

ratio:

Yarra Planning Scheme Amendment C223

81-95 Burnley Street and 26-34 Doonside Street, Richmond
Urban Design Expert Evidence

Submitter Number. **5**

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Prepared for **Astrodome Hire Pty Ltd**
May 2020

Expert Evidence

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1. Introduction

1.1 Introduction

- 001 Amendment C223 (Am C223) to the Yarra Planning Scheme is a site-specific amendment affecting land at No. 81-95 Burnley Street and 26-34 Doonside Street, Richmond (the subject land).
- 002 The subject land is currently located within the Industrial 3 Zone and is occupied by 'Harry the Hirer', a long-established event hire business. It is developed with a complex of industrial and warehouse structures that accommodate different functions of the business and includes two heritage buildings affected by individual Heritage Overlays (HO252 - 26 Doonside Street, Richmond {Former Repco Offices} and HO375 - 81-95 Burnley Street, Richmond {Russell Manufacturing Company Pty Ltd later Repco}).
- 003 A lot plan and aerial oblique identifying the subject land are shown at **Figure 1** and **Figure 2** respectively.
- 004 Am C223 seeks to rezone the subject land to the Mixed Use Zone (MUZ) and apply a Development Plan Overlay (DPO) with a site specific schedule (Schedule 15) and an Environmental Audit Overlay.
- 005 The amendment was exhibited during September and October 2019 and 53 submissions were received, 48 of which oppose aspects of the proposed amendment.
- 006 Submissions were considered by Council at its meeting of 3 March 2020 where it resolved to adopt a position of general support for the proposed amendment, subject to some refinements to the wording of the DPO schedule and advocacy for increased public open space provision on the subject land.
- 007 The matter has been referred to Planning Panels Victoria (PPV) to review the proposed amendment, consider submissions made during exhibition and make recommendations to Yarra City Council about the form and content of the amendment.



Figure 1 - Subject Site - Aerial Photo

1.2 Instructions

008 I have been requested by Planning Property Partners on behalf of Astrodome Hire Pty Ltd, the land owner and proponent of the proposed amendment, to review the urban design merits of the exhibited Am C223 as well as Council's subsequently adopted version of the proposed controls.

009 I have been instructed to particularly focus my considerations on the urban design and urban form outcomes foreshadowed by the proposed DPO Schedule (DPO15) and formulate my own opinions on urban form and urban design matters, within the limits of my expertise, with respect to the appropriateness of the amendment.

1.3 Key Considerations

010 The subject land is a large parcel of approximately 1.3 hectares within a single ownership and benefits from three street frontages, including a main road frontage to Burnley Street. It is well located to a range of existing facilities and services, being located immediately to the south of the Victoria Gardens shopping centre and in proximity to public transport (tram) services along Victoria Street.

011 It is located within an area at the northern end of Burnley Street and eastern end of Victoria Street which is undergoing substantial change and renewal through the redevelopment of former industrial and commercial sites. The area is becoming a higher density mixed use precinct with a substantial presence of retail, office space and residential apartments.

012 These factors and the previous rezoning of neighbouring former industrial land to the north and east to the MUZ (through Amendment C99 in 2008), lend strong strategic support to the proposed amendment which is intended to facilitate higher density mixed use development on the subject land.

013 This potential is tempered to an extent by the presence of existing heritage buildings on the land, the interfaces to an established low-rise residential area to the south of Appleton Street and to recently developed residential apartment buildings to the east and south-east. DPO15 seeks to manage the effect of development on these interfaces.



Figure 2 - Subject Site - Oblique Aerial

014 The key issues for consideration then are whether the proposed controls will foster an appropriate land use and built form outcome. In considering these issues I have had regard to the relevant strategic assessment guidelines referenced in Minster's Direction No 11 Strategic Assessment of Amendments and set out in Planning Practice Note 46 (PPN46).

015 Accordingly I have structured my assessment around the following key questions:

- Is an amendment required?
- Does the amendment implement the objectives of planning and address any environmental, social and economic effect?
- Does the amendment implement the State and Local Policy Frameworks?
- Does Am C223 make proper use of the Victoria Planning Provisions (VPP)?

016 Under the latter question I have specifically considered what DPO15 seeks to achieve and whether it will deliver a suitable built form and urban design framework. My assessment in relation to these issues is informed by 3D modelling undertaken by my office to test matters such as shadowing and building bulk and massing.

1.4 Summary of Conclusions

017 The conclusion of my assessment is that the proposed amendment is required to facilitate beneficial mixed use redevelopment of the subject land, which in turn will implement key policy directions within the state and local policy frameworks.

018 The proposed amendment utilises appropriate VPP tools to achieve such development.

019 The exhibited (and post-exhibition) versions of the DPO Schedule are generally sound in conception and drafting and will foster appropriate built form. However the Schedule would benefit from further refinement to address some specific shortcomings.

020 The principal refinement I recommend is to adjust the Indicative Framework Plan (IFP) so it is less prescriptive with regard to matters such as the location of tower footprints, the north-south public link and configuration of public open space so that the DPO schedule is more 'performance based' and leaves some scope for finer resolution through the next stage of more detailed design.

021 The wording in the DPO schedule and the IFP when read together should be clear as to the principles and tests to be achieved in a subsequent Development Plan but should not be so prescriptive in a spatial sense as to close off flexibility in how matters such as tower footprints are configured, particularly when they may have different requirements depending on whether they are for residential or commercial use.

022 In addition; I have made recommendations regarding;

- Amending the nominated heights and upper level setbacks in particular locations based on modelling undertaken by my office;
- Amending shadowing requirements based on modelling undertaken by my office.
- Some refinements in wording in relation to qualitative design requirements.

023 The reasons for these conclusions are set out in the following section of my evidence.

024 Additional background information and assessment is included in the following appendices to this report:

- **Appendix A** – Site and surrounds
- **Appendix B** - Existing planning controls and policies
- **Appendix C** -Proposed planning controls
- **Appendix D** - Council adopted DPO schedule
- **Appendix E** - Shadow modelling
- **Appendix F** - Witness Statement

2. Assessment

2.1 Is an Amendment Required?

- 025 The subject land is located within an area of ongoing transition from its industrial origins to a higher density mixed use precinct.
- 026 Ongoing built form and land use change is a response to strategic policy directions for the Victoria Street and Burnley Street corridors within the Victoria Street East Precinct as identified by Clause 21.08-9 of the Yarra Planning Scheme.
- 027 The subject land presents a substantial opportunity for higher density mixed use redevelopment and one which should be effectively used.
- 028 Am C223 is based on comprehensive strategic analysis prepared by Tract and set down in the Planning Scheme Amendment Report, together with background reports by Deep End Services, Bryce Raworth, heritage architect, Ratio Consultants (in relation to traffic) and GIW Environmental Solutions.
- 029 I consider that the degree of change that has already occurred as well as the potential for more significant change to emerge within the surrounding context, justifies an amendment to the planning scheme to facilitate and manage land use and built form change on the site.

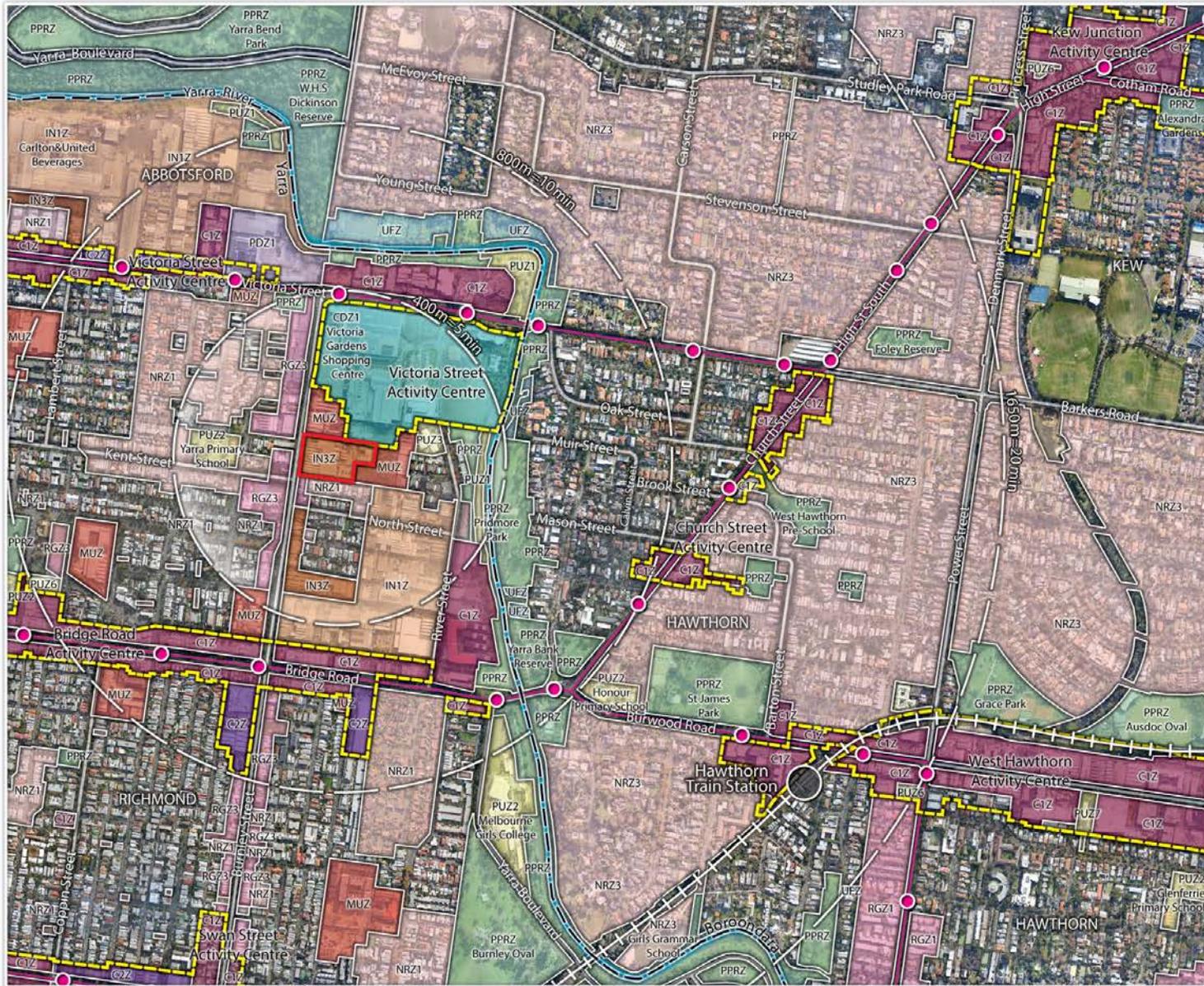
2.2 Does the Amendment implement the objectives of planning and address any environmental, social and economic effect?

- 030 This question is a high level one and is answered by my subsequent analysis of the proposed Am C223. However, in summary the amendment seeks to address land use and urban design considerations in an integrated manner for a large strategic development site within an area undergoing change and intensification.
- 031 The overarching endeavour of Am C223 is to balance the development potential of the subject land with urban design, land use and heritage policies and amenity considerations. Accordingly, I consider Am C223 implements the relevant objectives of planning:
- to provide for the fair, orderly, economic and sustainable use and development of land;

- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- to balance the present and future interests of all Victorians.

2.3 Does the Amendment implement the State and Local Policy Framework?

- 032 In considering the policy context I firstly address broad strategic policy direction on the location of development, before addressing the built form policy context.
- Strategic policy**
- 033 The subject land is in a location in which State and local policy directions support urban renewal and intensified development outcomes given its proximity to the Victoria Street activity centre, public transport services and a range of urban services and amenities.
- 034 **Figure 3** (overleaf) illustrates the strategic and statutory urban context of the subject land.
- 035 Relevant policy directions at the State level include:
- Clause 11.03-1S (Activity Centres) which seeks to build up activity centres as a focus for high-quality development, activity and living and support a diversity of housing types at higher densities in and around activity centres and commensurate with their role and function to foster development of the public transport network.
 - Clause 11.01-1R (Settlement – Metropolitan Melbourne) which seeks amongst other things, to create mixed-use neighborhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
 - Clause 13.04-1S (Contaminated and potentially contaminated land) which seeks to ensure that potentially contaminated land is suitable for its intended future use and development.



