed from ground level, are visually recessive (through various means) and are sympathetic with the heritage streetscape. The VCAT decision for 23-33 Johnston Street illustrates how ambiguous the "visually prominent" requirement is. Further, I do not consider that these additional requirements in relation to mass, scale or setbacks are necessary given the numeric height and setback requirements found elsewhere in the DDO.

[40] However, I consider that, where a heritage street wall is retained, the façades of the upper form should be designed to reinforce its distinction from and provide an understated backdrop to the street wall. Therefore, I recommend that this provision be amended to:

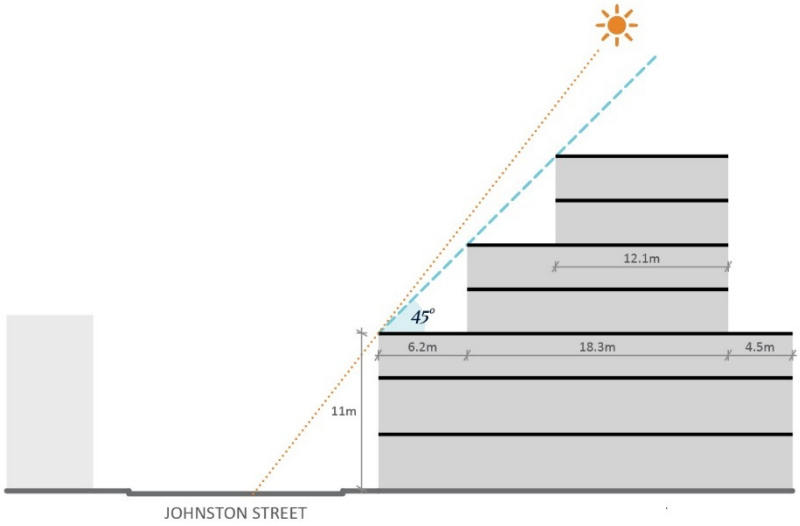
> *The facades of upper level development above retained heritage building facades, and on sites adjacent to an individually significant heritage building, should be designed to reinforce the distinction between the heritage fabric and upper form, and provide an understated backdrop to the street wall.*

6.3 Upper level form

[41] In order to ensure development respects the heritage values and existing built form character in Precinct 1 (and sub-precincts 2A and 2B), the proposed DDO seeks to ensure that upper levels are visually recessive in views from within the street. I support this strategy.

[42] The built form control proposed by the DDO to achieve this is a discretionary requirement that the upper form be set back beyond a 45° plane angling up and away from the Johnston Street boundary from a base of 11m above the title boundary (the mandatory maximum street wall height). The Post Exhibition version seeks incremental setbacks of at least 2 storeys to avoid 'wedding cake' outcomes.

[43] The effect of this requirement on a typical property on the north side of Johnston Street in Precinct 1 is illustrated below.

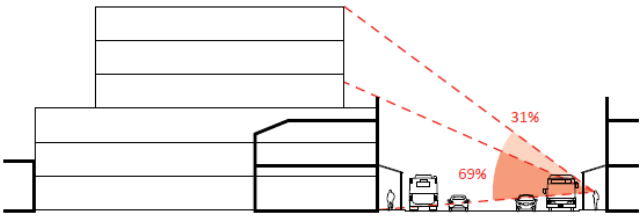


Application of the "45°" rule to a typical property on the north side of Johnston Street

[44] The "45° rule" originates from the Supporting Document. However, its precise basis is not clear. Although it would undoubtedly have the effect of lessening the visibility of the upper form, and offers the benefit of being a relatively simple control to understand and apply, it does not have a direct nexus with the visibility of the upper form from across the street.

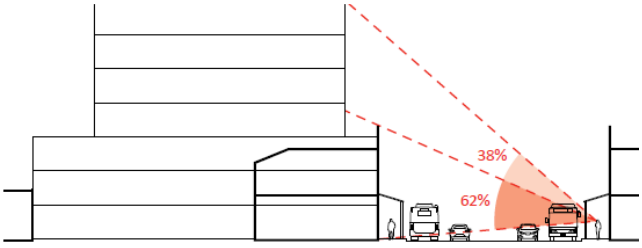
[45] Notably, the "45° rule" is not found in JSLAP. JSLAP proposes a simple requirement of an upper level setback of 3-6m, depending on the context and presence of heritage fabric. Page 56 of Appendix B of JSLAP (reproduced in part below) illustrates that, for buildings up to 7 storeys high, a 3m setback ensures that the upper form occupies less than 40% of the apparent height of the building from the opposite side of the street, and a 6m setback ensures that it only occupies one-third.

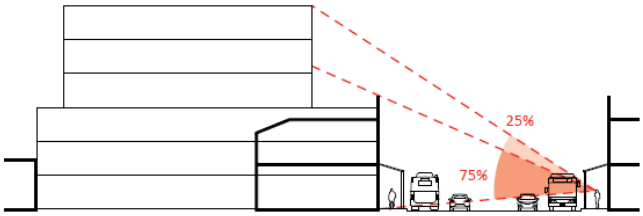
6 storeys



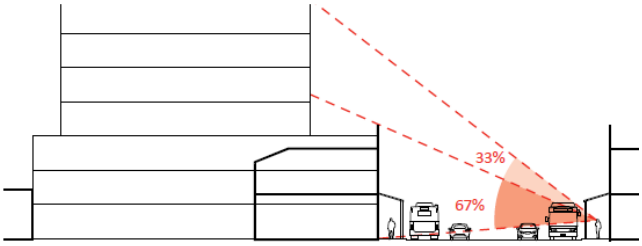
3 storey street wall with 3m upper level setback.

7 storeys





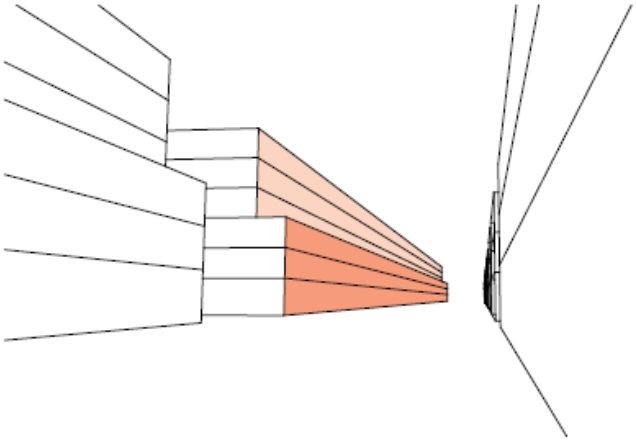
3 storey street wall with 6m upper level setback.



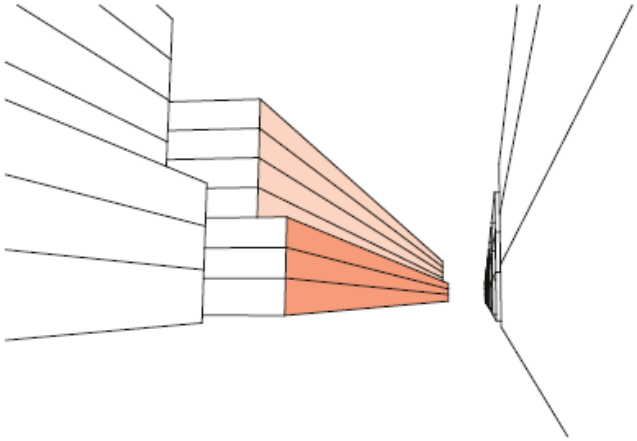
Extract of p56 of JSLAP Appendix B

[46] The images below illustrate this outcome in 3D.

