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SCHEDULE 22 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO22**.

VICTORIA STREET ACTIVITY CENTRE

1.0

Design objectives

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- To support a mid rise scale built form character (3 to 10 storeys) with lower built form at the interfaces with streets and the adjoining low rise residential areas.
- To ensure that new development respects the values of heritage buildings and maintains their prominence in the streetscape.
- To maintain a prominent street wall character along Victoria Street with new development at upper levels setback, visually recessive and clearly distinct.
- To provide a comfortable level of street enclosure and ensure a high quality built form interface to all streets and public spaces.
- To minimise amenity impacts on residential properties adjoining the Victoria Street activity centre including overlooking, overshadowing and visual bulk impacts.

2.0

Buildings and works

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A permit is required to construct a building or construct or carry out works.

2.1

Definitions

Street wall is the façade of a building at the street boundary. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge, with the exception of architectural features and building services.

Building height does not include non structural elements that project above the building height and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

- the total roof area occupied by the service equipment (other than solar panels) is minimised;
- the service equipment is located in a position on the roof so as to minimise its visibility;
- the non structural elements and service equipment do not cause additional overshadowing of secluded private open space of neighbouring residential zoned properties and public spaces;
- the non structural elements and service equipment do not extend higher than 3.6 metres above the maximum building height; and
- the non structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.

Parapet height does not include features such as brackets, pediments, urns, finials or other decorative elements.

Setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the boundary.

Upper level development is development above the height of the street wall.

2.2 General requirements

The following requirements apply to an application to construct a building or construct or carry out works and must be read in conjunction with the relevant precinct design requirements:

Building heights and street wall height requirements

The mandatory and the preferred building height and street wall requirements are set out in the relevant precinct Building Heights and Setbacks Plans. Buildings or works must not exceed the maximum building height and street wall height shown in the relevant precinct Building Heights and Setbacks Plans.

- A permit cannot be granted to vary a building height shown as a mandatory building height in the relevant Building Heights and Setbacks Plan.
- A permit cannot be granted to vary a building height shown as a preferred building height in the relevant precinct Building Heights and Setbacks Plan unless all of the following requirements are met:
 - the built form outcome as a result of the proposed variation satisfies the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the relevant Precinct Design Requirements specified in this schedule;
 - the proposed building height achieves the preferred future mid-rise character for the Victoria Street Activity Centre; and
 - the proposal will achieve each of the following:
 - greater building separation than the minimum requirement in this schedule
 - housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations
 - universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%
 - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
- A permit cannot be granted to vary a street wall height shown as a mandatory street wall height in the relevant precinct Building Heights and Setbacks Plan.
- A permit cannot be granted to vary a street wall height shown as preferred in the relevant precinct Building Heights and Setbacks Plan unless the proposal meets the Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the relevant Precinct Design Requirements specified in this schedule.
- The street wall height of development in a heritage overlay or immediately adjoining a heritage overlay must match the parapet height of the adjoining taller heritage building.

Setback requirements

The mandatory and the preferred setback requirements are set out in the relevant precinct Building Heights and Setbacks Plans. A development must meet the setback requirements shown in the relevant precinct Building Heights and Setbacks Plan.

- A permit cannot be granted to vary a setback shown as a mandatory setback in the relevant precinct Building Heights and Setbacks Plan.
- A permit cannot be granted to vary a setback shown as a preferred setback in the relevant precinct Building Heights and Setbacks Plan unless the proposal meets the

Design Objectives in Clause 1.0, the Heritage Building Design Requirements and the relevant Precinct Design Requirements specified in this schedule.