Legend

- Subject site
- Activity Centre (Yarra Council Urban Design Strategy)
- (Boroondara Planning Scheme Clause 43.02 DD012-18)
- (Boroondara Council Kew Junction Structure Plan)
- C1Z - Commercial 1
- C2Z - Commercial 2
- MUZ - Mixed Use
- IN1Z - Industrial 1
- IN3Z - Industrial 3
- PUZ1 - Public Use - Service & Utility
- PUZ2 - Public Use - Education
- PUZ3 - Public Use - Health Community
- PUZ6 - Public Use - Local Government
- PUZ7 - Public Use - Other Public Use
- NRZ - Neighbourhood Residential
- RGZ - Residential Growth
- CDZ - Comprehensive Development
- PDZ1 - Priority Development 1
- UFZ - Urban Floodway
- PPRZ - Public Park & Recreation

Notes: * Based on average walking speed 5km per hour/20min=1.65km
 - Derived from Clause 11.04-4.
 - Time taken will vary depending on road layout.
 - Unshaded land zoned GRZ - General Residential Zone, RDZ - Road Zone or PUZ4 - Public Use - Transport

- Municipal Boundary
- Railway
- Train Station
- Tram Route (24, 48, 70, 75, 109)
- Tram Stop

Project Ref 15019A
 Scale 1:10000
 Date 07.04.15
 Rev -

0 100 200 300 400 500m

Figure 3 - Urban Context



- Clause 15.01-4R (Healthy Neighbourhoods-Metropolitan Melbourne) seeks the creation of 20 minute Neighbourhoods where people have the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
- Clause 15.02 (Sustainable Development) which encourages land use and development that is energy and resource efficient.
- Clause 15.03 (Heritage) which seeks to ensure the conservation of places of heritage significance.
- Clause 16.01 (Residential Development) seeks to locate new housing in or close to activity centres and in urban renewal precincts that offer good access to urban services, to foster 20 minute neighbourhoods and to provide for a range of housing types to meet diverse needs.
- Clause 17.02-1S (Business) encourages development that meets community needs for retail, entertainment, office and other commercial services.

- 036 At the **Local level**, Council's MSS provides similar support for renewal and growth in specified locations such as activity centres and strategic redevelopment sites. In particular:
- 037 Clause 21.03 (Vision) states that in 2020 Yarra will accommodate a diverse range of people and that the complex land use mix, characteristic of the inner City will provide for a range of activities to meet the needs of the community. The Strategic framework plan under this clause locates the site immediately to the south of the Victoria Street Major Activity Centre (MAC). The Residential Development Opportunities Map (at **Figure 4**) identifies the site as a strategic redevelopment site.
- 038 Clause 21.04-1 (Accommodation and housing) notes that Yarra will continue to accommodate its share of housing growth of the inner city on strategic redevelopment sites such as the subject land.
- 039 Clause 21.08-9 (North Richmond) locates the subject land within the Victoria Street East Precinct and notes that it is important to:
- 040 *“Provide land close to Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses.”*
- 041 The North Richmond Neighbourhood Map under this clause includes a specific notation for the subject land and neighbouring sites to the north and east to *“support rezoning to mixed use zone.”*

- 042 Clause 21.11 Victoria Street East Precinct Policy identifies that the precincts is is undergoing extensive redevelopment and that the Victoria Gardens Shopping Centre and associated apartments are the first stages in the transformation of industrial sites in the area. It includes the Victoria Street East Precinct Framework Plan which identifies the subject land for mixed use development.
- 043 Taken together, the clear thrust of state and local strategic policy supports the subject land as a location for regeneration and change for the City of Yarra.
- 044 The proposed amendment clearly supports and implements these strategic policy directions.



Figure 4 - Residential Development Opportunities Map

Built Form and Urban Design Policy

- 045 The subject land is not currently affected by any specific built form controls within the Yarra Planning Scheme and therefore the policy context for built form matters is the more general provisions in the state and local sections of the PPF.
- 046 The relevant State and local planning policy directions applying to a consideration of built form and urban design matters for are:
- Clauses 15.01-1S Urban design, 15.01-2S Building design and 15.01-5S Neighbourhood Character
 - Clause 15.03 Heritage
 - Clause 21.05 Built Form;
 - Clause 22.02 Development Guidelines or Sites Subject to the Heritage Overlay
 - Clause 22.05 Interface Uses Policy;
 - Clause 22.07 Development Abutting Laneways
 - Clause 22.10 Built Form Design Policy
 - Clause 22.11 Victoria Street East Policy
- 047 These design and built form policies and provisions described above combine to, in summary, encourage new development that responds to its site context and create safe functional and good quality environments with a sense of place and cultural identity whilst protecting and enhancing the identified character including sites of heritage significance and along main road/ boulevards.
- 048 State level policy directions under Clause 15.01 reference the Urban Design Guidelines for Victoria include the following relevant strategies and objectives:
- Clause 15.01-1S which seeks amongst other things to ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne which seeks to create a distinctive and liveable city with quality design and amenity and supports the creation of well-designed places that are memorable, distinctive and liveable
- Clause 15.01-2S – Building Design which seeks to ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
 - Clause 15.03-1S Heritage conservation which seeks to conserve places of heritage significance.
- 049 At the local policy level Clause 21.05-2 notes that the built form context for the City of Yarra is characterised by low-rise urban form punctuated by pockets of higher development, which includes high-rise housing estates, some industrial (or ex-industrial complexes) and landmark towers, spires and signs.
- 050 Relevant objectives and strategies under Clause 21.05-2 – Urban Design include:
- ‘Objective 16: To reinforce the existing urban framework of Yarra.
 - Objective 17: To retain Yarra’s identity as a low-rise urban form with pockets of higher development.
 - Strategy 17.2: Development on strategic sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
 - Significant upper level setbacks.
 - Architectural design excellence.
 - Best practice environmental sustainability objectives in design and construction.
 - High quality restoration and adaptive re-use of heritage buildings.
 - Positive contribution to the enhancement of the public domain.
 - Provision of affordable housing.
 - Objective 18: To retain, enhance and extend Yarra’s fine grain street pattern.
 - Objective 19: To create an inner city environment with landscaped beauty.
 - Objective 20: To ensure that new development contributes positively to Yarra’s urban fabric.
 - Objective 21: To enhance the built form character of Yarra’s activity centres.

- 051 The Built Form Design Policy Clause 21.10 provides a series of design objectives and design guidelines that relate to a series of ten design elements covering matters including urban form and character, setbacks and building heights, street and public space quality, on and off-site amenity and landscaping.
- 052 The Victoria Street East Precinct Policy at Clause 22.11 references the Victoria Street East Precinct, Richmond Urban Design Framework 16 November 2005 (UDF) which was prepared to guide development within the Precinct, particularly in relation to the treatment of the interface between new development and the Yarra River and its environs, the Abbotsford industrial area and established residential neighbourhoods.
- 053 Relevant urban design objectives and policy for the subject land include:
- To ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas.
 - To ensure access to sunlight and amenity is maintained in public spaces and that sensitive community facilities are protected from overshadowing and other detrimental impacts.
 - All buildings contribute to the public realm through the provision of active frontages, where appropriate, and high quality urban design and architecture with articulated building facades and upper level building setbacks. Windows should be incorporated at upper levels to encourage public surveillance.
 - Taller building elements may be constructed, provided that an appropriate height transition is provided within the site to minimise impacts on the amenity of the surrounding area including through the overshadowing of public spaces. Built form in Commercial and Industrial interface areas responds to the strong urban and ex-industrial character of the area by maintaining the built form pattern of the locality which predominantly comprises zero front or side setbacks, except for interfaces with adjoining public spaces or the River corridor.
- 054 My assessment of the urban design outcomes of the proposed amendment is set out in Section 2.4 and concludes that DPO15, subject to some recommended refinements, will implement the relevant built form and urban design policy intent.

2.4 Does Am C223 make proper use of the Victorian Planning Provisions (VPP)?

What does DPO15 seek to do?

- 055 DPO15 sets down the requirements for a Development Plan for the subject land in terms of both the content and the outcomes that are required. It also sets out technical matters and requirements for planning permits. A permit may only be granted before a development plan has been approved in limited circumstances.
- 056 It also sets out requirements for S173 agreements for the provision of affordable housing (ten percent of total dwelling number); public realm works including improvements in Doonside and Appleton Streets; and traffic improvements required within the surrounding road network.
- 057 In terms of land use and urban design outcomes, the vision set out set out in Section 4.1 of the Council adopted version of DPO15 is:
- To become a sustainable, mixed-use residential community, supported by convenience retailing services, community facilities, and employment opportunities augmenting the role of the Victoria Street Activity Centre.
 - To recognise the opportunity of the site's activity centre context, whilst respecting the low rise residential development to the south.
 - To protect the amenity of residential properties on the south side of Appleton Street and to the east of the subject site.
 - To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway.
 - To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design.
 - To respect the scale and form heritage places within and adjacent to the site and provide for the conservation of heritage places within the site.
 - To ensure that new development mitigates any adverse impact it may generate upon local traffic conditions.
 - To provide for the sensitive adaptive re-use of heritage buildings in accordance with the Indicative Framework Plan and informed by a comprehensive heritage analysis prepared for the site by a suitably qualified professional that:

- articulates the significance of the heritage place, its component parts and its setting;
 - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
 - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.
- 058 The Indicative Framework Plan (shown at **Figure 5** overleaf) sets out the desired spatial arrangements and provides for:
- The location of a 9m wide public pedestrian lane running north-south between Doonside and Appleton Streets.
 - The location of a 576sqm public open space fronting Doonside Street and the public lane.
 - The arrangement of land uses, with commercial and retail uses at lower levels with residential above located towards the west, residential uses to the south and east and commercial and home office uses to the east of the pedestrian lane and public open space.
 - Active frontages to Doonside Street, the north-south link and public open space.
 - Overall building heights, upper level setbacks from adjoining streets and 9m upper level building separation requirements.
- 059 Pursuant to Section 4.0, a Development Plan must be generally in accordance with the vision and the IFP.
- 060 Section 4.2 of the Schedule sets out the components of the Development Plan.
- 061 This includes requirements for a range of information including site and context information, landscape and public realm plans, a housing diversity report, economic development, transport and heritage assessments.
- 062 Of most relevance from an urban design perspective is the requirement for the Development Plan to include built form guidelines which provide for a series of specified matters. These include a combination of what can be described as general design principles, as well as more specific requirements relating to matters such as upper level setbacks, building separation and shadowing to the public realm and private properties.
- 063 It is the specified requirements for built form guidelines together with the content of the IFP which will principally influence the urban design outcomes on the site and which I consider in the following section of my evidence.
- Does DPO15 foster an appropriate urban design outcome?**
- 064 At the outset I note that the role of a DPO schedule is to set out the requirements for the subsequent Development Plan, which will need to be prepared and approved prior to the lodgement of a permit application (or applications).
- 065 In my experience DPO schedules are most effective when they articulate the required content and key principles to be carried through in the Development Plan, as opposed to prescribing specific responses to more detailed design matters.
- 066 The exhibited and Council adopted DPO15 provide a combination of more general principles and some specific requirements. Whilst broadly well-founded, my overall view is that some of the more specific requirements may stifle opportunities for a Development Plan to achieve the vision for the site while responding to changing circumstances or changing land use trends or requirements.
- 067 I have considered the urban design implications of DPO15 below in relation to the vision, overall site planning and layout, the built form composition and management of the key interfaces.
- Vision**
- 068 In my view the vision set out at 4.1 of the schedule is a coherent and well-founded expression of desired outcomes for the subject land.
- 069 It provides a clear mission for a Development Plan to balance the substantial development opportunity the subject land presents with the need to address matters such as the relationship with adjoining streets; the retention and adaptive re-use of heritage buildings; the relationship of new buildings to retained buildings; the management of interfaces and effects on neighbouring residential properties; enhancements to the public realm; and the provision a good standard of on-site amenity.

