

MEMORANDUM OF ADVICE:

HERITAGE ADVICE

CARNEGIE MAJOR ACTIVITY CENTRE BUILT FORM FRAMEWORK

PREPARED FOR: City of Glen Eira
DATE: 8 August 2022
VERSION: Final V1.0
FILE: 2022-035

1 INTRODUCTION

GJM Heritage (GJM) has been engaged by the City of Glen Eira (Council) to provide heritage advice to inform structure planning for the Carnegie Major Activity Centre (MAC).

The recommendations provided in this memorandum relate specifically to heritage and built form within the MAC that is subject to the Heritage Overlay (the study area) and whether a *prima facie* case can be made to support mandatory heights and upper-level setbacks above the heritage buildings in the Carnegie MAC. It does not address the recommendations or findings of the housing strategy currently being developed by Council. Specifically, this memorandum considers the following, as outlined in the GJM proposal provided to Council:

The input [Council] are seeking is to consider whether the heights and upper-level setbacks above the heritage buildings in the High Streets could – or should – be mandatory.

[GJM's] work will need to consider Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes and Planning Practice Note 60: Height and Setback Controls for Activity Centres and be informed by recent Panel Reports which have considered this issue. We note that you are not proposing an Activity Centre Zone – but will retain the existing Commercial 1 Zone over the heritage shops.

1.1 Methodology

The following methodology has been adopted to establish and analyse the heritage context and built form controls of the study area and provide recommendations.

1.1.1 Document Review

- We have familiarised ourselves with the following documents in preparing this memorandum:
 - *Carnegie Built Form Framework*, Version 8, 29 June 2022 (Lat37 for City of Glen Eira)
 - *Carnegie Structure Plan 2022* (City of Glen Eira)
 - Proposed Schedule 9 to Clause 43.02 Design and Development Overlay of the Glen Eira Planning Scheme (DDO9)
 - *Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 Stage 2 Report* (RBA Architects and Conservation Consultants), which includes the Statements of Significance for:
 - HO158 – Carnegie Retail Precinct
 - HO157 – Rosstown Hotel
 - HO159 – Glenhuntly Tram Terminus Estate Shops
 - Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes, September 2018 (PPN59)
 - Planning Practice Note 60: Height and Setback Controls for Activity Centres, September 2018 (PPN60)
 - Summary of upper-level setbacks in various activity centres prepared by Council
 - Recent Planning Panel reports that have considered the issue of mandatory height and setback controls in activity centres where heritage buildings are located on commercial ‘high streets’.

1.1.2 Site Inspections

A site visit was undertaken on 1 July 2022 in overcast conditions, taking note of the existing built form context and to inspect the identified heritage places within the study area, noting any changes to the MAC that have taken place since the preparation of reports relied on in the desktop analysis and review. All photographs included in this memorandum were taken during this site visit, unless otherwise stated.

1.1.3 Limitations

The 3D modelling prepared by Lat Studios for the *Carnegie Built Form Framework* has not been interrogated in the preparation of this memorandum. The recommendations in relation to the application of mandatory maximum height and upper-level setback controls have been informed by the site visit observations and the relevant of documentation including PPN59 and PPN60.

2 PLANNING CONTEXT

The Carnegie MAC is located approximately 12km southeast from Melbourne's CBD and is well-served by transport. Dandenong Road (Princes Highway) provides a major highway link to the north of the MAC; Carnegie Station on the Pakenham/Cranbourne Metro railway lines is located within the MAC and tram route 67 terminates at the south of the MAC. Commercial activity is focused on Koornang Road, the main north-south arterial that bisects the MAC. As a designated MAC it is expected that Carnegie will experience significant growth in order to align with the intent of *Plan Melbourne 2017-2050*, the Victorian State Government's metropolitan planning strategy.

The subject area along Koornang Road is zoned Commercial 1 Zone (C1Z) with a mix of zones adjacent to the C1Z; Mixed Use Zone (MUZ) and the Schedule 6 to the Public Use Zone (PUZ6). The PUZ6 is occupied by at-grade car parking and the Carnegie Library and Community Centre. Residential development borders the commercial precinct, mostly zoned Residential Growth Zone (RGZ1) with the exception of properties adjacent to the rear of 241 to 251 Koornang Road that are subject to the Neighbourhood Residential Zone (NRZ1).



Figure 1. Carnegie Activity Centre showing extent of activity centre and urban design study area included in the Carnegie Built Form Framework (Source: Figure 1 Report from the Carnegie Structure Plan: 'The activity study area for the Built Form Framework and Transport', p 9).



Figure 2. Heritage places within the extent of the Carnegie MAC (source: Figure 7 from the Carnegie Structure Plan: 'The Built Form Framework Heritage Overlay, p 52).





Figure 3. (left) Looking west towards Rosstown Hotel from southeast corner of Dandenong and Koornang roads intersection showing original two-storey hotel building.



Figure 4. (right) Looking north along the western side of Koornang Road towards the Rosstown Hotel. Later single-storey addition centre of image, original hotel to right.



Figure 5. (left) Looking south along eastern side of Koornang Road towards Arawatta Street. 13-storey development at 16 Woorayl Street to rear of image [outside of study area].



Figure 6. (right) Looking north towards corner of Koornang Road and Woorayl Street, 13-storey development at 16 Woorayl Street right of image [outside of study area].



Figure 7. (left) Looking south along eastern side of Koornang Road towards Morton Avenue intersection. Multi-storey developments at 2 and 3 Morton Avenue to left of image [outside of study area].



Figure 8. (right) Looking north from 137 Koornang Road along eastern side of Koornang Road.



Figure 9. (left) Looking north along eastern side of Koornang Road towards Neerim Road intersection (left of image). 16 Woorayl Street at rear left of image [outside of study area].



Figure 10. (right) Looking north along western side of Koornang Road from southeast corner of Koornang and Neerim roads intersection.