In addition to the setbacks in the relevant precinct Building Heights and Setback Plan, the following setback requirements apply for any part of a building above the (retained) front street wall of a building:

	Requirement for any part of a building above the (retained) front street wall of a building
Development on Victoria Street between the rail line and Church Street. Development along Nicholson Street, Lithgow Street and Church Street.	Development in a heritage overlay: Must occupy no more than one quarter of the vertical angle defined by the whole building in the view from a sight line at a height of 1.7 metres above the footpath (on the opposite side of the street) – see Figure 2. Development outside of a heritage overlay: Must occupy no more than one third of the vertical angle defined by the whole building in the view from a sight line at a height of 1.7 metres above the footpath (on the opposite side of the street) – see Figure 3.
Development on Victoria Street east of Church Street	Development in a heritage overlay: Must occupy no more than one quarter of the vertical angle defined by the whole building in the view from a sight line at a height of 1.7 metres above the footpath (on the opposite side of the street) – see Figure 2. Development outside of a heritage overlay: Must not encroach within a 45 degree plane from the opposite side of the street - see Figure 4.
Development on Buttler Street and on York Street	Must not encroach within a 45 degree plane from the opposite side of the street - see Figure 4.
All development	Must adopt the same setback for at least 75% of the height of the proposed built form above the front street wall to avoid repetitive stepped form.

- Development adjoining a heritage building must match the upper level setback of the adjoining heritage building.
- Buildings must be set back from residentially zoned land (excluding Mixed Use Zone) as shown in Figure 1.

