



Level 3, 124 Exhibition Street
Melbourne, Victoria 3000

enquiries@gjmheritage.com
+61 (03) 9115 6566
gjmheritage.com

ABN: 62 348 237 636
ARBV: 51910

DRAFT HERITAGE RECOMMENDATIONS:

FITZROY & COLLINGWOOD PERMANENT DDO CONTROLS



PREPARED FOR: City of Yarra
DATE: 22 November 2022 – DRAFT R2
FILE: 2022-064

PROJECT TEAM

Jim Gard'ner | Director

Paul Webb | Heritage Consultant

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 and present. For more information on the Wurundjeri People, please visit <https://www.wurundjeri.com.au/>.

Cover page image: Northern side of Johnston Street when viewed from southern side, near Brunswick Street intersection (GJM Heritage, 2 October 2019).

DOCUMENT VERSIONS

Project No.	Version	Issued To	Date Issued
2022-064	Draft v0.1	Leonie Kirkwood, Acting Practice Lead, Strategic Planning, City of Yarra	25 October 2022
	Draft v0.2	Joerg Langeloh, Project and Policy Coordinator, Strategic Planning, City of Yarra	21 November 2022
	Draft v0.3	Joerg Langeloh, Project and Policy Coordinator, Strategic Planning, City of Yarra	22 November 2022

CONTENTS

1	INTRODUCTION	1
1.1	Methodology	2
1.1.1	Document review	2
1.1.2	Review of proposed DDOs and recommendations	3
1.1.3	Limitations	3
PART I - BACKGROUND, RECENT PANEL & SAC REPORTS		4
2	BACKGROUND	5
2.1	Amendment C270yara	6
2.2	Amendment C288yara	8
3	MANDATORY HEIGHT AND SETBACK CONTROLS	10
4	AMENDMENT C269YARA - REWRITE OF LOCAL POLICIES	12
5	REVELANT PANEL AND STANDING ADVISORY COMMITTEE RECOMMENDATIONS	14
5.1	Amendment C220yara - Johnston Street Built Form Controls	14
5.2	Amendment C231yara - Queens Parade Built Form Review	15
5.3	Amendment C191yara - Swan Street Activity Centre	15
5.4	Amendment C293yara - Collingwood South Mixed Use Precinct	16
5.5	Amendment C291yara - Bridge Road and Victoria Street Activity Centres	17
PART II - PROPOSED DDOS AND RECOMMENDATIONS		19
6	DDO29 - BRUNSWICK STREET SHOPS	20
7	DDO30 - SMITH STREET SHOPS	26
8	DDO31 - GERTRUDE STREET SHOPS	33
9	DDO32 - JOHNSTON STREET WEST	37
10	DDO33 - BRUNSWICK STREET GRAND RESIDENTIAL	42
11	DDO34 - FITZROY TOWN HALL AND BACK BLOCKS	46
12	DDO35 - JOHNSTON STREET SOUTH AND VICTORIA STREET	52
13	DDO36 - FITZROY EAST AND JOHNSTON STREET NORTH	56
14	DDO37 - SMITH STREET NORTH AND SOUTH	61
15	DDO38 - ALEXANDRA PARADE	67
16	DDO39 - VICTORIA PARADE	73
17	DDO40 - FITZROY WEST	79



1 INTRODUCTION

Yarra is proposing permanent built form Design and Development Overlay (DDO) controls through Planning Scheme Amendment C271yara for twelve precincts within Fitzroy, Collingwood and part of Clifton Hill. Interim controls have been introduced for seven of these precincts through Planning Scheme Amendments C270yara (Stage 1) and C288yara (Stage 2).

The City of Yarra (Council) previously engaged GJM Heritage (GJM) to provide a detailed heritage analysis and recommendations for Alexandra Parade, Brunswick Street, Fitzroy West Mixed Use Precinct, Gertrude Street, Smith Street and Victoria Parade in 2019 and 2020. The purpose of the heritage analysis and recommendations work was to determine where and how new development could appropriately occur that appropriately responds to the heritage fabric and values. The desired built form outcomes would then be translated into DDO controls for the study areas.

The purpose of this report is to provide a review of the built form controls included in the proposed DDOs as they relate to heritage and provide updated recommendations. These recommendations take into consideration relevant Planning Panels Victoria (Panel) and Yarra Activity Centres Standing Advisory Committee (SAC) reports, VCAT decisions, submissions made to Council in response to the proposed DDOs and recent and emerging built form since the previous recommendations were made.

This review and recommendations report is presented in two parts:

Part I summarises:

- the background to Amendments C270yara and C288yara;
- Planning Practice Notes 59 and 60 as they relate to the proposed DDOs;
- the proposed changes to local polices through Amendment C269yara; and
- recent Panel and SAC reports that have considered the introduction of similar built form controls within the City of Yarra that apply to other historic 'high streets' and one Mixed Use Zone (MUZ).

Part II details each of the twelve proposed DDOs, including:

- Brief description of DDO extent;
- Differences between the extent of the proposed DDO and corresponding study area;
- a summary of the recent and emerging built form;
- proposed DDO controls as they relate to heritage;
- previous GJM advice; and
- updated heritage recommendations.



1.1 Methodology

The following methodology has been adopted to establish the relevant policy changes and new built form controls within the City of Yarra since the previous GJM heritage analysis and recommendation reports, review the proposed built form controls and provide updated recommendations.

1.1.1 Document review

We have reviewed the following documents in preparing this report and providing heritage recommendations:

- *Built Form Review; Alexandra Parade Heritage Analysis & Recommendations* (Prepared for the City of Yarra by GJM Heritage, November 2020)
- *Built Form Review; Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations* (Prepared for the City of Yarra by GJM Heritage, 12 November 2020)
- *Built Form Review; Victoria Parade Heritage Analysis & Recommendations* (Prepared for the City of Yarra by GJM Heritage, November 2020)
- *Gertrude Street Built Form Framework: Heritage Analysis & Recommendations* (Prepared for the City of Yarra by GJM Heritage, 9 December 2019)
- *Brunswick Street and Smith Street Built Form Review: Heritage Analysis & Recommendations* (Prepared for the City of Yarra by GJM Heritage, 25 November 2019)
- Planning Practice Note 1: Applying the Heritage Overlay (August 2018) (PPN1)
- Planning Practice Note 59: The role of mandatory provisions in the planning schemes (September 2018) (PPN59)
- Planning Practice Note 60: Height and setback controls for activity centres (September 2018) (PPN60)
- The relevant provisions of the Yarra Planning Scheme and, in particular, the rewrite of the following local policies as proposed through Amendment C269yara:
 - Clause 11.03-1L – Activity Centres
 - Clause 15.01-2L – Landmarks
 - Clause 15.03-1L – Heritage
- The Panel report for Amendment C269yara – Rewrite of local policies in the Yarra Planning Scheme (4 January 2022)
- The following Panel and SAC reports that consider the DDOs (containing both mandatory and discretionary provisions) within Activity Centres that are also subject, in part, to the Heritage Overlay:



- C291yara – Bridge Road and Victoria Street Activity Centres (Yarra Activity Centres Standing Advisory Committee Report 3, 24 June 2022)
- C293yara – Collingwood South Mixed Use Precinct (Yarra Activity Centres Standing Advisory Committee Report 2, 19 May 2022)
- C191yara – Swan Street Activity Centre (15 October 2020)
- C231yara – Queens Parade Built Form Review (31 October 2019)
- C220yara – Johnston Street Built Form Controls (22 February 2019)
- Summary of planning applications made since 2019 for developments greater than three storeys for each DDO precinct (provided by Council)
- A summary of the key heritage issues and relevant individual submissions made during the community consultation period starting 5 September 2022 and concluding 3 October 2022 (provided by Council)

1.1.2 Review of proposed DDOs and recommendations

Following the review of relevant documents, the following details for each of the twelve proposed DDO precincts were collated to provide updated heritage recommendations:

- The extent of the DDO with any differences noted between the DDO and the study area(s) included in the GJM heritage analysis and recommendations reports.
- Planning Permit Applications of three storeys or greater within the extent of each proposed DDO since September 2019 that illustrates recent and emerging built form.
- A summary of the built form controls included in the proposed DDO controls, the previous GJM built form recommendations and any changes to these recommendations, guided by changes to PPN59 and PPN60, recent relevant Planning Scheme Amendments in the City of Yarra and related Panel and SAC reports.

1.1.3 Limitations

The recommendations provided have relied on a desktop review of the proposed DDO controls and previous work undertaken by GJM; a site visit was not undertaken in preparation of this report. In reviewing recent and emerging built form for each DDO precinct we have relied on details provided by Council of the relevant planning permit applications augmented by additional research.



PART I – BACKGROUND, RECENT PANEL & SAC REPORTS



2 BACKGROUND

Hansen Partnership (Hansen), on behalf of Council prepared built form reviews for nine discrete precincts in Fitzroy, Collingwood and (part of) Clifton Hill (Figure 1). The purpose of this Built Form Review work was to determine where and how new development can appropriately occur so that this may be translated into DDO controls for each precinct. GJM considered these Built Form Reviews when providing heritage recommendations to Council for each of the nine precincts.

Interim controls were sought by Council for these precincts and were introduced through Planning Scheme Amendment C270yara (Stage 1) and C288yarra (Stage 2), detailed below. The study areas included in the Hansen and GJM reports has not directly translated into the areas subject to the interim and proposed DDOs, these differences are noted in Part II of this report.

Figure 1. Brunswick and Smith Street Study Area (indicated by red line) and precincts (Source: 'Figure 2: Brunswick & Smith Street Built Form Review - Precincts' from the Alexandra Parade Built Form Framework, Hansen Partnership, December 2020).



2.1 Amendment C270yara

Amendment C288yara came into effect on 27 August 2021 and introduced interim built form controls for four precincts:

- DDO30 - Smith Street Shops which includes properties either side of Smith Street, focusing on the commercial centre roughly from north of Johnston Street to the south of Gertrude Street;
- DDO35 - Johnston Street South which includes properties on the northern side of Victoria Parade between Napier and Hoddle streets;
- DDO36 - Fitzroy East and Johnston Street North to the west of Brunswick Street and north of Johnston Street;
- DDO37 - Smith Street North and South which includes properties either side of Smith Street in two smaller areas:
 - North of DDO30 - Smith Street Shops and south of Alexandra Parade; and
 - South of DDO30 – Smith Street Shops and north of Victoria Parade.

The approval stated that interim DDOs for these precincts are appropriate as “it has been demonstrated these areas are experiencing development pressure, warranting introduction of interim controls”. These interim DDOs will cease to have effect after 4 March 2023.

Interim built form controls were sought by Council for the following further five precincts:

- DDO29 – Brunswick Street Shops which includes properties either side of Smith Street focusing on the commercial centre roughly between Alexandra Parade and Gertrude Street;
- DDO31 – Gertrude Street Shops which includes properties either side of Gertrude Street, mostly between Brunswick and Little Smith streets;
- DDO32 – Johnston Street West which includes properties either side of Johnston Street between Nicholson and Brunswick streets;
- DDO33 – Brunswick Street Grand Residential which includes properties either side of Brunswick and Young streets between Gertrude Street and Victoria Parade; and
- DDO34 – Fitzroy Town Hall and Back Blocks which includes the Fitzroy Town Hall Precinct and three other discrete parcels of land to the rear of Brunswick Street properties.

No decision was made on these requested interim DDO controls.

In summary, the approved interim controls included the following changes from the requested amendment:

- *The approved interim DDOs include no mandatory controls – all built form requirements (this change is most relevant to interim DDO30, 35 and heritage properties in interim DDOs 36 and 36) and*



overshadowing requirements (this change is relevant to all interim DDOs) are preferred;

- Additional conditions to assess proposals that intend to exceed preferred heights were not included; and
- Interim DDO30 is no longer applicable to Victoria Street, west of Brunswick St.

(City of Yarra: Amendment C270yara – Request for Interim Planning Controls for Stage 1 Fitzroy & Collingwood)

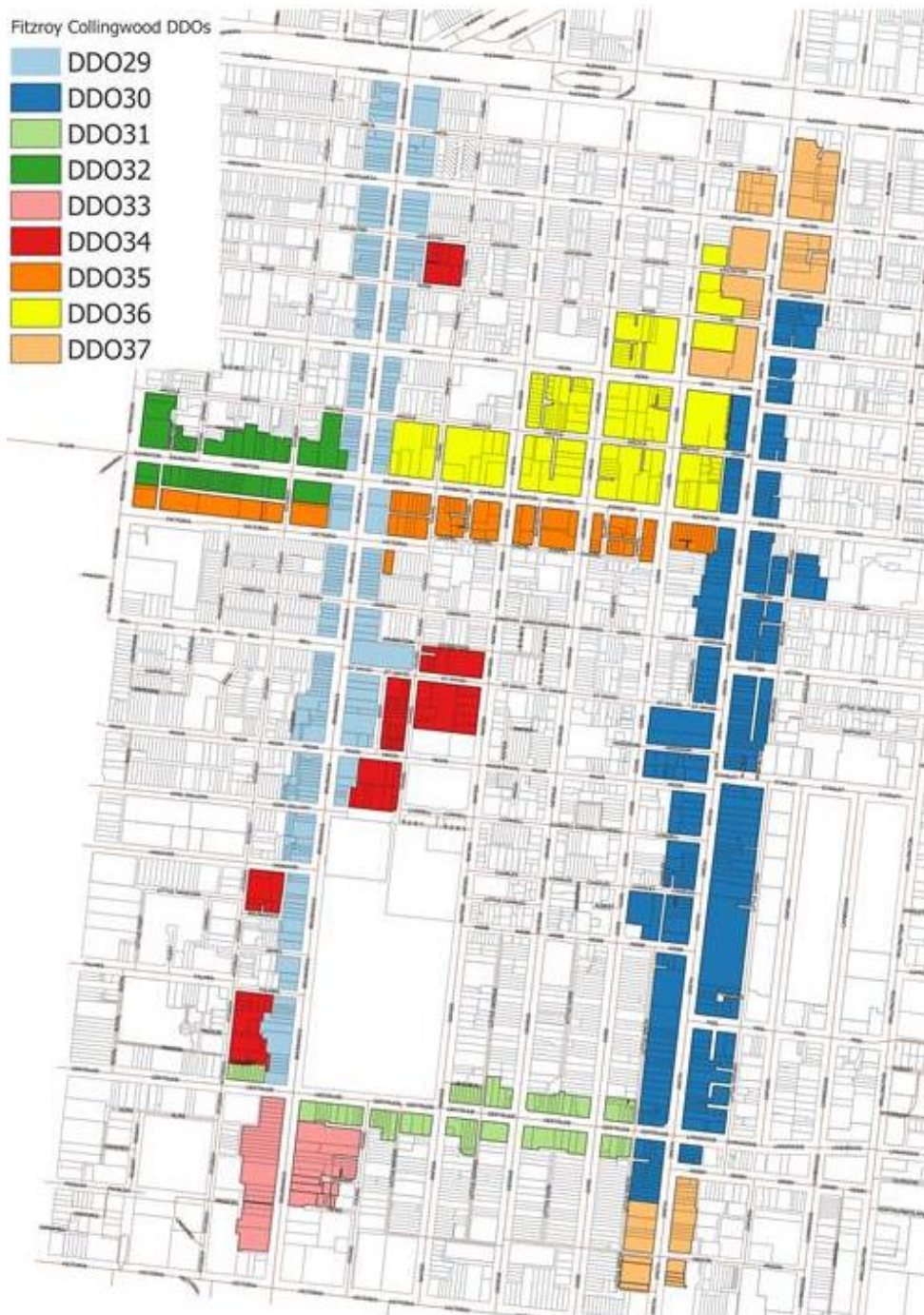


Figure 2. Amendment C270yara – proposed Fitzroy & Collingwood Stage 1 DDO controls (Source: City of Yarra).

2.2 Amendment C288yara

Amendment C288yara came into effect on 22 October 2021 and introduced interim built form controls for three precincts:

- DDO38 - Alexandra Parade which includes properties either side of Alexandra Parade between George and Hoddle streets in Fitzroy, Collingwood and Clifton Hill;
- DDO39 - Victoria Parade which includes properties on the northern side of Victoria Parade between Napier and Hoddle streets in Fitzroy and Collingwood; and
- DDO40 - Fitzroy West Mixed-Use Precinct to the west of Brunswick Street and north of Johnston Street.

These interim DDOs will cease to have effect after 21 April 2023.

In summary, the approved interim controls included the following changes from the requested amendment:

- *The approved interim DDOs include no mandatory controls – all built form requirements and overshadowing requirements are preferred:*
 - *In terms of overall building height this is most relevant to some heritage properties within interim DDO40 Fitzroy West;*
 - *It effects all 3 interim DDOs in terms of rear 45-degree envelope setback towards residential interfaces and the overshadowing of opposite footpaths and boulevard medians;*
 - *It effects upper-level setbacks for properties within or directly adjacent to heritage overlays in DDO38 Alexandra Parade and DDO39 Victoria Parade;*
- *Additional conditions to assess proposals that intend to exceed preferred heights were not included in any of the interim DDOs;*
- *Changes from Council Resolutions relating to interim DDOs 38 and 39 (Alexandra and Victoria Parades) were not included:*
 - *Relates to increased front setbacks to certain side streets in both interim DDOs;*
 - *height changes to interim DDO38 Alexandra Parade; and*
- *Interim DDOs were approved for 18 months instead of 2 years.*

(City of Yarra: Amendment C288yara – Interim Planning Controls for Fitzroy and Collingwood Stage 2)



Figure 3. Amendment C288yara – proposed Fitzroy & Collingwood Stage 2 DDO controls. (Source: City of Yarra)



3 MANDATORY 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 Centres¹.

Of relevance to the proposed Fitzroy and Collingwood DDO built form controls, 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.*

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



- *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 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 C220yara, C231yara, C191yara, C293yara and C291yara in relation to the application of mandatory controls within activity centres is discussed below.

