

/xx/20xx

## SCHEDULE 51 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO51**.

### CREMORNE ENTERPRISE PRECINCT – CREMORNE WEST

#### 1.0 Design objectives

xx/xx/20xx

To create a thriving enterprise precinct that delivers high quality, innovative and environmentally sustainable development to support a wide range of commercial and employment opportunities.

To support a new mid-rise built form character with taller built form on the Cremorne Street activity spine and the northern portion of Stephenson Street, lower built form on narrow streets and a lower mid-rise form at the interfaces with adjoining low rise residential areas.

To reinforce Cremorne West's industrial character through a mix of innovative architecture and heritage places and identified character buildings that reinforce a human scale, reflect the fine grain character and do not overwhelm narrow streets.

To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Cremorne Street and Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.

To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimises amenity impacts through visual bulk, overlooking and overshadowing.

#### 2.0 Buildings and works

xx/xx/20xx

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 natural ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter;
  - at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing; and
- 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

**Additional shadow** means any shadow cast beyond any shadow cast by existing buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

**Boundary Wall** means the wall of a building at the property boundary at the side and rear that is not a street.

**Character buildings** means buildings that contribute to Cremorne's visual character but are not protected under a heritage overlay. These may include pubs, factories, warehouses and offices. Character buildings are buildings that:

- are architecturally distinct;
- demonstrate a link to the industrial and commercial history of the area;
- have a three dimensional form of the building that can be seen from the public domain;
- contain interesting detailing and provide visual interest at street level; and/or

- have large window openings with potential for a positive interface with the public domain.

**Green roof** means a vegetative landscape grown in a substrate installed on top of a roof surface for the purpose of growing vegetation. Green roofs are almost all vegetation with no trafficable areas and access for garden maintenance purposes only..

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

**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.

**Street wall** means the facade of a building at or near the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by 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 setback 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.

## 2.2 General Design Requirements

The following requirements 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’ or listed in a ‘Mandatory’ column of a table.

## 2.3 Building Height Requirements

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

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal will achieve design excellence through each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - provide a safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bike parking;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - where a site contains a character building it is retained and incorporated within the design of a future building; and
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34.

Architectural features may exceed the preferred height.

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

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing at the September Equinox of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures extend no higher than 3.6 metres above the maximum building height.

## 2.4 Street Wall Height and Setback Requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule.

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

Street walls should:

- be designed to reinforce a pedestrian scale along streets and laneways.
- include architectural detailing such as high quality tactile materials and depth and articulation to ensure an engaging pedestrian experience.

The street wall height of development adjoining a heritage building should not exceed the street wall height of the adjoining heritage building for a minimum length of 6 metres, unless specified elsewhere this Schedule.

Development should:

- provide chamfered building corners at intersections (where appropriate) to create additional public space at points of pedestrian congestion.
- expand the public realm through inset building entrances and integrated seating with foot clearance (where appropriate).

Where heritage is not a constraint, sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping that respond to the circumstances of the street.

Where an adjacent site has provided a ground level setback, development should provide a similar setback to achieve a consistent approach along a street frontage.

## 2.5 Upper Level Setback Requirements

Development should:

- provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street.
- incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.
- be setback from heritage buildings to ensure they do not detract from their visual prominence when viewed directly or obliquely along the street.
- be set back to ensure architectural features of heritage buildings remain visible.

2.6 Cremorne West Precinct Heights, Setbacks and Interface Plan

Plan 1: Building Height, Setbacks and Interface Plan - Cremorne West Precinct

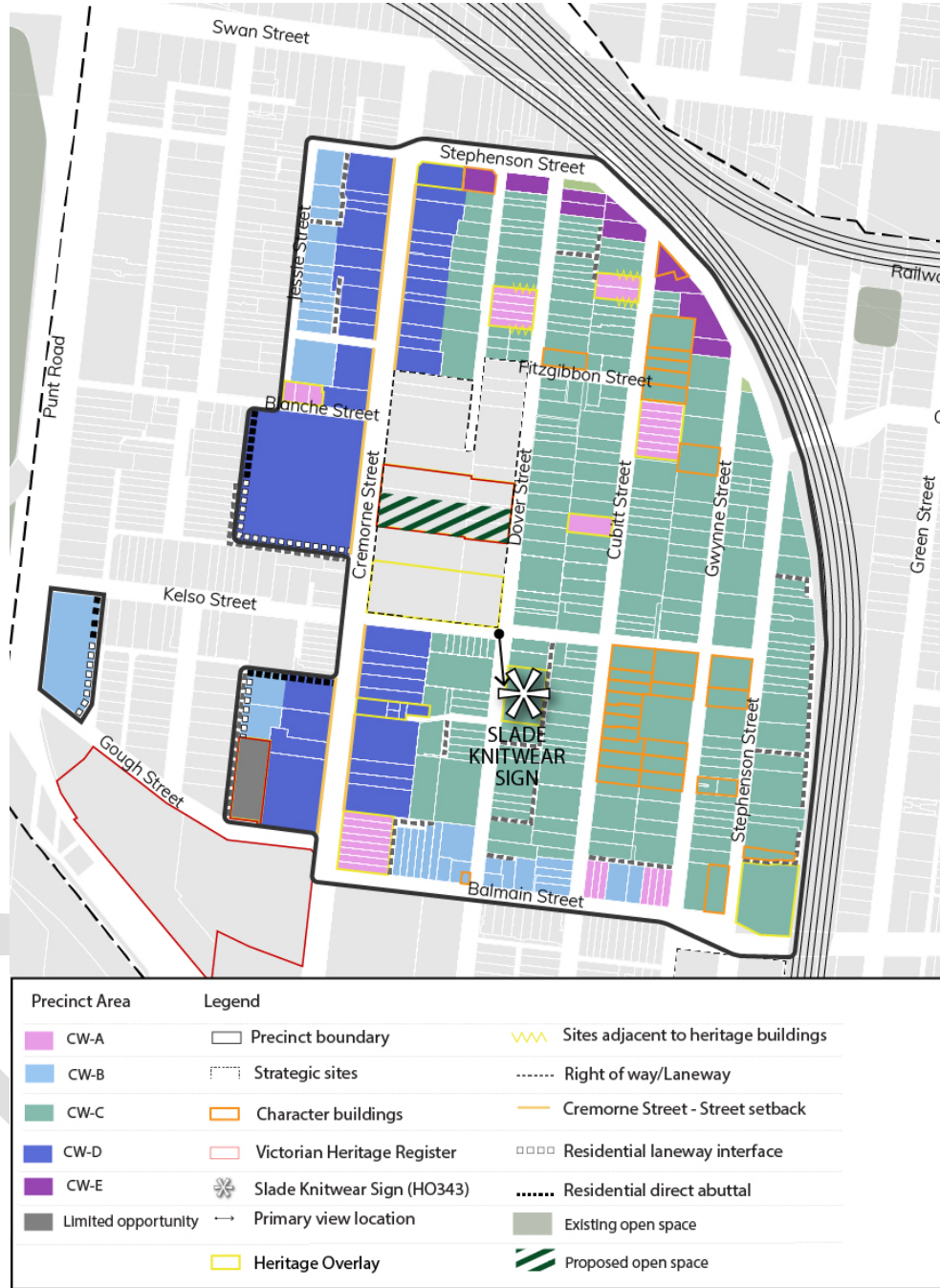


Table 1: Heights and setbacks - Cremorne West Precinct

Built Form	Preferred Requirement	Mandatory Requirement
<b>Area CW-A</b>		
Maximum building height	12m	None specified

Built Form	Preferred Requirement	Mandatory Requirement
Minimum and maximum street wall setback	Retain existing heritage building setbacks	None specified
Maximum street wall height	137-157 Cremorne Street, 16-18 Cubitt Street, 58-60 Cubitt Street and 30-38 Dover Street – Retain existing street wall height	None specified
Minimum upper level setback (measured from the property boundary)	137-157 Cremorne Street - Retain heritage fabric to 14m 16-18 Cubitt Street - Retain heritage fabric to 12m 21-33 Cubitt Street – Retain heritage fabric to 10m 58-60 Cubitt Street - Retain heritage fabric to 14m 30-38 Dover Street - Retain heritage fabric to 16m	None specified
Maximum boundary wall height	None specified	None specified
<b>Area CW-B</b>		
Maximum building Height	20m	None specified
Maximum and minimum street wall setback	None specified	None specified
Maximum street wall height	12m	None specified
Minimum upper level setback	Balmain Street and Jessie Street - 5m Elsewhere - 3m	None specified
Maximum boundary wall height	20m	None specified
<b>Area CW-C</b>		
Maximum building height	28m	None specified
Maximum and minimum street wall setback	12 and 20 Cubitt Street - Match the front setback of heritage buildings for a minimum of 6 metres measured from the common property boundary Elsewhere - None specified	None specified
Maximum street wall height	12m	None specified
Minimum upper level setback	112 Stephenson Street and 49-51 Balmain Street - 15m from Balmain Street Elsewhere - 3m	105-115 Dover Street and 117-129 Dover Street - 11m
Minimum side setback	28 Dover Street and 44 Dover Street - 2.5 metres from side boundaries above 12m for a depth	None specified

Built Form	Preferred Requirement	Mandatory Requirement
	of 16m to protect views to chimneys at 30-38 Dover Street 20 Cubitt Street and 12 Cubitt Street - 2.5 metres from side boundaries above 12m for a depth of 12m to protect views to double gables at 16-18 Cubitt Street Elsewhere - None specified	
Maximum boundary wall height	20m	None specified
<b>Area CW-D</b>		
Maximum building height	32m	None specified
Minimum street wall setback	9-11 Cremorne Street - 0m 119 Cremorne Street - 0m	Western side of Cremorne Street - 3m whole building setback Eastern side of Cremorne Street - 1.5m ground floor setback
Maximum street wall height	9-11 Cremorne Street - Retain heritage street wall 119 Cremorne Street - Retain existing heritage street wall Elsewhere - 16m	None specified
Minimum upper level setback (measured from the property boundary)	119 Cremorne Street – 12m with the two uppermost levels setback a further 3m to retain the entire heritage building including all chimneys and roof form Elsewhere - 5m	None specified
Maximum boundary wall height	24m	None specified
<b>Area CW-E</b>		
Maximum building height	36m	None specified
Maximum and minimum street wall setback	None specified	None specified
Maximum street wall height	16m	None specified
Minimum upper level setback	3m	None specified
Maximum boundary wall height	24m	None specified

## 2.7 Building Separation Requirements

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight, sunlight penetration and views to the sky above the street wall.