Figure 1 – Setback for Interface with Residential Zoned Land

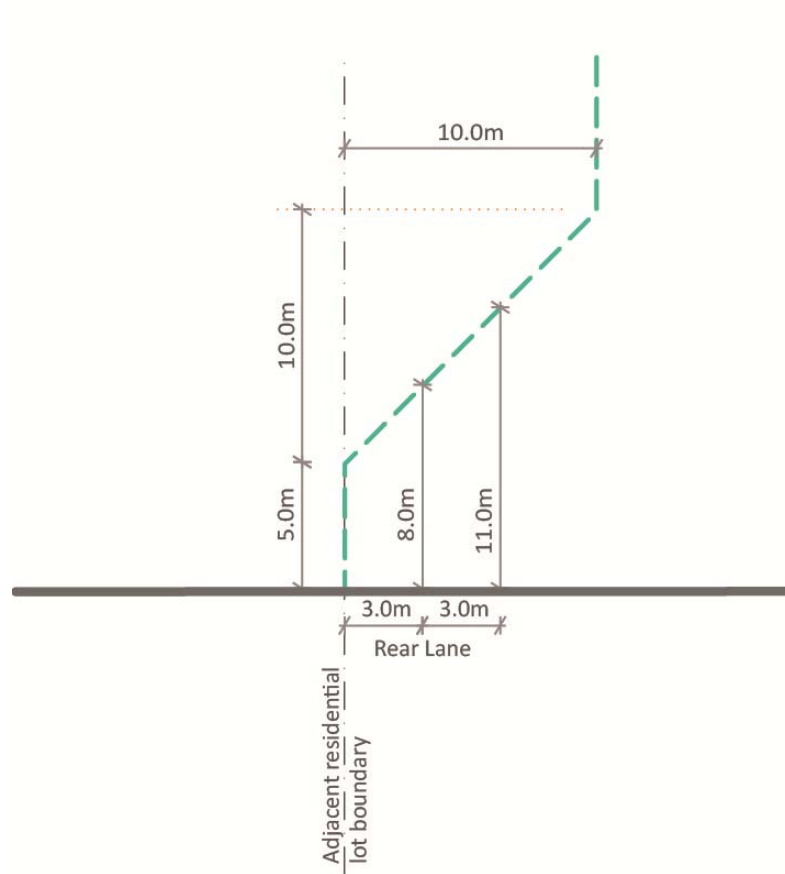


Figure 2 – Setback for Upper Level Development

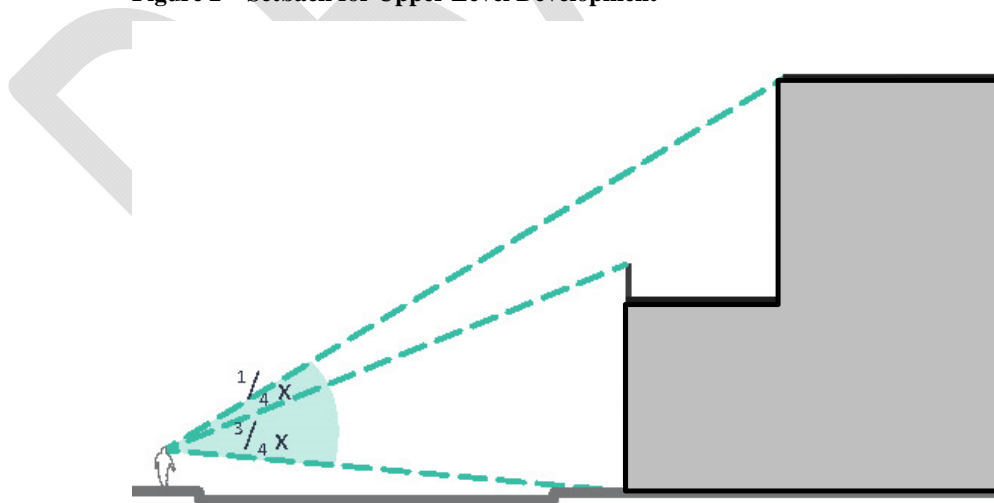


Figure 3 – Setback for Upper Level Development

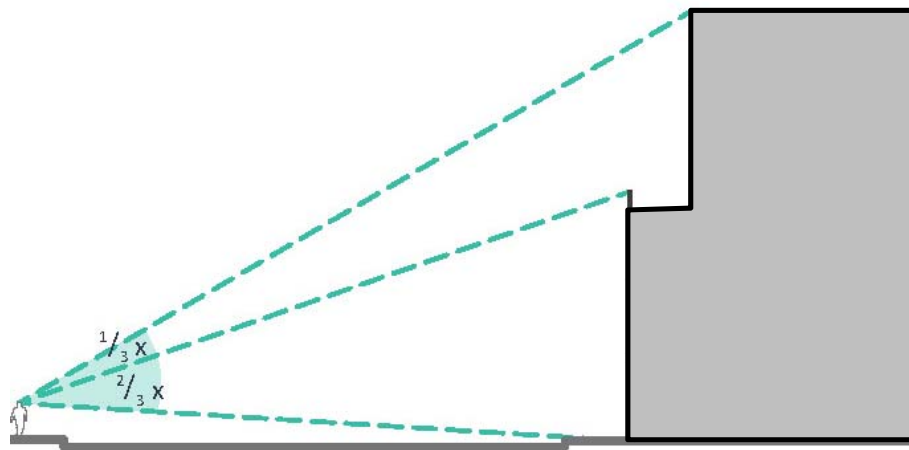
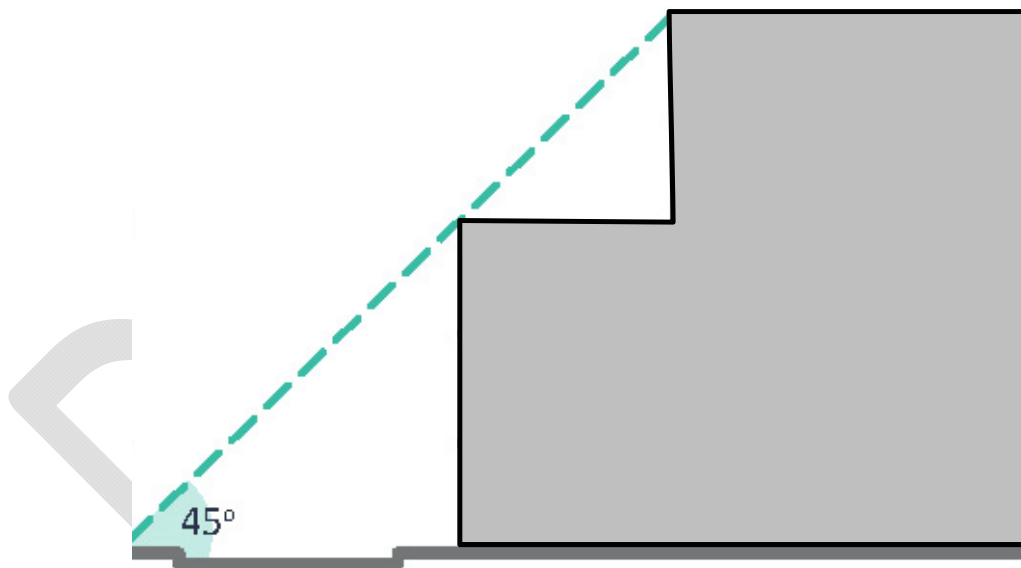