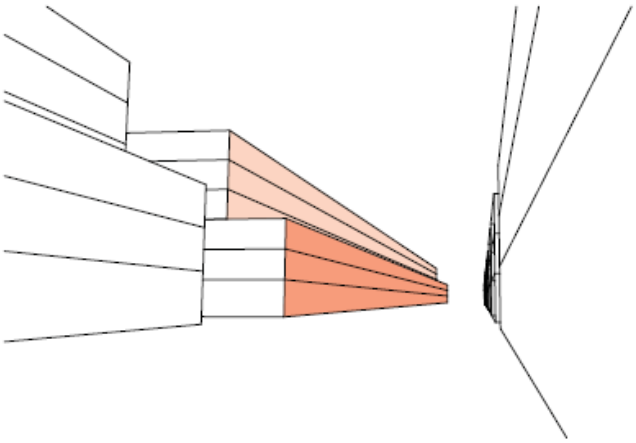
6 storeys

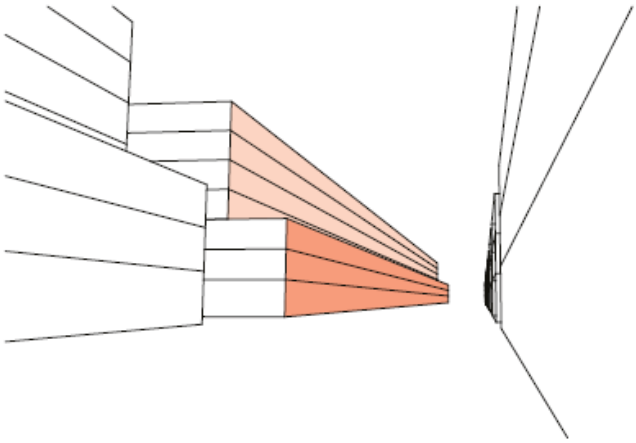


7 storeys



3 storey street wall with 3m upper level setback.



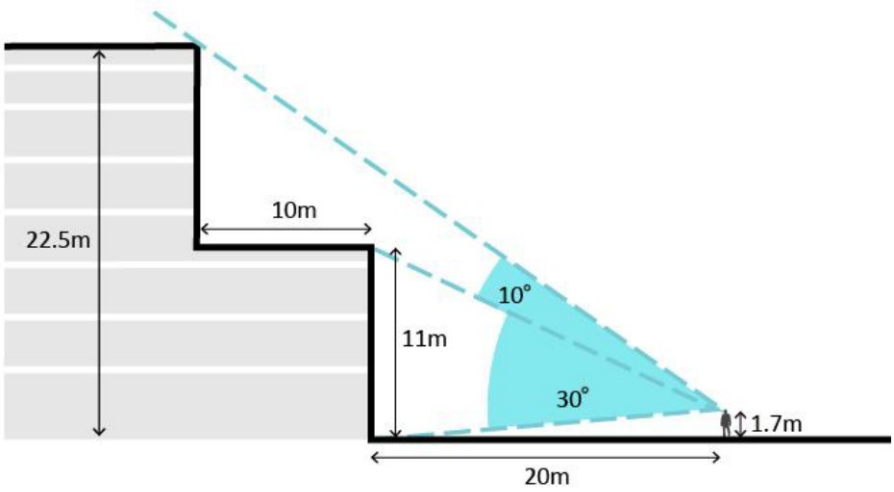


3 storey street wall with 6m upper level setback.

Extract of p58 of JSLAP Appendix B

[47] This is not a new issue. Numerous previous studies and Amendments have grappled with the question of what an appropriate upper form should be in an activity centre with good public transport accessibility and significant heritage fabric.

[48] Moreland DDO18 applies to land fronting Sydney Road, which is a 20m wide road reserve with a consistent heritage streetscape, and a primary corridor in the Brunswick Major Activity Centre with a tram and nearby train stations. It applies the principle that the upper form should not represent more than one-quarter of the vertical view angle subtended by the building. This is shown below.

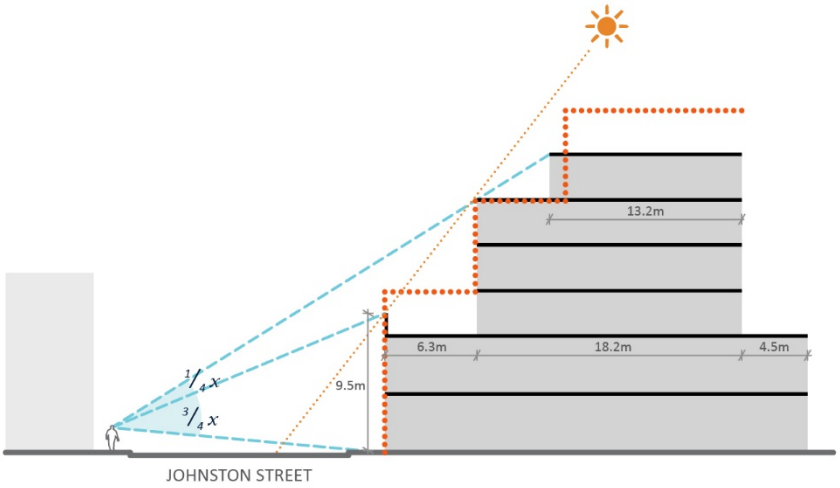


Extract from Sydney Road and Upfield Corridor Strategic Framework Plan

[49] The same approach has been adopted in the recently-prepared Bridge Road and Victoria Street Built Form Frameworks.

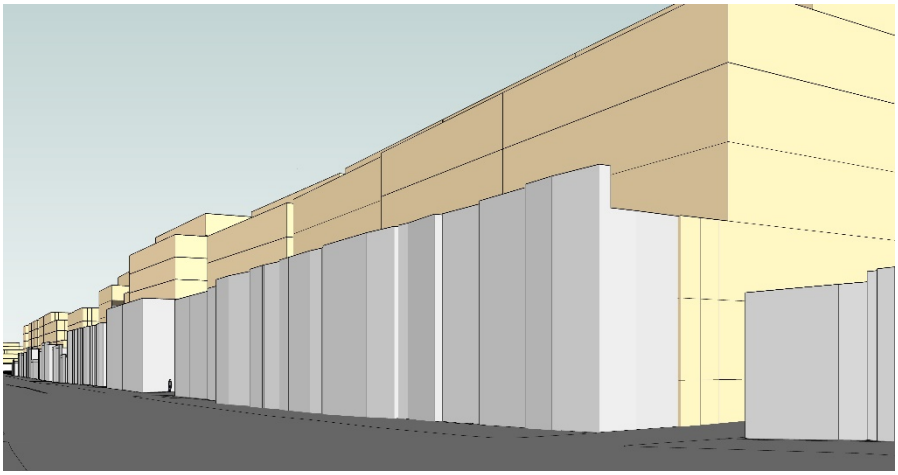
[50] In addition, to avoid 'wedding cake' outcomes, Moreland DDO18 requires 75% of the upper form to have a common setback.