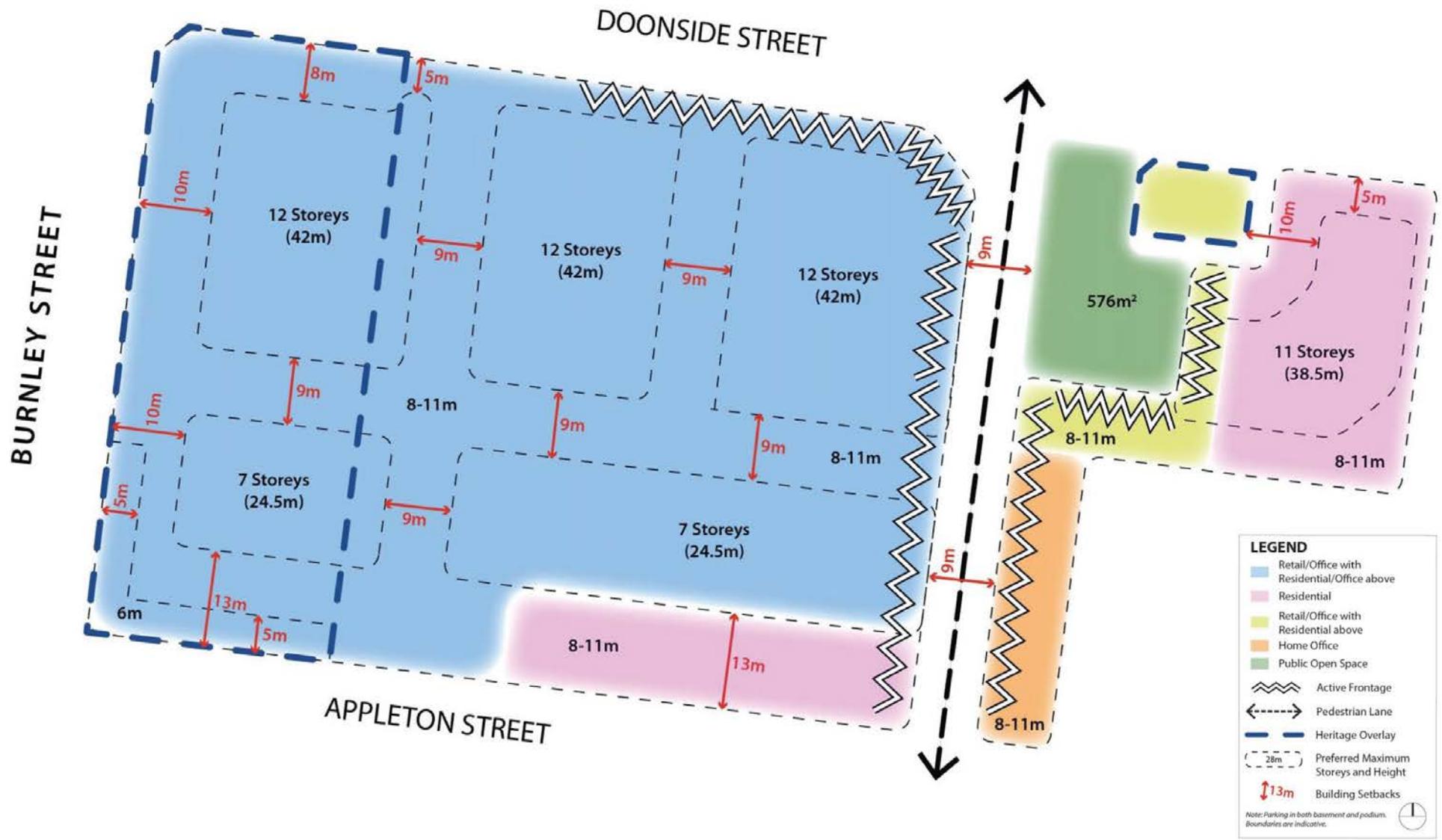
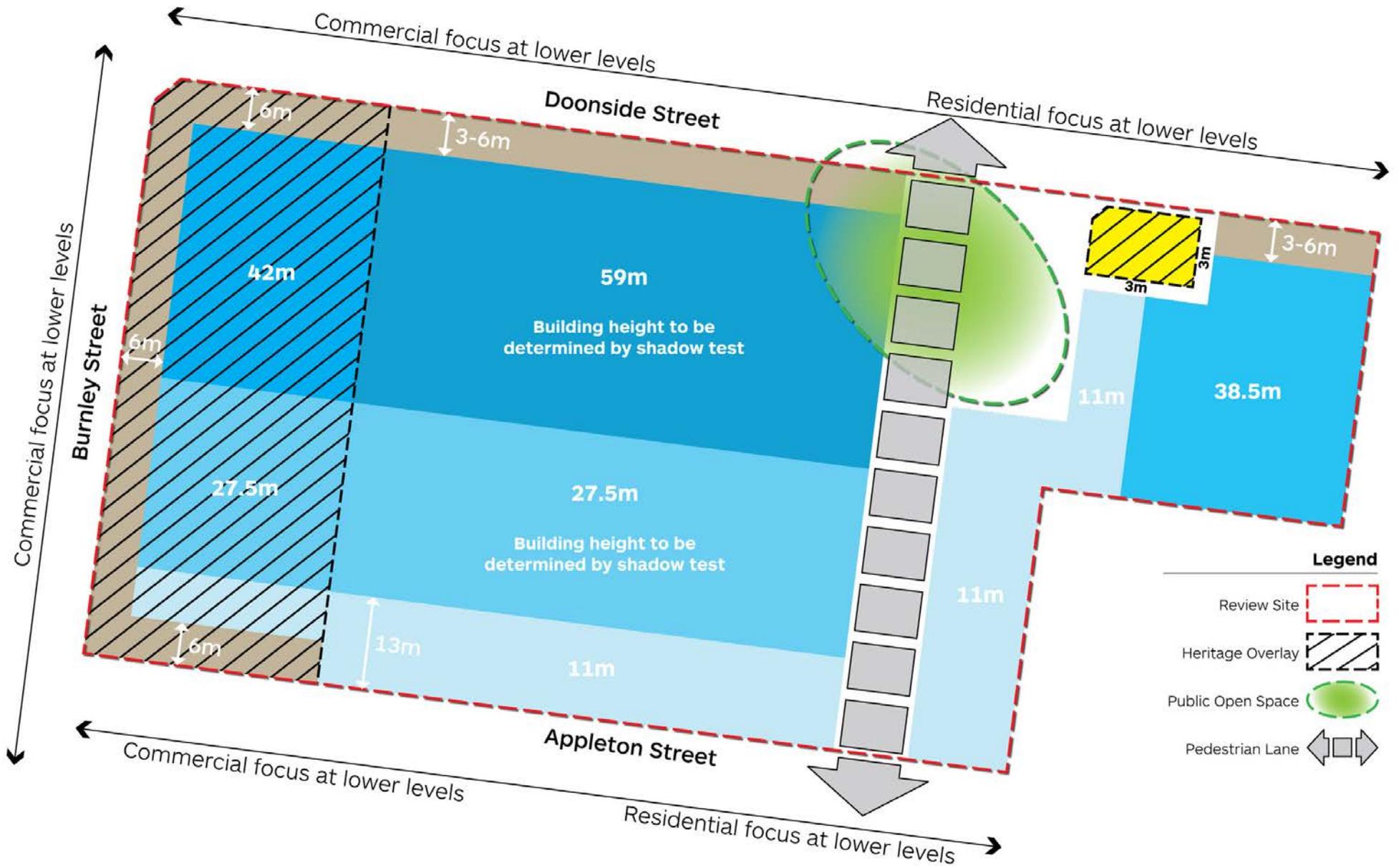


Figure 5 - The Indicative Framework Plan

Site Planning And Layout

- 070 The overall approach to site planning and layout is depicted in the IFP.
- 071 In its broad conception I consider the layout, which is drawn from more detailed work undertaken by Tract has a logic to it that will enable the subject land to be developed as an integrated precinct while responding to its contextual influences.
- 072 In particular, I support the key site planning principles which underpin the layout including:
- The provision of a new publicly accessible north-south pedestrian link to improve the permeability of the neighbourhood and potentially align with a future entry to an expanded Victoria Gardens shopping centre to the north across Doonside Street
 - The inclusion of a new north-facing public open space on Doonside Street that is connected to the new pedestrian route and accessible from the south, and provides a sense of space around the retained former Repco Office building at 26 Doonside Street.
 - Retention and re-use of existing heritage buildings and their incorporation into a campus of buildings to provide a link to the area's history and former industrial role.
 - A built form approach that establishes a 2-3 storey street wall scale (8-11m) that responds to the scale of the heritage buildings, with upper level development set back.
 - An approach to building heights which places taller forms (12 storeys/42m) to the north along Doonside Street, with a transition down in height towards Appleton Street and the low scaled residential area to the south.
 - A focus on commercial and retail use towards the west and north and along the central pedestrian link, with more of a residential focus towards residential interfaces to the south and east.
- 073 Whilst I am supportive of the site planning approach, I consider that this diagram would benefit from refinements to become more of a schematic illustration of spatial principles, with the more detailed requirements addressed in the supporting text.
- 074 In particular I recommend that:
- The location of the north-south link be shown indicatively, with requirements such as minimum width, connection to the public open space etc provided in the text of the schedule. This would allow some flexibility in its design and location to support useable building floorplates either side, particularly to the south-east where the potential footprints appear quite limited.
 - Similarly the configuration of the public open space should be shown indicatively with key principles such as its minimum size, northern aspect, solar access and connection to the pedestrian lane addressed in the text of the schedule. This will allow for some flexibility in its detailed design and in the way in which the space is addressed by adjoining buildings.
 - The land use mix be illustrated as a principle showing a commercial focus to the west, residential to south and east and preferred locations for active frontages. The current depiction is either too general (e.g. retail/office with residential/office above, shown in different colours in different part of the site) or too specific (e.g. 'home office' along the south eastern edge of the pedestrian lane). The way in which the mix of uses is to be allocated is better dealt with in the text of the schedule. In my view it would be preferable to retain greater flexibility on a site that is likely to be developed over a number of years, particularly to allow for unforeseen potential uses for which there may be future demand (e.g. co-working space, pop-ups etc).
 - The indicated tower footprints with 9m separation dimensions between be deleted. I do not consider it necessary for the DPO schedule to define tower footprints and it is not clear how these have been derived, noting that they appear excessively deep for Clause 58 compliant apartment layouts if they are to be residential towers. In my view it would be preferable to show general 'zones' of height across the land without indicating potential footprints and separation, to allow flexibility in use (i.e. the different requirements for a residential vs a commercial floorplate) and the shaping and number of tower forms. The requirement for 9m tower separation can be dealt with in the text of the schedule without specific tower locations being shown.
 - Building heights should be expressed in metres rather than a combination of meters and storeys, particularly given the DPO envisages towers that might be commercial or residential, which will have different floor to floor heights.
- 075 The above recommendations are reflected in my suggested reworking of the IFP at **Figure 6** which also includes the refinements to heights and setbacks discussed below under massing form and scale. The colours used in **Figure 6** represent different building heights across the land and not the arrangement of land uses or activities.



Legend

Review Site	
Heritage Overlay	
Public Open Space	
Pedestrian Lane	

Figure 6 - Suggested Indicative Framework Plan

Massing, Form And Scale

- 076 In this section I consider the massing, form and scale of buildings foreshadowed in DPO15 in relation to the site's three street interfaces as well as the residential interface to the east and south east.
- 077 The views at **Figure 7** to **Figure 10** show a 3D representation of the potential development envelopes that result from my recommended changes to the IFP. They are not intended to represent buildings, but rather the zones within which buildings can be located.

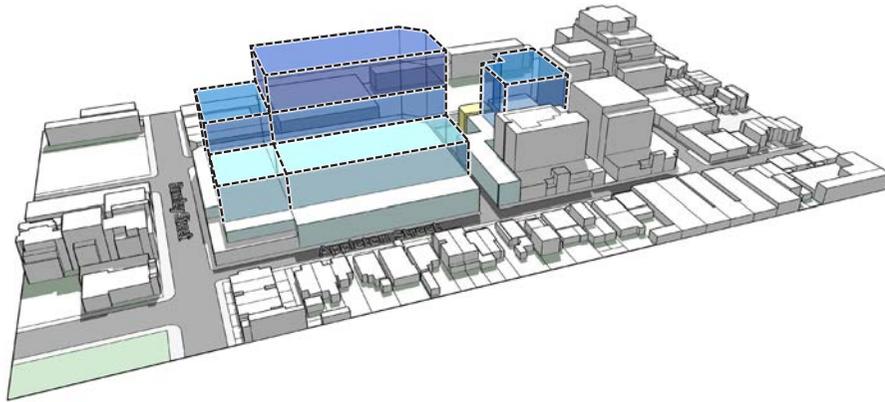


Figure 7 - Suggested Framework Plan - Potential Development Zones - View 1

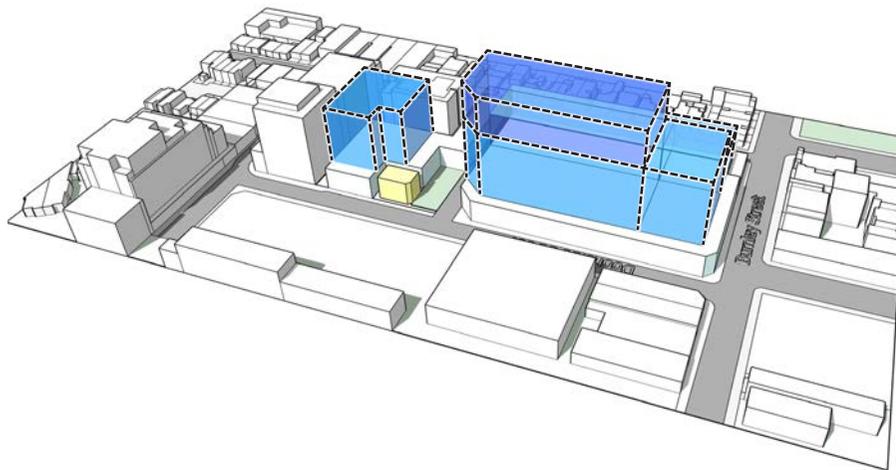


Figure 8 - Suggested Framework Plan - Potential Development Zones - View 2

- 078 The subject land is a large parcel in a single ownership that is capable of creating its own neighbourhood character and accommodating a series of taller buildings, spaces and connections to become an integrated precinct. However, the way in which the land's varied interfaces are addressed will be fundamental to how this new precinct takes its place within the surrounding context.