Figure 4 – Setback for Upper Level Development



Building separation requirements

- An application for development must provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.
- Where development shares a common boundary, upper level development must:
 - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed;
 - be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

- In addition to the above, a building that exceeds a height of 21 metres must be setback at least one-sixth of the width of the lot to maintain views to the sky between buildings. Where the boundary is a laneway, the setback is measured from the centre of the laneway.

Overshadowing requirements

- Development must not overshadow any part of the southern footpath of Victoria Street to a distance of 3.0 metres from the kerb, between 11am and 2pm at 22nd September. A permit cannot be granted to vary this requirement.
- Development must not overshadow any part of the following:
 - the opposite footpath of Nicholson to a distance of 2.0 metres from the kerb between 11am and 2pm at 22nd September;
 - the opposite footpath of Lennox Street to a distance of 2.0 metres from the kerb between 11am and 2pm at 22nd September;
 - the opposite footpath of Church Street to a distance of 3.0 metres from the kerb between 11am and 2pm at 22nd September;
 - the opposite footpath of Burnley Street to a distance of 2.0 metres from the kerb between 11am and 2pm at 22nd September.

Vehicular access requirements

- Development must provide vehicular access from rear lanes or from side streets.
- Development with redundant vehicle access points must reinstate the kerb, linemark parking bays, and relocate any parking signs.
- Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone. Where pedestrian access can only be provided from a laneway, the pedestrian entrance must be setback from the rear laneway and well lit to enable safe access.
- Development must provide a widened laneway of 6.0m to be vested in Council in the following locations to ensure safe vehicular access to new development:
 - development at 162, 168 and 170-212 Victoria Street in Precinct 4;
 - development at 360 – 370 Victoria Street in Precinct 4.

Building design requirements

- Development must:
 - incorporate vertical articulation in the street wall that reflects the prevailing pattern of subdivision and buildings;
 - allow for commercial activity at the ground and first floor (as a minimum) incorporating commercial floor to floor heights of at least 4m, where heritage elements are not a constraint;
 - incorporate awnings over the footpath on commercial zoned land for the full width of the lot, continuous with any adjoining awning;
 - be expressed in the round and provide detail on facades when viewed from all directions;
 - incorporate an architectural expression at upper levels that is distinct from but complimentary to the street wall.

Heritage building design requirements

In addition to the General Design Requirements and relevant Precinct Design Requirements, the following requirements apply to an application to construct a building or carry out works on land affected by a Heritage Overlay or on land immediately adjacent to a Heritage Overlay.

Design Element	Design Requirement
Building facades and street frontages	<p>Infill Buildings and Development Adjoining a Heritage Building</p> <p>Facade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> ensure the facade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s); respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s); avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts; maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building; be articulated to reflect the fine grained character of the streetscape. <p>Contributory or Individually Significant Buildings</p> <p>Adaptation of contributory or individually significant buildings must:</p> <ul style="list-style-type: none"> avoid highly reflective glazing in historic openings; encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings; maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.
Upper Levels (above street wall height)	<p>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:</p> <ul style="list-style-type: none"> be visually recessive and not visually dominate the heritage building and the heritage streetscape retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'; utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades; incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape; be articulated to reflect the fine grained character of the streetscape.

2.3 Precinct Design Requirements

The following specific Precinct Design Requirements apply in addition to the General Design Requirements.

Precinct 1 – Victoria Street West

Development must:

- retain the visual prominence of heritage buildings in the streetscape, including the return façade of corner heritage buildings;
- maintain and reinforce the prominence of the street wall character of Victoria Street;
- not overwhelm the heritage buildings on Regent Street;
- maintain a sense of openness of Victoria Street.

