



# Brunswick Street and Smith Street Built Form Review Heritage Analysis & Recommendations



Figure 1. Aerial photograph of the Study Area – outlined in red (©nearmap, 4 July 2019)

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**Prepared for the City of Yarra**

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## Table of Contents

<b>Executive Summary</b>	<b>v</b>
Presentation of the Report	v
<b>Part I: The Project and the Study Area</b>	<b>1</b>
<b>1. Introduction</b>	<b>2</b>
1.1 Yarra’s High Streets	2
1.1.1 Brief History of Brunswick Street	2
1.1.2 Brief History of Smith Street	3
1.1.3 Brief History of South Fitzroy	4
1.1.4 Brief Description of the Brunswick and Smith Street Study Area	5
1.2 Scope of the Heritage Analysis & Recommendations Report	10
1.3 Methodology	10
<b>2. Analysis of the Planning Context</b>	<b>13</b>
2.1 Activity Centre Planning and Heritage	13
2.2 Yarra Planning Scheme – Heritage Provisions	13
2.2.1 Heritage policy	14
2.2.2 Landmarks and Tall Structures	16
2.2.3 Heritage Overlay	20
<b>3. Heritage in Design and Development Overlays – Panel Findings</b>	<b>22</b>
3.1 Yarra Planning Scheme Amendment C220 (C220)	22
3.2 Melbourne Planning Scheme Amendment C258 (C258)	23
3.3 Moreland Amendment C134 (C134)	24
3.4 Boroondara Amendment C108 (C108)	25
3.5 Whitehorse Amendment C175 (C175)	25
3.6 Stonnington Planning Scheme Amendment C223 (C223)	26
3.7 Darebin Amendment C161 (C161)	26
<b>4. Mandatory and Discretionary Height and Setback Controls</b>	<b>30</b>
<b>Part II: Heritage Analysis</b>	<b>32</b>
<b>5. Heritage Analysis</b>	<b>33</b>
5.1 Precinct Boundaries	33
5.2 Heritage Characteristics	34
5.2.1 VHR Places	34
5.2.2 Activity Spines	34
5.2.3 Mixed Used Precincts	38
5.3 Local landmarks	40
<b>6. Brunswick Street and Town Hall Mixed Use Precinct, Fitzroy</b>	<b>43</b>

6.1	Description	43
6.1.1	Brunswick Street Activity Spine	43
6.1.2	Town Hall Mixed Use Precinct	44
6.2	Heritage Status	44
6.2.1	Existing Conditions	44
6.2.2	Recommended Changes	46
6.3	Zoning	47
6.3.1	Existing Conditions	47
6.3.2	Recommended Changes	47
6.4	Key Views and Landmarks	48
6.4.1	Brunswick Street Activity Spine	48
6.4.2	Town Hall Mixed Use Precinct	50
6.5	Potential Future Character Considerations	51
6.5.1	Brunswick Street (north of Gertrude Street)	51
6.5.2	Brunswick Street (south of Gertrude Street)	52
6.5.3	Town Hall Mixed Use Precinct	52
6.6	Recommended Built Form Parameters	52
<b>7.</b>	<b>Smith Street Activity Spine</b>	<b>54</b>
7.1	Description	54
7.2	Heritage Status	55
7.2.1	Existing Conditions	55
7.2.2	Recommended Changes	57
7.3	Zoning	58
7.3.1	Existing Conditions	58
7.3.2	Recommended Changes	58
7.4	Key Views and Landmarks	59
7.5	Potential Future Character Considerations	61
7.6	Recommended Built Form Parameters	62
<b>8.</b>	<b>Johnston Street Activity Spine</b>	<b>64</b>
8.1	Description	64
8.2	Heritage Status	64
8.2.1	Existing Conditions	64
8.2.2	Recommended Changes	66
8.3	Zoning	67
8.3.1	Existing Conditions	67
8.3.2	Recommended Changes	67
8.4	Key Views and Landmarks	68
8.5	Potential Future Character Considerations	69

8.6	Recommended Built Form Parameters	70
<b>9.</b>	<b>Fitzroy East Mixed Use Precinct</b>	<b>71</b>
9.1	Description	71
9.2	Heritage Status	71
9.2.1	Existing Conditions	71
9.2.2	Recommended Changes	72
9.3	Zoning	73
9.3.1	Existing Conditions	73
9.3.2	Recommended Changes	73
9.4	Key Views and Landmarks	74
9.5	Potential Future Character Considerations	74
9.6	Recommended Built Form Parameters	75
<b>10.</b>	<b>Built Form Testing</b>	<b>76</b>
<b>Part III: Built Form Recommendations</b>		<b>77</b>
<b>11.</b>	<b>Built Form Recommendations</b>	<b>78</b>
11.1	Brunswick Street and the Town Hall Mixed Use Precinct	78
11.2	Smith Street	82
11.3	Johnston Street	84
11.4	Fitzroy East Mixed Use Precinct	86
11.5	Additional guidance	86

## Executive Summary

Hansen Partnership, on behalf of the City of Yarra (Council), is completing a Built Form Review of Brunswick Street (Fitzroy), Smith Street (Collingwood/Fitzroy) and associated mixed use precincts of Fitzroy East (north of Johnston Street between Young Street and Smith Street) and Town Hall (centred around the Fitzroy Town Hall). The purpose of the Built Form Review is to determine where and how new development can appropriately occur. The desired built form outcomes will be translated into Design and Development Overlay (DDO) controls for the study area.

The heritage advice contained within this report will help ensure that the Built Form Review and the subsequent DDO controls appropriately respond to the heritage fabric and values of the study area.

This advice then considers the built form parameters that are needed to ensure the heritage values of the study area are appropriately managed and protected, and that good heritage outcomes are being achieved for new or redevelopment. This includes a consideration of whether mandatory or discretionary controls are appropriate to achieve greater clarity in heritage outcomes.

A separate Heritage Anomalies report analyses the existing heritage values and qualities along Brunswick, Johnston and Smith Streets, as well as the Fitzroy Town Hall and Fitzroy East mixed-use precincts. It identifies gaps, inconsistencies and inaccuracies with the current heritage controls and provides recommendations for addressing these issues.

## Presentation of the Report

This Heritage Analysis and Recommendation Report is presented in three parts:

### **Part I: The Project and Planning Framework**

Part I introduces the project, the methodology applied to the project and the planning framework in which the project is occurring.

### **Part II: Heritage Analysis**

Part II contains a heritage analysis of each built form precinct within the study area. It details the heritage qualities and values of each precinct, identifies any gaps or issues with the existing heritage framework and provides recommendations for appropriately managing heritage places within the study area.

### **Part III: Built Form Recommendations**

Part III contains specific built form recommendations to ensure heritage places and values are appropriately managed within a changing urban context. The specific recommendations are informed by modelling prepared by Hansen Partnership.

## **Part I: The Project and the Study Area**

# 1. Introduction

## 1.1 Yarra's High Streets

The City of Yarra is endowed with one of the largest and most highly intact collections of turn of the century 'High Streets' in the State of Victoria. These High Streets include the Major Activity Centres of Swan Street and Bridge Road in Richmond, Brunswick Street in Fitzroy, Smith Street straddling the suburbs of Fitzroy and Collingwood and Victoria Street, in Abbotsford and Richmond. They also include a number of Neighbourhood Activity Centres, including Rathdowne Street and Nicholson Street in Carlton North, St Georges Road in Fitzroy North, Queens Parade in Fitzroy North/Clifton Hill, Gertrude Street in Fitzroy, and Johnston Street in Fitzroy and Collingwood.

This collection of High Streets is unique to Melbourne and helps to define the character of the municipality. Their value to the community is recognised by their inclusion in the Heritage Overlay of the Yarra Planning Scheme. However, the Activity Centre status of these high streets presents a challenge: how do we manage the tension between the desire to retain these heritage values of these areas and the need to ensure the long-term sustainability of these centres and meet the growth objectives of the Yarra Planning Scheme?

### 1.1.1 Brief History of Brunswick Street

The following brief history is drawn from the citation for HO311 Brunswick Street Precinct, the 1998 *City of Yarra Thematic History* (Allom Lovell & Associates) and supplemented with additional research.

Brunswick Street was among the first streets in Fitzroy to develop commercially, with Crown Allotments sold from 1839. Benjamin Baxter was responsible for the creation of the earliest sections of Brunswick Street, quartering his allotment to form the first intersection (with Gertrude Street) of Newtown, now Fitzroy, in what was unofficially the 'District of Collingwood'. The alignment of Brunswick Street was extended north by neighbouring land owners and by 1851, it had reached Alexandra Parade. It was one of the first north-south thoroughfares through Fitzroy.

Prominent and wealthy Melbourne individuals were the first to populate Newtown. By 1841, a number of small houses and villas had been constructed between Victoria Parade and Palmer Street. Shops were also established to provide local residents with everyday needs such as food, clothing and building materials. Following the discovery of gold in the early 1850s, Fitzroy was the fastest growing ward within the City of Melbourne. By 1854 subdivision was near complete and according to one memoir '...shops rivalling those in Bourke-street, Melbourne, were to be found in Brunswick-street'. From 1853, terrace houses became the preferred residential housing type, with Melbourne's wealthy favouring the elevated land at the southern end of Brunswick Street. The house at 21 Brunswick Street (1851), named 'Mononia', and designed by architect Charles Laing, is an important surviving example of an early mansion built for a wealthy resident of Fitzroy.

The 1860s to 1880s was a period of consolidation for Fitzroy. Sites occupied by humble or unsubstantial structures were replaced with more permanent premises, terraces were completed, and unoccupied land was built upon. By the 1870s, the scale of retail outlets had increased and large premises had been established, with Brunswick Street continuing to rival Melbourne's central business district for trade. A cable tram, installed in 1886 and later electrified, aided Brunswick Street's development and further boosted trade. Today the Brunswick Street streetscape has a strong presence of Victorian buildings dating from the 1870s and 1880s. Notable buildings constructed during this period were the Fitzroy Post Office (no. 296, 1883) and the three-storey shop row at no. 236-252, designed by John Beswicke (1888).

The 1890s depression caused construction in Fitzroy, and wider Melbourne, to slow significantly for a decade, though the development of Brunswick Street was largely complete by the turn of the century. Brunswick Street continued as a local retail and service precinct and some development occurred during the Edwardian period. An example of development from this period is the Perseverance Hotel (no. 196), which was constructed in 1911. Large commercial premises continued to trade until the arrival of the car, which saw the introduction of suburban shopping centres.



In the post-war period, there was increased demand for housing for returned servicemen and immigrants. The changed demographics of the area was reflected in the small-scale industrial use of the shops along Brunswick Street. An important transformation in the character of Brunswick Street in this period was the demolition of a large area of 'slum housing' in the 1960s and the erection of the Atherton Gardens estate in the early 1970s. More than 120 houses and 60 shops, many fronting Brunswick Street, were demolished as a result.

In the same period, Brunswick Street was viewed as a derelict street with many closed shops and few commercial businesses serving locals. Low rent encouraged artists and students to move into the area, which resulted in the street's revitalisation in the late 1970s. Brunswick Street has since transformed into Melbourne's centre for Bohemian cafes, bars, restaurants, bookshops and boutiques and its Victorian and Edwardian streetscape character remains remarkably intact.

### 1.1.2 Brief History of Smith Street

The following brief history is drawn from the Statement of Significance for HO333 Smith Street Precinct, the 1998 *City of Yarra Thematic History* (Allom Lovell & Associates) and supplemented with additional research.

Smith Street was originally established as a route from Melbourne to Heidelberg, following an irregular track that ran north-east from the top of Bourke Street. Robert Hoddle's survey re-routed and formalised the track into the new Eastern Road, later named Smith Street. It was to form the boundary between Fitzroy and Collingwood and was first subdivided by the colonial government in 1838. Private subdivisions on the western (Fitzroy) side of the street occurred from 1842. Subdivision commenced on the eastern (Collingwood) side in 1849.

Allotments in Smith Street remained largely undeveloped until 1851 when industry began to develop in the area. The absence of a local government and the subsequent lack of local facilities accounted for this slow growth. The area experienced a rapid population boom following the gold rush and by the mid-1860s a number of small businesses were operating on Smith Street; the east side of the street in particular accommodated a variety of shops serving local everyday needs. Examples of this type of development include the shops at 293-295 Smith Street (1852-3), which are some of the earliest surviving retail buildings in Melbourne. The Grace Darling Hotel (no. 144), built in 1854 and the former Foresters Hall at no. 114 (1868) are early buildings of architectural note on Smith Street.

Smith Street catered for a diverse social mix in the 1860s and 1870s – the Collingwood working class (including artisans, labourers, pensioners and widows, who occupied the 'flats' at the bottom of the 'Collingwood Slope', east of Wellington Street). The period was one of consolidation for Smith Street, with many of the early insubstantial structures replaced with more permanent premises, and single-fronted shop buildings replaced with shop rows. Examples include the two-storey shops at no. 196-198 (1867) and no. 252-254 (1875). Smith Street soon became known as one of the largest and most diverse commercial centres in Melbourne and was described in the 1870s as being 'a thoroughfare only second to three or four of the central streets in the city'. Retail businesses included drapers, grocers, shoemakers and clothiers.

The economic boom of the 1880s left its mark on Smith Street. The period saw the replacement of many single-fronted shops with more substantial and elaborate buildings, including large-scale emporia, and Smith Street became identified with businesses which combined manufacturing and retailing. Most notable of these enterprises was Foy and Gibson, which developed a series of buildings stretching for approximately two kilometres from north to south. One of the remaining Foy and Gibson buildings fronting Smith Street is the former Ladies Clothing Store at no. 145-163, built in the Edwardian period (c1911). Similarly, Henry Ackman & Co occupied shops, warehouses and factories on both sides of Smith Street and built the Stanford Block (no. 119-129) in 1888-9.

A cable tram, introduced in 1886-7 and including one route running from Gertrude Street to Smith Street, helped to boost trade. By the turn of the century, Smith Street had been almost fully developed, and was characterised by its highly ornate Victorian buildings dating from the 1870s and 1880s. Examples from this period of development include the Italianate shops at no. 298-312 (c1880-89) and the former Collingwood Post Office (1891, no. 174). Of particular note are the three-storey Victoria Buildings (1888-9) at 193-207 Smith Street.

Hints of the 1890s depression were felt in Collingwood from the 1880s, when rents in the area began to rise while wages remained stagnant. The depression hit the working class hard, earning Collingwood its reputation as a 'slum' that would persist well into the 1900s. The community united however, and commercial trade endured along Smith Street. In the early to mid-twentieth century, Smith Street became the furniture retailing centre for the northern and eastern suburbs. Paterson's Furniture Warehouse at no. 173-181 (1911) is a prime example of this phase of development.

The 1930s depression exacerbated the community's earlier financial struggles and the fortunes of Smith Street declined following World War II. The emporia and factories closed and buildings were demolished or partly abandoned. In the 1950s, residents moved to the outer suburbs following the Housing Commission of Victoria's 'slum clearance' projects that targeted large stretches of Collingwood's residential areas. European immigrants, primarily from Greece, Italy, Yugoslavia, Turkey and Lebanon, moved into the area to occupy vacant property and subsequently began to revitalise Smith Street.

In recent times, many of the large industrial complexes have been adapted for residential use and Smith Street has become more gentrified.

### 1.1.3 Brief History of South Fitzroy

The majority of the study area is included within the South Fitzroy Precinct (HO334) with part of Gertrude Street subject to HO361 (World Heritage Environs Area Precinct), part of the Alexandra Parade Boulevard Precinct subject to HO321 (Gold Street Precinct, Collingwood), and part of the Victoria Parade Boulevard Precinct subject to HO336 (Victoria Parade Precinct, Collingwood). In addition, individual Heritage Overlays apply to Barcelona Terrace Gardens, 25-37 Brunswick Street (HO153), 4 Henry Street (HO422) and State School No.450, George Street (HO157). Numerous properties are also included within the Victorian Heritage Register.

The following brief history of this area is drawn from the Statement of Significance for HO334 South Fitzroy Precinct, the 1998 *City of Yarra Thematic History* (Allom Lovell & Associates) and supplemented with additional research.

The first 'suburban' land allotments to be sold outside of the Melbourne town reserve were in the areas now known as Fitzroy, Collingwood and Richmond. Allotments 48 to 88 covered the area known colloquially in the mid-nineteenth century as the 'district of Collingwood'. These allotments lay to the north-east of the City of Melbourne and covered the area bounded by Nicholson Street, Reilly Street (now Alexandra Parade), the Yarra River and Victoria Parade. A smaller portion of this area, bounded by Nicholson Street, Smith Street, Victoria Parade and Alexandra Parade came to be known as Fitzroy. The original allotments in Fitzroy varied in size, with most falling between 12 and 28 acres. These were suitable for large estates, and for small-scale rural or semi-industrial pursuits such as dairy farms, market gardens and brickyards.

Land reserved by the Government for roads consisted solely of Nicholson Street, Johnston Street, Smith Street, and Victoria and Alexandra Parades. Following the first land sales in 1838-9, there were no controls imposed upon the purchasers of the land. The lack of controls on the size and orientation of subdivision and the width of private roads led to the emergence of an ad-hoc street pattern and layout of allotments in South Fitzroy. The *Act for Improvements in Fitz Roy Ward in the City of Melbourne*, passed in 1854, was designed to solve the street alignment problem and local politics in the area in the 1850s and 1860s were largely concerned with the realignment of the worst of these streets.

Despite these issues, Fitzroy was an attractive residential locale in the 19th century and large villas were built for bankers and merchants on the wide thoroughfares between Gertrude Street and Victoria Parade. It was simultaneously a favoured location for manufacturing, including the boot and clothing trades and metal industries. Workers lived in more cramped conditions, generally comprising one or two-roomed terraces.

In 1850, the *Act for regulating Buildings and Party Walls, and for preventing mischiefs by fire in the City of Melbourne*, which enforced fireproof construction and minimum street widths in the City of Melbourne was introduced. This encompassed South Fitzroy and resulted in most buildings of the period being constructed of bluestone or brick. One of the earliest surviving houses in Fitzroy is the two-storeyed central section of Osborne

House, constructed in 1850 at 38-44 Nicholson Street. The following two decades (1860s and 1870s) were a period of consolidation for South Fitzroy – works included the replacement of insubstantial structures of the earlier decades with more permanent premises along commercial strips, as well as the completion of terraces and the renovation of many 1850s bluestone buildings. An example of a commercial shop row is the former Gertrude Hotel (63-65 Gertrude Street), which was designed with a row of shops attached in 1873. The first stage of the Fitzroy Town Hall was completed in 1873-4, four years after the area was proclaimed a town. It was proclaimed a City in 1878.

In 1886-7, a cable tram was introduced to South Fitzroy. Comprising routes along Nicholson Street from the city, Gertrude Street to Smith Street, and Brunswick Street, the new transport system boosted trade along these commercial strips. The tram also increased the mobility of Melbourne's population and as a result, inner suburban residents began to move further out. The former cable tram engine house (1886) survives at the corner of Gertrude and Nicholson streets.

With the onset of the 1890s depression and the movement of Fitzroy's wealthier residents to the outer suburbs, the large villas located at the southern end of Fitzroy were repurposed as boarding houses for factory workers and the suburb became more working class. Brothels also began to appear, with Gertrude Street in particular becoming a 'red light' district. The economic fortunes of Victoria recovered after the turn of the century, and while there was a period of optimism at the beginning of the century accompanied by some new development, Fitzroy had become a less desirable place to live. The already low number of owner-occupied properties decreased further, as more owners moved out of the working-class suburb and leased their buildings to tenants.

Following World War I, there was an increased demand for housing from returned servicemen, from people moving towards the city for improved job prospects, an increased number of immigrants, and the return of Aboriginal people to the area. With this influx, Fitzroy became a poorer population and, because of its proximity to Melbourne, continued to attract the unemployed and homeless. Criminal activities thrived and by the 1930s, Fitzroy was regarded as slum territory, its name synonymous with crime, poverty and immorality. In the 1950s, the State Government drew up plans for slum clearance and two public housing estates were built in South Fitzroy in the 1970s: one in Hanover Street and one at the southern end of Brunswick Street.

During the post-war period, a number of Aboriginal people returned from rural locations to their friends and family around Gertrude Street, in part due to the closure of reserves and missions which were subdivided by the government to make way for soldier settlements. Fitzroy – and Gertrude Street in particular – became the social and political hub of Melbourne for the Aboriginal community. From the 1960's to 1980s a number of services for the Aboriginal community were set up on Gertrude Street, focussed on health, legal and housing assistance.

The demographic landscape of Fitzroy also transformed in the post-World War II era with the arrival of large numbers of European immigrants from Greece, Italy, Yugoslavia, Turkey, Lebanon and Spain. These groups altered the commercial and street life of the suburb, introducing new foods and languages as well as institutions such as espresso bars, cabarets and gambling clubs. Fitzroy witnessed further revitalisation in the 1970s when the began attracting an increasing number of university students and artists. This new influx again altered the social and economic fabric of Fitzroy and it is today regarded as a vibrant centre for food, culture, and the arts.

#### **1.1.4 Brief Description of the Brunswick and Smith Street Study Area**

The Brunswick and Smith Street study area is bound by Alexandra Parade to the north, Nicholson Street to the west, Wellington Street to the east and Victoria Parade to the south.

The land specifically considered in this report is subject to either a commercial (C1Z and C2Z) or mixed use (MUZ) zone within the study area (refer to Figure 3).

Part II of this report describes the study area in greater detail.

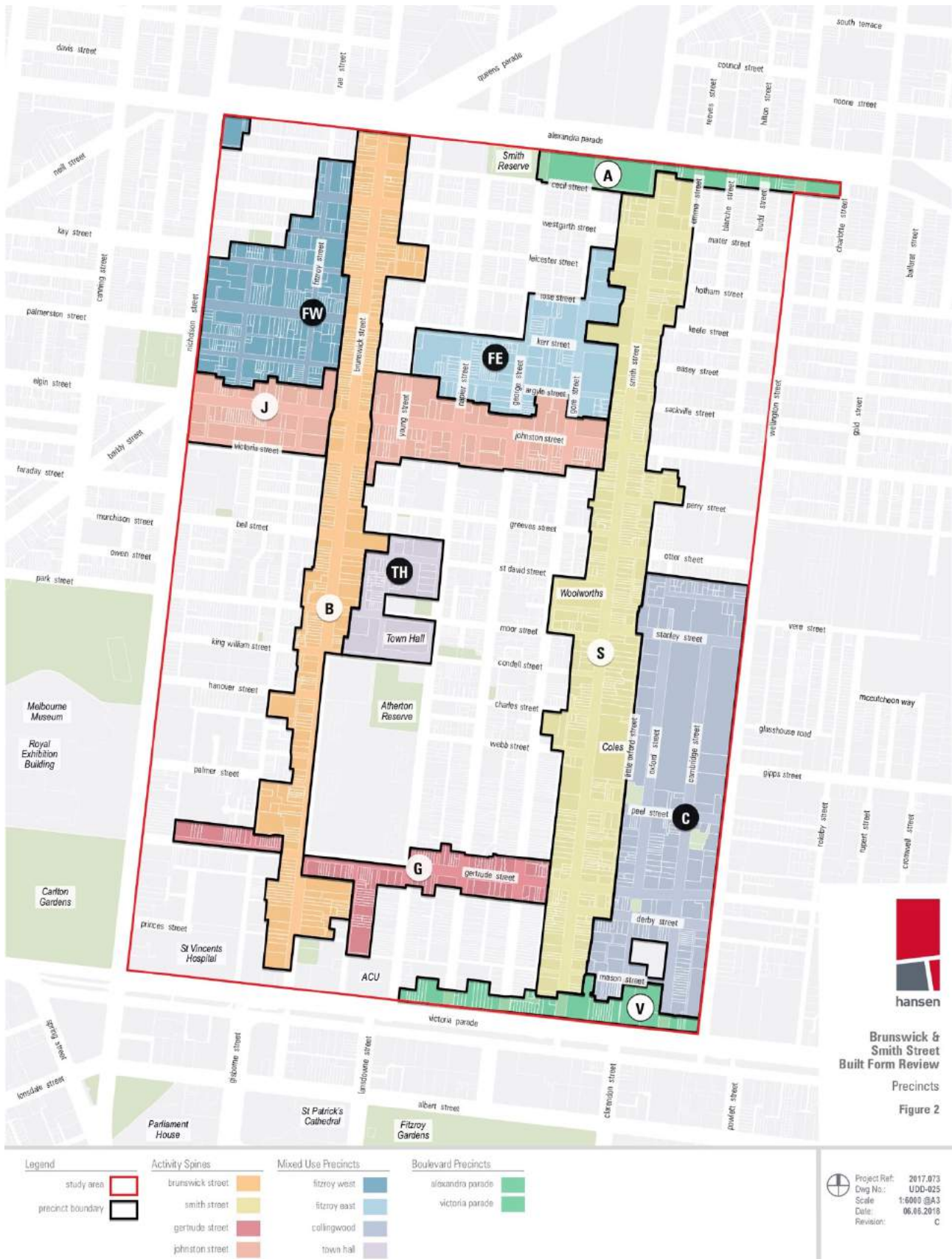


Figure 2. Precinct Map (©Hansen, 6 June 2018)

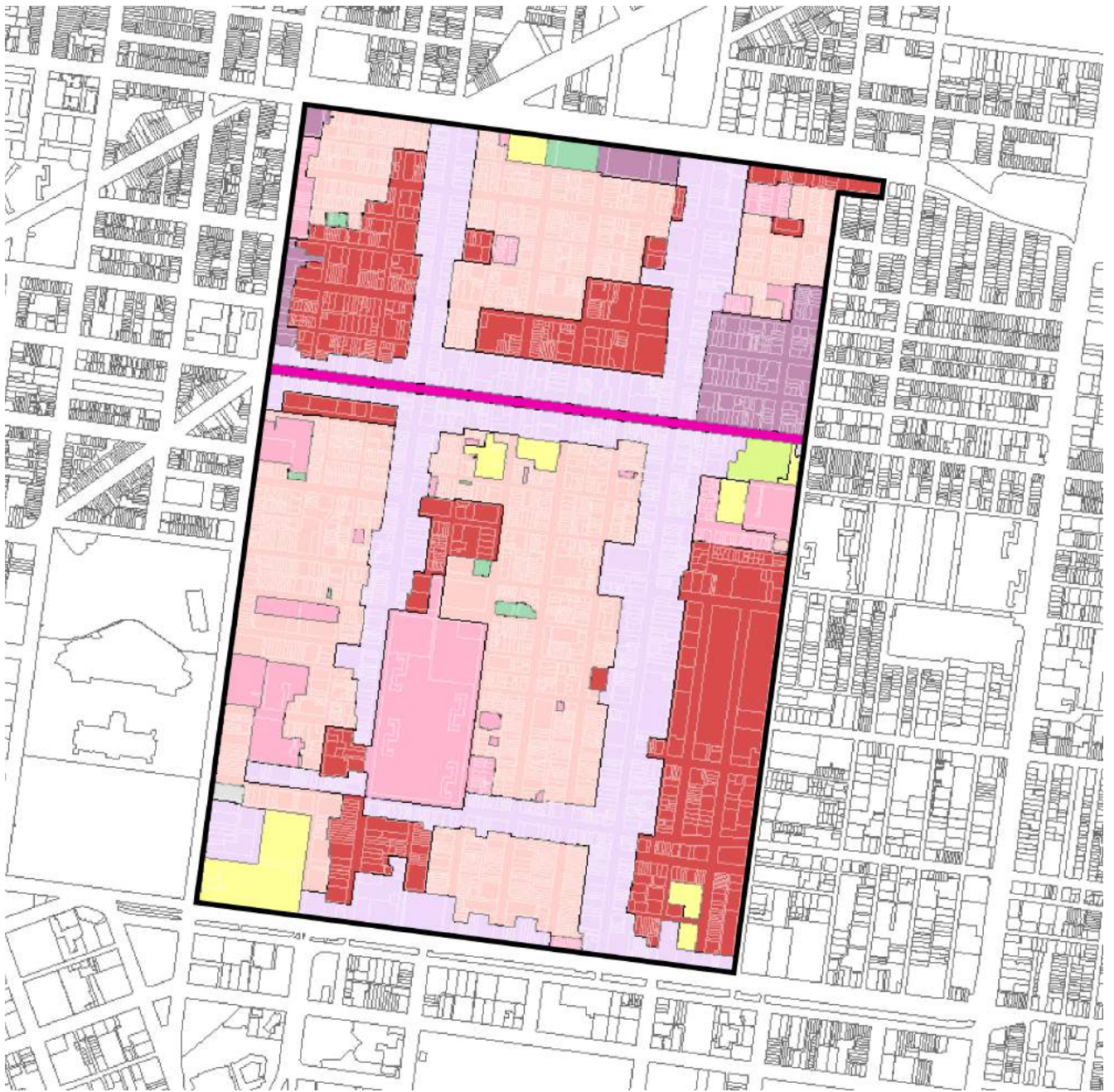


Figure 3. Zoning map – study area outlined in black (VicPlan, accessed 29 August 2019)