For sites with a frontage of less than 20m, development above the boundary wall height may be built to the boundary, limited to one side.

For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be set back above the boundary wall height as shown in Table 2.

Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall.

Where development is proposed on the boundary above the boundary wall height, it should:

- Be well articulated if visible from the street;
- Not run the full length of the boundary; and
- Not result in a continuous wall of buildings when viewed from the street.

Development with multiple buildings on a site should be setback at upper levels above the boundary wall height as shown in Table 2.

Where the common boundary is a right of way / laneway shown on Plan 1, the setback is measured from the centre of the laneway.

**Table 2: Building separation distances**

Overall height of the building	Minimum setback from common property boundary or laneway centreline	Minimum separation between buildings where there are multiple buildings on a site
1-3 levels above boundary wall height	3m	6m
4 or more levels above boundary wall height	4.5m	9m

## 2.8 Overshadowing Requirements

A permit must not be granted to construct a building or construct or carry out works that would cast any additional overshadowing of the following space between 10am and 2pm at 22nd September for a minimum of 3 hours:

- Any part of the opposite footpath of Cremorne Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

A permit must not be granted to construct a building or construct or carry out works that would cast any additional overshadowing of the following spaces between 10am and 2pm at 22nd September:

- Southern footpath and front gardens of the properties on the south side of Balmain Street between Cremorne Street and Gwynne Street
- The northern and southern portions of the Balmain Street Plaza (defined as the area within the bollards).

Development should ensure there is no additional overshadowing of existing public spaces at the spring equinox (22 September) between 10am and 2pm identified on Plan 1.

In locations where new public open space is identified on Plan 1, adjoining development should consider how building heights and massing would minimise additional overshadowing on any potential public open space.

## 2.9 Interface to properties in Neighbourhood Residential Zone or General Residential Zone Requirements

Development should protect the amenity of properties in a residential zone in terms of visual bulk, overshadowing of private open space and overlooking.

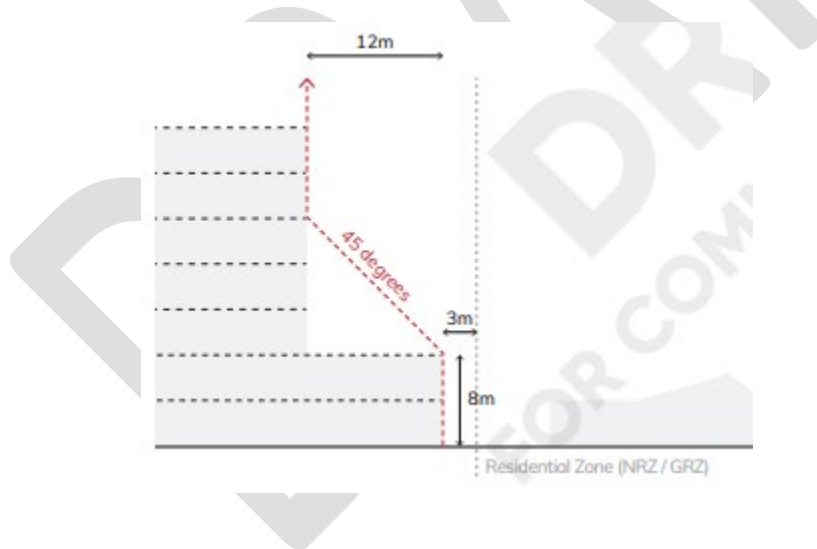
Development with an interface to a residential zone as shown in Plan 1 should not exceed the maximum heights and setbacks set out in Table 3 and Figures 1 and 2.

Development should provide a maximum of two steps in building form to avoid overly stepped outcomes.

**Table 3: Residential interface heights, ground and upper level setbacks**

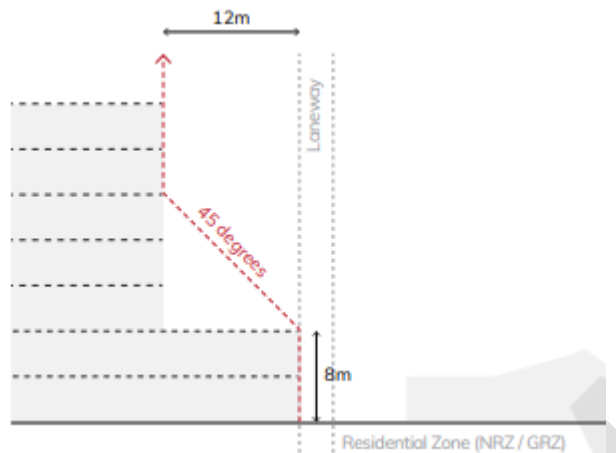
Interface	Maximum interface wall height	Minimum interface wall Setback	Minimum upper level setback
Direct Abuttal	8m	3m from property boundary	Upper level setback of 45 degrees above the interface wall height, for up to a minimum distance of 12m from the interface wall.
Laneway Interface	8m	0m from property boundary	Upper level setback of 45 degrees above the interface wall height, for up to a minimum distance of 12m from the interface wall.

**Figure 1: Residential interface – Direct abuttal**



**Figure 2: Residential interface – Laneway Interface**





## 2.10 Character Buildings Requirements

Development should facilitate the adaptive reuse of character buildings set out in this schedule and identified on Plan 1:

- 17 Balmain Street
- 1 Cubitt Street
- 11-19 Cubitt Street
- 64 Cubitt Street
- 79, 81, 83, 85, 87, 89, 91, 93 and 95 Cubitt Street
- 47 Dover Street
- 65 and 67 Dover Street
- 10-12 Gwynne Street
- 54 Gwynne Street
- 64, 66 and 68 Gwynne Street
- 42 Kelso Street
- 48 Kelso Street
- 2-4 Stephenson Street
- 79 Stephenson Street
- 84 Stephenson Street
- 112 Stephenson Street

Development should retain all or a substantial part of a character building, as viewed from the street.

Development should incorporate materials that complement the existing character building in the new design.

## 2.11 Building Design and Quality Requirements

Development should:

- achieve urban design and architectural excellence.
- reinforce the industrial character of Cremorne West through the use of robust materials and references to industrial typologies.
- avoid the use of surfaces at facades which cause unacceptable glare to the public realm.
- break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

- provide a high level of design detail at the ground floor and lower levels of buildings.
- provide well-designed entrance spaces to buildings that create a transition between the public and private realm and encourage activity to occur at the street interface
- provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- carefully design upper levels adjacent to heritage buildings to minimise visual bulk.
- use high quality materials that are complementary to the materiality of the adjacent heritage building.
- create well designed building edges and facades on buildings that are visible from the elevated railway line or Yarra River (Birraring)
- avoid continuous walls of buildings when viewed from the street by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.
- avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide visual interest.
- on larger sites be broken into a series of smaller building forms that contribute positively to their context and their historic urban grain form.

Development should deliver comfortable wind conditions in the public realm and communal open space.

Building services should not be visible on primary building facades, occupy less than 40 percent of the ground floor area of the site, and be integrated into the overall design of the building.

Services should occupy a minimal proportion of any facade including the primary facade, if not possible to locate them elsewhere.

Development should locate sub-stations below ground, where possible. Access should be provided from right of ways/laneways or located off the primary street.

Development should ensure floor to ceiling heights are appropriate to a range of uses over time.

Development should enable subdivision of floorplates into smaller tenancies over time.

Car parking should be designed to enable conversion to other uses over time, especially parking on the ground level and above.

Development should incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where heritage elements are not a constraint.

Development should maximise access to daylight through windows, lightwells, shallow floorplates, adequate floor to ceiling heights and building separation.

Development should achieve a high standard of internal amenity within the development.

Development should provide access to balconies, terraces and courtyards to enhance amenity for building occupants.

Development should provide opportunities for greening, especially at the lower levels of the building.

Development should minimise, where possible, the impact of development on solar access to adjacent solar panels.

## **2.12 Views to Landmarks Requirements**

A permit must not be granted to construct a building or construct or carry out works that would encroach upon views to the following landmarks (as shown on Plan 1 and listed below):

- The entire Nylex Sign when viewed from centre of eastern footpath of the Morell Bridge

- The entire Slade Knitwear Sign when viewed from the footpath on the north-west corner of Dover Street and Kelso Street.