[51] The diagram below illustrates the application of the "¾:¼" principle to a typical property on the north side of Johnston Street in Precinct 1 with a typical heritage street wall height of 9.5m, in comparison with the proposed control.



Application of the "¾:¼" rule to a 9.5m high retained heritage street wall in Johnston St, compared with the "45°" rule (in red)

[52] The image below illustrates this outcome in 3D.

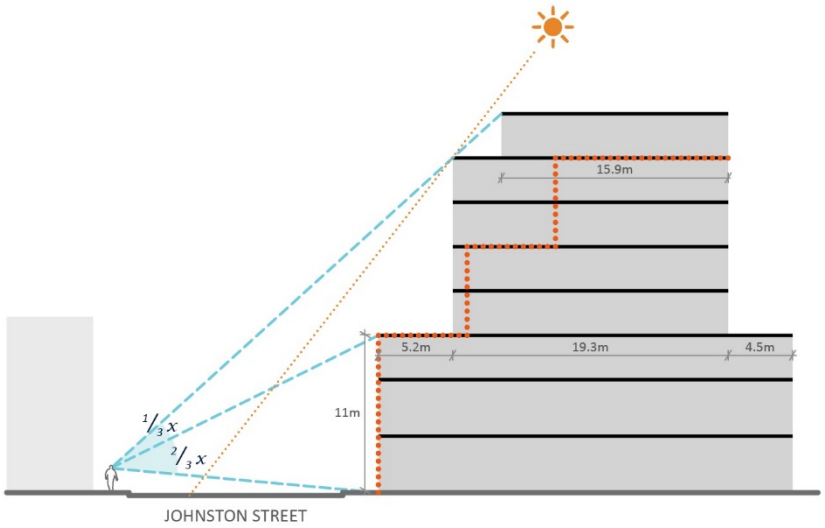


Perspective view of built form in accordance with the section above

[53] This illustrates that the proposed 45° control would result in a very similar outcome to a "¾:¼" control applied to a typical 9.5m high retained heritage façade. In particular, given the 30m depth of the properties on the north side of Johnston Street (west of Hoddle Street), and the 4.5m rear setback requirement above 11m, only five levels are likely to have viable floorplate depths (although a sixth level penthouse may be feasible).

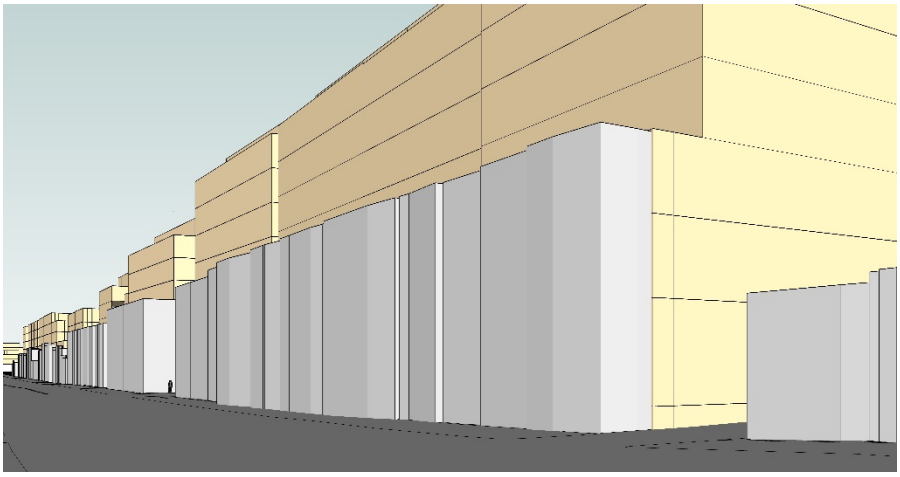
[54] A new 11m high street wall may be proposed on a property without a heritage façade, or on a property with a contributory heritage building. Further, I do not consider that an upper form needs to be so visually recessive in 'mixed' streetscapes. In those areas, I consider that a $^{2}/_{3}$:$^{1}/_{3}$ relationship strikes a more appropriate balance between providing for growth and maintaining a clear low-rise street edge form. This is consistent with the analysis contained within JSLAP Appendix B, and the Bridge Road and Victoria Street Built Form Framework.

[55] The diagram below illustrates this principle applied to a typical property on the north side of Johnston St:



Application of the "$^{2}/_{3}$:$^{1}/_{3}$" principle to an 11m high street wall on a typical property on the north side of Johnston St, compared with the "45°" rule (in red)

[56] The image below illustrates this outcome in 3D.



Perspective view of built form in accordance with the section above

[57] The proposed 45° control would result in less development than a "$^{2}/_{3}$:$^{1}/_{3}$" control applied to an 11m high street wall. In particular, given the 30m depth of the properties on the north side of Johnston Street (west of Hoddle Street), and the 4.5m rear setback requirement above 11m, the remaining floorplate depth for any 6th level of approximately 12m is likely to make its viability marginal. This is exacerbated at any 7th level by the requirement for side setbacks, given that most lots are only approximately 6-15m wide.

[58] In contrast, the "$^{2}/_{3}$:$^{1}/_{3}$" control would result in an 19m deep floorplate at a 6th and 7th level, and 16m at an 8th level.

[59] This means that the proposed 45° control would result in 2-3 levels less capacity to accommodate growth for most properties on the north side of Johnston Street (in Precinct 1) than if the "$^{2}/_{3}$:$^{1}/_{3}$" principle is adopted.

[60] Notably, the additional scale facilitated by the "$^{2}/_{3}$:$^{1}/_{3}$" principle remains consistent with the objective to avoid overshadowing the southern footpath of Johnston Street at the equinox.

[61] I consider that the policy support for intensification in a well-serviced location such as Johnston Street warrants the 'optimisation' of built form while respecting character, heritage and amenity values. I consider that application of the "$^{2}/_{3}$:$^{1}/_{3}$" principle achieves a more appropriate balance between providing for growth and ensuring visually recessive upper form, in 'mixed' streetscapes. Therefore, I recommend that it be applied instead of the proposed 45° control.

[62] However, rather than the complexity of a sightline control, the requirement could simply be expressed as follows (assuming my recommendation of a discretionary 5m upper level setback is adopted):

> *Above a height of 24m, the front setback should be increased by a dimension equivalent to the additional height*

[63] I also consider that the 75% common setback provision in Moreland DDO18 results in a more elegant building composition for taller buildings than the 2-level steps proposed by the Amendment, with a modest 'cap' to the upper form. This can be expressed as follows:

> *At least 75% of the height of the building above the street wall should have a common front setback.*

[64] I note that development on the south side of Johnston Street, east of Wellington Street, has the additional constraint of a sensitive residential interface to its south. This may result in a different built form outcome, as the rear setback requirements are likely to result in shallower floorplates, lowering the viable height. However, given the imperative to accommodate growth and the fact that the future built form character will be diverse given the varied site circumstances, I do not consider that the scale of development on the north side of the street should be limited to match that possible on the south side.