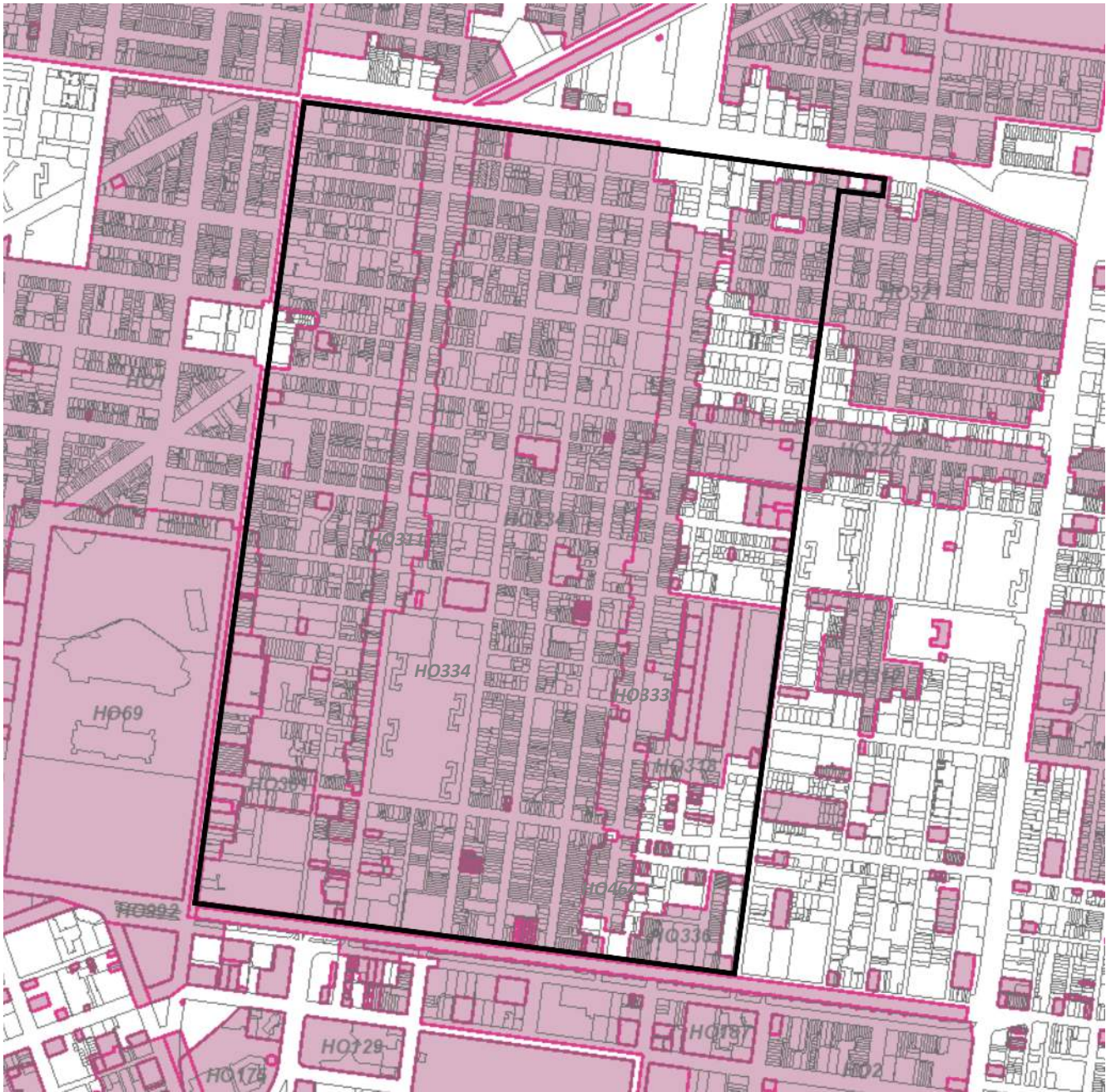
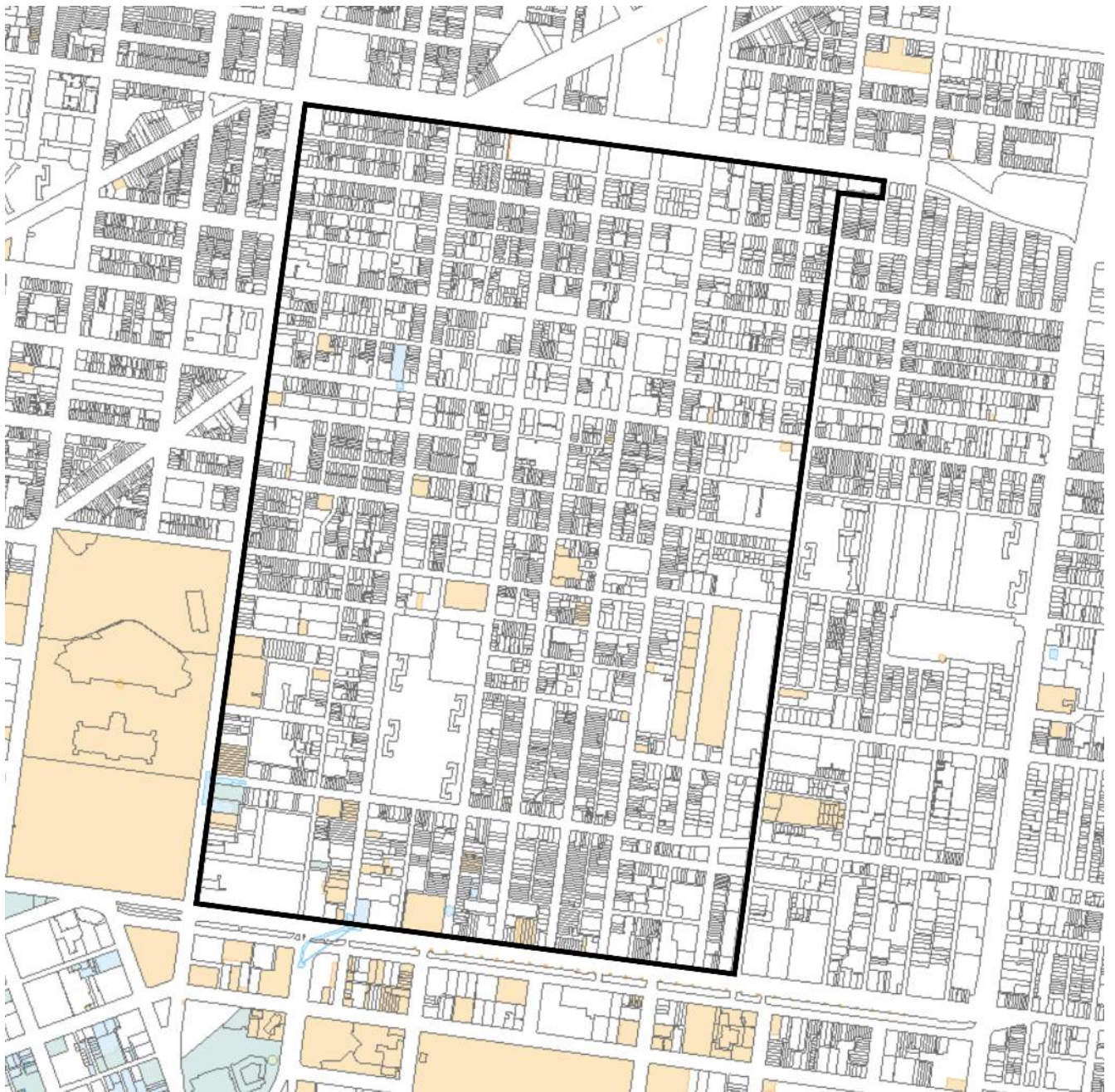


Figure 4. Heritage Overlay map – study area outlined in black (VicPlan, accessed 29 August 2019)



**Figure 5.** Victorian Heritage Register (VHR) shaded in yellow, and Victorian Heritage Inventory (VHI) shaded in blue – study area outlined in black (VicPlan, accessed 29 August 2019)

## 1.2 Scope of the Heritage Analysis & Recommendations Report

GJM Heritage has been commissioned to provide a detailed analysis of the heritage considerations for the following precincts within the Brunswick and Smith Street study area and to detail recommendations for the future management of these areas in the context of potential new development. The precincts considered in this report are:

- Brunswick Street Activity Centre Spine
- Town Hall Mixed Use Precinct
- Smith Street Activity Centre Spine
- Johnston Street Activity Centre Spine
- Fitzroy East Mixed Use Precinct.

The Collingwood Mixed Use Precinct was considered as part of a separate study: *Collingwood Mixed Use Pocket Heritage Analysis & Recommendations*, GJM Heritage, 6 June 2018. The Gertrude Street Activity Spine, Fitzroy West Mixed-Use Precinct and the Alexandra and Victoria Parade Boulevard Precincts are subject to further strategic heritage and planning studies.

The purpose of our advice is to ensure that any DDO controls arising from the Built Form Review take proper account of the heritage values of the precincts and individual buildings within the study area, to ensure appropriately weight is given to heritage when considering new development within the Brunswick and Smith Street corridors and surrounding mixed use precincts.

The analysis within this report considers:

- The suitability of the extent of the Heritage Overlays for places and precincts within the Brunswick and Smith Street corridors and surrounding mixed use precincts.
- The heritage grading of each property within the Heritage Overlay in the *City of Yarra: Review of Heritage Overlay Areas 2007 – Appendix 8, Revised May 2018* (Appendix 8).
- The currency of the existing Statements of Significance for places and/or precincts to ensure they provide adequate guidance for the management of important heritage features.
- Places not currently included in the Heritage Overlay but which warrant further consideration for inclusion in the Heritage Overlay.
- Built form parameters necessary to appropriately manage increased commercial and residential development within the context of the existing heritage place and/or precinct.

## 1.3 Methodology

The key resources on which the heritage analysis is based are:

- Victorian Heritage Register
- Yarra Planning Scheme Heritage Overlay Maps 1HO, 2HO, 5HO and 6HO
- Relevant Statements of Significance for heritage places and precincts within the study area and associated heritage studies
- Appendix 8.

The above documents have been reviewed in the context of the following clauses from the Yarra Planning Scheme and the relevant Planning Practice Notes (PPNs) published by the Department of Environment, Land, Water and Planning:

- The relevant provisions of the Yarra Planning Scheme, in particular:
  - Clause 15.03-1S 'Heritage conservation
  - Clause 21.05-1 'Heritage'
  - Clause 22.02 'Development Guidelines for Sites Subject to the Heritage Overlay'
  - Clause 22.03 'Landmarks and Tall Structures'
  - Clause 22.10 'Built Form and Design Policy'



- Clause 43.01 'Heritage Overlay'
- Clause 43.01 'Schedule to the Heritage Overlay'
- Clause 55.07 'Apartment Developments'
- PPN 1: *Applying the Heritage Overlay* (August 2018) (PPN1)
- PPN 59: *The role of mandatory provisions in the planning schemes* (June 2015) (PPN59)
- PPN 60: *Height and setback controls for activity centres* (September 2018) (PPN60).

The following Planning Panels Victoria (Panel) reports are relevant to the implementation of the Built Form Review as they consider the appropriateness of DDOs (containing both mandatory and discretionary provisions) within activity centres (or in the case of Melbourne Amendment C240, the Capital City Zone) that are also subject, in part, to the Heritage Overlay:

- Boroondara C108 'Neighbourhood Centres and Commercial Corridors' (26 February 2014)
- Banyule Planning Scheme Amendment C93 'Implementation of the Ivanhoe Structure Plan' (1 July 2014)
- Moreland Planning Scheme Amendment C134 'Brunswick Activity Centre' (15 May 2015)
- Melbourne Planning Scheme Amendment C240 'Bourke Hill' (4 May 2015)
- Bayside Planning Scheme Amendments C113, C114 and C115 'Mandatory provisions for the Sandringham Village, Bay Street and Church Street Activity Centres' (14 January 2015)
- Whitehorse Planning Scheme Amendment C175 'Box Hill Metropolitan Activity Centre' (6 October 2017).
- Stonnington Planning Scheme Amendment C223 'Glenferrie Road and High Street Activity Centre' (15 December 2017)
- Darebin Planning Scheme Amendment C161 'Fairfield Village' (3 December 2018)
- Yarra Planning Scheme Amendment C220 'Johnston Street Built Form Controls' (22 February 2019)
- Melbourne Planning Scheme Amendment C308 'Central Melbourne Urban Design' (16 May 2019)
- Melbourne Planning Scheme Amendment C258 'Heritage Policies Review' (21 May 2019).

Relevant Panel reports are discussed further in Section 3 of this report.

We have approached the preparation of our heritage analysis as follows:

1. Completion of a desktop review of the above listed documents, Panel Reports, heritage mapping and grading information, and the Statements of Significance for heritage precincts and individually significant buildings, including those places registered on the Victorian Heritage Register (VHR). The extent of the Heritage Overlays were cross-checked against Google Streetview. This preliminary review familiarised the project team with the heritage fabric of the study area prior to fieldwork being undertaken.
2. Completion of fieldwork by Jim Gardner and Ros Coleman. All buildings and structures within the study area were inspected from the public realm with particular attention paid to the presentation of heritage buildings to the street frontage. The rear and side interfaces to the neighbouring residential areas subject to the Heritage Overlay were also considered, where relevant. The purpose of the fieldwork was to:
  - Review the suitability of the extent of the existing Heritage Overlays and to identify if gaps existed.
  - Review the suitability of the existing Statements of Significance for heritage places and precincts against the extant heritage fabric and to identify where the statements required updating for the purposes of properly considering built form recommendations.
  - Review the extant heritage fabric against the heritage gradings contained within Appendix 8 and to identify any inconsistencies and inaccuracies.
  - Review the heritage buildings and streetscapes within the study area to identify the architectural and streetscape heritage features (e.g. parapets, roof forms, view lines, corner sites) that are relevant to a consideration of built form recommendations.
3. Participation in workshops with Council and Hansen Partnership. The workshops:

- Reviewed the proposed 'built form precincts' within the study area, characterised by existing built form characteristics.
  - Identified the desired future character of the built form precincts against heritage analysis and state and local planning policy drivers.
  - Reviewed the key views of landmarks identified in Clause 22.03 – Landmarks and Tall Structures. Analysis was also informed by the Appendix A - 'Landmarks & Views Assessment' of the report entitled *Review & Development of the City of Yarra Landmarks Policy*, Ethos Urban, December 2017.
  - Identified local landmarks within each streetscape or precinct
  - Tested built form parameters for new development against the existing heritage fabric utilising oblique views from natural eye level (1.6m) on the public footpath, informed by modelling prepared by Hansen Partnership. Views were only considered from public streets; laneway and private realm views were not assessed. Note: this advice took the ¾ : ¼ ratio of street wall to new built form sightline test from Moreland DDO18 (discussed further at section 3.3) as a starting point and also considered oblique views along streets.
4. Finalisation of heritage recommendations for new built form parameters having considered the above.

## 2. Analysis of the Planning Context

### 2.1 Activity Centre Planning and Heritage

The *Planning & Environment Act 1987* and the Victoria Planning Provisions (VPP) requires planning and responsible authorities to take a balanced approach to strategic and statutory planning functions that consider potentially competing objectives in an integrated manner to deliver a net community benefit for current and future generations.

The objectives of planning in Victoria as set out in Section 4(1) of the Planning and Environment Act are:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *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.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in the points above.*
- *To facilitate the provision of affordable housing in Victoria.*
- *To balance the present and future interests of all Victorians.*

Clause 71.02-3 of the VPP addresses ‘integrated decision making’, and states:

*Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social wellbeing affected by land use and development.*

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

*Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.*

Activity Centres that are also subject to extensive Heritage Overlay controls such as Brunswick and Smith Streets are examples of where the tension between competing planning objectives must be resolved in a balanced way. Brunswick and Smith Streets have excellent public transport connections, vibrant retail, commercial and hospitality uses and a high demand for housing choice. The streets also contain highly intact, commercial precincts containing predominantly late nineteenth and early twentieth century heritage fabric that is highly valued by the local community. A balance between the demand for more intensive development with the protection of the heritage buildings and precincts is therefore required. To achieve this, it is considered necessary that any DDO – and the background work that underpins it – specifically includes heritage considerations which frames the design objectives.

### 2.2 Yarra Planning Scheme – Heritage Provisions

Council has well-established heritage provisions within its planning scheme at Clauses 21.05-1 and 22.02. Also of relevance to the protection of the heritage values of the study area is Clause 22.03, which includes policy to

protect the visual prominence of several landmarks within the study area, in addition to other landmarks within the municipality.

### 2.2.1 Heritage policy

The relevant objective within Clause 21.05-1 'Heritage' of the Municipal Strategic Statement (MSS) is *Objective 14: To protect and enhance Yarra's heritage places*. The relevant strategies to implement this objective are:

- *Strategy 14.1 - Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
- *Strategy 14.3 - Protect the heritage skyline of heritage precincts.*
- *Strategy 14.4 - Protect the subdivision pattern within heritage places.*
- *Strategy 14.6 - Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

Objective 14 and its associated strategies are considered to be generally compatible with appropriately sited and scaled higher density development on Brunswick and Smith Streets. Strategy 14.3 to 'Protect the heritage skyline of heritage precincts' would not be achieved unless new upper level development was to be of such low scale that it was fully concealed when viewed from the opposite side of the street as defined by the sightline tests described in Figures 2 and 3 of Clause 22.02 (refer Appendix 1). Avoiding any new visible built form above the parapets of buildings within the Heritage Overlay - although achieving the 'best' heritage outcome - would not enable a level of development that may reasonably be expected to be achieved on these commercial high streets nor meet other strategic directions of the Yarra Planning Scheme. A balance therefore needs to be struck between achieving the outcome sought by Strategy 14.3 and meeting the development objectives of the City of Yarra. An acceptable heritage outcome would be one where, although new built fabric is visible above the parapets, roofline or chimneys of these buildings, the development was of a scale, set back and massing such that it retains the primacy of the heritage streetscape and avoids visually dominating the existing buildings.

Clause 22.02 'Development Guidelines for Sites Subject to the Heritage Overlay' provides detailed guidance for development of places within the Heritage Overlay, including demolition. The relevant objectives of Clause 22.02 are:

- *To conserve Yarra's natural and cultural heritage.*
- *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
- *To retain significant view lines to, and vistas of, heritage places.*
- *To preserve the scale and pattern of streetscapes in heritage places.*
- *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
- *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
- *To ensure that additions and new works to a heritage place respect the significance of the place.*
- *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
- *To protect archaeological sites of cultural heritage significance.*

Again, these objectives do not preclude higher density development along Brunswick and Smith Streets with the possible exception of '*To preserve the scale ... of streetscapes in heritage places*'.

The demolition policy provided at Clause 22.02-5.1 encourages the retention of 'individually significant' and 'contributory' buildings within a heritage precinct. Removal of part of a heritage place or contributory element is contemplated if (in general terms) it can be demonstrated that the removal of the part will not adversely affect the significance of the building, or – for a contributory building – the part is not visible from the street, abutting a park or public open space.

Given that the significance of most heritage places along Brunswick and Smith Streets lies predominantly in their streetscape presentation, facade detailing and fine-grained pattern of subdivision, it is considered that a certain amount of rear demolition and redevelopment can be contemplated under the existing heritage policy.

Further, with the exception of those heritage places included on the VHR – and therefore regulated under the *Heritage Act 2017* – internal controls generally do not apply to heritage places within the study area<sup>1</sup>.

The significance of the heritage precincts within the study area lies primarily in fabric visible from the public realm. Therefore, in most circumstances, the heritage controls within the Yarra Planning Scheme effectively limits the control of heritage fabric within the study area to that which is visible from the street, including primary building facades, side elevations and visible roof and chimney elements.

In relation to ‘New Development, Alterations and Additions’, Clause 22.02-5.7.1 sets out the following policy:

**General**

*Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*
- *Not remove, cover, damage or change original historic fabric.*
- *Not obscure views of principle façades.*
- *Consider the architectural integrity and context of the heritage place or contributory element.*

*Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*

*Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

*Minimise the visibility of new additions by:*

- *Locating ground level additions and any higher elements towards the rear of the site.*
- *Encouraging ground level additions to contributory buildings to be sited within the ‘envelope’ created by projected sight lines (see Figure 1).*
- *Encouraging upper level additions to heritage places to be sited within the ‘envelope’ created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).*
- *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*

*Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

The policy for full or partial concealment of rear additions to residential buildings as described in Figures 2 and 3 of the General Policy at Clause 22.02 is modified by the Specific Requirements at Clause 22.02-5.7.2 that applies to corner sites and sites with dual frontages, and industrial, commercial and retail heritage places:

**Corner Sites and Sites with Dual Frontages**

*Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and*

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<sup>1</sup> The exception to this are six shop / residences within HO464 – Smith Street South Precinct, Fitzroy and Collingwood at 51-53, 59-61 and 67-69 Smith Street, Fitzroy, which retain pressed metal ceilings on their ground floor.

*adjoining or adjacent contributory elements to the heritage place.*

*Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

...

### **Industrial, Commercial and Retail Heritage Place or Contributory Elements**

*Encourage new upper level additions and works to:*

- *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
- *Incorporate treatments which make them less apparent.*

The specific provisions prevail over the general policy where there is a conflict or inconsistency. This establishes an expectation that new development behind industrial, commercial and retail buildings within the Heritage Overlay is not going to be fully or substantially concealed from public realm views. In addition, it should be noted that Brunswick and Smith Streets, like the typical commercial high streets in the City of Yarra, are 20m wide where the residential examples shown in Figures 2 and 3 of Clause 22.02-5.7.1 show a sightline test from across an approx. 10m wide residential street. The wider the street, the more visible a new rear development will be, and likewise the lower the heritage façade the greater the visibility of new development behind.

Although a greater level of concealment would generally provide a better heritage outcome, this specific sightline-based guidance in the heritage policy is designed to preserve and enhance the character and appearance of predominantly one and two-storey dwellings within more typical narrow residential streets and the policy does not require that this be applied to multi-storey development within a major Activity Centre.

Likewise, the policy to ‘*Discourage elements which ... are not contemporary with the era of the building such as ... reflective glass, glass balustrades and pedestrian entrance canopies*’ may not achieve an appropriate urban design and architectural outcome in areas such as Brunswick and Smith Streets. In such areas, a ‘contrasting’ or ‘interpretative’ design approach for new taller development above the heritage building is likely to be more recessive than a ‘respectful’ or ‘historicalist’ one that would lead to the new additions inappropriately mimicking the historic form and potentially being more visually intrusive.

### **2.2.2 Landmarks and Tall Structures**

Clause 22.03 – ‘Landmarks and Tall Structures’ identifies a number of landmark buildings and advertising signs to which views should be protected. This includes the clock tower of the Fitzroy Town Hall and the spire of St Marks Church, George Street, Fitzroy. Although St Marks Church is located outside an activity spine or mixed use precinct, views of the spire are provided from Hodgson and Moor Streets. There are no landmark signs within the study area. The Clifton Hill Shot tower is located outside the study area but is highly visible from the northern edge of the study area.

The identification of key views has been informed by Appendix A - ‘Landmarks & Views Assessment’ of the report entitled *Review & Development of the City of Yarra Landmarks Policy*, Ethos Urban, December 2017.

Clause 22.03 also recognises the key views of the drum, dome, lantern and flagpole of the Royal Exhibition Building, which although located within the City of Melbourne, is visible from Gertrude Street:

*Development should protect the views to the drum, dome, lantern and flagpole of the World Heritage Listed Royal Exhibition Building seen from the footpath on the south side of Gertrude Street and along Marion Lane, west of Fitzroy Street.*

The relevant policies within Clause 22.03 include:

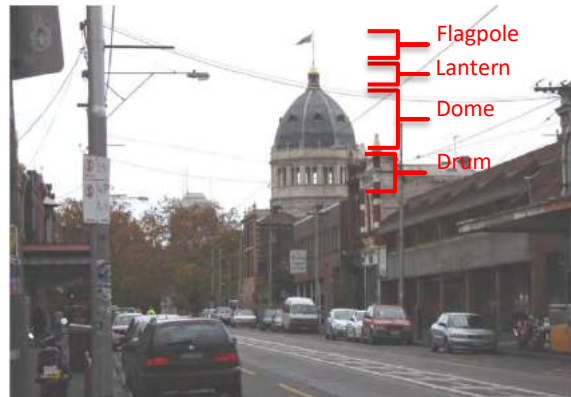
- *Maintain the prominence of Yarra’s valued landmark signs.*
- *Protect views to the silhouette and profile of Yarra’s valued landmarks to ensure they remain as the principal built form reference.*

- Ensure the profile and silhouette of new tall structures adds to the interest of Yarra’s urban form and skyline.

The policy seeks to ensure new buildings within the vicinity of these landmarks and tall structures are designed so that these elements remain the principal built form reference in the area.

