

## SUPPLEMENTARY HERITAGE REPORT:

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## COLLINGWOOD SOUTH (MIXED USE) PRECINCT



PREPARED FOR: City of Yarra  
DATE: 5 May 2021  
FILE: 2021-009

*The subject site forms part of the traditional lands of the Wurundjeri People, who are represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. This report is limited in its scope to consideration of post-contact cultural heritage and does not provide advice on any Aboriginal cultural heritage significance. Nonetheless, we acknowledge the Wurundjeri People as the Traditional Owners of the land at this place and pay our respects to their Elders past, present and emerging. For more information on the Wurundjeri People, please visit <https://www.wurundjeri.com.au/>.*

## PROJECT TEAM

Jim Gard'ner | Director

Jessica Hogg | Heritage Consultant

## COVER IMAGE

Southeast corner of the intersection of Cambridge and Derby streets within HO336 – Victoria Parade Precinct (April 2021).

## GLOSSARY OF ABBREVIATIONS

DDO	Design and Development Overlay
HO	Heritage Overlay
MAC	Major Activity Centre
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
PPN	Planning Practice Note
VHR	Victorian Heritage Register

## DOCUMENT VERSIONS

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## 1.0 INTRODUCTION

In June 2018 GJM Heritage (GJM) prepared the *Collingwood Mixed Use Pocket: Heritage Analysis & Recommendations Report* (Heritage Report). This report, along with the *Collingwood Built Form Framework* prepared by Hansen Partnership (Hansen), informed the City of Yarra's (Council) preparation of the interim Schedule 23 to the Design and Development Overlay (DDO23). Introduced on 22 November 2018, interim DDO23 expires on 30 June 2021.

Council has commissioned GJM to prepare this supplementary report to update the Heritage Report as it pertains to the area of Collingwood South (Mixed Use) Precinct that is subject to DDO23. In particular, this report has been informed by the following:

- The findings of recent Planning Panels considering the following Planning Scheme Amendments:
  - C191yara – Swan Street Activity Centre
  - C220yara – Johnston Street Built Form Controls
  - C231yara – Queens Parade Built Form Review.
- Changes made to the relevant Planning Practice Notes:
  - PPN59: The Role of Mandatory Provisions in Planning Schemes (September 2018)
  - PPN60: Height and Setback Controls for Activity Centres (September 2018).
- The new proposed local policies at Clauses 15.01-1L – Urban Design and 15.03-1L – Heritage.
- Amendments to the application of the Heritage Overlay within the land subject to DDO23.
- Development recently constructed, currently under construction, approved or under assessment within the land subject to DDO23.

Consideration was also given to the more recent heritage built form reviews undertaken by GJM for Brunswick, Gertrude, Johnston, Smith and Victoria Streets, Bridge Road, Alexandra and Victoria Parades and the east and west Fitzroy mixed use precincts.

A site inspection of the land and buildings subject to DDO23 was undertaken on 20 April 2021.