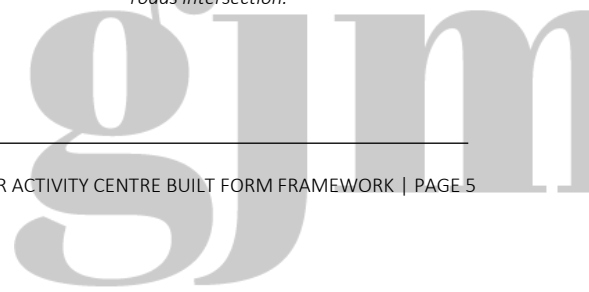




Figure 11. (left) Looking south along western side of Koornang Road from front of 126 Koornang Road. Neerim Road intersection far left of image.



Figure 12. (right) Looking north along western side of Koornang Road from front of 126 Koornang Road.



Figure 13. (left) Looking north along western side of Koornang Road towards Rosstown Road intersection. Elevated railway to right of image.



Figure 14. (right) Looking north along western side of Koornang Road towards Glenhuntly Tram Terminus Estate Shops (HO159).



Figure 15. (left) Looking north towards rear interface of 239-251 Koornang Road (right of image) and GRZ (left of image). Munro Avenue front of image.



Figure 16. (right) Looking west towards new development at 225 Koornang Road (right of image) and 331-235 Koornang Road (HO159 [part]) centre left of image.

3 RELEVANT POLICY & HERITAGE CONTROLS

3.1 Policy and supporting documents

3.1.1 Carnegie Structure Plan 2022

The *Carnegie Structure Plan 2022* (Structure Plan) outlines the preferred development outcomes within the Carnegie MAC for the next 15 years. It is supported by strategic work including the *Carnegie Built Form Framework* and the *Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial)* - the latter of which recommended the application of the Heritage Overlay to the majority of the Koornang Road commercial area and the Rosstown Hotel (which was subsequently applied through Planning Scheme Amendment

C190glen) and the Glenhuntly Tram Terminus Estate Shops (subsequently applied through Amendment C204glen).

Heritage is one of key objectives included in the Structure Plan, with the following aims:

Encourage the retention, preservation and restoration of all significant and contributory places within the precinct.

Ensure additions and alterations to a heritage building respect its significance.

Ensure the design of new development respects, complements and responds to the heritage significance of the precinct.

Promote design excellence that supports the ongoing significance of heritage places. (p 47)

Of particular relevance to this memorandum, the Structure Plan specifically notes the heritage character of the Koornang Road streetscape and the desire to maintain its heritage character:

The character of the centre's late federation and inter-war heritage shops is a key feature of the activity centre.

Maintaining that character as the dominant feature of Koornang Road is important as the areas grows and changes.

Development must protect the integrity of recognised historical streetscapes and enhance the heritage character. This includes respecting the architectural form, style, rhythm and materiality and considering how new development can complement these elements. Mandatory heights are recommended in heritage areas to protect the streetscape and architectural form. (p 51)

Built form design principles are included at pages 66 to 67 of the Structure Plan, the following design principles are of particular relevance to the advice provided in this memorandum:

Heritage and character

Protecting and enhancing existing character in Koornang Road and developing the desired preferred character in urban renewal areas are key to ensuring a sense of place and identity.

Visually recessive upper levels

Visually recessive upper levels reinforce the character of the area, ensuring new built form respects heritage and is not overwhelming. The distance of upper level setbacks and their materiality helps to reduce the impact of taller building forms.

Street wall

Retaining the street wall height as the dominant architectural feature of the street is the key to being able to successfully integrate new development

without it feeling dominant and overwhelming. The other important distinguishing feature of the street wall is that it is built to the front boundary.

The street wall helps to define Carnegie as a suburban interwar shopping centre.

Interfaces and transitions

Transitioning appropriately to sensitive uses and heritage is important to protect amenity and character. Visual bulk, solar access and overlooking must all be considered. Interfaces can be directly abutting a property, street, laneway or public open space, and include the front, side and rear of the building.

While not directly addressing heritage, consideration of solar access design principles in the Strategy for upper-level setbacks and building heights can help ameliorate any adverse impacts to the identified cultural heritage of Koornang Road. A maximum building height of 20m (5 storeys) and upper-level setback of 5m above the heritage street wall is included in the Structure Plan, as detailed in the Carnegie Built Form Framework, below.

3.1.2 Carnegie Built Form Framework

The *Carnegie Built Form Framework* (Framework) sets out the preferred built form outcomes for the Carnegie MAC, including building heights, setbacks and access/egress that will inform permanent built form (Design and Development Overlay) controls. The Framework applies to the commercial areas of the MAC, and includes a mandatory 20m (5 storey) height control for any proposed development within the extent of HO158 – Carnegie Retail Precinct and HO159 – Glenhuntly Tram Terminus Estate Shops.

Built form design principles are included in the Framework to guide new development, the following design principles are of particular relevance to the advice provided in this memorandum:

Heritage and Character (p 14)

Protecting and enhancing existing character and developing the desired character in urban renewal areas is key to ensuring a sense of place and identity.

Built Form Drivers

Design Response to Heritage: Development must protect the integrity of recognised historical streetscapes and enhance the heritage character. This includes respecting the architectural form, style, rhythm and materiality and considering how new development can complement these elements. Mandatory heights are recommended in heritage areas to protect the streetscape and architectural form.

Where a new character is being developed (urban renewal areas) the desired character must be expressed and supported by new development.

Interfaces & Transitions (p 12)

Visually recessive upper levels reinforce the character of the area, ensuring that new built form respects heritage and is not overwhelming. Both the distance of upper level setbacks and their materiality define their impact.

Built Form Drivers

Upper Level Setbacks: *These can help reduce the impact of wind, allow for balconies that create engagement with the street and obscure the upper levels behind the street wall. They also help reinforce the height of the street wall as the dominant architectural feature of the street.*

It is recommended that the depth of upper level setbacks is tailored to each streetscape interface in accordance with the street wall height, character of the street and heritage.

Materiality: *This can help the street wall stand out and reduce attention to the upper levels.*

It is recommended that visually recessive materials are used in upper levels, in contrast with the street wall and accounting for heritage considerations.