4 AMENDMENT C269YARA – LOCAL POLICIES

Planning Scheme Amendment C269yara proposes to update Council’s local policies by replacing the Municipal Strategic Statement (MSS) at Clause 21 and local planning policies at Clause 22 with a Municipal Planning Strategy (MPS) and local policies within the Planning Policy Framework (PPF), consistent with the structure introduced by Amendment VC148. These changes to local policy and replacement of the existing MSS with a MPS affect the heritage provisions of the Yarra Planning Scheme amongst other matters.

Of relevance to heritage in the City of Yarra, the Amendment:

- introduces a new MPS at Clause 02.00 of the Yarra Planning Scheme;
- introduces new and revised local policy content into the PPF at Clauses 11 and 15; and
- replaces the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that includes an updated version of the City of Yarra Heritage Review Appendix 8 (the name of which has been changed through Amendment C245yara to ‘Database of Heritage Significant Areas’).

The Amendment, insofar as it relates to heritage, was informed by the following key documents which will be included in the new schedule to Clause 72.08 (Background Documents):

- Landmarks and Views Assessment, Ethos Urban (October 2019);
- Residential Heritage Policy Review, Context (31 October 2019); and
- Yarra Industrial Heritage Policy, GJM Heritage (15 October 2019).

The Panel Report that considered Amendment C269yara found that:

- The objectives and strategies in the proposed Clause 15.03-1L (Heritage) are generally appropriate, with some changes to the strategy regarding partial demolition, deletion of the section ‘Archaeological sites’ and changes to wording in order to be consistent with the Practitioner’s Guide.
- The objectives and strategies in the proposed Clause 15.01-1L (Signs in a Heritage Overlay) are generally appropriate and should be relocated within Clause 15.03-1L (Heritage).
- In relation to the proposed Clause 15.01-2L (Landmarks):

There is generally a sound strategic basis for the proposed new policy Clause 15.01-2L (Landmarks). The aim of the policy is to protect views to the identified landmarks not to protect the landmark itself.

(Amendment C269yara Panel Report, p v)

- In relation to building heights, of particular relevance to areas in the City of Yarra where expectations of growth are greater:

... The proposed policy will create a limit of mid-rise in specified locations and clearly identify that high-rise is not acceptable unless in accordance with a Design and Development Overlay. The metrics of building height controls and whether they are mandatory or discretionary should be found in the applicable zoning or overlay provisions.

(Amendment C269yara Panel Report, pp i-ii)

- In relation to Activity Centres, which includes the Brunswick Street and Smith Street Major Activity Centres and the Gertrude Street Neighbourhood Activity Centre:

The proposed objectives and strategies in Clause 11.03-1L (Activity centres) are generally reasonable and appropriate, subject to recommendations in this Report. All of the Major Activity Centres and the majority of Neighbourhood Activity Centres have proposed, interim or permanent DDO schedules that deal with built form controls for these centres. It is appropriate to ensure that mid-rise development in Major Activity Centres and Neighbourhood Activity Centres is subject to the preparation of a Design and Development Overlay to enable a detailed and comprehensive suite of built form controls (including building heights) to respond to the character of the centre and the surrounding area.

(Amendment C269yara Panel Report, pp ii)

The Amendment proposes to remove the sightline diagrams with a 'depth of two rooms' test in Clause 15.03-1L (Heritage). This test is used to determine the visibility of rear additions to residential properties. The use of sightline diagrams in relation to upper-level setbacks has also been considered by Panels in the context of development on historic 'high streets' in the City of Yarra. Amendment C220yara – Johnston Street Built Form and C191 – Swan Street Activity Centre, included in Section 5 below, are two such examples.

5 REVELANT PANEL AND STANDING ADVISORY COMMITTEE RECOMMENDATIONS

Recent Planning Panels Victoria and Standing Advisory Committee decisions have accepted as appropriate the use of a of mandatory maximum height and/or upper-level setback controls above commercial strips or 'high streets' that are subject to the Heritage Overlay and demonstrate a consistent or cohesive built form. In areas where there is no Heritage Overlay or the built form is less cohesive or consistent, discretionary controls have been supported to allow for greater flexibility for new development in activity centres. These controls have been supported by rigorous built form analysis and testing and are in keeping with PPN59, PPN60 and the new local planning policies proposed through Amendment C269.

Planning Panels Victoria Reports that considered the introduction of permanent built form controls in the City of Yarra through Planning Scheme Amendments:

- C220yara – Johnston Street Built Form Controls (report dated 22 February 2019)
- C231yara – Queens Parade Built Form Review (28 October 2019)
- C191yara – Swan Street Activity Centre (15 October 2020)

The Yarra Activity Centres Standing Advisory Committee Reports have considered the following Planning Scheme Amendments:

- C293yara – Collingwood South Mixed Use Precinct (19 May 2022)
- C291yara – Bridge Road and Victoria Street Activity Centres (24 June 2022)

The relevant findings of the Panel and SAC regarding these amendments are summarised below.

5.1 Amendment C220yara – Johnston Street Built Form Controls

The Panel Report into Amendment C220yara provides guidance of relevance to other commercial 'high streets' in the City of Yarra. The heritage streetscape of Johnston Street, Abbotsford is experiencing significant change and upper-level setbacks have been introduced to manage this change. 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.

(Amendment C220yara Panel Report, p 66)



Panel stated that not only are mid-level setbacks appropriate, but mandatory mid-level setback controls are also necessary in allowing the prominence of the street wall to be retained.

Page 56 of the Panel Report recommends the following objective, which is particularly relevant to similar heritage streetscapes in the City of Yarra – including Brunswick Street, Smith Street and Gertrude Street where there are visually cohesive heritage streetscapes:

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, ensuring that upper levels are visually recessive.

5.2 Amendment C231yara – Queens Parade Built Form Review

The Panel for Amendment C231yara found that the strategic work undertaken in support of the amendment was strong and that it assisted in justifying the majority of the built form parameters recommended in DDO16, particularly with respect to mandatory controls. At page 29 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.

(Amendment C231yara Panel Report, p 29)

The Panel supported a mandatory upper-level setback in Council's 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 – such as Queens Parade - can have areas of little change where growth can be accommodated elsewhere within the activity centre.

5.3 Amendment C191yara – Swan Street Activity Centre

The Panel into C191yara supported the use of mandatory controls for street wall heights and 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 by Panel to be appropriate. The Panel also found that the various discretionary and mandatory provisions, when applied using sound and rigorous built form analysis:

... combine to facilitate specific outcomes and the Panel is convinced that, where applied, the mandatory provisions are absolutely necessary to achieve



these outcomes. The Panel is satisfied that the mandatory provisions are not aimed at restricting development; rather they are aimed at facilitating good design and heritage outcomes.

(Amendment C191yara Panel Report, p 57)

The 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.

5.4 Amendment C293yara - Collingwood South Mixed Use Precinct

That SAC that considering Amendment C293yara supported the use of mandatory provisions for specified building heights, street wall heights and setbacks and upper-level setbacks in order to facilitate higher density development where there are considerations of heritage, public realm and amenity. Specifically, the Committee asserted that:

The Precinct has a complex urban structure and the proposed requirements reflect an appropriate balance between the protection of heritage and the opportunities for further development.

(Amendment C293yara SAC Report, p 36)

In considering the appropriateness of mandatory controls to protect the heritage values of the activity centre while managing growth, the SAC states:

The Committee accepts that comprehensive strategic planning underpins the proposed mandatory building height, street wall and upper level setback provisions. It has given significant weight to the extensive heritage analysis associated with the Amendment. In particular, the Supplementary Heritage Report provides a compelling case for the introduction of the proposed mandatory provisions in Clauses 2.3, 2.4 and 2.5 of DDO23. The Committee is satisfied that these mandatory provisions are not aimed at restricting development. Rather, they aim to facilitate good design outcomes and sensitively respond to identified heritage.

The mandatory building height, street wall height and upper level setback provisions will enable an appropriate level of growth and change. The Precinct has experienced, and will continue to experience, substantial change and the provisions recognise and facilitate a high level of change in many parts of the centre. The application of selected mandatory height and setback provisions will not compromise the potential for significant growth and this was confirmed by a detailed capacity analysis.

(Amendment C293yara SAC Report, p 24)

More broadly, the SAC found that with regard to expectations of growth for the Precinct and the Smith Street Activity Centre:



The Committee is satisfied that there is sufficient capacity within the Precinct and the broader Smith Street Activity Centre to facilitate expected residential and employment growth over the next 15 years.

(Amendment C293yara SAC Report, p ii)

With regard to upper-level setbacks, the sightline test was removed from the interim DDO23 and replaced with specified upper-level setbacks in the exhibited version of DDO23. This is consistent with the heritage advice provided to Council by GJM in the *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct* (May 2021).

5.5 Amendment C291yara – Bridge Road and Victoria Street Activity Centres

The SAC Panel into Amendment C291yara supported the use of mandatory building height, street wall height and upper-level setback controls (6m above a heritage streetscape). These controls apply to new developments along heritage streetscapes and heritage buildings, for sensitive residential interfaces and to protect the identified views to local landmarks, including the Pelaco Sign and St Ignatius Church. The Panel noted that these mandatory controls are founded on comprehensive strategic work including heritage analysis and consistent with PPN59 and PPN60. In relation to the appropriate application of mandatory controls in activity centres that are experiencing, and are expected to continue to experience, significance change, the Panel found that:

The mandatory building heights, street wall heights and setbacks and upper-level setback provision will enable an appropriate level of growth and change. Both the BRAC [Bridge Road Activity Centre] and the VSAC [Victoria Street Activity Centre] have experienced, and will continue to experience, substantial change and the provisions recognise and facilitate a high level of change in many parts of each centre. The Committee considers that the combination of discretionary and mandatory built form provisions will not compromise the potential for this significant growth, and this was confirmed by a detailed capacity analysis.

The Committee is satisfied that the mandatory provisions are not aimed at restricting development. Rather, they are aimed at facilitating good design and heritage outcomes.

The Committee disagrees with submissions which suggest that mandatory provisions will stifle innovative design, lack architectural merit or flair, and result in a development outcome that simply fits within the approved box. There was no evidence presented to support such claims.

(Amendment C291 SAC Report, pp 22-23)

The Panel also commented on the need for a consistent approach when applying built form controls, with particular relevance to heritage streetscapes:

Submissions that focussed on a single property and on urban design or planning matters alone provided a limited understanding of how increasing building heights, applying discretionary (rather than mandatory) provisions or decreasing upper level setbacks would impact the broader area, precinct or

activity centre. Such an understanding is particularly important in streetscapes with existing heritage fabric.

(Amendment C291yara SAC Report, p ii)



PART II - PROPOSED DDOS AND RECOMMENDATIONS



6 DDO29 - BRUNSWICK STREET SHOPS

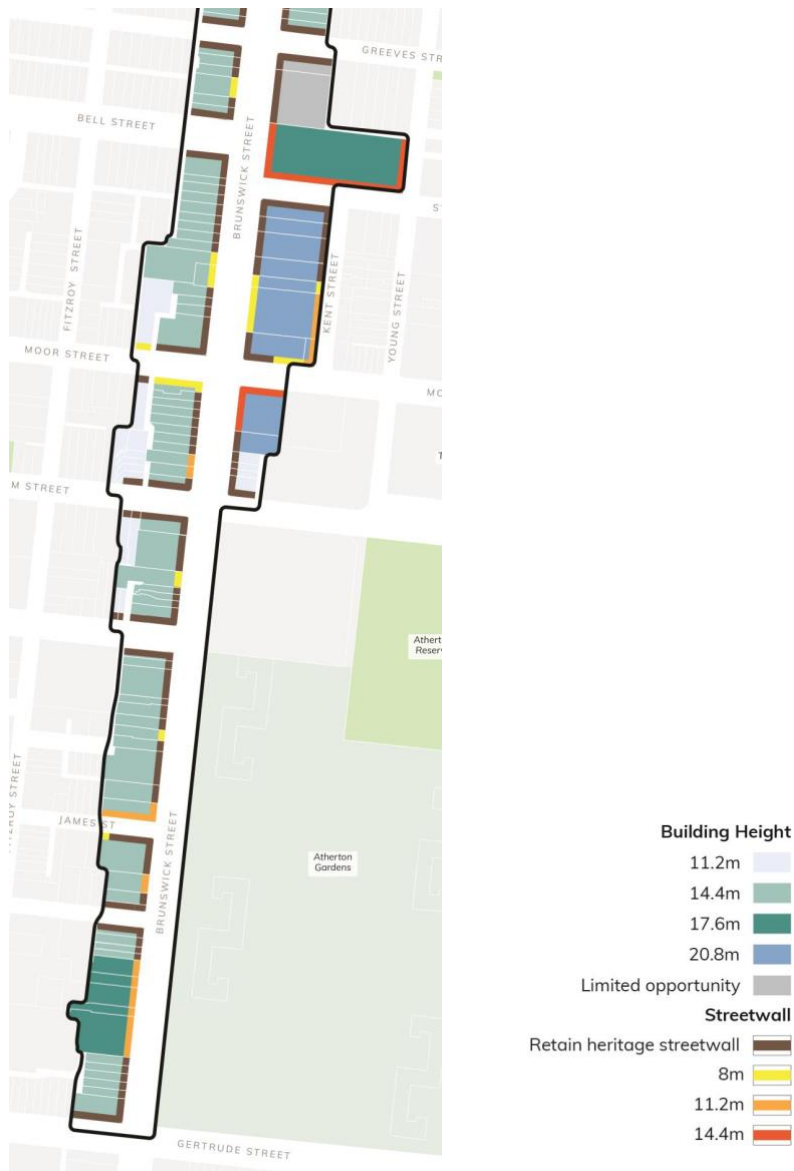
6.1 Extent of proposed DDO29

The proposed DDO29 includes properties either side of Brunswick Street from Alexandra Parade towards the north to Gertrude Street towards the south, except for the Atherton Gardens Estate on the east side of Brunswick Street between King William and Gertrude streets.

Figure 4. Extent of proposed DDO29 – Brunswick Street Shops north of Greeves Street, Fitzroy showing street wall and building heights. ('Map 1' from proposed DDO29)



Figure 5. Extent of proposed DDO29 – Brunswick Street Shops south of Greeves Street, Fitzroy showing street wall and building heights. ('Map 2' from proposed DDO29)



6.1.1 Differences in DDO29 and study area extent

The extent of the DDO29 is largely congruent with the extent of the 'Brunswick Street Activity Spine' study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* with the following exceptions:

- The following parcels to the rear of Brunswick Street properties are now included in the proposed DDO34 – Fitzroy Town Hall and Back Blocks:
 - West of Brunswick Street and south of Hanover Street
 - The area bordered by Hanover Street to the north, Brunswick Place to the east, Brunswick Place to the south and Fitzroy Street to the west, except for the land to the southwest of this parcel that is zoned NRZ1.
 - The area bordered by Palmer Street to the north, the rear of Brunswick Street properties to the east, the laneway to the rear



of Gertrude Street properties to the south and Fitzroy Street to the west.

- East of Brunswick Street and south of Leicester Street
 - The parcel of land bordered by Leicester Street to the north, Young Street to the east, Rose Street to the south and the rear of Brunswick Street properties to the west.
- Properties to the south of Gertrude Street which are now included within the extent of proposed DDO33 – Brunswick Street Grand Residential.

6.2 Recent and emerging built form

There have been no planning permit applications for development of three storeys or greater within the extent of the proposed DDO29 since the preparation of the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report.

6.3 Built form controls

Table 1 provides a summary of the proposed DDO29 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to St Patrick’s Cathedral and St Luke’s Church and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street and Gertrude Street intersections that is consistent with the heritage advice previously provided by GJM.