Building Heights and Setbacks – Precinct 1



MAXIMUM STREET WALL HEIGHTS & MINIMUM UPPER LEVEL STREET SETBACKS (ALL PREFERRED EXCEPT WHERE NOTED)



RETAIN HERITAGE FRONTAGE OR 11m STREET WALL (WHERE THERE IS NO HERITAGE FRONTAGE) WITH A 6m SETBACK ABOVE (MANDATORY FOR INDIVIDUALLY SIGNIFICANT BUILDINGS)



RETAIN HERITAGE FRONTAGE OR 5m STREET WALL (WHERE THERE IS NO HERITAGE FRONTAGE) WITH A MANDATORY 6m SETBACK ABOVE



15m STREET WALL WITH 3m SETBACK ABOVE (EXCEPT WITHIN 5M OF A HERITAGE PROPERTY, WHERE A 6m PREFERRED SETBACK IS REQUIRED)

MAXIMUM BUILDING HEIGHTS

18.0m

24.0m

34.0m

ALL HEIGHTS ARE PREFERRED
MAXIMUM BUILDING HEIGHTS
EXCEPT WHERE MANDATORY
MAXIMUM BUILDING HEIGHTS
ARE SHOWN

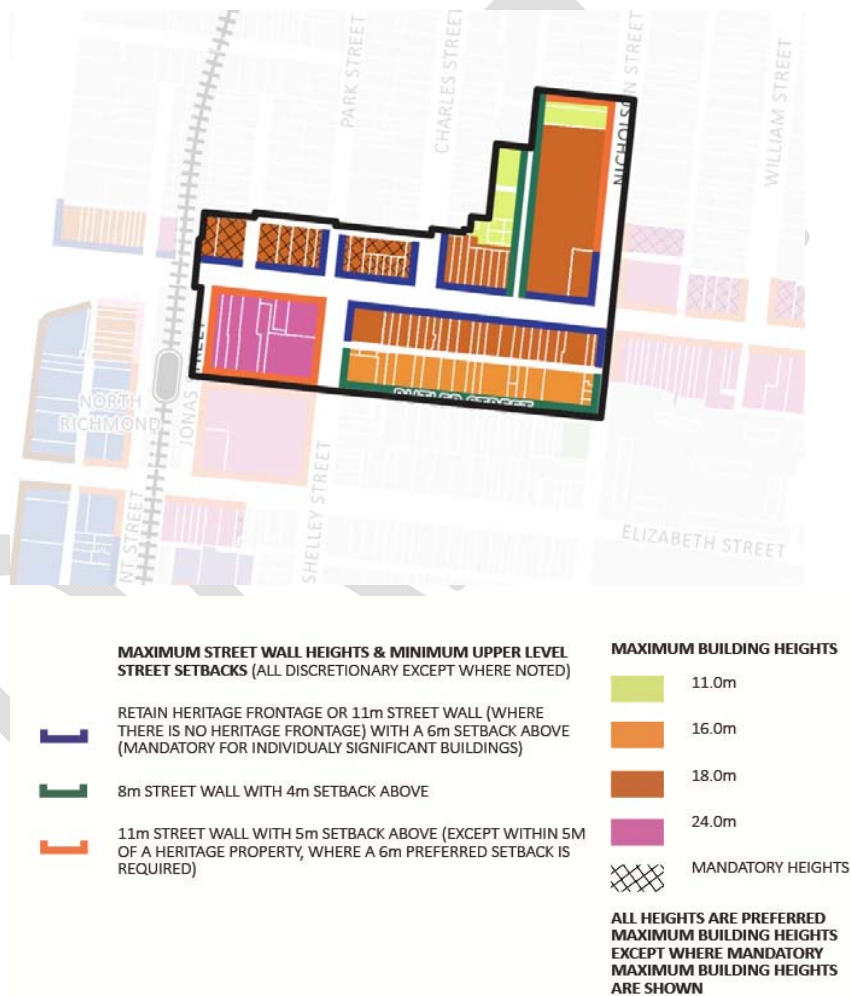
THE MAXIMUM BUILDING HEIGHT MAY NOT BE ACHIEVABLE ON ALL SITES. BUILDING HEIGHTS MUST ADDRESS SETBACK REQUIREMENTS.