**Royal Exhibition Building**

The views of the drum, dome, lantern and flagpole of the Royal Exhibition Building (refer Figure 6) along the south side of Gertrude Street and Marion Lane are protected by Schedule 8 to the Design and Development Overlay (DDO8), which was informed by the World Heritage Environs Area Strategy Plan for the Royal Exhibition Building and Carlton Gardens.<sup>2</sup>



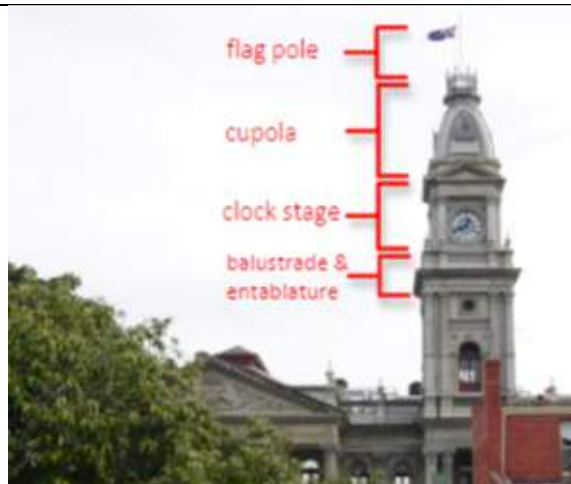
**Figure 6.** Royal Exhibition Building from Gertrude Street (at Fitzroy Street) looking east (©DPCD, adapted from Figure 13, page 48, World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens)



**Figure 7.** View lines of the Royal Exhibition Building within the Study Area – locations taken from Figures 13, 14 and 20 of the World Heritage Environs Area Strategy Plan (GJM adapted from nearmap)

**Fitzroy Town Hall**

To achieve the objective of Clause 22.03, we consider that it is appropriate to retain a clear sky silhouette of the whole of the clock tower of the Fitzroy Town Hall. At a minimum, the key elements of the clock tower which should remain visible and prominent include the flag pole, cupola, clock stage, balustrade and entablature. To ensure that the clock tower is read as a prominent stand-alone object, any new development should not appear to be closer to the tower than it is wide.



**Figure 8.** Fitzroy Town Hall, 201 Napier Street, Fitzroy

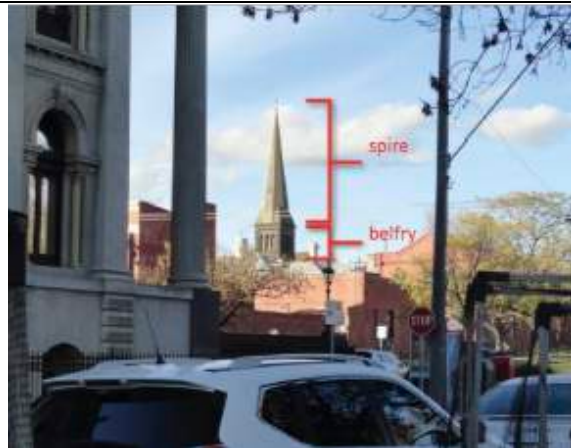
<sup>2</sup> World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens, Department of Planning and Community Development, 2009.



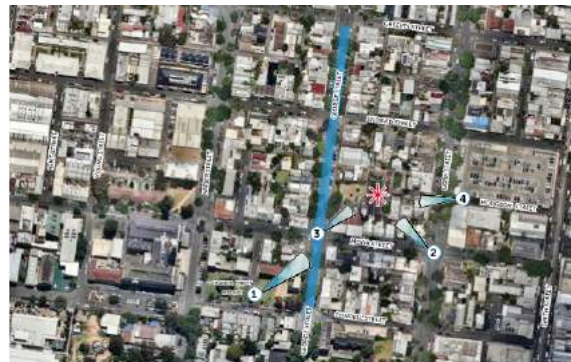
**Figure 9.** Map of views to Fitzroy Town Hall (©Ethos Urban, Dec 2017)

### **St Marks Church**

Clause 22.03 only identifies views of the spire of St Marks Church, however we consider that it is appropriate that views of the belfry and spire in combination should be considered (refer Figure 8). The belfry provides a visual anchor to the spire of the church and contributes to the key views of the church.



**Figure 10.** View to St Marks Church, Fitzroy from Condell Street adjacent to the Fitzroy Town Hall (looking northeast)



**Figure 11.** Map of views to St Marks Church, Fitzroy (©Ethos Urban, Dec 2017)

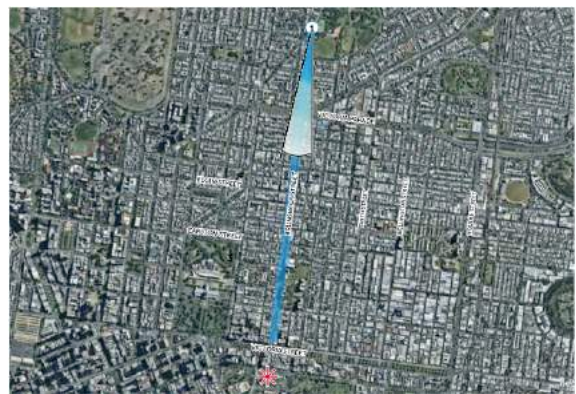


### ***St Patricks Cathedral***

Clause 22.03 identifies the need to “...protect the silhouette/profile of St Patrick’s Cathedral seen from the Intersection of Brunswick Street with St George’s Road.” The spire of St Patricks Cathedral is clearly visible along the length of the Brunswick Street carriageway and particularly when pedestrians are crossing the street.



**Figure 12.** View to St Patricks Cathedral looking south along Brunswick Street.

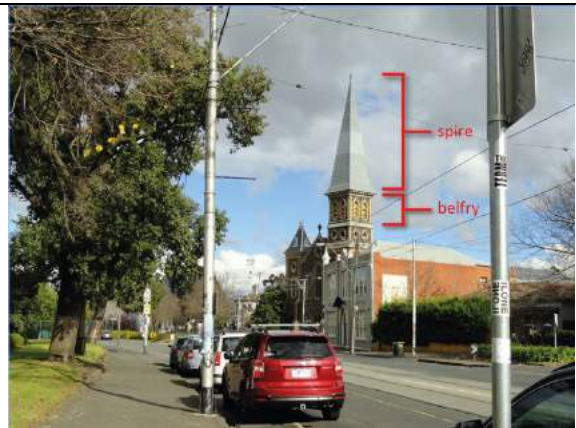


**Figure 13.** Map of views to St Patricks Cathedral (©Ethos Urban, Dec 2017)

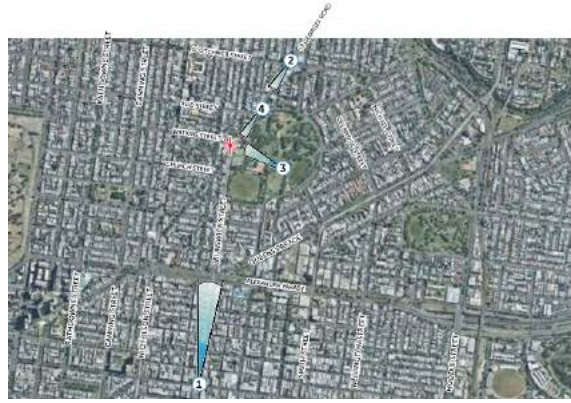
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### ***St Lukes Church***

Clause 22.03 provides a more limited requirement to “...protect the silhouette/profile of the church spire [of St Lukes Church] on the corner of Watkins Street and St Georges Road, North Fitzroy, seen from the intersection of Brunswick Street with Victoria Parade.” This is a distant view, that like that towards St Patricks Cathedral is generally provided from within the carriageway of Brunswick Street (looking north).



**Figure 14.** Tower and spire of St Lukes Church, North Fitzroy



**Figure 15.** Map of views to St Lukes Church, North Fitzroy (©Ethos Urban, Dec 2017)

### 2.2.3 Heritage Overlay

The head heritage provision of the VPP, Clause 43.01 ‘Heritage Overlay’, has the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified 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.*

Clause 43.01-8 sets out ‘Decision Guidelines’ – in addition to those included in Clause 65 – that the Responsible Authority must consider before determining a permit application. These are:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guideline specified in the schedule to this overlay*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*
- *Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.*

While some of these considerations are not obviously consistent with the addition of higher density development behind heritage buildings, the first purpose of 43.01 and the first decision guideline encompasses the whole Municipal Planning Strategy and the Planning Policy Framework (integrated decision-making). Therefore, a balance must be struck by the Responsible Authority between achieving the objectives of the Heritage Overlay and meeting the objectives of other parts of the VPPs including Activity Centre policy and commercial zoning. There is established precedent for new rear development to be accommodated behind heritage buildings in commercial precincts throughout inner Melbourne without substantially compromising the identified significant values of these heritage places.

### 3. Heritage in Design and Development Overlays – Panel Findings

Planning Panels Victoria has considered a number of Planning Scheme Amendments that are of particular relevance to this project: Banyule Amendment C93, Bayside Amendments C113, C114 and C115, Boroondara C108, Darebin Amendment C161, Moreland Amendment C134, Melbourne Amendments C240 and C258, Stonnington Amendment C223, Whitehorse Amendment C175 and Yarra Amendment C220.

These amendments considered the appropriateness of mandatory controls in the context of PPN59 and provide guidance on which circumstances they should be applied. In response to submissions, they also considered the issue of whether or not the DDO control should include objectives to protect heritage or whether this should be the sole domain of the Heritage Overlay provisions. In addition to these panel reports, Amendment C123 to the Banyule Planning Scheme, approved via ministerial intervention, provides further instruction as to the role of mandatory controls.

These reports provide useful guidance on the form and wording of DDO controls. In summary, Panel has concluded that:

- The Heritage Overlay identifies what is significant within an Activity Centre.
- Heritage is an appropriate issue for DDOs to provide guidance on to inform future development.
- Mandatory controls should be used in exceptional circumstances and their application should be guided by PPN59 and PPN60.
- Formulae defining the proportion of new built form that can be viewed above the street wall is an appropriate mechanism for informing the design and massing of new built form.

The approach taken in the formulation of the built form controls to manage development affecting heritage places is to complement existing policy. Clause 22.02 - 'Development Guidelines for Sites Subject to the Heritage Overlay' and relevant parts of Clause 22.10 – 'Built Form and Design Policy' have been taken as the starting point for the development of these complementary controls and policy.

Where existing policy is considered to be satisfactory, no additional policy has been recommended. However, specific policy has been recommended where it is considered necessary to provide guidance to recognise the current role of these commercial strips and mixed use pockets and enable their future development while protecting their heritage values and streetscape character.

A discussion of the most relevant of the Panel reports is provided below, and at section 3.9 the recommendations for each panel are summarised with comment on the implications of the outcome.

#### 3.1 Yarra Planning Scheme Amendment C220 (C220)

Similar to Brunswick and Smith streets, Johnston Street in Collingwood and the western part of Abbotsford (west of the railway viaduct) is a highly intact, predominantly Victorian/early Edwardian-era streetscape covered by the Heritage Overlay. The streets have a similar mix of historic and current uses, a similarly high proportion of 'Contributory' and 'Individually Significant' buildings with a high level of integrity, and similar existing street wall heights (generally between 8m and 11m). It is noted that unlike Brunswick and Smith streets, Johnston Street is designated as a Neighbourhood Activity Centre.

C220 seeks to introduce built form controls along Johnston Street in the form of DDO15. The Panel report recommended the inclusion of the following DDO objective which is also relevant to Brunswick and Smith Streets:

*To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey (heritage scale) street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge...*

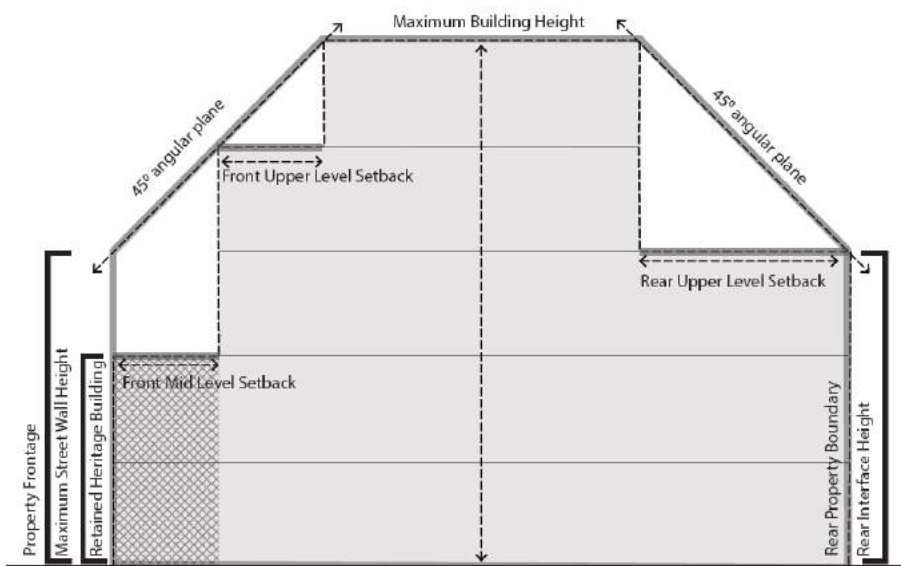
The Panel report provides commentary which is of relevance to a consideration of the proposed built form controls for Brunswick and Smith Streets. In particular, the Panel stated:

*In urban design terms, the 6 metre setback will retain the ‘human scale’ of Johnston Street, secure the distinction between the street wall and upper levels and will reduce the potential for overshadowing and adverse wind conditions.*

...

*The Panel does not agree that less significant sections [of Johnston Street] warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid level form.*

To achieve these objectives Panel recommended that a building envelope requirement be established that, rather than being based on a sightline test from the opposite side of the street new, required new development to be within a 45° ‘angular plane’ drawn from the maximum street wall height. In combination with upper-level front setbacks and maximum building heights the angular plane creates a further upper-level setback consistent with the application of the policy objective at Clause 22.02-5.7.1 i.e. that each higher element behind industrial, commercial and retail buildings should be set further back from the lower heritage built form.



**Figure 16.** Building envelope requirement – Heritage Building (Figure 1 in Yarra DDO15 (version for adoption dated 14 May 2019))

### 3.2 Melbourne Planning Scheme Amendment C258 (C258)

C258 seeks, in part, to rationalise heritage gradings applied within the City of Melbourne from alphabetical and numerical gradings to ‘significant’, ‘contributory’ or not graded. In terms of ‘streetscape’ gradings, C258 seeks to transition from numerical gradings to ‘Significant’ or ungraded,<sup>3</sup> however the Panel recommended abandoning the streetscape grading altogether as they considered that the concept of significant streetscapes had been overtaken by the concept of heritage precinct. Further, the Panel considered that these streetscapes could be referred to in the Statements of Significance or, if necessary, defined as their own precinct.

In terms of heritage place gradings within the *Heritage Places Inventory* Incorporated Document, C258 seeks to transition from alphabetical gradings to ‘significant’, ‘contributory’ and ungraded, however the Panel recommended using an ‘Individual’ grading for places of site-specific significance and a ‘contributory’ grading for places that contribute to a heritage precinct. The Panel went on to recommend that the distinction within the proposed heritage policy that sought different outcomes in terms of fabric retention or the concealment of

<sup>3</sup> *Significant streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.*

new built form etc. for heritage places of different grades should be removed and a single set of heritage policies apply irrespective of building grading.

### 3.3 Moreland Amendment C134 (C134)

Sydney Road, Brunswick is a Major Activity Centre with highly intact, predominantly Victorian streetscapes covered by the Heritage Overlay. Sydney Road, Brunswick Street and Smith Street Activity Centres share common traits within their commercial cores including a tram route, a similar mix of historic and current uses, similar historic built form (predominantly two-storey Victorian-era or early twentieth-century commercial buildings), a high proportion of 'contributory' and 'individually significant' buildings with a high level of integrity, and similar existing street wall heights (generally between 8m and 11m).

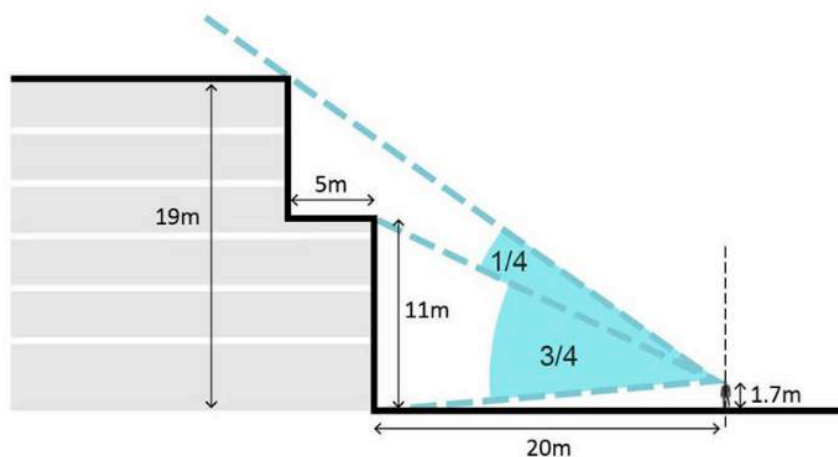
The Statement of Significance for Moreland HO149 – Sydney Road Precinct<sup>4</sup> notes the precinct is of historical, architectural and social significance to the City of Moreland. It includes a number of close similarities with the Statement of Significance for HO311 – Brunswick Street Precinct and HO333 – Smith Street Precinct, including:

- Importance as a predominantly intact late 19th and early 20th century retail and commercial strip;
- Reflecting the considerable expansion and growth of the streets, and the suburbs as a whole, during the 19th century Boom period; and
- Largely intact upper floor facades of the shops.

Gazetted on 11 August 2016, C134 introduced DDO18, DDO19 and DDO20. DDO18 set mandatory street wall heights on Sydney Road north of Brunswick Road of between 8m and 11m, which would be an appropriate precedent for the Brunswick and Smith Street Activity Centres given the similarities in their architectural form.

DDO18 also provides a preferred minimum 5m setback for development above the street wall and to establish a preferred ratio of  $\frac{3}{4}$  :  $\frac{1}{4}$  street wall to new built form through the following design objective:

- *Be designed to ensure that it occupies no more than one quarter of the vertical angle defined by the whole building in the view from an eye-level of 1.7 metres on the opposite side of the street, as illustrated in Figure 1 below.*



**Figure 17.** Upper level setbacks along Sydney Road (Figure 1 in Moreland DDO18, retrieved 2 June 2017).

DDO18 also provides a useful model for dealing with upper level development where the existing heritage building has a street wall height of less than the 11m street wall height provided in that control:

- *Where an existing building with a street wall height of less than 11 metres is to be retained for heritage reasons new development may occupy more than one quarter of the vertical angle defined by the whole*

<sup>4</sup> Retrieved from Victorian Heritage Database, 16 June 2017  
 (<http://vhd.heritagecouncil.vic.gov.au/places/56076#sthash.7LcbbSIM.dpuf>)

*building outlined in Figure 1 above.*

### **3.4 Boroondara Amendment C108 (C108)**

The Panel considering C108 discussed the use of mandatory street wall height, upper level setbacks and overall heights across 31 Neighbourhood Activity Centres and three commercial corridors (Camberwell Road/Burwood Road and Canterbury Road).

In its report dated 26 February 2014, the Panel noted its strong support for the protection of heritage assets in Boroondara and recommended reinstatement of policy in the exhibited Amendment that encouraged new development on or adjoining a heritage place to be moderated. In particular, the Panel recommended that policy guidance be included that:

*The combination of the height, setbacks and design treatment of new buildings should ensure a heritage place on or adjoining the site is not overwhelmed or dominated.*

The Panel also considered the use of mandatory height and setback controls, and recognised that the version of *Plan Melbourne* at that time foreshadowed stronger policy support for the use of mandatory provisions in neighbourhood centres (and residential areas) to increase planning certainty.

The Panel report recognised that mandatory provisions that prescribed standards without a capacity for departures have been supported in areas of consistently high heritage value with consistent character. While acknowledging the heritage values and 'main street' character of the Neighbourhood Activity Centres subject to C108, the Panel also recognised that new development will be visible behind the retained façades – particularly from oblique views – and that invisibility of upper level development is either unreasonable or not necessary to achieve the primacy of the street wall.

In conclusion, the Panel accepted some use of mandatory controls within Boroondara's neighbourhood centres, but not in the commercial corridors:

*The Panel recognises that Plan Melbourne foreshadows stronger policy support for the use of mandatory provisions in neighbourhood centres (and residential areas) to increase certainty. The Panel considers the combination of the street wall and upper level setbacks is critical in neighbourhood centres to maintain the established main street character and in these situations mandatory controls can be justified. However, we consider development with elements that exceed the nominated height and/or adopt alternative setbacks should not be precluded as they may produce better outcomes in some circumstances. The overall maximum height limits should therefore remain discretionary to allow for such circumstances.*

It was the Panel's conclusion that mandatory street wall heights which reflected the dominant character of the neighbourhood centres were acceptable (either 8m or 11m, depending on the context). It also found that if mandatory upper level setbacks were to be adopted, they should be sufficient to ensure that in most cases the upper storey will be clearly distinguishable from the street wall of the heritage building and be a recessive element in neighbourhood centre streetscapes. To achieve this, the Panel identified 5m as being an appropriate mandatory minimum setback for upper level development in the context of Boroondara's Neighbourhood Activity Centres.

### **3.5 Whitehorse Amendment C175 (C175)**

C175 sought to implement the *Box Hill Metropolitan Activity Centre Built Form Guidelines* (Hansen Partnership, 2016) by rezoning land, introducing the Built Form Guidelines as a reference document and applying a new DDO Schedule to introduce built form controls. In its consideration of this amendment, the Panel Report dated 6 October 2017 stated:

*The Panel would have benefited from a more sophisticated analysis of the heritage precinct that utilised three-dimensional modelling, sight lines and view-sheds to help understand the rationale for the proposed heritage related controls. Without this basic information, it is difficult to determine whether*

*the proposed controls are appropriate...*

and concluded that in the absence of this modelling:

- *The Built Form Responses regarding Heritage should not proceed in their current form.*

The absence of three-dimensional modelling, and sight line and view-shed analysis in relation to those areas of the Box Hill Activity Centre that are subject to the Heritage Overlay appears to have been critical in Panel recommending that the proposed built form controls not be applied to address heritage.

### 3.6 Stonnington Planning Scheme Amendment C223 (C223)

The Glenferrie Road and High Street Major Activity Centre encompasses the two linear commercial strips of Glenferrie Road and High Street in Malvern as well as two peripheral areas. The Heritage Overlay, which covers all of Glenferrie Road and most of High Street, acknowledges the area for its *'metropolitan significance as one of the major strip shopping centres to have retained its role into the late twentieth century, and for the quality and integrity of its Victorian, Federation and Interwar building stock'*.<sup>5</sup> C223 sought to apply new built form provisions through the application of DDO19 to the entire Activity Centre, with precincts A and B covering the commercial and heritage precincts of Glenferrie Road and High Street respectively.

While the amendment proposed an 8-10m setback above the street wall for precincts A and B, the Panel found it to be effectively a concealment of upper level additions, supporting instead a 5m setback as adequate to respect heritage values without removing development capacity. This was derived from the precedent in the Boroondara Planning Scheme and was seen to equate to the first room in a Victorian-era building. The amendment was otherwise generally supported by the Panel as an appropriate balance between protecting heritage values and enabling growth. Discretionary preferred maximum building heights between 14.5 metres (4 storeys) and 21 metres (6 storeys) were supported through precincts A and B.

The Panel also reviewed the drafting of discretionary and mandatory provisions, addressing the appropriateness of the terms 'should' and 'must'. The Panel noted that confusion arose from the DDO parent clause, and until such time as the clause is redrafted, the term 'must' is to be used for schedule requirements with the addition of further clarification if it can be varied with a permit.

### 3.7 Darebin Amendment C161 (C161)

C161 proposed to implement the *'Fairfield Village Heritage Assessment, 2017'* (Heritage Intelligence) and *'Fairfield Village Built Form Guidelines 2017'* (Hansen Partnership) through the application of Heritage Overlay (HO313) and DDO21 to the Fairfield Village Neighbourhood Centre. DDO21 created two sub precincts: Area 1 to be applied to the proposed HO313 precinct; with the remainder of the centre covered by Area 2.

Though a smaller scale activity centre than the study area, the Panel provides some guidance on the drafting of development controls for Brunswick and Smith Streets. The Panel found the application of the Heritage Overlay in conjunction with the DDO would enable the precinct *'to support a variety of housing typologies at increased densities'* in a way that *'allows the heritage place to be identified and understood'*. Further, the Panel supported the application of a mixture of mandatory and discretionary controls to Area 1 of the DDO in the form of:

- Mandatory maximum building heights at 14.5m and 17.5m (four and five storey), triggered by a lot width of 24m for five-storey.
- Mandatory maximum street wall height to be the greater of 8.5m or the adjacent street wall.
- Discretionary minimum front setbacks above the street wall at generally 4m, and 8m if constructing to a 5<sup>th</sup> level.

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<sup>5</sup> Retrieved from Victorian Heritage Database, 18 January 2018  
(<https://vhd.heritagecouncil.vic.gov.au/places/31530>)



- The addition of a 3m side setback at the fifth-floor level – introduced as a discretionary provision to prevent the creation of a dominating wall of development along Station Street.

The Panel found that DDO21, as proposed, had several failings. In addition to drafting and content recommendations, the inclusion of a ‘Valued Street Façade’ provision was questioned. ‘Valued Street Facades’ were identified for their contribution to local character due to their form and/or detail across both Area 1 and 2. They were not identified as a feature of previous heritage studies and were not all of historic value. The Panel was not convinced ‘that a DDO can be structured to require the retention or incorporation of a building’, finding the Heritage Overlay to be the appropriate mechanism for such a provision. Due to their largely arbitrary identification and the lack of urban design advice justifying their inclusion, the Panel recommended that in addition to being removed from Area 2 and non-contributory buildings in Area 1, the be reviewed to be made workable or removed in its entirety.

### 3.8 Banyule Amendment C123 (C123)

The Ivanhoe Shopping Centre is part of the Ivanhoe Activity Centre and is a traditional linear strip of retail and commercial activity located along the historic thoroughfare of Upper Heidelberg Road, Ivanhoe. HO90 identifies the Ivanhoe Shopping Centre for its local historical and social significance in the form of one and two-storey shops predominantly from the 1915-1940 period.

C123 was approved by Ministerial intervention in September 2018 and applied to the Ivanhoe Activity Centre. Initially introduced as an interim control attached to the Activity Centres Pilot Program run by the Department of Environment, Land, Water and Planning, C123 did not progress through a Panel process. C123 amended DDO11 and applied mandatory height controls across the Ivanhoe Activity Centre. The application of mandatory heights was in response to the quantity and scale of development proposed within the area, particularly in relation to building heights in excess of the approved structure plan heights, and resulted in mandatory heights of generally 15m being applied to the HO90 area.

### 3.9 Table of summarised recommendations and implications

<b>Yarra Amendment C220</b>	
<b>Recommendation</b>	<b>Implications</b>
A 6m upper level setback will retain the ‘human scale’ of Johnston Street, secure the distinction between the [heritage] street wall and upper levels.	A 6m mandatory upper level setback is appropriate.
The less significant sections of Johnston Street do not warrant lesser built form controls.	The same controls should be applied within the DDO irrespective of the significance of the street.
A preferred ratio of 2/3:1/3 street wall to new upper level built form should be replaced with a 45 degree angular plane.	A 45 degree angular plane above a nominal 11m street wall height can inform the preferred mid-level built form rather than a ratio based sightline test.
In combination with upper-level front setbacks and maximum building heights the angular plane creates a further upper-level setback from the mid-level setback.	Upper level development should be set further back from the street wall consistent with the guidance at 22.02-5.7.2.
<b>Melbourne Planning Scheme Amendment C258</b>	
<b>Recommendation</b>	<b>Implications</b>
Heritage policy should not seek different outcomes in terms of fabric retention or the concealment of new built form based on gradings.	The same controls should be applied within the DDO irrespective of the grading of properties within a precinct.