[65] For sub-precinct 1B which fronts Sackville Street, the proposed DDO also applies the "45°" control to the Sackville Street frontage. However, properties that extend from Johnston Street to Sackville Street (such as 196-202 Johnston Street), which are in sub-precinct 1AA, have a different setback requirement from their rear, Sackville Street boundary, of 6m above a height of 11m. I assume that this is not what is intended, but is either an error or ambiguity.

[66] Interestingly, the proposed Sackville Street upper level setback varies from that recommended by the Supporting Document, which recommends setting the 45° plane at a height of 14m above the Sackville Street boundary, rather than 11m, as shown below:

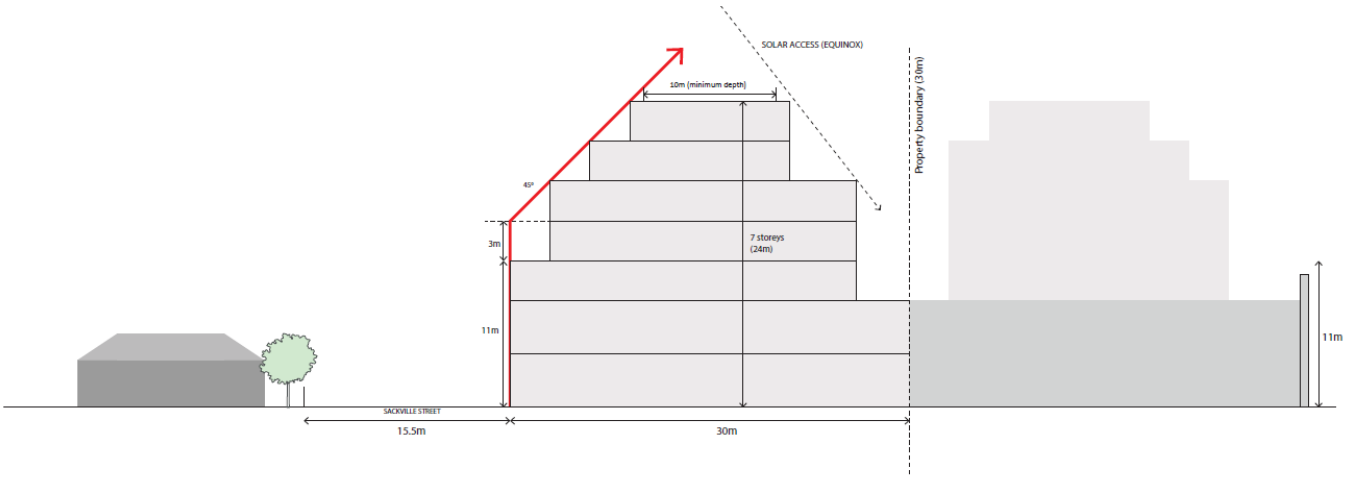


Figure 31. Sub-Precinct 1B - Section

Upper form fronting Sackville Street recommended by Supporting Document (page 23)

[67] Given the sensitive nature of the NRZ-zoned and heritage valued residential land on the north side of Sackville Street, I support the principle of a recessive upper form. However, I consider that when set at a base of 11m, the "45°" control is unnecessarily constraining at upper levels. I consider that setting it at a base of 14m, as recommended by the Supporting Document, is more appropriate.

[68] As with the building profile fronting Johnston Street, I consider that the 75% common setback provision in Moreland DDO18 results in a more elegant building composition for taller buildings than the 2-level steps proposed by the Amendment. Therefore, I recommend that this be applied to Sackville Street too.

6.4 Building height

[69] 40 Johnston Street falls within sub-precinct 1A. The proposed DDO contains a preferred maximum building height of 24m for this sub-precinct. This appears to be based on the analysis within the Supporting Document, which is itself based on the 45° rule and an assumption about a viable floorplate depth.

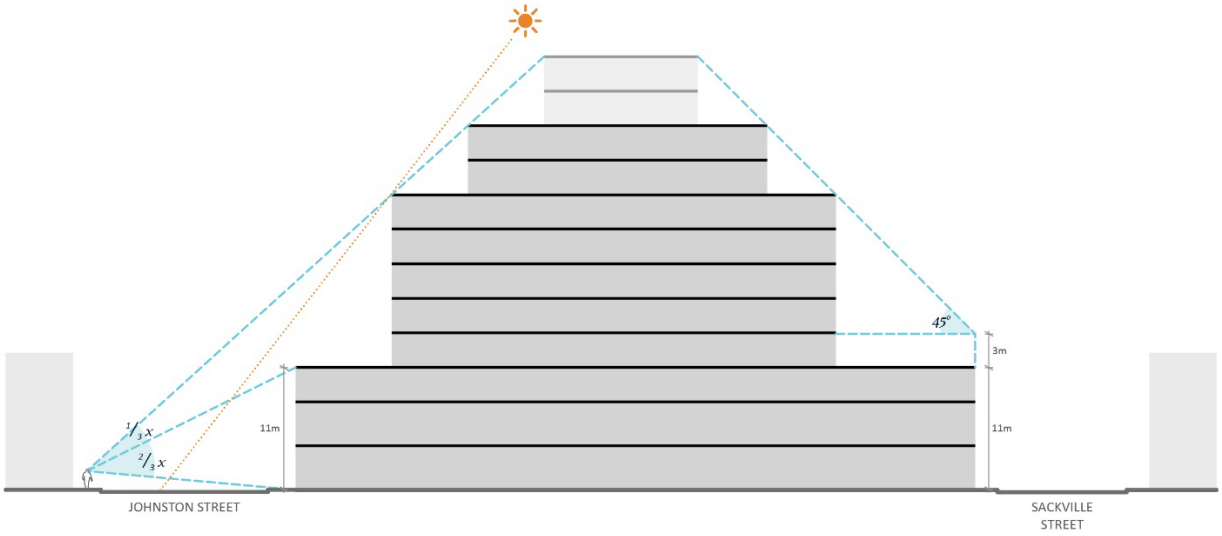
[70] Using the same method, but my recommended upper level setback requirements, I conclude that 24m is an appropriate preferred maximum height for properties on the north side of Johnston Street within significant heritage streetscapes. However, the preferred maximum building height in 'mixed' streetscapes should be increased to 28m (8 storeys). This is illustrated by the diagrams in section 6.3 above.

[71] I have assumed that most levels require a floorplate depth of at least 16m to be viable. The exception to this is the top floor, which may be a penthouse which does not require the same dimensions to be viable.

[72] 196-202 Johnston Street falls within sub-precinct 1AA. The proposed DDO contains a preferred maximum building height of 28m in this sub-precinct. This appears to be based on the analysis within the Supporting Document, (based on the 45° rule and an assumption about a viable floorplate depth), which recognises the ability of deeper lots to accommodate greater height without unreasonable impact.

[73] However, the DDO does not recognise that other sites that extend from Johnston Street to Sackville Street may exist or be created through amalgamation in the future. For example, 40 Johnston Street and 35 Sackville Street are in the same ownership and have been jointly developed. In such a case, rear setbacks from the shared title boundary may not be necessary, allowing greater height in the middle of the site without offending any of the setback requirements, just like the deep lots in sub-precinct 1AA.

