

Permanent Fitzroy and Collingwood Design and Development Overlays

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Design and Development Overlay Schedule 29 - Brunswick Street Shops

Shown on the planning scheme map as DDO29

1.0 Design Objectives

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Leicester Street and south of Johnston Street.
- the existing low-rise character (ranging from 3 to 4 storeys) and consistent intact street wall between Johnston Street and Leicester Street.
- the existing low-rise character (ranging from 3 to 4 storeys) at the intersections at Johnston Street and Gertrude Street.

To retain view lines to St Patrick's Cathedral and the St Luke's Church and to retain the prominence and integrity of corner heritage buildings, particularly at the Johnston and Gertrude Street intersections.

To ensure development maintains the prominence of the existing low-scale heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Brunswick Street character.

To encourage development design that promotes pedestrian activity and passive surveillance, contributes to a high-quality public realm, and avoid overshadowing of opposite footpaths on Brunswick Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC1]: Recommended to add a measurable limit to this requirement.

Commented [YCC2]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC3]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Maps 1 and 2.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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

Commented [YCC4]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC5]: Wording and order of requirements in this section have been changed to create consistency, the intent and functioning remains unchanged.

Commented [YCC6]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC7]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

the front setback of the adjoining heritage building from the same street, excluding laneway frontages.

Along Brunswick Street, development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Brunswick Street and Johnston Street must be set back by a minimum of 8 metres.

Upper levels above a side street wall should be set back by a minimum of 6 metres.

Upper levels should:

- be visually recessive from Brunswick Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Brunswick Street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 must not exceed the mandatory maximum building height shown on Maps 1 and 2.

Commented [YCC8]: In response to independent heritage expert advice. Upper-level setbacks to Johnston Street corners was previously 6m.

Commented [YCC9]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC10]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

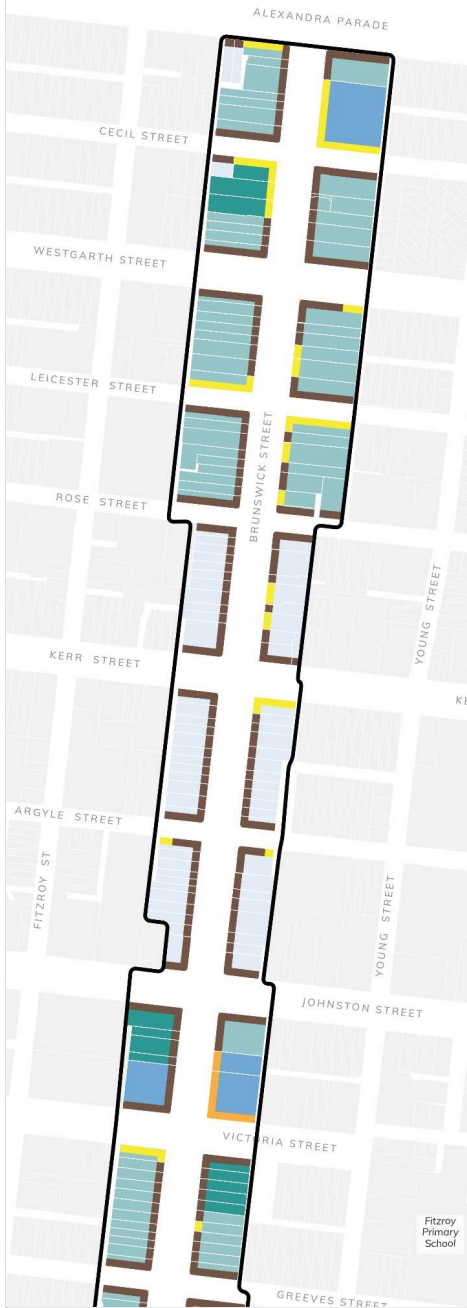
Architectural features (except service equipment or structures) may exceed the mandatory maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory 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).

Commented [YCC11]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (North of Greeves Street, Fitzroy)



Mandatory Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- Limited opportunity

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

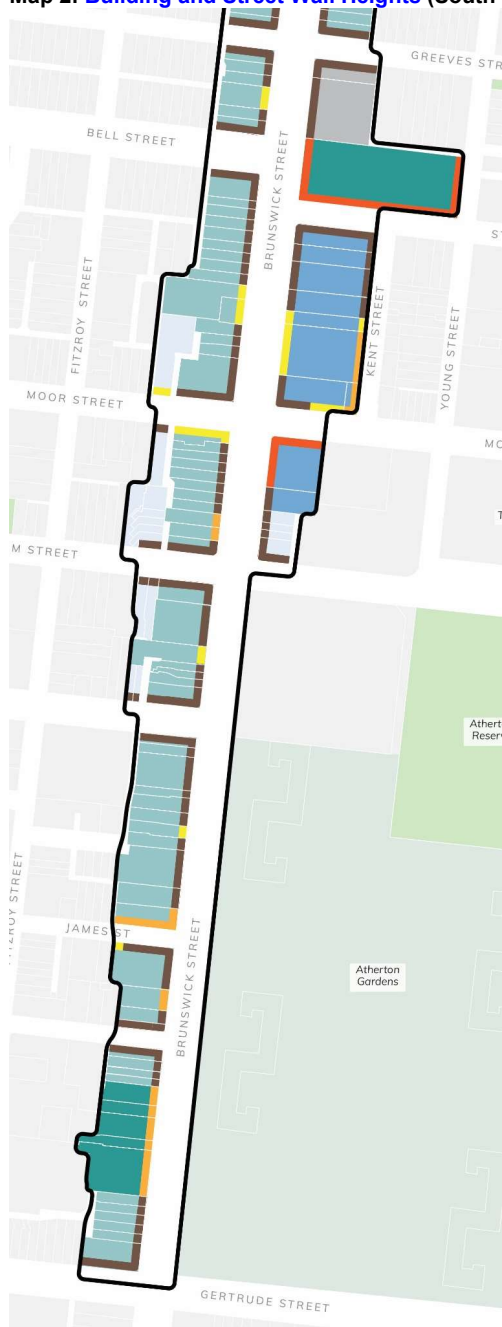
Heritage Streetwall Heights

- Retain heritage streetwall

Commented [YCC12]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Commented [YCC13]: In response to feedback and heritage advice, building heights between Cecil Street and Leicester Street have been reduced to 4 storeys, except for non-contributory sites along the northern half of the block near the Cecil/Brunswick Street corner.

Map 2: Building and Street Wall Heights (South of Greeves Street, Fitzroy)-



Mandatory Maximum Building Heights

3 storeys / 11.2m

4 storeys / 14.4m

5 storeys / 17.6m

6 storeys / 20.8m

Limited opportunity

Mandatory Maximum Streetwall Heights

New 2 storey streetwall / 8.0m

New 3 storey streetwall / 11.2m

New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

Retain heritage streetwall

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

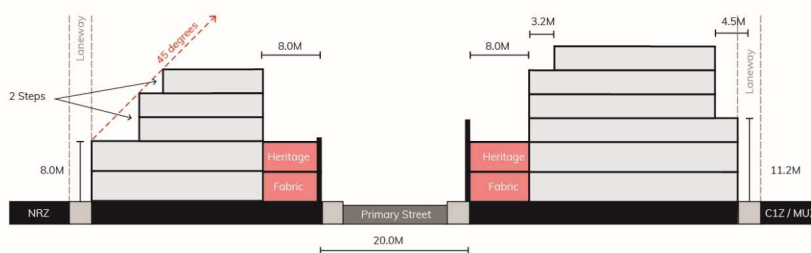
Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels. Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

Commented [YCC14]: The clarification of this requirements applies to DDOs that include streets to the rear.

Commented [YCC15]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC16]: Submission requested clarification

- the opposite footpath of Brunswick and Johnston Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Development should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for public open spaces, reserves or parklets.

New development should not overshadow properties fronting Kent Street, east side, from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Brunswick Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Commented [YCC17]: Added requirement in response to submissions and to reflect the adopted Brunswick Streetscape Masterplan. Is consistent with other recent amendment C293.

Commented [YCC18]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC19]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC20]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC21]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

Development on streets other than Brunswick Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- **facades which** relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Brunswick Street;
- **creating an appropriate ratio of solid and void elements.**
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- **maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.**
- **maintaining** existing openings and the inter-floor height of a heritage building and **avoiding** new floor plates and walls cutting through historic openings.
- **avoiding** highly reflective glazing in openings of heritage buildings.
- **encouraging** the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings **so as to avoid facadism.**
- **ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.**
- **avoiding** large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- **minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.**

Lower levels of development should:

- **be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.**
- **incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.**
- **provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.**
- **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.**

The design of upper levels of development should:

Commented [YCC22]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC23]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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 of the building.

2.10 Access, Parking and Loading Bay Requirements

Commented [YCC24]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Brunswick Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Brunswick Street.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.

Commented [YCC25]: Previous requirements have been refined to ensure a better outcome.

Commented [YCC26]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

- 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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Brunswick Street achieves a fine grain, traditional retail shop front character.
- whether development retains the prominence of the heritage street wall in the vistas along Brunswick Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Brunswick Street
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space;
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form mitigates negative wind effects created by the development.

Commented [YCC27]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC28]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

- the impact of development on traffic and parking in the nearby area, including on the functionality of laneways [and bicycle lanes](#).
- 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.

Design and Development Overlay Schedule 30 - Smith Street Shops

Shown on the planning scheme map as DDO30

SMITH STREET SHOPS

1.0 Design Objectives

To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

- a new lower-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north Stanley and St David Streets and south of Gertrude Street.
- a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.

To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection

To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC29]: Recommended to add a measurable limit to this requirement.

Commented [YCC30]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC31]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Maps 1 and 2.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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.

Commented [YCC32]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC33]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC34]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC35]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Along Smith Street, development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Smith Street must be set back by a minimum of 8 metres.

Upper levels above the street wall along Johnston Street wall must be a set back by a minimum of 6 metres.

Upper levels above a side street wall should be set back by a minimum of 6 metres.

Upper levels should:

- be visually recessive from Smith Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 must not exceed the mandatory maximum building height shown on Maps 1 and 2.