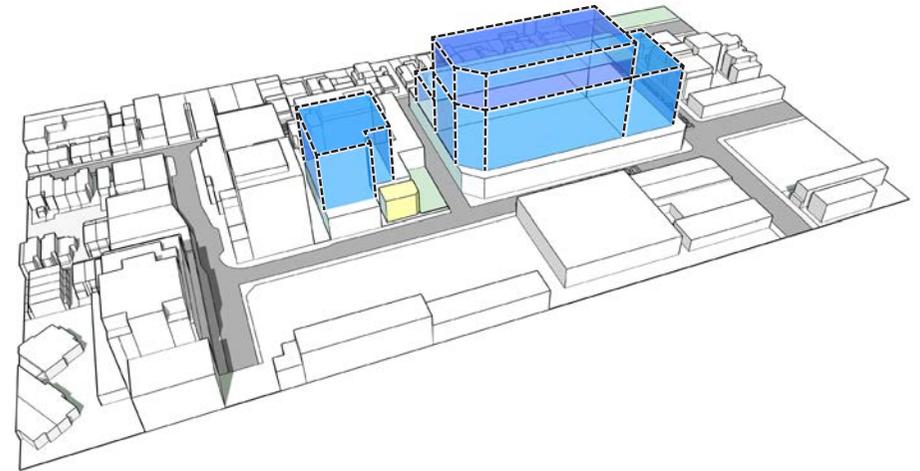


Figure 9 - Suggested Framework Plan - Potential Development Zones - View 3

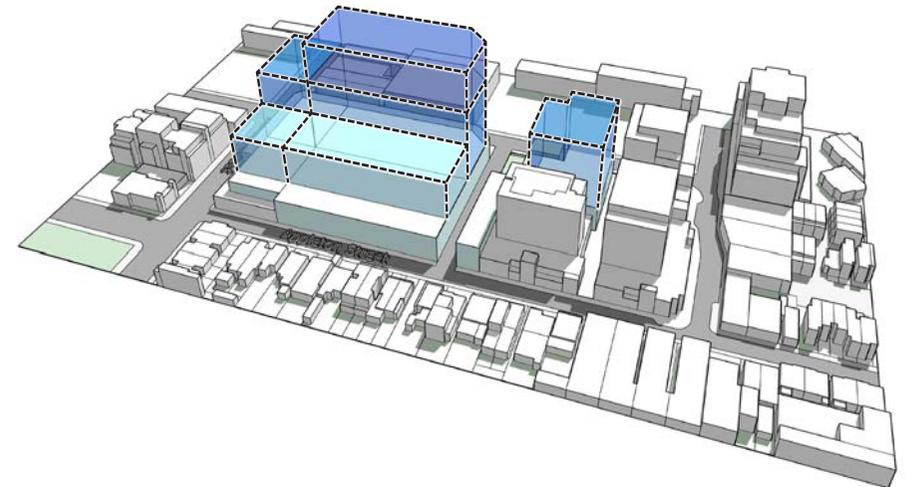


Figure 10 - Suggested Framework Plan - Potential Development Zones - View 4

Burnley Street interface

- 079 Burnley Street is an important north-south link in Richmond, the northern section of which connects the key east-west arterials of Victoria Street and Bridge Road. It has a reserve width of 20m (approx.) and an evolving built form character with an increasing number of multi storey residential and commercial buildings interspersed with original low scale buildings. Generally, redevelopment to date has taken place on the western side of the street on shallower sites with direct interfaces to low scale residential dwellings, with the predominant scale being around 7 storeys, with no, or limited, upper level setbacks from Burnley Street.
- 080 Along the Burnley Street frontage the IFP and associated text envisage the retention of the existing building facades for the extent of the Heritage Overlay with new built form above with overall heights of 12 storeys/42m to the north and 7 storeys/24.5m to the south. Upper level development is shown as having a 10m setback from the Burnley Street boundary, with an intermediate 5m setback above the single storey component of the existing building.
- 081 Issues relating to the suitability of the upper level building in relation to the retained heritage fabric are matters to be addressed by heritage experts.

- 082 However, from an urban design perspective I am comfortable that the scale transition down to the south is appropriate on this large strategic development site, where the relationship to buildings developed 'inboard' can be effectively managed to deliver an appropriate amenity outcome.
- 083 While there may be heritage reasons for the nominated 10m upper level setback, I do not consider that a setback of this scale is necessary from an urban design perspective.
- 084 In my view, an upper level setback dimension of 6m is sufficient to ensure that upper level development reads as visually distinct and clearly distinguished from the retained base building when viewed from close quarters and in longer range oblique views along Burnley Street. This distinction will also be aided by differences in materiality and architectural detailing between a future tower form and the existing brick industrial host structure.
- 085 Subject to heritage considerations, I recommend that the IFP and text of the schedule be amended to reduce the minimum setback requirement to 6m although balconies should not project into this 6m setback.



Figure 11 - Burnley Street - Looking north

086 I also note that the post-exhibition Council adopted version of DPO includes the requirement for shadow diagrams that demonstrate no overshadowing of the footpath on the western side of Burnley Street from 11am at the September Equinox.

087 The shadow consequences of a 12-storey building have been tested in the 3D model, which shows that the shadow cast by a 12 storey building would not reach the western footpath from 11am at the September equinox. In fact a building would need to be approximately double this height (around 82m) to have any impact on the western footpath at this time.

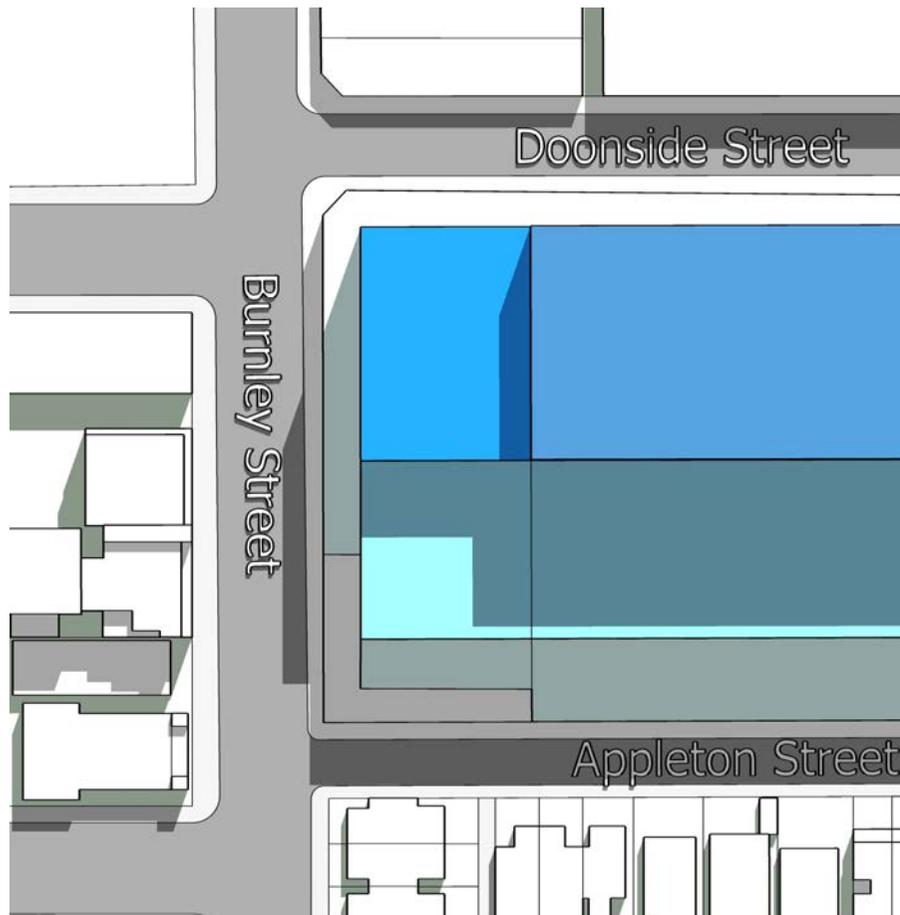


Figure 12 - Shadowing on Burnley Street - 22nd September 11am - Suggested IFP

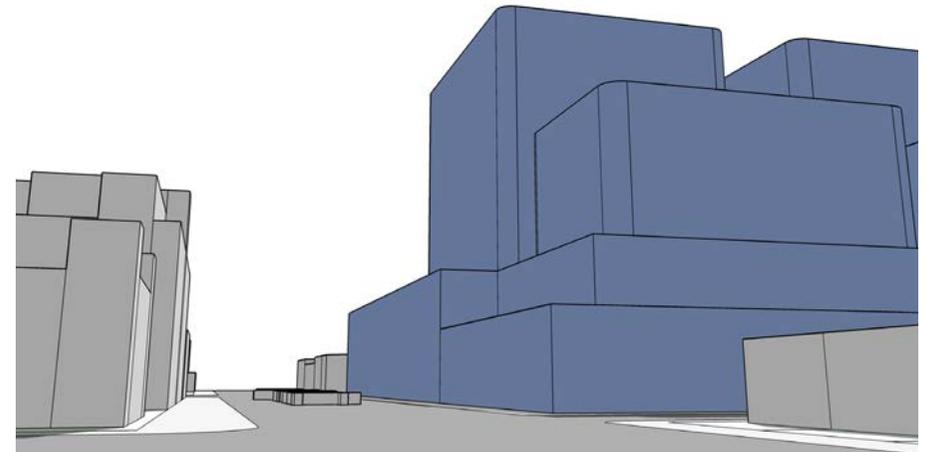


Figure 13 - Burnley Street Interface - Indicative Framework Plan

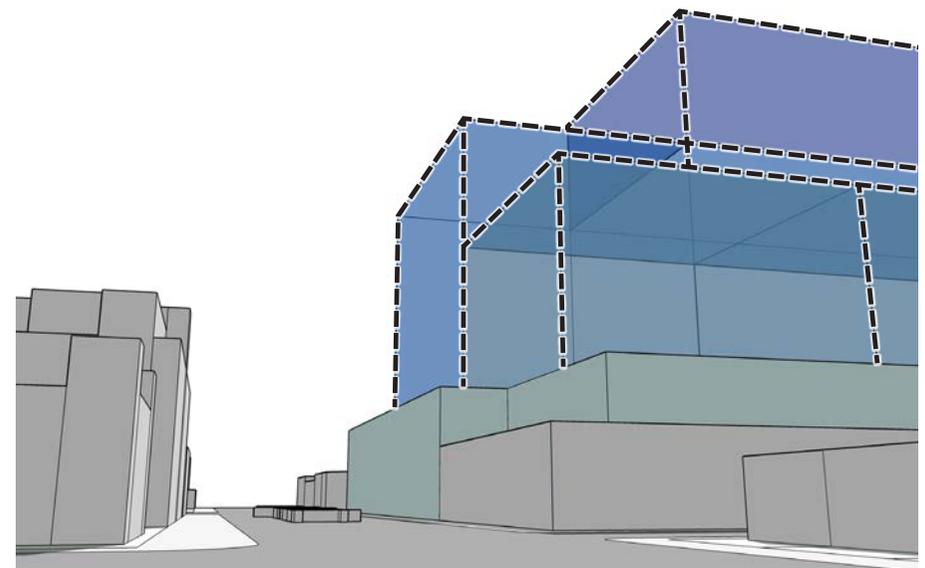


Figure 14 - Burnley Street Interface - Suggested Framework Plan

Appleton Street interface

- 088 Appleton Street is a side street of 12m width which has a distinct difference in character between its northern and southern sides.
- 089 Along the northern side, the existing buildings on the subject land are built to the boundary and present largely featureless one and two storey masonry walls and obscure glazed windows to the street. To the east, redevelopment of the neighbouring site on the north side of the street takes the form of 9-11 storey buildings, with upper levels set back approximately 12m behind a two-storey street wall.
- 090 In contrast, the southern side of the street is developed with a combination of detached and attached dwellings, set within a traditional fine grain allotment pattern. Dwellings are predominantly original single storey structures, with a couple of two storey infill townhouses also present. Front setbacks vary in depth, landscape treatment and fencing style and private open spaces for dwellings are located to the rear (south).
- 091 DPO15 envisages a street wall with a height of 8-11m along Appleton Street east of the retained heritage façade. Above this, upper level development of 7 storeys/24.5m with a setback of 13m from the Appleton Street boundary.