The streetscape grading system should be abandoned.	Applying a streetscape grading is unnecessary for the justifying the use of mandatory controls.
<b>Moreland Amendment C134</b>	
<b>Recommendation</b>	<b>Implications</b>
The application of mandatory street wall heights to Sydney Road is justified.	Provides a justification for the application of mandatory street wall heights within the Study Area.
Established a preferred ratio of ¾ : ¼ street wall to new upper level built form.	The use of a sightline test to inform new upper level built form is appropriate.
<b>Boorondara Amendment C108</b>	
<b>Recommendation</b>	<b>Implications</b>
The combination of the height, setbacks and design treatment of new buildings should ensure a heritage place on or adjoining the site is not overwhelmed or dominated.	The DDO can included height, setback and design treatment controls to avoiding dominating heritage places.
New development will be visible behind the retained façades – particularly from oblique views – and that invisibility of upper level development is either unreasonable or not necessary to achieve the primacy of the street wall.	There is an expectation that the visibility of new upper level development (including from oblique views) will be acceptable and complete concealment is not necessary.
Mandatory upper level setbacks to the commercial corridors are justified.	Provides a justification for the application of mandatory upper level setbacks within the Study Area.
<b>Whitehorse Amendment C175</b>	
<b>Recommendation</b>	<b>Implications</b>
In the absence of modelling built form heritage controls should not proceed.	That three-dimensional modelling, sightlines and view shed analysis should inform built form controls.
<b>Stonnington Planning Scheme Amendment C223</b>	
<b>Recommendation</b>	<b>Implications</b>
Panel supported a 5m upper level setback instead of the 8-10m setbacks proposed that effectively concealed upper level development.	There is an expectation that the visibility of some new upper level built form will be acceptable and complete concealment is not necessary.
Application of the words ‘should’ and ‘must’ within controls.	Use ‘should’ used for preferred controls and ‘must’ for mandatory controls.
<b>Darebin Amendment C161</b>	
<b>Recommendation</b>	<b>Implications</b>
The application of mandatory building heights to Fairfield Village is justified.	Provides a justification for the application of mandatory building heights within the Study Area.
The application of mandatory street wall heights to Fairfield Village is justified.	Provides a justification for the application of mandatory street wall heights within the Study Area.

The use of 'Valued Street Façade' provision not supported.

Confirms reliance on the Heritage Overlay to protect valued streetscapes.

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**Banyule Amendment C123**

***Recommendation***

***Implications***

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The application of mandatory building heights to the Ivanhoe Activity Centre is justified.

Provides a justification for the application of mandatory building heights within the Study Area.

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## 4. Mandatory and Discretionary Height and Setback Controls

*Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes* (June 2015) (PPN59) notes that the VPPs are predominantly performance-based and that mandatory provisions are the exception. The PPN sets out a series of five criteria against which to test proposed mandatory provisions, being:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

*Planning Practice Note 60: Height and Setback Controls for Activity Centres* (PPN60) provides specific guidance on the use of mandatory height and setback controls in activity centres. In September 2018, the Department of Environment, Land, Water and Planning published an updated version of PPN60 following the completion of the pilot project *Better Height Controls in Activity Centres*<sup>6</sup>. Of relevance to this matter, PPN60 now provides an additional justification for the use of mandatory controls based on ‘comprehensive strategic work’, and reads:

*Mandatory height or setback controls should only be applied where:*

- *exceptional circumstances exist; or*
- *council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and*
- *they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

In relation to ‘exceptional circumstances’, PPN60 states:

*Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include:*

- *significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values.*
- *sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance...*

The amended version of PPN60 reflects a broader shift over time within the application of the VPPs in favour of the use of mandatory controls.

The purpose of the Hansen Built Form Review and this report is to provide a comprehensive strategic basis for height and setback controls within the study area. The inclusion of individual heritage places and precincts on the VHR and the Heritage Overlay demonstrate the significance of the unique heritage values of the study area.

PPN60 identifies the following criteria for ‘exceptional circumstances’ that “...may be identified for individual locations or specific and confined precincts”. These include (as relevant):

- *significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values*
- *sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance...*

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<sup>6</sup> Refer to the Panel Report to Yarra C220 chapter 1.2 for further discussion on the pilot project and the amendment to PPN60.

To pursue mandatory controls, PPN60 also states:

*Where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis. Where mandatory controls are proposed, it will need to be demonstrated that discretionary controls could result in an unacceptable built form outcome.*

The Panels that considered Boroondara C108, Darebin C161, Moreland C134 and Yarra C220 provide further guidance on the application of mandatory height, street wall height and upper level setback controls along Brunswick and Smith Streets.

These Panels concluded that for Heritage Overlays within activity centres:

- Mandatory controls were appropriate for street wall heights along Sydney Road, in 31 neighbourhood centres in Boroondara and Area 1 of the Fairfield Village Neighbourhood Centre.
- Mandatory upper level setbacks were appropriate in many of Boroondara's neighbourhood centres.
- Mandatory heights were appropriate for Area 1 of the Fairfield Village Neighbourhood Centre
- Mandatory upper level setback were appropriate for Johnstone Street and should not be applied based on heritage significance or gradings within Appendix 8.

It is our view that Sydney Road and Johnston Street in particular share similarities with Brunswick and Smith Streets in terms of heritage fabric and streetscape characteristics.

## **Part II: Heritage Analysis**

## 5. Heritage Analysis

### 5.1 Precinct Boundaries

For the purposes of this project, the study area has been divided into 10 precincts:

- |   |                                      |
|---|--------------------------------------|
| A – Alexandra Parade Boulevard Precinct | B – Brunswick Street Activity Spine  |
| C – Collingwood Mixed Use Precinct      | FE – Fitzroy East Mixed Use Precinct |
| FW – Fitzroy West Mixed Use Precinct    | G – Gertrude Street Activity Spine   |
| J – Johnston Street Activity Spine      | TH – Town Hall Mixed Use Precinct    |
| V – Victoria Parade Boulevard Precinct  | S – Smith Street Activity Spine      |

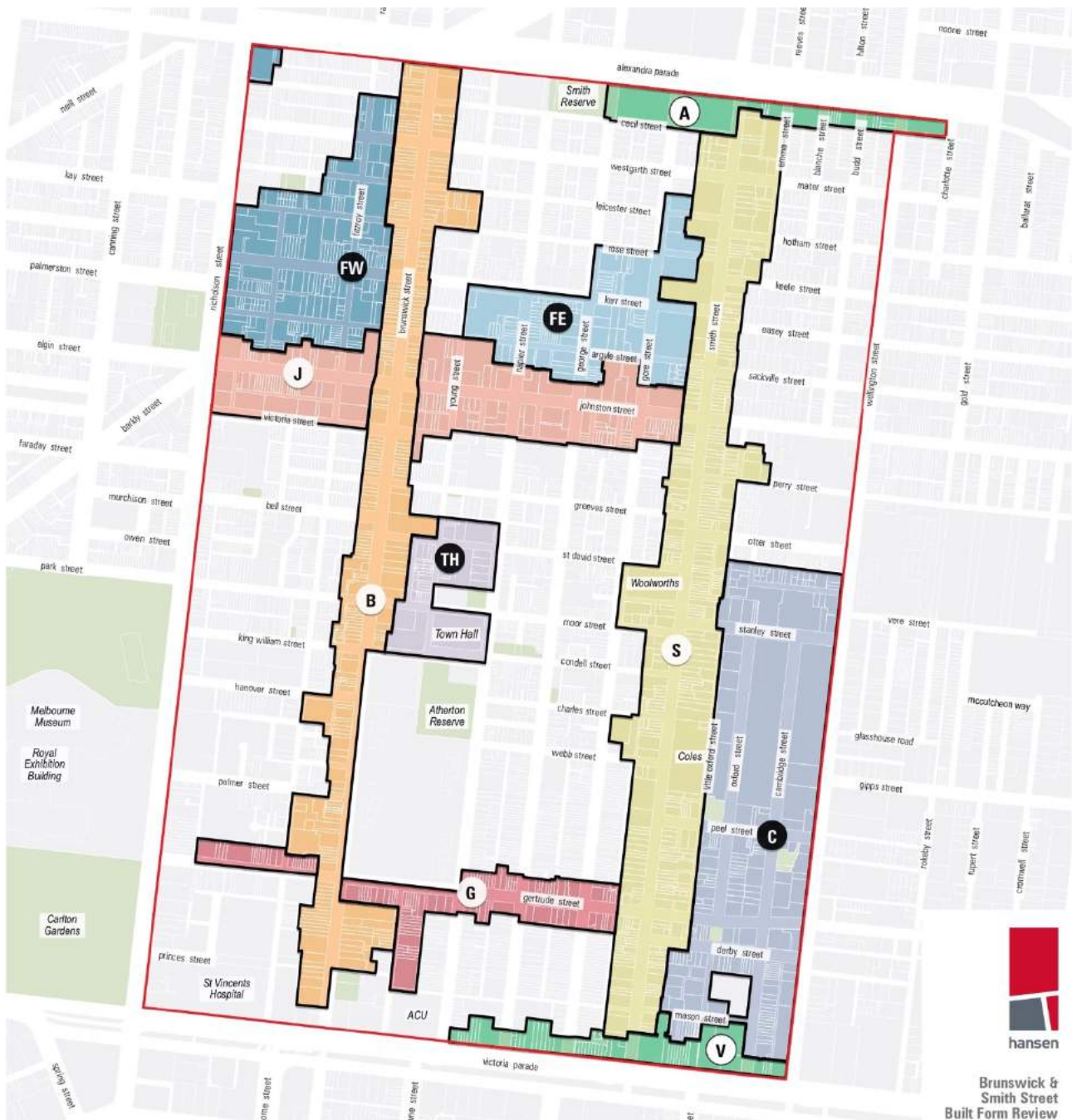


Figure 18. Precinct boundaries (©Hansen, 6 June 2018)

As noted previously, the precincts considered in this report are:

- Brunswick Street Activity Spine
- Town Hall Mixed Use Precinct
- Smith Street Activity Spine
- Johnston Street Activity Spine
- Fitzroy East Mixed Use Precinct.

The Collingwood Mixed Use Precinct was considered as part of a separate study: *Collingwood Mixed Use Pocket Heritage Analysis & Recommendations*, GJM Heritage, 6 June 2018. The Gertrude Street Activity Spine, Fitzroy West Mixed-Use Precinct and the Alexandra and Victoria Parade Boulevard Precincts are subject to future strategic heritage and planning studies.

Following is an analysis of the heritage components and qualities of each of the precincts, including significant views and streetscapes found within the precincts. An analysis of future built form character considerations has been provided along with recommended built form parameters to appropriately manage heritage values.

## 5.2 Heritage Characteristics

### 5.2.1 VHR Places

There are a number of places within the Study Area that are included in the VHR. These are frequently grander, more architecturally accompanied and elaborately detailed, or associated with a historically significant use in comparison with typical 'Individually significant' graded buildings within the Heritage Overlay. The *Heritage Act 2017* regulates changes to places included on the VHR including the development of new built form. There may, however be planning issues that might not be considered in relation a permit under the Heritage Act, and it is therefore appropriate for built form controls to be applied to places included in the VHR for urban design and other reasons.

### 5.2.2 Activity Spines

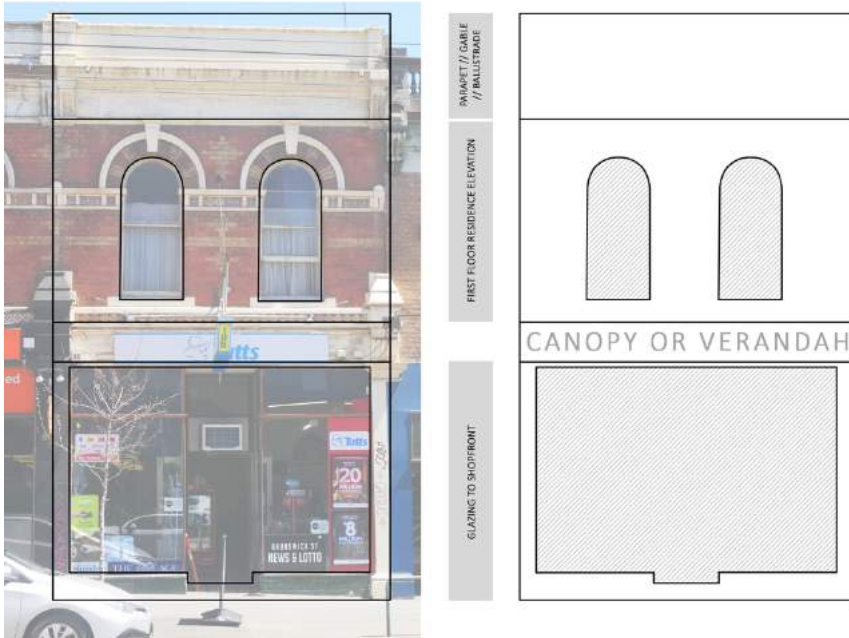
Two storey shop / residence buildings are common to the City of Yarra's historic high streets and make up the majority of the streetscapes included within the Heritage Overlay along the activity spines. These buildings share the same typical characteristics, which include:

- Attached terraced construction
- Masonry construction with less than 40% of the upper level street wall face comprised with openings such as windows and doors
- Painted render or face brick façades
- Parapeted front facades with solid parapets, open balustrades or more elaborate gables
- No setback from the street boundary
- Early or altered shop fronts taking up the majority of the ground floor
- Verandahs or later canopies, particularly on the south side of the street
- Visible chimneys normally set back between 3m and 4m from the front of the building.

The Brunswick and Smith Streets also include larger commercial buildings and department stores of up to five storeys in height as well as elaborately detailed buildings on street corners.



The following examples show typical building types found within the Activity Spines. It must be noted that buildings of a particular type will not necessarily demonstrate all the features identified below, and may include other features such as visible roofs and chimneys, which should be retained at least to the extent they are visible from the public realm.



**Figure 19.** Two-storey shop/residence showing the typical relationship between solid (walls) and void (windows) on the front façade. The first-floor windows making up less than 40% of the wall area (excluding the parapet, gable or balustrade) and the shopfront glazing and entrance door occupies the majority of the ground floor façade.

Shopfronts commonly feature a low plinth or upstand, flanking pilasters, recessed entrances and plain or leadlight highlights.



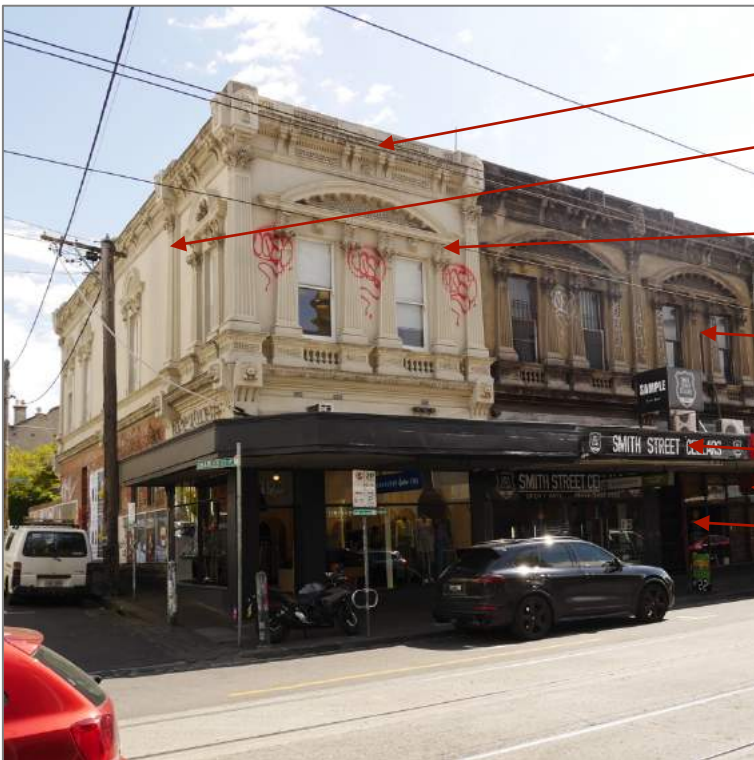
**Figure 20.** Roof plan (403-407 Brunswick Street, ©nearmap, 26 Sep 2017) showing the typical location of chimneys at the centre of each of the front rooms on the party wall (i.e. approx. 3m back from the front façade) and the typical 12m deep main roof form of the building.

On some buildings, particularly those located on a corner the roof form and a larger number of chimneys may be visible from the public realm. In these cases the chimneys should be retained and the roof form retained, at least to the extent that it is visible.



- Elaborate corner element
- Parapet with pediment or balustrade
- Masonry (brick or render) upper walls with windows making up less than 40% of the wall area
- Verandah or canopy
- Glazed shopfront
- Splayed corner

**Figure 21.** Two-storey shop/residence with return façade on a major intersection (corner of Brunswick and Johnston Streets)



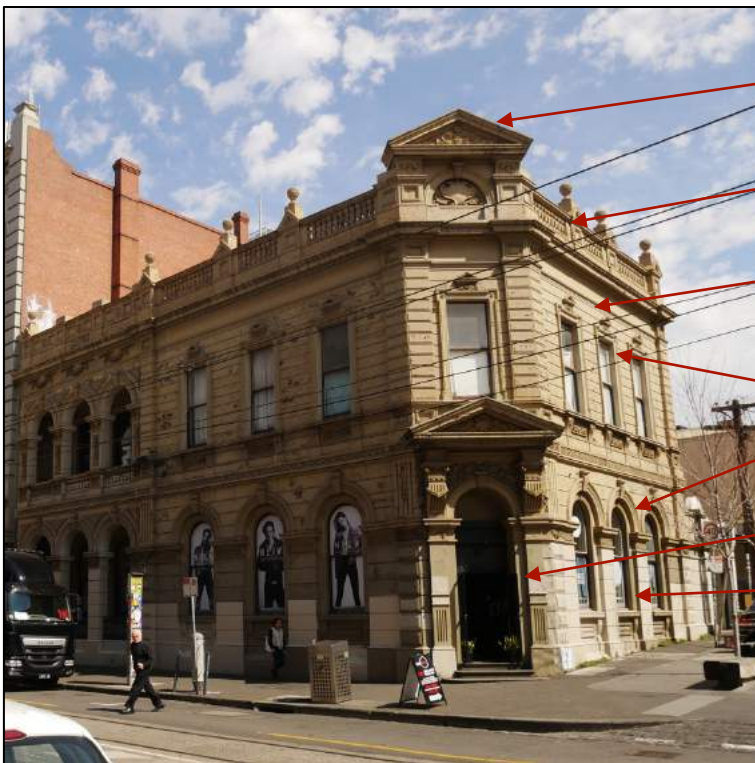
- Elaborate parapet with balustrading and pediments
- Return facade
- Elaborate architectural detail, window surrounds and pediments
- Masonry (brick or render) upper walls with windows making up less than 40% of the ...
- Verandah or canopy
- Glazed shopfront
- Glazed shopfront

**Figure 22.** An elaborately decorated terrace of shop/residences (193 Smith Street)



- Simple parapet
- Simple detailing
- Masonry (brick or render) upper walls with windows making up less than 40% of the wall area
- Verandah or canopy
- Glazed shopfront

Figure 23. Simple or modest shop / residence (246-256 Johnston Street)



- Elaborate corner element
- Elaborate parapet with balustrading and pediments
- Elaborate architectural detail and window surrounds
- Masonry (brick or render) ground floor and upper walls with windows making up less than 40% of the wall area
- Corner entrance
- Corner siting

Figure 24. Prominent commercial buildings (bank or hotel) (169 Smith Street)



Figure 25. Department store / large commercial building (285 Brunswick Street)

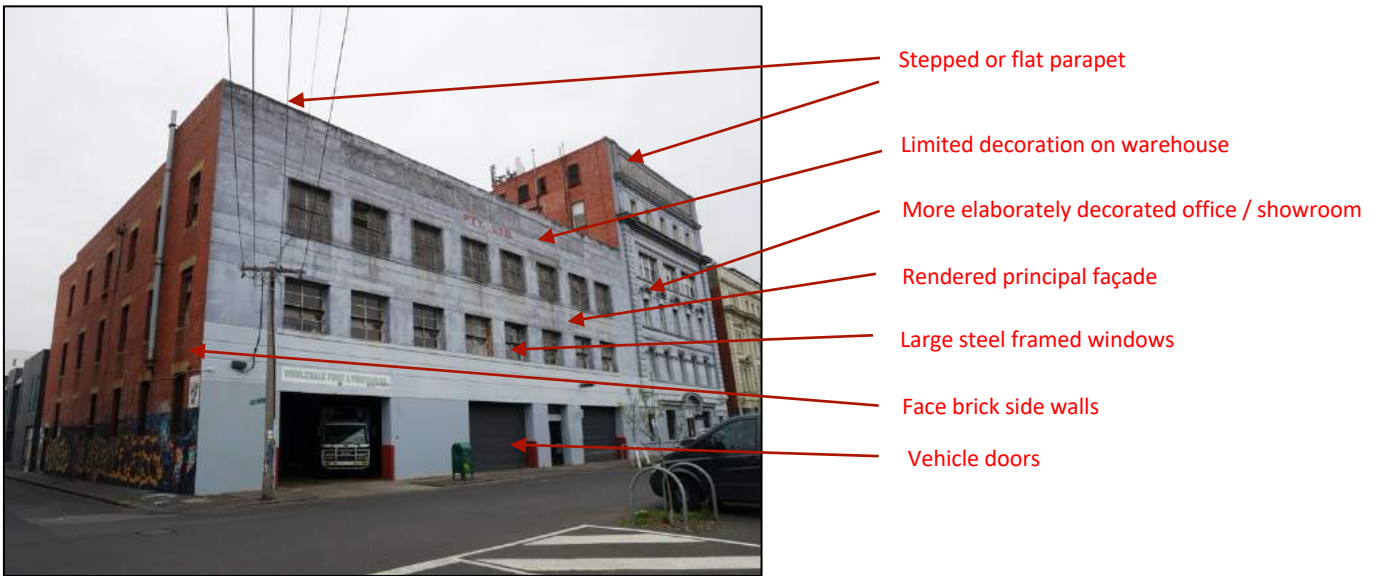


Figure 26. Medium-rise (three to five storey) industrial / warehouse buildings (corner of Fitzroy and Victoria Streets)

### 2.5.2 Mixed Used Precincts

The mixed use precincts vary greatly in the building types within them from large religious, institutional and civic buildings such as Fitzroy Town Hall, large and small scale factories and industrial buildings and terraced housing. There is also generally a higher proportion of later development including mid-late twentieth century low-scale factory and commercial buildings and more recent apartment and townhouse developments. The buildings that are graded within Appendix 8 are generally late-nineteenth to early twentieth century houses and early twentieth century factory and warehouse buildings.

The following examples show typical building examples of these buildings. The majority of the houses remain in domestic use and their redevelopment should generally be informed by the guidance for residential buildings at Clause 22.02-5.7.1 of the Yarra Planning Scheme. Common to these buildings are visible roofs and chimneys, which should be retained to a two-room depth / the main form of the building.



- Visible chimneys
- Visible roof from
- Verandah
- Masonry (brick or render) upper walls with windows making up less than 40% of the wall area
- Verandah built to street
- Front fence

**Figure 27.** Single Storey Terraced Houses (35-39 Chapel Street)



- Parapet
- Some visible chimneys
- Masonry (brick or render) upper walls with windows making up less than 40% of the wall area
- Cast iron verandah posts, balustrade and valance
- Verandah built to street or setback behind a shallow garden
- Iron palisade fence

**Figure 28.** Two Storey Terraced Houses (332-334 Gore Street)



Figure 29. Low-rise (one to two storey) industrial buildings (399 Gore Street)

### 5.3 Local landmarks

While municipal-wide landmarks within the City of Yarra are identified within Clause 22.03 'Landmarks and Tall Structures' of the Yarra Planning Scheme the location, scale, function and architectural form and detail of some other buildings within the study area has resulted in these buildings acting as local landmarks. These buildings serve as markers, wayfinding aids or landmarks in the local streetscape context and are often located on major intersections along Brunswick and Smith streets.

In identifying these local landmarks this report has also considered the 2017 Ethos Urban report entitled *Review & Development of the City of Yarra Landmarks Policy*.

Within the study area the following municipal-wide landmarks are identified in Clause 22.03-4:

- Clocktower of Fitzroy Town Hall
- Spire of St Marks Church, George Street, Fitzroy.

In addition, the following views from within the study area are identified in Clause 22.03-4 as warranting protection:

- The silhouette/profile of St Patricks Cathedral seen from the intersection of Brunswick Street with St Georges Road (by extension this is taken to include the terminating views of St Patricks Cathedral south along Brunswick Street).
- The silhouette/profile of the church spire [St Lukes] on the corner of Watkins Street and St Georges Road, North Fitzroy, seen from the intersection of Brunswick Street with Victoria Parade.
- The views to the drum, dome, lantern and flagpole of the World Heritage Listed Royal Exhibition Building seen from the footpath on the south side of Gertrude Street and along Marion Lane, west of Fitzroy Street.

In the context of Brunswick and Smith Street Activity Spines the local landmarks act as wayfinding aids, signal public or semi-public buildings, articulate street corners and promote or advertise important local businesses.

These buildings include, but may not necessarily be limited to:

- Civic buildings including post offices
- Hotels
- Banks

- Department stores
- Important local commercial businesses (e.g. the Moran & Cato Merchants building)
- Commercial buildings (often small scale) at an intersection that have been designed to specifically articulate the corner through the use of towers, belvederes or other elements.

The features that distinguish these buildings include:

- Public use (civic or post office)
- Semi-public use (hotels and banks)
- Major commercial enterprises requiring larger buildings or use the building to advertise their presence (department stores and commercial showrooms)
- Prominent corner locations
- More elaborate architectural detailing, particularly the use of Neo-classical, Mannerist or Baroque elements (columns and pilasters, aedicule, quoining, rusticated masonry etc.) and high-status materials including polychromatic brickwork and natural stone
- Elements that project above the parapet line particularly at street corners including pediments, towers, turrets, lanterns, belvederes or domes etc.

These buildings are generally identified within Appendix 8 as 'Individually Significant' or included on the VHR with the exception of the Paterson Furniture Warehouse/Department Store (231 Smith Street) which is graded 'Contributory' and the Gasometer Hotel (484 Smith Street) which is not subject to the Heritage Overlay.