Precinct 2 – Victoria Street Central – Rail line to Nicholson Street

Development must:

- retain the visual prominence of heritage buildings in the streetscape, including the façade of corner heritage buildings;
- retain the visual prominence of the intact heritage streetscape between Shelley Street and Lennox Street in the vista along Victoria Street;
- maintain and reinforce the prominence of the street wall character of Victoria Street;
- maintain a sense of openness of Victoria Street;
- provide a transition to the two storey buildings in heritage precincts adjoining the activity centre;
- respect the existing low scale residential development adjoining the activity centre.

Building Heights and Setbacks – Precinct 2



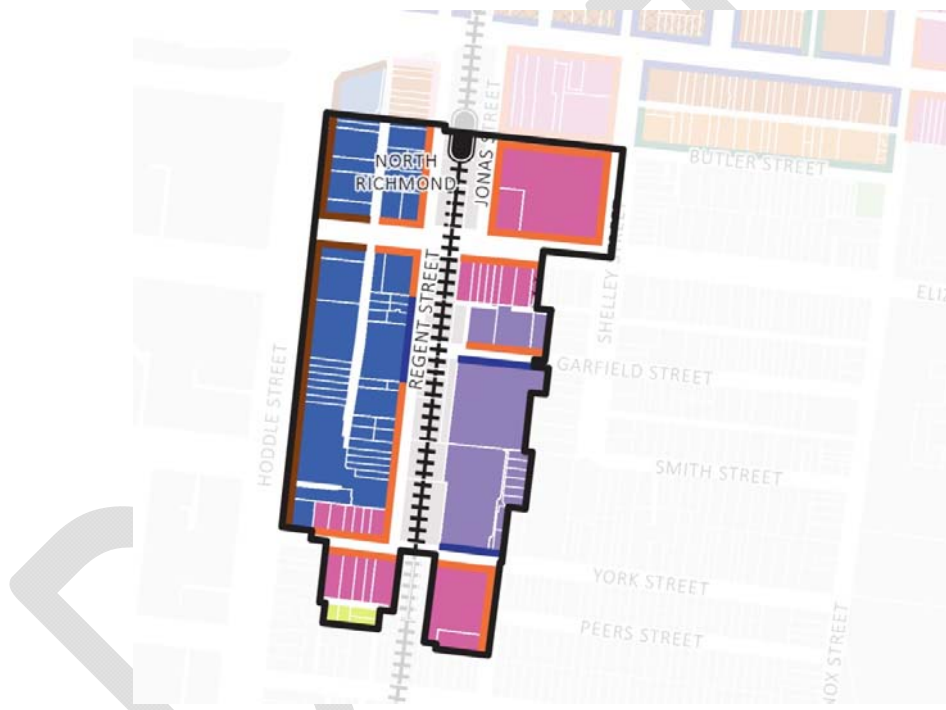
THE MAXIMUM BUILDING HEIGHT MAY NOT BE ACHIEVABLE ON ALL SITES. BUILDING HEIGHTS MUST ADDRESS SETBACK REQUIREMENTS.

Precinct 3 – North Richmond Station




Development must:

- provide a transition in street wall height along Hoddle Street to heritage buildings;
- provide a transition in street wall height along Regent Street from the low scale heritage properties near Victoria Street and on Wrede Place to taller development adjoining Elizabeth Street;
- provide a high quality and engaging interface at ground and lower levels to all streets leading to North Richmond Station;
- provide for surveillance of the platforms, entrances and ramps of North Richmond Station and surrounding streets;
- support and facilitate improvements to the public realm;
- respect the low scale existing development adjoining the activity centre.