Development should provide adequate setbacks and building separation to maintain clear sky between the identified architectural elements of the landmark and the new development.

### 2.13 Vehicle Access and Laneways Requirements

Vehicle access should be achieved from right of way/laneways or side streets (in that order of preference).

Where access is required from streets, right of ways or laneways of 6m or less, include a setback at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback in the laneway should provide a minimum width between walls of 6.1 metres (including the existing laneway). Between ground level and first floor, a headroom clearance of 4 metres minimum should be achieved.

Where a property extends the full length of the laneway or street, the development should provide additional ground floor setbacks to increase the width of existing laneways and streets to a minimum of 6.1 metres for the whole frontage of the site to the laneway.

Car parking should be located within a basement or concealed from the public realm (in that order of preference).

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
- ensuring adequate spacing between crossovers.

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

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.

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

### 2.14 Pedestrian and Bicycle Design Requirements

Development should ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Development should provide well-designed bicycle infrastructure and end-of-trip facilities.

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

### 2.15 Exemption from notice and review

An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## 3.0

### Subdivision

xx/xx/20xx

None specified.

#### 4.0 Signs

xx/xx/20xx None specified.

#### 5.0 Application requirements

xx/xx/20xx

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:

- Site analysis and urban design context report which demonstrates how the proposal achieves the design objectives and requirements of this schedule
- A wind study analysis for the proposed development greater than 15m in height to assess the wind impact 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.
- Where a character building (or part thereof) is proposed to be retained:
  - a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished.
- 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

xx/xx/20xx

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 proposal achieves adaptable and practicable floor plan layouts for various uses over time.
- 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.
- Whether the design of the development reflects the industrial character of Cremorne West.
- Whether the development allows for the adaptive re-use of identified character buildings.
- Whether development responds to local and state significant heritage places within Cremorne.
- Whether the design considers the impact of glare on the safety of pedestrians and vehicles.
- Whether heritage buildings retain their three dimensional form as viewed from the public realm, including from the opposite side of the street.
- Whether street wall height and overall building height respond to the width and character of the street.

- Whether a proposed awning, verandah or overhang impacts on street tree planting in the public realm.
- Whether the development delivers design excellence including but not limited to building siting, scale, massing, articulation and materials.

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## SCHEDULE 52 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO52**.

### CREMORNE ENTERPRISE PRECINCT – RAILWAY PRECINCT

#### 1.0 Design objectives

xx/xx/20xx

To support the Railway Precinct as a linear employment precinct in Cremorne that delivers high quality, innovative and environmentally sustainable development fronting green, walking and cycling connections on Green, Chestnut and Balmain Streets.

To support new mid-rise built form that reinforces the fine grain industrial character and human scale of the precinct transitioning to a lower mid-rise form at the interface with adjoining low rise residential area to the north.

To reinforce the Railway Precinct's industrial character through a diverse mix of innovative architecture that centres on the cluster of heritage buildings at the Green Street and Balmain Street intersection.

To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Balmain Street and open spaces, comfortable wind conditions, and street setbacks at ground level.

To ensure development responds to interfaces with Green Street residential precinct by ensuring new development provides a suitable transition downwards in scale and form and that minimises amenity impacts through visual bulk, overlooking and overshadowing.

#### 2.0 Buildings and works

xx/xx/20xx

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 natural ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter;
  - at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing; and
- 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

**Additional shadow** means any shadow cast beyond any shadow cast by existing buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

**Boundary Wall** means the wall of a building at the property boundary at the side and rear that is not a street.

**Character buildings** means buildings that contribute to Cremorne's visual character but are not protected under a heritage overlay. These may include pubs, factories, warehouses and offices. Character buildings are buildings that:

- are architecturally distinct;
- demonstrate a link to the industrial and commercial history of the area;
- have a three dimensional form of the building can be seen from the public domain;
- contain interesting detailing and provide visual interest at street level; and/or
- have large window openings with potential for a positive interface with the public domain.

**Green roof** means a vegetative landscape grown in a substrate installed on top of a roof surface for the purpose of growing vegetation. Green roofs are almost all vegetation with no trafficable areas and access for garden maintenance purposes only.

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

**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.

**Street wall** means the facade of a building at or near the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by 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 setback 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.

## 2.2 General Design Requirements

The following requirements 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' or listed in a 'Mandatory' column of a table.

## 2.3 Building Height Requirements

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- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal will achieve design excellence through each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - provide a safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bike parking;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - where a site contains a character building that is retained and incorporated within the design of a future building; and
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34.

Architectural features may exceed the preferred height.

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

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);

- The equipment and/or structures do not cause additional overshadowing at the September Equinox of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures extend no higher than 3.6 metres above the maximum building height.

## 2.4 Street Wall Height and Setback Requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule;
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule;

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

Street walls should be designed to reinforce a pedestrian scale along streets and laneways. They should include architectural detailing such as high quality tactile materials and depth and articulation to ensure an engaging pedestrian experience.

The street wall height of development adjoining a heritage building should not exceed the street wall height of the adjoining heritage building for a minimum length of 6 metres, unless specified elsewhere this Schedule.

Development should:

- provide chamfered building corners at intersections (where appropriate) to create additional public space at points of pedestrian congestion.
- expand the public realm through inset building entrances and integrated seating with foot clearance (where appropriate).

Where heritage is not a constraint, sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping.

Where an adjacent site has provided a ground level setback, development should provide a similar setback to achieve a consistent approach along a street frontage.

## 2.5 Upper Level Setback Requirements

Development should:

- provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street.
- incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.
- be setback from heritage buildings to ensure they do not detract from their visual prominence when viewed directly or obliquely along the street.
- be set back to ensure architectural features of heritage buildings remain visible.



2.6 Railway Precinct Heights, Setbacks, and Interface Plan

Plan 1: Height, Setbacks and Interface plan - Railway Precinct

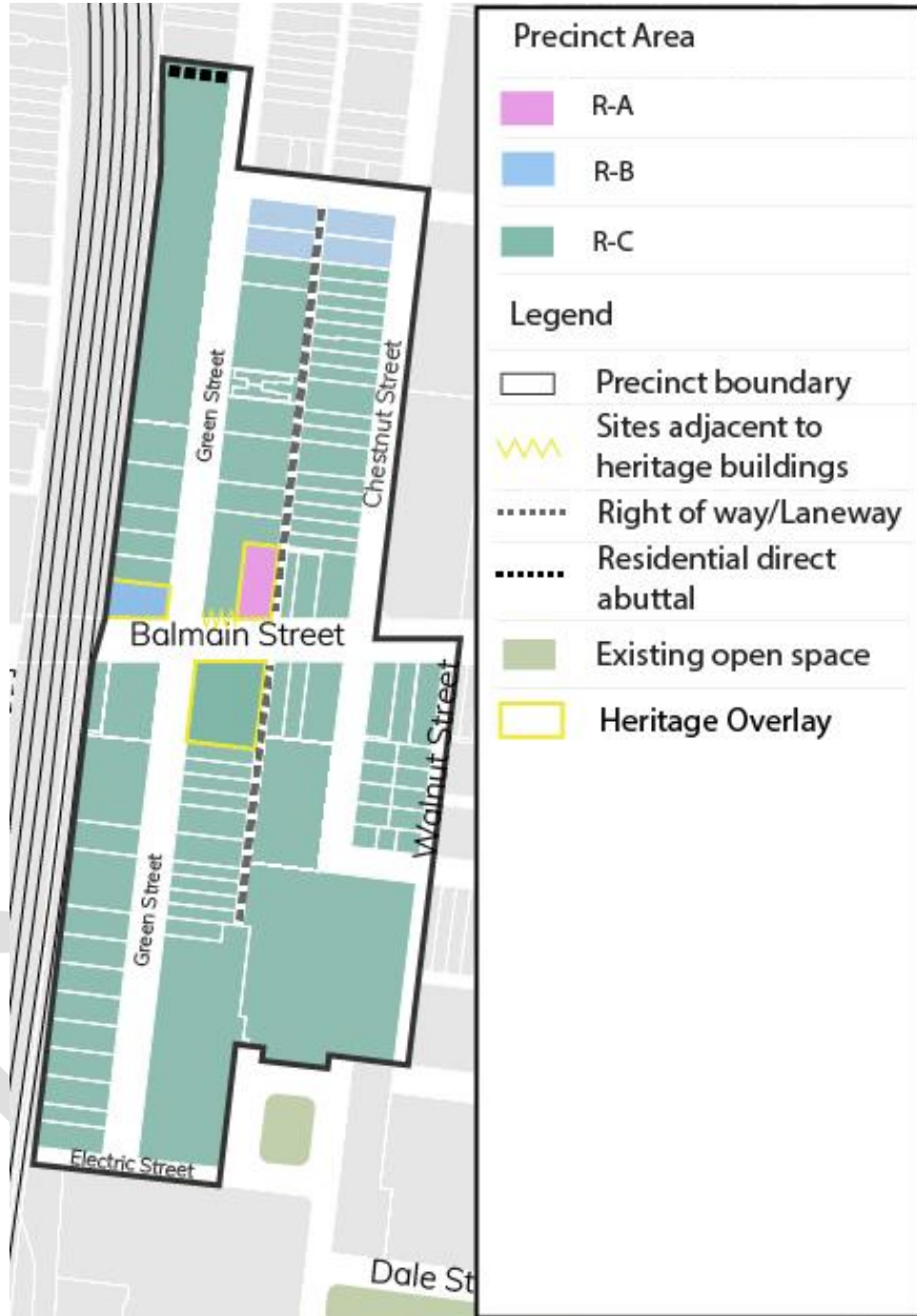


Table 1: Heights and setbacks - Railway Precinct

Built Form	Preferred Requirement	Mandatory Requirement
<b>Area CW-A</b>		
Maximum building height	12m	None specified

