

## **SCHEDULE 23 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO23**

### **COLLINGWOOD SOUTH (MIXED-USE) PRECINCT**

#### **1.0 Design objectives**

To foster an emerging, contemporary, mixed-use form on infill sites with a prominent street-wall edge, incorporating upper level setbacks and high-quality design features that create a distinction between lower and upper levels.

To ensure that the overall scale and form of new buildings is low- to mid-rise and responds to the topography of the precinct, by providing a suitable transition in height as the land slopes upwards, whilst minimising amenity impacts on existing residential properties, including visual bulk, overlooking and overshadowing.

To protect the industrial, residential and institutional built heritage of the precinct through maintaining the prominence of the corner heritage buildings on Wellington Street, and respecting both individual and groups of low-scale heritage buildings through recessive upper level development and a transition in scale from taller form towards the interface with heritage buildings.

To promote and encourage pedestrian-oriented, high quality urban design outcomes through street edge activation and the protection of footpaths and public open spaces from loss of amenity through overshadowing.

To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

#### **2.0 Buildings and works**

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

#### **2.1 Definitions**

**Street-wall** means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. 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 at the street edge, with the exception of architectural features and building services.

**Laneway** means a road reserve, public highway or right of way 9 metres or less in width.

**Rear interface** is the rear wall of any proposed building or structure whether on the property boundary or set back from the property boundary.

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

**Road boundary** means the boundary between the public road and the private property.

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

**Upper level** means development above the height of the street wall.

**Heritage building** means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant (including properties on the Victorian Heritage Register).

## 2.2 General Requirements

The requirements below apply to an application to construct a building or construct or carry out works.

A permit cannot be granted to vary a requirement expressed with the term 'must'.

## 2.3 Street wall height and front setback requirements

Development must not exceed the street wall heights as shown in Map 1.

Development should not exceed other street wall heights as shown in Map 1, unless all the following requirements are met, to the satisfaction of the Responsible Authority:

- the built form outcome as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 of this schedule;
- the proposed street wall height provides a transition, scaling down to the interface with a heritage building; and
- the proposed street wall height does not overwhelm the adjoining heritage building and provides for an adequate transition towards it.

The street wall of infill development adjoining a heritage building should not be higher than the parapet height of the adjoining heritage building to the width of the property boundary or 6m, whichever is the lesser.

Development should have no front or side street setback, unless an immediately adjoining heritage building is set back from the street, in which case infill development should match the front setback of the adjoining heritage building from the same street, excluding laneway frontages.

Development at 54 and 56 Oxford Street must match the front setback of the heritage building at 58 Oxford Street.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear or side interface as required.

Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 metre at the site's corner boundaries.

## 2.4 Upper level setback requirements

Upper levels above the street wall:

- must be set back by a minimum of 6 metres for heritage buildings;
- should be placed behind the front two rooms and/or principle roof form, whichever is the greater, for properties at 50-52 Oxford Street, 57-63 Oxford Street, 13-15 Peel Street and 14-34 Cambridge Street, Collingwood;
- should be placed behind the heritage fabric of 58-62 Oxford Street, Collingwood, as identified in the relevant Statement of Significance;
- should be set back by a minimum of 6 metres for other development sites in Areas 1 and 2 as shown on Map 1;
- should be set back by a minimum of 3 metres for other development sites in Area 3 as shown on Map 1.

Upper levels should:

- be visually recessive when viewed from the public realm to ensure development does not overwhelm the streetscape and minimises upper level bulk;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

For heritage buildings, upper level setbacks in excess of the minimum upper level setback requirements should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape;
- it would maintain the perception of the three-dimensional form and depth of the building;
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## 2.5 Building height requirements

Development on sites shown as hatched on Map 1 must not exceed the building height shown on Map 1.

Development should not exceed the building heights shown on Map 1.

A permit should only be granted to construct a building or construct or carry out works which exceeds the building height shown in Map 1 where all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome as a result of the proposed variation satisfies:
  - the Design Objectives in Clause 1.0;
  - the Overshadowing and Solar Access Requirements in Clause 2.6;

- the proposal will achieve each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - excellence for environmental sustainable design measured as a minimum BESS project score of 70%.
  - no additional overshadowing impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34.
- where the proposal includes dwellings, it also achieves each of the following:
  - housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
  - accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58m as relevant; and
  - communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and/or 58, as relevant.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, roof terraces, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands or planting areas in the public realm; and
- the equipment/structures are no higher than 2.6 metres above the proposed building height; and
- the equipment/structures occupy less than 50 per cent of the roof area (solar panels and green roof excepted).

**Map 1: Building and Street Wall Heights**



## 2.6 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a residential zone, including where separated by a laneway.

Development must not overshadow any part of the southern side footpath from property boundary to kerb of Peel, Langridge and Derby Streets between 10am and 2pm on 22 September.

For streets that extend in a north-south direction (except for Little Oxford Street), development must not overshadow any part of the opposite side footpath from property boundary to kerb between 10am and 2pm on 22 September.