Table 1: DDO29 – Brunswick Street Shops proposed built form controls and GJM recommendations

Built form control type	Proposed DDO29	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO29 [recommendations bolded]
Street Wall Height Requirements	Street wall heights must not exceed the heights shown in Maps 1 and 2 of the proposed DDO (Figures 4 and 5, above). Mandatory maximum street wall heights range from 8m to 14.4m where ‘retain heritage streetwall’ is not specified.	<u>Maximum street wall height (infill development)</u> 11m (mandatory) <u>Minimum street wall height (infill development)</u> 8m (mandatory)	No changes recommended. We note that: <ul style="list-style-type: none"> ● the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the mandatory requirement for new development to match

Built form control type	Proposed DDO29	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO29 [recommendations bolded]
	<p><u>Street wall height (infill development)</u> Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary but must not be higher than 11.2m where an adjacent heritage street wall is taller.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p><u>Street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary will, at least in part, address this; and</p> <ul style="list-style-type: none"> • there are two sites where the proposed DDO allows for a higher street wall (14.4m) than included in the GJM recommendations: <ul style="list-style-type: none"> ○ A site that has already been redeveloped on the corner of Brunswick and St David streets (232-234 Brunswick Street and 1-5 St David Street); and ○ The southeast corner site at Moor Street (188-192 Brunswick Street) where a taller built form could be accommodated without adversely impacting the heritage values of the Brunswick Street streetscape.
	<p><u>Front setback along Brunswick Street</u> Development should achieve a continuous street wall</p>	<p><u>Front setback (infill development)</u> 0m (mandatory)</p>	<p>As there is no precedent for street wall setback on Brunswick Street, we recommend a mandatory 0m front setback and not discretionary (in DDO29 replace the word “should” with “must” here to reflect this).</p>
Upper-Level Front and Side Setback Requirements	<p><u>Minimum setbacks above Brunswick Street street wall</u> 8m (mandatory)</p> <p><u>Minimum setbacks above Johnston Street street wall</u> 6m (mandatory)</p>	<p><u>Minimum setbacks above street wall (Brunswick Street, Johnston Street and Gertrude Street)</u> 8m (mandatory)</p>	<p>We recommend that the 8m upper-level setback to the four corner properties addressing Johnston Street be retained to maintain the prominence of the strong return façades of local landmark buildings that address this important corner.</p>

Built form control type	Proposed DDO29	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO29 [recommendations bolded]
	<p><u>Minimum setbacks above side street street wall</u> 6m (discretionary)</p> <p><u>Developments greater than 16.4m</u> The topmost upper level above a heritage building should be set back a further 3.2m from the Brunswick Street frontage.</p>	<p><u>Minimum setbacks above street wall (side streets other than Gertrude and Johnston Street)</u> 6m (discretionary)</p> <p><u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>Note: the northwest corner of Brunswick and Gertrude streets has recommended 8m upper-level setbacks from both street frontages.</p> <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development must not exceed the heights shown on Maps 1 and 2 (Figures 4 and 5, above) of the proposed DDO, as applicable.</p> <p>Specified mandatory maximum building heights range from 11.2m (3 storeys) to 20.8m (6 storeys).</p> <p><u>Brunswick Street - north of Leicester Street and south of Johnston Street</u> 14.4m (4 storeys) to 20.8m (6 storeys)</p> <p><u>Brunswick Street - between Johnston Street and Leicester Street</u></p>	<p><u>Between Alexandra Parade and Rose Street</u> 4 to 5 storeys (mandatory)</p> <p><u>Between Rose and Johnston streets</u> 3 storeys (mandatory)</p> <p><u>Between Johnston and Gertrude streets</u> 4 to 5 storeys (mandatory) with the potential for some 6-storey development on deeper sites</p>	<p>No changes recommended.</p> <p>We note that the large 1,400 sqm (approx.) at 430–444 Brunswick Street is likely to be able to accommodate up to 6 storeys. We had previously recommended a mandatory maximum building height of 4 to 5 storeys from Alexandra Parade to Rose Street that includes this site.</p> <p>South of Johnston Street the following properties in the proposed DDO allow for 20.8m (6 storeys) that is consistent with GJM recommendations noting the potential for 6-storey development on deeper sites:</p> <ul style="list-style-type: none"> • 277-281 Brunswick Street (northwest corner of

Built form control type	Proposed DDO29	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO29 [recommendations bolded]
	<p>11.2m (3 storeys) to 14.4m (4 storeys)</p> <p><u>Brunswick Street - at the intersections at Johnston Street and Gertrude Street</u></p> <p>11.2m (3 storeys) to 14.4m (4 storeys)</p> <p>A parcel of land between Greeves and St David streets (on the eastern side of Brunswick Street) is shown as 'limited opportunity' on Map 2 (Figure 5). The shops located here, 236-252 Brunswick Street, are included in the Victorian Heritage Register (H0559).</p>		<p>Victoria Street intersection)</p> <ul style="list-style-type: none"> • 280-284 & 286 Brunswick Street (eastern side, north of Victoria Street) • 196-226 Brunswick Street (inclusive; eastern side, between St David and Moor streets) • 184-186 & 188 Brunswick Street (western side, south of St David Street)



7 DDO30 - SMITH STREET SHOPS

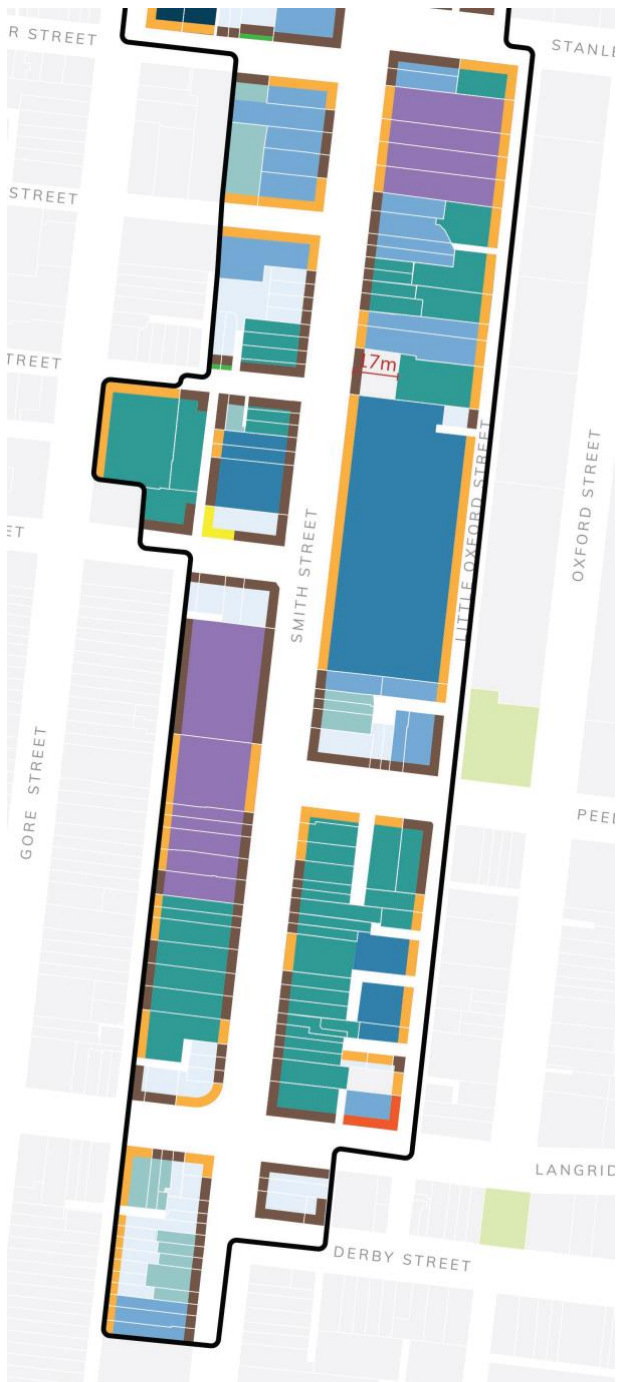
7.1 Extent of proposed DDO30

The proposed DDO30 includes properties either side of Smith Street from Kerr Street (western side) and Hotham Street (eastern side) towards the northern end of Smith Street and south as far as 51 Smith Street (western side; approximately midway between Gertrude and Little Victoria streets) and Derby Street (eastern side). A number of properties west to Gore Street and east to Bedford and Little Oxford streets are also within the extent of the proposed DDO.

Figure 6. Extent of proposed DDO30 – Smith Street Shops north of Stanley and Moore streets, showing street wall and building heights. ('Map 1' from proposed DDO30)



Figure 7. Extent of proposed DDO30 – Smith Street Shops south of Stanley and Moor streets, showing street wall and building heights. ('Map 2' from proposed DDO30)



7.1.1 Differences in DDO30 and study area extent

The extent of the DDO30 is within the extent of the 'Smith Street Activity Spine' study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*.

There is a small parcel of land bordered by Langridge Street to the north, Little Oxford Street to the east, Derby Street to the south and an unnamed laneway to the west that was included in the study area and not included in proposed DDO30.



The remainder of the area included in the ‘Smith Street Activity Spine’ study area not within the extent of the proposed DDO30 is included in the proposed DDO37 – Smith Street North and South.

7.2 Recent and emerging built form

Table 2 details planning permit applications for developments of three storeys or greater within the extent of the proposed DDO30 since September 2019. In addition to the permit applications provided by Council and provided in Table 2, we note that:

- there has been a permit issued at the direction of VCAT for a 9-storey development at 131-143 Smith Street, Fitzroy (PLN20/0867; VCAT hearing ref. no. P997/2021);
- Jim Gard’ner provided expert advice to VCAT regarding the development at 378-380 Smith Street, Collingwood (hearing ref. no. P205/2019). The development proposal was not supported on heritage grounds; and
- 368-367 Smith Street, Collingwood is currently being redeveloped behind the retained façade.

We note that emerging developments include upper-level setbacks less than the mandatory and discretionary controls included in the proposed DDO:

- 378-380 Smith Street upper-level setbacks are less than the mandatory 8m in the proposed DDO (5.5m [level 1 partial]; 6.5m [levels 2 to 6] and 8.8m [level 7]).
- 6-8 Peel Street upper-level setbacks at Peel Street are 4m (levels 3 to 6; min 6m in the proposed DDO) and 6m (level 7; above 16.4m topmost upper level should be setback a further 3.2m from Smith Street frontage). Towards Little Oxford Street the setbacks are 3m (levels 3 to 6; min 6m in the proposed DDO) and 4.5m (level 7).

The following permit applications exceed the mandatory maximum building heights stipulated in the proposed DDO30:

- 378-380 Smith Street is 24m (7 storeys); the mandatory maximum building height stipulated in the proposed DDO is 17.6m (5 storeys).
- 6-8 Peel Street is 28.6m (7 storeys); the mandatory maximum building height stipulated in the DDO is 20.8m (6 storeys).

While there are discrete sites where development has been proposed or approved that do not achieve the minimum setbacks or exceeds the maximum heights in the proposed DDO, these isolated examples do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 2: Recent planning permit applications within the extent of DDO30 – Smith Street Shops

Address (Heritage Overlay)	Maximum building height	Street wall height	Upper-level setback	Status
378-380 Smith Street, Collingwood	24m (7 storeys)	<u>Smith Street</u>	Level 1 (partial): 5.5m	Permit issued at direction of VCAT.

Address (Heritage Overlay)	Maximum building height	Street wall height	Upper-level setback	Status
(HO333 – Smith Street Precinct)		11.2m (2 storeys retained heritage) <u>Easey Street</u> 9.76m (2 storeys retained heritage)	Levels 2 to 6: 6.5m Level 7: 8.8m	Endorsed plans not yet issued. Construction has not commenced.
299-303 Smith Street, Fitzroy (HO333 – Smith Street Precinct)	19.2m (6 storeys)	14.6m (3 storeys) (retained heritage building)	All levels: 15.2m	Notice of Decision issued 2 August 2022. VCAT appeal received 29 August 2022. Compulsory Conference scheduled Feb 2023.
6-10 Peel Street, Collingwood (Office only – no residential) (HO318 – Collingwood Slope Precinct)	28.6m (7 storeys)	12.9m (3 storeys) (retained heritage building and new section)	<u>Peel Street</u> Levels 3 to 6: 4m Level 7: 6m <u>Little Oxford Street</u> Levels 3 to 6: 3m Level 7: 4.5m	Permit issued April 2021. Council issued Notice of Decision; Section 80 review received. VCAT upheld Council decision. Plans not yet endorsed. Construction has not commenced.

7.3 Built form controls

Table 3 provides a summary of the proposed DDO30 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.

Table 3: DDO30 – Smith Street Shops proposed built form controls and GJM recommendations

Built form control type	Proposed DDO30	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO30 [recommendations bolded]
Street Wall Height and Setback Requirements	Street wall heights must not exceed the heights specified in	<u>Maximum street wall height (infill development)</u> 11m (mandatory)	No changes recommended.

Built form control type	Proposed DDO30	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO30 [recommendations bolded]
	<p>Maps 1 and 2 of the DDO (Figures 6 and 7, above). The maximum street wall height ranges from 8m to 14.4m when ‘retain heritage streetwall’ is not specified. ‘Retain landscape setback’ applies where there is a landscape setback in front of the heritage street wall.</p> <p><u>Street wall height (infill development)</u> Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary but must not be higher than 11.2m where an adjacent heritage street wall is taller.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p><u>Minimum street wall height (infill development)</u> 8m (mandatory)</p> <p><u>Street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>
	<p><u>Front setback along Smith Street</u> 0m, should achieve a continuous street wall.</p>	<p><u>Front setback (infill development)</u> 0m (mandatory)</p>	<p>As there is no precedent for street wall setback on Smith Street, we recommend a mandatory 0m front setback and not discretionary (in DDO30 replace the word “should” with “must” here to reflect this).</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum setbacks above Smith Street street wall</u> 8m (mandatory)</p> <p><u>Minimum setbacks above Johnston Street street wall</u> 6m (mandatory)</p>	<p><u>Minimum setbacks above street wall (Smith Street, Johnston Street and Gertrude Street)</u> 8m (mandatory)</p> <p><u>Minimum setbacks above street wall (side streets other</u></p>	<p>No changes recommended. Although we previously recommended the 8m upper-level setback on Johnston Street be retained, this intersection is substantially less intact than at the Brunswick and Johnston streets</p>

Built form control type	Proposed DDO30	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO30 [recommendations bolded]
	<p><u>Minimum setbacks above side street street wall</u> 6m (discretionary)</p> <p><u>Developments greater than 16.4m</u> The topmost upper level above a heritage building should be set back a further 3.2m from the Smith Street frontage.</p>	<p><u>than Gertrude and Johnston Streets)</u> 6m (preferred)</p> <p><u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m). (preferred)</p>	<p>intersection and has the recent 9-storey Lyric Theatre development immediately adjacent at 338 Gore Street and 239-243 Johnston Street. Further, a 6 metre setback accords with the typical width of a shop residence on Smith Street.</p> <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development must not exceed the heights shown on Maps 1 and 2 (Figures 6 and 7, above) of the proposed DDO, as applicable.</p> <p>Specified mandatory maximum building heights range from 11.2m (3 storeys) to 30.4m (9 storeys).</p> <p><u>Smith Street - north of Stanley and St David streets and south of Gertrude Street</u> 14.4m (4 storeys) to 20.8m (6 storeys) (mandatory)</p>	<p><u>Between Johnston and St David streets on the western side of Smith Street and between Johnston and Stanley Streets on the eastern side</u> 3 to 6 storeys (mandatory)</p> <p><u>Between St David and Gertrude streets on the western side of Smith Street and between Stanley and Gertrude streets on the eastern side</u> 3 to 7 storeys (mandatory)</p> <p>Note: Some sites can accommodate up to 8 to 9</p>	<p>No changes recommended.</p> <p>The proposed DDO controls allow for taller maximum heights for larger development sites on Smith Street, which is consistent with the recommendations made by GJM. These sites include (but are not limited to):</p> <ul style="list-style-type: none"> • The Woolworths site (243-255 Smith Street; 30.4m [9 storeys] and 24.0m [7 storeys] to the rear of the site facing Gore Street) • The recently completed 9-storey residential

Built form control type	Proposed DDO30	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO30 [recommendations bolded]
	<p><u>Smith Street - between Stanley and St David streets and Gertrude and Langridge streets</u> 11.2m (3 storeys) to 27.2m (8 storeys) (mandatory)</p> <p>A small parcel of land at the rear of 299-303 Smith Street is specified as 'limited opportunity' and is within the extent of the adjoining Neighbourhood Residential Zone (NRZ).</p>	storeys, such as the Coles redevelopment (132-158 Smith Street) and the Woolworths site (243-255 Smith Street).	<p>development on Gore Street between Hodgson and Moor streets (250 Gore Street; 30.4m [9 storeys])</p> <ul style="list-style-type: none"> • The Coles development (132-172 Smith Street; a maximum height of 27.2m [8 storeys] is specified for this site in the DDO)



8 DDO31 – GERTRUDE STREET SHOPS

8.1 Extent of proposed DDO31

The extent of the proposed DDO31 includes properties either side of Gertrude Street from Brunswick Street to the west to Little Smith Street to the east, except for the Atherton Garden Estate on the north side of Gertrude Street (between Brunswick and Napier streets). A small parcel of land to the west of Brunswick Street, to the east of Fitzroy Street and on the north side of Gertrude Street is also included within the extent of the proposed DDO, which includes a row of two-storey shops addressed as 65-83 Gertrude Street (inclusive).



Figure 8. Extent of proposed DDO31 – Gertrude Street Shops, showing street wall and building heights. ('Map 1' from proposed DDO31)

8.1.1 Differences in DDO31 and study area extent

The extent of DDO31 is within the extent of the 'Gertrude Street Activity Spine' study area included in the *Gertrude Street Built Form Framework: Heritage Analysis & Recommendations*. The 'Gertrude Street Activity Spine' study area also includes properties on the north side of Gertrude Street west of Fitzroy Street, and the properties zoned MUZ south of Gertrude Street, between Young and Little Napier streets.