Built Form	Preferred Requirement	Mandatory Requirement
Maximum and minimum street wall setback	Retain existing front setback	None specified
Maximum street wall height	Retain heritage façade	None specified
Minimum upper level setback	10m measured from front property boundary	None specified
Maximum boundary wall height	None specified	None specified
<b>Area CW-B</b>		
Maximum building height	20m	None specified
Maximum and minimum street wall setback	69 Balmain Street - Retain existing street setback Elsewhere - None specified	None specified
Maximum street wall height	69 Balmain Street - Retain heritage street wall. Infill development match the parapet wall height of heritage building. Elsewhere - 12m	None specified
Minimum upper level setback	69 Balmain Street - 10m from Balmain and Green Street frontage for the heritage building and 3m for infill development on Balmain Street Elsewhere - 3m	None specified
Maximum boundary wall height	20m	None specified
<b>Area CW-C</b>		
Maximum building height	28m	None specified
Maximum and minimum street wall setback	80-82 Balmain Street - Retain existing heritage setback Elsewhere - None specified	None specified
Maximum street wall height	80-82 Balmain Street - Retain heritage street wall Elsewhere - 12m	None specified
Minimum upper level setback	80-82 Balmain Street - Green Street frontage – 7m; Balmain Street frontage – 5m Elsewhere - 3m	None specified
Maximum boundary wall height	20m	None specified
Maximum boundary wall height	20m	None specified

## 2.7 Building Separation Requirements

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight, sunlight penetration and views to the sky above the street wall.

For sites with a frontage of less than 20m, development above the boundary wall height may be built to the boundary, limited to one side of the site.

For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be setback above the boundary wall height as shown in Table 2.

Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall.

Where development is proposed on the boundary above the boundary wall height, it should:

- Be well articulated if visible from the street;
- Not run the full length of the boundary; and
- Not result in a continuous wall of buildings when viewed from the street.

Development with multiple buildings on a site should be setback at upper levels above the boundary wall height as shown in Table 2.

Where the common boundary is a right of way/laneway shown on Plan 1, the setback is measured from the centre of the laneway.

**Table 2: Building separation distances**

Overall height of the building	Minimum setback from common property boundary or laneway centreline	Minimum separation between buildings where there are multiple buildings on a site
1-3 levels above boundary wall height	3m	6m
4 or more levels above boundary wall height	4.5m	9m

## 2.8 Overshadowing Requirements

A permit must not be granted to construct a building or construct or carry out works that would cast any additional overshadowing of the following space between 10am and 2pm at 22nd September:

- Southern footpath of Balmain Street, east of the railway underpass, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

Development should ensure there is no additional overshadowing of existing public spaces at the spring equinox (22 September) between 10am and 2pm identified on Plan 1.

## 2.9 Building Design and Quality Requirements

Development should:

- achieve urban design and architectural excellence.
- reinforce the industrial character of the Railway Precinct through the use of robust materials and references to industrial typologies.
- avoid the use of surfaces at facades which cause unacceptable glare to the public realm.
- break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.
- provide a high level of design detail at the ground floor and lower levels of buildings.

- provide well-designed entrance spaces to buildings that create a transition between the public and private realm and encourage activity to occur at the street interface
- provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- carefully design upper levels adjacent to heritage buildings to minimise visual bulk.
- use high quality materials that are complementary to the materiality of the adjacent heritage building.
- create well designed building edges and facades on buildings that are visible from the elevated railway line
- avoid continuous walls of buildings when viewed from the street by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.
- avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide visual interest.
- on larger sites be broken into a series of smaller building forms that contribute positively to their context and their historic urban grain form.

Development should deliver comfortable wind conditions in the public realm and communal open space.

Building services should not be visible on primary building facades, occupy less than 40 percent of the ground floor area of the site, and be integrated into the overall design of the building.

Services should occupy a minimal proportion of any facade including the primary facade, if not possible to locate them elsewhere.

Development should locate sub-stations below ground, where possible. Access should be provided from right of ways/laneways or located off the primary street.

Development should ensure floor to ceiling heights are appropriate to a range of uses over time.

Development should enable subdivision of floorplates into smaller tenancies over time.

Car parking should be designed to enable conversion to other uses over time, especially parking on the ground level and above.

Development should incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where heritage elements are not a constraint.

Development should maximise access to daylight through windows, lightwells, shallow floorplates, adequate floor to ceiling heights and building separation.

Development should achieve a high standard of internal amenity within the development.

Development should provide access to balconies, terraces and courtyards to enhance amenity for building occupants.

Development should provide opportunities for greening, especially at the lower levels of the building.

Development should minimise, where possible, the impact of development on solar access to adjacent solar panels.

## **2.10 Vehicle Access and Laneways Requirements**

Vehicle access should be achieved from right of way/laneways or side streets (in that order of preference).

Where access is required from streets/laneways of 6m or less, include a setback at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback in the laneway should provide a minimum width between walls of 6.1 metres (including the existing laneway). Between ground level and first floor, a headroom clearance of 4 metres minimum should be achieved.

Where a property extends the full length of the laneway or street, the development should provide additional ground floor setbacks to increase the width of existing laneways and streets to a minimum of 6.1 metres for the whole frontage of the site to the right of way/laneway.

Car parking should be located within a basement or concealed from the public realm (in that order of preference).

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
- ensuring adequate spacing between crossovers.

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

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.

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.

## 2.11 Pedestrian and Bicycle Design Requirements

Development should ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Development should provide well-designed bicycle infrastructure and end-of-trip facilities.

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

## 2.12 Exemption from notice and review

An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### 3.0 Subdivision

xx/xx/20xx

None specified.

### 4.0 Signs

xx/xx/20xx

None specified.

### 5.0 Application requirements

xx/xx/20xx

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:

- Site analysis and urban design context report which demonstrates how the proposal achieves the design objectives and requirements of this schedule
- A wind study analysis for the proposed developments greater than 15min height to assess the wind impact 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 and 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

xx/xx/20xx

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 proposal achieves adaptable and practicable floor plan layouts for various uses over time.
- 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.
- Whether the design of the development reflects the industrial character of Cremorne.
- Whether development responds to local and state significant heritage places within Cremorne.
- Whether the design considers the impact of glare on the safety of pedestrians and vehicles.
- Whether heritage buildings retain their three dimensional form as viewed from the public realm, including from the opposite side of the street.
- Whether street wall height and overall building height respond to the width and character of the street.
- Whether a proposed awning, verandah or overhang impacts on street tree planting in the public realm.
- Whether the development delivers design excellence including but not limited to building siting, scale, massing, articulation and materials.

/xx/20xx

## SCHEDULE 53 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO53**.

### CREMORNE ENTERPRISE PRECINCT – CHURCH STREET PRECINCT

#### 1.0 Design objectives

xx/xx/20xx

To support the Church Street Precinct as a thriving commercial and retail precinct in Cremorne that delivers high quality, innovative and environmentally sustainable development.

To support a new mid-rise built form character with taller built form reinforcing the Church Street activity spine and transitioning to a lower built form on narrow east-west side streets and at the interfaces with adjoining low rise residential areas.

To reinforce the ‘high street’ character and vibrancy of Church Street through a mix of innovative architecture, heritage places and identified character buildings while ensuring development reinforces a human scale and fine grain pattern of development in its narrow side streets.

To ensure new development enhances the public realm and contributes to a network of pedestrian friendly streets through street activation, sunlight access to Church and Balmain Streets and open spaces, comfortable wind conditions, and street setbacks at ground level.

To ensure development responds to interfaces with residential precincts by providing a suitable transition in scale and form that minimises amenity impacts through visual bulk, overlooking and overshadowing.

#### 2.0 Buildings and works

xx/xx/20xx

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 natural ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter;
  - at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing; and
- 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

**Additional shadow** means any shadow cast beyond any shadow cast by existing buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

**Boundary Wall** means the wall of a building at the property boundary at the side and rear that is not a street.

**Character buildings** means buildings that contribute to Cremorne’s visual character but are not protected under a heritage overlay. These may include pubs, factories, warehouses and offices. Character buildings are buildings that:

- are architecturally distinct;
- demonstrate a link to the industrial and commercial history of the area;
- have a three dimensional form of the building that can be seen from the public domain;
- contain interesting detailing and provide visual interest at street level; and/or
- have large window openings with potential for a positive interface with the public domain.

**Green roof** means a vegetative landscape grown in a substrate installed on top of a roof surface for the purpose of growing vegetation. Green roofs are almost all vegetation with no trafficable areas and access for garden maintenance purposes only.

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

**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.

**Street wall** means the facade of a building at or near the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by 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 setback 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.

## 2.2 General Design Requirements

The following requirements 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' or listed in a 'Mandatory' column of a table.

## 2.3 Building Height Requirements

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

- the building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule; and
- the proposal will achieve design excellence through each of the following:
  - greater building separation than the minimum requirement in this schedule;
  - provide a safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bike parking;
  - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
  - no additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
  - where a site contains a character building that is retained and incorporated within the design of a future building; and
  - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms in excess of the requirements of Clause 52.34.