Commented [YCC36]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC37]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Architectural features (except service equipment or structures) may exceed the mandatory maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory 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).

Commented [YCC38]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (North of Stanley and Moor Streets)

Commented [YCC39]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.



Mandatory Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 9 storeys / 30.4m
- Limited opportunity

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

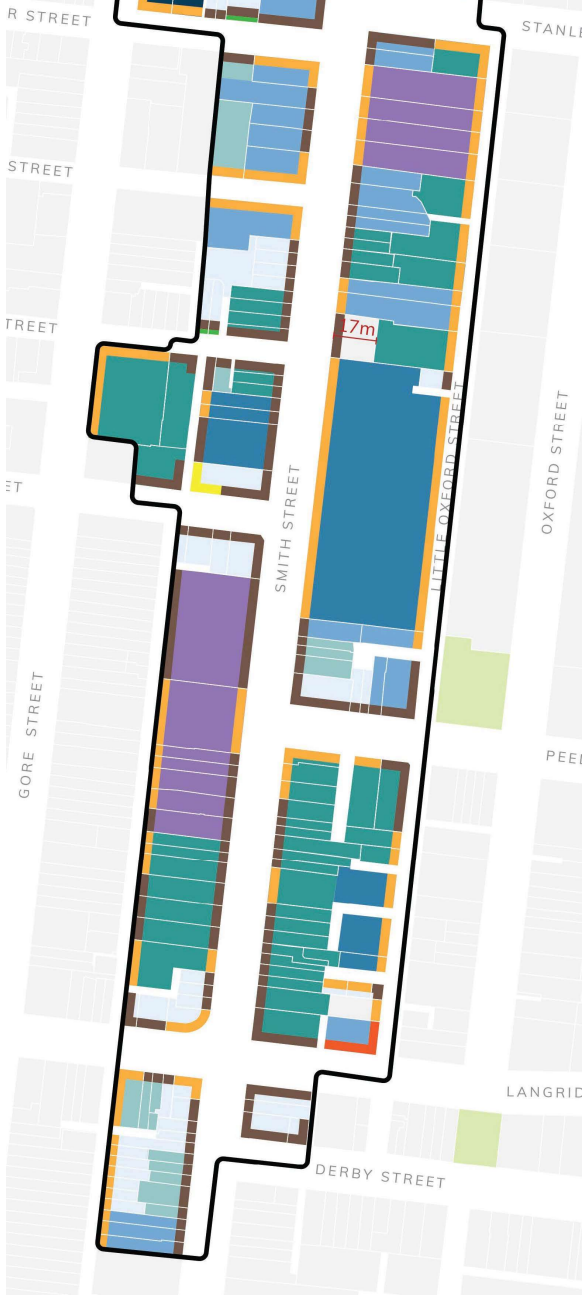
Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

Map 2: Building and Street Wall Heights (South of Stanley and Moor Streets)



Mandatory Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 9 storeys / 30.4m
- Limited opportunity

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

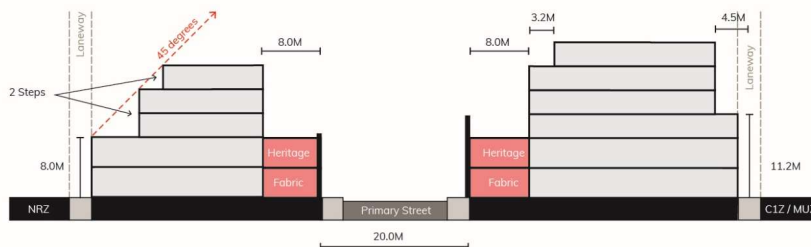
Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels. Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Smith, Johnston, Gertrude and Langridge Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Commented [YCC40]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

Commented [YCC41]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC42]: Submission requested clarification

Development should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for public open spaces, reserves or parklets.

New development should not overshadow properties fronting Bedford, Little Oxford Street and Little Smith Street, from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable. Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Smith Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development on streets other than Smith Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Smith Street;

Commented [YCC43]: Added requirement in response to submissions and in response to Smith Street Streetscape Masterplan. Is consistent with other recent amendment C293.

Commented [YCC44]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC45]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC46]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

Commented [YCC47]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC48]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.

Commented [YCC49]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC50]: Also responds to community feedback to provide for more landscaping.

- 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, soft landscaping, varied materials and/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 of the building.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Smith Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Smith Street.

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.

Commented [YCC51]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC52]: Previous requirements have been refined to ensure a better outcome.

3.0 Subdivision

None specified.

4.0 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC53]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Smith Street achieves a fine grain, traditional retail shop front character.
- whether development retains the prominence of the heritage street wall in the vistas along Smith Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Smith Street
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- whether upper level development above the heritage street wall is visually recessive and does not visually overwhelm the heritage buildings.

Commented [YCC54]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC55]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 31 - Gertrude Street Shops

Shown on the planning scheme map as DDO31

1.0 Design Objectives

To ensure development responds to the heritage character and intact streetscape of Gertrude Street by supporting a low-rise character (ranging from 3 to 4 storeys).

To ensure development retains view lines to the drum, dome, lantern and flagpole of the Royal Exhibition Buildings and respects the prominence and integrity of corner heritage buildings.

To ensure development maintains the prominence of the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the Gertrude Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Gertrude Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

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

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

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC56]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC57]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Map 1.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary.

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.

Along Gertrude Street, development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where required.

Commented [YCC58]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC59]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC60]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC61]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Gertrude Street must be set back by:

- a minimum of 10 metres west of Brunswick Street; or
- a minimum of 15 metres between 128 and 134 Gertrude Street, Fitzroy; or
- a minimum of 8 metres in all other areas;

as applicable.

Upper levels above a side street wall should be set back by a minimum of 6 metres.

Upper levels should:

- be visually recessive from Gertrude Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 must not exceed the mandatory maximum building height shown on Map 1. Architectural features (except service equipment or structures) may exceed the mandatory maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory maximum 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

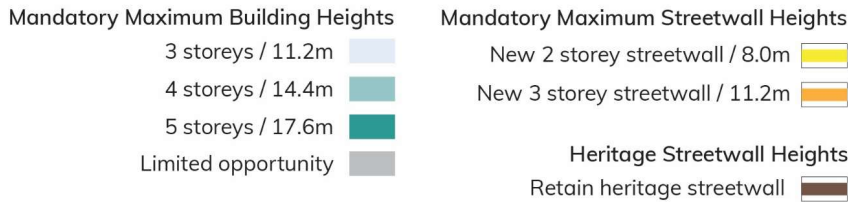
Commented [YCC62]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC63]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC64]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

- 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



Commented [YCC65]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, **except for green infrastructure to support soft landscaping**. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the **development site's** boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Commented [YCC66]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

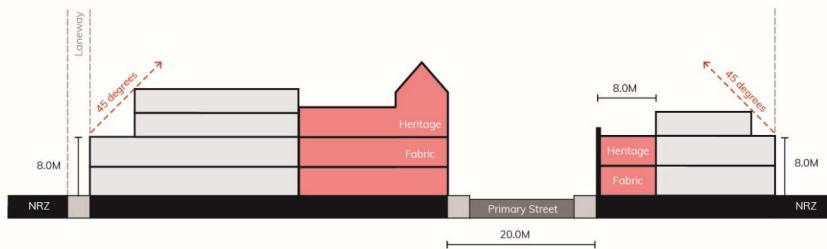
Commented [YCC67]: Submission requested clarification

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Gertrude and Brunswick Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

2.8 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 should:

- be set back a minimum of 4.5 metres from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site and/or exists on the adjoining property.
- be set back 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.

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:

Commented [YCC68]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC69]: Added requirement to protect equitable development opportunities to neighbouring properties.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Gertrude Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development on streets other than Gertrude Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- **facades which** relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Gertrude Street;
- **creating an appropriate ratio of solid and void elements.**
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- **maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.**
- **maintaining** existing openings and the inter-floor height of a heritage building and **avoiding** new floor plates and walls cutting through historic openings.
- **avoiding** highly reflective glazing in openings of heritage buildings.
- **encouraging** the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings **so as to avoid facadism.**
- **ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.**
- **avoiding** large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- **minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.**

Lower levels of development should:

- **be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.**
- **incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.**

Commented [YCC70]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC71]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

Commented [YCC72]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC73]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Commented [YCC74]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Gertrude Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Gertrude Street.

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 Signs

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.

Commented [YCC75]: Previous requirements have been refined to ensure a better outcome.

Commented [YCC76]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

- 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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Gertrude Street achieves a fine grain, traditional retail shop front character.
- whether development retains the prominence of the heritage street wall in the vistas along Gertrude Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Gertrude Street
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.

Commented [YCC77]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC78]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 32 – Johnston Street West

Shown on the planning scheme map as DDO32

1.0 Design Objectives

To ensure development responds to the varied character and open streetscape of Johnston Street by supporting:

- a new mid-rise character (ranging from 4 to 9 storeys) behind a new street wall along the north side of Johnston Street; and
- a mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street.

To ensure development creates a new mid-rise character (ranging from 6 to 9 storeys) along Nicholson Street that is set behind a robust street wall and transitions down towards Johnston Place and the former Avon Butter Factory.

To ensure development respects the lower-scale street wall through recessive upper levels and façade composition and articulation that complements the heritage character of the street.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Johnston Street and properties fronting Victoria Street.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC79]: Recommended to add a measurable limit to this requirement.

Commented [YCC80]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC81]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Map 1.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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.

Commented [YCC82]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC83]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC84]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC85]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Towards Johnston and Nicholson Street, development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Johnston and Nicholson Street must be set back by a minimum of 6 metres.

Upper levels above a side street wall should be set back by a minimum of 3 metres.

Within a heritage overlay, the top most level of development over 5 storeys should be set back a further 3.2 metre from the main street frontage, measured from the level below.