[74] Using the same method as the Supporting Document to determine preferred maximum heights, but my recommended upper level setback requirements, I conclude that the lots that extend from Johnston Street (in a 'mixed' streetscape) to Sackville Street could reach a height in the order of 12 storeys without offending the upper level setback requirements. This is illustrated below.



Application of my recommended upper form setbacks to properties that span from Johnston St to Sackville St

[75] However, I accept the advice of the Supporting Document that this degree of additional height above that of other future development in Precinct 1A would detract too much from the emergence of a coherent built form character. Therefore, I recommend limiting the preferred maximum height of lots that extend from Johnston Street to Sackville Street to two levels above that provided for on the shallower Johnston Street lots—i.e. 34m (10 storeys). I note that this is within the range of building heights envisaged by the proposed design objectives and generally consistent with the height of the approved building at 80-90 Johnston Street, Collingwood.

[76] Further, given the uncertainty about which sites extend from Johnston Street to Sackville Street now or will do so in the future, I recommend including sub-precinct 1AA within 1A, along with a provision that the preferred maximum building height for sites that extend between the two streets is increased to 34m.

[77] There are a number of properties on the south side of Johnston Street in Precinct 1 that are in the order of 50m deep. Buildings higher than 24m may be possible on these properties given their greater depth than the properties on the north side of the street. However, they have the additional constraint of a sensitive residential interface to the south.

[78] I have not analysed the appropriate preferred maximum height for these properties if my recommended upper level setback requirements are adopted. I simply note that their depth may warrant a greater height than 24m.

[79] The proposed DDO identifies a series of outcomes that must be achieved by applications that exceed the preferred maximum building height. However, applications to exceed the preferred maximum building height would still need to comply with upper level setback requirements. This makes them highly unlikely on the north side of Johnston Street, due to the unviability of the resulting small footprint spaces.

[80] The exception to this is properties that extend through to Sackville Street. However, the exposure of taller development on these properties in oblique views over lower buildings means that it is difficult to imagine how they could meet the design objectives.

[81] In any event, given that the DDO proposes to manage the impacts of additional height through increasing upper level setbacks, it is unclear why the additional outcomes need to be achieved for development to be acceptable. Therefore, I recommend that they are not applied to Precinct 1.

7.0 Precinct 2—Street Wall Height

[82] 288 Johnston Street was within sub-precinct 2D in the Exhibited version of DDO15. The Post Exhibition version includes it within sub-precinct 2C. The proposed DDO contains a mandatory maximum street wall height of 15m in both sub-precincts, with a mandatory maximum street wall height of 18m.

[83] The rationale for the proposed street wall height contained within JSLAP and the Supporting Document relate to the 'pleasant' balance between openness and spatial definition created by a street wall to street width ratio approaching 1:1. Notably, Precinct 2 east of the rail bridge has limited heritage fabric requiring a respectful street wall scale, and the proposed street wall height will maintain solar access to the southern footpath at the equinox.

[84] For these reasons, I support a maximum street wall height of 18m in Precinct 2.

[85] However, it is not clear why the street wall height needs to be mandatory. I do not consider that Precinct 2 east of the rail bridge contains any of the 'exceptional circumstances' listed in PPN60, or that the mandatory nature of the proposed maximum street wall height in this area is justified by the strategic work and absolutely necessary to achieve the preferred built form outcomes. For example, a 19m or 20m high street wall may be needed to accommodate a 5-storey office building, but will still not exceed the 1:1 ratio with the street width or overshadow the southern footpath.

[86] Therefore, I recommend that the maximum street wall height in Precinct 2C-F be changed to a discretionary maximum of 18m.

8.0 Precinct 2—Upper Form

8.1 Introduction

[87] The Amendment proposes distinct controls to address the form of upper levels as they relate to the street interface in each of Precincts 1 and 2, side interfaces and the rear interface. This section addresses the provisions specific to the Johnston Street interface in Precinct 2 east of the rail bridge.

[88] I interpret the upper form controls east of the rail bridge to be designed to balance provision for growth with a desire for an inviting public realm. This is intended to be achieved through a minimum upper level front setback, and a control to ensure that the upper form is visually recessive in views from within the street.

8.2 Minimum upper level front setback

[89] The Exhibited DDO contains a preferred minimum upper level setback of 3m in Precinct 2 east of the rail bridge. This is consistent with JSLAP, which provides for upper level setbacks as little as 3m, depending on the context and presence of heritage fabric. The Supporting Document also recommends a minimum upper level setback of 3m.

[90] The Post Exhibition DDO increases this to 6m. The rationale for this is not clear, particularly given that Precinct 2 contains little heritage fabric east of the rail bridge.

[91] From an urban design perspective, I consider a 3m setback requirement to be sufficient to distinguish a 5-storey street wall and upper form reaching heights in the order of 6-10 storeys. As noted by the Supporting Document, a higher street wall "*allows the concealment of upper levels beyond that more easily than within the heritage streetscape*". In other words, a lesser setback is needed compared with a lower street wall, due to the steeper sightline from across the street.

[92] Therefore, I recommend that the minimum upper level setback requirement in Precinct 2 east of the rail bridge be changed to a discretionary minimum of 3m (but see section 8.4 below re sub-precinct 2C).

8.3 Upper level form

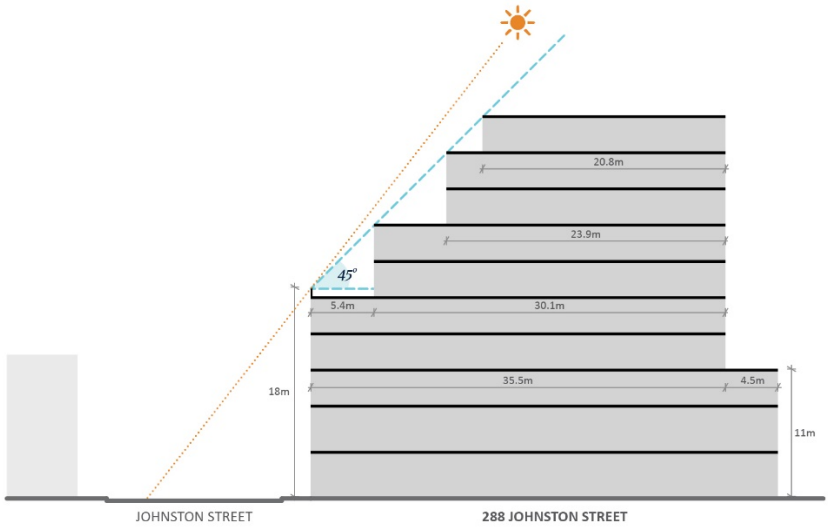
[93] The Amendment seeks to establish a new built form character in Precinct 2 east of the rail bridge, defined by street walls which strongly frame the street and visually recessive upper levels. It also seeks to intensify built form near Victoria Park Station. I support this vision.

[94] In order to ensure development contributes to the preferred new built form character, the proposed DDO contains a discretionary requirement that the upper form is set back from the Johnston Street boundary above 18m (the proposed mandatory maximum street wall height) beyond a 45° plane, with incremental setbacks of at least 2 storeys to avoid 'wedding cake' outcomes.