Architectural features may exceed the preferred height.

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

- Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);



- The equipment and/or structures do not cause additional overshadowing at the September Equinox of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures extend no higher than 3.6 metres above the maximum building height.

## 2.4 Street Wall Height and Setback Requirements

A permit should not be granted to construct a building or construct or carry out works, which exceeds the relevant preferred maximum street wall height and/or reduces the relevant preferred minimum setback requirements specified in this schedule unless the following are met, to the satisfaction of the responsible authority:

- The built form outcome that results from the proposed variation satisfies the design objectives in Clause 1.0 of this schedule; and
- The built form outcome that results from the proposed variation satisfies the relevant design requirements specified in this schedule;

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

Street walls should be designed to reinforce a pedestrian scale along streets and laneways. They should include architectural detailing such as high quality tactile materials and depth and articulation to ensure an engaging pedestrian experience.

The street wall height of development adjoining a heritage building should not exceed the street wall height of the adjoining heritage building for a minimum length of 6 metres, unless specified elsewhere this Schedule.

Development should:

- provide chamfered building corners at intersections (where appropriate) to create additional public space at points of pedestrian congestion.
- expand the public realm through inset building entrances and integrated seating (where appropriate).

Where heritage is not a constraint, sites should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping.

Where an adjacent site has provided a ground level setback, development should provide a similar setback to achieve a consistent approach along a street frontage.

## 2.5 Upper Level Setback Requirements

Development should:

- provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street.
- incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.
- be setback from heritage buildings to ensure they do not detract from their visual prominence when viewed directly or obliquely along the street.
- be set back to ensure architectural features of heritage buildings remain visible.

2.6 Church Street Precinct Heights, Setbacks and Interface Plan

Plan 1: Height, Setbacks and Interface Plan - Church Street Precinct

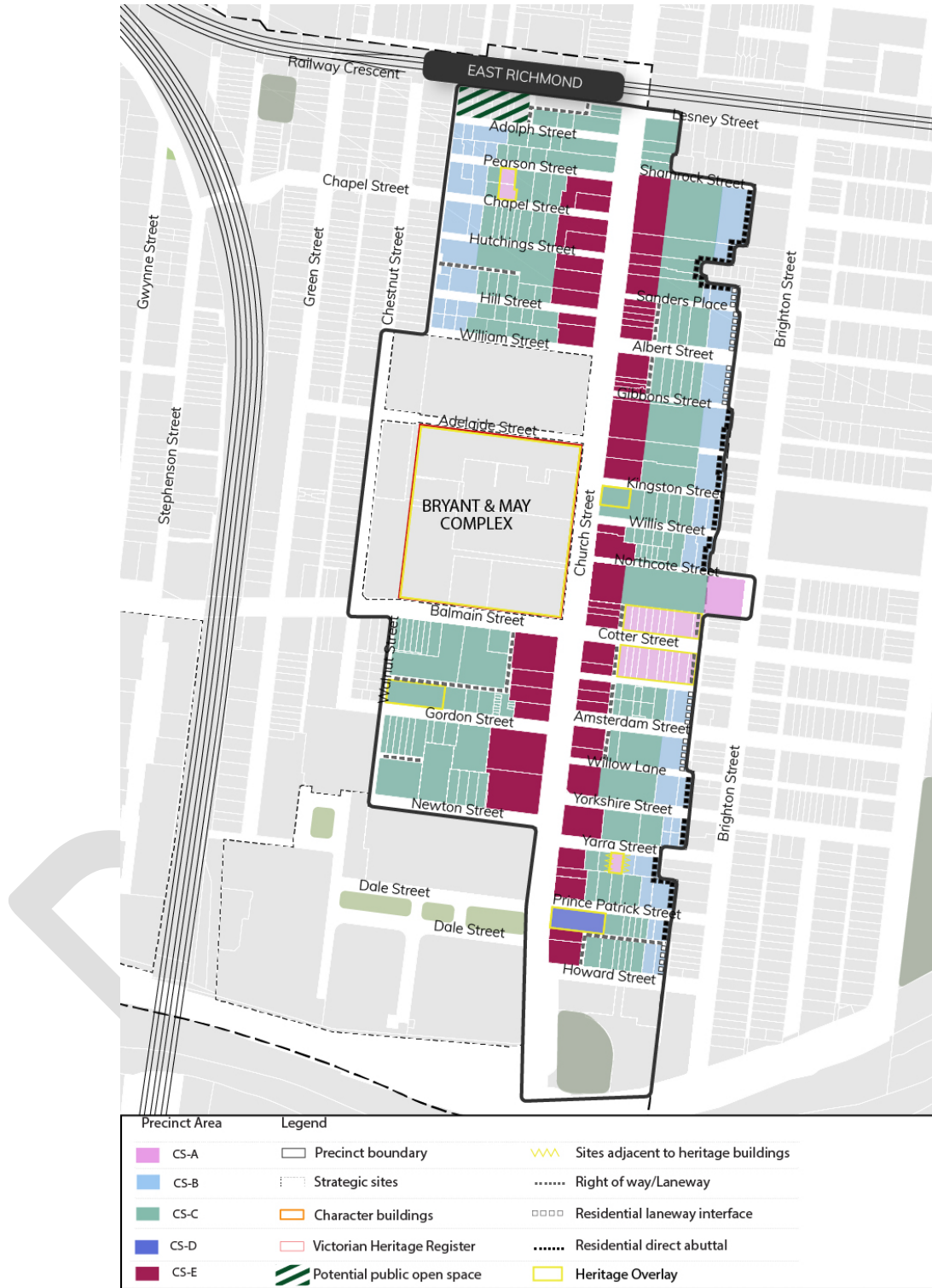


Table 1: Heights and Setbacks - Church Street Precinct

Built Form	Preferred Requirement	Mandatory Requirement
Area CS-A		

Built Form	Preferred Requirement	Mandatory Requirement
Maximum building height	12m	None specified
Maximum and minimum street wall setback	<p>6 Yarra Street - Retain existing setback</p> <p>11 Chapel Street and 10 Pearson Street - Retain existing setbacks for heritage buildings, along with the eastern and southern façade and original roof form. Infill buildings to match setbacks of heritage buildings</p> <p>3 to 13, 17 to 19 and 4 to 18 Cotter Street – For heritage buildings - retain existing heritage setbacks</p> <p>For non-heritage buildings - match the adjacent heritage building setbacks</p>	None specified
Maximum street wall height	<p>6 Yarra Street - Retain heritage façade</p> <p>11 Chapel Street and 10 Pearson Street - Retain heritage façades. Infill development to match the parapet height of the heritage buildings</p> <p>3 to 13, 17 to 19 and 4 to 18 Cotter Street – For heritage buildings - retain heritage street wall</p> <p>For non-heritage buildings – match adjacent heritage building</p>	None specified
Minimum upper level setback	<p>6 Yarra Street – 7m</p> <p>11 Chapel Street and 10 Pearson Street - 10m to the Chapel Street frontage and 9m to the Pearson Street frontage</p> <p>3 to 13, 17 to 19 and 4 to 18 Cotter Street - Upper levels setback behind the front two rooms.</p> <p>Non heritage buildings – None specified</p>	None specified
Maximum boundary wall height	None specified	None specified
<b>Area CS-B</b>		
Maximum building height	20m	None specified
Maximum and minimum street wall setback	<p>8 Yarra Street - Match front setback of the adjacent heritage building at 6 Yarra Street for a minimum distance of 6m</p> <p>Elsewhere - None specified</p>	None specified
Maximum street wall height	12m	None specified
Minimum upper level setback	3m	None specified

Built Form	Preferred Requirement	Mandatory Requirement
Maximum boundary wall height	20m	None specified
<b>Area CS-C</b>		
Maximum building height	28m	None specified
Maximum and minimum street wall setback	533-537 Church Street - Retain existing heritage setback 2-4 Yarra Street and 8 Yarra Street - Match front setback of adjacent heritage building at 6 Yarra Street for a minimum of 6m Elsewhere - None specified	None specified
Maximum street wall height	533-537 Church Street - Retain heritage street wall. Infill development on the site to match the height of heritage street wall Elsewhere - 12m	None specified
Minimum upper level setback	533-537 Church Street - Above heritage building – 7m on the Church Street frontage and 5m at the Kingston Street frontage to retain heritage buildings and stepped parapet visible on Kingston Street; Infill development on the site – 3m Elsewhere - 3m	None specified.
Minimum side setback	8 Yarra Street - 2.5m from the western side boundary for a length of 6m measured from the northern property boundary to ensure views to the side stone work are retained Elsewhere - None specified	None specified
Maximum boundary wall height	20m	None specified
<b>Area CS-D</b>		
Maximum building height	32m	None specified
Maximum and minimum street wall setback	Retain the existing heritage street setback Infill development on the site – 0m	None specified
Maximum street wall height	Retain heritage façade Infill development on the site to match the heritage parapet	None specified
Minimum upper level setback	Heritage Building - 12m from the Church Street frontage and 16m from the Prince Patrick Street frontage Infill development - 3m	None specified.
Maximum boundary wall height	18m	None specified

Built Form	Preferred Requirement	Mandatory Requirement
<b>Area CS-E</b>		
Maximum building Height	40m	None specified
Maximum and minimum street wall setback	None specified	None specified
Maximum street wall height	16m	None specified
Minimum upper level setback	5m	None specified
Maximum boundary wall height	24m	None specified

## 2.7 Building Separation Requirements

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight, sunlight penetration and views to the sky above the street wall.