**Figure 30.** The former Collingwood Post Office, 174-180 Smith Street (VHD H0973) is an example of a local landmark due to its former civic function, elaborate architectural decorative scheme and prominent French Second Empire tower element (VHD, 2008)



**Figure 31.** The Perseverance Hotel, 196 Brunswick Street (HO311) is an example of a local landmark due to its prominent corner location, function, elaborate architectural decorative scheme and oriel tower and turret (VHD, 2008)



**Figure 32.** Patersons Building, 173-181 Smith Street (HO333) is an example of a local landmark due to its former use as a department store, scale and multistorey height and elaborate architectural detailing (VHD, 2008)



**Figure 33.** Former Union Bank of Australia, 165-167 Smith Street (VHR H0506) is an example of a local landmark due to its former use as a bank, its prominent corner location and elaborate architectural detailing (VHD, 2008)



## 6. Brunswick Street and Town Hall Mixed Use Precinct, Fitzroy

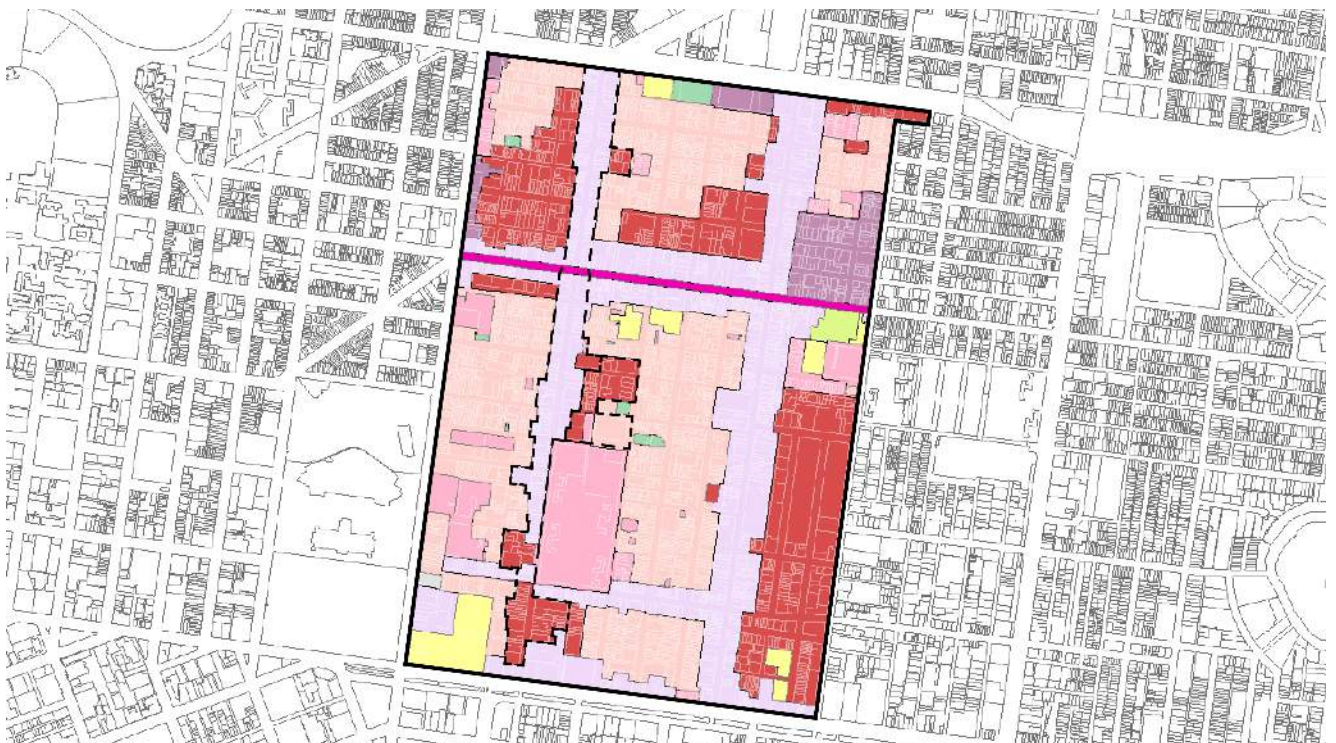
### 6.1 Description

#### 6.1.1 Brunswick Street Activity Spine

The Brunswick Street Activity Spine runs in a north-south direction between Alexandra Parade (north) to a point just north of Victoria Parade (south) where it meets the institutional precinct occupied by the Australian Catholic University. The corridor generally extends to the depth of one property to the east and west. Brunswick Street rises gently to the south (Eastern Hill) and is crossed by a regular succession of east-west running streets, which is broken only by the Atherton Gardens housing estate.

The precinct excludes the Atherton Gardens housing estate, the former Eastern Hill Hotel (VHR H0816) at 77 Victoria Parade the adjoining property at 5 Brunswick Street, as well as the Australian Catholic University campus on the eastern side of Brunswick Street. The precinct extends east of Brunswick Street to include the land bounded by Leicester, Young, Rose and Brunswick Streets and the MUZ zoned land south of Gertrude Street and west of Young Street. West of Brunswick Street the precinct includes the land bounded by Hanover and Fitzroy Streets and Brunswick Place and the MUZ zoned land bounded by Palmer, Brunswick and Fitzroy Streets.

With the exception of the Atherton Gardens housing estate, the eastern side of Brunswick Street is commercial in character as is the western side north of Gertrude Street. The western side of Brunswick Street south of Gertrude Street is predominantly made up of two and three storey residential grand terraces and houses. While lacking the larger scale department stores and showrooms that typify the centre of the Smith Street corridor, the predominantly two-storey commercial streetscape of Brunswick Street is highly intact. The northern part of Brunswick Street between Leicester and Johnston Streets has a particularly intact and consistent two storey heritage built form. There are some larger infill sites north of Westgarth Street, between Greeves and King William Streets, and between Palmer and Gertrude Streets. In comparison with Johnston or Smith Street, there has been limited new development approved within the corridor, a notable exception being the approval of a seven-storey building behind the three-storey VHR-listed residence at 11 Brunswick Street (VHR H0149, approved but not constructed).



**Figure 34.** Zoning map – Brunswick Street Activity Spine and Town Hall Precinct outlined in black dashed line (VicPlan, accessed 29 August 2019)

### **6.1.2 Town Hall Mixed Use Precinct**

The Town Hall Mixed Use Precinct is located immediately east of the properties facing Brunswick Street and is generally bounded by Exhibition Street to the north, Napier Street to the east, King William Street to the south and Kent Street to the west. The precinct excludes the public housing at 125 Moor Street and the Whitlam Place pocket park (addressed as 209 Moor Street).

The precinct is dominated by the imposing Classical Revival-style Fitzroy Town Hall (VHR H0147) which forms the heart of a small civic precinct that includes the Fitzroy Police Station. West of Young Street the Town Hall Mixed Use Precinct includes Sacred Heart School and All Saints Parish Church and Church Hall (c.1855); the latter of which is included on the VHR (H2172). North of Moor Street the Town Hall Mixed Use Precinct is made of a row of highly intact Victorian-era terraced houses, small-scale late nineteenth and early twentieth century factory and warehouse buildings (many of which have been converted to residential uses), and more recent apartment developments of up to four storeys in height.

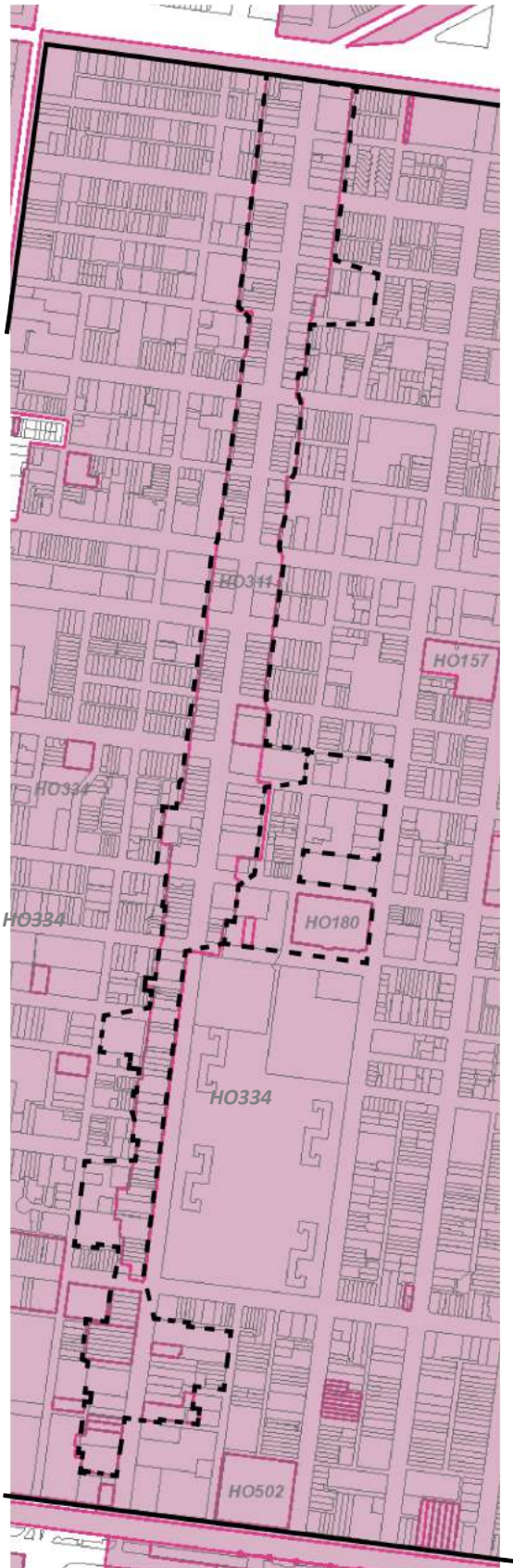
Developments along Napier Street have been approved at up five storeys in height, and there are few development sites remaining within the Town Hall Mixed Use Precinct.

## **6.2 Heritage Status**

### **6.2.1 Existing Conditions**

The majority of the Brunswick Street Activity Spine is included within HO311 – Brunswick Street Precinct, Fitzroy. South of Gertrude Street a large proportion of the Brunswick Street corridor is included within HO334 – South Fitzroy Precinct. There is a single place (the shops at 236-252 Brunswick Street) included on the VHR within the commercial section of Brunswick Street with the majority of VHR-listed places being located between Gertrude Street and Victoria Parade.

The Town Hall Mixed Use Precinct is subject to HO334 – South Fitzroy Precinct with the exception of the two places included in the VHR, namely Fitzroy Town Hall and All Saints Church Hall.



**Figure 35.** Heritage Overlay map – Brunswick Street Activity Spine and Town Hall Precinct outlined in black dashed line (VicPlan, accessed 29 August 2019)



**Figure 36.** VHR shaded in yellow and VHI shaded in blue Brunswick Street Activity Spine and Town Hall Precinct outlined in black dashed line (VicPlan, accessed 29 August 2019)

2019)

In summary, the existing heritage status for the Brunswick Street Activity Spine and Town Hall Mixed Use Precinct is:

<b>Victorian Heritage Register</b> (those VHR places marked with an asterisk (*) are identified as the building only and may not include any land within the extent of registration)				
<i>VHR</i>	<i>Name</i>	<i>Address</i>	<i>Heritage Overlay</i>	<i>Date</i>
H0147	Fitzroy Town Hall*	201 Napier Street, Fitzroy	HO180	1873-90
H0149	Residence*	11 Brunswick Street, Fitzroy	HO151	1891
H0150	Shop and Residence*	13 Brunswick Street, Fitzroy	HO152	1892
H0479	Terrace*	39-49 Brunswick Street, Fitzroy	HO154	1856
H0559	Shops	236-252 Brunswick Street, Fitzroy	HO155	1888
H1706	Dodgshun House	9 Brunswick Street, Fitzroy	HO150	1865
H01939	Former Melbourne Veterinary College	38-40 Brunswick Street, Fitzroy	HO345	1886
H01967	Cathedral Hall	20-22 Brunswick Street, Fitzroy	HO347	1873, 1908
H2172	All Saints Church Hall	95 King William Street, Fitzroy	HO358	c.1855
<b>Individual Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
HO153	Barcelona Terrace Gardens	25-37 Brunswick Street, Fitzroy	Individually Significant	1881
<b>Precinct Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
HO311	Brunswick Street Precinct	various	various	various
HO334	South Fitzroy Precinct	various	various	various

### 6.2.2 Recommended Changes

The Brunswick Street Activity Spine is, in its entirety, subject to State or local-level heritage controls. The Atherton Gardens housing estate occupies approximately 6.7 ha and is included within the extent of HO334 but does not contribute to the values of either the Brunswick Street or South Fitzroy Precincts. The existing Statement of Significance for HO311 reads:

*... the greatest loss in the street was the development of the Atherton Gardens Estate by Housing Commission of Victoria when shop rows and an early stone church, between King William and Gertrude Streets, were demolished. Four twenty-storey residential towers were built in their place in 1970-1972.*

It is recommended that the land occupied by Atherton Gardens (bounded by Condell, Napier, Gertrude and Brunswick Streets) be removed from the Heritage Overlay.

In addition, a number of anomalies within the Heritage Overlay and the grading within Appendix 8 were identified and amendments recommended to existing heritage gradings these are addressed in the Heritage Anomalies Report.

## **6.3 Zoning**

### **6.3.1 Existing Conditions**

The land within the Brunswick Street Activity Spine is included within the C1Z, MUZ and Road Zone – Category 1 (RDZ1). Parts of the Town Hall Mixed Use Precinct are also zoned GRZ3 (Sacred Heart School) and PPRZ (Whitlam Place). A number of dwellings that remain in residential use are zoned MUZ when their immediate neighbours are more appropriately zoned NRZ. Where these properties are residential in form, character and use, consideration should be given to their rezoning to reflect similar adjacent properties. This includes the group of terraced houses on Young Street which are located within the Brunswick Activity Spine and Gertrude Street Precinct, that are zoned MUZ but abut NRZ1 land on Napier, George and Gore Streets between Gertrude Street and Victoria Parade.

### **6.3.2 Recommended Changes**

It is recommended that the following heritage-graded residential properties be rezoned from MUZ to NRZ to reflect their low-rise residential character and context:

21-49 Brunswick Street

100-104 Leicester Street

39-41 Little Napier Street

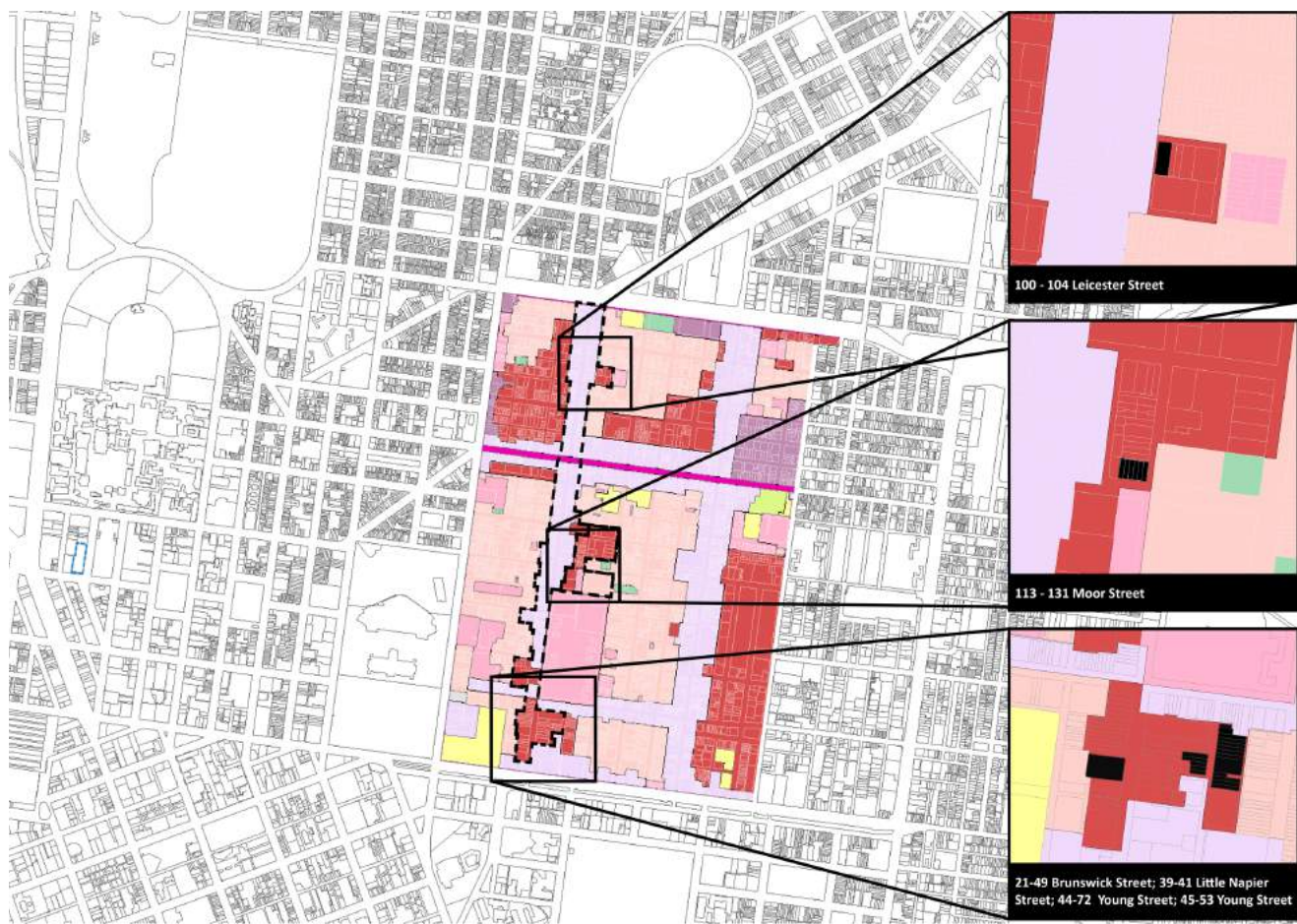
113-121 Moor Street

44-72 Young Street

45-53 Young Street.

This would restrict development to that of adjoining NRZ land and ensure that the sight line tests at Figures 2 and 3 of Clause 22.02 of the Yarra Planning Scheme would apply.

The at-grade car park at 64-66 Hanover Street is located within HO334 and zoned NRZ1 while the rest of the block bounded by Hanover and Fitzroy Streets and Brunswick Place is zoned C1Z. Consideration should therefore be given to rezoning this land C1Z as this change will have no adverse effect on the heritage values of HO334 but would better reflect underlying land use.



**Figure 37.** Planning map showing properties (shaded in black) that should be considered for rezoning from MUZ to NRZ, (VicPlan, accessed 29 August 2019))

## 6.4 Key Views and Landmarks

### 6.4.1 Brunswick Street Activity Spine

One of the key view sheds for the spire of St Patrick’s Cathedral is along Brunswick Street looking south. Clause 22.03 of the Yarra Planning Scheme seeks the following design response:

*Development should protect the silhouette/profile of St Patrick’s Cathedral seen from the intersection of Brunswick Street with St Georges Road.*






While this point is outside the study area, development along the street has the potential to impact on this key view point. We also note that there are a number of incidental views of the tower and spire of St Patrick’s Cathedral at the pedestrian crossings along Brunswick Street.






**Figure 38.** View of the spire of St Patricks Cathedral from the intersection of Brunswick Street and St Georges Road (©Ethos Urban)

In addition to the view to the spire of St Patrick’s Cathedral, there are a number of buildings along Brunswick Street, which can be considered local landmarks when applying the criteria set out in Section 5.2. These are set out in the table below:

**Table 1. Local Landmarks – Brunswick Street**

Address	Building Name	Type	Corner	Grading	Image*
50-54 Brunswick Street	Former Champion Hotel	Hotel with corner domed belvedere on a prominent corner	Gertrude Street	Individually significant (HO334)	
51 Brunswick Street	Rob Roy Hotel	Hotel on a prominent corner	Gertrude Street	Individually significant (part HO331 / part HO334)	
196 Brunswick Street	Perseverance Hotel	Hotel with corner turret on a prominent corner	Moor Street	Individually significant (HO311)	
236-252 Brunswick Street	Shops	Three storey shops on a prominent corner	Greeves Street	VHR H0559	
277-287 Brunswick Street	Moran & Cato Merchants	Major commercial building on a prominent corner	Victoria Street	Individually significant (HO311)	

287-295 Brunswick Street	AOF House	Shops with corner oriel dome on a prominent corner	Johnston Street	Individually significant / Contributory (HO311)	
296 Brunswick Street	Fitzroy Post Office	Civic building on a prominent corner	Johnston Street	Individually significant (HO311)	
298 Brunswick Street	Former Union Bank	Bank on a prominent corner	Johnston Street	Individually significant (HO311)	
299 Brunswick Street	Former Liverpool Arms Hotel	Hotel on a prominent corner	Johnston Street	Individually significant (HO311)	
446 Brunswick Street	Royal Derby Hotel	Hotel on a prominent corner	Alexandra Parade	Individually significant (HO311)	

\* Photos either taken by GJM or sourced from VHD or Google Streetview.

#### 6.4.2 Town Hall Mixed Use Precinct

The Fitzroy Town Hall is located within the Town Hall Mixed Use Precinct and views to its clocktower are protected through the Landmarks and Tall Structures policy at Clause 22.03 of the Yarra Planning Scheme. The relevant policies within Clause 22.03 include:

- *Maintain the prominence of Yarra’s valued landmark signs.*
- *Protect views to the silhouette and profile of Yarra’s valued landmarks to ensure they remain as the principal built form reference.*
- *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra’s urban form and skyline.*

Of the key views identified within Appendix A – *Landmarks & Views Assessment* (Ethos Urban, 22 December 2017), only the view from the intersection of Kent and Moor Street would be impacted by development within the Town Hall Mixed Use Precinct. The height of new development on the Sacred Heart School site should therefore be limited to retain this key view. Development along Brunswick Street will not adversely impact on key views of the clocktower however, consideration will need to be given to ensuring that the silhouette of the tower remains as the principal built form reference when viewed from the Condell Street Reserve and residential streets to the east, particularly George Street. The views to the spire of St Marks Church, George Street are effectively protected through the NRZ zoning of the surrounding area. Neither development along Brunswick Street or within the Town Hall Mixed Use Precinct will adversely affect the visual prominence or landmark qualities of St Marks Church spire.





**Figure 39.** Identified views of the Fitzroy Town Hall clock tower: note views 1, 2 & 3 are considered of ‘primary’ importance in the Ethos Urban report and 4 & 5 ‘secondary’ (©Ethos Urban, Dec 2017). Note: the specific location of each view is described in Appendix A to the Ethos Urban Report.

## 6.5 Potential Future Character Considerations

The Brunswick Street Activity Spine has highly consistent built form north of Gertrude Street which is only disrupted by Atherton Gardens and some low rise twentieth century development. Its built form is characterised by continuous runs of intact nineteenth century shop / residences and mix of grand terraced and freestanding residences south of Gertrude Street. The Brunswick Street corridor is a highly cohesive and intact commercial high street which largely retains its late-nineteenth and early-twentieth century character. It contains a number of local landmarks and buildings with prominent corner features (turrets, towers etc), visible roof forms and chimneys. New development has been limited and is generally in the range of three to five storeys in height with a small number of approved six storey developments and a seven-storey apartment building approved by the Heritage Council on review at 11 Brunswick Street (but not constructed).

### 6.5.1 Brunswick Street (north of Gertrude Street)

The Heritage Overlay will ensure the retention of ‘contributory’ and ‘individually significant’ buildings within the Brunswick Street Activity Spine. Within the land subject to the Heritage Overlay there remains a range of development opportunities from small scale infill between intact terrace rows of shop / residences (such as 386-388 Brunswick Street) to larger redevelopment sites (such as 430-444 Brunswick Street). Infill development should reflect the existing highly consistent two-storey street wall with new built form constructed to the street boundary with a street wall height no higher than the predominant two (Victorian-era) storeys. Single-storey development should be discouraged and infill facades should respect the materiality and relationship between solid and void established by ‘contributory’ and ‘individually significant’ buildings. The narrow depth and sensitive rear interfaces of some sites such as those between Johnston and Rose Streets are unlikely to be developed beyond their existing Victorian two-storey scale with a single storey addition possible, whereas other deeper lots are able to generally accommodate four and five with some six-storey development possible on larger (‘not-contributory’ graded) redevelopment sites.

Any new upper-level development within the Heritage Overlay should be set back from the street wall to retain the low-scale, turn of the century high street character of the commercial strip and to retain the prominence of

the heritage fabric in the streetscape. New upper-level development should be designed so as to be recessive in the context of the heritage buildings when viewed from the opposite side of the street.

Prominent corner buildings, including those buildings considered to be local landmarks, provide less development opportunity as new built form should be setback off both street façades and visible roofs and chimneys retained. The intersections of Brunswick Street with Gertrude and Johnston Street are key wayfinding and nodal points that require consistent setbacks from each of these principal Activity Spines.

### **6.5.2 Brunswick Street (south of Gertrude Street)**

There are more limited redevelopment opportunities south of Gertrude Street and, given the more diverse residential and institutional character of this area, new development will need to consider the particular scale, form, setback and significance of the individual adjacent heritage buildings as well as the streetscape more broadly. The built form outcomes for the six places included in the VHR will largely be a matter for heritage permits under the Heritage Act although there may be urban design outcomes that require additional built form controls to be applied through the DDO.

The intersection of Brunswick and Gertrude Street provides key wayfinding views towards the World Heritage Listed Royal Exhibition Building and Carlton Gardens and views to the drum, dome and cupola of the Royal Exhibition Building should be maintained and its low-scale nineteenth century context retained.

The residential buildings south of Gertrude Street should be retained to at least a two-room depth, including their primary roof form and visible chimneys. As per the recommendations at Section 6.3.2, the heritage values of residential buildings zoned MUZ would be more appropriately managed through rezoning these to GRZ or NRZ where a mandatory height limit and the application of the sightline tests at Figures 2 and 3 of Clause 22.02-5.7.1 would apply.

### **6.5.3 Town Hall Mixed Use Precinct**

Only limited opportunities for new development within the Town Hall Mixed Use Precinct remain with many sites either converted to multiunit developments or subject to existing approvals, particularly along Napier Street. The former C.F. Rojo & Sons building at 239-241 Napier Street has been developed to six storeys behind the retained single storey façade. A DDO control applied to the Town Hall Mixed Use Precinct should reflect the more diverse character of the existing and emerging built form and ensure that the three-dimensional form of the existing heritage buildings remain legible and that heritage buildings, particularly those included on the VHR, are not visually dominated. This will.

## **6.6 Recommended Built Form Parameters**

A DDO should apply to those parts of the Brunswick Street Activity Spine and the Town Hall Mixed Use Precinct that are subject to the Heritage Overlay to ensure that new built form is respectful of the heritage context.

A DDO control applied to properties within the Brunswick Street Activity Spine should ensure new built form protects the visual prominence of the existing predominant two-storey character of the streetscape. If rezoning of the residential properties south of Gertrude Street from MUZ to NRZ proceeds there will be no need for a DDO to apply in those locations.

Informed by the heritage analysis above and the 3D modelling prepared by Hansen Partnership, it is recommended that a DDO should seek built form outcomes that:

#### **General**

- Retain the visual prominence of the local landmarks in the streetscape.
- Retain chimneys and roof forms visible from the public realm.
- Ensure that new development within the Heritage Overlay does not visually dominate the existing heritage fabric.

- Ensure that any upper-level or infill development is subservient to the heritage fabric and is visually recessive in mass, scale and materiality.
- Encourage the top-most level (or levels) of new development to be set further back from the principal heritage frontage (as encouraged at Clause 22.02-5.7.2) and treated as a penthouse or roof top element.