Development along Little Oxford Street should not overshadow parts of building that are above the ground floor between 10am and 2pm on 22 September.

Development should be designed to minimise overshadowing of the following areas of open space and/or public realm between 10am and 2pm on 22 September, to the satisfaction of the Responsible Authority:

- Cambridge Street Reserve (incl. any future extension of the reserve);
- Oxford Street Reserve;
- The outdoor space of the Collingwood English Language School;
- Any kerb outstands, seating or planting areas on the opposite side of the street, as applicable.

## **2.7 Building separation, amenity and equitable development requirements**

An application for development should 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 within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development must:

- for buildings up to 27 metres, be setback a minimum of 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site and/or exists on the adjoining property; and
- for buildings up to 27 metres, be setback a minimum of 3.0 metres from the common boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site and/or exists on the adjoining property; and
- where buildings exceed 27 metres in height, the development above 27 metres be set back a minimum of 6 metres from the common boundary, whether or not windows are proposed on the subject.

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

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed; and
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.8 Other design requirements**

Development at the rear of the properties at 10 - 22 Derby Street must be designed to address Langridge Street.

The rear interface of a development abutting a laneway should not exceed a preferred height of 11 metres.

Development should achieve good urban design outcomes and architectural excellence by including, but not being limited to:

- achieving active, fine grain design to create a pedestrian-oriented environment and passive surveillance towards the public realm;
- creating a suitable ratio of solid and void elements that resemble the industrial past of the area;
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, windowsills;
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours;
- avoiding large expanses of glazing with a horizontal emphasis;
- not competing with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoiding highly reflective glazing in openings of heritage buildings;
- maintaining existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- encouraging the retention of solid built form behind retained heritage façades and avoid balconies behind existing openings; and
- ensuring projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a suitable commercial floor height of 4 metres floor to floor height;
- avoid floor to ceiling glass with limited entries for large expanses of the ground floor;
- allow unobstructed views through openings into the ground floor of buildings;
- include fine grain design that engages the pedestrian and provides detail, articulation, depth, materiality and rhythm that contributes to a high-quality street interface and where appropriate integrates seating perches into street facades;
- on sites abutting narrow footpaths of less than 1.8 metres, provide for front setbacks and/or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking;
- locate building service entries/access doors and cabinets away from the primary street frontage, or where not possible, they should be sensitively designed to integrate into the façade of the building and complement the street frontage and character;
- respond to the topography of the east-west oriented streets through transition and “stepping” of the ground floor to appropriately address the street.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilize design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across sites with a wide frontage;
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall;
- be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape.

Development should avoid blank walls visible to the public realm, including on side street frontages.

Side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a street wall and upper level setback, as applicable.

Development interfacing with areas of public open space should:

- provide a suitable transition in scale to the interface with the public open space;
- ensure that development does not visually dominate the public open space;
- provide passive surveillance from lower and upper levels.

## **2.9 Access, parking and loading bay requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, be well lit and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order of preference). Vehicle access from Wellington Street and Langridge Street should be avoided.

At the intersection of laneways and footpaths, development to non-heritage buildings should provide a minimum 1 x 1 metre splay to ensure pedestrian safety.



Car parking should be located within a basement or concealed from the public realm.

Avoid separate entries for car parking entries and loading bays.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity and avoid adversely impacting the continuity of the public realm.

Vehicle ingress/egress points should be spaced apart from other existing and/or proposed ingress/egress points to avoid wide crossover points.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- a site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule;
- a desktop wind effects assessment for the proposed development to assess the impact of wind on:
  - the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing; and
  - the safety and effects on cyclists travelling along bicycle routes that are next to development.
- a Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:

- minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services);
- reduces car dependence and promotes sustainable transport modes; and
- which includes an assessment of the impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

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 requirements in Clauses 2.2-2.9 are met;
- Whether the proposal provides a high-quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm;
- whether development retains the prominence of the heritage street wall in the vistas along the main street frontage within the precinct;
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of the primary and secondary street;
- whether heritage buildings retain their three-dimensional form as viewed from the public realm;
- whether upper level development above the heritage street wall is visually recessive and does not visually overwhelm the heritage buildings;
- whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;
- whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site through a suitable transition in scale of street-wall, upper level setbacks and building height;
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;
- how the proposal responds in terms of scale and transition to the sloping topography of the area;
- whether proposed roof decks are set back from lower levels and are recessive in appearance;
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings;
- does the design respond to the interface with existing low-scale residential properties, including the overshadowing of secluded private open space;

- Whether proposed buildings and works will avoid overshadowing of footpaths and public open spaces;
- Whether the proposal has considered the equitable development rights of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design;
- whether the development mitigates negative wind effects created by the development;
- the impact of development on traffic and parking in the nearby area, including on the functionality of laneways; and
- whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Reference Documents**

Collingwood South Built Form Framework, June 2018

Collingwood Mixed Use Pocket Heritage Analysis & Recommendations, June 2018

Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, May 2021

Traffic Engineering Assessment: Brunswick Street and Smith Street Activity Centres, November 2019