For sites with a frontage of less than 20m, development above the boundary wall height may be built to the boundary, limited to one side of the site.

For sites with a frontage of 20m or more, upper level development at common side and rear property boundaries should be setback above the boundary wall height as shown in Table 2.

Where a site adjoins an existing blank boundary wall, development may be constructed on that boundary to the height of that existing wall.

Where development is proposed on the boundary above the boundary wall height, it should:

- Be well articulated if visible from the street;
- Not run the full length of the boundary; and
- Not result in a continuous wall of buildings when viewed from the street.

Development with multiple buildings on a site should be setback at upper levels above the boundary wall height as shown in Table 2.

Where the common boundary is a laneway shown on Plans 1, the setback is measured from the centre of the laneway.

**Table 2: Building separation distances**

Overall height of the building	Minimum setback from common property boundary or laneway centreline	Minimum separation between buildings where there are multiple buildings on a site
1-3 levels above boundary wall height	3m	6m
4 or more levels above boundary wall height	4.5m	9m

## 2.8 Overshadowing Requirements

A permit must not be granted to construct a building or construct or carry out works that would cast any additional overshadowing of the following space between 10am and 2pm at 22nd September for a minimum of 3 hours:

- Opposite footpath on Church Street, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

A permit must not be granted to construct a building or construct or carry out works that would cast any additional overshadowing of the following space between 10am and 2pm at 22nd September:

- Southern footpath of Balmain Street east of the railway underpass, measured from the property boundary to the existing kerb (including any kerb outstands, seating or planting).

Development should ensure there is no additional overshadowing of existing public spaces at the spring equinox (22 September) between 10am and 2pm identified on Plan 1.

In locations where new public open space is identified on Plan 1, adjoining development should consider how building heights and massing would minimise additional overshadowing on any potential public open space.

## 2.9 Interface to properties in Neighbourhood Residential Zone or General Residential Zone Requirements

Development should protect the amenity of existing residential zones in terms of visual bulk, overshadowing of private open space and overlooking.

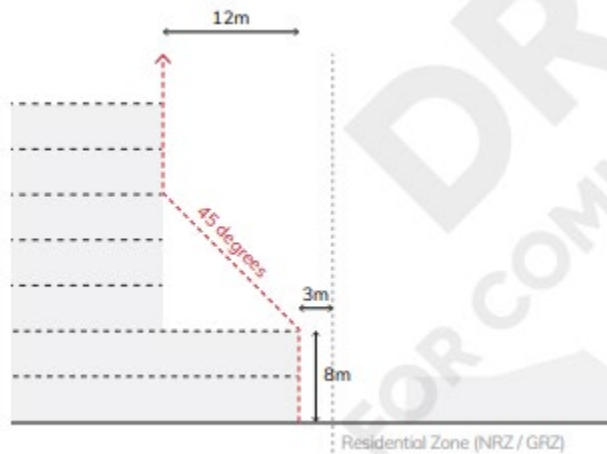
Development with an interface to a residential zone as shown in Plans 1 should not exceed the maximum heights and setbacks set out in Table 3 and Figures 1 and 2.

Development should provide a maximum of two steps in building form to avoid overly stepped outcomes.

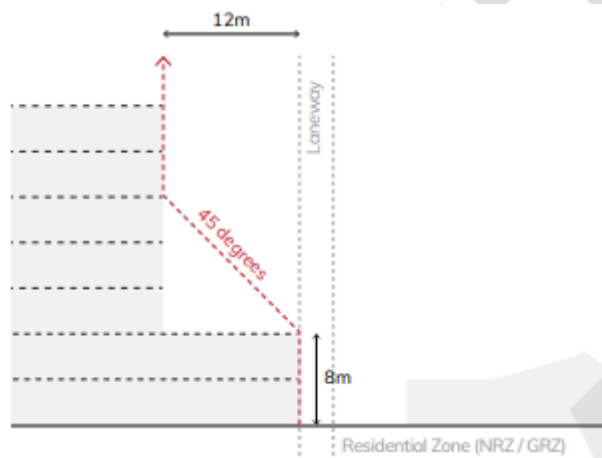
**Table 3: Residential interface heights, ground and upper level setbacks**

Interface	Maximum interface wall height	Minimum interface wall Setback	Minimum upper level setback
Direct Abuttal	8m	3m from property boundary	Upper level setback of 45 degrees above the interface wall height, for up to a minimum distance of 12m from the interface wall.
Laneway Interface	8m	0m from property boundary	Upper level setback of 45 degrees above the interface wall height, for up to a minimum distance of 12m from the interface wall.

**Figure 1: Residential interface – Direct abuttal**



**Figure 2: Residential interface – Laneway Interface**



## 2.10 Character Buildings Requirements

Development should facilitate the adaptive reuse of character buildings within Cremorne set out in this schedule and identified on Plans 1:

Development should retain all or a substantial part of a character building, as viewed from the street.

Development should incorporate materials that complement the existing character building in the new design.

## 2.11 Building Design and Quality Requirements

Development should:

- achieve urban design and architectural excellence.
- reinforce the industrial character of Cremorne through the use of robust materials and references to industrial typologies.
- avoid the use of surfaces at facades which cause unacceptable glare to the public realm.
- break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.
- provide a high level of design detail at the ground floor and lower levels of buildings.
- provide well-designed entrance spaces to buildings that create a transition between the public and private realm and encourage activity to occur at the street interface

- provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- carefully design upper levels adjacent to heritage buildings to minimise visual bulk.
- use high quality materials that are complementary to the materiality of the adjacent heritage building.
- create well designed building edges and facades on buildings that are visible from the elevated railway line or Yarra River (Birraring)
- avoid continuous walls of buildings when viewed from the street by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.
- avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide visual interest.
- on larger sites be broken into a series of smaller building forms that contribute positively to their context and their historic urban grain form.

Development should deliver comfortable wind conditions in the public realm and communal open space.

Frontages along Church Street at ground floor should incorporate awnings or verandahs.

Building services should not be visible on primary building facades, occupy less than 40 percent of the ground floor area of the site, and be integrated into the overall design of the building.

Services should occupy a minimal proportion of any facade including the primary facade, if not possible to locate them elsewhere.

Development should locate sub-stations below ground or above ground level (in that order of preference), where possible.

Access should be provided from right of ways/laneways or located off the primary street.

Development should ensure floor to ceiling heights are appropriate to a range of uses over time.

Development should enable subdivision of floorplates into smaller tenancies over time.

Car parking should be designed to enable conversion to other uses over time, especially parking on the ground level and above.

Development should incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where heritage elements are not a constraint.

Development should maximise access to daylight through windows, lightwells, shallow floorplates, adequate floor to ceiling heights and building separation.

Development should achieve a high standard of internal amenity within the development.

Development should provide access to balconies, terraces and courtyards to enhance amenity for building occupants.

Development should provide opportunities for greening, especially at the lower levels of the building.

Development should minimise where possible the impact of development on solar access to adjacent solar panels.

## **2.12 Vehicle Access and Laneways Requirements**

Vehicle access should be achieved from right of way/laneways or side streets (in that order of preference).

Where access is required from streets, right of ways or laneways of 6m or less, include a setback at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback in the laneway should provide a minimum width between walls of 6.1 metres (including the existing laneway). Between



ground level and first floor, a headroom clearance of 4 metres minimum should be achieved.

Where a property extends the full length of the laneway or street, the development should provide additional ground floor setbacks to increase the width of existing laneways and streets to a minimum of 6.1 metres for the whole frontage of the site to the laneway.

Car parking should be located within a basement or concealed from the public realm (in that order of preference).

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.

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

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

### **2.13 Pedestrian and Bicycle Design Requirements**

Development should ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Development should provide well-designed bicycle infrastructure and end-of-trip facilities.

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

### **2.14 Exemption from notice and review**

An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## **3.0 Subdivision**

xx/xx/20xx

None specified.

## **4.0 Signs**

xx/xx/20xx

None specified.

## **5.0 Application requirements**

xx/xx/20xx

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:

- Site analysis and urban design context report which demonstrates how the proposal achieves the design objectives and requirements of this schedule
- A wind study analysis for the proposed developments greater than 15m in height to assess the wind impact 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.
- Where a Character Building (or part thereof) is proposed to be retained:
  - a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished.
- 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 the operation of 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

xx/xx/20xx

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 proposal achieves adaptable and practicable floor plan layouts for various uses over time.
- 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.
- Whether the design of the development reflects the industrial character of Cremorne.
- Whether the development allows for the adaptive re-use of identified Character Buildings.
- Whether development responds to local and state significant heritage places within Cremorne.
- Whether the design considers the impact of glare on the safety of pedestrians and vehicles.
- Whether heritage buildings retain their three dimensional form as viewed from the public realm, including from the opposite side of the street.
- Whether street wall height and overall building height respond to the width and character of the street.
- Whether a proposed awning, verandah or overhang impacts on street tree planting in the public realm.
- Whether the development delivers design excellence including but not limited to building siting, scale, massing, articulation and materials.

**YARRA PLANNING SCHEME**

**AMENDMENT C317YARA**

**EXPLANATORY REPORT**

**Overview**

This amendment introduces interim built form provisions to provide guidance for development in the Cremorne Precinct (which includes the Cremorne Enterprise Precinct). The amendment is underpinned by the revised Cremorne Urban Design Framework (UDF), which provides a strategic framework for Cremorne, and five background reports.