### **Brunswick Street**

- Retain the visual prominence of the return façades of buildings that address both Brunswick Street and cross streets particularly at the principal intersections with Gertrude and Johnston Streets by setting back new upper level built form from both street frontages.
- Establish a street wall height for infill development that reflects the established two (Victorian-era) storey scale of the precinct and discourages single-storey infill development.
- Ensure zero setback from the Brunswick Street boundary for infill and new development north of Gertrude Street.
- Encourage setbacks that match the lesser of the adjoining heritage property (or properties) south of Gertrude Street.
- Ensure that the heritage buildings remain prominent within the Brunswick Street streetscape and retain their three-dimensional form as viewed from the public realm to avoid 'facadism'. This will require new upper-level development to be set back a minimum of 8m from the street wall and for redevelopment to respect the existing inter-floor heights of the heritage fabric.
- Ensure that new development does not obscure views of the spire of St Patrick's Cathedral from the intersection of Brunswick Street and St Georges Parade and within Brunswick Street itself.
- Ensure that new development does not obscure views of the spire of St Lukes Church, North Fitzroy from the intersection of Brunswick Street and Victoria Parade and within Brunswick Street itself.
- Ensure that new development does not obscure views of the drum, dome and cupola of the Royal Exhibition Street from the intersection of Brunswick and Gertrude Streets and protects the low-scale nineteenth century context of the Carlton Gardens.

### **Town Hall Precinct**

- Ensure that new development does not obscure views to the Fitzroy Town Hall clock tower from the intersection of Kent and Moor Streets.
- Ensure that the profile and silhouette of the Fitzroy Town Hall clock tower remains the principal built form reference when viewed from Condell Street Reserve and George Street.
- Ensure that new development does not visually dominate the All Saints Church Hall by limiting adjacent development to no more than three storeys.

## 7. Smith Street Activity Spine

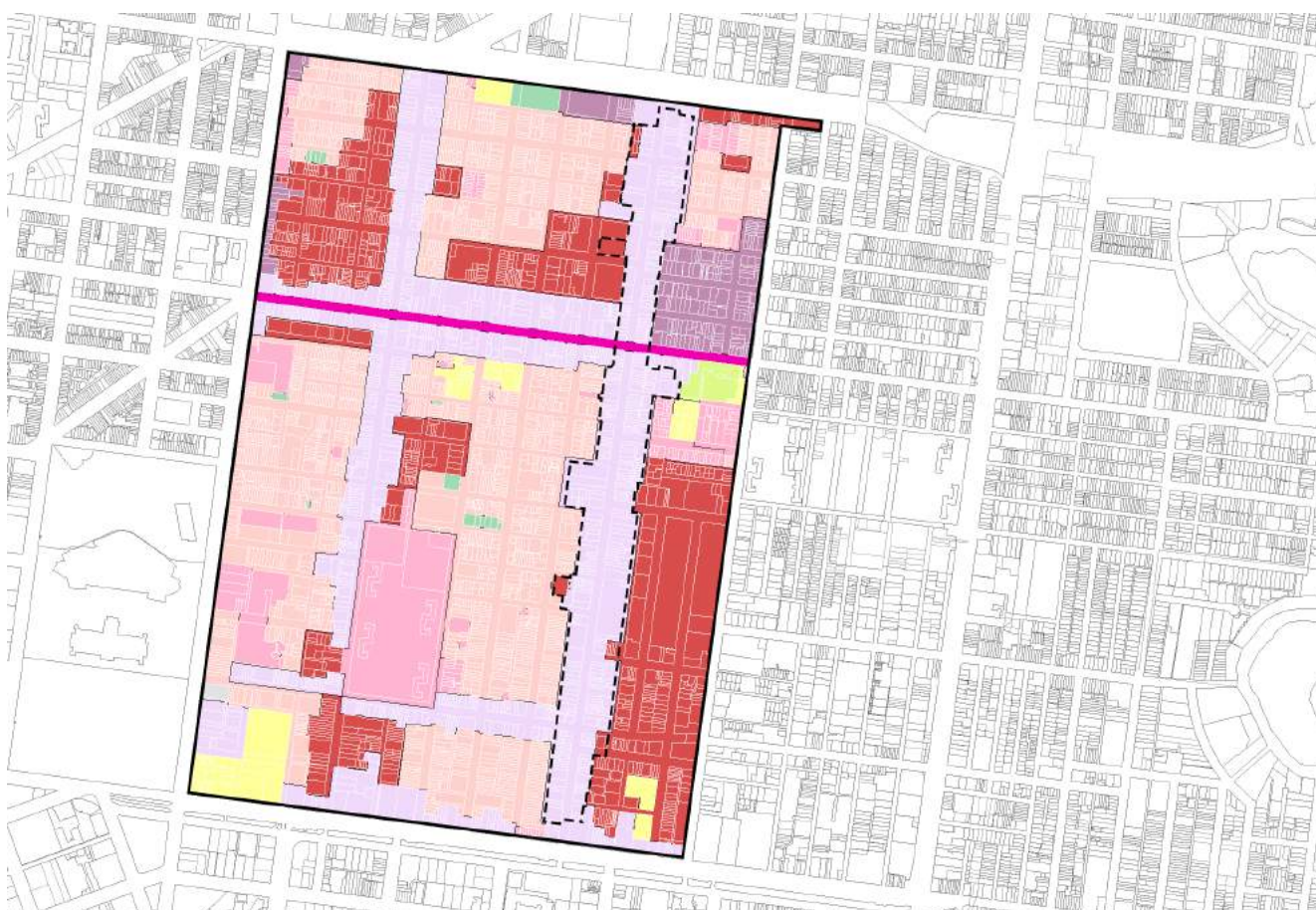
### 7.1 Description

The Smith Street Activity Spine runs from just south of Alexandra Parade (to the north) to just north of Victoria Parade (to the south) and generally extends to the depth of one property to the east and west. Smith Street is largely flat between Victoria Parade and Johnston Street and falls gently from Johnston Street to Alexandra Parade. Johnston and Gertrude Streets are the principal cross streets and, unlike Brunswick Street, side streets on the west (Fitzroy) side do not generally align with those on the east (Collingwood).

The precinct excludes the large retail site at 230 Alexandra Parade and the Gasometer Hotel at 484 Smith Street to the north, and the commercial properties at 207 Victoria Parade and 1-3 Smith Street, Fitzroy and 1-13 Victoria Parade, Collingwood at the southern end. It also excludes the rear part of 34 Smith Street, Collingwood where this property is included within the MUZ. The precinct extends east of Smith Street to include: the western side of Emma Street, the C1Z zoned land on Bedford Street and the C1Z and MUZ zoned land on the western side of Little Oxford Street. The precinct extends west of Smith Street to Gore Street at 397 Smith Street, between St David and Moor Streets and between Charles Street and the Union Club Hotel on Webb Street.

Smith Street is a highly intact commercial high street with a character that varies over its length, but is predominantly typified by small-scale (single and two-storey) shop / residences with larger-scale former department stores and showrooms towards the centre and factory / warehouses at the northern end. The northern and southern ends are less cohesive and have been subject to more recent development.

There has been a more substantial amount of recent development on Smith Street than Brunswick Street, with a number of constructed and approved developments of up to 12-storeys in height north of Johnston Street, a large seven storey-mixed use development at the Coles site at 132-172 Smith Street, and the seven-storey apartment building at 9 Smith Street, Fitzroy.



**Figure 40.** Zoning map – Smith Street Activity Spine outlined in dashed line (VicPlan, accessed 29 August 2019).

## **7.2 Heritage Status**

### **7.2.1 Existing Conditions**

The majority of the Smith Street high street north of the intersection with Gertrude and Langridge Streets is included within HO333 – Smith Street Precinct. North of Westgarth Street (on the western side of Smith Street) and north of 438 Smith Street (immediately south of Mater Street on the eastern side of Smith Street) is not subject to the Heritage Overlay. South of Gertrude and Langridge Streets, the majority of the Smith Street corridor is included within HO464 – Smith Street South Precinct. Larger lots on the western side of Smith Street at nos. 243-255, 397, 411-421 extend into HO334 – South Fitzroy Precinct, as do the projections of the Smith Street precinct boundary along parts of Gore and Little Smith Streets to the west and Bedford and Emma Streets to the east. A small part of the precinct at the intersection of Little Oxford Street and Peel Street is located within HO318 – Collingwood Slope Precinct. There are a small number of places included on the VHR within the Smith Street precinct (namely the Grace Darling Hotel, Former Union Bank of Australia and the former Collingwood Post Office) and a larger number of individual houses and terrace rows on individual Heritage Overlays.



**Figure 41.** Heritage Overlay map – Smith Street Activity Spine outlined in black dashed line (VicPlan, accessed 29 August 2019)



**Figure 42.** VHR shaded in yellow and VHI shaded in blue Smith Street Activity Spine outlined in black dashed line (VicPlan, accessed 29 August 2019)

In summary, the existing heritage status for the Smith Street Activity Spine is:

<b>Victorian Heritage Register</b> (those VHR places marked with an asterisk (*) are identified as the building only and may not include any land within the extent of registration)				
<i>VHR</i>	<i>Name</i>	<i>Address</i>	<i>Heritage Overlay</i>	<i>Date</i>
H0506	Former Union Bank of Australia*	165-167 Smith Street, Fitzroy	HO187	1889-90
H0660	Grace Darling Hotel	114 Smith Street, Collingwood	HO135	1854
H0973	Former Collingwood Post Office	174-180 Smith Street,	HO136	1868, 1892
<b>Individual Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
HO95	Former McGan & Fowler Boot Factory	15-17 Bedford Street, Collingwood	Individually Significant	1886
HO96	Purfleet Cottages	33-47 Bedford Street, Collingwood	Individually Significant	1873
HO98	Derby House	1 Derby Street, Collingwood	Individually Significant	1876
HO99	House	2 Derby Street, Collingwood	Individually Significant	1875
HO100	Terrace	3-7 Derby Street, Collingwood	Individually Significant	1876
HO101	Johnston House	8 Derby Street, Collingwood	Individually Significant	1871
HO137	House	2 Stanley Street, Collingwood	Individually Significant	1870-80
<b>Precinct Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
HO318	Collingwood Slope Precinct	various	various	various
HO333	Smith Street Precinct	various	various	various
HO334	South Fitzroy Precinct	various	various	various
HO464	Smith Street South Precinct	various	various	various

### 7.2.2 Recommended Changes

A number of anomalies in the application of the Heritage Overlay and gradings within Appendix 8 were identified and amendments recommended to existing heritage gradings these are addressed in the Heritage Anomalies Report.

## 7.3 Zoning

### 7.3.1 Existing Conditions

The land within the Smith Street Activity Spine is included within the C1Z, C2Z, MUZ and RDZ1. A number of historic dwellings that remain in residential use are zoned MUZ when their immediate neighbours are more appropriately zoned NRZ. Consideration should be given to their rezoning to reflect similar adjacent properties.

### 7.3.2 Recommended Changes

It is recommend that the following heritage-graded residential properties be rezoned from C1Z to NRZ to reflect their low-rise residential character and context. This would restrict development to that of adjoining NRZ land and ensure that the sight line tests at Figures 2 and 3 of Clause 22.02 of the Yarra Planning Scheme would apply:

104-106 Charles Street, Fitzroy

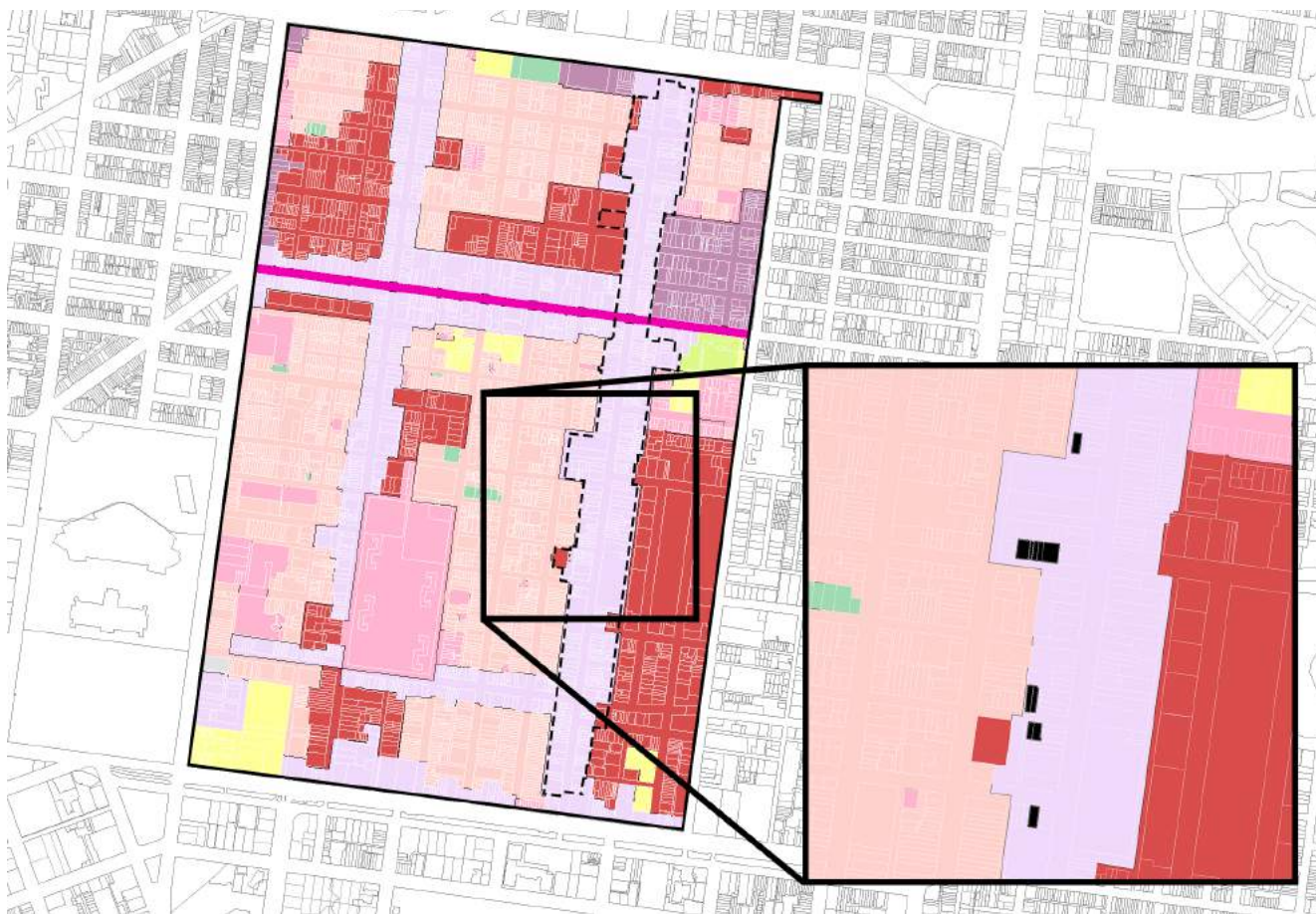
105-107 Charles Street, Fitzroy

221-227 Moor Street, Fitzroy

111 St David Street, Fitzroy

100-106 Webb Street, Fitzroy.

In addition, we note that there are single properties which straddle two zones. For example, 34 Smith Street, Collingwood is partially included in the C1Z while the rear part of the same site is located in the MUZ. These zoning anomalies should be further considered by the City of Yarra.



**Figure 43.** Planning map showing properties (shaded in blue) that should be considered for rezoning from C1Z to NRZ, (VicPlan, accessed 29 August 2019))



## 7.4 Key Views and Landmarks





There are no key views of landmarks, tall structures or advertising signs identified within Clause 22.03 of the Yarra Planning Scheme that fall within the Smith Street Activity Spine. However, a ‘secondary’ view of the spire of St Marks Church at 268 George Street, Fitzroy from the intersection of Gore and Hodgson Streets is identified in the within *Appendix A – Landmarks & Views Assessment* (Ethos Urban, 22 December 2017). This location is on the edge of the Smith Street Activity Spine and development within this precinct will not impact on these views.










**Figure 44.** View of the spire of St Marks Church from the intersection of Gore and Hodgson Streets (©Ethos Urban)



In addition to the above, there are a number of buildings along Smith Street, which can be considered local landmarks when applying the criteria set out in Section 5.2. These are set out in the table below:

**Table 2. Local Landmarks – Smith Street**

Address	Building Name	Type	Corner	Grading	Image*
119-129 Smith Street	Stanford Block	Three storey shops in a prominent mid-block location	-	Individually significant (HO333)	
145 Smith Street	Foy & Gibson Store	Department Store in a prominent mid-block location	-	Individually significant (HO333)	
114 Smith Street	Grace Darling Hotel	Hotel on a corner site	Moor Street	VHR H0135	
165-167 Smith Street	Union Bank of Australia (former)	Bank on a prominent corner site	Webb Street	VHR H0506	

## Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations

171 Smith Street	National Bank of Australasia	Bank on a prominent corner site	Webb Street	Individually Significant (HO333)	
173-181 Smith Street	Patersons Building	Department Store in a prominent mid-block location	-	Individually significant (HO333)	
174-180 Smith Street	Former Post Office	Civic building in a prominent mid-block location	-	VHR H0136	
231 Smith Street	Paterson Furniture Warehouse	Department Store on a corner site	Moor Street	Contributory (HO333)	
243-247 Brunswick Street	Ackman's Furniture Warehouse façade	Department Store occupying a whole block	Hodgson Street St David Street	Individually significant (HO333)	
257 Smith Street	Shop	Shop with corner turret on a corner site	St David Street	Individually significant (HO333)	
333 Smith Street	Birmingham Hotel	Hotel on a prominent corner site	Johnston Street	Individually significant (HO333)	

337 Smith Street	Former State Savings Bank	Bank on a prominent corner site	Johnston Street	Individually significant (HO333)	
484 Smith Street	Gasometer Hotel	Hotel on a prominent corner site	Alexander Parade	Not within HO	

\* Photos either taken by GJM or sourced from VHD or Google Streetview.

## 7.5 Potential Future Character Considerations

The Smith Street Activity Spine varies considerably in its urban character and heritage built form along its length. North of Argyle and Hotham Streets, Smith Street is characterised by early-mid twentieth century former factory, warehouse and showroom buildings and later mid-rise development of up to 12-storeys in height. The area south of this to Johnston Street retains the finer grained and more highly intact Victorian and Edwardian shop / residence typology with a more consistent two-storey built form. South of Johnston Street the street wall height remains generally two (Victorian-era) storeys in scale but is punctuated by notable showrooms, furniture and department stores of three and four-storeys in height. South of Gertrude and Langridge Streets the heritage character of the street becomes less consistent and reflects a smaller scale, more locally focused shopping strip.

New development is more evident on Smith Street than other parts of the Brunswick / Smith Street study area with substantial change occurring at the northern end and on the Coles site in the centre of the high street.

The Heritage Overlay will ensure the retention of ‘contributory’ and ‘individually significant’ buildings within the precinct. Within the land subject to the Heritage Overlay there are smaller scale infill development opportunities within an otherwise intact, predominantly two-storey commercial street scale (infill sites include 83-87, 95-97, 209-211, 215-217, 339 or 384 Smith Street). There are also a number of larger redevelopment sites, particularly at the northern end of Smith Street. These include sites outside the extent of the Heritage Overlay, ‘not-contributory’ graded late twentieth century showrooms, and graded former industrial buildings. Infill development in all these locations should reflect the existing consistent two-storey (Victorian-era) street wall with new built form constructed to the street boundary. Single-storey development should be discouraged and infill facades should respect the materiality and relationship between solid and void established by the ‘contributory’ and ‘individually significant’ buildings. Development bordering residential land within HO334 to the west of Smith Street should moderate its built form to the lower scale of these areas. The industrial character and land use in Collingwood means there is less need for new built form to moderate its scale at the rear on the eastern side of Smith Street.

Any new upper-level development within the Heritage Overlay should be set back from the street wall to retain the low-scale, high street character of the commercial strip and to retain the prominence of the heritage fabric in the streetscape, including the former industrial buildings at the northern end of Smith Street. New upper-level development should be designed so as to be recessive in the context of the heritage buildings when viewed from the opposite side of the street and to retain the visual prominence and local landmark status of the larger-scale former department stores and showrooms.

Prominent corner buildings, including those buildings considered to be local landmarks, provide less development opportunity as new built form should be setback off both street façades and visible roofs and chimneys retained.

Redevelopment of larger scale heritage-graded factory and warehouse buildings should be executed in a way that respects the existing form, fenestration and scale of the heritage fabric with roof-top development setback from the retained front section of the building.

As per the recommendations at Section 7.3.2, the heritage value of residential buildings zoned C1Z would be more appropriately managed through the rezoning of these to GRZ or NRZ where a mandatory height limit and the application of the sightline tests at Figures 2 and 3 of Clause 22.02-5.7.1 would apply.

## 7.6 Recommended Built Form Parameters

A DDO should apply to those parts of the Smith Street Activity Spine that are subject to the Heritage Overlay to ensure that new built form is respectful of the heritage context. It is also considered necessary to apply the DDO to those areas of Smith Street not subject to the Heritage Overlay to retain the prominence of the heritage street wall across the streetscape as a whole from Alexandra Parade to Victoria Parade.

A DDO applied to properties within the Smith Street Activity Spine should ensure that new built form protects the visual prominence of the existing two-storey street wall and the local landmark qualities of the three and four-storey departments stores and showrooms in the centre of the street. If rezoning of the small number of residential properties west of Smith Street within the precinct boundary from C1Z to NRZ occurs, there will be no need to apply to the DDO to these properties.

Informed by the heritage analysis above and the 3D modelling prepared by Hansen Partnership, it is recommended that a DDO should seek built form outcomes that recognise the different urban characters and heritage fabric various parts of the Smith Street Activity Spine:

### Generally

- Retain the visual prominence of the local landmarks in the streetscape.
- Retain chimneys and roof forms visible from the public realm.
- Ensure that new development within the Heritage Overlay does not visually dominate the existing heritage fabric.
- Ensure that any upper-level or infill development is subservient to the heritage fabric and is visually recessive in mass, scale and materiality.
- Encourage the top-most level (or levels) of new development to be set further back from the principal heritage frontage (as encouraged at Clause 22.02-5.7.2) and treated as a penthouse or roof top element.
- Retain the visual prominence of the return façades of buildings that address both Smith Street and cross streets particularly at the principal intersections with Gertrude and Johnston Streets by setting back new upper level built form from both street frontages.
- Establish a street wall height for infill development that reflects the established two (Victorian-era) storey scale of the precinct and discourages single-storey infill development.
- Ensure zero setback from the Smith Street boundary for infill and new development.
- Ensure that the heritage buildings remain prominent within the Smith Street streetscape and retain their three-dimensional form as viewed from the public realm to avoid 'facadism'. This will require new upper-level development to be set back a minimum of 8m from the street wall and for redevelopment to respect the existing inter-floor heights of the heritage fabric.

### Industrial buildings

- Mass new development above graded industrial buildings to retain the legibility of their three-dimensional form.
- Retain visible room forms that demonstrate the historic function of industrial buildings.

### Multi-storey retail / department store

- Encourage the upper level development to be lightweight one or two storey roof top elements.

- Retain the visual prominence of the larger scale three and four-storey furniture showrooms and department stores and other local landmarks with the streetscape.

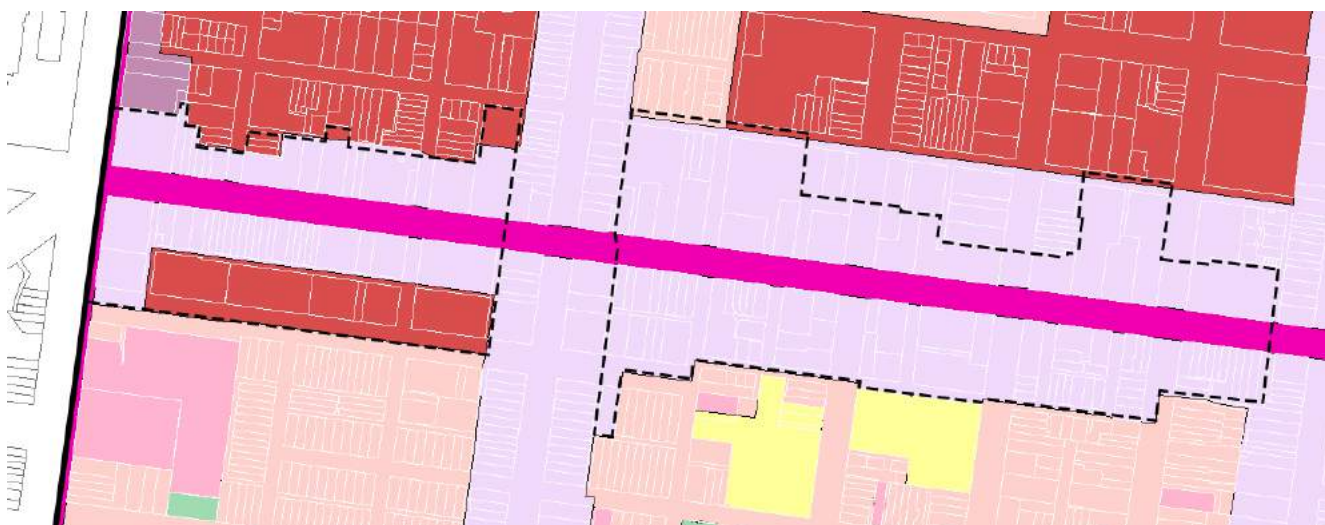
## 8. Johnston Street Activity Spine

### 8.1 Description

The Johnston Street Activity Spine runs between Nicholson Street to the west and Smith Street to the east. The precinct is bisected by the Brunswick Street Activity Spine. It extends to the depth of one property north of the Johnston Street and generally follows Victoria and Chapel Streets to the south. While predominantly commercial in character, the precinct includes areas of terraced houses and multi-unit residential development. The precinct is particularly diverse with building stock including two-storey shop / residences dating from the late nineteenth century to the mid-twentieth century, larger scale early twentieth century factory / warehouse buildings of up to four storeys in height, later commercial buildings as well as numerous commercial buildings dating from after the Second World War. Several sites are occupied by forecourts which break up the street edge of Johnston Street.

The precinct is not consistently commercial with reasonably intact single and two-storey terraced housing located across the precinct. The late-nineteenth and early twentieth century buildings are generally constructed of rendered or un-rendered brick and are generally more modest in scale and decoration than the commercial buildings associated with higher-status high streets with tram routes such as Brunswick Street or Smith Street.

Recent development in the precinct includes the contemporary seven-storey Abito Apartments at 67 Victoria Street and the five-storey Tyrian Apartments at 91 Johnston Street. The eight-storey Lyric Apartments at 245 Johnston Street and the six-storey redevelopment of the Spanish Club at 57 Johnston Street are currently under construction .