Interfaces & Transitions (p 15)

Transitioning appropriately to sensitive uses and heritage is important to protect amenity and character. Visual bulk, solar access and overlooking must all be considered. Interfaces can be directly abutting a property, a street, laneway or public open space, and include the front, side and rear of the building.

Built Form Drivers

Interface Profiles: *These can help manage the impact of visual bulk, overshadowing and overlooking.*

Ensure development responds to sensitive interfaces by:

- *considering the overall scale and form of new buildings.*
- *providing a suitable transition to low scale residential areas.*
- *protecting these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.*

It is recommended that interface profiles are tailored to each interface in accordance with the preferred height, character of the street, heritage and landscape setbacks.

Street Wall & Ground Setbacks (p 11)

The street wall is a key component of the streetscape and character. It defines a comfortable environment for pedestrians and reinforces the look and feel that is part of Carnegie's identity. It's height and placement along the boundary are its main variables.

Built Form Drivers

Street Wall Height: This provides a feeling of enclosure when compared to the street's width. The height must avoid overwhelming the street and reinforce the character of the area. The height can be consistent or variable depending on the desired character.

It is recommended that the street wall height is tailored to each interface in accordance with the land use and the street's width, hierarchy and character. Streets where heritage prevails must maintain the existing street wall height, while areas of change may be able to accommodate a taller street wall.

Awnings/overhangs: Weather protection awnings over the footpath play a role in creating a feeling of enclosure.

It is recommended that awnings are provided on all main streets, active frontage and at building entrances, as well as main connections to the train station and key community infrastructure. The height of the awning must be adequate to provide shelter and must match existing abutting overhangs for consistency.

Street Wall Setback: This plays a key role in the character of the area and the activation of the main street.

It is recommended that the street wall is consistently built to the boundary on the main streets to ensure street activation through active frontages and engagement. This also avoids the creation of concealment places, which reduce safety.

'Heritage & Character' is one of the 'Key Factors' included in the Framework that has informed the preferred building envelopes for the Carnegie MAC. In relation to heritage and character, the Framework includes the following at page 22:

As one of the Design Principles integral to achieving the Vision for Carnegie, protecting and enhancing the heritage and character of the area is a key factor influencing the required built form controls. Adopted by Council in March 2021 following a Panel Hearing in October 2020, Amendment C190 made recommendations for the heritage protection of the Rosstown Hotel, Carnegie Retail Precinct and Glenhuntly Tram Terminus Estate Shops. Final approval for C190 is with the Minister for Planning at the time of this report.

The heritage review and following Amendment result in the majority of Koornang Road within the study area being protected from major changes. The review found the intact elevations, materials, architectural details, canopies, chamfered corners and recessed entries significant in the contributory buildings.

New built form must respond to the recognised value of the contributory buildings and in particular their interface to Koornang Road including the streetwall heights, zero setbacks to the retail street, small lots sizes, and rich materiality.

Recommendations to protect and enhance the heritage and character of Koornang Road include the following:

Ensure the street wall for new developments along Koornang Road be no higher than the highest abutting neighbour and no lower than the lowest abutting neighbour (The street wall height for new developments includes architectural details such as parapets, railings and balustrades).

All new built form streetwalls must be built to the boundary on Koornang Road to retain the 'main street' character.

Setbacks above the streetwall are to be a minimum of 5m to retain the strong visual prominence of the low rise heritage streetscape. Smaller setbacks risk blurring the desired strong distinction between the low rise heritage and the new built form.

Heights can impact on heritage and character and have been tested in this chapter for their combined impact on visual bulk, solar access, sky views and view cones. The resulting height that achieves the required outcomes is recommended to be mandatory within the heritage overlay to ensure retention of heritage and character values.

Outside the proposed heritage boundaries new development should be able to accommodate greater heights, consistent with the role of an activity centre. Street wall and overall heights in these areas will be based on the desired character and surrounding context.

In relation to the building envelopes included in the Framework, no mandatory upper-level setback controls are included. There are three 'Interface Types' which apply to new development for properties within the Heritage Overlay. These are:

- **Interface Type 1** (Figure 18) applies to the heritage streetscape fronting Koornang Road within the 'main retail precinct' and some side interfaces on Woorayl, Rosstown and Neerim roads within the study area. Interface Type 1 includes the requirement that the street wall should not exceed 9m and match the height of the adjoining street wall.
- **Interface Type 2** (Figure 19) applies to the rear of most of the properties included in HO158.
- **Interface Type 3** (Figure 21) applies to the rear of properties included in the Glenhuntly Tram Terminus Estate Shops Heritage Overlay (HO159).

In relation to the Rosstown Hotel, the building envelopes shown in the Framework include the original hotel fabric and a 2m buffer zone at the south and west elevations. Mandatory controls are included in the Framework, where specifically in relation to the original fabric, "no additions are to be permitted through, to or above the original terracotta roofs". In relation to the 2m buffer zone, "new buildings must be below the level of the coved eaves soffit or the parapet of the original building and must be set back a minimum of 1m from the property boundary". **Interface Type 1B** (Figure 20) applies at the street wall interface where the existing heritage fabric meets any development to the south and west of the hotel site at Dandenong and Koornang roads.



Figure 17. Building envelopes for the Carnegie 'Main Retail Precinct' (Source: Carnegie Built Form Framework, 'Figure 10: Main retail precinct building envelopes', p 42).

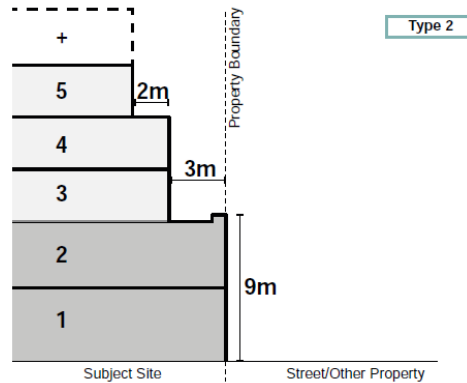
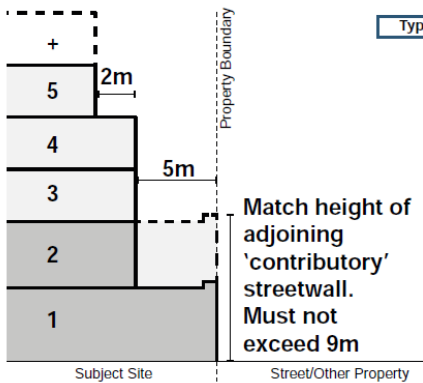


Figure 18. (left) Interface Type 1 (source: Carnegie Built Form Framework, p 43).