[95] As noted above, 288 Johnston Street was within sub-precinct 2D in the Exhibited version of DDO15, but the Post Exhibition version includes it within sub-precinct 2C. I support this change, as it is consistent with JSLAP, which includes it within the "Victoria Park Station Activity Node". Notably, 288 Johnston Street does not have a direct low-rise residential interface to the north, but lies across Little Turner Street from a 4-storey apartment building (see photo below).

4-storey apartment building across Little Turner Street from 288 Johnston Street (brick building on the right-hand side)

[96] Greater height is envisaged within sub-precinct 2C given its proximity to Victoria Park Station and lack of adjacency to low-rise residential development. The effect of the upper level setback requirement on 288 Johnston Street is illustrated below.



Application of the "45°" rule to 288 Johnston Street

[97] This demonstrates that the setback requirement will hinder the development of greater height envisaged in sub-precinct 2C. Notably, a 12-storey building was approved and is being constructed at 247-259 Johnston Street, which is also in sub-precinct 2C.

[98] While I support the principle of visually recessive upper levels in the majority of Precinct 2, I consider that an exception should be made in sub-precinct 2C due to its proximity to the station and lack of sensitive residential neighbours. The relatively small area of this sub-precinct will avoid an inappropriate 'canyon effect' in Johnston Street.

[99] Therefore, I recommend that the "45°" setback requirement be removed from sub-precinct 2C. In the absence of this requirement, I support the requirement for applications that exceed the preferred maximum building height to achieve additional outcomes, as proposed.

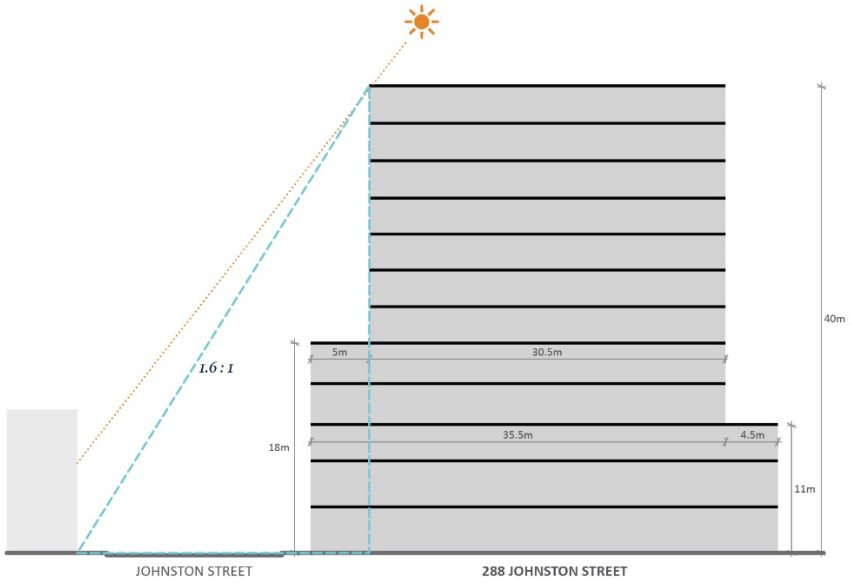
8.4 Building height

[100] The proposed DDO contains a preferred maximum building height of 34m in sub-precinct 2C, which contains 288 Johnston Street. This appears to be based on the analysis within the Supporting Document, which is itself based on the 45° rule and an assumption about a viable floorplate depth. If my recommendation to delete the 45° setback requirement from this sub-precinct is adopted, this analysis needs to be reconsidered.

[101] Sub-precinct 2D, immediately east along the north side of Johnston Street, is proposed to have a mandatory maximum building height of 31m (9

storeys). As noted above, a 12-storey (approximately 40m high) building was approved and is being constructed at 247-259 Johnston Street, which is also in sub-precinct 2C. I consider that the additional three storeys of this building above the height envisaged in sub-precinct 2D is an appropriate increase in height for the 'transit-oriented' node.

[102] However, I consider that the additional height warrants a larger upper level setback of 5m. This would result in a building height to street width ratio of 1.6:1, which I consider to be an appropriate level of enclosure for this short stretch of Johnston Street. This is illustrated below.



Application of my recommended maximum height and minimum upper level setback to 288 Johnston Street

[103] I note that a 40m high building with a 5m setback will overshadow the southern footpath of Johnston Street at the September equinox (as shown above). However, I consider this to be acceptable given that there are only two properties in sub-precinct 2C on the north side of Johnston Street, and they are separated by Lulie street, allowing sun to penetrate between them.

[104] Therefore, I recommend that the preferred maximum height for sub-precinct 2C be increased to 40m, and the preferred minimum setback be changed to 5m.

9.0 General—Upper Form

9.1 Introduction

[105] In addition to the provisions relating to the siting and form of upper levels that are specific to Precincts 1 and 2, the proposed DDO contains provisions that apply throughout the Amendment area in relation to solar access, sky views, and side and rear setbacks. I assess these below.

9.2 Minimum site dimensions

[106] The Exhibited version of the DDO contained a requirement that development above 18m (5 storeys) be limited to sites with a minimum depth of 20m and a minimum width of 10m. This has been removed in the Post Exhibition version. I support this change, as the other upper level requirements are sufficient to manage the impacts of height.

9.3 Solar access

[107] The DDO seeks to maintain good solar access to the southern footpath of Johnston Street. I support this objective.

[108] The solar access objective is achieved through a mandatory requirement for development to avoid overshadowing the southernmost 3m of the Johnston Street road reserve between 10am and 2pm at the September equinox.

[109] This is generally consistent with the recommendation of JSLAP. However, it is not clear why the footpath needs to receive sunlight, rather than pedestrians or people on seats.

[110] A close investigation of the southern footpath of Johnston Street reveals that the edge of the southern footpath adjacent to the kerb is occupied by bins, poles, verandah poles, seats, fire hydrants, trees, bike racks, sandwich boards and so on, as is typically the case for activity centre footpaths. These elements provide a buffer between pedestrians and moving traffic.

[111] Given the traffic and bus function of Johnston Street, it is unlikely that the footpath will be widened. Therefore, I query the need for solar access to be maintained to 3m of footpath width.

[112] The Post Exhibition version of the DDO seeks to make the overshadowing requirement mandatory. It is unclear why. Typically, it is only open spaces and paths of metropolitan importance that warrant mandatory solar protection. Further, the other upper level requirements will avoid overshadowing of he southern footpath (with the exception of sub-precinct 2C, if my recommendations are followed).

[113] Therefore, I recommend that the requirement be made discretionary, and the reference to a measurement of 3m from the boundary of Johnston Street be removed.