Upper levels should:

- be visually recessive from Johnston Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 must not exceed the mandatory maximum building height shown on Map 1. Architectural features (except service equipment or structures) may exceed the mandatory maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with

Commented [YCC86]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC87]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC88]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

pedestrian access, green roof areas and other such equipment may exceed the **mandatory maximum** 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






Commented [YCC89]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Mandatory Maximum Building Heights

4 storeys / 14.4m	
5 storeys / 17.6m	
6 storeys / 20.8m	
7 storeys / 24.0m	
8 storeys / 27.2m	
9 storeys / 30.4m	

Mandatory Maximum Streetwall Heights

New 2 storey streetwall / 8.0m	
New 3 storey streetwall / 11.2m	
New 4 storey streetwall / 14.4m	
Heritage Streetwall Heights	
Retain heritage streetwall	

2.6 Interface Requirements

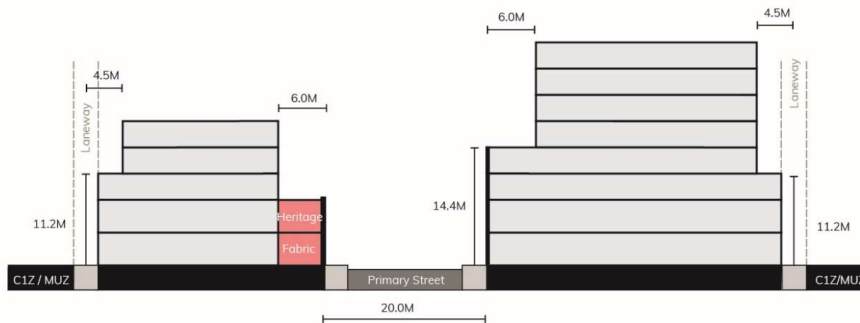
Development on a rear boundary should not exceed 11.2 meters.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

New development must not overshadow:

- the opposite footpath of Johnston Street and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties on the south side of the laneway between Johnston and Victoria Street and/or properties on the east side of Johnston Place, from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back a minimum of 3.0 metres from the common

Commented [YCC90]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC91]: Added requirement to protect equitable development opportunities to neighbouring properties.

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.

- 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 site.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Johnston Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development fronting Nicholson Street should achieve a commercial character at ground level.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Johnston Street;
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.

Commented [YCC92]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

Commented [YCC93]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC94]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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, soft landscaping, varied materials and/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.

Commented [YCC95]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC96]: Also responds to community feedback to provide for more landscaping.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Johnston Street.

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

Commented [YCC97]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC98]: Previous requirements have been refined to ensure a better outcome.

None specified.

4.0 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC99]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Johnston Street achieves a fine grain retail shop front character.
- whether the design of development fronting Nicholson Street achieves a commercial character.
- whether development retains the prominence of the heritage street wall in the vistas along Johnston Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Johnston Street

Commented [YCC100]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC101]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 33 - Brunswick Street Grand Residential

Shown on the planning scheme map as DDO33

1.0 Design Objectives

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- the retention of the low-rise character (generally up to 4 storeys) along the west side of Brunswick Street with development being located behind the heritage buildings; and
- a low-rise character (up to 4 storeys) along the east side of Brunswick Street behind the low, varied street wall.

To retain view lines to St Patrick's Cathedral and the St Luke's Church and the prominence of the 'grand' residential heritage buildings on the west side of Brunswick Street.

To ensure development maintains the varied heritage street wall and buildings on the east side through recessive upper levels and façade composition and articulation that complements the Brunswick Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Brunswick Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC102]: Recommended to add a measurable limit to this requirement.

Commented [YCC103]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC104]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Map 1.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary.

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 should achieve a continuous street wall with no front setback, or match the lesser setback of the adjacent heritage building, if the site is within a Heritage Overlay.

Commented [YCC105]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC106]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC107]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC108]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Commented [YCC109]: Requirement used to say 'Development should achieve a continuous street wall with no front setback, unless a front setback exists, and the site is within a Heritage Overlay.' It was changed in response to heritage expert advice.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall along the east side of Brunswick Street must be set back by a minimum of 8 metres.

Upper levels above the street wall along the west side of Brunswick Street must be set back behind the existing heritage building as indicated on Map 1.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street;
- 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.

2.5 Building Height Requirements

Development must not exceed the mandatory maximum building height shown on Map 1. Architectural features (except service equipment or structures) may exceed the mandatory maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory maximum 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).

Commented [YCC110]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC111]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC112]: Used to read: lift overruns. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (South of Gertrude Street)



Commented [YCC113]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

- Mandatory Maximum Building Heights**
- 3 storeys / 11.2m
 - 4 storeys / 14.4m
 - 7 storeys / 24.0m
 - Limited opportunity
- Mandatory Maximum Streetwall Heights**
- New 3 storey streetwall / 11.2m
- Heritage Streetwall Heights**
- Retain heritage streetwall
- Landscape Setbacks**
- Retain landscape setback

2.6 Interface Requirements

Development on a rear boundary, excluding the west side of Brunswick Street where south of 25 Brunswick Street, should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Map 1).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

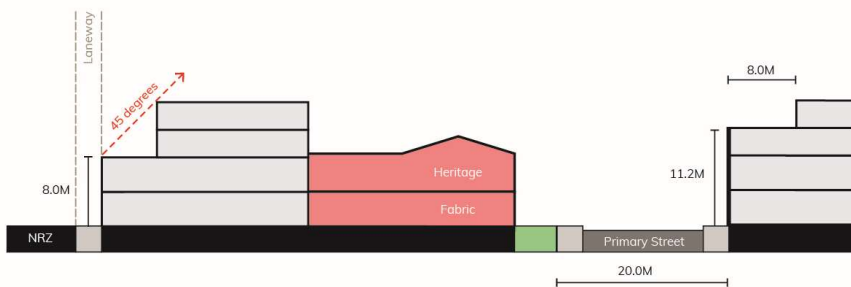
North of 25 Brunswick Street (including) and on the east side of Brunswick Street, upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

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

New development must not overshadow:

Commented [YCC114]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

Commented [YCC115]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC116]: Submission requested clarification

- the opposite footpath of Brunswick Street, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

2.8 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 should:

- be set back a minimum of 4.5 metres from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site and/or exists on the adjoining property.
- be set back a minimum of 3.0 metres from the common side 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.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either :
 - the grand residential building character on the west side of Brunswick Street; or
 - the mixed retail, commercial and residential character on the east side of Brunswick Street;
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.

Commented [YCC117]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC118]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC119]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC120]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- **maintaining** existing openings and the inter-floor height of a heritage building and **avoiding** new floor plates and walls cutting through historic openings.
- **avoiding** highly reflective glazing in openings of heritage buildings.
- **encouraging** the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings **so as to avoid facadism**.
- **ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land**.
- **avoiding** large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- **Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping**.
- 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.

Commented [YCC121]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC122]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Brunswick Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Commented [YCC123]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC124]: Previous requirements have been refined to ensure a better outcome.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Brunswick Street.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC125]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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.

Commented [YCC126]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether development retains the prominence of the heritage street wall and grand residential character along the western side of Brunswick Street;
- whether the design of development along the east side of Brunswick Street achieves a mixed retail, commercial and residential character;
- whether development retains the prominence of the heritage street wall in the vistas along Brunswick Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Brunswick Street
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC127]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 34 – Fitzroy Town Hall and Back Blocks

Shown on the planning scheme map as DDO34

1.0 Design Objectives

To ensure development supports a lower- to mid-rise character (ranging from 3 to 6 storeys) in the Fitzroy Town Hall precinct and back blocks behind Brunswick Street.

To ensure development retains view lines to the Fitzroy Town Hall clock tower from the corner of Young Street and Moor Street.

To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the mixed industrial and residential character of each area.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ and/or GRZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

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

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC128]: Recommended to add a measurable limit to this requirement.

Commented [YCC129]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC130]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Maps 1, 2 and 3.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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 should achieve a continuous street wall with no front setback.

Commented [YCC131]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC132]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC133]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC134]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the primary frontage street wall should be set back by a minimum of 6 metres.

Upper levels above the street wall along King William Street and Fitzroy Street should be set back by a minimum of 8 metres.

Upper levels above a side street wall should be set back by a minimum of 3 metres.

Upper levels should retain views towards the tower of the Fitzroy Town Hall from the western corner of Kent and Moor Streets.

Upper levels should:

- be visually recessive from Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 must not exceed the mandatory maximum building height shown on Maps 1, 2 and 3.

Development should not exceed the preferred maximum building height shown on Maps 1, 2 and 3.

Commented [YCC135]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC136]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Maps 1, 2 and 3 where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the mandatory or preferred maximum building height.

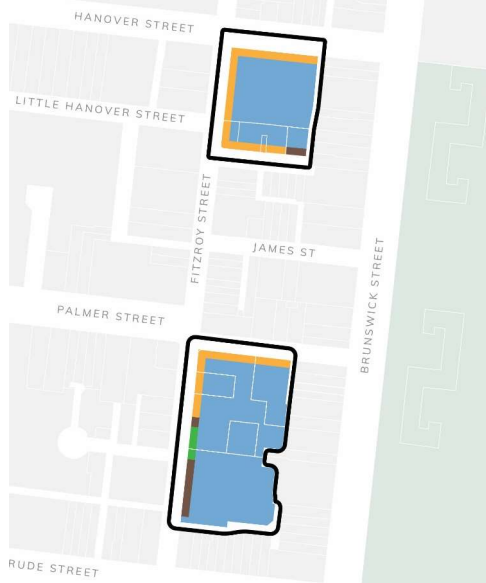
Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or preferred height provided that:

- 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).

Commented [YCC137]: These requirements for preferred maximum building heights are included where a mix of mandatory and preferred heights apply, i.e. DDOs 36, 37, 38, 39 and 40.