Figure 19. (right) Interface Type 2 (source: Carnegie Built Form Framework, p 43).

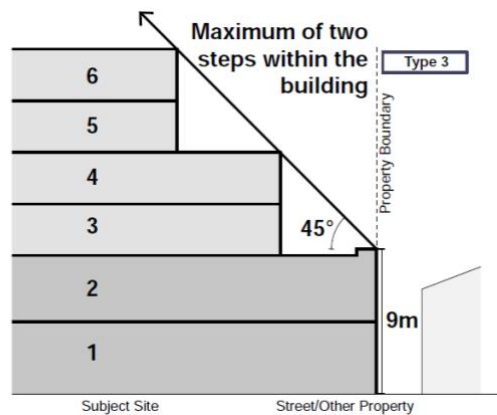
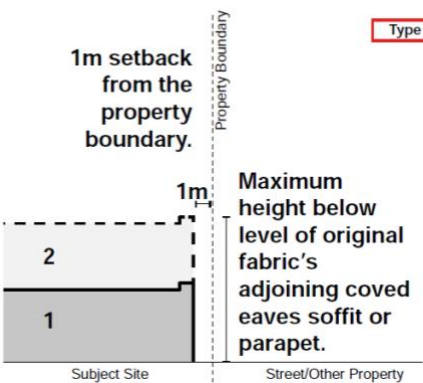


Figure 20. (left) Interface Type 1B (source: Carnegie Built Form Framework, p 43).

Figure 21. (right) Interface Type 3 (source: Carnegie Built Form Framework, p 43).

3.2 Glen Eira Planning Scheme - Heritage provisions

The purpose of the Heritage Overlay, as set out in Clause 43.01 of the Glen Eira Planning Scheme, is to:

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

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

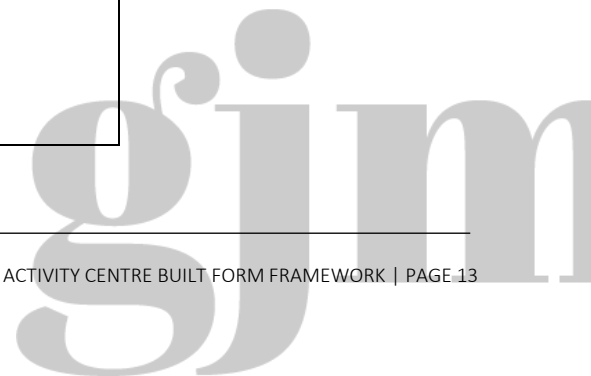
To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The requirements of the Heritage Overlay apply to those places as specified in the schedule to this overlay, of which three are included in the schedule and located within the extent of the Carnegie MAC.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO157	Rosstown Hotel, 1084 Dandenong Road, Carnegie Statement of Significance: Rosstown Hotel Statement of Significance (2018)	Yes	No	No	No	No	No	No
HO158	Carnegie Retail Precinct Statement of Significance: Carnegie Retail Precinct Statement of Significance (2018)	No	No	No	No	No	No	No
HO159	Glenhuntly Tram Terminus Estate Precinct Statement of Significance: Glenhuntly Tram Terminus Estate Shops Precinct Statement of Significance (2018)	Yes	No	No	No	No	No	No

Figure 22. Extract of the Schedule to Clause 43.01 Heritage Overlay of the Glen Eira Planning Scheme.



3.2.1 HO157 - Rosstown Hotel

The Rosstown Hotel is located on the southwestern corner of Dandenong and Koornang roads. The extent of the Heritage Overlay includes the original building (including the roof overhang with rainwater goods and balconies to the street facades of Dandenong Road and Koornang Road), and 5m to the west and south from the terra cotta tile clad roof sections. Later one-storey additions to the south and west of the original hotel are not included within the extent of HO157.

The Rosstown Hotel is of local historical and aesthetic significance to the City of Glen Eira. The Statement of Significance included at Schedule to Clause 72.04 – Documents Incorporated in this Planning Scheme of the Glen Eira Planning Scheme includes the following:

Why is it significant?

Historically, the Rosstown Hotel is significant as a prominent Interwar period hotel built along the main, historic route from Melbourne to Gippsland, that replaced earlier buildings, the first having been established by 1878. The construction of a new hotel in place of an earlier Victorian one illustrates the rapid development and renewal which was occurring in Carnegie at this time. (Criterion A)

Built in 1926-27, the Rosstown Hotel is aesthetically significant as an intact Interwar period hotel constructed in a prominent position at the entrance to the Carnegie village from Dandenong Road. The resolved and contemporary design in the Georgian Revival style by Joy & McIntyre reflects a key growth phase in Carnegie and the desire for commercial buildings to reflect progressive tastes and trends. Of note are the bellcast roof with coved soffits and general level of intactness including pattern of openings and the dado tiles. (Criterion E)

3.2.2 HO158 - Carnegie Retail Precinct

The Carnegie Retail Precinct includes properties either side of Koornang Road, mostly between the railway reserve to the north and Neerim Road to the south. The Precinct extends on the eastern side of Koornang Road north of the railway (11 properties) and south of Neerim Road (6 properties).

The Precinct is of local historical and aesthetic significance to the City of Glen Eira. The Statement of Significance included at Schedule to Clause 72.04 – Documents Incorporated in this Planning Scheme of the Glen Eira Planning Scheme includes the following:

Why is it significant?