The draft amendment implements three new Design and Development Overlays (DDO) for Commercial 2 Zoned areas in the precinct. These interim DDOs will provide clarity about built form and amenity.

The interim built form provisions are proposed to apply while permanent planning provisions are progressed for the precinct through an exhibited planning scheme amendment.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Yarra City Council website at Amendment C317yara: [www.yarracity.vic.gov.au/amendmentC317](http://www.yarracity.vic.gov.au/amendmentC317)

The amendment is available for public inspection, free of charge, during office hours at the following places:

Planning Counter  
Richmond Town Hall  
333 Bridge Road  
Richmond VIC 3121

The amendment can also be inspected free of charge at the Department of Transport and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

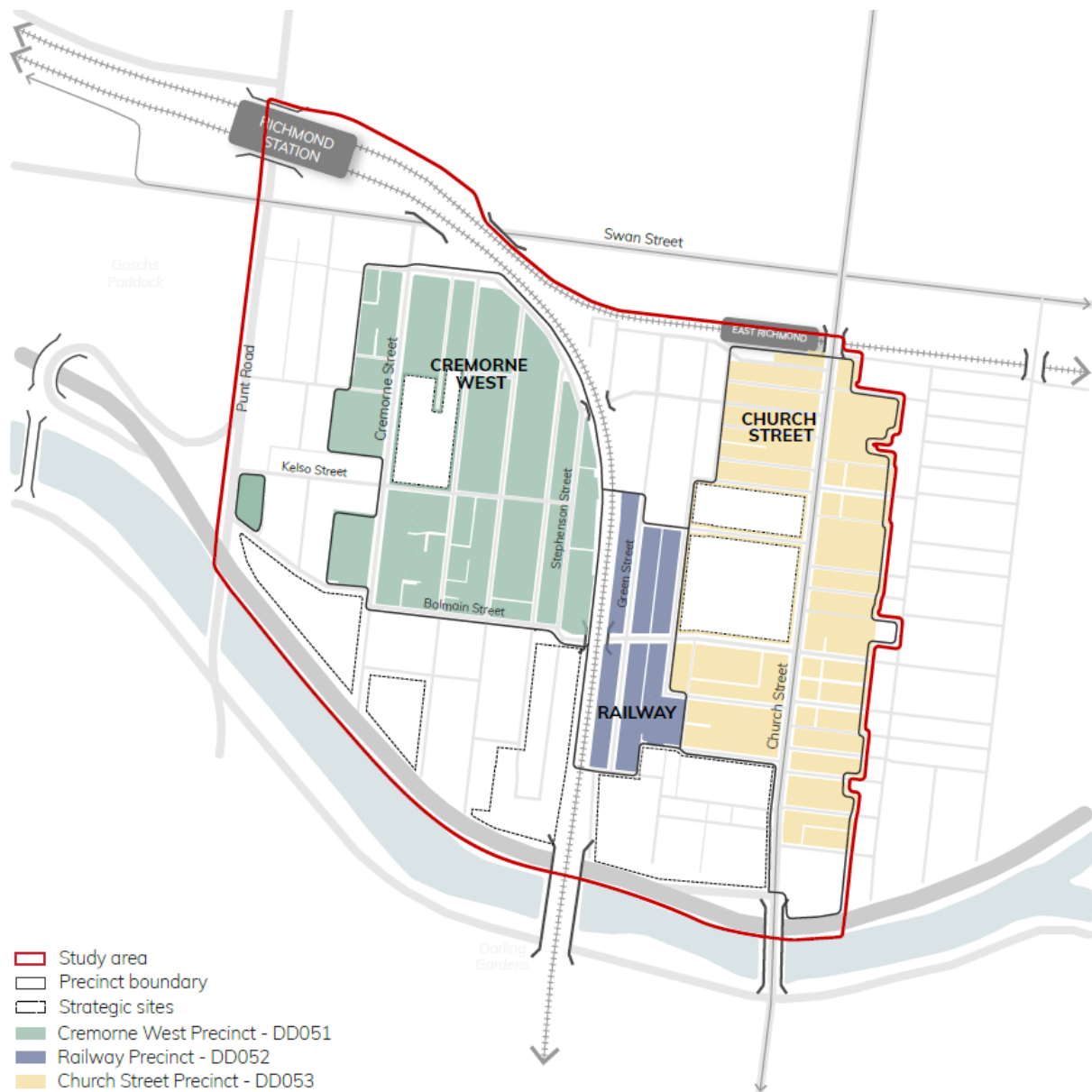
**Details of the amendment**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment. The Amendment has been made at the request of Yarra City Council.

**Land affected by the amendment**

The amendment applies to the Commercial 2 Zoned land in Cremorne Enterprise Precinct as shown in Figure 1.



**Figure 1 – Land affected by the amendment**

### What the amendment does

Amendment C317yara proposes to introduce built form controls to the land on an interim basis of two years (from gazettal) by making the following changes to the Yarra Planning Scheme:

- Insert Schedule 51 to Clause 43.02 Design and Development Overlay (DDO51) to the Cremorne West Precinct;
- Insert Schedule 52 to Clause 43.02 Design and Development Overlay (DDO52) to the Railway Precinct;
- Insert Schedule 53 to Clause 43.02 Design and Development Overlay (DDO53) to the Church Street Precinct.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The scale and density of development approved and currently being proposed in Cremorne Enterprise Precinct (aka Cremorne Major Employment Precinct) has increased substantially in recent years. Cremorne is undergoing significant change and development pressure. The high demand for office floor space in Cremorne and unprecedented investment is changing the scale of commercial development.

The *Cremorne Place Implementation Plan* under Action 4.1 - Plan for and manage development in Cremorne as a Next Step, identifies the need to '*Review the current planning policy and controls to better manage development, provide greater planning certainty and address local issues.*' It also identifies the need for interim controls stating '*If required under the review, introduce new planning controls to the Yarra Planning Scheme, in the first instance as interim measures to manage development pressures. These would provide designers, investors and decision-makers with a consistent framework for future development.*'

To ensure appropriate and orderly planning, the Yarra Planning Scheme needs to be urgently revised to better facilitate and guide the scale, massing and bulk of new development and ensure the public realm is not negatively impacted on.

Built form guidance is urgently needed to ensure future development responds appropriately to Cremorne's unique characteristics and to achieve an appropriate balance between the existing character and potential development.

The current provisions do not provide sufficient guidance to ensure development appropriately considers the impacts on the heritage qualities and diversity of built form within the Cremorne Enterprise Precinct. Nor do the provisions provide sufficient guidance to safeguard appropriate amenity for current and future residents in the area.

The interim controls provide design objectives and requirements which seek to improve the quality of development in Cremorne West, Railway Precinct and Church Street Precincts in Cremorne. Building height and upper level setback requirements seek to achieve development that achieves respects heritage and the Precinct's eclectic industrial character.

The interim controls are required to ensure the precinct is protected in the short term and that planning controls provide certainty to the Yarra community while further work is undertaken.

The exemption from exhibition and prompt approval of this amendment and the interim controls will enable the protection of Cremorne from inappropriate development in the short-term until the permanent controls are implemented.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987* (the Act), in particular:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- b) to secure a pleasant, efficient and safe working, living and recreational environment;
- c) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- d) to balance the present and future interests of all Victorians.

The amendment facilitates commercial and economic growth supports the economic viability of the Precinct and the broader area.

### **How does the amendment address any environmental, social and economic effects?**

The amendment integrates relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The amendment generates positive social and economic benefits as it facilitates orderly commercial development within a major employment precinct, providing opportunities for economic development and increasing employment opportunities in the local government area. The draft amendment responds to the development pressures on the area, and the need to protect and improve public

space and amenity while facilitating development. This will support the long term viability of the area as an economic and innovation hub, which has strong links to public transport infrastructure.

#### **Does the amendment address relevant bushfire risk?**

The land affected by the amendment is not located within an area of identified bushfire risk.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with Ministerial Direction No. 9 in addressing and responding to the metropolitan planning strategy, *Plan Melbourne 2017-2050*.

The amendment was prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to Plan Melbourne 2017-2050). *Plan Melbourne 2017-2050* identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the desired outcomes and objectives.

The amendment is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

- **Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment which seeks to strengthen the competitiveness of Melbourne's employment areas.** C318yara provides appropriate policy direction for the planning and development of the Cremorne Enterprise Precinct.
- **Direction 1.2 Improve access to jobs across Melbourne and closer to where people live.** C318yara supports commercial development in the Cremorne Enterprise Precinct which is easily accessible by public transport and is located close to significant residential populations in Yarra and neighbouring municipalities.
- **Direction 4.3 Achieve and promote design excellence.** C318yara will encourage high quality design in new development in Cremorne through the introduction of new DDO(s) and planning policy. It also seeks to ensure the amenity impacts of development on the residential precincts within Cremorne and adjoining it are minimised.
- **Direction 4.4 Respect Melbourne's heritage as we build for the future.** Given there are relatively few heritage buildings and places in Cremorne, the proposed built form provisions in C318yara are designed to ensure individual heritage sites retain their architectural prominence.
- **Direction 5.1 - Create a city of 20-minute neighbourhoods which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport and includes policy for local governments to prepare structure plans for activity centres to accommodate growth.** C318yara supports policy for 20 minute neighbourhoods by retaining and supporting employment uses close to residential areas.