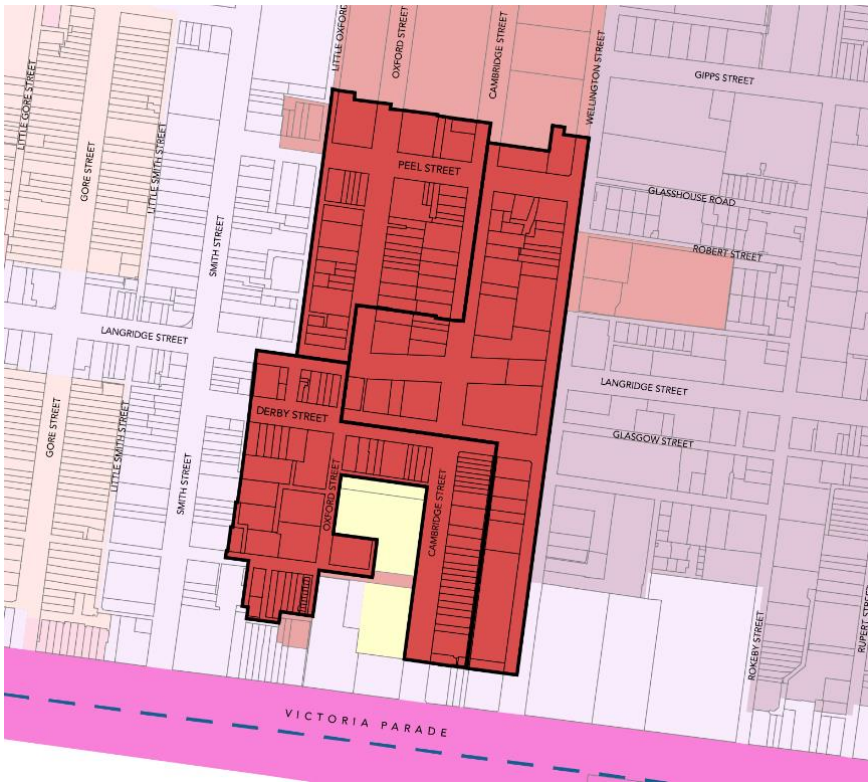
## 2.0 STUDY AREA

The area of land subject to DDO23 includes the majority of land zoned Mixed Use Zone (MUZ) in Collingwood, south of Peel Street, between Smith Street to the west and Wellington Street to the east, including those properties addressing the northern side of Peel Street. North of Peel Street the majority of the MUZ-zoned land is occupied by the former Foy & Gibson Factory complex. DDO23 is subdivided into three areas; Area 1 to the north; Area 2 to the south and Area 3 to the west. A substantial part of Area 3 is subject to large scale, medium rise development that is either under construction or recently completed.

Clause 21.04-2 of the Yarra Planning Scheme identifies Smith Street as a Major Activity Centre (MAC). Amendment C269yara proposes to introduce Clause 11.03-1L (Activity Centres) to the Yarra Planning Scheme which provides local policy in relation to Major, Neighbourhood and Local Activity Centres consistent with the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*. The plan at Clause 11.03-1L entitled 'Major and Neighbourhood Activity Centres in Fitzroy' shows the Collingwood South (Mixed Use) Precinct as forming part of the Smith Street MAC.

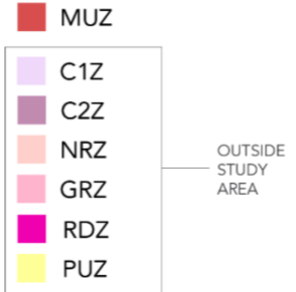
Peel Street forms the interface between the larger scale factory complexes to the north and finer-grained, more varied built form to the south. The carriageway widths within the study area are generally 20m (including footpaths) with some 10m wide streets including Little Oxford and Mason Streets and the section of Oxford Street south of Derby Street.

The built form between Victoria Parade and Peel Street (including the buildings on the north side of Peel Street) is varied and includes a mix of single-, two- and occasionally three-storey industrial buildings and offices dating from the nineteenth to the late twentieth centuries. These are interspersed with a significant number of single- and two-storey dwellings dating from the mid-late nineteenth century that are subject to the Heritage Overlay including intact terraces on Cambridge, Derby and Oxford Streets. Single-, two-storey and taller buildings frequently abut each other, although generally the difference in height between adjacent buildings is no more than two storeys.



**Figure 1.** Zoning map (extent of DDO23 outlined in black). Blue dash line shows City of Yarra Boundary.

**ZONE KEY**



**Figure 2.** Aerial photograph (extent of DDO23 outlined). (Nearmap, 2020)



Heritage-listed institutional buildings including the former St Saviours Church of England Mission Church on the corner of Mason and Oxford Streets and the former Cambridge Street State School on the corner of Mason and Cambridge Streets are located at the southern end of the precinct.

It is noted that a substantial part of the study area has been developed in recent years. Since the Heritage Report was prepared, development of up to 13 storeys in height has either recently been completed, is under construction or has received planning approval within the Collingwood South (Mixed Use) Precinct.

### 3.0 HERITAGE STATUS

More than half the land within Areas 1 and 2 of DDO23 are subject to the Heritage Overlay. Area 3 only includes two individual heritage places; the Vine Hotel and the Sir Robert Peel Hotel which occupy key corner sites on Wellington Street at the intersections with Derby and Peel streets respectively.

The Heritage Report recommended further heritage assessments be undertaken of numbers 18-22 and 33-45 Derby Street to determine whether they warranted inclusion in the Heritage Overlay. These assessments were subsequently undertaken and resulted in the extension of existing HO102 to include neighbouring properties at 18-22 Derby Street and 7 Langridge Street and the extension of existing HO336 to also include 33-45 Derby Street. The extent of HO121 (37 Oxford Street) was also amended to include the whole of the cadastral block and HO336 was extended to include the whole of the former Cambridge Street State School at 19 Cambridge Street.