**Figure 45.** Zoning map – Johnston Street Activity Spine outlined in black dashed line. Study area boundary solid black line. (VicPlan, accessed 29 August 2010)

### 8.2 Heritage Status

#### 8.2.1 Existing Conditions

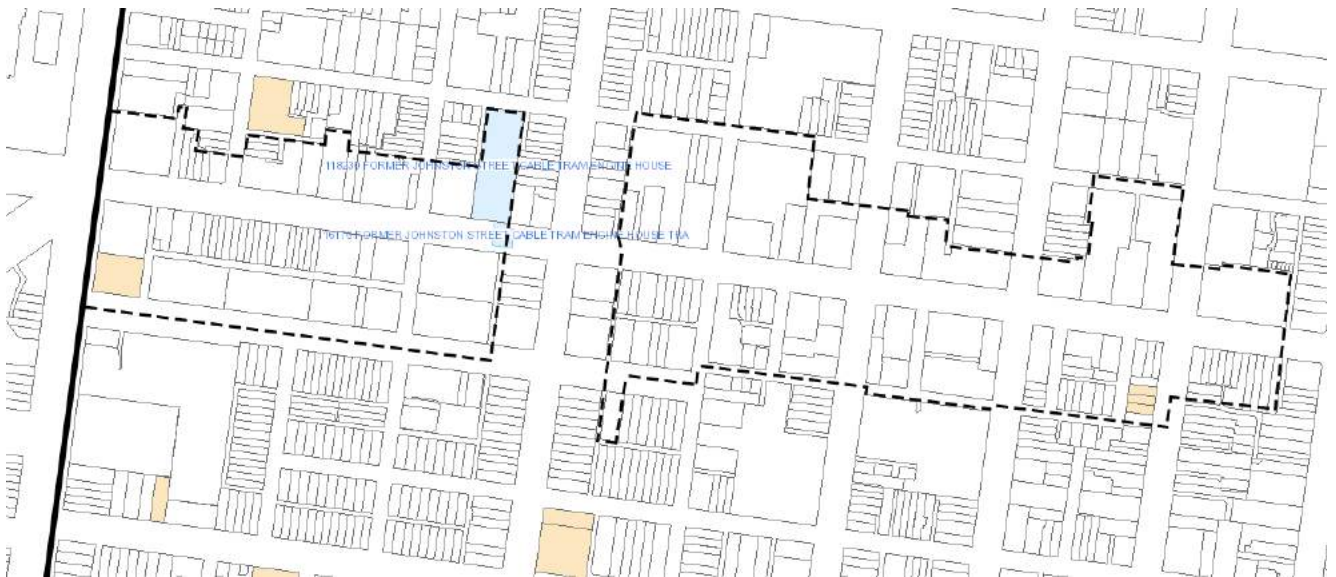
Although very diverse in its built form and with large areas without heritage fabric, the whole of the Johnston Street Activity Spine is subject to the Heritage Overlay with the exception of the service station at 244 Nicholson Street. Four properties, the former Avon Butter Factory at 218 Nicholson Street and the three terraced houses that make up Holyrood Terrace at 331-335 Gore Street, are included on the VHR with the remainder of the precinct included within HO334 – South Fitzroy Precinct. HO334 is predominantly residential in character with industrial and commercial pockets. Unlike Brunswick and Smith Streets, the commercial high street character of

Johnston Street is not recognised through a separate Heritage Overlay. HO334 does not explicitly include commercial high streets under the contributory elements identified in the Statement of Significance.

Several blocks on the northern side of Johnston Street between Brunswick and Smith Street contain few, if any, buildings identified within Appendix 8 as being ‘contributory’ or ‘individually significant’ within HO334.



**Figure 46.** Heritage Overlay map – Johnston Street Activity Spine outlined in black dotted line. Study area boundary solid black line. (VicPlan, accessed 29 August 2010)



**Figure 47.** VHR shaded in yellow and VHI shaded in blue – Johnston Street Activity Spine outlined in black dotted line. Study area boundary solid black line. (VicPlan, accessed 29 August 2010)

In summary, the existing heritage status for the Johnston Street Activity Spine is:

<b>Victorian Heritage Register</b> (those VHR places marked with an asterisk (*) are identified as the building only and may not include any land within the extent of registration)				
<i>VHR</i>	<i>Name</i>	<i>Address</i>	<i>Heritage Overlay</i>	<i>Date</i>
H0159	Holyrood Terrace (part)*	331 Gore Street	HO168	1874
H0160	Holyrood Terrace (part)*	333 Gore Street	HO169	1874

H0161	Holyrood Terrace (part)*	335 Gore Street	H0170	1874
H2315	Former Avon Butter Factory	218-222 Nicholson Street	H0471	1932
<b>Individual Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
none				
<b>Precinct Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
H0334	South Fitzroy Precinct	various	various	various

### 8.2.2 Recommended Changes

The Johnston Street Activity Spine is atypical within the context of H0334 and its heritage values can be more accurately described and more effectively managed through a new Heritage Overlay created to reflect its commercial high street character. This would be consistent with the approach taken with Bridge Road and Brunswick, Smith, Swan and Victoria Streets as well as Johnston Street to the east of Smith Street. Figure 37 provides the recommended extent of a new Heritage Overlay covering the 'Johnston Street West' precinct.



**Figure 48.** Heritage Overlay map showing the extent of a potential Johnston Street West Heritage Precinct in magenta (VicPlan, accessed 29 August 2019)

As noted above there are whole blocks north of Johnston Street that have few, if any, graded heritage buildings and it is recommended that the land facing Johnston Street between numbers 163 and 223 (inclusive) be removed from the Heritage Overlay.

Figure 49 shows the extent of the land recommended to be removed from H0334, which also includes land within the Fitzroy East Mixed Use Precinct.





**Figure 49.** Heritage Overlay map showing properties (shaded in red) that should be considered for removing from HO334. Extent of Johnston Street Activity Spine outlined in red. Proposed Johnston Street West Heritage Precinct in magenta (VicPlan, accessed 29 August 2019)

In addition, a number of anomalies within the Heritage Overlay and the grading within Appendix 8 were identified and amendments recommended to existing heritage gradings these are addressed in the Heritage Anomalies Report.

## 8.3 Zoning

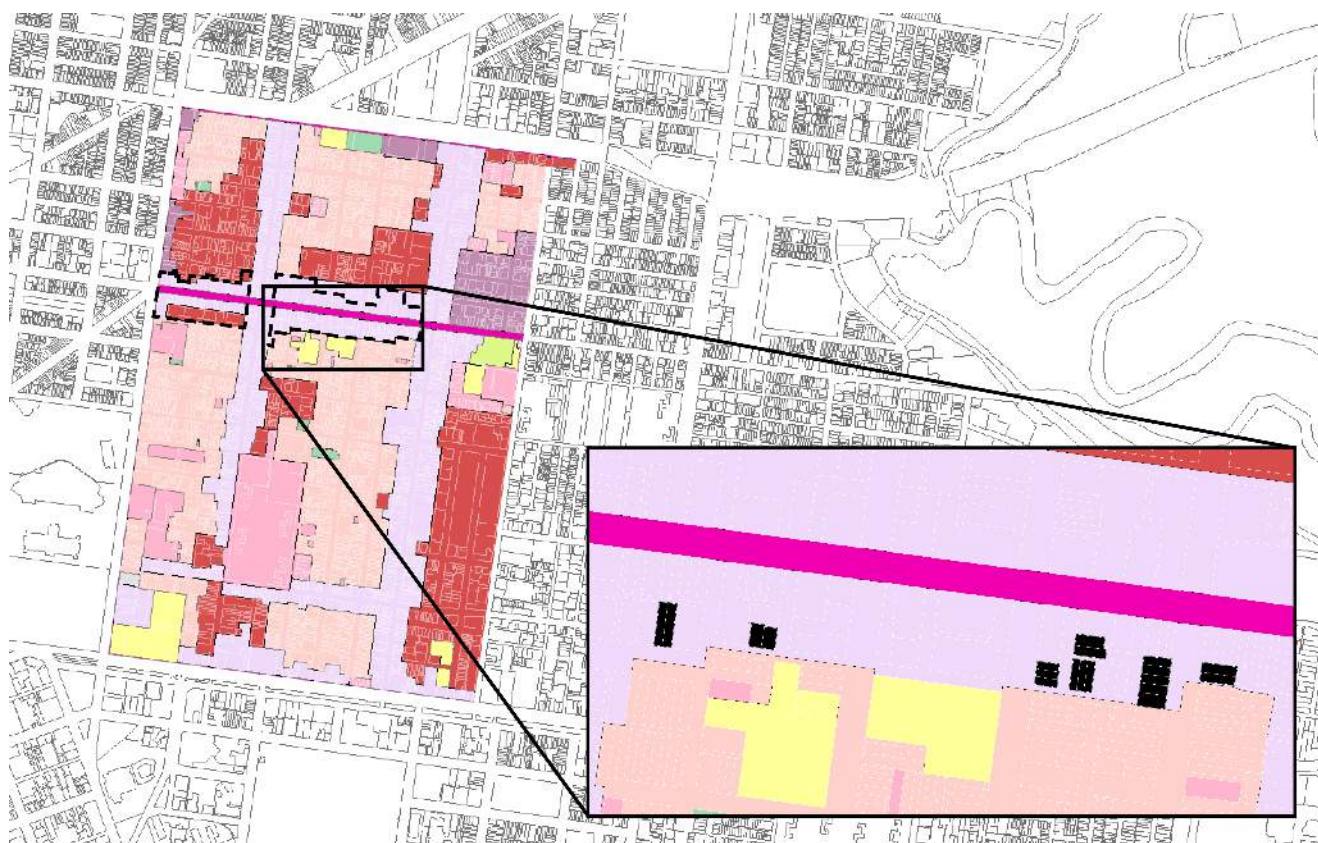
### 8.3.1 Existing Conditions

The land within the Johnston Street Activity Spine is included within the C1Z, MUZ and RDZ1. A number of heritage dwellings that remain in residential use are zoned C1Z when their immediate neighbours are more appropriately zoned NRZ. Consideration should be given to their rezoning to reflect similar adjacent properties.

### 8.3.2 Recommended Changes

We recommend that the following heritage-graded residential properties be rezoned from C1Z to NRZ to reflect their low-rise residential character and context:

- 7-9 Chapel Street
- 23 Chapel Street
- 35-39 Chapel Street
- 1-3 Elliot Street
- 342-346 George Street
- 331-337 Gore Street
- 334-336 Gore Street.







**Figure 50.** Planning map showing properties (shaded in blue) that should be considered for rezoning from C1Z to NRZ (VicPlan, accessed 29 August 2019)

## 8.4 Key Views and Landmarks

There are no key views of landmarks, tall structures or advertising signs identified within Clause 22.03 of the Yarra Planning Scheme that fall within the Johnston Street Activity Spine. However, there are a number of buildings along Johnston Street that can be considered local landmarks when applying the criteria set out in Section 5.2. These are:

**Table 3. Local Landmarks – Johnston Street**

Address	Building Name	Type	Corner	Grading	Image*
230-236 Nicholson Street	Tankerville Arms Hotel	Hotel on a prominent corner site	Nicholson Street	Individually significant (HO334)	
120 Johnston Street	Dr Peacock's Surgery & Residence	Elaborately detailed three storey building with prominent Mansard roof	-	Individually significant (HO334)	

166-170 Johnston Street	Town Hall Hotel	Hotel on a corner site	Napier Street	Individually significant (HO334)	
202-204 Johnston Street	Rochester Hotel	Hotel on a corner site	George Street	Individually significant (HO334)	

\* Photos either taken by GJM or sourced from VHD or Google Streetview

## 8.5 Potential Future Character Considerations

The Johnston Street Activity Spine is very diverse with a less cohesive heritage and built form character than Brunswick, Gertrude or Smith Streets. Its built form ranges from short runs of intact nineteenth century shop / residences and terraced housing to low-rise twentieth century commercial buildings and medium rise contemporary development. The lack of consistency in heritage fabric and high proportion of ‘not-contributory’ buildings provides greater opportunity for new development than many comparable high streets within Yarra.

The Heritage Overlay will ensure the retention of ‘contributory’ and ‘individually significant’ buildings. Within the land subject to the Heritage Overlay there remains a wide range of development opportunities from small scale infill within otherwise intact terraces of shop / residences (such as 48-50 Johnston Street) to major redevelopment sites. Infill development in the sections of Johnston Street with narrow frontage fine-grained lots should reflect the existing relatively consistent two-storey street wall with new built form constructed to the street boundary with a street wall height no higher than the predominant two (Victorian-era) storeys. Single-storey development should be discouraged and infill facades should respect the materiality and relationship between solid and void established by the ‘contributory’ and ‘individually significant’ buildings. The larger development sites, some of which take up a significant proportion of a block, provide the opportunity to step up to a taller (four-storey) street wall, as has already occurred in some of the twentieth century development.

Any new upper-level development within the Heritage Overlay should be set back from the street wall – where this exists – to retain the low-scale, high street character of the commercial strip and to retain the prominence of the heritage fabric in the streetscape. New upper-level development should be designed so as to be recessive in the context of the heritage buildings when viewed from the opposite side of the street.

Prominent corner buildings, including the existing hotels, provide less development opportunity as new built form should be setback off both street façades and visible roofs and chimneys should be retained.

The residential buildings, facing both Johnston Street and on streets to the immediate south, should be retained to a two-room depth including their primary roof form and visible chimneys. It is acceptable for new development to be visible behind the retained terraced houses within the C1Z, but additions should be scaled to avoid visually dominating the heritage building.

Redevelopment of larger scale heritage-graded factory and warehouse buildings should be executed in a way that respects the existing form, fenestration and scale of the heritage fabric with roof-top development setback from the retained front section of the building.

The area proposed to be removed from HO334 provides the greatest opportunity for new development; however, where these opportunities are immediately adjacent to land subject to the Heritage Overlay, the policy at Clause 22.10 should limit the height of abutting development to avoid visually dominating the heritage place. Consideration should also be given to the street wall height to avoid an unreasonable juxtaposition between the new built form and the heritage buildings on the opposite side of Johnston Street.

## 8.6 Recommended Built Form Parameters

A DDO should apply to those parts of the Johnston Street Activity Spine that are subject to the Heritage Overlay to ensure that new built form is respectful of the heritage context. It may also be necessary to apply the DDO to those areas of Johnston Street not subject to the Heritage Overlay for urban design reasons.

A DDO applied to properties within the Johnston Street Activity Spine should ensure new built form protects the visual prominence of the existing two-storey character of the streetscape at the western end of Johnston Street. If rezoning of the residential properties south of Johnston Street from C1Z to NRZ proceeds there is no need for a DDO to apply in those locations.

Informed by the heritage analysis above and the 3D modelling prepared by Hansen Partnership it is recommended that a DDO seek built form outcomes that:

- Retain the visual prominence of the local landmarks in the streetscape.
- Retain chimneys and roof forms visible from the public realm.
- Ensure that new development within the Heritage Overlay does not visually dominate the existing heritage fabric.
- Ensure that any upper-level or infill development is subservient to the heritage fabric and is visually recessive in mass, scale and materiality.
- Encourage the top-most level (or levels) of new development to be set further back from the principal heritage frontage (as encouraged at Clause 22.02-5.7.2) and treated as a penthouse or roof top element.
- Establish a street wall height for infill development that reflects the established two (Victorian-era) storey scale of the precinct and discourages single-storey infill development.
- Ensure zero setback from the Johnston Street boundary for infill and new development.
- Ensure that the heritage buildings remain prominent within the Johnston Street streetscape and retain their three-dimensional form as viewed from the public realm to avoid 'facadism'. This will require new upper-level development to be set back a minimum of 8m from the street wall and for redevelopment to respect the existing inter-floor heights of the heritage fabric.
- Retain the visual prominence of the return façades of heritage buildings that address both Johnston Street and cross streets particularly at the principal intersections with Brunswick and Smith Streets by setting back new upper level built form from both street frontages.

## 9. Fitzroy East Mixed Use Precinct

### 9.1 Description

The Fitzroy East Mixed Use Precinct is comprised of the majority of the MUZ land north of Johnston Street between Brunswick Street to the west and Smith Street to the east as well as a small amount of the C1Z land fronting Smith Street. To the north the precinct is generally bounded by Kerr Street (between Young and George Streets) and Rose Street (between George and Gore Streets). The precinct extends north above Leicester Street to include the single storey mid-twentieth century factory building at 450 Gore Street.

The scale, period and style of buildings within this precinct are very diverse ranging from small mid-nineteenth century terraced houses, later industrial and commercial buildings including parts of the MacRobertson's Confectionary Works, and more recent medium rise development including the eight-storey apartment complex that dominates the block bounded by Kerr, Young, Argyle and Napier Streets.

There are also large areas of the precinct that have few, if any, graded buildings or where heritage buildings are very dispersed. Medium rise development has also occurred, with greater or lesser degrees of appropriateness, behind the retained façades of graded industrial buildings including the five-storey residential developments at 160-164 Argyle Street and 420-428 Gore Street.

The precinct contains a number of development sites, some of which have little or no heritage context or interfaces.

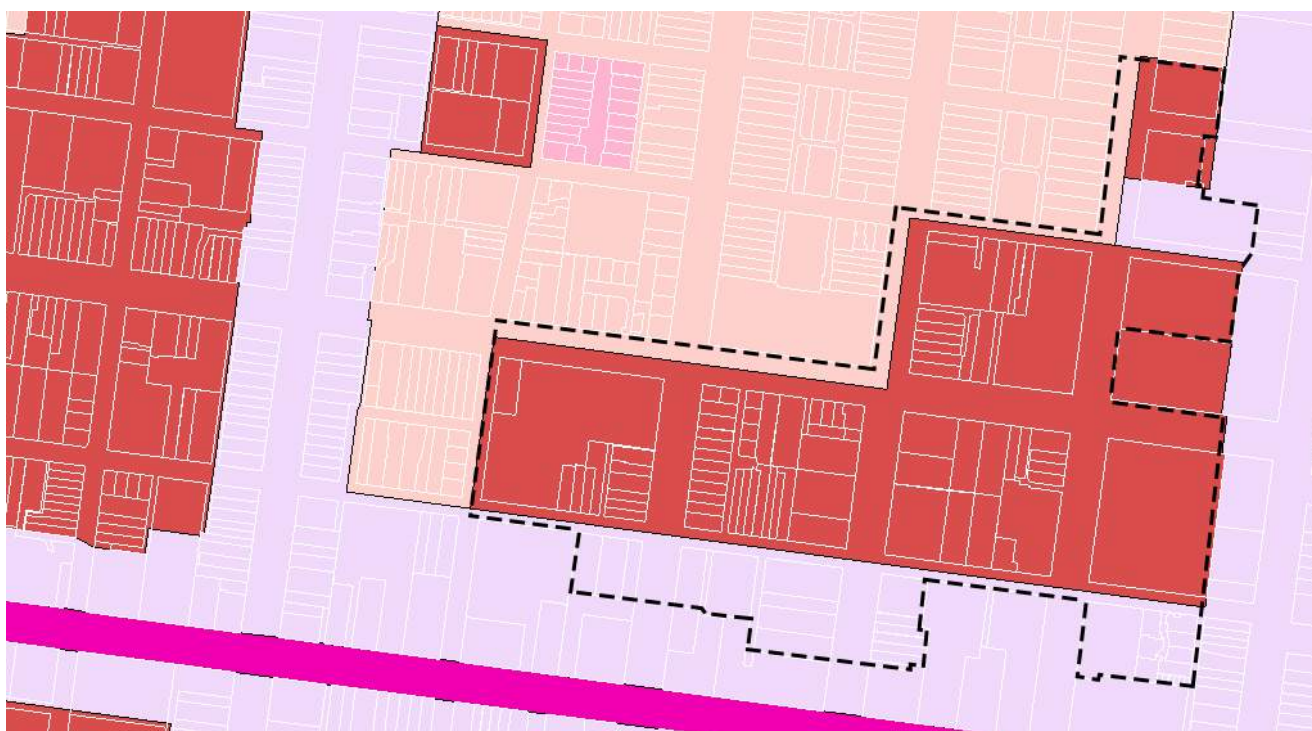


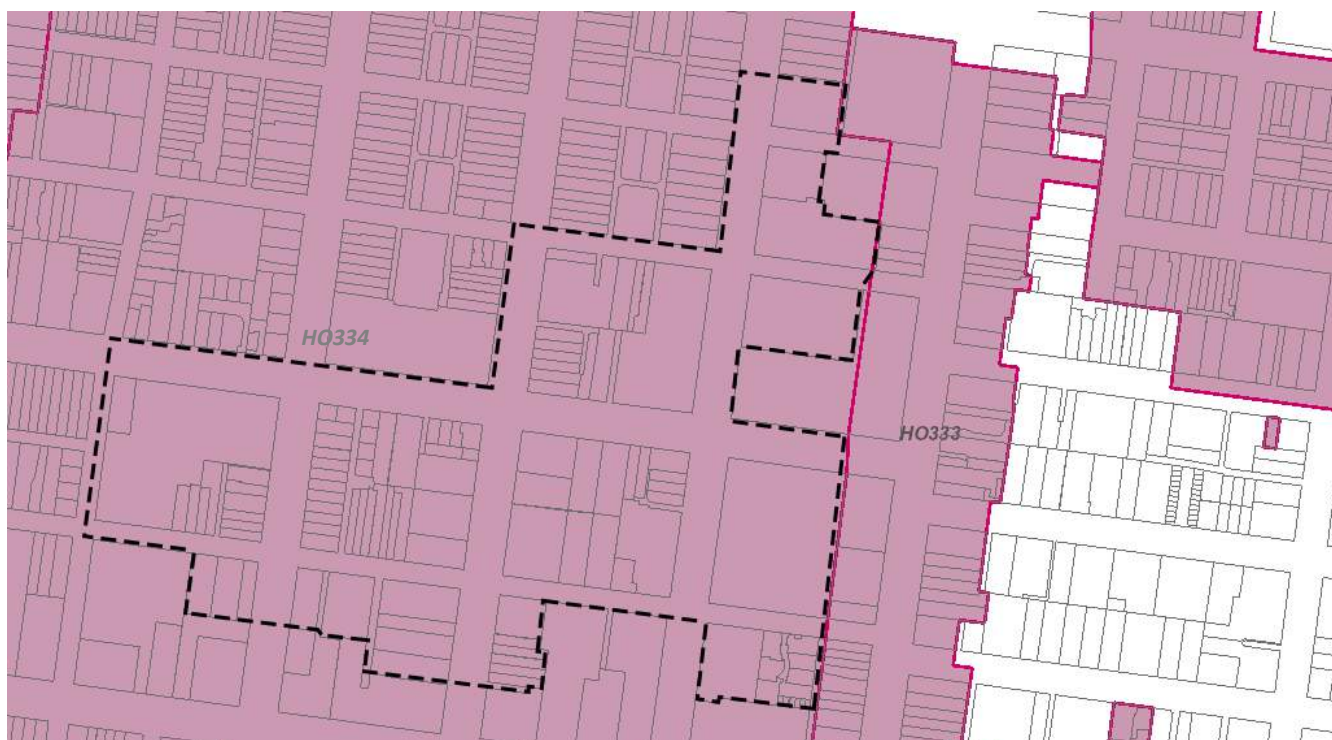
Figure 51. Zoning map – Fitzroy East Mixed Use Precinct outlined in black dashed line (VicPlan accessed 29 August 2019)

### 9.2 Heritage Status

#### 9.2.1 Existing Conditions

The whole of the Fitzroy East Mixed Use Precinct is included within HO334 and, like the Johnston Street Activity Spine, it is very diverse in its built form with a large proportion of 'not-contributory' graded buildings. There are large areas without any heritage buildings or a small number of isolated heritage buildings within blocks of post-Second World War development. The mixed industrial and residential heritage character of the Fitzroy East Mixed Use Precinct is broadly captured in the Statement of Significance for HO334. There are no heritage places included on the VHR within the precinct.

Several blocks to the north of Johnston Street between Brunswick and Smith Streets contain few, if any, buildings identified within Appendix 8 as being ‘contributory’ or ‘individually significant’ within HO334.



**Figure 52.** Heritage Overlay map – Fitzroy East Mixed Use Precinct outlined in black dashed line. (VicPlan, accessed 29 August 2019)

In summary, the existing heritage status for Fitzroy East Mixed Use Precinct is:

<b>Victorian Heritage Register</b>				
None				
<b>Individual Heritage Overlays</b>				
None				
<b>Precinct Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Appendix 8 grading</i>	<i>Date</i>
HO334	South Fitzroy Precinct	various	various	various

### 9.2.2 Recommended Changes

As noted above, there are whole blocks north of Johnston Street that have few, if any, heritage graded buildings and it is recommended that this land be removed from the Heritage Overlay.



**Figure 53.** Heritage Overlay map showing properties (shaded in red) that should be considered for removing from HO334. Extent of Fitzroy East Mixed Use Precinct outlined in black dashed line (VicPlan, accessed 29 August 2019)

In addition, a number of anomalies within the Heritage Overlay and the grading within Appendix 8 were identified and amendments recommended to existing heritage gradings these are addressed in the Heritage Anomalies Report.

## 9.3 Zoning

### 9.3.1 Existing Conditions

The land within the Fitzroy East Mixed Use Precinct is included within the MUZ and C1Z.

A number of heritage dwellings that remain in residential use are zoned MUZ when their immediate neighbours are more appropriately zoned NRZ. Where these properties that are residential in form, character and use, consideration should be given to their rezoning to reflect adjacent or neighbouring properties.

### 9.3.2 Recommended Changes

It is recommended that the following heritage-graded residential properties be rezoned from MUZ to NRZ to reflect their low rise residential character and context:

143-149 Argyle Street

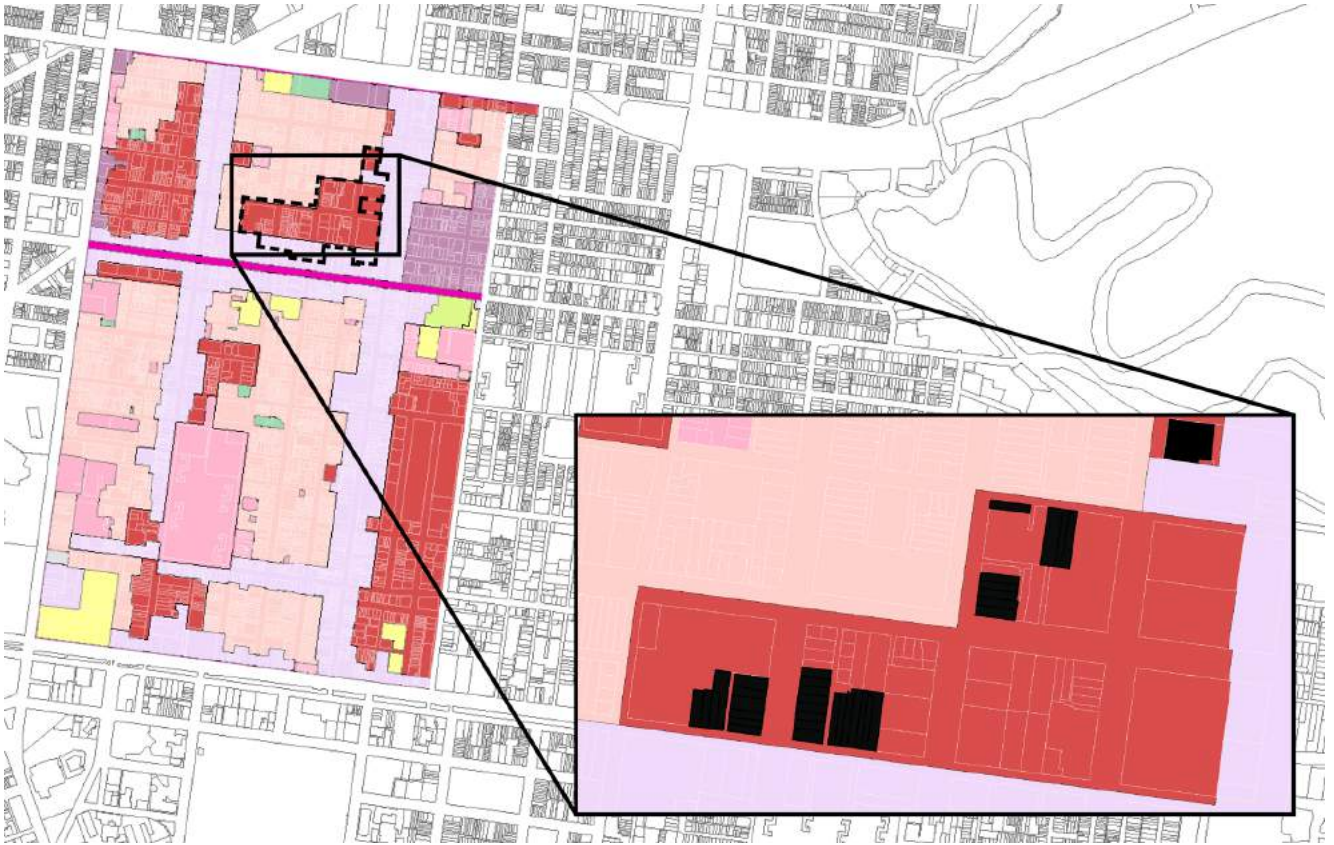
159-171 Argyle Street

330-346 Napier Street

331-341 Napier Street.

