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Proposed C191yara

SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO28**.

SWAN STREET ACTIVITY CENTRE - PRECINCT 4 BURNLEY STATION

1.0

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Design objectives

- To ensure development respects the scale, rhythm, and architectural detail of the streetscape and the heritage buildings in the Burnley Street Heritage Precinct.
- To support a new mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.
- To reinforce the corners of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To provide for taller development on the south side of Swan Street that delivers significant public realm outcomes and ensure development on both side of Swan Street maintains the amenity of Ryan's Reserve.
- To support high quality new buildings adjoining Burnley Station with mixed uses that activate and improve pedestrian connections to the station.

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Buildings and works

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

2.1 Definitions

Street-wall means the facade of a building at the street boundary, or, if the existing heritage building is set back from the street boundary, the front of the existing building. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

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

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

Building height means the vertical distance from natural ground level to the roof or parapet at any point.

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

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

Shared zone means a road or network of roads where pedestrians, cyclists, and vehicles share the roadway.

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

2.2 Requirements

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit cannot be granted to construct a building or construct or carry out works, which:

- exceeds the mandatory maximum building height and street wall height requirements shown in the Height and Interface Plan 1 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in the Height and Interface Plan 1 of this schedule.

2.3 Design requirements

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

Design quality requirements

Development should achieve urban design and architectural excellence.

Development should be well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Development should provide for street activation at ground levels.

Development should be designed to avoid repetitive stepped form at upper levels.

Upper level development should be designed to ensure buildings provide detail on all facades when viewed from all directions.

Frontages at ground floor should incorporate verandahs, consistent with the form and scale of adjoining verandahs, into the façade design.

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development should maintain the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape within land affected by HO474.

Upper level development on land within a Heritage Overlay or on land immediately adjoining a heritage building should:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape; and
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

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 the Height and Interface Plan 1 of this schedule where all the following requirements 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 relevant design requirements specified in this schedule; and
- the proposal achieves each of the following:
 - greater building separation than the minimum requirement in this schedule;
 - excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
 - no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;
 - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms; and
- where the proposal includes dwellings, it also achieves each of the following:

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- housing for diverse households types;
- accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and 58; and
- communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.

Architectural features may exceed the preferred or mandatory height.

Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory 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 (other than solar panels);
- The equipment does not cause additional overshadowing; and
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall and setback requirements

Development along Swan Street must achieve a prominent street wall and provide an appropriate transition in the street wall height to the Burnley Street and Bendigo Street heritage precincts.

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.
- The street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

Projections such as balconies, building services and architectural features must not intrude into a setback.

On corner sites where two different street wall heights are nominated, buildings should 'turn the corner' and apply the Swan Street wall height. If the Swan Street wall is higher it should transition to the lower nominated street wall height on the side street.

Building separation requirements

Where development shares a common boundary and no interface treatment is shown in Plan 1, upper level development should:

- For buildings up to 28 metres, be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed.
- For buildings up to 28 metres, be setback a minimum of 3.0m from the common boundary, where a commercial or non-habitable window is proposed.
- For buildings taller than 28 metres, be setback a minimum of 6 metres above 28 metres.

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

Development of properties in the locations shown as "Upper Level Building Breaks" on Plan 1 should incorporate side setbacks greater than the setback distances required for upper level development on common boundaries set out above.

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Development of properties in the locations shown as “Upper Level Building Breaks” on Plan 1 should enable clear views to the sky between buildings along Swan Street when viewed from the opposite side of Swan Street and along Cutter Street and Bendigo Street.

Overshadowing requirements

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

- any part of the southern footpath of Swan Street, measured from the property boundary to the existing kerb.

A permit should not be granted to construct a building or construct or carry out works that would overshadow part of the opposite footpath of Burnley Street or Stawell Street (measured from the property boundary to the existing the kerb between 10 am and 2 pm at 22nd September), unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Development should maintain solar access to Ryan’s Reserve as follows:

- Beyond 16m of the eastern boundary of the reserve from 10 am onwards on 22 September.
- At the western boundary of the reserve until 2 pm on 22 September.

Vehicle and pedestrian access requirements

Development should provide vehicular access from rear lanes or from side streets in the preferred locations in the Access and Movement Plan 2 of this schedule except in locations identified as “Left in - Left Out Access Permitted”.