The proposed Heritage Overlay for the Gertrude Street Precinct included in the *Gertrude Street Built Form Framework: Heritage Analysis & Recommendations* does not include these additional properties, however properties either side of Gertrude Street, between Little Smith and Smith streets have been included.

8.2 Recent and emerging built form

There have been no planning permit applications for development of three storeys or greater within the extent of the proposed DDO31 since the preparation of the



Gertrude Street Built Form Framework: Heritage Analysis & Recommendations report.

8.3 Built form controls

Table 4 provides a summary of the proposed DDO31 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Gertrude Street Built Form Framework: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to the drum, dome, lantern and flagpole of the Royal Exhibition Building and the prominence and integrity of corner heritage buildings.

Table 4: DDO31 – Gertrude Street Shops proposed built form controls and GJM recommendations

Built form control type	Proposed DDO31	Recommended built form controls included in the <i>Gertrude Street Built Form Framework: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO31 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights must not exceed the heights specified in Map 1 (Figure 8, above) of the DDO.</p> <p>The maximum street wall height ranges from 8m to 11.2m where ‘retain heritage streetwall’ is not specified.</p> <p>‘Retain landscape setback’ applies where there is a landscape setback in front of the heritage street wall.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary.</p> <p><u>Street wall height on corner buildings</u></p> <p>Should continue the main frontage street wall height for a minimum of 8m to the side</p>	<p><u>Maximum street wall height (infill development)</u> 11m (mandatory)</p> <p><u>Minimum street wall height (infill development)</u> 8m (mandatory)</p> <p><u>Street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (mandatory)</p>	<p>No changes recommended.</p> <p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>

Built form control type	Proposed DDO31	Recommended built form controls included in the <i>Gertrude Street Built Form Framework: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO31 [recommendations bolded]
	street, with a transition in height to match the rear interface where required.		
	<p><u>Front setback along Gertrude Street</u></p> <p>Should achieve a continuous street wall with no front setback.</p>	<p><u>Front setback (infill development)</u></p> <p>0m (mandatory)</p>	<p>As there is no precedent for street wall setback to commercial buildings on Gertrude Street, we recommend a mandatory 0m front setback and not discretionary (in DDO31 replace the word “should” with “must” here to reflect this)</p>
Upper-Level Setback Requirements	<p><u>Minimum setbacks above Gertrude Street street wall</u></p> <p>8m, except for:</p> <ul style="list-style-type: none"> • 10m west of Brunswick Street; and • 15m between 128 and 134 Gertrude Street <p>(mandatory)</p> <p><u>Minimum setbacks above side street street wall</u></p> <p>6m (discretionary)</p>	<p><u>Minimum setbacks above street wall (Gertrude and Brunswick streets)</u></p> <p>8m (mandatory)</p> <p><u>Minimum setbacks above street wall (side streets other than Gertrude and Brunswick streets)</u></p> <p>6m (preferred)</p>	<p>We remain of the view that an 8m upper-level setback to 128-134 Gertrude Street is appropriate for these properties. A mandatory minimum upper-level setback of 15m stipulated in the proposed DDO for these two storey shops. The maximum height here is shown as 11.2m (3 storeys) towards Gertrude Street and 14.4m (4 storeys) to the rear of these properties. It is unclear why a minimum upper-level setback of 15m is justified and has been included here.</p> <p>We note that west of Brunswick Street the row of two-storey shops between Fitzroy Street and the Worker’s Club Hotel (128 to 134 Gertrude Street) there is a minimum upper-level setback of 10m stipulated in the proposed DDO. We support a larger 10m upper-level setback between Nicholson and Brunswick streets to protect clear sky views of the drum, dome and cupola of the Royal Exhibition Building.</p>
Overall Building Height Requirements	Development must not exceed the heights shown on Map 1 (Figure 8, above).	3 to 4 storeys	No changes recommended.

Built form control type	Proposed DDO31	Recommended built form controls included in the <i>Gertrude Street Built Form Framework: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO31 [recommendations bolded]
	<p>Mandatory maximum building heights range from 11.2m (3 storeys) to 17.5m (5 storeys). Generally maximum heights are shown as 11.2m (3 storeys) (mandatory) except for:</p> <ul style="list-style-type: none"> • 17.6m (5 storeys) (mandatory) between George and Little George streets on the south side of Gertrude Street • 14.4m (4 storeys) that applies to the following properties: <ul style="list-style-type: none"> ○ 110, rear of 128-134, 158-164 and 184-204 Gertrude Street (south side) ○ 169-175 Gertrude Street (north side) <p>Two smaller parcels to the rear of Gertrude Street properties are shown as 'Neighbourhood Residential Zone'.</p>		<p>We note that the proposed DDO maximum building heights are consistent with the GJM recommendations, except for the block on the south side of Gertrude Street between George and Little George Streets, where a maximum height of 17.6m (5 storeys) is specified. This site has been redeveloped and is occupied by a five-storey development, and therefore considered appropriate.</p>



9 DDO32 – JOHNSTON STREET WEST

9.1 Extent of proposed DDO32

The extent of the proposed DDO32 includes properties either side of Johnston Street, from Nicholson Street to the west and Brunswick Street to the east. DDO32 does not include properties that face Brunswick Street or Brunswick Street corner sites.



Figure 9. Extent of proposed DDO32 – Johnston Street West, showing street wall and building heights. ('Map 1' from proposed DDO32)

9.1.1 Differences in DDO32 and study area extent

The extent of the DDO32 includes part of the 'Johnston Street Activity Spine' study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*. The 'Johnston Street Activity Spine' study area also includes properties on the northern side Victoria Street (included in the proposed DDO35 – Johnston Street South and Victoria Street), and either side of Johnston Street to the east of Brunswick Street (included in the proposed DDO35 – Johnston Street South and DDO36 – Fitzroy East and Johnston Street North).

9.2 Recent and emerging built form

Table 5 details planning permit applications for developments of three storeys or greater within the extent of the proposed DDO32 since September 2019.

The proposed developments include street wall heights greater than the mandatory and discretionary controls included in the proposed DDO:

- The proposed development at 28 Johnston Street has a street wall of 11.7m (4 storeys). The proposed DDO stipulates 'retain heritage streetwall' at this site; the planning report prepared by Studio Edwards for the site states that "With reference to DDO Schedule 32 (Guidance purposes only) The street

wall ‘retain heritage streetwall’ appears to have been applied in error as this site is non-contributory”. It remains our view that the southern side of Johnston Street between Nicholson and Brunswick streets has a consistent two storey street wall that contributes to its heritage values.

- The proposed development at 84-104 Johnston Street has a 15m to 18.3m (varied) street wall on Johnston Street and 18.3m on Fitzroy Street. The DDO stipulates a mandatory maximum street wall of 14.4m for this site and these frontages.

The proposed developments show upper-level setbacks less than the mandatory minimum 6m stipulated in the DDO for these sites:

- 28 Johnston Street has a 2m upper-level setback for levels 4 to 8.
- 84-104 Johnston Street has a varied upper-level setback of 2.35m to 5.05m.

The proposed developments exceed the mandatory maximum building heights stipulated in the proposed DDO for these sites:

- The building height of 28 Johnston Street is 24.8m (8 storeys); the DDO proposes a mandatory maximum building height of 14.4m (4 storeys) for this site.
- The building height of 84-104 Johnston Street is 32.8m (9 storeys); the DDO proposed as mandatory maximum building height of 27.2m (8 storeys) for this site.

While there are discrete sites where development has been proposed or approved that do not achieve the minimum setbacks or exceeds the maximum street wall and building heights in the proposed DDO, these isolated examples do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 5: Recent planning permit applications within the extent of DDO32 – Johnston Street West

Address (Heritage Overlay)	Maximum building height	Street wall height	Upper-level setback	Status
28 Johnston Street, Fitzroy (HO334 – South Fitzroy Precinct)	24.8m (8 storeys)	11.7m (4 storeys)	Levels 4 to 8: 2m	Council formed a refusal position. Applicant lodged S79 appeal prior to decision issuing. VCAT matter to be heard in April 2023.
84-104 Johnston Street, Fitzroy (HO334 – South Fitzroy Precinct)	32.8m (9 storeys)	<u>Johnston Street</u> 15m – 18.3m (varied) (4-5 storeys) <u>Fitzroy Street</u> 18.3m (5 storeys)	<u>Johnston Street</u> Level 4: varied 2.35m – 5.05m Level 5: varied 4.28m – 5.05m Levels 6 to 8: 5.05m <u>Fitzroy Street</u>	Permit issued June 2022. Applicant lodged conditions appeal. VCAT hearing held 20 September 2022. Amended decision granted; no change to overall built form.

Address (Heritage Overlay)	Maximum building height	Street wall height	Upper-level setback	Status
			Level 5: 2.9m Levels 6 to 8: 3.6m	

9.3 Built form controls

Table 6 provides a summary of the proposed DDO32 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. The objectives of the proposed DDO do not note the retention of any significant view lines or prominent heritage buildings.

Table 6: DDO32 – Johnston Street West proposed built form controls and GJM recommendations

Built form control type	Proposed DDO32	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO32 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights must not exceed the heights specified in Map 1 (Figure 9, above), where applicable.</p> <p>The maximum street wall height ranges from 8m to 14.4m where ‘retain heritage streetwall’ is not specified.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary.</p> <p><u>Street wall height on corner buildings</u></p> <p>Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in</p>	<p><u>Maximum street wall height north side of Johnston Street (infill development)</u> 14m (preferred)</p> <p><u>Maximum street wall height south side of Johnston Street between Nicholson and Fitzroy streets (infill development)</u> 11m (mandatory)</p> <p><u>Maximum street wall height south side of Johnston Street between Fitzroy Street and Brunswick Street (infill development)</u> 14m (preferred)</p> <p><u>Minimum street wall height (infill development)</u> 8m (mandatory)</p>	<p>No changes recommended.</p> <p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m will, at least in part, address this.</p>

Built form control type	Proposed DDO32	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO32 [recommendations bolded]
	height to match the rear interface where required.	<u>Street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (preferred)	
	<u>Front setback towards Johnston and Nicholson streets</u> Should achieve a continuous street wall with no front setback.	<u>Front setback (infill development)</u> 0m (mandatory)	As there is no precedent for street wall setback to commercial buildings on this part of Johnston Street, we recommend a mandatory 0m front setback and not discretionary (in DDO32 replace the word “should” with “must” here to reflect this).
Upper-Level Setback Requirements	<u>Minimum setbacks above street wall (Johnston and Nicholson streets)</u> 6m (mandatory) <u>Minimum setbacks above side street street wall</u> 3m (discretionary) <u>Development greater than 5 storeys within a Heritage Overlay</u> The topmost level of development over 5 storeys should be set back a further 3.2m from the main street frontage, measured from the level below.	<u>Minimum setbacks above Johnston Street, Nicholson Street and Brunswick Street street wall (except the north side of Johnston Street between Spring and Fitzroy streets)</u> 6m (mandatory) <u>Minimum upper-level setbacks above Johnston Street street wall, north side between Spring Street and Fitzroy Street)</u> 6m (discretionary) <u>Minimum setbacks above street wall (side streets other than Nicholson and Brunswick streets)</u> 6m (preferred) <u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)	No changes recommended. We note the following: <ul style="list-style-type: none"> The upper-level setbacks for side streets is 3m in the DDO and 6m in the GJM recommendations (both discretionary). We remain of the view that the 6m preferred setback accords to typical width of a shop residence and the discretionary nature of the control allows for a lesser upper-level setback where the other objectives of the DDO are achieved. The GJM recommendations include a discretionary upper-level setback of 6m on the northern side of Johnston Street between Spring and Fitzroy streets, however we note that the proposed DDO includes this as mandatory. The north side of this part of Johnston Street is substantially less intact, has more recent development and a discretionary upper-level

Built form control type	Proposed DDO32	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO32 [recommendations bolded]
			<p>setback control is considered satisfactory.</p> <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development must not exceed the heights shown on Map 1 (Figure 9, above), as applicable.</p> <p>Specified mandatory maximum building heights range from 14.4m (4 storeys) to 30.4m (9 storeys).</p> <p><u>North side of Johnston Street</u> 14.4m (4 storeys) to 30.4m (9 storeys) (mandatory)</p> <p><u>South side of Johnston Street</u> 14.4m (4 storeys) to 27.2m (8 storeys) (mandatory)</p>	<p><u>North side of Johnston Street</u> 4 to 8 storeys (mandatory)</p> <p><u>South side of Johnston Street</u> 4 to 6 storeys (mandatory) with some specific sites that can accommodate up to 8 storeys.</p>	<p>No changes recommended.</p> <p>The mandatory maximum building heights stipulated in the proposed DDO are consistent within the heights recommended by GJM, except for the site on the northeast corner of the intersection of Johnston and Nicholson streets (244 Nicholson Street; presently occupied by a service station), which is not subject to the Heritage Overlay.</p>



10 DDO33 – BRUNSWICK STREET GRAND RESIDENTIAL

10.1 Extent of proposed DDO33

The extent of the proposed DDO33 includes properties either side of Brunswick Street, south of Gertrude Street and north of Victoria Parade. It excludes the Australian Catholic University site on the eastern side of Brunswick Street, immediately north of Victoria Parade.

To the east of Brunswick Street, properties as far east as Young Street are included within the extent of DDO33; this does not include the properties facing Gertrude Street and land occupied by the Australian Catholic University, south of Graham Street.

A substantial proportion of the grand residential buildings that make up this precinct are included in the VHR. Therefore, the heritage implications of new built form on these properties will largely be a matter for the Executive Director, Heritage Victoria.

Figure 10. Extent of proposed DDO33 – Brunswick Street Grand Residential, showing street wall and building heights. ('Map 1' from proposed DDO33)

Dots added to indicate VHR property.



10.1.1 Differences in DDO33 and study area extent

The extent of the proposed DDO is congruent with the extent of the 'Brunswick Street Activity Spine' study area south of Gertrude Street included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*.

10.2 Recent and emerging built form



There have been no planning permit applications for development of three storeys or greater within the extent of the proposed DDO33 since the preparation of the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report.

10.3 Built form controls

Table 7 provides a summary of the proposed DDO33 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to St Patrick’s Cathedral and St Luke’s Church and the prominence of the ‘grand’ residential buildings on the west side of Brunswick Street.

Table 7: DDO33 – Brunswick Street Grand Residential proposed built form controls and GJM recommendations

Built form control type	Proposed DDO33	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO33 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights must not exceed the heights specified in Map 1 (Figure 10, above), where applicable.</p> <p>‘Retain heritage streetwall’ applies to the majority of properties; ‘retain landscape setback’ applies where these exist in front of the heritage street wall.</p> <p>Where no heritage street wall is shown, the maximum street wall height is specified as 11.2m.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary.</p>	<p><u>Maximum street wall height (infill development)</u></p> <p>11m (mandatory)</p> <p><u>Minimum street wall height (infill development)</u></p> <p>8m (mandatory)</p> <p><u>Street wall height (infill development)</u></p> <p>Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>No changes recommended.</p> <p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the mandatory requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>



Built form control type	Proposed DDO33	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO33 [recommendations bolded]
	<p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>		
	<p><u>Brunswick Street front setback</u> Development should achieve and continuous street wall with no front setback, unless a front setback exists, and the site is within a Heritage Overlay.</p>	<p><u>Front setback (infill development)</u> Match the lesser of the adjacent heritage building (preferred)</p>	<p>We recommend adopting the language used in the GJM recommendations as the proposed DDO wording could encourage development to the front boundary when adjacent heritage buildings are setback from the street.</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum setbacks above Brunswick Street street wall - eastern side</u> 8m (mandatory)</p> <p><u>Minimum setbacks above Brunswick Street street wall – western side</u> Must be set back behind the existing heritage building as indicated on Map 1 (Figure 10, above).</p>	<p><u>Minimum setbacks above street wall (Brunswick Street, Johnston Street and Gertrude Street) (heritage buildings)</u> Retain the depth of the principal roof form of the heritage building (preferred) 8m (mandatory)</p> <p><u>Minimum setbacks above street wall (Brunswick Street) (infill development)</u> 8m (mandatory)</p> <p><u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>No changes recommended. We note the setbacks taken from the rear laneway behind nos. 11 to 13, 15 to 19 and 23 to 37 Brunswick Street will retain the principal historic built form of the heritage properties. Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>

Built form control type	Proposed DDO33	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO33 [recommendations bolded]
<p>Overall Building Height Requirements</p>	<p>Development must not exceed the heights shown on Map 1 (Figure 10, above), as applicable.</p> <p>Specified mandatory maximum building heights include a mix of 11.2m (3 storeys) for properties that are generally less deep, to 14.4m (4 storeys) for larger properties, or to the rear of properties that are deeper.</p> <p>A small parcel to the rear of nos. 11 and 13 Brunswick Street (included in the VHR as H0151 and H0150, respectively) is shown with a maximum building height of 24.0m (7 storeys).</p> <p>Properties included in the VHR are shown as 'limited opportunity' on Map 1.</p>	<p>3 to 4 storeys (mandatory)</p>	<p>The 24m (7 storey) height to the rear of 11 and 13 Brunswick Street is not supported and should, as is identified for the heritage buildings to the north, be limited to 14.4m (4 storeys). Further, we note that these two properties are included in the VHR.</p>



11 DDO34 – FITZROY TOWN HALL AND BACK BLOCKS

11.1 Extent of proposed DDO34

There are four discrete parcels of land included in the extent of the proposed DDO34:

- West of Brunswick Street and south of Hanover Street:
 - The area bordered by Hanover Street to the north, Brunswick Place to the east and south and Fitzroy Street to the west.
 - The area bordered by Palmer Street to the north, the rear of Brunswick Street properties to the east, the laneway to the rear of Gertrude Street properties to the south and Fitzroy Street to the west.
- East of Brunswick Street and south of Leicester Street:
 - A parcel of land bordered by Leicester Street to the north, Young Street to the east, Rose Street to the south and the rear of Brunswick Street properties to the west.
- Fitzroy Town Hall Precinct:
 - An irregularly shaped parcel of land to the north, northwest and west of the Town Hall. It extends as far north as St David Street, east to Napier Street, south to King William Street and west to Kent Street and the rear of Brunswick Street properties.