The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct. This change demonstrates the demand for well-serviced, local shopping areas in the daily life of suburban communities during the early 20th century. Initially the precinct included a combination of residential and commercial development, but by the 1920s the earlier houses

and some shops were being replaced with more substantial, two storey commercial buildings, many of which survive, as the land became more valuable for that purpose. The ongoing development and renewal in the precinct that continued during the 1930s (late Interwar period) and the Post WWII period reflects that experienced generally across the suburb. (Criterion A)

The Carnegie Retail Precinct is aesthetically significant for the many largely intact (more so the east side), contributory commercial buildings dating from the late Federation Period through the Interwar period and, to a lesser extent, from the Post WWII period. There is mix of individual premises and larger buildings with multiple premises. The late Federation (1910s) and early Interwar period (1920s) buildings typically display an Arts and Crafts aesthetic in the combination of brick (red and clinker) and render (smooth and/or roughcast), though often overpainted, as well as timber-framed windows. The late Interwar period (1930s) buildings are usually indicative of the Moderne style in smooth render with a horizontal emphasis, including to the steel-framed windows. Some buildings originally included recessed balconies (e.g. no. 128) but these have often been subsequently enclosed. Post WWII buildings are more austere, reflecting the influence of Modernism. A few original/early shopfronts survive (notably the 2A-8 Woorayl Street and 66 Rosstown Road) as well as pressed metal soffits to the canopies, which enhances the significance of the precinct. Whilst many of the buildings are good examples, several are notable such as nos 60, 75A, 80-80A, 106-108, 121-123, 139-145, 154, 156, and 158-160 Koornang Road. (Criterion E)

3.2.3 HO159 – Glenhuntly Tram Terminus Estate Shops

The Glenhuntly Tram Terminus Estate Shops is a row of largely intact interwar shops located at 231-251 Koornang Road, Carnegie. The shops are on the western side of Koornang Road at the intersection of Truganini Road where the number 67 – Carnegie tram terminates.

The Glenhuntly Tram Terminus Estate Shops is of local historical and aesthetic significance to the City of Glen Eira. The Statement of Significance included at Schedule to Clause 72.04 – Documents Incorporated in this Planning Scheme of the Glen Eira Planning Scheme includes the following:

Why is it significant?

Historically, the Glenhuntly Tram Terminus Estate Shops are significant as a local row of shops that demonstrate the growth that occurred in the Carnegie area during the Interwar period. Constructed from the late 1920s, they were erected at a time when the surrounding land began to be filled by residential development and when there was considerable growth in the broader Carnegie area. The subject allotments had been part of the late Victorian Centre Park subdivision, though little development occurred in the area until the Interwar period. It was during the mid-1920s that the Glenhuntly Road tram was extended along Truganini Road to Koornang Road and the subject lots were again advertised for sale, this time as part of the Glenhuntly Tram

Terminus Estate. By the time the tram line was finished, many of the residential lots on the adjacent Centre Park estate had been built on. (Criterion A)

The Glenhuntly Tram Terminus Estate Shops is aesthetically significant as a continuous row of Interwar period shops that were constructed in popular styles of the Interwar period and have a consistent two storey form with decorative parapets to Koornang Road. The design of the northern building is relatively elaborate in a suburban context and indicative of the Free Classical style, that was commonly employed in the 1920s. The Spanish Mission style adopted for the southern building was less commonly used in commercial architecture and is a relatively early example of this style. This building is a good example of its type, incorporating decorative details such as barley twist columns with floriated capitals and projecting intermediate bays capped by curved parapet.

The intact recessed shopfront to no. 247, which included pressed metal to the soffit and original floor tiles to the recessed entry, as well as original wall tiles and glass highlights, are typical of shopfronts constructed during the Interwar period. (Criterion E)

4 MANDATORY BUILT FORM CONTROLS IN ACTIVITY CENTRES WITH HERITAGE STREETSCAPES

4.1 Recent amendments & Planning Panels Victoria decisions

Recent Planning Panels Victoria 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. Panel decisions that are of particular relevance to the Carnegie MAC are noted below. These examples include Panels that considered built form controls within the following Neighbourhood Activity Centres (NACs):

- Johnston Street, Abbotsford and Collingwood;
- Queens Parade, Clifton Hill and Fitzroy North;
- Fairfield Village, Fairfield and;
- Hawksburn Village, Hawksburn.

While the built form and development context does differ - NACs being smaller in scale than a MAC - parallels can be drawn with regards to the application of mandatory controls where there are heritage streetscapes within these activity centres.

4.1.1 Planning Panel report into Amendment C291yara – Bridge Road and Swan Street Activity Centres

The Panel into Amendment C291yara supported the use of mandatory building height, street wall height and upper-level setback controls. 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 are 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.

(C291 Panel Report, pp 22-23)

The Panel also commented on the need for a consistent approach when applying built form controls, with particular relevant 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.

(C291yara Panel Report, p ii)

4.1.2 Planning Panel Report into 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 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.

(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.

4.1.3 Planning Panel Report into Amendment C220yara - Johnston Street Built Form Controls

The Panel into Amendment C220yara provides guidance of relevance to the Carnegie MAC where 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.

(C220yara Panel Report, p 66)

Page 56 of the Panel Report recommends the following objective, which is particularly relevant to development on Koornang Road, where there is a visually cohesive heritage streetscape of mostly two-storey shops:

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.

4.1.4 Planning Panel Report into Amendment C231yara – Queens Parade Built Form Review

The Panel for Amendment C231 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.

The Panel supported a mandatory upper-level setback in Council’s proposed 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.

4.1.5 Planning Panel report into Amendment C161dare – Fairfield Village

The Amendment proposed DDO21 to the Fairfield Village Precinct that is also in part subject to HO315 – Fairfield Village Heritage Precinct. The Panel found that sufficient strategic analysis had been undertaken to justify the application of mandatory height controls. The Panel found that:

... a mandatory control necessary to provide an appropriate response to the established character of Fairfield [specifically Area 1 of the proposed DDO21 that is subject to HO315] which has a greater level of consistency and heritage character than Area 2.

(C161dare Panel Report, p 40)

The Panel considers that DDO21 and the HO in this instance need to be read together to ensure that Council’s aspirations for the centre are realised. The Panel believes this requires a balanced approach to be taken in respecting the heritage elements of the place, enhancing the Centres urban design characteristics and encouraging an appropriate level of development that is appropriate to the strategic role of Fairfield Village Neighbourhood Centre. This means that a mix of mandatory and non-mandatory requirements is necessary.