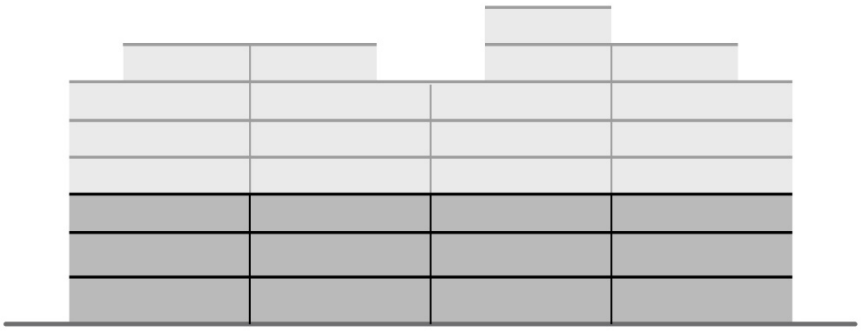
9.4 Sky views

[114] In order to avoid a continuous high 'wall' of development in views from the front and rear, the Post Exhibition version of the DDO contains a requirement that buildings incorporate side setbacks above a height of 21m. I support this, in principle, because if a row of adjoining sites are developed to heights greater than six storeys, this can detract from the sense of openness within the street. It is also at this height that the sides of buildings tend to become more visible in oblique views above 2-3 storey buildings alongside. If they are built to the side boundary, the wall is necessarily blank, resulting in a poor appearance.

[115] However, the proposed DDO does not specify a preferred setback dimension, creating uncertainty and potential for disagreement.

[116] I consider that the size of the setback should relate to the width of the property, so that its impact on development viability is proportional, and so that it contributes to the desired proportion of building and spacing.

[117] Given that most properties in the Amendment area are narrow, I also recommend that the two side setback requirements be able to be consolidated to one side only, allowing efficient development through a side core. It is likely that this will result in mirrored pairs of buildings, with abutting blank side boundary walls on one side and consolidated setbacks on the other.



Consolidation of side setbacks above 21m

[118] For these reasons, I recommend the requirement be refined as follows:

Development above 21m should provide side setbacks totalling at least one-third of the width of the property. One side may have a zero setback provided that the other side is set back at least one-third of the property width.

9.5 Corner sites

[119] The Post Exhibition version of the DDO contains additional requirements for corner sites in relation to the street wall height and upper level setbacks. I support the introduction of these requirements.

9.6 Side interfaces

[120] Proposed DDO15 contains a side setback requirement of 4.5m to walls with habitable room windows, and 3m to walls with non-habitable or commercial windows. These setbacks may be measured form the centreline of an abutting lane. The purpose of these setback requirements is to provide for the amenity of future development of adjacent properties.

[121] Notably, there is no requirement (up to a height of 21m) for walls without windows.

[122] I support this provision, in principle. Given the narrow width and relatively shallow depth of most properties within the DDO area, it is likely that most development is likely to extend to both side boundaries and orient to the north and south. The side requirement provides for this, while ensuring that if windows are proposed in side walls, they are set back to provide for their own amenity.

[123] A 4.5m setback from a blank wall is likely to ensure sufficient amenity for a bedroom window. However, where a wider lot abuts a narrow lot, a problem could arise from development of the wider lot that incorporates a wall with living room windows set back 4.5m from the common boundary. This may lead to an expectation that subsequent development of the narrow lot provides a matching setback, to ensure adequate amenity for the living room. However, this may not be feasible, given that many lots along Johnston Street are only approximately 10m wide or less.

[124] Therefore, I recommend that the building separation requirements be further refined to discourage the development of apartments whose primary orientation is towards a directly abutting property. Given the relatively shallow depth of most properties along Johnston Street, this should not represent an unreasonable constraint.

[125] There are a number of other circumstances in which a different side setback outcome may be appropriate, such as where the adjacent property is highly unlikely to be redeveloped for heritage or strata-titling reasons, or where the air rights of the adjacent property have been acquired. However, the discretionary nature of the proposed side setback requirements allow for circumstances such as these to be taken into account.

9.7 Rear interface

[126] The proposed DDO contains a discretionary 4.5m rear setback requirement above a height of 11m in most sub-precincts, including 1A and 2C (where 40 and 288 Johnston Street are located). I assume that the purpose of this requirement is to avoid unreasonably prejudicing the future development of the land beyond. In principle, I consider that this is a sensible provision, on the basis that any future development to the north should be expected to at least match the setback, resulting in a 9m separation.

[127] However, as noted above, the DDO does not consider the potential for a consolidated site that extends from Johnston Street to Sackville Street such as 40 Johnston Street and 35 Sackville Street. In such a case, a rear setback of the Johnston Street property may not be necessary and may hinder the efficient development of the consolidated site.

[128] As an example, 40 Johnston Street and 35 Sackville Street abut a lane to the east. An efficient development of this consolidated site may involve dwellings or office spaces facing the lane, without the need for a gap on the shared title boundary.

[129] Therefore, I recommend that applications to develop land that spans the rear boundary of a Johnston Street property be exempt from the rear setback requirement.

[130] Notably, the Post Exhibition version reduces the maximum rear interface height in sub-precinct 2C from 15m to 11m. I assume that this applies to the Little Turner Street boundary of 288 Johnston Street and the rear interface of 276 Johnston Street.

[131] The rationale for this change is not clear. Given that 288 Johnston Street lies across that street from an existing 4-storey sheer wall, and 276 abuts vacant VicTrack land which appears to have development potential, I do not consider the lowering of the interface height to be necessary. Therefore, I recommend that the 15m maximum rear interface height in sub-precinct 2C be reinstated (at least as far the north side of Johnston Street is concerned).

10.0 Miscellaneous

10.1 Height definition

[132] The proposed DDO contains a varied definition of building height, being vertical distance between the footpath at the centre of the frontage and the highest point of the building. A similar definition is proposed for street wall height.

[133] I support this definition of height, because it relates to the rationale behind the maximum heights. It also allows for sites with a cross fall (principally between Smith Street and Wellington Street).

10.2 Heritage façade 'prominence'

[134] The Post Exhibition version of the DDO's Street Frontage Requirements include that new development should "*ensure that heritage facades remain the visually prominent feature in the streetscape*". The VCAT decision for 23-33 Johnston Street illustrates how ambiguous this requirement is. I do not consider that it is necessary given the height and setback requirements found elsewhere in the DDO. Therefore, I recommend that it be deleted.

10.3 Floor-to-floor heights

[135] The Street Frontage Requirements also encourage development to incorporate 4m floor-to-floor heights at the lowest two levels to provide for commercial activity (where heritage elements are not a constraint). I support the encouragement of commercial activity in activity centres. However, mixing commercial and residential uses above ground floor is challenging in small developments given the need for separate entries and vertical circulation. The narrow width of most properties in the Amendment area means that this would have a significant adverse impact on the viability of development. It would also reduce the extent of active frontage, by requiring a second, relatively inert front door in place of extended retail frontage.

[136] Further, 3.8m is a typical floor-to-floor dimension for medium-sized office floors, not 4m.

[137] Therefore, I recommend that this requirement be limited to sites with a frontage width of at least, say, 20m (recognising that this is only likely to apply to amalgamated sites) and the floor-to-floor dimension be reduced to 3.8m.

10.4 Street frontage design

[138] The proposed DDO contains a range of other design requirements relating to street frontages, façade design, corner sites, vehicle access and parking. I support these provisions.

10.5 Applications to exceed preferred maximum street wall heights

[139] The proposed DDO identifies a series of outcomes that must be achieved by applications that exceed the preferred maximum street wall height. The only circumstances in which a higher street wall is likely to be sought and able to meet the design objectives are:

- A minor increase to enable a higher ceiling height or a balustrade on top.
- A site which abuts a building with an unusually high street wall.