Figure 11. (left) Extent of proposed DDO34 – Fitzroy Town Hall and Black Blocks south of Hanover Street, showing street wall and building heights. ('Map 1' from proposed DDO34)



Figure 12. (right) Extent of proposed DDO33 – Fitzroy Town Hall and Black Blocks south of Leicester Street, showing street wall and building heights. ('Map 2' from proposed DDO34)



Figure 13. Extent of proposed DDO34 – Fitzroy Town Hall and Black Blocks Town Hall Precinct, showing street wall and building heights. ('Map 3' from proposed DDO34)

11.1.1 Differences in DDO34 and study area extent

Land within the proposed DDO34 is included in the 'Brunswick Street Activity Spine' study area from the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*, except for the Fitzroy Town Hall precinct (described below) and the land zoned Neighbourhood Residential Zone 1 (NRZ1) within the parcel



bordered by Hanover Street to the north, Brunswick Place to the east, Brunswick Place to the south and Fitzroy Street to the west.

The remaining extent of the proposed DDO34 matches the extent of the ‘Town Hall Mixed Use Precinct’ study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*, exception for the Fitzroy Town Hall which is not within the extent of the proposed DDO34.

11.2 Recent and emerging built form

Table 8 details the planning permit applications for developments of three storeys or greater within the extent of the proposed DDO34 since September 2019, of which there was one permit issued within the Fitzroy Town Hall Precinct. The development at 235 Napier Street indicates upper-level setbacks of 6.4m to 3.3m at level 4 and 5.4m to 5.7m at level 5; the DDO proposes a discretionary minimum upper-level setback of 6m above the primary street frontage. The building height of 22.7m (7 storeys) exceeds the discretionary maximum building height in the proposed DDO of 17.6m (5 storeys) for this site.

While this development proposal does not achieve the minimum setbacks and exceeds the building height in the proposed DDO, this isolated example does not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 8: Recent planning permit applications within the extent of DDO34 – Fitzroy Town Hall and Back Blocks

Address	Maximum building height	Street wall height	Upper-level setback	Status
235 Napier Street, Fitzroy (HO334 – South Fitzroy Precinct)	22.7m (7 storeys)	<u>Napier Street</u> 18m	<u>Napier Street</u> Level 4: 6.4m – 3.3m Level 5: 5.4m – 5.7m	Permit issued 5 January 2022. Plans not yet endorsed. Construction has not commenced.
		<u>St David Street</u> 16.6m	<u>St David Street</u> Level 4: 4.9m – 3.0m Level 5: 2.7m – 3.0m	

11.3 Built form controls

Table 9 provides a summary of the proposed DDO34 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to the Fitzroy Town Hall clock tower from the corner of Young and Moor streets.



Table 9: DDO34 – Town Hall and Back Blocks proposed built form controls and GJM recommendations

Built form control type	Proposed DDO34	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO34 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights must not exceed the heights specified in Maps 1, 2 and 3 (Figures 11, 12 and 13, above), where applicable.</p> <p>The maximum street wall height ranges from 8m to 14.4m where 'retain heritage streetwall' is not stipulated.</p> <p>'Retain landscape setback' applies to two small sections of Leicester and Fitzroy streets.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary.</p> <p><u>Street wall height on corner buildings</u></p> <p>Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p><u>Maximum street wall height (infill development)</u></p> <p>11m (mandatory)</p> <p><u>Minimum street wall height (infill development)</u></p> <p>8m (mandatory)</p> <p><u>Street wall height (infill development)</u></p> <p>Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>No changes recommended.</p> <p>The recommendations in the GJM report were primarily made in the context of the Brunswick Street corridor and the more tailored response in the proposed DDO is appropriate.</p>
	<p><u>Front setback</u></p> <p>Development should achieve a continuous street wall.</p>	<p><u>Front setback (infill development)</u></p> <p>0m (mandatory)</p> <p><u>Front setback (infill development)</u></p> <p>Match the lesser of the adjacent heritage building (preferred)</p>	<p>No changes recommended.</p> <p>The recommendations in the GJM report were primarily made in the context of the Brunswick Street corridor and the more tailored response in the proposed DDO is appropriate.</p>
Upper-Level Setback Requirements	<p><u>Minimum setbacks above primary frontage street wall</u></p> <p>6m (discretionary)</p>	<p><u>Minimum setbacks above street wall (infill development)</u></p> <p>6m (preferred)</p>	<p>No changes recommended.</p> <p>We note the following:</p> <ul style="list-style-type: none"> • While a greater upper-level setback to King

Built form control type	Proposed DDO34	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO34 [recommendations bolded]
	<p><u>Minimum setbacks above King William Street and Fitzroy Street street wall</u> 8m (discretionary)</p> <p><u>Minimum setbacks above side street street wall</u> 3m (discretionary)</p> <p>Upper levels should retain the views towards the tower of the Fitzroy Town Hall from the western corner of Kent and Moor streets.</p>	<p><u>Minimum setbacks above street wall (heritage building) – Town Hall Precinct</u> Retain the depth of the principal roof form of the heritage building. (preferred)</p> <p><u>Minimum upper-level setback</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>William Street will retain more of the historic built form of the All Saints Church and Church Hall (VHR H2172) it is our view that the whole of the depth of the principal roof form should be retained.</p> <ul style="list-style-type: none"> The justification of the minimum upper-level setback of 8m on Fitzroy Street is unclear. However, the whole of the historic roof form of the Sidney Myer House, 116 Fitzroy Street, should be retained. <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development should not exceed the heights shown on Maps 1, 2 and 3 (Figures 11, 12 and 13, above), as applicable.</p> <p><u>Proposed maximum building height applied to back blocks to west of Brunswick Street</u></p>	<p><u>Back blocks to west of Brunswick Street (referred to as “deeper sites fronting Fitzroy Street” included in the ‘Brunswick Street Activity Spine’ study area)</u> 3 to 6 storeys (mandatory)</p>	<p>No changes recommended. The proposed DDO applies maximum building heights within the ranges recommended by GJM, however these are applied as discretionary rather than mandatory provisions. In the absence of strong, consistently</p>

Built form control type	Proposed DDO34	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO34 [recommendations bolded]
	<p>20.8m (6 storeys) (discretionary)</p> <p>The southwest corner of the parcel bordered by Hanover Street to the north, Brunswick Place to the east, Brunswick Place to the south and Fitzroy Street to the west is specified as 'Neighbourhood Residential Zone'.</p> <p><u>Proposed maximum building height applied to back block between Leicester and Rose streets</u></p> <p>14.4m (4 storeys) (discretionary)</p> <p><u>Proposed maximum building height applied to Fitzroy Town Hall Precinct</u></p> <p>11.2m (3 storeys) to 20.8m (6 storeys) (discretionary)</p>	<p><u>Back block between Leicester and Rose streets (referred to as "Young Street between Rose and Leicester Streets" included in the 'Brunswick Street Activity Spine' study area)</u></p> <p>4 storeys (mandatory)</p> <p><u>Fitzroy Town Hall Precinct</u></p> <p>3 to 5 storeys (preferred)</p>	<p>scaled street wall in these sub precincts the flexibility provided by a discretionary control is appropriate.</p> <p>We note that the discretionary maximum building height of 20.8m (6 storeys) for the site on the northwest corner of Napier and Moor streets exceeds the GJM recommendation of 3 to 5 storeys; this site has already been developed incorporating elements of the heritage building.</p>



12 DDO35 – JOHNSTON STREET SOUTH AND VICTORIA STREET

12.1 Extent of proposed DDO35

The extent of the proposed DDO35 includes two discrete parcels of land:

- properties on the southern side of Johnston Street between Brunswick and Smith streets (excluding the corner sites facing Brunswick and Smith streets) including properties approximately as far south as Chapel and Victoria Streets; and
- properties on the northern side of Victoria Street between Nicholson Street and the laneway at the rear of properties facing Brunswick Street.

Note: The properties on the northern side of Victoria Street were not included in the interim DDO35 controls introduced through Amendment C270yara.

Figure 14. Extent of proposed DDO35 – Johnston Street South and Victoria Street, Johnston Street South [east of Brunswick Street] and Chapel Street, showing street wall and building heights. ('Map 1' from proposed DDO35)



Figure 15. Extent of proposed DDO35 – Johnston Street South and Victoria Street, north side of Victoria Street [west of Brunswick Street], showing street wall and building heights. ('Map 2' from proposed DDO35)

12.1.1 Differences in DDO35 and study area extent

The extent of the proposed DDO35 is within the 'Johnston Street Activity Spine' study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*. The property addressed as 106 Victoria Street, on the south side of Victoria Street and to the rear of the Brunswick Street properties is also included in the study area.



The remainder of the 'Johnston Street Activity Spine' study area is within the extent of proposed DDO32 – Johnston Street West (west of Brunswick Street) and proposed DDO36 – Fitzroy East and Johnston Street North (east of Brunswick Street).

12.2 Recent and emerging built form

There have been no planning permit applications for development of three storeys or greater within the extent of the proposed DDO35 since the preparation of the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report.

12.3 Built form controls

Table 10 provides a summary of the proposed DDO35 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes prominence and integrity of corner heritage buildings, particularly the former Avon Butter Factory and heritage warehouse buildings on Victoria Street.

Table 10: DDO35 – Johnston Street South and Victoria Street proposed built form controls and GJM recommendations

Built form control type	Proposed DDO35	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO35 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights must not exceed the heights specified in Maps 1 and 2 (Figures 15 and 15, above) of the proposed DDO.</p> <p>The maximum street wall height ranges from 8m to 14.4m where 'retain heritage streetwall' is not specified.</p> <p>'Retain landscape setback' applies to small sections of Johnston, Gore, Nicholson and Victoria streets.</p> <p><u>Street wall height (infill development)</u></p>	<p><u>Maximum street wall height (infill development) south side of Johnston Street between Brunswick and Smith streets</u> 11m (mandatory)</p> <p><u>Minimum street wall height (infill development)</u> 8m (mandatory)</p> <p><u>Street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>No changes recommended.</p> <p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>

Built form control type	Proposed DDO35	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO35 [recommendations bolded]
	<p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary but not must be higher than 11.2m where an adjacent heritage street wall is taller.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>		
	<p><u>Front setback along Johnston and Victoria streets</u> Development should achieve a continuous street wall unless the site is in a Heritage Overlay and a front setback already exists.</p>	<p><u>Front setback (infill development)</u> 0m (mandatory)</p>	<p>As there is no precedent for street wall setback on this part of Johnston Street or Victoria Street, we recommend a mandatory 0m front setback and not discretionary (in DDO35 replace the word “should” with “must” here to reflect this).</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum setbacks above Johnston Street street wall</u> 6m (mandatory)</p> <p><u>Minimum setbacks above Chapel Street and Victoria Street street wall</u> 6m (discretionary)</p> <p><u>Minimum setbacks above side street street wall</u> 3m (discretionary)</p> <p><u>Development greater than 16.4m above a heritage building</u> The topmost upper level of development over 16.4m should be set back a further</p>	<p><u>Minimum setbacks above Johnston Street, Nicholson Street and Victoria Street street wall</u> 6m (mandatory)</p> <p>6m (discretionary) on the north side of Johnston Street between Spring and Fitzroy Streets and Young and Gore Streets, and Victoria Street)</p> <p><u>Minimum setbacks above street wall (side streets other than Nicholson, Brunswick and Smith Streets)</u> 6m (preferred)</p> <p><u>Minimum upper-level setbacks</u></p>	<p>We note that the north side of the Victoria Street street wall is substantially intact and highly consistent; we consider a mandatory upper-level setback to be necessary to maintain the visual prominence facades of the heritage buildings.</p> <p>A 6 metre setback accords with the typical width of a heritage building and recommend a discretionary 6m setback on side streets to maintain the prominence of the return façades of corner buildings.</p> <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more</p>

Built form control type	Proposed DDO35	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO35 [recommendations bolded]
	3.2m from the Johnston Street frontage.	As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)	appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.
Overall Building Height Requirements	<p>Development must not exceed the heights shown on Maps 1 and 2 (Figures 14 and 15), as applicable.</p> <p><u>South side of Johnston Street between Brunswick and Smith streets</u> 11.2m (3 storeys) to 20.8m (6 storeys) (mandatory)</p> <p><u>North side of Victoria Street</u> 20.8m (6 storeys) to 27.2m (8 storeys), except 11.2m (3 storeys) for Nicholson Street corner site (mandatory) [former Avon Butter Factory site]</p>	<p><u>South side of Johnston Street between Brunswick Street and Smith Street</u> 3 to 6 storeys (mandatory)</p> <p><u>North side of Victoria Street</u> 6 to 8 storeys (mandatory)</p>	<p>No changes recommended.</p> <p>The former Avon Butter Factory (VHR H2315) is shown with a mandatory maximum building height of 11.2m (3 storeys) in the proposed DDO controls. We note that the heritage implications of new built form for this property will largely be a matter for the Executive Director, Heritage Victoria.</p>



13 DDO36 – FITZROY EAST AND JOHNSTON STREET NORTH

13.1 Extent of DDO36

The extent of proposed DDO36 includes properties on the northern side of Johnston Street between Brunswick Street to the west and Smith Street properties to the east. This does not include the corner properties on Brunswick and Smith streets or the properties addressing these streets. It includes parts of Young, Napier, George and Gore Streets running north from Johnston Street and includes parts of Argyle, Kerr, Rose and Leicester streets that are parallel to Johnston Street.

Figure 16. Extent of proposed DDO36 – Fitzroy East and Johnston Street North, showing street wall and building heights. ('Map 1' from proposed DDO36)



13.1.1 Differences in DDO36 and study area extent

The extent of the proposed DDO36 is within the following study areas included in the *Brunswick and Smith Street Built Form Review Heritage Analysis & Recommendations*:

- The 'Fitzroy East Mixed Use Precinct' which includes properties north of the 'Johnston Street Activity Spine' included in the proposed DDO35. The extent of the 'Fitzroy Mixed Use Precinct' study area is slightly larger; it includes a parcel of land bordered by Kerr Street to the north, Napier Street to the east, Argyle Street to the south and Young Street to the west.
- The 'Johnston Street Activity Spine' which includes properties south of those included within the 'Fitzroy East Mixed Use Precinct' that are located between Argyle Street to the north and Johnston Street to the south. The remainder of the 'Johnston Street Activity Spine' study area is within the



extent of proposed DDO32 – Johnston Street West and proposed DDO35 – Johnston Street South and Victoria Street.

13.2 Recent and emerging built form

Table 11 details planning permit applications for developments of three storeys or greater within the extent of the proposed DDO36 since September 2019, of which there have been two permits issued.

The development at 223-229 Johnston Street & 369 Gore Street has a street wall of 17.6m (5 storeys) on Johnston Street; the proposed DDO includes a discretionary maximum 14.4m (4 storey) street wall towards Johnston Street at this site.

The upper-level setbacks for these developments include upper-level setbacks less than the minimum stipulated in the proposed DDO36:

- 223-229 Johnston Street & 369 Gore Street has an upper-level setback of 2.6m to 5m at levels 3 to 5 towards Gore Street (discretionary minimum 3m in the proposed DDO) and 5m at levels 3 to 5 towards Argyle Street (a discretionary minimum 10m is stipulated in the proposed DDO)
- 371-385 Gore Street, 195 & 197 Argyle Street has an upper-level setback of 3m at levels 4 to 6 towards Gore Street (discretionary minimum 6m in the proposed DDO) and 7.5m at levels 3 (partial) and 4 to 6 towards Argyle Street (discretionary minimum 10m in the DDO)

The height of 223-229 Johnston Street & 369 Gore Street is 33.3m (10 storeys) exceeds by one storey the discretionary maximum building height in the proposed DDO of 30.4m (9 storeys) for this site.