(ibid, p 41)

The Panel found the application of the Heritage Overlay in conjunction with the DDO would enable the precinct ‘to support a variety of housing typologies at increased densities’ in a way that ‘allows the heritage place to be identified and understood’. Further, Panel supported the application of mandatory maximum building height

and setback controls to Area 1, which is subject to the Heritage Overlay and includes the intact Station Street heritage streetscape.

4.1.6 Planning Panel Report into Amendment C272ston - Hawksburn Village Structure Plan

The Panel supported the use of mandatory height and upper-level setback controls for developments above heritage buildings on Malvern Road (Area 6) within the Hawksburn Village NAC. In relation to the use of mandatory controls, Panel notes on page 41 of the Panel report:

On balance (and with some reservations) the Panel supports mandatory controls in the heritage areas in Area 6, where the character is stronger and more consistent...

Several submitters ... raised the concern that mandatory controls would prevent or frustrate quality design or reasonable development opportunities on their sites. The Panel was not persuaded that this would be the case... In this regard, it agrees with the comments of the Yarra Planning Scheme Amendment C220 Panel (which considered the controls for the Johnson Street activity centre). [refer to the discussion at section 4.1.3 above]

In relation to mandatory upper-level setback controls above heritage buildings, the Panel report notes on pages 59-60:

The Panel supports the (uncontested) mandatory 5 metre upper level setback control for heritage buildings (Area 4 and parts of Area 6). It represents an adaptive approach by Council, building on recommendations of previous panel reports... When used in conjunction with the Heritage Overlay provisions, the Panel agrees that a 5 metre mandated setback will suitably manage impacts of upper levels on heritage facades in an activity centre context.

4.1.7 Planning Panel Report into Amendment C53port - South Melbourne Structure Plan

The Panel supported the use of mandatory controls in relation to upper-level setbacks in the South Melbourne MAC, along heritage streetscapes. When considering the application of mandatory controls, Panel found that such controls were:

...typically to be found in areas of high heritage value, strong and consistent character themes, or in sensitive environmental locations such as along the coast.¹

(C52port Panel Report, p 3)

¹ PPN59 includes verbatim from this Panel report the circumstances noted here of where the application of mandatory controls is appropriate.



Further to this, Panel considered that mandatory controls are appropriate in circumstances where:

- *A strategic assessment or study has identified that in the vast majority of cases buildings not in accordance with the building height or other requirements would detract from the essential character of the area or other built form outcome the design objectives are seeking to achieve; and*
- *In the vast majority of cases such buildings would not be supported by Council after application of its design objectives and any relevant guidelines*

(C52port Panel report, pp 35-36)

4.1.8 Panel Recommendations Summary

In summary, the Panels considering C291yara, C191yara, C220yara, C231yara, C161dare, C272ston and C53port have concluded that:

- The Heritage Overlay identifies what is significant within an activity centre from a heritage perspective.
- Heritage is an appropriate issue for DDOs to provide guidance on to inform future development.
- The use of the Heritage Overlay with DDO controls is an appropriate response to guide development and increased densities while ensuring that heritage places are identified and understood.
- Mandatory controls should be used only in exceptional circumstances and their application should be guided by PPN59 and PPN60; these circumstances include, amongst others:
 - where comprehensive strategic work has been undertaken justify the controls (PPN59 & PPN60)
 - where heritage places are set within consistent streetscape form (C291yara, C191yara, C220yara, C231yara, C161dare, C272ston & C53port)
 - where the mandatory controls facilitate good design and heritage outcomes (PPN60)
 - where discretionary provisions alone would reduce the quality of the heritage streetscape (PPN60)
 - when an appropriate balance is achieved with housing opportunities, economic vitality and renewal within the activity centre as a whole (C291yara, C191yara & C231yara).
- It is appropriate to use a combination of mandatory and preferred height and setback controls within a DDO to protect identified heritage places and their setting.

- Sight line analysis or formulae defining the proportion of new built form that can be viewed above the street wall is an appropriate mechanism for informing built form controls, although should not be used as a control within a DDO.

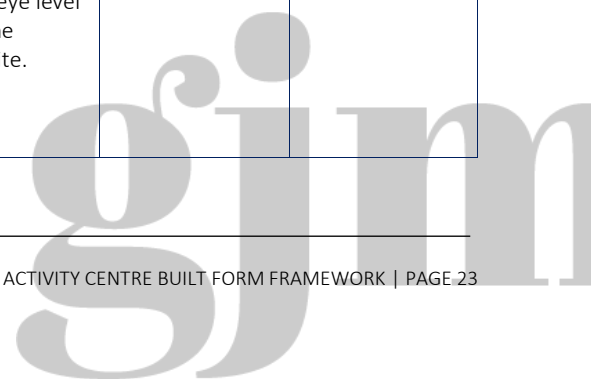
4.2 Upper-level setbacks in Activity Centres with heritage streetscapes

The following table provides a summary of the built form controls for heritage properties in activity centres where upper-level setbacks above heritage buildings and/or mandatory controls for heights and upper-level setbacks have been included. These examples also include heritage ‘high streets’ where the urban built form context is similar to the Carnegie MAC and the activity centres are experiencing similar expectations of growth.

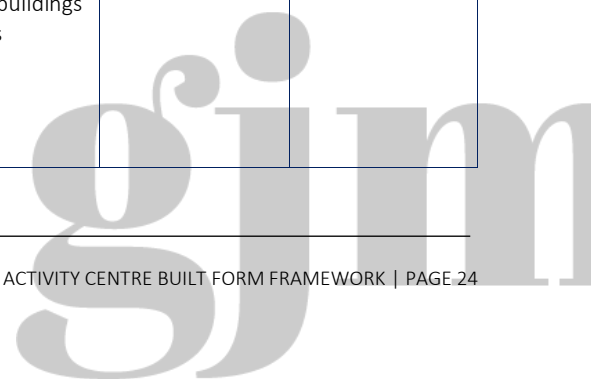
We note that there have been revisions in 2015 and 2018 to PPN59 – the role of mandatory provisions in planning schemes and PPN60 – height and setback controls for activity centres in June 2015 and September 2018 and that over the past decade there had been a broader general acceptance by Panels for the application of mandatory maximum heights and upper-level setback controls which is evidenced in the table below.