[140] It is unlikely that such a proposal would be able to achieve all of the outcomes specified.

[141] Therefore, I recommend that applications to exceed the preferred maximum street wall height be simply assessed against the design objectives of the DDO.

11.0 Conclusion & Recommendations

[142] In conclusion, I support the need for the proposed Amendment to provide certainty regarding the preferred future character of this part of the Johnston Street NAC. I consider that JSLAP provides a sound strategic basis for the Amendment.

[143] However, I recommend the following changes to proposed DDO15:

1. Refine the design objectives as outlined at paragraph 21.
2. Make the maximum street wall height requirement in Precinct 1 'mixed' streetscapes discretionary.
3. Refine the requirement for new street walls west of the railway bridge to match the parapet height of a neighbouring heritage building to only apply to development adjacent to an individually significant building.
4. Change the minimum upper level front setback provision in 'mixed' streetscapes in Precinct 1 and fronting Sackville Street to a discretionary 5m requirement.
5. Consolidate the Upper Level Design Requirements at the top of page 5 of the proposed DDO to:

   The facades of upper level development above retained heritage building facades, and on sites adjacent to an individually significant heritage building, should be designed to reinforce the distinction between the heritage fabric and upper form, and provide an understated backdrop to the street wall.
6. Replace the "45°" upper level front setback requirement in Precinct 1 with the following, for properties in 'mixed' streetscapes:

   Above a height of 24m, the front setback should be increased by a dimension equivalent to the additional height
7. Amend the "45°" upper level front setback requirement in Precinct 1B so that the base of the 45° plane is set at a height of 14m.
8. Replace the "anti-wedding cake" requirement in 'mixed' streetscapes and Sackville Street with:

   At least 75% of the height of the building above the street wall should have a common front setback
9. Increase the preferred maximum height for properties in 'mixed' streetscapes in Precinct 1 to 28m.

10. Include sub-precinct 1AA within 1A, and introduce a provision that the preferred maximum building height for any sites that extend between the two streets is increased to 34m.
11. Remove the requirement for applications that exceed a preferred maximum street wall height, and the preferred maximum building height in Precinct 1 and sub-precincts 2A and 2B, to achieve additional outcomes.
12. Change the maximum street wall height requirement in sub-precincts 2C, 2D, 2E and 2F to a discretionary maximum of 18m.
13. Remove the 45° upper level setback requirement for sub-precinct 2C, change the preferred maximum height to 40m, change the preferred minimum upper level setback requirement to a minimum of 5m, and maintain the 15m maximum rear interface height.
14. Maintain the minimum upper level setback requirement in sub-precincts 2D, 2E and 2F as a discretionary minimum of 3m.
15. Removal the minimum site dimension requirement for buildings over 18m (5 storeys) as per the Post Exhibition version.
16. Maintain the Johnston Street footpath solar access requirement as discretionary, and remove the reference to a measurement of 3m from the boundary of Johnston Street.
17. Adopt the Building Separation requirement for development above 21m in the Post Exhibition version, but refine it to:

    Development above 21m should provide side setbacks totalling at least one-third of the width of the property. One side may have a zero setback provided that the other side is set back at least one-third of the property width.
18. Refine the Building Separation requirements to discourage the development of apartments whose primary orientation is towards a directly abutting property.
19. Adopt the Corner Site Requirements in the Post Exhibition version of the DDO.
20. Exempt applications to develop land that spans the rear boundary of a Johnston Street property from the rear setback requirement.
21. Delete the Street Frontage Requirement that new development should "*ensure that heritage facades remain the visually prominent feature in the streetscape*".

22. Limit the minimum floor-to-floor dimension requirement to sites with a frontage width of at least, say, 20m and reduce the dimension to 3.8m.

Appendix A: Summary of Experience & Personal Details

Name and Address

Mark Peter Sheppard
Principal
David Lock Associates (Australia) Pty ltd
2/166 Albert Road
SOUTH MELBOURNE VIC 3205

Qualifications

- Recognised Urban Design Practitioner (Urban Design Group, UK), 2014
- Corporate Member of the Planning Institute of Australia, 2008
- MA Urban Design, Oxford Brookes University, UK, 1992
- Diploma Urban Design, Oxford Brookes University, UK, 1992
- Bachelor of Architecture, University of Auckland, NZ, 1990

Professional experience

- Director, David Lock Associates (Australia), 1997 to present
- Urban Designer - Associate, David Lock Associates, UK, 1993 – 1997
- Architectural Assistant, Sipson Gray Associates, London, UK, 1990 – 1993
- Architectural Assistant, Kirkcaldy Associates, Auckland, NZ, 1988 – 1990

Area of Expertise

I have over twenty-five years' experience in private practice with various architecture and urban design consultancies in New Zealand, England and Australia, and have practised exclusively in the field of urban design since 1993.

I am the author of *Essentials of Urban Design* (CSIRO Publishing, 2015).

Expertise to prepare this report

I have been involved in the design and assessment of numerous activity centre and urban infill projects in Victoria. These have included:

- Structure Plans for Montague, Preston Central (2007 National PIA Urban Planning Award), Highpoint, Forrest Hill, Wheelers Hill and three urban villages in Moreland;
- Urban Design Frameworks for Darebin High Street (2004 National PIA Urban Design Award), Highpoint, Central Dandenong, South Melbourne, Carlisle Street Balaclava, St Albans and Footscray;
- Built form controls for Victoria Street and Bridge Road in Richmond, the Brunswick Major Activity Centre, Port Melbourne and Ormond Road, Elwood; and
- Numerous independent urban design assessments of planning scheme amendments to inform Planning Panels.

Instructions which define the scope of this report

I am engaged by:

- Norton Rose Fulbright, on behalf of AA Holdings Pty Ltd:
  - → *40 Johnson Street and 35-37 Sackville Street, Collingwood*
- Rigby Cooke Lawyers, on behalf of De Luca Property Group:
  - → *196-202 Johnston Street, Abbotsford*
- Best Hooper Lawyers, on behalf of 288 Johnston Street Abbotsford Pty Ltd:
  - → *288 Johnston Street Abbotsford*

I have received verbal and written instructions and various documents relating to the proposal.

Facts, matters and assumptions relied upon

- Inspection of the Amendment land and surrounding area; and
- Review of planning controls and policies affecting the area.

Documents taken into account

- Yarra Planning Scheme Amendment C220 documentation and the Council preferred Post Exhibition DDO15;
- Yarra Planning Scheme and reference documents;
- VCAT Decision for 23-33 Johnston Street, Collingwood
  Gurner 23-33 Johnston Street Pty Ltd v Yarra CC [2018] VCAT 794
- Various correspondences relating to the proposed Amendment.
- The 3D Modelling of the exhibited and preferred built form controls, as viewed on the 03.10.2018 and provided as screen shots.

Summary of opinions

Refer to the conclusion of this statement (Section 11).

Provisional Opinions

There are no provisional opinions in this report.

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

This report does not address questions outside my area of expertise, and is complete and accurate to the best of my knowledge.

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

Mark Sheppard

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