While these development proposals include built form outcomes that do not achieve minimum setbacks and exceeds the maximum street wall and building heights in the proposed DDO, these isolated examples do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 11: Recent planning permit applications within the extent of DDO36 – Fitzroy East and Johnston Street North

Address	Maximum building height	Street wall height	Upper-level setback	Status
223-229 Johnston Street & 369 Gore Street, Fitzroy (HO334 – South Fitzroy Precinct)	33.3m (10 storeys)	<u>Johnston Street</u> 17.6m (5 storeys) <u>Gore Street</u> 7m (2 storeys) <u>Argyle Street</u> 7m (2 storeys)	<u>Johnston Street</u> Levels 4 to 7 (partial): 6m Level 8: 8.8m Level 9: 15.4m <u>Gore Street</u> Levels 3 to 5: 2.6m – 5m (varied) Levels 6 to 8: 6m – 7m	Council issued a Notice of Refusal. Applicant lodged decision appeal. VCAT overturned the decision and issued a permit.

Address	Maximum building height	Street wall height	Upper-level setback	Status
			<u>Argyle Street</u> Levels 3 to 5: 5m (varied) Levels 6 to 7: 10m Level 8: 12m	
371-385 Gore Street, 195 & 197 Argyle Street, Fitzroy (HO334 – South Fitzroy Precinct)	28.3m (8 storeys)	<u>Gore Street</u> 15.4m (4 storeys) <u>Argyle Street</u> 13.2m (4 storeys) (partial)	<u>Gore Street</u> Levels 4 to 6: 3m Level 7: 6m <u>Argyle Street</u> Level 3 (partial): 7.5m Levels 4 to 6: 7.5m Level 7: 10.5m	Permit issued May 2022. Endorsed plans issued September 2022. Construction has not commenced.

13.3 Built form controls

Table 12 provides a summary of the proposed DDO36 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. The proposed DDO36 objectives do not note the retention of any significant view lines.

Table 12: DDO36 – Fitzroy East and Johnston Street North proposed built form controls and GJM recommendations

Built form control type	Proposed DDO36	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO36 [recommendations bolded]
Street Wall Height and Setback Requirements	Street wall heights should not exceed the heights specified in Map 1 (Figure 16, above), where applicable. The maximum street wall height ranges from 8m to 14.4m where 'retain heritage streetwall' is not stipulated. 'Retain landscape setback' applies to small sections of	<u>Maximum Johnston Street street wall height (infill development)</u> 14m (preferred) <u>Side street (other than Johnston Street) street wall height (infill development)</u> Match the parapet height of the adjacent taller heritage building (preferred)	No changes recommended.

Built form control type	Proposed DDO36	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO36 [recommendations bolded]
	<p>Argyle, George and Kerr streets.</p> <p><u>Street wall height (infill development)</u> Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary but not must be higher than 11.2m where an adjacent heritage street wall is taller.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>		
	<p><u>Front street wall setback</u> Development should achieve a continuous street wall with no front setback towards a street, unless a front setback exists, and the site is within a Heritage Overlay.</p>	<p><u>Johnston Street front setback (infill development)</u> 0m (mandatory)</p> <p><u>Side street (other than Johnston Street) front setback</u> Match the lesser of the adjacent heritage building (preferred)</p>	<p>No change recommended. Given the range of street wall setbacks from this part of Johnston Street a preferred control is appropriate.</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum setbacks above Argyle Street street wall</u> 10m (discretionary)</p> <p><u>Minimum setbacks above the primary and side street street wall for streets other than Argyle Street</u> 6m (discretionary)</p> <p><u>Development greater than 16.4m storeys above a heritage building</u> The topmost upper level of development over 16.4m</p>	<p><u>Minimum setbacks above Johnston Street street wall except between Young Street and Gore Street</u> 6m (mandatory)</p> <p><u>Minimum setbacks above Johnston Street street wall between Young Street and Gore Street</u> 6m (discretionary)</p> <p><u>Minimum setbacks above side streets (other than Johnston</u></p>	<p>No changes recommended. We note that the justification for the discretionary minimum upper-level setback of 10m on Argyle Street is unclear. Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline</p>

Built form control type	Proposed DDO36	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO36 [recommendations bolded]
	<p>should be set back a further 3.2m from a street frontage.</p>	<p><u>Street</u> street wall (heritage building)</p> <p>Retain the depth of principal roof form of the heritage building (preferred) 6m (preferred)</p> <p><u>Minimum mid-level side street (other than Johnston Street) setbacks (infill development)</u> 6m (preferred)</p> <p><u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development should not exceed the heights shown on Map 1 (Figure 16, above).</p> <p><u>North side of Johnston Street between Brunswick Street and Young Street</u> 14.4m (4 storeys) to 20.8m (6 storeys) (discretionary)</p> <p><u>North side of Johnston Street between Young Street and Smith Street, south of Argyle Street</u> 30.4m (9 storeys), except 14.4m (4 storeys) east of Gore Street behind Johnston Street facing property (discretionary)</p> <p><u>Side streets north of Argyle Street</u> 11.2m (3 storeys) to 27.2m (8 storeys) (discretionary)</p>	<p><u>North side of Johnston Street between Brunswick Street and Young Street</u> 4-8 storeys (preferred)</p> <p><u>North side of Johnston Street between Young Street and Smith Street</u> 9 storeys (preferred)</p> <p><u>Side streets (other than Johnston Street) on land with heritage buildings</u> 3 to 6 storeys (mandatory)</p> <p><u>Side streets (other than Johnston Street) on land without heritage buildings</u> 7-9 storeys (preferred)</p>	<p>No changes recommended.</p>



14 DDO37 – SMITH STREET NORTH AND SOUTH

14.1 Extent of DDO37

The extent of the proposed DDO37 includes two discrete parcels of land that include properties either side of Smith Street:

- Smith Street North includes properties on the west side of Smith Street between Cecil Street and Kerr Street and on the east side of Smith Street between Alexandra Parade (not including the corner site) and Hotham Street, extending east as far as Emma Street.
- Smith Street South includes larger properties on the west side of Smith Street between Gertrude Street and Victoria Parade (excluding the fine grain heritage shops and Victoria Parade and Smith Street corner site) and on the east side of Smith Street those properties between Derby Street and Victoria Parade (excluding the Victoria Parade and Smith Street corner site)



Figure 17. Extent of proposed DDO37 – Smith Street North and South, north of Kerr [western side] and Hotham [eastern side] streets, showing street wall and building heights. ('Map 1' from proposed DDO37)



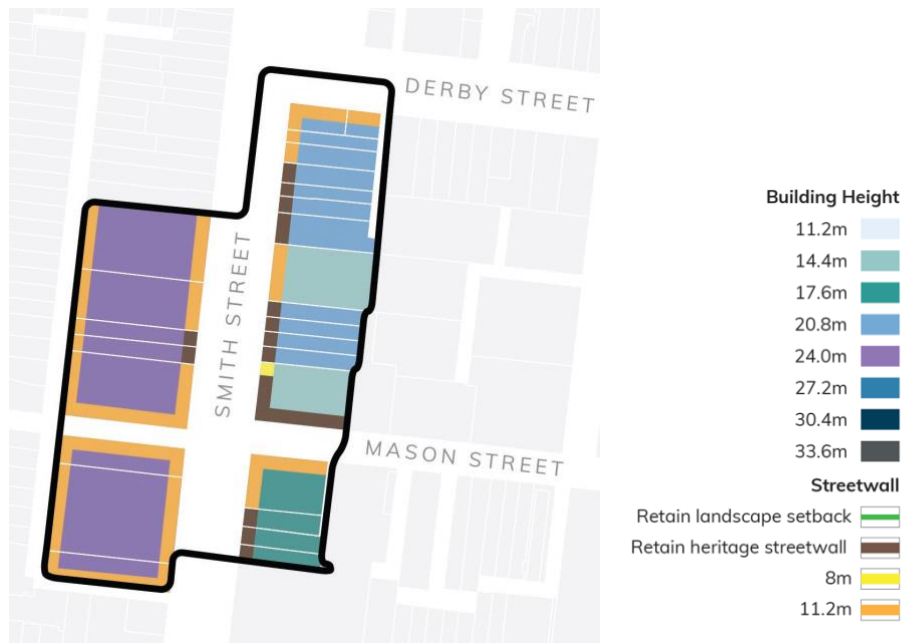


Figure 18. Extent of proposed DDO37 – Smith Street North and South, south of Derby Street, showing street wall and building heights. ('Map 2' from proposed DDO37)

14.1.1 Differences in DDO37 and study area extent

The proposed DDO37 is within the extent of the 'Smith Street Activity Spine' study area included in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations*. The remainder of the area within the 'Smith Street Activity Spine' study area (and not included in the proposed DDO37) is mostly within the extent of proposed DDO30 – Smith Street Shops.

14.2 Recent and emerging built form

Table 13 includes planning permit applications for developments of three storeys or greater within the extent of the proposed DDO37 since September 2019. In this time there has been one permit issued within the Smith Street North sub precinct and three developments within the Smith Street South sub precinct.

The approved developments include upper-level setbacks less than the minimum 8m for the street wall above Smith Street (where there is a Heritage Overlay) stipulated in the proposed DDO37 and GJM recommendations. The additional 3.2m setback from Smith Street for developments above 16.4m stipulated in the proposed DDO37 controls is also not included. Upper-level setbacks above the side streets show proposed developments that have upper-level setbacks of less than 6m on side streets - the smallest of which is 1.5m – and less than the discretionary control stipulated in the proposed DDO.

The building heights of the three of the four developments exceeds the discretionary maximum building heights in the proposed DDO by one storey:

- 411-421 Smith Street is 33.2m (9 storeys); the discretionary maximum building height for this site is 27.2m (8 storeys)
- 25 Smith Street is 29.6m (8 storeys); the discretionary maximum building height for this site is 24.0m (7 storeys)



- 46-52 Smith Street is 24.1m (7 storeys); the discretionary maximum building height for this site is 20.8m (6 storeys)

While these development proposals do not achieve the minimum setbacks and exceed the maximum building heights in the proposed DDO, these isolated examples do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 13: Recent planning permit applications within the extent of DDO37 – Smith Street North and South

Address	Maximum building height	Street wall height	Upper-level setback	Status
Smith Street North				
411-421 Smith Street, Fitzroy (HO334 – South Fitzroy Precinct [part], HO333 – Smith Street Precinct, Fitzroy / Collingwood [part])	33.2m (9 storeys)	<u>Smith Street and Leicester Street</u> 11.5m (3 storeys) <u>Leicester Street (west end)</u> 5.3m (1.5 storeys)	<u>Smith Street</u> Levels 3 to 7: 6m Level 8: 8m Level 9: 10.3m <u>Leicester Street (east end)</u> Levels 2 to 8: varied 1.5m – 3.1m <u>Leicester Street (west end)</u> Levels 1 to 8: 1.5m	Permit issued November 2019. Plans issued September 2022. Construction commenced.
Smith Street South				
25 Smith Street, Fitzroy (HO464 - Smith Street South Precinct, Fitzroy and Collingwood)	29.6m (8 storeys)	<u>Smith Street</u> 11.1m (3 storeys)	<u>Smith Street</u> Levels 3 to 8: 8m	Permit issued 25 March 2022. Endorsed plans not yet issued. Construction works have not commenced.
14-18 Smith Street, Collingwood (HO464 – Smith South Precinct, Fitzroy and Collingwood [part])	15.8m (4 storeys)	<u>Smith Street</u> 7.7m (2 storeys) (retained heritage) <u>Mason Street</u> 9.4m (2 storeys)	<u>Smith Street</u> Levels 3 to 4: 16.7m <u>Mason Street</u> Levels 3 to 4: 3m	Council issued a Notice of Refusal. Applicant lodged decision appeal. VCAT overturned the decision and issued a permit.
46-52 Smith Street Collingwood (HO464 – Smith South Precinct, Fitzroy and Collingwood)	24.1m (7 storeys)	<u>Smith Street</u> 7.4m (2 storeys) <u>Derby Street</u> 9.3m (2 storeys)	<u>Smith Street</u> Levels 2 – 6: 5/6m angled/irregular <u>Derby Street</u> Levels 2 to 6: 3m+ angled/irregular	Council issued a Notice of Refusal. Applicant lodged decision appeal. VCAT overturned the decision and issued a permit.

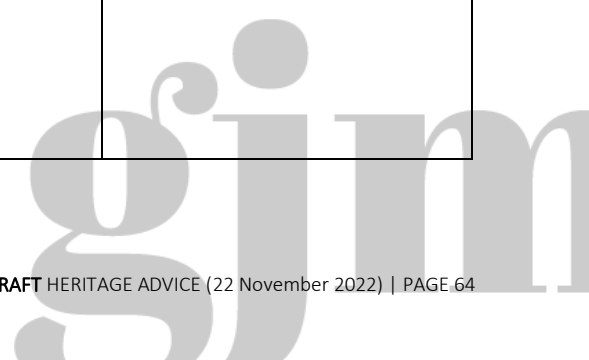
14.3 Built form controls

Table 14 provides a summary of the proposed DDO37 built form controls requested by Council through Amendment C270yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the prominence and integrity of heritage warehouses and corner heritage buildings, particularly at Smith Street intersections.

Table 14: DDO37 – Smith Street North and South proposed built form controls and GJM recommendations

Built form control type	Proposed DDO37	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO37 [recommendations bolded]
<p>Street Wall Height and Setback Requirements</p>	<p>Street wall heights should not exceed the heights specified in Maps 1 and 2 (Figures 17 and 18, above), as applicable.</p> <p>The maximum street wall height ranges from 8m to 11.2m where ‘retain heritage streetwall’ is not specified.</p> <p>‘Retain landscape setback’ applies to small sections of Mater and Kerr streets.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the frontage street wall height of an adjoining heritage property for a minimum length of 6m along the front boundary.</p> <p><u>Street wall height on corner buildings</u></p> <p>Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p><u>Maximum street wall height (infill development)</u></p> <p>11m (mandatory)</p> <p><u>Minimum street wall height (infill development)</u></p> <p>8m (mandatory)</p> <p><u>Street wall height (infill development)</u></p> <p>Match the parapet height of the adjacent taller heritage building (preferred)</p>	<p>No changes recommended.</p> <p>We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>



Built form control type	Proposed DDO37	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO37 [recommendations bolded]
	<p><u>Smith Street front setback</u> Development should achieve a continuous street wall with no front setback</p>	<p><u>Front setback (infill development)</u> 0m (mandatory)</p>	<p>As there is no precedent for a street wall setback on Smith Street, we recommend a mandatory 0m front setback and not discretionary (in DDO37 replace the word “should” with “must” here to reflect this).</p>
Upper-Level Setback Requirements	<p><u>Minimum upper-level setbacks above Smith Street street wall where the Heritage Overlay applies</u> 8m (mandatory)</p> <p><u>Minimum upper level setbacks above Smith Street street wall where no Heritage Overlay applies</u> 8m (discretionary)</p> <p><u>Minimum setbacks above side street street wall</u> 6m (discretionary)</p> <p><u>Development greater than 16.4m storeys above a heritage building</u> The topmost upper level of development over 16.4m should be set back a further 3.2m from the Smith Street frontage.</p>	<p><u>Minimum setbacks above Smith Street street wall</u> 8m (mandatory)</p> <p><u>Minimum setbacks above side streets street wall</u> 6m (preferred)</p> <p><u>Minimum upper-level setbacks</u> As defined by a 45° angular plane drawn from the maximum street wall height (11m) (preferred)</p>	<p>No changes recommended. Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
Overall Building Height Requirements	<p>Development should not exceed the heights as shown on Maps 1 and 2 (Figures 17 and 18, above), as applicable.</p> <p>Smith Street North <u>East side of Smith Street</u> 20.8m (6 storeys) to 30.4m (9 storeys) (discretionary)</p> <p><u>Cecil Street at rear of Smith Street facing properties</u></p>	<p>Smith Street North <u>Between Westgarth and Mater Streets and Kerr and Hotham Streets</u> 5 to 9 storeys (mandatory)</p> <p>Smith Street South <u>East side of Smith Street, south of Derby Street</u> 4-6 storeys (mandatory)</p>	<p>No changes recommended. The proposed DDO applies maximum building heights within the ranges recommended by GJM, however these are applied as discretionary rather than mandatory provisions. Given the larger site, emerging and existing development and less consistent street wall within these sub precincts, the flexibility provided by a</p>

Built form control type	Proposed DDO37	Recommended built form controls included in the <i>Brunswick and Smith Street Built Form Review: Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO37 [recommendations bolded]
	<p>14.4m (4 storeys) to 20.8m (6 storeys) (discretionary)</p> <p><u>Westgarth Street at rear of Smith Street facing properties</u> 14.4m (4 storeys) to 20.8m (6 storeys) (discretionary)</p> <p><u>West side of Smith Street</u> Southern end: 17.6m (5 storeys) Centre area: 24m (7 storeys) Northern end: 33.6m (10 storeys) (discretionary)</p> <p><u>Emma Street non-heritage properties</u> 17.6m (5 storeys) (discretionary)</p> <p><u>Emma Street heritage properties</u> 11.2m (3 storeys) (discretionary)</p> <p>Smith Street South <u>East side of Smith Street between Derby Street and Mason Street</u> 14.4m (4 storeys) to 20.8m (6 storeys) (discretionary)</p> <p><u>East side of Smith Street, south of Mason Street</u> 17.6m (5 storeys) (discretionary)</p> <p><u>West side of Smith Street, east of Little Smith Street</u> 24m (7 storeys) (discretionary)</p>	<p><u>West side of Smith Street, either side of Little Smith Street</u> Up to 7 storeys (mandatory)</p>	<p>discretionary control is appropriate.</p>



15 DDO38 – ALEXANDRA PARADE

15.1 Extent of DDO38

The extent of the proposed DDO38 includes properties either side of Alexandra Parade between George Street to the west and Hoddle Street to the east. The Alexandra Parade reserve and approaches to/from the Eastern Freeway are also within the extent of DDO38.