Municipality	Activity Centre	DDO schedule Amendment (Gazettal date)	Upper-level setback	Upper-level setback in relation to heritage places:	Building height in relation to heritage places:
Bayside	Sandringham MAC	DDO8 C100bays (2013)	Precinct A, B & C [commercial precincts]: 5m from front street boundary in commercial areas at 3 rd floor or above	Discretionary	Discretionary
Bayside	Brighton – Bay Street MAC	DDO10 C101bays (2013)	Precinct B & C [commercial precincts]: 5m from front street boundary in commercial areas at 3 rd floor or above	Discretionary	Discretionary
Bayside	Brighton - Church Street MAC	DDO11 C102bays (2013)	Precinct B & C [commercial precincts]: 5m from front street boundary in commercial areas at 3 rd floor or above	Discretionary	Discretionary
Bayside	Hampton MAC	DDO12 C103bays (2013)	Precinct B & C [commercial precincts]: 5m from front street boundary in commercial areas at 3 rd floor or above Where the site abuts a HO, new buildings should be set back to provide a transition in the front or side setbacks	Discretionary	Discretionary
Boroondara	Kew Junction MAC	DDO14 C230boro (2017)	Precinct 2 – Retail and Activity Core: Development above 11m should be set back 5m from front ground level facades	Discretionary	Discretionary

Boroondara	Hawthorn - Glenferrie MAC	DDO15 C230boro (2017)	Precinct 2 - Retail Core: Development above 11 metres in height should be set back a minimum of 5 metres behind the street wall. A greater setback may be required to protect adjoining heritage buildings or vistas.	Discretionary	Discretionary
Boroondara	Maling Road NAC	DDO23 C195boro (Part 1) (2015)	Upper-level additions to 'significant' and 'contributory' heritage places shown on Map 1 of this schedule should be set back a minimum of 5 metres behind the street wall. A greater setback may be required for upper-level additions to single storey 'significant' or 'contributory' heritage buildings to protect heritage values.	Discretionary	Mandatory
Darebin	Fairfield NAC	DDO21 C161dare (2021)	Area 1 (Fairfield Village Heritage Precinct): Where development retains a single storey building (or part thereof), the front setbacks must be a minimum of 4 metres for the second and third storey and a minimum of 8 metres for the fourth and fifth storey. Where development retains a double storey building (or part thereof), the front setbacks must be a minimum of 4 metres for the third and fourth storeys, and a minimum of 8 metres at the fifth storey.	Mandatory	Mandatory
Monash	Oakleigh MAC	DDO11 C93mona (2013)	Upper-levels setback from the facade, set back 2 metres for every 1 metre of building height above the façade limit until the building height for the site (14m) is reached.	Discretionary	Discretionary
Port Phillip	South Melbourne MAC	DDO8 C53port (2008)	Sub-precincts 2a & 2c in Area DDO 8-2 Emerging Activity Precinct, Area DDO 8-3 Northern Mixed Activity Edge, Area DDO 8-5 Coventry Street Speciality Shopping Precinct, Sub-precinct 5a: Above the street wall and up to a height of 19.5 metres (levels four and five) the building must be set back a minimum of 5 metres from the street frontage.	Mandatory	Discretionary
Port Phillip	Elwood NAC	DDO18 C57 (Part 1) (2008)	Area DDO18-1 Elwood NAC (Elwood Junction & Elwood Village): Any storey(s) above the street wall must adopt a setback from front and side street boundaries (not laneways) that ensures that, at most, only fascia and eaves are visible from standing eye level (1.6m above ground level) on the footpath directly opposite the site.	Mandatory	Mandatory



Port Phillip	Carlisle Street MAC	DDO21 C80port (2012)	Area 21-1 – Carlisle Street West Precinct: Above the street-wall additional storey(s) must be set back 10 metres so as to be viewed as separate form.	Mandatory	Discretionary
		DDO21 C80port (2012)	Area 21-2 – Carlisle Street Core Retail and Eastern Precinct: Above the street-wall, additional storeys must be set back so as not to be visible when viewed from standing eye level (1.6m) at the street frontage directly across the street, which also applies to the side street boundary on corner lots (except Camden Street). This setback may be reduced by up to 2 metres if the architecture of the upper-level renders it distinctly different and visually recessive through variations in form, material, openings or colour.	Mandatory	Discretionary
Stonnington	Malvern / Armadale MAC	DDO19 C223ston (2018)	2.3-1 Precinct A1 Glenferrie Road: Preferred 8 metres (doesn't apply to side elevations or corner sites) 2.3-2 Precinct B High Street: preferred 8 metres (with the same exemptions as above) 2.3-3 Precinct C Wattletree Road West: preferred 3 metres 2.3-4 Precinct C Wattletree Road East: preferred 3 metres	Mixed – includes 'preferred' setbacks that 'must' be achieved	Mixed – includes 'preferred' setbacks that 'must' be achieved
Stonnington	Hawksburn Village NAC	DDO21 C272ston (2021)	5m mandatory and discretionary depending on location For "unique heritage buildings" (there are two unique buildings in the strip) the setback is mandatory "behind the entire main gable roof form at the front of the building"	Mandatory	Mandatory
Yarra	Richmond - Bridge Road MAC	Proposed DDO41 – DDO45 C291 (2022)	Minimum 6m upper-level setback above individually significant heritage buildings and intact heritage streetscapes	Mandatory	Mandatory
Yarra	Richmond - Victoria Street MAC	Proposed DDO46 – DDO50 C291 (2022)	Minimum 6m upper-level setback above individually significant heritage buildings and intact heritage streetscapes	Mandatory	Mandatory
Yarra	Richmond - Swan Street MAC	DDO25 – DDO28 C191yara (2022)	Minimum 6m upper-level setback above individually significant heritage buildings and intact heritage streetscapes	Mandatory	Mandatory