In order to create a logical boundary between the MUZ and NRZ the following un-graded small-scale residential properties could also be rezoned:

348-352 Napier Street.




**Figure 54.** Planning map showing properties (shaded in black) that are recommended for re-zoning from MUZ to NRZ (Vicplan, accessed 29 August 2019).

## 9.4 Key Views and Landmarks

There are no key views of landmarks, tall structures or advertising signs identified within Clause 22.03 of the Yarra Planning Scheme that fall within the Fitzroy East Mixed Use Precinct.

The following building can be considered a local landmark by applying the criteria set out in Section 5.2:

**Table 4. Local Landmarks – Fitzroy East Mixed Use Precinct**

Address	Building Name	Type	Corner	Grading	Image*
411 George Street	Marquis of Lorne Hotel	Hotel on a corner site	Nicholson Street	Individually significant (HO334)	

\* Photo sourced from VHD

## 9.5 Potential Future Character Considerations

Like the adjacent Johnston Street Activity Spine, the Fitzroy East Mixed Use Precinct is very diverse with built form that ranges from terraced housing, early twentieth century factory buildings, low rise twentieth century commercial buildings and medium rise contemporary development. The lack of consistency in heritage fabric and the high proportion of ‘not-contributory’ buildings provides greater opportunity for new development than other areas within HO334.

The Heritage Overlay will ensure the retention of ‘contributory’ and ‘individually significant’ buildings. Within the land subject to the Heritage Overlay there remains a wide range of development opportunities from small



vacant lots to major redevelopment sites. The street wall height of new development should respond to adjacent and nearby heritage buildings and should generally not exceed two-storeys in height.

Any new upper-level development within the Heritage Overlay should be set back from the street wall – where this exists – to retain the low-scale character and the prominence of the heritage fabric in the streetscape. New upper-level development should be designed so as to be recessive in the context of the heritage buildings when viewed from the opposite side of the street.

Prominent corner buildings such as the Marquis of Lorne Hotel at 411 George Street provide less development opportunity, as new built form should be setback off both street façades and visible roofs and chimneys should be retained.

Residential buildings should be retained to a two-room depth including their primary roof form and visible chimneys. It is acceptable for new development to be visible behind the retained terraced houses within the MUZ, but additions should be scaled to avoid visually dominating the heritage building. Consideration should be given to rezoning the terraces of intact heritage housing on Argyle and Napier Streets from MUZ to the NRZ applied to the majority of HO334.

Larger-scale heritage factory and warehouse buildings should be redeveloped in a way that respects the existing form, fenestration and scale of the heritage fabric with roof-top development setback from the retained front section of the building.

The area recommended to be removed from HO334 provides the greatest opportunity for new development; however, where this is immediately adjacent to land subject to the Heritage Overlay, the policy at Clause 22.10 should limit the height of abutting development to avoid visually dominating the heritage place. Consideration should also be given to the street wall height to avoid an unreasonable juxtaposition between the new built form and the heritage buildings on the opposite side of the street.

## 9.6 Recommended Built Form Parameters

A DDO should apply to those parts of the Fitzroy East Mixed Use Precinct that are subject to the Heritage Overlay to ensure heritage fabric is appropriately managed and new built form is respectful of the heritage context.

A DDO applied to properties within the Heritage Overlay should ensure new built form protects the existing predominantly low-scale of the area. If rezoning of the residential properties within the precinct from MUZ to NRZ proceeds there is no need for a DDO to apply in those locations.

Informed by the heritage analysis above and the 3D modelling prepared by Hansen Partnership it is recommended that a DDO seek built form outcomes that:

- Retain the visual prominence of the local landmarks in the streetscape.
- Retain chimneys and roof forms visible from the public realm.
- Ensure that new development within the Heritage Overlay does not visually dominate the existing heritage fabric.
- Ensure that any upper-level or infill development is subservient to the heritage fabric and is visually recessive in mass, scale and materiality.
- Encourage the top-most level (or levels) of new development to be set further back from the principal heritage frontage (as encouraged at Clause 22.02-5.7.2) and treated as a penthouse or roof top element
- Adopt a street wall height (where a street wall exists) for infill development that reflects the established built form of adjacent heritage places.
- Match the setback of adjoining graded buildings.
- Ensure that the heritage buildings remain prominent within the streetscape and retain their three-dimensional form as viewed from the public realm to avoid ‘facadism’.

- Mass new development above graded industrial buildings to retain the legibility of their three-dimensional form.
- Retain the visual prominence of the return façades of heritage buildings that address two streets, such as the Marquis of Lorne Hotel.
- Retain chimneys and roof forms visible from the public realm.

## 10. Built Form Testing

In order to translate the 'Recommended Built Form Parameters' in Part II into specific guidance that can be translated into a DDO control, Hansen prepared 3D computer modelling to test the appropriateness of particular built form outcomes that achieved the intent of the recommended built form parameters.

The Built Form Review Recommendations have been determined based on comprehensive built form testing and 3D computer modelling of potential bulk and massing envelopes for the study area. It was established and operated as a 'working' massing model used to informally measure built form heights and setbacks to the properties along the length of Brunswick, Smith and Johnston Streets (within the study area) to serve as a useful general tool in comparative visual analysis. The Town Hall and Fitzroy East Mixed Use Precincts were not modelled in the same way as this area has limited development opportunity and lacks consistent linear street walls.

The impacts of new built form considered views from the opposite side of the street at natural eye level (1.6m) on the public footpath. As well as 3D modelling cross sections were prepared across a range of the site types within the study area within particular attention given to heritage street wall or façade heights, lot depth and rear interface conditions (street, laneway, commercial, residential, mixed use etc.).

The heritage advice took the ¾ : ¼ ratio of street wall to new built form sightline test from Moreland DDO18 (discussed further at section 3.3) as a starting point and also considered oblique views as they would be experienced by a pedestrian traversing the street. Extensive field work was undertaken and site visits were used to inform the recommendations made in the Built Form Review. Views of heritage places were only considered from the public realm including streets and parkland; laneway and private realm views were not assessed.

## **Part III: Built Form Recommendations**

## 11. Built Form Recommendations

Any DDO applied to the study area should include provisions to complement, but not duplicate, the decision guidelines at Clause 43.01-8 (Heritage Overlay), State Planning Policy at Clause 15.03-1S and the relevant local policy within Clauses 22.02, 22.03 and 22.10 of the Yarra Planning Scheme to inform new development.

Having regard to the heritage analysis and modelling prepared by Hansen Partnership, it is recommended that the following built form controls be applied to new development to ensure appropriate weight is given to the established heritage values within the study area. The recommended maximum heights vary within the study area. They have been informed by existing built form and heritage street wall heights, lot sizes and depths, and 3D modelling which demonstrated whether or not the upper-level development would 'be visually recessive and not dominate the heritage place' as sought at Clause 22.02-5.7.1. These recommended controls have also been informed by the version of DDO15 – Johnston Street Activity Centre as adopted by Yarra City Council on 14 May 2019. The application of upper-level setbacks and maximum heights within the proposed DDO should be supplemented by a recession plane or sight line test such as proposed at Figures 1 and 2 of the adopted version of DDO15 (refer section 3.1 of this report).

Buildings graded 'individually significant' and 'contributory' are referred to as 'heritage buildings' within the table below and those graded 'not-contributory' or that are vacant are considered 'infill sites'. It is not recommended that different built form controls be applied based on the grading of a building within Appendix 8.

### 11.1 Brunswick Street and the Town Hall Mixed Use Precinct

Built Form Element	Requirement	Rationale
<b>Brunswick Street (north of Gertrude Street)</b>		
New built form	New built form should protect the silhouette/profile of St Patricks Cathedral and the spire of St Lukes Church, North Fitzroy when viewed along Brunswick Street.	A single view of St Patricks Cathedral, East Melbourne from the intersection of Brunswick Street and St George's Road and of the spire of St Lukes Church, North Fitzroy from the intersection of Brunswick Street and Victoria Parade is recognised in Clause 22.03 however numerous other views exist from within the road reserve at intersections and trams stops along Brunswick Street.
Maximum street wall height (infill development)	11m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding infill above three storeys.  Mandatory controls are necessary to protect the heritage character of the street as a whole.
Minimum street wall height (infill development)	8m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding single storey infill.  Mandatory controls are necessary to protect the heritage character of the street as a whole.
Street wall height (infill development)	Match the parapet height of the adjacent taller heritage building	To ensure new built form responds to its immediate heritage context.

	(preferred)	<p>A discretionary control is appropriate given the variation in heights within the Precinct.</p> <p>Note: it is not intended that the new street wall of infill development would exceed 11m in height when it is adjacent to taller heritage buildings.</p>
Front setback (infill development)	Zero (mandatory)	To ensure new built form responds to the heritage context which has a consistent zero setback.
Minimum setbacks above street wall (Brunswick Street, Johnston Street and Gertrude Street)	8m (mandatory)	<p>An 8m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the Brunswick Street streetscape and will retain their three-dimensional form as viewed from the public realm to avoid 'facadism'. An 8m setback will also be sufficient to ensure that majority of existing chimneys at the front of the buildings are retained.</p> <p>Mandatory controls are necessary to protect the heritage character of the street as a whole.</p>
Minimum setbacks above street wall (side streets other than Gertrude and Johnston Streets)	6m (preferred)	<p>The heritage built form of buildings that address side streets varies considerably. Some buildings have elaborate return facades while others are plain end-of-terrace forms.</p> <p>A preferred control will enable a wide range of design responses which encouraging new development to the setback on prominent corner buildings.</p>
Minimum upper-level setbacks	As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)	<p>The upper levels of new development beyond the secondary street wall should be recessive and 'each higher element set further back from lower heritage built forms' as sought at Clause 22.02-5.7.2.</p> <p>Note: the application of this test may reduce the maximum achievable height on particular sites to lower than a maximum building height identified in the proposed DDO.</p>
Maximum building height	<p>4-5 storeys between Alexandra Parade and Rose Street.</p> <p>3 storeys between Rose and Johnston Streets.</p> <p>4-5 storeys between Johnston Street and Gertrude Street with the potential for some 6 storey development deeper sites.</p> <p>3-6 storeys on deeper sites fronting Fitzroy Street.</p>	<p>To retain the primacy of the heritage buildings and for development above the street wall to be recessive, recognising that deeper sites can generally accommodate a greater height if the upper levels are set further back from the secondary street wall.</p> <p>Mandatory controls are necessary to protect the heritage character of the street as a whole.</p>

	4 storeys on Young Street between Rose and Leicester Streets. (mandatory)	
<b>Brunswick Street (south of Gertrude Street)</b>		
New built form	New built form should protect the silhouette/profile of St Patricks Cathedral and the spire of St Lukes Church, North Fitzroy when viewed along Brunswick Street.	A single view of St Patricks Cathedral, East Melbourne from the intersection of Brunswick Street and St George's Road and of the spire of St Lukes Church, North Fitzroy from the intersection of Brunswick Street and Victoria Parade is recognised in Clause 22.03 however numerous other views exist from within the road research at intersections and tram stops along Brunswick Street.
Maximum street wall height (infill development)	11m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding infill above three storeys.  Mandatory controls are necessary to protect the heritage character of the street as a whole.
Minimum street wall height (infill development)	8m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding single storey infill.  Mandatory controls are necessary to protect the heritage character of the street as a whole.
Street wall height (infill development)	Match the parapet height of adjacent taller heritage building (preferred)	To ensure new built form responds to its immediate heritage context.  A discretionary control is appropriate given the variation in heights within the Precinct.  Note: it is not intended that the new street wall of infill development would exceed 11m in height when it is adjacent to taller heritage buildings.
Front setback (infill development)	Match the lesser of the adjacent heritage building (preferred)	To ensure new built form responds to the heritage context where the adjacent buildings are set back from Brunswick Street.  A discretionary control is appropriate given the variation in setbacks south of Gertrude Street.
Minimum setbacks above street wall (Brunswick Street and Gertrude Street) (heritage buildings)	Retain the depth of the principal roof form of the heritage building. (preferred) 8m (mandatory)	To recognise the generally residential and institutional character of Brunswick Street between Gertrude Street and Victoria Parade (which differs from the parapeted shop / residence building type north of Gertrude Street) new development should be set back beyond the principal (generally two room deep) roof form.  An 8m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the Brunswick Street streetscape.

		An 8m setback will also be sufficient to ensure that majority of existing chimneys at the front of the buildings are retained
Minimum setbacks above street wall (Brunswick Street) (infill development)	8m (mandatory)	An 8m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the Brunswick Street streetscape. Mandatory controls are necessary to protect the heritage character of the street as a whole.
Minimum upper-level setbacks	As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)	The upper levels of new development beyond the secondary street wall should be recessive and 'each higher element set further back from lower heritage built forms' as sought at Clause 22.02-5.7.2. Note: the application of this test may reduce the maximum achievable height on particular sites to lower than a maximum building height identified in the proposed DDO.
Maximum building height	3-4 storeys (mandatory)	To retain the primacy of the heritage buildings and for development above the street wall (where this exists) to be recessive. Mandatory controls are necessary to protect the heritage character of the street as a whole.
<b>Town Hall Mixed Use Precinct</b>		
New built form	New built form should ensure that the clocktower of Richmond Town Hall remains the principal built form reference within the precinct and new development should not obscure key views to it.	The key views of the spire of the Fitzroy Town Hall are recognised in Clause 22.03. The primary views of landmarks are defined in <i>Appendix A – Landmarks &amp; Views Assessment</i> , Ethos Urban, 22 December 2017.
Street wall height (infill development)	Match the parapet height of adjacent taller heritage building (preferred)	To ensure new built form responds to the heritage context. A discretionary control is appropriate given the variation in heights within the Precinct.
Front setback (infill development)	Match the lesser of the adjacent heritage building (preferred)	To ensure new built form responds to the heritage context where adjacent buildings are set back from the street. A discretionary control is appropriate given the variation in setbacks.
Minimum setbacks above street wall (heritage building)	Retain the depth of the principal roof form of the heritage building. (preferred)	To recognise the generally residential, industrial and institutional character of the Town Hall Mixed Use Precinct new development should be set back beyond the principal (generally two room deep) roof form. A mandatory 6m minimum is necessary to protect the heritage character of the street as a whole.

	6m (mandatory)	
Minimum setbacks above streetwall (infill development)	6m (preferred)	A 6m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the streetscape. Preferred controls are appropriate given the diversity of heritage forms within this precinct.
Maximum building height	3-5 storeys (preferred)	To retain the primacy of the heritage buildings and for development above the street wall (where this exists along Kent and Young Streets) to be recessive.

## 11.2 Smith Street

Built Form Element	Requirement	Rationale
Maximum street wall height (infill development)	11m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding infill above three storeys. Mandatory controls are necessary to protect the heritage character of the street as a whole.
Minimum street wall height (infill development)	8m (mandatory)	To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding single storey infill. Mandatory controls are necessary to protect the heritage character of the street as a whole.
Street wall height (infill development)	Match the parapet height of the adjacent taller heritage building (preferred)	To ensure new built form responds to its immediate heritage context. A discretionary control is appropriate given the variation in heights within the Precinct. Note: it is not intended that the new street wall of infill development would exceed 11m in height when it is adjacent to taller heritage buildings.
Front setback (infill development)	Zero (mandatory)	To ensure new built form responds to the heritage context which has a consistent zero setback.
Minimum setbacks above street wall (Smith Street, Johnston Street and Gertrude Street)	8m (mandatory)	An 8m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the Smith Street streetscape and will retain their three-dimensional form as viewed from the public realm to avoid 'facadism'. An 8m setback will also be sufficient to ensure that majority of existing chimneys at the front of the buildings are retained. Mandatory controls are necessary to protect the heritage character of the street as a whole.



<p>Minimum setbacks above street wall (side streets other than Gertrude and Johnston Streets)</p>	<p>6m (preferred)</p>	<p>The heritage built form of buildings that address side streets varies considerably. Some buildings have elaborate return facades while others are plain end-of-terrace forms.</p> <p>A preferred control will enable a wide range of design responses which encouraging new development to the setback on prominent corner buildings.</p>
<p>Minimum upper-level setbacks</p>	<p>As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>The upper levels of new development beyond the secondary street wall should be recessive and ‘each higher element set further back from lower heritage built forms’ as sought at Clause 22.02-5.7.2.</p> <p>Note: the application of this test may reduce the maximum achievable height on particular sites to lower than a maximum building height identified in the proposed DDO.</p>
<p>Maximum building height</p>	<p>5-9 storeys between Westgarth and Mater Streets and Kerr and Hotham Streets.</p> <p>3-5 storeys between Kerr and Hotham Streets and Johnston Street.</p> <p>3-6 storeys between Johnston and St David Streets on the western side of Smith Street and between Johnston and Stanley Streets on the eastern side.</p> <p>3-7 storeys between St David Street and south of Gertrude Streets on the western side of Smith Street and between Stanley Street and Derby Street on the eastern side.</p> <p>4-6 storeys south of Derby Street on the eastern side of Smith Street with up to 7 storeys either side of Little Smith Street on the western side.</p> <p>Some sites can accommodate up to 8-9 storeys e.g. the Coles redevelopment (132-158 Smith Street) and the Woolworths site (243-255 Smith Street).</p>	<p>To retain the primacy of the heritage buildings and for development above the street wall to be recessive, recognising that deeper sites can generally accommodate a greater height if the upper levels are set further back from the secondary street wall.</p> <p>A greater degree of visibility of new built form is anticipated behind the retained form of former industrial buildings at the northern end of Smith Street, some of which occupy whole city blocks.</p> <p>Smith Street includes larger sites that have been (or have the potential to be) redeveloped to a taller scale.</p> <p>The consistency of the heritage streetscape diminishes south of Gertrude and Langridge Streets (HO464).</p> <p>Mandatory controls are necessary to protect the heritage character of the street as a whole.</p>

	(mandatory)	
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### 11.3 Johnston Street

Built Form Element	Requirement	Rationale
<p>Maximum street wall height (infill development)</p> <p>North side of Johnston Street between Brunswick and Young Streets</p> <p>South side of Johnston Street except between Fitzroy and Brunswick Street)</p>	<p>11m</p> <p>(mandatory)</p>	<p>To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding infill above three storeys.</p> <p>Mandatory controls are necessary to protect the heritage character of the street as a whole.</p>
<p>Maximum street wall height (infill development)</p> <p>North side of Johnston Street except between Brunswick and Young Streets</p> <p>South Side of Johnston Street between Fitzroy and Brunswick Street.</p>	<p>14m</p> <p>(preferred)</p>	<p>Preferred control appropriate as there are few or no heritage buildings in these areas.</p>
<p>Minimum street wall height (infill development)</p>	<p>8m</p> <p>(mandatory)</p>	<p>To ensure the predominant two (Victorian-era) storey street wall height is maintained by avoiding single storey infill.</p> <p>Mandatory controls are necessary to protect the heritage character of the street as a whole.</p>
<p>Street wall height (infill development)</p>	<p>Match the parapet height of adjacent taller heritage building</p> <p>(preferred)</p>	<p>To ensure new built form responds to its immediate heritage context.</p> <p>A discretionary control is appropriate given the variation in heights within the Precinct.</p> <p>Note: it is not intended that the new street wall of infill development would exceed 11m in height when it is adjacent to taller heritage buildings.</p>
<p>Front setback (infill development)</p>	<p>Zero</p> <p>(mandatory)</p>	<p>To ensure new built form responds to the heritage context which has a consistent zero setback.</p>
<p>Minimum setbacks above street wall (Johnston Street,</p>	<p>6m</p>	<p>A 6m setback above the street wall is the minimum necessary to ensure that the heritage buildings remain prominent within the Johnston Street streetscape and</p>

<p>Nicholson, Brunswick Street, Smith Street and Victoria Street)</p>	<p>(mandatory except the north side of Johnston Street between Spring and Fitzroy Streets and Young and Gore Streets) 6m (discretionary on the north side of Johnston Street between Spring and Fitzroy Streets and Young and Gore Streets, and Victoria Street)</p>	<p>will retain their three-dimensional form as viewed from the public realm to avoid ‘facadism’ noting that this street is less consistent and intact than Brunswick or Smith Streets.  Mandatory controls are necessary in parts of Johnston Street to protect the heritage character of the street as a whole.  Preferred controls appropriate in parts of Johnston Street where there are few or no heritage buildings.</p>
<p>Minimum setbacks above street wall (side streets other than Nicholson, Brunswick and Smith Streets)</p>	<p>6m (preferred)</p>	<p>The heritage built form of buildings that address side streets varies considerably. Some buildings have elaborate return facades while others are plain end-of-terrace forms.  A preferred control will enable a wide range of design responses which encouraging new development to the setback on prominent corner buildings.</p>
<p>Minimum upper-level setbacks</p>	<p>As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>The upper levels of new development beyond the secondary street wall should be recessive and ‘each higher element set further back from lower heritage built forms’ as sought at Clause 22.02-5.7.2.  Note: the application of this test may reduce the maximum achievable height on particular sites to lower than a maximum building height identified in the proposed DDO.</p>
<p>Maximum building height</p>	<p>4-8 storeys on the north side of Johnston Street between Nicholson and Young Streets. 9 storeys on the north side of Johnston Street between Young and Smith Streets. (preferred) 4-6 storeys on the south side of Brunswick Street between Nicholson and Brunswick Streets with some specific sites that can accommodate up to 8 storeys. 3-6 storeys on the south side of Johnston Street between Brunswick and Smith Streets. 6-8 storeys on the north side of Victoria Street. (mandatory)</p>	<p>To retain the primacy of the heritage buildings and for development above the street wall to be recessive, recognising that deeper sites can generally accommodate a greater height if the upper levels are set further back from the secondary street wall.  A greater degree of visibility is anticipated behind the street wall in the larger infill sites along Johnston Street.  Mandatory controls are necessary to protect the heritage character of the south side of Johnston Street where it is more highly intact.</p>

## 11.4 Fitzroy East Mixed Use Precinct

Built Form Element	Requirement	Rationale
Street wall height (infill development)	Match the parapet height of the adjacent taller heritage building (preferred)	To ensure new built form responds to the heritage context.  A discretionary control is appropriate given the variation in heights within the Precinct.
Front setback (infill development)	Match the lesser of the adjacent heritage building (preferred)	To ensure new built form responds to the heritage context where adjacent buildings are set back from the street.  A discretionary control is appropriate given the variation in setbacks.
Minimum setbacks above street wall (heritage building)	Retain the depth of the principal roof form of the heritage building. (preferred)  6m (preferred)	To recognise the generally mixed residential and industrial character of the precinct new development should be set back beyond the principal (generally two room deep) roof form.  Preferred controls are appropriate given the variety of heritage and non-heritage buildings in this precinct.
Minimum mid-level setbacks (infill development)	6m (preferred)	A 6m setback above the street wall will ensure that the heritage buildings remain prominent within the Brunswick Street streetscape.  Preferred controls are appropriate given the variety of heritage and non-heritage buildings in this precinct.
Minimum upper-level setbacks	As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)	The upper levels of new development beyond the secondary street wall should be recessive and 'each higher element set further back from lower heritage built forms' as sought at Clause 22.02-5.7.2.  Note: the application of this test may reduce the maximum achievable height on particular sites to lower than a maximum building height identified in the proposed DDO.
Maximum building height	3-6 storeys on land with heritage buildings. (mandatory)  7-9 storeys on land without heritage buildings. (preferred)	Various heights have been described in the Hansen report.  Mandatory controls are necessary to protect the scale of heritage buildings, elsewhere preferred controls are appropriate.

## 11.5 Additional guidance

In addition to the above recommended controls relating to street wall height, upper level setback and visibility of new built form, we recommend that the following design objectives be included within a DDO to complement the existing heritage provisions at Clauses 15.03-1S, 21.05-1, 22.02 and 43.01 of the Yarra Planning Scheme.

Note these heritage design guidelines should be amended as required to avoid duplication with policy within the proposed Clause 15.03-1L.

- New infill development within the heritage streetscape should:
  - Interpret the historic façade rhythm, including fenestration patterns and proportions, the relationship between solid and void, and the existing module of structural bays.
  - Be set back to retain the visual prominence of prominent corner buildings and local landmarks.
  - Be distinguishable from the original heritage fabric and adopt a high quality and respectful contextual design response.
  - Ensure façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of nineteenth and early twentieth century buildings.
  - Ensure fenestration patterns of new development generally reflects the vertical proportions of nineteenth and early twentieth century façades and avoids large expanses of glazing with a horizontal emphasis except to ground floor shopfronts.
  - Maintain the existing canopy/verandah height.
  - Avoid the use of unarticulated curtain glazing or highly reflective glass.
  - Avoid the replication of existing decorative features and architectural detail.
- The adaptation of existing heritage buildings should:
  - Discourage highly reflective glazing in historic openings.
  - Ensure the inter-floor height of the existing building is maintained and avoid new floor plates and walls cutting through historic openings.
  - Encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings.
- New upper level development behind the heritage buildings should:
  - Retain the visual prominence of parapet and roof-top elements including parapets, balustrades, pediments, lanterns, towers, belvederes, urns and other architectural features.
  - Be set back to retain the visual prominence of prominent corner buildings and local landmarks.
  - Ensure that the design and setback of the addition does not visually dominate the heritage building or surrounding heritage places.
  - Retain the primacy of the three-dimensional form of the heritage building within the streetscape.
  - Incorporate materials and finishes that are recessive in texture and colour.
  - Generally utilise visually lightweight, but high quality, materials that create a juxtaposition with the heavier masonry of the heritage facades.
  - Incorporate simple architectural detailing so it does not detract from significant elements of the existing building or streetscape.
  - Provide a recessive backdrop to the heritage street wall and individual heritage buildings.
  - Avoid highly articulated facades with recessed and projecting elements.
  - Avoid highly contrasting or vibrant primary colours.
  - Avoid unarticulated façades that give a bulky appearance, especially from oblique views.
  - Be articulated to reflect the fine grained character of narrow sites.
  - Encourage that upper-level development behind rows of identical or similar shop/residences is consistent in form, massing and façade treatment as existing upper-level development (where this exists).