Building Heights and Setbacks – Precinct 3



MAXIMUM STREET WALL HEIGHTS & MINIMUM UPPER LEVEL STREET SETBACKS (ALL DISCRETIONARY EXCEPT WHERE NOTED)

-  RETAIN HERITAGE FRONTAGE OR 11m STREET WALL (WHERE THERE IS NO HERITAGE FRONTAGE) WITH A 6m SETBACK ABOVE (MANDATORY FOR INDIVIDUALLY SIGNIFICANT BUILDINGS)
-  11m STREET WALL WITH 5m SETBACK ABOVE (EXCEPT WITHIN 5M OF A HERITAGE PROPERTY, WHERE A 6m PREFERRED SETBACK IS REQUIRED)
-  15m STREET WALL WITH 3m SETBACK ABOVE (EXCEPT WITHIN 5M OF A HERITAGE PROPERTY, WHERE A 6m PREFERRED SETBACK IS REQUIRED)

THE MAXIMUM BUILDING HEIGHT MAY NOT BE ACHIEVABLE ON ALL SITES. BUILDING HEIGHTS MUST ADDRESS SETBACK REQUIREMENTS.

MAXIMUM BUILDING HEIGHTS

-  11.0m
-  24.0m
-  28.0m
-  34.0m
-  MANDATORY HEIGHT

ALL HEIGHTS ARE PREFERRED
MAXIMUM BUILDING HEIGHTS
EXCEPT WHERE MANDATORY
MAXIMUM BUILDING HEIGHTS
ARE SHOWN

Precinct 4 – Victoria Street West

Development must:

- not overwhelm the heritage buildings on Victoria Street and Lithgow Street;
- maintain and reinforce the prominence of the street wall character of Victoria Street;
- maintain a sense of openness of Victoria Street;
- maintain views to the Skipping Girl sign when viewed from the intersection of Leslie Street and Victoria Street;
- provide a respectful transition to heritage buildings along Victoria Street and along Lithgow Street;
- provide a transition to the predominantly single storey buildings in heritage precincts adjoining the activity centre;
- respect the low scale existing development adjoining the activity centre.

Building Heights and Setbacks – Precinct 4



MAXIMUM STREET WALL HEIGHTS & MINIMUM UPPER LEVEL STREET SETBACKS (ALL DISCRETIONARY EXCEPT WHERE NOTED)

- RETAIN HERITAGE FRONTAGE OR 11m STREET WALL (WHERE THERE IS NO HERITAGE FRONTAGE) WITH A 6m SETBACK ABOVE (MANDATORY FOR INDIVIDUALLY SIGNIFICANT BUILDINGS)
- 11m STREET WALL WITH 5m SETBACK ABOVE (EXCEPT WITHIN 5M OF A HERITAGE PROPERTY, WHERE A 6m PREFERRED SETBACK IS REQUIRED)
- 15m STREET WALL WITH 3m SETBACK ABOVE (EXCEPT WITHIN 5M OF A HERITAGE PROPERTY, WHERE A 6m PREFERRED SETBACK IS REQUIRED)
- 8m STREET WALL WITH 4m SETBACK ABOVE

MAXIMUM BUILDING HEIGHTS

- 16.0m
- 18.0m
- 24.0m
- MANDATORY HEIGHTS

**ALL HEIGHTS ARE PREFERRED
MAXIMUM BUILDING HEIGHTS
EXCEPT WHERE MANDATORY
MAXIMUM BUILDING HEIGHTS
ARE SHOWN**

MANDATORY FRONT SETBACKS

6m

THE MAXIMUM BUILDING HEIGHT MAY NOT BE ACHIEVABLE ON ALL SITES. BUILDING HEIGHTS MUST ADDRESS SETBACK REQUIREMENTS.

3.0 Subdivision

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None specified.

4.0 Advertising signs

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None specified.

5.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the General Design Requirements and Precinct Design Requirements in Clause 2.0 are met.
- Whether the Heritage Building Design Requirements in Clause 2.0 are met (where the land is affected by a Heritage Overlay or immediately adjacent to a Heritage Overlay).
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- The profile and impact of development on the vista along Victoria Street.
- The design response at the interface with existing, low scale residential properties.
- Whether heritage buildings retain their three-dimensional form when viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The design of the streetscape interface and its contribution to an active street environment.
- The wind effects created by the development.
- The suitability of vehicle access arrangements and the location, layout and appearance of areas used for car parking.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

Expiry

The requirements of this schedule cease to have effect after [insert date – minimum 2 years].