**Figure 3.** Heritage Overlay Map (extent of DDO23 outlined).





The current Heritage Overlay controls for the Collingwood South (Mixed Use) Precinct are as follow:

<b>Individual Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address</i>	<i>Grading*</i>	<i>Date*</i>
HO98	Derby House	1 Derby Street	individually significant	1876
HO100	Terrace	3-7 Oxford Street	individually significant	1876
HO101	Johnston House	8 Derby Street	individually significant	1871
HO121	House	37 Oxford Street	individually significant	1869
HO122	Crisp House	39-41 Oxford Street	individually significant	1869
HO123	Terrace	50-52 Oxford Street	individually significant	1864-77
HO124	Terrace	51-55 Oxford Street	individually significant	1858-64
HO125	Terraces	57-63 Oxford Street	individually significant	1873-78
HO126	Terrace	58-62 Oxford Street	individually significant	1858-64
HO140	The Vine Hotel	59 Wellington Street	individually significant	1915-25
HO142	Sir Robert Peel Hotel	125 Wellington Street	individually significant	1912
HO417	Former Dyason & Co Cordial Factory	63 Cambridge Street and 44 Oxford Street	individually significant	1889
<b>Precinct Heritage Overlays</b>				
<i>Heritage Overlay</i>	<i>Name</i>	<i>Address (within Collingwood South (Mixed Use) Precinct)</i>	<i>Grading*</i>	<i>Date*</i>
HO102	Terrace	10-22 Derby Street & 7 Langridge Street	various	1868-1872
HO318	Collingwood Slope Precinct	Cambridge, Little Oxford, Oxford and Peel streets	various	1850-1940
HO336	Victoria Parade Precinct	Cambridge, Derby and Mason Streets	various	1850-1940
HO464	Smith Street South Precinct, Fitzroy and Collingwood	Rear part of 32-36 Smith Street only	Not contributory	2000s

\* From the Incorporated Document *City of Yarra Database of Heritage Significant Areas*, July 2020

The former Foy & Gibson Factory complex occupies the land immediately north of the land subject to DDO23. Substantial elements of these factory and warehouse buildings are included on the Victorian Heritage Register (VHR). There are no places included in the VHR within the study area.



**Figure 4.** Victorian Heritage Register Map (extent of DDO23 outlined).



#### 4.0 MANDATORY AND DISCRETIONARY HEIGHT AND SETBACK CONTROLS

*Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes* (September 2018) (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, DELWP published an updated version of PPN60 following the completion of the pilot project *Better Height Controls in Activity Centres*<sup>1</sup>.

Of relevance to this matter, PPN60 provides an additional justification for the use of mandatory controls based on 'comprehensive strategic work', which 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...*

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*

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<sup>1</sup> Refer to the Panel Report to Yarra C220 chapter 1.2 for further discussion on the pilot project and the amendment to PPN60.



*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 amended version of PPN60 reflects a broader shift over time within the application of the VPPs in favour of the increased use of mandatory controls. The findings of the Panels considering Amendment C191yara, C220yara and C321yara in relation to the application of mandatory controls within Activity Centres is discussed below.

## 5.0 HERITAGE IN DESIGN AND DEVELOPMENT OVERLAYS – PANEL FINDINGS

Since the preparation of the Heritage Report, Planning Panels Victoria has considered a number of Planning Scheme Amendments within the City of Yarra that are of particular relevance to the study area:

- C191yara – Swan Street Activity Centre
- C220yara – Johnston Street Built Form Controls
- C231yara – Queens Parade Built Form Review.

Panels for these Amendments considered the appropriateness of mandatory controls in the context of PPN59 and, in their recommendations, provided guidance on which circumstances mandatory controls 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.

These reports also provide useful guidance on the form and wording of DDO controls.

The proposed built form controls to manage development affecting heritage places should 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 were taken as the starting point for the development of these complementary controls and policy noting that these local policies are proposed to be replaced by Clauses 15.03-1L – Heritage and Clause 15.01-1L – Urban Design through Amendment C269yara.

### 5.1 Yarra Amendment C191

Swan Street, Richmond is a MAC with a highly intact turn of the century commercial high street occupying a large proportion of its length, as well as smaller precincts and individual heritage places dispersed along its full extent.

Amendment C191yara proposes to introduce four DDOs (DDO25, DDO26, DDO27 and DDO28) to the Activity Centre, with the different controls reflecting the variety of existing physical conditions and the potential development opportunities evident throughout the Activity Centre.

In its report of 15 October 2020, the Panel supported the use of mandatory controls for street wall and 6m upper-level setbacks for individually significant heritage places and intact heritage streetscapes, as well as mandatory controls for overall building heights in intact heritage streetscapes. Mandatory controls were also supported to protect views to local landmarks.

For parts of the Activity Centre that present a less consistent and more diverse built form expression, discretionary controls were considered to be appropriate.

The C191yara Panel considered that it was unnecessary to provide additional parameters in the form of sight lines to guide the form of upper-level development, instead finding that the combination of specified heights, setbacks and design requirements for new upper-level development to be “visually recessive”, were sufficient. It is noted however that these height and setback controls were informed



by sight line analysis and a consideration of the visibility of new built form behind retained heritage fabric.

## 5.2 Yarra Amendment C220

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. This area forms part of the Johnston Street Neighbourhood Activity Centre. C220yara introduced built form controls along Johnston Street in the form of DDO15.