Commented [YCC138]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (South of Hanover Street)



Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- Limited opportunity

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

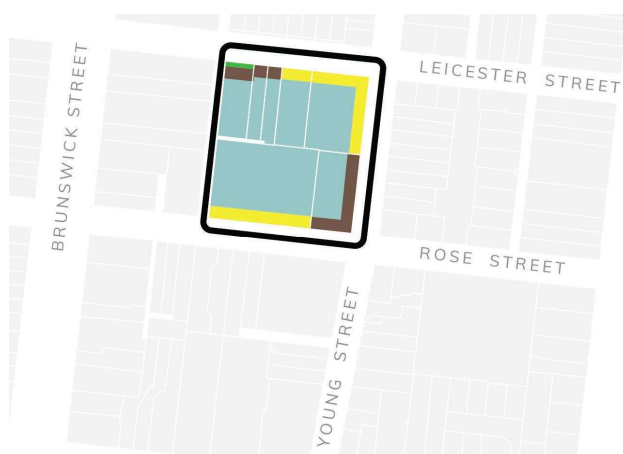
- Retain heritage streetwall

Landscape Setbacks

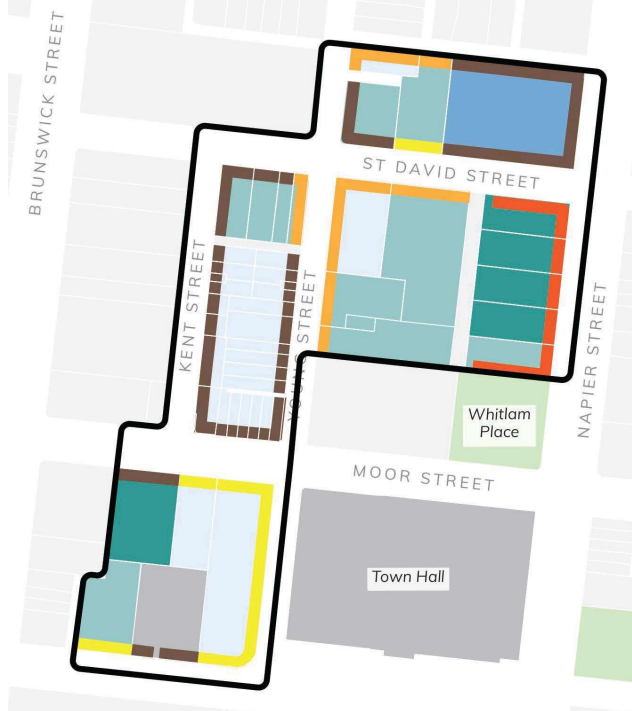
- Retain landscape setback

Commented [YCC139]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Map 2: Building and Street Wall Heights (South of Leicester Street)



Map 3: Building and Street Wall Heights (Fitzroy Town Hall Precinct)



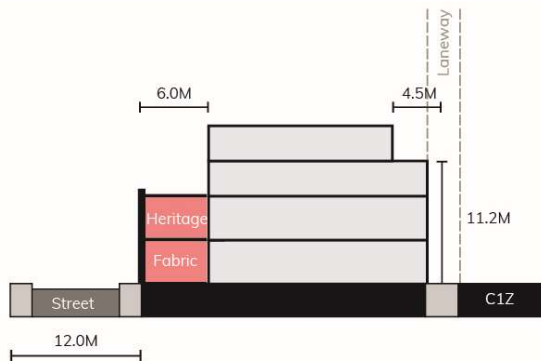
2.6 Interface Requirements

Development on a rear boundary should not exceed 11.2 meters.
Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath street over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Development should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for public open spaces, reserves or parklets.

2.8 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 should:

- be set back 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.
- be set back 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.

Commented [YCC140]: Added requirement in response to submissions and to reflect the adopted Brunswick Streetscape Masterplan.

Commented [YCC141]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC142]: Added requirement to protect equitable development opportunities to neighbouring properties.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either the mixed historic industrial warehouse or residential character, as applicable.
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.

Commented [YCC143]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC144]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

Commented [YCC145]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC146]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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 of the building.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Commented [YCC147]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Ensure pedestrian entrances are clearly visible, secure, **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 **or leasable floor area serviced** and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

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 Signs

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:

Commented [YCC148]: Previous requirements have been refined to ensure a better outcome.

Commented [YCC149]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

- 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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development achieves a mixed use industrial warehouse and/or residential character, as applicable.
- Whether development retains the prominence of Fitzroy Town Hall in the precinct.
- whether development retains the prominence of the heritage street wall in the vistas along the primary street frontage.
- 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, including the opposite side of the street
- 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.

Commented [YCC150]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC151]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 35 – Johnston Street South and Victoria Street

Shown on the planning scheme map as DDO35

1.0 Design Objectives

To ensure development responds to the heritage character and varied streetscape by supporting:

- a mid-rise character (ranging from 3 to 8 storeys) behind a consistent street wall along Victoria Street; and
- a lower-rise to mid-rise character (ranging from 3 to 6 storeys) behind a low street wall between Johnston and Chapel Streets.

To retain the prominence and integrity of corner heritage buildings, particularly the former Avon Butter Factory and heritage warehouse buildings on Victoria Street.

To ensure development respects the heritage street wall and buildings through recessive upper levels and façade composition and articulation that complement:

- the commercial character of Johnston Street;
- the varied commercial and residential character along side and rear streets; and
- the heritage warehouse streetscape of Victoria Street.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Victoria Street, opposite footpaths of Kerr, George and Gore Streets and properties south of Chapel Street, including the primary school.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls **exceeding 40 per cent of the building façade ground floor.**
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC152]: Recommended to add a measurable limit to this requirement.

Commented [YCC153]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC154]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 mandatory maximum street wall heights as shown in Maps 1 and 2.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

Commented [YCC155]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC156]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC157]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC158]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

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.

Along Johnston and Victoria Streets, development should achieve a continuous street wall with no front setback, unless the site is in a heritage overlay and a front setback already exists.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Johnston Street and along the north side of Victoria Street must be set back by a minimum of 6 metres.

Upper levels above the street wall along Chapel Street should be set back by a minimum of 6 metres.

Upper levels above a side street wall should be set back by a minimum of 3 metres for non-contributory sites.

Upper levels should:

- be visually recessive from Johnston, Victoria and Chapel Street frontages, as applicable, and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Upper level setbacks above a side street should be set back by a minimum of 6 metres for heritage buildings.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Johnston Street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

Commented [YCC159]: This change was recommended by a independent heritage expert.

Commented [YCC160]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC161]: This change was recommended by a independent heritage expert.

- 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 must not exceed the **mandatory maximum** building height shown on Maps 1 and 2.

Architectural features (except service equipment or structures) may exceed the **mandatory maximum** building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the **mandatory maximum** 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 (Johnston Street South and Chapel Street)



Commented [YCC162]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC163]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Commented [YCC164]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Mandatory Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 8 storeys / 27.2m

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

Map 2: Building and Street Wall Heights (Victoria Street)



Mandatory Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 8 storeys / 27.2m

Mandatory Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height

Commented [YCC165]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

NRZ	8m – Whether or not separated by a laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, **except for green infrastructure to support soft landscaping**. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the **development site's** boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Commented [YCC166]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

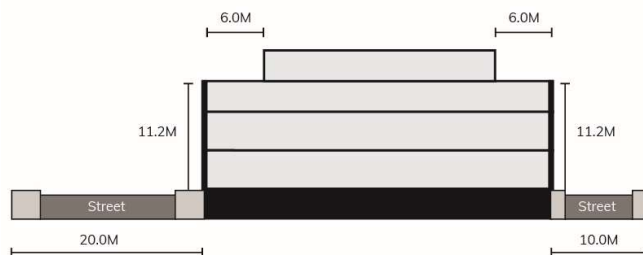
Commented [YCC167]: Submission requested clarification

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Victoria Street and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow land within a Public Use Zone, south of Chapel Street, between 10am and 2pm at 22 September.

Commented [YCC168]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Johnston Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either:
 - the fine-grain, retail shop front and/or residential character towards Johnston Street, as applicable; or
 - the heritage warehouse character of Victoria Street;

Commented [YCC169]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC170]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

Commented [YCC171]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC172]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

as applicable.

- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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 façades.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.

Commented [YCC173]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC174]: Also responds to community feedback to provide for more landscaping.

- 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, soft landscaping, varied materials and/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.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

Commented [YCC175]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC176]: Previous requirements have been refined to ensure a better outcome.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Johnston Street.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC177]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.

Commented [YCC178]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Johnston Street achieves a fine grain, mixed shop front or respectively retains the heritage residential character.
- whether the design of development in Victoria Street retains the heritage warehouse character.
- whether development retains the prominence of the heritage street wall in the vistas along Johnston, Victoria and Chapel Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Johnston and Victoria Streets.
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space;
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC179]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 36 – Fitzroy East and Johnston Street North

Shown on the planning scheme map as DDO36

1.0 Design Objectives

To ensure development responds to the heritage character and streetscape by supporting:

- new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street; and
- mid-rise development (ranging from 3 to 8 storeys) in the mixed use precinct in Fitzroy East, north of Argyle Street, which ensures the varied but low heritage street wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development.

To ensure the façade composition and articulation of development responds to:

- the commercial character of Johnston Street; and
- the varied industrial and residential heritage character of Fitzroy East.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on the southern side of Johnston Street, opposite footpaths of Kerr, George and Gore Streets and upper levels along the south side of Argyle Street.

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

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC180]: Recommended to add a measurable limit to this requirement.

- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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

Commented [YCC181]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC182]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

Commented [YCC183]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC184]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC185]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Development should not exceed the preferred 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 an appropriate transition, scaling down to the interface with a heritage building.
- the proposed street wall height does not visually overwhelm the adjoining heritage building.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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 should achieve a continuous street wall with no front setback towards a street, unless a front set back exists and the site is within a Heritage Overlay.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall along Argyle Street should be set back by a minimum of 10 metres.

Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Commented [YCC186]: This requirement will be included in DDOs that also include discretionary street wall heights, such as DDO36.

Commented [YCC187]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Commented [YCC188]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Upper levels above the primary street frontage must be set back by a minimum of 6 metres for all heritage buildings.

Upper levels above a secondary street wall should be set back by 6 metres.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from a street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 11.2m (3 storeys).

All other development should not exceed the preferred maximum building height shown on Map 1.

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

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the mandatory or preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or preferred maximum 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

Commented [YCC189]: Change recommended from independent heritage expert.