On the north side of Alexandra Parade DDO38:

- includes properties subject to the Commercial 2 Zone (C2Z) along Smith, Reeves and Hilton Streets as far north as Council Street;
- excludes the former Fitzroy Gasworks site between George and Smith streets; and
- excludes properties east of Hilton Lane except for a parcel of land zoned C2Z bordered by Hoddle Street to the east, Noone Street to the north, an unnamed laneway (with access to Alexander Street Reserve) to the west and Alexandra Parade to the south.

On the south side of Alexandra Parade DDO38 includes:

- two blocks bordered by Alexandra Parade to the north, Smith Street to the east, Cecil Street to the south and George Street in the east; and
- properties addressing Alexandra Parade between Smith Street in the west to Charlotte Street in the east.



Figure 19. Extent of proposed DDO38 – Alexandra Parade, west of Wellington Street, showing street wall and building heights. ('Map 1' from proposed DDO38)

Building Heights

11.2m / 3 storeys	20.8m / 6 storeys
12.0m / 3 storeys*	24.0m / 6 storeys*
14.4m / 4 storeys	24.0m / 7 storeys
16.0m / 4 storeys*	28.0m / 7 storeys*
17.6m / 5 storeys	
20.0m / 5 storeys*	

Note: * for C2Z sites only

Street wall Heights

Retain heritage streetwall
Retain small landscape setback
New 2 storey streetwall (8m)
New 3 storey streetwall (11.2m)
New 3 storey streetwall (12.0m)*
New 4 storey streetwall (14.4m)
New 4 storey streetwall (16.0m)*





Figure 20. Extent of proposed DDO38 – Alexandra Parade, east of Wellington Street, showing street wall and building heights. ('Map 2' from proposed DDO38)



15.1.1 Differences in DDO38 and study area extent

The extent of the proposed DDO38 is within the extent of the 'Alexandra Parade Boulevard Precinct' study area included in the *Built Form Review Alexandra Parade: Heritage Analysis & Recommendations*. The study area is slightly larger and includes additional properties on the northern side of Alexandra Parade east of Wellington Street.

15.2 Recent and emerging built form

Table 15 includes planning permit applications for developments of three storeys or greater within the extent of the proposed DDO38 since September 2019. In this time there has been two permits issued, both to the north of Alexandra Parade.

The proposed development at 592-622 Smith Street, 2-12 Alexandra Parade & 1-7 Reeves Street, Clifton Hill has an upper-level setback of 4.5m on Alexandra Parade, and 4.9m on Smith Street. This is less than the discretionary 6m minimum upper-level setback included in the proposed DDO. Part of the site is subject to HO317 – the minimum upper-level setback above the heritage street wall is 6m on Smith Street, the upper-level setback for the proposed development here is 4.9m. The building height of this development ranges from 19.7m (4 storeys) to 47.9m (12 storeys); the maximum building height for this site shown in the proposed DDO is mostly 28.0m (7 storeys), with the northernmost part of the site (facing Smith Street) being 24.0m (6 storeys).

While this development proposal does not achieve the minimum setbacks and exceeds the maximum building heights in the proposed DDO, an isolated example do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.



Table 15: Recent planning permit applications within the extent of DDO38 – Alexandra Parade

Address	Maximum building height	Street wall height	Upper-level setback	Status
592-622 Smith Street, 2-12 Alexandra Parade & 1-7 Reeves Street, Clifton Hill (HO317 – Clifton Hill Western Precinct [part])	19.7m (4 storeys) to 47.9m (12 storeys) - multiple buildings	<u>Alexandra Parade</u> 16.3m (3 storeys) <u>Smith St</u> 10.7m (2 storeys) (partial at north end) 16.3m (3 storeys) (south end) <u>Reeves St</u> 15m - 17.6m (3 storeys - sloped ground)	<u>Alexandra Parade</u> Level 3: 4.5m Levels 4 to 11: 3m <u>Smith Street</u> Level 2 (partial at north end): 4.9m Level 3: 5.5m – 7.4m Levels 4 to 11: 3m <u>Reeves St</u> Levels 3 to 7: 6.1m Level 8: 6m – 13.2m Levels 9 to 11: 6m	Council issued refusal October 2020. Permit issued 7 May 2021 at direction of VCAT order. Plans not yet endorsed. Construction not yet commenced.
3 Hilton Street, Clifton Hill (No HO)	25.7m (5 storeys)	11.9m (2 storeys)	Levels 3 to 5: 3.4m	Permit issued December 2020.

15.3 Built form controls

Table 16 provides a summary of the proposed DDO38 built form controls requested by Council through Amendment C288yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Built Form Review: Alexandra Parade Heritage Analysis & Recommendations* report with regard to these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. This includes retaining the view lines to the Clifton Hill Shot Tower (municipal landmark) and the prominence and integrity of corner heritage buildings.

Table 16: DDO38 – Alexandra Parade proposed built form controls and GJM recommendations

Built form control type	Proposed DDO38	Recommended built form controls included in the <i>Built Form Review: Alexandra Parade Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO38 [recommendations bolded]
Street Wall Height and Setback Requirements	Street wall heights should not exceed the heights specified in Maps 1 and 2 (Figures 19 and 20, above), as applicable.	<u>Maximum street wall height (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u>	No changes recommended. Note: the street wall indicated on Map 1 at the western side of the intersection of Alexandra Parade and Emma Street is

Built form control type	Proposed DDO38	Recommended built form controls included in the <i>Built Form Review: Alexandra Parade Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO38 [recommendations bolded]
	<p>The maximum street wall height ranges from 8m to 16.0m where 'retain heritage streetwall' is not specified.</p> <p>'Retain small landscape setback' applies to small sections of Alexandra Parade, Council and Wellington streets and both sides of Hilton Street within the extent of the proposed DDO.</p> <p><u>Street wall height (infill development)</u></p> <p>Must match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.</p> <p><u>Street wall height on corner buildings</u></p> <p>Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p>Match the parapet height of the adjacent heritage building to the width of the property boundary or for a distance of 6m, whichever is less.</p> <p>(preferred)</p>	<p>shown in purple. This colour does not appear on the map legend and is applied to a vacant site.</p>
	<p><u>Street wall front setback</u></p> <p>Development should achieve a continuous street wall with no front setback to a street, unless the site:</p> <ul style="list-style-type: none"> • is a heritage building and a front setback already exists; • fronts Hilton Street, in which case a landscaped front setback without cantilevering of upper-level form should be provided. 	<p><u>Front setback (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u></p> <p>Match the setback of the principal façade of the adjacent heritage building.</p> <p>(discretionary)</p>	<p>No changes recommended.</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum upper-level setbacks above street wall of heritage buildings</u></p> <p>6m (mandatory)</p>	<p><u>Minimum setbacks above street wall within or immediately adjacent to land subject to the Heritage Overlay</u></p>	<p>No changes recommended.</p>

Built form control type	Proposed DDO38	Recommended built form controls included in the <i>Built Form Review: Alexandra Parade Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO38 [recommendations bolded]
	<p><u>Minimum upper-level setbacks above street wall of sites immediately abutting sites subject to the Heritage Overlay</u> 6m (discretionary)</p> <p><u>Minimum upper-level setbacks above the street wall of non-contributory buildings on the northern side of Alexandra Parade and along Cecil Street, Council Street, George Street, Gore Street and Smith Street</u> 6m (discretionary)</p> <p><u>Minimum setbacks above secondary street wall</u> 3m, unless specified otherwise (discretionary)</p>	<p>6m minimum for heritage buildings</p> <p>Note: the setbacks for individual heritage places should also be informed by their Statements of Significance and the historic fabric of the heritage place (mandatory)</p> <p>6m minimum for sites immediately abutting land subject to the Heritage Overlay. (mandatory)</p>	
Overall Building Height Requirements	<p>Development should not exceed the heights specified in Maps 1 and 2 (Figures 19 and 20, above), as applicable.</p> <p><u>West of Emma Street on the south side of Alexandra Parade and west of Hilton Lane on the north side of Alexandra Parade</u> 11.2m (3 storeys) to 24m/28m (7 storeys – taller for C2Z sites) (discretionary)</p> <p><u>Between Emma and Charlotte Streets on the south side of Alexandra Parade</u> 11.2m (3 storeys) to 20.8m (6 storeys) (discretionary)</p> <p><u>East of Gold Street on the north side of Alexandra Parade</u> 11.2m (3 storeys) to 24m/28m (7 storeys – taller for C2Z sites) (discretionary)</p>	<p><u>43-45 Alexandra Parade, Collingwood</u> 14m (preferred)</p> <p><u>47 & 49 Alexandra Parade and 347, 347a & 351 Wellington Street, Collingwood</u> 11m (preferred)</p> <p><u>200 Alexandra Parade, Fitzroy</u> 32m (preferred)</p> <p><u>1 Council Street, Clifton Hill</u> 11m (preferred)</p> <p><u>457 Hoddle Street</u> 11m (preferred)</p> <p><u>20 Reeves Street, Clifton Hill</u> 9m (preferred)</p> <p><u>484 Smith Street, Collingwood</u> 14m (preferred)</p>	<p>No changes recommended, except to the maximum building heights for the following properties:</p> <p><u>47 & 49 Alexandra Parade and 347, 347a & 351 Wellington Street, Collingwood (HO321 – Gold Street Precinct)</u> 14.4m (4 storeys) (discretionary) DDO; 11m (preferred) GJM recommendation. These are modestly scaled single storey houses and development of more than 11m (3 storeys) is likely to represent an unacceptable heritage outcome.</p> <p><u>1A Council Street, Clifton Hill (HO317 – Clifton Hill Western Precinct)</u> 14.4m (4 storeys) (discretionary) DDO; 11m (preferred) GJM recommendation. This is a modestly scaled single storey house and development of</p>

Built form control type	Proposed DDO38	Recommended built form controls included in the <i>Built Form Review: Alexandra Parade Heritage Analysis & Recommendations</i> (GJM, 2019)	GJM recommended changes to proposed DDO38 [recommendations bolded]
		<p><u>612-632 Smith Street, Clifton Hill</u> 21m (preferred)</p> <p>Note: 408-412 Wellington Street, Clifton Hill and 56-60, 88-92 & 94- 100 Alexandra Parade, Clifton Hill are zoned GRZ4 and therefore have a mandatory 11.5m height limited applied. Therefore, no height limited is required to be established in the DDO.</p>	<p>more than 11m (3 storeys) is likely to represent an unacceptable heritage outcome.</p> <p><u>20 Reeves Street, Clifton Hill (HO317 – Clifton Hill Western Precinct)</u> 14.4m (4 storeys) (preferred) DDO; 9m (preferred) GJM recommendation. This is a repurposed prefabricated military structure (Quonset or Nissen Hut) and four storey development is likely to represent an unacceptable heritage outcome.</p> <p><u>484 Smith Street, Collingwood (Gasometer Hotel, no HO)</u> 17.6m (5 storeys) (discretionary) DDO; 14m (preferred) GJM recommendation. A discretionary 14m (4 storeys) maximum building height is more likely to achieve an acceptable heritage outcome than 17.6m (5 storeys) stipulated in the proposed DDO.</p>



16 DDO39 – VICTORIA PARADE

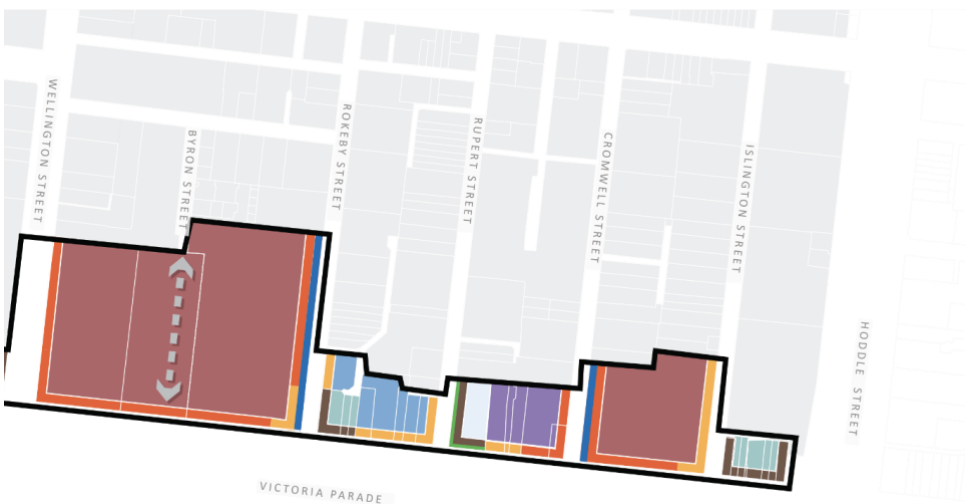
16.1 Extent of DDO39

The extent of the proposed DDO39 includes properties on the northern side of Victoria Parade from Napier Street to the west and Hoddle Street in the east. It includes some properties facing Mason Street to the north of Victoria Parade and larger sites that also have frontages on Wellington, Byron, Rokeby, Cromwell and Islington Streets. There is a row of townhouses dating from the late twentieth century immediately east of Gore Street ('Victoria Peak' at 187-201 Victoria Parade, Fitzroy) that are not included in the proposed DDO39.

Figure 21. Extent of proposed DDO39 – Victoria Parade, west of Wellington Street, showing street wall and building heights. ('Map 1' from proposed DDO39)



Figure 22. Extent of proposed DDO39 – Victoria Parade, east of Wellington Street, showing street wall and building heights. ('Map 2' from proposed DDO39)



16.1.1 Differences in DDO39 and study area extent

The proposed DDO39 extent differs slightly from the study area included in the *Built Form Review: Victoria Parade Heritage Analysis & Recommendations*. The 'Victoria Peak' townhouses that are 'non-contributory' to the South Fitzroy Precinct



(HO334) were included in the study area and are not included in the proposed DDO39.

16.2 Recent and emerging built form

Table 17 includes planning permit applications for developments of three storeys or greater within the extent of the proposed DDO37 since September 2019 provided by Council. In this time there has been two permits issued, and one permit was refused. Two further planning applications have been made for developments adjacent to the proposed DDO. We note that there is another planning application within the extent of the proposed DDO39 for a 7-storey building at 151-159 Victoria Parade, Fitzroy (within HO334 – South Fitzroy Precinct). The proposed DDO includes a maximum building height of 24m (7 storeys) for this site, which is currently vacant. The planning application was made on 2 March 2022 (PLN22/0143); a decision has yet to be made, further information was requested by Council and is due on 4 November 2022.

The planning applications below have been made for developments within the extent of HO334 - South Fitzroy Precinct exceed the maximum building heights in the proposed DDO:

- 133-137 Victoria Parade, Fitzroy is 21.6m (6 storeys) in height; a discretionary maximum building height of 14.4m (4 storeys) is stipulated in the proposed DDO.
- 207-209 Victoria Parade & 3 Smith Street, Fitzroy is 49.7m (13 storeys) in height; a discretionary maximum building height of 17.6m (5 storeys) is stipulated in the proposed DDO.
- 61-65 Victoria Parade, Collingwood was proposed to be 10 storeys in height; a discretionary maximum building height of 20.8m (6 storeys) is stipulated in the proposed DDO.

The upper-level setbacks for these developments are also less than the mandatory 6m stipulated in the proposed DDO for sites subject to the Heritage Overlay.

While these development proposals do not achieve the discretionary minimum setbacks and exceed the maximum building heights in the proposed DDO, these isolated examples do not constitute a strong or consistent emerging built form that would warrant a change to the proposed DDO.

Table 17: Recent planning permit applications within the extent of DDO39 – Victoria Parade

Address	Maximum building height	Street wall height	Upper-level setback	Status
133-137 Victoria Parade, Fitzroy (HO334 – South Fitzroy Precinct)	21.6m (6 storeys)	<u>Victoria Parade</u> 8m <u>Napier Street</u> 8m	<u>Victoria Parade</u> Levels 2 to 4: 4m Level 5: 4.4m <u>Napier Street</u> Levels 2 to 4: 1.5m	Permit issued 6 August 2022. Plans not yet endorsed. Construction has not commenced.

Address	Maximum building height	Street wall height	Upper-level setback	Status
			Level 5: 1.9m	
207-209 Victoria Parade & 3 Smith Street, Fitzroy (HO334 – South Fitzroy Precinct)	49.7m (13 storeys)	<u>Victoria Parade</u> 12.2m (3 storeys) <u>Smith Street</u> Varied – 12.3m (3 storeys) to 16.4m (4 storeys)	<u>Victoria Parade</u> Level 3: 5m Levels 5 to 11: 3m <u>Smith Street</u> Level 3: Varied - 2.3m to 5m Levels 5 to 11: 3m	Permit granted and plans endorsed 4 July 2022. Demolition has commenced.
61-65 Victoria Parade, Collingwood (HO336 – Victoria Parade Precinct, Collingwood) [Baden Powell Hotel site]	10 storeys			Permit refused by VCAT.