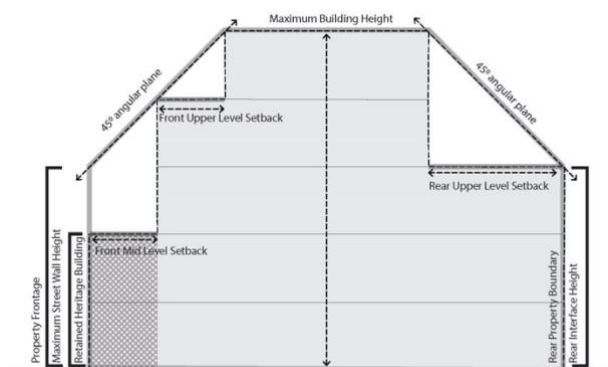
In relation to the application of mandatory upper-level setbacks the Panel stated:

*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.*

...

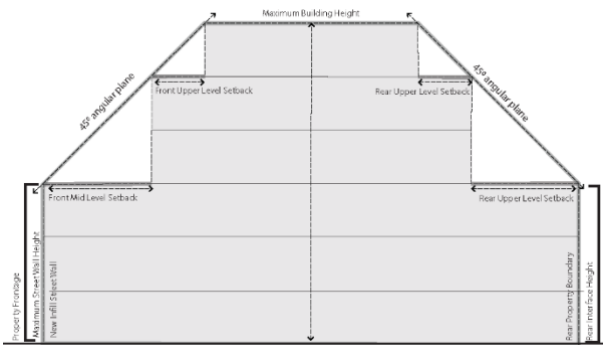
*The Panel does not agree that less significant sections [of Johnston Street] warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid-level form.*

To achieve these objectives Panel recommended that a building envelope requirement be established which, rather than being based on a sight line test from the opposite side of the street, 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 that each higher element to industrial, commercial and retail buildings should be set further back from the lower heritage built form.



**Figure 5.** Building envelope requirement – Heritage Building (Figure 1 in Schedule 15 to Clause 43.02 Design and Development Overlay).

**Figure 6.** Building envelope requirement – Infill Building (Figure 2 in Schedule 15 to Clause 43.02 Design and Development Overlay).



### 5.3 Yarra Amendment C231

GJM prepared the Queens Parade Built Form Heritage Analysis and Recommendations (11 December 2017) that informed Amendment C231yara. C231yara applied built form controls in the form of DDOs to the Queens Parade NAC in Fitzroy North and Clifton Hill and amended the Heritage Overlay controls that apply within the study area.

The Panel for Amendment C231yara found that the strategic work undertaken in support of the Amendment was well founded and assisted in justifying the majority of the built form parameters recommended in the DDOs, particularly with respect to mandatory controls. At p29 of the Panel Report, the Panel notes that:

*Exceptional circumstances exist for the application of mandatory controls for development as the QPAC (Queens Parade Activity Centre) includes a number of significant and contributory heritage places and heritage fabric set within a consistent streetscape form.*

The Panel supported the mandatory upper-level setback of 8m within the Council preferred DDO for Precinct 4 of the Queens Parade NAC where the heritage streetscapes were the most intact. It also confirmed that a combination of mandatory and preferred height controls should be provided where distinctive heritage fabric warranted greater protection. Further, the Panel recognised that an area with diverse built form - as is evidenced within DDO23 - can have areas of little change where growth can be accommodated elsewhere within the Activity Centre.

### 5.4 Panel Recommendations Summary

In summary, the Panels considering C191yara, C220yara and C231yara have 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 only in exceptional circumstances and their application should be guided by PPN59 and PPN60; these circumstances include, amongst others:

- where comprehensive strategic work has been undertaken justify the controls
  - where heritage places are set within consistent streetscape form
  - where the mandatory controls facilitate good design and heritage outcomes
  - where discretionary provisions alone would reduce the quality of the heritage streetscape
  - when an appropriate balance is achieved with housing opportunities, economic vitality and renewal within the Activity Centre as a whole.
- It is appropriate to use a combination of mandatory and preferred height and setback controls within a DDO to protect identified heritage places and their setting.
  - Sight line analysis or formulae defining the proportion of new built form that can be viewed above the street wall is an appropriate mechanism for informing built form controls, although should not be used as a control within a DDO.



## 6.0 SCHEDULE 23 TO THE DESIGN AND DEVELOPMENT OVERLAY

While informed by Hansen’s *Collingwood Built Form Framework* and GJM’s Heritage Report, DDO23 was prepared by Council without direct input from GJM. The recent Panel Reports, changes to PPN59 and PPN60 and further heritage analysis undertaken by GJM warrant a reconsideration of the controls and policy included within interim DDO23 prior to Council progressing permanent controls.