Commented [YCC190]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

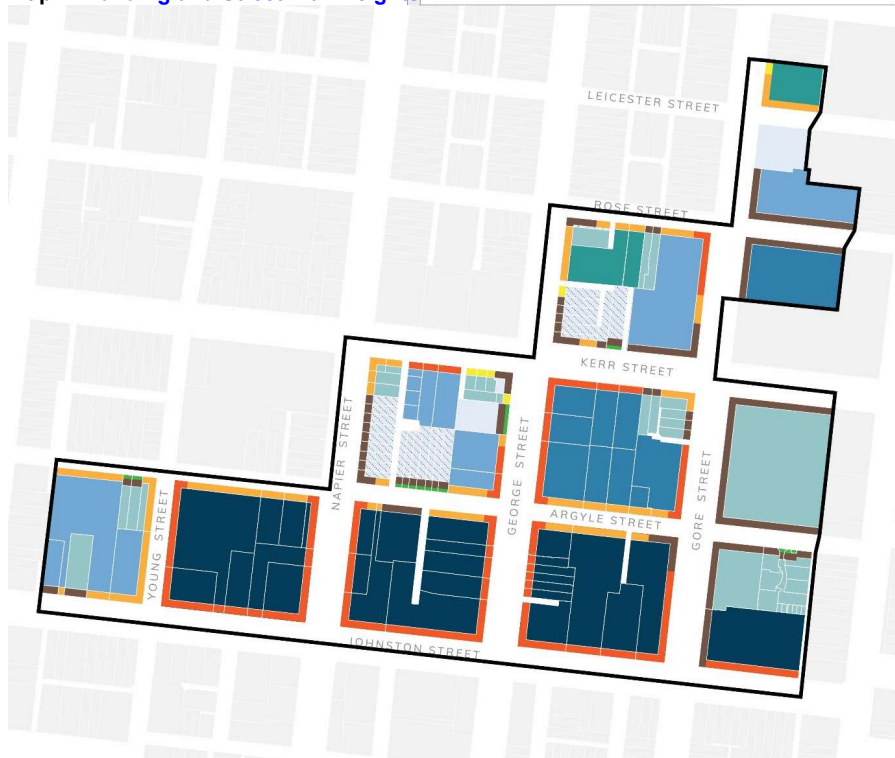
Commented [YCC191]: This requirement was added in response to community feedback and heritage expert.

Commented [YCC192]: These requirements for preferred maximum building heights are included where a mix of mandatory and preferred heights apply, i.e. DDOs36, 37, 38, 39 and 40.

Commented [YCC193]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

- 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



Commented [YCC194]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 9 storeys / 30.4m

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

Mandatory Maximum Streetwall Heights

Properties as marked by the dotted diagonal lines have a 11.2m / 3 storey building height

2.6 Interface Requirements

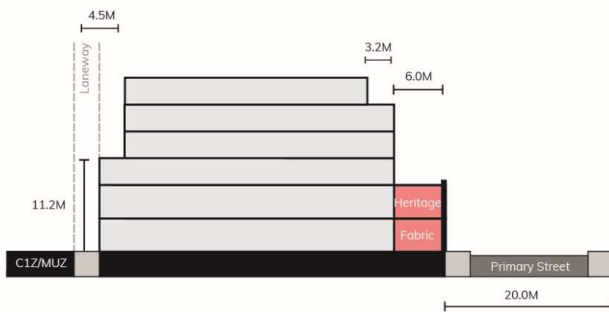
Development on a rear boundary should not exceed 11.2 metres.

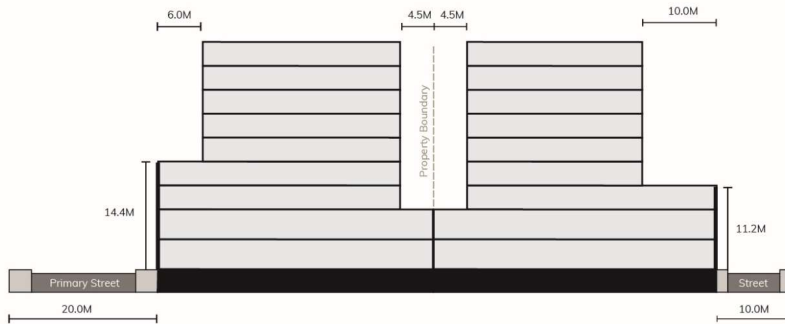
Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figures 1 and 2: Indicative Cross Section and Measurements





2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for single dwellings on a lot within the Mixed Use Zone.

New development must not overshadow:

- the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets, as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties fronting Argyle Street, south side, from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

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

Commented [YCC195]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC196]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC197]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Development fronting Johnston Street should achieve fine-grain, commercial façade designs at ground and first floor to reinforce a commercial character and promote activation and surveillance of the public realm.

Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either:
 - the modern commercial character of Johnston Street; or
 - the mixed historic industrial warehouse and residential character of Fitzroy East;as applicable
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.

Commented [YCC198]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC199]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

Commented [YCC200]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC201]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Commented [YCC202]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Johnston Street.

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 Signs

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:

Commented [YCC203]: Previous requirements have been refined to ensure a better outcome.

Commented [YCC204]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

- 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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Johnston Street achieves a fine grain, modern commercial character.
- whether the design of development in the remainder of the precinct achieves a mixed use industrial warehouse and/or residential character.
- whether development retains the prominence of the heritage street wall in the vistas along the primary street frontage.
- 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, including the opposite side of the street
- 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.

Commented [YCC205]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC206]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 37 – Smith Street North and South

Shown on the planning scheme map as DDO37

1.0 Design Objectives

To ensure development responds to the heritage character and varied, open streetscape by supporting:

- a new mid-rise character (ranging from 6 to 10 storeys) along Smith Street behind a consistent low street wall; and
- a new lower-rise to mid-rise character (ranging from 3 to 6 storeys) along side and rear streets.

To retain the prominence and integrity of heritage warehouses and corner heritage buildings, particularly at Smith Street intersections.

To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the commercial character of Smith Street and the mixed industrial and residential character of side and rear streets.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith, Emma, Westgarth, Leicester, Hotham and Kerr Streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

Heritage building means any building subject to a Heritage Overlay, graded as either

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC207]: Recommended to add a measurable limit to this requirement.

Commented [YCC208]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC209]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

Contributory or Individually Significant (including properties on the Victorian Heritage Register).

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front facade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 should not exceed the preferred street wall heights as shown in Maps 1 and 2, 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 an appropriate transition, scaling down to the interface with a heritage building.
- the proposed street wall height does not visually overwhelm the adjoining heritage building.

Commented [YCC210]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC211]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC212]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC213]: This requirement will be included in DDOs that also include discretionary street wall heights, such as DDO36.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

Commented [YCC214]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

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.

Along Smith Street, development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper level setbacks above the street wall along Smith Street:

- should be set back by a minimum of 8 metres where no heritage overlay applies; and
- must be set back by a minimum of 8 metres where a heritage overlay applies.

Upper levels above a side street wall should be set back by a minimum of 6 metres.

Upper levels should:

- be visually recessive from Smith Street frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Commented [YCC215]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Heritage buildings:

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 should not exceed the preferred maximum building height shown on Maps 1 and 2.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Maps 1 and 2 where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the preferred maximum building height.

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

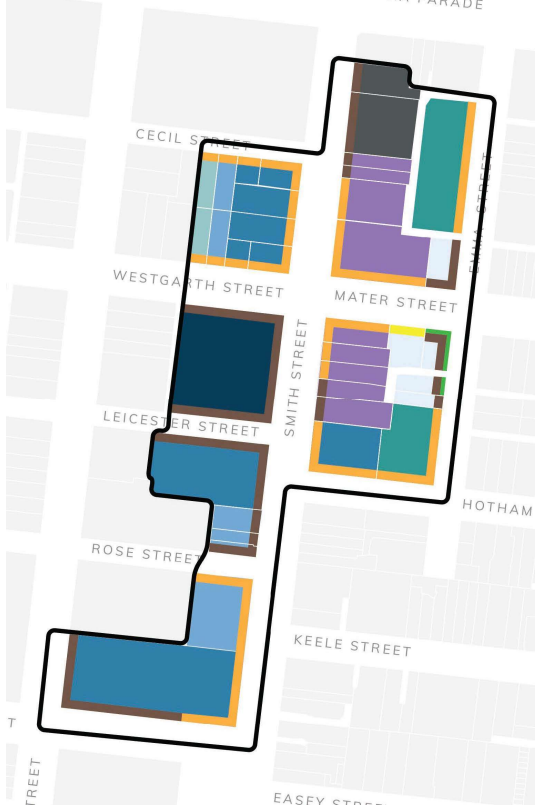
- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands or planting areas in the public realm; and
- the equipment/structures are no higher than 2.6 metres above the proposed building height; and
- the equipment/structures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

Commented [YCC216]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC217]: These requirements for preferred maximum building heights are included where a mix of mandatory and preferred heights apply, i.e. DDOs36, 37, 38, 39 and 40.