Yarra	Queens Parade NAC	DDO16 C231yara (2020)	Minimum upper-level setback: Precinct 1 – Brunswick Street: 6m Precinct 2B & 2C - Boulevard Precinct: 6m Precinct 3A & 3B - St John’s Precinct: 6m Precinct 4 - Activity Centre Precinct: 8m (Queens Parade) Precinct 5B- North Eastern Precinct: 8m for 215-215 Queens Parade	Mandatory	Mandatory
Yarra	Johnston Street NAC	DDO15 C220yara (2020)	Mid-level setback above the street wall: 6 metres in most sub-precincts, sub-precinct 1G 3m fronting Johnston Street with a transition to 6m to the west of the sub-precinct 6m fronting Sackville Street Upper-level setbacks: Depending on sub-precinct: 45 degrees above 11m or 45 degrees above 18m	Mandatory	Mandatory

While some municipalities have applied discretionary controls, more recent Panel decisions – particularly those since 2020 - in relation to Yarra, Darebin and Stonnington have endorsed the use of mandatory height and/or setback controls, particularly in those areas subject to the Heritage Overlay with highly consistent streetscape character.

5 HERITAGE ADVICE

The commercial centre of the Carnegie MAC, Koornang Road, is a highly intact commercial ‘high street’ dating from the early- to mid-twentieth century. The Statement of Significance for HO158 – Carnegie Retail Precinct and HO159 – Glenhuntly Tram Terminus Estate Shops both note the aesthetic significance of these largely intact precincts; HO159 specifically as a “continuous row” of “consistent two storey form”. The precincts demonstrate the growth of Carnegie in the first half of the twentieth century when new residential developments emerged in the area. Unlike many Victorian and Edwardian-era historic high streets which include chimneys, elaborate parapets, corner tower elements and visible roof lines, these predominantly Interwar shopping strips have little or no visible heritage fabric above the simple parapeted street wall.

Approximately 85 per cent of the properties within HO158 – Carnegie Retail Precinct are graded ‘contributory’ to the Heritage Place. The buildings are mostly two-storey with some one-storey shops which, when viewed from the public realm, provide a visually cohesive heritage streetscape along either side of Koornang Road. From the public realm few roof forms are visible, except from the rear of the properties. The east side of Koornang Road presents as a more cohesive and intact streetscape, there are a greater number of non-contributory graded buildings and more recent development found on the western side of the street. This includes the anomalous three-storey development at 81 Koornang Road, and the single-storey shops at 103-105 Koornang Road (formerly the Commonwealth and NAB bank branches).



Similarly, the Glenhuntly Tram Terminus Estate Shops presents as a highly intact row of two-storey shops grouped either side of Truganini Road. Only one of the nine shops included in the Precinct has been extensively modified (239 Koornang Road on the southwest corner of Truganini Road). The other shops are clearly legible as a pair of rows of shops dating from the Interwar period and retain a consistent two-storey form.

Carnegie's existing built form and consistent heritage streetscape warrants the application of mandatory height and upper-level setback controls, and is consistent with the controls that have been introduced in similar heritage and activity centre contexts. The Panel report for Amendment C161dare – Fairfield Village notes that mandatory controls, as proposed, are 'necessary to provide an appropriate response to the established character of Fairfield'. This applies to 'Area 1' of the proposed DDO21 within the extent of HO315 – Fairfield Village Heritage Precinct, where there is a consistent heritage streetscape of mostly Interwar shops or one- and two-storeys. Specifically, in supporting mandatory controls Panel noted that Area 1 'has a greater level of consistency and heritage character' [than Area 2 that is not within the extent of HO315]. As a NAC, future development expectations are not as great as those in a MAC such as Carnegie, however, mandatory controls are supported to ensure that new development does not adversely impact the identified heritage values of the precinct. Similarly, Panel has accepted the need for mandatory height and upper-level setback controls in intact heritage streetscapes within MACs in the City of Yarra including Bridge Road, Richmond (C291yara), Collingwood South (part of the Smith Street, Fitzroy and Collingwood MAC) (C293yara), Swan Street Richmond (C191yara) and Victoria Street, Abbotsford and Richmond (C291yara).

We note that the proposed 5m setback is commensurate with a number of other similar heritage streetscapes within activity centres where 5m to 6m has been accepted as a reasonable – and necessary - upper-level setback from the heritage street wall in order to avoid adverse heritage impacts. Mandatory upper-level setbacks are necessary to achieve the design requirements included in the Carnegie Structure Plan, which states:

New development should respect the visual rhythms and key levels set by heritage buildings and their architectural elements, including the scale...

and:

Infill buildings should not visually dominate adjoining heritage built form or block views to their main elevations.

A mandatory minimum upper-level setback above the heritage street wall on Koornang Road is necessary to retain the visual prominence of the consistent heritage street wall. Lesser upper-level setbacks would likely erode the legibility of the Precinct's heritage values. Further, the application of a discretionary control would invite variation of the secondary, upper-level street wall that would diminish the consistency of the heritage streetscape.

The proposed maximum heights for the Carnegie MAC are generally 20m (or five storeys) within the heritage-listed streetscape. This height is unlikely to be exceeded when applied with the proposed setback controls and existing property depths. The application of discretionary height controls in the Carnegie MAC is unlikely to result

in an acceptable heritage outcome, as the majority of proposals not in accordance with the mandatory provision are highly likely to be unacceptable. New built form in excess of the proposed maximum 20m building height along the Koornang Road heritage streetscape would result in adverse impacts to heritage and character, as identified in the *Carnegie Built Form Framework*, which concludes:

The 6 storeys tested ... was found to visually dominate the streetscape. Supported by the further testing of the impact on sky view and the percentage of streetwall that remains dominant in the view cone, 6 levels, with and without the additional 2 metre setback at the upper level, have an unacceptable impact on the recognised valued heritage streetscape. (p 24)

The extant heritage built form, forecast future development pressure and the application of DDOs in other comparable historic commercial contexts provide a *prima facie* case for the application of a combination of mandatory heights and upper-level setbacks to achieve an acceptable heritage outcome.

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