Development identified as “Left in - Left Out Access Permitted” in the Access and Movement Plan must limit the width of vehicle crossovers and incorporate ‘Left in’ and ‘Left out’ only vehicle access.

Development with redundant vehicle access points to Swan Street and Burnley Street should reinstate the kerb, linemarked parking bays, and relocate any parking signs.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone shown on the Access and Movement Plan 2 of this schedule. Where pedestrian access can only be provided from a laneway at the rear of buildings the pedestrian entrance should be setback from the rear laneway and well-lit to enable safe access.

Development of 500 to 506 Swan Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 6m in total.

Development of 130 to 136 Stawell Street, as shown in Plan 2, should include a rear setback, at ground floor, to facilitate the ongoing function of the laneway and allow for building services and car park access. The setback and laneway should be a minimum width of 3m in total.

Table 1 – Street Wall Heights and Setbacks for Precinct 4

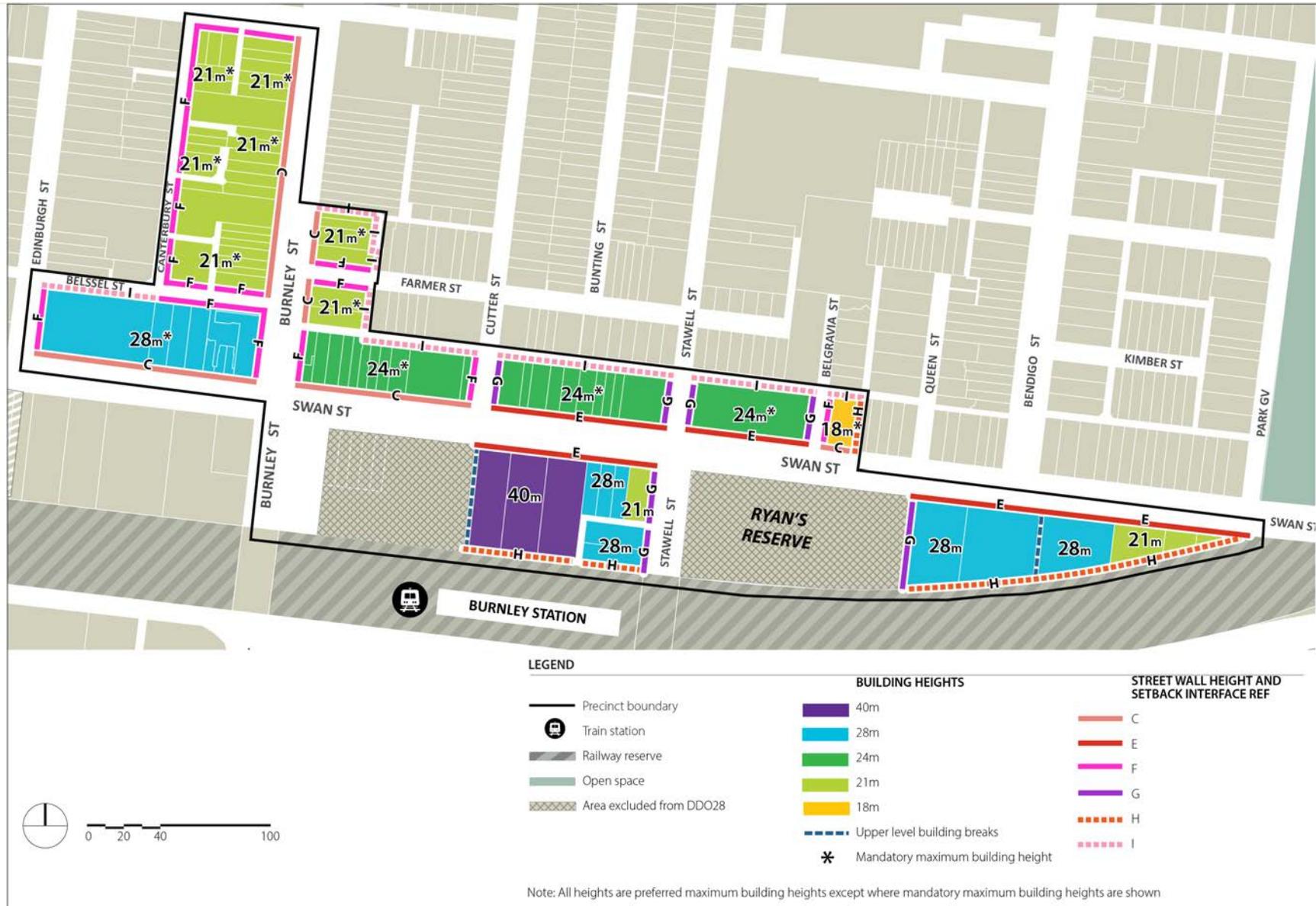
Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
C	Street wall height		11m maximum. 8m minimum. Match the parapet height of the taller adjoining heritage building, for a minimum length of 6m from the heritage building.