Commented [YCC218]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (North of Kerr and Hotham Streets)



Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 9 storeys / 30.4m
- 10 storeys / 33.6m

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m

Heritage Streetwall Heights

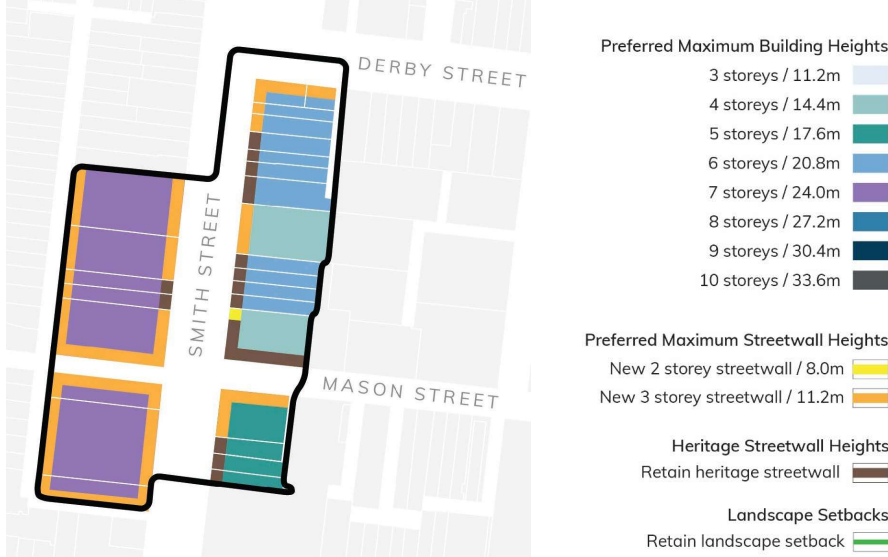
- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

Commented [YCC219]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Map 2: Building and Street Wall Heights (South of Derby Street)



2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Commented [YCC220]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

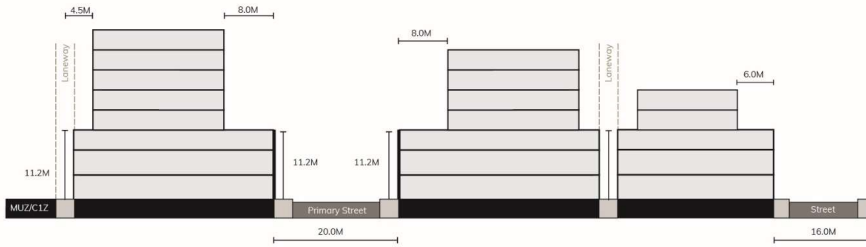
Commented [YCC221]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC222]: Submission requested clarification

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Smith and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

Commented [YCC223]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC224]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC225]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development fronting Smith Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development on streets other than Smith Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either:
 - the traditional fine-grain, retail shop front character of Smith Street; or
 - the warehouse character of side street, where applicable.
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.

Commented [YCC226]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC227]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- **avoiding** large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

Commented [YCC228]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC229]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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.

2.10 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, [the building setback should provide for](#) a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, [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 [or leasable floor area serviced](#) and which can be naturally lit and naturally 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).

[At the intersection of laneways and footpaths, development to non-heritage buildings should provide a minimum 1 x 1 metre splay to facilitate pedestrian sightlines.](#)

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

[Separate entries for car parking entries and loading bays should be avoided.](#)

Development must not provide additional vehicular access from Smith Street.

[Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:](#)

- [ensuring a high standard of pedestrian amenity;](#)
- [limiting potential conflict between vehicle movements and pedestrian activity;](#)
- [avoiding wide crossover points; and](#)
- [ensuring adequate spacing between crossovers.](#)

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

[Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.](#)

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Smith Street.

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.

Commented [YCC230]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC231]: Previous requirements have been refined to ensure a better outcome.

4.0 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC232]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Smith Street achieves a fine grain, commercial character.
- whether the design of development in other streets achieves a mixed use industrial warehouse and/or residential character.
- whether development retains the prominence of the heritage street wall in the vistas along Smith Street.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Smith Street
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.

Commented [YCC233]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC234]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 38 – Alexandra Parade

Shown on the planning scheme map as DDO38

1.0 Design Objectives

To ensure development responds to the heritage character and varied streetscape of Alexandra Parade by supporting:

- a new mid-rise character (ranging from 3 to 7 storeys) behind a consistent street wall to the west of Emma Street on the south side and west of Hilton Lane on the north;
- a new lower-rise to mid-rise character (ranging from 3 to 6 storeys) behind a consistent street wall between Emma and Charlotte Streets on the south side; and
- a new mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall east of Gold Street on the north and south sides.

To ensure development retains view lines to the Clifton Hill Shot Tower (municipal landmark) and maintains the prominence and integrity of corner heritage buildings.

To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the prevailing character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on the opposite side of streets, central median of Alexandra Parade and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC235]: Recommended to add a measurable limit to this requirement.

Commented [YCC236]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC237]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 should not exceed the preferred street wall heights as shown in Maps 1 and 2, 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 an appropriate transition, scaling down to the interface with a heritage building.

Commented [YCC238]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC239]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC240]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

- the proposed street wall height does not visually overwhelm the adjoining heritage building.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary.

Development should achieve a continuous street wall with no front setback to a street, unless the site:

- is a heritage building and a front setback already exists;
- fronts Hilton Street, in which case a landscaped front setback without cantilevering of upper level form should be provided.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall of sites immediately abutting land subject to the Heritage Overlay should be set back by a minimum of 6 metres.

Upper levels above the street wall of non-contributory buildings on the northern side of Alexandra Parade and along Cecil Street, Council Street, George Street, Gore Street and Smith Street should be setback by a minimum of 6 metres.

Upper levels above all other non-contributory sites should be setback by a minimum of 3 metres.

Upper levels above secondary street wall should be set back by a minimum of 3 metres, unless specified otherwise.

Upper levels above Noone Street should be of limited visibility from the opposite footpath.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street;
- 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.

Heritage buildings:

Upper levels above the street wall of heritage buildings must be set back by a minimum of 6 metres.

Commented [YCC241]: This requirement will be included in DDOs that also include discretionary street wall heights, such as DDO36.

Commented [YCC242]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Commented [YCC243]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 should not exceed the preferred maximum building height shown on Maps 1 and 2.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Maps 1 and 2 where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred maximum 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).

Commented [YCC244]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC245]: These requirements are included where a mix of mandatory and preferred heights apply, i.e. DDOs36, 37, 38, 39 and 40.

Commented [YCC246]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (west of Wellington Street)



Commented [YCC247]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Preferred Maximum Building Heights

- 9.0m
- 3 storeys / 11.2m
- 3 storeys / 12.0m*
- 4 storeys / 14.4m
- 4 storeys / 16.0m*
- 5 storeys / 17.6m
- 5 storeys / 20.0m*
- 6 storeys / 20.8m
- 6 storeys / 24.0m*
- 7 storeys / 24.0m
- 7 storeys / 28.0m*

Note: * for C2Z sites only

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 3 storey streetwall / 12.0m*
- New 4 storey streetwall / 14.4m
- New 4 storey streetwall / 16.0m*

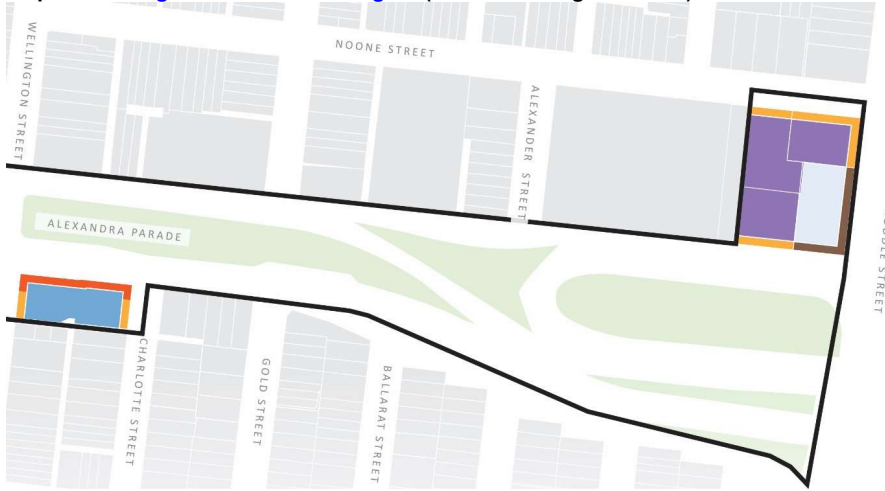
Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Landscape setback

Map 2: Building and Street Wall Heights (east of Wellington Street)



Preferred Maximum Building Heights

- 9.0m ■
- 3 storeys / 11.2m ■
- 3 storeys / 12.0m* ■
- 4 storeys / 14.4m ■
- 4 storeys / 16.0m* ■
- 5 storeys / 17.6m ■
- 5 storeys / 20.0m* ■
- 6 storeys / 20.8m ■
- 6 storeys / 24.0m* ■
- 7 storeys / 24.0m ■
- 7 storeys / 28.0m* ■

Note: * for C2Z sites only

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m ■
- New 3 storey streetwall / 11.2m ■
- New 3 storey streetwall / 12.0m* ■
- New 4 storey streetwall / 14.4m ■
- New 4 storey streetwall / 16.0m* ■

Heritage Streetwall Heights

- Retain heritage streetwall ■

Landscape Setbacks

- Landscape setback ■

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Commented [YCC248]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, **except for green infrastructure to support soft landscaping**. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the **development site's** boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Commented [YCC249]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

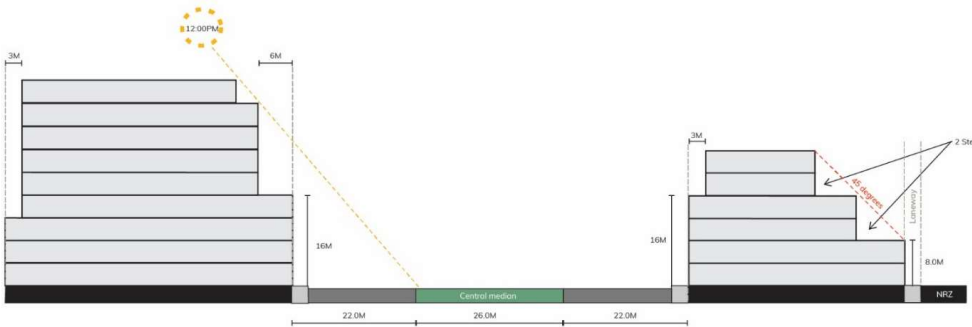
Commented [YCC250]: Submission requested clarification

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the central median of Alexandra Parade at 12pm on 22 September;
- the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September;
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties fronting Hilton Street, east side, from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Infill development in the Commercial 1 Zone fronting Alexandra Parade should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser
- pilasters.
- a verandah or canopy (where applicable).
- clerestory window.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Commented [YCC251]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC252]: Added requirement to protect equitable development opportunities to neighbouring properties.