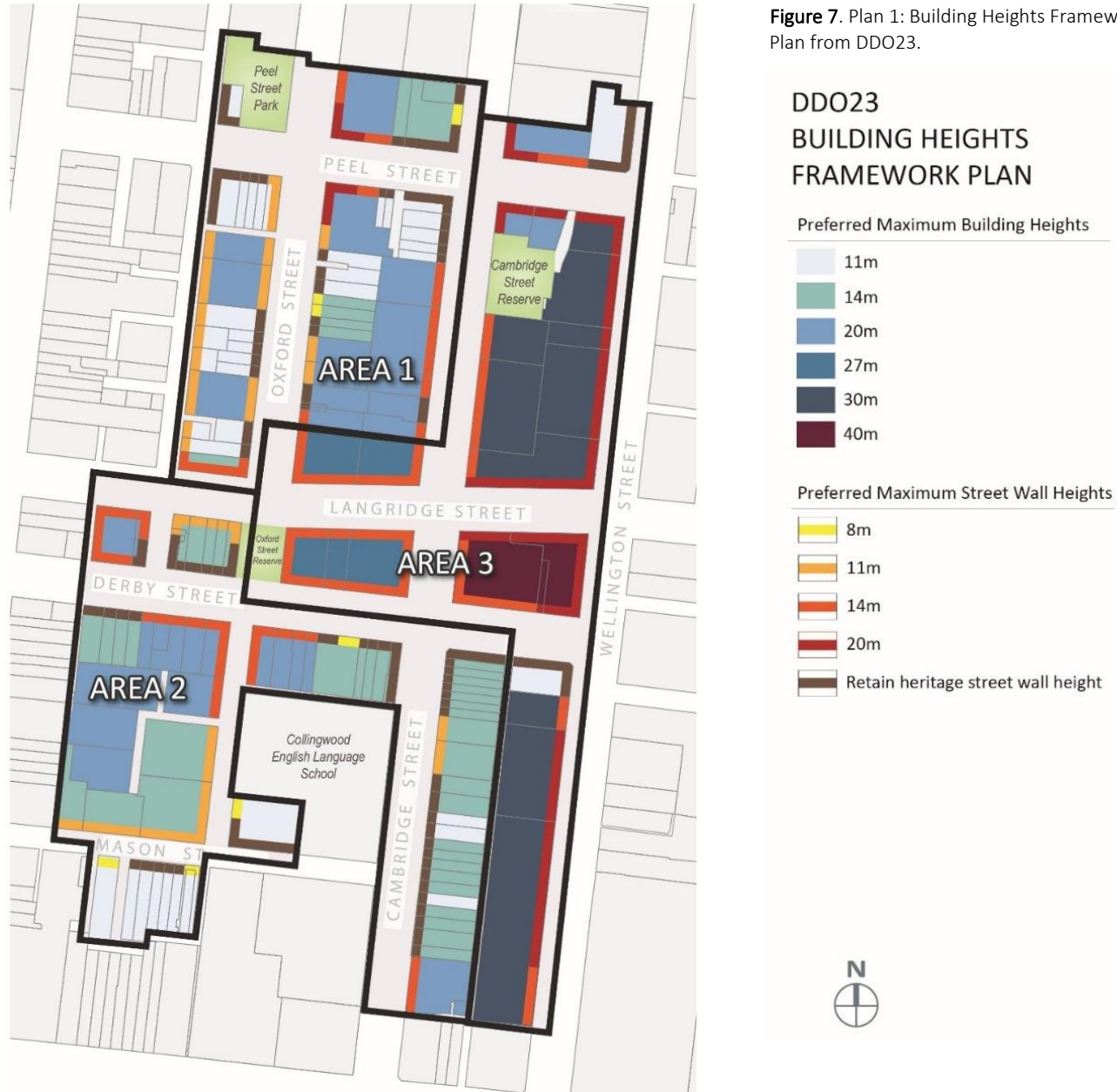


Figure 7. Plan 1: Building Heights Framework Plan from DDO23.

The wide variety of built form and building types, both within and outside the extent of the Heritage Overlay, differentiates the Collingwood South (Mixed Use) Precinct from the more homogeneous commercial high streets considered through Amendments C191yara, C220yara and C231yara. The Fitzroy West and Fitzroy East Mixed Use Precincts form part of the Brunswick and Smith Street MACs respectively (as described in proposed Clause 11.03-1L) and are similar to the Collingwood South (Mixed Use) Precinct in terms of diversity of their built form. One of the principal differences between these mixed use precincts is that while the vast majority of the



Fitzroy Mixed Use Precincts are subject to the Heritage Overlay (H0334 – South Fitzroy Precinct) less than half of the Collingwood South (Mixed Use) Precinct is.