Figure 15 - Appleton Street - Looking East

- 092 This massing approach will retain a low scale edge to this side street that reflects the existing built form scale on the subject land and responds to the traditional dwelling scale across the street to the south. This stepping of building heights down towards the south also seeks to manage shadow impacts for the existing residential properties.
- 093 In relation to shadow, the text of the Schedule includes a requirement for the Development Plan to demonstrate:
- 094 *“No overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.”*
- 095 I understand this to mean that upper level development should not cast any additional shadow over properties to the south beyond that cast by an 11m street wall at the nominated times. However, having tested the shadow implications of an 11m street wall in the 3D model between the nominated times, it is apparent that resultant shadows would not reach the boundaries of the properties on the south side of the street and therefore the wording and intent of this shadow test should be refined and clarified.



Figure 16 - Appleton Street - Looking East

- 096 While I note in most cases that the private open space for these dwellings is to the rear and that the front setbacks are less sensitive areas, I consider it is reasonable to retain sunlight to the front of these properties through the middle part of the day at the equinox.
- 097 For clarity and simplicity of interpretation, I recommend that the wording of this requirement simply say that there should be no additional shadow cast on the properties to the south of Appleton Street between 10:00am and 2:00pm at the September Equinox. This will allow account to be taken of any shadows cast by front fences and any change in boundary treatments that may take place, and retain existing levels of sunlight.
- 098 The section diagram at **Figure 17** shows the Equinox shadow angle at 10am, which is the time when the longest shadows are cast to the south. This illustrates that at a setback of 13m from Appleton Street, upper level development above the street wall can reach a height of 27.8m without casting any shadow beyond the boundary line on the southern side of the street. It also shows that towers to the north along Doonside Street can reach a height of 59m without casting any shadow beyond the boundary line on the southern side of the street.

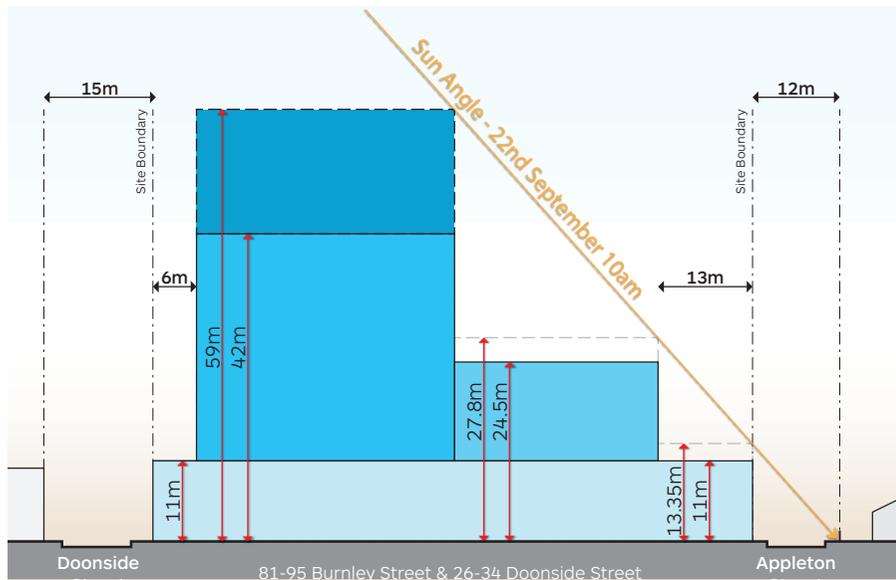


Figure 17 - Appleton Street Section Diagram

- 099 Accordingly I consider that the preferred heights shown on the IFP can be adjusted to reflect this shadow analysis, provided the increased heights do not result in unreasonable visual bulk and scale.
- 100 In relation to the central band of upper level built form set back at 13m from Appleton Street, I consider that this can be increased in height to 27.5m whilst remaining highly recessive when viewed from the south. The tower forms to the north of this fronting Doonside Street can also be increase in height to 59m, subject to the considerations regarding the Doonside Street interface addressed in the following section of my report.
- 101 The sightline diagram at **Figure 18** demonstrates how at 27.5m the intermediate upper level built form will be clearly subservient to the street edge building mass when viewed from the southern footpath in Appleton Street. Towers of up to 59m to the north would be barely visible above this when viewed from the southern footpath.
- 102 Overall, I am comfortable that the southern interface is effectively managed by DPO15, but upper level built form at a setback of 13m can be increased in height to at least 27.5m with no shadow implications for properties on the south side of the street or overwhelming visual bulk impacts to the pedestrian environment.

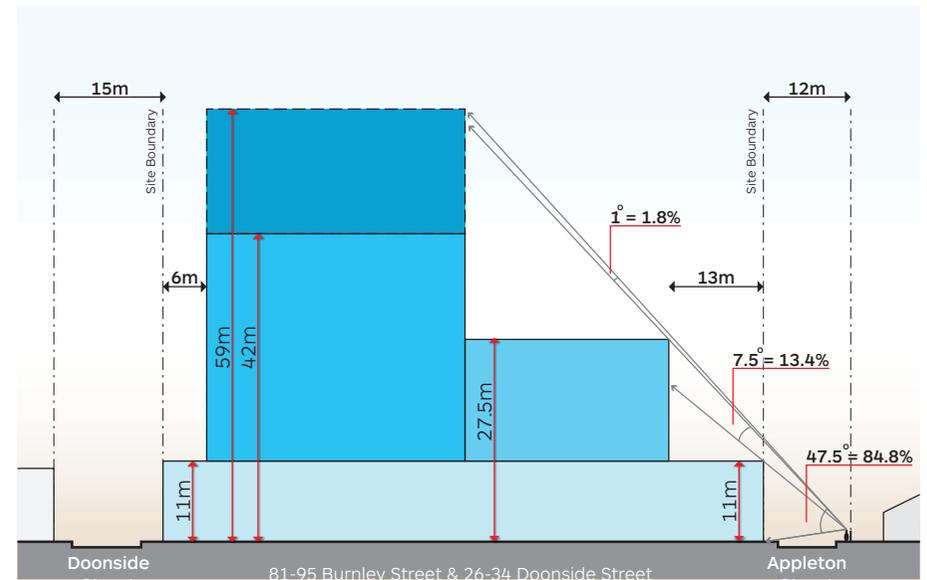


Figure 18 - Appleton Street Sightline Diagram

Doonside Street interface

- 103 Doonside Street has a markedly different character with one and two storey industrial and commercial buildings built to the street edge at its western end. Further east this opens up to open yard areas east of the heritage building at 26 Doonside Street on the subject land, and informal at grade parking to the rear of Victoria Gardens shopping centre on the north side of the street. At the eastern end of the street a new character is emerging with 11-13 storey apartment buildings around the intersection of Doonside and David Streets. This includes the 13 storey building on the neighbouring site to the east of the subject land at 26-44 Doonside Street. This building is separated from the common boundary by a 6m wide pedestrian laneway and addresses Doonside Street with a sheer 12 storey presentation to the street.
- 104 Along Doonside Street the IFP shows an 8m-11m high street wall west of the proposed public open space, with a 12storey/42m storey upper level form set back 8m from the street to the west above the heritage building at 81-95 Burnley Street and 5m for the remainder of this frontage. This is matched by the street wall and setback shown to the east of the retained heritage building at 26 Doonside Street, but with the upper level form shown as 11 storeys/38.5m.
- 105 Generally, I am comfortable that the massing approach and the scale of buildings at either end of this frontage are appropriate responses to context.
- 106 I have discussed the 12 storey/42m scale at the Burnley Street end of the site previously in relation to the Burnley Street interface. The 38.5m height nominated to the east is generally consistent with the height of the recently completed building on the neighbouring site and will form an appropriate scale relationship with this development.



Figure 19 - Doonside Street

- 107 However, I consider that the overall built form profile along this street would benefit from greater variation and that there is the opportunity for slightly taller built form in the central portion of the Doonside Street frontage.
- 108 As mentioned previously, shadow analysis shows that buildings of around 59m can be accommodated along this frontage while avoiding shadow to the properties south of Appleton Street.
- 109 I consider that such a height (which equates to 15 or 16 storeys based on the floor to floor heights used in DPO15) located centrally on the Doonside Street frontage, would be an appropriate scale that could add some dynamism to the built form profile of the site and its skyline silhouette when seen in longer range views. In closer range views from within Doonside Street itself, the effect would be little different to a 12 storey form, and the location on the south side of the street means there would be no increase in shadow to the street. Such heights in the central section can potentially relate to future development to the north where development opportunities exist to the rear of Victoria Gardens shopping centre.
- 110 The precise location and shaping of a taller element or elements would be subject to the existing requirements within the Council adopted DPO15 to ensure 'no unreasonable overshadowing' of the public open space and sunlight access to the north-south link.
- 111 The suggested reworking of the IFP at **Figure 6** includes the potential for building height of up to 59m in the central northern part of the site.
- 112 I also recommend that additional wording be included under the built form guidelines requirements to clarify that this part of the site is not to be developed to a uniform 59m but can include buildings up to this height as part of a set of varied building heights across the northern part of the site.
- 113 Finally, to allow for additional variety above the street wall, I recommend that upper level setbacks east of the heritage building fronting Burnley Street should vary between 3m and 6m rather than a blanket 5m requirement. I consider it is acceptable for upper levels to come within 3m of the street in a context where the neighbouring development to the east has a zero setback up to 12 storeys, although in my view balconies should not project into the 3m setback.

Eastern interface

- 114 To the east, the site interfaces to 26-44 Doonside Street which has recently been redeveloped with three buildings of 13 storeys (north), 10 storeys (south-east) and 9 storeys (south-west).
- 115 The north and south-east buildings are set back from the boundary with the subject land behind a through-block link of approximately 6m width. The south-west building on the neighbouring site abuts the common boundary at ground level, with upper residential levels above set back approximately 3m.

- 116 The IFP depicts these interfaces as being addressed by low scale 8-11m built form which follows the southern leg of the proposed pedestrian lane and wraps around the public open space, with a taller (38.5m) volume above an 8m-11m podium in the north-east corner of the site.
- 117 Generally, I consider that these volumes provide for an outcome that can adequately protect the amenity of the neighbouring apartments, particularly when allied with the requirement that built form guidelines provide for a minimum 9m upper level separation from habitable room windows.



Figure 20 - 26-44 Doonside Street

- 118 Of importance to the success of this interface will be the way in which the north-eastern building volume addresses the through block link in the neighbouring site. Whilst it may not be practical to provide active commercial frontage here, any building should positively engage with, and provide for passive surveillance over this link. This outcome should be referenced in the built form guideline requirements.
- 119 In addition, the north-eastern building has a particular relationship with the two storey former Repco office building on the site at 26 Doonside Street.
- 120 The IFP shows new built form separated from this building (dimension not shown but estimated to be around 3m), with upper level development to be set back a further 10m behind an 8m-11m high podium.
- 121 The way in which a taller building form relates to this building is primarily a matter for the heritage experts. However, from an urban design perspective, I observe that there are numerous successful examples in Melbourne of taller contemporary structures rising directly adjacent to low scale heritage buildings and, in some cases, even cantilevering over the retained building such as the John Wardle designed Urban Workshop on Little Lonsdale Street. In this context it is not clear to me why a separation of 13m to upper level built form is required in this case.
- 122 I consider that a 3m ground level separation to allow the heritage building to be read and understood 'in the round' would be sufficient and a taller building could rise at this separation distance without compromising the ability to appreciate and understand the form of the original building. The 3m ground separation could potentially take the form of a laneway between the buildings, or be treated as part of the landscape.

Design Details

- 123 A number of the requirements under the built form guidelines section of the schedule relate to qualitative design matter such as materiality and articulation to provide interest and variation. Whilst in principle these are appropriate requirements, I note that the wording of some elements is somewhat unclear which may cause issues with interpretation at Development Plan stage.
- 124 For instance, the reference to 'the contemporary use of common historical industrial materials' in the street wall and podium is open to wide interpretation, as is the reference to 'lightweight materials and detailing that compliments the significant elements of heritage buildings'. I recommend that these requirements be refined to be more precise as to the desired outcome to aid the preparation and assessment of the Development Plan.