16.3 Built form controls

Table 18 provides a summary of the proposed DDO39 built form controls requested by Council through Amendment C288yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Built Form Review: Victoria Parade Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. We note that the objectives of the proposed DDO do not note the retention of any significant view lines or prominent heritage buildings; however, while not addressing heritage explicitly, we note than one objective is “to ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade”.

Table 18: DDO39 – Victoria Parade proposed built form controls and GJM recommendations

Built form control type	Proposed DDO39	Recommended built form controls included in the <i>Built Form Review: Victoria Parade Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO39 [recommendations bolded]
Street Wall Height and Setback Requirements	Street wall heights should not exceed the heights specified in Maps 1 and 2 (Figures 21 and 22, above), as applicable. The maximum street wall height ranges from 8m to	<u>Maximum street wall height (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u> 11m maximum (mandatory)	No changes recommended. We note that the proposed DDO does not stipulate a minimum street wall height, as recommended by GJM. However, the requirement for

Built form control type	Proposed DDO39	Recommended built form controls included in the <i>Built Form Review: Victoria Parade Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO39 [recommendations bolded]
	<p>14.4m where ‘retain heritage streetwall’ is not specified. ‘Retain small landscape setback’ applies to Victoria Parade where these exist in front of the heritage street wall.</p> <p><u>Street wall height (infill development)</u> Must match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>	<p>8m minimum (mandatory)</p> <p>Match the parapet height of the adjacent heritage building to the width of the property boundary or for a distance of 6m, whichever is less. (preferred)</p>	<p>new development to match the wall height of the adjoining heritage property for a minimum length of 6m along the front boundary we believe will, at least in part, address this.</p>
	<p><u>Street wall front setback</u> Development should achieve a continuous street wall with no front setback to a street, unless the site:</p> <ul style="list-style-type: none"> • is a heritage building and a front setback already exists; • adjoins the: <ul style="list-style-type: none"> - west side of Rokeby Street; or - the east side of Rupert Street; or - the east side of Cromwell Street <p>In which case a front setback without cantilevering of upper-level form should be provided.</p>	<p><u>Front setback (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u> Match the setback, from any and all street frontages excluding laneway frontages, of the adjacent heritage building. (preferred)</p>	<p>No changes recommended.</p>
<p>Upper-Level Setback Requirements</p>	<p><u>Minimum upper-level setbacks above street wall within to immediately adjacent to land subject to the Heritage Overlay</u></p>	<p><u>Minimum setbacks above Victoria Parade and Wellington Street street wall within or</u></p>	<p>We recommend a discretionary 6m upper-level setback be applied to side streets to maintain the prominence of</p>

Built form control type	Proposed DDO39	Recommended built form controls included in the <i>Built Form Review: Victoria Parade Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO39 [recommendations bolded]
	<p><u>on Victoria Parade and Wellington Street</u> 6m (mandatory)</p> <p><u>Minimum upper-level setbacks above street wall from the primary frontage for all other sites</u> 6m (discretionary)</p> <p><u>Minimum setbacks above the street wall from the secondary frontage</u> 3m (discretionary)</p> <p><u>Development greater than 10 storeys</u> Upper levels should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.</p>	<p><u>immediately adjacent to land subject to the Heritage Overlay</u> 6m from the façade to Victoria Parade and Wellington Street</p> <p>Note: the setbacks for individual heritage places should also be informed by their Statements of Significance and the historic fabric of the heritage place (mandatory)</p> <p><u>Minimum setbacks above George, Cambridge, Rokeby, Rupert and Islington streets street wall within or immediately adjacent to land subject to the Heritage Overlay</u> 6m (preferred)</p> <p>6m minimum for sites immediately abutting land subject to the Heritage Overlay.</p>	<p>the return façades of corner buildings. The proposed DDO includes a discretionary minimum 3m upper level setback above the secondary street wall whereas a 6 metre setback accords with the typical width of a heritage building.</p>
<p>Overall Building Height Requirements</p>	<p>Development should not exceed the heights specified in Maps 1 and 2 (Figures 21 and 22, above), as applicable.</p> <p><u>West of Wellington Street, excluding the Smith Street junction</u> 11.2m (3 storeys) to 24m (7 storeys) (discretionary)</p> <p><u>Smith Street Junction</u> 11.2m (3 storeys) to 33.6m (10 storeys) (discretionary)</p> <p><u>East of Wellington Street</u> 11.2m (3 storeys) to 40.0 (12 storeys) (discretionary)</p> <p>Map 1 shows the following terrace houses that are</p>	<p><u>Land subject to HO334 – South Fitzroy Precinct (between Brunswick and Smith streets)</u> 11m (3 storeys) (shallow sites) to 14m (4 storeys) (deep sites) (preferred)</p> <p><u>Land subject to HO336 – Victoria Parade Precinct, Collingwood (between Smith and Wellington streets)</u> 14m (4 storeys) (shallow sites) to 21m (6 storeys) (deep sites) (preferred)</p> <p><u>Land subject to HO138 – Prince Patrick Hotel and Shops (135-141 Victoria Street, Collingwood)</u> 14m (4 storeys) (preferred)</p>	<p>The maximum building heights specified in the proposed DDO for land subject to HO334 – South Fitzroy Precinct ranges from 14.4m (4 storeys) for smaller sites, 17.6m (5 storeys) for the larger sites and the corner property immediately west of George 24m (7 storeys). We consider the maximum building height of 24m (7 storeys) too tall given the consistent low-scale on the northern side of Victoria Parade between Napier Street to the west and Gore Street to the east. In this location, immediately west of George Street, heights of 14.4m and 17.6m are more appropriate in heritage terms.</p>

Built form control type	Proposed DDO39	Recommended built form controls included in the <i>Built Form Review: Victoria Parade Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO39 [recommendations bolded]
	<p>included in the VHR have 'limited opportunity' for development:</p> <ul style="list-style-type: none"> • Blanche Terrace: <ul style="list-style-type: none"> ○ 169 Victoria Parade, Fitzroy (H0191) ○ 171 Victoria Parade, Fitzroy (H0192) ○ 173 Victoria Parade, Fitzroy (H0179) ○ 175 Victoria Parade, Fitzroy (H0180) ○ 177 Victoria Parade, Fitzroy (H0195) ○ 179 Victoria Parade, Fitzroy (H0182) • Terrace, 203 Victoria Parade, Fitzroy (H0590) 	<p><u>Land subject to HO139 – Former Ebenezer Particular Baptist Church (159 Victoria Street, Collingwood)</u></p> <p>11m (3 storeys) (preferred)</p> <p>Note: there is limited opportunity for development on the former Baptist Church site beyond the rear car park area)</p> <p><u>Land recommended for inclusion on the Heritage Overlay at 205- 219 Victoria Parade, Collingwood</u></p> <p>14m (4 storeys) (preferred)</p>	

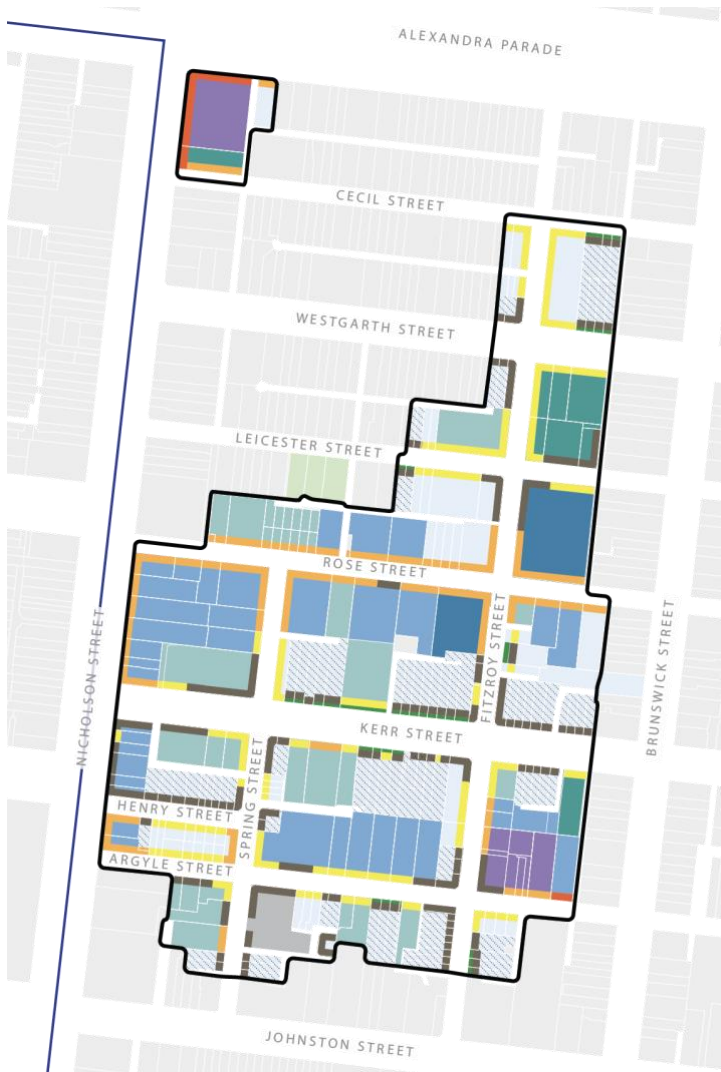


17 DDO40 - FITZROY WEST

17.1 Extent of DDO40

The extent of DDO40 - Fitzroy West comprises the land zoned MUZ within the area generally bounded by Alexandra Parade to the north, Brunswick Street to the east, Johnston Street to the south and Nicholson Street the west. It also includes the land where the C2Z applies fronting Nicholson Street between Rose and Kerr streets and at the southeast corner of the intersection of Alexandra Parade and Nicholson Street.

Figure 23. Extent of proposed DDO40 – Fitzroy West, showing street wall and building heights. ('Map 1' from proposed DDO40)



Mandatory Building Heights	Building Heights	Street wall Heights
Victorian Terraces as marked by the dotted diagonal lines have a 11m/ 3 storey mandatory building height	11.2m/ 3 storeys	Retain heritage streetwall
	12m/ 3 storeys*	Retain landscape setback
	14.4m/ 4 storeys	New 2 storey streetwall (8m)
	17.6m/ 5 storeys	New 3 storey streetwall (11.2m)
	20m/ 5 storeys*	New 3 storey streetwall (12m)*
	20.8m/ 6 storeys	New 4 storey streetwall (14.4m)
	24m/ 7 storeys	New 4 storey streetwall (16m)*
	28m/ 7 storeys*	
	27.2m/ 8 storeys	
	Limited opportunity	

Note: * for C2Z sites only.



17.1.1 Differences in extent of DDO40 and study area

The study area included in the *Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations* is congruent with the extent of the proposed DDO40.

17.2 Recent and emerging built form

There have been no applications for planning permits for developments of three storeys or greater within the extent of the proposed DDO40 since the preparation of the *Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations*.

17.3 Built form controls

Table 19 provides a summary of the proposed DDO40 built form controls requested by Council through Amendment C288yara that relate to street wall height and setback, upper-level setbacks and maximum building heights. The recommendations made by GJM in the *Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations* report regarding these controls and updated recommendations are also provided.

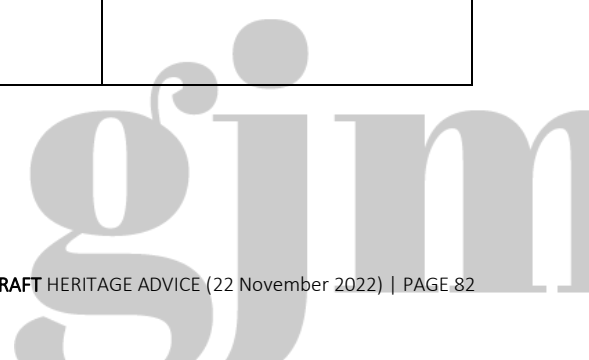
We have reviewed the built form objectives within the proposed DDO; these objectives accord with the intent of the GJM advice, and we do recommend any changes to the objectives. We note that the objectives of the proposed DDO do not note the retention of any significant view lines or prominent heritage buildings.

Table 19: DDO40 – Fitzroy West proposed built form controls and GJM recommendations

Built form control type	Proposed DDO40	Recommended built form controls included in the <i>Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO40 [recommendations bolded]
Street Wall Height and Setback Requirements	<p>Street wall heights should not exceed the heights specified in Map 1 (Figure 23, above), as applicable.</p> <p>The maximum street wall height ranges from 8m to 16m where ‘retain heritage streetwall’ is not specified.</p> <p>‘Retain landscape setback’ applies to Cecil, Westgarth, Kerr and Fitzroy streets where these exist in front of the heritage street wall.</p> <p><u>Street wall height (infill development)</u></p>	<p><u>Maximum street wall height (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u></p> <p>Match the parapet height of the adjacent heritage building to the width of the property boundary or for a distance of 6m, whichever is less.</p> <p>(preferred)</p>	No changes recommended.

Built form control type	Proposed DDO40	Recommended built form controls included in the <i>Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO40 [recommendations bolded]
	<p>Must match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.</p> <p><u>Street wall height on corner buildings</u> Should continue the main frontage street wall height for a minimum of 8m to the side street, with a transition in height to match the rear interface where required.</p>		
	<p><u>Street wall front setback</u> If an immediately adjoining heritage building is set back from the street, then infill development should match the setback of the adjacent heritage building from the same street, excluding laneway frontages.</p> <p>All other development should achieve a continuous street wall with no front setback to a street.</p>	<p><u>Front setback (infill development) within or immediately adjacent to land subject to the Heritage Overlay</u> Match the lesser setback of the adjacent heritage building from any and all street frontages excluding laneway frontages. (preferred)</p>	No changes recommended.
Upper-Level Setback Requirements	<p><u>Minimum upper-level setbacks above street wall for all heritage buildings, except for sites fronting Rose Street, Fitzroy Street, Spring Street (where north of Kerr Street) and Henry Street</u> 6m (mandatory)</p> <p><u>Minimum upper-level setbacks above street wall for non-contributory sites fronting Alexandra Parade, Argyle Street, Cecil Street, Kerr Street, Nicholson Street and Westgarth Street and corners at the intersections of Leicester and Fitzroy streets, Argyle and</u></p>	<p><u>Minimum setbacks above street wall / front façade</u> 6m from the principal street frontage (mandatory) Note: the setbacks for individual heritage places should also be informed by their Statements of Significance and the historic fabric of the heritage place</p> <p><u>Minimum setbacks above the secondary street frontage on corner sites</u> 6m (preferred)</p>	<p>We recommend a mandatory 6m upper-level setback be applied to heritage buildings above the principal street frontage.</p> <p>The proposed DDO includes a discretionary minimum 3m upper-level setback above the secondary street wall whereas a 6 metre setback accords with the typical width of a heritage building.</p> <p>Following the consideration of angular plane or sightline tests in Amendments C220yara and C191yara, we consider the additional 3.2m upper-level setback above 16.4m more appropriately achieves a</p>

Built form control type	Proposed DDO40	Recommended built form controls included in the <i>Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO40 [recommendations bolded]
	<p><u>Spring streets and Argyle and Fitzroy streets</u> 6m (discretionary)</p> <p><u>Minimum setbacks above the street frontage of Rose Street, Fitzroy Street, Spring Street (where north of Kerr Street) and Henry Street</u> 3m (discretionary)</p> <p><u>Development greater than 16.4m</u> A further 3.2m for the topmost upper level above a heritage building from the principal frontage. (discretionary)</p> <p><u>Upper levels above a secondary street wall of a heritage building on corner sites</u> 6m (discretionary)</p>		<p>satisfactory heritage outcome. This is consistent with Amendments C293yara and C291yara, where the sightline test was removed from the interim DDO23 (that applies to the Collingwood South Mixed Use Precinct), interim DDO21 (Bridge Road) and interim DDO22 (Victoria Street). This has been replaced with specified upper-level setbacks in the Council adopted Amendment C293yara and C291yara DDO controls.</p>
<p>Overall Building Height Requirements</p>	<p>Development on sites shown as 'Victorian Terraces' (hatched on Map 1 [Figure 23, above]) must not exceed 11m (3 storeys). All other development should not exceed the heights shown on Map 1, as applicable.</p> <p>The Former Cordial Factory, 8-12 Spring Street and 14-16 Argyle Street, Fitzroy (VHR H2257) is shown as 'limited opportunity'</p> <p><u>Mixed Use Precinct of Fitzroy West</u> 11.2m (3 storeys) to 27.2m (8 storeys)</p>	<p><u>Commercial and industrial buildings within the Heritage Overlay</u> 14m (4 storeys) to 24m (7 storeys), depending on the depth of the block, neighbouring built form and context (preferred)</p> <p><u>Residential buildings within the Heritage Overlay</u> 11m (3 storeys) (mandatory)</p>	<p>No changes recommended.</p>



Built form control type	Proposed DDO40	Recommended built form controls included in the <i>Built Form Review: Fitzroy West Mixed Use Precinct Heritage Analysis & Recommendations</i> (GJM, 2020)	GJM recommended changes to proposed DDO40 [recommendations bolded]
	<u>C2Z land (Alexandra Parade corner and Nicholson Street frontages)</u> 12m (3 storeys) to 28m (7 storeys)		