DDO23 applies preferred (discretionary) controls for the land within the Collingwood South (Mixed Use) Precinct. As well as the preferred maximum heights, DDO23 relies on sight line tests similar to those included at Figures 2 and 3 of Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay, as well as those included in Figure 1 of Schedule 18 to the Design and Development Overlay of the Moreland Planning Scheme and the heritage and built form analysis for other High Streets in Yarra undertaken prior to the release of the Panel Reports considering C191yara, C220yara and C231yara.

DDO23 provides a minimum upper level setback of 6m from the façade of the heritage buildings. Outside land subject to the Heritage Overlay DDO23 includes a setback for 54 and 56 Oxford Street requiring new development match the garden setback at 58 Oxford Street.

## 7.0 HERITAGE ADVICE AND RECOMMENDATIONS

In light of the recent Panel reports and changes to the relevant Planning Practice Notes discussed above, this report provides updated heritage advice in relation to setbacks, street wall height, upper-level setback and overall height controls for the Collingwood South (Mixed Use) Precinct, and their discretionary versus mandatory nature. It does not review or provide advice on the specific wording within the text of the DDO but provides advice to inform the preparation of an updated DDO control.

### 7.1 Infill sites

There are very few sites within the extent of the Heritage Overlay that are not graded 'contributory' or 'individual significant' and could be anticipated to be subject to heritage infill development in the future. Those sites within the mapped extent of the Heritage Overlay that can be considered infill sites, and have not been substantially developed in recent years, are generally limited to:

- 35 Derby Street (a non-contributory single-storey building forming part of the land parcel addressed as 33-37 Derby Street)
- 23 Mason Street (an at-grade car park)
- 64-66 Oxford Street (a one- to two-storey postwar factory/warehouse)
- 19 Peel Street (a two-storey late twentieth century office building)
- 26-30 Peel Street (at-grade car park addressing Cambridge Street)
- 1-35 Wellington Street (vacant land addressing Cambridge Street forming the rear part of the large land parcel that is currently being developed as the 'Victoria and Vine' apartment complex of nine mid-rise buildings).

Development on these sites will need to address the heritage provisions of the Yarra Planning Scheme including Clauses 43.01, 15.03-1S and 22.02, and following the introduction of C269yara, Clause 15.03-1L.

In addition to these properties, the pair of un-listed single-storey Edwardian-era houses at 54-56 Oxford Street (located between HO126 to the north and HO123 to the south) and the three-storey commercial building at 43-49 Oxford Street (located between HO124 to the north and HO122 to the south) could be considered infill development although these fall outside the extent of the Heritage Overlay. These potential development sites and others abutting land subject to the Heritage Overlay will need to consider the heritage-related policy at Clause 22.01-3.3 (Setbacks & Building Height), and following the introduction of C269yara, the provisions of Clause 11.01-1L (Urban Design) that consider development adjacent to land in the Heritage Overlay.

### 7.2 Front setbacks

The majority of buildings within the Collingwood South (Mixed Use) Precinct are constructed to their front boundary, and it would be generally appropriate for new development to follow this pattern of development. Having said that, the majority of residential buildings included within the Heritage Overlay are set back from the street boundary by shallow front gardens. Infill development should match these

garden setbacks where appropriate in accordance with Clause 22.02-5.7.1 (and as proposed in Clause 15.03-1L). The mandatory setback currently provided within DDO23 for 54 and 56 Oxford Street is appropriate as any lesser setback is unlikely to achieve an acceptable heritage outcome.

The proposed urban design policy at Clause 15.01-1L also provides for the provision of a transition in regard to setbacks and siting for development adjacent to land in the Heritage Overlay.

The Framework Plan provided within DDO23 would benefit from a graphic method of identifying where garden setbacks currently exist to inform the siting of future development on adjoining land.

### 7.3 Street wall heights

In terms of street wall height, discretion needs to be provided to allow for a range of design responses that transition between the lower (heritage) built form and taller new development that is generally located outside the extent of the Heritage Overlay. Mandatory maximum street wall heights are warranted where there are infill sites between low-scale heritage buildings or on intact and consistent streetscapes such as:

- 35 Derby Street (11m)
- 1-35 Wellington Street (as this property addresses Cambridge Street) (11m)
- 43-49 Oxford Street (11m)
- 54-56 Oxford Street (8m)
- 26-30 Peel Street (as this property addresses Cambridge Street) (8m).

Elsewhere within the Heritage Overlay the front or principal part of the heritage buildings will be retained. Where development abuts land subject to the Heritage Overlay the relevant policy at Clause 22.10-3.3<sup>2</sup> and the similarly worded (proposed) policy at Clause 15.01-1L<sup>3</sup> will encourage new street wall or façade heights to match that of the adjacent heritage fabric. Where this occurs, the height should be matched for the width of the adjoining property or a distance of 6m, whichever is the lesser.

We note that the definition of 'street wall' in DDO23 is "...the façade of a building at the street boundary." This definition does not take account of the residential buildings that are set back from the street by either ground floor verandahs or gardens and we recommend it be amended to also reflect these circumstances.