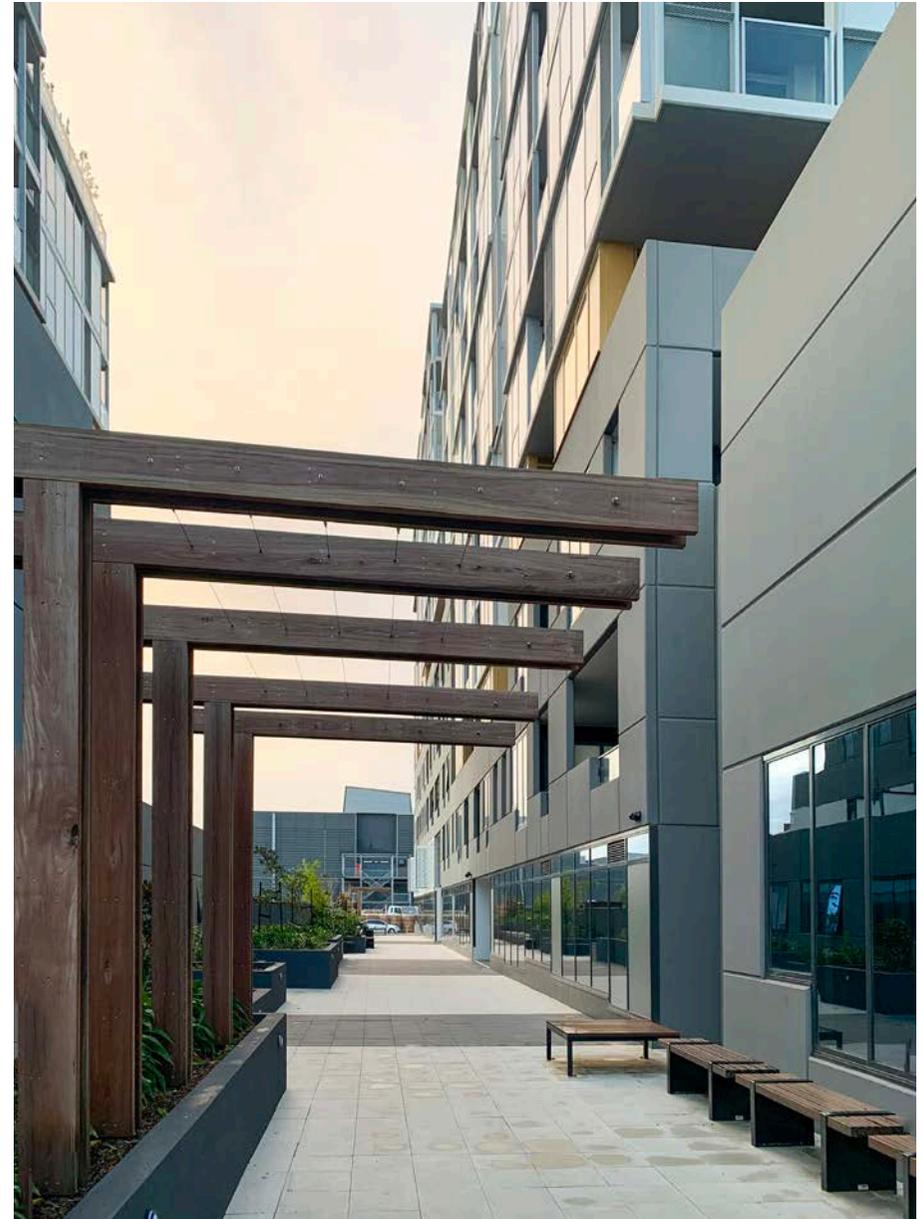


Figure 21 - Pedestrian Link

3 CONCLUSION

- 125 In summary, my conclusion is that Am C223 is strategically well founded and will facilitate beneficial land use change and redevelopment that is appropriate given the physical and policy context.
- 126 DPO15 generally provides a sound framework to guide the preparation of a Development Plan for the site and ensure that the development potential of the site is realised, whilst managing matters such as heritage, on and off-site amenity, and the built form relationship to adjoining streets and properties.
- 127 I have recommended changes in the assessment section of my evidence to refine the control to provide some additional flexibility for detailed design matters to be addressed through the Development Plan process guided by the key principles set out in the text of the DPO Schedule.
- 128 In summary my recommendations are:
- That the Indicative Framework Plan be amended in line with my commentary under paragraph 2.4.20 to become a more indicative depiction of spatial and built form principles;
 - To reduce the nominated upper level setback on the Burnley Street frontage to 6m (subject to heritage support);
 - To delete the unnecessary shadow test relating to the western footpath in Burnley Street;
 - To amend the shadow test that applies to the southern interface so it requires no additional overshadowing of the properties on the south side of Appleton Street;
 - To amend the preferred height of upper level development above the Appleton Street street wall to 27.5m, which is a height that is acceptable in visual bulk terms and meets the shadow test above;
 - To amend the upper level setbacks in the central portion of the Doonside Street frontage to a range between 3m-6m.
 - To amend the nominated preferred height in the central northern portion of the site to 59m, with clarifying wording requiring a varied height profile running east to west across the north of the site.

- To remove the requirement for a 10m setback above the podium for upper level development to the south and east of the former Repco office building at 26 Doonside Street.
- To refine wording in relation to qualitative design requirements relating to materials, articulation and architectural treatment of buildings.

C A Heggen BTRP FPIA

APPENDIX A - Site and Surrounds

Site Address	81-95 Burnley Street and 26-34 Doonside Street, Richmond
Site Area	Total Site Area – 12,803sqm (81-98 Burnley Street 10,970sqm and 26-34 Doonside Street, 1,833sqm)
Existing Conditions	Warehouse, office and showroom of Harry the Hirer.
Direct Abbutals	
North	Doonside Street, on the opposite side of the road reserve is a car park at 9 David Street, warehouses located 1 Doonside) and a show room at 77 Burnley Street.
East	Recent mixed use development under construction at 36-44 Doonside and 27-41 Appleton Street, Richmond (PLN10/0790), consisting 8, 10 and 12 storey buildings.
South	Appleton Street, on the opposite side of the road reserve are single storey residential properties namely 2-24 Appleton Street.
West	Burnley Street, on the opposite side of the road reserve are apartment developments at 86 Burnley Street and residential buildings at 88 and 90 Burnley Street.
Wider Context	
North – 50m, Victoria Garden Shopping Centre and 350m, Victoria Street Activity Centre corridor and 109 Tram Route.	
West – 320m, Yarra River, and Main Yarra Trail	
South – 480m, Bridge Road Activity Centre corridor.	
East – 120m Yarra Primary School	



Figure A1 - Subject Site

APPENDIX B - Existing Planning Controls and Policies

129 The site is affected by the provisions of the Yarra Planning Scheme the (Planning Scheme). An overview of the relevant statutory provisions that apply to the site is set down below.

ZONING

Industrial Zone – Schedule 3

130 The land is located with the Industrial Zone – Schedule 3 (IN3Z) pursuant to Clause 33.03.

131 The purpose of the IN3Z is:

132 “To implement the Municipal Planning Strategy and the Planning Policy Framework.

133 To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

134 To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

135 To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

136 To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.”

137 A zone map is included at **Figure B1**.

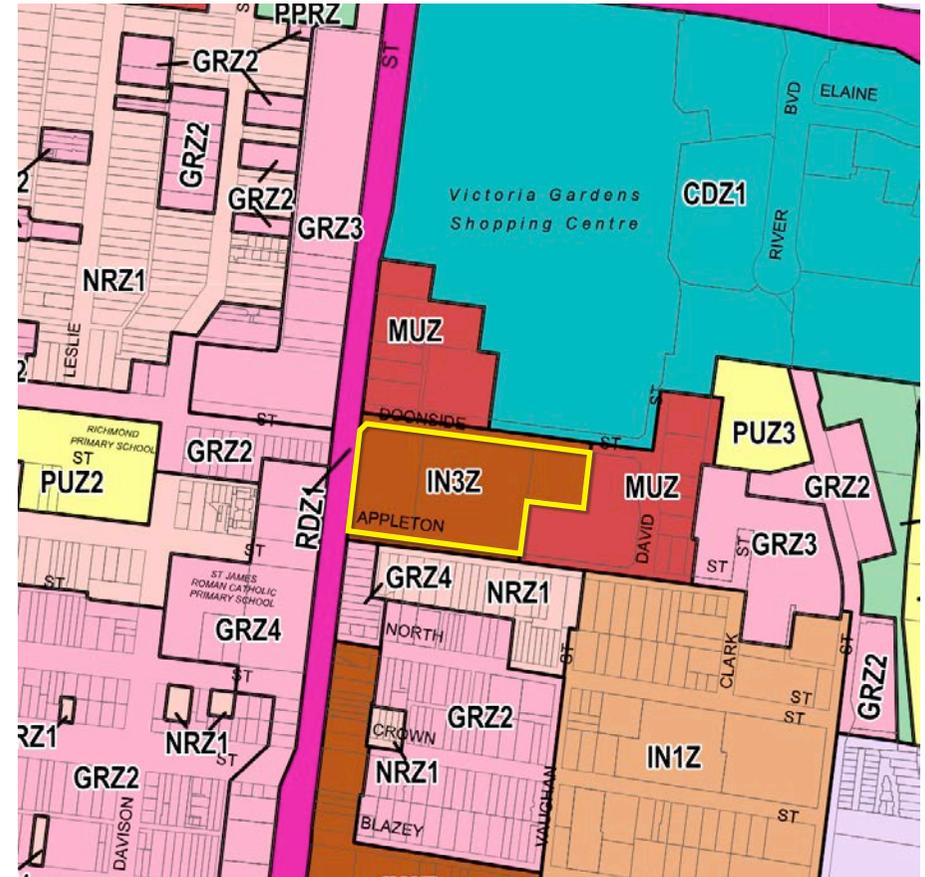


Figure B1 - Zone Map

OVERLAYS

138 The land is affected by two (2) different overlays as follows:

Clause 43.02 - Design And Development Overlay – Schedule 2 (DDO2), Main Road And Boulevards

139 The design objectives of this overlay include:

- 140 *“To recognise the importance of main roads to the image of the City.*
- 141 *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- 142 *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- 143 *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
- 144 *To encourage high quality contemporary architecture.*
- 145 *To encourage urban design that provides for a high level of community safety and comfort.*
- 146 *To limit visual clutter.*
- 147 *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.”*

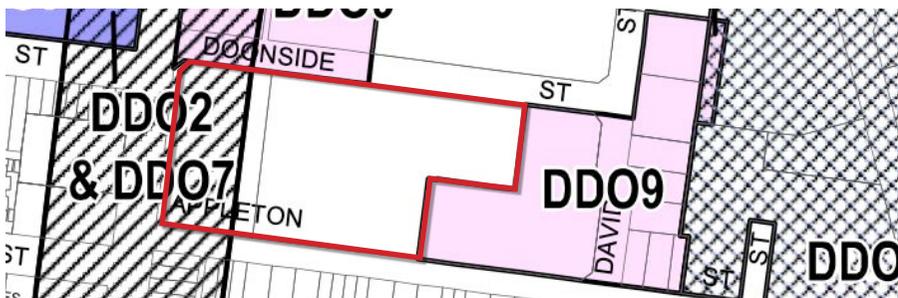


Figure B2 - Design and Development Overlay

Clause 43.01 - Heritage Overlay (HO375 and HO252)

148 The purpose of this overlay is:

- 149 To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 150 To conserve and enhance heritage places of natural or cultural significance.
- 151 To conserve and enhance those elements which contribute to the significance of heritage places.
- 152 To ensure that development does not adversely affect the significance of heritage places.
- 153 To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.
- 154 The site includes two buildings that are affected by the heritage overlay:
- 155 HO357 – 26 Doonside Street, Richmond
- 156 HO252 – 81-95 Burnley Street., Richmond
- 157 These buildings are a part of the Doonside Heritage Precinct which are significant “aesthetically, as a concentration of interwar factories around the intersection of Burnley and Doonside streets which are exceptional in their stylistic consistency”.

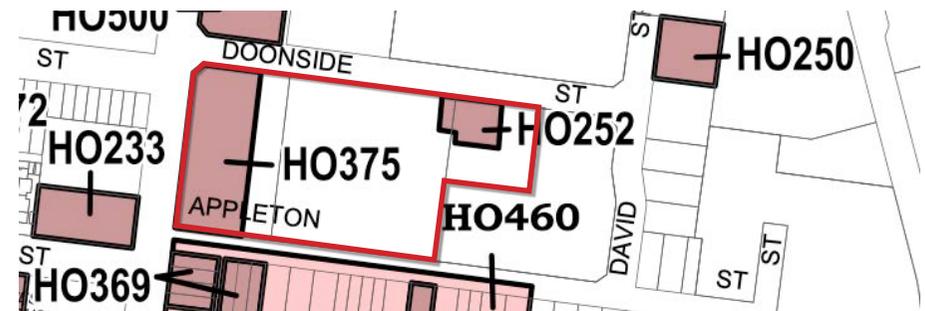


Figure B3 - Heritage Overlay

State Planning Policy

- 3.1.11 Clause 11** Settlement
- 3.1.12 Clause 1.01-1S** Settlement
- 3.1.13 Clause 11.01-1R** Settlement - Metropolitan Melbourne
- 3.1.14 Clause 11.02-1S** Supply of Urban Land
- 3.1.15 Clause 13.04-1S** Contaminated and potentially contaminated land.
- 3.1.16 Clause 15** Built Environment and Heritage
- 3.1.17 Clause 15.01-2S** Building Design
- 3.1.18 Clause 15.01-4S** Healthy Neighbourhood
- 3.1.19 Clause 15.01-1S** Urban Design
- 3.1.20 Clause 15**
- 3.1.21 Clause 15.03-1** Heritage Conservation
- 3.1.22 Clause 16** Housing
- 3.1.23 Clause 16.01-4S** Housing Affordability
- 3.1.24 Clause 16.01-3S** Housing Diversity
- 3.1.25 Clause 16.01-3R** Housing Diversity-Metropolitan Melbourne
- 3.1.26 Clause 16.01-2R** Housing Opportunity Areas-Metropolitan Melbourne
- 3.1.27 Clause 16.01-1S** Integrated Housing
- 3.1.28 Clause 16.01-2S** Location of Residential Development
- 3.1.29 Clause 17** Economic Development
- 3.1.30 Clause 17 17.01-1S** Diversified Economy

3.1.31 Clause 17.02-1S Business

3.1.32 Clause 18.02-1S Sustainable Personal Transport

3.1.33 Clause 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne

3.1.34 Clause 18.02-1S Sustainable Personal Transport

3.1.35 Clause 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne

3.1.36 Clause 19.02-6S Open Space

3.1.37 Clause.02-4S Social and Cultural Infrastructure

Local Planning Policy

Clause 21.02 Municipal Profile

Clause 21.03 Vision

Clause 21.04-1 Accommodation and Housing

Clause 21.04-2 Activity Centres

Clause 21.04-3 Industry, Office and Commercial

An objective of this policy is *“to increase the number and diversity of local employment opportunities.”*

Clause 21.04-5 Parks, Gardens and Public Open Space

Clause 21.05-1 Heritage

Clause 21.05-2 Urban Design

A number of objectives of this policy are relevant to the site including:

Objective 16 - To reinforce the existing urban framework of Yarra

Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.

Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern

Objective 19 - To create an inner city environment with landscaped beauty.

Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.

Objective 21 - To encourage the provision of universal access in new development.

Clause 21.05-3 Built Form Character

“New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity”

Clause 21.05-4 Public Environment

Clause 21.06-2 walking and cycling

Clause 21.06-3 Public Transport

Clause 21.06-3 The Road System and Parking

Clause 21.08 Neighborhoods

Clause 22.10 Built Form and Design Policy

Clause 22.11 Victoria East Precinct Policy

Clause 22.12 Public Open Space Contributions

Clause 22.17 Environmentally Sustainable Development

APPENDIX C - Proposed Planning Controls and Policies

Amendment C223 (Am C223) of the Yarra Planning Scheme

158 Am C223 seeks to change the planning controls that apply to the subject site at 81-95 Burnley Street and 26-34 Doonside Street as follows:

- Rezones the land from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ).
- Applies the Development Plan Overlay Schedule 15 (DPO15) to the land.
- Applies an Environmental Audit Overlay (EAO) to the land.

159 The proposed rezoning from IN3Z to MUZ is required to allow for the land to be used and developed for a mix of uses including residential, retail and commercial.

160 The proposed rezoning supports the Victoria Street Structure Plan 2010 which identifies the land for 'larger scale office and residential' as well as 'potential housing mixed with retail and businesses', as seen on the precinct map at **Figure D1**.

161 The application of the EAO is required to manage any site contamination issues prior to a sensitive use, such as residential, commencing on the land.

162 The application of the DPO is required to manage the built form of new development, with special consideration to:

- the surrounding sensitive residential areas
- the heritage significance on the land
- the location of land uses
- providing a mechanism to deliver 10% affordable housing, traffic infrastructure and public realm improvements including the requirement of a Public Realm Plan.



Figure C1 - Victoria Street Structure Plan 2010, Precinct Map

APPENDIX D - Council Adopted DPO15

Council Adopted DPO15 at Council Meeting 3 March 2020

- 163 At the Council meeting on 3 March 2020, the Officer recommendation was that Council's adopt the following refinements to the exhibited DPO, summarised below:
- 164 *"insert provisions protecting west side of Burnley Street from overshadowing;*
- 165 *include wording in the Development Plan Vision by adding 'and adjoining residential properties to the east' to the third dot point: To protect the amenity of residential properties on the south side of Appleton Street;*
- 166 *include a 9m building separation between new development and the Embassy Apartments directly to the east and south;*
- 167 *insert provisions and amend DPO15 to reflect the intention to retain the heritage building at 26 Doonside Street;*
- 168 *insert provisions to clarify the expectations for a varied skyline and high quality building materials and design; and*
- 169 *insert provisions to clarify the treatment of loading areas and services."*
- 170 These changes to the exhibited DPO are shown as tracked changes, that is green text for additions and red text for deletions, an excerpt of this document is included on the following pages.

AMENDMENT C223YARA	
C223yara	<p>SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY Shown on the planning scheme map as DPO15.</p> <p>81-95 BURNLEY STREET AND 26-34 DOONSIDE STREET, RICHMOND</p>
1.0 C223yara	<p>Objectives None specified.</p>
2.0 C223yara	<p>Requirement before a permit is granted A permit may be granted for the following before a development plan has been approved:</p> <ul style="list-style-type: none"> • Buildings or works necessary for existing businesses or uses to continue. • Consolidation or subdivision. • Removal or creation of easements or restrictions. • Demolition or removal of buildings. • The construction or carrying out of minor buildings or works, including site preparation. • Buildings and works associated with or for the purpose of obtaining a certificate or statement of environmental audit under the <i>Environment Protection Act 1970</i>, or environmental matters pursuant to any successor legislation, including the <i>Environment Protection Amendment Act 2018</i>, where these works do not prejudice the preparation and approval of the Development Plan and the vision for the land set out in this overlay. <p>Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land and will not compromise the objectives for the site as set out in this schedule.</p>
2.1	<p>Section 173 Agreement to provide for affordable housing</p> <p>The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the <i>Planning and Environment Act 1987</i> which requires that the owner must facilitate the provision of 10 percent of the total number of dwellings (being the total number of dwellings provided within the DPO15 area) as affordable housing by:</p> <ul style="list-style-type: none"> • Entering into an arrangement with a Registered Agency under the Housing Act 1983 for the provision of the affordable housing within the DPO15 area to a Registered Agency; and/or • Making other arrangements for the provision of affordable housing in conjunction with a Not for Profit (registered with the Australian Charities and Not-for-profits Commission) to the satisfaction of the Responsible Authority; and/or • Making other arrangements for the provision of Affordable Housing as defined at Section 3AA of the <i>Planning and Environment Act 1987</i>, to the satisfaction of the Responsible Authority. <p>The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.</p> <p>The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.</p>

AMENDMENT C223YARA

2.2 Section 173 Agreement to provide for public infrastructure

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of the following items of public infrastructure in accordance with the Public Realm Plan prepared and approved in accordance with this schedule. The works may include but are not limited to:

- Streetscape and public realm improvements to Doonside Street;
- Streetscape and public realm improvements to Appleton Street; and
- A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street at the approximate mid-point of the Site, generally in accordance with the *Indicative Framework Plan* at Figure 1.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.

2.3 Section 173 Agreement for Traffic Impact Assessment Report works

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with VicRoads and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Traffic Impact Assessment Report prepared and approved in accordance with this schedule. The works may include but are not limited to:

- mitigating works required for each development stage in the Development Plan;
- a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street; and
- a new intersection, if required, approved by VicRoads in consultation with the Responsible Authority.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.

3.0 Conditions and requirements for permits

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3.1 Permit requirements

Except for a permit granted in accordance with Clause 1.0 of this Schedule, a permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

3.2 Heritage Impact Statement

A permit application must include, where relevant:

- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place and nearby

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heritage places, as identified in the conservation management plan or similar comprehensive heritage analysis prepared for the site, along with relevant heritage studies and citations.

- A siteline analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places.

4.0

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Requirements for development plan

A development plan must be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1, and the vision set out in this schedule, to the satisfaction of the Responsible Authority.

A development plan must be approved for the whole site, however the land may be developed in stages.

The development plan must include the following sections, all prepared to the satisfaction of the Responsible Authority:

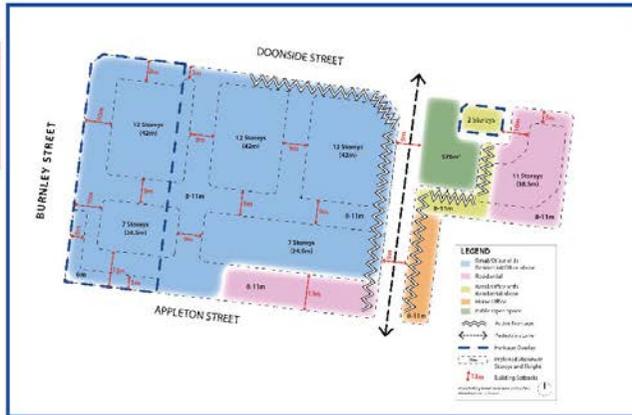
4.1

Development Plan Vision

- To become a sustainable, mixed-use residential community, supported by convenience retailing services, community facilities, and employment opportunities augmenting the role of the Victoria Street Activity Centre.
- To recognise the opportunity of the site's activity centre context, whilst respecting the low rise residential development to the south.
- To protect the amenity of residential properties on the south side of Appleton Street and to the east of the subject site.
- To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway.
- To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design.
- To respect the scale and form heritage places within and adjacent to the site and provide for the conservation of heritage places within the site.
- To ensure that new development mitigates any adverse impact it may generate upon local traffic conditions.
- To provide for the sensitive adaptive re-use of heritage buildings in accordance with the *Indicative Framework Plan* and informed by a comprehensive heritage analysis prepared for the site by a suitably qualified professional that:
 - articulates the significance of the heritage place, its component parts and its setting;
 - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
 - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.

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Figure 1: Indicative Framework Plan



Amended Figure 1
- Storeys labelled
on 26 Doonside
Street Heritage
Place

4.2 Components of the Development Plan

SITE AND CONTEXT INFORMATION

A site analysis that identifies:

- the key attributes of the land and its context;
- existing or proposed uses on adjoining land;
- other neighbourhood features such as public transport, activity centres, walking and cycling connections; and
- important views to be considered and protected, including views of existing heritage buildings.

CONCEPT PLANS

Concept plans must include:

- The total number of dwellings across the entire site;
- The proposed use of each building and estimated floor area for each use;
- At least 9,000m² of Gross Floor Area provided for employment generating activities;
- An indication of the location and approximate commercial and retail yield for the site;
- A north south pedestrian lane :
 - with a minimum width of 9 metres;
 - that provides safe and pleasant pedestrian and cycling access between Doonside Street and Appleton Street;
 - that receives sunlight between 10am and 2pm at the equinox;
 - that remains publicly accessible in perpetuity; and
 - that will not be accessible by private vehicles at any time (with the exception of emergency services and public/authority services).

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- The provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane. The plan must show the area of public open space in square metres and its percentage of overall site area; and
- Vehicular, pedestrian, cyclist and loading access points and connections.

BUILT FORM GUIDELINES

Built form guidelines which provide the following:

- Maximum building heights and envelopes responding to the site context;
- Building setbacks from street boundaries that ensure that new future development does not overwhelm the scale of the heritage buildings on the site or on heritage places in the vicinity of the site, including dwellings on the south side of Appleton Street;
- Building setbacks from the facades of 81-95 Burnley Street that ensure the heritage building can be understood as having a three dimensional form;
- Minimum upper level (above podium) setbacks of:
 - 13 metres from the Appleton Street site boundary.
 - 10 metres from the Burnley Street site boundary.
 - 8 and 5 metres from the Doonside Street site boundary.
 - 9m from habitable room windows or balconies of the Embassy building directly to the east and south.
- Ensure new buildings are well spaced (minimum of 9 metres between buildings above podium);
- Buildings set back a minimum of 10 metres (above podium) from the heritage building at 26-34 Doonside Street;
- Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns;
- Ensure the retention of heritage fabric of:
 - the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street (former Repco Factory) for the extent of the building within in heritage overlay; and
 - external form of 21 Doonside Street (former Repco Offices and Laboratories).
- Active frontages to Burnley Street, open space and the pedestrian lane, as appropriate;
- Massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks;
- Shadow diagrams that demonstrate:
 - no unreasonable overshadowing of Doonside Street public open space area and
 - no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.
 - no overshadowing of the footpath on the western side of Burnley Street from 11 am at the September Equinox.
- Indicative palette of building materials and architectural treatments throughout the site. The design and use of materials must be respectful of the industrial heritage of the site and its surrounds to the north and east, as well as to the residential heritage to the south.
- Provide for high quality architecture and spaces throughout the site and respond to heritage places through, as appropriate;

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- **Use of lightweight materials** Create an interesting and varied street wall and podium which is reinforced through the contemporary use of common historic industrial materials, a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street facade.
 - At upper levels use lightweight materials and detailing that compliments the significant elements of heritage buildings.
 - Simple architectural detail so as not to detract from significant elements of heritage buildings
 - Discouraging highly articulated facades with recessed and projecting elements **above retained heritage buildings**
 - Ensuring the retention of solid built form behind retained facades and avoiding balconies behind existing openings
 - Providing high quality treatments to **the building facades facing the pedestrian lane and streets.**
- Ensure car parking is screened by buildings and not clearly visible from the street, or otherwise located in basement areas;
 - Ensure buildings are designed to ameliorate adverse wind conditions at street level, public spaces and lower level dwellings;
 - Ensure buildings are designed along Appleton St to break up the form of the street wall.
 - Guidelines to mitigate **adverse** impacts of wind effects in building design.
 - Minimise vehicle access and traffic movements in Appleton Street.
 - **Ensure buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct.**
 - **Ensure that site services and loading areas are carefully designed to minimise impacts on streetscapes, shared spaces and pedestrian footpaths and laneways.**

OPEN SPACE AND LANDSCAPE

A Landscape Concept Plan must be prepared that provides:

- Dimensions of open space to the satisfaction of the Responsible Authority;
- An overall landscape masterplan for the site that includes landscape concepts for proposed open space and improvements along Appleton Street and Doonside Street;
- A written description of the management of the open space, pedestrian lane and other landscaped areas, including sustainable irrigation principles such as water sensitive urban design opportunities; and
- Details of how the Landscape Concept Plan responds to any requirements of the site remediation strategy for the land.