Commented [YCC253]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

Commented [YCC254]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC255]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

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

- **facades which** relate to the vertical and horizontal proportions of the existing, varied retail, commercial and residential character, as applicable.
- **creating an appropriate ratio of solid and void elements.**
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- **maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.**
- **maintaining** existing openings and the inter-floor height of a heritage building and **avoiding** new floor plates and walls cutting through historic openings.
- **avoiding** highly reflective glazing in openings of heritage buildings.
- **encouraging** the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings **so as to avoid facadism.**
- **ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.**
- **avoiding** large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- **minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.**

Lower levels of development should:

- **be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.**
- **incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.**
- **provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.**
- **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.**

The design of upper levels of development should:

- **be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.**
- **distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.**

Commented [YCC256]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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.

Commented [YCC257]: Also responds to community feedback to provide for more landscaping.

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, soft landscaping, varied materials and/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.

2.10 Access, Parking and Loading Bay Requirements

Commented [YCC258]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Alexandra Parade.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and

- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Alexandra Parade.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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 to 2.10 are met.

Commented [YCC259]: Previous requirements have been refined to ensure a better outcome.

Commented [YCC260]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC261]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Alexandra Parade adds to the high-amenity boulevard setting.
- Whether development retains the prominence of the Clifton Hill Shot Tower in the precinct.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Alexandra Parade.
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space;
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC262]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 39 – Victoria Parade

Shown on the planning scheme map as DDO39

1.0 Design Objectives

To ensure development responds to the heritage character and open streetscape of Victoria Parade by supporting:

- a new lower-rise to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction;
- a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall at the Smith Street junction; and
- a new mid-rise to higher-rise character (ranging from 3 to 12 storeys) behind a new, consistent street wall east of Wellington Street.

To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.

To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on the opposite side of streets, central median of Victoria Parade and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC263]: Recommended to add a measurable limit to this requirement.

Commented [YCC264]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC265]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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 should not exceed the preferred street wall heights as shown in Maps 1 and 2, 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 an appropriate transition, scaling down to the interface with a heritage building.

Commented [YCC266]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC267]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC268]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

- the proposed street wall height does not visually overwhelm the adjoining heritage building.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

Development should achieve a continuous street wall with no front setback to a street, unless the site:

- is a heritage building and a front setback already exists;
- adjoins the:
 - the west side of Rokeby Street; or
 - the east side of Rupert Street; or
 - the east side of Cromwell Street.

in which case a front setback without cantilevering of upper level form should be provided.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the street wall:

Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay must be set back by a minimum of 6m on Victoria Parade and Wellington Street.

Upper levels above the street wall for all other sites should be set back by a minimum of 6m from the primary frontage.

Upper levels above the street wall should be set back by 3 metres from the secondary frontage.

For development greater than 10 storeys, the upper levels should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Commented [YCC269]: This requirement will be included in DDOs that also include discretionary street wall heights, such as DDO36.

Commented [YCC270]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Commented [YCC271]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Heritage buildings:

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 should not exceed the preferred maximum building height shown on Maps 1 and 2.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Maps 1 and 2 where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred maximum 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).

Commented [YCC272]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

Commented [YCC273]: These requirements are included where a mix of mandatory and preferred heights apply, i.e. DDOs 36, 37, 38, 39 and 40.

Commented [YCC274]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

Map 1: Building and Street Wall Heights (west of Wellington Street)



Commented [YCC275]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments.

Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 10 storeys / 33.6m
- 12 storeys / 40.0m
- Limited opportunity
- Mid-block link →

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m
- Heritage Streetwall Heights**
- Retain heritage streetwall
- Landscape Setbacks**
- Retain landscape setback
- Ground Floor Setbacks**
- New ground floor setback

Map 2: Building and Street Wall Heights (east of Wellington Street)



Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 10 storeys / 33.6m
- 12 storeys / 40.0m
- Limited opportunity
- Mid-block link →

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m
- Heritage Streetwall Heights**
- Retain heritage streetwall
- Landscape Setbacks**
- Retain landscape setback
- Ground Floor Setbacks**
- New ground floor setback

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

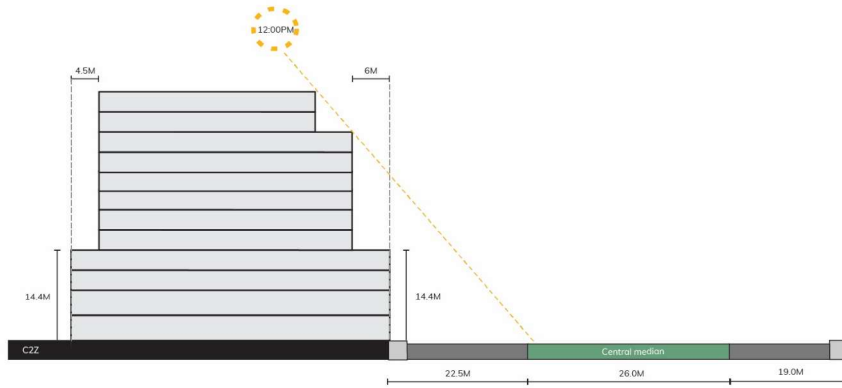
Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Commented [YCC276]: The clarification of this requirements applies to DDOs that include streets to the rear.

Commented [YCC277]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC278]: Submission requested clarification

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the northern edge of the Victoria Parade central median at 12pm on 22 September;
- the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back a minimum of 3.0 metres from the common

Commented [YCC279]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC280]: Added requirement to protect equitable development opportunities to neighbouring properties.

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.

- 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 site.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Development along Victoria Parade should achieve active frontage design at ground level to create a high-amenity, pedestrian-oriented environment and passive surveillance towards the public realm.

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

- facades which relate to the vertical and horizontal proportions of either:
 - the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street; or
 - the modern commercial character of Victoria Parade to the east of Wellington Street.
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.

Commented [YCC281]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

Commented [YCC282]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Commented [YCC283]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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, soft landscaping, varied materials and/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.

2.10 Access, Parking and Loading Bay Requirements

Commented [YCC284]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC285]: Also responds to community feedback to provide for more landscaping.

Commented [YCC286]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, **the building setback should provide for** a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, **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 **or leasable floor area serviced** and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development should not provide additional vehicular access from Victoria Parade.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- **ensuring a high standard of pedestrian amenity;**
- **limiting potential conflict between vehicle movements and pedestrian activity;**
- **avoiding wide crossover points; and**
- **ensuring adequate spacing between crossovers.**

Commented [YCC287]: Previous requirements have been refined to ensure a better outcome.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways is maintained to facilitate commercial use of the properties fronting Victoria Parade.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC288]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development fronting Victoria Parade adds to the high-amenity boulevard setting;
- whether the design of development fronting Victoria Parade precinct achieves a fine grain shop-front character west of Wellington Street and a commercial character east of Wellington Street.
- whether development retains the prominence of the heritage street wall (west of Wellington Street) in the vistas along Victoria Parade.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Victoria Parade.
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.

Commented [YCC289]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC290]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others

Design and Development Overlay Schedule 40 – Fitzroy West

Shown on the planning scheme map as DDO40

1.0 Design Objectives

To ensure development responds to the mixed typology and heritage character in the streetscape by supporting:

- a mid-rise character (ranging from 3 to 8 storeys) in the mixed use precinct of Fitzroy West which ensures the varied but low heritage street wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development; and
- a new mid-rise character (ranging from 3 to 7 storeys) behind a new street wall in the Commercial 2 Zone land which reflects the Alexandra Parade corner, Nicholson Street frontages and surrounding heritage influences.

To ensure the façade composition and articulation of development responds to:

- the prominent heritage character of mixed industrial and residential heritage buildings within the streetscape of Fitzroy West; and
- the boulevard character of Alexandra Parade, transitioning down to sensitive interfaces behind the pocket of Commercial 2 Zone land at the western junction of Alexandra Parade.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of footpaths on opposite side of streets and public spaces.

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

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level;
- an alteration to an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter.
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
 - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls **exceeding 40 per cent of the building façade ground floor**.
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

The below changes indicate general changes made to the adopted interim DDOs to form the recommended permanent DDOs.

Blue text indicates changes made to align with recent permanent DDOs, i.e. C293 Collingwood South, C291 Bridge Road and Victoria Street.

Green text indicates changes made in response to internal review.

Pink text indicates changes made in response to GJM review.

Orange text indicates change in response to community feedback.

Commented [YCC291]: Recommended to add a measurable limit to this requirement.

2.1 Definitions

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

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 or the DDO requires a front setback, the front façade of the building.

Street wall height means the height of the street wall 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; or in the case of a heritage building, if it is set back from the street, from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

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

Commented [YCC292]: Definitions were aligned with recent amendments, in response to internal feedback and to reflect new landscaping requirements.

Commented [YCC293]: Recommended additional definition to support new landscaping design requirements in Section 2.9.

Commented [YCC294]: Recommended additional definition from Open Space Planning and Design and Urban Design.

Commented [YCC295]: Wording and order of requirements in this section have been changed, the intent and functioning remains unchanged.

Commented [YCC296]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

- 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 an appropriate transition, scaling down to the interface with a heritage building.
- the proposed street wall height does not visually overwhelm the adjoining heritage building.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

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.

All other development should achieve a continuous street wall with no front setback.

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 an appropriate transition in height to match the rear interface where 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.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street; and
- heritage fabric of the return façades of heritage buildings on corner sites.

2.4 Upper Level Setback Requirements

Upper levels above the primary street frontage should be setback by a minimum of 6m for non-contributory sites.

Upper levels above a secondary street wall should be set back by a minimum of 3 metres for non-contributory sites.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development as seen from the public realm does not overwhelm the streetscape and minimises upper level bulk when viewed directly or obliquely along the street.
- 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.

Heritage buildings:

Upper levels above the primary street frontage must be set back by a minimum of 6 metres for all heritage buildings.

Upper levels above a secondary street frontage of a heritage building should be set back by 6 metres.