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<sup>2</sup> "Adopt a façade height to the street frontage which is no higher than the adjacent building within the Heritage Overlay"

<sup>3</sup> "Adopt a façade height to the street frontage which is no higher than the adjacent building with an individually significant or contributory grading"

To achieve these objectives the street wall heights in the Framework Plan should be amended to avoid encouraging built form outcomes that are contrary to the existing heritage context or an appropriate design response.

#### **7.4 Use of a sight line test**

While Clause 22.02 of the Yarra Planning Scheme includes sight line tests to inform the scale, massing and degree of visibility of new development at the rear of dwellings within the Heritage Overlay, the *City of Yarra Residential Heritage Policy Review* (Context P/L, 31 October 2019) recommended the removal of this test from the proposed heritage local policy at Clause 15.03-1L. Instead of a sight line test, Clause 15.03-1L introduces guidance that encourages the retention of the front two rooms of the heritage building, its principal façade and its primary roof form.

The Panels considering Amendments C191yara, C220yara and C231yara all contemplated the use of sight line tests in relation to determining the proportion of new development that would be visible above the existing street wall. While a sight line test is currently used in a similar heritage context along Sydney Road, Brunswick within Moreland DDO18, all three Panels recommended against the use of such a test within the DDO itself. Amendment C220yara proposed an alternative measure comprising a fixed street wall height and a 45° angular plane to inform new development on Johnston Street, Collingwood. The Panels considering C191yara and C231yara did not support such a test for Swan Street, Richmond or Queens Parade, North Fitzroy and Clifton Hill respectively, instead supporting a combination of mandatory or discretionary upper-level setbacks and maximum building heights. In their discussion the Panels acknowledged that a consideration of the visibility of new built form above the heritage streetscape was appropriate in determining appropriate height and setback controls.

Having considered Panel's recommendations and the shift within Yarra's proposed local policy away from a sight line visibility test, it is our view that such diagrams should be removed from DDO23. Having said that, a design requirement should be included that encourages each higher element to be set further back from the lower built form as is currently included in local policy at Clause 22.02-5.7.2, noting that this policy is not included within proposed Clause 15.03-1L.

The removal of a sight line test to further moderate the massing of new built form behind heritage buildings in terms of upper-level setbacks and overall height necessitates a reconsideration of these controls within DDO23.

#### **7.5 Upper-level setbacks**

The heritage analysis prepared as part of the built form reviews undertaken across Yarra's activity centres has generally identified the need for mandatory upper-level setbacks of 6m or 8m behind the parapeted street walls of the commercial high streets. These setbacks have been supported by the Panels considering Amendments C191yara, C220yara and C231yara and are consistent with those introduced in similar heritage contexts within other inner urban municipalities. Interim DDO23 establishes a minimum upper-level setback for heritage buildings of 6m from the 'heritage façade'.

The 6m minimum upper level setback from the front façade currently included within DDO23 should be identified as mandatory and should that starting point for the establishment of an appropriate upper level setback. However, there are a



substantial number of the heritage-listed buildings within the study area that will need greater upper level setbacks if new development is to achieve an acceptable heritage outcome. In these circumstances the setbacks for new development should be identified through the design process informed by a nuanced understanding of the form of heritage building and their heritage citation or Statement of Significance.

Unlike the commercial high street-based Activity Centres (with a principal linear street with minor (narrower) streets crossing it) there is not a strong hierarchy of streets within the Collingwood South (Mixed Use) Precinct. The majority of streets within the precinct are approximately 20m wide and the heritage buildings that occupy corner sites, such as the hotels and commercial buildings, have return façades that address each street equally. In these circumstances it would be appropriate to apply the same mandatory upper level setback control to both façades. It should also be noted that these corner heritage sites make up the minority of heritage-listed buildings, the majority of which only address a single street frontage.

Although a 6m setback is generally adequate to retain the front-most chimney and maintain the legibility of the three-dimensional form of the building for the majority of streetscapes that comprise consistent two-storey terraced commercial buildings built to the street boundary, it is inadequate for residential buildings due to their building form and more frequently visible roof forms. Further, a 6m setback to residential buildings is inconsistent with the intention of the proposed policy at Clause 15.03-1L in relation to:

*Set back buildings and works to the depth of two front rooms to retain the original or early elements of the fabric of the individually significant or contributory building, its principal façade and primary roof form.*

The level of visibility of particular elements and architectural features that contribute to the significance of a heritage place differs considerably across the study area. For instance, the distinctive pyramidal roof forms of 57-63 Oxford Street (HO125) would be retained if new development is set back beyond the 'depth of the two front rooms', which in this case equates to an upper level setback of approximately 8m from the front boundary. Similarly, the terraced houses at 50 and 52 Oxford Street (HO123) and 13-15 Peel Street (part HO318) would require an approximate 11m setback from the front boundary to retain their principal roof form and two room depth.