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Interface Ref	Design Element	Mandatory Requirements	Preferred Requirements
	Street wall setback	0m.	
	Upper level setback	10m minimum from Swan Street setback for land affected by HO286 (365 Swan Street). Minimum 6m for other heritage buildings.	Minimum 6m elsewhere.
E	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum.
F	Street wall height		11m maximum.
	Street wall setback		0m.
	Upper level setback		6m minimum for heritage buildings. 3m minimum elsewhere.
G	Street wall height		14m maximum.
	Street wall setback		0m.
	Upper level setback		3m minimum.
H	Street wall height		N/A.
	Street wall setback		0m minimum unless setback is identified on the Plan 2.
	Upper level setback		0m.
I	Side and rear wall height		8m maximum on a common boundary with a property in a residential zone. 11m maximum if boundary abuts a laneway.
	Side and rear setback		Development should be setback in accordance with Figure 1 and Figure 2. Development should minimise stepped form.

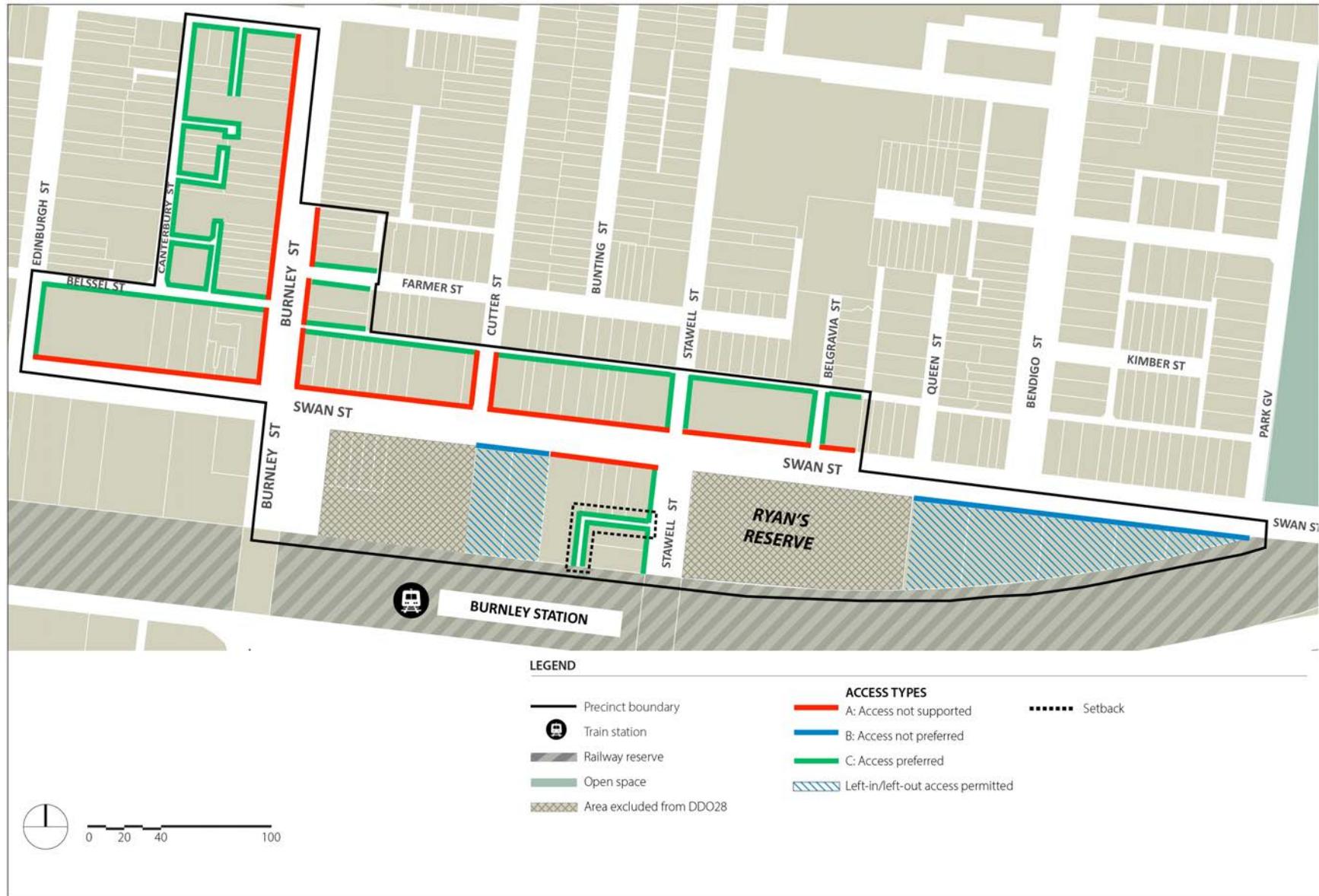
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Plan 1: Height and Interface Plan – Precinct 4 Burnley Station