The amendment complies with the Direction on the Form and Content of Planning Schemes.

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports the following areas of the Planning Policy Framework:

##### **Clause 11 Settlement**

- **11.02-1S Supply of Urban Land** - To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **11.02-2S Structure Planning** – To facilitate the orderly development of urban areas.

##### **Clause 15 Built Environment and Heritage**

- **Clause 15.01-1S Urban Design** - To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-2S Building design** - To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

- **Clause 15.01-5S Neighbourhood character** - To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S Heritage conservation** - To ensure the conservation of places of heritage significance.
- **Clause 15.02-1S Energy and resource efficiency** - To encourage land use and development that is energy efficient.

#### **Clause 17.01 Employment**

- **Clause 17.01-1S Diversified Economy** - To strengthen and diversify the economy.
- **Clause 17.01-1R Diversified Economy - Metropolitan Melbourne - Inner Metro Region** - Retain and encourage the development of areas in and around Collingwood, Cremorne and South Melbourne for creative industries.
- **Clause 17.01-2S Innovation and research** - To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.
  - Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area’s public and private sector economic competitive strengths and assets, and cater to a diversity of employment types and scales.
  - Promote an accessible, well-connected, high-amenity and collaborative physical environment that is conducive to innovation and to creative activities.
  - Support well-located, appropriate and low-cost premises for not-for-profit or start-up enterprises.

#### **Clause 17.02 Commercial**

- **Clause 17.02-1S Business** - To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.

#### **Clause 17.03 Industry**

- **Clause 17.03-1S Industrial Land Supply** - To ensure availability of land for industry.
- **Clause 17.03-2S Industrial Development Siting** - To facilitate the sustainable development and operation of industry.
- **Clause 17.03-3S State Significant Industrial Land** - To protect industrial land of state significance.

#### **Clause 18 Transport**

- **Clause 18.01-2S Transport System** - To coordinate development of all transport modes to provide a comprehensive transport system.
- **Clause 18.02-1S Sustainable Personal Transport** - To promote the use of sustainable personal transport.
- **Clause 18.02-1R Sustainable Personal Transport – Metropolitan Melbourne** - Improve local travel options for walking and cycling to support 20 minute neighbourhoods.
- **Clause 18.02-2S Public Transport** - To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.
- **Clause 18.02-2R Principal Public Transport Network** – Facilitate high-quality public transport access to job-rich areas.

#### **Clause 19.02 – Community infrastructure**

- **Clause 19.02-4S Social and Cultural Infrastructure** - To provide fairer distribution of and access to, social and cultural infrastructure.
- **Clause 19.02-6S Open Space** - To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.
- **Clause 19.02-6S Open Space - Metropolitan Melbourne** - To strengthen the integrated metropolitan open space network.

#### **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

##### **Clause 21.04-3 Industry, office and commercial**

- Objective 8: To increase the number and diversity of local employment opportunities.
  - Strategy 8.3 Encourage residential and business land use within the Mixed Use Zone to locate on the same site.

- Strategy 8.5 Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.

#### **Clause 21.04-5 parks, gardens and public open space**

- Objective 12 - To establish a linked open space network.
  - Strategy 12.1: Develop shared pathways and linkages between open space areas across the municipality and to open space adjacent to the municipality.
  - Strategy 12.2: Pursue additional public access along the banks of the River.
- Objective 13: To provide an open space network that meets existing and future community needs.
  - Strategy 13.1: Apply the Public Open Space Contribution Policy at clause 22.12.
  - Strategy 13.2: Avoid the loss of open space and new development in open space unless directly used for sport, leisure, or passive recreation.
  - Strategy 13.3: Ensure new development does not have a negative impact on adjoining open space.

#### **Clause 21.05-2 Urban Design**

- Objective 14 - To protect and enhance Yarra's heritage places.
  - Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.
  - Strategy 14.2 Support the restoration of heritage places.
  - Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03
- Objective 16 - To reinforce the existing urban framework of Yarra.
  - Strategy 16.1 Reinforce the Yarra River Corridor as the key ecological and open space element of the urban framework.
- Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.
  - Strategy 18.1 Encourage the re-establishment of streets and laneways through new development sites where such links were part of the historic street pattern, except where this will cause detrimental traffic impacts.
  - Strategy 18.2: Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.
- Objective 19 - To create an inner-city environment with landscaped beauty.
  - Strategy 19.1 Require well resolved landscape plans for all new development.
  - Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.
  - Strategy 19.3 Encourage the retention of mature vegetation.
  - Strategy 19.4 Protect mature and healthy flora species where they have heritage value or are a valued part of the character of an area.
- Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
  - Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.
- Objective 25 - To ensure that development maintains and enhances the environmental, aesthetic and scenic qualities of the Corridor.
  - Strategy 25.1 Apply the Design and Development Overlay Schedule 1.
  - Strategy 26.5 Ensure that buildings visible from rail corridors are attractively designed.
- Objective 28: To provide a public environment that encourages community interaction and activity.
  - Strategy 28.1 Encourage universal access to all new public spaces and buildings.
  - Strategy 28.2 Ensure that buildings have a human scale at street level.
  - Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.
  - Strategy 28.4 Require new development to consider the opportunity to create public spaces as part of new development.
  - Strategy 28.5 Require new development to make a clear distinction between public and private spaces.
  - Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland or activity centres.
  - Strategy 28.8 Encourage public art in new development.
  - Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.



### **Clause 21.06-1 Walking and cycling**

- Objective 30: To provide safe and convenient pedestrian and bicycle environments.
  - Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.
  - Strategy 30.2 Minimise vehicle crossovers on street frontages.

### **Clause 21.06-2 Public transport**

- Objective 31 - To facilitate public transport usage.
  - Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.

### **Clause 21.06-3 The road system and parking**

- Objective 32 - To reduce the reliance on the private motor car.
- Objective 33 - To reduce the impact of traffic.
  - Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

### **Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay**

- 22.02-4 - Objectives:
  - To conserve Yarra's natural and cultural heritage.
  - To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
  - To retain significant view lines to, and vistas of, heritage places.
  - To preserve the scale and pattern of streetscapes in heritage places.

### **Clause 22.03 – Landmarks and Tall Structures Policy**

- 22.03-2 Objective - To maintain the prominence of Yarra's valued landmarks and landmark signs.
- 22.03-4 Landmarks Design Response:
  - Development should protect views to the following landmark signs:
    - Nylex Sign (Harcourt Parade, Cremorne)
    - Slade Knitwear Sign (Dover Street, Cremorne)

### **Clause 22.05- Interface Uses Policy**

- 22.05-2 – Objectives:
  - To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

### **Clause 22.07 - Development Abutting Laneways**

- 22.07-2- Objectives:
  - To provide an environment which has a feeling of safety for users of the laneway.
  - To ensure that development along a laneway acknowledges the unique character of the laneway.
  - To ensure that where development is accessed off a laneway, all services can be provided to the development.
  - To ensure that development along a laneway is provided with safe pedestrian and vehicular access.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes suitable use of the Victoria Planning Provisions (VPP) through the selection of appropriate tools to achieve guidance for future land use and development outcomes for the precinct. A Design and Development Overlay (DDO) is the best tool to control future built form.

The amendment also addresses the requirements of Planning Practice Note 29: Ministerial Powers of intervention in Planning and Heritage matters, November 2004. The Practice Note states that the Minister would intervene where the matter will be the introduction of an interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).

### **How does the amendment address the views of any relevant agency?**

Council sought the views of the Department of Transport and Planning (DTP) in drafting of the provisions and development of the Cremorne UDF.

Informal views on the draft Cremorne Urban Design Framework were sought from the Department of Transport and Planning, Heritage Victoria, VicTrack, neighbouring municipalities and the Environmental Protection Agency as part of consultation.

Further views of relevant agencies will be sought during exhibition of draft Amendment C318yara which seeks to apply planning provisions for Cremorne on a permanent basis.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is consistent with the requirements of the Transport Integration Act 2010 and facilitates development outcomes that promote the principles of transit-oriented development.

Specific consideration has been given to ensure vehicular movements do not impact on the Principal Public Transport Network.

The Cremorne UDF includes recommendations and changes to the transport network in Cremorne that will impact on the arterial road network. Council is working with the Department of Transport and Planning and the community to further investigate these options.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment has some impact on the general operation of Council's statutory planning department as it applies new provisions to developments.

The application of planning provisions provides a more consistent assessment of planning permit applications. This is considered to ultimately reduce costs by providing more certainty to the community.

***Planning and Environment Act 1987***

**YARRA PLANNING SCHEME**

**AMENDMENT C317**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Yarra Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of one attached map sheet.

***Overlay Maps***

1. Amend Planning Scheme Map No 8DDO. in the manner shown on the attached map marked "Yarra Planning Scheme, Amendment C317".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** - insert three (3) new Schedules to Clause 43.02 Design and Development Overlay: DDO51, DDO52 and DDO53.

End of Document

# YARRA PLANNING SCHEME - LOCAL PROVISION

## AMENDMENT C317yara

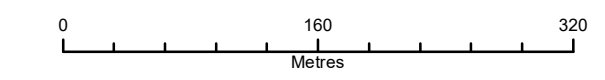


- LEGEND**
- DDO51 - Design and Development Overlay - Schedule 51
  - DDO52 - Design and Development Overlay - Schedule 52
  - DDO53 - Design and Development Overlay - Schedule 53
  - Local Government Area

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Part of Planning Scheme Map 8DDO