Commented [YCC297]: This requirement will be included in DDOs that also include discretionary street wall heights, such as DDO36. It is not included in DDOs29, 30 and 31 as all street wall heights are mandatory in these DDOs.

Commented [YCC298]: Requirement used to say 'match the adjoining street wall height'. It was changed in response to other recent amendments, heritage expert advice and feedback from submissions 278, 279, 321, 498, among others.

Commented [YCC299]: Green text was previously a separate dot-point and is now combined with this dot-point to reduce repetition.

Commented [YCC300]: Upper-level setbacks now recommended as mandatory (used to be preferred).

Commented [YCC301]: Side street setbacks now recommended at 6m instead of 3m.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the principal frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback 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 11.2m (3 storeys).

All other development should not exceed the preferred maximum building height shown on Map 1.

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

- the built form outcome satisfies:
 - the relevant Design Objectives in Clause 1.0;
 - the Overshadowing and Daylight Access Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule;
 - excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - no additional overshadowing impacts at 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.
- where the proposal includes dwellings, it also achieves:
 - communal and/or private open space provision that exceeds the minimum standards in Clause 55.07 and/or 58, as relevant.

Architectural features (except service equipment or structures) may exceed the mandatory or preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or preferred 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

Commented [YCC302]: Requirements have been aligned with recent amendments and wording clarified in response to internal and community feedback from previous and current engagement efforts.

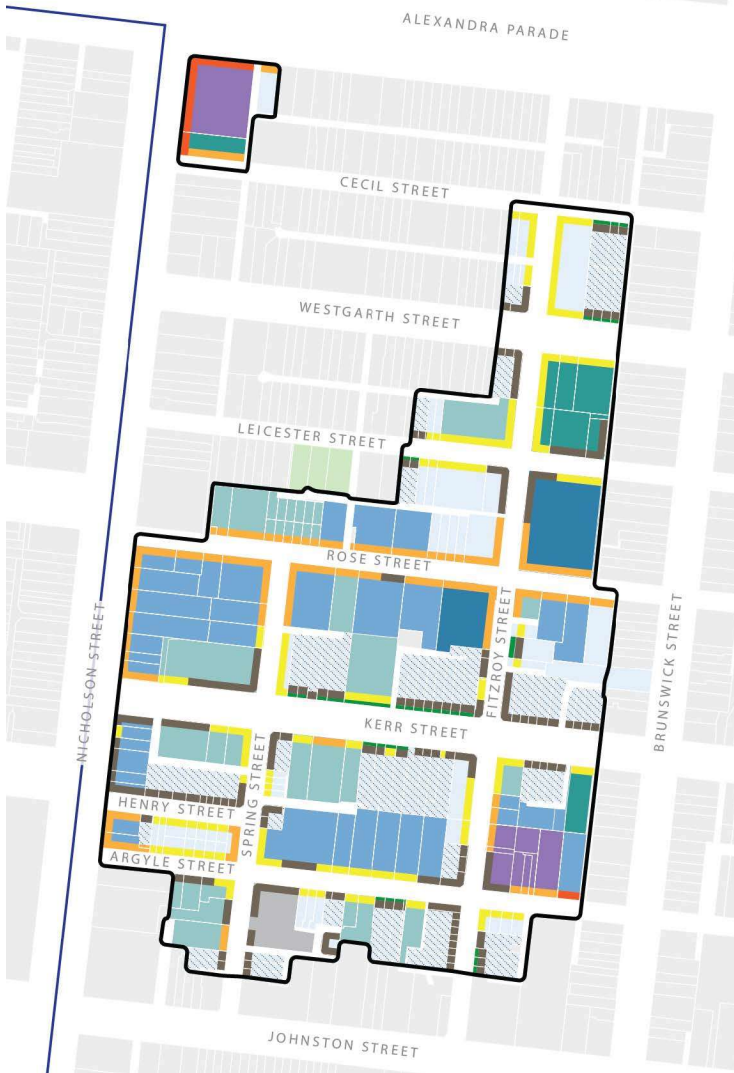
Commented [PA303]: Correction made via internal review. Green text previously read "11m" which was inconsistent with the heights as shown in the map legend.

Commented [YCC304]: These requirements for preferred maximum building heights are not included in DDOs29, 30 and 31 as these DDOs only include mandatory maximum heights. They will be included where a mix of mandatory and preferred heights apply, i.e. DDOs36 and 40.

Commented [YCC305]: Used to read: *lift overruns*. Was amended as the updated wording is more comprehensive.

- 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



Commented [YCC306]: Amended map legend headings to clarify mandatory and preferred requirements where a mix of both is recommended. Responds to community feedback, including from other recent amendments. Please note that in DDOs29, 30 and 31 all building and street wall heights are recommended as mandatory.

Preferred Maximum Building Heights

- 3 storeys / 11.2m 
- 3 storeys / 12.0m* 
- 4 storeys / 14.4m 
- 4 storeys / 16.0m* 
- 5 storeys / 17.6m 
- 5 storeys / 20.0m* 
- 6 storeys / 20.8m 
- 6 storeys / 24.0m* 
- 7 storeys / 24.0m 
- 7 storeys / 28.0m* 
- 27.2m / 8 storeys 
- 32.0m / 8 storeys* 
- Limited opportunity 

Note: * for C2Z sites only

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m 
- New 3 storey streetwall / 11.2m 
- New 3 storey streetwall / 12.0m* 
- New 4 storey streetwall / 14.4m 
- New 4 storey streetwall / 16.0m* 

Heritage Streetwall Heights

- Retain heritage streetwall 

Landscape Setbacks

- Retain landscape setback 

Mandatory Maximum Streetwall Heights

Properties as marked by the dotted diagonal lines have a 11.2m / 3 storey building height 

2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1 (except where the rear boundary wall height is shown on Maps 1 or 2).

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure to support soft landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Commented [YCC307]: The clarification of this requirements applies to DDOs that include streets to the rear, including DDO30.

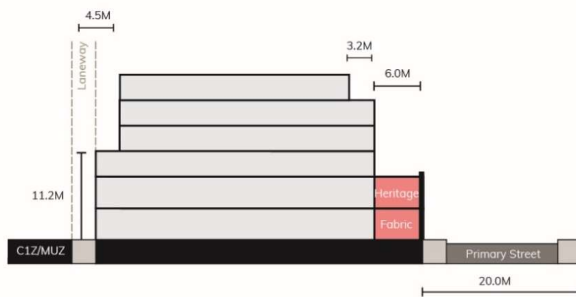
Commented [YCC308]: In response to submissions this exemption was included to encourage landscaping, which would assist in softening bulk.

Commented [YCC309]: Submission requested clarification

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

Figure 1: Indicative Cross Section and Measurements



2.7 Overshadowing and solar access requirements

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

New development must not overshadow:

- the opposite footpath of Cecil Street, measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September.
- the southern footpath of Westgarth Street and Kerr Street (3m from property boundary, including the street) at 10am on 22 September.
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Development should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for public open spaces, reserves or parklets.

New development should not overshadow opposite buildings from the first floor upwards between 10am and 2pm at 22 September.

2.8 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 should:

Commented [YCC310]: Added requirement in response to submissions and to reflect the adopted Fitzroy West Precinct Review and Built Form Framework, 2020.

Commented [YCC311]: Requirements have been aligned with recent amendments and wording clarified in response to internal feedback.

Commented [YCC312]: Added requirement to protect equitable development opportunities to neighbouring properties.

- for buildings up to 27 metres, be set back 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.
- for buildings up to 27 metres, be set back 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.
- 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 site.

Commented [YCC313]: This requirement would only apply to DDOs where such heights are potentially allowable, being DDOs 30, 32, 36, 37, 38, 39 and 40.

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

2.9 Other Design Requirements

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Commented [YCC314]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Commented [YCC315]: Added requirement in response to internal review and submissions 8, 17, 118, 153, 385, 398, 418, 188, 496, 498, 519, 527, 553, among others.

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

- facades which relate to the vertical and horizontal proportions of either:
 - the mixed historic industrial warehouse and/or residential character of Fitzroy West, as applicable; or
 - the existing, varied commercial character for the Commercial 2 Zone land fronting Nicholson Street and at the western junction of Alexandra Parade, as appropriate.
- creating an appropriate ratio of solid and void elements.
- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings so as to avoid facadism.

- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- 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.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- Incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- 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, soft landscaping, varied materials and/or finishes.

Commented [YCC316]: Refined and added requirements in response to other recent amendments and submissions 198, 214, 236, 272, 321, 323, 481, 534, among others.

Commented [YCC317]: Also responds to community feedback to provide for more landscaping.

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 of the building.

2.10 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, the building setback should provide for a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, 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 or leasable floor area serviced and which can be naturally lit and naturally 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).

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

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

Separate entries for car parking entries and loading bays should be avoided.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- ensuring a high standard of pedestrian amenity;
- limiting potential conflict between vehicle movements and pedestrian activity;
- avoiding wide crossover points; and
- ensuring adequate spacing between crossovers.

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

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Commented [YCC318]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

Commented [YCC319]: Previous requirements have been refined to ensure a better outcome.

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 Signs

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.
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the 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).
 - demonstrates how the development reduces car dependence and promotes sustainable transport modes.
 - 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.

Commented [YCC320]: Requirements have been aligned with recent amendments and wording has been clarified in response to internal feedback.

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 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible;
- 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 the design of the development in the Fitzroy West precinct retains a mixed use heritage industrial and/or residential character.

Commented [YCC321]: Requirements have been aligned with recent amendments, wording has been clarified and new requirements been added in response to internal feedback and consultation from previous and current engagement efforts.

- whether the design of development fronting Nicholson Street and Alexandra Parade achieves a fine grain commercial character.
- whether development retains the prominence of the heritage street wall in the vistas along the primary 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, including the opposite side of the street.
- 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.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposal has considered the equitable development opportunities of neighbouring properties in terms of achieving good internal amenity for future proposals through building separation and design.
- whether the proposed built form 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 bicycle lanes.
- 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.

Commented [YCC322]: In response to submissions 12, 24, 26, 39, 78, 81, 92, 117, 126, 136, 138, 206, among others