The eastern side of Cambridge Street south of Derby Street is the one of the most highly consistent and cohesive streetscape within the extent of DDO23. The single and two storey terraced houses between numbers 14 and 34 Cambridge Street all have small garden setbacks. To retain a two room depth across the majority of these residential properties a setback of approximately 12m is required.

The houses at 58-62 Oxford Street (HO126) have a unique form as single storey dwellings facing Oxford Street with original two storey wings set back beyond depth of the front two rooms. These rear elements are identified within the heritage citations and Statement of Significance for HO126 and any development should consider the impact it has on these unusual features.

Likewise, new development associated with commercial heritage buildings with prominent and visible room forms, chimneys and corner towers such as the Vine Hotel at the corner of Derby and Wellington streets and the Sir Robert Peel Hotel at



the corner of Peel and Wellington streets will require bespoke setbacks as part of any new development proposal to protect those elements that contribute to their significance.

While the Decision Guidelines at Clause 43.01-8 require that the impact on elements that contribute to the heritage place be considered, it is the DDO that principally guides the design of new built form. A design objective should therefore be incorporated into DDO23 which requires that the upper level setback for new development must consider the specific historic built form of the building and any relevant heritage citation and/or Statement of Significance.

## **7.6 Maximum building heights**

Like street wall heights, the range of existing built form, both on land subject to the Heritage Overlay and elsewhere in this part of Collingwood varies considerably from modest mid-nineteenth century single-storey houses to large scale contemporary mid-rise apartment, hotel and mixed use developments. In the majority of the study area discretionary controls are appropriate to reflect the varied existing and emerging built form and to enable a range of design responses. Those sites that are subject to the Heritage Overlay need to appropriately respond to the heritage building, its context and the local policy at Clause 22.02 (or, following the introduction of C269yara, Clause 15.03-1L).

The commercial buildings that are located within the Heritage Overlay vary from two-storey shop residences to factory/warehouses and prominent corner hotels. In these locations a preferred overall height is appropriate to allow for a range of building forms, development outcomes and varied contexts.

In order for the residential buildings within the Heritage Overlay to retain their legibility and to avoid new development dominating their generally modest scale, the certainty provided by mandatory height controls is necessary. The application of an 11m (three-storey) height limit will moderate additions to that considered acceptable for this building type and will, with appropriate setbacks, ensure that the new built form will remain secondary to the retained heritage fabric.

In the absence of the sight line tests within future built form controls, the Framework Plan requires some amendment to moderate built form within land subject to the Heritage Overlay, particularly those residential buildings identified for a 14m (four-storey) preferred maximum building height (as noted above, our recommendation is that this be adjusted to 11m). Likewise, there are three sites south of Peel Street that we recommended have their maximum preferred heights reduced from 20m (six storeys) to 14m (four storeys) to provide an appropriate transition to low-scale (one and two storey) heritage fabric. These sites are: 4-6 Derby Street, 43-49 Oxford Street, 64-66 Oxford Street and the vacant land on Cambridge Street at the rear of 1-35 Wellington Street.

## 7.7 Recommended changes to the Framework Plan

Implementing the above recommendations will necessitate changes to the Building Heights Framework Plan provided at Plan 1 of DDO23. The recommended changes to the Framework Plan are set out in Figure 8 below.



**Figure 8.** Recommended changes to Framework Plan shown on greyscale base map for clarity.

### DDO23 BUILDING HEIGHTS FRAMEWORK PLAN: SUGGESTED NEW KEY

#### Maximum Building Heights

PREFERRED		MANDATORY	
	11m		11m
	14m		
	20m		
	27m		
	30m		
	40m		

#### Maximum Street Wall Heights

PREFERRED		MANDATORY	
	Retain heritage street wall height		8m
	8m		11m
	11m		
	14m		
	20m		

#### Existing Garden Setback





## 8.0 CONCLUSION

The objectives of DDO23 are generally supported but the wording, form and nature of some of the provisions contained within DDO23 do not reflect the direction such controls have taken following recent Panel Reports, changes to Planning Policy Notes and the broader shift over time in favour of the use of mandatory controls.

In summary, we recommend:

- the removal of a sight line test;
- making the 6m minimum upper level setback mandatory to heritage buildings with additional guidance to ensure the setbacks take adequate account of the specific heritage built form and any relevant heritage citation and/or Statement of Significance;
- the reduction of some maximum street wall and building heights (as discussed above);
- the application of mandatory street wall height controls for infill sites between heritage buildings; and
- the application of mandatory height controls in selected locations with the Collingwood South (Mixed Use) Precinct (particularly those sites containing heritage-listed residential buildings).