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Plan 2: Access and Movement Plan – Precinct 4 Burnley Station



3.0 Subdivision

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Proposed C191yara None specified.

4.0 Advertising

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5.0 Application requirements

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- A desktop wind effects assessment for the proposed development when the building height is 15m or higher from natural ground level.

6.0 Decision guidelines

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

- Whether the Design Requirements in Clause 2.3 are met.
- Whether design excellence is achieved (in terms of building siting, scale, massing, articulation and materials).
- The design of the streetscape interface and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- The shadowing impacts of the development on footpaths and public spaces.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Swan Street and from local streets.
- The prominence of the heritage street wall in the vistas along Swan Street, Burnley Street, and local streets.
- Whether heritage buildings on street corners retain their prominence when viewed on both streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not overwhelm the heritage buildings.
- The impact of development on the operation of the tram routes along Swan Street.

Figure 1 to schedule 28 – Interface with an existing laneway

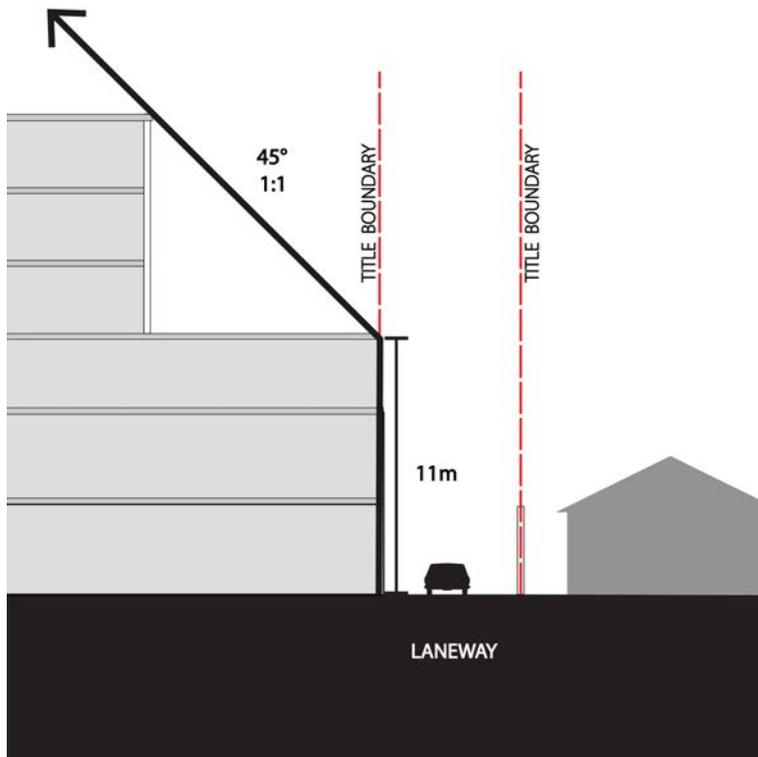


Figure 2 to schedule 28 – Interface direct abuttal