PUBLIC REALM PLAN

A Public Realm Plan must be prepared to the satisfaction of the Responsible Authority. The Public Realm Plan must detail how the development will contribute towards improving the public realm adjacent to the site and provide the following information:

- Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian-friendly public spaces.
- The locations of public realm infrastructure works such as footpaths, bike paths, street lighting and furniture, and street trees, including:
 - Streetscape and public realm improvements to Doonside Street;

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- Streetscape and public realm improvements to Appleton Street; and
- A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street at the approximate mid-point of the Site, generally in accordance with the *Indicative Framework Plan* at Figure 1.

HOUSING DIVERSITY REPORT

A Housing Diversity and Adaptability Report must be prepared to the satisfaction of the Responsible Authority which provides the following information:

- A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix.
- The model to provide 10% of the overall housing stock as affordable housing.
- Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.

ECONOMIC ASSESSMENT

An economic assessment must be prepared which identifies, as appropriate, viable employment generating uses for the site.

TRANSPORT ASSESSMENT

A Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified traffic engineer to the satisfaction of the Responsible Authority and Vic Roads. The Traffic Impact Assessment must include and demonstrate the following:

- An existing conditions assessment.
- Details of any development staging.
- A site layout plan showing convenient and safe primary vehicle access, including:
 - Primary vehicle access to and from Doonside Street;
 - Any vehicle access to Appleton Street to be a secondary access point;
 - No direct vehicle access to or from the site via Burnley Street.
- Details regarding the layout, cross section and function of any internal street or laneway network.
- On site car parking and bicycle parking provisions and allocations.
- Expected traffic volumes and impact on the existing road network, including but not necessarily limited to Doonside Street, Appleton Street and Burnley Street. This assessment is to include details of any assumptions relied upon.
- The TIAR is to include consideration of any development stages and approved/current development applications within the immediate area surrounding the site. The assessment is to:
 - identify mitigating works required for each development stage in the Development Plan
 - assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads
 - identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.
- Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.
- Details regarding the impact on pedestrian and bicycle routes.

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- Measures to reduce conflict and improve pedestrian and bicycle amenity.
- Details regarding loading arrangements, with loading to be undertaken on site and conflict between the loading bay(s) and car parking areas and non-motorised transport to be minimised.
- Access to the site by trucks is to be via Doonside Street.
- Details regarding on-site waste collection, with waste vehicles accessing the site from Doonside Street.

GREEN TRAVEL PLAN

A Green Travel Plan must demonstrate that the development supports sustainable transport alternatives to the motor car, provides on site car share spaces and provides bicycle parking and storage facilities. It must be prepared to the satisfaction of the Responsible Authority and prepared by a qualified traffic engineer.

ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)

An environmentally sustainable design assessment must be prepared to the satisfaction of the Responsible Authority which sets out how future development may achieve:

- WSUD objectives and requirements pursuant to the planning scheme; and
- ESD objectives and requirements pursuant to the planning scheme

DRAINAGE

A drainage assessment must be prepared to the satisfaction of the Responsible Authority which includes:

- A catchment analysis of the existing storm water drainage system in Burnley Street and Doonside Street;
- A capacity assessment for the existing drainage system into which future development will be discharged; and
- A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100 year flood.

HERITAGE

A heritage impact statement must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority that:

- Assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places.
- Addresses the retention, restoration, redevelopment and adaptive reuse of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street), and heritage façade (Burnley Street).
- Assesses the impacts on the context and setting of heritage places in the vicinity of the site;
- Addresses the retention, recording and interpretation of links to the site's history and industrial past including interpretive panels depicting that past; and
- Provides a siteline analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places, in particular 26 Doonside Street.

DEVELOPMENT STAGING

A staging plan to provide an indication of the likely staging of the development of land, specifically:

- The expected sequencing of development;

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- The expected sequencing of works identified in the Public Realm Plan approved in accordance with this schedule;
- Likely vehicle access points, road infrastructure works and traffic management; and
- Interface/access treatments.

COMMUNITY CONSULTATION

The Development Plan shall be available for public inspection and submission for 28 days prior to its consideration by the Responsible Authority. Any submissions must be considered by the Responsible Authority in its decision.

APPENDIX E - Shadow Modelling



Figure E1 - Shadow Diagrams of The Indicative Framework Plan



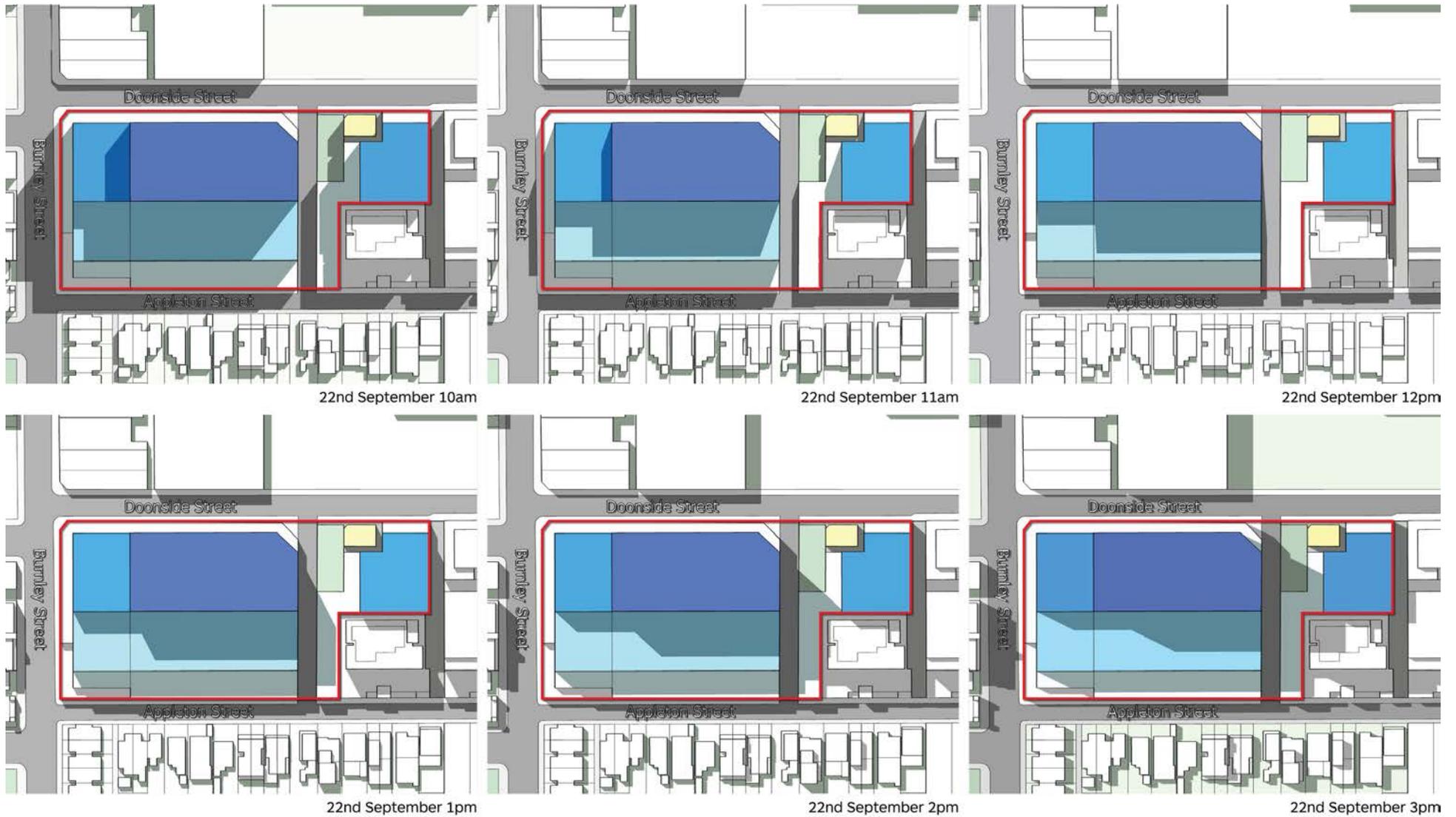


Figure E2 - Shadow Diagrams of The Suggested Framework Plan

APPENDIX F - Witness Statement

Name and Address

Catherine Anne Heggen
Ratio Consultants Australia Pty Ltd
8 Gwynne Street, Cremorne 3121

Qualifications

- Bachelor of Town and Regional Planning, Melbourne University 1982
- Fellow, Planning Institute of Australia
- Fellow, Victorian Planning and Environmental Law Association

Professional experience

- Current Position: Director Urban Design, Ratio Consultants Australia Pty Ltd
- 1985 – Current: Town Planning Consultant
- 1982 – 1985: Town Planner in local government and regional authorities (Australia & overseas)

Professional appointments

- 1996 – 2002: Member, Victoria's Heritage Council
- 1998 – 2002: Chair, Victoria's Heritage Council
- 1998 – 2002: Trustee, Melbourne Heritage Restoration Fund
- 2001 & 2002: Jury Member, Stonnington Urban Design Awards
- 2001: Jury Member, Australian Institute of Landscape Architects (Vic Chapter) Awards
- 2003: Jury Member, Planning Institute of Australia (Vic Division) Awards
- 2004 – 2013: Member, Heritage Committee to the Building and Estates Committee – University of Melbourne
- 2005 – 2012: Member, Building Committee – Queen Victoria Women's Centre
- 2011 Member, Ministerial Advisory Committee on Planning System Reform

Areas of expertise

- Extensive urban design advice to architects and project managers involved in medium and high density housing and other built form projects.
- Strategic and statutory planning advice to commercial and institutional clients as well as government and alpine management authorities on a range of residential, environmental, tourism, cultural heritage and urban character issues.
- Consulting advice to a wide range of private sector and government clients addressing the management of urban development and rural land use.
- Project planning and coordination of Institutional Master Plans.
- Experience in the preparation of environmental management plans and Environment Effects Statements for extractive industry.
- Preparation and presentation of evidence before VCAT, and various government appointed independent panels and advisory committees.

Expertise to prepare this report

Professional qualifications and expertise in urban design and town planning, including:

- Urban design and building form impact assessment.
- Ongoing involvement in a range of residential, mixed use, institutional, commercial and extractive industry development proposals.
- Ongoing involvement in cultural heritage, urban character and visual and landscape impact issues.
- Experience in new community development, greenfield subdivision projects and institutional Master Plans.
- Specialist experience in medium and high density housing issues.

Investigations and research

In preparing this evidence I have:

- Inspected the locality on 10 October 2019;
- Reviewed planning scheme amendment documents of Am C223 and relevant material; and
- Reviewed the planning policy framework and the relevant planning controls for the subject site.

My evidence is based upon the Planning Scheme Amendment C223 documents prepared by Yarra City Council and supporting material Planning Scheme Amendment C223 Report (prepared by Tract) and Victoria Street Structure Plan 2010 (prepared by Hansen). I have also considered the adjusted DPO15 provisions adopted by Council at its Council Meeting held on 3 March 2020.

I note that I have also been engaged by Astrodome Hire Pty Ltd to prepare and present expert evidence for the Am C223 Planning Panel.

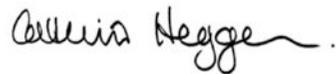
Summary of opinions

My conclusions are summarised in the preamble and conclusion of this report.

Declaration

I declare that 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.

I prepared this report with assistance from Mathew Furness, Senior Associate, Gokhan Karpat, Associate and Erica Orfanos, Urban Designer/Planner at Ratio Consultants Australia Pty Ltd.



C A Heggen

BTRP FPIA FVPELA